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PROCEEDINGS AND DEBATES OF THE 105th CONGRES, SECOND SESSION

SENATE—*Tuesday, April 21, 1998*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today our prayer will be offered by the guest Chaplain, Dr. Carl F. Schultz, Jr., First Church of Christ Congregational, Glastonbury, CT.

We are glad to have you with us.

PRAYER

The guest Chaplain, Dr. Carl F. Schultz, Jr., offered the following prayer:

Oh God, Scripture reminds us that those who wait upon You shall renew their strength; they shall walk and not faint. In the confidence of that glorious promise, we wait upon You in prayer with joy and thanksgiving.

O Creator God, we thank You for the gift of this new day. We thank You for the gift of life, full of potential and promise. We thank You for the beauty we see all about us these spring days, as nature comes alive at Your call.

O God of hope, help us to live sustained by Your hope. O God of love, empower us so that our deeds mirror Your love and compassion. O God of wisdom, may our decisions reflect Your truth.

Gracious God, bless each Senator this day, each staff member, each person who serves in this place. Guide, guard, protect, and nudge them to be open to Your spirit.

O God, pour Your power on Your people, that each of us might see ever more clearly what You require, that we might live justly, love mercy and kindness, and walk humbly with You and with one another, till at last justice rolls down like water and righteousness like an ever-flowing stream. Shalom. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. SMITH of Oregon. Mr. President, on behalf of the majority leader, I wish to announce that today at 9:40 a.m. the Senate will resume consideration of S. 414, the ocean shipping reform bill. Under a previous unanimous consent agreement, there will be 20 minutes of debate remaining on the Gorton amendment No. 2287 which is pending to the shipping bill. At 10 a.m., the Senate will proceed to two stacked rollcall votes. The first vote will be on or in relation to the Gorton amendment, followed by a vote on the motion to table the Kennedy amendment No. 2289 to the Coverdell education bill.

Further, the Senate will stand in recess between the hours of 12:30 and 2:15 for the weekly party caucuses. When the Senate reconvenes at 2:15, under a previous unanimous consent agreement, there will be two stacked rollcall votes. The first vote will be on or in relation to the Glenn amendment No. 2017, followed by a vote on or in relation to the Mack-D'Amato amendment No. 2288. Following those votes, Senators should expect further votes throughout Tuesday's session as Members offer and debate their amendments to the Coverdell education bill.

I thank my colleagues for their attention. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SHIPPING REFORM

Mrs. HUTCHISON. Mr. President, I am going to take the 2 or 3 minutes we have before we begin the debate on the Gorton amendment just to familiarize my colleagues with the bill that is before us, the Ocean Shipping Reform Act of 1998, and give an overview of the bill.

This is something that I think has been a long time coming. What we are trying to do is open our ports and give our carriers and our shippers more of an opportunity to compete with foreign competitors where they have been at a disadvantage in the past because our markets were so open that they were transparent in their contracts to the extent that many shippers would go to foreign carriers in order to escape the requirement to have so much openness and on the other hand carriers would be able to compete at a disadvantage to our shippers because they knew everything about a contract and they could undercut that contract.

So it has not been a good situation. Particularly our ports that are near Canada or are near Mexico have felt a loss of business because of the competition from the foreign carriers. What we are trying to do is level the playing field for American shippers, American carriers, and try to help American ports get more of the business, which we think, of course, would create more jobs for our port cities.

So what we tried to do was balance the interests. We want transparency. We want openness. But we also want to allow the privacy of contracting to the extent that shippers and carriers can make contracts which they ought to be able to do privately, and as long as everything is open in competition it should be an open marketplace.

I would not say this is a perfect bill. Certainly nothing we ever pass is just the way we would pass it if we alone wrote it. But we are not alone. We have 100 Members. We have a Commerce Committee that debated this bill, that worked on it for a long time. In fact, we have been working on it for 2 years, and it has been a compromise bill. But I think everyone will be better off as a result of this effort.

I appreciate the support of the Commerce Committee. It has been a major achievement for the Commerce Committee. I appreciate the work of Senator LOTT, our majority leader, who is very interested in this matter. I appreciate the work of Senator GORTON and Senator BREAUX, both of whom have

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

worked very diligently to try to hone the balance in this bill.

Senator GORTON has an amendment. There was one part of the bill that he felt needed changing. So he is going to debate that amendment. I think the bill should pass as it is because I think the balancing has been done.

So with that, I will yield the floor. I know we have a unanimous consent agreement that at 9:40 we will begin the debate on the Gorton amendment. And Senator BREAUX will be arguing on the other side for the committee.

Thank you, Mr. President.

OCEAN SHIPPING REFORM ACT OF 1997

The PRESIDING OFFICER. Under the previous order, the hour of 9:40 a.m. having arrived, the Senate will now resume consideration of S. 414, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 414) to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States imports and exports, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Hutchison amendment No. 1689, in the nature of a substitute.

Gorton amendment No. 2287 (to amendment No. 1689) to provide rules for the application of the act to intermediaries.

AMENDMENT NO. 2287

The PRESIDING OFFICER. There will now be 20 minutes of debate prior to the vote on or in relation to the Gorton amendment No. 2287.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

PRIVILEGE OF THE FLOOR

Mr. GORTON. Mr. President, I ask unanimous consent to allow a Commerce Committee staffer, Jim Sartucci, the privilege of the floor during the remainder of the debate on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I also ask unanimous consent that my own assistant, Jeanne Bumpus, be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, the 1984 Shipping Act significantly brought openness and competition into the field of ocean shipping, a field dominated for decades by cartels, by fixed prices, by underhanded competition, and by, very frequently, the victimization of those who ship their goods by sea.

This 1998 set of amendments to the Shipping Act further opens up the process to competition and allows the business of ocean shipping to operate far more like most of the rest of the free market in the United States, with one exception. If you are a large shipper of goods by sea, sophisticated, a major customer, you deal directly with the ocean carrier, and those relationships with the ocean carrier are made much more flexible, much more subject to competition, by this bill.

If, on the other hand, you are a modest shipper, a small or medium-sized shipper, perhaps someone new to the business of exporting your goods from the United States of America, you don't, as a general practice, deal directly with the ocean carrier, you deal with a middleman, a consolidator, a freight forwarder. That small businessman in the various ports of the United States gathers together shipments to the same place from a number of different shippers and makes the arrangements with the ocean carrier.

As this bill was debated and reported from the Committee on Commerce, it treated both of these groups in an identical fashion. Each got the benefits of the bill; each got the benefits of competition.

Somewhere, however, between the Commerce Committee and the floor, the big boys got together behind closed doors, and a combination of the ocean carriers and the longshoremen's unions, working with a handful of Senators, determined that the small business people would not get these advantages, that they would continue to have to operate, under most circumstances, under the requirements of the 1984 act.

Under the 1984 act, they were treated identically. If this bill passes without my amendment, they will no longer be treated identically. The small shipper will be discriminated against. The small businessman who is a freight forwarder will be discriminated against. The big guys will get away with something.

It is curious, Mr. President, that neither the small shippers nor the freight forwarders were included in the negotiations that led to the revised bill, the substantive bill that is before us, as against the bill that came out of the Commerce Committee. The big boys got together, shafted the small business people on both sides, and now present this bill to you with the statement, "Take it or leave it; it's tough, but we've made a deal with the longshoremen's unions because they think that they may not get some of the business from these small businessmen, and you're just simply going to have to take it that way."

I don't think that is the way the laws ought to be made. I don't think that is the way we ought to deal as Senators. We make wonderful speeches at home, all of us, about the sanctity of small business, but here we are asked to discriminate against small business and in favor of big business.

If we adopt my amendment, we will simply put this bill back into the same condition in which it found itself when it was reported by the Commerce Committee—everyone treated equally, everyone the beneficiary of a freer market than we have at the present time—and we will have done our duty to all of our constituents and not just to those who are able to afford expensive lobbyists in Washington, DC.

The bill, in its present form, is unfair to small businesses. It discriminates against small businesses. The bill as reported from the Commerce Committee did not do so. We should restore provisions that the Commerce Committee saw fit to include in the bill.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Thank you, Mr. President.

I would imagine that all Members of the Senate who are vitally interested in this legislation must be here this morning to follow these very complicated, very detailed arguments. This, indeed, is incredibly complicated. It just always continues to amaze me how complicated some of these international shipping agreements can become. It is part of the reason why it took 4 years to put together this legislation. This is not something that just came to the floor overnight but is the result of 4 years of painful negotiating and compromise among people who ship packages and cargo, people who carry packages and cargo internationally.

Mr. President, 96 percent of our cargoes carried internationally are on shipping vessels. It also has involved, to a large extent, the people who put together packages for people to ship in order to make it more efficient than it has been in the past.

Like all other compromises that normally are reached, everybody doesn't get everything they want. I think this legislation is an example of what a true compromise is. This legislation clearly is incredibly important because it further deregulates the shipping industry and makes it more competitive than it has been in the past.

But in reaching that compromise among all of the Senators who are involved, including Senator GORTON and Senator KAY BAILEY HUTCHISON, who has done such a terrific job as the chairman of our subcommittee, Senator LOTT's involvement, Senator INOUYE's involvement—everybody on the committee has been deeply involved on this very complicated issue, like I said, for 4 years.

Unfortunately, the amendment of the Senator from Washington is a killer amendment in the sense that if this amendment were to be adopted, the 4 years of hard work would go for naught. This bill would not be able to pass because the carefully crafted compromise would fall apart. As in most compromises, if you lose one part, you will lose the whole deal.

So it is very, very important for all of us who want to see a shipping act adopted and signed into law to recognize that it is necessary this morning to defeat the amendment of the Senator from Washington. I know it is well intended. I do not in any way question his motives in offering it, but I think that on the facts, there is a strong difference of opinion.

The non-vessel-operating common carriers, the so-called NVOCCs, are not actually in the business of carrying cargo at all. These organizations were formed in 1984 and recognized in 1984 in order to help very small shippers who would not ordinarily have enough cargo to fill an entire container, who would hire these NVOCCs to consolidate the cargo and put them in the container. But it is very, very clear that they are not a carrier, they don't own ships, they don't have the expense of having an entire shipping company at their disposal in building ships and operating ships and everything else.

Yet under the Gorton amendment, they would want to be treated just like a shipper would be treated and yet not have any of the expenses of a common carrier. That is wrong. That is why it was not done. It is wrong to say they are going to get special treatment and be treated just like an international shipping company with all of their expenses because in fact they are not so. Yet the Gorton amendment would basically accord these intermediary companies, who actually do not perform any transportation function itself, the same contractual rights that an ocean carrier enjoys, without any of the expense, without any of the liability, without any of the responsibility. That is simply not right, and it is not correct.

I submit that this is a hindrance to small business because the small NVOCCs could not do this. They do not have enough cargo to be able to provide these types of special deals. So the small NVOCCs would not be helped at all. What it would help basically is a large number of foreign NVOCCs, particularly from the European theater, who would be able to assimilate large enough amounts of cargo in order to participate under the Gorton amendment.

This would not help small intermediaries at all. They simply do not have the capacity to benefit from it. Small NVOCCs, by virtue of the modest cargoes that they handle, as I have said, would not be able to take advantage of the Gorton amendment. Only the big, huge megacompanies out of Europe and foreign companies who are our competition would be able to participate. America's small businesses, I think, do not deserve this type of treatment.

So I just conclude by saying, No. 1, it not fair to the small companies in America. It helps the larger ones basically in Europe; and that is not our responsibility. In addition to that, it is a killer amendment. The 4 years of hard work led by so many on this committee—including Senator GORTON, who has been, I think, very helpful in putting this package together; we differ on this one amendment—but the whole thing would go down the drain, and we would not have the moderate reform of the Shipping Act that I think is so important. I hope at the appropriate time those who are managing the legislation, Senator HUTCHISON and others, will make a motion to table the Gorton amendment. I intend to support that motion to table and hope that in fact it is tabled and we can go along and proceed to final passage in an expedited fashion.

Mr. President, we have been laboring long and hard over the past four years to reformulate, and further deregulate the ocean shipping industry. S. 414, the Ocean Shipping Reform Act, reflects an effort to compromise the sometimes dissimilar interests of the international ocean shipping industry, from the ocean carriers and shippers and shipping intermediaries to the interests of U.S. ports and port-related labor interests such as longshoremen and truckers. The effort to provide further deregulation has been difficult due to some of the unique characteristics of international liner shipping. Currently, every nation affords ocean liner shipping companies an exemption from the relevant antitrust or competition policies that regulate competition for domestic companies. Given the need to provide some regulatory oversight to protect against abuse of the grant of antitrust immunity, it has been difficult to balance the desire for further deregulation. However, I feel that we have reached a workable agreement which almost all parties can support.

It is safe to say that our ocean shipping industry affects all of us in the United States as currently 96% of our international trade is carried on board ships, but very few of us fully understand the ocean shipping industry. International ocean shipping is an over half a trillion dollar annual industry that is inextricably linked to our fortunes in international trade. It is a unique industry, in that international maritime trade is regulated by more than just the policies of the United States, in fact, it is regulated by every nation capable of accepting vessels that are navigated on the seven seas. It is a complex industry to understand because of the multinational nature of the trade, and its regulation is different from any of our domestic transportation industries such as trucking, rail, or aviation.

The ocean shipping industry provides the most open and pure form of trade in international transportation. For instance, trucks and railroads are only allowed to operate on a domestic basis, and foreign trucks and railroads are required to stop at border locations, with cargo for points further inland transported by U.S. firms. International aviation is subject to restrictions imposed as a result of bilateral trade agreements, that is, foreign airlines can only come into the United States if bilateral trade agreements provide access into the United States. However, international maritime trade is not restricted at all, and treaties of friendship, commerce, and navigation guarantee the right of vessels from anywhere in the world to deliver cargo to any point in the United States that is capable of accommodating the navigation of foreign vessels.

The Federal Maritime Commission ("FMC") is charged with regulating the international ocean shipping liner industry. The ocean shipping liner industry consists of those vessels that provide regularly scheduled services to U.S. ports from points abroad, in large part, the trade consists of containerized cargo that is capable of being moved on an international basis. The Federal Maritime Commission does not regulate the practices of ocean shipping vessels that are not on regularly scheduled services, such as vessels chartered to carry oil or chemicals, or bulk grain or coal carriers. One might ask why regulate the ocean liner industry, and not bulk shipping industry? The answer is that the ocean liner industry enjoys a worldwide exemption from the application of U.S. antitrust laws and foreign competition policies. Also, the ocean liner industry is required to provide a system of "common carriage," that is, our law requires carriers to provide service to any importer or exporter on a fair, and non-discriminatory basis.

The international ocean shipping liner industry is not a healthy industry, in general, it is riddled with trade distorting practices, chronic over-capacity, and fiercely competitive carriers. In fact, rates have plunged in the trans-pacific trade to the degree that importers and exporters are expressing concerns about the overall health of the shipping industry. The primary cause of liner shipping overcapacity is the presence of international policies designed to promote national-flag carriers and also to ensure strong shipbuilding capacity in the interest of national security. These policies include subsidies to purchase ships and to operate ships, tax advantages to lower costs, cargo reservation schemes, and national control of shipyards and shipping companies. This results in an industry which is not completely driven by economic objectives. For instance, one of the largest shipping companies in the world, China Overseas Shipping Company ("COSCO") is operated by the government of China, much in the way the U.S. government controls the Navy, however, the government of

China is not constrained by considerations that plague private sector companies.

Historically, ocean shipping liner companies attempted to combat "rate wars" that had developed because of the situation of over-capacity by establishing shipping conferences to coordinate the practices and pricing policies of liner shipping companies. The first shipping conference was established in 1875, but it was not until 1916 that the U.S. government reviewed the conference system. The Alexander Committee (named after the then-Chairman of the House Committee on Merchant Marine and Fisheries) recommended continuing the conference system in order to avoid ruinous "rate wars" and trade instability, but also determined that conference practices should be regulated to ensure that their practices did not adversely impact shippers. All other maritime nations allow shipping conferences to exist immune from the application of antitrust or competition laws, and presently no nation is considering changes to their shipping regulatory policies.

In the past, U.S. efforts to apply antitrust principles to the ocean shipping liner industry were met with great difficulty, since foreign governments objected to the application of U.S. antitrust laws to the business interests of their shipping companies, and to the exclusion of their own laws on competition policy. Many nations have enacted blocking statutes to expressly prevent the application of U.S. antitrust laws to the practices of their shipping companies. As a result of these blocking statutes, U.S. antitrust laws would only be able to reach U.S. companies and would destroy their ability to compete with foreign companies. With the difficulties in applying our antitrust laws, U.S. ocean shipping policy has endeavored to regulate ocean shipping practices to ensure both that the grant of antitrust immunity is not abused and that our regulatory structure does not contradict the regulatory practices of foreign nations.

The current regulatory statute that governs the practices of the ocean liner shipping industry, is the Shipping Act of 1984. The Shipping Act of 1984 was enacted in response to changing trends in the ocean shipping industry. The advent of intermodalism and containerization of cargo drastically changed the face of ocean shipping, and nearly all liner operations are now containerized. Prior to the Shipping Act of 1984, uncertainty existed as to whether intermodal agreements were within the scope of antitrust immunity granted to carriers. In addition, carrier agreements were subject to lengthy regulatory scrutiny under a public interest-type of standard. Dissatisfaction with the regulatory structure led to hearings and legislative review in the late 1970s and early 1980s. In the wake of passage of legislation deregulating the trucking and railroad industry, deregulation of the ocean shipping industry was accomplished with the enactment of the Shipping Act of 1984.

The Shipping Act of 1984 continues antitrust immunity for agreements unless the FMC seeks an injunction against any agreement it finds "is likely, by a reduction of competition, to produce an unreasonable reduction in transportation service or an unreasonable increase in transportation cost." The Act also clarifies that agreements can be filed covering intermodal movements, thus allowing ocean carriers to more fully coordinate ocean shipping services with shore-side services and surface transportation. One can easily measure the success of this provision, in examining the number of railroad double stack services, a rail service that was actually pioneered by U.S.-flag shipping companies, that have promulgated since the enactment of the Shipping Act of 1984.

The Shipping Act of 1984 attempts to harmonize the twin objectives of facilitating an efficient ocean transportation system while controlling the potential abuses and disadvantages inherent in the conference system. The Act maintains the requirement that all carriers publish tariffs and provide rates and services to all shippers without unjust discrimination, thus continuing the obligations of common carriage. In order to provide shippers with a means of limiting conference power, the Shipping Act of 1984 made three major changes: (1) it allowed shippers to utilize service contracts, but required the essential terms of the contract to be filed and allowed similarly situated shippers the right to enter similar contracts; (2) it allowed shippers the right to set up shippers associations, in order to allow collective cargo interests to negotiate service contracts; and (3) it mandated that all conference carriers had the right to act independently of the conference in pricing or service options upon ten days' notice to the conference.

Amendments to the Merchant Marine Act, 1920, and the passage of the Foreign Shipping Practices Act of 1988, strengthened the FMC's oversight of foreign shipping practices and the practices of foreign governments that adversely impact conditions facing U.S. carriers and shippers in foreign trade. The FMC effectively utilized its trade authorities last year to challenge restrictive port practices in Japan, and after a tense showdown, convinced the Japanese to alter their practices that restrict the opportunity of carriers to operate their own marine terminals. The changes that will be required to be implemented under this agreement will save consumers of imports and exporters trading to Japan, millions of dollars, and the FMC deserves praise for hanging tough in what was undeniably a tense situation.

Ten years later, after the enactment of the Shipping Act of 1984, we started anew on the process of providing a deregulated shipping environment to allow our shippers to become more competitive in international trade, and to provide more contractual flexibility to our ocean shipping companies. After four years of stops and starts, I think that we have reached a point where nearly all sectors of the maritime transportation community can get behind a common proposal for change. It has not been easy to balance the different interest involved in this legislation because of the competing differences of each of their needs, but I think that we have had each of the different sectors willing to give up a little of what they hoped to get in order to move the bill forward, and I would congratulate the private sector representatives for their willingness to compromise to move the process forward.

The Ocean Shipping Reform Act moves forward to provide further deregulation to the ocean shipping industry, while at the same time, balancing the need for a degree of oversight given the continued provision of immunity from antitrust laws. The bill will not alter the structure of the FMC. The FMC is a small independent agency with an annual appropriation of $15 million which oversees over one half a trillion dollars of trade. It is important to note, that the agency's status of independence allows it to effectively fulfill its trade opening related functions without interference from other sorts of considerations. We had considered the possibility of merging the functions of the Federal Maritime Commission and the Surface Transportation Board, but ultimately concluded that the combination of the two agencies did not save the taxpayer anything because the agencies would have no real overlap of responsibility.

One of the major problems in moving forward with legislative change in this area was the need to provide additional service contract flexibility and confidentiality, while balancing the need to continue oversight of contract practices to ensure against anti-competitive practices immunized from our antitrust laws. I think the contracting proposal embodied in S. 414 adequately balances these competing considerations. The bill transfers the requirements of providing service and price information to the private sector, and will allow the private sector to perform functions that had heretofore been provided by the government. The bill broadens the authority of the FMC to provide statutory exemptions, and reforms the licensing and bonding requirements for ocean shipping intermediaries.

I have been contacted by Senators LAUTENBERG and MOYNIHAN about their concerns for the freight forwarding community, and their desire to set mandatory or reasonable compensation for forwarding services provided under a shipping contract. While we were unable to provide a legal requirement for forwarder compensation, I would urge the FMC to continue to be vigilant to ensure that forwarders and forwarding expertise is not jeopardized in this new and more deregulated environment. The forwarding community provides valuable expertise to the shipping community and I will continue to monitor the impacts of this legislation to ensure that it does not adversely impact forwarders. Additionally, we were able to provide less stringent report guidance about what sort of activity should be monitored by the FMC to ensure against unjust discrimination against shipping intermediaries at the request of Senator HARKIN, and I would like to thank him for his imput on this legislation.

Importantly, the bill does not change the structure of the Federal Maritime Commission. The FMC is a small agency with a annual budget of about 14 million dollars. When you subtract penalties and fines collected over the past seven years, the annual cost of agency operations is less than $7 million. All told, the agency is a bargain to the U.S. taxpayer as it oversees the shipping practices of over $500 billion in maritime trade. Added benefit to the U.S. public accrues when the FMC is able to break down trade barriers that cost importers and exporters millions in additional costs, such as what recently occurred when the FMC challenged restrictive Japanese port practices.

The FMC is an independent regulatory agency that is not accountable to the direction of the administration. Independency allows the FMC to maintain a more aggressive and objective posture when it comes to the consideration of eliminating foreign trade barriers. When we first assessed the issue of agency structure we considered appending the functions of the FMC to a new enlarged Surface Transportation Board ("STB"). However, the functions performed by the STB are quite different than the FMC functions that would remain after implementation of the deregulatory changes provided in S. 414 and the Congressional Budget Office did not estimate any savings through a merger approach. Additionally, the initial proposal to merge the functions of the FMC and the STB would have run afoul of the Appointments Clause of the Constitution. Ultimately, we decided to pursue solely the needed regulatory changes, and not needlessly alter the structure of the agency for no real purpose.

S. 414 also provides some additional protection to longshoremen who work at U.S. ports. The concerns expressed by U.S. ports and port-related labor interests revolved around reductions in the transparency afforded to shipping contracts, and the potential abuse that could occur as a result of carrier antitrust immune contract actions. In order to address the concerns of longshoremen who have contracts for longshore and stevedoring services, S. 414 sets up a mechanism to allow the longshoremen to request information relevant to the enforcement of collective bargaining agreements.

I would also like to thank Senators HUTCHISON, LOTT and GORTON for their efforts on this bill. Additionally, the following staffers spent many hours meeting with the affected members of the shipping public and listening to their concerns about our proposal and I would like to personally thank Jim Sartucci, Carl Bentzel, Clyde Hart, and Jim Drewry of the Commerce Committee staff, Carl Biersack of Senator LOTT's staff, Jeanne Bumpus of Senator GORTON's staff, Amy Henderson of Senator HUTCHISON's staff as well as my own staffers, Mark Ashby and Paul Deveau. It is my hope that our progress on ocean shipping will spill over to our efforts to implement the OECD Shipbuilding Trade Agreement, so we can move forward with another positive piece of legislation for the maritime industries.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, my friend from Louisiana makes a curious set of arguments. The single word he used most in his remarks was "compromise," that this provision is now the result of a compromise of 4 years' work. No; this provision is not the result of 4 years of work. This provision is the result of a discussion that took place after this bill was reported from the Commerce Committee, after all of the open public hearings and all the open discussion. And what kind of compromise was it? Well, it was a compromise between the big unions, the big carriers and maybe some of the big shippers. It isn't a compromise that involved its victims.

No representative of small shippers was in the room where this "compromise" was made. None of the small businessmen who were middlemen were in the room when this "compromise" was made. A curious compromise, I must say, when the victims were excluded from it, after having been a part of everything that went on for the 4 years of work on this bill up through and including its report from the Commerce Committee. No, this was not a compromise; this was a backroom deal, the worst kind of backroom deal.

The Senator from Louisiana says, "Carefully, carefully crafted." "Killer amendment." Strange. I don't see any dissent on the Commerce Committee, Republicans or Democrats, with the bill in its original form. How can it be a killer amendment?

Does the Senator from Louisiana mean that, if we pass this amendment, every Member of his party will then filibuster the bill? Simply because we have not done the will of the longshoremen's unions, they will give up competition and open shipping, lock, stock and barrel across the board? Well, if that is what he means—if that is what they mean, let them say so. It isn't going to kill the bill over here; and I do not think it will kill the bill over there.

What do outsiders say about it? Today's Journal of Commerce, the newspaper that deals with business, endorses this bill. It says:

> Today, the Senate is expected to approve a bill that boosts competition and makes it easier for shipping lines and their customers to operate.
>
> In one respect, however, this bill actually limits competition by denying freight consolidators—middlemen—full opportunity under the new law.
>
> * * * * *
>
> Lately, however, middlemen have become an important export conduit and even a threat to the status quo. Not surprisingly, it was the major shipping lines and labor unions that teamed up to deny to consolidators private contracting privileges.

In other words, they have given themselves the ability to do business in a way they now want to deny to others in the same business. The only difference is the people who made this "compromise" are big and the ones who are victimized are small.

This amendment is consistent with the philosophy of the bill. It was included in the bill in every stage to this point. It is backed by everyone who deals with this issue objectively. It will not kill the bill, unless there are 41 Members here who will simply vote to kill the bill on behalf of one small set of labor unions who want a monopoly. And I do not think that will happen.

We should do the right thing and pass the amendment.

Mr. President, I ask unanimous consent to have the article in the Journal of Commerce, which is dated April 21, 1998; a statement in support by the Transportation Intermediaries Association, dated April 20, 1998; and a letter from the New York/New Jersey Foreign Freight Forwarders and Brokers Association, Inc., dated April 20, 1998, printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Journal of Commerce, April 21, 1998]

SHIP DEREGULATION PROMISE

After three years of tortured debate, a congressional bid to curb regulation of the ocean shipping business is at a critical stage. Today, the Senate is expected to approve a bill that boosts competition and makes it easier for shipping lines and their customers to operate.

In one respect, however, this bill actually limits competition by denying freight consolidators—middlemen—full opportunity under the new law. Even with this blight, the bill deserves support. But Senators should be aware of its tainted nature and the culprits who shaped it, and revisit it later to fix its shortcomings.

The shipping bill scheduled for debate today lets ocean carriers and their customers, for the first time, negotiate direct, confidential contracts—without influence from the cartels that define this business. Thus, parties in the maritime industry would enjoy the same contracting privileges as other buyers and sellers of transportation.

With one important exception.

The bill does not let ocean freight consolidators—companies that pool small export shipments, then buy space aboard ships—sign private contracts with their customers. Confidential contracting is important to carriers and shippers because it allows them to negotiate deals free from competitors' prying eyes. If consolidators—or non-vessel-operating common carriers—do not have the same right, they could have trouble keeping customers and striking good deals.

At the time of the 1984 Shipping Act, freight consolidators were not a major industry force. Lately, however, middlemen have become an important export conduit and even a threat to the status quo. Not surprisingly, it was the major shipping lines and labor unions that teamed up to deny to consolidators private contracting privileges.

The unions are predictably doing whatever they can to hurt non-union companies. Ocean carriers take a more subtle tack, arguing that companies that don't have ships shouldn't have the same privileges as those that do.

Ultimately the carriers' arguments are just as self-serving as the unions'. Low-overhead middlemen are an important part of many industries, brokering deals, arbitraging markets and holding down prices. This sometimes exerts price pressure on higher cost operators; in this case, shipping lines. The carriers hope to deny consolidators private contracting rights to curb a competitive threat. That is wrong.

To correct this problem, Sen. Slade Gorton, R-Wash., will offer an amendment today that extends private contracting to freight consolidators. It doesn't stand much of a chance, however. Why? Because supporters say the shipping bill is a delicate compromise that could blow apart if the careful balance between carriers, shippers, ports and labor is disturbed. Part of that balance is to hammer consolidators.

Distasteful as that is, the bill is still worth passing. The basic contracting freedoms it offers are simply too important to be delayed yet again. Fortunately, some consolidators may have a way around the bill's restrictions. Shippers' associations—groups of shippers who pool their business to get better rates—have full contracting rights under the bill, so consolidators working with them may be able to sidestep the bill's restrictions.

Even so, the House should shine as much light as possible on this issue when it considers the bill, perhaps later this year. The "delicate compromise" argument likely will prevail there as well, but the issue still needs debating.

If the bill becomes law, lawmakers should look for a chance next year to fix the consolidator provision, a strategy the bill's chief sponsor, Sen. Kay Bailey Hutchison, R-Texas, hinted at earlier this month. If deregulation is to yield real benefits, everyone must have the same right to compete, not just those who wield the biggest sticks.

SUPPORT GORTON AMENDMENT TO S. 414, THE OCEAN SHIPPING REFORM ACT OF 1998

The Transportation Intermediaries Association (TIA) urges you to support Senator Slade Gorton's amendment to the Ocean Shipping Reform Act of 1998. *Passage of the Gorton amendment April 21 is essential to permit the benefits of deregulation to flow to small business as well as large business.*

The Ocean Shipping Reform Act of 1998 requires NVOCCs (transportation intermediaries) to publish tariffs and does not permit them to deviate from those tariffs in confidential contracts. The bill does, however, permit the ocean carriers to deviate from tariffs by entering into confidential contracts. The Gorton amendment will permit both carriers and transportation intermediaries to offer confidential contracts to shippers.

This issue is important, because while large shippers can enter into direct negotiations with ocean carriers, small shippers usually deal with transportation intermediaries to arrange for their transportation. S. 414 as it is currently written will permit large shippers to know what their small competitors pay for ocean freight, while the small competitor will not know what the large shipper is paying. *The benefits of deregulation in S. 414, therefore, will flow only to big business!* Senator Gorton's amendment will permit all shippers to benefit from ocean carrier deregulation through the right to confidential contracting for ocean freight transportation.

Transportation intermediaries have the ability to enter into confidential contracts with their shipper customers and with motor carriers, railroads, and airlines. Forwarders based in other countries can enter into confidential contracts for ocean carriage anywhere in the world except to or from the U.S. *It is baffling why the Senate would treat U.S. ocean carriage differently than other modes of transportation and ocean carriage everywhere else in the world. It will be American small businesses that suffer because of this distinction.*

TIA is the leading organization of North American transportation intermediaries. TIA is the only organization representing transportation intermediaries of all disciplines. The members of TIA include: international forwarders, NVOCCs, property brokers, domestic freight forwarders, air forwarders, intermodal marketing companies, perishable commodity brokers, and logistics management companies. TIA also provides management services for the American International Freight Association (AIFA), a leading organization of NVOCCs. AIFA is the U.S. representative of FIATA, an international organization of more than 30,000 freight forwarders.

For further information, contact TIA's Government Affairs Manager Ed Mortimer at (703) 329-1895. *Show your support for small business. Vote "YES" for the Gorton amendment.*

NEW YORK/NEW JERSEY FOREIGN FREIGHT FORWARDERS AND BROKERS, ASSOCIATION, INC.,

April 20, 1998.

Hon. BOB GRAHAM,
U.S. Senator, Senate Office Building, Washington, DC.

Re: S. 414: The "Gorton Amendment"—Votes YES for Small Business and US Exports

DEAR SENATOR GRAHAM: On Tuesday morning S. 414 will come before the Senate and Senator Slade Gorton will offer an amendment on behalf of small exporters and shippers. Members of the New York/New Jersey Foreign Freight Forwarders & Brokers Association, Inc. encourage you to vote YES on the Gorton Amendment and help make the Ocean Shipping Reform Act true "reform" for small business and US exports.

S. 414 is about international trade. The Gorton Amendment is about whether the small guy is going to benefit from this legislation or suffer as a result of special interests. Voting YES on the Gorton Amendment will help to protect in the global commerce of the 21st Century the 70% of U.S. exports that small shippers produce. The Gorton Amendment helps ensure that the small shipper and business will be able to compete by enabling the freight consolidator (NVOCC), who works on behalf of smaller shippers, to sign confidential contracts with the shipper-client. Without the Gorton Amendment, large multi-national companies, that don't use NVOCCs, would be able to sign confidential contracts with the steamship companies—but since the NVOCCs would not be able to sign contracts with their shipper-clients, small business' transportation costs will NOT be confidential—unlike their larger competitors. This is not reform.

The ironic twist to this debate is that the Senate Commerce Committee initially recommended that NVOCCs be able to sign contacts with shippers—but longshore labor and some carriers used the legislative process to advance their dislike for consolidators—and small shippers. As it stands now, S. 414 would please labor, large shippers and carriers, and place the small shipper at a severe disadvantage and impede the entry of small business in the global marketplace. The question is simple: Do you support small business? The Gorton Amendment helps to right the wrong done to small shippers. We urge you to support small business and vote YES of on the Gorton Amendment.

Very truly yours,

LOUIS POLICASTRO,
Vice President, Export Committee.

Mr. BREAUX. Mr. President, I would just, as we move toward a vote on this measure, make one other comment, and that is that it is very clear that there is a great deal of support for the current bill that is on the floor. And there is pretty much across-the-board opposition to the amendment that Senator GORTON is offering. And it is across the board in the sense that it is opposed by all segments of the industry.

I want to have printed in the RECORD, and ask unanimous consent to do so, a letter addressed to myself in opposition to the Gorton amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SUPPORTERS OF S. 414.

Arlington, VA, March 11, 1998.

Re Opposition to Senator Gorton Amendment.

Hon. JOHN B. BREAUX,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BREAUX: We wish to convey to you our full support for the managers' floor amendment for S. 414, The Ocean Shipping Reform Act of 1998, without additional

> amendments. It represents a carefully crafted compromise serving a broad cross section of the maritime industry including importers/exporters, ports, carriers, and labor.
>
> We understand that Senator Slade Gorton plans to offer an amendment to S. 414 managers floor amendment that would alter current law and allow non-vessel operating common carriers (NVOCCs) to offer confidential service contracts directly to the proprietary owners of the cargo. Some interests have argued that the retention of current law would disadvantage smaller volume shippers who might utilize NVOCC's in order to obtain competitive rates with larger volume shippers.
>
> However, the perceived benefits that smaller shippers might receive from the ability of NVOCCs to enter into service contracts with their customers is largely misunderstood. Under current law, NVOCCs are allowed to enter into service contracts with carriers and this can generate a significant cost savings that is passed onto shippers. This would not change under the latest version of S. 414. NVOCC's would however benefit from the provisions allowing confidentiality of certain terms in their contracts with carriers. Smaller volume shippers would also have the option to consolidate their cargoes by joining shippers associations who may then negotiate lower rates as larger volume shippers.
>
> Therefore, we urge you to oppose the Gorton amendment. This amendment is unnecessary and would kill legislation which has been carefully constructed by the bill's sponsors to make U.S. ocean shipping law compatible with the rest of the transportation industry and which will benefit the U.S. economy.
>
> Sincerely,
>
> American Association of Port Authorities; APL, Limited; Council of European and Japanese Shipowners' Associations; Crowley Maritime Corporation; Internal Longshoremen's Association; International Longshoremen's & Warehousemen's Union; The Chamber of Shipping of America; The National Industrial Transportation League; Sea-Land Service, Inc.; Transportation Trades Department, AFL–CIO.

Mr. BREAUX. The letter basically says that:

> We understand that Senator Slade Gorton plans to offer an amendment . . . that would alter current law and allow non-vessel operating common carriers (NVOCCs) to offer confidential service contracts directly to the proprietary owners of the cargo. Some interests have argued that the retention of current law would disadvantage smaller volume shippers who might utilize [the non-vessel operating common carriers] in order to obtain competitive rates with larger volume shippers.

They point out:

> However, the perceived benefits that smaller shippers might receive from the ability of NVOCCs to enter into service contracts with their customers is largely misunderstood. Under current law, NVOCCs are allowed to enter into service contracts with carriers and this can generate a significant cost savings that is passed onto shippers. This would not change under the latest version of S. 414. NVOCCs would however benefit from the provisions allowing confidentiality of certain terms in their contracts with carriers. Smaller volume shippers would also have the option to consolidate their cargoes by joining shippers associations who may then negotiate lower rates as larger volume shippers.

The point is pretty clear that this group opposes the amendment of the Senator from Washington. I would like to list for the RECORD the ones who have signed this letter because it indeed is significant, and that is across-the-board opposition.

It is signed by the American Association of Port Authorities; by American President Lines, Limited; by the Council of European and Japanese Shipowners' Associations; by the Crowley Maritime Corporation, a major shipping company; the International Longshoremen's Association; by The Chamber of Shipping of America; by The National Industrial Transportation League; by Sea-Land Service, one of the largest carriers in the world; by the Transportation Trades Department of the AFL-CIO.

So whether you are talking about the workers who handle the cargo, or by the port authorities who have the cargo shipped through their ports, or by the ship carriers who are actually carrying the cargo, it is pretty unanimous agreement that this is not the right thing to do.

Let us support the compromise. Everything in that compromise is a positive step forward. It may not be as much as some would want, but it is far better than the current law. It allows some more decontrol, allows some more deregulation, more competition. And that is good. But it is simply unfair to say to people who have no responsibility for owning ships or the expense of running ships that they are going to allow them to have the same advantages as a shipping company does. It simply would break the balance in this industry, which I think is very important to preserve.

I think the bill is a good bill. It took 4 years to get us to this point. These compromises were not entered into behind the scenes, but were debated on a regular basis among all the active participants. This is a good bill. It should be passed. The Gorton amendment should be tabled.

The PRESIDING OFFICER. All time has expired. Under the previous order, the question is on the Gorton amendment.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Washington.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. BENNETT) is necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "aye."

The result was announced—yeas 72, nays 25, as follows:

[Rollcall Vote No. 85 Leg.]

YEAS—72

Abraham
Akaka
Ashcroft
Baucus
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dorgan
Durbin
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Graham
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mikulski
Moseley-Braun
Murray
Reed
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Snowe
Specter
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—25

Allard
Brownback
Burns
Byrd
Coats
Domenici
Enzi
Gorton
Gramm
Grams
Grassley
Helms
Hutchinson
Jeffords
Kyl
McCain
McConnell
Murkowski
Nickles
Roberts
Sessions
Smith (NH)
Smith (OR)
Stevens
Thomas

NOT VOTING—3

Bennett
Inouye
Moynihan

The motion to lay on the table the amendment (No. 2287) was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. ASHCROFT. On rollcall vote 85, I voted no. It was my intention to vote yea. Therefore, I ask unanimous consent I be permitted to have a change of my vote reflected in the RECORD. It in no way changes the outcome of the vote. I did not note it was a motion to table rather than the substance of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. HOLLINGS. Mr. President, I rise in support of the Hutchison, Lott, and Breaux amendment to S. 414. This amendment reflects a fair and reasoned compromise among the various interests affected by the bill. While I am no great fan of deregulation, I do believe that it is necessary to balance the interests affected by the bill in order not to adversely impact or destroy any particular sector. I am particularly pleased that the amendment preserves the Federal Maritime Commission (FMC) as an independent agency to oversee our waterborne foreign commerce.

As introduced and reported out of Committee, S. 414 would have merged the FMC and Surface Transportation Board (STB) into a new entity to be known as the Intermodal Transportation Board (ITB), placed within the Department of Transportation (DOT). The Hutchison, Lott, and Breaux amendment alleviates several problems with this approach.

In the first place, there are no overlaps in jurisdiction or functions between the FMC and the STB that in any way hamper effective regulation. There are simply no significant synergies between the FMC's mandate to protect U.S. international ocean commerce and the STB's responsibilities with respect to domestic railroad mergers, rate regulation, and the like. Moreover, given the two vastly different constituencies and the two entirely different systems of regulation, there would have been a continuing struggle to determine priorities and to allocate scarce resources within a merged agency. Lastly, even though there might be some marginal savings in administrative expenses from such a merger, these would be offset by the more substantial costs of combining and relocating the two agencies. I understand that when the FMC was required by the General Services Administration to relocate in 1992, the moving costs to the government were $1 million.

The Congressional Budget Office (CBO) has determined that if the two agencies were merged, the "ongoing costs to carry out the new board's responsibilities would be about the same as those incurred by the FMC and the STB under current law." Clearly then, the combining of these two agencies could not be justified by any cost savings that would accrue to the government.

I would also note that during the ocean shipping reform process, the vast majority of the commenters have supported an independent, free-standing agency to oversee our waterborne foreign commerce. Those sentiments were initially expressed by the South Carolina State Ports Authority and have subsequently been endorsed by many others. This includes the three U.S. shipping companies who otherwise supported the bill but stated that "the Federal Maritime Commission has done a superb job," and "[o]ur strong preference would be to preserve the agency's structure as an independent agency." Others who joined in support of an independent FMC include: the International Longshoremen's and Warehousemen's Union; the Transportation Trades Department, AFL-CIO; the National Customs Brokers & Forwarders Association of America, Inc.; the NY/NJ Foreign Freight Forwarders and Brokers Association; the Council of European and Japanese National Shipowners' Association; and the American Association of Port Authorities, as well as many individual port authorities. Further, it is my understanding that the coalition supporting this amendment supports, in toto, the retention of the FMC in its present form. A change in the agency's structure could serve to fracture that fragile coalition of support for the amendment.

Another reason I support the amendment is that merging the FMC into the STB would have sent the wrong message to our trading partners—i.e., that the new agency would be constrained from taking direct and immediate action against unfair foreign shipping practices. The FMC has been able to effectively combat unfair trading practices of foreign governments largely because of its status as an independent agency. The agency has an international reputation for aggressively and swiftly addressing restrictive shipping practices without the threat of diplomatic interference or retaliation in other sectors. In fact, I would hope that some of our other trade agencies could learn a thing or two from the FMC. Both the Department of State and DOT regularly cite the FMC's independence to persuade foreign governments that maritime issues must be addressed directly and expeditiously. In fact, Admiral Herberger, former Administrator of the Maritime Administration (MarAd), testified before the House Appropriations Subcommittee that the FMC's independent status has been critical to MarAd's success in negotiations with foreign governments. Also, in his August 5, 1997, letter to the Japanese Ministry of Transport, Secretary of Transportation Rodney Slater cited the FMC's authority to impose sanctions while urging Japan to reform its port practices.

The agency's recent actions against Japanese port restrictions are a perfect example of its successful accomplishments. The agency took decisive action to address Japanese intransigence on easing restrictions which impede the operations of U.S. carriers. As an independent agency, the FMC did not have to overcome the hurdles or various pressures imposed by other Executive branch departments within the Administration that have competing interests. And this body, by a 100 to zero vote, in S. Res. 140, endorsed the action taken by the FMC to respond to the unfair practices of Japan.

Supporting this amendment and the FMC ensures that the agency's effectiveness will not be impeded, and sends the right message to our trading partners: that the U.S. Congress endorses an aggressive stance against foreign-imposed restrictions on open competition in shipping.

I would further note that by retaining the FMC as an independent agency, the amendment alleviates the concern of some that merging the FMC and STB into a new entity could violate the Appointments Clause of the Constitution, U.S. Const. Art. II, § 2, cl. 2, to the extent that STB members would be accruing new responsibilities unrelated to those for which they were appointed and confirmed, and could accordingly subject the new agency to challenges that it is not legally constituted.

The amendment offered by Senators HUTCHISON, LOTT, and BREAUX corrects a major and potentially disastrous flaw in S. 414. I support this amendment enthusiastically.

(At the request of Mr. DASCHLE the following statement was ordered to be printed in the RECORD.)

● Mr. INOUYE. Mr. President, I would like to join my colleagues in support of the Hutchison amendment to S. 414, the Ocean Shipping Reform Act of 1998. I believe that this amendment further improves upon the bill as reported out of the Commerce Committee and takes into account and alleviates many of the concerns raised by interested parties who may be affected by the bill. As is true with all compromises, you cannot please everybody. Nonetheless, I believe this amendment represents a workable solution to the regulation of our waterborne foreign commerce and should serve us well for many years to come. I would like to commend my Chairwoman, Senator HUTCHISON, for her effort in moving this bill forward, and also thank Senators BREAUX, LOTT, and GORTON for their invaluable imput into the process.

I am pleased to note that the bill preserves antitrust immunity for the conference system which has been an integral part of our ocean transportation regime since 1916. While it may be best for everyone if the antitrust laws were applicable on a global basis, it is unrealistic to believe that we could achieve a global recognition of the value and utility of the Sherman Act. However, the Shipping Acts of 1916 and 1984 balanced the inability to apply our antitirust laws to foreign corporations, with a realistic approach allowing us to operate in comity with international shipping regulatory practices, and the need to protect our citizens from potential abuses brought on by a lack of antitrust law enforcement.

This bill, however, makes several changes to the conference system to make it more "user-friendly" for its shipper customers. For example, the bill requires shipping conferences to allow their members to offer rates that are different than those of the conference—so-called "independent action." As a result, individual conference carriers can offer their own service contracts unimpeded by conference action. I am further pleased that the notice requirement for all independent action has been reduced from 10 business days to five calendar days. This will ensure that independently negotiated rates or service contracts will quickly become effective. I also support the prohibition against conferences requiring their members to disclose service contract negotiations.

The bill as reported out of committee treated all service contracts equally. Subsequently, there were several attempts to develop a bifurcated treatment for service contracts, with one set of rules governing carrier agreement service contracts and another dealing with individual carrier contracts. I am pleased that the current amendment returns to a version more closely resembling that which was reported out of committee and, more importantly, treating all service contracts the same. While there was some merit to the bifurcated treatment approach, it may have been very difficult to have implemented in practice.

The amendment will require that all service contracts be filed confidentially with the Commission, that they contain certain essential terms, and that a limited number of those terms be published and made available to the general public. I believe that this compromise represents the best approach to service contracting. It allows carriers and shippers a certain degree of confidentiality with respect to the bargains they have struck, while at the same time informing the general public of the types of arrangements being made for certain commodities, for certain minimum volumes, in specific trade lanes. I also believe that the continued filing of the actual contracts with the Federal Maritime Commission ("FMC") will enable it to monitor them and take appropriate action if necessary. It will also help the U.S. port community in monitoring trade developments and reacting accordingly.

Like many of you, I am particularly pleased to see that the amendment maintains the FMC as an independent agency overseeing the ocean transportation industry. The Commission has time and again proven its worth in administering Congress' system of regulation and combating unfair foreign shipping practices, most recently in Japan. And the Senate unanimously backed the FMC in its action to address the unfair practices of Japan in passing S. Res. 140. The Commission has developed considerable expertise in implementing the Shipping Act of 1984. It will now be able to bring this expertise to bear on the new era of ocean shipping reform engendered by this bill.

Anotner aspect of this bill that is particularly commendable is the new provision dealing with the disclosure of certain terms of service contracts to labor organizations. A labor organization which is party to a collective bargaining agreement that includes an ocean common carrier now has a mechanism for obtaining information concerning movements of cargo within port areas and the assignment of certain work within those areas. It is my understanding that this type of information is especially relevant to labor organizations and this bill should ensure that they will have easy access to it. This information will enable them to make sure that the terms of their collective bargaining agreement are complied with.

This amendment, in my opinion, achieves a balance in S. 414 which provides the best possible compromise among the broad array of interests in shipping. It has not been easy to balance the many disseparate interests involved, but I think that we have reached an approach which accomodates many of these interests. It fosters one of the bill's primary goals of stimulating U.S. exports through a more efficient and market-reliant ocean transportation system. It provides for a more effective system of industry oversight, regulating where we need to and not regulating where we do not. And it keeps the FMC as an independent agency, unfettered by political or other influences as it performs its critical international trade functions. I support this amendment, and urge my colleagues to do the same.●

The PRESIDING OFFICER (Mr. ROBERTS). The clerk will read S. 414 for the third time.

The legislative clerk read as follows:

A bill (S. 414) to amend the Shipping Act of 1984 to encourage competition and international shipping and growth of United States imports and exports.

The PRESIDING OFFICER. Under the previous order, the bill is passed.

The bill (S. 414), as amended, was passed, as follows:

S. 414

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ocean Shipping Reform Act of 1998".

SEC. 2. EFFECTIVE DATE.

Except as otherwise expressly provided in this Act, this Act and the amendments made by this Act take effect May 1, 1999.

TITLE I—AMENDMENTS TO THE SHIPPING ACT OF 1984

SEC. 101. PURPOSE.

Section 2 of the Shipping Act of 1984 (46 U.S.C. App. 1701) is amended by—

(1) striking "and" after the semicolon in paragraph (2);

(2) striking "needs." in paragraph (3) and inserting "needs; and";

(3) adding at the end thereof the following:

"(4) to promote the growth and development of United States exports through competitive and efficient ocean transportation and by placing a greater reliance on the marketplace.".

SEC. 102. DEFINITIONS.

Section 3 of the Shipping Act of 1984 (46 U.S.C. App. 1702) is amended by—

(1) striking "the government under whose registry the vessels of the carrier operate;" in paragraph (8) and inserting "a government;";

(2) striking paragraph (9) and inserting the following:

"(9) 'deferred rebate' means a return by a common carrier of any portion of freight money to a shipper as a consideration for that shipper giving all, or any portion, of its shipments to that or any other common carrier over a fixed period of time, the payment of which is deferred beyond the completion of service for which it is paid, and is made only if the shipper has agreed to make a further shipment or shipments with that or any other common carrier.";

(3) striking paragraph (10) and redesignating paragraphs (11) through (27) as paragraphs (10) through (26);

(4) striking "in an unfinished or semifinished state that require special handling moving in lot sizes too large for a container," in paragraph (10), as redesignated;

(5) striking "paper board in rolls, and paper in rolls." in paragraph (10) as redesignated and inserting "paper and paper board in rolls or in pallet or skid-sized sheets.";

(6) striking "conference, other than a service contract or contract based upon time-volume rates," in paragraph (13) as redesignated and inserting "agreement";

(7) striking "conference." in paragraph (13) as redesignated and inserting "agreement and the contract provides for a deferred rebate arrangement.";

(8) by striking "carrier." in paragraph (14) as redesignated and inserting "carrier, or in connection with a common carrier and a water carrier subject to subchapter II of chapter 135 of title 49, United States Code.";

(9) striking paragraph (16) as redesignated and redesignating paragraphs (17) through (26) as redesignated as paragraphs (16) through (25), respectively;

(10) striking paragraph (17), as redesignated, and inserting the following:

"(17) 'ocean transportation intermediary' means an ocean freight forwarder or a non-vessel-operating common carrier. For purposes of this paragraph, the term—

"(A) 'ocean freight forwarder' means a person that—

"(i) in the United States, dispatches shipments from the United States via a common carrier and books or otherwise arranges space for those shipments on behalf of shippers; and

"(ii) processes the documentation or performs related activities incident to those shipments; and

"(B) 'non-vessel-operating common carrier' means a common carrier that does not operate the vessels by which the ocean transportation is provided, and is a shipper in its relationship with an ocean common carrier.";

(11) striking paragraph (19), as redesignated and inserting the following:

"(19) 'service contract' means a written contract, other than a bill of lading or a receipt, between one or more shippers and an individual ocean common carrier or an agreement between or among ocean common carriers in which the shipper or shippers makes a commitment to provide a certain volume or portion of cargo over a fixed time period, and the ocean common carrier or the agreement commits to a certain rate or rate schedule and a defined service level, such as assured space, transit time, port rotation, or similar service features. The contract may also specify provisions in the event of nonperformance on the part of any party."; and

(12) striking paragraph (21), as redesignated, and inserting the following:

"(21) 'shipper' means—

"(A) a cargo owner;

"(B) the person for whose account the ocean transportation is provided;

"(C) the person to whom delivery is to be made;

"(D) a shippers' association; or

"(E) an ocean transportation intermediary, as defined in paragraph (17)(B) of this section, that accepts responsibility for payment of all charges applicable under the tariff or service contract.".

SEC. 103. AGREEMENTS WITHIN THE SCOPE OF THE ACT.

(a) Ocean Common Carriers.—Section 4(a) of the Shipping Act of 1984 (46 U.S.C. App. 1703(a)) is amended by—

(1) striking "operators or non-vessel-operating common carriers;" in paragraph (5) and inserting "operators;";

(2) striking "and" in paragraph (6) and inserting "or"; and

(3) striking paragraph (7) and inserting the following:

"(7) discuss and agree on any matter related to service contracts.".

(b) Marine Terminal Operators.—Section 4(b) of that Act (46 U.S.C. App. 1703(b)) is amended by—

(1) striking "(to the extent the agreements involve ocean transportation in the foreign commerce of the United States)";

(2) striking "and" in paragraph (1) and inserting "or"; and

(3) striking "arrangements." in paragraph (2) and inserting "arrangements, to the extent that such agreements involve ocean transportation in the foreign commerce of the United States.".

SEC. 104. AGREEMENTS.

(a) In General.—Section 5 of the Shipping Act of 1984 (46 U.S.C. App. 1704) is amended by—

(1) striking subsection (b)(8) and inserting the following:

"(8) provide that any member of the conference may take independent action on any rate or service item upon not more than 5 calendar days' notice to the conference and that, except for exempt commodities not published in the conference tariff, the conference will include the new rate or service item in its tariff for use by that member, effective no later than 5 calendar days after receipt of the notice, and by any other member that notifies the conference that it elects to adopt the independent rate or service item on or after its effective date, in lieu of the existing conference tariff provision for that rate or service item;

(2) redesignating subsections (c) through (e) as subsections (d) through (f); and

(3) inserting after subsection (b) the following:

"(c) Ocean Common Carrier Agreements.—An ocean common carrier agreement may not—

"(1) prohibit or restrict a member or members of the agreement from engaging in negotiations for service contracts with 1 or more shippers;

"(2) require a member or members of the agreement to disclose a negotiation on a service contract, or the terms and conditions of a service contract, other than those terms or conditions required to be published under section 8(c)(3) of this Act; or

"(3) adopt mandatory rules or requirements affecting the right of an agreement member or agreement members to negotiate and enter into service contracts.

An agreement may provide authority to adopt voluntary guidelines relating to the terms and procedures of an agreement member's or agreement members' service contracts if the guidelines explicitly state the right of members of the agreement not to follow the guidelines. These guidelines shall be confidentially submitted to the Commission.".

(b) Application.—

(1) Subsection (e) of section 5 of that Act, as redesignated, is amended by striking "this Act, the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, do" and inserting "this Act does"; and

(2) Subsection (f) of section 5 of that Act, as redesignated, is amended by—

(A) striking "and the Shipping Act, 1916, do" and inserting "does";

(B) striking "or the Shipping Act, 1916,"; and

(C) inserting "or are essential terms of a service contract" after "tariff".

SEC. 105. EXEMPTION FROM ANTITRUST LAWS.

Section 7 of the Shipping Act of 1984 (46 U.S.C. App. 1706) is amended by—

(1) inserting "or publication" in paragraph (2) of subsection (a) after "filing";

(2) striking "or" at the end of subsection (b)(2);

(3) striking "States." at the end of subsection (b)(3) and inserting "States; or"; and

(4) adding at the end of subsection (b) the following:

"(4) to any loyalty contract.".

SEC. 106. TARIFFS.

(a) In General.—Section 8(a) of the Shipping Act of 1984 (46 U.S.C. App. 1707(a)) is amended by—

(1) inserting "new assembled motor vehicles," after "scrap," in paragraph (1);

(2) striking "file with the Commission, and" in paragraph (1);

(3) striking "inspection," in paragraph (1) and inserting "inspection in an automated tariff system,";

(4) striking "tariff filings" in paragraph (1) and inserting "tariffs";

(5) striking "freight forwarder" in paragraph (1)(C) and inserting "transportation intermediary, as defined in section 3(17)(A),";

(6) striking "and" at the end of paragraph (1)(D);

(7) striking "loyalty contract," in paragraph (1)(E);

(8) striking "agreement." in paragraph (1)(E) and inserting "agreement; and";

(9) adding at the end of paragraph (1) the following:

"(F) include copies of any loyalty contract, omitting the shipper's name."; and

(10) striking paragraph (2) and inserting the following:

"(2) Tariffs shall be made available electronically to any person, without time, quantity, or other limitation, through appropriate access from remote locations, and a reasonable charge may be assessed for such access. No charge may be assessed a Federal agency for such access.".

(b) Service Contracts.—Subsection (c) of that section is amended to read as follows:

"(c) Service Contracts.—

"(1) In general.—An individual ocean common carrier or an agreement between or among ocean common carriers may enter into a service contract with one or more shippers subject to the requirements of this Act. The exclusive remedy for a breach of a contract entered into under this subsection shall be an action in an appropriate court, unless the parties otherwise agree. In no case may the contract dispute resolution forum be controlled by or in any way affiliated with a controlled carrier as defined in section 3(8) of this Act, or by the government which owns or controls the carrier.

"(2) Filing requirements.—Except for service contracts dealing with bulk cargo, forest products, recycled metal scrap, new assembled motor vehicles, waste paper, or paper waste, each contract entered into under this subsection by an individual ocean common carrier or an agreement shall be filed confidentially with the Commission. Each service contract shall include the following essential terms—

"(A) the origin and destination port ranges;

"(B) the origin and destination geographic areas in the case of through intermodal movements;

"(C) the commodity or commodities involved;

"(D) the minimum volume or portion;

"(E) the line-haul rate;

"(F) the duration;

"(G) service commitments; and

"(H) the liquidated damages for nonperformance, if any.

"(3) Publication of certain terms.—When a service contract is filed confidentially with the Commission, a concise statement of the essential terms described in paragraphs 2 (A), (C), (D), and (F) shall be published and made available to the general public in tariff format.

"(4) Disclosure of certain terms.—

"(A) An ocean common carrier, which is a party to or is subject to the provisions of a collective bargaining agreement with a labor organization, shall, in response to a written request by such labor organization, state whether it is responsible for the following work at dock areas and within port areas in the United States with respect to cargo transportation under a service contract described in paragraph (1) of this subsection—

"(i) the movement of the shipper's cargo on a dock area or within the port area or to or from railroad cars on a dock area or within the port area;

"(ii) the assignment of intraport carriage of the shipper's cargo between areas on a dock or within the port area;

"(iii) the assignment of the carriage of the shipper's cargo between a container yard on a dock area or within the port area and a rail yard adjacent to such container yard; and

"(iv) the assignment of container freight station work and container maintenance and repair work performed at a dock area or within the port area.

"(B) The common carrier shall provide the information described in subparagraph (A) of this paragraph to the requesting labor organization within a reasonable period of time.

"(C) This paragraph requires the disclosure of information by an ocean common carrier only if there exists an applicable and otherwise lawful collective bargaining agreement which pertains to that carrier. No disclosure made by an ocean common carrier shall be deemed to be an admission or agreement that any work is covered by a collective bargaining agreement. Any dispute regarding whether any work is covered by a collective bargaining agreement and the responsibility of the ocean common carrier under such agreement shall be resolved solely in accordance with the dispute resolution procedures contained in the collective bargaining agreement and the National Labor Relations Act, and without reference to this paragraph.

"(D) Nothing in this paragraph shall have any effect on the lawfulness or unlawfulness under this Act, the National Labor Relations Act, the Taft-Hartley Act, the Federal Trade Commission Act, the antitrust laws, or any other Federal or State law, or any revisions or amendments thereto, of any collective bargaining agreement or element thereof, including any element that constitutes an essential term of a service contract under this subsection.

"(E) For purposes of this paragraph the terms 'dock area' and 'within the port area' shall have the same meaning and scope as in the applicable collective bargaining agreement between the requesting labor organization and the carrier.".

(c) RATES.—Subsection (d) of that section is amended by—

(1) striking the subsection caption and inserting "(d) TARIFF RATES.—";

(2) striking "30 days after filing with the Commission." in the first sentence and inserting "30 calendar days after publication.";

(3) inserting "calendar" after "30" in the next sentence; and

(4) striking "publication and filing with the Commission." in the last sentence and inserting "publication.".

(d) REFUNDS.—Subsection (e) of that section is amended by—

(1) striking "tariff of a clerical or administrative nature or an error due to inadvertence" in paragraph (1) and inserting a comma; and

(2) striking "file a new tariff," in paragraph (1) and inserting "publish a new tariff, or an error in quoting a tariff,";

(3) striking "refund, filed a new tariff with the Commission" in paragraph (2) and inserting "refund for an error in a tariff or a failure to publish a tariff, published a new tariff";

(4) inserting "and" at the end of paragraph (2); and

(5) striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(e) MARINE TERMINAL OPERATOR SCHEDULES.—Subsection (f) of that section is amended to read as follows:

"(f) MARINE TERMINAL OPERATOR SCHEDULES.—A marine terminal operator may make available to the public, subject to section 10(d) of this Act, a schedule of rates, regulations, and practices pertaining to receiving, delivering, handling, or storing property at its marine terminal. Any such schedule made available to the public shall be enforceable by an appropriate court as an implied contract without proof of actual knowledge of its provisions.".

(f) AUTOMATED TARIFF SYSTEM REQUIREMENTS; FORM.—Section 8 of that Act is amended by adding at the end the following:

"(g) REGULATIONS.—The Commission shall by regulation prescribe the requirements for the accessibility and accuracy of automated tariff systems established under this section. The Commission may, after periodic review, prohibit the use of any automated tariff system that fails to meet the requirements established under this section. The Commission may not require a common carrier to provide a remote terminal for access under subsection (a)(2). The Commission shall by regulation prescribe the form and manner in which marine terminal operator schedules authorized by this section shall be published.".

SEC. 107. AUTOMATED TARIFF FILING AND INFORMATION SYSTEM.

Section 502 of the High Seas Driftnet Fisheries Enforcement Act (46 U.S.C. App. 1707a) is repealed.

SEC. 108. CONTROLLED CARRIERS.

Section 9 of the Shipping Act of 1984 (46 U.S.C. App. 1708) is amended by—

(1) striking "service contracts filed with the Commission" in the first sentence of subsection (a) and inserting "service contracts, or charge or assess rates,";

(2) striking "or maintain" in the first sentence of subsection (a) and inserting "maintain, or enforce";

(3) striking "disapprove" in the third sentence of subsection (a) and inserting "prohibit the publication or use of"; and

(4) striking "filed by a controlled carrier that have been rejected, suspended, or disapproved by the Commission" in the last sentence of subsection (a) and inserting "that have been suspended or prohibited by the Commission";

(5) striking "may take into account appropriate factors including, but not limited to, whether—" in subsection (b) and inserting "shall take into account whether the rates or charges which have been published or assessed or which would result from the pertinent classifications, rules, or regulations are below a level which is fully compensatory to the controlled carrier based upon that carrier's actual costs or upon its constructive costs. For purposes of the preceding sentence, the term 'constructive costs' means the costs of another carrier, other than a controlled carrier, operating similar vessels and equipment in the same or a similar trade. The Commission may also take into account other appropriate factors, including but not limited to, whether—";

(6) striking paragraph (1) of subsection (b) and redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(7) striking "filed" in paragraph (1) as redesignated and inserting "published or assessed";

(8) striking "filing with the Commission." in subsection (c) and inserting "publication.";

(9) striking "DISAPPROVAL OF RATES.—" in subsection (d) and inserting "PROHIBITION OF RATES.—Within 120 days after the receipt of information requested by the Commission under this section, the Commission shall determine whether the rates, charges, classifications, rules, or regulations of a controlled carrier may be unjust and unreasonable.";

(10) striking "filed" in subsection (d) and inserting "published or assessed";

(11) striking "may issue" in subsection (d) and inserting "shall issue";

(12) striking "disapproved." in subsection (d) and inserting "prohibited.";

(13) striking "60" in subsection (d) and inserting "30";

(14) inserting "controlled" after "affected" in subsection (d);

(15) striking "file" in subsection (d) and inserting "publish";

(16) striking "disapproval" in subsection (e) and inserting "prohibition";

(17) inserting "or" after the semicolon in subsection (f)(1);

(18) striking paragraphs (2), (3), and (4) of subsection (f); and

(19) redesignating paragraph (5) of subsection (f) as paragraph (2).

SEC. 109. PROHIBITED ACTS.

(a) Section 10(b) of the Shipping Act of 1984 (46 U.S.C. App. 1709(b)) is amended by—

(1) striking paragraphs (1) through (3);

(2) redesignating paragraph (4) as paragraph (1);

(3) inserting after paragraph (1), as redesignated, the following:

"(2) provide service in the liner trade that—

"(A) is not in accordance with the rates, charges, classifications, rules, and practices contained in a tariff published or a service contract entered into under section 8 of this Act unless excepted or exempted under section 8(a)(1) or 16 of this Act; or

"(B) is under a tariff or service contract which has been suspended or prohibited by the Commission under section 9 of this Act or the Foreign Shipping Practices Act of 1988 (46 U.S.C. App. 1710a);";

(4) redesignating paragraphs (5) and (6) as paragraphs (3) and (4), respectively;

(5) striking "except for service contracts," in paragraph (4), as redesignated, and inserting "for service pursuant to a tariff,";

(6) striking "rates;" in paragraph (4)(A), as redesignated, and inserting "rates or charges;";

(7) inserting after paragraph (4), as redesignated, the following:

"(5) for service pursuant to a service contract, engage in any unfair or unjustly discriminatory practice in the matter of rates or charges with respect to any port;";

(8) redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively;

(9) striking paragraph (6) as redesignated and inserting the following:

"(6) use a vessel or vessels in a particular trade for the purpose of excluding, preventing, or reducing competition by driving another ocean common carrier out of that trade;";

(10) striking paragraphs (9) through (13) and inserting the following:

"(8) for service pursuant to a tariff, give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage;

"(9) for service pursuant to a service contract, give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage with respect to any port;

"(10) unreasonably refuse to deal or negotiate;";

(11) redesignating paragraphs (14), (15), and (16) as paragraphs (11), (12), and (13), respectively;

(12) striking "a non-vessel-operating common carrier" in paragraphs (11) and (12) as redesignated and inserting "an ocean transportation intermediary";

(13) striking "sections 8 and 23" in paragraphs (11) and (12) as redesignated and inserting "sections 8 and 19";

(14) striking "or in which an ocean transportation intermediary is listed as an affiliate" in paragraph (12), as redesignated;

(15) striking "Act;" in paragraph (12), as redesignated, and inserting "Act, or with an affiliate of such ocean transportation intermediary;"

(16) striking "paragraph (16)" in the matter appearing after paragraph (13), as redesignated, and inserting "paragraph (13)"; and

(17) inserting "the Commission," after "United States," in such matter.

(b) Section 10(c) of the Shipping Act of 1984 (46 U.S.C. App. 1709(c)) is amended by—

(1) striking "non-ocean carriers" in paragraph (4) and inserting "non-ocean carriers, unless such negotiations and any resulting agreements are not in violation of the antitrust laws and are consistent with the purposes of this Act";

(2) striking "freight forwarder" in paragraph (5) and inserting "transportation

intermediary, as defined by section 3(17)(A) of this Act,";

(3) striking "or" at the end of paragraph (5);

(4) striking "contract." in paragraph (6) and inserting "contract;"; and

(5) adding at the end the following:

"(7) for service pursuant to a service contract, engage in any unjustly discriminatory practice in the matter of rates or charges with respect to any locality, port, or persons due to those persons' status as shippers' associations or ocean transportation intermediaries; or

"(8) for service pursuant to a service contract, give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage with respect to any locality, port, or persons due to those persons' status as shippers' associations or ocean transportation intermediaries;".

(c) Section 10(d) of the Shipping Act of 1984 (46 U.S.C. App. 1709(d)) is amended by—

(1) striking "freight forwarders," and inserting "transportation intermediaries,";

(2) striking "freight forwarder," in paragraph (1) and inserting "transportation intermediary,";

(3) striking "subsection (b)(11), (12), and (16)" and inserting "subsections (b)(10) and (13)"; and

(4) adding at the end thereof the following:

"(4) No marine terminal operator may give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage with respect to any person.

"(5) The prohibition in subsection (b)(13) of this section applies to ocean transportation intermediaries, as defined by section 3(17)(A) of this Act.".

SEC. 110. COMPLAINTS, INVESTIGATIONS, REPORTS, AND REPARATIONS.

Section 11(g) of the Shipping Act of 1984 (46 U.S.C. App. 1710(g)) is amended by—

(1) striking "section 10(b)(5) or (7)" and inserting "section 10(b)(3) or (6)"; and

(2) striking "section 10(b)(6)(A) or (B)" and inserting "section 10(b)(4)(A) or (B).".

SEC. 111. FOREIGN SHIPPING PRACTICES ACT OF 1988.

Section 10002 of the Foreign Shipping Practices Act of 1988 (46 U.S.C. App. 1710a) is amended by—

(1) striking "'non-vessel-operating common carrier'," in subsection (a)(1) and inserting "'ocean transportation intermediary',";

(2) striking "forwarding and" in subsection (a)(4);

(3) striking "non-vessel-operating common carrier" in subsection (a)(4) and inserting "ocean transportation intermediary services and";

(4) striking "freight forwarder," in subsections (c)(1) and (d)(1) and inserting "transportation intermediary,";

(5) striking "filed with the Commission," in subsection (e)(1)(B) and inserting "and service contracts,";

(6) inserting "and service contracts" after "tariffs" the second place it appears in subsection (e)(1)(B); and

(7) striking "(b)(5)" each place it appears in subsection (h) and inserting "(b)(6)".

SEC. 112. PENALTIES.

(a) Section 13(a) of the Shipping Act of 1984 (46 U.S.C. App. 1712(a)) is amended by adding at the end thereof the following: "The amount of any penalty imposed upon a common carrier under this subsection shall constitute a lien upon the vessels operated by that common carrier and any such vessel may be libeled therefore in the district court of the United States for the district in which it may be found.".

(b) Section 13(b) of the Shipping Act of 1984 (46 U.S.C. App. 1712(b)) is amended by—

(1) striking "section 10(b)(1), (2), (3), (4), or (8)" in paragraph (1) and inserting "section 10(b)(1), (2), or (7)";

(2) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(3) inserting before paragraph (5), as redesignated, the following:

"(4) If the Commission finds, after notice and an opportunity for a hearing, that a common carrier has failed to supply information ordered to be produced or compelled by subpoena under section 12 of this Act, the Commission may request that the Secretary of the Treasury refuse or revoke any clearance required for a vessel operated by that common carrier. Upon request by the Commission, the Secretary of the Treasury shall, with respect to the vessel concerned, refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91)."; and

(4) striking "paragraphs (1), (2), and (3)" in paragraph (6), as redesignated, and inserting "paragraphs (1), (2), (3), and (4)".

(c) Section 13(f)(1) of the Shipping Act of 1984 (46 U.S.C. App. 1712(f)(1)) is amended by—

(1) striking "or (b)(4)" and inserting "or (b)(2)";

(2) striking "(b)(1), (4)" and inserting "(b)(1), (2)"; and

(3) adding at the end thereof the following "Neither the Commission nor any court shall order any person to pay the difference between the amount billed and agreed upon in writing with a common carrier or its agent and the amount set fourth in any tariff or service contract by that common carrier for the transportation service provided.".

SEC. 113. REPORTS AND CERTIFICATES.

Section 15 of the Shipping Act of 1984 (46 U.S.C. App. 1714) is amended by—

(1) striking "and certificates" in the section heading;

(2) striking "(a) REPORTS.—" in the subsection heading for subsection (a); and

(3) striking subsection (b).

SEC. 114. EXEMPTIONS.

Section 16 of the Shipping Act of 1984 (46 U.S.C. App. 1715) is amended by striking "substantially impair effective regulation by the Commission, be unjustly discriminatory, result in a substantial reduction in competition, or be detrimental to commerce." and inserting "result in substantial reduction in competition or be detrimental to commerce.".

SEC. 115. AGENCY REPORTS AND ADVISORY COMMISSION.

Section 18 of the Shipping Act of 1984 (46 U.S.C. App. 1717) is repealed.

SEC. 116. OCEAN FREIGHT FORWARDERS.

Section 19 of the Shipping Act of 1984 (46 U.S.C. App. 1718) is amended by—

(1) striking "freight forwarders" in the section caption and inserting "transportation intermediaries";

(2) striking subsection (a) and inserting the following:

"(a) LICENSE.—No person in the United States may act as an ocean transportation intermediary unless that person holds a license issued by the Commission. The Commission shall issue an intermediary's license to any person that the Commission determines to be qualified by experience and character to act as an ocean transportation intermediary.";

(3) redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively;

(4) inserting after subsection (a) the following:

"(b) FINANCIAL RESPONSIBILITY.—

"(1) No person may act as an ocean transportation intermediary unless that person furnishes a bond, proof of insurance, or other surety in a form and amount determined by the Commission to insure financial responsibility that is issued by a surety company found acceptable by the Secretary of the Treasury.

"(2) A bond, insurance, or other surety obtained pursuant to this section—

"(A) shall be available to pay any order for reparation issued pursuant to section 11 or 14 of this Act, or any penalty assessed pursuant to section 13 of this Act;

"(B) may be available to pay any claim against an ocean transportation intermediary arising from its transportation-related activities described in section 3(17) of this Act with the consent of the insured ocean transportation intermediary and subject to review by the surety company, or when the claim is deemed valid by the surety company after the ocean transportation intermediary has failed to respond to adequate notice to address the validity of the claim; and

"(C) shall be available to pay any judgment for damages against an ocean transportation intermediary arising from its transportation-related activities under section 3(17) of this Act, provided the claimant has first attempted to resolve the claim pursuant to subparagraph (B) of this paragraph and the claim has not been resolved within a reasonable period of time.

"(3) The Commission shall prescribe regulations for the purpose of protecting the interests of claimants, ocean transportation intermediaries, and surety companies with respect to the process of pursuing claims against ocean transportation intermediary bonds, insurance, or sureties through court judgments. The regulations shall provide that a judgment for monetary damages may not be enforced except to the extent that the damages claimed arise from the transportation-related activities of the insured ocean transportation intermediary, as defined by the Commission.

"(4) An ocean transportation intermediary not domiciled in the United States shall designate a resident agent in the United States for receipt of service of judicial and administrative process, including subpoenas.";

(5) striking, each place such term appears—

(A) "freight forwarder" and inserting "transportation intermediary";

(B) "a forwarder's" and inserting "an intermediary's";

(C) "forwarder" and inserting "intermediary"; and

(D) "forwarding" and inserting "intermediary";

(6) striking "a bond in accordance with subsection (a)(2)." in subsection (c), as redesignated, and inserting "a bond, proof of insurance, or other surety in accordance with subsection (b)(1).";

(7) striking "FORWARDERS.—" in the caption of subsection (e), as redesignated, and inserting "INTERMEDIARIES.—";

(8) striking "intermediary" the first place it appears in subsection (e)(1), as redesignated and as amended by paragraph (5)(A), and inserting "intermediary, as defined in section 3(17)(A) of this Act,";

(9) striking "license" in paragraph (1) of subsection (e), as redesignated, and inserting "license, if required by subsection (a),";

(10) striking paragraph (3) of subsection (e), as redesignated, and redesignating paragraph (4) as paragraph (3); and

(11) adding at the end of subsection (e), as redesignated, the following:

"(4) No conference or group of 2 or more ocean common carriers in the foreign commerce of the United States that is authorized to agree upon the level of compensation paid to an ocean transportation intermediary, as defined in section 3(17)(A) of this Act, may—

"(A) deny to any member of the conference or group the right, upon notice of not more than 5 calendar days, to take independent action on any level of compensation paid to an ocean transportation intermediary, as so defined; or

"(B) agree to limit the payment of compensation to an ocean transportation intermediary, as so defined, to less than 1.25 percent of the aggregate of all rates and charges which are applicable under a tariff and which are assessed against the cargo on which the intermediary services are provided.".

SEC. 117. CONTRACTS, AGREEMENTS, AND LICENSES UNDER PRIOR SHIPPING LEGISLATION.

Section 20 of the Shipping Act of 1984 (46 U.S.C. App. 1719) is amended by—

(1) striking subsection (d) and inserting the following:

"(d) EFFECTS ON CERTAIN AGREEMENTS AND CONTRACTS.—All agreements, contracts, modifications, licenses, and exemptions previously issued, approved, or effective under the Shipping Act, 1916, or the Shipping Act of 1984, shall continue in force and effect as if issued or effective under this Act, as amended by the Ocean Shipping Reform Act of 1998, and all new agreements, contracts, and modifications to existing, pending, or new contracts or agreements shall be considered under this Act, as amended by the Ocean Shipping Reform Act of 1998.";

(2) inserting the following at the end of subsection (e):

"(3) The Ocean Shipping Reform Act of 1998 shall not affect any suit—

"(A) filed before the effective date of that Act; or

"(B) with respect to claims arising out of conduct engaged in before the effective date of that Act filed within 1 year after the effective date of that Act.

"(4) Regulations issued by the Federal Maritime Commission shall remain in force and effect where not inconsistent with this Act, as amended by the Ocean Shipping Reform Act of 1998.".

SEC. 118. SURETY FOR NON-VESSEL-OPERATING COMMON CARRIERS.

Section 23 of the Shipping Act of 1984 (46 U.S.C. App. 1721) is repealed.

TITLE II—AUTHORIZATION OF APPROPRIATIONS FOR THE FEDERAL MARITIME COMMISSION

SEC. 201. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1998.

There are authorized to be appropriated to the Federal Maritime Commission, $15,000,000 for fiscal year 1998.

SEC. 202. FEDERAL MARITIME COMMISSION ORGANIZATION.

Section 102(d) of Reorganization Plan No. 7 of 1961 (75 Stat. 840) is amended to read as follows:

"(d) A vacancy or vacancies in the membership of Commission shall not impair the power of the Commission to execute its functions. The affirmative vote of a majority of the members serving on the Commission is required to dispose of any matter before the Commission.".

SEC. 203. REGULATIONS.

Not later than March 1, 1999, the Federal Maritime Commission shall prescribe final regulations to implement the changes made by this Act.

TITLE III—AMENDMENTS TO OTHER SHIPPING AND MARITIME LAWS

SEC. 301. AMENDMENTS TO SECTION 19 OF THE MERCHANT MARINE ACT, 1920.

(a) IN GENERAL.—Section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876) is amended by—

(1) striking "forwarding and" in subsection (1)(b);

(2) striking "non-vessel-operating common carrier operations," in subsection (1)(b) and inserting "ocean transportation intermediary services and operations,";

(3) striking "methods or practices" and inserting "methods, pricing practices, or other practices" in subsection (1)(b);

(4) striking "tariffs of a common carrier" in subsection 7(d) and inserting "tariffs and service contracts of a common carrier";

(5) striking "use the tariffs of conferences" in subsections (7)(d) and (9)(b) and inserting "use tariffs of conferences and service contracts of agreements";

(6) striking "tariffs filed with the Commission" in subsection (9)(b) and inserting "tariffs and service contracts";

(7) striking "freight forwarder," each place it appears and inserting "transportation intermediary,"; and

(8) striking "tariff" each place it appears in subsection (11) and inserting "tariff or service contract".

(b) STYLISTIC CONFORMITY.—Section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876), as amended by subsection (a), is further amended by—

(1) redesignating subdivisions (1) through (12) as subsections (a) through (l), respectively;

(2) redesignating subdivisions (a), (b), and (c) of subsection (a), as redesignated, as paragraphs (1), (2), and (3);

(3) redesignating subdivisions (a) through (d) of subsection (f), as redesignated, as paragraphs (1) through (4), respectively;

(4) redesignating subdivisions (a) through (e) of subsection (g), as redesignated, as paragraphs (1) through (5), respectively;

(5) redesignating clauses (i) and (ii) of subsection (g)(4), as redesignated, as subparagraphs (A) and (B), respectively;

(6) redesignating subdivisions (a) through (e) of subsection (i), as redesignated, as paragraphs (1) through (5), respectively;

(7) redesignating subdivisions (a) and (b) of subsection (j), as redesignated, as paragraphs (1) and (2), respectively;

(8) striking "subdivision (c) of paragraph (1)" in subsection (c), as redesignated, and inserting "subsection (a)(3)";

(9) striking "paragraph (2)" in subsection (c), as redesignated, and inserting "subsection (b)";

(10) striking "paragraph (1)(b)" each place it appears and inserting "subsection (a)(2)";

(11) striking "subdivision (b)," in subsection (g)(4), as redesignated, and inserting "paragraph (2),";

(12) striking "paragraph (9)(d)" in subsection (j)(1), as redesignated, and inserting "subsection (i)(4)"; and

(13) striking "paragraph (7)(d) or (9)(b)" in subsection (k), as redesignated, and inserting "subsection (g)(4) or (i)(2)".

SEC. 302. TECHNICAL CORRECTIONS.

(a) PUBLIC LAW 89–777.—Sections 2 and 3 of the Act of November 6, 1966 (46 U.S.C. App. 817d and 817e) are amended by striking "they in their discretion" each place it appears and inserting "it in its discretion".

(b) TARIFF ACT OF 1930.—Section 641(i) of the Tariff Act of 1930 (19 U.S.C. 1641) is repealed.

TITLE IV—MERCHANT MARINER BENEFITS

SEC. 401. MERCHANT MARINER BENEFITS.

(a) BENEFITS.—Part G of subtitle II, title 46, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 112—MERCHANT MARINER BENEFITS

"Sec.
"11201. Qualified service.
"11202. Documentation of qualified service.
"11203. Eligibility for certain veterans' benefits.
"11204. Processing fees.

"§ 11201. Qualified service

"For purposes of this chapter, a person engaged in qualified service if, between August 16, 1945, and December 31, 1946, the person—

"(1) was a member of the United States merchant marine (including the Army Transport Service and the Naval Transportation Service) serving as a crewmember of a vessel that was—

"(A) operated by the War Shipping Administration or the Office of Defense Transportation (or an agent of the Administration or Office);

"(B) operated in waters other than inland waters, the Great Lakes, other lakes, bays, and harbors of the United States;

"(C) under contract or charter to, or property of, the Government of the United States; and

"(D) serving the Armed Forces; and

"(2) while so serving, was licensed or otherwise documented for service as a crewmember of such a vessel by an officer or employee of the United States authorized to license or document the person for such service.

"§ 11202. Documentation of qualified service

"(a) RECORD OF SERVICE.—The Secretary, or in the case of personnel of the Army Transport Service or the Naval Transport Service, the Secretary of Defense, shall, upon application—

"(1) issue a certificate of honorable discharge to a person who, as determined by the respective Secretary, engaged in qualified service of a nature and duration that warrants issuance of the certificate; and

"(2) correct, or request the appropriate official of the Federal Government to correct, the service records of the person to the extent necessary to reflect the qualified service and the issuance of the certificate of honorable discharge.

"(b) TIMING OF DOCUMENTATION.—The respective Secretary shall take action on an application under subsection (a) not later than one year after the respective Secretary receives the application.

"(c) STANDARDS RELATING TO SERVICE.—In making a determination under subsection (a)(1), the respective Secretary shall apply the same standards relating to the nature and duration of service that apply to the issuance of honorable discharges under section 401(a)(1)(B) of the GI Bill Improvement Act of 1977 (38 U.S.C. 106 note).

"(d) CORRECTION OF RECORDS.—An official of the Federal Government who is requested to correct service records under subsection (a)(2) shall do so.

"§ 11203. Eligibility for certain veterans' benefits

"(a) Eligibility.—

"(1) In general.—The qualified service of an individual referred to in paragraph (2) is deemed to be active duty in the Armed Forces during a period of war for purposes of eligibility for benefits under chapters 23 and 24 of title 38.

"(2) Covered individuals.—Paragraph (1) applies to an individual who—

"(A) receives an honorable discharge certificate under section 11202 of this title; and

"(B) is not eligible under any other provision of law for benefits under laws administered by the Secretary of Veterans Affairs.

"(b) Reimbursement for Benefits Provided.—The Secretary shall reimburse the Secretary of Veterans Affairs for the value of benefits that the Secretary of Veterans Affairs provides for an individual by reason of eligibility under this section.

"(c) Prospective Applicability.—An individual is not entitled to receive, and may not receive, benefits under this chapter for any period before the date of enactment of this chapter.

"§ 11204. Processing fees

"(a) Collection of Fees.—The Secretary, or in the case of personnel of the Army Transport Service or the Naval Transport Service, the Secretary of Defense, shall collect a fee of $30 from each applicant for processing an application submitted under section 11202(a) of this title.

"(b) Treatment of Fees Collected.—Amounts received by the respective Secretary under this section shall be deposited in the general fund of the Treasury as offsetting receipts of the department in which the Coast Guard is operating and ascribed to Coast Guard activities, or in the case of fees collected for processing discharges from the Army Transport Service or the Naval Transport Service, deposited in the general fund of the Treasury as offsetting receipts of the Department of Defense, and shall be available subject to appropriation for the administrative costs for processing such applications.".

(b) Clerical Amendment.—The table of chapters at the beginning of subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 111 the following:

"112. Merchant mariner benefits............11201".

TITLE V—CERTAIN LOAN GUARANTEES AND COMMITMENTS

SEC. 501. CERTAIN LOAN GUARANTEES AND COMMITMENTS.

(a) The Secretary of Transportation may not issue a guarantee or commitment to guarantee a loan for the construction, reconstruction, or reconditioning of a liner vessel under the authority of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.) after the date of enactment of this Act unless the Chairman of the Federal Maritime Commission certifies that the operator of such vessel—

(1) has not been found by the Commission to have violated section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876), or the Foreign Shipping Practices Act of 1988 (46 U.S.C. App. 1701a), within the previous 5 years; and

(2) has not been found by the Commission to have committed a violation of the Shipping Act of 1984 (46 U.S.C. App. 1701 et seq.), which involves unjust or unfair discriminatory treatment or undue or unreasonable prejudice or disadvantage with respect to a United States shipper, ocean transportation intermediary, ocean common carrier, or port within the previous 5 years.

(b) The Secretary of Commerce may not issue a guarantee or a commitment to guarantee a loan for the construction, reconstruction, or reconditioning of a fishing vessel under the authority of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.) if the fishing vessel operator has been—

(1) held liable or liable in rem for a civil penalty pursuant to section 308 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858) and not paid the penalty;

(2) found guilty of an offense pursuant to section 309 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1859) and not paid the assessed fine or served the assessed sentence;

(3) held liable for a civil or criminal penalty pursuant to section 105 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1375) and not paid the assessed fine or served the assessed sentence; or

(4) held liable for a civil penalty by the Coast Guard pursuant to title 33 or 46, United States Code, and not paid the assessed fine.

Mr. LOTT. Mr. President, today is a great day for America's maritime community; for those who sailed the high seas during the final days of World War II; for those who sail the seas today in the international container industry; and for those who will go to sea in the future.

Mr. President, I hope my colleagues will permit me to take a long view of the maritime issues being addressed by the Senate during the 105th Congress.

I am a product of the maritime industry. I grew up in a maritime community where my father built ships. The maritime world was the source of my first job as a lawyer. I still live in Pascagoula, Mississippi where the proud maritime tradition continues with Navy contracts to build DDG-51 Destroyers.

As I grew up on Mississippi's coast, an important lesson was learned. Our nation was founded as a maritime nation and remains one today. We are a nation that must continue to invest in this vital industry.

As you know, this is the International Year of the Ocean and tomorrow is Earth Day. As we celebrate the 28th Earth Day, we recognize the importance of the world's 4 oceans and 54 seas. Oceans cover more than 75% of our globe. Oceans provide us all with vast sources of food, medicine, and minerals. They provide a means for recreation, transportation, and commerce. Teaming with life and resources, oceans are where America's merchant maritime industry must be present. Oceans are where our government must make a conscious decision to maintain America's presence.

Many of our colleagues understand the importance of a strong, healthy maritime industry. This including ports, vessel owners, vessel operators, shipbuilders and the workers to run the ports, sail the high seas or build the latest ship. In a world of increasing international trade by sea, a strong maritime industry is essential to our national security and our economic strength. This is a simple but true equation.

To provide a context for today's action, I want to reflect on our work in the 104th Congress changed our maritime public policy. In the last Congress, the Maritime Security Act of 1996 was enacted into public law. It received overwhelming and bipartisan support. It was the first maritime policy change in over a decade. It was a profound change and has successfully reformed how our maritime industry supports our nation's defense.

This program now effectively ensures that efficient commercial ocean transportation services are available to the Department of Defense for national security purposes. The use of modern U.S.-flag commercial vessels saves DOD hundreds of millions of dollars that would otherwise be required to procure additional sealift capacity. As we enter the appropriation cycle, I hope my colleagues will support full funding of the Maritime Security Program.

Today, the Senate completed action on S. 414, the Ocean Shipping Reform Act of 1998.

This bill will increase competition in the ocean liner shipping industry and help U.S. exporters compete in the world's market. S. 414 was a bipartisan compromise. It was supported by all segments of the industry. Even U.S. businesses that use ocean liner services supported this legislative approach. The bill is a true compromise where the many diverse and competing interests benefited equally.

My good friend, Senator SLADE GORTON, wanted to get a little bit more for one of these segments, but in so doing jeopardized the Senate's ability to pass this important legislation during this Congress by taking the delicate compromise out of balance. This is why the amendment was defeated.

Just for the record, non-vessel-operating common carriers are not real common carriers. However, they can successfully compete with vessel operators. Also small shippers will continue to have equal access to the transportation systems.

Mr. President, S. 414, the Ocean Shipping Reform Act of 1998 is a major step forward in the 105th Congress' maritime reform agenda.

This year's maritime bill focuses on one part of the commercial segment while last year's bill dealt with the defense segment.

As with the maritime bill in the last Congress, competition is its hallmark. It will permit competition for the ocean liner shipping industry. This means that U.S. exporters will also enhance their competitiveness in the world's market. The majority of international trade is carried on ships and that is why S. 414 is so important. The United States will now have an ocean liner shipping system that enables America to compete with other countries on a level playing field.

S. 414 is that level playing field.

This effort started back in the 104th Congress. It has taken the Senate a long time to develop a workable solution because the shipping industry includes so many different competing segments. Balancing their interests has been difficult and everyone made compromises.

S. 414 is solidly backed by U.S. shippers; U.S. and foreign ocean carriers; U.S. ports; and U.S. labor. Achieving such strong support from such a diverse group demonstrates that the entire maritime industry wants and needs this meaningful reform.

I call upon the House of Representatives to complete the legislative process and promptly adopt S. 414 this year. The nation's consumers, businesses, and maritime industry deserve to reap the benefits of a reformed ocean liner shipping system.

This bill is fair. This bill is needed.

S. 414 also contains a provision concerning World War II merchant mariner burial benefits, which was introduced separately as S. 61.

Mr. President, today the Senate also celebrates the passage of S. 61 another very important piece of maritime legislation which recognizes the sacrifices made by a group of merchant mariners.

This provision clarifies, once and for all, that those American merchant mariners who served our country in World War II between August 16, 1945 and December 31, 1946 are in fact eligible for veteran's funeral and burial benefits. Just like all other World War II merchant mariners.

This legislation, originally introduced last year as the Merchant Marine Fairness Act, has 71 cosponsors. I want to thank each cosponsor for their bipartisan support for mariners who ask to be recognized upon their deaths for service to our nation.

Mr. President, the overwhelming majority of World War II merchant mariners have already been awarded veteran status. However, through this 16-month extension, the Senate recognizes in a limited, yet meaningful, fashion those who stood, in harm's way, through the war's final day when on December 31, 1946 President Truman officially declared an end to hostilities.

Although Japan officially surrendered in August of 1945, the job was not complete for our nation's merchant mariners. In fact, more dangerous work awaited them, and their allies.

Harbors in Japan, Germany, Italy, France, and other parts of the world's maritime trade lanes were still filled with mines. This created many hazards as merchant mariners transported Allied troops home, or transported them to occupational duties. Axis stragglers also needed to be transported. When the men of the U.S. merchant marine were called to serve, they were ready and willing. Their duties were vital to consolidating the battlefield victory that our combat forces had just won.

Let me be clear. The services performed by these merchant mariners were extremely dangerous. Twenty-two U.S.-government-owned vessels—carrying military cargoes—were damaged or sunk by mines after V–J Day. At least four U.S. merchant mariners were killed and 28 injured aboard these vessels. Those American merchant mariners who served during this time did so with pride, professionalism and a dedication to their country. They deserve this simple, proper recognition.

I hope the House of Representatives will act swiftly on this legislation, too. Bills similar to S. 61 have passed in the House of Representatives three times in recent years. Already, H.R. 1126, the companion bill to S. 61, has more than 150 cosponsors.

Mr. President, our nation values the sacrifices of our veterans and so should Congress. The service's of these merchant mariners to America deserves recognition for a job well done.

The passage of the Merchant Mariner's Fairness Act confers the title of veteran to a small group of elderly, surviving mariners—an acknowledgment they richly deserve.

Mr. President, I remember one of these extraordinary mariners telling me why it was so important to receive this official recognition and why this delay has been so frustrating.

What that merchant mariner said, quite simply, was that he wants to tell his grandchildren that he too is a World War II veteran.

Mr. President, this particular merchant mariner and many other merchant mariners deserve our nation's profound gratitude for their WWII service.

Mr. President, there is yet another important maritime bill that the Senate must enact this year. S. 1216.

This legislation will ratify and implement the OECD Shipbuilding Agreement. It will eliminate foreign shipbuilding subsidies and provide a level playing field for our shipbuilding industry.

S. 1216 was approved by both the Finance Committee and the Commerce, Science, and Transportation Committee. It is ready to move to the Senate floor. The amendments added through separate committee actions address head on and completely the concerns identified by segments of the maritime community.

I am disappointed that a few maritime associations continue to oppose this bill despite its many changes. I am disturbed by their unfortunate misrepresentations.

Let me set the record straight on this bill. S. 1216 and the OECD Agreement do not threaten the Jones Act or the construction of Jones Act vessels. Period.

S. 1216 clearly excludes America's defense requirements and maritime features while ensuring that no country may illegally subsidize its commercial shipbuilding industry.

S. 1216 first equaled, then exceeded, the amendment offered by Representative BATEMAN in the 104th Congress to extend the current Title XI program's terms and conditions. The Senate bill provides an additional year. However, these associations moved the goalposts by demanding even more exemptions.

S. 1216 implements OECD. It does not speak to every individual argument that came up during its negotiations. That is water under the bridge. Rather, the bill recognizes that the United States cannot out-subsidize other countries' shipbuilding industries and should not try. It forces these other countries to give up their subsidies.

On a different legislative tract, but a related issue, the Senate showed that it will take steps to address shipyard subsidies. Through the International Monetary Fund bill, the Senate ensured that South Korean shipyards are not entitled to a bail out from American taxpayers.

S. 1216 is about ratifying this international agreement this year; however, it is clear these associations' aim is to scuttle OECD. I believe they want to shift funds from shipyards where only commercial vessels are built to those yards where naval vessel construction occurs because the level of military construction is decreasing. This is folly because America needs both types of shipyards for a healthy maritime community.

The U.S. must preserve its commercial shipbuilding base and that means ratifying the OECD agreement. That means adopting the implementing language in S. 1216 this year.

One last point—the Jones Act and other related cabotage related legislation. There is no secret that I am an ardent supporter of the Jones Act. I acknowledge that there are some members of Congress who do not see the wisdom of protecting our domestic water-borne maritime trade—just like every other coastal nation. I take it as my challenge to spread the wisdom and value of the Jones Act to my colleagues. I also realize that the current system is not meeting the needs of every domestic shipper and that is why I encourage the Jones Act maritime industry and the Administration to work closely with these shippers to solve their transportation needs. Still, I remain a firm believer that these needs can be served by U.S.-built, U.S.-owned, U.S.-flagged, and U.S.-crewed ships.

In summary, Mr. President, the Senate has made much progress in our maritime public policy agenda this year, and I hope there will be more before the 105th Congress adjourns. Maritime issues are bipartisan and important to our economy and our national security.

Mr. President, thank you. I want to also thank all mariners who go to sea to face the elements and work. I also want to thank all who work on shore, at the dock and in the shipyard, to enable our nation's maritime transportation system to go to sea safely and profitably. It is a fitting tribute to pass the Ocean Shipping Act of 1998 during the International Year of the Ocean.

Mrs. HUTCHISON. Mr. President, I want to congratulate the Senate on its adoption of S. 414, the Ocean Shipping Reform Act of 1998. We have worked long and hard to achieve the consensus necessary to move this bill forward. The revisions that S. 414 would make to the Shipping Act of 1984 will help U.S. shippers, ports, and containership operators succeed in an increasingly competitive world of international trade.

I want to thank all Senators who worked on this bill for their key contributions, especially Senator LOTT, our distinguished Majority Leader; Senator MCCAIN, Chairman of the Commerce Committee; and Senators GORTON and BREAUX who ensured that all affected groups' concerns were thoroughly considered and addressed. I ask the leadership of the House to quickly adopt S. 414 without amendment so that the participants in the ocean liner shipping industry can turn their efforts toward reaping the benefits of these changes.

Mr. President, for the record, I now want to explain some of the key provisions of S. 414.

The most significant benefit of S. 414 is that it will provide shippers and common carriers with greater choice and flexibility in entering into contractual relationships for ocean transportation and intermodal services. It accomplishes this through seven specific changes to the Shipping Act of 1984. It allows multiple shippers to be parties to the same service contract. It allows service contracts to specify either a percentage or quantity of the shipper's cargo subject to the service contract. It prohibits multiple-ocean common carrier cartels from restricting cartel members from contracting with shippers of their choice independent of the cartel. It allows service contract origin and destination geographic areas, rates, service commitments, and liquidated damages to remain confidential. It eliminates the requirement that similarly situated shippers be given the same service contract rates and service conditions. It eliminates the current restrictions on individual common carriers engaging in discriminatory, preferential, or advantageous treatment of shippers and ocean transportation intermediaries in service contracts (while retaining those restrictions for groups of common carriers and strengthening prohibitions against refusals to deal or negotiate by individual common carriers). It allows groups of ocean common carriers to jointly negotiate inland transportation rates, subject to the antitrust laws and consistent with the purposes of the 1984 Act.

The Commerce Committee report on S. 414 dated July 31, 1997, includes in pages 12 through 17 a new legislative history for section 6(g) of the 1984 Act. Although a substitute amendment to the Commerce Committee reported version of S. 414 has been adopted by the Senate, the legislative history for section 6(g) and other sections of the 1984 Act affected by S. 414 contained in the Committee report remains intact, to the extent that the Committee reported provisions of S. 414 are not substantively amended by the substitute amendment, or the Committee report legislative history is not superseded by the below comments.

It is anticipated that members of ocean common carrier agreements will enter into individual service contracts with shippers and that, consistent with section 8(c) of the 1984 Act, as amended by S. 414, some of the terms and conditions of those service contracts will not, by agreement of the contracting parties, be publicly available.

Section 5(c) of the 1984 Act, as amended by S. 414, states that an agreement of ocean common carriers may not require its members to disclose any service contract negotiations they may have with shippers or the terms and conditions of any service contracts which they may enter into for the transportation of cargo. It is important to note that, while section 5(b) of the 1984 Act applies only to conference agreements, new section 5(c) would apply to all agreements among ocean common carriers, including conference agreements.

Any agreement requirement that members disclose confidential contract information would violate section 5(c) and subject agreement members to penalties under the 1984 Act, as amended by S. 414. In the event a member divulged confidential contract information, that member would likely be in breach of its contract with the shipper and could be held liable by the shipper under the contract. However, in the absence of any agreement requirement that disclosure be made, neither that carrier nor any other agreement member would be subject to penalties under the 1984 Act, as amended by S. 414. Section 8(c)(1) of the 1984 Act, as amended by S. 414, provides that the exclusive remedy for a breach of a service contract shall be an action in an appropriate court, unless the parties otherwise agree.

Section 8(c)(2) of the 1984 Act, as amended by S. 414, would continue to require that all service contracts be filed with the Federal Maritime Commission. The purpose of this requirement is to assist the FMC in the enforcement of applicable provisions of United States shipping laws. However, other Federal agencies have expressed concerns over how they are to ensure ocean carrier compliance with United States cargo preference law requirements concerning shipping rates in an era of service contract rate confidentiality. The FMC is encouraged to work with affected Federal agencies to address this concern.

S. 414 would add a new section 8(c)(4) to the 1984 Act that would allow a labor union with a collective bargaining agreement with an ocean common carrier to request information from the carrier with respect to cargo transported under a service contract entered into by that carrier to assist the union in enforcing its collective bargaining agreement and would require the carrier to provide that information. Section 8(c)(4) envisions the release of information not necessarily contained in the service contract. While the cargo transportation in question has to be made pursuant to a service contract, the carrier's response to an information request authorized by section 8(c)(4) may require the use of documents other than the service contract.

The purpose of section 8(c)(4) is to provide the requesting labor union with information concerning certain land transportation services and other services for which an ocean common carrier subject to a collective bargaining agreement with that labor union may be responsible pursuant to a service contract. The specific language of section 8(c)(4)(A) describing the work covered by that disclosure requirement is intended to ensure that the ocean common carrier is not able to avoid compliance with the disclosure requirement by narrowly interpreting the statutory language of the work covered by the disclosure requirement. Section 8(c)(4), however, has no other purpose but to require disclosure of specified information and is not intended to serve any other purpose.

The Senate understands that disputes have arisen, or may arise, concerning the assignment of certain off-dock and inter-dock transportation services at U.S. ports. We want to make it perfectly clear that nothing in this provision is intended to resolve or influence the outcome of any such dispute in any manner. The descriptions of work contained in section 8(c)(4)(A) should not be misinterpreted by a court or agency to imply a Congressional endorsement of any position in any such dispute. These issues are to be considered and determined by the appropriate agencies and courts taking into consideration existing provisions of the National Labor Relations Act, the Taft-Hartley Act, the Federal

Trade Commission Act, other provisions of the Shipping Act of 1984, as amended by S. 414, and other federal and state laws. Nothing in these disclosure provisions should affect or influence the outcome of the decisions of those courts or agencies, one way or the other.

The substitute amendment to S. 414 contains several significant changes with respect to the anti-discrimination provisions contained in sections 10(b) and 10(c) of the Commerce Committee reported version of S. 414 affecting shippers' associations and ocean transportation intermediaries that need to be clarified. These revisions by the substitute amendment remove limitations placed on these sections in the Committee reported bill with respect to shippers' associations and ocean transportation intermediaries and thus supersede the Committee's Report of July 31, 1997 at pages 28 and 29.

S. 414 is intended to promote a more competitive ocean transportation marketplace. In such a marketplace, it is anticipated that small to medium-sized shippers will increasingly rely upon non-profit shippers' associations and other forms of transportation intermediaries in order to obtain access to competitive economies of scale enjoyed by the largest shippers. Recognizing the important role that the small shipper plays in the competitiveness of the United States in the global economy, S. 414 contains several strong provisions to ensure that shippers who seek to combine their cargo with other shippers to obtain volume discounts in a shippers' association are not subjected to unreasonable discrimination due to their status as a shippers' association when entering into such service contracts.

As amended by S. 414, new section 10(b)(10) of the 1984 Act would make it unlawful for a common carrier to "unreasonably refuse to deal or negotiate." Previously, the prohibition against refusals to negotiate was limited to shippers' associations. The new section 10(b)(10) continues to provide a shippers' association or ocean transportation intermediary with protection against an unreasonable refusal to deal by one or more common carriers, and continues to provide the other protections included in section 10(b)(12) of the current law.

New sections 10(c)(7) and 10(c)(8) of the 1984 Act, as amended by S. 414, would protect individual shippers' associations and ocean transportation intermediaries against the type of conduct specified in those paragraphs which is due to such person's status as a shippers' association or ocean transportation intermediary. The FMC should direct its enforcement efforts with respect to unreasonable discrimination due to a person's status as a shippers' association or ocean transportation intermediary for other than objective, relevant economic transportation factors on those groups of ocean common carriers that have the greatest potential to economically harm a shippers' association or an ocean transportation intermediary. S. 414 does not require identical treatment of shippers' associations and affords ocean common carriers greater flexibility than the current 1984 Act to differentiate their service contract terms and conditions.

Section 10(c)(4) of the 1984 Act currently prohibits concerted action by ocean common carriers in negotiation of U.S. inland transportation rates and services with truck, rail, air, or other non-ocean carriers. Since the enactment of the 1984 Act, U.S. ocean common carriers have made very substantial investments in inland intermodal networks in reliance on the protections of section 10(c)(4).

S. 414 would amend section 10(c)(4) to remove the current per se prohibition on joint negotiation of inland transportation agreements. S. 414 would allow joint negotiations and agreements with respect to the inland portion of these ocean common carriers' intermodal movements, but retain protections to ensure that U.S. inland intermodal carriers are not harmed.

First, any such joint negotiations and agreements permitted under this section must be in conformity with the antitrust laws. There is no intention under this provision to permit or authorize any joint activity with respect to the negotiation of purchasing of U.S. inland services provided by non-ocean carriers that would not be permitted under the principles that apply to joint purchasing activities under the antitrust laws.

Second, the joint negotiations and agreements permitted under this section must be consistent with the purposes of the Act, as amended by S. 414 and as determined by the Federal Maritime Commission. For example, the ability of joint purchasing arrangements to contribute to efficiencies in the U.S. transportation system in the ocean commerce of the United States that are then passed on to shippers is a factor that may be considered in determining whether an arrangement is consistent with the purposes of the 1984 Act. Another purpose of the 1984 Act is the development of an economically sound and efficient U.S.-flag liner fleet capable of meeting national security needs. As stated above, U.S.-flag liner operators have made very substantial investments in affiliated inland intermodal providers, and harm to these providers resulting from the use of market power by conferences or other groups of ocean common carriers would be inconsistent with the 1984 Act's purpose of maintaining a sound U.S.-flag liner fleet.

Mr. McCAIN. Mr. President, I am pleased that the Senate has adopted S. 414, the Ocean Shipping Reform Act of 1998. S. 414 was approved by the Committee on Commerce, Science, and Transportation on May 1, 1997. Over the past several months, the bill has been adjusted to address the concerns of several members.

S. 414 would instill greater competition within the U.S. international ocean liner shipping market by ensuring that every liner vessel operator has the right to enter into a service contract with any shipper without interference from other vessel operators. This will allow U.S. importers and exporters to contract with vessel operators of their choice, not as directed by ocean shipping cartels.

Also, S. 414 would allow vessel operators and shippers who negotiate service contracts to keep the rates and terms of service of those contracts private. The bill would also remove the requirement that vessel operators provide the same contract rate and terms to other similar shippers. This change, combined with the one I just described, will increase the responsiveness of ocean liner system to market forces.

The bill would also privatize the function of publishing ocean transportation tariffs, which should reduce the expense of this system. The bill would provide the Federal Maritime Commission adequate means to review and enforce tariff and service contract regulations.

The bill also includes a provision I added during the Commerce Committee markup. This provision would require the Secretary of Transportation to obtain certification from the Federal Maritime Commission that a liner vessel operator has not violated certain U.S. shipping laws within the past 5 years prior to the Secretary granting the operator a shipbuilding loan guarantee under title XI of the Merchant Marine Act, 1936.

I realize that S. 414 is not perfect. In my view, a lot more could be done to improve competition in this business. However, in this case the bill makes significant progress, and should not be held up in the hope that greater progress can be made in the future. I hope the other body will take action on S. 414 so that the bill may be enacted this year.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2646, the Education Savings Act for Public and Private Schools.

The clerk will report the bill.

The legislative clerk read as follows:

> A bill (H.R. 2646) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Mack/D'Amato amendment No. 2288, to provide incentives for States to establish and administer periodic teacher testing and merit pay programs for elementary and secondary school teachers.

Glenn amendment No. 2017, to delete education IRA. expenditures for elementary and secondary school expenses.

Kennedy amendment No. 2289, to authorize funds to provide an additional 100,000 elementary and secondary school teachers annually to the national pool of such teachers during the 10-year period beginning with 1999 through a new student loan forgiveness program.

Coverdell (for Hutchison) amendment No. 2291, to establish education reform projects that provide same gender schools and classrooms, as long as comparable educational opportunities are offered for students of both sexes.

AMENDMENT NO. 2289

The PRESIDING OFFICER. The pending question is a motion to table the amendment to H.R. 2646 by the Senator from Massachusetts. There will be 4 minutes of debate equally divided.

Who seeks time?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, the issue that is before the Senate now is whether we are going to take the $1.6 billion and use it in such a way that is going to effectively help and assist the private schools—because that is where the majority of the money is going to be invested—or whether we are prepared to invest that money to increase the total number of teachers.

Again, Mr. President, the legislation that we have before us this morning will provide $1.6 billion. We have to decide whether we are going to use that money to create an IRA which will be primarily used to support private schools, or whether we will take that $1.6 billion and use to it create more teachers across this country. If we use the $1.6 billion, we will provide 100,000 new schoolteachers for the public schools across this Nation.

It is estimated that we are going to need 2 million new high school teachers. This will at least provide 100,000. It seems to me that if we are interested in academic achievement and accomplishment and we support our public schools, then getting highly qualified teachers to invest in those schools is the way to go. That is what this amendment does. It takes the $1.6 billion and uses it to create 100,000 more schoolteachers rather than to use it to create additional funds to support private schools.

We have a modest program in our higher education bill that will provide $200 million for 5 years, which is $40 million a year. That is bipartisan. I support it. But it is not enough. We have a major opportunity now to do something significantly for the public schools, and that is to increase the number of qualified teachers who will serve in our public schools.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, first, I am pleased that we are finally coming to a point where we can vote on these core issues. I have three things to say about the statements that have been made by the Senator from Massachusetts.

Mr. President, first, the Labor Committee has already addressed the issue of new teachers and done it in a more expeditious manner focusing new teachers on inner-city schools.

Second, the effect of the amendment of the Senator from Massachusetts is to gut and make moot the entire exercise we have been at here now for 6 months. He would in effect deny 14 million families and 20 million children the benefits of education savings accounts, the majority of which are public, not private. He would deny 1 million employees the opportunity for continuing education and 1 million students the opportunity and benefit of State prepaid tuition plans and 500 new schools through new school construction.

Later in the debate we will have another opportunity, through the Gorton amendment, which will be discussed later this afternoon, to free up from Federal regulation large sums of money, over $10 billion, which local communities and States can use to address teacher shortages, if indeed they have them.

I conclude by saying the effect of the amendment would be to make moot this 6-month debate.

Mr. BINGAMAN. Mr. President, I rise in support of Senator KENNEDY's amendment to the Coverdell bill, which would provide loan forgiveness to teachers in high need areas and subjects. Attracting well qualified teachers through the use of loan forgiveness is a terrific idea and one that I've introduced and supported in the context of the reauthorized Higher Education Act. Loan forgiveness for teachers ensures that teachers are not saddled by excessive debt during their first crucial years of teaching.

Just two days ago, a new report from the American Federation of Teachers on teacher salaries showed that, in part due to the low unemployment and tight labor market of recent months, teacher salaries are falling behind wages for other occupations and will make it even harder for schools to find qualified candidates.

Given all the other jobs that may be available, we as a nation have a serious problem in recruiting strong candidates for teaching. Clearly, loan forgiveness needs to be part of a comprehensive strategy to raise the quality of teachers and attract the best candidates to the classroom.

To help attract more teachers, this amendment proposes to provide up to $8,000 in loan forgiveness to teachers in high need areas or subjects, as determined by local school districts. While I strongly support the amendment and its intention, there are two issues that are worth raising. One is that the criteria for eligibility are too broad, especially given the amount of money associated with the legislation. More importantly, however, the amendment does not address the basic issue of teacher quality outlined in the findings that preface the legislation. I believe that, in order to be qualified to teach a subject area, particularly on the secondary level, a teacher should have a major in that subject or a related field.

According to a recently completed analysis of state-level student achievement data, states with more teachers holding full certification plus a major in their field do significantly better on National Assessment of Educational Progress (NAEP) reading and math examinations. Students of teachers who completed undergraduate academic majors and appropriate professional coursework achieve better than age peers whose teachers completed education majors, no matter how poor, what their ethnicity, or whether English is a second language.

For these reasons, I am glad to be working with Senator KENNEDY on efforts to raise the quality of teaching in our classrooms and reduce the financial burden on those who have entered this essential profession. If we expect higher standards from students, we need to provide them with teachers who have the documented content area preparation to help them meet those standards.

Mr. KENNEDY. Mr. President, I urge my colleagues to support this amendment to increase the nation's supply of qualified teachers. Investing in teachers is an investment in our children, an investment in the future, and an investment in America. If students in communities across the country are to be prepared to compete in the global marketplace, we must attract and retain the best and the brightest teachers.

We know that having a qualified teacher in the classroom is one of the most important influences on a child's academic success. Yet too many schools are already understaffed. During the next decade, rising student enrollments and massive teacher retirements mean that the nation will need to hire 2 million new teachers. According to the National Center for Education Statistics, between one-third and one-half of all elementary and secondary school teachers are 45 years old or older. The national average age of teachers is 43 years old. The average age of Massachusetts teachers is 46 years old—tying the District of Columbia for having the oldest teachers in the Nation.

Boston alone expects almost half of the city's teachers to retire over the next decade. In addition, Boston already has acute teacher shortages in areas such as bilingual education and high school science. At the same time, Boston's student enrollment is growing by 900 students a year.

The teacher shortage has forced school districts to hire more than 50,000 under-prepared teachers each year, and to ask certified teachers to teach outside their area of expertise. One in four new teachers does not fully meet state certification requirements.

We need to do more—much more—to assure that quality teachers are available for each and every child and classroom.

This amendment provides for the forgiveness of federal student loans as an incentive to college students to become teachers. We know that qualified young men and women can often make more money in private industry. Many of them, burdened with heavy undergraduate and graduate debts from student loans, refuse to even consider teaching as their career. Reducing the burden of their debt can be a significant incentive to encourage them to become teachers, and to agree to teach in areas where the need is greatest.

Attracting more qualified teachers to the teaching field over the next ten years will help to address teacher shortages across the country and improve student achievement. This amendment will move us closer to that goal.

The Labor Committee has recommended a similar provision as part of the Higher Education Act Amendment. But it is entirely appropriate to consider this here as part of the pending bill as well.

Our goal is to recruit 100,000 additional teachers over the next 10 years, especially in high-need subjects such as math and science.

We should be doing all we can to encourage good students to become good teachers. It is one of our highest priorities in education. I urge my colleagues to support this amendment to help us meet that goal.

Mr. COVERDELL. I yield back our time.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Massachusetts. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. BENNETT) is necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "no."

The result was announced—yeas 56, nays 41, as follows:

[Rollcall Vote No. 86 Leg.]

YEAS—56

Abraham
Allard
Ashcroft
Biden
Bond
Breaux
Brownback
Burns
Byrd
Campbell
Coats
Cochran
Collins
Coverdell
Craig
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner

NAYS—41

Akaka
Baucus
Bingaman
Boxer
Bryan
Bumpers
Chafee
Cleland
Conrad
D'Amato
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Specter
Wellstone
Wyden

NOT VOTING—3

Bennett
Inouye
Moynihan

The motion to lay on the table the amendment (No. 2289) was agreed to.

Mr. BYRD. Mr. President, I would like to briefly explain my vote on the motion to table the amendment offered by my distinguished colleague, Senator KENNEDY, to H.R. 2646, the Education Savings Act for Public and Private Schools. Despite my support for excellence in teaching and the need for more teachers—high-quality teachers—in the classrooms across America, I voted in favor of tabling the amendment.

Like many of my colleagues, I realize the importance of quality teachers in our nation's elementary and secondary schools. I started out in a modest two-room schoolhouse where I did not have high-technology equipment or much money for supplies, but what I did have were dedicated teachers who really cared about my future and my education. Today, our children and grandchildren are being taught mathematics by teachers who have no background whatsoever in the subject area—none at all! There are situations in which teachers who have been trained to teach physical science instead find themselves teaching mathematics! That is not right, and not fair to the teacher or—more importantly—to the students.

This amendment would provide a maximum of $8,000 of loan forgiveness over a five-year period to graduate students entering the teaching profession. Given the rising costs associated with a higher education, this certainly does not amount to much in the eyes of a student faced with loans totaling $50,000 or more. Nor does such an incentive help to bring in more teachers in demand subject areas, such as mathematics.

Mr. President, the issue and need is for more qualified teachers, not just more teachers. Teaching is a profession for which one must have a true passion as well as dedication and talent. As Aristotle stated so eloquently in his day,

> Teachers who educated children deserved more honour than parents who merely gave them birth; for bare life is furnished by the one, the other ensures a good life.

This amendment does not ensure that quality teachers will be brought into the classrooms. While ostensibly a targeted amendment designed to help provide better teachers for Title I schools and those schools which lack quality teachers in core subject areas, it would cover over ninety percent of all schools. Over ninety percent, Mr. President. I do not call this targeted.

While I support the amendment in principle, I believe that it is an unfocused proposal at best. The amendment relies heavily on the hope that limited student loan forgiveness will serve as incentive for graduate students to opt into a teaching profession in lieu of a higher paying job. Furthermore, it does not target the schools which are truly in need of better quality teachers, nor does it ensure that it will be quality teachers in the needed subject areas who make their way into the classrooms. For these reasons, Mr. President, I have voted to table the amendment.

The PRESIDING OFFICER. The pending business is amendment No. 2291 by the Senator from Texas to H.R. 2646. There will be 30 minutes of debate equally divided.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the vote scheduled for 2:15 today now be postponed to occur at 2:30 with all other parameters of the consent agreement in status quo. I further ask unanimous consent that following those votes, Senator MOSELEY-BRAUN be recognized to offer her amendment.

The PRESIDING OFFICER. Is there objection? Hearing none, without objection, it is so ordered.

Mr. COVERDELL. Mr. President, the pending business is the Hutchison amendment. However, the Senator from Massachusetts has a short comment to make, as does the Senator from Missouri. I believe Senator HUTCHISON has agreed to that. So they will make the appropriate motion to set the amendment aside for a moment.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Is there objection? Hearing none, without objection, it is so ordered.

Mr. KERRY. I ask unanimous consent that I be permitted to proceed for not to exceed 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I just wanted to explain with respect to my vote cast on the Coverdell amendment that I respect the notion that having a savings account is not a bad one. I want to compliment the Senator from Georgia for his efforts to create it. The problem is that the numbers I have received from CBO and elsewhere on the distribution create problems, in my judgment, in terms of fairness of that distribution.

Secondly, because of the low-income reach of some of it, there are difficulties in the takeup on the available tax benefit as to whether or not it will really reach education.

And thirdly and most important of all, I think that to address the question of trying to improve people's opportunities for schools in a vacuum, not to include it in the context of the place where 90 percent of our children are going to school, which is the public school system, is a mistake. Every time we come at it in one of these marginal efforts that, in a sense, gives people an opportunity to make a choice in one component but we do not address it with respect to the school system as a whole, we are diminishing the opportunities for that other 90 percent, which now may become 88 percent, but it is still the vast majority of America's schoolchildren.

For that reason, while I compliment the Senator in addressing the question of savings accounts and choice—which I think is a critical element of the larger reform—we ought to be doing it in the context of a broad reform. I think until we do that, these kinds of efforts can actually wind up being harmful, well-intentioned as they are.

I thank my colleague for permitting me the time to make my explanation and my vote. I yield the remainder of my time.

AMENDMENT NO. 2291

The PRESIDING OFFICER (Mr. SANTORUM). The pending question is amendment 2291 by the Senator from Texas to H.R. 2646. There will be 30 minutes of debate equally divided.

The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I wish to be notified at least 4 minutes before the end of my 15-minute allocation, with the intention of giving 2 minutes to the Senator from Georgia to argue in favor, and then I want to reserve the remainder of my time for the end of the debate following any debate opposing my amendment.

My amendment simply seeks to give the opportunity to public schools what private schools can now do, and that is offer an option of same-gender classes or schools. I seek to amend the allowable uses of title VI funds for education reform projects that provide same-gender schools and classrooms as long as comparable educational opportunities are offered for students of both sexes.

Mr. President, title VI is the place in our education code providing for reform of education to create new and innovative programs to try to improve our public education opportunities in this country.

I am offering this amendment to remove a cloud of doubt hanging over the education community about the Federal policy on whether we allow a local decision by a local public school district to operate same-gender schools and classrooms.

The amendment is very simple. It adds the establishment and operation of same-gender schools and classes to the allowable uses for funds under title VI. It is not a mandate; it is an option. The title VI program is so broad and flexible that I believe it already allows same-gender education programs. But due largely to the fear that many schools throughout our country have, believing that the Education Department's Office for Civil Rights would not allow same-gender education efforts, most States and school districts are reluctant to use their own money, much less Federal money, for these purposes. This is unfortunate.

Ask almost any student or graduate of a same-gender school, most of whom are from private and parochial schools, and they will almost always tell you that they were enriched and strengthened by the experience. Surveys and studies of students show that both boys and girls enrolled in same-gender programs tend to be more competent, more focused on their studies, and ultimately more successful in school as well as later in their careers. We are talking here about K through 12. Specifically, girls report being more willing to participate in class and to take difficult math and science classes that they otherwise would not have attempted. Boys also report less pressure of being put down by their classmates for wanting to participate in class and excel at their studies. Both sexes report feeling more of a camaraderie and sense of peer and teacher support than they do when they are in a coed environment. Teachers, too, report fewer control and discipline problems, something almost any teacher will tell you can consume a good part of class time.

Inevitably, these positive student attitudes translate into academic results. Study after study shows that girls and boys in same-gender classes, on average, are academically more successful and ambitious than their coed counterparts.

I also note that a recent well-publicized report by the American Association of University Women did not so much challenge the demonstrated benefits of same-gender schools as it called to implement these benefits into coed classrooms. That is exactly the point. For many students, the same-gender schools and classrooms is the most conducive environment for success, precisely because they are same gender. No one would dispute that schools and teachers should strive to maintain order, academic rigor, and treat boys and girls equally. The fact is that in some cases this tends to be easier in a same-gender environment.

Same-gender education has benefited students like Cyndee Couch, a seventh grader at Young Women's Leadership school in East Harlem. Cyndee and the other students at this all-girls school, located in a low-income, predominantly African American and Hispanic section of New York City, have an attendance rate of 91.8 percent—significantly above the New York City average. They also score higher on math and science exams than the city average. In fact, 90 percent of the school's students recently scored at or above the grade level on the standardized public school math problem solving test. The citywide average was only 50 percent.

Last year, Cyndee bravely appeared on the television show "60 Minutes" to talk about why she likes the all-girl public school. She told host Morley Safer, "As long as I'm in this school and I'm learning and no boys are allowed in the school, I think everything is going to be OK."

Unfortunately for Cyndee and for other students in fledgling same-gender public school programs around the country, everything is not OK. Opponents of same-gender education have sued to shut down the Young Women's Leadership school and other schools like it around the country. Mr. President, I can't imagine why they would do this. Why would they take away this option for parents in East Harlem of New York City? When they can't choose the environment that they find is more supportive and conducive to learning for their children, what are their options? Whose civil rights are being violated when parents and their children voluntarily enroll in same-gender programs in the hope that they will be able to get a better education and have a better chance at success in life? Who is harmed by that?

Mr. President, many of our Nation's public schools are failing in their jobs to adequately prepare our young people for the challenges that face them. After decades of rhetoric about who is to blame for this failure, it is time to stop talking and give more options. We need to find out what works and use it. For many students, same-gender education works. It is certainly not the only answer to our public school woes, but it is one solution that should not be left out of the equation.

We are adding to the list of choices. We are not mandating anything. In education, one-size-fits-all is simply not going to work. We have to allow our local schools to have all the choices that can best fit the individual students in their school districts.

Some opponents of same gender education may also try to claim that it violates title IX of the Civil Rights Act or the equal protection clause of the Constitution. Both of those arguments are erroneous. Title IX was passed as part of the Education Amendment of 1972. It prohibits discrimination on the basis of sex at any school receiving Federal financial assistance. Title IX was never intended to prohibit same-gender K–12 education. In fact, with regard to admissions, the language of title IX applies only to higher education institutions that were not same-gender at the time of passage of the provision and to vocational and professional institutions. An earlier version of title IX that would have prohibited same-gender admissions policies, K–12, was specifically defeated in Congress.

The language of title IX as well as subsequent judicial interpretations of title IX make it clear that the law does not prohibit same-gender schools. What, then, about same-gender classrooms located at coed schools? Are they prohibited by title IX? The answer again is no. The overriding purpose and intent of title IX is to prohibit discrimination against individuals because of their sex, not to erase any consideration of the different educational needs of boys and girls. There simply is no discrimination if comparable educational opportunities are afforded to each sex, as my amendment requires.

Indeed, title IX itself recognizes a number of gender differences in allowing separate programs for physical education, organized sports, and sex education. Even the Department of Education sees same-gender classrooms as acceptable if the school is able to come up with a sufficiently convincing argument that it is doing so to overcome some past discrimination against one sex or the other with regard to that course offering, even though no such proof of past discrimination is required by the language of title IX.

I believe the only justification that schools should need to have to institute a single-sex classroom or school is that the school and the parents believe it will provide a better educational opportunity for the parents and children who choose the option. This reflects both the language and the intent of title IX, and what we would do today with this amendment is clarify that that is the will of Congress.

Mr. President, I will yield 2 minutes to the Senator from Georgia, after which I will reserve my final 2 minutes.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I rise in support of the amendment offered by the Senator from Texas. Federal funding should not discriminate in favor of same-sex education. Currently, it does.

Same-gender schools boast years of success. Studies have shown that single-gender education worked well in the inner city. Seventh graders who had attended Malcolm X Academy in Detroit, MI—an all-boys inner-city school—had the highest math scores among 77 Detroit schools and the second highest in Michigan among 780 schools. Cornelius Riordan, a professor at Providence University, found that African American and Hispanic students in single-gender schools outperform their coed peers by nearly a grade level.

This proposal simply rights a wrong without increasing burdens on the taxpayers. Right now, neither IX nor the equal protection clause prohibits single-sex schools. This is another example of how one size does not fit all. Parents and children should have the choice of single-sex education in public schools. As I said, I support the excellent work and the amendment offered by Senator HUTCHISON of Texas.

I yield back to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I would like to reserve the balance of my time for after any opponents who might appear.

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, it is my intention to finish the use of my time. I understand there will be no one speaking against it at this time. So we will close out this debate and go to the next amendment.

Mr. President, I just want to speak to the last point, which is the concern about the equal protection clause of the 14th amendment to the Constitution. The Supreme Court recently struck down the all-male admission policy of Virginia Military Academy on the grounds that it violated equal protection for female applicants because Virginia did not meet the constitutional requirement that there be a comparable facility for women.

My amendment clearly requires that there be comparable opportunities for both sexes. Mr. President, we are meeting the constitutional test of the 14th amendment. We are meeting the constitutional test of equal protection, and we are meeting the definition of title IX, and we are adding an option to title VI.

In short, what we are trying to do is say that the parents of children who go to public schools should have the option—not any kind of mandate, but the option—in grades K through 12 to allow same-gender classes or same-gender schools to be offered in their school districts.

We believe that for some children it is proven that they can excel academically in the lower grades when they are in a same-gender environment. This has been proven with both boys and girls. Why not allow our public schoolchildren to have the same opportunities that parents could choose if they could afford to send their children to private schools? Why not say our education system is failing and the way we are going to improve it and tailor it to individual boys and girls in this country so that they can meet their full potential with the best education that they can receive is to allow more options for our public schools?

I believe these options are available now. But because it is not absolutely clear, many public schools are afraid to go forward for fear they might be sued to shut down, which is exactly what is happening to the Young Women's Leadership School in East Harlem that is showing nothing but success. Someone has come in to sue and to say that this violates the Constitution. I argue that it doesn't violate the Constitution; it is required by our Constitution to give our children in our public schools the same opportunities that a child going to private school would have. Let's improve the education system and vote for this amendment.

Thank you, Mr. President.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I ask unanimous consent that all time be yielded on the Hutchinson amendment No. 2291, and that a vote occur on or in relation to that amendment immediately following the two previously scheduled votes at 2:30. I further ask unanimous consent that no amendments be in order to amendment No. 2291 and, finally, that Senator MOSELEY-BRAUN be recognized to offer her amendment following those votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I ask unanimous consent that there be 2 minutes of debate equally divided between each of the stacked votes at 2:30 today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I now ask unanimous consent that general debate be in order to the pending legislation until the hour of 12:30 today with the time equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. HAGEL addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I rise this morning to express my strong support for the Parent and Student Savings Account Act, or PASS Act, of which I am a cosponsor. I have listened over the last few weeks to the debate on this issue. It is about things bigger than just the Coverdell bill. It is about the philosophy of education in America. I am constantly astonished that the Coverdell bill has so exercised so many of my colleagues. I question why this is such a big deal.

The Coverdell bill is part of an overall philosophy about education. Yes; our future is our children, and our children's future is education. But this Coverdell bill should be part of the national debate about where we take education into the next century—this new, bold, dynamic competitive new century. For the first time we will ask our young people to compete in a new, competitive, international world.

After all, Mr. President, what is education about? What is education really about? It is not about debating amendments on the floor of the Senate. It should not be about whose money it is, or whose money it is not, nor about bureaucracy. It should be about our young people. It should be about educating our young people so that they are prepared to compete in this brave new world—this world full of immense opportunities. But there will not be opportunities if we do not prepare our young people to negotiate this new world.

Education is about something else. It is not just about science and math, and reading and writing—yes, that is important—and economics, history, and geography. It is also about developing young people so that we are producing happy, productive citizens—happy, productive citizens so that they, too, might contribute to our society and to our culture. But ignorance is the great enemy to productivity and to secure, happy lives. It is all connected. It is all connected.

If in fact you believe, as I do, that the Federal Government does not belong in education—in fact, if we will roll this back 200 years, you show me in the Constitution of the United States, or show me anywhere, where the Federal Government has the responsibility to educate our young people. It does not. It can't. We are overloading our circuits. We are overloading our system. We are asking the Government to do things that Government can't possibly do. Therefore, as we have done over the last 30 years, there has been a breakdown in confidence in our country and in government at every level, but especially Government at the Federal level.

What do we do about it? Let's step back for a moment and pause and be unemotional and sort this out. We sort it out this way. Who has the most to win or lose when it comes to education of our young people? Of course, the parents are the ones who care the most, and who should care the most. The parents are the connecting rod for our children in every facet and every aspect of our children's lives. Who also cares about our students and about their education? Teachers. Revelation—teachers—parents and teachers.

So we have a good combination going on here—not the Government, not the Federal Government, not the Department of Education, not the President, not Senator HAGEL nor Senator COVERDELL. Education belongs at the local level because that is where the issue is. This is not about books and textbooks, numbers, frogs, dissecting, and biology class. It is about people. It is about young people. It is about their lives. It is about the strains and stresses of young people. We have all been through it.

What is wrong with examining in some detail, as we are doing, the Coverdell bill? What is wrong with actually allowing parents to put aside after-tax income? By the way, after-tax income is not costing the public schools a dime. It is not costing the public schools a dime. We are allowing the parents who have the most to win or lose by the education of their children an opportunity to take their own money that they work for after they have paid their taxes and put it into a savings account. It is the same thing that we did last year. My goodness, President Clinton had a Rose Garden ceremony. He took great credit for allowing our parents to have education savings accounts to educate our children after they are out of high school.

All this does is allow the same parents to set aside money to help educate their children in K through 12. That is all we are doing here. We are not really breaking any new ground. What is so wrong with that? What is wrong with that concept? This Senator from the State of Nebraska doesn't think there is anything wrong with it. As a matter of fact, we need more of that. We need more. We need less government influence and more local parent-teacher influence in education.

So much misinformation has been spread around on this issue. We should set the record straight. As I said, this does not inhibit, damage, nor affect public schools adversely at all. As a matter of fact, it helps public schools because the parents who set up the savings account can draw from that savings account to help their students and their children if they are in public school just as if they are in private school. Those moneys can be used for transportation, tutors, equipment, supplies, tuition—anything that helps the student learn. After all, Mr. President, isn't that what this debate should be about? It shouldn't be about defending turf. It shouldn't be about, "Gee, I do not want to give that program up." It should be allowing the parents to have as much direct influence and responsibility, as well as teachers, as well as the local school board, the city, the county and State, in how our young people are educated.

That is what this debate is about. As we work our way through this Coverdell bill, expanding on what we already did last year in setting up education savings accounts, it should be a national debate, and it should reside in the arena of a philosophy about education.

I would also point out that in the more than 200-year history of this country, there is one point that has been unmistakably clear. And I go back to an earlier point I made. Governments do not change behavior. Young people are formed from the inside out. Young people are not formed from the outside in. Young people are formed from their parents, their religious mentors, their religion, their teachers, their coaches, and private voluntary organizations like Girl Scouts and Boy Scouts.

That is how young people are taught. That is how they develop standards. That is how they develop expectations and understand values. That is what this debate is about. I hope we can focus on what is really important here, and that is helping our parents and our teachers help our students learn, to prepare them for a hopeful, happy, productive educated life. Only then can this great Nation not only survive but be dominant well into the next century, a nation which has produced so much good not only in this country but in the world.

Think of what this country through freedom of expression, individual liberty, and our educational system has done for the world. That is our charge in this body. That is our responsibility—to assure that the next generations not only have the same opportunities but better opportunities and are better prepared than we were. The Coverdell bill is one way to help us get there.

I thank the Chair. I yield the floor.

Mr. COVERDELL. Mr. President, how much time is remaining on each side?

The PRESIDING OFFICER. The Senator from Georgia has 23 minutes under his control and 32 minutes on the other side.

Mr. COVERDELL. Mr. President, I thank the Senator from Nebraska for his passion on behalf of reform, breaking the status quo, not only on this but so many issues. I very much appreciate the comments that were made in the name of changing this system so that we can start turning around this horrible data we are receiving from our kindergarten through high school classes. We cannot prepare for the new century in this vein. Change has to occur. I appreciate very much the comments made by the Senator from Nebraska.

Mr. President, I suggest the absence of a quorum and ask that the time be equally divided.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. KENNEDY. Mr. President, I urge the Senate to oppose the anti-education Republican tax bill. Improving education can and must be a top priority for Congress and the Nation, but this Republican bill flunks the test. They call it the A+ bill, but it is anti-education and deserves an F. This Republican bill and its proposed Republican amendments are bad tax policy and bad education policy, and it clearly deserves the veto that President Clinton has pledged to give it.

It is the Nation's public schools that need help. So what do our Republican friends do? They propose legislation to aid private schools. That makes no sense at all. Our goal is to strengthen public schools, not abandon them. Our goal is to help all children get a good education, not just the ones with wealthy parents. It is clear that our Republican friends are no friends of public schools. They have an anti-education agenda. They want tax breaks for the wealthy who send their children to private schools.

The underlying bill uses tax breaks to subsidize parents to send their children to private schools, and it is a serious mistake. It diverts scarce resources away from public schools that have the greatest need. The regressive Republican tax bill does nothing to improve public schools—it does nothing to improve public schools. It does nothing to address the serious need of public schools to build new facilities and repair the existing crumbling facilities.

This afternoon, we will have the excellent amendment of the Senator from Illinois, CAROL MOSELEY-BRAUN, who has really been the leader in this body and in the country in recognizing the challenges that so many of our schools are facing. They are old and crumbling, and we need to modernize them.

It is a powerful amendment because the amendment says we are prepared to put resources to reconstruct our schools, but it also has a subliminal message, and that is that we want our children to go into the best facilities. If we say to the young people of this Nation that education is a priority, and day after day they go to dilapidated schools or schools that have leaky ceilings or the windows are broken or they have inadequate facilities, we are sending a message to children that they are not a priority in this country and that education is not a priority.

When we ask our children to spend the time to do the hard and difficult work to master subject matters, they have to really wonder whether the message that is coming from an older generation has much merit. That is why the amendment of Senator CAROL MOSELEY-BRAUN is so important and why I think all of us are very hopeful that we can attain the objectives of that amendment and see that amendment approved.

I know she will have an opportunity to go into very considerable detail about the General Accounting Office study of the schools across the Nation. It estimates that $110 billion is needed to invest in our schools in order to bring them up to satisfactory condition. Her amendment is much more modest, but it is an important amendment, and it is one that deserves the support of all of us who are interested in making sure that at least the physical facilities are going to be first rate for the future generations of children. It just makes common sense.

In many of our communities, particularly older communities, whether it is in urban areas or rural communities, they just don't have the wherewithal to do that. But the amendment of the Senator from Illinois, CAROL MOSELEY-BRAUN, provides some help and assistance in providing interest-free loans to those communities so that they can themselves make the judgment, make the determination, but they will get some help and assistance in terms of borrowing those funds interest free.

It makes a great deal of sense. I think we will have an alternative and an opportunity to say whether that amendment is really where we want to go or, on the other hand, if we want to continue with the Republican proposal that will provide just some tax benefits for a certain group of Americans who are going to use those tax benefits to benefit children attending the private schools. That is going to be a very, very important debate and one where I hope our colleagues will find compelling reasons to support that amendment.

Second, Mr. President, the underlying Coverdell proposal does nothing to reduce the class size in our schools. I don't know how many more hearings we have to have in our education committee and how many other examinations of what is happening in a number of different States—in Kentucky and in many other communities across this country—to understand that when you have too many children in the class—you may have teachers who are able to handle it and do it very well, and we take our hats off to them—but when you are talking about having classes with 30 students, 25 students, 20 students, you are talking about an enormous demand on the teacher and also inappropriate lack of attention for the students. We will also have an opportunity to vote on that later in the course of this debate. That can make a major difference in helping and assisting local communities in having reduced class sizes. That, I think, is a higher priority than, again, providing the tax benefits for those who want to use those for private schools.

This underlying proposal does nothing to provide qualified teachers in more classrooms across the Nation. We had an opportunity to address that briefly in our debate earlier today. It was turned down. I welcome the fact that we had 41 Senators who supported our proposal that said, if we are going to spend $1.6 billion in education, let us make the decision that we want to invest it in more teachers for the 4 million additional children who are going to be attending our public school system, to help meet the gap, which we recognize is 2 million teachers that we are going to need for our public schools over the next 10 years; let us at least have 100,000 new, well-qualified teachers to teach in those schools. That is a preferable way of spending $1.6 billion rather than, again, spending this as a tax break, as a new entitlement—a new entitlement program—that is going to benefit, again, those who send their children to private schools.

It does nothing in this underlying amendment to help children reach high academic standards. I don't, again, know how many hours of hearings we have to have to say that children respond best when they are challenged. Most of us as human beings do. Our Nation does. It always has at a time of its greatest need. We should challenge children to raise the bar, rather than teaching down to them. We should create higher academic standards. We ought to be doing that.

There is nothing in this legislation that will do anything like that for the public schools in this country. It does nothing to provide afterschool activities to keep kids off the street, away from drugs, and out of trouble. We know the value of afterschool programs.

We have some 5 million children in our country who this afternoon at 2 or 2:30 will go home to empty houses. They will be told by their parents, "Look, maybe have a little snack, and if you have to watch television, watch television on X station; try and get your homework done." But we know what happens in those circumstances. Too many of those children who are left alone, unsupervised, more often than not will find that the temptations of getting into trouble are increased dramatically.

This is not just a diversion from education, but it also has an important impact in terms of crime in our local communities.

A city that has made about as much progress as any city in this country is my city of Boston. It has gone 2 years and 4 months without a single youth homicide. And if you ask Paul Evans, who is the commissioner of the police department in Boston, MA, he will say, yes, dealing in an appropriate way with gangs, that is No. 1. No. 2, tracing various weapons that are used in gangs. But No. 3, afterschool programs. Afterschool programs keep kids out of trouble. That is very, very important.

Is there anything with the $1.6 billion that is being recommended on the floor of the U.S. Senate to try to develop programs that we know are tried and tested, that will provide an incentive for children to go to various community centers, to work with volunteers? The number of young people who are volunteering is increasing every single day to help children with their homework so that when they do go home and they see their parents, who have been working hard all day, they will have quality time with their parents rather than hearing from their parents, "Well, you ought to go upstairs and make sure you get your homework done." This is enormously important, and it is recognized by educators and those who are concerned about law enforcement across this country. There isn't a nickel in this program—not a nickel in this program—to try to address that particular issue.

So, Mr. President, we know where these benefits are going to go. They are going to go to the individuals who are going to invest those benefits in the private schools rather than investing in our public schools.

The challenge is clear. We must do all we can to improve teaching and learning for all of the students across the country. We must continue to support efforts to raise academic standards. We must test students early so we know where they need help in time to make that help effective. We must provide better training for current and new teachers so they are well-prepared to teach to higher standards.

We must reduce class size to help students obtain the individual attention they need. We must provide afterschool programs to make constructive alternatives available to students. We must provide greater resources to modernize and expand the Nation's school buildings to meet the urgent needs of schools for up-to-date facilities. We cannot stand by and let regressive tax policy pass to help private schools at the expense of the public schools.

In those items that I have just mentioned, every superintendent of schools, every schoolteacher, every department of education across this country would agree with those essential parts of a sound education program to help and assist the public schools in this country. Where in that list do we find "Let's have tax breaks. Let's have the creation of a new entitlement. Let's create a new entitlement that is basically going to be used in order to support the private schools in this country"? It makes no sense.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. I yield myself 2 more minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. KENNEDY. We cannot stand by and let this regressive tax policy pass to help private schools at the expense of public schools. Parents across the country want real solutions, not token gestures in the name of education. We should not waste $1.5 billion of public tax dollars on a do-nothing tax break program. So I hope my colleagues will join us in opposing this bill. We should do all we can to help the public schools and not abandon them.

Finally, I just want to say that we will be under the close timeframe this afternoon, but I want to just add my strong support again to Senator MOSELEY-BRAUN's substitute for the Coverdell bill. It is well-designed to help communities across the country to modernize, repair, and expand their school facilities.

Schools across the Nation face the serious problem of overcrowding. Antiquated facilities are suffering from physical decay and are not equipped to handle the needs of modern education. Across the country, 14 million children, in a third of the Nation's schools, are learning in substandard buildings. Half the schools have at least one unsatisfactory environmental condition. It would take over $100 billion just to repair the existing facilities.

It is difficult enough to teach or learn in dilapidated classrooms but now, because of escalating enrollments, classrooms are increasingly overcrowded. The Nation will need 6,000 new schools in the next few years just to maintain the current class size given the expansion of the number of children who will be going to our schools.

Democrats have made this a top priority to see that America has the best education system in the world. Providing safe and adequate school facilities is an important step towards meeting that goal.

So, Mr. President, I hope that our Members will go and support the excellent amendment of the Senator from Illinois this afternoon and that it will be successful. It is far preferable to just providing a tax break for individuals who are going to use that to support the private schools.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio has 15 minutes remaining.

Mr. GLENN. Thank you, Mr. President.

AMENDMENT NO. 2017

Mr. GLENN. Mr. President, I offered an amendment yesterday to the COVERDELL educational IRA bill. The amendment I propose will simply delete the K-12—kindergarten through grade 12—expenses as an authorized deduction for education IRAs. The amendment will keep the increase in the annual allowable contribution from the current $500 to the maximum $2,000 a year. I think that is fine, that is good.

But deleting K-12 and increasing the allowable contribution returns education IRAs to their original purpose of providing incentive savings incentives for higher education purposes. That is what the Federal Government has basically taken responsibility for through all the many years that we have been around here.

We should be looking at this whole bill for what it is. It is tax support for private school education. I believe it is bad education policy. I believe it is bad tax policy. I also think it is probably going to pass. If it does, I think the President is going to veto it. He has indicated that that is his intention.

If we look back to the days of our forefathers when people were coming to this country, they came here to have the opportunity for education. They were used to only the rich or—kids from the castle—being able to have formal education.

There were basically two kinds of people. There were the educated and the uneducated. And that is another way of saying there were the wealthy and the poor. That is what education was all about. It was to enable everybody to move up, to have a chance, to use their God-given talents and capabilities and their own desires to move ahead, to make a better life for themselves. And in this country, in the United States, we knew that if a democracy was to succeed—we did not want to return to serfdom, and rule by a few, and wealth for just a few—education was key to making a democracy succeed. It was not a choice in our democracy, it was a must, or our country was doomed.

And the freedom to be educated, that most important freedom to be educated, spread to communities and States. And they all formed and supported public schools for all—for all—of our people. And that is the important thing we are addressing here today—education for all of our people. It was a requirement that we have minimum education.

This is my 24th year as a U.S. Senator representing the people of Ohio. And in that time, I have seen many attempts to divert Federal funds from public to private education. The approaches to accomplish this goal have been many. We had tuition tax credits; we had the voucher system; school choice; now educational IRAs for elementary and secondary education.

The Coverdell IRA, I believe, is a backdoor voucher that will do nothing to improve public schools for our public schoolchildren. That is the responsibility of Government. If other people want to take money, for whatever reason, whether it is religious or whether they just want a different school for their kids, whether they want all boys or all girls schools—that was a choice we did not deny. We did not say that we are going to Federally subsidize that kind of educational choice. And we should not be trying to do it now.

The educational expenses that the Coverdell bill provides would include tuition and fees at public, private, and religious schools. The bill does not target needy families. And I believe here is one of the biggest reasons against what is being proposed here with the bill.

Mr. COVERDELL. Mr. President, I wonder if the Senator would yield for just one moment on an administrative matter.

Mr. GLENN. Yes, without losing my right to the floor.

Mr. COVERDELL. We have concluded that following your remarks we would use the balance of the remaining time as in morning business. Both sides agreed to that. I just wanted to make it clear, because I will be leaving the floor. I ask unanimous consent for that.

Mr. GLENN. Fine.

The PRESIDING OFFICER. Is there objection to the request to proceed to morning business after the Senator from Ohio completes his remarks?

Mr. GLENN. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, the point I was going to make is this: Families in the top 20 percent of income distribution, would receive 70 percent of the benefit of this bill—70 percent.

The Joint Committee on Taxation estimates that more than half the savings would go to families whose children would attend private schools anyway. So 70 percent of the money, 70 percent of the benefit, is going to go to those who already are fully capable of sending their kids to private schools. So the bill subsidizes the savings and spending patterns that already exist.

I do not think we should be heading back toward a bill that sends us back to the place where our forefathers started in Europe: where education is going to be best for the wealthy, where education is for those who have political connections, where education is available for the kids from the castle. That is not the way this country developed. Our country went ahead because we had programs that made education available for every single young person in this country—every single person. And that is what we should still be shooting for today.

Cleveland, OH, has one of only two voucher programs in the country. The other is in Milwaukee. In Ohio, this program permits State funds to be used to send low-income children to private schools. It is the only program that allows the children to attend religious schools, parochial schools, with taxpayer funds. It is being challenged now before the Ohio State Supreme Court on that basis. It is funded at $12.5 million over 2 years. It is just finishing its second year right now, and results have been very spotty.

As a matter of fact, there are other problems that have developed also. How about paying for taxicabs for the kids? They found out that the yellow schoolbuses that the school system depends on were not adequate to furnish the transportation for the young people that were going to be taking advantage of the voucher program. That wasn't foreseen. So student taxi rides account for more than half of the $4.8 million deficit in Cleveland's 2-year-old school voucher program. It shows how an unintended consequence can take over in some instances. The voucher program had to turn to taxi firms and provide payments to parents in lieu of transportation services. That is half the funding.

There is no strong evidence at the end of the second year of the program that the voucher program increases student achievement. We need to have a better understanding of what makes a school successful before we institute a program that benefits a comparatively few young people and takes money out of the public school system. That should be our major concern—our desire to have a good public school system.

Strengthening public education in this country is something we have to do. It is necessary if we are going to be competitive in the economic future of this country. Only by making high-quality education available to all American children —not a favored few, but all American children—will we help develop the skills they need to find meaningful high-wage jobs, while developing a capable and productive work force that is essential, literally essential, to the economic future of this country in this new worldwide economic environment in which we live.

Education reform is one of the top issues before the country now. It is talked about all over, in magazine articles, and is on the cover of magazines. One that I read last night talked about the education problem. That is why I continue to oppose attempts to encourage the use of Federal funds for nonpublic education, whether in the form of tuition tax credits or vouchers or school choice. I believe including K through 12 in educational IRAs is the first step toward establishing a permanent voucher system. It just bleeds off necessary money from the public schools.

We have a public school system of education in this country that is available to all children. If this educational system is not producing the high level of achievement this Nation now needs, we can't abandon them, we can't say we will just take less money and put it in the public school system. We can't abandon them. That is why I support the school construction amendment initiatives that will help reduce classroom size and directly benefit all our Nation's public schools by ensuring that all children attend safe and modern public schools. Senator KENNEDY mentioned that a moment ago, and I agree with his remarks on that.

I believe everyone should be saving for their children's education, but the difference between elementary and secondary education and higher education is important. Every child in this country is entitled to a free, appropriate, tuition-free education in every State. We have State laws in every State in our Union that require that. Higher education, going on to the college and university level, however, is optional and is tuition-based. It is hard for parents to save for college. I believe it is appropriate to provide incentives to help them do so. I have supported the prepaid tuition plans in the State of Ohio as a way that students can be assured of a quality education at one of Ohio's State universities or at one of their colleges there.

The amendment which I am offering returns the educational IRA back to its original purpose—higher education expenses only. The only change I make is to keep the increase that is proposed in the contribution limit for education IRAs from $500 to $2,000. I think that is fine. This increase in the contribution will enable parents to save more per year for higher education. I urge my colleagues to join me in supporting this amendment.

We have a lot of problems in this country. The old property tax that has been around for a long time is no longer adequate to do the job. It may have been OK back in the days of Jefferson and Washington when we didn't have NASDAQ, the American Stock Exchange and the New York Stock Exchange, mutual funds and so on. Most of the wealth at that time was in property, so a property tax was very appropriate to support the schools. Particularly over the last four or five decades we have now developed into being a service economy where two-thirds of our wealth, two-thirds of our national income, comes from the service industry. So the old property tax is no longer adequate to do our schools. We have to get away from that.

Proposition 13 in California we are familiar with, did, in my view, wreck one of the finest education systems in the country. They are having a lot of problems that everybody else has around the country these days.

We are the only industrialized nation in the world that does not have a national education system. I am not here today to say we should go to a national education system. That would probably get me run down the front steps of the Capitol pretty fast. But we have to do more from the Federal level. We are only a tiny part of our K through 12 education. I think it is just around 5 percent now. Most of that is in school lunch programs and things like that and not directly on educational matters.

Our system in this country, as Lester Thurow pointed out in his last couple of books, our system is basically run by 15,000 independent school boards all saying, "We won't raise your taxes," and then they get together and decide what they will do in the local school districts. They get elected on "we won't raise your taxes," "We aren't going to vote on any other taxes; we will not raise your property taxes," so we at the Federal level are increasingly up against this as to what we should be doing.

What we see is we are becoming gradually less competitive in a worldwide environment. We can't let that happen. The answer is not, as in this Coverdell bill, to say we will siphon money off from the public school system and give it over to the private school system in the form of vouchers or IRAs or whatever, take it out and put it over there, away from the public school system and support them less instead of more. That doesn't solve our problems in this country. So we do have some other problems. We have to address those, but not this way and not with this particular piece of legislation.

I noted this morning in looking at the Los Angeles Times their lead editorial today was entitled "Don't Drain Public Schools." I ask unanimous consent to have this printed at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

(See Exhibit 1.)

Mr. GLENN. "Don't Drain Public schools." That is exactly what we are talking about. We will drain public schools to the benefit of private schools, and 70 percent of the money will go to people already capable of providing, to the top 20 percent of the people already capable of providing for private schools for their kids if they want it.

The insert in this article, and I will not read the complete article, the insert says, "Washington should help address the education deficits in the Nation's public schools, but shifting even a small amount of tax money to private schools is not the answer, at least not yet." That about summarizes everything that I want to make a point of this morning.

I think there is a vote on my amendment at 2:15 after our respective party caucuses. I hope people can think long and hard about this. I see this as a first step down a long slippery slope toward less and less support for our public school system, that which serves all America, that which enables people at the lowest level of economic advantage in this country to get opportunity through education and their own hard work to be a contributing member of society and make as much of a success of their lives as anybody else.

I reserve the remainder of my time.

EXHIBIT 1

[From the Los Angeles Times Editorials, Apr. 21, 1998]

DON'T DRAIN PUBLIC SCHOOLS

The White House and the Republican majority in Congress both talk about how much they want to improve education in the United States. But they have very different plans for doing it. President Clinton speaks of more teachers, more schools, more special programs and higher standards. Republicans would rather offer a small monetary reward to every parent who saves for educational expenses, including tuition for non-public elementary or high schools. The White House opposes this modest tax break because it would allow the use of federal funds to subsidize private and parochial schools. On this issue, Clinton is right.

Improving public education has become a top political priority from the District of Columbia, where public schools are in dismal shape, to Los Angeles, with its overwhelmed system and awful test scores. Washington should help address the yawning educational deficits in the nation's public schools, but shifting even a small amount of tax money to private schools is not the answer—at least not yet.

Clinton isn't personally against private schools; his daughter graduated from one last year. But rather than encourage an exodus from public schools at the expense of the taxpayer, he says he wants to fix the public schools to serve all children, including those whose parents cannot afford private or parochial schools with or without a new education savings account.

Fixing the schools is a tall order, as residents of Los Angeles know all too well, and parents can never be blamed for wanting the best for their children. But most educators and employers would agree that the White House is right.

The House of Representatives has approved a GOP bill that would create education savings accounts that work like individual retirement accounts for parents of students in kindergarten through 12th grade. Parents would be allowed to save as much as $2,000 a year in a special account. The interest would accrue tax-free, so long as the money was withdrawn only for education purposes, including books, computers, tutoring and, foremost, tuition. The Senate is expected to take up its version of the bill this week.

Though schools are traditionally a local responsibility, Washington has been increasingly willing to help. That help should be expanded, but care must be taken to avoid undermining public education. America's great economic engine was built on public schools that took all comers—poor, working-class, middle-class and beyond—and that same mix remains essential for a healthy educational system.

Tax savings under the bill would, according to an analysis by the Joint Tax Commission, average a paltry $7 to $37 a year per family. But the principle is big.

This national private-versus-public debate boils down to a difference of priorities. Clinton's ambitious wish list, unveiled during his State of the Union address, calls for spending $12 billion over seven years to pay for 100,000 new teachers, reducing class size to 18 students in the primary grades and creating 50 "education opportunity zones," patterned after urban enterprise zones, in high-poverty areas, plus funding to help build new schools. Republicans favor initiatives that would allow more parents to remove their children from public schools.

Neither side can expect to prevail while a Democrat sits in the White House and Republicans control Congress, but irreconcilable differences should not be allowed to lead to gridlock. Both sides agree that something needs to be done about public education.

Public schools, especially in cities, are in trouble. But there are promising reforms being tried, from a radical public school choice program in Seattle to a mayoral takeover in Chicago to L.A.'s focus on the 100 worst-performing schools. Playing on the frustration of parents in a way that undermines the whole system is not the cure.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, I felt compelled, while I was in the chair in the last hour, to comment on the statements of the Senator from Massachusetts and the Senator from Ohio. I found it quite remarkable, sitting and listening to what was laid out, I think, somewhat factually about the problems we have in education, that the educational system is not meeting the needs of our country in providing good citizens, the education necessary to be good citizens, and the education necessary to perform needed functions in our economy.

The response to the problem in education from the Senator who spoke, and from others who oppose this bill, is two things. I hear two things. One, we need more bricks and mortar. If we had better looking schools and more nicely appointed schools, or even better equipment, somehow the problem would go away. On top of that, we need more teachers. So if we just did more of the same, only did it better, with nicer buildings and more people, things would improve.

I am not too sure that most Americans who are interfacing with the school systems in this country right now would accept that as the reasonable course, that what we need is just a few more teachers in the schools and better looking buildings. I have been to a lot of schools. I have been to about 120 public school districts in my State. I go to schools all the time. I spend a great deal of my time as I travel the State talking in the public schools. I have been to a few private schools, too. By and large, I would say that the public schools I went to were in much better condition than the parochial schools and private schools I went to. No comparison. Much better equipment, much more state-of-the-art, much better teacher ratios than the parochial schools I went to. So if the problem in the public schools was better buildings and more teachers, then the results that I would get in going to a public school in inner-city Pittsburgh, and one that is a parochial school, should be dramatically different based on this criterion that more teachers and nicer buildings make good school districts and educate children.

In fact, the results are just the opposite. It is not bricks and mortar. It is not numbers of teachers. It is structure, it is discipline, it is order, and it is caring and concern, it is love, it is involvement—all of those intangible things that have to do with families and people who are committed to educating children. So what those of us on our side believe is the answer is not to pump more money into bricks and mortar and existing structures, but to pump more money into the people who make a real difference in children's lives, and that is families—families, who can help their children by assisting them with some resources, help them in their public or private or parochial education. That is just a fundamental difference as to what we believe works in education.

I don't think that continuing to throw money at the system would work. This is truly remarkable. You would think this bill took money from the public schools. For the record, there is nothing in this bill that takes one dollar out of the Federal commitment to education. In fact, there is more money in this bill, but you would not know that. I have been here for the last hour and 15 minutes, and you would not know that by listening to the other side. You would think that this were stripping money out of Federal support for education in the public schools. That is not true. Not one penny. In fact, more money for school construction is in this bill. So there is not one dollar being taken away, not one dollar being diverted away. This is in fact "new Federal support" for education.

Where is it going? It is going to families. This is sort of funny. I almost feel bad saying, "Where is it going?" "To families." We are letting it stay there; we are just going to be benevolent enough to let them keep it if they do with it what we want them to do, which is to help support their children in education. It is saying that if you do what we want you to do with that money, we will let you keep it.

It is very nice of us to do this, isn't it? It is sort of nice to come around and say we will let you keep the money if you do what we tell you. What the other side wants to do is say, "No, we are not going to even let you have the choice to take that money. Excuse me, we are going to give it over here to build more schools and give it to more teachers." They say that is the problem, that we don't have nice schools and we don't have enough teachers.

Again, I don't think too many people really believe that. What we want to do is get at the heart of the problem, which is to give parents the opportunity to educate their children, not to give schools more money.

There is another remarkable thing here. When I say not to give schools more money, what we are talking about here with these A+ accounts is $100 million a year. You would think we were talking about huge amounts of money vis-a-vis what we spend on public education. We spend roughly one-quarter of a trillion dollars on public education per year. The Senator from Georgia told me that. This bill is $100 million per year. This is hardly a division plowing into the main line of the educational establishment; this is a sniper, at best, saying, "Look, we are here." This is a very moderate, very modest proposal, to say: Let's allow families to have some choices here. We do a great job.

This is another astounding thing. The amendment of the Senator from Ohio says that we should not allow this money to be used for K–12, let it be used for postsecondary education. I travel around the State of Pennsylvania a lot and around the country a little bit. I hear a lot of people complaining to me about the quality of K–12 education and the problems in primary and secondary education. I hear a lot of complaints about higher education, but it is not about quality. It is not about quality. It is somewhat about access and about costs, yes. But I think we are the envy of the world when it comes to colleges and universities and technical schools after primary and secondary school.

Yet, what do we want to do? We want to put more money where there isn't a problem as far as quality and producing good products, and not put it into the area where people think the biggest problem exists. Now, I am telling you, if I were running a company and I had two divisions, one that was doing well producing good product and the other that was not, and someone came forth and said they thought we could change the system by which we produce this product, look at a different approach, because we have been trying this old approach now for decades and it just isn't keeping up with the requirements of the new age that is out there, as far as the need for education, this product isn't keeping up with standards and we need to look at how to change it, some folks might come forward and say, "See these old machines here. We need to put more bells and whistles on to make them look nicer. We don't need to change the structure or how it works, it just needs to be run better and we need more people running it." That is what their answer is.

Some of us are saying, as well, that maybe we should try other machines or look to change this machine so it doesn't function a little differently than it has done in the past. We want to put some money in to do that. This board of directors is saying, "Oh, no, no. Leave this system just the way it is. Clean it up a little bit, put a few more operators on the machine, and put the money over here where we have the good product. Don't fix the old product."

I don't think that makes sense to most Americans. It certainly does not make sense to me. So what we are trying to do here in a very modest way is to say the future of education is going to be just like the future in everything we do, as we become more and more decentralized as an economy and as a country, with people demanding and expecting more choices and more freedom and needing it to be flexible enough to deal with the changing economy and the changing world. Instead of setting up institutions and structures that may or may not—in most cases, they will not—meet the changing needs of our economy and our educational needs, to invest that money into the flexible family, if you will, into the family that in my community in Penn Hills, PA, maybe have very different needs as to what their child needs to be educated for, given the capability of the child, given what the economy is in the area, given what skills are necessary in the region, whatever it is, than someone in Birmingham, AL, who may have a very different set of skills needed, a very different community, very different needs, but allow that family to make that decision, give them the resources if they want to send the child to the public school and use that money to buy some software, or to buy a computer, or to buy other kinds of teaching aids, or to buy tutorial services, whatever it is, give them the flexibility to meet the needs of their child instead of putting more bricks in a school.

It is just common sense. It makes sense. It is so obvious on its face that, if we are going to do anything to allow the family and the individual student to have the flexibility to deal with this changing environment in education and our economy, it is the only direction we can take rather than put money into the old machine to just make it look nice and put more operators pulling the gadgets. I mean, it is just inconceivable that anybody thinks that is the answer to this dynamic educational marketplace that we have. We have a great opportunity here to show that we get it—that we in our hallowed Halls can walk outside and go into a community school to see what makes the difference in education is not nice buildings or small classrooms. Those are nice things. But it is committed families, committed teachers, and it is community involvement—someone going to a school where they can take part of something that is good for them, they can contribute to their well-being. That can only be done through families and giving them the resources to maximize their own children's future.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 2:15 p.m.

There being no objection, the Senate, at 12:23 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

The PRESIDING OFFICER. The Presiding Officer, in his capacity as a Senator from Indiana, notes the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FAIRCLOTH. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONDOLENCES OF THE SENATE ON THE DEATH OF FORMER SENATOR TERRY SANFORD

Mr. FAIRCLOTH. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 211, which I submitted earlier and is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 211) expressing the condolences of the Senate on the death of the Honorable Terry Sanford, former United States Senator from North Carolina.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. FAIRCLOTH. Mr. President, I note that all 100 Senators have joined me as cosponsors of this resolution.

This resolution is to honor a truly great American and a great North Carolinian, former Senator Terry Sanford, a man I knew since I was about 18, 19 years old. In fact, I joined him in managing the campaign for a candidate for Governor, a man named Kerr Scott, and with that election we changed the direction of politics in North Carolina.

We had a long friendship. As I say, it began with that campaign, and we went through many political campaigns together. He had a remarkable life. He managed two or three senatorial campaigns on which I had the pleasure of working with him.

Prior to that, Terry Sanford graduated from the University of North Carolina in the late thirties. During World War II, he was an FBI agent in the early part of the war, in the very beginning, but being an FBI agent was not exciting enough for Terry Sanford. He chose to join the 82nd Airborne and became an officer and a paratrooper. He was involved in five different battles during World War II, and he won the Bronze Star and the Purple Heart.

Terry Sanford was always a paratrooper. He was ready to go for it. He was ready to jump into the middle of whatever might be happening.

As I mentioned earlier, he managed and ran some political campaigns, but he was also a State legislator and took great interest when he was a State legislator in developing the Port of Wilmington, NC, and established the ports authority for North Carolina.

He ran for Governor and won. He was Governor from 1961 through 1965, and never did a man have greater vision for a State than Terry Sanford had for our State. He was a leader in education, but not just education in the sense of teaching young people to read and write and the fundamentals of education. He certainly did that and promoted that. But far more, he promoted a school of excellence for those children who were far more gifted. Then he established a school of the arts, which now exists in Winston-Salem, NC, and is one of the foremost training and teaching institutions in the country for young people who are entering the arts from dancing to moviemaking. This school is there because of him.

Although he did not technically start the community college system, he did more than any Governor we have had since or before to promote the community college system in North Carolina with 59 campuses. He really brought it to fruition.

Again, although he did not start, technically, the Research Triangle Park, he and his administration were deeply involved in bringing it about and setting it on the path it has taken.

I mentioned he was a lawyer for many, many years and started a couple of very prestigious law firms. After his tenure as Governor, he became president of Duke University and served there for some 15 years. It was a great school, a great university when he went there, but the changes, the improvements, the expenditures, the endowment, the doubling of the medical center all transpired and took place under the leadership of Terry Sanford as president of Duke. It became an internationally recognized university under his tenure.

He came to the U.S. Senate and left an admirable record here with many initiatives that he sought and worked toward. One of them is something we are still working on today, and that is to ensure the future and fiscal stability of Social Security.

Senator Sanford was married to Margaret Rose, his wife of 55 years. They had two children, Terry, Jr., and a daughter Betsy.

North Carolina and the Nation are better places today for all of us to live in because of men like Terry Sanford and because of Terry Sanford and his vision and tenacity to carry it forward. The country will miss him, the State will miss him and I will miss him as a friend.

Mr. President, I believe I said this, but I will note that all 100 Senators have joined me in cosponsoring this resolution.

Are there any other Senators wishing to speak?

Mr. KENNEDY. Will the Senator yield?

Mr. FAIRCLOTH. I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I join in expressing my sadness over the death of our former colleague, Senator Terry Sanford, and I commend the Senator from North Carolina for his eloquent statement. Senator Sanford was an extraordinary leader of many talents. He was an outstanding Member of this body, an outstanding educator, and an outstanding Governor of North Carolina.

Many of us had the privilege of serving with him in the Senate and of knowing him personally. We admired his great ability, his unusual eloquence, and his abiding commitment to the people of North Carolina and the nation.

In a sense, I inherited Terry Sanford from President Kennedy. He was one of the first Southern leaders to endorse my brother for President in the 1960 campaign. My brother had visited North Carolina as a Senator, and had been very impressed by Terry Sanford. I know the very high regard that my brother had for him as a voice of the New South, as a champion of education, and as a leader who understood the importance of bringing people together.

In July 1960, at a critical moment leading up to the Democratic Convention in Los Angeles, Terry Sanford endorsed my brother and then seconded my brother's nomination for President. It made an enormous difference. In a very real sense, Governor Sanford helped to lay the foundation for my brother's New Frontier.

Later, after serving with great distinction as Governor, Terry Sanford became a President himself—of Duke University, where he served for 16 years, and won world-wide renown as one of the pre-eminent educators of the century.

He won election to the United States Senate in 1986. All of us on both sides of the aisle held him in great respect—and in great affection as well. In so many ways, Terry Sanford was a Senator's Senator. He was fair-minded and warm-hearted, and he knew the issues well. Above all, he impressed us with the power of his commitment, the eloquence of his words, the remarkable moral authority of his leadership, and his dedication to excellence in all aspects of public service. We admired him for his statesmanship, and we loved him for his friendship. We will miss him very much. He was truly a profile in courage for our time.

I ask unanimous consent that an article from the New York Times of April 19 on Senator Sanford may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 19, 1998]

TERRY SANFORD, PACE-SETTING GOVERNOR IN 60'S, DIES AT 80

(By David Stout)

WASHINGTON.—Terry Sanford, who lowered racial barriers as Governor of North Carolina in the 1960's, setting the style for a new kind of Southern politician, and later became a United States Senator and Presidential candidate, died today at his home in Durham, N.C. He was 80.

The cause was complications from cancer, said Duke University, where Mr. Sanford was treated and where he was president from 1969 to 1985.

Until his cancer was diagnosed in December. Mr. Sanford had taught government and public policy at Duke and practiced law. He was president of the university, in Durham, after serving as Governor and before his term in the Senate. Mr. Sanford was at various times a lawyer, a member of the North Carolina State Senate, from 1953 to 1955, and, in the early 1940's, an agent of the Federal Bureau of Investigation.

Mr. Sanford was Governor from 1961 to 1965, a time when civil rights demonstrations were frequently met with violence. In a speech on Jan. 18, 1963, he called for an end to job discrimination against blacks and announced the creation of a biracial panel, the North Carolina Good Neighbor Council, to work toward that end.

"Despite great progress, the Negro's opportunity to obtain a good job has not been achieved in most places across the country," Mr. Sanford said. Opening more opportunities would be good for the state's economy, he said, but there was a far more compelling reason. "We will do it because it is honest and fair for us to give all men and women their best chance in life," he said.

By today's standards, those words seem unremarkable. But in January 1963, when Gov. George C. Wallace of Alabama delivered his "segregation forever" inaugural address, Mr. Sanford's stand for civil rights was seen as particularly courageous for a governor from the old Confederacy.

Mr. Sanford established himself as one of the most liberal Southern governors—too liberal, in the eyes of some constituents—as he named black people to high state positions, pushed state lawmakers to raise more money for schools and started a state antipoverty program that was a forerunner to President Lyndon B. Johnson's War on Poverty.

In some ways, Mr. Sanford was a contradictory politician. He seemed to have good timing but bad luck. He had shrewd instincts, yet he seemed to lack burning desire. His changes of mind and heart confounded ally and rival alike.

Mr. Sanford was an early supporter of John F. Kennedy's quest for the Presidency, and so enjoyed easy access to the White House in the early 1960's. The President's personal secretary, Evelyn Lincoln, later wrote in a book that President Kennedy had told her he was thinking of Mr. Sanford as his running mate for 1964.

His own liberal programs notwithstanding, Mr. Sanford preached the virtues of "state responsibility," if not states' rights, as an antidote to creeping "big Federal Government." Under state law, Mr. Sanford could not succeed himself as Governor.

He tried for the White House in 1972 and in 1976, while he was president of Duke University, offering himself as a candidate for those disenchanted with the political system and those who were part of it.

Mr. Sanford, who had declared his support for school integration, was beaten in the 1972 North Carolina Democratic Primary by Governor Wallace of Alabama. That humiliating loss in his home state effectively ended his candidacy.

Four years later, Mr. Sanford ran for President again but dropped out early. He said he had found it impossible to gain enough news coverage and to raise enough money, and that he was sick of campaigning.

In 1986, having left Duke, Mr. Sanford ran for the Senate. When President Ronald Reagan made several appearances on behalf of his opponent, Mr. Sanford knew better than to criticize a President. So he suggested instead that North Carolina did not need a "go-along Senator." Mr. Sanford won a narrow victory.

In the Senate, Mr. Sanford gained a reputation for intelligence, personal decency and, in one celebrated instance, indecision. In 1987, after President Reagan had vetoed an $87.9 billion highway bill, Mr. Sanford changed his mind three times: first voting simply "present" on a vote to override the veto, then voting to sustain the veto and finally, under tremendous pressure from other Democrats, switching again and voting to override it. His vote made the count 67 to 33, the precise margin required to override.

"Nobody in the Senate thinks I caved in," he said later.

In fact, his colleagues on both sides of the aisle were saddened at seeing him buckle.

"He's a gentleman," said Senator Alfonse M. D'Amato, Republican of New York. "Maybe that's his problem. He's such a beautiful man."

In 1992, Mr. Sanford appeared at first to be in good position for reelection, but he was hospitalized with a heart problem during the campaign. His opponent, Lauch Faircloth, a former Democrat and one-time friend, tried to tar him with the brush of liberalism. And Mr. Faircloth deftly made an issue of Mr. Sanford's health by publicly wishing him a speedy recovery.

Mr. Faircloth's narrow victory ended Mr. Sanford's political life, one that had begun when he was 11: in a 1928 parade in his hometown, Laurinburg, N.C., Terry Sanford carried a sign for Alfred E. Smith, the Democratic Presidential candidate.

Terry Sanford was born on Aug. 20, 1917. His father was a merchant and his mother a schoolteacher.

He graduated from the University of North Carolina at Chapel Hill in 1939. After a brief stint in the F.B.I., he joined the Army in 1942. That year, he married Margaret Knight of Hopkinsville, Ky.

Besides his wife, he is survived by a son, Terry Jr., of Durham; a daughter, Elizabeth, of Hillsborough; two sisters, Mary Glenn Rose of Pennsylvania, and Helen Wilhelm of Bern, Switzerland, and two grandchildren.

As an Army private, Mr. Sanford served as a paratrooper, taking part in the invasion of Southern France and later in the Battle of the Bulge, for which he received the Bronze Star and a Purple Heart.

After the war, mustering out as a first lieutenant, he received his law degree from the University of North Carolina at Chapel Hill and became active in the North Carolina Democratic Party.

Whether working for himself or on behalf of other Democrats, he was known as a tireless campaigner, and a cool one. While he was running for governor, the pilot of his small plane seriously misjudged a short landing strip and came within inches of touching down in a cornfield.

Unruffled, Mr. Sanford stepped out and, grinning, helped several ashen reporters down the steps.

"Start picking corn, boys," he said before walking away.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

The Chair would note there are just 32 seconds or so remaining before the vote.

Mr. BAUCUS. I thank the Chair.

Mr. President, I want to join my friends and colleagues in paying tribute to Terry Sanford. I did not serve on any committee with Terry, but in the few years that we served together, he immediately struck me as a wonderful man, a good man, with a ready smile, a very thoughtful, very wise, very good, very deep person, the kind of Senator that not only North Carolina, I know, is very proud of, but the kind of Senator that I think most Americans would want their Senator to be.

I cannot, as I am standing here thinking of Terry Sanford, think of another person whom I respected more and loved more and appreciated more, going through all the history, Research Triangle of North Carolina, the Governor, president of Duke University. But the main point I want to make is, working with Terry personally, and talking with him, and working through issues, he was a man who will be very difficult to replace. And, as I said, I can think of no Senator whom I would hold in higher esteem or regard than Terry Sanford.

The PRESIDING OFFICER. Without objection, the resolution and preamble offered by the Senator from North Carolina are agreed to.

The resolution (S. Res. 211) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. Res. 211

Whereas Terry Sanford served his country with distinction and honor for all of his adult life;

Whereas Terry Sanford served his country in World War II, where he saw action in 5 European campaigns and was awarded a Bronze Star and a Purple Heart;

Whereas as Governor of North Carolina from 1961–1965, Terry Sanford was a leader in education and racial tolerance and was named by Harvard University as 1 of the top 10 Governors of the 20th Century;

Whereas as President of Duke University, Terry Sanford made the University into a national leader in higher education that is today recognized as 1 of the finest universities in the United States; and

Whereas Terry Sanford served with honor in the United States Senate from 1987 to 1993 and championed the solvency of the social security system: Now, therefore, be it

Resolved, That the Senate—

(1) has heard with profound sorrow the announcement of the death of the Honorable Terry Sanford and expresses its condolences to the Sanford family, especially Margaret Rose, his wife of over 55 years; and

(2) expresses its profound gratitude to the Honorable Terry Sanford and his family for the service that he rendered to his country.

SEC. 2. TRANSMITTAL.

The Secretary of the Senate shall transmit an enrolled copy of this resolution to the family of the Honorable Terry Sanford.

Mr. FAIRCLOTH. The preamble and resolution have been agreed to?

The PRESIDING OFFICER. That is correct.

Mr. FAIRCLOTH. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2017

The PRESIDING OFFICER. The Senate now turns to the amendment No. 2017 offered by the Senator from Ohio. Under the previous agreement, there will be 2 minutes of debate equally divided followed by a vote on that amendment.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I think this Nation of ours came to be what it is, more than anything else, for one reason, and that is public education in this country was not what it had been in Europe. It had not been just for the kids from the castle. It had not been just for the rich kids or the wealthy young people. It had not been just for those who were politically well connected, who knew somebody.

In this country, education came to be for every single person, and that grew as a national interest. It was implemented then for the K–12, as we know it now, through the States and localities and communities across this country. They formed local school boards, and we have school districts. Now every single State has a requirement for public education.

We did not preclude other people who had parochial school ideas for their children, or whether they wanted to send their kids to boys schools or girls schools or a special interest of some kind, from forming those schools and from sending their children to those schools. But we looked at the public responsibility as being to the public schools that gave a good education to every single young person in this country.

Ms. LANDRIEU. Mr. President, I would like to lend my strong support to the efforts of my colleague from Ohio, Senator GLENN. Our colleague from Georgia has introduced a bill which he claims will improve savings for education. Unfortunately, the evidence from economists seems to disagree with him. The average American family would save only $37 under Senator COVERDELL's approach.

The reason for this is simple to understand. In order to experience real economic benefit from a tax free savings plan, the principle and interest must stay untouched for significant periods of time in order to have a chance to grow. With H.R. 2646, parents would be allowed to deposit up to $2,000 into an educational IRA, which is a significant increase over the $500 they are currently allowed to contribute. However, Senator COVERDELL would also allow these families to withdraw funds from the education accounts for the annual costs of elementary and secondary education. So in essence, you would have families depositing $2,000 into an educational savings account, accruing some limited tax savings, and withdrawing it the next year.

Under this scenario, there are no long terms savings, no accumulated interest and none of the real benefits that we are attempting to create with these educational IRAs. That is why I am so pleased with the approach taken by my friend, JOHN GLENN. Through Senate Amendment 2017, families would be able to contribute more to their tax free savings accounts, however, it would be reserved for higher education expenses. By increasing the contribution limit to $2,000, Americans can all reap the benefit of increased savings for education. They will see their principle grow with compound interest and Congress will preserve the true intention of this newly created IRA.

Mr. President, I ask unanimous consent that this table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SAVINGS GROWTH THROUGH COMPOUND INTEREST

Year	Less than—			
	$10 per week at 6% yield	$10 per week at 12% yield	$40 per week at 6% yield	$40 per week at 12% yield
1	530	560	2,120	2,240
2	1,091	1,187	4,367	4,748
3	1,687	1,889	6,749	7,558
4	2,318	2,676	9,274	10,705
5	2,987	3,557	11,950	14,230
6	3,696	4,544	14,787	18,178
7	4,448	5,649	17,794	22,599
8	5,245	6,887	20,982	27,551
9	6,090	8,274	24,361	33,097
10	6,895	9,827	27,943	39,309
11	7,934	11,566	31,739	46,266
12	8,941	13,514	35,764	54,058
13	10,007	15,696	40,030	62,785
14	11,137	18,139	44,551	72,559
15	12,336	20,876	49,345	83,506
16	13,606	23,941	54,425	95,767
17	14,952	27,374	59,811	109,499
$8,500	$14,952	$27,374	$34,000/$59,811	$109,499

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time in opposition?

Mr. GLENN. I ask unanimous consent for 1 more minute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The Senator from Ohio is recognized for an additional minute.

Mr. GLENN. Mr. President, what my amendment would do is say we could keep the $2,000 that is in the bill now, but we would move that just to be used for post-12th grade education. In other words, we move from $500 up to $2,000, but we say it cannot be used for private schools, for private school vouchers, and so on.

I think when we start down this track, we start toward the ruination or start opening the door, a toe in the door, for a ruination of our public school system. I want the finest public school system we can have. Voting a voucher system or taking public money off to support private schools is not the way to go about it. I urge support for my amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. GRAMM. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. How much time do we have on each side?

The PRESIDING OFFICER. Two minutes are equally divided under the previous agreement.

Mr. GRAMM. I thank the Chair.

The PRESIDING OFFICER. The Chair notes that the time for those who would speak in opposition to the amendment is currently running with 35 seconds remaining.

Mr. GRAMM. Mr. President, our leader on this issue, Senator COVERDELL, is at a press conference out on the steps. We have no further requests to have speakers on our side. If the distinguished senior Senator from Ohio is through with his portion of the debate, I would be happy, on behalf of Senator COVERDELL, to move to table the pending amendment.

Mr. GLENN. Fine.

The PRESIDING OFFICER. The question is on the motion to table.

Mr. GRAMM. Mr. President, I move to table the pending amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment No. 2017. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. BENNETT) is necessarily absent.

Mr. FORD. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The result was announced—yeas 60, nays 38, as follows:

[Rollcall Vote No. 87 Leg.]

YEAS—60

Abraham
Allard
Ashcroft
Biden
Bond
Breaux
Brownback
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Feinstein
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner

NAYS—38

Akaka
Baucus
Bingaman
Boxer
Bryan
Bumpers
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Wellstone
Wyden

NOT VOTING—2

Bennett
Moynihan

The motion to lay on the table the amendment (No. 2017) was agreed to.

AMENDMENT NO. 2288

The PRESIDING OFFICER. The question now occurs on amendment No. 2288, as amended, offered by Senators MACK and D'AMATO.

Under a previous order, there will be two minutes equally divided for debate followed by the vote.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the next votes in this series be limited to 10 minutes in length.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Who yields time?

If neither side yields time, the time will be charged equally to both sides.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Mr. President, our amendment provides incentives for teacher testing and merit pay.

We see that competition in the 21st century will be based on knowledge, and that if our children and our grandchildren are going to be able to compete in this next century, they must have an education second to none.

Quality teachers produce quality students. We believe this amendment will increase the number of quality teachers in the school system today.

With that, I yield to my colleague for his comments.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, let me simply say that the objective of these reforms is to put our children first, to promote excellence in education, to reward the truly outstanding teachers who create magic in the classroom, give them merit pay, and see to it that we have a level of competence in terms of teaching what our children require.

Mr. President, let me say that we do not mandate that States and local districts come into this with the funds that will be provided for merit pay and teacher testing.

The PRESIDING OFFICER. Who yields time? If no time is yielded in opposition to the amendment, the time will run.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the time be yielded and that we proceed to the regular order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question occurs on amendment No. 2288, the Mack-D'Amato amendment, as amended.

The yeas and nays have not been ordered.

Mr. COVERDELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. BENNETT) is necessarily absent.

Mr. FORD. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The result was announced—yeas 63, nays 35, as follows:

[Rollcall Vote No. 88 Leg.]

YEAS—63

Abraham
Allard
Ashcroft
Bond
Boxer
Breaux
Brownback
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Feinstein
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kohl
Kyl
Landrieu
Leahy
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner

NAYS—35

Akaka
Baucus
Biden
Bingaman
Bryan
Bumpers
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Ford
Glenn
Graham
Harkin
Inouye
Johnson
Kennedy
Kerrey
Kerry
Lautenberg
Levin
Lieberman
Mikulski
Moseley-Braun
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Wellstone
Wyden

NOT VOTING—2

Bennett
Moynihan

The amendment (No. 2288), as amended, was agreed to.

Mr. COVERDELL. Mr. President, I move to reconsider the vote.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator will withhold.

The Senate will please come to order. The Senator from Georgia is recognized.

AMENDMENT NO. 2291

Mr. COVERDELL. Mr. President, I ask for the yeas and nays on the amendment offered by the Senator from Texas.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time on the amendment?

Mr. KENNEDY. Mr. President, as I understand, under the rules, we have a brief time for explanation of the amendment and in opposition. Two minutes.

Are those who favor the amendment going to speak? Because I would like to speak briefly in opposition.

Mr. COVERDELL. The protocol has been, those opposing the amendment have taken the first 2 minutes, proponents for the amendment the last 2 minutes.

Mr. KENNEDY. That is rather unusual. I will be glad to follow. Usually those who propose it make the case for it; those opposed to it speak in opposition. So I will reserve the time and wait until those who favor the issue speak in favor of it.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Who yields time?

Mrs. HUTCHISON. Mr. President, I will take 30 seconds to explain the amendment, and then if the Senator would like to take his time, and then I will reserve the last 30 seconds for Senator COLLINS to close.

Mr. President, I ask unanimous consent that Senator HELMS of North Carolina be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, so ordered.

Mrs. HUTCHISON. Mr. President, my amendment offers the opportunity, the option to local school districts and parents to choose single-sex classrooms or schools if there are comparable opportunities for both sexes. "Comparable" is the word used by the Department of Education and the Supreme Court in the VMI case to determine if there is equal protection under the law.

I hope we will allow all of the parents of our country to have this as an option. We have to break out of the box in public education to give options to our parents for what is best for their child.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, if the purpose of the amendment of the Senator from Texas is to permit separate classrooms for different genders, you can already do that. We already have it. So there is no purpose in this. If the purpose is to set up schools which are separate and allegedly providing, as the amendment says, "comparable," all you have to do is look at the court opinions and what "comparable" means, and it fails to meet the constitutional standard in terms of real equality.

We don't have to learn in this country again that, when you have either minorities in separate facilities or women in separate facilities, it is second-level education or treatment. We can debate that at another time. That is the history. If you just want to have separate classrooms, you can already have them, and it is constitutional.

There is a much more sinister and real issue of constitutionality that is raised by this. We virtually had no hearings. If you don't want to undermine the whole movement of trying to get equal treatment for women in the classrooms and education, vote in opposition to the amendment of the Senator from Texas.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Thank you, Mr. President.

Mr. President, I am pleased to support the amendment offered by the Senator from Texas. There is a wonderful example of what she is talking about in Presque Isle, ME. There is an all-girl's math class. They produce wonderful results. I have been in that classroom, and the learning there is absolutely terrific. But they had to go through all sorts of regulatory hoops in order to be able to do that. They would not have to under the amendment of the Senator from Texas. I am pleased to join her in support of it. Thank you, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. KENNEDY. Mr. President, I have 15 seconds left. I ask that the Senator from Illinois be permitted 15 seconds.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Ms. MOSELEY-BRAUN. Thank you very much. I thank the Senator from Massachusetts. I will be brief. As both a minority —the only minority Member of this Chamber—and a woman, I fit both bills. Quite frankly, we have been down the road of separate but equal and unequal in this country. Unless it is equal, it winds up being unequal. The discrimination that is possible by this legislation for girls is too frightening to support it. I rise, therefore, in opposition. I ask there be hearings on this matter so that we can visit with the parents and see what direction they would like to take. Thank you.

Mr. DOMENICI. Mr. President, I ask unanimous consent for 3 seconds to ask the Senator a question.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from New Mexico is recognized.

Mr. DOMENICI. Is there anything sinister about your amendment?

Mrs. HUTCHISON. I am so pleased to have the question asked because, of course, this is to allow local school districts to have the option. We are not forcing this on anyone. But where an individual child can best perform in a single-sex classroom, why not let them try it? Are we not going to open our minds and be creative with our public education system? If it is good enough for private education, it should be good enough for public education, and everyone should have the opportunity to do the best in the circumstances that fit them best. I thank the Senator for the question.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2291. The yeas and nays have been ordered. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. BENNETT) is necessarily absent.

Mr. FORD. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays 29, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—69

Abraham
Allard
Ashcroft
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Feinstein
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Landrieu
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Nickles
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner

NAYS—29

Akaka
Baucus
Biden
Bumpers
Cleland
Daschle
Dodd
Dorgan
Durbin
Feingold
Ford
Glenn
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Moseley-Braun
Murray
Reed
Sarbanes
Wellstone
Wyden

NOT VOTING—2

Bennett
Moynihan

The amendment (No. 2291) was agreed to.

Mrs. HUTCHISON. Mr. President, I want to take this opportunity to thank John Danforth, the former Senator from Missouri, for initiating the ultimately successful effort to create greater opportunity in public schools to have same-gender classes schools.

I was a freshman in 1994. I remember the compelling argument made by Senator Danforth about what an opportunity this would be for a girl like Cyndee Couch, the seventh grader at the Young Women's Leadership school in East Harlem, NY, to have a safe haven where she could learn without worrying about her safety, or her ability to speak out without being made fun of, or in any way not able to be secure in feeling that she could ask questions and participate in the classroom.

He also thought about the young girls in the classroom in Maine that were spoken about by Senator COLLINS today where the school had to go through hoop after hoop after hoop to be able to have an all-girl math class. When they were able to finally do it and break down all the bureaucratic barriers, the test scores have shown that this has been an outstanding success for the girls in that class, without any detriment whatsoever to the other students in that school.

What we want and what the Senate has done today is to help pave the way to ensure that every child in America has this same option. This amendment is not a mandate. We are not saying that same-gender classes are best for everyone. But it has been proven that they are good for some, especially for girls and minority boys, who have demonstrated higher test scores and higher grades when they are allowed to concentrate on their studies, free from the distractions of a coed environment.

I am very proud that the Senate has spoken so clearly today in favor of this option for our public school students, an option that I might say is available at private schools, for parents who can afford it. Should this amendment ultimately become law, this same option will become available for many thousands of parents and their children who may not be able to afford private school tuition. In short, the amendment expands the proven benefits of private, same-gender education to the public school system.

I am very pleased the Senate has spoken so decisively today on this issue, and I am confident Congress will include it in the final version of this important bill. And this success would not have been possible but for the hard work, vision, and leadership of Jack Danforth, who took-up this cause and in whose footsteps I proudly follow. When he left the Senate and said he would not seek reelection, I told him I would take up the mantle on this issue, and that I would continue his fight to ensure that our nation's schools pursue excellence wherever they may find it. The parents and students of this nation now await the completion of this job, and I urge my colleagues to continue to work for expanded educational opportunities and choices for all Americans.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Mr. President, shortly I will offer an amendment on behalf of myself and 18 others to submit a plan to help rebuild and modernize our schools for the 21st century. The amendment creates a simple and effective partnership between the Federal Government, State and local governments, and the private sector to provide the financial backing communities need to upgrade and modernize our schools.

This legislation will help modernize classrooms so that no child misses out on the information age. It will also help ease overcrowding—again, so that no child is subjected to what Jonathan Kozol in his landmark book called "Savage Inequalities" that are created by school environments that are unsuitable for learning. It will help local governments patch the roofs, fix broken plumbing, and strengthen the facilities that provide the foundation for our children's education.

Just last month the grades were posted on a set of international math and science tests. Though results of those tests were profoundly disturbing—American students placed at or near the bottom of every one of the math and science tests offered, below countries like Cyprus, Norway, Iceland and Slovenia—these results should be a clarion call to every policymaker at every level that we need to do more to support public education in this country.

Our amendment does exactly that. It creates a new category of zero interest bonds for States and school districts to issue to finance capital improvements. States and school districts will be able to issue some $21.8 billion worth of these bonds over the next 2 years. Purchasers of the bonds would receive Federal income tax credits instead of interest. By using this innovative mechanism, this plan cuts the costs of major school repair and construction by at least a third, and in many cases by up to 50 percent. Over a 5-year period of time, this plan will cost the Federal Government only $3.3 billion. We pay for the amendment with several tax proposals from the President's budget, several of which have already been approved by the Finance Committee. So this bill is paid for, it is in the President's budget, and it will allow the leveraging of substantial amounts of money to help rebuild our crumbling schools.

The interesting thing about it, even at $21.8 billion, this amendment only scratches the surface. According to the U.S. General Accounting Office, it will cost $112 billion just to bring the schools in this country up to good overall condition. That is just the basics, just bringing them up to code. That does not equip them with computers and fancy cosmetics but just to address the toll of deferred maintenance. The GAO found that crumbling schools are to be found in every corner of America. According to the General Accounting Office, 38 percent of schools in urban areas are in the worst condition, 30 percent of rural schools are in the worst condition, and 29 percent of suburban schools are in the worst condition. So it is about a third, a third, a third. This is not just an inner-city phenomenon. Crumbling schools can be found in every kind of community in every part of our country.

In my home State of Illinois, school construction and modernization needs top $13 billion. Many of our school districts have a difficult time even buying textbooks and pencils, let alone financing major capital improvements.

I will share some pictures. I think everybody who is listening to this debate has probably seen some crumbling schools, but for those who have not been in a local school recently, I show a picture of a hallway in a school in my city. Nobody is proud to show pictures like this, but this is just reality. As you can see, it looks like they have a new fire alarm, but given the hallway, the infrastructure, they need a new wall. They probably should replace the whole building, but the point is the deferred maintenance is clearly evident.

Here is another picture showing the same school. We see the peeling paint and the water damage. Here is the floor and the wall. It looks like someone tried to cover up parts of the hallway, but the efforts were obviously not good enough.

Our children should not have to learn in these kinds of conditions. This is a picture of a school in a suburb of Chicago. Again, this is a suburban school. These are the kinds of classes kids are required to learn in during these times. A couple of weeks ago, President Clinton came to Chicago and toured the Rachel Carson Elementary School. That school has two buildings, an old one and a brand new one. In the old building, classrooms are unusable because of many years of water damage, and the windows have turned opaque. In the new building, students can learn in modern and bright facilities. According to the students and teachers, the new facility affords a much greater opportunity to learn. And the teachers were so pleased because it afforded them an opportunity to teach, again, without regard to the threat of falling plaster.

Mr. President, our amendment will allow for school districts to build and modernize more than 5,000 new schools across the country. It will also give communities the power to relieve overcrowding. We have the largest number of children in our schools in the history of our country.

According to the Department of Education, enrollment will continue to grow over the next 10 years. Just to maintain current class sizes, we will need to build 6,000 new schools over the next 10 years. Now, again, the problem of overcrowding, in addition to the problem of deferred maintenance and neglect, is a serious one. I have visited schools in my home State of Illinois where study halls are held in hallways because there is no other classroom space. I have seen stairway landings converted into computer labs, and cardboard partitions used to turn one classroom into two. There was one school where the lunch room had been converted into two classrooms so that the students would have to eat in the gymnasium instead of having gym class where they have "adaptive physical education," where they stand next to their desks because the gymnasium is now a lunch room. I was tickled to listen to the young people talk about this problem and this issue. One young man talked about a phenomenon called "hall rage." He said, "it happens when you are in the halls trying to get to class and it is so crowded that you can't go anywhere." They are experiencing violence in the hallways because of overcrowding.

These conditions directly affect the ability of children to learn and, again, the research has backed up the intuition, what people know intuitively, which is that we cannot expect our children to learn tomorrow's skills in buildings that are crumbling down around them.

The problem is so widespread and pervasive, and I submit to anyone listening that this really is a direct and foreseeable result of our archaic school funding system. The current system of school funding was established over a century ago when the Nation's wealth was measured in terms of landholdings. Wealth is no longer accumulated just in land, and the funding mechanism of relying primarily on the local property tax is no longer appropriate, nor is it adequate. The current school finance budget works against most American children and mitigates most families' best efforts to improve local schools.

Again, according to the General Accounting Office, in another study they did, poor and middle-class school districts really make the greatest tax effort, but the system works against them. In some 35 States, poor and middle-class districts have higher tax rates than the wealthiest districts, but they raise less revenue because there is, of course, less property wealth to tax. In 11 States, this unfair system has led the State courts to rule that their State school finance systems are unconstitutional. In nearly every case, States complied by raising property taxes or sales taxes to finance school improvement. By the way, litigation is pending in 16 other States. The odds are that many of those lawsuits will in fact result in higher local property taxes.

Mr. President, our amendment can break this cycle of crumbling schools and higher local taxes. Our amendment breaks the mold of school financing and creates a new partnership for the 21st century where the Federal Government, by giving tax benefits for investment, allows States and local governments to leverage $22 billion worth of investment in school infrastructure. I urge my colleagues to take a close look at the needs of the schools in their States and decide what they stand for—higher property taxes and crumbling schools, or lower property taxes and a new partnership to improve our schools for the 21st century. Our students should learn about gravity in a science lab, not from falling ceiling tiles. Our schools should be wired for computers, not just metal detectors. Our classrooms should be comfortable, not just crowded like rush hour commuter trains.

I believe that the American public understands this issue. According to a bipartisan poll released earlier this year, 76 percent of registered voters would support a $30 billion, 10-year Federal commitment to rebuilding and modernizing our schools.

I want to submit for the Record a letter from the President of the United States, which is on every Member's desk, I believe, in support of this amendment, the last lines of which say:

> Our children deserve schools they can be proud of. I urge you to help our schools provide a learning environment that will prepare our children for the challenges of tomorrow by supporting the Moseley-Braun amendment, and opposing the expanded Education IRA's.
>
> Sincerely,
>
> Bill Clinton.

I ask unanimous consent that the entire letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The White House,
Washington, April 20, 1998.

Hon. Thomas A. Daschle,
Minority Leader, U.S. Senate, Washington, DC.

Dear Mr. Leader: As you consider H.R. 2646 this week, you will have the opportunity to vote for the first time on a version of my proposal to help build and modernize more than 5,000 schools across America. I am writing to ask for your support in this important effort and for your opposition to the expanded Education IRAs in the bill.

Never before have the education infrastructure needs of the Nation been so great. In order to accommodate record enrollments, move to smaller class sizes, repair aging buildings, take advantage of new technologies, and better educate children with disabilities, States and localities are faced with unprecedented construction and renovation needs. The Federal Government helps build roads, bridges, and other infrastructure projects, but none of that will matter much if we let the education infrastructure come crumbling down on our children. We must be part of the solution.

I understand that Senator Moseley-Braun will offer an amendment that would replace the IRA provisions with a proposal to allow communities to issue nearly $22 billion in bonds for modernizing public schools. Because bond purchasers would receive interest payments through a Federal tax credit, communities' costs would be reduced by one-third or more. A vote for this amendment is a vote for safer, state-of-the-art schools that will open doors to the future for our children.

The IRA provisions, which provide tax benefits for elementary and secondary education expenses, are both bad education policy and bad tax policy. Instead of targeting limited Federal resources to build stronger public schools, this proposal would divert needed resources from public schools. In addition, the expanded IRAs provide little financial assistance to average families, disproportionately benefiting the highest-income taxpayers. For these reasons, and because of other potential amendments that may be adopted, I would veto this bill.

Our children deserve schools they can be proud of. I urge you to help our schools provide a learning environment that will prepare our children for the challenges of tomorrow by supporting the Moseley-Braun amendment, and opposing the expanded Education IRAs.

Sincerely,

Bill Clinton.

Ms. MOSELEY-BRAUN. Mr. President, I would not be here as a Member of the U.S. Senate if it were not for a system of quality public education when I came through the system. It breaks my heart that we have failed to maintain that level of quality public education across this country for every child that wants to access it.

It seems to me that as we go into the next century, it is the responsibility of our generation to give every child the opportunity to learn and to give every child at least the basic tools with which that individual would not only be able to provide for themselves, but really provide for our country's well-being. As we go into the next century, there is no question that in this international global competition, in this information age and age of technology, unless we educate every child and give every child the ability to access a quality education, to go as far as their talents will allow them, we will be undermining our Nation's ability to maintain its standard as a leader in this world economy. How and whether or not we train our work force may well come down to something as simple as providing an environment that is suitable for learning.

Our kids cannot learn if they are put in environments that are not suitable for learning, in which they cannot access the new technology. I submit to my colleagues that this is a very, very serious matter. I find it interesting that even the columnists and the cartoonists have drawn cartoons about this. But this is certainly no laughing matter. If anything, this issue goes to the heart of our generation's commitment to provide the next generation of

Americans with at least as much as we inherited from the last generation. We inherited from them a school system that was quality, that was adequate, in which people like me could get an education and ascend to the U.S. Senate. I am afraid that unless we tackle this problem and create a partnership to help modernize the schools, we will fail the next generation of Americans. I therefore call upon my colleagues to put partisanship aside and support this amendment.

I yield to the Senator from Rhode Island.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, just an administrative technicality. Under the unanimous consent agreement, we agreed that the amendment to be offered by the Senator from Illinois would have an hour equally divided. We have endeavored to accommodate the Senator from Illinois. I don't believe the amendment is technically prepared, but I assume that the Senator from Illinois agrees that the time we are spending now would operate under the 1 hour equally divided time.

Ms. MOSELEY-BRAUN. Absolutely. I thank the Senator from Georgia. He is exactly right. It was my assumption that in light of the fact that there was a technical glitch in the amendment as prepared, the time used at this point would come off of that.

Mr. COVERDELL. I thank the Senator.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I rise in strong support of the amendment offered by the Senator from Illinois. I commend her for her incisive amendment, which will aid the children of America and the parents of America. I appreciate very much her effort today.

Does the Senator from Delaware wish to say something? I will be happy to yield temporarily.

Mr. ROTH. Mr. President, I believe that, in the normal order of things, as the manager of the bill, I would be next to address the amendment proposed by the distinguished Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois had control and yielded to the Senator from Rhode Island, which was her right to do.

Mr. REED. Mr. President, let me continue by again commending the Senator from Illinois. It goes right to the heart of what we do materially to aid the States and localities in the United States in providing for excellent public education and excellent education overall.

The statistics that we have seen about crumbling schools in the United States is staggering. Just recently, the American Society of Civil Engineers concluded that our schools are in the worst condition of any of America's infrastructure. We know that because we go back to our States and to our communities every weekend and we see these buildings.

Just yesterday I was in the Providence Street Elementary School in West Warwick, RI. The reason I went there is because this is an excellent elementary school, one of two elementary schools in Rhode Island accredited by the New England Association of Schools and Colleges. I was talking to the principal and his staff. They do wonderful things. I asked them: What is the biggest problem in this school? They said, without hesitation, the facilities. The main building of the Providence Street School was built in 1914 onto a wooden structure. But in 1969 the school department acquired a parochial school across the street. The classes are operating in both of these schools. Schoolchildren—first graders, second graders, third graders, and fourth graders—have to cross a busy thoroughfare each and every day to change classes. There is no room in the old building, the 1914 building, to accommodate the new technology. The heating system does not work. Yet, this is a wonderful school.

That is just an example of one school in my State. I could go on and on and on. In Woonsocket, the Harris School was built in 1876, the year that George Custer met his fate at Little Bighorn. It is still operating. The Thompson Middle School in Newport, RI, part of it was built in 1898.

These schools need help. These communities need help. This is not just about improving the academic quality, which I think it could do dramatically; it is also assisting taxpayers. More and more of our constituents are coming up to us and telling us they cannot afford to support increased property taxes that support schools in their communities.

If we want to do anything constructive, pragmatic, and useful to help not only the schools of America but the taxpayers of all the towns and cities of America, then we will support this legislation because it will directly assist them in their efforts. The proposal that Senator MOSELEY-BRAUN has submitted is an ingenious way to use Federal resources to promote public education at the local level.

Once again, we require the initiative of the locality. They will have to decide what schools will be fixed up. They will have to go to their communities and ask for bond authority to do it. But we would by paying the interest to allow these communities to get the resources to make the investment to fix the schools, to provide the education which we know is at the heart not only of the individual progress of the next generation of Americans but the progress of our Nation, because without good schools, without schools that are at least sanitary, that at least have the ability to accept modern equipment, without this minimal level of adequacy, we cannot expect children to learn to be not only productive members of our economy in the 21st century but to be productive citizens of the 21st century. This is the way to proceed—not by disseminating Federal resources in tax plans to aid private schools but by allowing the local communities to use their initiative to issue bonds with Federal help to fund, repair, and renovate schools.

This is what our constituents want. This is what we must do to improve public education in this country.

I thank the Senator for her recommendation of this amendment. I urge my colleagues to support it.

I yield my time.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. I yield myself 10 minutes.

Mr. President, I oppose the amendment offered by the distinguished Senator from Illinois for two reasons. First, it is important to understand that the amendment strikes section 101 of the Coverdell bill. This section is the very heart of the legislation, for it is the provision that provides the most widespread benefits for American families. This section increases the maximum contribution to an education IRA from $500 to $2,000. It permits the education IRA to be used for elementary and secondary school expenses, and it permits the education IRA to be used for public and private schools.

I have already spoken numerous times about the importance of making these changes to the education IRA. In fact, the Senate has already endorsed these changes as they were all included in the Senate version of the Taxpayer Relief Act of 1997. The provisions made sense at that time, and they continue to make sense today. Our students and our families need these resources and the benefits of an education IRA to help them meet the cost and realize quality education. I hope my colleagues continue to recognize just how important this tool can be for the American people.

Mr. President, a second reason I oppose this amendment is that, in effect, it would create a massive Federal mechanism whose stated purpose is to spur the construction and rehabilitation of public schools. It appears to be the same proposal contained in the administration's fiscal year 1999 budget, and it would create a new type of bond called a "qualified school modernization bond." Unlike regular tax-exempt bonds, like those already in the Coverdell bill where holders receive tax-exempt interest payments, the holders of these new "qualified school modernization bonds" would receive a Federal tax credit in an amount to be set by the Treasury Department. This amendment provides that a total of $19.4 billion worth of these school modernization bonds could be issued around the country over the next 2 years. It also increases the amount of qualified zone academy bonds by $2.4 billion over 2 years.

Even more massive than the amount of bonds to be issued under the proposal is the bureaucracy that would be created to administer this program. The Treasury would need to establish a formula to allocate the school modernization bonds. The amendment calls for half of the bonds to go to the 100 largest school districts with the largest number of low-income children. The other half of the bonds would go to the States and Puerto Rico divided in proportion to their share of Federal assistance. This would be according to the basic grant formula of the Elementary and Secondary School Act of 1965. Then all of this would be readjusted for allocation to the 100 largest school districts.

This runs contrary to President Clinton's promise that the "era of big government is over." It runs contrary to our objective to strengthen schools by empowering families and communities. It consolidates ever-increasing power in the hands of a few Federal bureaucrats while it robs our families and communities of local control over their schools and precious financial resources.

Not only does the Moseley-Braun amendment create more bureaucracy in the way that it requires the Federal Government to sift through the criteria and bond allocation process, but it calls on the Federal Government to oversee another massive program.

According to this amendment, a bond would only be deemed to be a qualified school modernization bond if the Federal Department of Education signs off on it. The Federal Department of Education would have to approve the school construction plan of the States or eligible school districts. By giving its OK, the Federal Department of Education is supposed to consider whether—I am quoting from the administration's description of its proposal:

> The school construction plan must, one, demonstrate that a comprehensive survey of a district's renovation and construction needs has been completed; and, two, describes how the jurisdiction will assure the bond proceeds are used for the purposes of this proposal.

If we are to meet the education needs of our children and the challenges of the future, we need less bureaucracy, not more. We need greater involvement in oversight from our parents and communities, not less. We need a Federal Government that supports the best and most innovative programs and policies implemented by our States and local school boards, not one that takes them over.

The bond proposals in this amendment are modeled after a much more limited measure that was included in the 1997 tax bill at the request of Congressman RANGEL and the administration. The 1997 bill created "qualified zone academy bonds." The purpose of these bonds was to provide additional incentives for private entities to get involved in school construction.

Holders of the qualified zone academy bonds, all of whom have to be in the business of lending money, are to receive a tax credit instead of an interest payment, and the amount of qualified zone academy bonds for 1998 and 1999 was capped at $400 million per year.

The qualified zone academy bond program was deliberately kept small for several reasons. First, there was a fundamental concern about the Federal Government taking on the traditional State and local responsibility for school construction. Second, it was unclear whether the academy bond program would place funds where they need to be, in the hands of local schools.

Nevertheless, here we are, less than 1 year later and the push is on for a massive expansion of what is nothing more than an untested proposal.

The attempt with this amendment is to authorize almost $22 billion in all-school bonds, and this attempt is being made without any data that the bond mechanism in the amendment is the most efficient or beneficial way to help States and localities deal with school modernization. It is simply unclear whether issuing a new type of bond, no matter how catchy its name, will ultimately result in schools being modernized. What is clear is that it once again falls back on the failed notion that Washington knows best. It assumes that creating layer upon layer of unneeded bureaucracy within the Department of Education is a far greater solution than giving parents and local communities greater control over the education of their children.

Under the proposal, the Department of Education would be required to approve the school construction plan of a State or eligible school district. This means that the bureaucrats from Washington would be micromanaging a local school district's renovation plans—in effect, second-guessing and even directing the decisions of State and local officials. It also means that parents, local leaders, and school districts would have to watch as their vital financial resources are commandeered by Washington, DC, and sent out to build and renovate schools elsewhere despite the fact that they themselves might desperately need improvements in their own community schools.

This amendment strikes right at the heart of local control. It gives the Department of Education the final say about how a school district should address its construction and renovation needs. It allows the Department of Education in Washington to tell local officials that they have misjudged the needs of their district. This is wrong. Local officials are the people who are on the front lines every day. They know the needs of their students. They are directly accountable to parents. It seems only a matter of common sense that they are the ones who best understand the need of their district and the best ways to fix any problems.

Yet this amendment would set up a structure whereby the availability of this Federal tax benefit is controlled by Washington and not by the localities. As the Department of Education would be required to monitor whether the bond proceeds were being used for the stated, appropriate renovation plan, Washington bureaucrats would have an ongoing supervisory role.

It just does not make sense for the Department of Education to get involved at this level. President Clinton himself stated in 1994 that "the construction and renovation of school facilities has traditionally been the responsibility of State and local governments, financed primarily by local taxpayers." And in that respect I agree with the President.

I remind my colleagues that the approach in the Moseley-Braun amendment is not risk free. The costs are substantial. The Joint Tax Committee estimates that the revenue loss to the Federal Government for a program like this would be about $3.26 billion over 5 years and $9 billion over 10 years.

The Coverdell bill offers better government. I oppose the Moseley-Braun amendment, and I urge my colleagues to join me.

I yield back the floor.

The PRESIDING OFFICER (Mr. GORTON). Who yields time?

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. I thank the Chair.

I say to my chairman, Senator ROTH, that in the first instance the Senator misread the bill. This plan provides for minimal administrative requirements on the State and local authorities charged with school repair and construction. The State and local school districts need meet only two main requirements for issuing these new school bonds. First, they have to document their school facility need. Second, they have to describe how they intend to allocate the bonding authority to assure that the schools get the benefit of it.

End of story. There is no reapplying for money. There is no continuous oversight. There is no getting individual projects approved by the Federal agency. There is nothing about having to deal with big Government at all in this legislation.

I would add also that no school district, no State is required to take this. This is for those school districts that want to issue these bonds. It is a matter of engaging the private sector, engaging communities, engaging local governments in helping to rebuild their schools.

I yield 5 minutes—he wants 7.

Mr. ROTH. Will the distinguished Senator from Illinois yield on my time for 60 seconds?

Ms. MOSELEY-BRAUN. Yes, of course.

Mr. ROTH. First of all, I think it is important to point out that we have not been graced with a copy of the amendment so that we are not in a position to state specifically what it says. But my comments are based on the administration's proposal, which specifically spells out these requirements and would result in a major buildup of a Federal bureaucracy. I would just like to point out that this local approach is, indeed, contrary to what the President himself said in 1996. I point to this chart here which says:

> The construction and renovation of school facilities has traditionally been the responsibility of State and local governments, financed primarily by local taxpayers.

It goes on to say:

> We are opposed to the creation of a new Federal grant program for school construction.

With that I 100 percent agree, and it is because of that kind of thinking I think it is important that this amendment be defeated.

AMENDMENT NO. 2292

(Purpose: To amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools, and for other purposes)

Ms. MOSELEY-BRAUN. I say to my chairman, again, I apologize if he has not had a copy of the amendment. It has just been cleaned up. We had a technical modification, as you know.

I send this amendment to the desk so it is formally offered and ask the clerk to dispense with the reading of it.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

> The Senator from Illinois [Ms. MOSELEY-BRAUN], for herself, Mr. MOYNIHAN, Mr. DASCHLE, Mr. KENNEDY, Mrs. MURRAY, Mr. DODD, Mr. BINGAMAN, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. REED, Mr. ROBB, Mr. GLENN, Mr. REID, Mr. LEVIN, Mr. KERRY, Mrs. FEINSTEIN, Mr. DURBIN, Mr. KERREY, and Mr. HARKIN proposes an amendment numbered 2292.

The PRESIDING OFFICER. Without objection, the reading of the amendment is dispensed with.

The amendment is as follows:

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Ms. MOSELEY-BRAUN. I yield 7 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Thank you, Mr. President.

Mr. President, yesterday I attended the groundbreaking ceremony for a new elementary school in Richmond, VA. It was an important occasion for the city of Richmond because the last groundbreaking for a new public school in the capital city of my State was 13 years ago, in 1985, the last year I had the privilege of serving as Governor. Today, the average age for all public schools in the Richmond system is 55 to 60 years, and two of them have portions of their facilities that date back to 1888, 110 years.

Last month, Education Secretary Dick Reilly and I visited Chantilly High School in Fairfax County. Even though Chantilly High is a new school, its enrollment is already 20 percent over capacity. Classes are being taught in 17 trailers that have no bathrooms, bad ventilation and are not wired to the Internet. Some classes have student-teacher ratios as high as 27 or 28 to 1.

I am an enthusiastic cosponsor of the school construction amendment of the Senator from Illinois because this legislation gives important Federal help to cities like Richmond and counties like Fairfax to help build and renovate public schools. It not only addresses one of the most pressing needs our schools face—the urgent need for school construction money—it also represents an eminently appropriate and constructive role for the Federal Government in education.

If we had unlimited resources, there is much more I would like to do for education, and I support many of the provisions in the underlying bill. But because Federal dollars are limited, we are forced to make decisions on what is most important, on how best to spend the limited Federal dollars we have.

To me, the provisions of the underlying bill simply do not meet this test.

In truth, the simple question before us today is this: How can we best invest $1.6 billion on education? Do we help States face their urgent construction needs? Do we give States additional money to help reduce class size? Do we help States incorporate technology into their classrooms and curriculum? If we look into the language of the underlying bill, the answer to every question is no.

But if we look at the language in the pending amendment and we ask this question—will we help States and localities build and renovate public schools?—the answer is an emphatic yes.

Mr. President, there is no question the need is great. The Government Accounting Office has estimated that our national school repair and construction needs are $112 billion. Fourteen million children attend public schools that are in need of major repair or complete replacement. In addition, far too many young Americans attend woefully overcrowded public schools. We need to help States repair and modernize existing facilities.

In order to hire new teachers and reduce class size, we need additional classrooms in which to place those teachers. In order to increase student access to computers and technology, we need to help some existing facilities undergo complete electrical upgrades to support the use of that technology, and as we debate this bill, we cannot be confused about what this bill is and is not.

Just because the word "education" is in the name, that does not mean that the bill gives money to schools. In truth, this legislation will not build a single school or hire a single teacher or help incorporate technology into a single classroom.

Despite all the rhetoric, this bill is really nothing more than a tax cut for the few when what we so urgently need is a new roof for the many. Encouraging individuals to save their own money is a noble intention, but like every decision we face, we have to acknowledge that there is a cost, and the real cost of the underlying bill lies in every school we don't help build, every teacher we don't help hire, every leaking roof we don't help fix and every classroom we don't help wire for the Internet.

Again, we have two choices: We can invest $1.6 billion in support of school construction with the pending amendment, or we can spend $1.6 billion on tax cuts, disguised as education money, with the underlying bill. I hope the Senate will support school construction.

I thank the Chair and yield back any time to the sponsor of this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, how much time is remaining on both sides?

The PRESIDING OFFICER. Sixteen minutes 34 seconds to the Senator from Georgia; 5 minutes 23 seconds to the Senator from Illinois.

Mr. COVERDELL. Mr. President, I yield myself 10 minutes of our time.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, first, I have the utmost respect for my good colleague from Virginia, but I do want to correct one statement that he made. He said that the underlying bill provides no provisions for school construction. That is not accurate. The underlying bill embraces the provisions of the Senator from Florida on the other side of the aisle that does have a significant expansion of funding for schools at the local level and, without creating a new bureaucracy, leaving all the decisions to be made at the local level rather than at the Department of Education.

In the debate between the chairman and the Senator from Illinois, it is suggested that this does not carry that traditional, onerous Federal intervention with prevention. But I would just like to share with you that under this legislation, the Federal Government is required to establish a formula to allocate the school modernization bonds.

The Federal Government would need to ensure that half the bonds go to the 100 largest school districts with the largest number of low-income children, and the other half of the bonds would go to the States and Puerto Rico divided in proportion of shares of Federal assistance according to the basic grant formula for the Elementary and Secondary School Act of 1965.

The Federal Government would not only scrutinize the criteria and figure out who gets what, it would be required to do more.

Under these provisions, a bond would only be deemed to be a qualified school modernization bond if the Department of Education signs off on it.

The Department of Education would also have to approve the school construction plan of the State—that is a key one—or eligible school district.

In approving the construction plan, the Department of Education is supposed to consider whether a comprehensive survey of the district's renovation and construction needs have been completed, et cetera; expansion of the Federal oversight, the master principle envisioned over local control.

The chairman of the board of education in my State accepts the President's admonition that construction of schools is a responsibility of local government. There is already Federal relief in terms of financing, but that leaves all the decisions at the local level, like the President wanted to do in 1996.

My State is spending over nearly $5 billion in school construction; $186 million last year for 57 brand new schools and for modifications in 110 additional schools.

This proposal rewards failure, because it moves to where the job has not been done. Those States and communities that have been doing what the President appropriately said here, they do not meet the criteria anymore because they have eliminated the criteria.

Mr. President, we have heard a lot during the course of this debate about how a modest tax relief for 14 million families is inappropriate tax policy. I reminded the other side that the definition of the tax relief is identical to the IRA we passed last year and signed by the President for college education, and all we have done is taken that proposal and expanded it to $2,000 instead of $500 and have allowed it to be used for grades kindergarten through high school.

This amendment eliminates that proposal and that modest tax relief, which is about $500 million over 5 years and a little over $1 billion over 10 years, and creates tax relief of $9 billion—for whom? Banks, insurance companies and very, very successful people are going to be the recipients of this $9 billion. So we just take these little folks making $75,000 or less, $150,000 or less, mop that out—that's not good policy—and create tax relief on these bonds that would go to banks and insurance companies, and we all know who buys these kinds of bonds, these tax-exempt bonds. Out goes the little guy, in comes the big guy.

Mr. President, school construction and quality of schools and the facilities are important. For as long as we have known, that has been a duty of the State and the local government. A lot of States and a lot of local communities have fulfilled that requirement. They will be on the short end of this proposal.

The underlying proposal for school construction expands financing for schools, gives additional options, but it keeps the decision apparatus at the local level. And it does not create another Federal outreach, another Federal intervention, into the local process of school construction.

I oppose the amendment on those grounds. But I am particularly concerned that it eliminates the heart of the underlying proposal, which is to create a modest—the families will not be taxed on an interest buildup, such a modest proposal that creates such a big response in America where 14 million families come forward and save $5 billion in the first 5 years, up to $10 billion over 10 years, and there is not a single tax dollar involved. These are voluntary dollars, an enormous infusion, frankly, larger than this proposal, behind the student—not the building, but the student. Those billions of dollars will buy computers and tutors and deal with special learning disabilities and cost the Federal Government, in terms of taxes not collected, a very modest amount.

But this will go to buildings, and this will cost the taxpayers $9 billion. Conversely, this little proposal, the education savings account, creates $10 billion. There is no school board that has to raise its property tax base. There is no State that has to raise its income tax. There are no new taxes from the Federal Government. It is people doing it on their own, simply because we have said, we will allow you to keep your investment, your principal, and we will not tax you on the interest if you use it to help your child in school wherever they happen to be.

The other side has repeatedly said this is for private schools. And 7.5 percent of the underlying cost of the underlying bill could help somebody who has a child in private schools; 90-plus percent goes to children and helps people in the public school system. So it is just incorrect—and the Senator from Illinois has not been part of that, but all morning long I have heard this business that the underlying proposal is for private schools. It is just not the case.

Seventy percent of the families who use these savings accounts have children in public schools. Half the money that is generated—and it is their money—would go to support children in public; half of it would go to support children in private. Tax relief that would be associated with private is about $200 million over 5 years, or about 7 percent of the cost of this bill.

Mr. President, I yield back whatever is left of my 10 minutes.

The PRESIDING OFFICER. Who yields time?

Ms. MOSELEY-BRAUN. Mr. President, I yield 2 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, first of all, it is important to note that under the Moseley-Braun amendment the provision dealing with the construction, the Graham amendment, is not struck, it is preserved, as well as the tuition assistance programs. What is struck is the Coverdell proposal. And the Coverdell proposal, according to the Joint Tax Committee, provides that the majority of its money is going to go to private schools. Now that is a fact.

You have the choice of whether you want that or whether you want to have a downpayment in our public schools to try to help ensure that we are going to free our public schools from asbestos, from boilers breaking down, and from leaky pipes.

Mr. President, I want to just mention a case here that is right on point. And this is the Revere public schools. That is a blue-collar area in Massachusetts. It has increased by 25 percent the enrollment over the past 5 years in the elementary schools. Revere recently passed a $2.2 million referendum to repair roofs in three schools and to remove the asbestos panels and modernize the fire alarm system in the high school. Since then, the high school roof has begun to leak, threatening to ruin the new fire alarm system. The town estimates it will cost $1 million to repair the roof. The mayor says: We would repair the roof if we had the Carol Moseley-Braun amendment.

What I hear from the mayors all over Massachusetts, in the old towns and communities, as well as in the rural areas, is that interest on some of these bonds runs up to 40 percent of the burden and the debt, in many instances, if they are not attended to in a prompt way.

This provides a helping hand to those needy communities. And it is an essential part of the President's program. I commend the Senator from Illinois for making this strong case and hope our colleagues will support her.

Mrs. FEINSTEIN. Mr. President, today I am pleased to support two construction initiatives to help our public schools reduce overcrowding. The first is included in Senator ROTH's substitute bill that is before us and the second is an amendment by Senator CAROL MOSELEY-BRAUN.

The two proposals combined mean that California could issue tax exempt bonds totaling $2.8 billion. They differ in their approach and help two different types of districts. The Roth proposal will help suburban high-growth areas. The Moseley-Braun proposal will target disadvantaged, inner city districts, while also providing the state with authority to address the needs of other districts.

THE ROTH PROPOSAL

The school construction provisions of Senator ROTH's education bill provide $2.4 billion per year for new tax-exempt bonds and allocate them according to a state's population, at $10 per person. It targets funding at the school districts with a 20 percent enrollment growth between 1990 and 1995. Under this proposal, California could issue tax-exempt bonds totaling $322 million and as many as 77 high-growth school districts in California could take advantage of these bonds. This means that using these bonds, we could build 40 elementary schools, 8 middle schools and 2 high schools in my state. We could build schools in high-growth school districts like Clovis, Capistrano, Tustin, Elk Grove, Modesto, Palo Alto, Lancaster, Culver City, and Fontana.

The Roth proposal creates a new category of tax exempt facility bonds to encourage innovative public-private partnerships for school construction, but the ownership of the school building would stay with the public school district. This approach could brings some innovative financing to school construction, in my view.

While in terms of California's enormous needs, the amount of bonding authority in this proposal is modest, it does offer a new financing tool for our schools.

THE MOSELEY-BRAUN AMENDMENT

I also will vote for the school construction amendment to be offered by Senator MOSELEY-BRAUN, which will provide $22.6 billion in authority for state and local governments to issue bonds to construct and rehabilitate schools. In addition, her amendment will make more qualified zone academy bonds available by increasing the national bond cap from $400 million to $1.4 billion and by allowing them to be used for school construction. Bondholders would get federal tax credits in lieu of interest.

Under this proposal, California could get $2.5 billion in bonds, the most of any state. Thirty-five percent of these bonds would be used by the 100 largest school districts based on their ESEA Title I funding, which assists disadvantaged children. Sixty-five percent would be distributed by states based on their own criteria. In addition, the Secretary of Education could designate 25 additional districts based on the state's share of ESEA Title I grants, excluding the 100 largest districts.

Under this amendment, the following school districts could receive the following allocations:

Bakersfield City Elementary, $19 million;
Compton Unified, $30 million;
Fresno Unified, $56 million;
Long Beach Unified, $48 million;
Los Angeles Unified, $481 million;
Montebello Unified, $22 million;
Oakland Unified, $35 million;
Pomona Unified, $18 million;
Sacramento City Unified, $31 million;
San Bernardino City Unified, $32 million;
San Diego City Unified, $68 million;
San Francisco Unified, $28 million;
Santa Ana Unified, $27 million; and
Stockton City Unified, $24 million.

In addition to these, the state would get $1.2 billion to allocate among needy school districts.

In my state, these two proposals provide two approaches to address the school construction needs in two different types of California school districts. The Roth-Coverdell proposal helps districts with enrollment growth exceeding 20% between 1990 and 1995, high-growth districts. The Moseley-Braun proposal helps the large, urban, poor districts, districts that also have pockets of escalating enrollments and dilapidated and crowded buildings.

CALIFORNIA'S CRITICAL NEEDS

My state faces severe challenges.

SOARING ENROLLMENT GROWTH

California's public school enrollment between 1997 and 2007 will grow by 15.7 percent, triple the national rate of 4.1 percent. California's schools will see the largest enrollment increase of all states during the next ten years.

Each year between 160,000 and 190,000 new students enter California classrooms.

California's high school enrollment is projected to increase by 35.3 percent by 2007. Approximately 920,000 students are expected to be admitted to schools in the state during that period, boosting total enrollment from 5.6 million to 6.8 million.

California needs to build 7 new classrooms a day at 25 students per class between 1997 and 2001 just to keep up with the growth in student population.

OVERCROWDING

California needs to add about 327 schools over the next three years just to keep pace with the projected growth. Yet these phenomenal construction rates would only maintain current use and would not even begin to relieve current overcrowding.

We have the largest class sizes in the nation. Students are crammed into every available space and in temporary buildings. Los Angeles Unified School District, for example, has 560,000 seats for 681,000 students.

Here are a few other examples:

At Horace Mann Year-Round School in Oakland, increasing enrollment and class size reductions require some teachers and students to pack up and move to a new classroom every month.

At John Muir Elementary School in San Bruno, one class spent much of the year on the stage of the school's multipurpose room as it waited for portables to arrive.

Anaheim City School District has a 6 percent enrollment growth rate, double the state average and recently approved the purchase of 10 portable buildings, at a cost of $235,000 to relieve overcrowding.

Los Angeles Unified School District has 195 schools on a nontraditional, year-round schedule and is bussing 11,000 students away from their neighborhoods because of overcrowding. Garfield High School in East Los Angeles was built for 2,500 students but now has almost 5,000. Many classes have 40 or more students per teacher.

In order to build it's way out of overcrowding, Oceanside School District in San Diego, would need to build four elementary schools, two middle schools and a high school at an estimated cost of $110 to $140 million.

OLD SCHOOLS

60 percent of our schools are over 30 years old.

Today's schools need a modern infrastructure, including updated wiring for computers.

In California, 87 percent of the public schools need to upgrade and repair buildings, according to the General Accounting Office,

HIGH COSTS

The California Department of Education estimates that the state needs $22 billion during the next decade to modernize our public schools and an additional $8 billion to meet enrollment growth.

Here's what it costs to build a school in California:

An elementary school (K–6), $5.2 million;
A middle school (7–8), $12.0 million; and
A high school (9–12), $27.0 million.

Our schools must be built to withstand earthquakes, floods, El Nino and myriad other natural disasters. California's state earthquake building standards add 3 to 4 percent to construction costs.

The cost of building a high school in California is almost twice the national cost. The U.S. average is $15 million; in California, it is $27 million.

CLASS SIZE REDUCTION

Our state, commendably, is reducing class sizes in grades K through 3 because smaller classes improve teaching and learning.

We have the largest pupil-teacher ratios in the country and fortunately, we are beginning to reduce class sizes. Small classes bring more individual attention to students, but smaller classes mean more classrooms.

In short, California's needs are immense and states and local communities need the federal partner.

CONCLUSION

These new bond programs will provide important assistance for school districts across America. Some of the bonds can especially help small and low-income area school districts, because low-income communities with the highest school rehabilitation and construction needs may have to pay the highest interest rates in order to issue the bonds, if they can be issued at all.

These approaches are similar to the bill I introduced on March 12, the Expand and Rebuild America's Schools Act, S. 1753. My bill would provide a tax credit for bond holders of school construction bonds and includes criteria to address high growth areas and older schools in need of modernization.

School overcrowding places a heavy burden on teachers and students. Studies show that the test scores of students in schools in poor condition can fall as much as 11 percentage points behind scores of students in good buildings. Other studies show improvements of up to 20 percent in test scores when students move to a new facility.

The point is that improving facilities improves teaching and learning. School overcrowding undermines the health and morale of students and teachers, disrupting education. Overcrowded schools prevent both teachers and students from reaching their full potential.

Our nation's school districts face huge challenges as we move toward the 21st century, with a record 52.2 million children this year and a booming school population forecast well into the next century. The legislation proposes modest, targeted federal support for school bonds in growth areas, offering important assistance to school districts, teachers, parents and students.

In the end, it is improved student achievement is what this is all about and in the end, that is the goal of this Senator.

Mr. AKAKA. Mr. President, I rise in support of the amendment offered by my colleague from Illinois, Senator MOSELEY-BRAUN. The Senator's amendment would authorize over $22 billion in essential bonding authority to the 50 States and territories to improve our Nation's public school system.

The Moseley-Braun school construction amendment would provide direct assistance to states to improve and construct school facilities for our nation's children. The amendment before us will help thousands of schools across the country modernize their facilities to meet increasing technological demands. It will also provide assistance to local school districts to build additional facilities for the growing number of students.

Hawaii's schools, particularly our rural schools on the neighbor islands, are in great need of improvement and modernization. The inclusion of modern technology in our education curriculum requires extensive renovations in older school buildings to ensure that all children have equal access to today's technological advancements. Hawaii's schools could receive an estimated $53 million for school construction under this amendment. This would greatly assist my state in meeting the increased educational demands of our children.

Mr. President, as a former teacher, I have taught in both the private and public school systems, and I recognize the advantages and disadvantages of both systems. However, I believe that the Federal Government has a moral obligation to ensure that all our children are provided a quality education, and diverting potential resources away from our public schools is a disservice to the majority of American children who attend public schools. The underlying proposal does not focus on those who need the most help. The bill before us provides an average tax break for families with public school children of only $7 over five years, while families with children in private schools would receive a $37 benefit. This proposal provides a disproportionate share of benefits to wealthier families who do not need the additional Federal assistance.

I urge my colleagues to support the Moseley-Braun school construction amendment and provide all our nation's children an equal opportunity to learn in safe, clean, modern school facilities. Thank you, Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Ms. MOSELEY-BRAUN. Mr. President, I will close. How many minutes do I have left?

The PRESIDING OFFICER. Three minutes 18 seconds.

Ms. MOSELEY-BRAUN. I will close briefly by saying this: The choice, unfortunately, here is between a new and complicated tax cut that is disguised as education policy—and I say "new and complicated;" it is all of $7 to a maximum of $37 a year tax cut that nobody really asked for. It will not fix a single school. It will not deal with an existing problem. It will not reduce a single dollar of property taxes.

I point out that the quote from the administration that was made in 1996 makes it very clear: Traditional responsibility, financed by local taxpayers. We are trying to provide a partnership to break the cycle of crumbling schools and high property taxes by providing a partnership that allows us to fix crumbling schools, to fix up the schools, provide an environment suitable for learning, and reduce the property tax burden, and bring the Federal Government, in cooperation and collaboration—not a lot of bureaucracy, but as a helping hand.

The Federal Government is not the problem here. It is not the solution here. It can only help and assist local efforts. That is all this amendment does. I urge my colleagues to support the Moseley-Braun amendment.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. Mr. President, I yield myself 3 minutes.

Mr. President, the statement was made by the distinguished Senator from Illinois that her legislation would not require the creation of the type of bureaucracy of which I spoke in my opening remarks. I have since then, for the first time, received a copy of the amendment. But I have to say that exactly as I spelled out in my statement, this legislation requires very detailed action on the part of the Department of Education and the Treasury in allocating and granting the funds provided for under this agreement.

Let me just give you one or two illustrations of what I speak. On page 17, in paragraph 5, it says:

> APPROVED STATE APPLICATION.—For purposes of paragraph (1), the term "approved State application" means an application which is approved by the Secretary of Education and which includes—
>
> (A) the result of a recent publicly-available survey (undertaken by the State with the involvement of local education officials, members of the public, and experts in school construction and management) of such State's needs for public school facilities, including descriptions of——

I will not read on. But I want to reemphasize that this legislation is putting control of school construction in the hands of Washington, of the Federal bureaucracy. And that is exactly contrary to what the President himself said in the justification of an appropriations estimate.

I think it is important too, because I agree with what he says here:

> The construction and renovation of school facilities has traditionally been the responsibility of state and local governments, financed primarily by local taxpayers; we are opposed to the creation of a new federal grant program for school construction.

That is exactly what I am saying today. We are opposed to the creation of a new Federal program with a bureaucracy. We think the control of our schools, including the construction of new facilities, should be in the hands of the State and local government.

I yield the remainder of my time to the distinguished Senator from Georgia.

Mr. COVERDELL. How much time remains?

The PRESIDING OFFICER. Four minutes and 14 seconds, and the Senator from Illinois has 2 minutes.

Mr. COVERDELL. Mr. President, I reiterate in the underlying proposal there is a concern about school construction. In that sense, there is a sharing of concern with the Senator from Illinois. We have a different view about how to come to it.

I believe, as I said, this proposal moves to failure. A State that has met its responsibilities and kept schools up to the level they should be doesn't meet the criteria in the amendment for the funding.

The second point, and probably for me the most significant, is that this amendment obviates and destroys the education savings account that we have been discussing now for almost 6 months. This education savings account offers modest tax relief, which causes Americans to do very big things. About $500 million-plus tax relief on the interest buildup in the savings account will cause 14 million families, according to the Joint Tax Committee, to open such an account and save, of their own money, $5 billion in 5 years, over $10 billion in 10 years, all of which comes to the direct support of a child's need—tutor, computer, transportation, afterschool program, uniform; it goes on.

So with just a modest incentive offered from the Federal Government, we cause Americans to step forward and give massive support to education.

Now, that is taken out of the bill and exchanged for something that takes $9 billion of Federal money, doesn't create a dime on the part of these families, and this tax relief goes to the financiers. A certain segment of it can only be managed by banks and insurance companies, and the balance of it certainly will gravitate to the wealthiest of our society.

So we kick out these average families—middle-income families. They cannot open a savings account and save this modest tax on their interest. That goes in the trash can. But the big dollars for big investors comes forward. The net exchange is, the Federal Government expends $9 billion instead of $1 billion and creates no investment versus $10 billion in investment. That is not a very good exchange. The little guy gets shortchanged. He or she cannot open a savings account, but the big institutions have an incentive to come forward.

So I repeat, this proposal rewards failure, it creates a massive new Federal reach, new Federal intervention into what even the President says should be a local decision, and wipes out those 14 million savings accounts.

I just say, one of the important features of that savings account that I think never gets talked about is the fact that every time the family opens it, from that point on, every month when they get the statement—not with their billions, but with their hundreds of dollars—every month they get it, they will be reminded of what that child needs for the school they attend.

The PRESIDING OFFICER. The time of the opponents has expired.

The Senator from Illinois has 2 minutes.

Ms. MOSELEY-BRAUN. I fear somehow that in parts of this debate we are talking at each other. That is unfortunate.

Everybody, of course, supports increased savings. That is not the issue. The question is whether or not this is education policy and whether or not we are responding to a very real need.

The relief provided in the Coverdell proposal, the $7 a year, is not going to fix a single broken window or roof. It is not going to address this issue of public schools at all. That is where this issue is joined, unfortunately.

In closing, I ask unanimous consent to have printed in the RECORD a list of the supporters of this proposal, along with a representative sample of letters, including one from a teacher in downstate Illinois.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIST OF SUPPORTERS

AFL–CIO. American Association of School Administrators. American Federation of State, County and Municipal Employees. American Federation of Teachers. Children's Defense Fund. Council of Chief State School Officers. Hispanic Education Coalition. National Coalition for Public Education. National Education Association. National School Boards Association. National PTA. National Urban League. Rebuild America's Schools. United Auto Workers. Union of Needletrades, Industrial and Textile Employees.

LETTER FROM DOROTHY STRICKLER

I am a teacher in a public high school in Illinois, as is my husband. We are very concerned about the physical condition of the schools in downstate Illinois, especially. My husband's school is in rural Stark County. The building is almost 80 years old. It is completely inaccessible to the handicapped. His classroom has windows which will not stay open and having an open window in a classroom with no air-conditioning is important. In order to have fresh air in the room he must climb on a chair and onto the window sill to prop a stick in the window. This is just one example of the poor conditions he must face every day when he goes to work.

As for my situation, the worst problem I face is the lack of air-conditioning. My school is in Peoria County. Our school year begins August 15 and at times the room in which I teach has a temperature of 95+ degrees. We have state-of-the-art computer technology, but no air-conditioning.

I hope the federal government can pass legislation to help school districts in this country bring their buildings up to livable standards. We have brand new jails going up all around us, but our children and teachers in the schools are trying to work in conditions no one in any other part of society would tolerate.

Sincerely,

DOROTHY STRICKLER.

NATIONAL EDUCATION ASSOCIATION,
Washington DC, March 11, 1998.
UNITED STATES SENATE,
Washington, DC.

DEAR SENATOR: On behalf of the 2.3 million members of the National Education Association (NEA), we reiterate our opposition to the "education IRAs" for private schools in S. 1133 and urge you to vote against passage of this bill or any similar provision. No modification or additional amendments to this provision, such as school construction, would change our position. Positive ideas, such as modernizing public school buildings, should not be tied to tax schemes to benefit private and religious schools.

Instead of supporting S. 1133, NEA urges you to vote for a substitute to provide tax credits to subsidize $22 billion of school modernization bonds over 10 years. These bonds would enable states and local public school districts, which serve more than 90 percent of all students, to provide safe, modern schools that are well-equipped to prepare students for jobs of the future. School modernization bonds would target one-half of the funds to schools with the greatest number of low-income children and allow states to decide where to distribute the remaining half. This would ensure that rural, urban, and suburban schools all benefit from these bonds.

The provision in S. 1133 to create tax-free savings accounts to pay for private and religious schools would do nothing to improve teaching or learning in our public schools. It would also disproportionately benefit wealthy families who already send their children to private and religious schools. The public and parents say they want federal investments to improve teacher training, promote safe schools, and establish programs to help all students reach high standards. Tax shelters, as proposed by S. 1133, would do nothing to help achieve these goals.

Further, this tax-free savings account does not guarantee parents a choice of schools. Private school admissions officers would decide which students to accept. An editorial about S. 1133 in the September 11, 1997 issue of the Christian Science Monitor stated: "Sounds innocent enough. But where does it lead? It's a small step toward positioning government behind private—most often church-related—elementary and secondary education."

NEA urges you to vote for the public school modernization bond substitute and against cloture and final passage of S. 1133 if it contains the private school tax scheme.

Sincerely,

MARY ELIZABETH TEASLEY,
Director of Government Relations.

NATIONAL PTA,
OFFICE OF GOVERNMENTAL RELATIONS,
Washington, DC, April 20, 1998.
U.S. SENATE,
Washington, DC.

DEAR SENATOR: The 6.5 million-member National PTA opposes H.R. 2646, expected to be taken up during the week of April 20th. There are two amendments the National PTA urges you to support because they would eliminate the problem of funneling public dollars into tax breaks for private and religious school participation. One of the amendments will be offered by Senator Moseley-Braun and would substitute Senator Coverdell's tax package for a proposal to fund school construction projects designed to modernize public schools. The other amendment we urge you to support will be offered by Senator Glenn. His proposal would strike the language that allows for a tax subsidy for K–12 education, so that the tax breaks would go toward higher education accounts only.

The substitute package authorizes a tax credit for desperately needed construction and renovation. Instead of investing taxpayers' money in savings accounts that would primarily reward wealthy families, the substitute would direct federal resources to build and modernize public schools across the nation. By paying for the interest on nearly $22 billion in state and local bonds, the substitute will help ensure that children across the nation will be able to learn in safe, modern, well-equipped schools and get preparation they need to succeed in the 21st Century.

The amendment eliminating the K–12 language would still allow parents to invest $2,000 in higher education savings accounts, thus providing greater long-term financial benefits to families. According to The Joint Committee on Taxation, families who withdraw funds from the accounts to pay for primary and secondary school education will only receive an average tax benefit of $7 if their child goes to public school and $37 if their children attend private schools.

If either the substitute or the amendment do not pass, we urge you to oppose passage of H.R. 2646. Instead of using investing taxpayers' money to help a few children, we implore you to support investments in public schools that serve approximately 90% of K–12 students.

Sincerely,

SHIRLEY IGO,
Vice President for Legislation.

REBUILD AMERICA'S SCHOOLS,
Washington, DC, April 20, 1998.

Re: Moseley-Braun School Modernization Amendment to H.R. 2646 (S. 1133)

DEAR SENATOR: Rebuild America's Schools is a coalition of school districts and national organizations organized to help local communities in their efforts to modernize and build the school facilities needed to prepare our nation's students for the 21st century.

Rebuild America's Schools supports the Moseley-Braun, Moynihan, Daschle, Kennedy, School Modernization substitute amendment to H.R. 2646 (S. 1133). This amendment provides tax incentives to assist local communities in offering school construction bonds. The Qualified School Construction Bonds will enable states and school districts to offer $9.7 billion in school construction bonds in FY '99 and 2000. The Qualified Zone Academy Bonds established in the 1977 Taxpayers Relief Act also are expanded.

The need to repair, modernize and build new schools to meet rising enrollments is well documented in virtually every community in the nation. The Government Accounting Office report on the condition of America's schools established the alarming fact that over $112 billion must be invested to repair and modernize existing school facilities. State and local communities are struggling to finance school modernization programs. It cannot be done without federal support. The students educated in the local public schools of today will be tomorrow's political, economic and social leaders.

Federal support through the tax incentive programs presented in the Moseley-Braun, Moynihan, Daschle and Kennedy amendment will provide federal support in a magnitude which will help local communities renovate and build the schools they need. Decision making prerogatives and local responsibility for management of school facilities will remain at the local level. Proposals such as exempt facility bonds or private activity bonds for public schools do not provide enough resources to provide real assistance to the broad range of rural, urban and growing school districts straining to provide modern and safe school facilities for their students.

The Moseley-Braun, Moynihan amendment can generate more than $20 billion in school construction bonds. This will reach every state at a cost to the federal government of $3.3 billion over five years, according to the Joint Committee on Taxation.

The Moseley-Braun Substitute amendment to H.R. 2646 (S. 1133) commits significant federal incentives to help state and local communities provide educational facilities to enable students to thrive and prosper in the society and economy of the 21st century.

We urge your support of the substitute amendment.

Sincerely,

ROBERT CANAVAN,
Chair.

AMERICAN ASSOCIATION OF
SCHOOL ADMINISTRATORS,
Arlington, VA, April 16, 1998.

Hon. CAROL MOSELEY-BRAUN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR MOSELEY-BRAUN: The American Association of School Administrators (AASA), representing more than 14,000 public school superintendents nationwide, urges you to oppose the "A+ Savings Accounts" championed by Senators Coverdell and Torricelli. If enacted into law, this cleverly packaged voucher scheme would mark a landmark shift of the federal role in elementary and secondary education. It represents the first step in an effort to shift federal aid away from public schools, where 90 percent of American children are educated, and towards private and religious schools.

As you know, and as research and testing prove, most of the challenges that public education currently faces are related to poverty. AASA's members believe that, because of this, it is illogical for Washington to create new education programs that only wealthy taxpayers will be able to effectively utilize. As you know, AASA has designed a bold reform plan specifically aimed at impoverished local schools which incorporates ideals championed by Republicans and Democrats. AASA's members support strong, decisive, and innovative action at the federal level to improve public education; however, the Coverdell-Torricelli plan is none of these things.

We understand that Senator Dodd will offer an amendment to spend the money that would be spent on the Coverdell-Torricelli plan on the Individuals With Disabilities Education Act (IDEA). As you know, the federal government has never come close to meeting its fiscal responsibilities under IDEA. Senate Republicans have stated, and included in their budget resolution, their intent to fully fund IDEA before embarking on new education spending. AASA strongly supports fully funding IDEA, and AASA's members believe that the Dodd amendment offers an excellent opportunity to move the federal government towards meeting its commitment.

AASA also strongly supports Senator Moseley-Braun's amendment to modernize American schools and Senator Glenn's amendment to modify the Education Individual Retirement Accounts. Considering the Joint Tax Committee's estimate of the benefit to public school families from the Coverdell-Torricelli plan, the contrast between the Moseley-Braun school modernization initiative and this thinly disguised voucher plan could not be more stark.

Thank you for considering our views. AASA stands ready to assist you however we are able. Please do not hesitate to call on us.

Sincerely,

ANDREW ROTHERHAM,
Legislative Specialist.

AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, March 17, 1998.

DEAR SENATOR: The AFL–CIO strongly urges you to oppose motions to invoke cloture and final passage of S. 1133, the Parent and Student Savings Account Plus Act. The provisions of this bill amount to nothing more than subsidized private education for children of wealthy Americans paid for by the tax dollars of the working public.

The simple truth is that the average working family will never benefit from the IRA accounts created by S. 1133. Ninety percent of American children grades K–12 attend public schools and will never benefit from IRA accounts. Because S. 1133 can be used by wealthy taxpayers making up to $160,000, 70% of the benefits from the new IRA accounts will go to 20% of the nation's wealthiest families. The average American working family with children under the age of 18 cannot accumulate the savings necessary to use the new IRA. The Joint Committee on Taxation found that 60% of taxpayers would not establish such an account.

S. 1133 does nothing to achieve educational goals that are widely agreed upon. There is no funding to facilitate higher academic standards, improved teacher training and safer schools. Instead, the bill allows scarce federal funds to be used for undefined "tutors" (including babysitters or family members) and transportation, which according to the Joint Committee on Taxation, could mean using the IRA to buy a car for a student. Equality of educational opportunity cannot be achieved by diverting funding from public schools attended by many to private schools benefiting few.

S. 1133 amounts to little more than a voucher program to defray private education costs for the children of a very small number of wealthy Americans. The AFL–CIO urges you to oppose motions to invoke cloture and final passage of S. 1133, and work with us to address the educational needs of all our children.

Sincerely,

PEGGY TAYLOR,
Director, Department of Legislation.

AMERICAN FEDERATION OF TEACHERS,
Washington, DC, April 15, 1998.

DEAR SENATOR: On April 20, 1998, the Senate will return to H.R. 2646. On behalf of 950,000 members of the American Federation of Teachers (AFT), I again urge you to vote against H.R. 2646, The Parent and Student Savings Account Plus Act, commonly called the Coverdell bill. H.R. 2646 provides a $2,000, IRA-like investment account, whose tax-free proceeds can be used to pay for private K–12 educational expenses. The American Federation of Teachers strongly opposes this bill because it is an indirect form of educational voucher that would undermine support of public schools.

H.R. 2646 will not benefit working families because they do not have the necessary discretionary income. It is an expensive bill that would provide tax breaks primarily to the wealthiest families. The Treasury Department estimated that 70 percent of the benefits will go to the wealthiest 20 percent of the nation's families, and as drafted, will increase the administrative problems of the IRS. Further, the Joint Tax Committee estimates the average benefit for public school families would be only $7 by the year 2002, and $37 for private school families.

The bill ignores the fact that almost 90 percent of K–12 students go to tuition-free public schools. For this reason, the Coverdell bill can be described as a "voucher-like" tax-free savings account that for the most part will benefit wealthy families who send their children to private schools.

While AFT does not oppose the right of parents to choose private education, we strongly oppose the direct or indirect use of publicly funded vouchers, tax credits, IRAs, or other such mechanisms to pay for private K–12 educational expenses. It is essential to have an effective public education system to realize equality of opportunity for all Americans. The way to help all schools become more effective is by implementing high academic standards, high behavioral standards, and investing in needs such as new or improved school buildings.

AFT does support the Democratic school modernization substitute for the Parent and Student Savings Account Act. The school modernization substitute would provide federal tax credits for the interest on special school modernization bonds, at a five-year cost of $5 billion. This would leverage approximately $22 billion of school modernization bonds—a modest federal contribution to the $112 billion school construction shortfall projected by the GAO.

We also support Senator Glenn's amendment to strike K–12 from the Coverdell IRA. If the Glenn amendment were adopted, the Coverdell IRA would be exclusively for higher education and not undermine support for K–12 public education.

If the Democratic School modernization amendment and the Glenn Amendment fail, the American Federation of Teachers urges you to oppose H.R. 2646.

Sincerely,

GERALD D. MORRIS,
Director of Legislation.

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA
Washington, DC, March 11, 1998.

DEAR SENATOR: This week the Senate may take up the proposed Parent and Student Savings Account Plus Act (S.1133), sponsored by Senator Coverdell. The UAW strongly opposes this legislation; we urge you to vote against this measure and to oppose and attempt to invoke cloture when it is taken up by the Senate.

The Coverdell bill would allow individuals to contribute up to $2,000 per year to tax-free IRA type accounts for elementary and secondary school expenses, including the expenses associated with attending private and parochial schools. In our judgment, these tax subsidies are simply private school voucher by another name. This bill would disproportionately favor privileged families who are more likely to have money to put into their IRA type accounts than are families with lower incomes. In addition, the legislation would divert urgently needed funds from public schools, thereby undermining our system of public education and encouraging well to do families to send their children to private and parochial schools.

The UAW understands that a substitute package may be offered to S. 1133 that would fund school construction projects designed to modernize public schools the UAW supports this initiative to ensure that children across the nation are able to learn in a safe, modern, well-equipped school environment. We believe that federal policies should direct limited resources into public schools where over 89 percent of American children are educated, not divert funds to private and parochial schools.

For these reasons the UAW urges you to vote against the Coverdell bill (S. 1133) and to oppose any attempt to invoke cloture on this measure. We also urge you to support the substitute proposal providing additional funds for school construction. Thank you for considering our views on these important issues.

Sincerely,

ALAN REUTHER,
Legislative Director.

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL–CIO,
Washington, DC, March 13, 1998.

DEAR SENATOR: On behalf of 1.3 million members of the American Federation of State, County and Municipal Employees (AFSCME), I strongly urge you to oppose the "education IRAs" for private schools in S. 1133 and urge you to vote against passage of this bill. Instead, we urge you to vote for a substitute to be offered by Senator Carol Moseley-Braun to provide tax credits to subsidize $22 billion for school modernization bonds over 10 years. These bonds would enable states and local public school districts, which serve more than 90 percent of all students, to provide safe, modern schools that are equipped to prepare students for the future.

The provision in S. 1133 creating tax-free savings accounts to pay for private and religious schools would do nothing to improve teaching or learning in our public schools. It would disproportionately benefit wealthy families who already send their children to private and religious schools.

This tax subsidy does nothing to raise academic standards for all children, provide safe learning environments for children, provide more teacher training, or increase parent involvement in schools. Tax subsidies are private school vouchers by another name. They would divert public resources to support private education at a time when we need to do all we can to improve our public schools. Please vote against S. 1133 and for the Moseley-Braun substitute.

Sincerely,

GERALD W. MCENTEE,
International President.

HISPANIC EDUCATION COALITION,
April 20, 1998.

DEAR SENATOR: On behalf of the Hispanic Education Coalition (HEC), an ad hoc coalition of national organizations dedicated to improving educational opportunities for Hispanics and other interested organizations, we are writing to urge you to strengthen our educational infrastructure as you begin debate and votes on S. 1133. In passing transportation legislation, the Senate signaled that transportation infrastructure is of vital national interest, crucial to the economy and future development. Education is equally important. Socially, politically, and economically, education will be the determining factor in the quality of life in our nation.

Please support Sen. Carol Moseley-Braun's amendment, in the nature of a substitute, to provide critical federal resources to help states and local education agencies modernize schools and reduce class sizes. There is little disagreement that across the nation, many of our public schools are in terrible physical shape, placing our children's safety in jeopardy and cheating them of access to critical educational tools. Likewise, there is broad consensus that we are facing an acute teacher shortage that will worsen as the current teaching corps ages and the student population grows. Not surprisingly, the schools that are in the worst condition and suffer the most from teacher shortages are located in our most disadvantaged and fastest growing communities. As a nation, we can ill afford to poorly educate large segments of tomorrow's workforce. Sen. Moseley-Braun's amendment will move us toward resolving these pressing problems by leveraging local resources to build, repair and modernize schools and providing incentives that will help put more qualified teachers in our classrooms.

We also encourage you to support Sen. Jeff Bingaman's amendment to focus national attention on drop out prevention. As stated in the Hispanic Dropout Project's final report, *No More Excuses*, "For students, dropping out forecloses a lifetime of opportunities—and in turn makes it far more likely that their own children will grow up in poverty and be placed at risk. For business, this means a lack of high skilled employees, fewer entrepreneurs, and poorer markets. For communities, this cumulates the risk of civic breakdown." For the Hispanic community, with a drop out rate of nearly 30 percent, this issue is of paramount importance.

Unfortunately, two amendments that will be offered would significantly undermine our education system and could do real harm to many low-income students. Individual tax credits will not improve our educational infrastructure, put quality teachers into classrooms, nor improve the educational achievement and attainment for our students. Secondly, Federal resources that are carefully targeted are most effective. Federal education programs were created to fill gaps that local and state governments allowed to occur. Block grants would dilute the positive impact many of these programs have made in providing opportunities for disadvantaged students. Although these proposals may spark interesting political debates, they do little to help us accomplish the task at hand—ensuring that all children have access to quality education.

Sincerely,

PATRICIA LOERA,
HEC Co-Chair, National Association for Bilingual Education.
RAUL GONZÁLEZ,
HEC Co-Chair, National Council of La Raza.

On behalf of: Hispanic Association of Colleges and Universities, League of United Latin American Citizens, Mexican American Legal Defense and Educational Fund, National Association for Migrant Education, and National HEP-CAMP Association.

Ms. MOSELEY-BRAUN. This chart is a "report card" for America's infrastructure, which was put together by the American Society of Civil Engineers—not exactly a probureaucracy

group. We can see mass transit got a C; bridges, a C-minus; solid waste, a C-minus; waste water, a D-plus; roads, a D-minus; but schools got an F. We clearly have a problem.

A minimum $112 billion only begins to set up a partnership. Again, it is not the grant program that the administration opposed several years ago but a bureaucracy-free tax credit. We give local governments the help we can best give them, which is access to the tax benefits that this legislation provides. And from that assistance, from that modest assistance that we as a national community give these local governments, we will be able to go to the private sector, go to the capital markets, and raise the money to begin to grapple with this problem.

We have an "F" on schools in this country in terms of infrastructure needs. I daresay the real tragedy here is that we have not reached consensus yet that it is appropriate as a national community that we come together in a partnership, that we work together, instead of pointing fingers about what is wrong and pointing the blame and saying it is this group's fault or the local property taxpayer. We ought to work together to make certain issues like this get resolved in behalf of the children of our country and the future of this country.

The PRESIDING OFFICER. All time has expired.

Mr. COVERDELL. Mr. President, I move to table the amendment offered by the Senator from Illinois.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Illinois.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. BENNETT) is necessarily absent.

Mr. FORD. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—56

Abraham
Allard
Ashcroft
Biden
Bond
Brownback
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner

NAYS—42

Akaka
Baucus
Bingaman
Boxer
Breaux
Bryan
Bumpers
Cleland
Conrad
D'Amato
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Specter
Wellstone
Wyden

NOT VOTING—2

Bennett
Moynihan

The motion to lay on the table the amendment (No. 2292) was agreed to.

Mr. COVERDELL. Mr. President, I move to reconsider the vote.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Wellstone and Gregg amendments no longer be in order under the consent agreement of March 27 and prior to third reading Senator WELLSTONE be recognized for up to 15 minutes under his control and Senator GORTON for up to 15 minutes under his control and Senator HARKIN for up to 15 minutes under his control.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, will the Senator yield for a minute?

Mr. COVERDELL. I yield.

Mr. BIDEN. Mr. President, I wanted to explain the reason I voted the way I did on the last amendment. I strongly support Senator MOSELEY-BRAUN's amendment and approach.

The PRESIDING OFFICER. The Senate will be in order so the Senator from Delaware can be heard.

The Senator from Delaware.

Mr. BIDEN. Once again, Mr. President, as often occurs here, we are presented with Hobson's choices. As I said, I have strongly supported and continue to support the school construction initiatives of Senator MOSELEY-BRAUN, but her amendment should have been added to the bill, not given as an alternative to it. In order to vote for her amendment, I would have had to vote against the guts of the Coverdell bill. I support the essence of what Senator COVERDELL is doing. So I voted against Senator MOSELEY-BRAUN's amendment, although I strongly support it and think we need to invest considerable amounts of money in school construction.

I conclude by saying I only wish it had been an add-on to the Coverdell bill, not in place of the Coverdell bill.

I thank the Chair.

Mr. COVERDELL. Mr. President, I thank the Senator from Delaware for his remarks.

Mr. President, I ask unanimous consent that debate only be in order for the remainder of the session of the Senate today to be equally divided between the majority and minority leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, in light of this agreement, I announce on behalf of the majority leader there will be no further votes this evening.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I say to my colleagues that I will try to be relatively brief.

I wish to speak to the agreement that the Senator from Georgia had announced. Senator GREGG had an amendment that he wanted to bring to the floor dealing with IDEA. Many of us were concerned about his amendment. From my point of view, this was an amendment that I believe threatened to undercut some of what I think has really been rich and important about IDEA.

That is my own view. Many people in the disabilities community, many parents of children are worried about it as well. IDEA is really a pretty wonderful breakthrough for many families because up until the mid seventies—I know Senator HARKIN will speak about this later—there were about 8 or 9 million children, many of whom felt shut out from the schools. The concern we had was that this amendment might turn the clock back. We did not want that to happen. It was our view it wasn't a question of it might turn the clock back; we were worried that it would. I guess the agreement we have reached is that now Senator GREGG is going to withdraw the amendment.

I now want to speak about the amendment I am withdrawing. I want to say to parents and people in the disabilities community, especially in my State of Minnesota, that I have withdrawn this amendment reluctantly, but I understand their concern, and people really kind of got to my heart because there was a tremendous amount of concern about this amendment and I care fiercely about IDEA. I thought last year we had reached a good bipartisan consensus. I think this amendment by Senator GREGG is mistaken. I am glad it is now withdrawn. And when Senator HARKIN—who is one of my really close friends here, somebody whom I have a tremendous amount of respect for and who has been probably, I think, just a giant in the Senate when it comes to issues that affect the disabilities community—said that he thought this agreement would put his mind at ease, then I so agreed.

Mr. President, I will therefore offer the amendment that I had initially had to the Coverdell bill to the higher education bill, which makes a great deal of sense because that is really what this is about. I think we can get a majority vote for this because this amendment is very reasonable. Some Senators, such as Senator FORD from Kentucky, Senator LEVIN from Michigan, Senator DURBIN from Illinois, who are among the original cosponsors, voted for the welfare bill. I voted against the welfare bill, but that is not what this amendment is about. What this amendment says is that we really have to fix the welfare bill. We have to make a modification here because what's happening around the country is that too many States are put in a position, in order to meet the work participation requirements, of essentially saying to single parents, almost all of them women with small children, you have to leave school and take a job even if that job is maybe a $6-an-hour job, and then a year later they will be worse off because they don't receive any health care benefits.

This is shortsighted, and I do not think anybody intended this to happen. What this amendment will say, I say to my colleague from Georgia, is it will leave it up to States. There is no mandate at all. It will just say that if the State of Minnesota—and I think my State certainly wants to do this, or the State of Georgia or the State of Kentucky so decides—the States can say to us, "Look, we would like to be able to give these parents, these women, 2 years of higher education because they are on the path to economic self-sufficiency." Why would you want to take them off that path?

These are the parents who have the best chance of completing at least 2 years of school and then obtaining a living wage job and doing better for themselves and their children, and that this would not count against the work force participation requirements that States now have to meet. It would leave it entirely up to the States, but it would at least give States that option.

I think my colleagues will be hearing from a lot of Governors and a lot of States and the higher education community. I think it makes all the sense in the world.

This surely is not what we intended. I do not think we intended, under the framework of what is called welfare reform, to put States in a position where States have to say to all too many women, "Look, you have to leave school." We ought to let these parents complete the school and, therefore, they are going to do much better for themselves and much better for their children as well.

Mr. President, I, therefore, want to make it clear that I will offer this amendment. I see my colleague, the chairman of our Labor and Human Resources Committee, Senator JEFFORDS, here. I wanted to do it on this bill, but we got into this impasse. I care about IDEA. I didn't want us to have some acrimonious debate and a lot of ill will. So I am withdrawing the amendment; Senator GREGG is withdrawing his amendment. Therefore, I will look for another vehicle.

The higher education bill is going to come before us. It is a good bill, a bipartisan bill. This amendment, I promise colleagues, is as reasonable as it can get. There is no reason in the world why we would want to put States in a position and put too many parents in a position of not being able to complete 2 years of education. It certainly would make a huge difference to them.

Just one other word. I gather that we are going to talk about IDEA, and Senator GREGG or Senator GORTON is going to want to come to the floor and speak about that, and Senator HARKIN can respond to what they have to say. For my own part, I thought we had a really strong agreement on IDEA. I think we should stick to that. It is a bipartisan agreement. It is important to make sure that children who are disabled have equal opportunities. I would hate to see us weaken this very, very important step that we have taken as a Senate. We will not be dealing with that debate tonight. But this amendment on higher education will be there.

I also want to say one other thing to my colleagues, and then I will finish.

Again, please look at the evidence that is coming in. What you are going to see with the welfare bill is that in all too many cases, we have now seen a reduction in the caseload, that is true, but it does not equal the reduction of poverty, which is where we should be heading. Too many of these parents are finding jobs, but they pay barely minimum wage without any health care benefits.

In addition, the child care arrangements are really rather frightening, and too many small children, prekindergarten children, are not receiving good developmental child care. Too many children who are age 4 are home alone, and too many children are going home from school alone.

We really have to look at what is happening, because a year from now or 2 years from now or 3 years from now, depending on the States, there is going to be a drop-dead date certain, and there will be no assistance. We have to know whether these families are reaching economic self-sufficiency, and the best way these families can do that is for that mother to be able to get an education.

If we want real welfare reform or we want to reduce poverty or we want to have a stable middle class in our country, there is nothing more important to do than to make sure that we focus on a good education and a good job. That is what this amendment is about.

I thank my colleague from Georgia for his graciousness. I hope when I offer this amendment there will be good, strong support. I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER (Mr. Smith of Oregon). The Senator from Georgia.

Mr. COVERDELL. Mr. President, I appreciate the comments by the Senator from Minnesota and the accord and cooperation by all parties concerned in facilitating the debate on this education proposal. I thank my colleague for his comments.

Because of the large number of amendments on this measure, it has been difficult at times for Senators to know when they might make a comment. Senator GRAMS has been here most of this afternoon. Now that we are in this open period—and I know Senator JEFFORDS also was here—I hope that some accord can be shown our two colleagues who have been waiting to make a comment.

Mr. President, I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Thank you, Mr. President. I wanted to take a few minutes this afternoon to rise and speak in support of Senator COVERDELL's education bill, S. 1133.

Mr. President, today the Senate continues its debate on this very important bill, a bill that is really out to promote education alternatives. It is a far-reaching bill which advances educational options, one which promotes quality education where it can best be achieved and that, Mr. President, is at the local level and by family involvement. It is sound policy, and I believe it is long overdue.

S. 1133, the Parent and Student Savings Account Plus Act, is a modest bill, but it is a very important step forward for restoring decisionmaking authority in the hands of parents and families and, again, this is where that authority belongs.

The heart of this bill is simply a measure that would allow families to save for their children's education and without tax penalty.

S. 1133 is the Senate's version of the education IRA which has already passed in the House. The bill, commonly referred to as the A+ savings accounts, would expand the college educational savings accounts established in the Taxpayer Relief Act of 1997, and that would then include primary and secondary education as well.

A+ accounts would also increase the maximum allowable annual contributions from $500 to $2,000 per child. The money could be used without tax penalty to pay for a variety of education-related expenses for students in K through 12, as well as college expenses.

A number of mega-dollar, pumped-up political Band-Aids are being offered in the form of amendments to the A+ accounts legislation. It would be nice to think that we could solve the problem of education by just spending more and more money, but unfortunately, that does not work. The United States is the world leader in national spending per student.

Again, the United States is the world leader in national spending per student. Yet, our test scores show that our system is failing our children. Test results released in February show that American high school seniors scored far below their peers from other countries in math and science. Education Secretary Riley called the scores "unacceptable" and indicated that schools are failing to establish appropriate academic standards.

Legislation like A+ accounts would help direct responsibility and accountability, again, where it belongs—at the family level where families can make decisions and take responsibility for their children's education. The A+ accounts legislation includes many important legislative initiatives beyond the savings accounts. For instance, it fosters employer-supported education for employees by extending the tax credit to the year 2002. I hear time and time again employers are desperate for well-trained employees, and this legislation allows them to continue to provide that training.

Graduate level courses would be permitted under this exclusion as well as undergraduate courses. If we are ever going to be able to tackle the shortage of high-tech employees, this tax incentive is very crucial.

Additionally, the A+ accounts bill would assist local governments in issuing bonds for school construction by increasing the small-issuer exemption from $10 million to $15 million, provided that at least $10 million of the bonds are issued to finance public schools.

It is estimated that 600 schools would be improved under this legislation. Our bill also provides tax-free treatment for students who receive National Health Corps scholarships. Students can thereby exclude the scholarship value from their taxable income. That would provide further important education assistance when it is most needed.

A complimentary amendment to the A+ accounts is the Investment in America's Future bill. That was Senator GORTON's block granting amendment. Under this bill, most federally funded K–12 programs, except for special education, would have been consolidated and the dollars sent directly to local school districts—free from the usual Washington red tape. This would have ensured our education dollars would go to students, as opposed to going to bureaucrats. The Gorton amendment was not a cutting measure. The bill maintained that if Federal funding were to fall below the levels agreed to in the 1997 budget agreement, then the program would revert back to funding categorical programs.

Mr. President, there are a number of additional amendments, crucial for education, which greatly enhance the core A+ accounts legislation. The teacher testing and merit pay amendment would serve to retain competent teachers by providing incentives to States to implement programs geared at rewarding successful, high-quality teachers.

The Coats amendment would increase to 110 percent deductions that individuals and families could take on charitable contributions to schools and programs aimed at poor children.

Another important amendment would expand literacy programs that are so important to assist in poverty areas. So this simple and modest bill fosters education through families, through employers, and through local governments. We could accomplish so much through the A+ accounts package.

Common sense would have had us pass these measures a long time ago. But, unfortunately, tired, groundless attacks continue to hang on. And the charge I hear most frequently is that "education savings accounts and tax breaks for parents would shift tax dollars away from public schools." That simply is not the case.

More education dollars under parental control would actually promote education by encouraging parents to save, to invest in, and support programs and materials that facilitate and help provide the right option for a child's education. Nothing, Mr. President, would be taken away from public education resources—nothing.

The A+ accounts help working families by encouraging savings and enabling families to make plans which shape a child's future. They are directed at low- and middle-income families, not at the wealthy families which currently have more educational options for their children.

It seems ironic to me that some of the loudest opponents of these savings accounts are high-income and high-option individuals who can now afford to send their own children to private schools—and often do.

According to the Joint Committee on Taxation, the great majority of families expected to take advantage of the education savings accounts are families that have incomes of $75,000 or less. These are the families who need those savings options and need the incentives the most.

So, Mr. President, the bill provides educational alternatives for working families. These are very important options to improve the education of our children. I urge my colleagues to join in and support this very important education initiative.

Thank you very much, Mr. President. I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. JEFFORDS. Mr. President, we just finished a vote on the controversial Moseley-Braun amendment related to school construction. There is no question about the tremendous school infrastructure needs throughout this Nation. Well over $180 billion are necessary to bring the schools up to some appropriate standard.

However, as was very aptly pointed out, and no doubt was one reason that the amendment was defeated, it is States that have the primary responsibility for that construction. It is not a constitutional responsibility of this body.

I just bring to the attention of the body a chart that was discussed earlier today. Quoting the words of the Clinton administration:

> The construction and renovation of school facilities has traditionally been the responsibility of state and local governments, financed primarily by local taxpayers. We are opposed to the creation of a new Federal grant program for school construction.

I want people to keep that in mind when they consider what I have to say.

Under the Constitution, the District of Columbia, the Capital of the United States, is, in the view of Congress, at least in the writings, are our responsibility as a state legislature is to a State. We, the Members of the Congress of the United States, are responsible for the infrastructure of this city and its school system. And we should be ashamed of our negligence in that regard. The neglect did not occur over a few years; it has occurred over decades.

So, the deficit in the school infrastructure is the responsibility of all of those who have been in power, whether it was the local governments to whom we gave the power in the 1970s and 1980s or whether it was the Congress that was in power before that. Everyone has neglected the school infrastructure. There is no question that the Nation's Capital, for which Congress is responsible, has one of the worst school infrastructures in the Nation.

Again, this fall, the DC schools did not open on time. How that happened is another story that could be discussed some other time. But the bottom line is that it was because of the dilapidated conditions of the schools. The students marched to make us all aware of what was happening.

I now show you a chart that appeared as a photograph in the Washington Post on Wednesday, October 8th, in which the students say, "Why should students suffer for adult incompetence?" It should be "For congressional incompetence," because we are responsible for those schools being closed. The question is, what should we do about it?

I voted against the Moseley-Braun amendment because I felt that that money, which would be more than adequate to fix up the D.C. schools, should be utilized for that purpose. I am not pushing this issue right now for this reason: Last year, I raised the issue of funding the construction of the DC public schools to bring them up to standard. I almost got $1 billion in the Finance Committee. That effort failed by one vote. We did end up with $50 million coming out of the Senate. But in the reconciliation bill, even the $50 million was dropped.

Why? Because it was said that there were better programs to be financed by the Federal Government to help the District of Columbia than to help the school system. I violently disagree with that. At the same time, the Director of OMB said that he would work with me this year to find the money for the schools, as did other members of the Finance Committee. The members of the conference committee also said that they would help. Thus I have formed a working group with the OMB Director, Frank Raines, and other Members of both the House and the Senate, and we will be working over the next month or two to be able to try to find out what we can do to make sure that these schools get brought up to proper standards.

Congress is not meeting its obligation. The infrastructure repair requirements—just to bring schools up to modern standards—is $2 billion. That is with a "b," $2 billion, to give the students in this city the necessary funds to fix up the schools. The District is the size of a small State—populationwise, about the size of Vermont. That we are not able to help these kids is a travesty. There is no excuse for that.

Also, if you want to look at the D.C. schools compared to the rest of the country, we have a chart. The red bar is where D.C. is on critical areas in need of repairs, and the yellow is the national average.

The national total is $180 billion necessary to bring schools up to proper standards—not very good. But if you compare the national average with the D.C. schools, my God, look at that. Exterior walls and windows, 72 percent of DC schools are inadequate. The national average is 27 percent. Sixty-seven percent of the roofs on the schools in this city are in bad need of repair, 65 percent of the heating and ventilation needs repair, and 65 percent of the plumbing needs repair. Electrical lighting, 53 percent. That is just not acceptable. We should be ashamed.

It is our responsibility to make sure that those repairs are made. However, not only have we not done that, but in 1974 when we created home rule, we prohibited the District from raising its own money from the most likely source to repair its schools. How did we do that? Well, the Senators from Virginia and Maryland very cleverly put a provision in the act that says the District cannot tax the income of nonresident workers. Every State in the Union that has a tax on income, taxes the income of nonresidents.

Every city in a multistate area that has an income tax also taxes the income of nonresidents. So in prohibiting a commuter tax in DC, we have precluded District residents from generating the revenues to improve the physical infrastructure of the schools. The District has to have a revenue stream to be able to raise the bonds in order to pay for the school repairs.

We in Congress have the responsibility to repair the schools, and we have prevented the local government from raising the money using the most logical source to fix those schools.

What must we do? We have a number of options. I first point out that the closing of the schools this past fall demonstrates the necessity of funding the school repairs. In this regard, I want to clear up something for the record. A lot of blame has been heaped on General Becton, the school superintendent. Actually, what happened was that the citizen's group, Parents United, brought a lawsuit to ensure proper repairs while some repairs were already in process of being made. The work was planned so the schools wouldn't have to be closed, but the judge, who got fed up with city's inability to repair the schools, said, "No, you are not going to open the schools until you complete the repairs." This then created a panic, because the school administrators had to search all of a sudden to find contractors to get the schools fixed to then get the schools re-opened. That process, as a subsequent GAO analysis showed, ended up adding expense to the renovation process.

It is important for us to recognize that before we go home this year, before we fix schools in other areas, it is our responsibility to fix the schools of this city. We are constitutionally responsible. I am hopeful that in the days ahead, when our DC schools working group meets, our task will be to figure out how Congress is going to find the necessary $2 billion in the years ahead, either through some revenue stream created for the District or by utilization of Federal funds. We have to do that. We cannot allow this travesty to continue for the young people of D.C. when we have a constitutional responsibility to fix their schools.

I am hopeful that as we go forward, we will be able to work together, both sides of the aisle, to find a solution to this inexcusable travesty for the young people of Washington.

I want to make sure that my colleagues understand that what I have said is valid. First, we have a letter from Dr. Brimmer, the head of the control board, which indicates that it is impossible to create a revenue stream for the DC schools under the present fiscal situation of the city, nor does the school district have the authority to create a dedicated revenue source. Therefore, it would be necessary for Congress to do something to acquire the necessary money for construction and repairs of the school system.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DISTRICT OF COLUMBIA FINANCIAL
RESPONSIBILITY AND MANAGEMENT
ASSISTANCE AUTHORITY,
Washington, DC, February 9, 1998.

Hon. JAMES M. JEFFORDS,
Chairman, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I appreciate your continued support of the District of Columbia Public Schools (DCPS) and the opportunity to provide you with information on the outlook for the DCPS capital program.

Simply put, the school system must rely upon the District of Columbia government for its capital improvement funds and the City government's related bonding capacity. The General Services Administration has estimated the total cost of repairing and improving the District's educational facilities at more than $2 billion. Years of deferred maintenance have left the DCPS education facilities in a state of extreme disrepair.

District school officials estimate that between $20 million and $30 million may be realized from the sale of former school properties in the next year. All of the proceeds from these sales will be used for school capital improvements. While these funding sources are substantial, they are finite infusions. Recent additions of capital improvement funds, principally through your efforts, from the privatization of Connie Lee and Sallie Mae, have raised $18.25 million and $36.8 million, respectively. These have greatly enhanced the capital program. However, the sums made available through these means, even when added to the District's current annual capacity to borrow for school repairs and improvements, are woefully inadequate. They do not fully fund the program developed to bring the DCPS facilities into the new millennium.

In February, 1997, the DCPS issued its first Long Range Facilities Master Plan covering the years 1997 through 2007. This plan, updated in July, 1997, sets out goals and plans for emergency repairs, right sizing, stabilization, and modernization of the District's public school facilities. Without additional resources, which are not now in sight, this program cannot be fully implemented, and its goals (including equipping schools with modern technology) cannot be achieved.

The only continuing source of funding available to the District is its annual capital borrowing program. This source must bear not only a school repair burden, but also the significant infrastructure needs, including the requirements of roads and bridges, of the rest of the District government. This capital program has been limited to approximately $150 million for the entire city in recent years. This is due to the District's statutory limitation on the amount of debt, as a percentage of total revenue, that the city is allowed to carry. Given this limitation, and past commitments to the Washington Metro system, the District can only afford to commit approximately $30 million to public school capital annually, while the annual capital improvement need is well in excess of $100 million.

The Authority continues to evaluate alternatives, including a non-profit corporation financing vehicle and a dedicated revenue stream. However, to date none of these alternatives appears to achieve the needed capital funds flow to DCPS without a negative effect on the City's other capital needs. It is also important to note that, for fiscal year 1997, the Federal government provided a Federal Payment (in-lieu-of-taxes) to the Nation's Capital. The District of Columbia Revitalization and Self-Government Improvement Act of 1997 (Revitalization Act) repealed the authorization for such a payment and replaced it with a Federal Contribution of $190 million for fiscal year 1998, with no specific authorization beyond that year. The President's budget for fiscal year 1999 makes no request for the Federal Contribution. This puts further stress on the District's revenue sources and amounts that can be obtained through a capital borrowing program.

Your efforts on behalf of the District's school children is recognized and appreciated by this District's citizens and leaders. I hope that this information will be useful to you.

Sincerely yours,

ANDREW F. BRIMMER,
Chairman.

Mr. JEFFORDS. In addition, I ask unanimous consent to have printed in the RECORD the testimony of Professor Raskin from hearings I held in January. It addresses the constitutionality of Congress' responsibility for those schools. As a constitutional scholar, his testimony justifies what I think has become obvious from the debate, that the Congress has a responsibility to provide for the D.C. schools infrastructure.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Attachment 1A]

TESTIMONY OF PROFESSOR JAMIN B. RASKIN BEFORE THE SENATE LABOR AND HUMAN RESOURCES COMMITTEE, JANUARY 13, 1998

The Constitution confers on Congress the same powers over the District of Columbia that states have within their domains. In 1899, the Supreme Court stated that Congress "may exercise within the District all the legislative powers that the legislature of a state might exercise within the state . . . so long as it does not contravene any provision of the constitution of the United States."[1] In 1932, the Court found that the District Clause endows Congress with "all the powers of legislation which may be exercised by a state in dealing with its affairs, so long as other provisions of the Constitution are not infringed."[2]

Thus, Congress has a structural responsibility for education in the District, and this is a responsibility that must be executed in a constitutional way. In 1954, when the Supreme Court struck down racial segregation in public schools in the states as a violation of the Fourteenth Amendment, it also struck down racial segregation in public schools in the District of Columbia as a violation of the Fifth Amendment. This was *Bolling v. Sharpe*,[3] the unsung companion case to *Brown v. Board of Education*, which ended a century of Congressional segregation of public schools in D.C. and malign neglect of the black population.

Even after *Bolling v. Sharpe*, however, Congress oversaw a system of what federal District Court Judge J. Skelly Wright in 1967 called "racially and socially homogeneous schools" that "damage the minds and spirits of all children who attend them" and "block the attainment of the broader goals of democratic education."[4] In *Hobson v. Hansen* that year, the court found that the Congressionally-appointed school board, which had a maximum quota of three black members of nine (later changed to four), had effectively segregated the schools by race and class and created "optional zones for the purpose of allowing white children, 'trapped' in a Negro school district to 'escape' to a 'white' or more nearly white school, thus making the economic and racial segregation of the public school children more complete than it would otherwise be under a strict neighborhood assignment plan."[5]

The *Hobson* court also found that teachers and principals were assigned according to their race and the race of their students, that a tracking system was used to divide students according to race and class and consigned many students to an inferior and demeaning education, and that reading scores fell increasingly behind the national norm in each grade.[6]

Thus, although Congress clearly has an ultimate constitutional responsibility for schooling in the district, it is one that it has not generally lived up to, except by court order. Even now, we see that the Emergency School Board of Trustees, appointed by the Control Board, is an illegally created body. So now would be a good time to figure out how Congress can best fulfill its very real obligations to the District and its children.

On this question, I just have two quick points. First, unlike the citizens of the fifty states, residents of the District have no state constitution to fall back on in order to demand equality of resources and excellence of result in the educational process, something that has taken place in dozens of states. Thus, as you know, the Supreme Court's decision in *San Antonio v. Rodriguez*,[7] holding that education is not a fundamental right and that disparate funding of schools does not violate Equal Protection, is the barren and controlling constitutional framework for the District. This makes it all the more important that Congress try to take the rights of the people and the needs of the children seriously. As the Court put it in *Brown v. Board*, "education is perhaps the most important function of state and local governments."

But, second, this is a delicate matter since education, as the Court observed in *Rodriguez*, is also a public function jealously guarded by local governments, one in our nation's history that has been traditionally the province of the local community itself. So, Congress must also act with maximum respect and deference for the wishes of the local population, the American citizens who live there. Thus, your presumption should be that matters of fundamental educational policy should be decided by the local school board and elected officials so long as they do not implicate an independent federal interest that would justify congressional action under the District Clause. On matters of proposed departures from existing educational policy, such as the school voucher proposal currently in play, Congress should allow the District of make up its own mind in the way that every other locality in America is getting to choose for itself. Nothing could be more averse to the spirit of federalism, democratic government and local control over education than to have members of Congress elected from other jurisdictions deciding such basic matters for the people of the District themselves.

We must never forget that the District is part of America and its citizens have all the rights of other Americans. In 1933 in *O'Donoghue* v. *United States*,[8] Justice Sutherland recited explained why District residents may not be treated as second-class citizens:

"It is important to bear constantly in mind that the District was made up of portions of two of the original states of the Union, and was not taken out of the Union by cession. Prior thereto its inhabitants were entitled to all the rights, guaranties, and immunities of the Constitution, among which was the right to have their cases arising under the Constitution heard and determined by federal courts created under, and vested with the judicial power conferred by Article 3. We think it is not reasonable to assume that the cession stripped them of these rights, and that it was intended that at the very seat of the national government the people should be less fortified by the guaranty of an independent judiciary than in other parts of the Union."

Justice Sutherland quoted the Court's opinion in *Downes* v. *Bidwell*[9] to the same effect, emphasizing that the District clause had not subtracted constitutional rights from people who already had them as citizens of states:

"This District had been a part of the states of Maryland and Virginia. It had been subject to the Constitution, and was a part of the United States. The Constitution had attached to it irrevocably. There are steps which can never be taken backward. * * * The mere cession of the District of Columbia to the Federal government relinquished the authority of the states, but it did not take it out of the United States or from under the aegis of the Constitution. Neither party had ever consented to that construction of the cession. If, before the District was set off, Congress had passed an unconstitutional act affecting its inhabitants, it would have been void. If done after the District was created, it would have been equally void; in other words, Congress could not do indirectly, by carving out the District, what it could not do directly. The District still remained a part of the United States, protected by the Constitution."[10]

Thus, in closing, I would say that you walk a tightrope here, the way that all states do when the get involved in the essentially local issue of education. On the one hand, you have a basic constitutional and indeed moral responsibility to see to it that excellent education for effective democratic citizenship is made available to all children in the District regardless of race, ethnicity, language, income, social status, geography, and disability. On the other hand, as much as possible, you must respect the basic American principles of local control over education, democratic participation, and one person-one vote. These I would see as your basic constitutional responsibilities.

FOOTNOTES

[1] *Capital Traction C. V. Hof.*, 174 U.S. 1, 5 (applying the Seventh Amendment right to jury trial to the District of Columbia).

[2] *Atlantic Cleaners & Dyers* v. *U.S.*, 286 U.S. 427, 435 (finding that Congress, like a state, has power under the District Clause to criminalize local conspiracies in restrain of trade in the District of Columbia).

See footnotes at end of article.

[3] 347 U.S. 497 (1954).

[4] *Hobson* v. *Hansen*, 269 F.Supp. 401 (1967).

[5] *Id.* at 406.

[6] *Id.*

[7] 411 U.S. 1 (1973).

[8] 289 U.S. 516, 544 (finding that the local courts of the District of Columbia are Article III courts for constitutional purposes, unlike territorial courts which "'are incapable of receiving [Article III judicial power].'").

[9] 182 U.S. 244 (1901).

[10] *O'Donaghue*, 289 U.S. at 541 (quoting *Downes*, 182 U.S. at 260–61).

Mr. JEFFORDS. Also, for those who have additional interest in this issue, I ask unanimous consent to have printed in the RECORD a list of all the States that have an income tax and whether or not those states tax the income of nonresidents. I also ask unanimous consent to have printed a list with similar information about cities that impose taxes on nonresidents. It shows that every city in a multistate area that has an income tax also taxes the income of nonresidents.

Somebody may point out that Baltimore does not, but Baltimore, as you know, is flanked on two sides by water and on two other sides by the State of Maryland. It cannot therefore be construed as a city in a multistate area.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 21, 1979.

[Attachment 4B]

THE LIBRARY OF CONGRESS, CONGRESSIONAL RESEARCH SERVICE

STATES WHICH HAVE A NONRESIDENT INCOME TAX

Alabama: Nonresidents taxed on income from property owned or business transacted in the State (Sec. 40–18–5).

Alaska: Nonresidents taxed on income attributable to Alaska sources (Sec. 43–20–035) Tax repealed Jan. 1, 1979.

Arizona: Nonresidents taxed on income from activities or sources within the State (Sec. 43–102).

Arkansas: Nonresidents taxed on income from property owned and businesses, trade or occupation transacted within the State (Sec. 84–2003).

California: Nonresidents taxed on income from sources within the State (Sec. 17951).

Colorado: Nonresidents taxed on income derived from sources within the State (Sec. 39–22–110).

Connecticut: No income tax. Tax subsequently instated. Nonresidents taxed on income derived from or connected with sources within the State.

Delaware: Nonresidents taxed on income derived from Delaware sources (Sec. 1102).

District of Columbia: Nonresidents are not taxed.

Florida: No income tax.

Georgia: Nonresidents are taxed on income derived from certain specified activities carried on in the State including from employment, business, trade (Secs. 92–3003, 92–3112).

Hawaii: Nonresidents taxed on the income derived from Hawaii sources (Sec. 235–4).

Idaho: Nonresidents taxed on income from certain specified activities within the State (Sec. 63–3027A).

Illinois: Nonresidents taxed on income attributable to certain activities within the State (Ch. 120 Sec. 3–301 through 304).

Indiana: Nonresidents taxed on income derived from Indiana sources (Sec. 6–3–2–1).

Iowa: Nonresidents taxed on income derived within the State (Sec. 442.5 and 422.6).

Kansas: Nonresidents taxed on income derived from Kansas sources (Sec.

Kentucky: Nonresidents taxed on income derived from sources within Kentucky (Sec. 141.020).

Louisiana: Nonresidents taxed on Louisiana income (Sec. 47–291, 47–293).

Maine: Nonresidents taxed on income derived from sources within Maine (Sec. 5140, 5142).

Maryland: Nonresidents taxed on income from tangible personal property permanently located in Maryland, income from a trade or business or occupation carried on the Maryland, and State lottery prizes (Sec. 287).

Massachusetts: Nonresidents taxed on income derived from sources within the State (Sec. 5A).

Michigan: Nonresidents taxed on income allocable to sources within Michigan (Sec. 206.51, 206.110).

Minnesota: Nonresidents taxed on income allocable to sources within Minnesota (Sec. 290.01).

Mississippi: Nonresidents taxed on income derived from sources within Mississippi (Sec. 27–7–5, 27–7–23).

Missouri: Nonresidents taxed on income from sources within Missouri (Sec. 143.041).

Montana: Nonresidents taxed on income derived from property owned and business carried on in Montana (Sec. 15–30–105).

Nebraska: Nonresidents taxed on income attributable to Nebraska sources (Sec. 77–2715).

Nevada: No income tax.

New Hampshire: No income tax (only interest and dividends).

New Jersey: Nonresidents taxed on certain categories of income earned or acquired in New Jersey (Sec. 54A:5–5).

New Mexico: Nonresidents taxed on income derived from property or employment in New Mexico (Sec. 7–2–3, 7–2–7).

New York: Nonresidents taxed on income derived from New York sources (Sec. 632).

North Carolina: Nonresidents taxed on income derived from North Carolina sources (Sec. 105–136).

North Dakota: Nonresidents taxed on income from property owned or business conducted in North Dakota (Sec. 57–38–03).

Ohio: Nonresidents taxed on income earned or received in Ohio (Sec. 5747.02).

Oklahoma: Nonresidents taxed on Oklahoma taxable income (Sec. 2362).

Oregon: Nonresidents taxed on income from Oregon sources (Sec. 316.037).

Pennsylvania: Nonresidents taxed on income from Pennsylvania sources (Sec. 7302).

Rhode Island: Nonresidents taxed on income from Rhode Island sources (Sec. 44–30–32 and 33).

South Carolina: Nonresidents taxed on income from property or business in South Carolina (Sec. 12–7–20 and 210).

South Dakota: No income tax.

Tennessee: No income tax (just dividends).

Texas: No income tax.

Utah: Nonresidents taxed on income from Utah sources (Sec. 59–14A–6).

Vermont: Nonresidents taxed on Vermont income (Sec. 5811, 5823).

Virginia: Nonresidents taxed on Virginia taxable income (Sec. 58–151.013).

Washington: No income tax.

West Virginia: Nonresidents taxed on income derived from West Virginia sources (Sec. 11–21–32).

Wisconsin: Nonresidents taxed on income derived from Wisconsin (Sec. 71.01).

Wyoming: No income tax.

MARINE B. MORRIS,
Legislative Attorney,
American Law Division.

[Attachment 4D]

TABLE 1.—SELECTED LARGE CITIES WITH AN INCOME TAX ON NONRESIDENTS: TAX RATE ON RESIDENTS AND NONRESIDENTS AND TYPE OF TAX BASE

[Cities listed alphabetically by state]

City	Resident rate (percent)	Nonresident rate (percent)	Tax base
Birmingham, AL	1.0	1.0	Earned income.
Los Angeles	0.825	0.825	Employer payroll or business gross receipts.
San Francisco, CA	1.50	1.50	Do.
Wilmington, DE	1.25	1.25	Payroll/earned income.
Indianapolis—Marion Co., IN.	0.7	0.175	State AGI.
Louisville, KY	2.2	1.45	Occ. lic. tax on wages and net profits.
Detroit, MI	3.0	1.5	Income earned and received in the city.
Kansas City	1.0	1.0	Nonresidents taxed on earnings or net profits from activities conducted in the city.
St. Louis, MO	1.0	1.0	Do.
Newark, NJ	1.0	1.0	Employer payroll tax.
New York	2.7–3.[illegible]	([1])	State taxable income.
Yonkers, NY	15.0	0.5	Net state tax.
Akron	2.0	2.0	([2]).
Cincinnati	2.1	2.1	([2]).
Cleveland	2.0	2.0	([2]).
Dayton	2.25	2.25	([2]).
Warren, OH	1.75	1.75	([2]).
Philadelphia	4.86	4.2256	Earned income and net profits.
Pittsburgh, PA	2.875	1.0	Do.

[1] 0.45 wages/.65 self-employment.

[2] Earned compensation and net profits of unincorporated business.

Mr. JEFFORDS. There is no excuse for our inability to fulfill our responsibility to make sure that these schools are brought up to code compliance and modern standards.

I yield the floor.

Mr. GORTON. Mr. President, just a few moments ago, the manager of this bill had a vehicle for a wide-ranging debate over Federal education policy and received unanimous consent to withdraw from consideration the Gregg amendment.

Because the Gregg amendment was identical to an amendment that I offered last year in debate over the Individuals with Disabilities Education Act, and because the Gregg amendment perhaps created more interest on the part of school authorities, school board members, superintendents, principals, and teachers, than any other amendment being debated this week, it seemed important to me to explain to educators all across the country why the debate on the Gregg amendment or the Gregg-Gorton amendment will not be pursued during the course of the debate on this Coverdell A+ bill.

Violence in our schools—assaults, the carrying into schools of guns and other dangerous weapons, disruptive behavior that threatens the safety and security of the educational environment, disruptive behavior that detracts from the educational experience of all students—is an increasingly serious problem.

The Individuals with Disabilities Education Act, the purposes of which are not only praiseworthy but in some respects essential in guaranteeing to all students, including even the most severely disabled, the opportunity for a public education that will allow them to live to the maximum of their capacities, nevertheless includes within it a set of provisions relating to safety, to discipline, and to the orderly nature of our classrooms that amounts to a clear and explicit double standard and, in an increasing number of cases, severely detracts from the educational atmosphere for all of the students of such a school.

In Seattle, late last month, a student designated "disabled" attacked other students with a knife on a schoolbus. In Louisiana, a teacher was attacked and hospitalized. In several States, as we know, assaults with guns have actually resulted in the deaths of students and of teachers. In Danbury, CT, parents picketed a school and withdrew their children from the school because two students were suspended for a mere 10 days for bringing a gun into the school atmosphere.

The Seattle Post Intelligencer, Seattle's morning newspaper—not a newspaper from which I often quote—wrote an editorial shortly after the incident that took place on that Seattle school bus that reads, in part, as follows:

> Tuesday's stabbing incident involving a student aboard a Seattle school district bus has called attention to unwise provisions of Federal law that apparently require more tolerance of dangerous behavior by special education students.
>
> If the school district really is required by law to allow students back into class who carry weapons or otherwise have demonstrated intent to harm others, that law is in error and must be changed.
>
> . . . In this school year, there have been four or five instances in which special education students have been accepted back into school even though they had carried weapons, according to Brenda Little, an assistant legal counsel for the district.
>
> Before a special education student can be disciplined, said Little, principals are required by Federal law to prove that the child understood the consequences of his or her behavior and that it was not related to the student's disability.
>
> That's a prescription for disaster.
>
> If a child carries a weapon to school, it is irrelevant whether that child understands the possible consequences of doing so.
>
> . . . In fact, if the child doesn't understand the consequences, that's all the more reason to remove that child from situations where other children may be harmed.

Mr. President, I ask unanimous consent that the entire editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

Cut No Slack for Weapons Bearers

> Tuesday's stabbing incident involving a student aboard a Seattle School District bus has called attention to unwise provisions of federal law that apparently require more tolerance of dangerous behavior by special education students.
>
> If the school district really is required by law to allow students back into class who carry weapons or otherwise have demonstrated intent to harm others, that law is in error and must be changed.
>
> The bottom line is this: There is no case to be made for extending special civil rights protections to anyone if doing so results in threats to the safety of others.
>
> This is especially so in public schools. "Mainstreaming"—educating special education students with others—is good. But there are cases where it may have its limits, and safety is one of them.
>
> School administrators cannot tolerate threats to children regardless of who poses that threat. There can be no double standard in this matter. It's not rational public policy to tie the hands of those who have legal responsibility for ensuring the safety of students.
>
> A 13-year old Denny Middle School special education student has been expelled for the stabbing, but he could be back in class within 10 days despite the district's zero-tolerance for weapons. That's because the district has to jump through higher hoops to expel special education students.
>
> "We have to take kids back that would ordinarily not be allowed to return," said Denny Middle School principal Pat Batiste-Brown, alluding to the newly tightened federal regulations for special education students who break rules. Twenty percent of the students in her school are classified as special education students.
>
> In this school year, there have been four or five instances in which special education students have been accepted back into school even though they had carried weapons, according to Brenda Little, an assistant legal counsel for the district.
>
> Before a special education student can be disciplined, said Little, principals are required by federal law to prove that the child understood the consequences of his or her behavior and that it was not related to the student's disability.
>
> That's a prescription for disaster.
>
> If a child carries a weapon to school, it is irrelevant whether that child understands the possible consequences of doing so.
>
> In fact, if the child doesn't understand the consequences, that's all the more reason to remove that child from situations where other children may be harmed.

Mr. GORTON. Mr. President, the editorial is correct; it is correct in its understanding and it is correct in its policy judgments.

In Louisiana, the Shreveport Times reports in an article about the Gregg-Gorton amendment that Louisiana Department of Education revealed that there were 22,790 out-of-school suspensions in special education in the 1996–97 school year. . . . The Bossier Parish school board led the fight for more local control by signing a resolution last week that supports Gorton and Gregg. . . . Bossier School superintendent Jane Smith vowed that if a special education student posed a considerable safety threat, such as bringing a gun to class, the parish would treat him or her like a regular education student regardless of the Federal laws.

In other words, Mr. President, we have a law, we have a statute, we have a set of regulations that actually causes a school superintendent to say that this is so bad, this is so dangerous to the students I am attempting to educate that I will simply defy the law. The Seattle school district hasn't taken that position.

In Danbury, Connecticut, parents had to picket and take their kids out of school because of the requirements of the statute that literally sets up a double standard. School districts have plenary authority over safety and discipline and an appropriate educational atmosphere for all of their regular students. They now have almost none—very limited rights to oppose discipline on students denominated "disabled." And don't think that this country isn't full of imaginative lawyers who can come up with a plausible case to denominate a student "disabled." In fact, often they use the very violent or safety-threatening activity of the student to demonstrate that a particular student is disabled.

The Gorton-Gregg amendment was very simple and very short. I believe that our colleagues ought to be reminded of exactly what it said. I am going to read it now:

> Notwithstanding any other provision of the Individuals With Disabilities Education Act, each State educational agency or local educational agency may establish and implement uniform policies with respect to discipline and order applicable to all children within its jurisdiction to ensure safety and an appropriate educational atmosphere in its schools.

That's all. That is the entire proposal.

Well, when I made this proposal last year on my own, 47 Members of this body—just 3 short of the number needed to pass it—voted in favor of it. Several members who have voted against it have come to me since then to say that the combination of the reauthorization of IDEA, and the even more prescriptive regulations now proposed by the U.S. Department of Education, and the reactions of their own school boards, have caused them to rethink the issue. As a consequence, I believe that there is a very real chance that the Gorton-Gregg amendment would have been accepted by this body had we presented it.

But I must say, in a very interesting side line, that it truly cross-pressured our school board members, our superintendents, our principals, our teachers, and our PTA members because, of course, by and large, they don't much like the Coverdell bill. They recognize that the Coverdell bill is very likely to pass, that it will be presented to the President and the President will veto it. So a combination of the proposition that the President would veto this amendment in connection with the veto of the Coverdell bill and their own opposition to Senator COVERDELL has caused them to be less than enthusiastic about pursuing it at this time.

That is a valid concern, Mr. President. Both Senator GREGG and I would like to accomplish our goal, would like to see to it that schools have restored to them the authority to keep order and to provide for the safety and security of their students. We feel this way in spite of the fact that we are strong supporters of the Coverdell bill.

A second element is involved. The amendment can be read to cover two closely related, nonetheless distinct, subjects. One of those is the pure physical safety and security of students in schools; that is to say, allowing schools to take disciplinary measures even against those who are disabled. That will assure the safety and security of all of the rest of the students. That is what the editorial in the Seattle Post Intelligencer is about.

But the other element in this amendment has to do with an appropriate educational atmosphere in the schools. That is even more worrisome to the community advocating the rights of the disabled. They see that as authorizing school boards, or teachers, or principals to expel students who present no safety hazard to their fellow students, but can be seen by the tremendous amount of attention they require on the part of teachers severely to distract from the educational atmosphere of a particular classroom. Personally, I believe that that is an appropriate consideration for our teachers and our principals and our school board members. I believe they have a right to weigh the quality of education of all of their students in making these judgments. I do recognize, however, that that aspect of this amendment is more controversial—not only more controversial, but more arguable than the balance is. And as a result of a series of meetings during the last two-week recess at schools all across the State of Washington, in which both the amendment I will introduce tomorrow on block grants and IDEA, aforementioned, more of our time was spent on this Disability Act and safety and security in the schools than on any other subject.

At the last of those meetings when both the disability community was represented and school authorities were represented, I detected for the first time some willingness to meet on a middle ground. Whether that middle ground has to do with safety and security only, how far the disability community is willing to go in that connection, whether or not there ought to be some consideration of the educational atmosphere of all students, none of these questions were settled by any stretch of the imagination in the course of the meetings that I had, even with the education community in the State of Washington. But I do feel that it is at least possible that on this very controversial issue a bit more time may permit us to find some common ground. From my perspective at least, that is the second reason that it was appropriate that I consented to the withdrawal of the Gregg amendment at this point in the debate.

I want to make it crystal clear, however, to educators all over the country who have supported us in this cause, that this withdrawal does not mean that the debate is over by any stretch of the imagination. The present Gregg-Gorton amendment, or something very similar to it, will be presented at an early opportunity on some other bill that relates directly or indirectly to education. It will not go away. But I hope the next time that it is presented, it is presented on a bill that is almost certain to be signed by the President of the United States rather than vetoed by the President of the United States.

In addition, I hope that by that point we may have at least a partial meeting of the minds—one might hope a full meeting of the minds—between those genuinely concerned with the educational rights and civil rights of the disabled community and those genuinely concerned with the safety and security of all of our students, and on the proposition that all of our students receive their education in an atmosphere best conducive to that education for all students in the public schools of the United States.

It is with those twin hopes—that we will have a better vehicle for this debate and that perhaps we can have the debate at a somewhat more extended fashion than the very limited time on the Coverdell bill and that we might bring the two sides together to a greater extent than they have ever been in the past—that I have agreed to the withdrawal of that amendment.

It is withdrawn from this bill. It will come up again. I believe that we need to do more to empower those men and women all across the United States who provide the educational services to our children day after day, week after week, year after year because of their own professional dedication. I believe their views need to be considered, and I think that we will be able to consider them better a little later on this year. I pledge, however, that consider them we will.

MORNING BUSINESS

Mrs. HUTCHISON. Mr. President, on behalf of the majority leader, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, April 20, 1998, the federal debt stood at $5,514,299,725,342.15 (Five trillion, five hundred fourteen billion, two hundred ninety-nine million, seven hundred twenty-five thousand, three hundred forty-two dollars and fifteen cents).

Five years ago, April 20, 1993, the federal debt stood at $4,254,483,000,000 (Four trillion, two hundred fifty-four billion, four hundred eighty-three million).

Ten years ago, April 20, 1988, the federal debt stood at $2,512,569,000,000 (Two trillion, five hundred twelve billion, five hundred sixty-nine million).

Fifteen years ago, April 20, 1983, the federal debt stood at $1,251,499,000,000 (One trillion, two hundred fifty-one billion, four hundred ninety-nine million).

Twenty-five years ago, April 20, 1973, the federal debt stood at $454,840,000,000 (Four hundred fifty-four billion, eight hundred forty million) which reflects a debt increase of more than $5 trillion—$5,059,459,725,342.15 (Five trillion, fifty-nine billion, four hundred fifty-nine million, seven hundred twenty-five thousand, three hundred forty-two dollars and fifteen cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4640. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals dated April 1, 1998; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Commerce, Science, and Transportation, to the Committee on Energy and Natural Resources, to the Committee on Finance, to the Committee on Foreign Relations, and to the Committee on Indian Affairs.

EC–4641. A communication from the Acting Assistant Secretary of Labor for Employment and Training, transmitting, pursuant to law, the report of a rule entitled "Indian and Native American Welfare-To-Work Grants Program" (RIN1205–AB16) received on

April 2, 1998; to the Committee on Indian Affairs.

EC-4642. A communication from the Director of the Federal Judicial Center, transmitting, pursuant to law, the annual report for calendar year 1997; to the Committee on the Judiciary.

EC-4643. A communication from the Clerk of the U.S. Court of Federal Claims, transmitting, pursuant to law, a report relative to a congressional reference case; to the Committee on the Judiciary:

EC-4644. A communication from the Senior Deputy Chairman of the National Foundation On the Arts and the Humanities, transmitting, pursuant to law, the annual report for fiscal year 1997; to the Committee on Labor and Human Resources.

EC-4645. A communication from the Acting Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report for fiscal year 1995; to the Committee on Labor and Human Resources.

EC-4646. A communication from the General Counsel of the Corporation For National Service, transmitting, pursuant to law, the report of a rule entitled "Administrative Costs for Learn and Serve America and AmeriCorps Grants Programs" received on April 16, 1998; to the Committee on Labor and Human Resources.

EC-4647. A communication from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Labeling" received on April 16, 1998; to the Committee on Labor and Human Resources.

EC-4648. A communication from the Acting Deputy Director of the National Institute of Standards and Technology and the Under Secretary of Commerce for Export Administration, transmitting jointly, pursuant to law, the report of a rule entitled "Procedures For Implementation of the Fastener Quality Act" (RIN0693-AB43) received on April 16, 1998; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-376. A resolution adopted by the Idaho State Grange relative to the Environmental Protection Agency; to the Committee on Agriculture, Nutrition, and Forestry.

POM-377. A resolution adopted by the Senate of the Legislature of the State of Michigan; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE RESOLUTION NO. 151

Whereas, The Food Quality Protection Act of 1996 (FQPA) was signed into law on August 3, 1996, by President Clinton; and

Whereas, Among the purposes of the FQPA is to assure that pesticide tolerance decisions and policies are based upon sound science and reliable data; and

Whereas, Another purpose of the FQPA is to assure that pesticide tolerance decisions and policies are formulated in an open and transparent manner; and

Whereas, The EPA is required by the FQPA to have reviewed approximately 3,000 of the approximately 9,700 existing tolerances by August 1999 to determine whether these tolerances meet the safety standards established by the FQPA; and

Whereas, The implementation of the FQPA could have a profound negative impact on domestic agricultural production and on consumer food prices and availability. With Michigan's diverse agriculture, this impact could be especially severe on our numerous specialty crops; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to take the following actions:

1. Direct the EPA to initiate immediately appropriate administrative rulemaking to ensure that the policies and standards the agency intends to apply in evaluating pesticide tolerances are subject to thorough public notice and comment prior to final tolerance determinations being made by the agency.
2. Direct the EPA to use its authority under the FQPA to provide interested persons the opportunity to produce data needed to evaluate a pesticide tolerance so that the agency can avoid the use of unrealistic default assumptions in making pesticide tolerance decisions.
3. Direct the EPA to implement the FQPA in a manner that will not disrupt agricultural production nor have a negative impact on the availability, diversity, and affordability of food.
4. Conduct oversight hearings immediately to ensure that actions taken by the EPA are consistent with the FQPA provisions and congressional intent. If the intent of the legislation is not carried out, then Congress should postpone the August 1999 deadline. Following oversight hearings, Congress should, if necessary, take appropriate actions or amend the FQPA to correct problem areas.
5. Encourage the Secretary of Agriculture and the United States Department of Agriculture to increase its commitment of manpower and budgetary resources to work with the EPA to gather scientific data. Furthermore, Congress should encourage the United States Department of Agriculture to conduct an economic impact statement on the implementation of the FQPA.
6. Clarify the role of Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act as its provisions relate to the reestablishment of tolerances under the FQPA; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the United States Environmental Protection Agency.

POM-378. A resolution adopted by the Board of County Commissioners of St. Johns County, Florida relative to the U.S. Army Corps of Engineers; to the Committee on Appropriations.

POM-379. A concurrent resolution adopted by the Legislature of the State of Kansas; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION NO. 5029

Whereas, In the span of a few years, 1971 through 1973, the Federal Courts made it clear that an appropriate education is a fundamental right of children with disabilities that is secured by the due process and equal protection clauses of the 14th Amendment to the U.S. Constitution; and

Whereas, In 1975, Congress passed Public Law 94-142, the Education for All Handicapped Children Act, known since 1990 as the Individuals with Disabilities Education Act of IDEA; and

Whereas, The IDEA requires that all children with disabilities receive a free, appropriate public education and provides a funding mechanism to assist states and local educational services agencies with the costs of maintaining programs; and

Whereas, For several years, the costs of providing special education services required under federal and state law have been escalating rapidly and have been a major concern of policymakers who have reviewed the matter studiously. To date, solutions have proven elusive; and

Whereas, All of the states have some mechanism in their school finance laws that acknowledge the additional costs of providing special education services for children with disabilities, estimated on average to be about 2.3 times greater than for general education pupils; and

Whereas, The U.S. Supreme Court has opined that the IDEA is a comprehensive scheme set up by Congress to aid the states in complying with the constitutional obligation to provide public education for children with disabilities; and

Whereas, The IDEA authorizes funding in accordance with a formula, a key variable of which is the average per pupil expenditure for general education pupils. The Act authorized Congress to appropriate a sum equal to 5 percent of this average per pupil expenditure in 1977, 10 percent in 1978, 20 percent in 1979, and 40 percent by 1980. Though the Act authorized funding according to this formula, appropriations have never approached the authorization level and remains at 10 percent or less today: Now, therefore, be it

Resolved by the House of Representatives of the State of Kansas, the Senate concurring therein, That the Legislature, in recognition that children with disabilities are endowed by the Constitution with the right to be provided with a free and appropriate public education and that the Congress of the United States has enacted the Individuals with Disabilities Education Act in order to insure that right, hereby urges the Congress to acknowledge the fact that special education services are extremely costly and should be supported by a combination of local, state, and federal funds; and be it further

Resolved, That the Legislature hereby requests the Congress to assume its fair share of the costs of special education services by increasing funding to a level more nearly approaching the level authorized by the Individuals with Disabilities Education Act; and be it further

Resolved, That the Secretary of State is hereby directed to send enrolled copies of this resolution to the President and President pro tempore of the Senate of the United States, to the Speaker of the House of Representatives of the United States, and to each member of the Kansas Congressional Delegation.

POM-380. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Kentucky; to the Committee on Appropriations.

RESOLUTION

Whereas, The conditions of the roads and bridges in the states is deteriorating; and

Whereas, The demand placed upon the nation's transportation system has increased and will continue to increase into the 21st Century; and

Whereas, Safe, reliable, and cost effective movement of people, goods, and information is critical to economic development and competitiveness in the market; and

Whereas, The United States Department of Transportation has estimated that over five years, $357 billion is needed to improve the highway system, while $39.5 billion is needed just to maintain current road conditions; and

Whereas, States need every possible unencumbered dollar to improve their roads and bridges; and

Whereas, the United States Congress is urged to focus on incentives rather than disincentives in any transportation bill; now, therefore, be it

Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

Section 1. The Senate hereby urges the Congress of the United States to provide funding without mandates to the Transportation Cabinet.

Section 2. The Senate Clerk of the Senate is directed to submit a copy of this Resolution to each member of the United States House of Representatives and the United States Senate.

POM–381. A resolution adopted by the Senate of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Appropriations.

Whereas, Transportation access and safety are essential to economic hopes in communities across Pennsylvania; and

Whereas, While Pennsylvania has taken steps to increase the amount of State transportation funding to match Federal dollars and to deal with State areas of responsibility, the list of priority projects still exceeds available funds and the State's 12-year transportation plan contains many projects for which funding is unidentified; and

Whereas, Huge increases in vehicle miles traveled and in shipping products and goods on interstate highways add significantly to maintenance needs; and

Whereas, The Federal Highway Administration periodically documents the substantial number of structurally deficient and functionally obsolete bridges in Pennsylvania; and

Whereas, Federal funding remains the most critical share of the funding for major construction and reconstruction projects, and the six-year reauthorization bill will determine the size and effectiveness of the transportation program Pennsylvania can undertake; and

Whereas, Congressman Bud Shuster, as Chairman of the Committee on Transportation and Infrastructure, and other congressional transportation advocates have proposed greatly increasing Federal funding as part of the transportation reauthorization, in the understanding that infrastructure investment is vital to the economic health of the nation and the states; and

Whereas, A long-term determination of Federal funding levels is necessary to allow for coordinated transportation planning at the State and local levels; and

Whereas, Money raised through Federal transportation taxes should be used to pay for transportation projects and enhanced motor vehicle and truck safety measures; not to cover deficits in other areas of Federal endeavor; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania urge the Congress of the United States to take action on the comprehensive multiyear transportation funding legislation; and be it further

Resolved, That congressional action on the transportation reauthorization include provisions for releasing trust fund moneys being withheld from transportation projects; and be it further

Resolved, That Pennsylvania support an increase in the Federal funding available to expand the array of projects that can be undertaken, which in turn will move up the completion of transportation priorities and secure the considerable job creation and highway safety benefits that will result; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–382. A concurrent resolution adopted by the Legislature of the State of West Virginia; to the Committee on Appropriations.

House Concurrent Resolution No. 16

Whereas, In 1977 the Surface Mining Control and Reclamation Act was enacted into law establishing an Abandoned Mine Reclamation Fund financed by a fee assessed on every ton of coal mined for the purpose of restoring previously mined but left unreclaimed lands; and

Whereas, To date over $1.1 billion has been spent nationwide from the Abandoned Mine Reclamation Fund to mitigate the hazards associated with abandoned coal mine lands such as dangerous highwalls, impoundments, open mine portals and contaminated water supplies; and

Whereas, West Virginia's share of unfunded high-priority abandoned coal mine reclamation costs are estimated to be $415 million; and

Whereas, West Virginia has received and spent almost $200 million from the Abandoned Mine Reclamation Fund to finance the reclamation of abandoned coal mine land sites in the State but is of the firm conviction that additional funding is vital to the success of future water projects within this State; and

Whereas, The discrepancy between fee collections and expenditures is widening, with approximately $285 million collected in fiscal year 1997 and only $177 million appropriated; and

Whereas, The threat to the health, safety and general welfare of coalfield citizens from the hazards associated with abandoned coal mine sites is unacceptable and must be mitigated; and

Whereas, The expenditure of funds for abandoned mine reclamation projects not only enhances the coalfield environment but creates jobs in the construction of such projects; therefore, be it

Resolved by the West Virginia Legislature, That the Committees on Appropriation of the United States House of Representatives and the United States Senate are urged to increase the annual appropriation from the Abandoned Mine Reclamation Fund to a level commensurate with annual fee collections as well as begin to draw-down the unspent balance of the fund especially for future water projects in these troubled areas; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the United States House of Representatives, the Secretary of the United States Senate, and to each member of the West Virginia Congressional Delegation.

POM–383. A joint resolution adopted by the General Assembly of the State of Colorado; to the Committee on Armed Services.

House Joint Resolution No. 98–1013

Whereas, The federal military base realignment and closure process has led to the closing of Lowry Air Force Base and the impending closure of Fitzsimons Army Garrison; and

Whereas, The exchange and commissary at the former Lowry Air Force Base has been closed, and the exchange and commissary at Fitzsimons Army Garrison is scheduled to be closed in March, 1999; and

Whereas, Over three thousand two hundred active duty military personnel with approximately six thousand eight hundred dependents are assigned to Buckley Air National Guard Base or other locations in the Denver metropolitan area; and

Whereas, Over four thousand members of the National Guard and Reserves in the Denver metropolitan area are entitled to unlimited exchange and limited commissary privileges; and

Whereas, Over nineteen thousand military retirees reside in the Denver metropolitan area; and

Whereas, The closure of the exchange and commissary at Lowry Air Force Base and the consequent increase in the number of persons using the exchange and commissary at Fitzsimons Army Garrison has resulted in the exchange and commissary at Fitzsimons being inadequate to support the needs of the persons eligible to use it; and

Whereas, The active duty military personnel, members of the National Guard and Reserves, and military retirees presently entitled to exchange and commissary privileges at Fitzsimons Army Garrison will suffer from decreased quality of life and increased financial burdens when the exchange and commissary at Fitzsimons Army Garrison is closed in March, 1999; and

Whereas, The closure of the exchange and commissary at Fitzsimons Army Garrison will eliminate over two hundred jobs; and

Whereas, The closest alternative exchange and commissary for the Denver metropolitan area is located at the United States Air Force Academy, which is over sixty miles and more than an hour's drive away from Denver; and

Whereas, Buckley Air National Guard Base is owned by the United States Air Force, but licensed to the State of Colorado; and

Whereas, Buckley Air National Guard Base and the City of Aurora, Colorado have sufficient power, water, and sewer infrastructure to support a new exchange and commissary at Buckley Air National Guard Base; and

Whereas, Roy Romer, Governor of Colorado; Major General William A. Westerdahl, Adjutant General of the Colorado National Guard; and Paul E. Tauer, Mayor of Aurora, Colorado all support the relocation of the exchange and commissary from Fitzsimons Army Garrison to new facilities to be constructed at Buckley Air National Guard Base; now, therefore, be it

Resolved by the House of Representatives of the Sixty-first General Assembly of the State of Colorado, the Senate concurring herein, That we, the members of the Sixty-first General Assembly, request that the Congress of the United States, the Secretary of Defense, and the Secretary of the Air Force take immediate action to authorize the relocation of the exchange and commissary at Fitzsimons Army Garrison to new facilities to be constructed at Buckley Air National Guard Base and to ensure that the exchange and commissary at Fitzsimons Army Garrison remains open until the new facilities are completed; and be it further

Resolved, That the new exchange and commissary to be constructed at Buckley Air National Guard Base be sized to adequately meet the needs of all persons in the Denver metropolitan area who are eligible to use it; and be it further

Resolved, That copies of this Resolution be sent to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Secretary of Defense, the Secretary of the Air Force, the Speaker of the House and the President of the Senate of each state's legislature of the United States of America, and Colorado's Congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

H.R. 2766. A bill to designate the United States Post Office located at 215 East Jackson Street in Painesville, Ohio, as the "Karl Bernal Post Office Building."

H.R. 2773. A bill to designate the facility of the United States Postal Service located at 3750 North Kedzie Avenue in Chicago, Illinois, as the "Daniel J. Doffyn Post Office Building."

H.R. 2836. A bill to designate the building of the United States Postal Service located at 180 East Kellogg Boulevard in Saint Paul, Minnesota, as the "Eugene J. McCarthy Post Office Building."

H.R. 3120. A bill to designate the United States Post Office located at 95 West 100 South Street in Provo, Utah, as the "Howard C. Nielson Post Office Building."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COVERDELL (for himself, Mr. Ashcroft, and Mr. Brownback):

S. 1959. A bill to prohibit the expenditure of Federal funds to provide or support programs to provide individuals with hypodermic needles or syringes for the use of illegal drugs; to the Committee on Labor and Human Resources.

By Mr. WARNER:

S. 1960. A bill to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield, as previously authorized by law, by purchase or exchange as well as by donation; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN:

S. 1961. A bill for the relief of Suchada Kwong; to the Committee on the Judiciary.

By Mr. FAIRCLOTH:

S. 1962. A bill to provide for an Education Modernization Fund, and for other purposes; to the Committee on Finance.

By Mr. THURMOND (for himself and Mr. Coverdell):

S. 1963. A bill to amend title 10, United States Code, to permit certain beneficiaries of the military health care system to enroll in Federal employees health benefits plans; to the Committee on Governmental Affairs.

By Mr. REID (for himself and Mr. Bryan):

S. 1964. A bill to provide for the sale of certain public land in the Ivanpah Valley, Nevada, to the Clark County Department of Aviation; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FAIRCLOTH (for himself, Mr. Helms, Mr. Lott, Mr. Daschle, Mr. Abraham, Mr. Akaka, Mr. Allard, Mr. Ashcroft, Mr. Baucus, Mr. Bennett, Mr. Biden, Mr. Bingaman, Mr. Bond, Mrs. Boxer, Mr. Breaux, Mr. Brownback, Mr. Bryan, Mr. Bumpers, Mr. Burns, Mr. Byrd, Mr. Campbell, Mr. Chafee, Mr. Cleland, Mr. Coats, Mr. Cochran, Ms. Collins, Mr. Conrad, Mr. Coverdell, Mr. Craig, Mr. D'Amato, Mr. DeWine, Mr. Dodd, Mr. Domenici, Mr. Dorgan, Mr. Durbin, Mr. Enzi, Mr. Feingold, Mrs. Feinstein, Mr. Ford, Mr. Frist, Mr. Glenn, Mr. Gorton, Mr. Graham, Mr. Gramm, Mr. Grams, Mr. Grassley, Mr. Gregg, Mr. Hagel, Mr. Harkin, Mr. Hatch, Mr. Hollings, Mr. Hutchinson, Mrs. Hutchison, Mr. Inhofe, Mr. Inouye, Mr. Jeffords, Mr. Johnson, Mr. Kempthorne, Mr. Kennedy, Mr. Kerrey, Mr. Kerry, Mr. Kohl, Mr. Kyl, Ms. Landrieu, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Lieberman, Mr. Lugar, Mr. Mack, Mr. McCain, Mr. McConnell, Ms. Mikulski, Ms. Moseley-Braun, Mr. Moynihan, Mr. Murkowski, Mrs. Murray, Mr. Nickles, Mr. Reed, Mr. Reid, Mr. Robb, Mr. Roberts, Mr. Rockefeller, Mr. Roth, Mr. Santorum, Mr. Sarbanes, Mr. Sessions, Mr. Shelby, Mr. Smith of New Hampshire, Mr. Smith of Oregon, Ms. Snowe, Mr. Specter, Mr. Stevens, Mr. Thomas, Mr. Thompson, Mr. Thurmond, Mr. Torricelli, Mr. Warner, Mr. Wellstone, and Mr. Wyden):

S. Res. 211. A resolution expressing the condolences of the Senate on the death of Honorable Terry Sanford, former United States Senator from North Carolina; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COVERDELL (for himself, Mr. Ashcroft, and Mr. Brownback):

S. 1959. A bill to prohibit the expenditure of Federal funds to provide or support programs to provide individuals with hypodermic needles or syringes for the use of illegal drugs; to the Committee on Labor and Human Resources.

THE NEEDLE EXCHANGE PROGRAMS PROHIBITION ACT OF 1998

Mr. COVERDELL. Mr. President, I am today introducing, along with Senators Ashcroft and Brownback, a bill to prohibit the use of federal funds to carry out or support programs for the distribution of sterile hypodermic needles or syringes to illegal drug users.

This bill would effectively continue and make permanent the ban imposed through the appropriations process which expired at the end of March. We are pleased that the Administration has decided not to use federal tax dollars to fund needle exchanges despite the expiration of the ban. But coinciding with this announcement, Health and Human Services Secretary Donna Shalala strongly endorsed needles exchanges and encouraged local communities to use their own dollars to fund needle exchange programs. This legislation is therefore needed to foreclose any temptation the Administration may feel to federally fund needle exchanges in the future.

The Drug Czar, General Barry McCaffrey, has laid out the strong case against needle exchange programs. Handing out needles to drug users sends a message that the government is condoning drug use. It undermines our anti-drug message and undercuts all of our drug prevention efforts.

A report by General McCaffrey's office reviewed the world's largest needle exchange program in Vancouver, British Colombia, in operation since 1988. It found the program to be a failure. HIV infections were higher among users of free needles than those without access to them. The death rate from drugs jumped from 18 a year in 1988 to 150 in 1992. In addition, higher drug use followed implementation of the program.

Dr. James L. Curtis of New York, who has studied needle exchange programs was quoted in the Washington Times stating that the programs "should be recognized as reckless experimentation on human beings, the unproven hypothesis being that it prevents AIDS."

According to recent scientific studies, eight persons a day are infected with the HIV virus by using borrowed needles, while 352 people start using heroin each day and 4,000 die every year from heroin-related causes other than HIV. Far more addicts die of drug overdoses and related violence than from AIDS. It is wrong to aid and abet those deaths by handing out free needles to drug addicts. We should not be encouraging higher rates of heroin use.

Therefore, I hope my colleagues will join me in making permanent the prohibition on federal funding and support of needle giveaway programs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1959

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON USE OF FUNDS FOR HYPODERMIC NEEDLES.

Notwithstanding any other provision of law, no Federal funds shall be made available or used to carry out or support, directly or indirectly, any program of distributing sterile hypodermic needles or syringes to individuals for the hypodermic injection of any illegal drug.

Mr. ASHCROFT. Mr. President, I rise today to introduce, along with Senator Coverdell, a very important piece of legislation. It is a tragedy that this legislation is necessary. However, following yesterday's announcement by the Secretary of Health and Human Services that this Administration supports giving clean needles to drug addicts, I believe that Congress must now act. Congress must act to ensure that federal funds are never used to support these programs. This decision by the Administration, to support clean needle programs—but to withhold federal funding—is an intolerable message that it's time to accept drug use as a way of life.

Not surprisingly, the American people do not want their hard earned tax dollars spent to give illegal drug users the tool to continue their habit. We already take too much money from the American people. We should not use it to subsidize a lifestyle of which the people so fundamentally disagree. When we pass this bill we will send a message that giving free needles to drug addicts is not a policy that this nation should embrace.

Federal policy should call Americans to their highest and best and not accommodate them at their lowest and least. That is exactly what needle exchange programs do. They tell drug addicts, "we know that you are too weak to beat your addiction; therefore, we are going to make the lifestyle you have chosen easier."

This approach is called "harm reduction." The Harm Reduction Coalition states on their webpage that the organization "accepts drug use as a way of life." Therefore, they support policies which make drugs as harmless as possible. There are many that are part of this harm reduction movement who believe that legalization of drugs is the appropriate policy. In fact, the logical conclusion to their belief that drug use is a way of life and that it should be made as harmless as possible is legalization. The harm reduction philosophy is the basis of needle exchange programs. They say that if we provide people with clean needles, there will be less risk involved in using drugs. I am here today to reject that view.

Since 1988, the United States Congress has banned the use of federal funds for needle exchange programs. Recognizing that government subsidies for drug addicts is bad policy, this ban consistently has been supported by both sides of the aisle. Unfortunately, the 1998 Labor and Health and Human Services Appropriations bill included language to allow the Secretary of HHS to lift the ban after March 31, 1998. Yesterday, the Administration stated—wisely—that the federal funding ban should not be lifted. However, the Administration foolishly recommended that local communities fund these programs.

This endorsement of needles on demand opens the door to a subsequent decision to fund needle exchanges with the hard-earned money of American taxpayers. Yesterday's endorsement of clean needle programs sends the intolerable message that the Administration accepts illegal drug use as a way of life. It says clearly that this Administration will give approval to taxpayer funding the moment it appears that the decision can be sneaked past Congress. That is why this legislation has become necessary.

Mr. President, needle exchange programs are touted as a way of reducing HIV rates among intravenous drug users. First, there is no sound scientific evidence to support that assertion. Second, even if there were, there are other public health and moral reasons to oppose needle exchange programs.

Experts agree that the only scientifically sound method of making an affirmative showing that NEPs reduce the rate of HIV is to withhold clean needles from one group of drug users while providing clean needles to another. Since there are obvious problems in conducting such a study, it has not been done. In fact, there are studies which find just the opposite—that there are significant increases in HIV among clean needle program participants.

Participants in the Montreal needle exchange program were two times more likely to become infected than those who did not participate in the program. Vancouver has the largest needle exchange program in North America which was started in 1988. In 1987, the estimated HIV prevalence among IV drug users was 1–2 percent, in 1997, it was 23 percent.

Even the so-called "California" study which is heavily relied upon by needle exchange proponents, merely found that it is "likely" that NEPs decrease the rate of new HIV infection in intravenous drug users.

The nation's drug czar, Gen. Barry McCaffrey agrees that studies have not yet scientifically substantiated the claims embraced by Secretary Shalala in her announcement. In an April 17, 1998, letter to my office outlining the concerns of General McCaffrey, the Office of National Drug Control policy states that "science [on needle exchange programs] is uncertain." The letter states further that "[s]upporters of needle exchange frequently gloss over gaping holes in the data—holes which leave significant doubt regarding whether needle exchanges exacerbate drug use and whether they uniformly lead to decreases in HIV transmission."

A significant concern of those of us who oppose federal funding of needle exchange programs—and I oppose all needle exchange programs, whether federally funded or not—is that they will increase drug use. That is the precise reason that the Secretary was required to show that NEPs do not increase drug use before lifting the ban. There is absolutely no data to support the Secretary's finding that NEPs do not increase drug use.

While the California study found "no evidence" of increased drug use, the conclusion was based on interviews with drug users—illegal drug users.

In Vancouver, deaths from drug overdoses have increased more than 5 times since 1988—the year the needle exchange program started. Since their needle exchange program began, hospital admissions for heroin have increased 66 percent in San Francisco. In fact, the researcher who founded the San Francisco program and the founder of the New York program have both died of heroin overdoses during the last two years.

I think the letter outlining General McCaffrey's concerns says it best. "The bottom line is that General McCaffrey believes that we need a better understanding of how needle exchange programs will impact our nation's fight against drugs before we consider altering the current policy."

I believe that needle exchange programs send the wrong message to the youth of America. To say on the one hand, that drug use is wrong, and then on the other hand—to provide the tools necessary to safely use illegal drugs—undoubtedly will confuse the nation's youth. When their parents are paying taxes to the federal government that ultimately will be used to inject heroin into an addict's arm—how do you tell them that the government thinks drug use is wrong?

According to the drug czar's office, each day over 8,000 young people will try an illegal drug for the first time. While perhaps eight persons contract HIV directly or indirectly from dirty needles, 352 people start using heroin each day. More than 4,000 people die each year from heroin/morphine related causes.

General McCaffrey, who has been entrusted by this administration to advise the President on drug policy agrees. He says: "The problem is not dirty needles, the problem is heroin addiction. . . . The focus should be on bringing help to this suffering population—not give them more effective means to continue their addiction. One does not want to facilitate this dreadful scourge on mankind."

Secretary Shalala also said that NEPs are effective when supported by the communities. I think she would be hard pressed to find a community that embraces the needle exchange program in their neighborhood. I wonder if the Secretary would like a clean needle program in her neighborhood.

As the name suggests, needle exchange programs are supposed to get a dirty needle back from an addict for every needle they hand out. The idea is that these dirty needles will not be used again or left on the streets. However, according to needle exchange workers, an "exchange" usually does not take place.

According to the Associated Press, in Willimantic, Connecticut, "more than 350 discarded hypodermic needles were collected from the city's streets, lots, and alleys in a single week." These were found after a two year old girl found and accidentally pricked herself with a dirty needle.

One needle exchange worker, who said they got approximately one-third to one-half of the needles back, handed out 950 needles in just one night. That means that about 475 dirty needles are either being used again—defeating the stated objective of these programs—or they are lying on our cities' streets, parks and playgrounds. In response to low number of needles they get back, the worker casually said that "one-for-one exchange does not fit the reality of how injection drug users live."

Needle exchanges also turn into one-stop shopping for drug addicts. Even the needle exchange proponents recognize this and talk about it as though it were a virtue of the program. From Harm Reduction Communication—"A user might be able to do the networking needed to find good drugs in the half hour he spends at a street-based needle exchange site—networking that might otherwise have taken half a day."

There are many tragic examples all over the nation. However, one article from the Pittsburgh Post Gazette best explains what this does to America's neighborhoods. "Our community has worked hard to battle the drug problem that plagues our neighborhoods at many levels. But the needle exchange program gives dealer and users one more reason to stay here. In addition, drug users from outside our community now find reasons to frequent our neighborhood. Drug addiction is not a victimless crime. Not only does it kill the addict, but also, in the process, the addict preys on those around him. Prostitution, burglary, and now violence are an increasing problem in our community. So while the needle exchange people try to help addicts, they do so at the expense of our neighborhoods."

This legislation is simple. It says that federal funds cannot be used to support directly, or indirectly, needle exchange programs.

The Nation's drug policy should be one of zero tolerance. It should not be a policy of accommodation. Drugs are turning our once vibrant cities into the centers of despair and hopelessness. We need an Administration who has no tolerance for the drug culture. An Administration who says that America can be called to a higher standard rather then accommodated in a culture of consuming drugs.

This Administration has shown that it is willing to ignore the record, ignore sound drug policy, and ignore the will of the American people. This is just another example of Washington, D.C. attacking, through policy, American values. Giving bulletproof vests to bank robbers would make bank robbery safer and simpler, and send the message that we accept bank robbery. A free needle policy is no different. What advocates of free needles on demand would clothe in rhetoric of 'harm reduction' and 'public health' is, instead a decision to subsidize, tolerate, and facilitate the use of illegal drugs.

Mr. BROWNBACK. Mr. President, I rise today to join my colleagues Senator COVERDELL and Senator ASHCROFT in introducing legislation that would prohibit the use of federal funds for any program that gives out hypodermic needles or syringes for use with illegal drugs.

Mr. President, last Friday, the Clinton Administration announced their intention to use federal funds to distribute free drug needles. Although they abruptly reversed course this week, they have maintained their intention of encouraging state and local governments and other institutions to distribute drug needles.

This is bad policy, bad science, and bad news for our country. A comprehensive study of the needle exchange program in Vancouver, British Columbia—the city with the world's largest needle give-away program—found that drug use, crime, and HIV transmission all increased where drug needles were handed out.

This should come as no surprise. One of the primary principles of economics is that you get more of what you subsidize and less of what you tax. You do not discourage drug use by giving out free needles. You cannot reduce disease by encouraging addiction.

More than ever before, we need strong leadership in the war on drugs, and a clear message that drugs are wrong, and harmful. Consider the facts: Over the past three years, casual drug us among teens has almost doubled. A survey by the National Institute on Drug Abuse found that the proportion of eighth graders who had tried heroin had doubled between 1991 and 1996. Every year, there are thousands of young people who fall prey to drugs. We need to send the clear message that using drugs is illegal and wrong. Drug use must be stopped, not subsidized.

That is why I am proud to stand with Senators COVERDELL and ASHCROFT in introducing legislation that to prohibit spending taxpayer dollars on drug needle give-aways, and urge my colleagues to expedite passage of this legislation.

By Mrs. FEINSTEIN:

S. 1961. A bill for the relief of Suchada Kwong; to the Committee on the Judiciary.

PRIVATE RELIEF LEGISLATION

Mrs. FEINSTEIN. Mr. President, I am offering today, legislation that would provide permanent residency to Suchada Kwong, a recently widowed young mother of a U.S. citizen child who faces the devastation of being separated from her child and family here in the United States.

Suchada Kwong's U.S. citizen husband, Jimmy Kwong, was tragically killed in an automobile accident in June of 1996, leaving a 3-month-old U.S.-born son and his 29-year-old bride.

Because current law does not allow Suchada to adjust her status to permanent residency without her husband, Suchada now faces deportation.

Suchada and Jimmy Kwong met in Bangkok, Thailand, through a mutual friend in 1993. He communicated with her frequently by phone and visited her every time he was in Bangkok. They fell in love and were married in September 1995, and Suchada gave birth to Ryan Stephen Kwong in May 1996.

Suchada was supposed to have her INS interview on August 15, 1996. However, Jimmy was killed in an accident in June, less than 3 weeks after his son was born and 2 months short of the INS interview. Now, because the petitioner is deceased, Suchada is ineligible to adjust her status. While the immigration law provides for widows of U.S. citizens to self-petition, that provision is only available for people who have been married for over 2 years.

Suchada's deportation will not only cause hardship to her and her young child but to Suchada's mother-in-law, Mrs. Kwong, who faces losing her grandson, only a short time after she lost her only son.

Mrs. Kwong is elderly, and though she is financially capable, could not care for her grandson herself. Mrs. Kwong is proud to be self-supporting, having owned and worked in a small business until her retirement. The family has never used public assistance, and through Jimmy's job, the family has sufficient resources to support Suchada and Ryan. It would also be difficult for Suchada as a single mother in Thailand. Here in the United States, she has the support of Mrs. Kwong and their church.

Suchada was granted voluntary departure for one year on October 1996 to explore other options or prepare to leave the United States. During that time period, Suchada and her family have explored all options but failed. Now, the voluntary departure period has expired and Suchada must leave the country, leaving behind her young child and her family here in the United States.

Suchada has done everything she could to become a permanent resident of this country—except for the tragedy of her husband's death 2 months before she could become a permanent resident. I hope you support this bill so that we can help Suchada begin rebuilding her life in the United States.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Suchada Kwong shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

By Mr. FAIRCLOTH:

S. 1962. A bill to provide for an Education Modernization Fund, and for other purposes; to the Committee on Finance.

THE EDUCATION MODERNIZATION FUND ACT OF 1998

Mr. FAIRCLOTH. Mr. President, today I am introducing legislation that would provide nearly $5 billion in federal loans for school modernization and construction.

Mr. President, this legislation would transfer $5 billion from the Exchange Stabilization Fund at the Treasury Department to the Department of Education and create an Education Modernization Fund.

The legislation would create a new account called the "Education Modernization Fund" that would be used to offer low interest, long term, loans to states for the purpose of building and modernizing elementary and secondary schools. The loans would be used for school districts with fast growing elementary and secondary student populations.

The GAO has estimated that one-third of all schools, housing 14 million students are in need of repair. In my home state of North Carolina—36% of schools report that they have at least one inadequate building. Fully 90% of schools report that they have some construction needs. The state estimates that $3.5 to $10 million is needed for school repair needs. North Carolina has one of the fastest growing student populations.

The purpose of my legislation Mr. President is very simple. We have a slush fund at the Treasury Department called the "Exchange Stabilization Fund." This fund is under the personal control of the Secretary of the Treasury. He can do whatever he wants with it. Over the past four years—he has used it to supplement international bailouts, which I think is very wrong.

He loaned $12 billion to Mexico. I have to ask, why not $12 billion for schools if New Mexico?

He has promised Indonesia $3 billion. Why not funds for schools in Indiana?

He has promised South Korea $5 billion. Why not $5 billion for South Carolina?

We have our priorities backwards with this Administration.

The ESF has all been used without any Congressional approval or authorization. Further, the fund has more than $30 billion available to it.

I think it is time that we transfer a small part of this money and put it to good use by using it for school construction.

Additionally, Mr. President, in my opinion, this plan is far better than the Democrat alternative that is being offered today, the one offered by Senator MOSELEY-BRAUN.

The Moseley-Braun formula is skewed so that much of the money will go to the larger cities and low income communities—whether or not there is a need for new schools. My plan is formulated for student population growth. For example, under the Coverdell, Republican bill—Rockingham County, North Carolina would be the first school district eligible for school construction bonds because of student growth.

But under the Democrats' plan, my state would receive less than its fair share. For example, North Carolina ranks 11th in national population, and Massachusetts, ranks 13th, but under the Moseley-Braun bill, Massachusetts would receive $20 million more in funds. Louisiana which ranks 22nd in population would receive nearly $90 million more than North Carolina. Of course, its no surprise that New York, California and Illinois, under their plan, receive nearly 25% of all the money.

The Democrats alternative would also put the Department of Education in charge of school districts. The DOE would have to approve any school construction plans. Schools that receive the federal benefit would have to meet certain curriculum standards and have federal mandates about graduation and employment rates.

Finally, in order to finance the government's school construction, it wipes out the increased IRA savings for education. There is no more starker contrast between two visions of education: parents being allowed to keep their money for their children's education —or the federal government taking it to enhance the power of the Department of Education.

In my view the solution is simple, we don't need to rob parents of their savings for education to pay for school construction—we need to take the foreign aid slush fund from the Treasury Department and put it to worthy domestic uses, like school construction.

By Mr. THURMOND (for himself and Mr. COVERDELL):

S. 1963. A bill to amend title 10, United States Code, to permit certain beneficiaries of the military health care system to enroll in Federal employees health benefits plans; to the Committee on Governmental Affairs.

THE MILITARY HEALTH CARE FAIRNESS ACT

Mr. THURMOND. Mr. President, I rise today to introduce the Military Health Care Fairness Act. A companion measure, H.R. 3613, was recently introduced in the House of Representatives by Congressman J.C. WATTS and 38 cosponsors. I am pleased to have Senator COVERDELL as an original cosponsor of this measure.

Mr. President, this bill allows those military retirees over the age of sixty-five to sign up for the Federal Employees Health Benefits program (FEHBP) so that they may have another option for health care coverage. It is estimated that approximately 1.3 million retirees, dependents, and survivors meet this criteria. However, it is doubtful that all of them will sign up for the FEHBP.

The recent base closures and realignments have limited the number of places where some retirees can receive health care. By joining the FEHBP, health care choices will increase. The FEHBP will probably be desirable to those retirees that do not have prescription drug plans or want to limit catastrophic out-of-pocket cost. Further, the retiree is not excluded from using the traditional military medical treatment facilities on a space available basis. When a retiree, under the FEHBP, uses a military facility, the health care plan reimburses the military for the cost of treatment.

Mr. President, during the first year of this program the costs will be capped at $100 million. This amount increases $100 million per year for five years to cap the costs at $500 million per year. The costs to the individual should be the same as to any other federal employee in a given geographical area. In order to determine the actual premiums, the health plans will be required to establish a separate risk pool to determine whether the military group's risk characteristics such as age, gender, and care-use affect the other federal employees' premiums. While I realize that some might say the costs of this measure are high, something must be done to give health care coverage to those retirees that do not have adequate coverage under the current military health care system. The many men and women who have given so much to protect our Country by serving in the military are to be commended for their sacrifices and we should acknowledge this by giving them adequate health care choices.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1963

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Health Care Fairness Act".

SEC. 2. INCLUSION OF CERTAIN COVERED BENEFICIARIES IN FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.

(a) FEHBP OPTION.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1079a the following new section:

"§ 1079b. Health care coverage through Federal Employees Health Benefits program

"(a) FEHBP OPTION.—(1) Subject to the availability of funds to carry out this section for a fiscal year, eligible beneficiaries described in subsection (b) shall be afforded an opportunity to enroll in any health benefits plan under the Federal Employee Health Benefits program under chapter 89 of title 5, United States Code, offering medical care comparable to the care authorized by section 1077 of this title to be provided under section 1076 of this title (in this section referred to as an 'FEHBP plan').

"(2) The Secretary of Defense and the other administering Secretaries shall jointly enter into an agreement with the Director of the Office of Personnel Management to carry out paragraph (1).

"(b) ELIGIBLE BENEFICIARIES.—(1) An eligible beneficiary referred to in subsection (a) is a covered beneficiary who is a military retiree (except a military retiree retired under chapter 1223 of this title), a dependent of such a retiree described in section 1072(2)(B) or (C), or a dependent described in section 1072(2)(A), (D), or (I) of such a retiree who enrolls in an FEHBP plan, who,—

"(A) is not guaranteed access under TRICARE to health care that is comparable to the health care benefits provided under the service benefit plan offered under the Federal Employee Health Benefits program;

"(B) is eligible to enroll in the TRICARE program but is not enrolled because of the location of the beneficiary, a limitation on the total enrollment, or any other reason; or

"(C) is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.).

"(2) In addition to the eligibility requirements described in paragraph (1), during the first two years that covered beneficiaries are offered the opportunity to enroll in an FEHBP plan under subsection (a), eligible beneficiaries shall be limited to—

"(A) except as provided in subparagraph (B), military retirees 65 years of age or older; and

"(B) military retirees retired under chapter 61 of this title.

"(3) An eligible beneficiary shall not be required to satisfy any eligibility criteria specified in chapter 89 of title 5 as a condition for enrollment in an FEHBP plan.

"(c) PRIORITY OF ENROLLMENT.—(1) Eligible beneficiaries shall be permitted to enroll in an FEHBP plan based on the order in which such beneficiaries apply to enroll in the plan.

"(2) The Secretary shall maintain a list of eligible beneficiaries who apply to enroll in an FEHBP plan, but whom the Secretary is not able to enroll because of the lack of available funds to carry out this section.

"(d) PERIOD OF ENROLLMENT.—The Secretary shall provide a period of enrollment for eligible beneficiaries in an FEHBP plan for a period of 90 days—

"(A) before implementation of the program described in subsection (a); and

"(B) each subsequent year thereafter.

"(e) TERM OF ENROLLMENT.—(1) The minimum period of enrollment in an FEHBP plan shall be three years.

"(2) A beneficiary who elects to enroll in an FEHBP plan, and who subsequently discontinues enrollment in the plan before the end of the period described in paragraph (1), shall not be eligible to reenroll in the plan.

"(f) RECEIPT OF CARE IN MTF.—(1) An eligible beneficiary enrolled in an FEHBP plan may receive care at a military medical treatment facility subject to the availability of space in such facility, except that the plan shall reimburse the facility for the cost of such treatment. The plan may adjust beneficiary copayments so that receipt of such care at a military medical treatment facility results in no additional costs to the plan, as compared with the costs that would have been incurred if care had been received from a provider in the plan.

"(g) CONTRIBUTIONS.—(1) Contributions shall be made for an enrollment of an eligible beneficiary in a plan of the Federal Employee Health Benefits program under this section as if the beneficiary were an employee of the Federal Government.

"(2) The administering Secretary concerned shall be responsible for the Government contributions that the Director of the Office of Personnel Management determines would be payable by the Secretary under section 8906 of title 5 for an enrolled eligible beneficiary if the beneficiary were an employee of the Secretary.

"(3) Each eligible beneficiary enrolled in an FEHBP plan shall be required to contribute the amount that would be withheld from the pay of a similarly situated Federal employee who is enrolled in the same health benefits plan under chapter 89 of title 5.

"(h) MANAGEMENT OF PARTICIPATION.—The Director of the Office of Personnel Management shall manage the participation of an eligible beneficiary in a health benefits plan of the Federal Employee Health Benefits program pursuant to an enrollment under this section. The Director shall maintain separate risk pools for participating eligible beneficiaries until such time as the Director determines that inclusion of participating eligible beneficiaries under chapter 89 of title 5 will not adversely affect Federal employees and annuitants enrolled in health benefits plans under such chapter.

"(i) REPORTING REQUIREMENTS.—(1) Not later than November 1 of each year, the Secretary of Defense and the Director of the Office of Personnel Management shall jointly submit to Congress a report describing the provision of health care services to enrollees under this section during the preceding fiscal year. The report shall address or contain the following:

"(A) The number of eligible beneficiaries who are participating in health benefits plans of the Federal Employee Health Benefits program pursuant to an enrollment under this section, both in terms of total number and as a percentage of all covered beneficiaries who are receiving health care through the health care system of the uniformed services.

"(B) The extent to which eligible beneficiaries use the health care services available to the beneficiaries under health benefits plans pursuant to enrollments under this section.

"(C) The cost to enrollees for health care under such health benefits plans.

"(D) The cost to the Department of Defense, the Department of Transportation, the Department of Health and Human Services, and any other departments and agencies of the Federal Government of providing care to eligible beneficiaries pursuant to enrollments in such health benefits plans under this section.

"(E) A comparison of the costs determined under paragraphs (C) and (D) and the costs that would otherwise have been incurred by the United States and enrollees under alternative health care options available to the administering Secretaries.

"(F) The effects of the exercise of authority under this section on the cost, access, and utilization rates of other health care options under the health care system of the uniformed services.

"(2) Not later than the date that is four years after the date of enactment of the National Defense Authorization Act for fiscal year 1999, the Secretary of Defense shall submit to Congress a report describing—

"(A) whether the Secretary recommends that a health care option for retired covered beneficiaries equivalent to the option described in subsection (a) be permanently offered to such beneficiaries; and

"(B) the estimated costs of offering such an option.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1079a the following:

"1079b. Health care coverage through Federal Employees Health Benefits program.".

(b) CONFORMING AMENDMENTS.—(1) Section 8905 of title 5, United States Code, is amended—

(A) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(B) by inserting after subsection (c) the following new subsection (d):

"(d) An individual whom the Secretary of Defense determines is an eligible beneficiary under subsection (b) of section 1079b of title 10 may enroll in a health benefits plan under this chapter in accordance with the agreement entered into under subsection (a) of such section between the Secretary and the Office and with applicable regulations under this chapter.".

(2) Section 8906 of title 5, United States Code, is amended—

(A) in subsection (b)—

(i) in paragraph (1), by striking "paragraphs (2) and (3)" and inserting in lieu thereof "paragraphs (2), (3), and (4)"; and

(ii) by adding at the end the following new paragraph:

"(4) In the case of individuals who enroll in a health plan under section 8905(d) of this title, the Government contribution shall be determined under section 1079b(g) of title 10."; and

(B) in subsection (g)—

(i) in paragraph (1), by striking "paragraph (2)" and inserting in lieu thereof "paragraphs (2) and (3)"; and

(ii) by adding at the end the following new paragraph:

"(3) The Government contribution described in subsection (b)(4) for beneficiaries who enroll under section 8905(d) of this title shall be paid as provided in section 1079b(g) of title 10.".

(c) IMPLEMENTATION.—The Secretary of Defense—

(1) shall begin to offer the health benefits option under section 1079b(a) of title 10, United States Code (as added by subsection (a)) not later than the date that is 6 months after the date of the enactment of this Act; and

(2) shall continue to offer such option through the year 2003, and to provide care to eligible covered beneficiaries under such section through the year 2005.

(d) FUNDING FROM AUTHORIZED APPROPRIATIONS.—Of the funds authorized to be appropriated for the Department of Defense for military personnel for fiscal years 1999 through 2005, amounts shall be available for carrying out section 1079b of title 10, United States Code (as added by subsection (a)), as follows

(1) For fiscal year 1999, $100,000,000.
(2) For fiscal year 2000, $200,000,000.
(3) For fiscal year 2001, $300,000,000.
(4) For fiscal year 2002, $400,000,000.
(5) For fiscal year 2003, $500,000,000.
(6) For each of fiscal years 2004 and 2005, such sums as are necessary.

Mr. COVERDELL. Mr. President, today I am proud to join my esteemed colleague, Senator THURMOND, in introducing legislation that will address a growing crisis our nation's military retirees now face. These soldiers who all served so valiantly for our country now find it increasingly difficult to access the lifetime health care promised to them in exchange for 20 years of service. As a veteran myself, I believe that the government must honor the promises which the country made to those men and women who have served so faithfully in defense of the United States. America's veterans fulfilled their part of the bargain—now the government has a responsibility to do likewise. The legislation we introduce today is a Senate companion to House legislation introduced by Representative J.C. WATTS. Congressman WATTS has put a great deal of effort and leadership into this issue and I applaud his efforts.

Military retirees are the only Federal Government personnel who have been prevented from using their employer-provided health care once they reach Medicare-eligible age. In the past, Medicare-eligible retirees have received health care in military treatment facilities on a "space available" basis. However, cutbacks in health care funding, force reductions and base closures are forcing many Medicare-eligible retirees out of the military medical system. The legislation we have introduced today would correct this inequity by giving all military retirees health care coverage equal to our FEHBP health plan or the option to enroll in FEHBP. As you know, Mr. President, FEHBP is the same plan in which you, I, and all our colleagues and staff in the Congress, have the option of enrolling. FEHBP is a successfully administered health benefits plan. The least we can do is offer to our nation's military retirees the same choices in health care as are available to us. I dare say they deserve it.

This legislation would do more than allow access to FEHBP to retirees. It would also allow retirees experiencing difficulties with the TRICARE/CHAMPUS health plans. Due to TRICARE/CHAMPUS reimbursement rates, which are 15 percent below Medicare reimbursement rates, many doctors do not participate in TRICARE/CHAMPUS. When a military hospital has no space available for a military retiree, the retiree is referred to a private facility. If a private facility does not accept TRICARE/CHAMPUS, the retiree is left waiting for available space in a military hospital. This is unjust. Under this legislation, military retirees who cannot receive under TRICARE/CHAMPUS the same level of care provided under FEHBP have the option of enrolling in FEHBP. Again, Mr. President, these are the same options available to us as federal employees.

Mr. President, the Congress understands the need to fix the military health care system. Just last year in the 1998 Defense Authorization Act, this body recognized through an amendment I proudly cosponsored, the moral obligation we have incurred to provide health care to members and former members of the Armed Forces who are entitled to retired or retainer pay. This is a huge undertaking and important considerations such as the cost of such an endeavor must be made. While this legislation places caps on annual spending, providing those with funding concerns concrete numbers which to work, I firmly believe we can ill-afford not to honor the promises our nation made to these men and women.

Mr. President, this nation has long stood by the men and women who have fought for, and secured, our country's freedom. Without these soldiers America would not stand today as the world's example of democracy and cornerstone of freedom. We owe it to our nation, to our nation's military retirees and to ourselves to make the small sacrifice that passage of this bill would require.

By Mr. REID (for himself and Mr. BRYAN):

S. 1964. A bill to provide for the sale of certain public land in the Ivanpah Valley, Nevada, to the Clark County Department of Aviation; to the Committee on Energy and Natural Resources.

THE IVANPAH VALLEY AIRPORT PUBLIC LANDS TRANSFER ACT

Mr. REID. Mr. President, I rise to introduce The Ivanpah Valley Airport Public Lands Transfer Act for myself and Senator BRYAN, which provides for the sale of public lands in the Ivanpah Valley, Nevada, to the Clark County Department of Aviation.

Mr. President, Las Vegas Valley has the fastest growing population in the United States. Fifty percent of the visitors to Las Vegas come through McCarran Airport. This percentage is increasing as Las Vegas grows and increases in importance as an international travel destination.

Mr. President, Las Vegas Valley needs to begin developing other airports to accommodate passenger, air cargo, and charter flights. It is inevitable that McCarran Airport is reaching its capacity.

Mr. President, Las Vegas Valley has a unique opportunity to combine 6,650 acres of public land with up to $400 million in private capital to provide a new publicly-owned and operated airport for Clark County. The Ivanpah Valley Airport site is located about 30 miles south of Las Vegas and would provide a secondary, southern gateway to the Las Vegas metropolitan area. Of the total acreage, about 2,000 acres will be developed for the airport and the balance will be developed as an industrial center. The Ivanpah Valley Airport will be integrated into a global air cargo distribution network.

Mr. President, let me assure you that this is not a giveaway of public lands. My bill requires Clark County to pay fair market value for the land. Additionally, even though private dollars will be used to help develop this complex, the airport will remain publicly-owned and managed.

Mr. President, I request unanimous consent that the Ivanpah Valley Airport Public Lands Transfer Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ivanpah Valley Airport Public Land Transfer Act".

SEC. 2. CONVEYANCE TO CLARK COUNTY DEPARTMENT OF AVIATION.

(a) IN GENERAL.—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of the Interior shall convey, under such terms and conditions as the Secretary considers appropriate, all right, title, and interest of the United States in and to the public land identified for disposition on the map entitled "Ivanpah Valley, Nevada-Airport Selections", numbered ______, and dated ______, to the Department of Aviation of Clark County, Nevada, for the purpose of developing an airport facility and infrastructure.

(b) AVAILABILITY OF MAP.—The Secretary shall ensure that the map described in subsection (a) is on file and available for public inspection in the offices of the Director, and the Las Vegas District, of the Bureau of Land Management.

(c) PHASED CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall convey the public land described in subsection (a) in small parcels over a period of up to 20 years, as is required to carry out the phased construction and development of the airport facility and infrastructure.

(2) APPRAISAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall ensure that an appraisal of the fair market value is conducted for each parcel of public land to be conveyed.

(3) PAYMENT OF FAIR MARKET VALUE.—A parcel shall be conveyed by the Secretary on payment by the Department of Aviation of Clark County, Nevada, to the Secretary, of the fair market value of the parcel, as determined under paragraph (2).

(d) WITHDRAWAL.—The public land described in subsection (a) is withdrawn from the operation of the mining and mineral leasing laws of the United States.

ADDITIONAL COSPONSORS

S. 356

At the request of Mr. GRAHAM, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 356, a bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the title XVIII and XIX of the Social Security Act to assure access to emergency medical services under group health plans, health insurance coverage, and the medicare and medicaid programs.

S. 375

At the request of Mr. MCCAIN, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 375, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 772

At the request of Mr. SPECTER, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 772, a bill to establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engaged in a pattern of religious persecution, and for other purposes.

S. 852

At the request of Mr. LOTT, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 981

At the request of Mr. THOMPSON, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 981, a bill to provide for analysis of major rules.

At the request of Mr. LEVIN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 981, supra.

S. 1080

At the request of Mr. AKAKA, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1080, a bill to amend the National Aquaculture Act of 1980 to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture development and research program, and for other purposes.

S. 1141

At the request of Mr. JOHNSON, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1141, a bill to amend the Energy Policy Act of 1992 to take into account newly developed renewable energy-based fuels and to equalize alternative fuel vehicle acquisition incentives to increase the flexibility of controlled fleet owners and operators, and for other purposes.

S. 1255

At the request of Mr. COATS, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 1255, a bill to provide for the establishment of demonstration projects designed to determine the social, civic, psychological, and economic effects of providing to individuals and families with limited means an opportunity to accumulate assets, and to determine the extent to which an asset-based policy may be used to enable individuals and families with limited means to achieve economic self-sufficiency.

S. 1260

At the request of Mr. GRAMM, the names of the Senator from Arizona (Mr. KYL) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 1260, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

S. 1305

At the request of Mr. GRAMM, the names of the Senator from New York (Mr. MOYNIHAN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1305, a bill to invest in the future of the United States by doubling the amount authorized for basic scientific, medical, and pre-competitive engineering research.

S. 1325

At the request of Mr. FRIST, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1325, a bill to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 1998 and 1999, and for other purposes.

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1325, supra.

S. 1334

At the request of Mr. BOND, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availability of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1360

At the request of Mr. ABRAHAM, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1360, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify and improve the requirements for the development of an automated entry-exit control system, to enhance land border control and enforcement, and for other purposes.

S. 1392

At the request of Mr. BROWNBACK, the names of the Senator from Missouri (Mr. ASHCROFT), the Senator from Arizona (Mr. KYL), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 1392, a bill to provide for offsetting tax cuts whenever there is an elimination of a discretionary spending program.

S. 1406

At the request of Mr. SMITH, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 1406, a bill to amend section 2301 of title 38, United States Code, to provide for the furnishing of burial flags on behalf of certain deceased members and former members of the Selected Reserve.

S. 1418

At the request of Mr. AKAKA, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1418, a bill to promote the research, identification, assessment, exploration, and development of methane hydrate resources, and for other purposes.

S. 1421

At the request of Mr. KENNEDY, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1421, a bill to amend the Public Health Service Act to provide additional support for and to expand clinical research programs, and for other purposes.

S. 1571

At the request of Mr. MCCAIN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1571, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 1608

At the request of Mr. ALLARD, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 1608, a bill to provide for budgetary reform by requiring the reduction of the deficit, a balanced Federal budget, and the repayment of the national debt.

S. 1621

At the request of Mr. GRAMS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1621, a bill to provide that certain Federal property shall be made available to States for State use before being made available to other entities, and for other purposes.

S. 1643

At the request of Mr. KENNEDY, the name of the Senator from Georgia (Mr.

CLELAND) was added as a cosponsor of S. 1643, a bill to amend title XVIII of the Social Security Act to delay for one year implementation of the per beneficiary limits under the interim payment system to home health agencies and to provide for a later base year for the purposes of calculating new payment rates under the system.

S. 1647

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1647, a bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

S. 1677

At the request of Mr. CHAFEE, the names of the Senator from Utah (Mr. BENNETT), the Senator from South Dakota (Mr. JOHNSON), the Senator from Vermont (Mr. LEAHY), and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1677, a bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

S. 1758

At the request of Mr. LUGAR, the names of the Senator from Utah (Mr. HATCH), the Senator from South Dakota (Mr. DASCHLE), the Senator from Washington (Mrs. MURRAY), and the Senator from North Carolina (Mr. FAIRCLOTH) were added as cosponsors of S. 1758, a bill to amend the Foreign Assistance Act of 1961 to facilitate protection of tropical forests through debt reduction with developing countries with tropical forests.

S. 1759

At the request of Mr. HATCH, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), the Senator from California (Mrs. BOXER), and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 1759, a bill to grant a Federal charter to the American GI Forum of the United States.

S. 1825

At the request of Mrs. MURRAY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1825, a bill to amend title 10, United States Code, to provide sufficient funding to assure a minimum size for honor guard details at funerals of veterans of the Armed Forces, to establish the minimum size of such details, and for other purposes.

S. 1903

At the request of Mr. THOMAS, the names of the Senator from Georgia (Mr. COVERDELL), the Senator from Kansas (Mr. ROBERTS), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of S. 1903, a bill to prohibit the return of veterans memorial objects to foreign nations without specific authorization in law.

S. 1957

At the request of Mr. BURNS, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1957, a bill to provide regulatory assistance to small business concerns, and for other purposes.

SENATE CONCURRENT RESOLUTION 65

At the request of Ms. SNOWE, the names of the Senator from Connecticut (Mr. DODD), the Senator from Illinois (Mr. DURBIN), the Senator from New York (Mr. MOYNIHAN), the Senator from California (Mrs. BOXER), the Senator from California (Mrs. FEINSTEIN), and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of Senate Concurrent Resolution 65, a concurrent resolution calling for a United States effort to end restriction on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE RESOLUTION 175

At the request of Mr. ROBB, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of Senate Resolution 175, a bill to designate the week of May 3, 1998 as "National Correctional Officers and Employees Week."

SENATE RESOLUTION 197

At the request of Mr. REID, the names of the Senator from Washington (Mrs. MURRAY), the Senator from South Dakota (Mr. JOHNSON), and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of Senate Resolution 197, a resolution designating May 6, 1998, as "National Eating Disorders Awareness Day" to heighten awareness and stress prevention of eating disorders.

SENATE RESOLUTION 199

At the request of Mr. TORRICELLI, the names of the Senator from Alaska (Mr. MURKOWSKI), the Senator from Indiana (Mr. LUGAR), and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of Senate Resolution 199, a resolution designating the last week of April of each calendar year as "National Youth Fitness Week."

SENATE RESOLUTION 211—EXPRESSING THE CONDOLENCES OF THE SENATE

Mr. FAIRCLOTH (for himself, Mr. HELMS, Mr. LOTT, Mr. DASCHLE, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. BUMPERS, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CHAFEE, Mr. CLELAND, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FORD, Mr. FRIST, Mr. GLENN, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 211

Whereas Terry Sanford served his country with distinction and honor for all of his adult life;

Whereas Terry Sanford served his country in World War II, where he saw action in 5 European campaigns and was awarded a Bronze Star and a Purple Heart;

Whereas as Governor of North Carolina from 1961 to 1965, Terry Sanford was a leader in education and racial tolerance and was named by Harvard University as 1 of the top 10 Governors of the 20th Century;

Whereas as President of Duke University, Terry Sanford made the University into a national leader in higher education that is today recognized as one of the finest universities in the United States; and

Whereas Terry Sanford served with honor in the United States Senate from 1987 to 1993 and championed the solvency of the social security system: Now, therefore, be it

Resolved, That the Senate—

(1) has heard with profound sorrow the announcement of the death of the Honorable Terry Sanford and expresses its condolences to the Sanford family, especially Margaret Rose, his wife of over 55 years; and

(2) expresses its profound gratitude to the Honorable Terry Sanford and his family for the service that he rendered to his country.

SEC. 2. TRANSMITTAL.

The Secretary of the Senate shall transmit an enrolled copy of this resolution to the family of the Honorable Terry Sanford.

AMENDMENTS SUBMITTED

THE EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

MOSELEY-BRAUN (AND OTHERS) AMENDMENT NO. 2292

Ms. MOSELEY-BRAUN (for herself, Mr. MOYNIHAN, Mr. DASCHLE, Mr. KENNEDY, Mrs. MURRAY, Mr. DODD, Mr. BINGAMAN, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. REED, Mr. ROBB, Mr.

GLENN, Mr. REID, Mr. LEVIN, Mr. KERRY, Mrs. FEINSTEIN, Mr. DURBIN, Mr. KERREY, and Mr. HARKIN) proposed an amendment to the bill (H.R. 2646) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; as follows:

Strike all after "**SECTION**", and insert the following:

1. SHORT TITLE; AMENDMENT TO 1986 CODE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Public School Improvement Tax Act of 1998".

(b) Amendment to 1986 Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment to 1986 Code; table of contents.

TITLE I—TAX INCENTIVES FOR EDUCATION

Sec. 101. Expansion of incentives for public schools.
Sec. 102. Exclusion from gross income of education distributions from qualified State tuition programs.
Sec. 103. Extension of exclusion for employer-provided educational assistance.
Sec. 104. Additional increase in arbitrage rebate exception for governmental bonds used to finance education facilities.
Sec. 105. Exclusion of certain amounts received under the National Health Corps Scholarship program.
Sec. 106. Treatment of qualified public educational facility bonds as exempt facility bonds.

TITLE II—REVENUE

Sec. 201. Clarification of deduction for deferred compensation.
Sec. 202. Modification to foreign tax credit carryback and carryover periods.
Sec. 203. Certain taxpayers precluded from prematurely claiming losses or from creating reserves for bad debts from receivables.
Sec. 204. Application of environmental income tax.
Sec. 205. Excise tax on purchase of structured settlement agreements.
Sec. 206. Property subject to a liability treated in same manner as assumption of liability.
Sec. 207. Clarification and expansion of mathematical error assessment procedures.
Sec. 208. Clarification of definition of specified liability loss.
Sec. 209. Modification of depreciation method for tax-exempt use property.

TITLE I—TAX INCENTIVES FOR EDUCATION

SEC. 101. EXPANSION OF INCENTIVES FOR PUBLIC SCHOOLS.

(a) In General.—Part IV of subchapter U of chapter 1 (relating to incentives for education zones) is amended to read as follows:

"PART IV—INCENTIVES FOR QUALIFIED PUBLIC SCHOOL MODERNIZATION BONDS

"Sec. 1397E. Credit to holders of qualified public school modernization bonds.
"Sec. 1397F. Qualified zone academy bonds.
"Sec. 1397G. Qualified school construction bonds.

"SEC. 1397E. CREDIT TO HOLDERS OF QUALIFIED PUBLIC SCHOOL MODERNIZATION BONDS.

"(a) Allowance of Credit.—In the case of a taxpayer who holds a qualified public school modernization bond on the credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year the amount determined under subsection (b).

"(b) Amount of Credit.—

"(1) In general.—The amount of the credit determined under this subsection with respect to any qualified public school modernization bond is the amount equal to the product of—

"(A) the credit rate determined by the Secretary under paragraph (2) for the month in which such bond was issued, multiplied by

"(B) the face amount of the bond held by the taxpayer on the credit allowance date.

"(2) Determination.—During each calendar month, the Secretary shall determine a credit rate which shall apply to bonds issued during the following calendar month. The credit rate for any month is the percentage which the Secretary estimates will on average permit the issuance of qualified public school modernization bonds without discount and without interest cost to the issuer.

"(c) Limitation Based on Amount of Tax.—

"(1) In general.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under part IV of subchapter A (other than subpart C thereof, relating to refundable credits).

"(2) Carryover of unused credit.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

"(d) Qualified Public School Modernization Bond; Credit Allowance Date.—For purposes of this section—

"(1) Qualified public school modernization bond.—The term 'qualified public school modernization bond' means—

"(A) a qualified zone academy bond, and

"(B) a qualified school construction bond.

"(2) Credit allowance date.—The term 'credit allowance date' means, with respect to any issue, the last day of the 1-year period beginning on the date of issuance of such issue and the last day of each successive 1-year period thereafter.

"(e) Other Definitions.—For purposes of this part—

"(1) Local educational agency.—The term 'local educational agency' has the meaning given to such term by section 14101 of the Elementary and Secondary Education Act of 1965. Such term includes the local educational agency that serves the District of Columbia but does not include any other State agency.

"(2) Bond.—The term 'bond' includes any obligation.

"(3) State.—The term 'State' includes the District of Columbia and any possession of the United States.

"(4) Public school facility.—The term 'public school facility' shall not include any stadium or other facility primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public.

"(f) Credit Included in Gross Income.—Gross income includes the amount of the credit allowed to the taxpayer under this section and the amount so included shall be treated as interest income.

"(g) Bonds Held By Regulated Investment Companies.—If any qualified public school modernization bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

"SEC. 1397F. QUALIFIED ZONE ACADEMY BONDS.

"(a) Qualified Zone Academy Bond.—For purposes of this part—

"(1) In general.—The term 'qualified zone academy bond' means any bond issued as part of an issue if—

"(A) 95 percent or more of the proceeds of such issue are to be used for a qualified purpose with respect to a qualified zone academy established by a local educational agency,

"(B) the bond is issued by a State or local government within the jurisdiction of which such academy is located,

"(C) the issuer—

"(i) designates such bond for purposes of this section,

"(ii) certifies that it has written assurances that the private business contribution requirement of paragraph (2) will be met with respect to such academy, and

"(iii) certifies that it has the written approval of the local educational agency for such bond issuance, and

"(D) the term of each bond which is part of such issue does not exceed 15 years.

"(2) Private business contribution requirement.—

"(A) In general.—For purposes of paragraph (1), the private business contribution requirement of this paragraph is met with respect to any issue if the local educational agency that established the qualified zone academy has written commitments from private entities to make qualified contributions having a present value (as of the date of issuance of the issue) of not less than 10 percent of the proceeds of the issue.

"(B) Qualified contributions.—For purposes of subparagraph (A), the term 'qualified contribution' means any contribution (of a type and quality acceptable to the local educational agency) of—

"(i) equipment for use in the qualified zone academy (including state-of-the-art technology and vocational equipment),

"(ii) technical assistance in developing curriculum or in training teachers in order to promote appropriate market driven technology in the classroom,

"(iii) services of employees as volunteer mentors,

"(iv) internships, field trips, or other educational opportunities outside the academy for students, or "(v) any other property or service specified by the local educational agency.

"(3) Qualified zone academy.—The term 'qualified zone academy' means any public school (or academic program within a public school) which is established by and operated under the supervision of a local educational agency to provide education or training below the postsecondary level if—

"(A) such public school or program (as the case may be) is designed in cooperation with business to enhance the academic curriculum, increase graduation and employment rates, and better prepare students for the rigors of college and the increasingly complex workforce,

"(B) students in such public school or program (as the case may be) will be subject to the same academic standards and assessments as other students educated by the local educational agency,

"(D) the comprehensive education plan of such public school or program is approved by the local educational agency, and

"(E)(i) such public school is located in an empowerment zone or enterprise community (including any such zone or community designated after the date of the enactment of this section), or

"(ii) there is a reasonable expectation (as of the date of issuance of the bonds) that at least 35 percent of the students attending such school or participating in such program (as the case may be) will be eligible for free or reduced-cost lunches under the school lunch program established under the National School Lunch Act.

"(4) Qualified purpose.—The term 'qualified purpose' means, with respect to any qualified zone academy—

"(A) constructing, rehabilitating, or repairing the public school facility in which the academy is established,

"(B) providing equipment for use at such academy,

"(C) developing course materials for education to be provided at such academy, and

"(D) training teachers and other school personnel in such academy.

"(5) Temporary period exception.—A bond shall not be treated as failing to meet the requirement of paragraph (1)(A) solely by reason of the fact that the proceeds of the issue of which such bond is a part are invested for a reasonable temporary period (but not more than 36 months) until such proceeds are needed for the purpose for which such issue was issued. Any earnings on such proceeds during such period shall be treated as proceeds of the issue for purposes of applying paragraph (1)(A).

"(b) Limitations on Amount of Bonds Designated.—

"(1) In general.—There is a national zone academy bond limitation for each calendar year. Such limitation is—

"(A) $400,000,000 for 1998,

"(B) $700,000,000 for 1999,

"(C) $700,000,000 for 2000,

"(D) $700,000,000 for 2001,

"(C) $700,000,000 for 2002, and

"(D) except as provided in paragraph (3), zero after 2002.

"(2) Allocation of limitation.—

"(A) Allocation among states.—

"(i) 1998 limitation.—The national zone academy bond limitation for calendar year 1998 shall be allocated by the Secretary among the States on the basis of their respective populations of individuals below the poverty line (as defined by the Office of Management and Budget).

"(ii) Limitation after 1998.—The national zone academy bond limitation for any calendar year after 1998 shall be allocated by the Secretary among the States in the manner prescribed by section 1397G(d); except that, in making the allocation under this clause, the Secretary shall take into account Basic Grants attributable to large local educational agencies (as defined in section 1397G(e)).

"(B) Allocation to local educational agencies.—The limitation amount allocated to a State under subparagraph (A) shall be allocated by the State education agency to qualified zone academies within such State.

"(C) Designation subject to limitation amount.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) with respect to any qualified zone academy shall not exceed the limitation amount allocated to such academy under subparagraph (B) for such calendar year.

"(3) Carryover of unused limitation.—If for any calendar year—

"(A) the limitation amount under this subsection for any State, exceeds

"(B) the amount of bonds issued during such year which are designated under subsection (a) with respect to qualified zone academies within such State,

the limitation amount under this subsection for such State for the following calendar year shall be increased by the amount of such excess. The preceding sentence shall not apply if such following calendar year is after 2004.

"SEC. 1397G. QUALIFIED SCHOOL CONSTRUCTION BONDS.

"(a) Qualified School Construction Bond.—For purposes of this part, the term 'qualified school construction bond' means any bond issued as part of an issue if—

"(1) 95 percent or more of the proceeds of such issue are to be used for the construction, rehabilitation, or repair of a public school facility,

"(2) the bond is issued by a State or local government within the jurisdiction of which such school is located,

"(3) the issuer designates such bond for purposes of this section, and

"(4) the term of each bond which is part of such issue does not exceed 15 years.

Rules similar to the rules of section 1397F(a)(5) shall apply for purposes of paragraph (1).

"(b) Limitation on Amount of Bonds Designated.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) by any issuer shall not exceed the sum of—

"(1) the limitation amount allocated under subsection (d) for such calendar year to such issuer, and

"(2) if such issuer is a large local educational agency (as defined in subsection (e)) or is issuing on behalf of such an agency, the limitation amount allocated under subsection (e) for such calendar year to such agency.

"(c) National Limitation on Amount of Bonds Designated.—

"(1) In general.—There is a national qualified school construction bond limitation for each calendar year equal to the dollar amount specified in paragraph (2) for such year, reduced, in the case of calendar years 1999 and 2000, by 1.5 percent of such amount.

"(2) Dollar amount specified.—The dollar amount specified in this paragraph is—

"(A) $9,700,000,000 for 1999,

"(B) $9,700,000,000 for 2000, and

"(C) except as provided in subsection (f), zero after 2000.

"(d) 65-Percent of Limitation Allocated Among States.—

"(1) In general.—Sixty-five percent of the limitation applicable under subsection (c) for any calendar year shall be allocated among the States under paragraph (2) by the Secretary. The limitation amount allocated to a State under the preceding sentence shall be allocated by the State education agency to issuers within such State and such allocations may be made only if there is an approved State application.

"(2) Allocation formula.—The amount to be allocated under paragraph (1) for any calendar year shall be allocated among the States in proportion to the respective amounts each such State received for Basic Grants under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) for the most recent fiscal year ending before such calendar year. For purposes of the preceding sentence, Basic Grants attributable to large local educational agencies (as defined in subsection (e)) shall be disregarded.

"(3) Minimum allocations to states.—

"(A) In general.—The Secretary shall adjust the allocations under this subsection for any calendar year for each State to the extent necessary to ensure that the sum of—

"(i) the amount allocated to such State under this subsection for such year, and

"(ii) the aggregate amounts allocated under subsection (e) to large local educational agencies in such State for such year,

is not less than an amount equal to such State's minimum percentage of 65 percent of the national qualified school construction bond limitation under subsection (c) for the calendar year.

"(B) Minimum percentage.—A State's minimum percentage for any calendar year is the minimum percentage described in section 1124(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6334(d)) for such State for the most recent fiscal year ending before such calendar year.

"(4) Allocations to certain possessions.—The amount to be allocated under paragraph (1) to any possession of the United States other than Puerto Rico shall be the amount which would have been allocated if all allocations under paragraph (1) were made on the basis of respective populations of individuals below the poverty line (as defined by the Office of Management and Budget). In making other allocations, the amount to be allocated under paragraph (1) shall be reduced by the aggregate amount allocated under this paragraph to possessions of the United States.

"(5) Approved state application.—For purposes of paragraph (1), the term 'approved State application' means an application which is approved by the Secretary of Education and which includes—

"(A) the results of a recent publicly-available survey (undertaken by the State with the involvement of local education officials, members of the public, and experts in school construction and management) of such State's needs for public school facilities, including descriptions of—

"(i) health and safety problems at such facilities,

"(ii) the capacity of public schools in the State to house projected enrollments, and

"(iii) the extent to which the public schools in the State offer the physical infrastructure needed to provide a high-quality education to all students, and

"(B) a description of how the State will allocate to local educational agencies, or otherwise use, its allocation under this subsection to address the needs identified under subparagraph (A), including a description of how it will—

"(i) give highest priority to localities with the greatest needs, as demonstrated by inadequate school facilities coupled with a low level of resources to meet those needs,

"(ii) use its allocation under this subsection to assist localities that lack the fiscal capacity to issue bonds on their own, including the issuance of bonds by the State on behalf of such localities, and

"(iii) ensure that its allocation under this subsection is used only to supplement, and not supplant, the amount of school construction, rehabilitation, and repair in the State that would have occurred in the absence of such allocation.

Any allocation under paragraph (1) by a State education agency shall be binding if such agency reasonably determined that the allocation was in accordance with the plan approved under this paragraph.

"(e) 35-PERCENT OF LIMITATION ALLOCATED AMONG LARGEST SCHOOL DISTRICTS.—

"(1) IN GENERAL.—Thirty-five percent of the limitation applicable under subsection (c) for any calendar year shall be allocated under paragraph (2) by the Secretary among local educational agencies which are large local educational agencies for such year. No qualified school construction bond may be issued by reason of an allocation to a large local educational agency under the preceding sentence unless such agency has an approved local application.

"(2) ALLOCATION FORMULA.—The amount to be allocated under paragraph (1) for any calendar year shall be allocated among large local educational agencies in proportion to the respective amounts each such agency received for Basic Grants under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) for the most recent fiscal year ending before such calendar year.

"(3) LARGE LOCAL EDUCATIONAL AGENCY.—For purposes of this section, the term 'large local educational agency' means, with respect to a calendar year, any local educational agency if such agency is—

"(A) among the 100 local educational agencies with the largest numbers of children aged 5 through 17 from families living below the poverty level, as determined by the Secretary using the most recent data available from the Department of Commerce that are satisfactory to the Secretary, or

"(B) 1 of not more than 25 local educational agencies (other than those described in clause (i)) that the Secretary of Education determines (based on the most recent data available satisfactory to the Secretary) are in particular need of assistance, based on a low level of resources for school construction, a high level of enrollment growth, or such other factors as the Secretary deems appropriate.

"(4) APPROVED LOCAL APPLICATION.—For purposes of paragraph (1), the term 'approved local application' means an application which is approved by the Secretary of Education and which includes—

"(A) the results of a recent publicly-available survey (undertaken by the local educational agency with the involvement of school officials, members of the public, and experts in school construction and management) of such agency's needs for public school facilities, including descriptions of—

"(i) the overall condition of the local educational agency's school facilities, including health and safety problems,

"(ii) the capacity of the agency's schools to house projected enrollments, and

"(iii) the extent to which the agency's schools offer the physical infrastructure needed to provide a high-quality education to all students,

"(B) a description of how the local educational agency will use its allocation under this subsection to address the needs identified under subparagraph (A), and

"(C) a description of how the local educational agency will ensure that its allocation under this subsection is used only to supplement, and not supplant, the amount of school construction, rehabilitation, or repair in the locality that would have occurred in the absence of such allocation.

A rule similar to the rule of the last sentence of subsection (d)(5) shall apply for purposes of this paragraph.

"(f) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

"(1) the amount allocated under subsection (d) to any State, exceeds

"(2) the amount of bonds issued during such year which are designated under subsection (a) pursuant to such allocation,

the limitation amount under such subsection for such State for the following calendar year shall be increased by the amount of such excess. A similar rule shall apply to the amounts allocated under subsection (e). The subsection shall not apply if such following calendar year is after 2002.

"(g) SET-ASIDE ALLOCATED AMONG INDIAN TRIBES.—

"(1) IN GENERAL.—The 1.5 percent set-aside applicable under subsection (c)(1) for any calendar year shall be allocated under paragraph (2) among Indian tribes for the construction, rehabilitation, or repair of tribal schools. No allocation may be made under the preceding sentence unless the Indian tribe has an approved application.

"(2) ALLOCATION FORMULA.—The amount to be allocated under paragraph (1) for any calendar year shall be allocated among Indian tribes on a competitive basis by the Secretary of Education, in consultation with the Secretary of the Interior—

"(A) through a negotiated rulemaking procedure with the tribes in the same manner as the procedure described in section 106(b)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4116(b)(2)), and

"(B) based on criteria described in paragraphs (1), (3), (4), (5), and (6) of section 12005(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8505(a)).

"(3) APPROVED APPLICATION.—For purposes of paragraph (1), the term 'approved application' means an application submitted by an Indian tribe which is approved by the Secretary of Education and which includes—

"(A) the basis upon which the applicable tribal school meets the criteria described in paragraph (2)(B), and

"(B) an assurance by the Indian tribe that such tribal school will not receive funds pursuant to allocations described in subsection (d) or (e).

"(4) DEFINITIONS.—For purposes of this subsection—

"(A) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given such term by section 45A(c)(6).

"(B) TRIBAL SCHOOL.—The term 'tribal school' means a school that is operated by an Indian tribe for the education of Indian children with financial assistance under grant under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) or a contract with the Bureau of Indian Affairs under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f et seq.)."

(b) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

"(8) REPORTING OF CREDIT ON QUALIFIED PUBLIC SCHOOL MODERNIZATION BONDS.—

"(A) IN GENERAL.—For purposes of subsection (a), the term 'interest'includes amounts includible in gross income under section 1397E(f) and such amounts shall be treated as paid on the credit allowance date (as defined in section 1397E(d)(2)).

"(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A) of this paragraph, subsection (b)(4) of this section shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i).

"(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting."

(c) CLERICAL AMENDMENTS.—

(1) The table of parts for subchapter U of chapter 1 is amended by striking the item relating to part IV and inserting the following new item:

"Part IV. Incentives for qualified public school modernization bonds."

(2) Part V of subchapter U of chapter 1 is amended by redesignating both section 1397F and the item relating thereto in the table of sections for such part as section 1397H.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to obligations issued after December 31, 1998.

(2) REPEAL OF RESTRICTION ON ZONE ACADEMY BOND HOLDERS.—The repeal of the limitation of section 1397E of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of this Act) to eligible taxpayers (as defined in subsection (d)(6) of such section) shall apply to obligations issued after December 31, 1997.

SEC. 102. EXCLUSION FROM GROSS INCOME OF EDUCATION DISTRIBUTIONS FROM QUALIFIED STATE TUITION PROGRAMS.

(a) IN GENERAL.—Section 529(c)(3)(B) (relating to distributions) is amended to read as follows:

"(B) DISTRIBUTIONS FOR QUALIFIED HIGHER EDUCATION EXPENSES.—

"(i) IN GENERAL.—No amount shall be includible in gross income under subparagraph (A) if the qualified higher education expenses of the designated beneficiary during the taxable year are not less than the aggregate distributions during the taxable year.

"(ii) DISTRIBUTIONS IN EXCESS OF EXPENSES.—If such aggregate distributions exceed such expenses during the taxable year, the amount otherwise includible in gross income under subparagraph (A) shall be reduced by the amount which bears the same ratio to the amount so includible (without regard to this subparagraph) as such expenses bear to such aggregate distributions.

"(iii) ELECTION TO WAIVE EXCLUSION.—A taxpayer may elect to waive the application of this subparagraph for any taxable year.

"(iv) IN-KIND DISTRIBUTIONS.—Any benefit furnished to a designated beneficiary under a qualified State tuition program shall be treated as a distribution to the beneficiary for purposes of this paragraph.

"(v) Disallowance of excluded amounts as credit or deduction.—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified higher education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph."

(b) Definition of Qualified Higher Education Expenses.—Section 529(e)(3)(A) (defining qualified higher education expenses) is amended to read as follows:

"(A) In general.—The term 'qualified higher education expenses' means expenses for tuition, fees, academic tutoring, special needs services, books, supplies, computer equipment (including related software and services), and other equipment which are incurred in connection with the enrollment or attendance of the designated beneficiary at an eligible educational institution."

(c) Coordination With Education Credits.—Section 25A(e)(2) (relating to coordination with exclusions) is amended—

(1) by inserting "a qualified State tuition program or" before "an education individual retirement account", and

(2) by striking "section 530(d)(2)" and inserting "section 529(c)(3)(B) or 530(d)(2)".

(d) Technical Correction.—Section 529(c)(3)(A) is amended by striking "section 72(b)" and inserting "section 72".

(e) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) Technical correction.—The amendment made by subsection (d) shall take effect as if included in the amendments made by section 211 of the Taxpayer Relief Act of 1997.

SEC. 103. EXTENSION OF EXCLUSION FOR EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE.

(a) In General.—Section 127(d) (relating to termination of exclusion for educational assistance programs) is amended by striking "May 31, 2000" and inserting "December 31, 2002".

(b) Repeal of Limitation on Graduate Education.—The last sentence of section 127(c)(1) (defining educational assistance) is amended by striking ", and such term also does not include any payment for, or the provision of any benefits with respect to, any graduate level course of a kind normally taken by an individual pursuing a program leading to a law, business, medical, or other advanced academic or professional degree".

(c) Effective Dates.—

(1) Extension.—The amendment made by subsection (a) shall apply to expenses paid with respect to courses beginning after May 31, 2000.

(2) Graduate education.—The amendment made by subsection (b) shall apply to expenses paid with respect to courses beginning after December 31, 1997.

SEC. 104. ADDITIONAL INCREASE IN ARBITRAGE REBATE EXCEPTION FOR GOVERNMENTAL BONDS USED TO FINANCE EDUCATION FACILITIES.

(a) In General.—Section 148(f)(4)(D)(vii) (relating to increase in exception for bonds financing public school capital expenditures) is amended by striking "$5,000,000" the second place it appears and inserting "$10,000,000".

(b) Effective Date.—The amendment made by subsection (a) shall apply to obligations issued after December 31, 1998.

SEC. 105. EXCLUSION OF CERTAIN AMOUNTS RECEIVED UNDER THE NATIONAL HEALTH CORPS SCHOLARSHIP PROGRAM.

(a) In General.—Section 117(c) (relating to the exclusion from gross income amounts received as a qualified scholarship) is amended—

(1) by striking "Subsections (a)" and inserting the following:

"(1) In general.—Except as provided in paragraph (2), subsections (a)"; and

(2) by adding at the end the following new paragraph:

"(2) National health corps scholarship program.—Paragraph (1) shall not apply to any amount received by an individual under the National Health Corps Scholarship Program under section 338A(g)(1)(A) of the Public Health Service Act."

(b) Effective Date.—The amendments made by subsection (a) shall apply to amounts received in taxable years beginning after December 31, 1993.

SEC. 106. TREATMENT OF QUALIFIED PUBLIC EDUCATIONAL FACILITY BONDS AS EXEMPT FACILITY BONDS.

(a) Treatment as Exempt Facility Bond.—Subsection (a) of section 142 (relating to exempt facility bond) is amended by striking "or" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", or", and by adding at the end the following:

"(13) qualified public educational facilities."

(b) Qualified Public Educational Facilities.—Section 142 is amended by adding at the end the following:

"(k) Qualified Public Educational Facilities.—

"(1) In general.—For purposes of subsection (a)(13), the term 'qualified public educational facility' means any school facility which is—

"(A) part of a public elementary school or a public secondary school,

"(B) except as provided in paragraph (6)(B)(iii), located in a high-growth school district, and

"(C) owned by a private, for-profit corporation pursuant to a public-private partnership agreement with a State or local educational agency described in paragraph (2).

"(2) Public-private partnership agreement described.—A public-private partnership agreement is described in this paragraph if it is an agreement—

"(A) under which the corporation agrees—

"(i) to do 1 or more of the following: construct, rehabilitate, refurbish, or equip a school facility, and

"(ii) at the end of the contract term, to transfer the school facility to such agency for no additional consideration, and

"(B) the term of which does not exceed the term of the underlying issue.

"(3) School facility.—For purposes of this subsection, the term 'school facility' means—

"(A) school buildings,

"(B) functionally related and subordinate facilities and land with respect to such buildings, including any stadium or other facility primarily used for school events, and

"(C) any property, to which section 168 applies (or would apply but for section 179), for use in the facility.

"(4) Public schools.—For purposes of this subsection, the terms 'elementary school' and 'secondary school' have the meanings given such terms by section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), as in effect on the date of the enactment of this subsection.

"(5) High-growth school district.—For purposes of this subsection, the term 'high-growth school district' means a school district established under State law which had an enrollment of at least 5,000 students in the second academic year preceding the date of the issuance of the bond and an increase in student enrollment of at least 20 percent during the 5-year period ending with such academic year.

"(6) Annual aggregate face amount of tax-exempt financing.—

"(A) In general.—An issue shall not be treated as an issue described in subsection (a)(13) if the aggregate face amount of bonds issued by the State pursuant thereto (when added to the aggregate face amount of bonds previously so issued during the calendar year) exceeds an amount equal to the greater of—

"(i) $10 multiplied by the State population, or

"(ii) $5,000,000.

"(B) Allocation rules.—

"(i) In general.—Except as otherwise provided in this subparagraph, the State may allocate in a calendar year the amount described in subparagraph (A) for such year in such manner as the State determines appropriate.

"(ii) Rules for carryforward of unused amount.—With respect to any calendar year, a State may make an election under rules similar to the rules of section 146(f), except that the sole carryforward purpose with respect to such election is the issuance of exempt facility bonds described in section 142(a)(13).

"(iii) Special allocation rule for schools outside high-growth school districts.—A State may elect to allocate an aggregate face amount of bonds not to exceed $5,000,000 from the amount described in subparagraph (A) for each calendar year for qualified public educational facilities without regard to the requirement under paragraph (1)(A)."

(c) Exemption From General State Volume Caps.—Paragraph (3) of section 146(g) (relating to exception for certain bonds) is amended—

(1) by striking "or (12)" and inserting "(12), or (13)", and

(2) by striking "and environmental enhancements of hydroelectric generating facilities" and inserting "environmental enhancements of hydroelectric generating facilities, and qualified public educational facilities".

(d) Exemption From Limitation on Use for Land Acquisition.—Section 147(h) (relating to certain rules not apply) is amended—

(1) by adding at the end the following:

"(3) Exempt facility bonds for qualified public educational facilities.—Subsection (c) shall not apply to any exempt facility bond issued as part of an issue described in section 142(a)(13) (relating to qualified public educational facilities).", and

(2) by striking "Mortgage Revenue Bonds, Qualified Student Loan Bonds, and Qualified 501(c)(3) Bonds" in the heading and inserting "Certain Bonds".

(e) Effective Date.—The amendments made by this section shall apply to bonds issued after December 31, 1998.

TITLE II—REVENUE

SEC. 201. CLARIFICATION OF DEDUCTION FOR DEFERRED COMPENSATION.

(a) In General.—Section 404(a) (relating to deduction for contributions of an employer to an employee's trust or annuity plan and compensation under a deferred-payment plan) is amended by adding at the end the following new paragraph:

"(11) Determinations relating to deferred compensation.—For purposes of determining under this section—

"(A) whether compensation of an employee is deferred compensation, and

"(B) when deferred compensation is paid,

no amount shall be treated as received by the employee, or paid, until it is actually received by the employee."

(b) Effective Date.—

(1) In general.—The amendment made by subsection (a) shall apply to taxable years ending after the date of the enactment of this Act except with respect to compensation relating to severance pay, which shall apply to taxable years beginning after December 31, 2000.

(2) Change in method of accounting.—In the case of any taxpayer required by the amendment made by subsection (a) to change its method of accounting for its first taxable year ending after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account in such first taxable year.

SEC. 202. MODIFICATION TO FOREIGN TAX CREDIT CARRYBACK AND CARRYOVER PERIODS.

(a) In General.—Section 904(c) (relating to limitation on credit) is amended—

(1) by striking "in the second preceding taxable year,", and

(2) by striking "or fifth" and inserting "fifth, sixth, or seventh".

(b) Effective Date.—The amendment made by subsection (a) shall apply to credits arising in taxable years beginning after December 31, 1998.

SEC. 203. CERTAIN TAXPAYERS PRECLUDED FROM PREMATURELY CLAIMING LOSSES OR FROM CREATING RESERVES FOR BAD DEBTS FROM RECEIVABLES.

(a) Repeal of Non-Accrual Experience Method for Service Providers.—Section 448(d) (relating to definitions and special rules) is amended by striking paragraph (5) and by redesignating paragraphs (6), (7), and (8) as paragraphs (5), (6), and (7), respectively.

(b) Certain Receivables Not Eligible for Mark to Market.—Section 475(c) (relating to definitions) is amended by adding at the end the following new paragraph:

"(4) Special rules for certain receivables.—

"(A) In general.—Paragraph (2)(C) shall not include any note, bond, debenture, or other evidence of indebtedness which is nonfinancial customer paper.

"(B) Nonfinancial customer paper.—For purposes of subparagraph (A), the term 'nonfinancial customer paper' means any receivable—

"(i) arising out of the sale of goods or services by a person the principal activity of which is the selling or providing of nonfinancial goods and services, and

"(ii) held by such person or a related person at all times since issue."

(c) Effective Date.—

(1) In general.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

(2) Change in method of accounting.—In the case of any taxpayer required by the amendments made by this section to change its method of accounting for its first taxable year beginning after December 31, 2000—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account ratably over the 4-taxable year period beginning with such first taxable year.

SEC. 204. APPLICATION OF ENVIRONMENTAL INCOME TAX.

(a) Extension of Tax.—Section 59A(e) (relating to application of tax) is amended to read as follows:

"(e) Application of Tax.—The tax imposed by this section shall apply to taxable years beginning after December 31, 1986, and before January 1, 1996, and to taxable years beginning after December 31, 2003."

(b) Coordination With Exception of Certain Small Corporations From Alternative Minimum Tax.—Section 59A(a) (relating to imposition of tax) is amended by adding at the end the following flush sentence:

"Such tax shall not be imposed on a corporation for any taxable year if such corporation is exempt under section 55(e)(1) for the taxable year."

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 205. EXCISE TAX ON PURCHASE OF STRUCTURED SETTLEMENT AGREEMENTS.

(a) In General.—Subtitle D (relating to miscellaneous excise taxes) is amended by adding at the end the following new chapter:

"CHAPTER 48—STRUCTURED SETTLEMENT AGREEMENTS

"Sec. 5000A. Tax on purchases of structured settlement agreements.

"SEC. 5000A. TAX ON PURCHASES OF STRUCTURED SETTLEMENT AGREEMENTS.

"(a) Imposition of Tax.—There is hereby imposed on any person who purchases the right to receive payments under a structured settlement agreement a tax equal to 20 percent of the amount of the purchase price.

"(b) Exception for Court-Ordered Purchases.—Subsection (a) shall not apply to any purchase which is pursuant to a court order which finds that such purchase is necessary because of the extraordinary and unanticipated needs of the individual with the personal injuries or sickness giving rise to the structured settlement agreement.

"(c) Structured Settlement Agreement.—For purposes of this section, the term 'structured settlement agreement' means—

"(1) any right to receive (whether by suit or agreement) periodic payments as damages on account of personal injuries or sickness, or

"(2) any right to receive periodic payments as compensation for personal injuries or sickness under any workmen's compensation act.

"(d) Purchase.—For purposes of this section, the term 'purchase' has the meaning given such term by section 179(d)(2)."

(b) Conforming Amendment.—The table of chapters for subtitle D is amended by adding at the end the following new item:

"Chapter 48. Structured settlement agreements.

(c) Effective Date.—The amendments made by this section shall apply to purchases after the date of the enactment of this Act.

SEC. 206. PROPERTY SUBJECT TO A LIABILITY TREATED IN SAME MANNER AS ASSUMPTION OF LIABILITY.

(a) Repeal of Property Subject to a Liability Test.—

(1) Section 357.—Section 357(a) (relating to assumption of liability) is amended by striking ", or acquires from the taxpayer property subject to a liability" in paragraph (2).

(2) Section 358.—Section 358(d)(1) (relating to assumption of liability) is amended by striking "or acquired from the taxpayer property subject to a liability".

(3) Section 368.—

(A) Section 368(a)(1)(C) is amended by striking ", or the fact that property acquired is subject to a liability,".

(B) The last sentence of section 368(a)(2)(B) is amended by striking ", and the amount of any liability to which any property acquired from the acquiring corporation is subject,".

(b) Clarification of Assumption of Liability.—Section 357(c) is amended by adding at the end the following new paragraph:

"(4) Determination of amount of liability assumed.—For purposes of this section, section 358(d), section 368(a)(1)(C), and section 368(a)(2)(B)—

"(A) a liability shall be treated as having been assumed to the extent, as determined on the basis of facts and circumstances, the transferor is relieved of such liability or any portion thereof (including through an indemnity agreement or other similar arrangement), and

"(B) in the case of the transfer of any property subject to a nonrecourse liability, unless the facts and circumstances indicate otherwise, the transferee shall be treated as assuming with respect to such property a ratable portion of such liability determined on the basis of the relative fair market values (determined without regard to section 7701(g)) of all assets subject to such liability.

(c) Application to Provisions Other Than Subchapter C.—

(1) Section 584.—Section 584(h)(3) is amended—

(A) by striking ", and the fact that any property transferred by the common trust fund is subject to a liability," in subparagraph (A),

(B) by striking clause (ii) of subparagraph (B) and inserting:

"(ii) Assumed liabilities.—For purposes of clause (i), the term 'assumed liabilities' means any liability of the common trust fund assumed by any regulated investment company in connection with the transfer referred to in paragraph (1)(A).

"(C) Assumption.—For purposes of this paragraph, in determining the amount of any liability assumed, the rules of section 357(c)(4) shall apply."

(2) Section 1031.—The last sentence of section 1031(d) is amended—

(A) by striking "assumed a liability of the taxpayer or acquired from the taxpayer property subject to a liability" and inserting "assumed (as determined under section 357(c)(4)) a liability of the taxpayer", and

(B) by striking "or acquisition (in the amount of the liability)".

(d) Conforming Amendments.—

(1) Section 351(h)(1) is amended by striking ", or acquires property subject to a liability,".

(2) Section 357 is amended by striking "or acquisition" each place it appears in subsection (a) or (b).

(3) Section 357(b)(1) is amended by striking "or acquired".

(4) Section 357(c)(1) is amended by striking ", plus the amount of the liabilities to which the property is subject,".

(5) Section 357(c)(3) is amended by striking "or to which the property transferred is subject".

(6) Section 358(d)(1) is amended by striking "or acquisition (in the amount of the liability)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers after the date of the enactment of this Act.

SEC. 207. CLARIFICATION AND EXPANSION OF MATHEMATICAL ERROR ASSESSMENT PROCEDURES.

(a) TIN DEEMED INCORRECT IF INFORMATION ON RETURN DIFFERS WITH AGENCY RECORDS.—Section 6213(g)(2) (defining mathematical or clerical error) is amended by adding at the end the following flush sentence:

"A taxpayer shall be treated as having omitted a correct TIN for purposes of the preceding sentence if information provided by the taxpayer on the return with respect to the individual whose TIN was provided differs from the information the Secretary obtains from the person issuing the TIN."

(b) EXPANSION OF MATHEMATICAL ERROR PROCEDURES TO CASES WHERE TIN ESTABLISHES INDIVIDUAL NOT ELIGIBLE FOR TAX CREDIT.—Section 6213(g)(2) is amended by striking "and" at the end of subparagraph (I), by striking the period at the end of the first subparagraph (J) (relating to higher education credit) and inserting a comma, by redesignating the second subparagraph (J) (relating to earned income credit) as subparagraph (K) and by striking the period at the end and inserting ", and", and by adding at the end the following new subparagraph:

"(L) the inclusion of a TIN on a return with respect to an individual for whom a credit is claimed under section 21, 24, or 32 if, on the basis of data obtained by the Secretary from the person issuing the TIN, it is established that the individual does not meet any applicable age requirements for such credit."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 208. CLARIFICATION OF DEFINITION OF SPECIFIED LIABILITY LOSS.

(a) IN GENERAL.—Subparagraph (B) of section 172(f)(1) (defining specified liability loss) is amended to read as follows:

"(B) Any amount (not described in subparagraph (A)) allowable as a deduction under this chapter which is attributable to a liability—

"(i) under a Federal or State law requiring the reclamation of land, decommissioning of a nuclear power plant (or any unit thereof), dismantlement of an offshore drilling platform, remediation of environmental contamination, or payment of workmen's compensation, and

"(ii) with respect to which the act (or failure to act) giving rise to such liability occurs at least 3 years before the beginning of the taxable year."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to net operating losses for taxable years beginning after the date of the enactment of this Act.

SEC. 209. MODIFICATION OF DEPRECIATION METHOD FOR TAX-EXEMPT USE PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 168(g)(3) (relating to tax-exempt use property subject to lease) is amended to read as follows:

"(A) TAX-EXEMPT USE PROPERTY.—In the case of any tax-exempt use property, the recovery period used for purposes of paragraph (2) shall be equal to 150 percent of the class life of the property determined without regard to this subparagraph."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property—

(1) placed in service after December 31, 1998, and

(2) placed in service on or before such date which—

(A) becomes tax-exempt use property after such date, or

(B) becomes subject to a lease after such date which was not in effect on such date.

In the case of property to which paragraph (2) applies, the amendment shall only apply with respect to periods on and after the date the property becomes tax-exempt use property or subject to such a lease.

NOTICE OF HEARING

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold a hearing on "The Exploding Problem of Telephone Slamming In America."

This hearing will take place on Thursday, April 23, 1998, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Timothy J. Shea of the subcommittee staff at 224–3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, April 21, 1998, at 10:30 a.m. in closed session, to consider S. 1873, a bill to state the policy of the United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, April 21 at 2:20 p.m. to hold a joint closed hearing with the Judiciary Committee and on Wednesday, April 22, 1998 at 2:30 p.m. to hold a joint open hearing with the Judiciary Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. COVERDELL. Mr. President, the Committee on Veterans' Affairs requests unanimous consent to hold a hearing on ionizing radiation, veterans' health care, and related issues.

The hearing will take place on Tuesday, April 21, 1998, at 10 a.m., in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, April 21, 1998, at 2:30 p.m. on carriage of goods by sea/death on the high seas.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM, AND GOVERNMENT INFORMATION

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Technology, Terrorism, and Government Information, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Tuesday, April 21, 1998 at 2:30 p.m. to hold a classified briefing in room 219, Senate Hart Office Building, on: "Chemical and Biological Weapons Threats to America."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRADE

Mr. COVERDELL. Mr. President, the Finance Committee Subcommittee on Trade requests unanimous consent to conduct a hearing on Tuesday, April 21, 1998, beginning at 9:30 a.m. in room 215, Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

WE THE PEOPLE . . . 1998 NATIONAL FINALS

• Mr. CRAIG. Mr. President, on May 2–4, 1998, more than 1,200 students will participate in the national finals of the We the People . . . The Citizen and the Constitution Program. This is a three day academic competition on the Constitution and Bill of Rights here in Washington, D.C. I am proud to acknowledge students from Les Bois High School in Boise, Idaho, who have achieved the great honor of participating in this outstanding program. Under the direction of their teachers, Dan Prinzing and Janet Adams, these students have worked diligently to reach the national finals by winning competitions in Idaho.

Administered by the Center for Civic Education, the primary goal of the We the People . . . program, is to promote civic competence and responsibility among the nation's elementary and secondary students. This instructional program is designed to increase the students' understanding of American constitutional democracy. By providing firsthand experience, students are able to witness the relevance of the Constitution and Bill of Rights in dealing with contemporary issues.

Participation in the national finals requires that the students demonstrate their knowledge of constitutional principles and their relevance to current issues before a simulation of congressional committees composed of constitutional scholars, lawyers, journalists, and government leaders. Here the students will have the opportunity to scrutinize and take or defend positions on issues placed before them.

This program provides an excellent opportunity for these students to increase their knowledge of our nation's government and legislative procedure. This is an experience that will benefit both these students and the nation, as it provides an excellent hands-on course in preparing our young Americans for future leadership.

I commend these students from Les Bois High School for this outstanding achievement, and wish them luck in the National competition. I am proud to have them represent the great state of Idaho.

Mr. President, I ask unanimous consent that a list of student names from Les Bois High School who will be competing be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Students from Les Bois Junior High (Boise, Idaho) participating in the We the People program:

Ryan Abo, Kyle Anderson, Sean Beaver, Heather Birkinshaw, Michelle Blank, Megan Campbell, Elly Davis, Jordan DeLange, Jesika Groves, Patrick Hanks, Julia Holz, Michelle Howland, Justin Hunter, Jaime Jacobson, Chris Johnson, Jesse Judd, Julie Larson, Kellee Matsko, Ellen Misner, Amber Moss-Jensen, Niki O'Neal, Shannon Otte, Louis Poppler, Britanie Poreba, Barbara Sabo, Nicholai Salovich, Melissa Schurger, Bryan Sharmon, Marc Therrien, and David Wymond.●

CELEBRATE TUFTONIA'S DAY

● Mr. MOYNIHAN. Mr. President, I rise today to mark a very important event to the 78,000 plus other graduates of Tufts University—Tuftonia's Day. Tuftonia's day marks the anniversary of Tufts University on this date in 1852 (It is the second oldest college in the Boston area). It is a time for all Tufts students, alumni, professors, and friends of the university to turn their thoughts to Tufts and their fellow Tuftonians. Tufts is my alma mater. I graduated from the university and received both my masters degree and my doctorate from the Fletcher School of Law and Diplomacy.

Tufts, a school of 7,800 students, is one of the finest universities in the country and is rated as such by the most recent U.S. News and World Report survey. The main campus is located in Medford, Massachusetts and is home to the Tufts College of Liberal Arts, Jackson College, the College of Engineering, the Boston School of Occupational Therapy, and the Fletcher School. The Dental and Medical schools are downtown on the Boston campus and the School of Veterinary Medicine, the only such school in New England, is located in Grafton, Massachusetts.

When Charles Tufts founded the college, it is said he wanted to found a "light on the hill." The first rate education, the wonderful experiences, the enduring friendships, and the values instilled in Tufts students during their years on the hill, shows that Charles Tufts' dream has been realized.

Mr. President, Tufts University is a wonderful place, and Tuftonia's Day is a special time for all Jumbos (our mascot) to think about our days at Tufts and to pay tribute to our alma mater, the dear old brown and blue. I join with my fellow Tufts alumni in doing so and in recognizing Tuftonia's day.●

VICKI DONOVAN: 1998 NEW HAMPSHIRE TEACHER OF THE YEAR

● Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Vicki Donovan for being named the 1998 New Hampshire Teacher of the Year. Vicki is a fourth grade teacher at Belmont Elementary School in Belmont, New Hampshire, and is being recognized for her excellence in teaching and leadership in innovative curriculum reform.

As a teacher for over 15 years, Vicki has proven her dedication to her students and her community, going far beyond her classroom duties. As a member of the Belmont Elementary Language Arts Curriculum Committee, Vicki facilitated a pilot program in their new language arts curriculum. She is involved in Belmont Elementary School's extracurricular activities, and has always displayed an avid interest in the lives and well-being of her students. She is a member of the newly formed Health Fair Committee that involves school staff and local health care officials in providing resources and information to students and families. She is an elected member of the Government Study Committee that has done exhaustive work in attempting to restructure and improve the Belmont town government, and she is involved with the Youth and Education Committee of the Belmont Civic Pride Organization. This is just a sampling of Vicki's professional and civic involvements; her contributions to Belmont Elementary School and the Town of Belmont are immeasurable.

Vicki's own educational record proves the value that she places in learning. She has continued to take professional courses throughout her teaching career, and in 1996 completed her Masters degree in Education. She has supported future teachers by supervising student teachers, and helped improve herself and other teachers through her participation at professional workshops. She has previously been recognized in "Who's Who Among America's Teachers" and with the Academy of Applied Science and Central New Hampshire Educational Collaborative Award.

Mr. President, as a former teacher myself, I recognize the challenges, responsibilities and dedication involved in teaching. Teachers are entrusted with the enormous responsibility of preparing our youth to be active and responsible citizens. I am very honored to have Vicki Donovan as a teacher in the Granite State, and it is with great pride that I represent her in the U.S. Senate.●

PRESIDENTIAL TAX CHECK-OFF

● Mr. BIDEN. Mr. President, I rise today to call my colleagues' attention to a guest editorial by a long-time friend of mine, Mr. Sam Shipley, which recently appeared in the Wilmington News Journal. I think he makes some very important points about the presidential tax check-off box, and I commend the article to my colleagues. I ask that it be printed in the RECORD.

The editorial follows:

[From the Wilmington (DE) News Journal, Mar. 11, 1998]

$3 ELECTION CHECK-OFF CAN ADD UP

(By Samuel L. Shipley)

The presidential tax check-off needs promoting by the Federal Election Commission. It's been a secret to most Americans. One of the most effective strategies to increase taxpayer awareness would be through public service announcements in the news media, particularly national television.

And there would be no better time to air them than now, when Americans have their 1040 forms in hand, complete with instructions on making the check-off.

This year; the 1040 forms for 1997 taxes will allow each taxpayer to check off $3 as a matching contribution to the presidential campaign. This can be doubled to $6 on joint tax returns, even if only one spouse is employed.

The money from the presidential campaign check-off on Form 1040 is allocated equally among presidential candidates, after they raise a certain amount of funds on their own.

In the 1990s, despite a national decline in voting participation, more than 100 million Americans turned out to cast ballots for president. No doubt the overwhelming majority of these people file annual income tax returns.

This means that this year alone, there is the potential for hundreds of millions of dollars from citizens of all walks of life to be set aside for the 2000 elections.

It has been estimated that $1 billion or more was spent on the 1996 presidential election by the respective candidates and their parties. If taxpaying Americans would begin using the presidential campaign funding check-off this year and next, federal election funds to presidential races could replace a large percentage of the money that candidates see fit to seek from the special interests.

As a Delaware state Democratic Party chairman for many years and participant in many national political activities and campaigns, I am absolutely convinced of one point. The overwhelming majority of candidates for high national office do not like to go, hat in hand, asking people—particularly special interests—for money. Some absolutely detest it. But with the high cost of staff, organization and particularly media, they see no other alternative.

The American people have it in their hands, now more than ever, to give presidential candidates the opportunity to back off from special interests—if they will only use the voluntary $3 tax check-off. This would go a long way to let presidential contenders campaign and serve with honor and dignity. This is the beginning of an answer to the cancer of politics, if only the people will take a scalpel to sleazy special-interest money. This could act as a catalyst to pressure on Congress to overhaul campaign spending practices.•

TRIBUTE TO EXERCISE TIGER WAR VETERANS

• Mr. BOND. Mr. President, on April 23, in a ceremony held in Kings Bay, Georgia on the U.S.S. *Maine*, Exercise Tiger veterans will be honored. Following the dockside ceremony, there will be a 24 hour embark on the nuclear missile submarine of the United States Navy's Sub Group 10. In addition, my home State of Missouri will receive a memorial anchor commemorating the D-day dress rehearsal turned battle that took place during World War II.

This week in 1944, German "E" boats, patrolling the English Channel attacked Eight American tank landing ships near the Devon coast killing 749 United States Army and United States Navy soldiers. Of Tiger's death toll, 201 men were from the 3206th Quartermaster Company in my home State of Missouri. Due to the secrecy of this mission, to see the soldiers, who fought so bravely, finally received the acknowledgment they deserve.

Knowing that I cannot adequately express my admiration and respect, I join in the opportunity to say thank you. I hope the raising of the anchor memorial will in some way compensate the brave soldiers who risked or lost their lives during this crucial exercise. This week will be a great occasion for the survivors of Exercise Tiger and I pay tribute to their courage and service to the United States of America.•

MORE QUESTIONS ON GLOBAL WARMING

• Mr. ABRAHAM. Mr. President, last year the Senate passed a bipartisan resolution, S. Res. 98, which expressed the Sense of the Senate that the United States should not enter into any global warming treaty unless developing nations joined in the effort by agreeing to emission limits. This resolution passed by a vote of 95–0.

Despite this clear and specific resolution, the Administration negotiated and agreed to a treaty in Kyoto which sets binding limits on carbon emissions by developed nations, but which compels no similar participation from the developing world. Clearly, the Kyoto treaty fails to meet the criteria established by S. Res. 98.

To date, China, India, Brazil, Mexico, South Korea and other emerging trading partners have no obligations under the Kyoto Treaty. Since signing the agreement, the Administration has worked to secure some level of participation by these nations with the intention of amending the Treaty. Of course, these countries understand the economic impact of emissions limits, so it is not surprising that the United States is having a difficult time convincing these governments that their participation is necessary.

Recently, however, the State Department reports that it has reached "a conceptual agreement" with some countries to "pursue an umbrella group to trade emissions permits." No details about the nature or design of the agreement have been released, so it is difficult to judge the success of the recent efforts. A few questions come to mind however. What limits would these nations agree to? Would this be a part of the Protocol or a separate agreement outside the Protocol? How would this "umbrella group" even be recognized by the Protocol Parties? Finally, what is the U.S. offering to entice this group?

Mr. President, the Administration's actions and comments since Kyoto raise many questions but provide few answers. I hope the delegation will be more forthcoming in the next few months and allow Congress and the public an opportunity to comment on the U.S. proposals prior to the June and November sessions.•

RECOGNIZING MICHAEL TODD

• Mr. MACK. Mr. President, I rise today to recognize and congratulate Michael Todd, an Army Veteran and fellow Floridian who was recently selected by the Jewish War Veterans Organization to participate as a non-Jewish delegate on the Allied Veterans' Mission to Israel. Nominated by the Oskar Schindler Post of the Jewish War Veterans in Port Charlotte, Mr. Todd was West Coast Florida's only representative on the goodwill trip to Israel from April 5–April 13, 1998.

As a U.S. Army combat soldier, Mr. Todd was wounded four times and highly decorated for his valor and meritorious service during the Vietnam War. Since his return from Vietnam in 1974, Mr. Todd has volunteered on behalf of veterans throughout Florida and the nation. He founded and is the current President of both the National Veterans for America, and the South Gulf Coast Regional Veterans Council of Florida. Furthermore, Mr. Todd is an active member of various veterans organizations, ranging from the American Legion to the Vietnam Veterans of America.

In addition, the Charlotte County, Florida Board of County Commissioners has issued a proclamation declaring April 21, 1998 as "Michael Todd Day." In the proclamation, the County Commissioners praised Mr. Todd's efforts to improve the lives of veterans of the armed forces and their family members.

Mr. Todd's tireless volunteer service deserves the respect and admiration of Congress, the Country and Charlotte County. I am proud to offer my congratulations and look forward to hearing about his experiences while on his mission to Israel. I have no doubt he will continue to represent the Jewish War Veterans and the United States of America with honor.

Mr. President, I ask that the text of Charlotte County's Proclamation designating today as "Michael Todd Day" be printed in the RECORD.

The proclamation follows:

PROCLAMATION

Whereas, the national organization of the Jewish War Veterans of the United States of America in Washington, D.C., provides a program entitled the Annual Allied Veterans' Mission to Israel, under which non-Jewish select veteran leaders from throughout the United States are nominated by local posts and state councils and selected as delegates to visit Israel and learn about its history and people and to act as ambassadors of good will for their state and local communities; and

Whereas, a highly decorated local U.S. Army combat Vietnam veteran (wounded four times), Michael Todd, has brought honor and recognition to himself, the State of Florida, Charlotte County, and the City of Punta Gorda by being nominated by the Oakar Schindler Post of the Jewish War Veterans in Port Charlotte and its State Council and subsequently selected as a delegate and an ambassador of good will representing the State of Florida, Charlotte County, and the City of Punta Gorda, to participate in the Jewish War Veterans' Annual Allied Veterans' Mission to Israel from April 5 to April 13, 1998; and

Whereas, the honor bestowed on Michael Todd provides recognition to Mr. Todd for his tireless efforts as a veterans' advocate and leader, and his devoted service to his community as President of So. Gulf Coast Regional Veterans Council of Florida, National President of Veterans for America, President of Veterans Outreach and Assistance, as a member of the American Legion 110, DAV 154, VFW 5690, and Charlotte County Community Projects Council, as Vice President of the Vietnam Veterans of America, as advisor on veterans affairs for the State of Florida and legislative liaison to the State of Florida and Washington, D.C., and as a past representative for American Ligion Post 110 to the executive board of the Charlotte County Veterans Council; now, therefore, be it

Proclaimed, That, in recognition of the time and effort provided by Michael Todd to improve the community and the lives of the veterans of the armed forces and their family members, April 21, 1998, be declared Michael Todd Day in Charlotte County.•

ORDERS FOR WEDNESDAY, APRIL 22, 1998

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that when the

Senate completes its business today it stand in adjournment until the hour of 9:30 a.m. on Wednesday, April 22. I further ask that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately resume consideration of H.R. 2646, the A+education bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. I further ask that at 9:30 a.m. Senator GORTON be recognized to offer an amendment regarding block grants.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. I further ask that following debate on the Gorton amendment, it be temporarily set aside, and Senator MURRAY be immediately recognized to offer her amendment; further, that following the debate on the Murray amendment, it be set aside and Senator COATS be recognized to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mrs. HUTCHISON. Tomorrow morning, the Senate will resume consideration of the Coverdell A+education bill. Amendments will be offered and debated throughout Wednesday's session in an attempt to finish that legislation.

I also inform my colleagues that funeral services will be held for former Senator Terry Sanford tomorrow in Durham, NC. Therefore, any votes ordered tomorrow morning in respect to amendments to the Coverdell bill would be stacked to occur at approximately 3 p.m. Members will be notified of the exact voting schedule when that becomes available.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mrs. HUTCHISON. Mr. President, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:10 p.m., adjourned until Wednesday, April 22, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 21, 1998:

EXECUTIVE OFFICE OF THE PRESIDENT

NEAL F. LANE, OF OKLAHOMA, TO BE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY, VICE JOHN HOWARD GIBBONS, RESIGNED.

DEPARTMENT OF LABOR

HENRY L. SOLANO, OF COLORADO, TO BE SOLICITOR OF THE DEPARTMENT OF LABOR, VICE THOMAS S. WILLIAMSON, JR.

UNITED STATES INFORMATION AGENCY

JONATHAN H. SPALTER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE DIRECTOR OF THE UNITED STATES INFORMATION AGENCY, VICE ROBERT B. FULTON, RESIGNED.

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR COMPONENT OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT

To be medical director

ROBERT W. AMLER
RONALD G. BANKS
DAVID M. BELL
RUTH L. BERKELMAN
JAMES W. BUEHLER
STEPHEN L. COCHI
D. PETER DROTMAN
PATRICIA M. GRIFFIN
JAMES L. HOFF
ROBERT J. KIM-FARLEY
RICHARD D. KLAUSNER
RICHARD D. MANDSAGER
EDWARD E. MAX
RICHARD D. OLSON
JOHN E. PARKER
HAROLD J. PAULSEN
MARTHA F. ROGERS
KENNETH A. SCHACHTER
STEVEN L. SOLOMON

To be senior surgeon

ALVIN ABRAMS
JANET ARROWSMITH-LOWE
ANITA W. BATMAN
SUZANNE BINDER
EDWARD A. BRANN
KENNETH G. CASTRO
JOANNE C. CHINNICI
TERENCE L. CHORBA
ROBERT B. CRAVEN
THOMAS J. CREELMAN
DEAN F. EFFLER
DELORES A. ENDRES
MARIO E. FAJARDO
HELENE D. GAYLE
THOMAS P. GROSS
HARRY W. HAVERKOS
MARK B. HORTON
HOWARD S. KRUTH
SCOTT R. LILLIBRIDGE
THURMA MCCANN GOLDMAN
RICHARD J. MILLER
RICHARD W. NISKA
STEPHEN M. OSTROFF
THOMAS A. PETERMAN
ROSSANNE M. PHILEN
LAWRENCE D. ROBERTSON, JR.
WILLIAM M. SAPPENFIELD
PAUL J. SELIGMAN
PHILIP H. SHERIDAN
PATRICK W. STENGER
ROBERT V. TAUXE
TIMOTHY J. UNGS
DONNA L. VOGEL
SCOTT F. WETTERHALL

To be surgeon

KELLY J. ACTON
ARTHUR V. BERMISA
CHARLES H. BEYMER
ROBERT T. CHEN
GEORGE A. CONWAY
THERESA DIAZ VARGAS
HERMAN A. DOBBS III
MICHAEL M. ENGELGAU
LUIS G. ESCOBEDO
STEVEN H. FOX
RICHARD L. HAYS
CLARE HELMINIAK
KATHLEEN L. IRWIN
MARTIN J. KILEEN
EVE M. LACKRITZ
DAVID M. NANNINO III
ELAINE MILLER
DOUGLAS S. MITCHELL
BERNARD L. NAHLEN

To be senior assistant surgeon

ANNA L. MILLER
NARAYAN NAIR
MICHAEL T. STEIN
LORI A. WILLINGHURST

To be dental director

DALE P. ARMSTRONG
STANFORD M. BASTACKY
ERIC D. BOTHWELL
BETTY DEBERRY-SUMNER
SUZANNE EBERLING
PHILIP C. FOX
JAMES E. HAUBENREICH
JOHN R. MEETH
JOHN P. ROSSETTI
ROBERT A. SAPPINGTON
FRED B. SKREPCINSKI
DAVID B. SYNDER
SARAH E. VALWAY
CHARLES R. WANNER

To be senior dental surgeon

MICHAEL J. ALPERT
JOHN F. ANTON
TED W. BENGTSON
JOHN W. BERRIDGE
ROBERT A. BEST
STEVEN M. BOE
JOHN W. BROWN III
JOHN L. BUCHANAN III
PAUL A. BUONVIRI
MAUREEN P. CLEARY
KEVIN C. CRAIG
MICHAEL N. GABOR
HORACE HARRIS
ROBERT W. HENDRICKS, JR.
KENNETH E. HOFFMAN
DERRICK T. JOHNSTON
GARY J. KAPLOWITZ
JAMES M. LOGAN
PATRICK D. MCDERMOTT
ROBERT J. MORK
MARK E. NEHRING
CATHERINE A. PHILLIPS
ROBERT H. SELWITZ
CAROL E. SHERMAN

To be dental surgeon

ARLAN K. ANDREWS
MICHAEL C. ARNOLD
THOMAS L. BERMEL
TIMOTHY S. BISHOP
ARTURO BRAVO
HERMAN J. CAMPBELL
CLAY D. CROSSETT
SCOTT K. DUBOIS
JANIE G. FULLER
GEORGE HADDY
LINDA A. JACKSON
KENT K. KENYON
RONNIE D. MCCUAN
AARON R. MEANS, SR.
MARY G. MURPHY
RONALD J. NAGEL
THOMAS R. PALANDECH
SAMUEL J. PETRIE
RICHARD G. SCHRAGE
STEPHEN B. SCUTARI
JAMES N. SUTHERLAND

To be nurse director

NANCY J. DEVLIN
RICHARD I. GERBER
K. LOTHSCHUETZ MONTGOMERY
HELEN J. WOOTON
JABO I. ZELONIS

To be senior nurse officer

WILLIAM S. CAMPBELL
THEODORE W. CURRIER III
CATHERINE R. ESBENSHADE
SUSAN L. FIFER
NORMA J. HATOT
GALE L. HEAVNER
NARY D. HUTTON
MARY R. INGRAM
JAMES C. MCCANN
DEBORAH L. PARHAM
ROSALIE K. PHILLIPS
PAUL A. SATTLER
ANDREW G. SPARBER
REBECCA S. STANEVICH
STEVEN N. THOMPSON
MARILYN J. VRANAS
KATHLEEN L. WALKER
MELINDA WEISSER-LEE

To be nurse officer

GARY W. BANGS
ROBYN G. BROWN-DOUGLAS
MARY E. BRUK
CHERYL P. CHAPMAN
BRENDA L. CHARLEY
PATSY J. CLARK-ANDERSON
THOMAS M. CONRAD
ANNETTE C. CURRIER
THOMAS E. DALY
NANCY L. EGBERT
JOSEPH P. FINK
LAVERNE G. FRAZIER
JEAN FROST
MARGARET A. HOEFT
MARVIN A. HOLCOMB
KIMBERLAE A. HOUK
INDIA L. HUNTER
LAURIE S. IRWIN-PINKLEY
BARBARA A. ISAACS
EVA L. JONES
DEBORAH KLEINFELD
MARY M. LEEMHUIS
MICHAEL D. LYMAN
REBECCA P. MANLEY
CALVIN J. MARSHALL
ROBERT W. MAYES
JUANITA J. MELLUM
SHARON D. MURRAIN-ELLERBE
JOHN D. ORELLA
STEVEN R. OVERSBY
MICHAEL J. PAPANIA
SANDRA D. PATTEA
MONIQUE V. PETROFSKY
HAROLD W. PITT
GILBERT P. ROSE
JEFF M. SKELTON
ERNESTINE T. SMARTT
JERILYN A. THORNBURG
BERNADINE L. TOYA
ELLEN D. WOLFE

To be senior assisant nurse officer

SANDRA A. CHATFIELD
SUSAN Z. MATHEW
JAMES M. SIMMERMAN

To be engineer director

MARC R. ALSTON
WILLIAM E. ENGLE
JAMES A. HEIDMAN
DANIEL L. HIGHTOWER
PAUL F. KANITZ
CHARLES S. MCCAMMON, JR.
MARTIN D. MCCARTHY
MICHAEL E. PETERSON
LAURENCE D. REED
LEO H. STANDER, JR.

To be senior engineer officer

ROBER A. ANDERSON
STEPHEN S. AOYAMA
ALBERT J. BERRETH
THOMAS F. BLOOM
ERNEST W. BRODT, JR.
DANIEL J. CARPENTER
JAMES J. CHERNIACK
JAMES A. DINOVO
ROBERT W. FAALAND
DOUGLAS C. JENSEN
WILLIAM B. KNIGHT
ERNEST L. LEPORINI
DOUGLAS C. OTT
LOUIS D. SMITH
CARL E. SULLENGER, JR.
WILLIAM M. VATAVUK
RODNEY LEE VYFF
MARVIN L. WEBER

To be engineer officer

JAMES W. COLLINS
RANDY J. CORRELL
ROBIN A. DALTON
BRYAN L. FISCHER
STEVEN J. FORTHUN
ALLEN K. JARRELL
DANIEL G. MCLAUGHLIN
JOEL A. NEIMEYER
JEFFREY J. NOLTE
KENNETH E. OLSON II
ROBERT J. REISS
ROSS D. SCHROEDER
TODD M. SCOFIELD
KEITH P. SHORTALL
GEORGE F. SMITH

To be senior assistant engineer officer

NATHAN D. GJOVIK
JAMES H. LUDINGTON

To be scientist director

DONNA K. CHANDLER
MICHAEL J. COLLIGAN
ROBERT A. HAHN
HUGH J. HANSEN
DANIEL M. LEWIS
MELODY Y. LIN
WALTER L. SCOTT

To be senior scientist

LESLIE P. BOSS
WILLIAM G. BROGDON
PETER I. HARTSOCK
DELORIS L. HUNTER
SCOTT R. RIPPEY
JOHN M. SPAULDING
CHING-LONG J. SUN
RANDY L. TUBBS

To be scientist

LORRAINE L. CAMERON
DEBRA G. DEBORD
JAMES E. HOADLEY
MAHENDRA H. KOTHARY
HELENA O. MISHOE
PAUL D. SIEGEL
WILLIAM H. TAYLOR III

To be sanitarian director

GEORGE E. BYRNS
ALAN M. CROFT
LARRY M. SOLOMAN

To be senior sanitarian

PIERRE L. BELANGER
JACK L. CHRISTY
JON S. PEABODY
PAUL D. PRYOR
GERALD W. SHIPPS
RALPH T. TROUT
DONALD J. VESPER

To be sanitarian

GAIL G. BUONVIRI
ALAN S. ECHT
RUSSELL E. ENSCORE
MARK A. HAMILTON
MICHAEL E. HERRING
STEVEN G. INSERRA
LYNN E. JENKINS
MARTHA D. KENT
WALTER M. SNESKO
RICHARD E. TURNER
REBECCA L. WEST

To be senior veterinary officer

ROBERT J. CAROLAN
CYNTHIA L. POND
RICHARD E. RACE

To be veterinary officer

SHANNA L. NESBY-ODELL

To be pharmacist director

LARRY D. CROLL
RODNEY W. HILL
JANET M. JONES
WILLIAM H. KEHOE, JR.
DIANNE L. KENNEDY
JOHN W. LEVCHUK
ALFREDO MATIELLA, JR.
WILLIAM L. MATTHEWS, JR.
PAUL V. MCSHERRY
ROBIN M. NIGHSWANDER
KARL W. SCHILLING
KENNETH L. SPEAR
FRANKLIN D. STOTTLEMYER
JOSEPH A. TANGREA
ALAN M. YAMASHITA

To be senior pharmacist

RICHARD L. ABEL
DENNIS M. ALDER
JANET L. ANDERSON
MARK D. ANDERSON
JOHN T. BABB
MARION T. BEARDEN
JAMES P. COBB
PATRICK O. COX
GALEN R. GOEDEN
PATRICK S. HOGAN
ANDREW G. JANCOSEK
PAUL F. JAROSINSKI
GARY R. LAWLESS
KEVIN M. LEMIEUX
DELBERT G. MARTIN
YANA R. MILLE
JAMES W. MOORE
ROBERT B. OSHIDA
LARRY A. PFEIFER
GLEN M. PREWETT
MARK E. RAMEY
WELDON B. ROBERTS
DONOVAN J. SAUTER
JAMES M. THOMPSON
CHARLES A. TRIMMER
DENNIS J. VETTESE
MARILEE J. WHITE
DANIEL P. WILLIAMS
MICHAEL W. WOODFORD

To be pharmacist

DAVID B. BAKKEN
LISA D. BECKER
CHARLES C. BRUNER
NARY A. FONG
BEN GLIDEWELL
GEORGE J. HAVENS III
CARL W. HUNTLEY
CAROLYN J. JOHNSON
MICHAEL D. JONES
ANTHONY E. KELLER
ALICE D. KNOBEN
DENNIS L. LIVINGSTON
AMY L. MINNICK
JAMES M. MOORE
CLAIRE L. NEALLY
NICHOLAS A. QUAGLIETTA
BRIAN D. SCHAFER
WILLIAM I. SCHUMAN
MARGARET A. SIMONEAU
JAMES E. TEAGUE
VIRGINIA A. TIBBETTS

To be senior assistant pharmacist

JAMES A. GOOD
VALERIE E. JENSEN
KIMBERLY D. KNUTSON
DAVID A. KONIGSTEIN
JILL A. SANDERS
PAMELA STEWART-KUHN

To be dietitian director

MARK S. SIEGEL

To be senior dietitian

CYNTHIA L. W. CHUNG
JOHN E. FINN
PATSY R. HENDERSON

To be dietitian

GLORIA J. STABLES

To be therapist director

JIMMY R. JONES

To be senior therapist

BEVERLY J. BELL
KEITH E. VARVEL

To be therapist

DAVID J. BRUEGGEMANN
SUSANNE E. PICKERING
MICHAELE R. SMITH

To be senior assistant therapist

MARK T. MELANSON

To be health services director

MARTIN T. ABELL
GLORIA N. AMES
WILLIAM S. COLLINS
ELMON S. CRUMPLER
KURT R. MAURER
ROBERT W. MILLER
FRED M. RANDALL
MELVIN E. SEGAL
LELAND D. FREIDENBURG, JR.
ROLLAN J. GONGWER
HENRY H. KNOX
CHARLES K. SHOWALTER
JACOB E. TENENBAUM
GEORGE H. WALTER
JOHN J. WHALEN

To be senior health services officer

EDITH M. BAILEY
PATRICIA E. BROOKS
HAMILTON L. BROWN
GUY E. BURROUGHS, JR.
CONSTANCE M. BURTOFF
WESLEY W. CHARLTON
RAYMOND L. CLARK
MICHAEL L. DAVIS
RONNIE L. DAVIS
PETER A. DOOB
ANN B. FAGAN
JAMES W. GARVIE
PAUL HEWETT
KENT E. JAFFE
THOMAS M. JAKUB
WILLIAM G. JONES
MICHAEL O. KENEALLY
PAUL T. KIRKHAM
BRUCE E. LEONARD
PAUL W. LICHTENSTEIN
ARNULFO MANANGAN
BOBBY L. MASON
MARTIN A. OBERLY
JOHNNY R. RAINEY
STEPHEN A. SOUZA
EDWIN S. SPIRER
WENDELL E. WAINWRIGHT
HENRY J. WIRTH III
JON P. YEAGLEY

To be health services officer

FRANKLIN D. CROOKS
WILLIAM M. GOSMAN
JANET S. HARRISON
PAUL W. HOLLAND
GREG A. KETCHER
EDWARD M. MCNERNEY
BARRY A. MILLER
MICHAEL R. MILNER
SUSAN D. TELLER
GENE W. WALTERS
RAY J. WEEKLY

To be senior assistant health services officer

CAROL E. AUTEN
CHERYL A. WISEMAN

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DANIEL JAMES III, 8248

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. LEE P. RODGERS, 4461

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DANIEL C. BALOUGH, 0228
BRIG. GEN. ROGER L. BRAUTIGAN, 1521
BRIG. GEN. THOMAS A. WESSELS, 5197

To be brigadier general

COL. BRUCE A. ADAMS, 4063
COL. MICHAEL B. BARRETT, 8071
COL. LOWELL C. DETAMORE, JR., 9811
COL. KENNETH D. HERBST, 3103
COL. KENNETH L. PENTTILA, 0067

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) JEFFREY A. COOK, 2672.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

PHILIP M. ARMSTRONG, 1815
PHILIP A. BARKER, 0348
ELWOOD M. BARNES, 5423
*ROBERT PATRICK BECK, 5685
OLEDIA P. BELL, 3173
ERNEST H. BERTHELETTE, 5547
JIMMY M. BROWNING, 2575
*ELIEZER CASTANON, 1699
DONOVAN V.C. GAFFNEY, 4941
RONALD M. HARVELL, 1470
RAYMOND L. JOHNSON, 8756
THOMAS D. KELLY, 7912
JOHN M. KINNEY, 7307
PHILIP S. LLANOS, 1671
STEVEN P. MCCAIN, 0882
DANIEL H. NELMS, 6891
STEVEN J. NICOLAI, 5247
ROBERT E. ODELL, JR., 0304
SCOTT A. OFSDAHL, 8427
ROBERT N. PHILLIPS, 2678
PATRICK J. RYAN, 4057
PAUL L. SHEROUSE, 9877
DOUGLAS J. SLATER, SR., 3984
WILLIAM T. TOGUCHI, 9288
VICTOR J. TONEY, 9602
TIMOTHY P. WAGONER, 2025
*REX A. WILLIAMS, 6574

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR OF THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333(B):

To be lieutenant colonel

GARY W. KRAHN, 2609

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RICHARD D. COULTER, 3313
MICHAEL J. HOBBS, 5987
DAVID D. KENDRICK, 8310
MOSE A. MCWHORTER, 3643
DANTE L. PETRIZZO, 4103
KARIM SHIHATA, 1797

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

MICHALE D. COBB, 7561
FRANK A. LINDELL, 2328
RAYMOND B. ROLL, 2568

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

DANIEL D. THOMPSON, 0517

HOUSE OF REPRESENTATIVES—*Tuesday, April 21, 1998*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. NETHERCUTT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 21, 1998.

I hereby designate the Honorable George R. Nethercutt, Jr. to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 629. An act to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact.

H.R. 3130. An act to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements, to amend the Immigration and Nationality Act to make certain aliens determined to be delinquent in the payment of child support inadmissible and ineligible for naturalization, and for other purposes.

The message also announced that pursuant to Public Law 105–78, the Chair, on behalf of the Democratic Leader, appoints Dr. Robert C. Talley, of South Dakota, as a member of the National Health Museum Commission.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. WELLER) for 5 minutes.

UNFAIRNESS IN TAX CODE: MARRIAGE TAX PENALTY

Mr. WELLER. Mr. Speaker, I represent a very, very diverse district. I represent the south side of Chicago, the south suburbs, as well as a lot of bedroom and rural communities southwest of the city of Chicago. There is a common series of questions being asked, and these questions really illustrate why passage of the Marriage Tax Elimination Act is so very important to this Congress.

These questions are pretty simple, and that is do Americans feel that it is fair that a married working couple with two incomes pays more in taxes just because they are married? Do Americans feel that it is fair that 21 million married working couples pay an average of $1,400 more in higher taxes just because they are married than an identical couple that lives together outside of marriage? Do Americans feel it is fair that our Tax Code actually provides an incentive to get divorced?

It is clear that the marriage tax penalty is not only wrong; frankly, it is immoral that our Tax Code punishes our society's most basic institution.

This past year, the Congressional Budget Office in a report detailed the facts that the marriage penalty is suffered by 21 million married working couples to the tune of $1,400 each. Of course, that tax is caused because when a married couple chooses to get married, they file jointly, and their combined tax income pushes them into a higher tax bracket, of course, causing that marriage tax penalty.

Let me give you an example of a married couple in the 11th Congressional District in the south suburbs of Chicago. This particular gentleman is a machinist who works at Caterpillar making the heavy equipment that builds our roads and bridges. This particular machinist makes $30,500 a year.

If he is single, after standard deductions and exemptions on his taxes, he pays the 15 percent rate. But say he meets a gal, she is a tenured schoolteacher at the Joliet public schools. She is making an identical amount of money, $30,500 a year. They choose to get married.

Under our current Tax Code, because of the way our Tax Code is currently structured, as a married couple with two incomes, they file jointly, they are pushed into a higher tax bracket producing almost $1,400 more in taxes, just because they chose to get married.

That is wrong. If you think about it for this married couple in Joliet, this machinist and this schoolteacher, $1,400 is a lot of money. It is real money for real people. $1,400 is one year's tuition at Joliet Junior College. It is several months of car payments. It is 3 months' worth of child care in a local day care center in Joliet. That is important to working families.

Of course, the President has talked about helping working couples with expanding the child care tax credit, and that is a good idea. Of course, we should look at what that means in comparing expanding the child tax credit to eliminating the marriage penalty, and how this machinist and schoolteacher will benefit.

Under the Marriage Tax Elimination Act, of course, this machinist and schoolteacher will save $1,400 by eliminating the marriage tax penalty. Under the President's proposal on child care, they would be able to save $358 in higher take-home pay.

So the question is, which is better? One thousand four hundred dollars, which is 3 months' worth of day care in Joliet, or the President's proposal for $358, which is 3 weeks? Which is better, three weeks or three months, when it comes to helping working families?

Clearly, elimination of the marriage tax penalty will help 21 million married working couples. I am pleased to tell you the Marriage Tax Elimination Act now has 238 cosponsors. And what is the bottom line? We should make elimination of the marriage tax penalty our Number 1 priority as we work to provide greater tax relief and work to help working families keep more of what they earn, because we believe that working families should be able to keep more of what they earn, because you can spend it so much better back home than we can for you here in Washington.

When the Tax Code is unfair, just as the marriage tax penalty is unfair, we should eliminate it. We should eliminate it now.

If we look back at this Congress over the last several years, we have helped families in 1996 with the adoption tax credit to help families provide a loving home for a child in need of adoption. In 1997, we, of course, created the $500 per child tax credit, which is going to benefit 3 million Illinois children $1.50 in higher take-home pay, that will stay in Illinois rather than come to Washington.

In 1998, let us stop punishing marriage. In 1998, let's help this machinist and this schoolteacher in Joliet, and the other 21 million working married

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

couples with two incomes who pay more in taxes just because they are married.

Mr. Speaker, let us stop punishing marriage. Let us make elimination of the marriage tax penalty our top priority, the centerpiece of this year's budget agreement. Let us eliminate the marriage tax penalty and let us eliminate it now.

PROVIDING TRANSIT PASSES TO HOUSE EMPLOYEES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, in honor of tomorrow being Earth Day, I think it appropriate for us to pause for a moment and consider one of these pictures that is worth 1,000 words.

This photo of the block above the Metro South Station immediately behind the Cannon Building makes crystal clear how we in the House of Representatives can use our resources to improve the environment around us.

Tens of millions of dollars are being proposed right now to help the District of Columbia, an area that is in decline, that is fighting road congestion, air pollution, with some rather elaborate proposals. Yet each day 5,000 people exit this transit station on their way to work in and around Capitol Hill, and it suggests a simple solution to encourage less traffic, less sprawl, and revitalize Washington, D.C.

Consider for a moment the over 6,000 parking spaces the House reserves for those employees who drive. These spots are on hold, guarded, secure 24 hours a day. They cost the taxpayer approximately $1,500 a year per employee per parking space. On the other hand, employees who use public transportation are totally on their own. They have to meet the costs of their transportation, even though they work side-by-side with employees for whom the $1,500 per year worth of transportation costs are covered by the House.

Now, I have no problem with people who want to or must drive to work. I do find it odd, however, that we encourage it over taking public transit, particularly after we have invested over $10 billion for the transit program here in Washington, D.C. As an employer, we are sending hardly an Earth friendly message to our employees that we will only help them if they drive their car to work. We are ignoring those who take transit, the MARC train, Virginia Rail Express; you are out of luck.

Imagine for a moment what this would look like if 312 drivers did not park their cars, and instead it could be used for a park, an expansion of the Library of Congress, for that visitors center that we talk about.

For years, we have encouraged in the Federal Government, the private sector to join in the fight for cleaner air by reducing single-occupant vehicle trips. In and around the District of Columbia alone, over 1,000 businesses are members of the Washington Metro Transit Authority's Metro Pool Program that provides a Metro check. Over 50,000 public and private sector employees in D.C. regularly use this service. Yet while we have encouraged private businesses to offer transit benefits, the House of Representatives is one of the few, and certainly the most visible Federal office not to offer transit benefits to its employees. It sounds a little bit hypocritical to me.

The following Federal Agencies do offer these benefits: The Senate, the Senate of the United States Congress, the Office of the Architect of the Capitol, the Congressional Budget Office, the Bureau of Public Debt, the Supreme Court. Did I mention the Senate? One hundred thirty-four other Federal employers provide over 30,000 employees benefits for the metropolitan area.

I think it is time that we give House Members the same option that the United States Senate has had for its employees for over 5 years. I think we in the House are smart enough to do it, our employees deserve this modest tax benefit, and it is a low-cost option that will improve the livability for our Nation's Capital.

I would suggest that it is time for us to look back here for a moment and imagine what would happen if we have only 5 percent of our employees who take advantage of this opportunity. We could have an opportunity to improve the environment, use our resources more effectively, and, in the long term, it would make a big difference in the budget of the House of Representatives.

I would urge strongly my colleagues to join with me and over 150 other cosponsors to add their name to House Resolution 37 that would provide an optional transportation benefit for House offices; that would provide the same $21 per month tax benefit to our employees that has been given to the Senate. It was based on entirely using existing office funds; no additional requirement is necessary.

I hope that this is something that we can take a small step to recognize our obligation to the environment.

CUTTING EXPENSES AT THE UNITED NATIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I rise today to call the House's attention to a very interesting article that appeared in the current issue of the National Review. The article is entitled "Unreformed United Nations," and it is written by Stephen Halper, who is a former White House and State Department official. He writes a syndicated column and anchors Radio America's "This Week From Washington."

Many of the comments he had in this article, I think, are appropriate to bring to the attention of my colleagues. Many of us here in Congress believe we need major reform in the United Nations, and the time is now.

Boutros-Ghali, who was the former head of the United Nations, once told the Washington Post "perhaps half the U.N. Staff does nothing useful." That is a staggering statement. Mr. Halper's argument is that Mr. Annan, who is the present head of the United Nations, is more tied to the U.N. bureaucracy, is a defender of the faith of the United Nations, and appears to be not committed to real reform. I hope this is not true.

Mr. Speaker, Congress has demanded reductions in the United Nations' worldwide staff of 53,000 people. Now, this does not include 10,000 consultants or the peacekeeping forces which reached 80,000 people in 1993 and reductions in the most generous salary and benefit package in public life. These are sort of simple things that I think most Members would agree with.

Mr. Annan, who is the leader of the United Nations, has put forward his own reform plan, and let me quote from his plan. "Consolidate 12 secretarial departments into five, but without cutting any of the 9,000 strong secretarial staff."

□ 1245

Now, if you cut 10 percent, that would be 900. If you cut 1 percent, that would be 90. So, really, not even being able to cut 1 percent is surprising.

I go on with what he suggests his reform plan includes: "Three economic development departments, representing $122 million of the Secretary's budget and employing 700 people, are reduced to one." That sounds like an efficient approach but, again, without reduction in any personnel, without reduction in any expenditures.

Also, he has two human rights offices in Geneva that are going to be merged into one; again, without any reduction in personnel or expenditures.

Anan's reform plan does not address salary issues or the lack of an independent Inspector General. Last year, a mid-level U.N. accountant made $84,000 a year, as opposed to an average of $41,962 for his private sector counterpart. An assistant secretary general made $190,250. Now, this is an assistant secretary general. Do we know what the mayor of New York City makes? He makes $130,000.

Most U.N. salaries are tax-free. Many employees have rent subsidies of up to $3,800. To put that in perspective, we, as Members of Congress, have no rent subsidies. They also have annual educational grants of $12,675 per child. Again, Mr. Anan does not propose any changes in any of these salary arrangements.

So I agree with some of the conclusions from Mr. Halper's article. He sets forth certain conditions that must be met before anybody in this Congress agrees to vote for payment of back U.N. dues: First, payment of past dues should hinge on a tangible reform in four clear, distinct categories. Again, Mr. Speaker, we are going to be voting on past dues this week, so it is appropriate that I talk about it.

We need to reduce bureaucracy, reduce salaries and perks for those who remain. We need the creation, once and for all, of an Inspector General, independent of the Secretary General; and, fourthly, a shift in priorities to humanitarian assistance programs and not to military intervention.

Mr. Speaker, I am beginning to draft a concurrent resolution that I will introduce shortly to the House that would state that the Congress will not approve any back dues until there is veritable proof that the United Nations has achieved the previously mentioned four simple conditions. I believe the United States and Congress must draw the line to force real and substantive reform at the U.N. before the U.N. receives one past dime of any financial obligation.

DR. BERTHA O. PENDLETON: A LEGACY OF EXCELLENCE

The SPEAKER pro tempore (Mr. NETHERCUTT). Under the Speaker's announced policy of January 21, 1997, the gentleman from California (Mr. FILNER) is recognized during morning hour debates for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today to recognize Dr. Bertha Ousley Pendleton and her 40-year legacy to San Diego on the occasion of her retirement as Superintendent of the San Diego Unified School District.

Dr. Pendleton, as the superintendent of one of the Nation's largest school districts, leaves a legacy of excellence. She is a professional in the best sense of the word, a woman of strength, resilience, humor, honor and, above all, dedication to her profession and to the children whom she serves.

She is determined that our schools care about all children and that no child is left behind. She is determined that it is not only the squeaky wheel that gets the attention.

Her 5 years as superintendent capped a career that began as a classroom teacher in 1957 at Memorial Junior High School in San Diego. Following 11 years in this position, she served as a parent counselor at Morse High School, vice principal of Crawford High, principal at Lincoln High, coordinator and then director of compensatory education for the San Diego Unified School District, assistant superintendent, and deputy superintendent. She also serves as adjunct professor at Point Loma Nazarene College in San Diego and leads monthly television panel discussions on school issues.

Dr. Pendleton has participated in the U.S. Information Agency's AMPART program, lecturing to officials in South Africa on educational issues. She was a member of the U.S. delegation participating in the Urban Education Exchange in London. She has served on visitation teams to review Department of Defense schools in Japan and in England. She hosted President Clinton at the San Diego school where he signed the Goals 2000 bill into law.

Dr. Pendleton received her education at Knoxville College, San Diego State University, and USIU, culminating with a doctorate in education leadership from the University of San Diego in 1989.

Her contributions in the field of education outside of her own school district and in countless other community organizations is a further testament to her dedication. She served as co-chair of the Advisory Committee for the Danforth Foundation and on the Advisory Council on Dependents' Education in the Department of Defense. She was founder of the Association of African American Educators and was president of the Alpha Kappa Alpha Sorority. She was a member of the American Association of School Administrators-Urban Schools Committee, the Association of California School Administrators, and the San Diego Association of Administrative Women in Education.

The list goes on and on. She was a member of the Boards of Directors of Children's Hospital, the College of Retailing, the Natural History Museum, New Standards, Rolling Readers, the San Diego Chamber of Commerce, United Way of San Diego County, and the YMCA. She was on the executive boards of the Children's Initiative, the Council of Great City Schools, and School-to-Career.

Dr. Pendleton is also a member of the San Diego Rotary and an elder, treasurer, and member of the Chancel Choir at Christ United Presbyterian Church.

Her awards list leaves me breathless. Highlights include recognition by the United Negro College Fund, the University of San Diego, the San Diego Urban League, the California State Assembly, Point Loma College, the San Diego Press Club, the Salvation Army, the National Council of Negro Women, the San Diego Administrators Association, the San Diego City Club, the San Diego Jaycees, the Girls Club of San Diego, the Association of California School Administrators, the National Association of Negro Women, the San Diego Union, and the YWCA.

She was selected as Who's Who Among San Diego Women, as one of the 87 people to watch in 1987 by San Diego Magazine, as a recipient of the California Women in Government Award, as Woman of the Year by the President's Council of Professional Women, as Educator of the Decade by Phi Delta Kappa, and as Mother of the Year by the Christ United Presbyterian Church.

As impressive as this list is, it really does not do justice to Dr. Bertha Pendleton. She believes that extraordinary measures are sometimes called for in order to help our children reach their potential. She works to instill hope and pride in all of our children. She strives to educate each and every child, so success and contributions to society will follow. She dares to keep alive the dream of freedom for all children.

Dr. Pendleton is being honored at a gala event on May 2, 1998, in San Diego, sponsored by the Association of African American Educators. All proceeds from this event will benefit the Bertha O. Pendleton Scholarship to provide financial assistance to graduating high school seniors who pursue a teaching career.

As a former president of the Board of Education of the San Diego Unified School District, I am privileged to count Bertha as a friend and trusted associate, and it is my honor to add my congratulations to the many that she is receiving upon her retirement. Her contributions to the San Diego School District and to its children and teachers will live on for decades to come.

CONGRATULATIONS TO EDWARD LARSON ON A PULITZER PRIZE FOR BEST WORK OF HISTORY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Washington (Mr. METCALF) is recognized during morning hour debates for 5 minutes.

Mr. METCALF. Mr. Speaker, I am pleased to have this opportunity to extend my congratulations to Edward Larson, recipient of a Pulitzer Prize for the "Best Work of History" for his book, Summer for the Gods: The Scopes Trial and America's Continuing Debate over Science and Religion.

Edward Larson teaches law and history at the University of Georgia, but for 7 months of the year does all his writing in Snohomish County as a resident of Washington's Second Congressional District, with his wife and two children.

Summer for the Gods is Larson's fourth book and focuses on the 1925 trial of John Thomas Scopes, a Tennessee high school biology teacher charged with breaking the State law which prohibited teaching Darwin's theory of evolution in public schools.

Edward Larson has a Ph.D. in the history of science and a law degree. He is a senior fellow at the Discovery Institute in Seattle and teaches science history. He will receive his Pulitzer Prize on May 28 at a ceremony at Columbia University in New York.

I am sure all of my colleagues join me in extending warmest congratulations to Edward Larson and his Pulitzer Prize-winning work.

RECESS

The SPEAKER pro tempore. There being no further requests for morning hour debates, pursuant to clause 12 of rule I, the House will stand in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 54 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We testify with the Psalmist of old when we say "how good and pleasant it is when kindred live together in unity."

We are eternally grateful, O God, that the gift of unity comes from Your hand and from the bounty of Your blessings. As we share one Creator, we are committed to each other. As we share responsibility for the welfare of the world, we depend on each other. As we live and work in our communities, we must respect our shared aspirations and our hopes. Remembering our own personal traditions with gratitude, in this prayer we celebrate the unity and common heritage that is Your wonderful gift to us and to every person. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Mississippi (Mr. WICKER) come forward and lead the House in the Pledge of Allegiance.

Mr. WICKER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, April 2, 1998.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Thursday, April 2, 1998:

H.R. 1116, passed without amendment.

S. 493, agreed to House amendments.

S. 1178, agreed to House amendments.

With warm regards,
ROBIN H. CARLE,
Clerk, House of Representatives.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, April 3, 1998.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Friday, April 3, 1998:

H.R. 2400 passed with amendment requested conference.

With warm regards,
ROBIN H. CARLE,
Clerk, House of Representatives.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, April 6, 1998.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Friday, April 3, 1998:

H.R. 2843 passed without amendment.

H.R. 3226 passed without amendment.

With warm regards,
ROBIN H. CARLE,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, Speaker Pro Tempore MORELLA signed the following enrolled bills on Wednesday, April 8, 1998:

H.R. 1116, to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clinton Independent School District and the Fabens Independent School District;

H.R. 2843, to direct the administrator of the Federal Aviation Administration to reevaluate the equipment in medical kits carried on, and to make a decision regarding requiring automatic external defibrillators to be carried on, aircraft operated by air carriers, and for other purposes;

H.R. 3226, to authorize the Secretary of Agriculture to convey certain lands and improvements in the State of Virginia, and for other purposes;

S. 419, to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes;

S. 493, to amend Title 18, United States Code, with respect to scanning receivers and similar devices; and

S. 1178, to amend the Immigration and Nationality Act to modify and extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General.

APPOINTMENT OF MEMBER TO UNITED STATES CAPITOL PRESERVATION COMMISSION

The SPEAKER. Pursuant to the provisions of section 801(b) of Public Law 100–696 and the order of the House of Wednesday, April 1, 1998, the Chair announces the Speaker's appointment of the following Member of the House to the United States Capitol Preservation Commission:

Mr. DAVIS of Virginia.

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The Speaker laid before the House the following communication from RICHARD A. GEPHARDT, Democratic Leader:

OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, April 8, 1998.

Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 801(b) (6) and (8) of Public law 100–696, I hereby appoint the following individual to the United States Capitol Preservation Commission: Mr. Serrano, NY.

Yours Very Truly,
RICHARD A. GEPHARDT.

COMMUNICATION FROM HON. RICHARD A GEPHARDT, DEMOCRATIC LEADER

The Speaker laid before the House the following communication from

RICHARD A. GEPHARDT, Democratic Leader:

OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, April 7, 1998.

Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 704(b)(1) of Public Law 105–78, I hereby appoint the following individual to the National Health Museum Commission: Dr. H. Richard Nesson, M.D. of Brookline, MA.

Yours Very Truly,
RICHARD A. GEPHARDT.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON HOUSE OVERSIGHT

The Speaker laid before the House the following communication from the chairman of the Committee on House Oversight:

COMMITTEE ON HOUSE OVERSIGHT,
Washington, DC, April 1, 1998.

Hon. NEWT GINGRICH,
Speaker of the House,
Washington, DC.

DEAR NEWT: Pursuant to Public Law 101–696 section 801 (40 USC §188a) the Chairman of the Committee on House Oversight and the Chairman of the Joint Committee on the Library are provided positions on the Capitol Preservation Commission.

Since I currently serve as Chairman for both Committees, I am appointing Mr. John Mica of Florida to serve on the Commission in the position reserved for the Chairman of the Joint Committee on the Library.

Thank you for your attention to this matter.

Best regards,
BILL THOMAS,
Chairman.

POSTPONING CALL OF PRIVATE CALENDAR

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be postponed until 5 p.m. today.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

VICE PRESIDENT HAS NEW IDEA ON HOW TO WASTE TAXPAYER DOLLARS

(Mr. DELAY asked and was given permission to address the House for 1 minute.)

Mr. DELAY. Mr. Speaker, according to press accounts, Vice President AL GORE has a new idea on how to raise taxpayer dollars.

Apparently, he awoke from a very deep sleep at 3 in the morning and came up with this new innovation for the Internet. He wants to send up a satellite whose only job is to beam back pictures of Earth. Now, these pictures would be placed on the Internet so that people all across the world would always have access to the Earth. Now, imagine that, live pictures of the Earth turning on its little axis.

This may sound like a great idea at 3 o'clock in the morning, Mr. Speaker, but it is a dumb idea during the rest of the day. The cost of this project would be about $50 million, and it already occupies the time of two NASA scientists. $50 million would buy 50,000 computers for our Nation's students.

I have a better idea, Mr. Speaker. Let us give the Vice President some sleeping pills so that his nighttime dreams will not cost the taxpayers millions of dollars.

EXPANDING NAFTA TO CENTRAL AMERICA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, somebody is inhaling. Since NAFTA, American TVs and typewriters are made in Mexico; American telephones are made in Singapore; computers are made in China and Japan. And after all this, the White House wants to expand this NAFTA madness to all of Central America.

Now, here is how I predict it will work. Central America will get jobs and investment. Uncle Sam will get a pink slip, training voucher, and two free lunches to Taco Bell. Beam me up. This is not free trade. This is a joke, a dirty joke on American workers.

I yield back another record trade deficit and 1.4 million American workers who filed individual bankruptcy in America last year, another record I might add. Think about it.

TAX LIMITATION AMENDMENT

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, Washington has imprisoned the hopes and dreams of Americans in a cell known as the United States Tax Code. Last Wednesday, April 15, Americans got a harsh reminder that parole could still be a long way off.

Instead of expanding freedom for its citizens, Washington has expanded power for the Government by raising taxes again, and again, and again. And four of the last five major Federal tax hikes passed with less than a two-thirds majority of Congress voting for them.

Tax reform starts with the things like we are doing in Congress right now, like reforming IRS, having nationwide debates about the flat tax and national retail sales tax. But, most of all, Mr. Speaker, tax reform starts with not raising taxes.

The tax limitation amendment is a weapon in our hands in the war for a fairer and flatter Federal Tax Code. This amendment will make it tougher to raise taxes, period. It is a bipartisan step toward the fairer, flatter, simpler Code Americans want and deserve. It deserves to pass.

REBUILDING AMERICAN SCHOOLS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think on this very bright and sunny spring day I am delighted to associate myself with a forward-thinking Democratic agenda that says that we must come back to this House and stand on the side of our young people, and that means that we must go full speed ahead on rebuilding America's schools.

The question is, why are we stalled with legislation that allows a certain amount of money to provide for the failing and falling infrastructure, the leaking roofs, the many scatter-site trailer homes that schoolchildren are having to learn in? Why should we not, the American government, stand on the side of educating our children? Why should we not provide for 100,000 teachers to go into the classrooms with their talent and enthusiasm and teach our children?

Then, Mr. Speaker, I would like to say that I want to stand on the side of science, understanding how difficult it is for us to understand needle exchange. This is not part of the Democratic agenda. I think it makes common sense that we recognize that the science says that we will decrease HIV by the needle exchange. Let us get common sense and stop, and stop, and stop the tragedy of HIV.

TAX LIMITATION AMENDMENT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I rise today in support of House Joint Resolution 111, the tax limitation amendment.

In 1994, as a citizen of Nevada, I led an effort to amend our State Constitution with this very same language. I am proud to say that Nevada voters on two consecutive elections voted overwhelmingly to pass the measure. The Gibbons Tax Restraint Initiative, as it is referred to, has now become law in the State of Nevada. By passing this law, the citizens of Nevada declared in a loud and clear voice that they want to put a leash on runaway spending and tax increases.

States with similar initiatives on supermajority requirements for tax increases experience greater economic growth, lower taxes, and reduced growth in government spending. The Federal Government needs to be put on the same fat-free diet by making it more difficult to raise taxes on hardworking men and women and thereby shifting the congressional focus to the bloated spending programs of the Federal bureaucracy.

Mr. Speaker, the facts speak for themselves. I urge my colleagues to join me in supporting the tax limitation amendment.

AMERICA NEEDS STRONG TOBACCO LEGISLATION

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, there are those here in Washington who believe that we do not need strong tobacco legislation. The other day the tobacco industry announced that it was withdrawing from settlement negotiations. But we need strong legislation because what is happening back at home is criminal.

Let me give my colleagues an example. I am proud of my home State of Maine, but back in Maine we have a smoking problem. We just did a survey in Maine, and it shows that teenage girls are smoking at a higher rate than boys and that the smoking rate of young girls has increased by 30 percent since 1993.

As one of our officials said, "Now the slogan 'you've come a long way, baby' has different meaning in Maine." As our Human Services Commissioner said, we would call out the Marines, the National Guard and the Border Patrol if we thought that the Colombian drug cartel was on their way to addicting one-quarter of America's youths, but the tobacco industry has free reign.

It is time to call a halt. It is time in this session for strong tobacco legislation.

□ 1415

FREE IV NEEDLES TO ILLEGAL DRUG USERS IS NOT COMMON SENSE

(Mr. WICKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WICKER. Mr. Speaker, every so often we notice that the President cannot manage to keep his liberal demons away. In the early days, it was gays in the military and socialized medicine. Now the President has decided it is a good idea to provide free IV needles to illegal drug users, free IV needles to illegal drug users.

I am just wondering what polling the President has been doing lately, because the moms and dads I talk to are very worried about illegal drugs. Most Americans do not have a Ph.D. in psychology, but they do have a lot of common sense. Many of them know what happens to an addict surrounded by enablers.

Now we have the mother of all enablers, the Federal Government, encouraging the use of needles to drug abusers so that they might continue abusing drugs "safely." Maybe that is what passes for common sense in this administration.

SUPPORT THE TWO-THIRDS TAX LIMITATION AMENDMENT

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute.)

Mr. BARTON of Texas. Mr. Speaker, tomorrow we are going to have the tax limitation amendment to the Constitution on the floor of the House for a vote. It is a pretty straightforward amendment. It says, to raise your taxes, it will take a two-thirds vote of the House and a two-thirds vote of the Senate.

For those of you that had fractions in elementary school, you know that two-thirds is a larger fraction than one-half. If you translate that into math, it means, in the House, it will take 292 votes to raise your taxes and, in the Senate, it will take 67 votes to raise your taxes.

The tax burden on the American people has gone up from 1 percent on the first $3,000 of net income in 1914 to over, if you are a senior citizen, over 85 percent of any income if you are filing jointly with a spouse of over $34,000 in income. That is an increase of the marginal tax rate of over 4,000 percent in the last 75 years. It is time to stop that.

Let us pass the two-thirds tax limitation amendment to the Constitution of the United States tomorrow afternoon on this floor and send it to the Senate; and, hopefully, they will pass it and send it to the States.

REDUCE TAX BURDEN FOR HARD-WORKING AMERICANS

(Mr. THUNE asked and was given permission to address the House for 1 minute.)

Mr. THUNE. Mr. Speaker, last week when I was in South Dakota, I stopped at a gas station in Aberdeen. The woman working behind the counter there gave me a clear message. As I was paying for my gas, she looked me in the eye and said, Congressman, working families need lower taxes.

This woman is one of the unsung heroes in America today. She works. Her husband works. Together, they are trying to make a car payment, a house payment and a day care payment and put food on the table.

She is not asking for a new government program to help or do any of these things. She is just asking the government to take less of her paycheck.

I think that is a pretty reasonable request because, right now, the tax burden of this country is 38 percent; and 38 percent of that hard-working woman's pay is going to the government at the State, local, and Federal level. That is inexcusable.

We need to lighten the load carried by taxpayers and reduce the overall tax burden to only 25 percent. God only asked for 10 percent. Surely the government can get by with 2½ times that amount.

TOBACCO ADVERTISING IN THE MOVIES

(Mr. HANSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANSEN. Mr. Speaker, what do Kermit the Frog, Rocky Balboa, Superman, and James Bond have in common? They have each played the main character in movies that advertise tobacco.

That is right. Big tobacco has paid millions of dollars to place their deadly products in films like The Muppet Movie, Rocky II, and Superman. Philip Morris even paid $350,000 so that James Bond would light up in License to Kill.

Have your children or grandchildren ever seen Disney movies like Who Framed Roger Rabbit or Honey, I Shrunk the Kids? What about Kevin Costner's Field of Dreams? More tobacco advertising.

These are things we hardly notice, but tobacco companies pay millions of dollars to have their products in movies for one purpose, to get anyone who views the movies, including children and teenagers, to smoke that brand of cigarette.

Let me give you an example. Clint Eastwood's Bridges of Madison County, Robert Redford's A River Runs Through It, Paul Hogan's Crocodile Dundee, Rick Moranis' Little Shop of Horrors, Michael Keaton's Mr. Mom, Kenny Rogers' Coward of the County, and John Travolta's Grease, all full of paid advertising from the tobacco industry.

Mr. Speaker, this has got to stop somewhere. When will the people of America wake up and see where they are getting had on this deal?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LaHood). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV.

Such roll call votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

CARE FOR POLICE SURVIVORS ACT OF 1998

Mr. McCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3565) to amend Part L of the Omnibus Crime Control and Safe Streets Act of 1968.

The Clerk read as follows:

H.R. 3565

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Care for Police Survivors Act of 1998".

SEC. 2. AMENDMENTS TO PUBLIC SAFETY OFFICERS' DEATH BENEFITS.

(a) NATIONAL PROGRAMS FOR FAMILIES OF PUBLIC SAFETY OFFICERS WHO HAVE DIED IN THE LINE OF DUTY.—Section 1203 of Part L of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796a-1) is amended to read as follows: "The Director is authorized to use no less than $150,000 of the funds appropriated for this part to maintain and enhance national peer support and counseling programs to assist families of public safety officers who have died in the line of duty.".

(b) ADMINISTRATIVE PROVISION.—Section 1205 of Part L of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796c) is amended by adding at the end the following new subsection:

"(c) Notwithstanding any other provision of law, the Bureau is authorized to use appropriated funds to conduct appeals of public safety officers' death and disability claims.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. McCOLLUM) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. McCOLLUM).

GENERAL LEAVE

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on May 15, less than a month from now, the families of police officers who died in the line of duty will gather on the west front of the Capitol and remember the courage and sacrifice of their fallen loved ones at the 17th annual National Peace Officers' Memorial Service. These grief-stricken survivors will be joined by thousands of police officers and distinguished guests from around this nation. This solemn event marks the conclusion of National Police Week.

Among the most important activities occurring during Police Week are special seminars and programs for the families of police officers killed in the line of duty, including a day of fun for their children at the FBI's training academy at Quantico, Virginia.

I mention this, Mr. Speaker, because it is directly related to the legislation we are considering today, H.R. 3565, the Care for Police Survivors Act of 1998. This bill will, among other things, enhance the programs available to the families of fallen police officers during National Police Week. It will allow groups like Concerns for Police Survivors, or COPS, as it is called, to expand their current services to these families in crisis. COPS sponsors the Police Week seminars that I just mentioned.

Mr. Speaker, H.R. 35675 makes two simple but important amendments to the Public Safety Officers' Benefits Act which was signed into law more than 20 years ago. The bill will substantially improve the way the families of police officers and firefighters who die in the line of duty are cared for during the most difficult moments of their grief.

First, the bill authorizes the Director of the Bureau of Justice Assistance to expend not less than $150,000 out of the Public Safety Officers' Benefits program to maintain and enhance national peer support and counseling programs to assist families of public safety officers who have died in the line of duty.

Current law limits or caps the amount the Director can spend for this purpose to $150,000. This change will not require any new funding. It simply allows the Justice Department to spend more of the funding it now receives on these support services.

The need to assist the families of fallen police officers and firefighters is far greater than the cap will allow. Organizations such as Concerns for Police Survivors and the National Fallen Firefighters Foundation are attempting to reach hundreds of family members each year who suffer the horrible tragedy of losing a loved one employed in public safety. Among the many services provided by Concerns for Police Survivors are grief seminars, training for line-of-duty death notification, and special programs for the children of fallen police officers.

H.R. 3565 will reduce the current backlog of cases pending before the Public Safety Officers' Benefits Office by authorizing the expenditure of PSOB program funds on outside hearing officers. Under current law, the PSOB Office must wait an unreasonably long period of time for the availability of a Justice Department hearing officer to hear the appeal of a family member whose application has been turned down.

By permitting the PSOB Office to use its program funds to pay various expenses related to the appeals of rejected death and disability claims, we will shorten the agonizing wait of family members attempting to be heard on their claims. Again, this change does not increase the overall cost of the PSOB program.

Mr. Speaker, as I said in the committee markup, there is nothing that we can do to fully heal the emotional wounds of husbands, wives, children, moms, and dads caused by a police officer's or firefighter's death in the line of duty. It is a crushing blow. With this legislation, we can only hope that there might be greater solace found in the most severe moments of otherwise very severe pain. Given the sacrifice public safety officers willingly make in the devotion to their communities, we can do nothing less.

I wanted to thank the gentleman from New York (Mr. SCHUMER), the ranking member of the Subcommittee on Crime, and the other original cosponsors of this bill for their support. This bill was approved unanimously by both the Subcommittee on Crime and the full Committee on the Judiciary.

It is my hope and expectation that the House will approve this bill today and that the other body will work quickly so that the President can put a signature on it in time for National Police Week and the National Peace Officers' Memorial Service. This would be a small but meaningful demonstration of this Congress' support for our Nation's public safety officers and their family.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the work of the gentleman from Florida (Mr. McCOLLUM) on this legislation, along with the gentleman from New York (Mr. SCHUMER), the ranking member.

So many of us are familiar with the line, "a thin blue line" and the words "an officer down," striking words that we have heard either by way of fiction or fact, tragic words when we hear that someone who has put their life on the line for so many of us has been injured or killed.

I believe H.R. 3565, the Care for Police Survivors Act, is the right way to go. I hope not only do we move this legislation expeditiously but we are able to stand along with those officers as we commemorate this time in May when we commemorate and acknowledge those officers who have given their lives, that we, too, in the Federal Government care about police officers.

I rise, therefore, in strong support of H.R. 3565. This bill would amend a very important and valuable program that pays benefits to the families of public safety officers who are killed or totally disabled in the line of duty.

Mr. Speaker, when I go home to the district, many times I meet with friends of mine who are police officers, many of whom I work with as a member of the City Council of the City of Houston and also as a municipal court judge.

Many times, some of them would say, we have not seen you in some of the tragedies where we would come together and worship, commemorating the loss of life. Certainly that is not a time when I would like to see my friends. But I also have shared with them the agony of funeralizing those men and women who have lost their lives in the line of duty or tragically been injured.

I would like to be able to go home now, Mr. Speaker, and say to them that we are concerned and considerate about those tragic losses. Therefore, in supporting the Care for Police Survivors Act, in addition to cash benefits, we would have, as this program includes, counseling available to these families.

Under current law, there is a cap on the amount that can be spent for such counseling. The demand for counseling services is greater than can be met under the cap, and so this bill lifts the cap.

There is already sufficient money in the Department of Justice budget to pay for counseling for all affected families, so this bill will not require any additional appropriations. The bill is supported by the Department of Justice as well as by the National Association of Police Officers, which represents nearly 300,000 police officers, and the American Federation of State, County, and Municipal Employees, which represents more than 100,000 local correctional officers.

These brave men and women put their lives at risk to protect the rest of us, and the benefits provided under this program are the least we can do in return.

Just a couple weeks ago, one of our deputy sheriffs, a woman, lost her life. A few weeks ago as well, Officer Higgins was shot and was down. She survived, but she is now in a rehabilitation process. I would like to think that this bill would help her and her family go through the next couple of months of her rehabilitation and, yes, her coming back into full force, full activity, and a good quality of life. We must recognize those and those left behind.

So, therefore, I commend the gentleman from Florida (Mr. McCOLLUM) the chairman, and the gentleman from New York (Mr. SCHUMER), the ranking member, for their sponsorship of this bill, and I urge my colleagues to support it.

Mr. Speaker, I rise in strong support of H.R. 3565. This bill would amend a very important and valuable program that pays benefits to the families of public safety officers who are killed or totally disabled in the line of duty.

In addition to cash benefits, this program makes counseling available to these families—however, under current law, there is a cap on the amount that can be spent for such counseling. The demand for counseling services is greater than can be met under the cap, and so this bill lifts the cap. There is already sufficient money in the Department of Justice budget to pay for counseling for all affected families, so this bill will not require any additional appropriations.

The bill is supported by the Department of Justice, as well as by the National Association of Police Officers, which represents nearly 300,000 police officers, and the American Federation of State, County and Municipal Employees (AFSCME), which represents more than 100,000 local correctional officers. These brave men and women put their lives at risk to protect the rest of us, and the benefits provided under this program are the least we can do in return.

I commend Chairman McCOLLUM and ranking member SCHUMER for their sponsorship of this bill, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I simply want to acknowledge what the gentlewoman has said about listing the strong support the police officer organizations have for this bill. I think the one she did not mention that I want to add to the list, maybe it is a neglect on your list there, is the Fraternal Order of Police. They also have strongly endorsed this bill.

Mr. Speaker, I have no further request for time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me simply say that I am glad that the gentleman from Florida added the Fraternal Order of Police. I think we are safe to say that this bill is supported by a multitude of police and law enforcement agencies and certainly our local communities.

Mr. ETHERIDGE. Mr. Speaker, I rise today in support of this important legislation that will benefit the survivors of public safety officers who have been killed in the line of duty.

Sadly, my state of North Carolina has experienced a rash of violence against our brave men and women in law enforcement. In recent months, five officers have been killed in and around my Second Congressional District. These tragic crimes have occurred in our smallest towns and in our biggest cities. It is an outrage that those whose service keeps our streets and communities safe and protects our citizens must pay the ultimate price in the line of duty.

To honor their sacrifices and assist their families, last year I established the North Carolina Law Enforcement Survivors Scholarship Fund to assist the families of my state's officers who fall in service to the people. I strongly opposed the Congressional pay raise this House passed last year, and I donated the raise I would have received to create this fund. The scholarship will help cover costs such as books and room and board for higher education for the children and spouses of these local heroes who make the ultimate sacrifice. This scholarship is the least we can do to honor their memories.

H.R. 3565 represents an appropriate action by Congress to assist the families of public safety officers who have been killed in the line of duty. This bill authorizes the Bureau of Justice Assistance (BJA) to spend no less than $150,000 each year to provide counseling and peer support programs for victims' families. The measure also permits BJA to use funds in its mandatory appropriation to administer the appeals of claims for benefits by the family members of slain officers. I urge the House to pass H.R. 3565.

Mr. Speaker, law enforcement officers put their lives on the line each and every day to provide us with safe streets and communities. Our values demand that we tend to the families of those heroes who sacrifice so much for the greater good.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I have no further speakers, and I am happy to yield back the balance of my time.

□ 1430

Mr. McCOLLUM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LaHOOD). The question is on the motion offered by the gentleman from Florida (Mr. McCOLLUM) that the House suspend the rules and pass the bill, H.R. 3565.

The question was taken.

Mr. McCOLLUM. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

ALTERNATIVE DISPUTE RESOLUTION ACT OF 1998

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3528) to amend title 28, United States Code, with respect to the use of alternative dispute resolution processes in United States district courts, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Alternative Dispute Resolution Act of 1998".

SEC. 2. ALTERNATIVE DISPUTE RESOLUTION PROCESSES TO BE AUTHORIZED IN ALL DISTRICT COURTS.

Section 651 of title 28, United States Code, is amended to read as follows:

"§651. Authorization of alternative dispute resolution

"(a) DEFINITION.—For purposes of this chapter, an alternative dispute resolution process includes any process or procedure, other than an adjudication by a presiding judge, in which a neutral third party participates to assist in the resolution of issues in controversy, through processes such as early neutral evaluation, mediation, minitrial, and arbitration as provided in sections 654 through 658.

"(b) AUTHORITY.—Each United States district court shall authorize, by local rule adopted under section 2071(b), the use of alternative dispute resolution processes in all civil actions, including adversary proceedings in bankruptcy, in accordance with this chapter, except that the use of arbitration may be authorized only as provided in section 654. Each United States district court shall devise and implement its own alternative dispute resolution program, by local rule adopted under section 2071(b), to encourage and promote the use of alternative dispute resolution in its district.

"(c) EXISTING ALTERNATIVE DISPUTE RESOLUTION PROGRAMS.—In those courts where an alternative dispute resolution program is in place on the date of the enactment of the Alternative Dispute Resolution Act of 1998, the court shall examine the effectiveness of that program and adopt such improvements to the program as are consistent with the provisions and purposes of this chapter.

"(d) ADMINISTRATION OF ALTERNATIVE DISPUTE RESOLUTION PROGRAMS.—Each United States district court shall designate an employee, or a judicial officer, who is knowledgeable in alternative dispute resolution practices and processes to implement, administer, oversee, and evaluate the court's alternative dispute resolution program. Such person may also be responsible for recruiting, screening, and training attorneys to serve as neutrals and arbitrators in the court's alternative dispute resolution program.

"(e) TITLE 9 NOT AFFECTED.—This chapter shall not affect title 9.

"(f) PROGRAM SUPPORT.—The Federal Judicial Center and the Administrative Office of the United States Courts are authorized to assist the district courts in the establishment and improvement of alternative dispute resolution programs by identifying particular practices employed in successful programs and providing additional assistance as needed and appropriate.".

SEC. 3. JURISDICTION.

Section 652 of title 28, United States Code, is amended to read as follows:

"§ 652. Jurisdiction

"(a) CONSIDERATION OF ALTERNATIVE DISPUTE RESOLUTION IN APPROPRIATE CASES.—Notwithstanding any provision of law to the contrary and except as provided in subsections (b) and (c), each district court shall, by local rule adopted under section 2071(b), require that litigants in all civil cases consider the use of an alternative dispute resolution process at an appropriate stage in the litigation. Each district court shall provide litigants in all civil cases with at least one alternative dispute resolution process, including, but not limited to, mediation, early neutral evaluation, minitrial, and arbitration as authorized in sections 654 through 658. Any district court that elects to require the use of alternative dispute resolution in certain cases may do so only with respect to mediation, early neutral evaluation, and, if the parties consent, arbitration.

"(b) ACTIONS EXEMPTED FROM CONSIDERATION OF ALTERNATIVE DISPUTE RESOLUTION.—Each district court may exempt from the requirements of this section specific cases or categories of cases in which use of alternative dispute resolution would not be appropriate. In defining these exemptions, each district court shall consult with members of the bar, including the United States Attorney for that district.

"(c) AUTHORITY OF THE ATTORNEY GENERAL.—Nothing in this section shall alter or conflict with the authority of the Attorney General to conduct litigation on behalf of the United States, with the authority of any Federal agency authorized to conduct litigation in the United States courts, or with any delegation of litigation authority by the Attorney General.

"(d) CONFIDENTIALITY PROVISIONS.—Until such time as rules are adopted under chapter 131 of this title providing for the confidentiality of alternative dispute resolution processes under this chapter, each district court shall, by local rule adopted under section 2071(b), provide for the confidentiality of the alternative dispute resolution processes and to prohibit disclosure of confidential dispute resolution communications.".

SEC. 4. MEDIATORS AND NEUTRAL EVALUATORS.

Section 653 of title 28, United States Code, is amended to read as follows:

"§ 653. Neutrals

"(a) PANEL OF NEUTRALS.—Each district court that authorizes the use of alternative dispute resolution processes shall adopt appropriate processes for making neutrals available for use by the parties for each category of process offered. Each district court shall promulgate its own procedures and criteria for the selection of neutrals on its panels.

"(b) QUALIFICATIONS AND TRAINING.—Each person serving as a neutral in an alternative dispute resolution process should be qualified and trained to serve as a neutral in the appropriate alternative dispute resolution process. For this purpose, the district court may use, among others, magistrate judges who have been trained to serve as neutrals in alternative dispute resolution processes, professional neutrals from the private sector, and persons who have been trained to serve as neutrals in alternative dispute resolution processes. Until such time as rules are adopted under chapter 131 of this title relating to the disqualification of neutrals, each district court shall issue rules under section 2071(b) relating to the disqualification of neutrals (including, where appropriate, disqualification under section 455 of this title, other applicable law, and professional responsibility standards).".

SEC. 5. ACTIONS REFERRED TO ARBITRATION.

Section 654 of title 28, United States Code, is amended to read as follows:

"§ 654. Arbitration

"(a) REFERRAL OF ACTIONS TO ARBITRATION.—Notwithstanding any provision of law to the contrary and except as provided in subsections (b) and (c) of section 652 and subsection (d) of this section, a district court may allow the referral to arbitration of any civil action (including any adversary proceeding in bankruptcy) pending before it, except that referral to arbitration may not be made where—

"(1) the action is based on an alleged violation of a right secured by the Constitution of the United States;

"(2) jurisdiction is based in whole or in part on section 1343 of this title; or

"(3) the relief sought consists of money damages in an amount greater than $150,000.

"(b) SAFEGUARDS IN CONSENT CASES.—Until such time as rules are adopted under chapter 131 of this title relating to procedures described in this subsection, the district court shall, by local rule adopted under section 2071(b), establish procedures to ensure that any civil action in which arbitration by consent is allowed under subsection (a)—

"(1) consent to arbitration is freely and knowingly obtained; and

"(2) no party or attorney is prejudiced for refusing to participate in arbitration.

"(c) PRESUMPTIONS.—For purposes of subsection (a)(3), a district court may presume damages are not in excess of $150,000 unless counsel certifies that damages exceed such amount.

"(d) EXISTING PROGRAMS.—Nothing in this section is deemed to affect any action in which arbitration is conducted pursuant to section 906 of the Judicial Improvements and Access to Justice Act (Public Law 100–102), as in effect prior to the date of its repeal.".

SEC. 6. ARBITRATORS.

Section 655 of title 28, United States Code, is amended to read as follows:

"§ 655. Arbitrators

"(a) POWERS OF ARBITRATORS.—An arbitrator to whom an action is referred under section 654 shall have the power, within the judicial district of the district court which referred the action to arbitration—

"(1) to conduct arbitration hearings;

"(2) to administer oaths and affirmations; and

"(3) to make awards.

"(b) STANDARDS FOR CERTIFICATION.—Each district court that authorizes arbitration shall establish standards for the certification of arbitrators and shall certify arbitrators to perform services in accordance with such standards and this chapter. The standards shall include provisions requiring that any arbitrator—

"(1) shall take the oath or affirmation described in section 453; and

"(2) shall be subject to the disqualification rules under section 455.

"(c) IMMUNITY.—All individuals serving as arbitrators in an alternative dispute resolution program under this chapter are performing quasi-judicial functions and are entitled to the immunities and protections that the law accords to persons serving in such capacity.".

SEC. 7. SUBPOENAS.

Section 656 of title 28, United States Code, is amended to read as follows:

"§ 656. Subpoenas

"Rule 45 of the Federal Rules of Civil Procedure (relating to subpoenas) applies to subpoenas for the attendance of witnesses and the production of documentary evidence at an arbitration hearing under this chapter.".

SEC. 8. ARBITRATION AWARD AND JUDGMENT.

Section 657 of title 28, United States Code, is amended to read as follows:

"§ 657. Arbitration award and judgment

"(a) FILING AND EFFECT OF ARBITRATION AWARD.—An arbitration award made by an arbitrator under this chapter, along with proof of service of such award on the other party by the prevailing party or by the plaintiff, shall be filed promptly after the arbitration hearing is concluded with the clerk of the district court that referred the case to arbitration. Such award shall be entered as the judgment of the court after the time has expired for requesting a trial de novo. The judgment so entered shall be subject to the same provisions of law and shall have the same force and effect as a judgment of the court in a civil action, except that the judgment shall not be subject to review in any other court by appeal or otherwise.

"(b) SEALING OF ARBITRATION AWARD.—The district court shall provide, by local rule adopted under section 2071(b), that the contents of any arbitration award made under this chapter shall not be made known to any judge who might be assigned to the case until the district court has entered final judgment in the action or the action has otherwise terminated.

"(c) TRIAL DE NOVO OF ARBITRATION AWARDS.—

"(1) TIME FOR FILING DEMAND.—Within 30 days after the filing of an arbitration award with a district court under subsection (a), any party may file a written demand for a trial de novo in the district court.

"(2) ACTION RESTORED TO COURT DOCKET.—Upon a demand for a trial de novo, the action shall be restored to the docket of the court and treated for all purposes as if it had not been referred to arbitration.

"(3) EXCLUSION OF EVIDENCE OF ARBITRATION.—The court shall not admit at the trial de novo any evidence that there has been an arbitration proceeding, the nature or amount of any award, or any other matter concerning the conduct of the arbitration proceeding, unless—

"(A) the evidence would otherwise be admissible in the court under the Federal Rules of Evidence; or

"(B) the parties have otherwise stipulated.".

SEC. 9. COMPENSATION OF ARBITRATORS AND NEUTRALS.

Section 658 of title 28, United States Code, is amended to read as follows:

"§658. Compensation of arbitrators and neutrals

"(a) COMPENSATION.—The district court shall, subject to regulations approved by the Judicial Conference of the United States, establish the amount of compensation, if any, that each arbitrator or neutral shall receive for services rendered in each case under this chapter.

"(b) TRANSPORTATION ALLOWANCES.—Under regulations prescribed by the Director of the Administrative Office of the United States Courts, a district court may reimburse arbitrators for actual transportation expenses necessarily incurred in the performance of duties under this chapter.".

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out chapter 44 of title 28, United States Code, as amended by this Act.

SEC. 11. CONFORMING AMENDMENTS.

(a) LIMITATION ON MONEY DAMAGES.—Section 901 of the Judicial Improvements and Access to Justice Act (28 U.S.C. 652 note) is amended by striking subsection (c).

(b) OTHER CONFORMING AMENDMENTS.—(1) The chapter heading for chapter 44 of title 28, United States Code, is amended to read as follows:

"CHAPTER 44—ALTERNATIVE DISPUTE RESOLUTION".

(2) The table of contents for chapter 44 of title 28, United States Code, is amended to read as follows:

"Sec.
"651. Authorization of alternative dispute resolution.
"652. Jurisdiction.
"653. Neutrals.
"654. Arbitration.
"655. Arbitrators.
"656. Subpoenas.
"657. Arbitration award and judgment.
"658. Compensation of arbitrators and neutrals.".

(3) The item relating to chapter 44 in the table of chapters for Part III of title 28, United States Code, is amended to read as follows:

"44. Alternative Dispute Resolution ... 651".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3528 is designed to address the problem of high case loads burdening the Federal courts. This legislation will provide a quicker, more efficient method by which to resolve some Federal cases when the parties or the courts so choose.

H.R. 3528 directs each Federal trial court to establish some form of alternative dispute resolution, popularly referred to as ADR, which could include arbitration, mediation, mini trials, early neutral evaluation, or some combination of those for certain civil cases. The bill also provides for the confidentiality of the alternative dispute resolution process and prohibits the disclosure of such confidential communications. The version considered today furthermore includes several noncontroversial technical amendments which are supported by the Judicial Conference as well as the Department of Justice.

This legislation will provide the Federal courts with the tools necessary to present quality alternatives to expensive Federal litigation. In sum, this is a good bill, Mr. Speaker, that will offer our citizens a reasonable and cost-effective alternative to expensive Federal litigation while still guaranteeing their right to have their day in court.

I want to thank at this time, Mr. Speaker, the cooperation of the gentleman from Massachusetts (Mr. BARNEY FRANK), the ranking member on the Subcommittee on Courts and Intellectual Property.

And let me say this as well, Mr. Speaker: The high numbers reflected by the numerous backlogs represent far more than faceless statistics. They represent citizens, real people anxiously awaiting their day in court.

I urge my colleagues, Mr. Speaker, to pass H.R. 3528.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first of all thank the gentleman from North Carolina (Mr. COBLE) for his leadership. These are extremely important issues, and I would like to rise on behalf of my Democratic colleagues and certainly our ranking member, the gentleman from Massachusetts (Mr. FRANK), on these issues, and particularly to emphasize that we in the Committee on the Judiciary should be at the highlight, if my colleagues will, of emphasizing or making sure that justice is facilitated.

I rise in support of H.R. 3528, the Alternative Dispute Resolution Act of 1998. And as I stated, I commend the chairman, the gentleman from North Carolina (Mr. COBLE), and the ranking member, the gentleman from Massachusetts (Mr. FRANK), again of the Subcommittee on Courts and Intellectual Property of the House Committee on the Judiciary, for their work in getting this important legislation to the floor of the House today.

Alternative dispute resolution, whether mediation, neutral evaluation, arbitration, mini trial, or any other fair procedure that the courts can oversee which makes litigation less burdensome to both the participants and the system, is in my view welcome and something that we should support.

As a former municipal court judge, the gentleman from North Carolina (Mr. COBLE), who was on the bench on that night court, if my colleagues have ever seen that, hours from 4 to 12 midnight with maybe 300 cases per docket, I am well aware of the importance, one, of justice even at the local municipal court level, but also the importance of ensuring that people find their way into the court system in a fair and honest manner.

I am also very much in support of, as a former member and director of the State Bar of Texas, of the value of alternative dispute resolution. So I hope that my colleagues will take the words that I offer in addition to support of this legislation, and certainly might engage the chairman in his concern for these issues, as well.

But I do believe that, as a member of the House Committee on the Judiciary, it is extremely important that we concern ourselves with the lack of the processing of appointments to the judiciary that we are facing in this Congress, this 105th Congress. It is extremely important in the State of Texas where the Fifth Circuit has remained vacant, the Southern District has a vacancy, and we are extremely backlogged. The kinds of, if I might say, shenanigans that are going on in the other body with respect to judicial appointments is something that we have a responsibility to address.

Certainly the Alternative Dispute Resolution Act of 1998 that has our overwhelming support will help to, if my colleagues will, bring some sort of calm and some sort of movement on cases, but I do believe we are long overdue in moving the log jam of appointments as offered by the White House.

Let me proceed by saying that in doing this legislation I want to commend my colleagues on the Committee on the Judiciary for reporting out a bill that brings about the appropriate standards for Federal courts throughout the Nation to continue to develop workable alternative dispute resolution methods, and I am pleased that the members of the committee have worked with the Judicial Conference and the Department of Justice to craft legislation which is not objected to by those important institutions.

Just a year ago we funeralized Judge Black in the Southern District. He was a strong supporter of alternative dispute resolution, which gives me certainly the comfort that we are doing the right thing in engaging the Judicial Conference and working with them.

So I do support the legislation before us. I urge my colleagues to do the same so that I can and we can work together to continue to try to improve access to our nation's courts, lower the cost of litigation, and expedite the process for all. And in so doing, Mr. Speaker, I would certainly ask that we give due consideration to moving the unfortunate log jam that does not allow us to move the appointments so aptly appointed and judge-qualified to fill the many vacancies throughout this Nation. It certainly changes the course of justice without that.

Mr. Speaker, I rise in support of H.R. 3528, the Alternative Dispute Resolution Act of 1998, and commend Chairman COBLE and ranking member FRANK of the Courts and Intellectual Property Subcommittee of the House Judiciary Committee for their work in getting this important legislation to the floor of the House today.

Alternative dispute resolution, whether mediation, neutral evaluation, arbitration, mini trial, or any other fair procedure that the courts can oversee which make litigation less burdensome to both the participants and the system, is in my view welcome and something that we should support.

I commend my colleagues on the Judiciary Committee for reporting out a bill which provides the appropriate standards for Federal courts throughout the Nation to continue to develop workable alternative dispute resolution methods, and I am pleased that the members of the committee have worked with the Judicial Conference and the Department of Justice to craft legislation which is not objected to by those important institutions.

I support the legislation before us. I urge my colleagues to do the same, so that we can work together to continue to try to improve access to our Nation's courts, lower the costs of litigation, and expedite the process for all.

Mr. Speaker, I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield back, I failed to mention this earlier. About five or six days ago I received a detailed letter from my chief judge in the Middle District of North Carolina, and I will not read it in its entirety, but I will allude to what he said about ADR.

He wrote to me: "This has been a significant benefit to litigants and the public and has been met with approval by the bar. You indicate," referring to me, "that you are a big supporter of ADR programs. We have had a very successful ADR program in this district for several years."

Now the Middle District of North Carolina of course does not have a corner on that market. Many districts have practiced the ADR exercise for some time, but this would just swing wide the gate and bring all districts in, and I know what Judge Bullock wrote to me would be echoed by district court judges across the land.

Mr. Speaker, I said before it is a good bill, I urge its passage, and I ask the gentlewoman from Texas if she is prepared to yield back.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentlewoman from Texas for yielding this time to me, and I thank the gentleman from North Carolina (Mr. COBLE), the chairman, and the gentleman from Massachusetts (Mr. FRANK), the ranking member, for their work on this bill.

I rise today in support of H.R. 3528, the Alternative Dispute Resolution Act of 1998. Because I have seen firsthand the successful use of alternative dispute resolution in my own County of San Diego, California, I am a diehard fan of ADR, as we often call it.

Let me share with my colleagues the wildly successful example of the San Diego Mediation Center. This service has grown from humble beginnings in the community of Golden Hill in my congressional district to a county-wide service offering mediation, arbitration, facilitation, training, credentialing, internships and a speakers bureau to the citizens of San Diego County.

Since 1983 the San Diego Mediation Center has provided a voluntary and peaceful process for resolving disputes. Alternative dispute resolution is available for neighbors, businesses, private citizens, courts, the legal community, municipalities, government agencies, schools, professional groups, homeowner associations, churches and families.

With an agreement rate of 80 percent and a compliance rate of 85 percent the agreements forged through the mediation process have promoted goodwill in the community, reduced the load on the courts, and in some cases prevented violence.

More than 10,000 volunteer hours are donated to the service each year by the 200 volunteer mediators who receive intensive mediation training from the center. There is an extensive waiting list of potential volunteers who are hoping for the opportunity to receive training and to become mediators. Public trainings in dispute resolution are also given several times each year by the training staff of the mediation center.

The work of the mediation center is well received and highly respected in San Diego. Recently recognized by the San Diego County Taxpayers Association with its Golden Watchdog Award, the mediation center has saved the taxpayers of San Diego $3.7 million by cutting direct costs to the San Diego Small Claims, Municipal and Superior Courts.

Mr. Speaker, the work of the San Diego Mediation Center and hundreds of other alternative dispute resolution services throughout the country reduces judiciary case loads and offers disputants an inexpensive and more satisfying way to resolve disputes rather than litigation. For that reason, I applaud H.R. 3528, that will extend this option to litigants in district court civil cases.

I urge my colleagues to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

I am prepared to yield back after I make one closing comment, and I do want this to be particularly acknowledged, I say to the gentleman from North Carolina (Mr. COBLE), that I recognize the hard work that has been put into this bill.

My plea is particularly parallel to this legislation. It certainly does not take away from my very strong support of this legislation. But again I raise up the very deep concern that I believe that the judicial appointments that proceed through the other body have been held hostage. I call to this body's attention a nominee by the name of Judge Massiah-Jackson. Several other nominees for the bench have been held in absolute and outrageous hostage situations.

I believe that the alternative dispute resolution system is excellent and is needed in this legislation, is something of great importance to the Nation, but we will not do the job that we are supposed to do if we do not proceed filling the vacancies that are so crucial to the justice system in this country.

With that, Mr. Speaker, I applaud the gentleman from North Carolina (Mr. COBLE), and I certainly applaud the ranking member, the gentleman from Massachusetts (Mr. FRANK), for their wisdom and vision on this legislation.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentlewoman for her generous comments and for her help on this.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 3528, as amended.

The question was taken.

Mr. COBLE. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

☐ 1445

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION REAUTHORIZATION ACT OF 1998

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2691) to reauthorize and improve the operations of the National Highway Traffic Safety Administration, as amended.

The Clerk read as follows:

H.R. 2691

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Highway Traffic Safety Administration Reauthorization Act of 1998".

SEC. 2. AUTHORIZATIONS OF APPROPRIATIONS.

(a) MOTOR VEHICLE SAFETY ACTIVITIES.—Section 30104 of title 49, United States Code, is amended to read as follows:

"§ 30104. Authorization of appropriations

"There is authorized to be appropriated to the Secretary $81,200,000 for the National Highway Traffic Safety Administration to carry out this part in each fiscal year beginning in fiscal year 1999 and ending in fiscal year 2001.".

(b) MOTOR VEHICLE INFORMATION ACTIVITIES.—Section 32102 of title 49, United States Code, is amended to read as follows:

"§ 32102. Authorization of appropriations

"There is authorized to be appropriated to the Secretary $6,200,000 for the National Highway Traffic Safety Administration to carry out this part in each fiscal year beginning in fiscal year 1999 and ending in fiscal year 2001.".

SEC. 3. RESTRICTIONS ON LOBBYING ACTIVITIES.

(a) AMENDMENT.—Subchapter I of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

"§ 30105. Restriction on lobbying activities

"No funds appropriated to the Secretary pursuant to section 30104 or 32102 may be available for any activity specifically designed to urge a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislature.".

(b) CLERICAL AMENDMENT.—The table of contents in subchapter I of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

"30105. Restriction on lobbying activities.".

SEC. 4. RISK AND BENEFIT DISCLOSURE.

(a) IN GENERAL.—Within one year of the date of the enactment of this Act, the Secretary of Transportation shall communicate to the public information regarding the reasonable risks and benefits of any major device or element of design to be installed on or in a motor vehicle or motor vehicle equipment in compliance with a motor vehicle safety standard issued under section 30111 of title 49, United States Code, determined by the Secretary to be important to the protection of motor vehicle occupants.

(b) NOTICE AND COMMENT.—In carrying out subsection (a), the Secretary of Transportation shall provide notice that the Secretary is considering the means for carrying out subsection (a) and shall provide opportunity for comment on—

(1) the extent to which the information to be communicated under subsection (a) can be communicated in a manner which is scientifically objective and which relies upon scientific findings; and

(2) the extent to which such information can be made available to consumers in a clear and easily understandable format through the Internet, public libraries, and such other means as the Secretary may deem appropriate.

(c) NO REQUIREMENT.—Unless the Secretary of Transportation determines that it is essential to ensuring motor vehicle safety, the Secretary may not require a manufacturer or distributor to distribute any statement of reasonable risks and benefits which the Secretary is to communicate under subsection (a).

SEC. 5. OCCUPANT PROTECTION PREFERENCES.

Section 30111 of title 49, United States Code is amended by inserting after subsection (e) the following:

"(f) SPECIAL CONSIDERATIONS RELATING TO OCCUPANT PROTECTION.—When prescribing or revising a motor vehicle safety standard under this section or section 30127 relating to the protection of motor vehicle occupants under this chapter, the Secretary shall, to the extent relevant and practicable, design such standard to protect improperly restrained and positioned occupants only to the extent that such a design would not substantially increase the risk of injury to properly restrained and positioned occupants.".

SEC. 6. ODOMETERS.

(a) TRANSFERS OF NEW MOTOR VEHICLES.—Section 32705(a) of title 49, United States Code, is amended by adding at the end the following:

"(4)(A) This subsection shall apply to all transfers of motor vehicles (unless otherwise exempted by the Secretary by regulation), except in the case of transfers of new motor vehicles from a vehicle manufacturer jointly to a dealer and a person engaged in the business of renting or leasing vehicles for a period of 30 days or less.

"(B) For purposes of subparagraph (A), the term 'new motor vehicle' means any motor vehicle driven with no more than the limited use necessary in moving, transporting, or road testing such vehicle prior to delivery from the vehicle manufacturer to a dealer, but in no event shall the odometer reading of such vehicle exceed 300 miles.".

(b) EXEMPTED VEHICLES.—Section 32705(a) of title 49, United States Code, as amended by subsection (a), is amended by adding at the end the following new paragraph:

"(5) The Secretary may exempt such classes or categories of vehicles as the Secretary deems appropriate from these requirements. Until such time as the Secretary amends or modifies the regulations set forth in 49 CFR 580.6, such regulations shall have full force and effect.".

SEC. 7. INTERNATIONAL HARMONIZATION.

(a) AMENDMENT.—Subchapter III of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

"§ 30148. International motor vehicle safety outreach

"(a) ACTIVITIES.—The Secretary is authorized, in consultation with the Secretaries of State and Commerce where appropriate, to engage in activities that improve worldwide motor vehicle safety through appropriate activities. Such activities may include—

"(1) promoting the adoption of international and national vehicle standards that are harmonized with, functionally equivalent to, or compatible with United States vehicle standards;

"(2) participating in efforts to foster an international acceptance of globally harmonized or functionally equivalent or compatible motor vehicle regulations and standards to otherwise improve international highway and motor vehicle safety;

"(3) promoting international cooperative programs for conducting research, development, demonstration projects, training, and other forms of technology transfer and exchange, including safety conferences, seminars, and expositions to enhance international motor vehicle safety; and

"(4) providing technical assistance to other countries relating to their adoption of United States vehicle regulations or standards functionally equivalent to United States vehicle standards.

"(b) COOPERATION.—The Secretary may carry out the authority granted by this section, in cooperation with appropriate United States Government agencies, any State or local agency, and any authority, association, institution, corporation (profit or nonprofit), foreign government, multinational institution, or any other organization or person.

"(c) CONSIDERATION.—When engaging in activities to improve worldwide motor vehicle safety, the Secretary shall ensure that these activities maintain or improve the level of safety of motor vehicles and motor vehicle equipment sold in the United States.

"(d) PUBLIC MEETINGS AND INFORMATION.—To ensure public awareness of, and opportunity to comment on, decision-making meetings concerning the adoption of a globally harmonized motor vehicle regulation or standard, described in subsection (a)(2), by an international body or representatives of any foreign nation the Secretary shall—

"(1) not less than quarterly, provide notice of, and hold a public meeting to receive comments on the subject matter of, any decision-making meetings scheduled to be held with an international body or representatives of any foreign nation before the next public meeting required to be held under this paragraph; and

"(2) make available to the public any relevant information and records, including any proposed text, concerning the matter of any decision-making meetings scheduled with an international body or representatives of any foreign nation as those materials become available.".

(b) CLERICAL AMENDMENT.—The table of contents in subchapter III of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

"30148. International motor vehicle safety outreach.".

SEC. 8. MISCELLANEOUS AMENDMENTS.

(a) NOTIFICATION OF DEFECTS AND NONCOMPLIANCE.—Sections 30118(d) and 30120(h) of title 49, United States Code, are each amended by striking the second sentence.

(b) REMEDIES FOR DEFECTS AND NONCOMPLIANCE.—Section 30120(i)(1) of title 49, United States Code, is amended by inserting "(including retailers of motor vehicle equipment)" after "dealer" the first time it appears.

(c) TIRES.—Section 30123 of title 49, United States Code, is amended by striking subsections (a), (b), and (c) and by redesignating subsections (d), (e), and (f), as subsections (a), (b), and (c), respectively.

(d) AUTOMATIC OCCUPANT CRASH PROTECTION AND SEAT BELT USE.—Section 30127(g)(1) of title 49, United States Code, is amended by striking "every 6 months" and inserting "annually".

(e) MISCELLANEOUS.—

(1) DEFINITIONS.—

(A) COUNTRY OF ORIGIN.—Section 32304(a)(3)(B) of title 49, United States Code, is amended by inserting before the period the following: ", plus the assembly and labor costs incurred for the final assembly of such engines and transmissions".

(B) FINAL ASSEMBLY PLACE.—Section 32304(a)(5) of title 49, United States Code, is amended by adding at the end the following: "Such term does not include facilities for engine and transmission fabrication and assembly and the facilities for fabrication of motor vehicle equipment component parts which are produced at the same final assembly place using forming processes such as stamping, machining, or molding processes.".

(C) OUTSIDE SUPPLIER CONTENT REPORTING.—Section 32304(a)(9)(A) of title 49, United States Code, is amended to read as follows:

"(A) for an outside supplier—

"(i) the full purchase price of passenger motor vehicle equipment whose purchase price contains at least 70 percent value added in the United States and Canada; or

"(ii) that portion of the purchase price of passenger motor vehicle equipment containing less than 70 percent value added in the United States and Canada that is attributable to the percent value added in the United States and Canada when such percent is expressed to the nearest 5 percent; and".

(2) COUNTRY OF ASSEMBLY.—Section 32304(d) of title 49, United States Code, is amended by adding at the end the following; "A manufacturer may add to the label required under subsection (b) a line stating the country in which vehicle assembly was completed.".

(3) VEHICLE CONTENT PERCENTAGE BY ASSEMBLY PLANT.—Section 32304 of title 49, United States Code, is amended by redesignating subsections (c) through (f) as subsections (f) through (i), respectively, and by adding after subsection (b) the following:

"(c) VEHICLE CONTENT PERCENTAGE BY ASSEMBLY PLANT.—A manufacturer may display separately on the label required by subsection (b) the domestic content of a vehicle based on the assembly plant. Such display shall occur after the matter required to be in the label by subsection (b)(1)(A).".

(4) SUPPLIERS FAILING TO REPORT.—Section 32304 of title 49, United States Code, is amended by adding after subsection (c), as added by paragraph (3), the following:

"(d) VALUE ADDED DETERMINATION.—If a manufacturer or allied supplier requests information in a timely manner from one or more of its outside suppliers concerning the U.S./Canadian content of particular equipment, but does not receive that information despite a good faith effort to obtain it, the manufacturer or allied supplier may make its own good faith value added determinations, subject to the following:

"(1) The manufacturer or allied supplier shall make the same value added determinations as would be made by the outside supplier, that is, whether 70 percent or more of the value of equipment is added in the United States and/or Canada.

"(2) The manufacturer or allied supplier shall consider the amount of value added and the location in which the value was added for all of the stages that the outside supplier would be required to consider.

"(3) The manufacturer or allied supplier may determine that the value added in the United States and/or Canada is 70 percent or more only if it has a good faith basis to make that determination.

"(4) A manufacturer and its allied suppliers may, on a combined basis, make value added determinations for no more than 10 percent, by value, of a carline's total parts content from outside suppliers.

"(5) Value added determinations made by a manufacturer or allied supplier under this paragraph shall have the same effect as if they were made by the outside supplier.

"(6) This provision does not affect the obligation of outside suppliers to provide the requested information.".

(5) ACCOUNTING FOR THE VALUE OF SMALL PARTS.—Section 32304 of title 49, United States Code, is amended by adding after subsection (d), as added by paragraph (4), the following:

"(e) SMALL PARTS.—The country of origin of nuts, bolts, clips, screws, pins, braces, gasoline, oil, blackout, phosphate rinse, windshield washer fluid, fasteners, tire assembly fluid, rivets, adhesives, and grommets, of any system, subassembly, or component installed in a vehicle shall be considered to be the country in which such parts were included in the final assembly of such vehicle.".

(f) STUDY.—The National Highway Traffic Safety Administration shall conduct a study of the benefits to motor vehicle drivers of a regulation to require the installation in a motor vehicle of an interior device to release the trunk lid. Not later than 18 months after the date of the enactment of this Act, the Administration shall submit a report on the results of the study to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 9. IMPORTATION OF MOTOR VEHICLE FOR SHOW OR DISPLAY.

(a) IMPORTATION OF NONCOMPLYING MOTOR VEHICLES.—Section 30114 of title 49, United States Code, is amended by striking "or competitive racing events" and inserting "competitive racing events, show, or display".

(b) TRANSITION RULE.—A person who is the owner of a motor vehicle located in the United States on the date of enactment of this Act may seek an exemption under section 30114 of title 49, United States Code, as amended by subsection (a) of this section, for a period of 6 months after the date regulations of the Secretary of Transportation promulgated in response to such amendment take effect.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the rule, the gentleman from Virginia (Mr. BLILEY) and the gentleman from Pennsylvania (Mr. KLINK) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BLILEY).

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in strong support of H.R. 2691, the National Highway Traffic Safety Administration Reauthorization Act. This legislation represents the Committee on Commerce's commitment to the regular business of reauthorizing the agencies within our jurisdiction. The legislation before the House has benefitted from the input of the administration, consumers groups, manufacturers and automobile dealers.

In our oversight of NHTSA, we discovered a number of agency operations that required Congressional action. This was particularly true with regard to air bags. All of us were concerned when the first stories about air bag injuries surfaced. After all, these safety devices were mandated by Congress. We learned that in almost every instance, people injured by air bags were either not wearing a seat belt or were seated too close to the air bag. The committee found that NHTSA could have made more information available to consumers sooner about the potential risk of injury from air bags. The bill includes a provision intended to provide consumers with more information about the safety equipment installed on motor vehicles.

We also found that the air bag safety standard may have put at risk those passengers who wear their seat belts. To encourage greater seat belt use, this legislation directs the Secretary to continue efforts to focus on injuries to both belted and unbelted passengers, but to ensure that belted passengers are not penalized for buckling up.

Second, as many of us know, the committee has obtained copies of contracts issued by the agency for the purpose of lobbying State legislators. Federal agencies should not be permitted to lobby State officials, any more than they should be permitted to lobby Members of Congress. Therefore, this legislation contains language requiring that the agency apply the same standard used in dealing with the Congress to its dealing with State and local legislators.

NHTSA will still be permitted to promote safety and testify at the State and local level, but it will be prohibited from actually asking State officials to vote in a particular way. This language was carefully crafted and reflects the serious consideration given to the issue.

Finally, the bill contains a number of other miscellaneous amendments to the agency's authorizing statutes. Chief among these is language providing the agency with authority to participate in international safety standard setting efforts. This provision, which was requested by the administration, ensures that any efforts to change U.S. safety standards will only result in safer and better vehicles for American consumers.

In the 7 years since NHTSA was last authorized, U.S. consumers have become increasingly conscious of the safety of their automobiles. Where automobile manufacturers once regarded safety as an afterthought, they now actively compete for customers on the basis of safety features. Our work as legislators must continue to encourage the market to innovate and build safer cars. I believe that this legislation meets that goal.

Before closing, I would like to acknowledge the work of several members of the committee. First, the gentleman from Louisiana (Mr. TAUZIN) the chairman of the subcommittee, deserves much of the credit for his work on this bill. This legislation reflects his desire to ensure that all groups have an opportunity to be heard on issues of importance.

The gentleman from Illinois (Mr. SHIMKUS) should also be commended for his fine work on the State lobbying provisions. Finally, my good friend the gentleman from Michigan (Mr. DINGELL) and his staff worked with us at every step. I appreciate the spirit of cooperation which led to this bill being reported by unanimous voice vote.

Mr. Speaker, I believe that H.R. 2691 will go a long way toward ensuring that safer vehicles travel on our Nation's highways. I urge my colleagues to support this well-balanced legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. KLINK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to stand today to support the reauthorization of the National Highway Traffic Safety Administration, commonly referred to as NHTSA.

First of all, I would like to thank my colleagues, my good friends in the majority, the gentleman from Virginia (Chairman BLILEY) and the gentleman from Louisiana (Chairman TAUZIN), for all of their good work on this bill, and I want to commend them and their staffs for their willingness to listen to everyone in the process of writing this bill.

For those of you who do not know, Mr. Speaker, the National Highway Traffic Safety Administration is a branch of the Federal Government that has a very serious charge. They are charged with a mission of reducing traffic accidents and deaths and reducing injuries and economic losses resulting from those accidents by making sure the vehicles that we drive are in fact safe to drive.

Some of my colleagues on this side may have some questions about how a few specific provisions, such as the risk and benefit disclosure and the occupant protection preferences, will work in the real world of regulation. Nevertheless, these would represent good faith efforts to address the problems that we have discovered with air bag deployments.

I would like to thank my good friend, the gentleman from Ohio (Mr. OXLEY), for bringing his concerns about the American Automobile Labeling Act before the committee. Congress passed the American Automobile Labeling Act to give American consumers information about where the parts that go into the vehicles that they purchased were actually made. Many have criticized how the labeling act actually calculates domestic contents.

After looking into the issue, I came to the conclusion that those complaints about the accuracy of the labeling act were a valid complaint, and that is why I offered, with the full support of my dear friend the gentleman from Michigan (Mr. DINGELL), an amendment in the committee markup to address those concerns by making the labeling act a more accurate reflection of domestic content, and I am pleased that the committee endorsed our approach.

Mr. Speaker, we last authorized NHTSA's part of ISTEA back in 1991. This is a straightforward and bipartisan reauthorization bill that deserves the support of the entire Congress, and I would urge its adoption.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I thank my good friend for yielding time to me.

Mr. Speaker, I rise in support of H.R. 2691, the National Highway Traffic Safety Administration Reauthorization Act 1998. The bill authorizes $87.4 million over the next three years so that NHTSA can continue promoting highway safety and reducing death and injuries from vehicular accidents.

At the outset I would like to thank and commend the chairman of both the committee and the subcommittee for the rare and welcome bipartisan way in which they have handled consideration of this legislation. Issues of concern raised by the Members on this side of the aisle have been addressed and the bill was reported by the committee by voice vote.

Concern was raised during the hearings that the bill's restrictions on lobbying were too tough and would prohibit NHTSA from providing important advice to State and local governments. As a result, provisions in this bill relating to lobbying have been modified so that NHTSA is now subject to the same restrictions at the State and local levels as it is at the Federal level.

The legislation also contains important provisions that allow foreign manufacturers to account more fully for U.S. content of parts used to produce automobiles sold in the United States. Under the bill, suppliers can report U.S. content to the nearest 5 percent rather than getting no credit if the part has less than 70 percent U.S. content. This provision was carefully crafted so as not to interfere with the accounting of U.S. auto parts under the U.S.-Japan auto agreement.

The bill also requires NHTSA to disclose to the public the risks and benefits of the equipment and design features required to be installed on motor vehicles pursuant to NHTSA regulations. It also authorizes NHTSA to promote adoption of U.S. safety standards by auto producers in other countries. It also allows NHTSA to design occupant protection standards to protect unbelted occupants only if such standards do not result in a substantial increase in the risk of injury to the properly restrained occupant.

Mr. Speaker, again I want to thank the managers of the bill for their cooperation and fairness. I want to express my appreciation to the majority for their kindness in this matter. I believe this a good bill, it deserves the support of our colleagues, and I urge my colleagues to vote for the legislation.

Mr. KLINK. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BLILEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BLILEY) that the House suspend the rules and pass the bill, H.R. 2691, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2691, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

RECESS

The SPEAKER pro tempore. There being no further business for the moment, pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 2 o'clock and 56 minutes p.m.), the House stood in recess until approximately 5 p.m.

☐ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. EMERSON) at 5 p.m.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is Private Calendar day. The Clerk will call the bill on the Private Calendar.

RUTH HAIRSTON

The Clerk called the bill (H.R. 2729) for the private relief of Ruth Hairston by waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity.

There being no objection, the Clerk read the bill as follows:

H.R. 2729

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF DEADLINE FOR APPEAL.

For purposes of a petition by Mrs. Ruth Hairston for review of the final order issued October 31, 1995, by the Merit Systems Protection Board with respect to its docket number SF-0831-95-0754-I-1, the 30-day filing deadline in section 7703(b)(1) of title 5, United States Code, is waived.

Ms. MILLENDER-McDONALD. Madam Speaker, I rise in support of H.R. 2729, a Private Bill For the Relief of Ruth Hairston Relating to Her Application for a Survivor Annuity. I introduced this legislation in an attempt to provide relief for my constituent, Mrs. Ruth Hairston.

This legislation seeks a waiver of the 30-day period to file an appeal to the U.S. Court of Appeals. Mrs. Hairston requested reconsideration from the Office of Personnel Management (OPM) on May 26, 1995 of their decision to deny her survivor annuity benefits under the Civil Service Retirement System as the "former spouse" of Paul Hairston. The Hairstons were married for more than 45 years when their marriage ended in divorce on March 16, 1987. Mr. Hairston had almost 35 years of civil service when he retired on June 11, 1990. When he retired, he selected a survivor annuity for Mrs. Hairston with a reduced annuity for himself.

Mrs. Hairston started to receive retirement annuity payments in 1988 but these payments were stopped after Mr. Hairston's death on February 22, 1995, because it was concluded that she was not entitled to benefits as a "former spouse." When Mr. Hairston retired, there was no statutory provision which would have allowed Mrs. Hairston to receive a survivor annuity as a divorcee (former spouse). However, the Civil Service Retirement Spouse Act of 1985 changed this, and allowed Mr. Hairston to elect a survivor annuity within two years following the divorce.

Mr. Hairston did not make a formal request for Mrs. Hairston to receive a survivor annuity after the divorce (as a former spouse), neither did he make an annuity adjustment to stop Mrs. Hairston from receiving the larger portion of his retirement annuity which were due to her under community assets. He was informed that he was still being charged for a survivor annuity after his divorce and that he no longer had to allow Mrs. Hairston to have the larger portion of his annuity, yet he did not change this. The fact that Mr. Hairston did not change this annuity arrangement establishes an "intent" for Mrs. Hairston to received a survivor benefit after his death. Intent is one of the grounds to excuse the failure of Mr. Hairston to make a formal election (Valee versus Office of Personnel Management).

On October 31, 1995 the Merit Systems Protection Board upheld the OPM decision to deny Mrs. Hairston a survivor annuity. At the time, Mrs. Hairston was severely ill and under doctor's care and could not file a timely appeal to the U.S. Court of Appeals. Mrs. Hairston remains in poor health and faces eviction from her home because of her inability to meet her financial obligations. She desperately needs the survivor's annuity she deserves. It is because of these extreme circumstances that relief through private legislation is necessary. Therefore, I commend my colleagues for supporting this bill and providing Mrs. Hairston with an opportunity to appeal the denial of her survivor's annuity.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

CALL OF THE HOUSE

Mr. SENSENBRENNER. Madam Speaker, I move a call of the House.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER) for the purpose of moving a call of all the House under clause 6(e) of rule XV.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 99]

ANSWERED "PRESENT"—389

Abercrombie
Aderholt
Allen
Andrews
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Carson
Castle
Chabot
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fazio
Filner
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Torres
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wolf
Woolsey
Wynn
Yates
Young (AK)

□ 1732

The SPEAKER. On this rollcall, 389 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker laid before the House the following communication from the Clerk of the House of Representatives,

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, April 15, 1998.

Hon. NEWT GINGRICH,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of the original Certificate of Election received from the Honorable Bill Jones, Secretary of State, State of California, indicating that, according to the semi-official canvas of votes cast in the Special Primary held April 7, 1998, the Honorable Mary Bono was elected Representative in Congress for the Forty-fourth Congressional District, State of California.

With warm regards,
ROBIN H. CARLE,
Clerk.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, April 15, 1998.

Hon. NEWT GINGRICH,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of the original Certificate of Election received from the Honorable Bill Jones, Secretary of State, State of California, indicating that, according to the semi-official canvas of votes cast in the Special Primary held April 7, 1998, the Honorable Barbara Lee was elected Representative in Congress for the Ninth Congressional District, State of California.

With warm regards,
ROBIN H. CARLE,
Clerk.

SWEARING IN OF THE HONORABLE MARY BONO AND THE HONORABLE BARBARA LEE OF CALIFORNIA AS MEMBERS OF THE HOUSE

The SPEAKER. The Members-elect will come forward, accompanied by the California delegation, and raise their right hands.

Mrs. Bono and Ms. Lee of California appeared at the bar of the House and took the oath of office as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you will take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations. You are a Member of the House of Representatives.

INTRODUCTION OF HON. MARY BONO OF CALIFORNIA TO THE HOUSE

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute.)

Mr. LEWIS of California. Mr. Speaker, I would like to take just a moment of our time today to introduce a friend to all of my colleagues. Her name is MARY. It used to be Mary Whitaker. Then she met a guy named Sonny, and after a short time he convinced her to change her name to Bono.

I want you to know, MARY, that all of us in this Chamber loved and admired Sonny. Of course, we still do; and, like you, we miss him dearly. But today we are here as a family to say welcome to you and to Chesare and Chianna and to all the other little Whitakers who are here.

MARY, after winning a stunning victory on April 7, you have earned your own place in Congress. We know that you will bring a strong voice, a woman's voice, to your job. Every bit as important to me, you will bring a mother's voice to the House.

The citizens of California's 44th congressional district are fortunate to have you as their voice in Congress. They are lucky to have you on their side.

MARY, just one last thought from this friend. Sonny would be so very proud of you today. I know in my heart that he is looking down upon us at this moment and he is smiling. So, MARY, it is my privilege to say to my colleagues, welcome to Congresswoman MARY BONO.

COMMON SENSE APPROACH TO SERVING PEOPLE OF THIS NATION

(Mrs. BONO asked and was given permission to address the House for 1 minute.)

Mrs. BONO. Mr. Speaker, I want first to express thanks to my wonderful family for being with me on this special day. It is an honor and a privilege to share this moment with my mother and father, Karen and Clay Whitaker, my children Chianna and Chesare, my godson William Rodriguez, and all the other members of my family, along with the many friends and staff who are here today. Your help and support have made this possible.

However, one person who is not with us today is very much in my thoughts and always in my heart. His wisdom and his guidance helped me prepare for the difficult road I have traveled, and his spirit is giving me the strength to meet the many challenges that lie before me.

Sonny was an incredible force in my life, and many of you who served with him will recall the impact he had on everyone who met him. I want to thank each of you and the thousands of people from around the world who expressed their sympathy and love on his passing for your generous words of tribute and praise.

As I stand here in the people's House, I understand why this Chamber held so much meaning for my late husband. More than any of his other accomplishments, and there were many, Sonny's service to the people of California's 44th district was his proudest achievement. I will do my best to live up to the legacy that he has left and continue to bring his common sense approach to serving the people of this great Nation.

Over the past few months, I have come to know well the people of the 44th district. It has been a privilege to share time with them, to listen to their concerns and to their dreams. I understand what it is like to be a single mother trying her best to raise young children in a difficult situation. I am concerned that we need to do more to provide our youth with an education that offers them hope for the future.

I have heard from senior citizens and veterans who served our country and are now in need of our support. I have witnessed firsthand the challenges facing our law enforcement, especially in their war against drugs and gang violence. And I have been inspired by the hundreds of people in our community who daily make a difference, asking for no recognition, just a little help.

I believe that the people of the 44th district sent me to Congress for much the same reason that they sent Sonny, because they knew they could trust me to do the very best I could do. While I have much to learn, I know if I serve honestly and honorably, I will fulfill that trust.

There are many difficult and complex issues facing our Nation, and there are very few simple solutions. However, every child knows that you cannot spend more than you have. We must continue to show fiscal responsibility in our Nation's budget. Tax reform needs to be enacted to provide relief to individuals and small businesses. And it is imperative that we maintain a strong national defense, for without it there will be no peace.

I do not come before you today with solutions, only resolve. It is my great honor to have this opportunity to serve, and I thank from the bottom of my heart all the voters from the 44th District of California. Thank you, and God bless.

INTRODUCTION OF HON. BARBARA LEE OF CALIFORNIA TO THE HOUSE

(Ms. ROYBAL-ALLARD asked and was given permission to address the House for 1 minute.)

Ms. ROYBAL-ALLARD. Mr. Speaker, it is my privilege to introduce a friend and now a new colleague, BARBARA LEE, as the new representative of California's 9th Congressional District.

Congratulations, BARBARA. And we are all delighted to welcome you to Congress. BARBARA, of course, is not unfamiliar with this Chamber or these halls. Her years of dedicated service to the people of California's 9th Congressional District began with her service as the senior adviser and also as chief of staff of our former colleague and dear friend, Ron Dellums.

□ 1745

Although we will miss you, Ron, we know that BARBARA is well prepared to step into your shoes and to blaze new trails of her own.

BARBARA is and will continue to be an effective representative for her constituents. In the 7 years that she served in California State legislature, 67 of her bills and resolutions were signed by the Governor, impacting a broad spectrum of community concerns; including public safety, education, environmental protections, labor, health, and women's and children's issues.

I was privileged to work with BARBARA in the California State Assembly from 1990 to 1992. More recently, I had the pleasure of working with BARBARA on Team California, our delegation's State/Federal working group.

Through my work with BARBARA, I know her to be an energetic and extremely effective and dedicated advocate for her community, and an enthusiastic and prolific legislator.

BARBARA is a staunch advocate for job creation and economic development because she recognizes the positive impact that jobs have on the community's quality of life. In the same vein, BARBARA has worked with Federal, State, and local governments to create local and economic community development at decommissioned military bases.

BARBARA has also been committed to developing closer economic, political, and cultural ties between the State of California and Africa; a role that she will no doubt continue and expand upon when she is here in Congress.

It is worth noting that, with BARBARA'S election, a record 12 out of California's 29 Democratic House Members are female. Now, this number is especially significant when you consider that it was a mere 10 years ago that there were only 12 Democratic women in the entire Congress.

Welcome, BARBARA. I know that you will have a productive and a distinguished career in Congress. We look forward to working with you on behalf of the State of California and the Nation as a whole. So please join me in welcoming Congresswoman BARBARA LEE.

ACCEPTING THE CHALLENGE TO CONTINUE TO BE A LONG-DISTANCE RUNNER FOR ECONOMIC, SOCIAL, AND POLITICAL JUSTICE

(Ms. LEE of California asked and was given permission to address the House for 1 minute.)

Ms. LEE of California. Mr. Speaker, first, to Congresswoman LUCILLE ROYBAL-ALLARD, to Mr. GEPHARDT, Mr. BONIOR, to the entire California delegation, to all of the Members of this great institution, I am grateful for your support and for your leadership as we move into the next millennium.

I would like to pay special recognition, first, to my family; to my mother, Mildred Massey; and to my father, Garvin Tutt; and to all of my family for their consistent support and their love. They instilled in me at an early age a deep sense of passion for justice. And I am extremely grateful to each and every one of my family members. And I want to take this opportunity to publicly tell them that I love you very, very much.

I had the opportunity to be here for several years, in fact, 8 years. My children, Tony and Craig, were able to attend schools here in this great District. So in a way, we are coming back to our second home.

I say to my predecessor, my friend and political mentor, the Honorable Ron Dellums, your legacy is one that will live forever, not only in this great institution, or in the Ninth Congressional District, but it will live forever throughout the world, throughout the world.

I thank you for your confidence in me. I accept the challenge to continue to be a long-distance runner for economic, social, and political justice. In contemplating what I wanted to say at this very magnificent and glorious yet very humbling moment in my life, I reflected upon the great economic recovery that we are experiencing in this country. But my heart and my head and the facts keep telling me that this recovery has been for some, but not for all.

So as we move into the next century, I intend to continue to challenge those policies which continue to widen the gap between the rich and the poor. But I also intend to provide solutions for new and creative ways to increase the standard of living for all, not just for some.

I want to ensure that all of our children have access to a good public education; that we do enact universal and accessible health care for all; and to ensure the solvency of our Social Security system; that we support economic development efforts which create good jobs that pay a livable wage with benefits for working men and women; that we protect our globe and the wilderness and ensure clean air, and clean water, and create more public transportation systems; and that we protect a woman's right to reproductive choice. In addition, I shall continue to maintain the high standard of constituent services and responsiveness to local needs established by my predecessor.

As we witness the world's becoming smaller and smaller, our efforts to encourage fair and free trade, respect for human rights abroad, and a truly effective foreign assistance program is really a must on my agenda.

Finally, a fundamental basic principle that I bring to the United States Congress is the fact that we provide, and should provide, equal opportunities for everyone, and shatter the walls of discrimination based upon race, national origin, gender, age, disability, and sexual orientation.

So I look forward to our national debates, and yes; sometimes our struggles. For my grandchildren, Jordan and Joshua, and for the children of this country and the world, I pledge to myself and to you to the effort to do the right thing, and to leave them a better future.

I thank the people of the Ninth Congressional District for this honor. I do not take it lightly. I accept it with a sense of excitement and optimism. I look forward to working with all of my colleagues in discharging this awesome responsibility.

As my first act, I would like to sign the discharge petition to have a full and fair debate on campaign finance reform. Thank you, and may God bless you.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 111, TAX LIMITATION CONSTITUTIONAL AMENDMENT

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 105–488) on the resolution (H. Res. 407) providing for consideration of the joint resolution (H.J. Res. 111) proposing an amendment to the Constitution of the United States with respect to tax limitations, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today, in the order in which that motion was entertained.

The votes will be taken in the following order:

H.R. 3565, by the yeas and nays, and

H.R. 3528, by the yeas and nays.

CARE FOR POLICE SURVIVORS ACT OF 1998

The SPEAKER. The pending business is the question of suspending the rules and passing the bill, H.R. 3565.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Florida (Mr. MCCOLLUM) that the House suspend the rules and pass the bill, H.R. 3565, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 403, nays 8, not voting 21, as follows:

[Roll No. 100]

YEAS—403

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)

NAYS—8

Campbell
Chenoweth
Coburn
Kingston
Paul
Sanford
Scarborough
Wamp

NOT VOTING—21

Ackerman
Bateman
Brown (CA)
Cannon
Christensen
Dixon
Gonzalez
Greenwood
Hefner
Inglis
Istook
John
Kennedy (MA)
Maloney (NY)
Meehan
Paxon
Rush
Smith (OR)
Towns
Watkins
Young (FL)

□ 1817

Mr. WAMP and Mr. SCARBOROUGH changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to the provisions of clause 5 of rule I, the Chair announces that she will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

ALTERNATIVE DISPUTE RESOLUTION ACT OF 1998

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3528, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 3528, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 2, not voting 25, as follows:

[Roll No. 101]

YEAS—405

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones

Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)

NAYS—2

Boehlert
Slaughter

NOT VOTING—25

Ackerman
Bateman
Brown (CA)
Cannon
Christensen
Conyers
Davis (VA)
Dixon
Ford
Gonzalez
Greenwood
Hefner
Inglis
Istook
John
Kennedy (MA)
McCrery
Meehan
Paxon
Redmond
Rush
Smith (OR)
Watkins
Weldon (FL)
Young (FL)

☐ 1826

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PARENTS NEED TO PAY MORE ATTENTION TO DRUG USE OF CHILDREN

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. McCOLLUM. Madam Speaker, yesterday I was looking around for something and could not find it, but today I found it, the editorial in the Wall Street Journal entitled "The Dope on Spring." I commend it to my colleagues to read about marijuana and the fact that our parents of our kids today are not paying enough attention to drug use in this country.

It says, 71 percent of teenagers said in a recent poll by Partnership for a Drug-Free America that they had friends who use marijuana, and half of them admitted that they did. This editorial points that fact out.

It also points out that only 21 percent of parents believe that their own children partake in it. The facts are, the Journal goes on to say, that, as opposed to 25 or 30 years ago today, even soft drugs like marijuana can be as much as 10 times more potent than the joints that parents toked. That is because of hydroponic strains and a lot of other things.

They also point out, though, that polls show that 82 percent of these parents believe drugs are a serious problem nationally, but only 6 percent think the problems exist in their local high schools. They go on to say, earth to parents, it is spring, and it may be time for a chat.

I would suggest everybody needs to take a chat with a youngster today, and I commend your reading this Wall Street Journal editorial.

The text of the Wall Street Journal editorial is as follows:

[From the Wall Street Journal]

REVIEW & OUTLOOK—THE DOPE ON SPRING

About this time last year, a forwarded email message was making the rounds of college campuses. "Don't forget," the message advised, "the appropriate greeting is "hi, how are you?" not "how high are you?""

This month, while grown-ups were busy preparing tax returns, a lot of their college-attending children were partaking in the annual springtime bacchanalian festivals either in warmer climes or in on-campus celebrations of some meaningful date in their school's history. On these occasions many of the students ingest a cornucopia of drugs that most of their parents (despite imagined babyboomer sophistication) have never hear of.

Nor does it seem they have much interest in knowing what's going on. Despite all the attention given to drug abuse, parents are apparently disinclined to believe that their kids are using drugs. In a study released last week by the Partnership for a Drug-Free America, 71% of teenagers said they "had friends who use" marijuana and almost half admitted they themselves had tried it. But only 21% of parents thought that their little angels might partake (admittedly even that must go down as a higher percentage than their own parents would have conceded).

In fact, this is a drug "culture" with frightening differences from the glory days of 25 or 30 years ago. Today even "soft" drugs like marijuana can be as much as 10 times more potent than the joints their parents toked. Because of crackdowns or smuggling, the neighborhood greenhouse business has flourished: New strains like "hydroponic," where the plants are grown without soil and "wet"—marijuana soaked in formaldehyde—have been increasing the drug's potency exponentially. Meanwhile, drug use among teenagers has doubled since 1990.

Other drugs, like methamphetamine, are also the product of basement alchemy, often involving youths producing it, which in turn introduces some of them to criminal enterprises. There are substantial profit margins in this new underworld for chemists who turn over-the-counter cold medicines into a particularly wicked concoction called "ice," "crank" or speed." Costing $5 to $25 a dose, it offers a high similar to powder cocaine, which retails at upward of $100 a gram, but it is much more accessible to a middle-schooler's allowance. And these laboratories are proliferating.

Something else that's new: The spread of black-market pharmaceuticals like Ritalin and Ephedrine, which have become a hot commodity in many suburban neighborhoods. Last November, a group of suburban middle-schoolers got hauled in by Virginia police when the principal caught a seventh grander selling his Ritalin prescription to his pals. Other favorites come right off the store shelves: Krylon gold paint for inhaling and whipped-cream cans for nitrous oxide.

Last April, a 16-year old in a Chicago suburb was caught with 37 grams of marijuana, some opium and paraphernalia stashed in his parents house. A 15-year-old set up shop selling pot, PCP, Extasy and Special K in an affluent District of Columbia suburb. These aren't just the kids from the wrong side of the tracks. Ask any college student about the prevalence and diversity of the new chemical culture. You'll get an education.

For the '70s generation, famous for its hedonistic experimentalism, the statistics suggest a willful ignorance. Parents disbelieve, perhaps because they're afraid to find out the truth. Polls show that 82% believe drugs are a "serious problem nationally," but only 6% think the problem exists in their local high school.

The baby-boomers' self-indulgence has come home to roots, only this time there's no ideological crutch. What's becoming increasingly obvious is that Gen-X drug use involves teenagers who've rejected their parents' political ideals but adopted their libertinism. A 1995 study by the University of Michigan revealed that after a 13-year lull, teenage drug use had climbed three years in a row. Yet nearly one kid in three claimed that his or her parents have never discussed drugs with them. Only a quarter say it's a topic of frequent conversation.

Earth to parents: It's spring, and it might be time for a chat.

☐ 1830

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. EMERSON). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RANDOM DRUG TESTING OF HOUSE MEMBERS AND STAFF IS ILL-ADVISED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Madam Speaker, the House is about to implement rule changes that will require random drug testing of all House Members and staff. Drug usage in this country, both legal and illegal, is a major problem and deserves serious attention. However, the proposal to test randomly individuals as a method to cut down on drug usage is ill-advised and should not be done.

The real issue here is not drugs but rather the issues of privacy, due process, probable cause and the fourth amendment. We are dealing with a constitutional issue of the utmost importance. It raises the question of whether or not we understand the overriding principle of the fourth amendment.

A broader but related question is whether or not it is the government's role to mold behavior, any more than it is the government's role to mold, regulate, tax and impede voluntary economic contractual arrangements.

No one advocates prior restraint to regulate journalistic expression, even though great harm has come over the century from the promotion of authoritarian ideas. Likewise, we do not advocate the regulation of political expression and religious beliefs, however bizarre and potentially harmful they may seem.

Yet we casually assume it is the role of government to regulate personal behavior to make one act more responsibly. A large number of us in this Chamber do not call for the regulation or banning of guns because someone might use a gun in an illegal fashion. We argue that it is the criminal that needs regulated and refuse to call for diminishing the freedom of law-abiding citizens because some individual might commit a crime with a gun.

Random drug testing is based on the same assumption made by anti-gun proponents. Unreasonable efforts at identifying the occasional and improbable drug user should not replace respect for our privacy. It is not worth it.

While some Members are more interested in regulating economic transactions in order to make a fairer society, there are others here who are more anxious to regulate personal behavior to make a good society. But both cling to the failed notion that governments, politicians and bureaucrats know what is best for everyone. If we casually allow our persons to be searched, why is it less important that our conversations, our papers and our telephones not be monitored as well? Vital information regarding drugs might be obtained in this manner as well. Especially we who champion the cause of limited government ought not be the promoters of the roving eye of Big Brother.

If we embark on this course to check randomly all congressional personnel for possible drug usage, it might be noted that the two most dangerous and destructive drugs in this country are alcohol and nicotine. To not include these in the efforts to do good is inconsistent, to say the least. Unfortunately, the administration is now pursuing an anti-tobacco policy that will be even less successful than the ill-fated Federal war on drugs.

I have one question for my colleagues: If we have so little respect for our own privacy, our own liberty and our own innocence, how can we be expected to protect the liberties, the privacy and the innocence of our constituents, which we have sworn an oath to do?

Those promoting these drug testing rules are well motivated, just as are those who promote economic welfare legislation. Members with good intentions attempting to solve social problems perversely use government power and inevitably hurt innocent people while rarely doing anything to prevent the anticipated destructive behavior of a few.

It is said that if one has nothing to hide, why object to testing? Because, quite simply, we have something to keep: our freedom, our privacy and the fourth amendment. The only answer to solving problems like this is to encourage purely voluntary drug testing, whereby each individual and each Member of the House makes the information available to those who are worried about issues like this.

VOUCHER PLAN RAISES UNREASONABLE EXPECTATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Madam Speaker, in anticipation of bringing a bill to the floor, the Republican majority is pouring thousands of dollars into ads for a voucher bill. But I challenge them to use that to send some of the 7,500 kids they want to help to parochial schools, as they claim they want to do.

This is a political exercise. It has become a political perennial, because it comes every year. This year it is an election year charade. We know it is a charade because the President has promised to veto. If the majority is sincere, I challenge them to sit down with me and write a bill that can be signed.

This year a bill of this kind is a real insult because we have a real shot at exponential improvement in the D.C. public schools, finally.

One good example is the Summer Stars program about to begin. We will become the first big city school system to eliminate social promotion and replace it not only with a remedial program but with a program in the summer that helps youngsters catch up so they do not fail in the first place. A rigorous academic program is going to be put in place. Our youngsters are going to have to read 25 books next year in order to pass the grade.

Want to help? There are ways to make a real difference for the many and not merely the few. It is cruel to raise the expectations of 75 youngsters for 2,000 school vouchers. It is cruel because there are two insurmountable barriers, and we know they are insurmountable. First is the veto, but, second, no serious constitutional scholar believes public school vouchers are constitutional.

As I speak, there are two injunctions on public school vouchers right now. Two courts in Wisconsin have stopped public school vouchers with injunctions on constitutional grounds. An appeals court in Ohio has stopped public school vouchers on constitutional grounds.

D.C. schools need help. If Members want to raise people's expectations and then let them fall, they should go do it in their own districts. Do not come in and do it to my folks. I challenge the majority, if they want to see D.C. kids go to parochial schools, I will join Members in raising private funds to send them to private schools.

Everyone knows what they are doing. They are preparing for a $1 billion raid on the public Treasury to take money that would go to public schools and give it to private and parochial schools. We are not going to let them do it. Either the President will stop them or the courts will stop them. Meanwhile, they are playing with the lives of the people I represent.

I ask Members to stand back and instead come forward and join me in truly helping youngsters who are crying out for help but cannot get it, as Members know they cannot, in the way they have chosen.

We can work together. No one has even come to me and approached me about this issue. They would not dare go into the district of another Member without even approaching her on the district. They have not asked me if there is an approach that we can agree upon.

I can tell them that the approach that they are depending upon, a starkly partisan approach that has nothing to do with the youngsters I represent, will in fact be turned down not only by me but by those I represent. And, for them, I resent Members coming forward to raise their expectations, knowing full well that they cannot meet them and having no intention whatsoever to meet them in yet another election year charade designed falsely to show what Members cannot show, and that is that public schools cannot be improved. Perhaps they cannot be. Neither, I assure the Members, will the courts of this great country allow us to empty the Federal Treasury of funds and put them into private schools.

If Members want to help my kids, understand that they want your help, need your help, and that their Member is willing to cooperate with others in order to get help. But I ask Members to cooperate with us, not to exercise their will on us.

TRIBUTE TO LIEUTENANT COLONEL JAMES J. LYONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. HULSHOF) is recognized for 5 minutes.

Mr. HULSHOF. Madam Speaker, I have come to the floor of the United States House of Representatives tonight to talk about big news in a small town in Missouri's Ninth Congressional District. That town is Kirksville, Missouri. For those who do not know about Kirksville, it is the home of nationally-recognized Truman State University.

Tonight my good friend, Jack Magruder, the President of Truman State, and some of his colleagues have tuned in for this tribute, because it is time, Madam Speaker, to pay tribute to a man of honor.

Tonight I am here to salute a great countryman, Lieutenant Colonel James J. Lyons. His friends call him Jim. They also call him dependable. Lieutenant Colonel James Lyons has dedicated more than 29 years to Army service.

He entered the Army as a private in the Ohio Army National Guard in 1968, completed basic training, completed Advanced Individual Training-Infantry at Fort Jackson, South Carolina; and after a period of enlisted service with the Ohio Guard, he entered Officer Candidate School at Fort Hayes, Ohio. He was commissioned a second lieutenant in 1970 and assigned to C Company, 113th Medical Battalion, where he served as ambulance platoon leader and training officer.

Lt. Col. Lyons moved to Kirksville in 1972 and was assigned to the 5503d U.S. Army Hospital in Columbia, Missouri. He served in a number of staff officer positions, including assistant personnel officer, food service officer and hospital company commander.

In 1976, he was project officer for the First Army Reserve Medical Symposium. A year later, he led the quartering party which organized the 901st Medical Detachment which, Madam Speaker, was the first Army Reserve Medical Unit in northern Missouri. Subsequently, he served as that unit's training officer and executive officer.

In 1988, Lt. Col. Lyons helped establish the 303d Field Hospital in Kirksville. He also served as that unit's executive officer and deployable medical systems project officer.

Lt. Col. Lyons was selected to be the first commander for the newly formed 4207th U.S. Army Hospital in 1995, a position he has held until his military retirement.

Lt. Col. Lyon's awards and decorations are many. They include the Meritorious Service Medal, the Army Commendation Medal with three Oak Leaf Clusters, the Humanitarian Service Medal for work with Cuban refugees, the National Defense Service Medal with one Oak Leaf Cluster, the Reserve Components Achievement Medal with two Oak Leaf Clusters, as well as the Armed Forces Reserve Medal and the Expert Rifle Marksmanship badge.

But not only has Lt. Col. Lyons distinguished himself in the military arena. He has also challenged himself academically. Lyons holds a Bachelor's degree in psychology from Fordham University and a Master's and Ph.D. in psychology from Ohio State University. He has been a faculty member at Truman State since 1972 and has served as the head of the Division of Social Science since 1979.

His friend, George Melloh, refers to him as the linchpin of Truman State University, giving Lyons much credit for putting Truman State's name on the map.

Also of importance, Madam Speaker, is how Lt. Col. Lyons has maintained careers in both the military and academic fields while earning honors in both. Kathy Reick, the dean of admissions at Truman State, points out that it takes a very special talent and a very special person to work with faculty during the week and with military on the weekends. The same approach to management and administration certainly does not work with both groups.

□ 1845

Yet Lyon's colleagues from both the faculty and military praise him for his dedication, for his effectiveness, and for his good judgment.

While Lt. Col. Lyons will retire from the military next month, he will continue to serve in the leadership of the social science department of Truman State University. We thank Lt. Col. Lyons for his service to his community, to his country, and we wish him the best of luck.

SUBSTANCE ABUSE TREATMENT PARITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Madam Speaker, "Minnesota nice" took a hard hit last week. Within a few blocks of downtown Minneapolis, the body of a 77-year-old woman was found wrapped in plastic, stuffed in a cardboard box in a bedroom closet of her own apartment.

Why was "Miss Annie," as her friends and the small children she befriended in the neighborhood called her, so cavalierly and heartlessly murdered and her body left to rot? Apparently, she had become a mere inconvenience to the drug users and dealers who had literally commandeered her apartment. And as I found out from nearby residents, such hostage takeovers are not uncommon in the Phillips neighborhood of Minneapolis.

During a tour last week at the invitation of frustrated victims of the crime and drug epidemic in this area of our community, neighborhood residents told me of their constant fears living in crack-infested areas where drug dealers and violence dominate their daily lives.

Boarded up, abandoned buildings; drug dealers and crack houses on every block; and gang members and prostitutes readily adapting to the environment. As the exodus of community stakeholders, landlords, small business people and law-abiding residents continues, prospects for a better future dwindle.

Madam Speaker, do not tell the residents of the Phillips neighborhood in Minneapolis that crime statistics are down. They are literally trapped in the vicious cycle of crime and drugs that has gripped America for too long. As person after person after person told me last week in this neighborhood where Miss Annie was savagely murdered, these people are literally without hope.

Madam Speaker, no child, no neighborhood, and no community in America should be without hope. If we are truly serious about addressing the crime and drug epidemic in America, we must first acknowledge what every cop, every treatment professional, and every corrections person in America knows: 80 percent of all crimes are tied to drugs and/or alcohol addiction. 26 million Americans are addicted to drugs or alcohol. One hundred fifty thousand Americans died last year from chemical addiction. Eighty percent of the 1.4 million men and women in American prisons tonight are there because of drugs and/or alcohol. They are addicts.

Madam Speaker, Congress must provide a comprehensive strategy to address the crime and drug epidemic in America. We need to provide consequences for criminals and treatment for alcoholics and addicts. We need to go after the 7 percent of the violent criminals who are committing 70 percent of the violent crimes and lock them up. But we also need to break the cycle of chemical dependency that is causing the bulk of criminal behavior in America.

Of the 26 million American alcoholics and addicts, approximately 16 million of them are covered by health insurance plans. But only 2 percent of them, of this 16 million who had health insurance, are getting treatment for their addiction.

As the recent five-part Public Television documentary by Bill Moyers pointed out, it is time to put chemical dependency treatment on par with other diseases. It is time to knock down the barriers to chemical dependency treatment created by certain health insurers that discriminate against alcoholics and addicts. It is time to treat chemical dependency as the disease that it is, as the disease that it has been recognized to be by the American Medical Association since 1956. It is time to provide access to treatment to deal with America's number one public health and public safety problem.

Senator WELLSTONE and I have introduced the Substance Abuse Treatment Parity Act to provide equal access to chemical dependency treatment with treatment for other diseases covered by health plans. As a recovering alcoholic myself, Madam Speaker, I know firsthand the value of treatment. As someone who stays close to other recovering people and chemical dependency professionals in Minnesota and across the country, I have been alarmed by the dwindling access to treatment for people who need help. The current system either blocks access for people who are chemically dependent or extremely limits their treatment experience.

Providing access to treatment is not only the right thing to do, but the cost-effective thing to do. All the actuarial studies, all the empirical evidence show that treatment parity will actually save money in the long run.

Providing treatment for alcoholics and addicts covered by health insurance will raise premiums in the worst case scenario by one-half of 1 percent. In other words, for $1.35 per month, or the cost of a cup of coffee, we can treat 16 million chemically addicted persons in our country. For every dollar we invest in treatment, we will save $7 in costs down the road.

Madam Speaker, I urge my colleagues to join the 56 other Members of the House who have already cosponsored H.R. 2409. The people of America cannot afford to wait any longer.

ANTISMOKING ZEALOTS SHOULD FIGHT ILLEGAL DRUGS WITH EQUAL FERVOR

The SPEAKER pro tempore (Mr. HULSHOF). Under a previous order of the House, the gentleman from Kentucky (Mr. WHITFIELD) is recognized for 5 minutes.

Mr. WHITFIELD. Mr. Speaker, there has been a lot of discussion recently about efforts to reduce teenage smoking in America, and all of us in the Congress recently returned from our Easter recess in which we went back home to work and talk to constituents about problems facing them.

In my district I met with a lot of young people, a lot of educators, and it became quite obvious to me that, yes, teenage smoking is a problem. But it is not nearly the problem in America that is caused by the use of illegal drugs and alcohol among young people today. As a matter of fact, if we visit any juvenile facility around the United States, on the average 63 percent of juveniles in every juvenile facility were using drugs on a regular basis before going to that facility.

I firmly believe that while teenage smoking is a problem, the major problem facing teenagers today is the use of illegal drugs and alcohol. Yet despite that, the mobilization against a single legal industry, the tobacco industry, by a President, a Vice President, a former FDA commissioner, Surgeon General, trial lawyers, 40 State attorneys general, and other organized groups may be a first in America.

The wartime fervor with which the antitobacco movement pursues its aims, its deployment of extreme measures, including punitive legislation and coordinated lawsuits, is unprecedented in our country. The issue is much more than simply teenage smoking and the reduction of teenage smoking. These groups want to punish this industry.

Now, last July representatives of the tobacco companies sat down with 40 State attorneys general and various trial lawyers and various health care groups and under the auspices of the White House to see if they could reach an agreement to reduce teenage smoking in America. And they did reach an agreement, and it was a historic agreement in many ways. And yet I would say that I doubt that 1 percent of the American people know what the tobacco industry agreed to do in those negotiations. I want like to review that for the American people this evening.

First of all, the tobacco industry agreed that they would pay $368 billion every 25 years forever. And from that money, some would go to the States to reimburse them for Medicaid costs, but a lot of the money would go for programs to help teenagers be educated about tobacco, to help teenagers stop smoking this product and maybe not even begin to smoke it.

Second of all, the industry agreed that the FDA, the Food and Drug Administration, would be able to regulate tobacco, going far beyond the FDA rules to regulate tobacco initiated by former Commissioner Kessler. The agreement went far beyond that.

In addition, the industry agreed that a third-party entity, a health care entity, would be able to set goals to reduce teenage smoking each year by a certain percentage point. And if the industry were not able to reach that goal, if the goal was not reached, the industry would pay $80 million per 1 percentage point that that target was missed. That is even considering that the industry does not necessarily control teenage smoking. Yes, we live in a country that even teenagers have some responsibility and can make a decision of are they going to use the product or not, knowing full well that it is not healthful to use. But the industry agreed they would pay $80 million for every percentage point missed.

In addition, they agreed to pay $5 billion a year into a trust fund for payments to pay off court judgments. In addition, they said that they would voluntarily sign consent decrees waiving their constitutional right to advertise their product.

In addition, they said they would sign consent decrees to voluntarily waive their right to lobby the Congress. Every constituent, every citizen in America has a right to lobby the Congress, to petition government, and they agreed to give that up too.

But despite all of those things, the antitobacco groups now are going forward and saying "We want more out of this industry." I want to urge them to focus more on helping us reduce teenage smoking and the use of illegal drugs and stop trying to punish an industry.

THE BALANCED BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin (Mr. NEUMANN) is recognized for 60 minutes as the designee of the majority leader.

Mr. NEUMANN. Mr. Speaker, I rise tonight to talk about an issue that is very much on the forefront in America. We are hearing a lot about the fact that the budget is finally balanced. We know that in 1995 when many of us came here there was this discussion that we were going to balance the budget by the year 2002, and now we are hearing in America that the budget is balanced today.

That is good news for the American people, and I would like to spend most of the hour tonight talking about what it actually means to have a balanced budget and how Social Security fits into this discussion. And I guess most important of all, like I found out in my town hall meetings back home, we had 14 of them over the last week, how it is that Washington's idea and definition of a balanced budget, albeit the same since 1969, is very different than what the people in Wisconsin think and probably what most of America thinks in terms of a budget being balanced.

I thought I would start with a chart that shows what it was like in 1995 when we first got here. In 1995 when we first got here, the President made a budget projection and he presented us his version of what we should be doing. This red line shows where the deficit was headed in 1995 when we got here, if we had played golf, basketball and tennis instead of doing our job. But we did not play golf, basketball and tennis. We fought hard to get Washington spending under control.

Over a two-year period of time we brought the growth rate of Washington spending down by virtually 50 percent. In two short years it came from 5.2 percent, that is how fast it was growing when we got here, down to 2.8 percent. That is how fast it is growing today.

This yellow line on the chart shows what happened in our first 12 months in office, and my colleagues can see the deficit projections were coming down already after only 12 months in office.

The green line shows what we had hoped to accomplish, and that is the plan that we laid out when we got here to get to a balanced budget by the year 2002. And virtually all of America heard about it, but our constituents said, "I do not believe they are going to do it." That is what they said back home.

The facts are in, and for the last 12 months running we not only got to a balanced budget by 2002, we are actually there four years ahead of schedule. Remember, this is the Washington definition of a balanced budget. For the last 12 months running, the United States Government spent less money than they had in their checkbook for the first time since 1969.

Now, when I get into this discussion about how this relates to Social Security, many of us are not going to like the Washington definition very well. But this should in no way take credit away from the fact that this has been done for the first time since 1969.

□ 1900

In 1969, I was a sophomore in high school dating the young lady who now happens to be my wife so I know that was a long time ago, the last time this actually happened, and America should be cheering for this. We have come so far in such a short period of time.

I would like to focus on what this actually means because there seems to be a lot of disagreement, and Lord only knows, a lot of misunderstanding on exactly what this means when we say we have a balanced budget. I would like to start with exactly what Washington's definition of a balanced budget is.

I come from the business world. This is the first office I have ever held. We were a home-building business. We would not have defined it in the same way that Washington does out there in the business world. Washington looks at the total number of dollars coming in, at the total amount of taxes the American people pay. They add up all of that money coming in. Then they look at their checkbook, and they figure out how many checks they wrote out. And at the end of the year, for the first time there was actually more money coming in than what they wrote out in checks.

Again, make no mistake, this side of the picture, the dollars coming in, is clearly a result of a strong economy. So let us not give any politicians credit for these dollars coming in because, in fact, that is the hard work of the American people. That is the people that get up in the morning, go to work every day of the week, and earn a salary, and then send taxes to Washington. It is their money that we are talking about. And with the economy very strong, welfare reform was passed, able-bodied welfare recipients have returned to the work force. Those folks started paying taxes in, and that is why the amount of money coming in has been very strong.

But that is not the end of the picture. On the other side, the money going out, the rate at which that money is going out, the growth rate has been slowed by 50 percent in these 3 short years.

Together those two things have led us to a point where we have what Washington calls a balanced budget. I would like to go further with the definition because it is important that everyone understands exactly what they mean by a balanced budget so we understand just how far we have to go. And the rest of this discussion should in no way take any credit away from the fact that this has actually happened for the first time since 1969.

To understand what actually is happening in this budgetary process, I would encourage my colleagues to think of a pension fund, and think of a business running a pension fund; only in this case the pension fund is Social Security.

What I have on this board is the total dollars coming in being collected out of the American taxpayers' paycheck for Social Security. We are collecting $480 billion for Social Security this year; that is, when you look at your pay stub, if you are out there, a hard-working American, you look at your pay stub, that money coming in for Social Security equals $480 billion. The total amount being paid back out to our senior citizens in benefits is $382 billion.

This is not really hard to understand. It is very much like your checkbook if you sit down at your kitchen table. If you have $480 in your checkbook, and you write out a 382-dollar check, your checks do not bounce. It works fine. As a matter of fact, you have $98 billion left in your checkbook.

What is going on in Social Security is that $98 is supposed to be put into a savings account. We all know that people in my age group, the baby-boom generation is rapidly heading toward retirement, and there is lots of us. As a matter of fact, there is lots more of us than there are seniors today.

When we get to the retirement years, since there are so many of us, it means there will be more money going out than what there is coming in. It is exactly the opposite of the picture that we have today. The idea is this $98 billion goes into a savings account, and it is much like we do in our own family. When there is more money going out than what we have coming in, we then go to that savings account, get the money out, and Social Security works. That is how Social Security is supposed to work today.

Now, I would like to point out that these two numbers, they turn around in about the year 2012. So from now through 2012, we have more money coming into the system than what we are paying back out. As a matter of fact, the rest is supposed to go into a savings account.

When I am in my town hall meetings back home in Wisconsin, it did not matter if I was in Beloit, Janesville, Kenosha, Racine or Burlington, wherever I was, I would ask the question, what do you suppose Washington does with that $98 billion that they have extra coming in from Social Security? They would all start laughing, and they would say, well, obviously they spend it. The right answer; that is exactly correct. The American people understand that, and they know that is what is going on out here.

Let me be very specific on how it works out here. That extra $98 billion comes in. Think of this middle circle as the big government checkbook because that is where it goes. It gets deposited directly into the big government checkbook. Washington then writes checks out of their big government checkbook. Remember the first picture we had up here. When the dollars in equals the dollars out, we call that a balanced budget.

You see, however, what is wrong with that picture. That balanced budget, those dollars going into the big government checkbook, those dollars going into that checkbook, include this Social Security surplus. When they look at the dollars going out of that checkbook, it does not include a check going down here to the Social Security Trust Fund. So when we talk about a balanced budget in Washington, D.C., please do not shoot the messenger; this is the way it has been defined for many, many years before I got here, all the way back to 1969. They have defined this thing to be, with these extra dollars coming in, if we can just get this checkbook so we are not writing out more checks than what we are taking in, we are going to call that a balanced budget. That has been the definition.

Remember, since 1969, we have not even balanced the budget even utilizing the extra money coming from Social Security. So while it is an important and a first step forward, I think most people in America would understand and realize that in order to truly balance the budget, we need to write a check out of that checkbook down here to the Social Security Trust Fund so that there is actually real money in the Social Security Trust Fund.

What we do today, that $98 billion goes into the big government checkbook. They spend all the money out of the big government checkbook. And since there is no money left to put a check down here, we simply write an IOU to the Social Security Trust Fund. That IOU, let me be very technical about it, that IOU is called a nonnegotiable treasury bond.

A nonnegotiable treasury bond is very simply something that cannot be sold. The problem with this is if you have got a bond in there that cannot be sold, and we get to the year 2012, remember that is the year where there is more money going out because us baby-boom generation people are getting there so there is more money going out than what there is coming in. If this thing is full of IOUs, nonnegotiable, nonmarketable treasury bonds, the question that most logical thinking people would ask is: Where are they going to get the money from in 2012 to keep Social Security going?

There is only three possible answers to that: One is they can raise taxes on the American workers. That is a bad idea. The second one is they can simply borrow more money, and that is a bad idea because that makes the situation worse for our children. The third one, of course, is to reduce spending elsewhere in Washington, and I mean I think that is a great idea. But the problem with that idea is, what is the probability of it actually happening as opposed to simply going out and borrowing the money.

The real point here, what needs to be done in Washington, D.C., and we have written the legislation to do it; I see my good friend from Minnesota has joined me, and in spite of the tie he has on, I am going to invite him into this conversation. But I would like to just point out that we have written legislation that would specifically take that $98 billion extra that is coming from Social Security and put it directly down here into the Social Security Trust Fund.

The bill is called the Social Security Preservation Act. It is H.R. 857, and it effectively stops the government from spending money that is supposed to be set aside for Social Security. This means when we get to the year 2012, the government can go down here to the Social Security Trust Fund; we will have negotiable treasury bonds; that is, a treasury bond that anybody can go to their local bank and buy.

When I was at our town hall meetings, I asked our seniors if they knew what a treasury bond was. I would say at every meeting we had three or four that actually owned treasury bonds because they had bought them at their local bank. What we are suggesting we do is put that right down here in nonnegotiable treasury bonds, regular T bills that you can buy at your local bank. Then, when 2012 gets here, we simply go to the trust fund, sell the treasury bond, get the money, and Social Security is solvent.

I need to be very specific on this, though, because while that solves the problem in 2012, this works much like your home checkbook. If you overdraw your checkbook this month, you go to your savings account and you get the money, and you put it in your checkbook and make good, everything is fine. But then next month, you overdraw your checkbook again, go to the savings account, get the money, and everything is fine. But if you keep doing that month after month after month, which is what happens in Social Security beyond the year 2012, eventually what would happen to your savings account, of course, is you would run out of money.

In the Social Security system, even if all of the money is in the trust fund that is supposed to be there, including repayment of the money that was supposed to have been put there in the first place, even if all of that money is there, their savings account reaches zero in the year 2029. So that is why we are hearing all of this discussion about Social Security today. Two thousand twelve, we are okay if there is really money in the Social Security Trust Fund.

If H.R. 857, the Social Security Preservation Act passes, and the trust fund is full of real money, we are okay in the year 2012. But our savings account runs out of money, much as your personal savings account would eventually run out of money if you kept overdrawing your checkbook; the Social Security Trust Fund savings account also runs out of money in the year 2029.

I yield to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. I would like to thank the gentleman for yielding to me, and despite the tie, I am delighted to be with you tonight. I just want you to know my brother gave me this tie so if he is watching back home, he will know what you had to say about it.

Mr. NEUMANN. That was a compliment.

Mr. GUTKNECHT. I want to congratulate you for all that you have done; not so much just in balancing the budget, because I think members of the Committee on the Budget, and you also are on the important Committee on Appropriations. I do not know of anybody who has fought more to balance the budget, to fight wasteful Washington spending than you have.

I am glad you are talking a little tonight about Social Security and Medicare and seniors issues because you are not only a cosponsor of the Social Security Preservation Act, but you are also a very important proponent of trying to solve the notch issue. I know that I and many of my colleagues, I expect, I heard you mention that you had town hall meetings during the Easter break as well. Almost everywhere I went when I met with seniors, someone raised the issue of the notch baby problem. And I do not know if you spent any time talking about that, but this is really an issue, particularly now, I think, that at least we are moving towards a surplus using the old accounting method here in Washington; that maybe this is the time, this is the year we can finally do something to bring about some fairness to those folks who are called notch babies.

I have a particular interest, perhaps a parochial interest, if you will, in this issue because my father is a notch baby. Every so often when I am home for a family reunion or weekend, whatever, he reminds me that notch babies have been treated unfairly by the system. And up until this point there have not been many Members in this House, or in this city, who have been willing to seriously deal with the issue.

I just wanted to congratulate you. I am a proud cosponsor of H.R. 3008 for the first time giving some kind of lump sum payments, and I think the bill originally called for a $5,000 lump sum payment. I am not certain if ultimately that will be the number, but clearly the time has come to recognize the inequity and perhaps you want to talk a little bit tonight about the notch-baby problem. I suspect there are many people who are watching who have a very strong interest in it.

Mr. NEUMANN. Well, when we wrote the notch bill, we wrote it very different this time. As a matter of fact, when I have been on the floor of the House sometimes Members have said this has been discussed before, and we cannot do anything about it. But we wrote the notch bill very different this time than in the past.

In the past, when they proposed fixes to the notch problem, and let me make it very clear, I have got the numbers in my office on this. The notch babies are not getting an equitable monthly payment in Social Security when compared to other people who have paid exactly the same amount into the system. When we wrote the notch bill this time, we went to other parts of the budget and we said, look, this is not right what is happening to seniors here. We are going to reduce spending over here in order to provide the money necessary to correct the notch problem that is very real.

And the bill we wrote does two things. It gives our senior citizens the option of one of two things: They can either correct their monthly payment, or get to a monthly payment that is approximately equal to other people who have paid the same amount into the system, or they can take the $5,000 lump sum payment paid over a 4-year period of time. It would be their choice as to which one of these two that they were to receive.

But the gentleman is absolutely correct. The senior citizens that were born in those years that are commonly called the notch babies, they are certainly not receiving a fair payment back in the Social Security system. I personally think it is high time something got done about it. The group that came in in 1995, this is really the first time we are starting to discuss this in depth. The problem should be fixed and it should be fixed today.

Mr. GUTKNECHT. Just for the Members who may not know, these are principally people born between the years 1917 and 1926. And there is almost something cynical about this.

Most of my seniors are not particularly cynical people, but it does almost seem as if Members of Congress in the past said, well, if we just let this thing go eventually all of these people will die off, and it is not a problem anymore. I hope that we are bigger than that. I hope we are better than that. I think, hopefully, we can find the funds this year within the budget to take care of those people.

I would also like to talk a little bit about how important and the work that has gone, and I am not certain how many of your slides you have shown tonight talking about the seriousness of the debt and how far we have come. I think we need to remind ourselves once in a while that under the old accounting standards, and going back to about 1964, and what we call the unified budget, we have literally taken those excess Social Security funds and used them to mask the deficit.

Now, some people say that happened because people back in the mid-1960s wanted to hide the cost both of the Vietnam War as well as the great society. And this was a way of being able to spend the money without having to recognize the trust fund obligations that we had ultimately to Social Security. So I think the time has come, because we have come so far with balancing the budget. We have eliminated over 300 programs. We have cut the rate of growth in Federal spending in the last 3 years by almost 50 percent. We are closer today, and probably you have done a better job even than the Congressional Budget Office in terms of predicting where we would be relative to the balance and ultimately to a surplus.

□ 1915

Mr. NEUMANN. Mr. Speaker, reclaiming my time, if we look at what is happening in America today and we look at the revenue growth rate and the spending growth rate, and to most American citizens they do not want to know about all that stuff, that is our job to know that stuff, but when we look at what is actually happening out there today, the surpluses, by the old definition, will exceed the amount of money that is necessary to be put aside for Social Security in the near term.

Let me make this very, very clear. Even setting Social Security money aside, we will be running surpluses by the year 2000, 2001 as large as $250 billion. Take out the Social Security money and we still have got a $150 billion surplus by the year 2001 or thereabouts. And I think it is very important that the American people engage in this debate right now as to what they would like to see done with this surplus.

And, again, let us be real about this. If we go into a recession, this is not going to happen. If we have a war, this is not going to happen. But if things keep going the way they are right now today, if we do not have a major economic downturn, we are looking at surpluses that are large enough to set aside the Social Security money the way we should and still have about $150 billion left over.

Mr. GUTKNECHT. If the gentleman would yield further, though, there is one more caveat that he did not mention; and that is that we do not return to spending normally. The pressure to spend in this town, the propensity of Washington to spend money that is not ours, it is so easy to spend other people's money and it is even easier to spend the money of people who are not yet born.

We have our friend the gentleman from South Dakota (Mr. THUNE) joining us.

I want to share one more thought. All of us are no more than one generation removed from the farm, and this is something I talked about in some of my town hall meetings in terms of balancing the budget and ultimately paying off some of that national debt. And my colleague and I are cosponsors of a bill which, ultimately, if we could get the Congress to agree to it, would actually pay off the debt. Let me share before we yield to our friend from South Dakota.

Historically, particularly people out in the farm understand this, that the American dream was to pay off the mortgage and leave our kids the farm. And what Congress had been doing for the last 30 years is we have been literally selling off the farm and leaving our kids with the mortgage. And it is time that that change.

Mr. NEUMANN. That is what this picture really shows. This picture shows the growing debt facing the United States of America. From 1960 to 1980, it did not grow very much. But from 1980, that is where that huge growth rate has been. Where we go to with this discussion of surpluses beyond the Social Security money, that is, even if we set the Social Security money aside, is still a surplus of $150 billion. What it does is put us in a position where we can start dealing with paying back some of this debt. We can start dealing with putting the money back into the Social Security Trust Fund that has been taken out basically over the last 15 years.

It is important to note when we look at this debt picture that part of the red that we are seeing in this debt picture is the Social Security Trust Fund money that has been taken out over the last 15 years. So, as we start repaying the Federal debt, we can also put the money back into the Social Security Trust Fund.

I guess if I were to look at this surplus personally, I would say we have three major problems facing the United States of America, and my colleagues might join me in this. I think the three problems we have facing America, economically at least, are the debt of $5½ trillion, and we ought to be making payments on the debt, much like people would make payments on their own home mortgage.

Taxes are too high in America. Americans pay $37 out of every $100 they earn in taxes at some form of government level today. Would it not it be nice if we could get that back to where it was in 1955, say to $25 out of every $100 they earn?

And the third problem is the Social Security system. Because even if we are paying down debt, getting all the money into the trust fund that belongs there, we still have the long-term problem out in 2029 where, ultimately, the Social Security savings account runs out of money.

So those are three problems that need to be fixed, and the debt needs to be repaid. Taxes are too high, and they need to be brought down, and we need to restore the Social Security Trust Fund. And, of course, the gentleman is a cosponsor of a bill, the National Debt Repayment Act, that literally takes the surpluses and divides it equally amongst those three categories for purposes of paying down debt, restoring long-term Social Security and lowering taxes on Americans.

I yield to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, I want to thank the gentleman from Wisconsin for yielding, and I would suspect, and the gentleman from Minnesota here, my colleague to the east, and I would guess that their congressional districts are not very much unlike my State of South Dakota, and I represent the entire State.

But I would like to credit the gentleman from Wisconsin for the exemplary leadership he has taken on this issue. Because I think one of the reasons that we are having this discussion today is that the class that my two colleagues came in with back in 1995 got this spending situation into control and basically injected a new discipline into the process out here, and I think that has helped propel us to where we are both in terms of the economy and what we are going to be able to do to address the debt situation.

In fact, the gentleman from Minnesota made the comment earlier that there is CBO and OMB and there is always this raging debate about whose numbers are more accurate, and I think we ought to have the Neumann rule. The Neumann law would be the one that works, because I think he has proven in the past to be the most accurate predictor of what some of these economic assumptions and what some of these budget numbers are going to be.

But let me just say, because I think it is very important to note what my colleagues are attempting to do here, and that is to put us on a path to fiscal responsibility in the future so we do not end up selling the farm out from beneath our children and grandchildren.

Many of the proposals that the gentleman from Wisconsin, I am a cosponsor of one as our friend from Minnesota, address this issue in a very systematic way and start working down debt, paying down debt, lowering taxes and again in a very systematic, disciplined and deliberate way, so that in the next 30 years we will have eliminated this.

It is a novel concept in this town to talk about spending only 99 percent of what you take in; and, ultimately, what we are going to have to do if we are going to get this under control is limit the amount the Federal Government takes in the first place. Because both my colleagues have noted that once it ends up in this town, it is going to get spent; and the only way we can avoid that is to leave the money at home and make the Federal budget smaller and the family budget bigger. And, again, I think that has been the objective of many of us here in this Congress.

It was interesting to me because, as I traveled the State of South Dakota this last week, I heard a lot about commodity prices; and there was a concern about wheat and corn. I am sure my colleagues all heard that, too, some about transportation funding, because that is important in my State, a number of issues that were brought up.

But I walked into a gas station in Aberdeen, South Dakota; and as I was going up to pay for the gas, the lady at the checkout said, "You know, Congressman, working families need lower taxes." She went on to explain that she and her husband both work. They are raising children. They are trying to educate their children. They are trying to put away a little money for retirement. And she understands full well that the way that we liberate and help working families in this country is not by forcing more government solutions down their throat but by allowing them to keep more of what they earn so the decisions about their daily lives, the things that affect them, like education, like retirement, like health care, like child care, are decisions that they are able to make.

That again I think is the direction in which the gentleman from Wisconsin in his legislation moves this country, and that is a very positive one. Because, again, I believe it shifts power and control and authority out of this city and back home; and that is something that the liberals have a big time with.

Mr. NEUMANN. In one of my town hall meetings, and my colleague mentioned this, bring the taxes down, we had a person sitting there and he was clearly not what we would call a supporter of Mark Neumann, and he said, "We don't need lower taxes. We don't need tax cuts. We need higher paying jobs." And I am thinking to myself, higher paying jobs, is that not for more money in our take-home paycheck and is that not exactly what the tax cuts do is provide more take-home pay for those workers? But somehow they have got this ingrained message we need higher paying jobs.

Well, the facts are, the reason they need higher paying jobs is because the Government overtaxes them. If the Government would let them keep more of their own money, it effectively creates a higher paying job by letting them keep more of their own money.

That family my colleague was talking about, did he go through the tax cuts we just passed to them? How many kids do they have?

Mr. THUNE. Well, I should have. I did not ask specifically how many. But I should have walked through the things that happened last year and how she and her family are going to benefit from that.

You go across the board in my State of South Dakota, because we are basically small businesses, farmers, ranchers, and you look at the death tax and rolling that back and the capital gains tax and rolling that back and the family credit and Hope scholarship, all of these things were done with an eye toward allowing working families to have more control over their own future.

Mr. NEUMANN. Let us be very, very specific. Let us assume that this young lady that my colleague talked to at the gas station had three kids. Next year, when they figure out their taxes and their family and they get to the bottom line, they subtract off $1,200, $400 for each one of those children under the age of 17. That was the tax cut package that was signed into law last year. If they have some in college, they will get to the bottom line of their taxes and for a freshman or sophomore they subtract off $1,500 to help pay for that college tuition.

I had a bunch of high school seniors out here in the last couple weeks from a couple of our different high schools around and I asked them, did you know that next year when you go to pay your college tuition your parents are going to get a $1,500 tax credit? That is, they figure out how much they would have sent to Washington and they subtract $1,500 off the bottom line to help pay for their college. A lot of them do not even know about it yet, but this is there and available. Juniors and seniors, it is 20 percent of the first $5,000, or $1,000.

My colleague mentioned the capital gains, rolling it back. Let us be very specific. The amazing thing to me in our town hall meetings, and, remember, this is not Republicans in our town hall meetings. This is Republicans, Independents, Democrats. It is Americans, which is exactly the way town hall meetings should be. They are open and publicized and everybody comes.

When I asked the question, "How many in this room own a stock, a bond, or mutual fund or participate in a 401(k) retirement plan," it is amazing. I would say it is 99 percent in those rooms. And the next thing I say is, "By the way, I hope if you invested in stocks or bonds or mutual funds you made a profit, because that is what your investment is all about and that is right."

The capital gains tax reduction that we passed last year means that if they make a profit, say they make $100 selling some stock they own, instead of sending $28 out of that $100 to Washington, they send $20. And if they are earning less than $40,000 a year, and it is amazing again, the number of people earning less than $40,000 a year that have also invested in stocks and bonds, if they are earning less than $40,000 a year, instead of sending Washington $15 out of the $100 they made, they only send them $10.

So these capital gains, I like to put it in real family perspective. Let me bring a Janesville family in since we talked about a South Dakota family. They have got two kids at home and a freshman in college. This family, when they go to do their taxes next year, they subtract off $400 for each one of the kids that are still home and $1,500 for the college freshman. That is a total of $2,300 that they keep in their home, in their family, instead of sending it to Washington.

I always like to ask the next question. The next question I always ask them is, "So who do you suppose could spend this money better, us out here in Washington or you in your family in your own home?" And there is just a chuckle around the room because we all know the answer to that question.

Mr. GUTKNECHT. I think sometimes we have to remind ourselves, and I know that my colleague was back in South Dakota and was probably watching some of the debates when we first got into this fight about balancing the budget and allowing families to keep more of their own money while we were trying to save Medicare and a lot of the critics and cynics on the other side said, first of all, you cannot do it. You cannot balance the budget. You certainly cannot balance the budget and provide tax relief. And, above all, you cannot balance the budget, provide tax relief, and save Medicare.

Then sometimes the cynics said, well, if you give these tax cuts it will only benefit the wealthy and particularly as it relates to capital gains. I mean, that was the argument. I am sure my colleague heard it. There were ads run. There was almost hysteria around this town that if you provide capital gains tax relief, it will not do much for the economy but it will help the wealthy.

Well, we did not pay attention to the cynics. We did not pay attention to the critics. We had to ignore them. And, ultimately, what happened? Well, we are balancing the budget. We have the healthiest economy we have seen in 30 years, the lowest unemployment rate.

And perhaps the best news of all, partly because of our welfare reform, and I know the governor in Wisconsin has probably done more than almost any other governor, we have done a good job in Minnesota, and I think they have done a good job in South Dakota as well. But nationally, when we passed welfare reform and sent a lot of the decision-making back to the States and all that we did was require work, personal responsibility and encourage families to stay together, that was welfare reform. We block granted it. We ended the Federal entitlement, which existed for 60 years.

And a lot of the critics and cynics on the other side said, "You are going to pull the rug out from these people. People will starve. People will be thrown out in the streets."

Well, let us look at the facts. Let us look at what has happened. 2.2 million American families have moved off of welfare roles and onto payrolls.

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I will tell the gentleman a story from my district. I was meeting with some teachers. After school, we talked about Title 1, and we talked about some educational programs.

Finally, one of the teachers said, you know, of all of the things you guys have done since you went to Washington, I think the most important is this welfare reform. I said, really. Tell me about that.

She said, well, let me tell you about one of my students. Let us call him Johnny. All of a sudden, Johnny started to behave better. He had a better attitude. He was a better student. He even carried himself better. Finally, she said, I asked Johnny, is there something different at your house? Johnny said, yeah, my dad got a job.

We forget sometimes, those of us who have had at least one job since we were 15 years old, that a job is more than the way we earn our living. A job helps improve and affect our entire life, and it affects everybody in the family.

Through a stronger economy, by lowering capital gains tax rates, by allowing families to keep more of what they earn, by encouraging work and personal responsibility, the great news is, not only have we saved money, but we have saved people. We have saved families. We have saved kids from one more generation of dependency and dispair.

Mr. Speaker, I yield back to my friend from Wisconsin.

Mr. NEUMANN. Mr. Speaker, a very exciting thing. When I was in our district and I toured one of the centers where they help people leave the welfare and get into the workforce, they did not talk to those families about the first job or only the first job they were going to get. At this work center, they talked to them about the first job and showed them how, if they were successful at the first job, they could have a second job, and how then there was a promotion waiting. They literally went to the fourth job for these families that were leaving welfare.

If citizens stay on welfare, they are destined to receive only what the government decides to give them. But if they go into the workforce, they have the opportunity to receive a job promotion and create a better life for themselves and their family. That is what welfare reform is all about. That is the exciting thing in welfare reform.

Mr. THUNE. Mr. Speaker, if the gentleman would yield, I would also add, and I think, again, it is something that my colleagues all were responsible for doing when they came here back in 1995 to reform the welfare system. But it started with a principle, and that is that the welfare program ought not to be measured, its success ought not to be measured by how many people we get on welfare but how many people we get off. And that is a value. Hard work is a value and personal responsibility. That translates into a public policy which has produced the exact results that we thought it would.

I think that is a great tribute to the work that my colleagues did when they got here. Of course, we in 1996 and 1997 and following, we were able to join them and continue down that road.

I think, in many respects, if we look at the success in the economy, and there has been a lot of talk about who should get credit for the booming economy. The President says it was his budget. It was his 1993 budget which, of course, included $250 billion in tax increases which I have a hard time thinking have a lot to do with an economic recovery.

Since the Republicans took control, since this majority took over in 1995 and we made some of the tough decisions on fiscal policy and getting our fiscal house in order, the markets have recognized that. We look at what the markets have done. But before the election in 1994, the DOW was at about 3800 points; today, it is over 9000.

So to suggest for a moment that that was all a result of the 1993 tax increase I think begs the question. The question is: What about all the hard work that was done by this Congress when they came in, made those hard fiscal choices, which the markets recognize, interest rates started coming down? And the general attitude in this town, for a change, was, we are going to do what we can to lower the tax burden so people can make investments, keep more of what they earn. That unleashed a whole new round of investment. We are seeing the renaissance of a lot of that decision making.

I think, frankly, in fairness, we need to give credit where credit is due. Those of us who joined this Congress back in 1995 deserve a great deal of credit.

Mr. NEUMANN. Mr. Speaker, reclaiming my time, I think what the gentleman talks about, and I showed this chart earlier this evening, but when he talks about what happened, and they said the 1993 tax increase somehow solved this problem. This is in 1995, 2 years after the tax increase, where the deficit was going when we got here. This is the President's budget proposal in April of 1995. This is where the deficit was going.

It is not the tax increase that solved the problem. It was a combination of a strong economy coupled with controlled Washington spending, getting the growth rate of Washington spending under control.

The yellow line is our first 12 months here, the green line is what we hope to do, and the blue line, reaching balanced budget 4 years ahead of schedule, is what has actually happened.

Mr. GUTKNECHT. Mr. Speaker, if the gentleman would yield, the truth of the matter is the facts speak very loudly. In fact, I often quote John Adams, one of the people who helped write our Constitution. He said, facts are stubborn things, and the facts are overwhelming. That is that if tax increases alone would have balanced the budget, we would have had a huge surplus long ago.

As the gentleman indicated earlier, when Washington gets its hands on the money, the history has always been that it spends it. Not only does it spend it, but let me give my colleagues one more statistic that people forget.

On the last 30 years, on average, for every dollar that Congress took in, it spent an average of $1.22. Since we took control, since the Republicans took control of this Congress, that number is down to a $1.01. I think, with this budget, it will actually be about 99 cents. If that is not a clear-cut difference, I do not know what is.

Mr. NEUMANN. Mr. Speaker, reclaiming my time, I think the other thing that needs to be kept in mind here, from 1969 to today, we have had other strong economies but never got a balanced budget. Lord only knows, we have had more than enough tax increases between 1969 and today. That is how we have got the high tax rates we have got today.

Neither the tax increases nor the strong economy, by themselves, have led us to a balanced budget. It has been the controlling of Washington spending coupled with that.

We talked about some solutions here like welfare and getting us to a balanced budget. I want to drop back to Social Security for a minute because, long term, we still have this Social Security problem that, even if we get the money in the Social Security Trust Fund by passing the Social Security Preservation Act, in the year 2029, they still run out of money. The Social Security Preservation Act solves it from 2012 to 2029.

I would like to, just for a minute, focus on some of the discussion that is going on here. I found when I was talking to the American people and I said Democrat Senator PATRICK MOYNIHAN has a plan on the table, everybody knew who Democratic Senator PATRICK MOYNIHAN was. They had very little knowledge of what his plan was, other than he was a person who usually worked with seniors.

I think it is important, and let me be very specific about this, I do not support this plan, but I think it is important the American people understand what it is that Democrat Senator PATRICK MOYNIHAN is proposing, because it is the number one plan in terms of solves Social Security. It goes back to the old ways.

Here is what it does. It first lowers the cost of living adjustments to senior citizens by 1 percent. I found all our seniors in our town hall meeting knew what the cost of living adjustments were. The plan lowers cost of living adjustments by 1 percent.

It increases the retirement age from 67 to 70. It raises the taxes on Social Security benefits. And here is how he does this in the plan. He looks at how much is paid into Social Security over the years. Anything we get out over and above that amount is 100 percent taxable.

So it is a monumental tax increase on our seniors. It lowers the benefits being paid to our seniors up front by recomputing the number of years from which we base our initial payment.

The part that he is getting a lot of support for, and even some of my conservative friends are supporting him, because it takes the 12.4 percent Social Security tax that is being paid today and it lowers it to 10.4. That is where the support is coming from.

A lot of people are seeing that reduction from 12.4 to 10.4 as something that is good. His idea is that, if people get that extra 2 percent in their pocket, they can put it away and take care of themselves in their own retirement.

That sounds very good, but we need to understand that, if that happens, we no longer have solvency past the year 2012, and the system is now bankrupt in the year 2012. So I do not support this plan. But I think it is important that the American people have the opportunity to understand what is in the plan.

I would like to give my colleagues some modern thinking. This new Congress that has come out here and solved Medicare without raising the taxes by looking at things like diabetes and realizing that it was much cheaper and much better for our senior citizens to provide preventive care than it was to wait until a senior citizen got very sick because of diabetes, solving Medicare problems with common sense solutions that did not just throw money at the problem.

There is a proposal out here right now, and I am not 100 percent ready to say I support it, but let me just go through the proposal because it is so different than anything else that has been talked about in terms of solving the Social Security problem.

Here is what the proposal does. It says, first, we are going to set aside the money that is coming in for Social Security today. So we take that extra money that is coming in, we put it in a savings account. We solve the short-term problem in Social Security immediately by putting that money away.

We then look at surpluses over and above that amount of money for Social Security. So Social Security goes on just exactly as it is today. We look at surpluses above that amount that is coming in. We take those surpluses, and we take part of the surplus, and we give it to each American over the age of 18.

Every American is getting their share of it over the age of 18, seniors and nonseniors. The catch here is that, if they are under 65, they get their share of the surplus in the form of a check to a 401(k) type savings account. The only stipulation, it is their money, they decide where they invest it, they can put it in a stock or bond or mutual fund or CD, where they invest it is their decision, but the only stipulation is they cannot take the money out until they reach age 65.

So we look at the surpluses over and above Social Security. We divide a part of those surpluses amongst all Americans over the age of 18. If citizens are under 65, they get a check. The check goes to their 401(k) plan. The only stipulation is they cannot take the money out until they retire.

What if they are over 65? If they are over 65, they simply get their share of the surplus in the form of a check. Because, of course, if they are over 65, it would not make sense to set up this 401(k).

Even though it is completely separate from Social Security, here is how that helped solved the long-term Social Security problems. For seniors today or for younger people when they reach 65 and start drawing on this account, half of whatever they get counts back against what they would have gotten in Social Security, and the other half is simply theirs to keep.

Again, the idea here is we look at surpluses over and above the Social Security surplus. We divide it up amongst the American people.

I talked to my brother about this, and he says, you know, Mark, my company is doing really well. We have a pension and profit-sharing plan. This is sort of like America is doing real well right now. If America is doing real well, I mentioned before, that within 3 or 4 years even, setting Social Security aside, we could look at surpluses of $150 billion.

Let me translate that. $150 billion is roughly $600 for every person over the age of 18. So that $600 check, or part of that check, depending on how much we allocate to Social Security, would simply go into that 401(k) plan on behalf of everybody under the age of 16 or directly to the senior citizens for those that are over 65.

Again, half of whatever they get, either when they start drawing it at 65 or half of that check that they are getting today if they are over 65, counts back to that Social Security. That is how we solve the long-term Social Security problems.

When we look at that next to the idea of cutting the cost of living adjustment or raising taxes on seniors, these ideas are common-sense, straightforward, business-sector solutions to a very difficult problem. It is done without raising taxes on the American people.

Mr. THUNE. Mr. Speaker, if the gentleman would yield, I did a lot of talking about that very proposal just to get a feedback and reaction from the people of South Dakota as to what they thought about that. Because, as the gentleman noted, we have to do something to address this very serious problem in the years as we get down the road. Today, obviously, the gentleman has laid out a plan which would protect us, but, ultimately, we have to do something that is consistent with a couple of principles which he mentioned.

First of all, we have to save this system. There are so many people. In my State of South Dakota, for example, we have an elderly population very dependent upon it. And to make the basic statement that they will be protected, the safety net is there, they will continue to receive Social Security benefits as they are today and then even perhaps, in addition to that, with respect to whatever the surplus check might be, but that we do not touch that aspect of it.

But what we allow is we say the surplus that comes into Washington, rather than allowing Washington to spend it, because, once it comes in here, as we mentioned earlier, somehow Washington will find a way to spend it, that the only way that is consistent with our values, and that is allowing more people in this country to keep more of what they earn, to make decisions about their future, to put it in a retirement account, a Social Security plus account that will accumulate, get the benefit of compound interest, and, over time, we would dramatically increase the amount of retirement income that people who are paying in today would receive.

Again, I think, ultimately, that is something that merits serious consideration. The gentleman said it is a poposal. It is something that has been laid out there. But when we compare it with the alternative, the Democrat alternative, which is a tax increase on seniors, clearly this is something which not only protects people who are currently on the program but allows us to harness the surplus dollars that are going to come in and put them to work for the people of this country.

Mr. NEUMANN. Mr. Speaker, there are two other benefits that I would like to point out in this plan.

If there is a 20-year-old today and he started putting money into this plan and his account grew and at age 45, for whatever reason, something happened, he is married, he has got a couple kids, and he dies, whatever money is in that account is passed on to his spouse or his kids. It is his money. It does not go anywhere else. It is his money. It would literally be passed on to his spouse.

The other wonderful thing in this plan, as far as I can see, is that it makes each and every American citizen tied into helping us control Washington spending. Because, as both of my colleagues have mentioned, if this spending goes back out of control like it was when we got here, there are not going to be any surplusses.

The key here is keeping that spending under control. If every American citizen is getting a piece of that surplus, like my brother says, pension and profit sharing, if every American citizen is tied into that surplus, we will quickly get their support to help us keep Washington spending under control.

To me, that is what government should be all about. It should be all about the American people being actively involved in the decisions we make. They will provide the impetus necessary for us to keep this spending under control.

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Mr. GUTKNECHT. I really think that for many years we labored under some unwritten law, if you will, that no good deed goes unpunished. If you worked you were punished, if you saved you were punished, if you invested you were punished, if you grew a business and hired people, you were punished.

In fact, even in the Medicare system those areas, regions of the country, and I think we all come from areas where we have had relatively low health care costs, as a result, in terms of the Medicare reimbursement schedule we were punished. And that was really the unwritten rule of Washington, and what we are trying to do is change that and try to reverse some of those perverse incentives.

And if we do that I think that long term, and as you say, if we can come up with a Medicare system and a Social Security system which uses market principles and the doctrine of enlightened self-interest to get more people to feel as if they are stakeholders in the system, in the long run we will have a better system which provides more value to consumers or to Social Security people, recipients of Medicare treatments, whatever. And that is what we are really trying to do, is reverse those age-old perverse incentives which have been created here in Washington.

Mr. NEUMANN. I think at this point if we could, we have been talking a lot about these economic problems and the solutions, and I think we have hit on the three economic problems facing America.

We must restore the Social Security system. Our seniors have a right to get up in the morning knowing their Social Security is safe.

We need to pay down the Federal debt. Our children deserve to inherit a debt free Nation and reduce the tax burden on American workers.

I would like to jump over to the social side for just a minute, and I would like to talk about a couple issues over on the social side and I would like to start with education, because we recently received a report that tells us that our kids are number 21 in the world in education. And I want to talk about a vision for our Nation's future that does not bring us back to the top 10, I want to talk about a vision for America that brings our kids back to number 1 in the world, and I think that should be our target. Not back into the top 10 in the world; I want our kids to be the best educated kids in the entire world, and that should be our goal.

But you know where we get into conflict here, and we are hearing this in the news today, we get into this conflict that somehow the right way to get education problems solved is for Washington to come running into the picture and Washington to develop new spending programs. Washington is going to hire new teachers and Washington is going to build new schools.

What that means is Washington is taking control of the education system, and I think that is exactly what has led us to number 21 in the world. If we want to turn the education system around, the right answer is to get the parents back involved in the education process of their kids.

Parents should be choosing where their kids are going to school, what their kids are learning and how it is going to be taught. If we really want to solve the education problems facing the United States of America, we need to re-empower our parents to be actively involved in where the kids go to school, what they are taught and how it is taught.

There is a side benefit, and this came out in a study that was recently published out here. They looked at 12,000 teenagers across America, this was in the Washington Times, I believe it was April 10, but they looked at 12,000 teenagers across America. And as you might expect, if you look at 12,000 teenagers you find some with crime, you got drug problems, you got teen pregnancy, you got teen smoking, you got all the social problems that we hear about Washington trying to solve.

But when they looked at this study of 12,000 teenagers and they looked at crime, they found the number one predictor of whether a student or a teenager was going to be involved in crime was parental involvement with the child. They found the number one predictor of whether a student was going to be involved in drugs was the parental involvement in that teenager's life. Teen pregnancy, same thing. The number one predictor of whether or not a teenager was going to be involved with teen pregnancy: parental involvement and the like. Teen smoking, same thing.

So when you really look at this and when we think about these concepts that we are talking about here tonight, getting education back up to number one in the world, how do you do that? You get the parents back involved in the decision-making process in education. The outcome will solve a lot of other problems that Washington thinks the right answer is throwing money at. The right answer is not throwing money at it; the right answer is getting parents back involved in the lives of the kids.

And I do not think Washington should mandate that parents have to spend 2 hours a day with their kids, although it might not be a bad idea. That is not what I think we should do. But what I do think we should do is relate this to the other side of this discussion we have had.

When the tax rate went from $25 out of every $100 that people earned to $37 out of every $100 people earned, that meant in many cases the parent was going to be forced to take a second and even a third job, and when the parents are working at that second and third job, that means that when they get home they are either too tired or there is no time to spend with those kids. So when we talk about reducing the tax rate on American workers, what we are really talking about here is getting it back to a point where the families do not have to take that second job, so at least we empower the parents to have the opportunity to be more actively involved with their teenagers so that those teenagers are less likely to be involved in drugs, crimes, teen pregnancy, teen smoking, lots of the other social ills facing America.

That is how this whole vision for America ties together. If we can get the tax rate down, empower the parents to at least have the opportunity to make the decision to get back in their kids' lives, we will see a lot of other solutions.

I want to give a very specific example, and this is a case I am very familiar with. It is about good friends of ours. Christmas time comes in this family, and they are a middle income family, it is a true story. They live from paycheck to paycheck, but they are a middle income family. When Christmas comes, the mother in the house takes a second job. You know why she takes a second job? Because that is how they pay for their Christmas presents.

Now just think about a different picture for a minute. Instead of this mother leaving her home and leaving her family at this most important time of the year, instead of doing that, if we could bring this tax rate down so they could just keep that extra $12 out of every hundred they earn in their home in the first place, that mother does not have to take that job. It is a second job in this case. She does not have to take the second job, and when she does not take the second job, she has more time available to spend with the kids.

More time available with the kids on the part of a parent is the single most important factor in determining whether we will have crime problems, drug problems, teen pregnancy, teen smoking, all of these things that we here in Washington somehow think that we here in Washington can solve. It is baloney. The way to solve these problems is get the parents and empower the parents to be actively involved in their kids' lives. It is the most important thing that we can do, and it is how the economic discussion ties directly into the social problems facing America today.

Mr. THUNE. If the gentleman will yield on that, you made one comment there which I think is really very much on the mark. You know our children need a learning environment that is safe and drug-free, and we are losing the war on drugs in America today, and we are not seeing leadership in trying to snuff that out. And we need to have leadership at the presidential level, at the congressional level, at the community level, at the schools, in the families and the churches to address what has become a very, very serious issue.

And again a case in point in my home State of South Dakota, and we have often thought that we are somewhat immune from a lot of these problems that you see in bigger cities. But the fact of the matter is that a lot of the small communities across South Dakota are having to come to grips with the fact that drugs are not only accessible, they are readily available, and that kids are regularly using them.

And there is a small town for which just recently the survey was done and of the high school kids, 28 percent, almost a third, said they used drugs more than 4 times a month. That is a staggering statistic in South Dakota and certainly across this Nation. We have a very serious problem that we need to eradicate.

And frankly again it is not going to be, I do not think necessarily a bill that we pass, but it is going to take leadership that we all have to be a part of in community antidrug coalitions and school-based programs and really going after this in the same way that we have common enemies in the past. Because in my view it is a very, very serious insidious threat to the future of our country, to the future of our young people, and something that we are not attacking head-on and we need to, and it starts at the top.

Mr. NEUMANN. Reclaiming my time, and I would just go back to this survey, and I would keep going back to what the survey found: The single most important determining factor in whether or not a teenager is going to be involved with drugs is the involvement of the parent in the teenager's life. The right answers to these problems are empowering our parents. That is our role. Get us out of their way so they are not sending all their money out here in taxes, they do not have to take that second job; get out of the way so the parents can spend more time with their kids.

And, I mean, I am not naive enough to think that all of a sudden we lower taxes, parents spend more time with kids and all the problems go away. I mean, I am not that naive. But when you start looking at how you actually go about turning around a Nation that has been headed in the wrong direction, certainly parental involvement in the kids' lives ought to be our top priority.

And one more thing on this social side that I think is very important. Five years ago we did not even know about this topic, but we know as a Nation about it today. It is partial-birth abortions. And if you start looking at America and where we are today and where we are going to, if we turn our back on this issue, I do not see how we can solve the rest of the social issues facing our Nation.

A partial-birth abortion is a third trimester, seventh, eighth or ninth month abortion where the baby is literally partially delivered and then at the last second the baby is killed. I just do not understand how we as a Nation can go on allowing this to happen now that we know about it. Frankly, when I was elected I did not know what it was, but I know now. And when you start looking at these social ills facing America, I think we have to accept that that is part of the problem facing our country, and I think we need to end it.

I have got about a minute and a half left, and I would just like to kind of sum up this kind of vision for where we are going to. If you like, a Republican vision for the future of this great Nation that we live in. How are we going to go about restoring this Nation?

Let me go through on the economic side first very quickly. Restore the Social Security system so our seniors can get up in the morning knowing their Social Security is safe. I think every senior is entitled to that. The debt. Our children deserve a debt-free Nation, so let us start making payments on the debt much like you would repay a home mortgage. Taxes are too high on our families all across America, so let us get that tax rate back down from $37 dollars out of every $100, at least down to $25 out of every $100 that American workers work so hard to earn.

On the social side, let us get education, let us make that our top priority. Let us get education back up to number one in the world, and do this by involving the parents and giving parents the opportunity to choose where their kids go to school, what it is they are taught and how they are taught it. And when the parents get involved in the kids' lives, making those decisions about education, the automatic outcome is that extra parental involvement in the kid's life, that leads to lower crime rates, fewer drug problems, fewer teen pregnancies and less teen smoking.

This is the right direction to move America, and while we are done with this, let us make sure we end partial-birth abortions. And let us then pass this vision on to the next generation and this great Nation we live in.

Mr. GUTKNECHT. If the gentleman will yield, finally what you are really saying is what Vaclav Havel, the first freely elected Prime Minister of Czechoslovakia, said shortly after he was elected. He said in the end all politics is moral.

Balancing the budget, saving Medicare, saving Social Security and stopping partial-birth abortions in many respects are all about regaining some of that high moral ground, and if you ask Americans what is really wrong in this country, they will many times say it is the unraveling of the moral fabric of this country. And so all of the things we have talked about tonight really, at the end of the day, are about morality.

THE TOBACCO AGREEMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, tonight I want to talk about the tobacco agreement, which of course has been much in the news lately, particularly during the last 2 weeks when Congress was not in session.

As everyone knows I think by now, during the congressional recess the tobacco companies pulled out of the agreement and have essentially refused to do any future negotiation at this point on the agreement. And I think the reason they did that is because they did not like the looks of what was developing here in Congress, and basically have declared war on all legislation that does not have their blessing.

In his April 8 announcement that his company was pulling out of the agreement, RJR Nabisco CEO Stephen F. Goldstone declared, and I quote, that the legislative process as far as tobacco is concerned is broken beyond repair.

Well, Mr. Speaker, I think this declaration is wrong and it is also rather arrogant. Congress does not need and I do not believe will wait for the tobacco industry to pass legislation to protect our children. Even the Republicans I think would agree with me on that.

But what the Republicans cannot agree on and I am particularly talking about the Republican leadership, is what form tobacco legislation should take here in Congress, and particularly in the House. Big tobacco dollars have produced a fissure in the Republican Party on how to approach tobacco legislation.

Senator JOHN MCCAIN, as I think many of us know, authored legislation that was approved recently by the Senate Commerce Committee by a 19 to 1 vote, very lopsided. The Senator's bill, while not as strong as measures that are being pushed by Democrats here in the House and also in the Senate, is at least a step in the right direction, and I want to commend him for that.

Among other things his bill generates $516 billion from the tobacco industry over 25 years, and it would raise the price of cigarettes by $1.10 over 5 years, strengthen Federal regulation of tobacco products, and impose penalties on the tobacco companies if teen smoking rates do not decline in the coming years. And this is bitterly, this legislation by Senator MCCAIN is bitterly opposed by the tobacco industry, and after a lot of twisting, turning and flip-flopping has also been now opposed by Speaker GINGRICH as well.

□ 2000

Yesterday's New York Times, I thought, was very interesting in recounting Speaker GINGRICH's history on tobacco since the GOP took control of the House of Representatives in 1994. The Speaker's comments on tobacco reported in the Times, the Times said in its editorial that the Speaker has been "a model of inconsistency."

I just want to read from the article that was in the New York Times, because I think it clearly illustrates whose side Speaker GINGRICH is on.

"Shortly after Republicans won control of Congress in 1994," the article says, "Mr. GINGRICH announced that his party would end an investigation of the tobacco industry that had begun under the Democrats. Mr. GINGRICH called David A. Kessler, then Commissioner of the Food and Drug Administration and the leading spokesman of the antismoking forces, a thug and a bully." This is what the Speaker said about Mr. Kessler.

I would like to point out that since that time, a steady stream of documents concerning the marketing of cigarettes towards children and the deliberate manipulation of nicotine have been flowing from the tobacco industry. The recent release of 39,000 documents in the Minnesota case will surely bring more disturbing revelations.

A lot of this has come up in the Committee on Commerce that I am a member of, and it has been reported on a bipartisan basis. So the notion that Mr. Kessler was wrong in being critical of the tobacco industry, I think, now has been totally repudiated. Clearly, Mr. Kessler was right, and there is no question that the industry was targeting children and deliberately manipulating both its marketing as well as the statements it was making about nicotine and the negative aspects of nicotine.

Continuing again in yesterday's New York Times article, it reports that early this year, after a 2-day Republican Party retreat, Mr. GINGRICH would say nothing about his position on tobacco legislation except that reducing teenage smoking was important and that lawmakers needed to be careful to avoid a contraband market in cigarettes. But a few weeks later, Mr. GINGRICH said there was no sentiment for in any way eliciting favorably to the tobacco companies.

Then, as we go on with Mr. GINGRICH's flip-flopping and changing his position, in a speech to the American Medical Association about a month ago, this was before our Congressional recess, he called for tough and sweeping tobacco legislation. In March, the Washington Post reported that Mr. GINGRICH had warned tobacco lobbyists that he would not allow Democrats "to get to the left of me on tobacco legislation."

Now, of course, this past weekend, most recently, the Speaker completely reversed himself again. In words that could have been scripted by the tobacco companies themselves, Mr. GINGRICH stated that the McCain bill was "a very liberal, big government, big bureaucracy bill."

Mr. GINGRICH, who apparently is unaware that the bill was approved by the Senate Committee on Commerce by a 19 to 1 vote, also commented that the bill would be very hard to get through Congress.

Well, the only reason it is going to be very hard to get through Congress is because he and the other Republicans in the leadership will not allow it to get through, because, obviously, the Members on the Senate Commerce Committee overwhelmingly voted for the bill.

I yield to my colleague from Texas (Mr. DOGGETT). I would like to point out that my colleague has been in the forefront on this issue, particularly with regard to the all-important issue of not allowing the tobacco companies to start marketing overseas to children.

I am very afraid, as I know the gentleman is, that even when we pass legislation to stop teenage smoking or cut back on it, that if we do not do something in that legislation about marketing overseas, they will simply expand their operations overseas. I want to commend the gentleman.

Mr. DOGGETT. That is a concern. They wanted to give Joe Camel a passport. They have already given him one really and taken him around to addict other people's children on nicotine, just as these nicotine peddlers have addicted our children in too many cases across America.

I would reflect on some of the points the gentleman just made. I think this is important to put this in an important historical setting, and to recognize that experts that we turn to now, experts that were appointed, indeed, by Republican Presidents like Mr. Kessler, Dr. Kessler, in fact, now up at Yale, we turned to him for expertise on these subjects. A person that Speaker GINGRICH labeled a thug; as you referenced, the kind of rhetoric that unfortunately has too often characterized debates in this House.

To now suggest, and I read the same article about his comments, that the approach that the Republicans, I believe all of the Republicans on the Senate Committee on Commerce endorsed, was too liberal, is an indication of how really extreme and controlled by the tobacco lobby the leadership of this House is.

I know the gentleman from New Jersey shares my view that what we need with reference to tobacco is a genuinely conservative approach. We need to place the emphasis on conserving the health of our children, and the rejection of what is really a fairly modest step by the Senate Committee on Commerce, a step that leaves many deficiencies, as has been pointed out with reference to international tobacco, with reference to many other issues.

I think the House could improve on the steps that are important, but lacking, that Senator MCCAIN has taken, to simply condemn them and the work of Republicans and Democrats alike as too liberal, and say we need a conservative approach. While I agree with the conservative part, but the only thing liberal I have seen in this bill is the way the tobacco companies have liberally circulated campaign contributions all around this Capitol.

In fact, the gentleman from New Jersey will remember when I first got here, we had Republican leadership people passing out checks from the tobacco companies right here on this floor in such a grievous offense of the dignity of this House that they had to finally come back and pass a rule to keep themselves from doing this kind of errand running for the tobacco industry.

So I think that as important as it is to ask the tobacco companies to voluntarily restrict their advertising, so much of this is linked to the campaign finance problems that the gentleman from New Jersey and I have worked on also, and knowing that if the tobacco companies would voluntarily restrict their campaign contributions, we probably would not need to be here tonight. We would not have 3,000 children tomorrow in America becoming addicted to nicotine because of the failure to act on restrictions with regard to tobacco. Rather, we could be moving on to other issues.

Does not the gentleman from New Jersey, indeed, feel that this whole issue of tobacco is just another part of our effort to put families and children first in America like with child care and education? That this is a leading public health menace to our children, and that that is the center of this debate, rather than putting these labels on it?

Mr. PALLONE. I absolutely agree. Not that we like to throw around statistics, but there were some very good statistics that were put out by the Campaign for Tobacco-Free Kids about tobacco use among youth. If I could just mention them to give us an idea, right now, this is a very detailed survey they did that showed that 4.1 million kids age 12 to 17 are current smokers, and that smoking among high school seniors is at a 19-year high, 36.9 percent.

Since 1991, past-month smoking has increased by 35 percent among eighth graders and 43 percent among tenth graders. Basically, more than 5 million children under the age of 18 alive today will die from smoking-related disease unless current rates are reversed.

This is an epidemic getting bigger. I think a lot of people think youth smoking has gone down. It hasn't. It has actually increased.

Not too much more here, but 45 percent of white high school boys report past-month use of tobacco; 20 percent of boys in grades 9 through 12 report past-month smokeless tobacco. Smoking by African-American high school boys increased from 14.1 percent in 1991 to 27.8 percent in 1995. Of course, we know that almost 90 percent of adult smokers begin at or before age 18. So if they start before they are 18, then they are basically the smokers who become the adult smokers of tomorrow. So this is something that has to be addressed.

Mr. DOGGETT. I know the gentleman is aware, after years of denying, I think really flat out lying about their attempts to hook children, we now know through the documents that the judges are forcing these tobacco companies to reveal to the public, after they get every big bucks lawyer in the country to go to every court of appeal and do everything they can to keep those documents secret, the documents are finally becoming to come out to show, as we found out in the State of Texas, they are targeting kids in elementary school to try to find out what would be the most effective way to hook them to nicotine. And once hooked, like to any other dangerous lethal drugs, many of these children are unable to leave the nicotine habit, and that has a tremendous effect on, really, as the gentleman described it, a public health epidemic in this country.

Mr. PALLONE. There is also a direct relationship between the amount of advertising that the company does and the percentage of the youth market that they end up with. Again, from the Campaign for Tobacco-Free Kids, 86 percent of kids who smoke prefer Marlboro, Camel and Newport, which are the three most heavily advertised brands, and Marlboro, the most heavily advertised, constitutes almost 60 percent of the youth market, but about 25 percent of the adult market.

So there is no question that this advertising is causing kids to smoke, and that there is a direct benefit from the advertising.

Mr. DOGGETT. Well, I think we know the tobacco companies would not be throwing their money away on advertising if it did not work to bring in more smokers, young smokers, to take the place of the many Americans who have died prematurely from smoking-related diseases of many types.

Just as the tobacco companies know that their campaign contributions are not being wasted, they would not be making these campaign contributions frivolously. I am sure in your history you were giving to put in perspective this now refusal to move forward in the House on reasonable public health measures to protect our children, you are probably going to cover what happened just last year when two tobacco companies were the Number 1 and the Number 2 soft money contributors to the Republican Party, and then right after they set their record of contributions, the next month, along comes this secret $50 billion tax break.

We, in a way, have already begun to take up the tobacco settlement issues. It is just that Speaker GINGRICH and the Republican leadership thought the first issue that ought to come up was not protecting our children, but protecting the tobacco companies by giving them a $50 billion tax break, which when it became public, they were so ashamed of, they snuck out here and repealed it last year, as you will recall.

Mr. PALLONE. One of the biggest concerns I have, and, again, I started tonight as you did saying at least Senator MCCAIN is moving in the right direction, but the liability issue is a great concern. If you look at the original proposal that the tobacco companies put forward, they had basically eliminated most of their liability.

The McCain bill doesn't go far enough, I think, and is still basically excluding them from a lot of liability. I am very concerned about a settlement that goes too far in that direction.

Mr. DOGGETT. I certainly share that concern. I believe that is one of the areas that we could make significant improvements on the work that the bipartisan group there in the Senate has begun. They have begun the work; they have moved in the right direction, but they haven't done quite enough to protect the public health of our children.

To say to an industry in this country, of all the industries that we could turn to and give some kind of special protection and say we won't hold them accountable, we will not hold them personally responsible for their deviousness, for their criminal misconduct, to say that, as is suggested by this limitation on their civil liability for these malicious acts that they have engaged in, would be to reward them for decades of abuse in creating the largest cause of preventible death in America today. And what would that say to other industries? That the worse you are, the more legal protection the Congress of the United States is going to give out?

I think it would be a signal far beyond this tobacco industry's misconduct that could have untold consequences in other areas of our life here in America.

Mr. PALLONE. The gentleman has already said it, but to repeat it again, clearly what happened here politically is that Senator MCCAIN, who is a Republican, put forth a real effort to try to move something that he felt could be adopted in the Senate and ultimately in the House, too, I think, on a bipartisan basis. That happened, of course, just before our recess.

The Speaker, Speaker GINGRICH, obviously was very scared by that, because it showed that there was support within his own party for moving legislation that the tobacco industry did not want. So I think what we saw last weekend was his effort to say, look, tobacco, I am not going to let this happen. I am going to put a stop to it. You keep having that money flow to us, and this Republican Party is not going to allow this type of legislation to move forward.

That is what we face now, and I think that is what we are going to face for the rest of the year from this Republican leadership, unless we force their hand.

Mr. DOGGETT. I think that is right. He affirmed the same viewpoint to reflect back on his early tenure in the office of Speaker that the gentleman referred to out of the article at the beginning of his remarks, when he put a stop. We could have been moving on this and obtained some of this information months ago. Thousands of deaths ago we could have acted on this measure. But the Speaker put a stop to the investigation that was going on in the House Committee on Commerce of the misconduct of the tobacco industry.

Had it not been for vigorous action in the private sector to point out the abuse and misconduct of the tobacco industry, we would not be to this point.

□ 2015

Now it is a question of whether the Speaker can be a continued roadblock. He has been successful. I will have to give him credit where credit is due. He has managed to destroy thus far our efforts to reform the campaign finance system, blocking it in a most devious form. But whether the American people will tolerate that remains to be seen. We have our discharge petition moving along on campaign finance.

Now to add to that insult further injury by permitting the Republican leadership to block us from moving forward to deal with the problems that our young people face here and abroad with reference to nicotine addiction would be a terrible wrong. I think it is a wrong clearly that that overwhelming vote in the Senate Committee on Commerce indicates that Members, Republican and Democrat in that body, will not tolerate.

I think if the American people hear about this enough, they are going to be speaking about it to their Members, Republican and Democrat alike, saying, you cannot go home without addressing the number one public health epidemic in America today for our young people, and that is nicotine addiction, and the fact that 3,000 new addicts will be added to the rolls every day until we are able to address this problem of youth smoking.

Mr. PALLONE. I agree. I wanted to point out, and I do not know that it needs to be pointed out, but as the gentleman knows because he has been at the meetings, the Democratic Caucus has put forward legislation. We spent about 6 months, I think, having our own hearings and meeting with people in our tobacco working group that the gentleman from California (Mr. VIC FAZIO), the chairman of our Democratic Caucus, put together, and both the gentleman and I were at many of those meetings.

The gentleman from California (Mr. FAZIO) has introduced legislation, with a lot of cosponsors on the Democratic side, and I know I am one of the cosponsors, that does not include any liability caps for the tobacco industry. It is called the Healthy Kids Act.

The legislation also calls for higher cigarette prices than the McCain bill, and of course one aspect of that that the gentleman and I have talked about a lot is some kind of limitation on the international activity of tobacco companies.

The Healthy Kids Act, the Democratic bill, includes a ban on the promotion of U.S. tobacco products abroad, and it would also require warning labels on all exported tobacco products, and fully fund international tobacco control efforts.

I cannot emphasize how important I consider control of international tobacco operations to be. I know the gentleman has introduced legislation specifically on that subject that I have cosponsored. Maybe if I could talk a little about that.

Mr. DOGGETT. Mr. Speaker, I will be expanding on this legislation this next week with a revision, including some of the provisions that have been incorporated in the Senate Committee on Commerce, but recognizing that when the tobacco companies go abroad to try to pay the penalties that they have incurred here at home, that it is just wrong for us as Americans to be projecting forth the idea that there is something American about smoking.

We see some of these billboards up in foreign countries suggesting that the western, democratic thing to do is to smoke. We see at schools, at kiosks, at clubs, we see, as the gentleman and I have been in some parts of the world, young people who look like they are barely old enough to go to elementary school passing out free cigarettes on the streets; using cigarette logos on toys, on toy cars in Buenos Aires; on arcade games in the Philippines; Marlboro labels on various kinds of children's clothes.

Those are the kinds of things that makes it pretty clear that they are targeting young people in these other countries, recognizing that many of the other countries do not even have the feeble limitations on tobacco that have existed in this country.

We now have literally a worldwide health epidemic with nicotine addiction, and I hope to expand on the action that the House considered last year, the legislation that I introduced with the gentleman's help, in addressing in a more broad form the steps we could take to reduce this worldwide epidemic, and project our role as a superpower, frankly, in a very positive way to try to improve world health.

Mr. PALLONE. I want to commend the gentleman again for his efforts in that regard, because I know the gentleman was really the first person out there in the House, and probably in the whole Congress, to pay attention to the issue.

The amazing thing about it is that it is very easy for these tobacco companies to expand now into areas of the world that were not previously open to them because of the changes that are taking place: the demise of the Soviet Union and the countries, the former Soviet Republics, the eastern European countries that were under Russian Communist domination.

That is where the industry has targeted, because previously those governments controlled what happened more. It was a totalitarian society, and it was not possible for American companies to market tobacco. Now those countries have opened up, and they have not been prepared for the onslaught, if you will, of the tobacco industry.

It is particularly in those countries that we see this, and in others as well; India, for example. India was a very controlled economy until about 5 years ago. Now with a move towards market reforms, privatization, again, they have moved in there, because it was a previously controlled economy that is now open. So there are tremendous opportunities, and a lot of these countries just are not able. They have meager resources; they have fragile democracies, in some of the cases of the former Soviet Republics.

I was very shocked, because a couple of years ago I went to Armenia, which is a former Soviet Republic. I went into some of the poorest housing that was actually set up for refugees from the war in Karabakh, and the people had absolutely nothing. And what I would see on the walls were Marlborough posters, and the kids smoking. They had nothing, and they were smoking.

This is the insidious aspect of it, to go to these places that do not have the ability, really, to prevent or control or regulate any of this. That is what I think we are seeing. It is very tragic.

Mr. DOGGETT. Of course, I am familiar with the gentleman's leadership role on behalf of Armenia and Armenian Americans, and I am sure the gentleman has found it troubling, as he has traveled there and in some of these other former Soviet countries, that it is not only the opening up of the country economically, but there is a sense on a cultural level that there is something about smoking that connotes freedom in the western philosophy, western openness.

The tobacco companies, and I met recently with a medical director from a health unit in Moscow, apparently are using billboards to really take advantage of this whole idea that there is something western, there is something free and democratic about smoking. That is not the kind of America that I want to project to these countries as we hopefully see them turning around to a western style of open economy and open government. Rather, we should be projecting our best.

But I think all of our concern about the international aspect does come right back to this room. Was there not also some comment within the last few days questioning whether Joe Camel was somehow even related to attempts to addict children?

Mr. PALLONE. I do not think there was any question about that. I do not know the details about what the gentleman is discussing, but there is no question in my mind about that.

Mr. DOGGETT. That the whole effort was targeted towards children?

Mr. PALLONE. No question, if we look at it. And I am very afraid that now that they have dropped the Joe Camel ads, that the new ads, I am sure the gentleman has seen some of these new Camel ads with the very bright colors and the psychedelic images. There is no question in my mind that those new ads are targeted to children as well, so this is a very difficult thing. We are challenging an industry that has the resources to do multi-million dollar campaigns to find out what works with kids, and maybe not even make it obvious to adults about what works with kids.

I know that even those new Camel ads, with all the different colors, and I cannot even describe them exactly, but there is no question that those appeal to children as well.

Mr. DOGGETT. I think that is why we need to address the issue of advertising directed to young people. They are susceptible to the many subliminal messages, the many direct messages in this advertising. I believe that one key part of the action that we need to take addresses advertising.

I know that there has been some feeling that there needed to be agreement on the part of the tobacco industry, and certainly that would be better on the advertising front in particular. But does not the gentleman agree that our responsibility as Members of Congress is not to ask what would be best for the tobacco companies, or to ask whether this is okay by them, by RJR, but that we ought to make our priority to be a conservative approach, of conserving children's health first, and seeking out the way that we can best address children's health and its protection, not how we can best protect the tobacco companies that have caused so much harm to so many Americans and people around the world?

Mr. PALLONE. No question about it. I would point out, and I do not always like to use polls, because I do not think we should be driven here necessarily by polls, but once again, as with so many issues that have been part of our Democratic agenda over this Congress, this is an issue that the American people strongly support. They want us to try to curtail youth smoking. They think it is a very important issue.

The Campaign for Tobacco-Free Kids just did a recent telephone survey, and I am not going to get into all the details, but almost all the respondents, and they had a thousand adults who were randomly surveyed, almost all of the respondents expressed concern about tobacco used by kids. A large majority believed Congress should address this issue in the next few months, in the next 6 months.

Also, there was tremendous support for the specifics with regard to cutting back on youth smoking that the President put forward in his tobacco proposal. He of course has not specifically said that we have to have a particular bill, but he has laid out guidelines for what we should have. That is overwhelmingly supported by the main public.

I do not even need a poll to tell me, because I know when I have my town meetings and when I meet people, as we did during this last recess, this is a very important issue for them. There is no question about it.

Mr. Speaker, the gentlewoman from Connecticut (Ms. DELAURO), who, again, has been out there, Ms. DELAURO has been out there from the beginning. She has introduced legislation to address this issue that I have cosponsored. She has been really leading the message on this issue about addressing the problems of youth smoking.

Mr. Speaker, I yield to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I am delighted to join with my colleagues tonight. I apologize for being a little bit late to join them this evening. But this is, I think, a critical issue for this country and for this Congress.

Mr. Speaker, we have really a rather extraordinary opportunity, and I am sure the gentleman has talked about some of these things already, and I apologize for repetition. But the fact of the matter is that every single year cigarettes kill more Americans than AIDS, alcohol, car accidents, murder, suicide, illegal drugs, and fires combined. Three thousand kids start to smoke every day, a thousand of whom will die from a tobacco-related illness.

We know that 90 percent of adult smokers began at or before the age of 18. We are finding this daily, every single day, with the disclosed documents that are now in the public purview. This is what we are really grateful for, because for so many years all of this data in this material was being held in some secret place, maybe, and thank God we have a court ruling that said it should see the light of day.

Those documents prove without any doubt that the tobacco industry has meticulously studied our young people, pinpointed the most appealing way to market a product to our kids.

Again, I do not know if this was mentioned. I was particularly struck by this 1984 R.J. Reynolds marketing report. For me, it says it all. It says that young people are the only source, and this is a quote, ". . . the only source of replacement smokers," and that if kids "turn away from smoking, the industry must decline, just as a population which does not give birth will eventually dwindle."

The gentlemen, like I do, go to schools all the time. When the Members look at 12-year-old youngsters, middle school kids, because this is the age at which our kids are the most susceptible, and that is where the industry has focused their $6 billion advertising campaign, we really do look at these youngsters. They are healthy, they are bright, they are eager. They have their whole lives ahead of them.

When we look out at that audience, we see all of these qualities about these young people. What we want to do is to make sure that what we do on our jobs provides these kids with that healthy future, with that ability to become adults and to be able to take care of themselves and their families, and to lead good lives.

□ 2030

And it is interesting to note the contrast with what an R.J. Reynolds or the others that have been involved, how they view the audience, the very same audience that we are looking at. They are 12-year-olds as replacement smokers.

That is why the campaigns have been directed at this effort. And we do, I think, have a fundamental obligation, particularly with all the data, with all the information, to turn this back to focus in on underage smoking.

We have a wonderful group in the Third District in Connecticut which I represent, which we called the Kick Butts Connecticut Campaign, and they are middle school kids. These wonderful youngsters have taken upon themselves the responsibility for talking to their classmates, for going into younger grades and telling the younger kids that they should not start to smoke and what are the dangers of smoking. So we have kind of got this little army of about a hundred or so young people, middle school kids, practicing their presentations and their skits and going in with the self-confidence of talking to their peers and telling them not to smoke.

Not everyone will follow that, but a lot of those youngsters we hope will not start on this road. But the fact of the matter is that underage smoking is against the law. That is ultimately what it is about here. And we have to do two things. We have to make sure that this industry is not going to continue to peddle this product which is killing our kids. And we need to, at the same time, be able to curtail their activities and we also need to be educating our kids about the dangers of smoking.

I will say that this RJR campaign for Camel cigarettes, which as we all know about features Joe Camel, the cartoon character, by 1991 the Journal of the American Medical Association had found out that 33 percent of 3-year-olds and 91 percent of 6-year-olds could match Joe Camel to a photo of a cigarette. Ninety-eight percent of our teens correctly identified the brand when shown Joe Camel ads.

Mr. DOGGETT. Mr. Speaker, could the gentlewoman yield on that?

Ms. DELAURO. Certainly.

Mr. DOGGETT. I was wondering how the gentlewoman would react to a statement, and we have covered many of the various outrageous statements that Speaker GINGRICH has made on the subject, but how the gentlewoman would react to a statement I understand he made this month that in order to understand what has happened with teenage smoking, this is not complicated. It has nothing to do with Joe Camel. He made that statement, apparently.

Ms. DELAURO. That is right. He did make that statement.

Mr. DOGGETT. It sounds consistent with the criticism of Dr. Kessler as a thug and some of the other comments he has made in the past.

Ms. DELAURO. Mr. Speaker, the gentleman is right. And he has had a reincarnation, which I believe has occurred primarily because I think they took him to the woodshed to talk to him about what they were going to do or not going to do in terms of financial resources, given that the tobacco industry is the single biggest source of funding to the Republican party.

And if I am correct, I would ask my colleagues to bear me out on this, it is that the Speaker was responsible for putting in a $50 billion tax break for the cigarette companies and then when that saw the light of day, and thank God it did, we were able to pull it back.

But let me just mention about the gentleman's comment, because after Joe Camel's debut, Camel's share of smokers younger than 18 jumped from 0.5 percent to 32.8 percent. It is representing an estimated $476 million in revenue annually.

So, quite frankly, if he knows this, then he is not telling it like it is, or he just has not done the research on the effect of Joe Camel and that advertising on our children.

Mr. DOGGETT. With that kind of money at stake, it is pretty clear why the tobacco industry can afford to lavish such giant campaign contributions on this Congress. And it is also pretty clear that the type of addiction that is at stake here is not just the addiction of our young people to nicotine, but the addiction of some of the leadership around this place to that kind of tobacco campaign money.

Mr. PALLONE. Well, the scary thing, of course, is not only what has been mentioned, but also we can be sure, I think they may have already announced it but even if they have not, we can be sure that in the next few weeks we are going to see a massive amount of money spent by the tobacco industry on trying to persuade the American people that movement on the tobacco bill is not the right thing here in this Congress.

So now that they have decided to withdraw from any further negotiations to come to an agreement on a tobacco settlement, they are simply going to go out and spend millions and millions of dollars, I do not know how much, trying to persuade the public that we should not move the bill. And I worry about the impact of that.

I still believe that the public is so disgusted because of what has happened and what they have seen the industry do and the documents that have come out over the last 6 months that they will not be swayed by this multimillion dollar advertising campaign, because they are going to certainly make their best of it. And I would hope that that ultimately does not sway a lot of Members of this body.

I know that the Republican leadership is probably glad to see that kind of campaign begin, because this way they probably figure it is some way to support their position and not to have move legislation.

Ms. DELAURO. I think it was just a few months ago when we have seen this absolute flip-flop. The Speaker made a speech to the American Medical Association and called for, quote, tough and sweeping tobacco legislation. And last week, as my colleagues have said and I am saying, we had a bill that cleared the Senate, the Committee on Commerce in the Senate.

Folks are always saying, "Why can you not do things here in a bipartisan way? Why can you not get bipartisan support for legislation and get it passed?" Well, my friends, that is a bipartisan piece of legislation that the Senate is talking about. Some of us do not think it goes far enough. It talks about a $1.10 addition to the cost of a pack of cigarettes. My bill on the House side, Senator KENNEDY's bill on the Senate side, adds $1.50 to a pack of cigarettes and it takes that revenue of $20 billion a year and puts $10 billion into health research and $10 billion into child care.

But nevertheless, that is a bipartisan piece of legislation here and we are always talking about how we cannot come together. We have an opportunity to come together. And yet, and I heard this with my own ears on Sunday on the talk shows, the Speaker attacking this proposed bipartisan antismoking legislation. An out-and-out attack on where people have come together in recognizing that we have to do something about underage smoking, and in addition to that, that one of the keys to this is the amount that is charged for a pack of cigarettes. Senator MCCAIN is talking about $1.10. Some of us are talking about $1.50.

Mr. DOGGETT. Mr. Speaker, if the gentlewoman would yield, and I have seen that adopting the approach the gentlewoman has suggested, according to the Children's Defense Fund, would save almost 200,000 lives in my State of Texas alone. And I am sure the number nationally runs into the millions of young people who will not meet an untimely death if we can discourage them from becoming nicotine addicts.

Mr. PALLONE. And every survey has shown that if we significantly increase the price of a pack of cigarettes, it is going to decrease youth smoking. What I have seen is like a 10 percent increase in cigarette prices leads to like a 7 percent drop in youth smoking, so it is almost in direct relationship, the price percentage increase versus the decrease in the percent of youth smoking.

But, my colleague from Connecticut, I mean, only the very reason why the Speaker made these statements over the weekend is because there was bipartisan legislation that was moving. And it was very easy for him while nothing was happening to say that he wanted to move legislation and it was not the Republicans' fault that it was not moving. But now that it is moving with a Republican sponsor, he has to kill it, because otherwise there will be a bipartisan consensus to pass something and that is the last thing that Speaker GINGRICH wants.

It was the movement of the McCain bill, in my opinion, that is causing the Speaker to say, whoa, we do not want anything to happen here, and he started attacking Senator MCCAIN's bill.

Ms. DELAURO. It is the last thing that his friends in the tobacco industry want. And, therefore, he has had this reversal of opinion. And it was easier to say it several months ago when this was all in the throes of talk. Now we are down to concrete business here. Now we have a piece of legislation with bipartisan support. We can move this, and it is sad.

Mr. PALLONE. It is.

Ms. DELAURO. Because we saw this same kind of effort where we had bipartisan support on campaign finance reform, and we saw what happened on this floor in the effort to thwart a vote on real campaign finance reform.

Mr. DOGGETT. And the two of course are very closely related. I think we received so many promises of when action would occur and when debate would be permitted on campaign finance. At a minimum, we ought to be offered—another broken promise here, it seems to me, from the Republican leadership—and they ought to set a firm time at which we could have a debate on the floor of this House with all of our Members present about comprehensive tobacco legislation, and let people of both parties and all political philosophies come forward with their ideas about the most comprehensive and complete way of protecting our young people.

Mr. PALLONE. I was looking again at what the President has proposed, and of course it is not a bill but he has really come out in a pretty comprehensive way in trying to address the issue of youth smoking. I do not know if we want to review that a little, but it is very important that we provide legislation that really is going to have an impact.

I think a lot of people think that: How is the Congress going to legislate cutting back on youth smoking? But the President has put forward some very specific ways to accomplish that. Of course, one has been mentioned by my colleague from Connecticut, about increasing the price of cigarettes, which is certainly a big aspect of this and will help a great deal. But if I could just mention a few things, it will only take a minute or two.

One of the things that he would like is that the legislation should actually set targets to cut teen smoking by 30 percent in five years and 50 percent in seven years and 60 percent in 10 years, and severe financial penalties would be imposed that hold the tobacco companies accountable to meet these targets. So as we move along there is a certain amount of flexibility that we maybe could increase the price of cigarettes or do other things, this whole idea of public education and counter-advertising campaign, that the legislation would provide for a nationwide effort to essentially deglamorize tobacco.

If I could just give an example from my own family, maybe I should not use it, but I do not think they will mind. But I have very young children, 4½, 3, and one that is only 6 months old. The only person that smokes in my household is my mother-in-law who comes to visit from time to time, and she is wonderful. She is always trying to cut back on her smoking and I think in the last 3 our 4 months she has not smoked at all.

But when the kids first started to be aware of it they started to emulate her. They love her. She is a wonderful woman. And we would see my youngest daughter like this, going around with the cigarette. So my wife decided this is not good. We have to deglamorize this.

What my mother-in-law decided to do was that whenever she smoked, she would go down in the basement. And the kids associated smoking with being in the basement and it was not a nice place to be. In a while it was deglamorized. After a while they would start saying, "cigarettes are bad" and "smoking is bad." They started to associate it with a bad habit, so to speak.

There are ways to get this across. We cannot take a defeatist attitude. And if we think about the President's proposals where he wants a public education program, also the restricted access of tobacco products, the kids would have a harder time buying them in terms of access behind the counter and that type of thing, all of these things can really make a difference.

Sometimes people ask me, "What are you going to do?" These things make a difference, raising the price, making it more difficult to have access, and basically conducting a public education program to make tobacco look bad.

□ 2045

Of course, you need to do it overseas as well because you know it is going to expand overseas.

Mr. DOGGETT. I think quite clearly you need to give the Food and Drug Administration, which deals with other kinds of harmful substances, lethal substances, the authority to do what it needs to do with reference to nicotine because it is such a deadly drug. It is responsible for so many lost lives.

But I think about the personal example you gave, and I believe that tomorrow morning there will be so many people around America taking car pools, as I used to do when my daughters were a little younger, and you go by at any high school in America almost, and at too many middle schools, the smoking corner. And you see bright young people with tremendous potential out there and realize that what we are talking about here in Washington, when we talk about hundreds of thousands or millions of people, they are Jane and Tom and Sally and Bill that are down there on the corner tomorrow when you see them on the way to taking the kids to school, or passing by a school on the way to work. It is their future that is at stake here.

The thought that tomorrow, and the day after that, and every day this year 3,000 young, bright people with so much potential will become addicted each day to nicotine, and that all of us working collectively here could do something about it, that is why we are here tonight talking. That is what is at stake, the lives of bright, creative young people getting misdirected in their youth on to something that stays on their backs forever and leads to their premature death and illness and destruction of them as an individual, and tremendous harm to their family, and limiting the potential of what they can give back to their community. There is just so much at stake here.

I think we have to keep pressing Speaker GINGRICH that even though he may have these commitments to the campaign contributors, and he may feel that the person who has been a public health leader should be called a thug, and these other kind of outrageous statements; that Joe Camel does not have anything to do with our young people smoking; that despite all that, we have no choice but to keep saying we will not take no for an answer; that we are demanding a full and complete debate about the most comprehensive bipartisan public health effort we can have to reduce the danger to those young people.

Mr. PALLONE. There is no question. And I suppose another concern that I have, too, we have our work cut out for us, because we have the Republican leadership now saying that they are not going to go along with anything meaningful here, and we are going to have to do a lot of work to counteract the advertising campaign that the tobacco industry is going to begin soon.

But it is also important that we not let Speaker GINGRICH and the Republican leadership get away with some sort of cosmetic legislation here that really has no impact on youth smoking. We have to be very careful with that.

Mr. DOGGETT. It would be consistent with what they did on campaign finance; coming up with some phony proposal probably written by some tobacco companies, and paid through their high-paid lobbyists here. Some kind of complete subterfuge, as they tried in blocking campaign finance reform. We cannot let that happen with reference to the health of our children.

Ms. DELAURO. We are some of the luckiest people in the world. We have an opportunity. We have an opportunity being here, that is how I view what we do, to truly try to make a difference in people's lives. And we are given a trust mandate, if you will, from the people who send us here. They say, protect our interests.

You may not be able to do everything, but we give you our trust; we give you our vote to take there and to protect our interests. Part of those interests, a substantial part of those interests are the children of this country, the families that we represent. And I think if we do not take this opportunity to try to help in some way to make a difference in good public policy in this country, it is there, and the people are there; the majority of the people are there. We should not be thwarted by the will of a few who are prospering and their own self-aggrandizement is at stake rather than thinking about the interests of those young people that we all go to see, and we tell them how wonderful it is to be a Member of Congress, and all the things you can do as a Member of Congress. And if we do not do this, take this opportunity to protect our kids from smoking, the Speaker of the House is culpable and those that do not want to move forward on this are culpable. I do not believe they should go to a school again and represent to children that we are here to protect their interests because we will just have sold their interests out to the highest bidder. That is the danger that lies here in the next few weeks.

Mr. DOGGETT. I know from your service on the Committee on Appropriations that we expend millions of taxpayer dollars to investigate the causes of various kinds of illnesses and diseases in America to try to improve health. Here is one that we know what the cause is. We know that nicotine addiction is the leading cause of preventable illness in America today.

We do not need any more research to find that out. In fact, some of the most powerful research was done by the tobacco companies, hidden by them, hidden by them for years, but we now finally have it. And having that, if we cannot on this leading and most obvious cause do something about it, then I think we really are shirking our responsibilities.

Mr. PALLONE. I agree. I think we are about to run out of time. I just want to thank both of you for participating in this special order tonight, and the main thing we are sending a message: The recess is over. We are back. We have gotten the message from Speaker GINGRICH that he does not want to move on this tobacco settlement. We are sending the message back to the Republican leadership that that is not acceptable to us as Democrats, and that we are going to keep fighting and keep bringing this up until they agree to move meaningful tobacco legislation.

Mr. DOGGETT. We cannot let this Congress run out of time without responding on the leading public health challenge our young people face.

Mr. PALLONE. If that is all we accomplish this year, it will be a lot.

REQUIRING A TWO-THIRDS VOTE TO RAISE TAXES

The SPEAKER pro tempore (Mr. HULSHOF). Under the Speaker's announced policy of January 7, 1997, the gentleman from Texas (Mr. BARTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. BARTON of Texas. Mr. Speaker, it is my privilege this evening to speak to the Members of this body about a vote that we are going to have tomorrow morning, tomorrow afternoon to amend the Constitution requiring a two-thirds vote of the House and the Senate to raise taxes or broaden the tax base.

The exhibit to my left shows the first 1040 income tax form, which was first used in 1914, over 83 years ago. If you look, look down the form, you can see that you paid a tax of 1 percent on income over $20,000, 1 percent. And if you had income over $50,000, you paid an additional, you paid 2 percent.

If you had income over $75,000, you paid 3 percent. If you had income over $100,000, you paid 4 percent. If you had income over $250,000, you paid 5 percent. If you had income, net income, not gross income, over $600,000, you paid 6 percent.

Less than 1 out of 100 American citizens had to pay any income tax the first year this 1040 form was used. Today, that is not the case. The marginal tax rate has gone up to over 40 percent. That is an increase of 4,000 percent.

If we could see the next chart, this is a chart that is through 1995, so it is actually about 3 years old now, but you can see back in 1955, the tax as a percent of income for two-income families was 27.7 percent. By 1965, it had gone up about 2 percent to a little over 29 percent. Ten years later, 1975, it had skyrocketed to 37 percent. And since that time, it has been between 37, and in 1995, it was 38.2 percent. This year, the latest year that we have numbers on, which we do not have a chart for, it is right at 39 percent. So almost 40 percent of two-earner family income is going to pay their taxes.

What does this mean? It means that the average worker is spending almost 3 hours out of every working day simply to pay Uncle Sam's taxes. For food, clothing, necessities, they spend 2 hours and 32 minutes. For the tax man, they spend 2 hours and 47 minutes, and for all other expenses, they spend 2 hours and 41 minutes. So we actually spend more time working to pay the tax man than we do to provide food, clothing and shelter for our families.

What would a two-thirds vote mean in the real world of voting here in Washington, D.C.? It means in the House of Representatives it would take 29 votes if all Members were present and voting for a tax increase. It means in the Senate, it would take 67 votes instead of the current 51 votes in the Senate and 218 votes in the House.

In the real world what that means is not too many tax increases would pass. In fact, of the last five major tax increases that we have had here on the House floor and over in the Senate, only one of them would have passed; 1982, 16 years ago, there was a Tax Equity and Fiscal Responsibility Act of 1982, passed the House with 52 percent. It passed the Senate with 52 percent. That was $214 billion in taxes would not have been collected. That one would have failed.

In 1987, we had the Omnibus Budget Reconciliation Act, which was a $40 billion tax increase. It passed in the House with 57 percent. It passed in the Senate with 62 percent. A little bit closer to the two-thirds vote, but it did not get to the two-thirds vote so it would have failed.

In 1989, we did have a tax increase that would have passed muster under the two-thirds vote for a tax increase. Only $25 billion, but it did pass the House with 68 percent of the vote, just barely passing the two-thirds vote necessary; the Senate, 93 percent. That one for $25 billion additional tax dollars on the American people would have become law.

In 1990, we had a $137 billion tax increase. It passed the House with 53 percent and the Senate with 55 percent, $137 billion; it would have failed.

Most recently, in 1993, the big Clinton tax increase passed the House by two votes, 218 to 216, so that is 50.2 percent, and in the Senate it passed 51 to 49. That one would have failed. So the last five major tax increase votes we have had going back over 16 years, only one, in 1989, would have passed the two-thirds muster. So the tax burden on the American people would have been lower by a little over $800 billion.

Supermajority would protect taxpayers from unnecessary tax increases. As I said earlier, the last big tax increase vote that we had, the 1993 Clinton tax increase, would have failed.

You may be asking yourself, this is a good idea in theory, but does it really work? Well, the answer is, it does really work. The States are using supermajority votes to require tax increases. There are 14 States, and I have got them listed here on this chart, and they have various measures requiring tax increase.

In 1992, the State of Arizona passed a State constitutional amendment for all tax increases that says if you want it to pass, it has to get a two-thirds vote in the Arizona legislature. Back in 1934, over 60 years ago, the State of Arkansas where our current President was Governor before he became President, passed a three-fourths vote requirement for any tax increase.

California, in 1978, first on property taxes and now for all tax increases, a two-thirds vote. In 1992, State of Colorado, two-thirds vote required. In Delaware, back in 1980, a three-fifths requirement for tax increases. The State of Florida, since 1971, for corporate income tax rate increases, requires a three-fifths vote; not quite as significant as the two-thirds vote that we are talking about. But still a supermajority of 60 percent.

□ 2100

The State of Louisiana, for the last 32 years, any tax increase would take a two-thirds vote. The State of Mississippi, way back in 1890, 108 years ago, requires a three-fifths vote for a tax increase. In Missouri, since 1996, only 2 years ago, a two-thirds vote for an emergency tax increase.

The State of Nevada, since 1996, a two-thirds vote for any tax increase.

And in Nevada, to amend their Constitution, they had to submit it to the people for a referendum; and the people in Nevada voted by referendum, I believe, over 70 percent to require a two-thirds vote for a tax increase.

In Oklahoma, in 1992, a three-fourths vote, 75-percent vote, for a tax increase. In Oregon, in 1996, a three-fifths or 60-percent vote for any tax increase. South Dakota, in 1996, a two-thirds vote for any tax increase. And in Washington State, in 1993, a two-thirds vote.

There are 15 other States that currently have some sort of a legislative initiative to require a supermajority vote. The State of New Jersey, where Governor Whitman has come out in favor of this, and the State of Illinois are two States right off the top of my head.

So what about these States that have these requirements, does it work? Well, let us look at the next chart.

There are some things that are true in every State. This is a study that was done on tax rates and tax revenues for the years 1980 to 1992. It compared the States that had some version of tax limitation, which I just showed my colleagues, with those that did not. And this shows the average change of per capita tax revenue.

In the supermajority States, tax revenue went up 102 percent during the 12-year period. So tax revenues went up in States that had supermajority requirement. But in States that did not have it, their taxes went up faster by an average of, the total is 121 percent of the aggregate States. So that is a difference of 19 percent.

Put another way, in States that had a supermajority requirement to raise taxes, their taxes were, on average, 19 percent lower than in those States that did not have the same requirement.

Since the taxes were not going up quite as rapidly in the supermajority States, that means the gross State products, the amount of goods and services produced in that State, went up faster than in high-tax states, 43 percent versus 35 percent, or a difference of 8 percent. So the economies of supermajority tax increase States were growing more rapidly than the economies of States that did not require supermajority for a State tax increase.

Well, consequently, if we are not raising taxes as rapidly, the legislature and the governors tend to be less willing to borrow money also. So if we look at the debt, the State government debt in the supermajority States, it did go up, unfortunately, quite a bit, 271 percent, but it did not go up as rapidly as in the States that did not have the supermajority requirement for tax increases. In those States, it went up 312 percent. That is a difference of 31 percent. Thirty-one percent is a huge difference in that time period of 12 years.

And, finally, since taxes are lower and they are going up slower and the gross State product is expanding more rapidly and State government debt is increasing less rapidly, what does that mean? It means that the number of jobs created expands more rapidly in supermajority tax increase States. Twenty-six percent rate of growth in job creation in the supermajority States; only 21 percent in the non-supermajority States. That is a difference of 5 percent.

So if we look at the statistics, and this is a comprehensive study, it was done over a 12-year time period. From 1980 to 1992, it compared in the aggregate those States that had some version of supermajority tax increase vote in their legislatures than States that did not. Taxes went up more slowly in supermajority States. Taxes were lower in supermajority States. Consequently, their economies grew more rapidly and more jobs were created.

So we have proven in the 14 States that have served as a national laboratory for supermajority requirement for tax increases that it works. That is why on April 17, 1998, a group called the American Legislative Exchange Council, or ALEC, which is a bipartisan group of State legislators of all 50 States, Republicans and Democrats, that meet to debate State issues and to compare their State initiatives to other State initiatives, the American Legislative Exchange Council, which represents all 50 State legislatures and has over 3,000 legislators as members, again Republican and Democrat, they endorsed the Tax Limitation Amendment that we are going to be voting on tomorrow.

I would like to read their letter. It is dated April 17, 1998. It is to Congressman JOE BARTON, that is me, U.S. House of Representatives, Washington, D.C. 20515.

> DEAR CONGRESSMAN BARTON. The 3,000 State legislators who are members of the American Legislative Exchange Council, the Nation's largest bipartisan membership organization of State legislators, would like to voice their support of a Federal amendment requiring a two-thirds supermajority vote in each Chamber of Congress to pass any bill that would increase taxes.
>
> The Federal tax burden is at a record high. This year, the average American family will spend more than 38 percent on their income on Federal, State, and local taxes, more than they will spend on food, clothing, shelter, and medical expenses combined. And we pointed that out earlier.
>
> Tax increases fuel excessive government spending and smother economic growth and job creation. Thus, any increase in the tax burden should require a broad consensus. Taking money from hard-working Americans should not be an easy task for the tax-and-spend politicians. A supermajority requirement would make tax hikes more difficult and shift the debate from tax increases to spending cuts.
>
> Fourteen States already require a supermajority to raise taxes. These States have demonstrated faster economic growth, higher employment growth, and experience slower tax and spending increases than the States without a supermajority requirement. A supermajority amendment would constrain tax-and-spend policies that squash economic opportunity for American families.
>
> Congress has a momentous opportunity to provide a brighter, more prosperous future for this great Nation. The States have shown the benefits of a supermajority requirement. Now is the time to apply this experience to the Federal Government.
>
> Sincerely,
>
> BOBBY HOGUE,
> *Speaker from Arkansas, National Chairman for the American Legislative Exchange Council.*

This is an extremely positive endorsement and shows again that it works at the State level, it will work at the Federal level. We have got a bipartisan consensus for this legislation, this constitutional amendment.

Another group that has endorsed the Tax Limitation Amendment is the Associated Builders and Contractors, a national organization of builders and contractors from around the United States, again a bipartisan group. It is not a Republican group. It is not a Democratic group.

It says,

> DEAR REPRESENTATIVE BARTON: On April 15, the House of Representatives will consider H.J. Res. 111.
>
> Actually, we are going to consider it on April 22, because we were not in session on April 15.
>
> This is legislation requiring a two-thirds supermajority of both Houses of Congress to pass any new tax or tax increases. On behalf of the Associated Builders and Contractors and its more than 21,000 member firms, I urge you to vote yes on H.J. Res. 111, the Tax Limitation Amendment to the Constitution.

It goes on to talk about their strong advocacy for the family and fiscal responsibility. This is signed by Charlotte W. Herbert, who is the Vice President of Government Affairs. It is dated March 20, 1998.

We have an endorsement from the National Association of Manufacturers. This is dated February 24, 1998.

> On behalf of the National Association of Manufacturers, nearly 14,000 members, over 10,000 of which are small manufacturers employing fewer than 500 employees, I commend your leadership in bringing the Tax Limitation Amendment to a vote on the House floor this April. It is hard to imagine a more appropriate time to bring this important legislation to the attention of the American taxpayers.
>
> I am enclosing a resolution adopted by the board of directors which concludes that the existing Federal tax system is beyond repair and should be replaced by a simple, low-rate system that eliminates multiple taxation. Just as importantly, underlined, this resolution concludes that procedures such as a supermajority voting requirement should be adopted to make revision both difficult and infrequent.
>
> The National Association of Manufacturers is therefore pleased to support the Tax Limitation Amendment, which would require a two-thirds vote in the House and Senate to levy any new tax or increase the rate or base of any existing tax. This amendment would force the Congress to focus on spending reductions rather than tax increases in order

> to balance the Federal budget. Such a result is completely consistent with the National Association of Manufacturers' long-standing position that, while it is critically important to eliminate the Federal budget deficit, this should be done by restraining the growth of Federal spending, not increasing taxes.
>
> We applaud your effort to make the Tax Limitation Amendment a reality and are impressed by the bipartisan support you have garnered for it. The National Association of Manufacturers looks forward to working with you and your colleagues and staff to pass this important legislation.

This is from Paul Huard, who is the Senior Vice President for Policy and Communications for the National Association of Manufacturers, and it was dated February 24, 1998, in a letter to me.

We have the U.S. Chamber of Commerce, dated February 20, 1998. This letter of endorsement is from Bruce Josten, who is the Executive Vice President of Government Affairs.

> DEAR CONGRESSMAN BARTON: The U.S. Chamber of Commerce, the world's largest business federation, representing more than 3 billion businesses and organizations of every size, sector, and region, wishes to voice its support for the Tax Limitation Amendment.
>
> The two-thirds supermajority requirement to raise taxes in your amendment would keep the pressure on limiting government spending in order to maintain a balanced budget. Turning to tax increases first when the budget deficit returns, as they will sooner or later, is poor economic policy. The Tax Limitation Amendment would shift the burden of keeping a balanced Federal budget from the taxpayer to the big government spender.
>
> We are looking forward to working with you on passing this legislation. Bruce Josten.

I could go on and on. We have got over 30 national organizations that have endorsed the Tax Limitation Amendment, groups that I have already mentioned, the U.S. Chamber, National Association of Manufacturers, American Builders and Contractors, the American Legislative Exchange Council.

We also have groups like Christian Coalition, Family Research Council, Americans for Tax Reform, Senior Coalition 60 Plus. So we have family groups, business groups, tax limitation groups, all kinds of groups across a broad political and public policy spectrum.

I see that one of my chief cosponsors is here, the gentleman from Arizona (Mr. SHADEGG), who led the fight in Arizona several years ago to pass tax limitation at the State level. He, along with the gentleman from Texas (Mr. HALL) and the gentleman from New Jersey (Mr. ANDREWS) and myself are the four chief sponsors of this amendment, two Republicans and two Democrats.

I will yield such time as he may consume to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding. Let me make a few remarks and then perhaps we can engage in a dialogue back and forth and make some of these points in a way that will drive them home, hopefully, to our colleagues who get to cast a historic vote tomorrow.

I raise the issue for my constituents on this question as really presenting one direct question: Should Congress be more responsible about spending the hard-earned tax dollars taken from the citizens of this great country? Simple as that. Should the Congress be more responsible about how to spend that money?

Now, we heard my colleague the gentleman from Texas (Mr. BARTON) talk about this being a Tax Limitation Amendment. It is an amendment designed to make it a little bit more difficult to raise taxes on the American people. And then I stand up, as one of the other chief sponsors of this and say, it really is about spending. Well, let me draw the link.

The problem is, when it is easy to raise taxes, as it has been in this country for too long, then we can be too casual about how we spend that money. This measure is designed to achieve a very important goal and that goal is to make us, the Members of Congress, be more responsible about the way we spend your money.

□ 2115

Because if we say that going on to the future, on into the next century, on into the horizons that lie ahead in America that we are not going to pass additional tax increases with a simple majority vote, 50 percent of the Members of this body plus 1, we are going to have to have a supermajority, we are making it that much harder, just a little more difficult to raise the taxes on the American people.

I will tell my colleague, I, JOHN SHADEGG, would like to see it much more difficult to raise taxes on the American people. I do not think we can get that far down the road, but with this measure, we can make it a little bit more difficult. I believe that is vitally important. I think it is very timely that this measure is before us right after tax day, but right after a fair amount of publicity in which the American media has reminded the American people recently that taxes in America today are at the highest level they ever have been in our history.

I think about my generation, the baby boom generation, peers of mine in their mid-forties, early fifties. They are paying more in taxes today in America than ever in the history of our Nation. I think about the generation behind us who are coming up, the Generation X'ers. They are just beginning their working careers. They are paying more in taxes today than ever in their lives.

Taxes as a proportion of our total economy are taking up more than they ever have at any point in time. That is really a composite of two figures. Federal taxes are at their highest level since 1945, a war year at the end of World War II, when they were about one-tenth of 1 percentage point higher than they are now.

But if you combine that almost record high Federal tax level with higher State and local taxes, because State and local taxes today are dramatically higher than they were in 1945, we are taxing the American people at a rate higher than we ever had.

I would like to be here tonight talking about tax relief for the American people, and hopefully in the next few weeks we will be able to do that, but this measure is not about tax relief. It is about ensuring that before this Congress reaches into the pockets of hard-working American men and women one more time and takes out of their wallets like this one yet a few more hard-earned American dollars and says, no, we need this money for the government, we need this so that we in Congress can spend it on programs that we think are wise, and the American taxpayer who earned this dollar does not get to make that decision because the government is going to take it from them, before we do that yet one more time and ratchet up the tax level yet one more time, we ought to make it a little bit harder. We ought to make it a little bit harder to take those hard-earned dollars from American taxpayers.

My colleague, the gentleman from Texas (Mr. BARTON), pointed out that 14 States have enacted tax limitation amendments. Arizona, as my colleague pointed out, is one of those States. In 1992 we passed a tax limitation amendment in Arizona, and we required under that measure a two-thirds majority to raise State taxes in Arizona. I am very proud because I helped lead that effort in Arizona. It has had a tremendously beneficial effect on the Arizona economy.

Before we passed that, Arizona had gone through a series of tax increases. Year after year after year, the Arizona legislature had done what politicians all too often do when there is a constant demand for more money. They had passed tax increase after tax increase after tax increase. As a result of that, the Arizona economy had grown very sluggish.

Since passing this measure in Arizona, which, by the way, passed by a vote of 72 percent of the people of Arizona voting on the measure approved the adoption of this Constitutional amendment, our economy has sped up dramatically.

Mr. BARTON of Texas. Mr. Speaker, would the gentleman yield for a question?

Mr. SHADEGG. Mr. Speaker, I am happy to yield.

Mr. BARTON of Texas. Have there been any attempts to raise taxes in the

State legislature since this amendment was adopted into the Arizona Constitution?

Mr. SHADEGG. Not only have there been no attempts to raise taxes in the Arizona legislature since this measure was adopted, at least no broad-based tax increases, and because we wrote the Arizona measure in a very comprehensive fashion, no increase in fees or user fees, but in point of fact the legislature has gone the other way and they have actually cut taxes, helping to stimulate that economy. As a result of that stimulated economy, we are getting more revenues in than we did before.

Mr. BARTON of Texas. Does it take a two-thirds vote of the Arizona legislature to cut taxes?

Mr. SHADEGG. It does not take a two-thirds vote at the Arizona legislature to cut taxes. It takes a two-thirds vote of the Arizona legislature to raise taxes.

Mr. BARTON of Texas. Under our amendment which we have right here before us, would it take a two-thirds vote to cut taxes in Congress?

Mr. SHADEGG. It certainly would not. As the gentleman well knows, you can make the argument, and our colleague in the United States Senate who is carrying this makes the argument that it actually does take in the U.S. Senate a two-thirds majority to cut taxes. Because of the debate rules they have and the rules on cutting off debate, you really, as a practical matter, to be able to pass a tax relief measure over there, would have to have a two-thirds majority.

But under this tax limitation amendment, you would never have to have a two-thirds majority here in the House to enact tax relief. You would have to have a two-thirds majority to enact a tax increase yet one more time.

Mr. BARTON of Texas. So we can cut taxes by a simple majority vote, but we would have to have a two-thirds vote to raise taxes.

Mr. SHADEGG. That is exactly right. The gentleman mentioned earlier broad public support for this. I want to talk about a poll recently conducted by Americans for Hope, Growth, and Opportunity, a nationwide poll taken on this issue within the last few weeks. In that poll, there are some surprising numbers.

First of all, the overall number says that the vast majority of Americans, Republican or Democrat, Independent, you name it, favor this idea. And 68 percent of all Americans, regardless of their party registration or their party leanings or affiliation, favor the adoption of a tax limitation constitutional amendment requiring a two-thirds majority rather than a simple majority of this body and of the United States Senate in order to raise taxes yet one more time.

You might find it not too surprising that within that number, 75 percent, three out of every four Republicans also favor this idea. I suppose we as Republicans can take claim for the fact that we are the antitax party, and that makes some sense that we would favor by a fairly high number, a number higher than the total, the option of the tax limitation amendment. But I am very encouraged and find it most significant that when you poll Democrats, it turns out that 63 percent, a very dramatic majority.

Mr. BARTON of Texas. Almost a two-thirds majority vote.

Mr. SHADEGG. Almost a two-thirds majority of all Democrats across America in a nationwide poll, just short of two-thirds of all Democrats in this country, favor the adoption in America today, hopefully by this vote tomorrow, of a supermajority requirement to raise taxes. I certainly hope that that is a figure that is not lost upon our colleagues; that they will recognize that the time has come to pass this.

When we have now government taking the highest proportion of the gross domestic product in taxes that it has ever taken in our Nation's history, it seems to me very clear that the signal being sent by Republicans and by Democrats is that it is time to enact a constitutional tax limitation.

Mr. BARTON of Texas. What would happen tomorrow on the House floor if three-fourths of the Republicans present and voting voted for tax limitation and 63 percent of the Democrats present and voting voted for tax limitation? Would that be enough to pass this constitutional amendment and send it to the Senate for a vote?

Mr. SHADEGG. What would happen is we would be sending a tremendous signal across this country that we are through reaching into the pockets, at least willy-nilly reaching into the pockets of the American taxpayers. Because if three-fourths of the Republican Members paralleled the support in the society, three-fourths of all the Republicans voted for this amendment tomorrow, and if 63 percent of all Democrats, as you posed in your question, just like 63 percent of all Democrats across America, voted for this Constitutional amendment tomorrow, it would pass and pass with a very, very wide margin, sending a bullet shot across this wall to the United States Senate and to the President saying this is an important piece of legislation.

Mr. BARTON of Texas. It would be a great idea, and it is legal if people were to fax, e-mail, write, call, send by Pony Express, by any means of communication to their elected Congressman or Congresswoman, be they Republican or Democrat, that they are for this amendment.

Mr. SHADEGG. Absolutely.

Mr. BARTON of Texas. That is allowed under this Constitution.

Mr. SHADEGG. If 75 percent of the Republicans out there listening today or tonight and 63 percent of the Democrats out there listening tonight would pick up the phone, crank up the fax machine, get on the Internet and send an e-mail, we could wake this Congress up and pass this tomorrow with a resounding vote.

Mr. BARTON of Texas. I assume you are going to vote for it tomorrow.

Mr. SHADEGG. I most certainly am going to vote for it with great pride.

Mr. BARTON of Texas. That is one vote. I am going to vote for it. That is two votes.

Mr. SHADEGG. We are on our way.

Mr. BARTON of Texas. We need 290 more votes if all Members are present and voting.

Mr. SHADEGG. I think it is clearly doable and would be a great signal for this country.

Mr. BARTON of Texas. We may have three votes. The Speaker in the chair, I think he is a vote for it also.

Mr. SHADEGG. He just gave me a thumbs up. We have got three votes. We are on a roll. This could be almost a telethon. We are talking about building a vote for a tax limitation amendment.

The gentleman from Texas mentioned earlier the effect of this, but I want to repeat that particular sentiment in some of those statistics. Well, 14 States have adopted in their own Constitutions a tax limitation amendment. Some studies have been done on those States that have had tax limitation for a number of years. What those studies show is that government and government spending grow at a slower pace in those States than in States without tax limitation.

Interestingly, in case you say, "Well, so what, we have slowed the growth of Congress, I am not so concerned about that, Congressman, I am interested in my job," the flip side of that, in tax limitation States, States that have adopted a tax limitation amendment at the State level, the private economy and the number of jobs, the employment rate grows faster than in non-tax limitation States.

I know it is hard sometimes for the audience, for our colleagues out there listening, to absorb statistics, but I am going to read through them very importantly in a slow fashion so that people can get them.

In tax limitation States taxes grow more slowly than in non-tax limitation States, and spending grows more slowly. As a matter of fact, in tax limitation States over a 12-year period taxes increased by 102 percent. So tax limitation States, there it is, there are the figures, spending has grown by 102 percent.

But in non-tax limitation States in that same 12-year period, spending has gone up by 112 percent, a dramatic increase. By contrast, if you look at the economies of those States, in tax limitation States, the economies, including employment, the economies grew by 43 percent, whereas by contrast, in States without tax limitation the economies have grown by only 35 percent.

So the bottom line is, tax limitation slows the growth of government and promotes the growth of the private sector. For people across America who want jobs, the bottom line is the adoption of a tax limitation amendment, in every single one of those States where it has been adopted, has encouraged the number of jobs that are growing. If you say you have a young son or daughter about ready to enter the job market, tax limitation amendment in your State has enhanced their chance of finding a job in the productive market.

Mr. BARTON of Texas. I actually have a young son and young daughter who are about to enter the job market. My daughter Allison wants to be a teacher. She graduated in December from Texas A&M. My son Brad is graduating from Stanford School of Business in June. They are both looking for jobs. So I have a son and a daughter who want a job, and they will find a job more likely in a supermajority State to raise taxes.

Mr. SHADEGG. If that is true at the State level, why do we not make America a supermajority Nation for future tax increases? Why not take that principle which has worked at the State level and adopt it at the Federal level, so that we promote further economic growth across this Nation because we make it slightly harder for the U.S. Congress to raise taxes yet one more time.

We force the Members of this Congress, you and I and the gentleman in the Speaker's chair who has joined us in voting tomorrow for this, make it a little bit more important that we look a little bit more carefully at how we spend the dollars.

It is worth noting, many people across America are very, very upset at the General Accounting Office audit which came out just a few days ago showing that our government is wasting massive amounts of dollars. Indeed, those numbers show that in some instances we cannot trace where the money has gone. We cannot find equipment that was supposed to have been purchased. We are literally kind of allowing money to slip through the hands of the Federal Government and not even get real value added.

That should offend every American taxpayer. That should be, I hope, the driving force which puts this amendment over the top tomorrow. Because if we make it just a little harder to raise taxes, we will have to be just a little bit more careful, hopefully a lot more careful about how we spend those hard-earned dollars that we take out of the pockets of the American people.

I compliment the gentleman. I am happy to chat with him about other beneficial aspects of this amendment. I do think that it is important to emphasize over and over again, 75 percent of Republicans favor it, 63 percent of Democrats across America favor it.

□ 2130

Mr. BARTON of Texas. And that is all in the last month. I mean that is not like 10 years ago or 20 years ago. That is a poll, a national poll taken within the last month.

Mr. SHADEGG. That is absolutely correct. Now we just need to make sure that those Americans who feel like communicating their sentiments, hopefully 75 percent of all Republicans across the country, 63 percent of all Democrats across the country, will call and let their Member of Congress know that they think that it would be a good idea to vote for tax limitation.

Mr. BARTON of Texas. And it is my understanding, Mr. Speaker, that the gentleman has been on a number of national radio and television shows about this and has debated some opponents of it from time to time, as I have. Have you ever had one of the opponents say that we should not do this because it would not work?

Mr. SHADEGG. Well, I have had a number of people engage in debate. In Arizona we debated this measure. The opponents of it predicted dire consequences. They said that this was an irresponsible measure, that we should never have a supermajority requirement, that we had always just had a simple majority.

They even go so far, and you may have heard this in debate yourself, as to say it is un-American to require anything other than a simple majority. And yet the Founding Fathers when they drafted our Constitution inserted a number of supermajority requirements, and when you combine the supermajority requirements that are already in our Constitution, such as to ratify a treaty, with others that have been added——

Mr. BARTON of Texas. Or to convict a President of impeachment proceedings.

Mr. SHADEGG. Or to convict a President in impeachment proceedings. If you add those supermajority provisions or requirements that were in our original Constitution with those that have been added to the Constitution by amendment, there are today already in our Constitution 10 different provisions which require not a simple majority, not 50 percent plus one, but a supermajority. And if it is appropriate in those circumstances, you and I are here tonight arguing that it should be appropriate in this one where we actually reach into people's pockets and take the productive efforts of their labor out of their pockets and give them to someone else to spend.

Mr. BARTON of Texas. Well, I have engaged in a number of debates, and most of the opponents are opposed to this for the very reason that it would work. They say quite emphatically that it would make it very difficult to raise taxes, therefore they are opposed to it. And I say exactly, that is the point. Let us make it more difficult than it is today.

I think that in an economy that is generating $7 trillion worth of goods and services with almost 300 million Americans, with over 80 million Americans working, paying a tax burden, if you combine State and local taxes it is approaching 40 percent of their gross income, that there should be a national consensus. There should be Republicans and Democrats who say we have to have a supermajority vote to raise taxes.

I would like to point out again that the group that most represents the State legislatures on a bipartisan basis, the American Legislative Council, has endorsed a tax limitation amendment. I am not going to read that letter again because I did earlier, but I think that is proof positive that this is not a gimmick, it is not a Republican election year ploy, it is common sense, good public policy.

We have got a number of Governors that have endorsed this. Governor Whitman in New Jersey has endorsed it. Governor Wilson in California, our largest State in the Union in terms of population, has endorsed it. We also pointed out earlier there are 15 States that are considering adding a supermajority requirement to their State constitutions to go along with the 14 States that already have it.

So tomorrow, beginning approximately 12:30, we will have a vote on the rule. That should take about an hour. It is an open rule. The minority party, if they wish, will have the right to offer a substitute. They will also have a right to offer a motion to recommit. The rule debate should take about an hour, and then we will have three hours of debate equally divided, an hour and a half for the proponents, an hour and a half for the opponents, and the gentleman from Arizona (Mr. SHADEGG) and I are going to be on the floor helping to manage the time for those that are in favor of this. And then the debate should conclude around 4 o'clock tomorrow afternoon, and we may vote immediately or we may hold the vote until a little after 5 o'clock.

Since this is a constitutional amendment, I think everybody knows that it takes a two-thirds vote of those present and voting to pass. So last year when we had the vote on April 15, we had 233 votes, which was a majority, a substantial majority. But that day we needed I believe 279 votes, so we failed by 40 or 50 votes since we did not quite have the two-thirds.

So tomorrow hopefully we will get well over 75 percent of the Republicans. I will predict that we get that. The key question is if we can get the 63 percent of the Democrats who have said in a national poll that the gentleman from Arizona (Mr. SHADEGG) here alluded to, if they will support this amendment.

Mr. SHADEGG. Mr. Speaker, I would like to make a couple of points that I think are important and I will be emphasizing tomorrow in the debate, but in case anyone is out there listening tonight and not able to listen to the debate, one of them is an intellectual point that addresses a concern that some people have about, well, is it appropriate to insert a supermajority requirement in the Constitution, and the other is just a practical argument.

You know, I do not know if we have a large chart of this, but I have a small chart that I can hold up here and hopefully we can focus on. In 1950 the Federal tax bite was $1 out of every $50. So in 1950, when I was a young boy growing up in Arizona, if my dad earned a hundred dollars, the Federal Government got two of those dollars. He had to send $2 in for every $100 he earned.

By 1996 that figure had changed rather dramatically. By 1996 it had become not $1 in taxes to the Federal Government out of every $50 earned but $1 in taxes out of every $4 earned. So today, 1996, or at least in 1996 and it has gotten worse since then, if you earned $100, you did not send in $2 you sent in $25, one fourth, to the Federal Government alone.

That is a staggering increase in the tax burden on the American people, and I think it explains why it is appropriate to take the vehicle of amending the Constitution and amend it at this particular time.

We have already talked about the fact that Federal taxes are at their highest level that they have ever been in American history and placing a huge burden on the American people. But I now want to turn to kind of a practical side of this issue, and I actually like to quote often the quote which hopefully the camera can focus on at the front of the room. John Randolph, the author of this quote, was a Member of this body, United States House of Representatives, early in our Nation's history. He served in the United States House and then ultimately was elected to the United States Senate and served in the United States Senate.

Mr. BARTON of Texas. I think he was a member of the Constitutional Convention also.

Mr. SHADEGG. I think that is exactly right.

Mr. BARTON of Texas. I am not certain, but I believe that is correct.

Mr. SHADEGG. John Randolph said, as that quote reads, and I want people to read it with me and think about it, but he said at one point, talking about government and about the power of the Congress, that "It has been said that one of the most delicious of privileges is that of spending other people's money."

One of the most delicious of privileges is that of spending other people's money. What he was talking about is the power of government through taxation to take other people's money, and then for this Congress and Members of it to enjoy the privilege of spending it.

Well, I reflected on that quote back when I discovered it in the debate in Arizona over a tax limitation amendment, and about the point he was making. And the sad truth is that the privilege of taking other people's money through taxation and then being able as a government to spend it I believe has become abused.

I want to talk a little bit about a practical experience I had which led me to support the tax limitation amendment in Arizona and leads me to fight passionately for the adoption of the tax limitation amendment at the national level. For years in Arizona I worked in connection with the Arizona legislature. I was not a member of the legislature but I worked for the Arizona attorney general's office.

And members of the Arizona legislature would call me over to their office, and this happened hundreds of times in my career at the Arizona attorney general's office, and a member of the legislature would call me over to his or her office, and they would either have a letter from a constituent or they would have a constituent sitting there in the room. And the letter or the constituent would be making the case that there was a very serious problem, even sometimes a heart-rending problem, a sad problem, a tragic problem, somebody doing without, somebody suffering, somebody in need.

And the legislator member of the Arizona legislature with whom I would be talking would say, "Look, my constituent has identified this very serious problem, people in need. Can we solve this problem? Could we pass a bill and appropriate some money to fix this problem? Could we create a program to fix this problem? Could we take the resources of government to solve this very tragic problem?"

And the conversation occurred hundreds of times in my career at the attorney general's office, and of course the answer always was that we could, of course, pass such legislation, we could make an appropriation, we could create a program, we could spend money. What occurred to me is that in those conversations there was always one person missing.

There was always the constituent who wanted the program. And it was invariably a worthy program, something that you know almost all Americans and all Arizonans would say, "There really is a need there. We need to take care of that." And there was a legislator, a member of that legislative body, like we here in the Congress, with the power to write a bill and make an appropriation and create a program and spend the money to solve the problem.

But the person missing in those discussions, and they were missing in every single discussion I ever watched, was the taxpayer, the individual who would have to foot the bill to solve that problem, who would have to pay the tax bill to pay for that appropriation. The taxpayer, the man or woman, the young boy or girl starting their first job at a McDonalds or a Burger King who would have to have wages taken out, taxes taken out of their wages to pay for that program, they were never in the room. They were not a part of the conversation. There was always an empty chair where that person could not speak up and say, "Yes, this is a serious problem. Yes, maybe we ought to think about it, but we have to consider where is that money going to come from."

Mr. BARTON of Texas. Mr. Speaker, I can actually put a face to that anonymous person. Two weeks ago I went to Waco, Texas where my mother lives. She is a retired widow on Social Security, and she has some teacher retirement, and because her only income comes from three sources, Social Security, teacher retirement and some IRA dividend income from an IRA that she and my father had saved on when he was alive, she does not have any withholding taken out, and it is a relatively modest fixed income.

So last year I had done her taxes after my father passed away, and she did not have to pay any taxes. So this year I was not too worried when she said, "Are you going to come do my taxes?" I thought, "Well, it is not a big deal. She will not owe any tax, so I can just go ahead and do it."

So I finally went over there a week before the filing deadline and we sat down, and she had had to take a slightly larger dividend from her IRA because she is over 70 years of age and the law requires that you begin to disburse this particular type of a Keogh account.

So first time I went through and made the calculation. I said, "Well, mom, it looks like this year you're going to have to pay a little bit in tax," and it was like $200 or $300, and she said, "That's no problem."

Then I went back through again and I said, "I just want to double check the numbers," and I checked the Social Security number, and I checked the teacher retirement number, and then I checked the IRA number, and lo and behold, I had added incorrectly or missed something. So I said "Well, mom, I'm going to have to recalculate this tax," and when I did it was well over $1,000.

And she said, "Well, I don't have enough money to pay that." So she got real excited and called the bank and she wanted to know how much money was in her account and whether she had enough money to pay the tax or she was going to have to take some money out of a savings account, this IRA account, or what. And it turned out after looking at her checkbook and looking at what her expenses the rest of the month were, we decided that she would be able to write a check, because you cannot tell the IRS, you know, "We will send it next week." You know, just you have got to send the money when you calculate your tax return.

So my mother, who is a widow on a fixed income, had to pay well over $1,000 in income taxes this year, and that does not come out of nowhere. I mean, that shows very clearly the need to make it much more difficult than it is today to raise taxes, because there are a lot of Nell Bartons in this country. In my mother's case, she was fortunate that she had enough money this year to pay her Federal income tax without having to borrow from me or to go into her savings account.

□ 1945

There are a lot of people come April 15 that are in real tough shape, and we need to protect those people by passing this constitutional amendment.

Mr. SHADEGG. There is no doubt about it. As the gentleman well knows, whenever you come to the floor and propose a constitutional amendment, one of the reticences, one of the resistance factors you face, is that people say we should not tamper with the Constitution lightly. We really ought to think about these issues gravely and seriously, about whether it is appropriate to amend the Constitution. We ought to consider the consequences of our conduct.

Is a constitutional amendment really necessary? If this was such a great idea, how come the Founding Fathers did not do it?

I know, because you have carried this amendment on this floor many times in the past, you face that argument where people say, no, if it was necessary the Founding Fathers would have put a tax limitation amendment in the original Constitution. They would not have said you could raise taxes with a simple majority. They would have said you could raise them only with a supermajority, so you must be wrong. We do not need this. This is a radical idea and bad idea.

When I tell the story, if I could just make this point, about that empty chair of the taxpayer who is not there in the conversation, I want to make the point that when we enact new programs, we never talk to the taxpayer, and the role of government is so dramatically different than it was at the founding of this country.

The first and most important difference is that we did not have an income tax. I think all students of American government know we did not have an income tax. We could not even have contemplated passing the kind of taxes and tax burden.

Mr. BARTON of Texas. It was unconstitutional.

Mr. SHADEGG. Until we amended the Constitution with the 16th amendment. So we did not even contemplate reaching into people's pockets time and time and time again with ever-increasing income taxes to pass that money on to some government program to solve a problem.

But there are dozens of other differences in the role of the Federal Government today. I firmly believe that the Enumerated Powers Doctrine says that this Congress can only do a certain limited number of things. There are actually only 18 enumerated powers in the U.S. Constitution. Yet this Congress does a whole lot of things that it is not supposed to do under that doctrine.

The 10th amendment says you are not supposed to do any of those things, but rather those authorities belong to the States and to the people. Yet the 10th amendment and the Enumerated Powers Doctrine have almost been completely read out of the Constitution.

While I regret that, those are the facts. That means that it is appropriate to amend the Constitution and to say wait; before you raise taxes yet one more time, we are going to make the bar a little higher. We are going to say instead of doing it with a simple majority and stealing that money from the American people yet one more time at a higher rate than today, when it is as high as it has ever been in our Nation's history, you cannot do it with a simple majority. You have to have a broad consensus represented by a two-thirds majority.

That is why I think this amendment at this point in time is appropriate and is not inconsistent with what the Founding Fathers intended.

Mr. BARTON of Texas. As the gentleman from Arizona has pointed out, when the Constitution was ratified by three-fourths of States in 1787 through 1789, it was unconstitutional to have any kind of a head tax or income tax.

That situation changed in the early 1900s. The constitutional amendment making income tax constitutional, the 16th amendment, passed, as the gentleman has pointed out. Since that time, the average marginal tax rate at the Federal level has gone from 1 to over 40 percent. So we do need to pass a constitutional amendment making it more difficult to raise taxes.

Again, it does not take college level algebra to understand this amendment. Two-thirds is a bigger fraction than one-half. Therefore, it would be more difficult to get two-thirds vote to raise taxes in the House and the Senate than the current one-half plus one.

Mr. SHADEGG. If the gentleman will yield quickly on that point, there are a lot of people who are my constituents who say Congressman, why just two-thirds? I would rather it was three-fourths or five-sevenths. They want it to be as high a fraction as possible. I think this is a reasonable figure, and we need to strive very hard to get support for it and encourage our colleagues to vote for it.

Mr. BARTON of Texas. I did a town meeting in Arlington, Texas, last week, and one of my constituents said we ought to make it by unanimous consent, 100 percent, which would be very difficult, indeed.

So we need to wrap this special order up. I want to thank the gentleman from Arizona (Mr. SHADEGG) for his strong leadership. The gentleman from Texas (Mr. HALL) and the gentleman from New Jersey (Mr. ANDREWS), our Democrat chief sponsors, could not be here this evening, but they are quite supportive. We should require a national consensus to raise taxes, and we should require a two-thirds vote.

Hopefully, the people that were polled in the poll that the gentleman alluded to will call their Congressmen and Congresswomen, and tomorrow we will get a bipartisan vote that ends up the requisite two-thirds to pass this and send it to the other body. I look forward to a big vote tomorrow.

ATTACK ON WORKING FAMILIES MUST CEASE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, we have just returned from a recess, the Easter recess, and I think the period between now and the 4th of July will be a very busy period where the Congress has some business that has to be conducted, and I hope that we will be able to make room on this very busy agenda for some items that I think are of great necessity.

I hope that in the next few months we can see an end to one feature of this Congress that is highly undesirable, and that is the attack on working-class families. The attack on working families must cease. It is counterproductive. It does no good. It is out of step with the present situation in America where we are enjoying unlimited prosperity.

The stock market, the Dow Jones average has jumped to the 9,000 level. It is double what it was 2 years ago. Unprecedented prosperity we are enjoying, and yet at a time like this, the war on working families has been intensified by the Republican majority.

I can speak from intimate experience about this war on working families, because I serve as the ranking member on the Subcommittee on Workforce Protections of the Committee on Education and the Workforce. So we are having hearings; we are having markups; and I know intimately how this war is intensifying, and it has become a kind of a microguerrilla warfare.

The Republicans did a very strange thing in 1994 when they authored a Contract with America. It had nothing in there about attacking working families. It had nothing in there about attacking unions. There were no antilabor platforms parts of the contract. That was the overt contract.

Obviously, they had a covert contract, because immediately after the Republicans won the majority, in addition to pushing their overt Contract with America, there was an attack started in 1994 on the working families, a steady attack.

That was an attack which was sort of open warfare, out in the open, and with heavy armor. The public could clearly see what was happening; the workers could see what was happening clearly, and we rallied our forces against those people who wanted to end, at one point wipe out the Department of Labor, and then wanted to wipe out the National Labor Relations Board. They wanted to bring OSHA to a standstill.

There were numerous kinds of activities that were undertaken in 1994 that were beaten back. They basically lost their first set of assaults. But now we have a kind of microguerrilla warfare where they are going to chip away at the foundations of the protections for the working families of America. They have come with all kinds of camouflaged attacks.

Now, frequently we have bills that only take one small part of a major piece of labor regulations and law and begin to attack that, chip away at that, in the hope that they will be able to slowly erode and maybe gain some momentum later on for bigger attacks.

So I think that it is time to call a halt to the attack on working families. It should cease at this point. You lost the first phase of the war in the last Congress, so why not let that be a lesson. The new strategy of tactics, I do not think it will work, because if we maintain an open society, if we continue to debate the discussion, the common sense of the American people, the American voters will rise up and pass judgment on those who insist on repeatedly attacking working families.

In this atmosphere of prosperity, where unprecedented amounts of money are being made, and certainly the people in the top 10 percent, the top 20 percent, are doing very well, why even allow ourselves to be consumed with a discussion of how to make the pie smaller for working families? How to oppress working families in terms of their working conditions? How to block benefits from working families?

Why do we not have a more expansive attitude by both parties. Let us have a bipartisan initiative whereby we seek ways to spread the prosperity that we now enjoy to all of the American people, including the workers? We have got the wrong war going, the wrong set of energies being expended at this point. We should focus our energies on how to spread the prosperity, how to use this to make a better, a fairer playing field for workers.

We need a terrain where everybody in America can reasonably pursue happiness, the pursuit of happiness that is mentioned in the Declaration of Independence. It should still be our goal, and everybody should not just have the right to pursue happiness, but we ought to have a fair playing field, a terrain that allows that to happen.

We can do it. It is possible now. No society ever in the history of the world has enjoyed the kind of resources that we have at hand now. So instead of attacking working families, let us look at working families as being a major resource. Our human capital is our major resource.

In this very complex, modern society of ours, it is what happens to the human capital, the people and their minds, and the way they operate, which will determine where our society goes.

So I want to talk tonight about the attack on working-class families and how that ought to cease, and we ought to direct our energies instead towards spreading the resources to guarantee that working families participate in the present prosperity.

There are a number of areas in which the attack on working families does continue. It is quite obvious not too many weeks ago, a few weeks ago, we had one bold initiative brought to the floor here, the Paycheck Protection Act. The Paycheck Protection Act is one of the most dangerous pieces of legislation ever introduced in America. It has not been talked about in the proper context.

What the Paycheck Protection Act is seeking to do is to cut the throat of the working families, cut the throat, the voice, end the voice, completely shut them out of the dialogue, circumscribe our open society, which is so invaluable.

One element, one very strong element, the labor movement, the organized workers, would be destroyed if the Paycheck Protection Act was passed.

The Paycheck Protection Act boldly states that we are going to put unions in a position where they will not be able to function. We will give them so much democracy they will choke to death.

□ 2200

Now, I am going to take some time to talk about this, because it seems to have appeal to some people, whereas the chances of it going anywhere here on Capitol Hill, we would beat it back and the likelihood that it would get passed here is slim.

But the effort by the Republican majority has taken a guerilla warfare approach and spread out, and it now comes through all the States. Many States have introduced legislation very similar to the Federal legislation that was introduced here in Washington, paycheck protection, meaning silence the unions.

We can summarize it by saying it is a bill that says unions have to consult with all the members before they make major decisions. They have to have the approval of all the members on every decision. That kind of democracy is a democracy of death.

Even in a small unit like the family, if you told the person who is going out to shop for groceries, you will need to get approval from us on how you are going to spend this week's grocery money, on all the decisions, you would wipe out the process of being able to have anybody do the shopping. It is that simple.

If you want to destroy America, tell the voters that they have a right to demand from every congressman that they once a year check with them and no decisions can go forward, no actions can be taken, unless they approve it a year in advance.

Any institution can be brought to its knees that way. That is not honoring democracy. That is not exalting democracy. That is using democracy as a weapon. That is going to extremes in order to destroy it.

That is basically what the Paycheck Protection Act says, that unions, unlike corporations or any club that you ever belonged to, there is no institution that operates in a way where it has to get the approval of its members ahead of time for any basic decision. It is impossible to function that way, and yet unions are going to be required to do that.

Unions are already under great restrictions in that they have the Beck decision which, in essence, says a union member has a right to demand that his money not be spent on activities other than those connected with collective bargaining and the benefits that they receive and the administration of those benefits. So they can demand that their particular dues money be separated out in a way which allows it not to be spent for anything except the direct activities related to collective bargaining.

Already, that is almost impossible to administer. There is a whole lot of paperwork. Most unions, of course, are doing that already.

To go one step farther with a Paycheck Protection Act which demands that they lay out their plans, and certainly any positions that they are going to take with respect to public policy must be taken ahead of time, the union members have a right to do that. So we have that bold step taken which is going for the jugular vein of the union movement, which is an example of how that attempt to oppress working families has taken a new turn. It is more intense than ever.

There are still great problems with Davis-Bacon being still a candidate for ambush behind the scenes. In every major bill related to construction expenditure, on Federal funds on construction, you have the Davis-Bacon ambush waiting, an attempt to put into law something to curb Davis-Bacon or even not allowing certain things to go forward and move.

One of the problems with the school construction initiative is that there are too many of the Republican majority who would, rather than see no schools built, if they have to be built under the Davis-Bacon provisions, they would rather not go forward.

It is really a blind approach, like the woman who came before King Solomon claiming to be the mother of a child, and yet she was willing to see the child cut in half. And Solomon, of course, immediately identified her as not possibly being the mother of the child. How can you be the mother of a child and want to see it cut in half? How can you care about education and worry about the problem of using Davis-Bacon regulations in the construction of schools?

We have a minimum wage problem that nobody wants to discuss. We passed a minimum wage bill 2 years ago. Some people said it would be over their dead bodies, but we managed to do it, and nobody died. Nobody in the Congress had to pay that final price, give the last measure. It passed. Nobody died.

We have gone two steps now. It is unto $5.15 an hour. It is time to increase the minimum wage again, if for no other than reason than to share the wealth.

But there are much better reasons because, as far as working people are concerned, the minimum wage still has not caught up with the years of inflation. We are still behind in terms of the buying power of the dollars that workers receive, so the minimum wage needs to be increased just to bring us one step closer to where the buying power of the dollar is today.

There are some moderate proposals on the table to increase it merely by 50 cents per year for the next 2 years, which would bring the minimum wage up to $6.15. Most workers are way ahead of that already. There are a good number that still need the floor of the minimum wage, but most are ahead of that already. It is only fitting and proper in a time of great prosperity that we increase the minimum wage. At least we can do that.

There are many, many ways to share the present prosperity we enjoy. We could go for a universal health system, a universal health system which guarantees everybody a decent health plan, and stop this kind of approach that we have now, a piecemeal approach which in the end may be costing us more, giving us worse health care and costing us more, to really having a universal, single-payer health plan. That is one way we could spread the prosperity and help us to guarantee the pursuit of happiness on a fair playing field for everybody. But if we do not want to go that far, the minimum, the least we can do, is to guarantee that working people receive a little more money for the hours they put in.

So the minimum wage, Davis-Bacon. We should stop the war on occupational safety and health issues. That still goes on. OSHA is being attacked every day from new angles, chipping away. The attempt to sort of bring OSHA to a standstill and paralyze the agency completely failed.

They did cut the budget. They have a trophy. They drastically cut the budget. They cut the budget of NLRB. They have some trophies to take home in this dangerous war against working families, but it still exists. OSHA is there and needs to be left alone to provide more safety for workers.

We still have a problem of more than 6,000 workers dying in the workplace. We still have a problem with more than 50,000 workers being injured in the workplace. It is not moving rapidly enough. Preventable deaths are still happening as a result of inadequate occupational safety and health procedures.

Migrant and seasonal agricultural workers, they are still trying to chip away at the small protections that they have.

I came back today for a hearing at 2 o'clock related to migrant and seasonal workers, where they are trying to take away the very measly, minimum protections that we have there. Those are the most exploited workers in America.

The fact that they do not give contributions to any party, the fact that a lot of them are immigrants as well as migrants, also lessens their political effectiveness. But a great country does not worry about human beings' capability of making contributions; a great country seeks to protect all of its citizens.

I am certainly glad that Abraham Lincoln did not worry about the fact that the slaves did not have any PACs. They could not give any contributions. The slaves had no political influence. In fact, the career of Abraham Lincoln might have been guaranteed as a rosy career, going on and on with the least amount of stress, if he had just forgotten about the slaves.

I am glad there was something in his American blood that made him care about those who could do nothing for him politically, and he set the slaves free. Migrant workers and a lot of people at the bottom of the rungs deserve that kind of protection, as do all of us.

The Federal Employees' Compensation Act, like Workmen's Compensation at the State level, we have a Federal Employees' Compensation Act which is not very different, but there are assaults on that as being too expensive and too costly. We had a hearing on that about a month ago, the Federal Employees' Compensation Act; FECA, it is called.

What came out of the hearing? That there are large amounts of payments going to workers who have now retired. Twenty-five percent of the payments are going to them, and a large part of that expense that is disturbing so many people is going to the older workers.

Why are there are so many older workers who are getting FECA? Because they had no occupational health and safety provisions years ago when those people were in the workplace, and large numbers became injured with serious injuries.

Preventive measures taken many years ago would have saved us untold numbers of dollars, millions and millions of dollars. But instead of taking those steps years ago to implement the kind of occupational safety and health procedures in the Federal workplace that we should have done, we did not do it, and we have these people now, and we want to prey upon the weak. We want to take away some of their benefits. We want to get very technical and talk about the fact that they should not be getting the money they would have received if they had not been injured, and a whole number of arguments are offered which run against the grain of the American legal system.

If each one of these people who were injured in the Federal workplace had been able, because there was no workmen's compensation, no restrictions on them, been able to go and sue in court, they would have gotten far more money for these injuries, probably far more.

They do very well in these cases. Many are open-and-shut kinds of cases, because the Federal Government has not been so generous. They challenge people who say they have injuries, and they challenge people who have disabilities, and it is not easy to get the compensation. But that attack on old workers who have gone out of the work force, who worked for the Federal Government, that attack is one of those attacks that is most despicable, but it goes on.

So I am here to talk about that, and I mentioned the Paycheck Protection Act first because it is important that we understand what is involved.

They are able to oppress the workers and squeeze them tighter, although why we should squeeze workers more I do not know. Now with unprecedented prosperity, a Dow Jones average of 9,000, and the stock market roaring ahead, why we are preoccupied with squeezing workers? But whatever facets of human nature are driving this effort to oppress working families, it is there.

In order to do that, they feel they have to have a closed society. They have to get rid of the one voice out there that is able to keep pace with the Republican contributors. The Republican contributors are predominantly corporations, big business, people who may be misguided enough to believe that they have to squeeze more out of the workers.

How do the workers get to be the enemy, when the evidence and the facts show that the workers are not the enemy, they are part of the success of the American system? Why that cannot get through, we do not know, but that is the case.

They want to silence the one element that in the last election was able to stand up and challenge the multi-billion dollar electioneering process of the Republican party. Only organized labor could produce money out there to put issue ads in front of people and make them think about what was happening with Medicare, Medicaid, the minimum wage or any vital issue that had to be discussed in a way which required maximum visual exposure on television or radio. It was organized labor that was the one opposition voice that across the country could be mounted against the Republican majority's open-ended expenditures.

So the decision has been made to go after them, to cut off their voice, to end our open society.

The debate will be far more one-sided than it is now. Even with labor, organized labor, able to expend $1 million to get the other point out there, it is still a lopsided argument. The expenditures of soft money with respect to the Republican party versus the Democrats, who were supported by labor unions, was at least more than 20 to 1, the soft money. The rest of the money, it was like between 7 and 10 to 1 on the hard money. So it is way out of kilter in terms of the kind of money being spent. They want it to go even further. Let us wipe out any well-financed opposition totally.

George Soros, who happens to be a billionaire, and I commend him because I do not think that this discussion has to be stratified in terms of here are the rich here, and the poor over here, and all rich people are foolish enough to believe that they have to wage war against working people. I do not think all rich people are foolish enough to believe they have to wage war against working people. I do not think all corporations are foolish enough or misguided enough to think they have to wage war against working people.

In fact, the biggest corporations that make the most money have unions. They have not gone to great lengths to prevent the formation and continuation of unions. Unions are shrinking in size, and it is interesting that the American economy now, you know, is more and more a smaller set of entities.

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The businesses are in smaller units and that is part of what is happening with respect to the decreasing number of people who organize. We also have not kept pace with our labor laws and our National Labor Relations Board. It is too difficult to organize in these smaller units, and there are various reasons that I do not want to go into tonight why we have fewer unionized workers, but certainly we do not want a situation where the kind of opposition and strong national voice that unions can mount will be silenced.

George Soros talks about nothing is more important at this point in American history. We are so prosperous and so successful and there is no competing superpower. Nothing is more important than keeping an open society, whatever has to be done to keep an open society where we have a large number of newspapers and we have got a voice there, we have voices there that compete with each other, we have voices on television and radio that compete with each other. We have a society where the dialogue is not all forced to go one way.

Of course, we say we have freedom of speech. That is part of the Constitution. So why are we worried about that? It so happens that despite freedom of speech and despite the Bill of Rights, if one does not have money or resources, constitutional rights begin to get very weak. The fact of modern society is that we are going to have to take a look at the relationship between money and resources and rights, and one of the rights is freedom of speech.

George Soros says one of the great problems in totalitarian societies, and certainly in the case of the Soviet Union, was that it was a closed society. The Soviet Union has probably a higher literacy rate than America and most countries in the world. The Soviet Union, which put Sputnik up before we had a thing up there in space and put up a space station and had great rocket power and the power to land ballistic missiles, we think to mount intercontinental missiles and have them land, be deployed in Russia and land here, all of that great, very well-organized, very competent, scientifically competent society came crashing down. It came crashing down.

I agree with the analysis that says it is primarily because it was a closed society. Even if there are brilliant people, if they are making decisions in a closed circle and something goes wrong, and they all begin to go in the same direction and there is nothing to come in from the outside to make them get the perspective or correct it, then there is a problem.

Certainly when political decisions are overwhelming everything else, the scientists begin to look stupid. The financial masterminds, they are overridden. No matter what science, evidence, reason says, if the decision-makers at the political level are going wrong and there is nothing to correct them, no force will make them correct themselves, then that closed society becomes the engine for doom because the blundering and the decision-making will carry them downward and downward in a faster spiral.

Ridiculous things were being done, and still are to some degree, by a great Soviet society, a closed society. I will not say whether it was communism or socialism that brought them down. Closed capitalist societies suffer the same problem, and we have totalitarian societies that have also been closed, and some still are. They are capitalists but they are Fascists or they are totalitarian. They suffer the same problems.

And we have some semi-democratic societies. There is a rash now of problems in the Asian countries. The great Asian economic miracle, there is a problem now. Part of it is because they have so many dictators and patriarchs and old ways of doing things that will not allow other voices to come in which could challenge that closed society.

So labor should not be silenced. We are an indispensable Nation, the President says, and I think in order to remain an indispensable Nation with great resources we are going to have to keep the society open. And the last thing we want to see is a Republican majority victory over labor which puts the voices of the working families in chains.

We are an indispensable Nation and we must see workers as being indispensable, an indispensable part of our indispensable Nation. This term "indispensable Nation" was used by President Clinton, and I heartily agree that America at this point is an indispensable Nation.

We have to make up our minds about how we want to behave as an indispensable Nation. But the Roman Empire was merely a village compared to the American colossus. What we are now would make the Roman Empire look like a village. The American colossus is something that has never existed before on the face of the earth. It is a totally new phenomenon.

We do not have an empire which we maintain with bullets and guards and tanks. We are not oppressing anybody anywhere in the world in order to make them accept our influence, our systems. We have a great deal of influence without that.

Our popular culture probably is the most widespread phenomenon on the earth. That has no bullets and no tanks behind it. The American colossus as a successful economic system is now being emulated and imitated. And because it is so successful, and not all of the things that have been done would I endorse in this process of being successful, but it is a successful economic system compared to the other economic systems now, so dollars are going to flow at greater and greater rates into the American coffers.

Our stock market is up primarily because we are not demanding tribute from the rest of the world. The nations of the rest of the world, at least their investors and their capitalists, are bringing their tribute, are bringing their dollars to invest in our economic system. The Wall Street phenomenon, the stock market rise, the Dow Jones average increase, all of that is being driven by large amounts of money flowing in from all over the world. All roads used to lead to Rome. All roads now lead to Wall Street and the stock exchange, All money and all investment, because this is the place to put it. That is one part of our prosperity.

This American colossus ought to become for the working families a new phenomenon where we can guarantee that everybody will have a right to pursue happiness on a terrain that is reasonable. We do not want a worker's paradise. We do not want to use terms like that. When the rhetoric gets carried away by politicians and economists or we jump into the Bible, beware. Do not listen to anybody that says they are going to create a paradise. We are not going to create heaven on earth through a secular process. We are not going to create a paradise, but the least we can do is have a playing field where working families have a chance to make it.

We are a pivotal generation with an abundant supply of resources, and we ought to be thinking in terms of how can we use those resources to guarantee the most good for the most people.

We could mount big initiatives of many kinds. I do not have a list of initiatives that I would propose, but one thing I would propose is that we at least consider how can people who go out to work every day get a greater share of the pie? How can people that go out to work every day be rewarded for their labor in a way commensurate with the kind of money being made at the top, with the kind of prosperity being generated by the overall economy?

The Romans, and I have heard this example used at least twice over the last weekend. I think somebody has written a book on taxes and I do not unfortunately have the name of the person. I apologize to them.

But they use an example in the book that the Romans at one point had so much tribute being paid to them, that Rome decided that they had so much money coming in that they would just give a certain amount of money to every Roman family. They did not include the immigrants, maybe. They had to be a real Roman, and every Roman family got a set amount of money regardless of what they did. They did not have to do any work for it, and there was something like 200,000 Romans at that point who lived in Rome and who qualified for the money and they distributed it.

It was like a positive subsidy program. It could not be called welfare because it was a considerable amount of money. They did not have to work anymore. I suppose they had servants and slaves and others who were not Roman citizens.

But according to this example, the Romans in the surrounding countryside heard about Rome giving out the money and they began all to come into Rome and demand similar subsidies, and that broke the bank and broke the system. But it is kind of an example used to ridicule subsidy, ridicule the distribution-of-wealth theory, ridicule any kind of social system which sought to spread the prosperity of the Nation to the most people.

I do not think it is ridiculous. I do not think we should give subsidies to people and tell them every family deserves this money and they can take it and not have to work. I think the Saudi Arabians had so much money that that kind of thing was happening in Saudi Arabia. I do not think that is a wise step, but we certainly could spread the resources some other way. We could spread it through universal health care, and certainly through minimum wage increases, and we could stop oppressing workers in their working conditions.

The Romans also were great builders. They invented the science of engineering and they invented concrete. They were also depraved in many ways, and one of the great concrete monuments that they built was the Colosseum, which was built as a place where animals fought human beings. Gladiators fought each other and that was too boring, so they started having animals devour human beings, and there was something sick there. We know about how a society can be very advanced on the one hand scientifically and be very savage and backwards in many other ways.

We saw what the very well-organized and scientifically equipped Wehrmacht of Hitler did. We saw what a very civilized group of people, civilized in the usual sense of the word, did in World War II, and we have seen many examples of that in many places before. The fact that they were great builders and engineers did not mean that they knew how to make choices about the fact that they were indispensable and get a sense of mission that would make them rise above certain weaknesses.

Building for them was an indispensable activity, and our public buildings also will be the first evidence that we have for future generations to measure us by. We may have great poets and dramatists, but in the future the thing that is going to be most highly visible is our buildings and our public buildings are very important.

Which brings us back to the fact that it is a great shame that the war against working families leads to a situation where there is such a preoccupation with trying to prevent Davis-Bacon regulations from being utilized that we are stifling and inhibiting the process of building more public schools. There are a lot of other public buildings we need, but public schools we need most of all. $120 billion, according to the General Accounting Office, $120 billion is needed to just bring the infrastructure of public schools across America up to date.

The fact most of those buildings at this point would have to be under the Davis-Bacon regulations if they had Federal funding leads many Members of the Republican majority say, no, we will not do it. We would rather have no schools than to have them built under Davis-Bacon regulation.

It is very interesting that the Republican majority wages war on Davis-Bacon, and I have said this before and I must use it again and again to remind the Republican Majority of how ridiculous what they are doing is. Davis-Bacon is a Republican creation. Davis-Bacon was enacted, was really sponsored and supported by the Hoover administration. And that is one of the ironies.

Just to refresh the memory, Davis and Bacon were both Republicans. It was in 1927, in a time of economic prosperity, particularly in the construction industry, when representative Robert L. Bacon, who was from New York, a Republican from New York who was also a former banker. Davis-Bacon originated in the head of a banker. He introduced the forerunner of what would become the Federal Davis-Bacon Act.

Alarmed by increasing incidents of cutthroat bidding for Federal contracts by itinerant contractors, itinerant contractors using low-wage labor and as a result producing shoddy construction, Robert Bacon moved to protect Federal construction contracts. At that time shoddy construction was a major threat to a massive Federal building program that Members of Congress had just authorized. They had authorized a massive building program. And it was not the workers, the only thing they were concerned about, the wages of the workers at local level was a concern, that being undercut by the itinerant contractors, but also shoddy construction. Remember that.

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With the help of Senator James Davis of Pennsylvania, a former Secretary of Labor under three Republican Presidents, James Davis, Senator James Davis had been a Secretary of Labor under three Republican Presidents, the bill was passed. And in 1931 Republican President Hoover, Herbert Hoover signed the Davis-Bacon into law. Convinced of the law's benefits, Congress went on to incorporate Davis-Bacon labor standards into more than 60 Federal statutes. That is where it all originated.

There was a time when the Republican Party did not feel a great compulsion, some kind of blind passion to wage war on workers. There was a time when this was not the case. At this point in history, it is not the case. Every piece of legislation which has an opportunity for Federal funds to be appropriated for building is immediately subjected to scrutiny, and the possibility of a Republican ambush.

School construction, as I said before, is one of the casualties. School construction has been used as an example. It costs more to build schools if you use Davis-Bacon, if you build them under Davis-Bacon, which requires prevailing wages. Prevailing wages are not necessarily union wages.

Prevailing wages, in some instances, in some States, are really minimum wages. It has gone down to that in a few States; that the minimum wage in cases of some people, beginning laborers and even bricklayers in one State, were close to the minimum wage. That was the prevailing wage. So it is not something fixed in stone. It is not something unreasonable and irrational and wasteful, but Davis-Bacon does maintain some kind of standards.

Two sets of studies done by a professor at the University of Utah quite a number of years apart have come up with the same results; that Davis-Bacon regulations prevailing wages, whether the prevailing wages are under Davis-Bacon Federal statutes or under local State prevailing wage statutes, they do not drive up the cost of school construction.

What they found is that when you take away the prevailing wages statutes, whether you, at the State level they have taken away, several States have repealed their State prevailing wage statutes where if State money was being utilized and no Federal money was being utilized, they would not be subjected to the prevailing wage requirement. That has happened.

What has happened is that the workers wages have always gone down. But the cost of construction has either remained the same or gone up. What you have is the contractors walk away with a bigger profit. That is what the great war against Davis-Bacon is all about. There are contractors, large numbers of them, very powerful who want to make quick kills. They want to go in and make as much money as possible and get out. They know that untrained workers, people who are not receiving Davis-Bacon prevailing wages, often do shoddy work, but they do not care. They are willing to take their chances on litigation.

There has been so much of that, so many contractors out there who fight Davis-Bacon; who fight prevailing wages; who want a jungle. They want to be able to go in a wild situation, and be able to work their will and get maximum profits. So many of them out there have ruined the atmosphere and the environment for construction to the point where there are now large numbers of business people, including the Business Roundtable, who have concluded that they would rather deal with Davis-Bacon contractors.

Davis-Bacon contractors who work under Davis-Bacon regulations and are willing to do it, not fighting it, they have set up systems for training workers. They have done more to combat discrimination in the construction industry than any other set of forces or laws have done.

Yes; there is still construction industry discrimination in many places. I will not argue there is not. But the Davis-Bacon workers, with their training programs working with the government, stabilizing situations have made a great number of gains in terms of ending discrimination for people who are in those training programs, and allowing them to rise through the ranks, as well as creating a well-trained, stable force.

We are going to find ourselves in a situation where we do not have enough trained sheet metal workers, plumbers and bricklayers. We are going to find ourselves in a serious situation if we do not do a better job of training. Of course, the contractors, the itinerant contractors, the guys who want to make the quick kill, they do not care about the future. They only care about making a quick kill. We have had buildings fall down, school walls fall down as a result of sloppy work.

New York City, we had, in the middle of the city, we had enormous traffic jams for almost a month because the bricks were falling off the side of a building. The quick-kill artists, the itinerant contractors had done such a good job of covering up who they were, they could not find out who was responsible for the bricks that were falling out so they could sue them or make them put it back up. It was just the whole game that certain parts of the contracting industry play; whether they go out of business, go bankrupt, appear under some other name, all the games are easier to play when you are not among the more responsible contractors who are willing to participate in the Federal program that is going to train workers and cooperate with Davis-Bacon.

So the Business Roundtable came to the conclusion that they were going to consider, even though they were private contractors and not obligated to use Davis-Bacon contracts, they were going to consider setting the standard whereby as they bid on, they put out the bids, they were going to call for contractors to be participating in the Davis-Bacon program.

Each construction project should be considered a monument for the future, not so much because we are worried about being in the future generations looking back on us as Greeks or Romans and praising us for our great buildings. But the buildings have to be safe; they have to be functional. There are many large residences, co-ops, condominiums where people have had to pay large amounts of money, big prices and still find themselves suffering from leaking roofs and plumbing that does not work, all kinds of phenomena that arise as a result of the wild cat, quick-kill contractors who have no standards.

But the Republican majority refuses to accept the evidence. They want to make war on Davis-Bacon and they continue. We have had hearings in the last 2 or 3 years, several hearings on Davis-Bacon. We had an attempt to smear Davis-Bacon as an inevitably crooked operation. Take the Oklahoma example and make it apply all over the country. We have refused in our hearings, I will not say we because I am just a Democrat. The Republican majority, which controls the subcommittee and the committee, they refuse to listen to responsible representatives of the contracting industry.

Yes; of course they will not listen to workers. They do not want to listen to unions. They want to silence unions. But here are businessmen, the Mechanical Electrical Sheet Metal Alliance is one of them. They begged our committee to allow it to testify; let us come and talk to you. It did not happen.

In fact, I have a letter here which I would like to enter into the RECORD, and it is a letter from the Mechanical Electrical Sheet Metal Alliance where they say, on behalf of the Mechanical Electrical Sheet Metal Alliance, a coalition of more than 12,000 construction contracting corporations in the specialty sector of the construction industry, I want to propose a number of administrative improvements to the Davis-Bacon Act. We believe these administrative initiatives, if implemented, would significantly improve the quality, accuracy and timeliness of the prevailing wage determination process.

The Mechanical Electrical Sheet Metal Alliance is a coalition of members of the Mechanical Contractors Association of America and the National Electrical Contractors Association and the Sheet Metal and Air Conditioning Contractors' National Association. It represents more than 12,000 construction contracting firms nationwide which exclusively employ more than 540,000 union trades people with state-of-the-art technical abilities.

I will include this letter for the RECORD:

THE MECHANICAL ELECTRICAL
SHEET METAL ALLIANCE,
March 20, 1998.

Mr. BILL GROSS,
Employment Standards Division, U.S. Department of Labor, Washington, DC.

DEAR MR. GROSS: On behalf of the Mechanical Electrical Sheet Metal Alliance, a coalition of more than 12,000 construction contracting corporations in the specialty sector of the construction industry, I want to propose a number of administrative improvements to the Davis-Bacon Act. We believe these administrative initiatives, if implemented, would significantly improve the quality, accuracy and timeliness of the prevailing wage determination process.

The Mechanical Electrical Sheet Metal Alliance is a coalition of members of the Mechanical Contractors Association of America (MCAA), the National Electrical Contractors Association (NECA) and the Sheet Metal and Air Conditioning Contractors' National Association (SMACNA). It represents more than 12,000 construction contracting firms nationwide which exclusively employ more than 540,000 union trades people with state-of-the-art technical abilities. Alliance contractors hold a growing market share of more than 60 percent of the nation's non-residential construction activity. Alliance contractors annually train over 90,000 apprentice and journey persons upgrade training at a cost exceeding $175 million. These union contractor firms and their local association chapters sponsor over 1,000 local training programs staffed by approximately 5,600 instructors utilizing equipment and facilities owned by the training programs valued at more than $500 million.

The Alliance fully supports Employment Standards Administration (ESA) efforts to improve the wage determination process and the quality, accuracy, and timeliness of the wage rates. We support efforts to find new ways to administer the process with greater efficiency so that the resources saved can be used on increased compliance measures.

Mechanical Contractors Association of America, Inc., National Electrical Contractors Association, Sheet Metal and Air Conditioning Contractors' National Association, Inc.

One example of business and labor, business and working families who are not afraid to work together, and as a result of working together under a government regulation, a government regulation which, by the way, was constructed by Republicans, Herbert Hoover, Bacon, Davis, all Republicans. It made sense then; it makes sense now.

Republicans, call off your war on Davis-Bacon. Do not make war on Davis-Bacon. It does not make sense. It is out of step with reality. It is out of step with the present situation where we have unprecedented prosperity, and we should be seeking ways to spread that prosperity. Republicans, call off your war against the minimum wage increase.

Let us go forward and get behind the more, the most reasonable bill. I really think we should increase the minimum wage to the level of the livable wage. In New York, we have a provision now for all people who contract with the city of New York. They must pay a livable wage, which is above the minimum wage. We ought to go for that, but the realities of the situation are that the President and Senator KENNEDY in the Senate and Mr. BONIOR, minority leader here, they all agree that we can take, and it is doable now, more modest steps at 50 cents an hour in two steps over the next 2 years.

So 50 cents an hour increase on January 1, 1999, is proposed, and another 50 cents an hour increase on January 1, 2000. That means that in the year 2000 workers will be earning $6.15 an hour. In this indispensable Nation where the Dow Jones average is at 9000 and philanthropists are making billion-dollar contributions now, why can we not at least without too much discussion or further delay and more fighting by the Republican majority go on to increase the minimum wage by a dollar over a 2-year period?

Three polls taken in January of 1998 show that the American people overwhelmingly support an increase in the minimum wage. The Washington Post, Los Angeles Times and Peter Hart research poll showed support for raising the minimum wage ranging from 76 to 78 percent. Seventy-eight percent of the American people want an increase in the minimum wage. It is political; you cannot lose, Republican majority. Join us for a minimum wage increase.

The last increase in the minimum wage has not cost jobs. According to a new study released by economists David Card and Alan Krueger, employment in the fast food industry in eastern Pennsylvania actually went up by 11 percent after the 1996 minimum wage increase.

The Economic Policy Institute recently released a study entitled, "The Sky Hasn't Fallen," which determined that employment was not adversely affected by the last increase. They had a study, Pennsylvania did not have a State minimum wage higher than the Federal minimum wage. New Jersey had a minimum wage already, a State minimum wage higher than the Federal minimum wage.

When the Federal minimum wage went up, New Jersey was not affected because it was already above that level. But Pennsylvania, the industries in Pennsylvania had to raise their minimum wage. They studied the fast food industry in Pennsylvania and the fast food industry in New Jersey, and they found that Pennsylvania industry did not suffer any loss of profits at all compared to the New Jersey situation where they already were there. It was equal. There was no difference. Pennsylvania did not suffer as a result of having its fast food workers begin to earn more pay via the minimum wage.

Consider the fact that today a single mother with two children working full time at a minimum wage job earns $10,700 a year. That is $2,600 below the poverty line as defined by the Federal Government. An increase of $1 an hour only partially restores some of the lost buying power of this person. On and on it goes.

There are studies that show that the minimum wage does not hurt the economy even in times of normal economic growth. In a time like this when our GPI, the other measures of prosperity, Dow Jones average, leaping forward, surely we can at least spread the wealth by increasing the minimum wage.

There are many other labor issues, which I mentioned before that should be considered as we call upon the Republicans to end what I call now a microguerilla warfare. They are chipping away behind the scenes. Remember in January of 1997, we passed a bill on this floor which took away cash overtime. Fortunately, it has not gone any further. The other House has not considered it. But it is out there. This Congress passed it. It is still alive in this session. We took away the overtime and replaced it with comp time. That war on workers may hurt most of all, and people cannot get cash.

I remember I offered on this floor an amendment which said, okay, if you want to compromise, let us offer your compromise where people who are in the highest strata earning salaries, and they want more time to spend with their kids instead of more money, let them. Those who earn a certain amount of money above the minimum wage level, I think the figure was something like $11,000, everybody who earned less than $11,000 a year should be exempt from that requirement that they take their overtime in comp time instead of cash because they need the cash.

Can you consider people making $11–$12,000, how much they need the cash? That exemption made so much sense, but it was not permitted. It was voted down on the floor and we passed the bill anyhow. It is out there somewhere. The guerilla tactics means that one day as the session approaches the end, we may have the Republican majority offering that again here on the floor.

I close by saying that that is just one of the many microattacks; that is one of the many ambushes we have to fear. The bigger attack is still proposition 226 in California. That is what is similar to the Paycheck Protection Act here. California has the Paycheck Protection Act out there in a proposition.

☐ 2245

California has done a lot of damage with propositions lately. And the referendum proposition 226 will require unions to get annual approval of individual members before they can use any dues money for political purposes. If approved, the California proposal will become law in July and will greatly limit labor's role in November's pivotal gubernatorial election.

Here is the political process directly being affected. If that proposition passes, labor gets crippled. Backers of the California initiative said they plan to spend at least $10 million. Polls show that 70 percent of the voters support the proposal.

A lot of people are misguided and think this is democracy. They think we should have more democracy, unions should be more democratic. I say this is the kind of democracy that we choke on, this is the kind of democracy designed to destroy and kill organizations.

Similar proposals have been introduced in 30 other States and are actively being pushed by conservative and business groups. Supporters say these groups expect to spend $20 million outside of California this year.

This is the threat. This is the guerilla attack now coming up through the States. They will not win here this year. But if they can generate enough momentum through the States, we will have in the not-too-distant future a bill which gags working families. The voice of the working family would be shut out of the dialogue and the debate. America would no longer be an open society. It would be an endangered society.

CORRECTION TO THE CONGRESSIONAL RECORD OF THURSDAY, MARCH 26, 1998, PAGES 4926 TO 4931

GOP NATIONAL SALES TAX IS BAD IDEA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PALLONE. Mr. Speaker, this evening the Democrats plan to discuss the Republican plan to abolish the Tax Code and replace it with either a flat tax or a sales tax.

I yield at this point to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I thank the gentleman from New Jersey and I also thank my other colleagues who were on the floor and those who are coming tonight to join in this special order to talk about the need to cut taxes for working middle-class families and to reveal the true cost, as my colleague from New Jersey pointed out, the true cost of a dangerous Republican proposal to impose a national sales tax on the American people.

We have heard quite a bit lately from our Republican colleagues about tax reform. But behind the rhetoric and the calls to "scrap the code," that mantra, if you will, repeated over and over again to scrap the code, behind the rhetoric of that phrase lie some very radical and some dangerous proposals that will actually raise taxes on working families and cut taxes for the wealthiest 1 percent of taxpayers.

I think we all agree that that is not reform, that is not what we are about. Abolishing the Tax Code, replacing it with a sales tax is one of those kinds of easy-listening proposals that Republicans are famous for. If you will, it is the legislative equivalent of elevator music; we might find ourselves humming along. But when we snap out of it, we realize that we hate the song. We have all had this happen to us.

The Republican national sales tax is a very bad idea. My Republican colleagues argue that a national sales tax would be simple and it would be fair. But take a closer look at it and we find that there is nothing simple or fair about it.

A national sales tax is not simple. In fact, several renowned economists have declared a national sales tax as unworkable. Even the conservative Wall Street Journal has panned the proposal and highlighted concerns about administration and about enforcement.

A national sales tax is not fair. The Brookings Institute says that of the GOP sales tax, "The sales tax would raise burdens on low- and middle-income households and sharply cut taxes on the top 1 percent of taxpayers." That is not fair.

The GOP national sales tax proposals call for replacing all individual and corporate taxes with a 23 percent sales tax. But there is a new analysis by Citizens for Tax Justice that shows that the actual rate would be at least 30 percent. That means the American people would pay 30 percent more for everything. They would pay a 30 percent tax every time they opened their wallet. Talk about being nickeled and dimed to death.

What does that mean to the average middle-class family? Let us take a look. This week U.S. News and World Report did a cover story on the cost of raising a child in today's world. It is an astounding piece. According to U.S. News, for a child born in 1997, a middle-class family will spend $1.4 million to raise that child to age 18. This is the cover of U.S. News and World Report this week, "The Real Cost of Raising Kids." Would my colleagues believe it is $1.4 million a piece? Put a 30 percent tax on top of that and we are looking at life for working families under a GOP national sales tax.

Let us take a look at a few examples of what a 30 percent tax means in real life. This is a box of diapers. It costs $23 today. Add a 30 percent GOP tax of $6.90 and we have the GOP price of $29.90. Let us take a look at what it costs for a pair of children's shoes. They cost about $20. Add the GOP sales tax, which is about $6, and we are paying $26 for the same pair of shoes.

Let us take a look at a box of cereal, and we all want to give our kids cereal. We want to make sure that they are healthy. The price is $2.99 today. The GOP tax of an additional 90 cents would bring the price of a box of Kellogg's Raisin Bran, Two Scoops of Raisin Bran here, up to $3.89.

Let us take a look at a loaf of natural grain bread. Price $2.59. GOP tax, 78 cents. GOP price, $3.37.

And what about baby food? Price 45 cents. GOP tax, 14 cents. GOP price, 59 cents.

This gives my colleagues some idea of the reality of a national sales tax and a 30 percent increase in that tax. Of course, we all know that children's shoes get more and more expensive. We saw here. So if they take a look at what happens as they grow up and they have a child that is a teenager, his or her shoes could cost $120. Add a 30 percent sales tax, and they are looking at a $36 tax, bringing the cost to $156. It is no wonder that, according to U.S. News and World Report, the cost of clothing a middle-class kid to age 18 costs $22,063.

My colleagues will see on this chart that the GOP sales tax would increase that cost significantly. I think it is important to take a look at this chart. This is the GOP 30 percent sales tax list for working families, the cost of raising a child.

If my colleagues will bear with me, housing, today's cost is $97,549. The GOP 30 percent sales tax would add $29,000. We are looking at a price tag from the GOP of $126,000.

Food, $54,795. Add to that the 30 percent sales tax of $16,400. We are talking about $71,000 to provide food for our kids.

Transportation costs, $46,000. Add $13,000 from the GOP tax, bringing it up to $60,000 to provide transportation for their child.

Clothing, $22,000; an additional $6,600, $28,600 in providing clothing for their child.

Health care, $20,700; $6,200 additional from the GOP tax; 26,000, almost $27,000 to provide health care for their child.

Day-care, $25,600; an additional $7,700; $33,300 to provide day-care for their child while they are working and trying to make ends meet and scrambling every month to pay the bills.

Miscellaneous costs, whatever it costs to raise kids, and we know that they are not all set and pat, we never know what is going to come up, $33-, almost $34,000. An additional $10,000 is what we would have to pay because of the 30 percent sales tax that the Republicans are talking about, bringing the total up to $44,000.

The cost of a college education, every family wants to be able to send their children to college if they can afford to do that. And if a child can get into a college today, it is $158,000 to send a child to college.

□ 2100

You would have to add a 30 percent sales tax to that, another $47,000, making it $205,000 to get your kid to school. What are working families in our country to do today? It is incredible what they are talking about with this 30 percent sales tax. That is what the Republican sales tax would mean in real terms to real families in this country.

Let me just take one other group, because there is one group that would be hit harder than others by the Republican sales tax, and that is the senior citizens in this country. Senior citizens would gain nothing, nothing from the elimination of income taxes since most are retired and many pay no income tax. But a 30 percent sales tax would hit seniors on a fixed income right between the eyes. That is where it hits these folks. One of the most burdensome expenses that is faced by senior citizens is the price of medication. All of us when we go to senior centers, when we go to senior housing, that is what we hear about, is what they are paying for medication and for their prescription drugs which many of them need to lead productive and healthy lives. We have taken a look at five of the most common medications used by seniors and looked at how the 30 percent Republican sales tax would impact those prices. Bear with me. These are monthly costs. For blood pressure medication, $110 now, the sales tax would add an additional $33, GOP price tag, $143 a month for blood pressure medication. Arthritis, it is now $75 a month for medication, add another $22.50, bringing that cost to almost $100 a month for senior citizens, again people on fixed incomes. Diabetes, $125 today, $37.50 through an additional 30 percent sales tax, bringing the total cost per month to $162.50. It is incredible what we would be doing to senior citizens in this country. Heart disease, $90, $27 additional in sales tax, $117 is the final cost to them per month for again seniors, elderly, people who are on fixed incomes. Our mothers, our fathers, paying this cost per month. An inhaler, $80 a month today, the tax would add another $24, bringing the cost per month to senior citizens to $104. This is really incredible and outrageous of what they would add to the cost of people who are frightened to death that these later years, instead of being the golden years, are the lead years, when they are most vulnerable and we are going to add these kinds of costs to medications that they need.

We need to have a real debate about reforming our tax system. I believe everybody here believes that. We need to cut taxes for working middle class families. We are for cutting taxes for working middle class families. This proposal moves us in the wrong direction. In fact, the Brookings Institute study of the GOP sales tax found that taxes would rise for households in the bottom 90 percent of the income distribution while households in the top 1 percent would receive an average tax cut of over $75,000. Millionaires get tax breaks and working families and senior citizens will be paying more. That is not reform. That is just so blatantly unfair to working families today.

Let me open the conversation to my colleagues. I am sorry I took so long, I truly am, but it is important to put this in context. We need to be doing this every single day and every single night in this body to make the people of this country understand what our Republican colleagues and the Republican majority are talking about with a national sales tax. A bit later we can talk about some of the things that the Democrats have done and would like to do to cut taxes for working families. Let me yield now to the gentleman from Michigan (Mr. BONIOR), the whip of this House.

Mr. BONIOR. I thank my colleague for her comments and for laying this out. I tell the gentleman from New Jersey (Mr. PALLONE) and the gentlewoman from Michigan (Ms. STABENOW), who were here before me, that I will not take a lot of time but I thank them for being here and for participating in these remarks this evening. I think the gentlewoman has really demonstrated quite well and quite vividly the inequity here with the GOP 30 percent sales tax hike, which hits particularly hard those on fixed incomes, our senior citizens, as she has so well demonstrated, with the cost of medication for those who are suffering from blood pressure, arthritis, diabetes, heart disease or those who have lung problems.

This is really a loony idea, this whole sales tax thing. There is no other way to describe raising the sales tax 30 percent on American working men and women in this country, particularly those on a fixed income. I think the figure that the gentlewoman from Connecticut mentioned earlier with respect to the Brookings Institute and Mr. Gale's study is very interesting. William Gale of the Brookings Institute, a wonderful scholar, said taxes would rise for households in the bottom 90 percent. That means 90 percent of those people who are paying taxes today in America would have their taxes go up as a result of this. The top 10 percent would probably do okay. The top 1 percent would get about a $75,000 a year tax reduction out of this plan. This is so skewed, so regressive, so top heavy to the wealthy that it is sad. It is very tragic and it is very sad. The gentlewoman has given some very wonderful examples there. I liked the raisin bran particularly. I like raisin bran. I eat it in the morning. What else has she got there? Some bread.

Ms. DELAURO. Natural grain. We have children's shoes. Kids grow out of shoes very, very quickly.

Mr. BONIOR. In my district and in the district of the gentlewoman from Michigan (Ms. STABENOW), we have automobiles. It is a big thing in our districts. Under the plan, an economy car that now costs about $12,000, there is another example here, I am giving one that costs 12, would cost about $14,600. Under the proposal that the gentlewoman from Michigan has, you take a family car priced at $21,000, the GOP tax is about $6,500 and that price goes up to $28,000, which is out of the range of many, many families today. In addition to that, you are talking about a modest home that would cost $100,000 today, you add $30,000 onto it, you are up to $130,000 with a home purchase with this tax.

I would like to just, if I could, for one second move to another, this is loony tune number two, this is the flat rate tax that my colleagues on the other side of the aisle seem to be in love with. Let us just take a look at what this does.

This is the Armey flat tax. It is going to raise taxes on working families. The green marker right here is what is paid percentwise in taxes now for people who make 25, 50, 100, 250,000 and 1 million a year. Under the Armey tax plan, flat tax plan, those who make $25,000 a year or more will have this much of a jump, from roughly less than 4 percent almost up to 12 percent for their tax increase. Those who make $50,000 a year will have a tax increase, roughly about 12.5 percent, their tax increase will go up to maybe 16, 17 percent. Those who make $100,000 a year will even have a tax increase under the Armey plan, not very much, but about a 1 percent increase. But those who make a quarter of a million dollars a year, you get a tax cut and a big one. If you make a million bucks a year, you get an even bigger tax cut under the Armey flat tax plan. Basically what this plan does, it raises taxes substantially for the middle income people, between $25,000 and $100,000 a year, substantially, and then it gives a huge bonus to the very people at the top, those who need it the least, turning over the whole concept of progressive taxes.

I just wanted to come to the floor today to thank my friends for their concern on this issue and to raise some of these concerns with the American people today. Tax day is coming up, in terms of our income taxes. They ought to know that there are some very strange proposals that are being taken seriously out there and they ought to be leery of them and look at them very carefully.

Ms. DELAURO. Let me just ask my colleague from Michigan, with the

Armey flat tax, what happens to unearned income?

Mr. BONIOR. Unearned income, under the Armey proposal the last time I saw it, is not taxed.

Ms. DELAURO. These are stocks and bonds.

Mr. BONIOR. It is not taxed. If you make your money off the stock market or off of bonds, you do not have to pay a tax on that. That has got to be made up somewhere, so we can pay for the roads and for the military and for our national parks and the other things we do. Of course that is going to be taken out by who, well, these people here, the 25, the 100,000, here they go, up the red markers go, more taxes.

This is a huge tax shift, from working people to the wealthiest people in our society. What is so disturbing about this is that when we look at what happened to incomes over the last 20 years, it is the top 25, 20 percent in our country that have done extremely well. But everybody else below that have either stayed level in terms of their income ability, earnings, or they have fallen. Of course those at the bottom have fallen tremendously, over 25, 30 percent over the last decade or so.

The whole progressivity of what we are about as a party in terms of helping working, middle income families who are squeezed every day is being turned upside down by these regressive sales tax and flat tax proposals that the GOP is offering.

Mr. PALLONE. If I could point out another thing that is very unclear, it seems to me, and maybe the gentleman would respond to that right now, because he mentioned sale of a home, which is included in this proposal for the sales tax. We have people, homeowners that rely very heavily on mortgage interest deductions and also in my State, and I think many States, you can also deduct your local property taxes from your income tax. It is not at all clear to me that this would continue.

Mr. BONIOR. It would not under the Armey plan. Maybe the gentlewoman from Michigan who really knows these tax issues extremely well might want to comment on that.

Ms. STABENOW. If I might, just to add to what really is the burden under these proposals, not only would we lose the home mortgage deduction but on top of the price, and to continue with the charts, if we are looking at a $155,000 house, not only would the GOP price be $201,000, but under the sales tax proposal, this also taxes the insurance premium you pay every month, it taxes the electric bill that you have in your house, it taxes all services. I wanted to add that on top of what you have talked about, which is so important, in health care and so important as it relates to manufactured goods and so on, we are talking about every time we do something. So not only for the blood pressure medicine or the arthritis medicine, it is going to the doctor that will add 30 percent. We are now going to make doctors sales tax collectors, 30 percent. They have to now collect it.

We will be creating a whole new group of tax collectors, shifting the burden on to small business people and professionals. We will see a wide range of services that will now be taxed. If you go to the barber shop, add 30 percent, if you go to the dry cleaner, add 30 percent, if you come home to your house, not only is your house payment up 30 percent but again everything related to your home is up 30 percent. We are talking about a use tax literally on everything.

Let me mention a couple of other things that I think are very critical to this. As we look at higher education, we have all worked very hard to provide tax breaks so that more people can go to college, more people can go back to school, get job training. Tuition and fees are exempt from the retail sales tax, but room and board is not. My daughter starts school at Michigan State University next fall. She will live in the dorm. Under this proposal, I would be paying 30 percent more for her dorm room, 30 percent more for her books, 30 percent more for her food. If she lived off campus, 30 percent more for her rent. So we are not just talking about goods, we are talking about literally everything that we do.

Let me add something else, because there are several other things, very interesting, in this proposal. This proposal eliminates a number of different taxes. It eliminates all of the excise taxes on alcohol and tobacco, right at a time when we are saying that we ought to be doing more to discourage, particularly children, from smoking.

□ 2115

Mr. BONIOR. So you are saying that this eliminates the taxes on tobacco and on alcohol, and it raises by this amount the taxes on prescription drugs for blood pressure and arthritis and diabetes and heart disease, and all of that it raises it to a huge 30 percent.

Ms. STABENOW. Absolutely. Which makes no sense whatsoever.

Ms. DELAURO. I think your point, and please, you have got some wonderful data and personal experiences here, but the point you were making about we are in the midst here of trying to reduce smoking amongst youngsters, kids.

Ms. STABENOW. That is correct.

Ms. DELAURO. Middle school kids. And we found, all the studies have found that you add $1.50 a pack, it reduces the smoking. So, really, we are running at cross purposes here.

Ms. STABENOW. It is really crazy.

Another thing that we found today in analyzing this bill is that it also eliminates the funding for the highway trust fund.

Now, this is particularly crazy, because we are in the process right now of passing a very important bill, one that we fought for hard in Michigan to be able to increase our fair share. We have not in Michigan over the years received our fair share, and we worked very hard to do that. But in the middle of this, it eliminates a wide variety of excise taxes and trust fund taxes, one being the highway trust fund.

So in so many ways, this particular bill makes no sense. It eliminates those taxes, it raises taxes on seniors, middle-income people. I do not know where we get the dollars then for the highway trust fund; I think that is an important question to ask.

Mr. PALLONE. Is it not also true, the way I understand this sales tax, this national sales tax, that the 30 percent sales tax will also be attached to goods and services that local and State governments purchase? So is it not likely that my local property taxes or even my local—you know, my State taxes are also going to go up another 30 percent because of the fact that this national sales tax is added.

Ms. STABENOW. The other part that I might add that also adds on top of that, my city of Lansing will pay, for instance, 30 percent more for a police car. But this proposal also counts the wages of public employees as taxable, as value in terms of the sales tax. So the police officer in that car will pay 30 percent more on top of their wages. Either the local unit will pay it, or they will have a new income tax essentially on the wage of that police officer, that firefighter, that school teacher, because it taxes wages of government employees.

So we are going to see the taxes go up for people who serve us in local communities at the same time local units will have to pay 30 percent more to provide the service.

Mr. BONIOR. We are likely to see huge property tax increases in this because the local community, in order to afford the EMS, the ambulance, the police car and the wage structure that you just talked about, is going to have to come up with the resources, and that means property tax.

So this is a huge shift, not only from income, but it is a huge shift on sales tax and on property taxes as well.

Mr. PALLONE. You know, I have to say another thing too. It is very difficult for me to trust the fact that these other taxes are going to go away and this new sales tax is going to take their place. I mean we do not have a national sales tax, we never had a national sales tax, and I would be very reluctant to suggest that somehow now all of a sudden we are going to allow this door to open where this whole new Federal tax is going to come into play, but we are going to assume that the

Federal income tax and all these other taxes somehow are going to disappear.

So it bothers me to think that a precedent is even being set of establishing a new type of national tax that we have not had before, because it opens up a Pandora's box essentially, and I would be fearful of that in itself, just based on historical precedence.

Ms. STABENOW. And I would add, I know that the small business community is extremely concerned about that issue. Today we have been debating various issues related to small business; paperwork reduction, and so on, but the reality is that every small business, professional or retailer or manufacturer, will now become a tax collector for that sales tax.

And on top of that, the National Retail Federation, and I would quote, based on the last session's bill, this bill was put in last session, it has been put in in the same form this session. So last session when this bill was in front of us, in front of the Congress, the National Retail Federation said between 1990 and 1994 the retail industry created 708,000 new jobs. A study by Nathan Associates shows that a national sales tax would destroy 200,000 retail jobs over a similar period. Adding these jobs lost with the 708,000 that will not be created, we could result in a net impact of almost 1 million fewer jobs. This is the National Retail Federation talking about small business loss because there will be fewer people buying at Christmastime.

What are the headlines we always read? What are the retail sales, the concern of retailers that people be purchasing? This cuts down on purchasing, it eliminates jobs.

So this is a job killer on top of everything else.

Mr. PALLONE. You know the amazing thing to me, because you started to talk about implementing this, is that we have—you know, I understand we do a fairly good job compared to what would happen with the sales tax in terms of collecting taxes now, but it seems to me you are talking about a 30 percent sales tax. You are going to get a lot of cheating, it is going to be difficult to enforce. And you know here the Republicans and Democrats alike have been talking about trying to reform the IRS, and we have actually made some significant changes because we do not want them becoming like a police force cracking down.

Would you not have to do a tremendous amount of enforcement? Would not the IRS become even more, have to have more money and a larger budget in order to enforce this kind of a sales tax?

Ms. STABENOW. And on top of that. I would just indicate that one of the things we have heard over and over again from the other side of the aisle is that we are going to eliminate the IRS under this proposal. We will eliminate the IRS as we know it. In the bill it transfers all the powers of the IRS to a new Sales Tax Bureau. So the name is gone, but the powers are still there. So then we have to talk about reforming a sales tax bill.

I mean what we need to be doing is talking about ways to reform the system for taxpayers, not just playing around with the name, and that is what this does. It changes the name, and then it drops down and requires every businessperson now and every person that has never collected sales tax, like a doctor, like attorneys, accountants, anyone in any kind of business on their own that is providing service, a plumber, electrician, and so on, they now become a tax collector and have to report that to the government.

So this is certainly anti-small business.

Ms. DELAURO. I think it also, as our colleague from New Jersey pointed out, I mean it leaves you turning everybody, if you will, into a tax collector. You then have an enormous amount of room here for error, for fraud, for all kinds of things that are happening. It seems to me to be a multiplier effect here.

And I think the point you made before, that Mr. PALLONE made before, about folks are so skeptical about, you know, what taxes are going away before you begin to impose another 30 percent on whatever they are doing. And you know the public is smart. They are getting hammered, especially working families are getting hammered, and they have no guarantee over what is going to go away ultimately and what is going to be imposed on them.

I think the point that you made is so—really about the wage earner, the government wage earner; what happens with the property tax, in addition to which what happens to your own wages. So you are going to get hammered several times over on tax issues when people are feeling choked today by taxes, working people are.

I know in my State of Connecticut, I mean that is the cry that I hear about all the time, you know, that wherever they turn, there is another tax that they are paying.

Ms. STABENOW. Well, they certainly will feel that even more under this particular proposal, and right at a time when we have just passed a series of tax cuts,. $95 billion in tax cuts. We have been able to focus more cuts on education. The ability for people to be able to go to school, all of those things would be gone.

In Michigan when I was a State senator, I sponsored the State's largest property tax cut. I am not interested in seeing this shift back and seeing property taxes go back up in the State of Michigan or in any State.

And so we are talking about those taxes that the average person pays. It is very easy for a wealthy individual to pick and choose what extra things they are going to buy, but the average person who is buying the house, sending the kids to school, needing to buy the clothes, the food, the car and so on, most of our income goes back out again in purchasing things, and that is why we see that shift that has been talked about onto middle-income and lower-income people, because we do not have as much discretionary income with which to decide whether or not to purchase items. Most of what we bring in, we are turning around and we are purchasing something with it.

Ms. DELAURO. I think it is worth pointing out what our colleague, Mr. Bonior, talked about in terms of the flat tax proposal and people who are dealing in stocks and bonds and unearned income, and they are not paying any taxes on that. So what you are saying is that those people who work in the workplace day in and day out, they are the folks who are getting socked with the additional taxes, in addition to which you are going to take away with the mortgage deduction and some of the other tax relief, if you will, that middle-class families have been counting on, relying on, surviving on.

So you are really hitting them again twice. You know, they are picking up the slack for the folks who are holding the stocks and bonds, and then getting hammered again on things that they have counted on, that American dream and owning that home, and not being able to take the mortgage deduction.

Mr. BONIOR. I am flabbergasted. I do not know what more to say. I mean, I just cannot believe these things are being offered. It really is quite staggering. The problem is that we have unfortunately let them get away with portraying this as an innocent, wonderful thing for the American working family, when in fact it is just the opposite. And I think as it gets more exposure and people understand the regressivity and the inequities in it, I think it falls flat on its face, pardon the pun, and I do not think it is going anywhere.

I mean. It is just like this other proposal that my colleagues on the other side of the aisle have had now to do away with—have a drop-dead date on the Federal income tax. I think it is going—it just goes out of business in X year. Well, what does that do to the small business person or the businessperson in terms of planning, when they do not know what it is going to be substituted with; whether they are going to substitute it with this 30 percent sales tax; are they going to substitute it with this regressive flat tax? I think not.

When the American people figure this all out, they are not going to want either of these provisions. I think they want our present code to be leaner and trimmer and slimmer, and they want us to focus in on the things that the gentlewoman from Michigan mentioned: education, as we did in the last tax bill; they want us to focus in on tax credits for child care; they want us to be selective; and they want us to help average working families.

And I think that you could go overboard, and certainly these two proposals, the sales tax 30 percent increase and the flat tax by Mr. Armey, way overboard.

Ms. STABENOW. If I might also add that I do believe that the people I represent want to see a less complicated tax system, want to see it fairer. And I do, too. And they also want to see IRS reformed, which we passed in the House. It has not yet been taken up in the Senate, very important IRS reforms, changing the burden of proof from the taxpayer to the IRS in Tax Court, very significant changes that need to be moving quickly.

One of the things I am concerned about is that we have passed IRS reform in the House, it has not been taken up yet in the Senate, and that needs to happen, so that we can—we need to be calling on the majority in the Senate to be bringing that up, because while we talk about the proposals that do not make sense for middle-class families and working people, we do know that there needs to be change and that there needs to be positive things.

It is a question of where our values are, who it is that we believe needs to see tax cuts and tax reform. And my vote goes with small business people, family-owned farms, middle-class families working hard to make ends meet. Those are the folks who have not seen the same wage gains and have felt the burden, too much of the burden, on taxes.

And so those are the folks I want to see helped, not the kinds of proposals that have been submitted on the other side of the aisle that will just increase their taxes.

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Mr. PALLONE. Maybe we could talk a little bit, because I know the gentlewoman from Connecticut mentioned about how Democrats have fought for tax relief, in the time that we have left this evening. We have been basically fighting for families that really need the relief, those with children who are trying to save for their kids' education and their own retirement. As the gentlewoman from Michigan mentioned, thanks in large part to Democratic efforts, the Federal tax burden on families in the middle-income distribution and below has fallen since 1984.

There is an analysis by the Treasury Department that found that the average Federal income tax rate for a median family of four in 1988 will only be 7.8 percent, down from 10.3 percent in 1984. This is the lowest income tax burden for a median family since 1966.

These historically low income tax rates are as a result of Democratic policies. If I can mention a few, some of them have already been alluded to, and that is the expansion of the earned income credit in 1993 that cut taxes for millions of families with children; the $500-per-child credit the Democrats ensured would be available to moderate-income families. In addition, Democrats proposed the HOPE education scholarship tax credit to help families afford postsecondary education for the children. And in 1988, Democrats had proposed expansion of the child care tax credit to increase the amount of the credit from 30 percent to 50 percent of expenses and make it available to more families. So Democrats also support efforts to reduce the marriage penalty.

We are trying to reduce and we have been successful in reducing the tax burden for families in middle-income families with children who have to pay for education expenses, who have to pay for child care expenses. These are the kinds of tax reforms and tax cuts that we need to continue with.

I am very proud of the fact that we, as Democrats, have emphasized those targeted tax credits rather than the kind of crazy schemes that we are hearing from the other side.

Mr. Speaker, I yield to the gentlewoman from Connecticut.

Ms. DELAURO. I think that it is so important because not only can we not let folks get away with passing off these programs as a savior to working middle-class families, but when you go beneath the surface, you find out how seriously they are going to hurt working families. We should not let them get away with that, "the fact is that Democrats are not for tax cuts."

We have started that process over the last several years. It continues so that people can take advantage of a Tax Code and the tax credits to get their kids to school; to be able to afford the child care; that that small business that you speak so eloquently about has the opportunity for reducing health care costs; or for expanding their business and being able to get the tax relief on equipment that they might buy, and raising those percentages.

There were a whole series of capital gains tax cuts that went into effect for small businesses who ought to be able to take advantage of that, and farmers. And those continue. The benefits continue as pieces of these things get phased in, because I would venture to say today that people are not seeing, immediately, the results of some of these things, so that it is ongoing. We need to be working at that, increasing those opportunities and those targeted tax cuts. That is where they ought to be going. Those are the folks we ought to be helping at this point.

We ought to be helping seniors cope with fixed income, with a higher rate of illness, perhaps, so that these costs do not skyrocket for them. That is the way we bring some opportunity in folks' lives to be able to raise their standard of living, if you will.

Those who are at the upper end of the scale have these opportunities. Nobody is denying that. They can also be more selective in which taxes they are paying. They have different kinds of shelters, different kinds of opportunities within the Tax Code. I will not even call them loopholes, they are opportunities in the Tax Code, to take advantage of in some way. Working middle-class families do not have those opportunities.

Ms. STABENOW. If I might give just an example.

Ms. DELAURO. Sure.

Ms. STABENOW. In the last tax debate, when the original bill came to the floor, that was basically the Republican tax bill, we did not see an immediate increase in the exemption for the State tax for small businesses, family-owned businesses, and family-owned farms. It was a phased-in amount that you could exempt that was over 10 years. It really was not very much.

I have been hearing, particularly from my family-owned farmers, and also family-owned businesses, about the need it be exempting more of that income when there is a death and be able to protect that income. We fought hard. I voted no on that original bill because it did not have that in it. We have worked very, very hard.

When the final bill was written as a result of our initiatives, we have now exempted $1.3 million for family-owned farms, started this January, $1.3 million for family-owned farms or family-owned businesses. This is the amount of money you do not now have to pay taxes on in your estate. And this was a value that we had about family business and family-owned farms. We fought hard for it, and we were able to make the change.

So we have been moving. We have been taking the proposals and making them better and working very, very, very hard to make sure that we are focusing on families, we are focusing on middle-income people, small businesses, and so on.

I would mention one other thing that we are now working on, and that is, in working with the President in his new pension proposals for small business, I am very pleased to have introduced a bill that will give a tax credit over 3 years for small businesses that set up pension plans for their employees, another important use of the Tax Code in terms of tax relief.

We have now 51 million people working hard every day for small businesses, working full time, no pension; 40 million of those in small businesses with less than 100 employees. So we now are working on an effort to allow that small business to write off the cost of setting up a pension plan so that those people working hard every day, who need that pension when they retire, will have the opportunity to do that.

Mr. PALLONE. Reclaiming my time, I just wanted to mention, I appreciate the comments that the gentlewoman from Michigan and the gentlewoman from Connecticut made, because I think the bottom line is that you are talking about targeted tax cuts that help the average working family.

I wanted to say, though, you know, that just for those who think that perhaps the Democrats do not have an alternative, we really have the only new tax system, if you will, new proposal out there that sweeps away the old Tax Code, but at the same time provides fairness. This is the one that was introduced by our Democratic leader, the gentleman from Missouri (Mr. GEPHARDT).

It is the only major tax reform proposal that retains the progressive rate structure and ensures that this new system is fair. It is a 10 percent tax plan that has been offered by our House Democratic leader, the gentleman from Missouri (Mr. GEPHARDT), recognizing that the Tax Code is too complex and filled with special interest tax breaks that result in higher tax rates for middle-income families.

So what the gentleman from Missouri (Mr. GEPHARDT) has proposed is basically ratifying and simplifying the system and cutting taxes for 70 percent of families with children, with income between $20,000 and $75,000. Under his plan, more than 70 percent of all taxpayers would have a tax rate of 10 percent or less.

This proposal by the gentleman from Missouri also eliminates the marriage penalty by making the standard deduction in tax brackets for couples double those for single people. It eliminates special interest tax breaks. Very important.

You keep reading on a regular basis, particularly around April 15, about all these special interest tax rates. It eliminates them. It eliminates the role of the army of lobbyists who now dominate tax policy discussions. We see them around here. Every one of us has seen these people. This is the time of year when we see them the most.

It calls for a commission to identify and recommend elimination of wasteful and unwarranted corporate tax and spending subsidies. I think this is something we should look at. This is a Democratic proposal by our leader. It stands for a tax system that is fair and simple, in the event you want to look at an alternative.

Ms. DELAURO. I think what is important to mention there, it also maintains that home mortgage deduction, again, which is so critical to families today. As I say, that is part of the American dream. I just wanted to point out, because I know the gentlewoman from Michigan, if you will, she is a technology maven, you know, and is there all the time pushing as how we need to move families and so forth to take advantage of technologies, the way our kids are going to get ahead and so forth.

I think it is interesting in terms of this sales tax here, in every family, kids are coming home today, "Why can't I have a computer? I would like a computer. Why don't have one? You know, Mary has one. Jessica has one. Freddie has one. What about us?"

Well, hold up the chart. I think it is important to note that chart. Family computer, today's price is almost $2,000. It would add an additional 30 percent, another $600, bringing the cost of a family computer to almost $2,600, you know, for the most part, trying to put it out of the reach for working families. They are trying to respond to their kids to allow their kids to get ahead.

It is wrong. This is not what we ought to do. Let us target our tax credits to working families, to small businesses, to small farmers. Let us take a look at that Tax Code. Let us make it simpler. Let us make it easier. These catchwords scrap the code. They are radical. They are dangerous.

We are going to make it our mission here to continue to have these conversations so that the American public knows that they are being sold a pig in a poke. We are going to bring it to their attention so that they do not get fooled by this dangerous and extreme rhetoric.

Mr. Speaker, I think we will be up on our feet again on this issue.

LEAVE OF ABSENCE

By unanimous consent, leaves of absence were granted to:

Mr. BATEMAN (at the request of Mr. ARMEY) for today and the balance of the week on account of illness.

Mr. RUSH (at the request of Mr. GEPHARDT) for today on account of official business in the district.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today and Wednesday, April 22, before 12 noon, on account of official business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Ms. NORTON) to revise and extend their remarks and include extraneous material:

Ms. NORTON, for 5 minutes.

Ms. MILLENDER-MCDONALD, for 5 minutes.

Mr. HINCHEY, for 5 minutes.

Mrs. MALONEY of New York, for 5 minutes.

The following Members (at the request of Mr. WHITFIELD) to revise and extend their remarks and include extraneous material:

Mr. PAUL, today and on April 22, for 5 minutes each day.

Mr. MCINNIS, today, for 5 minutes.

Mr. GREENWOOD, today, for 5 minutes.

Mr. GILCHREST, today, for 5 minutes.

Mr. KNOLLENBERG, on April 22, for 5 minutes.

Mr. SCARBOROUGH, on April 22, for 5 minutes.

Mr. HULSHOF, today, for 5 minutes.

Mr. JONES, on April 28, for 5 minutes.

Mr. RAMSTAD, today, for 5 minutes.

Mr. ROGAN, on April 22, for 5 minutes.

Mr. MCCOLLUM, today, for 5 minutes.

Mr. WHITFIELD, today and on April 22, for 5 minutes each day.

Mrs. MORELLA, today and on April 22, 23 and 24, for 5 minutes each day.

Mr. WELDON of Pennsylvania, today, for 5 minutes.

Mr. SMITH of Michigan, on April 22 and 23, for 5 minutes each day.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members (at the request of Ms. NORTON) to revise and extend their remarks and include extraneous material:

Mr. TRAFICANT.
Mr. RANGEL.
Mr. HAMILTON.
Mr. SCHUMER.
Mr. MENENDEZ.
Mr. SHERMAN.
Mr. CARDIN.
Mr. BONIOR.
Mr. LANTOS.
Mr. MARKEY.
Mr. ORTIZ.
Mr. SKELTON.
Mr. KIND.
Mr. BLAGOJEVICH.
Mr. ETHERIDGE.
Mr. KILDEE.
Mr. DEUTSCH.

The following Members (at the request of Mr. WHITFIELD) to revise and extend their remarks and include extraneous material:

Mr. RADANOVICH.
Mr. THOMAS.
Mr. GIBBONS.
Ms. EMERSON.
Mr. NEY.
Mr. SHUSTER.
Mr. PAPPAS.

The following Members (at the request of Mr. OWENS) to revise and extend their remarks and include extraneous material:

Mr. SAXTON.
Mr. HALL of Texas.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore (Mrs. MORELLA) on April 8, 1998:

H.R. 1116. An act to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clinton Independent School District and the Fabens Independent School District.

H.R. 2843. An act to direct the Administrator of the Federal Aviation Administration to reevaluate the equipment in medical kits carried on, and to make a decision regarding requiring automatic external defibrillators to be carried on, aircraft operated by air carriers, and for other purposes.

H.R. 3226. An act to authorize the Secretary of Agriculture to convey certain lands and improvements in the State of Virginia, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER pro tempore (Mrs. MORELLA) announced her signature to enrolled bills of the Senate of the following titles on April 8, 1998:

S. 419. An act to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

S. 493. An act to amend title 18, United States Code, with respect to scanning receivers and similar devices.

S. 1178. An act to amend the Immigration and Nationality Act to modify and extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that the committee did on the following date present to the President, for his approval, bills of the House of the following titles:

On April 17, 1998:

H.R. 1116. An act to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clint Independent School District and the Fabens Independent School District.

H.R. 2843. An act to direct the Administrator of the Federal Aviation Administration to reevaluate the equipment in medical kits carried on, and to make a decision regarding requiring automatic external defibrillators to be carried on, aircraft operated by air carriers, and for other purposes.

H.R. 3226. An act to authorize the Secretary of Agriculture to convey certain lands and improvements in the State of Virginia, and for other purposes.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 47 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 22, 1998, at 10 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 State. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Members of the 105th Congress, pursuant to the provisions of 2 U.S.C. 25:

Honorable MARY BONO, Forty-fourth, California.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 State. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Members of the 105th Congress, pursuant to the provisions of 2 U.S.C. 25:

Honorable BARBARA LEE, Ninth, California.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

8394. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Commuted Traveltime Periods: Overtime Services Relating to Imports and Exports [Docket No. 98–022–1] received April 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8395. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Commuted Traveltime Periods: Overtime Services Relating to Imports and Exports [Docket No. 98–017–1] received April 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8396. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Brucellosis; Increased Indemnity for Cattle and Bison [Docket No. 98–016–1] received April 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8397. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Oriental Fruit Fly; Removal of Quarantined Area [Docket No. 97–073–5] received April 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8398. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Official Pseudorabies Tests [Docket No. 96–013–2] received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8399. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule—Use of Glycerine as a Humectant in Shelf Stable Meat Snacks [Docket No. 95–038DF] (RIN: 0583–AB97) received March 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8400. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Onions Grown in South Texas; Decreased Assessment Rate [Docket No. FV98–959–1–FIR] received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8401. A letter from the Administratior, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Grapes Grown in a Designated Area of Southeastern California; Revision to Container Requirements [Docket No. FV98–925–2 FIR] received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8402. A letter from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Revision of Laboratory Service Fees [Docket Number S&TD–97–001] received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8403. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule—Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems—Sample Collection—Technical Amendments and Corrections: Direct Final Rule [Docket No. 97–056DF] (RIN: 0583–AC40) received April 1, 1998, pursuant to

5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8404. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule—Carrageenan, Locust Bean Gum and Xanthan Gum Blend Used as a Binder in Certain Cured Pork Products [Docket No. 96-01 4DF] (RIN: 0583-AC16) received April 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8405. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule—Designation of the State of Florida Under the Federal Meat Inspection Act and the Poultry Products Inspection Act [Docket No. 97-050F] received April 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8406. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Fees for Destination Market Inspections of Fresh Fruits, Vegetables and Other Products [Docket Number FV-97-302] (RIN: 0581-AB51] received April 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8407. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Limes and Avocados Grown in Florida; Establishment of a Continuing Assessment Rate for Limes and a Decrease in the Continuing Assessment Rate for Avocados [Docket No. FV98-911-1 FR] received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8408. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Nectarines and Peaches Grown in California; Revision of Handling and Reporting Requirements for Fresh Nectarines and Peaches [Docket No. FV98-916-1 IFR] received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8409. A letter from the Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting the Department's final rule—Apple Crop Insurance Regulations; and Common Crop Insurance Regulations, Apple Crop Insurance Provisions [7 CFR Parts 405 and 457] received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8410. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Propiconazole; Extension of Tolerance for Emergency Exemptions [OPP-300633; FRL-5781-7] (RIN: 2070-AB78) received March 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8411. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hexythiazox; Extension of Tolerance for Emergency Exemptions [OPP-300631; FRL-5779-2] (RIN: 2070-AB78) received March 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8412. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Bacillus thuringiensis subspecies tolworhti Cry9C Protein and the Genetic Material Necessary for its Production in Corn; Exemption from the Requirement of a Tolerance [OPP-300612; FRL-5770-4] (RIN: 2070-AB78) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8413. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Rimsulfuron (N-((4,6-dimethoxypyrimidi -2-yl)amincarbonyl)-3-(ethylsulfonyl)-2-pyridinesulfonamide); Pesticide Tolerance [OPP-300639; FRL-5784-4] (RIN: 2070-AB78) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8414. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cyprodinil; Pesticide Tolerance [OPP-300643; FRL-5785-1] (RIN: 2070-AB78) received April 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8415. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clethodim; Time-Limited Pesticide Tolerance [OPP-300642; FRL-5784-9] (RIN: 2070-AB78) received April 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8416. A letter from the Administrator, Rural Utilities Service, transmitting the Service's final rule—General Information, Organization and Functions, and Loan Making Authority [7 CFR Part 1700] received April 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8417. A letter from the Administrator, Rural Utilities Service, transmitting the Service's final rule—Rural Utilities Service Water and Waste Program Regulations [7 CFR Parts 1942 and 1951] received April 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8418. A letter from the the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of April 8, 1998, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 105-237); to the Committee on Appropriations and ordered to be printed.

8419. A letter from the Under Secretary for Acquisition and Technology, Department of Defense, transmitting the Secretary's Selected Acquisition Reports (SARS) for the quarter ending December 31, 1997, pursuant to 10 U.S.C. 2432; to the Committee on National Security.

8420. A letter from the Assistant Secretary for Defense Programs, Department of Energy, transmitting the letter stating the Department's plans to submit the Stockpile Stewardship Plan by April 30, 1998, pursuant to Public Law 105-85; to the Committee on National Security.

8421. A letter from the Director, Office of Personnel Management, transmitting the proposal for the Department of Defense Civilian Acquisition Workforce Personnel Demonstration, pursuant to Public Law 105-85; to the Committee on National Security.

8422. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule—Equal Credit Opportunity [Regulation B; Docket No. R-0978] received April 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8423. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Russia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

8424. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—National Flood Insurance Program (NFIP); Standard Flood Insurance Policy (RIN: 3067-AC73) received April 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8425. A letter from the Federal Trade Commission, transmitting the Twentieth Annual Report to Congress on the administration of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. 1692m; to the Committee on Banking and Financial Services.

8426. A letter from the Secretary of Education, transmitting Final Regulations—Early Intervention Program for Infants and Toddlers with Disabilities (RIN: 1820-AA97) received April 14, 1998, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

8427. A letter from the Chief Executive Officer, Corporation for National Service, transmitting the Corporation's Fiscal Year 1996 Annual report; to the Committee on Education and the Workforce.

8428. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Early Intervention Program for Infants and Toddlers with Disabilities (RIN: 1820-AA97) received April 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8429. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits [29 CFR Part 4044] received April 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8430. A letter from the Secretary, Consumer Product Safety Commission, transmitting the Commission's final rule—Safety Standard for Bicycle Helments [16 CFR Part 1203] received April 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8431. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Expedited Safety Reporting Requirements for Human Drug and Biological Products; Correction [Docket No. 93N-0181] (RIN: 0910-AA97) received March 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8432. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Listing of Color Additives Exempt from Certification; Canthaxanthin [Docket No. 93C-0248] received March 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8433. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Food Additives Permitted for Direct Addition to Food for Human Consumption Sucralose [Docket No. 87F-0086] received April 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8434. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Light Truck Average Fuel Economy Standard, Model Year 2000 [Docket No. NHTSA-97-3130] (RIN: 2127-AG72) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8435. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Delaware New Source Review [Docket No. DE-12-5886; FRL-5990-2] received March 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8436. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; Minnesota [MN49-01-7274a; MN50-01-7275a; FRL-5990-6] received March 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8437. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Announcement of Competition for EPA's Brownfields Job Training and Development Demonstration Pilots [FRL-5989-1] received March 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8438. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's determination that the Clean Air Act provides the Agency sufficient legal authority to protect public health and the environment from air toxics falling into the Great Lakes, Lake Champlain, Chesapeake Bay and many U.S. coastal waters; to the Committee on Commerce.

8439. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Deletion of Certain Chemicals; Toxic Chemical Release Reporting; Community Right-to-Know [OPPTS-400082D; FRL-5785-5] (RIN: 2070-AC00) received April 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8440. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Vermont; VOC Regulations [VT-006-01-1219a; A-1-FRL-5998-1] received April 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8441. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Air Quality: Revision to Definition of Volatile Organic Compounds—Exclusion of Methyl Acetate [FRL-5992-4] (RIN: 2060-AH27) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8442. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, Allegheny County, Pennsylvania; Control of Landfill Gas Emissions from Existing Municipal Solid Waste Landfills [PA-107-4066a; FRL-5994-4] received April 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8443. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Arkansas; Recodification of Air Quality Control Regulations and Correction of Sulfur Dioxide Enforceability Deficiencies [AR-2-1-5646a; FRL-5990-0] received April 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8444. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Utah; 1993 Periodic Carbon Monoxide Emission Inventories for Utah [UT-001-004a; FRL-5993-4] received April 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8445. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Financial Assurance Mechanisms for Corporate Owners and Operators of Municipal Solid Waste Landfill Facilities [FRL-5994-7] (RIN: 2050-AD77) received April 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8446. A letter from the AMD—Performance Evaluation and Records Management, Federal Communication Commission, transmitting the Commission's final rule—In the Matter of Toll Free Service Access Codes [CC Docket No. 95-155] received April 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8447. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Dallas, Oregon) [MM Docket No. 97-220; RM-9179] received April 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8448. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Lake Crystal, Minnesota and Vernon Center Minnesota) [MM Docket No. 96-260 RM-8965] received April 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8449. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Prineville, Oregon) [MM Docket No. 97-226 RM-9184] received April 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8450. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 90 of the Commission's Rules to Adopt Regulations for Automatic Vehicle Monitoring Systems [PR Docket No. 93-61] received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8451. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Food Labeling: Health Claims; Soluble Fiber From Certain Foods and Coronary Heart Disease; Correction [Docket No. 96P-0338] received April 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8452. A letter from the Chairman, National Committee on Vital and Health Statistics, transmitting the Annual Report to Congress on the Implementation of the Adminstrative Simplification Provisions of the Health Insurance Portability and Accountability Act, pursuant to Public Law 104—191, section 263 (110 Stat. 2033); to the Committee on Commerce.

8453. A letter from the Secretary of Energy, transmitting a draft of proposed legislation with the Administration's specifications for electricity competition legislation; to the Committee on Commerce.

8454. A letter from the Secretary of Health and Human Services, transmitting the Department's "Major" final rule—Organ Procurement and Transplantation Network [Docket Number: 98-HRSA-01] (RIN: 0906-AA32) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8455. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Confirmation and Affirmation of Securities Trades; Matching [Release No. 34-39829; File No. S7-10-98] received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8456. A communication from the President of the United States, transmitting a 6-month periodic report on the national emergency declared by Executive Order 12924 of August 19, 1994, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, pursuant to 50 U.S.C. 1641(c); (H. Doc. No. 105-239); to the Committee on International Relations and ordered to be printed.

8457. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council, pursuant to Public Law 102-1, section 3 (105 Stat. 4); (H. Doc. No. 105-240); to the Committee on International Relations and ordered to be printed.

8458. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report authorizing the transfer of up to $100M in defense articles and services to the Government of Bosnia-Herzegovina, pursuant to Public Law 104-107, section 540(c) (110 Stat. 736); to the Committee on International Relations.

8459. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 09-98 for Final Authority to Conclude a Project Arrangement (PA) with the United Kingdom to investigate the potential tactical aircraft survivability improvements, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

8460. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 08-98 for U.S. involvement with Australia in a Project concerning *Collins* Class Submarine Acoustic Measurement, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

8461. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 06-98 which constitutes a Request for Final Approval for the Memorandum of Understanding between the U.S. and NATO member nations to establish an organizational structure for the implementation and operation of the Battlefield Information Collection and Exploitation Systems (BICES), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

8462. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to Oman (Transmittal No.

09-98), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

8463. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to Turkey (Transmittal No. 11-98), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

8464. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Singapore for defense articles and services (Transmittal No. 98-35), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8465. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Forces's Proposed Letter(s) of Offer and Acceptance (LOA) to Saudi Arabia for defense articles and services (Transmittal No. 98-36), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8466. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Norway for defense articles and services (Transmittal No. 98-34), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8467. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Canada for defense articles and services (Transmittal No. 98-30), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8468. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Italy for defense articles and services (Transmittal No. 98-25), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8469. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Forces's Proposed Letter(s) of Offer and Acceptance (LOA) to Israel for defense articles and services (Transmittal No. 98-37), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8470. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Israel (Transmittal No. DTC-66-98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8471. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on chemical and biological weapons proliferation control efforts for the period of February 1, 1997 to January 31, 1998, pursuant to Public Law 102-182, section 308(a) (105 Stat. 1257); to the Committee on International Relations.

8472. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated settlement of the Cyprus question, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

8473. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

8474. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that two rewards have been paid, pursuant to 22 U.S.C. 2708(h); to the Committee on International Relations.

8475. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on International Relations.

8476. A letter from the Secretary of Defense, transmitting notification supplements regarding the Cooperative Threat Reduction Program; to the Committee on International Relations.

8477. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-313, "Mortgage Lender and Broker Act of 1996 Amendment Act of 1998" received March 31, 1998, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

8478. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-312, "Omnibus Sports Consolidation Amendment Act of 1998" received March 31, 1998, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

8479. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List—received April 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

8480. A letter from the Acting Assistant Secretary for Management, Department of Veterans Affairs, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

8481. A letter from the Senior Deputy Chairman, National Endowment of the Arts, transmitting a report of activities under the Freedom of Information Act from January 1. 1997 to September 30, 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

8482. A letter from the Chairman, National Transportation Safety Board, transmitting the FY 1997 annual report under the Freedom of Information Act (FOIA) covering the period from January 1, 1997 through September 30, 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

8483. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Revised Application Procedures For Disability Retirement Under CSRS and FERS (RIN: 3206-AH68) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

8484. A letter from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting the Seventh Annual Management Report, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform and Oversight.

8485. A letter from the Secretary of the Treasury, transmitting a report on the Consolidated Financial Statements of the United States Government for Fiscal Year 1997, pursuant to 31 U.S.C. 331 (e)(1); to the Committee on Government Reform and Oversight.

8486. A letter from the Secretary of Housing and Urban Development, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

8487. A letter from the Secretary of Labor, transmitting a report of activities under the Freedom of Information Act for the first nine months of 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

8488. A letter from the Vice Chairman, Federal Election Commission, transmitting 60 recommendations for legislative action, pursuant to 2 U.S.C. 438(a)(9); to the Committee on House Oversight.

8489. A letter from the Secretary of Defense, transmitting the Fifteenth Report of the Federal Voting Assistance Program, pursuant to Public Law 99-410; to the Committee on House Oversight.

8490. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Wild Horse and Burro Adoptions; Power of Attorney [NV-960-1060-00-24-1A] (RIN: 1004-AD28) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8491. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting the Department's final rule—Illinois Regulatory Program [SPATS No. IL-089-FOR] received April 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8492. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Technical Amendments to HUD's Regulations Governing Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities [Docket No. FR-4138-F-01] (RIN: 2501-AC32) received March 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8493. A letter from the Acting Assistant Administrator For Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Sea Scallop Fishery; Area Closures [Docket No. 980318065-8065-01; I.D. 030698B] (RIN: 0648-AK68) received April 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8494. A letter from the Acting Assistant Administrator For Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Maximum Retainable Bycatch Percentages [Docket No. 971231319-8070-02; I.D. 112697A] (RIN: 0648-AK09) received April 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8495. A letter from the Acting Administrator For Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Shark Fisheries; Large Coastal Shark Species [I.D. 032098A] received April 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8496. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Sea Turtle

Conservation; Shrimp Trawling Requirements [Docket No. 980331080–8080–01; I.D. 032398C] (RIN: 0648–AK66) received April 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8497. A letter from the National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—North and South Atlantic Swordfish Fishery; Directed Fishery Closure [I.D. 021998C] received April 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8498. A letter from the Acting Assistant Administrator For Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 25 [Docket No. 980318066–8066–01; I.D. 022698A] (RIN: 0648–AK77) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8499. A letter from the Assistant Administrator, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Jade Collection in the Monterey Bay National Marine Sanctuary [Docket No. 950609150–8003–04] (RIN: 0648–AI06) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8500. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Andover, NJ [Airspace Docket No. 97–AEA–50] received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8501. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Galax, VA [Airspace Docket No. 97–AEA–48] received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8502. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Wilmington, DE [Airspace Docket No. 97–AEA–49] received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8503. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Danville, VA [Airspace Docket No. 97–AEA–46] received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8504. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class D and Class E Airspace; Topeka, Philip Billard Municipal Airport, KS; Correction [Airspace Docket No. 97–ACE–36] received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8505. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class D and Class E Airspace; Salina, KS; Correction [Airspace Docket No. 97–ACE–35] received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8506. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Iola, KS [Airspace Docket No. 97–ACE–37] received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8507. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace; Minot AFB, ND; and Class E Airspace; Minot, ND [Airspace Docket No. 97–AGL–61] received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8508. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Sheridan, WY [Airspace Docket No. 97–ANM–18] received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8509. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Colorado Springs, CO [Airspace Docket No. 98–ANM–06] received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8510. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fairchild Aircraft Inc. Models SA226–AT, SA226–TC, SA227–AC, and SA227–AT Airplanes [Docket No. 96–CE–68–AD; Amendment 39–10403; AD 98–06–25] (RIN: 2120–AA64) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8511. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives, Boeing Model 747–400 Series Airplanes [Docket No. 97–NM–65–AD; Amendment 39–10407; AD 98–06–29] (RIN: 2120–AA64) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8512. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon (Beech) Model 400, 400A, 400T, MU–300, and MU–300–10 Airplanes [Docket No. 97–NM–68–AD; Amendment 39–10408; AD 98–06–30] (RIN: 2120–AA64) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8513. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes [Docket No. 94–NM–117–AD; Amendment 39–10405; AD 98–06–27] (RIN: 2120–AA64) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8514. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 Series Airplanes [Docket No. 95–NM–216–AD; Amendment 39–10398; AD 98–06–20] (RIN: 2120–AA64) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8515. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes [Docket No. 93–NM–193–AD; Amendment 39–10404; AD 98–06–26] (RIN: 2120–AA64) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8516. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; U.S. National Waterski Racing Championship [CGD11–97–008] (RIN: 2115–AE46) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8517. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Anchorage Regulations; San Diego Harbor, CA [CGD11–97–007] (RIN: 2115–AA98) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8518. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Parker Enduro [CGD11–98–002] (RIN: 2115–AE46) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8519. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Back Bay of Biloxi, Mississippi [CGD 08–98–014] received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8520. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Fatigue Evaluation of Structure [Docket No. 27358; Amdt. No. 25–96] (RIN: 2120–AD42) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8521. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace South of Abbotsford, British Columbia (BC), on the United States Side of the U.S./Canadian Border, and the Establishment of a Class C Airspace Area in the Vicinity of Point ROBERTS, Washington (WA) [Airspace Docket No. 93–AWA–16] (RIN: 2120–AA66) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8522. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model BAe 146–100A, –200A, and –300A, and Model Avro 146–RJ Series Airplanes [Docket No. 97–NM–163–AD; Amendment 39–10424; AD 98–07–06] (RIN: 2120–AA64) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8523. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International CFM56–2, –3, –3B, and –3C Series Turbofan Engines [Docket No. 98–ANE–16–AD; Amendment 39–10420; AD 98–07–02] (RIN: 2120–AA64) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8524. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes [Docket No. 97–NM–108–AD; Amendment 39–10422; AD 98–07–04] (RIN: 2120–AA64) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8525. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series

Airplanes [Docket No. 97–NM–306–AD; Amendment 39–10423; AD 98–07–05] (RIN: 2120–AA64) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8526. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: San Francisco Bay, CA [COTP San Francisco Bay; 98–005] (RIN: 2115–AA99) received April 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8527. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters [Docket No. 97–SW–67–AD; Amendment 39–10428; AD 97–24–17] (RIN: 2120–AA64) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8528. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Agusta S.p.A. Model AB 412 Helicopters [Docket No. 97–SW–63–AD; Amendment 39–10430; AD 98–07–10] (RIN: 2120–AA64) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8529. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; GKN Westland Helicopters Limited WG–30 Series 100 and 100–60 Helicopters [Docket No. 97–SW–28–AD; Amendment 39–10431; AD 98–07–11] (RIN: 2120–AA64) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8530. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Israel Aircraft Industries (IAI), Ltd., Model 1125 Westwind Astra and Astra SPX Series Airplanes [Docket No. 98–NM–104–AD; Amendment 39–10427; AD 98–07–08] (RIN: 2120–AA64) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8531. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model HS 748 Series Airplanes [Docket No. 97–NM–98–AD; Amendment 39–10443; AD 98–07–22] (RIN: 2120–AA644) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8532. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR–42 and ATR–72 Series Airplanes [Docket No. 97–NM–228–AD; Amendment 39–10413; AD 98–06–34] (RIN: 2120–AA64) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8533. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc. Model 47B, 47B–3, 47D, 47D–1, 47G, 47G–2, 47G–2A, 47G–2A–1, 47G–3, 47G–3B, 47G–3B–1, 47G–3B–2, 47G–3B–2A, 47G–4, 47G–4A, 47G–5, 47G–5A, 47H–1, 47J, 47J–2, 47J–2A, and 47K Helicopters [Docket No. 96–SW–28–AD; Amendment 39–10429; AD 98–07–09] (RIN: 2120–AA64) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8534. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Blacksburg, VA [Airspace Docket No. 97–AEA–45] received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8535. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Lincoln, NE; Correction [Airspace Docket No. 97–ACE–24] received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8536. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Pennington Gap, VA [Airspace Docket No. 97–AEA–47] received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8537. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Audubon, IA [Airspace Docket No. 97–ACE–30] received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8538. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Daytona Beach, FL [Airspace Docket No. 97–ASO–31] received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8539. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767–200 and –300 Series Airplanes [Docket No. 97–NM–50–AD; Amendment 39–10433; AD 98–07–13] (RIN: 2120–AA64) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8540. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 96–NM–245–AD; Amendment 39–10435; AD 98–07–15] (RIN: 2120–AA64) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8541. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Final Policy on Part 150 Approval of Noise Mitigation Measures: Effect on the Use of Federal Grants for Noise Mitigation Projects [Docket No. 28149] received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8542. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Standards for Acceptance Under the Primary Category Rule [14 CFR Part 21] received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8543. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Laconia, NH [Airspace Docket No. 98–ANE–92] received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8544. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class D Airspace; Westfield, MA [Airspace Docket No. 98–ANE91] received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8545. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A340 Series Airplanes [Docket No. 97–NM–338–AD; Amendment 39–10446; AD 98–07–24] (RIN: 2120–AA64) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8546. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR–42–500 Series Airplanes [Docket No. 98–NM–48–AD; Amendment 39–10447; AD 98–07–25] (RIN: 2120–AA64) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8547. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A340 Series Airplanes [Docket No. 97–NM–327–AD; Amendment 39–10445; AD 98–07–23] (RIN: 2120–AA64) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8548. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–300, –400, and –500 Series Airplanes [Docket No. 95–NM–207–AD; Amendment 39–10436; AD 98–07–16] (RIN: 2120–AA64) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8549. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes [Docket No. 96–NM–119–AD; Amendment 39–10432; AD 98–07–12] (RIN: 2120–AA64) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8550. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Helicopter Systems Model 369F and 369FF Helicopters [Docket No. 97–SW–03–AD; Amendment 39–10440; AD 98–07–19] (RIN: 2120–AA64) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8551. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS 332C, L, and L1 Helicopters [Docket No. 97–SW–13–AD; Amendment 39–10441; AD 98–07–20] (RIN: 2120–AA64) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8552. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Disaster Assistance; Restoration of Damaged Facilities (RIN: 3067–AC60) received April 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8553. A letter from the Secretary of Transportation, transmitting the Department's report regarding regulations concerning oils, including animal fats and vegetable oils related to the Edible Oil Regulatory Reform Act, pursuant to Public Law 104–324, section 1130; to the Committee on Transportation and Infrastructure.

8554. A letter from the Deputy Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Equitable Adjustments Under Contracts for Construction, Dismantling, Demolishing, or Removing Improvements [48 CFR Parts 1843 and 1852] received April 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

8555. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—VA Acquisition Regulations: Department Protests (RIN: 2900–AI51) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8556. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—VA Acquisition Regulations: Commercial Items (RIN: 2900–AI05) received April 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8557. A letter from the Secretary of Labor, transmitting the annual report evaluating the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) for fiscal year 1996, pursuant to 38 U.S.C. 4332; to the Committee on Veterans' Affairs.

8558. A communication from the President of the United States, transmitting notification of his determination that a waiver of the application of subsections 402(a) and (b) of the Trade Act of 1974 with respect to Vietnam will substantially promote the objectives of section 402, pursuant to 19 U.S.C. 2432(c) and (d); (H. Doc. No. 105–238); to the Committee on Ways and Means and ordered to be printed.

8559. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Guidance under Subpart F Relating to Partnerships and Branches [REG–104537–97] (RIN: 1545–AV11) received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8560. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Guidance under Subpart F Relating to Partnerships and Branches [TD 8767] (RIN: 1545–AW07) received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8561. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit or abatement; determination of correct tax liability [Revenue Procedure 98–34] received April 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8562. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Effective Date of Regulations Under Section 1441 and Qualified Intermediary Procedures [Notice 98–16] received April 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8563. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [Revenue Procedure 98–30] received April 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8564. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Tax forms and instructions [Revenue Procedure 98–32] received April 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8565. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Transfers in General [Revenue Ruling 98–21] received April 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8566. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Net Unrealized Appreciation in Employer Securities [Notice 98–24] received April 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8567. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Application of 1.1295–1T(b) (4), (f) and (g) to taxable years beginning before January 1, 1998 [Notice 98–22] received April 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8568. A letter from the Chief Reulations Unit, Internal Revenue Service, transmitting the Service's final rule—Election to Continue To Treat Trust as a United States Person [Notice 98–25] received April 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8569. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Taxation of Social Security Benefits Under U.S.-Canada Income Tax Treaty [Notice 98–23] received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8570. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Qualified Intermediary Withholding Agreement [Rev. Proc. 98–27] received April 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8571. A letter from the Chief Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Changes in accounting periods and in methods of accounting [Rev. Proc. 98–29] received April 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8572. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Valuation of Plan Distributions [TD 8768] (RIN: 1545–AT27) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8573. A letter from the Chief, Regulations Branch, United States Customs Service, transmitting the Service's final rule—Increase of Maximum Amount For Informal Entries to $2000 (RIN: 1515–AC11) received April 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8574. A letter from the Chief, Regulations Branch, United States Customs Service, transmitting the Service's final rule—Centralized Examination Stations (RIN: 1515–AC07) received April 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8575. A letter from the General Sales Manager and Vice President, Commodity Credit Corporation, Department of Agriculture, transmitting the annual report summarizing the availability, distribution and value of commodities donated under section 416(b) in FY 1993, FY 1994, and FY 1995, pursuant to 7 U.S.C. Article 1431 (b), 416(b); jointly to the Committees on Agriculture and International Relations.

8576. A letter from the Acting Assistant Secretary for Environmental Management, Department of Energy, transmitting notification of a delay in submitting a report on the Savannah River Site Comprehensive Planning Process, pursuant to 42 U.S.C. 9203(c); jointly to the Committees on National Security and Commerce.

8577. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's annual report describing health and safety activities relating to the Department of Energy's defense nuclear facilities during the calendar year 1997; jointly to the Committees on National Security and Commerce.

8578. A letter from the Chairman, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting a report on the changes in the present system for administering medical malpractice liability in the District of Columbia; jointly to the Committees on Government Reform and Oversight, Appropriations, the Judiciary, and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted April 17, 1998]

Mr. GOODLING: Committee on Education and the Workforce. H.R. 6. A bill to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; with an amendment (Rept. 105–481). Referred to the Committee on the Whole House on the State of the Union.

[Submitted April 21, 1998]

Mr. YOUNG of Alaska: Committee on Resources. H.R. 755. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate any portion of their income tax overpayments, and to make other contributions, for the benefit of units of the National Park System; with an amendment (Rept. 105–482 Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2376. A bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act; with an amendment (Rept. 105–483). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1522. A bill to extend the authorization for the National Historic Preservation Fund, and for other purposes; with an amendment (Rept. 105–484). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3164. A bill to describe the hydrographic services functions of the Administrator of the National Oceanic and Atmospheric Administration, and for other purposes; with an amendment (Rept. 105–485). Referred to the Committee of the Whole House on the State of the Union.

Mr. McCOLLUM: Committee on the Judiciary. H.R. 3565. A bill to amend Part L of the Omnibus Crime Control and Safe Streets Act of 1968 (Rept. 105–486). Referred to the Committee of the Whole House on the State of the Union.

Mr. COBLE: Committee on the Judiciary. H.R. 3528. A bill to amend title 28, United States Code, with respect to the use of alternative dispute resolution processes in United

States district courts, and for other purposes; with an amendment (Rept. 105-487). Referred to the Committee of the Whole House on the State of the Union.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 407. Resolution providing for consideration of the joint resolution (H.J. Res. 111) proposing an amendment to the Constitution of the United States with respect to tax limitations (Rept. 105-488). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BARRETT of Wisconsin:

H.R. 3693. A bill to amend title 11, United States Code, to limit the value of certain real and personal property that a debtor may elect to exempt under State or local law, and for other purposes; to the Committee on the Judiciary.

By Mr. GOSS:

H.R. 3694. A bill to authorize appropriations for fiscal year 1999 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. HEFLEY (for himself and Mr. ABERCROMBIE) (both by request):

H.R. 3695. A bill to authorize certain construction at military installations for fiscal year 1999, and for other purposes; to the Committee on National Security.

By Mr. HILL:

H.R. 3696. A bill to designate the Federal Courthouse located at 316 North 26th Street in Billings, Montana, as the "James F. Battin Federal Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. LEVIN (for himself, Mr. ENGLISH of Pennsylvania, and Mr. RANGEL):

H.R. 3697. A bill to enhance the Federal-State Extended Benefit program, to provide incentives to States to implement procedures that will expand eligibility for unemployment compensation, to strengthen administrative financing of the unemployment compensation program, to improve the solvency of State accounts in the Unemployment Trust Fund, and for other purposes; to the Committee on Ways and Means.

By Mr. MATSUI (for himself and Mr. FAZIO of California):

H.R. 3698. A bill to provide for improved flood protection along the American River Watershed, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. MORELLA (for herself and Ms. STABENOW):

H.R. 3699. A bill to amend the Family Violence Prevention and Services Act to reauthorize the national toll-free telephone domestic violence hotline; to the Committee on Education and the Workforce.

By Mr. WYNN:

H.R. 3700. A bill to amend title 31, United States Code, to require the provision of a written prompt payment policy to each subcontractor under a Federal contract and to require a clause in each subcontract under a Federal contract that outlines the provisions of the prompt payment statute and other related information; to the Committee on Government Reform and Oversight.

By Mr. WYNN:

H.R. 3701. A bill to amend the Small Business Act to provide a penalty for the failure by a Federal contractor to subcontract with small businesses as described in its subcontracting plan, and for other purposes; to the Committee on Small Business.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

280. The SPEAKER presented a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 5 memorializing the Congress of the United States to support, and to urge and request the secretary of agriculture to incorporate, Option 1A as the pricing procedure in all federal milk marketing orders; to the Committee on Agriculture.

281. Also, a memorial of the House of Representatives of the State of Maine, relative to House Joint Resolution 1598 memorializing the Congress of the United States to resolve trade barriers between Maine and the Province of New Brunswick; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

(Submitted April 17, 1998)

H.R. 6: Mrs. ROUKEMA, Mr. RIGGS, Mr. BARRETT of Nebraska, Mr. UPTON, Mr. GREENWOOD, Mr. CASTLE, Mr. FATTAH, Mr. ROEMER, Mr. ANDREWS, and Mr. HINOJOSA.

(Submitted April 21, 1998)

H.R. 27: Mr. STRICKLAND.

H.R. 44: Mr. PICKERING, Mr. KENNEDY of Massachusetts, Mr. NORWOOD, Ms. KILPATRICK, and Mr. ENGEL.

H.R. 54: Mr. BOUCHER and Mrs. CAPPS.

H.R. 55: Mr. SAXTON and Mr. PALLONE.

H.R. 65: Ms. KILPATRICK, Mr. ENGEL, and Mr. WATKINS.

H.R. 96: Mr. STUMP, Ms. STABENOW, and Mr. GEKAS.

H.R. 107: Mr. CALVERT, Mr. BAKER, Mr. HILLEARY, and Mr. DUNCAN.

H.R. 303: Mr. KENNEDY of Massachusetts and Ms. KILPATRICK.

H.R. 306: Mr. BLAGOJEVICH.

H.R. 339: Mr. COOK.

H.R. 450: Mr. ANDREWS.

H.R. 457: Mr. NETHERCUTT and Mr. LUTHER.

H.R. 623: Mr. KENNEDY of Massachusetts.

H.R. 633: Mr. LANTOS.

H.R. 738: Mr. ETHERIDGE and Mrs. MALONEY of New York.

H.R. 814: Mrs. MINK of Hawaii.

H.R. 859: Mr. EHRLICH and Mr. FRELINGHUYSEN.

H.R. 880: Ms. KAPTUR.

H.R. 884: Mr. FRANK of Massachusetts and Mr. WYNN.

H.R. 919: Mr. MENENDEZ.

H.R. 953: Mr. DAVIS of Virginia and Mr. SANDERS.

H.R. 971: Mr. MENENDEZ and Mr. SCHUMER.

H.R. 979: Mr. HASTINGS of Florida, Mr. JENKINS, Mr. MARKEY, Mr. DAVIS of Illinois, Mr. MORAN of Kansas, Mr. GUTIERREZ, Mr. NADLER, and Mr. HILLEARY.

H.R. 1023: Mr. CHRISTENSEN.

H.R. 1126: Mr. PICKERING, Mr. GIBBONS, Mr. WYNN, Mr. SKAGGS, Mr. KENNEDY of Rhode Island, and Mr. HYDE.

H.R. 1134: Mrs. THURMAN, Mr. HALL of Texas, Mr. SANDLIN, Mr. MARKEY, and Mrs. KELLY.

H.R. 1140: Mr. MARKEY.

H.R. 1202: Mr. BLAGOJEVICH, Mr. DELAHUNT, Mr. GILMAN, and Ms. KILPATRICK.

H.R. 1261: Ms. WOOLSEY.

H.R. 1320: Mr. LaFALCE.

H.R. 1322: Mr. McKEON, Mr. SMITH of New Jersey, and Mr. CUNNINGHAM.

H.R. 1354: Mrs. LOWEY.

H.R. 1362: Mrs. CLAYTON, Mr. OLVER, Mr. PALLONE, and Mr. KIND of Wisconsin.

H.R. 1375: Mr. JENKINS, Ms. WATERS, Mr. MANTON, and Ms. MILLENDER-McDONALD.

H.R. 1376: Mr. BORSKI.

H.R. 1401: Mr. BOSWELL, Mr. CARDIN, and Mr. HOUGHTON.

H.R. 1450: Mr. KENNEDY of Massachusetts.

H.R. 1481: Mr. NEY.

H.R. 1531: Mr. TIERNEY, Mr. MANTON, Mrs. MORELLA, and Mr. HINCHEY.

H.R. 1571: Mr. BROWN of California and Mr. LANTOS.

H.R. 1601: Mr. PICKERING.

H.R. 1608: Mr. YOUNG of Florida, Mrs. MEEK of Florida, Mr. KENNEDY of Rhode Island, and Mr. FROST.

H.R. 1689: Mr. BURTON of Indiana, Mr. SENSENBRENNER, Mr. DOOLITTLE, Mr. ACKERMAN, Mr. SOUDER, Mr. WOLF, Mr. GUTKNECHT, and Mr. SMITH of Texas.

H.R. 1788: Ms. DeLAURO.

H.R. 1858: Mrs. CAPPS.

H.R. 2021: Mr. COOKSEY.

H.R. 2023: Mr. ALLEN, Mr. LAMPSON, Mr. WEYGAND, and Mr. McNULTY,

H.R. 2113: Mr. SAXTON, Mr. BATEMAN, Mr. KLINK, and Mr. MANTON.

H.R. 2201: Mr. FOSSELLA, Mr. WAXMAN, Mr. GEJDENSON, and Mr. DeFAZIO.

H.R. 2332: Mrs. CAPPS.

H.R. 2348: Mrs. CAPPS AND Ms. LEE.

H.R. 2349: Mrs. CAPPS and Ms. LEE.

H.R. 2409: Mr. PORTMAN, Mr. FRANK of Massachusetts, Ms. DeGETTE, Mr. LANTOS, and Mr. RODRIGUEZ.

H.R. 2488: Mr. NEY, Mr. FROST, Mrs. MEEK of Florida, and Mr. FRANK of Massachusetts.

H.R. 2504: Ms. STABENOW.

H.R. 2537: Mr. BURTON of Indiana, Mr. SMITH of Texas, and Mr. COLLINS.

H.R. 2549: Mr. HILLIARD, Mr. COYNE, Mr. LANTOS, and Mr. GORDON.

H.R. 2568: Mr. POMEROY and Mr. BARRETT of Nebraska.

H.R. 2592: Mr. PICKERING.

H.R. 2670: Ms. BROWN of Florida, Mr. KENNEDY of Rhode Island, Mr. FORBES, and Mrs. CAPPS.

H.R. 2699: Ms. ESHOO.

H.R. 2701: Mr. GOODE, Mr. MEEKS of New York, Mr. FOX of Pennsylvania, and Ms. DeLAURO.

H.R. 2721: Mr. HALL of Texas.

H.R. 2754: Mrs. MEEK of Florida, Mrs. MORELLA, and Mr. PASCRELL.

H.R. 2819: Mr. GEJDENSON, Mr. WAXMAN, Mr. NADLER, Mr. BLUMENAUER, Ms. STABENOW, and Mr. FARR of California.

H.R. 2821: Mr. McINTOSH, Mr. WAMP, and Mr. COMBEST.

H.R. 2825: Mr. MOLLOHAN.

H.R. 2854: Mr. PASCRELL.

H.R. 2908: Mr. MORAN of Kansas, Mrs. KELLY, Mr. SANDLIN, Mr. NETHERCUTT, Mr. COMBEST, and Mr. FARR of California.

H.R. 2914: Mr. FORBES.

H.R. 2922: Mr. PORTER and Mr. NORWOOD.

H.R. 2923: Mr. CLYBURN, Mr. SOLOMON, Mrs. MINK of Hawaii, Mr. MOAKLEY, Mr. WAXMAN, Mr. SKEEN, Mr. DUNCAN, Mr. HOUGHTON, Mr. HOYER, and Mrs. LOWEY.

H.R. 2925: Ms. JACKSON-LEE, Ms. ESHOO, and Mr. WAXMAN.

H.R. 2931: Mr. BASS and Mr. McNULTY.

H.R. 2936: Mr. GREENWOOD.

H.R. 2938: Mr. REYES and Mr. SANDLIN.

H.R. 2946: Mrs. McCARTHY of New York.

H.R. 2955: Mr. SERRANO and Mr. ADAM SMITH of Washington.

H.R. 2990: Mr. HOEKSTRA, Mr. GILLMOR, Mr. MARKEY, Mr. BLAGOJEVICH, Mr. EVANS, Mr. YATES, Mr. MASCARA, Mr. SHAYS, and Mr. NADLER.

H.R. 3008: Mr. GUTKNECHT, Mr. HILLIARD, Mr. COBURN, Mr. CHAMBLISS, and Ms. STABENOW.

H.R. 3014: Mr. FAZIO of California.

H.R. 3048: Ms. FURSE, Mr. McDERMOTT, Mr. SKAGGS, and Mr. KILDEE.

H.R. 3052: Mr. RUSH, Mr. STARK, Mr. McGOVERN, and Mr. MARTINEZ.

H.R. 3107: Mrs. FOWLER and Mr. RYUN.

H.R. 3110: Mr. SNOWBARGER, Mr. EHLERS, Mr. MANZULLO, Mr. KLINK, Ms. LOFGREN, Mr. SHAYS, and Mr. WYNN.

H.R. 3127: Mr. COX of California, Mr. EWING, Mr. EHLERS, Mr. DOYLE, Mr. SUNUNU, Mr. FAWELL, Mr. FRANK of Massachusetts, Mr. WELDON of Pennsylvania, Ms. LOFGREN, and Mr. TAYLOR of North Carolina.

H.R. 3135: Ms. MILLENDER-McDONALD, Mr. ABERCROMBIE, and Mr. GUTIERREZ.

H.R. 3137: Mr. HILLEARY, Mr. NEY, Mrs. LOWEY, Mrs. CLAYTON, Mrs. EMERSON, Mr. GOODLING, Mr. GILCHREST, Mr. HILLIARD, and Mr. KIND of Wisconsin.

H.R. 3150: Mr. BLILEY, Mr. STUMP, Mr. FOLEY, Mr. HILL, Mrs. TAUSCHER, Mr. WELDON of Florida, Mr. SENSENBRENNER, Mr. CLYBURN, Mrs. ROUKEMA, Mr. BURTON of Indiana, Mr. ROYCE, Mr. CANADY of Florida, Mr. WYNN, Mr. COLLINS, Mr. SMITH of Michigan, Mr. EVERETT, Mr. RIGGS, Mr. PETRI, Mr. LaTOURETTE, Mr. BARTON of Texas, Mr. BALLENGER, and Ms. GRANGER.

H.R. 3156: Mr. PRICE of North Carolina, Mr. EVANS, Mr. HINOJOSA, Mr. OWENS, Mr. BECERRA, and Mr. ROEMER.

H.R. 3160: Mr. MANTON.

H.R. 3161: Mr. OLVER.

H.R. 3181: Mr. GUTIERREZ, Mrs. THURMAN, and Ms. HOOLEY of Oregon.

H.R. 3188: Mr. NORWOOD.

H.R. 3205: Mr. NADLER, Mr. SANDLIN, Mr. LANTOS, and Mr. GREEN.

H.R. 3229: Mr. ADERHOLT, Mr. GOODLING, Mr. CHABOT, and Mr. SENSENBRENNER.

H.R. 3230: Mr. ADERHOLT, Mr. GOODLING, and Mr. CHABOT.

H.R. 3240: Mrs. MORELLA.

H.R. 3255: Mr. NADLER.

H.R. 3269: Mr. WAXMAN, Mr. OWENS, and Mr. McDERMOTT.

H.R. 3279: Mr. POSHARD, Mr. NEY, and Ms. SANCHEZ.

H.R. 3284: Mr. TALENT.

H.R. 3290: Mr. WALSH, Mrs. KELLY, Mr. ENSIGN, Mr. WATKINS, and Mr. GUTKNECHT.

H.R. 3318: Mr. ACKERMAN, Mr. STARK, Mr. WISE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LANTOS, Mrs. TAUSCHER, and Mr. HOUGHTON.

H.R. 3341: Mr. YATES.

H.R. 3376: Mr. MATSUI.

H.R. 3396: Mr. COX of California, Ms. DUNN of Washington, Mr. COOK, Mr. McHALE, Mr. REYES, Mr. RODRIGUEZ, Mr. DOOLITTLE, Mr. GALLEGLY, Mr. WATTS of Oklahoma, Mr. McINTOSH, Mr. RUSH, Mr. HINOJOSA, Mrs. THURMAN, Mr. POMBO, Mrs. NORTHUP, Mr. HOLDEN, Mr. MOLLOHAN, Mr. DOYLE, Mr. BORSKI, Mr. KANJORSKI, Mrs. MEEK of Florida, Ms. JACKSON-LEE, Mr. SCOTT, Mr. GREEN, Mr. CLYBURN, and Mr. REDMOND.

H.R. 3400: Mr. PAYNE and Mr. BONIOR.

H.R. 3438: Mr. SANDLIN.

H.R. 3456: Mr. BLUNT, Mr. MILLER of Florida, Mr. FOLEY, and Mr. GRAHAM.

H.R. 3502: Mr. WISE, Mrs. LOWEY, and Mr. TORRES.

H.R. 3506: Ms. DUNN of Washington, Mr. FALEOMAVAEGA, Mr. RADANOVICH, Mrs. MORELLA, Mr. EHRLICH, Mr. SESSIONS, Mr. HOBSON, Mr. DUNCAN, Mr. RIGGS, Mr. DINGELL, Mr. LEWIS of California, Mr. WAXMAN, Mr. DREIER, Mr. DIAZ-BALART, Mr. JENKINS, Mr. BALLENGER, Mr. KLUG, Mr. ROMERO-BARCELO, Mr. ORTIZ, and Mr. ROHRABACHER.

H.R. 3510: Mr. ANDREWS, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. MEEKS of New York.

H.R. 3514. Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WYNN, Mr. DICKS, Mr. BONIOR, Mr. SANDLIN; and Mr. SHAYS.

H.R. 3523: Mr. METCALF, Mr. MANZULLO, Mrs. McCARTHY of New York, Mr. FOX of Pennsylvania, Mr. RODRIGUEZ, Mr. BORSKI, Mr. MORAN of Kansas, Mr. TOWNS, Mr. BISHOP, Mr. MALONEY of Connecticut, Mr. GRAHAM, Mr. RAHALL, Mr. CALLAHAN, Mrs. JOHNSON of Connecticut, Mr. COMBEST, Mr. CAMP, Mr. BLUNT, Mrs. EMERSON, Mr. PASCRELL, Mr. HALL of Texas, Mr. SOUDER, Mr. GORDON, Mr. BALLENGER, Mr. COOK, Mr. WICKER, Mr. GILMAN, and Mr. KENNEDY of Rhode Island.

H.R. 3526: Mr. WAXMAN, Mr. GREENWOOD, and Ms. ESHOO.

H.R. 3535: Mr. HASTINGS of Washington, Mr. SMITH of New Jersey, and Mr. WATKINS.

H.R. 3555: Mr. GUTIERREZ and Ms. WOOLSEY.

H.R. 3563: Ms. FURSE and Ms. ESHOO.

H.R. 3567: Mrs. McCARTHY of New York, Mr. SUNUNU, Mr. HOLDEN, Mr. BORSKI, Mr. KANJORSKI, Mr. TRAFICANT, Mrs. ROUKEMA, and Mr. ACKERMAN.

H.R. 3570: Mr. BROWN of Ohio, Mr. RODRIGUEZ, Mr. OLVER, Mr. FRANK of Massachusetts, Ms. KAPTUR, and Mr. ABERCROMBIE.

H.R. 3571: Ms. WOOLSEY, Mr. BARRETT of Wisconsin, Mr. POSHARD, Mr. KILDEE, Mr. McDERMOTT, and Mr. LANTOS.

H.R. 3572: Mr. DEFAZIO, Mr. NETHERCUTT, and Mr. NORWOOD.

H.R. 3577: Mr. BERMAN, Ms. KILPATRICK, and Mr. MARTINEZ.

H.R. 3599: Mr. ROHRABACHER.

H.R. 3615: Ms. NORTON, Mr. BROWN of California, Mrs. CLAYTON, Mr. UNDERWOOD, Mr. RUSH, Mr. MILLER of California, Mr. NEY, Mr. BARRETT of Wisconsin, Mr. McDERMOTT, and Mr. WAXMAN.

H.R. 3626: Mr. WATKINS.

H.R. 3661: Ms. STABENOW, Mr. SCHUMER, Mr. ACKERMAN, Mr. McDERMOTT, Mr. WOLF, Mr. HALL of Ohio, Mr. GORDON, and Mr. UPTON.

H.R. 3666: Mr. FILNER, Mr. LEWIS of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. McGOVERN, Ms. LOFGREN, Mrs. KENNELLY of Connecticut, Mr. FALEOMAVAEGA, and Mr. BALDACCI.

H.R. 3668: Mrs. KELLY.

H.R. 3682: Mr. BARTON of Texas and Mr. McINTYRE.

H.J. Res. 26: Mr. CALLAHAN.

H.J. Res. 71: Mr. McKEON, Mr. SMITH of New Jersey, and Mr. CUNNINGHAM.

H.J. Res. 102: Mr. BOSWELL, Mr. McHALE, Ms. RIVERS, Mr. ROMERO-BARCELO, Mrs. LINDA SMITH of Washington, Mr. SOUDER, amd Mr. UPTON.

H.J. Res. 111: Mr. HORN.

H. Con. Res. 55: Mr. SMITH of Michigan and Mr. PASCRELL.

H. Con. Res. 107: Mr. QUINN.

H. Con. Res. 126: Mr. FRANKS of New Jersey, Mr. STARK, Mr. KIM, and Mrs. KELLY.

H. Con. Res. 166: Mrs. LOWEY.

H. Con. Res. 181: Mr. ABERCROMBIE, Mr. BLILEY, Mr. BLUMENAUER, Mr. CRANE, Mr. DIXON, Mr. FOLEY, Mr. FRANK of Massachusetts, Mr. FRELINGHUYSEN, Mr. GEJDENSON, Mr. HOLDEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KLUG, Mr. KNOLLENBERG, Mr. LaTOURETTE, Mr. MARKEY, Mrs. MEEK of Florida, Mr. OLVER, Mr. QUINN, Mr. SHAW, Mr. TAYLOR of North Carolina, Ms. WOOLSEY, Mr. BACHUS, Ms. BROWN of Florida, Mr. BROWN of California, Mr. COOK, Mr. DELAHUNT, Mr. EVANS, Mr. GONZALEZ, Mrs. JOHNSON of Connecticut, Mrs. MINK of Hawaii, Ms. PRYCE of Ohio, Mr. RAHALL, Ms. ROYBAL-ALLARD, Mr. ROYCE, Mr. SERRANO, Mrs. THURMAN, and Mr. WAMP.

H. Con. Res. 182: Mr. WYNN.

H. Con. Res. 188: Mr. BLUNT and Mr. GOODLING.

H. Con. Res. 191: Mr. STARK, Mr. WAXMAN, Ms. LOFGREN, Mr. FILNER, Mr. MILLER of California, and Mr. BERMAN.

H. Con. Res. 203: Mrs. McCARTHY of New York, Mr. PICKERING, Mr. DUNCAN, and Mrs. ROUKEMA.

H. Con. Res. 210: Mr. POMEROY, Mr. SESSIONS, Mr. NADLER, Mr. WEYGAND, Mr. BERRY, Ms. RIVERS, Mr. MINGE, and Mr. BOEHLERT.

H. Con. Res. 229: Mr. ADERHOLT, Mr. BARRETT of Nebraska, Mr. BROWN of California, Mr. COOK, Mr. DOYLE, Mr. EVANS, Mr. GILLMOR, Mr. HANSEN, Mr. HINCHEY, Ms. KAPTUR, Mr. KILDEE, Mr. LANTOS, Mr. LEWIS of Georgia, Mr. ROTHMAN, Mr. BOB SCHAFFER, Mr. TALENT, Mrs. TAUSCHER, Mr. WELDON of Florida, and Mr. WYNN.

H. Con. Res. 232: Ms. DANNER, Mr. COYNE, Mr. BORSKI, Ms. SLAUGHTER, Mrs. NORTHUP, Mr. FOSSELLA, and Mrs. LOWEY.

H. Con. Res. 239: Mrs. KELLY, Mr. ROHRABACHER, Mr. WEXLER, Mr. McGOVERN, Mr. BROWN of Ohio, and Mr. WAXMAN.

H. Con. Res. 248: Ms. DELAURO.

H. Res. 37: Mr. CRAMER, Mr. DINGELL, and Mr. KILDEE.

H. Res. 119: Mr. BONIOR.

H. Res. 312: Mr. ROMERO-BARCELO, Mr. LANTOS, Ms. CHRISTIAN-GREEN, Ms. MILLENDER-McDONALD, and Mr. SMITH of New Jersey.

H. Res. 363: Mr. FATTAH, Mr. RUSH, Mr. GEJDENSON, and Mr. JENKINS.

H. Res. 399: Mrs. MYRICK, Mr. LAZIO of New York, and Ms. LOFGREN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

[Omitted from the Record of April 1, 1998]

H. Res. 399: Mr. FRANK of Massachusetts.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3164

OFFERED BY: MR. YOUNG OF ALASKA

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hydrographic Services Improvement Act of 1998".

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration.

(2) ADMINISTRATION.—The term "Administration" means the National Oceanic and Atmospheric Administration.

(3) HYDROGRAPHIC DATA.—The term "hydrographic data" means information acquired through hydrographic or bathymetric surveying, photogrammetry, geodetic measurements, tide and current observations, or other methods, that is used in providing hydrographic services.

(4) HYDROGRAPHIC SERVICES.—The term "hydrographic services" means—

(A) the management, maintenance, interpretation, certification, and dissemination of bathymetric, hydrographic, geodetic, and tide and current information, including the production of nautical charts, nautical information databases, and other products derived from hydrographic data;

(B) the development of nautical information systems; and

(C) related activities.

(5) ACT OF 1947.—The term "Act of 1947" means the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.).

SEC. 3. FUNCTIONS OF THE ADMINISTRATOR.

(a) RESPONSIBILITIES.—To fulfill the data gathering and dissemination duties of the Administration under the Act of 1947, the Administrator shall—

(1) acquire hydrographic data;

(2) promulgate standards for hydrographic data used by the Administration in providing hydrographic services;

(3) promulgate standards for hydrographic services provided by the Administration;

(4) ensure comprehensive geographic coverage of hydrographic services, in cooperation with other appropriate Federal agencies;

(5) maintain a national database of hydrographic data, in cooperation with other appropriate Federal agencies;

(6) provide hydrographic services in uniform, easily accessible formats;

(7) participate in the development of, and implement for the United States in cooperation with other appropriate Federal agencies, international standards for hydrographic data and hydrographic services; and

(8) to the greatest extent practicable and cost-effective, fulfill the requirements of paragraphs (1) and (6) through contracts or other agreements with private sector entities.

(b) AUTHORITIES.—To fulfill the data gathering and dissemination duties of the Administration under the Act of 1947, and subject to the availability of appropriations, the Administrator—

(1) may procure, lease, evaluate, test, develop, and operate vessels, equipment, and technologies necessary to ensure safe navigation and maintain operational expertise in hydrographic data acquisition and hydrographic services;

(2) may enter into contracts and other agreements with qualified entities, consistent with subsection (a)(8), for the acquisition of hydrographic data and the provision of hydrographic services;

(3) shall award contracts for the acquisition of hydrographic data in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.); and

(4) may, subject to section 5, design and install where appropriate Physical Oceanographic Real-Time Systems to enhance navigation safety and efficiency.

SEC. 4. QUALITY ASSURANCE PROGRAM.

(a) DEFINITION.—For purposes of this section, the term "hydrographic product" means any publicly or commercially available product produced by a non-Federal entity that includes or displays hydrographic data.

(b) PROGRAM.—

(1) IN GENERAL.—The Administrator may—

(A) develop and implement a quality assurance program, under which the Administrator may certify hydrographic products that satisfy the standards promulgated by the Administrator under section 3(a)(3);

(B) authorize the use of the emblem or any trademark of the Administration on a hydrographic product certified under subparagraph (A); and

(C) charge a fee for such certification and use.

(2) LIMITATION ON FEE AMOUNT.—Any fee under paragraph (1)(C) shall not exceed the costs of conducting the quality assurance testing, evaluation, or studies necessary to determine whether the hydrographic product satisfies the standards adopted under section 3(a)(3), including the cost of administering such a program.

(c) LIMITATION ON LIABILITY.—The Government of the United States shall not be liable for any negligence by a person that produces hydrographic products certified under this section.

(d) HYDROGRAPHIC SERVICES ACCOUNT.—

(1) ESTABLISHMENT.—There is established in the Treasury a separate account, which shall be known as the Hydrographic Services Account.

(2) CONTENT.—The account shall consist of—

(A) amounts received by the United States as fees charged under subsection (b)(1)(C); and

(B) such other amounts as may be provided by law.

(3) Limitation; Deposit. Fees deposited in this account during any fiscal year pursuant to this section shall be deposited and credited as offsetting collections to the National Oceanic and Atmospheric Administration, Operations, Research, and Facilities account. No amounts collected pursuant to this section for any fiscal year may be spent except to the extent provided in advance in appropriations Acts.

(e) LIMITATION ON NEW FEES AND INCREASES IN EXISTING FEES FOR HYDROGRAPHIC SERVICES.—After the date of the enactment of this Act, the Administrator may not—

(1) establish any fee or other charge for the provision of any hydrographic service except as authorized by this section; or

(2) increase the amount of any fee or other charge for the provision of any hydrographic service except as authorized by this section and section 1307 of title 44, United States Code.

SEC. 5. OPERATION AND MAINTENANCE OF PHYSICAL OCEANOGRAPHIC REAL-TIME SYSTEMS.

(a) NEW SYSTEMS.—After the date of enactment of this Act, the Administrator may not design or install any Physical Oceanographic Real-Time System, unless the local sponsor of the system or another Federal agency has agreed to assume the cost of operating and maintaining the system within 90 days after the date the system becomes operational.

(b) EXISTING SYSTEMS.—After October 1, 1999, the Administration shall cease to operate Physical Oceanographic Real-Time Systems, other than any system for which the local sponsor or another Federal agency has agreed to assume the cost of operating and maintaining the system by January 1, 1999.

SEC. 6. REPORTS.

(a) PHOTOGRAMMETRY AND REMOTE SENSING.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall report to the Congress on a plan to increase, consistent with this Act, contracting with the private sector for photogrammetric and remote sensing services related to hydrographic data acquisition or hydrographic services. In preparing the report, the Administrator shall consult with private sector entities knowledgeable in photogrammetry and remote sensing.

(2) CONTENTS.—The report shall include the following:

(A) An assessment of which of the photogrammetric and remote sensing services related to hydrographic data acquisition or hydrographic services performed by the National Ocean Service can be performed adequately by private-sector entities.

(B) An evaluation of the relative cost-effectiveness of the Federal Government and private-sector entities in performing those services.

(C) A plan for increasing the use of contracts with private-sector entities in performing those services, with the goal of obtaining performance of 50 percent of those services through contracts with private-sector entities by fiscal year 2003.

(b) PORTS.—Not later than 6 months after the date of enactment of this Act, the Administrator shall report to the Congress on—

(1) the status of implementation of real-time tide and current data systems in United States ports;

(2) existing safety and efficiency needs in United States ports that could be met by increased use of those systems; and

(3) a plan for expanding those systems to meet those needs, including an estimate of the cost of implementing those systems in priority locations.

(c) MAINTAINING FEDERAL EXPERTISE IN HYDROGRAPHIC SERVICES.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall report to the Congress on a plan to ensure that Federal competence and expertise in hydrographic surveying will be maintained after the decommissioning of the 3 existing National Oceanic and Atmospheric Administration hydrographic survey vessels.

(2) CONTENTS.—The report shall include—

(A) an evaluation of the seagoing capacity, personnel, and equipment necessary to maintain Federal expertise in hydrographic services;

(B) an estimated schedule for decommissioning the 3 existing survey vessels;

(C) a plan to maintain Federal expertise in hydrographic services after the decommissioning of these vessels; and

(D) an estimate of the cost of carrying out this plan.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Administrator the following:

(1) To carry out nautical mapping and charting functions under the Act of 1947 and sections 3 and 4, except for conducting hydrographic surveys, $33,000,000 for fiscal year 1999, $34,000,000 for fiscal year 2000, $35,000,000 for fiscal year 2001, $36,000,000 for fiscal year 2002, and $37,000,000 for fiscal year 2003.

(2) To conduct hydrographic surveys under section 3(a)(1), including leasing of ships, $33,000,000 for fiscal year 1999, $35,000,000 for fiscal year 2000, $37,000,000 for fiscal year

2001, $39,000,000 for fiscal year 2002, and $41,000,000 for fiscal year 2003. Of these amounts, no more than $14,000,000 is authorized for any one fiscal year to operate hydrographic survey vessels owned and operated by the Administration.

(3) To carry out geodetic functions under the Act of 1947, $20,000,000 for fiscal year 1999, and $22,000,000 for each of fiscal years 2000, 2001, 2002, and 2003.

(4) To carry out tide and current measurement functions under the Act of 1947, $22,500,000 for each of fiscal years 1999 through 2003. Of these amounts, $2,500,000 is authorized for each fiscal year to implement and operate a national quality control system for real-time tide and current data, and $7,500,000 is authorized for each fiscal year to design and install real-time tide and current data measurement systems under section 3(b)(4) (subject to section 5).

EXTENSIONS OF REMARKS

ARMY RESERVE BIRTHDAY TRIBUTE

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. GIBBONS. Mr. Speaker, I would ask my colleagues in the House of Representatives to join me in recognizing the birthday of the United States Army Reserve. April 23rd marks 90 years of service by the Army Reserve to the United States of America.

Throughout our history, the purpose of the United States Army has been to fight and win the nation's wars. To be sure, America's Army Reserve has existed side-by-side with the Army to accomplish that mission, but the scope and method of that support has changed commensurate with the nation's needs. Simply stated, the United States Army Reserve has been and will always be a model of flexibility that is a crucial national treasure and the envy of the world.

In its early days, America's Army Reserve existed to ensure that the sons and daughters of America, who were put in harm's way in the name of defending freedom, received the finest medical care as far forward as possible. It was an extraordinary success. During World War One, almost 45,000 officer and enlisted Army Reservists served in medical units throughout the European theater.

What was an experiment in the medical arena alone soon had application in combat and other combat support specialities as well. America's Army Reserve was crucial in the years between the world wars. Its officers ran hundreds of Civilian Conservation Corps camps here at home during the Depression. Not only did they keep their own leadership skills sharp, they also helped others to become productive citizens at a time when the nation was in dire economic straits.

During World War Two, the hundreds of thousands of Army Reservists who served spelled the difference as America thwarted the forces of darkness, deceit and dictatorship around the world. They responded again when freedom called on the Korean peninsula. Almost a quarter of a million citizen-soldiers were called to active duty during that conflict, and their valor, fidelity and bravery were above reproach. Seven Army Reservists earned the Congressional Medal of Honor for their service in Korea.

America's Army Reserve was needed, and was there, in Vietnam, again providing the vital combat support that makes the combat soldier's life a little more bearable.

No amount of superlatives can begin to describe the contributions of the United States Army Reserve during Operations Desert Shield and Desert Storm. Of all reserve component forces mobilized by the Department of Defense, clearly a third of them proudly wore the uniform of America's Army Reserve. Almost 85,000 Army Reserve citizen-soldiers answered freedom's call, again, 20,000 of them being members of the Individual Ready Reserve.

In the post-Cold War era, it is not just a slogan, but a clearly established fact, that America's Army cannot accomplish its mission and cannot go to war without America's Army Reserve. The Army Reserve provided 70 percent of the Army's reserve component support during Operation Restore Democracy in Haiti. In Bosnia, the Army Reserve is also providing over 70 percent of the Army's reserve component support. Not leaving anything to chance, the Army Reserve in fact has established a chain of support that begins here in the United States and culminates in Bosnia itself. While America's Army Reserve helped restore democracy in Haiti, its citizen-soldiers have literally restored hope and faith in the future for the civil war-weary people of Bosnia-Herzegovina.

Mr. Speaker, I believe that many of my colleagues here have also experienced the competence and magnificence of the United States Army Reserve right here at home. It was the Army Reserve that guided people to safety following the onslaught of Hurricane Andrew. It was the Army Reserve that provided clean, potable water to the people of North Dakota following the ravages of last spring's flooding. And it was the Army Reserve that quickly and efficiently established recovery operations in the devastating aftermath of Typhoon Paka in Guam.

Mr. Speaker, it is my sincere conviction that there is no better defense bargain today than America's Army Reserve. As the geostrategic environment has changed, so has the Army Reserve. This proactive, visionary understanding of the nation's needs has led to an Army Reserve that is more trained, more ready and more relevant than any other comparable force on this earth. As we speak, there is a miracle taking place whose impact may be felt half a world away. The 310th Chemical Company, headquartered at Fort McClellan, Alabama, epitomizes the seamless integration between the Active Army and the Army Reserve. This unit is, in fact, a combined active-reserve outfit, with four of its platoons belonging to the Army Reserve and one belonging to the Active Army. The 310th was identified to receive new biological weapons detection equipment, which is of utmost importance to the Army's defense, but also to the defense of the United States should we, as a nation, ever face the consequences of these terrible weapons. On just four days advance notice, the 310th was rescheduled for its annual training from this coming summer to this past February. The unit's soldiers, and the civilian employers who support them, responded magnificently, with virtually no problems encountered during this training change. What makes the 310th all the more extraordinary is that, while its soldiers were undergoing that training, they were also notified that they were being mobilized as part of the U.S. response to the transgressions of Saddam Hussein against the United Nations. They progressed through their training and mobilized in anticipated deployment to the Persian Gulf region. It was the ability of this unit to train and mobilize on such a short notice that, I feel, contributed to Iraq's decision to accommodate U.N. inspectors searching for the very weapons that the 310th is designed and equipped to detect.

In closing, I ask that we pause and reflect on what our nation's defenses would be without America's Army Reserve. I shudder to think of that possibility. We cannot and must never take for granted what these citizen-soldiers, and just as importantly, their families and civilian employers, sacrifice for the benefit for every citizen of this nation. We have been blessed with freedoms that are the dream and envy of peoples in far-flung corners of the globe. This April 23rd, think about your freedom of speech, your freedom of assembly and your freedom of religion. Consider your right to vote and our freedom of the press. And as you reflect on these basic freedoms, think about the people who make that all possible. When you do, I hope you will join me in taking a minute out of our busy schedules to personally thank and salute the men and women of America's Army Reserve.

TRIBUTE TO MARY LOU LANGONE, RECIPIENT OF THE 1998 MAPLE LEAF AWARD

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Ms. Mary Lou Langone of Maplewood, New Jersey who is being honored with the 1998 Maple Leaf Award on this occasion of the 30th Annual Maple Leaf Award Ceremony.

Mary Lou Langone has certainly had a positive impact on the community of Maplewood, both through her work in the Maplewood Chamber of Commerce and, through her service in numerous volunteer organizations and service groups. After attending Columbia University, completing business and accounting courses, and working at ADP, Mary Lou changed direction toward a vocation in which she has had both talent and success. She attended the New Jersey School of Floral Design and then opened her own business, Patina's Florist, which has flourished under her creative direction.

As a successful Maplewood businesswoman, Mary Lou's contributions to the Maplewood Chamber of Commerce, include her membership on the Board of Directors, founder and past President of the Profile Program

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

for the Maplewood Chamber of Commerce, and Chairwoman and Coordinator of the Chamber Holiday Decorations. Professional recognitions include Vice-Presidency of the Eastern Region of New Jersey for FTD, design teacher at New Jersey School of Floral Design, and "Designer of the Year" in 1983. Patina's has also received awards several times as "Shop of the Year."

Mary Lou had begun much of her volunteer work in the 1970s, and includes being a member of the Maplewood Woman's Club Evening Membership Department, Board member of the YWCA of the Oranges and Maplewood, member and past Board member of UNICO, and fundraiser for St. Johns Children Residence and the Make-a-Wish Program. Additionally she has worked to benefit charitable causes, including being the past President and former Board Member of the Wives of the Maplewood Firemen. She has also worked as the Scouting Chairperson and Group Leader for both the Boy Scouts and Girl Scouts, and worked to establish the permanent outdoor theater for the Tuscan School.

Mary Lou has also served the community on the Maplewood Economic Development Committee and as a CPR instructor for the community. But perhaps the most significant gift of time and talent has been in Mary Lou's dedication of energy and talent to the Maplewood First Aid Squad, where she is a founder, a 10-year service veteran, and is a First Aid Squad Alumni member. Mary Lou and her husband Pat, a retired Maplewood Fireman, have two children, Patsy and Christina.

Mr. Speaker, I ask that you join me, our colleagues, the family and friends of Mary Lou Langone, and the Township of Maplewood in recognizing Mary Lou's many outstanding and invaluable contributions to the community of Maplewood and to the State of New Jersey.

CONGRATULATIONS TO SHARON LEVY, WILLIAM H. RANDOLPH, AND MANUEL A. ESQUIBEL

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Fresno County Supervisor Sharon Levy for receiving the annual Rose Ann Vuich Ethical Leadership Award. I also rise today to congratulate Fresno County Administrative Officer Will Randolph and Selma City Manager Manuel Esquibel for receiving the Excellence In Public Service Award. As public servants in the Valley, Sharon Levy, Will Randolph, and Manuel Esquibel exemplify the focus and integrity that is deserving of this recognition.

Sharon Levy was first elected to the Fresno County Board of Supervisors in 1975 and was re-elected for her 7th term in March of 1996. Levy, who served as Governor Deukmejian's appointee to the State Board of Corrections, is a member of the following organizations: Airport Land Use Commission, Ambulance Authority, Association Of Metropolitan Water Agencies, Audit & Debit Advisory Committee, Board of governors of the California State University, Fresno Foundation, Co-Chairman of Adult Volunteer Crossing Guard Program, Economic Development Corporation, Fresno City & County Consortium, Fresno Convention/Victors Bureau, Fresno Rotary, Mental Health Advisory Board, San Joaquim River Conservancy, and the Transportation Authority. Sharon has been a resident of Fresno County since 1955. She has been President of the Mallock PTA, Junior League, and Women's Symphony League. She is married to Joe Levy and has three children and seven grandchildren.

Fresno County Administrative Officer William H. Randolph has served as Chief Executive Officer of Butte County, City Administrator of Oroville, California, District Director for the Second Congressional District of California, and Legislative Director for the Second Congressional District of California. William Randolph has a Bachelor of Arts Degree in Political Science from the University of California at Berkeley and a Masters Degree in Public Administration from California State University, Chico. He has served in a public capacity in many different instances including serving on the Board of Directors for the Economic Development Corporation of Fresno and the New United Way of Fresno.

Selma City Manager Manuel A. Esquibel has over twenty-five years experience in local government. He has served in the City of Selma for the past seven years. During his professional career, he has developed an effective team approach style among community members and local government officials in addressing community needs. He earned his Bachelor of Science Degree in Behavioral Sciences from the University of Southern Colorado. Manuel Esquibel has served as City Manager for the City of Lindsburg, Kansas, Assistant City Manager for the City of Pueblo, Colorado, and Executive Director for the Human Resources Commission of Pueblo Colorado just to name a few.

The awards were presented by the Fresno Business Council and the Fresno Bee. I applaud the efforts of Ann Speaker, President of the Fresno Chamber of Commerce; Jim Boren, Editor of the Fresno Bee; and Deborah Nankivell and Dick Johnson of the Fresno Business Council for their efforts in organizing and putting this program and award together. Their commitment to public service and the community is exceptional.

Mr. Speaker, it is with great honor that I congratulate Fresno County Supervisor Sharon Levy for receiving the annual Rose Ann Vuich Ethical Leadership Award. I also congratulate Fresno County Administrative Officer Will Randolph and Selma City Manager Manuel Esquibel for receiving the Excellence In Public Service Award. As dedicated public servants in the Fresno Community they are very deserving of this honor. I ask my colleagues to join me in wishing Sharon Levy, William H. Randolph and Manuel A. Esquibel many more years of success.

TRIBUTE TO DR. JOSHUA AND DORIS LEVY

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Dr. Joshua and Doris Levy for their visionary leadership and dedication to building our community by donating their time and energy to the recent expansion and renovation of Temple Shaarey Zedek.

The Talmud tell us, "He who does charity and justice is as if he had filled the whole world with kindness." Since arriving in the San Fernando Valley in 1967, Dr. and Mrs. Levy have done just this. They have assumed many key leadership roles and responsibilities in the Jewish community, selflessly dedicating their time to enriching others. In their most recent positions, Joshua Levy has spearheaded Shaarey Zedek's $2 million expansion and renovating project while Doris Levy remains active in the Shaarey Zedek Sisterhood. In addition, Joshua has served on the boards of various Jewish organizations in the West Valley, among them Emek Hebrew Academy and Valley Torah High School.

Mr. Speaker, distinguished colleagues, please join me in honoring Doctor Joshua and Doris Levy for their community activism and visinary leadership in helping to strengthen our community.

TRIBUTE TO THE NATIONAL WRITE YOUR CONGRESSMAN PROGRAM

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mrs. EMERSON. Mr. Speaker, I rise today to recognize an organization that is making a contribution to American democracy nationwide—The National Write Your Congressman program (NWYC).

The NWYC organization reminds me a great deal of the work that I did as a grassroots coordinator before coming to Congress to serve the people of Southern Missouri. The program encourages participation at the very level our nation's desires and dreams were founded upon—the grassroots level that encourages personal involvement. I believe that this wonderful organization is to be commended for the efforts it undertakes to educate others about the necessity and value of letting lawmakers like you and I know what the American people are thinking and saying about the policies that we debate when we are in Washington. Without a doubt, the program provides an open line of communication between citizens and elected officials—an essential element in the process of keeping voters engaged in important public policy discussions.

Mr. Speaker, before I conclude today, I would like to call to mind one of my favorite movies—"Mr. Smith Goes to Washington." Whenever I am walking over to the Capitol from my office and I see the Capitol Dome, I often feel like Jefferson Smith the first time he saw the Capitol—awed and truly amazed by the tremendous spirit of community and passion that our forefathers had about serving our country. I believe that National Write Your Congressman has helped keep that spirit of community participation and energy alive, and I am grateful for their hard work and the dedication they show to keeping everyone at home apprised of the work being done here each and every day.

TRIBUTE TO ENRIQUE "RICKY" O. FERNANDEZ, RECIPIENT OF THE 1998 MAPLE LEAF AWARD

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Mr. Enrique "Ricky" O. Fernandez of Maplewood, New Jersey who is being honored with the 1998 Maple Leaf Award on this occasion of the 30th Annual Maple Leaf Award Ceremony.

Ricky Fernandez, a retired high school language teacher from the Dover School System, has been doing volunteer work since the 1960s when he joined the Kiwanis Club, an organization in which he served a term as President and is still a very active member. Working to benefit several children's causes, he devoted special energy to the Children's Identification Program. Ricky and fellow members of the Kiwanis Club provided for free Polaroid pictures and fingerprinting of children, creating a permanent identification of each child for the parents to have in case the child disappeared.

As an active member of the VFW Post 10120, Ricky served as commander in 1989 and again as commander from 1996 to the present. He also served as commander of American Legion Post 80 in 1975. Since 1992, Ricky has served as the Maplewood Memorial Day Parade Chairman, ensuring that Maplewood organizations and residents have an opportunity to participate in this annual memorial event. Additionally, Ricky has visited numerous schools to distribute materials for, and to promote, the "Voice of Democracy Contest" sponsored by the VFW, and he visits hospitalized veterans regularly to play games with them, distribute cash canteen booklets, and provide friendship and assistance. He also is a volunteer as St. Barnabas Hospital where his warmth and generous spirit have made a significant difference in the lives of many who have been hospitalized.

Ricky, a member of Maplewood Service Men's and Women's Committee since 1943, has served as the organization's Chairman since 1995, and has since revitalized this important volunteer effort. For decades, he has worked tirelessly to ensure that Maplewood's service personnel receive newspapers from home, cards, letters, and holiday gifts as remembrance from their hometown of Maplewood. In addition to these other services he has rendered to Maplewood, Ricky also serves as a member of the Civil Defense and Disaster Control Committee and has served as an active member of the Maplewood Citizen's Budget Advisory Committee. He continues to teach English as a Second Language at the Summit Y, and he is an active member in Morrow Memorial Church where he serves as Head Usher. He and his wife, Bette White, are both excellent dancers who have integrated the joy of dancing within their personal and professional lives.

Mr. Speaker, I ask that you join me our colleagues, the family and friends of Ricky Fernandez, and the Township of Maplewood in recognizing Ricky's many outstanding and invaluable contributions made to the community of Maplewood and to the State of New Jersey.

AMERICAN WINE DELEGATION CONTRIBUTES TO IMPROVED U.S.-SOUTH AFRICAN BUSINESS RELATIONS

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. RADANOVICH. Mr. Speaker, fellow members of the House and Senate, and colleagues in the U.S. wine industry, last May 20th to 30th, 1997, I had the opportunity to again lend my support to an American Delegation of Viticulture and Enology that spent two weeks visiting and studying all aspects of the Republic of South Africa's wine industry.

In April of 1996, I had the opportunity of providing support and guidance to a similar trip, the first officially invited U.S. wine delegation to visit the People's Republic of China since 1949. A summary of that report, which is still hailed as a primary source of information on the PRC wine industry, was entered into the CONGRESSIONAL RECORD of September 28, 1996, Vol. 142, No. 137, pp. E1776–E1777.

The trip to South Africa, also organized under the sponsorship of the People to People Citizen Ambassador Program, was conducted for the purposes of establishing contacts at all levels of the South African wine industry, assessing the status and growth of the industry and identifying the potentials for American wine interest involvement, including trade, marketing, investment, and joint venture activities, as well as the problems that may be encountered in pursuing such business interests.

The resulting 72-page delegation report entitled, "A Window on the Wine Industry of South Africa," not only addresses the above points of interest, but provides a current picture of how the South African wine industry is structured and operates.

Descriptions are given of the organization and functions of the various government elements that have oversight responsibilities for the nation's alcohol beverage industry, supporting research institutions, including the University of Stellenbosch's Viticulture and Oenology academic program, and other industry/private sector wine education initiatives. Also, vineyard management and winemaking practices in South Africa are addressed, along with site visit descriptions of the nation's largest wine cooperative, KWV, and several individual wineries from the most northerly positioned wine estate outside of Johannesburg to wine estates of the Cape Town region.

This report, I feel, given the current national attention being focused on U.S.-South African relations, particularly in the field of business and trade, will serve as a valuable up-to-date source of information for anyone in the U.S. wine community who is interested in developing a business relationship with or in South Africa.

I wish to commend the members of this delegation and its leader, Gordon Murchie, President of the Vinifera Wine Growers Association, for their professionalism in representing the United States in this valuable fact-finding and trade relations trip.

It is with considerable pleasure that I offer the Prologue of this report, which not only summarizes the potentials and challenges for American wine industry involvement, but outlines how to proceed and who to contact, both in the United States and South Africa, to establish business and trade relations.

The full report is available by contacting the Vinifera Wine Growers Association.

For further information on making contact with the government or private sector agencies and organizations listed herein, please contact my Washington, D.C. office.

SOUTH AFRICAN WINE INDUSTRY TRADE AND BUSINESS OVERVIEW—PROLOGUE

South Africa is a proud nation with a history that dates back to 1652 when the first European settlement was established by Jan van Riebeeck and his party at the Cape of Good Hope.

It is one of the most developed countries on the continent of Africa. It boasts a highly sophisticated national infrastructure of transportation, communications, social and economic organizations. The water from the public system is potable in the entire country.

But the nation, also, faces some of the most challenging social, labor, political and economic problems of any country. However, as the post apartheid period was achieved without a major civil uprising, the new South Africa is a nation of considerable domestic and international economic promise.

South Africa's wine industry has a 342 year history. It is a developed, technologically sophisticated and fully modern industry. Generally, the level of viticultural and ecological practices and research are equal to any wine producing nation.

With a population of approximately 43 million, a growing consumer base, and a developed product distribution and marketing system, the growth of domestic wine sales should continue to increase, inhibited only by the industry's inability to produce sufficient quantities to meet consumer demand. This is also true of South Africa's potentials of marketing its premium wines on the international market.

Overall, if the South African wine industry can resolve the problems of limited water resources and lack of a dependable, trained, skilled, and affordable work force, there is little reason that South Africa cannot become a major wine exporting nation.

The climate and opportunities for American wine industry joint venture and investment activities, as well as for the exporting of American wines to South Africa, are considerable.

However, interested parties should first conduct an economic feasibility study on shipping bottled wines to the South African market. As the consumer base grows in South Africa, the appeal of international products also grows. The possibility of a joint venture arrangement of shipping bulk wine to South Africa for local bottling and marketing at competitive prices would appear most doable.

One of the present drawbacks to doing business with South Africa, particularly as it applies to the alcohol beverage industry, is the complexity and diffusion of the government's bureaucracy that deals with the importation of alcohol beverage products. The number of government and quasi government entities that have jurisdiction or partial jurisdiction over taxes, tariffs, licensing, quality control, authentication of origin, etc., is confusing to say the least.

This is a situation that the South African government and the wine industry are well aware of and are in the process of trying to restructure to be more export-import business friendly.

For the immediate future, however, it would appear that foreign wine interests should consider contacting and working through one of the established commercial agents in South Africa who knows how to work his or her way through the maze of import regulations and necessary paper work.

For more complete information than contained in this report, a starting point for anyone interested in doing business with South Africa would be to contact the U.S. Department of Agriculture, Foreign Agriculture Service, Africa Desk, Washington, D.C. (Paul Hoffman, Africa Area Officer); and for current market information, contact the Department of Agriculture, Foreign Agricultural Service, Trade Assistance and Promotion Office, Washington, D.C.; or contact directly the U.S. Foreign Agricultural Service in Pretoria, South Africa. Additional information can be obtained by contacting the U.S. Department of Commerce, International Trade Administration, South Africa Desk, Washington, D.C., (office Industry Specialist for the Alcohol beverage industry is Donald Hodges); and the U.S. Trade Information Center for current commercial and economic information regarding South Africa.

South Africa is a signatory to the Tokyo Round Agreement on Import Licensing Procedures. Among other products, alcohol beverage products require an import permit which the South African importer or foreign exporter agent obtains from the Directorate of Import and Export Control within the Department of Trade and Industry.

Since the end of the trade embargo in 1994, U.S. companies can freely engage in trade activities with South Africa. But, again, it would be advisable for interested industry parties to check with several of the U.S. and South African industry-related government and private sector entities for advice and up-dated data on current export (e.g., tariff rates and customs valuations) and business regulations and procedures. For example, the Department of Commerce maintains a U.S. and Foreign Commercial Service (U.S. & F.C.S.) office in Johannesburg and a branch office in Cape Town. U.S. companies/individuals interested in doing wine-related business in South Africa may wish to contact these offices directly for further advice, information and recommended contacts: U.S. Foreign and Commercial Service, c/o American Consulate General, Johannesburg, S.A. and U.S. Foreign and Commercial Service, Johannesburg, or Cape Town, American Consulate General, c/o Department of State, Washington, D.C.

Also, there are a number of U.S. and South African business organizations both in Washington, D.C., and in South Africa that are good sources of information and potential business contacts. They include the following: American Chamber of Commerce in Southern Africa; U.S.-South Africa Business Council, Washington, D.C.; and Investor Responsibility Research Center, Inc. (IRRC), Washington, D.C. The IRRC publishes a number of informational materials about American business activities in South Africa.

For information on possible U.S. government assistance in the establishment of joint venture capital development projects, e.g., an American equipped bottling plant, contact the U.S. Trade and Development Agency, Africa Division, Washington, D.C., Mr. John Richter, Director.

For more information on import permits, contact the Director of Imports and Exports, Department of Trade and Industry, South Africa.

For more information on import policy and tariffs, contact the Commissioner, Customs and Excise Administration, Department of Finance, South Africa; South African Import and Export Association; South African Chamber of Business (SACOB); South African Foreign Trade Organization (SAFTO); or Embassy of South Africa, Economic/Commercial Section.

Additionally, if one has an interest in marketing a U.S. wine product in South Africa, there is the benefit of being able to access an in-country modern public media network and advertising resource. For further information on advertising agencies and advertising programs in South Africa, inquiries should be directed to the Association of Advertising Agencies, Johannesburg, S.A.

Current customs duties payable on importation of wine to the Republic of South Africa: Fortified—customs duty, .31 per liter; excise duty, .5315 per 100 liters; vat payable, 14%. Unfortified—customs duty, .31 per liter; excise duty, .36 per 100 liters; vat payable, 14%.

The South African wine industry has made great strides forward with the application of modern scientific viticultural and enological practices and the use of state-of-the-art production equipment. The continuing research into varieties, soil types, disease and plant quality control, fermentation, etc., at the nation's research facilities will help ensure the future growth and economic viability of the South African wine industry.

American business involvement in the evolving South African wine industry is worth investigating!

Members of the Delegation: Gordon W. Murchie, Delegation Leader and President, Vinifera Wine Growers Association, Alexandria, Virginia; Professor Lena B. Brattsten, Department of Entomology, Rutgers University, Jackson, New Jersey; Leah J. Jones, Wine Label Sales, FP Label Company, Napa, California; Carolyn J. Kelley, M.Ed., Wakefield, Massachusetts; Michael & Jacque Martini, Louis M. Martini, Calistoga, California; Anita J. Murchie, Delegation Reporter, VWGA; Albert A. Oliveira Basport Vineyard, King City, California; Donna M. Oliveira, Amaral Vineyard, King City, California; Sharon Osgood, Esq., Law Offices of Sharon Osgood, Grand Island, New York; Wilburt E. Rojewsky, Alasco Rubber & Plastics Corp., Belmont, California.

TRIBUTE TO DAVID BLOOME

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to David Bloome, the creator of the Eco-Heroes Program, a community action program organized by the UCLA Policy Forum in conjunction with the U.S. Forest Service, the California Environment Project and the Los Angeles Unified School District. This program educates high school students about protecting the forests and encourages them to perform community service.

William Inge wrote that "The aim of education is not of facts but of values." David Bloome, for more than a decade, has managed community action programs that promote activism as well as awareness. His efforts had their genesis while he was still a student at UCLA when he initiated one of the largest curriculum reforms in the University's history. Working with the administration, faculty and students, David developed a new foreign language policy for all undergraduates.

While on the staff of the UCLA Alumni Association, he conceived and implemented Target Literacy, a nationally recognized program that recruited university alumni as tutors in schools throughout California. His endeavor was awarded the 1991 National Education Gold Medal from the Council for Advancement and Support of Education and adopted as a model by universities across the nation. Under his direction, the UCLA Alumni Scholars Program was re-organized so that volunteer participation in its projects increased by 800%.

The Eco-Heroes program is another example of David's dedication to motivating the youth of the community. This pilot program has made students more aware of their roles and responsibilities in the natural environment. Students from El Camino Real High School in the San Fernando Valley and Garfield High School in East Los Angeles have been given the opportunity to participate in a series of educational in-class briefings and on-site projects in the Angeles National Forest. Not only were they educated about the environment, they also assisted with important tasks such as litter abatement and tree planting, including the removal of over 350 pounds of trash and recyclables. This program exemplifies David's tireless effort to ensure the education of future generations.

Mr. Speaker, distinguished colleagues, please join me in honoring David Bloome for his service as an administrator at UCLA's School of Public Policy and Social Research, and for his continual work to foster action and education in the community. He is a role model for our education system and an example of how we must reach out to others around us if we wish to ensure a bright future for our children.

TRIBUTE TO THE COTTON BOLL AREA GIRL SCOUT COUNCIL

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mrs. EMERSON. Mr. Speaker, 50 years ago, in rural Southern Missouri, a small group of individuals banded together and decided that there needed to be an organization for young girls in Missouri's Bootheel. Today, I rise to pay tribute to the more than 146,000 girls and young women who heard the call and who have been a part of the Girl Scouts in this most Southern area of the State.

Thanks to the hard work and tireless dedication of the Cotton Boll Area Girl Scout Council, today the hard work of the past 50 years is a bright and shining reality for Southern Missouri's young women. Officially chartered in 1948, the Council serves girls from kindergarten through high school in a nine-county region including: Scott, New Madrid, Mississippi, Pemiscot, Dunklin, Stoddard, Butler, Ripley and Carter Counties. In fact, two of my staff members are veterans of the Cotton Boll Area Girl Scouts.

The direct involvement of the Girl Scouts is reflected in the daily lives of individuals from throughout Southern Missouri. The young women who have been involved in the program exemplify the qualities of truth, loyalty, helpfulness, courtesy, purity, kindness, obedience, cheerfulness, and thriftiness that the National Girl Scouts of America were founded upon.

Those qualities, which were found in the first Girl Scout, are ever present today. The standards of excellence and commitment have inspired young girls for the last five decades to aspire to highest ideals of character, patriotism and conduct that are attainable. I am confident that the standards and ideals of the Girl Scouts of America will continue to be the standard which future generations will strive to achieve.

In conclusion, Mr. Speaker, I would like to ask all of my colleagues to join me and the entire Cotton Boll Area Girl Scout Council on Sunday, April 26, as they celebrate their Golden Anniversary. One thing is certain, while some things may have changed throughout the years, the heart of the Girl Scouting program has remained the same. And as one of my local Girl Scouts once said, "Our past is what connects us to the future—a bright and golden future for today and tomorrow's girls."

That is so true. Happy 50th Anniversary!

IN SUPPORT OF H.R. 3662—THE HOLOCAUST ASSETS COMMISSION ACT OF 1998

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in strong support of H.R. 3662, the Holocaust Assets Commission Act of 1998, which was introduced in the House by our distinguished colleague and my dear friend, the Chairman of the Banking Committee, Congressman JIM LEACH of Iowa. The identical legislation, S. 1900, has been introduced in the other body by Senator ALFONSE D'AMATO of New York.

This legislation will establish a U.S. Holocaust Assets Historical Commission to examine and locate Holocaust-era assets which came under the control of our Federal government during the tyrannical reign of Adolf Hitler's Third Reich or during the period of U.S. military occupation immediately after World War II.

For several years, due the principled leadership of the Clinton Administration and its able Under Secretary of State for Economic Affairs, Ambassador Stuart Eizenstat, our government has worked tirelessly to seek answers to questions about Nazi investments and holdings in wartime neutral nations. Now, as Ambassador Eizenstat has eloquently stated, "the time has come to look more closely at assets here at home—and to do so with sensitivity and urgency." The U.S. Holocaust Assets Commission will follow through on this important mission. Due to the dwindling population of Hitler's victims, this task becomes more and more pressing with each passing day.

Under the legislation which has been introduced, the Commission will be composed of 23 Members of Congress, government officials, and private citizens. They will have the broad mandate and the responsibility to research all available information to determine assets which may have come under the control of the Federal government after January 30, 1933—the day Hitler seized power in Germany. It will work with state and local officials to locate dormant bank accounts from this era that may, after years of inactivity, have been taken into the possession of state governments.

The Commission will also be authorized by this legislation to coordinate its efforts with other fact-finding endeavors currently being pursued through private and public sector channels, and to carefully review studies which may overlap with its mandate. Finally, the Commission will detail its findings in a final report to President Clinton to be issued no later than December 31, 1999. It is my sincere hope that, in cooperation with the efforts of other nations which are reviewing similar wartime issues, we can finally close this most sorry chapter of the last century before the birth of the new millennium.

Mr. Speaker, this legislation builds on the dedicated efforts of Ambassador Eizenstat to seek justice for Holocaust survivors. A man of outstanding intellectual ability, unimpeachable integrity and boundless compassion, Ambassador Eizenstat is one of the finest public servants that I have met during my service as a Member of Congress. He was one of the first to champion this cause during his tenure as United States Ambassador to NATO, and he has since worked ably and devotedly to reinforce our nation's role as a moral leader on this critical matter.

Last May, Ambassador Eizenstat authored a ground-breaking report issued by the Clinton Administration which analyzed and made recommendations regarding U.S. policy towards the wartime neutral countries, and in particular Switzerland. A second report, due to be released later this month, will no doubt shed an even brighter light on those bodies that did Hitler's bidding and fed his war machine and his murderous genocidal policies.

In addition to these significant efforts, Ambassador Eizenstat recently joined Chairman Miles Lerman of the U.S. Holocaust Memorial Council to announce that a Washington Conference on Holocaust-era assets will take place at the State Department on November 9–12 of this year. This Conference will further earlier explorations of Nazi-looted assets, including artwork and insurance, and it will work to establish a broad international consensus for future actions. I am truly honored to have the privilege of working with Ambassador Eizenstat on this and other subjects of concern to the American people.

Ambassador Eizenstat, Congressman LEACH, and Senator D'AMATO are joined by many of our distinguished colleagues in supporting H.R. 3662 and S. 1900. Original cosponsors in the House include Congressman BENJAMIN A. GILMAN of New York, Chairman of the House International Relations Committee, as well as Congressman SAM GEJDENSON of Connecticut, Congressman BRAD SHERMAN of California, and Congressman JON D. FOX of Pennsylvania. In the Senate, cosponsors are Senator BARBARA BOXER of California, Senator CAROL MOSELEY-BRAUN of Illinois, Senator ROBERT F. BENNETT of Utah, Senator WAYNE ALLARD of Colorado, Senator CHRISTOPHER J. DODD of Connecticut, Senator RICHARD H. BRYAN of Nevada, Senator MIKE DEWINE of Ohio, Senator LAUCH FAIRCLOTH of North Carolina, Senator JACK REED of Rhode Island, Senator JOHN F. KERRY of Massachusetts, Senator RICHARD C. SHELBY of Alabama, and Senator PAUL S. SARBANES of Maryland.

Mr. Speaker, the Holocaust Assets Commission Act of 1998 is not a partisan issue—members on both sides of the aisle have united to support this legislation. It is not a national issue—over a dozen countries from around the world have formed similar fact-finding bodies to uncover the truth about Nazi-looted assets in their own countries.

This is a moral issue. This is the final opportunity for justice for many Holocaust survivors who were powerless to defend Hitler's attempts to destroy their families, their culture, and their lives. They are getting older and their population is declining rapidly—the "biological solution" leaves us little time to secure for them a measure of (albeit imperfect) justice during their lifetimes. It is time for America to lead by example. I ask my colleagues to join me in strong support of H.R. 3662 to seek the truth about Holocaust assets in the United States.

TRIBUTE TO REV. JAMES ARNOLD KUYKENDALL

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the Reverend James Arnold Kuykendall of Paterson, New Jersey. Reverend Kuykendall who, this evening, is being conferred an honorary "Doctorate of Divinity" degree from Shiloh Theological Seminary.

James Arnold Kuykendall was born on December 8, 1952 in Paterson, New Jersey. His parents were the late James Kuykendall of Oakland, Mississippi, and the late Mattie Burns-Kuykendall of Whitehall, South Carolina. Reverend Kuykendall was educated in the public schools of Paterson and attended Montclair State College, Ramapo College, as well as Gilmore Memorial and Hawthorne Bible Institutes.

Reverend Kuykendall began serving the local church as a member of the Junior Usher and Deacon Boards at Gilmore Memorial Tabernacle Church of God in Christ. In 1977 he rededicated his life to Christ, became Assistant Choir Director, and served as Youth Minister.

Reverend Kuykendall preached his first sermon in 1983 and received his ministerial license in April of that same year. He later served as associate minister at Gazaway Baptist Church under the pastorate of Dr. Lester I. Glover, and was ordained in December 1985.

Reverend Kuykendall is the founder and Pastor of the Agape Christian Ministry of Paterson. Agape Christian Ministry is an interracial, non-denominational church established on March 1, 1987. The first service was held in the home of Mrs. Margaret Hicks, at 19th Avenue and East 33rd Street in Paterson. The congregation began with seven people and has since grown to include over one thousand members.

On February 16, 1973 Reverend Kuykendall was sworn into active duty in the United States Army. He served in the capacity as a Finance and Accounting Clerk, and did an overseas tour of duty with the 8th Army in Seoul, Korea for 24 months. He was later transferred to stateside duty in Fort Knox, Kentucky, until being honorably discharged on October 22, 1976.

Reverend Kuykendall has an extensive record of community service which began with him serving as a county committee person for the 6th District, 4th Ward in Paterson, and later as district leader. He was also a Commissioner of the Rent Leveling Board and Commissioner of the Parking Authority in the City of Paterson. Reverend Kuykendall has served as an aide to the Honorable Martin G. Barnes, and presently serves as an aide to Assemblyman Alfred E. Steele.

Reverend Kuykendall is also serving as assistant treasurer to the Congress of National Black Churches—Paterson affiliate, and renders pastoral care at Barnert Memorial Hospital. He is a member of the Board of Directors of Eva's Village Sheltering program, the Youth Services Commission of Passaic County, and a volunteer minister in the New Jersey Superior Court—Passaic County Division, Minister's program.

Reverend Kuykendall is a charter board member of the Fellowship of Inner City Word of Faith Ministries under leadership of Dr. Frederick K.C. Price, the Kingdom Council of Interdependent Christian Churches and Ministries under the leadership of Reverend Dr. David M. Copeland, and serves on the board of directors of both organizations. Reverend Kuykendall is currently the executive vice-president of the Paterson Pastor's Workshop Minister's Association and has served as the chairman of the Political Screening Committee of that organization. He is the Chief Executive Officer of the Agape Christian Ministries Scholarship Fund, which provides scholarships to senior high school students of the City of Paterson, is the Senior Pastor of the Agape Fellowship Association of Churches, and is a member of the board of directors at the Agape Pre-School Child Development Center.

Reverend Kuykendall is married to Minister Kathy A. Ivy Kuykendall of Paterson. They are the proud parents of one daughter, Tanisha Vonetta, and the adoring grandparents of Tera Trae Samuels.

Mr. Speaker, I ask that you join me, our colleagues, the family and friends of Reverend Kuykendall, and the City of Paterson, in recognizing Reverend James Arnold Kuykendall's many outstanding and invaluable contributions made to the City of Paterson and the State of New Jersey.

CONGRATULATIONS TO THE ORDER OF THE ARMENIAN SISTERS OF THE IMMACULATE CONCEPTION

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate the Order of the Armenian Sisters of the Immaculate Conception on the occasion of their 150th anniversary. The Order of the Armenian Sisters is highly respected, supported, and admired by Armenian communities world-wide. Their unparalleled accomplishments, dedicated service, and commitment to future generations are deserving of recognition.

The Order of the Armenian Catholic Sister of the Immaculate Conception was founded on June 5, 1847 in Istanbul, Turkey by Archbishop Andon Hassounian. Hassounian later became Catholicos and the first Cardinal of Armenian ancestry.

Serpouhi Haji-Andonian intended to travel to Italy in order to join a Roman Sisters' order. However, Archbishop Hassounian persuaded her to remain in Istanbul and help him to establish an Armenian Sisters' Order with the mission of educating Armenian girls. Soon, Sister Serpouhi's selfless dedication had resulted in many others joining the Order. The Sisters established many schools in local towns and villages. This expansion spread even to Cilicia.

The Order suffered many casualties during the Turkish Genocide of Armenians in 1915. Numerous schools were destroyed and many sisters were massacred. The surviving sisters, with about 400 orphans, migrated to Italy. They settled in the Kastel Gondolphio Palace of the priest Bios. The number of orphans grew to 500 and the Sisters resettled in Torino's Sanitarium of Love. The headquarters relocated to Rome, and in time, the order once again began to expand.

Soon, Rome was in the grip of World War II, and the expansion of the Order was interrupted. Nevertheless, at the end of the war, twenty new candidates came to Rome to take their vows. Today, the Order has approximately 100 nuns, and new applicants continue to come from Armenia.

Presently, the Order administers over twenty schools, orphanages, and boarding centers for university students. The schools are located in such diverse areas as Lebanon, Syria, Egypt, France and the United States of America. The Armenian Sisters operate three schools in the United States located in Philadelphia, Boston, and Los Angeles. The school in Philadelphia was founded in 1967, the school in Boston was founded in 1982, and the school in Los Angeles (located in Montrose) was founded in 1985.

Mr. Speaker, it is with great honor that I congratulate the Order of the Armenian Sisters of the Immaculate Conception on the occasion of their 150th anniversary. Their dedication and commitment to their heritage should serve as a model for people the world over. I ask my colleagues to join me in wishing the Order of the Armenian Sisters of the Immaculate Conception many more years of success.

TRIBUTE TO KNUD DYBY

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Knud Dyby for his courage, heroism, and humanitarian actions as a member of the Danish resistance movement during World War II, as well as his participation in one of the most daring and successful evacuations of Jewish citizens from Nazi occupied Europe undertaken during the war.

Margaret Mead once urged us, "Never [to] doubt that a small group of thoughtful, committed citizens can change the world; indeed, it is the only thing that ever does." In Denmark during the Second World War, a small group of dedicated resistors unwilling to fold under Nazi oppression changed the lives of over 7,000 Jews. Knud Dyby was one of these resistors.

At the age of 26, defying all dangers, Knud became a member of the Danish resistance movement. As a police officer, he was an integral part of the resistance's vast intelligence apparatus. Risking his life, he provided resistance leaders with much needed information regarding Nazi patrols along the sea lanes between Denmark and Sweden. When German diplomats announced the Third Reich's intention to deport Danish Jews to concentration camps the resistance began actively evacuating Jews from the country.

Operating in secret, Knud and his compatriots successfully transported almost all of Denmark's Jewish population across the Sound, the narrow waterway that separated Sweden from the Nazi occupied Europe. In October of 1943, over 7,200 of Denmark's 8,000 Jews were carried to safety.

In the months following this operation, Mr. Dyby continued to play a critical role in the underground movement to rid Denmark of Nazi occupation. As an avid sailor, Knud was aware of the best hiding places for resistance ships waiting to speed across the Sound to safety. He was familiar with the German patrol routines and outmaneuvered Nazi sailors on numerous occasions. From 1944 until May 4, 1945, Knud managed five fishing skippers and transported mail, money and weapons vital to the life of the resistance between Sweden and occupied Denmark. He made hundreds of sea crossings on behalf of the Danish resistance movement and those fleeing the Third Reich.

Today, Knud Dyby speaks modestly about his experiences, about his bravery and his courage. In an address to students at Sonoma State University in California, Mr. Dyby said that what he did was "just what any other human should do for another in need." For his efforts, Knud was awarded the title "Righteous Among the Nations" by the State of Israel. Etched on a medal awarded to Mr. Dyby is a simple statement taken from the Talmud, "Whosoever preserves one life—it is as though he has preserved the entire world."

Mr. Speaker, distinguished colleagues, please join me in paying tribute to Knud Dyby. He is a role model for the generations and proves to us that one can, and should, resist oppression.

THE 78TH CELEBRATION OF PUBLIC SCHOOLS WEEK BY ORIENTAL LODGE NO. 144 AND GLEN PARK SCHOOL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. LANTOS. Mr. Speaker, I would like to join many of my Bay Area constituents and friends of the California Masonic Grand Lodge in their 78th celebration of Public Schools Week, and I wish to pay particular tribute to San Francisco's Oriental Lodge No. 144 and Glen Park School for their meaningful commemoration of this special event. As America debates various ideas and proposals to improve education quality and standards, we should recognize those pioneers who, generations ago, committed themselves to guaranteeing every child born in our country the right to attend school.

For those of us from the Bay Area, this year's Public Schools Week has a special significance. One hundred and fifty years ago this month, on April 3, 1848, the first public school in California opened on Portsmouth Square in San Francisco. Six pupils attended classes that day under the tutelage of Thomas Douglas, a Yale graduate hired by the elected Board of Trustees for the then-reasonable sum of $1,000 per year. Douglas offered his students instruction in a diverse array of subjects which included reading, writing, spelling and defining, mental and practical arithmetic, English grammar and composition, mental and moral science, ancient and modern history, chemistry and natural philosophy, geometry, trigonometry, algebra, astronomy, surveying and navigation, and Latin and Greek.

While these course offerings undoubtedly proved attractive to parents and students alike—by May, enrollment had grown sixfold to 37 children—one practical subject not included in the program of instruction was geology. Instruction in this field clearly would have benefitted Douglas' students. Two months after the beginning of classes, the teacher and many of his pupils left San Francisco for the Sierra foothills in search of gold.

The California Gold Rush, which began with the discovery of gold at Sutter's Mill on January 24, 1848, initially resulted in the mad dash of gold seekers from San Francisco, and this forced the school to close. Nevertheless, its legacy as the forerunner of California's outstanding system of public education is irrefutable.

On April 23, 1998, Mr. Speaker, Oriental Lodge No. 144 and Glen Park School will observe Public Schools Week by remembering this significant event. The theme of the evening presentation at the school auditorium will be "From Dream to Reality—From Portsmouth Square to Glen Park." The students of Grades 3, 4, and 5 will put on a multimedia presentation to focus attention on the development of public education in California amidst the tumult and upheaval of the Gold Rush. One class, I have learned, has even constructed a model of the first schoolhouse for the public to admire. The Masonic Lodge will present the school's distinguished principal, Marion Grady, with a new trophy case and a set of flags, which will be posted by the McAteer High School NROTC Color Guard. Mayor Willie L. Brown, Jr. and Anthony P. Wordlow, Grand Master of the California Masonic Grand Lodge, will join other distinguished guests at the event.

Mr. Speaker, this week's celebration of Public Schools Week is a reflection of centuries of activism in support of education by the Masons and, especially, the California Grand Lodge. Public Schools Week was instituted in 1920 by then-Grand Master Charles Albert Adams in response to a post-World War I education crisis that involved a critical shortage of teachers and the closure of 1,200 schools throughout the state. Adams and his fellow Masons hoped to focus attention on the problems facing public education and, in the process, encourage citizens and legislators to seek solutions for these obstacles.

For 78 years Adams and his successors have unquestionably succeeded. The California Masonic Foundation, created in 1970 to provide scholarships to deserving college students, has awarded over one million dollars to young people to help finance their educational needs. In the past year alone 129 grantees received $160,000 for this worthy purpose. The Masonic Student Assistance Program, now in its forth year, serves California's youth with programs that range from issues of substance abuse to the increasing epidemic of violence in our public schools.

Local chapters, such as Oriental Lodge No. 144, have willingly and ably assisted community schools as well. In recent months, Bay Area lodges have contributed, among other noteworthy gifts, materials for a library program for Glen Park's first grade students and valuable instruments for the music program at Lincoln High School. The numerous Masonic contributions to public education in California are truly a credit to the fraternity and its outstanding members.

Wednesday's event is a direct result of the determined and devoted efforts of several prominent Bay Area citizens, most notably Dr. F. Armand Magid, a forty-year educator, history scholar, and Masonic leader who has worked tirelessly in organizing this week's activities; Worshipful Master Neil A. Carlson of Oriental Lodge No. 144, whose direction and guidance have greatly aided his fraternity's numerous educational initiatives; and Principal Grady, whose obvious love for her young pupils has been shown time and time again throughout her career.

In his essay, "When Is a Man a Mason?" the Rev. Joseph Fort Newton wrote: "When no voice of distress reaches his ears in vain, and no hand seeks his aid without response . . . such a man has found the only real secret of Masonry." The Oriental Lodge No. 144 and its many dedicated members have answered this call, showing us that examples from our past can and should be used to highlight the importance of our future.

Mr. Speaker, I am proud to commend the Lodge, along with Glen Park School, the McAteer High School NROTC Color Guard, and the numerous other participants in the celebration of Public School Week for their commitment to public education in the Bay Area.

TRIBUTE TO CHARLES LEIDIG, RECIPIENT OF THE 1998 MAPLE LEAF AWARD

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Mr. Charles Leidig of Maplewood, New Jersey, who is being honored with the 1998 Maple Leaf Award on this occasion of the 30th Annual Maple Leaf Award Ceremony.

Charles Leidig is being honored for his many years of extensive, and varied community service, especially amongst senior groups, his community neighborhood association, and for the Township of Maplewood. Charlie has lived in Maplewood since 1920, and has attended Seth Boyden Elementary School, Ricalton—now Maplewood Middle School, and Columbia High School, from which he graduated in 1937. After attending New York University, he worked for a major corporation in the areas of Trade Show Coordination, Advertising and Sales Promotion, and Industrial Relations. Charlie's work often required extensive travel, with as many as 27 trips in one year.

While he took an interest in his neighborhood and its activities, it wasn't until his retirement in 1984 that Charlie became fully involved. Following a neighbor's suggestion, Charlie joined one of the Maplewood Senior Clubs, the local chapter of the AARP. Almost immediately he became heavily involved, serving first as Program Chairman and then as Vice-president. He was the group's first President to hold office for four years. Even now Charlie continues to serve as Trip Chairman.

In addition to AARP, the St. Joseph Rainbow Club was another senior organization that benefited from Charlie's endless energy and imagination. He served as the group's Vice President for two and a half years, and in 1992, was honored with the organization's Senior Citizen's Award.

Charlie Leidig has also volunteered his time and talents to Maplewood through his service as Director of the Police Advisory Committee, the Recreation Advisory Board, the Senior Advisory Board, the Maplewood TV Channel Advisory Board, and as an Election Day volunteer at Town Hall. Additionally, Charlie has served for many years as a Holiday Decorations Judge, a Lions Blood Bank helper, member of the Fourth of July Committee, and an Economic Development strategist. Charlie was a very active participant in the Ron Karnaugh Olympic activities and most recently, served on the Neighborhood Association. He is also volunteers as a collector for the American Heart, Cancer, and Cerebral Palsy Associations as well as working for the United Way and Deborah Hospital.

Mr. Speaker, I ask that you join me, our colleagues, the family and friends of Charlie Leidig, and the Township of Maplewood in recognizing Charlie's many outstanding and invaluable contributions made to the community of Maplewood and to the State of New Jersey.

IN HONOR OF THE 16TH ANNIVERSARY OF LET'S CELEBRATE, INC.

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. MENENDEZ. Mr. Speaker, for sixteen years Let's Celebrate has helped fight hunger and homelessness in Hudson County. They have helped people "move from hunger to wholeness," by providing counseling, job training, emergency food assistance, adult basic education and housing assistance.

Let's Celebrate now has 74 staff members, over 600 volunteers and 29 service and meal sites throughout the area. This impressive organization has helped countless families move toward self-sufficency.

The organization's innovative job program finds jobs for 85% of its trainees. Let's Celebrate trains the homeless in the food service industry through its own catering service. This invaluable, hands-on job training allows their clients to gain experience, develop job skills and learn to adapt to a work environment.

In addition, through the Emergency Food Network, Let's Celebrate serves over 70,000 meals to our neediest citizens every year. These four soup kitchens and 16 food pantries also help distribute clothing.

Furthermore, through the Housing Plus program, HIV positive individuals and their families receive counseling, medical attention as well as help with housing.

I would like to thank Let's Celebrate for its incredible service to Hudson County and for inviting me to its 16th Anniversary Mad Hatter Ball. This amazing organization truly gives us all a reason to celebrate.

TRIBUTE TO THE JEWISH NATIONAL FUND

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to the Jewish National Fund (JNF) for their fund-raising efforts on behalf of the children of Israel.

The Talmud states that, "He who does charity and justice is as if he had filled the whole world with kindness." In the spirit of these words, the Jewish National Fund has taken steps to ensure that the preservation of the environment remains a top priority for Israelis now and for generations to come. The Jewish National Fund is the American fund-raising arm of Keran Kayemeth Leisrael (KKL), the official afforestation and land reclamation agency of Israel. Through fund-raising and their efforts to heighten awareness, JNF of America supports the KKL in its attempts to bolster environmental concerns, water conservation, recreation and agriculture, employment of new immigrants, tourism and research and development in Israel.

One of KKL's many projects is a summer camp designed specifically for young immigrant and underprivileged Israeli children. The camp provides children with first-hand knowledge of forestry and a chance to participate in enjoyable outdoor activities that they may never have participated in before. At the same time, the camp experience is a vital introduction into Israeli life. It provides the youngsters with an understanding of their common cultural heritage. They learn to share their hopes and dreams with each other and they benefit from the varying perspectives they encounter at camp. This month the Jewish National Fund will be hosting its eighth annual Friendship Cup Golf Classic in Westlake Village, California in an effort to raise money for the camp. I would like to wish good luck to all participants and join with them in promoting their common cause.

Mr. Speaker, distinguished colleagues, please join me in honoring the Greater Los Angeles, Valleys, and South Bay Region of the Jewish National Fund for supporting the children of Israel and investing in their future.

AMBASSADOR SANDY VERSHBOW ON NATO ENLARGEMENT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. LANTOS. Mr. Speaker, five weeks ago the Senate began the debate on the admission of Poland, Hungary and the Czech Republic to the North Atlantic Alliance (NATO). That debate and the vote of the Senate to ratify the accession protocols of these three countries is expected to take place in the near future.

A few weeks ago, Mr. Speaker, two opinion pieces which were published in the Washington Post—one by David Broder and the other by Jim Hoagland—which questioned the extent to which the enlargement of NATO has been thoroughly discussed and evaluated prior to the Senate vote on this critical issue. I strongly disagree with the point of view that these two experienced journalists have expressed.

During the recent District Work Period, the Washington Post published an excellent letter to the editor from U.S. Permanent Representative to the North Atlantic Council, Ambassador Alexander R. Vershbow, "The Case for NATO Expansion."

Ambassador Vershbow is a career diplomat who has served our nation with great distinction as Special Assistant to the President and Senior Director for European Affairs at the National Security Council at the White House (1994–1997). Earlier he served as Principal Deputy Assistant Secretary of State for European and Canadian Affairs (1993–1994) and he was Deputy Permanent U.S. Representative to NATO (1991–1993). He also brings a sensitivity to the problem of Russia in the expansion of NATO, having served as Director of the State Department's Office of Soviet Union Affairs (1988–1991).

Mr. Speaker, I ask that Ambassador Vershbow's excellent letter, published in the Washington Post on Tuesday, April 7, be placed in the RECORD. I urge my colleagues to read his thoughtful views.

[From the Washington Post, April 7, 1998]

THE CASE FOR NATO EXPANSION

Critics have sought to give the impression that serious debate about NATO enlargement has never taken place and that the United States and its allies have failed to address important questions about Russia and the future security environment in Europe.

More than 1,000 articles published during the past year and a half have covered all aspects of NATO's evolving role. More than 300 conferences on NATO enlargement have been held in Europe and North America, including several in Russia. Twelve hearings before Congress in the past six months—with more than 550 pages of testimony—have explored the details of NATO's mission and membership and examined arguments from every point on the political spectrum.

Critics charge that NATO enlargement will poison relations with Russia. This might be true if NATO were seeking to isolate Russia, but the opposite is the case. Through the Partnership for Peace and the newly established NATO-Russia Permanent Joint Council, NATO has created a network of security cooperation that has engaged all the states of Europe—even former neutrals. The new NATO gives Moscow a chance to move away from the old Soviet pattern of confrontation to one of real partnership in Europe.

NATO-Russian relations are better and show more promise today than they have at any time in the past 50 years. They encompass everything from planning for joint action in civil disasters to joint military operations in Bosnia. And they are still developing. How counterproductive it would be if we undercut Boris Yeltsin's courageous decision to cooperate with NATO by bowing to the pressure of Russian hard-liners. That would strengthen the anti-democratic elements in Russia and encourage the belief that the Allies, in the face of Moscow's bullying, had returned Central Europe to a gray zone of instability and limited sovereignty.

As we work to adapt NATO to better fit the security environment of the next century, we understand that we must preserve the essential feature that has made this the most successful alliance in history—the integrated military structure and its capacity for collective defense. The three new members we have invited will significantly improve the alliance's defense capabilities. And having so recently regained their freedom after decades of totalitarian oppression, they can be counted on to stand with us, not just in defense of NATO territory but when the values we share are threatened—as they did recently during the confrontation with Iraq.

In postponing the vote on ratification for several weeks, Senate Majority Leader Trent Lott declared that his intention was to "get a focus on the issue." It is proper to ensure a fair debate of the issue, but as Sen. Jesse Helms noted in sending the bill to the floor of the Senate, now is the time to act.

No one who favors democracy should want to keep the lines of security drawn in Europe where Stalin marked them in 1945. NATO enlargement is the right policy for the United States and the right policy for the future of democracy in Europe.

ALEXANDER VERSHBOW,
Ambassador, U.S. Mission to NATO, Brussels.

TRIBUTE TO CARMELA "MEL" CURRIER

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Carmela "Mel" Currier of Passaic, New Jersey. Mel is being honored this evening on the occasion of her retirement after 21 years of service to the County of Passaic.

Mel began her career in Passaic County in June of 1977, working as a keypunch verifier/operator in the Administration Building. In April of 1979, she was transferred to the County Clerk's office in the Civil Law Department (Judiciary) as a Clerk Typist.

In less than a year, Mel was put into the Criminal Part of the office, entering bail recognizances, forfeitures, and reinstatements of bail. After proving herself to be a competent worker, she was given more responsibility by the County Clerk. Upon taking the Civil Service promotional tests and coming in first in a series of these tests, Mel worked her way up to become Chief Docket Clerk, the position which she has held until her recent retirement.

During her years prior to becoming a State worker, Mel was very involved in the Democratic Party. Throughout her 23 years of service to the Party, Mel has served as treasurer, vice-president, and president of the City of Passaic's Democratic Party. Additionally, she served as a County Committeewoman and a Ward leader.

Mel will be married 37 years come this May to John Currier, who is a retired Deputy Chief of the Passaic Fire Department. Mel and John have a son, Joseph, who is classified as autistic and had to attend special schools and classes. Joe has since overcome many of his autistic tendencies, thanks in part to his mother's interest in the "Saturday Group."

Mel is President of the Learning Disabled Young Adult Group, Inc., which oversees her son Joe's "Saturday Group." The group's Board of Directors set policy, disseminate information to the public, and hold fundraisers and many other events.

Mel is also very active in her church, Saint Nicholas' Roman Catholic Church on Washington Street in Passaic. She serves as a Eucharistic Minister, leads the congregation at the 4:00 p.m. mass in their Hymns and responses, and sings at the 11:00 a.m. mass in the church choir.

Mr. Speaker, I ask that you join me, our colleagues, Mel's family, friends, and colleagues, and the County of Passaic in recognizing Carmela "Mel" Currier's many outstanding and invaluable contributions to our community, and in wishing her continued health and happiness in her retirement.

HONORING EDWARD AND JESSIE FREEMAN, SR. ON THEIR 50TH WEDDING ANNIVERSARY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. NEY. Mr. Speaker, it is an honor to rise today to celebrate the 50th wedding anniversary of Edward and Jessie Freeman, Sr. It gives me great pleasure to congratulate Edward and Jessie on their special day.

What a remarkable accomplishment to be able to celebrate a marriage that has endured for so many years. The bond that brought them together has remained and grown over the years. May they always share the love and joy they feel today.

In an era where marriages are too often short lived, it is wonderful to see a couple who have endured the trials and tribulations that can cause a marriage to fail. The love and commitment they have demonstrated should serve as an inspiration to couples everywhere.

Mr. Speaker, what an achievement to be married for 50 years. It is an honor to represent a couple like the Freemans. I am proud to call them my constituents.

IN HONOR OF EQUAL PAY DAY, APRIL 3, 1998

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. BONIOR. Mr. Speaker, today I would like to recognize the Coalition of Labor Union Women as they join together to raise awareness of Equal Pay Day. Their dedication to fair wages in the work place deserves to be commended.

Throughout America's history, men, women, and children have fought for fair and equitable treatment in the workplace. Advocates for child labor laws and unions have fought to protect workers' bargaining rights, wages, and working conditions. However, women are still subject to workplace discrimination where their wages are concerned. On an average, women earn 74 cents for every dollar a man earns. This results in a loss of over a quarter of a million dollars throughout a 30-year career, a loss that not only affects weekly paychecks but also retirement.

The Equal Pay Act of 1963 in conjunction with the Civil Rights Act of 1964 prohibits wage discrimination for equal or substantially equal work on the basis of race, color, sex, religion, and national origin. However, to the detriment of the worker, wage laws are not strictly enforced and discrimination suits are difficult to prove.

As communities, families, friends and colleagues, we must all work together to fight for fair wages for all working people. All Americans have the right to equitable pay regardless of their race or sex. Thanks to organizations such as the Coalition of Labor Union Women, this issue will not go unnoticed. I ask my colleagues to join me in lending their support for fair wages for women.

IN HONOR OF THE 30TH ANNIVERSARY OF THE MINORITY STUDENT PROGRAM AT RUTGERS SCHOOL OF LAW-NEWARK

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. MENENDEZ. Mr. Speaker, I would like to take this opportunity to pay tribute to the Minority Student Program at Rutgers School of Law-Newark for its 30th Anniversary. In celebration, Roger I. Abrams, dean of the law school, and the Minority Student Program sponsored the Annual Spring Banquet at the Hilton Gateway in Newark, New Jersey on Saturday, April 18, 1998.

The School of Law-Newark at Rutgers is committed to the diversity of its law school community and to the diversity of the legal profession. Since its establishment in 1968, MSP has pursued a policy of equal opportunity for those who have been historically underrepresented in law schools and in the legal profession. Over 1000 students of color and students from disadvantaged backgrounds have graduated from the law school.

The law school historically has attracted students who want to make a difference in the world in which they live. These students represent every ethnic group and nationality. Graduates now make important social and political contributions to their community as judges, presidential appointees, law professors, and prominent members of the bar.

It is a honor and a pleasure to be part of this celebration and to recognize the dedication and commitment of the Minority Student Program at Rutgers School of Law-Newark. I am certain that my colleagues will join me in paying tribute to this remarkable program.

TRIBUTE TO FRED KORT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. LANTOS. Mr. Speaker, on Thursday of this week, representatives of the Congress, the Administration, and the Supreme Court will gather in the Great Rotunda of this building for the National Civic Commemoration to remember the victims of the Holocaust. This annual national memorial service pays tribute to the six million Jews who died through senseless and systematic Nazi terror and brutality. At this somber commemoration, we will also honor those heroic American and other Allied forces who liberated the Nazi concentration camps over half a century ago.

Mr. Speaker, this past week Fortune Magazine (April 13, 1998) devoted several pages to an article entitled "Everything in History was Against Them," which profiles five survivors of Nazi savagery who came to the United States penniless and built fortunes here in their adopted homeland. It is significant, Mr. Speaker, that four of these five are residents of my home state of California. My dear friend Fred Kort of Los Angeles was one of the five that Fortune Magazine selected to highlight in this extraordinary article, and I want to pay tribute to him today.

Fred Kort, like the other four singled out by Fortune Magazine, has a unique story, but there are common threads to these five tales of personal success. The story of the penniless immigrant who succeeds in America is a familiar theme in our nation's lore, but these stories involve a degree of courage and determination unmatched in the most inspiring of Horatio Alger's stories.

These men were, in the words of author Carol J. Loomis, "Holocaust survivors in the most rigorous sense," they "actually experienced the most awful horrors of the Holocaust, enduring a Nazi death camp or a concentration camp or one of the ghettos that were essentially holding pens for those camps."

They picked themselves up "from the very cruelest of circumstances, they traveled to America and prospered as businessmen. They did it, to borrow a phrase from Elie Wiesel, when everything in history was against them." They were teenagers or younger when World War II began. They lost six years of their youth and six years of education. "They were deprived of liberty and shorn of dignity. All lost relatives, and most lost one or both parents. Each . . . was forced to live constantly with the threat of death and the knowledge that next time he might be 'thumbed' not into a line of prisoners allowed to live, but into another line headed for the gas chambers." Through luck and the sheer will to survive, these were some of the very fortunate who lived to tell the story of that horror.

The second part of their stories is also similar—a variant of the American dream. These courageous men came to the United States with "little English and less money." Despite their lack of friends and mentors, they found the drive to succeed. As Loomis notes, "many millions who were unencumbered by the heavy, exhausting baggage of the Holocaust had the same opportunities and never reached out to seize them as these men did." Their success in view of the immense obstacles that impeded their path makes their stories all the more remarkable.

One other element that is also common to these five outstanding business leaders—they are "Founders" of the U.S. Holocaust Memorial Museum here in Washington, D.C. They have shown a strong commitment to remembering the brutal horrors of the Holocaust, paying honor to its victims, and working to prevent the repetition of this vicious inhumanity.

Mr. Speaker, Fred Kort is one of the five Holocaust survivors and leading American entrepreneurs highlighted in this article. Fred is the Chairman of the Imperial Toy Corporation in Los Angeles. As we here in the Congress mark the annual Days of Remembrance in honor of the victims of Nazi terror, I ask that the profile of Fred Kort from Fortune Magazine be placed in the CONGRESSIONAL RECORD.

[From Fortune Magazine, Apr. 13, 1998]

EVERYTHING IN HISTORY WAS AGAINST THEM

FRED KORT, CHAIRMAN, IMPERIAL TOY CORP.

He's 74 now and has hair that spikes from his forehead as if it were exhibiting surprise at having made it this far. That image fits Fred Kort's life: At Treblinka, the Nazis' killing camp in north-central Poland, somewhere between 700,000 and 850,000 Jews were exterminated and only nine are believed to have survived. Kort is one of the nine.

Before Treblinka, the youth then called Manfred endured the Holocaust as most of its survivors did, fleeing and barely substituting. The son of a hard-up Polish Jew who lived in Germany, he was pushed with his family into Poland and then, as the Germans overran that country in September 1939, into a succession of mean ghettos and work camps. Once, when he was 17, he turned smalltime entrepreneur, sneaking out of the Warsaw ghetto, risking capture and probable death each trip, to sell baking power, cinnamon, and other spices on the streets. "When you're young," he says, "you think you're invincible."

He abandoned such thoughts in July 1943, when the Germans summarily collected Kort and 2,000 other Jews and packed them into cattle cars headed for Treblinka. The train crawled for two days, and people perished. Those who didn't were shoved into a selection process aimed at sending around 300 of the strongest to the work camp called Treblinka 1 and the rest to the gas chambers of Treblinka 2. From the grass on which all the Jews huddled, one man rose to plead for the work camp and was immediately shot. Kort nonetheless also rose and in German said rapidly that he was an electrician—true, sort of, since he'd been an apprentice before the war—and could be useful. A German raised his gun. He then waved Kort to the work group.

Kort skinned by for about a year. mainly doing water-carrying duty that got him food from the guards' kitchen. Then one day in July 1944, the Jews in Treblinka 1—about 550 at that point—heard the guns of the advancing Russian army. To them the sound was ominous, because they felt sure their German captors would not let them live to broadcast the story of Treblinka 2's exterminations. On a Sunday morning, July 23, 1944, guards burst into Kort's barracks with a rough command: "Lie down wherever you are." Instead, Kort ran, climbing out a barracks window and hiding in a storage shed.

Guards searched the shed but did not find him. He hid there until nighttime, repeatedly hearing gunfire that he assumed, correctly, meant that Jews were being shot.

And then—we know this scene from fiction, except that this was not—Kort covertly watched the guards patrolling the camp's three rings of fences, discovering that their rounds were at intervals of 15 to 20 minutes. When the moment seemed right, he took a spade and ran for the fences, there finding the ground so softened by rain that he could dig under them easily. As he crossed a corn field outside the fences, sentries in the camp's towers tried to shoot him down, but he zigzagged into woods just beyond. He walked all that night and in the morning discovered that he must have gone in a circle, because he had returned to the camp's edge and to mass graves that held the hundreds of Jews murdered on the previous day.

Shortly, Kort joined up with members of the Polish underground. But Jews were unwelcome there, and within days he risked crossing into Russian-held territory, his hands high as he entreated: "Don't shoot, comrades. I'm a Jew." Russian troops interrogated him for ten days before finally accepting his Treblinka story as true.

Later, Kort entered the official Polish army, then reconstituting itself, and in a battle caught a piece of shrapnel from a German shell. A far deeper wound: His father, his brother, and 60 relatives died in the Holocaust.

Fred Kort, then 24, arrived in the U.S. in 1947 with a nickel. On the boat that carried him, he used the English he'd begun to learn in postwar Europe to ask a sailor what American money was like—and got not just a look but a coin to keep. Beyond the nickel, though, Kort had some resources, because he was under the wing of the American Jewish Joint Distribution Committee—called the Joint by all who knew it. The Joint put him up in a modest Manhattan hotel, and soon he got a job at Bendix Corp. and entered night school.

Still exploiting those electrical skills, Kort next landed a job at General Electric and in time wangled a transfer to California. Leaving GE, he went to work for Los Angeles' Biltmore Hotel as an electrician. On one fateful day, he was called to a guest's room to fix a desk lamp. Engaging Kort in conversation, the guest, Martin Feder, said he was planning to open a toy factory and wondered if Kort knew anybody he might hire. "How about me?" Kort asked, in a question that would chart the rest of his career.

Over the next 20 years he worked for Feder, who specialized in producing the bubble-blowing kits that we all used as kids; started, and folded, a bubbles company of his own;

and served as a manufacturers' rep for other toy manufacturers, proving to be a master salesman who could have sold jump ropes to snails. As a rep, he made good money. So he was ready to march when by chance he came upon a tiny, hard-rubber, high-bouncing ball that hadn't been pushed in the market. In 1969, Kort took this irrepressible bit, the Teeny Bouncer, and $50,000 and, with a partner, set up Imperial Toy Corp.

Today the partner's gone, but the original Teeny Bouncer is still a big seller in Imperial's huge line of 880 toys. Most of the items are the year-round, very basic, $1.99-to-$4.99 stuff of everyone's childhood—jacks, marbles, balloons, paddle balls, water guns, rubber snakes, and yes, bubble kits, of which Imperial is the world's largest producer. Imperial's 1997 sales were just over $100 million, which makes the company a midget compared to Mattel and Hasbro but a steady, important force in an industry teeming with smaller, trend-riding companies. Kort says with particular pride that Imperial has never had "a losing year." That applies even to 1997, though the importance of money in that year was dwarfed by a disaster: a November explosion in Imperial's Los Angeles headquarters (linked to roll caps sold by the company) that killed four factory employees and injured several others.

That tragedy punctured Kort's natural ebullience, but not much else does. From an office decorated in purple—and with that hair going boing!—he runs his business as if he expects to be there forever, which he pretty much does. His son Jordan, one of three sons who work with him and try to match his pace, says his father has "this drive, this incredible drive."

Since the war, Kort has testified in four war-crimes trials and has sketched, from memory, a detailed map of Treblinka 1 that is now at Washington's Holocaust museum. But Kort is in no way locked into the memories of the past. Deeply aware that America has been good to him, he is instead propelled by the thought that he'd just better bounce out there and "do more."

TRIBUTE TO THE LAKE COUNTY PUBLIC VOLUNTEERS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. VISCLOSKY. Mr. Speaker, it is my pleasure to commend Lake County Public Library (LCPL) volunteers during National Library Week and National Volunteer Week. The LCPL honored its volunteers on Sunday, April 19, 1998, during the Friends of the Lake County Public Library annual meeting, which was held at the library in Merrillville, Indiana. Two individuals, Helen Goodman and Frank Peterson, earned special recognition for their outstanding service to the library.

Helen Goodman, of Crown Point, Indiana, has volunteered at the Lake County Public Library since 1986. An assistant in the library's Indiana Room Helen researches and locates materials for library patrons on such topics as genealogy. In addition to her daily responsibilities of sorting and reshelving materials, Helen takes the initiative to offer personal assistance to patrons who are in need of specific information. Helen is prompt, reliable, and so dedicated to serving patrons, the library's Reference Department has considered naming her an "Honorary Reference Librarian". Helen also volunteers in the Friends of the LCPL Book Sale Room, where she helps patrons select and purchase used materials. In addition, Helen is a loyal participant in all library programming, including book discussion group, as she thrives on the exchange of ideas through reading and research. Helen also displays her dedication to public service by working at the Veterans Administration (VA) several days a week. A VA volunteer since 1988, Helen assists disabled veterans with transportation needs by determining their eligibility and availability for assistance programs, as well as coordinating travel schedules. Helen also recruits other volunteers to help disabled veterans when necessary, and she is invaluable in maintaining quality patient care for the service.

Frank Peterson, a native of Portage, Indiana, has been a volunteer at the Lake County Public Library for 5 years. Frank assists the library's Book Coordinator by moving boxes of donated books for sorting, selecting, and shelving in the Book Sale Room. He works at least 2 hours each Tuesday morning and sometimes on Thursdays, re-arranging the books and encyclopedias, clearing the shelves of books for new selections, and organizing the Book Sale Room for the public. In addition, the library considers Frank to be its one-man publicity department, as he promotes the Book Sale Room to area newspapers and places advertisements for book donations. Frank has also taken the initiative to arrange for the distribution to underprivileged libraries and school districts in other states the library's excess books. Despite his ongoing battle with lung cancer, Frank continues to pursue his commitment to volunteerism through his service to the Lake County Public Library, as well as the Porter County Public Library book sale.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending Helen Goodman, Frank Peterson, and all the other volunteers at the Lake County Public Library for their outstanding service to their community. Their commitment to assisting others in the pursuit of knowledge has proven invaluable to the citizens of Indiana's First Congressional District.

IN HONOR OF YAFFA ELIACH

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. SCHUMER. Mr. Speaker, one of the great pleasures of serving in this legislative body is the opportunity we occasionally get to publicly acknowledge the outstanding pillars of our community.

I ask my colleagues to join me today in congratulating Mrs. Yaffa Eliach on being named Brooklyn College's Alumna of the Year.

Mrs. Eliach currently is a professor of History and Literature in the Department of Judaic Studies at Brooklyn College. She is a pioneer scholar in Holocaust Studies and the creator of the acclaimed "Tower of Life" at the United States Holocaust Memorial Museum, and also served on President Carter's Holocaust Commission. Yaffa was among a handful of academics who introduced Holocaust Studies on the American Campus, and is the founder of the first Center of Holocaust Studies in the United States. She served as its volunteer director until 1991.

Mrs. Eliach was born in Vilna, lived in Ejszyski until she was four and spent the rest of the early years of her childhood in Nazi-occupied Europe, in ghettos and hiding places. Because of these experiences she felt that she must never let people forget what took place during those turbulent years in Europe. Today Mrs. Eliach is a historian, poet, and a playwright dedicated to educating people about the past. Her most recent publication, "There Once Was A World; A Nine Century Chronical of the Shetetl of Eishyshok" is her latest attempt to teach people about the past. It is the history of the people in the "Tower of Life" exhibit.

She is also contributing scholar to the "Encyclopedia Judaica," the "Women's Studies Encyclopedia," "The Encyclopedia of Hasidism" and is a frequent contributor to scholarly, literary and popular publications in the United States, Canada, Israel, Europe and Australia. Some of her accomplishments include winning a Woodrow Wilson Dissertation Fellowship Award, a Louis E. Yavner Award, and being named by CBS as the Woman of the Year in 1995.

Ms. Eliach's hard work and dedication throughout the years make her a very deserving recipient. I congratulate her on this award, and wish her continued success championing her cause.

CONGRATULATIONS TO SINAI HOSPITAL AUXILIARY, INC. ON THE 50TH ANNIVERSARY OF ITS FOUNDING

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to the Sinai Hospital Auxiliary, Inc. on the 50th anniversary of its founding. A hospital is only as good as the people who are associated with it, and for more than 130 years Sinai Hospital has been one of the leading health care institutions in Baltimore, Maryland. Over the years, the Sinai Hospital Auxiliary has contributed to this success by supporting the hospital and reaching out to the larger community.

In 1948, the Sinai Hospital Board of Directors created the Women's Auxiliary of Sinai Hospital. Its mission was to interpret the hospital to the community, provide volunteer and other services and allocate all designated funds to help the hospital. Its first meeting was attended by more than 700 women.

In 1968, the Women's Auxiliary became the Sinai Hospital Auxiliary, opening its membership to include male members. As an integral part of Sinai Hospital, the Auxiliary supports and funds many innovative programs and projects that benefit the hospital.

The Auxiliary has been involved in almost every aspect of the hospital. Among its many noteworthy accomplishments, the Auxiliary has presented the Pediatric Intensive Care Unit with a $125,000, five-year grant; donated a specially equipped car to help stroke victims; provided care safety seats for infants and children; and undertaken many educational health programs.

I hope that my colleagues will join me in saluting the Sinai Hospital Auxiliary on its 50th anniversary and in commending its members for their dedication and commitment to the community.

A FAREWELL TO DR. STANLEY S. BERGEN, JR., UMDNJ PRESIDENT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. MENENDEZ. Mr. Speaker, Dr. Stanley Bergen, Jr. is now enjoying something few of us will have an opportunity to experience. Quite simply, his dreams have come true. Dr. Bergen saw his dream of a renowned public medical and dental school in New Jersey spring from modest beginnings and blossom into reality.

Dr. Bergen is now retiring after being the University of Medicine and Dentistry of New Jersey's first and only president. He provided the vision and leadership to make this institution a nationally recognized medical and dental research and educational facility. UMDNJ is the largest free-standing public health sciences university in the country. This institution is now comprised of four campuses, seven schools, 5,000 students, 11,000 employees and over 100 affiliated health care institutions.

But UMDNJ is not only a world class medical and dental school, biomedical research organization and health care provider, but it is also an organization which has given back to the community. In 1994, UMDNJ was awarded the Association of American Medical Colleges' prestigious Outstanding Community Service Award. The school also boasts one of the largest minority student populations among the nation's medical and dental schools. UMDNJ's excellence is the reflection of a man who has insisted on excellence in everything he does.

Dr. Bergen credits the support of his wife, Suzanne, and his children Stanley, Steven, Stewart, Victoria, and Amy for making his success possible.

I would like to thank Dr. Bergen for his incredible contributions to the health of New Jerseyans and for inviting me to his farewell luncheon on April 16, at the Newark Club.

IN HONOR OF 50TH BIRTHDAY OF THE AIR FORCE RESERVE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. BONIOR. Mr. Speaker, I have the honor to pay tribute to the Air Force Reserve as they observe their 50th Birthday on April 14, 1998. The 927th Air Refueling Wing at Selfridge Air National Guard Base will celebrate the event with a dinner and dance on April 21, 1998.

After World War II ended, the Army Air Forces began the task of post-war reorganizing. With the passage of the National Security Act in 1948, the Air Force became an independent branch of the military. The same year, the leaders of the Air Force began an overhaul of the Air Force Reserve. Although the Reserves had been in place since 1916, a formal organization did not exist. It was not until April 27, 1948 that the U.S. Air Force Reserve was officially established.

The 927th Air Refueling Wing at Selfridge Air National Guard Base is just one of the many units created from the reorganization of the Air Force Reserve. For the past 35 years, the unit participated in missions such as ferrying aircraft, equipment, and supplies to Vietnam, flying in supplies to flood victims in New York and Pennsylvania in 1973, and has provided refueling to fighters in Bosnia. The personnel of the 927th continually train both overseas and in the United States so they will be fully prepared when they are called upon to perform a mission. The 927th Air Refueling Wing deserves to be commended for their dedication and commitment to duty.

For five decades, the Air Force Reserve has faithfully defended the citizens of our great nation. I would like to join the 927th Air Force Refueling Wing in celebrating the 50th birthday of the Air Force Reserve.

HONORING THE FORMER CONGRESSMAN DOUGLAS APPLEGATE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. NEY. Mr. Speaker, today I rise on behalf of the Members of the House of Representatives to honor the former Congressman Douglas Applegate. In a ceremony on April 17th, the name of the Steubenville Post Office will officially be changed to the Douglas Applegate Post Office. The Honorable JAMES A. TRAFICANT, JR., of the 17th District of Ohio sponsored the legislation to name the post office, and it was signed into law by President Bill Clinton on November 19, 1997.

Former Congressman Douglas Applegate has been a leader in his hometown of Steubenville, Ohio, since graduating from Steubenville High School and going onto a career in politics serving the citizens of Ohio in the Ohio House of Representatives and later in the Ohio Senate. Mr. Applegate was elected to Congress in 1976, and served diligently for eighteen years to improve senior citizens, veterans, labor and consumer issues.

Douglas Applegate has proven his commitment to his community and to his country and he has worked continuously to make it a better place to live.

Mr. Speaker, I ask that my colleagues join me in thanking the former Congressman Douglas Applegate for his thirty-three years of dedication as a public servant, and congratulating him. I wish him continued success, health and prosperity.

1998 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

SPEECH OF

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3579) making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes:

Mr. McHUGH. Mr. Chairman, I want to take this opportunity to thank the members of the Appropriations Committee for all they have done to accomplish our objective of providing assistance to the dairy farmers and tree farmers in New York and the other Northeastern states who suffered devastating damage as a result of the ice storm which struck earlier this year.

Unfortunately, the President's supplemental funding request did not adequately address the losses which were suffered by the agricultural industry. With the help of my House colleagues, JIM WALSH and JERRY SOLOMON, we have successfully rallied support in Congress to add funding to help our farmers who are struggling to recover from the devastation.

I know that some of the funding we were successful in getting approved—compensation for diminished milk production—is unprecedented and I understand that some Members are concerned about this fact. But let there be no mistake—the losses in Northern New York and throughout the Northeast, along with areas of the country—represent a unique situation. The assistance we are providing in this bill represents a small, but vitally important, step forward on their road to recovery.

The loss of electric power had enormous repercussions simply beyond inconvenience. As the third largest dairy producer in the nation, Northern New York is the state's largest dairy region. Without power, dairy farmers were unable to milk their herds. Those with generators—an instrument which, as the hours without power turned into days and then weeks, became one of the region's most sought-after and precious commodities—who were able to milk frequently had to dump their milk because the roads were impassable and the milk trucks were unable to get through to pick up their product. Those lucky enough to be able to milk and get their product to the producer were frequently confronted with the milk plant being without power. At the end of the day, millions of pounds of milk had been dumped. In addition, because of their inability to milk the herds, or to milk on a normal schedule, many contracted mastitis, an illness which if not treated can kill the cow. In many instances, the illness is treatable, but it will be many weeks, if not months, before the cow is back on a regular production cycle. In the meantime, the farmers have lost critical production—and money right out of their pocket.

Our initial hope that the federal disaster declaration would speed assistance to farmers was soon shattered as it became clear the Farm Service Agency's primary form of assistance was low interest loans. Federal programs to replace livestock losses or dairy production are either expired, do not apply to dairy farmers or are non-existent. To these dairy farmers, many of whom are already operating on the margins due to a 20 year low in milk prices, low interest loans are not even an option. They simply cannot afford it.

Mr. Chairman, despite its precedence, what this bill offers in assistance to the dairy farmers is not outrageous. It conforms to the parameters of assistance programs by offering to make payments to farmers of up to 30 percent of their losses. It in no way makes them whole. What it does do is offer them light at the end of the tunnel and can well mean a make or break situation. These are family farmers—not conglomerates. They deserve no less than we are offering them here.

In this bill we also provide assistance to maple sugar producers, Christmas tree farmers, and orchardists, among others. The ice wreaked havoc on these tree growers, as well, and it will take decades for many of them to recover from the kind of damage they suffered. Here too, these funds will help them on that road to recovery.

Finally, I am pleased that we were able to secure Community Development Block Grant funding to assist homeowners in the Northeast meet those needs which have been left unmet by other federal assistance programs.

IN MEMORY OF RUSSELL T. KIKO AND WILLARD L. KIKO

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. TRAFICANT. Mr. Speaker, I would like to pay tribute to two special men and great entrepreneurs, Russell T. Kiko and Willard L. Kiko, both of whom recently passed away. These remarkable men contributed greatly to their communities, and will be deeply missed.

Natives of Ohio, Russell, born in 1915, and his younger brother Willard, born in 1922, were the sons of German immigrants. They grew up on their family's farm, where they lived and learned with their seven other brothers and sisters.

Russell stayed on his family's farm until 1944, when he first became involved in the auction business as a part-time job. In pursuit of this interest, he attended the Reppert School of Auctioneering in Decatur, Indiana. In 1945, using the vast stores of knowledge he gained during his time at Reppert, Russell started his own auction barn, Russ Kiko Associates, Inc. During its first year the business made $1,500. Due to Russ's dedication and expertise, Russ Kiko Associated, Inc. has grown from a modest beginning to become the largest auctioneering firm in Ohio. His business was built on the simple, honest motto of "giving buyers and sellers a fair deal." A man of great integrity, Russell believed in keeping his business clean, and as a result, he drew a large following of admirers. This honest and straightforward way of conducting business led to recognition from his peers. Not only was Russell a member of the Ohio Auctioneers Hall of Fame, in 1981, he became the first Ohioan to be inducted into the National Auctioneers Hall of Fame. He retired in 1990.

Willard also left behind the family farm, but to pursue a life different from his brother. In 1944 he enlisted in the United States Navy and served as a gunner in the Merchant Marine fleet in the Pacific and European theaters. His honorable and distinguished service earned him several awards, including: the American Area, Asiatic Pacific Area, and European African ME Area Ribbons, and World War II Victory Ribbon. Upon his honorable discharge from the Navy, he became involved in the sheet metal trade. In 1974, he became the principle founder, along with his son, of yet another successful Kiko family business, Kiko Heating and Air Conditioning. The business is currently one of the largest heating and air conditioning businesses in the Akron-Canton area. Willard retired from his family business in 1982.

Following their retirements, Russell and Willard, avid outdoorsmen, spent much time together. Sadly, their long and successful lives recently came to an end. Russell died on December 12, 1997, after an extended illness, and Willard left this Earth on February 12, 1998, due to heart failure. Both men were survived by large, loving families. Russell has left behind Coletta his wife of 59 years, 12 children, 63 grandchildren and 26 great-grandchildren. Willard has left Stella, his wife of 49 years, three children and 11 grandchildren.

I would like to add my acknowledgment and condolences to those already offered by the Senate of the 122nd General Assembly of Ohio. Both men demonstrated unwavering commitment to their professions and to their communities. I extend my heart-felt sympathy to the family of these fine men, and hope that they will take comfort in knowing that all who met Russell and Willard Kiko respected them greatly. These men have left a permanent impact on the world in which they lived.

BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1998

SPEECH OF

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2400) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes:

Ms. NORTON. Mr. Chairman, don't vote for the Roukema amendment to destroy the Disadvantaged Business Enterprises program (DBE) or you will pay the price with your women small business owners. I have listed just a few examples of how women business owners can tell their own stories about the success of the DBE program.

NEW JERSEY

Roberta Verdun, President, Summit Graphics Corporation, North Brunswick, NJ said: "I have owned a small business for 25 years, . . . I am also certified as a DBE and without the DBE program, I would not have opportunities to bid against the big businesses out there. DBE status affords me 'opportunity.' I don't expect printing jobs handed to me but without the opportunity to offer a bid, I would be out of business!"

Deborah Ayars, President, A–TECH Engineering, Vineland, NJ said: "My firm has grown over the ten years I've been in business from just me to twenty total employees . . . We employ local people who would otherwise be looking for jobs, most likely outside this area . . . Without the DBE provisions of ISTEA, the ever-larger majority firms would let none of the work out of their firms . . . Taking away sub-contracting incentives for women and minorities would deprive the economy of the kind of resources that increase our nation's global competitiveness, a goal of NEXTEA/ISTEA. In closing, the DBE program is one of the most successful programs the government has developed. It saves the government money, increases jobs in small business, and assists women and minority owners to get a foot in the door in business."

IDAHO

Elaine Martin, President, MarCon, Inc., Nampa, ID said: "Most companies can point to one or two jobs that made it possible for their companies to succeed. My 'essential' job would not have been awarded to me without the DBE program. I was low bidder on a job in 1987 where the owner told the estimator to give the job to a larger, male owned firm that had a higher bid than mine. The estimator told the owner that the job had DBE goals and as low bidder, I should be given the opportunity to perform. That job allowed my company to survive another year as I worked in the field days and bid new work at night. In the ten years since that one $100,000 job that I would have lost without the DOT DBE program, my company has grown from $200,000 to $3 million annually."

IOWA

Joanna Pierson, President-Owner, Joanna Trucking, Inc., Sioux City, Iowa said: "The DBE program has helped me to get a fair shake. My company is very good at what it does, but that does not mean anything. What does mean something is that I am a 'foolish female,' 'stupid woman,' I'm sure you've heard them all. To get rid of this program means putting me and others like me out of business along with 25 of my employees. Without this program, I am nowhere because I deal with men who want me out, and even my own brothers are trying to force me out. I represent competition to any male in business, but my company performs well, and I can honestly say that we do a better job than most male organizations . . . We need to keep this program going, to 'mend it, not end it'."

TRIBUTE TO JOYCE WOLKA

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. BONIOR. Mr. Speaker, today I rise to congratulate Joyce Wolka, who will be awarded Secretary of the Year by the Macomb Chapter of Professional Secretaries International. On April 22, 1998, Ms. Wolka will be honored at the Secretaries Day Banquet during Professional Secretaries Week.

Each year, the Macomb Chapter of Professional Secretaries International chooses the Secretary of the Year based on a list of important qualities. Candidates are judged in three areas: education, work experience, and involvement in PSI activities. Ms. Wolka's professional accomplishments and expertise led to the honor of Secretary of the Year.

Ms. Wolka has worked for the past 7 years at Specs Howard School of Broadcast Arts in Southfield, Michigan. As an Executive Secretary in the Placement Department she is responsible for maintaining current student and graduate files and databases, correspondence to employers, conducting mock interviews with students, and correcting their resumes as part of their curriculum. She has made an important contribution to education and her community by performing many of the fundamental responsibilities that allow the schools to operate every day.

Throughout the years, Ms. Wolka has been a valuable member of her profession and her community. Not only is she an active member of the Macomb Chapter of Professional Secretaries International, she is also a Eucharist Minister at St. Kieran's Catholic Church and a Boy Scout Leader of Troop 343. Ms. Wolka and her husband Kevin have raised two sons, Dan and Mark. I would like to congratulate Ms. Wolka and wish her continued excellence in her work.

BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1998

SPEECH OF

HON. JOHN R. THUNE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2400) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes:

Mr. THUNE. Mr. Chairman, I rise today to address the bill before us today, H.R. 2400, the Building Efficient Surface Transportation Equity Act of 1998. This measure probably will have a more profound impact on my State of South Dakota than any other measure this body may consider this year.

The State of South Dakota has 7,803 miles of roads on the State highway system which span over a 77,000 square mile area in the State. As one of the largest States in geography, we have tremendous needs to maintain our network of highways, bridges, and transit connections. While other modes of transportation play an important role in moving goods and people from one point to another, automobile and truck transportation are the most predominant forms used for personal and commercial purposes.

I thank Chairman SHUSTER, Ranking Member OBERSTAR, Surface Transportation Subcommittee Chairman PETRI, and Subcommittee Ranking Member RAHALL for all of their assistance on South Dakota specific concerns. With their help, I was able to include an amendment to Section 107 that would allow federal bridge funds to be used on a de-icer agent being developed by the South Dakota Department of Transportation (SDDOT) in conjunction with the South Dakota School of Mines and Technology and private industry. The de-icer compound, known as sodium acetate-formate, is a cost-effective, environmentally sound way to keep bridges clear of dangerous icing conditions without the corrosive side-effects of other compounds. The Committee also saw fit to honor my request to reduce paperwork and staff hours in conducting statewide planning by making a conforming amendment to Section 125.

The Committee also saw fit to honor my request to designate Interstate 29 as a High Priority Trade Corridor from Kansas City, MO, to the Canadian border. Since the implantation of the North American Free Trade Agreement in 1993, traffic has increased tremendously on I–29. From 1993 to 1997, car and truck traffic in South Dakota has increased by 46 percent on I–29 from the Iowa border to the North Dakota border. Without question, the State of South Dakota and its neighbors served by I–29 should be eligible for programs contained in Section 115 of this bill. I am certain South Dakota will find innovative ways to make commercial transportation on I–29 more efficient and more effective.

I also appreciate the recognition the Committee gave in the report accompanying this bill to the bridge over the Missouri River in Yankton, SD. The existing Meridian Bridge is approaching 75 years in age and is in desperate need of replacement. The committee report appropriately notes that the bridge should be replaced and that the Secretary of the Department of Transportation should make funds available from the Discretionary Bridge Replacement Fund for this purpose.

I especially appreciate the committee's recognition of Congressional Priority Projects I submitted for consideration. These all are important to the State of South Dakota and will help address important safety, congestion, and economic development needs. All of the projects were selected from a list submitted by the SDDOT. I also took the initiative to conduct a series of town hall meetings across the State of South Dakota last August to discuss these priority projects as well as to solicit the views of South Dakotans on our surface transportation priorities.

Through the information provided from these sources, I was able to submit to the Committee a strong slate of projects that deserve funding through this process. Among those projects are two of the three legs of the Eastern Dakota Expressway (EDE). The EDE is a combined vision of former Senator Francis Case and the late Governor George S. Mickelson. These two South Dakota leaders saw the value of connecting our major population centers to Interstate 90 and Interstate 29 via four-lane highways. The funds made available through this bill would be enough for 80 percent of the cost of the project. The remaining 20 percent would represent the standard and appropriate State and local cost share to convert South Dakota Highway 37 between Huron and Mitchell from a two-lane to a four-lane and to convert US Highway 83 between Pierre/Fort Pierre and Interstate 90 to a four-lane. My hope would be to complete this vision of Case and Mickelson by connecting Aberdeen to Interstate 29 by a four-lane highway. Unfortunately, it appears that important and necessary segment will have to be addressed at another point in time. All the same, I am committed to continue to work for that segment as I work to forward the entire EDE initiative.

The Chairman also should be commended for his tenacity on an issue important not only to South Dakotans, but to so many across the nation.

For too long, Washington has ignored its own rules when it comes to fiscal matters. And one of the most blatant abuses has been the way Washington has misused revenues generated by the motor fuels tax. Last year, Chairman SHUSTER and other supporters of honesty in budgeting gained a victory by shifting 4.3 cents of the motor fuels tax from general government expenditures to the Highway Trust Fund.

However, as the Chairman has pointed out, the addition of these revenues would cause the Trust Fund balances to skyrocket. If those dollars are going to be paid in by American highway users, then those consumers should have the assurance that those funds are being put to their intended purpose. The level of funding in H.R. 2400 would do just that.

Late January estimates from the Congressional Budget Office indicated that the Highway Trust Fund would have reached a cash balance of $81 billion by the year 2002. Those are dollars paid at the pump by users who expect a return investment in highways, bridges, and transit. Unless the bill before us is enacted, those dollars will end up in a federal black hole.

Most importantly, this feat can be accomplished within the context of a balanced unified budget. Title X of the bill mandates that the additional funding in this bill be offset by mandatory and discretionary spending reductions. This means Congress would stay within the confines of the budget agreement met last year and stay on the path of a balanced federal budget. While there will be critics of whatever offsets may be reached, it will be important to remember a simple fact. That fact is Washington has been siphoning off gas tax dollars for miscellaneous Washington spending. No matter the merits of those other spending priorities, we should not continue to deceive the public by taking what they pay at the pump and using it to feed Washington. Those are dollars that should be used for highways and bridges in my State of South Dakota and in the other 49 States of the Union.

I also would like to commend the Chairman and Ranking Member for the bill's funding ratio between highways and mass transit. Of the House and Senate bills, the House bill clearly takes a more appropriate approach to funding these two needs. Of the $217 billion in the House bill, $181 billion would fund highway initiatives and $36 billion would be available to mass transit. The Senate version on the other hand would place only $171 billion in highways and $41 billion in transit. The House funding split, in my view, represents a more responsible approach for the State of South Dakota and the nation.

The total funding levels contemplated in this measure indeed would have an important impact on the nation's and South Dakota's transportation priorities. Under this bill, South Dakota's annual average allocation would total approximately $144 million a year. Under the Intermodal Surface Transportation Efficiency Act (ISTEA), South Dakota received approximately $119 million a year, representing an annual increase of $25 million. Further, the level in H.R. 2400 would boost funding by more than $40 million annually over the House bill back in 1991.

Without the funding levels Chairman SHUSTER has advocated, South Dakota would not be able to realize these increases. At the same time, I would be remiss if I did not express my concern over the formula share given to my State in this bill. As it stands, South Dakota's percentage of formula programs would reduce from 0.67 percent to 0.52 percent. Such a reduction simply is not acceptable to our State of South Dakota. The Chairman and many of my colleagues already are familiar with my sentiments about the formula. They fully realize how I feel and how my State feels about such a reduction in our share. At the same time, I fully appreciate the composition of the House would lend itself to a formula that reflects the desires of more populated areas. I also realize that historically, the Senate has produced formulas that more closely reflect my preference and the preference of my State. In fact, at this point in 1991, the House formula gave South Dakota a 0.52 percent share while the Senate produced a share of 0.77 percent. This difference is almost identical to that produced this year by our two Houses of Congress. I am hopeful, therefore, that the final product will yield a share that improves upon that crafted under ISTEA.

The Chairman has been very patient and very understanding in an effort I mounted with several other members from similarly impacted Western States. I along with Mr. YOUNG of Alaska, Mr. SKEEN of New Mexico, Mr. ENSIGN of Nevada, Mr. GIBBONS of Nevada, Mr. CRAPO of Idaho, Mrs. CHENOWETH of Idaho, Mr. HILL of Montana, Mr. POMEROY of North Dakota, Mrs. CUBIN of Wyoming, Mr. REDMOND of New Mexico, and the late Mr. Schiff of New Mexico, all worked for this provision to be included in H.R. 2400.

The amendment would have recognized the unique challenges states with low population densities and large geographic areas face as they attempt to meet highway needs. The amendment would have acknowledged this need I and others felt was missing from H.R. 2400 by creating an allocated program for low-density states. Each of the qualifying States experience share reductions in H.R. 2400. The funds for this program would have been offset through other allocated programs—not apportioned programs, thereby not impacting the apportionment of other States—and would have been distributed based upon National Highway System (NHS) miles and vehicle miles traveled on the NHS. The amendment therefore fairly based distribution on needs in terms of highway miles and highway use.

While the amendment would not have fully corrected the apportionment shortfall, it would have helped to cushion the fall. In the opinion of Mr. SHUSTER, Mr. OBERSTAR, Mr. PETRI, and Mr. RAHALL, the amendment resembled too much of an attempt at a State-specific redistribution. In working with the Committee leadership, we chose not to offer the amendment.

In light of the improbability to gain approval of the Western States Amendment, I feel compelled to explain my dissatisfaction over the formula given to South Dakota and other similarly impacted Western States. South Dakota has a backlog of over $500 million in maintenance and construction on its highways and bridges and 42 percent of our 678 mile Interstate highway system is in fair or poor condition.

Still, I am encouraged by so much the Chairman has accomplished through this measure, including the victory of dedicating motor fuel taxes to their intended purpose. I also appreciate him resisting imposing penalties on States for failing to adopt certain laws. No matter the value of policy objectives, the Federal Government should not blackmail States into adopting environmental, safety, or other laws. Washington has learned from previous efforts that such contingencies only breed ill-will between the Federal Government and State and local leaders. This bill instead uses incentives to achieve real results.

Likewise, the Chairman should be congratulated for including the text of H.R. 4, the Truth in Budgeting Act, as Title VII of this bill. This provision, of which I am an original cosponsor, would help ensure that we remain honest to the American public in how Washington uses their gas tax dollars.

I also want to voice my support for the ethanol tax incentives. A provision included in Senate bill, S. 1173, extending the tax incentives for ethanol production should be made a part of the conference report. Value-added opportunities are of tremendous importance to my entire State of South Dakota—not just the agriculture community. In South Dakota, the industry adds $61 million to the States's economy annually. From 1996 to 2002, the ethanol industry is expected to pump $51 billion into the U.S. economy. That means jobs in small towns and rural areas. Without the assurance that this incentive is in place, it would be extremely difficult for producers and investors to plan for the future. Ethanol has value beyond just the agriculture economy, it also has important environmental benefits that Congress should continue to encourage.

I recently hand-delivered 850 letters from my constituents to Speaker GINGRICH asking him to continue his support of the ethanol tax incentives. I am pleased the Speaker expressed his strong support for these incentives and consequently expect that support to carry through the conference process on this bill.

Finally, I would like to commend the Chairman and the rest of the House leadership, including Speaker GINGRICH and Majority Leader ARMEY, for heeding the call of the rank and file to schedule consideration of this bill prior to the upcoming district work period. For a time, it appeared Congress would have attempted to go home without considering this measure. As my colleagues know, however, the current extension of ISTEA is set to expire on April 30. Seeing this deadline on the horizon, I joined Mrs. EMERSON of Missouri and Mr. PEASE of Indiana in circulating a letter among our colleagues pledging our intention to vote against adjournment later today if H.R. 2400 has not been considered. Over 100 signatures were gathered in a matter of just a few hours. The issue has both national and local support. Letting yet another deadline pass on federal highway programs would have been more than the South Dakota Department of Transportation, the contractors of South Dakota, and most importantly, the motorists of my State could bear. Hopefully, such an occurrence will be avoided with today's action.

In light of these factors, I intend to vote in favor of passage as I did in subcommittee and full committee consideration. Again, I thank Chairman SHUSTER, Ranking Member OBERSTAR, Subcommittee Chairman PETRI, and Subcommittee Ranking Member RAHALL for their hard work and dedication to bringing truth and honesty to our federal surface transportation programs.

A CELEBRATION OF THE LIFE AND TIMES OF LIONEL HAMPTON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. RANGEL. Mr. Speaker, I rise today to pay tribute to Lionel Hampton, a great artist, a great American, a great ambassador, and one of the greatest musicians America has ever known.

In tribute to Lionel Hampton, on this his 90th birthday, I would like to share with you and this House, some of the highlights of this extraordinary man.

Lionel Hampton, the reigning King of the Vibraphone for over half-a-century, and one of the few surviving internationally renowned jazz talents of the swing era, was born in Birmingham, Alabama on April 20, 1908. He was a member of the Benny Goodman Quartet which was the first racially integrated group of jazz musicians in the nation, but left the group to form his own big band in the early 40s.

His original ballad, "Midnight Sun", written with Johnny Mercer and Sonny Burke, has become an American jazz and popular classic. His two major symphonic works, "The King David Suite" and "Blues Suite" have been performed by many leading symphonic orchestras throughout the world.

Nevertheless, whether you are familiar with his musical accomplishments, over the years, Lionel Hampton has known no status where he was not eagerly accepted, as he has been well received the world over by Presidents, politicians, Kings and Queens. His very music has caused the walls of communist nations to come tumbling down.

Allow me now to share with you Lionel Hampton the constituent . . . the friend . . . the community leader. His fame and greatness have not let him forget the homeless and the hopeless. Long a supporter of public housing, he developed the Lionel Hampton Houses in the early 70s, and upon completion, built the Gladys Hampton Houses, named for his late wife. To this day, those projects are considered among the best in the nation.

The Lionel Hampton Community Development Corporation has built more than 500 low and moderate-income apartments in my Congressional District of Harlem alone.

Lionel Hampton holds more than fifteen honorary doctorates and received the Gold Medal of Paris, its highest cultural award, from its Mayor, Jacques Shirac.

He was appointed to the Board of Trustees of the Kennedy Center in 1991 by President George Bush, and in December 1992, he was awarded a prestigious Kennedy Center Honor for his lifetime career achievements as a musician and teacher. Since then, he continues to produce educational events and considers the real highlight of his career as having the music school at the University of Idaho named for him, the Lionel Hampton School of Jazz.

Whether you are Black or White, Democratic or Republican, Liberal or Conservative . . . Lionel Hampton represents the very best of America.

Happy birthday Lionel Hampton.

WELCOMING THE AMERICAN WIND ENERGY ASSOCIATION TO BAKERSFIELD

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. THOMAS. Mr. Speaker, I take pleasure in announcing that the American Wind Energy Association (AWEA) is holding its annual convention in Bakersfield, California this year and in welcoming wind energy experts from all over the globe to this event. Between April 27 and May 1, wind energy industry representatives and government officials from around the world will discuss and view new technologies and the burgeoning market for clean electricity generated with wind turbine technologies.

This convention is a special event for my constituents because others will notice just how important the Kern County wind energy industry has become when conventioneers tour the Tehachapi Pass wind farms. Tehachapi hosts one of the largest concentrations of wind generation equipment in the United States. The area's 5,000 wind turbines produce enough power to light San Francisco. Wind power is big business in this small town: some 3,200 jobs in the Tehachapi area are related to wind power.

The industry has a great story to tell everyone. Today, wind power is being generated in California, Hawaii, Vermont, Iowa, Texas and Minnesota. American companies have gone from buying foreign technology to developing and selling their own wind turbines here in the United States. There are tremendous international markets developing for U.S. wind technology and the industry has dramatically cut the cost of producing power with this environmentally-benign power source to as little as 3 cents per kilowatt hour. The future of wind energy will be explored by convention guests when they come to Bakersfield and I wish all who attend success as they chart the trade's future course.

BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1998

SPEECH OF

HON. JOHN E. ENSIGN

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2400) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes:

Mr. ENSIGN. Mr. Chairman. I would like to thank Chairman SHUSTER and PETRI, and ranking members OBERSTAR and RAHALL for including in the BESTEA legislation an authorization for a new start rail project being undertaken by the Regional Transportation Commission of Clark County, Nevada (RTC). The RTC's Resort Corridor Fixed Guideway Project is included among these projects authorized for Final Design and Construction under Item (34) of section 332 of the bill. This project is currently in the preliminary engineering phase, and is critically needed to meet clean air demands and the ever increasing transportation needs in the Las Vegas Valley. The proposed system is anticipated to carry 95,000 passengers daily, and will provide efficient transit service into the Resort Corridor where over 50 percent of regional employment is focused. I appreciate the recognition given to RTC's Resort Corridor Fixed Guideway Project by the Committee on Transportation and Infrastructure in the authorization of new start projects.

IN MEMORY OF DOROTHY M. VANSANDT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. SKELTON. Mr. Speaker, today I wish to say a special word of tribute to Dorothy "Dottie" Mae Vansandt, the former Cass County, Missouri, Public Administrator, who passed away recently at the age of 75.

Dottie Vansandt was an important civic leader in Cass County, Missouri. She served as the county's public administrator from 1977 to 1992 and devoted her time to various community organizations. She was a member of the United Methodist Church in Harrisonville, MO, and served as a board member for the Cassco Area Workshop. She also served as a member of the Bayard Chapter No. 179 Order of the Eastern Star. In addition, Dottie was a member of the Cass County Central Democratic Committee, the Cass County Women's Democrat Club, and was a Shrine Circus Mom. In 1993, Dottie was honored as the Cass County Democrat Woman of the Year.

Mrs. Vansandt is survived by a son, a daughter, a stepdaughter, eight grandchildren, and seven great-grandchildren.

Mr. Speaker. Dottie Vansandt's public services makes her a role model for young civil leaders. I am certain that the Members of the House will join me in honoring this Missourian who will be missed by all who knew her.

A TRIBUTE TO MINDY ELVEY

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. SHUSTER. Mr. Speaker, I rise today to bring our colleagues' attention to a Pennsylvanian who has refused to let a formidable obstacle stand in her way of making people's lives a little better. This outstanding citizen, Mr. Speaker, is Mindy Elvey of Altoona, Pennsylvania.

Mindy is a teenager growing up in a typical American city, but it is her outstanding actions, Mr. Speaker, which are nothing short of extraordinary. She is a 15-year-old who has battled leukemia and still receives monthly chemotherapy to fight this terrible and life threatening disease. However, Mindy has not allowed her illness to stop her from caring about those around her.

As a patient in a Pittsburgh Ronald McDonald House, Mindy was not permitted to visit the common television viewing room during a critical stage in her fight against leukemia because she couldn't risk infection while being exposed to others. While recuperating at her home in Altoona, Mindy made crafts and sold them to family and friends in order to purchase a new television set for the facility. Her concern for others who were sick and staying at the facility didn't stop there, and Mindy began a campaign to persuade local groups and businesses to donate more television sets to the Pittsburgh Ronald McDonald House. Her efforts have allowed 10 of the 15 bedrooms at the facility to have brand new television sets in them. Mindy Elvey had stated, "I just wanted to do something nice."

For her selfless determination Mindy Elvey is being honored tomorrow, along with other outstanding citizens from around the country, at the Seventh Annual "Make A Difference Day," hosted by USA Weekend Magazine and the Points of Light Foundation.

At this time, Mr. Speaker, I ask our colleagues' in the House of Representatives to join with me in congratulating Ms. Elvey for being chosen as a national honoree and for a job well done. Mindy has shown that no matter what difficult odds we may face, we can still make our world a better place.

NAFTA BELIEVERS CAN CHANGE THEIR MINDS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. LIPINSKI. Mr. Speaker, it is no secret that I have been an opponent of NAFTA since its inception. I have voted against the free trade pact, and I have opposed efforts to expand it.

Many have accused me of being out of touch with modern economics and the "global economy." Nonetheless, I believe the facts have supported my position. NAFTA has been a disaster. Americans jobs have been lost and our trade deficit has exploded with Mexico. I am further heartened in my opposition to NAFTA by the recent conversion of one of America's leading journalists to my point of view: Hedrick Smith of the Public Broadcasting System.

Smith, who produces or hosts many important news programs and documentaries on PBS, recently showed NAFTA's ill effects on his excellent series, "Surviving the Bottom Line." In addition, Smith wrote an analysis of NAFTA in Washington Monthly magazine based on his research for the documentary. Both show a damning picture painted a self-described "long time free trader."

Smith mentions the familiar problems with NAFTA: The U.S. has lost several hundred thousand jobs and our balance of trade has gone from a $5.4 billion surplus to a $18 billion deficit with Mexico in four years.

However, Smith has also uncovered some interesting reasons as to why this happened. His reporting showed that some of the blame goes all the way across the pacific Ocean to Japan and South Korea, where Pacific Rim industrial giants like Sony, Samsung and Panasonic have discovered a backdoor to the U.S. market. By setting up plants south of the border and exporting products made there to us they are able to avoid paying import duties because NAFTA eliminated those tariffs between Mexico and the United States.

Just when many foreign-based firms, such as Honda, Toyota and BMW, has discovered the prudence in investing in plants in the United States to avoid import tariffs, while also paying good wages to American workers who in turn can afford to purchase the products they make, NAFTA has given these companies a huge pool of one-dollar-an-hour workers who can also help them avoid the same tariffs.

Smith's reporting also confirms that rather than bringing the average Mexican worker up. NAFTA has had the reverse effect of depressing the living standard of American workers. The major culprit here is the notoriously weak Mexican labor unions, which are usually controlled by the government, and the power of the maquiladora trade associations in collusion with that government, which conspire to keep wages down lest the Mexican workers actually try to share in the wealth they help create. These low wages have a chilling effect that reaches far north of the border.

Smith's conclusion is not hopeful: "As long as Mexican wages are kept low as a matter of government policy, inadequate labor rights or collusion among employers, the living standard of the American middle class will continue to erode."

For the sake of our nation and for the sake of American working families, we must take a long, hard look at our nation's trade policies and the currently fashionable mentality that all free trade must be good trade. If we don't, I strongly suspect that Hendrick Smith's prophecy will come true.

TRIBUTE TO LUPITA AND TONY RAMIREZ

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. ORTIZ. Mr. Speaker, I rise today to commend and pay tribute to Lupita and Tony Ramirez, for being awarded the Governor's Volunteer Award for outstanding service. Mr. and Mrs. Ramirez were presented with this award on April 20, 1998, by Governor George W. Bush. For over 29 years, Mr. and Mrs. Ramirez have been helping others, contributing to a better way of living for the citizens of Harlingen, TX. They utilize their talents in the volunteer spirit for humanity.

As true pioneer volunteers, Antonio and Lupita Ramirez began their volunteer activities in 1969. They realized that many poor citizens had no transportation to get to their doctor's appointments. In the same spirit, they rounded up twenty friends and turned their home, telephone, and cars into an information, referral and transportation center. They did not have money, but they had heart and determination.

The group organized and became the Harlingen Community Committee. Under the direction of Mr. Ramirez as President, they progressed from the Ramirez' home into a building to one of Harlingen's parks. the Ramirez became a tireless advocate for the poor people. They aided in starting "Su Clinica Familiar" where medical services are available to our low-income people. Mr. Ramirez also helped found Amigos del Valle, which provides housing, transportation, and a hot meal for the elderly in the community.

In 1971, because of high unemployment, they started employment training for the community. Another vital service to the people in need, the Ramirez added Adult Basic Education, teaching English, typing, bookkeeping, Spanish, citizenship, drivers ed, sewing, and upholstery.

In 1974, the Ramirez incorporated the organization and persuaded the city of Harlingen to approve their information and referral and social service agency. All the while volunteers were running the office and providing transportation for those in need. By now, the Harlingen Community Committee had grown and changed their name to "Harlingen Information and Social Service Organization," a multi-purpose center.

In 1983, after a severe freeze, and while the State and Federal officials debated responsibility for bureaucratic bottlenecks, the Ramirez provided emergency help for many farm workers unemployed by the freeze. The Ramirez' quick response to this emergency made it easier for the families to receive the much needed help.

For these efforts, Cameron County Officials and I recognized Antonio and Lupita Ramirez. On March 1, 1984, it was declared the "Tony and Lupita Ramirez Day," in Cameron County, Texas. The Ramirez have received many awards and certificates of merit for their volunteer work from many civic groups and State and Federal officials.

The Ramirez have continued to work as volunteers for over 29 years. Their efforts were made possible through the love and support of their five daughters and their families. Mr. and Mrs. Ramirez are very grateful to the foundations, church groups, and people who have made generous grants and donations to the organization. The grants and donations have made it possible for the Ramirez to continue serving the community. For the last 3 years they have provided nutritional and educational programs for the elderly, information and referral services, counseling, clothing distributions, and a food bank to the many people in need. All this could not have been done by the Ramirez had others not contributed to helping the needy. All this has been done without State or Federal funding, but through the assistance of those people who have believed in their work and exemplified the spirit of volunteerism.

I ask my colleagues to join me in extending congratulations to Lupita and Antonio Ramirez for being honored with this special recognition.

IN RECOGNITION OF THE NATIONAL MARROW DONOR PROGRAM

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. HALL of Texas. Mr. Speaker, I rise to call attention to the National Marrow Donor Program and a campaign called "Because I Care." The National Marrow Donor Program was created in 1986 to provide marrow transplants from volunteer, unrelated donors to patients with leukemia, aplastic anemia, lymphomas and other life-threatening illnesses.

The National Marrow Donor Program maintains a Registry of more than three million potential marrow donors and is facilitating more than one-hundred transplants per month. Currently, the organization's operating funds come from the Health Resources and Services Administration, which is part of the U.S. Department of Health and Human Services. The coordinating center is located in Minneapolis, Minnesota.

In 1990, a walkathon entitled "Because I Care" was held in Longview, Texas, in my Congressional district, to help two leukemia patients, Bryan Quinn and Al Edwards. Stemming from that initial event has risen the "Because I Care Campaign," a volunteer grassroots effort in support of the National Marrow Donor Program. It has since become an international campaign supporting the national program's global outreach.

Thousands of people have been tissue typed, and millions more have become aware of the National Marrow Donor Program as a result of the "Because I Care Campaign." The campaign is coordinated by a volunteer, Amy Hill, of Longview, Texas. Carter BloodCare in Dallas, Texas, a member donor center of the National Marrow Donor Program, serves as the "Because I Care" coordinating center and is under the supervision of Jill Skupin, the National Marrow Donor Program Director at Carter BloodCare.

Mr. Speaker, I ask my colleagues to join me today in paying tribute to all the volunteers and donors throughout our nation who have contributed to the success of the "Because I Care Campaign" and whose efforts are so important to those suffering from life-threatening illnesses. I want to especially commend Amy Hill, whose vision and compassion and selfless dedication helped spark a grassroots effort that grew from Longview, Texas, to become a national and international campaign in support of the National Marrow Donor Program.

TUFTONIA'S WEEK

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. MARKEY. Mr. Speaker, I rise today to recognize Tufts University in Medford, Massachusetts, and to honor the more than 78,000 alumni of this great university as they gather to participate in the 14th annual celebration of Tuftonia's Week.

During Tuftonia's Week, students, alumni, professors, administrators, and parents will gather to celebrate the achievements of the Tufts community. This community encompasses students and graduates that live in more than 100 countries around the world. From the undergraduate through the professional degree level, Tufts University instills in its students the importance of volunteerism and the need to give back to one's community.

Once again, the theme of this year's Tuftonia's Week celebration is TuftServe and focuses on volunteer involvement and community service. Since its inception in 1995, Tufts alumni have recorded over 300,000 hours of volunteer service. Their contributions to the community—locally, nationally, and globally—should serve as an inspiration to us all.

I congratulate the students, alumni, and faculty of Tufts University for their hard work and commitment to the community.

MIKE BORDALLO'S APPOINTMENT TO THE SUPERIOR COURT OF GUAM

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1998

Mr. UNDERWOOD. Mr. Speaker, on Thursday, March 19, another native son of Guam will advance the course of Guam's judicial history when he is installed as a judge of the Superior Court of Guam. Although this history is relatively brief, the judicial branch of the Government of Guam coming into existence in 1950, the name of Michael J. Bordallo will join a distinguished list of Chamorro men and women who have sworn to interpret the law for the people of Guam from the bench of the Superior Court. Like his peers, Mike brings with him an inherent love and understanding of his native language and culture, as well as practical experience defending Chamorro rights, both as a practicing attorney and as a private citizen. Whether it is enjoining the desecration of ancient burial sites or encouraging the talents of local artists and musicians, Michael Bordallo is an active proponent of Guam's cultural identity and heritage.

Michael was born on July 14, 1961 to Attorney Fred E. Bordallo and my sister, Annie Underwood Bordallo, who instilled in him a love of justice and the law and a strong sense of identity. Mike graduated from Saint Anthony School in Tamuning in 1975 and from Father Duenas Memorial High School in 1979. He then went on to the University of Notre Dame in South Bend, Indiana, and earned a Bachelor's degree in Business Administration in 1983. After returning to Guam, Mike went to work in his father's law office. He also served as a legislative consultant to the Guam Legislature's Committee on Education. He later returned to Notre Dame University, attended law school, and received his juris Doctor degree in 1987. After passing the California Bar Exam, Mike returned to Guam and went to work as an Assistant Attorney General representing Child Protective Services in the Family Court. He was sworn in as a member of the Guam Bar Association in 1988, then went into private practice with his father.

For the last six years, Mike practiced law alongside his first cousin, Michael F. Phillips, in the firm of Phillips & Bordallo, P.C. With much affection and admiration, many of the friends and family of the two attorneys often refer to them simply as "Mike and Mike." During his career, Mike Bordallo has represented and participated in numerous actions involving issues such as desecration of ancient Chamorro burial grounds, the military land takings following World War II, the implementation of the Chamorro Land Trust Act, and a Cost of Living Allowance for Government of Guam retirees. He also has represented several legislative committees since 1992, and has represented the Territorial Board of Education and the Guam Department of Education.

In 1989, when the House Interior and Insular Affairs Subcommittee Chairman Ron DeLugo conducted the first-ever hearing on the Guam Commonwealth Act in Honolulu, Hawaii, Mike Bordallo helped found the Guam Commonwealth Hearings Association, which raised funds to subsidize the travel costs of Guam residents who otherwise would not have been able to attend and submit testimonies at the hearing.

In view of his activities in a wide range of island issues, Michael J. Bordallo was appointed to the bench by the Government of Guam and unanimously confirmed by the 24th Guam Legislature earlier this year. I join his parents, Fred and Annie, his brothers and sisters, his wife Carla and their children, Joshua and Stephanie, in congratulating him and placing trust in his sense of justice to guide him on the bench.

HEALTH ADVOCATES HONORED

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. KILDEE. Mr. Speaker, I rise today on behalf of a wonderful organization devoted to improving the quality of life in Michigan and throughout the country, the American Lung Association. On April 23, the American Lung Association of Michigan, Genesee Valley Region, will hold their 15th Annual Health Advocate Awards Dinner, where they will honor State Representative Bob Emerson as their Individual Health Advocate and Hurley Medical Center as Corporate Health Advocate for the year 1997.

The Association's criteria for Individual Health Advocate includes a minimum of 5 years on a health association board or participation in a health related activity, and outstanding contributions to health education and promotion of research. State Representative Bob Emerson of Flint serves as a shining example of this commitment to health issues.

Bob Emerson was first elected to the Michigan House of Representatives in 1980, and has been reelected to six subsequent terms. He currently serves on the House Appropriations Committee, Chairing the School Aid and Department of Education Committee and is Vice Chair of the Community Health subcommittee. As past Chair of the Public Health Subcommittee, Bob was instrumental in making many strides in the areas of state public health, including the designation of prenatal care as a basic health care service and the funding of vital local health services. Outside of the state capitol, Bob has been involved in such groups as the Greater Flint Health Coalition, and was a co-founder of the Crim Road Race, Inc., a non-profit organization that has raised more than one million dollars for the Michigan Special Olympics.

For the honor of Corporate Health Advocate of the Year, The American Lung Association has listed as requirements a definitive plan to promote lung health in the workplace, demonstration of commitment to social responsibility on the part of its employees, a positive display of financial support, and a dedication to improving the quality of life for the citizens of the region. Hurley Medical Center has consistently proven itself worthy of this distinction.

One of the largest hospitals in the state of Michigan, Hurley Medical Center employs approximately 2,500 employees and 475 attending physicians who serve more than 20,000 patients annually. In addition, the Center also operates as a teaching hospital of Michigan State University's College of Human Medicine, thereby helping cultivate the next generation of medical professionals.

Mr. Speaker, since 1904, the American Lung Association has provided an invaluable resource to the country for information and research of lung disease and health. I commend the Association for recognizing and honoring Representative Bob Emerson and Hurley Medical Center as their Health Advocates of the Year. I ask my colleagues to join me in congratulating Representative Emerson and Hurley Medical Center.

CHICAGO ORGANIZATION STRIVES TO HELP HOSPITALS CUT HEALTH CARE COSTS

HON. ROD R. BLAGOJEVICH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. BLAGOJEVICH. Mr. Speaker, all of us in this body are rightfully concerned about the rising cost and quality of health care for our constituents. I rise today to share with my colleagues an effort undertaken by a group in my Congressional District in Chicago that I believe is an an important step forward in our nation's goal of providing all of our citizens with quality health care at affordable prices.

As you know, technological advances in medical care are occurring virtually every day as scientists, physicians, health care manufacturers and institutions combine their vast talents and energies to find cures for all that ails humanity. As a result, the quality of health care available in our hospitals is at an all time high; a level that would have been the stuff of fiction only a few years ago. Advances in organ transplants, laser surgery, drug therapy, physical rehabilitation and scores of other areas have led to longer and more enjoyable lives for millions of our citizens. But the miracles of medicine often come at a daunting price tag for families and working Americans. This rising cost is a challenge that faces us in this body every day.

None of us wants to return to the less effective medical treatment procedures of the past. We want to take full advantage of the better treatment plans that are available. We must be concerned that all efforts are made to ensure that our health care delivery systems are operating at peak efficiency. Our hospitals and other health care facilities must rise to the challenge of advancing the frontiers of medical treatment while not pricing the average Americans out of that quality care.

A vital step in this process is to enhance the management skills of those who hold supervisory positions in health care. To this end, a new book has just been published by the International Association of Health Care Central Service Material Management, in my Congressional District, entitled: Supervision Principles: Leadership Strategies for Health Care Facilities, Second Edition. This book offers health care managers a guide to assist them in personal situations from selecting the best applicants to resolving conflicts to building a cohesive team that will strive to answer all patients' needs in a professional, efficient and cost effective manner. It emphasizes modern management techniques as Total Quality Management and provides real world answers to combat waste and inefficiency, with the net result that hospitals are in a better position to check the rising cost of health care without sacrificing quality of care that all of our constituents rely upon.

Progress in health care is something we all want to see continue. By having better prepared health care managers who can rise above the daily chores they now face to address the larger issues of bringing the advancement of medicine to every American, we will reap the benefits of a healthier, happier nation. I applaud the International Association of Hospital Central Service Material Management for putting forth this constructive work and for helping in our job of working toward a more responsive health care system for all Americans.

CHARLES WILLIAMS—1997 RONALD PEARCE BLIND EMPLOYEE OF THE YEAR

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Ms. JOHNSON of Texas. Mr. Speaker, I rise today to pay tribute to a constituent, Mr. Charles Williams of Dallas, TX, the Dallas Lighthouse for the Blind's 1997 Ronald Pearce Blind Employee of the Year Award.

It is always a pleasure to stand before my colleagues and commend constituents on their achievements. The achievements of Mr. Williams and his award are very inspiring and can serve to motivate individuals who believe that their disabilities prevent them from being productive.

Mr. Speaker, the Ronald Pearce Blind Employee of the Year award recognizes vision-impaired employees who, during the past year, have demonstrated outstanding job performance and work practices. Mr. Williams has shown exemplary skills and work habits as the materials handler in the writing instruments department at the Dallas Lighthouse for the Blind, where he supplies the marker, and highlighter machine operators. He also packages the marker boxes and labels the packages for shipping.

Mr. Speaker, Charles Williams is good at his job because he works hard. As his supervisor comments, he "has a thorough knowledge of his job," and "always looks out for the needs of others before his own needs."

Mr. Williams lost most of his sight in 1992 when he was returning from a moving job in Salt Lake City, UT. After that experience, Mr. Williams had several eye surgeries because of glaucoma. However, his spirit and approach to life has remained unscathed and unaffected. His colleagues will tell you that his energy and attitude are positive and inspiring. This also reflects his great work ethic, as he is an owner of a community store that serves older and lower-income individuals in his hometown of Vivian, LA. In our Dallas community, he is a junior deacon and works with area children.

Mr. Speaker, Charles Williams is a motivated individual who is focused in both his service to others and his work. Therefore, it is fitting that he is the recipient of the Blind Employee of the Year award, presented to an individual who has demonstrated outstanding job performance. I congratulate Mr. Williams on receiving his award and wish him continued success.

EXERCISE TIGER ASSOCIATION

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. SAXTON. Mr. Speaker, there is an old military saying which alerts us to "expect the unexpected." This time-tested adage is as true today as we send young fighting men and women to Bosnia as it was two generations ago in World War II.

On April 23–24, 1998, the New Jersey Exercise Tiger Association will commemorate the 54th anniversary of Exercise Tiger. This year is a special year as the Exercise Tiger Association commemorates all Exercise Tiger veterans in the nation while embarking on the Ohio class USS Maine SSBN 741, a nuclear missile submarine of the United States Navy's Sub Group 10 based at Kings Bay, Georgia. In particular, four veterans of the historic battle will be honored representing all Exercise Tiger veterans. They are Bud Carey, Lt. USN ret. LST 507, Ocean City, NJ; Tom Glynn, USN ret. LST 289, Cape May, NJ; Bob Benson, US Army ret. 3207th Quartermaster Co., Columbia, MO; and Charles Griffey, US Army ret. 478th Truck Co., Independence, MO.

Exercise Tiger was designed to be a dress rehearsal for the D–Day invasion of France. But as is so common in the "fog of war," the best laid plans are always subject to the unexpected and the unanticipated, the unforeseen. And so it was on April 28, 1944 when an American amphibious assault force which was practicing for the D–Day invasion was suddenly attacked by German warships. The surprise attack resulted in the death of 946 men, the second highest death toll of that long and embittered war.

Today, U.S. service men and women are serving in Bosnia in an effort to again secure peace in Europe. These dedicated individuals, like those who have served so honorably before them, have the difficult task of fulfilling the commitments made by American foreign policy makers. And like those who served in uniform over 54 years ago, the unexpected can happen at any moment with devastating effect.

I wish to salute the fine men who served and died 54 years ago while conducting Exercise Tiger. There is a special kinship between those American heroes and the men and women who today are serving on Bosnia. I wish also to pay tribute to Walter Domanski of the New Jersey Exercise Tiger Association. I consider Walter to be one of the "keepers of the flame," ensuring that Americans will remember and reflect on the sacrifices that our military has made and continues to make on our behalf. Finally, I wish to commend these four honored veterans, for they are the models and inspirations for those who serve our country today.

RECOGNIZING FRANKLIN TOWNSHIP'S BICENTENNIAL

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. PAPPAS. Mr. Speaker, as the former mayor of Franklin Township, New, Jersey, it is my privilege to congratulate the people of Franklin Township as they commemorate the 200th anniversary of the incorporation of their community. This bicentennial year is a time for great celebration and reflection for the residents of historic Franklin Township. It is now that we especially celebrate the growth and prosperity of Franklin and remember its past.

Beginning as an agriculturally based center of Dutch settlers in the 1650's, the area has expanded its horizons in many ways over the years. Now a home for over 45,000 people, Franklin Township has achieved economic and cultural diversity; cultivating rural and suburban as well as industrial and commercial areas. Of course along its way to becoming the strong community it is now, Franklin also contributed greatly to our history.

Franklin has been a site of some of America's earliest settlers, a stage for critical Revolutionary War battles, a crucial strategic point for Civil War supply transports and many other such exemplary pieces of our common history. From these pieces of their past, to their continual development of today, the people of Franklin Township have been builders of our Nation.

Thus, it is fitting that Franklin Township will continually celebrate its bicentennial this year with events such as a community service month, the Franklin Township benefit event, a cultural festival and a community spirit day. Also, they will commemorate their rich heritage with a Revolutionary War re-enactment, Bicentennial parade and other similar activities.

In the future years I know that Franklin Township will continue to build on its rich history, prosper and grow as it always has. While the township lies outside the boundaries of my congressional district, it will always have a special place in my heart. Once more, my congratulations and best wishes to the people of Franklin Township on their 200th anniversary.

CONGRATULATIONS TO CHESTERFIELD SMITH

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. DEUTSCH. Mr. Speaker, I rise today to congratulate Chesterfield Smith for being honored by Legal Services of Greater Miami. In his honor, Legal Services of Miami is renaming their offices the Chesterfield Smith Center for Equal Justice. Throughout his long and distinguished professional career, he has strived to improve the quality of legal representation for those less fortunate and has worked to improve our community.

Chesterfield Smith's leadership and service to his community are standards for all. For the past several years, he has chaired the Legal Services of Greater Miami's Campaign for Justice. Under his leadership, the Campaign for Justice has worked to improve a great many lives by being actively involved with housing, employment, community, and family issues affecting the poor. During his tenure as President of the American Bar Association, where he served with distinction from 1973–1974, Chesterfield Smith championed a more activist agenda that remains a hallmark of the Association until this day. As a founding partner of the law firm, Holland & Knight, Chesterfield Smith pushed himself and members of his profession to take a greater responsibility in providing quality legal representation for all those in need. Among his many other accomplishments, Chesterfield Smith has received the Distinguished Floridian Award from the Florida Chamber of Commerce, the Jurisprudence Award from the Anti-Defamation League and most recently, he became only the 12th individual to receive the prestigious Great Floridian Award, presented by the Florida History Associates.

Chesterfield Smith has long been respected for his professional achievements but what distinguishes him from all others is his standing commitment to the people and community around him. I wish Chesterfield Smith the best on receiving this distinction from Legal Services of Miami. His leadership and ability to inspire others are truly commendable.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. KIND. Mr. Speaker, the leadership of the House of Representatives have been proclaiming that campaign finance reform is not a priority issue to the people of this country. Well I am here to tell you that over the Easter break I hosted town hall meetings in almost every county in my district. At those meetings a wide variety of issues were discussed, including entitlement reform, tax simplification and health care coverage. At every meeting I attended the issue of campaign finance reform was addressed. When I asked the people in attendance if campaign finance reform should be a major priority of Congress, every hand in the room went up.

The message from the public is clear, it is time to change the campaign finance system and take big money out of politics. I heard that message everywhere I went over the break. I find it hard to believe that my district is unique when it comes to this issue. I would challenge my colleagues, especially the House Republican Leadership who have refused to schedule a fair vote, to ask their constituents if this should be a major priority. I think they will see that the public is demanding change and it is our responsibility to act now.

Mr. Speaker, we have avoided this issue for too long. It is time to take action. The people of my district will not accept "no" for an answer.

SENATE—*Wednesday, April 22, 1998*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord of all life, You have given us the hours of this day to work for Your glory by serving our Nation. Remind us that there is enough time today to do what You want us to accomplish. Release us from that rushed feeling when we overload the agenda with things which You may not have intended that we cram into today. Help us to live on Your timing. Grant us serenity when we feel irritated by trifling annoyances, by temporary frustration, by little things to which we must give time and attention. May we do what the moment demands with a heart of readiness. Give us the courage to carve out time for quiet thought and creative planning to focus our attention on the big things, on those important things that we must decide and eventually vote on with a decisive vote. Help us to be silent, to wait on You, to receive Your guidance. May the people we serve and those with whom we work sense that, in the midst of the strain and stress of political life, we have had our minds replenished by listening to You. In the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Washington State is recognized.

SCHEDULE

Mr. GORTON. Mr. President, this morning the Senate will immediately resume consideration of H.R. 2646, the Coverdell A+ education bill. Under the previous order, this Senator will be recognized at 9:30 a.m. to offer an amendment with respect to block grants. Members who have remaining amendments to the Coverdell bill are encouraged to come to the floor to offer and debate those amendments. Senators are reminded that any votes ordered this morning with respect to pending amendments will be stacked to occur at approximately 3 p.m. Further votes will occur throughout today's session as we attempt to complete action on this important piece of legislation.

Mr. President, this is the message from the majority leader, and I want to emphasize the last point. It is his intention that we finish all amendments and debate on final passage of this bill before the end of the session today. So those who have amendments should come to the floor and offer them in order, after the debate on my own is complete.

Now, Mr. President, I ask recognition in order to present an amendment.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the leadership time is reserved.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2646, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2646) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from Washington, Mr. GORTON, is recognized to offer an amendment regarding block grants, on which there shall be 30 minutes equally divided.

The Senator from Washington.

AMENDMENT NO. 2293

(Purpose: To provide for direct awards of education funding)

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself, Mr. FRIST, Mr. HAGEL, Mr. MACK, Mr. COVERDELL, Mr. HELMS, Mr. SMITH of New Hampshire, Mr. DOMENICI, Mr. NICKLES and Mr. CRAIG, proposes an amendment numbered 2293.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. GORTON. Mr. President, I ask the following Senators be listed as original cosponsors of the amendment: Senator FRIST, HAGEL, MACK, COVERDELL, HELMS, BOB SMITH, DOMENICI, NICKLES, and CRAIG.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, last fall during the debate of the Labor, Education appropriations bill, I introduced an amendment to consolidate more than a dozen Federal aid programs for education from kindergarten through 12th grade into a single block grant, with the block grant going to each individual school district across the United States. The amendment had three goals: To see to it that each school district receive more money than it does at the present time by sending directly to the school districts money now kept by the Department of Education for administrative purposes and money kept by State educational agencies for administrative purposes. The second goal was to reduce the flood, the blizzard, of paperwork imposed on all of our school districts across the country with respect to dozens, perhaps even hundreds, of separate programs directly or indirectly aimed at the education of our children between kindergarten and 12th grade. And the third and philosophical reason for the amendment was the belief that the professional educators, the parents, and the elected school board members in each State and school district in this country had the education of their children close to their hearts and really knew, in each community, more about what the children of that community required in connection with education policy than did any person in Washington, DC, whether a bureaucrat in the Department of Education or a U.S. Senator in this body.

Perhaps the most difficult conclusion for any of us here to reach is that maybe we don't know as much as do people at home about the immediate problems and challenges that they face in a wide range of areas—in this case, most particularly, education. So it was an attempt to allow 10,000 flowers to bloom, to allow each individual school district far more discretion than it has at the present time to determine where Federal aid could best be used. After all, we only come up with 6 to 8 percent of the money that our schools spend. We don't have a right to come up with 50 or 60 percent of the rules and regulations and forms with which our schools must contend. That burden lessens the ability of teachers to teach and administrators to administer and school board members to set policies.

Somewhat to my surprise, that amendment was passed by a vote of 51

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

to 49. It was objected to, partly on substantive grounds and partly on procedural grounds. It had not been the subject of hearings. The House of Representatives was uncomfortable with it. The President was opposed. And it was eventually dropped in the conference committee on that appropriations bill. Since then, however, it has been a matter of major discussion among school officials all across the United States. It has been the subject of hearings here in the U.S. Senate, conducted by my distinguished friend and colleague, Senator FRIST from Tennessee, on a bipartisan basis. I have spent countless hours talking to educators on the subject and listening to both their praise and to their concerns. As a consequence, this amendment is somewhat changed from the previous amendment. This amendment will last for 5 years, but its effective date will be delayed in order to give the people of each State a very real choice in the way in which they receive their Federal aid for education.

We heard the representative of at least one State school superintendent say that he liked the present system. We heard several State school superintendents say how much more they could do with the money dramatically to reform education policy if the money came to each of the 50 States, to their Governor or to their superintendent of schools. Many of the outside intellectuals and academics in the field of education feel that it is at the State level that true education reform is taking place.

We hear from many school board members—I hear from many of them in my home State and so do other Members—that they liked my original proposal to get rid of both bureaucracies and allow each individual school district to make these decisions.

So this amendment gives each State a choice. The State legislature in the next year may elect to continue the present system, it may elect to take the money at the State level going through whatever educational establishment that State has established, or it may elect, either positively or by taking no action, to allow the money to go directly through to school districts.

Senator FRIST will offer a second-degree amendment allowing that choice to be rescinded to change the amendment I think friendly to the proposition.

As a consequence, we will be able to determine whether or not the proposal I made last year is a significant benefit to education, whether the best system is one in which each State makes its own choices, much as we have done with respect to welfare reform, or whether the present system is best, because there will be States that make each of these three decisions.

I hope that this will turn this proposal into a bipartisan proposal. I am not sure why anyone should oppose that triple option allowing a different way of doing things. Only if we regarded the present education system as perfect should we reject an experiment of this sort.

The second objection, the second apprehension that was close to universal, was the proposition that if we went to a block grant, if we combined all of these ideas into a block grant, Congress would immediately lose interest in education and the block grant would inevitably decline and that the money wouldn't be there for schools. I believe the interest in education here to be high enough so that that would not have taken place, but the concern was very real.

In responding to that concern, we have set authorization levels for the 5 years during which this experiment will take place, each of which rises modestly in each of those years consistent with the balanced budget agreement and the projections of the freeze under which discretionary spending will operate. This proposal says that if in any year we don't meet that authorization level, the whole experiment falls and ends, and we go back to the present system. We have guaranteed not only a continuation of effort, we have guaranteed a modest increase in that effort over the years.

Finally, we have a hold harmless under which school districts say that no school will receive less money if they elect one of the two systems other than continuing the status quo than they would have received otherwise, with the distribution of title I money based on the number of title I eligible students fundamentally, bilingual money based on the number of bilingual students fundamentally, and a distribution of the balance on the basis of the prosperity and poverty of a given State.

I think we have something very positive for education here, a system that will get more money into the classroom, will allow more experimentation, will allow us to find out whether the present system is the best system we can come up with or a State-based system or a local-based system.

At this point, Mr. President, I urge my colleagues of both parties to look at this very carefully, not to judge it necessarily on the basis of the way in which they judged last year's proposal but to judge it on the basis of whether or not they have a sufficient trust in their own elected school board members, elected by the same people who elect us, to make better judgments, in some cases, about their schools than we can make here on a one-size-fits-all basis in Washington, DC.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I rise to oppose the Gorton amendment. I listened with great interest to the Senator's presentation, as I did the last time we debated this issue. Of course, we understand now that if the States want to go out to their taxpayers and raise taxes and to vote those taxes to any of the points that the Senator desires, they have every right to do so, and there is nothing that any of us are doing here that would prohibit them from doing it.

The fact is that the resources which are being provided here and which the amendment is directed to are the resources that are being raised at the Federal level and have been targeted to those aspects of our educational systems that have been identified as being meaningful in terms of our national interest and our national purpose. The Senator's amendment effectively eliminates the Drug-Free Schools Program. That would be included in his block grant, but the funding would not be there.

Maybe parents are speaking to the Senator from Washington and saying they don't like a drug-free program in their schools, but parents in my State are saying they like it and they hope it will be enhanced.

They talk about dispute resolutions that are being developed in various schools. They don't want that program emasculated or effectively destroyed. It does not reach a level of priority in the Gorton amendment.

When I go around my State of Massachusetts, particularly after all of the publicity that was received in the international competition about where the United States stood in areas of math and science, they are not saying cut out the Eisenhower Math and Science Education Training Program. They are asking me, "Do we have in our schools qualified teachers in math and science, and what are you going to do in your higher ed bill to try to have enhanced math and science qualified teachers who are going to teach our children in our schools?"

Too many of the teachers who are teaching in the schools in my State—and in every other State, I might add—are not qualified to teach in their particular courses. One of the most effective programs is math and science under the Eisenhower program. That doesn't exist in the Gorton amendment.

Maybe people are going around and saying to their Senators that math and science training and additional enhancements for our teachers is something in which they are not interested. But I do not hear that in Massachusetts. I do not hear that.

We have support for programming that is going to enhance academic achievement and accomplishments to raise the bar. One of the most important transitions we have seen in terms of education policy is to free ourselves from dumbing down academics, from social promotions in the various schools, and setting high academic standards. The provisions that exist in Federal law would be virtually eliminated by the Senator's amendment. I do not find parents in my State saying, "We are not interested in establishing higher academic standards in our schools." That is eliminated.

If, in particular, communities do not choose to take advantage of these programs, they do not have to take advantage of these programs. But why deny the people in my State the opportunity to take advantage of it if it is desired in the local community and the State makes that determination of priority? It is a partnership today. It is a partnership, but they effectively are denying it under the Gorton block grant resolution.

Mr. President, our role is extremely limited. We provide maybe 7 cents out of every dollar that is extended locally—maybe 6, 7, 8 cents. A chunk of that goes into nutrition programs. A good part of that is the title I programs, additional help and assistance in terms of IDEA, a small part in terms of the bilingual program and a few others, such as the math and science programs. In the Eisenhower math and science training, it is about $360 million, but it is a very good qualified program. And for the life of me, I do not understand where this demand is coming to vitiate that and eliminate those programs.

If a particular community wants to innovate and create and try to do all these other kinds of matters that the Senator talks about, then let them go ahead and do it, let them go ahead and do it. But these programs have been targeted, been basically developed with strong bipartisan support, I might add, or they would not be on the books. We have had strong bipartisan support in terms of the safe and drug-free schools.

We have had it with regard to the Eisenhower training programs, math and science training programs. They will be reinstated when we are dealing again with the Higher Ed Act, with strong bipartisan support. Effectively, we are saying, without a day of hearings, with a very limited debate here for 30 minutes—a few hours in the last session of Congress—that we are effectively emasculating all of these programs.

It is not sound education policy, and I think it is unwise policy for us to be considering at this particular time. We ought to be looking and evaluating each of these programs one by one. If they are having a heavy administrative burden, we ought to examine that and address that. That is why we are commending the work that has been worked out with Senators DEWINE, WELLSTONE, JEFFORDS, and others in our committee for consolidating various work training programs, 126 work training programs in six different agencies to eliminate those administrative costs and to try to do it in a way as to protect the function but eliminate a lot of the administrative costs.

We have been involved in the last several years with waiving various rules and regulations in States and in educational districts, which is working out. And we can do that, selectively and effectively. We welcome the opportunity to do so. We have had evaluations, and they are effective. We welcome the opportunity to work with Members here. The leader in that effort was Senator Hatfield of Oregon, who is a leader in education as well as an attempt to try to give the focus of limited Federal funds to areas which have national purpose and national accord.

Finally, Mr. President, we do not have accountability under the Gorton amendment. We hear a great deal about trying to have greater accountability so we know what are going to be the results of investments of scarce Federal funds. We do not have that in the Gorton amendment. We do not know what is going to happen when that money goes out into these various communities. There may be some feel-good measures that people feel good that they are able to try to move various resources around in different directions, but we do not know what the outcomes are going to be. You do not have the accountability.

So finally I just say that we have a relationship at the Federal, State, and local community levels in terms of education. It is a partnership. I think it is fair to review that partnership. It is fair to examine various programs and what is effective in that partnership. But we raise money at the Federal level for national purposes, safe and drug-free schools. We made that a part of our war on drugs in this country.

It is a matter of national policy. We said we want, as a national policy, to have drug-free schools. That is effectively eliminated in this program. We said we want focus and attention on math and science in our schools, and we developed a program that if initiated in the local communities on a competitive basis will provide those resources. That program is eliminated.

We have said as a matter of national policy that—and just about everyone agrees with that—we ought to raise the bar in terms of academic achievement and accomplishment. Let us go ahead and do that. And we have an agreement by parents. They are enthusiastic about it. And that is going to be eliminated under this program.

Mr. President, this is not an advance. It is rearranging the deck chairs, but we are not enhancing the academic opportunities for children in this country with this amendment. And I hope that it will not be accepted.

Mr. President, how much time do we have on this side?

The PRESIDING OFFICER. You have 5 minutes 40 seconds.

Mr. KENNEDY. I withhold the balance of the time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. GORTON. Mr. President, those deck chairs, as I remember, were sitting on the deck of the Titanic. It is already going down.

I ask unanimous consent that Senator ASHCROFT be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I am saddened by the response of Senator KENNEDY. This amendment was revised very substantially after consultation, wide consultation with people thoughtfully interested in education.

By the terms of the amendment, any State that wants to continue the present system and thinks it is best may do so, any State that wants to operate its Federal aid through its State educational entity may do so, and any State that thinks that education will best be conducted at the local level will be permitted to do so. How that destroys programs or hurts education is beyond my understanding.

In January, Dr. Carlotta Joyner of the General Accounting Office came before the Senate budget task force and said in three areas of education 15 Federal departments and agencies administer 127 at-risk and delinquent youth programs; 11 Federal departments and agencies administer more than 90 early childhood programs; and 9 Federal departments and agencies administer 86 teacher-training programs.

Twenty programs are consolidated into this block grant for those States that wish it. It takes about one-third of all of the money that the U.S. Department of Education spends on education from kindergarten through 12th grade. To say that once we reduce the rulemaking functions of the U.S. Department of Education we are going to destroy education is to say that neither State education agencies nor local school districts nor superintendents nor teachers either know what they are doing or care about what they are doing.

That is simply wrong. They know more and they care more because they are right there with our children. If it does not work, it will go out of existence. Any State that does not want it does not have to take it. I believe this is an amendment that ought to be adopted unanimously. I regret the opposition of the Senator from Massachusetts. What we are doing is improving education and getting more dollars into the classroom, not less.

Mr. President, I yield such time as he wishes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. DOMENICI. Two?

Mr. GORTON. I yield the Senator 1 minute. Sorry.

Mr. DOMENICI. Mr. President, I rise to congratulate both Senator GORTON and Senator FRIST. Senator FRIST conducted a series of hearings in his Budget Committee task force from which came much of the factual information and evidence of the great need for reform in the programs that are now in the Gorton amendment.

Frankly, I think what has happened is some are still looking at last year's Gorton amendment and assuming that is the bill before us. This is about one-third of the Department of Education's programs, a little over $10 billion out of a little over $30 billion. So one-third of it will be block granted.

But the point of this amendment this year for those who thought we were going to in some way dismantle the programs nationally, this bill has options in it so if anybody wants to stand up and say these Federal programs are the greatest thing and the States love them and the school boards love them and they participate wholeheartedly and they are effective, they can say that. It really isn't true, but they can say that, and we can stand up and say, well, fine, if they are that good, obviously, the States and school boards across the land will choose the option to keep them just like they are and let the Federal Government run them. The healthy part of this is it is going to be a wonderful experiment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMENICI. I ask unanimous consent I be permitted to speak for 1 additional minute and it not be counted against Senator GORTON's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. This will be a wonderful experiment, for if, indeed, some States choose to remain under the bureaucratic programs that in many cases do not even fit the needs, and in many cases States do not even participate because they are so far from what the needs are, if they want to, they keep the programs. And then a number of States may go the other route, it will be marvelous for Americans to be able to see, in about 5 or 6 years, which approach helped the kids more, which approach got more education dollars into the classroom on a day-by-day basis, addressing the major problems that the school boards and State school boards find to be the real areas of need at the State level.

I think it is time to let States make that choice. Let us see which one works best—categorical strings attached, Federal programs that frequently miss the mark, or the approach that Senator GORTON has. I am delighted to be a cosponsor.

I yield the floor.

Mr. DORGAN. How much time remains?

The PRESIDING OFFICER. The Senator from North Dakota has 5 minutes 40 seconds and the manager has 1 minute.

Mr. DORGAN. Let me make a couple of comments.

First, I think the Senator from Washington, Senator GORTON, is a thoughtful legislator and I have agreed with him on a number of education policies, including last year his fairly controversial amendment on IDEA. I supported him on that and I thought his amendment was the right amendment.

This is an area in which there is just some philosophical disagreement. Let us be honest, there are some—I don't think the Senator from Washington is among them, or perhaps the Senator from New Mexico—there are some who very much believe the Federal Government should not be involved in education in the elementary and secondary education at all.

The Republican Party platform in 1996 said, "This is why we will abolish the Department of Education and end Federal meddling in our schools." I am not suggesting that is what this amendment does, but philosophically there are people, and a fairly significant number in your party, who really believe there should not be a Federal Department of Education, who believe that these programs represent meddling, and it ought to all be done at the local level.

My point is this: There have been certain national priorities that we have tried to address with the programs that we have developed for elementary and secondary education at the Federal level. By far the bulk of funding for elementary and secondary education is at the local level. They run the schools; they finance the schools. If we were to decide, "Let's not care about how these moneys are spent that go to State and local governments from the Federal Government for elementary and secondary education," I would say then let's not be a tax collector here. That is what we would be. If we say we don't care how the money is spent, we will collect the money and throw it back there, all we end up being is a tax collector to add extra money for elementary and secondary education. In that case I say, raise the money at home. Why pass around an ice cube? All that does is mean you get less money back when you do it that way, so just raise the money at home. Don't do it at all. Just suggest there aren't national programs of national interest or national need.

Some of us here believe very strongly that what we have done with the Department of Education and the kind of "gap funding" we have provided for certain title programs and other programs of some national importance and national interest and national need have advanced the issue of education in this country. It doesn't mean we have tried to run the school systems. We haven't and shouldn't and won't. It does mean that a number of these things we have done nationally strengthens the schools. It fills in areas of national need on issues of national importance that otherwise would not have gotten done.

Again, I have great respect for the Senator from Washington, but I will oppose his amendment simply because I happen to think that what we have done in creating a Department of Education and in providing some directed gap financing for programs that represent national interest and national need—drug-free schools program being one, for example, and many, many others that are very important that I think have strengthened education in this country.

I understand there will be a second-degree amendment offered here and that will allow a few more minutes of discussion. But let me just say again, I think this stems just from some philosophical differences. I respect those on the other side who say, "Well, you can spend this money better at home." I say, if that is the case that there shall be no national purpose and no national interest with respect to some of these issues, let us not have tax collectors in Washington raising the money here and taking it away before they send it back home. Just have the folks back home raise all the money and spend all the money.

If you believe there are certain things that are worthy—including programs like title I and so many others—that have advanced education in this country and been very helpful, not intrusive, but very helpful, to State and local governments who run our elementary and secondary school systems, if you believe that, then I think you support what we have done to improve it and strengthen it.

I yield back the remainder of our time. My understanding is there will be offered a second-degree amendment.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Washington.

Mr. GORTON. Mr. President, my friend from North Dakota makes two arguments. One, a philosophical argument against the abolition of the Department of Education, based on the philosophy that there is a function of the Department of Education in Washington, DC. That, however, is not an argument against this amendment since this amendment does not abolish the Department. It takes only about one-third of the money that it is spending in K through 12 education.

The second argument the Senator from North Dakota makes is that it is absolutely essential for the success of our educational efforts that there be very strict rules coming from the Department of Education to every school district in the United States. That would be a forceful argument if we had been a tremendous "signal" success in these policies. Nothing indicates that we have been. It is one of the reasons we are debating education policy here today.

What I proposed is an opportunity to try three experiments: Continue the present system, allow the States to do it, or allow local school districts to do it. I remain puzzled that anyone should say that we are so successful today that we can't experiment, we can't change. Let's try for a while three different systems and see which one works the best. Competition always ends up with the best results.

I yield back the remaining time.

The PRESIDING OFFICER. Time on the amendment is expired.

AMENDMENT NO. 2294 TO AMENDMENT NO. 2293

(Purpose: To provide for direct awards of education funding)

Mr. FRIST. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 2294 to amendment No. 2293.

Mr. FRIST. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. FRIST. I understand we have 15 minutes on either side.

The PRESIDING OFFICER. The Senator is correct.

Mr. FRIST. Mr. President, I rise today in support of the Gorton amendment and also rise to explain the amendment which I just submitted.

As has previously been referred to this morning, I have had the opportunity over the past 6 months to chair the Senate Budget Committee task force on education. During that series of seven hearings that we held, I listened very carefully to a number of witnesses. Both Democrats and Republicans alike came before our committee and discussed the nature of the Federal role in education. The terms that were used and the picture painted was that we had this sprawling endeavor, that is duplicative in many ways, that has not been focused to the degree that any of us would like, which in turn, in many ways, has tied the hands of the education establishment, has tied the hands of State communities and local communities and local school administrators and teachers and principals and parents. We have heard it again and again.

I applaud Senator GORTON for building upon his amendment from last year. The amendment that we see today, which I think goes a long way toward accomplishing the goals as recommended by the task force to consolidate—not eliminate, but consolidate—the various efforts we have at the Federal level to accomplish what we want to accomplish; that is, to educate the young people, K through 12 today. We have not been successful in the past. We all know that. That has been demonstrated again and again.

The amendment that I introduced today makes the Gorton amendment, I believe, even stronger. Under the Gorton amendment, a State must choose within a 1-year time period and pursuant to a majority vote in their State legislature and with the concurrence of the Governor, one of three options. Again, the beauty of this amendment is that there are three options. After the initial selection under the Gorton amendment, a State can only change that selection one time and only after a 3-year period.

My amendment would simply allow a State which has chosen to remain in the current system—again that is the beauty; if a State elects not to change under the Gorton amendment, they don't have to change—if a State does say we will stay exactly as we are today, continue the categorical program that they have today, under my amendment they will be able to opt any time over the next 4 years to go into one of the block grant programs.

That is the extent of my amendment. In addition, we heard from States like Kentucky that have biennial State legislatures, and it gives them the opportunity to make that decision after they next meet, since the underlying amendment had this 1-year time limit. The real theme to the Gorton amendment is the flexibility that is given to localities—flexibility for individual localities and individual States to decide for themselves, based on their own priorities, based on their own identified needs, how to best spend their education dollars.

My amendment builds on that flexibility, allowing States to decide, and they are given more choice. The need for consolidation could not be clearer today. We know that over the last 20 years we have had stagnant student performance in science, mathematics, and reading. We have seen that data again and again. Our task force looked at the Federal role in education, and we found this sprawling, unfocused effort that did suffer from a programmatic reluctance to ask the fundamental question: What works and what doesn't work? There is something inherent in the program that prevented us from asking that question, until today.

We saw these huge charts that take the 500 Federal programs, or 2,900 programs of the Department of Education, and we saw these overlapping, intertwining, well-intended programs that have lacked the focus, have lacked the streamlined consolidation approach, and they have not worked. What the Gorton amendment allows us to do is choose a system, not change it all for two block grants of about $10 billion, to choose based on your individual needs what might work for you.

We have already tabled, over the last 2 days, a school construction program. We will debate other amendments that create a program for dropout prevention, to create new programs. The beauty of the Gorton amendment is that we give the States and the localities the money, and if they have a problem with dropouts, they can identify that program and use the money there. If they don't have a problem, they don't have to use it there. For technology development, we give the States and the localities the option to decide how to spend that money.

It is not a partisan issue. People have tried to make it, both in the media and sometimes on the floor, Republicans versus Democrats. We listened carefully in our task force to the Democratic officials from the Chicago school system. They extolled the virtues of flexibility. That is what the Gorton amendment is all about. They said that the flexibility in much of their own program's success in reforming the Chicago system can be—it draws back to that use of block grants, which has that flexibility. They said to our task force: "We know the system, and we believe we know the things that it needs to have in order to improve." They continued: "So the more flexibility we have with Federal and State funds, the easier it is to make those changes."

Florida's commissioner of education went on to say: "We at the State and local level feel the crushing burden caused by too many Federal regulations, procedures, and mandates. Florida spends millions of dollars every year to administer inflexible categorical Federal programs that divert precious dollars away from raising student achievement. Many of these Federal programs typify the misguided, one-size-fits-all command and control approach."

Those were the words of Florida's commissioner of education.

We also heard that the Department of Education has indeed made some progress in eliminating some regulations and consolidating programs. Secretary of Education Riley reported that the Department eliminated 64 programs. But then we heard 2 weeks later from the General Accounting Office that the Department still oversees 244 separate individual programs. Given that the Department and the Secretary are moving in the direction of streamlining and consolidation, it is really confusing to me why the Department and the administration oppose the Gorton amendment, which does just that; it consolidates, it does not eliminate the Department of Education, it does not eliminate the targeted populations; it consolidates and allows individual communities to best choose how to use those same amounts of dollars.

Accountability was mentioned. It is a red herring. The Gorton amendment very specifically provides for accountability to both the Federal Government and to those people who really care the most. I am absolutely convinced that the people who really care the most are the parents of those children in those schools. The Gorton amendment very specifically requires public involvement in planning a strategy for the use of block-granted funds and an accounting to the public of the results once the funds are used. Accountability is specifically addressed.

Targeting. We heard about the title I population. That is specifically spelled out in this amendment. There is no weakening of the targeting nature of the Federal funding of things like title I. It is interesting to note that the Gorton amendment does not do this. In fact, 100 percent of title I part A funds would flow directly to the local education agencies—100 percent. There is no cutting there. Under the Gorton amendment, 100 percent of the funds would be used by the schools in the classrooms, not with that administrative overlay, administrative cut taken off to be spent here in Washington, DC. No; this makes sure that the targeted populations receive the funds in the classroom.

The premise behind both my second-degree amendment and the Gorton amendment is flexibility. States and localities will have the flexibility to decide for themselves how to best use education dollars, not the U.S. Congress' well-intended layering on of program on program, not the administration's budget proposal sent to us in which there were eight new education programs. Another four have been proposed here in the last 2 days. No; we want those moneys, that accountability, that flexibility to be carried out at the local level.

The task force heard testimony of numerous witnesses. We heard from Susan Gendrich, who runs a wonderful public school in Murfreesboro, TN, called Cason Lane Academy. We heard that the real beauty, the reason they have been able to accomplish so much, is because they were given the flexibility to have remedial schoolwork in the afternoons by using unused funds that otherwise would have gone to something they did not need.

Yes, let the States and the localities exercise some creativity. That is where the innovation actually is. Again, remember, in the last 20 years we have been stagnant in school performance. What we have done through 500 programs, spending $100 billion a year, has not improved education in our public schools. Let's give them an option. That is what this is, an option to keep what you have, to go to a block grant program. Our current approach is simply not working. Let's try a new approach, something novel, and return decisionmaking authority to those closest to our students—the States and the localities.

Mr. President, I urge adoption of the FRIST amendment, and I reserve the balance of my time.

I yield 5 minutes to the Senator from Missouri.

How much time remains?

The PRESIDING OFFICER. Four minutes 42 seconds.

Mr. FRIST. I yield 4 minutes to the Senator from Missouri.

Mr. ASHCROFT. Mr. President, I rise to commend Senators GORTON and FRIST for what I believe to be a very important step forward in providing the basis for educational achievement by students. Sometimes I think in all the debate we have about education, we get worried about one group of individuals who might manage funds here and one group who might manage funds there, and whether or not this would be directed by this group or that group. The ultimate objective of our program in education is student achievement. We want students to develop, as a result of our educational efforts, the capacity to grapple with the issues of the next century. We ought to ask ourselves on a regular basis, How is that best done? How do we elevate the capacity and the performance of the students? What is it that gets that done best?

Well, I think this particular effort on the part of the Senator from Washington and the Senator from Tennessee recognizes two or three important principles in student achievement. First, nothing is more directly correlated to student achievement than parental involvement. The more influence we give to parents, to community leaders, and to the role models who are right around those students in shaping the students' opportunities, the more likely those students are to achieve. Study after study shows that when parents are involved, when schoolteachers and community officials are involved, when the culture around the student is involved in decisionmaking and they get active in the schools, that is when achievement goes up.

Now, this block grant approach is going to move toward the parents, toward the communities, toward the students, toward the cultural leaders who surround the students, and give the right to make and the opportunity to make decisions that they believe will best motivate and enhance the capacity of students to achieve. It is very, very important.

Second, I believe that it is very difficult to make intelligent decisions for the whole country under the rubric of a single prescription. There are a lot of health problems in the United States. But if we were to say we were going to prescribe a single wonder drug, I think people would wonder about it. They know they would like to be able to go to their doctor to decide what is wrong with them, what their problems are, and to get a prescription that would really make a difference to them. I think when we give the capacity to deploy resources to State and local school agencies and we don't tell them what sort of prescription there has to be but we allow them to use the resources to best achieve what is needed in that area, we provide the basis for student achievement for actually delivering through the educational process what it is we need to deliver.

I visited a school in southwest Missouri just this last year. Both State and local governments had so many strings on what they said money could be used for that they could not do what needed to be done. They needed to build new classrooms. They were laboring under a requirement that they had to spend so much of the money for teacher's salaries. They wanted to be able to do teacher's salaries. But they first needed classes. Because it was a high growth area, they were trapped between needing to get the classrooms first, for which they could not spend the money, and having to spend the money for teachers. They couldn't use the teachers until they had the classrooms.

We really need to free the people who care the most about America's future—they are parents, community leaders, school leaders, teachers, and administrators at the local level. We need to free them to be able to deploy resources effectively.

There is a myth in Washington; that is, that we can make something where one size fits all. The truth of the matter is one size fits none.

These amendments are fundamentally beneficial amendments which will help Americans develop and shape better schools for their children in which students achieve.

I thank the Senator from Tennessee.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, once again I think we have a philosophical difference here. I don't see that parents, teachers, schools, and local officials are not free now. They are certainly free now to develop their own programs, raise their own money, and run their own schools. They do that. They are free to do that. They do it every day in every way.

The local school in my hometown of 300 people is run by the local school board. They raise the money in the local tax district. The school board hires the teachers. They decide with the State government about the curriculum. They are perfectly free to do that, and do it every day.

The Senator from Washington indicated this is not a debate about abolishing the Department of Education. He is absolutely correct about that. This, however, represents a seed from the same garden. That is why I mentioned that in the 1996 Republican National Party platform it says: "That is why we will abolish the Department of Education and Federal meddling in our schools."

It is a seed from the same garden that says, by the way, if there is any money going back from the Federal Government, let's make sure that there is no purpose for that money; let's make sure it goes back in the form only of general aid and not some kind of assistance, as has historically been the case for compensatory education for poor children.

One-half of the Federal money that has been spent since 1960 for elementary and secondary education has been spent for compensatory education for lower-income children. It has been remarkably successful.

Once again, let me emphasize that we don't run and never will run the local school districts, and we don't finance the local school systems. This is kind of gap financing for certain things that we have considered a national purpose, among which, as I mentioned, is compensatory education for lower-income children, but other areas as well.

Let me mention just a couple of them: The School-to-Work Program, the Safe and Drug-Free Schools Program. What if, for example, this amendment passes, and it is decided that in 45 States, while we have said there ought to be a national priority on the Safe and Drug-Free Schools Program, and here is the money for it, 45 States say, "Well, sorry. It is not our priority. That is not our priority. We are not going to do that." Yet, we keep sending the money, and we have 45 States in which there is not a safe and drug-free schools program.

My question to the Senator from Tennessee and the Senator from Washington is: Why would we want to keep spending the money in that case? Why would we want the Federal Government to become a tax collector for local school districts for no national purpose? They have said, "We want your money, but there is no national purpose served in having a safe and drug-free school program." I don't think that makes any sense.

I say just do this through the front door. If one really doesn't want the Federal Government to be involved in these programs, just end the financing for the programs.

What we are suggesting here is not—the Senator from Washington is correct—abolish the Department of Education, although I certainly think there are plenty who want to do that. But I think the American people probably would not approve of that. So it is the kind of an approach that says, "Well, let's simply abolish the purpose for the money but continue to provide the money." I just do not understand that.

The Senator from Missouri made a general point about education. Let me say that I agree with what he said about education. Education works in our local schools all across this country when you have a teacher that is a good teacher, when you have a student who comes to school willing to learn, and when you have a parent involved in that education. Those three elements are critical and necessary for education to work. There is no question about that.

We debated yesterday the question of the priority of school construction to see if there could be some incentive to promote further investment in school construction. That was not the priority yesterday. There needs to be other discussions. Regrettably, I wish it was. But that is also a rather important point. That child must go through the classroom door of the classroom that is a good classroom in good repair and not overcrowded.

I mentioned a week ago that I was at the Cannon Ball school—at an Indian school, a public school, and a public school district—and a second grader named Rosie Two Bears, she is going to school this morning in a school that is not in good repair. You can have all the other things that work, and then to have classes where one teacher is teaching two classes back and forth at 50-minute intervals with kids with desks that don't have a half an inch between them, because there is not room with 140 kids and 40 staff people in a building that is 90 years old, part of which is condemned, and they have two bathrooms and one water fountain for 180 people, that is not in good repair. Does that school need substantial investment to make sure this second grader named Rosie who goes to school has the same opportunity that your kids and my kids do? Absolutely.

We have a lot to do, and a lot of challenges.

This issue, however, is not about the general financing of elementary and secondary education, because we do not do that. The general financing and the management of our elementary and secondary education system is done at home. That is where it ought to be done. We have, however, in recent decades indicated there are some basic issues of national purpose to be served by creating a title I program, a vocational education program, and a safe and drug-free schools program. That represents national interests and a national purpose that you would hope to see attained at every school district in every State all across this country. Some say, "Well, let's just retreat on this issue of national purpose. Let's just back up on this issue of national importance." The Senator from Washington last year when he offered his amendment included, for example, title I in vocational education. He did not include it this year. I am pleased to see that because, frankly, it seems to me that if you just look at what has happened to the success of these programs you can't help but conclude that what we have done, while not perfect, has been enormously important in the lives of a lot of students, especially poor students in every school district in this country.

The General Accounting Office recently found that the targeting of the Federal education programs to those with the greatest financial need has been very successful.

In fact, they say for every dollar the Federal Government provides to a student, in general, it provides $4.73 to an impoverished student.

What that means is what we have tried to do has largely worked to try to fill in some gaps to say that where there is not adequate funding locally and where we have a sense of national purpose about something that we know needs to be done, we are going to try to fill in that gap.

It seems to me to say that we are going to retreat on that and say what we are going to send back now will just be general aid—I say the right approach for that is, if you are going to retreat altogether, just say we will not be sending categorical aid because we do not sense a national priority or a national purpose or a national interest and therefore we won't send the money either.

Or, alternatively, you can end up deciding there is no national purpose here and we will not support the national interest in these programs, safe and drug-free schools being an example, but we will continue to be a tax collector and will collect the taxes and then send the money back. Gee, I think the folks back home would be much more impressed with a straightforward approach to this alternative, which I don't support, in which we say we do not support the programs and we will not collect the money for it; you do what you will back home.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Tennessee has 29 seconds remaining.

Mr. FRIST. And the other side?

The PRESIDING OFFICER. Six minutes 22 seconds.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. In my 29 seconds, let me make it very clear that the Gorton amendment continues to target title I, the student. The disadvantaged students still get the money, still get the programs. The difference is that 100 percent of the money gets down to the classroom where it is needed.

The Gorton amendment has as its underlying theme flexibility and accountability, the two things that we have heard again and again are necessary to accomplish our goals of educating students. We are not doing a good job. Our education system is not successful. When we compare ourselves in the 12th grade to science students all over the world, out of 21 countries only 2 do worse than us. It is not successful.

This bill preserves choice. It gives options: No. 1, to continue to receive this $10 billion in Federal funds under the current system with the same regulations, no change. You can choose that. Or your second choice: Have those Federal funds sent directly to the local school districts minus the Federal regulations. Or choice No. 3: Have Federal funds sent to the State education authority minus Federal regulations.

As Frank Grogan, Florida's commissioner of education, said:

> With education, we are already beginning to see States becoming living laboratories. If left to pursue reform without added Federal burdens and interference, States can learn from the success and mistakes of others with the freedom to emulate some programs as models and/or discard those that are ineffective.

The Gorton amendment gives that opportunity, with accountability built into those States and the local level.

Mr. President, I yield the floor.

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER. Six minutes 22 seconds.

Mr. DORGAN. Let me just make another quick point.

You will not find a challenge anywhere in this Chamber by anyone who would stand up and say it is not important to have local people making local decisions, that some of the best decisions that can be made can be made locally. No one is going to contest that.

The point I am making is this: Local governments, State and local officials who run the elementary and secondary school systems in many cases over now many years, have indicated they do not have the resources to provide the kind of help we provide in title I as a gap financing that moves certain kinds of assistance to poor children or children who go to poor school districts.

Now, the amendment of the Senator from Washington does not put title I in this block grant category this time, as I indicated he did last year but does not this time, as I understand it. I address the Senator from Washington. Is that correct?

Mr. GORTON. No, the Senator is not correct. Title I is in this amendment. However, the money is distributed only on the basis of title I-eligible students. In other words, the school districts will get the same amount of money and will still be targeted for title I-eligible students. But it is in this amendment.

Mr. DORGAN. My understanding was that title I was not part of his amendment. We were trying last evening and this morning to understand exactly what the language would be.

That makes his amendment much, much worse than I had previously thought. It does confirm then what I said earlier, that we have taken a successful approach in which we have tried to provide some compensatory education assistance especially directed at impoverished areas and at poor children, and have done it in a very successful way, and now say but all of that will become a pot of money that we send back, and we will just become tax collectors for local governments or for school districts and say, "You all pretty much retool this and rethink what you want to do with it along the lines that represent your priorities." They have their priorities, and should have their priorities, and their priorities are to govern how they run their schools. And they are free to do that.

Again, the discussion earlier was about they are not free somehow. Of course, they are free. State and local schools are run by the State and local school districts. They are free to raise their money, free to impose taxes, free with their State governments to develop curriculums. Of course, they are free to make those decisions. But in areas where we have provided some assistance based on what we perceive to be a national purpose, the amendment says, let us provide the money but no requirement that anyone sign up to this national purpose. And again I come to the issue of safe and drug-free schools. There are a good many of them: Eisenhower Professional Development, the Innovative Education Program, the Technology Challenge Grants, and so on—safe and drug-free schools.

Have we decided, or should we decide, or will we decide as a country on a national need to have a safe and drug-free schools program across this country that is stimulated by some financing that we say you must pursue this and must have it because there is a national purpose for this, and we will provide some financing help because we are mandating something? Are we at a point where we say, no, there is no longer a national purpose for a Safe and Drug-Free Schools Act? Let's have a Safe and Drug-Free Schools Act, for example, in North Dakota, but the other 46 States say, "Gee, we don't want one; this is not a national priority."

Drugs and the issues surrounding drugs and young Americans and schoolchildren are a national priority. It is of national interest. And we have decided in the Safe and Drug-Free Schools Act that we want to provide some funding if we are going to provide a mandate here, some funding from the Federal Government to say to these school districts, "We would like you to do this as a sense of national purpose and national interest, and here is some financing to help you do it."

The amendment is an amendment that essentially says, well, let's convert all of those national interests and urges to some notion of general aid, and so we will then be tax collectors and we will just collect money and send it back. I say as I started, that is like passing an ice cube around. By the time you get to the sixth or seventh position on that ice cube passing, there is no ice cube left.

A much more straightforward way of doing this would be to say we don't believe these are programs of national interest, and therefore let us say to local governments, "Raise your own money and spend your own money. We are out of the way." We are, as their party would suggest in their platform, abolishing the Department of Education. Get out of the way and let everyone else do their thing.

There is a different way, and the other way is to recognize that most all of elementary and secondary education is funded by, controlled by, the local people back in the home districts and the school district in the towns. It will always be that way. But there are things that represent a national interest, and those kinds of policies and those kinds of issues, debated over many, many years here in this Congress, resulted in the construction of a program called title I and other title programs. The Safe and Drug-Free Schools Act, the Technology Challenge Grants, and others have been, I think, enormously important to say to the local school districts, "While you are there, we are going to offer some help, for example, to see that you get your school wired up to the Internet. If you need help to do that, here is some help to do that, to see that you have a safe and drug-free schools program in your school district, in your schools."

That has been the nature of our involvement in education. Again, it is very seductive, I think, to say, well, gee, shouldn't local people make all these decisions. Yes, I think so. With their money they should make all their decisions in their elementary and secondary education programs. But isn't there a circumstance where we have some issues of national importance where our money, our resources, our investment ought to follow that urge of national importance on the Safe and Drug-Free Schools Act? I think so. To back away from that, I think, would be a mistake.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. GORTON. Mr. President, I understand the minority will simply permit the Frist second-degree amendment to pass by a voice vote. I will then ask for a rollcall vote, which will take place at 3 o'clock, on the underlying amendment.

Mr. DORGAN. Might I, by consent, say to the Senator from Washington, while we do not support the second-degree amendment, the second-degree amendment is a rather technical change of the underlying amendment and we see no purpose in having another rollcall vote on that. While I do not support it, we will accept a voice vote on the second-degree and then have a recorded vote on the underlying amendment today.

The PRESIDING OFFICER. The question is on agreeing to the second-degree amendment.

The amendment (No. 2294) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2293

Mr. GORTON. Mr. President, in 1768 in a letter to George Wythe, Thomas Jefferson wrote,

> No other sure foundation can be devised for the preservation of freedom and happiness . . . Preach a crusade against ignorance; establish and improve the law for educating the common people. Let our countrymen know that the people alone can protect us against the evils [of misgovernment].

As a nation we have long recognized the importance of education of the future well-being of our children and our nation. A quality education is vital in an increasingly competitive global environment and indeed, as Jefferson notes, to the preservation of our democracy. Every Senator undoubtedly wants to do everything in their power to improve the educational opportunities for all children. It is one of our highest priorities in the U.S. Senate.

As many of my colleagues may recall, last year I offered an amendment to the fiscal year 1998 Senate Labor, Health and Human Services Education appropriations bill that consolidated most federally funded K–12 education programs, and sent that money directly to local school districts free from the mandates and regulations imposed on our schools by Washington, DC, bureaucrats. The Senate approved the amendment but, at the administration's insistence, it was stripped from the final bill.

For most of this half century Washington, DC, has been dominated by people who believe that centralized decisions and centralized control exercised by Washington, DC, is the best way to solve problems, including those in the classroom. This approach has not worked. As Washington, DC, has taken power and authority from local school districts, our schools have not improved. But, old habits die hard. The belief in centralized power is still very much alive. When I proposed my amendment last year, every single Democrat in the Senate opposed it and the President strongly criticized the approach of returning money and authority over education to our school districts.

Why is the status quo no longer acceptable? There are a multitude of reasons. As many of you know, the results of the Third International Math and Science Study (TIMSS) were recently announced. Unfortunately, those graduating from our high schools did not fare well. Twelfth grade students from the United States did not achieve at a level I would call acceptable, with scores below the international average in both science and mathematics.

Is it because the United States has not been devoting sufficient resources to education? The facts don't bear out that assessment. Resources devoted to education have been increasing in constant dollars almost yearly for the last 25 years, but there has been no significant change in the achievement of students.

What do we have to show for our investment? We have a web of literally hundreds of Federal education programs woven throughout 39 Federal departments and agencies and totaling $73.1 billion in 1997. I wish I had a comprehensive list of all the Federal education programs to show you, but the Department of Education doesn't know exactly how many there are.

In January of this year Dr. Carlotta Joyner of the GAO appeared before the Senate Budget Committee Education Task Force and presented us with a graphic that highlights the web of Federal education programs in only the three areas of education: At Risk and Delinquent Youth, Early Childhood programs, and Teacher training programs. What this chart shows is that 15 Federal departments and agencies administer 127 At Risk and Delinquent Youth programs, 11 Federal departments and agencies administer more than 90 Early Childhood programs, and 9 Federal departments and agencies administer 86 Teacher Training programs.

It is no wonder that more and more, our states and local school districts are being suffocated by a tidal wave of papers, forms and programs, each of which no doubt began with good intentions. The net result of this tidal wave, however, is precisely what makes it difficult to set priorities in each of the many varied states and school districts across the country to determine that which will best serve their students. I firmly believe that the elected school board members, parents, superintendents and principals, as well as governors and legislatures, are dedicated to providing the best possible education for school children that they possibly can, and that they are better able to make decisions about what is best for their students than are Members of Congress or bureaucrats in the Department of Education.

It is extremely arrogant of us here in this body to set detailed requirements for very specific education programs that apply to children all across the United States. It's wrong to believe that Congress or the Department of Education has all the answers to the variety of problems our schools and educators face. Why should a bureaucrat in Washington, DC, decide what's best for the children in Washington State? They don't know Walla Walla from Wenatchee from Woodinville.

Over the past several months I have had the opportunity to meet with parents and educators from across Washington State and the Nation. They have expressed a great deal of concern about the stifling nature of the rules and regulations that come along with the myriad of federal education programs in existence. In fact, several have commented that although school districts receive only about 7 percent of their funding from the Federal Government, with that money comes 50 percent of the rules and regulations they must comply with.

A perfect example of the crushing nature of Federal rules, regulations and paperwork comes from a program I didn't even include in my amendment. The Bellevue School District, a suburban school district east of Seattle, has gathered all the paperwork necessary to begin, just begin, the file they are required to keep for special education students under the Individuals with Disabilities Education Act (IDEA). Placed end to end, this paperwork extends for almost 40 feet. 40 Feet! We have allowed bureaucrats in Washington, DC, to impose half or more than half of the rules and regulations that so often frustrate innovation and success in our schools.

Therefore, I have come to the conclusion that Congress must do more to free State and local officials from the burden placed on them by the Federal Government to educating America's children. We must be willing to admit that somebody else may know a little bit more than we do about this subject. My firm belief is that the wisdom needed to educate our children lies in States and individual school districts—with parents at home, with teachers in the classroom, with principals in the schools, and with school board members who, almost without exception, are public-spirited citizens who have run for election to a job that does not pay or pays very little. We must keep in mind that the same citizenry who elected us to the U.S. Senate also elected our school board members. It is unlikely that they were wise in electing us and ignorant of their own interests in picking their school board members.

I have listened to educators from around the country and have applied those lessons to the crafting of this amendment. My amendment makes several changes that address the concerns of those who have been kind enough to take the time and work with me and my office to improve upon the work begun during last year's appropriations process.

First, there were concerns that any attempt to block grant education funds to local communities was simply a back door attempt to cut funding. My amendment makes it crystal clear that is not what this effort is about. My amendment authorizes specific levels of funding through fiscal year 2003, targets that appropriators must meet in order for the block grants to continue. If these targets are not met, we would revert to the status quo.

Others have expressed concern that my amendment is an attempt to close the Department of Education. Nothing could be further from the truth. My amendment is not about abolishing the Department of Education—my amendment is about giving communities the flexibility they need to educate our children. Even after enactment of my amendment, there would be plenty of work left for the Department. My amendment does not even touch on the Department's responsibilities with respect to higher education. And even though my amendment includes more than 20 Federal education programs, that is but a fraction of the total number of education programs administered by the Department of Education, not to mention the Federal Government as a whole.

Concerns have also been expressed about the targeting of Federal funds to disadvantaged students. The concern is that because Federal funding often is targeted at a specific population, block granting funds and allowing States and school districts to decide how those funds are spent will mean those populations will no longer be served. Well, this mentality is what led to the creation of the quagmire of education programs we find ourselves wallowing in today. My amendment retains specification for what populations the Bilingual Education and Education for the Disadvantaged (Title I, Part A), funds are to be spent, but it leaves up to States and school districts the method by which those populations are best served. As for the list of 20 Federal programs, my amendment outlines a series of allowable uses such as hiring new teachers, magnet schools, charter schools, and combating illiteracy, which give local officials flexibility in designing reforms to improve the achievement of students. The total amount of funding that gets to the classroom will be considerably greater because so much less will get lost in the gears of administration at two, three or four different levels of bureaucracy between Washington, DC, and the classroom. As I've stated previously, we cannot assume that Washington, DC, knows best when it comes to educating the diverse population that exists in America today.

I have heard comments that different states have different opinions about how they should receive federal funds. As a member of the Senate Budget Committee Education Task Force, chaired by my good friend and colleague Senator FRIST, I had a chance to hear from Frank Brogan, Commissioner of Education from the State of Florida, and Henry Der, Deputy Superintendent of Public Instruction from the State of California. Mr. Brogan and Mr. Der have widely different opinions about the efficacy of involving the Federal Government in decisions regarding education in their States. Mr. Brogan states,

> Congress should identify priority areas and allow States to designate the dollars for specific programs.
>
> With Education, we are already beginning to see States becoming living laboratories, testing varied programs and options. If left to pursue reform without added Federal burdens and interference, States can learn from the success and mistakes of others, . . . with the freedom to emulate some programs as models and/or discard those that are ineffective.

Mr. Der followed Mr. Brogan with,

> We submit to you that the roads toward devolution will result in less opportunities for those with special needs and will retard the leadership role that the U.S. Department of Education has played, as well as undermine the accountability that we need to build into our education programs."

Therefore, it became clear to me that States should have a choice concerning how they receive their Federal funds, and my amendment gives them that choice. My amendment says that States will have three options with respect to how they receive Federal education funds. Simply put, a State legislature, with the concurrence of the Governor, will choose from one of three methods for receiving Federal funds: (1) States can continue to receive Federal education funds through current categorical programs; (2) States can receive Federal education funds in a block grant to the State Educational Agency; or (3) States can direct the Federal Government to send Federal education funds directly to their Local Educational Agencies.

There are also provisions in my amendment that respond to other concerns about the immediate financial impact on States and school districts. My amendment includes a 100 percent hold harmless, so that no State or school district will receive less than what they received before enactment of this legislation. Further, there is a provision which says that for those States receiving a multiyear grant through one of the programs included in the block grant, that multiyear grant will be funded through to completion in order to provide an appropriate transition from one process to another.

Finally, my amendment encourages accountability by requiring States and school districts to collect information about how Federal funds are spent, as well as involving parents and other members of the public in debates over how funds will be utilized.

As you can see, my amendment is based on the principle that with additional authority and money schools would receive from this reform, our teachers, parents, principals, and school boards would be inspired to do even more for our children. They would not, as some suggested during debate on this issue last year, be inspired to build swimming pools. They would be inspired to make sure that every child in their community receives the best education possible. While I think this example shows the fundamental difference between the approach I advocate, and that of the administration, I just have to ask this question: Does anyone really believe that there are parents, teachers or school board members in America who would rather use scarce education dollars for swimming pools instead of providing a quality education for their children?

On February 10 of this year, I had the opportunity to visit the Union Gap Elementary School and learn about the tremendous work they are doing, in the words of their Superintendent Bob McLaughlin, to 'heal' their children's reading difficulties.

More than three years ago, Dr. McLaughlin became painfully aware that the Union Gap School District did not have a program to assist its students who were having difficulty learning to read. Dr. McLaughlin then took it upon himself to search out a program which would be both affordable and helpful to the students. During the 1995–96 school year. Dr. McLaughlin discovered the Read-Write program and soon thereafter the program underwent a 10-week test in the school.

The test was so successful that at the conclusion of the 10-week test run the school board adopted the program and fully implemented it for the 1996–97 school year. Since the program has been implemented, significant gains have become evident.

Dr. McLaughlin also took the time to explain to me his previous experience as a principal at a neighboring high school upon which brought him to the conclusion something should be done about reading comprehension at the elementary level. As a high school principal, Dr. McLaughlin would continually see students entering his school unprepared to read and write effectively, and in many instances nowhere near grade level. The frustration he experienced seeing these kids struggle through high school without the necessary tools, drove Dr. McLaughlin to seek a solution at Union Gap Elementary. As Dr. McLaughlin and other teachers at the elementary school know, once you teach a child to read, that child has gained a skill he or she retained for a lifetime of enrichment.

This instance is a clear example of the innovative work school districts are engaging in to improve the education of their students. Under the Gorton Amendment, Dr. McLaughlin and his school board would have the flexibility to expand this program if that is what they felt was in the best interest of their students. I doubt seriously that Dr. McLaughlin would consider tennis courts or swimming pools to be a priority.

This issue boils down to each Senator asking if he or she believes schools will be improved through more control from Washington, DC, or by giving more control to parents, teachers, principals, superintendents, and school board members. I believe our best hope for improving the education of our children is to put the American people in charge of their local schools.

Mr. President, I wonder if the minority manager will agree to a unanimous consent agreement that I have 3 additional minutes on this amendment? I do see my colleague from Washington here. We are going forward with that amendment, and I would like just 3 minutes further to speak on this subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, my friend and colleague from North Dakota and I, together, less than 2 months ago, voted with 94 other Members of this Senate for a bill relating to transportation covering somewhat more than four times as many billions of dollars as this amendment does. Unlike the House of Representatives, we included no specific programs in that transportation bill. We decided there was a national purpose for transportation but that the priorities as to how that money for highways ought to be spent should be set by States—generally speaking, not by elected officials in those States, but usually by a highway bureaucracy.

No one said that, because we weren't telling the States what roads to build, there was no national purpose and we should abandon transportation as a national issue. Yet the Senator from North Dakota says that, rather than give a three-way option to States with respect to $10 billion a year in education money, it would be philosophically more consistent to abandon the field because, after all, the States might set different priorities; maybe the States and local school districts don't care about drugs or don't care about disadvantaged students.

Mr. President, that is a basic philosophical difference between us. The thought being expressed to me—that elected school board members and principals and teachers and parents and even State legislators don't care much about education or about education priorities—boggles the mind. We are the only people who do so? We are the only people who can set the way in which national priorities are carried out? We and bureaucrats at the Department of Education? Let me tell you, we come up with 7 percent of the money and 50 or 60 percent of the rules? In one field not covered by this, where the Senator from North Dakota did support me, we give 9 percent of the money for disabled education and we set rules that are so stringent that some school board members are saying they are going to defy those rules because they cannot provide for a safe environment for their students. In title I, the forms are exceeded only by IDEA.

This proposal will allow schools to spend more money on disadvantaged students, more money on bilingual students, and do it in a way that suits the particular needs of the districts, if the State elects to do so. Any State that agrees with the position of Senator DORGAN is perfectly free to keep the present system. Any State that feels it can do a better job will be allowed to do a better job. And any State that feels its elected school board members can do a better job will be allowed to do that.

Maybe Senator DORGAN is right. If so, we will learn by experiment. But unless we feel—with him and Senator KENNEDY—that the present system is working magnificently, that our system of education is so good that it doesn't need to be changed or experimented with at all, we should reject this amendment.

Mr. DORGAN. Mr. President, I know the Senator from Washington will allow me, by consent, 2 minutes to respond.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. The Senator from Washington chooses an inappropriate example to begin with, the highway system. We provide Federal money to the State of Washington. But if I go to Washington and drive on roads that are constructed in the State of Washington by his State highway officials with Federal money, I know I am not going to drive on a roadbed of marshmallows or cork. Why? Because his highway officials must follow the Federal prescribed rules about what kind of highways they are going to build with those Federal funds.

My only point is, if the Senator from Washington suggests that if, for example, the Safe and Drug-Free Schools Program is not a national priority, let's give them the money for it but not require them to do it, I think that is a huge step backwards. Is it in most instances the case that people closer to the problem can spend the money more effectively? Absolutely. That is why almost all of elementary and secondary education is done and managed and controlled locally. But there are some programs of national interest for which we provide the financing and for which we hope there is a national purpose and to which we will have all school districts subscribe. That is the purpose for all this.

I find it interesting. You could make the same case about food safety. You could have exactly the same debate. Say, do you think back home they are not concerned about food safety? Why do we need national food safety standards? Do you think back home in every State they are not concerned about food safety? Of course they are. Of course they are. But it is something of national interest and national importance, and that is the gap financing that is involved here with respect to these kinds of programs. Are they perfect? No. Should they be changed? Yes. Should we retreat from them? In my opinion, I think that would be a huge mistake.

I yield the remainder of my time.

Mr. GORTON. Mr. President, I ask unanimous consent that Senator MCCONNELL be added as a cosponsor to the Gorton amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, seeing there is the sponsor of another amendment here, I think proper procedure is to move to that amendment.

Mr. President, I ask for a rollcall on the Gorton amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the Gorton amendment is temporarily laid aside and the Senator from Washington, Senator MURRAY, is recognized to offer an amendment on which there shall be 30 minutes equally divided.

The Senator from Washington.

AMENDMENT NO. 2295

(Purpose: To express the sense of Congress regarding reductions in class size)

Mrs. MURRAY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 2295.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, add the following:

TITLE —SENSE OF CONGRESS

SEC. 01. SENSE OF CONGRESS.

Congress makes the following findings:

(1) Qualified teachers in small classes can provide students with more individualized attention, spend more time on instruction and less on other tasks, cover more material effectively, and are better able to work with parents to help the parents further their children's education.

(2) Rigorous research has shown that students attending small classes in the early grades make more rapid educational progress than the students in larger classes, and that those achievement gains persist through at least the 8th grade. For example:

(A) In a landmark 4-year experimental study of class size reduction in grades kindergarten through grade 3 in Tennessee, researchers found that students in smaller classes earned significantly higher scores on basic skills tests in all 4 years and in all types of schools, including urban, rural, and suburban schools.

(B) After 2 years in reduced class sizes, students in the Flint, Michigan Public School District improved their reading scores by 44 percent.

(3) The benefits of smaller classes are greatest for lower-achieving, minority, poor, and inner-city children. One study found that urban 4th-graders in smaller than average classes were ¾ of a school year ahead of their counterparts in larger than average classes.

(4) Smaller classes allow teachers to identify and work sooner with students who have learning disabilities and, potentially, can reduce those students' need for special education services in the later grades.

(5) Students in smaller classes are able to become more actively engaged in learning than their peers in large classes.

(6) Efforts to improve educational outcomes by reducing class sizes in the early grades are likely to be successful only if well-qualified teachers are hired to fill additional classroom positions and if teachers received intensive, continuing training in working effectively in smaller classroom settings.

(7) State certified and licensed teachers help ensure high quality instruction in the classroom.

(8) According to the National Commission on Teaching and America's Future, the most important influence on student achievement is the expertise of their teachers. One New York City study comparing high- and low-achieving elementary schools with similar student characteristics, found that more than 90 percent of the variation in achievement in mathematics and reading was due to differences in teacher qualifications.

(9) Our Nation needs more qualified teachers to meet changing demographics and to help students meet high standards, as demonstrated by the following:

(A) Over the next decade, our Nation will need to hire over 2,000,000 teachers to meet increasing student enrollments and teacher retirements.

(B) 1 out of 4 high school teachers does not have a major or minor in the main subject that they teach. This is true for more than 30 percent of mathematics teachers.

(C) In schools with the highest minority enrollments, students have less than a 50 percent chance of getting a science or mathematics teacher who holds a degree in that field.

(D) In 1991, 25 percent of new public school teachers had not completed the requirements for a license in their main assignment field. This number increased to 27 percent by 1994, including 11 percent who did not have a license.

(10) We need more teachers who are adequately prepared for the challenges of the 21st century classroom, as demonstrated by the fact that—

(A) 50 percent of teachers have little or no experience using technology in the classroom; and

(B) in 1994, only 10 percent of new teachers felt they were prepared to integrate new technology into their instruction.

(11) Teacher quality cannot be further compromised to meet the demographic demand for new teachers and smaller class sizes. Comprehensive improvements in teacher preparation and development programs are also necessary to ensure the effectiveness of new teachers and the academic success of students in the classroom. These comprehensive improvements should include encouraging more institutions of higher education that operate teacher preparation programs to work in partnership with local educational agencies and elementary and secondary schools; providing more hands-on, classroom experience to prospective teachers; creating mentorship programs for new teachers; providing high quality content area training and classroom skills for new teachers; and training teachers to incorporate technology into the classroom.

(12) Efforts should be made to provide prospective teachers with a greater knowledge of instructional programs that are research-based, of demonstrated effectiveness, replicable in diverse and challenging circumstances, and supported by networks of experts and experienced practitioners.

(13) Several States have begun serious efforts to reduce class sizes in the early elementary grades, but these actions may be impeded by financial limitations or difficulties in hiring qualified teachers.

(14) The Federal Government can assist in this effort by providing funding for class size reductions in grades 1 through 3, and by helping to ensure that the new teachers brought into the classroom are well-qualified.

SEC. ___02. SENSE OF CONGRESS.

It is the sense of Congress that Congress should support efforts to hire 100,000 new teachers to reduce class sizes in first, second, and third grades to an average of 18 students per class all across America.

Mrs. MURRAY. Mr. President, we have been debating education policy for several days and actually several times over the last several months here on the floor of the U.S. Senate. I am very excited about that, because one of the reasons I came here to the U.S. Senate was to make sure that we focus on real issues that affect everyday average families across our country. There is nothing more important to any parents than making sure, when they send their children off to school in the morning, that they get the kind of education that will mean they will be a success in this country.

I am disappointed, however, that the bill before us, the Coverdell IRA proposal, will not provide that kind of quality education that parents are demanding. I believe it is a flawed policy which really will not make any meaningful difference for either private or public school students and their families. It is not a real results-driven proposal.

Many of my colleagues have been out here on the floor over the last several days talking about what the IRA Coverdell proposal will do and that it will only mean $7 for a family in the future. Many of my colleagues have talked about how it will begin us on a road to publicly funding private schools, and the dangers of that.

We can debate that. But I am here today to bring forward an amendment that I believe will make a substantial difference in our children's education across the country, and that is regarding the issue of class size. Ask any parent who sends his or her child off to school what question they ask when their child comes home on the first day of school. It is, "How many kids are in your class?" They ask that because they know it will make a difference in whether or not their child gets the attention and the education he or she needs throughout that entire school year. If there are 40 kids in the classroom, or 35 kids in the classroom, your child will not get the kind of education and attention that he or she needs and deserves in this complex world that we live in today.

My amendment that is before the Senate is a sense of the Congress that we should support efforts to hire 100,000 new teachers so that we can reduce class sizes in first, second and third grades to an average of 18 students per class all across America.

This is simply a sense of the Congress saying this is the way we should move forward. We have been on the floor before to debate this issue, and this Congress has said no, they are not going to fund lower class sizes. I am back today because I believe this is the kind of difference that we can make, that we should make, and that we must make. Reducing class sizes will make a difference for children across the country.

Will 100,000 teachers be enough? No, but it will be an impetus. This amendment simply will send a message that we understand the issue and we are willing to take it under consideration and move it forward.

I know as a former educator what a difference it makes to have a smaller class size. I have taught 4-year-olds. I have had 18 children in my classroom. I have had 24 children in my classroom. It means the difference between having the time to work individually with students or simply having crowd control for the entire classroom.

Every teacher of early grades will tell you the more time they have with their students, the better chance they have to make sure that all students will have the chance to learn to read, to learn to write, to learn the basic skills that will mean that they are a success throughout their later years. It also means that those teachers will have the time to deal with the complex problems that come before them as a teacher in our classrooms.

I distinctly remember one time I had with a class when I had a young student come to class and we were in the process of talking about the alphabet. We were talking about one of the letters. I was talking with my young children about different words that begin with the letter A, and all of a sudden a young child in my classroom just simply blurted out to me, "My dad didn't come home last night; he was arrested." My entire class stopped. How could I have talked about the alphabet? How could I have talked about the words that started with the letter A?

I had a devastated child in my classroom of 24. Yet, I could not take the time to sit with him and work with him because I had 23 other children in my classroom who needed attention and whose parents wanted them to learn about the alphabet.

That child probably went on to a very troubled adulthood. We could have made a difference simply by having fewer students in the classroom, by simply having the time to deal with these kind of problems. Don't just take it from me as a former educator, take it from the studies.

I have submitted a number of studies in the past as I have talked about this issue on this floor. A 1989 study of the Tennessee STAR Program which compared the performance of students in grades K through 3 in small and regular size classes found that students in small classes of 13 to 17 students significantly outperformed other students in math and reading every year at all grade levels across all geographic areas.

My sense of the Congress simply says we understand this is significant. It says we in the Senate want to make a difference in the learning of American children, and we want to move forward on the progress of reducing class size and take that on as an issue in this country.

I have talked about it as an educator. I have talked about the studies many times that prove what I say, but we should also be listening to other people. I know that when we were here a month ago and debating, I submitted a number of letters from different teachers from across my State and across this country, but I want to specifically have printed today a letter, and I ask unanimous consent that a letter to the editor by State Senator Al Bauer be printed in the Record.

There being no objection, the letter to the editor was ordered to be printed in the Record, as follows:

[From the Columbian, April 15, 1998]

Murray Has the Right Idea

The April 5 editorial, "Patty Murray's teacher plan is costly mandate," criticized the plan by U.S. Sen. Patty Murray, D-Wash., for the federal government to hire 100,000 new teachers to reduce class sizes nationwide.

The editorial warned that "unintended consequences can destroy any attempt at progress," noting that a school district in the Seattle area cut early childhood education for at-risk youngsters because of its decision to reduce class sizes.

The criticism makes the best case for Murray's proposal. If that school district had the additional federally funded teachers to reduce class sizes in all grades, it would not have to negatively impact Head Start and at-risk programs. Matter of fact, the district could also improve those programs by smaller class sizes.

As for the criticism that 100,000 new teachers would need that many more new classrooms, teachers are creative enough to develop curriculum around the needs of children without additional classrooms.

I visited several classrooms this year where two teachers shared 46 or more students. With Murray's proposal, a third teacher could be added to such a team, thereby reducing the student-teacher ratio from one teacher for 22 students to one for 15. We are not talking about added classrooms; we are talking about more teacher time for each student so that fewer students fall through the cracks.

As for how Murray should pay for the additional teachers, Congress should pay in the same way the members propose to pay for a highway budget that is billions of dollars higher than the balanced-budget agreement.

It sounds like what happened in the State Legislature this past session. The majority party refused the proposal by us Democrats to spend $50 million more for class size reductions, particularly in the early-grades. The majority also decided to propose to the voters in November to transfer currently used sources of revenue for education from the general fund to the highway fund.

The editorial correctly urges school districts to sue the Legislature for underfunding education from the State level. In 1977 the Legislature was sued, and the courts ruled that it was the paramount duty of the Legislature to fully fund kindergarten through grade-12 education. As a consequence, in the Vancouver School District school levies dropped. A person with a $50,000 home or property saved $254 a year.

It is time to get the Legislature to live up to the court's mandate. Where are our priorities? Children's education lasts forever; asphalt lasts a few years.

I am glad we have Murray in the U.S. Senate. By speaking out for our most valuable assets, our children, she is exerting the leadership on educational matters she demonstrated while serving in the State Senate.—State Sen. Al Bauer, Vancouver.

Mrs. MURRAY. Mr. President, Al Bauer is a former colleague of mine in the State Senate of Washington. He is also a former educator, and he speaks from his heart when he talks about education. He wrote in his letter that hiring more well-trained teachers will help school districts stave off cuts to other special programs for at-risk students. He argues that more teachers does not have to mean more classrooms. It is the number of well-trained adults in the room that is important, because students' access to time with the teacher is at the heart of learning. He argues that Congress can pay for class-size reductions if we can put billions of extra dollars into transportation.

State Senator Al Bauer is absolutely right. The arguments against this proposal are not valid. It doesn't mean that we need more class space. It doesn't mean that we will siphon money from other places.

It does mean that this Congress, this Senate, the people on this floor are listening to what parents and educators and people across this country are saying. When we send our children off to school, we want to know they are safe, we want to know they will learn, and we know they will be safe and they will learn and get the attention they need if we begin to focus on class size in this country.

Now, a person could spend a year or a lifetime searching, and they would not be able to find someone who understands education in Washington state more deeply than Senator Al Bauer. And he happens to be a former educator, and he happens to be a Democrat. But Senator Bauer and I stood together in the state Senate, and we worked with our Republican colleagues to do everything we could to improve public education.

He knows and I know that Republicans and Democrats in Washington state can work together. They have worked together to reduce class size, increase family involvement in school decisions, fund school construction, improve teacher quality, allow communities to set higher standards for students, publish school report cards, hold schools accountable for results, reward schools that do well and mediate schools that are failing, increase student's options about which school they attend.

All these things were bipartisan proposals, based on what local school communities told us would work to improve results for students. And the great news is that many of these proposals have actually improved things in Washington state schools.

And when I think about the partisan tone of this debate on education, and I look at the education IRA proposal which offers only a seven-dollar a year solution to only a few families—I think of all the things we could be doing that would really make a difference for all students. And class size improvement is near the top of that list.

I think it is important to listen to what educators say. I want to read to you what some of the educators have written to me as I have talked about this issue over the last several months.

Larry Swift, who is the executive director of the Washington State School Directors' Association, wrote to me, and I especially appreciate his words because I am a former school board member and Larry Swift represents the school board members across my State. He says:

As we pursue our state's goal of improving learning for all of our students, it becomes increasingly important that all of our resources be used efficiently and effectively. The most valuable resource in today's schools is the people who devote their time and effort to make schools successful—the teachers. Reducing the ratio of students to adults is particularly critical for youngsters with a variety of learning challenges that must be overcome if those students are to meet the new, higher learning standards.

Mr. President, Larry Swift is right. Representing the school boards across my country, he makes a very clear case that increasing the number of teachers and reducing the class size is critical because we are requiring our young students to know more today than we ever have before in the history of this country.

Let me also quote from Kenneth Winkes, who is the head of the Association of Washington State Principals. He represents all the principals in my State, and here is what they say:

> It is increasingly evident that students entering our schools have diverse and unique needs which can only be addressed by principals, teachers, and support personnel who are not overwhelmed by crowded classrooms. Rather, educators must be able to devote attention to each student in smaller, more manageable classes.

That is what principals say.

Mr. President, I ask unanimous consent that four short statements be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON STATE SCHOOL DIRECTORS' ASSOCIATION,
Olympia, WA, March 20, 1998.

"As we pursue our state's goal of improving learning for all of our students," Larry Swift, executive director of the Washington State School Directors' Association, said, "it becomes increasingly important that all of our resources be used efficiently and effectively. The most valuable resource in today's schools is the people who devote their time and effort to make schools successful—the teachers. Reducing the ratio of students to adults is particularly critical for youngsters with a variety of learning challenges that must be overcome if those students are to meet the new, higher learning standards.

"We acknowledge and commend Senator Murray for leading the way to assuring that our students have the learning environment and the human resources necessary for the kind of schools that will provide the opportunities and training they need to become successful," Swift said.

The Washington State School Directors' Association is a statewide organization representing all of the 1,482 locally-elected school board members from the state's 296 school districts. WSSDA serves as an advocate for the state's public schools, provides training and technical assistance for school board members and is very active in the legislative process.

THE ASSOCIATION OF WASHINGTON SCHOOL PRINCIPALS,
Olympia, WA.

The Association of Washington School Principals (AWSP) is strongly committed to supporting legislation which reduces class size in our public school system. It is increasingly evident that students entering our schools have diverse and unique needs which can only be addressed by principals, teachers, and support personnel who are not overwhelmed by crowded classrooms. Rather, educators must be able to devote attention to each student in smaller, more manageable classes.

Recent studies on reduced class size and their impact on student performance, undertaken in Tennessee (STAR study) and Wisconsin (SAGE study), speak to learner benefits in areas such as reading, language arts, and math. In our own state of Washington, reduction of class size and improved student performance are priorities for both legislators and educators.

AWSP is convinced that class size reduction is essential if our state's, and nation's, efforts towards school improvement are to be successful. We appreciate and support Senator Patty Murray's commitment to this end.

WASHINGTON EDUCATION ASSOCIATION,
Federal Way, WA, Friday, March 20, 1998.

WEA PRESIDENT APPLAUDS SEN. MURRAY'S WORK ON CLASS SIZE

STATEMENT OF LEE ANN PRIELIPP, PRESIDENT OF THE WASHINGTON EDUCATION ASSOCIATION, REGARDING SEN. PATTY MURRAY'S WORK TO LOWER CLASS SIZES IN WASHINGTON, MARCH 20, 1998

Every student deserves a safe and effective learning environment, and we commend Sen. Murray's devotion to this pressing issue. Washington currently has the fourth largest class sizes in the United States, a dubious distinction which we must work to change.

When educators have too many students in a class, it is hard for them to give each student the individual attention that students need. It is this individual attention that is at the heart of the learning process, and it is crucial in helping our students succeed.

The 65,000 members of WEA support Sen. Murray in her work to lower class size in Washington. This is an issue that is getting worse, and which we can no longer ignore. Thank you, Senator Murray, for working to give our students the education they need and deserve.

AMERICAN FEDERATION OF TEACHERS,
Washington, DC, March 20, 1998.

STATEMENT BY SANDRA FELDMAN, PRESIDENT, AMERICAN FEDERATION OF TEACHERS ON REDUCING CLASS SIZES

Modern schools and more well-trained teachers are the right antidote for the overcrowding that plagues too many American schools. Research shows that youngsters, especially in the early grades, perform better in smaller classes that allow for greater one-on-one instruction. Smaller classes also help teachers maintain discipline. Parents and teachers understand this well, and that's why Senator Murray is absolutely correct in supporting the President's proposal to provide subsidies for school construction and to emphasize teacher recruitment.

Several new studies clearly demonstrate the link between reduced class sizes and improved academic achievement. A sampling:

STAR, the highly reputed Tennessee class-size study, analyzed the achievement levels of K–3 students randomly assigned to classes of 13 to 17. Those in small classes did much better than students in regular classes in math and reading, every year and in all grades. The small classes made the biggest difference in the scores of children in inner-city schools.

SAGE, a Wisconsin program begun in 1996–97, reduces class size for K–3 children in certain high-poverty schools. At the end of the first year, SAGE kids had made significantly greater improvements in reading, language arts, and math than children had in similar schools.

Mrs. MURRAY. Mr. President, I have numerous quotes from teachers, and I can tell you from personal anecdotes, as I have talked with teachers throughout my State, it makes a difference when you have time, it makes a difference when you have to turn away three or four students with a question because you simply don't have time. We demand higher learning skills. We have a responsibility to do something about it. We can't just say, "Oh, it's a local school district problem." "Oh, it's a State problem." "Oh, it's somebody else's problem."

We have a responsibility in the U.S. Senate as leaders in this country to send a message that we want to make a difference and we are listening to the people we represent that class size makes a difference.

Let me also tell you what some students say, because I have a group of students who are my advisors. They are called my student advisory youth involvement team or SAYIT. I go to them and ask them to tell me what they think of the issues we are debating.

On the issue of class size, this is what students say:

Brook Bodnar, who is age 16, recently moved from a school with larger classes to Olympia High School which has smaller classes. She says:

> . . . with smaller classes I'm learning so much more. Class is going so much faster.

That is what a student says.

Jared Stueckle, age 16, a junior at Selah High School, believes education should be a higher priority in funding and that class size is a good investment. Jared says:

> The classes in which the number (of students) is lower I generally do better, but in a crowded class, the teacher does not give us enough individual attention.

I have numbers of comments from young students. They are excellent. I ask unanimous consent they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CLASS SIZE REDUCTION—WHAT STUDENTS SAY

Meghan Sullivan, age 15, a 10th grader at Tumwater High School, says: ". . . reduction is needed especially at the K–5 grade levels. This is the beginning of their education and this is where they form study habits and learning skills, so it's more important to get some one-on-one contact with teachers."

Antonella Novi, age 18, a senior at Anacortes High School, says: "Smaller class sizes enrich the learning experience for the student and the teaching experience for the teacher."

Jaime Oberlander, age 16, a junior at Tumwater High School, says: "I know that I have learned more in smaller classes. I have a stronger relationship with the teacher. I am less intimidated to participate in class discussions or ask for help when I need it. I also receive more feedback from my teacher . . . my teacher can spend more time critiquing my work and helping me to learn."

Mrs. MURRAY. Mr. President, if we listen to parents, if we listen to teachers, if we listen to principals, if we listen to school board members, and if we listen to our children, we will hear what the American public truly wants and knows is right. Parents say it, teachers say it, studies prove it: Smaller class sizes will make a difference in our children's ability to learn.

My amendment simply says that it is the sense of the Congress that we will move forward in any way we can to make sure that class sizes in this country are reduced to manageable levels.

I reserve the remainder of my time.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Georgia.

Mr. COVERDELL. Mr. President, we certainly concur with the Senator from Washington that class size is a fundamental ingredient, a concern to everyone. I will simply say that perhaps there are two very meaningful issues that would affect that.

We have just spent over an hour discussing a real bullet that is not a sense of the Senate, it is a real bullet that would free up over $10 billion to local schools to take care of whatever issue they have. If it is like the Senator from Missouri said, they had to have new classrooms before they could hire new teachers. They could not use the teachers if they did not get the classrooms.

The Gorton amendment which has just been discussed would send over $10 billion to local schools to do just what the Senator from Washington wants to have done. They would be in a position and be freed to have resources to reduce their class size or to make more efficient the facilities for teaching in these local school districts.

In a moment we will hear from the Senator from Arkansas, who brings a very meaningful perspective to moving these resources directly to classrooms and not letting it get siphoned off en route.

So, Mr. President, with these two points—we have just spent an hour addressing the issue that the amendment of the Senator from Washington alludes to, and we have a real solution here that will be before us this afternoon that really gets to the problem—I yield the remainder of my time to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the last minute of our time be reserved for Senator COVERDELL from Georgia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. I thank the Senator for yielding.

While no one questions the sincerity of the desire of my colleague from Washington to lower the class size and the student-teacher ratio, I think it once again reveals the huge philosophic chasm that has been evident time and time again during this debate on education and the amendments that have been offered on the floor of the Senate, the difference between the approach and the philosophy that we can best do things controlled out of Washington, DC, that knowledge and wisdom flows from this city and this institution, and that we want to concentrate the power and the control over education in this country in Washington.

The effort here to support the President's plan for hiring 100,000 new teachers at the Federal level, I think, is once again evidence that those of us who believe that there needs to be flexibility with local control cannot accept this as moving in the right direction.

One size does not always fit all. While some schools may benefit from reduced class sizes, other schools may not benefit from reduced class sizes. In fact most teachers—most teachers —in this country are satisfied with current class sizes.

For example, according to a survey by the Department of Education, 79 percent of the teachers in my home State of Arkansas are satisfied with current class sizes—79 percent. My sister teaches in public school in Rogers, AR. There are many things that my sister is not satisfied with about education in Arkansas. I know that is true of public school teachers all across the State of Arkansas. There are many things they would like to change and improve. But 79 percent said that that is one area that they currently are satisfied with, that the student-teacher ratio is not the big problem in education in Arkansas.

Over three-quarters of the teachers in Connecticut, Kansas, Montana, Nebraska, Oklahoma, South Dakota, and Wyoming are satisfied with the current class size ratio.

Nationally—I would call the attention of my colleagues—nationally 65 percent of teachers are satisfied with current class sizes. So I suggest if there is a crisis in class size, if there is one group in this country that would know, it would be the teachers of this country. And the teachers of this country are saying that is one area where there is not a crisis. Thus the Washington-knows-best proposal to hire 100,000 new teachers does not make any sense.

Class size does not always mean better education. Many schools with small class sizes have poor achievement results, and vice versa. For example, once again according to the Department of Education, Washington, DC, schools have one of the lowest average class sizes in the Nation but ranks near the bottom in academic achievement; while Utah ranks near the bottom in class size ratio but ranks very high in student achievement. There is not a direct and definite correlation.

I further point out that average class size has already dropped significantly over the past 40 years and we have not seen a corresponding improvement in student achievement. Average class size has dropped from 27 to 1 in 1955, to 21 in 1975, to 17.3 today. Isn't it interesting that over the last 40 years, while we have seen class sizes consistently drop from 27 to 21 to 17.3, that student achievement scores—student achievement—have been dropping during that same 40-year period?

Average elementary class size has dropped from 30.2 in 1955 to 18.5 today, a dramatic drop in class sizes on the elementary level, and once again we have student achievement scores falling at the same time. According to the Department of Education, most States already have average class sizes of 18 or less.

Although elementary classes are a little bit larger, the national average now is 17.3, with the lowest being in New Jersey and Vermont at 13.8, and the highest being in California at 24 and Utah at 23.8 and Washington State at 20.4.

The average elementary class size—18.5—due to demographics alone, is projected to fall over the next 10 years without any massive infusion of teachers from the Federal level. We will, because of demography, see the class sizes at the elementary level continue to drop. Many States, independent of the Federal Government, independently of anything we do, are already taking actions to reduce class size. My point being, we do not need a new Federal program to hire teachers when the States are already addressing this problem. We should not be imposing this from the Federal level.

Five States—California, Virginia, Massachusetts, Connecticut, and Wisconsin—have already taken dramatic steps to reduce class size by hiring thousands of new teachers in their States. These States are hiring teachers, and they are doing it with State dollars.

Senator MOSELEY-BRAUN yesterday shared convincing pictures that her State needs to use Federal money, if it gets it, for school construction and repair. I do not agree with a Federal program to do that. But Illinois has an average class size of 17. Their great need, according to Senator MOSELEY-BRAUN, is not for an infusion of teachers. Their great need is actually in school construction.

That is the beauty of the Gorton approach. That is the beauty of the dollars-to-the-classrooms approach. I have a bill we introduced that would ensure that the money actually reaches the local level and that the local decisionmakers have the right to decide where the need is and how that money should be spent.

Washington, DC, needs funds for school repair, textbooks and other supplies in the District right here. The great need is not for more teachers in the Nation's Capital. The great need is school repair, textbooks, other supplies, perhaps computers. They already have an average class size of 15 in the District. And so what do we say? "Well, let's hire 100,000 new teachers." That is not the great need here in our Nation's Capital. That is not the great need in the State of Arkansas.

There are many needs in education, some of them being resource oriented. But for us to have a one-size-fits-all solution from Washington is not the direction we need to be going.

A new Federal teacher program would further add to the paperwork burden that our teachers already complain about, thus increasing the true cost of this program and reducing its effectiveness. As we have heard so often in this debate, we provide 6, 7 percent of local school funding but we provide 50 to 60 percent of their regulations and their paperwork burden.

So what do we come up with? Another Federal solution with more paperwork and more regulations on that local level. New Federal programs require new Federal bureaucrats to administer the program. We have already placed an enormously heavy burden upon those local teachers, and we don't need to siphon off scarce Federal dollars going to the States currently to start a new program hiring large numbers of teachers with Federal dollars.

My sister, Gerri, teaches at the Reagan Elementary Public School in Rogers, AR. She reflects the attitude of 79 percent of the teachers in Arkansas that class size is not the big problem that she faces. Discipline, yes; many other needs, yes. Class size is not at the top of the list. Arkansas has made great strides. I think we rank 28th in student-teacher ratio nationally. Twenty-eighth is not great, but it is far better than we are in many other categories, including academic scores and the percentage going on to college and so forth. So while we have many challenges, we wouldn't put class size at the top of the list. We couldn't. I have never heard my sister complain once about the size of her class.

I believe the Gorton amendment that we will vote on later today—the dollars to the classroom bill, legislation that I have introduced, that would ensure that 95 cents out of every dollar, Federal dollar, would actually reach the classroom and local control—is a far better approach. Allow local school boards, allow classroom teachers, greater discretion, greater flexibility on how those dollars are used, greater flexibility with fewer Federal mandates. Perhaps they need to paint the classroom. Perhaps they need to buy a computer. Perhaps they need to hire a tutor. Perhaps they have another local need. But what we don't need to do is to start a new Federal program and to hire massive numbers of new teachers from the Federal level.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. How much time remains?

The PRESIDING OFFICER. The Senator has 3 minutes remaining, and the other side has 2 minutes 47 seconds.

Mrs. MURRAY. Thank you, Mr. President.

I listened with interest to my colleague from the other side of the aisle debate the issue of whether or not we as parents across this country believe that our class sizes should be reduced and that it will make a difference. I heard numbers that don't take into account what is really happening, because that is the number of adults in a school that my colleague from Arkansas referred to—the nurses, the counselors, librarians, social workers. What we are talking about here is the need to put new teachers across this country into classrooms so we can reduce class size.

I speak to all of the people who are listening to this debate today. When you hear somebody say your class sizes are the right size, think about how many kids are in the classroom in your local school; think of the amount of attention they are getting; think about whether or not they are getting the skills that you as a parent want them to get. If you agree with me that class size reduction will make a difference, call this Senate and let us know. Call this Senate and let us know. People across this country need to let us know that you recognize it is our responsibility as adults at every level to make sure that our children are getting a good education. Parents know it, teachers know it, and studies show it: Class size reduction makes a difference. We can't pass this off and say it is somebody else's responsibility; it is our responsibility.

I heard my colleague say there is a philosophical difference. You bet there is a philosophical difference. There is a philosophical difference between those who believe we should go down a path of block grants and cuts, meaning high-need students will get less. There is a proposal that we eliminate the Department of Education and no longer even say public education is in the domain of this country or that we care about it as a priority.

This current budget that was passed by the Republicans just a short time ago cut education by $2.2 billion. The IRA proposal in front of us that takes us down a road where somebody gets $7 in the year 2002 for education, it is a narrow road that says in the future only a few children will get a good education.

The philosophy I believe is that every child, no matter who they are, where they come from, or how much money they have in these United States of America, will be able to get a good public education. We can do that by reducing class size, by rebuilding our crumbling schools, by making an investment in our teachers and training them with the skills they need to teach our children. That is the philosophy that will make sure we have a strong democracy in the future.

I hope that parents across this country weigh in on this debate. It is a critical one for the future of all of us.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Arkansas has 1 minute 47 seconds remaining.

Mr. HUTCHINSON. Let me respond to a couple of points. The Senator from Washington said the figures I used speak of a number of adults in the school system. That is not the fact. The Department of Education has provided these figures, and it speaks of class size. Average class size has dropped from 27 in 1955 to 17.3 today. That is class size. It has dropped dramatically. And while it has dropped dramatically, student achievement has decreased. Twenty-one countries tested in the 12th grade math and science competency; the United States ranked 19th. There is no disputing our schools have problems, but it is also very evident that simply reducing class size, as we have done over the last 40 years, will not be the magic bullet. It will not be the panacea that suddenly is going to give us great academic achievement.

What we do need is, in fact, greater local control, greater flexibility. The issue is not, as my colleague tried to make it, whether we will eliminate the Department of Education; that is a red herring, a straw man.

The issue and the debate is whether we are going to provide greater flexibility and greater control at the local level, or whether we continue down the path that Washington, DC, is the fount of all wisdom, have all our solutions float from the Nation's Capitol, and it is so evidently demonstrated we don't solve the problem, and in many cases we simply exacerbate them.

I suggest this is a sense-of-the-Senate resolution that is, while well motivated, ill conceived and takes us down the road of further federalizing education, placing greater mandates and greater burdens upon local teachers while not appreciably addressing the educational problems we face in this country.

I ask my colleagues to consider there is a better way.

The PRESIDING OFFICER. The time of the Senator from Arkansas has expired.

AMENDMENT NO. 2296 TO AMENDMENT NO. 2295

(Purpose: Expressing the sense of Congress that the Department of Education, States, and local educational agencies should spend a greater percentage of Federal education tax dollars in our children's classrooms)

Mr. HUTCHINSON. I have a second-degree amendment that I send to the desk.

The PRESIDING OFFICER. The Senator from Georgia has reserved 1 minute.

Does the Senator from Arkansas yield that back?

Mr. HUTCHINSON. I yield that back.

The PRESIDING OFFICER. All time is yielded back.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. HUTCHINSON] proposes an amendment numbered 2296 to amendment numbered 2295.

Mr. HUTCHINSON. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after "**TITLE** " and insert the following:

—SENSE OF CONGRESS

SEC. 01. FINDINGS.

Congress makes the following findings:

(1) The people of the United States know that effective teaching takes place when the people of the United States begin (A) helping children master basic academics, (B) engaging and involving parents, (C) creating safe and orderly classrooms, and (D) getting dollars to the classroom.

(2) Our Nation's children deserve an educational system which will provide opportunities to excel.

(3) States and localities must spend a significant amount of Federal education tax dollars applying for and administering Federal education dollars.

(4) Several States have reported that although the States receive less than 10 percent of their education funding from the Federal Government, more than 50 percent of their paperwork is associated with those Federal dollars.

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(6) American students are not performing up to their full academic potential, despite the more than 760 Federal education programs, which span 39 Federal agencies at the price of nearly $100,000,000,000 annually.

(7) According to the Digest of Education Statistics, in 1993 only $141,598,786,000 out of $265,285,370,000 spent on elementary and secondary education was spent on instruction.

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(10) Getting 95 percent of Department of Education elementary and secondary education funds to the classroom could provide approximately $2,094 in additional funding per classroom across the United States.

(11) More education funding should be put in the hands of someone in a child's classroom who knows the child's name.

(12) President Clinton has stated: "We cannot ask the American people to spend more on education until we do a better job with the money we've got now.".

(13) President Clinton and Vice President Gore agree that the reinventing of public education will not begin in Washington but in communities across the United States and that the people of the United States must ask fundamental questions about how our Nation's public school systems' dollars are spent.

(14) President Clinton and Vice President Gore agree that in an age of tight budgets, our Nation should be spending public funds on teachers and children, not on unnecessary overhead and bloated bureaucracy.

SEC. 02. SENSE OF CONGRESS.

It is the sense of Congress that the Department of Education, States, and local educational agencies should work together to ensure that not less than 95 percent of all funds appropriated for the purpose of carrying out elementary and secondary education programs administered by the Department of Education is spent for our Nation's children in their classrooms.

The PRESIDING OFFICER. There is 30 minutes of debate equally divided on this amendment.

The Senator from Arkansas.

Mr. HUTCHINSON. There is no doubt we are facing a crisis in American education, a crisis that is putting us at risk economically. While it has been 15 years since the education alarm was sounded in this Nation with the report, "A Nation at Risk," most indicators show that U.S. education is still desperately in need of repair.

As I have suggested, mandating the hiring of 100,000 new teachers at the Federal level is not the right answer. I further suggest there is a better way, and that is the dollars to the classroom. If we can take the limited Federal dollars—and I think that is about 67 percent of local funding of the schools right now—if we can take those dollars and assure they actually reach the classroom, we will be far better off. Keep the local control. It will mean more money at the local level.

So the sense-of-the-Senate resolution that I am offering as a perfecting second-degree amendment would simply say that we will make our efforts to ensure that 95 cents out of every dollar actually reaches the classroom. Right now, money does not reach the classroom. It is estimated between 15 percent and 35 percent of Federal funds spent on education never reaches the classroom. My colleagues, that is absolutely amazing. That is astounding, that 15 to 35 percent of Federal funds spent on education never reach the classroom. That is as much as $5.4 billion of taxpayer money targeted to education that will get lost in nothing but bureaucracy. School systems waste their own money on Federal paperwork. Federal paperwork burdens account for 50 percent of paperwork completed at the State education agencies, yet only 6 percent of their funds come from the Federal Government.

Federal money is wasted—wasted over and over again. If we can take a look at this chart, we have a little example of where some of those Federal dollars are wasted. There are 21,922 publications listed by the Department. What are some of those publications that our tax dollars are being spent on?

They include: 140 studies on checklists; 13 studies on welding; 260 studies on surveys; 100 studies on education researchers researching their research techniques; and 3 studies entitled "Cement: The Concrete Experience."

If there were any other evidence necessary to demonstrate that the solution doesn't come from Washington, DC, I don't know what it would be. This should be sufficient. Is it any wonder that only 65 cents out of every dollar actually reaches the classroom when we are spending Federal education dollars in these ways? Again, three studies were entitled, "Cement: The Concrete Experience."

We also spend Federal education dollars for closed captioning of programs like Baywatch, Jerry Springer, Jenny Jones, Hard Copy, and MTV's Real World. Those are some of the areas where I believe we are currently wasting valuable and precious tax dollars.

So we find that between 15 and 35 percent of these funds are consumed at the Federal bureaucracy. So $5.4 billion of taxpayer money targeted to education will get lost in the bureaucracy. Federal money is wasted time and time again. The fact is that a large portion of Federal education dollars support this huge and growing Federal and State education bureaucracy.

The question boils down to how we spend the money, not how much we spend. We throw money at problem after problem and find that the problems simply get worse. Even the President said this: "We cannot ask the American people to spend more on education until we do a better job with the money we have got now." So I believe the solution—or at least a step in the right direction is the dollars-to-the-classroom proposal. The fact is that those closest to the students are the parents. That is the first and best "department of education" that has ever existed. And the teachers who spend every day in that classroom with those children and the school administrators know best the individual needs of the students. That is why I am offering this sense-of-the-Senate resolution.

Under the sense-of-the-Senate resolution, we urge that 95 percent of Federal funds should go to the classroom. If 95 percent went to the classroom, each class would have an additional $2,094 to spend on their particular needs.

I will show this chart to my colleagues. Under the dollars-to-the-classroom amendment, simply go through the figures. The number of students in K through 12 in the United States is 51.7 million. Elementary and secondary Department of Education outlays for fiscal year 1997, according to CBO, were

$15.04 billion. The current estimate of above-mentioned dollars to the classrooms, the 65 percent that actually make it to the classroom under current policies, is $9.78 billion. The goal of the above-mentioned dollars to the classrooms, 95 percent, would be $14.29 billion that would get to the classroom. So the added dollars for use in the classroom are over $4.5 billion. That is without any new taxes. Without any new appropriations necessary, we would free up $4.5 billion for use in the classroom to be determined by the local school boards as to how that money could best be spent. That could be the hiring of additional teachers. It could be that in some school districts the great need is to lower classroom sizes. It could also be that they need to build a new school building or purchase some computers. It could be that they need to hire a tutor to help in a particular academic area. Additional dollars per student under this formula of 95 percent would be $89.23 per student. Average class size is 23.2 for teachers in departments, 25.2 for self-employed—approximately 24 children per class. If you multiply by 24, you come out with over $2,000 per classroom.

I suggest to my colleagues that that is a far wiser approach than starting a new Federal program. The classroom is where learning occurs. It is where knowledge grows. It is not in some stuffy office in Washington where 35 cents out of every dollar is currently being spent. Thus, we should get the money away from Washington and drive it to the classrooms through that block grant approach that has been so ridiculed. We would be able to accomplish that, where local school boards or the States would be able to make those decisions.

This resolution—it is only a sense of the Senate—lays the groundwork for getting education dollars to the schools, where local officials and parents and teachers can decide how best to spend the money. The question is, whom do we trust? Do we trust Washington, or local school boards, local schools, teachers and parents? A vote for this perfecting second-degree amendment is a vote for the classroom in your States and a vote against bureaucracy. That is the question. Do you want it down in the classroom or do you want to have another Federal bureaucracy hiring more teachers, another overlay, another step in federalizing education in this country?

I ask my colleagues to support this sense-of-the-Senate resolution on dollars to the classroom, where the money can best be used, where the decisions can best be made.

I reserve the remainder of my time, Mr. President.

The PRESIDING OFFICER. The Senator from Arkansas has 7 minutes remaining.

Who yields time in opposition?

Mr. KENNEDY. Mr. President, I yield myself 3 minutes. But I see the Senator from Washington on her feet at this time. Maybe she would like to address this and then I will make some brief comments about it.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, we have had a brief chance to take a look at this amendment. We have not seen it before 10 minutes ago. We are looking at the language now.

The Senator from Arkansas says that he wants 95 percent of the money to go to classrooms. I don't think anybody disagrees with that. In fact, it is my understanding that much more than that—in fact, 98 percent of Federal funds actually go to school districts and classrooms. So what he is asking for currently is in place.

We go back to why I originally put this amendment before us, which is the fact that we have classrooms that are overcrowded, classrooms where children are not learning. We have classrooms where we as elected officials are demanding that our students learn math, reading, and language skills but simply do not have the ability to do it because of overcrowded classrooms.

Mr. President, we will continue to take a look at this language. I yield to my colleague from Massachusetts for a comment.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, the amendment of the Senator from Washington is really targeted on a key area of educational policy—that is, the reduced class size—for all the reasons she eloquently presented to the Senate just a few moments ago. It is a time-tested way of enhancing academic achievement and accomplishment for our public schools. The fact is that she has taken this proposal, offered it to the Senate so that we would have an opportunity to state whether we believe that smaller class size would be useful and helpful, particularly in the early grades. That is what this is really targeted on.

The Senator from Arkansas has come in and offered an amendment that effectively vitiates her amendment, by saying that we should be committed to at least 95 cents of the educational dollar going into the classroom. Well, we are in favor of that. This is a rather clever way, evidently, by our Republican friends of trying to obscure the issue of whether smaller class size is an important educational tool.

We agree that 95 percent of the funds ought to go to the classrooms. In many programs, it's more than 95 percent; 98 percent goes through to the classrooms. So why the Senator has made this proposal is to wipe out the MURRAY amendment. Let's not fool ourselves. We can stand up here all day long and say how we want to preserve taxpayer funding to targeted areas in educational programs. We are for it. We are all for it. It is not a new idea. It has already been accepted in the House of Representatives. We hope there will be a voice vote on it. But we ask the Senator, why attempt to vitiate the excellent program or deny the Senator the opportunity to get a vote on her program for smaller class size?

That is what you are basically about. Let's not kid ourselves. Let's not stand up here and take the time of the U.S. Senate and try to say we are all for trying to get the money into the classroom. We are all for that. The Senator has the legitimacy to take the time of the Senate to do so. We are for it. But what you should say is: By accepting my amendment, we effectively emasculate the Murray amendment, which has tried to put the Senate on record saying that smaller classrooms can be one of a number of tools to try to enhance academic achievement and accomplishment.

You are effectively trying to deny that. Let's call a spade a spade. That is why I certainly hope that we have every intention of getting a vote on the Murray concept. We will have that opportunity to do so at some time. I hope we will persevere.

I think the amendment of the Senator from Washington is a carefully crafted amendment and that we in this body understand the importance of moving towards smaller class size. I heard the Senator eloquently speak from her own personal experience. There isn't a Member in this body who can speak with the personal experience of the Senator from Washington. She has been in the classroom. She has been in large classes and in smaller classes and has been a school board member. There isn't a Member in the Senate who can claim those kinds of credentials. She knows about this as an important concept.

We are not going to be denied by any Senator in here from at least getting an opportunity to vote on that. You can try what you like, but you are not going to be successful. I hope we can get beyond the chaff that is out here and get to the real wheat, which is the Senator's amendment.

If the Senator wants to have a vote on his, good. I hope we would get on with it, if we are serious about having an education debate. But make no mistake about it. The thrust of the Senator's amendment is to effectively deny the Senate an opportunity to vote on the Murray amendment because we all virtually agree. I have not heard a voice out here that isn't going to support the Senator's amendment, which is about 95 cents out of every dollar going to the classroom. That is not what this is about. It is to deny the Senator from Washington of having a fair chance to have her amendment heard. We know our Republican friends are so tied up with this idea of using scarce resources for private schools, and we know the drive that has in terms of the whole Coverdell proposal. But they want to deny even the opportunity for the Senate to address in a short period of time a very important and significant educational policy issue. Even under these restrictive rules, which we had to agree to, they are not going to be able to prohibit the Senator from getting a vote on it.

I hope that we do that in a way that will be accommodated. We can do it nice or do it rough. But we are going to get a vote on it. The Senator can make up his mind which way he wants to play with it.

Mr. DORGAN. Mr. President, may I inquire? What time is available, without consuming time?

The PRESIDING OFFICER. The Senator from Washington controls 8 minutes; the Senator from Arkansas is in control of 7 minutes.

Mr. DORGAN. Mr. President, the Senator from Arkansas may want to respond. But let me make a point that his amendment essentially, as the Senator from Massachusetts says, wipes out the Murray amendment dealing with class size and 100,000 teachers and reducing the class size of first, second, and third grades to an average of 18 students.

The point I made the other day is that this debate is about the priorities of need in education. The Senator from Georgia brings a bill to the floor and says the priority of need is a provision for a tax credit, the bulk of which will go to wealthy folks who send kids to private schools. That is his priority of need. It is not me saying that; it is now the Department of Treasury saying that of the legislation.

The Senator from Washington says there is another need. We talked earlier about school construction. The President and the Senator from Washington has done a lot of work on this issue and talk about the need to reduce the class size of first, second, and third grades. We know that makes a difference in education. That is not rocket science. We know that works. That makes a difference in education.

The second-degree perfecting amendment that has been offered essentially obliterates this and takes it out. The Senator from Massachusetts just indicated—he is absolutely correct—that we are going to get a vote on the amendment offered by the Senator from Washington, Senator MURRAY. We have a right to get that vote. We will, because the Senator from Arkansas says he wants to obliterate that amendment. We will then come back and offer a second-degree at the end of his amendment, and we will get this vote later now rather than sooner. But we will get it.

So I don't have any objection to somebody coming to the floor saying let's have 99 percent of the money spent on education going into the classroom. I have no objection to that. I have no objection to his amendment at all. What I object to is he comes to the floor and says—by the way, the Senator from Washington worked on this for some while, and it was one called for in the President's State of the Union Address—we will just wipe that out. That is not part of the unanimous consent. She has a right to vote on it. What we will do at 11:30 in the morning is just wipe it out.

Finally, let me propound a parliamentary inquiry, if I might, to the Presiding Officer. Is it not the case that the Senator from Washington will be able to offer a second-degree amendment at the end of the perfecting amendment providing this perfecting amendment is approved by the Senate at some appropriate point in this process and get a vote on the second-degree amendment?

The PRESIDING OFFICER. Upon disposition or taking care of the Hutchinson second-degree, other second-degrees would be in order.

Mr. HUTCHINSON. How much time do I control?

The PRESIDING OFFICER. Seven minutes.

Mr. DORGAN. Mr. President, I yield the floor and reserve the remainder of the time.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, as I began my remarks, I was not trying to play dirty pool, or something, as the Senator from Massachusetts has suggested. The rules are the rules. The rules allow me to offer a second-degree amendment. As I expressed at the very beginning, I think there is a big philosophic difference as to how we improve education in this country because I don't believe that a Federal program of 100,000 new teachers is the best way to do it. It doesn't mean that I somehow am playing dirty pool. We have a great difference of opinion as to what is the best approach.

Everybody stands up and says what we want in this case is to just lower the class size and we are going to have better schools. No one deals with the figures. No one deals with the facts that I have given. I wish somebody would. The Department of Education gives us figures saying from 1955, when the class size average was 27 in this country until the current time when the average size is 18.5 in elementary, 17.3 overall, that we have seen class size drop now by over 10 per class size. During the same 40-year period, we have seen academic achievement decrease.

Furthermore, I wish somebody would explain this to me. Here in Washington, DC, we have one of the lowest average class sizes in the Nation—13. Yet, our Nation's Capital ranks near the bottom in academic achievement. If this is the solution, why 100,000? Let's hire 200,000, if the solution to education in this country is getting class sizes down. Let's get it down to 10. But the fact is we have seen class sizes drop and drop and drop, and at the same time we have seen academic scores—nationalized achievement tests—drop and drop and drop. What do we do? Let's hire more teachers. That is bound to help. Yet, no one wants to deal with the issue. They just want to say this isn't right, that you should offer a second-degree amendment.

By the way, I am so glad about the endorsement of the 95 cents out of every dollar going to classrooms. There is legislation that would do that. I expect now—as Senator DORGAN says—I don't think they actually will but I hope that we get the dollars for the classrooms and allow us to get that money to the classrooms. It is a better approach.

In Utah, the State of Utah ranks near the bottom in class size. In fact, I think it was 48th in class size. Yet, they are at the top nationally in student achievement. But the way we are going to solve the school problems in this country is hire more teachers.

Mr. DORGAN. Will the Senator yield for a question?

Mr. HUTCHINSON. No, I will not yield for questions at this time. I resent the implication that somehow I have violated the comity of the process by offering a second-degree amendment which sincerely reflects my desire to address the education problems in this Nation in what I believe is a better way and my sincere—my sincere—reluctance to further federalize education in this country by hiring 100,000 new teachers with Federal funds. I think it is the wrong direction.

I think it is the right of any Senator to come and propose a better way.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 3 minutes 1 second remaining.

Mr. HUTCHINSON. I will yield for a question.

Mr. DORGAN. Mr. President, the Senator from Arkansas has offered an amendment that strikes the amendment offered by the Senator from Washington. We had a unanimous consent agreement in this Chamber on how we were going to handle amendments. It provided that she was going to have an opportunity to offer her amendment and get a vote on her amendment. I didn't use the words "dirty pool." The Senator did. But my point is, if we had an agreement that she was going to be able to offer this amendment on the Senate floor and the Senator comes and strikes her amendment, it seems to me that is not what we agreed to some long while ago when we agreed to the rules of this debate.

The Senator is within his rights of offering the second degree. I don't disagree. But my point is the Senator comes to the floor, not just advancing his ideas, but essentially prevents her from getting a vote on her amendment because the Senator strikes the Murray amendment.

Mr. HUTCHINSON. I am not sure what the question is. I yielded for a question.

Mr. COVERDELL. Will the Senator yield?

Mr. DORGAN. Let me ask a question. And while you do this you make the point apparently larger class sizes are better. Do you believe that?

Mr. HUTCHINSON. I have not made that point, as we all well know. Let me say again, what I think I demonstrated very, very clearly is that there is no evidence that simply lowering class size is going to improve academic achievement. That's been the assertion from the other side.

I yield to the Senator from Georgia.

Mr. COVERDELL. I just wanted to clarify the unanimous consent agreement. I have been off the floor for a moment. But the unanimous consent agreed to 12 Democrat amendments, 5 Republican amendments and any second degrees, unlimited. So I don't think anything has happened here that was not appropriate under the unanimous consent agreement.

Mr. HUTCHINSON. Will the Senator yield for a question?

Mr. COVERDELL. I yield.

Mr. HUTCHINSON. Is it your understanding that my offering of the second-degree amendment is any violation of comity as to the agreement that was entered into?

Mr. COVERDELL. No, there is not. That's the point.

Mr. HUTCHINSON. Any implication that somehow I have wronged the Senator from Washington in offering this would be inaccurate?

Mr. COVERDELL. That is inaccurate.

Mr. DORGAN addressed the Chair.

AMENDMENT NO. 2296, AS MODIFIED

Mr. HUTCHINSON. I believe I have control of the floor. I ask the Senator from Georgia if he would be agreeable to me offering this as a first-degree amendment with a recorded vote and removing this as a second-degree amendment, in my effort, in my desire to be as agreeable and cooperative as possible to the Senator from Washington?

Mr. COVERDELL. If I understand—I just heard this—what the Senator from Arkansas is saying, there is a suggestion that your second degree would be framed as a first degree?

Mr. HUTCHINSON. That is correct.

Mr. COVERDELL. On which there would be a vote, and then there would be a vote on the amendment of the Senator from Washington absent the second degree. So both proposals would be voted on. It is my understanding that was agreeable to the Senator from Washington. If it is agreeable to the Senator from Arkansas, I think that could be facilitated.

Mr. HUTCHINSON. It is agreeable to the Senator from Arkansas.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. If the Senator will yield, I will get a vote then on my amendment?

Mr. COVERDELL. That is correct.

The PRESIDING OFFICER. Does the Senator from Georgia want to propose that as a unanimous consent request?

The Senator from Georgia.

Mr. COVERDELL. Let me propose it as a unanimous consent request then.

Mr. DORGAN. Mr. President, reserving the right to object.

Mrs. MURRAY. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I have not had a chance to respond. How much time do I have remaining on my side?

The PRESIDING OFFICER. The Senator from Washington has 4 minutes.

Mr. COVERDELL. When I said no more time, I didn't mean to interrupt the time already allotted.

Mr. DORGAN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Is it the Senator's intention there be no second-degree intervening amendment before voting on the amendment of the Senator from Washington?

Mr. COVERDELL. Yes. We are agreeing to have a vote on the amendment of the Senator from Washington and the amendment of the Senator from Arkansas, and no other amendment.

Mr. DORGAN. Mr. President, again reserving, and I shall not object, this does correct exactly what we were complaining about. I appreciate very much the opportunity to do that because the unanimous consent agreement gave her the understanding that she was going to be able to offer an amendment, provide the debate and get a vote on her amendment. I do not represent that the intention here was to deliberately prevent that. But the effect——

Mr. HUTCHINSON. Such a suggestion was made.

Mr. DORGAN. But the effect of it is to prevent her from getting a vote on her amendment unless it is corrected. This does correct it, and I think it makes a great deal of sense.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

The amendment (No. 2296), as modified, reads as follows:

At the end of the bill, add the following:

TITLE —SENSE OF CONGRESS

SEC. 01. FINDINGS.

Congress makes the following findings:

(1) The people of the United States know that effective teaching takes place when the people of the United States begin (A) helping children master basic academics, (B) engaging and involving parents, (C) creating safe and orderly classrooms, and (D) getting dollars to the classroom.

(2) Our Nation's children deserve an educational system which will provide opportunities to excel.

(3) States and localities must spend a significant amount of Federal education tax dollars applying for and administering Federal education dollars.

(4) Several States have reported that although the States receive less than 10 percent of their education funding from the Federal Government, more than 50 percent of their paperwork is associated with those Federal dollars.

(5) While it is unknown exactly what percentage of Federal education dollars reaches the classroom, a recent audit of New York City public schools found that only 43 percent of their local education budget reaches the classroom; further, it is thought that only 85 percent of funds administered by the Department of Education for elementary and secondary education reach the school district level; and even if 65 percent of Federal education funds reach the classroom, it still means that billions of dollars are not directly spent on children in the classroom.

(6) American students are not performing up to their full academic potential, despite the more than 760 Federal education programs, which span 39 Federal agencies at the price of nearly $100,000,000,000 annually.

(7) According to the Digest of Education Statistics, in 1993 only $141,598,786,000 out of $265,285,370,000 spent on elementary and secondary education was spent on instruction.

(8) According to the National Center for Education Statistics, in 1994 only 52 percent of staff employed in public elementary and secondary school systems were teachers.

(9) Too much of our Federal education funding is spent on bureaucracy, and too little is spent on our Nation's youth.

(10) Getting 95 percent of Department of Education elementary and secondary education funds to the classroom could provide approximately $2,094 in additional funding per classroom across the United States.

(11) More education funding should be put in the hands of someone in a child's classroom who knows the child's name.

(12) President Clinton has stated: "We cannot ask the American people to spend more on education until we do a better job with the money we've got now.".

(13) President Clinton and Vice President Gore agree that the reinventing of public education will not begin in Washington but in communities across the United States and that the people of the United States must ask fundamental questions about how our Nation's public school systems' dollars are spent.

(14) President Clinton and Vice President Gore agree that in an age of tight budgets, our Nation should be spending public funds on teachers and children, not on unnecessary overhead and bloated bureaucracy.

SEC. 02. SENSE OF CONGRESS.

It is the sense of Congress that the Department of Education, States, and local educational agencies should work together to ensure that not less than 95 percent of all funds appropriated for the purpose of carrying out elementary and secondary education programs administered by the Department of Education is spent for our Nation's children in their classrooms.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I see the Senator from Washington is on the floor. I will just take a moment or two to talk about support for smaller class sizes. The idea that we say this is going to be the answer in education, of course, no one has represented that.

The PRESIDING OFFICER. The Senator from Washington has 4 minutes.

Mr. KENNEDY. Two minutes. No one has represented that.

But what we have found, for example, as a result of very extensive hearings—I do not know which ones were cited—is that in Flint, MI, efforts over the last 3 years to reduce class size in grades K through 3 have lead to a 44 percent increase in reading scores and an 18 percent increase in math scores. In Wisconsin, student achievement in grades K through 3 is also finding similar results. Project STAR in Tennessee, K through 3 in 80 different schools in Tennessee. And in California similar kinds of results. So the idea that this is not a worthwhile educational policy tied into other education policy as a way to help to assist local schools that make that judgment fails, I think, to be credible, and I think that is why we are all grateful we are going to be in a situation that we can have the vote on the amendment of the Senator from Washington and a vote on the amendment of the Senator from Arkansas. I hope this body will vote in favor of both.

I thank the Senator from Washington for bringing this very important measure to the Senate.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington has 2½ minutes.

Mrs. MURRAY. I thank the Chair. I thank my colleagues from Massachusetts and North Dakota because they are stating the case quite correctly on class size. It absolutely makes a difference when you reduce class size particularly in lower grades.

The Senator from Massachusetts has cited what several empirical studies have shown. The Educational Testing Service says that empirical evidence is clear; smaller classes can make higher levels of student achievement, at least in the elementary school grades and particularly for disadvantaged students.

We have submitted these studies for the record, and our colleagues are welcome to look at the record. But I can tell you as an educator, clearly class size makes a difference. There is not a parent in this country who does not want to send their child off to school and know that they are learning how to read, that they are learning how to write, that they are learning math skills. When you have reduced class size, it makes a difference. Ask any parent. Ask any student. Ask any teacher. It will make a difference.

Every parent asks their child on the first day of school when they come home, "Who is your teacher? How many kids in your classroom?" They ask that because they know it makes a difference. Parents know it. Students know it. Teachers know it. And the studies show it. If you want to help IDEA kids, to which many of my colleagues have been alluding on the floor, I will tell you that class size matters. It matters more than anything else. I think it is absolutely imperative that this Senate go on record stating that we understand that. We are not going to ignore it. We are not going to come up with all kinds of arguments about paperwork and bureaucracy and federalism. We are going to say that as leaders in this country we understand that class size makes a difference. We want to make a difference for our children in our schools across this country, and we can by passing this amendment.

Mr. NICKLES. Will the Senator yield for a question?

Mrs. MURRAY. Yes. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Washington has 15 seconds.

Mr. NICKLES. The question to my colleague from Washington is: How much does your proposal cost, and are these going to be Federal teachers? Are they going to be paid for entirely by the Federal Government or partly by the State government? What is the cost allocation?

Mrs. MURRAY. In the President's State of the Union Address, he said he wanted us, in our budget, to add 100,000 additional teachers in our classrooms just as we added 100,000 police officers. Within our budget, we will look at how we can do that. My sense of the Senate simply puts us on record, as leaders in this country, that we are going to move in this direction. We have numerous ways of looking at it.

If we can fund roads, if we can fund construction projects across this country, if we can fund numerous projects that we have in our budgets, we certainly can fund lower class sizes for our students across this country that will make a difference.

The PRESIDING OFFICER. The time of the Senator from Washington has expired. The Senator from Oklahoma.

Mr. NICKLES. I ask unanimous consent that each side have an additional 2 minutes to discuss this issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Will the Senator yield?

Mr. HUTCHINSON. I yield 2 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 2 minutes.

Mr. NICKLES. I appreciate my colleague's response. I said, How much is it going to cost? She said it is in the President's budget. The President's budget says we will spend $7.3 billion to hire an additional 100,000 teachers. It doesn't really define in the budget how that is going to be done. My colleague from Washington said it is going to be done like we did community policing. He has a goal to hire 100,000 community police. When that started out, it was 100 percent or 75 percent Federal, and then 50 percent Federal, and then 25 percent Federal each succeeding year, and the individual communities had to pick up the greater costs.

I laugh at that. A lot of communities are saying, "We like the program when the Federal Government is paying all of it. We don't like it when we have to pay all of it."

Then I asked my communities in the State, I went around to several communities—I am sure several of my colleagues did—and said, "Are you going to get one of these teachers? Is your school going to get a teacher? Is your school going to get a teacher? Who is going to be lucky enough to get the Federal teacher?" I don't think it makes any sense.

Do I want smaller class size? I would say, in general, yes. Do I think the Federal Government should mandate it, should pay for it? The answer is no. I think the solution is, as our Senator from Washington said, let's give the money and power and control back to the States, and if they want smaller class size, they can make that decision. If they want new buildings, they can make that decision. If they want new computers, they can make that decision. We should not try to say, "Oh, we think this classroom should have another teacher. We are going to have a Federal teacher here and have the Federal Government pay 75 percent of it or 50 percent of it for the first year." I just don't think it makes sense. I don't think it is affordable.

The $7.3 billion the President had in his budget was financed on the so-called tobacco deal, and we don't even know whether or not it is going to happen. So I urge my colleagues to support the amendment of my friend and colleague from Arkansas saying that 95 percent of this money should go directly to the classroom. I urge my colleagues not to say we should be dictating to the States how, and put Federal teachers or federally-paid-for teachers in the schools. I think it would be a serious mistake.

If we want to have a sense of the Senate, "Hey, we urge you to have smaller class size," and leave it to the States, fine. But the implication of the amendment of the Senator from Washington is that we need to have the President's program, we need to have the Federal Government writing checks for teachers in individual school districts, and I think that is a mistake.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I have 2 minutes remaining?

The PRESIDING OFFICER. There are 2 minutes remaining under your control.

Mr. HUTCHINSON. I appreciate the Senator from Oklahoma and his clarification on the amendment, the sense-of-the-Senate resolution of the Senator from Washington, because it is not clear whether these are Federal teachers, federally funded or not. It is clear now that it is Senator MURRAY's intention that this fulfill the President's request in his budget; that is $7.3 billion.

We all want smaller class sizes. My point has been that we have been getting that. Mr. President, 27 was the average class size in 1955, 21 in 1975, 17.3 today. Class sizes are dropping. They will continue to. Demographically, we are told class sizes will continue to decrease.

Furthermore, we know as well that many States are already addressing this problem. California, Virginia, Massachusetts, Connecticut, and Wisconsin have taken dramatic steps to reduce class size on their own. Our whole point has been that 100,000 new teachers hired at the Federal level is not the best use of $7.3 billion. We would be far wiser in use of limited Federal resources to ensure that that money gets to the classroom, as opposed to starting another Federal initiative, another Federal effort.

We know that our schools have problems. Mr. President, 25 percent of 12th grade scores were below basic reading in the 1994 NAPE test. The literacy level of young adults, 15 to 21, dropped 11 points between 1984 and 1994. That has happened simultaneous with smaller class sizes. We all want smaller class sizes. I think that is wonderful. But is that the best use of scarce resources? The answer is no.

What is the correct answer is to provide maximum flexibility with the fewest possible mandates, ensuring that the highest percentage possible of those dollars gets to the classroom. That is what my amendment does. That is what the "dollars to the classroom" proposal is all about—more money to the classroom with fewer regulations and fewer controls from the bureaucrats in Washington, DC. I think most Americans agree with that, I think most schoolteachers agree with that, and I am sure most parents agree with that proposal.

So I ask my colleagues to vote for this sense-of-the-Senate resolution. It expresses their reluctance, skepticism about another Federal program hiring another 100,000 teachers for our local schools.

The PRESIDING OFFICER. All time of the Senator from Arkansas has expired. The Senator from Washington has 2 minutes.

Mrs. MURRAY. Mr. President, I have listened carefully to the education debate because I care deeply about public education in this country. I believe that our democracy was founded on the principle that all children, no matter who they are or where they come from or how much money they have, should have the opportunity within our public education system in this country to get a good education. I have gone across my State and asked parents and teachers and principals and school board members, What will make a difference? And resoundingly they have said to me we need to focus attention on class size; the Senate needs to focus their attention on class size.

I am, frankly, really tired of the argument that our public education system has failed. Our public education system has not failed. We have failed our public education system. And we have failed it because we have not put in the adequate resources for what we are demanding, as leaders in this country—that our children learn how to read and write and get the skills they need to get jobs one day. These are skills we are demanding. Yet we turn our backs and say we are not going to fund it.

This is an issue of priorities. Are we going to fund public education in this country? Or are we going to do what my Republican colleagues did in this budget and cut $2.2 billion from education? Mr. President, we can go down a narrow road in this country, and we can pass vouchers, and we can say that we can block grant, and we can make sure that a few kids get a public education. But that is not the country I was born and raised in. That is not the philosophy I believe in. I believe we can do the right thing. I know, and I will tell all of you: Reducing class size makes a difference. Ask any parent. Ask any parent if they know that it makes a difference, and they will tell you yes, it does.

Mr. President, this is a simple amendment that we are offering. It simply says this Congress understands that class size reduction is an issue that makes a difference and we are willing to look at how we can help make that happen across this country. I urge its adoption.

The PRESIDING OFFICER. The time of the Senator from Washington has expired.

Mr. HUTCHINSON. Mr. President, I ask for the yeas and nays on the Hutchinson amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2295

Mr. KENNEDY. The yeas and nays on the Murray amendment, Mr. President? I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the Murray amendment and the Hutchinson amendment are temporarily laid aside. The Senator from Indiana, Mr. COATS, is recognized to offer an amendment.

AMENDMENT NO. 2297

(Purpose: To amend the Internal Revenue Code of 1986 to provide an additional incentive to donate to elementary and secondary schools or other organizations which provide scholarships to disadvantaged children, and for other purposes)

Mr. COATS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BURNS). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. COATS] proposes an amendment numbered 2297.

Mr. COATS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end add the following:

TITLE ___—ADDITIONAL INCENTIVE TO MAKE SCHOLARSHIP DONATIONS

SEC. ___. ADDITIONAL INCENTIVE TO MAKE DONATIONS TO SCHOOLS OR ORGANIZATIONS WHICH OFFER SCHOLARSHIPS.

(a) IN GENERAL.—Section 170 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following:

"(m) TREATMENT OF AMOUNTS PAID TO CERTAIN EDUCATIONAL ORGANIZATIONS.—

"(1) IN GENERAL.—For purposes of this section, 110 percent of any amount described in paragraph (2) shall be treated as a charitable contribution.

"(2) AMOUNT DESCRIBED.—For purposes of paragraph (1), an amount is described in this paragraph if the amount—

"(A) is paid in cash by the taxpayer to or for the benefit of a qualified organization, and

"(B) is used by such organization to provide qualified scholarships (as defined in section 117(b)) to any individual attending kindergarten through grade 12 whose family income does not exceed 185 percent of the poverty line for a family of the size involved.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) QUALIFIED ORGANIZATION.—The term 'qualified organization' means—

"(i) an educational organization—

"(I) which is described in subsection (b)(1)(A)(ii), and

"(II) which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law, or

"(ii) an organization which is described in section 501(c)(3) and exempt from taxation under section 501(a).

"(B) POVERTY LINE.—The term 'poverty line' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

"(4) TERMINATION.—This subsection shall not apply to contributions made after December 31, 2002."

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. . CLARIFICATION AND EXPANSION OF MATHEMATICAL ERROR ASSESSMENT PROCEDURES.

(a) TIN Deemed Incorrect if Information on Return Differs With Agency Records.—Section 6213(g)(2) (defining mathematical or clerical error) is amended by adding at the end the following flush sentence:

"A taxpayer shall be treated as having omitted a correct TIN for purposes of the preceding sentence if information provided by the taxpayer on the return with respect to the individual whose TIN was provided differs from the information the Secretary obtains from the person issuing the TIN."

(b) Expansion of Mathematical Error Procedures to Cases Where TIN Establishes Individual Not Eligible for Tax Credit.—Section 6213(g)(2), as amended by title VI of this Act, is amended by striking "and" at the end of subparagraph (J), by striking the period at the end of the subparagraph (K) and inserting ", and", and by adding at the end the following new subparagraph:

"(L) the inclusion on a return of a TIN required to be included on the return under section 21, 24, or 32 if—

"(i) such TIN is of an individual whose age affects the amount of the credit under such section, and

"(ii) the computation of the credit on the return reflects the treatment of such individual as being of an age different from the individual's age based on such TIN."

(c) Effective Date.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. . CERTAIN CUSTOMER RECEIVABLES INELIGIBLE FOR MARK-TO-MARKET TREATMENT.

(a) Certain Receivables Not Eligible for Mark to Market.—Section 475(c) (relating to definitions) is amended by adding at the end the following new paragraph:

"(4) Special rules for certain receivables.—

"(A) In general.—Paragraph (2)(C) shall not include any note, bond, debenture, or other evidence of indebtedness which is nonfinancial customer paper.

"(B) Nonfinancial customer paper.—For purposes of subparagraph (A), the term 'nonfinancial customer paper' means any receivable—

"(i) arising out of the sale of goods or services by a person the principal activity of which is the selling or providing of nonfinancial goods and services, and

"(ii) held by such person or a related person at all times since issue."

(b) Effective Date.—

(1) In general.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) Change in method of accounting.—In the case of any taxpayer required by the amendments made by this section to change its method of accounting for its first taxable year ending after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account ratably over the 4-taxable year period beginning with such first taxable year.

Mr. COATS. Mr. President, can I inquire of the time allotted to the Senator for this amendment? My understanding is it is 15 minutes. Is that correct?

The PRESIDING OFFICER. The Senator from Indiana has 30 minutes on this amendment, equally divided. So 15 minutes under the control of the Senator from Indiana.

Mr. COATS. Mr. President, first of all, I compliment the author of the underlying legislation. It has been an extraordinary effort. It is a bipartisan effort, we ought to stress, and it is one that clearly offers long-term improvement in education and opportunities in education for many Americans. I thank them for their work on this, and I intend to support them when it comes to a vote.

There has been a critique of the legislation in that most of the benefits will flow to middle-income Americans and above, and that we are not paying adequate attention to low-income Americans and particularly those who attend urban schools, so many of which are failing urban schools.

That critique is really misplaced because that is not the intent of the bill. There have been other opportunities offered on this floor, again, in a bipartisan fashion. Senator LIEBERMAN and I have joined forces on a number of occasions to try to address specifically the problems of low-income students, minority students, who are receiving inadequate educations, and each time those efforts have been met with a filibuster and defeated.

There have been other initiatives. I have offered some, and other Members have offered some. We are going to continue to do that. So the critique is really misplaced. But in an effort to strengthen the underlying bill which we are addressing, I am offering this amendment which I will explain in a moment.

It is clear that there will be Americans, a sizable number of Americans, who don't have the income to take advantage of the tax-free savings accounts that are created in this legislation. Under the best of circumstances, it would take them years to accumulate the amount of money necessary to utilize those funds for alternative means of education. We cannot afford years. We are losing people to the system, and it is an inadequate system.

Let me take a moment to talk about that crisis that exists in urban education.

A recent study published by Education Week points out just how desperate the situation has become. In 1997, just 43 percent of grade-school-age children attending urban schools met the basic standard for reading skills, and that "basic," just for my colleagues' understanding, is defined as being able to read a very simple child's book or children's literature. Among children attending urban schools in high-poverty areas, basic reading ability rates fall to just 23 percent of students. Think of it: Fewer than one in three children attending schools in poor neighborhoods can read a simple story; two-thirds of nonurban students meet the basic standard for mathematics.

Among urban students in high-poverty areas, this one-in-three statistic is truly disturbing. Looking at the area of science, while 65 percent of nonurban students are meeting the basic standard in science achievement, only 38 percent of urban students perform this, and in high-poverty schools, only 31 percent. So, again, fewer than one in three are meeting these standards.

A public school system in which over two-thirds of our children are functionally illiterate in reading, in science, in math is a system that cannot and must not be defended. Yet, those who are opposing any efforts to try to move this system to improve it or reform it, to provide alternatives for children trapped in the system, are met with disdain, are met with challenges.

The logic—actually, I should say the illogic—of the opponents of attempts at reform is difficult to understand, because it is literally condemning poor children to an inadequate education. The one chance they have to escape the plight that they live in is being denied them, because people want to maintain—some people want to maintain—the status quo, and the status quo is bankrupt.

Every year, we debate, as I said, different proposals to permit these low-income children to escape the plight in which they find themselves. Every year, we talk about the need for competition to force public schools to reform the way in which they teach their children. And every year, we are met on the Senate floor with a filibuster by those who say, "No; let's maintain the status quo in the name of absolute equality."

One of the analogies that is often used is that we are just simply trying to throw lifeboats out and scholarships are just lifeboats that are not available to all; and if they are not available to all, then they shouldn't be available to anybody.

A lot of us have seen the recent epic "The Titanic." Fortunately, the opponents of the basis of the proposal that, if you can't help everybody, you shouldn't help anybody were not running the Titanic, because then everybody would have been denied an opportunity to escape on a lifeboat because there were not enough lifeboats for everybody.

If we cannot help everybody all at once, we are not going to help anybody. That is the logic of the opponents of any attempt, whether it is this bill, whether it is the voucher bill that this Senator, Senator LIEBERMAN, and others have been offering, or whether it is any other proposal that other Members have been offering. That is the logic of the opposition. It does not match up.

Recently—I think it was just yesterday or maybe a couple days ago—the President at a press conference with the Democratic leadership challenged the supporters of scholarships to make their case to the Nation, he said. The President said, "You ought to do something rather than just talk about it."

Mr. President, I don't know where you have been lately—well, maybe I do know, preoccupied with other matters—but if you will just look very closely, you will understand that things are being done by those who favor the proposal. We are doing something.

Currently, there are 32 privately funded scholarship programs operating across this country. In virtually every major urban area of this Nation—New York, Washington, Los Angeles, Seattle, Indianapolis, Albany, San Antonio, Atlanta, just to name a few—private citizens are joining forces to provide poor children a way out of collapsing public school systems. To date, these foundations have raised over $30 million and have provided assistance to over 13,000 children. Just this morning, we learned that a major private funder of private school choice announced a $50 million gift to San Antonio's program that will permit any low-income student in the San Antonio system to opt out of a public school if they are not getting an adequate education.

I say we are putting our money where our mouths are. Individuals are stepping forward, people are addressing it and are doing so out of a matter of desperation, desperation that children are being left behind and are not buying into this idea that if you cannot do it for everybody right now, don't do it for anybody.

The demand for this is rising. We are all familiar with the New York City Private Scholarship Foundation. When they announced they had 13 new scholarships for low-income children, they received 17,000 applications. Ten percent of the eligible population of New York said, "Give us a chance. Give us something different." They were overwhelmed by the response.

Last year, the Washington Scholarship Fund here in the District of Columbia announced plans to offer 1,000 new scholarships and received 7,500 requests. That represents 15 percent of the eligible population in the D.C. public schools.

A recent poll of minority parents published last year found that two-thirds of them are crying out for some alternative for education. Low-income families in cities around the country are saying, "We refuse to continue to allow our children to be condemned to schools which don't give them any chance to escape the poverty that they live in."

My colleague, Senator LIEBERMAN, has appealed to his party to say: We are the party of equality. We are the party that reaches out to help those who need help, and yet we are turning our backs on the very people our party is supposed to defend. We are condemning them to an inadequate education and therefore condemning them to a life in which they will not be able to participate in the American dream.

The only way out of many of these areas in our urban cities is drugs, athletics, or education. One in 10,000 make it into college athletics. That is the statistics of all the kids playing basketball, baseball, and football: 1 in 10,000 gets a college scholarship. Out of that, the number is infinitesimal of those who can go on and actually earn a living playing professional sports. So while many dream of being the next Michael Jordan, the reality is that only 1 in about 100,000 or maybe a million is going to be that person or have that opportunity.

The next alternative is drugs and crime. And the statistics there are appalling. Children are dying on the streets, as we speak, at tender ages because they think the way out of their plight—the only way out of their plight—is to move drugs. And that is a prescription for death, that is a prescription for incarceration, that is a prescription for failure.

What do parents want? They understand those realities. They want their children to be educated, given the skills necessary to be able to enter today's workplace, given the education to be able to go on and further their education after high school. And they are not getting that in our urban schools.

How does my amendment try to address this? We try to provide a little piece of a solution to the puzzle we are trying to put together, a mosaic we are trying to put together to try to get us out of this conundrum that tweaks the Tax Code a little bit to give a little extra encouragement to people who donate money to those scholarship funds.

Under current law, a contribution to a 501(c)(3) organization that provides scholarships is deductible against income. My amendment would simply give them a 10 percent incentive to try to encourage more people to give more. We offset that so that it is paid for and revenue neutral. I offered an offset which I thought would be fairly attractive, but I could not get the votes to support it. I did not want to see my amendment fail on that basis, so we worked with the majority leader, we worked with Members, to try to find something that had been vented by the Finance Committee, had been approved as a potential offset. And I do not believe there is any controversy. We have tried to run all the traps on that in terms of the offset.

I can describe the offset. It is two technical items that pay for the change which takes place in the Tax Code with this. What it means is that if a family wanted to donate $500 to a scholarship fund or an individual, they would get a $550 deduction for that. It is an extra incentive. It is just a small piece. I mean, people are going to come down and probably say, "Well, this doesn't solve the problem." No, it does not solve the problem, but it is a step in the right correction. It is a tiny step. And I guess we are reaching out saying, at least can we take some tiny steps to help people who find themselves in an absolute lockbox of inadequate education with no way to escape?

This is my latest attempt. I keep trying to bring ideas down here to try to give poor kids, minority kids, kids condemned to failing urban schools, a chance to get out and get an education. I try to use it as a basis to spur some competition so those who run the public schools will get the idea they need to improve their schools.

We really care about these low-income children, which this bill does not address, but, again, that is not the intent of the bill. I think this strengthens the bill. Then we ought to look for ways in which we can encourage alternatives to education and encourage competition in the system that will force some change.

I will never forget the testimony of the former 25-year superintendent of the Milwaukee public schools, an educated man, an African American, who said: Senator, I've tried everything. You can't name a reform proposal within the system that has worked. The unions block it. The public teachers don't want it. We've tried everything. I defy you to name an approach within the current public education system that forces change. Only one thing has forced change in the Milwaukee public schools, and that is the competition from private schools, the vouchers and the scholarships that have been available so that parents can vote with their feet and their children may have a choice. All of a sudden that has wakened up the Milwaukee public schools which has said, "We've got to change or we're going to lose these kids."

So instead of trying to perpetuate a bureaucracy that protects their employment, and their tenure, they have said, "Let's make the changes that will give students an opportunity to learn, to read, to meet the math and the science skills, to advance in their education."

Who do we care more about? Protecting the system or helping the children? That is the only thing. And so this is an attempt to, one, provide some lifeboats for some kids who are trapped—no, we cannot provide enough for everybody. That really isn't even my intent. My intent is to reform the public school system, because we are going to have, and we need to have, a public school system, a viable public school system, but we can do it by providing competition. In the meantime, we can at least help some kids. This amendment will do that. I hope I have the support of my colleagues in doing so.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 1 minute 40 seconds remaining.

Mr. COATS. Mr. President, I reserve the remainder of my time.

Mr. ROTH. Mr. President, I rise in opposition to this amendment to increase the charitable deduction to 110 percent of any contribution made to an educational institution if the contribution is used to provide scholarships for low-income families.

Education is paramount to the future of our children and nation, and contributing toward the education of another is certainly one of the finest forms charitable giving can take.

Let me also say that I know the distinguished Senator from Indiana has the best intentions with this amendment. I generally believe that charitable giving serves disadvantaged people much better than government programs.

However, there are several concerns that I believe need to be fully examined and addressed before we consider moving down a road that provides a charitable tax deduction in excess of the amount donated. This is a serious departure from settled tax policy principles.

Once we begin to offer charitable tax deductions that are more than the amount donated for low-income scholarships, what comes next?

What other kinds of tax benefits will be proposed where the amount of the deduction exceeds the cost to the taxpayer?

Should these kinds of scholarships be the only charitable activities enjoying this benefit? And, if not, are we prepared to move forward with such a precedent?

There are other concerns I have about the Senator from Indiana's proposal. On what basis does one decide that the percentage should be 105, 120 percent, or a percentage lower than 100 percent? Should we be in the position of choosing among charities and assigning percentages?

Another concern I have is the proposal's attempt to single out one kind of charitable activity and offer it special tax advantages. Why is this kind of charitable activity better than other charitable activities? To do so is a step towards complexity in the tax code.

Mr. President, I believe charitable giving is an activity that we must continue to encourage with tax benefits. For instance, most taxpayers do not itemize, and therefore, cannot deduct their charitable contributions. This is a feature of our tax policy that concerns many members.

This issue, along with other proposals in the charitable giving area, such as the one from the Senator from Indiana, should be reviewed when the Finance Committee holds hearings on fundamental tax reform.

Mr. President, Senator COATS' amendment is well-intended, but raises too many questions to be hastily considered in a Senate floor vote. Let's pass the Coverdell bill, and deliver to taxpayers education tax incentives we have previously debated and approved.

I urge my colleagues to oppose this amendment.

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, we conferred with the other side and I am going to ask unanimous consent that the Coats amendment be set aside.

Mr. COATS. Reserving the right to object, I want to make sure that the time remaining is reserved under the amendment.

Mr. COVERDELL. Let me clarify the unanimous consent—that all time remaining be reserved and the amendment be brought back into the queue at the appropriate time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, as I understand it, the next amendment in order would be a Levin amendment. We are now notifying the Senator that he is next in the order.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I will soon send an amendment to the desk.

The PRESIDING OFFICER. Under the previous order, the Coats amendment will be set aside.

Mr. LEVIN. Reserving the right to object, I wonder if I can ask the manager of the bill whether or not this amendment has been cleared on our side.

Mr. COVERDELL. It has been cleared on both sides.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I understand that regular order now would call for me to offer my amendment. I tell my friends, if they can work out the issues that they have, that I would be happy to stand aside in the middle of my presentation and turn the floor over to the Senator from Arizona.

AMENDMENT NO. 2299

(Purpose: To replace the expansion of education individual retirement accounts to elementary and secondary school expenses with an increase the lifetime learning education credit for expenses of teachers in improving technology training)

Mr. LEVIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan (Mr. LEVIN), for himself, and Mr. BINGAMAN, proposes an amendment numbered 2299.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 2, line 9, strike all through page 10, line 21, and insert:

SEC. 101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(2) CONTRIBUTION LIMIT.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(4) CONTRIBUTION LIMIT.—The term 'contribution limit' means $500 ($2,000 in the case of any taxable year beginning after December 31, 1998, and ending before January 1, 2003)."

(3) CONFORMING AMENDMENTS.—

(A) Section 530(d)(4)(C) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(B) Section 4973(e)(1)(A) is amended by striking "$500" and inserting "the contribution limit (as defined in section 530(b)(5)) for such taxable year".

(b) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

"The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary)."

(c) CORPORATIONS PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking "The maximum amount which a contributor" and inserting "In the case of a contributor who is an individual, the maximum amount the contributor".

(d) NO DOUBLE BENEFIT.—Section 530(d)(2) (relating to distributions for qualified education expenses) is amended by adding at the end the following new subparagraph:

"(D) DISALLOWANCE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph."

(e) TECHNICAL CORRECTIONS.—

(1)(A) Section 530(b)(1)(E) (defining education individual retirement account) is amended to read as follows:

"(E) Any balance to the credit of the designated beneficiary on the date on which the beneficiary attains age 30 shall be distributed within 30 days after such date to the beneficiary or, if the beneficiary dies before attaining age 30, shall be distributed within 30 days after the date of death to the estate of such beneficiary."

(B) Section 530(d) (relating to tax treatment of distributions) is amended by adding at the end the following new paragraph:

"(8) DEEMED DISTRIBUTION ON REQUIRED DISTRIBUTION DATE.—In any case in which a distribution is required under subsection (b)(1)(E), any balance to the credit of a designated beneficiary as of the close of the 30-day period referred to in such subsection for making such distribution shall be deemed distributed at the close of such period."

(2)(A) Section 530(d)(1) is amended by striking "section 72(b)" and inserting "section 72".

(B) Section 72(e) (relating to amounts not received as annuities) is amended by inserting after paragraph (8) the following new paragraph:

"(9) EXTENSION OF PARAGRAPH (2)(B) TO QUALIFIED STATE TUITION PROGRAMS AND EDUCATIONAL INDIVIDUAL RETIREMENT ACCOUNTS.—Notwithstanding any other provision of this subsection, paragraph (2)(B) shall apply to amounts received under a qualified State tuition program (as defined in section 529(b)) or under an education individual retirement account (as defined in section 530(b)). The rule of paragraph (8)(B) shall apply for purposes of this paragraph."

(3) Section 530(d)(4)(B) (relating to exceptions) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by adding at the end the following new clause:

"(iv) an amount which is includible in gross income solely because the taxpayer elected under paragraph (2)(C) to waive the application of paragraph (2) for the taxable year."

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (e) shall take effect as if included in the amendments made by section 213 of the Taxpayer Relief Act of 1997.

On page 21, between lines 9 and 10, insert:

SEC. 107. INCREASED LIFETIME LEARNING CREDIT FOR TECHNOLOGY TRAINING OF ELEMENTARY AND SECONDARY TEACHERS.

(a) IN GENERAL.—Section 25A(c) (relating to lifetime learning credit) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE FOR TECHNOLOGY TRAINING OF CERTAIN TEACHERS.—

"(A) IN GENERAL.—If any portion of the qualified tuition and related expenses to which this subsection applies—

"(i) are paid or incurred by an individual who is a kindergarten through grade 12 teacher in an elementary or secondary school, and

"(ii) are incurred as part of a program which is approved and certified by the appropriate local educational agency as directly related to improvement of the individual's capacity to use technology in teaching,

paragraph (1) shall be applied with respect to such portion by substituting '50 percent' for '20 percent'.

"(B) TERMINATION.—This paragraph shall not apply to expenses paid after December 31, 2002, for education furnished in academic periods beginning after such date."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenses paid after June 30, 1998, for education furnished in academic periods beginning after such date.

Mr. PRESIDING OFFICER. The Senator from Michigan is recognized for 15 minutes.

Mr. LEVIN. Mr. President, I ask unanimous consent Senator BINGAMAN be added as a cosponsor.

Under current law, there is a learning credit in the Tax Code equal to 20 percent of a student's college education cost, up to $5,000. My amendment increases the percentage from 20 percent to 50 percent of those college costs for teachers who return to receive training in technology. We currently have this lifetime learning credit of 20 percent for college costs, up to $5,000.

Because of the critical importance of our teachers learning how to utilize technology in the classrooms, this amendment would increase that credit to 50 percent of that teacher's college costs in those courses where he or she received training in technology. The amendment does not affect most of the beneficial aspects of the bill before us. It only removes the most controversial part of that bill relative to the use of the IRA in the K through 12th grades—I will come to that in a moment—but it leaves in place the other parts of the education bill before us, including the extension of the tax exclusion for employer-provided education assistance, the provision of a tax exclusion for withdrawals from State tuition programs, the limited school construction provisions, and, again, the expansion of the education IRA as it relates to college and postsecondary education.

This amendment is necessary in our school districts all over our country because they are making investments in technology, hardware and software, wiring together schools so they can connect their computers, and inside of the school building connecting computers through what is called "local area networks," connecting our K through 12 classrooms to colleges and universities for distance learning through fiber optics. Lots of new technologies are being provided in our schools at great cost to our taxpayers.

I have spent a lot of time traveling in my State. What I find is that no matter how advanced a school district is in the installation of these technologies, we do not have nearly enough of the professional development, the giving to our teachers those skills that are essential so that they can utilize these education technologies.

School districts vary as to how much technology they have, how much access to the Internet they have, how modern their computers are, how many computers they have for their students, and how well-connected they are to the higher institutions to which they connect. They vary in that regard a great deal. But all of the school districts tell me their teachers who are so experienced in teaching in the traditional ways have not been given the skills to utilize these new technologies. So we are making these huge investments in hardware and software and wiring without making anywhere close to full use of these investments.

A study that was conducted by the Education Testing Service at Princeton, NJ, shows that on the national average only 15 percent of our teachers at the time of the study had at least 9 hours of training in education technology in their lifetime. By the way, that training is mostly spent just teaching a teacher how to use a computer to, for instance, give their grades and keep track of attendance, to input. What we are talking about here is training teachers in the use of technology so that they can use that wealth of information that is now available, those thousands of libraries around the world, those hundreds of field trips that they can bring into their classroom through this technology. What our teachers need to do is have the opportunity to train themselves to use these technologies for those new, wonderful opportunities to bring exciting material into their curriculum, to integrate into their curriculum the material that is now available through these technologies. For instance, in my State, only 10 percent of the teachers had 9 hours of training in their lifetime in the use of education technology for any purpose. The national average is 15 percent. That meant that 85 percent of our teachers did not even have 9 hours of training in their lifetime in the use of education technology.

For the younger generation, it is easy to learn how to input, it is easy to learn how to access the Internet. For those of us who are older, it is not so easy. It takes training. My children teach me how to input, how to access the Internet. For them, it is like breathing. For me, it is work. It is concentration. It is repetition. It is having a mentor. That mentor might be 5 years old. But for me it is more difficult. For our experienced teachers, it takes training. In many cases it takes returning to school. This amendment provides the incentive to go back to school to learn how to use the education technologies which are now made available to our teachers.

This amendment pays for this by restricting the use of the expanded IRA that is in this bill to postsecondary education. This is a highly controversial part of the bill, as we all know. Senator GLENN offered an amendment to strike this provision just as it relates to K through 12. My amendment goes the same distance as Senator GLENN in trying to strike this provision for the reasons which he and so many others have spoken about on this floor. But it takes the funds that are freed up and invests them in this 50-percent lifetime learning credit for teachers who go back to learn how to utilize education technology.

The provision in the bill relative to the use of these funds in the lower grades, K through 12, is flawed for many reasons, I believe constitutionally flawed, but it also has a fundamental unfairness.

It is significantly tilted towards those families with children in private schools. This is according to the Joint Committee on Taxation. These numbers are not mine; these are the numbers of the Joint Committee on Taxation. There are 35.4 million families filing tax returns who have children in public schools. Those families get less than half of the dollars which are utilized in this part of the pending bill; 48 percent of the dollars go to 35 million taxpayers, the ones with children in public schools. More than half, 52 percent, of the dollars, according to the Joint Committee on Taxation, go to 2.9 million taxpayers with children in private schools.

Now, that is a significant inequity. Putting aside its constitutional question, that represents a significant tilt away from public schools. This amendment would strike that part of the expanded IRA. It leaves all the other provisions in the education bill before us that I have talked about. The extension of the tax exclusion for employer-provided education assistance is not touched. The tax exclusion it provides for withdrawals from State tuition programs is not touched by this amendment. The limited school construction language is not touched. The expansion of the education IRA for college and graduate cost is not touched.

What is eliminated is the use of the expanded IRA for kindergarten through the 12th grade, and it uses that money instead to give incentives to teachers to learn how to use the technologies which are being provided at such great cost by our taxpayers to our schools. There is no point in spending a fortune on computers and distance learning and software unless our teachers have the training to fully utilize those technologies, and this amendment addresses that issue.

Mr. BINGAMAN. Mr. President, most of the teachers in today's public schools became educators before the era of personal computers really began and was established. To address the skills of the next generation of teachers, 32 states require a course in education technology as part of the teacher preparation curriculum. 18 states have not yet incorporated such a requirement.

New Mexico teachers must have just one education technology course before they are certified, and some universities such as New Mexico State University and Eastern are taking the lead in integrating technology into their education school programs. Yet, the majority of New Mexico's current teachers received their training before the start of the computer era in the mid-1980's and the new regulations do not address their training needs.

Nationwide, although 98 percent of schools are equipped with computers to some degree, 90 percent of new teachers, even after a single course, do not feel prepared to use technology in the classroom. Clearly, more skill development needs to take place to increase the comfort teachers feel with technology.

Most of the roughly $6 million in New Mexico state and federal funding for education technology has been used to purchase and install equipment rather than to train teachers to use new technology. Tremendous resources have been invested in hardware and installing the mechanism for access to the Internet. Sixty five percent of schools nationwide have at least some connection to the Internet, yet only 13 percent of schools have Internet training for teachers, and only 20 percent of teachers say that they readily use the Internet to help with their instruction.

With a teaching load of 80 students and an average salary of $29,600, most New Mexican teachers cannot afford to pay for their own training or take the summer off to learn how to use computers.

Although we have seen significant progress over the last few years in Federal support for technology and the use of technology in education, the one great deficiency is the preparation teachers need to use technology effectively. This legislation will help to correct the problem by supporting educators' pursuit of training and expertise.

I thank Senator LEVIN for sponsoring this legislation as an amendment to the Coverdell bill, and I'm proud to serve as a cosponsor on it.

Mr. LEVIN. Mr. President, if I have time remaining, I would ask to reserve the remainder of that time.

The PRESIDING OFFICER. The Senator has 4 minutes 41 seconds remaining, and the time has been reserved.

Mr. ROTH. Mr. President, I rise in opposition to this amendment. I rise in opposition because it takes away the ability of parents to use educational IRAs to pay for expenses relating to the schooling of their children between kindergarten and 12th grade. Allowing parents greater resources to meet the educational needs of their young people is a very important part of the Coverdell legislation. Senator LEVIN proposes to take those resources away and give them to teachers by expanding the lifetime learning credit for those who participate in technology training.

No one can argue that helping teachers become more proficient in technology is not a good thing. It is vitally important. It will have a positive influence on their ability to teach our children. However, to increase the lifetime learning credit for teachers at the expense of expanding the IRAs for our children runs contrary to the needs and objectives of American families.

Mothers and fathers need increased wherewithal to support their children's educational goals. Mothers and fathers need stronger, more useful IRAs. They need the ability to use more of their own hard-earned money to take care of family priorities. The Senate recognized this last year when we gave parents with children in grades K–12 the ability to use educational IRAs.

Our objective was to strengthen mom and dad's ability to get the best education possible for their children. Our objective remains the same today. This is what the Coverdell legislation is all about, empowering families to make decisions that are in their best interests, allowing them to use their own resources for their own benefit.

Remember, Mr. President, the money in question here belongs to the taxpayers. They earned it. It is theirs. They will save it, and they should be able to choose how it will be spent. Let them use it where it serves them best—on their children.

Senator LEVIN's amendment is well intentioned. A lifetime learning credit is a provision that was included in the Taxpayer Relief Act of 1997. It allows everyone pursuing postsecondary education to take a tax credit each year equal to 20 percent of their qualified expenses. Those expenses are limited annually to $5,000 through the year 2002, and starting in the year 2003 they will be annually limited to a total of $10,000. The lifetime learning credit is available to any taxpayer who meets the income requirements. Full-time students can take the credit, as can any professional who wants to continue his or her education. And this includes teachers, engineers, or research scientists.

What Senator LEVIN proposes is to single out teachers and increase their lifetime learning credit to 50 percent for technology training. Not only would this come at the expense of students and their families but it would be inequitable among the professions. Remember, teachers can already receive a 20 percent credit for any additional education in which they engage. The fact is, Senator LEVIN's amendment goes too far too fast and it comes at the expense of the children.

This amendment takes the means to use expanded IRAs to educate children, and it creates a more complex and distorted learning credit. Not only will meeting the criteria to qualify for the credit create a bureaucracy to determine what conditions qualify, but it emphasizes one area of study over another. For example, why give a 50 percent credit for teachers to become more proficient in using and teaching technology but only give a 20 percent credit to those who take courses to become better reading instructors? Or we could ask the same question. What about the teacher who takes courses to enable them to better teach those who are disabled? All worthy goals. And the problem here is that we would single out one to benefit over the others, which only adds to the complexity of this matter.

This is not what we want to do. Ask the parents of America. Ask our families. Ask our students how they would choose to use the financial resources in question. I believe the vast majority would make it clear that they want the opportunity to use their money to give them greater flexibility and power to meet the educational objectives of the family.

Mr. President, I must oppose the Levin amendment. The educational IRA is the foundation of the Coverdell bill. This modification guts the bill at the expense of the children. For that reason I oppose this amendment and urge my colleagues to do the same.

Mr. President, I reserve the remainder of my time. I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Georgia.

Mr. COVERDELL. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator has 7 minutes 28 seconds, and the Senator from Michigan has 4 minutes 41 seconds.

Mr. COVERDELL. Mr. President, will the Chair notify me at the expiration of 2 minutes?

The PRESIDING OFFICER. The Senator from Georgia is recognized for 2 minutes.

Mr. COVERDELL. Mr. President, I echo the remarks of the Senator from Delaware, the Finance Committee chairman. I rise in opposition to the amendment offered by the Senator from Michigan because its effect would make moot a core component of the legislation that came from the Finance Committee and to the Senate floor; i.e., the education savings account. If the Levin amendment were to succeed, it would have the effect of telling 14 million American families, "No thanks. We don't want you to create these savings accounts and prepare for your children's specific educational needs."

The number of children who would no longer have the opportunity to be beneficiaries of these savings accounts, guided to help them with their educational needs, would be over 20 million—14 million families, 20 million children. Public schools, private schools, home schools all across our Nation would be deprived of, over a 5-year period, $5 billion of volunteered money and resources that would be coming to the aid of America's children grades kindergarten through college. You would severely hamper the ability of families to prepare for the higher costs of higher education. Over a 10-year period, the effect of the amendment would be to eliminate over $10 billion of savings that would have been accrued.

Remember, these moneys are volunteered moneys. They are moneys coming from the individual families themselves and sponsors, and no school board, no school district had to raise a dime of taxes.

The PRESIDING OFFICER (Mr. GREGG). The Senator's 2 minutes is exhausted.

Mr. COVERDELL. I ask for 1 more minute.

The PRESIDING OFFICER. The Senator is recognized.

Mr. COVERDELL. No county school board had to raise taxes, no State had to raise income taxes, no Federal taxes were required to accomplish a $10 billion resource coming to the aid of children throughout all of our country. So this, among the other reasons listed by the Finance chairman, would be the reason I oppose the amendment.

I reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time? The Senator from Michigan.

Mr. LEVIN. Mr. President, first, I ask unanimous consent that a number of letters from a number of groups supporting my amendment be printed in the RECORD at this time. Those groups are the National Association of State Boards of Education that support the amendment, the Association for Supervision and Curriculum Development, the American Association of University Professors and the American Association of Colleges for Teacher Education, as well as the American Vocational Association.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF
STATE BOARDS OF EDUCATION,
Alexandria, VA, April 17, 1998.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: The National Association of State Boards of Education (NASBE) appreciates your intent to offer an amendment to the Coverdell Education IRA bill which will be considered by the Senate early next week.

The Coverdell bill, S. 1133/H.R. 2646, seeks to expand existing higher education savings accounts to include K–12 educational expenses, including private school tuition. These benefits will disproportionately accrue to wealthy families and even then will only amount to $37 in annual tax savings, according to the Joint Committee on Taxation.

Unlike the Coverdell bill, which does nothing to improve public education, your amendment to increase the lifetime learning education tax credit for teachers enrolled in technology training will directly improve the quality of instruction for America's students. As more advanced technologies are introduced into the classroom, teachers will need more training in both new methods of instruction and integrating this technology into the curriculum. The Levin amendment would help accomplish these goals.

NASBE supports your efforts to replace the Coverdell provision with your proposal to promote teacher training.

Sincerely,

DAVID GRIFFITH,
Director of Governmental Affairs.

FAX MEMO

From: Don Ernst, Director of Government Relations, Association for Supervision and Curriculum Development.

Subject: Support for Senator Levin's Amendment for improvement of teacher training in the use of technology.

Date: 20 April 1998.

ASCD endorses Senator Levin's proposal to provide tax credit support for K–12 teachers in the essential quest to improve the use of technology in classrooms and schools. Ultimately, such support for teachers will benefit students who must face the daily implications of technology.

Indeed, essential to the success of teachers in the future will be their ability to assist students with accessing the Internet, using new technologies to expand curricular offerings and enrich pedagogy, providing students with the skills and knowledge to critique the use of technology, and improving student learning with the power of accessible, relevant, and timely knowledge that educational technology has the potential to provide.

Good luck and we will send a formal letter in the next day or so!

AMERICAN ASSOCIATION
OF UNIVERSITY PROFESSORS,
Washington, DC, April 20, 1998.

Re increased lifelong learning credit for technology education for teachers.

Senator CARL LEVIN,
U.S. Senate,
Washington DC.

DEAR SENATOR LEVIN: The American Association of University Professors supports your proposal to increase the Lifelong Learning Credit to support teachers' efforts to upgrade their knowledge and skills with regard to new technologies.

Teachers are being asked to incorporate into their teaching new ways of finding, sorting, evaluating, and understanding information using the new tools that electronic communication systems offer. In order to teach their students how learn in these media—in order to go beyond the merely technical skills involved in operating the machinery—teachers need some educational support.

Using the newly created Lifelong Learning Credit as a vehicle is an appropriate and efficient way to assist teachers in meeting this shared need. We appreciate your initiative in coming forward with this proposal.

Sincerely,

RUTH FLOWERS,
Director, AAUP Government Relations.

AMERICAN ASSOCIATION
OF COLLEGES FOR TEACHER EDUCATION,
Washington, DC, April 20, 1998.

Senator CARL LEVIN,
Russell Building,
Washington, DC.

DEAR SENATOR LEVIN: On behalf of the American Association of Colleges for Teacher Education, please accept our endorsement of your legislation to provide a tax credit for teachers who take coursework to improve their use of technology in the classroom.

We appreciate your leadership on this issue and your commitment to well prepared teachers. Please let me know if we may be of assistance to you.

Sincerely,

PENELOPE, M. EARLEY,
Senior Director.

AMERICAN VOCATIONAL ASSOCIATION,
Alexandria, VA, April 20, 1998.

Hon. CARL LEVIN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR LEVIN: On behalf of the American Vocational Association (AVA), I am writing to commend you on your efforts to emphasize technology in teacher training. Your amendment to expand the Lifelong Learning Credit for teachers enrolled in technology programs is an important step in raising awareness of the need for teachers to better understand and more effectively use technology in the classroom.

AVA represents 38,000 secondary and post-secondary teachers, career guidance counselors, administrators, teacher educators and business leaders from across the country who are dedicated to improving vocational-technical education for our nation's students. Vocational-technical education prepares students with the critical combination of academic and technical skills that is needed to succeed in a technologically advanced workplace. Teachers must have high-level technology skills to prepare students effectively for the careers of the future. In addition, expanding the use of technology as a teaching tool will make teaching more effective and will give students a first-hand view of how technology applies to learning and work.

With these things in mind, AVA is advocating for a stronger focus on technology issues in the reauthorization of the Higher Education Act and the reauthorization of the Carl D. Perkins Vocational and Applied Technology Education Act. Federal leadership on this issue is necessary to promote innovation and improvement in teacher preparation. Your amendment helps to highlight this priority.

In addition to seeking federal leadership, AVA is working hand-in-hand with the business community to create new opportunities for teachers and students to improve their knowledge of technology. Our new partnership with Pulsar Data Systems and the Xerox Corporation will provide scholarships to teachers to learn how to use technology and to students who want to pursue education programs that will enable them to enter into information technology careers. We are excited about this project and will continue to seek additional ways to expand the technology focus in education.

Thank you for your leadership in seeking to improve teachers' knowledge of technology. We also greatly appreciate the work of Dan Guglielmo and Jackie Parker of your staff who have been most helpful to us in working on this important issue. Please feel free to contact Nancy O'Brien, AVA's assistant executive director for government relations, or me whenever we may be of assistance to you.

Sincerely,

BRET LOVEJOY,
Executive Director.

Mr. LEVIN. Mr. President, first on the question of why technology. In my earlier remarks I indicated why there was such a need for training in technology for our teachers. We make a number of special provisions in our law for technology. It's not unique. We make special provisions for lots of purposes, including language training. Why language training? Because there is a need that we have for language training. Why technology? Because obviously the incomes of our students are going to depend on how well they can use technologies and how well we utilize technologies in their training. For instance, we currently have a Technology Literacy Challenge Fund. That is part of our law; $425 million, I believe, in this year's fiscal budget. It is addressed towards technology because of the importance of technology. So there is nothing unusual about having special provisions for different parts of education and for training, and this amendment is focused on one of the very critical needs that we now have.

Let me briefly quote the acting director of technology from the Michigan Education Department. His name is Jamie Fitzpatrick. I have worked with him closely over the past 6 months as I have traveled over the State visiting with schools and school districts in this technology area. This is what Mr. Fitzpatrick says, as quoted in a press dispatch:

> For every dollar we spend on computer hardware and software in kindergarten through 12th grades, I think we would be lucky if we saw 5 cents on the dollar spent on training and support. If we continue with those kinds of ratios, we will never realize the gain in student achievement that we think technology has the potential to elicit. We obviously need to put money into training.

That is what this amendment is aimed at, giving an incentive to teachers, experienced teachers in their courses, to go back to get skills necessary to utilize these new technologies in their curricula. Otherwise we are not utilizing fully the potential of these technologies that come at such great cost to our parents.

I would wager on the answer, if we ask the American people whether or not they think it is right for 35.4 million families with students in public schools to get less of a benefit from the current provision in this bill that we would draft—less of a dollar benefit than the 2.9 million families with students in private schools who get the lion's share of that IRA money for grades K–12. That's not my numbers. That's the Joint Committee on Taxation's numbers. I wish we had a way of taking a survey of families in America, to ask whether or not they think this provision in the pending bill fairly treats the families of America. I don't think it does, and I think those families want us to have our teachers fully trained to utilize these new technologies. I think that is why the support for this amendment comes from the grassroots, as I know it does from my travels around my own State.

Mr. President if I have any time remaining, I reserve the remainder of that time.

The PRESIDING OFFICER. The Senator has 41 seconds. Who yields time? The Senator from Delaware.

Mr. ROTH. Mr. President, I yield myself 2 minutes. First of all, I want to point out again that we have no quarrel with respect to the importance of technology and technical training. We think that it is of key interest. But at the same time we think its critically important to recognize that other types of training for teachers are equally important. For example, taking programs to better learn how to teach the disabled is certainly a top goal and desire, or to teach math or English to our children. All of these are worthy goals, and our concern is that by singling out technology we would be hurting others who have interests of similar importance.

I am also concerned about the complexity this proposal writes into the Tax Code. One of the constant complaints—and I think a justified complaint—is that we are always making the Federal code more difficult, more complex to administer.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator's 2 minutes have expired. The Senator has 3 minutes remaining.

Mr. ROTH. I yield myself 1 more minute.

So, I say that one of the problems with this proposal is that it adds an additional complexity that is going to be harder to administer and require the creation of a new bureaucracy. Let's keep and treat all people in this situation the same.

The other point I want to make is that the benefits of the Coverdell amendment do not go to the wealthy. I point out that 70 percent of the benefits of the Coverdell education IRA go to families making $75,000 or less. I point out that a blue-collar worker can easily be making $40,000 with overtime; his spouse or her spouse working as a teacher, or otherwise, can be within this range. I defy anyone to go out and ask any of these people whether they consider themselves to be wealthy. The answer will be no.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator yield back the remainder of his time?

Mr. ROTH. No; I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator has 1 minute 51 seconds remaining.

Who yields time?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, very briefly, the argument that alleges or suggests that someone making $75,000 is wealthy, we did not address that issue at all. What this chart shows, though, is that the 2.9 million families with children in private schools get more of the benefit than the 35.4 million families with children in public schools. That is the disproportion and inequity that I point out in this amendment.

We have almost 36 million families getting back less of a total benefit, 48 percent, than 2.9 million families with children in private schools. That is the argument.

I do not have any time to yield back, but I thank the Chair.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. How much time is remaining?

The PRESIDING OFFICER. One minute 50 seconds.

Mr. COVERDELL. Mr. President, I would like to address the chart. The chart, with all due respect to my good colleague, is very misleading. Seventy-five percent of the families who open savings accounts will be supporting children in public schools, and 30 percent will be supporting children in private schools. Clearly, those families, or what comes out of the accounts, the $5 billion saved, is directly proportional to what the families are willing to put into the account.

The families who have children in private schools understand they have a higher hurdle. They are paying public school taxes, and they have to pay the private school costs over and above that. What this reflects is they are going to put more money in their accounts because they have more costs to cover. Nevertheless, $2.5 billion of the $5 billion will go in support of children in public schools, and about $2.5 billion will go in support of children in private schools.

The chart is nothing more than a function of which families are saving what. The entire cost, to cause all these billions of dollars to be saved, is $500 million over the next 5 years. So the entire bill, in support of private education, is about 7.5 percent of all this investment to children in private schools and the balance to children in public schools.

The PRESIDING OFFICER. The Senator's time has expired. All time has expired.

Mr. ASHCROFT addressed the Chair.

Mr. LEVIN. May I make a unanimous consent request?

Mr. ASHCROFT. I yield—well, reserving the right——

Mr. LEVIN. I ask the Senator from Missouri if he will yield for a unanimous consent request to have printed a document from the Joint Committee on Taxation that supports this chart.

There being no objection,the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
JOINT COMMITTEE ON TAXATION,
Washington, DC, March 2, 1998.

To: Maury Passman and Nick Giordano
From: Lindy L. Paull
Subject: Revenue Requests

The attached tables are in response to your request dated January 28, 1998, for revenue estimates of H.R. 2646 as passed by House of Representatives and as modified by Senator Lott's second degree amendment as well as the corresponding number of taxpayers estimated to benefit from H.R. 2646.

Additionally, you requested information regarding the utilization of educational savings accounts for public versus private education. We estimate that approximately 38.3 million returns would have dependents in schools at the primary or secondary level in 1999. We estimate that, of those eligible to contribute, approximately 2.9 million returns would have children in private schools, and that approximately 2.4 million of these returns would utilize education IRAs.

We estimate that the proposed expansion of education IRAs to include withdrawals to cover primary and secondary education expenses would extend approximately 52 percent of the tax benefit to taxpayers with children in private schools. We estimate that the average per return tax benefit for taxpayers with children attending private schools would be approximately $37 in tax year 2002.

Conversely, we estimate that of the 38.3 million returns eligible, approximately 35.4 million returns would have dependents in public schools, and that approximately 10.8 million of these returns would utilize education IRAs.

We estimate that the proposed expansion of education IRAs would extend approximately 40 percent of the tax benefit to taxpayers with children in public schools, with an average per return tax benefit of approximately $7 in tax year 2002.

Mr. ASHCROFT. I have no objection.

Mr. LEVIN. I ask unanimous consent to have printed in the RECORD a letter from the Joint Committee on Taxation that explains this chart.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

AMENDMENT NO. 2300 TO AMENDMENT NO. 2299

(Purpose: To prohibit spending Federal education funds on national testing without explicit and specific legislation)

Mr. ASHCROFT. Mr. President, I offer a second-degree amendment to the pending amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. ASHCROFT] proposes an amendment numbered 2300 to amendment No. 2299.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. The Senator is recognized for 15 minutes in support of his amendment.

Mr. ASHCROFT. Mr. President, the Senator from Missouri thanks the Chair.

The first thing the second-degree amendment which I have offered will do is restore the Coverdell IRA language which has been stricken from the measure by the first-degree amendment offered by the Senator from Michigan.

I think that debate has been pretty clearly conducted. I believe it is clear that the Coverdell amendment is a virtuous amendment. The suggestion that individuals in public schools don't get as much benefit in terms of the tax break here, it seems to me, overlooks one thing: That virtually the entirety, of the public school cost is already tax underwritten and funded by the Government. Those who are in private schools are not only paying that rate, but as taxpayers they are also seeking to provide education for their children on a secondary and alternative track. To suggest that we should ignore the fact that the totality of the educational experience, virtually the totality of it, has already been paid for governmentally in the public school system is, I think, failing to take into account a very important point.

In addition to restoring the Coverdell language, which would provide a basis for an IRA for individuals who would save for their children's education, my second-degree amendment adds a permanent ban on Federal funding for national testing of students in our schools unless there is explicit congressional authority for such funding.

Any movement toward the national control of education, I believe, savages educational principles that we as Americans hold dear. Parental authority and control, local control of schools, school board control, community control, teachers who are free to teach core subject matters, and school boards that are responsive to their communities, not held captive by distant bureaucrats, are a fundamental commitment of this Nation.

When President Clinton proposed national testing for our children, it was an example of a Federal power grab. The President wants to move power out of the hands of parents and out of the hands of school boards and away from communities and begin, through national testing, to direct the way the schools are operated all across the Nation. It doesn't take an educational expert to know that when you dictate the test, you describe the curriculum.

I visited lots of schools during my time as Governor, and I have since I have become a Senator. I asked a group of 5th graders not long ago when I was in their school, "If I were to tell you that I was going to test you on the first 50 words in the dictionary this afternoon, what would you study this morning?" It didn't take any of them any trouble to know that they would study the first 50 words in the dictionary. The test dictates the curriculum.

Last fall, 36 other Senators joined with me to threaten a filibuster of the Labor-HHS and Education appropriations bill unless there was a ban during the fiscal year on Federal funding for the President's national testing proposal. We won an important victory when Congress and the administration agreed to provisions banning deployment of any tests or field testing activities during the year in which we are now operating. However, that 1-year ban is not enough. Congress must permanently ban Federal funding for national testing in order to protect parental involvement and local control of education.

Why do I oppose national testing, this description of what has to be taught by what you are going to test? First of all, I think we should hold our children to the challenging academic standards that will lead them to greatness. However, any such standards should be set at State and local levels where parents, teachers and school boards are fundamental participants in making the critical decisions that will relate to the children's educational experience.

Federalized tests mandated from Washington will hurt education in the Nation. First, because the No. 1 indicator of student achievement is parental involvement. Whenever we say to parents, "We're going to decide what is tested, therefore we will decide what is taught, you're not going to be relevant anymore," we dislocate parents from the process.

All the data indicate that the most important factor in student achievement is parental involvement. Study after study has proven this. I refer you to a 1980 study reported in Psychology in the Schools. It showed that family involvement improved Chicago elementary school children's performance in reading comprehension.

Here is the conclusion: 1 year after initiating a Chicago citywide program aimed at helping parents create academic support conditions, students in grades 1 through 6, intensively exposed to the program, improved a half to six-tenths of a grade equivalent more in their Iowa test of basic skills over students less intensively involved in the program.

Parental involvement boosts student achievement. We should not have a national program which disengages parents. We should not say to parents, "parents need not apply." We should not be telling parents that we do not care what you think and that we in Washington know better what ought to be done.

Let me just indicate that there are a number of other similar studies. I ask unanimous consent to have material about them printed in the RECORD, including the California and Maryland elementary schools studies.

> California and Maryland elementary schools achieved strong gains in student performance after implementing "partnership" programs, which emphasize parent involvement.
>
> A 1993 study describes how two elementary schools implemented a "partnership" program which emphasized two-way communication and mutual support between parents and teachers, enhanced learning at both home and school, and joint decision making between parents and teachers.
>
> Students at Columbia Park School in Prince George's County, Maryland, "who once lagged far behind national averages, now perform above the 90th percentile in math, and above the 50th percentile in reading," after implementing the partnership program.
>
> "In its fourth year of the [partnership] program, the Daniel Webster School in Redwood City, California, shows significant gains in student achievement compared to other schools in the district. Webster students have increased their average California Test of Basic Skills math scores by 19 percentile points, with all grades performing above grade level. In language, most classes improved at least 10 percentile points."
>
> Source: *Developing Home-School Partnerships: Form Concepts to Practice*, Susan McAllister Swap. New York: Teachers College Press, Columbia University, 1993.

Mr. ASHCROFT. These studies show the amazing impact that parental involvement has on children's educational performance.

I think there is a clear understanding that when parents are actively involved and engaged, students prosper. Why should we have a situation in which Washington begins to dictate what happens in our schools?

Former Governor George Allen of Virginia, a State that developed widely acclaimed standards of learning, indicates that the most impressive gains happen when we emphasize the grassroots. Governor Allen states:

> If there is one important lesson we have learned during our efforts to set clear, rigorous and measurable academic expectations for children in Virginia's public school system, it is that effective education reform occurs at the grassroots, local and State levels, not at the Federal Government level.

This confirms the experience I had as Governor and, of course, as an individual who had an intimate responsibility for being helpful to local school districts. I learned firsthand that local control is needed to create educational programs that respond to the needs of local communities. A local community should be able to decide whether it is going to teach with phonics or whether it is going to use some other measure.

A local community should be able to decide that it wants to teach the new math or the whole math or any method it wants to use to teach basic, fundamental mathematics and arithmetic skills that focus on computation.

When our military, for example, responded to the Federal Government's demand that they initiate the new math—or what some people called "MTV" math or "fuzzy" math, as one Member of this Chamber on the other side of the aisle referred to it—we saw precipitous declines in student performance.

I believe when you start saying from the national level that you are going to provide tests that will dictate what is taught, and frequently how it is taught, there is a real threat to the ability of local schools, parents, community leaders and the culture to shape the educational experience that is so fundamental and important.

Perhaps that is why the Missouri State Teachers Association, which is comprised of 40,000 members—by far the largest teacher association in my State—warned: "The mere presence of a Federal test would create a de facto Federal curriculum as teachers and schools adjust their curriculum to ensure that their students perform well on the tests." The mere presence of a Federal test begins to direct everything toward the Federal Government instead of toward what parents, teachers and community leaders want.

In fact, when Jimmy Carter was President of the United States and was considering a national test proposed in this Chamber, Joseph Califano, Carter's Secretary of Health, Education and Welfare, warned, "Any set of test questions that the Federal Government prescribes should surely be suspect as a first step toward a national curriculum." He went on to say, "In its most extreme form, national control of curriculum is a form of national control of ideas."

I think it is time for us to make permanent the funding ban on national testing by the U.S. Government. There are plenty of other instruments that help us understand how our students are doing. It is important that we say that this Congress is on record as prohibiting the utilization of tax resources to undermine schools in determining what should be taught and how it is to be taught at the local level. We do this because, at bottom, students learn best when parents, local officials, school officials, and community leaders make decisions about the schools and participate in them so that student achievement is the No. 1 objective and goal.

Mr. President, I reserve the remainder of my time.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Will the Senator from Missouri yield for 1 minute?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. ASHCROFT. I will be pleased to yield.

Mr. COVERDELL. If we are in a national debate about the condition of elementary and secondary education, would one be nervous, given the forces that want to protect the status quo, that testing could be designed to protect the condition we are in?

Mr. ASHCROFT. Certainly. And dumbing down the test would be an easy way to make it look like we were making great progress.

I will just state that a few years ago, when there was an effort to set national history standards, we watched the politically correct movement overtake school officials as they demanded that we delete people like Robert E. Lee, Thomas Edison and other notables from the history standards and, instead, insert people like Madonna. I think the last thing we need is dumbed-down national standards. We need real academics, not politically correct education. The threat of politically correct curriculum and politically correct tests is something America should not endure.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield myself 3 minutes, and then I will yield the remainder of time to the Senator from Massachusetts to control.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, on the amendment that I offered before, I just want to read very briefly from the memorandum from the Joint Committee on Taxation which supports the chart I have used. This memorandum, which is now part of the RECORD, says that they estimate that "2.4 million of the returns [who have children in private school] would utilize education IRAs" and that those returns would utilize "52 percent of the tax benefit. . ."

On the other hand, this letter says that the "35.4 million returns [with] dependents in public schools" would utilize 48 percent of the tax benefit.

That is a direct quote from the Joint Committee on Taxation.

Relative to the amendment of the Senator from Missouri, I will just speak briefly because I will turn the remainder of the time over to the Senator from Massachusetts on this issue. But I will say this. I do not disagree with his point that local school districts, communities, and parents should control the curriculum. I happen to be a strong believer in local control.

Whether or not a school district wants to use new math or old math is something they ought to be able to decide. But one of the things they also should be able to decide is whether or not they want to utilize a national test which will give them some idea as to where their students stand relative to other students.

If they do not like that idea, they should not have to give that test. That should be a local option. It is a local option under the President's proposal. It is not a mandatory test. It is voluntary as he proposes it. School districts can use it or not use it. The question is whether or not, then, we should deny a school district the option, whether we should deny a local community an option to use a tool if they see fit to use it. That is the issue.

That tool may not be a useful tool. The Senator from Missouri may be correct. A school district may decide they do not want any part of it for the reasons that he gives. That should be the right and is the right of the local school district under the President's proposal.

But it should also be an obligation available to a local school district if they think there is a benefit from utilizing a national test. Why deny a community? Why deny a local government, a local school district, a tool which they believe is useful?

That is the issue. That is what would be denied under this second-degree amendment. I don't think we ought to deny that opportunity here for local school districts to make that choice.

Mr. President, I ask unanimous consent I be allowed to yield the remainder of my time to be under the control of the Senator from Massachusetts.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts has 11 minutes 48 seconds.

Mr. KENNEDY. I yield myself 8 minutes.

Mr. President, I strongly oppose the Ashcroft amendment to prohibit the administration from developing voluntary tests for academic achievement. Schools need clear-cut standards of achievement. Realistic tests to measure achievement are an essential part of good education. The same voluntary tests that received broad support in the Senate last year, the testing compromise, had a vote of 87–13.

Voluntary national tests based on widely recognized national standards makes sense. They give parents and communities and schools an effective way to improve education and to chart the progress they are making. The voluntary national tests will be designed to assess fourth grade reading and eighth grade math. They are basic subjects and basic stages in each students' academic development. The assessments are timely and worthwhile.

Every student, parent, and school will benefit from them. The Ashcroft amendment will keep them in the dark. Parents want to know how well their children are doing and how well their schools are doing compared to other students in other schools across the Nation. Today, too many schools in communities across the country are attempting to educate their students without the kind of assistance and guidance that ought to be available. They have no way to compare the performance of their students with students in other schools and other communities in other parts of the country.

We know by every current indicator the performance of American elementary and secondary school students falls far short of the performance of students in many other nations. We have to do better. Knowing where schools and students now stand is an essential part of helping them do better.

As the Senator from Michigan, Senator LEVIN, pointed out, the tests will be entirely voluntary. I repeat, entirely voluntary. States and local districts will have the opportunity to participate if they choose to. Nothing is mandated by the Federal Government. Nothing is mandated by the Federal Government. There is no Federal control of local education. What is being made available on a voluntary basis is a long overdue opportunity for schools across the country to have realistic guideposts to measure the academic progress of their students. The tests will be based on national and international standards that will show whether students are meeting widely accepted criteria for achievement in reading and math.

No current test is available to provide this essential information to students and parents and teachers and school administrators. Families have no way to measure the performance of students in their community on a comparative basis with students in other schools and other communities and other States.

Mr. President, 87 of us agreed last year that the National Assessment Governing Board, which is a bipartisan group, is well equipped to oversee the tests. It is a time-honored bipartisan group of skilled educators, made up of different representatives of the educational community. Voluntary national tests do not undermine local efforts on school reform. They enhance them. We need to do what we can to support local efforts to improve teaching and learning, especially in such vital areas as reading and math. Voluntary tests are an important way to support local school reform. I urge my colleagues to oppose the Ashcroft amendment.

Finally, I think this is an empowerment issue for parents. Basically, we are permitting on a voluntary basis, the States and then again the local communities, to make a decision about whether they are going to have these tests in the various communities and then to permit, obviously, the parents to know how their children are doing. By knowing how they are doing, then the parents can make judgments and decisions about what additional steps ought to be taken to try to improve the academic achievement and accomplishment of their children.

These kinds of tests are in the interests of the parent, so they know how their children are doing in schools, it is in the interests of the school board member to know whether they are making the correct judgments in terms of allocating resources and priorities, and it is in the interests of the community so they will know how they are doing in comparison with other communities.

All of these issues were debated at very significant length in the last Congress, and steps were taken to make sure that the bipartisan or virtually the nonpartisan education group was going to be developing these tests. They are in the process of doing so at the present time. They are not going to go into implementation until the year 2002. We are in 1998 at the present time and they are going into effect in 2002. So we are approaching this issue very modestly. They are going to be tested before they will be accepted. We will have ample opportunity to review the results of both the tests, the testing results as they give application to the tests, long before they go into effect.

The question is whether we will take this step by step and make judgments that will ultimately enhance the power of parents in knowing how their children are doing. If the Ashcroft amendment goes into effect, we are terminating that and denying a very important ingredient to parents and local communities. Parents in local schools want to know how their children are doing. Too often they have been kept in the dark. If there is a local decision, a local judgment, a State judgment, to put these into effect, they ought to have that opportunity to do so. Under the Ashcroft amendment, they will be denied that opportunity to do so.

I think this is a very modest program that is being put into the process at the present time and we should not undermine it this early in the process.

I reserve the remainder of my time.

Mr. COVERDELL. How much time remains on both sides?

The PRESIDING OFFICER. The Senator from Missouri has 3 minutes 50 seconds remaining and the Senator from Massachusetts has 5 minutes 6 seconds remaining. If neither side yields, time will run equally.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER (Mr. COVERDELL). The Chair recognizes the Senator from Missouri.

Mr. ASHCROFT. I yield 2 minutes to the Senator from Indiana.

Mr. COATS. I thank the Senator.

Mr. President, earlier in debate on this, I attempted to offer a compromise amendment partly because I believed, and still do, that the assessment of achieving reading and math standards is important information for parents, school boards, and others involved in education to make appropriate decisions about how changes should be accomplished so that we can achieve better results.

There was a lot of complication with that because of the concern about the influence of the Department of Education over the design of the tests, the fact that some of this information assessment might not be accurately assessed.

What I was attempting to accomplish was to give parents more knowledge so they could put more pressure on their local public schools to do a better job, to accept reforms. In many instances I was concerned because State departments of education are deceiving parents in an effort, from a political standpoint, to convince their constituents that their schools are doing just fine, that their students are doing as well as anyone. They are not administering tests, I think, or interpreting those tests in the way that gives parents adequate reflection of that.

If we could structure this in a way to get an independent, outside the Department of Education test, voluntary on a State basis, it could be helpful. Well, we weren't able to do that. I think it is now entirely appropriate that the Senator's amendment, which essentially says set this aside until we authorize it, debate this thing, work it through, is the way to go. So I am going to support his amendment. I thank the Senator for the time.

Mr. ASHCROFT. I thank the Senator from Indiana.

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. KENNEDY. I yield myself 3 minutes. Before the Senator from Indiana leaves the floor, I was very persuaded by the logic and eloquence of the Senator on the reasons he supported the compromise last time. I was under the impression that we still had NAGB doing that test at the present time. The independent board has already taken, as I understand it, several steps to address the key concerns that were raised during the debate and discussion. I understand they are doing the test at the present time. Is the Senator's information different?

Mr. COATS. No. The Senator is correct. There seems, however, to be some considerable degree of confusion in the Congress about how that test is going to be structured and what the process is and an expression on the part of many Members that Congress ought to be involved in the process. So let's just temporarily put that on hold so that the Congress can engage in terms of a better understanding and defining how that ought to be put together. I have agreed that perhaps that is the best way to go, because unless we really have some better understanding and assessment of that, I am not exactly sure we are going to accomplish what we want. I think the basic principle that I tried to propose earlier, which the Senator supports, I still retain that. I am going to work toward that end.

Mr. KENNEDY. I thank the Senator. I wonder why we are going through this, because I am strongly committed to achieving the compromise that was worked out with the leadership. The Senator from Indiana and, I believe, Senator GREGG were interested in this. We had a great deal of debate and discussion. I thought that giving the assurances in terms of the integrity of the test should be the tough kind of criteria that the Senator from Indiana established in terms of the makeup of these tests. I understood this was in the process now. That is why I think it is premature to wipe all of that out. I hope that if there are differences, we can try to work those out in a way that is consistent with that agreement rather than just halting the whole process now. As the Senator knows well, we are not going to have this go into effect until 2002. We have a long way to go. Rather than stop it and start it, it might be wise if we can sort of measure it at the present time rather than end it.

Mr. COATS. In response to the Senator, I would not describe it as a stop; it is just a temporary pause while we better discuss the matter with our colleagues to make sure they understand exactly what we are trying to do. Apparently, I have been unsuccessful with that to this point. I am hoping to do better.

The PRESIDING OFFICER. The Chair advises the Senator from Massachusetts that his 3 minutes have expired. The Senator from Massachusetts has 1 minute 57 seconds. The Senator from Missouri has 1 minute 42 seconds.

Mr. KENNEDY. Mr. President, as we heard from the Senator from Indiana, the reasons for these kinds of reviews are basically that there is nothing wrong with setting high standards for the achievement for the Nation's children and giving parents the opportunity to know how their children are doing. I think that is the basic policy issue.

The Senator from Indiana and the Senator from New Hampshire insisted that this is being done in a nonpartisan, bipartisan way, and I agree completely. I believe that is the way it is being done. It should be a national priority to do all we can to help the children meet these high standards.

Under the existing proposal, that would be done voluntarily. The States would make a judgment, local communities would make a judgment. I think we ought to retain the current system and try to adjust it if it needs to be adjusted rather than to effectively stop it in its tracks. Therefore, I oppose the Ashcroft amendment.

Mr. ASHCROFT. How much time do I have remaining?

The PRESIDING OFFICER (Mr. COATS). The Senator has 1 minute 46 seconds remaining.

Mr. ASHCROFT. I find it novel that individuals would allege that there are no tests to tell us how we are doing now, but then they can tell us how far behind we are. The truth of the matter is, there are lots of privately generated, academically appropriate tests. There are no politically proper tests that come from Government. The Iowa Test of Basic Skills and the Stanford Inventories are there. That is the reason we know where we are and parents can find that out.

The leadership is clear on this. I have talked to Senator LOTT and his staff. He is going to be strong for this. Representative GOODLING has led an overwhelming vote of 242–174 in this direction in the House of Representatives. Senator COVERDELL, who is leading this matter on this bill is a part of this effort. It is an important effort. There are lots of national tests. It is said that this would be a voluntary test. Here is what President Clinton said about the voluntary nature of the test: "I want to create a climate in which no one can say no."

So much for Federal voluntary programs. ". . . a climate in which no one can say no."

Incidentally, that was made in remarks to a joint session of the Michigan Legislature in Lansing, MI, on March 10, 1997. We don't need politically imposed, politically correct things in education. We need academically appropriate, strong things that local communities trust and can mandate and enforce. We don't need direction from Washington, DC. I think we have a clear opportunity here to reinforce local control of schools, parental involvement in the education of their students. I am delighted that the occupant of the Chair has said we should take additional time here to make sure we don't do something that is inappropriate.

I urge this body to vote in favor of this second-degree amendment.

The PRESIDING OFFICER. All time yielded to the proponents of the amendment has expired. The Senator from Massachusetts has 54 seconds remaining.

Mr. KENNEDY. Mr. President, there is no question that there are tests that are out there, but quite clearly the hearings demonstrated they would not provide the kind of information to the parents across this country that this kind of initiative would provide. It seems to me that we want to challenge the young people of this country, setting the high standards for the Nation's children and giving the parents the opportunity and responsibility to know how their children are doing and then taking action at the local level on how they are going to deal with it. That was the principle that was accepted by the Senate and the strong bipartisan vote last year. Let's continue with that and give that a try before effectively stopping it in its tracks.

I yield the remainder of the time.

The PRESIDING OFFICER. All time has expired.

Mr. COVERDELL. Mr. President, just an update here. It appears that on our side we have one amendment that has been set aside for some resolution. On the other side, it appears that there are four amendments that are yet to be considered. We, of course, would encourage any Senator that has amendments to come forward. The aircraft that has taken a delegation to the funeral of a former Member of the Senate from North Carolina was scheduled to land, and voting was to begin at approximately 3 o'clock. It has been confirmed that the aircraft will probably be a little late. So this will alert the Members of the Senate that the stacked voting will probably more likely occur around 3:45 this afternoon.

Mr. KENNEDY. If the Senator will yield. I will be glad to inquire on our side of those who desire to speak or offer an amendment and request their presence so that we can move along and not in any way hold this process up.

I will do that. I see our friend, the good Senator from Wisconsin. Maybe he could be entitled to speak for some time. I will inquire from our colleagues on our side about Senators who still have amendments so that we can move this process along.

Mr. COVERDELL. I appreciate that consideration from the Senator from Massachusetts. We will do the same.

I ask the Senator from Wisconsin about how much time he will need.

Mr. FEINGOLD. I will ask for 15 minutes in morning business.

Mr. COVERDELL. On another subject?

Mr. FEINGOLD. On a different subject.

Mr. COVERDELL. I have no objection.

Mr. ASHCROFT. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak as in morning business for fifteen minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

(The remarks of Mr. FEINGOLD pertaining to the introduction of S. 1966 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. FEINGOLD. Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. I ask unanimous consent to be allowed to speak up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EARTH DAY 1998

Mr. GRAMS. Mr. President, today, across our country, Americans are commemorating Earth Day, a day that is vitally important to all who serve in this chamber.

As my colleagues know, Earth Day was first observed on April 22, 1970. Its purpose was—and remains—to make people across the country and internationally reflect on the splendor of our world, an opportunity to get people to think about the earth's many gifts we often take for granted. Earth Day is a day for us to sit in the grass, take a walk, listen to the birds, and observe wildlife. Earth Day is a day for all of us to reflect on our dependence on our natural resources and recognize the care with which we must respect and use our natural resources, recycling and replenishing them where possible.

The New York Times, on the original Earth Day, ran a story which in part read,

> Conservatives were for it. Liberals were for it. Democrats, Republicans and independents were for it. So were the ins, the outs, the Executives and Legislative branches of government.

The goals of Earth Day 1970 were goals upon which all of us agree. They're goals still shared across our country, regardless of age, gender, race, economic status, or religious background.

They're shared by this Senator, as well. I consider myself a conservationist and an environmentalist. I think everyone who serves in the Senate does. No one among us is willing to accept the proposition that our children or grandchildren will ever have to endure dirty water or filthy skies. Our children deserve to live in a world that affords them the same, or better, environmental opportunities their parents enjoy today.

Mr. President, I believe today, on Earth Day 1998, we must speak of our responsibilities—our responsibilities to the Earth, to one another, and to our nation. It is clearly our responsibility to protect our earth and ensure its health. Congress has a duty to see to it that we are cautious and conscientious stewards of our natural resources. Since the late 1960s, Congress has met this challenge by enacting what has amounted to a "war on pollution." By engaging in this battle, Congress and an increasingly large federal bureaucracy have been successful in centralizing power, expanding regulations, saddling taxpayers with more debt, and leaving states and localities without the power to meet local environmental challenges with local environmental solutions. Local governments have the best ability to improve the environment—and the most incentive to protect their people as well.

To be sure, this war on pollution has had its successes. The Clean Air Act and Clean Water Act have improved our environment in countless ways. This Congress, and many before it, have spent billions upon billions of dollars in environmental protection plans, conservation plans, superfund clean-ups, endangered species act protections, wetlands protections, and wildlife refuges just to name a few. Our urban landscapes are no longer polluted by the thick, black smoke of industrial smokestacks. Our lakes and rivers are no longer the dumping ground for toxic sludge. We're recycling newspapers, glass, and plastics in record numbers—this, in fact, is a priority in many Senate offices, including my own. Through efforts such as the Conservation Reserve Program, Congress is working in partnership with the American people to ensure our generation leaves behind a cleaner Earth than the one we inherited.

Over the past few years, however, issues of environmental concern have moved away from the consensus required of prudent public policy making and increasingly toward the margins. Americans have enabled this shift because even though we've become more environmentally aware, in many cases we've failed to become more environmentally educated, resulting in extremes on both sides of many issues. This past year, a 14-year old student in Idaho used a simple experiment to prove this observation.

In a story reported across the country, young Nathan Zohner entered a project in a local science fair warning people of the dangers of dihydrogen monoxide, or DHMO. He described DHMO as a substance potent enough to prompt sweating and vomiting, cause severe burns in its gaseous state, or even kill if accidentally inhaled. Further, he claimed, DHMO contributes to erosion, decreases the effectiveness of automobile brakes, and can be found in acid rain and cancerous tumors.

Nathan then asked roughly 50 people to sign a petition demanding strict control or a complete banning of the chemical. Not surprisingly, 43 said yes, while five would not sign and two were neutral. What's surprising to many who hear of this story is that dihydrogen monoxide is merely water—a substance, Mr. President, we all know is completely safe when handled and consumed properly.

Sadly, it took the efforts of a 14-year-old boy to point out the drastic lengths to which our society has taken the rhetoric of environmental protection. Americans today fear everything from drinking water to beef—and are spurred on by leaders who are often masters of fiction, whipping up doomsday scenarios prompted by our supposedly careless treatment of Mother Earth.

Mr. President, Nathan Zohner's experiment only scratched the surface of the insanity of over-zealous regulation. Regulations today cost Americans over $700 billion each year. That amounts to almost $7,000 per household. Let me repeat that—regulations in our country cost every American household nearly $7,000 per year.

That is outrageous and it ultimately has nothing to do with protecting the earth or being good stewards. It is the result of a centralized federal bureaucracy which must not only justify its existence, but expand its purpose and scope in order to feed its insatiable appetite for power.

Let's review the process. Congress enacts legislation and the President signs it into law. Simple enough, but what happens next?

Well, Executive Agencies such as the Environmental Protection Agency interpret what Congress meant and go on a rampage of issuing and enforcing regulations that often fly in the face of Congressional intent. In Congress, we protest that we didn't mean for that to happen, but rarely, if ever, are we able to reverse the process or rescind the regulation. We fail in our most basic role of oversight. And far too many times Congressional intent is thrown aside by these growing federal bureauracies and their own desires are then enforced.

American businesses, workers, farmers, states, and localities are then forced to comply with the goals of the EPA's regulations and ordered to achieve those goals at the direction of the EPA as well. Too often, those being regulated aren't allowed to find unique and innovative means of compliance.

They aren't allowed to tap into the same American ingenuity which, for the span of our nation's history, has provided workable solutions to achievable goals.

They are approached by the federal government as adversaries, not as partners—and are therefore given a one-size-fits-all dictate by a government that most often either doesn't care or doesn't know any better. And millions of dollars are spent to do $10 worth of good.

We all come to the floor and regularly recite polls and studies and intricate, numerical details. We often forget that real people and real jobs and real families mean a whole lot more than just the numbers behind the latest study. But one thing is certain: Americans do not expect that they should have to chose between environmental protections and their jobs or standard of living. When we do both, we can ensure a healthy environment and a strong economy and strong economic growth.

According to a Wirthlin Worldwide Study conducted last August, only 11% of Americans consider themselves active environmentalists while 57% are sympathetic to environmental concerns. The same study found that 70% of Americans believe they should not have to choose between environmental quality and economic growth.

Clearly, Americans want their leaders to work pro-actively towards a clean and healthy environment, but not to the extreme and certainly not at the cost of their safety, their jobs, or their individual freedoms.

Mr. President, I suggest that on Earth Day we pledge to come together to improve our environment and strengthen our natural resources. I also suggest that we recognize both our failures and successes of the past.

We must recognize that today, compliance with regulations is the rule—and that blatant attempts to pollute and circumvent regulations are the exception. With this in mind, I believe we must renew our nation's commitment to pragmatism.

Government, on all levels, must do its part as watchdog while empowering those being regulated to develop unique and innovative means of compliance.

At the same time, we must promote ideas that create public/private partnerships and encourage companies and individuals to take voluntary steps to protect our natural resources. Through education and awareness, we'll be able to approach environmental issues in a way that fosters compromises and ensures public policy is pursued in the best interests of all.

It is time, Mr. President, that we commit ourselves to achieving real results through environmental initiatives. We must make sure that Superfund dollars go to clean-up, not to lawyers. We must actually restore endangered species and remove them from protections, rather than cordon off large areas of our Nation with little or no results. We must base our decisions on clear science with stated goals and flexible solutions. We must give our job creators more flexibility in meeting national standards as a means of eliminating the pervasive "command and control" approach that has infected so many Federal programs. And finally, the Federal Government needs to promote a better partnership between all levels of government, job-providers, environmental interest groups, and the taxpayers.

With this in mind I believe that on this Earth Day we must collect the extremist rhetoric found on both sides of the environmental debate and flush it down the toilet—remember to flush twice, though, if it's a new, EPA-mandated low-flow toilet, or it might not be gone for good.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Georgia.

ORDER OF PROCEDURE

Mr. COVERDELL. Mr. President, I ask unanimous consent that no votes occur prior to 3:45 today; and, further, the time until 3 o'clock be equally divided in the usual form.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, we have essentially accomplished this so far: The Senator from Wisconsin, the Senator from Minnesota. I understand the Senator from Vermont has a subject he needs to cover at this time. We encourage Senators with amendments to come forward. When we finish, Senator LANDRIEU will perhaps be here around 3 o'clock and we will facilitate that. We will try to give any amendment priority over any other business during this time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am going to take about 10 minutes, but I am wondering whether it may be appropriate to ask that my time not be charged to either side. It is not going to be on the bill itself.

Mr. COVERDELL. What we are basically trying to do—I don't think it is necessary—is to divide this period of time between them, and it would be appropriate for your side to have time at this point.

Mr. LEAHY. Mr. President, then I will take the floor, if I might. I assure my distinguished colleagues from Georgia and from Massachusetts, I will not be long.

Mr. KENNEDY. Will the Senator yield for a question? As I understand from the Senator from Georgia, then, at 3:45 we intend to start voting on the subject matters which we have debated earlier, and dispose of those, and then, according to the leadership, try to continue to dispose of other amendments subsequent. Am I correct in that?

Mr. COVERDELL. You are absolutely correct. It is a little unclear what will occur following the vote. We will potentially have up to five votes. Again, we are not absolutely certain when those coming from the funeral will arrive. It is a little unclear, but that is generally the plan.

Mr. KENNEDY. I ask to be able to follow the Senator from Vermont for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

MERCURY POLLUTION: UNFINISHED BUSINESS

Mr. LEAHY. Mr. President, as I have said many times on the floor of the Senate, I am blessed to come from and in fact represent a State in which people share a deep and abiding concern for the environment. In many ways, Vermont is an example to the Nation in its environmental ethics and its environmental action.

We Vermonters are especially proud that much of the environmental progress the Nation has achieved in the last 3 decades is also part of the legacy of Vermont's own Robert Stafford. Senator Stafford's leadership in this body helped shape national environmental policy from the time the environmental movement was in its infancy, and then continued well into its maturity. In his role as chairman of the Committee on Environment and Public Works—a post that Senator Stafford assumed in 1981—Bob Stafford courageously and successfully stood up to the powerful interests who tried to roll back our environmental standards. Today, as we celebrate the 28th anniversary of Earth Day, I would like to take a moment to reflect on the progress we have made to protect our environment. But I also want to talk about the job that remains to be done.

In the past few weeks, one of Vermont's great treasures, Lake Champlain, has received a great deal of attention. This has also offered an opportunity to explain one of the threats to Lake Champlain from toxic pollutants that are drifting into our State. One of these pollutants, mercury, should be of particular concern. Like lakes and waterways in most States, Lake Champlain now has fish advisories for walleye and lake trout and bass. All that is due to mercury.

When I was growing up and I could spend parts of my summers on Lake Champlain, I never had to worry about eating the fish that I caught. Actually, I only had to worry about being good enough to catch them in the first place. But someday, when I take my grandson out fishing, I don't want to explain to him why he can't eat a fish he catches there. What I tell my grandson is largely a function of what direction we decide to take in Congress to protect the environment. Depending upon what we do here, that will determine whether I can tell him to eat the fish or not. Are we going to rest on our laurels, or are we going to build on the courageous steps that Bob Stafford and others took to protect our environment for future generations?

We should be proud of the great strides we have made to reduce the level of many air and water pollutants, to rebuild populations of endangered species, and to clean up abandoned hazardous waste sites. And we are proud of that. But now we have to continue to address the environmental threats that do not have any easy solutions. One of these threats is the mercury that seeps into our air and water every day from coal-fired power plants and waste combustors and utility boilers. It is one of the last remaining toxins for which there is no control strategy.

When we originally wrote the Clean Air Act, we didn't understand the dangers posed by mercury, but we have seen the dangers in our own State. Two high schools in my own State had to be closed for a week because there were small amounts of mercury found in the classrooms. But these were instances where you could actually see the mercury. The more elusive problems are the ones where the mercury goes through the air and water and we don't see it. With the release of the Environmental Protection Agency's Mercury Study Protection Report to Congress, we have the information to solve the problem of mercury pollution. We have the information to solve the problem. The question we have to ask is: Do we have the will to solve it?

The report shows some very troubling levels of mercury in fish, and also estimates in the United States there are more than 1½ million pregnant women and their fetuses, women of childbearing age, and children who are at risk of brain and nerve development damage from mercury pollution.

There are new facts of mercury pollution, too. Look at this chart. In 1993, there were 27 States with fish advisories for mercury contamination. These are the States in red. There are 899 lakes, river segments and streams identified as yielding mercury-contaminated fish. That was just 5 years ago.

Now let's see what has happened as we go to 1997. Look at how the red is filling up the country. You can see that 39 States have issued mercury fish advisories for 1,675 water bodies. This is where we are with mercury-contaminated fish; almost every State in the country, 1,675 advisories.

In only 5 years, it is an increase of 86 percent. We are going in the wrong direction. We are soon going to see the map totally red.

What we should be doing, Mr. President, is trying to reverse course, getting rid of this mercury pollution and going back to where we can have a country without them.

We pump 150 tons of mercury into the atmosphere every year—every year,

year after year after year. It doesn't go away. It becomes more potent. We put a lot of love and time and energy and fiscal resources into our children, but we are not protecting them from the possibility of being poisoned by a potent neurotoxin.

The critics of inaction are right. We can't tell to what degree people with learning disorders, coordination problems, hearing, sight or speech problems have been harmed by mercury pollution. We don't know how many little Sarahs or Johnnys would have been gifted physicians, poets or teachers but who now have no chance of reaching their full potential because they are exposed to mercury in the womb or during early childhood.

Just as with lead, we know that mercury has much graver effects on children at very low levels than it does on adults. It is insidious.

Because we can't measure how much potential has been lost, some special interests say we should continue to do nothing.

Our late colleague, Senator Edmund Muskie of Maine, put it well when he said, "[t]he first responsibility of Congress is not the making of technological or economic judgments. Our responsibility is to establish what the public interest requires"—requires—"to protect the health of persons."

We have enough information to act. We don't have to wait until we have a body count. We have the information, now we need the will, and we should have the will to act.

I propose we put a stop to this poisoning of America. Mercury can be removed from products. It has been done. Mercury can be removed from coal-fired powerplants, and it should be done. We should limit the mercury that enters our environment from coal-fired powerplants, waste incinerators, and large industrial boilers and other known sources.

Americans have a right to know what is being spewed out of these facilities and into their backyards and into the food of their children. We in Congress have the responsibility to give them the knowledge and the tools to protect their children.

The PRESIDING OFFICER (Mr. FRIST). The Chair notifies the Senator from Vermont that initially there were 23 minutes to each side. Senator KENNEDY, by unanimous consent, claimed 15 minutes of the 23 minutes. Therefore, we are now into Senator KENNEDY's time.

Mr. LEAHY. Mr. President, that wasn't precisely the way that I recall the intent of the unanimous consent agreement, but let me just say this. The EPA report estimates the cost nationally of controlling mercury from powerplants at $5 billion per year, and this is an industry that generates more than $200 billion a year in revenue. That is less than 2.5 percent. It strikes me as being the equivalent of a fly on an elephant's back. We can do a lot better.

The residents of Colchester, VT have been fighting for 7 years to clean up a waste incinerator in their backyard that they were originally told was clean enough to toast marshmallows in. Well, now we know better and we need to require this and other facilities to eliminate mercury emissions.

One of the largest sources of mercury is coal-fired power plants. With States deregulating their utility industries, Congress today has a unique opportunity to make sure these powerplants begin to internalize the cost of their pollution.

Many of the problems the Clean Air Act of 1970 was drafted to solve are being addressed. But one thing has not worked out the way Congress originally envisioned. It seemed back then that old, dirty, inefficient power plants would eventually be retired and replaced by a new generation of clean and efficient plants. The concept worked with tailpipe controls on cars. Eventually the fleet turns over and the dirty ones are out of circulation.

But, 28 years later, many utilities continue to operate dirty, inefficient plants that were built in the 1950s or before. These plants are subject to much less stringent pollution controls than are new facilities, and what we now have is a big loophole, and these plants are pouring pollution through it.

If we don't level the pollution playing field now, in a deregulated industry the financial incentive will be to pump even more power and pollution out of these plants for as long as they will last. As long as the rules of the game allow this, these utility companies are acting in a manner that suits solely their economic self interest. As a nation, we cannot afford to subsidize their inefficiency, but our inaction does just that.

We will hear a lot of rhetoric about how much implementing this bill will cost. I want to address those complaints up front. The cost argument does not hold water. I say it again, the EPA report estimates the cost nationally of controlling mercury from power plants at $5 billion per year, and this industry generates more than $200 billion a year in revenue. That is less that two and a half percent, and that strikes me as being the equivalent of a fly on an elephant's back.

Mercury pollution is a key piece of unfinished business in cleaning up our environment. The poisoning of America's lakes, rivers, lands, and citizens with mercury pollution can be stopped. It is unnecessary, and continuing to ignore it mortgages the health of our children and grandchildren.

I yield to the Senator from Massachusetts.

Mr. BOND addressed the Chair.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

The Senate continued with the consideration of the bill.

Mr. KENNEDY. Mr. President, I understand the Senator from Missouri has a statement. I will be glad to follow him.

Mr. BOND. Mr. President, I express my appreciation to my good friend and colleague from Massachusetts. I ask for 5 minutes to be yielded from the majority side.

Mr. COVERDELL. I yield 5 minutes to the Senator from Missouri.

Mr. BOND. I thank the Chair and I thank the distinguished manager.

Mr. President, I rise in support of the Coverdell measure and in support of the Gorton-Frist amendment and in support of the Ashcroft amendment. We have an opportunity as a body to make some very clear statements about education that the people in our States are asking us to make.

I firmly believe that education is a national priority but a local responsibility. This leads to a fundamental difference between this side and what might be referred to as a Washington establishment on education.

I believe that those who know the names of the students personally are better at making decisions than those who don't know them. Unfortunately, Federal involvement in education over the years has started off with a great idea of providing resources in support for what we believe for our children is the highest priority, and that is getting them a good education, but it has mushroomed into burdensome regulations, judicial intrusion, unfunded mandates and unwanted meddling.

The results have been that local school officials who are accountable to parents and communities have increasingly less and less control over what goes on in their classrooms. In some cases, parents really feel that they have lost control of their child's education. They have told me horror stories about how their children are not getting an education because of requirements that the Federal Government has put on the schools.

I believe that parents and local school boards are and must be the key to true educational reform, not big Government. We should be empowering parents and teachers and school districts and States to develop challenging academic standards, programs and priorities, not making their jobs of educating children of America more difficult.

As my colleague from Missouri, Senator ASHCROFT, said, we already have standards, we already have tests. As a result of those tests, we know where the problems are in education, and we need to do something about it. Yes, nationally we ought to focus on the problem, but we ought not to try to solve with a "Washington, DC, solution" the problems we face in every community and every city throughout Missouri and throughout America.

I have had a very interesting and informative experience over the last year and a half talking to school board members, talking to teachers, talking to principals and talking to parents across my State of Missouri. It is from these discussions that I come back here with a renewed commitment to keep local control over education.

We have school districts in Missouri hiring hordes of consultants and grant writers instead of teachers because they know they have to play "Mother May I?" with Washington, DC. We have some schools, the smaller schools, that say they don't even bother to apply for the Federal funds because they don't have the time and the resources to prepare the application.

Leaders in school districts have told me of the unforeseen consequences of getting a grant. They get a grant development program and the grant expires and the school district has to determine whether to take local money from existing resources to continue the program or to eliminate it.

One of my colleagues on the other side of the aisle said very, very convincingly today, and I love these words, "The Federal Government doesn't run schools, and the Federal Government doesn't fund schools." I agree with those principles. I just wish that he were correct in the facts.

The Federal Government should not be micromanaging school districts. In Missouri, 6 to 7 percent of the funds that go to the school districts come from the Federal Government. These are general funds for K through 12. They tell me, depending upon the school district, that anywhere from 40 to 85 percent of the red tape and the hassle and the regulations come from Washington.

I don't think that is right. Last year, when we adopted the Gorton amendment to send money directly to the schools, some of my colleagues very eloquently said, "We don't want to have Federal dollars going directly to school districts because the school districts will waste the money; they might build athletic facilities; or they will waste it in some other way."

Mr. President, I have spent my adult career working with parents and teachers and school boards in Missouri. I have watched them work. I have watched their education decisions. I have spent about the last 11 years in this body watching Congress debate issues and watching the Federal bureaucracy administer programs. And when it comes to who wastes money, Mr. President, it is not even close. It is not a contest. The Washington way wastes more money by far. The locally controlled schools are far better at applying those dollars to the needs of the children in their schools.

There is no disagreement that in some cases a local school district may need money to build some more schools or it may need money to hire more teachers. For some schools, new textbooks should be the top priority. For others, additional computers might be needed or a school safety program might need to be implemented.

Who knows best? Those at the local level, held accountable by those they serve, or the bureaucrats in Washington? A one-size-fits-all approach does not and will not work in education. Let us give our schools, our teachers, and our parents the resources and flexibility they need to educate our children for a lifetime of achievement and accomplishment. I urge my colleagues to support the amendments and to support the bill, and I urge that they give a sound, strong endorsement to local control over education.

I reserve the remainder of the time on this side and yield the floor. Again, I extend my sincere thanks to my distinguished colleague from Massachusetts.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we all know what our priorities are in education. We need to do all we can to support and improve our public schools. That means additional assistance to every State to repair crumbling schools and to build new facilities. It means recruiting more teachers to meet the existing demand and to deal with the crisis of rising enrollments, especially in priority disciplines, in math and science. It means reducing class sizes. It means more support for afterschool programs to keep kids off the streets, away from drugs, and out of trouble. It means a major effort to teach young children how to read because we know that literacy is the foundation of every other aspect of learning. It means setting higher standards for schools to meet in educating their students. We know these ideas will work. But schools across the country are in desperate need of funds to make them work.

Our goal is to improve public schools, not abandon them. It makes no sense to call for greater priority for education and then earmark aid for private schools instead of public schools. Public schools are instituting these ideas and getting results. We should make sure that every school and community has the resources to put in practice what works so that no child is left out or left behind.

Mr. President, this chart here shows what is happening to the schools in this country. And this is according to the General Accounting Office: 14 million children learn in substandard schools; 7 million children attend schools with asbestos, lead paint, or radon in the ceilings or walls; 12 million children go to school under leaky roofs; one-third of all American children study in classrooms without enough panel outlets and the electrical wiring to accommodate computers and multimedia equipment.

This is a tragedy, a national tragedy. It is not only a physical tragedy in terms of the facilities are getting more and more antiquated every single year, but it is also a tragedy in the kind of subliminal message—and it isn't so subliminal a message—that it sends to children and their parents. Because as grownups and as political leaders are talking about the importance of children in our country and in our society, and that the children are our future, on the other hand, we are sending our children into these kinds of conditions every single day. We are sending the message that we do not really care about the kind of facilities where you are trying to learn, and we do not really care very much about education. That is the message that is being hammered home every single day to these millions of children who are going to school in these kinds of conditions. That is wrong. We are trying to address that. And that is a principal policy difference between the Republicans and the Democrats on the education issue.

Massachusetts is no exception. Forty-one percent of Massachusetts schools report that at least one building needs extensive repairs or should be replaced. Seventy-five percent report serious problems in buildings, such as plumbing or heating defects. Eighty percent have at least one unsatisfactory environmental factor. It is difficult enough to teach or learn in modern classrooms, and it makes no sense to compound the difficulty by subjecting teachers and students to dilapidated facilities. We cannot tolerate a situation in which facilities deteriorate while enrollments escalate.

Mr. President, in far too many communities across the country, children are also learning in overcrowded classrooms. This year, K–12 enrollment reached an all-time high, and will continue to rise over the next 7 years, and will increase by about 4 million children in K–12 over the period of the next 4 years.

That is why it is so important that we are going to have a major effort in terms of increasing the teaching profession and giving them the skills to be able to teach these children to ever higher standards and to take into consideration the utilizations of the new electronics and to tie those into curriculum, all of that so that our children are going to have a world-class education. That is a new phenomenon. That is a national phenomenon—the expansion and growth of our children in our schools. We know this is happening.

And now we need 6,000 new public schools built and needed by the year

2006 just to maintain the current class sizes. We know this is happening. We have been given that information by the Department of Education and by everyone that has studied this situation.

Due to the overcrowded schools, they are using trailers for classrooms and teaching students in former hallways, closets, and bathrooms. And overcrowded classrooms undermine the discipline and decrease student morale.

We have had the testimony during the earlier debates—I have given examples of these kinds of conditions—and for the first time heard from an outstanding president of a very important school in neighboring Virginia the fact that because of these overcrowded conditions, a new phenomenon is developing in their school, and it is called hall rage—hall rage. I never heard those words used before.

What he was pointing out was, with the increasing number of students in these confined areas, that from the brushing against one another and the kinds of violence that is taking place in the classroom, you see the explosion in the number of fights, misunderstandings, and a deterioration in both morale and discipline because of hall rage—too many students trying to get to too many different places, and often in these trailers for classrooms and in closets and other situations. That is what is happening in the United States of America. That is what is happening.

We ought to give a helping hand to the local communities. We are not interested in superimposing some Federal solution, some "new bureaucracy," those old cliches. I have listened to the same cliches for 30-odd years. You would think they would have new ones, talking about the "new bureaucracy," "one size fits all," "Washington doesn't know everything." You hear those every single day for 30 years, and you would think they would find some new ones.

What we are finding out with overcrowded classrooms is, we have the demand for additional teachers and we have the demand for additional kinds of support for students as well in other areas.

Mr. President, class sizes are too large. Students in small classes in the early grades make much more rapid progress than students in larger classes. In the exchange earlier today, I pointed out what some of the States are doing, and the findings in Wisconsin, the findings in California, Flint, MI, very important findings in terms of increasing literacy and academic achievement with these smaller classes. It is not the answer to everything, but it is a pretty clear and compelling case to be made. And it was made so clearly by the Senator from Washington, Senator MURRAY, on the importance of getting into smaller classes. As a former teacher and school board member, she is talking about what is happening out on Main Street. This is a message that should have been listened to. And we will have an opportunity to vote on her excellent amendment in just a little while.

The benefits are greatest for low-achieving minority and low-income children with smaller classes. Smaller classes also enable teachers to identify and work effectively with students who have learning disabilities and reduce the need for special education at later grades.

The Nation's students deserve modern schools with world-class teachers. But too many students in too many schools in too many communities across the country fail to achieve that standard.

The latest international survey on math and science achievement confirms the urgent need to raise standards of performance for schools, teachers, and students alike. It is shameful that America's 12th graders ranked among the lowest of 22 nations participating in the international survey on math and science. Here we have prospectively, in the year 2000, on a voluntary basis, on the States and local community tests, so that we can raise the standards of American children in areas of math and science—we have an amendment to strike that, strike that proposal—tests that will be developed in a bipartisan way so parents have greater information to make decisions locally to enhance academic achievement and accomplishment, a compromise that was agreed to by 87 Members of this body, a bipartisan compromise, and now we have an amendment to strike that at a time when we are having these results and effectively denying the parents the opportunity to have knowledge and understanding about where their children are, in their school, in their community, in their State, relevant to other communities across the country, if they want to, if they believe that is important. I think that makes no sense whatever, and I hope the Ashcroft amendment will be defeated.

Teacher shortages forced many school districts to hire uncertified teachers or to ask certified teachers to teach outside their area of expertise. That is what is happening in every area of the country. Each year, over 50,000 underprepared teachers enter the classroom. One in four does not fully meet State certification requirements. Twelve percent of new teachers have no training teacher at all. Students in inner city schools have only a 50 percent chance of being taught by a qualified science or math teacher. Listen to that: only a 50 percent chance of being taught by a qualified science or math teacher.

Instead of putting the $1.6 billion in tax advantage for individuals who will send their kids to private schools, let's do something about those schoolteachers who are not certified in the areas of math and science, and upgrade their skills. They will go back to the public schools and be able to enhance the quality of education for those kids. This is a basic difference between our Republican friends and those on this side on the issue of teachers and the importance of having high standards on which to measure our children.

Another high priority is to meet the need for more afterschool activities. Each day, 5 million children, many as young as 8 or 9 years old, are home alone after school. Juvenile delinquent crime peaks between the hours of 3 and 8. Children left unsupervised are more likely to be involved in antisocial activities and destructive patterns of behavior. It isn't just that there are greater opportunities for them to get in trouble, it is that there are advantages of having those children in circumstances where they are able to go into local community-based systems where they may get some help and assistance with their homework over the afternoon or maybe participate in some sports events that are supervised, so when the parents get home after a long, hard day, the children can have some quality time instead of having parents too often come home, know the kids have been watching television, or not knowing where their kids are, and sending them to their room to do the homework, and the parent lacks that opportunity to spend quality time. No one denies if the parents want to work with the child, well and good, but for the parents hard-pressed and working from early morning to late in the evening, and who have the responsibility in terms of the family that value the afternoon kind of program, they ought to be at least available.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. I yield myself 5 more minutes.

The PRESIDING OFFICER. Is there objection?

Mr. COVERDELL. Reserving the right to object, how much time remains?

The PRESIDING OFFICER. The time has expired on the minority side; the majority side has 16 minutes.

Mr. COVERDELL. The Senator would be using our side's time. I want to afford the Senator an opportunity to complete his remarks. May I yield another 2½ minutes of my time to the Senator?

Mr. KENNEDY. Well, we had set for 3 o'clock—as the Senator knows, I have been trying to get people over here. I will yield as soon as anybody comes over. I have about 5 more minutes. I would like to be able to continue for 5 more minutes.

Mr. COVERDELL. It was my intention to try to respond to the time that the Senator is using. I am trying to split the difference.

I yield 3 minutes of my time to the Senator from Massachusetts.

Mr. KENNEDY. I have how much time?

The PRESIDING OFFICER. All time has expired on the Democratic side.

Mr. KENNEDY. Mr. President, literacy is another very high priority, to date. Too many children are reading at unacceptable levels—40 percent of the fourth graders fail to attain the basic level of reading.

Incredibly, Mr. President, the tax proposal that is the Coverdell proposal ignores each and every one of these pressing needs. The regressive Republican tax bill does nothing to improve public schools, nothing to address the need for public schools to build new facilities, nothing to reduce class size in school, nothing to provide qualified teachers, nothing to provide afterschool activities to keep children away from drugs, nothing to help all children learn to read, and nothing to help reach higher academic standards. It does nothing to improve the quality of education for children in public schools. Tax breaks for private schools is not the answer to the serious problems facing the Nation's public schools.

There are serious problems in the Nation's public schools. We can do much more to turn troubled schools around and undertake a wide-range of proven reforms to create and sustain safe and high-performing schools. There are no magic remedies to improve schools and improve student learning. We need to use our limited resources wisely to get the most benefits for our tax dollars.

The Republican approach would divert urgently needed funds away from public schools into private schools. That is wrong for education, wrong for America, and wrong for the Nation's future.

Mr. COVERDELL. Mr. President, the Senator from Massachusetts has characterized the differences here today as Republican and Democrat, and they are not. The dispute we are having here today is between a community that is defending the status quo and rejecting change and a group of Senators who are committed to reform and change. And they are not Republicans and Democrats, as the Senator from Massachusetts has suggested.

The measure that is before the Senate is cosponsored by Senator TORRICELLI from New Jersey, a Democrat. The school construction proposal that is before the Senate was authored by Senator GRAHAM of Florida, a Democrat. The assistance to these States to students that have prepaid State tuition assistance is authored by Senator MOYNIHAN of New York, a Democrat. And aiding employees by facilitating an employers' ability to help continuing education is the suggestion of Senator BREAUX from Louisiana, a Democrat. So this is a bipartisan proposal that is here. It is not a Republican proposal. There are many Democrats who are at the forefront of what is being discussed and debated here today.

The Senator from Massachusetts also characterizes this as an education savings account as if there were nothing else in the proposal. As I have just said, yes, there is an education savings account in our proposal that is directed to helping parents, parents who have children in public schools, in private schools, and at-home schools. But there are also provisions in the proposal that aid the 21 States in the Union that have prepaid tuition plans.

This proposal that is before the Senate, and I predict will pass the Senate, makes sure that when those funds come to the students, when they actually need them to go to college, those funds are not going to get taxed at that time. The full benefit of those State-prepaid tuition programs will be there for 1 million college students.

There are already 1 million students in the queue in 21 States, and 17 more States are about to adopt such provisions. The plan before the Senate will aid employers in funding continuing education for 1 million employees in America—1 million. What it does is it enables them to spend up to $5,250 annually to help with the continuing education program. And that is not going to be treated as income to the employee, is not going to be taxed, a disincentive to offering the program.

The plan deals with school construction, but it leaves the decision about what should be constructed to local communities. Senator GRAHAM's proposal expands financing tools for local communities and high-growth communities to deal with school construction.

So the proposal before the Senate is wide-ranging, from education savings accounts that help parents and students—14 million of them to be exact, and 20 million students to be exact —who will save in the first 5 years upwards of $5 billion, and over 10 years $10 billion. The suggestion is that all these resources go to private schools. It is simply not true. Seventy percent of the families that use these savings accounts, their children are in public schools. Public schools are a big winner. The division of where the money goes is about 50/50 because folks who have children in private schools save more. They know they have to have more. But it's their money; it's not public money.

So all of these issues that the Senator has alluded to are embraced—maybe not exactly the way he would like them—in the proposal before the Senate: education savings accounts for parents, tax incentives for employers to help employees, the protection of prepaid State tuition plans, and school construction.

Now, on top of that, we are going to have a chance to vote on an amendment offered on this bill by Senator GORTON. Senator GORTON takes a portion of the Federal assistance and removes all the regulations, like it has to happen on a "blue" day and a "green" Tuesday, or whatever. All the morass that the Senator from Tennessee, now in the Chair, talked about earlier today—strip those away from about $10 billion-plus that goes to the local States and they can do exactly what the Senator from Massachusetts wants to see done. They can build schools, they can hire teachers, they can reduce class size, they can develop afterschool programs, they can build parks, they can do whatever they think, and that is $10 billion on top of which we have created a new pool of $10 billion.

The other side wants to look away from that voluntary money in those savings accounts. This is money being brought forward by parents and friends of parents of children. There is no new tax that has to be raised. No school district has to raise their taxes to get the $10 billion. No State has to increase income taxes. The Federal Government doesn't have to spend more money. By this simple, small incentive, we are causing American families to come forward with billions of new dollars to help public, private, and home schools. They will hire tutors. I think they are smarter dollars than a lot of dollars we talk about here. Why? Because they are guided by the family to the specific problem the child has. If a child has a math deficiency in a public school, private, or home school, then the family can hire a tutor with that savings account they generate. If they don't have a home computer—and I might point out that only 15 percent of the students in inner city schools have home computers—well, they could buy one with these savings accounts. If they have a learning disability—dyslexia or something like that—then the family has a tool they can use to fix that specific problem. Public dollars have a hard time doing that.

The Senator from Massachusetts, on several occasions, has referred to this tax incentive that will go to create these savings accounts. It is true that about $500 million is used as the tax incentive—just over $500 million. That is a newer figure. The figure the Senator used is a little larger than that, but that was the figure I had at the same time. It is about $520 million in the first 5 years of tax relief to anybody that would open the account, by not taxing the interest buildup. That modest incentive, that modest amount of tax relief is what generates $5 billion in savings.

The proposal that the Senator was talking about in terms of school construction is a $9 billion tax relief proposal. Who does that go to? That goes to banks and insurance companies and Wall Street brokers. They will get the tax breaks on the school bonds under the proposal to build schools. On the one hand, we have $500 million of tax relief over 5 years to generate $5 billion of new savings. On the other hand, we have $9 billion of tax relief going to the holders of the bonds on the school proposal.

Mr. KENNEDY. Will the Senator yield a minute on that issue?

Mr. COVERDELL. Yes.

Mr. KENNEDY. I don't know which particular amendment the Senator is talking on. On the school construction amendment by Senator MOSELEY-BRAUN, there is $3.3 billion to create $22 billion in school construction. I don't know which one the Senator is referring to.

Mr. COVERDELL. I am using the 10-year figure. The figure you used is correct for the first 5 years.

Mr. KENNEDY. You are using a 10-year figure for her and a 5-year figure for yourself.

Mr. COVERDELL. My 10-year figure would be about $1.1 billion. Let's take the 5 years. In 5 years, it is $500 million in tax relief for 14 million middle-income families on the education savings account and over 5 years, over $3 billion of tax relief for the people that buy those big bonds. That is a very select community that can play that game. Then in 10 years mine becomes $1.1 billion for the 14 million families, and they save because of that, $10 billion. No one saves a dime on the savings proposed for the school bonds. That doesn't generate anything, except school construction. But the beneficiaries of the tax relief are a very select group of Americans. They fit in a very small percentage group.

The point I am making—that amendment obviated tax relief for the middle-class Americans, the 14 million families; it took it out and replaced it with $9 billion in tax relief for, as I said, large financial institutions.

I know my time is about to expire. How much time do I have?

The PRESIDING OFFICER. The Senator has 2 minutes 55 seconds.

Mr. COVERDELL. I want to make the point that all the subjects—school construction, smaller class size, reinforcing communities and parents—we are talking about the same subjects. We may differ on our approach, and this doesn't cut down party lines; this cuts down status quo or reform, doing things differently, with more authority at the local level, more decisionmaking at the local level, more decisionmaking for families. That is where the cut is. It is not Democrat or Republican. My chief cosponsor is a prominent member of the Democratic side of the aisle.

Mr. President, how much time remains?

The PRESIDING OFFICER. Two minutes.

Mr. COVERDELL. I want to reiterate that what we are talking about helps 14 million families who are the carekeepers of over 20 million schoolchildren. And every school environment is helped—public, private, and home. Our proposal will aid 1 million college students, 250,000 graduate students, 1 million employees, 500 new schools, $10 million in new savings. The Federal Government doesn't have this. This is coming from families, $10 million, a huge influx of new resources.

If the Gorton amendment passes, there will be over 10 additional billions—not new expenditures, just freed up expenditures—for smaller classrooms, for new schools, or for whatever those States and local communities feel are necessary to get at the crisis and challenge that we all know and have both cited time and time again are occurring, particularly in kindergarten through high school.

Mr. President, I believe the hour of 3 o'clock has arrived. It is my understanding that Senator LANDRIEU is scheduled to begin her amendment at this hour.

Mr. KENNEDY. If the Senator will yield, she was going to make a best effort. She was over here at 1 o'clock and was over here this morning. So we will inquire and try to determine her location, and then I will report back to the Senator.

Mr. COVERDELL. Very good.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

AMENDMENT NO. 2301

(Purpose: To strike section 101, and to provide funding for Blue Ribbon Schools)

Ms. LANDRIEU. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana (Ms. LANDRIEU) proposes an amendment numbered 2301.

Ms. LANDRIEU. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike section 101, and insert the following:

SEC. 101. BLUE RIBBON SCHOOLS.

(a) PROGRAM AUTHORIZED.—

(1) RECOGNITION.—The Secretary of Education is authorized to carry out a program that recognizes public and private elementary and secondary schools that have established standards of excellence and demonstrated a high level of quality.

(2) DESIGNATION.—Each school recognized under paragraph (1) shall be designated as a "Blue Ribbon School" for a period of 3 years.

(b) AWARDS.—

(1) AMOUNT.—The Secretary shall make an award for each school recognized under subsection (a) in the amount of $100,000.

(2) SPECIAL RULE.—If the Secretary is prohibited from making an award directly to a school, the Secretary shall make such award to the local educational agency serving such school for the exclusive use of such school.

(3) PRIVATE SCHOOLS.—Awards for private schools recognized under subsection (a) shall be used to provide students and teachers at the schools with educational services and benefits that are similar to, and provided in the same manner as, the services and benefits provided to private school students and teachers under part A of title I, or title VI, of the Elementary and Secondary Education Act of 1965.

(4) LIMITATION.—The Secretary shall not make more than 250 awards under this section for any fiscal year.

(5) WAIT-OUT PERIOD.—The Secretary shall not make a second or subsequent award to a school under this section before the expiration of the 3-year designation period under subsection (a)(2) that is applicable to the preceding award.

(c) APPLICATIONS AND TECHNICAL ASSISTANCE GRANTS.—

(1) APPLICATIONS.—Each school desiring recognition under subsection (a)(1) shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

(2) TECHNICAL ASSISTANCE GRANTS.—The Secretary is authorized to award grants to States to enable the States to provide technical assistance to schools desiring recognition under subsection (a)(1).

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section (other than subsection (c)(2)) $25,000,000 for each of the fiscal years 1999 through 2003.

(2) TECHNICAL ASSISTANCE GRANTS.—There is authorized to be appropriated to carry out subsection (c)(2) $2,000,000 for each of the fiscal years 1999 through 2003.

Ms. LANDRIEU. Madam President, I send this amendment to the desk to offer an alternative to my distinguished colleague from Georgia, an alternative in the way we would spend this $1.6 billion that we have been debating and have been debating for some time now.

Let me thank my colleague from Georgia for at least getting the Senate to begin a significant debate about the ways in which we can improve the status of education in our Nation. I, frankly, am one Senator who believes that there is nothing really more important that we can spend our time on now than talking about this important issue. I think the debate has been very lively. It has come with controversy. But I thank my colleague from Georgia for at least offering this idea, so that we can have a debate about the best way to spend our money when it comes to trying to improve our schools, which, in my opinion, is the number one priority of all Americans, regardless of whether they have children in school or not. We all know as a nation the value of our education system, both public as well as private.

I was very open to this idea initially as it was presented. I have, I think, demonstrated in the year I have been here an ability to be open to new ideas about how to solve this problem. I don't think the old ways work. I don't believe the American public wants us to just throw more money at a problem. I think they are looking at innovation and creativity in improving our schools. I think the American people, particularly people in Louisiana, have witnessed many schools that are working, many pilot programs and initiatives, whether it is charter schools and more accountability, teacher training, teacher testing, or higher student achievement and things that are working.

So I looked, with hope perhaps, at this bill, now called the Coverdell-Torricelli proposal, but after looking at the studies that have come in about who would really benefit from this initiative to spend $1.5 billion, it is clear to me from the GAO report and other economists reporting that the major benefit of this $1.5 billion to be spent over 5 years would go to a very small segment of parents and families who have their children in private or nonpublic schools.

I want to be part of a team of Senators and leaders who support efforts that help all schools as fairly as they can. There are some in this body and in Congress who do not want to do very much at all to help parochial or private schools. I am not in that group. I believe our Government within the framework of our Constitution should try to help all of our schools and all of our students. But this is not the best way we can go about this, and that is why I am not going to be able to support the bill and would offer this amendment as a substitute, if you will.

Mr. COVERDELL. Madam President, I wonder if the Senator will yield one moment so we can clarify an administrative detail.

Ms. LANDRIEU. Yes.

Mr. COVERDELL. It won't take a minute.

Madam President, I ask unanimous consent that at the hour of 3:45 today the Senate proceed to a series of votes on or in relation to the following amendments: Gorton No. 2293, Hutchinson No. 2296, Murray No. 2295, Ashcroft No. 2300, Levin No. 2299. I further ask unanimous consent that if amendment No. 2300 is agreed to, the Levin amendment No. 2299 be open to further amendment under the same time limitations under the original order. I further ask unanimous consent that there be 2 minutes of debate equally divided between each of the votes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Louisiana.

Ms. LANDRIEU. I thank the Chair.

Madam President, if I can continue, my amendment is called the blue ribbon schools amendment. It is quite simple. It would take the money we would otherwise be setting aside for these very small savings accounts that would reach only a small group of beneficiaries and spread it over all 50 States, to many schools in those States that have been designated basically by their peers to be blue ribbon schools and schools of excellence. It is time that we in this country stop at the Federal level—and I hope we can encourage States and local governments to stop—funding failure and start rewarding results and success.

That is what this amendment does. This amendment will take the money otherwise spent by the distinguished Senator from Georgia and give $100,000 grants to all of the schools designated, and there are 250 so designated each year, as the most excellent schools in America. They are public; they are parochial; they are private. There have been 3,000 schools that have achieved this designation since this program started 10 years ago.

It is currently operating this way. The schools are rigorously evaluated and 250 are chosen. They are invited to come to Washington. They are given a plaque and a pat on the back and they are basically sent home. I think we need to do more than give them a pat on the back and a plaque to hang on their school wall, as proud as they are to display this plaque, and begin to reward success and say, congratulations, a job well done and here is $100,000 to help you continue that good job.

Many of these schools are succeeding despite the odds because they have bitten the bullet; they have made tough choices; they are making good decisions at the local level. I think the most important thing we in the Federal Government can do is to begin acknowledging success and rewarding success.

That is what this amendment does. It also provides a small amount of money to help the States administer this very cost-effective program because it is a locally based initiative. It is a panel of their peers who makes these choices. It would be a great way to spend this $1 billion to reward these schools.

Madam President, that is simply what this amendment does. It is a blue ribbon school amendment. I think it will go a long way to encouraging schools that are beating the odds to continue to do so, and we will reward them with something significant. So they can take that $100,000 and apply it to technology, teacher training, and other opportunities for students. And this is available, I want to stress, for parochial and private schools, as well as public, within the constitutional framework so that we are better reaching across all of the Nation to many of the schools and doing it in a fair way. That is what my amendment does, and I offer it as a substitute.

In closing, let me say this is only 1 of 10 or 15 ways on which I personally think it is better to spend this $1.5 billion, that will have a longer and a greater impact on improving education than establishing these savings accounts.

I did not get to speak on Senator GLENN's amendment, but I will just say another way to spend this $1 billion would be to expand the IRA from $500 to $2,000, which he so eloquently talked about yesterday. It would be another good way to have a positive effect in encouraging people to save early for their children's college education, which is so expensive.

So with all due respect to my colleague from Georgia for all of the good remarks he has made, there are just better ways to spend the money. This blue ribbon school amendment is only one, but I commend it and recommend it to this body to consider.

Mr. KENNEDY. Will the Senator yield for a question?

Ms. LANDRIEU. Yes, I will.

Mr. KENNEDY. We have now an opportunity to make a choice as we are going to vote on this measure, the Coverdell bill, which has been estimated to be $1.6 billion over the period of the next 10 years. We will have a choice either this evening or tomorrow as to how we are going to expend those funds, whether they will be used primarily, as the Tax Committee says, for private schools or, as I understand the Senator's amendment, to recognize excellence in schools all across this country as a result of local decisions that are being made by parents, local community decisions, and to give a financial reward. $100,000 is a considerable reward, but I imagine, since these schools are dedicating themselves to improving and strengthening their academic achievements and accomplishments, those resources are going to be used to further student advancement, thereby giving some real meaning to the local initiatives to put excellence first in terms of public education.

So on the one hand we are going to have a choice for recognizing excellence at the local level selected by peer review or the funds will be primarily used in terms of private education. Do I understand it correctly?

Ms. LANDRIEU. Yes, the Senator from Massachusetts understands this correctly and has articulated it very accurately. The reason that I am unable to support Senator COVERDELL's proposal is because it is clear from the studies that the vast majority of the benefit would go to just a small portion of those in parochial or private schools.

I believe that we need to be more balanced in our approach to help all of our schools and all of our families, as balanced as we can be, and not try to put one above the other.

So, this amendment gives funding to parochial schools, to private schools, and to public schools, based on their efforts to be excellent. And, as the Senator knows, sometimes against great odds, in very poor districts, these schools—many parochial schools—are doing a great job. I believe they should be rewarded within the framework of the Constitution, which is clearly appropriate with this program.

So it is my hope that the Senate and the Congress will strongly consider this approach, because this is exactly what we need to be doing, rewarding and encouraging success.

Mr. KENNEDY. If the Senator will yield further, I imagine, then, after they are selected, hopefully these will be models within the local community? People will say, "These schools have been selected because of their enhanced academic achievement and excellence. I wonder what they did right." Parents in neighboring communities will understand it, others will understand it, and hopefully, as a result of these kinds of awards, it will be an incentive for replicating the kinds of decisions at the local level that have resulted in excellence. Is that the objective as well?

Ms. LANDRIEU. That is the objective. If I could read into the RECORD the way the schools are chosen now, it is if they are student focused and have great student support, if their standards are challenging and their curricula challenging, if they are teaching active learning, if they have developed partnerships with their communities, and if they have strong leadership. Those are just some of the measures that are used.

So, yes, the Senator is correct. As they receive their blue ribbons and their plaques, they are being honored now in our Nation and they are held up to high esteem. The problem is, they basically leave here emptyhanded, because we send them back with a plaque and a ribbon. I think we need to send them home with some money and some real help, to put our money where our mouth is and say, "Good job; here's some money to help you continue to do that good job. You make us proud. You have done it against the odds."

We want to be a more reliable partner. That is what I think the greatness is with this amendment. There are other approaches we could use, but this is, I think, getting us on the right track.

I thank the Senator, and I yield back whatever time I have remaining.

Mr. KENNEDY. Will the Senator withhold the time, perhaps, just in case we need respond?

Ms. LANDRIEU. Yes. I reserve the time in the event we need to respond, Madam President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time? The Senator from Tennessee.

Mr. FRIST. Madam President, I rise in opposition to the amendment proposed by the Senator from Louisiana. Both she and I agree on many different issues. I will come to why I oppose the amendment itself. But let me say that I do agree with her in her statement that it is important to reward excellence, and to reward it appropriately, in terms of our Nation's schools. It is especially important when, clearly, what we are doing today is not accomplishing it in the aggregate. We do need to identify particular schools, reward them, change what they are doing, so we will improve the overall standards of all schools.

In Tennessee, there have been many schools that have received and earned the Blue Ribbon Schools Excellence in Education awards. I am proud of them, to go by and see them. They are given a Presidential Citation, a flag of excellence signifying that school's exemplary status.

I understand the Senator from Louisiana wants to expand on this notion of honoring success, but to do so by having the schools receive national financial rewards of $100,000.

We agree on many points, in terms of encouraging success, but we differ on one key element. The one key element, all of our colleagues must be aware of, because it is key in this amendment, and that is that this amendment has been offered as a result of the Senator's opposition to the Coverdell Savings Account A+ Act. As a result of this opposition, the proposed amendment would strike section 101 of the Coverdell bill. In effect, it is a poison pill to the Coverdell savings account initiative.

As chairman of the Senate Budget Committee Task Force on Education, I have had the opportunity over the last 6 months to conduct hearings and to hear from people who are at schools, who run schools in the local communities. I have heard again and again how important it is—repeatedly—that we must look for creative solutions, for innovation, to the problems that plague our Nation's schools. Senator COVERDELL's plans for savings accounts is a good, positive first step. The proposed amendment would gut that totally. I do not believe it is the final solution, but the proposal does take us in that very important direction of empowering that parent-child team.

I would like to just take a moment to highlight the provisions of the Coverdell bill which I believe make it an effective tool, a positive tool, in helping students and families across the country which, if this amendment were to pass, the Coverdell advantages would go away. What does the Coverdell A+ Accounts do? We expand the education savings accounts in the Taxpayer Relief Act of 1997 by increasing the annual contribution limit for education IRAs from $500 to $2,000. The bill, very importantly, expands the definition of what is qualified education expenses. They are currently limited to higher education. The Coverdell bill expands it to K–12—K–12 expenses, the sort of expenses we have already talked about.

It could be anything from equipment to computers to books to supplies, or if you are an individual with a disability, to give you the tools that you might not otherwise have so you can learn, homeschooling expenses, uniforms, transportation costs—all of these would be encompassed by the Coverdell bill. If the amendment by the Senator from Louisiana is agreed to instead of the Coverdell bill, they will all go away. We all know that it is the parents, the parents who want the very best for their children. I believe it is important—which the Coverdell bill does—to encourage parents to invest in their children's education, to give them that opportunity, to lower the barriers to do so, to give them the incentives to invest in their children.

The President signed into law on August 5, 1997, the Taxpayer Relief Act, which authorized new education IRAs. But that was just for higher education, not K–12. I am fully supportive of every measure we can put on the table helping families plan for higher education expenses. I also believe this effort should be expanded to provide tax allowances for what families spend on elementary and secondary education. That is not allowed today but will be allowed under the Coverdell proposal.

While our colleges and universities are the very best in the world—and this was put before our task force committee again and again—the foundation on which those colleges and universities rest is not sturdy; it is weak. In fact, our elementary and secondary schools are not the envy of the world, unlike our colleges and universities.

In a recent TIMMS, the third math and science study, scores show just how poorly our students are measuring up to their international counterparts. I referred to this earlier. This is the 12th grade mathematics general knowledge achievement compared to 21 other countries. You don't need to read the chart, but these are countries that do better than us, such countries as Austria, Slovenia does better than us, Germany, Denmark, Switzerland. Only 2 nations—these are the nations we do equal to—only 2 nations out of 21 do worse than the United States in the 12th grade mathematics. The same can be said of science. So we are not doing, in K–12, anywhere near what we should be doing.

Even our colleges and universities have to take on that additional burden by reteaching students that they receive. Approximately 30 percent of freshmen in college today require remedial course work. We need to direct our attention to this K–12 foundation, which the Coverdell bill does.

Under current law, we assist parents, students, and families with numerous tax allowances for higher education. We have HOPE and Lifetime Learning Savings. We have the education IRAs for higher education. We have the State prepaid tuition programs. We have U.S. savings bonds. In terms of loans for students, we provide deductions for interest payments—all for higher education. We are the best in the world. Now is the time to look at K–12 education.

I would like to talk just very briefly about why I think a new approach is needed. By agreeing to the amendment that is proposed by the Senator from Louisiana, again, we are gutting the Coverdell bill. In essence, we are saying let's not change the system at all, that we are doing OK. That is in essence what this amendment is doing. Are we doing OK? This chart basically shows, in science, trends in average science scale scores over the last 20 years, going from 1970 on your left to 1996 on the right. This is age 17, the purple line. The green line is age 13. The orange line is age 7. And the whole point is that, over the last 20 years, we are not improving at all.

I just compared globally; we are doing worse. Out of 21 nations, in the 12th grade, only 2 nations did worse than us. So, in spite of all 500 programs that we have today, in spite of spending about $74 billion at the Federal level, we are doing no better.

Beneath the surface of this whole disappointment of stagnant student performance and despite a commitment of increased resources—and let me show very briefly on this chart what we have been doing as a nation.

This is 1971 to 1997, about a 27-year period. This is how much we spend per pupil in adjusted dollars today. That is what the red line is, constant 1996–1997 dollars. What it shows is that in 1970 we were spending, in today's dollars, about $4,000. Today, we are spending about 50 percent more, about $6,000. We have had a stagnant performance at the same time we have had increased expenditures.

A vote for the amendment by the Senator from Louisiana says, let's not change the system, let's keep doing exactly what we are doing today—something with which I heartily disagree.

Beneath the surface of this whole disappointment that we see in terms of stagnant student performance, there is an acute crisis in our urban schools. One out of every four public school students are enrolled in an urban school district.

A recent report examining our urban schools noted:

> It is hard to exaggerate the education crisis in America's cities. Words like scandal, failure, corruption and despair echo in the pages of the Nation's newspapers.

Another area of concern is the Federal component in the landscape of American education. I show this chart again not so much to show the details, but this is a chart that was generated by the General Accounting Office. As the task force chairman, I basically found it can be depicted by a chart like this, that we have today at the Federal level a sprawling and unfocused effort which suffers from a programmatic reluctance to ask itself what works and what doesn't work.

Over the last couple of days, we have said that we have heard again and again maybe one more program will help out. This basically shows, among three target groups—this happens to be teachers, and the various departments and various Federal programs are around the border—how they influence teachers. Just walk away from it, and you see that this is a spider web almost of unrelated programs all targeted at the individuals. There are over 500 such programs right now.

What we need to do, if anything, is to consolidate and to improve. We do need to change. We do need to allow that creativity, to allow that innovation. A vote for the amendment of the Senator from Louisiana guts the Coverdell bill. It says, let's not change, let's not structurally improve the system.

In the last few minutes, I talked about the disparity between the assistance we provide for higher education and elementary and secondary education. I have shown the data which show our children are not at the level we need for them to be if we are to remain competitive in the global marketplace.

I talked a little bit about the need for creative solutions in our K–12 system, the sort of solutions that are offered in the Coverdell bill. I mentioned provisions in the bill of the Senator from Georgia which will enable the parent-child team—and that is what we need to stay focused on—to make important education decisions in the early years.

Coming back to the amendment of the Senator from Louisiana, awarding schools is on the right track. It is a good approach. We need to recognize success. I might add, we need to replicate that success as well. I will say, as an alternative to the Coverdell bill, it is totally unacceptable. Savings accounts are too important for families in Tennessee and all across this Nation. We simply cannot afford to desert this effort, despite the merits of these other proposals. Savings accounts, bonds for school construction, State prepaid tuition, the underlying Coverdell bill provides all of this. To replace that bill with a program that does recognize merit but does nothing more is simply unsatisfactory.

I urge my colleagues to defeat the amendment of the Senator from Louisiana and support the underlying bill. I reserve the remainder of my time.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Just for clarification, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Georgia has 1 minute 50 seconds; the opposing side has 2 minutes 33 seconds remaining.

Ms. LANDRIEU. Madam President, I will use the remainder of my time to thank my distinguished colleague from Tennessee for agreeing that this amendment is, in fact, on the right track and for saying that it is about time we begin rewarding success and innovation, it is about time we become a reliable partner with our local schools that are achieving, despite sometimes great difficulty, and to begin rewarding them. I thank him for his comments.

I do not disagree with him as he laid out all of the problems associated currently with our public and general education system in the United States. No one in this Chamber disagrees with the sad statistics about lack of achievement, lack of discipline, et cetera, although I want to say for the RECORD that there are many, many, many good public schools, private and parochial schools in this Nation, of which we should be proud. The fact is that we need to have every one to be excellent, but we are falling from the mark.

Let me, if I can, Madam President, in the 1 minute I have left, call to your attention one of the real failings of the Coverdell proposal.

In order to save money, obviously, you have to save it for a long period of time for it to generate any benefit to the saver. One of the problems with setting aside $500 to begin using in kindergarten is that you don't have the money set aside long enough for there to be a benefit to a family. So what we are saying is a $30 benefit is not really that great a benefit. There are so many better ways we can spend this money to really improve education.

If we want to have a savings plan, which I would support, and prepaid college tuition, which is certainly one I support, then let's do some real saving in this country. Let's really save $500 or $2,000, which is part of the Coverdell proposal that I do agree with. Let's set aside money, increase it—which is what Senator GLENN tried to do—from $500 to $2,000 a year to enable families, from when their child is 1, if they save until 17 at a 6 percent yield, to save $60,000. If they received a 12 percent return, they could save over $110,000 approximately. Then you are talking about real money, and you are talking about real benefit, and you are talking about real savings, and you are talking about a Tax Code that really might work and do something good. If we had adopted JOHN GLENN's amendment, this is what people in America would be doing, and I would be proud to sign my name to it.

The PRESIDING OFFICER. The time of the Senator has expired.

Ms. LANDRIEU. Madam President, I offer this for the RECORD and thank you for letting me offer the blue ribbon school amendment and the long-term savings amendment.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Madam President, I want to make it very clear that the education savings accounts would inure to the benefit of 14 million American families. The initial amount of money saved would be $5 billion.

The example that the Senator from Louisiana offers doesn't really paint the picture. The $30 she talks about is, of course, averaging everybody out, and that is the interest only. She has forgotten that it is the interest on a lot of principal.

We have said from the outset, one of the surprises about this education savings account is the tax relief involved over 5 years is only a little over $500 million. But that little amount makes Americans do big things. Because of that simple, small incentive, they go out and save $5 billion to put behind education.

This blue-ribbon proposal would end up helping maybe 400 schools in America. They would be schools that have been generally better off. What we are talking about is helping 14 million families deal with the situation in all the schools that 20 million children attend. That might be a school that would in no way be able to compete for one of these excellence awards. Very few of your inner city schools could meet these standards.

So what do you want, 400 schools that get $300,000 a year for the building, or 14 million families and 20 million kids having an ability to buy a home computer or a tutor? To me, there is no decision to make here. Do you want lots and lots of Americans opening up savings accounts trying to help their children with whatever the specific needs are, or do you want a specialized program that rewards the students in 400 schools? That is fine, but as a substitute for what we are talking about, there is no comparison.

Madam President, I yield back my remaining time.

The PRESIDING OFFICER. All time has expired on the amendment.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. KEMPTHORNE. Thank you very much, Madam President.

AMENDMENT NO. 2302 TO AMENDMENT NO. 2301

(Purpose: To amend section 6201 of the Elementary and Secondary Education Act of 1965 to provide for student improvement incentive awards, and for other purposes)

Mr. KEMPTHORNE. I rise to offer a second-degree amendment to the Landrieu amendment, and I send it to the desk for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Idaho [Mr. KEMPTHORNE] proposes an amendment numbered 2302 to amendment No. 2301.

Mr. KEMPTHORNE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. KEMPTHORNE. Madam President, the current discussion on education in the United States has been widespread. Both sides of the debate, I believe, truly have the best interests of our Nation's young people at heart. It has been a good discussion, and I commend the Senator from Georgia, Senator COVERDELL, for his leadership on this issue.

We often differ on issues of school choice, Federal involvement in the classroom, and State flexibility. The amendment that I offer today addresses one of this Nation's educational needs while doing so in a manner which should not be controversial. This is the student improvement incentive grant program.

The amendment I am offering today is quite simple in its nature. Under the Elementary and Secondary Education Act, States are given a level of flexibility with how to use some of those funds. My amendment provides yet another option for States.

Under my amendment, States would be allowed to use some of their Federal education funds to provide awards to public high schools based on the schools' performances on statewide assessment tests, the content and substance of which would be entirely up to the State.

There are several important elements to this proposal. First, this is not a new program but merely a new option from which States may choose. Second, the assessments would be based entirely on State priorities and desires. Third, no new funds are required. Thus, my proposal gives States a new way to create a healthy competition amongst public high schools without imposing new Federal requirements, additional Federal oversight, or increasing Federal spending.

As my colleagues are well aware, approximately 2 months ago it was widely reported in the media that high school students in the United States scored well below their peers in an international exam in math and science. In fact, of the 21 nations involved, U.S. students ranked 19th. In comparison, however, U.S. fourth graders performed strongly against their international peers on similar exams. Somewhere along the way we are failing our students by not encouraging them to maintain the high standards that they have demonstrated early in their academic careers.

My amendment will help change this trend by creating financial incentives to encourage greater academic performance in our secondary schools. At the same time, it achieves this goal while leaving the control over education where it belongs, in the State and local communities.

I urge my colleagues to support the student improvement incentive grant amendment.

I yield the floor, Madam President.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Just a point of clarification. The hour of 3:45 has arrived. I believe under a previous unanimous consent agreement, the Senate is about to proceed to a series of votes on amendments, beginning with Senator GORTON's, and that there would be 2 minutes for each amendment equally divided.

The PRESIDING OFFICER. Consideration of the pending amendment is temporarily suspended.

The pending question will occur on the Gorton amendment No. 2293, as amended. The Senator is correct that there will be 2 minutes of debate equally divided.

Mr. COVERDELL. Madam President, then the remaining time on the amendment offered by Senator KEMPTHORNE would occur immediately following the last vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. COVERDELL. I thank the Chair.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

AMENDMENT NO. 2293, AS AMENDED

Mr. GORTON. Madam President, the Gorton-Frist amendment is based on two philosophical principles. The first of those principles is that the present system under which 7 percent of the dollars going into education come from the Federal Government, together with 50 percent of all of the rules and regulations under which that education is provided, is not necessarily either in theory or in practice the best way to set policies for our public schools or to fund those public schools.

It is based also on the philosophy that parents and teachers and principals and superintendents and elected school board members all across the United States not only care more about the children in their trust but are better able to set the educational policies for their children in their schools than are bureaucrats in Washington, DC, or even Senators in the U.S. Senate.

The Gorton-Frist amendment, however, forces these two philosophical distinctions or principles on no one. Under this amendment, any State that likes the present system of Federal control is authorized to retain it. Any State that believes educational policy should be set at the State capital through a State school board or Governor or State superintendent of public instruction is free to adopt such a system. And any State that believes, as we do, that local control and local spending policies are best, is free to adopt that policy.

We also guarantee that no State will lose money under this amendment. I commend it to the President and to the Members of the Senate.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I agree with the Senator from Washington that if the State wants to tax its own people and do whatever it wants to, it should have the ability to do it. If the local community wants to tax its people, they ought to be able to do whatever they want. But what Senator GORTON is saying is, we are going to use Federal taxpayers' money, the money that is directed by the Congress.

We have designated three very important areas that are eliminated by the amendment of the Senator from Washington.

First, drug-free schools. I do not find any parents from Massachusetts saying, "Abolish drug-free schools." The Gorton amendment will abolish it.

Second, for the training of teachers in math and science, I do not find parents saying, "We ought to abolish that program." The Gorton amendment does it.

And third, in terms of raising high academic standards, the programs that help and assist local schools to be able to do it, I do not find parents in my State saying, "Abolish that program." It will be abolished by the Gorton amendment.

It makes no sense, Madam President. And there is no accountability under the Gorton amendment how these funds are being spent and what the effect of it is in improving academic achievement and accomplishment. To do it after 30 minutes of debate makes no sense whatsoever. I hope that the amendment will be defeated.

The PRESIDING OFFICER. All time has expired. The question now occurs on agreeing to the Gorton amendment No. 2293, as amended. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The PRESIDING OFFICER (Mr. BROWNBACK). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 91 Leg.]

YEAS—50

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—49

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Chafee
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Snowe
Specter
Torricelli
Wellstone
Wyden

NOT VOTING—1

Helms

The amendment (No. 2293), as amended, was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2296

The PRESIDING OFFICER. The question now occurs on the Hutchinson amendment No. 2296. Under the previous order, there are 2 minutes of debate equally divided prior to the vote.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the next vote in this series of four be limited to 10 minutes in length.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 1 minute.

Mr. HUTCHINSON. Thank you, Mr. President.

Mr. President, this is a dollars-for-the-classroom amendment that expresses the sense of the Senate that we will do our best to ensure that 95 cents out of every dollar actually gets to the classroom where the needs are the greatest. Unfortunately, studies indicate that right now as little as 65 cents of every Federal education dollar actually gets down to the classroom. Where does it go? Much of it goes to bureaucracies, Federal and State. We have 307 Federal education programs.

This simply says let's give 95 cents out of every dollar to the classroom. That will be $2,000 per classroom for every classroom in America—additional money that the teachers and the local school boards can determine how it should be spent. It maximizes local control. States' needs are different. To say 100,000 teachers or to say let's spend Federal dollars for construction isn't the wisest approach. It is better to let those decisions be made locally where the needs differ across the country.

The question on this sense-of-the-Senate amendment is, Are you for bureaucrats, or are you for books? I think we want it to go to the classroom. Let's support this sense of the Senate.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, those who support the education programs, title I and other programs that will be affected, want the greatest amount of money to go to the local classrooms. So we support this measure. We have no problem whatsoever in supporting this measure. It is supported by the administration and by the Department of Education. We want to make sure that as much of the funds as possible go right into the classroom. We are absolutely in support of it. We hope the amendment will pass overwhelmingly.

When the Senator initially offered his amendment, it provided not only for this measure but to eliminate the amendment of the Senator from Washington. Now the Senator from Washington will have a chance to have her amendment voted on.

I hope all of our Members will support this measure. It makes good sense. We all want the resources to go into the classroom for the benefit of the children.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment of the Senator from Arkansas. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 92 Leg.]

YEAS—99

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback

Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—1

Helms

The amendment (No. 2296) was agreed to.

AMENDMENT NO. 2295

The PRESIDING OFFICER. The question now occurs on agreeing to Murray amendment No. 2295. Under the previous order, there are 2 minutes of debate equally divided before the vote.

Who seeks recognition?

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I thank the Chair.

The amendment before us is very simple. It merely asks us to go on record as to whether or not we Members of the Senate believe we should support efforts to decrease class size in the early grades.

As a parent of a child in public education, two children who have gone through our public schools, as a former school board member, as a member of the PTA, as a former educator myself who has been in the classroom, who knows the difference between having 18 young 4-year-olds or 24 4-year-olds, who knows the difference between teaching and crowd control, I will tell the Members of this Senate that decreasing class size is one of the most important things we can do to increase the education for our young children. Every Member here has talked about the need for increased math skills, the need for our young children to be able to read and write and have the skills they need. If we decrease class size, every parent in this country will tell you that it will make a difference. Studies show it. Parents know it. Teachers know it. It is time for this Senate to recognize that and move, on our part, with our responsibility, to decrease class size. I urge the adoption of this amendment.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, this amendment calls for 100,000 new teachers paid for at the Federal level. It is an endorsement of the President's proposal. I reluctantly oppose it. Mr. President, 79 percent of the teachers in Arkansas are satisfied with class size, 65 percent of the teachers nationwide are satisfied with their class sizes. It is wrong to have a one-size-fits-all approach on the Federal level. We may need more teachers in some States, but we may not need them in others. So I believe this is an area States are already addressing.

California and many other States have adopted programs to reduce class size. It is not something the Federal Government needs to get involved in. It has a $7 billion price tag. Those funds can be better used, and more wisely used, in other areas. So I ask my colleagues to oppose this sense-of-the-Senate resolution endorsing the 100,000 teacher, $7 billion expansion of the Federal role in public school education.

The PRESIDING OFFICER. All time has expired. The question occurs on the Murray amendment, No. 2295. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—49

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Cleland
Conrad
D'Amato
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Specter
Torricelli
Wellstone
Wyden

NAYS—50

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Chafee
Coats
Cochran
Collins
Coverdell
Craig
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NOT VOTING—1

Helms

The amendment (No. 2295) was rejected.

Mr. COVERDELL. I move to reconsider the vote.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2300

The PRESIDING OFFICER. The question now occurs on the Ashcroft amendment No. 2300, which is a second-degree amendment to the Levin amendment No. 2299.

Under the previous order, there will now be 2 minutes of debate, equally divided, prior to the vote.

Who seeks recognition?

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, this amendment prohibits Federal funding for national testing in our schools unless there is explicit congressional authority for such funding, so that no funding of the Federal Government could be used to supply or provide for national tests unless the Congress specifically authorized it.

I ask unanimous consent that Senator HAGEL of Nebraska be added as an original cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. I believe the fundamental opportunity in education and the opportunity for achievement by children relates to the involvement of parents in education. Whenever we begin to dictate curriculum from Washington, with a national test which will ultimately define curriculum, we will have lost the genius of America's education system, which is local involvement in schools, parental involvement.

For that reason, I believe this amendment should be adopted. I am pleased that Senator LOTT has been in support of this amendment. I am pleased that a number of other individuals are supporting it strongly and am glad to have the cosponsorship of Senator HAGEL. I urge its adoption.

I ask unanimous consent that Senator NICKLES be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator's time has expired.

Who seeks recognition?

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 1 minute.

Mr. BINGAMAN. Mr. President, last November, 5 months ago, we worked out a bipartisan compromise. It received 87 votes here. It called for the National Academy of Sciences to do a study about the possibility of linking various State tests and commercial tests and called on this National Assessment Governing Board, an independent board, to go ahead and develop some test questions. And essentially it set up a procedure we could look at. It also prohibited the use of any funds for field testing or pilot testing, anything in this fiscal year.

This amendment would gut all of that, would say the National Academy needs to stop in its tracks, it cannot complete its work. It would say that the National Assessment Board has to stop what it is doing and breach its contract.

Later this year, in the appropriations cycle, we should revisit this issue and decide at that point whether to allow field testing. But we should not be prohibiting continued study of the issue and development of questions by the National Board at this point. So I urge colleagues to oppose the amendment.

The PRESIDING OFFICER. The Senator's time has expired.

All time has expired.

The question now occurs on agreeing to the Ashcroft amendment No. 2300. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The PRESIDING OFFICER (Mr. ABRAHAM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—52

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
DeWine
Domenici
Enzi
Faircloth
Feingold
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—47

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Conrad
D'Amato
Daschle
Dodd
Dorgan
Durbin
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Specter
Torricelli
Wellstone
Wyden

NOT VOTING—1

Helms

The amendment (No. 2300) was agreed to.

Mr. CRAIG. I move to reconsider the vote.

Mr. ASHCROFT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the Levin amendment, as amended.

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, as I understand the regular order now, it would be for me to now resubmit the amendment that I offered earlier today, which was recently defeated, in effect, through the adoption of the Ashcroft second-degree amendment. Under the regular order, I am allowed to resubmit this amendment so that we can have a vote on it, or it can be second degreed again.

AMENDMENT NO. 2303 TO AMENDMENT NO. 2299

(Purpose: To replace the expansion of education individual retirement accounts to elementary and secondary school expenses with an increase the lifetime learning education credit for expenses of teachers in improving technology training)

Mr. LEVIN. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 2303.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment add the following:

Section 101 is null and void.

SEC. . MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(2) CONTRIBUTION LIMIT.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(4) CONTRIBUTION LIMIT.—The term 'contribution limit' means $500 ($2,000 in the case of any taxable year beginning after December 31, 1998, and ending before January 1, 2003)."

(3) CONFORMING AMENDMENTS.—

(A) Section 530(d)(4)(C) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(B) Section 4973(e)(1)(A) is amended by striking "$500" and inserting "the contribution limit (as defined in section 530(b)(5)) for such taxable year".

(b) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

"The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary)."

(c) CORPORATIONS PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking "The maximum amount which a contributor" and inserting "In the case of a contributor who is an individual, the maximum amount the contributor".

(d) NO DOUBLE BENEFIT.—Section 530(d)(2) (relating to distributions for qualified education expenses) is amended by adding at the end the following new subparagraph:

"(D) DISALLOWANCE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph."

(e) TECHNICAL CORRECTIONS.—

(1)(A) Section 530(b)(1)(E) (defining education individual retirement account) is amended to read as follows:

"(E) Any balance to the credit of the designated beneficiary on the date on which the beneficiary attains age 30 shall be distributed within 30 days after such date to the beneficiary or, if the beneficiary dies before attaining age 30, shall be distributed within 30 days after the date of death to the estate of such beneficiary."

(B) Section 530(d) (relating to tax treatment of distributions) is amended by adding at the end the following new paragraph:

"(8) DEEMED DISTRIBUTION ON REQUIRED DISTRIBUTION DATE.—In any case in which a distribution is required under subsection (b)(1)(E), any balance to the credit of a designated beneficiary as of the close of the 30-day period referred to in such subsection for making such distribution shall be deemed distributed at the close of such period."

(2)(A) Section 530(d)(1) is amended by striking "section 72(b)" and inserting "section 72".

(B) Section 72(e) (relating to amounts not received as annuities) is amended by inserting after paragraph (8) the following new paragraph:

"(9) EXTENSION OF PARAGRAPH (2)(B) TO QUALIFIED STATE TUITION PROGRAMS AND EDUCATIONAL INDIVIDUAL RETIREMENT ACCOUNTS.—Notwithstanding any other provision of this subsection, paragraph (2)(B) shall apply to amounts received under a qualified State tuition program (as defined in section 529(b)) or under an education individual retirement account (as defined in section 530(b)). The rule of paragraph (8)(B) shall apply for purposes of this paragraph."

(3) Section 530(d)(4)(B) (relating to exceptions) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by adding at the end the following new clause:

"(iv) an amount which is includible in gross income solely because the taxpayer elected under paragraph (2)(C) to waive the application of paragraph (2) for the taxable year."

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (e) shall take effect as if included in the amendments made by section 213 of the Taxpayer Relief Act of 1997.

On page 21, between lines 9 and 10, insert:

SEC. 107. INCREASED LIFETIME LEARNING CREDIT FOR TECHNOLOGY TRAINING OF ELEMENTARY AND SECONDARY TEACHERS.

(a) IN GENERAL.—Section 25A(c) (relating to lifetime learning credit) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE FOR TECHNOLOGY TRAINING OF CERTAIN TEACHERS.—

"(A) IN GENERAL.—If any portion of the qualified tuition and related expenses to which this subsection applies—

"(i) are paid or incurred by an individual who is a kindergarten through grade 12 teacher in an elementary or secondary school, and

"(ii) are incurred as part of a program which is approved and certified by the appropriate local educational agency as directly related to improvement of the individual's capacity to use technology in teaching.

paragraph (1) shall be applied with respect to such portion by substituting '50 percent' for '20 percent'.

"(B) TERMINATION.—This paragraph shall not apply to expenses paid after December 31, 2002, for education furnished in academic periods beginning after such date."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenses paid after June 30, 1998, for education furnished in academic periods beginning after such date.

Mr. COVERDELL. Mr. President, I ask that the new Levin amendment be laid aside to recur following the stacked votes tomorrow morning. It would be the first amendment to be debated after 3 votes tomorrow morning.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FORD. What about debate on that amendment, Mr. President?

Mr. COVERDELL. There will be 30 minutes equally divided.

The PRESIDING OFFICER. The Senate will come to order.

Mr. COVERDELL. Mr. President, for the information of all Senators, the Senate will now conclude debate on the following pending amendments: Coats, Kempthorne, and Landrieu.

Following those concluding remarks, if any other Senator wishes to debate their amendment, the manager will remain in the Chamber for additional debate. The three amendments concluded this evening will be stacked to occur beginning at 9:30 a.m. on Thursday. Having entered into this arrangement with all Senators, there will be no further votes this evening. The voting sequence tomorrow will begin at 9:30 a.m.

Just for everybody's information, it is my understanding that the remaining amendments on the other side—Dodd, Bingaman, and Boxer—have all indicated they want to do that tomorrow, which will occur following the 30 minutes of debate on the Levin amendment. At this point we will finish Coats, Kempthorne and Landrieu, and there will be no further votes this evening.

I ask unanimous consent that this be accepted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. ABRAHAM pertaining to the introduction of S. 1970 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOMENICI. Mr. President, this is a very important education bill before us today. It builds upon the education savings accounts enacted last year. It expands the amount of money that can be saved and expands its uses to include K-12.

About 14 million individuals are expected to sign up for these accounts by the year 2002. Contributions can be saved to cover college expenses or used when needed to pay for a wide range of education expenses during a student's elementary and high school years. Examples of eligible expenses include text books, computers, school uniforms, tutoring, advanced placement college credits, home schooling, after-school care and college preparation courses.

A tutor can make the difference between success or a student falling hopelessly behind.

A computer can open the world to a child. Children growing up in homes with computers will be the achievers. I am afraid children growing up in homes without computers will be at a disadvantage. This bill will allow money from an education savings account to be sent on a computer, software, lessons on how to use the computer.

The bill has several solid worthwhile provisions.

It raises the limits on annual contributions to an education IRA from $500 to $2,000 per year, and allows accounts to be used for K-12 expenses. The bill allows parents or grandparents to make the contribution in after-tax money each year.

The accounts would grow with interest, and withdrawals for educational expenses would be tax-free. A+ accounts, as under current law, are targeted to middle income taxpayers. Eligibility phases out beginning at $95,000 for individuals and $150,000 for joint filers. Under these terms almost all New Mexicans would be eligible to set up one of these accounts.

The bill allows parents to purchase contracts that lock-in tomorrow's tuition costs at today's prices. This bill would make these savings completely tax-free.

Families purchasing plans would pay no federal income tax on interest build-up. Under current law, state-run programs allowed tax-deferred savings for college. However, savings in such plans, when withdrawn, are taxable as income to the student. This provision would benefit 1 million students.

Twenty-one states have created tuition plans. New Mexico has not yet implemented one but it does have a proposal under consideration. If the state finalizes its pre-paid tuition plan future students would be able to benefit. Pre-paid tuition plans are a great way to secure the future.

The bill extends through 2002, the exclusion for employers who pay for their employees' tuition and expands the program to cover graduate students beginning in 1998. The exclusion allows employers to pay up to $5,250 per year for educational expenses to benefit employees without requiring the employees to declare that benefit as income and pay federal income tax on the benefit. One million workers, including 250,000 graduate students, would benefit from a tax-free employer-provided education assistance provision.

The bill also creates a new category of exempt facility bonds for privately-owned and publicly operated elementary and secondary school construction high growth areas. The bill makes $3 billion in school construction bonds over five years. This is enough to build 500 elementary schools.

I am pleased that the bill includes the amendment to provide new grants to states that (1) test K-12 teachers for proficiency in the subject area they teach and (2) has a merit based teacher compensation system.

In line with my belief that teacher competence is key to improving American education, this bill creates incentives for states to establish teacher and merit pay policies.

I believe the best teachers should be rewarded for their efforts to educate our children. A little competition in our public schools would be a good thing for rewarding those teachers who excel at their profession and motivating those who may need to improve their performance.

This is but one step forward in our bid to improve the educational performance of American students. This amendment supports the principle that all children deserve to be taught by well-educated, competent and qualified teachers.

I hope the Senate will complete its work quickly on this bill and that the President will sign it.

The MERIT amendment would use the Eisenhower Professional Development Program (Title II) to provide incentive funds to states that establish periodic assessments of elementary and secondary school teachers, including a pay system to reward teachers based on merit and proven performance.

The legislation would not reduce current funding for the Eisenhower Professional Development Program. Incentives will be provided to states that establish teacher testing and merit pay programs. The amendment permits the use of Federal education dollars to establish and administer these programs.

The Eisenhower program, established in 1985, gives teachers and other educational staff access to sustained and high-quality professional development training. In 1998, the Congress approved $28.3 million, $10 million more than in

1997, for the Eisenhower program to provide in-service training for teachers in core subject areas.

The President requested $50 million for the Eisenhower program in 1999, an increase of $26.7 million above the $28.3 million provided in 1998. New Mexico received $2.4 million in 1997 for all 89 school districts. The President funds his 1999 request at the expense of Title VI, Innovative Program Strategies, which New Mexico also heavily utilizes. He requests no funding for this program, which received $350 million in 1998.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I announce that the order of business is to complete the Coats amendment. The author, Senator COATS, is here. I talked to the other side. We have some Senators who want to offer some proposals of their own not related to this legislation. But if we could—everybody is in agreement—we can proceed with the Coats amendment.

Mr. COATS addressed the Chair.

Mr. FORD. Will the Senator from Indiana withhold for just a moment?

We have now allowed several minutes to introduce a bill. Then we are going back to an amendment that should be on this bill. Then we have others here who would like to speak for up to 30 or 35 minutes. I think we are going to have to have some sort of an agreement on how it is going to work. Is this the only debate for amendments?

Mr. COVERDELL. There are two others.

Mr. FORD. Are they here?

Mr. COVERDELL. They are not here. If we could facilitate Senator COATS, we can go to Senator FEINGOLD.

Mr. FORD. With the understanding that it is approximately 35 minutes.

Mr. COVERDELL. I understand.

Mr. FORD. Just so there is no misunderstanding, we are all on the same wavelength.

Mr. COVERDELL. We are on the same wavelength.

Mr. FORD. I thank the chairman and the Chair.

The PRESIDING OFFICER. Under the previous order, Senator COATS is recognized to speak for 2 minutes.

AMENDMENT NO. 2297

Mr. COATS. Mr. President, what is the time situation on this particular amendment? We were in the midst of offering it. We set it aside. There is some time remaining. I would like to know what time is remaining under the original amendment.

The PRESIDING OFFICER (Mr. ABRAHAM). When the bill was set aside, the Senator from Indiana had 2 minutes remaining on the time, and the opposition had 15 minutes remaining.

Mr. COATS. Mr. President, I reserve that 2 minutes. There is someone on the opposing side who wants to begin using their 15 minutes. This is obviously the time. Perhaps if there is no opposition——

Mr. FORD. I am certain there will be opposition. Mr. President, I am here to try to help facilitate this. I don't know who will be here. I am under the impression we will have somebody who will oppose it. But as of now it is like on the other side. The other two Members are not here to oppose it either, I don't imagine. We have 30 minutes to work it out.

I suggest that since the Senator from Indiana only has 2 minutes left, we will wait to see if we can find somebody to use up our 15, and the Senator could have 2 minutes tomorrow.

Mr. COATS. I think it was well-understood by everybody involved in this amendment that I would offer it immediately after the stacked votes. I am here prepared to finish up my time. I would like to get it done, because my schedule is not going to allow me to wait for 35 minutes while someone does morning business.

Mr. FORD. The Senator may proceed. If there is no one here, I will yield back our time and then the Senator can have it voted on within the stacked votes in the morning.

Mr. COATS. I will be happy to do that. Mr. President, I will use up the last 2 minutes.

Very briefly, I do not think this amendment is all that controversial. It simply provides an extra incentive for individuals or organizations that want to make charitable contributions to scholarship funds which would provide scholarships for low-income children for educational purposes. As such, we are just simply offering an additional deduction of 10 percent for that specific purpose. I outlined earlier the basis for that and the reasons why we need to do that. I believe it complements the bill we are dealing with. The current bill addresses essentially middle income and above taxpayers. This goes to low-income taxpayers, and it gives them an opportunity to provide the kind of education they think is appropriate for their children.

I hope my colleagues will accept it. The cost is offset by changes in the Tax Code which have been approved by the Finance Committee. There is no controversy there. I urge my colleagues to vote in support of the amendment when the vote occurs tomorrow morning.

The PRESIDING OFFICER. The Senator has 15 seconds remaining.

Mr. COATS. I yield the remainder of my time.

Mr. FORD. Mr. President, I suggest the absence of a quorum on the 15 minutes on this side.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I yield the balance of time in opposition to the Coats amendment. I understand the change is offset. Most people are happy with it. Therefore, there is no opposition at the moment. I am sure some will vote against it, but I yield whatever time this side might have. It is my understanding that we now go to Senator FEINGOLD for a statement as if in morning business.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized under the previous order.

Mr. FEINGOLD. Thank you, Mr. President.

CAMPAIGN FINANCE REFORM

Mr. FEINGOLD. Mr. President, in late February the Senate considered campaign finance reform on the floor of the Senate for the second time in this Congress. Once again, we did not resolve the issue. Although a clear majority of this body now supports the McCain-Feingold bill, a determined minority once again prevented it from being adopted.

Mr. President, I would like to take a few minutes today to try to put our debate in some perspective. This is a particularly good time to revisit the issue because of what has been happening just in the past few days in the other body, in the House of Representatives. In fact, the latest development on the other side of the Capitol has made it very clear that the defenders of the current system are on the run, and campaign finance reform is very much alive.

Last fall, the Speaker of the House promised an open debate on campaign finance reform by the end of March. The other body, of course, is supposed to be the place where the majority can work its will. There is no filibuster rule in the House of Representatives—in effect, no requirement that you have to get a three-fifths majority to pass legislation, as has long been the case in the Senate.

At the end of March, when a bipartisan majority began to clearly coalesce behind the McCain-Feingold bill, or the Shays-Meehan bill as it is called in the other body, the House leadership and other opponents of reform began looking for a way out. The House leadership decided to bring up campaign finance reform under suspension of the rules. That is a procedure that is usually used to allow noncontroversial bills to pass quickly. It was used here for a very different purpose. It allows very limited debate and no amendments, and it requires a two-thirds vote for passage.

So the leadership of the other body brought up its own campaign finance bill under the suspension procedure that would guarantee, in effect, the defeat of its own bill. In the end, this bill of the leadership of the House got only 74 votes, and 337 Members of the House voted no.

Let's think about that. The major campaign finance bill offered by the chairman of the committee of jurisdiction received only 74 votes in the House of Representatives. The Democrats in the House were not even allowed to offer a substitute, which is customary in the other body. And here is the kicker. The main bipartisan reform bill which, by all accounts, actually had majority support in the House, did not even get a vote. The leadership of the House did everything in its power to make sure that the McCain-Feingold bill would not pass, and they succeeded, but only temporarily.

Supporters of reform in the House were understandably outraged. Just as the opponents of reform in this body relied on a filibuster and on parliamentary tactics such as filling the amendment tree to prevent a bipartisan majority from passing McCain-Feingold, opponents of reform in the House, the body that is supposed to reflect the will of majority, in effect rigged the procedure to make sure that reformers did not even get a vote on their bill.

Tactics of this kind can work for a while, but they cannot work forever. The American people are tired of tricks and tactics. They are tired of a partisan minority stopping the bipartisan majority from enacting reform. And now there are clear signs that public outrage over these kinds of tactics is having an effect. In the other body, reformers gathered 205 signatures on a discharge petition that would require the other body to consider campaign finance reform under a fair and open procedure. They needed just 13 more Members of the House to sign the discharge petition to force the issue to the House floor despite the opposition of the leadership. This would have been almost unprecedented.

It is clear that Members of the Congress are feeling the heat. Five Members agreed to sign the petition over the recess after they heard from their constituents how important it is to have a real vote on reform in the House this year, and four more announced in the last 2 days they will sign the petition.

Mr. President, what we found out today is that the leadership in the House reconsidered its hard line position because a meltdown was occurring. I was informed just a little bit earlier that there has been an announcement that the leadership of the other body will now bring campaign finance reform back to the House floor by May 15, and this time there at least supposedly is going to be an open rule and a bipartisan bill will get a vote.

This is very good news, and I congratulate the bipartisan reformers in the House for their persistence and effectiveness. They have shown that the will of the people can prevail if only we in the Congress have the courage to fight for it. If the House passes a bipartisan bill in the next few weeks, fortunately, the spotlight will come back here again.

The distinguished majority leader of our body was asked on Monday, what will he do if the House passes McCain-Feingold? His answer? "Nothing." And everyone laughed. I don't think they are laughing today, because the reformers in the House have succeeded in their effort to force a fair vote. We will see if the American people will stand for this kind of obstructionism if a bill comes back from the House. I do not think they will. I think the Senate will have to deal with this issue again this year and soon.

So I can say to the American people today as I have before, this fight is not over. The opponents of reform may be winning these parliamentary battles, but they are losing the legislative war. The American people know that our current system must be changed. A majority of this Senate, and now of the House, knows that our current system must be changed. Sooner or later, we will prevail. I am absolutely certain of that.

I have spent a great deal of time reviewing the debate on campaign finance reform from both this past February and last fall. As most people who watched the debate know, there was a lot of argument on this floor about whether the first amendment to the Constitution would be violated by the provisions of our bill in the Snowe-Jeffords amendment dealing with so-called issue advocacy by outside groups. I think these arguments based on the Constitution were grossly exaggerated and they will be shown to be inaccurate over time in the context of the actual state of constitutional law.

But there were a lot of other things said about our bill, a lot of other justifications offered for killing reform, and today I want to concentrate on what I call the three worst excuses for voting against the bipartisan McCain-Feingold bill. These arguments simply do not hold water. And since we will be back sooner or later—and I suspect sooner—to discuss these matters, let me say a bit about them today.

Here is the first poor excuse for voting against our bill. We heard time and time again, both last fall and last February, that we do not need changes in the law, we just have to enforce the current law. Now, that gave the opponents the opportunity to excoriate the Clinton administration for its fundraising excesses in 1996 and to try to dodge responsibility as Senators to try to clean up the system.

But I have a number of responses. First, we have to remember that the McCain-Feingold bill actually had a whole lot of provisions that were designed to specifically deal with the alleged lawbreaking of the last election. Our bill makes it perfectly clear that fundraising for Federal campaigns cannot take place on Federal property. In other words, no more "no controlling legal authority," no more debate about whether dialing for dollars from your office is OK if you are asking for soft money rather than hard money. Under our bill, you cannot use your office, which is paid for by the taxpayers to raise money. Period.

In the McCain-Feingold bill, we also ban all foreign money from U.S. elections first by banning all soft money contributions to political parties. The legislation would prohibit any source, foreign or domestic, from contributing these unlimited and unregulated amounts of money to the national political party. But our bill also makes clear that foreign nationals are prohibited from making any sort of campaign expenditure—coordinated with a candidate or party or an independent expenditure—in connection with any Federal, State, or local election.

So while we will not put people in jail with this legislation or force prosecution of lawbreakers, we can make absolutely sure that the loopholes, or alleged loopholes, in the law that those accused of wrongdoing have fallen back on will, in fact, be permanently closed.

But beyond that, we reject the notion that the scandals we saw in 1996 were just due to lawbreaking. They were due to problems with the law itself. The biggest scandal stems not from what is illegal today but from what is perfectly legal—soft money.

Let me put it this way. Why was the White House charging $100,000 a night for a night in the Lincoln bedroom? Why did coffee with the President or dinners with key leaders of the Congress cost people some $50,000? Because it is legal to contribute $50,000 or $100,000 or even more to a political party in this country. Unless we change that law, the ever-increasing demand for money will lead our party leaders to stretch the bounds of propriety. We have to take responsibility. We have to do our part as lawmakers.

What about the huge amounts of money spent by groups on so-called issue ads that looked just like campaign ads but fell just outside the boundaries of the Federal election law? That is not a problem with illegal activities. It is a problem with the law, and we need to address it.

Mr. President, poor excuse No. 2 for opposing bipartisan reform. I heard a lot of people who oppose McCain-Feingold say that what we really need to do to solve the campaign finance issue is to have full and instantaneous disclosure of contributions and spending. My first response to that argument is that McCain-Feingold includes the most extensive disclosure provisions of any campaign finance legislation introduced in the Senate in this Congress. But not a single Senator who argued against this bill and said that disclosure is what we really need would even acknowledge the important disclosure provisions in our bill.

What does it do? We require all candidates to file their disclosure reports electronically and require the FEC to post this information on the Internet within 24 hours of its receipt.

We prohibit campaigns from depositing campaign contributions of over $200 into their treasuries until all required disclosure information has been collected. We step up the reporting of independent expenditures in the closing days of the campaign. We even lower the reporting threshold for campaign contributions from $200 to $50, and we require political advertisements to carry a tag line identifying who is responsible for the content of the advertising.

These provisions are very important and they are helpful and they do a great job, but they are not enough in themselves to restore the public's faith in our system and in us. We already know that $262 million in soft money was contributed to the national political parties in 1996. We already know that Philip Morris gave over $3 million in soft money in the 1996 cycle, and that RJR Nabisco, Joseph Seagram & Sons, Atlantic Richfield, and AT&T all gave over $1 million. Federal Express gave almost a million.

It is still a scandal that the tobacco companies did contribute millions of dollars to our political parties while the Congress is considering extraordinarily important legislation that will decide the fate of that industry and of the children that its product kills, even if those contributions are disclosed. It is interesting that some of the same Senators who proclaim the miracle benefits of disclosure are unwilling to bring under the Federal election laws the activities of secretive groups funded by wealthy donors that run ads attacking candidates in the last weeks of the campaign.

So disclosure is not the answer. It is an answer, but it is not the answer.

How can we really expect a lot of hard-working Americans, many of whom do not even have a computer, to spend their free time examining FEC reports to make sure that we are not under the influence of special interest contributions? Who are we kidding with this idea that full disclosure alone will solve all our problems? Most people do not know who the richest people in America are and who they work for. Most people do not know what legislative agenda is pursued by the PACs that fund our campaigns. Most people will not be able to recognize a potentially corrupting contribution from just some name on a report.

So we still need reasonable limits on contributions. We still need a ban on soft money. We still need to outlaw fundraising on Federal property. We still need to address the phony issue ads of unknown origin that attack candidates in the last day of a campaign and simply avoid the Federal election laws. Disclosure is a great thing and I am proud that our bill includes some tough new provisions, but disclosure alone is not the answer.

One very interesting thing about our debate last fall was that very few of the opponents of our bill ever wanted to discuss the central feature of our bill—a ban on soft money. I do not blame the opponents of our bill for not wanting to discuss it. Soft money is an embarrassment to the American political system. It should shame the defenders of the status quo. Soft money was at the very heart of the scandals of 1996. But a few hearty souls have ventured out onto the floor to defend soft money. I want to take my remaining time to address their arguments. They have given the absolute worst excuse for opposing our bill—that the soft money ban is either unconstitutional or a bad idea.

Soft money is the mother of all loopholes. It is the most ingenious money laundering scheme in American history. Corporations and labor unions are prohibited from giving money directly to candidates. It has been that way for most of the century. Instead, what they do is they give the money to the candidate's party. That means, instead of having to use a PAC, the corporation can reach into its shareholders' moneys and a union can reach into its members' dues.

The sky is truly the limit for these contributions. You can give $5,000, you can give $50,000, you can give $500,000. There is no reason under this loophole why you could not give the party $5 million by yourself. There are no limits on soft money—none at all.

This laundering scheme allows the parties to dump tens of millions of unregulated dollars into congressional elections and into Presidential elections. Just last fall the Republican Party ran an unprecedented issue ad campaign in the special congressional election for the seat vacated by former Representative Susan Molinari of New York. The party reportedly spent $800,000 on ads attacking the Democratic candidate for that office. Much of that money was soft money, money that is supposed to be illegal in Federal elections.

In the 1996 cycle, the two political parties raised and spent over $262 million in soft money. That is $262 million that was raised and spent completely outside of the scope of Federal election law.

The trend with respect to soft money is frightening. In 1992, the two parties raised and spent a combined $86 million in soft money. In just 4 years, that has gone from $86 million to $262 million. It tripled in just 4 years. And this year, even with the scandals and the very sharp attention to the issue, the money machine just keeps churning away. The FEC just announced that the parties raised $74 million in 1997, the most money ever raised in an off-election year, and more than twice as much as they raised in 1993, the year after the 1992 Presidential election.

Those are just the overall amounts of soft money, and the numbers are truly staggering. But what is most troubling about the soft money system is the shameless solicitation of these multi-hundred-thousand dollar contributions from corporations, labor unions, and wealthy individuals.

Both political parties are offering big contributors special access to high-ranking Government officials in exchange for a $100,000, $250,000, or a $500,000 contribution. Maybe you get to sit at the head table with the President. Maybe you get to have a special meeting with a congressional committee chairman. Maybe you get to participate in a trade mission to a foreign land.

But let's not pretend that someone is making a $500,000 contribution purely in the interest of good government and good democracy. Just this past year Philip Morris, facing the growing challenge of lawsuits around the country and possible congressional action on tobacco legislation, gave another $450,000 to the Republican Party and $60,000 to the Democrats. What is that all about? I think we know what it is all about.

Remember Roger Tamraz, one of the most colorful characters to appear before Senator THOMPSON's investigation last year? When asked if he felt he got his money's worth for his $300,000 contribution, Tamraz told the Government Affairs Committee that next time he would give $600,000. When asked if one of the reasons he made the contribution was to get special access, Tamraz responded by saying it wasn't one of the reasons, it was the only reason.

Mr. President, there is massive public support for a ban on soft money. Three former Presidents, over 200 former Members of Congress, countless editorial boards across the country, and even many people in the business community want to end this disgrace. Therefore, I am not surprised that virtually no one who is opposed to our legislation has stepped forward to offer a defense of this shameful system.

How can anyone defend a system that rewards the Roger Tamraz's of the world? How can anyone defend the $500,000 contributions flowing into Federal elections and the auctioning off of special access to high-ranking Government officials?

What do the few supporters of this corrupt and corrupting system say? Well, a number of Senators complained that banning soft money would "federalize all elections." One even argued that the Supreme Court in Buckley had actually permitted the use of soft money by the political parties, and somehow enhanced its legitimacy in the Colorado case.

Actually, the Colorado case concerned hard money expenditures made by the parties, supposedly independent of its candidates. The Court did mention soft money, but assumed that it may not be used to influence Federal elections. The whole reason we need to ban soft money is that it is abundantly clear that it is being used to influence Federal elections. That is why 126 legal scholars wrote us to say that it would clearly be constitutional to ban soft money.

As for federalizing all elections, that argument is like the one made by a Senator who is worried that banning soft money will hurt State parties. He complained that State parties will have to use hard money for voter registration and things like bumper stickers and buttons. The soft money provision in McCain-Feingold does allow the State parties to continue to raise money from corporations and unions if their States allow it, but not for Federal election activities. They can use soft money for voter registration up to 4 months before a Federal election.

They can use soft money, non-Federal money to support State candidates. They just can't use it to run these ads that mention Federal candidates.

That is not "federalizing all elections." That is just making sure that money that would be illegal, if given to candidates, cannot be used to benefit their elections by doing an end run around the Federal election laws. What use is prohibiting the national parties from raising and spending this illegal money if it can simply be diverted to State parties to turn around and do exactly the same thing with it?

Mr. President, there were a few opponents of McCain-Feingold who had the candor last fall to admit that, of course, Congress can constitutionally ban soft money. The Senator from Washington, Senator GORTON, and the Senator from New Mexico, Senator DOMENICI, both fine lawyers, indicated that that was their position. But they argued that we shouldn't do it because it would hurt the political parties and create an "imbalance" in the system. They fear that without soft money, parties would be ineffective, and the most irresponsible ads, the ones run by independent groups, would be encouraged.

That is a pretty interesting argument. These Senators appear unwilling to address the evasion of the election laws by outside organizations, unwilling even to try to craft a provision dealing with the phony issue ads and let the Supreme Court finally address the issue advocacy versus express advocacy problem by letting the Court know what the Congress thinks the law should be and then, because they don't like these unaccountable ads, which they themselves refuse to do anything about, they want to leave open the biggest and most objectionable loophole of all in our Federal election law today—soft money.

Our great political parties and, indeed, our political system are soiled by this soft money system. We ought to be racing to get rid of it. We ought to be trying to clean up our reputation. We ought to try to redeem ourselves in the eyes of the American people.

Are we really going to take the position, as we head into the 1998 elections, that our political parties, with their rich and important histories in this country, cannot thrive, cannot survive, without soft money? Are the parties so divorced from what real people want that they have to rely for their financial support on huge contributions from corporations and wealthy individuals who seek special access to pursue their own special interests?

I, Mr. President, am one who believes that the parties can survive without soft money. They did it up until the late 1980s. Remember, the law permits the parties to raise up to $20,000 per year in hard money from each contributor. But the parties have gotten lazy. They don't like having to raise money piece by piece, $20,000 by $20,000, voter by voter. They would rather hold dinners at big Washington hotels, send out invitations to lobbyists promising special access and then just sit back and collect a few big soft money checks. They are addicted to these huge sums of money and the nasty attack ads they can buy if the party lawyers are clever enough in how they spend the money.

That is right, Mr. President, I don't think our political parties are worth supporting anymore if they don't have anything to offer except fancy fundraisers for corporate lobbyists. If they can no longer appeal to the people of this country to fund their legitimate activity, maybe their time has come and gone. That is why protecting the political parties' ability to raise soft money is the very worst excuse for opposing the McCain-Feingold bill. It simply admits that our political system has utterly failed; that our parties are bankrupt morally and intellectually, even if they have full bank accounts; that our representative democracy has become a corporation democracy, where the amount of power you have depends on how much money you have.

I refuse to accept the judgment that we are doomed to have this kind of campaign finance system in America, the greatest democracy on Earth. That is why I am still fighting for campaign finance reform in this Congress. If the opportunity presents itself, if it looks like more of my colleagues are ready to reject the excuses—and I suspect there will be more—I will be ready to bring the McCain-Feingold bill, or any portion of it, before this Senate again.

I think the American people should know where this Senate stands on the issue of soft money. I think the people who sent us here deserve to know whether we think it is right that our elections are dominated by this unlimited, unregulated money or not. Because we know that they don't think it is right, the time has come to act.

Most of the pundits say we lost in February, but I think we won a battle. We won because we showed that a bipartisan majority of the Senate wants reform, and a bipartisan majority of the Senate will stick together and fight for reform. The battle for reform on both sides of Capitol Hill is proceeding, and it will go forward until the American people win the war and get their Government back.

Mr. President, I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Georgia.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2302, AS MODIFIED

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Kempthorne amendment No. 2302 be modified with the text which is now at the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The text of the amendment (No. 2302), as modified, will be printed in a future edition of the RECORD.

Mr. COVERDELL. Mr. President, I now yield back all time remaining with respect to amendments Nos. 2297, 2302 and 2301.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. COVERDELL. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO DR. RICHARD E. GREENLEAF

Mr. DOMENICI. Mr. President, I rise to pay tribute to a distinguished scholar and son of New Mexico. This year, Dr. Richard Greenleaf, Professor of Latin American History and Director of the Center for Latin American Studies at Tulane University, ends a remarkable career of more than a half century of research and teaching. Dr. Greenleaf has now returned to new Mexico to enjoy his retirement.

A few weeks ago, Dr. Greenleaf's students and colleagues gathered at Tulane University to honor their mentor and friend. One of Dr. Greenleaf's former students, Dr. Stanley Hordes of the Latin American Institute of the University of New Mexico, wrote an essay to commemorate that event. The essay recounts Dr. Greenleaf's extraordinary career and warmly expresses the deep affection his students hold for him.

For all his accomplishments, I salute Dr. Greenleaf. I welcome him home to New Mexico, and I join all those who are indebted to him for his lifetime commitment to scholarship and teaching.

Mr. President, I ask unanimous consent that Dr. Hordes' tribute to Dr. Greenleaf be printed in the RECORD.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

DEDICATION OF THE RICHARD E. GREENLEAF CONFERENCE ROOM, APRIL 3, 1998

Dr. Richard Edward Greenleaf, France Vinton Scholes Professor of Colonial Latin American History, and Director of the Center for Latin American Studies at Tulane University was born in Hot Springs, Arkansas on May 6, 1930. He grew up in Albuquerque, New Mexico, and took his Bachelor's, Master's and Doctoral degrees at the University of New Mexico, where he studied under the dean of inquisition scholars, Professor France V. Scholes. Dr. Greenleaf's doctoral dissertation, "Zumárraga and the Mexican Inquisition 1536–1543," served as the basis for his many excellent publications on the history of the Holy Office in Latin America.

Dr. Greenleaf authored eleven major scholarly books, served as co-author of, or contributor to seventeen others, and published almost four dozen articles in the field of Latin American and Borderlands history. He has served on the editorial boards of several major publications, including the Handbook of Latin American Studies, The Americas and the Hispanic American Historical Review, and was the recipient of many distinguished awards, among them Silver Medal, Sahagún Prize: Mexican National History Award, and the Serra Award of the Academy of American Franciscan History for Distinguished Scholarship in Colonial Latin American History.

Richard Greenleaf began his teaching career at the University of Albuquerque in 1953. Shortly thereafter, he moved to Mexico City, where he taught at the University of the Americas, later serving as Chair of the Department of History and International Relations, Academic Vice-President and Dean of the Graduate School. In 1969, he accepted a faculty position at Tulane, assuming the directorship of the Center for Latin American Studies the following year, and the chairmanship of the History Department in 1978. In 1982, he was installed in the France Vinton Scholes Chair in Colonial Latin American History. In his long and distinguished teaching career, Dr. Greenleaf has served as mentor to numerous doctoral students, and countless master's and undergraduate students, all of whom are greatly indebted to him for his inspiration and guidance.

RECOGNITION OF YVONNE ULLAS, WASHINGTON STATE TEACHER OF THE YEAR

Mr. GORTON. Mr. President, today, as we debate the most important issue we will discuss all year on the Senate floor—our children's education—I would like to take a moment to recognize Washington State's Teacher of the Year, Ms. Yvonne Ullas. A first grade teacher at Naches Primary School in Yakima, Washington, Ms. Ullas is being honored in Washington, DC to recognize her dedication to her profession and innovation in the classroom. We think we have a challenging job in the Senate, but every day Ms. Ullas is charged with stimulating the minds of 24 active first graders.

The Naches primary school has prepared this book with their advice for President Clinton and have asked that I send it over to the White House. Many of the children commented that if they were President they would make sure our kids have the best education. I will make sure the words of advice reach the President. I know Ms. Ullas serves as an example of excellence in education and of the dedication of many people in our local communities to ensuring a bright future for our children.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 4:10 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2691. An act to reauthorize and improve the operations of the National Highway Traffic Safety Administration.

H.R. 2729. An act for the private relief of Ruth Hairston by waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity.

H.R. 3528. An act to amend title 28, United States Code, with respect to the use of alternative dispute resolution processes in United States district courts, and for other purposes.

H.R. 3565. An act to amend Part L of the Omnibus Crime Control and Safe Streets Act of 1968.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 2691. An act to reauthorize and improve the operations of the National Highway Traffic Safety Administration; to the Committee on Commerce, Science, and Transportation.

H.R. 2729. An act for the private relief of Ruth Hairston by waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity; to the Committee on Governmental Affairs.

H.R. 3528. An act to amend title 28, United States Code, with respect to the use of alternative dispute resolution processes in United States district courts, and for other purposes; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4649. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the reports of two rules received on April 16, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4650. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on enlistment waiver trends for fiscal years 1991 through 1997; to the Committee on Armed Services.

EC-4651. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Empowerment Zones: Rule for Second Round Designations" received on April 16, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC-4652. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Russia; to the Committee on Banking, Housing, and Urban Affairs.

EC-4653. A communication from the Assistant Attorney General, transmitting, pursuant to law, the annual report of the Bureau of Justice Assistance for fiscal year 1996; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-384. A resolution adopted by the Senate of the Legislature of the State of Louisiana; to the Committee on Agriculture, Nutrition, and Forestry.

Whereas, Congress, through the Federal Agriculture Improvement and Reform Act of 1996 (FAIR Act), mandated that the secretary of agriculture consolidate the then existing thirty-two federal milk marketing orders into no fewer than ten nor more than fourteen orders by no later than April 4, 1999; and

Whereas, the FAIR Act also authorized the secretary of agriculture to review and reform the pricing and other provisions of the consolidated orders; and

Whereas, on January 23, 1998, the secretary of agriculture issued the proposed rules for federal milk order consolidations and reforms; and

Whereas, these proposed rules included two options for pricing milk used in Class I (fluid milk products), which are noted and referred to as Option 1A and Option 1B; and

Whereas, Option 1A is similar to the present geographic price structures; however, Option 1B would reduce the minimum federal order prices in Louisiana more than $1.00 per hundred weight; and

Whereas, while demand has been rising due to increasing population, milk production in Louisiana and the entire Southeast has declined during each of the past seven years; as a result, larger quantities of milk are imported from other regions at higher cost than local milk; and

Whereas, implementation of Option 1B, even with the highest transition option, would aggravate the loss of dairy farms and local milk production; and

Whereas, such loss will be devastating to the dairy farmer, the rural communities, and the consumers: Therefore, be it

Resolved, That the Senate of the Legislature of Louisiana memorializes the Congress of the United States to support, and urges and requests the secretary of agriculture to incorporate, Option 1A as the pricing procedure in all federal milk marketing orders in his final decision on consolidation and reform of these orders. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate, the clerk of the United States House of Representatives, each member of the Louisiana congressional delegation, and the secretary of the United States Department of Agriculture.

POM-385. A resolution adopted by the Council of the City of Wilkes-Barre, Pennsylvania relative to Federal credit unions; to the Committee on Banking, Housing, and Urban Affairs.

POM-386. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Banking, Housing, and Urban Affairs.

JOINT RESOLUTION MEMORALIZING THE CONGRESS OF THE UNITED STATES TO PRESERVE THE CURRENT FAIR HOUSING ACT

Whereas, 10 years ago the Fair Housing Amendments Act of 1988 amended Title VIII of the Civil Rights Act of 1968, to extend the principle of equal housing opportunity to people with disabilities and to families with children; and

Whereas, on February 12, 1998, the Fair Housing Amendments Act of 1998 was introduced for the purpose of repealing the federal protections for people with mental retardation and other disabilities; and

Whereas, the accomplishments that have been made during the last 30 years to protect people with disabilities and families with children should be celebrated and improved upon, not weakened; Now, Therefore, be it *Resolved*, That the important civil rights protections extended by the Fair Housing Amendments Act of 1988 must be preserved; and be it further

Resolved, That suitable copies of this memorial, duly authenticated by the Secretary of State, be transmitted to Charles Canady, Chair of the House Judiciary Subcommittee on the Constitution, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation.

POM-387. A resolution adopted by the House of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION NO. 388

Whereas, This Commonwealth has used four telephone area codes since the 1940s; and

Whereas, A shortage of available telephone numbers in two area codes in this Commonwealth has prompted the Pennsylvania Public Utility Commission to create two new area codes since 1995, increasing the total number of area codes to six; and

Whereas, Anticipated shortages in the 717, 215 and 610 area codes prompted the Pennsylvania Public Utility Commission to institute practices that would conserve telephone numbers in these area codes and so mitigated the need to create additional area codes; and

Whereas, Beginning in July 1997, the Pennsylvania Public Utility Commission adopted orders authorizing several methods of conserving telephone numbers in the 717, 215 and 610 area codes; and

Whereas, These methods to reduce the amount of telephone numbers provided to telephone service providers in any given local exchange, to develop a transparent area code and to ration available numbers were challenged at the Federal Communications Commission; and

Whereas, The delays and denials from the Federal Communications Commission prevented the Pennsylvania Public Utility Commission from implementing its conservation methods and so forced the Pennsylvania Public Utility Commission to act to create new area codes; and

Whereas, Due to these delays and denials, this Commonwealth faces a crisis in available telephone numbers in the 717, 215 and 610 area codes, which has forced the Pennsylvania Public Utility Commission to tentatively create two new area codes; and

Whereas, The creation of new area codes prior to the full implementation of conservation methods results in unnecessary inconvenience, confusion and expense to citizens in the affected areas; and

Whereas, The creation of these proposed new area codes could have been prevented or significantly delayed had the Federal Communications Commission acted expeditiously on the Pennsylvania Public Utility Commission's conservation proposals: Therefore, be it *Resolved*, That the House of Representatives memorialize the Congress of the United States and the Federal Communications Commission to allow state regulatory agencies the flexibility they need to conserve available telephone numbers and so extend the useful lives of existing area codes; and, be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the chairman of the Federal Communications Commission, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-388. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Commerce, Science, and Transportation.

SENATE JOINT RESOLUTION NO. 220

Whereas, the air transportation needs of the metropolitan Washington region are addressed through a finely balanced, comprehensive regional airport plan; and

Whereas, under that plan, Ronald Reagan Washington National Airport and Washington Dulles International Airport each perform a separate and unique function in that regional airport plan; and

Whereas, Ronald Reagan Washington National Airport functions as the local and regional airport, serving cities within a 1,250-mile radius; and

Whereas, Washington Dulles International Airport serves as the national and international airport; and

Whereas, significant local decisions about airport investment and development plans have been based on this locally and federally endorsed balance of traffic; and

Whereas, the allocation of roles to each airport under the plan has stimulated the growth and development of Washington Dulles International Airport; and

Whereas, the development of Washington Dulles International Airport has improved the quality of regional, domestic, and international air transportation for all citizens of the region; and

Whereas, the improvement in air transportation alternatives has brought to local passengers the benefits of increased competition in the form of competitive fares and a broad array of new service options between these two airports; and

Whereas, the region has also benefited from investments by many new firms in Northern Virginia that have located to this area because of the presence of a major international airport, Washington Dulles International Airport, and the strength and continued viability of competitive air service offerings at both Washington Dulles International Airport and Ronald Reagan Washington National Airport; and

Whereas, the increased business activity has produced substantial economic benefits for the region; and

Whereas, a linchpin of this balanced regional air transportation system is the rule at Ronald Reagan Washington National Airport limiting flights to 1,250 miles from the airport; and

Whereas, changes to the perimeter rule would threaten air service to smaller communities within the perimeter than now enjoy convenient access to Northern Virginia by air; and

Whereas, this perimeter rule was enacted as Section 6012 of the Metropolitan Washington Airports Act of 1986; and

Whereas, legislation is being considered in the United States Congress that would provide for exemptions from the perimeter rule; and

Whereas, any change in the current perimeter rule would threaten the benefits now enjoyed by citizens of the region as a result of the balance of services among the regional airports; and

Whereas, maintaining the perimeter rule is critical to the continued effectiveness of the balanced regional air transportation plan: Now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That the General Assembly oppose any relaxation of, exemption from, or amendment to Section 6012 of the Metropolitan Washington Airports Act of 1986 or the regulations promulgated pursuant thereto; and, be it

Resolved further, That the Clerk of the Senate transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the Virginia General Assembly in this matter.

POM-389. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Commerce, Science, and Transportation.

House Joint Memorial 4032

Whereas, The people of the State of Washington are facing the impacts of the listing and proposed listings of salmon and steelhead stocks under the federal Endangered Species Act; and

Whereas, These listings represent a serious threat to the continued economic well-being of the people of the State of Washington; and

Whereas, The people of the State of Washington will fully comply with the requirements of the federal Endangered Species Act within its borders and territorial waters; and

Whereas, The salmon and steelhead that spawn in the State of Washington spend most of their life cycle outside of waters controlled by the state; and

Whereas, Considerable threats to the salmon and steelhead of the State of Washington can only be addressed by the intervention of the United States Government; and

Whereas, The success of any conservation plan implemented under the federal Endangered Species Act for listed salmon and steelhead runs in the State of Washington is in doubt without immediate action by the federal government;

Now, therefore, Your Memorialists respectfully pray that the United States Government immediately resolve the United States-Canada fishing dispute, enforce the two hundred-mile limit and the ban on high seas drift net fishing, and provide funding for salmon recovery efforts which mitigate the loss of habitat caused by the construction of hydroelectric dams on the Columbia River.

Be it resolved, That copies of this Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM-390. A concurrent resolution adopted by the Legislature of the State of West Virginia; to the Committee on Commerce, Science, and Transportation.

House Concurrent Resolution No. 25

Whereas, Television has become a medium of great importance as a source of information and entertainment to the citizens of West Virginia and the United States; and

Whereas, Cable television sometimes provides the only access to quality television signals in many areas of West Virginia; and

Whereas, Cable television services in West Virginia are not subject to effective competition; and

Whereas, Over the last ten years, despite the efforts of the Congress of the United States and the Legislature of West Virginia, the prices that consumers pay for cable television services have escalated at alarming rates, far outpacing the increase in the costs of other goods or services; and

Whereas, The enormous increases in the costs for subscribers of cable television services is a result of the absence of competition in the industry coupled with inadequate regulation; and

Whereas, It is the duty of government to intervene to protect its citizens from the pricing practices of monopolies: Therefore, be it

Resolved by the Legislature of West Virginia, That this legislature respectfully urges the Congress of the United States to address this important issue by enacting comprehensive legislation to create widespread competition within the cable television industry and until such time as competition exists, that the Congress of the United States will pass comprehensive legislation allowing the several states and local franchising authorities to have complete and unfettered power and authority to regulate the rates that cable television companies may charge to the subscribers of cable television service, including charges for any and all tiers of programming; and, be it further

Resolved, This Legislature respectfully urges the Congress of the United States to enact laws requiring cable television companies to permit consumers to select and decline individual channels that they desire to have or not to have, so that consumers are not forced to buy programming that they do not want simply to be able to have the programming that they do want; and, be it further

Resolved, That the Clerk of the House of Delegates be hereby directed to transmit appropriate copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the West Virginia Delegation of the Congress.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, with an amendment in the nature of a substitute:

H.R. 2676. A bill to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, and for other purposes (Rept. No. 105–174).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SPECTER, from the Committee on Veterans' Affairs:

Togo Dennis West, Jr., of the District of Columbia, to be Secretary of Veterans Affairs.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. MOSELEY-BRAUN:

S. 1965. A bill to prohibit the publication of identifying information relating to a minor for criminal sexual purposes; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself and Mr. Kohl):

S. 1966. A bill to direct the Secretary of the Interior to study whether the Apostle Islands National Lakeshore should be protected as a wilderness area; to the Committee on Energy and Natural Resources.

By Mr. SARBANES:

S. 1967. A bill to provide for mass transportation in national parks and related public lands; to the Committee on Energy and Natural Resources.

By Mr. FORD (for himself, Mr. Rockefeller, Mr. Dorgan, Mr. Hollings, and Mr. Harkin):

S. 1968. A bill to amend title 49, United States Code, to authorize the Secretary of Transportation to implement a pilot program to improve access to the national transportation system for small communities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY:

S. 1969. A bill to provide health benefits for workers and their families; to the Committee on Labor and Human Resources.

By Mr. ABRAHAM (for himself and Mr. Daschle):

S. 1970. A bill to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HUTCHINSON (for himself, Mr. Ashcroft, Mr. Inhofe, Mr. Brownback, and Mr. Feingold):

S. Res. 212. A resolution expressing the sense of the Senate that at the upcoming United States-China summit the President should demand the release of all persons remaining imprisoned in China and Tibet for political or religious reasons, and for other purposes; to the Committee on Foreign Relations.

By Mr. LOTT (for Mr. Helms (for himself, Mr. Sessions, Mr. Faircloth, Mr. Kempthorne, Mr. Warner, Mr. Hollings, Mr. Smith of New Hampshire, Mr. McCain, Mr. Robb, Mr. Levin, Mr. Hutchinson, Ms. Snowe, Mr. Ashcroft, Mr. Kennedy, Mr. Roberts, Mr. Cleland, Mr. Daschle, Mr. Hagel, Mr. Coats, Mr. Bingaman, Mr. Bennett, Mr. Nickles, Mr. Byrd, Mr. Lieberman, Mr. Lott, Mr. Glenn, Mr. Inhofe, Mr. Kohl, and Mr. Stevens)):

S. Res. 213. A resolution congratulating the United States Army Reserve on its 90th anniversary and recognizing the important contributions of Strom Thurmond, the President Pro Tempore of the Senate, who served with distinction in the United States Army Reserve for 36 years; considered and agreed to.

By Mr. CONRAD (for himself, Mr. Dorgan, Mr. Daschle, Mr. Coverdell, Mr. Hagel, and Mr. Moynihan):

S. Res. 214. A resolution commending the Grand Forks Herald for its public service to the Grand Forks area and receipt of a Pulitzer Prize; considered and agreed to.

STATEMENTS OF INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MOSELEY-BRAUN:

S. 1965. A bill to prohibit the publication of identifying information relating to a minor for criminal sexual purposes; to the Committee on the Judiciary.

THE INTERNET PREDATOR PREVENTION ACT OF 1998

Ms. MOSELEY-BRAUN. Mr. President, I am pleased to introduce the Internet Predator Prevention Act of 1998. This legislation will give much needed protection to the millions of American families with children.

In the past two decades, the Internet has grown dramatically. In 1981, there were only 213 computers hooked into the Internet. In January of last year, it was estimated that 17,753,266 computers were wired into the Internet. And the number of web sites has also increased significantly in just the last several years: In June of 1993, there were only 130 reported web sites. By January 1996, that number had grown to more than 100,000. The Congressional Research Service reports that studies on the internet have found that 9 million to 47 million people are using the Internet each year.

This enormous new "cyberworld," which crosses state and national boundaries as well as race, gender and age barriers, has created a plethora of new communities, new business opportunities, and unfortunately, new crimes. It seems as if every month, we are hearing stories of children who have been exploited and hurt because of contacts they have made on the Internet.

I am struck by two particular incidents that arose in my home state of Illinois in just the past year. In August of 1997, I was contacted by the mother of a 9-year-old Joilet girl whose name and number had been posted on a series of web pages, bulletin boards and chat rooms that was designed to attract child molesters. This family only learned of the posting when they began to receive illicit phone calls from strangers at odd times of the night. A second family from Illinois had a similar experience when a stranger began "logging on" using their 10-year-old daughter's name. The child's name and the family's home telephone number was posted on the Internet in a chat room for pedophiles. These parents were lucky enough to learn that their child's name had been posted on one of these sites before their children were placed in greater danger.

Across this nation, there have been numerous other instances in which parents have learned that their children's names, addresses, and phone numbers have been posted on Web pages, bulletin boards, and chat rooms where pedophiles and child molesters lurk.

This ought to be a crime. No one should be allowed to set a child up for a potentially dangerous situation that could have a lasting and irrevocable impact. The Internet should serve as a resource and learning took, and not a vehicle for exploitation.

Currently, there are very few state laws that exist that address this issue. The few laws that do exist are vague and do not carry the weight needed to prosecute pedophiles for their crimes. The quick growth of the Internet has made it difficult to control Internet postings and, in this case, state and other traditional boundaries cannot and do not apply. Often times, a child and his or her exploiter may live in different states on different sides of the country. The crime taking place, however, is not any less significant than if they were in the same room.

I believe that the Federal government can play an important role in stopping child exploitation on the Internet. The federal government has the ability to regulate interstate activity and federal law has jurisdiction over all 50 states and territories. A federal law will be able to navigate the complexity of the issues the Internet raises regarding interstate commerce and can be used to prosecute criminals regardless of what state the perpetrator lives in.

Today, I am introducing legislation which I believe will address this growing problem. My legislation would make it a crime to post a child's name, address, or telephone number on an Internet web site, chat room or bulletin board in order to make that child available for criminal sexual acts with an adult. This bill uses the least restrictive means of regulating against one of the most offensive acts a human being can commit toward another: the exploitation of a child.

I urge all of my colleagues to join me in supporting the quick passage of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Predator Prevention Act of 1998".

SEC. 2. PROHIBITION AND PENALTIES.

(a) In General.—Chapter 110 of title 18, United States Code, is amended by adding at the end the following:

"§ 2261. Publication of identifying information relating to a minor for criminal sexual purposes

"(a) Definition of Identifying Information Relating to a Minor.—In this section, the term 'identifying information relating to a minor' includes the name, address, telephone number, social security number, or e-mail address of a minor.

"(b) Prohibition and Penalties.—Whoever, through the use of any facility in or affecting interstate or foreign commerce (including any interactive computer service) publishes, or causes to be published, any identifying information relating to a minor who has not attained the age of 17 years, for the purpose of soliciting any person to engage in any sexual activity for which the person can be charged with criminal offense under Federal or State law, shall be imprisoned not less than 1 and not more than 5 years, fined under this title, or both.".

(b) Technical Amendment.—The analysis for chapter 110 of title 18, United States Code, is amended by adding at the end the following:

"2261. Publication of identifying information relating to a minor for criminal sexual purposes.".

By Mr. FEINGOLD (for himself and Mr. Kohl):

S. 1966. A bill to direct the Secretary of the Interior to study whether the Apostle Islands National Lakeshore should be protected as a wilderness area; to the Committee on Energy and Natural Resources.

THE GAYLORD NELSON APOSTLE ISLANDS STEWARDSHIP ACT OF 1988

Mr. FEINGOLD. Mr. President, I rise today to introduce "The Gaylord Nelson Apostle Islands Stewardship Act of 1998." I am very pleased that my senior colleague from Wisconsin joins me as an original author of the bill, and also that my colleague in the other body, Congressman Obey is joining me in introducing the companion legislation as he represents the area of Wisconsin where the Apostle Islands are located.

Mr. President, on this Earth Day, the 29th Earth Day, I have chosen to name this legislation in recognition of the accomplishments of Earth Day's founder, a former member of this body and former Governor of my state, Gaylord Nelson. Many outside Wisconsin may not know that, in addition to founding Earth Day, Senator Nelson was also the primary sponsor of the Apostle Islands National Lakeshore Act. That Act, which passed in 1970—the same year Earth Day was founded, protects one of Northern Wisconsin's most beautiful areas, and it is a place where every year my family and I spend our favorite vacation.

Though Senator Nelson has received many awards, I know that among his proudest accomplishments are those bills he crafted which have produced real and lasting change in preserving America's lands, such as the Apostle Islands.

The Apostle Islands National Lakeshore includes 21 forested islands and 12 miles of pristine shoreline which are among the Great Lakes' most spectacular scenery. Centuries of wave action, freezing, and thawing have sculpted the shorelines and nature has carved intricate caves into the sandstone which forms the islands. Delicate arches, vaulted chambers, and hidden passageways honeycomb cliffs on the north shore of Devil's Island, Swallow Point on Sand Island, and northeast of Cornucopia on the mainland. The Apostle Islands National Lakeshore includes more lighthouses than any other coastline of similar size in the United States, and is home to diverse wildlife including: black bear, bald eagles and deer. It is an important recreational area as well. Its campgrounds and acres of forest, make the Apostles a favorite destination for hikers, sailors, kayakers, and bikers. The Lakeshore also includes the underwater lakebed as well, and scuba divers register with the National Park Service to view the area's underwater resources.

I also know that Senator Nelson, if he were still a member of this body, would have been wholeheartedly pursuing the full implementation of the ecological vision that Wisconsinites and all Americans share for the Lakeshore. Unfortunately, as do many of the lands managed by the National Park Service, the Apostle Islands National Lakeshore finds itself, now 28 years later, with both some significant financial and legal resource needs. If we are to be true stewards of America's public lands, we need to be willing to make necessary financial investments and management improvements when they are warranted. Thus, I am introducing this legislation in an attempt to resolve the unfinished business that remains at the Lakeshore, as well as to renew our Nation's commitment to this beautiful place.

Mr. President, the legislation has three major sections. First, it directs the Park Service to conduct a wilderness suitability study of the Lakeshore as required by the Wilderness Act. The legislation authorizes $200,000 for that purpose.

This study mandate is needed to ensure that we have the appropriate level of management at the Apostle Islands National Lakeshore. The Wilderness Act and the National Park Service policies require the Park Service to conduct an evaluation of the lands it manages for possible inclusion in the National Wilderness system. Such a study would result in a recommendation to Congress about whether any of the federally-owned lands currently within the Lakeshore still retain the characteristics that would make them suitable to be legally designated as wilderness. The Congress would then have an opportunity to review such information. If Congress found that such information indicated that some of the federal lands within the Lakeshore were in need of legal wilderness status, Congress would have to subsequently pass legislation to confer such status.

We need this study, Mr. President because, though 28 years have passed, we are not certain whether we are under- or over-managing the Lakeshore. During the General Management Planning Process for the Lakeshore, which was completed nearly a decade ago in 1989, the need for a formal wilderness study was identified. Although a wilderness study has been identified as a high priority by the Lakeshore, it has never been funded.

Since 1989, most of the Lakeshore, roughly 80 percent of the acreage, is being managed by the Park Service as if it were federally designated wilderness. As a protective measure, all lands which might be suitable for wilderness designation were zoned to protect any wilderness characteristics they may have pending completion of the study. However, we may be managing lands as wilderness in the Lakeshore that might, due to use patterns, no longer be suitable for wilderness designation. Correspondingly, some land area may have become more ecologically sensitive and may need additional legal protection.

Second, this legislation also directs the Park Service to protect the historic Raspberry Island and Outer Island lighthouses. The bill authorizes $3.9 million for bluff stabilization and other necessary actions. There are six lighthouses in the Apostle Island National Lakeshore—Sand Island, Devil's Island, Raspberry Island, Outer Island, Long Island and Michigan Island. Engineering studies completed for the National Park Service have determined that several of these lighthouses are in danger of structural damage due to the continued erosion of the red clay banks upon which they were built. The situations at Outer Island and Raspberry Island, the two which this legislation addresses, were determined to be in the most jeopardy.

The Raspberry Island situation is most critical. The Raspberry Island lighthouse was completed in 1863 to mark the west channel through the Apostle Islands. The original light was a rectangular frame structure surmounted by a square tower that held a lens 40 feet above the ground.

A fog signal building was added to Raspberry Island in 1902. The red brick structure housed a ten-inch steam whistle and a hoisting engine for a tramway. The need for additional personnel at the station led to a redesign of the lighthouse building in 1906–07. The structure was converted to a duplex, housing the keeper and his family in the east half, with the two assistant keepers sharing the west half. A 23-kilowatt, diesel-driven electric generator was installed at the station in 1928. The light was automated in 1947 and then moved to a metal tower in front of the fog signal building in 1952.

Raspberry Island light is now the most frequently visited of Apostle Islands National Lakeshore's lighthouses. Recent erosion is threatening the access tram and the fog signal building.

The Outer Island light station was built in 1874 on a red clay bluff 40 feet above Lake Superior. The lighthouse tower stands 90 feet high and the watchroom is encircled by an outside walkway and topped by the lantern.

Historic architects have indicated to the Park Service that Outer Island lighthouse may already be suffering some structural damage due to its location on the bluff and the situation would be much worse if Lake Superior were exceedingly high.

Engineers believe that preservation of these structures requires protection of the bluff beneath the lighthouses, stabilization of the banks, and dewatering of the area immediately shoreward of the bluffs. Although the projects have in the past been included within the Park Service-wide construction priorities, they have never been funded.

Finally, this legislation adds language to the act which created the Lakeshore allowing the Park Service to enter into cooperative agreements with state, tribal, local governments, universities or other non-profit entities to enlist their assistance in managing the Lakeshore. Some parks have specific language in the act which created the park allowing them to enter into such agreements. Parks have used them for activities such as research, historic preservation, and emergency services. Apostle Islands currently does not have this authority, which this legislation adds.

Other National Park lands and lands which are managed by the Park Service, such as the Lakeshore, have such authority. Adding such authority to the Lakeshore will be a way to make Lakeshore management resources go farther. The Park Service has the opportunity to carry out joint projects with other partners which could contribute to the management of the Lakeshore including: state, local, and tribal governments, universities, and non-profit groups. Such endeavors would have both scientific management and fiscal benefits. In the past, the Lakeshore has had to pass over opportunities because the specific authority has been absent.

In his 1969 book on the environment, entitled America's Last Chance, Senator Nelson issued a political challenge: "I have come to the conclusion that the number one domestic problem facing this country is the threatened destruction of our natural resources and the disaster which would confront mankind should such destruction occur. There is a real question as to whether the nation, which has spent some two hundred years developing an intricate system of local, State and Federal Government to deal with the public's problems, will be bold, imaginative and flexible enough to meet this supreme test."

Though, fortunately, the Apostle Islands are not, because of former Senator Nelson's efforts, "threatened with destruction," I believe that Senator Nelson meant two things by his challenge. Not only did he mean that government must act immediately and decisively to protect resources in crisis, but he also meant that government must be responsible and flexible enough to remain committed to the protection of the areas we wisely seek to preserve under our laws.

Thus, Mr. President, on this Earth Day I am proud to introduce this legislation as a renewal of the federal government's commitment to the Apostle Islands National Lakeshore. I look forward to working with my colleagues on this legislation.

I ask unanimous consent that a copy of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1966

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gaylord Nelson Apostle Islands Stewardship Act of 1998".

SEC. 2. GAYLORD NELSON APOSTLE ISLANDS.

(a) DECLARATIONS.—Congress declares that—

(1) the Apostle Islands National Lakeshore is a national and a Wisconsin treasure;

(2) the sesquicentennial year of the State of Wisconsin provides an opportunity to reflect on and act to protect important components of the State's ecological and cultural identity, such as the Lakeshore;

(3) the State of Wisconsin is particularly indebted to former Senator Gaylord Nelson for his leadership in the creation of the Lakeshore;

(4) after 28 years of enjoyment, some issues critical to maintaining the overall ecological, recreational, and cultural vision of the Lakeshore need additional attention;

(5) the general management planning process for the Lakeshore has identified a need for a formal wilderness study;

(6) all lands within the Lakeshore that might be suitable for designation as wilderness are currently zoned and managed to protect wilderness characteristics pending completion of such a study;

(7) several historic lighthouses within the Lakeshore are currently in danger of structural damage due to severe erosion;

(8) the Secretary of the Interior has been unable to take full advantage of cooperative agreements with Federal, State, local, and tribal governmental agencies, institutions of higher education, and other nonprofit organizations that could assist the National Park Service by contributing to the management of the Lakeshore;

(9) because of competing needs in other units of the National Park System, the standard authorizing and budgetary process has not resulted in updated legislative authority and necessary funding for improvements to the Lakeshore; and

(10) the need for improvements to the Lakeshore and completion of a wilderness study should be accorded a high priority among National Park Service activities.

(b) DEFINITIONS.—In this section:

(1) LAKESHORE.—The term "Lakeshore" means the Apostle Islands National Lakeshore.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

(c) WILDERNESS STUDY.—In fulfillment of the responsibilities of the Secretary under the Wilderness Act (16 U.S.C. 1131 et seq.) and of applicable agency policy, the Secretary shall evaluate areas of land within the Lakeshore for inclusion in the National Wilderness System.

(d) APOSTLE ISLANDS LIGHTHOUSES.—The Secretary shall undertake appropriate action (including protection of the bluff toe beneath the lighthouses, stabilization of the bank face, and dewatering of the area immediately shoreward of the bluffs) to protect the lighthouse structures at Raspberry Lighthouse and Outer Island Lighthouse within the Lakeshore.

(e) COOPERATIVE AGREEMENTS.—Section 6 of Public Law 91-424 (16 U.S.C. 460w-5) is amended—

(1) by striking "SEC. 6. The lakeshore" and inserting the following:

"SEC. 6. MANAGEMENT.

"(a) IN GENERAL.—The lakeshore"; and

(2) by adding at the end the following:

"(b) COOPERATIVE AGREEMENTS.—The Secretary may enter into a cooperative agreement with a Federal, State, tribal, or local government agency or a nonprofit private entity if the Secretary determines that a cooperative agreement would be beneficial in carrying out section 7.".

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) $200,000 to carry out subsection (c); and

(2) $3,900,000 to carry out subsection (d).

By Mr. SARBANES:

S. 1967. A bill to provide for mass transportation in national parks and related public lands; to the Committee on Energy and Natural Resources.

THE TRANSIT IN PARKS ACT

Mr. SARBANES. Mr. President, today I am introducing new legislation to help ease congestion, protect our nation's natural resources, and improve mobility and accessibility in our national parks and wildlife refuges. The "Transit In Parks Act" or TRIP bill is a new federal transit grant initiative that is designed to provide mass transit and alternative transportation services for our national parks, our wildlife refuges, federal recreational areas, and other public lands managed by three agencies of the Department of the Interior.

When the parks first opened in the second half of the nineteenth century, visitors arrived by stagecoach along dirt roads. Travel through parklands, such as Yosemite or Yellowstone, was difficult and long and costly. Not many people could afford or endure such a trip.

The introduction of the automobile gave every American greater mobility and freedom, which included the freedom to travel and see some of our nation's great natural wonders. Early in this century landscape architects from the National Park Service and highway engineers from the U.S. Bureau of Public Roads collaborated to produce many feats of road engineering that opened the national park lands to millions of Americans.

Yet greater mobility and easier access now threaten the very environments that the National Park Service is mandated to protect. The on-going tension between preservation and access has always been a challenge for our national park system. Today, record numbers of visitors and cars has resulted in increasing damage to our parks. The Grand Canyon alone has five million visitors a year. It may surprise you to know that the average visitor stay is only three hours. As many as 6,000 vehicles arrive in a single summer day. They compete for 2,000 parking spaces. Between 32,000 and 35,000 tour buses go to the park each year. During the peak summer season, the entrance route becomes a giant parking lot.

In the decade from 1984 to 1994, the number of visits to America's national parks increased 25 percent, rising from 208 million to 269 million a year. This is equal to more than one visit by every man, woman, and child in this country. This has created an overwhelming demand on these areas, resulting in severe traffic congestion, visitor restrictions, and in some instances vacationers being shut-out of the parks altogether. The environmental damage at the Grand Canyon is visible at many other parks: Yosemite, which has more than 4 million visitors a year; Yellowstone, which has more than 3 million visitors a year and experiences such severe traffic congestion that access has to be restricted; Zion; Acadia; Bryce; and many others. We need to solve these problems now or risk permanent damage to our nation's natural, cultural, and historical heritage.

The legislation I am introducing builds upon two previous initiatives to address these problems. First is the study of alternative transportation strategies in our national parks that was mandated by the Intermodal Surface Transportation Efficiency Act of 1991, ISTEA. This study, completed by the National Park Service in May 1994, found that many of our most heavily visited national parks are experiencing the same problems of congestion and pollution that afflict our cities and metropolitan areas. Yet, overwhelmingly, the principal transportation systems that the Federal Government has developed to provide access into our national parks are roads primarily for private automobile access.

Second, last November, Secretary of Transportation Rodney Slater and Secretary of the Interior Bruce Babbitt signed an agreement to work together to address transportation and resource management needs in and around national parks. The findings in the Memorandum Of Understanding entered into by the two departments are especially revealing:

> Congestion in and approaching many National Parks is causing lengthy traffic delays and backups that substantially detract from the visitor experience. Visitors find that many of the National Parks contain significant noise and air pollution, and traffic congestion similar to that found on the city streets they left behind.
>
> In many National Park units, the capacity of parking facilities at interpretive or science areas is well below demand. As a result, visitors park along roadsides, damaging

park resources and subjecting people to hazardous safety conditions as they walk near busy roads to access visitor use areas.

On occasion, National Park units must close their gates during high visitation periods and turn away the public because the existing infrastructure and transportation systems are at, or beyond, the capacity for which they were designed.

The challenge for park management is two-fold: to conserve and protect the nation's natural, historical, and cultural resources, while at the same time ensuring visitor access and enjoyment of these sensitive environments.

The Transit in Parks Act will go far to meeting this challenge. The bill's objectives are to develop new and expanded mass transit services throughout the national parks and other public lands to conserve and protect fragile natural, cultural, and historical resources, to prevent adverse impact on those resources, and to reduce pollution and congestion, while at the same time facilitating appropriate visitor access and improving the visitor experience.

This new federal transit grant program will provide funding to three Federal land management agencies in the Department of the Interior—the National Park Service, the U.S. Fish and Wildlife Service, and the Bureau of Land Management—that manage the 375 various parks within the National Park System, including national battlefields, monuments and national seashores, as well as the national wildlife refuges and federal recreational areas. The program will allocate capital funds for transit projects, including rail or clean fuel bus projects, joint development activities, pedestrian and bike paths, or park waterway access, within or adjacent to national park lands. The bill authorizes $50 million for this new program for each of the fiscal years 1999 through 2003. It is anticipated that other resources—both public and private—will be available to augment these amounts in the initial phase.

The bill formalizes the cooperative arrangement entered into last November between the Secretary of Transportation and the Secretary of the Interior to exchange technical assistance and to develop procedures relating to the planning, selection and funding of transit projects in national park lands.

The projects eligible for funding shall be developed through the ISTEA planning process and selected in consultation with the Secretary of the Interior. The bill provides funds for planning, research, and technical assistance that can supplement other financial resources available to the Federal land management agencies.

It is anticipated that the Secretary of Transportation shall select projects that are diverse in location and size. While major national parks such as the Grand Canyon or Yellowstone are clearly appropriate candidates for significant transit projects under this section, there are numerous small urban and rural Federal park lands that can benefit enormously from small projects, such as bike paths or improved connections with an urban public transit system. Project selection should include the following criteria: the historical and cultural significance of a project; safety; and the extent to which the project would conserve resources, prevent adverse impact, enhance the environment, improve mobility, and contribute to livable communities.

The bill also identifies projects of regional or national significance that more closely resemble the Federal transit program's New Starts projects. Where the project costs are $25 million or greater, the projects shall comply with the transit New Starts requirements. No single project shall receive more than 12 percent of the total amount available in any given year. This ensures a diversity of projects selected for assistance.

Finally, the bill directs the Secretary of Transportation, in coordination with the Secretary of the Interior, to undertake a comprehensive study of alternative transportation needs in the national parks and other public lands eligible for assistance under this program. The objective of this study is to better identify those areas with existing and potential problems of congestion and pollution, or which can benefit from mass transportation services, and to identify and estimate the project costs for these sites.

This program can create new opportunities for the Federal land management agency to partner with local transit agencies in gateway communities adjacent to the parks, both through the ISTEA planning process and in developing integrated transportation systems. This will spur new economic development within these communities, as they develop transportation centers for park visitors to connect to transit links into the national parks and other public lands.

The on-going tension between preservation and access has always been a challenge for the National Park Service. Today, that challenge has new dimensions, with overcrowding, pollution, congestion, and resource degradation increasing at many of our national parks. This legislation—the Transit in Parks Act—will give our Federal land management agencies important new tools to improve both preservation and access.

Just as we have found in metropolitan areas, transit is essential to moving large numbers of people in our national parks—quickly, efficiently, at low cost, and without adverse impact. At the same time, transit can enhance the economic development potential of our gateway communities.

So today, as we celebrate Earth Day and throughout this entire week as we mark National Parks Week, I cannot think of a more worthy endeavor to help our environment and preserve our national parks, wildlife refuges, and federal recreational areas than by encouraging alternative transportation in these areas. My bill is strongly supported by the American Public Transit Association, the National Parks and Conservation Association, the Surface Transportation Policy Project, the Natural Resources Defense Council, and the Environmental Defense Fund, and I ask unanimous consent that these letters and additional supporting material be included in the RECORD immediately following my remarks.

Mr. President, I urge my colleagues to support this important legislation and to recognize the enormous environmental and economic benefits that transit can bring to our national parks.

Mr. President, I ask unanimous consent that the following be printed in the RECORD:

Text of the Bill;

Section-by-section summary;

Washington Post November 26, 1997, article: "Strict Limits on Cars set for 3 National Parks"; and

Letters of support from the American Public Transit Association, National Parks and Conservation Association, Surface Transportation Policy Project, Natural Resources Defense Council and Environmental Defense Fund.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1967

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Transit in Parks (TRIP) Act".

SEC. 2. MASS TRANSPORTATION IN NATIONAL PARKS AND RELATED PUBLIC LANDS.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by adding at the end the following:

"§ 5339. Mass transportation in national parks and related public lands

"(a) POLICIES, FINDINGS, AND PURPOSES.—

"(1) DEVELOPMENT OF TRANSPORTATION SYSTEMS.—It is in the interest of the United States to encourage and promote the development of transportation systems for the betterment of the national parks and other units of the National Park System, national wildlife refuges, recreational areas, and other public lands in order to conserve natural, historical, and cultural resources and prevent adverse impact, relieve congestion, minimize transportation fuel consumption, reduce pollution (including noise and visual pollution), and enhance visitor mobility and accessibility and the visitor experience.

"(2) GENERAL FINDINGS.—Congress finds that—

"(A) section 1050 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240) authorized a study of alternatives for visitor transportation in the National Park System which was released by the National Park Service in May 1994;

"(B) the study found that—

"(i) increasing traffic congestion in the national parks requires alternative transportation strategies to enhance resource protection and the visitor experience and to reduce congestion;

"(ii) visitor use, National Park Service units, and concession facilities require integrated planning; and

"(iii) the transportation problems and visitor services require increased coordination with gateway communities;

"(C) on November 25, 1997, the Department of Transportation and the Department of the Interior entered into a Memorandum of Understanding to address transportation needs within and adjacent to national parks and to enhance cooperation between the departments on park transportation issues;

"(D) to initiate the Memorandum of Understanding, and to implement President Clinton's 'Parks for Tomorrow' initiative, outlined on Earth Day, 1996, the Department of Transportation and the Department of the Interior announced, in December 1997, the intention to implement mass transportation services in the Grand Canyon National Park, Zion National Park, and Yosemite National Park;

"(E) many of the national parks and related public lands are experiencing increased visitation and congestion and degradation of the natural, historical, and cultural resources;

"(F) there is a growing need for new and expanded mass transportation services throughout the national parks and related public lands to conserve and protect fragile natural, historical, and cultural resources, prevent adverse impact on those resources, and reduce pollution and congestion, while at the same time facilitating appropriate visitor mobility and accessibility and improving the visitor experience;

"(G) the Federal Transit Administration, through the Department of Transportation, can assist the Federal land management agencies through financial support and technical assistance and further the achievement of national goals to enhance the environment, improve mobility, create more livable communities, conserve energy, and reduce pollution and congestion in all regions of the country; and

"(H) immediate financial and technical assistance by the Department of Transportation, working with Federal land management agencies and State and local governmental authorities to develop efficient and coordinated mass transportation systems within and adjacent to national parks and related public lands is essential to conserve natural, historical, and cultural resources, relieve congestion, reduce pollution, improve mobility, and enhance visitor accessibility and the visitor experience.

"(3) GENERAL PURPOSES.—The purposes of this section are—

"(A) to develop a cooperative relationship between the Secretary of Transportation and the Secretary of the Interior to carry out this section;

"(B) to encourage the planning and establishment of mass transportation systems and nonmotorized transportation systems needed within and adjacent to national parks and related public lands, located in both urban and rural areas, that enhance resource protection, prevent adverse impacts on those resources, improve visitor mobility and accessibility and the visitor experience, reduce pollution and congestion, conserve energy, and increase coordination with gateway communities.

"(C) to assist Federal land management agencies and State and local governmental authorities in financing areawide mass transportation systems to be operated by public or private mass transportation authorities, as determined by local and regional needs, and to encourage public-private partnerships; and

"(D) to assist in the research and development of improved mass transportation equipment, facilities, techniques, and methods with the cooperation of public and private companies and other entities engaged in the provision of mass transportation services.

"(b) DEFINITIONS.—In this section—

"(1) the term 'Federal land management agency' means the National Park Service, the United States Fish and Wildlife Service, or the Bureau of Land Management;

"(2) the term 'national parks and related public lands' means the national parks and other units of the National Park System, national wildlife refuges, recreational areas, and other public lands managed by the Federal land management agencies;

"(3) the term 'qualified participant' means a Federal land management agency, or a State or local governmental authority, acting alone, in partnership, or with another Governmental or nongovernmental participant;

"(4) the term 'qualified mass transportation project' means a project—

"(A) that is carried out within or adjacent to national parks and related public lands; and

"(B) that—

"(i) is a capital project, as defined in section 5302(a)(1) (other than preventive maintenance activities);

"(ii) is any activity described in section 5309(a)(1)(A);

"(iii) involves the purchase of rolling stock that incorporates clean fuel technology or the replacement of existing buses with clean fuel vehicles or the deployment of mass transportation vehicles that introduce new technology;

"(iv) relates to the capital costs of coordinating the Federal land management agency mass transportation systems with other mass transportation systems;

"(v) involves nonmotorized transportation systems, including the provision of facilities for pedestrians and bicycles;

"(vi) involves the development of waterborne access within or adjacent to national parks and related public lands, including watercraft, as appropriate to and consistent with the purposes described in subsection (a)(3); or

"(vii) is any transportation project that—

"(I) enhances the environment;

"(II) prevents adverse impact on natural resources;

"(III) improves Federal land management agency resources management;

"(IV) improves visitor mobility and accessibility and the visitor experience;

"(V) reduces congestion and pollution, including noise and visual pollution;

"(VI) conserves natural, historical, and cultural resources (other than through the rehabilitation or restoration of historic buildings); and

"(VII) incorporates private investment; and

"(5) the term 'Secretary' means the Secretary of Transportation.

"(c) FEDERAL AGENCY COOPERATIVE ARRANGEMENTS.—

"(1) IN GENERAL.—The Secretary shall develop a cooperative relationship with the Secretary of the Interior, which shall provide for—

"(A) the exchange of technical assistance;

"(B) interagency and multidisciplinary teams to develop Federal land management agency transportation policy, procedures, and coordination; and

"(C) the development of procedures and criteria relating to the planning, selection, and funding of qualified mass transportation projects, and implementation and oversight of the project plan in accordance with the requirements of this section.

"(2) PROJECT SELECTION.—The Secretary, after consultation with the Secretary of the Interior, shall determine the final selection and funding of projects in accordance with this section.

"(d) TYPES OF ASSISTANCE.—

"(1) IN GENERAL.—The Secretary may contract for or enter into grants, cooperative agreements, or other agreements with a qualified participant to carry out a qualified mass transportation project under this section.

"(2) OTHER USES.—A grant or cooperative agreement or other agreement for a qualified mass transportation project under this section also is available to finance the leasing of equipment and facilities for use in mass transportation, subject to regulations the Secretary prescribes limiting the grant or cooperative arrangement or other agreement to leasing arrangements that are more cost effective than purchase or construction.

"(e) LIMITATION ON USE OF AVAILABLE AMOUNTS.—The Secretary may not use more than 5 percent of the amount made available for a fiscal year under section 5338(m) to carry out planning, research, and technical assistance under this section, including the development of technology appropriate for use in a qualified mass transportation project. Amounts made available under this subsection are in addition to amounts otherwise available for planning, research, and technical assistance under this title or any other provision of law.

"(f) PLANNING PROCESS.—In undertaking a qualified mass transportation project under this section—

"(1) if the qualified participant is a Federal land management agency—

"(A) the Secretary, in cooperation with the Secretary of the Interior, shall develop transportation planning procedures that are consistent with sections 5303 through 5306; and

"(B) the General Management Plans of the units of the National Park System shall be incorporated into the planning process;

"(2) if the qualified participant is a State or local governmental authority, or more than 1 State or local governmental authority in more than 1 State, the qualified participant shall comply with sections 5303 through 5306;

"(3) if the national parks and related public lands at issue lie in multiple States, there shall be cooperation in the planning process under sections 5303 through 5306, to the maximum extent practicable, as determined by the Secretary, between those States and the Secretary of the Interior; and

"(4) the qualified participant shall comply with the public participation requirements of section 5307(c).

"(g) GOVERNMENT'S SHARE OF COSTS.—

"(1) IN GENERAL.—The Secretary shall establish the Federal Government share of assistance to a qualified participant under this section.

"(2) CONSIDERATIONS.—In establishing the Government's share of the net costs of a qualified transportation project under paragraph (1), the Secretary shall consider—

"(A) visitation levels and the revenue derived from user fees in the national parks and related public lands at issue;

"(B) the extent to which the qualified participant coordinates with an existing public or private mass transportation authority;

"(C) private investment in the qualified mass transportation project, including the provision of contract services, joint development activities, and the use of innovative financing mechanisms;

"(D) the clear and direct benefit to a qualified participant assisted under this section; and

"(E) any other matters that the Secretary considers appropriate to carry out this section.

"(3) NON-FEDERAL SHARE.—Notwithstanding any other provision of law, Federal funds appropriated to any Federal land management agency may be counted toward the non-Federal share of the costs of any mass transportation project that is eligible for assistance under this section.

"(h) SELECTION OF QUALIFIED MASS TRANSPORTATION PROJECTS.—In awarding assistance for a qualified mass transportation project under this section, the Secretary shall consider—

"(1) project justification, including the extent to which the project would conserve the resources, prevent adverse impact, and enhance the environment;

"(2) the location of the qualified mass transportation project, to assure that the selection of projects—

"(A) is geographically diverse nationwide; and

"(B) encompasses both urban and rural areas;

"(3) the size of the qualified mass transportation project, to assure a balanced distribution;

"(4) historical and cultural significance of a project;

"(5) safety;

"(6) the extent to which the project would enhance livable communities;

"(7) the extent to which the project would reduce pollution, including noise and visual pollution;

"(8) the extent to which the project would reduce congestion and improve the mobility of people in the most efficient manner; and

"(9) any other matters that the Secretary considers appropriate to carry out this section.

"(i) PROJECTS OF REGIONAL OR NATIONAL SIGNIFICANCE.—

"(1) GENERAL AUTHORITY.—In addition to other qualified mass transportation projects, the Secretary may select a qualified mass transportation project that is of regional or national significance, or that has significant visitation, or that can benefit from alternative transportation solutions to problems of resource management, pollution, congestion, mobility, and accessibility. Such projects shall meet the criteria set forth in paragraphs (2) through (5) of section 5309(e), as applicable.

"(2) PROJECT SELECTION CRITERIA.—

"(A) CONSIDERATIONS.—In selecting a qualified mass transportation project described in paragraph (1), the Secretary shall consider, as appropriate, in addition to the considerations set forth in subsection (h)—

"(i) visitation levels;

"(ii) the use of innovative financing or joint development strategies;

"(iii) coordination with the gateway communities; and

"(iv) any other matters that the Secretary considers appropriate to carry out this subsection.

"(B) CERTAIN LOCATIONS.—For fiscal years 1999 through 2003, projects described in paragraph (1) may include the following locations:

"(i) Grand Canyon National Park.

"(ii) Zion National Park.

"(iii) Yosemite National Park.

"(iv) Acadia National Park.

"(C) LIMIT.—No project assisted under this subsection shall receive more than 12 percent of the total amount made available under this section in any fiscal year.

"(D) FULL FUNDING GRANT AGREEMENTS.—A project assisted under this subsection whose net project cost is greater than $25,000,000 shall be carried out through a full funding grant agreement in accordance with section 5309(g).

"(j) UNDERTAKING PROJECTS IN ADVANCE.—

"(1) IN GENERAL.—The Secretary may pay the Government's share of the net project cost to a qualified participant that carries out any part of a qualified mass transportation project without assistance under this section, and according to all applicable procedures and requirements, if—

"(A) the qualified participant applies for the payment;

"(B) the Secretary approves the payment; and

"(C) before carrying out that part of the project, the Secretary approves the plans and specifications in the same way as other projects assisted under this chapter.

"(2) INTEREST.—The cost of carrying out a part of a project referred to in paragraph (1) includes the amount of interest earned and payable on bonds issued by the State or local governmental authority, to the extent proceeds of the bond are expended in carrying out that part. However, the amount of interest under this paragraph may not exceed the most favorable interest terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a manner that is satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financial terms.

"(3) COST CHANGE CONSIDERATIONS.—The Secretary shall consider changes in project cost indices when determining the estimated cost under paragraph (2).

"(k) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may use not more than 0.5 percent of amounts made available under this section for a fiscal year to oversee projects and participants in accordance with section 5327.

"(l) RELATIONSHIP TO OTHER LAWS.—

"(1) IN GENERAL.—Except as otherwise specifically provided in this section, but subject to paragraph (2) of this subsection, the Secretary shall require that all grants, contracts, cooperative agreements, or other agreements under this section shall be subject to the requirements of sections 5307(d), 5307(i), and any other terms, conditions, requirements, and provisions that the Secretary determines are necessary or appropriate to carry out this section, including requirements for the distribution of proceeds on disposition of real property and equipment resulting from the project assisted under this section.

"(2) LABOR STANDARDS.—Sections 5323(a)(1)(D) and 5333(b) apply to assistance provided under this section.

"(m) STATE INFRASTRUCTURE BANKS.—A project assisted under this section shall be eligible for funding through a State Infrastructure Bank or other innovative financing mechanism otherwise available to finance an eligible mass transportation project under this chapter.

"(n) ASSET MANAGEMENT.—The Secretary may transfer the Department of Transportation interest in and control over all facilities and equipment acquired under this section to a qualified participant for use and disposition in accordance with property management rules and regulations of the department, agency, or instrumentality of the Federal Government.

"(o) COORDINATION OF RESEARCH AND DEPLOYMENT OF NEW TECHNOLOGIES.—The Secretary may undertake, or make grants or contracts (including agreements with departments, agencies, and instrumentalities of the Federal Government) or other agreements for research, development, and deployment of new technologies that will conserve resources and prevent adverse environmental impact, improve visitor mobility, accessibility and enjoyment, and reduce pollution, including noise and visual pollution, in the national parks and related public lands. The Secretary may request and receive appropriate information from any source. This subsection does not limit the authority of the Secretary under any other provision of law.

"(p) REPORT.—The Secretary, in consultation with the Secretary of the Interior, shall report annually to the Committee on Transportation and Infrastructure of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate, on the allocation of amounts to be made available to assist qualified mass transportation projects under this section. Such report shall be included in the report required under section 5309(m)(3).

"(q) STUDY OF TRANSIT NEEDS IN NATIONAL PARKS AND RELATED PUBLIC LANDS.—

"(1) IN GENERAL.—The Secretary, in coordination with the Secretary of the Interior, shall undertake a comprehensive study of alternative transportation needs in national parks and related public lands managed by Federal land management agencies. The study shall be submitted to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate not later than January 1, 2000.

"(2) STUDY ELEMENTS.—The study required by paragraph (1) shall—

"(A) identify transportation strategies that improve the management of the national parks and related public lands;

"(B) identify national parks and related public lands with existing and potential problems of adverse impact, high congestion, and pollution, or which can benefit from alternative transportation modes;

"(C) assess the feasibility of alternative transportation modes; and

"(D) identify and estimate the costs of alternative transportation modes for each of the national parks and related public lands referred to in paragraph (1).

"(3) FUNDING.—From amounts made available under section 5338(m), $500,000 shall be made available in fiscal year 1999 to carry out this subsection.".

(b) AUTHORIZATIONS.—Section 5338 of title 49, United States Code, is amended by adding at the end the following:

"(m) SECTION 5339.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out section 5339 $50,000,000 for each of fiscal years 1999 through 2003.

"(2) AVAILABILITY.—Amounts made available under this subsection for any fiscal year shall remain available until expended until the last day of the third fiscal year commencing after the last day of the fiscal year for which the amounts were initially made available under this subsection.''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by adding at the end the following:

``5339. Mass transportation in national parks and related public lands.''.

SECTION-BY-SECTION—TRANSIT IN PARKS ACT

I. Amends Federal Transit laws by adding new section 5339, ``Mass Transportation in National Parks and Related Public Lands.''

II. Statement of Policies, Findings, and Purposes:

To encourage and promote the development of transportation systems for the betterment of national parks and related public lands and to conserve natural, historical, and cultural resources and prevent adverse impact, relieve congestion, minimize transportation fuel consumption, reduce pollution and enhance visitor mobility and accessibility and the visitor experience.

To that end, this program establishes federal assistance to certain Federal land management agencies and State and local governmental authorities to finance mass transportation capital projects, to encourage public-private partnerships, and to assist in the research and deployment of improved mass transportation equipment and methods.

III. Definitions:

(1) eligible ``Federal land management agencies'' are: National Park Service, U.S. Fish and Wildlife Service, Bureau of Land Management (all under Department of the Interior).

(2) ``national parks and related public lands''; eligible areas under the management of these agencies.

(3) ``qualified mass transportation project''; a capital mass transportation project carried out within or adjacent to national parks and related public lands, including rail projects, clean fuel vehicles, joint development activities, pedestrian and bike paths, waterborne access, or projects that otherwise better protect the national parks and related public lands and increase visitor mobility and accessibility.

IV. Federal Agency Cooperative Arrangements:

Implements the Memorandum of Understanding between the Departments of Transportation and the Interior for the exchange of technical assistance, the development of transportation policy and coordination, and the establishment of criteria for planning, selection and funding of capital projects under this section. The Secretary of Transportation selects the projects, after consultation with Secretary of the Interior.

V. Assistance:

To be provided through grants, cooperative agreements, or other agreements, including leasing under certain conditions, for an eligible capital project under this section. Not more than 5% of the amounts available can be used for planning, research and technical assistance, and these amounts can be supplemented from other sources.

VI. Planning Process:

The Departments of Transportation and Interior shall cooperatively develop a planning process consistent with the ISTEA planning process in sections 5305 through 5306 of the Federal Transit laws.

VII. Government's Share of the Costs:

In determining the Federal Transit Administration share of the project costs, the Secretary of Transportation must consider certain factors, including visitation levels and user fee revenues, the coordination in the project development with a public or private transit authority, private investment, and whether there is a clear and direct financial benefit to the applicant. The intent is to establish criteria for a sliding scale of assistance, with a lower Government share for large projects that can attract outside investment, and a higher Government share for projects that may not have access to such outside resources. In addition, funds from the Federal land management agencies can be counted as the local share.

VIII. Selection of Projects:

The Secretary shall consider: (1) project justification, including the extent to which the project conserves the resources, prevents adverse impact and enhances the environment; (2) project location to ensure geographic diversity and both rural and urban projects; (3) project size for a balanced distribution; (4) historical and cultural significance; (5) safety; (6) the extent to which the project would enhance livable communities; (7) the reduction of pollution, including noise and visual pollution; (8) the reduction of congestion and the improvement of the mobility of people in the most efficient manner; and (9) any other considerations the Secretary deems appropriate. Projects funded under this section must meet certain transit law requirements.

IX. Projects of Regional or National Significance

This is a special category that sets forth criteria for special, generally larger, projects or for those areas that may have problems of resource management, pollution, congestion, mobility, and accessibility that can be addressed by this program. Additional project selection criteria include: visitation levels; the use of innovative financing or joint development strategies; coordination with the gateway communities; and any other considerations the Secretary deems appropriate. Projects under this section must meet certain Federal Transit New Starts criteria. This section identifies some locations that may fit these criteria. Any project in this category that is $25 million or greater in cost will have a full funding grant agreement similar to Federal Transit New Starts projects. No project can receive more than 12% of the total amount available in any given year.

X. Undertaking Projects in Advance:

This provision applies current transit law to this section, allowing projects to advance prior to receiving Federal funding, but allowing the advance activities to be counted so the local share as long as certain conditions are met.

IX. Project Management Oversight:

This provision applies current transit law to this section, limiting oversight funds to 0.5% per year of the funds made available for this section.

XII. Relationship to Other Laws:

This provision applies certain transit laws to all projects funded under this section and permits the Secretary to apply any other terms or conditions he deems appropriate.

XIII. State Infrastructure Banks:

A project assisted under this section can also use funding from a State Infrastructure Bank or other innovative financing mechanism that funds eligible transit projects.

XIV. Asset Management:

This provision permits the Secretary of Transportation to transfer control over a transit asset acquired with Federal funds under this section in accord with certain Federal property management rules.

XV. Coordination of Research and Deployment of New Technologies:

This provision allows grants for research and deployment of new technologies to meet the special needs of the national park lands.

XVI. Report:

This requires the Secretary of Transportation to submit a report on projects funded under this section to the House Transportation and Infrastructure Committee and the Senate Banking, Housing, and Urban Affairs Committee, to be included in the Department's annual project report.

XVII. Study of Transit Needs in National Park Lands:

This authorizes $500,000 for a comprehensive study of alternative transportation needs in national parks and related public lands to be completed by January 1, 2000, and specifies the study elements.

XVIII. Authorization:

$50,000,000 is authorized to be appropriated for the Secretary to carry out this program for each of the fiscal years 1999 through 2003.

[From the Washington Post, Nov. 26, 1997]

STRICT LIMITS ON CARS SET FOR 3 NATIONAL PARKS—RAIL AND BUS SYSTEMS TO EASE TRAFFIC JAMS

(By Joby Warrick)

The Clinton administration is imposing a virtual ban on cars in busy sections of the Grand Canyon and two other national parks as part of a strategy to ease the traffic jams that have tarnished America's most spectacular natural attractions.

Interior Secretary Bruce Babbitt and Transportation Secretary Rodney E. Slater yesterday jointly announced plans for mass transit systems that will dramatically change the way most visitors experience the Grand Canyon, Yosemite National Park in California and Zion National Park in southwestern Utah. The plans call for ripping up roads and dozens of acres of existing parking lots and using buses and trains to ferry tourists into the parks.

The transit systems—which could be introduced in other parks—are designed to relieve the chronic congestion that is one of the most serious challenges facing park administrators. Because of record numbers of visitors, many of the nation's most-beloved tourist destinations are in danger of being ``loved to death,'' Babbitt said.

``The road to [Grand Canyon's] South Rim is now jammed with cars,'' Babbitt said. ``The once fresh and clear air now smells of diesel fumes and asphalt, the stunning view now marred by filling stations and smog, the sound of breeze-rustled pines now drowned by the echo of engines and horns.''

Ever-larger crowds forced Yosemite officials to begin turning away visitors on the busiest days. But Babbitt said buses and trains will allow all the parks to ``keep the `Welcome' sign out.''

Under the pilot programs announced yesterday, visitors to the parks could be riding trains or buses by 2001. At Grand Canyon National Park, a $14 million light rail line would carry up to 4,000 riders an hour from a remote parking lot to a new visitor center at the park's South Rim. The center will be paid for with funds from park entry fees, which are not expected to increase.

Once in the park, visitors can travel to destinations using a fleet of clean-burning buses that will run on electricity or natural gas. Overnight guests could continue to use cars to drive to hotels or campsites within the park.

Similar systems using buses will be established at Zion and at Yosemite, which two weeks ago announced a plan designed to cut traffic levels by 50 percent.

The announcement comes a year after President Clinton ordered the agencies to develop alternative transportation strategies to curb overcrowding in the most popular national parks. The administration also has banned some flights at the Grand Canyon.

Park officials applauded details of the new transit plans. Robert Arnberger, superintendent of Grand Canyon National Park, said the park's resources were being "hammered" by a daily onslaught of 6,100 vehicles. Competition among motorists for the park's 2,000 parking spaces have prompted fights, at least one attempted murder charge and "God knows how many divorces."

Environmental groups also praised the decision and urged the administration to push for more aggressive restrictions in air traffic around national parks.

"We want to see the sun reflecting off waterfalls and canyons—not the bumper of the car in front of us," said Bill Meadows, president of The Wilderness Society. "Even in Disney World, cars don't go right to the heart of the park."

AMERICAN PUBLIC
TRANSIT ASSOCIATION,
Washington, DC, April 1, 1998.

Hon. PAUL S. SARBANES,
Ranking Minority Member, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: Thank you for forwarding us a draft copy of the "Transit in Parks (TRIP) Act" which would amend federal transit law at chapter 53, title 49 U.S.C.

The Act would authorize federal assistance to certain federal agencies and state and local entities to finance mass transit projects generally for the purpose of addressing transportation congestion and mobility issues at national parks. Among other things, the bill would implement the recent Memorandum of Understanding between the Department of Transportation and Interior regarding joint efforts of those federal agencies to encourage the use of public transportation at national parks.

In December 1997, I was pleased to write to the Secretaries of Transportation and Interior in support of their MOU, and I am just as pleased to support your efforts to improve mobility in our national parks. Public transportation clearly has much to offer citizens who visit these national treasures, where congestion and pollution are significant—and growing—problems. Moreover, this legislation should broaden the base of support for public transportation, a key principle APTA has been advocating for many years. In that regard, we will be reviewing your bill with APTA's legislative leadership.

I applaud you for introducing the legislation, and look forward to continuing to work with you and your staff.

Sincerely,

WILLIAM W. MILLAR,
President.

NATIONAL PARKS
AND CONSERVATION ASSOCIATION,
April 20, 1998.

Hon. PAUL SARBANES,
U.S. Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: On behalf of the National Parks and Conservation Association and its nearly half a million members, I want to thank you for your foresight and leadership in proposing a bill that would enhance transit options for access to America's national parks.

As you know, from 1975 to 1996, the national parks have experienced a surge in visitation, from 190.4 million to 265.8 million visitors per year. With this increased public interest in these special places has come substantial additional burdens on the resources that have drawn such public acclaim. As more people crowd into our national parks (typically by auto) fragile habitat, endangered plants and animals, unique historical treasures, and nationally recognized symbols of our cultural heritage will become damaged from air and water pollution, noise intrusion, and inappropriate use.

Your bill's establishment of a new program within the Federal Transit Administration, dedicated to enhancing transit options in and adjacent to the national parks, can have a powerful, positive effect on the future integrity of the parks and their resources by reducing the need for access by automobile. Development of transportation centers and auto parking lots outside the parks, and the use of buses, vans, and rail systems would provide much more efficient means of handling the crush of visitation. As a complement to the Federal Lands Highway Program which provides funds principally for park road projects through the Federal Highway Administration, your legislation would properly recognize the critical role that mass transit can play in protecting the parks and enhancing the visitor experience.

In accomplishing its goal, your bill would further the Memorandum of Agreement signed by the U.S. Department of the Interior and the U.S. Department of Transportation last December. This memorandum would boost the role of alternative transportation solutions for national parks, particularly those most heavily impacted by visitation, including Yellowstone, Yosemite, the Grand Canyon, and Zion. Your bill would also provide an excellent opportunity for the National Park Service to enter into public/private partnerships between the federal government and states, localities, and the private sector to provide a fuller range of transportation options than exists today. These partnerships could leverage funds that the National Park Service currently has great difficulty accessing.

NPCA looks upon your bill as a creative new mechanism to fulfill the principal federal mandate governing the national parks, which is "to conserve the scenery and the natural and historic objects and the wildlife therein, and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." We look forward to working with you to move this legislation to enactment.

Sincerely,

THOMAS C. KIERNAN,
President.

SURFACE TRANSPORTATION
POLICY PROJECT,
April 21, 1998.

Hon. PAUL SARBANES,
U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: On behalf of the Surface Transportation Policy Project, a coalition of over 30 national and 200 local and regional groups that work to make transportation policy contribute to healthy communities and a healthy environment, I would like to commend you for the legislation you are introducing to provide a direct funding source for alternative transportation projects in our national parks. Your leadership in bringing attention to this emerging issue will be a major building block in what we hope will be a broad effort to lessen the environmental impacts of visitation on these most important natural areas.

We believe that public transportation can be the right choice for many parks, particularly those where visitors enter from only one or two major access corridors, and a majority of them visit a small number of popular destinations within the park. In these circumstances, allowing people to leave their cars behind will both enhance the park experience for all visitors, who will not have to negotiate heavy traffic in order to have a quality outdoor experience, and will benefit visitors who will not have to fight for parking spaces at popular attractions.

The STPP coalition appreciates your leadership on this issue. Please let me know if there is anything we can do to help you advance this important piece of legislation.

Sincerely,

ROY KIENITZ,
Deputy Director.

NATURAL RESOURCES DEFENSE
COUNCIL—ENVIRONMENTAL DEFENSE FUND,
April 22, 1998.

Senator PAUL SARBANES,
U.S. Senate, Washington, DC.

Dear Senator: On behalf of the Natural Resources Defense Council and the Environmental Defense Fund, we are writing to express our support for your bill, the Transit in Parks Act, which will provide dedicated funding for transit projects in our national parks. Too many of our parks suffer from the consequences of poor transportation systems: traffic congestion, air and water pollution, and disturbance of the natural ecosystem. We believe that increased funding for transit will help mitigate some of these problems. A good working transit system in a number of our national parks will make the park experience not only more enjoyable for the many families that travel there, it will help improve environmental conditions. High ozone (smog) levels that impair peoples breathing and exacerbates asthma, and haze, which can obliterate the views at our parks, will both be abated by a decrease in the number of cars and congestion levels.

We appreciate your leadership on this issue and your dedication to the health of our national parks. We look forward to working with you to move your legislation forward.

Sincerely,

JOHN ADAMS,
Executive Director, Natural Resources Defense Council.

FRED KRUPP,
Executive Director, Environmental Defense Fund.

By Mr. FORD (for himself, Mr. ROCKEFELLER, Mr. DORGAN, Mr. HOLLINGS, and Mr. HARKIN):

S. 1968. A bill to amend title 49, United States Code, to authorize the Secretary of Transportation to implement a pilot program to improve access to the national transportation system for small communities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE AIR SERVICE RESTORATION ACT

Mr. FORD. Mr. President, today I am pleased to introduce the Air Service Restoration Act. Over the last several months, there has been a growing debate about the airline industry, competition, slots and service. This Act seeks to reshape this debate by focusing on problems that small communities have with a deregulated aviation system. Deregulation has provided many benefits to many communities. But, as the General Accounting Office has noted, there are many small communities which have been left behind.

Some of these communities, these "pockets of pain" as noted by the GAO, would like nothing better than for the Congress to re-regulate the industry. However, Mr. President, I do not believe that is the answer—and that is not what this bill seeks to do. Rather, our legislation proposes to facilitate public-private actions which focus on developing market opportunities for small communities. In this way, communities can develop air service that fits the needs and desires of the community; rather than Washington regulating service.

This bill is not about competition, but rather the lack of service. As the General Accounting Office noted, since deregulation, communities have seen a decline in the types of service and quality of service. That decline can be attributed to a variety of factors: airports nearby with better, or cheaper, service, the loss of a major employer in the community, or a lack of information about what it takes to create a market.

But, there are ways to reverse these trends. Let me give you an example. One town in Virginia had about 18,000 enplanements annually, but gradually declined to under 10,000. The airport set out very aggressively to find out what happened, and why. Ultimately, the enplanements went back up, and service is now increasing.

Unfortunately, Mr. President, not all our communities have the resources to aggressively pursue or create market needs. The Federal government must play a role in helping our small communities. It can not stand by as communities lose service, or get cut off from the national air transportation system. Travel, tourism and businesses are too dependent on the system, and each of our small communities must be a part of the system.

This legislation brings together the Federal government, local government, airports, air carriers and the business communities in partnership to develop ways to increase the use of our nation's small airports. Without these services, small communities can not attract new jobs. It is that simple. We have too much invested in our small towns to let them simply lose their access to the national air transportation system.

In Owensboro, Kentucky, our airport, in conjunction with community business leaders, is developing an air park: attracting businesses, and creating jobs. That type of activity should be encouraged.

There are a number of carriers that will not like some of the provisions in the bill—for example, the bill gives DOT the authority to require joint fares and interlining. These provisions may be necessary to make sure that a small community has the ability to connect with major hubs. Such authority would only be required in limited circumstances.

Mr. President, we need to begin to look at solutions to the problems faced by our small communities—and the need for these communities to have access to our national aviation transportation system. The economic survival of these communities in a global marketplace depends on the ability to connect to the marketplace. It is my hope and belief that this legislation re-focuses the debate on this issue—connecting America's small communities to the greatest, most efficient, and safest air transportation system in the world.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Air Service Restoration Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) a national transportation system providing safe, high quality service to all areas of the United States is essential to interstate commerce and the economic well-being of cities and towns throughout the United States;

(2) taxpayers throughout the United States have supported and helped to fund the United States aviation infrastructure and have a right to expect that aviation services will be provided in an equitable and fair manner to every region of the country;

(3) some communities have not benefited from airline deregulation and access to essential airports and air services has been limited;

(4) air service to a number of small communities has suffered since deregulation;

(5) studies by the Department of Transportation have documented that, since the airline industry was deregulated in 1978—

(A) 34 small communities have lost service and many small communities have had jet aircraft service replaced by turboprop aircraft service;

(B) out of a total of 320 small communities, the number of small communities being served by major air carriers declined from 213 in 1978 to 33 in 1995;

(C) the number of small communities receiving service to only one major hub airport increased from 79 in 1978 to 134 in 1995; and

(D) the number of small communities receiving multiple-carrier service decreased from 136 in 1978 to 122 in 1995; and

(6) improving air service to small and medium-sized communities that have not benefited from fare reductions and improved service since deregulation will likely entail a range of Federal, State, regional, local, and private sector initiatives.

SEC. 3. PURPOSE.

The purpose of this Act is to facilitate, through a pilot program, incentives and projects that will help communities to improve their access to the essential airport facilities of the national air transportation system through public-private partnerships and to identify and establish ways to overcome the unique policy, economic, geographic, and marketplace factors that may inhibit the availability of quality, affordable air service to small communities.

SEC. 4. ESTABLISHMENT OF SMALL COMMUNITY AVIATION DEVELOPMENT OFFICE.

Section 102 of title 49, United States Code, is amended by adding at the end thereof the following:

"(g) SMALL COMMUNITY AIR SERVICE DEVELOPMENT OFFICE.—

"(1) ESTABLISHMENT.—The Secretary shall establish within the Department of Transportation an Office of Aviation Development. The Office shall be headed by a Director, designated by the Secretary.

"(2) FUNCTIONS.—The Director shall—

"(A) function as a facilitator between small communities and air carriers;

"(B) carry out section 41743 of this title;

"(C) carry out the airline service restoration program under subchapter III of chapter 417 of this title;

"(D) ensure that the Bureau of Transportation Statistics collects data on passenger information to assess the service needs of small communities;

"(E) work with and coordinate efforts with other Federal, State, and local agencies to increase the viability of service to small communities and the creation of aviation development zones; and

"(F) provide policy recommendations to the Secretary and the Congress that will ensure that small communities have access to quality, affordable air transportation services.

"(3) REPORTS.—The Director shall provide an annual report to the Secretary and the Congress beginning in 1999 that—

"(A) analyzes the availability of air transportation services in small communities, including, but not limited to, an assessment of the air fares charged for air transportation services in small communities compared to air fares charged for air transportation services in larger metropolitan areas and an assessment of the levels of service, measured by types of aircraft used, the availability of seats, and scheduling of flights, provided to small communities;

"(B) identifies the policy, economic, geographic and marketplace factors that inhibit the availability of quality, affordable air transportation services to small communities; and

"(C) provides policy recommendations to address the policy, economic, geographic, and marketplace factors inhibiting the availability of quality, affordable air transportation services to small communities.".

SEC. 5. COMMUNITY-CARRIER AIR SERVICE PROGRAM.

(a) IN GENERAL.—Subchapter II of title 49, United States Code, is amended by adding at the end thereof the following:

"§ 41743. Air service program for small communities

"(a) COMMUNITIES PROGRAM.—Under advisory guidelines prescribed by the Secretary of Transportation, a small community or a consortia of small communities or a State may develop an assessment of its air service requirements, in such form as the Director of the Office of Aviation Development may require, and submit the assessment and service proposal to the Office.

"(b) SELECTION OF PARTICIPANTS.—In selecting community programs for participation in the communities program under subsection (a), the Director shall apply criteria, including geographical diversity and the presentation of unique circumstances, that will demonstrate the feasibility of the program.

"(c) CARRIERS PROGRAM.—The Director shall invite part 121 air carriers and regional/commuter carriers (as such terms are defined in section 41715(d) of this title) to offer service proposals in response to, or in conjunction with, community aircraft service assessments submitted to the office under subsection (a). A service proposal under this paragraph shall include—

"(1) an assessment of potential daily passenger traffic, revenues, and costs necessary for the carrier to offer the service;

"(2) a forecast of the minimum percentage of that traffic the carrier would require the community to garner in order for the carrier to start up and maintain the service; and

"(3) the costs and benefits of providing jet service by regional or other jet aircraft.

"(d) OFFICE SUPPORT FUNCTION.—The Director shall work with small communities and air carriers, taking into account their proposals and needs, to facilitate the initiation of service. The Director—

"(1) may work with communities to develop innovative means and incentives for the initiation of service;

"(2) may obligate funds available to carry out this subchapter to make up the difference between the carrier's forecast and the community's ability to generate the necessary percentage of traffic;

"(3) shall continue to work with both the carriers and the communities to develop a combination of community incentives and carrier service levels that—

"(A) are acceptable to communities and carriers; and

"(B) do not conflict with other Federal or State programs to facilitate air transportation to the communities;

"(4) may designate an airport in the program as an Air Service Development Zone and work with the community on means to attract business to the area surrounding the airport, to develop land use options for the area, and provide data, working with the Department of Commerce and other agencies;

"(5) may take such other action under subchapter III of this chapter as may be appropriate.

"(e) LIMITATIONS.—

"(1) COMMUNITY SUPPORT.—The Director may not provide financial assistance under subsection (c)(2) to any community unless the Director determines that—

"(A) a public-private partnership exists at the community level to carry out the community's proposal;

"(B) the community will make a substantial financial contribution that is appropriate for that community's resources;

"(C) the community has established an open process for soliciting air service proposals; and

"(D) the community will accord similar benefits to air carriers that are similarly situated.

"(2) AMOUNT.—The Director may not provide financial assistance under subsection (d)(2) to any community in excess of the lesser of—

"(A) up to 75 percent of the financial contribution made by the community; or

"(B) $500,000 per year.

"(f) REPORT.—The Director shall report through the Secretary to the Congress annually on the progress made under this section during the preceding year in expanding commercial aviation service to small communities.".

"(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 417 of such title is amended by inserting after the item relating to section 41742 the following:

"41743. Air service program for small communities".

(c) WAIVER OF LOCAL CONTRIBUTION.—Section 41736(b) of title 49, United States Code, is amended by inserting after paragraph (4) the following:

"Paragraph (4) does not apply to any community approved for service under this section during the period beginning October 1, 1991, and ending December 31, 1997.".

SEC. 6. AIRLINE SERVICE RESTORATION PILOT PROGRAM.

(a) IN GENERAL.—Chapter 417 of title 49, United States Code, is amended by adding at the end thereof the following:

"SUBCHAPTER III. AIRLINE SERVICE RESTORATION

"41761. Pilot program project authority
"41762. Assistance to communities for service
"41763. Additional authority
"41764. Air traffic control services pilot program

"§ 41761. Pilot program project authority

"(a) IN GENERAL.—The Director of the Office of Aviation Development shall establish a pilot program—

"(1) to assist communities and States with inadequate access to the national transportation system to improve their access to that system; and

"(2) to facilitate better link-ups to support the improved access.

"(b) PROJECT AUTHORITY.—Under the pilot program established pursuant to subsection (a), the Director may—

"(1) provide financial assistance by way of grants to small communities under section 41743; and

"(2) take such other action as may be appropriate.

"(c) OTHER ACTION.—Under the pilot program established pursuant to subsection (a), the Director may facilitate service by—

"(1) working with airports and air carriers to ensure that appropriate facilities are made available at essential airports;

"(2) requiring interline or joint-fare agreements between air carriers for domestic United States service if necessary to facilitate access to essential facilities for participants in the program subject to the right of a carrier being required to enter into such agreements to impose reasonable safety, service, and other obligations on the potential partner;

"(3) collecting data on air carrier service to small communities; and

"(4) providing policy recommendations to the Secretary to stimulate air service and competition to small communities.

"§ 41762. Assistance to communities for service

"(a) IN GENERAL.—Financial assistance provided under section 41743 during any fiscal year as part of the pilot program established under section 41761(a) shall be implemented for not more than—

"(1) 4 communities within any State at any given time; and

"(2) 40 communities in the entire program at any time.

For purposes of this subsection, a consortium of communities shall be treated as a single community.

"(b) ELIGIBILITY.—In order to participate in a pilot project under this subchapter, a State, community, or group of communities shall apply to the Secretary in such form and at such time, and shall supply such information, as the Secretary may require, and shall demonstrate to the satisfaction of the Secretary that—

"(1) the applicant has an identifiable need for access, or improved access, to the national air transportation system that would benefit the public;

"(2) the pilot project will provide material benefits to a broad section of the travelling public, businesses, educational institutions, and other enterprises whose access to the national air transportation system is limited;

"(3) the pilot project will not impede competition; and

"(4) the applicant has established, or will establish, public-private partnerships in connection with the pilot project to facilitate service to the public.

"(c) COORDINATION WITH SUBCHAPTER II.—The Secretary shall carry out this subchapter in such a manner as to complement action taken under subchapter II of this chapter. To the extent the Secretary determines to be appropriate, the Secretary may adopt criteria for implementation of this subchapter that are the same as, or similar to, the criteria developed under subchapter II for determining which airports are eligible under that subchapter. The Secretary shall also, to the extent possible, provide incentives where no direct, viable, and feasible alternative service exists, taking into account geographical diversity and appropriate market definitions.

"(d) MAXIMIZATION OF PARTICIPATION.—The Secretary shall structure the program established pursuant to section 41761(a) in a way designed to—

"(1) permit the participation of the maximum feasible number of communities and States over a 5-year period by limiting the number of years of participation or otherwise; and

"(2) obtain the greatest possible leverage from the financial resources available to the Secretary and the applicant by—

"(A) progressively decreasing, on a project-by-project basis, any Federal financial incentives provided under this chapter over the 5-year period; and

"(B) terminating as early as feasible Federal financial incentives for any project determined by the Secretary after its implementation to be—

"(i) viable without further support under this subchapter; or

"(ii) failing to meet the purposes of this chapter or criteria established by the Secretary under the pilot program.

"(e) SUCCESS BONUS.—If Federal financial incentives to a community are terminated under subsection (d)(2)(B) because of the success of the program in that community, then that community may receive a one-time incentive grant to ensure the continued success of that program.

"(f) PROGRAM TO TERMINATE IN 5 YEARS.—No new financial assistance may be provided under this subchapter for any fiscal year beginning more than 5 years after the date of enactment of the Air Service Restoration Act.

"§ 4163. Additional authority

"In carrying out this chapter, the Secretary—

"(1) may provide assistance to States and communities in the design and application phase of any project under this chapter, and oversee the implementation of any such project;

"(2) may assist States and communities in putting together projects under this chapter to utilize private sector resources, other

Federal resources, or a combination of public and private resources;

"(3) may accord priority to service by jet aircraft;

"(4) take such action as may be necessary to ensure that financial resources, facilities, and administrative arrangements made under this chapter are used to carry out the purposes of the Air Service Restoration Act; and

"(5) shall work with the Federal Aviation Administration on airport and air traffic control needs of communities in program.

"§4164. Air traffic control services pilot program

"(a) In General.—To further facilitate the use of, and improve the safety at, small airports, the Administrator of the Federal Aviation Administration shall establish a pilot program to contract for Level I air traffic control services at 20 facilities not eligible for participation in the Federal Contract Tower Program.

"(b) Program Components.—In carrying out the pilot program established under subsection (a), the Administrator may—

"(1) utilize current, actual, site-specific data, forecast estimates, or airport system plan data provided by a facility owner or operator;

"(2) take into consideration unique aviation safety, weather, strategic national interest, disaster relief, medical and other emergency management relief services, status of regional airline service, and related factors at the facility;

"(3) approve for participation any facility willing to fund a pro rata share of the operating costs used by the Federal Aviation Administration to calculate, and, as necessary, a 1:1 benefit-to-cost ratio, as required for eligibility under the Federal Contract Tower Program; and

"(4) approve for participation any facility willing to fund a pro rata share of construction used by the Federal Aviation Administration to calculate, and, as necessary, a 1:1 benefit-to-cost ratio, as required for eligibility under the Federal Contract Tower Program.

"(c) Report.—One year before the pilot program established under subsection (a) terminates, the Administrator shall report to the Congress on the effectiveness of the program, with particular emphasis on the safety and economic benefits provided to program participants and the national air transportation system.".

(b) Clerical Amendment.—The chapter analysis for chapter 417 of title 49, United States Code, is amended by adding at the end thereof the following:

"SUBCHAPTER III. AIRLINE SERVICE RESTORATION

"41761. Pilot programs
"41762. Financial assistance to States
"41763. Additional authority
"41764. Air traffic control services pilot program".

SEC. 7. FUNDING AUTHORITY.

(a) In General.—The Secretary of Transportation may obligate not more than $20,000,000 for each of fiscal years 1999 through 2002 to carry out subchapter III of chapter 417 of title 49, United States Code, out of funds otherwise available for aviation programs other than funds appropriated, obligated, or made available to carry out subchapter II of such chapter.

(b) Success Bonus.—If the Secretary determines that the program carried out under such subchapter III is successful in providing enhanced air carrier service to small communities, then the Secretary may obligate an additional amount, not in excess of $5,000,000, for each of fiscal years 2001 and 2002 to carry out that subchapter out of such funds.

SEC. 8. JOINT FARES AND INTERLINE AGREEMENTS.

(a) In General.—Subchapter I of chapter 417 of title 49, United States Code, is amended by adding at the end thereof the following:

"§4176. Joint fares and interline agreements for domestic transportation

"(a) In General.—In order to more effectively facilitate service to small communities, the Secretary of Transportation may, if necessary, require an air carrier that serves an essential airport facility in the United States and an air carrier that offers service in an under-served market within the United States to enter into an agreement with a qualifying air carrier that files a request with the Secretary, in such form and manner and at such time as the Secretary may require.

"(b) Secretary May Compel Joint Fare Structure.—If the Secretary determines that it is necessary in order to facilitate service to small communities, the Secretary may require any air carrier to enter into a joint-fare or interline agreement with any qualifying air carrier that serves an under-served market to facilitate air transportation.

"(c) Application Limited to Service to Communities Receiving DOT Assistance.—The Secretary may not require an air carrier to enter into an agreement under subsection (a) or (b) except to the extent determined by the Secretary to be necessary to the provision of air service to a community receiving financial assistance under section 41761. Nothing in this section provides authority for the Secretary to establish air fares for service to which this section applies.

"(d) Definitions.—For purposes of this section—

"(1) Qualifying air carrier.—The term 'qualifying air carrier' means an air carrier that operates pursuant to a certificate of public convenience and necessity under chapter 411 of this title.

"(2) Under-served market.—The term 'under-served market' means a commercial service airport that is a nonhub airport (as defined in section 41731(4) of this title), a small hub airport (as defined in section 41731(5) of this title), or an airport that is smaller than a nonhub or small hub airport.

"(3) Essential airport facility.—The term 'essential airport facility' means a hub airport (as defined in section 41731(a)(3) of this title).".

(b) Clerical Amendment.—The chapter analysis for chapter 417 of title 49, United States Code, is amended by inserting after the item relating to section 41715 the following:

"41716. Joint fares and interline agreements for domestic transportation".

SEC. 9. REVITALIZATION OF AIR SERVICE TO RURAL AREAS.

Section 40101(a) of title 49, United States Code, is amended by adding at the end thereof the following:

"(16) ensuring that consumers in all regions of the United States, including those in small communities and rural and remote areas, have access to affordable, regularly scheduled air service.

"(17) ensuring that any slots given to air carriers to provide small community air service are withdrawn if the carrier fails to provide the service.".

SEC. 10. MARKETING PRACTICES.

Section 41712 of title 49, United States Code, is amended by—

"(1) inserting "(a) In General.—" before "On"; and

(2) adding at the end thereof the following:

"(b) Marketing Practices That Adversely Affect Service to Small or Medium Communities.—Within 180 days after the date of enactment of the Air Service Restoration Act, the Secretary shall review the marketing practices of air carriers that may inhibit the availability of quality, affordable air transportation services to small and medium-sized communities, including—

"(1) marketing arrangements between airlines and travel agents;

"(2) code-sharing partnerships;

"(3) computer reservation system displays;

"(4) gate arrangements at airports; and

"(5) any other marketing practice that may have the same effect.

"(c) Regulations.—If the Secretary finds, after conducting the review required by subsection (b), that marketing practices inhibit the availability of such service to such communities, then, after public notice and an opportunity for a hearing, the Secretary shall promulgate regulations that address the problem.".

Mr. ROCKEFELLER. Mr. President, I rise today to join a number of my colleagues, and most especially Senators Hollings, Ford, and Dorgan, in introducing the "Air Service Restoration Act of 1997." This legislation is the result of many months of effort, first, to understand what has happened to air service in small and rural communities in the last twenty years and, then, to develop a comprehensive strategy for restoring and promoting air service to these areas—many of which have suffered such a dramatic decline in service and increase in fares that the U.S. Department of Transportation refers to them as "pockets of pain."

By most accounts the 1978 deregulation of the airline industry has been a huge success—with lower fares, better service, and more competition enjoyed by most of the nation, as well as an airline industry that has reached unprecedented levels of financial success and stability. But for all its successes, airline deregulation has one, potentially fatal, flaw—the creation of an ever-widening gap between the air transportation "haves" and "have-nots", with small and rural communities across the nation left to choose between high-cost, poor-quality service or no service at all. Clearly we have not and are not meeting our responsibility to foster and maintain a truly national air transportation system.

West Virginia's communities are unquestionably among the hardest hit in the nation when it comes to air service declines. Prior to deregulation, West Virginia was served by at least five major commercial air carriers. We enjoyed a comprehensive route structure and comfortable levels of jet service at competitive prices. In the twenty years since, every major carrier, with the notable exception of U.S. Airways, abandoned its direct service to West Virginia. Jet service all but disappeared.

Three airports—Elkins, Martinsburg, and Wheeling—lost commercial passenger service altogether.

At the same time, West Virginia passengers experienced fare increases of 20–30 percent, in real terms, with service from regional or commuter airlines using smaller, turboprop planes. Some of these are solid airlines and offer good service, and we are thankful that they have stayed with us. But for many years their West Virginia product has been far inferior to that provided other communities—their planes are small, their schedules thin and their prices high. Not surprisingly, West Virginia businesses and passengers have responded by flying less or going elsewhere. At a time when the rest of the nation has experienced a 75 percent increase in air traffic, passenger enplanements in our state have declined at every airport, with a statewide decrease of nearly 40 percent.

My top priority over the past twenty years—the same twenty years as airline deregulation—has been to bring good jobs and opportunity to West Virginia. Whether it's a specific project or a broad policy issue, from trade to connecting schools to the information highway, most of my work is about creating economic growth in my home state. In the last several years I have begun to see and hear more and more that the lack of convenient and affordable air service is holding us back, stunting economic growth in West Virginia just as it is in small and rural communities across the country. And unless we act now to restore and promote air service to under-served areas, we will never be able to close the economic development gaps in any meaningful and sustained way.

Part of the change that I believe needs to take place can and must occur at the state and local level, where business and community leaders know what their needs are and can develop a real stake in the future of their airports by educating consumers, attracting air service, and filling airplanes. But aviation is a national issue, with global implications. No small or rural community should be expected to overcome the cumulative effect of twenty years of deregulation on its own. They need help, they've asked for help, and they deserve help.

The legislation that we introduce today is part of what I hope will be a new era in our national aviation policy—an era that builds on the successes of deregulation and takes responsibility for its failures. The centerpiece of the bill is a five-year $100 million pilot program for up to 40 communities, with grants of up to $500,000 to each community for local initiatives to attract and promote service. Communities would provide local matching funds of up to 25 percent, and could do so directly or indirectly, through mechanisms such as seat guarantees. The Department of Transportation would have the authority to facilitate links between pilot communities and major airports by requiring joint fares and interline agreements between dominant airlines and new service providers.

To administer the grant program and provide a resource for small communities both in and out of the pilot program, the bill creates a new Office of Small Community Air Service Development at the Department of Transportation dedicated to promoting and restoring air service to small communities. Among other tasks, this office would be responsible for ensuring that accurate and meaningful passenger traffic data is available regarding service to small communities, as it is today for larger communities.

To clarify the priority for small communities in receiving and retaining service to slot-controlled airports, the bill directs the Department to ensure that any slots given to air carriers for small community air service will be withdrawn if the carrier fails to provide the service.

To address a major infrastructure concern of small and rural airports, the bill establishes a pilot program allowing communities that face the loss of an air traffic control tower to instead share the cost of funding the tower, on a contract basis, in proportion to the cost-benefit ratio of the tower.

Finally, the bill calls on the Department to review the airline industry's current marketing practices—practices which many believe are exacerbating the decline in air service to small communities—and, if necessary, promulgate regulations to curb abuses that inhibit market entry.

The legislation we introduce today will begin to afford small and rural community air service the priority they deserve in our national transportation policy. It is my hope and intent to pursue this legislation in the context of the 1998 reauthorization of the Federal Aviation Administration and Airport Improvement Program, and I look forward to working together with others of my colleagues, several of whom have shown a real commitment to achieving needed solutions in this area.

In the global marketplace of today air service has become perhaps the single most important mode of mass transportation. When it comes to economic growth, there is no substitute for good air service. If we are to ensure that all communities throughout the nation are prepared to compete in the next century, we have no choice but to improve their transportation options.

By Mr. KENNEDY:

S. 1969. A bill to provide health benefits for workers and their families; to the Committee on Labor and Human Resources.

THE HEALTH CARE FOR WORKING FAMILIES ACT

Mr. KENNEDY. Mr. President, I rise to introduce the Health Care for Working Families Act.

Today we resume the battle for health insurance for all Americans.

We face a continuing crisis in health care for millions of workers and their families. Forty-one million Americans are uninsured. The number grew by more than one million last year, and if we do nothing, it will continue to grow at the same alarming rate.

The vast majority—85%—of these uninsured Americans—are workers or members of their families. These citizens work hard—40 hours a week, 52 weeks of the year in most cases—but all their hard work cannot buy them the health insurance they need to protect their families, because they can't afford it and their employers won't provide it.

Every uninsured American is an American tragedy waiting to happen. Infants lose their chance to grow up strong and healthy because they do not get critical prenatal care. A young family loses its livelihood because a breadwinner cannot afford essential medical services. Middle-aged parents see the savings set aside to send their children to college or pay for their retirement swept away by a tidal wave of medical debt.

These conditions should be unacceptable in America today. The time has come to take a simple but important step toward the day when every job carries with it a guarantee of affordable family health care.

Every business is expected to pay a minimum wage, and to obey the child labor laws. Every business is expected to provide safe and healthy working conditions, and to protect against injury on the job through worker's compensation. Every business is expected to contribute to retirement through Social Security, and to the health needs of the elderly through Medicare. It is long past time for businesses also to contribute to the cost of basic health insurance coverage for their workers.

Some small firms have special problems that may call for special solutions. But there can be no excuse for large firms to shirk their responsibility to provide affordable health insurance for their workers.

Under the bill we are introducing today, businesses with 50 or more workers will be required to provide health insurance coverage. Approximately half of all uninsured employees and their families—15 million people—will gain the coverage they need and deserve. This legislation is a giant step toward the day when every American will be guaranteed the fundamental right to health care.

Many—even most—businesses already provide insurance. The vast majority of large business, in particular, fulfill this obligation. But too many others do not. In more and more cases, unfair competition from firms that refuse to provide insurance for their workers is compelling other firms to reduce health benefits or drop coverage altogether.

Health insurance for working Americans does not have to mean complicated regulations or excessive government intervention. The legislation we are introducing today is simple—less than ten pages. It will not cost taxpayers a dime. It includes no specific mandated benefits or burdensome red tape. It simply says that every business with 50 workers or more must offer its employees coverage equal in value to the Blue Cross/Blue Shield Standard Option Plan that is available to every Senator and Representative and must pay at least 72% of the cost—the same proportion that taxpayers contribute for every member of Congress.

The American people deserve health care for their families that is every bit as good as the health care they provide to every member of Congress. The incremental reform enacted in recent years has helped many families, but it is far from sufficient. The time has come for Congress to take a larger step.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1969

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Care for Working Families Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) every industrialized country in the world except the United States guarantees the fundamental right to health care to all its citizens;

(2) 41,000,000 Americans are without health insurance coverage;

(3) the number of uninsured Americans is growing every year;

(4) the vast majority of uninsured Americans are workers or dependents of workers;

(5) for more than half a century, Congress has enacted laws to ensure that work is appropriately rewarded, including laws establishing a minimum wage and a 40 hour work week, laws ensuring safe and healthy working conditions, and laws requiring employers to contribute to the cost of retirement security through Social Security and Medicare; and

(6) as the United States approaches the 21st century, it is time to enact requirements guaranteeing that jobs carry with them affordable, adequate health insurance benefits.

SEC. 3. HEALTH BENEFITS FOR EMPLOYEES AND THEIR FAMILIES.

(a) In General.—The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) is amended by adding at the end thereof the following new title:

"TITLE II—HEALTH BENEFITS FOR EMPLOYEES AND THEIR FAMILIES

"SEC. 201. HEALTH BENEFITS.

"(a) Offer to Enroll.—

"(1) In general.—Each large employer, in accordance with this title, shall offer to each of its employees the opportunity to enroll in a qualifying health benefit plan that provides coverage for the employee and the family of the employee.

"(2) Qualifying health benefit plan.—For purposes of this title, the term 'qualifying health benefit plan' means a plan that provides benefits for health care items and services that are actuarily equivalent or greater in value than the benefits offered as of January 1, 1998 under the Blue Cross/Blue Shield Standard Plan provided under the Federal Employees Health Benefit Program under chapter 89 of title 5, United States Code, and that meets the requirements of title XXVII of the Public Health Service Act applicable to the plan.

"(b) Contribution and Withholding.—

"(1) In general.—Each large employer, in accordance with this title, shall—

"(A) contribute to the cost of any qualifying health benefit plan offered to its employees under subsection (a); and

"(B) withhold from the wages of an employee, the employee share of the premium assessed for coverage under the qualifying health benefit plan.

"(2) Required contribution.—Except as provided in paragraphs (3) and (4), the portion of the total premium to be paid by a large employer under paragraph (1)(A) shall not be less than the portion of the total premium that the Federal Government contributes under the Blue Cross/Blue Shield Standard Plan provided under the Federal Employees Health Benefit Program under chapter 89 of title 5, United States Code.

"(3) Part-time employees.—With respect to an employee who works less than 30 hours per week, the employer contribution required under paragraph (2) shall be equal to the product of—

"(A) the contribution required under paragraph (2); and

"(B) the ratio of number of hours worker by the employee in a typical week to 30 hours.

"(4) Limitation.—No employer contribution shall be required under this subsection with respect to an employer who works less than 10 hours per week.

"(c) Employee Obligation Under Certain Programs.—

"(1) In general.—With respect to an employee covered under a Federal health insurance program (as defined in paragraph (3)), such employee shall accept an offer of health insurance coverage under subsection (a) and agree to the appropriate payroll withholdings under subsection (b)(1)(B) for such coverage or provide for the payment of the employee share of premiums under paragraph (2), except that this subsection shall not apply—

"(A) with respect to an employee who is otherwise covered under an employment-based qualified health benefit plan; or

"(B) with respect to the coverage of a family member of an employee if the employee does not elect coverage for such family member and the family member is otherwise covered under an employment-based qualified health benefit plan.

"(2) Payment of premiums.—At the request of an employee to which paragraph (1) applies, the relevant Federal administrator of the Federal health insurance program involved shall provide for the payment of the employee share of the premium assessed for coverage under the qualifying health benefit plan involved. For purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), the requirement of this paragraph shall be deemed to be a requirement under the appropriate State plan under such title XIX.

"(3) Federal health insurance program.—As used in this subsection, the term 'Federal health insurance program' means—

"(A) the medicare or medicaid program under title XVIII or XIX of the Social Security Act (42 U.S.C. 1395 or 1396 et seq.);

"(B) the Federal employee health benefit program under chapter 89 of title V, United States Code; or

"(C) the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), as defined in section 1073(4) of title 10, United States Code.

"(d) Large Employers.—

"(1) In general.—The provisions of this title shall only apply to large employers.

"(2) Definition.—

"(A) In general.—As used in paragraph (1), the term 'large employer' means, with respect to a calendar year and plan year, an employer that employed an average of at least 50 full-time employees on business days during the preceding calendar year and who employs not less than 50 employees on the first day of the plan year.

"(B) Exception.—The provisions of this title shall apply with respect to an employer that is not a large employer under subparagraph (A) if the majority of the services performed by such employer consist of services performed on behalf of a single large employer.

"(3) Contract workers.—For purposes of this title, a contract worker of an employer shall be considered to be an employee of the employer.

"SEC. 202. REQUIREMENTS RELATING TO TIMING OF COVERAGE AND WITHHOLDING.

"(a) Date of Initial Coverage.—In the case of an employee enrolled under a qualifying health benefit plan provided by a large employer, the coverage under the plan must begin not later than 30 days after the day on which the employee first performs an hour of service as an employee of that employer.

"(b) Withholding Permitted.—No provision of State law shall prevent an employer of an employee enrolled under a qualifying health benefit plan established under this title from withholding the amount of any premium due by the employee from the payroll of the employee.

"SEC. 203. ENFORCEMENT.

"(a) Civil Money Penalty Against Private Employers.—The provisions of section 502—

"(1) relating to the commencement of civil actions by the Secretary under subsection (a) of such section;

"(2) relating to civil money penalties under subsection (c)(2) of such section; and

"(3) relating to the procedures for assessing, collecting and the judicial review of such civil money penalties;

shall apply with respect to any large employer that does not comply with this title.

"(b) Injunctive Relief.—The provisions of section 17 shall apply with respect to violations of this title.

"SEC. 204. PREEMPTION.

"Nothing in this title shall be construed to prevent a State from establishing, implementing, or continuing in effect standards and requirements relating to employer provided health insurance coverage unless such standards and requirements prevent the application of a requirements of this title.

"SEC. 205. DEFINITION AND EFFECTIVE DATE.

"(a) DEFINITION.—In this title the terms 'family' and 'family member' mean, with respect to an employee, the spouse and children (including adopted children) of the employee.

"(b) EFFECTIVE DATE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), this title shall apply with respect to employers on January 1, 1999.

"(2) COLLECTIVE BARGAINING AGREEMENTS.—This title shall apply with respect to employees covered under a collective bargaining agreement on the first day of the first plan year beginning after the date of enactment of this Act, or January 1, 1999, whichever occurs later.".

(b) CONFORMING AMENDMENTS.—

(1) The Fair Labor Standards Act of 1938 is amended by striking out the first section and inserting in lieu thereof the following:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Fair Labor Standards Act of 1938'.

"TITLE I—WAGES AND HOURS".

(2) The Fair Labor Standards Act of 1938 is amended by striking out "this Act" each place it occurs and inserting in lieu thereof "this title".

(3) Section 17 of the Fair Labor Standards Act of 1938 (29 U.S.C. 217) is amended by inserting "or violations of title II" before the period.

SEC. 4. AMENDMENT TO PUBLIC HEALTH SERVICE ACT.

Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by adding at the end the following:

"SEC. 247. REQUIREMENT FOR HEALTH INSURANCE COVERAGE.

"A health insurance issuer (as defined in section 2791(a)) that offers health insurance coverage (as defined in section 2791(a)) to an employer on behalf of the employees of such employer shall ensure that such coverage complies with the requirements of title II of the Fair Labor Standards Act of 1938.".

By Mr. ABRAHAM for himself and Mr. DASCHLE:

S. 1970. A bill to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds; to the Committee on Environment and Public Works.

THE NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT OF 1998

Mr. ABRAHAM. Mr. President, I rise today to introduce the "Neotropical Migratory Bird Conservation Act of 1998." This legislation, which I am introducing today with my distinguished colleague, Senator DASCHLE, is designed to protect over 90 endangered species of bird spending certain seasons in the United States and other seasons in other nations of the Western Hemisphere. I think it is fitting that we introduce this legislation on Earth Day, that day we have dedicated to increasing awareness of environmental issues.

Every year, approximately 25 million Americans travel to observe birds, and 60 million American adults watch and feed birds at home. Birdwatching is a source of great pleasure to many Americans, as well as a source of important revenue to states, like my own state of Michigan, which attract tourists to their scenes of natural beauty. Birdwatching and feeding generates fully $20 billion every ear in revenue across America.

Birdwatching is a popular activity in Michigan, and its increased popularity is reflected by an increase in tourist dollars being spent in small, rural communities. Healthy bird populations also prevent hundreds of millions of dollars in economic losses each year to farming and timber interests. They help control insect populations, thereby preventing crop failures and infestations.

Despite the enormous benefits we derive from our bird populations, many of them are struggling to survive. Ninety species are listed as endangered or threatened in the United States. Another 124 species are of high conservation concern. The primary reason for these declines is the degradation and loss of bird habitat.

What makes this all the more troubling is that efforts in the United States to protect these birds' habitats can only be of limited utility. Among bird watches' favorites, many neotropical birds are endangered or of high conservation concern. And several of the most popular neotropical species, including bluebirds, robins, goldfinches, and orioles, migrate to and from the Caribbean and Latin America.

Because neotropical migratory birds range across a number of international borders every year, we must work to establish safeguards at both ends of their migration routes, as well as at critical stopover areas along their way. Only in this way can conservation efforts prove successful.

Mr. President, that is why Senator DASHLE and I have introduced the "Neotropical Migratory Bird Conservation Act." This legislation will protect bird habitats across international boundaries by establishing partnerships between the business community, nongovernmental organizations and foreign nations. By teaming businesses with international organizations concerned to protect the environment we can combine capital with know-how. By partnering these entities with local organizations in countries where bird habitat is endangered we can see to it that local people receive the training they need to preserve this habitat and maintain this critical natural resource.

This act establishes a three year demonstration project providing $4 million each year to help establish programs in Latin America and the Caribbean. These programs will manage and conserve neotropical migratory bird populations. Those eligible to participate will include national and international nongovernmental organizations and business interests, as well as U.S. government entities.

The key to this act is cooperation among nongovernmental organizations. The federal share of each project's cost is never to exceed 33 percent, and half the nonfederal contribution must be in cash, not in-kind contributions.

The approach taken by this legislation differs from that of current programs in that it is proactive and, by avoiding a crisis management approach, will prove significantly more cost effective. In addition, this legislation does not call for complicated and expensive bureaucratic structures such as councils, commissions or multi-tiered oversight structures. Further, this legislation will bring needed attention and expertise to areas now receiving relatively little attention in the area of environmental degradation.

This legislation has the support of the National Audobon Society, the American Bird Conservancy and the Ornithological Council. These organizations agree with Senator DASCHLE and I that, by establishing partnerships between business, government and non-governmental organizations both here and abroad we can greatly enhance the protection of migratory bird habitat.

I urge my colleagues to support this bill.

Mr. DASCHLE. Mr. President, it is my pleasure today to join Senator Spencer ABRAHAM to introduce the Neotropical Migratory Bird Conservation Act.

First, let me commend my colleague, Senator ABRAHAM, for all of his work to develop this legislation. This bill addresses some of the critical threats to wildlife habitat and species diversity and demonstrates his commitment, which I strongly share, to solving the many challenges we face in this regard.

The Neotropical Migratory Bird Conservation Act will help to ensure that some of our most valuable and beautiful species of birds—those that most of us take for granted, including bluebirds, goldfinches, robins and orioles—may overcome the challenges posed by habitat destruction and thrive for generations to come. It is not widely recognized that many North American bird species once considered common are in decline. In fact, a total of 90 species of migratory birds are listed as endangered or threatened in the United States, and another 124 species are considered to be of high conservation concern.

The main cause of this decline is the loss of critical habitat throughout our hemisphere. Because these birds range across international borders, it is essential that we work with nations in Latin America and the Caribbean to establish protected stopover areas during their migrations. This bill achieves that goal by fostering partnerships between businesses, nongovernmental organizations and other nations to bring together the capital and expertise needed to preserve habitat throughout our hemisphere.

As we celebrate Earth Day, I urge my colleagues to support this legislation.

It has been endorsed by the National Audobon Society, the American Bird Conservancy and the Ornithological Council. I believe that it will substantially improve upon our ability to maintain critical habitat in our hemisphere and help to halt the decline of these important species.

ADDITIONAL COSPONSORS

S. 82

At the request of Mr. KOHL, the name of the Senator from Nevada [Mr. REID) was added as a cosponsor of S. 82, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide child care assistance for dependents of their employees, and for other purposes.

S. 320

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from California [Mrs. BOXER) was added as a cosponsor of S. 320, a bill to amend the Internal Revenue Code of 1986 to provide comprehensive pension protection for women.

S. 332

At the request of Mr. HARKIN, the name of the Senator from South Carolina [Mr. HOLLINGS) was added as a cosponsor of S. 332, a bill to prohibit the importation of goods produced abroad with child labor, and for other purposes.

S. 496

At the request of Mr. CHAFEE, the name of the Senator from Nevada [Mr. BRYAN) was added as a cosponsor of S. 496, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 497

At the request of Mr. COVERDELL, the name of the Senator from Utah [Mr. BENNETT) was added as a cosponsor of S. 497, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal the provisions of the Acts that require employees to pay union dues or fees as a condition of employment.

S. 617

At the request of Mr. JOHNSON, the name of the Senator from Iowa [Mr. GRASSLEY) was added as a cosponsor of S. 617, a bill to amend the Federal Meat Inspection Act to require that imported meat, and meat food products containing imported meat, bear a label identifying the country of origin.

S. 778

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 778, a bill to authorize a new trade and investment policy for sub-Saharan African.

S. 1326

At the request of Mr. DASCHLE, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1326, a bill to amend title XIX of the Social Security Act to provide for medicaid coverage of all certified nurse practitioners and clinical nurse specialists services.

S. 1334

At the request of Mr. BOND, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availability of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1360

At the request of Mr. ABRAHAM, the name of the Senator from Idaho (Mr. KEMPTHORNE) was added as a cosponsor of S. 1360, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify and improve the requirements for the development of an automated entry-exit control system, to enhance land border control and enforcement, and for other purposes.

S. 1680

At the request of Mr. DORGAN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1680, a bill to amend title XVIII of the Social Security Act to clarify that licensed pharmacists are not subject to the surety bond requirements under the medicare program.

S. 1799

At the request of Mr. MCCAIN, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1799, a bill to amend section 121 of the Internal Revenue Code of 1986 to provide that a member of the Armed Forces of the United States shall be treated as using a principal residence while away from home on extended active duty.

S. 1864

At the request of Ms. MIKULSKI, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1864, a bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the medicare skilled nursing facility prospective payment system.

S. 1875

At the request of Mr. DASCHLE, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1875, a bill to initiate a coordinated national effort to prevent, detect, and educate the public concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect and to identify effective interventions for children, adolescents, and adults with Fetal Alcohol Syndrome and Fetal Alcohol Effect, and for other purposes.

S. 1919

At the request of Mr. MURKOWSKI, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1919, a bill to provide for the energy security of the Nation through encouraging the production of domestic oil and gas resources from stripper wells on federal lands, and for other purposes.

S. 1920

At the request of Mr. MURKOWSKI, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1920, a bill to improve the administration of oil and gas leases on Federal lands, and for other purposes.

SENATE RESOLUTION 175

At the request of Mr. ROBB, the names of the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Mrs. BOXER), the Senator from Connecticut (Mr. DODD), the Senator from Ohio (Mr. GLENN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Colorado (Mr. ALLARD), the Senator from Louisiana (Mr. BREAUX), the Senator from Colorado (Mr. CAMPBELL), the Senator from North Dakota (Mr. CONRAD), the Senator from Idaho (Mr. CRAIG), the Senator from New Mexico (Mr. DOMENICI), the Senator from North Dakota (Mr. DORGAN), the Senator from Wyoming (Mr. ENZI), the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from Washington (Mr. GORTON), the Senator from Nebraska (Mr. HAGEL), the Senator from Utah (Mr. HATCH), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Vermont (Mr. JEFFORDS), the Senator from Arizona (Mr. KYL), the Senator from Wisconsin (Mr. KOHL), the Senator from Michigan (Mr. LEVIN), the Senator from Mississippi (Mr. LOTT), the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Illinois (Ms. MOSELEY-BRAUN), the Senator from Nevada (Mr. REID), the Senator from Kansas (Mr. ROBERTS), the Senator from Alabama (Mr. SESSIONS), the Senator from New Hampshire (Mr. SMITH), the Senator from Oregon (Mr. SMITH), the Senator from Wyoming (Mr. THOMAS), the Senator from Tennessee (Mr. THOMPSON), the Senator from Oregon (Mr. WYDEN), the Senator from South Carolina (Mr. THURMOND), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of Senate Resolution 175, a bill to designate the week of May 3, 1998 as "National Correctional Officers and Employees Week."

SENATE RESOLUTION 188

At the request of Mr. MOYNIHAN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of Senate Resolution 188, a resolution expressing the sense of the Senate regarding Israeli membership in a United Nations regional group.

At the request of Mr. LUGAR, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of Senate Resolution 188, supra.

SENATE RESOLUTION 189

At the request of Mr. TORRICELLI, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Michigan (Mr. LEVIN), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of Senate Resolution 189, a resolution honoring the 150th anniversary of the United States Women's Rights Movement that was initiated by the 1848 Women's Rights Convention held in Seneca Falls, New York, and calling for a national celebration of women's rights in 1998.

SENATE RESOLUTION 192

At the request of Mr. BIDEN, the names of the Senator from West Virginia (Mr. BYRD), the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from Indiana (Mr. LUGAR), the Senator from Nevada (Mr. REID), the Senator from Delaware (Mr. ROTH), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of Senate Resolution 192, a resolution expressing the sense of the Senate that institutions of higher education should carry out activities to change the culture of alcohol consumption on college campuses.

SENATE RESOLUTION 193

At the request of Mr. REID, the names of the Senator from Ohio (Mr. GLENN), the Senator from Washington (Mrs. MURRAY), the Senator from Michigan (Mr. LEVIN), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of Senate Resolution 193, a resolution designating December 13, 1998, as "National Children's Memorial Day."

SENATE RESOLUTION 194

At the request of Mrs. HUTCHISON, the names of the Senator from Maine (Ms. COLLINS), the Senator from Missouri (Mr. ASHCROFT), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of Senate Resolution 194, a resolution designating the week of April 20 through April 26, 1998, as "National Kick Drugs Out of America Week."

SENATE RESOLUTION 197

At the request of Mr. REID, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of Senate Resolution 197, a resolution designating May 6, 1998, as "National Eating Disorders Awareness Day" to heighten awareness and stress prevention of eating disorders.

SENATE RESOLUTION 212—RELATIVE TO THE UPCOMING UNITED STATES-CHINA SUMMIT

Mr. HUTCHINSON (for himself, Mr. ASHCROFT, Mr. INHOFE, Mr. BROWNBACK, and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 212

Whereas Chinese dissident Wang Dan, a leader of the 1989 pro-democracy demonstrations that were crushed at Tiananmen Square in 1989 was released on April 18, 1998, from a Chinese jail;

Whereas Wei Jingsheng and Wang Dan were released from prison ostensibly for medical reasons, it is clear that their release into exile was intended as a political gesture to diminish public U.S. criticism of China's human rights practices;

Whereas China's "most famous dissident" Wei Jingsheng was released on November 16, 1997, from a Chinese jail;

Whereas, in addition to Wei Jingsheng and Wang Dan, thousands of other political, religious, and labor dissidents are imprisoned in China and Tibet for peacefully expressing their beliefs and exercising their internationally recognized rights of free association and expression, including—

(1) Gao Yu, a journalist sentenced to 6 years in prison in November 1994 and honored by UNESCO in May 1997, who has a heart condition;

(2) Chen Longde, a leading human rights advocate now serving a 3-year reeducation through labor sentence imposed without trial in August 1996, who has reportedly been subject to repeated beatings and electric shocks at a labor camp for refusing to confess his guilt;

(3) Li Hai, sentenced to nine years in prison on December 18, 1996, for collecting information on those imprisoned after the 1989 crackdown; he was convicted of "prying into and gathering . . . . information about persons sentenced for criminal activity during the June 4, 1989, period;"

(4) Yang Qinheng, apprehended February 26, 1998, and assigned to 3 years' "reeducation through labor" in March for "disturbing social order", who had called for independent trade unions;

(5) Shen Liangqing, former public prosecutor and petitioner, who was apprehended on February 25, 1998, and assigned to 2 years' labor on April 4, 1998, for "unauthorized contact with foreign journalists";

(6) Tu Guangwen, an organizer of a street protest, who was sentenced by the Jiangxia district court on February 19, 1998, to 3 years' imprisonment after being convicted of "gathering a crowd to disrupt orderly traffic" during a demonstration by laid-off workers; and

(7) Ngawang Choephel, a Tibet Fullbright scholar sentenced to 18 years in prison by Chinese Authorities in December 1996 on charges of "espionage;"

Whereas the Government of the People's Republic of China, as detailed in successive annual reports on human rights by the United States Department of State, routinely, systematically, and massively violates the human rights of its citizens, including freedom of speech, assembly, worship, and peaceful political dissent;

Whereas the Government of the People's Republic of China restricts the ability of religious adherents, including Christians, Buddhists, Muslims, and others, to practice outside of state-approved religious organizations, and detains worshipers and clergy who participate in religious services conducted outside state-approved religious organizations, as well as those who refuse to register with the authorities, as required;

Whereas the Government of the People's Republic of China routinely, systematically, and massively continues to commit widespread human rights abuses in Tibet, including instances of death in detention, torture, arbitrary arrest, detention without public trial, long detention of Tibetan nationalists for peacefully expressing their religious and political views, and intensified controls on religion and on freedom of speech and the press, particularly for ethnic Tibetans; and

Whereas the Government of the People's Republic of China engages in reprehensible, brutal, and coercive family planning practices, including forced abortions and forced sterilization, resulting in widespread infanticide, particularly of female infants: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) in the upcoming, proposed summit between President Clinton and President Jiang Zemin of China, President Clinton should demand the immediate and unconditional release, consistent with established international principles of human rights, of all persons remaining imprisoned in China and Tibet for political or religious reasons; and

(2) the President should submit a report to Congress as soon as possible after the proposed summit in China concerning his progress in securing the release of persons remaining imprisoned in China and Tibet, as described in paragraph (1); and

(3) the release of one prisoner into exile does not change the fundamental flaws within the Chinese judicial and penal system;

(4) the U.S. policy of granting concessions to the Chinese government in exchange for the release of high profile prisoners is an offense to the thousands of dissidents remaining in prison; and

(5) the President should not offer to lift the sanctions imposed on China after the 1989 crackdown in Tiananmen Square.

Mr. HUTCHINSON. Mr. President, yesterday's papers were replete with stories praising the People's Republic of China for releasing Wang Dan, a leader of the 1989 pro-democracy demonstration at Tiananmen Square which was crushed by China's military. This release follows, by less than six months, the release of Wei Jingshen—arguably China's best known human rights dissident. While these are certainly positive developments, it is important to note that both of these releases are tainted by the fact that neither dissident was allowed to stay in their own country, but were instead exiled to the United States for "medical treatment." These exiles conveniently allow China to gain favor with the United States while simultaneously allowing them to silence two of their loudest critics by banishing them to the United States.

Mr. President, the truth is that China appears to be using its dissidents as pawns in an international game of chess with the United States to gain military, technological and other favors from the Clinton Administration. In fact, the release of these two prisoners appears to be payment for the United States decision not to support a resolution condemning China's human rights record at the recently completed U.N. Conference on Human Rights and for the United States certification of China to join a pact on ballistic missile technology. It is amazing that this great country, which has long stood beside political prisoners around the world, is willing to be a player in China game of siphoning out political prisoners in return for international favors.

Let us not forget that the People's Republic of China continues to have one of the worst human rights records in the world. A record that includes torture, extrajudicial killings, arbitrary arrest and detention, forced abortion and sterilization, crackdowns on independent Catholic and Protestant bishops and believers, brutal oppression of ethnic minorities and religions in Tibet and Xinjiang, absolute intolerance of free political speech or free press, and most recently, the harvesting and selling of human organs.

Likewise, let us not forget that China continues to threaten its neighbors, most notably Taiwan and let us not forget that China continues to violate international agreements on nonproliferation, having recently been caught negotiating to sell chemicals to Iran which could be used to produce weapons-grade uranium.

Mr. President, we must end this deadly and humiliating game with China, and demand the immediate release of the hundreds, if not thousands, of political, religious, and labor dissidents currently imprisoned in China for having peacefully expressed their beliefs and for having exercised their basic human rights. This list includes the likes of Gao Yu, a journalist sentenced to six years in 1994; Chen Longde, a leading human rights advocate serving a three year "re-education" sentence which began in 1995; Li Qingxi, a unionist arrested in 1998, and many, many others. While I hope that the recent release of two of China's most notable dissidents was just the beginning, and that the remaining political prisoners held in the People's Republic of China will soon be released, I see little evidence that this is the case.

Therefore, I urge my fellow Senators to support my Sense of the Senate Resolution calling on the President to demand that China release all such prisoners prior to their upcoming U.S.-China summit meeting, and that the President report to this body on the progress being made by the administration in securing the release of these prisoners immediately following this planned summit.

Mr. President, this is a reasonable resolution—a resolution that once again puts this body on record supporting those that would give up their freedom in support of the freedom of their fellow countrymen. I can think of no more important issue. I thank my Senate colleagues for their support.

SENATE RESOLUTION 213—CONGRATULATING THE UNITED STATES ARMY RESERVE

Mr. LOTT (for Mr. HELMS (for himself, Mr. SESSIONS, Mr. FAIRCLOTH, Mr. KEMPTHORNE, Mr. WARNER, Mr. HOLLINGS, Mr. SMITH of New Ham, Mr. MCCAIN, Mr. ROBB, Mr. LEVIN, Mr. HUTCHINSON, Ms. SNOWE, Mr. ASHCROFT, Mr. KENNEDY, Mr. ROBERTS, Mr. CLELAND, Mr. DASCHLE, Mr. HAGEL, Mr. COATS, Mr. BINGAMAN, Mr. BENNETT, Mr. NICKLES, Mr. BYRD, Mr. LIEBERMAN, Mr. LOTT, Mr. GLENN, Mr. INHOFE, Mr. KOHL, and Mr. STEVENS)) submitted the following resolution; which was considered and agreed to:

S. RES. 213

Whereas the United States Army Reserve was created by statute on April 23, 1908;

Whereas the United States Army Reserve was the first of the Federal reserve forces created by Congress;

Whereas the United States Army Reserve has played a major role in the defense of this country for 90 years;

Whereas many notable Americans have served with distinction in the United States Army Reserve, including Presidents Harry S Truman and Ronald W. Reagan, the current Chairman of the Joint Chiefs of Staff, General Henry H. Shelton, Brigadier General Theodore Roosevelt, Jr., Major General William J. Donovan (Director of the Office of Strategic Services during World War II), Drs. Charles H. Mayo and William J. Mayo, and Captain Eddie Rickenbacker;

Whereas the President Pro Tempore of the Senate, Strom Thurmond, who received the Purple Heart for injuries received while participating in the Normandy invasion with the 82d Airborne Division on D-Day, served with distinction in the United States Army Reserve for 36 years, rising to the rank of Major General;

Whereas the United States Army Reserve contributed more than 160,000 soldiers to the United States Army during World War I;

Whereas the United States Army Reserve was recognized by General George C. Marshall for its unique and invaluable contributions to the national defense during World War II;

Whereas more than 240,000 soldiers from the United States Army Reserve were called to active duty during the Korean War;

Whereas 35 units of the United States Army Reserve were sent to Vietnam, where they served honorably and well;

Whereas the United States Army Reserve contributed more than 90,000 soldiers to Operations Desert Storm and Desert Shield in 1990 and 1991;

Whereas the United States Army Reserve has contributed more than 70 percent of the reserve soldiers mobilized in support of Operation Joint Endeavor/Joint Guard in Bosnia;

Whereas the United States Army Reserve constitutes a very high percentage of the mission essential combat support and combat service support forces of the Army;

Whereas the Army cannot go to war without the 1,100,000 trained Ready Reserve and Retired Reserve personnel of the United States Army Reserve;

Whereas the United States Army Reserve is a community-based force with over 1,200 facilities in communities across the United States; and

Whereas the United States Army Reserve has made these contributions to the security of our country in return for a very small percentage of the Army budget: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the United States Army Reserve on the occasion of the 90th anniversary of its establishment on April 23, 1998;

(2) recognizes and commends the United States Army Reserve for the selfless and dedicated service of its past and present citizen-soldiers who have preserved the freedom and national security of the United States; and

(3) recognizes Strom Thurmond, the President Pro Tempore of the Senate, for 36 years of service with distinction in the United States Army Reserve.

SENATE RESOLUTION 214—COMMENDING THE GRAND FORKS HERALD

Mr. CONRAD (for himself, Mr. DORGAN, Mr. DASCHLE, Mr. COVERDELL, Mr. HAGEL, and Mr. MOYNIHAN) submitted the following resolution; which was considered and agreed to:

S. RES. 214

Whereas the residents of the Grand Forks area in North Dakota and Minnesota experienced the most devastating floods in 500 years during April 1997;

Whereas more than 50,000 residents of the Red River Valley area were severely displaced for months by the flooding;

Whereas the offices of the Grand Forks Herald, whose newspaper has a daily circulation of 37,000, were displaced by the floods and moved to various locations to publish the newspaper, including the University of North Dakota and Manvel Elementary School, and the paper was printed by the St. Paul Pioneer Press of St. Paul, Minnesota, to enable the paper to maintain continuous publication;

Whereas the Grand Forks Herald publisher Mike Maidenberg, editor Mike Jacobs, and more than 70 staff members, whose lives were turned upside down by the floods, never failed to publish an edition of the newspaper during the floods, sometimes hitting a circulation of 117,000 and keeping the community together even though the paper's facilities were totally destroyed;

Whereas the Grand Forks Herald was honored with journalism's most prestigious award, the Pulitzer Prize for public service, for its extraordinary efforts to continue publishing during the severe flooding; and

Whereas the dedication and devotion of the Grand Forks Herald to the community made an extraordinary difference in the lives of many people during the flooding by helping to maintain a sense of stability during this terrible natural disaster: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Grand Forks Herald and its staff for their dedication to community and excellence in public service; and

(2) congratulates the newspaper on being selected to receive one of our Nation's most coveted awards for public service, the Pulitzer Prize.

AMENDMENTS SUBMITTED

THE EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

GORTON (AND OTHERS) AMENDMENT NO. 2293

Mr. GORTON (for himself, Mr. FRIST, Mr. HAGEL, Mr. MACK, Mr. COVERDELL, Mr. HELMS, Mr. SMITH of New Hampshire, Mr. NICKLES, Mr. ASHCROFT, Mr. DOMENICI, Mr. GREGG, and Mr. MCCONNELL) proposed an amendment to the bill (H.R. 2646) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; as follows:

At the end, add the following:

TITLE —EDUCATION FUNDING

SEC. 01. DIRECT AWARDS OF CERTAIN EDUCATION FUNDING.

(a) STATE OPTIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to subsection (b)(2), each State shall notify the Secretary regarding the State's election to receive the State's portion of the applicable funding described in subsection (e) according to one of the following options:

(A) STATE BLOCK GRANT OPTION.—The State may receive the funding pursuant to a State allotment described in subsection (c)(1)(A).

(B) LOCAL BLOCK GRANT OPTION.—The State may direct the Secretary to send the funding directly to local educational agencies in the State pursuant to a local allotment described in subsection (c)(1)(B).

(C) FEDERAL STATUTE OPTION.—The State may receive the funding according to the provisions of law described in subsection (e).

(2) OPTION REQUIREMENTS.—

(A) IN GENERAL.—A State shall select an option described in paragraph (1)—

(i) within 1 year of the date of enactment of this Act;

(ii) pursuant to a majority vote of the State legislature; and

(iii) with the concurrence of the Governor.

(B) FAILURE TO SELECT AN OPTION.—If a State fails to select an option in accordance with this subsection, the Secretary shall award the applicable funding pursuant to paragraph (1)(B).

(C) CHANGES.—A State may alter the selection made under paragraph (1) only once and only after receiving the applicable funding for 3 years pursuant to 1 of the options described in such paragraph.

(3) MINIMUM.—No State shall receive an amount under this section for a fiscal year that is less than 0.5 percent of the applicable funding available for the fiscal year.

(4) DEFINITIONS.—In this section—

(A) the term "State" means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and

(B) the term "outlying area" means Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(b) RESERVATION AND APPLICABILITY.—

(1) RESERVATION.—From the total amount of applicable funding available for a fiscal year, the Secretary shall reserve 1 percent to make awards to the Bureau of Indian Affairs and the outlying areas according to their respective needs for assistance under this section.

(2) APPLICABILITY.—The provisions of this section shall not apply—

(A) for fiscal year 1999, if the total amount appropriated to carry out the provisions of law described in subsection (e) for the fiscal year is less than $2,564,000,000;

(B) for fiscal year 2000, if the total amount so appropriated for the fiscal year is less than $2,625,000,000;

(C) for fiscal year 2001, if the total amount so appropriated for the fiscal year is less than $2,687,000,000;

(D) for fiscal year 2002, if the total amount so appropriated for the fiscal year is less than $2,750,000,000; and

(E) for fiscal year 2003, if the total amount so appropriated for the fiscal year is less than $2,817,000,000.

(c) BLOCK GRANTS.—

(1) ALLOTMENTS.—

(A) STATES.—From the total applicable funding available for a fiscal year, and not reserved under subsection (b)(1) for the fiscal year, the Secretary may make allotments to each State selecting the option described in subsection (a)(1)(A) in an amount that bears the same relation—

(i) to 50 percent of such total applicable funding as the number of individuals in the State who are aged 5 through 17 bears to the total number of such individuals in all States; and

(ii) to 50 percent of such total applicable funding as the total amount all local educational agencies in the State are eligible to receive under part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year bears to the total amount all local educational agencies in all States are eligible to receive under such part for the fiscal year.

(B) LOCAL EDUCATIONAL AGENCIES.—From the total applicable funding available for a fiscal year, and not reserved under subsection (b)(1) for the fiscal year, the Secretary may make allotments to each local educational agency in a State selecting the option described in subsection (a)(1)(B) in an amount that bears the same relation—

(i) to 50 percent of such total applicable funding as the number of individuals in the school district served by the local educational agency who are aged 5 through 17 bears to the total number of such individuals in all school districts served by all local educational agencies in all States; and

(ii) to 50 percent of such total amount as the total amount all local educational agencies in the State are eligible to receive under part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year bears to the total amount all local educational agencies in all States are eligible to receive under such part for the fiscal year.

(2) USE OF ALLOTTED FUNDS.—

(A) IN GENERAL.—A State or local educational agency receiving an allotment under paragraph (1) shall use the allotted funds for innovative assistance programs described in subparagraph (B).

(B) INNOVATIVE ASSISTANCE.—The innovative assistance programs referred to in subparagraph (A) include—

(i) technology programs related to the implementation of school-based reform programs, including professional development to assist teachers and other school officials regarding how to use effectively such equipment and software;

(ii) programs for the acquisition and use of instructional and educational materials, including library services and materials (including media materials), assessments, reference materials, computer software and hardware for instructional use, and other curricular materials that—

(I) are tied to high academic standards;

(II) will be used to improve student achievement; and

(III) are part of an overall education reform program;

(iii) promising education reform programs, including effective schools and magnet schools;

(iv) programs to improve the higher order thinking skills of disadvantaged elementary school and secondary school students and to prevent students from dropping out of school;

(v) programs to combat illiteracy in the student and adult populations, including parent illiteracy;

(vi) programs to provide for the educational needs of gifted and talented children;

(vii) hiring of teachers or teaching assistants to decrease a school, school district, or statewide student-to-teacher ratio; and

(viii) school improvement programs or activities described in sections 1116 and 1117 of the Elementary and Secondary Education Act of 1965.

(3) STATE FUNDING RULE.—

(A) ADMINISTRATIVE EXPENSES AND STATEWIDE ACTIVITIES.—A State that receives an allotment under paragraph (1)(A) for a fiscal year may use not more than 5 percent of the allotted funds for the fiscal year for administrative expenses or statewide activities.

(B) STATE FUNDING RULES.—A State that receives an allotment under paragraph (1)(A)—

(i) may, at the State's discretion, place limits on the use of the allotted funds; and

(ii) may allocate the allotted funds to public and private entities within the State as the State determines appropriate.

(4) HOLD HARMLESS REQUIREMENTS.—

(A) STATES.—Notwithstanding any other provision of this section, no State that selects the option described in subsection (a)(1)(A) for a fiscal year shall receive an amount under this section for the fiscal year that is less than the amount the State is, or all local educational agencies in the State are, eligible to receive pursuant to the provisions of law described in subsection (e) for the fiscal year.

(B) LOCAL EDUCATIONAL AGENCIES.—Notwithstanding any other provision of this section, no local educational agency for which the option described in subsection (a)(1)(B) is applicable for a fiscal year shall receive an amount under this section for the fiscal year that is less than the amount the local educational agency is eligible to receive pursuant to the provisions of law described in subsection (e) for the fiscal year.

(d) FEDERAL STATUTE OPTION.—

(1) IN GENERAL.—From the applicable funding that remains after making the reservation under subsection (b)(1) and allotments under subsection (c) for a fiscal year, the Secretary may make awards according to the provisions of law described in subsection (e), to State and local recipients, in States making the election described in subsection (a)(1)(C).

(2) PERCENTAGE REDUCTIONS.—The Secretary, after making the allotments under subsection (c) for a fiscal year, shall reduce

the total amount of applicable funding available to carry out the provisions of law described in subsection (e) for the fiscal year, for any State selecting the option described in subsection (a)(1)(C), by an equal percentage for each such provision.

(e) Applicable Funding.—

(1) Definition.—In this section, the term "applicable funding" means all funds not used to carry out paragraph (2) for a fiscal year that are appropriated for the Department of Education for the fiscal year to carry out programs or activities under the following provisions of law:

(A) Title III of the Goals 2000: Educate America Act (20 U.S.C. 5881 et seq.).

(B) Title IV of the Goals 2000: Educate America Act (20 U.S.C. 5911 et seq.).

(C) Title VI of the Goals 2000: Educate America Act (20 U.S.C. 5951).

(D) Titles II, III, and IV of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6121 et seq., 6171 et seq., and 6191 et seq.).

(E) Part A of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6621 et seq.).

(F) Section 3122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6832).

(G) Sections 3132 and 3136 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6842 and 6846).

(H) Section 3141 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6861).

(I) Part B of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6891 et seq.).

(J) Part C of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6921 et seq.).

(K) Part D of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6951 et seq.).

(L) Subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111 et seq.).

(M) Subpart 2 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7131 et seq.).

(N) Part A of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7201 et seq.).

(O) Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 311 et seq.).

(P) Part A of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.).

(Q) Part B of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8031 et seq.).

(R) Part G of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8161 et seq.).

(S) Part I of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8241 et seq.).

(T) Part A of title XIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8621 et seq.).

(U) Part C of title XIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8671 et seq.).

(2) Multiyear awards.—The Secretary shall use funds appropriated to carry out the provisions of law described in paragraph (1) (other than subparagraphs (A), (B), and (O) of paragraph (1)) for each fiscal year to make payments to eligible recipients under such provisions pursuant to any multiyear award made under such provisions prior to the date of enactment of this Act. The payments shall be made for the duration of the multiyear award.

(f) Census Determination.—

(1) In general.—Each local educational agency shall conduct a census to determine the number of kindergarten through grade 12 students that are in the school district served by the local educational agency for an academic year.

(2) Private school students.—In carrying out paragraph (1), each local educational agency shall determine the number of private school students described in such paragraph for an academic year on the basis of data the agency determines reliable.

(3) Submission.—Each local educational agency shall submit the total number of public and private school children described in this paragraph for an academic year to the Secretary not later than February 1 of the academic year.

(4) Penalty.—If the Secretary determines that a local educational agency has knowingly submitted false information under this subsection for the purpose of gaining additional funds under this section, then the local educational agency shall be fined an amount equal to twice the difference between the amount the local educational agency received under this section, and the correct amount the local educational agency would have received if the agency had submitted accurate information under this subsection.

SEC. 02. DIRECT AWARDS OF PART A OF TITLE I FUNDING.

(a) Direct Awards.—

(1) In general.—Notwithstanding any other provision of law and subject to subsection (c), the Secretary shall award the total amount of funds appropriated to carry out part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for a fiscal year directly to local educational agencies in accordance with paragraph (2) to enable the local educational agencies to support programs or activities, for kindergarten through grade 12 students, that the local educational agencies deem appropriate.

(2) Eligible local educational agencies.—The Secretary shall make awards under this section for a fiscal year only to local educational agencies that are eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year.

(b) Amount.—Each local educational agency shall receive an amount awarded under this subsection for a fiscal year equal to the amount the local educational agency is eligible to receive under part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year.

(c) Applicability.—The provisions of this section shall not apply—

(1) for fiscal year 1999, if the total amount appropriated to carry out part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year is less than $7,694,000,000;

(2) for fiscal year 2000, if the total amount so appropriated for the fiscal year is less than $7,875,000,000;

(3) for fiscal year 2001, if the total amount so appropriated for the fiscal year is less than $8,064,000,000;

(4) for fiscal year 2002, if the total amount so appropriated for the fiscal year is less than $8,251,000,000; and

(5) for fiscal year 2003, if the total amount so appropriated for the fiscal year is less than $8,426,000,000.

(d) Requirements.—

(1) Eligible school attendance areas.—A local educational agency shall use funds received under this section only in eligible school attendance areas determined in accordance with section 1113 of the Elementary and Secondary Education Act of 1965 other than subsection (c) of such section.

(2) Eligible pupils.—A local educational agency shall use funds received under this section—

(A) in the case of a school that meets the criteria described in section 1114(a)(1), to serve all pupils in the school; and

(B) in the case of a school that does not meet such criteria, to serve the children attending the school who are eligible children described in section 1115(b).

SEC. 03. DIRECT AWARDS OF BILINGUAL EDUCATION FUNDING.

(a) State Options.—

(1) In general.—Notwithstanding any other provision of law and subject to subsection (b)(2), each State shall notify the Secretary regarding the State's election to receive the State's portion of the finds appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq., 7511 et seq., and 7541 et seq.) according to one of the following options:

(A) State block grant option.—The State may receive the funding pursuant to a State allotment described in subsection (c)(1)(A).

(B) Local block grant option.—The State may direct the Secretary to send the funding directly to local educational agencies in the State that serve the recipients in the State under parts A, B, and C pursuant to a local allotment described in subsection (c)(1)(B).

(C) Federal statute option.—The State may receive the funding according to the provisions of law described in subsection (e).

(2) Option requirements.—

(A) In general.—A State shall select an option described in paragraph (1)—

(i) within 1 year of the date of enactment of this Act;

(ii) pursuant to a majority vote of the State legislature; and

(iii) with the concurrence of the Governor.

(B) Failure to select an option.—If a State fails to select an option in accordance with this subsection, the Secretary shall award the funding pursuant to paragraph (1)(B).

(C) Changes.—A State may alter the selection made under paragraph (1) only once and only after receiving the funding for 3 years pursuant to 1 of the options described in such paragraph.

(3) Multiyear awards.—The Secretary shall use funds appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 for each fiscal year to make payments to eligible recipients under such parts pursuant to any multiyear award under such parts made prior to the date of enactment of this Act. The payments shall be made for the duration of the multiyear award.

(4) Definitions.—In this section—

(A) the term "State" means each of the several States of the United States and the District of Columbia; and

(B) the term "outlying area" means the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(b) Reservation and Applicability.—

(1) Reservation.—From the total amount of funds appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 for a fiscal year

that are not used to carry out subsection (a)(3) for the fiscal year, the Secretary shall reserve 1 percent to make awards to the Bureau of Indian Affairs and the outlying areas according to their respective needs for assistance under this section.

(2) APPLICABILITY.—The provisions of this section shall not apply—

(A) for fiscal year 1999, if the total amount appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 for the fiscal year is less than $362,000,000;

(B) for fiscal year 2000, if the total amount so appropriated for the fiscal year is less than $370,000,000;

(C) for fiscal year 2001, if the total amount so appropriated for the fiscal year is less than $379,000,000;

(D) for fiscal year 2002, if the total amount so appropriated for the fiscal year is less than $388,000,000; and

(E) for fiscal year 2003, if the total amount so appropriated for the fiscal year is less than $398,000,000.

(c) BLOCK GRANTS.—

(1) ALLOTMENTS.—

(A) STATES.—From the total amount of funds appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 for a fiscal year that are not used to carry out subsection (a)(3) for the fiscal year, and are not reserved under subsection (b)(1) for the fiscal year, the Secretary may make allotments to each State selecting the option described in subsection (a)(1)(A) in an amount that bears the same relation to such total amount of funds as the amount all entities in the State received under such parts for fiscal year 1998 bears to the total amount all entities in all States received under such parts for fiscal year 1998.

(B) LOCAL EDUCATIONAL AGENCIES.—From the total amount of funds appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 for a fiscal year that are not used to carry out subsection (a)(3) for the fiscal year, and are not reserved under subsection (b)(1) for the fiscal year, the Secretary may make allotments to each local educational agency in a State selecting the option described in subsection (a)(1)(B) in an amount that bears the same relation to such total amount of funds as the amount all recipients in the area served by the local educational agency received under such parts for fiscal year 1998 bears to the total amount all recipients in all areas served by all local educational agencies received under such parts for fiscal year 1998.

(2) USE OF ALLOTTED FUNDS.—Funds awarded under this section shall be used to pay for enhanced instructional opportunities for limited English proficient children and youth, that may include—

(A) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

(B) salaries of personnel, including teacher aids, who have been specifically trained, or are being trained, to provide services to limited English proficient children and youth;

(C) tutorials, mentoring, and academic or career counseling for limited English proficient children and youth;

(D) identification and acquisition of curricular materials, educational software, and technologies to be used;

(E) basic instructional services that are directly attributable to the presence of limited English proficient children, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services; and

(F) such other activities, related to innovative programs described in subparagraphs (A) through (E), as the Secretary may authorize.

(3) STATE FUNDING RULE.—

(A) ADMINISTRATIVE EXPENSES AND STATEWIDE ACTIVITIES.—A State that receives an allotment under paragraph (1)(A) for a fiscal year may use not more than 5 percent of the allotted funds for the fiscal year for administrative expenses or statewide activities.

(B) STATE FUNDING RULES.—A State that receives an allotment under paragraph (1)(A)—

(i) may, at the State's discretion, place limits on the use of the allotted funds; and

(ii) subject to subsection (f), may allocate the allotted funds to public and private entities within the State as the State determines appropriate.

(d) FEDERAL STATUTE OPTION.—

(1) IN GENERAL.—From the total amount of funds appropriated to carry out parts A, B, and C of the Elementary and Secondary Education Act of 1965 for a fiscal year that remain after carrying out subsection (a)(3) for the fiscal year, making the reservation under subsection (b) for the fiscal year, and making allotments under subsection (c) for the fiscal year, the Secretary may make awards according to the provisions of such parts A, B, and C, respectively, to State and local recipients, in States making the election described in subsection (a)(1)(C).

(2) PERCENTAGE REDUCTIONS.—The Secretary, after making the allotments under subsection (c) for a fiscal year, shall reduce the total amount of funding available to carry out such parts A, B, and C for the fiscal year, for any State selecting the option described in subsection (a)(1)(C), by an equal percentage for each such part.

(e) CONSTRUCTION.—Nothing in this section shall be construed—

(1) to prohibit a local educational agency from serving limited English proficient children simultaneously with students with similar educational needs, in the same educational settings where appropriate; and

(2) to mandate a particular type of curriculum or educational method for limited English proficient children and youth, which decisions—

(A) shall be the sole responsibility of the State educational agency, local educational agency, or other State or local recipients; and

(B) shall be made in accordance with applicable State law.

SEC.   04. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

(a) IN GENERAL.—Each local educational agency that receives assistance under sections   01 or   03 shall provide for the participation of children enrolled in private schools in the activities and services assisted under sections   01 or   03, respectively, in the same manner as the children participate in activities and services under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) pursuant to sections 14503, 14504, 14505, and 14506 of such Act (20 U.S.C. 8893, 8894, 8895, and 8896).

(b) PART A OF TITLE I FUNDING.—Each local educational agency that receives assistance under section   02 shall provide for the participation of children enrolled in private schools in the activities and services assisted under section   02 in the same manner as the children participate in activities and services under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) pursuant to section 1120 such Act (20 U.S.C. 6321).

SEC.   05. ACCOUNTABILITY.

(a) STANDARD APPLICATION AND REPORTING FORMS.—The Secretary shall develop standard forms for applications for assistance under this title and for reporting with respect to activities assisted under this title. In developing the forms, the Secretary shall ensure that not more than 2 percent of the assistance provided to an entity under this title is used to complete the forms.

(b) PUBLIC INPUT.—Each entity receiving assistance under this title shall—

(1) involve parents and members of the public in planning for the use of funds provided under this title; and

(2) disseminate to the public reports regarding the use and effects of funds provided under this title.

SEC.   06. DEFINITIONS.

In this title—

(1) the term "local educational agency" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801); and

(2) the term "Secretary" means the Secretary of Education.

SEC.   07. CONSTRUCTION.

Nothing in this title shall be construed to supersede the authority of a State or State educational agency over State education policies.

FRIST AMENDMENT NO. 2294

Mr. FRIST proposed an amendment to amendment No. 2293 proposed by Mr. GORTON to the bill, H.R. 2646, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE   —EDUCATION FUNDING

SEC.   01. DIRECT AWARDS OF CERTAIN EDUCATION FUNDING.

(a) STATE OPTIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to subsection (b)(2), each State shall notify the Secretary regarding the State's election to receive the State's portion of the applicable funding described in subsection (e) according to one of the following options:

(A) STATE BLOCK GRANT OPTION.—The State may receive the funding pursuant to a State allotment described in subsection (c)(1)(A).

(B) LOCAL BLOCK GRANT OPTION.—The State may direct the Secretary to send the funding directly to local educational agencies in the State pursuant to a local allotment described in subsection (c)(1)(B).

(C) FEDERAL STATUTE OPTION.—The State may receive the funding according to the provisions of law described in subsection (e).

(2) OPTION REQUIREMENTS.—

(A) IN GENERAL.—A State shall select an option described in paragraph (1)—

(i) within 1 year of the date of enactment of this Act;

(ii) pursuant to a majority vote of the State legislature; and

(iii) with the concurrence of the Governor.

(B) FAILURE TO SELECT AN OPTION.—

(i) IN GENERAL.—If a State legislature meets within 1 year of the date of enactment of this Act and fails to select an option in accordance with this subsection, the Secretary shall award the applicable funding pursuant to paragraph (1)(B).

(ii) LEGISLATURE WHICH DOES NOT MEET.—If a State does not select an option described in paragraph (1) in accordance with this subsection because the State legislature does not meet within 1 year of the date of enactment of this Act, the State may select, at the first meeting of the State legislature after such date, any such option in accordance with this subsection, which option shall take effect for the fiscal year that begins after such meeting.

(C) Changes.—

(i) Block grant options.—If a State selects the option described in subparagraph (A) or (B) of paragraph (1), the State may alter the selection made under paragraph (1) only once and only after receiving the applicable funding for 3 years pursuant to the option described in such subparagraph.

(ii) Federal statute option.—Subject to clause (i), if a State selects the option described in paragraph (1)(C) for a fiscal year, the State may select the option described in subparagraph (A) or (B) of paragraph (1) for the succeeding fiscal year.

(3) Minimum.—No State shall receive an amount under this section for a fiscal year that is less than 0.5 percent of the applicable funding available for the fiscal year.

(4) Definitions.—In this section—

(A) the term "State" means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and

(B) the term "outlying area" means Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(b) Reservation and Applicability.—

(1) Reservation.—From the total amount of applicable funding available for a fiscal year, the Secretary shall reserve 1 percent to make awards to the Bureau of Indian Affairs and the outlying areas according to their respective needs for assistance under this section.

(2) Applicability.—The provisions of this section shall not apply—

(A) for fiscal year 1999, if the total amount appropriated to carry out the provisions of law described in subsection (e) for the fiscal year is less than $2,564,000,000;

(B) for fiscal year 2000, if the total amount so appropriated for the fiscal year is less than $2,625,000,000;

(C) for fiscal year 2001, if the total amount so appropriated for the fiscal year is less than $2,687,000,000;

(D) for fiscal year 2002, if the total amount so appropriated for the fiscal year is less than $2,750,000,000; and

(E) for fiscal year 2003, if the total amount so appropriated for the fiscal year is less than $2,817,000,000.

(c) Block Grants.—

(1) Allotments.—

(A) States.—From the total applicable funding available for a fiscal year, and not reserved under subsection (b)(1) for the fiscal year, the Secretary may make allotments to each State selecting the option described in subsection (a)(1)(A) in an amount that bears the same relation—

(i) to 50 percent of such total applicable funding as the number of individuals in the State who are aged 5 through 17 bears to the total number of such individuals in all States; and

(ii) to 50 percent of such total applicable funding as the total amount all local educational agencies in the State are eligible to receive under part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year bears to the total amount all local educational agencies in all States are eligible to receive under such part for the fiscal year.

(B) Local educational agencies.—From the total applicable funding available for a fiscal year, and not reserved under subsection (b)(1) for the fiscal year, the Secretary may make allotments to each local educational agency in a State selecting the option described in subsection (a)(1)(B) in an amount that bears the same relation—

(i) to 50 percent of such total applicable funding as the number of individuals in the school district served by the local educational agency who are aged 5 through 17 bears to the total number of such individuals in all school districts served by all local educational agencies in all States; and

(ii) to 50 percent of such total amount as the total amount all local educational agencies in the State are eligible to receive under part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year bears to the total amount all local educational agencies in all States are eligible to receive under such part for the fiscal year.

(2) Use of allotted funds.—

(A) In general.—A State or local educational agency receiving an allotment under paragraph (1) shall use the allotted funds for innovative assistance programs described in subparagraph (B).

(B) Innovative assistance.—The innovative assistance programs referred to in subparagraph (A) include—

(i) technology programs related to the implementation of school-based reform programs, including professional development to assist teachers and other school officials regarding how to use effectively such equipment and software;

(ii) programs for the acquisition and use of instructional and educational materials, including library services and materials (including media materials), assessments, reference materials, computer software and hardware for instructional use, and other curricular materials that—

(I) are tied to high academic standards;

(II) will be used to improve student achievement; and

(III) are part of an overall education reform program;

(iii) promising education reform programs, including effective schools and magnet schools;

(iv) programs to improve the higher order thinking skills of disadvantaged elementary school and secondary school students and to prevent students from dropping out of school;

(v) programs to combat illiteracy in the student and adult populations, including parent illiteracy;

(vi) programs to provide for the educational needs of gifted and talented children;

(vii) hiring of teachers or teaching assistants to decrease a school, school district, or statewide student-to-teacher ratio; and

(viii) school improvement programs or activities described in sections 1116 and 1117 of the Elementary and Secondary Education Act of 1965.

(3) State funding rule.—

(A) Administrative expenses and statewide activities.—A State that receives an allotment under paragraph (1)(A) for a fiscal year may use not more than 5 percent of the allotted funds for the fiscal year for administrative expenses or statewide activities.

(B) State funding rules.—A State that receives an allotment under paragraph (1)(A)—

(i) may, at the State's discretion, place limits on the use of the allotted funds; and

(ii) may allocate the allotted funds to public and private entities within the State as the State determines appropriate.

(4) Hold harmless requirements.—

(A) States.—Notwithstanding any other provision of this section, no State that selects the option described in subsection (a)(1)(A) for a fiscal year shall receive an amount under this section for the fiscal year that is less than the amount the State is, or all local educational agencies in the State are, eligible to receive pursuant to the provisions of law described in subsection (e) for the fiscal year.

(B) Local educational agencies.—Notwithstanding any other provision of this section, no local educational agency for which the option described in subsection (a)(1)(B) is applicable for a fiscal year shall receive an amount under this section for the fiscal year that is less than the amount the local educational agency is eligible to receive pursuant to the provisions of law described in subsection (e) for the fiscal year.

(d) Federal Statute Option.—

(1) In general.—From the applicable funding that remains after making the reservation under subsection (b)(1) and allotments under subsection (c) for a fiscal year, the Secretary may make awards according to the provisions of law described in subsection (e), to State and local recipients, in States making the election described in subsection (a)(1)(C).

(2) Percentage reductions.—The Secretary, after making the allotments under subsection (c) for a fiscal year, shall reduce the total amount of applicable funding available to carry out the provisions of law described in subsection (e) for the fiscal year, for any State selecting the option described in subsection (a)(1)(C), by an equal percentage for each such provision.

(e) Applicable Funding.—

(1) Definition.—In this section, the term "applicable funding" means all funds not used to carry out paragraph (2) for a fiscal year that are appropriated for the Department of Education for the fiscal year to carry out programs or activities under the following provisions of law:

(A) Title III of the Goals 2000: Educate America Act (20 U.S.C. 5881 et seq.).

(B) Title IV of the Goals 2000: Educate America Act (20 U.S.C. 5911 et seq.).

(C) Title VI of the Goals 2000: Educate America Act (20 U.S.C. 5951).

(D) Titles II, III, and IV of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6121 et seq., 6171 et seq., and 6191 et seq.).

(E) Part A of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6621 et seq.).

(F) Section 3122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6832).

(G) Sections 3132 and 3136 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6842 and 6846).

(H) Section 3141 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6861).

(I) Part B of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6891 et seq.).

(J) Part C of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6921 et seq.).

(K) Part D of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6951 et seq.).

(L) Subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111 et seq.).

(M) Subpart 2 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7131 et seq.).

(N) Part A of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7201 et seq.).

(O) Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 311 et seq.).

(P) Part A of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.).

(Q) Part B of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8031 et seq.).

(R) Part G of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8161 et seq.).

(S) Part I of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8241 et seq.).

(T) Part A of title XIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8621 et seq.).

(U) Part C of title XIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8671 et seq.).

(2) MULTIYEAR AWARDS.—The Secretary shall use funds appropriated to carry out the provisions of law described in paragraph (1) (other than subparagraphs (A), (B), and (O) of paragraph (1)) for each fiscal year to make payments to eligible recipients under such provisions pursuant to any multiyear award made under such provisions prior to the date of enactment of this Act. The payments shall be made for the duration of the multiyear award.

(f) CENSUS DETERMINATION.—

(1) IN GENERAL.—Each local educational agency shall conduct a census to determine the number of kindergarten through grade 12 students that are in the school district served by the local educational agency for an academic year.

(2) PRIVATE SCHOOL STUDENTS.—In carrying out paragraph (1), each local educational agency shall determine the number of private school students described in such paragraph for an academic year on the basis of data the agency determines reliable.

(3) SUBMISSION.—Each local educational agency shall submit the total number of public and private school children described in this paragraph for an academic year to the Secretary not later than February 1 of the academic year.

(4) PENALTY.—If the Secretary determines that a local educational agency has knowingly submitted false information under this subsection for the purpose of gaining additional funds under this section, then the local educational agency shall be fined an amount equal to twice the difference between the amount the local educational agency received under this section, and the correct amount the local educational agency would have received if the agency had submitted accurate information under this subsection.

SEC. 02. DIRECT AWARDS OF PART A OF TITLE I FUNDING.

(a) DIRECT AWARDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to subsection (c), the Secretary shall award the total amount of funds appropriated to carry out part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for a fiscal year directly to local educational agencies in accordance with paragraph (2) to enable the local educational agencies to support programs or activities, for kindergarten through grade 12 students, that the local educational agencies deem appropriate.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—The Secretary shall make awards under this section for a fiscal year only to local educational agencies that are eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year.

(b) AMOUNT.—Each local educational agency shall receive an amount awarded under this subsection for a fiscal year equal to the amount the local educational agency is eligible to receive under part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year.

(c) APPLICABILITY.—The provisions of this section shall not apply—

(1) for fiscal year 1999, if the total amount appropriated to carry out part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year is less than $7,694,000,000;

(2) for fiscal year 2000, if the total amount so appropriated for the fiscal year is less than $7,875,000,000;

(3) for fiscal year 2001, if the total amount so appropriated for the fiscal year is less than $8,064,000,000;

(4) for fiscal year 2002, if the total amount so appropriated for the fiscal year is less than $8,251,000,000; and

(5) for fiscal year 2003, if the total amount so appropriated for the fiscal year is less than $8,426,000,000.

(d) REQUIREMENTS.—

(1) ELIGIBLE SCHOOL ATTENDANCE AREAS.—A local educational agency shall use funds received under this section only in eligible school attendance areas determined in accordance with section 1113 of the Elementary and Secondary Education Act of 1965 other than subsection (c) of such section.

(2) ELIGIBLE PUPILS.—A local educational agency shall use funds received under this section—

(A) in the case of a school that meets the criteria described in section 1114(a)(1), to serve all pupils in the school; and

(B) in the case of a school that does not meet such criteria, to serve the children attending the school who are eligible children described in section 1115(b).

SEC. 03. DIRECT AWARDS OF BILINGUAL EDUCATION FUNDING.

(a) STATE OPTIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to subsection (b)(2), each State shall notify the Secretary regarding the State's election to receive the State's portion of the finds appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq., 7511 et seq., and 7541 et seq.) according to one of the following options:

(A) STATE BLOCK GRANT OPTION.—The State may receive the funding pursuant to a State allotment described in subsection (c)(1)(A).

(B) LOCAL BLOCK GRANT OPTION.—The State may direct the Secretary to send the funding directly to local educational agencies in the State that serve the recipients in the State under parts A, B, and C pursuant to a local allotment described in subsection (c)(1)(B).

(C) FEDERAL STATUTE OPTION.—The State may receive the funding according to the provisions of law described in subsection (e).

(2) OPTION REQUIREMENTS.—

(A) IN GENERAL.—A State shall select an option described in paragraph (1)—

(i) within 1 year of the date of enactment of this Act;

(ii) pursuant to a majority vote of the State legislature; and

(iii) with the concurrence of the Governor.

(B) FAILURE TO SELECT AN OPTION.—

(i) IN GENERAL.—If a State legislature meets within 1 year of the date of enactment of this Act and fails to select an option in accordance with this subsection, the Secretary shall award the applicable funding pursuant to paragraph (1)(B).

(ii) LEGISLATURE WHICH DOES NOT MEET.—If a State does not select an option described in paragraph (1) in accordance with this subsection because the State legislature does not meet within 1 year of the date of enactment of this Act, the State may select, at the first meeting of the State legislature after such date, any such option in accordance with this subsection, which option shall take effect for the fiscal year that begins after such meeting.

(C) CHANGES.—

(i) BLOCK GRANTS.—If a State selects the option described in subparagraph (A) or (B) of paragraph (1), the State may alter the selection made under paragraph (1) only once and only after receiving the funding for 3 years pursuant to the option described in such subparagraph.

(ii) FEDERAL STATUTE OPTION.—Subject to clause (i), if a State selects the option described in paragraph (1)(C) for a fiscal year, the State may select the option described in subparagraph (A) or (B) of paragraph (1) for the succeeding fiscal year.

(3) MULTIYEAR AWARDS.—The Secretary shall use funds appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 for each fiscal year to make payments to eligible recipients under such parts pursuant to any multiyear award under such parts made prior to the date of enactment of this Act. The payments shall be made for the duration of the multiyear award.

(4) DEFINITIONS.—In this section—

(A) the term "State" means each of the several States of the United States and the District of Columbia; and

(B) the term "outlying area" means the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(b) RESERVATION AND APPLICABILITY.—

(1) RESERVATION.—From the total amount of funds appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 for a fiscal year that are not used to carry out subsection (a)(3) for the fiscal year, the Secretary shall reserve 1 percent to make awards to the Bureau of Indian Affairs and the outlying areas according to their respective needs for assistance under this section.

(2) APPLICABILITY.—The provisions of this section shall not apply—

(A) for fiscal year 1999, if the total amount appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 for the fiscal year is less than $362,000,000;

(B) for fiscal year 2000, if the total amount so appropriated for the fiscal year is less than $370,000,000;

(C) for fiscal year 2001, if the total amount so appropriated for the fiscal year is less than $379,000,000;

(D) for fiscal year 2002, if the total amount so appropriated for the fiscal year is less than $388,000,000; and

(E) for fiscal year 2003, if the total amount so appropriated for the fiscal year is less than $398,000,000.

(c) BLOCK GRANTS.—

(1) ALLOTMENTS.—

(A) STATES.—From the total amount of funds appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 for a fiscal year that are not used to carry out subsection (a)(3) for the fiscal year, and are not reserved under subsection (b)(1) for the fiscal year, the Secretary may make allotments to each State selecting the option described in subsection (a)(1)(A) in an amount that bears the same relation to such total amount of funds as the amount all entities in the State received under such parts for fiscal year 1998 bears to the total amount all entities in all States received under such parts for fiscal year 1998.

(B) LOCAL EDUCATIONAL AGENCIES.—From the total amount of funds appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 for a fiscal year that are not used to carry out subsection (a)(3) for the fiscal year, and are not reserved under subsection (b)(1) for the fiscal year, the Secretary may make allotments to each local educational agency in a State selecting the option described in subsection (a)(1)(B) in an amount that bears the same relation to such total amount of funds as the amount all recipients in the area served by the local educational agency received under such parts for fiscal year 1998 bears to the total amount all recipients in all areas served by all local educational agencies received under such parts for fiscal year 1998.

(2) USE OF ALLOTTED FUNDS.—Funds awarded under this section shall be used to pay for enhanced instructional opportunities for limited English proficient children and youth, that may include—

(A) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

(B) salaries of personnel, including teacher aids, who have been specifically trained, or are being trained, to provide services to limited English proficient children and youth;

(C) tutorials, mentoring, and academic or career counseling for limited English proficient children and youth;

(D) identification and acquisition of curricular materials, educational software, and technologies to be used;

(E) basic instructional services that are directly attributable to the presence of limited English proficient children, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services; and

(F) such other activities, related to innovative programs described in subparagraphs (A) through (E), as the Secretary may authorize.

(3) STATE FUNDING RULE.—

(A) ADMINISTRATIVE EXPENSES AND STATEWIDE ACTIVITIES.—A State that receives an allotment under paragraph (1)(A) for a fiscal year may use not more than 5 percent of the allotted funds for the fiscal year for administrative expenses or statewide activities.

(B) STATE FUNDING RULES.—A State that receives an allotment under paragraph (1)(A)—

(i) may, at the State's discretion, place limits on the use of the allotted funds; and

(ii) subject to subsection (f), may allocate the allotted funds to public and private entities within the State as the State determines appropriate.

(d) FEDERAL STATUTE OPTION.—

(1) IN GENERAL.—From the total amount of funds appropriated to carry out parts A, B, and C of the Elementary and Secondary Education Act of 1965 for a fiscal year that remain after carrying out subsection (a)(3) for the fiscal year, making the reservation under subsection (b) for the fiscal year, and making allotments under subsection (c) for the fiscal year, the Secretary may make awards according to the provisions of such parts A, B, and C, respectively, to State and local recipients, in States making the election described in subsection (a)(1)(C).

(2) PERCENTAGE REDUCTIONS.—The Secretary, after making the allotments under subsection (c) for a fiscal year, shall reduce the total amount of funding available to carry out such parts A, B, and C for the fiscal year, for any State selecting the option described in subsection (a)(1)(C), by an equal percentage for each such part.

(e) CONSTRUCTION.—Nothing in this section shall be construed—

(1) to prohibit a local educational agency from serving limited English proficient children simultaneously with students with similar educational needs, in the same educational settings where appropriate; and

(2) to mandate a particular type of curriculum or educational method for limited English proficient children and youth, which decisions—

(A) shall be the sole responsibility of the State educational agency, local educational agency, or other State or local recipients; and

(B) shall be made in accordance with applicable State law.

SEC. 04. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

(a) IN GENERAL.—Each local educational agency that receives assistance under sections 01 or 03 shall provide for the participation of children enrolled in private schools in the activities and services assisted under sections 01 or 03, respectively, in the same manner as the children participate in activities and services under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) pursuant to sections 14503, 14504, 14505, and 14506 of such Act (20 U.S.C. 8893, 8894, 8895, and 8896).

(b) PART A OF TITLE I FUNDING.—Each local educational agency that receives assistance under section 02 shall provide for the participation of children enrolled in private schools in the activities and services assisted under section 02 in the same manner as the children participate in activities and services under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) pursuant to section 1120 such Act (20 U.S.C. 6321).

SEC. 05. ACCOUNTABILITY.

(a) STANDARD APPLICATION AND REPORTING FORMS.—The Secretary shall develop standard forms for applications for assistance under this title and for reporting with respect to activities assisted under this title. In developing the forms, the Secretary shall ensure that not more than 2 percent of the assistance provided to an entity under this title is used to complete the forms.

(b) PUBLIC INPUT.—Each entity receiving assistance under this title shall—

(1) involve parents and members of the public in planning for the use of funds provided under this title; and

(2) disseminate to the public reports regarding the use and effects of funds provided under this title.

SEC. 06. DEFINITIONS.

In this title—

(1) the term "local educational agency" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801); and

(2) the term "Secretary" means the Secretary of Education.

SEC. 07. CONSTRUCTION.

Nothing in this title shall be construed to supersede the authority of a State or State educational agency over State education policies.

MURRAY AMENDMENT NO. 2295

Mrs. MURRAY proposed an amendment to the bill, H.R. 2646, supra; as follows:

At the end, add the following:

TITLE —SENSE OF CONGRESS

SEC. 01. SENSE OF CONGRESS.

Congress makes the following findings:

(1) Qualified teachers in small classes can provide students with more individualized attention, spend more time on instruction and less on other tasks, cover more material effectively, and are better able to work with parents to help the parents further their children's education.

(2) Rigorous research has shown that students attending small classes in the early grades make more rapid educational progress than the students in larger classes, and that those achievement gains persist through at least the 8th grade. For example:

(A) In a landmark 4-year experimental study of class size reduction in grades kindergarten through grade 3 in Tennessee, researchers found that students in smaller classes earned significantly higher scores on basic skills tests in all 4 years and in all types of schools, including urban, rural, and suburban schools.

(B) After 2 years in reduced class sizes, students in the Flint, Michigan Public School District improved their reading scores by 44 percent.

(3) The benefits of smaller classes are greatest for lower-achieving, minority, poor, and inner-city children. One study found that urban 4th-graders in smaller than average classes were ¾ of a school year ahead of their counterparts in larger than average classes.

(4) Smaller classes allow teachers to identify and work sooner with students who have learning disabilities and, potentially, can reduce those students' need for special education services in the later grades.

(5) Students in smaller classes are able to become more actively engaged in learning than their peers in large classes.

(6) Efforts to improve educational outcomes by reducing class sizes in the early grades are likely to be successful only if well-qualified teachers are hired to fill additional classroom positions and if teachers received intensive, continuing training in working effectively in smaller classroom settings.

(7) State certified and licensed teachers help ensure high quality instruction in the classroom.

(8) According to the National Commission on Teaching and America's Future, the most important influence on student achievement is the expertise of their teachers. One New York City study comparing high- and low-achieving elementary schools with similar student characteristics, found that more than 90 percent of the variation in achievement in mathematics and reading was due to differences in teacher qualifications.

(9) Our Nation needs more qualified teachers to meet changing demographics and to help students meet high standards, as demonstrated by the following:

(A) Over the next decade, our Nation will need to hire over 2,000,000 teachers to meet increasing student enrollments and teacher retirements.

(B) 1 out of 4 high school teachers does not have a major or minor in the main subject that they teach. This is true for more than 30 percent of mathematics teachers.

(C) In schools with the highest minority enrollments, students have less than a 50 percent chance of getting a science or mathematics teacher who holds a degree in that field.

(D) In 1991, 25 percent of new public school teachers had not completed the requirements for a license in their main assignment field. This number increased to 27 percent by 1994, including 11 percent who did not have a license.

(10) We need more teachers who are adequately prepared for the challenges of the 21st century classroom, as demonstrated by the fact that—

(A) 50 percent of teachers have little or no experience using technology in the classroom; and

(B) in 1994, only 10 percent of new teachers felt they were prepared to integrate new technology into their instruction.

(11) Teacher quality cannot be further compromised to meet the demographic demand for new teachers and smaller class sizes. Comprehensive improvements in teacher preparation and development programs are also necessary to ensure the effectiveness of new teachers and the academic success of students in the classroom. These comprehensive improvements should include encouraging more institutions of higher education that operate teacher preparation programs to work in partnership with local educational agencies and elementary and secondary schools; providing more hands-on, classroom experience to prospective teachers; creating mentorship programs for new teachers; providing high quality content area training and classroom skills for new teachers; and training teachers to incorporate technology into the classroom.

(12) Efforts should be made to provide prospective teachers with a greater knowledge of instructional programs that are research-based, of demonstrated effectiveness, replicable in diverse and challenging circumstances, and supported by networks of experts and experienced practitioners.

(13) Several States have begun serious efforts to reduce class sizes in the early elementary grades, but these actions may be impeded by financial limitations or difficulties in hiring qualified teachers.

(14) The Federal Government can assist in this effort by providing funding for class size reductions in grades 1 through 3, and by helping to ensure that the new teachers brought into the classroom are well-qualified.

SEC. ___02. SENSE OF CONGRESS.

It is the sense of Congress that Congress should support efforts to hire 100,000 new teachers to reduce class sizes in first, second, and third grades to an average of 18 students per class all across America.

HUTCHINSON AMENDMENT NO. 2296

Mr. HUTCHINSON proposed an amendment to amendment No. 2295 proposed by Mrs. MURRAY to the bill, H.R. 2646, supra; as follows:

Strike all after "**TITLE ___**" and insert the following:

—SENSE OF CONGRESS

SEC. ___01. FINDINGS.

Congress makes the following findings:

(1) The people of the United States know that effective teaching takes place when the people of the United States begin (A) helping children master basic academics, (B) engaging and involving parents, (C) creating safe and orderly classrooms, and (D) getting dollars to the classroom.

(2) Our Nation's children deserve an educational system which will provide opportunities to excel.

(3) States and localities must spend a significant amount of Federal education tax dollars applying for and administering Federal education dollars.

(4) Several States have reported that although the States receive less than 10 percent of their education funding from the Federal Government, more than 50 percent of their paperwork is associated with those Federal dollars.

(5) While it is unknown exactly what percentage of Federal education dollars reaches the classroom, a recent audit of New York City public schools found that only 43 percent of their local education budget reaches the classroom; further, it is thought that only 85 percent of funds administered by the Department of Education for elementary and secondary education reach the school district level; and even if 65 percent of Federal education funds reach the classroom, it still means that billions of dollars are not directly spent on children in the classroom.

(6) American students are not performing up to their full academic potential, despite the more than 760 Federal education programs, which span 39 Federal agencies at the price of nearly $100,000,000,000 annually.

(7) According to the Digest of Education Statistics, in 1993 only $141,598,786,000 out of $265,285,370,000 spent on elementary and secondary education was spent on instruction.

(8) According to the National Center for Education Statistics, in 1994 only 52 percent of staff employed in public elementary and secondary school systems were teachers.

(9) Too much of our Federal education funding is spent on bureaucracy, and too little is spent on our Nation's youth.

(10) Getting 95 percent of Department of Education elementary and secondary education funds to the classroom could provide approximately $2,094 in additional funding per classroom across the United States.

(11) More education funding should be put in the hands of someone in a child's classroom who knows the child's name.

(12) President Clinton has stated: "We cannot ask the American people to spend more on education until we do a better job with the money we've got now.".

(13) President Clinton and Vice President Gore agree that the reinventing of public education will not begin in Washington but in communities across the United States and that the people of the United States must ask fundamental questions about how our Nation's public school systems' dollars are spent.

(14) President Clinton and Vice President Gore agree that in an age of tight budgets, our Nation should be spending public funds on teachers and children, not on unnecessary overhead and bloated bureaucracy.

SEC. ___02. SENSE OF CONGRESS.

It is the sense of Congress that the Department of Education, States, and local educational agencies should work together to ensure that not less than 95 percent of all funds appropriated for the purpose of carrying out elementary and secondary education programs administered by the Department of Education is spent for our Nation's children in their classrooms.

COATS AMENDMENT NO. 2297

Mr. COATS proposed an amendment to the bill, H.R. 2646, supra; as follows:

At the end add the following:

TITLE ___—ADDITIONAL INCENTIVE TO MAKE SCHOLARSHIP DONATIONS

SEC. ___. ADDITIONAL INCENTIVE TO MAKE DONATIONS TO SCHOOLS OR ORGANIZATIONS WHICH OFFER SCHOLARSHIPS.

(a) IN GENERAL.—Section 170 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following:

"(m) TREATMENT OF AMOUNTS PAID TO CERTAIN EDUCATIONAL ORGANIZATIONS.—

"(1) IN GENERAL.—For purposes of this section, 110 percent of any amount described in paragraph (2) shall be treated as a charitable contribution.

"(2) AMOUNT DESCRIBED.—For purposes of paragraph (1), an amount is described in this paragraph if the amount—

"(A) is paid in cash by the taxpayer to or for the benefit of a qualified organization, and

"(B) is used by such organization to provide qualified scholarships (as defined in section 117(b)) to any individual attending kindergarten through grade 12 whose family income does not exceed 185 percent of the poverty line for a family of the size involved.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) QUALIFIED ORGANIZATION.—The term 'qualified organization' means—

"(i) an educational organization—

"(I) which is described in subsection (b)(1)(A)(ii), and

"(II) which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law, or

"(ii) an organization which is described in section 501(c)(3) and exempt from taxation under section 501(a).

"(B) POVERTY LINE.—The term 'poverty line' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

"(4) TERMINATION.—This subsection shall not apply to contributions made after December 31, 2002."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. ___. CLARIFICATION AND EXPANSION OF MATHEMATICAL ERROR ASSESSMENT PROCEDURES.

(a) TIN DEEMED INCORRECT IF INFORMATION ON RETURN DIFFERS WITH AGENCY RECORDS.—Section 6213(g)(2) (defining mathematical or clerical error) is amended by adding at the end the following flush sentence:

"A taxpayer shall be treated as having omitted a correct TIN for purposes of the preceding sentence if information provided by the taxpayer on the return with respect to the individual whose TIN was provided differs from the information the Secretary obtains from the person issuing the TIN."

(b) EXPANSION OF MATHEMATICAL ERROR PROCEDURES TO CASES WHERE TIN ESTABLISHES INDIVIDUAL NOT ELIGIBLE FOR TAX

CREDIT.—Section 6213(g)(2), as amended by title VI of this Act, is amended by striking "and" at the end of subparagraph (J), by striking the period at the end of the subparagraph (K) and inserting ", and", and by adding at the end the following new subparagraph:

"(L) the inclusion on a return of a TIN required to be included on the return under section 21, 24, or 32 if—

"(i) such TIN is of an individual whose age affects the amount of the credit under such section, and

"(ii) the computation of the credit on the return reflects the treatment of such individual as being of an age different from the individual's age based on such TIN."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. . CERTAIN CUSTOMER RECEIVABLES INELIGIBLE FOR MARK-TO-MARKET TREATMENT.

(a) CERTAIN RECEIVABLES NOT ELIGIBLE FOR MARK TO MARKET.—Section 475(c) (relating to definitions) is amended by adding at the end the following new paragraph:

"(4) SPECIAL RULES FOR CERTAIN RECEIVABLES.—

"(A) IN GENERAL.—Paragraph (2)(C) shall not include any note, bond, debenture, or other evidence of indebtedness which is nonfinancial customer paper.

"(B) NONFINANCIAL CUSTOMER PAPER.—For purposes of subparagraph (A), the term 'nonfinancial customer paper' means any receivable—

"(i) arising out of the sale of goods or services by a person the principal activity of which is the selling or providing of nonfinancial goods and services, and

"(ii) held by such person or a related person at all times since issue."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendments made by this section to change its method of accounting for its first taxable year ending after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account ratably over the 4-taxable year period beginning with such first taxable year.

McCAIN AMENDMENT NO. 2298

(Ordered to lie on the table.)

Mr. McCAIN. submitted an amendment intended to be proposed by him to the bill, H.R. 2646, supra; as follows:

At the appropriate place, insert the following:

SEC. . MULTILINGUALISM STUDY.

(a) FINDINGS.—Congress finds that even though all residents of the United States should be proficient in English, without regard to their country of birth, it is also of vital importance to the competitiveness of the United States that those residents be encouraged to learn other languages.

(b) RESIDENT OF THE UNITED STATES DEFINED.—In this section, the term "resident of the United States" means an individual who resides in the United States, other than an alien who is not lawfully present in the United States.

(c) STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States (referred to in this section as the "Comptroller General") shall conduct a study of multilingualism in the United States in accordance with this section.

(2) REQUIREMENTS.—

(A) IN GENERAL.—The study conducted under this section shall ascertain—

(i) the percentage of residents in the United States who are proficient in English and at least 1 other language;

(ii) the predominant language other than English in which residents referred to in clause (i) are proficient;

(iii) the percentage of the residents described in clause (i) who were born in a foreign country;

(iv) the percentage of the residents described in clause (i) who were born in the United States;

(v) the percentage of the residents described in clause (iv) who are second-generation residents of the United States; and

(vi) the percentage of the residents described in clause (iv) who are third-generation residents of the United States.

(B) AGE-SPECIFIC CATEGORIES.—The study under this section shall, with respect to the residents described in subparagraph (A)(i), determine the number of those residents in each of the following categories:

(i) Residents who have not attained the age of 12.

(ii) Residents have attained the age of 12, but have not attained the age of 18.

(iii) Residents who have attained the age of 18, but have not attained the age of 50.

(iv) Residents who have attained the age of 50.

(C) FEDERAL PROGRAMS.—In conducting the study under this section, the Comptroller General shall establish a list of each Federal program that encourages multilingualism with respect to any category of residents described in subparagraph (B).

(D) COMPARISONS.—In conducting the study under this section, the Comptroller General shall compare the multilingual population described in subparagraph (A) with the multilingual populations of foreign countries—

(i) in the Western hemisphere; and

(ii) in Asia.

(d) REPORT.—Upon completion of the study under this section, the Comptroller General shall prepare, and submit to Congress, a report that contains the results of the study conducted under this section, and such findings and recommendations as the Comptroller General determines to be appropriate.

LEVIN (AND BINGAMAN) AMENDMENT NO. 2299

Mr. LEVIN (for himself and Mr. BINGAMAN) proposed an amendment to the bill, H.R. 2646, supra; as follows:

Beginning on page 2, line 9, strike all through page 10, line 21, and insert:

SEC. 101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(2) CONTRIBUTION LIMIT.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(4) CONTRIBUTION LIMIT.—The term 'contribution limit' means $500 ($2,000 in the case of any taxable year beginning after December 31, 1998, and ending before January 1, 2003)."

(3) CONFORMING AMENDMENTS.—

(A) Section 530(d)(4)(C) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(B) Section 4973(e)(1)(A) is amended by striking "$500" and inserting "the contribution limit (as defined in section 530(b)(5)) for such taxable year".

(b) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

"The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary)."

(c) CORPORATIONS PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking "The maximum amount which a contributor" and inserting "In the case of a contributor who is an individual, the maximum amount the contributor".

(d) NO DOUBLE BENEFIT.—Section 530(d)(2) (relating to distributions for qualified education expenses) is amended by adding at the end the following new subparagraph:

"(D) DISALLOWANCE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph."

(e) TECHNICAL CORRECTIONS.—

(1)(A) Section 530(b)(1)(E) (defining education individual retirement account) is amended to read as follows:

"(E) Any balance to the credit of the designated beneficiary on the date on which the beneficiary attains age 30 shall be distributed within 30 days after such date to the beneficiary or, if the beneficiary dies before attaining age 30, shall be distributed within 30 days after the date of death to the estate of such beneficiary."

(B) Section 530(d) (relating to tax treatment of distributions) is amended by adding at the end the following new paragraph:

"(8) DEEMED DISTRIBUTION ON REQUIRED DISTRIBUTION DATE.—In any case in which a distribution is required under subsection (b)(1)(E), any balance to the credit of a designated beneficiary as of the close of the 30-day period referred to in such subsection for making such distribution shall be deemed distributed at the close of such period."

(2)(A) Section 530(d)(1) is amended by striking "section 72(b)" and inserting "section 72".

(B) Section 72(e) (relating to amounts not received as annuities) is amended by inserting after paragraph (8) the following new paragraph:

"(9) EXTENSION OF PARAGRAPH (2)(B) TO QUALIFIED STATE TUITION PROGRAMS AND EDUCATIONAL INDIVIDUAL RETIREMENT ACCOUNTS.—Notwithstanding any other provision of this subsection, paragraph (2)(B) shall apply to amounts received under a qualified State tuition program (as defined in section 529(b)) or under an education individual retirement account (as defined in section

530(b)). The rule of paragraph (8)(B) shall apply for purposes of this paragraph."

(3) Section 530(d)(4)(B) (relating to exceptions) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by adding at the end the following new clause:

"(iv) an amount which is includible in gross income solely because the taxpayer elected under paragraph (2)(C) to waive the application of paragraph (2) for the taxable year."

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (e) shall take effect as if included in the amendments made by section 213 of the Taxpayer Relief Act of 1997.

On page 21, between lines 9 and 10, insert:

SEC. 107. INCREASED LIFETIME LEARNING CREDIT FOR TECHNOLOGY TRAINING OF ELEMENTARY AND SECONDARY TEACHERS.

(a) IN GENERAL.—Section 25A(c) (relating to lifetime learning credit) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE FOR TECHNOLOGY TRAINING OF CERTAIN TEACHERS.—

"(A) IN GENERAL.—If any portion of the qualified tuition and related expenses to which this subsection applies—

"(i) are paid or incurred by an individual who is a kindergarten through grade 12 teacher in an elementary or secondary school, and

"(ii) are incurred as part of a program which is approved and certified by the appropriate local educational agency as directly related to improvement of the individual's capacity to use technology in teaching,

paragraph (1) shall be applied with respect to such portion by substituting '50 percent' for '20 percent'.

"(B) TERMINATION.—This paragraph shall not apply to expenses paid after December 31, 2002, for education furnished in academic periods beginning after such date."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenses paid after June 30, 1998, for education furnished in academic periods beginning after such date.

ASHCROFT (AND OTHERS) AMENDMENT NO. 2300

Mr. ASHCROFT (for himself, Mr. HAGEL, and Mr. NICKLES) proposed an amendment to amendment No. 2299 proposed by Mr. LEVIN to the bill, H.R. 2646, supra; as follows:

Strike all after "**SEC.**" and insert the following:

101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) TAX-FREE EXPENDITURES FOR ELEMENTARY AND SECONDARY SCHOOL EXPENSES.—

(1) IN GENERAL.—Section 530(b)(2) (defining qualified higher education expenses) is amended to read as follows:

"(2) QUALIFIED EDUCATION EXPENSES.—

"(A) IN GENERAL.—The term 'qualified education expenses' means—

"(i) qualified higher education expenses (as defined in section 529(e)(3)), and

"(ii) qualified elementary and secondary education expenses (as defined in paragraph (4)).

Such expenses shall be reduced as provided in section 25A(g)(2).

"(B) QUALIFIED STATE TUITION PROGRAMS.—Such term shall include amounts paid or incurred to purchase tuition credits or certificates, or to make contributions to an account, under a qualified State tuition program (as defined in section 529(b)) for the benefit of the beneficiary of the account."

(2) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(4) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—

"(A) IN GENERAL.—The term 'qualified elementary and secondary education expenses' means—

"(i) expenses for tuition, fees, academic tutoring, special needs services, books, supplies, computer equipment (including related software and services), and other equipment which are incurred in connection with the enrollment or attendance of the designated beneficiary of the trust as an elementary or secondary school student at a public, private, or religious school, or

"(ii) expenses for room and board, uniforms, transportation, and supplementary items and services (including extended day programs) which are required or provided by a public, private, or religious school in connection with such enrollment or attendance.

"(B) SPECIAL RULE FOR HOMESCHOOLING.—Such term shall include expenses described in subparagraph (A)(i) in connection with education provided by homeschooling if the requirements of any applicable State or local law are met with respect to such education.

"(C) SCHOOL.—The term 'school' means any school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law."

(3) SPECIAL RULES FOR APPLYING EXCLUSION TO ELEMENTARY AND SECONDARY EXPENSES.—Section 530(d)(2) (relating to distributions for qualified higher education expenses) is amended by adding at the end the following new subparagraph:

"(D) SPECIAL RULES FOR ELEMENTARY AND SECONDARY EXPENSES.—

"(i) IN GENERAL.—The aggregate amount of qualified elementary and secondary education expenses taken into account for purposes of this paragraph with respect to any education individual retirement account for all taxable years shall not exceed the sum of the aggregate contributions to such account for taxable years beginning after December 31, 1998, and before January 1, 2003, and earnings on such contributions.

"(ii) SPECIAL OPERATING RULES.—For purposes of clause (i)—

"(I) the trustee of an education individual retirement account shall keep separate accounts with respect to contributions and earnings described in clause (i), and

"(II) if there are distributions in excess of qualified elementary and secondary education expenses for any taxable year, such excess distributions shall be allocated first to contributions and earnings not described in clause (i)."

(4) CONFORMING AMENDMENTS.—Subsections (b)(1) and (d)(2) of section 530 are each amended by striking "higher" each place it appears in the text and heading thereof.

(b) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(2) CONTRIBUTION LIMIT.—Section 530(b) (relating to definitions and special rules), as amended by subsection (a)(2), is amended by adding at the end the following new paragraph:

"(5) CONTRIBUTION LIMIT.—The term 'contribution limit' means $500 ($2,000 in the case of any taxable year beginning after December 31, 1998, and ending before January 1, 2003)."

(3) CONFORMING AMENDMENTS.—

(A) Section 530(d)(4)(C) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(B) Section 4973(e)(1)(A) is amended by striking "$500" and inserting "the contribution limit (as defined in section 530(b)(5)) for such taxable year".

(c) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

"The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary)."

(d) CORPORATIONS PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking "The maximum amount which a contributor" and inserting "In the case of a contributor who is an individual, the maximum amount the contributor".

(e) NO DOUBLE BENEFIT.—Section 530(d)(2) (relating to distributions for qualified education expenses), as amended by subsection (a)(3), is amended by adding at the end the following new subparagraph:

"(E) DISALLOWANCE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph."

(f) TECHNICAL CORRECTIONS.—

(1)(A) Section 530(b)(1)(E) (defining education individual retirement account) is amended to read as follows:

"(E) Any balance to the credit of the designated beneficiary on the date on which the beneficiary attains age 30 shall be distributed within 30 days after such date to the beneficiary or, if the beneficiary dies before attaining age 30, shall be distributed within 30 days after the date of death to the estate of such beneficiary."

(B) Section 530(d) (relating to tax treatment of distributions) is amended by adding at the end the following new paragraph:

"(8) DEEMED DISTRIBUTION ON REQUIRED DISTRIBUTION DATE.—In any case in which a distribution is required under subsection (b)(1)(E), any balance to the credit of a designated beneficiary as of the close of the 30-day period referred to in such subsection for making such distribution shall be deemed distributed at the close of such period."

(2)(A) Section 530(d)(1) is amended by striking "section 72(b)" and inserting "section 72".

(B) Section 72(e) (relating to amounts not received as annuities) is amended by inserting after paragraph (8) the following new paragraph:

"(9) EXTENSION OF PARAGRAPH (2)(B) TO QUALIFIED STATE TUITION PROGRAMS AND EDUCATIONAL INDIVIDUAL RETIREMENT ACCOUNTS.—Notwithstanding any other provision of this subsection, paragraph (2)(B) shall apply to amounts received under a qualified State tuition program (as defined in section 529(b)) or under an education individual retirement account (as defined in section 530(b)). The rule of paragraph (8)(B) shall apply for purposes of this paragraph."

(3) Section 530(d)(4)(B) (relating to exceptions) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by adding at the end the following new clause:

"(iv) an amount which is includible in gross income solely because the taxpayer elected under paragraph (2)(C) to waive the application of paragraph (2) for the taxable year.'"

(g) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) Technical corrections.—The amendments made by subsection (f) shall take effect as if included in the amendments made by section 213 of the Taxpayer Relief Act of 1997.

SEC. 102. PROHIBITION ON FEDERALLY SPONSORED TESTING.

(a) Findings.—Congress makes the following findings:

(1) High State and local standards in reading, mathematics, and other core academic subjects are essential to the future well-being of elementary and secondary education in the United States.

(2) State and local control of education is the hallmark of education in the United States.

(3) Each of the 50 States already utilizes numerous tests to measure student achievement, including State and commercially available assessments. State assessments are based primarily upon State and locally developed academic standards.

(4) Public Law 105–78, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998, ensures that Federal funds may not be used to field test, pilot test, implement, administer, or distribute in any way, any federally sponsored national test in fiscal year 1998, requires the National Academy of Sciences to conduct a study to determine whether an equivalency scale can be developed that would allow existing tests to be compared one to another, and permits very limited test development activities in fourth grade reading and eighth grade mathematics in fiscal year 1998.

(5) There is no specific or explicit authority in current Federal law authorizing the proposed federally sponsored national tests in fourth grade reading and eighth grade mathematics.

(6) The decision of whether or not the United States implements, administers, disseminates, or otherwise has federally sponsored national tests in fourth grade reading and eighth grade mathematics or any other subject, will be determined primarily through the normal legislative process involving Congress and the respective authorizing committees.

(b) Prohibition on Federally Sponsored Testing.—Part C of the General Education Provisions Act (20 U.S.C. 1231 et seq.) is amended by adding at the end the following:

"SEC. 447. PROHIBITION ON FEDERALLY SPONSORED TESTING.

"(a) General Prohibition.—Notwithstanding any other provision of Federal law and, except as provided in sections 305 through 311 of Public Law 105–78, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998, funds provided to the Department of Education or to an applicable program under this Act or any other Act, may not be used to develop, plan, implement (including pilot testing or field testing), or administer any federally sponsored national test in reading, mathematics, or any other subject that is not specifically and explicitly provided for in authorizing legislation enacted into law.

"(b) Exceptions.—Subsection (a) shall not apply to the Third International Mathematics and Science Study or other international comparative assessments developed under the authority of section 404(a)(6) of the National Education Statistics Act of 1994 (20 U.S.C. 9003(a)(6) et seq.), and administered to only a representative sample of pupils in the United States and in foreign nations.".

LANDRIEU AMENDMENT NO. 2301

Ms. LANDRIEU proposed an amendment to the bill, H.R. 2646, supra; as follows:

Strike section 101, and insert the following:

SEC. 101. BLUE RIBBON SCHOOLS.

(a) Program Authorized.—

(1) Recognition.—The Secretary of Education is authorized to carry out a program that recognizes public and private elementary and secondary schools that have established standards of excellence and demonstrated a high level of quality.

(2) Designation.—Each school recognized under paragraph (1) shall be designated as a "Blue Ribbon School" for a period of 3 years.

(b) Awards.—

(1) Amount.—The Secretary shall make an award for each school recognized under subsection (a) in the amount of $50,000.

(2) Special rule.—If the Secretary is prohibited from making an award directly to a school, the Secretary shall make such award to the local educational agency serving such school for the exclusive use of such school.

(3) Private schools.—Awards for private schools recognized under subsection (a) shall be used to provide students and teachers at the schools with educational services and benefits that are similar to, and provided in the same manner as, the services and benefits provided to private school students and teachers under part A of title I, or title VI, of the Elementary and Secondary Education Act of 1965.

(4) Limitation.—The Secretary shall not make more than 250 awards under this section for any fiscal year.

(5) Wait-out period.—The Secretary shall not make a second or subsequent award to a school under this section before the expiration of the 3-year designation period under subsection (a)(2) that is applicable to the preceding award.

(c) Applications and Technical Assistance Grants.—

(1) Applications.—Each school desiring recognition under subsection (a)(1) shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

(2) Technical assistance grants.—The Secretary is authorized to award grants to States to enable the States to provide technical assistance to schools desiring recognition under subsection (a)(1).

(d) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated to carry out this section (other than subsection (c)(2)) $125,000,000 for each of the fiscal years 1999 through 2003.

(2) Technical assistance grants.—There is authorized to be appropriated to carry out subsection (c)(2) $2,000,000 for each of the fiscal years 1999 through 2003.

KEMPTHORNE AMENDMENT NO. 2302

Mr. KEMPTHORNE proposed an amendment to amendment No. 2301 proposed by Ms. Landrieu to the bill, H.R. 2646, supra; as follows:

Strike all after the first word, and insert the following:

101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) Tax-Free Expenditures for Elementary and Secondary School Expenses.—

(1) In general.—Section 530(b)(2) (defining qualified higher education expenses) is amended to read as follows:

"(2) Qualified education expenses.—

"(A) In general.—The term 'qualified education expenses' means—

"(i) qualified higher education expenses (as defined in section 529(e)(3)), and

"(ii) qualified elementary and secondary education expenses (as defined in paragraph (4)).

Such expenses shall be reduced as provided in section 25A(g)(2).

"(B) Qualified state tuition programs.—Such term shall include amounts paid or incurred to purchase tuition credits or certificates, or to make contributions to an account, under a qualified State tuition program (as defined in section 529(b)) for the benefit of the beneficiary of the account."

(2) Qualified elementary and secondary education expenses.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(4) Qualified elementary and secondary education expenses.—

"(A) In general.—The term 'qualified elementary and secondary education expenses' means—

"(i) expenses for tuition, fees, academic tutoring, special needs services, books, supplies, computer equipment (including related software and services), and other equipment which are incurred in connection with the enrollment or attendance of the designated beneficiary of the trust as an elementary or secondary school student at a public, private, or religious school, or

"(ii) expenses for room and board, uniforms, transportation, and supplementary items and services (including extended day programs) which are required or provided by a public, private, or religious school in connection with such enrollment or attendance.

"(B) Special rule for homeschooling.—Such term shall include expenses described in subparagraph (A)(i) in connection with education provided by homeschooling if the requirements of any applicable State or local law are met with respect to such education.

"(C) School.—The term 'school' means any school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law."

(3) Special rules for applying exclusion to elementary and secondary expenses.—Section 530(d)(2) (relating to distributions for qualified higher education expenses) is amended by adding at the end the following new subparagraph:

"(D) Special rules for elementary and secondary expenses.—

"(i) IN GENERAL.—The aggregate amount of qualified elementary and secondary education expenses taken into account for purposes of this paragraph with respect to any education individual retirement account for all taxable years shall not exceed the sum of the aggregate contributions to such account for taxable years beginning after December 31, 1998, and before January 1, 2003, and earnings on such contributions.

"(ii) SPECIAL OPERATING RULES.—For purposes of clause (i)—

"(I) the trustee of an education individual retirement account shall keep separate accounts with respect to contributions and earnings described in clause (i), and

"(II) if there are distributions in excess of qualified elementary and secondary education expenses for any taxable year, such excess distributions shall be allocated first to contributions and earnings not described in clause (i)."

(4) CONFORMING AMENDMENTS.—Subsections (b)(1) and (d)(2) of section 530 are each amended by striking "higher" each place it appears in the text and heading thereof.

(b) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(2) CONTRIBUTION LIMIT.—Section 530(b) (relating to definitions and special rules), as amended by subsection (a)(2), is amended by adding at the end the following new paragraph:

"(5) CONTRIBUTION LIMIT.—The term 'contribution limit' means $500 ($2,000 in the case of any taxable year beginning after December 31, 1998, and ending before January 1, 2003)."

(3) CONFORMING AMENDMENTS.—

(A) Section 530(d)(4)(C) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(B) Section 4973(e)(1)(A) is amended by striking "$500" and inserting "the contribution limit (as defined in section 530(b)(5)) for such taxable year".

(c) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

"The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary)."

(d) CORPORATIONS PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking "The maximum amount which a contributor" and inserting "In the case of a contributor who is an individual, the maximum amount the contributor".

(e) NO DOUBLE BENEFIT.—Section 530(d)(2) (relating to distributions for qualified education expenses), as amended by subsection (a)(3), is amended by adding at the end the following new subparagraph:

"(E) DISALLOWANCE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph."

(f) TECHNICAL CORRECTIONS.—

(1)(A) Section 530(b)(1)(E) (defining education individual retirement account) is amended to read as follows:

"(E) Any balance to the credit of the designated beneficiary on the date on which the beneficiary attains age 30 shall be distributed within 30 days after such date to the beneficiary or, if the beneficiary dies before attaining age 30, shall be distributed within 30 days after the date of death to the estate of such beneficiary."

(B) Section 530(d) (relating to tax treatment of distributions) is amended by adding at the end the following new paragraph:

"(8) DEEMED DISTRIBUTION ON REQUIRED DISTRIBUTION DATE.—In any case in which a distribution is required under subsection (b)(1)(E), any balance to the credit of a designated beneficiary as of the close of the 30-day period referred to in such subsection for making such distribution shall be deemed distributed at the close of such period."

(2)(A) Section 530(d)(1) is amended by striking "section 72(b)" and inserting "section 72".

(B) Section 72(e) (relating to amounts not received as annuities) is amended by inserting after paragraph (8) the following new paragraph:

"(9) EXTENSION OF PARAGRAPH (2)(B) TO QUALIFIED STATE TUITION PROGRAMS AND EDUCATIONAL INDIVIDUAL RETIREMENT ACCOUNTS.—Notwithstanding any other provision of this subsection, paragraph (2)(B) shall apply to amounts received under a qualified State tuition program (as defined in section 529(b)) or under an education individual retirement account (as defined in section 530(b)). The rule of paragraph (8)(B) shall apply for purposes of this paragraph."

(3) Section 530(d)(4)(B) (relating to exceptions) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by adding at the end the following new clause:

"(iv) an amount which is includible in gross income solely because the taxpayer elected under paragraph (2)(C) to waive the application of paragraph (2) for the taxable year."

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (f) shall take effect as if included in the amendments made by section 213 of the Taxpayer Relief Act of 1997.

SEC. 102. STUDENT IMPROVEMENT INCENTIVE AWARDS.

Section 6201 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7331) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(C), by striking "and" after the semicolon;

(B) in paragraph (2), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(3) student improvement incentive awards described in subsection (c)."; and

(2) by adding at the end the following:

"(c) STUDENT IMPROVEMENT INCENTIVE AWARDS.—

"(1) AWARDS.—A State educational agency may use funds made available for State use under this title to make awards to public secondary schools in the State that are determined to be outstanding schools pursuant to a statewide assessment described in paragraph (2).

"(2) STATEWIDE ASSESSMENT.—The statewide assessment referred to in paragraph (1)—

"(A) shall—

"(i) determine the educational progress of students attending public secondary schools within the State; and

"(ii) allow for an objective analysis of the assessment on a school-by-school basis; and

"(B) may involve exit exams.".

LEVIN (AND BINGAMAN) AMENDMENT NO. 2303

Mr. LEVIN (for himself and Mr. BINGAMAN) proposed an amendment to amendment No. 2299 proposed by Mr. LEVIN to the bill, H.R. 2646, supra; as follows:

At the end of the amendment add the following:

Section 101 is null and void.

SEC. . MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(2) CONTRIBUTION LIMIT.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(4) CONTRIBUTION LIMIT.—The term 'contribution limit' means $500 ($2,000 in the case of any taxable year beginning after December 31, 1998, and ending before January 1, 2003)."

(3) CONFORMING AMENDMENTS.—

(A) Section 530(d)(4)(C) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(B) Section 4973(e)(1)(A) is amended by striking "$500" and inserting "the contribution limit (as defined in section 530(b)(5)) for such taxable year".

(b) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

"The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary)."

(c) CORPORATIONS PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking "The maximum amount which a contributor" and inserting "In the case of a contributor who is an individual, the maximum amount the contributor".

(d) NO DOUBLE BENEFIT.—Section 530(d)(2) (relating to distributions for qualified education expenses) is amended by adding at the end the following new subparagraph:

"(D) DISALLOWANCE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph."

(e) TECHNICAL CORRECTIONS.—

(1)(A) Section 530(b)(1)(E) (defining education individual retirement account) is amended to read as follows:

"(E) Any balance to the credit of the designated beneficiary on the date on which the beneficiary attains age 30 shall be distributed within 30 days after such date to the beneficiary or, if the beneficiary dies before attaining age 30, shall be distributed within 30 days after the date of death to the estate of such beneficiary."

(B) Section 530(d) (relating to tax treatment of distributions) is amended by adding at the end the following new paragraph:

"(8) DEEMED DISTRIBUTION ON REQUIRED DISTRIBUTION DATE.—In any case in which a distribution is required under subsection (b)(1)(E), any balance to the credit of a designated beneficiary as of the close of the 30-day period referred to in such subsection for making such distribution shall be deemed distributed at the close of such period."

(2)(A) Section 530(d)(1) is amended by striking "section 72(b)" and inserting "section 72".

(B) Section 72(e) (relating to amounts not received as annuities) is amended by inserting after paragraph (8) the following new paragraph:

"(9) EXTENSION OF PARAGRAPH (2)(B) TO QUALIFIED STATE TUITION PROGRAMS AND EDUCATIONAL INDIVIDUAL RETIREMENT ACCOUNTS.—Notwithstanding any other provision of this subsection, paragraph (2)(B) shall apply to amounts received under a qualified State tuition program (as defined in section 529(b)) or under an education individual retirement account (as defined in section 530(b)). The rule of paragraph (8)(B) shall apply for purposes of this paragraph."

(3) Section 530(d)(4)(B) (relating to exceptions) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by adding at the end the following new clause:

"(iv) an amount which is includible in gross income solely because the taxpayer elected under paragraph (2)(C) to waive the application of paragraph (2) for the taxable year."

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (e) shall take effect as if included in the amendments made by section 213 of the Taxpayer Relief Act of 1997.

On page 21, between lines 9 and 10, insert:

SEC. 107. INCREASED LIFETIME LEARNING CREDIT FOR TECHNOLOGY TRAINING OF ELEMENTARY AND SECONDARY TEACHERS.

(a) IN GENERAL.—Section 25A(c) (relating to lifetime learning credit) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE FOR TECHNOLOGY TRAINING OF CERTAIN TEACHERS.—

"(A) IN GENERAL.—If any portion of the qualified tuition and related expenses to which this subsection applies—

"(i) are paid or incurred by an individual who is a kindergarten through grade 12 teacher in an elementary or secondary school, and

"(ii) are incurred as part of a program which is approved and certified by the appropriate local educational agency as directly related to improvement of the individual's capacity to use technology in teaching,

paragraph (1) shall be applied with respect to such portion by substituting '50 percent' for '20 percent'.

"(B) TERMINATION.—This paragraph shall not apply to expenses paid after December 31, 2002, for education furnished in academic periods beginning after such date."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenses paid after June 30, 1998, for education furnished in academic periods beginning after such date.

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND CZECH REPUBLIC

JEFFORDS EXECUTIVE AMENDMENT NO. 2304

(Ordered to lie on the table.)

Mr. JEFFORDS submitted an executive amendment intended to be proposed by him to the resolution of ratification for the treaty (Treaty Doc. No. 105-36) protocols to the North Atlantic Treaty of 1949 on the accession of Poland, Hungary, and the Czech Republic. These protocols were opened for signature at Brussels on December 16, 1997, and signed on behalf of the United States of America and other parties to the North Atlantic Treaty; as follows:

At the appropriate place in section 3 of the resolution, insert the following:

( ) UNITED STATES GOVERNMENT DISCUSSIONS WITH FOREIGN GOVERNMENTS REGARDING POSSIBLE FURTHER ENLARGEMENT OF NATO.—

(i) FINDINGS.—The Senate finds that—

(I) the President has consistently stated that the current round of accession to the North Atlantic Treaty will not be the last and that the door to membership will remain open;

(II) the following nine Partnership for Peace countries have begun the formal application process to join NATO: Estonia, Latvia, Lithuania, Romania, Bulgaria, Albania, Slovakia, Slovenia, and the Former Yugoslav Republic of Macedonia;

(III) the following 15 countries have sought a closer relationship with NATO by joining the Partnership for Peace: Armenia, Austria, Azerbaijan, Belarus, Finland, Georgia, Kazakstan, Kyrgyzstan, Moldova, Russia, Sweden, Switzerland, Turkmenistan, Ukraine, and Uzbekistan; and

(IV) Croatia has expressed interest in NATO membership;

(ii) ANNUAL REPORTS.—Prior to the deposit of the United States instrument of ratification, and annually thereafter, the President shall submit a report to the Senate on the status of discussions concerning NATO membership for Partnership for Peace countries and other countries that have expressed interest in NATO membership, including—

(I) the expected timetable for those countries to meet the criteria for NATO membership; and

(II) a discussion of how the functioning of NATO would be altered if those countries were included.

Mr. JEFFORDS. Mr. President, today I am submitting an amendment to the resolution to ratify the accession of Poland, Hungary, and the Czech Republic to the North Atlantic Treaty Organization (NATO). This amendment addresses future new membership in the alliance.

28 countries in central Asia and eastern Europe that have applied for NATO membership or may aspire to join at a future date when they can meet NATO criteria. Today we are considering extending the NATO security umbrella to only three countries—Poland, Hungary, and the Czech Republic. It is important that we have a clear understanding that the expansion process may go much further than this initial round.

In January 1994, the Administration adopted the Partnership for Peace program to provide a framework for NATO's evaluation of states that are considered to be candidates for alliance membership. In addition to the first three countries invited to join NATO, nine other Partnership for Peace countries have begun the formal application process for membership—Estonia, Latvia, Lithuania, Romania, Bulgaria, Albania, Slovakia, Slovenia, and the Former Yugoslavia Republic of Macedonia. Moreover, another 15 countries have expressed an interest in NATO by joining the Partnership for Peace. These countries include Armenia, Austria, Azerbaijan, Belarus, Finland, Georgia, Kazakstan, Kyrgystan, Moldova, Russia, Switzerland, Turkmenistan, Ukraine, and Uzbekistan. Although not associated with Partnership for Peace, Croatia has expressed hope that they too will be admitted some day.

The extensive territory covered by these NATO hopefuls begs for more information on the nature and mission of the alliance in the future. My amendment would require an annual report to the Senate on United States Government discussions with the governments of each of these countries on their possible accession. The reports would include the expected timetable for those countries to meet the criteria for NATO membership and how the Administration believes the functioning of NATO would be altered if they were to become a member.

Just how far are we willing to extend the NATO alliance? I am not questioning whether Poland, Hungary, and the Czech Republic deserve to become alliance members. All three have made remarkable gains since the end of the Cold War. But in the future, other of these 25 nations will meet the criteria to join NATO and may be no less deserving of membership. Now is the time for the Senate to begin thinking about the long-term indications of a decision to open NATOs doors to the East.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, April 22, 1998, to conduct a hearing on the nomination of Donna Tanoue, of Hawaii, to be a member and chairperson of the Board of Directors of the Federal Deposit Insurance Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, April 22, 1998, at 10 a.m. for a hearing on the nominations of G. Edward DeSeve to be Deputy Director for Management of the Office of Management and Budget, and Deidre Lee to be Administrator of the Office of Federal Procurement Policy for the Office of Management and Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, April 22, 1998 at 10:30 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on the nomination of James K. Robinson to be assistant attorney general for the criminal division.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources and the House Committee on Education and the Workforce be authorized to meet for a joint hearing on Individuals with Disabilities Education Act during the session of the Senate on Wednesday, April 22, 1998, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. COVERDELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a markup on the nomination of Togo D. West, Jr., to be Secretary of the Department of Veterans Affairs. The markup will take place in S216, of the Capitol Building, after the first scheduled vote in the Senate after 3 p.m. on Wednesday, April 22, 1998.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on April 22, 1998 at 1 p.m. for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Communications of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, April 22, 1998, at 9:30 am on section 706 and bandwidth issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MANUFACTURING

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Manufacturing Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, April 22, 1998, at 2:30 pm on virtual manufacturing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SOCIAL SECURITY

Mr. COVERDELL. Mr. President, the Finance Committee Subcommittee on Social Security and Family Policy requests unanimous consent to conduct a hearing on Wednesday, April 22, 1998, beginning at 10 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM, AND GOVERNMENT INFORMATION

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Technology, Terrorism, and Government Information, of the Senate Judiciary Committee, and the Senate Select Committee on Intelligence be authorized to hold a joint hearing during the session of the Senate on Wednesday, April 22, 1998 at 2:30 p.m. in room 226, Senate Dirksen Office Building, on: "Chemical and Biological Weapons Threats to America: Are We Prepared?"

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

IN RECOGNITION OF GILDA'S CLUB, METRO DETROIT

• Mr. LEVIN. Mr. President, I rise today to call my colleagues' attention to the April 30, 1998 Grand Opening of the new, and permanent, home of Gilda's Club, Metro Detroit in Royal Oak, Michigan. Gilda's Club is a support community for men, women and children who are living with cancer as well as their families and friends.

Gilda's Club is named for the late comedienne Gilda Radner, a Detroit native who died at the age of 42 after a courageous fight against cancer. Gilda first became known for her portrayals of irreverent characters on "Saturday Night Live." She also appeared on Broadway and in movies. Shortly before she died, Gilda wrote "It's Always Something," a book about her experience living with cancer. Gilda's Club was born from Gilda Radner's wish for all people with cancer to have as strong a support group as she had.

Gilda's Club aims to provide a friendly, residential haven for cancer patients and their friends and families. In this home-like setting, people living with or affected by cancer can share their experiences, participate in workshops and lectures, and attend social events. Gilda's Club is designed to enhance medical treatment with the emotional and social support which can be so crucial for those living with the disease.

Thousands of people from communities throughout Michigan pulled together to make Gilda's Club's permanent home a reality. Many organizations and businesses have hosted fundraising events and have committed their own money to the cause. A comedy event is held once a year to raise funds for Gilda's Club, and thousands of people walk in the Annual 5K Gilda's Club Family Walk and Block Party. In 1997, this event involved more than three thousand walkers and raised more than $175,000.

Mr. President, people living with cancer have long been able to rely on gifted and dedicated doctors to help them fight the disease which affects their bodies. Gilda's Club, Metro Detroit offers a critical supplement—emotional uplift—to the care cancer patients receive from their physicians. By promoting hope and healing, Gilda's Club will have an impact on thousands of people. I hope my colleagues will join me in recognizing the efforts of the many people who have made Gilda's Club, Metro Detroit possible, and in extending our prayers and high hopes to everyone who walks through its doors.•

THE VERY BAD DEBT BOXSCORE

• Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, April 21, 1998, the federal debt stood at $5,518,978,332,463.05 (Five trillion, five hundred eighteen billion, nine hundred seventy-eight million, three hundred thirty-two thousand, four hundred sixty-three dollars and five cents).

One year ago, April 21, 1997, the federal debt stood at $5,352,734,000,000 (Five trillion, three hundred fifty-two billion, seven hundred thirty-four million).

Five years ago, April 21, 1993, the federal debt stood at $4,257,526,000,000 (Four trillion, two hundred fifty-seven billion, five hundred twenty-six million).

Ten years ago, April 21, 1988, the federal debt stood at $2,499,121,000,000 (Two trillion, four hundred ninety-nine billion, one hundred twenty-one million).

Fifteen years ago, April 21, 1983, the federal debt stood at $1,243,863,000,000 (One trillion, two hundred forty-three billion, eight hundred sixty-three million) which reflects a debt increase of more than $4 trillion—$4,275,115,332,463.05 (Four trillion, two hundred seventy-five billion, one hundred fifteen million, three hundred thirty-two thousand, four hundred sixty-three dollars and five cents) during the past 15 years.•

JUSTICE FOR THE PEOPLE OF CAMBODIA

• Mr. LEAHY. Mr. President, last week, the mastermind of one of this century's most horrific crimes against humanity died apparently peacefully in his sleep. Pol Pot, founder and leader of the Khmer Rouge, architect of the grisly genocide which claimed at least one million Cambodian lives between 1975 and 1979, died at the age of 73. While some may see Pol Pot's death as final closure on one of the most shockingly brutal and despotic reigns in history, his death should not absolve the international community from seeking justice for the people of Cambodia.

The scars from Pol Pot's four-year reign of terror remain in Cambodia, and on the face of humanity. History will judge us. Did they do enough? Did they do what they could? Did they even care? If those assessments were written today, the community of nations would be found wanting. The fact that Pol Pot lived to his dying day having never been punished for his crimes is the best evidence of that.

When Pol Pot and his Khmer Rouge captured the Cambodian capitol of Phnom Penh in April 1975, he and his lieutenants began a barbaric campaign to exterminate intellectuals, foreigners, bureaucrats, merchants, and countless others who did not fit Pol Pot's vision of a "pure" Cambodia. Many thousands more were forced into slave labor camps, eventually dying from starvation, torture, and disease. I have met some of the survivors of that nightmare who escaped to Thailand and ultimately resettled in the United States, including in Vermont. They are a living tribute to the invincibility of the human spirit.

Four years later in 1979 Pol Pot and the Khmer Rouge were forced from power, but they left behind a ghastly swath of death and carnage that counted at least one million Cambodians dead and a country that to this day is trying to cope with the ghosts of that era. Virtually every Cambodian now alive knows or is related to someone who perished under the Khmer Rouge.

Although Pol Pot was the architect of the killing fields of Cambodia, those in his inner circle were responsible for carrying out his commands. Many of Pol Pot's chief lieutenants still roam the Cambodian countryside, reportedly along the Thai border. Men like Khieu Samphan, former President of Kampuchea; Nuon Chea, former second in command and someone described as Pol Pot's "alter ego;" and Ta Mok, a Khmer Rouge leader whose portfolio included killing Cambodians who had worked for the old Lon Nol government. Ta Mok was nicknamed "the Butcher."

The wanton killing did not end decades ago. In 1996 British mine clearer Christopher Howes and his Cambodian interpreter, Houn Hourth, were abducted by Khmer Rouge soldiers and later led to a field and shot in the back. According to recent reports of interviews with Khmer Rouge officials, aides close to Pol Pot ordered the killing. Mr. Howes posed no threat to Pol Pot or the Khmer Rouge. He was in Cambodia working to make the country safer for the Cambodian people by helping remove one-by-one the millions of landmines sown in the fields. Today, Cambodia is infested with mines which continue to maim and kill the innocent.

I am encouraged that the Administration appears ready to seek some formal mechanism to bring to justice key members of Pol Pot's inner circle. A number of possible approaches have been suggested, including a war crimes tribunal for Cambodia like the existing tribunal for the former Yugoslavia, or an international penal tribunal that includes Cambodian participation. These ideas and others merit further discussion as we examine appropriate ways to seek justice for the Cambodian people.

The United Nations has also named a three-person team to investigate the remaining Khmer Rouge leaders. This too, is an encouraging sign.

Whatever it takes, we must not let the fact that Pol Pot eluded justice diminish our resolve to apprehend and punish the members of his inner circle who are also guilty of crimes against humanity. History will judge us harshly if we turn our backs now.

I ask unanimous consent that two editorials be printed in the Record.

The editorials follow:

[From The New York Times, April 17, 1998]

Pol Pot Escapes Justice

Pol Pot, elusive to the end, died just as the world finally seemed to be serious about bringing him to justice. No punishment, however, could have fit the evil he committed. From 1975 to 1979, Pol Pot's Khmer Rouge wiped out a large fraction of Cambodia's people, and left the rest with a country submerged in violence and pain.

The Khmer Rouge regime was surely the most bizarre in modern history, its philosophy made up of one part Maoism and three parts paranoia. It emptied the cities and marched Cambodians to the countryside to starve on state farms. Having an education, or even wearing glasses, could get one killed as a class enemy. Thousands of Khmer Rouge's own cadres were forced to confess to spying and tortured to death. There is probably no adult in Cambodia today unscarred by the loss of a close relative. Political life, too, is still poisoned. The nation's spectacular misrule stems in part from the scarcity of educated people and the political habits learned in four years of terror.

The Vietnamese invasion that ousted the Khmer Rouge in 1979 forced Pol Pot and his men into the jungle, where they continue to wage a guerrilla war to this day. Many Khmer Rouge troops have received amnesty and become wealthy and influential members of Hun Sen's Government, including Mr. Hun Sen himself. Pol Pot's death will rob investigators of the chance to try him and to hear about the crimes of Khmer Rouge leaders who are still in positions of power.

Pol Pot, who became a Communist while on a scholarship in Paris in the early 1950's, never apologized. In an interview last October, the only one he had granted since 1978, he said that whatever he had done he did for his country. He disputed that millions had died but acknowledged that hundreds of thousands had. Those killings were necessary, he said, because the Vietnamese wanted to assassinate him and swallow up Cambodia. His conscience was clear.

This was said by an old man so weakened by malaria and stroke that he could barely walk. He always had a gentle manner and soft voice, and in the interview smiled constantly. He did not seem a man who could have presided over the deaths of more than a million people. Three months before the interview, however, the Khmer Rouge put him on trial, not for the crimes of his regime but for his murder of a political rival and the man's family. The camera showed the Khmer Rouge troops watching the trial chanting robotically, "Crush, crush, crush." He, of course, had taught them that. The soft-spoken old man of the interview was a mirage. His disciples showed who Pol Pot really was.

[From The Washington Post, April 17, 1998]

After Pol Pot

The reported death of Pol Pot in the Cambodian jungle means that one of this century's most egregious mass murderers will not stand trial or be held accountable for his crimes. But it should not mean that Pol Pot's accomplices now will be let off the hook, and it does not mean that other nations with an interest in Cambodia's future should ease their pressure for a restoration of democracy there.

Between 1975 and 1979 more than 1 million and probably closer to 2 million Cambodians were executed or died from the effects of torture, deliberate starvation and brutal overwork. Pol Pot was the nation's communist leader at the time; he presided over the deaths of one-fifth of his population. But he was not alone. According to painstaking documentation assembled by the Cambodia Genocide Project at Yale University (partially funded by the State Department), a standing committee, on March 30, 1976, formally established an integrated national network of extermination centers. These were responsible for an estimated 1 million deaths of people who are now buried in 20,000 mass graves. Eight to 10 members of that committee are still alive and at large.

The tendency on the part of the international community will be to abandon efforts to bring to trial those guilty of crimes against humanity. With Pol Pot gone, attention will fade; some believe his colleagues killed him for just that reason. Moreover, some of Pol Pot's onetime comrades are in league with Cambodia's current leader, Hun Sen. It would make diplomats' jobs easier to let them be. It would also be an affront to justice and to Cambodia's many victims.

The same international fatigue is emerging with respect to Hun Sen, who seized power in a coup last July. Officials from the United States, Japan, Cambodia's neighbors and other nations will meet in Bangkok on Sunday to decide whether to resume some aid to his regime, at least to help organize an election he wants to hold in July. Hun Sen hopes the election will legitimize his authoritarian rule. Some in Bangkok will want to go forward because Hun Sen has allowed deposed prime minister Prince Ranariddh to return to Cambodia, supposedly a gesture of reconciliation.

But political killings of Ranariddh supporters continue, and no one has been brought to justice for more than 40 past murders; Hun Sen's opponents live in fear and with limited access to the media; no impartial courts or electoral commission exist.

Until these conditions change, a credible election is impossible. The United States and its allies should not put themselves in the position of blessing any other kind.•

EARTH DAY 1998

• Mr. DOMENICI. Mr. President, I would like to take the opportunity to address our environment and energy resources this Earth Day 1998.

My perspective is derived from my quarter-century in the United States Senate, wherein I have devoted much of my time to environmental and energy concerns. When I started my tenure here in 1973, the commemoration of Earth Day was three years young. During the ensuing years, I have witnessed great strides towards the improvement of our nation's environment. We are uniquely fortunate to be prosperous enough to consciously choose to promote environmental concerns and conserve resources. This Earth Day 1998 should focus on creating ways to not only continue these improvements in our own country, but also assist other nations in improving their ability to protect the world's environment. The earth is currently the only home we all share.

I would like to think that I have contributed to the continuing United States environmental improvement during my years of public service. I actively participated in the multi-year debate on the 1977 amendments to the Clean Air Act, and I am pleased to say, played a key role in shaping the 1990 amendments which has reaped substantial decreases in air pollutants since the first Earth Day in 1970.

Through passage of the Clean Water Act and reauthorization of the Safe Drinking Water Act, the United States of America has vastly improved the quality of its rivers, lakes, and coastal waters, and has the safest drinking water in the world. Communities, while suffering some hardships, have been able to decrease emissions, provide clean, safe public areas for their citizens, and still remain a world economic leader. We have learned that costly regulation is not the solution, but cooperation with and incentives for the business community, as well as providing local control over local concerns, improves everyone's way of life.

It is from the vantage point of my years of service in environmental and energy issues that I speak today about the divergence in regulation and policy from the best interests of our global climate. Several examples can be gleaned from the recent debates regarding emission standards and the global climate change document which emerged from Kyoto, Japan in December.

Remember, since 1970, air pollution in this country has been steadily declining, despite the fact that the U.S. population has increased by almost 30% and vehicle travel has more than doubled. Now, I believe anyone will tell you they want clean air. However, one must also realize that any environmental improvement comes at some economic cost in our industrialized world. The United States may be responsible for 20 percent of the world's carbon dioxide emissions, but it also responsible for producing 26 percent of the world's goods and services. And we still have some of the most stringent environmental standards around. We need to keep finding ways to improve air quality, while maintaining a standard of living that is envied the world over.

American cities have just recently been able to achieve the stringent air quality standards, and air quality is improving. In my home state of New Mexico, Albuquerque was one of the first U.S. cities to be removed from the list of violators of national carbon monoxide standards. Let's let all communities continue to improve, rather than impose strict and costly new air quality standards before we know that they are based in sound science.

I believe that many of my distinguished colleagues here in the Senate know I have long been a strong proponent of basing governmental decision making on sound science. Indeed, in both the Clean Air Act Amendments of 1990 and the Safe Drinking Water Act of last Congress, I fought hard to make sure "sound science" provisions were included in the legislation as a matter of policy. There has been some question about the scientific validity of the global warming theory. Theories do change. It was not all that long ago that my children were being taught in school that we were approaching another ice age.

However, assuming that global climate change is occurring and emissions need to be reduced to improve the global climate, what is the logic of exempting developing countries from any global treaty aimed at reducing those emissions? Many developing countries, like China or India, are predicted to rapidly exceed developed countries' emission levels. Shouldn't every country be bound to reduce their carbon dioxide emissions? Why should this country bear the burden in this inequitable arrangement that will not reduce net emissions levels?

Do not misunderstand me. We all have to live on this planet; we all should live well and live in a clean environment. I do not believe these goals are contradictory. Progress is not a curse. This nation is blessed to be leaders in Environmental protection and to also enjoy modern conveniences. I do applaud the fact that the climate change debate has focused some attention on looking to alternative and cleaner fuel sources.

I do sometimes find it ironic that those environmental activists who speak the loudest about a dirty environment oppose development of the safest, cleanest energy source available in quantities to sustain our modern needs: nuclear energy.

As we leave the 20th Century and head for a new millennium, we truly need to confront these strategic energy issues with careful logic and sound science.

We live in the dominant economic, military, and cultural entity in the world. Our principles of government and economics are increasingly becoming the principles of the world. We can afford a clean world. As developing countries try to emulate our nation's success, we will find ourselves competing for resources that fuel modern economics.

I have pledged to initiate a more forthright discussion of nuclear policy. We often define environmental debates in terms of "us versus them." When it comes to global environment there is no them. We are all environmentalists. Nobody belittles the fundamental need for clean air and water. Some activists make their cause all-important, from whichever direction they come, and do not focus on what is right or fair. I believe that the emotional response is not always the logical alternative.

As Chairman of the Senate Budget Committee, I have faced criticism from both sides on some of my positions. Now, the President has outlined a program to reduce U.S. production of carbon dioxide and other greenhouse gases below 1990 levels by some time between 2008 and 2012. Unfortunately, the President's goals are not achievable without seriously impacting our economy.

Our national laboratories have studied the issue. Their report indicates that to get to the President's goals we would have to impose a $50/ton carbon tax. That would result in an increase of 12.5 cents/gallon for gas and 1.5 cents/kilowatt-hour for electricity—almost a doubling a of the current cost of coal or natural gas-generated electricity. However, Nuclear energy can help meet the global goal.

I was very disappointed that the talks in Kyoto did not include any serious discussion about nuclear energy. As I have pointed out before, in 1996 alone, nuclear power plants prevented the release of 147 metric tons of carbon, 2.5 million tons of nitrogen oxides, and 5 million tons of sulfur dioxide into the atmosphere. Nuclear power is now only providing 20% of the United States' electricity, but those utilities' emissions of greenhouse gases were 25% lower than they would have been from fossil fuels.

In the aspect of recognizing nuclear energy as a clean, economic fuel alternative, the United States has thus far failed to take the lead. Other countries, such as France, Japan, and Russia, have recognized the importance of nuclear energy sources. And there are many more beneficial uses of nuclear technologies, from the destruction of dangerous organisms in our food to enjoying healthier lives from medical procedures dependent on nuclear processes. The notation on our calendar should read that today, Earth Day, is the day we should begin to catch up with other countries that have prudently decided to use more nuclear power because it is good for the environment and makes good sense.

I realize, however, that we cannot address the issue of nuclear energy without discussing the problem of nuclear waste. This should not deter us from a prudent course; we must, and we can, find ways to address nuclear waste safely. Currently there are exciting scientific ideas being developed to utilize the 60–75% of energy available in spent nuclear fuel rods while still reducing the half-life of residual material.

I encourage debate this Earth Day on ways to improve the world's economy while maintaining a clean environment. Exploring nuclear energy issue is but one way. And indeed, the issue of energy use and environment is pertinent on more than one day a year. Let us just reflect on the possibilities for the new millennium as we proudly review our past successes.●

THE J.P. "COTTON" KNOX FAMILY—A 20TH CENTURY AMERICAN FAMILY

● Mr. DURBIN. Mr. President, I rise today to pay tribute to a great 20th century American family from the state of Illinois—the J.P. "Cotton" Knox family. Through the industrial age, the Great Depression, two world wars, and presidents from Teddy Roosevelt to Bill Clinton, the Knox family has spanned the American Century. We take a moment today to reflect on their history and their contribution to our nation.

It all began with J.P. "Cotton" Knox, born November 16, 1880, and his wife Esther Loretta Knox, born April 11, 1885—both in Sangamon County, Illinois. They started courting at the turn of the century, married in 1907 and lived on a small farm west of Curran in Sangamon County where J.P. shucked corn by hand in the moonlight.

During the first quarter of the 20th century, the family grew rapidly. Thomas Dickerson, J.P. and Esther's first child, was born July 8, 1908. James Donald came next on November 24, 1909 and was followed by Kathryn Loretta on May 9, 1912, John Louis on July 23, 1914, Charles Carroll on November 21, 1916, Lawrence William on January 26, 1919, Howard Eugene on March 29, 1921, Paul Edward on January 18, 1923, and Joseph Patrick on February 10, 1925. Each child was born healthy and at home except for Howard Eugene, who was born in the hospital because of a scarlet fever epidemic.

In the second quarter of the 20th century, the family struggled through the Great Depression along with the rest of the nation. Kathryn had grown old enough that she was able to serve as relief pitcher and back-up quarterback for her mother. J.P. was elected Coroner of Sangamon County in 1932 and instilled in his children the importance of voting because it was a duty and a privilege as an American.

Perhaps the most remarkable chapter in the family's history came when the United States entered World War II following the bombing of Pearl Harbor in December 1941. Thomas, the oldest, was 33 and married with three children when the war began. As CEO of Doyle Freight Lines based in Saginaw, Michigan, he was declared an essential man in an essential industry. The Governor of Michigan appointed him as coordinator of transporting supplies to military bases in certain Midwest states. After the war, he was listed in Who's Who in the Midwest.

The other brothers, one by one, joined the military, even though some could have remained on the homefront. Lawrence, who worked in the FBI in Washington, was exempt from military service but chose to enlist in the Marines. Joseph was the last child left home with J.P. and Esther. He could have applied for a deferment but chose to serve with the approval of his parents. Three weeks after graduating from high school in 1943, he was in the Navy. Carroll was the only brother who did not go overseas, and served as a medical corpsman in the Navy in San Diego, California. Of the seven brothers who served, three were in the Navy, three in the Army and one in the Marines.

J.P. and Esther would have been all alone had it not been for Kathryn and her three children who lived with them when Kathryn's husband joined the Navy. Kathryn provided tremendous support to her parents, who had a lot to worry about with six of their eight sons in harm's way. She kept their morale high until, amazingly, all seven of the Knox boys in the military returned home safely with honorable discharges after the war. Combined, they gave 20 years, six months of service, including nearly 13 years overseas.

The third quarter of the 20th century had just begun when J.P. passed away in 1951. He was eulogized with a one-quarter page editorial by V.Y. Dallman, editor of the Illinois State Register in Springfield, Illinois. Esther passed away in 1972. All nine children were employed in various fields and raising families of their own. Joseph followed in his father's political footsteps, serving several terms as Clerk of the Circuit Court of Sangamon County and Public Health Commissioner for the City of Springfield. To this day, he insists the voters were not voting for him, but rather for the Knox family. His was simply the name that happened to be on the ballot.

In the last quarter of the 20th century, three of the Knox children passed away—Thomas in 1986, Howard in 1987 and Louis in 1993. Six siblings remain—all in reasonably good health.

As the 21st century approaches, we wish the Knox family well and thank them for their service to the country and the state of Illinois. And I ask that my statement be included in the RECORD so that future generations of the J.P. "Cotton" Knox family will know that their forebears were proud to be Americans and proud to serve their nation.●

THE 83D ANNIVERSARY OF THE ARMENIAN GENOCIDE

● Mr. TORRICELLI. Mr. President, I rise today to commemorate the 83d anniversary of the Armenian genocide. On this sad occasion, my thoughts and sympathies are with the Armenian people as they remember the horrors of the events 83 years ago.

It is with a great sense of sorrow that we mark the 83d year since the tragic genocide and exile of the Armenian people. The senseless murder and expulsion of 1.5 million Armenians through a staged campaign of the Turkish Ottoman Empire has been one of the most sobering events in modern history. The Armenian Genocide has the uneviable distinction of being the first genocide in the 20th century. This fact alone underscores the seriousness of the events between 1915 and 1918, and it should remind us of the need to keep all those who perished during the Genocide alive in our memory.

We pause now to ensure that the Armenian Genocide will never slip into the recesses of history. While humankind has the ability to sponsor acts of great kindness and sacrifice, we also have the capacity for great evil. Along with the Holocaust, the Armenian Genocide signifies our ability to promote evil, but if we close our eyes to the tragedies of the past, we risk the chance of repeating them in the future.

Sadly, the Armenian American community has its roots in the Armenian Genocide. Many individuals living here in the United States either lost family members at the hands of the Ottomans, or are survivors themselves. They have risen above adversity to become prominent and successful citizens despite a tragic past. The Armenian American community has been vocal in expressing its anguish about the Genocide. It is my hope that their perseverance in marking this event each year, as well as our own efforts here in the United States Senate, will be enough to allow us to remember the lessons of the Genocide. We are constantly forced to relearn the effects of evil unchecked, but I hope, in this case, we will be guided to a better future.●

NGAWANG CHOEPHEL

• Mr. LEAHY. Mr. President, Secretary Albright is planning to travel to China soon to discuss a wide range of important issues with Chinese officials. Her trip is in anticipation of a subsequent visit by President Clinton. On her agenda will be the issue of human rights, and I want to use this opportunity to remind other Senators of the case of Ngawang Choephel, a Tibetan ethnomusicologist and former Middlebury College student. Mr. Choephel came to this country on a Fulbright Scholarship, and in September 1995 he was arrested in Tibet for making a film about traditional Tibetan music and dance. On December 26, 1996, just one month after I spoke to Chinese President Jiang Zemin personally about Mr. Choephel, he was sentenced after a secret trial to 18 years in prison.

This case goes to the heart of our ongoing difficulties with the Chinese Government on human rights. I have repeatedly asked for, and never received, a shred of evidence that Mr. Choephel was engaged in any illegal or political activity. His crime, it appears, was that he was Tibetan and wanted to preserve Tibetan culture.

Mr. President, every country has the right to prosecute individuals who engage in conduct that threatens the safety of others. But no country has the right to violate internationally recognized human rights which are the rights of all people regardless of nationality. As long as a person can be imprisoned for doing nothing more than making a film about Tibetan culture, our relations with China will continue to suffer. By releasing Mr. Choephel, the Chinese Government would risk nothing, but it would represent an important step to those of us who are looking for credible signs that the Chinese Government genuinely wants to improve its human rights record.

An April 21, 1998 editorial in the Rutland Daily Herald notes the release of Chinese dissident Wang Dan, and calls for the release of Ngawang Choephel. I ask that excerpts of the editorial be printed in the RECORD.

DON'T FORGET TIBET

The release of a leading dissident by the Chinese government has shown the Chinese leadership to be willing to make the right political gestures in anticipation of a visit later this spring by President Clinton.

Now is a good time to remind the Chinese that Americans believe Tibet to be an important human rights issue and that future relations with the United States would be improved by better treatment of Tibet. it is a good time, too, to remind the Chinese of a Tibetan with a Vermont connection who has been sentenced to serve 18 years in jail.

* * * * *

Ngawang Choephel had fled Tibet with his mother when he was 2 years old. He eventually found his way to Middlebury College where he was a student of ethnomusiclogy. He returned to Tibet to record the music and dance of his native land, but he was arrested in the summer of 1995 and sentenced to 18 years.

* * * * *

Releasing one or two well-known dissidents is not enough to establish a record of respect for human rights when other thousands remain behind prison walls for crimes no more offensive then the recording of folk songs.

* * * * *

Ngawang Choephel is just one among thousands who remain behind. As long as he is not forgotten, Clinton and the Chinese may also remember how much more needs to be done before China has established itself as a nation with proper respect for the rights of the individual.•

THE CONTENT OF UNITED STATES ENGAGEMENT WITH CHINA

• Mrs. FEINSTEIN. Mr. President, on April 3, 1998 I addressed a conference at Stanford University on the subject of "The Content of U.S. Engagement with China." This conference, on an issue which I believe to be of paramount importance, was convened by The Center for International Security and Arms Control and the Institute for International Studies in conjunction with the Stanford University and Harvard University Preventive Defense Project. I thought my colleagues would find my remarks to be of interest, and I ask that they be printed in the RECORD.

The remarks follow:

ENGAGING CHINA: THE DIRECTION OF THE FUTURE

For the last twenty years I have believed that the single most important undeveloped bilateral relationship in the world is the relationship between China and the United States of America. And I have been puzzled as to why so little attention has been given to its development. q21Now, after many years of little presidential interaction between Washington and Beijing, President Clinton's decision to move up his visit to China from November to June I think means that each President is looking at the relationship in a different way. And I believe that this Administration is now ready to fully engage China.

So, what does engagement mean? What should be the content of such a policy? How should it be carried out? And why has it taken so long?

While the debate between engagement and containment with China is by no means dead, this clear and unequivocal effort to engage Beijing now at the highest level marks an historic turning point in U.S.-China relations—and what may well be the most defining bilateral relationship of the coming century.

As we move forward in this new effort at engagement, it is worthwhile to explore the issue of why it has been so difficult to reach this point, and then discuss what "engagement" should look like, and some of the practical steps the United States can take to carry out this effort.

OBSTACLES TO A SUSTAINED POLICY OF ENGAGEMENT

Anyone who has participated in China policy debates in recent years knows first-hand how difficult it has been to sustain any goal-oriented, consistent policy of engagement. Several reasons come to mind.:

First is the events at Tiananmen Square on June 4, 1989. Just as Tiananmen Square was a much more significant event for China than the Chinese government would like to admit, it also substantially impacted the ability of the U.S. to pursue a policy of engagement.

For many Americans, the events of June 4, 1989 remain their dominant view of modern China—a view shaped by horrifying pictures of tanks advancing on students and workers, and the one white-shirted, slight man, clutching a shopping bag, defiantly facing down an advancing tank. These images are etched indelibly on the minds of virtually everyone who saw the extensive television coverage. It left a mark of unvarnished brutality on the government of China and on the People's Liberation Army. Many in this country came to view China as nothing more than a brutal dictatorship.

From that day on in Washington, China policy became event-driven, lurching from one crisis to the next—every media revelation on human rights, every trade dispute, every diplomatic confrontation over Taiwan, the future of Hong Kong, and the plight of Tibetans. U.S. policy toward China was held hostage daily by whatever "message" we were sending to respond to a particular issue—from the summary and prolonged detention of students involved in Tiananmen Square, to the incarceration of Harry Wu, to the arbitrary imprisonment of scholars and dissidents. Issues like prison labor, and abortion dominate the views of certain members of Congress to this very day.

Secondly, Americans have trouble accepting a non-elected government as a legitimate partner, particularly when that government is Communist. American political instincts are so entrenched when it comes to communism that they often override even our own stated interests. Perhaps this is due to the long Cold War with the Soviet Union. But Americans remain distrustful of a "Red China" despite the fact that China has adopted Western-style market capitalism and is reaching out to the West. Many in Congress see the tight control over political expression and unjust incarceration of dissenters as that which should be the controlling factor of our foreign policy with China.

Thirdly, China's modernization of its military, its increasing nationalism, and the military saber-rattling toward Taiwan in reaction to the Cornell visit of Lee Teng-hui—which culminated in a tense show of force involving missile launches and aircraft carriers—encouraged many here to vilify China as the new Evil Empire and likely military adversary. The book *China Can Say No* introduced a very real element of hostility, and the American corollary, *The Coming Conflict with China*, argued, in response, that conflict is indeed inevitable, that the Beijing government should be contested and weakened, and that the U.S. policy demeanor should be one of "cold encounters."

Lost in all of this, largely because of the ignorance of so many Americans about the history and culture of China, has been the progress made in China toward a dramatically improved standard of living and freer lifestyle for so many tens of millions of people. One has but to consider the China of the Cultural Revolution, with the enormous loss of life and freedom suffered during the period of the "Gang of Four," to understand that the gains and changes that have been made in China are more profound than those that have occurred in virtually any large country anywhere else in the world in such a short twenty year period of time.

One point driven home to me is that most Americans have remarkably little knowledge of China's 5,000-year history, its culture, and its governance. When I was studying history here at Stanford, taking a course in modern China, the professor said to me, "Beware, Dianne, Americans do not understand China." That is absolutely correct. It does not register on most Americans that China, throughout its history, has been governed by one man—usually a despotic emperor, and then revolutionary war heroes. As Jiang Zemin said to me a couple of years ago in Beijing:. "The U.S. cannot expect a country ruled by man for 5,000 years to make the transition to a rule of law overnight."

China's humiliation at the hands of European powers during the Opium Wars, its subsequent isolation from the West for over 100 years, and then its suffering at the hands of the Nationalists, the Communist Revolution, and the Cultural Revolution, and the ramifications of all of these events on its people, are largely unknown to Americans.

I was amazed to learn that a poll conducted during the transition of Hong Kong to Chinese sovereignty showed that only 12 percent of Americans knew that Hong Kong was, prior to the transition, governed by Great Britain. Most thought Hong Kong to be an independent entity being returned to China. This lack of knowledge makes it difficult for many Americans to understand why development of this relationship is so complex and important to our national interest.

Additionally, the fact that our own government is divided with one party charting foreign policy from the White House and the other trying to dictate it from Congress does not make a consistent policy easy to achieve. That division does, however, facilitate the opportunity for individuals and interest groups to weigh in heavily with the Congress with whatever agenda they may have to criticize the Administration. The easiest path, of course, is to do little in the face of this criticism and lack of understanding. To some extent, this same ambivalence is mirrored on the Chinese side. Since the visit of Lee Teng-hui to the United States, we have seen the impact of rising Chinese nationalism, not just as a leadership issue, but as a deeply felt conviction throughout the countryside.

It is my deep belief that China today is America's most important undeveloped bilateral relationship, and that our own national interests suggest that whoever is President must be committed to engage this rising giant on an ongoing and consistent basis, regardless of other pressing domestic and international issues. China policy cannot afford a sense of drift, long periods of inaction, or even a fear of spelling out the importance of engagement and all of its ramifications and pluses to the American people.

DEFINING ENGAGEMENT: A STRATEGIC PARTNERSHIP

So what should a policy of engagement be? First of all, it should be a policy that is clear, consistent, and goal-oriented. It should be aimed at developing the trust, mutual respect, and —most importantly—the dialogue and diplomacy necessary to accomplish two things: 1) minimize the likelihood of conflict between the United States and China, and 2) encourage China's development as an open, responsible, and stable world leader capable of helping maintain a safe and secure Asia. If there is going to be appreciable progress toward this goal in the next 10–15 years, it will come about through the development of a strategic partnership between the United States and China.

This strategic partnership must be based, first and foremost, on a recognition of shared security interests, including: a stable and secure Western Pacific, in which all countries have secure borders and are at peace; eliminating the spread of weapons of mass destruction; stable economic conditions in the Asian-Pacific region; and the free flow of commerce and people through Asian and global sea lanes.

This strategic partnership must also be based on mutual trust, developed over time, through repeated contact and constant communication. Mutual trust requires the development of a common understanding that the interests of one side do not threaten the other; an understanding by the United States that China's rising strength need not necessarily pose a threat to the U.S.; and an understanding by China that the U.S. role in Asia is not aimed at containing China or preventing it from playing its rightful role in the region.

Finally, this strategic partnership must be based on a set of mutual understandings about issues of importance to each side, especially the issue of Taiwan, non-proliferation, and agreed-upon rules of trade.

Taiwan: The most critical area of shared understanding must be Taiwan. The new Chinese Ambassador in Washington, Li Zhaoxing, recently met with me in my office and reiterated unequivocally that the key issue remains Taiwan. Beyond that, all issues are negotiable. So, the United States' adherence to the "One China" policy, and the principles set forth in the three Sino-American Joint Communiques, remain the bedrock of any American policy of engagement.

Specifically, the U.S. should make sure China understands that the United States is committed first and foremost to a peaceful resolution of the Taiwan issue, brought about through talks between the Chinese and the Taiwanese. In this regard, we can take encouragement from the fact that Cross-Straits dicussions are expected to resume in Beijing later this month for the first time since mid-1995.

As a matter of American policy, we need to be vigilant in ensuring that the United States will do nothing to support Taiwanese independence, and will consistently encourage Taiwan to pursue a course of moderation and avoid provocative acts. At the same time we must make clear that we will not countenance any military action against Taiwan, and that any aggressive action is clearly adverse to U.S. national interests.

Nuclear Nonproliferation: China's need for constant reassuring regarding U.S. intentions toward Taiwan mirrors American concerns about Chinese efforts at stopping the spread of weapons of mass destruction. The U.S. and China have achieved some equilibrium on the issue of Taiwan, and have moved much closer to a common understanding on the issue of non-proliferation.

China today has signed or is now supporting virtually every multinational treaty and agreement on nuclear non-proliferation, including the Nuclear Non-Proliferation Treaty, the Comprehensive Test Ban Treaty, most recently by joining the Zangger Committee to control and monitor exports of nuclear technology. And, at the summit in October, China committed not to engage in any new nuclear cooperation projects with Iran, fulfilling a longtime U.S. policy goal.

There are still questions about whether or not China has fully turned the corner in its approach to nuclear non-proliferation, but the signs are encouraging. China has been supportive of U.S. efforts to halt nuclear proliferation in North Korea and is participating in the four-party talks and supportive of the Agreed Framework. China has also agreed to cease assistance to any unsafeguarded nuclear facility, which is especially critical in the case of Pakistan. Today, both India and Pakistan are capable of launching nuclear devices in a matter of days, and hopefully China now understands that it makes little sense to have a group of states with major nuclear weapons capacity just over its borders.

Now is the time for the United States, when President Clinton goes to China in June, to propose a cooperative approach to nonproliferation as a major initiative with President Jiang Zemin. The United States can build on the successes already achieved by seeking to encourage China to become a full member of the Missile Technology Control Regime (MTCR), which will require China to abide, not just by the regime's guidelines, but by the technology transfer restrictions contained in its annexes. This is key to a nonproliferation agreement.

Trade: Special attention should be paid to the dynamics of the U.S.-China trade relationship, because the trading relationship, with its domestic ramifications, is such that it can undermine other aspects of a strategic partnership. Hence, there is a real need for a shared understanding and agreement on the rules of trade between the two parties. It is clear that a major United States interest is to have China—which will soon be the world's third-largest economy and growing at unprecedented rates of GDP—abide by the same rules of trade as the rest of the international community.

To that end, a major goal of our policy of engagement should be to encourage China's participation in international economic regimes, and, most notably, the World Trade Organization. As Nicholas Lardy of the Brookings Institution has written, the United States goal of China's accession into the WTO on "commercially viable terms" must dovetail with a realistic assessment of how fast China can achieve the standards necessary for full membership.

A phase-in period is no doubt appropriate given the enormous changes the Chinese economy will have to endure, especially if China continues to show good faith and is moving in the right direction—as the new Premier Zhu Rongji seems inclined to do.

As a further encouragement for China to make the necessary adjustments in its trade practices, Congress might end the application of the Jackson-Vanik amendment to China, thereby making China's MFN status permanent. I intend to cosponsor legislation later this year with the chairman of the Senate Finance Committee, Senator William Roth of Delaware, and others, which would guarantee tnat upon China's accession to the WTO under terms agreed to by the United States, China's MFN status would be made permanent. If necessary, the legislation could be structured so that Jackson-Vanik could be reinstated if China failed to meet its commitments under the WTO. But the important thing is to end the unnecessary and disruptive practice of subjecting the entire U.S.-China relationship to an annual review.

There are other steps the United States can take to ensure a further deepening our strategic partnership with China in the trade area. Each year, the leaders of the world's great industrialized democracies meet in what has been known as the G–7 and, now that Russia is a participant, the Summit of the Eight. These leading nations meet to discuss their common interests and agendas in world economics, trade, and security.

While China is not yet a democracy, it is a rising power in Asia and the world, and, as such, should interact with this summit. As with Russia, full membership is not necessary at the outset. But China's potential role in shaping global peace and economic stability should be recognized and encouraged. It would serve the interests of the United States and our allies at this summit to be able to discuss with Chinese leaders how China and the Western powers can interface and work together.

Most observers agree that China has played a helpful role in responding to the financial crises gripping much of Asia, and there is good reason to be very seriously concerned. Despite a decline in foreign investment and Chinese exports, China has held the line against pressure to devalue its currency, and has pledged to offer financial assistance to its troubled neighbors. China also has pledged to continue and accelerate its reform of state-owned enterprises and the restructuring of its government, with full knowledge that it will have to deal with probable social disruption as a result. This responsible international economic behavior, which has been praised by Secretary of the Treasury Robert Rubin, bodes well for the strategic partnership we are trying to build.

When I first went to China twenty years ago, virtually all businesses were owned by the state. Today, about 25 percent is owned privately, 25 percent is cooperative, and about 50 percent is still owned by the central government.

These highly subsidized state-owned enterprises are hugely inefficient, but they employ tens of millions of people. Zhu Rongji is determined to shut down these white elephants. As he closes them, unemployment is sure to increase. Already in China there is a huge unemployed migrant population in the millions, moving from city to city, with little hope and little opportunity. As these reforms are carried out and inefficient companies are shut down, the situation that the Chinese have the most concern about, instability, is a real possibility. Also, there is growing unrest in minority areas. These events together will test China's commitment to reform, but the early indications are that the commitment of the new Prime Minister is strong.

STEPS TOWARD MUTUAL TRUST

The strategic partnership we are trying to build requires the development of a sense of mutual trust. I do not believe this can be accomplished at secondary levels, but rather must be developed over time, leader to leader, with a lot of listening needed on the U.S. side—something we are not very accomplished at doing. This takes time and persistence. There will be setbacks. But I do not believe that second-level delegations sweeping into Beijing for a day or two, giving ultimatums, can accomplish much. To this end, the United States and Chinese leaders need to develop methods of ongoing communication. It is amazing to me to know that, from the resumption of diplomatic relations with China in 1978 until the present day, there has been no red telephone—no ability for the two leaders to talk, exchange information, or discuss points of concern. Hard to believe, but true.

I will never forget visiting Jiang Zemin at Zhongnanhai in August of 1995 and having him tell me that he did not know of the U.S. decision to grant a visa to Lee Teng-hui to visit Cornell University until he read about it in the newspaper—and I saw it written all over his face, the loss of face. The Chinese believed that they had been reassured in May of that year—just weeks before—that such a visit would not take place. When it did, the relationship was shaken to its foundation, culminating in Chinese missile exercises aimed at intimidating Taiwan and U.S. aircraft carriers being sent to the Taiwan Strait.

I am also of the view that it is possible, perhaps even probable, that the ministries of China often act independently of Beijing, such as in the case of the sale of $75,000 worth of ring magnets to Pakistan. I know that in the case of the intellectual property debate, information was given by the government of Guangdong Province to Beijing indicating that all pirate CD factories in the province had been closed, when they had not.

These cases are small examples of when conversations, and a sharing of key information at critical times, between the leaders of each country—outside of the foreign ministries—can prevent all kinds of difficulties. That is why I am so pleased that a telephone link between the two leaders is set to become operational in May of this year. Other forms of direct contact are important as well. The exchange of visits between the two presidents we are now seeing should be made an annual occurrence. In addition, regular, ongoing high-level visits from both sides at the Secretary of State/Foreign Minister level, as well as cabinet-level visits in other important areas of mutual interests, are vital to developing understanding and trust.

These senior-level talks must also be supplemented by working-level committees that meet at least twice yearly in each other's capitals to discuss non-proliferation, transnational threats such as narcotics trafficking and terrorism, economic cooperation, trade issues, science and technology cooperation, and human rights. Many of our trade disputes with China—over phytosanitary standards, or the calculation of the trade imbalance and what can be done to improve the imbalance, for instance—will never be settled unless there is continuing, ongoing dialogue at both the senior and working levels.

A lack of communication can assert itself in big and small ways. In January of 1996, Sam Nunn, John Glenn, and I met with the Chinese Defense Minister, Chi Haotian, in Beijing. After discussing the tensions in the Taiwan Strait, I asked him if there were any other direct problems between our countries. He said, "Yes, there was one—the problem of U.S. military overflights of Chinese territorial waters." He indicated that some American fighter planes were flying too close to the Chinese coast and may have violated Chinese airspace. From Beijing, I then called Secretary of Defense William Perry. He indicated that he would look into it right away and take care of it, which he did. The U.S. and the Chinese side were able to reach an understanding on these flights fairly easily.

But this incident really showed me the danger inherent in the absence of ongoing communication. Secretary Perry also recognized this gap, and he began a very important process of building an expanded military-to-military dialogue, a process which I strongly support and believe should be continued. In the last two years, there has been an exchange of visits by the Defense Ministers, occasional meetings between officers of the two sides, and a handful of port visits. All are healthy.

The October summit helped to advance this process with an agreement on regular high-level and mid-level exchanges, between both officers and specialists in each country's war colleges. An agreement was also reached on a communication system to avoid accidental encounters between U.S. and Chinese naval forces at sea. This military-to-military dialogue is important. In order to broaden and deepen these exchanges, the United States might conduct some joint exercises with the Chinese military—perhaps initially just search-and-rescue, or disaster relief cooperation—a priority.

Another aspect of a strategic partnership is to combat the transnational criminal threats—such as terrorism, drug trafficking, and alien smuggling—that disrupt each of our societies, and the Chinese have been very cooperative in these efforts. Hopefully, the two presidents will build on this cooperation in June by reaching agreement to allow the U.S. to station DEA agents in China, and perhaps an FBI placement.

This cooperation could be combined with law enforcement-related exchanges in modern investigative techniques, forensics, case-building, and proper training in crowd control techniques. It should be remembered that, until recently, the Chinese had no local police and relied on the army in many domestic situations, including Tianamen Square in 1989.

HUMAN RIGHTS AND ENGAGEMENT

One cannot talk about what should be contained in a policy of engagement of China without discussing how human rights policies should interact with other aspects of U.S.-China policy. The truth is that the human rights situation in China remains deeply disturbing. Fundamental freedoms—expression, political acitivity, assembly, and religion—remain sharply restricted no matter what the Chinese say. Dissidents continue to languish in prison. Arbitrary arrest, torture, and the imprisonment of political prisoners continue.

The situation is even worse in Tibet, which remains a troublesome and unfathomable issue. There is no question but that the Chinese have continued to harden their policies against the Tibetan people. This has taken the form of a crackdown on dissent (merely to have a picture of the Dalai Lama in a home is a cause for arrest), and brutalizing those who do not conform. Han Chinese continue to build a major Chinese presence in the capital of Lhasa, which is rapidly looking more Chinese than Tibetan. Most discouraging, the Chinese maintain their refusal to meet with the Dalai Lama, despite his repeated assurances that he has discarded Tibetan independence as a point of contention.

This issue has been a very personal one for me. I was initially brought into the Tibet issue by my husband, Richard Blum, who has been a longstanding friend of His Holiness the Dalai Lama and first introduced me to him in 1978. In 1979, when I became Mayor of San Francisco, I was the first American official to receive His Holiness. So the issue has become a very personal one for me. Nine years ago, Richard and I began a small quest. That was to arrange a meeting between the Chinese leadership and His Holiness. In 1991, we first carried letters to the Chinese leadership from the Dalai Lama. These discussions have continued for several years.

Then, last September, I thought there was going to be a breakthrough. I was asked by Beijing to come to China to deliver a written message and proposal from the Dalai Lama, which I had been holding since June. We flew to Beijing on a weekend and presented the letter to President Jiang Zemin. The meeting did not go well, and I was very disappointed after it. But before I left Beijing, I received word that the door was not closed to the Dalai Lama's offer. And I have held out hope that there is still an opportunity to capitalize on this offer.

Then, very recently, I saw an article distributed by Xinhua, which falsely depicts the position of the Dalai Lama. The article cites a recent issue of the journal *China's Tibet*. The article says: "The Dalai Lama has never sought genuine talks with the Central government of China in the last ten years." The article goes on to repeat accusations that the Dalai Lama is working to split Tibet from China and is seeking Tibetan independence.

Simply put, these charges are not true. The Dalai Lama has repeatedly made statements, publicly and privately, that should have long since satisfied Chinese concerns. And I, personally, have delivered two of them—one in 1991, and one last September.

Until recently, I have been unable to say anything about this, because these contacts have been basically private. But on March 10 of this year, the Dalai Lama released a statement, which goes to the heart of this subject. The Dalai Lama's statement, while acknowledging some progress in human rights in China, says:

"In stark contrast to these positive aspects of development in China proper, the situation in Tibet has sadly worsened in recent years. Of late, it has become apparent that Beijing is carrying out what amounts to a deliberate policy of cultural genocide in Tibet. The infamous 'strike hard' campaign against Tibetan religion and nationalism has intensified with each passing year."

Further on in the statement, the Dalai Lama makes clear what he is seeking from the Chinese leadership:

"With regard to a mutually acceptable solution to the issue of Tibet, my position is very straightforward. I am not seeking independence. As I have said many times before, what I am seeking is for the Tibetan people to be given the opportunity to have a genuine self-rule in order to preserve their civilization and for the unique Tibetan culture, religion, language, and way of life to grow and thrive. My main concern is to ensure the survival of the Tibetan people with their own unique Buddhist cultural heritage. For this, it is essential, as the past decades have shown clearly, that the Tibetans be able to handle all their domestic affairs and to freely determine their social, economic, and cultural development."

In light of this background, I propose three directions for U.S. policy on human rights in China:

First, the Tibet issue should be elevated to the highest priority of the U.S. human rights agenda. Just a few months ago, the Secretary of State appointed Gregory Craig to be the State Department's Special Coordinator for Tibet. The United States should launch a major initiative, as part of President Clinton's visit, to convince the President of China that he should take the Dalai Lama at his word, and sit down and meet with him. After all, the Dalai Lama is the spiritual leader of some six million Tibetans, and as such, his view and proposals deserve to be heard by the government of his people.

Secondly, the United States must also actively promote and help China develop the rule of law, which is the most important guarantor of individual freedoms. A truly independent judiciary, which it is not now, due process of law, and modern civil, criminal, and commercial codes are all vital to this effort. The Administration has already proposed a new $5 million program, which I strongly support, to be administered under the auspices of the Asia Foundation for this purpose. This program can be the single most important thing we can do to make major changes possible in the area of human rights.

Finally, the United States should continue to press for the release of political dissidents, for reform of the prison system, the abolition of child labor and prison labor, and increased religious tolerance. There has been some progress, first with Wei Jingsheng's release, and more recently with Wang Dan's.

WHAT KIND OF CHINA?

The key question that a policy of engagement attempts to address is: What kind of China do we hope to be dealing with in 2015? As most of our deepest partnerships around the world are with democratic nations, the ideal answer of course is that we would see a fully democratic China. But the history of transitions to democracy suggests to us that China may not have made that entire transition in another decade or two. Yet if the current trends toward openness and individual freedoms in Chinese society continue, I believe it will happen, probably along the Taiwan model.

Specifically, we should be looking for the following:

an increasingly open country and society, with sharply reduced barriers to interaction with the West;

a China in which the people have a voice in their governance, at the local, provincial, and even national level—which is now beginning with the widespread village elections initiative;

a China in which the rule of law, due process, an independent judiciary, and modern civil, criminal, and commercial codes, and the protection of individual rights have been firmly established as the basis of human endeavor; and,

a responsible leadership, which allows itself to be held accountable for its decisions and actions, both at home and abroad, and is willing and able to ensure its own peace and stability, and play a role in establishing peace and security all along the Pacific Rim.

I deeply believe in engaging China fully. And as China changes—and it will—engagement will become both easier to practice and easier to build support for at home. All those who are pursuing this effort have the United States best interests at heart.●

CONGRATULATING U.S. ARMY RESERVE ON ITS 90TH ANNIVERSARY AND RECOGNIZING CONTRIBUTIONS OF STROM THURMOND, PRESIDENT PRO TEMPORE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 213 submitted earlier today by Senator HELMS.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 213) congratulating the United States Army Reserve on its 90th anniversary and recognizing the important contributions of STROM THURMOND, the President Pro Tempore of the Senate, who served with distinction in the United States Army Reserve for 36 years.

The Senate proceeded to consider the resolution.

● Mr. HELMS. Mr. President, the resolution that I am offering today, along with 28 other Senators, is intended to commemorate the 90th Anniversary of the United States Army Reserve and to honor the soldiers who have served in the USAR, including our good friend and Senate President pro tempore, Senator STROM THURMOND, who served with distinction as an Army Reservist for 36 years.

Winston Churchill once remarked that "the reservist is twice the citizen." Indeed, the accolade "twice the citizen" serves as the title of the definitive history of the U.S. Army Reserve that was written by the late Colonel Richard B. Crossland and Colonel James T. Currie, whose assistance was invaluable in drafting this resolution. The concept that reservists fulfill multiple roles as citizens in their community while simultaneously training for war and other military operations was never more true than today.

Today's Army Reserve of almost 487,000 Ready Reserve and Standby Reserve soldiers and 600,000 Retired Reserve soldiers is a far cry from its predecessor, the Medical Reserve Corps, which was authorized by statute on April 23, 1908. On that date, President Theodore Roosevelt signed an act "to Increase the Efficiency of the Medical Department of the United States Army." The act provided for the commissioning of a few hundred Reserve medical doctors, in order to avert future shortages of officers, such as the one that had occurred during the Spanish-American War.

Mr. President, since that modest beginning, the USAR has grown to become a community-based force with over 1200 facilities across the United States and more than 2000 units in the United States and its territories.

While comprising only about 20 percent of the Army's organized units and receiving only about 5 percent of the Army's budget , today's Army Reserve includes 46 percent of the Army's combat service support (CSS) assets and more than a quarter of the Army's combat support (CS) assets. These assets include medical, engineer, transportation, civil affairs, legal, military police, and psychological operations units which are essential to any military operation.

From World War I when the USAR contributed more than 160,000 soldiers to the United States Army, through World War II, Korea, Vietnam and Desert Shield/Desert Storm, the soldiers of the USAR have been ready when the President called upon them.

Even today, as we spend more and more of our limited defense resources on so-called "contingency operations" and "operations other than war," the soldiers of the USAR and their families are making the sacrifices necessary to serve their country.

Each year, the Army Reserve deploys approximately 20,000 soldiers to 50 countries worldwide on a variety of missions. In Bosnia alone, the Army Reserve has contributed almost 15,000 citizen-soldiers, representing more than 70% of the Army's reserve component mobilization.

Mr. President, I recently received a letter from Colonel Herbert N. Harmon (USMCR), National President of the Reserve Officers Association, who suggested that I introduce this resolution.

I am honored to do so.

Mr. President, it is appropriate that Senator THURMOND and the citizen-soldiers of the USAR be honored on the occasion of the Army Reserves 90th Anniversary on April 23, 1998. For, in many ways, Senator THURMOND's service as a reservist is the story of the consummate citizen-soldier.

His remarkable record of service as a reservist began in 1924 when he received a commission as a Second Lieutenant in the Infantry. By the time he transferred to the Retired Reserve in 1965, Senator THURMOND had risen to the rank of Major General, the highest rank available to a Reserve Officer.

Then First Lieutenant Thurmond volunteered the day war was declared against Germany even though his position as a South Carolina Circuit Judge exempted him from service in World War II. He received a commission in the active Army, became a member of the First U.S. Army and was attached to the 82nd Airborne Division for the Normandy invasion. It was during that action that he sustained an injury for which he was awarded a Purple Heart.

While serving in Europe, Senator THURMOND served in all battles of the First Army, which fought through France, Belgium, Holland, Luxembourg, Czechoslovakia, and Germany. In addition to the Purple Heart, he received numerous other awards and commendations for his heroism and valor, including the Legion of Merit, the Bronze Star Medal with V device and the Army Commendation Ribbon just to cite a few.

Mr. President, it would be difficult to overstate Senator THURMOND's contribution to the security of our country and our gratitude for his exceptional service. Suffice it to say that he is, perhaps, the single most qualified person ever to serve as the Chairman of the Senate Armed Services Committee and that I am honored to have had the privilege of serving with him for these past 25 years.

I am also grateful for the service and the sacrifices of the soldiers who willingly serve in, and the families who support, the Army Reserve. Their dedication, commitment, and accomplishments are properly noted on this occasion.

Mr. President, I urge Senators to support this resolution and to join me in honoring Senator THURMOND and the soldiers of the United States Army Reserve. It's the right thing to do and I am confident that Senators will agree.

I ask that the letter from Col. Herbert N. Harmon be printed in the RECORD.

The letter follows:

RESERVE OFFICERS ASSOCIATION
OF THE UNITED STATES,
Washington, DC, April 14, 1998.

Hon. JESSE HELMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR HELMS: On April 23, the United States Army Reserve will observe the 90th anniversary of its founding as the first federal Reserve force established by the Congress. During those 90 years the Army Reserve has served proudly and effectively as a full partner in our nation's Army. Indeed, today it is no exaggeration to say that the Army cannot conduct any sustained operation without the support of the Army Reserve. It is appropriate that the contributions of our Army Reserve be recognized on this occasion.

Enclosed is a draft resolution that congratulates the Army Reserve on its 90th birthday; commends the citizen-soldiers of the USAR for their service and sacrifice; and recognizes Senator Strom Thurmond, President Pro Tempore of the Senate, and former national president of this association, who served with distinction for 36 years in the Army Reserve, rising to the rank of major general. We ask that you introduce this resolution honoring the Army Reserve and Senator Thurmond.

We thank you for your support of our men and women in uniform and for your support of this resolution honoring the Army Reserve and Senator Thurmond. If we may be of assistance to you in this matter, please let us know.

Sincerely,
HERBERT N. HARMON,
Colonel, USMCR,
National President.●

Mr. COVERDELL. Mr. President, I ask unanimous consent that the resolution be agreed to; the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 213) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 213

Whereas the United States Army Reserve was created by statute on April 23, 1908;

Whereas the United States Army Reserve was the first of the Federal reserve forces created by Congress;

Whereas the United States Army Reserve has played a major role in the defense of this country for 90 years;

Whereas many notable Americans have served with distinction in the United States Army Reserve, including Presidents Harry S Truman and Ronald W. Reagan, the current Chairman of the Joint Chiefs of Staff, General Henry H. Shelton, Brigadier General Theodore Roosevelt, Jr., Major General William J. Donovan (Director of the Office of Strategic Services during World War II), Drs. Charles H. Mayo and William J. Mayo, and Captain Eddie Rickenbacker;

Whereas the President Pro Tempore of the Senate, Strom Thurmond, who received the Purple Heart for injuries received while participating in the Normandy invasion with the 82d Airborne Division on D-Day, served with distinction in the United States Army Reserve for 36 years, rising to the rank of Major General;

Whereas the United States Army Reserve contributed more than 160,000 soldiers to the United States Army during World War I;

Whereas the United States Army Reserve was recognized by General George C. Marshall for its unique and invaluable contributions to the national defense during World War II;

Whereas more than 240,000 soldiers from the United States Army Reserve were called to active duty during the Korean War;

Whereas 35 units of the United States Army Reserve were sent to Vietnam, where they served honorably and well;

Whereas the United States Army Reserve contributed more than 90,000 soldiers to Operations Desert Storm and Desert Shield in 1990 and 1991;

Whereas the United States Army Reserve has contributed more than 70 percent of the reserve soldiers mobilized in support of Operation Joint Endeavor/Joint Guard in Bosnia;

Whereas the United States Army Reserve constitutes a very high percentage of the mission essential combat support and combat service support forces of the Army;

Whereas the Army cannot go to war without the 1,100,000 trained Ready Reserve and Retired Reserve personnel of the United States Army Reserve;

Whereas the United States Army Reserve is a community-based force with over 1,200 facilities in communities across the United States; and

Whereas the United States Army Reserve has made these contributions to the security of our country in return for a very small percentage of the Army budget: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the United States Army Reserve on the occasion of the 90th anniversary of its establishment on April 23, 1998;

(2) recognizes and commends the United States Army Reserve for the selfless and dedicated service of its past and present citizen-soldiers who have preserved the freedom and national security of the United States; and

(3) recognizes Strom Thurmond, the President Pro Tempore of the Senate, for 36 years of service with distinction in the United States Army Reserve.

COMMENDING THE GRAND FORKS HERALD

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 214 submitted earlier today by Senators CONRAD, DORGAN and others.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 214) commending the Grand Forks Herald for its public service to the Grand Forks area and receipt of a Pulitzer Prize.

The Senate proceeded to consider the resolution.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc; that the motion to reconsider be laid upon the table; and that any statements relating thereto be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 214) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 214

Whereas the residents of the Grand Forks area in North Dakota and Minnesota experienced the most devastating floods in 500 years during April 1997;

Whereas more than 50,000 residents of the Red River Valley area were severely displaced for months by the flooding;

Whereas the offices of the Grand Forks Herald, whose newspaper has a daily circulation of 37,000, were displaced by the floods and moved to various locations to publish the newspaper, including the University of North Dakota and Manvel Elementary School, and the paper was printed by the St. Paul Pioneer Press of St. Paul, Minnesota, to enable the paper to maintain continuous publication;

Whereas the Grand Forks Herald publisher Mike Maidenberg, editor Mike Jacobs, and more than 70 staff members, whose lives were turned upside down by the floods, never failed to publish an edition of the newspaper during the floods, sometimes hitting a circulation of 117,000 and keeping the community together even though the paper's facilities were totally destroyed;

Whereas the Grand Forks Herald was honored with journalism's most prestigious award, the Pulitzer Prize for public service, for its extraordinary efforts to continue publishing during the severe flooding; and

Whereas the dedication and devotion of the Grand Forks Herald to the community made an extraordinary difference in the lives of many people during the flooding by helping to maintain a sense of stability during this terrible natural disaster: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Grand Forks Herald and its staff for their dedication to community and excellence in public service; and

(2) congratulates the newspaper on being selected to receive one of our Nation's most coveted awards for public service, the Pulitzer Prize.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 1999, 2000, 2001, 2002 AND 2003

Mr. COVERDELL. Mr. President, I ask unanimous consent that the previously agreed to amendment No. 2180 be modified with the changes that are at the desk and, further, that the modification be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The previously agreed to amendment (No. 2180), as modified, was agreed to, as follows:

At the appropriate place, insert the following:

SEC. . GENERAL PROHIBITION ON THE USE OF MARIJUANA FOR MEDICINAL PURPOSES.

It is the sense of the Senate that the provisions of this resolution assume that no funds appropriated by Congress should be used to provide, procure, furnish, fund or support, or to compel any individual, institution or government entity to provide, procure, furnish, fund or support, any item, good, benefit, program or service, for the purpose of the use of marijuana for medicinal purposes, except that this section shall not apply to medical research and investigational new drug programs under the jurisdiction of the Food and Drug Administration.

ORDERS FOR THURSDAY, APRIL 23, 1998

Mr. COVERDELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, April 23. I further ask unanimous consent that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately resume consideration of H.R. 2646, the Coverdell A+ education bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I further ask unanimous consent that at 9:30 a.m., the Senate immediately proceed to a rollcall vote on or in relation to the Coats amendment. Further, that following that vote, the Senate proceed to a vote on or in relation to the Kempthorne amendment. I further ask unanimous consent that if the Kempthorne amendment is agreed to, the Kempthorne amendment be modified to reflect a first-degree form and the Senate proceed to an immediate vote on or in relation to the Landrieu amendment.

Further, I ask unanimous consent that there be 2 minutes of debate before each vote and no amendments be in order to these votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COVERDELL. Mr. President, for the information of all Senators, following a series of stacked rollcall votes at 9:30 a.m., there appears to be up to four additional first-degree amendments remaining in order to the Coverdell education bill: the Bingaman amendment, the Boxer amendment, the Levin amendment and an amendment by Senator DODD.

It is hoped that these amendments will be offered and debated in a timely fashion so that final passage can occur by early afternoon tomorrow. Therefore, Senators should expect rollcall votes throughout Thursday's session in order to finish this important piece of legislation or any other legislative or executive items cleared for action.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. COVERDELL. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6 p.m., adjourned until Thursday, April 23, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 22, 1998:

DEPARTMENT OF STATE

WILLIAM DAVIS CLARKE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF ERITREA.

GEORGE WILLIFORD BOYCE HALEY, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE GAMBIA.

KATHERINE HUBAY PETERSON, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF LESOTHO.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

MICHAEL FARBMAN, OF VIRGINIA
JOHN RICHARD TABER, OF ALASKA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

JEFFREY D. BELL, OF NEVADA
HERBERT B. SMITH, JR., OF DELAWARE

DEPARTMENT OF STATE

ALBERTA G.J. MAYBERRY, OF OKLAHOMA
GERALDINE H. O'BRIEN, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

JULIE M. ALLAIRE-MACDONALD, OF NEW HAMPSHIRE
CARRIE V. DAILEY, OF ILLINOIS
CELESTINA M. DOOLEY-JONES, OF SOUTH DAKOTA
RICHARD LABROT EDWARDS, OF OREGON
WILLIAM KING ELDERBAUM, OF FLORIDA
W. JAMES GOHARY, OF TEXAS
GARDENIA M. HENLEY, OF NORTH CAROLINA
CAROLYN NIVENS HUGHES, OF NORTH CAROLINA
MARIE CARELL LAURENT, OF FLORIDA
PETER A. MALNAK, OF FLORIDA
ALLAN A. MCKENNA, OF TEXAS
MICHELE A. MOLONEY-KITTS, OF WYOMING
GREGORY EDWIN VINCENT PICUR, OF FLORIDA

DEPARTMENT OF STATE

LYNNE G. PLATT, OF CONNECTICUT

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

JOHN LOWELL ARMSTRONG, OF MINNESOTA
CHARLIE H. ASHLEY III, OF TEXAS
DAVID MARK BIRDSEY, OF NEW JERSEY
DAVID NOEL BRIZZEE, OF IDAHO
DAVID BURGER, OF VIRGINIA
JILLIAN LESLIE BURNS, OF NEVADA
DANIEL LEE CHASE, OF VIRGINIA
KAY CRAWFORD, OF ILLINOIS
JOEL EHRENDREICH, OF WISCONSIN
SILVIA EIRIZ, OF NEW YORK
THOMAS R. FAVRET, OF PENNSYLVANIA
ALICE K. FUGATE, OF TEXAS
TIMOTHY MICHAEL HANWAY, OF CALIFORNIA
BONITA G. HARRIS, OF TEXAS
PATRICK MICHAEL HEFFERNAN, OF NEW HAMPSHIRE

LINDA R. HOOVER, OF INDIANA
TINA S. KAIDANOW, OF NEW YORK
THOMAS ALEXANDER KELSEY, OF FLORIDA
JESSICA E. LAPENN, OF NEW YORK
MARK W. LIBBY, OF CONNECTICUT
JOHN DAVID LIPPEATT, OF CALIFORNIA
REBEKAH J. LYNN, OF CALIFORNIA
KARIN L. MELKA, OF CALIFORNIA
PHILLIP RODERICK NELSON, OF VIRGINIA
ELISHA EDWARD NYMAN, OF WASHINGTON
TIMOTHY JOEL POUNDS, OF FLORIDA
JOEL RICHARD REIFMAN, OF TEXAS
DAVID W. RENZ, OF VIRGINIA
ROBERT KENNETH SCOTT, OF MARYLAND
ELIZABETH ANNE SHARRIER, OF VIRGINIA
ERIC ALLAN SHIMP, OF IOWA
NAN FORSYTH STEWART, OF OREGON
DEAN RICHARD THOMPSON, OF MARYLAND
PHILIP ALAN THOMPSON, OF ARKANSAS
LYNNE M. TRACY, OF WASHINGTON
KURT FREDERICK VAN DER WALDE, OF VIRGINIA
THOMAS J. WALSH, OF VIRGINIA
HAROLD G. WOODLEY, OF VIRGINIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE AND THE DEPARTMENT OF STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

KARIN L. BALDWIN, OF VIRGINIA
WILLIAM QUINN BEARDSLEE, OF COLORADO
TODD M. BLUHM, OF VIRGINIA
MICHELE A. BRADFORD, OF MARYLAND
EDWARD BENNETT LLOYD BURKHALTER, OF VIRGINIA
CLAUDIA MARIA COLEMAN, OF TEXAS
THOMAS P. DINEEN, OF VIRGINIA
GERALD A. DONOVAN, OF DELAWARE
DANIEL WRIGHT EMORY, OF VIRGINIA
LAURIE A. FARRIS, OF VIRGINIA
DANIEL L. FOOTE, OF CALIFORNIA
ANDREA FRANCA GASTALDO, OF TEXAS
CATHERINE S. GILL, OF VIRGINIA
RICHARD L. GREENE, OF NEW YORK
DEIRDRE VICTORIA GROLL, OF MARYLAND
GAYLE J. S. HALLMAN, OF VIRGINIA
MICHAEL J. HAZEL, OF WASHINGTON
BRIAN GEORGE HEATH, OF NEW JERSEY
RICHARD CHARLES HEGGER, OF MONTANA
JERRY W. HILL, OF VIRGINIA
VIRGINIA MEADE BEDELL HOTCHNER, OF VIRGINIA
MATTHEW G. JOHNSON, OF CALIFORNIA
DEENA JOHNSONBAUGH, OF WASHINGTON
JON C. KARBER, OF VIRGINIA
LUKE KAY, OF MICHIGAN
MARY MARGARET KNUDSON, OF COLORADO
DOUGLAS KREMER, OF NEW YORK
JENNIFER LEE LANGSTON, OF CALIFORNIA
INGRID D. LARSON, OF MARYLAND
DENNIS H. LEIGHTON, OF WASHINGTON
DENIS MARK MANDICH, OF VIRGINIA
BRIAN M. MARKLEY, OF VIRGINIA
JOE C. MAYES, III, OF VIRGINIA
DAVID R. MCCAWLEY, OF CALIFORNIA
MEREDITH C. MCEVOY, OF MINNESOTA
ANGELA M. MINER, OF VIRGINIA
TESS ANNETTE MOORE, OF TEXAS
LEIGH ANNE MUGISHIMA-BUSHERY, OF VIRGINIA
MATTHEW D. MURRAY, OF MARYLAND
ROBERT STEVEN NEUS, OF NEW JERSEY
SCOTT MCCONNIN OUDKIRK, OF VIRGINIA
RICHARD W. PABST, OF VIRGINIA
JACQUELINE K. PAYNE, OF VIRGINIA
BRIAN W. PEPPER, OF VIRGINIA
KRISTA A. PETERSON, OF NEW MEXICO
USHA PITTS, OF THE DISTRICT OF COLUMBIA
ARTHUR J. PYRAK, OF VIRGINIA
SCOTT REMINGTON, OF ARIZONA
JEFFREY JAMES ROBERTSON, OF CALIFORNIA
JEFFREY ROBERT ROSENBERG, OF VIRGINIA
MAUREEN SHAHEEN, OF VIRGINIA
MATTHEW L. SHIELDS, OF VIRGINIA
NANCY L. SMITH, OF VIRGINIA
THERESA A. RENNER SMITH, OF MARYLAND
RICHARD WILLIAM SNELSIRE, OF TEXAS
STEPHEN WILLIAM THOMPSON, OF OREGON
SOLINUU P. TOPALIAN, OF VIRGINIA
WALTER RANDALL TOWNSEND, OF TEXAS
NANCY W. VAN SPEYBROECK, OF CALIFORNIA
RUBY P. VINAL, OF VIRGINIA
LIAN VON WANTOCH, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE DECEMBER 24, 1996:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

JUDYT LANDSTEIN MANDEL, OF THE DISTRICT OF COLUMBIA
MARY C. PENDLETON, OF VIRGINIA

NATIONAL LABOR RELATIONS BOARD

LAURENCE J. COHEN, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE NATIONAL LABOR RELATIONS BOARD FOR A TERM OF FOUR YEARS, VICE FREDERICK L. FEINSTEIN, RESIGNED.

WITHDRAWAL

Executive message transmitted by the president to the senate on April 22, 1998, withdrawing from further senate consideration the following nomination:

NATIONAL LABOR RELATIONS BOARD

JOHN C. TRUESDALE, OF MARYLAND, TO BE GENERAL COUNSEL OF THE NATIONAL LABOR RELATIONS BOARD FOR A TERM OF FOUR YEARS, VICE FREDERICK L. FEINSTEIN, RESIGNED, WHICH WAS SENT TO THE SENATE ON APRIL 2, 1998.

HOUSE OF REPRESENTATIVES—*Wednesday, April 22, 1998*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. GILLMOR).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 22, 1998.

I hereby designate the Honorable PAUL E. GILLMOR to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

Reverend Adrian Condit, Baptist Pastor, retired, Ceres, California, offered the following prayer:

Our Heavenly Father, as we come into Your holy presence this morning, we come, first of all, to give You praise and thanks for Your abundant grace that has abounded to us. We thank You as individuals, for we have all tasted of Your kindness to us through our Lord Jesus Christ in our homes throughout our great Nation. For over 200 years, Your hand of mercy has been extended to us many times, in war, through our social ills, and in times of economic distress. And today we stand at the threshold, Our Father, of turning the corner into the 21st Century.

As I stand here in this hallowed place, I feel so very small and so very humble, but I know that I am praying to the Creator of heaven and earth. I am praying for these men and women who stand before me here today, for they have the power to make decisions that affect people's lives, and sometimes change their lives forever; and if anyone ever needed wisdom from above, it is these who stand here in this House and transact business as the government of the people and for the people. I pray, my Father, for each of them to be very sensitive to Your presence and to Your leadership in their lives.

I especially pray for my own son, Congressman GARY CONDIT. Father, You know that I am very proud of him, and ask for Your special touch upon his life.

As we write the last chapter of this century, may we not forget the words of Our Loving Lord, when He said, "A house divided against itself shall not stand."

I pray that we will see a state of unity in this House among both parties; that we may finish our task and be able to write a chapter of success and achievements that will usher in the new century, blessed by God Almighty, giving hope and life for our children, grandchildren and great grandchildren, and to as many generations for as long as time permits.

May we be able to say with truth that we are one Nation, under God, indivisible, with liberty and justice for all.

In the name of our Loving Lord and Saviour, Jesus Christ, I pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. CONDIT) come forward and lead the House in the Pledge of Allegiance.

Mr. CONDIT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate passed a bill of the following title, in which concurrence of the House is requested.

S. 414. An act to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States exports, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. There will be 15 1-minute speeches on each side this morning, following the 1-minute from the gentleman from California (Mr. CONDIT).

INTRODUCTION OF GUEST CHAPLAIN ADRIAN CONDIT

(Mr. CONDIT asked and was given permission to address the House for 1 minute.)

Mr. CONDIT. Mr. Speaker, a moment ago we heard the opening prayer presented by my father, the Reverend Adrian Condit. I want to thank the Speaker, as well as Chaplain Ford, for extending this courtesy to my father.

My family has been honored that my father has been allowed the privilege of offering the opening prayer both here and in Sacramento before the California State legislature. Along with my family, I deeply appreciate this privilege and honor. I benefited from his counsel throughout my life, and I am proud to be able to share him with you this morning; to share him with my colleagues and the Nation.

There are three generations of Condits here today. In addition to my father, my son, Chad, is here in the gallery as well.

Again, Mr. Speaker, I want to thank you a lot. This means a lot to us this morning. This is a memory that the Condit family will cherish for a long time. I want to thank you for allowing us this opportunity this morning.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members should avoid references to the gallery.

TAX LIMITATION AMENDMENT WORKS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I rise today to tell my colleagues, and as well, the American people, that the tax limitation amendment works. Fourteen States have now adopted language that includes tax limitations, including my home State of Nevada.

In tax limitation States, taxes grow more slowly and government spending grows more slowly. On the other hand, the economies expand faster and the job base grows more quickly. Today, we have an opportunity to allow the Federal Government and the national economy to get the same benefits.

It is helpful for us to remember that after taking control in 1994, the Republican Congress balanced the Federal budget for the first time in a generation. It was done by reducing wasteful government spending, not by raising taxes.

Now that we have reached a balanced budget, the tax limitation constitutional amendment will ensure that future Congresses do not resort to the old

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

"tax and spend" ways of the past. This legislation makes raising taxes on the American people exactly what it should be, a last resort.

Mr. Speaker, I urge my colleagues to join me in support of this important and much-needed legislation.

SCHEDULE VOTE ON TOBACCO LEGISLATION TODAY

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, for years tobacco companies have set their sights on America's young people, pinpointing the most appealing way to market their product to them, and deliberately hooking our kids on cigarettes.

A 1984 R.J. Reynolds marketing report says it all: Young people are the "only source of replacement smokers," and that if kids "turn away from smoking, the industry must decline, just as the population which does not give birth will eventually dwindle."

Yet the Republican leadership has refused to act to protect our kids from this deadly habit, perhaps because the tobacco companies are the largest corporate contributors to the Republican Party.

Every day the Republican leadership fails to schedule debate on comprehensive tobacco legislation, 3,000 more kids in America will pick up this deadly habit, and 1,000 of them will eventually die of a tobacco-related illness.

Mr. Speaker, do the right thing. Schedule a vote on tobacco legislation today.

TIME TO HEAL WOUNDS IN SOCIETY

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, once again the New York Stock Exchange has set a new record as it presses on to the 10,000 mark. Our economy is strong nationwide, consumer confidence is very high, and unemployment is at its lowest point, with 2,200,000 people working today that were on welfare in 1994.

With all the good things that are happening today, with all the benefits from being the strongest market in the world, we have overlooked this emptiness in our Nation's soul. The symptoms are everywhere. They are in the paper, on the radio, on prime time television. People no longer honor their commitments, driving divorces up in America. Spousal abuse is up as people deal with life's frustrations without consideration for each other. Children are abused and forgotten in the whole process as people try to put their lives back together again.

Let us heal these wounds in our society by returning to faith in God and the values and virtues that built this great Nation.

BEST FOREIGN POLICY IN CHINA'S HISTORY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, with $60 billion, China buys California naval bases, missiles, attack aircraft, nuclear submarines. If that is not enough to tax your limitation, China then sells missiles to Iran and Pakistan to get more money, and then they use that money to control the Panama Canal.

Now, if that is not enough, folks, check this out: An American company recently gave missile secrets to China that the Pentagon admits these secrets can help China hit every American city right between the eyes with one of their nuclear missiles. Beam me up.

When is the White House going to realize that America has crafted the best foreign policy in China's history?

I yield back the balance of any common sense left in our Capitol.

PAY DOWN THE DEBT

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, welcome back to all my colleagues from the Easter break work period. I am interested in hearing the collective view of our Nation's citizens from my colleagues. I will share mine.

From the 20th District of Illinois comes one consistent message on the budget surplus: Pay down the debt. Pay down the debt. Pay down the debt. It is the best way to ensure economic growth and opportunity for all, and the most important method of ensuring Social Security.

Let us work toward that end.

BEGIN WITH CONSERVING THE HEALTH OF AMERICA'S YOUNG PEOPLE

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, it is alarming, but hardly surprising, to find the House Republican leadership continuing to do the bidding of the tobacco lobby. Within the last few days, the Speaker has declared that Joe Camel had nothing to do with youth smoking, and today the House Republican whip has opposed efforts in an article in the Wall Street Journal, of course, to reduce youth smoking by raising the price of tobacco.

This is the same House Republican leadership that last year thought the way to a tobacco settlement was to approve a $50 billion tax break for the tobacco lobby. The only thing I can find to agree on this subject with Speaker GINGRICH on is we need a conservative approach, a very conservative approach that begins with conserving the health of America's young people; not protecting the nicotine peddlers who have exploited them at the same time they have funded the Republican Party.

FREE NEEDLE POLICY WRONG

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, what can we say about the Enabler in Chief, who has just announced a policy that will actually put the Federal Government in the business of handing out needles to illegal drug users?

The government often does stupid things. The American people know that, and they despair at many of the dumb things the government tries to do. But the government should not be doing dangerous things, especially when people are at their most vulnerable, and they are the ones who will suffer the consequences.

But here we have a government that is at its most misguided, most irresponsible, and most dangerous. The administration is using bad science done by left-wing radicals with an agenda, and basing national policy on a pack of lies. Adults with alcohol addiction do not need enablers who indulge their weakness for alcohol. Kids who take up smoking do not need enablers to provide them with low-tar cigarettes on the theory, well, they are going to smoke anyway.

□ 1015

Drug addicts do not need needle enablers who help them continue their illegal drug use by giving them free needles. Mr. Speaker, this policy is nuts.

CHILDREN NEED TOBACCO OUT OF THEIR LIVES

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, our national effort to hold the tobacco companies responsible for their criminal behavior of the past, of intentional efforts to hook our children on tobacco and nicotine, was dealt a major setback when the Speaker of the House has indicated that it may be difficult for the House to pass tobacco legislation. It will only be difficult if the Speaker of the House does not schedule the bill.

It is the Speaker of the House, the gentleman from Georgia (Mr. NEWT GINGRICH), who has the power to schedule the bill or not to schedule the bill, and then the House can address the outrageous behavior of the tobacco companies toward America's children.

The Speaker spent the last 2 weeks traveling in America talking about lessons learned the hard way. Maybe the lesson learned the hard way is if they take their money, a million dollars of tobacco money, the Republicans cannot find it in their hearts to get America's children off of tobacco. If Members take a million dollars of tobacco companies' money, they try in the middle of the night, as the Speaker did last year, to put a $50 billion tax break for the tobacco companies in the Tax Code.

Mr. Speaker, the lesson learned the hard way is that children need tobacco out of their lives.

LET US REMEMBER TO THINK GLOBALLY AND ACT LOCALLY FOR THE ENVIRONMENT

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, let us not forget that today is Earth Day. Of course, Earth Day is an important day for all of us who care about our environment. Clearly, one message of Earth Day we should never forget is to think globally and act locally.

I am proud of the locally-led efforts in the South Side of Chicago and the south suburbs of Chicago that have worked to establish some important local environmental initiatives: to establish the Midewin National Tallgrass Prairie in the former Joliet Arsenal, efforts to establish the Calumet National Heritage area in the biState area northwest in Indiana, in the South Side of Chicago efforts to save the Kankakee River from sand and silt sedimentation.

All three are local priorities, locally led; local partnerships working to save the environment locally. The Midewin National Tallgrass Prairie is the largest conservation area of its kind, the first national tallgrass prairie. Calumet National Heritage Area will be a unique biState national ecological area established in a former industrial area. And, of course, the Kankakee River, the solution to save the Kankakee River, deserves the same kind of national priority as restoration of the Everglades.

Let us remember to think globally and act locally. It works.

LET US ADDRESS THE QUESTION OF TEEN SMOKING IN AMERICA

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, I rise today to speak out about tobacco. It is time for the Congress to do the right thing. Unfortunately, the messages coming from the Speaker's Office are mixed. One day, we ought to do something; the next day, it is too big a burden. It is not too big a burden. We have to protect our young people.

Each day, approximately 6,000 young people try a cigarette. Each day, 300 become long-term smokers. The average teen smoker starts at age 13. Among adults who smoke daily, 82 percent started as teenagers. We can address this problem if we put aside the rhetoric and get down to business.

We are very serious about teen drinking, and we prohibit it. We need to be equally vigilant about teen smoking. We have the means; we have the wherewithal. The only question that remains is whether the Republican leadership has the will.

Please, let us address the question of teen smoking in America.

WE MUST BE SOUND ENVIRONMENTAL STEWARDS

(Mr. BOB SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, today we celebrate Earth Day, a day to remember that we must all be conscious of the obligation we have to be sound environmental stewards. In centuries past, mankind was occasionally careless or unaware of the need for environmentally responsible behavior, but modern science has brought about new awareness of the problems that shortsighted practices pose for future generations who inhabit this resource-rich planet.

The good news is that the scientific age has also brought about the technological revolution to both combat environmental degradation and to maintain the integrity of our natural surroundings. Businesses across the country now adopt environmentally safe practices, due to their awareness of their importance to our future and because technology is now available to make such practices an everyday reality. Earth Day is a day to bring both parties together, for all Americans value clean water, clean air, and a healthy planet. Let us celebrate today, that special day.

AMERICA DESERVES A COMPREHENSIVE TOBACCO REFORM BILL NOW

(Mr. ROTHMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHMAN. Mr. Speaker, for the past 50 years the tobacco industry has waged a war of deception against the American people. They have tried to hide the terrible toll that cigarettes take on our children, our families, and on our society. So it should be no surprise that the tobacco industry is trying to deceive the United States Congress. The problem is that the leadership of the United States Congress is falling for the industry's spin, hook, line, and sinker.

Mr. Speaker, Joe Camel is part of the problem. It is time for Congress to solve the Joe Camel problem. This year Congress can pass a comprehensive law to protect America's young people from cigarettes and at long last hold the tobacco industry responsible for 30 years of deception.

Every day in America more than 6,000 American children start smoking. We cannot wait any longer. The American people deserve a comprehensive tobacco reform bill, and they deserve it now.

NEEDLE EXCHANGE PROGRAM REFLECTS A DISASTROUS FEDERAL DRUG POLICY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, what is it about 1960s liberals and their absolute incapacity to distinguish between good science and bad? Again and again we see the same pattern where left-wing politics trumps science when it comes to regulation, environmental policy, secondhand smoke, safety and risk studies, global warming and, now, free needles for illegal drug users. It is always the same story: bogus science and new government programs.

Many commonsense Democrats do not support this newest outrage. Soccer moms taking their kids to school certainly do not favor this policy. The President's own drug czar does not support this policy. Experts who have studied the problem do not support this policy; experts, that is, who believe that politics should not get in the way of good science.

No, Mr. Speaker, the people who fail to fight the drug war and who make excuses for that failure to protect kids from drugs are the ones behind this disastrous policy.

DISCHARGE PETITION WILL ALLOW A FULL, FAIR, AND OPEN DEBATE ON CAMPAIGN FINANCE REFORM

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, as a number of individuals have mentioned this morning, today is Earth Day. I have some very important legislation, the leaking underground storage tank bill, that I would like to address. But as I was sitting there waiting for my turn, I could not help but notice that two of our Democratic colleagues got up and signed the discharge petition for campaign finance reform.

The Democratic Party is leading a fight for campaign finance reform, true campaign finance reform. What the discharge petition says, if we can get 218 signatures on it, is to bring forth our petition, which says let us have a full, fair, open debate on campaign finance. It does not endorse any proposal but lets us have a true, fair, open debate on campaign finance.

Unfortunately, the Republican Party leadership will not allow this to happen, so we have to use the discharge petition. So with two more Members signing today, we are now up to 204. We need 14 more Members to come down, have the courage to come down to the well of this floor and sign our discharge petition.

Mr. Speaker, the Democratic Party is leading the fight to have campaign finance reform, without endorsing any proposal. Let us do campaign finance reform. Sign the discharge petition.

TIME FOR CONGRESS TO PASS THE TAX LIMITATION AMENDMENT

(Mr. WATTS of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATTS of Oklahoma. Mr. Speaker, the Constitution of the United States provides for 10 instances in which a supermajority is required for legislative approval. In other words, there are 10 occasions where legislators are required to have more than a majority of votes for legislative changes to be made. I think we need an 11th. It is time for Congress to pass the tax limitation amendment to the Constitution.

The reasons why should be obvious to all Americans who pay taxes, but, just in case, let me explain. The main reason is because politicians who run on promises of tax cuts often end up doing exactly the opposite. They pass tax increases.

Just recall for a moment back in 1992 when a certain presidential candidate ran on a middle-class tax cut and, surprise, surprise, what do we get? We got a tax increase, the largest in U.S. history. Middle-class families now fork over between a quarter and a half of their income to the very politicians who have broken middle-class tax cut promises again and again. This amendment will make that a lot more difficult.

FIFTY-FIVE WOMEN IN CONGRESS SETS NEW RECORD

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, the House has just set another record, 55 strong; 55 strong women, that is, two new Democrats, one new Republican, all three gentlewomen from California, Representatives LOIS CAPPS, MARY BONO, and BARBARA LEE. Our thanks to California for sending us all three, for it is California that has made us 55.

The gentlewoman from California (Representative MARY BONO), a Republican, and the gentlewoman from California (Representative BARBARA LEE), a Democrat, were both sworn in yesterday. They embraced warmly on the floor in the spirit of our bipartisan Women's Caucus. Congratulations to the Democrats for the gentlewomen from California, Representative LOIS CAPPS and Representative BARBARA LEE, congratulations to the Republicans for the gentlewoman from California (Representative MARY BONO), and a special message for the Republicans: If they must send us more Republicans, please let them be women!

FREE NEEDLES TO DRUG ADDICTS, THE LATEST PROGRAM OF GOVERNMENT HANDOUTS

(Mr. THUNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THUNE. Mr. Speaker, there the liberals go again. I do not get it. I do not get why the President is opposing his own drug czar by announcing that the Federal Government now wants to start another program of government handouts.

Enthusiasm for government handouts is nothing new for this administration, only this time the government wants to start handing out free needles to drug addicts. Instead of trying to get drug addicts off the street and into a program that will stop their self-destructive behavior, the government will now give a green light to their drug habit and send them on their way with clean needles so that they can, get this, abuse drugs safely.

I have had about enough of the liberal insanity, and I think that most Americans are tired of left-wing experts peddling a policy based on bogus science that runs counter to common sense.

The liberals love to come up with new handouts: money, condoms, free this and free that. Now, just when we think it cannot get any worse, free needles for safe shooting. Safe shooting, America.

ON EARTH DAY, A REMINDER OF TWO ENVIRONMENTAL BILLS LOCKED UP IN THE HOUSE

(Mr. HINCHEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HINCHEY. Mr. Speaker, as has been noted a couple of times here this morning, today is Earth Day. It is the day in which we remind ourselves of the symbiotic relationship that exists between our species and every other species on the planet and how dependent everything else is on Earth upon our actions.

It is also important for us to observe today that there are a number of environmental bills that are pending in this House, or I should say really locked up in this House, that are not making progress. I will mention just two, the Federal Superfund, which needs to be reauthorized, and the Endangered Species Act.

With regard to the Endangered Species Act, a recent poll of more than 400 American biologists indicates that they are deeply concerned about the loss of biological diversity which we are currently experiencing. They estimate that up to one-fifth of all the species on the Earth will be wiped out within the next 30 years, unless we do something to protect the habitat of these species.

We are directly linked to everything else on Earth. We have a responsibility to protect them. We have a responsibility to pass the Endangered Species Act and get other important environmental bills out on this floor.

□ 1030

JUDGE STARR IS MAKING PROGRESS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, we hear quite often these days that Judge Starr is taking too long in his investigation of the White House and their various scandals. I would say one thing to my Democrat colleagues. Number one, obviously it would not take so long if we would have someone that would cooperate at the White House, but there is a lot of stonewalling and general shenanigans going on when asked even the straightest of questions.

Looking at it historically, James Walsh spent 7 years investigating on Iran-Contra and spent about $50 million, and I do not believe got any convictions. The Democrats spent 8 years investigating HUD Secretary Samuel Pierce and the Democrats spent 7 years on a special investigation of Ray Donovan, Labor Secretary, and none of these brought convictions.

In contrast, Judge Starr has spent 4 years and gotten 13 convictions, including an ex-Governor coincidentally from the President's home State, an Associate Attorney General, all kinds of high, very close advisors to the President of the United States.

Mr. Speaker, I would not suggest that there is guilt by association. Just because all of one's friends are in jail does not mean that they are guilty, and does not mean that they were with them when it happened. But let us not go around saying that Judge Starr is not making progress, because he certainly is.

THE CIRCUS HAS COME TO TOWN

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, today the circus has come to town. On the floor of the House today our Republican friends want to put the super tax bill requiring two-thirds of this entire House to raise revenue. At the same time, however, only 51 percent of those voting are required to spend revenue.

What does this do? Actually, it shuts down the government. Super paralysis. We cannot pay for health and human services, education, veterans benefits, Social Security.

Super deficits. Well, we can spend money but we cannot raise the money to pay for it. What does that mean? Deficit spending.

Super loopholes, so therefore if there is a loophole for the rich guy, we cannot find it.

Super tobacco. We cannot pass the McCain bill that requires children to stop smoking.

And, yes, the super minority holding hostage the majority. It means a recalcitrant few can keep us from funding veterans benefits, defense, health care, Social Security, Medicare.

Yes, the circus has come to town, Mr. Speaker. The circus is good for kids, but it is not good for running the American government.

TAX LIMITATION AMENDMENT

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, it is kind of comical to listen to some of our liberal friends debate the tax limitation amendment. They do not like it. They really do not like it. They do not like the idea that Congress must get a supermajority before passing legislation to erode our freedoms.

They do not mind eroding freedoms when it comes to ideology that opposes freedom. Even though our Founders fought a revolution to win our freedom, and even though the overwhelming majority of Americans would vote for freedom when given the chance, the Democratic Party stands opposed to the idea that it should be difficult to erode basic freedoms.

Mr. Speaker, the fact is that Americans on average have to work until May 11 just to pay the tax man. The average American family spends more for taxes than for food, clothing, and shelter combined.

I think the time is long since past to say enough is enough. May 10, 1998 is already too much freedom lost. That is why we need to pass the Tax Limitation Amendment tomorrow so that Americans can have more freedom, so that they can keep more of their money to spend on their families and their priorities. I hope the amendment passes.

UNDERAGE SMOKING SHOULD BE CONGRESS' TARGET

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, we see the House Republican leadership and the tobacco industry are united in their message. They are both attacking big taxes, big government, and saying there they go again.

Tobacco companies have full page ads in newspapers all over the country saying, "We want to attack big taxes and big government." Well, so do we. But what I want to be concerned about is the children that they have admitted to addicting for many years to tobacco.

In testimony before our Committee on Commerce they agreed they marketed their industry to children 12 years old, 13- and 14-year-olds. That is why they agreed to a settlement to pay for what they did for the last 30 years to have those children addicted who are now my age. That is why they agreed to pay $300-plus billion now.

What we want to do is make sure they do not continue to do that to the next generation, to addict more Americans at a young age. It is really sad that more children know Joe Camel than know Mickey Mouse. That is because of the success of their advertising campaign.

Mr. Speaker, instead of attacking big government and big taxes, why not attack the issue of trying to stop children from smoking?

TOBACCO SETTLEMENT IS A FARCE

(Mr. COOKSEY asked and was given permission to address the House for 1 minute.)

Mr. COOKSEY. Mr. Speaker, many years ago Charles Kuralt was "On the Road" and he was interviewing a farmer from Georgia and he asked that farmer, he said, "What are the biggest problems in this area today?" And that farmer said, "The two biggest problems are kudzu and Baptist preachers."

Well, Mr. Speaker, I beg to differ with that farmer. The two biggest problems in this country today are trial lawyers and tobacco. They are both bad. They are bad for this country. They are bad for the people's health and they are the ones that are trying to perpetrate this problem, this tobacco settlement, on this country today.

I am a physician. I spent my career taking care of people with health problems, and I promise, tobacco is bad. We have been publicizing it for years. It has been on the tobacco packages since 1962. Mr. Speaker, anybody that smokes cigarettes is crazy.

But this tobacco settlement is a farce that is strictly to transfer money to the trial lawyers and to create a lot of unfounded hope for money to support programs that will never be done.

TOBACCO IS THE GATEWAY DRUG TO MARIJUANA AND CRIME

(Mr. BALDACCI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALDACCI. Mr. Speaker, Maine unfortunately leads the Nation in the category of teenage smoking and the increases in teenage smoking. Over 3,000 children every day are getting hooked on cigarettes and a thousand of them are dying because of it.

Today a family came down from Maine and their daughter, Karen, is doing a study on tobacco. She is in the eighth grade and she is interested in history. She is the daughter of Sue and Kenny Cota from Maine.

One of the things that was remarked about was the ability, that if this were a drug cartel from Colombia that wanted to be able to addict 25 percent of our population, this Congress and this leadership would be falling all over themselves to do whatever they could do to make sure they put them out of business. But since it is the tobacco companies and the tobacco contributions and the tobacco influence, it seems that we are at a standstill from addressing the real problems that are confronting the young people of today.

All the studies that are in the newspaper today show that smoking and marijuana are hooked together. Smoking, marijuana, drugs, and crime are hooked together because they commit the crimes to be able to pay for the smoking, marijuana, and drugs.

When we talk about teen violence and crime, it is cigarettes that are the gateway drug. We have got to address this issue. I ask the leadership to address this issue and to have good, strong tobacco legislation to stop young people from smoking.

TAX LIMITATION AMENDMENT IS STRAIGHTFORWARD

(Mr. BARTON of Texas asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, later this afternoon we are going to have a debate and a vote on the two-thirds tax limitation amendment to the Constitution of the United States.

This amendment is very straightforward. If it passes and it is passed in the Senate and goes to the States and is ratified by three-fourths of the States, it would make it a voting requirement. To pass a tax increase in either body or to expand the tax base would take a two-thirds vote instead of the one-half plus one vote that it now currently takes.

Mr. Speaker, when the gentleman from Texas (Mr. GREEN), my good friend from Houston, was up here earlier talking about all the bad things that might happen and all the programs that might not be funded, I would point out that we are moving into a budget surplus. We would still have those programs. But if we wanted to spend more money, we would have a debate on spending priorities, not on tax increases, unless we could get a consensus. We would need a two-thirds vote in both houses of Congress to pass a tax increase.

Mr. Speaker, I urge all of my colleagues to vote for the two-thirds tax limitation amendment.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore (Mr. WATTS of Oklahoma) laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, March 31, 1998.

Hon. NEWT GINGRICH,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted on March 24, 1998 by the Committee on Transportation and Infrastructure. Copies of the resolutions are being transmitted to the Department of the Army.

With kind personal regards, I am

Sincerely,

BUD SHUSTER, *Chairman.*

Enclosures.

RESOLUTION

[Docket 2551—Bronx River Basin, New York]

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Bronx River, New York, published as House Document 897, 62nd Congress, 2nd Session, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable at the present time, in the interest of water resources development, including flood control, environmental restoration and protection and other related purposes.

Adopted: March 24, 1998.

Attest.

BUD SHUSTER, *Chairman.*

RESOLUTION

[Docket 2550—Mile Point, Florida]

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on Jacksonville Harbor, Florida, published as House Document 214, 89th Congress, 1st Session, and other pertinent reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of navigation and other related purposes, with particular reference.

Adopted: March 24, 1998.

Attest.

BUD SHUSTER, *Chairman.*

RESOLUTION

[Docket 2549—Spring Bayou Area, Louisiana]

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Mississippi River and Tributaries Project, published as House Document 308, 88th Congress, 2nd Session, to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of a comprehensive plan of improvement for environmental restoration and protection, flood damage prevention, improved drainage, and other related purposes in the Spring Bayou area.

Adopted: March 24, 1998.

Attest.

BUD SHUSTER, *Chairman.*

RESOLUTION

[Docket 2548—Rahway River Basin, New Jersey]

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Rahway River, New Jersey, published as House Document 67, 89th Congress, and other pertinent reports to determine whether any modifications of the recommendations contained therein are advisable at the present time, in the interest of water resources development, including flood control, environmental restoration and protection and other related purposes.

Adopted: March 24, 1998.

Attest.

BUD SHUSTER, *Chairman.*

There was no objection.

MAKING IN ORDER ON TODAY OR ANY DAY THEREAFTER CONSIDERATION OF H.R. 3164, HYDROGRAPHIC SERVICES IMPROVEMENT ACT OF 1998

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that it be in order on today, or on any day thereafter, for the Speaker, as though pursuant to clause 1(b) of rule XXIII, to declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 3164) to describe the hydrographic services functions of the Administrator of the National Oceanic and Atmospheric Administration, and for other purposes, and that consideration of the bill proceed according to the following order:

One, the first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI or section 303(a) of the Congressional Budget Act of 1974 are waived.

Two, general debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources.

Three, after general debate the bill shall be considered for amendment under the 5-minute rule.

Four, in lieu of the amendment recommended by the Committee on Resources now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1 pursuant to clause 6 of rule XXIII. Each section of that amendment in the nature of a substitute shall be considered as read. Points of order against that amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI or section 303(a) of the Congressional Budget Act of 1974 are waived.

Five, during consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read.

Six, the Chairman of the Committee of the Whole may, one, postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and, two, reduce to 5 minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting in the first in any series of questions shall be 15 minutes.

Seven, at the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text.

Eight, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

HYDROGRAPHIC SERVICES IMPROVEMENT ACT OF 1998

The SPEAKER pro tempore. Pursuant to the order of the House of today and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3164.

☐ 1043

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3164) to describe the hydrographic services functions of the Administrator of the National Oceanic and Atmospheric Administration, and for other purposes, with Mr. GILLMOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the order of the House of today, the bill is considered as having been read the first time.

The gentleman from New Jersey (Mr. SAXTON) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the purpose of H.R. 3164 is to speed up the critically needed improvements to our Nation's nautical charting program. Nautical charting receives much less publicity or funding than either highway construction or airline safety, but it is just as important to the United States' economy, particularly in today's world of international trade.

☐ 1045

However, funding for nautical charting has been cut in half over the last 15 years, and at the present time it will take nearly 30 years just to bring the minimum number of charts necessary to ensure safe navigation in U.S. waters up to modern standards.

Congress has recognized the need for more support for this program and increased appropriations for nautical charting over the last 4 fiscal years. However, with only three Federal survey ships available, serious efforts to reduce the charting backlog will require a partnership between the Federal Government and private contractors. This process has moved slowly over the last 3 years due to disagreements over the extent of Federal and private responsibilities in ensuring data accuracy.

H.R. 3164 defines these responsibilities, allowing the process of reducing the backlog to proceed more quickly. It authorizes the National Oceanic and Atmospheric Administration to maintain sufficient ships and personnel to certify the accuracy of charts and protect the government from liability.

After this requirement is satisfied, all additional survey work will be carried out by the private sector. H.R. 3164 also sets policy for modernizing tide and current prediction systems in major ports and authorizes increased appropriations for nautical charting and tide and current programs.

At the funding levels authorized in this bill, the survey backlog could be completed at least 30 percent faster, and commercial vessels as well as private boats would be able to take advantage of modern navigational technologies, and have the potential to significantly improve safety and efficiency on our waterways.

Mr. Chairman, investing in these programs yields a huge payoff in both economic competitiveness and environmental protection. We need to make this small investment now in order to protect ourselves from possible serious dangers in the future.

The bill is an important step in the right direction, and I urge all of my colleagues to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to first commend my good friend, the gentleman from New Jersey (Mr. SAXTON), chairman of the Subcommittee on Fisheries Conservation, Wildlife and Oceans, for his leadership and for bringing this piece of legislation to the floor for consideration by this body.

I rise in strong support of H.R. 3164. The need for accurate nautical charts to promote safe navigation was recognized by Thomas Jefferson, who as President in 1807, established a coast survey to produce charts and collect other data needed by mariners. Maritime transportation and the technology used in collecting and disseminating nautical data have changed dramatically since then, but the need for accurate and timely data for safe navigation has not.

Mr. Chairman, in recent years our Federal program to produce nautical charts carried out by the National Oceanic and Atmospheric Administration has fallen on hard times. In constant dollars, funding for these activities has fallen 50 percent over the last 25 years.

NOAA currently has only three ships in service collecting charting data, down from 11 vessels in 1971. Yet there is a backlog of some 39,000 square miles of heavily traveled marine areas with inadequate or obsolete surveys. Many of these areas were last surveyed with weighted lead lines, a technology that Mr. Jefferson would have been familiar with.

With today's tight budgets and rapidly changing technology, Mr. Chairman, there is a recognition that NOAA's nautical charting program needs to be modernized. H.R. 3164 provides a blueprint by which NOAA can continue to provide data vital to the maritime community while allowing the maximum opportunity for the private sector to participate in that process. The subcommittee chairman, the gentleman from New Jersey (Mr. SAXTON) has very effectively detailed the specifics of what H.R. 3164 will provide.

Mr. Chairman, suffice it to say, H.R. 3164 establishes clear and appropriate roles for the government and the private sector in the collection, processing and dissemination of nautical data. Importantly, the bill provides NOAA with the flexibility to require the services of contractors based on qualification and not on cost. This change in law is especially important in the collection of hydrographic data where lives and property could be lost if mistakes are made.

Mr. Chairman, in short this is win-win legislation. The private sector benefits from an increased share of NOAA's charting work being outsourced; the government benefits from its being able to avail itself of the latest technology through contractors without being burdened by substantial acquisition costs for capital assets. The public benefits from having more accurate, up-to-date nautical charts produced at lower cost.

In summary, Mr. Chairman, the bill authorizes a total of $581 million for 5 years for hydrographic and geodetic programs for the National Oceanic and Atmospheric Administration. The bill also clarifies NOAA's hydrographic responsibilities. It requires NOAA to the greatest extent possible to contract with private sector companies to conduct nautical surveys and prepare nautical charts. It authorizes NOAA to maintain sufficient vessels, equipment and expertise to certify the accuracy of U.S. nautical charts and other hydrographic products.

The bill also establishes a quality assurance program under which NOAA may certify that non-Federal hydrographic products meet Federal standards and provides for the modernization of tide and current measurement systems in major ports.

The measure is intended to enact into law the division of survey and other responsibilities agreed to in 1997 between NOAA and the private sector, and to increase funding for these activities so that the existing backlog of nautical surveys may be more quickly addressed.

Mr. Chairman, I urge my colleagues to support this piece of legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. SAXTON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Chairman, I yield 7 minutes to the gentleman from Ohio (Mr. TRAFICANT), my good friend.

Mr. TRAFICANT. Mr. Chairman, I want to thank my good friends the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentleman from New Jersey (Mr. SAXTON). I commend them on a fine bill.

I guess I am talking about an issue that no one seems to talk about, and I, for the life of me, do not understand it. This past month we had another record trade deficit. China is exceeding $5 billion in surpluses every month with Uncle Sam now. And Japan, who has been threatened by every President since Nixon with sanctions if they did not open up their markets, is cleaning our clock in excess now of $60 billion. If you are an American worker, this is about the plight of it.

American televisions are made in Mexico. American typewriters are made in Mexico. American telephones are made in Singapore. American computers and VCR's are made in China and Japan; radios in China and Japan; high-tech electronics, China and Japan. America is slowly again becoming a colony, a colony of trade activity. To me, it is unbelievable.

Another record trade deficit, in my opinion, that endangers our national security where China is now buying missiles, attack aircraft, and nuclear submarines with our dollars, and for the life of me, it seems nobody is listening.

More of our products are being made overseas. And the final insult to what is the intelligence of the American people, time after time foreign products come into America bearing a fraudulent "Made in America" label and they continue to laugh in our face. I support this bill 100 percent.

I am furthermore confident about its impact because of the chairman and the people who have crafted the legislation. But I want to say this: My little amendment, I think, should even be expanded in this Congress and should be fortified. But I will be offering an amendment that I would like Members' support on that would do the following:

It says that anyone who gets any money under this act shall basically agree to comply with the Buy American Act that has been passed and set into law by the Congress.

Second of all, it says that when anybody is getting money under this bill, we cannot force it, but Congress encourages them; that is how weak we are, to at least buy and shop for American-made goods and products.

Third of all, we say the Secretary of Commerce shall provide to anybody getting any money under this act a notice where the Congress encourages them to wherever possible try and buy one from the Gipper. And finally, this legislation would prohibit any contracts being awarded to anyone who fraudulently places a "Made in America" label on a foreign import. That may be more important than all of it, but let me just let the Congress of the United States know, they are being authorized for appropriation $800 million under this bill.

I am hoping my good friend from Louisiana, one of the strongest proworker representatives in the Congress, would also take a look at the 1-800 Buy America bill.

Mr. SAXTON. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from New Jersey.

Mr. SAXTON. Mr. Chairman, I just wanted to commend the gentleman for the well-thought-out amendment. It certainly does a great deal to enhance our bill. As one of our staffers said a little while ago, we should have thought of this ourselves. I commend the gentleman for his forethought and his effort in bringing the amendment to the floor, which apparently he will do in just a few minutes. I thank the gentleman for yielding to me.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I thank my friend for yielding to me. He is the most outspoken person on this floor in defense of buy-American policies and the workers of America who lose their jobs to this growing trade deficit.

I want to commend him for constantly being on this floor and constantly reminding us in all of our legislation to focus on those very salient points he made.

I want to also remind the gentleman, we are beginning a debate around America on the whole issue of how we collect Federal taxes in this country. Just to point out to him that this growing trade deficit is not due to one cause, but it is not unaffected by the fact that because we collect income taxes on America, which we cannot exempt from our exports, and we cannot apply to imports, and income taxes themselves add somewhere between 10 and 25 percent to the cost of every American export and every American product we try to consume in this country. Whereas, foreign products come in now more and more tax free, under GATT and NAFTA, they come in from countries that exempt their consumer taxes on them so that they can compete unfairly with good old American workers and American products.

And if there is one thing that is driving me around this country in this national debate over taxes, it is this problem; that our Tax Code punishes an American for buying a product made in America, and rewards us for buying something made overseas. We ought to do something about changing that. I thank my friend for his vigilance on this point.

Mr. TRAFICANT. Mr. Chairman, I would just like to say, I am encouraged by the comments of the chairman from New Jersey and our distinguished chairman, who is leading a tremendous fight with the gentleman from Colorado (Mr. DAN SCHAEFER) on the Tax Code, and I support that. I think we reward dependence, subsidize illegitimacy, kill investments with our Tax Code. We must make a significant change.

Also, as part of that, I must say this: I have come to despair on the Congress' intent to deal with the buy-American aspects of our law. That is why I have submitted 1-800 Buy America. I believe that only the American consumers now can really, through their consciences, be prepared to look at and shop for American-made goods.

Now, I do believe we should not be protectionist in it. We cannot force anybody to buy our products. But I think we should incentivize every opportunity available for the American consumer to make a choice and to let them at least market American-made goods and products.

This is a little bit off base. I thank both the respective leaders of this bill on the floor, and I will offer my amendment, and I hope that it will be approved and will stay in the conference.

Mr. FALEOMAVAEGA. Mr. Chairman, I yield myself such time as I may consume.

I certainly want to commend the gentleman from Ohio for his comments. I, for one, cannot think of a more able and consistent advocate here on the floor of the House than the gentleman from Ohio for supporting and always pressing for the fact that we should buy American, and the fact that American workers and those who are managing corporate communities should be working together so that the Americans should buy American products.

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And I cannot thank the gentleman from Ohio (Mr. TRAFICANT) enough for advocating this issue again. And I do thank the gentleman from Louisiana (Mr. TAUZIN) for complementing the provisions of this bill.

Mr. YOUNG of Alaska. Mr. Chairman, I rise to speak in support of H.R. 3164, the Hydrographic Services Improvement Act of 1998. I am an original cosponsor of this legislation, which was introduced by our colleague, JIM SAXTON, Chairman of the Subcommittee on Fisheries Conservation, Wildlife, and Oceans.

The purpose of the bill is to make much-needed improvements in the U.S. nautical charting program. The United States, and especially the State of Alaska, is dependent on marine transportation. However, every day large ships traverse 40,000 square miles of U.S. waterways that have shallow waters, known obstacles, and obsolete or inadequate charts. The vast majority of these critical areas are in Alaska. At last year's funding level, it will take more than 30 years to update the charts in Alaska alone. In the meantime, we are entrusting a significant portion of the Nation's oil supply, the safety of fishermen and cruise ship passengers, and the health of the marine environment to inadequate charts. This situation is not acceptable.

H.R. 3164 will help to correct this problem. First, it authorizes increased funding for nautical charting. Second, it will increase the use of private survey contractors to supply data used in producing U.S. charts. This will greatly increase the number of ships and other resources that can be used to reduce the backlog as quickly as possible.

We cannot afford to wait any longer to correct the nautical charting backlog. H.R. 3164 is an important contribution to fixing this problem, and I urge all of you to support it.

Mr. FALEOMAVAEGA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN (Mr. Gillmor). All time for general debate has expired.

The amendment in the nature of a substitute consisting of the text of Amendment No. 1 printed in the Congressional Record shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the order of the House of today, each section is considered read.

During consideration of the bill for amendment, the Chairman may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the Congressional Record. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hydrographic Services Improvement Act of 1998".

The CHAIRMAN. Are there any amendments to section 1?

Mr. SAXTON. Mr. Chairman, I ask unanimous consent that the remainder of the amendment in the nature of a substitute be printed in the Record and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The text of the remainder of the amendment in the nature of a substitute is as follows:

SEC. 2. DEFINITIONS.

In this Act:

(1) Administrator.—The term "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration.

(2) Administration.—The term "Administration" means the National Oceanic and Atmospheric Administration.

(3) Hydrographic data.—The term "hydrographic data" means information acquired through hydrographic or bathymetric surveying, photogrammetry, geodetic measurements, tide and current observations, or other methods, that is used in providing hydrographic services.

(4) Hydrographic services.—The term "hydrographic services" means—

(A) the management, maintenance, interpretation, certification, and dissemination of bathymetric, hydrographic, geodetic, and tide and current information, including the production of nautical charts, nautical information databases, and other products derived from hydrographic data;

(B) the development of nautical information systems; and

(C) related activities.

(5) Act of 1947.—The term "Act of 1947" means the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.).

SEC. 3. FUNCTIONS OF THE ADMINISTRATOR.

(a) Responsibilities.—To fulfill the data gathering and dissemination duties of the Administration under the Act of 1947, the Administrator shall—

(1) acquire hydrographic data;

(2) promulgate standards for hydrographic data used by the Administration in providing hydrographic services;

(3) promulgate standards for hydrographic services provided by the Administration;

(4) ensure comprehensive geographic coverage of hydrographic services, in cooperation with other appropriate Federal agencies;

(5) maintain a national database of hydrographic data, in cooperation with other appropriate Federal agencies;

(6) provide hydrographic services in uniform, easily accessible formats;

(7) participate in the development of, and implement for the United States in cooperation with other appropriate Federal agencies, international standards for hydrographic data and hydrographic services; and

(8) to the greatest extent practicable and cost-effective, fulfill the requirements of paragraphs (1) and (6) through contracts or other agreements with private sector entities.

(b) Authorities.—To fulfill the data gathering and dissemination duties of the Administration under the Act of 1947, and subject to the availability of appropriations, the Administrator—

(1) may procure, lease, evaluate, test, develop, and operate vessels, equipment, and technologies necessary to ensure safe navigation and maintain operational expertise in hydrographic data acquisition and hydrographic services;

(2) may enter into contracts and other agreements with qualified entities, consistent with subsection (a)(8), for the acquisition of hydrographic data and the provision of hydrographic services;

(3) shall award contracts for the acquisition of hydrographic data in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.); and

(4) may, subject to section 5, design and install where appropriate Physical Oceanographic Real-Time Systems to enhance navigation safety and efficiency.

SEC. 4. QUALITY ASSURANCE PROGRAM.

(a) Definition.—For purposes of this section, the term "hydrographic product" means any publicly or commercially available product produced by a non-Federal entity that includes or displays hydrographic data.

(b) Program.—

(1) In general.—The Administrator may—

(A) develop and implement a quality assurance program, under which the Administrator may certify hydrographic products that satisfy the standards promulgated by the Administrator under section 3(a)(3);

(B) authorize the use of the emblem or any trademark of the Administration on a hydrographic product certified under subparagraph (A); and

(C) charge a fee for such certification and use.

(2) Limitation on fee amount.—Any fee under paragraph (1)(C) shall not exceed the costs of conducting the quality assurance testing, evaluation, or studies necessary to determine whether the hydrographic product satisfies the standards adopted under section 3(a)(3), including the cost of administering such a program.

(c) Limitation on Liability.—The Government of the United States shall not be liable for any negligence by a person that produces hydrographic products certified under this section.

(d) Hydrographic Services Account.—

(1) Establishment.—There is established in the Treasury a separate account, which shall be known as the Hydrographic Services Account.

(2) Content.—The account shall consist of—

(A) amounts received by the United States as fees charged under subsection (b)(1)(C); and

(B) such other amounts as may be provided by law.

(3) Limitation; Deposit. Fees deposited in this account during any fiscal year pursuant to this section shall be deposited and credited as offsetting collections to the National Oceanic and Atmospheric Administration, Operations, Research, and Facilities account. No amounts collected pursuant to this section for any fiscal year may be spent except to the extent provided in advance in appropriations Acts.

(e) Limitation on New Fees and Increases in Existing Fees for Hydrographic Services.—After the date of the enactment of this Act, the Administrator may not—

(1) establish any fee or other charge for the provision of any hydrographic service except as authorized by this section; or

(2) increase the amount of any fee or other charge for the provision of any hydrographic service except as authorized by this section and section 1307 of title 44, United States Code.

SEC. 5. OPERATION AND MAINTENANCE OF PHYSICAL OCEANOGRAPHIC REAL-TIME SYSTEMS.

(a) New Systems.—After the date of enactment of this Act, the Administrator may not design or install any Physical Oceanographic Real-Time System, unless the local sponsor of the system or another Federal agency has agreed to assume the cost of operating and maintaining the system within 90 days after the date the system becomes operational.

(b) EXISTING SYSTEMS.—After October 1, 1999, the Administration shall cease to operate Physical Oceanographic Real-Time Systems, other than any system for which the local sponsor or another Federal agency has agreed to assume the cost of operating and maintaining the system by January 1, 1999.

SEC. 6. REPORTS.

(a) PHOTOGRAMMETRY AND REMOTE SENSING.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall report to the Congress on a plan to increase, consistent with this Act, contracting with the private sector for photogrammetric and remote sensing services related to hydrographic data acquisition or hydrographic services. In preparing the report, the Administrator shall consult with private sector entities knowledgeable in photogrammetry and remote sensing.

(2) CONTENTS.—The report shall include the following:

(A) An assessment of which of the photogrammetric and remote sensing services related to hydrographic data acquisition or hydrographic services performed by the National Ocean Service can be performed adequately by private-sector entities.

(B) An evaluation of the relative cost-effectiveness of the Federal Government and private-sector entities in performing those services.

(C) A plan for increasing the use of contracts with private-sector entities in performing those services, with the goal of obtaining performance of 50 percent of those services through contracts with private-sector entities by fiscal year 2003.

(b) PORTS.—Not later than 6 months after the date of enactment of this Act, the Administrator shall report to the Congress on—

(1) the status of implementation of real-time tide and current data systems in United States ports;

(2) existing safety and efficiency needs in United States ports that could be met by increased use of those systems; and

(3) a plan for expanding those systems to meet those needs, including an estimate of the cost of implementing those systems in priority locations.

(c) MAINTAINING FEDERAL EXPERTISE IN HYDROGRAPHIC SERVICES.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall report to the Congress on a plan to ensure that Federal competence and expertise in hydrographic surveying will be maintained after the decommissioning of the 3 existing National Oceanic and Atmospheric Administration hydrographic survey vessels.

(2) CONTENTS.—The report shall include—

(A) an evaluation of the seagoing capacity, personnel, and equipment necessary to maintain Federal expertise in hydrographic services;

(B) an estimated schedule for decommissioning the 3 existing survey vessels;

(C) a plan to maintain Federal expertise in hydrographic services after the decommissioning of these vessels; and

(D) an estimate of the cost of carrying out this plan.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Administrator the following:

(1) To carry out nautical mapping and charting functions under the Act of 1947 and sections 3 and 4, except for conducting hydrographic surveys, $33,000,000 for fiscal year 1999, $34,000,000 for fiscal year 2000, $35,000,000 for fiscal year 2001, $36,000,000 for fiscal year 2002, and $37,000,000 for fiscal year 2003.

(2) To conduct hydrographic surveys under section 3(a)(1), including leasing of ships, $33,000,000 for fiscal year 1999, $35,000,000 for fiscal year 2000, $37,000,000 for fiscal year 2001, $39,000,000 for fiscal year 2002, and $41,000,000 for fiscal year 2003. Of these amounts, no more than $14,000,000 is authorized for any one fiscal year to operate hydrographic survey vessels owned and operated by the Administration.

(3) To carry out geodetic functions under the Act of 1947, $20,000,000 for fiscal year 1999, and $22,000,000 for each of fiscal years 2000, 2001, 2002, and 2003.

(4) To carry out tide and current measurement functions under the Act of 1947, $22,500,000 for each of fiscal years 1999 through 2003. Of these amounts, $2,500,000 is authorized for each fiscal year to implement and operate a national quality control system for real-time tide and current data, and $7,500,000 is authorized for each fiscal year to design and install real-time tide and current data measurement systems under section 3(b)(4) (subject to section 5).

The CHAIRMAN. Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill, add the following new sections:

SEC. ___. COMPLIANCE WITH BUY AMERICAN ACT.

No funds authorized pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. ___. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of Commerce shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. ___. PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, the amendment has been discussed in the debate earlier. I offer it here, and I would hope that all of the parts of this respectively would remain in conference, especially those that deal with fraudulent labels.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

The CHAIRMAN. Are there any other amendments?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Pursuant to the order of the House of today, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. GILLMOR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3164) to describe the hydrographic services functions of the Administrator of the National Oceanic and Atmospheric Administration, and for other purposes, pursuant to the order of the House today, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. PEASE). Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 3164, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

1–800 BUY AMERICA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute.)

Mr. TRAFICANT. Mr. Speaker, I have before this Congress a bill called "1–800 Buy America." It says that any product that costs more than $250 is eligible to be listed on this national toll line for the purchase of American-made goods.

It is not paid for by the American consumers. It is paid for by the American companies who build a product made in America by American workers who pay American taxes that enure to the benefit of all in this country. $250, where a woman in Ohio could say, "I am buying a refrigerator. 1–800 Buy America, what refrigerators are made in America?"

Now, that bill passed the House last Congress without a vote, on a voice vote, but it was not enacted into law; and it fell down in the Senate with a bunch of so-called free traders that are so dumb they could throw themselves at the ground and miss.

I am letting the Congress know that this is one of the most important pieces of legislation, where the American consumers can at least know what is made in America. They can price their products and see that, many times, American-made products made in our country by American workers cost less than some of these now-exotic foreign imports.

Let me remind the Congress that a pair of these Chinese-made tennis shoes that sell for $150 cost 17 cents to make in China, and they are buying missile technology with our dollars.

So, with that, "1–800 Buy America," I would appreciate if the Congress, while we are waiting on people to get here, would enact that legislation.

TAX LIMITATION CONSTITUTIONAL AMENDMENT

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 407, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 407

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 111) proposing an amendment to the Constitution of the United States with respect to tax limitations. The joint resolution shall be considered as read for amendment. The amendment specified in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The previous question shall be considered as ordered on the joint resolution, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) three hours of debate on the joint resolution, as amended, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) one motion to amend, if offered by the Minority Leader or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished ranking member of the Committee on Rules, the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all the time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 407 is a modified closed rule providing for the consideration of H.J. Res. 111, the tax limitation amendment, which seeks to amend the U.S. Constitution to require a two-thirds vote of Congress to pass legislation which increases taxes.

Mr. Speaker, this is not the first time this Congress has considered such an amendment. In fact, the rule before us is virtually identical to the rule the House adopted last year which provided for consideration of the same issue. As in 1997, the rule provides for a generous 3 hours of general debate time, equally divided between the chairman and ranking minority member of the Committee on the Judiciary.

In addition, the rule provides for the consideration of an amendment offered by the minority leader or his designee which will be debatable for 1 hour; and another opportunity for the minority to change the legislation will be available through the customary motion to recommit, with or without instructions.

My colleagues should understand that when the House votes to adopt this rule, it will automatically adopt an amendment to H.J. Res. 111, which is specified in the Committee on Rules report.

Specifically, the amendment will clarify that any bill, resolution or other legislative measure changing internal revenue laws will be subject to a two-thirds vote in both the House and the Senate and that the vote must be a recorded vote. This is the same language that the Committee on the Judiciary added to last year's bill.

Further, the amendment clarifies that any revenue increase that is a result of a tax cut would not be subject to the two-thirds vote. This is the language which the gentleman from Florida (Mr. MCCOLLUM) was successful in adding to the tax limitation amendment last year. Its purpose is to ensure that the amendment does not inadvertently make it more difficult to reduce taxes in the future.

Again, I would reiterate to my colleagues that both this rule and the underlying bill we will consider are virtually identical to what the House voted on April 15, 1997.

Given the similarities, some of my colleagues may question the purpose of revisiting this issue. Well, what we learned in the Committee on Rules yesterday is that support for this measure is growing and no doubt will continue to grow. Sixty-eight percent of Americans support an amendment to the Constitution requiring a supermajority vote by Congress to raise taxes. Today's vote will provide another opportunity for Members to respond to their constituents and public opinion, which across party lines is clearly supportive of a tax limitation amendment.

I am sure that when Members were home in their districts over the Easter and Passover holidays they had the opportunity to meet with their constituents who were either preparing their taxes or had just paid them. I hope those meetings remind all of us just who is paying the tax bills around here and how high the Government's bills have become in terms of what the average American family can afford. The Federal tax burden alone is now nearing a record one-fifth of family income.

How can this Congress justify a tax rate that represents the largest burden Americans have been asked to bear since World War II? Combined with State and local taxes, Americans are saddled with the highest tax rate ever.

At a time when our economy is booming, unemployment is low, and we are on the verge of realizing a budget surplus, this policy is simply unacceptable. The illogic of this situation cries for reasonable measures to control our government's insatiable appetite for consuming the taxpayers' hard-earned pay. Reasonableness is what the tax limitation amendment demands of this institution.

Mr. Speaker, all the amendment before us would do is make it a little bit harder for Congress to raise taxes during times of peace. At the same time, it encourages Congress to look at other options other than taxes as a means of managing the Federal budget.

I don't think any of my colleagues would claim that there is no fat in the Federal bureaucracy to trim. But, while the special interests that benefit from government spending often have a paid voice looking out for their interests, the average American taxpayer has to rely on his or her Member of Congress as a voice for controlling spending and protecting their paychecks.

Considering that the average Federal tax burden per person has more than doubled from 1980 to 1995, I think Congress needs to do a better job of looking out for our constituents, the taxpayers, interests. Through this amendment, our constituents will have a voice that can compete with that of special interests.

And we know tax limitation amendments can be effective. They have been tried and tested by the States with very good results. In States that require a supermajority vote to raise revenue, taxes have increased more slowly, economies have grown more rapidly, and jobs have been created more quickly.

Mr. Speaker, the need for this constitutional amendment is clear. Congress has demonstrated that even in times of prosperity and peace it cannot curb its penchant to tax.

The discipline and balance imposed by our Founding Fathers was swept away by the 16th amendment which gave Congress the right to directly tax individuals' income. As a result, the power to lay and collect taxes has been so abused that families are no longer saving to buy homes and pay for their children's education. They are saving to pay the government on April 15.

It is time to restore some discipline and fairness to our system if we are to ever to give our citizens the economic freedom to pursue their dreams, whether those dreams are of homeownership, education, self-employment, a secure retirement, or a more prosperous future for their children and grandchildren.

Given what is at stake, a higher standard of consideration and consensus for higher taxes is totally appropriate and should be demanded by the American people.

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In closing, Mr. Speaker, I would urge my colleagues to support both the rule and the underlying legislation. This is a balanced rule that will enable the House to have a full and fair discussion of the merits of this constitutional amendment, and I urge its swift adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague and my dear friend from Ohio, the Honorable Justice PRYCE, for yielding me the customary half hour.

Mr. Speaker, I yield myself such time as I may consume.

Today, Mr. Speaker, my Republican colleagues say they want to amend the Constitution to require a supermajority vote for tax increases. Mr. Speaker, just 2 years ago the Republicans changed the House rules to require a three-fifths vote for tax increases every time the bill came up. But every time that bill came up with that amendment in it, they waived their requirement. That is right, Mr. Speaker, once again my Republican colleagues are proposing amending the Constitution with the requirement that they ignored, not once, not twice, but five times just in the last Congress.

They waived the three-fifths rule on the Contract with America Tax Relief Act. They waived the three-fifths rule on the Medicare Preservation Act of 1994. They waived the three-fifths rule on the Budget Reconciliation Act of 1996. They waived the three-fifths rule on Health Insurance Reform. And they waived the three-fifths rule on the Welfare Reform Conference Report.

In short, Mr. Speaker, they waived the rule every time that it applied. But today they want to attach it to the United States Constitution.

Mr. Speaker, amending the Constitution, as you know it, as I know it, is a very serious business and should never be used as a political tool. Our Constitution has only been amended 27 times in the last 210 years since it was ratified.

Today's proposed amendment will require a supermajority to pass revenue-raising legislation. Mr. Speaker, we should make sure that any law we impose on the American people has as much support as possible. But the problem with a supermajority is it effectively turns control over to a small minority who can stop legislation, even legislation that the majority supports. In other words, Mr. Speaker, one-third plus one of either the House or Senate could effectively hold up the entire country.

This has been a bad idea, not last year, 2 years ago, 10 years ago, it has been a bad idea for a very, very long time. In fact, James Madison in the Federalist Papers said that under a supermajority the fundamental principle of free government would be reversed. It would no longer be the majority party that would rule. The power would be transferred to the minority.

Since this amendment requires 290 votes to pass the House, this bill looks a lot more like showboating than legislating. Mr. Speaker, the American people deserve a lot better than that.

This amendment will cripple our government's ability to act during a national crisis. It will make it impossible to pass the McCain bipartisan tobacco bill. It will lock in every corporate welfare and tax break for the very rich at the expense of the middle and lower class families.

In fact, Mr. Speaker, this amendment has an extreme loophole. My Republican colleagues can still increase taxes on the working families as long as they also decrease the taxes on the very rich.

An editorial in Monday's Washington Post warns that the effects of this amendment would be to add to future deficits while disturbing the balance of powers and undercutting the democratic process by enshrining minority rule.

This amendment is poorly thought out. It will empower the minority, which is not the way our government is supposed to work. And it will probably hurt middle and low income families while helping the rich.

Mr. Speaker, I urge my colleagues to oppose the rule and oppose the bill.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Texas (Mr. BARTON), one of the authors of this legislation.

Mr. BARTON of Texas. Mr. Speaker, as I begin to speak, the Pages are putting an example of the first 1040 form up for those Members in the Chamber to look at.

This was a 1040 form in 1914. It was one page long. It is a little difficult to read, but if we will look here, citizens were taxed 1 percent on net income over $3,000, 1 percent. Less than 1 percent of the American people had to pay any income tax the first time it was collected in 1914.

If we go on down and look at these numbers again, it is very difficult to see from the Chamber, but if we had over $20,000 of net income, we paid an additional 1 percent. If we had over $50,000, we paid 2 percent. And it goes down. Then if we had over $500,000 of net income back in 1914, we paid the horrendous rate of 6 percent. That was the first income tax collected on the American taxpayers by the Federal Government back in 1914.

Since that time, the marginal rate has not stayed at 1 percent. It is now over 40 percent. That is an increase of 4,000 percent. The time has come to do something about that. The time has come to support the rule that the gentlewoman from Ohio is on the floor, representing a majority of the Members of the Committee on Rules, to make in order the rule for the debate of the tax limitation constitutional amendment.

This rule makes in order the bill that we voted on last year, the constitutional amendment that we voted on last year. It also makes in order a Democratic substitute, if they wish to offer a substitute, and a motion to recommit. So it is a very fair rule.

The amendment that was reported out of the Committee on the Judiciary last year, and we did not have a hearing in the Committee on the Judiciary this year but we reported the same bill to the Committee on Rules, would require a two-thirds vote of the House and the Senate to raise taxes.

It explicitly states that if we want to lower the capital gains tax rate, we can do that with the simple majority vote. If we want to change to a national sales tax, if we want to change to a flat tax, as long as the overall revenue effect is de minimis, and that is a very fancy Latin word that means "very little", we can do that with a majority vote.

We may be asking, as my good friend from Massachusetts said in his opposition just a second ago or a few minutes ago, is this a gimmick? The answer is no, it is not a gimmick. If we could have, not that chart but the one right underneath here, you see this has been tried in 14 States. It is either in the State constitutions in 14 States or it is in the State law in 14 States, some of them as far back as 1890.

In the year 1890, 100 years ago, the State of Mississippi said, if we are going to have a tax increase, it takes a three-fifths vote. The other 13 States that have it, some of them are as high as three-fourths. Since 1934, the State of Arkansas, where our President was the former governor. Most of them are two-thirds, which is in the amendment.

These 14 States, a number of studies have been done over the years, and there are four things that are true in those 14 States. Their taxes are lower than in States that do not have a supermajority requirement. Their taxes go up slower than in those States that do not have a supermajority tax increase requirement. Therefore, their economy grows faster. Believe it or not, it means that more jobs are created, about 43 percent in States that have the supermajority requirement, more jobs are created than in those States that do not.

When we get to the debate later this afternoon on the amendment, keep a few things in mind. The opponents that are against this are not against it because they do not think it will work. They are against it because they know it will work. They know that it will take a consensus of the country and a consensus of the Congress, not just the Republicans, not just the Democrats, but a bipartisan majority, supermajority to require a tax increase.

If I could see the last chart, there are going to be some other poll numbers reported later in the debate. This is a poll that was taken last year. And the poll that was taken last year, 64 percent of people identified with the Democratic Party said they were for a two-thirds vote to raise taxes. Sixty-eight percent of Federal employees that were polled said they were for a two-thirds requirement to raise their Federal taxes. Seventy-one percent of union members said that they were for a two-thirds requirement to raise their taxes, and 73 percent overall of all Americans.

So this is not a conservative issue. This is not a Republican issue. This is an American issue. The latest number poll, that is this year, 75 percent of all Americans are for the supermajority requirement. So vote for the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, capital gains taxes, withholding taxes, income taxes, sales taxes, excise taxes, highway taxes, aviation taxes, fuel taxes, property taxes, manufacturing taxes, education taxes, cigarette taxes, liquor taxes, ticket taxes, corporation taxes, old taxes, new taxes, flat taxes, fast flat taxes, surtaxes, taxes on taxes, and a retroactive tax to tax us if we miss something the government needed.

I understand all the philosophical debates that are being brought up here today, but I support the rule and support the bill for the following reasons: I think a Nation that overtaxes their people, kills hope and rewards their enemies, and part of the enemy is the Congress who can raise our taxes too easily. Just look at the Constitution, if it makes any difference. We have enacted a macroeconomic trade agreement with great bearings on tax revenue with a one simple majority vote when the Constitution called for a two-thirds requirement. We are out of sync.

In addition, we have a tax code that rewards dependency, penalizes achievement, subsidizes illegitimacy, kills investment, kills jobs. If we work hard, we send a lot of money to government. If we do not work, government sends us a check. Beam me up here. I mean it. Beam me up.

If we go to a tax court, we are guilty in the eyes of the court and we have got to prove ourselves innocent. That is unbelievable to me, and I do not see anybody talking about this.

I wanted to thank the Republicans for including my burden-of-proof provision in the IRS reform bill. Without it, there is nothing of significant protection for our taxpayers.

Look, is it any wonder the American people are taxed off? They are fed up. They are fed up with a system that kills families, destroys families, and treats people like second-class citizens.

This may not be the exact answer. I do not know if this will become law. Probably not. But I want to support it. Any measure that makes it tougher to tax the American people is absolutely 100 percent on target with me.

I would like to just remind everybody that all of these taxes that we do pay, the American people are now beginning to question how we are employing them and using them. I think it is fitting for the Congress of the United States to make it more difficult to raise these taxes.

The American people are taxed off. And I think Congress should recognize it before there are other great changes here.

Ms. PRYCE of Ohio. Mr. Speaker, I appreciate the remarks of my good friend and colleague from the great State of Ohio.

Mr. Speaker, I am pleased to yield 1 minute to the gentleman from California (Mr. CAMPBELL).

☐ 1130

Mr. CAMPBELL. Mr. Speaker, I thank my colleague for yielding this time to me.

I regret I cannot support this amendment to the Constitution, and I would like to take a moment to explain why.

If we make it more difficult to increase taxes but we do not make it any more difficult to spend money, what we will create is a bias in favor of increasing spending and simply borrowing the money. That is even worse than increasing spending and increasing taxes to pay for it, because when we increase spending and increase taxes to pay for it, at least we are being honest and asking the very people who benefit from the spending to ante up and pay the cost and suffer the pain of the tax increase. But when we spend their money and make our children pay for it, which is what we do when we borrow, we get the political gain but we make the next generation—who do not yet have the right to vote—pay for it.

The size of the United States debt is very, very large. It is $5.7 trillion. As a percentage of the GNP it is the highest it has been since the end of World War II, and what we do in this amendment today is make it far more likely that that debt will increase. What we should do and what I would support is a two-thirds requirement to increase borrowing also. Then we would have a two-thirds requirement for either increasing taxes or increasing borrowing; and we would not bias the system in favor of borrowing.

Without that change, I cannot support this amendment.

Mr. MOAKLEY. Mr. Speaker, I have no remaining speakers. I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing let me reiterate that this rule is identical to the rule the House adopted last year by voice vote on the same issue. It gives ample opportunity for all sides to be heard on the tax limitation amendment, and it gives the minority two separate opportunities to change the underlying legislation.

Let me also remind my colleagues that the tax limitation amendment has the support of 68 percent of all Americans, and it is not hard to understand why. Today nearly 40 percent of the average American family's income goes toward taxes. It is reasonable in the minds of those Americans to put a small bump in the road that will slow down the people who want to take even more of their hard-earned money.

Today's vote will not end debate on this matter but instead it will start the debate down across all 50 States, down to the local level where the people will determine whether amending the Constitution is in order.

Mr. Speaker, I urge my colleagues to let reasonableness and the will of the people prevail by voting "yes" on the rule and "yes" on the tax limitation amendment.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. GOODLATTE. Mr. Speaker, pursuant to House Resolution 407, I call up the joint resolution (H.J. Res. 111) proposing an amendment to the Constitution of the United States with respect to tax limitations, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 407, the joint resolution is considered read for amendment.

The text of House Joint Resolution 111 is as follows:

H.J. RES. 111

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE—

"SECTION 1. A bill to increase the internal revenue shall require for final adoption in each House the concurrence of two-thirds of the whole number of that House, unless that bill is determined at the time of adoption, in a reasonable manner prescribed by law, not to increase the internal revenue by more than a de minimis amount.

"SECTION 2. The Congress may waive the requirements of this article when a declaration of war is in effect. The Congress may also waive this article when the United States is engaged in military conflict which causes an imminent and serious threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law. Any increase in the internal revenue enacted under such a waiver shall be effective for not longer than two years.

"SECTION 3. Congress shall enforce and implement this article by appropriate legislation.".

The SPEAKER pro tempore. Pursuant to House Resolution 407 the amendment printed in House Report 105–488 is adopted.

The text of House Joint Resolution 111, as amended by the amendment printed in House Report 105–488, is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE—

"SECTION 1. Any bill, resolution, or other legislative measure changing the internal revenue laws shall require for final adoption in each House the concurrence of two-thirds of the Members of that House voting and present, unless that bill is determined at the time of adoption, in a reasonable manner prescribed by law, not to increase the internal revenue by more than a de minimis amount. For purposes of determining any increase in the internal revenue under this section, there shall be excluded any increase resulting from the lowering of an effective rate of any tax. On any vote for which the concurrence of two-thirds is required under this article, the yeas and nays of the Members of either House shall be entered on the journal of that House.

"SECTION 2. The Congress may waive the requirements of this article when a declaration of war is in effect. The Congress may also waive this article when the United States is engaged in military conflict which causes an imminent and serious threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law. Any increase in the internal revenue enacted under such a waiver shall be effective for not longer than two years.

"SECTION 3. Congress shall enforce and implement this article by appropriate legislation.".

The SPEAKER pro tempore. Under the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 1½ hours.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Joint Resolution 111 requires a two-thirds vote in both the House and Senate for any bill that changes the internal revenue laws by more than a de minimis amount. The resolution allows Congress to waive the supermajority requirement to pass a tax increase during a period of declared war between the United States and another country, or when the Congress and the President enact a resolution stating that the United States is engaged in a military conflict which threatens national security. Tax legislation enacted under this waiver can be enforced for no longer than 2 years after its enactment.

H.J. Res. 111 provides a simple mechanism to curb wasteful and abusive government spending by restraining the government's unquenchable appetite for taking the American people's money. The more the government has, the more it spends. The tax limitation amendment will ensure that when the government needs money it will not simply look to the American people to foot the bill.

A constitutional amendment is the only way we can assure the American people that Congress will only take from their pocketbooks that which is truly needed. This constitutional amendment will force Congress to focus on options other than raising taxes to manage the Federal budget. It will also force Congress to carefully consider how best to use current resources before demanding that taxpayers dig deeper into their hard-earned wages to pay for increased Federal spending.

Furthermore, if Congress has less to spend on programs, it will be forced to act responsibly and choose what is truly important to the American people, and it will be forced to make sure government programs are run as effectively and efficiently as possible. Simply put, the harder it is for Congress to tax the American people, the harder it will be for Congress to spend their hard-earned money. Government will spend less when the American people give it less.

Mr. Speaker, tax limitation requirements have been proven to work. In the 14 States that have adopted supermajority requirements for tax increases, taxes grew at a rate about 10 percent less than States without tax limitation requirements. Between 1980 and 1992, in States with a supermajority requirement economic growth was 43 percent, compared to 35 percent in States without such a requirement. Employment growth was 26 percent, compared to 21 percent in States without such a requirement.

The need for this amendment is clear. The tax burden on our citizenry is out of control. In 1934 Federal taxes were 5 percent of the average family's income. Today that figure is nearly 25 percent. Overall taxes consume nearly 40 percent of an average family's income. That is more than food, housing and clothing combined.

To support this huge level of taxation we have developed a cumbersome Tax Code that causes needless confusion and delay. In 1914 the Internal Revenue Code contained 11,400 words. Our current code contains over 7 million words. American taxpayers spend over $200 billion and 5.4 billion hours a year just to comply with Federal taxes. Sixty percent of taxpayers must hire a professional just to sort through their own return.

Just think how small, simple and fair our Tax Code would be if we would have had a supermajority requirement when the taxes that created this monster were enacted. In fact, four of the last five major tax increases, including the 1993 increase, the largest tax increase in American history, four out of five would not have passed if the tax limitation amendment had been in effect when they were enacted.

□ 1145

This would have saved the American people hundreds of billions of dollars. That is money the American people could have used to invest, pay for retirement, or for their children's education. It is simply too easy for Congress to tax the American people too much and too often by a Tax Code that is too complicated.

Our Constitution contains a Bill of Rights designed to preserve freedom by restricting government intrusion into the lives of the people. But the power to tax is the power to reach the lives of the people in a very direct way, controlling what and how much the people can do with their own resources. Taxes affect how you invest your money, how you spend it, where you live, and many other aspects of everyday life.

The power to tax has been abused by the government, using it as a club to drive the government's will into the lives of the people at the expense of freedom and opportunity.

Mr. Speaker, this amendment simply returns control of the American taxpayer's pocketbook to where it belongs, the American taxpayer. While this Congress has shown discipline and restrained increases in spending leading to the first balanced budget in three decades, it is simply too easy for Congress to spend the people's money.

As long as Congress can continue to raise taxes every time it wants to spend more money, we will never have true tax relief; we will never have true debt reduction.

The Constitution entrusts Congress with the power of the purse. Unfortunately, Congress time and time again, has taken that to mean it can pay for its own bloating simply by pulling the American people's already tight purse strings. This amendment reminds Congress it is not the government's money; it is the people's money.

I believe in good and effective government, but more money does not mean better government. Better government means doing more with less of the American people's money. Requiring a two-thirds vote in both Houses to raise taxes will force Congress to do more with smaller and more efficient government.

I have great confidence in the American people. Americans have shown they are the most ingenuous, creative, and hard-working people in the world. The government should not punish those very traits that have made the United States the most effective and productive Nation in history.

Working hard to make more money for your family is rewarded by tax after tax after tax. There is the income tax, the marriage tax, the death tax, the Social Security tax, the sales tax; you name it, government can find a way to tax it.

Well, Mr. Speaker, this amendment says no more. The American people have had enough. Our tax system is out of control, unfair, and abusive. The least we can do is take action to prevent it from becoming more so. It is time for Washington to stop asking American families to shoulder the financial burden brought by bloated budgets and wasteful spending. Once and for all, it is time for Washington to get off the American people's backs and out of their pocketbooks.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT), the ranking member of the Subcommittee on the Constitution of the Committee on the Judiciary.

Mr. SCOTT. Mr. Speaker, I would like to thank the ranking member from the Committee on the Judiciary for yielding me time.

Before I begin discussing our concerns about the amendment, I would like to say a few words about my concerns about the priorities of the House.

Consideration of this amendment represents an annual tax day press event. Although we fail to do much of substance in the 105th Congress, here we are in front of the cameras debating an impractical tax limitation amendment. I would hope we would begin to debate some of the serious issues before us, like the tobacco settlement, saving Social Security, health care, juvenile justice. But those issues are nowhere to be seen because we have taken polls, and on an annual April 15th situation, we are debating the same constitutional amendment that was defeated last year around April 15th. So let us put it in perspective: We are not legislating; we are just posturing for political advantage.

But I would have serious concerns about the constitutional amendment, H.J. Res. 111, the proposed constitutional amendment, with respect to tax limitation. The terms of the amendment are unbelievably vague. The only thing clear about the amendment is the fact that the amendment will cause great confusion.

When we had a hearing on the resolution before it was defeated last year, both Democratic and Republican witnesses expressed very serious concerns about H.J. Res. 111. Former Office of Management and Budget Director Jim Miller, tax limitation amendment supporter, went so far as to call some of the language silly and unworkable.

The language considered by experts at the hearing requiring a two-thirds majority vote to increase the Internal Revenue was the language we heard last time. We marked up a different bill in the committee than that which was reviewed by the experts, and the language that is now before us on the floor requires a two-thirds majority to change the Internal Revenue laws, resulting in an increase in the Internal Revenue by more than a de minimis amount.

Of course, no one seems to have the slightest idea what a change in the Internal Revenue laws to increase the general revenue by more than a de minimis amount, nobody knows exactly what that means, and it is our intention, therefore, apparently to leave this very significant interpretive question to the whims and wishes of the courts, or to some bureaucratic person.

The confusion created by the constitutional amendment will create powers in a new bureaucracy. For example, who are we going to anoint with the power to decide the golden question? Will a particular bill constitute an increase in revenue, or will it increase revenue by more than a de minimis amount?

We heard testimony that this power would be investigated in a bureaucrat with unprecedented powers to control the legislative power, because once that decision is made, that could require a two-thirds, rather than a simple majority vote.

Who becomes the golden decider of that particular question? The American public deserves answers to these questions before, not after, we have made a mess that cannot be cleaned up. What happens if we pass, for example, a controversial corporate tax loophole that we estimated would cost $500 million, but later discover it is costing $500 billion? Although it took only a simple majority to pass the corporate tax loophole, it will take two-thirds in both the House and the Senate to correct it.

For this reason, we ought to be calling the resolution the Corporate Loophole Protection Act.

Furthermore, there are those who support the legislation saying it will control spending. There is nothing in the legislation to control spending. Spending will continue with a simple majority vote. Unfortunately, paying for the spending will require a two-thirds vote. That is obviously a prescription for disaster.

In addition to being vague and biased in its protection of corporate loopholes, this amendment would be unworkable. There are very good reasons why supermajorities are rare in our Constitution, and that is because they have learned from experiences of the failed Continental Congress that excessive supermajority requirements are not practical for an efficient government.

We only require supermajorities for things like overriding a Presidential veto, impeachment or proposing constitutional amendments. These are well-defined circumstances, not open to interpretation.

But, unfortunately, there will always be numerous views on whether or not a bill increases the revenue by more than a de minimis amount. Incredibly, the supermajority prescribed in this resolution would be a much stronger requirement than the supermajorities required for impeachment, treaty ratification or veto overrides, because it requires a two-thirds vote of the Membership of the House; not just those present and voting.

In fact, we have not been able to adhere to our own tax limitation rules. That would give us a fairly good idea of what would happen under this constitutional amendment. In the 104th Congress we had a rule that required a three-fifths vote on bills requiring Federal income tax increases.

The story of the tax limitations rules provides us with what would happen, because there was waiver after waiver after waiver, because many major bills included changes in the tax system that increased taxes.

The rule was waived for the 1996 budget reconciliation conference report; it was waived for the Medicare preservation bill; it was waived for the Health Coverage and Availability Act. In recent history, no major tax changes, whether signed into law by a Democrat or Republican President, have passed both Houses by two-thirds majority.

If we could not function with a three-fifths majority, how could we possibly function with a two-thirds requirement, that can only be waived in cases of war or amending the Constitution?

Amending the Constitution is very serious business, and should not be conducted haphazardly. Some very tough questions are not even close to being answered. Therefore, I urge my colleagues to act responsibly and reject this tax day publicity stunt, and vote no on H.J. Res. 111.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 111.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in response to my good friend, the gentleman from Virginia (Mr. SCOTT), I would like to include for the record a letter from the gentleman from Texas (Mr. ARCHER), the chairman of the House Committee on Ways and Means, to the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary.

The letter referred to follows:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, April 7, 1997.

Hon. HENRY J. HYDE,
Chairman, Committee on Judiciary, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN HYDE: I understand that the Judiciary Committee is scheduled to consider H.J. Res. 62. Section 1 of the resolution would generally require a supermajority vote for any bill that amends the internal revenue laws unless that bill is determined at the time of adoption, in a reasonable manner prescribed by law, not to increase the internal revenue by more than a de minimis amount. In relevant respects, this language in H.J. Res. 62 is substantially identical to the language of H.J. Res. 169, as considered by the full House last year. That language was carefully crafted by myself and Mr. Barton and the other sponsors of the legislation. Moreover, Mr. Barton and I entered into a colloquy on the House floor, describing how we interpreted the language of the resolution.

First of all, the Constitutional amendment would not apply to tax legislation that is a net tax cut or that is revenue neutral overall. Thus, the supermajority requirement would not have applied to the "Balanced Budget Act of 1995" or the "Contract with America Tax Relief Act" since those bills provided a net tax cut. Similarly, it would also not apply to legislation that replaces one tax system with another as long as that replacement is revenue neutral. For example, if we were successful in replacing the current income tax with a broad-based consumption tax, that legislation would be subject only to a simple majority vote provided that the replacement tax raised the same amount or less revenue than the current tax.

Second, the Constitutional amendment excepts from the ⅔ requirement tax legislation that raises no more than a "de minimis" amount of revenue. The amendment states that Congress may "reasonably provide" how this exception is applied. Details may be very important, but they do not belong in the Constitution. Instead, Congress would adopt legislation that implements the Constitutional amendment by defining terms and fleshing out procedures.

It is up to this or a future Congress to design this "implementing legislation." However, it is my understanding and intent that such legislation will have the following characteristics:

Revenue would be measured over a period consistent with current budget windows. For example, measuring the net change in revenue over a 5 year period would be appropriate.

Estimation would be made employing the usual revenue estimating rules. As under the Budget Act, a committee of jurisdiction or conference committee would, in consultation with the Congressional Budget Office or the Joint Committee on Taxation, determine the revenue effect of a bill.

A bill would be considered to raise a "de minimis" amount of revenue if it increased Federal tax revenues by no more than 0.1 percent over 5 years.

For purposes of determining whether a bill raises more than a "de minimis" amount of revenue, only tax provisions (i.e., provisions modifying the internal revenue laws) in the bill would be considered. Other provisions that increase Federal revenues or receipts (such as asset sales, tariffs, user fees, etc.) would not be taken into account in determining the revenue raised by the bill.

"Internal revenue laws" means the current Internal Revenue Code (i.e., the Federal individual and corporate income tax, estate and gift taxes, employment taxes, and excise taxes). It would also include any new tax that may be added to the current Internal Revenue Code or that is analogous to any tax in the Internal Revenue Code. It does not, however, include tariffs.

Accordingly, a supermajority vote would not have been required for H.R. 831, which increased and extended the health insurance deduction for the self-employed; H.R. 2778, which provided tax relief to our troops in Bosnia; H.R. 3103, the Health Coverage Availability and Affordability Act of 1996;" and H.R. 3448, the "Small Business Job Protection Act of 1996." Each of the bills was designed to be revenue neutral but, due to the strictures of the Budget Act, was slightly revenue positive and raised a "de minimis" amount of revenue.

I hope that this information is helpful in the deliberations of the Committee on Judiciary.

With best personal regards,

BILL ARCHER,
Chairman.

Mr. Speaker, I would note that as a part of this letter, the gentleman from Texas (Mr. ARCHER) says, "Second, the Constitutional amendment excepts from the two-thirds tax requirement legislation that raises no more than a de minimis amount of revenue."

The gentleman from Virginia asks what that might be. The gentleman from Texas (Mr. ARCHER) continues, "The amendment states that Congress might reasonably provide how this exception is applied. Details may be very important," and they are, "but they do not belong in the Constitution. Instead, Congress would adopt legislation that implements the constitutional amendment by defining terms and fleshing out procedures.

"It is up to this or a future Congress to design this implementing legislation. However, it is my understanding and intent that such legislation will have the following characteristics:

"Revenue would be measured over a period consistent with current budget windows. For example, measuring the net change in revenue over a 5-year period would be appropriate.

"Estimation would be made employing the usual revenue estimating rules. As under the Budget Act, a committee of jurisdiction or conference committee would, in consultation with the Congressional Budget Office or the Joint Committee on Taxation, determine the revenue effect of a bill.

"A bill would be considered to raise a de minimis amount of revenue if it increased Federal tax revenues by no more than 0.1 percent over 5 years.

"For purposes of determining whether a bill raises more than a de minimis amount of revenue, only tax provisions in the bill would be considered. Other provisions that increase Federal revenues or receipts, such as asset sales, tariffs, user fees, et cetera, would not be taken into account in determining the revenue raised by the bill.

"Internal Revenue laws means the current Internal Revenue Code.

"Accordingly, a supermajority would not have been required for House Resolution 831, which increased and extended the health insurance deduction for the self-employed; House Resolution 2778, which provided for tax relief to our troops in Bosnia; H.R. 3103, the Health Coverage Availability and Affordability Act of 1996; and H.R. 3448, the Small Business Job Protection Act of 1996. Each of the bills was designed to be revenue neutral, but due to the strictures of the Budget Act, was slightly budget positive and raised a de minimis amount of revenue.

"I hope that this information is helpful to the deliberation of the Committee on the Judiciary."

Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. BARTON) and I ask unanimous consent that he be permitted to control that time and yield to other Members.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I would announce that when the gentleman from Texas (Mr. HALL) comes to the floor, I will ask unanimous consent to yield some of my time to him as the chief Democrat sponsor.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MILLER.)

☐ 1200

Mr. MILLER of Florida. Mr. Speaker, today I rise in strong support of a tax limitation amendment. I would like to take a minute to share what I have been hearing from my constituents in southwest Florida.

In March, the Citizens for a Sound Economy's Scrap the Code Tour made a stop in Sarasota. Six hundred and fifty residents attended to hear the gentleman from Texas (Mr. ARMEY) and the gentleman from Louisiana (Mr. TAUZIN) talk about the flat tax and the national sales tax. There was real excitement about the possibility of real tax reform. But I am also hearing at home that the tax limitation amendment is the first and perhaps the most critical step towards fundamental reform.

At a recent town hall meeting, I asked my constituents to tell me whether they prefer a flat tax or a national sales tax. They told me that either approach was a vast improvement over the current system, but they do not believe that politicians can restrain themselves from tampering with the system once they fix it.

Sarasota residents told me that tax rules must be consistent if taxpayers are to be a player in the game. But the truth is, and taxpayers know this better than anyone, that Congress changes tax laws every year. If we are to move to a simpler, fairer tax system, then we must assure the American people that Congress will not repeatedly change the rules.

The sad truth is that Americans will no longer take our word for it. They want a legal restraint on Washington's tax and spend nature, and who can blame them? American taxpayers need to have confidence that if Congress reduces the tax burden this year, that they will not turn around and hike taxes next year. How can an American family decide how much to save or whether to buy a house if Congress continues to change the rules of the game?

By requiring a two-fifths vote of Congress to any tax increase, taxpayers could finally have the confidence in the system. Americans need that peace of mind. They deserve that peace of mind. I advise my colleagues on both sides of the aisle to listen to the American people. They are urging us to pass the tax limitation amendment.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 5 minutes to the gentlewoman from Texas (Ms. SHEILA JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member for yielding time to me.

To the ranking member of the Subcommittee on the Constitution of the Committee on the Judiciary, and to my colleagues, I think the real issue here on this day, April 22, which is Earth Day, which hopefully has us embracing the richness of our earth and the value of the assets that this earth bestows upon all of us, I think we should actually come to the floor of the House and tell the simple truth.

This legislation, which unfortunately our Republican friends did not have the opportunity to put before the House on April 15, for all of the political shenanigans that that would have generated across the country, is truly a case of the rule and the tyranny of the minority.

This constitutional amendment is bogus and does not represent truth in lending or truth in telling the story about taxes in America. What actually tells the story of taxes in America is real reform: simplification of the Tax Code; making sure that the IRS lends itself to mediation and dispute resolution; ensuring that there is no marriage penalty, language that is in my Taxpayers Justice Act that was filed in 1997, that has yet to see its time on the floor of the House for debate.

But this bill simply is tyranny. For when I am home with my constituents and I hear from the veterans of the Vietnam War, people needing Social Security and Medicare, health benefits and education, they talk about fiscal responsibility. They talk about balancing the budget, but they realize that as we appropriate monies for these great needs, veterans' hospitals that are seeing closings and diminishing of service, and having to put veterans out after a 24-hour stay, they realize we must balance the budget with the responsibility of appropriating monies for these great needs in this country, at the same time as increasing or promoting or having the ability to raise revenue.

What does this constitutional amendment do; a constitutional amendment, by the way, that never went to the Committee on the Judiciary, never followed the lines of processes? Yes, it went in 1997, but if my calendar tells me right, it is 1998, so it had no judicial process whatsoever. Mr. Speaker, the key is that it did not go through the judicial process, the committee that had the right of jurisdiction.

In so doing, what we have in this process, we have two-thirds of this body that are required to raise the revenue to protect the veterans' benefits, health benefits, education benefits, and at the same time only 51 percent that can appropriate. So therefore, we appropriate, but do not have the money to either help balance or help pay for these needs.

Mr. BARTON of Texas. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, this is the second session of the 105th Congress. In the first session of the 105th Congress, the Subcommittee on the Constitution of the Committee on the Judiciary held a hearing on March 18, 1997, where the resolution was ordered reported to the full House on April 8, 1997, by the subcommittee. It is the exact language that was voted on last year, so the gentleman from Illinois (Mr. HYDE) did not feel they needed to hold another hearing on the exact language, since this is in the same Congress.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I appreciate the clarification of my colleague, the gentleman from Texas.

Let me clarify and say that as I understand it, the bill did not succeed in 1997, and therefore, I would argue very vigorously because of the real concerns with this legislation that it needed additional hearings and an additional opportunity to go through the process through the Committee on the Judiciary.

Let me also respond to my colleague, the gentleman from Texas, to say that this is a dangerous piece of legislation, because as we look to balance and secure Social Security and Medicare, this bill smacks in the face of being able to ensure that Medicare and Social Security are safe.

A 1996 report for the Social Security trustees projects the Social Security trust fund to start running in deficits in 2012. Medicare actuaries project the Medicare Hospital Insurance Trust Fund will become insolvent in 2010. It is, therefore, a requirement that not only do we see a decrease in benefits, but we also see an increase in revenue to provide for the solvency of Social Security and Medicare. This bill will kill that.

Mr. Speaker, I rise today in opposition to House Joint Resolution 111, the Tax Limitation amendment. As you all know, this amendment seeks to require a two-thirds majority vote in each House to increase tax revenues by more than a "de minimis" amount, except in times of war or military conflict which posed a threat to national security. First of all, this measure is completely ambiguous. If we are proposing to amend the longest standing document of civil liberty and freedom in the Western world, surely, we should be absolutely clear about what our intentions are.

Leaving the determination to Congress as to what a "de minimis" increase is, is ultimately as arbitrary and meaningless as not having a standard at all. The fact of the matter is that this language will inevitably encourage years of exhaustive litigation about what a "de minimis" increase truly is. Do the authors of this bill intend that potential tax increases be evaluated by changes in percentages or by numerical amount? When do changes begin to exceed the "de minimis" standard included in this bill, is it over an annual period, a two-year period or a five-year period? The plain answer is that nobody knows. Furthermore, the one exception in the bill in regards to the special circumstances that may arise during an armed military conflict are written too narrowly to be effective. Even in this drastic case, the tax limitation is only waived for a maximum of two years.

But more importantly, this constitutional amendment is contrary to the very spirit and purpose of the Constitution. This nation was founded upon principles of majority rule, so why should we now sacrifice these sacred principles to encapsulated the level of the federal government's tax revenues? The whole purpose of the Connecticut and New Jersey Compromises that helped to form this great Congress over two centuries ago, was to allow the American people the opportunity to express their will through both locally and broadly elected representation that had their particular interests at hand.

But how can this process continue to take place when 146 members of this body could vote to defeat any new tax measure that is not a so-called "de minimis" change in current tax policy? Clearly, any initiative that would seek to give such an enormous amount of power to such a small minority is both imprudent and inappropriate. I believe that this bill is a poorly written expression of a poorly conceived legislative initiative, and I urge all of my colleagues to vote it down, just like we have done over the last two years.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to my good friend, the gentlewoman from Houston, Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me the time.

What we have as we look to this bill, which requires a two-thirds majority for increasing the revenue, we have a rule by tyranny, a rule by the minority. We have a tyrannical ruling of those who would have us not provide for Social Security and Medicare, veterans' benefits, health benefits, educational benefits.

Do Members know what else we have? We give to all of our large corporate multinationals, those individuals who see tax loopholes as a way to survive, we give them another hammer to beat down tax loopholes. Because what it would require of us, if we found a tax loophole that might just by coincidence raise a slight bit of revenue, two-thirds of this body would have to vote for it. That means that tax loopholes would proliferate across this Nation.

I simply say that I realize my colleagues have good intentions, but this is not the way to run a government. This is a way to shut down a government. This is what the Founding Fathers did not want to have happen, the tyranny of the minority, telling us that we could not vote for or provide for the people of this Nation.

Mr. Speaker, I ask that my colleagues vote this down and rule on behalf of the people of America.

Mr. BARTON of Texas. Mr. Speaker, we are going to put the gentlewoman from Texas (Ms. JACKSON-LEE) down as undecided on this amendment.

Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from my California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, it has been long observed that a frog thrown into a pot of boiling water will jump right out, but throw a frog into a pot of tepid water and then slowly turn up the heat under the pot, and the frog will stay there until he is cooked.

That boiled frog strategy is how Congress imposed a monstrous tax burden on the American people. Congress did not wake up one day and then pass a law that confiscates more than 20 percent of an American family's income, which is exactly how much in Federal taxes the American people are paying. Many people are paying more than 20 percent. But the heat was turned up on the American taxpayer over the last six decades. That is how we got to this position.

In 1934 the Federal Government took just 5 percent of an American family's income. Because of the increase in Federal taxes that we have seen, because that increase has been gradual, the American people have gone along just treading water while the heat was turned up. It made it even easier for Congress to increase taxes on the people, turning up the heat on the people all the time.

This has come to a point today where our freedom is threatened by the level of taxation that our people have to bear. We are now at a level of taxation that is totally inconsistent with what our Founding Fathers had in mind and what our Founding Fathers believed was consistent with a free society. We are just servants, unable to choose our servitude, and having the fruits of our labor stolen by the government.

We are here today to pass a tax limitation constitutional amendment which would make it harder to turn up the heat on the taxpayers. This resolution would amend the U.S. Constitution to require a two-thirds majority vote of the House of Representatives and the Senate to pass any legislation resulting in a tax increase.

Mr. Speaker, one of the arguments we are hearing against this amendment is that it requires more than just a simple majority, which is 50 percent plus one, and that that subverts majority rule. But a supermajority is a majority. It is just a stronger majority, because it is reserved for situations that are important.

In fact, there are two dozen instances in which the House of Representatives, or at least, excuse me, one House of Congress, is required to vote by more than a simple majority to get its work done. That is more. What is more, eight of these supermajorities are specifically written into the U.S. Constitution.

What we are saying today is let us just add another, a ninth constitutional requirement, that would make it more difficult for Congress to raise the taxes of the American people. Because what we are recognizing today is that by raising taxes, we are diminishing the freedom of the individual American citizen to make decisions with his or her life about the product of their labor. Today we have a chance to vote clearly on the side of the people's freedom against increasing taxes and boiling their freedom down.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), the ranking member.

Mr. SCOTT. Mr. Speaker, I wanted to correct the statement made in the earlier comments. It was indicated it required a two-thirds vote of the membership of the House. That was the bill as it had been introduced. The rule that we passed changed the bill, so it is only two-thirds of those present and voting. So if we want to cut Social Security, it would require a simple majority; if we want to cut education, a simple majority; cut Medicare, a simple majority. But to close the corporate loophole, it would require two-thirds of those present and voting.

Mr. CONYERS. Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, Daniel Webster, a great Member of this body, said, "The power to tax is the power to destroy."

Now, there are lots of folks that are saying we are taxed too much. They say, well, this is just the Federal level we are talking about. It is not a lot of taxes. But there are taxes on the local level, there are taxes on the State level, there are taxes on our gasoline, there are taxes on our bread. It goes on and on. So this simple amendment is needed if we are going to stem the tide here.

This is not a new idea. Fourteen States currently require supermajorities in their legislative bodies to increase taxes or revenue. Let me repeat that, fourteen States already do this. This is not something new. From 1980 to 1987 taxpayers in those States enjoyed a 2 percent decrease in personal income taxes paid.

More States are looking to protect their citizens from overtaxation. Since 1995, Mr. Speaker, legislators in 21 States introduced similar legislation. So what we have is the start of a rebellion across this country of ours of people saying, hold it, no more taxes; no more increasing taxes on the State, Federal, and local level until we pass it by a two-thirds majority.

A lot of folks will say this is a draconian step, but it was pointed out by another colleague here, the gentleman from California (Mr. DANA ROHRABACHER) that there are already on the books ten instances in which the Constitution already requires a supermajority vote. I will not go through and list all ten, I will make them part of the record.

Let me mention one: conviction and impeachment trials. On that we would all agree. What about consent to a treaty? We cannot pass it by just a simple majority vote, we have to have two-thirds.

□ 1215

So surely if we consent to a treaty, we should have consent to taxes on the American people. State ratification of the original Constitution. And if the Electoral College is going to meet, if the Electoral College sits down and they want to vote, they have got to have a two-thirds presence and two-thirds vote to even start the procedures.

If the President has a disability, it requires two-thirds of this body to vote. To remove one of the Members from holding office who is engaged in insurrection requires a two-thirds vote. There is a long history of using two-thirds majority or supermajority requirement to take action.

So, Mr. Speaker, this is not undemocratic. It is not unusual. This is something that the States are now doing. The Federal Government is stepping up to the plate and many of us support this strongly. I urge my colleagues to align themselves with the States, align themselves with the people and move forward and pass this amendment today.

Mr. Speaker, I am providing for the RECORD a list of the instances where our Constitution already requires a supermajority vote, as mentioned in testimony on this legislation before the Committee on the Judiciary by Daniel Mitchell, McKenna Senior Fellow at the Heritage Foundation:

SUPERMAJORITY REQUIREMENTS AND TAXATION

There is nothing undemocratic or unusual about supermajority requirements in our system of representative democracy. Supermajority voting requirements are routinely used for legislative business in both the House and the Senate. Since 1828, the House has allowed a two-thirds vote to suspend rules and pass legislation. Senate rules require a two-thirds vote for suspension of the rules and for the fixing of time for considering a subject. The Senate requires a three-fifths vote of all Senators to end debate or to increase the time available under cloture. Senate Budget procedures require that three-fifths of the full Senate must agree to waive balanced budget provisions or points of order to consider amendments that would violate the budget approved by Congress.

There are ten instances in which the Constitution already requires a supermajority vote. Seven of these were part of the original Constitution and three were added through the amendment process:

Art. I, 3, cl. 6: Conviction in impeachment trials.

Art. I, 5, cl. 2: Expulsion of a Member of Congress.

Art. I, 7, cl. 2: Override a Presidential Veto.

Art. II, 1, cl. 3: Quorum of two-thirds of the states to elect the President.

Art II, 2, cl. 2: Consent to a treaty.

Art V: Proposing Constitutional Amendments.

Art. VII: State ratification of the original Constitution.

Amendment XII: Quorum of two-thirds of the states to elect the President and the Vice President.

Amendment XIV: 3: To remove disability for holding office where one has engaged in "insurrection or rebellion."

Amendment XXV, 4: Presidential disability.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would ask the gentleman from Florida (Mr. STEARNS), my good friend, about the revolution he described. Last April 15th it failed in the House. Does the gentleman have some additional information that will lead us to believe we are going to be overwhelmed today with the passage of this amendment?

Mr. STEARNS. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Speaker, the gentleman from Michigan (Mr. CONYERS) has always been very kind to question me after my speech, and I appreciate that because it gives me an opportunity——

Mr. CONYERS. That is why I do it.

Mr. STEARNS. To bring back some salient points that I may have forgotten.

Mr. CONYERS. Just answer the question. I have yielded only a minute.

Mr. STEARNS. Mr. Speaker, I would say to my colleague that frankly, from the time it was voted on the House floor until today, we have been enlightened. And since April 15th it has been very close to our minds and I think it will pass.

Mr. CONYERS. Mr. Speaker, reclaiming my time, I would ask if the gentleman remembers the $50 billion secret cigarette tax cut that has come into the legislation by Speaker Gingrich since April 15th? That is a question.

Mr. STEARNS. Mr. Speaker, if the gentleman would continue to yield, I do not know about a secret——

Mr. CONYERS. Oh, the gentleman does not know about it?

Mr. STEARNS. My colleague would realize that everything is passed on the House floor. There is nothing secret about it.

Mr. CONYERS. The $50 billion tobacco tax cut was public? The gentleman knew about it before it was revealed, after it had been found in the budget bill? Just answer the question.

Mr. STEARNS. Mr. Speaker, the gentleman is asking me a question that does have not an answer.

Mr. CONYERS. Did the gentleman know about it before all of us knew it? The gentleman knew about the $50 billion tobacco tax cut? Did he?

Mr. STEARNS. I knew what I voted on on the House floor and the gentleman from Michigan did too.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG) to respond. I do not mind doing it.

Mr. SHADEGG. Mr. Speaker, I simply want to make the point, the question was asked as to what has changed since the last time this was voted upon in this body that would cause a different result. I think it is worth noting that two States have enacted tax limitation amendments since the last vote in this House on this issue. Those two States did so by a margin of over 70 percent.

I think it is also very important to note that it is now broadly being publicized in this country that we are taxing the American people today at the highest rate we ever have in American history. Federal taxes are higher than at any point in time since the end of World War II, since 1945.

In 1945, by the way, a war year in which we were funding a war economy and a war, in 1945 Federal taxes were one-tenth of 1 percentage point higher than they are now as a proportion of our Gross Domestic Product. If we add the obviously higher State and local taxes, dramatically higher than 1945, to those almost all-time high Federal taxes, it is clear we are taxing the American people at the highest level in our history.

I think that is a change. It has been broadly publicized. It is part of the change which led two new States by a broad majority, 70 percent plus of the voters in those States, to enact their own tax limitation amendments.

I think those are changes that have occurred since the last vote and hopefully will encourage Members of this body to embrace this today. Clear changes that have occurred since the last vote.

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

Mr. Speaker, in response to the previous speaker, yes, taxes are high today on the American people. But they are highest because of the high FICA taxes on Social Security. More than half of American workers pay more in FICA taxes than they do in income taxes to the Federal Government.

The wealthy are paying a rate of taxes less than 50 percent of what the gentleman talked about in those years. Less than 50 percent. That is what this bill is all about today: the wealthy and the powerful. Not about middle income people, not about working people who are paying more in FICA taxes than they are income taxes.

We should be considering real reform today here on the floor of the House. The Tax Code could be reformed. It could be a lot simpler so people do not have to hire accountants. And if we make it simpler, we are going to cut out a lot of those loopholes and special interest tax breaks. That would be real reform.

We could have the IRS reform, the Taxpayer Bill of Rights that passed the House of Representatives last year which is held up by a Republican majority in the Senate for some strange reason. That would be real reform.

We could middle income tax relief. That would be real reform. Expand the Earned Income Tax Credit to get people working and not confiscate taxes from people who earn below the poverty level. That would be real reform.

But, no, what that is about today is quite simple. The Republicans are trotting out their same old tired, bait-and-switch constitutional amendment. It should be called "The Special Interest Loophole and Deficit Promotion Act." It is not targeted toward average Americans.

What are the Republican majority afraid of? Are they afraid that they are going to raise taxes on average Americans, so that they want to require a two-thirds vote in the House of Representatives? I do not think so.

What they are afraid of is that the outrage, and there is real outrage that the previous gentleman spoke about, among the American people that they are being screwed because the wealthy, the large corporations and the foreign corporations are not paying their fair share, that that might sink in with the American people and they might demand real reform. They are afraid that they will not be able to protect their corporate and special interest sponsors here on the floor of the House from a real grass roots movement to reform the Tax Code.

Foreign corporations in this country, 73 percent of the foreign corporations operating in America pay no Federal income taxes because of a very generous loophole provided in our Federal Tax Code not provided by any of our competitor Nations. Won here, a gift to foreign corporations. It is beyond me why we cannot close that loophole and raise $15 billion a year from foreign corporations that make money in this country by just asking that they pay at the same pathetic rate that American corporations pay.

But, no. We allow them to pay zero. Nothing. And under this bill that will never change, because it requires two-thirds vote here on the floor of the House to require foreign corporations to begin to pay income taxes, maybe so we could provide income tax relief to middle income Americans.

U.S. multinationals use the same loophole to get around taxes. We have the pharmaceutical industry, a real darling. We have noticed the reasonable price of pharmaceuticals in this country. $3 billion tax loophole because they say all of our profits are made in Puerto Rico where we do not have to pay taxes, and all of our losses and development costs are here in the United States of America where we sell the drugs at inflated prices to the same people who are paying high taxes.

Now, that would be real reform but, no, we are going to protect against reforming and closing that loophole by this amendment.

Accelerated depreciation, the biggest loophole in the Tax Code. It would be nice if average Americans could get that. Eastman Kodak paid an average of 17.3 percent on their products last year. American Home Products, 15.6 percent on $4.2 billion of earnings. And Allied Signal, 10.7 percent on $3.4 billion of earnings.

It would be nice if a teacher working full-time could pay taxes to the Federal Government at the rate of 10.7 percent like Allied Signal did with their tax loophole. But that will never happen in the Republicans' world if this amendment passes. We will never close those loopholes. We will never provide that tax relief to average Americans.

This is not about wage earners. It is not about the middle-class. It is about the wealthy. It is about the people who have written the special interest loophole-ridden Tax Code that we have today, and it is about desperate attempts to protect those special interest loopholes against a real revolt by the American taxpayers.

Mr. Speaker, it is time to send this phony amendment packing as we have three or four times previously, and to take up real reform on the floor of the House with a simple majority. Close the tax loopholes; make the special interests, make the foreign corporations, make others pay their fair share, and give the American workers the tax relief they deserve.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 1 minute to respond to the gentleman from Oregon (Mr. DEFAZIO).

Mr. Speaker, the gentleman is absolutely right. FICA taxes are a tax. Under this amendment it would take a two-thirds vote to raise FICA taxes, which would make it unlikely.

The gentleman may be right about some of the tax loopholes. I would point out that under this amendment we could close every loophole in the Tax Code if we wanted to, as long as we used that revenue that was generated to then lower the overall tax rate or tax burden, and the overall net effect was a de minimis increase in taxes. We could do that until the cows come home.

We could go to a flat tax, a sales tax. What we cannot do is raise the overall tax burden unless two-thirds of the Members of this House and the other body vote to do that.

Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

Mr. Speaker, Tip O'Neill once made the statement, Tip O'Neill, the long-time Speaker of the House here in this Chamber made the statement, and I quote directly, "God, I love big government." If my colleagues adhere to that philosophy, then they do not want this amendment.

But if my colleagues want a smaller government, a less intrusive government, a less expensive government, this amendment needs to be passed. It should not be easy to raise taxes and it is far too easy to do that now.

Mr. Speaker, I have listened to some of the comments coming from the other side on this issue and they keep telling us that we should not make it harder for Congress to raise taxes for the sake of the people. Do not do it because it would hurt seniors and Social Security. Do not do it because too many children are smoking. Do not do it because there are too many people out there that need our help. Always reasons to take more of the people's hard-earned money because we seem to know a better way to spend it than they do.

A great deal of my colleagues seem to think that if the Nation has a problem, we should simply raise taxes to solve it. They still do not understand that in so many cases higher taxes is the problem.

If we allow every American to keep more of their own money, lower taxes could make seniors and future retirees less reliant on the Federal Government and Social Security. It could mean that families might be able to spend a little more time together instead of one parent working to pay the taxes and the other parent working to pay the bills, as in so many families. The extra family time would do more to ensure our children are raised right than all the Federal programs that we can drag out.

Mr. Speaker, those on the other side of this issue still do not get it. And unfortunately if we do not get it, the American people will pay the price.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume just to engage in a colloquy with the gentleman from Colorado (Mr. HEFLEY), who made a very impassioned statement that I agree with in principle.

Mr. Speaker, the problem is, though, that if we do this, it may be virtually impossible to raise the excise tax on cigarettes pursuant to the pending tobacco settlement legislation. Had the gentleman considered that?

Mr. HEFLEY. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Colorado.

Mr. HEFLEY. Mr. Speaker, there is no tobacco settlement at this point.

Mr. CONYERS. I said pending tobacco settlement legislation.

Mr. HEFLEY. Mr. Speaker, there is all kinds of pending out there that by the time we get through, it will change form many times. But by the time this amendment is ratified, we will have far more than enough time to do whatever the gentleman wants to do with the tobacco settlement.

Mr. CONYERS. Okay. I get it. Then the gentleman from Colorado, too, was one of the ones that presumably knew about the $50 billion tax cut for the tobacco people that was put into the budget amendment?

Mr. HEFLEY. Mr. Speaker, I think that is a ridiculous question.

Mr. CONYERS. That is a ridiculous question, is it not?

Mr. HEFLEY. My answer to the gentleman is I think that is a ridiculous question that not even the gentleman from Michigan——

Mr. CONYERS. The gentleman does not even want to answer it.

Mr. HEFLEY. Neither the gentleman from Michigan nor I know whether there was a $50 billion tax cut put in the budget agreements.

Mr. CONYERS. Mr. Speaker, reclaiming my time, I would say to the gentleman that we voted it out of the bill. It must have been put into the bill. I presume the gentleman was aware and awake the day we voted to take it out. What does the gentleman mean that he does not know if it was put in in the first place?

Mr. HEFNER. Mr. Speaker, as I said earlier, there is no tobacco settlement——

Mr. CONYERS. Mr. Speaker, I did not yield to the gentleman. I am not going to yield to the gentleman anymore.

Mr. Speaker, I reserve the balance of my time.

□ 1230

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES. Mr. Speaker, today the House is listening to the American people by voting on the tax limitation amendment. I feel very strongly about this vote because I know that the citizens in my district, the Third District of North Carolina, need and deserve tax fairness. They, like so many Americans throughout this Nation, are tired of Congress raising their taxes time and time again with just a simple majority.

Taxes have been raised so many times over the years that the American citizen now spends more on taxes than on food, clothing, and shelter combined. In 1934, the American people paid just 5 percent of their income in Federal taxes, but today that burden has soared to over 20 percent. This is simply unfair to the American people.

The tax limitation amendment will protect the American people from elected officials who wish to raise their taxes on a lark by requiring a supermajority for such a vote. Four out of the last five major tax increases have passed with less than the two-thirds majority which this amendment would require. That means had the tax limitation amendment been in place, the American taxpayer could have kept approximately $660 billion of their hard-earned dollars instead of sending the money to Washington, D.C.

I imagine this is why polls show that 75 percent of the American people support this amendment. When I was elected to Congress in 1994, I made a promise to the people of my district that I would work to reduce their unfair tax burden. This legislation that we are voting on today represents a major step toward that goal. It is a protection for the taxpayer that is long overdue, and I urge my colleagues to support it.

Mr. Speaker, in closing, let me ask my colleagues to keep in mind a quote from an editorial in today's Investors Business Daily. I quote: "The U.S. House will have the chance Wednesday to perform a noble deed. It can begin to unshackle American taxpayers by passing a tax limitation amendment to the Constitution."

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the gentleman from Colorado (Mr. SKAGGS).

Mr. SKAGGS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, here we go again. It is the third time in as many years that we are considering amending the Constitution to require a two-thirds majority of both Houses regarding any increase in revenue. Note revenue, not just taxes.

I guess this is turning into one of those rites of spring, like the Cherry Blossom Festival, that comes around when the sap rises. But let us not be taken for saps in this.

This is not a spring fling that is harmless fun. It is very serious business. We need to take it seriously even though the process and the timing of this debate, like the cherry blossom parade, suggest that it is mainly for show.

The proposed amendment is a bad idea. But it is also coming before this House through a process that insults Members' intelligence, contradicts any aspiration that this body has to be a thoughtful one, and really demeans and debases the constitutional amendment process itself.

Second, perhaps, only to declaring war, an amendment to the Constitution ought to command the most serious deliberation and legislative review and analysis we are capable of. It deserves much better treatment than this kind of rush job. The Constitution is a little bit too important to be used as a prop for a political stunt.

Even if this were being considered in a serious way, it does not warrant approval, first, because it is undemocratic, and second, because it is grossly impractical.

First, this proposed amendment violates what James Madison called the fundamental principle of free government, the principle of majority rule. In the *Federalist* paper No. 58, Madison put it quite well, and I quote, "It has been said that more than a majority ought to be required," in certain instances. Madison goes on, "In all cases where justice or the general good might require new laws to be passed or active measures to be pursued, the fundamental principle of free government would be reversed. It would no longer be the majority that would rule, the power would be transferred to the minority."

In other words, the logical corollary of supermajority rule is minority control. And this amendment demonstrates that in a dramatic way.

Under this proposed amendment, 34 United States Senators, who today might represent less than 10 percent of the American people, would have the power to control the government's tax and revenue policy.

The Constitution makes very few exceptions to the general principle of majority rule; none of them, none of them having to do with the core ongoing responsibilities of government.

The framers considered this very question of whether to require supermajorities for passage of certain kinds of legislation. They specifically rejected proposals to require a supermajority to pass bills on subjects such as navigation and revenues because of their experience under the Articles of Confederation and of the paralysis caused by the Articles' requirement for supermajorities to raise and spend money. Their judgment ought to resonate today and cause us great pause.

In those few exceptions where the framers did impose supermajority requirements, none deals with the ongoing core responsibilities of government. There were only two requirements for supermajorities in both Houses as this amendment would involve: one, to override a Presidential veto; two on the referral of other amendments to the Constitution. Both extraordinary matters.

Under this proposal, it would be, and this gets to the impracticability of it, much more difficult to close corporate loopholes than it would be to impeach the President of the United States. In sum, this goes far beyond any existing constitutional precedent.

But if it is bad in theory, it is even worse in practice.

For example, some of the things that would be made much more difficult, if not impossible, if this amendment were really in the Constitution would be: tax reform, which is hard to do if you do not also have offsetting revenues as well as revenue decreases; eliminating corporate welfare and improving the fairness of the Tax Code by getting rid of special tax breaks on loopholes; selling Federal assets.

There is no definition in this proposal of what internal revenue is. We recently sold the Elk Hills Petroleum Reserve for over $3 billion, certainly not de minimis, that went into the internal revenues of the country. Would that bill have required two-thirds? Nobody can answer that question because this thing was rushed through without any kind of careful deliberation.

Preserving Social Security, Medicare, balancing the budget, all of those things are likely to involve offsetting raises and subtractions. Presumably the raises are going to demand a two-thirds margin.

The SPEAKER pro tempore (Mr. SNOWBARGER). The time of the gentleman from Colorado (Mr. SKAGGS) has expired.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. SKAGGS).

The SPEAKER pro tempore. Without objection, the gentleman from Virginia (Mr. SCOTT) will now control the time for the opposition.

There was no objection.

The SPEAKER pro tempore. The gentleman from Colorado (Mr. SKAGGS) is recognized for an additional 2 minutes.

Mr. SKAGGS. Mr. Speaker, we hear an awful lot about wanting to reduce taxes and everybody would love to lower taxes. But do we really think that reasonable, rational, serious-minded Members of future Congresses will be likely to reduce taxes in times when we have budget surpluses and are able responsibly to do so knowing full well that if times go bad and there were need, again, to balance the budget with increased revenues, that it would take two-thirds then to do so?

It is no wonder, Mr. Speaker, that when the House was constrained by its own rule requiring a three-fifths supermajority to deal with this same issue, it waived that rule repeatedly, to balance the budget, to reform welfare, to preserve Medicare, to extend health care coverage, and increase deductions for small business. But if this supermajority requirement were in the Constitution rather than in the House rules, we could not have waived it, and we could not have passed those bills.

One thing we can be very sure of, we do not know what the future holds. Why would this Congress wish to deprive our successors of the tools and ability to deal with future problems? How arrogant is it of us to say to our successor Members of Congress: We do not care what may be the problems that you face. We are so certain today that you will be incompetent to exercise good judgment in the future that we will make sure that you are deprived of the ability to do so through majority rule.

Rather than insulting those future Members of this body, we ought to honor the wisdom of the framers and protect that central principle of this wonderful government of ours: the principle of majority rule. It has stood us in good stead for over 200 years. We should reject this atrocious idea.

Mr. BARTON of Texas. Mr. Speaker, may I inquire as to the time remaining on each side?

The SPEAKER pro tempore. The gentleman from Texas (Mr. BARTON) has 64 minutes remaining, and the gentleman from Virginia (Mr. SCOTT) has 61 minutes remaining.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 2 minutes to respond to the gentleman from Colorado.

First, I want to commend the gentleman from Colorado (Mr. SKAGGS). He led the debate in opposition to this at least one of the times it has been on the floor. I thought we had a very good, informed, and intellectual debate. I would say to my good friend that the reason it is on the floor is because it is something that needs to be done.

We have 14 States that require some sort of supermajority for tax increase, including, I believe, the gentleman's State of Colorado. We have 27 groups that have endorsed this amendment. We have 10 national groups that have key voted it. We have approximately 10 Governors who have now come out in support of it. We can debate spending priorities; that is a fair thing.

We can debate whether we should have any tax increase or more tax increases, but if you look at the marginal tax rate that has gone up from 1 percent back in 1914 to around 40 percent today, you cannot debate that taxes have gone up tremendously, and to most Americans that tax burden is as high as it should be.

Mr. SKAGGS. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Speaker, I commend the gentleman for the straight face with which he suggests that we are indulged in serious business. We all know we are doing this because it is close to tax day. We did this a year ago. We did this 2 years ago. It failed both times. This is a charade and the gentleman is well aware of it.

Mr. BARTON of Texas. Mr. Speaker, I am totally unaware of that. I think it is a serious issue. I would ask my good friend from Colorado to ask me to his congressional district at a time and place of his convenience, and we will engage in as serious a debate as the gentleman wishes to participate in before his constituents.

Mr. SKAGGS. Mr. Speaker, I would be delighted.

Mr. BARTON of Texas. We will see if they think it should be more difficult to raise their taxes.

Mr. SKAGGS. Mr. Speaker, if the gentleman will continue to yield, we will be in touch to work out a date.

Mr. BARTON of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Texas for yielding me the time. I listened with great interest to my colleague from Colorado who plans to return to private life, and I appreciate my colleague from Colorado a great deal, especially since he was one who spearheaded the notion of civility returning to this Chamber.

Let me humbly suggest in the most civil tones I can offer that when the people's business comes before the House, whether it is in April or December or a time in between, it will befit this House to call serious debate or to characterize serious debate as some form of stunt.

I also appreciate the gentleman's revision of American history because the gentleman, I know, swore to uphold and defend the Constitution. Let us just simply read the first clause from article 5, Mr. Speaker. The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution. There is no subservience to some Washingtonized rules of the House.

This House, whenever it shall deem it necessary, shall propose amendments to the Constitution, but to the revisionist history offered by my colleague from Colorado on the left, I would point out that when it came to questions of revenue in the Federal Government and the intent of our founders, there is a larger question this House should consider. And that is, if revenue procurement was so noble and so necessary, why did not the founders include the direct taxation of income in the main body of the Constitution or in the subsequent Bill of Rights?

Indeed, if that is so noble, if that is so civic minded, it would appear to me if that were so sober that our founders would have incorporated that form of revenue procurement into the main body of the Constitution.

□ 1245

And yet, the amendment process gave us the 16th amendment. And, as my colleague from Texas pointed out, starting at a very modest level, we have seen taxes grow from 1 percent to almost 40 percent of the median family income.

Therefore, to be truly constitutional and true to the spirit of debate and civility in this Chamber, those of us who are here to serve the people bring this proposal forward again, not because of cherry blossoms in the spring or sap or any other derogatory comment that some gentleman may offer to score debating points but because, to be true to the spirit of the Constitution, the 5th article is a living, breathing part of the Constitution and we have every right to do this. Because the people govern; and the people in the 6th district of Arizona and across the State of Arizona who have enacted a supermajority limit for raising taxes in State government, and I see my colleague from Arizona, who helped lead that initiative when we were both private citizens, have said, enough is enough.

And so we stand here today to say, the people know best. Not that Washington knows best and not that any type of verbal gymnastics can obscure this basic notion, that it is not a profile in courage to go back to the pocketbooks of the American people again and again and again and, by the margin of one vote, enact what the liberal senior senator from New York called the largest tax increase in the history of the world.

Indeed, this amendment offers a tool completely constitutional, completely rational, and I daresay completely civil to allow Americans to hold on to more of their hard-earned money and send less of it to Washington.

Mr. SCOTT. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts (Mr. FRANK) before I yield to the gentleman from Texas.

Mr. FRANK of Massachusetts. Mr. Speaker, I am reassured that this is not purely symbolism. But I am puzzled. As I calculate the debate, we have about 2 hours left. It is a quarter to 1. I went into my cloakroom assuming I would be told we would be voting between 3 and 3:30. But I am told that we have been informed that the vote will not be until 5:30 or so because the Speaker of the House is not in town. He is out doing something else, and we have to hold the vote so he can be sitting here.

Now, I hope that is inaccurate. And I am always glad to be corrected. Well, not always glad. Sometimes I am gladder than other times. If I am to be corrected, I would like to be. But if we are holding up a vote for 2 hours just so our out-of-town Speaker can rejoin us and preside on the vote, that seems to me a little symbolistic.

Mr. BARTON of Texas. Mr. Speaker, will the gentleman yield for an answer?

Mr. FRANK of Massachusetts. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, I saw the Speaker in HT-5 less than an hour ago. So at least an hour ago he was in town.

Mr. FRANK of Massachusetts. So we will be voting right at the conclusion of this debate?

Mr. BARTON of Texas. If the gentleman would yield further, I do not know when we are going to vote. But the Speaker is in town.

Mr. SCOTT. Mr. Speaker, I yield 5½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I rise in opposition to this Republican tax loophole preservation act.

Certainly, it is tempting to write off the proposal as just another expression of Republican frustration at their failure to advance the cause of true tax reform in this Congress. We know that even the bipartisan legislation that we approved here in the House last year to correct some of the abuses at the IRS continues to linger.

Indeed, one of the many subjects on which this do-nothing Republican Congress has done nothing this year is tax reform. There is not one taxpayer in this entire country that can point to a bit of help that it has gotten in 4 months out of this Republican Congress since it convened in January. And this constitutional amendment is no doubt a part of the overall Republican strategy with reference to the United States Constitution.

I have got some friends there in Austin and they wake up each morning and on their calendar they have a thought for the day. Well, the House Republicans always go them one better. They seem to have a constitutional amendment a day. They profess to be a conservative Congress, but we would never know that from the fervor and the furor to edit and tinker and rewrite one provision after another in the United States Constitution that has served our country so well over the last 2 centuries.

The document upon which this Nation was founded is in danger of being tinkered with and overwritten, until it commands as much respect as the municipal traffic code.

And, of course, the immediate effect of this proposal on our efforts to reduce youth smoking must also be considered.

In this morning's paper, our colleague, the gentleman from Texas (Mr. DELAY), writes, "No new taxes. No, not even on cigarettes," and he declares that any increase on Federal taxes on tobacco is unwise, unwarranted, and unfair.

Well, those of us who have seen the studies that this is the most effective way to cause young Americans to not become addicted to nicotine, the leading cause of preventable death in this country, reject that kind of thinking. We have had difficulty mustering a majority to overcome the stranglehold that big tobacco has had on this House, and to get a two-thirds majority would be impossible forever. And perhaps that is why the tobacco companies support this kind of an approach.

But even more is at stake on this particular matter, and that is why I call it the Republican tax loophole preservation act. Americans are rightfully dissatisfied with our tax system and our Tax Code. They know that it has one provision after another that is a special loophole or advantage that benefits the few at the expense of the many.

Let me reiterate one of the examples that has been given on this floor and enlighten my colleagues a little bit more about it. The $50 billion tax credit that the gentleman from Georgia (Mr. GINGRICH) and his cohorts put into this Tax Code last year as they proposed it was passed here in the House on about page 317 of an extensive bill under a title that masqueraded as assistance for small business. They included $50 billion for the tobacco industry. And only after the bill passed and that little provision was found tucked in there did they suddenly disavow any knowledge. They did not even know how it got there.

Well, if this piece of legislation, this constitutional amendment, passes, all that we need is to get some smooth lobbyist and the cooperation of the Speaker of the House to tuck in a provision like this $50 billion tax credit, and guess what? It will be there forever unless we can muster two-thirds to undo the damage. Unless we can find the will in the House to get two-thirds of this body to write out these loopholes, they are going to be there forever.

I am concerned about the loopholes, about the corporate welfare in our Tax Code. I think it is unfair. I think there is one provision, one special provision put in there by these thick-carpet lobbyists after another that ought to be repealed in the Tax Code. But if we want to ensure that our Tax Code has all the loopholes that it has today plus any that the Speaker and the lobby can throw in there in the future and that they stay there and that all the rest of us who are out there working for a living have to pay for those tax loopholes, approve this measure.

Because the only way we get rid of any of those loopholes is not only to get the majority we find so difficult to get for reforming the tax system today, we will have to have two-thirds of this body. This is the tax loophole protection measure that is up for consideration today.

And every American who wants to see this system change and changed fundamentally so that there is more fairness in our tax system, so that it does not take a bank of accountants to prepare a tax return on April 15, all of us who want to see real change in that system need to be here speaking out against this constitutional amendment. Because it will set back our effort at reform, not advance it.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Speaker, I have listened to the arguments time and again against this amendment. This is straightforward.

Government survives on the generosity of its citizens. Should not changes that affect that generosity require more than 50 percent plus one vote?

When the people put on the cloak of responsibility inherent in citizenship of this great country, they understand that they will have an obligation to contribute. They must keep vigilant of the issues of the day, express their opinions, vote their conscience, and actually pay money into the system. This is the price of democracy.

Government has a responsibility, in turn, to respect its citizens. When we talk about legislating an increase in the cost of government, we are talking about taking by force more of the hard-earned money of our own constituents, the people who voted to have us represent them here in Washington, D.C.

In 1996, during my campaign, I pledged, like many other Members, to reduce the tax burden put on American families and to require a supermajority to raise taxes. Today, just a few days after April 15, we all agree that our Tax Code is too thick, our tax laws are too complicated, and our tax system is too burdensome. Our constituents agree. In fact, that is why many if not most of us are here.

An editorial from yesterday's Investor's Business Daily makes this point clearly. The tax limitation amendment is key to reforming a corrupt system that pushes the average American family's tax bill beyond the combined costs of food, clothing, and housing. It is hard to imagine that anyone could find fault with it, certainly not the taxpayers who will work until May 10 just to make enough money to pay taxes.

It is our responsibility today to restore respect for our citizen's generosity with the accountability that the they deserve.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I respect my friend and colleague, the gentleman from Texas (Mr. BARTON), and his genuine concern for high taxes, and I share that concern. But the more I study this constitutional amendment, the less I like it. It is bad policy, period.

This resolution should be named the tax loophole protection act. And this is how it works. If they can afford a million-dollar tax lobbyist, just hide a special interest tax break in a huge tax bill; and then, once it becomes law, it would require a two-thirds vote in Congress to undo their special deal.

Let us be specific. Just a few years ago, when we were trying to stop multi-billionaire American citizens from leaving this country and not paying their fair share of taxes, this would have been a dream come true for them. That is bad news for average working families. They will pay higher taxes to cover the costs of special-interest tax loopholes for multinational corporations and multi-millionaires.

If they can afford to hire well-heeled tax lobbyists, this bill is a dream come true. But if they are a typical hard-working American trying to support their family, this bill is a nightmare.

Mr. Speaker, what bothers most Americans is not paying their fair share of taxes. What bothers most Americans, and especially on April 15, is that their taxes are higher because some powerful special interest too often got back-room, one-of-a-kind tax loopholes. If they think it is a great idea that special interests get tax breaks and loopholes we do not get, they will love the tax loophole protection act.

The American people need to know, and we certainly know, the congressional tax bills are filled with special-interest tax breaks. Sometimes these bills are hundreds, hundreds of pages long; and the effect of hiding taxes, tax cuts, loopholes behind vague language would make Rembrandt and Picasso green with envy.

If there is a single Member of this House that claims that he or she is aware of every hidden tax loophole in our tax bills in recent years, I will relinquish the rest of my time right now. I did not think so.

Mr. Speaker, we should not enshrine into law tax loopholes by requiring the same supermajority vote to amend those loopholes that it would tax to amend our U.S. Constitution. Somehow it just does not seem right to give special-interest tax loopholes the same protection we give our American Constitution. This resolution may lower taxes for the powerfully connected, but it will raise taxes for average working Americans.

□ 1300

Vote no on this resolution.

Mr. BARTON of Texas. Mr. Speaker, I yield 7 minutes to the gentleman from Arizona (Mr. SHADEGG), one of the chief sponsors of this amendment.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding the time. It is often important in a debate to have a red herring. If we do not want to talk about the real issue in a piece of legislation, talk about something that we can imply is involved in the legislation but really is not, a red hearing.

In this debate today, sadly, we have a red herring. The red herring is the argument raised on the other side that this measure will make it harder to close tax loopholes. Member after Member after Member after Member of the other side has gotten up and said this is the Tax Loophole Protection Act. This will make it impossible to close tax loopholes. This is a bad idea because it will make it impossible to reach corporate tax loopholes. Sadly, it appears that those Members either have read it and know that to be false, or have not bothered to read the language that we are voting on.

Simply stated, this measure will make it no harder to close tax loopholes. Any tax loophole in the current Code, as the last speaker identified, and the speaker before him, and the speaker before him berated their concern about not being able to close tax loopholes, every single one of the tax loopholes about which they are concerned can be closed under this measure, and can be closed with a simple majority vote provided that the Congress does not use the closing of the tax loophole to raise overall taxes.

That is, if we close the tax loophole on one particular group or corporation as they would like to do, we have to give tax relief to some other group of Americans. If they are greatly concerned about individual taxpayers being punished when they close the tax loophole, all they have to do is grant tax relief to individual Americans, and only a simple majority vote is required.

All of this discussion of preserving forever tax loopholes is simply wrong. It is not the way the measure is written. The measure is written to provide that any tax increase, that means the closing of the tax loophole, which is revenue neutral, does not result in the increase in overall taxes, passes with a simple vote.

We close a tax loophole, we give other Americans a tax break, and there is, in fact, only a simple majority required. It is sad that they cannot comprehend the language of this measure and want to use a red herring.

Let us talk about some of the other arguments that have been made. It has been argued that this matter is impractical. Well, 14 States are currently operating under this measure and doing extremely well.

It has also been argued that it is confusing, and we do not know what will happen. Well, 68 million Americans know what will happen under tax limitation. In a 12-year statistical comparison of States with tax limitation against States without tax limitation, what happens is very clear.

In States where we have tax limitation, government spending goes up more slowly. As a matter of fact, in tax limitation States, while government spending went up by 132 percent over those 12 years, in nontax limitation States it went up by 141 percent.

There is another corollary. Taxes go up more slowly in tax limitation States. In this 12-year period, taxes went up 102 percent. It is clearly possible still to raise taxes. In nontax limitation States, taxes went up by 112 percent. So we slow the growth of government if we pass a tax limitation amendment.

But let us talk about the positive side of this for the American people. In tax limitation States, this 12-year study showed economies expand faster. Overall economies grow dramatically faster. In tax limitation States, economies grew by 43 percent, whereas, in nontax limitation States, the economies grew by only 35 percent.

Let us talk about the final benefit of this so we do know what would happen. In those States which have enacted tax limitation, employment, jobs, putting people to work grows faster and grew faster in those 12 years than in nontax limitation States.

In tax limitation States, States which have adopted a Constitutional amendment identical to this one, employment grew at 26 percent in the 12 years. By contrast, in States which refused to adopt this, as my colleagues on the other side are arguing, employment grew by only 21 percent.

The bottom line is it is very clear tax limitation slows the growth of government and boosts the private economy, including jobs for which my colleagues on the other side are so concerned.

Another colleague of mine got up and said that this is undemocratic. Somehow this flies in the face of democracy. He quoted James Hamilton, excuse me, James Madison. Let me make it very clear what James Madison said. He was a vocal supporter of majority rule. But he argued that the greatest threat to liberty in the republic came from an unrestrained majority rule.

On top of James Madison who argued that an unrestrained majority rule is bad for democracies, Alexander Hamilton also argued in favor of the danger of an unrestrained majority. The Presidential veto used by this President is the best example of the restraining the majority rule.

The final argument I want to turn to is the issue of how this is somehow inconsistent with the Founding Fathers' view of the world and that the Founding Fathers considered and rejected this. Absolutely nothing could be further from the truth.

Alexander Hamilton, who expressed his views on this issue, pointed out that direct taxes should require specific constitutional constraints. And I would note that, at the founding of this Nation, there was no direct tax. To argue that the Founding Fathers debated this issue and rejected it is silliness. At the founding of this country, there, we not only could pass an income tax with a simple majority vote, we could not pass an income tax with 100 percent vote. Because, at that time, direct taxation of the people was not permitted.

The second claim made by that same speaker was, well, if we pass a tax limitation amendment, no future Congress will ever cut taxes, because they will be afraid that they cannot raise them again in the future. Again the argument is false.

In my State of Arizona, we passed tax limitation in 1992. Since then, we have enacted four significant tax cuts. So with tax limitation in place, the legislature of the State of Arizona has said that they could still cut taxes and have the courage to do that.

There is a simple fact here. This measure will make it harder for this Congress to raise taxes, harder for this Congress to reach into the wallets of hard-working Americans and take money out of those wallets.

All the other discussion on the other side is red herring. What they want is they want it to be easy to reach into your wallet or your purse and take your money. And they understand the simple principle. If we have to have a two-thirds vote, it is going to be harder to raise taxes than if we have to have a simple majority vote. I urge my colleagues to support the amendment.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, could I gain the attention of the floor manager, the gentleman from Texas (Mr. BARTON)? He, in response to the gentleman from Massachusetts, said that he saw the Speaker. He was sighted recently this morning.

Mr. BARTON of Texas. Mr. Speaker, I did.

Mr. CONYERS. Mr. Speaker, I have not yielded yet. The fact of the matter is, if the Speaker's office is correct, they say he is out of town, and is not due back until late afternoon.

I just wanted to announce that so that everybody will know that there is not clones of Speaker GINGRICH around on the floor.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield to me?

Mr. CONYERS. Yes, I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I spoke with the gentleman. Apparently, he misspoke; that what happened, he had said that he had thought he had seen the Speaker an hour ago. He later told me he had seen him maybe a couple of hours or 2½ or 3 hours before. But we have since asked, because I was just puzzled.

This debate is going to end by 3:00 or 3:30, and we were told we would not vote until 5:30. We have been told that the reason for the delay is that the Speaker is out of town. He wanted personally to reside, and that is why we are going to delay it. I mention that in the context of whether or not that was symbolic.

So I appreciate the gentleman's information. Apparently, the gentleman from Texas miscalculated on the time, and he had seen the Speaker earlier. The Speaker since left town, and we are going to apparently delay the vote until the Speaker comes back.

Mr. CONYERS. Mr. Speaker, I add this information, not that I am concerned that he is here or not here, but I just want the record to be correct.

Mr. BARTON of Texas. Mr. Speaker, is there a question?

Mr. CONYERS. Mr. Speaker, I just wanted the gentleman's attention. No; it is not a question. I am making an announcement.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SAXTON), chairman of the Joint Economic Committee.

Mr. SAXTON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, first let me commend the gentleman from Texas (Mr. BARTON), who recognizes the effect of high taxes on the economy. As a matter of fact, recently he traveled to my home State of New Jersey to boost an effort there to do a very similar type of thing that we are trying to do here, hopefully, with a successful vote today.

He went to New Jersey because New Jersey serves as a case study for the reasons that we believe strongly that this bill ought to be passed today. And let me just recite a bit about that case study.

Back in 1990, the then Governor of New Jersey proposed a $2.8 billion tax increase on the citizens of New Jersey, Mr. Speaker. By a single vote, by a single vote in both the State Assembly, that is the lower house, and, of course, the State Senate, also by a single vote in the Senate, the tyranny of a one-person majority pushed through the largest tax increase in New Jersey's history.

The consequences of this onerous tax cost 300,000 taxpayers in New Jersey their jobs. And 300,000 people, following that tax break, following that tax increase, were out of jobs. The economy of New Jersey, already hit by the nationwide recession, fell into further crisis. We called it a recession within a recession because of that large tax increase.

As a result, the leadership in New Jersey changed. It changed hands. And Governor Christie Todd Whitman was elected to reverse the devastating effects of the 1990 tax increase. Governor Whitman pledged during her campaign to cut taxes and then maintained the pledge, and followed through even earlier and more quickly and more efficiently than she had promised.

However, the real threat continues in New Jersey. The tyranny of a one-person majority still has the power to raise taxes on hard-working people in New Jersey. For this reason, Governor Whitman has set out on an ambitious endeavor to ensure that a one-vote majority in both Houses of the State legislature will never again raise the taxes on hard-working families in New Jersey with similar results of the 1990 increase.

Governor Whitman has begun to lobby the State legislature to enact a supermajority to raise taxes modeled after the attempt here today to pass the Constitutional amendment. The people of New Jersey have experienced firsthand the devastating impact of raising taxes on the work force and on the economy.

Providing an amendment to the Constitution requiring a supermajority to raise taxes will negate the possibility of the tyranny of a one-person majority as history in New Jersey has demonstrated. It will be more difficult to raise taxes on hard-working Americans. It will be easier for people to make a living, and easier for the economy to respond in a positive nature.

I urge Members to vote in favor of H.J. Res. 111, and commend the gentleman from Texas (Mr. BARTON), the gentleman from Arizona (Mr. SHADEGG), and the gentleman from Texas (Mr. HALL) for their leadership on this issue.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, my good friend from Arizona (Mr. SHADEGG) made a statement about how great the seven States were doing that require a supermajority vote of the legislature. Sorry. Wrong report.

The fact of it is that the Heritage Foundation report is fundamentally flawed. My source is the Center on Budget and Policy Priorities, which point out that five of the seven States that the gentleman cited experienced slower than average growth in tax revenue, because the study is flawed for the reason that it considers only State level tax changes rather than changes in total State and local revenues. The gentleman forgot that. It is a small point, but it is critical.

By some measures, supermajority States have had less economic growth than other States, and have not had smaller tax increases. Sorry about that. Five of the seven States with supermajority requirements experience lower than average economic growth as measured by changes in per capita, personal incomes between the years 1979 and 1989.

In addition, five of the seven supermajority requirement States had higher than average growth of State and local revenues as a percentage of residents' income. Case closed.

Why do you not bring some accurate statistics and reports, I say to the gentleman from Arizona, who is still my friend? But let us be accurate. We are talking about constitutional amendments.

Mr. BARTON of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

□ 1315

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman from Texas for yielding this time to me and commend him on his work on this issue.

Why should we make it more difficult to raise taxes? Most Americans believe the Federal Government is too big, is too intrusive in their lives. It is a bureaucracy they cannot deal with, and they do not want it to grow, so we do not need to look at more money. This government grows and our taxes grow without raising them.

Many have said we are trying to protect the current Tax Code. That is a lie. If those really believe that, I urge them to join the Largent-Paxton bill that I joined and many have joined here that sunsets the current code on December 31st of 2001, but also requires that by July the 4th we have a replacement. We want to replace this code, but we do not want to make it easier to raise taxes.

The vast majority of Americans believe the Federal Government should stop growing. It grows because of the aggressiveness of our current Tax Code. I come from a State government where taxes were flat. We did not get the kind of growth we get, usually double the rate of inflation just with new money every year.

Then there are those that are salivating over the cigarette tax because it will allow government to grow even more. Now I am not opposing the cigarette tax, but I say for every penny that we bring in on a cigarette tax we need to decrease taxes an equal amount because we do not need more money in Washington. The cigarette tax should not come forward unless we agree that we are going to cut taxes equally.

Why are Democrats afraid of tax limitation? They ruled here for four decades by buying the people's support with new programs, more government, a bigger Federal Government, and this will stop them in their tracks. The American public changed here a couple years ago because they suddenly realized that all of this free money from Washington was not free. They were sending it to Washington, and they got less back than they sent and a Federal Government that does not answer their phone calls, a Federal bureaucracy that does not care about them, a Federal bureaucracy that is totally insensitive to the needs of our communities because they do not understand them.

Yes, the voters today realize that when they increase Federal taxes that the Federal Government is going to grow, and that is what Democrats want, that is what made them successful. But all of a sudden the American taxpayers had as much government as they could afford and as they could want, and that is why Republicans are running the Congress today. And this bill, this resolution, will lock in and make it more difficult to grow this Federal Government that by most people's standards is too big and too hard to deal with.

Mr. SCOTT. Mr. Speaker, I yield 8 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I think the previous speaker made it very clear. The motivation for this is a distrust of democracy in the people. The gentleman from Pennsylvania said the Democrats kept control by buying the support of the people with programs. In other words, the people dared to disagree with him. The majority preferred certain programs.

For example, to take a program that I believe would have been made impossible by this amendment, the Medicare program, because the Medicare program was passed by less than a two-thirds majority, and it raised taxes because we financed Medigap through Social Security, and the gentleman is correct. The Democratic majority of 1965 would not have been able to buy the support of the people who crassly said, "We'll take some Medicare in return for a tax increase." He would like to make it impossible.

What this amendment is about is a fundamental distrust of democracy, and arguing frankly as to what the results are of having tax limitation or not seems to me inappropriate because we do not in my view derogate from democracy because we think it will have better results.

If my colleagues are committed to majority rule, now we have a modified form of majority rule. We have 2 senators per State. We do not have undaunted majority rule, but within that framework we have always felt that a majority is a more democratic, more representative method than a minority, and what we are being told here is no, majority rule does not work.

The gentleman from Pennsylvania (Mr. PETERSON) made it clear. The darn people kept voting for Democrats. They were bought off. We cannot trust these people to make their own decisions. And then he said correctly, yes, people were unhappy so they voted Republican. But I think my Republican friends are not sure that is going to stick. They shut down the Federal government in 1995; it was not the best decision they ever made. They were a little worried.

So what do they want to do? We heard the gentleman from Pennsylvania; he wants to lock in the decision. In other words, Democrats had won, now Republicans have won, let us not trust democracy. We never can tell about those people, they may get bought off by support for programs again. As my colleagues know, they were for Medicare, they were for Social Security, they may be for another one of those other darn programs.

Let us therefore lock this in; let us change the rules. Let us, while we have a majority now, change the rules so if the people change their opinion, if the public decides that they want more of a public sector, if we were to decide that years from now we might want to increase this percentage of revenue, if the people decided they wanted to raise taxes on cigarettes and not necessarily reduce revenues elsewhere, if people decided they wanted to raise taxes on cigarettes just for programs dealing with health, let us make that impossible. Let us go to a two-thirds vote.

The question is democracy, and by the way, that is a pattern.

Mr. COX of California. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. COX of California. Mr. Speaker, the gentleman understands that when we considered this the last time it got 233 votes, a majority. The only reason that they carried the debate with a minority is that it takes two-thirds in order to amend the Constitution.

Does the gentleman from Massachusetts think that Article V of the Constitution distrusts democracy? Does the gentleman think when three-quarters of the State legislatures have to approve what we are doing here today by a bare majority vote, not a supermajority, that it is not distrusting democracy?

Mr. FRANK of Massachusetts. Yes, it is. Mr. Speaker, I would be glad to respond to the gentleman.

Of course there is a difference, and this is a very profound and very clear difference. There is a difference between the day-to-day decisions that government makes and the question about what the basic rules will be.

Of course the Constitution treats amending the Constitution differently than passing legislation, because what we say is when we are creating the fundamental structure of government, that is a more fundamental decision. And yes it is, I think, reasonable to say. And, no, I am not going to yield yet. The gentleman apparently just discovered that the Constitution required two-thirds and three-quarters.

Mr. COX of California. If the gentleman would yield for a point of personal privilege, I went to the same law school at the very same time, and the gentleman and I were classmates.

Mr. FRANK of Massachusetts. Mr. Speaker, I must say the relevance of where either the gentleman or I went to law school, my friend talked about red herrings, that seems to me totally trivial. The fact is this:

There is a very clear distinction between a Constitutional Convention and the rules for amending the fundamental rules and the day-to-day decisions, and no, I do not think decisions about whether or not we should have a Medicare program. And I want to be clear, the Medicare program would have been made impossible by this.

This is a kind of imposition on the people they do not like. They try to whittle it down, now they would apparently wish they never had it. But the fact is that a decision about whether or not there were Medicare programs, a decision about whether or not to raise taxes on cigarettes, is not the same as the fundamental decision about the structure of government.

And, yes, I think it ought to take two-thirds to decide if we are going to change the Bill of Rights, if we are going to change the basic rules by which we govern ourselves, but that is not the same as saying that the decision to raise the cigarette tax or to institute Medicare, and those are two issues which are involved, should be done only by a majority.

And I think it is very clear the other side does not like a majority. The gentleman from California conceded that point. No, he does not want it to be by majority rule. They have had bad luck with the majority. They did come back into control of Congress in 1994, and it turned out the public has been less sympathetic to their wishes than they had hoped them to be.

So what they are trying to do, the gentleman from Pennsylvania was right, they want to lock it in. They want to use the temporary majority they have now to change the rules so in the future majorities that disagree with them will not have a chance to vote.

They do not like some of the highway bill. They think the highway bill is one of those programs where the Americans get bought off. I have heard some of the Republican leaders say that is what Democrats do. I think the American people have a right to decide they want to go forward with that program. I do not think they are getting bought off.

Now the point again I want to stress is this: Results in tax limitation States and nontax limitation States seem to me irrelevant. We do not decide whether or not we are going to stay with the fundamental precepts of democracy because it might be advantageous.

I will say as far as results are concerned there is a difference between a Federal and a State taxation base. I heard all these arguments about how terrible taxes were for the minority in 1993. They made all kinds of predictions about the tax bill of 1993 would hurt the economy. Never have they been more wrong. But the question is if we will stay with democracy or restrict the people because we do not trust them.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I thank the gentleman, who went to the same law school as the gentleman from California.

Mr. FRANK of Massachusetts. Why do all my colleagues keep saying that?

Mr. CONYERS. It does not mean that everybody learned the same thing at that class. I mean everyone did their own thing. So some of this information is very important about the Constitution that we are discussing here today.

Now the $50 billion cigarette tax reduction for the tobacco industry, which the Speaker knows about since his fingerprints are the only ones on it, would have required a two-thirds majority to have taken out. That is what the gentleman from Massachusetts (Mr. FRANK) keeps telling the Republicans, that that is what the problem with this giveaway bill is that they are masquerading as something good for working folks. It is a corporate giveaway, and they are not going to get away with it again. They did not succeed last year and it does not look like they are going to do it again.

APPENDIX

DATA DO NOT SHOW BETTER ECONOMIC PERFORMANCE IN STATES WITH SUPERMAJORITY REQUIREMENTS

The Heritage Foundation contends that states in which a supermajority vote of the legislature is required to raise taxes have experienced faster economic growth and fewer tax increases than other states. A March 1996 Heritage report looks at the seven states that have had supermajority requirements in place for a number of years—Arkansas, California, Delaware, Florida, Louisiana, Mississippi, and South Dakota—and finds that five of the seven states experienced slower than average growth in tax revenue. It also finds that five of the seven states (but not the same five states) experienced faster economic growth than the average state. The Heritage report suggests a casual link between supermajority limits, lower taxes, and faster economic growth, saying ". . . there is no escaping the logical relationship between supermajorities and super state performances."[3]

But the Heritage study is fundamentally flawed. It considers only state-level tax changes rather than changes in total state and local revenues, despite the capacity of states to shift costs and responsibilities to local governments. In addition, it compares 1980, a year in which the economy was just turning down from the peak of an economic expansion, with 1992, a year at the beginning of a recovery from a deep recession. Economists and analysts generally frown upon comparisons that use years representing different points in the business cycle.

If one measures state and local revenues, examines years that represent similar points in the business cycle, and looks at various measures of economic growth, conclusions very different from those Heritage has presented may be drawn. By some measures, supermajority states have had less economic growth than other states and have not had smaller tax increases. For example:

Five of the seven states with supermajority requirements experienced lower-than-average economic growth, as measured by changes in per capita personal incomes between 1979 and 1989. (These years both represented business cycle peaks.) Four of the seven supermajority states had lower-than-average economic growth during this period as measured by changes in Gross State Product.

In addition, five of the seven states with supermajority requirements had higher-than-average growth of state and local revenues as a percent of residents' incomes from 1979 to 1989. Five of the seven states (not the same five) had higher-than-average increases in state and local taxes per capita from 1984 to 1993, two other years falling at similar points in the business cycle.

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[3] Daniel J. Mitchell, "Why a Supermajority Would Protect Taxpayers," The Heritage Foundation, March 29, 1996.

This is not to say that supermajority requirements hinder economic growth and lead to revenue increases. Rather, the point is that different choices of years and of measures of taxes and economic growth lead to diametrically opposed results. This should serve as a strong caution that no valid conclusions about the effects of supermajority requirements can be drawn from the type of simplistic analysis the Heritage Foundation has conducted.

Mr. FRANK of Massachusetts. Mr. Speaker, I just want to summarize, to say I understand particularly that the conservative wing of the Republican party has been dissatisfied lately. They used to be dissatisfied with the Democrats, they were dissatisfied with the President. Now they are dissatisfied with their leadership, and I think they are beginning to show dissatisfaction with the American people. The American people are not quite as willing as they are to see the government dismantled.

Yes, people have criticisms of the government in general, but the people show more support for particular programs than is popular with some over there. That is why the gentleman from Pennsylvania talked witheringly about the people being bought off and locking these in, and I say to my friends on the other side, the response when they think the majority is no longer as supportive of their philosophy as they once were is to try to talk them back into being on their side. It is not to change the rules so that the country becomes structurally less democratic than it was the day before.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. SNOWBARGER). The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Mr. Speaker, does that mean we will be voting at the close of approximately an hour-and-a-half that is left? Will we be voting right away around 3:30, for the Members that want to know when we are going to vote? Does that mean when this debate ends we will proceed immediately to a vote?

The SPEAKER pro tempore. The Chair will make that judgment at that time.

Mr. FRANK of Massachusetts. Well, who will tell the Chair what judgment to make, Mr. Speaker?

The SPEAKER pro tempore. The Chair will be making that decision at that time.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

To the gentleman from Massachusetts (Mr. FRANK), I want in the interests of full disclosure and open and honest debate, subsequent to his conversation with me publicly and privately, I have called the Speaker's office to try to confirm his whereabouts. The Speaker is not on Capitol Hill at this point in time. He does expect to arrive between 5:00 and 5:30. I will at the appropriate time, at the end of all debate, if we use the full time, ask for the yeas and nays, and I have asked that the vote be held until the Speaker can be here which should be between 5:00 and 5:30.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman for clarifying that and for not mentioning where my friend and I went to law school

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for making that announcement, but I made it earlier. I made it first.

Mr. BARTON of Texas. So?

I would like to walk through some of the constitutional mechanisms which I believe are very important, and which show that the majority that supports this amendment wants the majority to speak on this amendment.

The 16th Amendment allowed a Federal income tax. That passed with a two-thirds vote in the House and the Senate, was sent to the States, and three-fourths of the States ratified it. It is my belief that because of the 16th Amendment, which allowed income taxes to be placed on the heads of the American taxpayer, that we need a constitutional amendment raising the bar to a two-thirds vote.

If we were to pass this amendment today, it would take two-thirds of the House. We would send it to the Senate, it would take two-thirds of the Senate. It would go to the States, it would take three-fourths of the States to ratify. Those States would ratify by a majority vote in the States, so there will be ample opportunity for a majority of the citizenry and their elected legislatures in this country to determine whether they want to raise the bar on raising taxes.

Mr. COX of California. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from California.

Mr. COX of California. I think the gentleman raises a very important point. We were just having a debate about what are procedural rules and what are substantive rules. The gentleman from Massachusetts insists that it would be antidemocratic were we to have a two-thirds vote requirement to have procedural rules that govern revenue bills, and yet the gentleman makes a very fine point.

The Founding Fathers who wrote the Constitution, including the Bill of Rights that we now so cherish and would not amend without a two-thirds vote, said there could be no income tax at all, not Medicare payroll taxes, not any kind of tax. And it required the 16th Amendment to the Constitution in the 20th century, which passed not only the Congress by a two-thirds vote but all of the State legislatures, three-quarters of them by another majority vote in each, in order to change that rule.

□ 1330

Clearly the constitutional requirements to raise revenue are the sorts of procedural rules that the Founding Fathers intended would be governed by Article V of the Constitution, and clearly the consequence of the amendment that the gentleman is proposing here today is not only to ensure that two-thirds of the House and Senate are with us, so it is clearly majoritarian, but also all of the States get in on this debate.

In 75 percent of the State legislatures, at least we would have to have a majority vote in support of this proposal before it can become law. I can think of no more deep trust in democracy than this proposal.

Mr. Speaker, I would point out that the constitutional fathers wanted to make it impossible to have an income tax, so you could have had 100 percent vote, and it would have been unconstitutional, because direct head taxes were unconstitutional. It took an amendment to the Constitution in 1914 to make income taxes permissible.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. GRANGER), the former mayor of Fort Worth.

Ms. GRANGER. Mr. Speaker, I rise today in strong support of the tax limitation amendment. Ronald Reagan once said, "We all work for the Federal Government. It's just that some of us don't take the civil service exam."

The Gipper was making a joke, but he was not trying to be funny. He was referring to the fact that every American works from January 1 to May 9 just to pay his Federal income taxes. That is right, for over 4 months of the year, the income of Americans goes not to their savings account, not to their families, but to the government.

For too long, Washington has taken too much money from too many people. The only way to stop this is to lower taxes and keep them lowered.

How can we do this? With the tax limitation amendment. This amendment simply says if you want to raise taxes, you better have a good reason, and you better be able to convince two-thirds of the people's representatives in Congress.

For the critics of this amendment, I have some questions. Do you really think the American people are undertaxed? Most Americans do not think so. Do you really think a tax increase automatically equals a revenue increase? History suggests otherwise. Do you really think it is such a bad thing to make it difficult to raise taxes? After all, it is not our money we are talking about; it is the hard-earned, hard-won money of the American people.

Mr. Speaker, I would remind some of our friends on the other side of the aisle that Congress does not live on taxes alone. We have reached a budget surplus by controlling spending and growing the economy.

More importantly, Mr. Speaker, I support this amendment because it is true to the spirit and the soul of our Nation. Before there was an American dream, there was the dream of America; a place where free people could raise a family, work for a living, and maybe own a home. A place where free people were busy making a living by making a difference.

This is a story of America. Our greatness is found not in the halls of Congress, but in the heartland of the Nation. We have solved our problems not because of government programs, but because of our good people.

Mr. Speaker, just think what the American people can do and will do when we let them keep more of their own money. Just think of the history that will be written in the next century, if only we allow Americans to have the resources they need and the freedom they deserve.

Mr. SCOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, I rise in opposition to H.J. Res. 111, the tax limitation amendment. I support fiscal discipline, including strict adherence to the Balanced Budget Act we enacted just 8 months ago, and I support a simpler, fairer, and more efficient tax code. But this proposed constitutional amendment does not guarantee that we will stay the course of fiscal discipline or enact responsible tax reform. This legislation is bad process, bad politics and bad policy.

First, an amendment requiring two-thirds of both houses of Congress to raise taxes would allow a small minority to hijack tax policy. That's critical because only 146 members of the House could exert control over the Federal Government's most powerful policy lever. This is simply unwise. A small minority of the House could impose its will on the majority giving new meaning to the phrase, "Taxation without representation." And why limit the two-thirds requirement to tax increases? Why not require a two-thirds increase to reduce Social Security benefits or to declare war? In making policy choices, the Constitution adheres to the time-honored principle of majority-rule. I believe we should stay the course.

Second, although the resolution would amend the Constitution to make it more difficult to raise taxes, it does not define what constitutes a tax or a tax increase. For instance, many of us support scrapping the Federal Tax Code. Yet, if this amendment were adopted it could result in a small minority blocking significant tax reform because any closure of a tax loophole to create a more simple and fairer tax system could be considered a tax increase. Eliminating the wasteful ethanol subsidy could be interpreted as a tax increase. Issues like this would kill tax reform.

Third, this is the third time in 3 years that we will go through this publicity stunt. In 1996, an identical resolution failed by 37 votes. In 1997, it failed by 49 votes. The Senate did not even consider the bill. Each time, more members are realizing that the resolution is a Republican Party publicity stunt performed around each April 15. This is a political device disguised as a solemn constitutional amendment; it embraces a popular goal while maintaining silence over the means to accomplish it.

I want to emphasize that this is not a vote on whether to raise taxes. Many who oppose this legislation, myself included, voted for $95 billion in tax cuts as part of the balanced budget agreement reached last year. Rather, this is a vote about whether we will effectively put the President and the Congress in a policy straightjacket that would severely limit our ability to fight recessions, depressions, capital flights, currency devaluations, reform the Federal Tax Code, and other challenges posed by a new economy.

Rather than engage in making political points, this Congress should continue on the path of sound fiscal policy we established in the Balanced Budget Act of 1997. Passage of this act showed we could balance the budget while cutting taxes for working families, encouraging Americans to save for retirement, protecting Medicare, and investing in education and research.

If we are serious about reforming the Tax Code and maintaining fiscal discipline, we cannot rely on gimmicks that tinker with the Constitution. Rather, let us get on with the important work of this Congress, including passing a long-overdue budget resolution that abides by the budget agreement, committing any surpluses to paying down the $5.4 trillion Federal debt, and strengthening Social Security for future generations. These are steps that will make a real difference for the American people. This legislation will not.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in support of tax cuts for hard-working American families, but in opposition to this tax loophole protection bill.

Mr. Speaker, this bill would require a two-thirds majority vote to approve any legislation raising taxes. Now, that is a great sound bite, until you realize that it stops bills closing tax loopholes for the wealthy in order to provide tax relief to working middle-class families in this country.

For instance, it would allow billionaires, who have made their fortunes here, to decide to renounce their citizenship to go to live in another country, and, therefore, not have to pay for any taxes. It makes it harder to pass legislation raising tobacco taxes to stop children from smoking.

I support tax relief for working families. The first bill I introduced as a Member of Congress was a bill to cut taxes for middle-class families. In this Congress, I have introduced the bipartisan Smoke-Free and Healthy Children Act to raise taxes on tobacco by $1.50 per pack. This bill would deter children from starting to smoke. It would fund cancer research and public health initiatives, and it will support safe, affordable child care for all of our children. But if this two-thirds requirement passes, legislation raising tobacco taxes is doomed.

Mr. Speaker, the legislation before us today protects the tobacco industry and makes it harder for Congress to pass legislation increasing the taxes on cigarettes. Today, as we discuss tobacco legislation, the tobacco industry executives must be dancing for joy.

Mr. Speaker, I urge all of my colleagues to vote no on this bill.

Mr. BARTON of Texas. Mr. Speaker, I yield 6 minutes to the gentleman from California (Mr. COX), the Chairman of the Republican Policy Committee.

Mr. COX of California. I thank the gentleman for yielding me time.

Mr. Speaker, I would point out in response to my colleague who just spoke that she is incorrect about the way that the amendment would work. It would be very easy for us by mere majority vote to have a tobacco tax, even with this amendment in the Constitution. However, it would be very difficult for us to raise $300 billion or more from the American people and grow the government by that amount.

What would be required by this amendment is that we have a thorough debate on whether we want to grow the government with those new taxes or whether we want to offset other taxes on the working Americans that the gentlewoman says she favors simultaneously. If the net effect is to grow the government by $300 billion rather than impose a new tariff on tobacco, but return those revenues to the American people who earn the money in the first place in the form of other tax cuts, it makes a big, big difference.

What this legislation is all about is the tax burden on the American people, which right now is higher than at any time in two centuries of American history.

It is worth dwelling on that. In fact, we should have a moment of silence for the hard-working American people bearing this tax burden. Not just the highest tax burden in the history of the United States of America in terms of the raw number of dollars, not even the highest tax burden in terms of inflation-adjusted dollars, but the highest tax burden as a share of the economy in two centuries of American history, even with this large and growing economy, as a share of that economy, with the exception of 2 years, 1944 and 1945, when income taxation by the Federal Government reached 20.9 percent of gross domestic product.

We are up over 20 percent again now in peacetime, not World War II. That is where the tax limitation amendment passed the House of Representatives on April 15th, 1997, a year ago, with 233 votes, a significant majority. But the defenders of majority rule over there, who say we distrust majorities, are hiding behind the fact they have to have a two-thirds vote in order to pass this, and claiming victory because a minority of them want to have higher taxes on the American people, and it is minority rule and minority dictation that are actually controlling this debate today, because we need to get from 233 votes to 290 votes in order to succeed, where the State legislatures then, after we propose, and that is all we do in this process as Congress, is propose a constitutional amendment, will pass it or not by a majority vote. A majority will rule in the State legislatures.

That is how constitutional amendments under Article V of the Constitution become part of that charter document. Seventy-five percent of the State legislatures would have to enact it by a 50 percent vote.

So do not give us this stuff about "We are for majority rule." You are hiding behind the supermajority vote requirement here to defeat tax limitation for the American people so you can keep taxes high and make them easier to raise. The tax burden on the American people now is unconscionably high, and we need relief.

It is currently a rule of the House of Representatives that we have a supermajority vote to raise taxes. That is the way we operate right now. Ever since Democrats lost their status as the majority party here in 1994, we have operated under this rule, and we have not raised taxes.

In 1993 we had the largest tax increase in American history, and that was the penultimate act of the Democratic Congress before they lost their status as the majority party.

In 1994, when we won majority status as Republicans in this Congress, the Dow Jones industrial average was at 3900. Today, it is around 9000. Today, tax collection by governments at all levels are higher than ever as a result of wise tax policy; not trying to soak the American people for every last red cent they are worth, but as a result of some common sense and moderation.

The 16th amendment to the Constitution, which made the income tax possible, was proposed by a Republican Congress. In the House of Representatives, in this very building, in 1909, Representative Sereno Payne of New York offered what became the 16th amendment to the Constitution; and Champ Clark, the minority leader from Missouri, also spoke in favor of that. Both of them were opposed to the kinds of tax regime we have today.

Mr. Payne, the chief sponsor of the 16th amendment, said he wanted to make sure that we had this power added to the Constitution so that we could exercise it only in time of national security emergency, in time of war.

As to the general policy of an income tax, he said,

> I am with Gladstone. I believe it tends to make a Nation of liars. It is, in a word, a tax upon the income of honest citizens, and an exemption, to a greater or lesser extent, of the income of rascals.

That is the chief sponsor of the 16th amendment that made this possible. It took two-thirds of both the House and the Senate to give us that amendment in the first place.

If you want to trust democracy, then trust our State legislatures, who, by majority vote, will give us this tax limitation upon the Congress, or they will not. Seventy-five percent of them must act by majority vote in order for this to happen.

If you want to trust democracy, consider the results of the last half century, when the income taxes exploded by leaps and bounds. As recently as the eve of Pearl Harbor, only one in seven Americans had to file an income tax. My folks, when raising me, making the average national income, like every family making the average national income in the 1950's, paid income tax at a rate of 2 percent. The FICA tax on my dad's paycheck was 1.5 percent. Look at where we are today.

If you think taxes need to be higher, vote against this. If you think it is undemocratic that we require two-thirds of the United States Senate to ratify a treaty, vote against this.

If you believe in the United States Constitution, if you believe in the wisdom of the Founding Fathers and the Constitution that they gave us, if you believe in the American people, and you do not think this is a giveaway, but rather letting them keep their money, vote with the gentleman from Texas (Mr. BARTON) and vote for this amendment. We desperately and dearly need it for the future of America.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I would say in response to the comments of the gentleman from California that I do believe in the United States Constitution, and I think sometimes that the Republican majority in this House thinks that the U.S. Constitution is a draft document that needs constant revision. Our Founding Fathers set up a document that establishes a balance between the branches and establishes majority rule on those issues of substance that come before this particular body.

There is a difference. As the gentleman from Massachusetts pointed out earlier, there is a difference between those rules laid out in the Constitution that govern how we operate here and the matters that relate to what working families in this country have to deal with.

Mr. COX of California. Mr. Speaker, will the gentleman yield?

Mr. ALLEN. I yield to the gentleman from California.

Mr. COX of California. I would point out, if I understood the gentleman, he said the Founding Fathers set up this balance, and that the Constitution is not a draft document. But the Constitution the Founding Fathers gave us made taxes unconstitutional and it took the 16th amendment to make it possible. So we are only amending the 16th amendment.

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Mr. ALLEN. Mr. Speaker, the Founding Fathers said very clearly that there is a process for establishing, for amending the Constitution. That is what we are going through. This is not hiding behind the supermajority vote. This is not minority dictation. This is an issue of how we are going to deal with substantial, substantive issues as we go forward.

There has been a lot of debate here about State examples. They are, in my view, almost completely irrelevant. The States are not responsible for Medicare, the States are not responsible for Social Security, the States are not responsible for national defense, and the States are not responsible for taking this country out of a deep recession or depression, if we ever fall into one again.

We want to preserve majority rules on those issues that matter, mostly that involve the business of this House, as we conduct it.

I would say this. One speaker earlier said this limitation, constitutional tax limitation agreement, would make it harder for this Congress to raise taxes. That is right. It would make it harder for this Congress to raise taxes, and it would make it much harder for this Congress to reduce deficits, because the two go together.

If we look back at history, what has happened here in this Congress in recent years, since 1982, five of the six major deficit reduction acts that have been enacted since 1982 and helped us balance the budget have included a combination of revenue increases and program cuts. President Reagan signed three of those deficit reduction measures, President Bush signed one, and President Clinton signed one. Not one of those five passed with a two-thirds majority in this House of Representatives.

There is no one in this House, there is no one in this House who can look out into the future and see what is going to happen to Medicare in 10, 20, 30 or 40 years. There is no one in this House who can be absolutely sure that we are not going to need to do something with Social Security, or other issues that come before us.

This is a bad bill, and it should be voted down.

Mr. BARTON of Texas. Mr. Speaker, I am happy to yield 2 minutes to the distinguished gentleman from the great State of Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, it is a big deal to amend the Constitution, I agree. Mr. Speaker, I want to talk about this issue from a little bit different level than what we have talked about it thus far.

Why should we change the Constitution and make it hard to raise taxes? One simple reason: freedom, freedom, freedom. If we take someone's money, we take their freedom away. The more money we take, the more freedom we take away. It is inherent upon us to try to restore some of the freedoms that have been lost in the last 50 years in this country.

Mr. Speaker, I can remember as a small boy and then as a young man and now here at 50 years of age, I can list the things I cannot do today as an American citizen that I could do at those times. So what I would want the American people to think, and for the Members of Congress to consider, is are they more free if we make it harder to raise Americans' taxes? Are Americans more free if we take less of their money, not more? That is what this is about. We are not amending the Constitution any more than we are amending the sixteenth amendment, which made it all too easy to raise taxes.

We just heard about the five tax increases that have been passed. Not one of those balanced the budget. The budget is not balanced now.

We have heard of surpluses. That is a joke. We are going to borrow $150 billion this year. There is no surplus.

The tax increase never gave us a balanced budget. For every dollar we increased taxes out of the last five, the Members of this body have not had the determination, except to spend another $1.46 for every dollar we increased the taxes. So we should make it very difficult to raise taxes, because it is very important we return freedom to the people of this society.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today in opposition to this amendment, because it is part of the annual rite of spring; that is, the Republicans wait until tax day and then they trot out this bill. And in a somewhat cynical fashion they suggest to us, you did not like paying your taxes, so here is our solution so you will not have to pay higher taxes.

Let us try to go behind the rhetoric and look at the reality. The fact of the matter is, it is not likely that we are going to raise taxes. Number one, we are in a period of unprecedented economic prosperity. We have projected surpluses for the next 5 to 10 years. There is absolutely no enthusiasm or inclination to raise taxes.

Second, as the gentleman from California pointed out, we are operating under House rules by the Republicans that say we have to have a supermajority to initiate a revenue increase. Unfortunately, they have waived it about three times, but the fact of the matter is, if we have the House rules that prevent raising taxes, if we have an economy that suggests there is no need to raise taxes, we have to wonder, why are they so determined to pass this measure?

Let me suggest that this is just another in the continuing chapter of the Republican efforts to provide tax reform for the rich. Why? Because what this bill would do is prevent us from closing tax loopholes in two areas: first, the corporate tax loopholes. What this bill would say is, if we Democrats propose to close tax loopholes, oh, that is raising revenue, we cannot do it. There are also tax loopholes for the very wealthy. We could also be prohibited under this amendment from closing those tax loopholes.

So the real beneficiaries of this amendment are not going to be average Americans, who are not likely to see a tax increase. The real beneficiaries are going to be the very wealthy and the corporations.

One other group we heard about, the billionaire expatriates; that is, the people who earned their money in this country and then decided to leave and take up foreign citizenship so they could avoid paying taxes. They, too, would be protected under this amendment.

Mr. Speaker, the point is this: We need to close some tax loopholes. We need to close corporate tax loopholes, we need to close corporate loopholes for the very wealthy, and we need to close the expatriate tax loophole. We need the ability to do it. This bill impedes that.

We do not need to tinker with the Constitution. I found it very interesting that the gentleman from California suggested, well, the reason we cannot get this bill passed is because we require a supermajority to amend the Constitution. That is the whole point. That is why this is a bad idea. I do not think the gentleman can have it both ways.

The Constitution is working. The economy is working. The only people who benefit from this April Fool's joke are the rich. It does not benefit the average taxpayer. I urge the rejection of this amendment.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I will actually read the resolution we are voting on and explain it:

"Any bill, resolution, or other legislative measure," and that means any vehicle that we bring to the floor, "changing the Internal Revenue laws," that is, the Internal Revenue Code we currently operate under, "shall require," it means we must, "for final adoption in each House," that is, the House and Senate, "the concurrence of two-thirds of the Members of that House voting and present," it means it would take a two-thirds vote to raise taxes, "unless that bill is determined at the time of adoption," i.e., through the normal committee process, "in a reasonable manner," we would be open and transparent, "prescribed by law, not to increase the internal revenue by more than a de minimis amount." De minimis is a Latin word that means a very little bit, if you want to talk Texan.

"For purposes of determining any increase in the internal revenue under this section, there shall be excluded any increase resulting from the lowering of an effective rate of any tax." That is, you can cut the capital gains tax rate with a majority vote, and if that raises revenues, so be it. "On any vote for which the concurrence of two-thirds is required under this article, the yeas and nays of the Members of either House shall be entered," so it has to be a record vote.

Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. DELAY), the distinguished Majority Whip.

Mr. DELAY. Mr. Speaker, I thank the gentleman for all his hard work. I am proud to call him a fellow Texan, and he has worked so hard on this constitutional amendment, along with the gentleman from Arizona and so many other people, just to get this amendment passed for the American people.

Mr. Speaker, I appreciate the gentleman clarifying what has been going on here. It will be tough to pass this legislation today, chiefly because of the efforts of liberal Democrats to kill it. We all know that.

There has been a lot of talk about addiction these days: drug addiction, cigarette addiction, other things. Make no mistake about it, liberal Democrats are addicted to higher taxes. They want higher taxes so they can spend more money and expand the size of this government. We know that. That is the difference between the two parties. They are trying to defend it, though, by covering up the reality of what this bill actually does.

The gentleman from Maryland was talking about the fact that we cannot close corporate loopholes for the rich. That is not true. What is in the amendment is, basically, if we want to close corporate loopholes, then cut taxes for somebody else and make it a tax-neutral bill, and we will not have to have the supermajority vote. That is covering up what is the truth here. He wants more taxes to expand the size of government.

The gentleman from Maine was talking about the fact that, since 1982, there have been five bills introduced in this House to lower the deficit and balance the budget, each one of them to raise taxes by a majority vote. He is absolutely right. But the fact was, in every one of those bills, including the ones signed by Reagan and Bush, the size of government expanded, the taxes went up, and the deficits went up, too. There was no balanced budget. The only budget that is close to being balanced is the one that we passed last year that cut taxes and restricted spending and the growth of this government.

The American people know that. They are not going to be fooled by all the rhetoric. Every proposal that has come out of this White House is a proposal that will be funded with higher taxes.

The gentleman from Maryland said we are not going to raise taxes around here because we have a surplus. Has he not been listening to the White House? They want to raise cigarette taxes. They are talking about it almost every day, about raising cigarette taxes to $1 or $2 a pack. Every proposal that comes out of this White House will be funded by more taxes.

In fact, later on this week, tomorrow, I understand, the White House is going to celebrate with those Members of Congress who voted for the largest tax increase in history in 1993. They are going to have a party over at the White House, imagine that, a celebration for those who voted for the largest tax increase in the history of this country.

I have to tell the Members, many of those people that will be celebrating tomorrow at the White House are now former Members of Congress. The American people spoke in that last election that made them former Members.

Mr. Speaker, clearly, clearly the White House, the President of the United States, liberal Democrats, are totally out of touch with the American people. If we look at the elections all across this country, their philosophy of higher taxes and bigger government is being rejected all across this country. The American people are overtaxed, they are overregulated, and they are overburdened by this Federal Government.

I am not talking about the tax burden of 38 percent. Over 50 percent of the average family's income goes to pay for government, if we add up all the costs of government, local, State, and Federal taxes, and the cost of regulations. Fifty cents out of every one of Members' constituents' hard-earned dollars goes to the government today. No wonder America's families are under such strain, because it takes one parent who is forced to support the government while the other one works for the family in this country.

We think that is immoral. We have got to stop this rampaging in the American family's pocketbook, Mr. Speaker. This amendment to the Constitution will make it more difficult to raise those taxes, and we should make it more difficult to raise taxes. That is why I support this legislation.

Mr. SCOTT. Mr. Speaker, I yield 8 minutes to my distinguished colleague, the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank my friend and colleague from Virginia for yielding time to me.

I rise in opposition to this resolution to amend the U.S. Constitution to require a two-thirds vote to raise Federal taxes.

Last year, the Washington Post characterized this best under the editorial, Show Vote on Tax Day. That does not apply this year, because we were in recess when April 15 came and went, but the strongest argument is still applicable, we should not be using the Constitution as a political prop.

We know the political advantages of doing this kind of thing, but let me tell the Members some of the disadvantages of doing it and some of the fatal flaws that are involved with this legislation.

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One of them is that we fail to define a number of the most important terms. For example, what is "de minimis"? We do not explain whether we are talking about a $50 million tax increase or a $1 billion tax increase.

What constitutes a "broadening of the tax base"? Whose interpretation is it? The leadership of the Congress? When we are talking about something this serious, clearly we need to define precisely what it is we are talking about.

But it also needs to be stated and considered by the majority that this would preclude any fundamental reform of the IRS Code, because we cannot have a fundamental reform of the IRS Code without affecting tax rates and altering the present tax base. Any changes that would broaden the base, such as closing corporate loopholes or replacing the current tax system, as the majority leader wants to do with the new flat tax, or the chairman of the Committee on Ways and Means wants to do with a national sales tax, would now require a ⅔ vote and then ultimately would not be determined on the floor of the House. Instead, there issues would have to be determined across the street in the Supreme Court.

But let me tell my colleagues about another issue, one that smacks of hypocrisy. Let me bring the House back to 1995 when this body passed the Contract on America, and we had one provision which was the most celebrated. First of all we had a rule that passed in January, and I think all the Members remember that. We had to have a three-fifths vote to raise any taxes. It said "no bill or joint resolution or amendment or conference report carrying a Federal income tax increase shall be considered or passed or agreed to unless determined by three-fifths of all the Members voting." That is a rule that applied to all of our legislation.

We then had the Contract With America Tax Relief Act of 1995 three months later, which became the first violation of that very rule. I raised a point of order because that so-called Tax Relief Act actually increased capital gains taxes on small business from 14 percent to 19.8 percent. There was a point of order that should have been applied. In a precipitous ruling it was originally rejected, but then I got a letter from the House Parliamentarian saying absolutely, it was a violation of the House rule.

Subsequently and because of that ruling, the House leadership, the Committee on Rules, has had to waive the three-fifths vote requirement on every single occasion they have brought up a tax bill. Four occasions in the last term. For the Balanced Budget Act of 1995, they had to waive the rule. For the Medicare Preservation Act, they had to waived the rule. The Health Coverage Affordability and Portability Act, waive the three-fifths requirement. Likewise, the Small Business Protection Act. Four times we waived the rule that required a three-fifths vote because we never had three-fifths of the votes to pass just those basic relatively non-controversial tax law changes.

Now, let me tell my colleagues about another more recent example, and that is the tax relief bill we just passed as part of the Balanced Budget Act. It was a compromise. The majority and the minority both agreed to it. It was called the Taxpayer Relief Act of 1997. It closed some tax loopholes, but it imposed a new aviation excise tax and broadened the tax base to help pay for some of the bill's tax cuts. That also did not get three-fifths. It was a violation of the House rule.

Mr. Speaker, we know if this was passed we could never do that kind of a thing. We could never have that kind of a Balanced Budget Act.

Lastly, I want to go even further back to the Articles of Confederation. Initially they thought this was a good idea. They said that nine out of the original 13 States would have to vote. Article 9 of the Articles of Confederation required just this kind of supermajority, nine out of 13 States.

If we look back at some of the debate that occurred in the Constitutional Convention, we will find that tax increases became too politicized. They could never get 9 out of 13 States to actually do what was necessary to keep this Republic going. And so in 1787 at the Constitutional Convention our Founding Fathers recognized that this was a supreme defect and they established a national government that could impose and enforce laws and collect revenues through a simple majority rule.

Mr. Speaker, my point is, this is a legislative responsibility. Do not take this legislative responsibility and pass the buck, send it across the street to the Supreme Court and have these difficult issues resolved by the Judicial Branch. They should properly be resolved by the legislative branch, by Congress.

I do agree with that Post article last year that this is another "show vote." We do not need show votes in the Congress. What we need is people who are willing to make the tough choices, who are willing to look back at history and realize that the public is best served by majority rule and a Congress with the courage to do the right thing ahead of the politically expedient thing. This constitutional amendment is not the right thing to do, it is at best a politically expedient "show vote".

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I want to thank the gentleman from Virginia for his contribution today. Four times they have had, the Republicans have had to waive their own requirement. Does the gentleman have there any explanation from them as to why that occurred?

Mr. MORAN of Virginia. Mr. Speaker, reclaiming my time, obviously they felt that they got the political benefit from putting in that three-fifths rule requirement. But then when it would apply, they got a rule that waived it. We raised an objection but nobody seemed to care.

Mr. CONYERS. Mr. Speaker, if the gentleman would continue to yield, why would people come to the floor crying about that same issue, then? Why would people now come to the floor crying about why they need to impose this two-thirds requirement rule, when the same rule they imposed in the House under NEWT GINGRICH, the Speaker, is the one they ignore, they honor in the breach, they never do it?

Mr. MORAN of Virginia. Mr. Speaker, I would say to the distinguished ranking member that he makes an excellent point. Here we cannot even meet the 60 percent requirement and they want to raise it to a 67 percent requirement. It seems to me, again, that this is just window dressing and not substantive legislation. I thank the gentleman from Michigan (Mr. CONYERS) for raising an excellent point.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Speaker, I thank the gentleman from Texas (Mr. BARTON) for yielding me this time, and I thank the gentleman for bringing this very important issue to the floor.

Mr. Speaker, I would also like to compliment the gentlemen and ladies on the other side who have spoken out against this resolution, because I have to compliment them. They are brave to be able to come up here and speak their beliefs and really come out on the position of being for taxes. If I did something like that, I could not return to Texas. But I have to admire them for their willingness to come here and take a pro-tax position, so I think that is to be commended.

Mr. Speaker, I would like to suggest to our side that if we all in the Congress did a better job in following the Constitution, we would not need this amendment. Because if we took our oath of office seriously, if we followed the doctrine of enumerated powers, if we knew the original intent of the Constitution, this government and this Congress would be very small and, therefore, we would not have to be worrying.

The other contention we have and have to think about is if we do not already follow the Constitution in so many ways, why are we going to follow it next time? Nevertheless, this is a great debate. I am glad I am a cosponsor. I am glad it was brought to the floor.

We do have to remember there is another half to taxation and that is the spending half. It is politically unpopular to talk about spending. It is politically very popular to talk about the taxes. So, yes, we are for lower taxes, but we also have to realize that the government is too big. They are consuming 50 percent of our revenues and our income today, and that is the problem.

Government can pay for these bills in three different ways. One, they can tax us. One, they can borrow. And one, they can have the tax of inflation, which is indeed a tax. We are dealing here only with one single tax. But eventually, when we make a sincere effort to get this government under control, we will look at all three areas.

We will limit the borrowing power. We will limit the ability of this Congress to inflate the currency to pay the bills. And we certainly will follow the rules of this House and this Constitution and not raise taxes.

Mr. SCOTT. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. NEAL of Massachusetts. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I would say to the gentleman from Texas (Mr. PAUL) before he goes out, I just wanted to explain one thing. This is not a debate about those "for" taxes and those "against" taxes, so the gentleman misunderstands our position. Our position is not for enshrining corporate loopholes to the tune of $450 billion in a constitutional amendment. It is not about being for taxes. I am not for taxes. I am trying to keep the gentleman's side of the aisle from enshrining this $450 billion loophole.

Mr. NEAL of Massachusetts. Mr. Speaker, reclaiming my time, for the third year in a row we are now debating a resolution to pass a constitutional amendment to require a two-thirds majority for any bill making a change in the revenue laws unless it is, "determined at the time of adoption in a reasonable manner prescribed by law not to increase revenue by more than a de minimis amount." The resolution failed to receive a two-thirds majority for passage the past two years, and last year the defeat was by a greater margin.

All I can say about this resolution is that we have said enough about it and it is time to move on, instead of this waste of time with the gimmicks that are typically associated with these efforts in this House. Let us get away from the gimmicks.

Mr. Speaker, if I can, we ought to call this the "Republican Straight-Faced Amendment." There are Members of this House that vote for term limits after they have served for 20-plus years and do not retire. That constitutionally we ought to take the line-item veto and pass it down to the White House, because somehow they believe that there is more wisdom at that end of Pennsylvania Avenue than this end of Pennsylvania Avenue. And, Mr. Speaker, instead of doing our work, we ought to have a balanced budget amendment to the Constitution, which we balanced without disturbing the Constitution.

Mr. Speaker, it is gimmickry and it speaks to the lowest instincts of the American voter when these proposals are repeatedly put in front of them by people who lack the fundamental sincerity on most of these issues. If they are for term limits after 12 years or 6 years, pick up and go. If they pledge at home that they are going to do that, they ought to take advantage of it and leave the institution. But no, we come back with this kind of a gimmick time and time again.

Since this is the third year in a row, Mr. Speaker, that this proposal is brought before us, let me give my testimony from the last 2 years as well and submit that for the RECORD:

Mr. Speaker, today is a day that is dreaded by most Americans for one reason or another. Today, April 15th is commonly known as "Tax Day." Anxiety is high and many Americans are scrambling to meet the deadline. People across America are concerned if they have to pay or if they did their taxes right. Today, the House is participating in a publicity stunt to try to ease the anxiety and fear about our current tax system.

We went through this exercise exactly a year ago today and rational minds prevailed. The resolution fell 37 votes short of the two-thirds majority required to endorse a change in the Constitution. We should not waste our time by having this debate again and hear Mr. Speaker would like to have it every April 15th.

Instead of holding this publicity stunt, Congress should be working towards balancing the budget. This resolution will not help individual taxpayers. A balanced budget will benefit us all. If we want to help taxpayers, we should enact targeted tax breaks such as expanded individual retirement accounts (IRAs). IRAs will provide a tax incentive for savings. We need to increase our national savings rate.

Today, we are debating an amendment to the Constitution. Any time we amend the Constitution it should be done in a serious manner. Amending the Constitution should not be taken lightly. This proposed amendment to the Constitution would require a two-thirds majority for any bill making a change in the revenue laws unless it is "determined at the time of adoption, in a reasonable manner prescribed by law, not to increase internal revenue by more than a de minimis amount." This resolution does nothing but compound our current budget debate.

As a former history teacher, I value the Constitution and I have tried to pass this on to my students. Currently, the Constitution requires a two-thirds majority vote in the House in only three instances—overriding the President's veto, submission of a constitutional amendment to the states, and expelling a Member from the House. These instances differ substantially from the issue before us today.

The proposed Constitutional Amendment is similar to a House rule which was adopted last Congress. The rule required a three-fifth majority for "carrying a Federal income tax rate increase." This rule change was narrower than the proposed Constitutional amendment. The Constitutional Amendment would affect all taxes and would also prohibit revenue increases through eliminating loopholes or other base broadeners.

The experience with the House rule demonstrates the unworkability of the proposed Constitutional Amendment. This rule was narrowed at the beginning of this Congress and the rule is basically meaningless.

The issue of requiring a two-thirds majority is not a new issue. This issue plagued our Founding Fathers. This proposed amendment would gravely weaken the principle of majority rule that has been at the heart of our system for more than 200 years. The Constitutional Convention rejected requiring a super-majority approval for basic functions such as raising taxes. James Madison associated majority rule with "free government." He believed a person whose vote is diluted by super-majority rules is not an equal citizen and his freedom is not fully enjoyed. The arguments of James Madison still hold true today. With the adoption of this amendment, power would be transferred to the minority. A minority would be able to prevent passage of important legislation. Our Founding Fathers recognized the difficulty of operating under a two-thirds majority. The Articles of Confederation required the vote of nine of the thirteen states to raise revenue. We should learn from the wisdom of our Founding Fathers.

The proposed Constitutional Amendment would change how the House currently functions. This amendment would require any bill closing loopholes for deficit reduction to require a two-thirds majority. However, the amendment would permit tax increases on one group of taxpayers to pay for a tax break for another group of preferences.

This proposed amendment would require a two-thirds majority to reinstate funding of the Superfund program. A supermajority would be required to reinstate the trust fund for the airport and safety and improvement program.

Deficit reduction should be our primary focus and this proposed amendment would make it harder to enact deficit reduction. The Coalition Budget which was a responsible balanced budget would require a two-third majority by closing unnecessary tax preferences.

We should take a hard look at the action we are about to take today. Last year the Washington Post ran an editorial entitled "False Promises." This editorial hit the nail on the head. It reminds us that damage done to the Constitution cannot be undone. We simply cannot waive the Constitution.

We should realize that we are elected to make hard decisions. A majority of major legislation passes with less than a two-thirds margin. Our job would be easier here if two-thirds of us could always agree and this is not supposed to be an easy job. We have to make tough decisions which often result in close votes.

Between 1982 and 1993, five bills that raised significant revenue were enacted. President Reagan signed three and the other two were signed by President Bush and President Clinton. All five of these bills did not receive a two-thirds vote on the House Floor.

Raising taxes is never an easy decision. I voted for President Clinton's budget in 1993 and parts of this budget were hard to support enthusiastically. But as a package, it was the right thing to do. President Clinton's budget in 1993 tackled the deficit. In 1992, the deficit was equal to 4.7 percent of the gross domestic product. The deficit will drop to 1.4 percent of GDP. The difference is money available for investment in the private economy.

I cannot predict the future, but based on past precedents, I believe it will be extremely difficult for any President to have a budget pass Congress if this amendment is enacted. So many of us hear the complaints from our constituents about gridlock. This amendment could add to the gridlock. We would not be able to pass the budget deals of the past without a supermajority. We should all know from this year's budget process how difficult this could be.

We will hear today that this amendment is important because it will help reduce our taxes. If we really want to help the American taxpayer we can do better than this legislation today. Our energy should be focused on deficit reduction. This amendment would make deficit reduction more difficult.

We all want to make our tax system more fair and simpler. This amendment will not help reach that goal. We have not studied the effects of this amendment closely enough. The wording of this amendment is not clear and could result in years of litigation. The resolution is not specific enough to address questions such as the length of the budget window or what constitutes a tax or a fee.

I urge you not to support this proposed amendment. We do not know enough about its effects. Just because it is Tax Day, we should not support a Constitutional Amendment that sounds good at first. In reality, this amendment will create numerous problems and will change the concept of majority rule. With this Amendment, we are turning back the clock of history and not moving forward.

Mr. Speaker, what we should be doing here today, according to the Certified Public Accountants of America, is speaking to the 10 big taxpayer headaches that could be cured through a little tax simplification. We could use our time to correct legislation that would make the tax burden easier for the American people.

Number two and three are individual alternative minimum tax and individual capital gains. Democrats on the Ways and Means subcommittee have introduced two bills that would address these important issues.

But let me talk if I can about AMT. The accountants refer to the individual AMT as the "iceberg on the horizon sneaking up on unsuspecting middle income taxpayers as fast as the Titanic went down."

The individual AMT is a tax on the individual taxpayer to the extent that the taxpayer's minimum liability exceeds his or her regular tax liability. The AMT imposes a lower marginal rate of tax on a broader base of income. The nonrefundable credits available to an individual to reduce his or her regular tax liability generally may not reduce the individual's minimum tax.

But starting in 1998, individuals who take advantage of that tax credit enacted as part of the Taxpayer Relief Act of 1997 will now have to fill out the complicated AMT form. In 1998, 856,000 people will pay the AMT, and this will increase to 3,000,822 taxpayers in the year 2008.

□ 1415

The AMT will affect middle-income earners and result in the individual not being able to fully benefit from the new credits. An example would be a married couple with three children, including one in college, with a gross income of $63,000 would be affected by the AMT. This couple is entitled to $2,300 in credits, but $620 of that amount would be disallowed due to the alternative minimum tax.

The gentlewoman from Connecticut (Mrs. KENNELLY) has introduced a good piece of legislation that would fix that problem. Many of us have spent hours upon hours of filling out schedule D. The Taxpayer Relief Act of 1997 provides for five different rates. An additional tax rate is scheduled to take place in 2001 and another in 2006. The gentleman from Pennsylvania (Mr. COYNE) has introduced a very simplified Capital Gains Tax Act of 1998. This legislation would require a taxpayer to include 60 percent of their total capital distributions on appropriate tax lines.

My argument here today is simply this. The other side knows that this is not going to pass, and they are trying to position Members of this House again in an election year over this issue. Leave the Constitution alone. The Constitution works fine as we have demonstrated with the balanced budget amendment, as we have demonstrated internationally with the demise of the Soviet Union. The rest of the world envies this system and they view it with a great deal of envy. Yet we sit here and come up with gimmicks rather than speaking to the real issues that confront the American citizen every single day, whether in the workplace or in other avenues of their lives. It is time to move on from this gimmickry, Mr. Speaker, and get to the real issues that confront this Nation.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Wisconsin (Mr. NEUMANN).

Mr. NEUMANN. Mr. Speaker, let me begin by commending the gentleman from Texas (Mr. BARTON) on a fine proposal here.

I have been here for about 45 minutes. I finally heard something I absolutely agree with on the other side. The purpose of bringing this bill to the floor today is to position Members officially, those that are for higher taxes, and those who think taxes are too high already. I absolutely agree that that is what this bill will do.

If Members do not support the Tax Limitation Act, they are clearly defining themselves as being a person who is for higher taxes. The reality is this debate is not about what has been discussed here so far, though. This debate is about who knows best how to spend the hard-working people of America's money. That is what this debate is about.

The United States Government right now today collects an average of $6,500 for every man, woman and child in the United States of America. A lot of citizens say, do not worry about me; I do not pay that much in taxes.

If one does something as simple as buy a pair of shoes in a store, and the store owner makes a profit selling that pair of shoes, the store owner then has to turn around, take some of that money, and send it here to Washington. The point is, the United States Government is too big and spends too much of the taxpayers money, and the people in this city want to maintain the power and the ability to even take more out of those paychecks of hard-working Americans, and that is wrong.

Why is it, why is it that that tax rate is so high? We need to understand the thinking in this town. The reason taxes are so high is because the people in this community believe they know how to spend the hard-working people of America's money better than those people themselves know how to spend it. The reason taxes are so high is because spending is so high.

When we got here in 1995, spending was growing at twice the rate of inflation. Think about that. What other family in America, what other institution in America was in a position where they could increase the spending rates at twice the rate of inflation? But that is what government was doing. The only reason we have a balanced budget today, the economy is strong, but the reason we have a balanced budget is because in the face of that strong economy we slowed the growth rate of Washington spending down to the rate of inflation, and one would have thought we were cutting it to ribbons. All we did was slow the growth rate so it was only going up as fast as the rate of inflation, and in this community one would have thought we were cutting it to ribbons.

I rise today to urge in the strongest way I can the support of this amendment to prevent higher taxes in the future.

Mr. SCOTT. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. FAZIO).

Mr. FAZIO of California. Mr. Speaker, supporters of this resolution, as we have just heard, would like us to believe that this is a debate between those who would raise taxes and those who do not want to raise taxes. But this is a wolf in sheep's clothing, little more than an invitation, instead, to gridlock.

If Members need any evidence of that, just look to my home State to see how giving the power of a majority to a few has resulted in a deadlocked legislature that has been annually unable to govern effectively.

In California, we have a two-thirds rule requirement for passing taxes and budgets. As a result, State government has missed its budget deadline nearly every year. The legislative gridlock is intense, throwing the operation of the State into a crisis mode time and time again.

We had a taste of that kind of deadlock 2 years ago when the President and Congress were unable to see eye to eye on the budget and the government was shut down. I doubt any of us would want to relive that experience every year, least of all the new majority that brought it about.

Passage of this resolution would also thwart any attempts at real tax reform because it would take a two-thirds majority to pass changes in the tax system to make it fairer. The current tax system, laced with loopholes and complexities, would stay on the books forever.

So forget about any ideas for tax simplification because a two-thirds majority would be required. We will be stuck with what we have. Somehow I doubt those pushing this resolution today, as well as those who want a fairer, simpler tax system, would be happy about that.

It is also easy to see why special interests are lined up today to support this resolution. While it would still take only a majority vote to write a loophole to give a tax break to an industry, it would be nearly impossible to repeal it. Why? Because the two-thirds vote would be required.

If the voters are not happy with those who vote for tax increases in the best interests of our Nation, they have ample opportunity to express their opinions every other November. That is the way our democracy works. When George Bush said "no new taxes" and did otherwise, a simple majority of New Hampshire's Presidential primary sent him a punishing message. We would not have been able to slash our Federal budget deficit either, if this two-thirds rule had been in effect during the past 10 years.

In 1990, 1993 and 1997, we made tough votes, including one that passed by a single vote, to move this Nation from the $200 billion deficits of the Reagan era to our upcoming budget surplus of over $50 billion. Not one of those measures would have been passed if a two-thirds requirement was in place.

I know we have heard quotes from our Founding Fathers time and time again today about the tyranny of the minority, but the framers of our Constitution, who witnessed the collapse of the Articles of Confederation which required 9 of the 13 States to approve any tax, well understood the danger of the supermajority requirements.

As Madison wrote, "the minorities might take advantage of it to screen themselves from equitable sacrifices to the general weal, or in particular emergencies, to extort unreasonable indulgences."

This would be especially so in the Senate, where a third of the Senate represents only 10 percent of the population of this country. They would be in position to kill any legislation. In other words, the State of California—10 percent of the population with but two votes in the Senate, is equal to the smallest States adding up to a third of the Senate; and yet those 17 States could control what would be voted out of that institution, a rampant example of minority power which frustrates the will of the majority and only adds to the existing inequity in the other body.

For example, it would be nearly impossible to pass any tax increase on the tobacco companies because Senators representing the handful of tobacco-growing States with only a few allies could effectively thwart any tax increase. That might be a good example of what some of the advocates of this proposal bring us today: To hand a small minority veto power over what the majority believes is important to democracy. This amendment ought to be defeated every year in April when it is brought back for political purposes, as it is today.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Woodlands, Texas (Mr. BRADY).

Mr. BRADY. Mr. Speaker, on a radio quiz program that premiered this day back in 1940, America first heard the phrase, "the 64-dollar question." At that time that was pretty good money and a lot of listeners tuned in. Of course, it was just a few years after that that it had grown to the $64,000 question. And then that game was on a roll.

Of course, today we look at State lotteries; it is not unusual to see a $64 million prize handed out. It has gotten ridiculous and taxes have inflated over the years much the same way. And it is our families and our small businesses that are paying the price.

Look at what we do each day. As we get up in the morning, we drink the first cup of coffee, we pay a sales tax on it. Jump in the shower, pay a water tax; get in our car to drive to work, and pay a fuel tax. At work we pay on our income an income tax and the payroll tax; drive home to our house on which we pay a property tax; flick on the lights and pay the electricity tax; hit the TV and pay cable tax; talk on the telephone and pay a franchise tax. On and on and on until at the end of our life we pay a death tax. No wonder it is so hard for families to make ends meet these days. We are taking their dollars and they need to keep more of what they earn. And that is what this amendment is all about.

I have served on the city council, had the privilege of serving in the Texas legislature, and now in Congress. I can tell my colleagues, when revenues go down, government first tries to raise taxes. If that does not work, they borrow. If that does not work, they use accounting tricks. And finally, and only if they are forced to, they will live within their means.

That is what this amendment is all about, forcing the government, who historically has not lived within its means, to start living within its means.

I am proud to be an original cosponsor of this bill and urge its passage.

Mr. SCOTT. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I rise in opposition to this resolution. I certainly share the goal of limiting taxes and strongly support reducing taxes. However, I cannot support a fiscally irresponsible proposal that allows us to increase spending with a simple majority, but requires a supermajority to pay for the spending increases that we have already enacted.

I want to start by saying that I have a great deal of respect for my colleague, the gentleman from Texas, who has worked diligently and honorably for years on behalf of this amendment, and I know that the gentleman from Texas (Mr. BARTON) has the highest level of integrity. Having worked with him on several efforts to control spending and bring fiscal responsibility to our government, I know that he advocates this amendment based on a sincere principle, and I respect that.

Unfortunately, I am not sure that everyone advocating this amendment is doing so for the same motivations. This debate today is part of a pattern of fiscal irresponsibility and a fiscally irresponsible legislative agenda of this year.

Two weeks ago we passed a highway bill that increased spending by more than $20 billion beyond the 42-percent increase in highway spending in the budget resolution without saying how we are going to pay for it. Next month, we will vote to sunset the current Tax Code without giving business and other taxpayers any idea of how they should plan for the future. We read about all kinds of promises about what Congress is going to do, but we do not have a budget resolution to show how we are going to pay for it all. If Congress is interested in keeping taxes low, we should focus our energy on controlling spending.

Unfortunately, the Republican leadership seems to be more interested in moving legislation to increase spending than they are in working to control spending. The Concord Coalition, one of the most credible watchdogs of deficit spending, opposes this amendment because it would be detrimental to maintaining a balanced budget, and they are right.

My foremost fiscal concern is that we not mortgage our children's future to pay for today's consumption. Balancing the budget honestly without depending on the Social Security surplus should be our highest priority. Under this amendment, we can increase spending by a majority vote, but would need a two-thirds vote to raise the revenues to pay for the increased spending.

The easy option will be for Congress to increase spending and pay for that by increasing the debt we will leave to our children and grandchildren. Witness the 1980's, if Members do not believe Congress left to its own whims, what we will do. This debate is just a distraction from a meaningful debate on genuine tax reform and budget priorities. If we were serious about helping American taxpayers, we would be doing our work to develop legislation that will actually accomplish something meaningful.

We would have passed a budget resolution to establish a road map to show how we are going on control spending and maintain a balanced budget. We would have passed IRS reform legislation to ensure that the important protections in this bill were available when Americans filed their tax returns this year. We would be conducting serious hearings to carefully examine the various options for tax reform. I am anxious to begin work on tax reform.

I thought we were supposed to start work on tax reform before the Presidential election in 1996. We have been talking about tax reform for almost 3 years now, but have not even begun to do any serious work in committees to bring legislation forward.

□ 1430

I am a lot more interested in working to pass meaningful IRS reform and tax reform legislation that would do a lot more for American taxpayers instead of spending time debating amendments that are going nowhere.

Saying that a simple majority can increase spending but a two-thirds vote is necessary to pay for it is irresponsible. The truly conservative and responsible position is to protect future generations from having to bear the burden of our irresponsibility today. Vote responsibly. Oppose this amendment.

The SPEAKER pro tempore (Mr. SNOWBARGER). The Chair would advise the Members that the gentleman from Virginia (Mr. SCOTT) controls 10½ minutes and the gentleman from Texas (Mr. BARTON) controls 17 minutes.

Mr. BARTON of Texas. Mr. Speaker, I yield 1½ long minutes to the gentleman from North Carolina (Mr. COBLE), the distinguished chairman, a member of the Committee on the Judiciary.

Mr. COBLE. Mr. Speaker, one issue distinguishing the two major political parties is a five-letter word, "taxes."

Now, I am not suggesting that all Democrats favor high taxes nor that all Republicans favor low taxes. There are exceptions to every rule. But I am suggesting that the philosophy of the two major parties is clear and that it is genuinely recognized from sea to sea, from border to border, that the Republican Party is generally the party that advocates low taxes, that the Republican Party is the party that generally advocates and permits workers to retain more of their earnings.

We talked for a long time about estate tax reform, capital gains tax reform. "Oh, we can't do that. It costs too much money on collections." In fact, some of my Democrat friends about 5, 6 or 7 years ago wanted to lower the exemption threshold on estate taxes from $600,000 to $200,000.

Well, we have raised it, raised the exemption. We have delayed the call of the tax man knocking on the door at the estate's house collecting the tax. We advocate low taxes.

What I am saying, Mr. Speaker, is that perhaps the bar in raising taxes of a simple majority may be too low. Let us raise that bar and make it a little more difficult and a little more challenging to negotiate in the resulting tax increase. Make it tougher.

I advocate the resolution that the gentleman from Texas (Mr. BARTON) is promoting and urge my colleagues to do likewise.

Mr. SCOTT. Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Speaker, I rise in opposition to the resolution.

Two things about today's tax bill are important to note:

First, it is a waste of time, and therefore—ironically—a waste of taxpayer's money.

And second, it is a diversionary tactic, intended to distract the public's attention away from the fact that the Republican leaders have stifled action on issues that most American families really want, like: Protecting thousands of teenagers and pre-adolescents from predatory practices of cigarette companies; passing a bill to protect the rights of patients unfairly treated by their HMOs and insurance companies; and enacting real campaign finance reform to reduce the influence of special interest money in politics.

Instead, because it does not want to act on any of these critical issues, the Republican leadership is running out the legislative clock by bringing to the floor a bill that has failed time and time again.

This proposal failed in 1996. It got even fewer votes when it was brought up in 1997. And the Republicans know full well that it will fail again today.

Today, ladies and gentlemen, you are witnessing a show. But shows belong in the theater, not on the floor of the People's House.

If Republicans had really wanted to get something done for taxpayers, they would have already sent the bipartisan IRS reform bill to the President for his signature.

The reason today's bill has failed in the past, and the reason it will fail again today, is that it is bad legislation.

Despite what you are being told, this bill would do very little to help, and a lot more to hurt, the average taxpayer.

In fact, this legislation is custom-made to perpetuate some of the most egregious inequities in the current tax system and to frustrate efforts at real reform, all at the expense of the American taxpayer.

This bill would effectively prevent any tax reform which would close tax loopholes for corporations and special interests.

It would make it virtually impossible to pass comprehensive tobacco legislation like the bipartisan bill developed by Senator MCCAIN.

It would cripple the ability of the government to act during national crises.

And it could saddle America with financial disaster by foreclosing any revenue increases to deal with future deficits.

This bill is yet another effort by this Republican leadership to further restrict the democratic process in the House of Representatives and to prevent a majority of Members from exercising its will. Under this bill, all it would take is one-third of members to block real tax reform or to block a tobacco settlement.

I congratulate my colleagues in advance for their resolve in standing up to the Republican leadership and voting against this legislation.

Mr. SCOTT. Mr. Speaker, I advise the gentleman from Texas (Mr. BARTON) that we have two speakers left; and if he has more than that, we would prefer that he go at this point.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. COOK).

Mr. COOK. Mr. Speaker, I rise to speak in favor of the tax limitation amendment.

It has amazed me today to listen to the opponents of this amendment call it undemocratic. I can think of nothing more democratic than doing what the majority of the American people want to have done. And the American people want this amendment. We have seen it in poll after poll. The latest polls show that, 3-to-1, people in this country favor this amendment, support for it is so strong, that a growing number of States are now requiring supermajorities in their own legislatures to raise taxes.

My colleagues, let us cut to the bottom line. This is not about democracy. It is about the fear some Members have of losing power, the power to increase the tax burden on the American people with a slim majority. We can see why some Members are afraid of losing that power when we see how often Congress has exercised that power in the past, usually unwisely.

In recent decades, Congress has raised taxes time and time again. Until today, working Americans struggle under the heaviest tax burden they have carried in the last 50 years. At the same time we have that shocking tax burden, we have a revenue surplus that is now predicted to swell annually for the next several years. Why? Because President Clinton acted too hastily when he asked for the largest tax hike in history 5 years ago and the Democratic-controlled Congress acted unnecessarily when it gave it to him by the slimmest of majorities, one vote.

For the last 5 years, working Americans have paid the price for that haste and imprudence. With this amendment, that would never have happened and it could never happen again. This amendment simply says that Congress must have a strong enough, compelling enough reason to raise taxes, a reason that is so sound it persuades two-thirds of the Congress. My colleagues, if there ever was time for this amendment, that time is now.

Mr. SCOTT. Mr. Speaker, I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON), and we will have two speakers after that.

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, this must be an election year or something. The Republican majority this year fancies itself a constitutional convention, so many constitutional amendments have come forward.

The framers gave us a flawed document, but this was not the flaw in it. Why is two-thirds so rare in the Constitution for a presidential veto, for a constitutional amendment and for expulsion of a Member? Because the framers were democrats. They reserved minority power for fundamental rights only, not for everyday business of the House.

This amendment would create a field day for lawyers: the "de minimis" language in the amendment, for example "De minimis" in relationship to what?

Who is the majority afraid of? They control the House. Are they afraid they will raise taxes, like taxes on tobacco, for example, to save the lives of children?

We are not smarter than the framers. I like the framework they gave us. Let's keep it.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KASICH), the distinguished chairman of the Committee on the Budget.

Mr. KASICH. Mr. Speaker, I was on the road within the last month and I happened to be at a Holiday Inn. I changed my clothes, and I was getting ready to leave the Holiday Inn, and I walked past the door where there was a family. It kind of took me back to my youth. Remember when we used to go on vacation as a kid? We would spend the first 24 hours arguing about where we were going to stay and then the next 12 hours arguing about the fact that we did not stay at the right place.

I looked inside the hotel room, and there was mom and dad and the kids. And I say to Members of the House, like many of them in the gallery here today, and there was grandma and grandpa. Then I looked inside the room real quickly, because I kind of thought I saw myself there for just a minute thinking about my childhood. And there was mom and dad taking lunch meat and making sandwiches for all the people in that room.

I knew the kids were going to go in that little swimming pool in that Holiday Inn, and they were going to have some of the greatest times bonding as a family, understanding each other's love and caring, which we all need more of in this world.

When I looked in the room of that hotel, do my colleagues know what struck me and what touched my heart? Would it not be great if that family had more, would it not be great if that family could take that trip more than once a year, and would it not be great if that family could, instead of having to take the lunch meat and make the sandwiches, maybe that night they would get to go to McDonald's and they can get the quarter-pounder and extra large fries.

There are so many people in this Chamber today smiling about that story because there are so many people in this Chamber today that live that life. And this proposal is designed to say to the government officials and the politicians, "You are not going to get into the people's budgets anymore to make the government budget bigger and the family budget smaller."

Why do we want to lock in two-thirds? Because we think there is a crisis in the family in America today. We are not going to solve the problems of violence in our schools with another cop in the school yard. We are going to solve it with love and support and rebuilding of families.

So I want to compliment the gentleman today; and I think every Member ought to come to this floor and say that if the government at some point decides it has to take more power from families, they ought to have a large percentage of this House that goes along.

Frankly, tax cuts are not about economic theory. They are about personal power. And the more that moms and dads have in their hands, the better off their children are, the better off their communities are, the better off all the American people are. So that is why we think this is such an important issue.

I ask my colleagues not just to vote for this amendment to help that family in that Holiday Inn that I saw, but why do they not exercise a little self-interest and help their children and the children of their constituents so that family budgets get bigger, so that families are more powerful, that we have more love and peace in this country?

That is what this is really all about, not economic theory. Although that is a part of it, not economic theory. It is about the stuff of life and about the stuff of caring.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentlewoman from Wyoming (Mrs. CUBIN), who represents the entire State.

Mrs. CUBIN. Mr. Speaker, I rise in strong support of this resolution.

There is one fact that Americans must always bear in mind: The government spends their money because it does not have any money of its own to spend, period. It is their money when they earn it. It is their money when it is taken out of their paycheck before they ever see it. And it is still their money when the government spends it. And when it is their money that is spent, the government ought to be more accountable to them.

Do my colleagues know what we have done with the spending habits in this government? The average American family pays 40 percent of their income in taxes. What that means is we have stolen the choice of many of our young families as to whether or not one parent will stay home and raise the children and the other one go to work to support the family.

Now, as it is, one has to support the family and the other one works full-time to support the government. That means that they cannot be the room mother, they cannot stay home to take care of their ailing elderly parents, they have to work because they have to feed the government.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. RILEY), in hope that he would talk fast.

Mr. RILEY. Mr. Speaker, I rise today in strong support of the American taxpayer and in support of the tax limitation amendment.

This Congress, more than any other, has given the American people much-needed tax relief. But there is still a lot we must do. Taxes are still too high. The Tax Code is still too complicated.

Seventy-nine percent of the American people believe that it is far too easy for Congress to raise their taxes. Mr. Speaker, I agree with them.

Four out of the last five major tax increases passed Congress with less than a two-thirds majority. In my book, it should be much more difficult for this government to confiscate an even bigger chunk of the family's income. The time to turn this trend around has come. The tax limitation amendment will do just that.

Once again, we have heard from the naysayers and the doomsdayers who fear that the sky will fall if this tax limitation amendment is enacted. They say that a supermajority requirement will make it too difficult to raise taxes for their feel-good social policies. They are rightfully concerned, Mr. Speaker.

The tax limitation amendment will indeed make it tougher for Congress to raise taxes. That is exactly why I support it.

This year the average American family will work until approximately mid-May to earn enough income to pay an entire year's worth of taxes. Factor in local and state taxes, and U.S. taxpayers will spend more time working for the government than they will for their own families. Mr. Speaker, that is wrong.

This amendment will once and for all give Congress the needed discipline to hold the line on taxes. It will require a two-thirds supermajority vote in both Houses of Congress before any tax increase can be passed.

The American people know how to spend their hard earned income better than we do. It is time we let them keep more of it.

The SPEAKER pro tempore. The Chair would advise the Members that the gentleman from Texas (Mr. BARTON) has 8½ minutes remaining and the gentleman from Virginia (Mr. SCOTT) controls 9½ minutes.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I am wiping the tears from my eyes from the touching Holiday Inn story of the gentleman from Ohio (Mr. KASICH), where he peeked into the door and saw himself with this family.

And I just want him to know, wherever he is, that if that family had gotten a fair and honest campaign financing system that the Speaker of the House continues to bottle up, they would have more money. If that family in the Holiday Inn that he peeked in on was relying on Medicare or Social Security, they would oppose the amendment because it threatens their viability. If that family relied on a minimum wage, they would be hurt by this Republican Congress that does not want to raise the minimum wage.

□ 1445

If for all of the Republicans that claim that they are for lower taxes but for really huge tax loopholes, they would realize how fraudulent this measure is. It really takes some acting to pull this off every April around tax time. The same people who are willing to throw out and undercut the cornerstone of our democracy majority rule to let this repose in a small and a controlled system, reversing the principles of James Madison. I think that this is outrageous that we would permanently enshrine $450 billion corporate and tax loopholes in an amendment like this.

Ladies and gentlemen, I call on you this year, I called on you last year, I called on you the year before, reject this foolishness that demeans the House of Representatives.

Mr. BARTON of Texas. Mr. Speaker, it is my distinct pleasure and high honor to yield 4 minutes to the honorable gentleman from Rockwell, Texas (Mr. HALL), the chief Democratic sponsor of the tax limitation amendment. He has done an outstanding job on his side of the aisle in pushing this very necessary constitutional amendment.

Mr. HALL of Texas. Mr. Speaker, I stand here of course today with my colleagues to show my support for the tax limitation amendment. I have no ill will toward anyone on either side. It is an issue that reasonable men and women can differ. It is not a situation where a double handful of Republicans or just a few of us Democrats are for tax limitation. There are a lot of us that are for it. Last time, it got 170, 180 or 190 votes. That is not just a double handful of people. That is a ground swell, and it is a beginning.

We may not pass it this time. It has been said by my friend, the gentleman from Michigan (Mr. CONYERS), who is truly my friend, and he expresses his own thoughts on behalf of his own district and does it very well. I have to do the same thing. I can do it without rancor. I can do it without calling anybody names or anything. I just think that it makes sense to make it a little tougher to put taxes on anyone, to pass any more taxes.

Along the way to passing something like this, I think this will pass. It may not pass. As several speakers have said, it may not pass today, but it will pass in time and, along the way, good men and good women will differ.

It has been my privilege to work for this measure for the past 3 years with the gentleman from Texas (Mr. BARTON) and, of course, with the gentleman from Arizona (Mr. SHADEGG) and the gentleman from New Jersey (Mr. ANDREWS) and others.

The gentleman from Texas (Mr. BARTON) and I share the representation of probably two of the most conservative areas in the State of Texas. But that does not mean that they have a corner on the market of being smart or knowing how we tax people or how we should not tax people. They are simply fiscally conservative districts, and they think we ought to have a tax limitation amendment.

It will be a very responsible tool for providing continued budgetary discipline for those deserving constituents that we are standing here representing.

The premise behind the tax limitation amendment is simple, but it is very powerful. The Constitution would simply be amended to permanently reflect current House rules which were implemented in response to a past record of a lot of pork barrel spending. There is no question about that.

Look at the transportation bill we just passed. We just passed a balanced budget amendment and then passed a bill with an increase of 45 or 48 percent increase over the last budget, busts the budget by $20 billion or $30 billion. I think we just have to be sensible about it.

I think, also, it has been said that we cannot look into the future. One of the speakers over here who opposes this says we cannot look into the future. We may have more problems for Medicare and Medicaid. He is exactly right.

Henry Ford in 1913 thought he had the only assembly line that was ever going to be worth 15 cents. It happened so that same year they passed the IRS bill, the very first. And they could not look into the future, because they said it was temporary. It is a page and a half.

We will pass tax limitation. It is going to take some time. It took 15 or 20 years to get a balanced budget amendment, but it happened. It took 10 or 12 years to pass the Telecommunications Act, but it happened because good people kept pressing, good people kept pushing.

We are in the tenth or twelfth year on record to try to reauthorize the superfund legislation, but it is going to happen because it ought to happen. And I think so with the tax limitation, not for the rich, but for the working, for people who are working for money, have to buy school clothes in September, people who have to make payments on cars. They ought not to have their taxes passed on to them without having some say in it.

We are not taking that say away from anybody today. We are passing it on to the 50 States. They get last guess at whether or not this amendment ought to pass. Are we afraid of their decision? I think not.

I ask each Member of this Congress, maybe not today but before we vote again on it, for it or against it next year, and, yes, on tax day is a good day because people are very interested in taxes on April the 15th, walk out into your district and talk to the first 10 people you see. Do not handpick them and do not have a poll that you like. Walk out there and talk to the first 10 people that are having to pay taxes, no matter what their station in life is, no matter how far they are. Ask them if they are for making it a little more difficult to put taxes on their poor old backs. I think 9 out of 10 will tell you they are for the limitation tax bill, and so am I.

Mr. BARTON of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SOLOMON), the Chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I rise to associate my remarks with a good Democrat, the gentleman from Texas (Mr. HALL) and another good Republican, the gentleman from Texas (Mr. BARTON). Thank you for bringing this bill before us.

Mr. Speaker, I rise in support of this amendment to the Constitution of the United States to require a two-thirds vote to increase taxes.

This Congress needs to act to limit taxes. Our current tax system takes so much out of the take home pay of the average family that it is difficult to pay the rest of the bills.

We talk about the need to preserve families and family values, but then government takes away more and more, leaving families with less and less.

This tax limitation amendment is designed to make it more difficult for the Federal Government to take more of the people's money.

It will require the Congress to focus on options other than raising taxes to manage the Federal budget.

Some on the other side of this issue have argued that a requirement for a two-thirds vote to increase taxes is somehow undemocratic.

But the truth is that there are already numerous supermajority voting requirements.

For over a century and a half the House has required a two-thirds vote to suspend the rules and pass legislation. It requires a two-thirds vote to take up a rule on the same day that it is reported from the Rules Committee. The House also requires a three-fifths vote to pass bills on the Corrections Calendar.

On the other side of this building, the Senate requires a three-fifths vote of all Senators to end a filibuster.

Senate budget procedures require that three-fifths of the Senate must agree to waive points of order that would violate the budget approved by Congress.

There are ten instances in which the Constitution currently requires a supermajority vote. Seven of these were part of the original Constitution, and three were added through the amendment process.

The seven in the original Constitution are:

(1) Conviction in impeachment trials;

(2) Expulsion of a Member of Congress;

(3) Override a presidential veto;

(4) Quorum of two-thirds of the states to elect the President;

(5) Consent to a treaty;

(6) Proposing constitutional amendments; and

(7) State ratification of the original Constitution.

The three additional supermajority requirements included in the amendments to the Constitution are:

(1) Quorum of two-thirds of the states to elect the President and the Vice President;

(2) To remove disability for holding office where one has engaged in "insurrection or rebellion"; and

(3) Presidential disability.

It is no doubt important to require a two-thirds vote to remove the disability for holding office where one has engaged in "insurrection or rebellion". But it seems to me that increasing the burdens of taxation on our own citizens is a much more important decision in the life of this nation.

The adoption of a requirement for a two-thirds vote to raise taxes will ensure Congress has to think twice before it increases the burdens on hardworking American families. Members should vote for this rule and the constitutional amendment to make it harder to raise taxes.

Mr. SCOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in opposition to the resolution. The Constitution does not need to be fixed. If it is not broken, it does not need fixing.

Mr. Speaker, I rise today in strong opposition to House Joint Resolution 111, a constitutional amendment that would require a two-thirds majority vote in the U.S. House of Representatives and U.S. Senate to pass any bill increasing federal taxes, except in time of war or military conflict.

Mr. Speaker, I oppose this bill for many reasons, but the fundamental reason is the change in our tradition of majority rule which has governed our country, with limited exceptions, for the past two centuries. Over the years I have seen our system of checks and balances work to the benefit of the American people time and time again. When Congress gets out of sync with the American people, the people elect new Senators and Members of Congress. When the views of the public change more than those of the Members of Congress, we see more significant changes in the membership of the two Houses of Congress. These larger changes take place because individual voters take their right to vote seriously, and vote for individuals who represent their interests.

This system has worked well for over 200 years. Today, H.J. Res. 111 proposes to alter this system and give to one-third of the Members of either House of Congress the power to prevent Congress from increasing revenue collected by the government. Why is this being proposed? Supporters of this resolution say it is too easy to raise taxes. I find that difficult to accept. While I cannot vote on the floor of this House, I generally find consideration of legislation which will raise taxes difficult enough just to support, let alone vote for.

Our voting records are all reviewed carefully by our opponents at election time, and votes which are perceived to be unpopular back home are brought to the public's attention over and over again through political advertising. Votes to increase taxes are difficult votes, but there are times when it is in the national interest to do so. Traditionally, it has been the majority of the Members of Congress, together with the President, who determine what is in the national interest. H.J. Res. 111 would permit one-third of either House of Congress to make that decision for what could be the vast majority of Congress. For example, thirty-four Senators could subvert the wishes of 435 Members of the House and 66 Senators. This is an important point because the Constitution gives the power to originate tax measures to this body, the U.S. House of Representatives. Under the terms of H.J. Res. 111, the will of a vast majority of this body could be thwarted by 34 Senators. Mr. Speaker, this is not democracy and should not be supported.

There are many examples of the problems the proposed constitutional amendment would create, and I want to take a moment to briefly mention a couple. For example, would a provision that reduces revenues for five years but would raise them every year after that be prohibited? Are we to be stuck with current tax rates on the rich? Are those to be the maximum tax rates forever? Currently, the poor pay no federal income taxes. Are we to be stuck with the tax rate of zero percent for them forever? Under the terms of H.J. Res. 111, I submit we would be, because it will be very difficult to get two-thirds of both Houses of Congress and the President of the United States to sign a bill which would change those rates.

There is also the issue of tax loopholes. It is hard enough under current law to end these provisions which inure to the benefit of special interest groups. Let us not make it any harder.

Mr. Speaker, we are all up for re-election every two years. That alone is a strong enough disincentive to raise taxes only when it is in our national interest to do so. The voters are the check in our current system and the current system is working well. Under the current system, majority rules. Under H.J. Res. 111, the minority rules. Let's not change the Constitution to give this significant power to a minority of Congress.

Mr. SCOTT. Mr. Speaker, I yield the balance of the time to the gentleman from Michigan (Mr. BONIOR), the Minority Whip.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 7½ minutes.

Mr. BONIOR. Mr. Speaker, I thank my friend for yielding to me, and I appreciate the debate that we have had this afternoon.

This amendment would rewrite the Constitution to say that the tail should wag the dog. How else would you describe an amendment that empowers a minority of the Congress to dictate policy to the majority? How else can you describe an amendment that effectively denies a majority of Americans a voice on their own taxes? That is what the amendment would do.

But it is only one of 99 constitutional amendments that have been proposed in this Congress. So were Jefferson and Madison and the other framers of the Constitution so negligent that our Constitution actually needs 99 amendments? Are members of the 105th Congress so wise that we can propose 99 improvements to one of the greatest documents in the history of democracy?

America needs tax reform. We agree on that. But we do not need a constitutional amendment that would protect special interest loopholes.

Now, this proposal that we have been discussing today might as well be called a loophole protection act, because it will make it nearly impossible to eliminate tax loopholes that cost, every day, American taxpayers billions of dollars, like the tax breaks that companies that send American jobs overseas would get.

Or do you remember the bill we had just last Congress that would reward billionaires who renounce their American citizenship just to avoid taxes? That would be protected under this proposal. You would need supermajorities to deal with that, to repeal those benefits.

We have seen this proposal before. We voted it down in 1996. We defeated it again just last year. Bad ideas, like rotten fish, do not improve with age. This amendment is just one of a whole series of bad tax proposals the Republicans have put forward lately.

It is almost as bad as their plan to enact the national sales plan. They have a plan, listen to this, that would effectively force Americans to pay 30 percent more for a house, 30 percent more for a car, 30 percent more for your child's education, 30 percent more for everything. It's their sales tax proposal.

Under this plan, the heaviest burden, of course, would fall on those who could least afford it, working families, senior citizens, those on fixed income. They need tax relief, not what these folks are offering over here in the GOP.

What if the price of prescription drugs went up 30 percent overnight? Look at this chart: blood pressure, arthritis, diabetes, heart disease, inhaler drugs priced at a 30 percent increase on these basic commodities oftentimes used by our seniors. How would that affect them? How would it affect our mothers and our fathers and our grandparents who are living on a budget that is tight? How could they afford this 30 percent GOP tax increase?

The flat tax is another idea that they have, the GOP flat tax. If you are a middle-class family making between $25,000 and $100,000 a year, the GOP flat tax would actually mean a tax increase for you, a tax increase for you. If you make over $100,000 a year, as this chart shows, you would get a tremendous tax break. If you make between $25,000 and $100,000, you are paying.

So our message is that working families need tax relief, not a tax increase. Let us leave the Constitution alone. Let us defeat this ill-conceived amendment.

We are for tax cuts. I believe those cuts must be a part of a fair and a reasonable approach to tax reform, tax reform that genuinely helps America's working families. Like the education tax credit we recently adopted that would provide Hope scholarships and other types of tax credits and scholarships for higher education, make education more affordable for our families. Like the child care tax credit that makes raising families a little bit easier. Like the earned income tax credit that helps literally tens of millions of people in this country, those were Democratic proposals that help people specifically. And like, of course, the tax credit that we are suggesting this Congress that would help in child care for our families.

This kind of tax relief makes sense. It makes a difference in people's lives. We ought to focus on that, not on half-baked constitutional ideas that would take away from the majority the right to control, to have a say in the tax policies of this country.

I urge my colleagues to vote no on this proposal.

Mr. SCOTT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Texas (Mr. BARTON) is recognized for 4½ minutes.

Mr. BARTON of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, first, I want to commend the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. SCOTT) for the tone of the debate. I thought we had a good debate this year, and I appreciate your participation. I want to thank the gentleman from Texas (Mr. HALL), my chief Democratic sponsor, along with the gentleman from New Jersey (Mr. ANDREWS) for his efforts.

Mr. Speaker, the first Federal income tax that was levied on the American people was 1 percent of any net income over $3,000. Today, the average American taxpayer pays 39.8 percent in Federal and State taxes. That is an all-time high with the exception of World War II when we were fighting to maintain democracy against Naziism and imperialism of the empire of Japan.

Simply put, something needs to be done about that. We need a tax limitation amendment to the Constitution of the United States of America. When the original Constitution was written by our Founding Fathers, they made it unconstitutional to have an income tax. Unconstitutional. You could have had a 100 percent vote, and there would be no income tax because it was unconstitutional.

But the sixteenth amendment to the Constitution, which was passed in 1913, made income taxes constitutional. So we need a two-thirds vote to raise taxes, Federal taxes on the American people.

The question is, would it work? That is a fair question. We have not had anybody who opposes it say that it would not work. They are opposed to it for the reason that it would work.

There are 14 States that have requirements for supermajorities to raise taxes. And in those 14 States, their taxes are lower, their taxes go up slower, their economies grow faster, and more jobs are created than States that do not. So if it works in the States, I think it would work here in the Federal Government.

Is it supported by the American people? I will enter into the RECORD an endorsement letter from the American Legislative Exchange Counsel which is 3,000 legislators on a bipartisan basis around this country, endorsing the tax limitation amendment. The signer of this is the Speaker of the Arkansas House, a Democrat, Bobby Hogue. So the State legislators support it and think that it would work.

Mr. Speaker, I include that letter for the RECORD as follows:

AMERICAN LEGISLATIVE
EXCHANGE COUNSEL,
Washington, DC, April 17, 1998.

Congressman JOE BARTON,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN BARTON: The 3,000 state legislators who are members of the American Legislative Exchange Council (ALEC), the nation's largest bipartisan membership organization of state legislators, would like to voice their support of a federal amendment requiring a two-thirds supermajority vote in each chamber of Congress to pass any bill that would increase taxes.

The federal tax burden is at a record high. This year the average American family will spend more than 38 percent of their total income on federal, state and local taxes. More than they will spend on food, clothing, shelter and medical expenses combined. Tax increases fuel excessive government spending and smother economic growth and job creation. Thus, any increase in the tax burden should require a broad consensus. Taking money from hard working Americans should not be an easy task for the tax and spend politicians. A supermajority requirement would make tax hikes more difficult and shift the debate from tax increases to spending cuts.

Fourteen states already require a supermajority to raise taxes. These states have demonstrated faster economic growth, higher employment growth and experienced slower tax and spending increases, than the states without a supermajority requirement. A supermajority amendment would constrain tax and spend policies that squash economic opportunities for American families.

Congress has a momentous opportunity to provide a brighter, more prosperous future for this great nation. The states have shown the benefits of a supermajority requirement, now it is time to apply this experience to the federal government.

Sincerely,

Speaker BOBBY HOGUE,
Arkansas, National Chairman.

We have over 27 national groups that have endorsed the tax limitation constitutional amendment. I will enter that into the RECORD at this point in time.

The document referred to is as follows:

SUPPORTERS OF H.J. RES. 111, THE TAX LIMITATION AMENDMENT

Association of Concerned Taxpayers; American Conservative Union; American Legislative Exchange Council; Americans for Hope, Growth & Opportunity; Americans for Tax Reform; Associated Builders & Contractors; Christian Coalition; Citizens for a Sound Economy; Competitive Enterprise Institute; Concerned Woman for America; Council for Affordable Health Insurance; Council for Citizens Against Government Waste; Empower America; Family Research Council; Food Distributors International; National Association of Manufacturers; National Association of Wholesaler-Distributors; National Beer Wholesalers Association; National Federation of American-Hungarians; National Federation of Independent Business; National Tax Limitation Committee; National Taxpayers Union; Seniors Coalition; Small Business Survival Committee; United Seniors Association; U.S. Chamber of Commerce; and 60 Plus.

We have 10 groups that have keyvoted it, saying it is something that they have really taken a look at: the U.S. Chamber of Commerce, the Americans for Tax Reform, the Citizens for a Sound Economy, the National Taxpayers Union, the National Association of Manufacturers, 60 Plus, Seniors Coalition, Associated Builders and Contractors, National Beer Wholesalers.

We have got 10 governors who think it will work. I will enter their names in the RECORD, and they support it.

The document referred to follows:

KEY POINTS ON H.J. RES. 111, THE TAX LIMITATION AMENDMENT

Highest cosponsor total ever—186.

27 diverse groups from pro-business to profamily have endorsed TLA (See attached endorsement list).

Keyvote by: U.S. Chamber of Commerce; Americans for Tax Reform; Citizens for a Sound Economy; National Taxpayers Union; National Association of Manufacturers; 60 Plus; Seniors Coalition; Associated Builders and Contractors; and National Beer Wholesalers.

Have received encouragement/endorsement letters from the following Governors: Governor Christine Todd Whitman (NJ); Governor Mike Huckabee (AR); Governor Paul Cellucci (MA); Governor Frank Keating (OK); Governor Pete Wilson (CA); Governor Jane Dee Hull (AZ); Governor Kirk Fordice (MS); and Lt. Governor Bob Peeler (SC).

But the reason that I am here on the floor of the House of Representatives supporting this as strongly as I am is not because of all the groups that are for it, it is not because all of my colleagues are for it, it is because it is in the best interest of my family.

Nell Barton, retiree, widow on Social Security and teacher retirement, had to write a check for over $1,000 to pay her Federal income taxes 2 weeks ago. My son, Brad Barton, has graduated from graduate school, going into the job market; my daughter, Allison, just graduated from college, wants to be a teacher; my wife, Janet, who has been a homemaker while we have raised our children, wants to go back into the job market.

□ 1500

I do not want their taxes to go up, I am sorry. Our problem in Washington, D.C., is not lack of revenue. Do my colleagues know how much revenue increased from last year to this year at the Federal level? $126 billion. $126 billion. Do my colleagues know what the average is for the last 4 years? $106 billion. Do my colleagues know what the average is for the last 10 years? Over $60 billion.

My colleagues, our problem is not lack of revenue. Our problem is lack of spending discipline.

As the chairman of the Committee on the Budget, the gentleman from Ohio (Mr. KASICH), pointed out about 15 minutes ago, we need to make it tougher to raise taxes. Let us vote for a two-thirds constitutional requirement to raise taxes, send it to the other body, send it to the States, and hopefully three-fourths of the legislatures will ratify it and it will become a part of the Constitution of the United States of America.

Mr. Speaker, it is time to stop debating. It is time to vote to make it tougher to raise taxes.

Vote for the constitutional amendment.

Ms. PELOSI. Mr. Speaker, I rise in opposition to the tax limitation amendment to the Constitution. Mr. Speaker, this amendment is not appropriately named. A more accurate title would be the "Minority Rules Amendment," because it would require a two-thirds majority vote in the House and Senate to pass any bill increasing Federal revenues.

What we are debating here today is not whether taxes should be raised or lowered, but whether the majority of the House of Representatives should be empowered to make the tough decisions on one of the most important areas of governmental operation. The effects of the legislation before us would go far beyond debates on personal tax rates—this legislation would impose dangerous limits on our ability to address the health and social welfare needs of millions of Americans.

Some of the most critical areas of policy that this House will consider in the near future will involve debates about taxation, including tobacco control, Medicare, and Social Security.

On the issue of tobacco, we have research showing that price increases can be effective at reducing teen smoking—the most important aspect of tobacco legislation being considered this year.

Passage of the constitutional amendment before us would undermine our ability to enact legislation which puts this research to work, by making it more difficult to impose tax increases on tobacco products. It would mean that we cannot equally and fairly consider the range of options available to limit tobacco use among young people. Why should a minority of Members be empowered to proscribe our consideration of the options to reduce teen smoking?

On Social Security, there are numerous proposals being offered to secure the financial health of the trust fund for decades to come. And there are few issues more important to our constituents than protecting the stability of the social Security system. If we pass the legislation before us today, one potential ingredient of a comprehensive plan to support Social Security will become far more difficult to enact. I ask again, why should a minority of Members be able to stop congressional action in this area?

The point is not to make taxation easier. None of us want to do that. The point is maintain the principle of majority rule on essential matters before the Congress. It is to recognize that on the key issues before this House, we must take responsibility to act thoughtfully and wisely. The issue of taxation has implications for our ability to promote public health, lift seniors out of poverty, and address other national priorities. We must not abandon majority rule and limit our ability to fairly and honestly consider policy on these and other critical issues.

Mr. CARDIN. Mr. Speaker, I rise in opposition to H.J. Res. 111.

This joint resolution would eviscerate the principle of majority rule in this House with respect to the most fundamental power of the Congress. Article I, Section 8 of the Constitution enumerates the powers of the Congress. It begins with the words, "The Congress shall have Power to lay and collect Taxes."

Those words make clear the view of the Founders of the Constitution that the power to tax is the most basic power of the legislative branch of government. The men who wrote the Constitution were acutely aware of the dangers of the government's power to tax. Their anger and frustration over the taxing practices of the British government led to the American Revolution.

The framers of the Constitution also were familiar with the use of supermajority requirements. The Constitution reserves supermajorities to instances involving the fundamental processes of government, not substantive policy proposals. The House is required to produce a supermajority in only three cases—overriding a presidential veto, submitting a constitutional amendment to the states, and expulsion of a member from the House.

What is clear is that the American people are disgusted with our federal tax system. What is also clear is that the problem with the tax system in this country is not found in the Constitution. It is found in this Congress. Instead of tax reform, we continue to add complexity and confusion to a tax code that is already beyond comprehension for most Americans. We need tax reform, not constitutional gimmickry.

The fact is that this proposal is unworkable. The evidence of this is in the record of the majority party in this House. In January of 1995, fresh upon taking control of the House for the first time in forty years, the new majority amended the rules of this House to require a three-fifths majority to pass any tax increase.

During the 104th Congress, the rule came into play on five occasions. And each time, five out of five, the majority chose to waive the rule. At the start of this Congress, having learned from that embarrassing experience, the majority narrowed the rule to make it unlikely it will ever apply to any legislation.

Imagine the crisis that might have ensured had this constitutional amendment been in effect instead of the provision amending the rules of the House. Instead of simply having the Rules Committee waive the rule to permit the legislative process to function, we would have had a potential constitutional crisis. The last thing this country needs is to have the legislative process bogged down in extended court battles every time a revenue increase is included in any legislation.

Let me emphasize this problem. The vagueness of this amendment is a constitutional shipwreck waiting to happen. Most members of this body, and the overwhelming majority of the American people, agree on the need for comprehensive reform of our tax system. Under this amendment, however, tax reform—already facing an uphill political battle—will become all but impossible.

Tax reform will involve tremendous shifts in the ways the federal government collects revenues. As a supporter of a plan to move from the current tax system to a fairer, more simple, more efficient system based on a broad-based consumption tax, I am committed to the principle that tax reform must be accomplished on a revenue neutral basis.

But in tax reform, there will be winners and losers. If the constitution says that revenue increases must be approved by a two-thirds majority, the losers in tax reform will be sure to pursue the matter in court. The resulting delay and confusion will make it even more difficult to give the American people the tax reform they deserve.

Let me make one final point. The sponsors of this proposal argue that it is needed because without it, it is just too easy to raise taxes. Respectfully, that is a ridiculous notion. It is not easy to raise taxes. It has never been easy to raise taxes. It never should be, and it never will be.

Consider the 1993 tax bill, which the supporters of this proposal cite as an example of the horrors that the amendment would prevent. It passed by one vote margins in both Houses. It definitely wasn't easy.

But more important, had this amendment been in effect, that legislation would not be law. The budget of the United States, instead of heading for the first surplus in thirty years, would be hundreds of billions of dollars in the red. The national debt, instead of heading down, would be climbing toward $7 trillion. And instead of looking at the third tax cut bill in the three years, we would be in the depths of the fiscal crisis that gripped this country and choked our economy.

Mr. Speaker, let us not trivialize the Constitution. We should defeat this diversion, and move quickly to get on with the real business of tax reform.

Mr. CRANE. Mr. Speaker, I rise in strong support of H.J. Res. 111, the Tax Limitation Constitutional Amendment.

Since I was first elected to this body, I have fought against the growth of government in Washington. For most of my tenure, that fight was an uphill battle, and our rising debt and annual deficits were testaments to that fact. The last time our government enjoyed a budget surplus was the year I was first elected to Congress, 1969. Until recent years, Congress has been to blame for the lack of fiscal discipline, not the taxpayers. Even though we are enjoying a budget surplus, Americans have the highest tax burden since World War II.

Quite simply, the Tax Limitation Amendment proposes a constitutional amendment requiring a two-thirds majority vote of both the House and Senate for passage of a bill that would raise taxes, except in the case of war. Even taxes that were increased as a result of the United States involvement in a war would be in effect for no more than 2 years. That provision alone would have forced Congress after World War II to revisit the high taxes, and the implementation of mandatory tax withholding, that helped to fund our victory over tyranny, but which were unnecessary after peace was achieved.

Since 1980, four of the five tax increase bills passed with less than a two-thirds majority. The last tax increase, the 1993 Clinton tax increase, was the largest in America's history. That bill passed both Houses by a two-vote margin. Although it will do nothing to redress past tax increases, a supermajority requirement will protect the American taxpayers from future Congresses.

To those who have reservations or objections to making this part of the Constitution, I assure you that the Tax Limitation Amendment is completely consistent with that document. The Constitution demands that Congress consider important matters such as overriding presidential vetoes and passing constitutional amendments by two-thirds majorities. Certainly, protecting the wallets of American taxpayers from profligate Washington spending is just as important.

I urge my colleagues to join me in voting for the Tax Limitation Amendment.

Mr. SERRANO. Mr. Speaker, I rise in strong opposition to H.J. Res. 111, proposing an amendment to the Constitution to require a two-thirds supermajority vote in both House and Senate for any legislation that would raise revenues through changes to the Tax Code.

A supermajority requirement is a profoundly bad idea. Majority rule is a fundamental principle of our American government. To allow a minority in one Chamber to block urgently needed legislation for any reason—ideological, partisan, whatever—would stand that principle on its head.

Today, with no supermajority requirements, Congress can do a great many things with only a simple majority in each Chamber. Many of us consider these just as important as raising taxes. Yet no supermajority requirement is proposed for them:

Congress can declare war, surely one of the most significant powers granted us by the Constitution—by majority vote.

Congress can pass appropriations to protect and enhance the well-being of our people, through education, biomedical research, law enforcement, public health, housing, food safety, national security—by majority vote.

Congress can pass bills that invest in America's physical infrastructure, our highways and airways, transit systems, ports, and parks—by majority vote.

Congress can balance tax and spending provisions to deal with pressing budgetary and economic situations—by majority vote.

Congress can create or close tax loopholes for wealthy special interests or pass a steep hike in the federal tobacco tax—by majority vote.

Congress can permit or deny access to federally-funded abortions—by majority vote.

Congress can impose the death penalty for more crimes, and for ever-younger criminals—by majority vote.

Surely these policies are as important and deserve as much deference as raising taxes does.

Mr. Speaker, why are we wasting a day on this loser? The same amendment failed to pass in 1996 and actually lost support in 1997. There's no reason to believe it will do better this year. This is an exercise in empty rhetoric, nothing more.

There are other bills we could have taken up today that might actually accomplish something. But no, Republicans must prove their devotion to tax cuts above all other priorities by engaging in 3 hours of unproductive bombast and then failing to pass anything.

I urge my colleagues to oppose this misguided legislation.

Mr. PORTER. Mr. Speaker, I rise today to express my opposition to H.J. Res. 111, the Tax Limitation Amendment, which would require a two-thirds supermajority in both houses of Congress to approve increases in taxes.

Mr. Speaker, I believe our fiscal problems result from excessive spending and I do not favor tax increases. I voted against tax increases in 1983 and 1990 and President Clinton's 1993 tax increase, and I have supported fiscally conservative policies throughout my service in Congress. My voting record in this regard has earned numerous awards from groups such as the National Taxpayers Union, the Grace Commission's Citizens Against Government Waste, the U.S. Chamber of Commerce, Watchdogs of the Treasury, Inc., Citizens For A Sound Economy and the Concord Coalition, which rated my work in the last Congress at 100 percent.

Despite my strong opposition to tax increases, however, I do not feel it is appropriate to amend the Constitution by adding a two-thirds supermajority requirement to it for Congress to pass tax increases. Over 200 years ago, our forefathers founded our nation in tax revolt. King George III's imposition of huge and unfair levies without the consent of the American colonists led to their rallying cry of "no taxation without representation." The British crown's impositions, including heavy taxation, were among the principal causes of the American Revolution.

Within a decade, in 1787, the leaders of that revolution were writing a new constitution to govern the relationship among the new national government, the states, and the people. Heavy upon their minds was the power of the central government to tax, as can be seen throughout the document. Yet having the opportunity to require supermajorities for the imposition of any tax, they did not write such a provision into the new constitution.

Supermajorities are found in our Constitution for a number of purposes, but each one relates to the separation of powers and the system of checks and balances among the branches of government. No supermajority provisions concern policies which federal governments might seek to follow in the future. Our nation's wise founders clearly and explicitly placed their faith and the entire structure of our government in simple majority rule. This is the essence of our democratic Republic under the Constitution.

To write a two-thirds requirement for tax increases into the House rules is one thing. I support it and voted for ti during the last Congress. But to write the same provision into our Constitution to bind Americans for all time to come is quite a different matter. I cannot support it. I believe it should be a matter for the people of each time to determine on their own.

As always, I remain committed to cutting federal spending and to opposing tax increases. My view is that these policy decisions should be driven by the will of the people and the individuals they choose to elect in their time, not by the views of one generation enshrined as a constitutional mandate.

Mr. ISTOOK. Mr. Speaker, taxes are too high. Federal taxes take over a fifth of America's entire economic output—more than ever before in history, and many Americans pay half of their income in combined Federal, State, and local taxes.

And some people will do anything to throw up roadblocks and detours in our trip to fiscal responsibility. They don't want to make the journey toward a balanced budget in the first place. They like joyriding instead, and sending the bill to taxpayers. They want to spend, spend, spend, without regard for how much it costs or how much debt we build.

When confronted with the debt, they always do the same thing: Raise taxes, and pat themselves on the back for "making the tough decisions!"

Mr. Speaker, the joyride is over. This time we move toward a balanced budget, and we can't bill taxpayers for the trip.

Big government got us where we are. So big government can foot the travel costs to get us back to fiscal sanity. Cutting spending is the way to reach a balanced budget.

But the joyriders won't stop looking for a free ride from taxpayers, and that's why we need the Barton tax limitation amendment. No more detours. No more tax increases.

Let's pay our own way to a balanced budget. Support the Barton amendment.

The SPEAKER pro tempore (Mr. SNOWBARGER). All time for debate has expired.

Pursuant to House Resolution 407, the previous question is ordered on the joint resolution, as amended.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

The question was taken.

Mr. SCOTT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on final passage are postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize special orders without prejudice to resumption of legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan (Mr. STUPAK) is recognized for 60 minutes as the designee of the minority leader.

INVESTIGATION VIOLATIONS

Mr. STUPAK. Mr. Speaker, there are a number of issues I would like to address today in my time here as a special order: leaking underground storage tanks, on this, today being Earth Day; and also on food safety; but first, Mr. Speaker, I have something I would like to say. I think I, as all Americans, we should be outraged by the actions of the so-called investigations that are going on here in Washington, D.C.

Mr. Speaker, unfortunately these are not investigations but violations of everything that we hold as dear as American citizens. Every basic right, every fundamental belief on which this great country was founded upon is being trampled by a select few. But it is this few, those who think they are above the law, that give Congress and government a bad name.

But this is more than just giving Congress or government a real bad name. This is about privacy, it is about the Constitution, it is about the laws of this Nation, it is about the oath of office, and it is about our word.

Mr. Speaker, the chairman of the Committee on Government Reform and Oversight, the gentleman from Indiana (Mr. BURTON), has released private recorded conversations covered by the Privacy Act to the news media. The conversations released were those of Mr. Hubbell, and those conversations were amongst himself to his wife and his family, and they were subpoenaed by the committee from the Justice Department.

The gentleman from Indiana (Mr. BURTON) was allowed access to these recordings because of his position as a Member of Congress and as chairman of the Committee on Government Reform and Oversight. The gentleman from Indiana (Mr. BURTON) was warned by the Justice Department that Mr. Hubbell had a right to privacy, and that the gentleman from Indiana (Mr. BURTON) and his committee should safeguard these tapes against improper disclosure. The gentleman from Indiana (Mr. BURTON), a Member of Congress, put himself above the law and has purposefully released these tapes.

Does not a Member's oath of office, the Constitution of the United States, in which we are sworn to uphold the Bill of Rights, the Privacy Act, human decency mean anything any more? Since when is it okay for a Member of Congress to trample the rights of individual citizens, no matter who that Member of Congress is? It is never okay for anyone, let alone a Member of Congress, to trample the individual rights of individuals.

Mr. Speaker, the rule of law applies to everyone on every occasion. This government cannot pick and choose when to follow the law. The laws of this Nation mean everyone must follow the law. Everyone includes, and especially it includes, Members of Congress, those of us who are sworn to uphold the law.

When Members or individuals who are elected officials sit by and allow a chairman or any Member of this Congress to openly ignore the law, then we are not worthy of holding elected office. That is why I can no longer sit by while the gentleman from Indiana (Mr. BURTON) continues to place himself above and beyond the rule of law.

And then I must ask who is going to be the next target? Who is the next target of invasion of privacy, of violation of our constitutional rights? I often have to ask myself, in the last few days, why do the American people sit idly by and tolerate such an invasion of rights of privacy?

Mr. Speaker, in this case let us be very, very clear what is going on here. In this case the gentleman from Indiana (Mr. BURTON) is the first chairman in congressional history, in the 200-and-some years that we have had Congresses, to have the power to unilaterally, unilaterally issue subpoenas and release confidential information.

The Committee on Government Reform and Oversight set up a so-called document working group, and it is comprised of three Republicans, including the gentleman from Indiana (Mr. BURTON) and two Democrats. The working group is supposed to issue nonbinding recommendations on whether the chairman should release particular documents.

The gentleman from Indiana (Mr. BURTON) subpoenaed the Hubbell tapes from the Department of Justice. The Department of Justice is prohibited from publicly releasing these tapes because of the Privacy Act. But the Privacy Act has an exemption, and that exemption is for releasing information to Congress. So DOJ under the Privacy Act releases it to the Burton committee because they can, under an exception to the Privacy Act.

At the time of the release the Department of Justice informed the gentleman from Indiana (Mr. BURTON) of his responsibility to treat the tapes in a very sensitive manner. After all, the privacy law does apply to the Department of Justice, the custodian of these tapes.

Well, what happens? Then on March 19 the Wall Street Journal ran an article that excerpted pieces of tapes, of conversations contained on these tapes. So they put in their paper, they print parts of recorded private conversations. This is on March 19. At the time the Chairman was trying to force Mr. Hubbell to testify before the committee, so the way he was trying to force it was by leaking information. He was trying to intimidate the witness to testify.

And then in the May edition of the American Spectator, if anyone reads it, if you read the American Spectator, they ran an article on information from the tapes that the gentleman from Indiana (Mr. BURTON) received from the Department of Justice.

As Democrats learned of this, the gentleman from California (Mr. WAXMAN) in particular, he wrote to the gentleman from Indiana (Mr. BURTON) and asked him stop leaking the tapes: These are highly sensitive, you have been warned, do not do it. That was back on March 20, 1998. The gentleman from Indiana (Mr. BURTON) wrote back and said, "Look, I didn't leak the tapes. Since I had a unanimous consent, inserted it in the record, then the tapes could be released." That was on March 27, 1998.

The gentleman from California (Mr. WAXMAN) went back through the tapes and went back through the record, and he found by going through the record of the committee that there was no unanimous consent to release these tapes. And that was on April 2 when the gentleman from California (Mr. WAXMAN) wrote back and said there is no authority or unanimous consent to release this information.

The gentleman from Indiana (Mr. BURTON) did inform the gentleman from California (Mr. WAXMAN) on April 14 of his decision to make the tapes public. Private recorded conversations now going to be made public.

The gentleman from California (Mr. WAXMAN) requested that the gentleman from Indiana (Mr. BURTON) should immediately convene the working group, convene the working group to meet to determine whether the documents could even be released. That was on April 15, 1998. The gentleman from Indiana (Mr. BURTON) answered that he would not convene the working group and he was going to release the tapes immediately on April 15, 1998. At this point it is unclear how much of the tapes were released.

Mr. Speaker, the problem is here we have the Privacy Act that governs the release of information, a Member of Congress uses his office to obtain the information, and despite warnings that they not be released because they are subject to the Privacy Act, they are released anyway to intimidate a person to come and testify before a committee.

I do not know Mr. Hubbell and I do not know all the players involved here, but when do we allow Members of Congress to place themselves above the letter, the intent and the spirit of the law? Since when do we as Members of Congress sit by and watch other Members openly violate the law? And such an abuse of power, if we cannot do it through a front door, we try to slip it in through the back door.

Mr. Speaker, prior to coming to Congress I was a police officer up in the upper peninsula of Michigan, in Escanaba, and also with the Michigan State Police. I was injured in the line of duty and I was medically retired. But one of the last cases I worked on when I was in the State Police and actually was finalized was a criminal investigation involving a State legislator.

I did not leak information to the news media about the case. I did not violate her rights. I did not treat her unjustly, but only with humaneness and respect. I did not invade her right to privacy. I did not violate her constitutional rights. I did my job in a professional manner, and we got the conviction. I did my job within the bounds of the law, and we were still able to get our conviction. The case went to the Michigan Supreme Court and they upheld the conviction.

The point I am trying to make: There is a proper way and a way as Americans that we expect to conduct ourselves, not only as individuals but as law enforcement officers, as prosecutors, as chairmen of committees. You can do an investigation, an investigation which honors the law, and not violate the privacy rights. We did our investigation within the bounds of the law and not out of bounds.

Mr. BURTON's treatment of Mr. Hubbell is wrong, it is outside the law and is outside common decency, and it is contrary to what people and what we in government should and do stand for. I would hope that no future tapes would be released by the gentleman from Indiana (Mr. BURTON). I would hope that the Justice Department would intervene to protect the rights of citizens to their privacy, to their right of privacy and to the rights afforded all citizens of this great country.

Mr. Speaker, my theory is with the majority party, with all these investigations going on in Washington, D.C., from Mr. BURTON's committee to special prosecutor Ken Starr, each and every day Americans are having their rights violated under the guise of criminal investigations or grand jury investigations.

□ 1515

Mr. Speaker, the joke around here is, have you received your subpoena today? But it really is no joking matter when the prosecutor uses the grand jury and the subpoena power of the grand jury to conduct even the most basic initial inquiry of a witness; that is no substitute for professional investigation. It is my understanding from reading news accounts that the special prosecutor has some 70 to 75 FBI agents. People are being subpoenaed without ever being interviewed by law enforcement.

Why have a subpoena power or law enforcement working on a case when you are just going to subpoena people in. Every time you subpoena people in before a grand jury there is a cost involved of getting legal counsel; there is humiliation and probably the damage to the reputation. Instead of doing our work and doing our job the old-fashioned way, actually going out and pounding the pavement and interviewing witnesses to see if you have anything worthy to tell a grand jury, we are now dragging people underneath subpoena power.

When and under what right and authority does the special prosecutor have to go into book stores to get a list of the latest books you may have read or purchased? Is there not a privacy right there protecting individuals on the books they read? Or have we sunk so far as a country that we now start making lists of books that people read?

When is a mother forced to testify under subpoena about her own daughter? Once again, isn't there some privileged conversations here between a parent and their child?

When is it allowable for someone to leave a message on a telephone answering machine and then only to have the caller be subpoenaed for expressing an opinion about the special prosecutor investigation?

Mr. Speaker, I think we ought to ask ourselves what is going on here? How far have we gone? Why are we allowing this to go on? Where is the privacy? Where is the authority? Under what authority, what right, does the government have to do these things? Why are FBI agents, special prosecutors, chairmen of committees, Members of Congress, why do they believe they do not have to follow the law?

In the 5 years that I have been here, we have been working so hard to get government out of our lives, but now government has not only taken over our lives, they are taking over every aspect, even the most private of conversations. Even conversations in which we have been warned that there is a Privacy Act here and these are sensitive matters, but we still release them in the name of some investigation.

Whether you are a Democrat or Republican, a Liberal, a Conservative, or an Independent, you are an American, and if you are an American, you should be outraged by the actions and the abuses of power recently displayed in committees and by special prosecutors in these past few months.

I do not personally know the individuals involved, who may or may not have been subpoenaed. I only know what I read and have heard about in the newspapers. I do not know the guilt or innocence of people, and I am not here passing judgment on guilt or innocence. But I do know that as you do an investigation, there is a right way and there is a wrong way. There are certain rights and liberties as Americans that we hold dear to us. And if there is going to be agility or innocence determination, then the evidence must be fairly obtained, without violating the law, without the abuse of power. And then the guilt or innocence of an individual is brought before a judge and a jury.

It is not obtained by one government agency, subpoenaed by another government agency, and then released under the guise of some cloak of exception to the privacy rule because we are a Member of Congress. Whoever would do that has put themselves and this great body, the Congress of the United States, above the law, and we are not above the law. We are equal underneath the eyes of the law.

I know, and I believe, that as an American citizen, I have certain rights. As an American citizen, not even the Congress of the United States can take away those rights, and the Congress does not have the legal authority to violate or take away any of these rights.

As a human being, there is a certain decency and kindness, a dignity and respect, that all Americans and every individual should be afforded. Some would call those inalienable rights. They are to be upheld and honored. And that requirement goes to the chairman of the Government Reform and Oversight Committee. It goes to the special prosecutors in this town, and I wish they would begin to conduct themselves in professional, courteous manners, as law enforcement does in this country.

Having been there and having been in law enforcement and done these investigations, just coming back from break, I can't tell you how many of my friends in law enforcement have said what is going on out there? If we tried to do any of those things when we were doing criminal investigations or working the street, we would have certainly been in great difficulty.

Mr. Speaker, I yield to the gentleman from California, Mr. WAXMAN, the ranking Democrat on the Government Oversight Investigation Committee. I certainly appreciate his efforts in trying to bring these violations of rights forward that he sees happening on that committee. I am, quite frankly, ashamed of the way Congress has been conducting these hearings.

Mr. Speaker, I yield to the gentleman from California.

Mr. WAXMAN. Mr. Speaker, I want to compliment the gentleman on the superb job he has just done laying out the problems that we are seeing in the Committee on Government Reform and Oversight under the leadership of the gentleman from Indiana (Mr. BURTON). This committee has wide-ranging responsibility to conduct an investigation on an issue that is important to the American people. But the Republicans on that committee have delegated to Mr. BURTON extraordinary powers.

No chairman of any committee in the history of the House of Representatives has had the power to go out and issue subpoenas without asking anybody to approve it; not the minority, not even the majority members of his committee. And to date, Chairman BURTON has issued 1,049 information requests in connection with the campaign finance investigation.

Of these, by the way, 1,037 or 99 percent were issued to investigate allegations of Democratic fund-raising abuses, and he also had 532 out of 541 subpoenas, and 144 out of 146 depositions all targeting Democrats.

Now, no one in this Congress or the country can believe that the only campaign finance abuses have been by Democrats.

What is also so troubling to me is the statement that Congressman BURTON just made back home in his district. He was quoted as saying about the President of the United States, if I could prove 10 percent of what I believe happened, he would be gone. This guy is a scum bag. That is why I am after him.

This is the statement of the chairman involved in an investigation. It is clear that he has a vendetta. He is not in any semblance trying to conduct an inquiry that will be fair and bring out all the facts, wherever they may lead. He is out to get the President of the United States.

His statements, it seems to me, are so outrageous, quite vial. If they were delivered on the House floor as a Member of Congress, his words could be taken down. It is inappropriate for Members of Congress to speak that way. It is inappropriate for any American to speak that way about the President of the United States.

But you have reported in this special order one of the most troubling things that also concerns me, and that is the fact that Chairman BURTON has taken tapes of private, intimate, personal conversations, that Webb Hubbell has had with his wife and personal friends, and made them public.

These are tapes about very personal matters. They have nothing to do with anything that relates to the campaign finance question. For his staff to have sat there and eavesdropped over these conversations, and then to send them, as he did, to the American Spectator, one of the right-wing magazines in this country, and other publications, to humiliate the man, there is really know other purpose but to humiliate him.

Now, I do not know whether Webb Hubbell has committed any other crimes than that which he admitted to, and it is appropriate for law enforcement to investigate it. It would be appropriate for our committee to investigate any wrongdoing on his part that relates to the jurisdiction of our committee. But to use the power to release these personal conversations as a weapon against him, is so offensive, it reminds me of that comment that has gone down so well in history, that Joe Welch said at the Armey-McCarthy hearings: After all, have you no decency?

I wrote to the Attorney General and, by the way, she, under the law, could not have made these tapes public. Ken Starr could not have made these tapes public. And under the Rules of the House, even Chairman BURTON is not permitted to make these tapes public. He has done it, in violation of the rules of our committee, and I believe that the members of the committee will have to deal with that matter, and maybe even the Members of this House will have to further deal with the question of the ethical propriety of the chairman's conduct.

But when he was given these tapes by the Attorney General, he was specifically told that these personal matters were to be kept personal and confidential.

I am so troubled by Chairman BURTON's conduct, I think it is reprehensible. His statements are vial. They do not befit a chairman who is trying to take on such important responsibilities.

A lot of people have not paid attention to the investigation of the Burton committee, the way they did with Senator THOMPSON's committee. They just cannot take it seriously. But the power that this man has to subpoena documents, to force people to come in and be deposed, to have to hire lawyers to be there with them, and to ask questions that have nothing to do with campaign finance investigations. We have had witnesses who have been brought in and asked questions about their drug use, and if they don't want to answer that question, because it is not the business of the committee looking at campaign finance questions to ask such personal matters, they can argue that it is not pertinent, but then the chairman would make a ruling that it is.

They then have the choice of being in contempt of Congress and fighting it out in court, where they would probably win. But do you know what it means when an American citizen, who has never been accused of doing anything wrong, has to face the overwhelming intrusive power of the Congress of the United States, asking for their personal records, asking them the most personal questions? I can think of no greater invasion of personal liberties than what we have seen in this Burton investigation.

I think the disclosure, so out of sync with the rules of these Hubbell tips, are only the tip of the iceberg. What they have done to other witnesses by way of harassment speaks so poorly of any committee of the Congress of the United States.

I thank the gentleman for yielding me time and allowing me to join with him in expression of concern about the conduct we have seen.

Mr. STUPAK. If the gentleman would remain, we still have some time left. Before I get to other issues, you said a couple of things I would just like to ask about. You said there has been 1,049 different documents subpoenaed and depositions taken by this committee.

If the chairman of the committee, Mr. BURTON, is going to release information protected underneath the Privacy Act, obviously contrary to the intent and spirit in the written law, then what is there to prevent him from releasing these documents or the depositions or interviews of other people?

Have we gone so far that whatever government wants to do, despite personal liberties that we as Americans possess, government, at least this committee, can release whatever they want with impunity towards the law? Is there any recourse for action like this?

Mr. WAXMAN. Let me draw a distinction. If a committee of Congress asks a witness to come and testify at a hearing or to testify under oath in a deposition, that information should be made public. That is on the record.

Mr. STUPAK. A committee hearing.

Mr. WAXMAN. A committee hearing or deposition ought to be made public. We have insisted these depositions be made public, and some of them are still being held back from the public. But what we have in these that is so offensive about the process is that witnesses are being harassed to come in and testify, not one day, but sometimes two, three, four and five days. Just to answer any question they want to ask these witnesses. And that means that any witness that comes before a committee of Congress has to have an attorney. He just can't take a chance that he will do anything wrong. You need to have legal representation.

For someone working in the Department of Commerce, for example, or Secretary Babbitt's committee, where they were looking at the question of whether there ought to be a dog track approved to be turned into a gambling casino in Hudson, Wisconsin, we had 3 days of hearings on this issue. A lot of people were deposed before those hearings. Their depositions were released, but they never testified.

The people who worked as government civil servants were brought in to answer extensive questions. They had to hire a lawyer at their own expense, answer the questions. They did.

□ 1530

But they were asked to give depositions after they had already testified in the Senate and given depositions in the Senate committee. So they were being harassed for no purpose, because the information was already available.

This is a different issue, these subpoenas and depositions, than what happened with Web Hubbell, because what happened with Web Hubbell was a tape made without the intention of it ever being made public. Those who were involved in the conversations never dreamed that their private discussions would be made public. That is different from someone who comes in for a deposition.

Imagine just having a conversation with your wife about the family, about very intimate kinds of things, being taped; and you may even know it is being taped, but you expect it is never going to be disclosed; but then having it disclosed, or pored over by people who are, in effect, eavesdropping on the most sensitive kinds of communications.

Mr. STUPAK. Mr. Speaker, my concern with this whole mentality we have going right now in Washington, D.C. with all of these investigations, as we see in the Ken Starr case, going in the bookstores to find out what people read or what they may have purchased, someone leaving a message on a telephone answering machine, and then being subpoenaed before a grand jury to explain it because they expressed an opinion contrary to what, contrary to what the special prosecutor thought in this case; or a mother being forced to testify under subpoena about her daughter's activities.

As American citizens, again, whether you are a liberal, conservative, Democrat, Republican, or Independent, I think we should be concerned about where these investigations are going. Whether it is Web Hubbell, whether it is the Ken Starr investigation, we have certain rights and certain liberties that must be respected by law enforcement, by prosecutors.

Certain things are guaranteed in the Constitution, and I am afraid that in the last few months these things are getting so out of focus that we are using every possible means to force people to testify, whether it is against their will or not.

Certainly in the Hubbell matter, he chose not to testify before the committee, so tapes are being released to try to coerce him into testifying. We always hear that people are concerned about government is always in their face and is all-intrusive, and you cannot get away from the government. What are we getting, here? We are getting more and more of this, not less.

As we try to get government out of our lives, when it comes to an investigation, government not only is in our life, it is in the bookstore, it is on our answering machine, and it is in our personal conversations, and we have no control over it. And if we object, they find a way to come through the back door and violate our rights on what they cannot get through the front door.

As a former law enforcement officer and an attorney, I just really resent what is going on here. It reflects terribly upon every Member of Congress, because it is the Committee on Government Reform and Oversight and everyone who sits on that committee. I no longer sit on it. I did at one time, and we did some work in my first term here.

Where have we gone with this whole thing? This is totally out of control. Every Member of Congress should be outraged, and every American citizen should be outraged. These are rights and personal liberties guaranteed to us which are being trampled in the name of an investigation.

Mr. Speaker, I yield to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, this committee spent $6 million. They ought to have something to show for it. We have had only six public hearings over a period of 13 days, as opposed to Senator THOMPSON, his investigation, where they held 33 days of hearings, and they issued a 1,100 page report at a cost of less than $3.5 million.

The gentleman from Indiana (Mr. BURTON) it has been reported in the press is hoping to be on the committee that Speaker GINGRICH will set up if there is a possible inquiry of impeachment of the President of the United States. How can we have someone on a committee to decide whether to impeach the President of the United States when a Member has already said such a vile accusation against the President, and indicated he is out to get the President of the United States? We have clear bias, a vendetta, no objectivity or fairness. He is not interested in the facts. He has already made up his mind.

So I point that out. Let us stop spending money unless it is really for an investigation that will get to the facts, and not just be used recklessly for partisan purposes. I thank the gentleman for yielding to me.

Mr. STUPAK. Mr. Speaker, I thank the gentleman for coming down. I am not sure if he is aware, I was reading some articles, and I was so outraged over what I read. When I think back over what has happened in the last few months, I think every American should be outraged over what is going on.

I often tell my folks back home that when you have politicians investigating other politicians, what do you get? More politics. I really wish we would leave these to professional law enforcement, who certainly do respect the rights of individuals.

Mr. Speaker, I yield to my friend, the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Speaker, I thank the gentleman from Michigan (Mr. STUPAK) for yielding to me. It is an honor to be here. I want to compliment the gentleman for bringing this to the body's attention here, and I want to compliment the gentleman from California (Mr. WAXMAN) for the fine job he has done.

Like the gentleman, I was amazed when I looked at the article in the Wall Street Journal several weeks ago that talked about the taping of Webster Hubbell's conversations. I am not here to defend Webster Hubbell. I do not think anybody here is doing that. But there is a concern here that I think every American has to pay attention to, what we are doing here.

I heard the gentleman from California (Mr. WAXMAN) ask the question, have you no decency? That was exactly what went through my mind as I read what is going on here with the gentleman from Illinois (Chairman BURTON) and the committee we are dealing here with today.

The article was from the Wall Street Journal of March 19, 1998: "As he wasted away, the prisoner had but one thing on his mind. What he had on his mind was food during the time he was in prison. Webster Hubbell lost a lot of weight. He was concerned about food.

"His conversations were recorded, his phone conversations with his wife were recorded. There were no nefarious plots discussed, there were no illegal discussions that took place. They talked about incredibly mundane matters between a man and his wife. Unfortunately, those verbatim conversations made their way not only into the Wall Street Journal, but also into the American Spectator."

I would like to read or make reference to a letter that the gentleman from California (Mr. WAXMAN) wrote to the Attorney General, if I may, talking about this.

In the letter, which is dated April 20, the gentleman from California (Mr. WAXMAN) wrote: "I wrote to Chairman BURTON on March 20, 1998, and noted that the only possible sources for the tapes," the release of the tapes, "to the Wall Street Journal and the American Spectator were Independent Counsel Kenneth Starr or Chairman BURTON. It would be illegal for Mr. Starr to release the tapes, and it would be a violation of our committee rules if Chairman BURTON had released the tapes without notice."

On March 27 the gentleman from Indiana (Chairman BURTON) responded and argued that the released tapes were not a leak. In his letter he noted that, "In fact, the tapes in question were entered into the committee record on December 10th, 1997, during a hearing regarding Attorney General Reno's decision to seek appointment of an independent counsel."

That statement was not correct, as the gentleman from California (Mr. WAXMAN) responded on April 2 to Chairman BURTON'S letter and informed him, and this is Mr. Waxman, now: "I have thoroughly reviewed the transcript from the December 10th committee hearing. At no point were the tapes entered into the hearing record."

Mr. Waxman also challenged Chairman BURTON'S assertion that the leaked tapes discussed matters under investigation by the committee. Again, the reference in the media was to food.

"On April 14th of this year, just last week, in an apparent recognition that he had not received prior approval for the release of the Hubbell tapes, Chairman BURTON wrote and informed him of his intent to release the tapes and other records. And then in an April 15 letter the minority staff director informed Chairman BURTON'S staff director that he objected to the release of the tapes because they would be an unnecessary invasion of privacy and serve no purpose."

So what we have here is we have a situation where these tapes have been released. I understand that the gentleman from Indiana (Mr. BURTON) does not like Mr. Hubbell, and it is clear he does not like President Clinton. That is his right. If he does not like these two gentlemen, that is his right. He is in a position of authority. He is in a position of authority that should not be abused.

My concern is that the committee that I serve on along with the gentleman from California (Mr. WAXMAN) is abusing not only the rules of this House, but common rules of decency. We have an individual who has been punished under the law, as he should have been, Mr. Hubbell. But that does not mean that he has lost his citizenship, that does not mean he has lost all his rights. What it means is that he should be punished, and he has been. But even as a prisoner, he has some rights. To violate those rights I think is a gross invasion of privacy and is an embarrassment to this body.

I wanted to come down here to share the gentleman's sentiments, share the sentiments of the gentleman from California. The letter I was reading from was a letter from the gentleman from California (Mr. WAXMAN) to Attorney General Janet Reno. I concur with his question. The Attorney General should be looking into this matter, because it is an important matter. As soon as this body starts violating the rights of American citizens, we are on the road to tyranny, because it is just not something that should be tolerated.

Mr. STUPAK. Mr. Speaker, I thank the gentleman for adding to this discussion here today. The issue is not whether the conversation was about food or how mundane the discussion may have been, and what was or what was not the discussion that was recorded and then later released. It is the principle here. It is the constitutional right. It is the invasion of privacy.

We are not here defending Mr. Hubbell or even the President of the United States. They can defend themselves. If someone does not appreciate the job they are doing or did, that is their right. But there are some rights where you are restricted from going, whether you are a private citizen or a member of the United States Congress or a law enforcement officer.

The principle of privacy is something we as Americans have always held near and dear to us, so when they say you have no shame, or you have no respect or no decency, I guess those who would release this information have no shame and have no respect for the Constitution and the laws of this country.

When we start putting ourselves above the law, or using documents that are obtained, and the only way they were obtained is because a Member of Congress, a chairman of a committee, subpoenaed them, otherwise, no other citizen could get them; and then to be used to release or to try to intimidate a person to come in and testify, where have we gone as a country?

We talk about morals and ethics and values in this country, but when we use those kinds of tactics to try to force people to testify, if you will, against themselves, then have we really gone way too far?

I really do hope that the Attorney General does investigate this and puts some restriction on, or calls back these tapes. I would hope that the media would use their good judgment and not release these documents that are sensitive and private conversations between a husband and his wife.

Whether we agree with the parties or not, they still have an expectation of privacy. We know that expectation of privacy has been invaded, has been violated, but I do not think that then gives the media justification to print it. So I would hope that by bringing forth this discussion today, that all Members of Congress and our friends in the media would use some good common sense as these investigations go on and as questionable tactics come to light.

Again, it is not just the Burton investigation, if you will, but also what is happening with Ken Starr, with people going into bookstores to see what you may or may not have read or purchased recently, on tape recordings, on answering machines, and people then get subpoenaed.

I would hope, I would certainly hope, that we would respect and bring some decency to these investigations and what is going on. Whether people are guilty of this or that will be determined by another body. We would need a judge or jury, and we should at least respect the Constitution and laws which we all live under.

Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Speaker, I want to echo what the gentleman is saying. I think the people of this body and of this country have to understand the magnitude of what is going on. Webster Hubbell may not be a particularly admirable figure to many Americans, but he does have rights. Every American has rights.

If we start down the road where we can basically violate someone's rights because we do not like them, then I think every one of us in this Chamber is in danger, I think every American is in danger.

Just think about it for a second. Think about any conversation that you have with your spouse, about any conversation you have with a family member, think about any conversation you have with a friend. Think about that conversation being taped. Then think about that conversation being released to the public, to the media, because someone in a position of authority does not like you. They do not like your politics, they do not like what you have done in the past, and they are going to use that position of authority to try to destroy you.

That is extremely dangerous. That is something that Americans cannot just let happen on a daily basis. I am afraid that what we are seeing in this Chamber and what we are seeing in this committee structure and some of the investigations is we are seeing steps toward that, where truly the ends justify the means, and an investigator has decided that we do not like this person and they are guilty of something.

There is an article from the Star News today, or actually from April 16, and it talks about the committee's database that we have here in Washington from the committee that I serve on:

> The oversight committee's database on Capitol Hill contains 90,000 entries that pertain to questionable conduct by the administration. Somewhere in all that BURTON believes is an indictable offense.

I will take any American, any American, and if you give me 90,000 entries about their life, they have done something wrong. What we have here is we have a situation where a completely one-sided investigation is out to paint Democrats and the administration in a bad light.

I think the American people see through it. They recognize that virtually none of the subpoenas have been directed towards Republicans, and there is not a person in this world, in this country, who believes that all Republicans are wonderful and all Democrats are terrible. That is just not the way it is. I am not here to say that Democrats are 100 percent good, but I am certainly here to say that Republicans are not 100 percent good.

If we are going to have an investigation, we should have a fair investigation. This is not a fair investigation.

□ 1545

Mr. STUPAK. Mr. Speaker, I thank the gentleman. And whether we are a Democrat or Republican, again it is the basic principles and beliefs that all Americans hold near and dear to them. And if we are going to do an investigation, let us do it based upon the law of this land and not upon the position we may hold in the government or elsewhere, and respect those laws.

I thank the gentleman and thank him for coming down. He probably did not realize that I was going to do this today, and neither did I until I woke up this morning and read the paper. It got me going.

Mr. Speaker, I did say I was going to spend a few minutes on leaking underground storage tanks and if there is time, I would still like to do that. Being Earth Day, one of the bills that I have worked on in the 104th and 105th Congresses is the leaking underground storage tanks. Today being Earth Day, it is a bill that both myself and the gentleman from Colorado (Mr. DAN SCHAEFER), a Republican and member of the Subcommittee on Health and Environment with me on the Committee on Commerce, we have been pushing this bill for the last two years.

The last Congress, the 104th Congress, it passed this House by near unanimous agreement and went to the other body, and unfortunately it died over there. In the 105th Congress, I believe it was July of last year we once again passed the bill.

The bill is supported by the administration and supported by the Environmental Protection Agency. And the reason why it is, the greatest pollutant of our groundwater is leaking underground storage tanks which contain gasoline and other petroleum products, oil, gas, kerosene, whatever it may be.

That bill once again sits before the other side of this House, over in the Senate side, and we would hope that they would see to it that they would bring that bill up very, very soon.

What the bill does is reorganize the program. There is a trust fund which petroleum companies and others pay into to help clean up leaking underground storage tanks. Again, the greatest pollutant of our groundwater is leaking underground tanks. On this Earth Day one of the best things we could do is pass this bill to get that leaking underground storage tanks program up and running in this country.

In my home State of Michigan we did have a Michigan Underground Storage Tank Act. Unfortunately, that fund has gone bankrupt and we need to pump some new life and some new money into it, and the bill we have would certainly do that.

Mr. Speaker, one other issue that I said I would speak on is food safety. In my work on the Subcommittee on Health and Environment we have been watching closely food safety and food safety agreements and how they are affected by trade agreements.

In this country we have the world's highest standards when it comes to food and food safety. Unfortunately, from statistics from the Centers on Disease Control, we have found that every second of every day an American is stricken with food poisoning. We know that 33 million Americans this year will suffer from food poisoning. Of those 33 million Americans, 9,000 deaths will occur due to food poisoning.

Why do we have so many deaths when we have the highest standards in the world? Why are so many Americans getting sick based on food poisoning? If we take a look at statistics put forth by those who are in charge of food inspection, the Food and Drug Administration and the Department of Agriculture and others, back in 1981 we used to make 25,000 inspections of food. In 1996, we made 5,000 inspections of food in this country.

During that same period of time, especially since the passage of NAFTA, the North American Free Trade Agreement, food imports in this country have gone up some 40 percent. In fact, in my home State of Michigan during the winter months 70 percent of the food, the fruits and vegetables, 70 percent of the fruits and vegetables that come into Michigan come from foreign countries. And we know that a food item from a foreign country is likely to have three times greater amount of pesticides on it than those grown domestically in the United States.

So as we were doing food safety issues relating to trade agreements, we asked the President as we are negotiating these trade agreements if three things could happen: Number one, certainly increase our inspections at the border so that we prevent contaminated foods or foods laced with pesticides, prevent them from coming into this country, and to make sure that those foods, fruits, vegetables, meats, fish or poultry, meet United States standards.

Secondly, to renegotiate some of the provisions of the trade agreements that allow us time to inspect food shipments coming into this country. Right now we inspect about 1 percent. We have 9,000 trucks a day coming in from the southern border bringing in food products, but we are only inspecting 1 percent. Is it any wonder why more and more food is getting into this country not being inspected?

And finally, the last but not least, we asked the President if we could put forth and if he would endorse the idea of a country of origin food labeling, so if we go to the supermarket and take a look at the tomatoes and decide whether or not to purchase those tomatoes, we would know if they were grown in Florida, which at one time had the world's tomato market and now they are second to Mexico, or whether or not they were grown in Mexico. And those are the issues that the American consumers, who will have the ultimate choice here, consumers really should make.

In my home State of Michigan we had, in the spring of 1997, 179 schoolchildren stricken by tainted strawberries in the school lunch program. Now it is up to 324 cases of hepatitis A. Those strawberries came from Mexico. When they were shipped into the United States, they were packaged in the hot lunch program and distributed throughout this country.

Our concern and our problem, and I said earlier that are there is a greater likelihood that foods and fruits and vegetables from other countries have three times more pesticides than what we use here in the United States, our concern is simply this: While we have these young children ages 10 to 11 in Michigan being very ill with hepatitis A, they got over hepatitis A but now they are suffering from secondary symptoms. The secondary symptoms are atypical of hepatitis A. By that I mean they have hair loss and skin rashes and sores in their mouth and shingles at 10 years old, and a number of secondary symptoms and illnesses, certainly not due to hepatitis A but other things that were in those strawberries.

Recently we were down in Mexico doing some work on trade agreements and we saw the sanitation, or I should say the lack of sanitation, the lack of clean water, the use of pesticides on agricultural crops. So it is no wonder that they are having secondary symptoms when we do not know what is the cause of those secondary symptoms. Could it be lead? Could it be mercury? Could it be pesticide use? Those are some of the suspected agents that we have.

We then went to the Central Valley of California and we saw their conditions and standards that they use to grow, package and bring forth produce in this country. A vast world of difference. But yet the farmers there were telling us that many of the products that we may see in our store and canned under U.S. label are actually grown in other countries, and they do not have to put where it was grown, just where it was canned or packaged.

In particular, olives, black olives, the market used to be in California. It is now in Mexico. It comes over, they cut off the top and the bottom, take the pit out and put it in the can and it says "canned in the United States." It does not say that the produce, or in this case the olives, were canned in the United States but in fact they were grown in Mexico.

So we can see how the problems of food safety enter into our food supply each and every day. So having the world's highest standards concerning fruits vegetables, meat, poultry, there are some things we can do as American consumers.

We have been pushing legislation to get proper labeling with country of origin, so that we as the American consumer can decide whether or not we want to serve these strawberries from Mexico or from southern California to our family; or Guatemalan raspberries, where we had 15,000 people stricken last year with those; or whatever other fruit or vegetable or meat or poultry it may be.

So as we continue this debate, Mr. Speaker, on trade issues, I would hope that we stop and not lower our standards to allow trade and items to come into the United States, but maintain the rigid standards that we have in the United States, not just for fruits and vegetables and meats and fish and poultry but for all products. I find it amazing that in this country we can insist upon standards for CDs and intellectual property and movie rights, but yet we cannot insist on the same standards that would apply to our food and our food sources in this great country. While we have the world's highest standards, we must maintain them.

We are not opposed to trade policies; we are opposed to trade policies which reduce or lessen our standards that we have accepted here in the United States.

So, Mr. Speaker, with that I would close. The next big fight on trade may be the Multinational Agreement on Investment, which once again would attack our health, our environmental and our food and safety standards in this country. So I would ask all Members to be alert for the MAI, the Multinational Agreement on Investment, which once again is a way of lowering our standards that we are used to here in this country and attacks our sovereignty as a Nation.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 5:15 p.m.

Accordingly (at 3 o'clock and 56 minutes p.m.), the House stood in recess until 5:15 p.m.

□ 1737

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 5 o'clock and 37 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1252, JUDICIAL REFORM ACT OF 1998

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105-491) on the resolution (H. Res. 408) providing for consideration of the bill (H.R. 1252) to modify the procedures of the Federal courts in certain matters, and for other purposes, which was referred to the House Calendar and ordered to be printed.

TAX LIMITATION CONSTITUTIONAL AMENDMENT

The SPEAKER pro tempore. The pending business is the question of the passage of House Joint Resolution 111 on which a recorded vote was ordered.

The Clerk read the title of the joint resolution.

RECORDED VOTE

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The vote was taken by electronic device, and there were—ayes 238, noes 186, not voting 9, as follows:

[Roll No. 102]

AYES—238

Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Gingrich
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jenkins
John
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Maloney (CT)
Manzullo
McCarthy (NY)
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pallone
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sánchez
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shays
Sherman
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—186

Abercrombie
Ackerman
Allen
Baesler
Baldacci
Barrett (WI)
Becerra
Bentsen
Bereuter
Berman
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Boyd
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gillmor
Gutierrez
Hall (OH)
Hamilton
Hill
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hostettler
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Scott
Serrano
Shaw
Sisisky
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—9

Bateman
Brown (CA)
Dixon
Gonzalez
Hastings (FL)
Hefner
Istook
Schumer
Tanner

□ 1758

So (two-thirds not having voted in favor thereof) the joint resolution was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

PERSONAL EXPLANATION

Mr. ISTOOK. Mr. Speaker, I regret could not be present to vote for the Tax Limitation Amendment. I am attending a special family milestone—my oldest son's graduation from college. Had I been present I would have voted AYE.

CONFERENCE REPORT ON S. 1150, AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM ACT OF 1998

Mr. SMITH of Oregon submitted the following conference report and statement on the Senate bill (S. 1150) to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national or multistate significance, to reform, extend, and eliminate certain agricultural research programs, and for other purposes:

CONFERENCE REPORT (H. REPT. 105-492)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1150), to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national or multistate significance, to reform, extend, and eliminate certain agricultural research programs, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Agricultural Research, Extension, and Education Reform Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Short titles for Smith-Lever Act and Hatch Act of 1887.

TITLE I—PRIORITIES, SCOPE, REVIEW, AND COORDINATION OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION

Sec. 101. Standards for Federal funding of agricultural research, extension, and education.
Sec. 102. Priority setting process.
Sec. 103. Relevance and merit of agricultural research, extension, and education funded by the Department.
Sec. 104. Research formula funds for 1862 Institutions.
Sec. 105. Extension formula funds for 1862 Institutions.
Sec. 106. Research facilities.

TITLE II—REFORM OF EXISTING AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION AUTHORITIES

Subtitle A—Smith-Lever Act and Hatch Act of 1887

Sec. 201. Cooperative agricultural extension work by 1862, 1890, and 1994 Institutions.
Sec. 202. Plans of work to address critical research and extension issues and use of protocols to measure success of plans.
Sec. 203. Consistent matching funds requirements under Hatch Act of 1887 and Smith-Lever Act.
Sec. 204. Integration of research and extension.

Subtitle B—Competitive, Special, and Facilities Research Grant Act

Sec. 211. Competitive grants.
Sec. 212. Special grants.

Subtitle C—National Agricultural Research, Extension, and Teaching Policy Act of 1977

Sec. 221. Definitions regarding agricultural research, extension, and education.
Sec. 222. Advisory Board.
Sec. 223. Grants and fellowships for food and agricultural sciences education.
Sec. 224. Policy research centers.
Sec. 225. Plans of work for 1890 Institutions to address critical research and extension issues and use of protocols to measure success of plans.
Sec. 226. Matching funds requirement for research and extension activities at 1890 Institutions.
Sec. 227. International research, extension, and teaching.
Sec. 228. United States-Mexico joint agricultural research.
Sec. 229. Competitive grants for international agricultural science and education programs.
Sec. 230. General administrative costs.
Sec. 231. Expansion of authority to enter into cost-reimbursable agreements.

Subtitle D—Food, Agriculture, Conservation, and Trade Act of 1990

Sec. 241. Agricultural Genome Initiative.
Sec. 242. High-priority research and extension initiatives.
Sec. 243. Nutrient management research and extension initiative.
Sec. 244. Organic agriculture research and extension initiative.
Sec. 245. Agricultural telecommunications program.
Sec. 246. Assistive technology program for farmers with disabilities.

Subtitle E—Other Laws

Sec. 251. Equity in Educational Land-Grant Status Act of 1994.
Sec. 252. Fund for Rural America.
Sec. 253. Forest and rangeland renewable resources research.

TITLE III—EXTENSION OR REPEAL OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION AUTHORITIES

Sec. 301. Extensions.
Sec. 302. Repeals.

TITLE IV—NEW AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION INITIATIVES

Sec. 401. Initiative for Future Agriculture and Food Systems.
Sec. 402. Partnerships for high-value agricultural product quality research.
Sec. 403. Precision agriculture.
Sec. 404. Biobased products.
Sec. 405. Thomas Jefferson Initiative for Crop Diversification.
Sec. 406. Integrated research, education, and extension competitive grants program.
Sec. 407. Coordinated program of research, extension, and education to improve viability of small and medium size dairy, livestock, and poultry operations.
Sec. 408. Support for research regarding diseases of wheat and barley caused by Fusarium graminearum.

TITLE V—AGRICULTURAL PROGRAM ADJUSTMENTS

Subtitle A—Food Stamp Program

Sec. 501. Reductions in funding of employment and training programs.
Sec. 502. Reductions in payments for administrative costs.
Sec. 503. Extension of eligibility period for refugees and certain other qualified aliens from 5 to 7 years.
Sec. 504. Food stamp eligibility for certain disabled aliens.
Sec. 505. Food stamp eligibility for certain Indians.
Sec. 506. Food stamp eligibility for certain elderly individuals.
Sec. 507. Food stamp eligibility for certain children.
Sec. 508. Food stamp eligibility for certain Hmong and Highland Laotians.
Sec. 509. Conforming amendments.
Sec. 510. Effective dates.

Subtitle B—Information Technology Funding

Sec. 521. Information technology funding.

Subtitle C—Crop Insurance

Sec. 531. Funding.
Sec. 532. Budgetary offsets.
Sec. 533. Procedures for responding to certain inquiries.
Sec. 534. Time period for responding to submission of new policies.
Sec. 535. Crop insurance study.
Sec. 536. Required terms and conditions of Standard Reinsurance Agreements.
Sec. 537. Effective date.

TITLE VI—MISCELLANEOUS PROVISIONS

Subtitle A—Existing Authorities

Sec. 601. Retention and use of fees.
Sec. 602. Office of Energy Policy and New Uses.
Sec. 603. Kiwifruit research, promotion, and consumer information program.
Sec. 604. Food Animal Residue Avoidance Database program.
Sec. 605. Honey research, promotion, and consumer information.
Sec. 606. Technical corrections.

Subtitle B—New Authorities

Sec. 611. Nutrient composition data.
Sec. 612. National Swine Research Center.
Sec. 613. Role of Secretary regarding food and agricultural sciences research and extension.
Sec. 614. Office of Pest Management Policy.
Sec. 615. Food Safety Research Information Office and National Conference.
Sec. 616. Safe food handling education.
Sec. 617. Reimbursement of expenses incurred under Sheep Promotion, Research, and Information Act of 1994.
Sec. 618. Designation of Crisis Management Team within Department.
Sec. 619. Designation of Kika de la Garza Subtropical Agricultural Research Center, Weslaco, Texas.

Subtitle C—Studies

Sec. 631. Evaluation and assessment of agricultural research, extension, and education programs.
Sec. 632. Study of federally funded agricultural research, extension, and education.

Subtitle D—Senses of Congress

Sec. 641. Sense of Congress regarding Agricultural Research Service emphasis on field research regarding methyl bromide alternatives.
Sec. 642. Sense of Congress regarding importance of school-based agricultural education.

SEC. 2. DEFINITIONS.

In this Act:

(1) 1862 INSTITUTION.—The term "1862 Institution" means a college or university eligible to receive funds under the Act of July 2, 1862 (12 Stat. 503, chapter 130; 7 U.S.C. 301 et seq.).

(2) 1890 INSTITUTION.—The term "1890 Institution" means a college or university eligible to receive funds under the Act of August 30, 1890 (26 Stat. 419, chapter 841; 7 U.S.C. 321 et seq.), including Tuskegee University.

(3) 1994 INSTITUTION.—The term "1994 Institution" means 1 of the 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note)) (as amended by section 251(a)).

(4) ADVISORY BOARD.—The term "Advisory Board" means the National Agricultural Research, Extension, Education, and Economics Advisory Board established under section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123).

(5) DEPARTMENT.—The term "Department" means the Department of Agriculture.

(6) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 3. SHORT TITLES FOR SMITH-LEVER ACT AND HATCH ACT OF 1887.

(a) SMITH-LEVER ACT.—The Act of May 8, 1914 (commonly known as the "Smith-Lever Act") (38 Stat. 372, chapter 79; 7 U.S.C. 341 et seq.), is amended by adding at the end the following:

"SEC. 11. SHORT TITLE.

"This Act may be cited as the 'Smith-Lever Act'.".

(b) HATCH ACT OF 1887.—The Act of March 2, 1887 (commonly known as the "Hatch Act of 1887") (24 Stat. 440, chapter 314; 7 U.S.C. 361a et seq.), is amended by adding at the end the following:

"SEC. 10. SHORT TITLE.

"This Act may be cited as the 'Hatch Act of 1887'.".

TITLE I—PRIORITIES, SCOPE, REVIEW, AND COORDINATION OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION

SEC. 101. STANDARDS FOR FEDERAL FUNDING OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION.

(a) In General.—The Secretary shall ensure that agricultural research, extension, or education activities described in subsection (b) address a concern that—

(1) is a priority, as determined under section 102(a); and

(2) has national, multistate, or regional significance.

(b) Application.—Subsection (a) applies to—

(1) research activities conducted by the Agricultural Research Service; and

(2) research, extension, or education activities administered, on a competitive basis, by the Cooperative State Research, Education, and Extension Service.

SEC. 102. PRIORITY SETTING PROCESS.

(a) Establishment.—Consistent with section 1402 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101), the Secretary shall establish priorities for agricultural research, extension, and education activities conducted or funded by the Department.

(b) Responsibilities of Secretary.—In establishing priorities for agricultural research, extension, and education activities conducted or funded by the Department, the Secretary shall solicit and consider input and recommendations from persons who conduct or use agricultural research, extension, or education.

(c) Responsibilities of 1862, 1890, and 1994 Institutions.—

(1) Process.—Effective October 1, 1999, to obtain agricultural research, extension, or education formula funds from the Secretary, each 1862 Institution, 1890 Institution, and 1994 Institution shall establish and implement a process for obtaining input from persons who conduct or use agricultural research, extension, or education concerning the use of the funds.

(2) Regulations.—The Secretary shall promulgate regulations that prescribe—

(A) the requirements for an institution referred to in paragraph (1) to comply with paragraph (1); and

(B) the consequences for an institution of not complying with paragraph (1), which may include the withholding or redistribution of funds to which the institution may be entitled until the institution complies with paragraph (1).

(d) Management Principles.—To the maximum extent practicable, the Secretary shall ensure that federally supported and conducted agricultural research, extension, and education activities are accomplished in a manner that—

(1) integrates agricultural research, extension, and education functions to better link research to technology transfer and information dissemination activities;

(2) encourages regional and multistate programs to address relevant issues of common concern and to better leverage scarce resources; and

(3) achieves agricultural research, extension, and education objectives through multi-institutional and multifunctional approaches and by conducting research at facilities and institutions best equipped to achieve those objectives.

SEC. 103. RELEVANCE AND MERIT OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION FUNDED BY THE DEPARTMENT.

(a) Review of Cooperative State Research, Education, and Extension Service.—

(1) Peer review of research grants.—The Secretary shall establish procedures that provide for scientific peer review of each agricultural research grant administered, on a competitive basis, by the Cooperative State Research, Education, and Extension Service of the Department.

(2) Merit review of extension and education grants.—

(A) Establishment of procedures.—The Secretary shall establish procedures that provide for merit review of each agricultural extension or education grant administered, on a competitive basis, by the Cooperative State Research, Education, and Extension Service.

(B) Consultation with advisory board.—The Secretary shall consult with the Advisory Board in establishing the merit review procedures.

(b) Advisory Board Review.—On an annual basis, the Advisory Board shall review—

(1) the relevance to the priorities established under section 102(a) of the funding of all agricultural research, extension, or education activities conducted or funded by the Department; and

(2) the adequacy of the funding.

(c) Requests for Proposals.—

(1) Review results.—As soon as practicable after the review is conducted under subsection (b) for a fiscal year, the Secretary shall consider the results of the review when formulating each request for proposals, and evaluating proposals, involving an agricultural research, extension, or education activity funded, on a competitive basis, by the Department.

(2) Input.—In formulating a request for proposals described in paragraph (1) for a fiscal year, the Secretary shall solicit and consider input from persons who conduct or use agricultural research, extension, or education regarding the prior year's request for proposals.

(d) Scientific Peer Review of Agricultural Research.—

(1) Peer review procedures.—The Secretary shall establish procedures that ensure scientific peer review of all research activities conducted by the Department.

(2) Review panel required.—As part of the procedures established under paragraph (1), a review panel shall verify, at least once every 5 years, that each research activity of the Department and research conducted under each research program of the Department has scientific merit and relevance.

(3) Mission area.—If the research activity or program to be reviewed is included in the research, educational, and economics mission area of the Department, the review panel shall consider—

(A) the scientific merit and relevance of the activity or research in light of the priorities established pursuant to section 102; and

(B) the national or multistate significance of the activity or research.

(4) Composition of review panel.—

(A) In general.—A review panel shall be composed of individuals with scientific expertise, a majority of whom are not employees of the agency whose research is being reviewed.

(B) Scientists from colleges and universities.—To the maximum extent practicable, the Secretary shall use scientists from colleges and universities to serve on the review panels.

(5) Submission of results.—The results of the panel reviews shall be submitted to the Advisory Board.

(e) Merit Review.—

(1) 1862 and 1890 institutions.—Effective October 1, 1999, to be eligible to obtain agricultural research or extension funds from the Secretary for an activity, each 1862 Institution and 1890 Institution shall—

(A) establish a process for merit review of the activity; and

(B) review the activity in accordance with the process.

(2) 1994 institutions.—Effective October 1, 1999, to be eligible to obtain agricultural extension funds from the Secretary for an activity, each 1994 Institution shall—

(A) establish a process for merit review of the activity; and

(B) review the activity in accordance with the process.

(f) Repeal of Provisions for Withholding Funds.—

(1) Smith-Lever act.—Section 6 of the Smith-Lever Act (7 U.S.C. 346) is repealed.

(2) Hatch act of 1887.—Section 7 of the Hatch Act of 1887 (7 U.S.C. 361g) is amended by striking the last paragraph.

(3) National agricultural research, extension, and teaching policy act of 1977.—The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended—

(A) in section 1444 (7 U.S.C. 3221)—

(i) by striking subsection (f); and

(ii) by redesignating subsection (g) as subsection (f);

(B) in section 1445(g) (7 U.S.C. 3222(g)), by striking paragraph (3); and

(C) by striking section 1468 (7 U.S.C. 3314).

SEC. 104. RESEARCH FORMULA FUNDS FOR 1862 INSTITUTIONS.

(a) In General.—Section 3 of the Hatch Act of 1887 (7 U.S.C. 361c) is amended—

(1) in subsection (c)—

(A) by redesignating paragraphs 1, 2, 3, and 5 as paragraphs (1), (2), (3), and (4), respectively; and

(B) by striking paragraph (3) and inserting the following:

"(3) Not less than 25 percent shall be allotted to the States for cooperative research employing multidisciplinary approaches in which a State agricultural experiment station, working with another State agricultural experiment station, the Agricultural Research Service, or a college or university, cooperates to solve problems that concern more than 1 State. The funds available under this paragraph, together with the funds available under subsection (b) for a similar purpose, shall be designated as the 'Multistate Research Fund, State Agricultural Experiment Stations'."; and

(2) by adding at the end the following:

"(h) Peer Review and Plan of Work.—

"(1) Peer review.—Research carried out under subsection (c)(3) shall be subject to scientific peer review. The review of a project conducted under this paragraph shall be considered to satisfy the merit review requirements of section 103(e) of the Agricultural Research, Extension, and Education Reform Act of 1998.

"(2) Plan of work.—The State shall include in the plan of work of the State required under section 7 a description of the manner in which the State will meet the requirements of subsection (c)(3).".

(b) Conforming Amendments.—Section 3 of the Hatch Act of 1887 (7 U.S.C. 361c) is amended—

(1) in subsection (b)(1), by striking "subsection 3(c)(3)" and inserting "subsection (c)(3)"; and

(2) in subsection (e), by striking "subsection 3(c)3" and inserting "subsection (c)(3)".

SEC. 105. EXTENSION FORMULA FUNDS FOR 1862 INSTITUTIONS.

Section 3 of the Smith-Lever Act (7 U.S.C. 343) is amended by adding at the end the following:

"(h) Multistate Cooperative Extension Activities.—

"(1) In general.—Not less than the applicable percentage specified under paragraph (2) of the amounts that are paid to a State under subsections (b) and (c) during a fiscal year shall be expended by States for cooperative extension activities in which 2 or more States cooperate to solve problems that concern more than 1 State (referred to in this subsection as 'multistate activities').

"(2) APPLICABLE PERCENTAGES.—

"(A) 1997 EXPENDITURES ON MULTISTATE ACTIVITIES.—Of the Federal formula funds that were paid to each State for fiscal year 1997 under subsections (b) and (c), the Secretary of Agriculture shall determine the percentage that the State expended for multistate activities.

"(B) REQUIRED EXPENDITURES ON MULTISTATE ACTIVITIES.—Of the Federal formula funds that are paid to each State for fiscal year 2000 and each subsequent fiscal year under subsections (b) and (c), the State shall expend for the fiscal year for multistate activities a percentage that is at least equal to the lesser of—

"(i) 25 percent; or

"(ii) twice the percentage for the State determined under subparagraph (A).

"(C) REDUCTION BY SECRETARY.—The Secretary may reduce the minimum percentage required to be expended for multistate activities under subparagraph (B) by a State in a case of hardship, infeasibility, or other similar circumstance beyond the control of the State, as determined by the Secretary.

"(D) PLAN OF WORK.—The State shall include in the plan of work of the State required under section 4 a description of the manner in which the State will meet the requirements of this paragraph.

"(3) APPLICABILITY.—This subsection does not apply to funds provided—

"(A) by a State or local government pursuant to a matching requirement;

"(B) to a 1994 Institution (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note)); or

"(C) to the Commonwealth of Puerto Rico, the Virgin Islands, or Guam.

"(i) MERIT REVIEW.—

"(1) REVIEW REQUIRED.—Effective October 1, 1999, extension activity carried out under subsection (h) shall be subject to merit review.

"(2) OTHER REQUIREMENTS.—An extension activity for which merit review is conducted under paragraph (1) shall be considered to have satisfied the requirements for review under section 103(e) of the Agricultural Research, Extension, and Education Reform Act of 1998.".

SEC. 106. RESEARCH FACILITIES.

(a) CRITERIA FOR APPROVAL.—Section 3(c)(2)(C)(ii) of the Research Facilities Act (7 U.S.C. 390a(c)(2)(C)(ii)) is amended by striking "regional needs" and inserting "national or multistate needs".

(b) NATIONAL OR MULTISTATE NEEDS SERVED BY ARS FACILITIES.—Section 3 of the Research Facilities Act (7 U.S.C. 390a) is amended by adding at the end the following:

"(e) NATIONAL OR MULTISTATE NEEDS SERVED BY ARS FACILITIES.—The Secretary shall ensure that each research activity conducted by a facility of the Agricultural Research Service serves a national or multistate need.".

(c) 10-YEAR STRATEGIC PLAN.—Section 4(d) of the Research Facilities Act (7 U.S.C. 390b(d)) is amended by striking "regional" and inserting "multistate".

(d) COMPREHENSIVE RESEARCH CAPACITY.—Section 4 of the Research Facilities Act (7 U.S.C. 390b) is amended by adding at the end the following:

"(g) COMPREHENSIVE RESEARCH CAPACITY.—After submission of the 10-year strategic plan required under subsection (d), the Secretary shall continue to review periodically each operating agricultural research facility constructed in whole or in part with Federal funds, and each planned agricultural research facility proposed to be constructed in whole or in part with Federal funds, pursuant to criteria established by the Secretary, to ensure that a comprehensive research capacity is maintained.".

TITLE II—REFORM OF EXISTING AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION AUTHORITIES

Subtitle A—Smith-Lever Act and Hatch Act of 1887

SEC. 201. COOPERATIVE AGRICULTURAL EXTENSION WORK BY 1862, 1890, AND 1994 INSTITUTIONS.

Section 3(b)(3) of the Smith-Lever Act (7 U.S.C. 343(b)(3)) is amended in the last sentence by striking "State institutions" and all that follows through the period at the end and inserting "1994 Institutions (in accordance with regulations that the Secretary may promulgate) and may be administered by the 1994 Institutions through cooperative agreements with colleges and universities eligible to receive funds under the Act of July 2, 1862 (12 Stat. 503, chapter 130; 7 U.S.C. 301 et seq.), or the Act of August 30, 1890 (26 Stat. 419, chapter 841; 7 U.S.C. 321 et seq.), including Tuskegee University, located in any State.".

SEC. 202. PLANS OF WORK TO ADDRESS CRITICAL RESEARCH AND EXTENSION ISSUES AND USE OF PROTOCOLS TO MEASURE SUCCESS OF PLANS.

(a) SMITH-LEVER ACT.—Section 4 of the Smith-Lever Act (7 U.S.C. 344) is amended—

(1) by striking "SEC. 4." and inserting the following:

"SEC. 4. ASCERTAINMENT OF ENTITLEMENT OF STATE TO FUNDS; TIME AND MANNER OF PAYMENT; STATE REPORTING REQUIREMENTS; PLANS OF WORK.

"(a) ASCERTAINMENT OF ENTITLEMENT.—";

(2) in the last sentence, by striking "Such sums" and inserting the following:

"(b) TIME AND MANNER OF PAYMENT; RELATED REPORTS.—The amount to which a State is entitled"; and

(3) by adding at the end the following:

"(c) REQUIREMENTS RELATED TO PLAN OF WORK.—Each extension plan of work for a State required under subsection (a) shall contain descriptions of the following:

"(1) The critical short-term, intermediate, and long-term agricultural issues in the State and the current and planned extension programs and projects targeted to address the issues.

"(2) The process established to consult with extension users regarding the identification of critical agricultural issues in the State and the development of extension programs and projects targeted to address the issues.

"(3) The efforts made to identify and collaborate with other colleges and universities within the State, and within other States, that have a unique capacity to address the identified agricultural issues in the State and the extent of current and emerging efforts (including regional efforts) to work with those other institutions.

"(4) The manner in which research and extension, including research and extension activities funded other than through formula funds, will cooperate to address the critical issues in the State, including the activities to be carried out separately, the activities to be carried out sequentially, and the activities to be carried out jointly.

"(5) The education and outreach programs already underway to convey available research results that are pertinent to a critical agricultural issue, including efforts to encourage multicounty cooperation in the dissemination of research results.

"(d) EXTENSION PROTOCOLS.—

"(1) DEVELOPMENT.—The Secretary of Agriculture shall develop protocols to be used to evaluate the success of multistate, multi-institutional, and multidisciplinary extension activities and joint research and extension activities in addressing critical agricultural issues identified in the plans of work submitted under subsection (a).

"(2) CONSULTATION.—The Secretary of Agriculture shall develop the protocols in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board established under section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123) and land-grant colleges and universities.

"(e) TREATMENT OF PLANS OF WORK FOR OTHER PURPOSES.—To the maximum extent practicable, the Secretary shall consider a plan of work submitted under subsection (a) to satisfy other appropriate Federal reporting requirements.".

(b) HATCH ACT OF 1887.—Section 7 of the Hatch Act of 1887 (7 U.S.C. 361g) (as amended by section 103(f)(2)) is amended—

(1) by striking "SEC. 7." and inserting the following:

"SEC. 7. DUTIES OF SECRETARY; ASCERTAINMENT OF ENTITLEMENT OF STATE TO FUNDS; PLANS OF WORK.

"(a) DUTIES OF SECRETARY.—";

(2) by striking "On or before" and inserting the following:

"(b) ASCERTAINMENT OF ENTITLEMENT.—On or before";

(3) by striking "Whenever it shall appear" and inserting the following:

"(c) EFFECT OF FAILURE TO EXPEND FULL ALLOTMENT.—Whenever it shall appear"; and

(4) by adding at the end the following:

"(d) PLAN OF WORK REQUIRED.—Before funds may be provided to a State under this Act for any fiscal year, a plan of work to be carried out under this Act shall be submitted by the proper officials of the State and shall be approved by the Secretary of Agriculture.

"(e) REQUIREMENTS RELATED TO PLAN OF WORK.—Each plan of work for a State required under subsection (d) shall contain descriptions of the following:

"(1) The critical short-term, intermediate, and long-term agricultural issues in the State and the current and planned research programs and projects targeted to address the issues.

"(2) The process established to consult with users of agricultural research regarding the identification of critical agricultural issues in the State and the development of research programs and projects targeted to address the issues.

"(3) The efforts made to identify and collaborate with other colleges and universities within the State, and within other States, that have a unique capacity to address the identified agricultural issues in the State and the extent of current and emerging efforts (including regional efforts) to work with those other institutions.

"(4) The manner in which research and extension, including research and extension activities funded other than through formula funds, will cooperate to address the critical issues in the State, including the activities to be carried out separately, the activities to be carried out sequentially, and the activities to be carried out jointly.

"(f) RESEARCH PROTOCOLS.—

"(1) DEVELOPMENT.—The Secretary of Agriculture shall develop protocols to be used to evaluate the success of multistate, multi-institutional, and multidisciplinary research activities and joint research and extension activities in addressing critical agricultural issues identified in the plans of work submitted under subsection (d).

"(2) CONSULTATION.—The Secretary of Agriculture shall develop the protocols in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board established under section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123) and land-grant colleges and universities.

"(g) TREATMENT OF PLANS OF WORK FOR OTHER PURPOSES.—To the maximum extent practicable, the Secretary shall consider a plan of work submitted under subsection (d) to satisfy other appropriate Federal reporting requirements.".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 1999.

SEC. 203. CONSISTENT MATCHING FUNDS REQUIREMENTS UNDER HATCH ACT OF 1887 AND SMITH-LEVER ACT.

(a) HATCH ACT OF 1887.—Section 3 of the Hatch Act of 1887 (7 U.S.C. 361c) is amended by striking subsection (d) and inserting the following:

"(d) MATCHING FUNDS.—

"(1) REQUIREMENT.—No allotment shall be made to a State under subsection (b) or (c), and no payments from the allotment shall be made to a State, in excess of the amount that the State makes available out of non-Federal funds for agricultural research and for the establishment and maintenance of facilities for the performance of the research.

"(2) FAILURE TO PROVIDE MATCHING FUNDS.—If a State fails to comply with the requirement to provide matching funds for a fiscal year under paragraph (1), the Secretary of Agriculture shall withhold from payment to the State for that fiscal year an amount equal to the difference between—

"(A) the amount that would be allotted and paid to the State under subsections (b) and (c) (if the full amount of matching funds were provided by the State); and

"(B) the amount of matching funds actually provided by the State.

"(3) REAPPORTIONMENT.—

"(A) IN GENERAL.—The Secretary of Agriculture shall reapportion amounts withheld under paragraph (2) for a fiscal year among the States satisfying the matching requirement for that fiscal year.

"(B) MATCHING REQUIREMENT.—Any reapportionment of funds under this paragraph shall be subject to the matching requirement specified in paragraph (1).".

(b) SMITH-LEVER ACT.—Section 3 of the Smith-Lever Act (7 U.S.C. 343) is amended—

(1) in subsection (c)—

(A) by redesignating paragraphs 1 and 2 as paragraphs (1) and (2), respectively; and

(B) in paragraph (2) (as so redesignated), by striking "census: Provided, That payments" and all that follows through "Provided further, That any" and inserting "census. Any"; and

(2) by striking subsections (e) and (f) and inserting the following:

"(e) MATCHING FUNDS.—

"(1) REQUIREMENT.—Except as provided in subsection (f), no allotment shall be made to a State under subsection (b) or (c), and no payments from the allotment shall be made to a State, in excess of the amount that the State makes available out of non-Federal funds for cooperative extension work.

"(2) FAILURE TO PROVIDE MATCHING FUNDS.—If a State fails to comply with the requirement to provide matching funds for a fiscal year under paragraph (1), the Secretary of Agriculture shall withhold from payment to the State for that fiscal year an amount equal to the difference between—

"(A) the amount that would be allotted and paid to the State under subsections (b) and (c) (if the full amount of matching funds were provided by the State); and

"(B) the amount of matching funds actually provided by the State.

"(3) REAPPORTIONMENT.—

"(A) IN GENERAL.—The Secretary of Agriculture shall reapportion amounts withheld under paragraph (2) for a fiscal year among the States satisfying the matching requirement for that fiscal year.

"(B) MATCHING REQUIREMENT.—Any reapportionment of funds under this paragraph shall be subject to the matching requirement specified in paragraph (1).

"(f) MATCHING FUNDS EXCEPTION FOR 1994 INSTITUTIONS.—There shall be no matching requirement for funds made available to a 1994 Institution pursuant to subsection (b)(3).".

(c) TECHNICAL CORRECTIONS.—

(1) RECOGNITION OF STATEHOOD OF ALASKA AND HAWAII.—Section 1 of the Hatch Act of 1887 (7 U.S.C. 361a) is amended in the second sentence by striking "Alaska, Hawaii,".

(2) ROLE OF SECRETARY OF AGRICULTURE.—Section 3 of the Smith-Lever Act (7 U.S.C. 343) is amended—

(A) in subsections (b)(1), (c), and (d), by striking "Federal Extension Service" each place it appears and inserting "Secretary of Agriculture"; and

(B) in subsection (g)(1), by striking "through the Federal Extension Service".

(3) REFERENCES TO REGIONAL RESEARCH FUND.—Section 5 of the Hatch Act of 1887 (7 U.S.C. 361e) is amended in the first sentence by striking "regional research fund authorized by subsection 3(c)(3)" and inserting "Multistate Research Fund, State Agricultural Experiment Stations".

SEC. 204. INTEGRATION OF RESEARCH AND EXTENSION.

(a) IN GENERAL.—Section 3 of the Hatch Act of 1887 (7 U.S.C. 361c) (as amended by section 104(a)(2)) is amended by adding at the end the following:

"(i) INTEGRATION OF RESEARCH AND EXTENSION.—

"(1) IN GENERAL.—Not less than the applicable percentage specified under paragraph (2) of the Federal formula funds that are paid under this Act and subsections (b) and (c) of section 3 of the Smith-Lever Act (7 U.S.C. 343) to colleges and universities eligible to receive funds under the Act of July 2, 1862 (12 Stat. 503, chapter 130; 7 U.S.C. 301 et seq.), during a fiscal year shall be expended for activities that integrate cooperative research and extension (referred to in this subsection as 'integrated activities').

"(2) APPLICABLE PERCENTAGES.—

"(A) 1997 EXPENDITURES ON MULTISTATE ACTIVITIES.—Of the Federal formula funds that were paid to each State for fiscal year 1997 under this Act and subsections (b) and (c) of section 3 of the Smith-Lever Act (7 U.S.C. 343), the Secretary of Agriculture shall determine the percentage that the State expended for integrated activities.

"(B) REQUIRED EXPENDITURES ON MULTISTATE ACTIVITIES.—Of the Federal formula funds that are paid to each State for fiscal year 2000 and each subsequent fiscal year under this Act and subsections (b) and (c) of section 3 of the Smith-Lever Act (7 U.S.C. 343), the State shall expend for the fiscal year for integrated activities a percentage that is at least equal to the lesser of—

"(i) 25 percent; or

"(ii) twice the percentage for the State determined under subparagraph (A).

"(C) REDUCTION BY SECRETARY.—The Secretary of Agriculture may reduce the minimum percentage required to be expended by a State for integrated activities under subparagraph (B) in a case of hardship, infeasibility, or other similar circumstance beyond the control of the State, as determined by the Secretary.

"(D) PLAN OF WORK.—The State shall include in the plan of work of the State required under section 7 of this Act or section 4 of the Smith-Lever Act (7 U.S.C. 344), as applicable, a description of the manner in which the State will meet the requirements of this paragraph.

"(3) APPLICABILITY.—This subsection does not apply to funds provided—

"(A) by a State or local government pursuant to a matching requirement;

"(B) to a 1994 Institution (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note)); or

"(C) to the Commonwealth of Puerto Rico, the Virgin Islands, or Guam.

"(4) RELATIONSHIP TO OTHER REQUIREMENTS.—Federal formula funds described in paragraph (1) that are used by a State for a fiscal year for integrated activities in accordance with paragraph (2)(B) may also be used to satisfy the multistate activities requirements of subsection (c)(3) of this section and section 3(h) of the Smith-Lever Act (7 U.S.C. 343(h)) for the same fiscal year.".

(b) CONFORMING AMENDMENT.—Section 3 of the Smith-Lever Act (7 U.S.C. 343) (as amended by section 105) is amended by adding at the end the following:

"(j) INTEGRATION OF RESEARCH AND EXTENSION.—Section 3(i) of the Hatch Act of 1887 (7 U.S.C. 361c(i)) shall apply to amounts made available to carry out this Act.".

Subtitle B—Competitive, Special, and Facilities Research Grant Act

SEC. 211. COMPETITIVE GRANTS.

The Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) is amended in subsection (b)—

(1) in the first sentence of paragraph (1), by inserting "national laboratories," after "Federal agencies,";

(2) in paragraph (2), by striking "regional" and inserting "multistate";

(3) in the second sentence of paragraph (3)(E), by striking "an individual shall have less than" and all that follows through "research experience" and inserting "an individual shall be within 5 years of the individual's initial career track position"; and

(4) in paragraph (8)(B)—

(A) by striking "the cost" and inserting "the cost of"; and

(B) by adding at the end the following: "The Secretary may waive all or part of the matching requirement under this subparagraph in the case of a smaller college or university (as described in section 793(c)(2)(C)(ii) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2204f(c)(2)(C)(ii))) if the equipment to be acquired costs not more than $25,000 and has multiple uses within a single research project or is usable in more than 1 research project.".

SEC. 212. SPECIAL GRANTS.

The Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) is amended in subsection (c)—

(1) in paragraph (1)—

(A) by striking "5 years" and inserting "3 years";

(B) in subparagraph (A), by inserting ", extension, or education activities" after "conducting research"; and

(C) in subparagraph (B)—

(i) in the matter preceding clause (i), by inserting ", extension, or education" after "agricultural research";

(ii) in clause (i), by inserting ", extension, or education" after "research"; and

(iii) in clause (iv), by striking "among States through regional research" and inserting ", extension, or education among States through regional"; and

(2) by adding at the end the following:

"(5) REVIEW REQUIREMENTS.—

"(A) RESEARCH ACTIVITIES.—The Secretary shall make a grant under this subsection for a research activity only if the activity has undergone scientific peer review arranged by the grantee in accordance with regulations promulgated by the Secretary.

"(B) EXTENSION AND EDUCATION ACTIVITIES.—The Secretary shall make a grant under this *subsection for an extension or education activity only if the activity has undergone merit review arranged by the grantee in accordance with regulations promulgated by the Secretary.*

"(6) REPORTS.—

"(A) IN GENERAL.—A recipient of a grant under this subsection shall submit to the Secretary on an annual basis a report describing the results of the research, extension, or education activity and the merit of the results.

"(B) PUBLIC AVAILABILITY.—

"(i) IN GENERAL.—Except as provided in clause (ii), on request, the Secretary shall make the report available to the public.

"(ii) EXCEPTIONS.—Clause (i) shall not apply to the extent that making the report, or a part of the report, available to the public is not authorized or permitted by section 552 of title 5, United States Code, or section 1905 of title 18, United States Code.".

Subtitle C—National Agricultural Research, Extension, and Teaching Policy Act of 1977

SEC. 221. DEFINITIONS REGARDING AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION.

(a) FOOD AND AGRICULTURAL SCIENCES.—Section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103) is amended by striking paragraph (8) and inserting the following:

"(8) FOOD AND AGRICULTURAL SCIENCES.—The term 'food and agricultural sciences' means basic, applied, and developmental research, extension, and teaching activities in food and fiber, agricultural, renewable natural resources, forestry, and physical and social sciences, including activities relating to the following:

"(A) Animal health, production, and well-being.

"(B) Plant health and production.

"(C) Animal and plant germ plasm collection and preservation.

"(D) Aquaculture.

"(E) Food safety.

"(F) Soil and water conservation and improvement.

"(G) Forestry, horticulture, and range management.

"(H) Nutritional sciences and promotion.

"(I) Farm enhancement, including financial management, input efficiency, and profitability.

"(J) Home economics.

"(K) Rural human ecology.

"(L) Youth development and agricultural education, including 4–H clubs.

"(M) Expansion of domestic and international markets for agricultural commodities and products, including agricultural trade barrier identification and analysis.

"(N) Information management and technology transfer related to agriculture.

"(O) Biotechnology related to agriculture.

"(P) The processing, distributing, marketing, and utilization of food and agricultural products.".

(b) REFERENCES TO TEACHING OR EDUCATION.—Section 1404(14) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(14)) is amended by striking "the term 'teaching' means" and inserting "TEACHING AND EDUCATION.—The terms 'teaching' and 'education' mean".

(c) CONFORMING AMENDMENTS.—Section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103) is amended—

(1) in the matter preceding paragraph (1), by striking "title—" and inserting "title:";

(2) in paragraphs (1), (2), (3), (5), (6), (7), (10) through (13), (15), (16), and (17), by striking "the term" each place it appears and inserting "The term";

(3) in paragraph (4), by striking "the terms" and inserting "The terms";

(4) in paragraph (9), by striking "the term" the first place it appears and inserting "The term";

(5) by striking the semicolon at the end of paragraphs (1) through (7) and (9) through (15) and inserting a period; and

(6) in paragraph (16)(F), by striking "; and" and inserting a period.

SEC. 222. ADVISORY BOARD.

(a) REPRESENTATION ON BOARD.—Section 1408(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(b)) is amended by adding at the end the following:

"(7) EQUAL REPRESENTATION OF PUBLIC AND PRIVATE SECTOR MEMBERS.—In appointing members to serve on the Advisory Board, the Secretary shall ensure, to the maximum extent practicable, equal representation of public and private sector members.".

(b) CONSULTATION.—Section 1408(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(d)) is amended—

(1) by striking "In" and inserting the following:

"(1) DUTIES OF ADVISORY BOARD.—In"; and

(2) by adding at the end the following:

"(2) DUTIES OF SECRETARY.—To comply with a provision of this title or any other law that requires the Secretary to consult or cooperate with the Advisory Board or that authorizes the Advisory Board to submit recommendations to the Secretary, the Secretary shall—

"(A) solicit the written opinions and recommendations of the Advisory Board; and

"(B) provide a written response to the Advisory Board regarding the manner and extent to which the Secretary will implement recommendations submitted by the Advisory Board.".

(c) LIMITATION ON EXPENSES OF ADVISORY BOARD.—Section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

"(g) ANNUAL LIMITATION ON ADVISORY BOARD EXPENSES.—

"(1) MAXIMUM AMOUNT.—Not more than $350,000 may be used to cover the necessary expenses of the Advisory Board for each fiscal year.

"(2) GENERAL LIMITATION.—The expenses of the Advisory Board shall not be counted toward any general limitation on the expenses of advisory committees, panels, commissions, and task forces of the Department of Agriculture contained in any Act making appropriations for the Department of Agriculture, whether enacted before, on, or after the date of enactment of this paragraph, unless the appropriation Act specifically refers to this subsection and specifically includes this Advisory Board within the general limitation.".

SEC. 223. GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURAL SCIENCES EDUCATION.

Section 1417 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152) is amended—

(1) by redesignating subsections (c), (d), (e), (f), (g), (h), (i), and (j) as subsections (d), (f), (g), (h), (i), (j), (k), and (l), respectively;

(2) by inserting after subsection (b) the following:

"(c) PRIORITIES.—In awarding grants under subsection (b), the Secretary shall give priority to—

"(1) applications for teaching enhancement projects that demonstrate enhanced coordination among all types of institutions eligible for funding under this section; and

"(2) applications for teaching enhancement projects that focus on innovative, multidisciplinary education programs, material, and curricula."; and

(3) by inserting after subsection (d) (as redesignated by paragraph (1)) the following:

"(e) FOOD AND AGRICULTURAL EDUCATION INFORMATION SYSTEM.—From amounts made available for grants under this section, the Secretary may maintain a national food and agricultural education information system that contains—

"(1) information on enrollment, degrees awarded, faculty, and employment placement in the food and agricultural sciences; and

"(2) such other similar information as the Secretary considers appropriate.".

SEC. 224. POLICY RESEARCH CENTERS.

Section 1419A(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3155(a)) is amended by inserting "and trade agreements" after "public policies".

SEC. 225. PLANS OF WORK FOR 1890 INSTITUTIONS TO ADDRESS CRITICAL RESEARCH AND EXTENSION ISSUES AND USE OF PROTOCOLS TO MEASURE SUCCESS OF PLANS.

(a) EXTENSION AT 1890 INSTITUTIONS.—Section 1444(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(d)) is amended—

(1) by striking "(d)" and inserting the following:

"(d) ASCERTAINMENT OF ENTITLEMENT TO FUNDS; TIME AND MANNER OF PAYMENT; STATE REPORTING REQUIREMENTS; PLANS OF WORK.—

"(1) ASCERTAINMENT OF ENTITLEMENT.—";

(2) in the last sentence, by striking "Such sums" and inserting the following:

"(2) TIME AND MANNER OF PAYMENT; RELATED REPORTS.—The amount to which an eligible institution is entitled"; and

(3) by adding at the end the following:

"(3) REQUIREMENTS RELATED TO PLAN OF WORK.—Each plan of work for an eligible institution required under this section shall contain descriptions of the following:

"(A) The critical short-term, intermediate, and long-term agricultural issues in the State in which the eligible institution is located and the current and planned extension programs and projects targeted to address the issues.

"(B) The process established to consult with extension users regarding the identification of critical agricultural issues in the State and the development of extension programs and projects targeted to address the issues.

"(C) The efforts made to identify and collaborate with other colleges and universities within the State, and within other States, that have a unique capacity to address the identified agricultural issues in the State and the extent of current and emerging efforts (including regional extension efforts) to work with those other institutions.

"(D) The manner in which research and extension, including research and extension activities funded other than through formula funds, will cooperate to address the critical issues in the State, including the activities to be carried out separately, the activities to be carried out sequentially, and the activities to be carried out jointly.

"(E) The education and outreach programs already underway to convey currently available research results that are pertinent to a critical agricultural issue, including efforts to encourage multicounty cooperation in the dissemination of research results.

"(4) EXTENSION PROTOCOLS.—

"(A) IN GENERAL.—The Secretary shall develop protocols to be used to evaluate the success of multistate, multi-institutional, and multidisciplinary extension activities and joint research and extension activities in addressing

critical agricultural issues identified in the plans of work submitted under this section.

"(B) Consultation.—The Secretary shall develop the protocols in consultation with the Advisory Board and land-grant colleges and universities.

"(5) Treatment of plans of work for other purposes.—To the maximum extent practicable, the Secretary shall consider a plan of work submitted under this section to satisfy other appropriate Federal reporting requirements.".

(b) Agricultural Research at 1890 Institutions.—Section 1445(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222(c)) is amended—

(1) by striking "(c)" and inserting the following:

"(c) Program and Plans of Work.—

"(1) Initial comprehensive program of agricultural research.—"; and

(2) by adding at the end the following:

"(2) Plan of work required.—Before funds may be provided to an eligible institution under this section for any fiscal year, a plan of work to be carried out under this section shall be submitted by the research director specified in subsection (d) and shall be approved by the Secretary.

"(3) Requirements related to plan of work.—Each plan of work required under paragraph (2) shall contain descriptions of the following:

"(A) The critical short-term, intermediate, and long-term agricultural issues in the State in which the eligible institution is located and the current and planned research programs and projects targeted to address the issues.

"(B) The process established to consult with users of agricultural research regarding the identification of critical agricultural issues in the State and the development of research programs and projects targeted to address the issues.

"(C) Other colleges and universities within the State, and within other States, that have a unique capacity to address the identified agricultural issues in the State.

"(D) The current and emerging efforts to work with those other institutions to build on each other's experience and take advantage of each institution's unique capacities.

"(E) The manner in which research and extension, including research and extension activities funded other than through formula funds, will cooperate to address the critical issues in the State, including the activities to be carried out separately, the activities to be carried out sequentially, and the activities to be carried out jointly.

"(4) Research protocols.—

"(A) In general.—The Secretary shall develop protocols to be used to evaluate the success of multistate, multi-institutional, and multidisciplinary research activities and joint research and extension activities in addressing critical agricultural issues identified in the plans of work submitted under paragraph (2).

"(B) Consultation.—The Secretary shall develop the protocols in consultation with the Advisory Board and land-grant colleges and universities.

"(5) Treatment of plans of work for other purposes.—To the maximum extent practicable, the Secretary shall consider a plan of work submitted under paragraph (2) to satisfy other appropriate Federal reporting requirements.".

(c) Effective Date.—The amendments made by this section take effect on October 1, 1999.

SEC. 226. MATCHING FUNDS REQUIREMENT FOR RESEARCH AND EXTENSION ACTIVITIES AT 1890 INSTITUTIONS.

(a) Imposition of Requirement.—Subtitle G of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1448 (7 U.S.C. 3222c) the following:

"SEC. 1449. MATCHING FUNDS REQUIREMENT FOR RESEARCH AND EXTENSION ACTIVITIES AT ELIGIBLE INSTITUTIONS.

"(a) Definitions.—In this section:

"(1) Eligible institution.—The term 'eligible institution' means a college eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.) (commonly known as the 'Second Morrill Act'), including Tuskegee University.

"(2) Formula funds.—The term 'formula funds' means the formula allocation funds distributed to eligible institutions under sections 1444 and 1445.

"(b) Determination of Non-Federal Sources of Funds.—Not later than September 30, 1999, each eligible institution shall submit to the Secretary a report describing for fiscal year 1999—

"(1) the sources of non-Federal funds made available by the State to the eligible institution for agricultural research, extension, and education to meet the requirements of this section; and

"(2) the amount of such funds generally available from each source.

"(c) Matching Formula.—Notwithstanding any other provision of this subtitle, the distribution of formula funds to an eligible institution shall be subject to the following matching requirements:

"(1) For fiscal year 2000, the State shall provide matching funds from non-Federal sources in an amount equal to not less than 30 percent of the formula funds to be distributed to the eligible institution.

"(2) For fiscal year 2001, the State shall provide matching funds from non-Federal sources in an amount equal to not less than 45 percent of the formula funds to be distributed to the eligible institution.

"(3) For fiscal year 2002 and each fiscal year thereafter, the State shall provide matching funds from non-Federal sources in an amount equal to not less than 50 percent of the formula funds to be distributed to the eligible institution.

"(d) Limited Waiver Authority.—

"(1) Fiscal year 2000.—Notwithstanding subsection (f), the Secretary may waive the matching funds requirement under subsection (c)(1) for fiscal year 2000 for an eligible institution of a State if the Secretary determines that, based on the report received under subsection (b), the State will be unlikely to satisfy the matching requirement.

"(2) Future fiscal years.—The Secretary may not waive the matching requirement under subsection (c) for any fiscal year other than fiscal year 2000.

"(e) Use of Matching Funds.—Under terms and conditions established by the Secretary, matching funds provided as required by subsection (c) may be used by an eligible institution for agricultural research, extension, and education activities.

"(f) Redistribution of Funds.—

"(1) Redistribution required.—Federal funds that are not matched by a State in accordance with subsection (c) for a fiscal year shall be redistributed by the Secretary to eligible institutions whose States have satisfied the matching funds requirement for that fiscal year.

"(2) Administration.—Any redistribution of funds under this subsection shall be subject to the applicable matching requirement specified in subsection (c) and shall be made in a manner consistent with sections 1444 and 1445, as determined by the Secretary.".

(b) Conforming Amendments.—Section 1445(g) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222(g)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (4) as paragraph (2).

(c) References to Tuskegee University.—The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended—

(1) in section 1404 (7 U.S.C. 3103), by striking "the Tuskegee Institute" in paragraphs (10) and (16)(B) and inserting "Tuskegee University";

(2) in section 1444 (7 U.S.C. 3221)—

(A) by striking the section heading and "Sec. 1444." and inserting the following:

"SEC. 1444. EXTENSION AT 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE UNIVERSITY.";

and

(B) in subsections (a) and (b), by striking "Tuskegee Institute" each place it appears and inserting "Tuskegee University"; and

(3) in section 1445 (7 U.S.C. 3222)—

(A) by striking the section heading and "Sec. 1445." and inserting the following:

"SEC. 1445. AGRICULTURAL RESEARCH AT 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE UNIVERSITY.";

and

(B) in subsections (a) and (b)(2)(B), by striking "Tuskegee Institute" each place it appears and inserting "Tuskegee University".

SEC. 227. INTERNATIONAL RESEARCH, EXTENSION, AND TEACHING.

(a) Inclusion of Teaching.—Section 1458 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291) is amended—

*(1) in the section heading, by striking "***RESEARCH AND EXTENSION***" and inserting "***RESEARCH, EXTENSION, AND TEACHING***";*

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "related research and extension" and inserting "related research, extension, and teaching"; and

(ii) in subparagraph (B), by striking "research and extension on" and inserting "research, extension, and teaching activities that address";

(B) in paragraphs (2) and (6), by striking "education" each place it appears and inserting "teaching";

(C) in paragraph (4), by striking "scientists and experts" and inserting "science and education experts";

(D) in paragraph (5), by inserting "teaching," after "development,";

(E) in paragraph (7), by striking "research and extension that is" and inserting "research, extension, and teaching programs"; and

(F) in paragraph (8), by striking "research capabilities" and inserting "research, extension, and teaching capabilities"; and

(3) in subsection (b), by striking "counterpart agencies" and inserting "counterpart research, extension, and teaching agencies".

(b) Grants for Collaborative Projects.—Section 1458(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291(a)) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(9) make competitive grants for collaborative projects that—

"(A) involve Federal scientists or scientists from land-grant colleges and universities or other colleges and universities with scientists at international agricultural research centers in other nations, including the international agricultural research centers of the Consultative Group on International Agriculture Research;

"(B) focus on developing and using new technologies and programs for—

"(i) increasing the production of food and fiber, while safeguarding the environment

worldwide and enhancing the global competitiveness of United States agriculture; or

"(ii) training scientists;

"(C) are mutually beneficial to the United States and other countries; and

"(D) encourage private sector involvement and the leveraging of private sector funds.".

(c) Reports.—Section 1458 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291) is amended by adding at the end the following:

"(d) Reports.—The Secretary shall provide biennial reports to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on efforts of the Federal Government—

"(1) to coordinate international agricultural research within the Federal Government; and

"(2) to more effectively link the activities of domestic and international agricultural researchers, particularly researchers of the Agricultural Research Service.".

(d) Full Payment of Funds Made Available for Certain Binational Projects.—Section 1458 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291) is amended by inserting after subsection (d) (as added by subsection (c) of this section) the following:

"(e) Full Payment of Funds Made Available for Certain Binational Projects.—Notwithstanding any other provision of law, the full amount of any funds appropriated or otherwise made available to carry out cooperative projects under the arrangement entered into between the Secretary and the Government of Israel to support the Israel-United States Binational Agricultural Research and Development Fund shall be paid directly to the Fund.".

(e) Subtitle Heading.—Subtitle I of title XIV of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291 et seq.) is amended by striking the subtitle heading and inserting the following:

"Subtitle I—International Research, Extension, and Teaching".

SEC. 228. UNITED STATES-MEXICO JOINT AGRICULTURAL RESEARCH.

Subtitle I of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1458 (7 U.S.C. 3291) the following:

"SEC. 1459. UNITED STATES-MEXICO JOINT AGRICULTURAL RESEARCH.

"(a) Research and Development Program.—The Secretary may provide for an agricultural research and development program with the United States/Mexico Foundation for Science. The program shall focus on binational problems facing agricultural producers and consumers in the 2 countries, in particular pressing problems in the areas of food safety, plant and animal pest control, and the natural resources base on which agriculture depends.

"(b) Administration.—Grants under the research and development program shall be awarded competitively through the Foundation.

"(c) Matching Requirements.—The provision of funds to the Foundation by the United States Government shall be subject to the condition that the Government of Mexico match, on at least a dollar-for-dollar basis, any funds provided by the United States Government.

"(d) Limitation on Use of Funds.—Funds provided under this section may not be used for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.".

SEC. 229. COMPETITIVE GRANTS FOR INTERNATIONAL AGRICULTURAL SCIENCE AND EDUCATION PROGRAMS.

Subtitle I of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291 et seq.) is amended by inserting after section 1459 (as added by section 228) the following:

"SEC. 1459A. COMPETITIVE GRANTS FOR INTERNATIONAL AGRICULTURAL SCIENCE AND EDUCATION PROGRAMS.

"(a) Competitive Grants Authorized.—The Secretary may make competitive grants to colleges and universities in order to strengthen United States economic competitiveness and to promote international market development.

"(b) Purpose of Grants.—Grants under this section shall be directed to agricultural research, extension, and teaching activities that will—

"(1) enhance the international content of the curricula in colleges and universities so as to ensure that United States students acquire an understanding of the international dimensions and trade implications of their studies;

"(2) ensure that United States scientists, extension agents, and educators involved in agricultural research and development activities outside of the United States have the opportunity to convey the implications of their activities and findings to their peers and students in the United States and to the users of agricultural research, extension, and teaching;

"(3) enhance the capabilities of colleges and universities to do collaborative research with other countries, in cooperation with other Federal agencies, on issues relevant to United States agricultural competitiveness;

"(4) enhance the capabilities of colleges and universities to provide cooperative extension education to promote the application of new technology developed in foreign countries to United States agriculture; and

"(5) enhance the capability of United States colleges and universities, in cooperation with other Federal agencies, to provide leadership and educational programs that will assist United States natural resources and food production, processing, and distribution businesses and industries to compete internationally, including product market identification, international policies limiting or enhancing market production, development of new or enhancement of existing markets, and production efficiencies.

"(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002.".

SEC. 230. GENERAL ADMINISTRATIVE COSTS.

(a) Limitation on Charging Indirect Costs.—Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting before section 1463 (7 U.S.C. 3311) the following:

"SEC. 1462. LIMITATION ON INDIRECT COSTS FOR AGRICULTURAL RESEARCH, EDUCATION, AND EXTENSION PROGRAMS.

"Except as otherwise provided in law, indirect costs charged against a competitive agricultural research, education, or extension grant awarded under this Act or any other Act pursuant to authority delegated to the Under Secretary of Agriculture for Research, Education, and Economics shall not exceed 19 percent of the total Federal funds provided under the grant award, as determined by the Secretary.".

(b) Limitation on Department Administrative Costs.—Section 1469 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3315) is amended—

(1) by striking the section heading and all that follows through "Except as" and inserting the following:

"SEC. 1469. AUDITING, REPORTING, BOOKKEEPING, AND ADMINISTRATIVE REQUIREMENTS.

"(a) In General.—Except as";

(2) by striking paragraph (3) and inserting the following:

"(3) the Secretary may retain up to 4 percent of amounts appropriated for agricultural research, extension, and teaching assistance programs for the administration of those programs authorized under this Act or any other Act; and"; and

(3) by adding at the end the following:

"(b) Community Food Projects.—The Secretary may retain, for the administration of community food projects under section 25 of the Food Stamp Act of 1977 (7 U.S.C. 2034), 4 percent of amounts available for the projects, notwithstanding the availability of any appropriation for administrative expenses of the projects.

"(c) Peer Panel Expenses.—Notwithstanding any other provision of law regarding a competitive research, education, or extension grant program of the Department of Agriculture, the Secretary may use grant program funds, as necessary, to supplement funds otherwise available for program administration, to pay for the costs associated with peer review of grant proposals under the program.

"(d) Definition of In-Kind Support.—In any law relating to agricultural research, education, or extension activities administered by the Secretary, the term 'in-kind support', with regard to a requirement that the recipient of funds provided by the Secretary match all or part of the amount of the funds, means contributions such as office space, equipment, and staff support.".

SEC. 231. EXPANSION OF AUTHORITY TO ENTER INTO COST-REIMBURSABLE AGREEMENTS.

Section 1473A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319a) is amended in the first sentence by inserting "or other colleges and universities" after "institutions".

Subtitle D—Food, Agriculture, Conservation, and Trade Act of 1990

SEC. 241. AGRICULTURAL GENOME INITIATIVE.

Section 1671 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5924) is amended to read as follows:

"SEC. 1671. AGRICULTURAL GENOME INITIATIVE.

"(a) Goals.—The goals of this section are—

"(1) to expand the knowledge of public and private sector entities and persons concerning genomes for species of importance to the food and agriculture sectors in order to maximize the return on the investment in genomics of agriculturally important species;

"(2) to focus on the species that will yield scientifically important results that will enhance the usefulness of many agriculturally important species;

"(3) to build on genomic research, such as the Human Genome Initiative and the Arabidopsis Genome Project, to understand gene structure and function that is expected to have considerable payoffs in agriculturally important species;

"(4) to develop improved bioinformatics to enhance both sequence or structure determination and analysis of the biological function of genes and gene products;

"(5) to encourage Federal Government participants to maximize the utility of public and private partnerships for agricultural genome research;

"(6) to allow resources developed under this section, including data, software, germplasm, and other biological materials, to be openly accessible to all persons, subject to any confidentiality requirements imposed by law; and

"(7) to encourage international partnerships with each partner country responsible for financing its own strategy for agricultural genome research.

"(b) Duties of Secretary.—The Secretary of Agriculture (referred to in this section as the 'Secretary') shall conduct a research initiative (to be known as the 'Agricultural Genome Initiative') for the purpose of—

"(1) studying and mapping agriculturally significant genes to achieve sustainable and secure agricultural production;

"(2) ensuring that current gaps in existing agricultural genetics knowledge are filled;

"(3) identifying and developing a functional understanding of genes responsible for economically important traits in agriculturally important species, including emerging plant and animal diseases causing economic hardship;

"(4) ensuring future genetic improvement of agriculturally important species;

"(5) supporting preservation of diverse germplasm;

"(6) ensuring preservation of biodiversity to maintain access to genes that may be of importance in the future; and

"(7) otherwise carrying out this section.

"(c) GRANTS AND COOPERATIVE AGREEMENTS.—

"(1) AUTHORITY.—The Secretary may make grants or enter into cooperative agreements with individuals and organizations in accordance with section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3318).

"(2) COMPETITIVE BASIS.—A grant or cooperative agreement under this subsection shall be made or entered into on a competitive basis.

"(d) ADMINISTRATION.—Paragraphs (1), (6), (7), and (11) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) shall apply with respect to the making of a grant or cooperative agreement under this section.

"(e) MATCHING OF FUNDS.—

"(1) GENERAL REQUIREMENT.—If a grant or cooperative agreement under this section provides a particular benefit to a specific agricultural commodity, the Secretary shall require the recipient to provide funds or in-kind support to match the amount of funds provided by the Secretary under the grant or cooperative agreement.

"(2) WAIVER.—The Secretary may waive the matching funds requirement of paragraph (1) with respect to a research project if the Secretary determines that—

"(A) the results of the project, while of particular benefit to a specific agricultural commodity, are likely to be applicable to agricultural commodities generally; or

"(B) the project involves a minor commodity, the project deals with scientifically important research, and the recipient is unable to satisfy the matching funds requirement.

"(f) CONSULTATION WITH NATIONAL ACADEMY OF SCIENCES.—The Secretary may use funds made available under this section to consult with the National Academy of Sciences regarding the administration of the Agricultural Genome Initiative.".

SEC. 242. HIGH-PRIORITY RESEARCH AND EXTENSION INITIATIVES.

Section 1672 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925) is amended to read as follows:

"SEC. 1672. HIGH-PRIORITY RESEARCH AND EXTENSION INITIATIVES.

"(a) COMPETITIVE SPECIALIZED RESEARCH AND EXTENSION GRANTS AUTHORIZED.—The Secretary of Agriculture (referred to in this section as the 'Secretary') may make competitive grants to support research and extension activities specified in subsections (e), (f), and (g). The Secretary shall make the grants in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board.

"(b) ADMINISTRATION.—

"(1) IN GENERAL.—Except as otherwise provided in this section, paragraphs (1), (6), (7), and (11) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) shall apply with respect to the making of grants under this section.

"(2) USE OF TASK FORCES.—To facilitate the making of research and extension grants under this section in the research and extension areas specified in subsection (e), the Secretary may appoint a task force for each such area to make recommendations to the Secretary. The Secretary may not incur costs in excess of $1,000 for any fiscal year in connection with each task force established under this paragraph.

"(c) MATCHING FUNDS REQUIRED.—

"(1) IN GENERAL.—The Secretary shall require the recipient of a grant under this section to provide funds or in-kind support from non-Federal sources in an amount at least equal to the amount provided by the Federal Government.

"(2) WAIVER AUTHORITY.—The Secretary may waive the matching funds requirement specified in paragraph (1) with respect to a research project if the Secretary determines that—

"(A) the results of the project, while of particular benefit to a specific agricultural commodity, are likely to be applicable to agricultural commodities generally; or

"(B) the project involves a minor commodity, the project deals with scientifically important research, and the grant recipient is unable to satisfy the matching funds requirement.

"(d) PARTNERSHIPS ENCOURAGED.—Following the completion of a peer review process for grant proposals received under this section, the Secretary may provide a priority to those grant proposals, found in the peer review process to be scientifically meritorious, that involve the cooperation of multiple entities.

"(e) HIGH-PRIORITY RESEARCH AND EXTENSION AREAS.—

"(1) BROWN CITRUS APHID AND CITRUS TRISTEZA VIRUS RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of—

"(A) developing methods to control or eradicate the brown citrus aphid and the citrus tristeza virus from citrus crops grown in the United States; or

"(B) adapting citrus crops grown in the United States to the brown citrus aphid and the citrus tristeza virus.

"(2) ETHANOL RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of carrying out or enhancing research on ethanol derived from agricultural crops as an alternative fuel source.

"(3) AFLATOXIN RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of identifying and controlling aflatoxin in the food and feed chains.

"(4) MESQUITE RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of developing enhanced production methods and commercial uses of mesquite.

"(5) PRICKLY PEAR RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of investigating enhanced genetic selection and processing techniques of prickly pears.

"(6) DEER TICK ECOLOGY RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of studying the population ecology of deer ticks and other insects and pests that transmit Lyme disease.

"(7) RED MEAT SAFETY RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of developing—

"(A) intervention strategies that reduce microbial contamination on carcass surfaces;

"(B) microbiological mapping of carcass surfaces; and

"(C) model hazard analysis and critical control point plans.

"(8) GRAIN SORGHUM ERGOT RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of developing techniques for the eradication of sorghum ergot.

"(9) PEANUT MARKET ENHANCEMENT RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of evaluating the economics of applying innovative technologies for peanut processing in a commercial environment.

"(10) DAIRY FINANCIAL RISK MANAGEMENT RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of providing research, development, or education materials, information, and outreach programs regarding risk management strategies for dairy producers and for dairy cooperatives and other processors and marketers of milk.

"(11) COTTON RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of improving pest management, fiber quality enhancement, economic assessment, textile production, and optimized production systems for short staple cotton.

"(12) METHYL BROMIDE RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of—

"(A) developing and evaluating chemical and nonchemical alternatives, and use and emission reduction strategies, for pre-planting and post-harvest uses of methyl bromide; and

"(B) transferring the results of the research for use by agricultural producers.

"(13) POTATO RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of developing and evaluating new strains of potatoes that are resistant to blight and other diseases, as well as insects. Emphasis may be placed on developing potato varieties that lend themselves to innovative marketing approaches.

"(14) WOOD USE RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of developing new uses for wood from underused tree species as well as investigating methods of modifying wood and wood fibers to produce better building materials.

"(15) LOW-BUSH BLUEBERRY RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of evaluating methods of propagating and developing low-bush blueberry as a marketable crop.

"(16) WETLANDS USE RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of better use of wetlands in diverse ways to provide various economic, agricultural, and environmental benefits.

"(17) WILD PAMPAS GRASS CONTROL, MANAGEMENT, AND ERADICATION RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of control, management, and eradication of wild pampas grass.

"(18) FOOD SAFETY, INCLUDING PATHOGEN DETECTION AND LIMITATION, RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of increasing food safety, including the identification of advanced detection and processing methods to limit the presence of pathogens (including hepatitis A and E. coli 0157:H7) in domestic and imported foods.

"(19) FINANCIAL RISK MANAGEMENT RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of providing research, development, or education materials, information, and outreach programs regarding financial risk management strategies for agricultural producers and for cooperatives and other processors and marketers of any agricultural commodity.

"(20) ORNAMENTAL TROPICAL FISH RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of meeting the needs of commercial producers of ornamental tropical fish and aquatic plants for improvements in the areas of fish reproduction, health, nutrition, predator control, water use, water quality control, and farming technology.

"(21) SHEEP SCRAPIE RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of investigating the genetic aspects of scrapie in sheep.

"(22) GYPSY MOTH RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of developing biological control, management, and eradication methods against nonnative insects, including Lymantria dispar (commonly known as the 'gypsy moth'), that contribute to significant agricultural, economic, or environmental harm.

"(23) FORESTRY RESEARCH AND EXTENSION.—Research and extension grants may be made under this section to develop and distribute new, high-quality, science-based information for the purpose of improving the long-term productivity of forest resources and contributing to forest-based economic development by addressing such issues as—

"(A) forest land use policies;

"(B) multiple-use forest management, including wildlife habitat development, improved forest regeneration systems, and timber supply; and

"(C) improved development, manufacturing, and marketing of forest products.

"(24) TOMATO SPOTTED WILT VIRUS RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of control, management, and eradication of tomato spotted wilt virus.

"(f) IMPORTED FIRE ANT CONTROL, MANAGEMENT, AND ERADICATION.—

"(1) TASK FORCE.—The Secretary shall establish a task force pursuant to subsection (b)(2) regarding the control, management, and eradication of imported fire ants. The Secretary shall solicit and evaluate grant proposals under this subsection in consultation with the task force.

"(2) INITIAL GRANTS.—

"(A) REQUEST FOR PROPOSALS.—The Secretary shall publish a request for proposals for grants for research or demonstration projects related to the control, management, and possible eradication of imported fire ants.

"(B) SELECTION.—Not later than 1 year after the date of publication of the request for proposals, the Secretary shall evaluate the grant proposals submitted in response to the request and may select meritorious research or demonstration projects related to the control, management, and possible eradication of imported fire ants to receive an initial grant under this subsection.

"(3) SUBSEQUENT GRANTS.—

"(A) EVALUATION OF INITIAL GRANTS.—If the Secretary awards grants under paragraph (2)(B), the Secretary shall evaluate all of the research or demonstration projects conducted under the grants for their use as the basis of a national plan for the control, management, and possible eradication of imported fire ants by the Federal Government, State and local governments, and owners and operators of land.

"(B) SELECTION.—On the basis of the evaluation under subparagraph (A), the Secretary may select the projects that the Secretary considers most promising for additional research or demonstration related to preparation of a national plan for the control, management, and possible eradication of imported fire ants. The Secretary shall notify the task force of the projects selected under this subparagraph.

"(4) SELECTION AND SUBMISSION OF NATIONAL PLAN.—

"(A) EVALUATION OF SUBSEQUENT GRANTS.—If the Secretary awards grants under paragraph (3)(B), the Secretary shall evaluate all of the research or demonstration projects conducted under the grants for use as the basis of a national plan for the control, management, and possible eradication of imported fire ants by the Federal Government, State and local governments, and owners and operators of land.

"(B) SELECTION.—On the basis of the evaluation under subparagraph (A), the Secretary shall select 1 project funded under paragraph (3)(B), or a combination of those projects, for award of a grant for final preparation of the national plan.

"(C) SUBMISSION.—The Secretary shall submit to Congress the final national plan prepared under subparagraph (B) for the control, management, and possible eradication of imported fire ants.

"(g) FORMOSAN TERMITE RESEARCH AND ERADICATION.—

"(1) RESEARCH PROGRAM.—The Secretary may make competitive research grants under this subsection to regional and multijurisdictional entities, local government planning organizations, and local governments for the purpose of conducting research for the control, management, and possible eradication of Formosan termites in the United States.

"(2) ERADICATION PROGRAM.—The Secretary may enter into cooperative agreements with regional and multijurisdictional entities, local government planning organizations, and local governments for the purposes of—

"(A) conducting projects for the control, management, and possible eradication of Formosan termites in the United States; and

"(B) collecting data on the effectiveness of the projects.

"(3) FUNDING PRIORITY.—In allocating funds made available to carry out paragraph (2), the Secretary shall provide a higher priority for regions or locations with the highest historical rates of infestation of Formosan termites.

"(4) MANAGEMENT COORDINATION.—The program management of research grants, cooperative agreements, and projects under this subsection shall be conducted under existing authority in coordination with the national formosan termite management and research demonstration program conducted by the Agricultural Research Service.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002.".

SEC. 243. NUTRIENT MANAGEMENT RESEARCH AND EXTENSION INITIATIVE.

The Food, Agriculture, Conservation, and Trade Act of 1990 is amended by inserting after section 1672 (7 U.S.C. 5925) the following:

"SEC. 1672A. NUTRIENT MANAGEMENT RESEARCH AND EXTENSION INITIATIVE.

"(a) COMPETITIVE RESEARCH AND EXTENSION GRANTS AUTHORIZED.—The Secretary of Agriculture (referred to in this section as the 'Secretary') may make competitive grants to support research and extension activities specified in subsection (e). The Secretary shall make the grants in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board.

"(b) ADMINISTRATION.—

"(1) IN GENERAL.—Paragraphs (1), (6), (7), and (11) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) shall apply with respect to the making of grants under this section.

"(2) USE OF TASK FORCES.—To facilitate the making of research and extension grants under this section in the research and extension areas specified in subsection (e), the Secretary may appoint a task force for each such area to make recommendations to the Secretary. The Secretary may not incur costs in excess of $1,000 for any fiscal year in connection with each task force established under this paragraph.

"(c) MATCHING FUNDS REQUIRED.—

"(1) IN GENERAL.—The Secretary shall require the recipient of a grant under this section to provide funds or in-kind support from non-Federal sources in an amount at least equal to the amount provided by the Federal Government.

"(2) WAIVER AUTHORITY.—The Secretary may waive the matching funds requirement specified in paragraph (1) with respect to a research project if the Secretary determines that—

"(A) the results of the project, while of particular benefit to a specific agricultural commodity, are likely to be applicable to agricultural commodities generally; or

"(B) the project involves a minor commodity, the project deals with scientifically important research, and the grant recipient is unable to satisfy the matching funds requirement.

"(d) PARTNERSHIPS ENCOURAGED.—Following the completion of a peer review process for grant proposals received under this section, the Secretary may provide a priority to those grant proposals, found in the peer review process to be scientifically meritorious, that involve the cooperation of multiple entities.

"(e) NUTRIENT MANAGEMENT RESEARCH AND EXTENSION AREAS.—

"(1) ANIMAL WASTE AND ODOR MANAGEMENT.—Research and extension grants may be made under this section for the purpose of—

"(A) identifying, evaluating, and demonstrating innovative technologies for animal waste management and related air quality management and odor control;

"(B) investigating the unique microbiology of specific animal wastes, such as swine waste, to develop improved methods to effectively manage air and water quality; and

"(C) conducting information workshops to disseminate the results of the research.

"(2) WATER QUALITY AND AQUATIC ECOSYSTEMS.—Research and extension grants may be made under this section for the purpose of investigating the impact on aquatic food webs, especially commercially important aquatic species and their habitats, of microorganisms of the genus Pfiesteria and other microorganisms that are a threat to human or animal health.

"(3) RURAL AND URBAN INTERFACE.—Research and extension grants may be made under this section for the purpose of identifying, evaluating, and demonstrating innovative technologies to be used for animal waste management (including odor control) in rural areas adjacent to urban or suburban areas in connection with waste management activities undertaken in urban or suburban areas.

"(4) ANIMAL FEED.—Research and extension grants may be made under this section for the purpose of maximizing nutrition management for livestock, while limiting risks, such as mineral bypass, associated with livestock feeding practices.

"(5) ALTERNATIVE USES OF ANIMAL WASTE.—Research and extension grants may be made under this section for the purpose of finding innovative methods and technologies for economic use or disposal of animal waste.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002.".

SEC. 244. ORGANIC AGRICULTURE RESEARCH AND EXTENSION INITIATIVE.

The Food, Agriculture, Conservation, and Trade Act of 1990 is amended by inserting after section 1672A (as added by section 243) the following:

"SEC. 1672B. ORGANIC AGRICULTURE RESEARCH AND EXTENSION INITIATIVE.

"(a) COMPETITIVE SPECIALIZED RESEARCH AND EXTENSION GRANTS AUTHORIZED.—In consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board, the Secretary of Agriculture (referred to in this section as the 'Secretary') may make competitive grants to support research and extension activities regarding organically grown and processed agricultural commodities for the purposes of—

"(1) facilitating the development of organic agriculture production and processing methods;

"(2) evaluating the potential economic benefits to producers and processors who use organic methods; and

"(3) exploring international trade opportunities for organically grown and processed agricultural commodities.

"(b) GRANT TYPES AND PROCESS, PROHIBITION ON CONSTRUCTION.—Paragraphs (1), (6), (7), and (11) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) shall apply with respect to the making of grants under this section.

"(c) MATCHING FUNDS REQUIRED.—

"(1) IN GENERAL.—The Secretary shall require the recipient of a grant under this section to provide funds or in-kind support from non-Federal sources in an amount at least equal to the amount provided by the Federal Government.

"(2) WAIVER AUTHORITY.—The Secretary may waive the matching funds requirement specified in paragraph (1) with respect to a research project if the Secretary determines that—

"(A) the results of the project, while of particular benefit to a specified agricultural commodity, are likely to be applicable to agricultural commodities generally; or

"(B) the project involves a minor commodity, the project deals with scientifically important research, and the grant recipient is unable to satisfy the matching funds requirement.

"(d) PARTNERSHIPS ENCOURAGED.—Following the completion of a peer review process for grant proposals received under this section, the Secretary may provide a priority to those grant proposals, found in the peer review process to be scientifically meritorious, that involve the cooperation of multiple entities.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002.".

SEC. 245. AGRICULTURAL TELECOMMUNICATIONS PROGRAM.

Section 1673 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5926) is amended—

(1) in subsection (c)—

(A) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively;

(B) by inserting before paragraph (2) (as so redesignated) the following:

*"(1) A*DEC.—The term 'A*DEC' means the distance education consortium known as A*DEC."; and*

(C) by adding at the end the following:

*"(7) SECRETARY.—Except as provided in subsection (d)(1), the term 'Secretary' means the Secretary of Agriculture, acting through A*DEC.";*

*(2) in subsection (d)(1), by striking "The Secretary shall establish a program, to be administered by the Assistant Secretary for Science and Education," and inserting "The Secretary of Agriculture shall establish a program, to be administered through a grant provided to A*DEC under terms and conditions established by the Secretary of Agriculture,"; and*

*(3) in the first sentence of subsection (f)(2), by striking "the Assistant Secretary for Science and Education" and inserting "A*DEC".*

SEC. 246. ASSISTIVE TECHNOLOGY PROGRAM FOR FARMERS WITH DISABILITIES.

Section 1680 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5933) is amended—

(1) in subsection (a), by striking paragraph (6);

(2) in subsection (b)—

(A) by striking "DISSEMINATION.—" and all that follows through "GENERAL.—The" and inserting "DISSEMINATION.—The"; and

(B) by striking paragraph (2); and

(3) by adding at the end the following:

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—Subject to paragraph (2), there is authorized to be appropriated to carry out this section $6,000,000 for each of fiscal years 1999 through 2002.

"(2) NATIONAL GRANT.—Not more than 15 percent of the amounts made available under paragraph (1) for a fiscal year shall be used to carry out subsection (b).".

Subtitle E—Other Laws

SEC. 251. EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.

(a) DEFINITION OF 1994 INSTITUTIONS.—Section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note) is amended by adding at the end the following:

"(30) Little Priest Tribal College.".

(b) ACCREDITATION.—Section 533(a) of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note) is amended by adding at the end the following:

"(3) ACCREDITATION.—To receive funding under sections 534 and 535, a 1994 Institution shall certify to the Secretary that the 1994 Institution—

"(A) is accredited by a nationally recognized accrediting agency or association determined by the Secretary, in consultation with the Secretary of Education, to be a reliable authority regarding the quality of training offered; or

"(B) is making progress toward the accreditation, as determined by the nationally recognized accrediting agency or association.".

(c) RESEARCH GRANTS.—The Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note) is amended by adding at the end the following:

"SEC. 536. RESEARCH GRANTS.

"(a) RESEARCH GRANTS AUTHORIZED.—The Secretary of Agriculture may make grants under this section, on the basis of a competitive application process (and in accordance with such regulations as the Secretary may promulgate), to a 1994 Institution to assist the Institution to conduct agricultural research that addresses high priority concerns of tribal, national, or multistate significance.

"(b) REQUIREMENTS.—Grant applications submitted under this section shall certify that the research to be conducted will be performed under a cooperative agreement with at least 1 other land-grant college or university (exclusive of another 1994 Institution).

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002. Amounts appropriated shall remain available until expended.".

SEC. 252. FUND FOR RURAL AMERICA.

Section 793(b) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2204f(b)) is amended by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—On October 1, 1998, and each October 1 thereafter through October 1, 2002, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer $60,000,000 to the Account.".

SEC. 253. FOREST AND RANGELAND RENEWABLE RESOURCES RESEARCH.

(a) FINDINGS.—Section 2 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641) is amended by striking "SEC. 2." and subsection (a) and inserting the following:

"SEC. 2. FINDINGS AND PURPOSE.

"(a) FINDINGS.—Congress finds the following:

"(1) Forests and rangeland, and the resources of forests and rangeland, are of strategic economic and ecological importance to the United States, and the Federal Government has an important and substantial role in ensuring the continued health, productivity, and sustainability of the forests and rangeland of the United States.

"(2) Over 75 percent of the productive commercial forest land in the United States is privately owned, with some 60 percent owned by small nonindustrial private owners. These 10,000,000 nonindustrial private owners are critical to providing both commodity and noncommodity values to the citizens of the United States.

"(3) The National Forest System manages only 17 percent of the commercial timberland of the United States, with over half of the standing softwoods inventory located on that land. Dramatic changes in Federal agency policy during the early 1990's have significantly curtailed the management of this vast timber resource, causing abrupt shifts in the supply of timber from public to private ownership. As a result of these shifts in supply, some 60 percent of total wood production in the United States is now coming from private forest land in the southern United States.

"(4) At the same time that pressures are building for the removal of even more land from commercial production, the Federal Government is significantly reducing its commitment to productivity-related research regarding forests and rangeland, which is critically needed by the private sector for the sustained management of remaining available timber and forage resources for the benefit of all species.

"(5) Uncertainty over the availability of the United States timber supply, increasing regulatory burdens, and the lack of Federal Government support for research is causing domestic wood and paper producers to move outside the United States to find reliable sources of wood supplies, which in turn results in a worsening of the United States trade balance, the loss of employment and infrastructure investments, and an increased risk of infestations of exotic pests and diseases from imported wood products.

"(6) Wood and paper producers in the United States are being challenged not only by shifts in Federal Government policy, but also by international competition from tropical countries where growth rates of trees far exceed those in the United States. Wood production per acre will need to quadruple from 1996 levels for the United States forestry sector to remain internationally competitive on an ever decreasing forest land base.

"(7) Better and more frequent forest inventorying and analysis is necessary to identify productivity-related forestry research needs and to provide forest managers with the current data necessary to make timely and effective management decisions.".

(b) HIGH PRIORITY FORESTRY AND RANGELAND RESEARCH AND EDUCATION.—Section 3 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642) is amended by striking subsection (d) and inserting the following:

"(d) HIGH PRIORITY FORESTRY AND RANGELAND RESEARCH AND EDUCATION.—

"(1) IN GENERAL.—The Secretary may conduct, support, and cooperate in forestry and

rangeland research and education that is of the highest priority to the United States and to users of public and private forest land and rangeland in the United States.

"(2) PRIORITIES.—The research and education priorities include the following:

"(A) The biology of forest organisms and rangeland organisms.

"(B) Functional characteristics and cost-effective management of forest and rangeland ecosystems.

"(C) Interactions between humans and forests and rangeland.

"(D) Wood and forage as a raw material.

"(E) International trade, competition, and cooperation.

"(3) NORTHEASTERN STATES RESEARCH COOPERATIVE.—The Secretary may cooperate with the northeastern States of New Hampshire, New York, Maine, and Vermont, land-grant colleges and universities of those States, natural resources and forestry schools of those States, other Federal agencies, and other interested persons in those States to coordinate and improve ecological and economic research relating to agricultural research, extension, and education, including—

"(A) research on ecosystem health, forest management, product development, economics, and related fields;

"(B) research to assist those States and landowners in those States to achieve sustainable forest management;

"(C) technology transfer to the wood products industry of technologies that promote efficient processing, pollution prevention, and energy conservation;

"(D) dissemination of existing and new information to landowners, public and private resource managers, State forest citizen advisory committees, and the general public through professional associations, publications, and other information clearinghouse activities; and

"(E) analysis of strategies for the protection of areas of outstanding ecological significance or high biological diversity, and strategies for the provision of important recreational opportunities and traditional uses, including strategies for areas identified through State land conservation planning processes.".

(c) FOREST INVENTORY AND ANALYSIS.—Section 3 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642) is amended by adding at the end the following:

"(e) FOREST INVENTORY AND ANALYSIS.—

"(1) PROGRAM REQUIRED.—In compliance with other applicable provisions of law, the Secretary shall establish a program to inventory and analyze, in a timely manner, public and private forests and their resources in the United States.

"(2) ANNUAL STATE INVENTORY.—

"(A) IN GENERAL.—Not later than the end of each full fiscal year beginning after the date of enactment of this subsection, the Secretary shall prepare for each State, in cooperation with the State forester for the State, an inventory of forests and their resources in the State.

"(B) SAMPLE PLOTS.—For purposes of preparing the inventory for a State, the Secretary shall measure annually 20 percent of all sample plots that are included in the inventory program for that State.

"(C) COMPILATION OF INVENTORY.—On completion of the inventory for a year, the Secretary shall make available to the public a compilation of all data collected for that year from measurements of sample plots as well as any analysis made of the samples.

"(3) 5-YEAR REPORTS.—Not more often than every 5 full fiscal years after the date of enactment of this subsection, the Secretary shall prepare, publish, and make available to the public a report, prepared in cooperation with State foresters, that—

"(A) contains a description of each State inventory of forests and their resources, incorporating all sample plot measurements conducted during the 5 years covered by the report;

"(B) displays and analyzes on a nationwide basis the results of the annual reports required by paragraph (2); and

"(C) contains an analysis of forest health conditions and trends over the previous 2 decades, with an emphasis on such conditions and trends during the period subsequent to the immediately preceding report under this paragraph.

"(4) NATIONAL STANDARDS AND DEFINITIONS.—To ensure uniform and consistent data collection for all forest land that is publicly or privately owned and for each State, the Secretary shall develop, in consultation with State foresters and Federal land management agencies not under the jurisdiction of the Secretary, and publish national standards and definitions to be applied in inventorying and analyzing forests and their resources under this subsection. The standards shall include a core set of variables to be measured on all sample plots under paragraph (2) and a standard set of tables to be included in the reports under paragraph (3).

"(5) PROTECTION FOR PRIVATE PROPERTY RIGHTS.—The Secretary shall obtain authorization from property owners prior to collecting data from sample plots located on private property pursuant to paragraphs (2) and (3).

"(6) STRATEGIC PLAN.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall prepare and submit to Congress a strategic plan to implement and carry out this subsection, including the annual updates required by paragraph (2) and the reports required by paragraph (3), that shall describe in detail—

"(A) the financial resources required to implement and carry out this subsection, including the identification of any resources required in excess of the amounts provided for forest inventorying and analysis in recent appropriations Acts;

"(B) the personnel necessary to implement and carry out this subsection, including any personnel in addition to personnel currently performing inventorying and analysis functions;

"(C) the organization and procedures necessary to implement and carry out this subsection, including proposed coordination with Federal land management agencies and State foresters;

"(D) the schedules for annual sample plot measurements in each State inventory required by paragraph (2) within the first 5-year interval after the date of enactment of this subsection;

"(E) the core set of variables to be measured in each sample plot under paragraph (2) and the standard set of tables to be used in each State and national report under paragraph (3); and

"(F) the process for employing, in coordination with the Secretary of Energy and the Administrator of the National Aeronautics and Space Administration, remote sensing, global positioning systems, and other advanced technologies to carry out this subsection, and the subsequent use of the technologies.".

(d) FORESTRY AND RANGELAND COMPETITIVE RESEARCH GRANTS.—Section 5 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1644) is amended—

(1) by striking the section heading and "SEC. 5." and inserting the following:

"SEC. 5. FORESTRY AND RANGELAND COMPETITIVE RESEARCH GRANTS.

"(a) COMPETITIVE GRANT AUTHORITY.—"; and

(2) by adding at the end the following:

"(b) EMPHASIS ON CERTAIN HIGH PRIORITY FORESTRY RESEARCH.—The Secretary may use up to 5 percent of the amounts made available for research under section 3 to make competitive grants regarding forestry research in the high priority research areas identified under section 3(d).

"(c) EMPHASIS ON CERTAIN HIGH PRIORITY RANGELAND RESEARCH.—The Secretary may use up to 5 percent of the amounts made available for research under section 3 to make competitive grants regarding rangeland research in the high priority research areas identified under section 3(d).

"(d) PRIORITIES.—In making grants under subsections (b) and (c), the Secretary shall give priority to research proposals under which—

"(1) the proposed research will be collaborative research organized through a center of scientific excellence;

"(2) the applicant agrees to provide matching funds (in the form of direct funding or in-kind support) in an amount equal to not less than 50 percent of the grant amount; and

"(3) the proposed research will be conducted as part of an existing private and public partnership or cooperative research effort and involves several interested research partners.".

TITLE III—EXTENSION OR REPEAL OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION AUTHORITIES

SEC. 301. EXTENSIONS.

(a) NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT OF 1977.—The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended—

(1) in subsection (l) of section 1417 (7 U.S.C. 3152) (as redesignated by section 223(1)), by striking "1997" and inserting "2002";

(2) in section 1419(d) (7 U.S.C. 3154(d)), by striking "1997" and inserting "2002";

(3) in section 1419A(d) (7 U.S.C. 3155(d)), by striking "fiscal years 1996 and 1997" and inserting "each of fiscal years 1996 through 2002";

(4) in section 1424(d) (7 U.S.C. 3174(d)), by striking "fiscal years 1996 and 1997" and inserting "each of fiscal years 1996 through 2002";

(5) in section 1424A(d) (7 U.S.C. 3174a(d)), by striking "fiscal year 1997" and inserting "each of fiscal years 1997 through 2002";

(6) in section 1425(c)(3) (7 U.S.C. 3175(c)(3)), by striking "and 1997" and inserting "through 2002";

(7) in the first sentence of section 1433(a) (7 U.S.C. 3195(a)), by striking "1997" and inserting "2002";

(8) in section 1434(a) (7 U.S.C. 3196(a)), by striking "1997" and inserting "2002";

(9) in section 1447(b) (7 U.S.C. 3222b(b)), by striking "and 1997" and inserting "through 2002";

(10) in section 1448 (7 U.S.C. 3222c)—

(A) in subsection (a)(1), by striking "and 1997" and inserting "through 2002"; and

(B) in subsection (f), by striking "1997" and inserting "2002";

(11) in section 1455(c) (7 U.S.C. 3241(c)), by striking "fiscal year 1997" and inserting "each of fiscal years 1997 through 2002";

(12) in section 1463 (7 U.S.C. 3311), by striking "1997" each place it appears in subsections (a) and (b) and inserting "2002";

(13) in section 1464 (7 U.S.C. 3312), by striking "1997" and inserting "2002";

(14) in section 1473D(a) (7 U.S.C. 3319d(a)), by striking "1997" and inserting "2002";

(15) in the first sentence of section 1477 (7 U.S.C. 3324), by striking "1997" and inserting "2002"; and

(16) in section 1483(a) (7 U.S.C. 3336(a)), by striking "1997" and inserting "2002".

(b) FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990.—The Food, Agriculture, Conservation, and Trade Act of 1990 is amended—

(1) in section 1635(b) (7 U.S.C. 5844(b)), by striking "1997" and inserting "2002";

(2) in section 1673(h) (7 U.S.C. 5926(h)), by striking "1997" and inserting "2002";

(3) in section 2381(e) (7 U.S.C. 3125b(e)), by striking "1997" and inserting "2002".

(c) Critical Agricultural Materials Act.—Section 16(a) of the Critical Agricultural Materials Act (7 U.S.C. 178n(a)) is amended by striking "1997" and inserting "2002".

(d) Research Facilities Act.—Section 6(a) of the Research Facilities Act (7 U.S.C. 390d(a)) is amended by striking "fiscal years 1996 and 1997" and inserting "each of fiscal years 1996 through 2002".

(e) National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1985.—Section 1431 of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1985 (Public Law 99–198; 99 Stat. 1556) is amended by striking "1997" and inserting "2002".

(f) Competitive, Special, and Facilities Research Grant Act.—Subsection (b)(10) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)(10)) is amended by striking "1997" and inserting "2002".

(g) Equity in Educational Land-Grant Status Act of 1994.—Sections 533(b) and 535 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note) are amended by striking "2000" each place it appears and inserting "2002".

(h) Renewable Resources Extension Act of 1978.—Section 6 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1675) is amended in the first sentence by striking "the fiscal year ending September 30, 1988," and all that follows through the period at the end and inserting "each of fiscal years 1987 through 2002.".

(i) National Aquaculture Act of 1980.—Section 10 of the National Aquaculture Act of 1980 (16 U.S.C. 2809) is amended by striking "the fiscal years 1991, 1992, and 1993" each place it appears and inserting "fiscal years 1991 through 2002".

SEC. 302. REPEALS.

(a) National Agricultural Research, Extension, and Teaching Policy Act of 1977.—Section 1476 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3323) is repealed.

(b) National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1981.—Subsection (b) of section 1432 of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1981 (Public Law 97–98; 7 U.S.C. 3222 note) is repealed.

(c) Food, Agriculture, Conservation, and Trade Act of 1990.—Subtitle G of title XIV and sections 1670 and 1675 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5501 et seq., 5923, 5928) are repealed.

(d) Federal Agriculture Improvement and Reform Act of 1996.—Subtitle E of title VIII of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 110 Stat. 1184) is repealed.

TITLE IV—NEW AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION INITIATIVES

SEC. 401. INITIATIVE FOR FUTURE AGRICULTURE AND FOOD SYSTEMS.

(a) Treasury Account.—There is established in the Treasury of the United States an account to be known as the Initiative for Future Agriculture and Food Systems (referred to in this section as the "Account") to provide funds for activities authorized under this section.

(b) Funding.—

(1) In general.—On October 1, 1998, and each October 1 thereafter through October 1, 2002, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer $120,000,000 to the Account.

(2) Entitlement.—The Secretary of Agriculture—

(A) shall be entitled to receive the funds transferred to the Account under paragraph (1);

(B) shall accept the funds; and

(C) shall use the funds to carry out this section.

(c) Purposes.—

(1) Critical emerging issues.—The Secretary shall use the funds in the Account—

(A) subject to paragraph (2), for research, extension, and education grants (referred to in this section as "grants") to address critical emerging agricultural issues related to—

(i) future food production;

(ii) environmental quality and natural resource management; or

(iii) farm income; and

(B) for activities carried out under the Alternative Agricultural Research and Commercialization Act of 1990 (7 U.S.C. 5901 et seq.).

(2) Priority mission areas.—In making grants under this section, the Secretary, in consultation with the Advisory Board, shall address priority mission areas related to—

(A) agricultural genome;

(B) food safety, food technology, and human nutrition;

(C) new and alternative uses and production of agricultural commodities and products;

(D) agricultural biotechnology;

(E) natural resource management, including precision agriculture; and

(F) farm efficiency and profitability, including the viability and competitiveness of small- and medium-sized dairy, livestock, crop, and other commodity operations.

(d) Eligible Grantees.—The Secretary may make a grant under this section to—

(1) a Federal research agency;

(2) a national laboratory;

(3) a college or university or a research foundation maintained by a college or university; or

(4) a private research organization with an established and demonstrated capacity to perform research or technology transfer.

(e) Special Considerations.—

(1) Smaller institutions.—The Secretary may award grants under this section in a manner that ensures that the faculty of small and mid-sized institutions that have not previously been successful in obtaining competitive grants under subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)) receive a portion of the grants under this section.

(2) Priorities.—In making grants under this section, the Secretary shall provide a higher priority to—

(A) a project that is multistate, multi-institutional, or multidisciplinary; or

(B) a project that integrates agricultural research, extension, and education.

(f) Administration.—

(1) In general.—In making grants under this section, the Secretary shall—

(A) seek and accept proposals for grants;

(B) determine the relevance and merit of proposals through a system of peer review in accordance with section 103;

(C) award grants on the basis of merit, quality, and relevance to advancing the purposes and priority mission areas established under subsection (c); and

(D) solicit and consider input from persons who conduct or use agricultural research, extension, or education in accordance with section 102(b).

(2) Competitive basis.—A grant under this section shall be awarded on a competitive basis.

(3) Term.—A grant under this section shall have a term that does not exceed 5 years.

(4) Matching funds.—As a condition of making a grant under this section, the Secretary shall require the funding of the grant be matched with equal matching funds from a non-Federal source if the grant is—

(A) for applied research that is commodity-specific; and

(B) not of national scope.

(5) Delegation.—The Secretary shall administer this section through the Cooperative State Research, Education, and Extension Service of the Department. The Secretary may establish 1 or more institutes to carry out all or part of the activities authorized under this section.

(6) Availability of funds.—Funds for grants under this section shall be available to the Secretary for obligation for a 2-year period.

(7) Administrative costs.—The Secretary may use not more than 4 percent of the funds made available for grants under this section for administrative costs incurred by the Secretary in carrying out this section.

(8) Buildings and facilities.—Funds made available for grants under this section shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing building or facility (including site grading and improvement and architect fees).

SEC. 402. PARTNERSHIPS FOR HIGH-VALUE AGRICULTURAL PRODUCT QUALITY RESEARCH.

(a) Definition of Eligible Partnership.—In this section, the term "eligible partnership" means a partnership consisting of a land-grant college or university and other entities specified in subsection (c)(1) that satisfies the eligibility criteria specified in subsection (c).

(b) Establishment of Partnerships by Grant.—The Secretary of Agriculture may make competitive grants to an eligible partnership to coordinate and manage research and extension activities to enhance the quality of high-value agricultural products.

(c) Criteria for an Eligible Partnership.—

(1) Primary institutions in partnership.—The primary institution involved in an eligible partnership shall be a land-grant college or university, acting in partnership with other colleges or universities, nonprofit research and development entities, and Federal laboratories.

(2) Prioritization of research activities.—An eligible partnership shall prioritize research and extension activities in order to—

(A) enhance the competitiveness of United States agricultural products;

(B) increase exports of such products; and

(C) substitute such products for imported products.

(3) Coordination.—An eligible partnership shall coordinate among the entities comprising the partnership the activities supported by the eligible partnership, including the provision of mechanisms for sharing resources between institutions and laboratories and the coordination of public and private sector partners to maximize cost-effectiveness.

(d) Types of Research and Extension Activities.—Research or extension supported by an eligible partnership may address the full spectrum of production, processing, packaging, transportation, and marketing issues related to a high-value agricultural product. Such issues include—

(1) environmentally responsible—

(A) pest management alternatives and biotechnology;

(B) sustainable farming methods; and

(C) soil conservation and enhanced resource management;

(2) genetic research to develop improved agricultural-based products;

(3) refinement of field production practices and technology to improve quality, yield, and production efficiencies;

(4) processing and package technology to improve product quality, stability, or flavor intensity;

(5) marketing research regarding consumer perceptions and preferences;

(6) economic research, including industry characteristics, growth, and competitive analysis; and

(7) research to facilitate diversified, value-added enterprises in rural areas.

(e) ELEMENTS OF GRANT MAKING PROCESS.—

(1) PERIOD OF GRANT.—The Secretary may award a grant under this section for a period not to exceed 5 years.

(2) PREFERENCES.—In making grants under this section, the Secretary shall provide a preference to proposals that—

(A) demonstrate linkages with—

(i) agencies of the Department;

(ii) other related Federal research laboratories and agencies;

(iii) colleges and universities; and

(iv) private industry; and

(B) guarantee matching funds in excess of the amounts required by paragraph (3).

(3) MATCHING FUNDS.—An eligible partnership shall contribute an amount of non-Federal funds for the operation of the partnership that is at least equal to the amount of grant funds received by the partnership under this section.

(f) LIMITATION ON USE OF GRANT FUNDS.—Funds provided under this section may not be used for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002.

SEC. 403. PRECISION AGRICULTURE.

(a) DEFINITIONS.—In this section:

(1) AGRICULTURAL INPUTS.—The term "agricultural inputs" includes all farm management, agronomic, and field-applied agricultural production inputs, such as machinery, labor, time, fuel, irrigation water, commercial nutrients, feed stuffs, veterinary drugs and vaccines, livestock waste, crop protection chemicals, agronomic data and information, application and management services, seed, and other inputs used in agricultural production.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a State agricultural experiment station;

(B) a college or university;

(C) a research institution or organization;

(D) a Federal or State government entity or agency;

(E) a national laboratory;

(F) a private organization or corporation;

(G) an agricultural producer or other land manager; or

(H) a precision agriculture partnership referred to in subsection (g).

(3) PRECISION AGRICULTURE.—The term "precision agriculture" means an integrated information- and production-based farming system that is designed to increase long-term, site-specific, and whole farm production efficiencies, productivity, and profitability while minimizing unintended impacts on wildlife and the environment by—.

(A) combining agricultural sciences, agricultural inputs and practices, agronomic production databases, and precision agriculture technologies to efficiently manage agronomic and livestock production systems;

(B) gathering on-farm information pertaining to the variation and interaction of site-specific spatial and temporal factors affecting crop and livestock production;

(C) integrating such information with appropriate data derived from field scouting, remote sensing, and other precision agriculture technologies in a timely manner in order to facilitate on-farm decisionmaking; or

(D) using such information to prescribe and deliver site-specific application of agricultural inputs and management practices in agricultural production systems.

(4) PRECISION AGRICULTURE TECHNOLOGIES.—The term "precision agriculture technologies" includes—

(A) instrumentation and techniques ranging from sophisticated sensors and software systems to manual sampling and data collection tools that measure, record, and manage spatial and temporal data;

(B) technologies for searching out and assembling information necessary for sound agricultural production decisionmaking;

(C) open systems technologies for data networking and processing that produce valued systems for farm management decisionmaking; or

(D) machines that deliver information-based management practices.

(5) SYSTEMS RESEARCH.—The term "systems research" means an integrated, coordinated, and iterative investigative process that involves—

(A) the multiple interacting components and aspects of precision agriculture systems, including synthesis of new knowledge regarding the physical-chemical-biological processes and complex interactions of the systems with cropping, livestock production practices, and natural resource systems;

(B) precision agriculture technologies development and implementation;

(C) data and information collection and interpretation;

(D) production scale planning;

(E) production-scale implementation; and

(F) farm production efficiencies, productivity, and profitability.

(b) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Agriculture may make competitive grants, for periods not to exceed 5 years, to eligible entities to conduct research, education, or information dissemination projects for the development and advancement of precision agriculture.

(2) PRIVATE SECTOR FINANCING.—A grant under this section shall be used to support only a project that the Secretary determines is unlikely to be financed by the private sector.

(3) CONSULTATION WITH ADVISORY BOARD.—The Secretary shall make grants under this section in consultation with the Advisory Board.

(c) PURPOSES OF PROJECTS.—A research, education, or information dissemination project supported by a grant under this section shall address 1 or more of the following purposes:

(1) The study and promotion of components of precision agriculture technologies using a systems research approach designed to increase long-term site-specific and whole-farm production efficiencies, productivity, and profitability.

(2) The improvement in the understanding of agronomic systems, including, soil, water, land cover (including grazing land), pest management systems, and meteorological variability.

(3) The provision of training and educational programs for State cooperative extension services agents, and other professionals involved in the production-and transfer of integrated precision agriculture technology.

(4) The development, demonstration, and dissemination of information regarding precision agriculture technologies and systems and the potential costs and benefits of precision agriculture as it relates to—

(A) increased long-term farm production efficiencies, productivity, and profitability;

(B) the maintenance of the environment;

(C) improvements in international trade; and

(D) an integrated program of education for agricultural producers and consumers, including family owned and operated farms.

(5) The promotion of systems research and education projects focusing on the integration of the multiple aspects of precision agriculture, including development, production-scale implementation, and farm production efficiencies, productivity, and profitability.

(6) The study of whether precision agriculture technologies are applicable and accessible to small and medium-size farms and the study of methods of improving the applicability of precision agriculture technologies to those farms.

(d) GRANT PRIORITIES.—In making grants to eligible entities under this section, the Secretary, in consultation with the Advisory Board, shall give priority to research, education, or information dissemination projects designed to accomplish the following:

(1) Evaluate the use of precision agriculture technologies using a systems research approach to increase long-term site-specific and whole farm production efficiencies, productivity, profitability.

(2) Integrate research, education, and information dissemination components in a practical and readily available manner so that the findings of the project will be made readily usable by agricultural producers.

(3) Demonstrate the efficient use of agricultural inputs, rather than the uniform reduction in the use of agricultural inputs.

(4) Maximize the involvement and cooperation of precision agriculture producers, certified crop advisers, State cooperative extension services agents, agricultural input machinery, product and service providers, nonprofit organizations, agribusinesses, veterinarians, land-grant colleges and universities, and Federal agencies in precision agriculture systems research projects involving on-farm research, education, and dissemination of precision agriculture information.

(5) Maximize collaboration with multiple agencies and other partners, including through leveraging of funds and resources.

(e) MATCHING FUNDS.—The amount of a grant under this section to an eligible entity (other than a Federal agency) may not exceed the amount that the eligible entity makes available out of non-Federal funds for precision agriculture research and for the establishment and maintenance of facilities necessary for conducting precision agriculture research.

(f) RESERVATION OF FUNDS FOR EDUCATION AND INFORMATION DISSEMINATION PROJECTS.—Of the funds made available for grants under this section, the Secretary shall reserve a portion of the funds for grants for projects regarding precision agriculture related to education or information dissemination.

(g) PRECISION AGRICULTURE PARTNERSHIPS.—In carrying out this section, the Secretary, in consultation with the Advisory Board, shall encourage the establishment of appropriate multistate and national partnerships or consortia between—

(1) land-grant colleges and universities, State agricultural experiment stations, State cooperative extension services, other colleges and universities with demonstrable expertise regarding precision agriculture, agencies of the Department, national laboratories, agribusinesses, agricultural equipment and input manufacturers and retailers, certified crop advisers, commodity organizations, veterinarians, other Federal or State government entities and agencies, or nonagricultural industries and nonprofit organizations with demonstrable expertise regarding precision agriculture; and

(2) agricultural producers or other land managers.

(h) LIMITATION REGARDING FACILITIES.—A grant made under this section may not be used for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002, of which, for each fiscal year—

(A) not less than 30 percent shall be available to make grants for research to be conducted by multidisciplinary teams; and

(B) not less than 40 percent shall be available to make grants for research to be conducted by eligible entities conducting systems research directly applicable to producers and agricultural production systems.

(2) AVAILABILITY OF FUNDS.—Funds made available under paragraph (1) shall be available for obligation for a 2-year period beginning on October 1 of the fiscal year for which the funds are made available.

SEC. 404. BIOBASED PRODUCTS.

(a) DEFINITION OF BIOBASED PRODUCT.—In this section, the term "biobased product" means a product suitable for food or nonfood use that is derived in whole or in part from renewable agricultural and forestry materials.

(b) COORDINATION OF BIOBASED PRODUCT ACTIVITIES.—The Secretary of Agriculture shall—

(1) coordinate the research, technical expertise, economic information, and market information resources and activities of the Department to develop, commercialize, and promote the use of biobased products;

(2) solicit input from private sector persons who produce, or are interested in producing, biobased products;

(3) provide a centralized contact point for advice and technical assistance for promising and innovative biobased products; and

(4) submit an annual report to Congress describing the coordinated research, marketing, and commercialization activities of the Department relating to biobased products.

(c) COOPERATIVE AGREEMENTS FOR BIOBASED PRODUCTS.—

(1) AGREEMENTS AUTHORIZED.—The Secretary may enter into cooperative agreements with private entities described in subsection (d), under which the facilities and technical expertise of the Agricultural Research Service may be made available to operate pilot plants and other large-scale preparation facilities for the purpose of bringing technologies necessary for the development and commercialization of new biobased products to the point of practical application.

(2) DESCRIPTION OF COOPERATIVE ACTIVITIES.—Cooperative activities may include—

(A) research on potential environmental impacts of a biobased product;

(B) methods to reduce the cost of manufacturing a biobased product; and

(C) other appropriate research.

(d) ELIGIBLE PARTNERS.—The following entities shall be eligible to enter into a cooperative agreement under subsection (c):

(1) A party that has entered into a cooperative research and development agreement with the Secretary under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

(2) A recipient of funding from the Alternative Agricultural Research and Commercialization Corporation established under section 1658 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5902).

(3) A recipient of funding from the Biotechnology Research and Development Corporation.

(4) A recipient of funding from the Secretary under a Small Business Innovation Research Program established under section 9 of the Small Business Act (15 U.S.C. 638).

(e) PILOT PROJECT.—The Secretary, acting through the Agricultural Research Service, may establish and carry out a pilot project under which grants are provided, on a competitive basis, to scientists of the Agricultural Research Service to—

(1) encourage innovative and collaborative science; and

(2) during each of fiscal years 1999 through 2001, develop biobased products with promising commercial potential.

(f) SOURCE OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), to carry out this section, the Secretary may use—

(A) funds appropriated to carry out this section; and

(B) funds otherwise available for cooperative research and development agreements under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

(2) EXCEPTION.—The Secretary may not use funds referred to in paragraph (1)(B) to carry out subsection (e).

(g) SALE OF DEVELOPED PRODUCTS.—For the purpose of determining the market potential for new biobased products produced at a pilot plant or other large-scale preparation facility under a cooperative agreement under this section, the Secretary shall authorize the private partner or partners to the agreement to sell the products.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002.

SEC. 405. THOMAS JEFFERSON INITIATIVE FOR CROP DIVERSIFICATION.

(a) INITIATIVE REQUIRED.—The Secretary of Agriculture shall provide for a research initiative (to be known as the "Thomas Jefferson Initiative for Crop Diversification") for the purpose of conducting research and development, in cooperation with other public and private entities, on the production and marketing of new and nontraditional crops needed to strengthen and diversify the agricultural production base of the United States.

(b) RESEARCH AND EDUCATION EFFORTS.—The initiative shall include research and education efforts regarding new and nontraditional crops designed—

(1) to identify and overcome agronomic barriers to profitable production;

(2) to identify and overcome other production and marketing barriers; and

(3) to develop processing and utilization technologies for new and nontraditional crops.

(c) PURPOSES.—The purposes of the initiative are—

(1) to develop a focused program of research and development at the regional and national levels to overcome barriers to the development of—

(A) new crop opportunities for agricultural producers; and

(B) related value-added enterprises in rural communities; and

(2) to ensure a broad-based effort encompassing research, education, market development, and support of entrepreneurial activity leading to increased agricultural diversification.

(d) ESTABLISHMENT OF INITIATIVE.—The Secretary shall coordinate the initiative through a nonprofit center or institute that will coordinate research and education programs in cooperation with other public and private entities. The Secretary shall administer research and education grants made under this section.

(e) REGIONAL EMPHASIS.—

(1) REQUIRED.—The Secretary shall support development of multistate regional efforts in crop diversification.

(2) SITE-SPECIFIC CROP DEVELOPMENT EFFORTS.—Of funding made available to carry out the initiative, not less than 50 percent shall be used for regional efforts centered at colleges and universities in order to facilitate site-specific crop development efforts.

(f) ELIGIBLE GRANTEE.—The Secretary may award funds under this section to colleges or universities, nonprofit organizations, public agencies, or individuals.

(g) ADMINISTRATION.—

(1) GRANTS AND CONTRACTS.—Grants awarded through the initiative shall be selected on a competitive basis.

(2) PRIVATE BUSINESSES.—The recipient of a grant may use a portion of the grant funds for standard contracts with private businesses, such as for test processing of a new or nontraditional crop.

(3) TERMS.—The term of a grant awarded through the initiative may not exceed 5 years.

(4) MATCHING FUNDS.—The Secretary shall require the recipient of a grant awarded through the initiative to contribute an amount of funds from non-Federal sources that is at least equal to the amount provided by the Federal Government.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002.

SEC. 406. INTEGRATED RESEARCH, EDUCATION, AND EXTENSION COMPETITIVE GRANTS PROGRAM.

(a) PURPOSE.—It is the purpose of this section to authorize the Secretary of Agriculture to establish an integrated research, education, and extension competitive grant program to provide funding for integrated, multifunctional agricultural research, extension, and education activities.

(b) COMPETITIVE GRANTS AUTHORIZED.—Subject to the availability of appropriations to carry out this section, the Secretary may award grants to colleges and universities (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)) on a competitive basis for integrated agricultural research, education, and extension projects in accordance with this section.

(c) CRITERIA FOR GRANTS.—Grants under this section shall be awarded to address priorities in United States agriculture, determined by the Secretary in consultation with the Advisory Board, that involve integrated research, extension, and education activities.

(d) MATCHING OF FUNDS.—

(1) GENERAL REQUIREMENT.—If a grant under this section provides a particular benefit to a specific agricultural commodity, the Secretary shall require the recipient of the grant to provide funds or in-kind support to match the amount of funds provided by the Secretary in the grant.

(2) WAIVER.—The Secretary may waive the matching funds requirement specified in paragraph (1) with respect to a grant if the Secretary determines that—

(A) the results of the project, while of particular benefit to a specific agricultural commodity, are likely to be applicable to agricultural commodities generally; or

(B) the project involves a minor commodity, the project deals with scientifically important research, and the grant recipient is unable to satisfy the matching funds requirement.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002.

SEC. 407. COORDINATED PROGRAM OF RESEARCH, EXTENSION, AND EDUCATION TO IMPROVE VIABILITY OF SMALL AND MEDIUM SIZE DAIRY, LIVESTOCK, AND POULTRY OPERATIONS.

(a) PROGRAM AUTHORIZED.—The Secretary of Agriculture may carry out a coordinated program of research, extension, and education to improve the competitiveness, viability, and sustainability of small and medium size dairy, livestock, and poultry operations (referred to in this section as "operations").

(b) COMPONENTS.—To the extent the Secretary elects to carry out the program, the Secretary shall conduct—

(1) research, development, and on-farm extension and education concerning low-cost production facilities and practices, management systems, and genetics that are appropriate for the operations;

(2) in the case of dairy and livestock operations, research and extension on management-intensive grazing systems for dairy and livestock production to realize the potential for reduced capital and feed costs through greater use of management skills, labor availability optimization, and the natural benefits of grazing pastures;

(3) research and extension on integrated crop and livestock or poultry systems that increase efficiencies, reduce costs, and prevent environmental pollution to strengthen the competitive position of the operations;

(4) economic analyses and market feasibility studies to identify new and expanded opportunities for producers on the operations that provide tools and strategies to meet consumer demand in domestic and international markets, such as cooperative marketing and value-added strategies for milk, meat, and poultry production and processing; and

(5) technology assessment that compares the technological resources of large specialized producers with the technological needs of producers on the operations to identify and transfer existing technology across all sizes and scales and to identify the specific research and education needs of the producers.

(c) ADMINISTRATION.—The Secretary may use the funds, facilities, and technical expertise of the Agricultural Research Service and the Cooperative State Research, Education, and Extension Service and other funds available to the Secretary (other than funds of the Commodity Credit Corporation) to carry out this section.

SEC. 408. SUPPORT FOR RESEARCH REGARDING DISEASES OF WHEAT AND BARLEY CAUSED BY FUSARIUM GRAMINEARUM.

(a) RESEARCH GRANT AUTHORIZED.—The Secretary of Agriculture may make a grant to a consortium of land-grant colleges and universities to enhance the ability of the consortium to carry out a multi-State research project aimed at understanding and combating diseases of wheat and barley caused by Fusarium graminearum and related fungi (referred to in this section as "wheat scab").

(b) RESEARCH COMPONENTS.—Funds provided under this section shall be available for the following collaborative, multi-State research activities:

(1) Identification and understanding of the epidemiology of wheat scab and the toxicological properties of vomitoxin, a toxic metabolite commonly occurring in wheat and barley infected with wheat scab.

(2) Development of crop management strategies to reduce the risk of wheat scab occurrence.

(3) Development of—

(A) efficient and accurate methods to monitor wheat and barley for the presence of wheat scab and resulting vomitoxin contamination;

(B) post-harvest management techniques for wheat and barley infected with wheat scab; and

(C) milling and food processing techniques to render contaminated grain safe.

(4) Strengthening and expansion of plant-breeding activities to enhance the resistance of wheat and barley to wheat scab, including the establishment of a regional advanced breeding material evaluation nursery and a germplasm introduction and evaluation system.

(5) Development and deployment of alternative fungicide application systems and formulations to control wheat scab and consideration of other chemical control strategies to assist farmers until new more resistant wheat and barley varieties are available.

(c) COMMUNICATIONS NETWORKS.—Funds provided under this section shall be available for efforts to concentrate, integrate, and disseminate research, extension, and outreach-orientated information regarding wheat scab.

(d) MANAGEMENT.—To oversee the use of a grant made under this section, the Secretary may establish a committee composed of the directors of the agricultural experiment stations in the States in which land-grant colleges and universities that are members of the consortium are located.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,200,000 for each of fiscal years 1999 through 2002.

TITLE V—AGRICULTURAL PROGRAM ADJUSTMENTS

Subtitle A—Food Stamp Program

SEC. 501. REDUCTIONS IN FUNDING OF EMPLOYMENT AND TRAINING PROGRAMS.

Section 16(h)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2025(h)(1)(A)) is amended—

(1) in clause (iv)(II), by striking "$131,000,000" and inserting "$31,000,000"; and

(2) in clause (v)(II), by striking "$131,000,000" and inserting "$86,000,000".

SEC. 502. REDUCTIONS IN PAYMENTS FOR ADMINISTRATIVE COSTS.

(a) IN GENERAL.—Section 16 of the Food Stamp Act of 1977 (7 U.S.C. 2025) is amended—

(1) in the first sentence of subsection (a), by striking "The Secretary" and inserting "Subject to subsection (k), the Secretary"; and

(2) by adding at the end the following:

"(k) REDUCTIONS IN PAYMENTS FOR ADMINISTRATIVE COSTS.—

"(1) DEFINITIONS.—In this subsection:

"(A) AFDC PROGRAM.—The term 'AFDC program' means the program of aid to families with dependent children established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq. (as in effect, with respect to a State, during the base period for that State)).

"(B) BASE PERIOD.—The term 'base period' means the period used to determine the amount of the State family assistance grant for a State under section 403 of the Social Security Act (42 U.S.C. 603).

"(C) MEDICAID PROGRAM.—The term 'medicaid program' means the program of medical assistance under a State plan or under a waiver of the plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

"(2) DETERMINATIONS OF AMOUNTS ATTRIBUTABLE TO BENEFITING PROGRAMS.—Not later than 180 days after the date of enactment of this subsection, the Secretary of Health and Human Services, in consultation with the Secretary of Agriculture and the States, shall, with respect to the base period for each State, determine—

"(A) the annualized amount the State received under section 403(a)(3) of the Social Security Act (42 U.S.C. 603(a)(3) (as in effect during the base period)) for administrative costs common to determining the eligibility of individuals, families, and households eligible or applying for the AFDC program and the food stamp program, the AFDC program and the medicaid program, and the AFDC program, the food stamp program, and the medicaid program that were allocated to the AFDC program; and

"(B) the annualized amount the State would have received under section 403(a)(3) of the Social Security Act (42 U.S.C. 603(a)(3) (as so in effect)), section 1903(a)(7) of the Social Security Act (42 U.S.C. 1396b(a)(7) (as so in effect)), and subsection (a) of this section (as so in effect), for administrative costs common to determining the eligibility of individuals, families, and households eligible or applying for the AFDC program and the food stamp program, the AFDC program and the medicaid program, and the AFDC program, the food stamp program, and the medicaid program, if those costs had been allocated equally among such programs for which the individual, family, or household was eligible or applied for.

"(3) REDUCTION IN PAYMENT.—

"(A) IN GENERAL.—Notwithstanding any other provision of this section, effective for each of fiscal years 1999 through 2002, the Secretary shall reduce, for each fiscal year, the amount paid under subsection (a) to each State by an amount equal to the amount determined for the food stamp program under paragraph (2)(B). The Secretary shall, to the extent practicable, make the reductions required by this paragraph on a quarterly basis.

"(B) APPLICATION.—If the Secretary of Health and Human Services does not make the determinations required by paragraph (2) by September 30, 1999—

"(i) during the fiscal year in which the determinations are made, the Secretary shall reduce the amount paid under subsection (a) to each State by an amount equal to the sum of the amounts determined for the food stamp program under paragraph (2)(B) for fiscal year 1999 through the fiscal year during which the determinations are made; and

"(ii) for each subsequent fiscal year through fiscal year 2002, subparagraph (A) applies.

"(4) APPEAL OF DETERMINATIONS.—

"(A) IN GENERAL.—Not later than 5 days after the date on which the Secretary of Health and Human Services makes any determination required by paragraph (2) with respect to a State, the Secretary shall notify the chief executive officer of the State of the determination.

"(B) REVIEW BY ADMINISTRATIVE LAW JUDGE.—

"(i) IN GENERAL.—Not later than 60 days after the date on which a State receives notice under subparagraph (A) of a determination, the State may appeal the determination, in whole or in part, to an administrative law judge of the Department of Health and Human Services by filing an appeal with the administrative law judge.

"(ii) DOCUMENTATION.—The administrative law judge shall consider an appeal filed by a State under clause (i) on the basis of such documentation as the State may submit and as the administrative law judge may require to support the final decision of the administrative law judge.

"(iii) REVIEW.—In deciding whether to uphold a determination, in whole or in part, the administrative law judge shall conduct a thorough review of the issues and take into account all relevant evidence.

"(iv) DEADLINE.—Not later than 60 days after the date on which the record is closed, the administrative law judge shall—

"(I) make a final decision with respect to an appeal filed under clause (i); and

"(II) notify the chief executive officer of the State of the decision.

"(C) REVIEW BY DEPARTMENTAL APPEALS BOARD.—

"(i) IN GENERAL.—Not later than 30 days after the date on which a State receives notice under subparagraph (B) of a final decision, the State may appeal the decision, in whole or in part, to the Departmental Appeals Board established in the Department of Health and Human Services (referred to in this paragraph as the 'Board') by filing an appeal with the Board.

"(ii) REVIEW.—The Board shall review the decision on the record.

"(iii) DEADLINE.—Not later than 60 days after the date on which the appeal is filed, the Board shall—

"(I) make a final decision with respect to an appeal filed under clause (i); and

"(II) notify the chief executive officer of the State of the decision.

"(D) JUDICIAL REVIEW.—The determinations of the Secretary of Health and Human Services

under paragraph (2), and a final decision of the administrative law judge or Board under subparagraphs (B) and (C), respectively, shall not be subject to judicial review.

"(E) REDUCED PAYMENTS PENDING APPEAL.—The pendency of an appeal under this paragraph shall not affect the requirement that the Secretary reduce payments in accordance with paragraph (3).

"(5) ALLOCATION OF ADMINISTRATIVE COSTS.—

"(A) IN GENERAL.—No funds or expenditures described in subparagraph (B) may be used to pay for costs—

"(i) eligible for reimbursement under subsection (a) (or costs that would have been eligible for reimbursement but for this subsection); and

"(ii) allocated for reimbursement to the food stamp program under a plan submitted by a State to the Secretary of Health and Human Services to allocate administrative costs for public assistance programs.

"(B) FUNDS AND EXPENDITURES.—Subparagraph (A) applies to—

"(i) funds made available to carry out part A of title IV, or title XX, of the Social Security Act (42 U.S.C. 601 et seq., 1397 et seq.);

"(ii) expenditures made as qualified State expenditures (as defined in section 409(a)(7)(B) of that Act (42 U.S.C. 609(a)(7)(B)));

"(iii) any other Federal funds (except funds provided under subsection (a)); and

"(iv) any other State funds that are—

"(I) expended as a condition of receiving Federal funds; or

"(II) used to match Federal funds under a Federal program other than the food stamp program.".

(b) REVIEW OF METHODOLOGY USED TO MAKE CERTAIN DETERMINATIONS.—Not later than 1 year after the date of enactment, the Comptroller General of the United States shall—

(1) review the adequacy of the methodology used in making the determinations required under section 16(k)(2)(B) of the Food Stamp Act of 1977 (as added by subsection (a)(2)); and

(2) submit a written report on the results of the review to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SEC. 503. EXTENSION OF ELIGIBILITY PERIOD FOR REFUGEES AND CERTAIN OTHER QUALIFIED ALIENS FROM 5 TO 7 YEARS.

Section 402(a)(2)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(A)) is amended—

(1) by striking clause (ii);

(2) by striking "ASYLEES.—" and all that follows through "paragraph (3)(A)" and inserting "ASYLEES.—With respect to the specified Federal programs described in paragraph (3)"; and

(3) by redesignating subclauses (I) through (V) as clauses (i) through (v) and indenting appropriately.

SEC. 504. FOOD STAMP ELIGIBILITY FOR CERTAIN DISABLED ALIENS.

Section 402(a)(2)(F) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(F)) is amended—

(1) by striking "program defined in paragraph (3)(A) (relating to the supplemental security income program)" and inserting "specified Federal programs described in paragraph (3)"; and

(2) in clause (ii)—

(A) by inserting "(I) in the case of the specified Federal program described in paragraph (3)(A)," after "(ii)";

(B) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(II) in the case of the specified Federal program described in paragraph (3)(B), is receiving benefits or assistance for blindness or disability (within the meaning of section 3(r) of the Food Stamp Act of 1977 (7 U.S.C. 2012(r)))."

SEC. 505. FOOD STAMP ELIGIBILITY FOR CERTAIN INDIANS.

Section 402(a)(2)(G) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(G)) is amended—

(1) in the subparagraph heading, by striking "SSI EXCEPTION" and inserting "EXCEPTION"; and

(2) by striking "program defined in paragraph (3)(A) (relating to the supplemental security income program)" and inserting "specified Federal programs described in paragraph (3)".

SEC. 506. FOOD STAMP ELIGIBILITY FOR CERTAIN ELDERLY INDIVIDUALS.

Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) is amended by adding at the end the following:

"(I) FOOD STAMP EXCEPTION FOR CERTAIN ELDERLY INDIVIDUALS.—With respect to eligibility for benefits for the specified Federal program described in paragraph (3)(B), paragraph (1) shall not apply to any individual who on August 22, 1996—

"(i) was lawfully residing in the United States; and

"(ii) was 65 years of age or older.".

SEC. 507. FOOD STAMP ELIGIBILITY FOR CERTAIN CHILDREN.

Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) (as amended by section 506) is amended by adding at the end the following:

"(J) FOOD STAMP EXCEPTION FOR CERTAIN CHILDREN.—With respect to eligibility for benefits for the specified Federal program described in paragraph (3)(B), paragraph (1) shall not apply to any individual who—

"(i) was lawfully residing in the United States on August 22, 1996; and

"(ii) is under 18 years of age.".

SEC. 508. FOOD STAMP ELIGIBILITY FOR CERTAIN HMONG AND HIGHLAND LAOTIANS.

Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) (as amended by section 507) is amended by adding at the end the following:

"(K) FOOD STAMP EXCEPTION FOR CERTAIN HMONG AND HIGHLAND LAOTIANS.—With respect to eligibility for benefits for the specified Federal program described in paragraph (3)(B), paragraph (1) shall not apply to—

"(i) any individual who—

"(I) is lawfully residing in the United States; and

"(II) was a member of a Hmong or Highland Laotian tribe at the time that the tribe rendered assistance to United States personnel by taking part in a military or rescue operation during the Vietnam era (as defined in section 101 of title 38, United States Code);

"(ii) the spouse, or an unmarried dependent child, of such an individual; or

"(iii) the unremarried surviving spouse of such an individual who is deceased.".

SEC. 509. CONFORMING AMENDMENTS.

Section 403(d) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(d)) is amended—

(1) in the subsection heading, by striking "SSI" and all that follows through "INDIANS" and inserting "BENEFITS FOR CERTAIN GROUPS";

(2) by striking "not apply to an individual" and inserting "not apply to—

"(1) an individual";

(3) by striking "(a)(3)(A)" and inserting "(a)(3)"; and

(4) by striking the period at the end and inserting "; or"; and

(5) by adding at the end the following:

"(2) an individual, spouse, or dependent described in section 402(a)(2)(K), but only with respect to the specified Federal program described in section 402(a)(3)(B).".

SEC. 510. EFFECTIVE DATES.

(a) REDUCTIONS.—The amendments made by sections 501 and 502 take effect on the date of enactment of this Act.

(b) FOOD STAMP ELIGIBILITY.—The amendments made by sections 503 through 509 take effect on November 1, 1998.

Subtitle B—Information Technology Funding

SEC. 521. INFORMATION TECHNOLOGY FUNDING.

(a) IN GENERAL.—Section 4(g) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(g)) is amended in the first sentence by striking "$275,000,000" and inserting "$193,000,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 1997.

Subtitle C—Crop Insurance

SEC. 531. FUNDING.

Section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

"(1) DISCRETIONARY EXPENSES.—There are authorized to be appropriated for fiscal year 1999 and each subsequent fiscal year such sums as are necessary to cover the salaries and expenses of the Corporation."; and

(B) in paragraph (2)—

(i) by inserting after "are necessary to cover" the following: "for each of the 1999 and subsequent reinsurance years"; and

(ii) by striking subparagraph (A) and inserting the following:

"(A) the administrative and operating expenses of the Corporation for the sales commissions of agents; and"; and

(2) by striking subsection (b) and inserting the following:

"(b) PAYMENT OF CORPORATION EXPENSES FROM INSURANCE FUND.—

"(1) EXPENSES GENERALLY.—For each of the 1999 and subsequent reinsurance years, the Corporation may pay from the insurance fund established under subsection (c) all expenses of the Corporation (other than expenses covered by subsection (a)(1) and expenses covered by paragraph (2)(A)), including—

"(A) premium subsidies and indemnities;

"(B) administrative and operating expenses of the Corporation necessary to pay the sales commissions of agents; and

"(C) all administrative and operating expense reimbursements due under a reinsurance agreement with an approved insurance provider.

"(2) RESEARCH AND DEVELOPMENT EXPENSES.—

"(A) IN GENERAL.—For each of the 1999 and subsequent reinsurance years, the Corporation may pay from the insurance fund established under subsection (c) research and development expenses of the Corporation, but not to exceed $3,500,000 for each fiscal year.

"(B) DAIRY OPTIONS PILOT PROGRAM.—Amounts necessary to carry out the dairy options pilot program shall not be counted toward the limitation on research and development expenses specified in subparagraph (A).".

SEC. 532. BUDGETARY OFFSETS.

(a) ADMINISTRATIVE FEE FOR CATASTROPHIC RISK PROTECTION.—Section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)) is amended by striking paragraph (5) and inserting the following:

"(5) ADMINISTRATIVE FEE.—

"(A) BASIC FEE.—Each producer shall pay an administrative fee for catastrophic risk protection in an amount equal to 10 percent of the premium for the catastrophic risk protection or $50 *per crop per county, whichever is greater, as determined by the Corporation.*

"(B) ADDITIONAL FEE.—In addition to the amount required under subparagraph (A), the producer shall pay a $10 fee for each amount determined under subparagraph (A).

"(C) TIME FOR PAYMENT.—The amounts required under subparagraphs (A) and (B) shall be paid by the producer on the date that premium for a policy of additional coverage would be paid by the producer.

"(D) USE OF FEES.—

"(i) IN GENERAL.—The amounts paid under this paragraph shall be deposited in the crop insurance fund established under section 516(c), to be available for the programs and activities of the Corporation.

"(ii) LIMITATION.—No funds deposited in the crop insurance fund under this subparagraph may be used to compensate an approved insurance provider or agent for the delivery of services under this subsection.

"(E) WAIVER OF FEE.—The Corporation shall waive the amounts required under this paragraph for limited resource farmers, as defined by the Corporation.".

(b) ADMINISTRATIVE FEE FOR ADDITIONAL COVERAGE.—Section 508(c)(10) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(10)) is amended—

(1) by striking subparagraph (A) and inserting the following:

"(A) FEE REQUIRED.—Except as otherwise provided in this paragraph, if a producer elects to purchase additional coverage for a crop at a level that is less than 65 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage, the producer shall pay an administrative fee for the additional coverage. The administrative fee for the producer shall be $50 per crop per county, but not to exceed $200 per producer per county, up to a maximum of $600 per producer for all counties in which a producer has insured crops. Subparagraphs (D) and (E) of subsection (b)(5) shall apply with respect to the use of administrative fees under this subparagraph."; and

(2) in subparagraph (C), by striking "$10" and inserting "$20".

(c) REIMBURSEMENT FOR ADMINISTRATIVE AND OPERATING COSTS.—Section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) is amended by striking paragraph (4) and inserting the following:

"(4) RATE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the rate established by the Board to reimburse approved insurance providers and agents for the administrative and operating costs of the providers and agents shall not exceed—

"(i) for the 1998 reinsurance year, 27 percent of the premium used to define loss ratio; and

"(ii) for each of the 1999 and subsequent reinsurance years, 24.5 percent of the premium used to define loss ratio.

"(B) PROPORTIONAL REDUCTIONS.—A policy of additional coverage that received a rate of reimbursement for administrative and operating costs for the 1998 reinsurance year that is lower than the rate specified in subparagraph (A)(i) shall receive a reduction in the rate of reimbursement that is proportional to the reduction in the rate of reimbursement between clauses (i) and (ii) of subparagraph (A).".

(d) LOSS ADJUSTMENT EXPENSES FOR CATASTROPHIC RISK PROTECTION.—Section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)) is amended by adding at the end the following:

"(11) LOSS ADJUSTMENT.—The rate for reimbursing an approved insurance provider or agent for expenses incurred by the approved insurance provider or agent for loss adjustment in connection with a policy of catastrophic risk protection shall not exceed 11 percent of the premium for catastrophic risk protection that is used to define loss ratio.".

SEC. 533. PROCEDURES FOR RESPONDING TO CERTAIN INQUIRIES.

Section 506 of the Federal Crop Insurance Act (7 U.S.C. 1506) is amended by adding at the end the following:

"(s) PROCEDURES FOR RESPONDING TO CERTAIN INQUIRIES.—

"(1) PROCEDURES REQUIRED.—The Corporation shall establish procedures under which the Corporation will provide a final agency determination in response to an inquiry regarding the interpretation by the Corporation of this title or any regulation issued under this title.

"(2) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this subsection, the Corporation shall issue regulations to implement this subsection. At a minimum, the regulations shall establish—

"(A) the manner in which inquiries described in paragraph (1) are required to be submitted to the Corporation; and

"(B) a reasonable maximum number of days within which the Corporation will respond to all inquiries.

"(3) EFFECT OF FAILURE TO TIMELY RESPOND.—If the Corporation fails to respond to an inquiry in accordance with the procedures established pursuant to this subsection, the person requesting the interpretation of this title or regulation may assume the interpretation is correct for the applicable reinsurance year.".

SEC. 534. TIME PERIOD FOR RESPONDING TO SUBMISSION OF NEW POLICIES.

Section 508(h) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)) is amended by adding at the end the following:

"(10) TIME LIMITS FOR RESPONSE TO SUBMISSION OF NEW POLICIES.—

"(A) IN GENERAL.—The Board shall establish a reasonable time period within which the Board shall approve or disapprove a proposal from a person regarding a new policy submitted in accordance with this subsection.

"(B) EFFECT OF FAILURE TO MEET TIME LIMITS.—Except as provided in subparagraph (C), if the Board fails to provide a response to a proposal described in subparagraph (A) in accordance with subparagraph (A), the new policy shall be deemed to be approved by the Board for purposes of this subsection for the initial reinsurance year designated for the new policy in the request.

"(C) EXCEPTIONS.—Subparagraph (B) shall not apply to a proposal submitted under this subsection if the Board and the person submitting the request agree to an extension of the time period.".

SEC. 535. CROP INSURANCE STUDY.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture shall enter into a contract, with 1 or more entities outside the Federal Government with expertise in the establishment and delivery of crop and revenue insurance to agricultural producers, under which the contractor shall conduct a study of crop insurance issues specified in the contract, including—

(1) improvement of crop insurance service to agricultural producers;

(2) options for transforming the role of the Federal Government from a crop insurance provider to solely that of a crop insurance regulator; and

(3) privatization of crop insurance coverage.

(b) CONTRACTOR.—Not later than 180 days after the date the contract is entered into, the contractor shall complete the study and submit a report on the study, including appropriate recommendations, to the Secretary.

(c) REPORT.—Not later than 30 days after the date the Secretary receives the report, the Secretary shall submit the report, and any comments on the report, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SEC. 536. REQUIRED TERMS AND CONDITIONS OF STANDARD REINSURANCE AGREEMENTS.

(a) DEFINITIONS.—In this section, the terms "approved insurance provider" and "Corporation" have the meanings given the terms in section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)).

(b) TERMS AND CONDITIONS.—

(1) INCORPORATION OF AMENDMENTS.—For each of the 1999 and subsequent reinsurance years, the Corporation shall ensure that each Standard Reinsurance Agreement between an approved insurance provider and the Corporation reflects the amendments to the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) that are made by this subtitle to the extent the amendments are applicable to approved insurance providers.

(2) RETENTION OF EXISTING PROVISIONS.—Except to the extent necessary to implement the amendments made by this subtitle, each Standard Reinsurance Agreement described in paragraph (1) shall contain the following provisions of the Standard Reinsurance Agreement for the 1998 reinsurance year:

(A) Section II, concerning the terms of reinsurance and underwriting gain and loss for an approved insurance provider.

(B) Section III, concerning the terms for subsidies and administrative fees for an approved insurance provider.

(C) Section IV, concerning the terms for loss adjustment for an approved insurance provider under catastrophic risk protection.

(D) Section V.C., concerning interest payments between the Corporation and an approved insurance provider.

(E) Section V.I.5., concerning liquidated damages.

(c) IMPLEMENTATION.—To implement this subtitle and the amendments made by this subtitle, the Corporation is not required to amend provisions of the Standard Reinsurance Agreement not specifically affected by this subtitle or an amendment made by this subtitle.

SEC. 537. EFFECTIVE DATE.

Except as provided in section 535, this subtitle and the amendments made by this subtitle take effect on July 1, 1998.

TITLE VI—MISCELLANEOUS PROVISIONS

Subtitle A—Existing Authorities

SEC. 601. RETENTION AND USE OF FEES.

(a) ORGANIC CERTIFICATION.—Section 2107 of the Organic Foods Production Act of 1990 (7 U.S.C. 6506) is amended by adding at the end the following:

"(d) AVAILABILITY OF FEES.—

"(1) ACCOUNT.—Fees collected under subsection (a)(10) (including late payment penalties and interest earned from investment of the fees) shall be credited to the account that incurs the cost of the services provided under this title.

"(2) USE.—The collected fees shall be available to the Secretary, without further appropriation or fiscal-year limitation, to pay the expenses of the Secretary incurred in providing accreditation services under this title.".

(b) NATIONAL ARBORETUM.—Section 6(b) of the Act of March 4, 1927 (20 U.S.C. 196(b)), is amended by striking "Treasury" and inserting "Treasury. Amounts in the special fund shall be available to the Secretary of Agriculture, without further appropriation,".

(c) PATENT CULTURE COLLECTION FEES.—

(1) RETENTION.—All funds collected by the Agricultural Research Service of the Department of

Agriculture in connection with the acceptance of microorganisms for deposit in, or the distribution of microorganisms from, the Patent Culture Collection maintained and operated by the Agricultural Research Service shall be credited to the appropriation supporting the maintenance and operation of the Patent Culture Collection.

(2) USE.—The collected funds shall be available to the Agricultural Research Service, without further appropriation or fiscal-year limitation, to carry out its responsibilities under law (including international treaties) with respect to the Patent Culture Collection.

SEC. 602. OFFICE OF ENERGY POLICY AND NEW USES.

The Department of Agriculture Reorganization Act of 1994 is amended by inserting after section 219 (7 U.S.C. 6919) the following:

"SEC. 220. OFFICE OF ENERGY POLICY AND NEW USES.

"The Secretary shall establish for the Department, in the Office of the Secretary, an Office of Energy Policy and New Uses.".

SEC. 603. KIWIFRUIT RESEARCH, PROMOTION, AND CONSUMER INFORMATION PROGRAM.

(a) AMENDMENTS TO ORDERS.—Section 554(c) of the National Kiwifruit Research, Promotion, and Consumer Information Act (7 U.S.C. 7463(c)) is amended in the second sentence by inserting before the period at the end the following: ", except that an amendment to an order shall not require a referendum to become effective".

(b) NATIONAL KIWIFRUIT BOARD.—Section 555 of the National Kiwifruit Research, Promotion, and Consumer Information Act (7 U.S.C. 7464) is amended—

(1) in subsection (a), by striking paragraphs (1) through (3) and inserting the following:

"(1) 10 members who are producers, exporters, or importers (or their representatives), based on a proportional representation of the level of domestic production and imports of kiwifruit (as determined by the Secretary).

"(2) 1 member appointed from the general public.";

(2) in subsection (b)—

(A) by striking "MEMBERSHIP.—" and all that follows through "paragraph (2), the" and inserting "MEMBERSHIP.—Subject to the 11-member limit, the"; and

(B) by striking paragraph (2); and

(3) in subsection (c)—

(A) in paragraph (2), by inserting "who are producers" after "members";

(B) in paragraph (3)—

(i) by inserting "who are importers or exporters" after "members"; and

(ii) by striking "(a)(2)" and inserting "(a)(1)"; and

(C) in the second sentence of paragraph (5), by inserting "and alternate" after "member".

SEC. 604. FOOD ANIMAL RESIDUE AVOIDANCE DATABASE PROGRAM.

(a) CONTINUATION OF PROGRAM.—The Secretary of Agriculture shall continue operation of the Food Animal Residue Avoidance Database program (referred to in this section as the "FARAD program") through contracts, grants, or cooperative agreements with appropriate colleges or universities.

(b) ACTIVITIES.—In carrying out the FARAD program, the Secretary shall—

(1) provide livestock producers, extension specialists, scientists, and veterinarians with information to prevent drug, pesticide, and environmental contaminant residues in food animal products;

(2) maintain up-to-date information concerning—

(A) withdrawal times on FDA-approved food animal drugs and appropriate withdrawal intervals for drugs used in food animals in the United States, as established under section 512(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(a));

(B) official tolerances for drugs and pesticides in tissues, eggs, and milk;

(C) descriptions and sensitivities of rapid screening tests for detecting residues in tissues, eggs, and milk; and

(D) data on the distribution and fate of chemicals in food animals;

(3) publish periodically a compilation of food animal drugs approved by the Food and Drug Administration;

(4) make information on food animal drugs available to the public through handbooks and other literature, computer software, a telephone hotline, and the Internet;

(5) furnish producer quality-assurance programs with up-to-date data on approved drugs;

(6) maintain a comprehensive and up-to-date, residue avoidance database;

(7) provide professional advice for determining the withdrawal times necessary for food safety in the use of drugs in food animals; and

(8) engage in other activities designed to promote food safety.

(c) CONTRACT, GRANTS, AND COOPERATIVE AGREEMENTS.—The Secretary shall offer to enter into a contract, grant, or cooperative agreement with 1 or more appropriate colleges and universities to operate the FARAD program. The term of the contract, grant, or cooperative agreement shall be 3 years, with options to extend the term of the contract triennially.

(d) INDIRECT COSTS.—Federal funds provided by the Secretary under a contract, grant, or cooperative agreement under this section shall be subject to reduction for indirect costs of the recipient of the funds in an amount not to exceed 19 percent of the total Federal funds provided under the contract, grant, or cooperative agreement.

SEC. 605. HONEY RESEARCH, PROMOTION, AND CONSUMER INFORMATION.

(a) FINDINGS AND PURPOSES.—Section 2 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4601) is amended—

(1) by striking the section heading and all that follows through "The Congress finds that:" and inserting the following:

"SEC. 2. FINDINGS AND PURPOSES.

"(a) FINDINGS.—Congress makes the following findings:";

(2) in subsection (a) (as so designated)—

(A) in paragraphs (6) and (7), by striking "and consumer education" each place it appears and inserting "consumer education, and industry information"; and

(B) by inserting after paragraph (7) the following:

"(8) The ability to develop and maintain purity standards for honey and honey products is critical to maintaining the consumer confidence, safety, and trust that are essential components of any undertaking to maintain and develop markets for honey and honey products.

"(9) Research directed at improving the cost effectiveness and efficiency of beekeeping, as well as developing better means of dealing with pest and disease problems, is essential to keeping honey and honey product prices competitive and facilitating market growth as well as maintaining the financial well-being of the honey industry.

"(10) Research involving the quality, safety, and image of honey and honey products and how that quality, safety, and image may be affected during the extraction, processing, packaging, marketing, and other stages of the honey and honey product production and distribution process, is highly important to building and maintaining markets for honey and honey products."; and

(3) by striking subsection (b) and inserting the following:

"(b) PURPOSES.—The purposes of this Act are—

"(1) to authorize the establishment of an orderly procedure for the development and financing, through an adequate assessment, of an effective, continuous, and nationally coordinated program of promotion, research, consumer education, and industry information designed to—

"(A) strengthen the position of the honey industry in the marketplace;

"(B) maintain, develop, and expand domestic and foreign markets and uses for honey and honey products;

"(C) maintain and improve the competitiveness and efficiency of the honey industry; and

"(D) sponsor research to develop better means of dealing with pest and disease problems;

"(2) to maintain and expand the markets for all honey and honey products in a manner that—

"(A) is not designed to maintain or expand any individual producer's, importer's, or handler's share of the market; and

"(B) does not compete with or replace individual advertising or promotion efforts designed to promote individual brand name or trade name honey or honey products; and

"(3) to authorize and fund programs that result in government speech promoting government objectives.

"(c) ADMINISTRATION.—Nothing in this Act—

"(1) prohibits the sale of various grades of honey;

"(2) provides for control of honey production;

"(3) limits the right of the individual honey producer to produce honey; or

"(4) creates a trade barrier to honey or honey products produced in a foreign country.".

(b) DEFINITIONS.—Section 3 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4602) is amended—

(1) by striking paragraph (7) and inserting the following:

"(7) HANDLE.—

"(A) IN GENERAL.—The term 'handle' means to process, package, sell, transport, purchase, or in any other way place or cause to be placed in commerce, honey or a honey product.

"(B) INCLUSION.—The term 'handle' includes selling unprocessed honey that will be consumed or used without further processing or packaging.

"(C) EXCLUSIONS.—The term 'handle' does not include—

"(i) the transportation of unprocessed honey by a producer to a handler;

"(ii) the transportation by a commercial carrier of honey, whether processed or unprocessed, for a handler or producer; or

"(iii) the purchase of honey or a honey product by a consumer or other end-user of the honey or honey product.";

(2) by adding at the end the following:

"(19) DEPARTMENT.—The term 'Department' means the Department of Agriculture.

"(20) HONEY PRODUCTION.—The term 'honey production' means all beekeeping operations related to—

"(A) managing honey bee colonies to produce honey;

"(B) harvesting honey from the colonies;

"(C) extracting honey from the honeycombs; and

"(D) preparing honey for sale for further processing.

"(21) INDUSTRY INFORMATION.—The term 'industry information' means information or a program that will lead to the development of new markets, new marketing strategies, or increased efficiency for the honey industry, or an activity to enhance the image of honey and honey products and of the honey industry.

"(22) NATIONAL HONEY MARKETING COOPERATIVE.—The term 'national honey marketing cooperative' means a cooperative that markets its

products in at least 2 of the following 4 regions of the United States, as determined by the Secretary:

"(A) The Atlantic Coast, including the District of Columbia and the Commonwealth of Puerto Rico.

"(B) The Mideast.

"(C) The Midwest.

"(D) The Pacific, including the States of Alaska and Hawaii.

"(23) QUALIFIED NATIONAL ORGANIZATION REPRESENTING HANDLER INTERESTS.—The term 'qualified national organization representing handler interests' means an organization that the Secretary certifies as being eligible to recommend nominations for the Committee handler, handler-importer, alternate handler, and alternate handler-importer members of the Honey Board under section 7(b).

"(24) QUALIFIED NATIONAL ORGANIZATION REPRESENTING IMPORTER INTERESTS.—The term 'qualified national organization representing importer interests' means an organization that the Secretary certifies as being eligible to recommend nominations for the Committee importer, handler-importer, alternate importer, and alternate handler-importer members of the Honey Board under section 7(b)."; and

(3) by reordering the paragraphs so that they are in alphabetical order by term defined and redesignating the paragraphs accordingly.

(c) HONEY RESEARCH, PROMOTION, AND CONSUMER INFORMATION ORDER.—Section 4 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4603) is amended by inserting "and regulations" after "orders".

(d) NOTICE AND HEARING.—Section 5 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4604) is amended to read as follows:

"SEC. 5. NOTICE AND HEARING.

"(a) NOTICE AND COMMENT.—In issuing an order under this Act, an amendment to an order, or a regulation to carry out this Act, the Secretary shall comply with section 553 of title 5, United States Code.

"(b) FORMAL AGENCY ACTION.—Sections 556 and 557 of that title shall not apply with respect to the issuance of an order, an amendment to an order, or a regulation under this Act.

"(c) PROPOSAL OF AN ORDER.—A proposal for an order may be submitted to the Secretary by any organization or interested person affected by this Act.".

(e) FINDINGS AND ISSUANCE OF ORDER.—Section 6 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4605) is amended to read as follows:

"SEC. 6. FINDINGS AND ISSUANCE OF ORDER.

"After notice and opportunity for comment has been provided in accordance with section 5(a), the Secretary shall issue an order, an amendment to an order, or a regulation under this Act, if the Secretary finds, and specifies in the order, amendment, or regulation, that the issuance of the order, amendment, or regulation will assist in carrying out the purposes of this Act.".

(f) REQUIRED TERMS OF AN ORDER.—

(1) NATIONAL HONEY NOMINATIONS COMMITTEE.—Section 7(b) of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4606(b)) is amended—

(A) in paragraph (2), by striking "except" and all that follows through "three-year terms" and inserting "except that the term of appointments to the Committee may be staggered periodically, as determined by the Secretary"; and

(B) in paragraph (5)—

(i) in the second sentence, by striking "after the first annual meeting"; and

(ii) in the third sentence, by striking "per centum" and inserting "percent".

(2) HONEY BOARD.—Section 7(c) of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4606(c)) is amended—

(A) by redesignating paragraphs (3) through (6) as paragraphs (8) through (11), respectively;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "seven" and inserting "7"; and

(ii) by striking subparagraphs (B) through (E) and all that follows and inserting the following:

"(B) 2 members who are handlers appointed from nominations submitted by the Committee from recommendations made by qualified national organizations representing handler interests;

"(C) if approved in a referendum conducted under this Act, 2 members who—

"(i) are handlers of honey;

"(ii) during any 3 of the preceding 5 years, were also importers of record of at least 40,000 pounds of honey; and

"(iii) are appointed from nominations submitted by the Committee from recommendations made by—

"(I) qualified national organizations representing handler interests or qualified national organizations representing importer interests; or

"(II) if the Secretary determines that there is not a qualified national organization representing handler interests or a qualified national organization representing importer interests, individual handlers or importers that have paid assessments to the Honey Board on imported honey or honey products;

"(D) 2 members who are importers appointed from nominations submitted by the Committee from recommendations made by—

"(i) qualified national organizations representing importer interests; or

"(ii) if the Secretary determines that there is not a qualified national organization representing importer interests, individual importers that have paid assessments to the Honey Board on imported honey or honey products; and

"(E) 1 member who is an officer, director, or employee of a national honey marketing cooperative appointed from nominations submitted by the Committee from recommendations made by qualified national honey marketing cooperatives.";

(C) by inserting after paragraph (2) the following:

"(3) ALTERNATES.—The Committee shall submit nominations for an alternate for each member of the Honey Board described in paragraph (2). An alternate shall be appointed in the same manner as a member and shall serve when the member is absent from a meeting or is disqualified.

"(4) RECONSTITUTION.—

"(A) REVIEW.—If approved in a referendum conducted under this Act and in accordance with rules issued by the Secretary, the Honey Board shall review, at times determined under subparagraph (E)—

"(i) the geographic distribution of the quantities of domestically produced honey assessed under the order; and

"(ii) changes in the annual average percentage of assessments owed by importers under the order relative to assessments owed by producers and handlers of domestic honey, including—

"(I) whether any changes in assessments owed on imported quantities are owed by importers described in paragraph (5)(B); or

"(II) whether such importers are handler-importers described in paragraph (2)(C).

"(B) RECOMMENDATIONS.—If warranted and in accordance with this subsection, the Honey Board shall recommend to the Secretary—

"(i) changes in the regional representation of honey producers established by the Secretary;

"(ii) if necessary to reflect any changes in the proportion of domestic and imported honey assessed under the order or the source of assessments on imported honey or honey products, the reallocation of—

"(I) handler-importer member positions under paragraph (2)(C) as handler member positions under paragraph (2)(B);

"(II) importer member positions under paragraph (2)(D) as handler-importer member positions under paragraph (2)(C); or

"(III) handler-importer member positions under paragraph (2)(C) as importer member positions under paragraph (2)(D); or

"(iii) if necessary to reflect any changes in the proportion of domestic and imported honey or honey products assessed under the order, the addition of members to the Honey Board under subparagraph (A), (B), (C), or (D) of paragraph (2).

"(C) SCOPE OF REVIEW.—The review required under subparagraph (A) shall be based on data from the 5-year period preceding the year in which the review is conducted.

"(D) BASIS FOR RECOMMENDATIONS.—

"(i) IN GENERAL.—Except as provided in subparagraph (F), recommendations made under subparagraph (B) shall be based on—

"(I) the 5-year average annual assessments, excluding the 2 years containing the highest and lowest disparity between the proportion of assessments owed from imported and domestic honey or honey products, determined pursuant to the review that is conducted under subparagraph (A); and

"(II) whether any change in the average annual assessments is from the assessments owed by importers described in paragraph (5)(B) or from the assessments owed by handler-importers described in paragraph (2)(C).

"(ii) PROPORTIONS.—The Honey Board shall recommend a reallocation or addition of members pursuant to clause (ii) or (iii) of subparagraph (B) only if 1 or more of the following proportions change by more than 6 percent from the base period proportion determined in accordance with subparagraph (F):

"(I) The proportion of assessments owed by handler-importers described in paragraph (2)(C) compared with the proportion of assessments owed by importers described in paragraph (2)(D).

"(II) The proportion of assessments owed by importers compared with the proportion of assessments owed on domestic honey by producers and handlers.

"(E) TIMING OF REVIEW.—

"(i) IN GENERAL.—The Honey Board shall conduct the reviews required under this paragraph not more than once during each 5-year period.

"(ii) INITIAL REVIEW.—The Honey Board shall conduct the initial review required under this paragraph prior to the initial continuation referendum conducted under section 13(c) following the referendum conducted under section 14.

"(F) BASE PERIOD PROPORTIONS.—

"(i) IN GENERAL.—The base period proportions for determining the magnitude of change under subparagraph (D) shall be the proportions determined during the prior review conducted under this paragraph.

"(ii) INITIAL REVIEW.—In the case of the initial review required under subparagraph (E)(ii), the base period proportions shall be the proportions determined by the Honey Board for fiscal year 1996.

"(5) RESTRICTIONS ON NOMINATION AND APPOINTMENT.—

"(A) PRODUCER-PACKERS AS PRODUCERS.—No producer-packer that, during any 3 of the preceding 5 years, purchased for resale more honey than the producer-packer produced shall be eligible for nomination or appointment to the Honey Board as a producer described in paragraph (2)(A) or as an alternate to such a producer.

"(B) IMPORTERS.—No importer that, during any 3 of the preceding 5 years, did not receive at least 75 percent of the gross income generated by the sale of honey and honey products from the sale of imported honey and honey products shall be eligible for nomination or appointment to the Honey Board as an importer described in paragraph (2)(D) or an alternate to such an importer.

"(6) CERTIFICATION OF ORGANIZATIONS.—

"(A) IN GENERAL.—The eligibility of an organization to participate in the making of recommendations to the Committee for nomination to the Honey Board to represent handlers or importers under this section shall be certified by the Secretary.

"(B) ELIGIBILITY CRITERIA.—Subject to the other provisions of this paragraph, the Secretary shall certify an organization that the Secretary determines meets the eligibility criteria established by the Secretary under this paragraph.

"(C) FINALITY.—An eligibility determination of the Secretary under this paragraph shall be final.

"(D) BASIS FOR CERTIFICATION.—Certification of an organization under this paragraph shall be based on, in addition to other available information, a factual report submitted by the organization that contains information considered relevant by the Secretary, including—

"(i) the geographic territory covered by the active membership of the organization;

"(ii) the nature and size of the active membership of the organization, including the proportion of the total number of active handlers or importers represented by the organization;

"(iii) evidence of the stability and permanency of the organization;

"(iv) sources from which the operating funds of the organization are derived;

"(v) the functions of the organization; and

"(vi) the ability and willingness of the organization to further the purposes of this Act.

"(E) PRIMARY CONSIDERATIONS.—A primary consideration in determining the eligibility of an organization under this paragraph shall be whether—

"(i) the membership of the organization consists primarily of handlers or importers that derive a substantial quantity of their income from sales of honey and honey products; and

"(ii) the organization has an interest in the marketing of honey and honey products.

"(F) NONMEMBERS.—As a condition of certification under this paragraph, an organization shall agree—

"(i) to notify nonmembers of the organization of Honey Board nomination opportunities for which the organization is certified to make recommendations to the Committee; and

"(ii) to consider the nomination of nonmembers when making the nominations of the organization to the Committee, if nonmembers indicate an interest in serving on the Honey Board.

"(7) MINIMUM PERCENTAGE OF HONEY PRODUCERS.—Notwithstanding any other provision of this subsection, at least 50 percent of the members of the Honey Board shall be honey producers."; and

(D) in paragraph (8) (as so redesignated), by striking "except" and all that follows through "three-year terms" and inserting "except that appointments to the Honey Board may be staggered periodically, as determined by the Secretary, to maintain continuity of the Honey Board with respect to all members and with respect to members representing particular groups.".

(3) ASSESSMENTS.—Section 7(e) of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4606(e)) is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively;

(B) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—The Honey Board shall administer collection of the assessment provided for in this subsection, and may accept voluntary contributions from other sources, to finance the expenses described in subsections (d) and (f).

"(2) RATE.—Except as provided in paragraph (3), the assessment rate shall be $0.0075 per pound (payable in the manner described in section 9), with—

"(A) in the case of honey produced in the United States, $0.0075 per pound payable by honey producers; and

"(B) in the case of honey or honey products imported into the United States, $0.0075 per pound payable by honey importers.

"(3) ALTERNATIVE RATE APPROVED IN REFERENDUM.—If approved in a referendum conducted under this Act, the assessment rate shall be $0.015 per pound (payable in the manner described in section 9)—

"(A) in the case of honey produced in the United States—

"(i) $0.0075 per pound payable by—

"(I) honey producers; and

"(II) producer-packers on all honey produced by the producer-packers; and

"(ii) $0.0075 per pound payable by—

"(I) handlers; and

"(II) producer-packers on all honey and honey products handled by the producer-packers, including honey produced by the producer-packers); and

"(B) in the case of honey and honey products imported into the United States, $0.015 per pound payable by honey importers, of which $0.0075 per pound represents the assessment due from the handler to be paid by the importer on behalf of the handler.";

(C) in paragraph (4) (as so redesignated), by striking subparagraph (B) and inserting the following:

"(B) SMALL QUANTITIES.—

"(i) IN GENERAL.—A producer, producer-packer, handler, or importer that produces, imports, or handles during a year less than 6,000 pounds of honey or honey products shall be exempt in that year from payment of an assessment on honey or honey products that the person distributes directly through local retail outlets, as determined by the Secretary, during that year.

"(ii) INAPPLICABILITY.—If a person no longer meets the requirements of clause (i) for an exemption, the person shall—

"(I) file a report with the Honey Board in the form and manner prescribed by the Honey Board; and

"(II) pay an assessment on or before March 15 of the subsequent year on all honey or honey products produced, imported, or handled by the person during the year in which the person no longer meets the requirements of clause (i) for an exemption."; and

(D) in paragraph (5) (as so redesignated)—

(i) by inserting "handler," after "producer-packer" each place it appears;

(ii) by striking "paragraph (2)" and inserting "paragraph (4)"; and

(iii) by inserting ", handler," after "producer" the last place it appears.

(4) USE OF FUNDS.—Section 7(f) of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4606(f)) is amended—

(A) by striking "(f) Funds collected by the Honey Board from the assessments" and inserting the following:

"(f) FUNDS.—

"(1) USE.—Funds collected by the Honey Board";

(B) by striking "The Secretary shall" and inserting the following:

"(3) REIMBURSEMENT.—The Secretary shall"; and

(C) by inserting after paragraph (1) (as designated by subparagraph (A)) the following:

"(2) RESEARCH PROJECTS.—

"(A) IN GENERAL.—If approved in a referendum conducted under this Act, the Honey Board shall reserve at least 8 percent of all assessments collected during a year for expenditure on approved research projects designed to advance the cost effectiveness, competitiveness, efficiency, pest and disease control, and other management aspects of beekeeping, honey production, and honey bees.

"(B) CARRYOVER.—If all funds reserved under subparagraph (A) are not allocated to approved research projects in a year, any reserved funds remaining unallocated shall be carried forward for allocation and expenditure under subparagraph (A) in subsequent years.".

(5) FALSE OR UNWARRANTED CLAIMS OR STATEMENTS.—Section 7(g) of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4606(g)) is amended by striking "with assessments collected" and inserting "by the Honey Board".

(6) INFLUENCING GOVERNMENTAL POLICY OR ACTION.—Section 7(h) of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4606(h)) is amended by striking "through assessments authorized by" and inserting "by the Honey Board under".

(g) PERMISSIVE TERMS AND PROVISIONS.—Section 8 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4607) is amended—

(1) by inserting "(a) IN GENERAL.—" before "On"; and

(2) by adding at the end the following:

"(8) If approved in a referendum conducted under this Act, providing authority for the development of programs and related rules and regulations that will, with the approval of the Secretary, establish minimum purity standards for honey and honey products that are designed to maintain a positive and wholesome marketing image for honey and honey products.

"(b) INSPECTION AND MONITORING SYSTEM.—

"(1) INSPECTION.—Any program, rule, or regulation under subsection (a)(8) may provide for the inspection, by the Secretary, of honey and honey products being sold for domestic consumption in, or for export from, the United States.

"(2) MONITORING SYSTEM.—The Honey Board may develop and recommend to the Secretary a system for monitoring the purity of honey and honey products being sold for domestic consumption in, or for export from, the United States, including a system for identifying adulterated honey.

"(3) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Secretary may coordinate, to the maximum extent practicable, with the head of any other Federal agency that has authority to ensure compliance with labeling or other requirements relating to the purity of honey and honey products concerning an enforcement action against any person that does not comply with a rule or regulation issued by any other Federal agency concerning the labeling or purity requirements of honey and honey products.

"(4) AUTHORITY TO ISSUE REGULATIONS.—The Secretary may issue such rules and regulations as are necessary to carry out this subsection.

"(c) VOLUNTARY QUALITY ASSURANCE PROGRAM.—

"(1) IN GENERAL.—In addition to or independent of any program, rule, or regulation under subsection (b), the Honey Board, with the approval of the Secretary, may establish and carry out a voluntary quality assurance program concerning purity standards for honey and honey products.

"(2) COMPONENTS.—The program may include—

"(A) the establishment of an official Honey Board seal of approval to be displayed on honey and honey products of producers, handlers, and importers that participate in the voluntary program and are found to meet such standards of purity as are established under the program;

“(B) actions to encourage producers, handlers, and importers to participate in the program;

“(C) actions to encourage consumers to purchase honey and honey products bearing the official seal of approval; and

“(D) periodic inspections by the Secretary, or other parties approved by the Secretary, of honey and honey products of producers, handlers, and importers that participate in the voluntary program.

“(3) DISPLAY OF SEAL OF APPROVAL.—To be eligible to display the official seal of approval established under paragraph (2)(A) on a honey or honey product, a producer, handler, or importer shall participate in the voluntary program under this subsection.

“(d) AUTHORITY OF THE SECRETARY.—Notwithstanding any other provision of this Act, the Secretary shall have the authority to approve or disapprove the establishment of minimum purity standards, the inspection and monitoring system under subsection (b), and the voluntary quality assurance program under subsection (c).”.

(h) COLLECTION OF ASSESSMENTS.—

(1) NEW ASSESSMENT.—Section 9 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4608) is amended—

(A) by striking subsection (a) and inserting the following:

“(a) HANDLERS.—Except as otherwise provided in this section, a first handler of honey shall be responsible, at the time of first purchase—

“(1) for the collection, and payment to the Honey Board, of the assessment payable by a producer under section 7(e)(2)(A) or, if approved in a referendum conducted under this Act, under section 7(e)(3)(A)(i); and

“(2) if approved in a referendum conducted under this Act, for the payment to the Honey Board of an additional assessment payable by the handler under section 7(e)(3)(A)(ii).”;

(B) by striking subsection (c) and inserting the following:

“(c) IMPORTERS.—Except as otherwise provided in this section, at the time of entry of honey and honey products into the United States, an importer shall remit to the Honey Board through the United States Customs Service—

“(1) the assessment on the imported honey and honey products required under section 7(e)(2)(B); or

“(2) if approved in a referendum conducted under this Act, the assessment on the imported honey and honey products required under section 7(e)(3)(B), of which the amount payable under section 7(e)(3)(A)(ii) represents the assessment due from the handler to be paid by the importer on behalf of the handler.”; and

(C) by striking subsection (e) and inserting the following:

“(e) PRODUCER-PACKERS.—Except as otherwise provided in this section, a producer-packer shall be responsible for the collection, and payment to the Honey Board, of—

“(1) the assessment payable by the producer-packer under section 7(e)(2)(A) or, if approved in a referendum conducted under this Act, under section 7(e)(3)(A)(i) on honey produced by the producer-packer;

“(2) at the time of first purchase, the assessment payable by a producer under section 7(e)(2)(A) or, if approved in a referendum conducted under this Act, under section 7(e)(3)(A)(i) on honey purchased by the producer-packer as a first handler; and

“(3) if approved in a referendum conducted under this Act, an additional assessment payable by the producer-packer under section 7(e)(3)(A)(ii).”.

(2) INSPECTION; BOOKS AND RECORDS.—Section 9 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4608) is amended by striking subsection (f) and inserting the following:

“(f) INSPECTION; BOOKS AND RECORDS.—

“(1) IN GENERAL.—To make available to the Secretary and the Honey Board such information and data as are necessary to carry out this Act (including an order or regulation issued under this Act), a handler, importer, producer, or producer-packer responsible for payment of an assessment under this Act, and a person receiving an exemption from an assessment under section 7(e)(4), shall—

“(A) maintain and make available for inspection by the Secretary and the Honey Board such books and records as are required by the order and regulations issued under this Act; and

“(B) file reports at the times, in the manner, and having the content prescribed by the order and regulations, which reports shall include the total number of bee colonies maintained, the quantity of honey produced, and the quantity of honey and honey products handled or imported.

“(2) EMPLOYEE OR AGENT.—To conduct an inspection or review a report of a handler, importer, producer, or producer-packer under paragraph (1), an individual shall be an employee or agent of the Department or the Honey Board, and shall not be a member or alternate member of the Honey Board.

“(3) CONFIDENTIALITY.—An employee or agent described in paragraph (2) shall be subject to the confidentiality requirements of subsection (g).”.

(3) CONFIDENTIALITY OF INFORMATION; DISCLOSURE.—Section 9 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4608) is amended by striking subsection (g) and inserting the following:

“(g) CONFIDENTIALITY OF INFORMATION; DISCLOSURE.—

“(1) IN GENERAL.—All information obtained under subsection (f) shall be kept confidential by all officers, employees, and agents of the Department or of the Honey Board.

“(2) DISCLOSURE.—Information subject to paragraph (1) may be disclosed—

“(A) only in a suit or administrative hearing brought at the request of the Secretary, or to which the Secretary or any officer of the United States is a party, that involves the order with respect to which the information was furnished or acquired; and

“(B) only if the Secretary determines that the information is relevant to the suit or administrative hearing.

“(3) EXCEPTIONS.—Nothing in this subsection prohibits—

“(A) the issuance of general statements based on the reports of a number of handlers subject to an order, if the statements do not identify the information furnished by any person; or

“(B) the publication, by direction of the Secretary, of the name of any person that violates any order issued under this Act, together with a statement of the particular provisions of the order violated by the person.

“(4) VIOLATION.—Any person that knowingly violates this subsection, on conviction—

“(A) shall be fined not more than $1,000, imprisoned not more than 1 year, or both; and

“(B) if the person is an officer or employee of the Honey Board or the Department, shall be removed from office.”.

(4) REFUNDS.—Section 9 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4608) is amended by striking subsection (h).

(5) ADMINISTRATION AND REMITTANCE.—Section 9 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4608) (as amended by paragraph (4)) is amended by inserting after subsection (g) the following:

“(h) ADMINISTRATION AND REMITTANCE.—Administration and remittance of the assessments under this Act shall be conducted—

“(1) in the manner prescribed in the order and regulations issued under this Act; and

“(2) if approved in a referendum conducted under this Act, in a manner that ensures that all honey and honey products are assessed a total of, but not more than, $0.015 per pound, including any producer or importer assessment.”.

(6) LIABILITY FOR ASSESSMENTS.—Section 9(i) of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4608(i)) is amended—

(A) by striking “(i) If” and inserting the following:

“(i) LIABILITY FOR ASSESSMENTS.—

“(1) PRODUCERS.—If”; and

(B) by adding at the end the following:

“(2) IMPORTERS.—If the United States Customs Service fails to collect an assessment from an importer or an importer fails to pay an assessment at the time of entry of honey and honey products into the United States under this section, the importer shall be responsible for the remission of the assessment to the Honey Board.”.

(i) PETITION AND REVIEW.—Section 10 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4609) is amended by striking subsection (a) and inserting the following:

“(a) FILING OF PETITION; HEARING.—

“(1) IN GENERAL.—Subject to paragraph (4), a person subject to an order may file a written petition with the Secretary—

“(A) that states that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law; and

“(B) that requests—

“(i) a modification of the order, provision, or obligation; or

“(ii) to be exempted from the order, provision, or obligation.

“(2) HEARING.—In accordance with regulations issued by the Secretary, the petitioner shall be given an opportunity for a hearing on the petition.

“(3) RULING.—After the hearing, the Secretary shall make a ruling on the petition that shall be final, if in accordance with law.

“(4) STATUTE OF LIMITATIONS.—A petition filed under this subsection that challenges an order, any provision of the order, or any obligation imposed in connection with the order, shall be filed not later than 2 years after the later of—

“(A) the effective date of the order, provision, or obligation challenged in the petition; or

“(B) the date on which the petitioner became subject to the order, provision, or obligation challenged in the petition.”.

(j) ENFORCEMENT.—Subsections (a) and (b) of section 11 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4610) are amended by striking “plan” each place it appears and inserting “order”.

(k) REQUIREMENTS OF REFERENDUM.—Section 12 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4611) is amended to read as follows:

“SEC. 12. REQUIREMENTS OF REFERENDUM.

“(a) IN GENERAL.—For the purpose of ascertaining whether issuance of an order is approved by producers, importers, and in the case of an order assessing handlers, handlers, the Secretary shall conduct a referendum among producers, importers, and, in the case of an order assessing handlers, handlers, not exempt under section 7(e)(4), that, during a representative period determined by the Secretary, have been engaged in the production, importation, or handling of honey or honey products.

"(b) EFFECTIVENESS OF ORDER.—

"(1) IN GENERAL.—No order issued under this Act shall be effective unless the Secretary determines that—

"(A) the order is approved by a majority of the producers, importers, and if covered by the order, handlers, voting in the referendum; and

"(B) the producers, importers, and handlers comprising the majority produced, imported, and handled not less than 50 percent of the quantity of the honey and honey products produced, imported, and handled during the representative period by the persons voting in the referendum.

"(2) AMENDMENTS TO ORDERS.—The Secretary may amend an order in accordance with the administrative procedures specified in sections 5 and 6, except that the Secretary may not amend a provision of an order that implements a provision of this Act that specifically provides for approval in a referendum without the approval provided for in this section.

"(c) PRODUCER-PACKERS AND IMPORTERS.—

"(1) IN GENERAL.—Each producer-packer and each importer shall have 1 vote as a handler as well as 1 vote as a producer or importer (unless exempt under section 7(e)(4)) in all referenda concerning orders assessing handlers to the extent that the individual producer-packer or importer owes assessments as a handler.

"(2) ATTRIBUTION OF QUANTITY OF HONEY.—For the purpose of subsection (b)(1)(B)—

"(A) the quantity of honey or honey products on which the qualifying producer-packer or importer owes assessments as a handler shall be attributed to the person's vote as a handler under paragraph (1); and

"(B) the quantity of honey or honey products on which the producer-packer or importer owes an assessment as a producer or importer shall be attributed to the person's vote as a producer or importer.

"(d) CONFIDENTIALITY.—The ballots and other information or reports that reveal, or tend to reveal, the identity or vote of any producer, importer, or handler of honey or honey products shall be held strictly confidential and shall not be disclosed.".

(l) TERMINATION OR SUSPENSION.—Section 13 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4612) is amended to read as follows:

"SEC. 13. TERMINATION OR SUSPENSION.

"(a) DEFINITION OF PERSON.—In this section, the term 'person' means a producer, importer, or handler.

"(b) AUTHORITY OF SECRETARY.—If the Secretary finds that an order issued under this Act, or any provision of the order, obstructs or does not tend to effectuate the purposes of this Act, the Secretary shall terminate or suspend the operation of the order or provision.

"(c) PERIODIC REFERENDA.—Except as provided in subsection (d)(3) and section 14(g), on the date that is 5 years after the date on which the Secretary issues an order authorizing the collection of assessments on honey or honey products under this Act, and every 5 years thereafter, the Secretary shall conduct a referendum to determine if the persons subject to assessment under the order approve continuation of the order in accordance with section 12.

"(d) REFERENDA ON REQUEST.—

"(1) IN GENERAL.—On the request of the Honey Board or the petition of at least 10 percent of the total number of persons subject to assessment under the order, the Secretary shall conduct a referendum to determine if the persons subject to assessment under the order approve continuation of the order in accordance with section 12.

"(2) LIMITATION.—Referenda conducted under paragraph (1) may not be held more than once every 2 years.

"(3) EFFECT ON PERIODIC REFERENDA.—If a referendum is conducted under this subsection and the Secretary determines that continuation of the order is approved under section 12, any referendum otherwise required to be conducted under subsection (c) shall not be held before the date that is 5 years after the date of the referendum conducted under this subsection.

"(e) TIMING AND REQUIREMENTS FOR TERMINATION OR SUSPENSION.—

"(1) IN GENERAL.—The Secretary shall terminate or suspend an order at the end of the marketing year during which a referendum is conducted under subsection (c) or (d) if the Secretary determines that continuation of an order is not approved under section 12.

"(2) SUBSEQUENT REFERENDUM.—If the Secretary terminates or suspends an order that assesses the handling of honey and honey products under paragraph (1), the Secretary shall, not later than 90 days after submission of a proposed order by an interested party—

"(A) propose another order to establish a research, promotion, and consumer information program; and

"(B) conduct a referendum on the order among persons that would be subject to assessment under the order.

"(3) EFFECTIVENESS OF ORDER.—Section 12 shall apply in determining the effectiveness of the subsequent amended order under paragraph (2).".

(m) IMPLEMENTATION OF AMENDMENTS.—The Honey Research, Promotion, and Consumer Information Act is amended by inserting after section 13 (7 U.S.C. 4612) the following:

"SEC. 14. IMPLEMENTATION OF AMENDMENTS MADE BY AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM ACT OF 1998.

"(a) ISSUANCE OF AMENDED ORDER.—To implement the amendments made to this Act by section 605 of the Agricultural Research, Extension, and Education Reform Act of 1998 (other than subsection (m) of that section), the Secretary shall issue an amended order under section 4 that reflects those amendments.

"(b) PROPOSAL OF AMENDED ORDER.—Not later than 90 days after the date of enactment of this section, the Secretary shall publish a proposed order under section 4 that reflects the amendments made by section 605 of the Agricultural Research, Extension, and Education Reform Act of 1998. The Secretary shall provide notice and an opportunity for public comment on the proposed order in accordance with section 5.

"(c) ISSUANCE OF AMENDED ORDER.—Not later than 240 days after publication of the proposed order, the Secretary shall issue an order under section 6, taking into consideration the comments received and including in the order such provisions as are necessary to ensure that the order conforms with the amendments made by section 605 of the Agricultural Research, Extension, and Education Reform Act of 1998.

"(d) REFERENDUM ON AMENDED ORDER.—

"(1) REQUIREMENT.—

"(A) IN GENERAL.—On issuance of an order under section 6 reflecting the amendments made by section 605 of the Agricultural Research, Extension, and Education Reform Act of 1998, the Secretary shall conduct a referendum under this section for the sole purpose of determining whether the order as amended shall become effective.

"(B) INDIVIDUAL PROVISIONS.—No individual provision of the amended order shall be subject to a separate vote under the referendum.

"(2) ELIGIBLE VOTERS.—The Secretary shall conduct the referendum among persons subject to assessment under the order that have been producers, producer-packers, importers, or handlers during the 2-calendar-year period that precedes the referendum, which period shall be considered to be the representative period.

"(3) DETERMINATION OF QUANTITY.—

"(A) IN GENERAL.—Producer-packers, importers, and handlers shall be allowed to vote as if—

"(i) the amended order had been in place during the representative period described in paragraph (2); and

"(ii) they had owed the increased assessments provided by the amended order.

"(B) VOTES AND ATTRIBUTED QUANTITY FOR PRODUCER-PACKERS AND IMPORTERS.—The votes and the quantity of honey and honey products attributed to the votes of producer-packers and importers shall be determined in accordance with section 12.

"(C) ATTRIBUTED QUANTITY FOR HANDLERS.—The quantity of honey and honey products attributed to the vote of a handler shall be the quantity handled in the representative period described in paragraph (2) for which the handler would have owed assessments had the amended order been in effect.

"(4) EFFECTIVENESS OF ORDER.—The amended order shall become effective only if the Secretary determines that the amended order is effective in accordance with section 12.

"(e) CONTINUATION OF EXISTING ORDER IF AMENDED ORDER IS REJECTED.—If adoption of the amended order is not approved—

"(1) the order issued under section 4 that is in effect on the date of enactment of this section shall continue in full force and effect; and

"(2) the Secretary may amend the order to ensure the conformity of the order with this Act (as in effect on the day before the date of enactment of this section).

"(f) EFFECT OF REJECTION ON SUBSEQUENT ORDERS.—

"(1) IN GENERAL.—Subject to paragraph (2), if adoption of the amended order is not approved in the referendum required under subsection (d), the Secretary may issue an amended order that implements some or all of the amendments made to this Act by section 605 of the Agricultural Research, Extension, and Education Reform Act of 1998, or makes other changes to an existing order, in accordance with the administrative procedures specified in sections 5 and 6.

"(2) APPROVAL.—An amendment to an order that implements a provision that is subject to a referendum shall be approved in accordance with section 12 before becoming effective.

"(g) EFFECT ON PERIODIC REFERENDA.—If the amended order becomes effective, any referendum otherwise required to be conducted under section 13(c) shall not be held before the date that is 5 years after the date of the referendum conducted under this section.".

SEC. 606. TECHNICAL CORRECTIONS.

(a) SUPPLEMENTAL AND ALTERNATIVE CROPS RESEARCH.—Effective as of April 6, 1996, section 819(b)(5) of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 110 Stat. 1167) is amended by striking "paragraph (3)" and inserting "subsection (c)(3)".

(b) JOINT COUNCIL ON FOOD AND AGRICULTURAL SCIENCES.—Section 1413(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3128(b)) is amended by striking "Joint Council, the Advisory Board," and inserting "Advisory Board".

(c) ADVISORY BOARD.—

(1) SUPPORT FOR ADVISORY BOARD.—Section 1412 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3127) is amended—

(A) in subsections (a) and (b), by striking "their duties" each place it appears and inserting "its duties"; and

(B) in subsection (c), by striking "their recommendations" and inserting "its recommendations".

(2) General provisions.—Section 1413(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3128(a)) is amended by striking "their powers" and inserting "its duties".

(d) Animal Health and Disease Research.—The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended—

(1) in section 1430 (7 U.S.C. 3192)—

(A) in paragraph (3), by adding "and" at the end;

(B) by striking paragraph (4); and

(C) by redesignating paragraph (5) as paragraph (4);

(2) in section 1433(b)(3) (7 U.S.C. 3195(b)(3)), by striking "with the advice, when available, of the Board";

(3) in section 1434(c) (7 U.S.C. 3196(c))—

(A) in the second sentence, by striking "and the Board"; and

(B) in the fourth sentence, by striking ", the Advisory Board, and the Board" and inserting "and the Advisory Board"; and

(4) in the first sentence of section 1437 (7 U.S.C. 3199), by striking "with the advice, when available, of the Board".

(e) Rangeland Research.—The second sentence of section 1483(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3336(b)) is amended by striking the last sentence.

(f) Plant and Animal Pest and Disease Control Program.—Section 1629(g) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5832(g)) is amended by striking "section 1650,".

(g) Grants To Upgrade 1890 Institutions Extension Facilities.—Effective as of April 6, 1996, section 873 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 110 Stat. 1175) is amended by striking "1981" and inserting "1985".

(h) Competitive and Special Grants.—The Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) is amended—

(1) in subsection (b)(1), by striking "Joint Council on Food and Agricultural Sciences and the National Agricultural Research and Extension Users Advisory Board" and inserting "National Agricultural Research, Extension, Education, and Economics Advisory Board (as established under section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123))"; and

(2) by striking subsection (l).

Subtitle B—New Authorities

SEC. 611. NUTRIENT COMPOSITION DATA.

(a) In General.—The Secretary of Agriculture shall update, on a periodic basis, nutrient composition data.

(b) Report.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

(1) the method the Secretary will use to update nutrient composition data, including the quality assurance criteria that will be used and the method for generating the data; and

(2) the timing for updating the data.

SEC. 612. NATIONAL SWINE RESEARCH CENTER.

Subject to the availability of appropriations to carry out this section, or through a reprogramming of funds provided for swine research to carry out this section pursuant to established procedures, during the period beginning on the date of enactment of this Act and ending December 31, 1998, the Secretary of Agriculture, acting through the Agricultural Research Service, may accept as a gift, and administer, the National Swine Research Center located in Ames, Iowa.

SEC. 613. ROLE OF SECRETARY REGARDING FOOD AND AGRICULTURAL SCIENCES RESEARCH AND EXTENSION.

The Secretary of Agriculture shall be the principal official in the executive branch responsible for coordinating all Federal research and extension activities related to food and agricultural sciences.

SEC. 614. OFFICE OF PEST MANAGEMENT POLICY.

(a) Purpose.—The purpose of this section is to establish an Office of Pest Management Policy to provide for the effective coordination of agricultural policies and activities within the Department of Agriculture related to pesticides and of the development and use of pest management tools, while taking into account the effects of regulatory actions of other government agencies.

(b) Establishment of Office; Principal Responsibilities.—The Secretary of Agriculture shall establish in the Department an Office of Pest Management Policy, which shall be responsible for—

(1) the development and coordination of Department policy on pest management and pesticides;

(2) the coordination of activities and services of the Department, including research, extension, and education activities, regarding the development, availability, and use of economically and environmentally sound pest management tools and practices;

(3) assisting other agencies of the Department in fulfilling their responsibilities related to pest management or pesticides under the Food Quality Protection Act of 1996 (Public Law 104–170; 110 Stat. 1489), the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), and other applicable laws; and

(4) performing such other functions as may be required by law or prescribed by the Secretary.

(c) Interagency Coordination.—In support of its responsibilities under subsection (b), the Office of Pest Management Policy shall provide leadership to ensure coordination of interagency activities with the Environmental Protection Agency, the Food and Drug Administration, and other Federal and State agencies.

(d) Outreach.—The Office of Pest Management Policy shall consult with agricultural producers that may be affected by pest management or pesticide-related activities or actions of the Department or other agencies as necessary in carrying out the Office's responsibilities under this section.

(e) Director.—The Office of Pest Management Policy shall be under the direction of a Director appointed by the Secretary, who shall report directly to the Secretary or a designee of the Secretary.

(f) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002.

SEC. 615. FOOD SAFETY RESEARCH INFORMATION OFFICE AND NATIONAL CONFERENCE.

(a) Food Safety Research Information Office.—

(1) Establishment.—The Secretary of Agriculture shall establish a Food Safety Research Information Office at the National Agricultural Library.

(2) Purpose.—The Office shall provide to the research community and the general public information on publicly funded, and to the maximum extent practicable, privately funded food safety research initiatives for the purpose of—

(A) preventing unintended duplication of food safety research; and

(B) assisting the executive and legislative branches of the Federal Government and private research entities to assess food safety research needs and priorities.

(3) Cooperation.—The Office shall carry out this subsection in cooperation with the National Institutes of Health, the Food and Drug Administration, the Centers for Disease Control and Prevention, public institutions, and, on a voluntary basis, private research entities.

(b) National Conference; Annual Workshops.—Not later than 120 days after the date of enactment of this Act, the Secretary shall sponsor a conference to be known as the "National Conference on Food Safety Research", for the purpose of beginning the task of prioritization of food safety research. The Secretary shall sponsor annual workshops in each of the subsequent 4 years after the conference so that priorities can be updated or adjusted to reflect changing food safety concerns.

(c) Food Safety Report.—With regard to the study and report to be prepared by the National Academy of Sciences on the scientific and organizational needs for an effective food safety system, the study shall include recommendations to ensure that the food safety inspection system, within the resources traditionally available to existing food safety agencies, protects the public health.

SEC. 616. SAFE FOOD HANDLING EDUCATION.

The Secretary of Agriculture shall continue to develop a national program of safe food handling education for adults and young people to reduce the risk of food-borne illness. The national program shall be suitable for adoption and implementation through State cooperative extension services and school-based education programs.

SEC. 617. REIMBURSEMENT OF EXPENSES INCURRED UNDER SHEEP PROMOTION, RESEARCH, AND INFORMATION ACT OF 1994.

Using funds available to the Agricultural Marketing Service, the Service may reimburse the American Sheep Industry Association for expenses incurred by the American Sheep Industry Association between February 6, 1996, and May 17, 1996, in preparation for the implementation of a sheep and wool promotion, research, education, and information order under the Sheep Promotion, Research, and Information Act of 1994 (7 U.S.C. 7101 et seq.).

SEC. 618. DESIGNATION OF CRISIS MANAGEMENT TEAM WITHIN DEPARTMENT.

(a) Designation of Crisis Management Team.—The Secretary of Agriculture shall designate a Crisis Management Team within the Department of Agriculture, which shall be—

(1) composed of senior departmental personnel with strong subject matter expertise selected from each relevant agency of the Department; and

(2) headed by a team leader with management and communications skills.

(b) Duties of Crisis Management Team.—The Crisis Management Team shall be responsible for the following:

(1) Developing a Department-wide crisis management plan, taking into account similar plans developed by other government agencies and other large organizations, and developing written procedures for the implementation of the crisis management plan.

(2) Conducting periodic reviews and revisions of the crisis management plan and procedures developed under paragraph (1).

(3) Ensuring compliance with crisis management procedures by personnel of the Department and ensuring that appropriate Department personnel are familiar with the crisis management plan and procedures and are encouraged to bring information regarding crises or potential crises to the attention of members of the Crisis Management Team.

(4) Coordinating the Department's information gathering and dissemination activities concerning issues managed by the Crisis Management Team.

(5) Ensuring that Department spokespersons convey accurate, timely, and scientifically sound information regarding crises or potential crises that can be easily understood by the general public.

(6) Cooperating with, and coordinating among, other Federal agencies, States, local governments, industry, and public interest groups, Department activities regarding a crisis.

(c) ROLE IN PRIORITIZING CERTAIN RESEARCH.—The Crisis Management Team shall cooperate with the Advisory Board in the prioritization of agricultural research conducted or funded by the Department regarding animal health, natural disasters, food safety, and other agricultural issues.

(d) COOPERATIVE AGREEMENTS.—The Secretary shall seek to enter into cooperative agreements with other Federal departments and agencies that have related programs or activities to help ensure consistent, accurate, and coordinated dissemination of information throughout the executive branch in the event of a crisis, such as, in the case of a threat to human health from food-borne pathogens, developing a rapid and coordinated response among the Department, the Centers for Disease Control, and the Food and Drug Administration.

SEC. 619. DESIGNATION OF KIKA DE LA GARZA SUBTROPICAL AGRICULTURAL RESEARCH CENTER, WESLACO, TEXAS.

(a) DESIGNATION.—The Federal facilities located at 2413 East Highway 83, and 2301 South International Boulevard, in Weslaco, Texas, and known as the "Subtropical Agricultural Research Center", shall be known and designated as the "Kika de la Garza Subtropical Agricultural Research Center".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal facilities referred to in subsection (a) shall be deemed to be a reference to the "Kika de la Garza Subtropical Agricultural Research Center".

Subtitle C—Studies

SEC. 631. EVALUATION AND ASSESSMENT OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION PROGRAMS.

(a) EVALUATION.—The Secretary of Agriculture shall conduct a performance evaluation to determine whether federally funded agricultural research, extension, and education programs result in public goods that have national or multistate significance.

(b) CONTRACT.—The Secretary shall enter into a contract with 1 or more entities with expertise in research assessment and performance evaluation to provide input and recommendations to the Secretary with respect to federally funded agricultural research, extension, and education programs.

(c) GUIDELINES FOR PERFORMANCE MEASUREMENT.—The contractor selected under subsection (b) shall develop and propose to the Secretary practical guidelines for measuring performance of federally funded agricultural research, extension, and education programs. The guidelines shall be consistent with the Government Performance and Results Act of 1993 (Public Law 103-62) and amendments made by that Act.

SEC. 632. STUDY OF FEDERALLY FUNDED AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION.

(a) STUDY.—Not later than January 1, 1999, the Secretary of Agriculture shall request the National Academy of Sciences to conduct a study of the role and mission of federally funded agricultural research, extension, and education.

(b) REQUIREMENTS.—The study shall—

(1) evaluate the strength of science conducted by the Agricultural Research Service and the relevance of the science to national priorities;

(2) examine how the work of the Agricultural Research Service relates to the capacity of the agricultural research, extension, and education system of the United States;

(3) examine the appropriateness of the formulas for the allocation of funds under the Smith-Lever Act (7 U.S.C. 341 et seq.) and the Hatch Act of 1887 (7 U.S.C. 361a et seq.) with respect to current conditions of the agricultural economy and other factors of the various regions and States of the United States and develop recommendations to revise the formulas to more accurately reflect the current conditions; and

(4) examine the system of competitive grants for agricultural research, extension, and education.

(c) REPORTS.—The Secretary shall prepare and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition and Forestry of the Senate—

(1) not later than 18 months after the commencement of the study, a report that describes the results of the study as it relates to paragraphs (1) and (2) of subsection (b), including any appropriate recommendations; and

(2) not later than 3 years after the commencement of the study, a report that describes the results of the study as it relates to paragraphs (3) and (4) of subsection (b), including the recommendations developed under paragraph (3) of subsection (b) and other appropriate recommendations.

Subtitle D—Senses of Congress

SEC. 641. SENSE OF CONGRESS REGARDING AGRICULTURAL RESEARCH SERVICE EMPHASIS ON FIELD RESEARCH REGARDING METHYL BROMIDE ALTERNATIVES.

It is the sense of Congress that, of the Agricultural Research Service funds made available for a fiscal year for research regarding the development for agricultural use of alternatives to methyl bromide, the Secretary of Agriculture should use a substantial portion of the funds for research to be conducted in real field conditions, especially pre-planting and post-harvest conditions, so as to expedite the development and commercial use of methyl bromide alternatives.

SEC. 642. SENSE OF CONGRESS REGARDING IMPORTANCE OF SCHOOL-BASED AGRICULTURAL EDUCATION.

It is the sense of Congress that the Secretary of Agriculture and the Secretary of Education should collaborate and cooperate in providing both instructional and technical support for school-based agricultural education.

And the House agree to the same.

ROBERT SMITH,
LARRY COMBEST,
BILL BARRETT,
CHARLES W. STENHOLM,
CALVIN DOOLEY,
Managers on the Part of the House.

RICHARD G. LUGAR,
THAD COCHRAN,
PAUL D. COVERDELL,
TOM HARKIN,
PATRICK LEAHY,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The Managers on the part of the House and the Senate at the Conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1150) to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national or multistate significance and to reform, extend, and eliminate certain agricultural research programs and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:[1]

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

(1) SHORT TITLE; TABLE OF CONTENTS

The Senate bill titles the Act the "Agricultural Research, Extension, and Education Reform Act of 1997". (Section 1)

The House amendment states that this Act may be cited at the "Agricultural Research, Extension, and Education Reauthorization Act of 1997". (Section 1)

The conference substitute adopts the Senate provision. (Section 1)

(2) DEFINITIONS

The Senate bill contains definitions for terms used throughout the bill, including "1862", "1890" and "1994" Institutions, "Advisory Board," "Department," "Hatch Act of 1887," "Secretary," "Smith-Lever Act," and "Stakeholder." (Section 2)

The House amendment amends the definition of "Food and Agricultural Sciences" as it currently appears in the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to simplify the references to animal and plant production and health; specify food safety as a research objective; substitute the term "rural human ecology" for rural community welfare and development; and add information management, technology transfer, and agricultural biotechnology as subject areas under the food and agricultural sciences. The House amendment in subsection (b) clarifies that references to "Teaching" shall mean "Teaching and Education."

The House amendment defines "in-kind support" and designates the definitions included in the National Agricultural Research, Extension, and Teaching Policy Act of 1977 as the principle definitions when used in this title or any law pertaining to the Department of Agriculture relating to research, extension, or education regarding the food and agricultural sciences unless the context requires otherwise. (Section 102)

The conference substitute adopts the Senate provision with an amendment striking the definition for stakeholder (Section 2) and adopts the House provision with an amendment to retain current law on processing of agricultural commodities (Sections 221 and 230).

The Managers consider many critical emerging issues related to international agricultural trade as being of primary importance to United States agricultural competitiveness and farm income. The Managers encourage the Secretary to provide priority funding for research to address these issues and facilitate export market expansion for United States agricultural products, including the identification, removal or reduction of barriers to agricultural trade. The Managers intend that the Secretary should take into account input and recommendations from the agricultural community and others concerned with agricultural trade in order to ensure that research activities in food and agricultural sciences respond to the current and anticipated needs of United States agricultural producers and exporters.

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[1] The House Report (H.Rept.105-376) and the Senate Report (S.Rept.105-73) are incorporated by reference.

(3) STANDARDS FOR FEDERAL FUNDING OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION

The Senate bill requires the Secretary to ensure that agricultural research, extension or education activities conducted by ARS or on a competitive basis by CSREES address concerns that are high priority and have national or multi state significance. (Section 101)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision with an amendment to clarify that research have national, multi state or regional significance. (Section 101)

This section establishes a standard for research conducted by the ARS and funding awarded competitively by CSREES. The Managers expect that the Department would require applicants for grant funding to demonstrate that the project is of multi state or national relevance and to demonstrate the gap in knowledge they are trying to fill. The Managers intend that the term "regional" as used in this section may include a region covering a multi-state area or an area within one state.

(4) PRIORITY SETTING PROCESS

The Senate bill requires the Secretary to establish priorities for agricultural research, extension and education activities conducted by or for the Department. In establishing these priorities, the Secretary must solicit and consider input and recommendations from stakeholders. The Secretary must notify the Advisory Board in writing regarding the implementation of its recommendations and must send copies of the letter to the Senate and House Agriculture Committees regarding the recommendations of the Advisory Board if the recommendations are regarding the priority mission areas under the Initiative for Future Agriculture and Food Systems. This section also requires the 1862, 1890, and 1994 institutions to establish and implement a process for obtaining stakeholder input concerning the uses of Federal formula funds and the Secretary is directed to establish regulations on the requirements for complying with the stakeholder input requirement and the consequences of not complying.

The section also adds a list of management principles for research, extension and education funded by the Department. (Section 102)

The House amendment requires the Secretary, in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board (Advisory Board) and persons who conduct or use agricultural research, to establish priorities for Federally funded agricultural research, extension, and education activities that are conducted by or funded by the Department.

The House amendment also adds a list of management principles for research, education, and extension activities funded by the Department. (Section 101)

The House amendment amends section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 by requiring that the Advisory Board, whenever there is a required consultation, solicit opinions and recommendations from persons who will benefit from and use Federally funded agricultural research, extension, education, and economics. Whenever the Secretary proposes to perform any duty or activity that requires the Secretary to consult or cooperate with the Advisory Board or authorizes the Advisory Board to submit recommendations with regard to that duty or activity, the Secretary shall solicit written opinions and recommendations from the Advisory Board and provide a written response to the Advisory Board regarding the manner and extent to which the Secretary will implement the recommendations. (Section 103)

The conference substitute adopts the Senate provision with an amendment to delete one of the management principles and an amendment exempting the Advisory Board from Departmental limitations on expenses for advisory committees and setting an annual cap of $350,000 for Advisory Board expenses. (Section 102 and Section 222)

The Managers intend that the term "regional" as used in this section may include a region covering a multi-state area or an area within one state.

The Managers recognize the increasingly important role that international trade plays in ensuring the viability of United States agriculture. The Managers are aware that many historical tariff barriers have been replaced with various non-tariff trade barriers to agricultural trade, such as the sanitary and phytosanitary restrictions. The Managers feel strongly that the Secretary and the research community should take into account the tremendous importance of agricultural trade when establishing priorities for federally funded agricultural research, extension, and education. The Secretary should designate an appropriate person in the Department to receive input from the agricultural community, the Advisory Board, Federal agencies concerned with agricultural trade, and other interested parties to help ensure that research activities in food and agricultural sciences are prioritized in a way that responds to the current and future needs of agricultural producers and exporters, including the development of methods to identify, remove, or reduce potential and existing barriers to agricultural trade. By recognizing the significance of agricultural trade in the priority setting process, the Secretary will be better able to focus agricultural research to help enhance the competitiveness of the United States agriculture and food industry.

(5) RELEVANCE AND MERIT OF FEDERALLY FUNDED AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION

The Senate bill requires the Secretary to establish procedures that ensure scientific peer review of each agricultural research grant funded, on a competitive basis, by CSREES. This section also requires the Secretary to establish procedures that ensure merit review of each agricultural extension or education grant funded, on a competitive basis, by CSREES.

The Senate bill requires the Advisory Board to perform an annual review of the relevancy of the Department's agricultural research, extension and education funding portfolio in relation to the Secretary's priorities established under section 102. The results of this review are to be considered when formulating requests for proposals for the next fiscal year, if the results are available then. The Secretary is also required to solicit and consider input from stakeholders on the prior year's request for proposals when formulating a request for proposals for a new year.

The Senate bill requires the Secretary to establish procedures to ensure scientific peer review of ARS research activities and the research of each scientist employed by ARS at least once every 5 years by a review panel to verify that the activities have scientific merit and relevance to the Secretary's priorities as well as national or multistate significance. The review panel under this section is to be comprised of individuals with scientific expertise, a majority of whom are not employees of ARS. The results of these reviews are to be transmitted to Congress and the Advisory Board.

The Senate bill requires the 1862 and 1890 Institutions to establish and implement a process for merit review in order to obtain agricultural research or extension funds and 1994 Institutions are required to establish and implement a merit review process in order to receive extension funds from the Secretary.

The Senate bill also repeals outdated authority of the Secretary to withhold formula funds. (Section 103)

The House amendment amends subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 by inserting a new section before section 1463. This new section requires the Secretary to establish procedures to ensure scientific peer-review of each agricultural research grant funded on a competitive basis by CSREES. The Secretary, in consultation with the Advisory Board, must establish procedures that ensure merit review of each agricultural extension or education grant competitively funded by CSREES. When formulating a request for proposals involving an agricultural research, extension, or education activity funded on a competitive basis, the Secretary shall solicit and consider input from the Advisory Board and users of agricultural research, extension, and education regarding the request for proposals from the previous year. If the activity has not been the subject of a previous request for proposals, the Secretary shall solicit and consider input from the Advisory Board and users of such research, extension, and education.

The House amendment requires the Secretary to establish procedures for a scientific peer-review of all research activities conducted by the Department. A review panel comprised of individuals with scientific expertise, the majority of which cannot be USDA employees, shall verify that each research project has scientific merit, and the panel shall review each research activity at least once every three years.

In the House amendment, beginning October 1, 1998, each 1862 and 1890 Institution shall develop a process for merit review of the activity and review the activity in accordance with that process as a condition for receiving Federal formula funds for research or extension. In the House amendment, beginning October 1, 1998 each 1994 institution shall develop a process for merit review of the activity in accordance with that process as a condition for receiving Federal formula funds for extension.

The House amendment repeals outdated provisions of the Smith-Lever Act, Hatch Act of 1887, and the National Agricultural Research, Extension, and Teaching Policy Act of 1977 that require the Secretary to report to the President when the Secretary withholds funds from a land-grant college or university. (Section 104)

The conference substitute adopts the House provision with amendments to delete the requirement that input be required before issuing a RFP, to require that review of USDA research be every five years, to require the Advisory Board to perform an annual relevancy review, and to strike the FACA exemption. (Section 103)

(6) RESEARCH FORMULA FUNDS FOR 1862 INSTITUTIONS

The Senate bill amends the Hatch Act to require that not less than 25 percent of a State's Hatch Act funds will be used for projects in which a state agricultural experiment station, working with another agricultural experiment station, ARS, or a college or university, cooperates to solve multistate problems utilizing multidisciplinary approaches. This research will be subject to scientific peer review. A project reviewed under this section will also be deemed to have satisfied the merit review requirements of section 103. (Section 104).

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision with an amendment to reference the plans of work. (Section 104)

The Managers recognize that issues of national significance would meet the requirement of multi-state interest as required by this section, and that the research of national significance may be conducted between partners in a single state.

(7) EXTENSION FORMULA FUNDS FOR 1862 INSTITUTIONS

The Senate bill amends the Smith-Lever Act by requiring that a certain percentage of Smith-Lever (b) and (c) funds going to a State be used for cooperative extension activities in which 2 or more states cooperate to solve problems that concern more than one State. In order to determine the applicable percentage, the Secretary shall determine the percentage of Federal formula funds that a State spent for fiscal year 1997 for multistate activities. Then starting in fiscal year 2000, the applicable percentage will be 25 percent or twice the percentage determined to be spent on multistate activities in 1997, whichever is less. The Secretary is given the authority to reduce the minimum percentage required in a case of hardship, infeasibility or other similar circumstance beyond the control of the State.

In the Senate bill, States are to include in their plans of work the manner in which they will meet the applicable percentage requirement. State and local matching funds are not subject to the percentage requirement. The section also imposes a merit review requirement for these funds. The merit review in this section will satisfy the merit review requirement of section 103 as well. (Section 105)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision with an amendment to reference plans of work. (Section 105)

(8) RESEARCH FACILITIES

The Senate bill amends the Research Facilities Act by replacing the word "regional" everywhere it appears with "multi state." This section requires the Secretary to ensure that ARS research facilities serve national or multi state needs. The section requires the Secretary to periodically review each operating agricultural research facilities constructed in whole or in part with Federal funds and each planned agricultural research facility. The Competitive, Special and Facilities Research Grant Act is also amended by replacing the word "regional" everywhere it appears with "national or multi state." (Section 106)

The House amendment repeals the Research Facilities Act but transfers the existing authority for the task force on agriculture research facilities to the National Agriculture Research, Extension, and Teaching Policy Act of 1977. (Section 214)

The conference substitute adopts the Senate provision. (Section 106)

(9) ADVISORY BOARD

The Senate bill requires the Secretary to ensure, to the maximum extent practicable, equal representation of public and private sector members on the Advisory Board. (Section 201)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision. (Section 222)

(10) GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURAL SCIENCES EDUCATION

The Senate bill requires the Secretary to give priority in this grant program to teaching enhancement projects that demonstrate enhanced cooperation among all types of institutions and priority to teaching enhancement projects that focus on innovative, multi disciplinary education programs, materials and curricula. This section also authorizes the Secretary to maintain a national food and agricultural education information system containing information on enrollment, degrees awarded, faculty and employment placement in the food and agricultural sciences. (Section 202).

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision. (Section 223)

(11) POLICY RESEARCH CENTERS

The Senate bill amends current grant making authority to include grants for studies that concern the effect of trade agreements on farm and agricultural sector; the environment; rural families, households and economies; and consumer, food, and nutrition. (Section 203)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision. (Section 224)

The Managers recognize the growing importance of international markets on the farm and agricultural sectors; the environment; rural families, households and economies and consumers, food and nutrition. While the overall impact of increased trade opportunities will benefit all of these areas, the conferees recognize that different areas of the country face unique situations. For instance, the Northern Plains states encompass a unique set of factors including climate, crop mix, and marketing of agricultural commodities and products. This section would allow a policy research center to evaluate the impact of multinational trade on this or any other area of the country.

(12) INTERNATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING

The Senate bill adds the word "teaching" to the purposes of several grant programs and authorizes competitive grants for collaborative projects between U.S. scientists, land grant scientists, or scientists from other colleges and universities and scientists from international agricultural research centers in other nations, including the international agricultural research centers of the Consultative Group on International Agriculture Research. This section also requires the Secretary to submit a biennial report to the House and Senate Agriculture Committees about efforts to coordinate international agricultural research and better link domestic and international agricultural research. (Section 204)

The House amendment adds the word "teaching" throughout Section 1458 of the National Agriculture Research, Extension, and Teaching Policy Act of 1977 concerning international agricultural research and extension programs. In the case of the cooperative agreement entered into between the Secretary and Israel, the full amount of appropriated funds shall be transferred directly to the Binational Agricultural Research and Development Fund. This section prohibits the Secretary from retaining any portion of the funds for overhead or any other administrative expense. (Section 213)

The House amendment amends the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291) by inserting a new section which authorizes the Secretary to establish an agricultural research and development program with the United States/Mexico Foundation for Science. The Foundation shall award competitive grants, with a matching funds requirement by the Mexican government, to focus on binational problems such as food safety, plant and animal pest control, and the natural resource base on which agriculture depends. (Section 423)

The House amendment amends the National Agricultural Research, Extension, and Teaching Policy Act of 1977 by adding a section authorizing the Secretary to award competitive grants to colleges and universities to strengthen U.S. economic competitiveness and promote international market development. Grants will be awarded to research, extension, and teaching activities that enhance the international content of curricula in colleges and universities, disseminates the findings of agricultural research outside the United States to students and users of agricultural research within the United States, enhances collaborative research with other countries, and enhances the capability of U.S. colleges and institutions in assisting food production, processing, and distribution. (Section 424)

The conference substitute adopts the House provision with an amendment to authorize competitive grants as described in the Senate bill and to require the Secretary to submit a biennial report to the House and Senate Agriculture Committees. (Sections 227, 228, and 229)

(13) GENERAL ADMINISTRATIVE COSTS

The Senate bill amends subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 by inserting section 1461 which sets an indirect cost cap of 25 percent of total Federal funds provided under a grant for competitive research, extension, or education awarded under the National Research Initiative, the Fund for Rural America, or the Initiative for Future Agriculture and Food Systems.

The Senate bill amends section 1469 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to allow the Secretary of Agriculture to retain up to 4 percent of amounts appropriated for an agricultural research, extension, or teaching assistance program for the administration of such program, except where the act authorizing such program specifically authorizes the Secretary to withhold a percentage of funds for the administration of that specific program. This subsection would also amend section 1469 to provide for the retention for administrative costs of 4 percent of funds made available under section 25 of the Food Stamp Act of 1977 for community food projects. (Section 205)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision with an amendment to cap indirect costs at 19 percent of total federal funds for all competitively awarded agricultural research, education, or extension grants and an amendment to authorize use of program funds for peer review panels. (Section 230)

(14) EXPANSION OF AUTHORITY TO ENTER INTO COST-REIMBURSABLE AGREEMENTS

The Senate bill amends section 1473A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to expand current authority of the Secretary of Agriculture to enter into cost-reimbursable agreements with State cooperative institutions (i.e., land-grant colleges and universities) for the acquisition of goods or services, including personal services, to carry out agricultural research, extension, or teaching activities of mutual interest, by additionally allowing the Secretary to enter into such agreements with any college or university. (Section 206)

The House amendment amends section 1473A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to expand current authority of the Secretary to enter into cost-reimbursable agreements with State cooperative institutions (i.e. land-grant colleges and universities) for the acquisition of goods and services, including personnel services, to carry out agricultural research, extension, or teaching activities of mutual interest by additionally allowing the Secretary to enter into such agreements with any college or university. (Section 105)

The conference substitute adopts the House provision. (Section 231)

(15) NATIONAL AGRICULTURAL WEATHER INFORMATION SYSTEM

The Senate bill amends subtitle D of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 and provides that section 1637 of the Act establish the short title for the subtitle as the "National Agricultural Weather Information System Act of 1997" and establishes the purposes of this subtitle to coordinate national agricultural weather and climate station network, ensure timely and accurate agriculture related weather information is disseminated and aid research and education projects which require agricultural weather and climate data.

The Senate bill provides that section 1638 of the Food, Agriculture, Conservation, and Trade Act of 1990 would authorize the Secretary of Agriculture to establish the National Agricultural Weather Information System (NAWIS). The Senate bill authorizes the Secretary of Agriculture to enter into cooperative projects with, and award grants to other Federal, regional, and State agencies to support development and dissemination of agricultural weather and climate information; to collect weather data through regional and State agricultural weather information systems; coordinate the weather activities of the Department of Agriculture with other Federal agencies and the private sector; make grants regarding State and regional agricultural weather information systems; and to encourage private sector participation in NAWIS activities. The Senate bill authorizes a competitive grants program to support projects to improve the manner in which agricultural weather and climate information is collected, retained, and distributed.

The Senate bill amends section 1639 of the Food, Agriculture, Conservation, and Trade Act of 1990 to require that no more than two-thirds of the funds appropriated for the subtitle shall be used for work with the National Oceanic and Atmospheric Administration. This revised section would also prohibit the Secretary of Agriculture from awarding any grant funds for the construction of facilities and would limit the purchase of equipment with grants funds to no more than the lesser of one-third of the award or $15,000.

The Senate bill amends section 1640 of the Food, Agriculture, Conservation, and Trade Act of 1990 to authorize to be appropriated $15 million for each of the 1998 through 2002 fiscal years to carry out the purposes of the revised subtitle. (Section 211)

The House has no comparable provision.

The conference substitute adopts the House provision.

(16) NATIONAL FOOD GENOME STRATEGY

The Senate bill amends section 1671 of the Food, Agriculture, Conservation and Trade Act of 1990 to authorize the Secretary to establish a National Food Genome Strategy for agriculturally important plants, animals, and microbes. Subsection (a) establishes the purposes of the section. This section also provides that USDA is to be the lead federal agency for the Plant Genome Initiative unless funding provided through USDA for the Plant Genome Initiative is substantially less than funding provided through another Federal agency, in which case the other Federal agency would be the lead agency as determined by the President. Subsection (b) requires the Secretary of Agriculture develop and carry out a National Food Genome Strategy on the development and dissemination of information regarding the genetics of agriculturally important plants, animals, and microbes. Subsection (c) authorizes the Secretary of Agriculture to enter into contracts, grants, or cooperative agreements with individuals and organizations in accordance with section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to carryout the purposes of this section. This subsection also requires that grants made under this subsection be awarded on a competitive basis. Subsection (d) requires the Secretary of Agriculture to issue necessary regulations. The Senate bill authorizes the Secretary to consult with the National Academy of Sciences regarding the National Food Genome Strategy. The Senate bill authorizes the Secretary to include in contracts, grants, and cooperative agreements an allowance for indirect costs in the same manner such costs are allowed under contracts, grants and cooperative agreements by the National Science Foundation. (Section 212)

The House amendment amends the heading of Section 1671 of the Food, Agriculture, Conservation, and Trade Act of 1990 to "Agricultural Genome Initiative." The Secretary shall conduct research for the purposes of supporting basic and applied research and technology, studying and mapping agriculturally significant genes, ensuring that current gaps in existing agricultural genetics knowledge are filled, and preserving diverse germplasm and biodiversity.

Grants made under the House amendment would be awarded on a competitive basis, and no funds awarded under this section may be used to fund construction. In the House amendment, a one-to-one match or in-kind support is required for any grant which is to benefit a specific commodity but the Secretary may waive the matching requirement with respect to an individual project if (1) the Secretary determines the results of the project, while of particular benefit to a specific commodity, are likely to be applicable to agricultural commodities generally or (2) the project involves a minor commodity, deals with scientifically important research, and the grant recipient would be unable to satisfy the matching requirement.

The House amendment authorizes the necessary funds to be appropriated for each of the 1998 through 2002 fiscal years to carry out the purposes of the revised section. (Section 232)

The conference substitute adopts the House provision with amendments to modify the goals, to prescribe duties of the Secretary, to provide authority for cooperative agreements which would be subject to matching requirements, to require grants or cooperative agreements to be made on a competitive basis, to allow consultation with the National Academy of Sciences and to strike the authorization of appropriations. (Section 241)

In establishing the Agricultural Genome Initiative, it is the intent of the Managers that USDA would continue to be the lead federal agency for agricultural genomic research.

(17) IMPORTED FIRE ANT CONTROL, MANAGEMENT, AND ERADICATION

The Senate bill creates a three tiered grant program and authorizes the Secretary to establish a National Advisory Board on fire ant control, management, and eradication. Eligible grant recipients include colleges, universities, research institutes, Federal labs, or private entities selected by the Secretary on a competitive basis. (Section 213)

The House amendment authorizes the Secretary to make competitive grants for 32 high priority research and extension issues including fire ants. (Section 421 (e)(10))

The conference substitute adopts the Senate provision with an amendment to strike the board and instead allow formation of a task force and inserts the provision in the section for high priority research and extension issues. (Section 242)

The Managers intend that in carrying out these grants the Secretary may establish a task force consisting of individuals from academia, research institutes, and the private sector and who are experts in entomology, ant ecology, wildlife biology, electrical engineering, economics, and agribusiness. The Managers intend that the Secretary shall solicit and consider input from this task force in developing a request for proposals for grants.

(18) AGRICULTURAL TELECOMMUNICATIONS PROGRAM

The Senate bill authorizes the Secretary to award a grant to A*DEC to enable it to administer the Agricultural Telecommunications Program. (Section 214).

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision. (Section 245)

This section authorizes the Secretary to award a grant to A*DEC to enable it to administer a competitive grant program as authorized under the agricultural telecommunications program. It is the intent of the Managers that a cohesive, affordable and sustainable agricultural telecommunications network be developed that makes optimal use of available resources for agriculture and rural America. The network must disseminate and share academic instruction, extension programming, agricultural research and domestic and international marketing information.

A*DEC is a consortium whose members include the U.S. Department of Agriculture, numerous state universities and land grant institutions, and a growing number of international associate members. The Managers intend that the Secretary of Agriculture, acting through A*DEC, administer a competitive grant program that uses the power and efficiency of the Internet, audio and video conferencing, and printed materials. The Managers expect A*DEC to design an open process for disseminating grant information and requirements, to utilize a peer review process for grant applications, and to use an on-line submission, report and evaluation process. These steps will assure that all aspects of the grant program are open, transparent, and will allow for partnership development and rapid feedback from the review process.

The Managers expect that the transfer of the management of the program to A*DEC will not affect the awarding of these grants on a competitive basis to all eligible institutions and entities, regardless of membership in the A*DEC consortium.

(19) ASSISTIVE TECHNOLOGY PROGRAM FOR FARMERS WITH DISABILITIES

The Senate bill changes the AgrAbility authorization to reflect the current distribution of funds. It eliminates the separate spending authority for the national grant program in favor of a combined authorization of $6 million, with instructions that 15 percent of total program appropriations be designated for nationally coordinated AgrAbility activities. (Section 215)

The House amendment reauthorizes existing program until fiscal year 2002. (Section 323)

The conference substitute adopts the Senate provision. (Section 246)

(20) 1994 INSTITUTIONS

The Senate bill amends the Equity In Education Land-Grant Status Act of 1994 by adding Little Priest Tribal College of Nebraska to the list of 1994 Institutions and adds a requirement that 1994 Institutions either be accredited or working towards accreditation in order to receive funding under the Act. (Section 221)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision. (Section 251)

(21) COOPERATIVE AGRICULTURAL EXTENSION WORK BY 1862, 1890, AND 1994 INSTITUTIONS

The Senate bill amends the Smith-Lever Act to provide funding and authority for 1994 Institutions for extension activities which may be carried out through cooperative agreements with land grant colleges in any State. (Section 222)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision. (Section 201)

(22) ELIGIBILITY OF CERTAIN COLLEGES AND UNIVERSITIES FOR EXTENSION FUNDING

The Senate bill amends section 3(d) of the Smith-Lever Act by expanding the list of institutions eligible to receive competitive funding under the Act to include all colleges and universities. It further amends section 3(d) of the Act by making 1890 and 1994 Institutions eligible for non-competitive extension funding, as well as the 1862 Institutions. The Secretary is authorized to enter into memoranda of understanding, cooperative agreements and reimbursable agreements with other Federal agencies to assist in carrying out extension programs. The section also contains a conforming amendment. (Section 223)

The House amendment has no comparable provision.

The conference substitute adopts the House provision.

(23) INTEGRATION OF RESEARCH AND EXTENSION

The Senate bill amends the Smith-Lever and Hatch Acts by requiring that a certain percentage of Smith-Lever (b) and (c) and Hatch Act funds going to a State be used for integrated cooperative extension and research activities. In order to determine the applicable percentage, the Secretary shall determine the percentage of Federal formula funds that a State spent for fiscal year 1997 for integrated research and cooperative extension activities. Then starting in fiscal year 2000, the applicable percentage will be 25 percent or twice the percentage determined to be spent on integrated activities in 1997, whichever is less. The Secretary is given the authority to reduce the minimum percentage required in a case of hardship, infeasibility or other similar circumstance beyond the control of the State.

Under the Senate bill the States would inform the Secretary of the manner in which they will meet the applicable percentage requirement. The section also provides that funds used towards meeting the integration requirement may also be used to satisfy the percentage requirements contained in sections 104 and 105 of the Bill. The section contains language exempting any State and local matching funds from the integration requirement. (Section 224)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision with an amendment to reference plans of work. (Section 204)

(24) COMPETITIVE, SPECIAL AND FACILITIES RESEARCH GRANTS

The Senate bill amends the Competitive, Special, and Facilities Research Grants Act by adding national laboratories to the list of eligible grantees under the NRI.

The section amends the time period for special grants from 5 years to 3 years and requires that the grants be for the purpose of conducting research to address agricultural research needs of immediate importance, by themselves or in conjunction with extension or education; or new or emerging areas of agricultural research, by themselves or in conjunction with extension or education. This section retains the prohibition on providing special grants for facilities. Scientific peer review is required for research projects funded under this section and merit review is required for extension or education projects funded by a special grant. Eligible grantees include colleges, universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals.

The Senate bill imposes a partnership requirement for projects that address immediate needs. For projects that address new or emerging research issues, a partnership is required after three years in order to receive funding for additional years and the partnership must be comprised of at least 2 other entities, in addition to the grantee. Each grantee must also provide to the Secretary a proposed plan for graduation from Federal funding under this section. Graduation plans and partnership requirements do not apply to non-competitive special grants. Grant recipients are required to file annual reports describing the results of their research, extension or education activities and the merit of those results. To the extent allowable by law, these reports are to be made available to the public. The section also contains a 4 percent set aside for administrative costs. The effective date for the section is October 1, 1998.

The Senate bill allows grant awards under the NRI to a new investigator who is still within 5 years of the individual's initial career track position rather than investigators who have less than 5 years of post-graduate research experience. (Section 225)

The House amendment amends the matching requirement provision for equipment purchase of the National Research Initiative, Competitive Grants Program to provide that the Secretary may waive all or a portion of the matching requirement in the case of small colleges or universities if (1) the cost of the equipment does not exceed $25,000 and (2) has multiple uses within a single research project or is usable in more than one research project. (Section 241)

The conference substitute adopts the House provision with amendments to add national laboratories to NRI eligibility, to allow NRI grants for new investigators within 5 years of the individual's initial career track position, to require scientific peer or merit review of special grants, to authorize special grants for three years rather than five years, and to require annual reports for special grants. (Sections 211 and 212)

(25) FUND FOR RURAL AMERICA

The Senate bill provides funding for the Fund through October 1, 2001, including FY 1998 which had not been funded. The percentage of the Fund to be allocated among Rural Development programs is increased to 50 percent and the Research portion is established at 33 percent with the remaining 17 percent to be allocated among either the Research or Rural Development Accounts at the discretion of the Secretary. (Section 226)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision with amendments to provide an additional $100 million for the Fund so that $60 million will be provided each year for FY99-03 and to retain current law on the distribution of funding under the Fund for Rural America. (Section 252)

The Managers strongly encourage that each year the Secretary award half of the funds within his discretion to research.

(26) HONEY RESEARCH

The Senate bill contains an amendment to the Honey Research, Promotion, and Consumer Information Improvement Act of 1997 and requires the Honey Board to reserve at least 8 percent of all assessments collected for expenditure on approved research projects to advance the competitiveness of the honey industry. (Section 227)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision with amendments to provide for a 3/4 of a cent per pound assessment on honey producers, handlers and importers to provide funding for research; to change representation on the National Honey Board and allow for periodic review of the Board composition; and to establish, with approval of the Secretary, a program to improve the quality and purity of honey and honey products. (Section 605)

(27) OFFICE OF ENERGY POLICY AND NEW USES

The Senate bill amends the Department of Agriculture Reorganization Act of 1994 by establishing, within the Office of the Secretary, an Office of Energy Policy and New Uses. (Section 228)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision. (Section 602)

(28) KIWIFRUIT RESEARCH, PROMOTION, AND CONSUMER INFORMATION PROGRAM

The Senate bill would amend the National Kiwifruit Research, Promotion, and Consumer Information Act to require that producer, exporter, and importer representation on the National Kiwifruit Board be proportional to the level of domestic production and imports of kiwifruit. (Section 229)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision. (Section 603)

(29) NATIONAL AQUACULTURE POLICY, PLANNING, AND DEVELOPMENT

The Senate bill amends the National Aquaculture Act by changing the definition of aquaculture and defining private aquaculture; by designating USDA as the lead agency for aquaculture and establishing a national policy for private aquaculture; by requiring the Secretary to develop and implement a plan for coordinating and implementing aquaculture activities and programs within the Department and supporting the development of private aquaculture. The Secretary is also authorized to maintain and support a National Aquaculture Information Center at the National Agricultural Library. The Secretary is directed to treat private aquaculture as agriculture and is directed to coordinate interdepartmental functions and activities relating to private aquaculture. The authorization of appropriations is extended through 2002. (Section 230)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision with an amendment striking the Senate language and substituting reauthorization of the National Aquaculture Act through 2002. (Section 301)

(30) BIOBASED PRODUCTS

The Senate bill directs the Secretary to coordinate research, economic information, market information and other activities to develop and promote biobased products. The Secretary shall consult with private sector biobased product producers and provide a centralized contact point to provide advice and technical assistance to individuals interested in developing biobased products. The Secretary will make an annual report to Congress on biobased activities. The Secretary is given the authority to use scientific expertise and facilities to conduct research leading to the further development and market testing of biobased products. This authority is open to CRADA partners, and individuals who have received funding through AARC, BRDC and SBIR. The Secretary is given the authority to award ARS funds competitively to encourage scientific excellence and creativity. The first three years of this authority direct the Secretary to focus such grants toward the development of biobased products with promising commercial potential. The section provides an authorization of appropriations of $10 million per year. (Section 231)

The House amendment authorizes the Secretary to enter into cooperative agreements with eligible partners, as specified, so that the facilities and technical expertise of ARS may be made available to operate pilot plants in order to bring technologies of biobased products to the point of practical application. This section defines "biobased products" as a product suitable for food and nonfood use that is derived in whole or in part from renewable agricultural and forestry materials. The Secretary may use appropriated funds to carry out this section and cooperative research and development agreement funds. The Secretary shall authorize the private partner to sell biobased products for the purpose of determining market potential. (Section 426)

The conference substitute adopts the House provision with amendments to add the coordination provisions from the Senate bill and to modify the pilot project authority in the Senate bill. (Section 404)

The Managers expect that the coordination of biobased product activities required under this section will be coordinated by the Office of Energy Policy and New Uses created in Section 602.

(31) PRECISION AGRICULTURE

The Senate bill authorizes a new competitive grant program for research, education and information dissemination projects for the development and promotion of precision agriculture. (Section 232)

The House amendment defines "precision agriculture" as an integrated information and production-based farming system that is designed to increase long-term, site specific and whole farm production efficiencies, productivity, and profitability while minimizing unintended impacts on wildlife and the environment in specified ways. This section also defines "precision agricultural technologies," "Advisory Board," "agricultural inputs," "eligible entity," and "systems research." (Section 411)

The House amendment authorizes the Secretary, in consultation with the Advisory Board, to make 5 year competitive grants for research, education, or information dissemination projects for precision agriculture. The Secretary may only give grants to projects that are unlikely to be financed by the private sector in the absence of a grant, and the partnership must match the amount of Federal funds. Priority shall be given to research, education, or information dissemination projects that evaluate precision agricultural technologies to increase long-term efficiencies, make the findings readily available to farmers, demonstrates the efficient use of agricultural inputs, maximizes cooperation between all interested parties, and maximizes leveraging of funds and resources. (Section 412)

The House amendment provides that, of the funds appropriated for precision agriculture research grants, the Secretary shall reserve a portion for grants for projects regarding precision agriculture related to education and information dissemination. (Section 413)

The House amendment provides that the Secretary, in consultation with the Advisory Board, shall encourage the establishment of multi-State and national partnerships between land-grant institutions, State Agricultural Experiment Stations, State cooperative extension services, other colleges and universities, USDA agencies, national laboratories, agribusinesses, certified crop advisers, commodity organizations, other Federal or State government entities, nonagricultural industries and nonprofit organizations, and agricultural producers and agricultural producers or other land managers. (Section 414)

The House amendment prohibits the use of grant money to be used for facility construction. (Section 415)

The House amendment authorizes $40,000,000 to be appropriated for each of the fiscal years 1998 through 2002 for this subtitle. The House amendment also limits the amount retained by the Secretary for administrative costs to 3 percent of the amount appropriated. (Section 415)

The conference substitute adopts the House provision with amendments to modify the purposes of the grants; to strike the FACA exemption; and to authorize to be appropriated such sums as necessary each fiscal year of which not less than 30 percent must be multidisciplinary, not less than 40 percent must be systems research directly applicable to producers and agricultural production systems, and not more than 4 percent may be used for administrative costs. (Section 403)

(32) FORMOSAN TERMITE ERADICATION PROGRAM

The Senate bill authorizes a new competitive grant program for the purposes of conducting research for the control, management and possible eradication of Formosan termites in the United States. It also provides that the Secretary may enter into cooperative agreements for conducting projects for Formosan termite control and management and data collection. (Section 233)

The House amendment authorizes the Secretary to make competitive grants for 32 high priority research and extension issues including Formosan termites. (Section 421(e)(20))

The conference substitute adopts the Senate provision with an amendment and inserts the provision in the section for high priority research and extension issues. (Section 242)

The Managers expect the Agricultural Research Service to cooperate and collaborate with the U.S. Forest Service Wood Products Insect Research unit in its administration of the Formosan termite research program.

(33) NUTRIENT COMPOSITION DATA

The Senate bill requires the Secretary to periodically update nutrient composition data and to report to Congress the method that will be used to update the data and the timing of the update. (Section 234)

The House amendment directs the Secretary to update nutrient composition data periodically. (Section 504)

The conference substitute adopts the Senate provision. (Section 611)

(34) CONSOLIDATED ADMINISTRATIVE AND LABORATORY FACILITY

The Senate bill provides authority for the Secretary to contract for construction of a consolidated APHIS laboratory facility in Ames, Iowa. (Section 235)

The House amendment has no comparable provision.

The conference substitute adopts the House provision. (Section 611)

(35) NATIONAL SWINE RESEARCH CENTER

The Senate bill authorizes the Secretary, subject to the availability of appropriations and prior to December 31, 1998, to accept as a gift and administer the National Swine Research Center located in Ames, Iowa. (Section 236)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision. (Section 612)

(36) COORDINATED PROGRAM OF RESEARCH, EXTENSION AND EDUCATION TO IMPROVE THE COMPETITIVENESS, VIABILITY AND SUSTAINABILITY OF SMALL AND MEDIUM SIZE DAIRY AND LIVESTOCK OPERATIONS

The Senate bill would authorize the Secretary to carry out a coordinated program of research, extension and education to improve the competitiveness, viability and sustainability of small and medium sized dairy and livestock operations. (Section 237)

The House amendment authorizes the Secretary to make competitive grants for 32 high priority research and extension issues including dairy efficiency, profitability and competitiveness. (Section 421 (e)(13))

The conference substitute adopts the Senate provision with an amendment to add poultry. (Section 407)

Small and medium-size farms are independent owner-operated farms where the individual or family that owns the production provides the majority of the labor and management. It is the intent of the Managers that particular attention be directed toward the needs of independent beginning farmers seeking to establish small and medium-size farms.

(37) SUPPORT FOR RESEARCH REGARDING DISEASES OF WHEAT AND BARLEY CAUSED BY FUSARIUM GRAMINEARUM

The Senate bill would authorize the Secretary to make grants to a consortium of land-grant colleges and universities for multi-State research projects aimed at understanding and combating diseases of wheat and barley caused by Fusarium graminearum and related fungi ("wheat scab"). An authorization of appropriations for $5.2 million for each of fiscal years 1998 through 2002 is included. (Section 238).

The House amendment authorizes the Secretary to make competitive grants for 32 high priority research and extension issues including wheat scab. (Section 421 (e)(11))

The conference substitute adopts the Senate provision. (Section 408)

(38) FOOD ANIMAL RESIDUE AVOIDANCE DATABASE PROGRAM

The Senate bill directs the Secretary to continue operation of the Food Animal Residue Avoidance Database program through contracts with appropriate colleges or universities. An authorization of appropriations for $1 million for each fiscal year is included. (Section 239)

The House amendment provides that the Secretary shall continue operation of the Food Animal Residue Avoidance Database program (FARAD program). The Secretary shall provide the necessary information to the appropriate specialists, maintain up-to-date information, disseminate information to the public, furnish up-to-date data on approved drugs, maintain a comprehensive residue avoidance database, provide professional advice for determining the withdrawal times necessary for food safety in the use of drugs in food animals, and engage in other activities that promote food safety. The Secretary, in consultation with the Advisory Board, may make 3 year grants to colleges and universities to operate the FARAD program. (Section 425)

The conference substitute adopts the Senate provision with amendments to provide authority for grants or cooperative agreements, to cap indirect costs at 19 percent of total federal funds, and to strike the authorization of appropriations. (Section 604)

(39) FINANCIAL ASSISTANCE FOR CERTAIN RURAL AREAS

The Senate bill would authorize the Secretary to provide financial assistance to a nationally recognized organization to promote educational opportunities at the primary and secondary levels is rural areas with a historic incidence of poverty and low academic achievement, including the Lower Mississippi River Delta. An authorization of appropriations for up to $10 million for each fiscal year is included. (Section 240)

The House amendment has no comparable provision.

The conference substitute adopts the House provision.

(40) EVALUATION OF AGRICULTURAL RESEARCH, EXTENSION AND EDUCATION PROGRAM

The Senate bill directs the Secretary to conduct a performance evaluation to determine whether federally funded agricultural research, extension, and education programs result in public goods that have national or multistate significance. This section also requires the Secretary to contract with an expert in research assessment and performance to provide to the Secretary practical guidelines for measuring performance of federally funded agricultural research, extension or education programs. This input should be consistent with the Government Performance and Results Act of 1993. (Section 241)

The House amendment directs the Secretary shall create guidelines for performance measurement of agricultural research, extension, and education programs and then conduct an evaluation to determine whether agricultural research, extension, and education programs conducted or funded by the Department result in public benefits that have national or multi-State significance. (Section 106)

The conference substitute adopts the Senate provision with an amendment to replace the expert with entity or entities with expertise. (Section 631)

(41) STUDY OF FEDERALLY FUNDED AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION

The Senate bill directs the Secretary to request the National Academy of Sciences to conduct a study of the role and mission of federally funded agricultural research, extension, and education. The study will include an evaluation of the strength of science conducted by the ARS and the relevance of that science to national priorities; and examination of the formulas for agricultural research and extension funding and examination of the competitive grant system. A report of the study is to be submitted to Congress in two stages beginning eighteen months after the commencement of the Study and concluding within 3 years of the commencement. (Section 242)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision with an amendment to revise study requirements. (Section 632)

(42) SENSE OF CONGRESS ON STATE MATCH FOR 1890 INSTITUTIONS

The Senate bill states that it is the Sense of Congress that states should provide matching funds for Federal formula funds provided to the 1890 Institutions. (Section 243)

The House amendment amends the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to phase-in a non-Federal matching requirement for research and extension formula funds to 1890 Institutions. Beginning in fiscal year 1999, 1890 Institutions shall submit a report describing sources of non-Federal funds available to the institution for fiscal year 1999. The phase-in schedule begins in fiscal year 2000 with 70 percent of the formula allocation requiring no match and 30 percent requiring a non-Federal match. In fiscal year 2001, the matching requirement increases to 45 percent of the Federal allocation; and 50 percent in fiscal year 2002 and thereafter. Based on the 1999 report, the Secretary may waive the match requirement for specific institutions in the fiscal year 2000; however, these institutions would be required to make the 45 percent match for fiscal year 2001. Non-Federal matching funds may be directed to agricultural research, extension, or teaching programs at the discretion of the 1890 institution. The Secretary shall withhold the difference between the total amount that should have been provided and the non-Federal funds that were actually provided during the fiscal year from States which fail to provide funds for the fiscal year. The Secretary shall redistribute the withheld funds to other eligible 1890 institutions satisfying the matching funds requirement for that fiscal year, and the re-apportioned funds shall be subject to a match requirement. (Section 212)

The conference substitute adopts the House provision with technical amendments. (Section 226)

(43) INITIATIVE FOR FUTURE AGRICULTURE AND FOOD SYSTEMS

The Senate bill creates a new mandatory spending account that provides $780 million over 5 years for research funding. In FY 1998, the amount is $100 million and in FY 1999–2002, the amount is $170 million per year. This competitively awarded research funding must address critical emerging agricultural issues related to future food production, environmental protection, or farm income or be for activities carried out under the Alternative Agricultural Research and Commercialization Act of 1990. Priority mission areas to be addressed with funding in the first year are food genome; food safety, food technology and human nutrition; new and alternative uses and production of agricultural commodities and products; agricultural biotechnology; and natural resource management including precision agriculture. In fiscal years 1999 through 2001, the Secretary, after consultation with the Advisory Board, may change or add to the list of priority mission areas.

The Senate bill provides that eligible grantees include Federal research agencies, national laboratories, colleges or universities, and private research organizations with established research capacity. The Secretary may award grants to ensure that the faculty of small and mid-sized institutions who have not previously obtained competitive grants from the Secretary receive a portion of the grants. The Secretary is to give priority to grants that are multi-state, multi-institutional, or multi-disciplinary and to grants that integrate agricultural research, extension and education. The Secretary is also directed to solicit and consider input from stakeholders as required in section 102 of the bill in formulating the requests for grant proposals. Scientific peer review or merit review are required as stated in section 103 of the Bill.

The Senate bill requires that matching funds be provided from a non-Federal source if the grant is for research that is commodity-specific and not of national scope. The Secretary is authorized to establish one or more institutes to carry out all or part of the section. (Section 301)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision with amendments to provide

$120 million annually for FY99–03 and to add an additional priority mission area of farm efficiency and profitability. (Section 401)

The Managers intend that the Secretary may establish one or more institutes to carry out this section. The Managers intend that such institutes would be virtual in nature and designed to maximize efficiency of research funding and not result in investment in physical infrastructure or designation of specific institutions as institutes.

The Managers intend that among the research, education and extension activities conducted and carried out under the priority mission area related to farm efficiency are ways to improve the efficiency and profitability of rural business enterprises.

(44) EXTENSIONS OF AUTHORITIES

The Senate bill reauthorizes most existing research programs until the year 2002. (Section 401)

The House amendment reauthorizes most existing research programs until the year 2002. (Subtitle A of Title III)

The conference substitute adopts the Senate provision with amendments to reauthorize the pilot research program to combine medical and agricultural research, to strike extension of red meat safety research center, and to strike extension of global climate change. (Section 301)

(45) REPEAL OF AUTHORITIES

The Senate bill repeals authority for certain agricultural research programs. (Section 402)

The House amendment repeals authority for certain agricultural research programs. (Subtitle B of Title III)

The conference substitute adopts the Senate provision with an amendment to repeal the dairy goat research grant. (Section 302)

(46) SHORT TITLES FOR SMITH-LEVER ACT AND HATCH ACT OF 1887

The Senate bill amends the Smith-Lever and Hatch Acts to include short titles of each Act. (Section 403)

The House amendment amends the Smith-Lever and Hatch Acts to include short titles of each Act. (Section 201)

The conference substitute adopts the Senate provision. (Section 3)

(47) TECHNICAL CORRECTIONS TO RESEARCH PROVISIONS OF FEDERAL AGRICULTURE IMPROVEMENT AND REFORM ACT OF 1996

The Senate bill contains technical corrections to the Research title of the 1996 Farm Bill. (Section 404)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision. (Section 606)

(48) NUTRITION PROGRAMS

Subtitle A—Food Stamp Program

Current law

Employment and Training Funds.—All states are entitled to a formula share of specific amounts (established in the Food Stamp Act) for employment and training programs for food stamp recipients. These are set at: $81 million in fiscal year 1998, $84 million in fiscal year 1999, $86 million in fiscal year 2000, $88 million in fiscal year 2001, and $90 million in fiscal year 2002.

States that meet a "maintenance of effort" requirement are entitled to a formula share of additional amounts (established in the Food Stamp Act) for employment and training programs. These additional payments are: $131 million a year in fiscal years 1998 through 2001 and $75 million in fiscal year 2002.

Administrative Funds.—The Federal Government pays half of States' food stamp-related administrative costs, without limit. In addition, some States' Temporary Assistance for Needy Families (TANF) block grants include amounts attributable to food stamp-related administrative costs.

Public assistance programs, such as food stamps, Medicaid, and cash welfare, are often administered together. Some administrative activities, such as the collection of information on income and assets, need only be done once when determining eligibility and benefits for applicants or recipients of multiple programs. The cost of collecting and verifying this information is "common" among the programs involved.

Before the 1996 welfare reform law (P.L. 104–193), States often "charged" the Aid to Families with Dependent Children (AFDC) program for the common costs of determining eligibility for multiple public assistance benefits. The 1996 law replaced the AFDC program (and some related programs) with the TANF block grant program and based each State's block grant on historical Federal payments under the AFDC program (including those for administrative costs). To the extent that common costs for administering public assistance programs were charged to the AFDC program in the past, they were included in the calculation of each State's new TANF grant. States may amend their cost allocation plans in such a way as to receive a second reimbursement for common costs in the Food Stamp (and Medicaid) programs, while retaining their full TANF block grant.

Aliens.—The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA; P.L. 104–193) barred most legal immigrants, or "qualified aliens," from the Food Stamp program. "Qualified alien" is defined to include legal permanent residents, refugees, aliens paroled into the United States for at least one year, aliens granted asylum or related relief, and certain abused spouses and children. Non-citizens who remain eligible include: (1) those who meet a 10-year requirement for work covered under the social security system and (2) veterans and active duty military personnel, together with their families. In addition, refugees and asylees (including Cuban/Haitian entrants and Amerasians) are eligible for food stamps for five years after entering as refugees or being granted asylum.

Senate bill

The Senate bill would reduce food stamp administrative reimbursements to States prospectively by the amount of food stamp administrative costs assumed in each State's TANF block grant. The Department of Health and Human Services would determine, for each State, the extent to which common administrative costs were incorporated into the State's TANF allocation and the extent to which those costs could have been attributed to the Food Stamp Program had States allocated costs equally among Food Stamp, Medicaid and cash welfare programs. The Secretary of Agriculture would reduce future food stamp administrative reimbursements to States by the amounts in TANF that could have been attributed to the Food Stamp Program. The Food Stamp Program's share would be approximately one-third of the common costs of administering the Food Stamp, AFDC, and Medicaid programs that were charged to AFDC during the historical base period used to establish the State's TANF grant. The provision lapses in fiscal year 2002 (sec. 501(a)).

The Senate bill would require the Secretary of Agriculture to establish a competitive low-income area grant program to provide funding to initiate school breakfast and summer food service programs in low-income areas. The grant program would be funded at $5,000,000 annually and the Secretary must use the funds to the extent that a sufficient number of schools and service institutions meet eligibility guidelines established by the Secretary, but the Secretary is not required to use all of the money provided. The grant program gives priority to school food authorities (typically school districts) serving primarily low-income children which do not already operate school breakfast or summer food service programs (sec. 501(b)).

The Senate bill would require the Secretary to reimburse child care centers for serving a fourth meal or supplement to children who are in centers longer than eight hours per day in order to accommodate working parents. This section also would require the Secretary to reimburse service institutions running summer food service programs at camps for low-income children or that serve primarily migrant children for up to four meals or supplements during each day of operation. This requirement would take effect on September 1, 1998 (sec. 501(b)).

The Senate bill would provide $185,000 for each of fiscal years 1998 through 2002 for the Information Clearinghouse. The clearinghouse provides information to groups that assist low-income individuals in becoming self-reliant and less dependent on Federal, State or local governmental agencies for food and other assistance (sec. 501(c)).

The Senate bill would restore food stamp benefits to American Indians living along the Mexican and Canadian borders (sec. 501(d)).

House amendment

The House amendment contains no comparable provision.

Conference agreement

The conference substitute adopts the Senate provisions with technical amendments and amendments that:

"Delete provisions to: (1) establish a low-income area grant program to provide funding to initiate school breakfast and summer food service programs in low-income areas; (2) reimburse child care centers for serving a fourth meal to children in centers longer than eight hours; and (3) reauthorize and provide funding for the Information Clearinghouse;

"Reduce additional amounts to States for employment and training programs by $100 million in fiscal year 1999 and $45 million in fiscal year 2000 (sec. 501);

"Stipulate that, if determined by the Secretary of Health and Human Services, food stamp administrative reimbursements will be reduced for fiscal years 1999 through 2002 and that the reductions will be made, to the extent practicable, on a quarterly basis (sec. 502);

"Make clear that no TANF funds, funds available to carry out title XX of the Social Security Act, State expenditures that qualify as "maintenance of effort" spending under the TANF program, or any other Federal funds from programs (other than the Food Stamp Program) or any other State funds expended as a condition to receive Federal matching funds, may be used to replace reductions being made by the Secretary of Agriculture (sec. 502);

"Require the Comptroller General of the United States to review the methodology used by the Secretary of Health and Human

Services to determine amounts serving as a basis for the reductions in each States' food stamp administrative reimbursement and require the Comptroller General to submit a written report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate (sec. 502);

"Establish an appeals process under which States may appeal the Secretary of Health and Human Services' determinations serving as the basis for reductions in their food stamp administrative reimbursements to an administrative law judge and the Department of Health and Human Services' Departmental Appeals Board (but bar judicial review) (sec. 502);

"Maintain the requirement for reductions in food stamp administrative reimbursements during the pendency of a State's appeal (sec.502);

"Extend food stamp eligibility to refugees and asylees for 7 years after entry as refugees or obtaining asylum status in the United States, instead of 5 years under current law (sec. 503);

"Restore food stamp eligibility to 'qualified aliens' with disabilities who were lawfully residing in the United States on August 22, 1996 (the enactment date of the PRWORA), including those who become disabled after that date (sec. 504);

"Restore food stamp eligibility to 'qualified aliens' who were lawfully residing in the United States and were 65 years of age or over as of August 22, 1996 (sec. 506);

"Restore food stamp eligibility to 'qualified alien' children under age 18 who were lawfully residing in the United States on August 22, 1996 (sec.507); and

"Restore food stamp eligibility to individuals (including the spouse, unmarried dependent child of such individuals or unremarried surviving spouse of such deceased individuals) who: (1) were a member of a Hmong or Highland Laotian tribe at the time that the tribe rendered assistance to United States personnel by taking part in a military or rescue operation during the Vietnam era, and (2) are lawfully residing in the United States (sec. 508).

The Managers intend that, to the extent that the food stamp disability definition has a disparate application in a particular State because of unique State programs or policies, the Secretary will review available options under section 3(r) of the Food Stamp Act and inform States about their options so that the exemption for disabled individuals will be implemented in that State in a manner which is consistent with the implementation in other States.

The Managers note that the State of Oregon has proposed a food stamp demonstration project incorporating plans to move food stamp participants to self-sufficiency through a case management strategy. This project would build on a similar initiative Oregon has pursued for its TANF participants. In the 1996 welfare reform measure, Congress changed food stamp law substantially to: (1) increase the Secretary's ability to approve pilot projects that "increase self-sufficiency of food stamp participants, test innovative welfare reform strategies, or allow greater conformity with the rules of other programs," (2) give States the option to apply many TANF rules to food stamp participants, (3) permit States to disqualify participants from the Food Stamp Program for violating other public assistance program rules, and (4) expand States' control over work and training requirements. This was with the intent that States' efforts to innovate and coordinate among public assistance programs be supported by the Federal Government. In light of this, the conferees strongly urge the Secretary to carefully consider and promptly act on Oregon's request.

(49) INFORMATION TECHNOLOGY FUNDING

The Senate bill allows CCC funding to be used to purchase automated data processing equipment, telecommunications equipment, and other information technology was capped in the FAIR Act. This section, as of the 1998 fiscal year, would further lower the funding cap to achieve a savings of $82 million dollars through 2002. (Section 502)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision with amendments regarding crop insurance. (Section 521)

An amendment to Section 516 of the Federal Crop Insurance Act would provide mandatory funding for the sales commissions of crop insurance agents beginning in the 1999 reinsurance year. The section also limits to $3.5 million annually mandatory funding available to the Agriculture Department's Risk Management Agency for crop insurance research, development, and risk management education. This limitation does not affect mandatory funding for the Dairy Options Pilot Program. (Section 531)

An amendment to Section 508(b)(5) and (c)(10) of the Federal Crop Insurance Act would change the amount and use of the administrative fee producers pay for catastrophic risk protection and the amount of fees paid for additional coverage protection effective with the 1999 reinsurance year. The amount a producer must pay for catastrophic risk protection is changed to the maximum of $50 per crop or 10 percent of the premium for such protection as determined by the Federal Crop Insurance Corporation. Producers would also pay an additional $10 fee for catastrophic risk protection. Producers would be required to pay catastrophic policy fees at the same time premium is paid on additional coverage policies. All catastrophic coverage fees would be deposited in the FCIC Fund to be available for programs and activities of the Corporation, except as compensation to an approved insurance provider or agent. The section also increases the fee paid for additional coverage protection to $20 with the proceeds similarly deposited in the FCIC Fund. (Section 532)

An amendment to Section 508(k) of the Federal Crop Insurance Act would reduce the maximum rate payable by the FCIC Board to reimburse approved insurance providers and agents for their administrative and operating costs. Effective with the 1999 reinsurance year, the maximum reimbursement rate for additional coverage policies is reduced to 24.5 percent of the premium. Additional coverage policies that currently receive a rate lower than 27 percent receive a reduction in the reimbursement rate that is proportional to the reduction between 25 percent and 27 percent. Also, the loss adjustment expense reimbursement companies receive for delivery of catastrophic policies is reduced to 11 percent of premium. (Section 532)

An amendment codifies provisions of the 1998 Standard Reinsurance Agreement as modified by this subtitle that affect payments to approved insurance providers or agents. (Section 536)

An amendment requires the Corporation to establish procedures for responding to inquiries about its interpretations of the Act and its regulations. (Section 533)

An amendment requires the Corporation to establish regulations regarding time limits for approving a new policy of insurance proposed by a private entity. (Section 534)

An amendment requires the Secretary of Agriculture to contract with a private entity to study: (1) improvement of services to agricultural producers; (2) transforming the role of the Agriculture Department's Risk Management Agency to that of an arm's-length regulator and (3) privatization of crop insurance coverage. (Section 535)

These amendments to the Federal Crop Insurance Act are effective as of the 1999 reinsurance year. (Section 537)

(50) CONSISTENT MATCHING FUNDS REQUIREMENTS UNDER HATCH ACT OF 1887 AND SMITH-LEVER ACT

The House amendment amends the Hatch Act of 1887 to clarify that States receiving Federal formula funds for research and education under the Act must provide a minimum of a one-to-one match with non-Federal dollars for each fiscal year and eliminates a 1955 amendment that gave States a $90,000 allocation before requiring the one-to-one match. This section requires the Secretary to withhold the difference between the total amount that should have been provided and the non-Federal funds that were actually provided during the fiscal year from States which fail to provide matching funds for the fiscal year. The Secretary shall re-apportion withheld funds among the States satisfying the matching requirement for the fiscal year, and the re-apportionment shall be subject to the match requirement. An exception to the match requirement is granted to States for funds received for regional research.

The House amendment amends the Smith-Lever Act to clarify that States receiving Federal formula funds for extension under the Act must provide a minimum of a one-to-one match with non-Federal dollars for each fiscal year. The section requires the Secretary to withhold the difference between the total amount that should have been provided and the non-Federal funds that were actually provided during the fiscal year from States which fail to provide matching funds for any fiscal year. The Secretary shall reapportion withheld funds among the States satisfying the matching requirement for the fiscal year, and the re-apportionment shall be subject to the match requirement. An exception to the match requirement is granted for matching funds to 1994 Institutions. (Section 202)

The Senate bill has no comparable provision.

The conference substitute adopts the House provision. (Section 203)

(51) PLANS OF WORK TO ADDRESS CRITICAL RESEARCH AND EXTENSION ISSUES AND USE OF PROTOCOLS TO MEASURE SUCCESS OF PLANS

The House amendment amends section 4 of the Smith-Lever Act. Beginning October 1, 1998, as a condition of receipt for Federal formula funds for extension, this section requires that institutions develop a plan of work that contains a description of important State agricultural issues and activities in which two or more State institutions cooperate to address those issues; identifies other colleges and universities in the State and other States with capacity to participate with them in current and emerging efforts towards improved collaborations; and provides a summary of current programs. The Secretary, in consultation with the Advisory Board and land-grant colleges and universities, shall develop protocols to be used to evaluate the plans of work. To the extent practicable, the Secretary shall consider plans of work submitted under this section to satisfy other appropriate Federal reporting requirements.

The House amendment amends section 7 of the Hatch Act of 1887. Beginning October 1, 1998, as a condition of receipt for Federal formula funds for extension, this section requires that institutions develop a plan of work that contain a description of important State agricultural issues and activities in which two or more State institutions cooperate to address those issues; describes the consultation process with users of funds; identifies other colleges and universities in the State and other States with capacity to participate with them in current and emerging efforts towards improved collaborations; and provides a summary of current programs. The Secretary, in consultation with the Advisory Board and land-grant colleges and universities, shall develop protocols to be used to evaluate the plans of work. To the extent practicable, the Secretary shall consider plans of work submitted under this section to satisfy other appropriate Federal reporting requirements. The Secretary may delay the applicability of these requirements until October 1, 1999 if the Secretary finds that the State will be unable to meet such requirements despite good faith efforts. (Section 203)

The Senate bill has no comparable provision.

The conference substitute adopts the House provision. (Section 202)

(52) PLANS OF WORK FOR 1890 INSTITUTIONS TO ADDRESS CRITICAL RESEARCH AND EXTENSION ISSUES AND USE OF PROTOCOLS TO MEASURE SUCCESS OF PLANS

The House amendment amends section 1444(d) of the National Agricultural Research, Extension, and Teach Policy Act of 1977. Beginning October 1, 1998, as a condition of receipt for Federal formula funds for extension, 1890 Institutions shall develop a plan of work that contains a description of important State agricultural issues and activities in which two or more State institutions cooperate to address those issues; describes the consultation process with users of funds; identifies other colleges and universities in the State and other States with capacity to participate with them in current and emerging efforts towards improved collaborations; and provides a summary of current programs. The Secretary, in consultation with the Advisory Board and land-grant colleges and universities, shall develop protocols to be used to evaluate the plans of work. To the extent practicable, the Secretary shall consider plans of work submitted under this section to satisfy other appropriate Federal reporting requirements.

This section requires that beginning October 1, 1998 as a condition of receipt for Federal formula funds for research, 1890 Institutions shall develop a plan of work that contains a description of important State agricultural issues and activities in which two or more State institutions cooperate to address those issues; identifies other colleges and universities in the State and other States with capacity to participate with them in current and emerging efforts towards improved collaborations; and provides a summary of current programs. The Secretary, in consultation with the Advisory Board and land-grant colleges and universities, shall develop protocols to be used to evaluate the plans of work. The Secretary may delay the applicability of these requirements until October 1, 1999, if the Secretary finds that the eligible institution will be unable to meet such requirements despite good faith efforts. (Section 211)

The Senate has no comparable provision.

The conference substitute adopts the House provision. (Section 225)

(53) FINDINGS, AUTHORITIES, AND COMPETITIVE RESEARCH GRANTS UNDER FOREST AND RANGELAND RENEWABLE RESOURCES RESEARCH ACT OF 1978

The House Amendment amends the congressional statement of findings and purposes of the Forest and Rangeland Renewable Resources Act of 1978. The Secretary is authorized to conduct, support, and cooperate in forestry and rangeland research and education that is of the highest priority to the United States and users of public and private forest lands and rangelands in the United States. This section includes 5 priorities for Federal forest and range research and education which include: the biology of forest and range organisms; functional characteristics and cost-effective management of forest and rangelands ecosystems; interactions between humans and forests and rangelands; wood and forage as a raw material; and international trade, competition, and cooperation.

Under the House amendment, the Secretary shall inventory and analyze public and private forests and their resources at least every five years as compared with the current eight to ten years. The Secretary shall also prepare a State forest inventory for each State. At least every five years, the Secretary shall prepare a report that contains a description of the State forest inventories, analyzes the results of the annual nationwide reports, and analyzes forest health trends.

The House amendment modifies the competitive grants authority under the Forest and Rangeland Renewable Resources Act of 1978 to allow the Secretary to use up to 5 percent of appropriated funds to make competitive grants for forestry research and up to 5 percent for rangeland research in the five priority areas. The Secretary shall give priority to proposals with collaborative research, matching funds, and in cooperation with existing research efforts. (Section 251)

The Senate has no comparable provision.

The conference substitute adopts the House provision with an amendment regarding authorization from private property owners for the inventory and an amendment authorizing forestry research for Northeastern states . (Section 253)

The Managers recognize that the Forest Service already obtains verbal permission from private landowners before visiting plots located on private land, abides by provisions of the Privacy Act of 1974 to safeguard the confidentiality of data collected on private lands, and assumes the liability for any injury suffered by field crew members while on private land. .Where a landowner wishes a written authorization, a written notice shall be provided outlining the purpose and legal authority for conducting the forest inventory, the voluntary nature of private landowner participation, and a means for the landowner to communicate in writing a denial of access. Landowners participating in the inventory program by allowing data collection on their property shall be provided a written communication of the date and time when data were collected and a copy of the annual compilation required by paragraph (2) that is based, in part, on their data.

The Managers intend that the core set of variables collected on federal lands, such as the National Forest System should be consistent across all landownerships.

The Managers intend the words "and education" in the subsection related to high priority forestry research and education exclude the teaching of full semester-long university courses by Forest Service employees as a regular part of their Federal employment.

(54) PARTNERSHIPS FOR HIGH-VALUE AGRICULTURAL PRODUCT QUALITY RESEARCH

The House amendment defines "eligible partnership," "high-value agricultural product," and "Secretary." (Section 401)

The House amendment authorizes the Secretary to make competitive grants to establish partnerships to coordinate and manage research and extension activities to enhance the quality of high-value agricultural products. The primary institution involved in a partnership shall be a land-grant college or university acting in partnership with other colleges or universities, nonprofit research and development entities, and Federal laboratories. Partnerships shall prioritize research and extension activities to enhance the competitiveness of agricultural products, increase agricultural exports, and substitute such products for imports. (Section 402)

The House amendment provides that the partnership may address a spectrum of production, processing, packaging, transportation, and marketing issues regarding effective and environmentally responsible pest management alternatives and biotechnology, genetic research, refinement of field production practices, processing and packaging technology, and research to facilitate diversified, value-added enterprises in rural areas. (Section 402)

The House amendment provides that grants may be awarded for a maximum of 5 years with a possibility for renewal. The Secretary shall give preference to multi-institutional proposals that guarantee matching funds in excess of the required amount. The non-Federal sponsors of a partnership shall contribute, at a minimum, the same amount awarded by the Federal Government. (Section 403)

The House amendment authorizes the necessary funds to be appropriated for this subtitle for fiscal years 1998 through 2002. (Section 404)

The Senate bill has no comparable provision.

The conference substitute adopts the House provision. (Section 402)

The Managers recognize the need for additional research emphasis on high value agricultural commodities such as wine, horticultural and floriculture products, and other products that depend on quality issues that are best addressed through cooperative research agreements. The Managers intend that this initiative will emphasize a team approach which furthers cooperation among industry, government and academic researchers.

(55) HIGH-PRIORITY RESEARCH AND EXTENSION INITIATIVES

The House amendment amends Section 1672 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925) to allow the Secretary, in consultation with the Advisory Board, to make competitive grants for high-priority research and extension grants and provides that the Secretary shall seek proposals for grants and perform peer-review of the proposals from State agricultural experiment stations, all colleges and universities, Federal agencies, and the private sector for high priority research and extension. The grant may not be used for construction of a facility.

The House amendment requires grant recipients to contribute non-Federal matching funds or in-kind support. The Secretary may waive this matching funds requirement if the Secretary determines that the results of the project are likely to be applicable to agricultural commodities generally or that the project involves a minor commodity, deals with scientifically important research, and the recipient would be unable to satisfy the match requirement.

The House amendment permits the Secretary to give priority, after the peer-review process for all grant proposals, to proposals involving the cooperation of multiple institutions.

The House amendment identifies and describes the thirty-two high-priority research and extension areas for which the Secretary will make grants and authorizes the necessary funds to be appropriated for fiscal years 1998 through 2002.

The House amendment authorizes the Secretary to establish task forces to make recommendations in the high-priority research and extension areas. The Secretary may not incur costs greater than $1,000 in any fiscal year in connection with each task force. (Section 421)

The Senate bill authorizes separate research programs for fire ants, formosan termite, wheat scab, small and medium sized dairy and livestock operations and reauthorizes the red meat safety research center. (Sections 213, 233, 238, 237, and 401)

The conference substitute adopts the House provision with amendments to strike the authorization for dairy efficiency, profitability and competitiveness and instead adopt the Senate research provision for dairy, livestock and poultry operations; to insert an authorization for tomato spotted wilt virus; to insert modified Senate provisions regarding Formosan termites and imported fire ants; and to create a separate nutrient management research and extension initiative focusing on authorization for animal waste and odor, water quality and ecosystems, rural/urban interfaces, animal feed, and alternative uses of animal waste. (Sections 242 and 243)

The Managers recognize the growing threat of the Tomato Spotted Wilt Virus (TSWV), to several integral crops in the Southeast such as peanuts, tobacco, and tomatoes. Spotted wilt epidemics in the Southeast involve two thrips species, western flower thrips (*Frankliniella occidentalis*) and tobacco thrips (*F. Fusca*) in which the virus multiplies and thus can be transmitted for the life of the thrips. The TSWV and related viruses cause approximately $1 billion a year in damages. The TSWV has an extremely wide host range that includes many important cultivated crops as well as weeds. Two of the species of thrips that transmit TSWV are endemic in the Southeast. The wide host range of the virus and its thrips vectors make spotted wilt control extremely difficult. Progress in better managing spotted wilt has been limited by an inadequate understanding of the disease. The Managers encourage the Secretary to give priority funding to those areas with the highest historical rates of infestation.

The Managers strongly believe that food safety research should be a priority at the Department of Agriculture and our nation's colleges and universities. We applaud the efforts of institutions whose work on *E. coli* 0157:H7, *Cyclospora*, and other foodborne pathogens has helped us gain a better understanding of these new and emerging threats. The Managers consider this matter of extreme importance and encourage the Department of Agriculture, in cooperation with other agencies and institutions, to utilize funds for research partnerships.

The Managers encourage the Secretary to direct research toward practices that preserve the nutrient value of manure and its use as a crop nutrient source. This would include methods to alter the storage and use of manure from different production systems but would also include the assessment of the nutrient value of manure once applied to the soil. Research should especially focus on gaining understanding of the process of odor formation, transport across landscapes, and effective techniques for odor reduction.

The Managers recognize that animal waste management involves the investigation of the nutrient properties of manure that can be used in crop and pasture production systems, including composting to enhance manure characteristics. Furthermore, it is clear that efforts need to be directed toward methods to assess manure quality, processing to improve nutrient value and methods of reducing water content to improve transport characteristics. As this research continues to progress, the Managers further encourage the integration of research concepts into demonstration trials in order to transfer this information to producers.

The Managers intend that the Department make every effort to implement the new section dealing with swine nutrient management and odor control research and extension with minimal disruption. The Managers are aware that laboratories are currently doing swine odor research. To the maximum extent possible, the Department should integrate this new section with ongoing microbiology and water quality research, emphasizing environmentally sound animal production methods.

(56) ORGANIC AGRICULTURAL RESEARCH AND EXTENSION INITIATIVE

The House amendment authorizes the Secretary, in consultation with the Advisory Board, to make competitive specialized research and extension grants for organic activities. The recipient must provide matching, non-Federal funds; however, the Secretary may waive the match if the results of the project, while of particular benefit to one commodity, are likely to be applicable to agriculture generally or the project involves a minor commodity, deals with scientifically important research, and the recipient would be unable to satisfy the matching funds requirement. (Section 422)

The Senate bill does not contain a comparable provision.

The conference substitute adopts the House provision with an amendment to direct that fees collected under the Organic Foods Production Act be provided to USDA to cover the cost of the program. (Sections 244 and 601)

(57) THOMAS JEFFERSON INITIATIVE FOR CROP DIVERSIFICATION

Section 427 establishes the Thomas Jefferson Initiative in order to conduct research and development, in cooperation with other public and private entities, on the production and marketing of new and nontraditional crops. The Secretary shall coordinate the initiative through a nonprofit center that will coordinate research and education programs in cooperation with other public and private entities. The Secretary shall support development of multi-State regional efforts in crop diversification, and 50 percent of available funding shall be used for regional efforts centered at land-grant institutions. The Secretary may award the remaining funds to colleges or universities, nonprofit organizations, or public agencies in 5 year, competitive grants. Recipients must contribute matching non-Federal funds. (Section 427)

The Senate bill does not contain a comparable provision.

The conference substitute adopts the House provision. (Section 405)

(58) INTEGRATED RESEARCH, EDUCATION, AND EXTENSION COMPETITIVE GRANTS PROGRAM

The House amendment authorizes the Secretary to award competitive grants to colleges and universities for integrated research, education, and extension projects that address priorities of U.S. agriculture. The Secretary shall require matching funds or in-kind support if the grant will benefit a particular commodity; however, the Secretary may waive the requirement if the results are likely to benefit agriculture generally or the project involves a minor commodity, deals with scientifically important research, and the recipient would be unable to meet the match requirement. (Section 428)

The Senate bill does not contain a comparable provision.

The conference substitute adopts the House provision. (Section 406)

(59) RESEARCH GRANTS UNDER EQUITY IN EDUCATION LAND-GRANT STATES ACT OF 1994

The House amendment amends the Equity in Education Land-Grant States Act to authorize the Secretary to make competitive grants to 1994 Institutions to conduct agricultural research that addresses high priority concerns of tribal, national, and multi-State significance. Research will be conducted under a cooperative agreement with land-grant colleges and universities. (Section 429)

The Senate bill does not contain a comparable provision.

The conference substitute adopts the House provision. (Section 251)

(60) ROLE OF SECRETARY OF AGRICULTURE REGARDING FOOD AND AGRICULTURAL SCIENCES RESEARCH, EDUCATION, AND EXTENSION

The House amendment designates the Secretary of Agriculture as the principal official in the Executive branch responsible for coordinating all Federal research and extension activities related to food and agricultural sciences. (Section 501)

The Senate bill has no comparable provision.

The conference substitute adopts the House provision. (Section 613)

(61) OFFICE OF PEST MANAGEMENT POLICY

The House amendment requires the Secretary to establish an Office of Pest Management Policy. This Office of Pest Management Policy shall, in addition to its assigned responsibilities within the Department of Agriculture, shall provide leadership in coordinating interagency activities with the EPA, FDA, and other Federal and State agencies and coordinate agricultural policies within the Department related to pesticides. This section requires the Office of Pest Management Policy to consult with and provide services to producer groups and interested parties. (Section 502)

The Senate bill has no comparable provision.

The conference substitute adopts the House provision. (Section 614)

The Managers believe that the creation of an Office of Pest Management Policy is necessary to focus and coordinate the many pest management and pesticide-related activities carried out within the Department. The Managers feel strongly that this is a necessary step if the Department is to be effective in carrying out its statutory responsibilities with respect to pesticide issues and pest management research. For example, the National Cancer Institute (NCI), in conjunction with the National Institute of Environmental and Health Sciences and the Environmental Protection Agency (EPA), are conducting a series of epidemiological studies, collectively called the "Agricultural Health Study." The studies are designed to evaluate the health of farmers and will focus primarily on pesticide exposures. The managers believe that the studies should be carried out and the results reported according to the highest standards of epidemiological science. The Managers expect the Office of Pest Management Policy to closely monitor this project and provide input and advice whenever appropriate.

The Managers also expect the Office of Pest Management Policy to coordinate with the EPA to ensure effective implementation of the Food Quality Protection Act of 1996 (FQPA). The Managers recommend the Director of the office work with EPA, producers, and other appropriate groups to develop effective, efficient mechanisms for gathering data necessary for making regulatory decisions under FQPA. The Managers expect the Director and the Administrators of the relevant Departmental agencies to work with producers in reorienting research priorities in pest management to facilitate development, evaluation and delivery of alternative pest management tools.

The Managers expect the office to be created within and staffed by an official within the Office of the Secretary. The managers intend for the Director of the office to report directly to the Secretary or the Deputy Secretary of Agriculture.

(62) FOOD SAFETY RESEARCH INFORMATION OFFICE AND NATIONAL CONFERENCE

The House amendment directs the Secretary to establish a Food and Safety Research Information Office at the National Agricultural Library to provide information on food safety research initiatives to the research community and the general public and further directs the Secretary to sponsor a National Conference on Food Safety Research within 120 days after the enactment of this Act as well as annual workshops in each of the subsequent four years after the conference.

The House amendment provides that the National Academy of Sciences' study include recommendations to ensure that the food safety inspection system, within the resources traditionally available to existing food safety agencies, protects the public health. (Section 503)

The Senate bill has no comparable provision.

The conference substitute adopts the House provision with an amendment to authorize continued development of food safety handling education. (Section 615)

(63) AVAILABILITY OF FUNDS RECEIVED OR COLLECTED ON BEHALF OF NATIONAL ARBORETUM

The House amendment provides a technical amendment to clarify that fees collected at the National Arboretum under the Act of March 4, 1927 are available for use by the Secretary without further appropriation. (Section 505)

The Senate bill does not contain a comparable provision.

The conference substitute adopts the House provision. (Section 601)

(64) RETENTION AND USE OF AGRICULTURAL RESEARCH SERVICE PATENT CULTURE COLLECTION FEES

The House amendment provides that fees collected by ARS from the Patent Culture Collection shall be retained by ARS for maintenance and operation of the Patent Culture Collection. (Section 506)

The Senate bill does not contain a comparable provision.

The conference substitute adopts the House provision. (Section 601)

(65) REIMBURSEMENT OF EXPENSES INCURRED UNDER SHEEP PROMOTION, RESEARCH, AND INFORMATION ACT OF 1994

The House amendment provides that the Agricultural Marketing Service may use its funds to reimburse the American Sheep Industry Association for expenses incurred by the Association in preparation for the implementation of a sheep and wool promotion, research, education, and information order. (Section 507)

The Senate bill does not contain a comparable provision.

The conference substitute adopts the House provision. (Section 617)

(66) DESIGNATION OF KIKA DE LA GARZA SUBTROPICAL AGRICULTURAL RESEARCH CENTER, WESLACO, TEXAS

The House amendment designates the Subtropical Agricultural Research Center in Weslaco, Texas, as the Kika de la Garza Subtropical Agricultural Research Center. (Section 508)

The Senate bill does not contain a comparable provision.

The conference substitute adopts the House provision. (Section 619)

(67) SENSE OF CONGRESS REGARDING AGRICULTURAL RESEARCH SERVICE EMPHASIS ON FIELD RESEARCH REGARDING METHYL BROMIDE ALTERNATIVES

The House amendment provides that it is the sense of Congress that the Secretary of Agriculture should use a substantial portion of the ARS funds appropriated for the development of agricultural alternatives to methyl bromide for research to be conducted in real field conditions such as pre-planting and post-harvest conditions. (Section 509)

The Senate bill does not contain a comparable provision.

The conference substitute adopts the House provision. (Section 641)

(68) SENSE OF CONGRESS REGARDING IMPORTANCE OF SCHOOL-BASED AGRICULTURAL EDUCATION

The House amendment contains Sense of Congress that the Secretary of Agriculture and the Secretary of Education cooperate in providing support for school-based agricultural education. (Section 510)

The Senate bill does not contain a comparable provision.

The conference substitute adopts the House provision. (Section 642)

(69) SENSE OF CONGRESS REGARDING DESIGNATION OF DEPARTMENT CRISIS MANAGEMENT TEAM

Based on congressional findings, it is the sense of Congress that the Secretary should designated a Crisis Management Team, composed of senior departmental personnel in relevant areas, to develop and implement a department-wide crisis management plan. (Section 511)

The Senate bill does not contain a comparable provision.

The conference substitute adopts the House provision with an amendment to strike the findings and require the Secretary to develop a crisis management strategy and to designate a crisis management team. (Section 618)

COMMITTEE ON RESOURCES,
Washington, DC, March 20, 1998.
Hon. ROBERT F. SMITH,
Chairman, Committee on Agriculture, Longworth HOB, Washington, DC.

DEAR MR. CHAIRMAN: Although S. 1150 contains substantial amendments to the National Aquaculture Act of 1980, an act within the jurisdiction of the Committee on Resources, I was disappointed that the Committee on Resources was not named a conferee on the bill.

However, I understand that there is some interest in including a simple authorization of the National Aquaculture Act in the conference report on S. 1150. As funding authorization for the National Aquaculture Act has expired and no reauthorization vehicle has been introduced this Congress, in the interests of efficiency, I would have no objection to including a level reauthorization of appropriations for the Department of Interior, Commerce and Agriculture through 2003 in the conference report. Reauthorization of the National Aquaculture Act has been included in other bills reported from the Committee on Agriculture in the past, but the Committee on Merchant Marine (the predecessor to the Committee on Resources in this jurisdictional area) had always been named a conferee on those provisions. In addition, S. 1150 itself was never referred to a committee in the House of Representatives. Therefore, I make this request with the understanding that the inclusion of funding for these agencies in a bill authorizing agricultural research, a matter within the jurisdiction of the Agriculture Committee, does not diminish or otherwise affect the long-standing jurisdiction of the Committee on Resources over the National Aquaculture Act.

I appreciate you keeping me informed on the progress of the conference on this bill and I thank you for your continued recognition of the role of the Committee on Resources in aquaculture.

Sincerely,

DON YOUNG,
Chairman.

COMMITTEE ON AGRICULTURE,
Washington, DC, March 24, 1998.
Hon. DON YOUNG,
Chairman, Committee on Resources, Longworth HOB, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of March 20, 1998 agreeing to include in the conference report on S. 1150 a simple reauthorization of appropriations for that portion of the National Aquaculture Act under the jurisdiction of the Committee on Resources.

As you noted, funding authorization for the Act has expired and no bill addressing this matter has been introduced in the House. I appreciate your willingness to expedite the reauthorizing process by using S. 1150 as the vehicle. You duly noted in your letter that had S. 1150 been referred to committee, you would have requested referral to the Committee on Resources and that you had requested conferees from that committee after that bill passed the House. I can assure you that inclusion of this provision in S. 1150, a bill authorizing agricultural research, a matter within the jurisdiction of the Committee on Agriculture, should not be construed to diminish or otherwise affect the jurisdiction of the Committee on Resources over subject matter contained in the National Aquaculture Act.

I look forward to working with you and the Committee on Resources, of which I am a member, on aquaculture and other issues of shared jurisdiction.

Sincerely,

ROBERT F. (BOB) SMITH,
Chairman.

ROBERT SMITH,
LARRY COMBEST,
BILL BARRETT,
CHARLES W. STENHOLM,
CALVIN DOOLEY,
Managers on the Part of the House.

RICHARD G. LUGAR,
THAD COCHRAN,
PAUL D. COVERDELL,
TOM HARKIN,
PATRICK LEAHY,
Managers on the Part of the Senate.

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APPOINTMENT OF ADDITIONAL CONFEREES ON H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1998

The SPEAKER pro tempore (Mr. PEASE). Without objection, the Chair appoints the following additional conferees on H.R. 2400:

As additional conferees from the Committee on Commerce, for consideration of provisions in the House bill and Senate amendment relating to the Congestion Mitigation and Air Quality Improvement Program; and sections 124, 125, 303, and 502 of the House bill; and sections 1407, 1601, 1602, 2103, 3106, 3301–3302, 4101–4104, and 5004 of the Senate amendment and modifications committed to conference:

Messrs. BLILEY, BILIRAKIS, and DINGELL.

Provided that Mr. TAUZIN is appointed in lieu of Mr. BILIRAKIS for consideration of sections 1407, 2103, and 3106 of the Senate amendment.

There was no objection.

The SPEAKER pro tempore. The Chair will appoint further additional conferees from other committees at a subsequent time.

The Clerk will notify the Senate of the change in conferees.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO VICTIMS OF ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise today as my colleagues and I do every time at this time of year, I should say, in what has become one of the proudest traditions in this House and that is to remember and pay tribute to the victims of one of history's worst crimes against humanity, the Armenian genocide of 1915 through 1923.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I know there are a number of Members who would like to participate in the special orders tonight on this subject, and I would ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the topic of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, when we talk about the Armenian genocide, we are describing one of the most horrible events of the 20th century and in all of human history. Yet many, perhaps most, Americans and most people around the world are barely aware of this extremely significant historical event. There are those who even try to deny that the genocide ever happened. But it did happen.

The Armenian genocide was the systematic extermination of 1½ million Armenian men, women, and children during the final years of the Ottoman-Turkish empire. This was the first genocide of the 20th century, a precursor to the Nazi Holocaust and other cases of ethic cleansing and mass exterminations which are still all too common around the world.

Friday, April 24, marks the 83rd anniversary of the unleashing of the Armenian genocide. This evening, here in the Capitol building, the Armenian National Committee of America is sponsoring a ceremony and reception of remembrance for the genocide; and the ANC and the Armenian Assembly have both been at the forefront for calling for recognition of the genocide, not just for the people of Armenian descent who have heard the history from their parents or grandparents but for all of us as an active education and witness about the evils of genocide and the danger of forgetting.

Yet, Mr. Speaker, I regret to say that the United States still does not officially recognize the Armenian genocide. Bowing to strong pressure from Turkey, the U.S. State Department has for more than 15 years shied away from referring to the tragic events of 1915 to 1923 by the word "genocide."

President Clinton and his recent predecessors have annually issued proclamations on the anniversary of the genocide expressing sorrow for the massacres and solidarity with the victims but always stopping short of using the word "genocide," thus minimizing and not accurately conveying what really happened beginning 83 years ago.

Mr. Speaker, the United States should go on record clearly and unambiguously recognizing the Armenian genocide and setting aside April 24 as a day of remembrance. To that end, I urge renewed efforts to, on the part of Congress, to pass a resolution that puts the United States firmly on record on the side of truth. We will also keep up the pressure on the President to call the genocide by its proper name.

And what is almost as appalling as the act of genocide itself is the fact that the Republic of Turkey simply goes on denying that the genocide ever took place. Indeed, Turkey has mounted an aggressive effort to try to present an alternative and false version of history, using its extensive financial and lobbying resources in this country.

The Turkish Government has embarked on a strategy of endowing Turkish study programs at various universities around the United States. And while Turkish and Ottoman studies are cleared worthy of academic interest, the Turkish Government is attaching conditions to these funds that make it clear that the program will be carried out under the watchful eyes of the Turkish Government and other pro-Turkish elements. One of the major goals of this propaganda effort is to minimize, distort, and outright deny the facts of the Armenian genocide.

Mr. Speaker, adding insult to injury, the Republic of Azerbaijan has mounted an effort to try to accuse Armenians of committing genocide against the people of Azerbaijan, in many cases directly mimicking Armenian statements and simply turning them around against the Armenians.

Recently, the Assembly of Turkish-American Associations circulated a booklet to congressional offices denying the Armenian genocide and fabricating a wide range of half-truths, slanders, and lies against the Armenian people. But these denials fly in the face of the preponderance of evidence.

The U.S. National Archives holds the most comprehensive documentation in the world on this historical tragedy. Formal protests were made at the time by the U.S. Ambassador, and Congress approved of allowing a private relief agency to raise funds in the United States. American consular officials and private aide workers secretly housed Armenians at great personal risks to themselves and in direct defiance of Turkish orders not to help the Armenians.

Mr. Speaker, I know many of my other colleagues would like to address this subject tonight, and I would like to say that the Armenian genocide is a very painful subject to discuss, yet we must never forget what happened and never cease speaking out. We must overcome the denials and indifference and keep alive the memory and the truth of what happened.

Mr. HOYER. Mr. Speaker, if the gentleman will yield, I want to thank the gentleman for his remarks and associate myself with them.

Mr. MOAKLEY. Mr. Speaker, I rise today to join with my colleagues in remembering the Armenian people who lost their lives in one of history's greatest atrocities, the Armenian genocide.

Mr. Speaker, on April 24, 1915, Turkish officials arrested and exiled more than 200 Armenian political, intellectual and religious leaders. This symbolic rounding up of Armenian leaders began a reign of terror against the Armenian people that lasted for the next eight years, and resulted in the death of more than 1.5 million Armenians. Acts of deportations, torture, enslavement and mass executions obliterated the Armenian population and changed the world forever. These mass exterminations and incidents of ethnic cleansing are the first examples of genocide in this century, and have often been referred to as the precursor to the Nazi Holocaust.

It is most important that we remember the Armenian people and recognize the Armenian Genocide so that we never again see such a heinous disregard for human life. The memory of this event, no matter how cruel and brutal, must serve as a lesson to us all to never ignore such actions. We owe that to the Armenian people who showed such bravery in a time of great pain and tragedy.

Mr. KENNEDY of Rhode Island. Mr. Speaker, during the First World War, the Armenian people suffered greatly under the hands of Turkey, leading to what we now have come to call the Armenian Genocide.

It was one of the first state ordered genocides of this century, and would later become one of the many genocides that have marred the recent history of our World.

During the First World War, the willingness of the Armenians to serve in the Allied forces, was seen as a threat to the Turkish government. The Turks ordered a mass deportation of almost the entire Armenian population from their homeland to two provinces of the Turkish Empire.

More than one million Armenians died during this long forced march, many from disease and malnutrition.

Once a year, we pay tribute to those who survived and we honor the memory of those who perished in the genocide. Nearly 1.5 million persons were killed and another half million were deported from their home country.

Unfortunately, the atrocities of the past have been replayed in the Holocaust of World War II, Cambodia, Rwanda, the former Yugoslavia, and many other places world wide where leaders have turned their backs on human rights and human suffering.

The crime of genocide must never again be allowed a part of our lives, and today we stand with our Armenian friends, to remember and share in their grief, and to make a commitment to prevent such acts in the future.

We must work to remember and never forget the genocide, and to fight for peace in this region and worldwide.

I will be going to Armenia in May, and look forward to meeting with Armenians on the ongoing issues that they have with Turkey and an overview of the history that they have endured.

I am proud to join Armenians around the world as we remember the terrible massacres suffered in 1915–23.

Mr. ACKERMAN. Mr. Speaker, I rise today, together with my colleagues, to commemorate the Armenian Genocide of 1915–1923. This is an episode of human history so dark, and so repulsive to our sense of decency and morality, that it deserves our special attention. In the eight years of the genocide, more than 1.5 million Armenians of the Ottoman Empire were systematically slaughtered. Their property was confiscated, and many were forced on long marches, often without food and water, during which thousands of victims died. Others were forced into slave labor, while many were simply tortured and executed. These atrocious acts comprised the first instance of genocide in the twentieth century—and tragically it was not the last systematic attempt to destroy an entire race of people.

It is of the utmost importance that we not allow this tragedy to lapse from our memory. Equally important is that we should not by means of obfuscation and equivocation attempt to deny these horrifying events. It has been said that denial of genocide is the final state of genocide: by attempting to erase the memory of the act and trivialize the suffering of its victims it destroys the dignity of all those who died.

I therefore call on the Turkish government to right a wrong and recognize the occurrence of the Armenian Genocide. In this way, we can finally come to terms with this tragedy, not as Turks or Armenians or members of any particular ethnic group, but as human beings. For it is only after we have acknowledged the evils of which humankind is capable, that we can prevent these evils from occurring again.

Many are aware of the remark made by Adolph Hitler as he was planning the "final solution" for the "Jewish problem" that "who, after all, speaks today of the annihilation of the Armenians?" The fact that he could take comfort in our collective amnesia only proves the need to remember these atrocities. I am honored to be joining with all those who are commemorating the Armenian Genocide today throughout the world, and I thank my colleagues, Congressmen JOHN PORTER and FRANK PALLONE, for helping to keep Members of the House focused on this very important issue. I implore everyone, young and old, to heed well the all-important phrase: "We must never forget!"

Ms. PELOSI. Mr. Speaker, I thank Mr. PALLONE and Mr. PORTER for their leadership in bringing us together to remember a time in world history when the Armenian people were singled out for a brutal attack on their very existence, an attack that would come to be known as the Armenian Genocide. On April 24, 1915, the rulers of the Ottoman Empire set out to annihilate the Armenian minority. Over the course of the next eight years, the Turkish government systematically murdered 1.5 million Armenians and deported 500,000. By the end of 1923, the entire Armenian population of Anatolia and Western Armenia was either murdered or deported.

This anniversary serves to remind us of the importance of vigilance against oppression and acts of violence against the rights of ethnic minorities around the world. In my home state of California, the story of the Armenian Genocide is included in the social studies curriculum as mandated by the State Board of Education in 1987. Similar curricula on human rights and genocide exist in New Jersey, New York, Connecticut and Massachusetts.

And while a growing number of Americans come to understand the horror of this episode in history, the perpetrators continue their denial. Just last year, Turkey attempted to endow a chair on Turkish and Ottoman history at UCLA. School officials were forced to temper their initial enthusiasm when concerns were raised that this effort was a stab at historical revisionism.

Turkey continues to violate the human rights of the Kurdish minority, at times in ways that are reminiscent of its historical treatment of the Armenians and Greeks. The Turkish government has failed to ensure the safety of the Ecumenical Patriarch and the seat of the Orthodox Church in Istanbul. In Cyprus, the Turkish army enforces a partition of the island that has been universally denounced since it invaded in 1974. This consistent and constant disregard of international convention is a hallmark of a nation that ignores the obvious lessons from its own history.

Despite the near obliteration of their ancient culture, the Armenian people have survived. Throughout the world they have made enormous cultural and economic contributions to the communities in their adopted homelands. Recently, Armenia held presidential elections, and while there were some problems, this fragile democracy continues to move forward. I congratulate the Armenian people for their resilience. Their triumph over adversity is a story from which we all draw strength.

ARMENIAN GENOCIDE—83D ANNIVERSARY

Mrs. MALONEY of New York, Mr. Speaker, as a proud member of the Congressional Caucus on Armenian Issues, and the representative of a large and vibrant community of Armenian-Americans, I rise today to join my colleagues in the sad commemoration of the Armenian Genocide.

First, I would like to commend the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Illinois (Mr. PORTER), cochairs of the caucus, for all of their hard work on this issue and other issues of human rights.

April 24, 1998 marks the 83d anniversary of the beginning of the Armenian genocide. It was on that day in 1915 that over 200 Armenian religious, political, and intellectual leaders were arrested and subsequently murdered in central Turkey.

This date marks the beginning of an organized campaign by the "Young Turk" government to eliminate the Armenians from the Ottoman Empire.

Over the next 8 years, 1.5 million Armenians died at the hands of the Turks, and a half million more were departed.

As the United States Ambassador to the Ottoman Empire, Henry Morgenthau, Sr., has written: "When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race. They understood this well and made no particular attempt to conceal the fact."

As a supporter of human rights, I am dismayed that the Turkish government is still refusing to acknowledge what happened and instead is attempting to rewrite history.

In a sense, even more appalling than Turkey's denial is the willingness of some officials in our own government to join in rewriting the history of the Armenian Genocide. It is vital that we do not let political agendas get in the way of doing the right thing.

Mr. Speaker, the issues surrounding the Armenian genocide should not go unresolved. I call upon the United States Government to demand complete accountability by the Turkish Government for the Armenian Genocide of 1915–1923. To heal the wounds of the past, the Turkish government must first recognize the responsibility of its country's leaders at that time for this catastrophe.

Nothing we can do or say will bring those who perished back to life, but we can imbue their memories with everlasting meaning by teaching the lessons of the Armenian genocide to future generations.

The noted philosopher, George Santayana, has taught us that "those who cannot remember the past are condemned to repeat it." We should heed this wise principle and do all we can to ensure that the martyrdom of the Armenian people is not forgotten.

Mr. LEVIN. Mr. Speaker, today, I join voices with my colleagues in Congress and Armenians all over the world as we commemorate the 83d anniversary of the Armenian Genocide.

Between 1894 and 1923, approximately two million Armenians were massacred, persecuted, or exiled by the Ottoman Empire. Today, fewer than 80,000 declared Armenians remain in Turkey. The Eastern provinces, the Armenian heartland, are virtually without Armenians.

The years since the Armenian Genocide have magnified its tragedy, not diminished it. It is true for the hundreds of thousands who lost their lives as well as their families for whom the void can never be filled.

It also has been true for all the world. The Holocaust of the 1930's and 1940's has been followed by a number of genocides in the last three decades. The failure of the Turkish government to acknowledge the sinful acts of its predecessors sent the wrong message to the rulers of Cambodia, Rwanda and Bosnia. The failure of countries of the world to take prompt notice of these modern atrocities should remind all of us of the failure of other nations to promptly acknowledge the massacre of Armenians in the Ottoman Empire.

In a word, it is the duty of all Armenians to join Armenian-Americans in remembering the Armenian genocide. We have been fighting this battle for formal acknowledgement by the Turkish government for many years. We must not give in until the battle is won.

Mr. TORRES. Mr. Speaker, each year, for the past six or seven years of my memory, my colleagues, Mr. PALLONE and Mr. PORTER, have organized this special congressional opportunity for this body to pause to honor the memory of the 1½ million Armenians who were killed between 1915 and 1923 by agents of the Turkish Ottoman Empire in what is known in infamy as the Armenian Genocide. In essence, we retell a story of a moment in history, an even which began some 83 years ago. I have noticed that each year, I find myself using the same words to tell this story, and I realize that this process of retelling the facts of genocide, committed against the people of Armenia is in itself a very important event. For in retelling this story of the horror which was perpetuated, we remember to be vigilant against the planting of the seeds of future atrocities.

I would like to add that my district, the 34th Congressional district of California, has what I believe is the only monument in the United States which commemorates and records the Genocide against the Armenian people. The citizens of the 34th Congressional district have strong feelings about today's commemoration, and on their behalf I am here today to share with you this retelling of an old and difficult story.

Some would claim that our remembrance today fans the flames of atavistic hatred and that this issue of the Ottoman government's efforts to destroy the Armenian people is a matter best left to scholars and historians. I do not agree. One fact remains undeniable: the death and suffering of Armenians on a massive scale happened, and is deserving of recognition and remembrance.

This solemn occasion permits us to join in remembrance with the many Americans of Armenian ancestry, to remind this country of the tragic price paid by the Armenian community for its long pursuit of life, liberty and freedom.

Today, I rise, with my Colleagues to recall and remember one of the most tragic events in history and through this act of remembrance, to make public and vivid the memory of the ultimate price paid by the Armenian community by this blot against human civility.

We come together each year with this act of commemoration, this year being the 83rd anniversary of this genocide, to tell the stories of this atrocity so that we will not sink into ignorance of our capacity to taint human progress with acts of mass under.

The Armenian genocide was a deliberate act to kill, or deport, all Armenians from Asia Minor, and takes its place in history with other acts of genocide such as Stalin's destruction of the Kulaks, Hilter's calculated wrath on the Jews, Poles, and Romany Gypsy community in Central Europe, and Pol Pot's attempt to purge incorrect political thought from Cambodia by killing all of his people over the age of fifteen, and more recently, the ethnic cleansing atrocities in Bosnia and Rwanda.

We do not have the ability to go back and correct acts of a previous time, or to right the wrongs of the past. If we had this capacity, perhaps we could have prevented the murders of millions of men, women and children.

We can, however, do everything in our power to prevent such atrocities from occurring again. To do this, we must educate people about these horrible incidents, comfort the survivors and keep alive the memories of those who died. I encourage everyone to use this moment to think about the tragedy which was the Armenian Genocide, to contemplate the massive loss of lives, and to ponder the loss of the human contributions which might have been.

Although the massacre we depict and describe started 83 years ago, the Armenian people continue to fight for their freedom and independence today, in Nagorno Karabakh. Again, this year, I would like to close my remarks with an urgent plea that we use this moment as an occasion to recommit ourselves to the spirit of human understanding, compassion, patience, and love.

For these alone are the tools for overcoming our tragic, and uniquely human proclivity for resolving differences and conflicts by acts of violence.

This century has been characterized as one of the bloodiest in our archives of human history. Certainly, the genocide perpetuated against the Armenian people has been a factor in this dismal record.

The dawning of a new millennium offers our human race two paths. One continues along a road of destruction, distrust, and despair. Those who travel this path have lost their connection to the primal directives, which permit us as a society to maintain balance, continuity, and harmony. I would ask my colleagues, on this 83d anniversary of one of history's bloodiest massacres of human beings—and during a time in history when violent solutions to problems between peoples continue to hold sway—to contemplate the second path. The map to this path exists within the guiding teachings of all major world religions and are encapsulated in what Christians refer to as the 10 Commandments. I would ask my colleagues, no matter their religious or political persuasions and beliefs, to revisit these core teachings which form a common bond between all peoples. To use these common beliefs as the basis for action and understanding in these trying times. The surface differences between peoples, offer only an exciting diversity in form. At the core all peoples are united by common dreams, aspirations, and beliefs in a desire for harmony, decency, and peace with justice.

Let these testimonies of the atrocities perpetuated against the Armenian people serve as a reminder that as a human race we can, and must, do better. It takes strength and wisdom to understand that the sword of compassion is indeed mightier than the sword of steel.

Certainly, as we reflect over the conflicts of this closing century, we can only come to the conclusion that violence begets violence, hatred begets hatred and that only understanding patience, compassion, and love can open the door to the realization of the dreams which we all hold for our children and for their children.

Let our statements today, remembering and openly condemning the atrocity committed against the Armenians, help renew a commitment of the American people to oppose any and all instances of genocide. As we enter the new millennium let us commit ourselves to finding new and peaceful paths for resolving differences which inevitably arise.

I thank my colleagues for permitting me the honor of sharing these thoughts and words with you today.

Ms. ESHOO. Mr. Speaker, tonight we gather to commemorate those who lost their homes, loved ones, and lives in the Armenian Genocide at the beginning of this century.

I am the only Member of Congress of Armenian descent. Every other day of the year, my heritage is a source of honor for me because not only do I represent a congressional district, but I also represent a community of people who have made tremendous contributions to the world. However, tonight being Armenian carries with it an obligation to bear witness * * * to remember what began in 1915 * * * to remember what happened to my family and over a million other Armenians when the Ottoman Empire forgot its humanity and set out on a path of destruction.

We gather here to remember the first genocide of this century so we don't forget that it was not an isolated incident. The Armenians were followed by the victims of Stalin's purges, the German Holocaust, Cambodia's Killing Fields, the "ethnic cleansing" of Bosnia, and the tragedy of the Great Lakes region in Africa.

Despite these examples we still do not understand why one day a community can be living peaceably among another, and the next they are singled out, rounded up, imprisoned and eventually killed. We may not understand why the Ottoman Empire decided to kill the Armenians, but we do know that it did happen and that it was, without question, morally wrong. Despite continued attempts to downplay or deny the scale of the tragedy, the forced removal of a half a million people, and the massacre of 1.5 million more has no other name but genocide.

This past year several books written by members of the Armenian diaspora have been published, and in conclusion, I would like to quote from one of these books, "Black Dog of Fate," by Peter Balakian. He writes the following:

> Commemoration is an essential process for the bereaved and for the inheritors of the legacy of genocide. It is a process of making meaning out of the unthinkable horror and loss. Because the dead have not been literally or emotionally buried in the wake of genocide, commemoration is also a ritual of burying the dead—that first act of civilization. Because genocide seeks to negate all meaning, to unmake the world, the survivors and their children must find a way back to civilization. Commemoration, then publicly legitimizes the victim culture's grief. The burden of bereavement can be alleviated if shared and witnessed by a larger community. Only then can redemption, hope and community be achieved.

I thank Representatives PALLONE and PORTER for organizing tonight's remembrance. You help to provide a larger community, where Armenians can share and witness, and give hope for redemption.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise today in commemoration of the 83rd anniversary of the Armenian Genocide. On April 24, 1915, over 200 Armenian religious and political leaders were taken to Turkey and systematically executed. The years that followed brought further persecution upon the Armenian people. It is important to recognize the horror of the Armenian genocide as it is a lesson for all time. Recognition and education are the best tools available to help us learn from the mistakes of the past and insure human dignity for people worldwide. As we remember the persecution that the Armenians endured, we as Americans must not take for granted our freedom and security. We must always work to ensure human rights for all people.

The atrocities that occurred in the Ottoman Empire from 1915 until 1923 were more than a series of massacres in a time of instability, they foreshadowed the nightmare of the Nazi Holocaust and other cases of ethnic cleansing in the twentieth century. A failure to be honest with the past led to the terrors that followed later in the twentieth century. The Armenian people were driven from their homes and deprived of their freedom, their dignity and finally their lives. By 1923, 1.5 million Armenians had died, and 500,000 more had been evicted from their homes at the hands of the Ottoman authorities. We look back with sadness at these tragic occurrences and mourn the tremendous losses of the Armenian people.

To ignore the Armenian genocide and its impact on history would dishonor the victims of this tragedy. This was the first genocide of the twentieth century, and, sadly, it was not the last. On this, the 83d anniversary of the Armenian genocide we must not forget the victims and we must be prepared to prevent further crimes against humanity.

Mr. GEJDENSON. On this day I stand with Armenians worldwide in remembering the anniversary of the genocide committed against the Armenian people between 1915 and 1923.

Eighty-three years ago today, representatives of the Ottoman Empire arrested Armenian religious, political, and intellectual leaders. During the 8 years that followed, an estimated 1.5 million Armenians were executed. Many were raped, tortured, or enslaved. In addition to those killed, an estimated 500,000 Armenians were deported from the Ottoman Empire. Thankfully, many of those exiles made their way to freedom in the United States where they and their descendants continue to make significant contributions to the cultural, political, and commercial fabric of the United States.

Despite the formidable challenges they have faced over the years, the Armenian people have demonstrated remarkable resilience. Today's anniversary of the genocide affords us a chance to reflect upon the challenges Armenian faces today. While it continues to struggle under blockades imposed by its neighbors, Armenia continues to make economic progress and just concluded an improved democratic election. This continues the progress begun on September 21, 1991, when more than 94 percent of Armenia's eligible voters turned out to vote in a referendum for Armenian independence. Two days later, the Armenian Parliament made the people's desire official when it declared Armenia's independence from the Soviet Union.

There are two ways to fight to prevent genocide from occurring again. One way is to do what we can as a nation and as individuals to take notice, to condemn, and to intervene when necessary before those who would kill are emboldened. The second is to embrace the truth, to remember history, and to confront those who would otherwise ignore or distort the occurrence of genocide.

My family history intertwines with the tragedy of the Armenia's past. My father's entire family was exterminated as was most of my mother's during the Holocaust. My father and mother escaped Hitler and Stalin and met in a displaced-persons camp in Germany after the war and took me and my sister away to peace and freedom in eastern Connecticut, which I now proudly represent in Congress.

When Hitler proposed his extermination of the Jews, he heard some opposition in the room. He silenced his opposition by asking the question, "Who remembers the Armenians?" I stand today so that everyone remembers the Armenians and the Jews, so no one can commit the atrocities of the past again.

Mr. FRELINGHUYSEN. Mr. Speaker, today we remember the Armenian Genocide, and honor the memory of the 1.5 million Armenians who died between 1915 and 1923.

It has been 83 years since the Ottoman Empire began the systematic slaughter of Armenians living in Turkey. It started in 1915, when the Turkish government rounded up and killed Armenian soldiers. Then, on April 24, 1915, the government turned its attention to slaughtering Armenian intellectuals. They were killed because of their ethnicity, the first group in the 20th Century killed not for what they did, but for who they were.

By the time the bloodshed of the genocide ended, the victims included the aged, women and children who had been forced from their homes and marched to relocation camps, beaten and brutalized along the way. In addition to the 1.5 million dead, over 500,000 Armenians were chased from their homeland.

We take time every year to remember the victims of the Armenian genocide. We hope that, by remembering the bloodshed and atrocities committed against the Armenians, we can prevent this kind of tragedy from repeating itself. Unfortunately, we have been unsuccessful. From Germany to Cambodia to Rwanda, the horrors of the genocide have repeated themselves.

So, Mr. Speaker, we must continue to talk about the genocide. We must keep alive the memory of those who lost their lives during the eight years of bloodshed in Armenia. We must educate other nations who have not recognized that the Armenian genocide occurred. We must be vigilant and guard against this kind of wholesale slaughter from happening in the future.

Mr. Speaker, I commend Armenian-Americans—the survivors and their descendants—who continue to educate the world about the tragedy of the Armenian Genocide and make valuable contributions to our shared American culture. Because of their efforts, the world will not be allowed to forget the memory of the victims of the first 20th Century holocaust.

Mr. WEYGAND. Mr. Speaker, on behalf of the Armenian community in Rhode Island, I would like to recognize and commemorate the observance of the 83rd anniversary of the Armenian Genocide, a solemn, yet historically significant event.

On April 24, 1915, 200 intellectuals, political and religious leaders from Constantinople were executed by Turkish officials. Over the next 8 years, 1.5 million Armenians were driven from their homes, forced to endure death marches, starved, forced into slavery, deported, tortured and executed in mass numbers. The period of 1915–23 marks one of the darkest periods of modern times—the first example of genocide in the 20th century.

Today, we honor the victims, who suffered at the hands of the Ottoman Turks, and express our condolences to their descendants. The world has chosen to ignore this tragedy and because we must ensure that history does not repeat itself, we need to properly acknowledge the horrors of the Armenian Genocide.

I join with my colleagues and the Armenian community to proclaim that the genocide did indeed happen, despite the protests from the Turkish Government. Unfortunately, we cannot change the past, but by honoring the victims of the Armenian Genocide and sharing the grief of their families, we can begin to heal the many wounds and work together to ensure that these injustices never occur again.

Mr. McKEON. Mr. Speaker, I join many of my colleagues today in commemorating the 83rd anniversary of the Armenian Genocide. For many Armenians, April 24, 1915 signifies the beginning of the systematic and deliberate campaign of the Ottoman Empire to extinguish the Armenian population under their rule. On this day, Armenians from around the world will be joined by many others, not only to remember one of this century's worst tragedies, but to use it as a lesson for future generations to preserve human rights around the world.

This somber occasion marks the anniversary of that day in 1915 when members of the Armenian religious, political, and intellectual leadership were arrested and executed. This incident was not isolated and marked the beginning of a mass persecution of Armenian men, women, and children. At that time, the U.S. Ambassador to the Ottoman Empire, Henry Morgenthau, Sr., stated that "When the Turkish authorities gave the orders for these deportations, they were giving the death warrant to a whole new race. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915."

Tragically, from 1915 to 1923, 1.5 million Armenians were killed, with another 500,000 that were exiled from their homes. By the end of 1923, the two million Armenians that had resided in Turkey were either killed or deported.

Throughout my life I have had the privilege of becoming friends with a number of Armenians who have shared the tales of the horrible and inhumane experiences their relatives endured. As we reflect on this tragedy today, we will certainly remember those who suffered and pay tribute to the memory of the millions of Armenian victims.

Today I ask my colleagues to condemn the atrocities committed against the Armenians and continue in our efforts to prevent similar tragedies from developing. We must recognize and openly acknowledge the atrocities committed against humanity before we are able to prevent them from happening again in the future. If we fail to speak out against such crimes, we are only ensuring that these atrocities will continue to occur as time goes on. That is a tragedy we cannot afford to risk.

Thank you for allowing me to participate in this special tribute to the Armenian community. I am honored to be here.

Ms. HARMAN. Mr. Speaker, I rise today to commemorate the first of this century's many examples of man's inhumanity to man: the brutal suppression perpetrated by the Ottoman Empire against 1.5 million Armenian men, women, and children at the beginning of this century. On April 24, 1915, Ottoman authorities arrested 200 political, religious, and intellectual leaders of the Armenian community of Constantinople. In the eight long years that followed, the Armenian population of Asia Minor was subjected to forced privation, deportation, torture, and death.

Mr. Speaker, it is important to remember this event, just as it is important to remember the suffering of millions of other victims of hatred and violence. It is important to remember because by remembering we say no Holocaust, no "ethnic cleansing," no mass extermination must ever happen again.

No observer of the world scene today can ignore the long-lasting repercussions of such atrocities. In the Balkans and Central Asia, we see how memories of past injustice and mass human rights violations complicate the search for peace. In commemorating the Armenian Genocide today, we must renew our commitment to help prevent future ethnic and religious hatred.

This day of remembrance also highlights the endurance and the spirit of the Armenian people. Many displaced Armenians joined the ranks of those who sought haven in our country. Many settled in my home State of California, where they achieved prosperity, contributed to civic life, and added to the cultural richness of our State. California today is home to the largest—and thriving—community of Armenian-Americans. Their success says to the tyrants and the perpetrators of mass persecution in the world that the human spirit cannot be suppressed.

Mr. Speaker, I thank my colleagues Mr. PALLONE and Mr. PORTER for organizing this special order, and join my colleagues here today, the Armenian-American community, and Americans across our country in commemorating the Armenian Genocide.

Mr. MANTON. Mr. Speaker, I rise today to join my colleagues in remembering the 83rd Anniversary of the Armenian Genocide. I want to thank my colleagues Congressmen FRANK PALLONE and JOHN PORTER for organizing this Special Order to commemorate the victims of one of the most tragic events in history.

On this day in 1915, a group of distinguished Armenian leaders—intellectual, political, and religious—were arrested and brutally murdered by the Ottoman Empire. This began a long and abysmal process by which 1.5 million Armenians lost their lives. A disgraceful and inhuman process which also resulted in more than 500,000 deportations. The accounts by survivors go beyond the massive killings, there were rapes, forced slavery and the deprivation of land and homes.

Unfortunately, the infringement on Armenian human rights continues today with the conflict over Nagorno-Karabagh. This ongoing and needless confrontation has ripped families and communities apart and killed more than 1,500 Armenians. However, I hope and pray the newly elected President of Armenia, Robert Kocharian, will continue to lend his expertise towards a solution on the Nagorno Karabagh dispute. I congratulate President Kocharian and wish him the best as he leads the people of Armenian into the next millennium.

Mr. Speaker, I am proud to join my colleagues every year in commemorating the Armenian Genocide. Unfortunately, many people continue to deny these events took place in the years between 1915 and 1923. I cannot stress enough the importance that we as members of Congress continue to officially recognize this genocide because it is a part of our world history. We cannot deny, nor forget it.

Although many of the survivors of the Armenian Genocide are no longer with us, it is important that we recognize this tragedy in honor of their relatives who continue to live with the memory of the event and teach their children about this tragedy. New York State is one of the few states which has offered a human rights/genocide curricula for teachers to use at their discretion, including the story of the Armenian genocide. I encourage my colleagues to work with their state educators to implement a similar program. Education programs, along with family discussions, are ways to ensure a peaceful future not only for the people of Armenia, but for all peoples.

Mr. Speaker, I encourage my colleagues to join me as a member of the Congressional Armenia Caucus where they will have the opportunity to work on issues affecting Armenians and Armenian-Americans while strengthening U.S.-Armenian relations in a bipartisan manner.

I commend the people of Armenia for their tremendous contributions to the world while continuing to strengthen their own democracy. I look forward to working with my colleagues and the people of Armenia to ensure a stable and bright future for the years to come.

Mrs. LOWEY. Mr. Speaker, this year marks the 83d anniversary of the Armenian Genocide, an act of mass murder that took 1.5 million Armenian lives and led to the exile of the Armenian nation from its historic homeland.

It is of vital importance that we never forget what happened to the Armenian people. Indeed the only thing we can do for the victims is to remember, and we forget at our own peril.

The Armenian Genocide, which began 15 years after the start of the twentieth century, was the first act of genocide of this century, but it was far from the last. The Armenian Genocide was followed by the Holocaust, Stalin's purges, and other acts of mass murder around the world.

Adolf Hitler himself sad that the world's indifference to the slaughter in Armenia indicated that there would be no global outcry if he undertook the mass murder of Jews and others he considered less than human. And he was right. It was only after the Holocaust that the cry "never again" arose throughout the world. But it was too late for millions of victims. Too late for the six million Jews. Too late for the 1.5 million Armenians.

Today we recall the Armenian Genocide and we mourn its victims. We also pledge that we shall do everything we can to protect the Armenian nation against further aggression; in the Republic of Armenia, in Nagorno-Karabagh, or anywhere else.

Unfortunately, there are some who still think it is acceptable to block the delivery of U.S. humanitarian assistance around the world. Despite overwhelming international condemnation, Azerbaijan continues its blockade of U.S. humanitarian assistance to Armenia.

It is tragic that Azerbaijan's tactics have denied food and medicine to innocent men, women, and children in Armenia, and created thousands of refugees. The U.S. must stand firm against any dealings with Azerbaijan until it ends this immoral blockade. We must make clear that warfare and blockades aimed at civilians are unacceptable as means for resolving disputes.

Mr. Speaker, after the Genocide, the Armenian people wiped away their tears and cried out, "Let us never forget. Let us always remember the atrocities that have taken the lives of our parents and our children and our neighbors."

As the Armenian-American author William Saroyan wrote, "Go ahead, destroy this race . . .. Send them from their homes into the desert . . . Burn their homes and churches. Then see if they will not laugh again, see if they will not sing and pray again. For, when two of them meet anywhere in the world, see if they will not create a New Armenia."

I rise today to remember those cries and to make sure that they were not uttered in vain. The Armenian nation lives. We must do everything we can to ensure that it is never imperiled again.

Mr. GILMAN. Mr. Speaker, at this time of year the descendants and relatives of those Armenians who died in the series of deportations and executions organized by the Turkish Ottoman Empire during the First World War gather at ceremonies across America to honor those victims' memory.

I am pleased to join in this special order today, organized to commemorate those who died in that series of brutal programs and attacks—the effects of which were tantamount to a campaign of genocide.

Although those who died in those tragic and violent days did not live to see it, the Armenian nation has now re-emerged, despite the terrible loss of life that has been suffered under the Ottoman Empire and the eight decades of communist dictatorship under the former Soviet Union.

Today, the independent state of Armenia stands as clear proof that indeed the Armenian people have survived the challenges of the past—and will survive the challenges of the present and future as well.

Mr. Speaker, as we today honor the memory of those who lost their lives long before the Armenian nation regained its independence, let us today look forward to that day when the new, independent Republic of Armenia and its people will live in peace with their neighbors—a peace that will never see Armenian men, women and children subjected to the horrors and atrocities their ancestors experienced eighty years ago.

Mr. VISCLOSKY. Mr. Speaker, I rise today to commemorate the 83rd anniversary of the Armenian genocide. As in years past, I am pleased to join my House colleagues on both sides of the aisle in ensuring that the terrible atrocities committed against the Armenian people are never repeated.

The event we come together to remember began on April 24, 1915, when over 200 religious, political, and intellectual leaders of the Armenian community were brutally executed by the Turkish government in Istanbul. By the time it ended in 1923, this war of ethnic genocide against the Armenian people by the Ottoman Empire claimed the lives of over half the world's Armenian population—an estimated 1.5 million men, women, and children.

Sadly, there are some people who still question the fact that the Armenian genocide even occurred. History is clear, however, that the Ottoman Empire engaged in a systematic attempt to destroy the Armenian people and their culture. The U.S. National Archives contain numerous reports detailing the process by which the Armenian population of the Ottoman Empire was systematically decimated. That is one of the reasons we come together every year at this time: to remind the world that this event did indeed take place and that we must remain forever vigilant in our efforts to prevent all such future calamities.

I am pleased to report that a strong and vibrant Armenian-American community thrives in my district in Northwest Indiana. My predecessor in the House, the late Adam Benjamin, was of Armenian heritage, and Northwest Indiana's strong ties to Armenian continue to flourish. Over the years, members of the Armenian-American community throughout the United States have contributed millions of dollars and countless hours of their time to various Armenian causes. Of particular note are Mrs. Vicki Hovanessian and her husband, Dr. Raffi Hovanessian, residents of Indiana's First Congressional District, who have worked to improve the quality of life in Armenian, as well as in Northwest Indiana. Two other Armenian-American families in my congressional district, Heratch and Sonya Doumanian and Ara and Rosy Yeretsian, have also contributed greatly toward charitable works in the United States and Armenia. Their efforts, together with hundreds of other members of the Armenian-American community, have helped to finance several important projects in Armenia, including the construction of new schools, a mammography clinic, and a crucial roadway connecting Armenia to Nagorno Karabagh.

The Armenian people have a long and proud history. In the fourth century, they became the first nation to embrace Christianity. During World War I, the Ottoman Empire was ruled by an organization, known as the Young Turk Committee, and became allied with Germany. Amid fighting in the Ottoman Empire's eastern Anatolian provinces, the historic heartland of the Christian Armenians, Ottoman authorities ordered the deportation and execution of all Armenians in the region. By the end of 1923, virtually the entire Armenian population of Anatolia and western Armenia had been either killed or deported.

While it is important to keep the lessons of history in mind, we must also remain eternally vigilant in order to protect Armenia from new and more hostile aggressors. Even now, as we rise to commemorate the accomplishments of the Armenian people and mourn the tragedies they have suffered, Turkey and other countries are attempting to break Armenia's spirit by engaging in a debilitating blockade against this free nation.

That is why two years ago, I led the fight in the House of Representatives to free Armenia from Turkey's vicious blockade by offering an amendment to the Fiscal Year 1997 Foreign Operations appropriations bill. Under current law, U.S. economic assistance may not be given to any country that blocks humanitarian assistance from reaching another country. Despite the fact that Turkey has been blocking humanitarian aid for Armenia for many years, the President has used his waiver authority to keep economic assistance for Turkey intact. My amendment, which passed in the House by a bipartisan vote of 301–118, would have prevented the President from using his waiver authority and would have cut off U.S. economic aid to Turkey unless it allowed humanitarian aid to reach Armenia. Unfortunately, my amendment was not included in the final version of the Foreign Operations appropriations bill and the Turkish blockade of Armenia continues unabated.

Mr. Speaker, I would like to thank my colleagues, Representatives JOHN PORTER and FRANK PALLONE, for organizing this special order to commemorate the 83rd anniversary of the Armenian genocide. Their efforts will not only help to bring needed attention to this tragic period in world history, but also serve as a reminder to remain vigilant in the fight to protect basic human rights and freedoms around the world.

Mr. COSTELLO. Mr. Speaker, I rise today to commemorate the Anniversary of the Armenian Genocide. April 24th, 1915, is solemnly recalled by the people of Armenia and Armenian-Americans as the beginning of a long-term, organized deprivation and relocation of a people from their homeland. Eighty-three years later, we mark this date to remember the beginning of this systematic elimination of Armenian civilians, which lasted for over seven years. By 1923, 1.5 million Armenians had been massacred and 500,000 more deported.

Thousands of Armenian-Americans reside in my congressional district, and each year they mark this date to commemorate this anniversary and remember those who were lost. April 24th, 1915, marked a day when thousands of Armenian intellectual, religious and political leaders were arrested in Constantinople and deported or murdered. Today, we reflect on the massive destruction of property, freedom and dignity of those Armenians who were deported or killed under the Ottoman empire. We honor their memory and vow that such deprivation will never happen again.

Mr. Speaker, we also mark this date to celebrate the contributions of millions of Armenians and Armenian-Americans since that awful time. As we continue to strengthen our bonds with the Armenian people, we must be vigilant about remaining a strong friend of Armenian democracy through U.S. foreign policy. It is important for those of us in the Congress to continue to speak out in favor of Armenian human rights and free trade.

I urge my colleagues to join me in commemorating this solemn anniversary.

Mrs. MORELLA. Mr. Speaker, I am pleased to join with my colleagues here today in commemorating the 80th anniversary of the Armenian genocide. I want to thank my colleagues, Mr. PORTER and Mr. PALLONE, for their work in organizing this tribute.

This observance takes place every year on April 24. It was on that date in 1915 that more than 200 Armenian religious, political, and intellectual leaders were arrested in Constantinople and murdered. Over the next eight years, persecution of Armenians intensified, and by 1923, more than 1.5 million had died and another 500,000 had gone into exile. At the end of 1923, all of the Armenian residents of Anatolia and Western Armenia had been either killed or deported.

The genocide was criticized at the time by U.S. Ambassador Henry Morgenthau, who accused the Turkish authorities of "giving the death warrant to a whole race." The founder of the modern Turkish nation, Kemal Ataturk, condemned the crimes perpetrated by his predecessors. Yet this forthright and sober analysis has been spurned by Turkey and the United States during the last decade.

The Intransigence of this and prior administrations to recognizing and commemorating the Armenian genocide demonstrates our continued difficulty in reconciling the lessons of history with realpolitik policies; that is, those who fail to learn the lessons of history are condemned to repeat it. We have seen continually in this century the abject failure to learn and apply this basic principle. The Armenian genocide has been followed by the Holocaust against the Jews and mass killings in Kurdistan, Rwanda, Burundi, and Bosnia. Many of these situations are ongoing, and there seems little apparent sense of urgency or moral imperative to resolve them.

Commemoration of the Armenian genocide is important not only for its acknowledgement of the suffering of the Armenian people, but also for establishing the historical truth. It also demonstrates that events in Armenia, Nazi Europe, and elsewhere should be seen not as isolated incidents but as part of a historical continuum showing that the human community still suffers from its basic inability to resolve its problems peacefully and with mutual respect.

I hope that today's remarks by Members concerned about Armenia will help to renew our commitment, and that of all of the American people, to opposing any and all instances of genocide.

Mr. FARR of California. Mr. Speaker, I rise today with respect to a tragic—and, unfortunately, still largely unknown—event in world history. Eighty-three years ago, the Armenians of Ottoman Turkey became the victim of a comprehensive government-sponsored campaign of persecution which, after eight terrible years, left dead or deported some two million Armenian men, women, and children.

From 1915 to 1923, Turkish Armenians were executed. Tortured, and put into forced labor, solely because of their ethnic heritage. The human costs were terrible and enormous. Over one million Armenians died as a result of the genocide, and hundreds of thousands of others became refugees. One statistic is especially telling: Over 2.5 million Armenians lived in Ottoman Turkey before the genocide began; today, less than 80,000 remain.

Although the lives that were lost as a result of the genocide can never be returned, we must never forget what befell the Armenians of Ottoman Turkey solely because of their ethnicity. We must remember, not only in the honor of their memories, but so that future generations understand the terrible effects of bigotry and ethnic hatred.

When isolated incidents of persecution are tolerated, or when politicians gain from supporting ethnic persecution, the consequences can be terrible. We must therefore never tolerate discrimination in any form. We must also remember that such tragic events can happen again when the world community ignores the warning signs before it is too late.

I join Armenian-Americans and others in commemorating the terrible events of eighty-three years ago, and urge that we work to protect the human rights of all people around the world, so that we may prevent such a terrible tragedy from ever happening again.

Mr. DOOLEY of California. Mr. Speaker, I rise today to join my colleagues in commemorating the 83rd Anniversary of the Armenian Genocide.

This terrible human tragedy must not and will not be forgotten. Like the Holocaust, the Armenian Genocide stands as a historical example of the human suffering that results from hatred and intolerance.

One and one-half million Armenian people were massacred by the Ottoman Turkish Empire between 1915 and 1923. More than 500,000 Armenians were exiled from a homeland that their ancestors had occupied for more than 3,000 years. A race of people was nearly eliminated.

However, great the loss of human life and homeland that occurred during the genocide, a greater tragedy would be to forget that the Armenian Genocide ever happened. To not recognize the horror of such events almost assures their repetition in the future. Adolf Hitler, in preparing his genocide plans for the Jews, predicted that no one would remember the atrocities he was about to unleash. After all, he asked, "Who remembers the Armenians?"

Our statements today are intended to preserve the memory of the Armenian loss, and to remind the world that the Turkish government—to this day—refuses to acknowledge the Armenian Genocide. The truth of this tragedy can never and should never be denied.

This 83rd anniversary also brings to mind the current suffering of the Armenian people, who are still immersed in tragedy and violence. The unrest between Armenia and Azerbaijan continues in Nagorno-Karabakh. Thousands of innocent people have already perished in this dispute, and still many more have been displaced and are homeless.

In the face of this difficult situation comes an opportunity for reconciliation. Now is the time for Armenia and its neighbors, including Turkey, to come together, to work toward building relationships that will assure lasting peace.

Meanwhile, in America, the Armenian-American community continues to thrive and to provide assistance and solidarity to its countrymen and women abroad. Now numbering nearly 1 million, the Armenian-American community is bound together by strong generational and family ties, an enduring work ethic and a proud sense of ethnic heritage. Today we recall the tragedy of their past, not to place blame, but to answer a fundamental question, "Who remembers the Armenians?"

Our commemoration of the Armenian Genocide speaks directly to that, and I answer. . . . We do.

Mr. BERMAN. Mr. Speaker, I rise to commemorate the 83rd anniversary of the start of the Armenian genocide, a period of tragic oppression and terrible suffering. On April 24, 1915, the Turkish government began to arrest Armenian community and political leaders. Many were executed without ever being formally charged with crimes. The following month the government deported most Armenians from Turkish Armenia, ordering that they resettle in what is now Syria. Many deportees never reached that destination. From 1915 to 1918, more than a million Armenians died of starvation or disease on long marches, or were massacred outright by Turkish forces. From 1918 to 1923, Armenians continued to suffer at the hands of the Turkish military, which eventually removed all remaining Armenians from Turkey.

We mark this anniversary of the start of the Armenian genocide in part because this tragedy for the Armenian people was a tragedy for all people. Genocide is not an ancient act, it is a horror which we must daily renew our commitment to prevent. If we do not remember, we will be condemned to witness such atrocities again and again.

We should not be alone in remembering these events. We will know that humanity has progressed when it is not just the survivors who honor the dead but also when those whose ancestors perpetrated the horrors acknowledge their terrible responsibility and honor as well the memory of genocide's victims.

Sadly, we cannot say that such atrocities are history. The death last week of Pol Pot reminds us of Cambodia's "killing fields" in the 1970s, and we have only to recall this decade's mass ethnic killings in Bosnia and Rwanda to see that the threat of genocide persists. As President Clinton noted during his visit to Rwanda in March, the world community needs to do more to prevent genocide. We have not done so. We have not yet learned the lessons of this day.

We also remember this day because it is a moment for us to celebrate the contribution of the Armenian community in America to the richness of our character and culture. The strength they have displayed in overcoming tragedy to flourish in this country is an example for all of us. Their powerful example is moving testimony to the truth that tyranny cannot extinguish the vitality of the human spirit. To all who wish to remember and to praise Armenian Americans I recommend the recently published memoir by one of America's most important contemporary poets, Peter Balakian, whose book Black Dog of Fate is a powerful reminded of Armenian history.

Surrounded by countries hostile to them, to this day the Armenian struggle continues. But now with an independent Armenian state, the United States has the opportunity to contribute to a true memorial to the past by strengthening Armenia's emerging democracy. We must do all we can through aid and trade to support Armenia's efforts to construct an open political and economic system.

I urge all my colleagues to ponder on the history of this moment and honor the memory and the accomplishments of the Armenian people and join with me in efforts to aid Armenia today.

Mr. RADANOVICH. Mr. Speaker, I rise today to commemorate and remember the Genocide against the Armenian people. Between 1915 and 1923 the Ottoman Turkish Empire committed a horrible Genocide against the Armenian people. In a systematic and deliberate attempt to eliminate the Armenian people and erase Armenian culture and history, the Ottoman Turkish government committed this atrocity. As a result, over one and one-half million Armenians were massacred. The Armenian Genocide is a historical fact, and has been recognized by academicians and historians worldwide. The evidence is irrefutable and includes many eyewitness accounts, and statements from the U.S. Ambassador to Turkey at the time. Unfortunately, today's Turkish government is still persisting in their denial that the Armenian Genocide ever took place.

On April 24 each year Armenians around the world commemorate the anniversary of the Armenian Genocide. Commemoration activities will take place in Washington D.C., Los Angeles, New York, Armenia, and in my Congressional District in Fresno, California. Many commemoration activities are planned in Fresno and the San Joaquin Valley over the next several days. I have the honor of representing thousands of Armenian-Americans in California's Nineteenth Congressional District, and today I send them my most sincere condolences on this solemn occasion.

As a member of the Congressional Caucus on Armenian issues I have fought hard for aid to Armenia, aid to Nagorno-Karabagh, and other important issues. However, I am equally proud to be the author along with Rep. DAVID BONIOR, of H. Con. Res. 55 which would "honor the memories of the victims of the Armenian Genocide." As well as having this Congress honor the memories of the victims, H. Con. Res. 55 also encourages The Republic of Turkey to do the same. This legislation calls on the government of Turkey to turn away from its denials of the Armenian Genocide, and instead, to openly acknowledge this tragic chapter in its history. By doing so, the Turkish government can help to raise the level of trust and relations between Armenia and Turkey and allow Armenians to begin the healing progress. I encourage my colleagues to vote for the passage of H. Con. Res. 55.

Remembering this Genocide against the Armenians will help ensure this type of tragedy is never allowed to occur again.

Mr. MARTINEZ. Mr. Speaker, I join my colleagues today in commemorating the 83rd anniversary of the Armenian Genocide. It has become a tradition for members to stand in the well of the House and pay tribute to the memory of the 1.5 million Armenians who were slaughtered by the Ottoman Turks from 1915 to 1923.

Mr. Speaker, April 24, 1915 represents a tragic day in the history of the Armenian people. It is a day that has left an indelible mark on the consciousness of mankind. Eighty-three years ago, the Ottoman Turks unleashed the forces of hatred upon Armenian men, women and children in a deliberate, calculated policy of extermination. On the night of April 24, 1915, the Ottoman Turks ruthlessly rounded up and targeted for elimination Armenian religious, political and intellectual leaders. So began one of the darkest chapters of the 20th century.

For eight bloody years a reign of terror ruled the daily lives of Armenians in the Ottoman empire. For eight long horrific years, Armenians were consumed by the fires of racial and religious intolerance. Tragically, by the end of 1923, the entire Armenian population of Anatolia and western Armenia had been either killed or deported.

On the eve of launching the Jewish holocaust, Adolph Hitler commented to his generals, "who, after all, speaks of the Annihilation of the Armenians?" Mr. Speaker, the members of the U.S. Congress speak of the Annihilation of the Armenians. We speak out today so that future generations of Americans will know the facts surrounding the first genocide of the 20th century. We observe this solemn anniversary, along with the Armenian-American community and the people of Armenia, so that no one will be able to deny the undeniable.

Many of the survivors of the Armenian Genocide established new lives in America, contributing their considerable talents and energy to the economic prosperity and cultural diversity of our great nation. Therefore, Mr. Speaker, it is with a sense of gratitude toward Americans of Armenian descent and a deep sense of moral obligation that I join my colleagues in honoring the memory of these fallen victims of genocide. They have not been forgotten.

EDUCATION IN AMERICA IS FACING CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, education in this country is facing a crisis. If we look at our schools carefully, we find out that there are a lot of drugs in our schools, actually murders occur in our schools, rape occurs in our schools, it is infested with teenage pregnancies. There is total disrespect for authority in many of our schools, and there is no good record to show that the academic progress is being made that is necessary.

The President happens to believe that if we have national testing, this will solve all our problems. And now he is addressing these very, very serious problems that we have in our schools with saying that if we can only get these kids not to smoke a cigarette, maybe we are going to solve these educational problems.

I would say that he is going in the wrong direction. These are serious problems and we must do something, but pretending that we are going to crack down on kids testing a cigarette, as bad as it is, is not going to solve our problems.

I have a couple suggestions to make on what we can do to improve the educational system. I have a bill that I introduced recently. It is H.R. 3626. It is called the Agriculture Education Freedom Act. This is a bill I think everybody in this body could support.

What it does, it takes away taxation on any youngster who makes some money at one of these 4-H or Future Farmers of America fairs. When they sell their livestock, believe it or not, we go and tax them. Just think of this. The kids are out there trying to do something for themselves, earn some money, save some money and go to school; and what do we do as a Congress, we pick on the kids, we go and we tax these kids.

I talked to a youngster just this past weekend in the farm community in my district, and he told me he just sold an animal for $1,200 and he has to give $340 to the U.S. Government. Now, what are we doing, trying to destroy the incentive for these youngsters assuming some responsibility for themselves? Instead, what do we do? We say the only way a youngster could ever go to college is if we give them a grant, if we give them a scholarship, if we give them a student loan. And what is the record on payment on student loans? Not very good. A lot of them walk away.

There is also the principle of it. Why should the Federal Government be involved in this educational process? And besides, the other question is, if we give scholarships and low-interest loans to people who go to college, what we are doing is making the people who do not get to go to college pay for that education, which to me does not seem fair. It seems like that the advantage goes to the individual who gets to go to college, and the people who do not get to go to college should not have to subsidize them.

I think it is unfair it pick on these kids. I think it is time that we quit taxing any youngster who makes some money at a 4-H fair or Future Farmers of America fair where they are selling their livestock and trying to earn money to go to college.

☐ 1815

I think it is proper to say that they should have no taxation without representation. They are not even old enough to vote, and here we are taxing them. I mean that is not fair.

So I am hoping that I get a lot of cosponsors for this bill, because there sure are a lot of youngsters around the country trying to assume responsibility for themselves.

I do not believe for 1 minute the President's approach that we are going to assume that every kid is going to grow up to be a smoke fiend, and if we do not do something quickly, we are going to have them developing all these bad habits; at the same time, we see the deterioration of the public educational system.

Also, I would like to mention very briefly another piece of legislation that would deal with this educational crisis. The Federal Government has been involved in our public schools for several decades. There is no evidence to show that, as we increase the funding and increase the bureaucracy, that there has been any improvement in education. Quite to the contrary, the exact opposite has happened.

So I would say there is a very good practical case. I know the constitutional argument does not mean much. But the practical case is there is no evidence that what we have done so far has been helpful.

I have another piece of legislation that would give $3,000 tax credit to every family for every child that they want to educate by themselves. So if they would spend any money on their child, whether they are in school or out of school, in private school, at home schooling, they would get this $3,000 credit. I hope my colleagues will take a look at these two pieces of legislation.

COMMEMORATING THE 83RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, today is the sad and solemn day on which we remember one of the greatest tragedies that humankind has witnessed. Today marks the 83rd anniversary of the Armenian genocide, the first genocide of the 20th Century.

I have come to the floor of the House to acknowledge the atrocities suffered by the Armenian people at the hands of the Ottoman Turks. On April 23, 1915, over 200 Armenian religious, political, and intellectual leaders were massacred in Turkey. Little did anyone know that April 23rd, 1915, would signify the beginning of a Turkish campaign to eliminate the Armenian people from the face of the earth.

Over the following 8 years, 1½ million Armenians perished. And more than 500,000 were exiled from their homes. Armenian civilization, one of the oldest civilizations, virtually ceased to exist. Of course, that was the Turkish plan.

Unfortunately, the Armenian genocide is not as well known in history today as it should be. Little attention was paid to this tragic episode in history by the victorious allied powers at the end of World War I or by historians since.

Thus, ignored by many, the valuable lessons which might have been learned from this Armenian genocide went largely unnoticed. If more attention had been centered on the slaughter of these innocent men, women, and children, perhaps the events of World War II, the Holocaust, might never have taken place.

As George Santayana reminds us, those who forget the past are condemned to repeat it. Perhaps this, above all, is the valuable lesson each of us must learn from the Armenian genocide.

As a result of the failure of some nations to acknowledge this horrible tragedy, the Turkish crimes have remained unpunished. An international court yet to condemn the holocaust of an entire nation, and this impunity has permitted the Turks to repeat similar crimes against the Greek inhabitants of Asia Minor, the Syrian Orthodox people, and, recently, people living in Cyprus.

However, despite the unmerciful efforts of the Turks, Armenian civilization lives on today. It lives on in the independent Republic of Armenia. And it lives on in communities throughout America, particularly from my home State of California.

Today, we honor the innocent Armenians who tragically lost their lives. Today, we acknowledge that the Ottoman Turks committed genocide against the Armenian people. Today, we demand that this undeniable fact be accounted for by the current leaders in Istanbul.

I look forward to the day when the world says in one united voice we remember the Armenian genocide. Until that day comes, I will continue to stand up here before the House of Representatives and remind all of us of our responsibility to learn from the past and our responsibility to prevent any such atrocities in the future.

COMMEMORATION OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. KNOLLENBERG) is recognized for 5 minutes.

Mr. KNOLLENBERG. Mr. Speaker, I join my colleagues in commemorating the Armenian genocide. I hope other Members of the House will join us in commemorating this 83rd anniversary.

The Oxford Dictionary defines the word "genocide" as, and I quote, "the deliberate extermination of a people or a nation." When most people hear this word, they immediately think of Adolf Hitler and his persecution of the Jews during World War II.

Most individuals that you meet on the street are unaware that the first genocide of the 20th Century occurred during World War I, and was perpetrated by the Ottoman Empire against the Armenian people. The tactics utilized by the Ottoman Empire were every bit as brutal and deliberate as those used by Hitler.

Concerned that the Armenian people would move to establish their own government, the Ottoman Empire embarked on a reign of terror that resulted in the massacre of over a million and a half Armenians.

This atrocious crime began on April 15, 1915, when the Ottoman Empire arrested, exiled, and eventually killed hundreds of Armenians; the religious, the political, and the intellectual leaders.

Once they had eliminated the Armenian people's leadership, they turned their attention to the Armenians that were serving in the Ottoman army. These soldiers were disarmed. They were placed in labor camps where they were either starved or were executed.

The Armenian people, lacking any political leadership, then were deprived of all of the young able-bodied men who could fight against the onslaught, were then deported from every region of Turkish Armenia.

The images of atrocities endured by these men and women are as graphic and as haunting as the ones that are etched in our minds from the Holocaust. Why, then, are so many people unaware of the Armenian genocide? I believe the answer can be found in the international communities; response to this disturbing event. Simply put, the unspeakable crimes against the Armenian people were essentially ignored.

At the end of World War I, those responsible for ordering and implementing the Armenian genocide were never brought to justice, and the world casually forgot about the pain and suffering inflicted upon the Armenian people. This proved to be a grave mistake.

In 1939, in a speech before his invasion of Poland, Hitler justified his brutal tactics with the infamous statement, "Who today remembers the Armenians." And 6 years after his speech, 6 million Jews have been exterminated by the Nazis. As has been repeated on the floor this evening already, never has the phrase, "those who forget the past will be destined to repeat it," been more true and more applicable.

If the international community had spoken out against this merciless slaughtering of the Armenian people instead of ignoring it, the horrors of the Holocaust might never have taken place.

As we commemorate the 83rd anniversary of the Armenian genocide, I believe it is time to give this event its rightful place in history. That is why we gather tonight to honor the memories of the victims of the genocide that occurred 83 years ago.

So let us pay homage to those who fell victim to their Ottoman oppressors and tell the story of the forgotten genocide, the forgotten genocide. For the sake of the Armenian heritage, it is a story that must be heard, and it must be remembered.

ARMENIAN GENOCIDE COMMEMORATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. MENENDEZ) is recognized for 5 minutes.

Mr. MENENDEZ. Mr. Speaker, as we have heard from some of our colleagues, we come again this year to the House floor to commemorate and pay tribute to the 1.5 million victims of the Armenian genocide. Some ask why 83 years later we continue this exercise. The answer in my mind is rather simple. By telling the history and evoking the names of the victims, we protect them and others who would willfully erase from history their lives and the tragic events which occurred between 1915 and 1923.

As with the Nazi Holocaust, the Irish Famine, and other atrocities, we have a responsibility to society to recount of the history of the Armenian genocide so that we do not forget its victims and so that we remember man's capacity to destroy others who differ in their opinions, their race, religion, or ethnicity.

Genocide is the most egregious of crimes. It is not a crime of passion or revenge, but of hate.

Since 1923, Turkey has denied the Armenian genocide, and there has been no justice, and no Nuremberg trials for the victims and the families of the Armenian genocide.

To those who continue to resist the truth, I can only believe that they had chosen to ignore the hard evidence or to indulge, to their shame, by ignoring the facts. Like the Holocaust, denying the Armenian genocide cannot erase the tragedy, the lives that were lost, or compensate for driving people from their homeland.

For the people of Armenia, the fight continues, particularly for those residing in Karabagh. I am hopeful that we will see the day when peace, stability, and prosperity are realized for the people of Karabagh, and for all Armenians.

For my part, I am hopeful that, through our continued efforts in the Congress, we can improve the lives of the Armenian people, continue to speak out for the human rights observers that, in fact, we hope for that part of the world, and continue to speak out against the atrocities that are continued to be committed by the Turkish Government. Certainly, we will continue to remember those who lost their lives and continue to commemorate this somber occasion.

Ralph Waldo Emerson tells us:

> The history of persecution is a history of endeavors to cheat nature, to make water run uphill, to twist a rope of sand. The martyr cannot be dishonored. Every lash inflicted is a tongue of fame; every prison a more illustrious abode; every burned book or house enlightens the world; every suppressed or expunged word reverberates through the earth from side to side. Hours of sanity and consideration are always arriving to communities as to individuals when truth is seen and martyrs are justified.

His words ring very true to us, Mr. Speaker, as we again commemorate the Armenian genocide.

PROPOSED SETTLEMENT FOR TOBACCO CONTROVERSY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. WHITFIELD) is recognized for 5 minutes.

Mr. WHITFIELD. Mr. Speaker, last summer, State attorneys general, representatives of health care groups, representatives from the White House, and the tobacco industry met to see if they could come up with a settlement of a tobacco controversy regarding teenage smoking.

After many hard hours of negotiation, and in fact, many days of negotiation, an agreement was reached, and the tobacco companies agreed that they would pay the sum of $368 billion every 25 years forever. In addition, they said that they would allow and agree that a health care agency, a third party, would set targets to reduce teenage smoking by a certain percent each year. If that target was not reached, the industry would pay $80 million for every one percentage point that the target was not met.

In addition, the industry agreed that it would pay $5 billion annually into a trust fund to take care of any court judgments obtained against the industry. In addition, the industry agreed that they would allow the Food and Drug Administration to regulate the tobacco industry, going far beyond the FDA regulations proposed by former FDA Commissioner David Kessler, in fact, going much further than had ever been recommended before. They agreed also that they would waive their constitutional right to advertise their product.

□ 1830

In addition they agreed, and this is really almost unheard of because every citizen in America has a right to petition the government, to lobby the government, but the industry agreed that they would also ban and eliminate the Tobacco Institute which was their lobbying arm.

They also agreed that, like today, any individual that is harmed by using a tobacco product would have the right to continue to sue the tobacco industry to obtain damages for any injuries that they suffered.

And so the health care groups, the State attorneys general, the White House, all of those groups received exactly what they wanted from the industry.

Now what did the industry want in return?

Well the industry said that they would simply like to have settled the 40 State lawsuits brought by State attorneys general under an innovative new legal theory of reimbursing States for Medicaid costs that they expended in treating Medicaid beneficiaries who received damages from using tobacco products, and that was agreed to. They said, "Okay, we'll settle these lawsuits, and some of the $368 billion that the industry is going to pay every 25 years forever will go to the States."

And so everyone left that settlement, and President Clinton said it was a great settlement, Vice President GORE said it was a great settlement, the tobacco industries were satisfied, the health care industries were satisfied, and even FDA Commissioner Kessler said that it represents the single most fundamental change in the history of tobacco control in any Nation of the world.

But yet when the bill started moving through the Senate, the administration changed their views, the health care industry changed their views, David Kessler changed his view, and they became greedy, to put it very bluntly. They wanted more. They had this industry on the run; they wanted more. And so I think they lost sight of the original goal, to reduce teenage smoking. They now wanted to punish an industry.

And under the McCain bill the $368 billion that the industry agreed to pay every 25 years forever went to $506 billion every 25 years forever. If the industry missed the targeted reduction, instead of paying $80 million per percentage point, they now under the McCain bill would be paying $240 million. And then, furthermore, the one thing that the industry received from it, immunity from these State lawsuits, they lost.

So it is not surprising that the tobacco industry said we are going to walk away from this agreement, and who could blame them really, because if the goal is to reduce teenage smoking there was plenty of money there. There was plenty of money to initiate programs to help teenagers reduce smoking. But as I said, people became greedy and they wanted to punish this industry, and so the whole thing has fallen apart.

And I would suggest to you today that the real problem facing teenagers is more the use of illegal drugs than tobacco.

I hope that we can retain some common sense and approach this problem to solve it, and I look forward to working with others in that effort.

DO NOT FORGET ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, like many of my colleagues, I rise today to remember the Armenian genocide of 83 years ago. We are asked why it is so important that we come to this floor and remember. We must remember to make sure that it never happens again, and we must remember because there is an organized effort to force us and convince us to forget.

Let us look back at the historical record. The American Ambassador to the Ottoman Empire was an eyewitness in 1919, and he recounts his discussion with Turkish authorities. He says in his memoirs, "When the Turkish authorities gave the orders for these deportations they were merely giving the death warrant to an entire race. They understood this well and in their conversations with me made no particular attempt to conceal this fact."

He went on to describe what he saw at the Euphrates River, and he said, as our eyes and ears in the Ottoman Empire in the year 1919 as a representative of the American government, "I have by no means told the most terrible details, for a complete narration of the sadistic orgies of which they, Armenian men and women, are victims can never be printed in an American publication. Whatever crimes the most perverted instincts of the human mind can devise, whatever refinements of persecution and injustice the most debased imagination can conceive, became the daily misfortune of the Armenian people."

As other speakers have pointed out, the first genocide of this century laid the foundation for the second genocide, and as a Jewish American I can never forget that 8 days before he invaded Poland Adolf Hitler turned to his inner circle and said, "Who today remembers the extermination of the Armenians?" The impunity with which the Turkish Government acted in annihilating the Armenian people emboldened Adolf Hitler to carry out the holocaust of the Jewish people.

And yet today there is an organized effort to expunge from our memory this genocide, and the focus is on the elites and academia.

I am a proud graduate of UCLA, and I would like to tell you a short story about my alma mater, for earlier this year and late last year UCLA considered the offer of over $1 million from the Turkish government, $1 million to be used to study Ottoman history, and it is important indeed that we study the history and culture and language of Turkey. But this $1 million gift came with strings attached, strings designed to make sure that the person who sat in that chair at UCLA would be a person selected by the Turkish Government to begin the process of covering up and concealing the Armenian genocide.

Now I am proud of many things at UCLA. I was there when Bill Walton led us to an NCAA championship. But I was never prouder of my alma mater than when UCLA said "no" to the $1 million. And now that same $1 million is being floated in front of the University of California at Berkeley and other institutions. I hope that academic institutions from one coast to the other will join in unison in saying America's academic integrity is not for sale; $1 million, $10 million will not buy the prestige of American universities and enlist them in the goal of denying the Armenian genocide.

Likewise, it is time for the State Department to go beyond shallow, hollow reminders and remembrances of this day and to use the word "genocide" in describing the genocide of the Armenian people at the hands of the Ottoman Turks.

You know the United States plays a unique role in the world today. Never before in history has a single Nation not only been the sole superpower but then accepted by all the other nations in the world as the sole superpower. We hold that position uncontested because other nations have allowed us. They have not joined in some sort of anti-American alliance but rather are happy to see America as the world's superpower. Why? Because our foreign policy is guided by morality.

Mr. Speaker, never again, never forget.

REMEMBERING THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROGAN) is recognized for 5 minutes.

Mr. ROGAN. Mr. Speaker, Haig Baronian of Glendale, California in my district can recite history like few historians can. He has lived it. Last year he told the Daily News of Los Angeles that he had seen his mother pulled away, never to be seen again. The story he has to tell is like those echoed in history books, college classrooms and town halls across the Nation. However, he did not live in Bosnia, Uganda, Cambodia or Nazi Germany. As a child Haig lived in Armenia.

Between 1915 and 1923 over 1 million Armenians, who had inhabited their homeland since the time of Christ, were displaced, deported, tortured and killed at the hands of the Ottoman Empire. Families were split, homes were destroyed, lives were torn apart. In the years since, officials from what is now Turkey have dismissed these charges as a mere civil war. But men like Mr. Baronian tell a different tale, and today I ask my colleagues to join me in remembering his family and his neighbors, and to seek justice so that future generations will never again face tragedy at the hands of their own government.

Mr. Speaker, as their friends and family were killed before them, nearly a million managed to escape and build new lives in the United States. Of these, nearly 100,000 Armenians now live in the Los Angeles area. What is inspiring to me is witnessing their climb from tragedy to triumph as dedicated, informed and prosperous members of our community. And while the story of Armenians in America is truly a success story, an injustice to friends, neighbors and to history still remains.

Every April 24 we in Congress gather to recognize the contributions of Armenian Americans and to remember the Armenian genocide. As we look to a new century we must be mindful of our dual obligation both to diplomacy and to justice. Like my colleagues, I rise today in the interests of justice, to call on humanity to put to rest one of the darkest episodes in history.

Mr. Speaker, for 10 years the Ottoman Empire tried to strip the Armenian people of their dignity, their property and their lives. What they failed to do was rob them of their soul and their will to survive and prosper.

In recognition of Haig Baronian and his fellow Armenians, both at home and abroad, who suffered at the hands of the Ottomans, I ask my colleagues to join me and for Congress to commit itself to the interest of justice and to the cause of peace. I ask that we remember the past so, as we have been warned before, we shall not be condemned to repeat it.

□ 1845

TRIBUTE TO NANCY OSTER, BARBIE DEUTSCH AND THE BREAST RESOURCE CENTER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, I rise today to pay tribute to a very brave woman from my district, Nancy Oster, and to a very special organization, the Breast Resource Center.

Nancy Oster is a survivor of breast cancer. As a survivor, she is an example and a symbol of courage and persistence. She was determined to do something about that life-changing event called breast cancer.

Another example of resolve and bravery, Barbie Deutsch, is in the gallery today. She is from my district, and I am honored to be speaking in her presence.

A few weeks ago, Nancy Oster came to visit me here in Washington while she was attending the celebration of survivors in conjunction with the Race For The Cure. Seeing her here, I was once again struck by her bravery and her caring nature, and energized by her commitment to the unique breast cancer collaborative community project that has emerged in Santa Barbara. And I want to pay tribute to that effort.

Nancy Oster is President of the Board of the Breast Resource Center of Santa Barbara. This organization came about after a group of women diagnosed with the disease found it very difficult to obtain critical and objective information.

Ideally, they wanted a friendly place where anyone impacted by a breast cancer diagnosis could come and find information about local and national resources, and also find access to what they described as a breast cancer grapevine. People who are willing to listen, to share experiences, and to offer a reassuring hand.

Their brainstorming session took place in 1996. Just 1 year later, the dreams of these courageous women came to fruition and the Santa Barbara Breast Resource Center was born. A cottage on Pueblo Street is the home for this special organization in Santa Barbara.

I have been at the cottage, and it is indeed a warm and inviting place. There is a pot of chicken soup on the stove; there is a little garden outside; there is access to the Internet. There are many books and pamphlets, comfortable couches, and most of all, caring and concerned people.

Dr. Susan Love, its medical director of the Breast Cancer Institute in Santa Barbara, serves as honorary chair of the Breast Resource Center. She was the driving force in the formation of this group, and in her words, information is power, which helps to dispel the fear and vulnerability of a breast cancer diagnosis. The Breast Resource Center provides the Santa Barbara community the access to that power.

The central coast of California is unique in that we have so much and such easily accessible support for those battling this disease. I hold Santa Barbara up as a model for communities all around the country. It provides wonderful resources for women who often feel like they have nowhere else to turn.

I am honored and humbled to be a partner in this effort and in this enterprise.

So, Mr. Speaker, I salute the Breast Cancer Institute, the Breast Resource Center, Nancy Oster, Barbie Deutsch, and all the other breast cancer survivors who carry on. They have taken what can be seen as a tragic circumstance and turned it into something real and something powerful. This is a community operating at its best, and I implore women all around the country to look to Santa Barbara and these special women for inspiration. I also implore those of us who are Members of this body, this House of Representatives, to take the inspiration of these women as motivation, as a call to action, to provide the resources to find a cure, resources for early diagnosis, for effective treatment.

We are partners with you, Barbie and Nancy, and those of you in the Breast Resource Center. I salute you, and I thank you for leading the way.

COMMEMORATION OF THE 83RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PORTER) is recognized for 5 minutes.

Mr. PORTER. Mr. Speaker, today I come to the floor again to commemorate the anniversary of one of the darkest stains on the history of Western civilization, the genocide of the Armenian people by the Ottoman Turkish Empire. I greatly appreciate the strong support of so many of our colleagues in this effort, especially that of the gentleman from New Jersey (Mr. PALLONE) my fellow cochairman of the Armenian Issues Caucus.

I commend the gentleman for arranging this evening and for his continued dedication to these vitally important issues.

Mr. Speaker, there is not a single Member here who wishes that we did not have to have this special order. We would like to believe that such a tragedy could have never happened, because it is painful to accept that man is capable of perpetuating and tolerating such atrocities. Unfortunately, however, we have seen over and over the tragic results of hatred and ignorance; the Holocaust, ethnic cleansing in the former Yugoslavia, the Rwandan genocide. And too often, the so-called civilized nations of the world have turned a blind eye.

On April 24th, 1915, over 200 Armenian religious, political, and intellectual leaders were arrested in Istanbul and killed, marking the beginning of an 8-year campaign, which resulted in the destruction of the ethnic Armenian community, which had previously lived in Anatolia, in western Armenia. Between 1915 and 1923, approximately 1.5 million Armenians were killed, and more than 500,000 were exiled.

The U.S. Government was aware of what was happening during these tragic years. The U.S. Ambassador to the Ottoman Empire, Henry Morgenthau, Sr., sent back graphic descriptions of death marches and mass killings. Other Western diplomats did the same.

Although the U.S. and others voiced concerns about the atrocities and sent humanitarian assistance, little was actually done to stop the massacres. The Armenian genocide was the first genocide of the modern age and has been recognized as a precursor of subsequent attempts to destroy a race through an official systematic effort.

We must call this what it was, genocide, and we must never forget that it happened. Congress has consistently demanded recognition of the historical fact of the Armenian genocide. Unfortunately, the same cannot be said for our executive branch.

The modern German Government, although not itself responsible for the horrors of the Holocaust, has taken responsibility for it and apologized for it. Yet the modern Turkish Government continues to deny that the Armenian genocide ever happened. Moreover, they have chosen to attack the messengers with smear campaigns and misinformation, rather than facing historical facts. A number of Members of Congress have been called names and accused of lying and treachery by the Turkish media for simply speaking the truth.

Turkish refusal to acknowledge historical facts fits the pattern of denial that, unfortunately, we have come to expect; denial of torture, denial of repression of minorities, denial of political repression, denial of high-level corruption.

Recently, however, some Turkish officials have realized that the only way Turkey can cement her position in the community of democratic nations is to admit these problems and deal with them.

There is finally a national dialogue in Turkey about these human rights abuses. I have yet, however, to witness a change in rhetoric about the Armenian genocide. I hope that the fact that Turkey and Armenia may begin direct bilateral discussions to improve relations will signal real substantive change.

Armenia and the Armenians will remain vigilant to assure that this tragic history is not repeated. The United States should do all it can in this regard as well, including a clear message about the historical fact of the Armenian genocide.

I call on President Clinton to have the courage to speak plainly about what happened 83 years ago. We do Turkey no favors by facilitating her self-delusion, and we make ourselves hypocrites when we fail to sound the alarm on the human rights abuses occurring in Turkey, a close American ally today.

Armenia has made amazing progression in rebuilding a society and a Nation, a triumph of the human spirit in the face of dramatic obstacles. Armenia is committed to democracy, market economics, and the rule of law, as evidenced by the recent peaceful free and successful Presidential elections.

The time has come to recognize the history of the region, to admit the truth of the Armenian genocide, and to bring the nations and peoples together to live in peace and with a commitment that never again will an atrocity such as this be allowed to occur.

TRIBUTE TO THE LATE HONORABLE BELLA ABZUG

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, along with the gentleman from New York (Mr. NADLER), I am due later to cosponsor a special order for Bella Abzug, who died last week. I will need to be in my district for an event, and wanted to offer these 5 minutes of commemoration at this time.

When I heard that Bella was dead, I immediately said something close to, "Well, she can't die. She doesn't die. Bella doesn't do things like that."

I think this was my spontaneous reaction, because Bella seemed to many of us incapable of dying. There was so much life there, we felt that by the time she was to die, there would simply be leftover life. In the permanence of the memory of her life and times there, of course, is leftover life.

Feminists will compete with the other great causes of Bella's time for entitlement to her energetic legacy, for Bella's feminism owed as much to her universal sense of justice as to her gender.

Bella has been called, "The bravest, smartest, brightest progressive of our generation," and I think that the vote in the House where she served would not be close on that one. Civil liberties and the antiwar movement, civil rights and the environment, economic justice and the labor movement, Bella did not simply taste the great social movements of her time; she drank deeply, more often than not after being among the first to pour the energy into them that started their growth in the first place.

Every new movement needs a Bella. Few get them. The second feminist revolution got Bella, and Bella is just what feminism needed then. Women had been patronized and placated for so long in this country, they needed a woman who could not be ignored.

Bella of the Bronx, in case you had not noticed; Bella, daughter of the live-and-let-live meat market; Bella, who learned to live by the opposite credo; Bella was a force that spread through this House and has made it never the same since.

Then there were 10; now we are 55. Today we celebrated three new women who bring us to 55 strong. Bella so filled the place, there must be some who cannot even tell that our numbers have grown since she left; so large was her impact that those three short terms beginning in 1970 seemed not to have ended.

After Bella left, she showed she did not need this House to have impact. While she was here though, she brought her causes to the House floor, and often made them law, from the resolution to withdraw from Vietnam introduced on her first day in the House, to her place as the first to call for the impeachment of Richard Nixon.

Make no mistake, Bella was a legislature par excellence and a procedural expert in this House. She coauthored the Freedom of Information Act and the Privacy Act, bringing into law her lifelong crusade against the excesses of the FBI and the CIA, and the prominent battle for which she will always be remembered, of course, the Equal Rights Amendment.

Once Bella got in, they could not get her out, so they redistricted her out. Her State came within 1 percent of getting her in the Senate, however.

For many women who serve in the House, Bella's place will always be in the House and in our hearts.

If the truth be told, however, Bella, the outsider, never came fully into this House or any part of the establishment. For public officials today, this capacity not to take your official self so seriously that you lose sight of the outside causes that sent you here in the first place may be the most valuable legacy of her service in this place.

If we remember only that part of her fact legacy, all of us who serve here will serve better, and all of us who seek to be better public servants shall have found in her an important guiding principle left over from Bella's abundant life.

□ 1900

REMEMBERING THE GENOCIDE OF THE ARMENIAN PEOPLE

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

Mr. BILIRAKIS. Mr. Speaker, I, too, rise today to remember one of the most appalling events in human history, the genocide of the Armenian people.

It shames and saddens me to say that the human race is no stranger to genocide: the great purges in Russia, during which Stalin methodically killed millions of Russians; the Holocaust, in which 6 million Jews were systematically slaughtered by the Nazis; and less well known but certainly just as significant, the Armenian genocide, in which 1.5 million Armenians were exterminated by the Ottoman Turks.

I feel a special kinship to the Armenian people. As many know, I am of Greek descent and my ancestors, too, suffered at the hands of the Ottoman Turks. In fact, this past March 25, my colleague, the gentlewoman from New York (Mrs. CAROLYN MALONEY) and I conducted a special order to celebrate Greek Independence Day.

On that day, 177 years ago, the Greeks mounted a revolution which eventually freed them from the tyranny of the Ottoman Empire. Unfortunately, the Armenians were not as fortunate as their Greek brothers and sisters. Between 1915 and 1923, one and one-half million Armenians were murdered, and hundreds of thousands were driven from their homes by the Ottoman Turks.

Today I want to acknowledge this tragedy and remember those Armenians who lost their lives. As citizens of a Nation that celebrates the strength of its diversity, we should always remember those dark moments in history where people were persecuted because they were different.

Mr. Speaker, there is an unfortunate tendency to forget these horrific tragedies and bury them in the past. However, it is only through the painful process of acknowledging and remembering that we could keep similar dark moments from happening in the future.

I thank the gentleman from Illinois (Mr. PORTER) and the gentleman from New Jersey (Mr. PALLONE), the cochairs of the Congressional Caucus on Armenian Issues, for helping us do that.

THE CENSUS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

THE ARMENIAN GENOCIDE

Mrs. MALONEY of New York. Mr. Speaker, I rise to put on the record my statement on the Armenian genocide on its 83rd anniversary. As we stand here on the floor now, the Armenian National Committee is hosting a meeting with Members of Congress to remember the genocide and to take action to make sure that it becomes part of the history of the world and is recognized.

Mr. Speaker, I would like to take this opportunity to commend the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Illinois (Mr. PORTER), who are co-chairs of the Armenian Caucus, for all of their hard work on this issue and other human rights issues.

Mr. Speaker, I want to talk about a very important point, and that is getting a fair and accurate census, one that counts every American.

There has been a lot of rhetoric about the Census Monitoring Board floating around. Once again, there has been little connection between that rhetoric and reality. I hope to set the record straight by discussing the facts of the situation and not the mythology the opponents of a fair census are trying to create.

Mr. Speaker, my colleagues who oppose a fair and accurate census, who repeatedly call for spending billions more to assure that the inaccuracies of the past are repeated, have criticized the President for appointing a couple of, and I use their quotes, "political hit men" to the Census Monitoring Board set up in the 1998 appropriations bill. These appointments, they claim, show that the President is really interested in politics, not in science.

The facts argue that just the opposite is true. The President has put forward a plan for the 2000 Census based on science, not politics. The opponents of that plan know they cannot win a debate on the merits, so they have tried to smear the President and the Census Bureau with innuendo.

The President appointed politicians to the Census Monitoring Board because, from the outset, it has been clear that the board was a political entity. The President appointed politicians to counter the politicians appointed by the Republicans. It is clear that, from the beginning, the new leadership intended this board to be political.

Let us look at the facts. When the board first appeared in language drafted by the Republican leadership during the negotiations over the 1998 budget, it had four Republican appointees and just two Democratic appointees. That sounds rather partisan and slanted to me. At the same time, they tried to give the board subpoena power, congressional printing authority, and a host of other functions. In fact, they designed the board to look very much like a House committee, where they could control the rules of the game. In other words, they tried to create a political entity.

We are fortunate that the President refused to accept such a blatantly partisan board. Even after the President forced the Republican leadership to accept a board that had four Republican appointees and four Democratic appointees, the Republican leadership wanted the board to operate with a quorum of four.

Mr. Speaker, I would like Members to stop and think about what that means. A quorum of four would allow the four Republican appointees to meet without including a single Democrat. Is that partisan? Does that tell us what their agenda is? I think it does.

The Republican leadership at every turn has signaled that this monitoring board is nothing but a political entity. The President has responded to these signals in the only rational way possible. When the Speaker of the House and the Majority Leader of the Senate appointed board members with political rather than scientific credentials, the President did likewise.

What is different is that the President has a strong record on the science of this issue, and the Republican leadership does not. The President called on the National Academy of Sciences for advice. The Republican leadership has ridiculed the Academy as political because it does not like their scientific judgment. The President continues to seek the advice of experts through the National Academy of Sciences and through advisory committees. The Republican leadership continues to fret about what a fair and accurate census might do to their attempts to manipulate the redistricting process.

Right now, the Census Monitoring Board is a political entity because the Republican leadership made it that way. But it does not have to continue in that vein. Let me put forward four principles that, if adopted, could make the monitoring board a bipartisan operation.

First, all personnel hired to work for the monitoring board other than the executive directors, have to be hired with the agreement of both executive directors.

Second, all work done by board employees has to be approved by both executive directors.

Third, any press release, publication, or statement attributed to the board has to have the approval of both chairs before released.

Fourth, any funds expended by the board have to be approved by the two chairs.

If the Republican appointees on the Board will agree to these four principles, the board can proceed in a bipartisan manner.

If they refuse to agree with these principles, it is a clear indication that their agenda is to conduct partisan political activities and try to use the monitoring board to legitimize their partisan agenda.

I ask the Chairman of the Census Subcommittee to join me in calling for the Census Monitoring Board to accept these four principles.

His willingness to join me in supporting these principles will also send a signal that he too is interested in fact and not fiction.

LET US REMEMBER THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HORN) is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, as we near the dawn of a new millennium, many people have begun reviewing the events of the past 1,000 years. In the year 1000, Europe was only just beginning to rise from the Dark Ages, but the advances of the enlightenment were still centuries away. Life was still brutish and short, marked by random violence and terrible purges from time to time. We like to look at history and see a steady improvement in the condition of mankind. We would prefer to believe that humanity today bears little resemblance to the near barbarism that marked the last millennial change.

Sadly, as we narrow our focus and look back at the 20th century, we see that many of the horrors that marked the 10th and 11th centuries still exist in our world. This century has seen horrors on a scale that even the cruelest leaders of the beginning of this millennium could not have imagined. More than 100 million people have been savagely murdered in this century. It is disheartening that many in the present day continue to hide or diminish these events of sheer terror.

In our lifetime, we have seen the genocide of Stalin, of Mao, of Hitler, of Pol Pot, and a large number of lesser known despots; the Nazi Holocaust against the Jews.

The practice of genocide certainly was rooted in the efforts of the Turks to destroy the Armenian people 83 years ago. At that time, the Ottoman Empire began a movement that would ultimately kill more than 1.5 million Armenians, and it left deep scars upon those who survived, scars that continue to exist today.

What is so disheartening is that not only did this awful travesty occur but today the effort to cover it up or diminish this awful event continues. Mankind is capable of forgiveness, but it requires an acknowledgment by the guilty party of that guilt and a desire for contrition. Unfortunately, the government of Turkey wants to escape its guilty by blaming the Ottomans and has made no effort at reconciliation.

Mr. Speaker, Turkey not only denies responsibility for its past action but has continued efforts to cause hardship in Armenia by blocking U.S. assistance from reaching Armenia and generally trying to obstruct closer relations between the United States and Armenia. Turkey is our ally and has helped further the security of the United States and Europe. It would be unfair to leave this unacknowledged. But it would also be unfair to ignore a serious issue that does affect our mutual relations.

By accepting its responsibility, Turkey can help show that, while horrible events still take place, mankind has advanced to the point that we acknowledge and atone for these awful actions.

Mr. Speaker, I want to extend my appreciation to the Members of this body who have done so much to prevent the world from forgetting the atrocities of 83 years ago, and to the many Armenian American organizations throughout the Nation, and in particular California, for their good work on behalf of the Armenian American community and to foster closer ties between the United States and Armenia.

Let us remember. Let us never forget.

RECOGNIZING THE SACRIFICE OF THE CREW OF THE U.S.S. INDIANAPOLIS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON. Mr. Speaker, today several of my colleagues and I join 12-year-old Hunter Scott in his outstanding efforts to correct an injustice dealt to the skipper and crew of a World War II battle cruiser. The U.S.S. *Indianapolis* was torpedoed and sunk just before the end of the war, in the U.S. Navy's worst disaster at sea.

Hunter Scott, a 7th grader at Ransom Middle School of Cantonment, Florida, researched the story of the U.S.S. *Indianapolis* as a school history project. This week, today, he came to Washington to ask Congress to exonerate Charles McVay, the ship's captain, who was court-martialed for the loss of the ship.

Hunter has been able to do what adults have been unable to do for 53 years. He has drawn attention to the story of the *Indianapolis*, and now we are preparing to give the crew and captain of the ship the recognition that they so rightfully deserve.

The U.S.S. *Indianapolis* was sunk by a Japanese submarine in 1945 after delivering the components of the atom bomb to Tinian Island in the Pacific. Only 316 of the 1,916 soldiers who served on the U.S.S. *Indianapolis* survived to be rescued.

The crew was adrift at sea without lifeboats, food, or water for 4½ days. More than 500 were eaten by sharks or succumbed to injuries or the elements. During this time, the failure of the ship to arrive in port at the Philippines went totally unnoticed. The ship's Captain, Charles B. McVay III, was convicted in a 1946 court-martial. He was the first U.S. naval officer ever to be tried and convicted following the loss of his ship in combat. McVay committed suicide in 1968.

Captain McVay's conviction was based on the fact that he failed to zigzag the ship, but his superiors never gave him information that a Japanese submarine was patrolling the area. In addition, the Japanese captain of the submarine said before the trial that he would have sunk the ship even if it had been zigzagging.

Evidence suggests that the Navy made McVay a scapegoat for the embarrassing loss of the ship and tragic death of most of the crew. Because McVay's court-martial severely tarnished the ship's reputation, the crew of the *Indianapolis* has gone without recognition for 53 years.

Today, my colleague and I introduced legislation to reverse this injustice to Captain McVay and the crew of the U.S.S. *Indianapolis*. The enactment of the bill would exonerate Captain McVay of the responsibility for sinking the U.S.S. *Indianapolis*. It would express the sense of Congress that the court-martial conviction of McVay was a grave injustice. It urges the President to grant a posthumous pardon to Captain McVay and expresses the sense of Congress that the President not only award a Presidential Unit Citation to the crew of the U.S.S. *Indianapolis* in recognition of their courage and fortitude but it waives any time limit applicable to such a situation.

Twelve of the survivors of the sinking of the U.S.S. *Indianapolis* came to Washington to join Hunter in his crusade. After the ship sank, they endured almost 5 days adrift in shark-infested waters, where two-thirds of their shipmates perished from shark attacks, hunger, thirst, and exposure.

Let us, at long last, understand that justice delayed is justice denied and recognize in a very patriotic fashion the kind of sacrifices that were rendered at that particular time.

□ 1915

The Walt Disney Channel on Sunday has a very special and unique presentation about the *U.S.S. Indianapolis*.

THE THIRD CONGRESSIONAL DISTRICT OF MASSACHUSETTS REMEMBERS ARMENIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. McGOVERN) is recognized for 5 minutes.

Mr. McGOVERN. Mr. Speaker, last year on April 25th, 1997, I attended a remembrance for the 1½ million men, women, and children who were persecuted by the Turkish Ottoman government and who perished during 1915 to 1923. The commemoration, held at the Worcester City Hall in Worcester, Massachusetts, honored the 60 survivors of the Armenian Genocide who are still living and residing in the Third Congressional District of Massachusetts. I had the privilege of meeting 14 of them, and nothing I can express will ever compare to their words or memories.

In the past year I have had the privilege to meet with many Armenian Americans in discussions not only about Armenia, but also on how to strengthen our communities, our schools, our health care, and the welfare of our children. I have learned a great deal from the Armenian community in central Massachusetts and I hope that they will continue to share with me their views and their insights.

I also had the opportunity to spend a memorable afternoon at the Armenian Youth Federation Summer Camp in Franklin, Massachusetts, also in my district. There I met and spoke with young Armenian Americans who come to this camp from all around the country. It is clear that the sons and daughters of Armenian heritage will continue to speak about their family's history and tragedy, and they will greatly enhance life in America with their spirit, intelligence and humor.

It is as much out of my respect for them, these young people, that I feel privileged to add my voice to today's commemoration of the Armenian Genocide.

Every year we gather not just to honor and commemorate the victims, but to stand witness and declare that we will never forget this horrific tragedy. What happened during those years was more than just a series of massacres carried out by the Turkish Government during a time of instability, revolution and war. Whole communities were wiped off the face of the map. Over 1½ million men, women, and children were deported, forced into slave labor, tortured and exterminated by the Ottoman Government of Turkey.

It was deliberate. Millions of Armenians were systemically uprooted from their homeland of 3,000 years and eliminated through massacres and exile. It was a carefully executed plan of extermination. It was the first example of genocide in the 20th century, and it was the precursor to the Nazi Holocaust and the other cases of ethnic cleansing and mass extermination that are the nightmares that haunt and characterize our own times.

Unlike Germany, the Government of Turkey, however, has never acknowledged its attempted annihilation of Armenians. Instead, successive Turkish governments have engaged in a global campaign of denial and historical revisionism.

Mr. Speaker, this is why we must remember, why we must always remember. This is why we must speak out, why we must always speak out. To forget history dishonors the victims and the survivors of the Armenian Genocide, and it encourages tyrants everywhere to believe that they can kill with impunity.

Over 30 nations, from Australia to Russia to Lebanon, have adopted resolutions officially recognizing the Armenian Genocide. Earlier this month the Senate in Brussels, Belgium, approved a resolution recognizing and commemorating the Armenian Genocide.

Mr. Speaker, as an American and a Member of Congress, I am profoundly angry that the United States of America has yet to recognize the actions taken by the Turkish Government between 1894 and 1923 as acts of genocide against the Armenian people. What other name could we possibly give to actions that reduced the Armenian population in the Ottoman Empire from 2,500,000 souls at the beginning of World War I to the fewer than 80,000 who remain today inside of Turkey? Yet every year the administration fails to acknowledge that a genocide took place in order to appease our Turkish allies.

As a Member of the Congressional Caucus on Armenia, I am a proud cosponsor of H. Con. Res. 55, legislation that honors the victims and survivors of the Armenian Genocide, and calls upon the United States Government to recognize the genocide and encourage the Republic of Turkey to acknowledge and commemorate the atrocity carried out against the Armenian people.

As a Member of that caucus, I work with my congressional colleagues to strengthen support and assistance to the people of Armenia; to support the Democratic process and elections recently held in Armenia; and to support and aid the Armenians of Nagorno-Karabagh who must daily confront the hostility and violence of Azerbaijan and the threat of another genocide.

Mr. Speaker, on behalf of the 1,400 Armenian families who reside in my district, I will continue to work and speak on these issues in the 105th Congress. I will continue to honor the memory of the survivors of the Armenian Genocide, and I will continue to work for the freedom and human rights of Armenians everywhere.

I thank my colleagues, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Illinois (Mr. PORTER), for their leadership on Armenian issues and for coordinating these special orders today.

CRISIS IN AMERICAN EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MCCOLLUM) is recognized for 5 minutes.

Mr. MCCOLLUM. Mr. Speaker, last Sunday, April 19th, there appeared on the front page of the Orlando Sentinel, my hometown newspaper, an extraordinary article with an extraordinary insight into the nature and the scope of the problem with public education that we are facing in the United States.

I think that this is an article which should be read by all of our colleagues, and I call it to our colleagues's attention.

I also at this time, so that I do not forget to do it later, although I am going to be referring to this liberally, would like ask that the entire text of this article and the accompanying text of a teacher's diary, an insert on the front page of this newspaper, be introduced into the RECORD following my remarks today.

Mr. Speaker, back a couple of years ago, the Florida legislature passed a law requiring that every student who graduates from high school in the State of Florida had to have a 2.0 average throughout their high school studies. A 2.0 on a four-point scale means a C average. My colleagues might be surprised to learn that somebody would have to have a C average to graduate. Before that they only had to have a 1.5, and my colleagues would not believe the uproar that it has caused in our school system, but it has.

At exactly the same time the legislature said we are also going to say that what counts for C is a 70 on a scoring sheet of paper when students take a test, no longer a 65. So they have to have a 70 get a C and they have to have a C average to graduate.

Here is what this newspaper article found after a year or so of operation of this law. This article entitled, "Thousands continue to fall short," by Mike Berry says,

> First semester grades for the Class of 2000 are in and they show that a third of central Florida's sophomores are in serious trouble and on a path that would keep them from graduating. Schools have been struggling for a year and a half to find ways to rescue these kids. But the latest grades show that very few have been able to turn things around. More than 7,000 students remain on the brink of failure. If that weren't bad enough, the new freshman class is doing worse than last year's freshmen. More than 11,000 kids have D or F averages. That's 40 percent of the class.

The article goes on to say that,

> At Leesburg High, Principal Wayne McLeod expects half of his freshman class to drop out. A large number of them have a special problem: They cannot read. Many simply cannot fathom the concept of a textbook. Forty percent of the freshmen are years behind where they should be.

Berry goes on to say,

> These kinds of problems are not new. The truth is that schools have been graduating kids who can't read for years. In Florida, one of every four freshmen entering a college or a university needs some kind of remedial help. And though educators and legislators have been talking about the 2.0 rule for a couple of years, there still is no comprehensive plan for a way to turn things around. That is being left up to individual schools. At the district level, officials only now are starting to talk about overall strategy.
>
> Last year you could have filled the lower bowl of Orlando Arena with Central Florida freshmen who couldn't make a 2.0. This year, the first that the rule applies to every student, you could fill the entire arena and still leave another 6,000 standing outside.

"Students who earn more than 24 credits can drop their lowest grade" in some of these schools, Berry says. "There are classes without tests. There are sessions where kids get one-on-one attention." But regardless of what the teachers do, these kids still don't have a 2.0 average.

The question he poses is: Who is to blame for this? And we can go through a lot of hand-wringing. Obviously, we know there are problems with the schools themselves, but there are also problems with the kids and there are problems with the parents and their involvement.

"Regardless of what teachers do, too many kids," he says, "care only about their lives outside the classroom. One Oak Ridge math teacher, Cherry Jones, struggles to teach multiplication, only to hear kids respond, 'Why? I've got a calculator.'" And another surprise these days is the attitude of some parents. They don't care either.

But, Mr. Speaker, I thought the most interesting point of all about this came from a diary that accompanied this text and this article by an English teacher in Central Florida, and I am just going to quote a little bit of what she had to say. This is one day's entry.

> Today I gave a test. As always, the students were allowed to use their notes. The way I see it, I serve them better by honing their note-taking and comprehension skills as opposed to memorization skills. I have been giving open-note tests since day one.
>
> Even so, every time I lecture I have to remind them to copy what I write on the board. They have been in class for 150 days. When will they catch on that it will be beneficial to have notes?
>
> Last week I put a note on the board about when the test would be. Every day since, I reminded them. Yesterday, I gave them a list of topics that would be covered. Last night I put a reminder on my homework hotline.
>
> Apparently, I speak a different language than they do because a quarter of them came in this morning and said, "We have a test today? You didn't tell us we had a test today! Can we use our notes?"
>
> Now it's 8 o'clock and I've just finished grading the test. My spouse has gone into the other room, tired of hearing me yell, "How many times did we go over this?" as I drew a line through another wrong answer.
>
> More frustrating than the students who answered incorrectly were the ones who don't even attempt an answer.

We have got a major problem with education in this country this is only illustrative of this problem, but I commend my colleagues to read the whole text of this article and the diary because it does give an insight we do not get anywhere else.

[From the Orlando Sentinel Online]

THOUSANDS CONTINUE TO FALL SHORT

(By Mike Berry)

First-semester grades for the Class of 2000 are in and they show that a third of Central Florida's sophomores are in serious trouble and on a path that would keep them from graduating.

Schools have been struggling for a year and a half to find ways to rescue these kids. But the latest grades show that very few have been able to turn things around. More than 7,000 students remain on the brink of failure.

If that weren't bad enough, the new freshman class is doing worse than last year's freshmen. More than 11,000 kids from five Central Florida counties have D or F averages. That's 40 percent of the class.

Under standards that applied to most freshman for the first time last year, these kids will need C averages to graduate.

Florida's get-tough standards

The reality is that they cannot meet the most basic standards. Despite numerous remediation programs, schools just don't know how many kids will graduate.

Number of Students below 2.0 GPA at the end of the first semester '97–'98

Last year, educators in large part were talking the company line: If you raise the bar, the kids will meet it.

But the numbers are daunting. There is great uncertainty. More teachers and administrators are acknowledging how tough things really are.

Here are some of the signs:

In 23 of 39 Central Florida public high schools, the percentage of incoming freshmen making D's and F's increased this year. At 19 schools, more than 40 percent of freshmen can't muster a 2.0 on a 4.0 grading scale. At four of those schools, half of the freshman class can't cut it.

In Lake County, where four of every 10 freshmen have D or F averages, officials are rushing to set up alternative schools to help at least some at-risk kids graduate. Lake officials said they've made the decision because of research by The Orlando Sentinel showing that schools aren't coping with the crush of student failure.

Although grades for sophomores improved a bit from last year, one of every three 10th-graders still is in trouble. The schools are working to help failing kids, but there clearly is no quick fix.

There are 5,490 juniors and seniors below a 2.0. They, too, must meet that standard for their last years of school. Borderline seniors won't know until a few days before graduation whether they'll get diplomas.

Lump them all together, and the number of kids at risk is accumulating at a frightening pace.

A year ago, schools were concerned with 7,311 freshmen who couldn't manage passing grades. Now they must try to help 24,000 who aren't making it.

At some schools, officials say they're not worried, that students tend to do better as they get older.

In Volusia County, for instance, high school services coordinator Tim Egnor found many historically had begun high school with abysmal grades.

"If past history has any accuracy whatsoever, this just won't be that big a deal," Egnor said. "It always looks really ugly up front, but . . . four years later there's always been dramatic improvement."

THE HARSH REALITY

But the bottom line is this: When kids needed a 1.5 grade-point average to graduate, about one in four didn't make it. Now, there is an even tougher standard, and no one knows how many more might fall by the wayside.

Many teachers feel besieged. They say they are facing ill-equipped, often uninterested kids they just didn't see 10 years ago.

Florida's new get-tough rules say every student must have a 2.0 cumulative grade-point average—a C—to get a diploma. Every time a kid gets a 1.5 in one class, he has to do better than 2.0 in other classes to improve his average.

But as kids get older, they have less time to pull up their grades. At the same time, the grading scale has gotten tougher. Now, kids have to get a 70 for a D. The cutoff used to be 65.

Many among the current crop aren't going to make it, or they'll spend six years in high school, or they'll get a certificate of completion, which means they went to school but never got a diploma.

And that doesn't point to a bright future. Without diplomas, kids cannot get into college. They cannot compete for the best jobs.

And so there is pessimism.

At Leesburg High, Principal Wayne McLeod expects half of his freshman class to drop out. A large number of them have a special problem: They cannot read.

Many simply cannot fathom the contents of a textbook. Forty percent of the freshman are years behind where they should be.

Lake School Board member Mary Fletcher, a former teacher, remembers her shock when she returned to Leesburg High. "I assigned a classic to the class," she said, "and one girl raised her hand to protest: 'I don't do reading.'"

One indication of the problem is that Lake County held back many more freshmen this year than the year before, but that didn't do much to help the percentage of sophomores below 2.0.

Who's to blame? Everyone points a finger, either at high schools for doing a bad job, or at middle and elementary schools for passing along kids who should be held back, or at parents.

What is clear is that thousands of kids just aren't ready.

Oak Ridge High freshman Michael Petty got A's in middle school. Now, he is struggling with a 1.25 grade-point average.

"In math class last year, the only real work was graphing. When we came here and went straight to doing equations, it was like, 'Equations? I don't know how to do any of this.'"

Making things worse, many kids are living in a dream world. School, they think, has no connection with their lives. They just want jobs so they can get cars.

Many simply won't show up: "These kids will not come to class," McLeod said. "They will not do a bit of work when they do come. We need to fail them."

Parents are scared. Don Peplow, parent of a Lake Mary High junior, said he is afraid too many students below a 2.0 are going to give up. D students can't suddenly be expected to start making B's and A's, he said.

"They're going to say, 'Screw it. Why bother?'" Peplow said. "That's what really gets me."

A BLEAK OUTLOOK

These kinds of problems are not new. The truth is that schools have been graduating kids who can't read for years. In Florida, one of every four freshmen entering a college or a university needs some kind of remedial help.

And though educators and legislators have been talking about the 2.0 rule for a couple of years, there still is no comprehensive plan for a way to turn things around.

That is being left up to individual schools. At the district level, officials only now are starting to talk about overall strategy.

In Lake County, "we are absolutely still developing a program," Superintendent Jerry Smith said.

For 10th-graders who did very poorly last year, Lake has special programs. But only 60 kids at each high school can get in.

In Osceola County's Gateway High, where 40 percent of the Class of 2000 is below 2.0, the dropout prevention program was dumped two years ago.

A few miles west, at Poinciana High, there is a seventh-period class for extra help. But it only works for kids with transportation because it ends more than an hour after the last bus has gone.

Most remedial programs deal with small groups, so teachers can work closely with the kids. And that means they are expensive.

To try to buck that trend, Colonial High tries to find a mentor for every kid in trouble.

Social studies teacher Dee Libonati recognized that Jeffrey Cope needed help. Jeffrey is bright and conscientious, but he lost interest and got behind. She offered to meet regularly with him before school.

"You gave me a lot of encouragement," he told her. "You always checked up on me."

Jeffrey is doing a lot better. But the bad news is that there are almost 600 underclassmen at Colonial alone who need help.

What has been left out of the discussion of "raising the bar" is this: How long it will take before results begin to show?

"We knew we were in for a long-term fight. But we have to start somewhere," said Frank Brogan, state education commissioner.

"We were always very careful to point out that you cannot take a freshman already two grade levels below his peers and in six months see that student catch fire."

Nevertheless, the new rules affect thousands of kids who would have graduated under the old system.

Last year, you could have filled the lower bowl of Orlando Arena with Central Florida freshmen who couldn't make a 2.0. This year, the first that the rule applies to every student, you could fill the entire arena and leave another 6,000 standing outside.

Jennifer Reeves, a senior director for Orange County schools, thinks it was a mistake to impose the 2.0 requirement all at once, instead of phasing it in.

"It wasn't our decision. I wouldn't have done it that way. It was a lot to throw at kids. It's a feel-good thing: 'We're going to be tough.'"

Caesar Campana, who teaches freshman English at Orange County's Edgewater High, isn't surprised at the poor showing.

"On top of the 2.0, we're asking our students to pass a year of algebra I, and this is difficult for a lot of our students."

"They say, raise the bar. I love that. It's like taking a kid in a weight room who can't bench press 200 pounds, and saying, 'I'm going to make you stronger. So you have to bench press 300 pounds.'"

UNINTERESTED AUDIENCE

As difficult as the task is, schools are feeling great pressure to get kids through. There is remediation, tutoring, night school.

In Volusia County, they've held pep rallies to fire kids up about studying harder. Some schools sent letters home to parents. Some offer alternative classes that award more credits in less time.

Students who earn more than 24 credits can drop their lowest grade. There are classes without tests. There are sessions where kids get one-on-one attention.

At Lake County's Eustis High, Lino Santos, 17, has done well in a special class for 10th-graders.

"I used to be a D student," he said, "and now I am pretty much an A and B student."

Here, the work is simpler. "It is much easier," said Crystal Edge, 15, another Eustis High 10th-grader.

And that may be a mixed bag.

"There are some days when I feel this is great. If kids don't get their diploma, what will they be doing? This keeps them in school," said Skellie Morris, who teaches at Tavares High.

"But maybe we are giving them the easy way out."

Yet, it's not just a matter of finding something that works. Regardless of what teachers do, too many kids care only about their lives outside the classroom.

At Oak Ridge High, Assistant Principal Susan Storch said some kids are far more concerned about having good jobs and cars.

"Their future is Friday night," Storch said.

Oak Ridge math teacher Cherry Jones struggles to teach multiplication, only to hear kids respond: "Why? I've got a calculator."

Bobby Jones is a typical 10th-grader at Umatilla High. He has a C average. He could do better. It just isn't worth the investment.

"I would have to spend all of my time in school," he said. "I just won't do it.

"I'm a slacker. I'm still passing, but I could have good enough grades to get a scholarship. But it is not going to happen because school is not my main priority."

Sadly, it is not simply a question of attitude. Talk to longtime teachers. They'll tell you there have been fundamental changes in the way things are.

Storch calls it "simplistic" to impose higher standards and expect kids suddenly to rise to the occasion.

"We will do our best. But we would all like to see some of these people come to a high school—any high school—and experience it for themselves. How they remember school to be, that it is not what it is today."

For DeLand High School sophomore Shante Thomas, the tougher standard has added to an already hefty load. Shante is 15, has a 1.7 grade-point average and often misses school because her 1-year-old, Lametriana Harding, suffers from chronic bronchitis.

Shante brings her son to a child-care facility at her school. And although there is an after-school tutoring program, she can't attend. The child-care program closes when classes end.

"I want to do good, and I know I could, but for me it's hard to catch up," she said. "I have all these other things I have to do, like change diapers and take care of my baby."

Another surprise these days is the attitude of some parents. They don't care, either.

"We have parents now who advise their children to drop out of school and get a job," said Delores Gray, longtime guidance counselor at Leesburg High. "I about fall out of my chair when I hear them."

PUSH FOR ACCOUNTABILITY

So what's the answer?

Across Florida and the nation there is a push for more accountability. Brogan, the education commissioner, three years ago began publishing a list of Florida public schools that fall below minimum expectations in test scores. Since then, the number of schools on the list has dropped from 158 to 30. Those still on the list this year may face some sort of state intervention.

Administrators are thinking about typing principals' job reviews to student performance. But they are stepping very gingerly.

What happens, Seminole County's secondary education director Tom Marcy asks, if a school consistently fails to improve?

You would have to look for a trend, not just a change from one semester to the next, he said. Then you would have to make sure there were no significant changes in the student population or faculty, that might explain a drop in grades. That can happen with something as simple as a change in attendance zones.

Should teachers who raise test scores get more money? Should principals who fail to teach kids get fired?

Historically, educators have fiercely resisted such moves. The rationale: Should a principal of a school with a largely poor, highly mobile student body be as accountable as one in an affluent, stable community flush with bright-eyed honors students?

"It's very controversial," said Peter Gorman, associate superintendent in Osceola County.

However, he said, "the public can no longer accept us saying we can't improve our schools based on factors beyond our control."

Eventually, the pressure—and the new emphasis on grades—will bring most kids up to speed, Seminole Superintendent Paul Hagerty says.

But for years to come, some kids will go without diplomas.

"It may take a trauma for a few kids," Hagerty said, "to get the attention of the others."

FLORIDA'S GET-TOUGH STANDARDS

Florida's education reform effort isn't just the 2.0 rule and a tougher grading scale.

This year, all teachers must teach the Sunshine State Standards—guidelines for what kids should know and be able to do by certain grades. This year, the state begins to measure progress with its Florida Comprehensive Assessment Test.

The state is requiring schools to target students who fail to meet math and reading standards, a chronic problem. In Orange and Osceola counties, for example, at least 30 percent of eighth-graders scored below the 25th percentile on reading and math achievement tests. That means they did worse than 75 percent of kids across the country.

There is a push to get kids up to speed early on, particularly in reading. A state law that takes effect next year won't allow grade school kids who don't read well enough to be promoted. Seminole County has new elementary school tests to diagnose reading problems. In Lake County, there are 250 reading volunteers in elementary schools. Orange County this year will have summer school in at least 19 low-achieving elementary schools—more than double the number last year.

[From the Orlando Sentinel Online]

TEACHER'S DIARY: 'APPARENTLY, I SPEAK A DIFFERENT LANGUAGE THAN THEY DO'

Today, I gave a test. As always, the students were allowed to use their notes. The way I see it, I serve them better by honing their note-taking and comprehension skills, as opposed to their memorization skills. I have been giving open-note tests since day one.

Even so, every time I lecture, I have to remind them to copy what I write on the board. They have been in class for 150 days. When will they catch on that it will be beneficial to have notes?

Last week, I put a note on the board about when the test would be. Every day since, I reminded them. Yesterday, I gave them a list of the topics that would be covered. Last night, I put a reminder on my homework hotline.

Apparently, I speak a different language than they do, because a quarter of them came in this morning and said, "We have a test today? You didn't tell us we had a test today! Can we use our notes?"

Now, it's 8 o'clock and I have just finished grading the tests. My spouse has gone into the other room, tired of hearing me yell, "How many times did we go over this!?" as I drew a line through another wrong answer.

More frustrating than the students who answered incorrectly are the ones who don't even attempt an answer.

I explain to them before every test that I will give them partial credit if I can see they knew at least a little about the answer.

Even if their answers are different from what we discussed in class, I will give credit if they can explain their point of view.

Believe it or not, I have had students choose to take a zero because they left their notes at home. What do they do in other classes? What were they doing for the last week when we were learning about the ideas that test covers? Where is their survival instinct?

I encourage what is known as "thinking out of the box." I want my students to disagree with me. I want them to think, to seek alternatives. Sadly, most of them just can't. Sadder still, many don't want to. They want to be given the answer; they want to write it on the test from memory; and then they want never to think about it again.

I think that the theory that high expectations will cause kids to rise up to meet those expectations is only true if the kids already have some foundation to stand on. But by the time they reach the upper grades, their feet are already mired in quicksand.

One foot is stuck in their own inescapable kid-ness, which causes them to try and get out of as much work as possible.

But the other is mired with teachers who don't expect them to do anything but memorize. I have kids who are about to go to college whose teachers actually give them a copy of the upcoming test to use as a study guide.

And do you know what? Even after that, some of them fail. Why should I try to teach them to think?

ACTIVITIES DURING THE DISTRICT WORK PERIOD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Colorado (Mr. BOB SCHAFFER) is recognized for 60 minutes as the designee of the majority leader.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, this evening I would like it go through a number of issues. Wednesday evening is the opportunity for the freshmen Republican class to spend a little time on the House floor and brief our colleagues and, indeed, the rest of the country on some of the activities that we are pursuing throughout America in our respective districts.

I know for me out in the Fourth District of Colorado that I represent, which is essentially the eastern plains of the country, I spent the last two weeks over the Easter break working pretty hard, actually. It was not much of a break at all. We did a lot of town meetings and a lot of visits at school sites throughout the district and so on.

I wanted to spend a little bit of time tonight just telling my colleagues about some of the activities that I had pursued with the Education and the Workforce Committee that made a site visit out to my district recently, and report back on some of the comments that we received at that subcommittee.

It was a subcommittee of the Education and the Workforce Committee, the Subcommittee on Oversight and Investigations led by the chairman of that committee, the gentleman from Michigan (Mr. HOEKSTRA). They came out to the town of Timnath, Colorado, which is a little bit east of Fort Collins, and Timnath is a community that includes an elementary school that we went to visit, Timnath Elementary School.

The school was a unique one and one that I think provided perhaps the best snapshot of education in my district as far as at the elementary level, because this particular community is located just on the outskirts of a bigger city, the City of Fort Collins, but still has a large rural component. So we have an interesting mesh of children from urban as well as rural settings, and of course that is representative of the district overall.

We met for a day-long hearing of the subcommittee, again, part of the Crossroads in Education program of the committee which has taken place in several States throughout the country under the leadership of the committee.

Let me tell you, Mr. Speaker, about some of the individuals that we heard from. Our focus was asking local leaders about what works and what is wasted in public education today. We heard from Don Unger, who is the superintendent of the Poudre School District in the town of Fort Collins.

He cited one of the biggest problems that he is confronted with as a superintendent of a relatively large school district in Colorado. He said that we continue to receive increased Federal mandates. What he focused on, for example, were the changes made in the IDEA bill last summer, which are taking well over 100 hours of staff time with no new resources provided to support this additional mandated requirement.

He also spoke about parent and staff litigation against the school district which he said caused a major demand on staff and dollars. These litigations are coming from three areas, he said: the Office of Civil Rights; right to due process under IDEA; and through parental and staff complaints to the State government.

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He said that some of the things that are working very well are the efforts here in the Congress to consolidate Federal programs, and, in fact, this Congress accomplished that in the last session with a number of education titles that we reviewed and consolidated here. He spoke about some of the literacy programs that we have promoted as a Republican Congress, and commented that they are working very well in his district.

Secondly, we heard from a woman named Pat Chase. She is the president of the Colorado Association of School Boards, and she takes in a perspective in her testimony of the entire State and all of the school boards that she represents, which are 176 in number, of locally elected school board members, and all very dedicated to education.

She says that the efforts in the State to lead local school districts in establishing standards are being received very positively, and have had a very positive impact on local schools. She, once again, hit on the issues of public school mandates, and described the Federal mandates that we are handing down to school districts as being particularly detrimental. She said the Omnibus Transportation Employee Testing Act has been somewhat of a problem that imposes drug and alcohol testing requirements on school bus drivers, and she said that the mandate has the best of intentions. And on a State level and local level it is something that, in fact, Colorado would most likely support anyway without the mandate from the Federal level.

However, the Federal mandate just being in existence compels States and local school districts to fill out a lot of paperwork; spend a lot of time complying with the Federal mandate. Here is a mandate that is pretty obvious. You want to make sure that the people driving buses and being around kids are free from drugs, and pass the drug tests. And as I mentioned, Colorado is no different than many other States in that it would accomplish this objective on its own; left to its own devices and its own laws, but again the Federal Government's intrusion on something that is rather obvious results in nothing more in Colorado than more paperwork and more headaches for school board members throughout the State, and in the end detracts from getting dollars to classrooms where they are also needed most.

We also heard from Dr. Randy Everett. Randy Everett is a urologic surgeon. He and his wife have been very involved in establishing education opportunities for children throughout northern Colorado where they were instrumental in establishing a school that focuses on the Hirsch "Core Knowledge" curriculum or the "Core Knowledge" sequence designed by Dr. E. D. Hirsch. And they started that school as an alternative school, and it resulted in a huge waiting list of parents who wanted to get their children into that kind of an education setting.

This school is one that is created around a sequential curriculum, very well ordered, and very logical in terms of one lesson building upon the previous one. It is built around a concept called mature literacy and cultural literacy, which is one step above just basic functional literacy; the whole notion that children should be able to read for meaning and be able to understand all of the historic and scientific and cultural context of things that they read, and the way they understand the world.

A curriculum that is being used throughout the world, certainly throughout the United States with great success, this was the first alternative school that was established in Ft. Collins. Dr. Everett then went on to establish a second school under Colorado's charter school law. That school, as well, the Liberty Common School, is one that is enjoying tremendous success in its first year and Dr. Everett was on hand to give us testimony about the success of that institution.

We also heard from Mr. Clair Orr, who is an individual from Greeley, Colorado. He serves on the State board of education, was elected to that position from throughout my Congressional District in the Fourth District. He spoke about a number of issues. The huge variances that we have in Colorado, very large school districts, down to small school districts that have in some cases 60 students total. And he spoke very directly, again, about the Federal Government taking on several responsibilities and duties for which it does not pay. And at one point in time our Federal Government mandated a number of requirements upon school districts, and over the years the size of the U.S. Department of Education has been broadened and flattened out, and there are too many programs now, far more than the government is able to fund.

We heard from Jane Anderson, a parent at Liberty Common School. Jane Anderson spoke about school choice and the positive impact that that has on parental involvement. Many, many parents, far more parents than seems to be typical are getting involved in education delivery right at the classroom level when empowered by school administrators to do that, and again spoke about how wonderful that seems to work in Colorado.

We heard from Bob Selle, a superintendent from east Yuma County school district, RJ–2, way out in the eastern part of Colorado, almost out near Kansas. He spoke about, once again, about some of the very difficult challenges that rural communities have. They spend a disproportionate amount of money on transportation because they have to transport their children from such far distances to get to some of the rural schools, and spoke about the success of some of the reading programs that the Federal Government helps initiate.

One of the most memorable portions of our hearing involved testimony from a science teacher named Pam Schmidt. She is Colorado's 1997 Teacher of the Year and she teaches at Thunder Ridge Middle School in Aurora, Colorado. That is in the Cherry Creek school district. She's a very inspirational teacher.

What struck me most about Pam's comments and testimony was her desire to see teachers treated like real professionals. That is a term that I use quite frequently, and I asked her about a system that we have today, largely dominated by the union politics of the National Education Association and the Colorado regimen being the Colorado Education Association. This union has secured a contract essentially that treats all teachers the same, regardless of their professional abilities and their ability to contribute to an education system and process; in fact, a system that results in the absolute worst teacher in the district being paid the same as the absolute best.

She and I agreed that we ought to create a system throughout the country where teachers are rewarded as real professionals, and, in fact, allowing the very best teachers to become wealthy in carrying out the services that they render to children, which if we as a society agree, and I think we mostly would, that this process of public education is of paramount importance, truly then those who are the best and who are those who excel in their profession and field ought to be rewarded financially as well as professionally on that basis. And conversely, those who fail to perform well ought to be persuaded to find a new line of work.

That, according to Pam, does not happen in public schools today. The worst teachers seem to be protected most by laws that certainly do not have the best interests of children first and foremost in their intent.

We heard from Dan Balcerak, principal of Timnath Elementary School.

First of all, let me say he was very gracious, and we certainly appreciated his hospitality in opening up his school for a day to the Congress and to the State of Colorado. Principal Balcerak mentioned that public education serves the needs of a wide variety of students, so teaching methods need to include accommodations for a wide spectrum of learning styles.

He spoke about how local control being the best way to accomplish that, not centralizing curriculum in Washington, D.C., as many people here in Washington would suggest needs to occur. You find most of those folks over in the U.S. Department of Education and in the Clinton administration. And we assured Dan Balcerak that on the Republican side of the aisle, we are working very hard to liberate public schools throughout the country, and honor the freedom under which they operate best.

We heard from Bill Moloney, the Commissioner of Education of the State of Colorado. He spoke about many things that seem to work very well. He said that technology, for example, is having a remarkable impact upon public education. He spoke about the Core Knowledge movement as being very positive, a rigid strategy toward testing and accountability that is occurring in Colorado; pointing out where the real problems are, and allowing professionals to go to work on improving those particular aspects of our school system. And he again spoke about the unfunded Federal mandates, and the real need for this Congress to work forcefully to liberate public schools at the State and local level, and free them from these burdensome rules and regulations that are again largely unfunded.

Mr. Speaker, I just wanted to go through that report for the benefit of the Members here and also for those who wonder what it is we do when we take these breaks from Congress. In this case, which is a snapshot of one day, we spent considerable amount of time bringing other Members of Congress from other parts of the country out to Colorado to consider the contributions and the problems that we are dealing with in a part of my State where the rural areas come up against some urban areas.

I see the gentleman from South Dakota has joined me here. The gentleman from South Dakota (Mr. THUNE) is one of the outstanding leaders of the freshman class. I appreciate him joining us here tonight.

I yield to the gentleman from South Dakota (Mr. THUNE) to present whatever point he needs to bring to our attention tonight.

Mr. THUNE. Mr. Speaker, I want to thank the gentleman from Colorado for yielding to me. I might add that as you traveled across your State of Colorado, I would suspect that many of the concerns that you heard were not unlike the ones I hear in traveling my State of South Dakota, because I think our congressional districts are very much alike in many respects, and as I spent the better part of 2 weeks, actually all of 2 weeks traveling across South Dakota, I had the occasion to visit with a wide range of groups from economic development groups, to agricultural groups to education groups, and to discuss with them a wide range of issues; all of which I think are very relevant as we look to the future, and what some of the needs are that are out there.

It is sort of ironic. I was listening to the debate today on the tax limitation amendment here on the House floor, and there was a lot of invoking, I guess you would say, of our Founding Fathers and what their intentions were with respect to taxes and whatnot. And there was the suggestion, the notion that somehow because our Founding Fathers did not include in those original documents a supermajority requirement to raise taxes, that in their wisdom they had excluded that, and they talked about, I heard the discussion of the Articles of Confederation and whatnot, and it occurred to me, I guess, that in my reading of history that the Articles of Confederation were, in fact, they relied upon the States to raise revenue, and it became clear that the States were not going to do it. And so they came up with a way in which they could raise revenue for the national government.

But that, nevertheless, I would also argue that our Founding Fathers probably never anticipated that we would be looking at $5.5 trillion in debt. In fact, if our Founding Fathers had known that we were going to run the country $5.5 trillion in debt, they probably would have moved back to Europe and forgotten the whole thing to start with.

The fact of the matter is that there is an inertia in government to spend, and one of the things that the tax limitation amendment does, it says in very straightforward terms that if, in fact, the government is going to raise taxes, that the representative form of government that we have, that they elect people to make these decisions; that it will take a two-thirds majority, supermajority to raise taxes. I think that is something that is very much in the interest of the people in this country so that we can get away from this built-in inertia toward big government to spend dollars.

I look at our State of South Dakota, which I think is a good case in point. We have in our Constitution a balanced budget amendment. We balance our budget every year. We have a requirement for a supermajority.

In fact, in 1996, on the ballot almost 75 percent of the voters in South Dakota voted in favor of making it a two-thirds requirement in order to raise taxes in our State. And more and more States are moving in that direction because the people of this country, I think, have realized what we already know and what you cannot help but realize after you have been in this town for a very short time: that there is an incredible inertia in this city and in government generally to continue to spend and spend and spend. So this afternoon we had the vote on that.

I think it was a significant vote for the people of this country, and for your voters in Colorado, and the folks in Michigan. And the gentleman from Michigan has just joined us, but certainly for the people in South Dakota, interestingly enough, as I traveled across our State, and we dealt with, again, a wide range of issues. We talked about corn prices and wheat prices and cattle prices, and there is not a whole lot to be happy about in agriculture today. A little bit about supporting ethanol, making sure that we have opportunities to add values to our raw commodities in South Dakota and across the agricultural sector of this country.

We also talked a lot about retirement issues, a lot about education issues, drug issues, which is an incredible problem in many small communities across South Dakota today. But interestingly enough, one incident in particular that stuck out to me, as I stopped at a gas station in Aberdeen, South Dakota and the young lady at the counter said to me, as I walked in, she said, Congressman, working families need lower taxes. And she said, my husband and I both work. We are raising kids, paying the bills, trying to educate our kids, put aside a little bit for retirement, and we are writing these big checks to Uncle Sam.

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"And the best thing that you can do to make our lives easier and to allow us to make to have more control over our futures is to lower taxes on working families."

In fact, I would like to just briefly mention a couple of bills that I introduced some time ago which would do just that. The Taxpayer Relief Act was one, H.R. 3151; the Taxpayer Choice Act, which is H.R. 3149, lowered the tax burden on working people in this country in a way that addresses a couple of principles that I think we ought to be concerned about when we talk about lowering taxes. And one is, not further complicating the Tax Code.

We have 480 forms, and we put them on a scale one day at one of the meetings I had in South Dakota. 34½ pounds of tax code and instructions and all that. So, clearly, we need to move in a direction towards simplification so the people who pay this rate in this country can understand what it is, the Tax Code, that they are supposed to comply with in the first place; and, secondly, we ought to do something that is broad based.

Now, this administration has forever seemed smitten with the notion that we have to do things in a targeted way so that Washington can identify and pick winners and losers. And the legislation that we introduced drops more people out of the 28 percent bracket down to the 15 percent bracket, in fact, 10 million filers in this country. Altogether, 29 million Americans would pay lower taxes as a result of lowering that.

What in effect it does is it says to the people of this country that, instead of each additional dollar that they earn we are going to tax them at 28 cents, we are only going to take 15 cents. That is an incredible incentive to work harder, earn more, produce more, be more productive, and improve their lot in life. Today I think as people grow into higher tax brackets we continue to penalize them and to take away the incentive.

The other bill, very simply, raises the personal exemption from $2,700 to $3,400, and that does affect in a broad based way everybody across this country who pays taxes, and it brings real relief. We talk about giving people more education when it comes to child care and education and health care and retirement.

Giving money back to people or allowing them to keep more in of what they earn in the first place and making the Federal budget smaller and the family budget bigger does that in a very meaningful way because it allows families the freedom to make decisions that affect their lives. And they can determine how best to meet those needs, to make that house payment, to make that car payment, to pay for child care, to pay for health care. But it is doing it in a way that is consistent with the principle and the value which I think we in the Chamber all share, and that is to allow people in this country to make those decisions, rather than bureaucrats in Washington, D.C.

So I commend those particular bills to your consideration, and as we get into this budget debate I hope they will be on the table.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I will yield to the gentleman from Michigan (Mr. HOEKSTRA) in just a second.

Because it is interesting, at the crossroads hearing that we had in my district that I mentioned, the topic, of course, was education, but one of the State Board of Education members, an elected official, in speaking about a variety of education issues, mentioned the marriage tax penalty that existed where a married couple, where two individuals who are earning incomes get married, they move into a higher tax bracket or a portion of their income does. But he spoke about, just on a philosophical basis, how this Federal Government consistently beats up on families that are the most central and essential social unit in America and makes it difficult for a variety of reasons.

And he looked to that particular example of a fallacy in our tax code and was able to show very dramatically to the chairman and I, about the direct impact that that has on local education, on families, on just the ability of families to be functional in America today, whether it is health care, whether it is keeping their children on the straight and narrow or educating them appropriately in school.

The chairman is here with us tonight, the gentleman from Michigan (Mr. HOEKSTRA). And that was one of the most memorable portions, in my opinion, of that hearing that we had. And I want to publicly say I sure appreciate the gentleman for bringing the committee out to my district, and those in my community appreciate his attention as well.

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman for yielding, and I thank both of my colleagues for being here and also for the work that they have helped us accomplish in this Congress.

We are talking about education. We are talking about the budget. We are talking about where we go with spending and tax cuts. And because of the work of Members like my colleague, we here now in Washington I think really are at a crossroads on a number of issues, on education, where we have got these series of hearings, we have gone to 17 different States, and we are at a crossroads I think in Washington about deciding how we deal with education in America.

We know that, since 1979, with the Education Department, we have been bringing more power and more funding, more rules and regulations to Washington and saying we need to improve education in America, and the way to do that is to move more money and power to Washington and allow the Education Department to dictate to local schools and to local parents and local administrators how best to educate their kids.

After 19 years of following down that path and seeing that our children's test scores are not up and seeing that Washington defines "education" as being 760 programs going through 39 different agencies, and there is 34 pounds of rules and regulations in the IRS code, I can tell my colleagues that when we took a look at all of the forms that schools have to fill out for these 760 different programs, we had about four or five stacks that were four or five feet high and it is like wow, and what that means is when we spend a dollar to Washington for education, only 65 cents gets back to the classroom.

What we found in our 17 hearings around the country is what is the leverage points for improving education in the local school in Colorado, in New York, in Michigan. It is parents, it is local teachers, it is local administrators identifying the needs for their kids. So I think here in Washington now we are going to have some votes on this on the floor, we are going to have some votes in committee about we are at the crossroads.

The President does not agree with the gentleman, because the President wants to spend more of the money that comes here. He is not in favor of tax cuts. He believes bureaucrats here ought to define what school districts get more money for school construction, which schools get money for technology, which schools get money for lowering class size. He wants that money to come here and not stay in the district.

So we are going to have to make the decision. Are Washington bureaucrats going to make more of those decisions or are we going to take these programs, consolidate it, move it back to local teachers and administrators and parents and say, hey, here is a check, if you want to use this to reduce class size, use it to reduce class size? If you need technology, you decide where you are going to spend it.

So I think we are at a crossroads. There is a group here in Washington that says we need to spend more and we need to tell people what to do, and there is a group that came out and said, we have gone around the country, we have gone to these places, the energy and innovation and the effectiveness, the good things that are happening in education in America today, and there are lots of them, it is happening because there are people at the local level who have a passion for helping their kids and they know what to do and we have got to unleash their potential and follow the roles of the States with charter schools, with innovation. That is the key crossroads in education.

We are going to have the same types of questions on the budget. I know that we do not have a surplus as good as we would like to have and it is only a surplus in Washington terms, but it is a significant change. There are some that want to spend it. I think some of us want tax reduction and pay down the debt. That is another crossroads. Are we going to use it to grow government or are we going to use this to take the opportunity to rethink programs and move the power back to the American people?

Mr. BOB SCHAFFER of Colorado. Shrinking the size of the Federal Government has benefits not only for education but for everything we do as Americans and for the constituents we represent back home.

Right now, the Federal budget is $5½ trillion.

Mr. HOEKSTRA. If the gentleman would further yield, the debt is $5.6

trillion. And we spend $1.6 trillion, $1.7 trillion.

Mr. BOB SCHAFFER of Colorado. Right. I am sorry if I misspoke.

Mr. HOEKSTRA. I always get beat up at my town meetings between getting the deficit and the debt confused.

Mr. BOB SCHAFFER of Colorado. The debt is $5½ trillion for the national debt. The amount we spend every year, $1.7 trillion to run the Government this year, for example. But even with this surplus. We talked about how we consistently run up $5½ trillion debt. We have here in Washington, we have to realize and remind people that this is only a surplus the way the Federal Government does its accounting.

We are still moving in the right direction. There is no question about that. We are able to put more resources into relieving some of these debt issues.

Mr. HOEKSTRA. My colleague talks about moving in the right direction. When I first came here in 1993, the deficit as Washington counted it for 1998 was projected to be $300 billion per year. We are on the path now to have a $40 billion to $50 billion surplus. This is a switch of $350 billion to the positive.

Mr. BOB SCHAFFER of Colorado. Well, whatever we can do to lower the size of that effective debt and move not only authority but real wealth back to the States and the people allows us to speak more forcefully and more seriously about improving our local schools, about improving local economies, the ability to pour capital back into the private sector rather than hoard it here in Washington, either held as debt or spent on a number of government programs is a choice that we just have to make in favor of States and the people.

And we talked about education a lot tonight. The problem we are really dealing with the U.S. Department of Education is the disagreement that we have, and the debate that is at the center of education issues is not about whether resources ought to be spent in classrooms. On that point we all agree. The question is, how do we do that?

For those of us who are conservatives here and try to figure out how to make our government operate more efficiently and really improve classrooms, our big concern is the 40 to 60 percent of the money that we are spending right now out of the Federal budget never makes it to a classroom. It gets soaked up by bureaucrats here in Washington, never leaves the city. When it goes back to the States it gets soaked by various Federal bureaucrats and State bureaucrats at the local level.

We believe very firmly that in order to reduce class sizes, in order to allow technology to be used appropriately in classrooms, in order to allow for innovations in education to occur at the classroom level, we just need to get the Federal Government out of the way and allow the wealth that the country is generating to be spent on its legitimate intended purpose, which is to help children. It is not occurring today, and we are fighting very hard to make that happen.

Mr. THUNE. If I might add, we look at the Washington model, which is obviously, I think we would all concur, in many respects a failed model and the message that Washington sends to our young people. And would we not be much better served if we had our parents and teachers and administrators and people plugged into the local levels and all just issue a recent incident of this that I think needs to be talked about later on today?

But Washington, D.C.'s idea of how to help our young people is to give them free needles and to tell them to go ahead and shoot up. And that is a mixed signal when Washington gets in the middle of something affecting the young people in America today.

Mr. HOEKSTRA. Is this the same Washington that is going to stop our kids from smoking but we are going to give them free needles? Somewhere in here there is a contradiction. We can stop our kids from smoking through Washington programs, but we cannot keep them off drugs so we are going to give them free needles.

Mr. THUNE. If the gentleman would yield on that, because that is an important point, and we are talking about an important issue. Tobacco is an important issue, and it is something that we are going to pass legislation which prevents teens from starting smoking.

But the issue, the reason that they are talking about at the White House the tobacco issue not the drug issue is because it is a money issue. It is all about money. It is about bringing more money in here to create new government, Washington-based spending programs. That is what the issue is. And if the objective ultimately is to help young people, to get them to stop smoking, to get them to stop quit using drugs, that is exactly the wrong message to send. We do not want to hand them free needles.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I will yield time to the gentleman from Illinois (Mr. HASTERT) in a minute.

What I have here in my hand is about 2 days' worth of responses to a public opinion survey I sent out in my district about the topic of education. And my colleagues can pour through these. And we have to respect the confidentiality of those who sent them. I do not want to disclose any names.

But just in general, I asked about a number of education topics. But in the comments people wrote in, it was alarming to go see how many times parents expressed real concern for drugs in their schools, that their concern, the most precious things in the lives of these parents are their kids and they send them to schools to learn and they have these great hopes and ambitions for their children and their families.

We ought to be, when it comes to schools, talking about class size and curriculum and the real issues that are confronting our children in schools. But to see the concerns of parents over and over and over again expressed in a way that goes right to this drug issue, it is a tremendous problem throughout the country. And parents in America should not have to worry about sending their children to a public school and having them confronted with the reality of drug addiction, drug abuse, and illegal drugs at all.

The gentleman from Illinois (Mr. HASTERT) is here, who is one the foremost leaders in the Congress on trying to reduce the rate of drug abuse in America, especially among children. I would yield to him at this point.

Mr. HASTERT. Mr. Speaker, I would thank the gentleman from Colorado for yielding. And certainly this is a real issue. I appreciate him talking about what happens when government has too much money. And when they have too much money there, there is a lot of ideas that people have about how to spend that money.

Unfortunately, one of the ideas that this administration has was, well, it was a good idea to hand out free needles to drug addicts.

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Now we have to look at this issue. You know, drugs are not legal. Marijuana, heroin, crack, cocaine, all those are against the law. But, yet, the paraphernalia, needles and other things that are used to inject those drugs into a human body all of a sudden are not just legal, all of a sudden, you have the Federal Government with a plan to use taxpayer dollars, Federal dollars to hand those needles to drug addicts.

I am saying, you know, maybe we have got something wrong. We talked about trying to stop kids from smoking cigarettes. I think that is something we should do. I mean, we should send a message. We should have the moral courage to talk about this issue. Certainly teen smoking is not a good thing. But I question when we take a cigarette out of a kid's mouth and stick a needle in his arm, I mean, where are we going? What is the issue here? How can you justify that and morally move that idea forward?

I think we have a bad message, certainly a bad message to drug addicts to all of a sudden say it cannot be too bad. The Federal Government is giving me the paraphernalia to put these drugs in my veins.

And certainly the message to parents, and I think as a parent myself, and a teacher, the worst thing that I would ever want to happen is to think about my kids using drugs. I think most parents think of that, boy, one of the things I do not want to see ever happen in my family is to have my kids use drugs. Yet, the Federal Government is actually saying, oh, by the way, if you need free needles to use drugs, you cannot use drugs. That is bad. That is illegal. But if you want the free needles to use them, here they are.

I do not quite understand that. The logic is not there. You know, it is the wrong message. I am particularly frustrated in what signal, in what message we are sending to the kids in this country, the parents of this country, the schools of this country, our foreign neighbors.

I was just down in Chile last weekend attending the President's Summit down there in South America on issues that are relevant. One of the things, one of the messages we are trying to get across to our South American neighbors is that we need to stop drugs. We need to have them stop growing drugs in South America and in Colombia and Peru and Bolivia and other countries. We need to stop having them move those drugs or transit those drugs across their countries and across through Mexico and on to our borders.

But when we are saying it is our job, too, to take care of the demand in this country, but, oh, by the way, we are against people using drugs, and we want to stop the demand because we know the demand in some sense drives supply and vice versa, here, by the way, here is what we are doing. We are instigating a program. We are giving away needles so people can use drugs. The message is wrong, very, very wrong.

I think this Congress needs to stand up. They need to say it is wrong. They need to convince this administration that it is a wrong-headed policy. That is our job.

I think, you know, one of the reasons we are talking tonight and trying to get involved in this and have talked to the American people is to get people to react. I am not sure if there are many people in this country who realize that the Federal Government wants to instigate a program that starts giving away taxpayer-paid needles to drug addicts.

I think in the heart of hearts of some people, the reason they are going to do that is that because there is a high incidence of AIDS among drug addicts, and they want to stop AIDS. But do you know what the facts are? In both the Montreal study and in the Vancouver study and in the Chicago study, and I would like to enter those studies into the RECORD.

What it says is, you know, people who get free needles pass these needles around anyway. The drug is such, especially the purity of heroin that we have today, is such a driving need for those people, once they become addicted, is that they do not care; they just have needles. They do not care if they are clean needles or dirty needles. Once they get that drug buy, they do not want to go more than 100 feet away from where they are at to inject the drug. They will take a dirty needle. They will take a needle from a friend.

The statistics are amazing that, in programs where you do not give needles away, 38 percent of the people trade needles. In programs where you give needles away, such as they did in a study in Montreal and Vancouver and in Chicago, 39 percent of the people trade needles. So it does not make any difference. As a matter of fact, it exacerbates the problem.

What else you find is, when there are free needle programs, it does not do away with drug addicts. The percentage of drug addicts in a neighborhood actually rise. More people are using drugs. And do you know what? The whole issue is to do away with HIV. And do you know what? You have more incidents of HIV. Plus crime increases.

So you have all these dynamics that happen that certainly are not good.

Another interesting thing, too, in New York City, we had a hearing last September, as a matter of fact, September 18, 1997, and it was a hearing on the needle exchange and legalization and the failure of the Swiss heroin experiments. In this study, we found out that, in New York City, for every 40 needles given away, only one needle was actually exchanged. Let me explain that.

The idea of a needle exchange is, you give one needle to the person; he gives you the dirty needle back. Here in New York City, they give 40 needles away and get only one dirty needle back. So the exchange means you just put out more needles in the universe and certainly something that just perplexes me.

Interesting, I have a constituent in my district who heads up the Illinois Drug Educational Alliance, a woman by the name of Judy Kreamer. Ms. Kreamer says needle exchange programs are offered as a way to prevent the spread of HIV, AIDS. However, studies have shown that such programs increase the spread of HIV, AIDS.

In addition, needle exchange programs encourage drug use and pose a serious threat to the health and safety of innocent people, and I will attach support.

Mr. Speaker, I include the documents referred to for the RECORD.

[From the New York Times, Apr. 22, 1998]

CLEAN BUT NOT SAFE

FREE NEEDLES DON'T HELP DRUG ADDICTS

(By James L. Curtis)

Donna Shalala, the Secretary of Health and Human Services, wanted it both ways this week. She announced that Federal money would not be used for programs that distribute clean needles to addicts. But she offered only a halfhearted defense of that decision, even stating that while the Clinton Administration would not finance such programs, it supported them in theory.

Ms. Shalala should have defended the Administration's decision vigorously. Instead, she chose to placate AIDS activists, who insist that giving free needles to addicts is a cheap and easy way to prevent H.I.V. infection.

This is simplistic nonsense that stands common sense on its head. For the past 10 years, as a black psychiatrist specializing in addiction, I have warned about the dangers of needle-exchange policies, which hurt not only individual addicts but also poor and minority communities.

There is no evidence that such programs work. Take a look at the way many of them are conducted in the United States. An addict is enrolled anonymously, without being given an H.I.V. test to determine whether he or she is already infected. The addict is given a coded identification card exempting him or her from arrest for carrying drug paraphernalia. There is no strict accounting of how many needles are given out or returned.

How can such an effort prove it is preventing the spread of H.I.V. if the participants are anonymous and if they aren't tested for the virus before and after entering the program?

Studies in Montreal and Vancouver did systematically test participants in needle-exchange programs. And the studies found that those addicts who took part in such exchanges were two to three times more likely to become infected with H.I.V. than those who did not participate. They also found that almost half the addicts frequently shared needles with others anyway.

This was unwelcome news to the AIDS establishment. For almost two years, the Montreal study was not reported in scientific journals. After the study finally appeared last year in a medical journal, two of the researchers, Julie Bruneau and Martin T. Schechter, said that their results had been misinterpreted. The results, they said, needed to be seen in the context of H.I.V. rates in other innercity neighborhoods. They even suggested that maybe the number of needles given out in Vancouver should be raised to 10 million from 2 million.

Needle-exchange programs are reckless experiments. Clearly there is more than a minimal risk of contracting the virus. And addicts already infected with H.I.V., or infected while in the program, are not given antiretroviral medications, which we know combats the virus in its earliest stages.

Needle exchanges also affect poor communities adversely. For instance, the Lower East Side Harm Reduction Center is one of New York City's largest needle-exchange programs. According to tenant groups we have talked to, the center, since it began in 1992, has become a magnet not only for addicts but for dealers as well. Used needles, syringes and crack vials litter the sidewalk. Tenants who live next door to the center complain that the police don't arrest addicts who hang out near it, even though they are openly buying drugs and injecting them.

The indisputable fact is that needle exchanges merely help addicts continue to use drugs. It's not unlike giving an alcoholic a clean Scotch tumbler to prevent meningitis. Drug addicts suffer from a serious disease requiring comprehensive treatment, sometimes under compulsion. Ultimately, that's the best way to reduce H.I.V. infection among this group. What addicts don't need is the lure of free needles.

[From the Wall Street Journal, Apr. 22, 1998]

Clean Needles May Be Bad Medicine

(By David Murray)

The Clinton administration on Monday endorsed the practice of giving clean needles to drug addicts in order to prevent transmission of the AIDS virus. "A meticulous scientific review has now proven that needle-exchange programs can reduce the transmission of HIV and save lives without losing ground on the battle against illegal drugs," Secretary of Health and Human Services Donna Shalala announced.

The administration is not unanimous, however; the drug czar, Gen. Barry McCaffrey, who opposes needle exchange, was out of the country Monday. Who's right? As recently as a month ago, HHS had restated needle-exchange programs, "We have not yet concluded that needle exchange programs do not encourage drug use," spokeswoman Melissa Skolfield told the Washington Post March 17. By Monday the department had reached that conclusion, though the scientific evidence that needle exchanges don't encourage drug use is as weak today as it was a month ago.

In fact, the evidence is far from clear that needle-exchange programs protect against HIV infection. Most studies have had serious methodological limitations, and new studies in Montreal and Vancouver have revealed a troubling pattern: In general, the better the study design, the less convincing the evidence that clean-needle giveaways protect against HIV.

The Montreal study, the most sophisticated yet, found that those who attended needle-exchange programs had a substantially higher risk of HIV infection than intravenous drug addicts who did not. In a much-discussed new York Times op-ed article two weeks ago, Julia Bruneau and Martin T. Schechter, authors of the Montreal and Vancouver studies respectively, explained the higher risk this way: "Because these programs are in inner-city neighborhoods, they serve users who are at greatest risk of infection. Those who didn't accept free needles . . . were less likely to engage in the riskiest activities."

Dr. Bruneau is apparently rejecting her own research. For her study had statistical controls to correct for precisely this factor. In the American Journal of Epidemiology, Dr. Bruneau wrote: "These findings cannot be explained solely on the basis of the concentration around needle-exchange programs of a higher risk intravenous drug user population with a greater baseline HIV prevalence."

Even more troubling, Dr. Bruneau reported that addicts who were initially HIV-negative were more likely to become positive after participation in the needle exchange. Dr. Bruneau speculated that needle-exchange programs "may have facilitated formation of new sharing networks, with the programs becoming the gathering places for isolated [addicts]."

Janet Lapay of Drug Watch International says needle-exchange programs often become "buyer's clubs" for addicts, attracting not only scattered users but opportunistic dealers. Not everyone agrees. Dr. Schechter says that when he asked his study's heroin users, they reported meeting elsewhere. But a delegation from Gen. McCaffrey's office returned from Vancouver in early April with some startling news: Although more than 2.5 million clean needles were given out last year, the death rate from illegal drugs has skyrocked. "Vancouver is literally swamped with drugs," the delegation concluded. "With an at-risk population, without access to drug treatment, needle exchange appears to be nothing more than a facilitor for drug use."

The problem for science is that no study has used the most effective method for settling such issues—a randomized control trial. Moreover, needle-exchange programs are usually embedded in complex programs of outreach, education and treatment, which themselves affect HIV risk. A 1996 study showed that through outreach and education alone, HIV incidence in Chicago-area intravenous drug users was reduced 71% in the absence of a needle exchange.

Peter Lurie of the University of Michigan argues that "to defer public health action on those grounds [awaiting better research] is to surrender the science of epidemiology to thoughtless empiricism and to endanger the lives of thousands of intravenous drug users." But Dr. Lurie's reasoning appears circular. Only someone convinced that needle-exchange programs are effective at preventing HIV can claim that addicts are jeopardized by further testing.

And drug use carries risks besides HIV infection. A recent article in the Journal of the American Medical Association warned that the arrival of a new drug from Mexico called "black-tar-heroin," cut with dirt and shoe polish, is spreading "wound botulism." This potent toxin leads to paralysis and agonizing death, even when injected by a clean needle.

Thus, dispensing needles to the addicted could produce a public health tragedy if this policy does indeed place them at greater risk for HIV or enhances the legitimacy of hard drug use. Simply put, the administration's case is not proven.

Needle Exchange Programs Have Not Been Proven To Prevent HIV/AIDS

Outreach/education programs have been shown to be very effective in preventing HIV/AIDS. For instance, a Chicago study showed that HIV seroconversion rates fell from 8.4 to 2.4 per 100 person-years, a drop of 71%, in IV drug addicts through outreach/education alone without provision of needles. i (1) Needle exchange programs (NEPs) add needle provision to such programs. Therefore, in order to prove that the needle component of a program is beneficial, NEPs must be compared to outreach/education programs which do not dispense needles. This point was made in a Montreal study which stated, "We caution against trying to prove directly the causal relation between NEP use and reduction in HIV incidence. Evaluating the effect of NEPs per se without accounting for other interventions and changes over time in the dynamics of the epidemic may prove to be a perilous exercise." ii (2) The authors conclude, "Observational epidemiological studies . . . are yet to provide unequivocal evidence of benefit for NEPs." An example of this failure to control for variables is a NEP study in The Lancet which compared HIV prevalence in different cities but did not compare differences in outreach/education and/or treatment facilities. iii (3)

Furthermore, recent studies of NEPs show a marked increase in AIDS. A 1997 Vancouver study reported that when their NEP started in 1988, HIV prevalence in IV drug addicts was only 1–2%, now it is 23%. iv (4) HIV seroconversion rate in addicts (92% of whom have used the NEP) is now 18.6 per 100 person-years. Vancouver, with a population of 450,000, has the largest NEP in North America, providing over 2 million needles per year. However, a very high rate of needle sharing still occurs. The study found that 40% of HIV-positive addicts had lent their used syringe in the previous 6 months, and 39% of HIV-negative addicts had borrowed a used syringe in the previous 6 months. Heroin use has also risen as will be described below. Ironically, the Vancouver NEP was highly praised in a 1993 study sponsored by the Centers for Disease Control. v (5)

The Vancouver study corroborates a previous Chicago study which also demonstrated that their NEP did not reduce needle-sharing and other risky injecting behavior among participants. vi (6) The Chicago study found that 39% of program participants shared syringes vs 38% of non-participants; 39% of program participants "handed off" dirty needles vs 38% of non-participants; and 68% of program participants displayed injecting risks vs 66% of non-participants.

A Montreal study showed that IV addicts who used the NEP were more than twice as likely to become infected with HIV as IV addicts who did not use the NEP. vii (7) There was an HIV seroconversion rate of 7.9 per 100 person years among those who attended the needle program, and a rate of 3.1 per 100 person-years among those who did not. The data was collected from 1988–1995 with 974 subjects involved in the seroconversion analysis. There was a cumulative probability of 33% HIV seroconversion for NEP participants compared to 13% for non-users.

It is important to note that the Chicago, Montreal, and Vancouver studies followed the same group of addicts over an extended period of time, measuring their seroconversion from HIV negative to HIV positive. This has not been the case in previous studies which have purported to show the success of NEPs, such as a New York study which combined results in different populations viii (8) or the New Haven study which was based on a mathematical model of anonymous needles. ix (9)

Some authors have suggested that the increase in HIV in NEP users in Vancouver and Montreal is because NEPs attract high-risk IVDUs. If this is true, then most IVDUs are at high risk, since 92% of Vancouver IVDUs used the NEP. However, an alternative hypothesis was posed by the authors of the Montreal study who postulated that NEPs may serve to facilitate the formation of "new [needle] sharing groups gathering together isolated IVDUs." x (10) This evidence is supported by information that NEPs serve as buyers' clubs and facilitate drug use. Pro-needle activist Donald Grove has written, "Most needle exchange programs actually provide a valuable service to users beyond sterile injection equipment. They serve as sites of informal (and increasingly formal) organizing and coming together. A user might be able to do the networking needed to find good drugs in the half an hour he spends at the street-based needle exchange site—networking that might otherwise have taken half a day." xi (11) By cutting down on the search time, i.e. the time necessary to find drugs, an addict again is able to inject more frequently, resulting in increased drug use, dependency, and exposure to HIV/AIDS through needle sharing or sexual behavior.

FACILITATION OF DRUG USE LEADS TO RISE IN COCAINE AND HEROIN

This facilitation of drug use, coupled with the provision of needles in large quantities, may also explain the rapid rise in binge cocaine injection which may be is injected up to 40 times a day. Some NEPs are actually encouraging cocaine and crack injection by providing so-called "safe crack kits" with instructions on how to inject crack intravenously. xii (12) This increases the addict's drug dependency and irrational behavior, including prostitution and needle sharing. In some NEPs, needles are provided in huge batches of 1000, and although there is supposed to be a one-for-one exchange, the reality is that more needles are put out on the street than are taken in. For instance, on March 8, 1997, Nancy Sosman of the Coalition for a Better Community, NYC, accompanied by a reporter from the New York Times visited the Manhattan Lower East Side NEP requesting needles. xiii (13) Even though they had no needles to exchange and were not drug-users, they were promptly given 60 syringes and needles, little pans for cooking the heroin, instructions on how to properly inject drugs into their veins, and a card exempting them from arrest for possession of drug paraphernalia. They were told that they did not need to return the needles. This community has requested that the NEP be closed.

NEPs also facilitate drug use because police are instructed not to "harass" addicts in areas surrounding these needle programs. Addicts are exempted from arrest because they are given an anonymous identification code number. Since police in these areas must ignore drug use, as they are instructed not to "harass" these program participants, it is no wonder drug addiction is increasing. In Vancouver, Lynne Bryson, a Downtown Eastside resident, notes that large numbers of addicts visit the exchange, pick up needles, and "shoot up" nearby. She has watched addicts buy heroin outside the NEP building "and inject it while huddled against buildings in nearby alleys." xiv (14) As the presence of law enforcement declines in these areas, it is not surprising that the supply of drugs also rises, with increased purity and lower prices. This also serves to hook new young users. With addictive drugs, increased supply creates increased demand. Surprisingly, the response in both Vancouver and Montreal to the above-mentioned reports was to increase the amount of needles provided.

Many drug prevention experts have long feared that the proliferation of NEPs, now numbering over 100 in the US, would result in a rise in heroin use, and indeed, this has come to pass. This rise in drug use was ignored by all the federally-funded studies which recommended federally funding NEPs. The National Center on Addiction and Substance Abuse at Columbia University reported August 14, 1997 that heroin use by American teens doubled from 1991 to 1996. In the past decade, experts estimate that the number of U.S. heroin addicts has risen from 550,000 to 700,000. xv (15)

A 1994 San Francisco study falsely concluded that there was no increase in community heroin use because there was no increase in young users frequenting the NEP. xvi (16) The rising rate of heroin use in the community was not measured, and the lead author, needle provider John Watters, was found dead of an IV heroin overdose in November 1995. According to the Public Statistics Institute, hospital admissions for heroin in San Francisco increased 66% from 1986 to 1995. xvii (17)

In Vancouver, heroin use has risen sharply: deaths from drug overdoses have increased over five-fold since 1988 when the NEP started. Now Vancouver has the highest heroin death rate in North America, and is referred to as Canada's "drug and crime capital." xviii (18)

The 1997 National Institutes of Health Consensus Panel Report on HIV Prevention praised the NEP in Glasgow, Scotland, but the report ignored Glasgow's massive resultant heroin epidemic. Currently, as revealed in an article entitled "Rethinking 'harm reduction' for Glasgow addicts," Glasgow leads the United Kingdom in deaths from heroin overdose, and the incidence of AIDS is rising. xix (19)

In Boston, illegal NEPs were encouraged after the well-known, long-time needle provider Jon Stuen-Parker was acquitted in 1990 amidst much media publicity. xx (20) Then in July 1993, NEPs were legalized, and the city became a magnet for heroin. Logan Airport has been branded the country's "heroin port;" xxi (21) Boston leads the nation in heroin purity (average 81%); and heroin samples of 99.9% are found on Boston streets. xxii (22) Boston now has the cheapest, purest heroin in the world and a serious heroin epidemic among the youth. xxiii (23) The Boston NEP was supposed to be a "pilot study" but there was no evaluation of seroconversion rates in the addicts nor of the rising level of heroin use in the Boston area. xxiv (24)

Similarly, the Baltimore NEP is praised by those who run it, but the massive drug epidemic in the city is overlooked. For instance, the National Institutes of Health reports that heroin treatment and ER admission rates in Baltimore have increased steadily from 1991 to 1995. "At one open-air drug supermarket (open 9 a.m. to 9 p.m.) customers were herded into lines sometimes 20 or 30 people deep. Guarded by persons armed with guns and baseball bats, customers are frisked for weapons, and then allowed to purchase $10 capsules of heroin." xxv (25) Baltimore's mayor Kurt Schmoke is a pro-drug legalizer on the Board of the Drug Policy Foundation. He favors not only NEPs but also heroin distribution. xxvi (26)

Any societal intervention which encourages drug use will also result in increased AIDS rates. It is important to note that needle sharing is not the only way drug users are infected with AIDS since they are at high risk for acquiring AIDS sexually through promiscuity or prostitution. For instance, a study of non-needle using NYC crack addicts showed a high incidence of HIV/AIDS. xxvii (27) Addicts often fund their addiction through prostitution and trading sex for drugs. Furthermore, addicts commonly support their habit by selling drugs to other addicts, and by recruiting new addicts. They target the youth, often providing free samples and free needles to hook their clients. By enabling addicts to stay addicted, NEPs serve to increase the numbers of new young addicts.

Recently, many communities have been attempting to defeat these NEPs before they start or to close them once they have started. In Willimantic, Connecticut, community opposition to its NEP arose as many discarded needles were observed along with increased open drug use. One man, having received needles from NEP, fatally overdosed after his friend unsuccessfully tried to get help from the exchange. Also, a toddler was stuck by a needle discarded near the NEP which was finally shut down. xxviii (28) In New Bedford, Massachusetts, there was a referendum, and the people voted down NEPs by a margin of over 2–1. xxix (29) A 1997 survey done by the Family Research Council found that Americans overwhelmingly oppose NEPs and believe giving an endless supply of needles to drug addicts is irresponsible, representing an official endorsement of illegal drug use which encourages teenage drug use.

RATHER THAN ENCOURAGE DRUG USE, TREATMENT SHOULD BE MANDATED

By providing needles to addicts, NEPs enable the addict to continue self-destructive illegal behavior. With regard to treatment outcomes, NEPs should be compared to mandatory treatment programs, such as drug courts, which serve to force addicts into treatment whether they are "ready" or not. An addict under the influence of a mind-altering drug does not think clearly and may overdose before he/she ever concludes that treatment is the best choice. Indeed, most persons in treatment are there because of an encounter with the criminal justice system, and studies show that involuntary treatment works as well as voluntary treatment. Thus addiction specialist Dr. Sally Satel writes that "For Addicts, Force is the Best Medicine." xxx(30) Even worse is the fact that, as pointed out by addiction expert Dr. James L. Curtis, NEPs often serve to lure recovering addicts back into injecting drug use. xxxi(31)

Since outreach/education programs and mandatory treatment programs are safe and effective in preventing both drug use and HIV/AIDS, these programs should be encouraged and funded. NEPs should be discontinued since they are not safe or effective and since they result in increased drug use and HIV/AIDS.

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Mr. Speaker, my friend, the gentleman from Georgia (Mr. BARR), has done a lot of work in this area.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I yield to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, I thank the gentleman from Colorado for yielding. I also thank the gentleman from Illinois, the distinguished Chairman of the Subcommittee on National Security on which I have the honor of serving and which has really been on the forefront on the war against mind-altering drugs, both here domestically as well as in the international manifestations.

We have, in recent years, as we know and, Mr. Speaker, as you know, become a Nation deeply concerned with the messages that we, as adults, send to our children. We yearn for the athlete whose poster hangs above our child's bed to be as good a citizen as to be a ball player. We want our teachers to practice what they preach, and we want our government to provide an environment by which our children can truly learn safely.

Unfortunately, our government, at the direction of the President, is failing miserably. Drug use among America's children is on the rise. This was confirmed recently in a study, Substance Abuse and the American Adolescent, released by the National Center for Addiction and Substance Abuse at Columbia University.

What is more, surveys have found that 23.5 percent of 12-year-olds personally now know a drug user, whereas, 2 years ago, in 1996, 10.6 percent of 12-year-olds personally knew a drug dealer. That is an increase of 122 percent. Drug overdoses and emergency room treatment of drug patients are also increasing.

Now, Mr. Speaker, the President and his Secretary of Health and Human Services would have us believe that giving needles to drug users is sound policy and good for our Nation's children. This is pure lunacy.

In the wake of this ill-advised policy, we now have evidence that America's children are drinking, smoking, and using mind-altering drugs at the youngest ages ever.

The war on drugs should only be thought of in one way, a war for the very lives of our children. I am constantly dismayed that many of our colleagues on the other side of the aisle who rarely introduce legislation without claiming that it is for America's children would support any legislation or initiatives that in any way encourage drug abuse, particularly since initiatives have proved to be destructive in other nations that have similarly experimented with the lives of their children. Mr. Speaker, we must never experiment with the lives of children in America.

As the distinguished subcommittee chairman indicated, Switzerland has gone through this very same policy with devastating results. I had the opportunity just last year to visit Switzerland where such an experiment has taken place. It has failed. Drug use in Switzerland has not decreased. It has increased. America will rue the day when you can walk down a city street in Atlanta or Washington or Indianapolis or Boulder and next to a Coke machine find a machine that distributes needles or, more accurately, death in a box, indiscriminately, to any man, woman, or child, with the only qualification to getting that out of the machine is that you are tall enough to drop the coins into the slot.

The proponents of this medicinal use of marijuana or needle exchange programs which, as the distinguished subcommittee chairman said, is really a needle giveaway program, know that this is simply the first step towards legalizing drugs in our Nation. For our children, this must never happen.

In Switzerland each year, their needle distribution programs have given out more, not fewer drug needles. It does not take a rocket scientist to conclude that more, not fewer people, are using drugs under the Swiss experiment. Of course, the initial logic behind these distribution programs was suspiciously benign: to help combat the spread of HIV.

In 1986, the Swiss started a needle exchange program in a park in Zurich. In the beginning, they exchanged about 300 needles a day. By 1992, that number had swelled to 12,000. We should not, we must not be fooled.

This is part of a strategy to legalize drugs in the United States. First, it starts with needles. Then it moves to distributing the drugs. To be sure, there will be some clever reason why this should be done. There is always an excuse, always a rationale.

Were I to support this needle giveaway program, how could I or any of us ever look a mother in the eye who comes to us in a town hall meeting or visits us in our office and says to us that her child is shooting up drugs and what can we do to help? How could any of us tell that parent that that needle that child is using could be a needle that was bought and paid for by our government? Her tax dollars at work, in the hands of her child, in the form of a needle, containing a recipe for death. What a cruel twist of fate.

Mr. Speaker, there can be no compromise in the lives of our children. As the saying goes, the buck does stop here. Not one single penny of Federal tax dollars, not one should ever be used to help addicts continue their destructive and deadly work on the streets, in the homes, in the schools, and in the businesses of these United States of America.

Mr. Speaker, I appreciate the gentleman from Colorado for yielding, and I want to once again thank the gentleman from Indiana for the distinguished leadership that he has provided as chairman of the Subcommittee on National Security.

If the gentleman from Colorado would continue to yield, Mr. Speaker, I want to insert into the RECORD with my remarks the following editorial which appeared on April 22, 1998, by James L. Curtis in the New York Times, entitled Clean But Not Safe.

Mr. Curtis is a professor of psychiatry at Columbia University's Medical School and the director of psychiatry at Harlem Hospital. He has written a very eloquent, very eloquent, indeed, opinion piece on this matter which he concludes as we do here that needle exchange or needle giveaway programs are not a cure. They are simply one more way of getting death and destruction into the veins of our citizens.

The editorial is as follows:

[From The New York Times, Apr. 22, 1998]

CLEAN BUT NOT SAFE

(By James L. Curtis)

Donna Shalala, the Secretary of Health and Human Services, wanted it both ways this week. She announced that Federal money would not be used for programs that distribute clean needles to addicts. But she offered only a halfhearted defense of that decision, even stating that while the Clinton Administration would not finance such programs, it supported them in theory.

Ms. Shalala should have defended the Administration's decision vigorously. Instead, she chose to placate AIDS activists, who insist that giving free needles to addicts is a cheap and easy way to prevent H.I.V. infection.

This is simplistic nonsense that stands common sense on its head. For the past 10 years, as a black psychiatrist specializing in addiction, I have warned about the dangers of needle-exchange policies, which hurt not only individual addicts but also poor and minority communities.

There is no evidence that such programs work. Take a look at the way many of them are conducted in the United States. An addict is enrolled anonymously, without being given an H.I.V. test to determine whether he or she is already infected. The addict is given a coded identification card exempting him or her from arrest for carrying drug paraphernalia. There is no strict accounting of how many needles are given out or returned.

How can such an effort prove it is preventing the spread of H.I.V. if the participants are anonymous and if they aren't tested for the virus before and after entering the program?

Studies in Montreal and Vancouver did systematically test participants in needle-exchange programs. And the studies found that those addicts who took part in such exchanges were two to three times more likely to become infected with H.I.V. than those who did not participate. They also found that almost half the addicts frequently shared needles with others anyway.

This was unwelcome news to the AIDS establishment. For almost two years, the Montreal study was not reported in scientific journals.

After the study finally appeared last year in a medical journal, two of the researchers, Julie Bruneau and Martin T. Schechter, said that their results had been misinterpreted. The results, they said, needed to be seen in the context of H.I.V. rates in other inner-city neighborhoods. They even suggested that maybe the number of needles given out in Vancouver should be raised to 10 million from 2 million.

Needle-exchange programs are reckless experiments. Clearly there is more than a minimal risk of contracting the virus. And addicts already infected with H.I.V., or infected while in the program, are not given antiretroviral medications, which we know combats the virus in its earliest stages.

Needle exchanges also affect poor communities adversely. For instance, the Lower East Side Harm Reduction Center is one of New York City's largest needle-exchange programs. According to tenant groups I have talked to, the center, since it began in 1992, has become a magnet not only for addicts buy for dealers as well. Used needles, syringes and crack vials litter the sidewalk. Tenants who live next door to the center complain that the police don't arrest addicts who hang out near it, even though they are openly buying drugs and injecting them.

The indisputable fact is that needle exchanges merely help addicts continue to use drugs. It's not unlike giving an alcoholic a clean Scotch tumbler to prevent meningitis. Drug addicts suffer from a serious disease requiring comprehensive treatment, sometimes under compulsion. Ultimately, that's the best way to reduce H.I.V. infection among this group. What addicts don't need is the lure of free needles.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I yield to the Majority Whip, the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding.

I really appreciate the gentleman for taking this special order and allowing us to participate, and I really appreciate my Chief Deputy Whip for all the fine work that he has done on drug abuse. Everybody that has spoken, I greatly appreciate it. I want to just take a few minutes, if I could, to express my opinion about the drug war and the lack of emphasis that the White House is making.

You know, when a mother sends her son off to a foreign war, she worries ceaselessly about his safety. Yet, every day, millions of mothers put their children on a school bus and send them off into a domestic drug war zone. Teen drug abuse has reached epidemic proportions. And few places, least of all the classroom, are safe havens from this insidious modern plague.

Let us not mince any words here. Drugs are everywhere. They are in the lockers and bathrooms and playgrounds of America's children's schools and parks and on the streets of our towns. Their poison, no longer confined to the inner city, has burst the damn and flooded the suburbs.

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Marijuana and hard narcotics are no longer the province of beatniks, punks and gangsters. The new drug abusers look a lot like Beaver Cleaver. Truth is, drug users do not just look like your son or daughter, drug users may very well include your son or daughter.

So, Mr. Speaker, the facts speak for themselves.

Overall teenage drug use has nearly doubled, nearly doubled in the 1990's, and perhaps most frightening of all, nearly half of all 17-year-olds say that they could buy marijuana within an hour, and that is according to a survey by Columbia's highly respected Center for Addiction and Substance Abuse. For those under 18, marijuana has become as accessible as beer or cigarettes, and with the President who did not inhale and a generation of baby boom parents nostalgic about their own youthful drug use and who too often considered marijuana benign, our children have been getting mixed messages for years.

It does matter, character does matter. That is not to say that President Clinton or any national figure can be held individually responsible for the drug habits of our children, but the Clinton administration has made the fight against drugs its last priority and then abandoned ship mid-storm. No wonder teen drug use is on the rise.

Wherever American children turn, in the schools, in the neighborhoods, parties, movies, rock concerts, even at home where household products can double as inhalants, they will find drugs available. Children rate drugs their No. 1 problem, and every single child in America is at risk of falling prey, regardless of race, ethnicity or economic status.

So where is our war on drugs? Where is our political courage? Where is our sense of responsibility? Where is our leadership? Where is our shame?

Too often we find that people who should be leading us out of this crisis are leading us deeper and deeper into it. Just this week Bill Clinton, the President of the United States, publicly embraced the outrageous practice of supplying hypodermic needles to drug abusers. On the one hand he wants to take cigarettes away from teenagers, and on the other hand he wants to give them condoms and needles.

What kind of anti-drug policy is that? Instead of providing those addicted to drugs with assistance in kicking their habits, Bill Clinton is actually promoting the practice of providing drug addicts with the necessary tools needed to sustain their addiction. The issue is not whether our children are going to be tossed into the sea of drugs; the issue is how we will teach them to swim while we drain the pool.

But there is a solution, multiple solutions in fact. We wish to solve the drug crisis. We will start with the family. If we want to solve the drug crisis we will start with the family and the school and with our churches and synagogues. Teens with families that eat together, play together and pray together are the ones least likely to try drugs. Teens with parents who assume responsibility for their children and do not blame society at large, teens who have an active religious life, these are the teens least likely to use drugs.

Now, unfortunately there is an ever-increasing minority of our children. If the battle against drug abuse is waged at home, the war is only half won. Parents and children must also demand that their schools and their communities be made drug-free and take the actions necessary to keep them that way.

We need to encourage kids to report drug dealers to their teachers even when those drug dealers are their classmates. We need to empower teachers so that when they know who the drug dealers are there is actually something they can do about it, and we must demand absolute accountability and zero tolerance by principals for any drug use on school grounds whatsoever. Only when our teachers and principals are enlisted in the anti-drug effort can we make our schools truly drug-free.

The good news is that our children seem ready to enlist. More than 80 percent say that if their classmates went along they would make a pledge promising not to smoke, drink or use illegal drugs at school.

Now some communities should consider assigning a full-time police officer to each school. They could walk the hallways like they would walk the beat, passing lockers, checking the parking lot, becoming a presence in the cafeteria. It is happening in some places already and it is working. Officers are bonding with the students because the students know that the cops are there to help. The drugs are kept out of the school and the kids are kept out of harm's way.

Now there is even a role for the Federal Government. We can be more aggressive in guarding our borders, we can be more proactive in helping our neighbors to the south with their anti-drug efforts, as the gentleman from Illinois (Mr. HASTERT) is so good at doing, and we can be more vigilant in our policing, arresting and prosecution of anyone, anyone who sells this poison to our children.

But it is time for the policy-makers to acknowledge to parents and their children that while Washington must use the bully pulpit to set an example, the drug crisis cannot be solved here in Washington. It must be solved in an our homes, in our schools, in our neighborhoods, and in every other place where children make decisions about whether or not to use illegal drugs.

It is time for parents to say, "We're mad as hell and we're not going to take it any more." It is time for them to send their kids a unequivocal message that they do not want them to try marijuana or any other illegal drugs and they will not tolerate it if they do. There is nothing wrong with being judgmental when it comes to the lives of our children, and I call upon every parent, Mr. Speaker, every parent to be intolerant and judgmental when it comes to drug use. It is time for parents to exert tough love for their children before these children become a physical threat to themselves and society at large.

And it is time for us to take a stand against those in the community that preach the life-threatening notion that drugs are harmless. Shame on the entertainment industry for glorifying drug abuse. Shame on the sports stars who use drugs and fail to live up to their responsibility as role models. Shame on the drug legalizers who profit from addicting innocent children and citizens. And, yes, I even say shame on us, the parents, the teachers, the principals and the politicians who have passed the buck and turned a blind eye for too long.

For the sake of our children we cannot afford to be shy any longer about calling drug abuse what it is, a moral crisis that must be addressed both immediately and over the long term. Drug use is wrong because it is immoral, and it is immoral because it enslaves the mind and destroys the soul. People addicted to drugs neglect their duties, their family, their friends, their education, their jobs, everything important, noble and worthwhile in life. In the end the drug problem is nothing so much as a manifestation of weakness, weakened families, weakened communities, weakened institutions.

People turn to drugs in an attempt to escape the realities of life with all its richness and suffering. Drugs may numb the pain, but they also flatten the world and cause it to lose all texture.

The question that the drug crisis poses is no less than the question of our civilization's future. Can humanity survive freedom and influence? Can we meet the challenge of liberty or must we, absent political bonds, find a way to enslave ourselves chemically? I decline to accept the dim view that man cannot retain the old virtues, the old values in this modern age. I decline to accept the notion that humanity is not suited for freedom.

America can overcome the drug problem, but it will not simply go away on its own. No, the cure for drugs lies in the hearts and the minds of America's families and communities. It is time for us to act.

By combining national leadership with community activism, we can and we will save America, one child and one neighborhood at a time. Working together with the American values of family, faith and sacrifice close at hand, we can ensure that the lives of our children are safer, more productive and free of the drugs that cripple their minds and destroy their souls. They, our legacy, deserve nothing less.

I appreciate the gentleman from Colorado taking this special order and the gentleman from Illinois for all the fine work that they have done in this regard. It is just a shame, as far as I am concerned, that our own President and our own administration seems to care less about what is happening to our children when it comes to drugs.

Mr. BOB SCHAFFER of Colorado. I have about a minute left, and I yield to the gentleman from Illinois.

Mr. HASTERT. Mr. Speaker, I appreciate the gentleman from Colorado yielding time to me, and the eloquence of the whip from Texas, a very nice presentation.

But the sad story is that we have 20,000 people who die of drugs in this country every year, 14,000 directly from drugs. They die because of overdose, they die because of gang violence. They are our kids. They are dying today at our street corners in the darkest parts of our cities. We should not help them die. We should work to stop the drug menace in this country.

BELLA ABZUG, A WOMAN AHEAD OF HER TIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. NADLER) is recognized for 60 minutes.

Mr. NADLER. Mr. Speaker, I am honored to represent most of the district once represented by the late Bella Abzug in Congress, and as such I come forward today together with my friend from the District of Columbia and with the Congressional Women's Caucus to say a few words about a departed legend. I would like to thank Congressman OWENS of New York for so kindly giving us this special order time which he had reserved.

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Not only was she driven to do the right thing, but she demanded the same of everyone she came in contact with.

She was not expected to win her 1970 campaign for the House. I remember when she ran the first time, I campaigned for her. I just graduated from college; we had run against the same incumbent every 2 years since 1962, and we lost in 1962, and we lost in 1964. We lost in 1966; we lost in 1968; and no one expected any different in 1970.

But Bella changed the mode. Bella didn't just try to get out her vote and up the percentage a few percentage points and hope that more of our vote would come out than theirs. Bella went into the opposition stronghold and cracked it, and made them vote for her and changed the whole tone and the whole model of politics in lower Manhattan.

I remember the astonishment when she won that June day in 1970. She changed the mode and the model of how New York politics was looked at.

Then she got here, and, of course, she made an immediate impression. It is hard to realize, she was such an inspiration to an entire generation. She made such an impression that we still remember today that it is hard to realize she served in this House for only three terms, for only 6 years.

But in that time, what a difference she made, what a difference she made for the emerging feminist movement, what a difference she made for the rights of women, for civil rights, for civil liberties, for social justice, for the struggle for economic justice. What a boost she gave to the opposition to an unjust war in Vietnam, and what a difference she made in so many different subjects.

People remember her as a great speaker, and a great leader, and a great expositor, and a great example. But sometimes I think they do not remember that she was also a great legislative crafts person.

She, for example, crafted the interstate transfer amendment under which 32 States gained billions and billions and billions of dollars for mass transit systems from highways whose construction they had changed their minds about. And she enabled them to trade in unwanted highways on the map for new mass transit systems, or for improved mass transit systems.

In my own city of New York, we got $1.7 billion for the mass transit system by trading in the West Way Highway, about which city and State government changed their minds.

So she was a great legislative crafts person, and she was a great leader on a host of issues. And she never, never thought that enough was enough.

I remember whenever I would talk to her, she would say to me, are you doing enough? Are you doing enough? Whatever it was I was doing, are you doing enough?

And then occasionally, almost begrudgingly, very occasionally, she would say, well, you are doing okay. And I would leave our conversation feeling as if I had received the greatest compliment one could ever receive.

That is one of my memories of Bella, and I am sure many Members of Congress have others they would like to share. That is why we are holding this special order so that those of us who still remain at this late hour can come forward and give former Representative Bella Abzug the tribute which is surely her due.

Let me add one other thing. She made as great a contribution to the people of this country, to the people of this world, after she left the House, and unfortunately she was not elected to the Senate, but after she left the House, as she did before. As the Representative of the United States to the United Nations, to various conferences, to women's conferences, abroad, she made a great contribution, and it will be long remembered.

Finally, regarding my colleague, I can only conclude with this: When Bella Abzug left this House, this chamber became a poorer place. Likewise, with her passing, the world became a poorer place, though all of us are immensely richer for her presence on this planet.

Mr. Speaker, it is now my pleasure to yield to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank my colleague, the gentleman from New York (Mr. NADLER), for yielding, and I thank the gentleman for organizing this special order for Bella Abzug.

Perhaps it was fitting that we lost one of the world's greatest women's rights leaders at the end of March. March was Women's History Month. It was a time when we recalled the great contributions made by women for women, and Bella, my friend and my mentor, was a great contributor.

I would like to say that Bella Abzug will not only be remembered for her flamboyant, colorful hats, but for what was under them; her wonderful mind and the voice with which she spoke it and her inspired heart.

I am deeply indebted to Bella, and I know many women feel the same way. But I also know that there are many young women who may just take Bella's work and the work of other women before them for granted. I invite them to get to know Bella's memory, because without it we could lose ground. If we begin to take her hard-fought victories for granted, we will lose sight of the work that lies ahead.

There is not an American woman alive today who does not command more respect or enjoy more opportunity as a result of Bella's work. Because of Bella Abzug, women today stand a little taller, walk a little prouder, and accept nothing less than what they deserve.

Bella broke through barriers; she shattered glass ceilings, she rattled cages, and she set women free. Even in her last years when she was confined to a wheelchair, no woman stood taller in the fight for women's rights, for women's equality, than Bella Abzug.

Bella was a pioneer on so many levels. She was a legislator, a peace activist, a labor lawyer, a lecturer, a news commentator, a civil liberties advocate, and the first woman to be elected to Congress, not under the banner of a particular party, but on a banner based on women's rights and a peace platform.

She cofounded the National Women's Political Caucus, which celebrates this year its 21st anniversary. She coauthored the Freedom of Information and Privacy Acts. She cast one of the first votes for the Equal Rights Amendment, which still has not been enacted into law in this country. She presided over the Women's Congress for a Healthy Planet. She organized the first National Women's Conference in Houston, Texas, and organized this past year the 20th anniversary of remembrance of the accomplishments of that conference. She authored Women's Equality Day, and she cofounded the Women's Environment and Development Organization.

She had an impressive resume. However, the whole of Bella's life was much more than the sum of its parts. She is now a historical figure, a cultural icon. She changed how people thought, how they looked at the world, and how they lived their lives.

Bella was a firebrand orator. One of my favorite Bellarisms goes like this: "Women will change the nature of power, rather than power changing the nature of women."

She proclaimed just last year, "We are building a women's movement, and we have been making it larger and larger. It is worldwide. It is where it has never been before."

She was building a worldwide network because she could. She was a consummate organizer. She was always pushing the envelope, always trying to do more, and challenging others to do more. I suspect by now Bella has already demanded a meeting with God and has begun to try to reorganize heaven. If she were with us here today, she would tell us not to mourn, but to organize and to mobilize, and she would be right. We can never forget Bella Abzug or her works or her funny charm, but our best vehicle for remembering her will be to carry on her work.

Her sense of outrage must become ours. Her commitment to reaching out to our Nation's younger women must become ours. Her courage, her vision, her wit and her boundless energy must become ours. After all, these are the things she left us. We must take them as gifts and use them to advance the cause of women in America around the world.

Mr. NADLER. Mr. Speaker, we had a number of other speakers, about eight or nine other speakers, who, because of the lateness of the hour and the arrival of other events of the evening, who had planned to.

Ms. LEE. Mr. Speaker, as one of many friends and longtime admirers of Bella Abzug, I rise today to pay tribute and express my heartfelt admiration and respect for this exceptional woman. Bella Abzug was truly loved by many in the world who were positively impacted by her groundbreaking work on a myriad of crucial progressive issues.

The first time I met Bella I was working for my predecessor, the Honorable Congressman Ronald V. Dellums. Bella and Ron worked closely on a number of progressive causes, remaining at the forefront of peace, social, and economic justice issues, as well as efforts to normalize relations with Cuba.

Bella was a true pioneer. She had a brilliant mind, and her tireless efforts over the decades to build diverse coalitions and protect the civil rights of women, the poor, and people of color throughout the world will long be remembered and respected. Her most recent efforts through the Women's Environment and Development Organization, which she co-founded, have permanently changed the impact that all non-governmental organizations have on policy making. Her influence was truly global.

A great strategist for the advancement of feminist issues, Bella's unyielding dedication to gaining access to political power for women was also remarkable. Personally, I was a fortunate recipient of her encouragement, guidance, and a political knowledge from the time I began my public service. The last time I spoke with Bella was at a fundraiser for my California State Senate Race. Her involvement at this event is an example of her continual energy and support, for which I will be forever grateful. For me, Bella has been a truly inspiring mentor and role model.

I am proud to join my colleagues I paying tribute to and expressing my admiration for this superwoman. I am honored to have been able to call Bella a friend. It is my hope, that as I travel this new road, I will in some small way be able to keep her spirit and tenacity alive by continuing the ongoing struggle to remove barriers which prevent women and people of color from participating fully in society.

Bella, I know you are watching and listening. We all love you, and we truly miss you.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am honored to rise today to honor the memory of former Congresswoman Bella Abzug, who made such significant contributions to this House and to America's least represented people. Bella dedicated her life to public service, fighting particularly hard for the rights of women and minorities, even before such fights were popular or politically wise. Her death, just weeks ago on March 31, 1998, at the age of 77, is mourned by friends, former colleagues in this body, and those of us who simply admired her work.

Bella Abzug, the daughter of immigrant parents, made a habit of breaking through barriers and accomplishing the unlikely. Bella earned a law degree from Columbia University in 1947, which at that time was an accomplishment in and of itself for a woman. Bella used her law degree to fight for those who needed her assistance most: union workers, civil rights litigants, and minority criminal defendants in the South. Much of her work was done pro bono, or for a minimal fee.

Bella Abzug is perhaps best known for her contributions to the civil rights movement. During the 1950s, she counseled tenants and minority groups and helped to draft legislation that was incorporated into the Civil Rights Act of 1954 and Voting Rights Act of 1965.

Bella's efforts to ensure peace and end the war in Vietnam are also well known. Columnist Jimmy Breslin once remarked about the peace movement that "Some came early, others came late. Bella has been there forever." After the withdrawal of American troops from Indochina, Bella turned her attention towards banning nuclear testing and encouraging disarmament, mostly through the organization she founded, Women Strike for Peace.

Fortunately for the residents of New York City, Bella Abzug decide to take her passion and enthusiasm to a public office. Running with the slogan "This woman belongs in the House"—the House of Representatives—in 1970, Bella was easily elected to this body for two terms as the Representative from New York's Nineteenth Congressional District. She served as chair of the House Subcommittee on Government Information and Individual Rights, conducting inquiries into covert and illegal activities by agencies of the federal government, and helping to produce the "Government in the Sunshine" law which gave the public great access to government records. While here in Congress, Bella often amazed and aggravated friends and opponents alike with her brash speaking style and passionate devotion to issues.

After leaving Congress, Bella continued to serve her government in appointed positions, and assisted with the creation and expansion of organizations that encourage women to achieve equality through economic, social, and political empowerment. In 1994, she was inducted into the National Women's Hall of fame in Seneca Falls, New York, where the first women's rights conference was held in 1848. The Congressional Caucus for Women's Issues has requested that the Speaker send a Congressional delegation to the 150th anniversary celebration of that conference later this year. Certainly, if such a delegation is sent, Bella Abzug's presence will be felt and recognized.

Bella was a key organizer of the Fourth World Conference on Women, held in Beijing just three years ago. During that conference, the international audience presented her with numerous awards and accolades that recognized her longstanding devotion to the needs and rights of women, particularly minority women.

Bella Abzug's dedication to the needs of women and minorities, and her willingness to fight those who were not similarly devoted, should stand as a model of effective nonconformity in this age when compliance and compromise reign supreme. I, along with other women and minorities in this body and in America in general, thank Bella for her time and effort, and assure her that her work, and the work of so many others like her, will continue.

While I certainly appreciate the opportunity to appear here today and speak warmly of Bella, we must do more. The most fitting tribute we can bestow upon Bella Abzug is to prove her prophetic: in 1996, she said that in the 21st century, "Women will change the nature of power, rather than power changing the nature of women." Let us all, here in this House and beyond, ensure that this is the case—not only for the good of this nation and its peoples, but in memory of women like Bella who paved the way.

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to mourn the passing of a truly remarkable woman. In fact, across America, if not the world, women mourn the passing of Bella Abzug. It goes without saying that she was a pioneer. She was certainly more than just the first Jewish woman elected to Congress. She was at the forefront of a movement that said that women were capable of anything.

To put the achievements of this great woman in perspective, she was born in the year that women gained the right to vote. She earned her law degree from Columbia University in 1944, one of seven women to graduate in a class of a hundred twenty. In 1970, Bella Abzug was one of three new women Members of Congress, bringing the total number of women serving this institution to twelve. Yesterday, two more women became Members of the House of Representatives, bringing the total to fifty-five.

Of course, Bella Abzug did not come to Congress to rest on her laurels. Bella came to this town to make a difference, and it's safe to say that Washington has never been the same. Bella did not understand that in 1971 women Members of Congress were supposed to take a back seat to their male counterparts. She did not understand that there were two sets of rules—and she cheerfully, boldly, bravely violated those rules if that's what it took to bring about change. On her first day as a Member of Congress, she introduced a resolution to end the war in Vietnam. Never mind that this sort of bold act was just not done in those days—she did it because it was the right thing to do.

She was candid, visionary, and her presence in this chamber made it possible for an entire generation of women to achieve success in a world from which they had been largely excluded. Bella once said, quote, "Women have been trained to speak softly and carry a lipstick. Those days are over, unquote." Yes, thanks to Bella Abzug, those days are over.

And so, I join my colleagues, men and women, in expressing my deep sadness at the passing of this extraordinary woman. Bella Abzug will be terribly, terribly missed.

Mr. TOWNS. Mr. Speaker, I rise today to honor the achievements of my former colleague, Bella Abzug, the "Queen of New York."

Throughout her illustrious career in public service, she was a zealous advocate for all. This New York Democrat was truly a woman who dared to be different. As a Member of Congress, labor lawyer, civil-liberties advocate, and peace activist, Bella used her special talents to give "voice" to many causes.

From her first day on the floor of the House of Representatives when she protested the Vietnam war to her recent efforts to promote a "safe and sustainable" global environment, she gained the respect of the world. I am truly honored to have known the regal Bella Abzug.

Mr. Speaker, please join me in honoring the memory of my dear colleague, Bella Abzug. Her indelible mark on this nation will be remembered for a lifetime.

Mr. RANGEL. Mr. Speaker, as we mourn the death of our former colleague, Bella Abzug, I would like to pause to reflect and celebrate the life of an extraordinarily gifted human being.

I have fond memories of Bella Abzug and admire so many of the principles which guided her as she struggled to make the world a more humane place. I think about the unpopular causes she championed during the 1950's for civil rights. A specialist in labor law, she worked "gratis" for union groups, workers in the fur industry, restaurant workers, auto workers, and the first rank-and-file longshoremen strikers.

A large portion of her work outside of the labor field was done "pro bono," or for a minimal fee, for civil rights and civil liberties litigants. She was the chief counsel in the two-year appeal of Willie McGee, an African American man convicted of raping a white woman and sentenced to death. The case drew worldwide attention, and some Southern newspaper editorials attacked McGee's "white lady lawyer" in language meant to incite racism and hatred between groups.

Bella argued passionately, and challenged the injustice of excluding Blacks from juries and applying the death sentence for rape virtually exclusively to Blacks. Although her arguments fell on deaf ears and McGree was executed in Mississippi in 1951, the case was an example of Bella's compassion and lifelong commitment to the underdog. She helped to draft legislation that was incorporated into the Civil Rights Act of 1954 and the Voting Rights Act of 1965. An advocate of free speech during the 1960's she was a leader in the movement for women's rights, an opponent of the Vietnam War, and a supporter of environmental issues.

When we entered the Congress together in January of 1971, Bella was certainly no wallflower freshman. If her feisty, raspy-throated speeches didn't attract attention, her trademark hats certainly did. They were a throwback, she said, to her early days as one of the New York City's few female lawyers.

Bella came in demanding appointment to the House Armed Services Committee—a choice assignment seldom awarded to a freshman Representative. The last woman to serve on the committee had been Margaret Chase Smith, an outspoken critic of the military, in 1949. Although Bella failed at her attempt to secure a seat on the Armed Services Committee, she served effectively on the Government Operations and the Public Works Committees. Time and time again, she proved that regardless of the capacity in which she served, her presence would be felt, her voice always heard. Bella could not be silenced or contained against her will.

One of 15 women serving in the House of Representatives in 1971, and the first woman of Jewish descent to serve in Congress, Bella relished her reputation as a "brash and brassy" New Yorker. In 1998, we now have 55 women in the House of Representatives. Although Bella might say that we can do better, I think she was pleased and proud of the progress that was made during her lifetime.

Bella Abzug was truly a visionary, passionate, committed trailblazer, and a compassionate leader. She was also my friend. May she rest in peace.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to pay special tribute to one of our great leaders, Congresswoman Bella Abzug. I was deeply saddened to hear of Ms. Abzug's passing last month and would like to take this opportunity to recognize her many accomplishments.

Over the years, Congresswoman Abzug worked diligently to improve the status of women. Not content to work only on the behalf of the State of New York, she concentrated on issues such as the environment, civil rights, gay rights, education, affordable healthcare and many other issues of national concern.

This highly visible Congresswoman served as a member of the Committee on Public Works and Transportation and chaired the Subcommittee on Government Information and Individual Rights. She helped create the "Government in the Sunshine Law" which allows the public to have greater access to government records. In addition, during her service in Congress, she was able to help pass several laws that target and prevent sex discrimination. Without a doubt, the country is a much better place for women and men alike because of her leadership in Congress over the years.

Outside of her congressional career, Ms. Abzug led the way in improving the status of women. In 1971, Abzug co-founded the National Women's Political Caucus. As a firm believer in economic, social and political equality for women, she was appointed co-chair of the National Advisory Committee for Women. In 1995, she helped organize the Fourth World Conference on Women held in Beijing; during that conference she received many awards and accolades. As a crusader in the civil rights movement, Ms. Abzug expressed her opposition to the exclusion of African-Americans from juries and their receipt of harsher criminal sentences. During the 1950's, she helped draft legislation that was incorporated into the Civil Rights Act of 1954 and the Voting Rights Act of 1965.

Yesterday, in welcoming Barbara Lee and Mary Bono as new Members of the House, many speakers noted the unprecedented number of women now serving in Congress. All of the women Members of Congress owe a large debt of gratitude to Bella Abzug, the woman who trail blazed the path for us.

Bella Abzug followed her heart and was always a crusader for just causes. We have lost a valuable colleague and role model and I will always remember her as one of the most influential women of the world. I am confident that her wisdom and spirit will be continued and remembered by all.

Mr. MANTON. Mr. Speaker, I thank the gentleman, my friend and colleague from New York, Mr. Nadler, for organizing this evening's special order in honor of Bella Abzug.

Mr. Speaker, with the recent passing of Congresswoman Abzug, this House, and indeed the Nation, has lost one more personal link to our Nation's history.

Bella is probably best known to the average citizen for her role as a Congresswoman during the rather tumultuous period of the 1970's. But, as the Speaker and many of Colleagues know full well, Bella was much, much more than simply that ex-Congresswoman from New York City who wore outlandish hats.

Bella's long and distinguished career of public service spanned many decades and a multitude of activities. In many respects, she was busier and had a greater impact on her community, the Nation, and, indeed the world, after leaving the House of Representatives. Her undying, total dedication to the causes she believed in will live on for many years to come.

Bella Abzug was an attorney, author, lecturer, environmentalist, news commentator, and, perhaps most of all, a lifelong activist. Of course, no matter what "hat" she was wearing, Bella was always a strong and vocal defender of women and women's rights throughout the world.

Mr. Speaker, it is no secret, and should not come as a shock or surprise to anyone who follows politics, that Bella Abzug and I were not close compatriots fighting in the trenches together. We came from different wings of the Democratic Party. Quite frankly, we were not often in agreement on many a matter or how best to address an issue.

Perhaps this difference, this diversity of opinions and methods, was an example of what makes the Democratic party so strong.

But, having said this, I was never prouder or more honored than to have been on Bella's side in opposition to the War in Vietnam.

Instinctively, the Liberal—and, this is not a pejorative term—Congresswoman from Manhattan and this moderate local politician understood the toll this war was taking on our Nation and our "best and brightest." As a Congressman who's Woodside, New York, neighborhood lost the most servicemen in this war, I know full well that the position Bella and I took was the right and just one.

Mr. Speaker, regardless of your Party or political leaning, this House would do well to remember the dedication, hard work, caring, and conviction of Congresswoman Bella Abzug. Not only did she strive to make the world a better place for all its people, she also succeeded.

GENERAL LEAVE

Mr. NADLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the tribute to Bella Abzug.

The SPEAKER pro tempore (Mr. Weldon of Florida). Is there objection to the request of the gentleman from New York?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Dixon (at the request of Mr. Gephardt) for Tuesday, April 21, and the balance of the week on account of medical reasons.

Mr. Hastings of Florida (at the request of Mr. Gephardt) for today and the balance of the week on account of official business.

Mr. Tanner (at the request of Mr. Gephardt) for today and the balance of the week on account of a death in the family.

Mr. Underwood (at the request of Mr. Gephardt) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. Serrano) to revise and extend their remarks and include extraneous material:

Mr. Pallone, for 5 minutes.

Ms. Woolsey, for 5 minutes.

Ms. Norton, for 5 minutes.

Mr. Menendez, for 5 minutes.

Mr. COYNE, for 5 minutes.

Mr. BARRETT of Wisconsin, for 5 minutes.

Mr. SHERMAN, for 5 minutes.

Mrs. MALONEY of New York, for 5 minutes.

Mrs. CAPPS, for 5 minutes.

Ms. ESHOO, for 5 minutes.

Ms. CARSON, for 5 minutes.

Mr. KLINK, for 5 minutes.

Mr. MCGOVERN, for 5 minutes.

Ms. JACKSON-LEE of Texas, for 5 minutes.

The following Members (at the request of Mr. WHITFIELD) to revise and extend their remarks and include extraneous material:

Mr. GILCHREST, today, for 5 minutes.

Mr. PORTER, today, for 5 minutes.

Mr. HORN, today, for 5 minutes.

Mr. COX of California, today, for 5 minutes.

Mr. KINGSTON, today, for 5 minutes.

Mr. ROHRABACHER, on April 23, for 5 minutes.

Mr. BILIRAKIS, today, for 5 minutes.

Mr. MCCOLLUM, today, for 5 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SERRANO) to revise and extend their remarks and include extraneous material:)

Mr. KIND.
Mr. CONDIT.
Mr. KUCINICH.
Mr. PALLONE.
Mr. FILNER.
Mr. BARCIA.
Ms. EDDIE BERNICE JOHNSON of Texas.
Mr. LANTOS.
Mr. MENENDEZ.
Mr. HAMILTON.
Mr. SCHUMER.
Mr. KENNEDY of Rhode Island.
Mr. STARK.
Mr. DAVIS of Illinois.
Mr. LEVIN.
Mr. SERRANO.
Mr. CLAY.
Mr. DAVIS of Illinois.
Mr. EVANS.
Ms. HARMAN.
Mr. ANDREWS.
Mr. OWENS.
Ms. JACKSON-LEE of Texas.

(The following Members (at the request of Mr. WHITFIELD) and to include extraneous matter:)

Mr. WOLF.
Mrs. MORELLA.
Mr. RADANOVICH.
Mr. RIGGS.
Mr. CRAPO.
Mr. RILEY.
Mr. MCKEON.
Mr. GILMAN.
Mr. EVERETT.

(The following Members (at the request of Mr. NADLER) to revise and extend their remarks and include extraneous material:)

Mr. KENNEDY of Massachusetts.
Mr. HORN.

ADJOURNMENT

Mr. NADLER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 42 minutes p.m.), the House adjourned until tomorrow, Thursday, April 23, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

8579. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Department's final rule—Mediterranean Fruit Fly; Addition to Quarantined Areas [Docket No. 98-046-1] received April 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8580. A letter from the Congressional Review Coordinator, Animal Plant Health Inspection, transmitting the Department's final rule—Brucellosis in Cattle; State and Area Classifications; Alabama [Docket No. 98-036-1] received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8581. A letter from the General Counsel, Corporation For National Service, transmitting the Corporation's final rule—Administrative Costs for Learn and Serve America and AmeriCorps Grants Programs [45 CFR Parts 2510, 2516, 2517, 2519, 2521 and 2540] received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8582. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Missouri; Control of Landfill Gas Emissions From Existing Municipal Solid Waste Landfills [MO 053-1053a; FRL-6003-2] received April 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8583. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Deletion of Certain Chemicals; Toxic Chemical Release Reporting; Community Right-To-Know [OPPTS-400082D; FRL-5785-5] (RIN: 2070-AC00) received April 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8584. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to the Taipei Economic and Cultural Representative Office in the United States (Transmittal No. 08-98), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

8585. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—General Services Administration Acquisition Regulation; Requesting Debriefings At GSA And Electronic Sales Reporting And Schedule For Submission Of Reports And Fees For Industrial Funding Under Federal Supply Service Schedule Contracts [APD 2800.12A, CHGE 78] (RIN: 3090-AG71) received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

8586. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Management Measures [Docket No. 980408088-8088-01; I.D. 040798A] (RIN: 0648-AK98) received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8587. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustments, Cape Falcon, OR, to Point Mugu, CA [Docket No. 970429101-7101-01; I.D. 032798B] received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8588. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 970930235-8028-02; I.D. 032598D] received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8589. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 970930235-8028-02; I.D. 032598E] received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8590. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Texas Regulatory Program and Abandoned Mine Land Reclamation Plan [SPATS No. TX-040-FOR] received April 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8591. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Pennsylvania Regulatory Program [PA-112-FOR] received April 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8592. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Interim Guidance on Cost Sharing/Matching Requirements on the Award of Grants to Indian tribes Under Section 106 of the Clean Water Act for FY 1998— received April 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1309. A bill to provide for an exchange of lands with the city of Greeley, Colorado, and The Water Supply and Storage Company to eliminate private inholdings in wilderness areas, and for other purposes (Rept. 105–489). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUMP: Committee on Veterans' Affairs. H.R. 3603. A bill to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 1999, and for other purposes (Rept. 105–490). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOSS: Committee on Rules. House Resolution 408. Resolution providing for the consideration of the bill (H.R. 1252) to modify the procedures of the Federal courts in certain matters, and for other purposes (Rept. 105–491). Referred to the House Calendar.

Mr. SMITH of Oregon: Committee of Conference. Conference report on S. 1150. An act to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national multistate significance, to reform, extend, and eliminate certain agricultural research programs, and for other purposes (Rept. 105–492). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. EVANS:

H.R. 3702. A bill to amend title 38, United States Code, to provide the Secretary of Veterans Affairs with the authority to reimburse veterans enrolled in the veterans health care system for the cost of emergency care or services received in non-Department of Veterans Affairs facilities; to the Committee on Veterans' Affairs.

By Mr. DELAHUNT:

H.R. 3703. A bill to establish the Adams National Historical Park in the Commonwealth of Massachusetts as the successor to the Adams National Historic Site; to the Committee on Resources.

By Mr. FORBES:

H.R. 3704. A bill to direct the Secretary of Transportation to conduct a study and issue a report on predatory and discriminatory practices of airlines which restrict consumer access to unbiased air transportation passenger service and fare information; to the Committee on Transportation and Infrastructure.

By Mr. GIBBONS (for himself and Mr. ENSIGN):

H.R. 3705. A bill to provide for the sale of certain public lands in the Ivanpah Valley, Nevada, to the Clark County Department of Aviation; to the Committee on Resources.

By Mr. HERGER:

H.R. 3706. A bill to authorize the Secretary of the Interior to implement the provisions of the Agreement conveying title to a Distribution System from the United States to the Clear Creek Community Services District; to the Committee on Resources.

By Mr. SAM JOHNSON (for himself and Mr. HAYWORTH):

H.R. 3707. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to allow reductions in the discretionary spending limits to be used to offset tax cuts; to the Committee on the Budget.

By Mr. OBEY:

H.R. 3708. A bill to direct the Secretary of the Interior to study whether the Apostle Islands National Lakeshore should be protected as a wilderness area; to the Committee on Resources.

By Mr. RILEY (for himself, Mr. BACHUS, Mr. ADERHOLT, Mr. CALLAHAN, Mr. CRAMER, Mr. HILLIARD, Mr. EVERETT, and Mr. JENKINS):

H.R. 3709. A bill to amend the Taxpayer Relief Act of 1997 to provide for the abatement of interest on underpayments by taxpayers in Presidentially declared disaster areas in 1998; to the Committee on Ways and Means.

By Mr. SCARBOROUGH (for himself, Ms. CARSON, Mr. CUNNINGHAM, Mrs. MINK of Hawaii, Mr. SAWYER, Mr. ABERCROMBIE, and Mr. FROST):

H.R. 3710. A bill to exonerate the late Rear Admiral Charles Butler McVay, III, captain of the U.S.S. INDIANAPOLIS when it was sunk on July 30, 1945, from responsibility for that sinking, and for other purposes; to the Committee on National Security.

By Mr. SMITH of Michigan:

H.R. 3711. A bill to amend title 11 of the United States Code to make debts to governmental units for the care and maintenance of minor children nondischargeable; to the Committee on the Judiciary.

By Mr. SOLOMON:

H.R. 3712. A bill to prohibit the expenditure of Federal funds to provide or support programs to provide individuals with hypodermic needles or syringes for the use of illegal drugs; to the Committee on Commerce.

By Mr. STARK (for himself, Mr. WAXMAN, Mr. MATSUI, Mr. MILLER of California, Mr. BROWN of Ohio, Ms. ESHOO, and Mr. LANTOS):

H.R. 3713. A bill to amend title XXI of the Social Security Act to prevent conflicts of interest in the use of administrative vendors in the administration of State Children's Health Insurance Plans; to the Committee on Ways and Means.

By Mr. WICKER (for himself, Mr. HASTERT, Mr. BARR of Georgia, and Mr. DELAY):

H.R. 3714. A bill to establish a prohibition regarding illegal drugs and the distribution of hypodermic needles; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. MANZULLO, Mr. LINDER, and Mr. GILCHREST.

H.R. 371: Mr. KILDEE and Mr. BARCIA of Michigan.

H.R. 678: Mr. DELAY, Ms. KILPATRICK, Mr. MCHUGH, Mrs. KENNELLY of Connecticut, Ms. HARMAN, Mr. Gibbons, Mr. SKAGGS, Mr. DIXON, Mr. DICKS, Mr. GEJDENSON, and Mr. BAKER.

H.R. 900: Mr. BALDACCI.

H.R. 980: Mr. NORWOOD.

H.R. 1023: Mr. PORTMAN.

H.R. 1126: Mr. HALL of Texas, Mr. BISHOP, and Mr. PACKARD.

H.R. 1165: Mrs. LOWEY.

H.R. 1231: Mr. THOMPSON, Mr. MCHALE, Mr. KANJORSKI, and Mr. ANDREWS.

H.R. 1241: Mr. WAXMAN and Mr. MARTINEZ.

H.R. 1376: Mr. BROWN of Ohio.

H.R. 1401: Mr. DEUTSCH.

H.R. 1425: Mr. MENENDEZ.

H.R. 1525: Mrs. MINK of Hawaii, Mr. LOBIONDO, and Mr. TRAFICANT.

H.R. 1586: Ms. NORTON, Ms. ESHOO, Ms. PELOSI, Mr. HINCHEY, Mr. KILDEE, and Mr. BROWN of California.

H.R. 1715: Mr. HEFLEY, Mr. MCDERMOTT, Mr. HOSTETTLER, Ms. NORTON, Mr. YATES, and Mr. FILNER.

H.R. 1766: Mr. ADERHOLT, Mr. BAKER, Mr. BALDACCI, Mrs. CAPPS, Ms. DEGETTE, Ms. DELAURO, Ms. FURSE, Mr. HERGER, Mr. HORN, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. KELLY, Mr. KIND of Wisconsin, Mr. KUCINICH, Mr. LEWIS of Kentucky, Mr. RUSH, and Ms. STABENOW.

H.R. 1788: Mr. BALDACCI.

H.R. 1813: Mr. TORRES and Mr. BORSKI.

H.R. 1895: Ms. SLAUGHTER, Mr. LAMPSON, Mr. BARRETT of Wisconsin, and Mrs. LOWEY.

H.R. 1972: Mr. SMITH of New Jersey.

H.R. 2081: Mr. WYNN.

H.R. 2094: Mrs. MORELLA and Mr. BROWN of California.

H.R. 2173: Mr. GUTIERREZ, Mr. LUTHER, and Mr. BACHUS.

H.R. 2202: Mr. SAWYER, Mr. BISHOP, Mr. BONIOR, Mrs. CLAYTON, Mr. HINOJOSA, Mr. KUCINICH, Mr. LIPINSKI, Ms. MCCARTHY of Missouri, Mr. MILLER of California, and Mr. NEAL of Massachusetts.

H.R. 2224: Mr. OLVER.

H.R. 2291: Mr. BOB SCHAFFER.

H.R. 2409: Mr. CAMP, Mr. UPTON, Mr. SHAYS, Mr. HORN, and Mr. QUINN.

H.R. 2431: Mr. STENHOLM, Mr. BALDACCI, Mr. FILNER, and Mr. KIND of Wisconsin.

H.R. 2454: Mr. GILMAN.

H.R. 2457: Mr. GILMAN.

H.R. 2499: Ms. DUNN, Mr. WOLF, Mr. HALL of Ohio, Mr. JEFFERSON, Mr. CALLAHAN, Mr. DAVIS of Illinois, Mr. YATES, Mr. CALVERT, Mr. WALSH, Mr. KUCINICH, and Mr. BERMAN.

H.R. 2547: Mrs. TAUSCHER and Mrs. CAPPS.

H.R. 2609: Mr. ADERHOLT.

H.R. 2664: Mr. UNDERWOOD, Mr. SERRANO, Mrs. THURMAN, Ms. JACKSON-LEE, and Mr. DAVIS of Illinois.

H.R. 2678: Mr. STARK.

H.R. 2714: Mr. HOLDEN and Mrs. KENNELLY of Connecticut.

H.R. 2754: Mr. GORDON, Mr. KILDEE, Mr. KUCINICH, and Mr. BISHOP.

H.R. 2788: Mr. LAFALCE.

H.R. 2817: Ms. RIVERS and Mrs. JOHNSON of Connecticut.

H.R. 2863: Mr. HASTINGS of Washington.

H.R. 2874: Ms. LOFGREN, Mr. MCHUGH, Mr. LANTOS, and Mr. BALDACCI.

H.R. 2884: Mr. SAXTON.

H.R. 2912: Mr. DEFAZIO.

H.R. 2929: Mr. PARKER.

H.R. 2936: Mr. JONES.

H.R. 3043: Ms. CARSON, Mr. SHERMAN, and Mr. FROST.

H.R. 3050: Mr. MANTON, Mr. ACKERMAN, Mr. DICKS, Mr. KILDEE, and Mr. VENTO.

H.R. 3073: Mrs. CAPPS.

H.R. 3074: Mrs. CAPPS.

H.R. 3084: Mr. SANDERS.

H.R. 3131: Mr. SALMON.

H.R. 3140: Mr. BRADY, Mr. JOHN, and Mrs. CUBIN.

H.R. 3149: Mr. CHABOT.

H.R. 3151: Mr. CHABOT.

H.R. 3177: Mr. BAKER and Mr. CHRISTENSEN.

H.R. 3181: Mr. PASTOR and Mr. ROTHMAN.

H.R. 3205: Mr. BONIOR.

H.R. 3206: Mr. HASTINGS of Washington, Mr. EHRLICH, Mr. ISTOOK, and Mrs. CUBIN.

H.R. 3217: Mr. STARK and Mr. HULSHOF.

H.R. 3260: Mr. KASICH, Mr. BURR of North Carolina, Mr. BUYER, and Mrs. MYRICK.

H.R. 3293: Mr. RUSH, Mr. WYNN, Mr. BONIOR, and Mr. ABERCROMBIE.

H.R. 3297: Mr. HASTINGS of Washington and Mr. EVERETT.

H.R. 3300: Mr. POMEROY.

H.R. 3336: Mr. FOLEY.

H.R. 3341: Ms. VELÁZQUEZ and Mr. DAVIS of Illinois.

H.R. 3400: Mr. YATES.

H.R. 3435: Mr. KANJORSKI, Mr. MCINNIS, Mr. HAYWORTH, and Mrs. TAUSCHER.

H.R. 3445: Mr. FORBES.

H.R. 3470: Mr. TORRES, Mr. DIXON, Mr. MARTINEZ, and Mr. ABERCROMBIE.

H.R. 3474: Mrs. KENNELLY of Connecticut, Mr. ROMERO-BARCELO, Mr. SANDERS, and Mr. WEYGAND.

H.R. 3503: Mr. GEJDENSON, Mr. HILLIARD, and Mr. NADLER.

H.R. 3506: Mr. HAMILTON, Mr. WALSH, Mr. GOODLING, Mr. MANTON, Mr. PAXON, Mr. SNYDER, Mr. MCNULTY, Mr. FOX of Pennsylvania, Mr. VENTO, Mrs. BONO, Mr. CHABOT, Mrs. CUBIN, Mr. COBLE, Mr. REGULA, Mr. HOYER, Mrs. MINK of Hawaii, Mr. SHIMKUS, Mrs. CAPPS, Mr. COYNE, Mr. SAXTON, Mr. TOWNS, Mr. BLILEY, Mr. ADAM SMITH of Washington, Mr. WOLF, and Mrs. MYRICK.

H.R. 3517: Mr. NETHERCUTT, Ms. FURSE, Mr. COOK, Mr. MCDADE, Mr. FOLEY, Mr. ROMERO-BARCELO, Mr. KLECZKA, Mr. FROST, Mr. BONIOR, Mr. LANTOS, and Mr. CALVERT.

H.R. 3546: Mr. REDMOND, Mr. HERGER, and Mr. WELLER.

H.R. 3547: Mr. NEAL of Massachusetts.

H.R. 3567: Mr. MALONEY of Connecticut, Mr. BONIOR, Mr. BARCIA of Michigan, and Mr. KIND of Wisconsin.

H.R. 3584: Mr. BENTSEN, Mr. KLECZKA, Mr. CAMP, Mr. ROMERO-BARCELO, Mr. CAMPBELL, Mr. MENENDEZ, Mr. LEACH, Mr. SMITH of New Jersey, Mr. PAUL, Mr. NETHERCUTT, Mr. FROST, Mr. BARRETT of Wisconsin, and Mr. COOKSEY.

H.R. 3605: Mr. LIPINSKI, Mrs. LOWEY, Mr. CLYBURN, Mr. BORSKI, Mr. MEEKS of New York, Mr. WATT of North Carolina, Mr. GONZALEZ, Mr. MALONEY of Connecticut, Mr. HALL of Ohio, Mr. BALDACCI, Mr. ACKERMAN, Mr. RODRIGUEZ, Ms. HARMAN, Ms. MILLENDER-MCDONALD, Mr. LAMPSON, Mr. BECERRA, and Mr. SNYDER.

H.R. 3610: Mrs. MORELLA, Mr. KENNEDY of Massachusetts, Mr. GILCHREST, Mr. DAVIS of Virginia, Mr. MCGOVERN, Mr. NEY, and Mr. MCNULTY.

H.R. 3627: Mr. KENNEDY of Rhode Island, Ms. ESHOO, Mr. MANTON, Ms. MCKINNEY, Mr. ENGEL, Mrs. MEEK of Florida, Mr. HINCHEY, and Mr. FROST.

H.R. 3629: Mr. SESSIONS.

H.R. 3647: Mr. SHAW.

H.R. 3661: Ms. WOOLSEY and Mr. NADLER.

H.R. 3690: Mr. PICKETT and Mr. BOEHNER.

H.J. Res. 108: Mr. MARKEY.

H. Con. Res. 19: Mr. POSHARD, Mr. WAXMAN, Mr. SCHUMER, and Mr. WEXLER.

H. Con. Res. 55: Mr. UPTON, Mr. MENENDEZ, and Mr. NEAL of Massachusetts.

H. Con. Res. 220: Mr. MENENDEZ, Mrs. MORELLA, and Mr. PAPPAS.

H. Con. Res. 229: Mr. BILIRAKIS, Mr. BONIOR, Mr. ENGLISH of Pennsylvania, Mr. HUTCHINSON, Ms. LOFGREN, Mrs. MYRICK, Mr. PALLONE, Mr. QUINN, Mr. SCHUMER, and Mr. SNYDER.

H. Con. Res. 233: Mr. FORBES, Mr. TANNER, Mr. PAYNE, Ms. STABENOW, Mr. CLEMENT, and Ms. LOFGREN.

H. Con. Res. 239: Mr. MCNULTY.

H. Con. Res. 249: Mr. BROWN of California, Mr. GUTIERREZ, Mr. COSTELLO, Mr. BISHOP, Mr. SANDERS, Ms. WOOLSEY, Mr. LANTOS, Mrs. CAPPS, Mr. CAMP, and Mr. ENGLISH of Pennsylvania.

H. Con. Res. 254: Mr. LANTOS, Mr. FRELINGHUYSEN, Mr. SMITH of New Jersey, Mr. PAPPAS, Mr. FOSSELLA, and Mr. ROTHMAN.

H. Res. 247: Mr. BALDACCI.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1252

OFFERED BY: MR. ADERHOLT

AMENDMENT NO. 1: Page 8, line 15, insert "or to disburse any funds to remedy the deprivation of a right under the Constitution," after "tax,".

Page 8, line 21, strike "or assessment" and insert "assessment, or disbursement".

Page 9, line 1, insert "or disbursement of funds" after "tax",

Page 9, line 9, strike "or assessment" and insert "assessment, or disbursement".

Page 9, line 10, insert "or disbursement of funds" after "tax".

Page 9, line 11, insert ", or (in the case of a disbursement of funds) of the residents of the State or political subdivision," after "taxpayers".

Page 9, line 17, insert "or disburse any funds to remedy the deprivation of a right under the Constitution" after "tax".

Page 9, line 20, insert "or disburse any funds to remedy the deprivation of a right under the Constitution after "tax".

Page 10, line 7, insert after "tax," the following: "and any person or entity that is a resident of the State or political subdivision that would be required to disburse funds under paragraph (1) shall have the right to intervene in any proceeding concerning such disbursement,".

Page 10, line 16, insert ", or disburse the funds," after "tax".

Page 10, line 21, insert ", or the disbursement of funds," after "tax".

Page 10, line 25, insert "or the disbursement of funds, as the case may be" after "tax".

Page 11, line 10, insert ", or a disbursement of funds that is made," after "imposed".

H.R. 1252

OFFERED BY: MR. CAMPBELL

AMENDMENT NO. 2: Page 9, line 5, add "and" after the semicolon.

Page 9, line 9, strike "; and" and insert a period.

Page 9, strike lines 10 through 12.

H.R. 1252

OFFERED BY: MR. DELAHUNT

AMENDMENT NO. 3: Page 9, strike lines 13 through 20 and insert the following:

"(2) The limitation contained in paragraph (1) shall apply only to any order or settlement which expressly directs any State, or political subdivision of a State, to impose, increase, levy, or assess any tax.

Redesignate succeeding paragraphs accordingly.

H.R. 1252

OFFERED BY: MR. DELAY

AMENDMENT NO. 4: Add the following at the end:

SEC. 12. LIMITATION ON PRISONER RELEASE ORDERS.

(a) IN GENERAL.—Chapter 99 of title 28, United States Code, is amended by adding at the end the following new section:

"§1632. Limitation on prisoner release orders

"(a) LIMITATION.—Notwithstanding section 3626(a)(3) of title 18 or any other provision of law, in a civil action with respect to prison conditions, no court of the United States or other court listed in section 610 shall have jurisdiction to enter or carry out any prisoner release order that would result in the release from or nonadmission to a prison, on the basis of prison conditions, of any person subject to incarceration, detention, or admission to a facility because of a conviction of a felony under the laws of the relevant jurisdiction, or a violation of the terms or conditions of parole, probation, pretrial release, or a diversionary program, relating to the commission of a felony under the laws of the relevant jurisdiction.

"(b) DEFINITIONS.—As used in this section—

"(1) the terms 'civil action with respect to prison conditions', 'prisoner', 'prisoner release order', and 'prison' have the meanings given those terms in section 3626(g) of title 18; and

"(2) the term 'prison conditions' means conditions of confinement or the effects of actions by government officials on the lives of persons confined in prison.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 99 of title 28, United States Code, is amended by adding at the end the following new item:

"1632. Limitation on prisoner release orders.".

(c) CONSENT DECREES.—

(1) TERMINATION OF EXISTING CONSENT DECREES.—Any consent decree that was entered into before the date of the enactment of the Prison Litigation Reform Act of 1995, that is in effect on the day before the date of the enactment of this Act, and that provides for remedies relating to prison conditions shall cease to be effective on the date of the enactment of this Act.

(2) DEFINITIONS.—As used in this subsection—

(A) the term "consent decree" has the meaning given that term in section 3626(g) of title 18, United States Code; and

(B) the term "prison conditions" has the meaning given that term in section 1632(c) of title 28, United States Code, as added by subsection (a) of this section.

H.R. 1252

OFFERED BY: MR. ROGAN

AMENDMENT NO. 5: Strike section 6 and redesignate succeeding sections, and references thereto, accordingly.

EXTENSIONS OF REMARKS

CELEBRATING EARTH DAY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mrs. MORELLA. Mr. Speaker, I rise in recognition of Earth Day. Today, we observe and celebrate the twenty-eighth annual Earth Day. Every year on this date, the people of our nation and across the globe focus their attention on the environment. The spring observation of Earth Day gives us the opportunity to renew our commitments to environmental preservation with activities from tree plantings to workshops and community clean-ups. I have long been an advocate of conservation and environmental protection, and I am particularly proud to lend my voice to this celebration.

Now more than ever, Americans enjoy the benefits of our country's natural resources, from our National Parks to our forests, lakes, rivers, and beaches. Environmental protection is consistently recognized as an overwhelming concern of the American public. A new study released yesterday affirms that environmental concerns span generations, from teenagers to baby boomers. Earth Day offers us the opportunity to continue the challenging task of protecting our natural resources I believe that it is the responsibility of Congress to enact legislation to help create a cleaner, safer, and healthier environment. We must work to ensure that our children and future generations can live in a clean environment.

Since the first Earth Day in 1970, we have made significant progress in preserving our environment. Much has been accomplished in terms of protecting our natural resources and cleaning our environment. Because of the diligence of many, our land, air, and water are cleaner. Species such as the bald eagle have been saved from the brink of extinction. However, there is much work to be done, both nationally and internationally. The environment and our health are threatened more than ever. For example, a study released this week indicates that a mass extinction of plants and animals is currently underway. This rate of loss, perhaps up to 20% of all species in the next 30 years, is much greater than at any time in history. A mass extinction of this magnitude could pose a major threat to humans in the next century. Earth Day offers us the opportunity to applaud our progress, but more importantly, today's celebration allows us to renew our commitment to the challenges facing our planet. It is important to raise the awareness about the continued threats to our environment, and the positive steps that we can take to face these hazards.

I consider environmental protection to be a national priority. We must continue to work for the preservation of our natural resources and protection of the public's health. As Henry David Thoreau wrote in Walden, "Heaven is under our feet as well as over our heads." The bounty of nature cannot be wasted, and we must preserve and protect this treasure for future generations. The hard work of our nation will lead to a healthier world to live and flourish. Today, Earth Day, let us reaffirm our commitment to a cleaner world.

SPACE POLICY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 15, 1998 into the CONGRESSIONAL RECORD.

EXPLORING THE FINAL FRONTIER

The American public has had an abiding fascination with space exploration. When I first came to Congress in 1965, the public's attention was focused on the National Aeronautics and Space Administration's (NASA) efforts to put a man on the moon. Hoosiers had a special interest in the Apollo program because many of the astronauts, including Gus Grissom, had ties to Indiana.

While humans haven't set foot on the moon in over a generation, space-related stories continue to hold our attention, whether those stories involve photographs from the surface of Mars, or the recent detection of ice on the moon, or the images from deep space produced by the Hubble Telescope, or the announcement that Senator John Glenn will return to space this fall. The recent prediction, which has now been discredited, that an asteroid might collide with the Earth early next century dominated the news for several days.

Space exploration continues to enjoy widespread public support. The challenge for NASA will be to achieve its objectives over the next 20 years, including the building of a Space Station and possibly a human mission to Mars, in an era of constrained federal budgets. NASA budgets, for example, have been relatively flat in recent years.

NASA has worked to streamline its operations by cutting costs, shifting more responsibilities to the private sector, and partnering with other countries. It remains to be seen, however, whether those efforts will succeed in bringing NASA's ambitious program in line with budget realities.

MAJOR NASA PROGRAMS

The current NASA budget, $13.6 billion, represents less than one percent of total federal spending. NASA's proposals for the next few years include three major components:

Space Station: The International Space Station is to be a configuration of laboratories placed in orbit by the U.S., Russia and other international partners that will allow astronauts to live and work in space for months at a time. Originally planned to be operational by 1994, the Space Station has undergone a number of redesigns, delays and cost overruns. The current plan calls for assembly of the station to begin later this year and be completed by 2003. Total cost estimates for the project, including previous work, design, assembly and operation, range from $30 billion (a NASA estimate) to $94 billion (a General Accounting Office estimate).

The Space Station has been mired in controversy for the last several years. Supporters say that the station is critical to future exploration of space, particularly human exploration, and to scientific advances in materials, biomedicine and agriculture. Critics, including me, respond that the program is too costly and poorly managed, that it diverts limited federal resources from other NASA programs as well as other domestic programs, and that the amount of research that can be conducted on the redesigned station is not worth the investment.

Earth observation: Another major NASA program, called Mission to Planet Earth, involves a series of satellites to be launched over the next several years to collect environmental data on the Earth. The goal of the program is to increase our understanding of the Earth's natural processes and how humans might be affecting them. The program will study such problems as ozone depletion, deforestation, and global warming. The satellites, the first of which will be launched in June, will collect data ranging from surface temperatures and cloud structure to solar radiation and carbon monoxide.

Study of the planets: NASA has launched many spacecraft over the years to study other planets in our solar system. Robotic probes have visited all the planets in the solar system, except Pluto. Galileo, launched in 1989, reached Jupiter in 1995 and is successfully sending back data about the planet and its moons. A similar space probe called Cassini was launched in 1997 to explore Saturn and is scheduled to arrive at the planet in 2004.

Current attention, however, has focused on NASA's study of Mars. Last July the Mars Pathfinder space probe landed on the surface of the "Red Planet", capturing video footage of the planet. A second spacecraft, the Mars Global Surveyor (MGS), arrived at Mars last September and will gather data on the planet from orbit. MGS is the first in a series of "Mars Surveyor" spacecraft which are scheduled to be launched at 26-month intervals through the year 2005. The intensive analysis of Mars may set the stage for future human exploration in the next century, although the cost of such an effort would likely run into the hundreds of billions of dollars.

OUTLOOK

Pressures to keep down overall spending on space have had important consequences for how NASA manages its programs. First, NASA is placing increased emphasis on international cooperation in space. Constrained budgets in the U.S. and elsewhere will continue to bring countries together in the name of space exploration and research. My sense is that the U.S. will continue to lead space-related efforts, but the end of the Cold War has certainly created new opportunities for international partnerships.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Second, NASA is looking increasingly to private sector involvement in space programs to help lower costs and spur innovation. The private sector is already heavily involved in satellite launching and operations for communications and imaging. Other potential commercial space activities are microgravity materials processing and space tourism.

CONCLUSION

I believe that we have a basic need to explore the final frontier. The American people have a great romance with space. They watch the astronauts dance through the vastness of space and do a job that no one could be sure was even possible. We need to be bold and innovative, and I understand that we cannot make progress unless we take risks.

Nonetheless, I have serious reservations about NASA's emphasis on human space spectaculars. If our goal is really to explore space and advance our knowledge of its mysteries, robotic rather than human exploration can penetrate longer, farther and deeper into space for a fraction of the cost.

I do not reject the long-term goal of human space exploration, but believe that NASA's focus should be on scientific research projects like Mission to Planet Earth, which will improve the quality of life for people on this planet. Among other things, this approach would mean scaling back if not eliminating the Space Station, the purpose of which has never been as clear as its huge costs.

IN HONOR OF PROFESSOR HENRY KING

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor a man, Henry King, who at the age of twenty-seven, when most persons are just beginning to think about their careers, took part in one of the most prominent events in the post-World War II era: the Nuremberg Trials. Professor Henry King undertook a great task in joining the United States prosecution team at Nuremberg and his many accomplishments in the field of law during and after the trial truly are a testimony to his successful career.

Professor King was educated at several fine institutions of higher learning in his younger years and later matriculated at Yale Law School. After graduating and obtaining a prestigious position with a New York law firm, King was offered the chance to join the U.S. prosecution team in the trials of Nazi criminals at Nuremberg in 1946. Exempted from military service because of a heart murmur, King felt he could serve his country and attempt to correct the wrongs of the war by serving as an attorney on this team.

King was heavily involved with the prosecution of Erhard Milch who participated in slave labor and human experimentation. While investigating Milch, King met and interviewed Albert Speer, one of Hitler's highest ranking lieutenants, and gained insight on the secret activities of the Third Reich. After success in the prosecution of the Nazi war criminals, King had a successful career in corporate and government posts. He became chief corporate international counsel for TRW in 1983 and joined the faculty at Case Western Reserve University's School of Law. He recently authored a book about Speer and his experiences at the war tribunal.

My fellow colleagues, join me in saluting the accomplishments of Professor Henry King through his many years in the practice of law and most notably, his contribution to his country at the Nuremberg war crimes trial.

TRIBUTE TO JACK FIELDS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. BONIOR. Mr. Speaker, today I would like to congratulate, Mr. Jack Fields upon his retirement next month from his position as St. Clair Shores City Clerk. His friends and colleagues will honor him with a retirement party at Blossom Heath on April 8, 1998.

Jack Field's compassion and dedication have earned him a special place in the hearts of the residents of St. Clair Shores. In his office, a cork board is warmly decorated with pictures of families and children who reside in St. Clair Shores. The people who know and work with Jack realize he is more than just the City Clerk, he is a friend. As St. Clair Shores mayor Curt Dumas has said, "He has touched a lot of people in many ways. Jack Fields always has that kind of smile on his face that helped so many people."

When Jack quit his job at an automotive factory in 1971 to run the Civic Arena, he had no idea the job would lead him to the position of City Clerk. During the twelve years that Jack ran the Civic Arena, he earned a reputation for fairness and as a peacemaker. His popularity within the community prompted city officials to ask Jack to apply for the position as clerk. Jack turned them down. However, after some persuasion, Jack became the City Clerk in 1983. Jack has said, "I have loved this job more than I can express." I as sure many people in the community feel the same way about him.

St. Clair Shores has been lucky to have a leader like Jack Fields. Few people give to their community with the same time and energy that Jack has given to his. On behalf of the citizens of St. Clair Shores, I would like to thank Jack for all of his hard work and dedication.

VETERANS' ACCESS TO EMERGENCY HEALTH CARE ACT OF 1998 H.R. 3702

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. EVANS. Mr. Speaker, for years veterans who rely on the VA for their health care have run into a brick wall when they sought reimbursement from VA for emergency health care received from a non-VA provider. Even when veterans took the time to contact VA when a medical emergency arose and were directed by VA to seek emergency care from the closest health care provider, they have been routinely denied reimbursement by VA for the cost of the emergency health care they needed and received from a non-VA provider.

The Veterans' Access to Emergency Health Care Act of 1998 will provide veterans access to emergency services when and where the need arises. It will solve a long-standing problem—reimbursement from VA—that has bedeviled veterans who needed and received emergency health care when they were needed from a non-VA provider.

The Veterans' Access to Emergency Health Care Act of 1998 will also make it possible for the Department of Veterans Affairs to comply with the Consumer Bill of Rights, which President Clinton has directed every Federal agency that administers or manages health plans to adopt. VA has reported that it will largely be able to comply with the Consumer Bill of Rights through administrative action, but legislation will be required to provide veterans the access to emergency services. Currently, only veterans who are on VA property when an emergency occurs receive reimbursement from VA for contract emergency care furnished by a non-VA provider. VA has limited emergency care capabilities and must refer much of its emergent care to other providers.

The Consumer Bill of Rights, developed by a Presidential Advisory Commission on Consumer Protection and Quality in the Health Care Industry, establishes eight basic rights for consumers. In addition to access to emergency services, these rights include: Accurate information about health plans; a choice of providers and plans; participation in treatment decisions; nondiscrimination; the protection of their confidential medical information; and a fair and efficient process for complaining about and/or appealing a medical decision; and responsibility for one's own health.

VA has reported it will be able to largely comply with the Consumer Bill of Rights through administrative action, but legislation will be required to provide veterans the access to emergency services.

The Veterans' Access to Emergency Health Care Act of 1998 will provide veterans access to emergency services when and where the need arises. Providing veterans who rely on VA for health care access to emergency services when the need arises is long overdue. This legislation should be quickly passed by Congress and signed into law by the President.

CAMPAIGN FINANCE REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 22, 1998 into the CONGRESSIONAL RECORD.

CAMPAIGN FINANCE REFORM

I often hear that nobody really cares that the way we finance political campaigns is rotten. Polls indicate that by a wide margin Americans believe the system is corrupting and needs a major overhaul, yet I rarely find people outraged that the system isn't being reformed. The American people are deeply cynical that the system will ever be changed. They recognize that special interests and elected officials from both parties are complicit in the system and have a vested interest in perpetuating it. After all, they have made the system work successfully for them.

I've come to the view that those of us who think the current system must be overhauled immediately need to spell out more specifically why Americans should be outraged by the failure of Congress to reform the campaign finance system.

NEED FOR REFORM

Defenders of the current system argue that as a nation we spend far less on our federal elections than is spent to advertise various consumer products, that contributions from individuals still exceed PAC contributions in congressional races, that campaign contributions are protected by the First Amendment right of free speech, and that it is difficult to demonstrate a clear connection between campaign contributions and voting patterns. Yet I believe that the current system has serious problems and is in urgent need of reform.

Buying access

Money talks. The current system of campaign finance is anti-democratic. Those who have money clearly have a stronger voice in our representative democracy. The reverse is also true, that those without money have less of a voice. There is no doubt that under the current system the have gain more while the have-nots remain unrepresented or underrepresented.

Those who contribute can be paid back with access, time to discuss issues, and sometimes even a role in drafting legislation, which means other people are being shut out of the process. When the elected official walks into his office late in the afternoon and has ten phone calls to return but only time to make one, who gets the attention? Almost certainly the person who has contributed substantially to his campaign.

It is hard to challenge the cynical view that large contributors have bought their way into the White House and obtained access to powerful Members of both parties. My view is that the current financing system, if not constrained, will end up doing serious harm to representative democracy.

Special favors

Contributors usually want something in return for their political contributions—a subsidy, a contract, a tax break, a hand-out from the federal government. That costs taxpayers money and makes it difficult to control federal spending or properly allocate limited resources. The average American can also be affected more directly. For example, you pay more today for sugar because contributions from the sugar lobby are a significant factor in keeping sugar price supports on the books.

The system can be corrupting. Candidates are put in very difficult situations. It is almost impossible today to run a political campaign without accepting money that has some strings attached, even if the strings are subtle and not explicit.

Enormous cost of campaigns

The cost of campaigns for high office—driven largely by the cost of television— has risen to a point that it is destructive to the democratic process. Today, competitive House races can easily cost $1 million, and the winners in Senate races on average spend well over $4 million. The prospect of raising such amounts discourages many good people from running for office, and both parties now make a major effort to recruit wealthy candidates. Candidates have already started to run expensive political ads, indicating that the system is increasingly spinning out of control.

Time spent fundraising

Under the current system, the candidates have to spend a huge amount of time chasing money. A Senator running for re-election needs to raise a minimum of $15,000 every week of his six-year term to try to hold on to his seat. Members are so involved in the system that they often don't realize the nature and the shape of the treadmill they are on. The more time Members spend raising money, the less time they are able to spend on public policy issues and meeting with constituents to discuss the issues. Members will often state that their vote is not for sale, but it is quite clear that their time is.

Pressures to skirt limits

The competition to raise money is so fierce that it can push people to the edge of the law if not over it. It's no accident that some of the biggest fundraisers in 1996 got into deep trouble after the campaign for raising large amounts of money from sources that were either forbidden or doubtful under the law.

Numerous loopholes

Even the current systems's rather mild restrictions on money in politics have numerous loopholes. "Soft money" can be donated in unlimited amounts to the political parties, rather than to individual candidates, but it can easily be diverted to individual campaigns. Through "independent expenditures" outside groups can come into a state and spend millions of dollars on television ads attacking a candidate as long as there is no coordination with the candidate's opponent. Spending on "issue advocacy" is growing even faster, as outside groups can spend millions of dollars in unreported funds for thinly veiled ads attacking a candidate as long as the ads don't specifically say to vote against him. All of this forces candidates to spend even more time fundraising to prepare for possible attacks from forces that are completely unaccountable to the voters.

Undermines public trust

The rising flood of money that flows into campaigns undermines public trust in government. By a four-to-one margin Americans believe that elected officials are influenced more by pressures from campaign contributors than by what's in the best interests of the country. Cynicism is always the worst enemy of democracy, and it has certainly been bolstered by our campaign finance system.

CONCLUSION

Reforming the current campaign finance system will be enormously difficult unless there is a much greater public outcry. Leaders of both parties simply do not see a need to change a system that has elected them. Members read the polls showing that the public has largely given up on the chances of reform. They know how infrequently campaign finance reform is brought up in their public meetings and in letters from constituents. And they know that people will rarely vote against them because of their failure to pass reform. If the system is to be changed, the American people will need to become more active in bringing that about.

A VOICE IN OUR DEMOCRACY

HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. CRAPO. Mr. Speaker, I rise today to bring to your attention an award-winning essay written by a constituent of mine on a subject I know is near to your heart—the importance of freedom and democracy.

I'm pleased to announce that Amanda Burtenshaw of Monteview, Idaho, has been honored by the Veterans of Foreign Wars of the United States with a VFW 1998 Voice of Democracy Scholarship Award. Amanda's broadcast script is an important reminder of the need to be active in our efforts to ensure that we continue to enjoy our freedom and rights. With all of today's headlines bemoaning the lack of appreciation America's youth has for civics, it is encouraging to know that those as young as Amanda understand the importance of democracy and freedom.

I would insert that award-winning script into the RECORD at this time.

1997–98 VFW VOICE OF DEMOCRACY SCHOLARSHIP COMPETITION—"MY VOICE IN OUR DEMOCRACY"

(By Amanda Burtenshaw)

A small girl stands wide-eyed on the street curb, watching as the numerous wonders of the annual parade promenade through the streets. Her fascination is obvious as she stands among thousands of people enjoying the celebration. As three prancing white horses enter the scene, she recognizes the American flag, to which she pledges allegiance each morning in her first grade classroom. Dismayed at the inability to make her voice be heard above the crowd, she does the most appropriate thing she can think of. She raises to her full height of four feet, steps out as far into the street as she dares, and places a tiny hand over her heart as she watches, in reverent sincerity, Old Glory pass by. Few notice the innocent gesture, those that do chuckle and remark, "How cute!" The crowd grows silent, however, as a war-hardened veteran pulls his horse to the side and halts in front of the little girl. He leans down, speaking directly to her, but loud enough the crowd can hear. "Thank you," he solemnly states, "for showing proper respect to our flag. You are the first patriot I've seen today." With that, he salutes the girl gallantly and wheels to rejoin the procession, but not before the tears in his eyes are witnesses by the crowd. No one looks at anyone, and all sit and ponder upon what they have just witnessed.

Citizens of America, does it require an office of importance or a battle on the front lines to be an important member of our blessed country? Certainly not, for even through the simple placing of the hand on a heart, many can be affected. The key is to want to be involved, to want to make a difference. And still, wanting to make a difference is not enough, we must do all we can to put that want into effect. A common belief in our society says "faith without works is nothing", is this not so in the case of desire without action? Yet, I cannot make you take action . . . but I can lead by example. I am studying our form of government, and developing opinions and values of my own. I am getting involved wherever I can in organizations that will better my political knowledge. I am developing talents for effective public speaking and persuasive writing in order to make my "voice" understandable and easily heard. I am dedicating my life to my country, and though I may not die for the freedom of my country, I can live for the betterment of our democracy. I am a youth in America. I am the future of our country. My actions today will determine the conditions of tomorrow.

Everyday, I enjoy so many blessings that come with living in this country. I can put gas in my car and drive to a public school, where I can learn skills that will aide me in the job field later on. I have the freedom to choose my career, to marry whom I please, to have as many children as I want, and then to raise them in a society where they are encouraged to become the best they can possibly be. I can sit down to a meal at Thanksgiving, my family surrounding me, and feel safe in the security of my home, my town, and my country. The simple ability to say my prayers at night, to the God I have chosen as mine, in the manner I feel proper for me is the greatest blessing of all. Everything I have, I owe to America, and to the system so widely developed by the Fathers of this country, who were not afraid to make their voices heard. Is it asking too much to take the time out of my life to become involved in the institution which secures my life, my liberty, and the pursuit of my happiness? I think not. And in the service of my country, I will learn to love it even more, and if the time comes to fight to preserve the freedoms of America, then I will, in the words of singer Lee Greenwood, ". . . Gladly stand up next to you, and defend her still today, for there (is) no doubt I love this land. God bless the U.S.A.!".

Thank you.

INTRODUCING THE DISASTER VICTIMS TAX FAIRNESS ACT

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. RILEY. Mr. Speaker, the devastating storms that swept through Alabama and Georgia on April 8, 1998, left hundreds, if not thousands, of people's lives in shambles. Many of these families have lost every thing they own—their homes, their clothes, their life's work. Some have lost much more.

Unfortunately, they are not the only people who have been hit by severe weather. Already this year, the President has declared 21 natural disasters affecting over 350 counties nationwide. In a time of tragedy when people are trying to pick up the pieces of their lives and rebuild, the last thing they should be faced with is filing their federal income tax returns.

Fortunately, Mr. Speaker, Treasury Secretary Rubin has directed the IRS to extend the deadline to file federal tax returns for victims of the weather related disasters in 1998. This means that the IRS will not assess effected taxpayers in these areas late-filing or later-payment penalties unless they file after the new deadline. However, by law, the IRS must charge these taxpayers interest—at the current rate of 8 percent a year—on any unpaid taxes from the original due date (April 15, 1998) until the tax is paid.

In my view, charging disaster victims interest on their unpaid taxes after the IRS granted them an extension is unfair and irresponsible. It constitutes an undue hardship that should be remedied as quickly as possible. The Secretary has done the right thing by extending the filing deadline. Now, Congress must step up to the plate and do its part. For this reason, I am introducing legislation which will allow Secretary Rubin to waive any interest charged to victims of a presidentially declared natural disaster.

The Disaster Victims Tax Fairness Act will amend Section 915 of the Taxpayer Relief Act of 1997 (P.L. 105–34) to include federal disasters that occurred in 1998. It will apply only to residents of a presidentially declared federal disaster area and interest abatement will be offered solely to taxpayers who were granted a disaster related filing extension.

Mr. Speaker, in light of the tremendous emotional, physical, and financial strain placed on the victims of natural disasters, I do not believe that the federal government should add to these people's hardship by charging interest on taxes not paid by the April 15, deadline. I urge you to bring this legislation to the floor as quickly as possible so Congress can do its part in helping the victims of these natural disasters.

IN MEMORY OF MIKE HOTZ

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Mike Hotz for his years of dedication to his business and his family.

Born in Cleveland in 1919, Mr. Hotz grew up on the South Side of the city. While living through the Great Depression, he learned the trade of his father at the family-owned tavern, Hotz Cafe. Mr. Hotz graduated from Lincoln High School in 1938. Recognizing the importance of serving his country on the battlefield, Mr. Hotz entered the armed services in 1942 at the height of World War II. As a staff sergeant in the Sixth Night Fighter Squadron, he fought in the Pacific and was awarded the Asiatic Pacific Theater Ribbon for his efforts.

After the war, Mr. Hotz returned to Cleveland to own and operate Hotz Cafe. While he served drinks and prepared food, he also helped his customers through hard times, dispensing financial and personal advice. Mr. Hotz joined the Alcoholics Anonymous Association in 1966 to share this much-needed advice to struggling alcoholics. He finally retired from the tavern business in 1982 and moved to Florida. When he returned to Ohio a few years later, he worked at a funeral home and continued to enjoy being near his family.

Mr. Hotz's devotion to his family exhibits his spirited nature and his love for humanity. He is survived by his loving wife Lottie, his son Michael, his daughter Michele, four grandchildren, and many nieces and nephews.

My fellow colleagues, join me in saluting the life of Mike Hotz, a devoted father, husband, and community servant.

TRIBUTE TO RABBI JACK M. ROSOFF

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. PALLONE. Mr. Speaker, on May 16, 1998, Rabbi Jack M. Rosoff of Congregation B'nai Israel in Rumson, NJ, will be honored on the occasion of his retirement after 34 years of devoted service to his congregation and his community. It is a great honor for me to join in paying tribute to this great religious leader, who has done so much to foster positive values among young people and has courageously fought against bigotry.

Since 1964, Rabbi Rosoff has led the growth of the Congregation, quadrupling its members to the present total of 600 families. He has also presided over the expansion of the religious school, which now provides education for 300 students from kindergarten through grade 12. He developed the Israel Scholarship Program, enabling all junior students to spend six weeks in Israel. Rabbi Rosoff's organizational and motivational skills in the service of good causes was evidenced by raising over $3 million for the United Jewish Appeal and Israel Bonds through inspiring High Holy Day appeals, as well as his organizing and chairing the first Madison Square Garden rally for Soviet Jewry. He led the annual Walk for Israel, involving many synagogues in the Shore Area, and he led moving Holocaust Memorial Day Services every year.

Rabbi Rosoff has been devoted to every aspect of his service to the Congregation, officiating outstandingly at life's joyous events—Bar and Bat Mitzvahs, weddings and brises—as well as counseling families and individuals at times of sickness, stress and bereavement. He organized and led the Rabbi's Bible Study and other Adult Education activities, and every week, through his inspiring sermons, he urged the members of his Congregation to join him in confronting the most serious issues.

Rabbi Jack Rosoff bravely confronted discrimination everywhere he found it. When B'nai Israel, and a nearby Catholic church, were desecrated by vandals, he organized and led the response by more than 25 houses of worship in the Greater Red Bank religious community. He served as a strong influence in securing equal rights for women in all religious observances, and was a key figure in securing acceptance of women as rabbis in the Conservative movement.

Mr. Speaker, Rabbi Rosoff's list of associations, tributes and awards is a long one. Among his leadership positions were First President of the Shore Area Board of Conservative and Reform Rabbis, President of the New Jersey Rabbinical Assembly of United Synagogue and Rabbinical Assembly Representative to the American Conference on Soviet Jewry. He has served on the Board of Directors of Riverview Medical Center, Board of Directors of the Monmouth County Mental Health Association, where he chaired the Suicide Prevention Committee, Board of Directors of the Monmouth County Day Care Center, Board of Trustees of the Monmouth County Action Program and a member of the Planned

Parenthood of Monmouth County Clergy Advisory Council. The Rabbi was Founder/Director of the Pastoral Counseling Institute for Clergy at Brookdale College, was a founding member of the Greater Red Bank Interfaith Council, and supported active participation in the Lunch Break program for the needy in the Red Bank area. He received the Jerusalem City of Peace Award from Israel Bonds and the Israel Solidarity and Aliyah Laregal awards for promoting tourism to Israel.

Finally, Mr. Speaker, the Other Body was honored by Rabbi Rosoff's presence when he delivered the opening prayer at the United States Senate.

Mr. Speaker, Rabbi Rosoff has recently been battling cancer. Just as Rabbi Rosoff has prayed for so many during his years of service to Congregation B'nai Israel, our prayers are now with him. For his years of service, he has richly earned the admiration, gratitude and love of his Congregation and our entire community.

IN HONOR OF ASSUMPTION GREEK ORTHODOX 70TH ANNIVERSARY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. BONIOR. Mr. Speaker, today I have the honor to recognize Assumption Greek Orthodox Church and Cultural Center as they celebrate their 70th Anniversary on April 5, 1998. Father Kavadas and the members of the Parish will be joined by Archbishop Spyridon, the first American Born Archbishop, to celebrate this historical event.

Throughout the past seventy years, the members of Assumption Greek Orthodox Church have joined together to create a strong spiritual community. The leaders and founders realized that many people depend on the emotional, educational, and spiritual support they receive from their church. To see that these needs are met is a difficult yet rewarding endeavor. I commend the church for all their efforts.

On Sunday, the members of Assumption Greek Orthodox will participate in a very special service. At 11:00 a.m., Archbishop Spyridon will consecrate with Holy Water and Sacred Myrrh a unique holy icon of the Virgin Mary with the Child, similar to Our Lady of Perpetual Help. This icon will be called "Our Lady of the Great Lakes," a name chosen to establish a Protectress for this area of the world.

I would like to congratulate the congregation of Assumption Greek Orthodox Church on this proud milestone—especially the pioneers who played such an important role in the early years. May the next 70 years be as fruitful as the past.

THE REAL McCOYS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. FILNER. Mr. Speaker and Colleagues, I rise before you today to honor Michael and Patricia McCoy, two tireless advocates for the environment who recently received the National Wetlands Award for their volunteer leadership from the Environmental Law Institute.

The National Wetlands Award, also cosponsored by the U.S. Environmental Protection Agency, the National Resources Conservation Service, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service, recognizes outstanding individuals who have demonstrated an extraordinary commitment to the conservation and restoration of the nation's wetlands.

The McCoys certainly qualify! In a region where the majority of wetlands have been lost to dredging, filling, and other activities, the McCoys' two-decades of activism to preserve and protect the Tijuana Estuary is a remarkable achievement. With their vision and boundless dedication to this cause, Mike and Pat have organized community support, educated the public about wetland resources, and shaped local policy to protect wetlands for future generations. The McCoys have enabled us to leave a living, vibrant legacy to all our children in the San Diego and Tijuana areas.

As was said in their nomination for the award, "the Tijuana River National Estuarine Research Reserve owes its existence to the McCoys. Destined to become a marina in the 1970s, this 2,500-acre reserve now includes a U.S. Fish and Wildlife Service Refuge for Endangered Species, Border Field State Park, an outdoor research lab, and a visitor center that highlights the estuary's wildlife."

In 1979, the McCoys founded the Southwest Wetlands Interpretive Association, dedicated to the protection and acquisition of wetlands and to public education. The Association's volunteers today help staff the Tijuana Estuary Visitor Center. The McCoys, the Association and its subsidiary, the Friends of South Bay Wildlife, are currently working to establish about 2,400 acres of salt ponds and wetlands as a National Wildlife Refuge in San Diego Bay.

Mike and Pat's activities involving the Tijuana Estuary and south San Diego wetlands are too numerous to list, but they include Pat McCoy's supervision, as a volunteer, of the construction of a tidal restoration channel and a U.S. Navy mitigation project to remove concrete from the Estuary. Mike's strong research background is instrumental in strengthening linkages with local universities and creating a unique partnership with San Diego State University resulting in the Estuary being a field station of the university. They have served on or helped to create almost every committee or board that guides the Estuary's fate.

From 1983 to 1993, the McCoys helped build a novel wastewater treatment and recovery system in Tijuana, Mexico to treat raw sewage that would otherwise flow north into the Tijuana Estuary. This project became a model for alternative treatment demonstrating water reuse in desert climates and developing countries.

I know that Mike and Pat McCoy believe that a thriving wetland is the only reward and testament to their efforts that is needed. Their volunteer work, however, goes so far above and beyond the call of duty, that it is past time to recognize the McCoys with this impressive national award. I want to thank these dedicated visionaries on behalf of all of the people of San Diego County and beyond who will appreciate the beauty of these wetlands. These are the real McCoys!

CERTIFICATION, AS SEEN FROM THE BORDER

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. HAMILTON. Mr. Speaker, I commend to my colleagues' attention the excellent article written by our colleague from Texas, SILVESTRE REYES. We all have something to learn from Mr. REYES—a Border Patrol Agent of 26 years, including 11 years as a Sector chief in McAllen and El Paso.

[From the Home Index Search Archives, Washington Post, Apr. 20, 1998]

AN ALLY IN THE WAR ON DRUGS

(By Silvestre Reyes)

I live on our nation's border with Mexico. I have firsthand knowledge and experience of our nation's "war on drugs." I spent more than 26 years of my life on the front line of that "war" as a Border Patrol agent, enforcing our nation's immigration and narcotics laws. For 11 of those years, I was the Border Patrol sector chief in McAllen, Tex., and El Paso.

The most important lesson I learned while working on the border is that to be successful in our fight against drug trafficking, we must help Mexico reform its police apparatus as well as its legal and judicial systems. If the United States and Mexico are to stop drug smuggling, we must cooperate and work in an environment of mutual understanding. Because about 60 percent of the cocaine on the streets of the United States passes through Mexico, its cooperation is vital to any counter-drug effort. Merely criticizing Mexico achieves nothing.

The United States consumes more than $5 billion a year in illegal drugs. We should own up to our responsibility and stop trying to blame others. Indeed, a recent survey found that 46 percent of Americans believe that Americans are responsible for the problem of illegal drugs in the United States. Interestingly, 50 percent of those same Americans believe that certification should be made tougher. They believe that we as a country are responsible for creating the demand, but we need to punish foreign nations for our problems. We should not continue to use the certification process as a forum to vent the frustrations we as a nation feel about the devastating impact of drugs on our communities.

The Mexican government bristles at the annual certification process, viewing it as an affront to their nation and an infringement on their sovereignty. The Mexican ambassador to the United States, Jesus Reyes-Heroles, refers to the certification process as "the most stressful period each year in the relationship between the two nations. This stress does not, in our view, enhance the cooperation essential to defeat this mutual scourge."

Our nation shares a 2,000-mile border with Mexico, but we along the border share more than that with our neighbors to the south. Not only have our economies long been interdependent, but our cultures also are tied by more than 400 years of history.

Since the implementation of NAFTA in 1993, communities on both sides of the border have become an integral part of the hemispheric trade success of North America with Latin America. American exports to Mexico increased by 126 percent from 1990 to 1996. The trade pact not only makes economic sense, it is also a logical evolution of international trade and commerce. It is a vibrant success story in the making, but it can be jeopardized by the process of certification and the contentious issues associated with it each year.

Mexico's efforts in this "war on drugs" are notable and should not be overlooked. In the past year, Mexico has enacted money-laundering legislation and created new investigative units to help root out official corruption. The Mexicans also have begun to rebuild their anti-drug institutions under the leadership of Attorney General Jorge Madrazo.

The Mexican government also has improved its efforts relating to extradition and has signed a bilateral extradition protocol. Mexico City already has approved the extradition of 27 fugitives from U.S. justice. Of the 27, 13 fugitives were extradited (seven for drug crimes) while the remaining 14 have appealed their extraditions.

We must continue to build on this kind of progress. The United States policy of judging the drug-fighting efforts of other countries is counterproductive and must be changed if we are to have any real impact on international drug trafficking. We must develop a process in which we engage our partners through cooperation rather than confrontation.

The writer, a Democrat, is a U.S. Representative from Texas.

IN MEMORY OF MARGARET McCAFFERY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor a truly memorable Cleveland woman. Margaret McCaffery, a member of Cleveland city council for twenty-eight years, represented her community with strong dedication and service.

Margaret was born in Vancouver, British Columbia and later moved to Washington state. While a teenager, Margaret was a vaudeville dancer and met her husband, James "Mickey" McCaffery, on tour in 1924. She raised five children through the tough times of the Thirties and Forties. James McCaffery died in July 1947 after taking out petitions to run for the Cleveland city council seat he had formerly held. Margaret took on a great burden and ran for the seat in his place. Her successful election the following fall gave her the seat that she would represent for the next sixteen years.

After her seat was eliminated as a result of redistricting, Margaret moved to the near West Side and was again elected to council. Throughout her twenty-eight years on the council, Margaret chaired numerous committees and represented her ward well. She received many awards and was recognized by President John F. Kennedy as one of the most influential women politicians in the country.

I had the pleasure of serving with Margaret on the Cleveland city council. I treasure our thirty-year friendship and always admired her unique ability to balance strength and gentleness, which is what made her such an effective council member. She is survived by two sons, two daughters, ten grandchildren, and seven great-grandchildren. Margaret will be greatly missed by all who knew her.

My fellow colleagues, join with me in honoring Mrs. Margaret McCaffery.

BOB PATZER: TWO DECADES OF OUTSTANDING SERVICE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. BARCIA. Mr. Speaker, if you want a job done right, hire a professional. For the past twenty years, Associated Underground Contractors, Inc., has done exactly that, having had Bob Patzer as its Assistant Executive Director from December, 1977, until he became the Executive Director in December of 1987. He was recently honored for his twenty years of outstanding service, an honor that he has most certainly earned.

Bob Patzer understands project construction from beginning to end. He worked as a summer construction worker after his graduation from high school and as his way of earning his college degree at Michigan State University. Following graduation, he worked for Bennis & Son, Flintkote Corporation, Mayo Company, and finally Alexander & Alexander. Having worked with sales, supplies, bid developments, field responsibilities, and as an account executive, Bob had truly learned every phase of the business.

With his experience and talent, it was only natural that he should be selected by Associated Underground Contractors, Inc. This association provides a variety of assistance with labor, legal, communication, legislative and safety matters. It provides education and training programs, legislative ombudsmanship, and information programs that are essential for companies in today's complex age. Bob Patzer has worked with and developed many of these programs, and because of his efforts, many of us regularly rely on AUC for information that is credible, timely, and effective.

Bob has been credited with the successful passage of several important legislative proposals in the State of Michigan. I know his knowledge and influence have helped to play a significant role on matters that have come before us here as well. We can design a program, initiate an effort, or espouse a dream. But none of these worthwhile activities bear fruit until they have been designed and built by professionals like Bob Patzer.

With the support that Bob has had from his wife, Linda, and his children, Tiffany and Shane, Bob has had a successful professional life sustained and encouraged by a wonderful family. They also deserve to be thanked and congratulated for the support they have offered to Bob during his career.

Mr. Speaker, I urge you and all of our colleagues to join me in congratulating Bob Patzer on his 20th anniversary with Associated Underground Contractors, Inc., and wishing him many more years filled with at least an equal amount of success.

THE LAST FLIGHT MISSION OF THE FIRST JET AIRCRAFT DESIGNATED AIR FORCE ONE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on March 26 of President Clinton's historic voyage to Africa, the first aircraft designated as Air Force One flew its last mission. Vice President GORE signed it into retirement as of April 1, but not before the first Air Force One carried Members of Congress who accompanied President Clinton to South Africa.

Mr. Speaker, I was one of those Members who joined the President on this trip. The importance of his travel to Africa and the significance of being aboard the aircraft were very relevant to me. It was this Air Force One that transported President John F. Kennedy's body from Dallas to Washington after his assassination in 1963.

Mr. Speaker, representing Dallas, I am reminded of that fateful day by driving through the streets, parades, and other activities along the grassy knoll area. However, being on board the plane that carried President Kennedy's body made those remembrances much more special. The first Air Force One represented a tragic end for our country, but also a new beginning. The plane was the site of President Lyndon Johnson's swearing-in as the 36th President prior to that flight.

In 1962, the Government purchased and deployed the aircraft that carried President Richard Nixon on his trips to China and Russia in 1962. Air Force One continued historic and important flights, serving eight Presidents.

Mr. Speaker, this exclusive aircraft symbolizes service to the President as he and other passengers travel throughout the world to promote peace and democracy in other countries. The first Air Force One began, and now ends successfully in that purpose. One great example of that purpose was the ribbon-cutting ceremony celebrating the 1-year inauguration of the Ron Brown Commercial Center in South Africa, named after the late Commerce Secretary.

The center was an impressive testimony to his mission of promoting democracy and economic opportunities in developing countries. Of course, the ceremony was one of many important and memorable visits what would not have been possible without Air Force One and its staff. On behalf of the United States delegation to Africa that traveled aboard the aircraft, I would like to express how honored we were to fly on its last voyage.

Mr. Speaker, the plane will be on display at the U.S. Air Force Museum at the Wright-Patterson Air Force Base outside of Dayton, OH. As many Americans view this plane, I hope that they will do it service by not forgetting its missions and its significance to our country. As a recent passenger, I know that I will not forget the first Air Force One.

For the RECORD, Mr. Speaker, I would like to document the United States delegation to South Africa who flew aboard the original Air Force One during its last flight:

Representative John Conyers; Rep. Corrine Brown; Rep. Juanita Millender-McDonald; Paul A. Allaire, Chairman/CEO, Xerox Corporation; Alma Arrington Brown, Chair, Ronald H. Brown Foundation; Ronald Burkle, Managing Partner, Yucaipa Companies; Melvin Clark, Jr., President/CEO, Metroplex Corporation; Dr. Ramona H. Edelin, President/CEO, National Urban Coalition, Interim Exec. Director, Congressional Black Caucus Foundation, Inc.; Rep. Amory Houghton; Rep. Shelia Jackson-Lee; Rep. Harold Ford, Jr.; Honorable Dennis Archer, Mayor, City of Detroit; Rev. Dr. Joan Brown-Campbell, General Secretary, National Council of Churches of Christ in the USA; Dr. Emma C. Chappell, Founder, Chairman & CEO, United Bank of Philadelphia; Ronald Dellums, Former Member of Congress, Healthcare International Management Company; and Ernest Green, Chairman, African Development Foundation.

Bishop Frederick Calhoun James, Former Bishop, 2nd Episcopal District, African Methodist Episcopal Church; Kase Lawal, Chairman, President/CEO, Camac Holdings, Inc., Kweisi Mfume, President & CEO, NAACP; Ilyasha Shabazz, Director of Public Affairs & Special Events, Office of Honorable Mayor Ernest Davis; John Sweeney, President, AFL–CIO; The Honorable Wellington Webb, Mayor of Denver, Colorado; Robert Johnson, Founder, Chairman & CEO, Black Entertainment Television, Inc.; C. Payne Lucas, President, Africare, Ernest S. Micek, Chairman & CEO, Cargill, Inc.; Lottie Shackelford, Board Member, OPIC; Maurice Templesman, Leon Templesman & Son; and Carol Willis, Director of Community Services, Democratic National Committee.

TRIBUTE TO RABBI CHAIM SEIDLER-FELLER

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. WAXMAN. Mr. Speaker, I ask my colleagues to join me in recognizing Rabbi Chaim Seidler-Feller for his tremendous contributions as Director of Hillel Council at UCLA for more than two decades.

Hillel provides meaningful service to UCLA students by offering them an opportunity to experience Jewish life and ritual away from home. Many students come to Hillel to continue to practice in the Jewish faith, while others are introduced to the traditions of the faith at Hillel.

Rabbi Seidler-Feller has created and introduced many new and innovative programs at Hillel designed to embrace the diverse cross-section of the student population. For example, he has sponsored conferences and seminars that explore the unique relationship between African-American and Jewish students.

In addition to his remarkable contributions to Hillel, Rabbi Seidler-Feller has been actively involved as a teacher and lecturer at UCLA, Hebrew Union College, and the University of Judaism. We owe Rabbi Seidler-Feller a debt of gratitude for his vision, his devotion, and his support of this vital UCLA institution.

I am delighted to bring Rabbi Seidler-Feller's tireless and selfless work to the attention of my colleagues and ask you to join me in saluting him for his many important contributions.

IN HONOR OF THE FIFTIETH ANNIVERSARY OF THE BAY VILLAGE LEAGUE OF WOMEN VOTERS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor a truly remarkable organization dedicated to promoting informed and active citizen participation in government. For the last fifty years, the Bay Village, Ohio chapter of the League of Women Voters has educated the citizens of Bay Village in each citizen's political responsibility. This organization effectively serves Bay Village in the arena of citizenship and public activism.

Founded in 1920, the national nonpartisan League of Women Voters established itself on the principles of voter responsibility. Women had just received the right to vote, and this organization wanted to ensure that all voters would have the necessary resources to cast an educated vote. The League of Women Voters of Bay Village continued this proud tradition with the establishment of the local chapter in 1948. On the fiftieth anniversary of the founding of this chapter, the League continues to make an educated voter its first priority. By supporting citizen participation in government and influencing public policy through education and advocacy, the chapter clearly has an influence on the educated voter.

For fifty years, the League of Women Voters of Bay Village has encouraged good citizenship and voter understanding of government. This organization's outstanding service to the community and to the country is commendable.

My fellow colleagues, join me in celebrating the anniversary of a patriotic organization that is dedicated to the task of informing the average voter: The League of Women Voters of Bay Village, Ohio.

IN HONOR OF RABBI JOSEPH I. WEISS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. SCHUMER. Mr. Speaker, I would like to take a few minutes today to honor and acknowledge a shining member of our religious community for his services to the people of the Rockaway Peninsula.

I ask my colleagues today to join me in recognizing Rabbi Joseph I. Weiss on the occasion of his 85th birthday for the many ways in which he has enriched his community with his religious leadership and adventurous spirit. His sense of civic duty has not stopped with his own temple, rather driving him to make a difference throughout all of New York.

Rabbi Weiss has served as spiritual leader of the congregation at the West End Temple in Neponsit New York for forty-nine years. He is a member of the New York Board of Rabbis and is past president of both the New York Association of Reform Rabbis and the Brooklyn Association of Reform Rabbis. He also serves as the first Vice-President of the National Association of Retired Reform Rabbis.

The Rabbi has an outstanding commitment to the community beyond his temple. He is the holder of the Shofar Award for service to Jewish Scouting in recognition for his time as a Board Member of the South Shore Division of the Boy Scouts of America. Rabbi Weiss has worked diligently to promote interfaith unity and to that end he has served as a board member for the Rockaway Interfaith Clergy and has been a hard-working member of the board for the Rockaway Catholic-Jewish Relations Committee. These commitments, plus his position as the Senior Active Member of the Rockaway Rotary Club have truly made a difference in the lives of others.

Rabbi Weiss received his B.A. in 1934 from the University of Cincinnati and his Rabbinical Ordination from Hebrew Union College in 1939. During World War II he was an Army Chaplain serving in the South Pacific and was the President of the Association of Jewish Military Chaplains of the United States. Before joining the West End Temple in 1949, Rabbi Weiss led Temple Israel in Columbus, Georgia from 1947 to 1948.

At 85, the Rabbi remains very active athletically and socially. He plays tennis and golf, ice skates, and is a member of the 70 Plus Ski Club. He is also a patron of the Rockaway Music and Arts Council. He has traveled extensively throughout the world and has made many visits to Israel.

It is my honor to recognize Rabbi Joseph I. Weiss today for both his religious guidance and his exuberant service to the State of New York.

ANTITRUST

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 8, 1998 into the CONGRESSIONAL RECORD.

AN ANTITRUST REVIVAL

The Justice Department's recent decision to sue defense giant Lockheed Martin to block its proposed $12 billion purchase of Northrop Grumman reflects a trend toward tougher enforcement of our antitrust laws.

The federal government is giving closer scrutiny to mergers and consolidations in a wide range of industries, including everything from defense and health care to telephones and airlines. It is also taking a harder look at the growing dominance of firms in the high-tech field, most notably Microsoft.

This revival of antitrust reflects a sea change from the 1980s, when deregulation and free markets were emphasized. Back then, antitrust was viewed as government meddling in the operation of free markets, and was rarely enforced. Antitrust regulators continue to approve most of the mergers then investigate, but the fact that they are investigating many more proposed mergers and, in certain cases, suing to block them is a notable development.

Purpose and enforcement: Antitrust law has its origins in the Progressive Era of the late 19th Century. The landmark laws of the time, the Sherman Act of 1890 and the Clayton Act of 1914, aimed at curbing the power of trusts, the large combinations of industrial interests. The Sherman Act bars combinations which unreasonably restrain trade. The clearest example of a violation would be competitors in a given industry agreeing to fix prices. The Act also prohibits a dominant firm in a given market from acting to monopolize commerce in that market. The Clayton Act forbids mergers which have the effect of substantially lessening competition or creating a monopoly. What precisely these vaguely-worded statutes require has been left to the courts and regulators to decide over the years.

Antitrust law has two primary objectives. First, it seeks to promote vigorous competition in the U.S. economy. Competition is desirable because it tends to keep costs and prices lower, encourage the efficient allocation of economic resources, and provide for innovation and consumer choice. The presumption of antitrust law is that the normal operation of the free markets will foster competition. Government will only step in where there is evidence of anti-competitive conduct. Second, antitrust law aims to limit the concentration of corporate power. The concern in the Progressive Era was that the large corporate trusts threatened to trample individual liberties, and that suspicion of big business persists.

Antitrust enforcement has waxed and waned over the years. While regulators brought some high-profile cases, including the one that broke up Standard Oil in 1911, enforcement in the early years was lax. The Great Depression ushered in a period of tougher enforcement as the American public demanded stricter regulation of corporations the pendulum swung back the other way in the 1980s, reflecting the Reagan Administration's preference for free markets. Antitrust enforcement is shifting again. The prevailing view today is that free markets work, but don't work perfectly and government intervention may be necessary to prevent overreaching by powerful market players.

The problem of mergers: The spate of mergers in the last five years has raised concerns, particularly about competition in industries where there are fewer and fewer competitors. The proposed Lockheed-Northrop deal, for example, would have limited competition in government contracts for key weapons systems, including airborne radar, missile warning systems, and military aircraft production. Likewise, the government successfully blocked the proposed merger of Staples and Office Depot because the merger would have effectively eliminated competition for certain office supplies in certain geographic markets.

Antitrust enforcement will often involve a fact-intensive weighing of the competitive costs and benefits of a proposed merger. Companies involved in the merger may argue, for example, that the merger improves economic efficiency by cutting overcapacity in the industry as well as overhead costs, or that the merger is needed to keep pace with overseas competition. Regulators will, in turn, try to assess how the proposed merger affects choice and price for the consumer, whether the consumer is the U.S. government, a small businessperson, or a private citizen. Regulators rarely block mergers outright, but rather seek to work with the parties to limit anti-competitive effects.

The problem of monopoly: Monopolization is a related concern for antitrust regulators, as demonstrated most recently by the Justice Department's battle with Microsoft, the computer software giant. Antitrust law has never been construed to say that merely because a firm is dominant it is engaging in illegal monopolistic conduct. If a firm dominates a market because of superior skill or energy, antitrust steps aside. If, however, a firm engages in unreasonably exclusionary or anticompetitive activities to stay on top, that kind of behavior will be challenged. The rationale is that monopolies tend to stifle innovation, which in the long run hurts the economy and the consumer.

Our new high-tech economy presents a difficult challenge for antitrust. On the one hand, high-tech companies like Microsoft have been on the cutting edge of innovation, transforming our economy, generating jobs and wealth, and boosting our competitiveness in the global marketplace. On the other hand, high-tech companies, particularly those that enjoy a dominant market position, may have opportunities to exploit consumers and crush potential rivals. The concern in the Microsoft case, for example, was that the company was using its dominance in the computer software industry to squeeze out competitors in the market for Internet software.

Government regulators have tried to strike a balanced approach in this area. They recognize that the high-tech industry is different—that companies must constantly innovate to stay ahead of their competitors and that government does not want to interfere with this beneficial process. They reason, nonetheless, that the high-tech sector is not immune to the risks associated with monopolies, and will take steps to ensure that companies play by the rules.

Conclusion: I accept the need for antitrust enforcement. After all, the economy is in the midst of an unprecedented wave of mergers. Antitrust authorities should review the competitive effects of proposed mergers, provided such reviews are based on facts and careful market analysis, not ideology. The government must be careful not to do more harm than good. Free markets may sometimes fail, but it does not follow that government can make things better.

TRIBUTE TO NATHAN SHAPELL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. LANTOS. Mr. Speaker, on Thursday of this week, representatives of the Congress, the Administration, and the Supreme Court will gather in the Great Rotunda of this building for the National Civic Commemoration to remember the victims of the Holocaust. This annual national memorial service pays tribute to the six million Jews who died through senseless and systematic Nazi terror and brutality. At this somber commemoration, we will also honor those heroic American and other Allied forces who liberated the Nazi concentration camps over half a century ago.

Mr. Speaker, this past week Fortune Magazine (April 13, 1998) devoted several pages to an article entitled "Everything in History was Against Them," which profiles five survivors of Nazi savagery who came to the United States penniless and built fortunes here in their adopted homeland. It is significant, Mr. Speaker, that four of these five are residents of my home state of California. My dear friend Nathan Shapell of Los Angeles was one of the five that Fortune Magazine selected to highlight in this extraordinary article, and I want to pay tribute to him today.

Nate Shapell, like the other four singled out by Fortune Magazine, has a unique story, but there are common threads to these five tales of personal success. The story of the penniless immigrant who succeeds in America is a familiar theme in our nation's lore, but these stories involve a degree of courage and determination unmatched in the most inspiring of Horatio Alger's stories.

These men were, in the words of author Carol J. Loomis, "Holocaust survivors in the most rigorous sense," they "actually experienced the most awful horrors of the Holocaust, enduring a Nazi death camp or a concentration camp or one of the ghettos that were essentially holding pens for those camps."

They picked themselves up "from the very cruelest of circumstances, they traveled to America and prospered as businessmen. They did it, to borrow a phrase from Elie Wiesel, when everything in history was against them." They were teenagers or younger when World War II began. They lost six years of their youth and six years of education. "They were deprived of liberty and shorn of dignity. All lost relatives, and most lost one or both parents. Each . . . was forced to live constantly with the threat of death and the knowledge that next time he might be 'thumbed' not into a line of prisoners allowed to live, but into another line headed for the gas chambers." Through luck and the sheer will to survive, these were some of the very fortunate who lived to tell the story of that horror.

The second part of their stories is also similar—a variant of the American dream. These courageous men came to the United States with "little English and less money." Despite their lack of friends and mentors, they found the drive to succeed. As Loomis notes, "many millions who were unencumbered by the heavy, exhausting baggage of the Holocaust had the same opportunities and never reached out to seize them as these men did." Their success in view of the immense obstacles that impeded their path makes their stories all the more remarkable.

One other element that is also common to these five outstanding business leaders—they are "Founders" of the U.S. Holocaust Memorial Museum here in Washington, D.C. They have shown a strong commitment to remembering the brutal horrors of the Holocaust, paying honor to its victims, and working to prevent the repetition of this vicious inhumanity.

Mr. Speaker, Nathan Shapell is one of the five Holocaust survivors and leading American entrepreneurs highlighted in this article. Nate is the Chairman of Shapell Industries in Los Angeles. As we here in the Congress mark the annual Days of Remembrance in honor of the victims of Nazi terror, I ask that the profile of Nate Shapell from Fortune Magazine be placed in the RECORD.

[From Fortune, April 13, 1998]

NATHAN SHAPELL—CHAIRMAN, SHAPELL INDUSTRIES

Nathan Shapell's history illustrates two truths about the Holocaust. First, by sharp and courageous use of his wits, a Jew could often greatly improve his chances of surviving. Second, in the end he practically always needed luck as well.

Now 76, Shapell (originally named Schapelski) was the youngest of five children in a family that lived in the western Poland city of Sosnowiec. After the Nazis invaded Poland, though, the father and two of his children scattered, leaving Nathan, then still in his teens, the only male in a household of four. Growing up quickly, he got decent work in the city's sanitation department and also gained the favor of certain German officials by managing to get them scarcities such as textiles and meat. For nearly three years Shapell's standing with these Germans not only kept his family safe but also allowed him repeatedly to help other Jews.

In the summer of 1942, however, Shapell's mother and hundreds of other Sosnowiec Jews were rounded up and incarcerated in a part of the city called Targowa. Frantic but able once more to tap the help of his Germans, Nathan got past Targowa's guards on the pretense that he was going in to survey the sanitation needs of the area. Making his way through crowds of desperate Jews, he finally found his mother, gave her food, and promised her help.

But he also realized that the sanitation arm band he wore might be the key to more rescues. Later that day he told the authorities that Targowa's sanitation needs were large, and secured permission to go into the area at least daily with a small crew. Over the next few days, he and his men entered just before a shift change for the guards, with each member of his crew wearing a sanitation arm band—and with a few more arm bands stuffed into Shapell's pocket. These he gave to male prisoners, who each day exited, trying to appear nonchalant, with the crews and their refuse-loaded carts. The discovery of this ruse would almost certainly have meant death for all concerned, but the guards on the new shifts never caught on.

Next Shapell focused on the huge pots of soup that were each day carried into Targowa and later taken out empty. Shapell and his men instead filled them up with small children (warned to total silence) and then boldly carried out the posts, as if they were simply helping with the day's chores. A half-dozen or so children, most thrust at the men by their parents, were rescued that way and released outside the gate. One, a small girl of 5 or 6, looked up from the street where Shapell had set her and said, "Where shall I go?" He answered, "Child, I don't know. Run, run." As he tried to talk about that moment recently, Shapell broke down, unable to finish.

In a week of arm bands and soup pots, Shapell did not manage to rescue his mother. He finally succeeded, though, on a chaotic day in which the Germans encircled all of Targowa's Jews with a gigantic noose of rope and prepared to load them up for transport. Shapell's mother escaped because Nathan, talking his way into Targowa, found her and made her lie down on a pile of dead bodies. He then contrived to get the job of removing the bodies for disposal and got his mother to safety.

By the summer of 1943, though, the Nazis' vicious campaign to make Europe Judenrein—free of Jews—had wrenched the family apart and sent each of its members to a work camp or a concentration camp. The hellhole of Auschwitz-Birkenau was Nathan's lot, but there his youth and relative vigor got him thumbed into line of people to work, not die. He was then tattooed with the number he still wears: 134138.

In the nearly two years of captivity, hunger, and oppression that followed, he continued to be sustained by wits, guts, and a steely resolve to survive. He smuggled food out of kitchens, hid when exposure would have meant death, and got himself classified as a carpenter though he could barely drive a nail. But there was a moment near war's end, at a work site called Gintergruber, when nothing else counted but luck. One day a prisoner in his work crew escaped. When none of the other prisoners would admit to knowledge of how he'd gotten out, SS troops lined them up—some 200 men, in ranks four deep. Shapell was in the front row. The SS counted down it, ordering the fifth man to step forward, and then the next fifth man, until ten prisoners were lined up for all to see. The ten were then shot. Shapell, in the 80% of the front line that survived, went back to work.

Shapell was later moved in a forced march to a camp called Waldenburg. Freedom arrived there on May 8, 1945. No German guards came that morning to make their daily head count, and in the afternoon the camp's commandant drove out for the last time, his eyes venomous as he looked back at the prisoners watching in disbelief. The Jews then swarmed out of the camp to scavenge for food, on the way encountering Russian soldiers who were still at war, even though Germany had surrendered the day before.

The world called them "displaced persons," and in the next six years Shapell, 23 at the end of the war, became a leader in aiding homeless Jews who bore the label. His place of work was a small Bavarian town named Munchberg, where he established a model DP community. He oversaw the construction of houses and even set up a large home that took in Jewish children with no place to go. Wrote an American officer who had authority over Munchberg and knew himself fortunate to have crossed paths with this young refugee: "I heartily endorse Mr. Schapelski as an energetic, efficient, trustworthy, and most capable man."

For Nathan, Munchberg meant more than work well done. He was married there (to a Holocaust survivor) and was joined in the town by two siblings who turned out to have survived the war, Sala and David. (The remaining four members of Shapell's family are either known, or believed, to have died.) Eventually Nathan, David, and an Auschwitz friend of Nathan's who Sala married, Max Weisbrot, secured a permit to start a textile manufacturing and wholesaling business, and it did well.

So it was that when the three men make it to the U.S. in the early 1950s, they had some money. They went first to Detroit because a relative lived there. But Nathan didn't like Detroit, and they traveled in search of another landing spot, thinking that either supermarkets or homebuilding might be their future. They hit California, and for Nathan it was love at first sight. "Just the trees," he says today, "just the smell from the oranges and lemons. It was unbelievable, beautiful."

Through a Detroit connection, they met one night with a young building contractor in Los Angeles, Morley Benjamin. Knowing their English to be inadequate, the three visitors brought with them a taxi driver hired to be a translator—but he kept falling asleep. The meeting came to nothing.

Some months later, though, having picked up more English, the three went back to Benjamin, and this time they struck a deal to build houses together. The Shapell group put in $600,000, and Morely Benjamin and a partner contributed expertise. In two suburbs of Los Angeles, Norwalk and Whittier, they built some 2,400 houses and sold them to veterans for $10,990 each, no money down. Nathan, the leader of this band, badgered the young builder he always called "Mr. Benjamin" to teach him everything he knew about the business. Remembers Benjamin: "Nathan was constantly in my office, constantly wanting to know. Once I said to him, 'Nathan, do not come back for at least an hour.'" But Benjamin says Shapell never asked the same question twice. He was, besides, a whiz with figures.

In 1955 the parties split up, amiably. Shapell, with his relatives, formed S&S Construction and proceeded to build anew in Norwald. He has always had a belief, he says today, that a prudent man should keep one-third of his money in cash and another one-third in good "stuff," and then if he wishes, put the other one-third at risk. But in 1955 he felt the Norwalk project required the commitment of everything he had. Out of it, though, came a small profit, enough to send S&S Construction on its way.

Since then the company now called Shapell Industries has built 64,000 houses and spread well beyond Lost Angeles. The company is known for high-quality building, for astute purchases of land, and for conservative financial behavior in an industry that tends to binge on leverage. Shapell himself dresses down from the elegant suits he wears in his office and "walks" his sites, doing hands-on quality control. He is not apt to stop those inspections soon: For three years a widower, he usually works at least six days a week and has no plans to retire.

In his business history, there is a period that caused him anguish. In 1969, when his company was doing about $30 million in sales and $3 million in profits, he took it public and was immediately sorry. Impatient by nature—"he has the attention span of a gnat," says an acquaintance—he could not abide dealing with securities analysts. He feels, moreover, that the homebuilding business, with its cycles, weather delays, and general ups and downs, is not well suited to a public market that craves consistency. "If you are honest and reporting exactly what happens," Shapell says, "Wall Street tells you goodbye." His company was itself a case history in volatility. In 1981, when interest rates skyrocketed, it lost nearly $10 million on revenues that exceeded $300 million—another period of acute anguish for Shapell. By 1983, through, the company was making $15 million on revenues cut by a third.

So in 1984, Shapell took his creation private, buying in the 28% of the company that the public owned for $33 million. Best money he ever spent, says Shapell: "when we'd done the deal, I felt like a million pounds had been taken off me." It hardly ranks with the first, of course, but he calls that day his "second liberation."

EARTH DAY, 1998

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. GILMAN. Mr. Speaker, Earth Day helps us to remember that environmental issues know no political bounds and affect all of the people, plants, and animals of the world community. It is essential that the policies our Government enacts, and the personal activities we undertake reflect our profound concern for safeguarding the Earth.

From combating global climate change to protecting threatened species to maintaining clean air and pure water standards, we have a duty to act locally and globally to protect the environment for present and our future generations.

Saving the planet may seem to be an insurmountable task, but in order for our children to have a brighter future we must commit ourselves to an environmental policy which seeks to establish a clean, safe, and productive environment.

We must not forget the air we breathe, our most precious resource. Americans can clearly see, smell, and feel the difference that pollution has made in their lives. As a strong supporter of the Clean Air Act, I understand the need for clean air standards. So too, we must not neglect our efforts to purify our water. By encouraging innovation, cooperation, and the development of new technologies for pollution reduction, these standards build upon the spirit of ingenuity that is the foundation of America's leadership in the world.

Moreover, the issue of global warming is one that affects us all. Without our intervention, global warming will find sea levels continuing to rise, an increase in heat-related deaths, increased allergic disorders, and other serious air quality programs.

By burning oil, coal, and natural gas to power our cars, heat our homes, light our cities, and through deforestation and clearing of land for agriculture, we are releasing greenhouse gases to the atmosphere more quickly than we can remove them.

Over the last century atmospheric levels of these gases have steadily climbed and are predicted to increase as global economies grow. The Intergovernmental Panel on Climate Change (ICC) estimates that global surface air temperature will increase approximately another 5 degrees in the next 100 years. The ICC also predicts that "the balance of evidence suggest that there is a discernible human influence on global climate." With this in mind, we need to act now to protect our planet.

I invite my colleagues to join with Secretary of State, Madeleine Albright, in her pledge to announce "A full court press to encourage meaningful developing country participation in the effort to combat global climate change".

As chairman of the International Relations Committee, I understand the importance of using our leadership in the United States to assist other countries in developing and maintaining successful environmental programs. I personally have led efforts to protect whales from commercial hunting and to protect African elephants from the deadly effect of the international ivory trade. I have also been in the forefront in bringing greater awareness to the linkages between refugees, world hunger, and national security to environmental degradation. In addition, if we do not assist in the survival of indigenous and tribal people, their wealth of traditional knowledge and their important habitats will no longer be available for the rest of mankind.

Earth Day is a successful incentive for ongoing environmental education, action, and change. Earth Day activities address worldwide environmental concerns and offer opportunities for individuals and communities to focus on their local environmental problems. As you may know, along with several of my colleagues, I introduced H.R. 1256, which was approved by Congress to authorize the purchase of Sterling Forest. Added to existing parks, this purchase created a 15,000 acre area of greenery just 40 miles north of New York City. I am pleased to state that we have also received an additional $8.5 million funding for this important project. Along with Rep. Sue Kelly, I have requested funding for the Hudson Valley national heritage area, which would help preserve the history, culture, and traditions of our beautiful region. I am also proud to note that my 20th district of New York is home to the Lamont-Doherty Earth Observatory, one of the country's leading climate study institutions.

Earth Day is a powerful catalyst for people to make a difference toward a clean, healthy, prosperous future. We must not continue with the lax attitude that someone else will clean up after us. We need to take care of our world today. I cannot think of a better day to commit to this than today, on Earth Day. Let us salute all of the people who observe Earth Day, in all ways, large or small.

REMARKS ON THE .08 BAC STANDARD

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. ANDREWS. Mr. Speaker, I rise today to share with my colleagues an excerpt from the newsletter of the Conneaut Cellars Winery in Conneaut Lake, Pennsylvania. It was written by Mr. Joal Wolf, who is the proprietor of the winery. I believe this text eloquently articulates the arguments against the national .08 standard.

> Recently neo-prohibitionists, social Do-Gooders, and short-sighted legislators (all in the business to scare you and make numbers look the worst possible) started their propaganda with nastier attacks due to the lack of attention in public. These attacks are direct at drinkers in general and unfortunately not at abusers and drunk drivers. They would like to duck the new reality, punish responsible drinkers, and blackmail states and local jurisdictions by withholding state highway funds (ISTEA) for not accepting a Blood Alcohol (BAC) level of 0.08%.
>
> Decades of government data show that the number one cause of drunk driving incidents is the alcohol abuser who drinks excessively and then drives. Yet the proposed legislation inexplicably ignores this reckless menace and instead calls for laws that would make it illegal for a 120 lb. woman to drive after drinking two glasses of wine within two hours. According to the National Highway Traffic Safety Administration, the average BAC among fatally injured drunk drivers is 0.18%, and more than 80% of these drivers have at least 0.14% BAC. Federal government statistics show a very small percentage, not enough for casual effects, of accidents are caused by people with between 0.08 to 0.10% BAC. Fewer than 1.0% of fatalities involve drinking drivers (not drunks) with BAC under 0.10%.
>
> Drunk driving versus drinking and driving—why bother with semantics when highway carnage is at stake? The real problem is the act of driving drunk. The crime should be when your ability is truly impaired, whether it is alcohol, lack of sleep, anxiety, anger, illegal drugs, and so forth.

IN MEMORY OF THE HONORABLE JAMES R. STRONG

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. SKELTON. Mr. Speaker, I wish to take a moment to speak about a man of distinguished civil service and professional integrity. The Honorable James R. "Jim" Strong, former Missouri State Representative and State Senator, recently passed away at the age of 77.

A native of Marshfield, MO, and a lifelong resident of the Jefferson City, MO, area, Strong graduated from Jefferson City High School in 1939. After studying at Jefferson City Junior College, Strong served in the United States Navy and was abroad the USS Phoenix at Pearl Harbor on December 7, 1941. He served in the South Pacific for the remainder of World War II.

After the war, Jim Strong became the cofounder of Strong Brothers Millwork and Lumber Company, and later co-owned other lumber companies. He also was involved in office and commercial real estate rental and was a cattle farmer for many years. He served on the Jefferson City Council from 1969 to 1972, and was elected to the Missouri House of Representatives in 1973. In 1982, Strong was elected to the Missouri Senate, and he was re-elected in 1986. He retired from public service in 1990.

In addition to his contributions as a public servant, Jim Strong participated in many community activities. He was a member and elder of the First Presbyterian Church and also held memberships or offices in the VFW Post 1003, American Legion Post 5, Pearl Harbor Survivors Association, Cole County Fair Association, Cole County Fair and Horse Show, Salvation Army Advisory Board, Jefferson City Chamber of Commerce, Jefferson City Jay Booster Club, Cole County Historical Society, Capital City Council of the Arts, Memorial Community Hospital Board of Governors, St.

Mary's Health Center Advisory Board, Cole County Republican Club, Pachyderm Club, Conservation Federation of Missouri, Cole County Association for Mental Health, Cole County Volunteer Fire Department, Jefferson City United Way, Cole County Extension Service, Lions Club, Jefferson City Rotary Club, Jefferson City Jaycees, Jaycee Cole County Fair Association, Mayor's Bond Issue Advisory Board, and Jefferson City Planning and Zoning Committee.

Jim is survived by his wife, Sue, one son, two daughters, two sisters, one brother, eight grandchildren, and two great-grandchildren.

Mr. Speaker, Jim Strong was a true gentleman, and he displayed honesty and integrity throughout his public service career. I am certain that the Members of the House will join me in paying tribute to the fine Missouri legislator.

CONGRATULATIONS TO SCOTT JOHNSON, MICHAEL WALSH, LINDA COLEMAN, MATTHEW ETHEN, AND DIANE JACKSON

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Scott Johnson, Michael Walsh, Linda Coleman, Matthew Ethen, and Diane Jackson for being honored with the 1998 Excellence In Teaching Awards. These exceptional educators were honored for their unique contributions to the betterment of education.

Scott Johnson is a third grade teacher at Fresno Unified School District's Aynesworth Elementary School. He has been teaching for eighteen years. He has also taught fourth, sixth, and second grade classes. Scott has been in charge of the reading lab, E.S.L. teaching lab, and was a resource teacher for 6 years. As a member of the Fresno Zoological Society, he has volunteered for the past eight years in various fund-raising events. He has performed with the Fresno Childrens' Playhouse, bringing live theater to Fresno students. He has actively worked with his church's Children's Ministry and has been listed in the California State Department of Education's List of Exemplary Language Arts Teachers.

Michael Walsh is currently a sixth grade teacher at Fresno Unified School District's Roeding Elementary School. During his career, Michael Walsh has been a teacher at Rowell Elementary School, Slater Elementary School, and on special assignment at the Discovery Center. He has also served as a Teacher/Energy Coordinator at Easterby Elementary School, Elementary Science Specialist For the Fresno Unified School District, and Assistant Energy Coordinator for the Fresno Unified School District. He has a Bachelor of Arts degree from Arizona State University and has studied at California State University, Fresno, the University of California at Berkeley and Fresno Pacific College. Michael Walsh is also the author of the work titled "Science Education."

Linda Coleman is currently teaching at Fresno Unified School District's Yosemite Middle School. During her 25 years of teaching, Linda Coleman has served as a writing consultant, a teacher of physical education, and a teacher of language arts & science. Additionally, she is a coach for both volleyball and track and field at Yosemite Middle School. She received both her Bachelor of Science degree and teaching credential from California State University, Fresno and is an active volunteer in the community. Her volunteer activities include authoring Yosemite's first technology plan, member of the School Improvement Plan Committee, Language Arts Representative, and WASA member of the Superintendents Advisory Committee.

Matthew C. Ethen is currently a Social Studies Teacher at Fresno Unified School District's Edison High School. Matthew Ethen has an extensive Military Background. He is a Commissioned Second Lieutenant in the Army ROTC and an Adjutant to the HHD 818th Transportation Battalion, where he was responsible for the training and welfare of 50 Army Reserves. He has also served as an Executive Officer, Captain, and Operations Officer. Outside his military service, he has served as a tutor, an assistant to a university professor, and a student teacher. Other responsibilities of his have included acting as an Educational Services Assistant for the Fresno Bee and an Educational Consultant for West Publishing Company. He has taught at Edison High School since 1991. Matthew Ethen earned his Bachelor of Science Degree at St. Cloud University and his teaching credential from California State University, Fresno.

Diane Jackson is currently the Principal of Fresno Unified School District's Bullard T.A.L.E.N.T. Elementary School. During her teaching career, Diane Jackson was a Language Arts Teacher at Orcutt Junior High in Santa Maria, a Resource Specialist at Fitch Middle School of Monterey, a Reading Specialist at Seaside High School of Monterey, and an instructor at Chapman University. Her administrative experience began in 1981 when she took on the position of Curriculum Coordinator for the Monterey Peninsula Unified School District. She moved on to become Elementary Principle of Crumpton Elementary School in Monterey from 1986–1989, Elementary Principal of Indianola Elementary School in Selma from 1989–1993, and a K–8 Principal in Coarsegold, California from 1993–1996. Diane Jackson earned her Bachelor of Arts degree in English at the University of California at Santa Barbara and a Master of Arts degree from California State University, San Jose.

Mr. Speaker, it is with greater honor that I congratulate Scott Johnson, Michael Walsh, Linda Coleman, Matthew Ethen, and Diane Jackson for being recognized with the 1998 Excellence in Teaching Awards. Their devotion and care for education serves as a model for all individuals involved in education. I ask my colleagues to join me in wishing Scott Johnson, Michael Walsh, Linda Coleman, Matthew Ethen, and Diane Jackson many more years of success.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. KIND. Mr. Speaker, today is a great day for supporters of campaign finance reform. It appears that after long last the leadership of the House of Representatives has agreed to allow an open, honest debate on campaign finance reform. The will of the people has overtaken the reluctance of the leadership in this crucial debate.

I began delivering a daily statement on campaign finance reform after the House failed to pass legislation by July 4th of 1997. That was the date the President challenged Congress to pass comprehensive reform. Since I began my daily statements I have received overwhelming encouragement from the people of western Wisconsin who have told me that Congress must do something about the big money in politics. I am pleased that the leadership has finally given in to the demands of a majority of the members of the House who have advocated for real campaign finance reform.

This struggle is not over yet. We have received false promises before. I will continue to remind the leadership of their promise to allow an open and fair debate until that promise is kept.

I am pleased that the base bill for debate will be H.R. 2183, the Bipartisan Campaign Integrity Act. This is a bipartisan bill, worked out among freshman members the House. The freshman bill is an honest effort to craft a bill that will take the big money out of politics and give our elections back to the people. I hope the House passes this bill.

I thank the leadership for agreeing to end their stalling tactics and allow an open honest debate on campaign finance reform.

HONORING THE BAILEY-RICHMAN VFW POST'S 50TH YEAR

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. GILMAN. Mr. Speaker, permit me to take this opportunity to recognize the 50th anniversary of the Veterans of Foreign Wars Bailey-Richman Post No. 9588 in Monticello, New York. This VFW Post has been an invaluable asset to Sullivan County, assisting the veterans of our region and our nation as a whole.

The VFW Post No. 9588 was chartered April 4, 1948 in the memory of Erwin Richman and Ralph Bailey, both of whom lost their lives fighting for our nation in World War II. The Post, founded in the spirit of patriotism and honor, has fulfilled its legacy with dedication and hard work. It has served as a spiritual as well as a civic guide for the Sullivan County community. The Post's 28 Charter Life Members, 80 regular members, 44 Life Members and the 25 Past Commanders are all leading examples of bravery and selflessness. Their sacrifice to preserve America's principles and ethics have helped to ensure a new and promising future for all Americans.

Since 1899 the Veterans of Foreign Wars of the United States has fought for and protected veteran's rights. Their importance is undeniable, having assisted the concerns of Veteran's across the nation. Today, the Veterans of the Foreign Wars actively petitioned government to bring about beneficial change. The Bailey-Richman Post No. 9588 has supported the national effort as well as working with the community members to make a better life for our veterans.

In the ongoing effort to improve health care for our Veterans in the Hudson Valley Region, the V.F.W. has been indispensable. The Veterans of Foreign Wars has recognized the desperate need to improve the health care of our Veterans. Through their diligent and tireless efforts, the V.F.W. has exposed and highlighted the need for improved Veteran health care.

Mr. Speaker, I invite my colleagues to join with me in recognizing the fifty remarkable years of service of the Bailey-Richman Post No. 9588 and their contributions to our communities and our nation.

EARTH DAY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. DAVIS of Illinois. Mr. Speaker, in honor of Earth Day 1998, I challenge Congress to join with me in better protecting our children's health and leaving our children a legacy of protected natural resources.

Over the last 25 years, this country has made enormous progress on environmental protection. The health of American children has improved because (1) We have made significant progress in cleaning up the air our children breathe; (2) We have made significant progress in cleaning up our lakes and rivers in which our children swim, boat and fish; and (3) We have made significant progress on cleaning up the toxic waste sites around which millions of our children live. However, we still have a long way to go in order to protect and preserve our nation's natural resources so that your children and mine can enjoy its beauty and benefits tomorrow. Thus, I believe we need to recognize that it is not a question of whether we can afford to protect the environment, rather it is a question of whether we can afford not to.

I look forward to working with my colleagues to ensure that this year's budget provides funding to Restore clean water to our communities; Accelerate and make polluters pay for toxic waste clean up; and protect our national parks, wildlife refuges, and national forests.

EARTH DAY AND ELSMERE CANYON

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. McKEON. Mr. Speaker, I rise today to discuss a very significant environmental issue: Elsmere Canyon. I find it particularly appropriate that I am afforded the opportunity to speak today, Earth Day, on a subject that is important not just to me, but also to the community that I represent.

Let me provide a brief history on this matter, Mr. Speaker. Before coming to Congress, I had the honor of serving as the first mayor of the City of Santa Clarita, which was incorporated in 1987. While in that capacity, a situation came to my attention that galvanized our community. A solid waste disposal company had proposed building a landfill using a portion of the Angeles National Forest known as Elsmere Canyon. If approved, the largest landfill in the United States—with a capacity of 190-million tons—would have been constructed in Elsmere Canyon.

In the early 1980's Los Angeles County's population boomed. At the same time, many small landfills were closed without any alternative measure to deal with the increased trash. As a result, Elsmere Canyon became a prime location for a new landfill to handle the country's trash. However, the choice of Elsmere Canyon had major shortcomings that were easily recognizable.

The first issue involved preserving the integrity of our National Forest System. The Angeles National Forest, which is visited by over 30 million people each year, is considered by Southern Californians to be our "Central Park". Using part of the forest for a landfill was, in my view, bad public policy. Second, the Elsmere landfill would potentially contaminate groundwater and displace endangered wildlife and plant life in the Angeles. Third, after the 1994 Northridge earthquake, whose epicenter was a mere eight miles from Elsmere Canyon, the presence of seismic activity presented additional concerns that had to be addressed.

Finally, I was deeply concerned Los Angeles County was already accepting trash from other counties in California. I cannot agree with the notion that new landfills should be built in order to accept other communities' trash.

Additionally, there are proven alternatives to landfills, such as recycling and environmentally-safe incineration programs, and we need to explore them. Instead of passing waste from one area to the next, we should investigate the potential of disposing of trash in other manners. This also would alleviate growing tensions between our communities regarding the transportation of waste.

In 1995, I was proud to introduce legislation prohibiting the Secretary of Argriculture from approving any land transfer of Elsmere Canyon for the purposes of creating a landfill. I was even prouder when this legislation was approved as part of the Omnibus Parks Act of 1996. This legislation was the result of a community coming together—environmentalists and business leaders, government representatives, and civic-minded individuals—to bring about this historic change.

Yet this fight is not over Mr. Speaker. The portion of Elsmere Canyon that is not owned by the Forest Service is still viewed by Los Angeles County as a potential site for a future landfill. As you might imagine, this would be a major blow to our community and one that I continue to work to prevent.

However, I am not here today just to speak words but to seek action. I have requested and am ultimately hopeful that Browning-Ferris Industries, which in late 1995 purchased the company that proposed the original Elsmere landfill, will donate its Elsmere parcel to the Angeles National Forest. Should this occur, the entire canyon would become part of the Angeles National Forest and would be preserved and enjoyed for future generations.

Mr. Speaker, I view Earth Day as an opportunity to remember the natural beauty and wonders that God has given us and what we can do to preserve those gifts. Elsmere Canyon truly is one of those gifts and I am proud to have done what I can to preserve this marvelous place. I am also proud of the work that my community has done to save this treasure. So as we celebrate Earth Day, I would like to take the time to remember the accomplishments of my community to make Earth a better place to live. I also would like to recall how these achievements were accomplished. Not through finger pointing or heated debate. Our community came together with a common goal. A goal to make our community, our state, our nation, and our earth a better place.

TRIBUTE TO THE COORS BREWING COMPANY

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I rise today to pay tribute to a great American company, one that will be celebrating its 125th anniversary next month. The success of Coors Brewing Company is a great American story. When Adolph Coors arrived in this country in 1868, he didn't speak English, but he did know how to brew a great beer.

From 1873 until today, Coors has made its reputation on the lasting values of its founder. The great American values of tradition, commitment, quality, and innovation. Those values helped Coors grow from a tiny local brewery in Golden, Colorado into a world-class competitor producing more than 20 million barrels of beer each year. Today, Coors' familiar products are sold not only across the U.S. but in 45 foreign countries as well.

Through the years, Coors has been at the forefront of responsible community involvement, and today it is recognized as a leader in corporate citizenship. That's why Business Ethics magazine recently placed Coors in the top ten of its "The 100 Best Corporate Citizens." Coors also have been cited numerous times for its outstanding record in attracting, hiring, and promoting minority Americans. It is what you would expect, given Coors record of investing hundreds of millions of dollars in economic development and other programs designed to strengthen Hispanic and African-American communities.

When you do business in Colorado, respect for the environment is, of course, a must. And Coors is a leader here too. Coors launched the aluminum recycling revolution back in 1959 when it began offering a penny for every returned can. Since 1990, the Coors Pure

Water 2000 program has provided more than $2.5 million to support more than 700 environmental programs across the nation.

One of its most noteworthy accomplishments has been in developing and promoting effective programs to discourage abuse of its products. Coors has a record of encouraging responsible consumption of its products by adults—and only adults. Over the years, millions of dollars have been devoted to community-based education and prevention programs. Coors' "21 means 21" message has been one of the elements responsible for the steady decline in underage drinking and drunk driving that we in the United States have been fortunate to see in recent years.

Coors has set the standard for responsible advertising, and has led the industry with policies to ensure that its ads encourage moderation, and are directed only to those over the age of 21.

This week, I urge my colleagues to join me in a toast to the thousands of Coors employees, those who work at Coors breweries in Colorado, Tennessee and Virginia, and at Coors distributorships in every state of the nation: Congratulations on a job well done.

EARTH DAY

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Ms. McCARTHY of Missouri. Mr. Speaker, in commemorating Earth Day, I rise to pay tribute to Rachel Carson, whose courage and conviction in writing the 1962 acclaimed novel Silent Spring inspired a generation to action. She was the founder of the modern environmental movement, and her spirit was one of the driving forces behind the first Earth Day in April of 1970. I participated in that first Earth Day, as I have in each of them for 28 years, to demonstrate my support of the environmental gains we have made and to renew my commitment to those issues we must still resolve.

One of the most pressing issues that we are faced with today is that of global climate change, the effects of which can be seen in the unprecedented severity of climate changes ravaging the world. The global scientific community has established the seriousness of the problem through their landmark research in Antarctica.

In December of 1997 I participated in the Kyoto Round of the Global Conference on Climate Change, a process begun in 1992 at the Rio de Janeiro Earth Summit. The agreement which was reached in Kyoto outlines the important principles which need to be undertaken to slow the emission of greenhouse gasses, which are the primary contributors to the warming of our climate. On this important day we recognize the challenges that we must confront as a society to assure that the earth remains a livable place for future generations. We must take advantage of new technologies and fuel alternatives to reduce greenhouse gas emissions, and with these technologies assist developing nations to be environmentally responsible as they compete in the global marketplace.

Mr. Speaker, thirty-six years ago, Rachel Carson changed our thinking about the Earth. On this Earth Day, I urge my colleagues and the American people to honor her by embracing public policy which will continue to make our world a better place in which to live.

HONORING THE RETIREMENT OF COL. RICHARD MARTIN FROM THE CASTLE JOINT POWERS AUTHORITY

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. CONDIT. Mr. Speaker, I rise today with respect and appreciation to recognize one of my friends and constituents, Col. Richard D. Martin of Winton, California, in his retirement as executive director of the Castle Joint Powers Authority.

Colonel Martin, a former Wing Commander at Castle Air Force Base, has directed our successful reuse efforts from the beginning. In 7 years as director, he has led the effort which transformed Castle into one of the best examples in our Nation of successful conversion of military facilities into civilian use.

Castle Air Force Base closed in 1995. We now have more than 2,000 civilian employees with more on the way. In 1995, building after building was vacant. Now, most are leased and Castle is once again a vibrant economic machine. In 1995, no environmental remediation plan existed. Now, we are well on our way for restoring Castle to full public use. In 3 short years, we have turned the corner and we did it in large part because Colonel Martin was at the helm.

What could easily have become a drain on scarce public resources has instead become one of our region's greatest economic assets. More than any one other person, Dick Martin was responsible for this outcome.

He demonstrated leadership, vision, tenacity, creativity professionalism and loyalty throughout his tenure are director while facing incredible odds and challenges unique to transforming a military installation into one of the Department of Defense's base reuse success stories.

Our community owes him a great debt of gratitude. I ask that my colleagues in the House of Representatives rise in tribute to Dick Martin for what can only be described as an outstanding performance above and beyond the call of duty.

PRAISING THE VOLUNTEERS OF RADIO VISION, FOR 18 YEARS OF DEDICATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. GILMAN. Mr. Speaker, it is my distinct pleasure to report that on Saturday, April 25, 1998, Radio Vision, of Orange County, N.Y. will cover its 18th annual Volunteer Recognition Day. Radio Vision is a closed circuit service for the blind and sight impaired of the Mid-Hudson region of South Eastern, N.Y. This radio service, for over 600 blind and visually handicapped listeners, provides its clients with news, novels, community happenings such as local sales and events, and a myriad of other informational and intellectually stimulating programming—all fully manned by volunteers.

Radio Vision offers invaluable aid to the blind. We often take for granted what a convenience it is to be able to watch the TV, or open the newspaper, to learn about the outside world around us. This is not an option for the blind or visually handicapped. Radio Vision offers the ability to learn about our environment just by turning on their radio. Radio Vision's purpose is to help the visually handicapped by specifically tailoring information in a unique format beneficial to them. Local and national news, shopping hints, new literature—and other sources of entertainment and information—are all made available to the sight impaired by Radio Vision through their radio.

Radio Vision has been a continual success for the past 18 years due to the diligent work and dedication of our volunteers. I am pleased to commend the over 105 volunteers who have given so much, of their time, their hearts, and their voices, in order to benefit others who need assistance. It is a truly selfless act and their efforts have greatly enriched the lives of many sight impaired people.

Mr. Speaker, I am pleased that I am given the opportunity once again this year to highlight the worthy deeds by the people of Radio Vision. I invite my colleagues to join with me in offering praise and thanks to these hard working volunteers. I offer Radio Vision my fondest thanks and best wishes for many more great years of making a difference.

TRIBUTE TO FLUHRER BAKERIES

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. RIGGS. Mr. Speaker, I would like to take this opportunity to pay tribute to a Northern California Institution at its 100th Anniversary: Fluhrer Bakeries, Inc.

Fluhrer Bakeries, the largest wholesale bakery north of San Francisco and south of Eugene, Oregon, is located in California's First Congressional District behind the "Redwood Curtain," in the City of Eureka. Eureka is 265 miles north of San Francisco, California, and 100 miles south of the Oregon border. Its market area includes: Humboldt, Del Norte, Mendocino, Shasta, Trinity, Tehama, Siskiyou, Butte, Sutter counties in California, and Curry County in Southern Oregon.

Fluhrer bakes daily a full range of pan breads, hearth breads, rolls and buns. The company serves the retail trade, and also carries a full line of restaurant and institutional products.

Fluhrer Bakeries started out as Log Cabin Bakery in 1898. It was located at 621 5th Street, Eureka, California and was owned by Ira S. Mulford. The 1898 Eureka City Directory also lists the same address as his place of residence.

Log Cabin Bakery, under the direction of Arthur Hunting, was incorporated on February 15th, 1923. At one point, Log Cabin Bakery suffered a disastrous fire that demolished the bakery. They were able to continue baking through the generosity of the Casagrande Family, owners of the Humboldt Bakery. They were also able to bake at the Roma Bakery (later the Butternut Bakery) owned by the Pinochi Family.

Log Cabin Bakery moved into the present site in the early 1930's. This site was originally built to house a creamery.

On August 19, 1939, William "Heine" Fluhrer and his wife Margaret sold $^{6}/_{10}$ interest in Fluhrer's Log Cabin Bakery to F.A. Schoenlen, W.T. Molloy, and Grover Hillman for the sum of $33,786.82. It was incorporated as Fluhrer Bakeries, Inc. Lucien "Dick" Koenig was brought in from Klamath Falls, as General Manager of the Eureka facility in 1937. Fluhrer Bakeries, Inc., at the time, consisted of a chain of bakeries including locations in Medford, Klamath Falls, Salem, Portland, Roseburg, Grants Pass, and Walla Walla, Washington.

On August 22, 1948, William "Heine" Fluhrer, along with three other State of Oregon Republican Party leaders, was killed in an airplane crash. The Eureka facility was eventually purchased by a group of investors led by Lucien "Dick" Koenig, the General Manager.

The Butternut (Roma) Bakery in Eureka was purchased by Fluhrer Bakeries, Inc. from the Pinochi Family on April 6th, 1955 for the sum of Ten ($10.00) and "other valuable considerations." The Butternut, Roma, and Logger Loaf brands as well as the routes, and employees were incorporated into the Fluhrer system.

The Koenig family operated the bakery until 1973, and during their tenure instituted a number of improvements including the shipping building that was completed in 1962. Fluhrer Bakeries started the move to automation in the 1960's with the installation of a "state-of-the-art" Baker-Perkins Model 970 Single Lap Oven at the cost of $75,000. Further improvements included cooling conveyors, and other efficient machinery. Fluhrer Bakeries, Inc. was one of the first bakeries to use poly bags; now the industry standard.

As the result of a labor strike that closed down the bakery for 6 months, Fluhrer Bakeries, Inc. was sold to a partnership including Robert A. Dunaway and Darrel Norberry in 1973. Mr. Dunaway, a local attorney, gradually bought out his other partners and presided over the company until his death in 1989. The heirs of Mr. Dunaway sold the assets of the bakery to an investment group in August of 1990.

The current President of Fluhrer Bakeries, Inc. is Mr. Kerry R. Glavich who is a 4th generation Humboldt County native and a 1971 graduate of Eureka High School. Mr. Glavich started at an entry-level position in the production department and has worked for Fluhrer Bakeries, Inc. since 1974.

The Director of Sales and Marketing is Bert Cortez. Bert went through the local school system graduating from Arcata High School in 1976. He has worked for Fluhrer Bakeries, Inc. since 1991 after a 17-year career in the local supermarket business.

Alan Hillyard is the Bakery Operations Manager. He graduated from Del Norte High School in Crescent City in 1971. He has been with Fluhrer Bakeries, Inc. since 1985, starting at an entry-level position and working his way into his present position.

Linda A. Graham serves as the Financial Services Manager. She is a 1976 graduate (Summa Cum Laude) from St. Louis University with a B.S. Degree in Accounting. She has held CPA licenses in the States of Missouri, Washington, and Oregon. She joined Fluhrer Bakeries, Inc. in 1995.

Mr. Speaker, Fluhrer Bakeries is an American success story. Starting out as a small business operated out of a home, it has grown to become a well-respected regional company. As the company enters its second century, I wish it and all its employees continued success.

IN RECOGNITION OF RAY AND PAT MURPHY

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. GUTIERREZ. Mr. Speaker, I rise today to recognize my constituents Ray and Pat Murphy, a very active couple in my community who are celebrating their well-deserved retirement this Saturday, April 25, 1998 at Nativity of Our Lord Church Hall in Chicago.

Decades of dedication and hard work characterize the lives of Ray and Pat Murphy. The mother of two children, John and Margaret, Pat Murphy is the true example of a hard-working wife and mother. In addition to her work as a volunteer in many political elections and her tireless support of causes that she strongly believes in, Pat also worked for more than 38 years with NAPA-Genuine Parts Company until her retirement three weeks ago, on April 3, 1998.

Ray Murphy deserves recognition for his hard work and dedication to our community. After working for the railroad, the Standard Unit Parts Company, the Checker Cab Company and the City of Chicago, Ray began a 22-year career with the Clerk of the Circuit Court of Cook County that ended on November 19, 1992. Only a month later, Ray took on yet another challenge and started working at the Cook County Sheriff's office, where he stayed until his retirement on February 27, 1998. In addition to his professional accomplishments, Ray is also the President of the Hamburg Athletic Association and is a member of the Irish Fellowship.

Mr. Speaker, it is people like Pat and Ray, hard-working and dedicated community members who make a difference in our lives and constitute the backbone of our society. Their strong family values and commitment to hard work and honest living is what this great country is all about. Their legacy is celebrated today and will certainly continue on with their children John and Margaret and their grandchildren Dennis, Amanda and Patricia.

Today I salute them and their wonderful contributions to their community in the city of Chicago and wish them continued happiness, health and success in their future endeavors. May they continue to pursue their love for travel and embark on many exciting and safe trips to their favorite destinations.

COMMEMORATION OF THE 83RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. HORN. Mr. Speaker, as we near the dawn of a new millennium, many people have begun reviewing the events of the past 1,000 years. In the year 1000, Europe was only just beginning to rise from the Dark Ages, but the advances of the Enlightenment were still centuries away. Life was still brutish and short, marked by random violence and terrible scourges. We like to look at history and see a steady improvement in the condition of mankind. We would prefer to believe that humanity today bears little resemblance to the near-barbarism that marked the last millennial change.

Sadly, as we narrow our focus and look back at the 20th Century, we see that many of the horrors that marked the 10th and 11th Centuries still exist in our world. This century has seen horrors on a scale that even the cruelest leaders of the beginning of this millennium could not have imagined. Tens of millions of people have been savagely murdered in this century. It is more disheartening that many in the present day continue to hide or diminish events of sheer terror.

In our lifetime, we have seen the genocide of Stalin, of Mao, of Hitler, of Pol Pot, and a large number of less known despots.

While the term genocide did not come into common use until after the Nazi-run Holocaust against the Jews, the practice is rooted in the efforts of the Turks to destroy the Armenian people 83 years ago. At that time, the Ottoman Empire began a movement that would ultimately kill more than 1.5 million Armenians and leave deep scars upon those who survived—scars that continue to exist today.

What is so disheartening is that not only did this travesty occur, but today the effort to cover up or diminish this awful event continues. Mankind is capable of forgiveness, but it requires an acknowledgment by the guilty party of that guilt and a desire for contrition. Unfortunately, the Government of Turkey wants to escape its guilt by blaming the Ottomans and has made no effort at contrition. This stands in stark contrast to Germany, which could have tried to shirk its guilt by blaming the Third Reich. It did not. It accepted responsibility for the truth. Turkey should do the same.

Turkey not only denies responsibility for its past action, but has continued efforts to cause hardship in Armenia by blocking U.S. assistance from reaching Armenia and generally trying to obstruct closer relations between the United States and Armenia. Turkey is our ally and has helped further U.S. and European security. It would be unfair to leave this unacknowledged, but it would also be unfair to ignore a serious issue that does affect our mutual relations. By accepting its responsibility, Turkey can help show that while horrible events still take place, mankind has advanced to the point that we acknowledge and atone for such awful actions.

Mr. Speaker, I want to extend my appreciation to the Members of this body who have done so much to prevent the world from forgetting the atrocities of 83 years ago, and to the many Armenian-American organizations throughout the nation—and in particular in California—for their good work on behalf of the Armenian-American community and to foster close ties between the United States of America and Armenia.

THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM INTEGRITY ACT OF 1998

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. STARK. Mr. Speaker, I am pleased to join today with my California colleagues, Representatives HENRY WAXMAN, GEORGE MILLER, ROBERT MATSUI, ANNA ESHOO and TOM LANTOS; and with Representative SHERROD BROWN, the ranking Democrat on the Commerce Health and Environment Subcommittee, to introduce the State Children's Health Insurance Program Integrity Act of 1998.

This legislation is simply a technical correction to the Children's Health Insurance Program (CHIP) legislation passed by Congress last year—but it is an important technical correction. The bill would protect the integrity of state CHIP programs by eliminating the potential for direct conflict of interest problems caused by a health plan playing dual roles in a state CHIP program. Under this bill, a state would be prohibited from allowing a health plan to simultaneously administer and participate in the state CHIP program.

This legislation was developed in direct response to events that occurred during the Health Care Financing Administration's (HCFA) review and approval process of California's CHIP program (called Healthy Families).

Under California's program, the administrative vendor will perform a wide variety of functions including: providing trained staff on the program's toll free telephone lines, making eligibility determinations and redeterminations, collecting premiums, enrolling and disenrolling members, transmitting enrollment information and updates to participating health plans, administering the annual open enrollment process, and the list goes on and on. These are clearly functions over which a participating health plan has tremendous interest and will certainly attempt to influence in any system.

California's CHIP program design would have permitted a private health plan to serve as both the administrative vendor and a participating health plan. Initially, California did select a private health plan to be the administrative vendor of the CHIP program. That plan would have run the program (and performed all of the above-mentioned functions) while also participating as a health plan option for low-income children.

We firmly believe that a system of such a nature is inherently biased. And, at a time when there are numerous alternatives to selecting a health plan with a financial interest in that market, it is a bias that can be easily avoided.

Our concern regarding California's choice of the administrative vendor was alleviated when the private health plan pulled out of the contract and the State selected a non-health plan entity as the new administrative vendor. We introduce our legislation today to be sure that no other states attempt to develop biased programs.

Our reasoning for the need for such clarifying legislation is reinforced by looking at another provision in the Balanced Budget Act of 1997 (BBA). The BBA allows state Medicaid programs to choose private enrollment brokers to handle the day-to-day enrollment functions of their Medicaid programs. However, in allowing these enrollment brokers, the law clearly stipulates that the enrollment broker be free of any conflicts of interest. Specifically, the law requires that, "The broker is independent of any such entity and of any health care providers (whether or not any such provider participates in the State plan under this title) that provide coverage of services in the same State in which the broker is conducting enrollment activities."

Our new legislation would apply the same conflict-of-interest standard that exists in the Medicaid enrollment broker law to the CHIP law.

This is an important bill that would protect the integrity of CHIP programs around the country. And, we look forward to working with our colleagues for passage of the State Children's Health Insurance Program Integrity Act this year.

SALUTE TO EARTH ANGELS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. CLAY. Mr. Speaker, today we commemorate Earth Day—an important occasion that has raised our national consciousness about environmental protection. In celebration of this event, I would like to pay tribute to one of the most committed environmental groups in the United States today, St. Louis' Earth Angels.

The Earth Angels are a very special group of young environmentalists who are dedicated champions of our natural world. A grassroots group, there are now 150 Earth Angels working to preserve and protect the natural environment in our city. Many of the children who become Earth Angels come from homes of limited resources and few privileges. And they are courageously committed to improving their lives by helping to improve the quality of life in our community.

The Earth Angels have adopted a noble mission. They are working to preserve the natural life of our planet. These children have worked thousands of hours recycling garbage, planting trees and raising funds to help protect the environment. They created and recently expanded a Model Prairie Garden at the Delmar Landing Metrolink station and now are hard at work on their third butterfly garden established on a vacant inner city lot.

Over the years, the Earth Angels have received many national awards for their environmental achievements. Today the Earth Angels are receiving a "Renew America Award" from the National Awards Council for Environmental Sustainability (NACES), a coalition of 60 national environmental, nonprofit, government and business organizations including the National Audubon Society, Sierra Club, AT&T, National Geographic and the Smithsonian Institution. Later this month, the Earth Angels will receive the National Arbor Day Foundation's Annual Award for 1998 in the category of Environmental Education. And recently St. Louis' Earth Angels received a Giraffe award from the Giraffe Foundation of Washington State—an honor given to those who have "stuck their necks out" for the common good.

Mr. Speaker. The Earth Angels are truly among the finest citizens in the city of St. Louis. These children are wise beyond their years and are sure to become tomorrow's leaders. The Earth Angels have the highest respect for the living world. They observe Earth Day every day. The Earth Angels are hard-working achievers who have made many invaluable contributions to the St. Louis community—I am proud to salute these outstanding young people.

TRIBUTE TO LORA LUCKS

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mrs. Lora Lucks, an outstanding individual who has dedicated her life to public service and education. She will be honored tomorrow evening for her outstanding contributions to the community at the Ninth Annual Scholarship Dinner Dance that will be hosted by the Association of Jewish Professionals, Inc. in New York.

Born and raised in Brooklyn and a graduate of Brooklyn College, Lora Lucks started her teaching career at Mark Twain Junior High School. Thirty one years ago she joined P.S. 48 in the Bronx where she started her supervisory career. For the past 22 years she has served as Principal at P.S. 48 and played a prominent role as a true educational leader.

In addition, Mrs. Lucks has been the Project Director of the Hunts Point Cultural Arts Center for the past 14 years. This after-school program nurtures the artistic talents and fosters a sense of pride and accomplishments in students within the South Bronx Community. Having forged a strong alliance with businesses, organizations, and foundations, Lora has been able to bring much-needed resources to the school and the children of Hunts Point.

Through her years of service she has been given several awards. In 1992 she was honored as the District 8 Supervisor of the year and in 1993 she was the recipient of the Reliance Award for Excellence in Education.

Mrs. Lucks is married and has two sons, Stuart and Robert, one grandson, Arie, and a daughter-in-law, Charlotte. Her husband, Solomon is a retired New York City educator and supervisor. He served as the chairman of the Technology Department at Bayside High School for 27 years.

Mr. Speaker, I ask my colleagues to join me in recognizing Mrs. Lora Lucks for her outstanding achievements in education and her enduring commitment to the community.

THE PEOPLE OF BAYONNE REMEMBER THE HOLOCAUST

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. MENENDEZ. Mr. Speaker, I rise today to thank the people of Bayonne, New Jersey for the commitment they have made to honor the victims of the Holocaust. On May 4, 1998, the Inter-Faith Clergy and the Bayonne Jewish Community Council will sponsor The Holocaust Memorial Observance Program at the City Hall Council Chambers of Bayonne to acknowledge the fifty-second anniversary of the liberation of the concentration camps of Europe at the end of the Second World War.

We must never forget that from 1933 to 1945, more than six million Jews were tortured and killed in the Holocaust.

I bring this event being held in Bayonne to the attention of my colleagues as a reminder that it has become the duty of us all, as citizens of a free and democratic society, to maintain an unwavering vigilance in order to ensure that the horrors of the Holocaust are never repeated. This responsibility is dedicated to the observance of Yom Hasboab, Holocaust Remembrance Day.

By honoring the memory of those slain in the Holocaust and by emphasizing the importance of remaining vigilant against bigotry and tyranny, the people of Bayonne are doing their part to ensure that such atrocities will never again be committed.

VINCENT A. BERGAMO'S OUTSTANDING CONTRIBUTIONS TO HARNESS RACING

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. GILMAN. Mr. Speaker, it is my honor to announce the well deserved retirement of Vincent A. Bergamo from the New York State Racing and Wagering Board. There will probably never be another individual who has accomplished or meant as much to the sport of Harness Racing as Vincent Bergamo has. Due to Vincent's career of hard work and dedication, harness racing has been improved for the better.

Having had the honor and distinction of working with Vince, I believe he exemplifies all that is great about this sport: he is dedicated, hard working and honest. Mr. Bergamo has served Harness Racing for 40 years and will be sorely missed.

Mr. Bergamo's distinguished career began in 1958 at the Monticello Raceway. However, his love for harness racing began long before. As a native of Goshen, NY, Vince early became acquainted with the sport. As a young man he worked as a stable boy for the Harriman Family and then for five years, while teaching history and math in Middletown NY, he worked summers as a judge at several race tracks. At the age of 23, Vince's love for the sport became a full time commitment, as he became the youngest Presiding Judge in the history of the Saratoga Harness Racing Track.

Throughout his distinguished career Vince fulfilled the presiding judge responsibilities at every track in New York State and at tracks in the state of Florida, Maryland, New Hampshire, and Pennsylvania. Known for being tough, but fair, Vince fostered an environment of true integrity and competitiveness in the sport wherever he went.

As one of its founding members, Mr. Bergamo has been devoted and responsible for saving and preserving the Goshen Historic Track, the oldest existing sporting site in the United States. The Goshen Historic Track was greatly endangered when the Harriman Family relinquished its title after nearly a century of ownership. Vince's exhaustive efforts, purely voluntary, on behalf of the track, directly led to its designation as a Historic Site in the National Register. Today, the men and women who serve on the Goshen Historic Track Board of Directors successfully keep the track alive and well, as a non-profit corporation.

During his illustrious career Mr. Bergamo has been the proud recipient of numerous awards and honors, including: 1994 William Houghton Memorial; 1993 Elected Trustee of the Harness Racing Hall of Fame and Museum; 1992 Presidents Medal of Harness Racing; 1991 National Amateur Lifetime Award; 1987 USHWA Distinguished Service; 1986 Recognized for 25 Years Historic Track with "Bergamo Day"; 1986 Member of the USHWA; 1971 Founded C.K.G. Billings Series; 1961 Founded the Goshen Matinee Program.

Along with all of his accomplishments, Vincent A. Bergamo is also a family man, who has raised 10 children: 7 sons and 3 daughters. He is a dedicated man, whether it be to his family or to the sport, and there will never be another quite like him. His years of selfless volunteering have earned him a long and plentiful retirement.

Mr. Speaker I invite my colleagues to join me in saluting a remarkable man on the conclusion of his great career, and in wishing Vince, his wife, and their family many years of good health and happiness in the years ahead.

TRIBUTE TO THE RETIRED SENIOR VOLUNTEER PROGRAM OF HOUSTON AND HENRY COUNTIES

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. EVERETT. Mr. Speaker, I wish to bring to the attention of the House a very special group from my congressional district celebrating a milestone of public service to the people of Southeast Alabama.

I am speaking about the Retired Senior Volunteer Program of Houston and Henry Counties in the Alabama Wiregrass region. This month this organization celebrates 25 years of community volunteerism and selfless public service.

Founded locally in 1973, the RSVP provides meaningful volunteer opportunities for people who are retired or semi-retired. During the past quarter century, the RSVP's volunteers have impacted Houston County, Alabama with 2 million hours of service. If you were to convert that to a monetary value, it would exceed $10 million.

Federally funded by the Corporation of National Service and sponsored by the Zonta Club of the Dothan Area Incorporated, the RSVP is making a difference in the lives of many Alabamians. I am very proud to salute the RSVP of Houston and Henry Counties as they commemorate 25 years of helping others. I join all my colleagues in wishing them 25 more productive and beneficial years of community service.

EARTH DAY RECOGNITION

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. GEJDENSON. Mr. Speaker, as a former member of 4–H while growing up in eastern Connecticut, I would like to take this opportunity to share with you the results of a recent national poll conducted by 4–H and Honda, which shows the American people are demanding more vigilance from the U.S. government and industry in safeguarding the environment.

According to the EarthView survey released this week, teenagers and baby boomers agree that government and industry are falling short of their environmental obligations and that time is running out to protect the Earth from permanent environmental damage.

Sixty-three percent of teens and 64% of boomers agree that government leaders are not concerned about the future impact of today's environmental problems.

Eighty-two percent of teens and 76% of boomers think government leaders should do more to control pollution from the oil and chemical industries, even if that increases the price of oil.

The American people have rejected the extreme policies of the anti-environmentalists in Congress. In fact, every poll conducted since the 1994 election, which includes questions about the environment, demonstrates the vast majority of the American people support the progress of the past twenty five years. Moreover, a majority of Americans continue to reject the false choice between the environment and economic growth. Public opinion aside, the Republican Party is committed to rolling back important protections which guarantee every American can enjoy a healthy environment. I have opposed these dangerous attacks on the House floor as well as a former member of the Resources Committee.

I remain committed to preserving the fundamental tenets of our most important environmental statutes. While we have made tremendous progress over the last generation, we must remain vigilant. The American people do not believe we have gone too far and that it's time to turn back the clock. We need to continue our efforts to improve water quality to ensure our children will be able to enjoy our precious natural resources like the Quinebaug and Shetucket rivers in eastern Connecticut and Long Island Sound. We must preserve endangered plants and animals for their aesthetic, economic and pharmacological benefits. National standards must be maintained to ensure every American, regardless of where they live, will receive certain basic protections and to guarantee taxpayers in our state do not see their investments rendered meaningless by actions of our neighbors. Finally, changes to major statutes must be fully debated before the American people and not brought about through backdoor tactics.

Finally, I would like to submit for the RECORD an op-ed piece by William Strauss and Neil Howe which appeared in USA Today regarding this survey. Be assured that I will continue to fight to preserve, and further, the gains of the past twenty-five years and I hope you will join me in the fight.

GRANDPA SURE WOULD LIKE THIS EARTH DAY

(By William Strauss and Neil Howe)

The original Earth Day, April 22, 1970, took place when the fabled "generation gap" between young boomers and their middle-age parents was at its widest. Back then, eco-activists openly loathed the pro-construction mind-set of the dominant "can-do" G.I. generation.

The times, they are (again) a-changin'. A new generational wave is about to break over the environmental movement as the boomers' own "can-do" kids come of age, according to a new poll.

ENTER THE 'MILLENNIALS'

Today's teens are the front ranks of the Millennial Generation, 1980s babies who are now populating American middle and high schools. Whereas their boomer parents were better talkers than doers, these Millennial kids are doers first, the poll says.

Millennials are no more like Generation X than inner-driven Xers were like boomers. Through the 1980s and early '90s, Gen X teens commonly viewed Earth Day not as boomer-style "eco-awareness," but rather as an occasion to do something personal, local and manageable. They'd recycle, pick up litter or tidy up a park. All that was useful, but it narrowed the crusading spirit of the original Earth-Day activism.

Earth View, a new poll conducted by the National 4–H Council and Honda, compares the environmental views of 1,000 American teen-agers ages 13–18 with those of 1,000 of their parents, now in their 40s and early 50s. The poll reveals that the "eco-awareness" of Earth Days gone by soon may be supplanted by "eco-action."

Consider this. Three out of five boomer parents believe their own generation cares more about the environment than their kids do. Talking isn't doing, though. Millennials agree that their parents' generation cares as much about the environment as they do. but they see their own generation as far more inclined to take concrete action.

Where boomer parents are somewhat more likely than their kids to have donated to eco-causes or to have boycotted polluters' products, more Millenials have actually cleaned up or measured pollution, the poll shows.

Today's teens are more willing than their parents—or than teens a decade ago—to dig into their pockets. Seven in 10 say they would support shelling out 50 cents more per gallon for gasoline to make the air cleaner. Nearly eight in 10 would pay 50 cents more per compact disc to fund plastic-recycling programs.

Where the Earth Days of the '70s reflected a distrust of technology—recall the burying of automobiles—the Earth Days of the next century are likely to celebrate it. Aging boomers and Millennials overwhelmingly agree that technology can play a major role in safeguarding the planet.

ACTIVISM REVIVED

More than their parents, today's teens feel an urgency about the environment. Yet the Earth View poll also shows them to be more optimistic that they can do something about it. Fully 86% believe that it's their generation—and only 9% believe that it's boomers—whose actions today will matter most in 20 or 25 years.

If current trends continue, eco-activism early in the next century could become a modern version of what it was in the 1930s. That's when uninformed workers from the Civilian Conservation Corps cut trails, planted trees, and built enormous flood-control and power-generation edifices.

And who were those civic doers whose attitudes remind us of today's teens? The same G.I. Generation that won World War II—and then came home to create suburbia and give birth to the boomers.

The boomers' own environmental visions may be achieved by their children, whose attitudes resemble the boomers' parents. Yet it's the G.I. generation's grand constructions that the original Earth Day activists so often condemned. How ironic.

Neil Howe and William Strauss are co-authors of Generations, 13th-Gen and The Fourth Turning.

A TRIBUTE TO ST. JOHN'S UNIVERSITY CHAPTER OF SIGMA DELTA PI

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to pay tribute to epsilon Kappa. St. John's University's Chapter of sigma Delta Pi, the National Collegiate Hispanic Society which, for seventy-seven years has been promoting Hispanic culture and language in the United States. In light of the act that we are honoring Hispanic heritage and culture, I am choosing to make this tribute in my native language Spanish.

Hace exactamente setenta y siete años en Berkeley, California, se creó una asociación honoraria para reunir estudiantes universitarios sobresalientes en literatura y cultura tanto española como hispanoamericana para formar parte de esta cofradía dedicada a promover el pasado y presente glorioso del mundo hispánico: lo español, lo indígena y lo africano. A partir de ese momento, su propósito ha sido preparar nuevas generaciones para que se sientan orgullosas de sus raíces e iniciar a estudiantes de otras culturas a apreciar lo maravilloso de lo nuestro.

Es muy importante tomar en consideración los ataques en contra de comunidades étnicas como la nuestra, que quieren preservar su identidad a través del lenguaje y cultura. Me estoy refiriendo a la legislación que comunmente es reconocida como "English Only", que fue presentada en la Cámara de este Congreso para establecer el inglés como idioma oficial de este país. Si esta legislación hubiese sido aprobada, nos habría prohibido hablar nuestra lengua en esta Cámara de Representantes o en cualquier sitio público. Es importante que organizaciones como Sigma Delta Pi continúen con su esfuerzo en preservar la cultura hispana y, de esta manera, complementen a la cultura general de este país.

Successful organizations like this cannot promote themselves alone. They need the guidance and vision of talented leaders like Professor Marie-Lise Gazarían-Gautier, a renovate scholar in literature at St. John's University, Coordinator of the Graduate Spanish Program and Moderator of Epsilon Kappa. St. John's Chapter of Sigma Delta Pi. Dr. Gazarían is affiliate with universities in Paris-France, Moscow-Russia, and Santiago the 1945 Chilean Nobel Prize Laureate. She is also author of several books, among them: "Gabriela Mistral: La maestra de Elqui". In addition, she serves as Foreign Correspondent for several literary journals abroad and has hosted a nationwide series on "Contemporary Hispanic Fiction" produced by WCBS–TV and St. John's Television Center. In 1996 she was appointed Judge of the Selection Committee for the Poet Laureate from Queens. She currently serves as Vice President for the Northeast of Sigma Delta Pi.

Mr. Speaker, I ask my colleagues to rise with me today in honor of the seventy-seventh anniversary of Sigma Delta Pi and the invaluable contribution its chapters are making throughout the Hispanic Culture and society throughout the United States. We wish Sigma Delta Pi continued success and recognize St. John's University's Chapter, Epsilon Kappa, for its outstanding work in promoting Hispanic culture in America.

HONORING MISS ERNA ELDER ON HER RETIREMENT

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. COSTELLO. Mr. Speaker, I rise today to recognize a great teacher, Miss Erna Elder, on her retirement from St. Mark's Lutheran School in Steeleville, Illinois.

She has shared her many talents with her community for the past 42 years. Miss Elder joined the St. Mark's staff in the fall of 1957 and taught both the first and second grade classes. For twenty-four of the past forty-two years she also served as the school's secretary during the summer months. In 1979, Miss Elder also served as the Secretary-Treasurer of the Southern Illinois District Teacher's Conference. During the 1986 school term she served as the acting Principal.

Miss Elder served St. Mark's in many other capacities over the years, such as Walther League Counselor, basketball scorekeeper and several committees benefiting the St. Mark's community. She has also had the pleasure of watching St. Mark's grow from having just five class room teachers for grades 1–8 to eleven teachers for Pre-Kindergarten through grade 8.

Miss Elder is an alumnus of St. Mark's having attended grades 4–8. She is a graduate of Sparta High School. From there she went on to receive a Bachelor of Science Degree in Education from Southern Illinois University in Carbondale where she majored in Elementary Education.

In 1992, Miss Elder received the honor of being named to Who's Who Among America's Teachers. Over the years, Miss Elder has taught 846 students. As the first grade teacher for the majority of her 42 years of dedicated service to St. Marks she has influenced many young lives.

I ask my colleagues to please join me in congratulating Miss Erna Elder on her retirement after many devoted years of service to the children of St. Marks and the entire community.

TAX LIMITATION AMENDMENT APRIL 22, 1998

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. PACKARD. Mr. Speaker, today we will have the opportunity to vote on a piece of legislation which will make it more difficult for the government to raise taxes. The Tax Limitation Amendment is good for American taxpayers because, ultimately, it will allow hard-earned wages to stay where they belong—in the hands of those who earn them.

If this amendment to the Constitution is passed, a two-thirds majority vote of the House and Senate will be necessary before any tax increase is imposed on the American public. Mr. Speaker, isn't this exactly what our forefathers intended when they included the concept of "no taxation without representation" in the Declaration of Independence?

Fourteen states already require a supermajority in order for their state legislatures to raise taxes. These states have proved that tax limitation does work—when taxes are limited, big government spending remains low and economies and the job base flourish.

Tax limitation already exists in the House of Representatives, but only through the end of this Congress. Let's preserve this statute, which works for government and works for taxpayers. Mr. Speaker, I urge my colleagues to listen to the American public, to regulate taxes and to support the Tax Limitation Amendment.

WORKING TOWARD ECONOMIC SELF DETERMINATION: A NEW AGENDA FOR AFRICA

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Ms. KILPATRICK. Mr. Speaker, I rise today to inform my colleagues and concerned citizens of an important event taking place in the 15th Congressional District of Michigan. On Friday, April 24, 1998, I will join the Constituency for Africa, Africa World Expo Inc. and the Detroit Minority Business Opportunity Committee in hosting "A New Agenda for Africa: Augmenting Business Opportunities with Africa," a conference designed to help build successful trading partnerships between small and medium-sized American businesses and Africa. The conference, to be held in Detroit, Michigan, follows two monumental events in the history of this country's relationship with Africa: this body's passage of the Africa Growth and Opportunity Act and President Clinton's groundbreaking visit to six African nations.

On March 11, 1998, Congress voted 233 to 186 to support the African Growth and Opportunity Act. This bill sets forth a much-needed new U.S. economic and trade policy toward the countries of sub-Saharan Africa, encourages closer economic cooperation with this region, and supports debt reduction for the poorest African countries. This legislation was developed on a bi-partisan basis with the 48 Presidents and ambassadors of the sub-Saharan African nations themselves. Last December, I had the honor and privilege of participating in a Presidential mission on economic cooperation to six countries in sub-Saharan Africa. This bill complements, rather than supplants, continued, effective aid to Africa. Aid to Africa has been cut by 25 percent; the passage of this bill is but beginning toward establishing economic self-determination and self-sufficiency for sub-Saharan Africa.

The conference will feature a number of experts on African trade issues, and will spotlight American business operators who have successful ventures in sub-Saharan Africa. Conference participants will hear first-hand accounts of the trade environment in sub-Saharan Africa from Mamadou Seck, Senegalese Ambassador to the United States; Koby Koomson, Ghanaian Ambassador to the United States; Mr. Banji Milambo, an economist with the Republic of Zambia; The Honorable Ackim Nkole, Deputy Minister of the Republic of Zambia, Dr. Ng'andu Bwalya, Director General of the Zambia Investment Center and Mr. Gerry Munyama, commercial officer for Namibia. It is my honor and privilege that these ambassadors and experts have taken the time to educate all Americans about trade and business opportunities in Africa.

I warmly welcome these and all of the participants for this important conference and encourage American business owners to consider Africa as they enter our increasingly-global economy. I thank the Speaker for allowing me to enter these remarks in the CONGRESSIONAL RECORD.

MAKING FISCALLY RESPONSIBLE POLICY PERMANENT

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. KOLBE. Mr. Speaker, for years, in scores of town hall meetings I have conducted throughout my district, an overwhelming majority of my constituents have told me consistently that balancing the federal budget and making our tax system fairer rank among their top priorities.

That's why I am so pleased that this year, for the first time in a generation, we will achieve a balanced budget. Indeed, the Congressional Budget Office, is now actually projecting a surplus by year-end. This is great news. But what's to guarantee that Congress, in future years, will continue to maintain fiscal discipline and live within its means? What's to prevent Congress from returning to the ruinous tax-and-spend policies of the past?

Today, the House will vote on the Tax Limitation Amendment. I am proud to be a cosponsor of this important, bipartisan resolution, which would make it unconstitutional for Congress to raise taxes without first achieving a two-thirds supermajority vote in both Houses.

According to a poll conducted just last month, a supermajority of the American taxpayers supports a supermajority requirement for Congress to raise taxes. And just last week, when I spoke to the Tucson Metropolitan Chamber of Commerce, my assertion that Congress should vote to impose this restriction on itself drew loud applause.

Legislatures in fourteen states, including my home state of Arizona, have already instituted this fiscally responsible provision. And the evidence is clear that tax limitation amendments work. Studies have shown that states with this supermajority provision have not only reduced the growth of taxes and spending, but also increased economic growth and employment, compared to states that have no tax limitation provision.

The Tax Limitation Amendment would enshrine the principle of tax limitation, and the supermajority requirement, in permanent law, while providing the right mix of discipline and flexibility for Congress. It would make it much more difficult for Congress to increase discretionary spending without undermining its authority to deal with legitimate economic and military emergencies.

The House of Representatives already is on record for tax limitation. House rules now require a supermajority vote is increase income taxes. But this only applies to the House, and—because it is only a rule, not a law—it is only for this Congress. There is no guarantee that future Congresses will adopt similar rules. To make tax limitation permanent, we must pass this amendment.

IN RECOGNITION OF THE CARIBBEAN AMERICAN CHAMBER OF COMMERCE AND INDUSTRY'S 13TH ANNUAL ENTREPRENEURS OF THE YEAR AWARDS GALA

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. OWENS. Mr. Speaker, I rise today to honor the Caribbean American Chamber of Commerce and Industry, Inc. (CACCI) and the honorees of the 13th Annual Entrepreneur of the Year Awards Gala. The special event will be held in Brooklyn, New York on April 23rd, 1998. Mr. Roy Hastick, Sr., President and CEO of the Caribbean American Chamber of Commerce and Industry, Inc.; Mr. John Imperiale, Dinner Chairman; Mr. Richard Jackson, Chairman of the Board for the Chamber; and other organizers of the event have tirelessly dedicated themselves to developing an event that will celebrate the accomplishments of a few outstanding entrepreneurs in New York City.

The CACCI is a statewide, not-for-profit organization incorporated in the State of New York in 1985 to promote economic development among Caribbean-American/African-American and other minority entrepreneurs. During the many years of dedicated service to the business community, the Chamber of Commerce, Inc. has aggressively and compassionately pursued opportunities to ensure the survival of Caribbean/African American and other minority entrepreneurs. The Chamber's contributions to the economic development have increased their level of influence in today's competitive business climate.

Over the past several years, the Caribbean American Chamber of Commerce and Industry, Inc. has received numerous awards for its strong advocacy role. In 1998, the Chamber of Commerce was awarded the National, New York State, and New York City Small Business Advocate of the Year awards. More recently, the Chamber received the Martin Luther King Jr. Humanitarian Award, the Ronald H. Brown Business Service Award, the U.S. Small Business Administration Award for Distinguished Service, and the New York State Federation of Hispanic Chamber of Commerce "Chamber of the Year Award."

I salute the fifteen honorees who have made significant achievements in their respective professions and who deserve recognition for their devotion to our Caribbean-American/African American community. The individuals that will be honored at the special event include the following: Denzel Bacchus, President of Exotic Caribbean Products; Clifford P. Charles & Kenneth A. Charles of Charles and Charles Certified Public Accountants; Grace Claxton-Johnson, President of Johnson Home Care Services, Inc.; Julia Lystra Collis, Owner, President and CEO of Aristocrat Manor; Ricot Duputy, President of Radio Solliel D'Haiti; Rosner Jean George, President of Irvington Manor Catering Hall; Dick Gidron, CEO/Founder of Dick Gidron Ford; Herman Hall, Publisher of *Everybody's Magazine;* Lowell Hawthorne, President of Golden Krust Bakeries, Inc.; Daniel Passrello, General Manager of Kings Plaza Shopping Mall; Balfour Peart, Manager of Worldwide Sales; Ellis Watson, President of ETS Air Shuttle; Zamal Sanker, CEO of Caribbean Daylight; and Josephine Infanti, Executive Director of Hunts Point Local Development Corporation.

The honorees of this year's awards dinner represent national and international models for the promotion of economic opportunity and leadership in the business community. They have displayed a level of determination and commitment to economic development that must serve as a source of inspiration in other cities. These community leaders represent an unwavering commitment to job creation by recognizing the positive impact that equal opportunity in employment has on the quality of life for many residents of the city and the State of New York. It is these unique and special qualities as individuals and business professionals that warrant their recognition. I am proud to be involved with such an accomplished group of individuals. I am certain that my colleagues will join me in honoring these remarkable individuals.

I commend the Caribbean American Chamber of Commerce and Industry, Inc. mission to ensure diversity in the American business sector. I further commend the Chamber for their impressive showcase of professional excellence. Mr. Hastick, Mr. Imperiale, and Mr. Jackson have committed their lives to developing closer political and economic ties between persons in New York and in other nations. I look forward to broadening and deepening my friendship with the Caribbean American Chamber of Commerce and Industry, Inc. in the years ahead for the benefit of the people of Brooklyn and New York.

TRIBUTE TO CHIEF GARY JOHANSEN

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Ms. HARMAN. Mr. Speaker, I rise today to recognize Police Chief Gary E. Johansen on his retirement from the Palos Verdes Estates, California, Police Department after ten years of dedicated service.

Gary joined the Pleasanton, California, Police Department in 1977 after a career as a high school instructor. His experience as a teacher greatly enhanced his law enforcement career and the communities he served. He was active in teaching in the fields of traffic accident investigation and drug enforcement. He was a patrolman, motor officer, sergeant in patrol and training, lieutenant in patrol and administration and captain in managing the investigation's division.

In 1988, Gary was appointed Chief of Police in the City of Palos Verdes Estates. During his tenure he guided the Department through difficult financial times while improving both training and equipment. He established the DARE Anti-drug program in local schools, oversaw installation of Computer Aided Dispatch, reduced response time on police calls, increased the number of Neighborhood Watch Groups, and worked on community outreach to resolve local conflicts in schools or among residents.

Chief Johnson has continued to teach in both school and police environments. He holds a Bachelor and Masters Degree from California State University in Fresno, is a graduate of the POST Command College and holds an Executive Certificate from California Peace Officers Standards and Training.

My close friendship with Chief Johansen began in tragedy. He provided strength and courage to his officers, staff and families after a masked gunman charged into a hotel room during a training session and murdered two of his officers. His example helped sustain a shocked and grieving community. Gary's retirement to his home in Bend, Oregon, will leave a grateful community in his debt.

IN RECOGNITION OF EARTH DAY

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. KIND. Mr. Speaker, today, we celebrate Earth Day. From its humble grass-roots beginning, Earth Day has grown to an international event. Events are planned in all 50 states and in the continents of Africa, Asia, Europe and North and South America.

Proudly, my home state of Wisconsin can claim some credit for this worthwhile event. Former Governor, U.S. Senator and Earth Day founder Gaylord Nelson championed environmental issues during his 18 years in Washington. Of all Senator Nelson achievements, he will always be remembered for his progressive environmental record.

In 1963, Senator Nelson urged then-President John F. Kennedy to give national visibility to the importance of protecting the environment by taking a nationwide conservation tour. At every stop he would spell out, in dramatic fashion, the serious and deteriorating condition of our environment and discuss a comprehensive agenda to begin to address the problem. No President had ever made such a tour. While Earth Day was still seven years off, President Kennedy's conservation tour awoke the nation's attention to this issue.

After 28 years, Senator Nelson and other environmental advocates of his day may be proud of what Earth Day has grown to become. Since the first Earth Day celebration, this country has passed a number of important environmental measures—the Clean Air Act, the Clean Water Act, the Endangered Species Act, Conservation Reserve Program to name just a few. Thousands of acres of wetlands have also been restored and nearly extinct species have been saved. Wisconsin can clearly see the positive effect of these important laws every time we enjoy the beauty of the Mississippi River and its tributaries.

As a nation and a world, we must not rest on our past achievements. In the next 35 years, America's population is expected to grow from approximately 266 million people to nearly 350 million. This growth brings development which may encroach upon many of the environmental accomplishments we have attained. With new found freedom and economic prosperity, many other nations of the world also project increased populations and environmental concerns as their industrial bases expand.

As members of Congress, we have a responsibility to ensure the protection of our environmental resources. I urge all my colleagues, Democrats and Republicans alike, to remember the efforts of Senator Nelson and others of his generation by joining me in passing legislation that protects the nation's and world's natural resources.

HONORING THE 150TH ANNIVERSARY OF THE ILLINOIS & MICHIGAN CANAL

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. WELLER. Mr. Speaker, I rise today to honor the 150th Anniversary of the Illinois & Michigan Canal. At its 150th birthday, the I&M Canal is one of the best-kept secrets of American history. In 1848, when the I&M Canal connected the Great Lakes and the Mississippi, it created a water highway between New York harbor and the Gulf of Mexico. The Canal opened the floodgates to an influx of new commodities, new people, and new ideas. The I&M, and the railroad and highway lines that soon paralleled its connection between Chicago and LaSalle, became the great passageway to the American West. At a stroke, the opening of the I&M Canal gave Illinois the key to mastery of the American mid-continent.

The dream of the canal had animated every vision and underlaid every plan for Illinois for 200 years before. As it was being built, the Canal's commissioners laid out a canal port called Chicago that would grow into a great metropolis. Creative Illinois investors patented new agricultural and industrial machines that would make this the richest economic zone the world had ever seen. That people from all over the world flocked to the region, lending their intelligence and their muscle to building the most populous inland American state, and Chicago the greatest city of the American heartland, is directly traceable to the 97-mile canal that linked the Great Lakes to the Illinois and Mississippi rivers.

The Illinois & Michigan Canal did not do the whole job by itself. But it started the ball rolling. In the wake of the canal, Chicago got its first street plan, attracted its first generation of merchants, created its board of trade and system of commodities trading. The railroads would complete the work, but only on the basis of what was pioneered by the canal.

In 1984, Congress recognized the I&M Canal's historic significance and future potential by designating the nations' first Heritage Corridor. Private citizens, business and government leaders are cooperating in unprecedented park, trail, and historic preservation projects. After years of economic decline, the newly revitalized Canal Corridor is now becoming a splendid living history museum of American enterprise, technological invention, ethnic diversity, and cultural creativity. The I&M Canal's mix of open space conservation, historic preservation and economic development is fast becoming a national model for regional planning and tourism promotion. The heritage of the I&M Canal is becoming a catalyst for Northern Illinois' future economic health and an inspiration for future generations.

A HISTORIC DAY FOR THE CITY OF MILWAUKEE AND ITS THOUSANDS OF IRISH-AMERICAN RESIDENTS

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. BARRETT of Wisconsin. Mr. Speaker, I would like to take a moment to recognize a historic day for the city of Milwaukee and its thousands of Irish-American residents.

Tomorrow, April 23, several officials who negotiated the ground-breaking Northern Ireland peace accord will be in the Common Council Room at Milwaukee's City Hall. The news conference is a precursor to the officials' participation in the ninth annual University of Wisconsin-Milwaukee George F. Kennan Forum in International Affairs. This year's forum, entitled "Prospects for Peace in Northern Ireland," was arranged long before the peace talks reported progress this spring and culminated in the Good Friday Agreement peace accords announced on April 10.

The officials attending the UWM Forum on International Affairs include: W. David Trimble, leader of the Ulster Unionist Party; Anthony Cary, counsellor political at the British Embassy in Washington, D.C.; and Irish Consul General Frank Sheridan of Chicago. Other confirmed speakers include Bronagh Hinds, of the Northern Ireland Women's Coalition of Belfast; Mitchell McLaughlin, Head, Island Wide Sinn Fein Organization of Belfast; Bridd Rodgers, Chairperson of the SDLP Negotiations Team.

The Good Friday Agreement ended twenty-one months of grueling talks and tense negotiations and one last 32-hour marathon session between Northern Ireland's political leaders. The settlement plan offers a hope for peace among sectarian groups that have waged a war of terrorism against each other for nearly thirty years.

Under the settlement plan, self-rule would be restored to Northern Ireland for the first time in 26 years and new institutions would be created to provide the minority Catholics with a greater voice and to meet the majority Protestant wishes that Northern Ireland remain a part of Britain. The settlement plan also calls for the strengthening of relations between Northern Ireland and the Irish Republic.

Although some factions have voiced opposition to the settlement plan, the hope for peace continues to grow as the May 22 referendum date approaches. On that day, the people of both Northern Ireland and the Republic of Ireland will have the opportunity to vote for peace.

I think President Clinton said it best when he said "After a thirty year winter of sectarian violence, Northern Ireland today has the promise of a springtime of peace."

Milwaukee has long participated in the practice of healing and developing understanding among Irish youth. Since 1980, Milwaukee area families have participated in The Ulster Project, which brings Catholic and Protestant teen-agers between 14 and 16 years of age, at no cost, to the United States to live with Catholic and Protestant families with children of the same age. The Belfast teens, nominated by church and school officials in Northern Ireland, are selected for participation based on leadership potential. The American teens and their families are recruited, screened, and selected based on their willingness and ability to accommodate the addition of another teenager to their household for the one-month long project.

The Ulster Project is important because it teaches young people the skills of conflict resolution in an environment far from the politically charged atmosphere of Northern Ireland. The teens participate in an intensely programmed and professionally supervised month of educational, ecumenically spiritual and social activities that promote interaction and reflection. The teens are also required to perform weekly community service tasks and are allowed time to have fun with the new friends they make from both America and their homeland.

The Ulster Project provides the teens with an alternative to the "them against us" mind set that has permeated the politics of Northern Ireland for thirty years and that, until recently, had prevented reason from prevailing in the peace talks. The Ulster Project teaches a "them and us" approach of inclusion and discussion and resolution. Teens returning to Northern Ireland after participating in the Ulster Project have been able to view the conflict in a different light and change their perceptions of Catholics or Protestants. The Ulster Project has become a real and effective factor in turning young people away from continuing the conflict and towards working for peace.

There are many more Ulster Projects across the United States that have provided the same opportunities to teenagers from Northern Ireland. The American people have deliberately gotten involved in the effort to restore peace to all of Ireland and their efforts have paid off. President Clinton also recognized the importance of peace in Northern Ireland and devoted the resources of his administration to working to resolve the conflict in Northern Ireland and he has been credited with keeping the talks going which lead to the peace settlement.

The Milwaukee community is obviously excited to host the key players from the Northern Ireland peace talks. And, to finally see the prospect of peace manifested in the peace agreement is an accomplishment in which the Irish in Milwaukee, and around the nation, can surely take pride.

A TRIBUTE TO THE COLORADO EMS FOUNDATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. ANDREWS. Mr. Speaker, I rise today to celebrate the 350th anniversary of the American fire service, a history steeped in tradition about individuals risking their own lives to save the lives of others. As Chairman of the Congressional Fire Services Caucus, I applaud the work of individuals and organizations, both past and present, who have preserved our communities and protected them against the threat of fire and other dangers.

Protecting communities against fire exacts a toll on fire departments, whether they are paid or volunteer. We, as private citizens, should feel a sense of duty to help our first responders be properly trained and equipped to perform their work. For 350 years, they have responded to our calls without failure. As fire protection becomes a more expensive undertaking, the need for additional community support becomes more imperative.

This goes beyond public financing. The private sector can play a major role in augmenting local government efforts. Recently, I learned of an organization in the state of Colorado that awards grants and other types of aid to improve the readiness of first responders. Since its inception in 1996, the Colorado EMS Foundation has awarded hundreds of thousands of dollars to Colorado-based fire departments and EMS providers, allowing them to purchase state of the art equipment that will help save lives and reduce property damages caused by fires.

The Colorado EMS Foundation is primarily funded by one family, the Dixons. They are private citizens committed to a safer Colorado. The Executive Director of the Foundation, Robert W. Dixon, is a paramedic and former volunteer firefighter. His experiences exposed the Dixon family to the problems many fire departments face regarding inadequate equipment, instilling in them a desire to help our domestic defenders. When I hear of stories about private sector initiatives supporting first responders, I want them to be heard by others.

I commend the Dixon family for their efforts in Colorado. I hope that others across the country hear of their work and follow their lead. The American fire and EMS services need more people like the Dixons, individuals who realize the challenges facing emergency responders and who are willing to take it upon themselves to make a difference and come to their aid.

TRIBUTE TO LAUREL ELEMENTARY SCHOOL FIFTH GRADE STUDENTS AND TEACHERS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to the Laurel Elementary School fifth grade students and their teachers. Recently, I was invited to be a guest reader at the school's Read-Aloud Day, an all-volunteer effort to demonstrate to children the importance of reading. My time with the students was very rewarding and one of my favorite experiences as a Congressman.

Laurel Elementary School, whose motto is, "Learning Together for a Better Tomorrow," opened its current building in 1993, retaining the original school's name which was on Laurel Street. The staff is committed to and accepts the responsibility for providing a comprehensive academic experience which challenges all students. The staff and community work collaboratively to provide a safe and nurturing learning environment. They are determined that all students will learn essential skills to become successful, lifelong learners.

The ability to read is one of the most critical keys to a person's success and happiness, so I am pleased that Laurel Elementary School is fostering a love of reading. As the son of two public school teachers and the father of four children, I greatly value quality public education. It is my goal for all children to obtain the background knowledge necessary to achieve mature literacy and succeed.

The Fort Collins Read-Aloud Day has been held for the last eight years and is organized to promote community awareness of the importance of reading. This year, more than 100 volunteers are giving their time to local schools. I am honored to have been invited to participate at Laurel Elementary School.

CONGRATULATING THE STATE OF ISRAEL ON ITS 50TH ANNIVERSARY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mrs. MORELLA. Mr. Speaker, I am pleased to take this opportunity to congratulate the State of Israel and all of the people of Israel as they celebrate the 50th anniversary of their nation's independence.

The desire of the Jewish people to establish an independent modern State of Israel is the outgrowth of the existence of the historic Kingdom of Israel established three thousand years ago in the City of Jerusalem and in the land of Israel, and was finally realized with the assistance of the world community following the slaughter of six million European Jews during the Holocaust.

The people of Israel rightly take great pride in having rebuilt a nation, forged a new and dynamic society, and created a unique and vital economic, political, cultural, and intellectual life despite the heavy costs of six wars, terrorism, international ostracism, and economic boycotts. Furthermore, under these difficult circumstances, the people of Israel have established a vibrant and functioning pluralistic democratic political system including freedom of speech, a free press, free, fair and open elections, the rule of law, and other democratic principles and practices.

Because of our shared experience in building new nations and recognizing the fundamental liberties of our people, the United States and Israel have maintained a special relationship based on mutually shared democratic values, common strategic interests, and moral bonds of friendship and mutual respect. In addition, the American people have shared an affinity with the people of Israel and regard Israel as a trusted ally and an important strategic partner.

I extend my warmest congratulations and best wishes to the State of Israel and her people for a peaceful, prosperous, and successful future.

FAUQUIER COUNTY HONORS SENIOR VOLUNTEERS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. WOLF. Mr. Speaker, this Saturday, April 25, will be a special day in Fauquier County in the 10th District of Virginia. A very special volunteer recognition luncheon will be held at Fauquier High School in Warrenton sponsored by the Board of Supervisors of Fauquier County.

That event will conclude the county's National Volunteer Week activities in two special ways. First, and most importantly, it will honor more than 30 very dedicated senior citizens who have given selfishly of their time and energy for many years to help make their community a better place in which to live. Second, it will be the first county-wide recognition event to be cosponsored by the community-at-large and the newly established County Volunteer and Information Assistance Center.

Mr. Speaker, what is so wonderful about this recognition is that the citizen volunteers who will be honored are 80 years of age or older, and many are still very active volunteers. They support the Hospital Auxiliary, the Red Cross, and the Senior Center. Their services have ranged from helping to provide food and clothing, to supporting blood donation drives, to tutoring and mentoring, to visiting and helping the sick and shut-ins. They are people who have contributed in so many ways to creating the wholesome, caring, and sharing community the citizens of Fauquier County enjoy.

I know our colleagues would join in saluting these extraordinary people and thanking them for their spirit of volunteerism. They have shown us that helping neighbors by volunteer efforts knows no age barrier. They are folks who continue to be an inspiration and example for all to follow.

We join in honoring the following senior volunteers: Virginia T. Allison, Ethel Bailey, Hazel Bell, Ruth H. Brittle, Florence Mabel Cooper, Mary E. Culver, Everett Danley, Addie V. Desantis, F. Byrd Greene, Isabelle H. Hilleary, DeNiece O. Johnson, Viola F. Latham, Alice M. Mann, Grace Miller, Ann C. Nelson, Blanche C. O'Connell, Mary H. O'Shaughnessy, Andrew C. Parrish, Lewis A. Payne, Luther R. Payne, Alice Pullen, Mattie F. Rector, Annie R. Rogers, Alyce G. Russell, Dorothy V. Rust, Refa M. Ryan, Anne Brooke Smith, Lawrence W. Sudduth, Nina P. Thorpe, Helen Warren, Barbara E. Waterman, Elsie C. Woodzell, and John Zirnheld.

BOSNIA

SPEECH OF

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

Mr. MURTHA. Mr. Speaker, I include the following speech by retired General George Joulwan, who was Supreme Allied Commander in Europe from 1993–1997 and the overall commander for NATO's forces in Bosnia.

This is one of the best assessments of the situation there that I have heard.

What a great introduction! Thanks. And though I do not need to tell this group, you are indeed fortunate to be represented in Washington by Congressman Jack Murtha. Not only is he devoted to his district in western Pennsylvania, but he is absolutely dedicated to the security of our Nation. In my 7 years as a CINC, as commander-in-chief of U.S. forces in both Central and South America and in Europe, Middle East and Africa—no other Member of Congress was more supportive than Jack Murtha. He cares deeply about this country and he cares deeply for the young men and women who wear the uniform of our country. I want to thank him personally for his support—and on behalf of the millions of troops I was privileged to command.

Let me also say a special word about Mrs. Murtha. She, too, cares about both Country and Community. Her dedication to the Girl Scouts of America here in Johnstown is indicative of her concern for the youth and future leaders of our Country. Thank you—for your interest, commitment, and concern. I might add that another reason I am here is that I am the father of three daughters—all three were in the Girl Scouts. And that included girl scout troops when we were stationed in Europe. The Girl Scout experience instilled poise, self esteem and character into my daughters. It was a wonderful foundation on which to build as one matures. All three are graduated from college—Penn State, I might add—and all three are married. And I have two granddaughters who soon also will be girl scouts. So it is indeed a pleasure to be here.

So I am pleased to be here with people who truly care about young children and our country. And I thank you for all you are doing. And it is in that spirit that I want to talk to you tonight. As a former Supreme Allied Commander in Europe and as a father and grandfather.

My purpose tonight is to discuss a true success story for the United States and Europe—Bosnia. Bosnia is important to the United States and to NATO and the world because it symbolizes a new era in preventive defense—that is to prevent conflict rather than to fight a war. And that concept is important to you here in Johnstown who suffered more from casualties in the Gulf War than any other district in America. Bosnia is also important because even though American leadership is crucial, Europeans are providing the bulk of the troops—to include Russia. And Bosnia is important because with success in Bosnia a new security arrangement is possible for Europe. A security arrangement for the 21st Century built on democratization and free enterprise; on mutual trust and confidence and on freedom, justice and liberty. This is what General Marshall envisioned in the Marshall Plan of 1947. 50 years later we have the opportunity to realize Marshall's dream. That's why we must get it right in Bosnia. And the main message I want to leave with you is the absolute need for clarity of mission and purpose by our political authorities anytime we commit young American men and women in harm's way. And as we are on the verge of a new phase in Bosnia, my purpose this evening is to share with you my thoughts on the way ahead.

I will do so as one who was closely involved with the Dayton Accords and as one who was overall responsible for the NATO and military operations in Bosnia. As one who strongly believes in the importance of U.S. leadership and involvement in not only fighting and winning our nation's wars but being proactive in preventing deadly conflict. And as one who sees a genuine opportunity for peace, stability, and a better life for all the people of Bosnia. To achieve this stability we along with our NATO allies and partners have taken risks for peace in Bosnia—and continue to do so today.

It is interesting that as we meet tonight, planners from 36 countries are meeting at my former headquarters in Mons Belgium to determine the force structure for the next phase. I started this process nearly three years ago and it works. Indeed European forces will comprise nearly 80% of the new force for SFOR after June of this year. And U.S. forces will drop from 8,500 to about 6,000. But the issue that still needs to be answered is "to do what?"

When the President agreed to keep American troops in Bosnia beyond June of 1998, he did so "in principle" pending clarity on the missions to be assigned to the follow-on force. The President was right to do so. As the vanguard of NATO, U.S. troops are essential to the consolidation of the gains that have been made since Dayton and to the nurturing of peace and stability in the Balkans. It is doubtful whether the peace will hold without the presence of outside military forces. Now the President needs to assure the American people, Congress, and, more important, the troops, that the mission and tasks to be performed after June are spelled out before the final decision is made to keep American forces on the ground in Bosnia. Not to do so can result in failure and unwanted casualties.

As one who had the responsibility for providing military advice on the implementation force (IFOR) and the stabilization force (SFOR) to the President as well as the 16 nations of NATO, I suggest that a comprehensive dialogue take place for the next phase of the operation. When I briefed the President and his advisers in the oval office in November 1995, I recommended the following conditions be met for the commitment of U.S. troops: clarity of mission and purpose, unity of command, robust rules of engagement and timely political decisions. The President agreed with the comprehensive military plan based on those conditions as did the 16 nations of NATO. As a result, when the NATO-led force deployed to Bosnia in December of 1995 and the U.S. troops crossed the Sava River, we did so with great confidence and determination because the mission was clear and the troops were well trained for the tasks assigned. Despite dire predictions, the multinational force was successful in accomplishing all tasks assigned and without, to date, one hostile death casualty. That's 855 days! That's because we did it right. And we need to do it right in the next phase of the operation beyond June 1998.

Given the conditions mentioned above, what then should be the issues for the post June 1998 commitment of U.S. forces to Bosnia? The key question that must be answered is the specific mission of the follow-on force. In November 1996 when the decision was made to down size IFOR from 60,000 to an SFOR of 30,000, I had several sessions with NATO and U.S. decision makers on the missions to be performed. To determine the size of SFOR I asked the 16 ambassadors of NATO's North Atlantic Council three questions. Do you want SFOR to hunt down and arrest indicted war criminals? Do you want SFOR to perform civil police functions? And do you want SFOR to forcibly return refugees to their homes? The answer to all three questions was no. Indeed the written political guidance of 26 November 1996 from the Council reflected this intent of NATO's political authorities. If the answers were yes then I would have recommended additional troops and training. Those same questions need to be addressed now before a decision is made to extend the mandate beyond June. The answers to these questions must provide clear political instructions so that the senior military leadership can give the best advice to our political authorities on the force required to do the tasks assigned, the resources needed, and the risks involved. Most important, such guidance will provide the framework to train the force to the tasks. And it is training that is absolutely paramount for our forces in Bosnia—train to mission enhances mission success and minimizes casualties.

Clarity of mission is also needed because SFOR is a multinational operation. 36 nations contribute forces. Over 75% of the SFOR is from nations other than the United States. Indeed NATO's Partnership for Peace initiative is bearing fruit in Bosnia. There is a Russian brigade conducting joint patrols in the American sector; I had a Russian general on my staff as my deputy; Ukrainian troops are in Mostar; and Polish soldiers work along side those from Scandinavian countries. As a result of our success to date in Bosnia, mutual trust and confidence is being developed between former adversaries. An unprecedented number of treaties are being signed between countries that for centuries have been bitter enemies. NATO is now ready to admit three new members—Poland, Czech Republic, and Hungary. Stability and democracy are taking root in Eastern and central Europe. But the path for long term security in Europe goes through Bosnia.

It is in this larger context that Bosnia is important. NATO's credibility and relevance are on the line in Bosnia. Therefore the tasks and missions need to be understood and debated now. And we must get it right not only for the military but primarily for civilian implementation as well. Again, let me be more specific.

Under the Dayton accord the military force provides a secure environment for the international police force (IPTF), the UN High Commissioner for Refugees (UNHCR), and other UN and international agencies to operate. It does so by ensuring the military and paramilitary forces of the former warring factions do not engage in hostilities, conducts over a hundred patrols a day, monitors 600 heavy weapon storage areas, and within capabilities provides assistance to civil agencies. On the latter task the support has been significant; 60 bridges have been built, 2500 kilometers of road paved, four airports opened, and significant support provided to the High Representative and international organizations. Three elections held in Bosnia in the past two years were successful in large part due to IFOR and SFOR support. Another question that must be answered therefore, is to what extent the new military force will support civilian tasks in Bosnia. The military force required to carry out those tasks is significant. While I accept the need for soldiers to provide a secure environment for civilian agencies, it is also important for civilian agencies to have a sense of urgency in meeting the goals set forth in Dayton. There were 11 annexes in the Dayton Agreement—only one applies to the military, the other 10 are the responsibility of civilian agencies. As we enter the next phase clear milestones should be established and met by civil agencies and organizations. An integrated civil-military plan must be developed for all facets of the Bosnia mission. I say this because the military can create an absence of war; but only the civilian agencies and the ethnic groups themselves can bring true peace. And one of the critical areas that needs to be addressed now is that of the police.

If the political authorities in Washington and Brussels want the new military force to assume other tasks such as internal police functions, then Washington and the North Atlantic Council need to clearly state that mission. Surely there is a requirement for a robust functioning police force in Bosnia. Crime and corruption are rampant. Custom violations are the norm. Citizens are intimidated and refugees are denied returning to their homes. But is the military force the right organization to do police actions? Temporarily seizing radio towers is one thing; arresting citizens and shooting rubber bullets into an unarmed mob is yet another. The President made the point in his December speech when he called for a "self-sustaining secure environment in Bosnia that will allow us to remove our troops". *I agree.* Therefore, a key issue for discussion before our troops are committed beyond June is what is the future security plan for Bosnia that will meet the President's objective?

Right now a capability gap exists between the heavily armed troops of SFOR and the unarmed international police task force (IPTF). In two years the IPTF has never exceeded 2000 police from over 20 nations and funding has been very difficult to obtain. What the President needs to insist on is a more robust role for the international police and a sense of urgency is establishing a multiethnic police academy that graduates 500–800 professional police every three months. Not to do so only ensures that the military force will slide down the slippery slope and become policemen without adequate training and rules of engagement. And without a long-term security plan, the probability increases that US and NATO forces will remain for a very long time in Bosnia. But there is an alternative—an armed international police force.

The armed international police force could come from several of our allies and partners and perform the critical policing functions until sufficient local police trained by the IPTF graduated from the police academy. France, Belgium, Italy and Germany have highly regarded paramilitary police forces. Organized in battalions, properly armed and equipped, these paramilitary police are exactly what is needed for the next phase in Bosnia. Many of these organizations are now under the ministers of defense in their respective countries and routinely work side by side with the military. The armed international police force should come under the command and control of the military command in Bosnia and thereby preserve the principle of unity of command. An integrated staff would ensure tasks were understood and assigned to the right organization.

With an armed international police force, the capability gap between the unarmed IPTF and the heavily armed NATO force is filled. The armed international police force could operate within the secure environment of the military force and with the local police assist in crowd control, return of refugees, and other police functions. With an armed international police force in place plus a sense of urgency in graduating professional local police from an IPTF monitored police academy, then it is possible to see an eventual end to a large military presence in Bosnia. Of course, some officials within our own government would prefer to give police tasks to our soldiers—and so would several of our allies. If that is the case—and if the President agrees—then the administration should clearly make known the police function requirement before the decision is final to extend the force beyond June 1998. But soldiers generally make poor policemen. Law and order need to be institutionalized with the support of an armed international police force. However, if the President and the Alliance want to give the military police functions then let's get the mission clear now and not back into it after June.

Another issue that requires discussion is the role of the follow-on force in hunting down and arresting indicated war criminals such as Radovan Karadzic and General Mladic. Certainly these indicated war criminals need to be brought to justice before the international tribunal at The Hague. Right now the NATO-led force is restricted in what actions it can take in actively conducting operations against those accused of brutal atrocities in this war. Those restrictions were imposed by the 16 nations of NATO. Indeed, Dayton places responsibility for bringing war criminals to justice on the parties who signed the agreement—Presidents Milosevic, Tudgman and Itzebegovic. But SFOR will do all within its mandate to bring indicated war criminals to justice as was done recently in Prejidor and Vitez. However, if the political authorities want the military multinational force to hunt down and arrest Karadic and Mladic then that guidance must be given in the written mandate from the North Atlantic Council of which the United States is a leading member. Given that clarity, the military authorities will generate the force, request the resources, identify the risks, develop actionable intelligence, and when the political decision is made will execute the mission.

As I said, clearly war criminals belong before the International Tribunal in the Hague, Netherlands. And I strongly believe we need to be proactive in doing so. In fact in November 1996 I presented a plan to the head of the International Tribunal Judge Goldstone and his successor Judge Arbor on how NATO could assist in apprehending indicated war criminals and stay within its mandate. The plan called a force of police or military other than SFOR; formed and trained outside Bosnia; and committed to arrest indicted war criminals to include Karadic and Mladic whenever there were actionable intelligence. SFOR would form the outer ring of protection for this apprehension force and coordinate the action. Last March we began planning and training for the first operation under the new plan. The targets were two war criminals identified in sealed indictments—that is the war criminals did not know they were indicated and subject to apprehension.

Since the two suspected war criminals were in the British sector, the United Kingdom had the lead. We began an intensive intelligence collection effort to locate the two suspects. I spend a great deal of time coordinating with the Secretary General of NATO to ensure that clarity of mission and the political guidance were sufficient. Indeed, I briefed the President of the United States in Madrid in July. I told both that if there was any reaction by the Serbs to attack SFOR I would immediately respond with air strikes. Both agreed. The only deviation from prior guidance I made was that the military would determine the time and place for apprehension. This was to protect the troops and to improve our chances for success with minimum civilian casualties. Once we had good intelligence the force was formed and trained in June in the UK; deployed to Bosnia on July 9; conducted its mission on July 10 and withdrew on July 11. In this encounter one of the indicated war criminals drew a pistol and fired at the British soldiers wounding one of them. The British returned fire and killed the indicated war criminal. Thus are the hazards of conflict. If we had listened to the media and other critics who thought you could send two soldiers to a cafe where the indicated criminals were drinking coffee—tap them on the shoulder and arrest them we would have two dead soldiers. I value our soldiers lives to risk them so foolishly. We did it right in Prejidor. And subsequently, it was done right in Vitez and just last week again in the British sector. If the political authorities want SFOR to do more in the next phase then make it clear in the written guidance. This assures political, as well as, military accountability. No more Somalis!

The long range security plan the President has called for also should include the evolution and role of the militaries in Bosnia. National institutions in addition to entity security structures need to be developed. A national level Minister of Defense and joint staff and commanders should be the objective. NATO's Partnership for Peace (PfP) initiative could be used to encourage the development of national security institutions. The three ethnic groups have all expressed interest in joining their neighbors in the PfP program. In time, NATO and 27 partner nations could be exercising, conducting seminars, and building trust and confidence with a multiethnic military in Bosnia. With a continuing NATO PfP presence in Bosnia the need for a large armed NATO force could be significantly reduced over the long term. Indeed the Partnership for Peace initiative could be used as an incentive for Sarajevo, Zagreb and Belgrade to join the rest of Europe in accepting the basic principles of respect for international boundaries, human rights, and democratic norms. This is an effective means by which to transition to what the President called a "self-sustaining secure environment" in Bosnia.

Let me briefly summarize: It is important that the missions and the tasks for the follow-on force in Bosnia be clear before the final decision is made. That an armed international police force be formed to work with the NATO force and the IPTF to develop a "self-sustaining security environment in Bosnia". That clear political guidance be given on hunting down war criminals, police functions, and forcibly returning refugees.

That the Partnership for Peace initiative be offered as an incentive for Sarajevo, Belgrade and Zagreb to join their neighbors in Europe in respect for borders, human rights, and democratic principles. To provide this clarity now creates the best conditions for success in Bosnia.

Ladies and gentlemen, much has been accomplished over the past two years in NATO's first operational mission since its inception. Optimism has replaced pessimism; hope has replaced despair for the people of Bosnia. The United States and its partners have demonstrated their ability to respond to the new threats that confront the Euro-Atlantic community and the world. Within the framework of NATO, American political and military leadership have been instrumental in providing the resolve and resources to create the conditions for success in Bosnia. This has been done with candor, compassion, vision and clarity. And our troops, along with those of 36 nations to include Russia, have performed superbly for over two years. It truly is one team with one mission! A new security framework for conflict prevention in Europe will result with the success of this multinational force. But it is important that the United States stay engaged—not as the world's policeman, but the world's leader.

The President is right to stay the course in NATO. But this important mission requires thoughtful consideration before final approval. It must be based on well considered tasks for all those who continue the tedious and potentially dangerous work of building the foundation for a lasting and truly self-sustaining peace in Bosnia.

Ladies and gentlemen, I was a 2d lieutenant in Germany when the Berlin Wall was being built and a LTG Corps Commander in the famous Fulda Gap when it was torn down. I saw Germany reunited and Russian troops depart from Central Europe. As Supreme Commander, I witnessed NATO's transition in mission and structure to a new NATO but one built on the rock solid foundation of the past-shared ideals and values, and mutual respect and confidence. Indeed, these are exciting times! There is unprecedented opportunity for peace stability and prosperity in a Europe that has seen two World Wars and millions of death in this Century. We can enter the 21st Century with great hope for our children and our grandchildren. It has been my privilege to serve my Country for 40 years to create this opportunity for peace and freedom. We must not fail. And with the help of patriotic citizens as we find here in Johnstown, Pennsylvania, I know we will succeed. I urge you to stay involved and interested in world affairs, to commit yourselves to make the world a safer, better place. I know you will. God bless you for your support of our troops and of our great nation. Thanks for what you're doing for the young people of Johnstown. And thank you for keeping Jack Murtha in the Congress of the United States.

Retired General George Joulwan was Supreme Allied Commander, Europe from 1993-1997 and the overall commander for NATO's forces in Bosnia.

EARTH DAY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, today is Earth Day, a day to celebrate environmental stewardship, care for the land, preserving America's scenic beauty, and responsibly managing our precious natural resources and values. Like most Americans, I am committed to achieving the highest standards of environmental protection and wise use of our resources.

I know that we cannot have a strong, prosperous America if we do not preserve our natural resources. I also know that prosperity and a clean environment is not an "either-or" proposition. We can have both if we are true to a few core American values of: accountability for results, personal and community responsibility, honest dialogue and effective use of our entrepreneurial spirit through sound science and technological advances.

It is clear that responsible values and stewardship lay the foundation for a better environment and a stronger economy. I am pleased to submit the remarks of Thomas J. Donohue, the President and CEO of the U.S. Chamber of Commerce on Earth Day for the RECORD. I applaud Mr. Donohue and the U.S. Chamber for their efforts to promote a better environment through industry and innovation.

A BUSINESS VIEW OF EARTH DAY '98: TIME FOR A NEW GENERATION OF ENVIRONMENTAL SAFEGUARDS

My very first day on the job as the new president and CEO of the U.S. Chamber of Commerce fell on September 1 of last year, which just happened to be Labor Day. We marked that occasion with a vigorous series of speeches, media interviews and other activities. Some thought that was kind of curious. They weren't used to seeing business step forward on Labor Day to speak out about policies affecting workers.

Now, as America prepares to observe Earth Day 1998 this Wednesday, I suspect that again, many will wonder what business has to offer on a day typically reserved for reflections, predictions—and yes, accusations—by those associated with environmental causes.

In fact, business normally hides on Earth Day. It's an understandable reaction, given the eagerness of some environmentalists to vilify business as the malevolent, profit-hungry force behind all our environmental problems.

Well, I want Earth Day 1998 to be remembered as the occasion when business came out of hiding and moved off the defensive.

We have progress to report and a good story to tell. We also have a warning to sound and a constructive proposal to make. Above all, as the institution that has brought unparalleled prosperity to our country—and, which over the last decade has spent at least one trillion dollars to clean the air, water and land—we have earned the right to be heard. And we will be.

And so today, I would like to: First, report on the tremendous environmental progress this nation has made and why. Second, explain why new regulatory proposals pushed by the EPA and the administration, as well as the global environmental community, will stall further environmental cleanup—and, hurt our society's ability to pay for it. And third, discuss a new approach to environmental management going forward.

I. THE STATE OF THE ENVIRONMENT—1998

To best determine how to move forward on environmental policy, Americans need to fully understand just now far we've come.

The environment is much cleaner and safer than 30 years ago. It is an impressive story. Let me give you the highlights:

Water

Since the inception of the Clean Water Act in 1972, 93% of businesses are in significant compliance with the law.

Point source pollution has been reduced dramatically. More than 1 billion pounds of toxic pollution have been prevented from entering the nation's waters each year due to the wastewater standards put in place over the past generation.

More than 64,000 major industrial permits—agreements between companies and the government—are now in place to control discharges.

As of 1996, the business community's annual investment in clean water reached $50 billion.

Air

Air quality has also improved dramatically. Since 1970, emissions of lead have virtually disappeared, emissions of particulate matter have decreased by 78%, and total emissions of six common air pollutants have declined by an average of 24%. Since 1980, sulfur dioxide emissions from electric power plants have been cut in half.

These improvements have occurred even as the U.S. economy, as measured by GDP, grew by 104%, the population rose by 29%, and the number of motor vehicle miles driven increased by 121%, according to EPA.

The business community's annual contribution to cleaner air as of 1994 is $25 billion.

Land

Prior to 1976, solid and hazardous waste in the United States went literally unmanaged—other than private and municipal haulers picking up household waste. It was estimated that there were over 17,000 open dumps.

Little attention was paid to hazardous waste either and the health impacts were unknown. The first law that was enacted to regulate the transportation, treatment, storage and disposal of hazardous waste, the Resource Conservation and Recovery Act ("RCRA"), was supported by industry, to prevent any one state becoming a dumping ground for the waste from other states.

Today there are no known open dumps being allowed to operate in the United States. As for hazardous waste, its improper disposal is virtually non-existent.

What accounts for such substantial progress in cleaning the water, air and land? The simple, easy and wrong answer is that government is responsible because it forced businesses, consumers and communities to act. Speaking for business, there were times when companies had to be nudged or even pushed into action. But on other occasions business led the way. And, in two critical respects, it was business that gave our nation the resources and the tools to succeed. I'm talking about unparalleled economic prosperity and the world's best technology.

It is only because of the wealth created by our enterprise that we have been able to invest at least a trillion dollars into making the United States one of the cleanest environments on earth. Without a strong economy and without the advances in science and technology, we would have the horrendous pollution problems of the developing world. Clearly, the stronger the economy, the cleaner the environment.

You will not see *this* business organization asking the American people to sacrifice environmental quality for the sake of economic prosperity—our message is you cannot have one without the other. A growing economy pays the bills for environmental cleanup.

And a clean, healthy environment spawns profitable new industries and technologies—technologies we can export—adding immeasurably to the health, productivity and quality of life of workers and their families.

With our technological base, it is business that developed the tools to enhance environmental protection at less cost to government, taxpayers and consumers. Environmental technology is a key growth sector of the economy—nearly 1.3 million Americans are employed by more than 50,000 private environmental technology companies nationwide.

II. THE WRONG APPROACH GOING FORWARD: NAAQS, GLOBAL WARMING, ENVIRONMENTAL JUSTICE

Cleaner air, cleaner water, cleaner land—the existing system of permits and controls has scored all of the easy gains on each of these fronts. But now, the law of diminishing returns has kicked-in. For example, although 90% of gains achieved in water quality enhancement occurred between 1972 and 1990, we are spending $50 billion annually on pollution control investments and complying with thousands of pages of new EPA regulations, to achieve little additional protection of health and the environment.

Some laws have never gotten off the ground. The Superfund law is a prime example of a complicated law, lacking common sense and designed solely to punish. That approach has never worked and never will work.

Let's just look at the facts. Superfund has been around since 1980. Of the 1200 sites on the National Priority List, only about 200 of them have been cleaned up and that was at a cost of $32 billion. Depending on what study one relies on, somewhere between 50% and 70% of the money expended on this dysfunctional program has been spent on transactional costs—on lawsuits, lawyers and consultants.

The regulatory trend has been toward more stringent controls, more prescriptive standards of performance, and new fines and penalties—even when compliance is high. The concept of "compliance" has come to mean adherence to a rigid process, rather than achieving environmental outcomes. Clearly, this top down, command-and-control approach has outlived its usefulness.

Environmental regulators should be looking at new approaches for scoring gains that are increasingly complex, incremental and hard to come by. Unfortunately, they seem to be leaping headlong in the opposite direction—toward more bureaucratic control, even on a global scale. Where common sense, cooperation and pragmatism should prevail, they seem content to rely on the most provocative sound bite, the scariest headline and the squishiest science.

NAAQS—For example, EPA's new clean air rules clearly illustrate just how far Washington regulators can stray from reality and common sense. Just as businesses and communities were working to reach the very ambitious clean air standards set in 1990, EPA simply changed the definition of clean air and moved the goalposts, throwing everyone's good faith plans and programs into doubt. Many of EPA's own scientists have questioned the basis for thee new rules which, through regulatory sleight-of-hand, could well quadruple the number of areas thrown out of clean air compliance, thus crippling their economic development plans.

On top of all that, EPA has proposed new haze regulations that further complicate the ability of businesses and communities to meet environmental mandates.

Global Warming—Then there's the issue of global climate change. Before we allow a group of nations under the banner of the United Nations to impose what would be, in effect, a $30,000 tax on each American household over the next twenty years, we need to make sure that the sky is really falling this time around. Let me explain.

In the 1930's this nation experienced its first global warming scare—that's right, I said the 1930s! Then, as now, temperatures rose for several years in a row and artificial gases were alleged to be the cause. Then, as now, there were cries that human activity was destroying the earth.

The only problem was that by 1940 it started getting colder. By 1977 we experienced the coldest winter of the century. Some environmentalists said we were entering a new "Ice Age."—and Congress even held hearings to bemoan the fact that the earth seemed to be getting colder and colder.

By the mid-1980's the forecast had changed—the weather was getting warmer and the cries of "Global Warming" were renewed.

Science is on both sides of the issue. To me that suggests we need a reasoned debate—not the kind of approach taken by Interior Secretary Bruce Babbitt who when discussing global warming, accused business of being "un-American."[1] Nothing sells like fear, but this kind of scapegoating does not exactly foster a positive dialogue.

As a business leader I caution the United States not to commit to actions that will sink our economy while doing little to protect our environment. We should not allow the United Nations to control our domestic policy or usurp our national sovereignty. That is what Kyoto would do since much of the developing world would be exempt from the treaty's harsh edicts. Instead of dividing the world into winners and losers, why not adopt a win-win approach with a strong emphasis on the export of our environmental technologies to dirtier developing nations?

Environmental Justice—Now, let me also discuss a proposal that ought to disturb all Americans who are interested in creating a more broadly based prosperity that leaves no one behind.

On February 5, 1998, EPA issued an interim Guidance Document on so-called Environmental Justice. Under EPA's doctrine, the federal government establishes a new procedure under which individuals, in low-income or minority areas, can bring lawsuits against states and local governments and can demand that these governmental agencies impose special conditions on facilities operating in those areas. In fact, EPA can even require that companies located in these areas undertake actions to mitigate impacts of industry that may have operated in the area for decades. This would add great cost to companies that might not have even been there when the land was polluted.

For the last decade Congress has enacted laws to create empowerment zones and enterprise communities to help minorities and welfare recipients get into private sector jobs. Congress has created tax benefits, job training, tax-exempt bond financing, loan guarantees, block grants, technical assistance and help with locating private sources of capital to encourage companies to locate in low income and minority communities.

Environmental Justice as proposed by the Administration is not only contrary to these efforts to create new jobs in low income and minority areas; it is a policy that will drive existing good paying jobs out of those areas.

The Administration ought to reexamine its policy. It is already having a terrible effect on economic opportunity. For example, EPA is trying to stop the Shinteck project in Louisiana, a $700 million state of the art PVC plant. In communities outside of Chicago and Philadelphia, under the guise of environmental justice, surrounding residents are trying to bankrupt facilities costing several hundred million dollars apiece. Who wants this justice that deprives low-income workers and minorities good paying jobs, a solid tax base in their communities, and investment?

This is not justice—it's economic, social and environmental insanity. Businesses will be left with no other option than to move jobs and opportunities out of the areas that need them the most. The only beneficiaries of this misguided policy will be the plaintiff's attorneys who will enjoy yet another windfall of lawsuits.

III. A NEW GENERATION OF ENVIRONMENTAL MANAGEMENT

The reality is that the major threat to environmental progress is the tired laws and regulatory programs that have brought us as far as they can but which will actually inhibit future advances. Today we have a regulatory approach that no longer provides the trust that is necessary for the proper management of our environment. The regulated community and many in the states do not trust EPA. EPA does not trust the regulated community or the states. Business does not trust the environmentalists and the environmentalists do not trust anyone.

And so American business is today asking the Clinton administration to join us in honoring Earth Day 1998 in a truly significant way—by embracing a new approach to environmental management which expends resources on priority health risks rather than perceived or unproven risks that have emotional appeal. What are the key elements of this approach?

First, *clear and realistic goals should be set*—with the emphasis on results, not paperwork and bureaucracy. Present laws and regulations have us bogged down in minutiae—we literally cannot see the forest for the trees. Setting goals would help in allocating resources and would deliver a bigger bang for the buck. It would also expose the confusing patchwork of overlapping—even conflicting—laws, regulations, and guidelines;

Second, *only the best science and most effective technologies should be used when making decisions and establishing action plans*. The inflexible language of environmental statutes and rules often prohibit agencies and regulated businesses from taking advantage of new technologies. For example, an experimental project at Amoco's Yorktown, VA refinery found that EPA regulations made the company spend $95 million on required cleanups when alternate ways not only would have been more effective, but would also have cost only 15% of that.

Next, *cost-benefit analysis, risk assessment, and other analytical tools must be deployed* to help us prioritize environmental cleanup resources. EPA provided cost-benefit estimates for fewer than half of its 430 planned major rules for 1998.

Next, we need *customized tools and strategies for preventing pollution at specific sites*. This is a case where one size fits nobody. In order to do this, we need to break down legal barriers that currently inhibit diverse approaches to environmental management.

Finally, federal regulators should view *state and local government and the private sector are allies, not adversaries*. Businesses, farmers, homeowners, and state and local government should be enlisted in this effort as partners, because those closest to the resource manage it the best. This requires a shift in the Washington-knows-best attitude.

CONCLUSION

Going forward, we need an environmental policy that values performance over paperwork. We need regulations based on hard numbers, clear goals and sound science. We need realistic targets and maximum flexibility as to how companies and communities can reach these targets. We need a new spirit of cooperation between EPA, the regulated community and the states. And we must fully encourage and embrace the promise of technology. Its role in future environmental progress and U.S. economic leadership cannot be overstated.

Adopt this program and business will continue to deliver a cleaner environment, just as we have done for nearly three decades.

On Earth Day two years ago, EPA Administrator Carol Browner said "the past 25 years have left us with a complex and unwieldy system of laws and regulations and increasing conflict over how we achieve environmental protection. The result of this history? An adversarial system of environmental policy. A system built on distrust. And too little environmental protection at too high a cost."

I couldn't agree more. And so I will seek the earliest opportunity to meet with Ms. Browner, Vice President Al Gore and his "reinventing government" team to give both the regulators and the regulated a chance to put all their cards on the table—to seriously and realistically discuss how we can proceed in the future to build on the solid environmental gains we've made in the past. And since the states play such a key role in implementing environmental rules, I believe the governors, through the National Governors Association, should be involved in these discussions as well.

Working together, we can fashion the tools needed for a new millennium of environmental stewardship, one that won't sacrifice our economy or our environment. A prosperous economy pays the bills and develops the technologies for a clean environment. A clean environment makes all the hard work that goes into economic growth worthwhile—because it affords us all a healthy and enjoyable quality of life. It's time to bridge that gulf that has separated these two great goals for so long. It's time to see economic opportunity and environmental quality as indivisible parts of the same great dream—the American dream.

Mr. Speaker, environmentalism for the next century should focus on core American values and produce tangible results, rather than bureaucratic command-and-control regulation. As Thomas Donohue of the U.S. Chamber of Commerce points out, personal responsibility is the key to the new environmental stewardship. It is the efforts that adequately involve local communities, stakeholders and the American public that promise a cleaner environment, a stronger economy, and a brighter future.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 23, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 27

2:00 p.m.
Judiciary
To hold hearings to examine Department of Justice prosecution trends.
SD–226

APRIL 28

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine possible problems relating to the Year 2000 computer conversion.
SR–253

10:00 a.m.
Budget
To hold hearings to examine Japan's economic difficulties and their potential United States impact.
SD–608

Judiciary
To hold hearings on proposed legislation to reform bankruptcy law provisions.
SD–226

Labor and Human Resources
To hold hearings to examine reading and literacy initiatives.
SD–430

Small Business
To hold hearings to examine environmental compliance tools for small business.
SR–428A

2:00 p.m.
Judiciary
To hold hearings on S.J. Res. 44, proposing an amendment to the Constitution of the United States to protect the rights of crime victims.
SD–226

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the United States Agency for International Development.
SD–192

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine the Department of Commerce's Federal research and development needs.
SR–253

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 326, to provide for the reclamation of abandoned hardrock mines, S. 327, to ensure that Federal taxpayers receive a fair return for the extraction of locatable minerals on public domain lands, and S. 1102, to provide a reasonable royalty from mineral activities on Federal lands, to specify reclamation requirements for mineral activities on Federal lands, and to create a State program for the reclamation of abandoned hard rock mining sites on Federal lands.
SD–366

APRIL 29

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to examine satellite reform, focusing on regulation policy and deregulation.
SR–253

Indian Affairs
To resume hearings to examine Indian gaming issues.
Room to be announced

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Army programs.
SD–192

Judiciary
To hold hearings to examine opportunities for the blackmarket to raise tobacco prices.
SD–226

Labor and Human Resources
To hold hearings to examine proposed legislation relating to assistive technology.
SD–430

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD–226

APRIL 30

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine agricultural transportation issues.
SR–332

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Envrionmental Protection Agency, and the Council on Environmental Quality.
SD–138

Commerce, Science, and Transportation
To hold hearings on the nominations of James M. Loy, USC, to be Commandant, and James C. Card, USC, to be Vice Commandant, both of the United States Coast Guard.
SR–253

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To resume hearings on S. 1253, to provide to the Federal land management agencies the authority and capability to manage effectively the federal lands in accordance with the principles of multiple use and sustained yield.
SD–366

Labor and Human Resources
Public Health and Safety Subcommittee
To resum hearings to examine the role of the Agency for Health Care Policy Research in health care quality.
SD–430

10:00 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR–253

Judiciary
Business meeting, to consider pending calendar business.
SD–226

2:00 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on proposed legislation authorizing funds for the Airport Improvement Program.
SR–253

Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on title IV of S. 1693, to renew, reform, reinvigorate, and protect the National Park System, and S. 624, to establish a competitive process for the awarding of concession contracts in units of the National Park System.
SD–366

Judiciary
To hold hearings on S. 1645, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions.
SD–226

MAY 5

9:30 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To resume hearings on S. 1253, to provide to the Federal land management agencies the authority and capability to manage effectively the federal lands in accordance with the principles of multiple use and sustained yield.
SD–366

Labor and Human Resources
Children and Families Subcommittee
To resume hearings on proposed legislation authorizing funds through fiscal year 2002 for the Head Start program.
SD–430

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs.
Room to be announced

MAY 6

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the U.S. Pacific Command.
SD–192

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 94 and H.R. 449, bills to provide for the orderly disposal of Federal lands in Nevada, and for the acquisition of certain environmentally sensitive lands in Nevada.
SD–366

MAY 7

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine agricultural trade policies.
SR–332

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Science Foundation, and the Office of Science and Technology.
SD–138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Executive Office of the President.
SD–192

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on titles VI, VII, VIII, and XI of S. 1693, to renew, reform, reinvigorate, and protect the National Park System.
SD–366

MAY 11

2:00 p.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD–192

MAY 13

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD–192

MAY 14

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on the Department of Agriculture's Year 2000 compliance.
SR–332

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on titles IX and X of S. 1693, to renew, reform, reinvigorate, and protect the National Park System, and S. 1614, to require a permit for the making of motion picture, television program, or other forms of commercial visual depiction in a unit of the National Park System or National Wildlife Refuge System.
SD–366

MAY 21

2:00 p.m.
Energy and Natural Resources
Energy Research and Development, Production and Regulation Subcommittee
To hold hearings on S. 1141, to amend the Energy Policy Act of 1992 to take into account newly developed renewable energy- based fuels and to equalize alternative fuel vehicle acquisition incentives to increase the flexibility of controlled fleet owners and operators, and S. 1418, to promote the research, identification, assessment, exploration, and development of methane hydrate resources.
SD–366

OCTOBER 6

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs on the legislative recommendations of the American Legion.
345 Cannon Building

HOUSE OF REPRESENTATIVES—*Thursday, April 23, 1998*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. EWING).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 23, 1998.

I hereby designate the Honorable THOMAS W. EWING to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

Of all Your wonderful gifts to us, and of all Your blessings so freely given, we offer our thanks and praise to You, O God, for the gifts of wisdom and discernment. We recognize that knowing only the details and facts of our circumstances is not enough, not enough to make good judgments, or to understand decisions. Teach us again, Gracious God, those values and ideals that have strengthened our Nation in days past, and which values and ideals will illumine our minds and help us to see more clearly the meaning and purpose of life. For wisdom in our decisions and for discernment in our judgments, we pray this day. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nebraska (Mr. BEREUTER) come forward and lead the House in the Pledge of Allegiance.

Mr. BEREUTER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain ten 1-minute speeches on each side.

IN NEVADA EVERY DAY IS EARTH DAY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today I rise to remind my colleagues and our guests that yesterday was Earth Day. Interestingly enough, as I look back, last week Chicago residents protested and stopped a shipment of napalm from coming through their area. I am so pleased to know that the Federal Government is so committed to preserving and maintaining the environment that they have dedicated a whole 24 hours in its honor.

Well, Mr. Speaker, in Nevada every day is Earth Day, and the hard-working men and women of Nevada are so dedicated to maintaining the environment that they fight each and every day to stop 70,000 tons of high-level nuclear waste from being shoved down their throats.

I was encouraged by the overwhelming demonstration of support for Earth Day from my colleagues on both sides of the aisle. Consequently, I greatly anticipate their support in our effort to keep the environment safe from the dangers of transporting high-level nuclear waste through their communities.

What better way to celebrate every day as Earth Day than to stop the needless transportation through our communities of the deadliest material on earth.

I urge my colleagues to use science, not the politics of emotion, in supporting Earth Day.

COMMANDOS FINALLY RECEIVING JUSTICE

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, for the past year, I have been working to ensure that the United States Government honor a 30-year-old debt to former South Vietnamese Army commandos, who worked for the U.S. Government during the Vietnam War. And these individuals were recruited by the United States to cross enemy lines and fight the Communists on behalf of the Americans.

Last year, Congress unanimously approved legislation to finally pay the 30-year-old debt, and I am very happy to announce that the long wait for recognition and compensation may be finally over for the commandos.

To date, the Commando Compensation Board has processed 266 claims. One hundred forty-two commando cases have been approved, and these individuals are finally receiving their compensation.

I am pleased that the U.S. Government is finally honoring their contracts for their years of service and for their bravery in service to the United States. The least we must do is keep our word.

I look forward to the day that all of these cases are closed and every single commando receives his justice.

JAPAN'S ROLE IN THE ASIAN FINANCIAL CRISIS

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, the world is closely watching Japan to determine if that country's leaders can steer the world's second largest economy clear of recession. The implications of their action or inaction is enormous for Japan itself, for the regional and global economy, and for the United States. Today at 1:30, in 2172 Rayburn, the Subcommittee on Asia and the Pacific, and the Subcommittee on International Economic Policy and Trade hear testimony on this subject, and on the legislation offered by this Member, the gentleman from California, Representative BERMAN and others, from four experts on Japan's role in the Asian financial crisis.

This Member urges interested Members to send their staff and to read the summary in the CONGRESSIONAL RECORD on this important and timely hearing so that we can all learn more about Japan's enormous role in our own future, and to review the suggestions of what Japan must do to ensure that the future is bright for all of us.

REAL CAMPAIGN FINANCE REFORM

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, I want to congratulate my Democratic colleagues and the Democratic leadership for a successful effort to push Speaker GINGRICH and the Republicans, and force them to bring up real campaign finance reform.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Speaker GINGRICH tried to get around his promise to bring up campaign finance reform by posting a phony bill with a sham procedure just before the April Congressional recess. Democrats responded by signing a discharge petition, and forcing the Republican leadership's hand.

Our Democratic leader, the gentleman from Missouri (Mr. GEPHARDT), was right when he said yesterday this was not a conversion, but a retreat by Speaker GINGRICH. He now promises to bring up campaign finance reform again in May.

Mr. Speaker, Democrats have to be vigilant and hold Speaker GINGRICH to his promise. Campaign finance reform needs to be brought up with an open rule so that Members have an opportunity to vote on proposals that will limit the amount of money in political campaigns, and not allow more money from wealthy special interests, and that is, of course, the position favored by Speaker GINGRICH and the Republican leadership.

TIME TO REIN IN THE IRS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, although the Liberals just hate to bash the IRS, ordinary Americans who pay taxes have no other choice.

Consider this: In Fortune Magazine recently it says that there were 119 million returns filed in the tax year 1996. Those returns triggered 28 million error notices. It turns out that one in 11 of those error notices was itself in error. So the IRS is routinely wrong about your being wrong.

Now, I did not learn arithmetic using "whole math" like our lucky kids today, but I come up with about 2.5 million IRS errors, 2.5 million times when the IRS is accusing you of being a tax cheat, when, in fact, you are just one more falsely accused taxpayer by the IRS.

The IRS is a place that does not operate under the same rules as society does. The IRS can accuse, make demands, confiscate, shut down, and make you prove that the IRS is wrong. And when the IRS is wrong, well, tough luck.

Mr. Speaker, it is time to rein in the IRS.

COMMON SENSE LACKING IN POLITICIANS IN WASHINGTON, D.C.

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, in America, Communists can work in our defense plants, illegal immigrants who jump the fence can get citizenship, there are law libraries for mass murderers; some want free condoms for school children, and some now want free needles for drug addicts. Think about it. Free condoms, free needles, but in America, no school prayer. Is it any wonder the streets of America are full of narcotics and blood?

The founders believed that a Nation without prayer would be a Nation without God. I agree. The Congress should pass school prayer.

I yield back the balance of any common sense left in any of the politicians in Washington, D.C.

OUTRAGE OVER WHITE HOUSE HIRING OF PRIVATE INVESTIGATORS

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, on February 22, 1998, White House Press Secretary Mike McCurry denied that any of President Clinton's private attorneys have hired or authorized any private investigator to look into the background of prosecutors or reporters.

Now, let us listen to that quote again, and let us think about whether we should keep on doing our business and ignore the White House deception and deceit, because, hey, the stock market is doing just great.

The President's press secretary denied any of President Clinton's private attorneys have hired or authorized any private investigators to look into the backgrounds of prosecutors or reporters. But it turns out that the private investigator himself, Terry Lenzner, admitted that he had, indeed, been hired by the White House to look into the private lives of journalists, Federal investigators and anyone else the White House wants to smear.

Finally, someone in the employ of the White House has the integrity to tell the truth. I guess the 900 FBI files illegally obtained were not enough dirt for them to dig up.

Mr. Speaker, we have a President hiring private investigators and then having his spokesman misrepresent the truth about it. I think when the American people understand this, both Republicans and Democrats alike will be outraged.

ENSURE CAMPAIGN FINANCE REFORM OCCURS

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, I believe that the millions of Americans who want some real change in the way our campaign finance system works and want to reduce the corrupting influence of money on our political system can be encouraged by the sudden reversal yesterday of Speaker GINGRICH and his announcement that we would, within the next 3 weeks, act on this floor in a fair, bipartisan way to address the problems that are so critical in this system.

However, I think all of us have to wonder whether this represents only another New Hampshire handshake. Americans will remember that it was back in 1995 in New Hampshire that Speaker GINGRICH promised President Clinton there would be action then on campaign finance reform.

We have had one broken promise, one bit of double talk, doublecrossing after another on this issue since then. So we must remain vigilant and involved to ensure that real reform occurs here, and not more talk and doubletalk.

EL PASO QUADRICENTENNIAL FESTIVAL

(Mr. REYES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REYES. Mr. Speaker, beginning tomorrow, April 24 through April 26, the city of El Paso, Texas, will host the El Paso Quadricentennial Festival. This festival is an international celebration, bringing together representatives from Spain, Mexico and other nations around the world to join in celebrating the 400th anniversary of the expedition of the Spanish explorer, Don Juan de Onate, through the Southwest.

His exploration began in January of 1598, when he and 400 other men and women traveled from Mexico through the present day El Paso, Texas. After numerous hardships during their journey, the expedition arrived along the banks of the Rio Grande River in April of 1598.

In gratitude for surviving their difficult travel and finding water along the Rio Grande, they observed a feast and celebrated with local Indians. This historical event is considered the first Thanksgiving, which occurred 22 years before the pilgrims landed at Plymouth, Massachusetts.

Mr. Speaker, it is important for our Nation to recognize this 400th anniversary. I am proud that El Paso is hosting this International Commemoration, as it enhances our country's understanding of the extensive influence of the Spanish language and culture on our heritage and origins of this Nation.

□ 1015

CONGRESS NEEDS TO STAND FIRM AGAINST THE WHITE HOUSE ON FREE NEEDLE PROGRAM

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, many people remember the President's Surgeon General claiming that the answer to youth violence was safer guns and safer bullets; that the answer to sexual promiscuity among America's youth is condoms in schools. Now we have the answer to the escalating drug problem in America coming out of the White House, free needles to heroin addicts. Imagine that, Mr. Speaker, government-subsidized free needles to heroin addicts.

I submit the following: Any President who supports and would promote the subsidization of free needles to heroin addicts is just as guilty as any drug pusher or any drug user who causes death and destruction among America's communities today.

This level of social decay is unacceptable. This Congress needs to stand firm against the White House. The partnership for a Drug-Free America has met its match. The White House and the heroin industry formed the partnership for free drugs in America. Common sense needs to rule the day. We need to stand firm.

In a minute another member of the President's party is going to step to the microphone, and I want to ask directly, is he going to stand with Americans against this free needle exchange program, or is he going to talk about something else today?

THE PEOPLE STILL WANT COMPREHENSIVE CAMPAIGN FINANCE REFORM

(Mr. FARR of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, law enforcement in my district supports needle exchange.

Mr. Speaker, I rise today to point out that the majority party controls this House. This is the people's House. This is where people's voices can be heard, because everybody here has to be elected. We cannot run away from that responsibility.

When the Democrats controlled this House, we passed out several times, three times, in fact, campaign finance reform, comprehensive campaign finance reform. The last of those bills to reach the President's desk was vetoed by President Bush. The people still want comprehensive campaign finance reform. Their pressure now gives this House a second chance, after the leadership orchestrated a defeat by a two-thirds vote and by scheduling it on a day when one of the Members, a former Member, had a funeral.

So, Mr. Speaker, I ask Members to keep watching. Will we get a comprehensive campaign reform or will we see another orchestrated defeat?

PAY-GO MUST GO

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I want to talk about another ridiculous Washington budget rule called pay-go. This rule promotes big government spending while Americans pay taxes, higher taxes, as a matter of fact. Under pay-go, if we eliminated every welfare big government program, we could not give any of those savings back to the American people in the form of tax relief because of our own rules. It means we have to raise taxes to lower taxes. We have to change our rules.

Yesterday the gentleman from Arizona (Mr. J.D. HAYWORTH) and I introduced a bill just to do that. We must be able to cut big government spending, get Washington out of Americans' lives, and give the money back to the American people. After all, it is your dollars.

It is wrong that we cannot, for example, cut a $3 million TV documentary on infrastructure awareness and use that same money to eliminate the marriage penalty tax. Do Members not think families are more important than welfare government programs?

Pay-go is a stumbling block to good government. It must go.

COMMEMORATING FROSTBURG STATE UNIVERSITY'S CENTENNIAL ANNIVERSARY

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, I rise to commend an extraordinary community and its school. Frostburg State University in Frostburg, Maryland, celebrates its 100th anniversary this Sunday.

Frostburg State University began as a community dream. Actually, it was the community coal miners' dream. It was a dream that all parents dream for their children: a better life than theirs. They knew the key to this dream was education.

These concerned parents made a deal with the State legislature. The deal? If the coal miners could raise the money to buy the land for a State normal school, the General Assembly would appropriate funds for the buildings. These parents literally went door-to-door collecting money from their neighbors to keep their end of the deal. In April of 1898, the General Assembly of Maryland appropriated the funds for Maryland Normal School No. 2, which was built and opened its doors to 57 students.

Today, Frostburg State University enrolls more than 5,000 undergraduate and graduate students and helps tens of thousands of dreams come true. Congratulations, Frostburg State University.

WE CAN TRUST AMERICANS TO DECIDE ON CAMPAIGN FINANCE REFORM

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, I would like to respond to the disingenuous statements made by liberal colleagues on the other side of the aisle. The other side talks as if one side of the aisle is on the side of the angels and supports campaign finance reform and the other side is against campaign finance reform. How ironic that the side that made a mockery of campaign finance reform laws in the 1996 elections now feels qualified to adopt a holier-than-thou attitude on this issue.

The truth is that the reforms that they are seeking are not even constitutional, which I guess is not surprising, given that post-sixties liberals are no longer champions of free speech. The liberals want to limit political speech. We do not. I think the American people are well qualified to decide this issue, once they know the facts.

PARENTAL INVOLVEMENT LEADS TO A BETTER AMERICA

(Mr. NEUMANN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUMANN. Mr. Speaker, it is a very special day here in Washington, D.C. I rise to extend a special welcome to a group of students that are out here, about 100 students from the Juneau School. It is a school where parents are actively involved. There are students here from Juneau, Hustisford, and Dodgeland, and we would like to express a special welcome to them this morning.

I think it provides an opportunity to talk about the fact that where parents are involved in the school and where parents are actively involved in their kids' lives, America benefits.

When we look at a school with students like what we have here this morning, where the parents are actively involved in the lives of these kids, we find that there is a dramatic drop in the probability of these students being involved in crime. We find a drop in the drug use rate. We find a drop in teen pregnancies in their future. We find less teen smoking. All the problems do not go away, but we sure recognize and understand that when the parents are actively involved in their kids' lives, like what happens at the school that is out here today, that certainly leads to a better America for all citizens.

JUDICIAL REFORM ACT OF 1998

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 408 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 408

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1252) to modify the procedures of the Federal courts in certain matters, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 303(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by striking section 9 (and redesignating succeeding sections accordingly). Each section of that amendment in the nature of a substitute shall be considered as read. Points of order against that amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI or section 303(a) of the Congressional Budget Act of 1974 are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. EWING). The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend, the distinguished gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purpose of debate on this subject only.

Mr. Speaker, House Resolution 408 is an open rule providing for the consideration of H.R. 1252, the Judicial Reform Act of 1998. The rule provides the customary 1 hour of general debate, equally divided between the chairman and ranking minority member of the Committee on the Judiciary.

The rule waives points of order against the consideration of the bill for failure to comply with section 303(a) of the Congressional Budget Act, which prohibits consideration of legislation providing new budget authority, changes in revenues, or changes in the public debt for a fiscal year until the budget resolution for that year has been agreed to.

The purpose of that section of the Budget Act is a sound one that we generally try to adhere to, keeping the budget process moving forward in a commonsense direction, with the budget resolution coming first and then allowing for subsequent consideration of the legislation that implements the provisions of the budget resolution.

In this case, however, we are technically required to provide this waiver, but our Committee on Rules has also provided a fix for the Budget Act problem. We have done that by making in order under this rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary, modified by striking section 9 of that amendment which caused the 303(a) problem and redesignating succeeding sections accordingly.

Section 9 of the amendment specifically deals with the process by which cost of living adjustments for Federal judges are implemented. The effect of that section would have been to create a new mandatory spending category in the budget, something that we tried not to do outside the normal congressional budget process.

Apart from the substance of that issue relating to pay for judges, the Committee on Rules has attempted in this rule to preserve the integrity of the budget process.

Mr. Speaker, the rule further provides that each section of the amendment in the nature of a substitute shall be considered as read, and it waives points of order against that amendment for failure to comply with clause 7 of rule XVI prohibiting nongermane amendments, or section 303(a) of the Congressional Budget Act, for the reasons I just explained.

The rule accords priority in recognition to Members who have caused their amendments to be preprinted in the CONGRESSIONAL RECORD, assuming those amendments are in accordance with the standing rules of the House.

It further provides that the chairman of the Committee of the Whole may postpone votes during consideration of the bill and reduce the voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote; and, finally, as is the custom, the rule provides for one motion to recommit, with or without instructions. That explains the rule.

Now, Mr. Speaker, with the exception of the technical Budget Act fix, this is a very straightforward rule. It is fair, and it is wide open. It allows all Members the chance to offer germane amendments and conduct thoughtful discussion about a very important subject.

I strongly support the premise behind this bill, that it is time to control judicial activism, the so-called runaway judges on the Federal bench. This statement alone is usually enough to generate controversy in many circles, and this debate is by no means a simple one, as it involves many of the most basic tenets of our democratic system and the separation of powers.

□ 1030

I think we could all come up with anecdotal evidence that there have been problems within the Federal judiciary with judges exceeding their charter and authority. The Committee on the Judiciary has, in my view, put forth a responsible product that deals with these problems by focusing on specific practices within the Federal courts that together constitute a real threat to the rights of citizens and the prerogatives of this Congress.

In my view, this legislation constitutes a measured and carefully justified response to legitimate problems. It is not simply throwing down the gauntlet. It is coming up with responsible solutions, which we will have ample opportunity to debate under an open rule.

I applaud the gentleman from Illinois (Mr. HYDE), and the subcommittee chairman, the gentleman from North Carolina (Mr. COBLE) for their work on this bill. Still, I know that many Members have concerns about specific provisions of the legislation. Those Members will have their opportunity to air their concerns and propose alterations during the open debate and amendment process established by this rule.

I urge support for the rule and the underlying bill. I look forward to a lively and informative debate.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume. I want to thank my colleague for yielding me the time.

This is an open rule. It will allow for full and fair debate on H.R. 1252, which is the bill that modifies certain procedures of the Federal courts.

As my colleague from Florida described, this rule provides for 1 hour of general debate equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary. The rule allows amendments under the 5-minute rule, which is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer amendments.

Judicial decisions that force government action by their nature are unpopular. If those actions were popular, then the legislature and the administrations would have already taken them. Some of those unpopular decisions have resulted in the protection of our health, safety and civil rights. In recent years, some judges have assumed broad powers traditionally reserved for the legislative and the executive branches of State and local government. There is merit in some of the criticism of these actions when the result is an antigovernment backlash that weakens support for government.

But if this is a real problem, then the answer is really not this bill. I think the bill threatens to undermine the independence of the Federal judiciary and reduce efficiency. The Attorney General will recommend to the President that he veto the bill if it is passed in its current form. Mr. Speaker, even though the bill is flawed, there is nothing wrong with this rule. It is open. It should be supported. I support it.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

May I inquire of my colleague through the Chair if he has any speakers? We have none, and we would just as soon get on with the debate, and yield the balance of the time, if that fits with the pattern from the other side.

Mr. HALL of Ohio. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Ohio.

Mr. HALL of Ohio. Mr. Speaker, I had expected two speakers, but they have not shown up. Therefore, I will yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I would be very happy to afford the gentleman an extra minute or so if he is aware that those Members are coming.

Mr. HALL of Ohio. I am not aware. I was just asked, before we started, they asked to speak on it. They have not arrived.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I will be managing the bill on our side. I think Members will have general debate. There will be an hour of general debate that is not going to be overfilled with requests for time. I think they can be accommodated.

Mr. GOSS. Reclaiming my time, if it is my time, I understand, and we have no speakers, and we are going to yield back in about a minute, and call for the question. We are not intending to call for a recorded vote. We believe that it is an open rule, and there is no need to do that.

We also agree with the distinguished gentleman from the Commonwealth of Massachusetts that there is ample debate opportunity today because of this very fair open rule that we have crafted. We are certainly looking forward to that debate, and would not want to put any impediment to it. Unfortunately, we are not quite logistically prepared to begin the debate.

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman will continue to yield, I thank the gentleman. I thought I would help him because he seems to be in no great hurry. We are not waiting for the Speaker to come back from Florida again, are we, like yesterday?

Mr. GOSS. Reclaiming my time, Mr. Speaker, I am delighted that the gentleman brought the Speaker's trip to Florida up. It shows the outreach that we have in this House to go to the important States in our Nation, Florida being the fourth most populace State, and a place where we will all go sooner or later, which we are very proud to represent, those of us who are there now. I believe the Speaker has returned from Florida, and has done brilliant things there.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I come before you today to speak to you about an important rule on an important piece of legislation. I am pleased that this rule is an open rule and that both Democrats and Republicans are able to come together on the floor of the House and offer reasonable common sense amendments that improve this bill. However, I am disturbed that the judicial pay raise amendments were not made a part of this rule. The Federal Judges do a lot more than just come to work. They interpret the law and preserve justice. Increasing Federal judicial compensation is important because the Federal Judiciary is composed of men and women who give up a lot of money to work in the public sector. We all know that they give up a lot for this special type of public service and they should be justly compensated for it. I have an amendment that was made in order. This amendment would permit a federal court to enter an order restricting the disclosure of information obtained through discovery or an order restricting access to court records in a civil case only after making a finding of fact that such order would not restrict the disclosure of information which is relevant to the protection of public health and safety. I am glad that this rule includes my amendment but it should have included amendments that improve and increase Federal judicial compensation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. KNOLLENBERG). Pursuant to House Resolution 408 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1252.

The Chair designates the gentleman from California (Mr. RIGGS) as Chairman of the Committee of the Whole, and requests the gentleman from Illinois (Mr. EWING) to assume the chair temporarily.

□ 1042

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1252) to modify the procedures of the Federal courts in certain matters, and for other purposes, with Mr. EWING (Chairman pro tempore) in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Massachusetts (Mr. FRANK), each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Chairman, I yield myself such time as I may consume.

H.R. 1252, the Judicial Reform Act of 1998, is a restrained but purposeful effort to combat specific areas of abuse that exist within the Federal judiciary. The gentleman from Illinois (Mr. HYDE), as he spoke to the Committee on Rules yesterday, said this bill perhaps goes too far for some Members, not far enough for others. But that is not unlike much legislation that we consider in this hall.

Before describing what the bill does, however, let me emphasize what it does not do; namely, it will not compromise the independence of the Federal judiciary, which is an indispensable attribute for that branch of the Federal Government, nor is H.R. 1252 an attempt to influence or overturn legal disputes. Above all, we most certainly are not creating a novel, more lenient standard of impeachment to remove particular judges from the Federal bench without cause or to intimidate them with a threat of doing so. That said, the Judiciary Reform Act of 1998 is largely an amalgam of ideas developed by various Members of Congress that will curtail certain abusive practices within our Federal court system.

Specifically, the bill consists of six procedural changes in furtherance of this end. In addition, the four other reforms that will improve other matters related to article 3, Federal courts. The six core revisions set forth in the bill concern the following matters:

First, a featured component of the bill was initially developed by our colleague and good friend, the late Sonny Bono. It would require three judge panels to hear constitutional challenges of

State laws enacted pursuant to voter referenda. Under current law, a single judge possesses the power to invalidate the results of a State-wide referendum.

Second, H.R. 1252 would permit interlocutory or interim appeal of class-action certifications championed by the gentleman from Florida (Mr. CANADY). This provision would enable litigants to a class-action suit to appeal a decision certifying a national class prior to the conclusion of a trial.

Currently, defendants may expend a great deal of financial resources through trial only to find upon appeal that a class was improperly certified at the outset of litigation. Third, the measure infuses greater objectivity in the current process by which citizens may register complaints against Federal judges for misconduct.

Present law on the subject is premised on a peer review system by judges from the same circuit. Pursuant to the change set forth in this bill before us, complaints which do not speak to the merits of a decision, or are not otherwise frivolous will be referred to a different circuit.

☐ 1045

This means that truly substantive complaints will be more objectively reviewed by judges who have no personal ties to the judge who is the subject of the complaint. The gentleman from Tennessee (Mr. BRYANT) and the gentleman from Indiana (Mr. PEASE) contributed to this section of the bill.

Fourth, H.R. 1252 would inhibit the ability of Federal courts to require States and local municipalities to raise taxes on the affected citizenry to pay for projects that the States and municipalities are unwilling to fund themselves.

While a Federal court may possess the technical right under certain conditions to devise such a remedy to redress a constitutional harm, we have carefully crafted some parameters that will constrain the practice of judicial taxation. The gentleman from Illinois (Mr. MANZULLO), whose district is home to a city which is subject to a judicial taxation order, contributed to this portion of the bill.

Fifth, the gentleman from Florida (Mr. CANADY) worked with our former colleague Dan Lungren, who presently serves as Attorney General for California, to create a procedural right for a litigant to request one time only that a different judge be assigned to his or her case. Some judges are so possessed of an injudicious temperament or are otherwise biased as to warrant this revision.

Sixth, it is has come to our attention that some Federal judges are unalterably opposed to enforcing the death penalty, even to the point of dragging their feet on expeditious consideration of habeas corpus petitions to forestall execution. Based on comments made by the gentleman from Massachusetts (Mr. DELAHUNT), this section of the bill would prevent the chief justice of a circuit from reserving all such petitions for one judge on an exclusive basis.

Mr. Chairman, there are three other items contained in the Judicial Reform Act that do not otherwise speak to abusive judicial practices but will nonetheless improve the functioning of our Federal courts. They are:

One, the permitted practice of televising proceedings in our Federal appellate courts and, for a 3-year period, in our district or trial courts, suggested to at the discretion of the presiding judge;

Second, the expedited consolidation of cases pertaining to complex, multidistrict disaster litigation;

And, third, the allowance of an additional 30 days, or a total of 60 days, for the Office of Personnel Management to appeal adverse personnel decisions consistent with appellate procedure for other Federal agencies.

Again, Mr. Chairman, these provisions are straightforward and restrained in their application and will assist in promoting equity for litigants and taxpayers within the Federal court system. I urge all Members to support passage of H.R. 1252.

Mr. Chairman, I reserve the balance of my time.

Mr. Chairman, I ask unanimous consent that the bill be open for amendment at any point.

The CHAIRMAN. That request by the gentleman may be made after general debate has concluded and the Committee begins the 5-minute rule.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Let me say, I appreciate the gentleman making the request. Because even though it cannot be acted on until the 5-minute rule begins, Members who may be interested should know it is our intention to have amendments be in order at any point so they do not have to worry about a section-by-section reading. I do not believe we have a large number of amendments.

Mr. Chairman, the Subcommittee on Courts and Intellectual Property, on which I am pleased to serve with the gentleman from North Carolina (Mr. COBLE), has a good deal of business which we do in a nonideological way and in a nonpartisan way, and I am very proud of that. The intellectual property jurisdiction we have is an important one, and we have had some judicial reform bills.

This bill does not, however, conform to that pattern. This is an exception in that it is one on which I think we have some fairly sharp division, and the reason we have the division I think frankly stems from some frustration on the part of some of those on the other side.

There are people particularly in the very conservative wing of the Republican party, which I must say has outgrown wing status. It is now at least a wing and a tail and maybe another wing and a couple of beaks. They do not like some of the things that the courts do. I believe that their problem, however, is not so much with the courts as with the Constitution. And there is not a great deal we can do about the Constitution. We try.

We recently have sought on the floor, at least some have sought on the floor, to amend the Constitution with great regularity and with equal lack of success. The Congress has voted down half a dozen or more efforts to change the Constitution. Not being able to change the Constitution, the people in the conservative wing of the Republican party have decided to demonize it instead and to denounce the judges. But there is a great disconnect between the violence of the rhetoric and the actuality of the legislation.

I am going to vote against this bill. I am glad that the President plans to veto it if we pass it as-is, although we could make it passable under some aspects of the bill which I think are very useful. But even if it were to pass, it would have virtually no effect on the kinds of things that people complain of.

In fact, one of the most interesting facts is that, while people on the conservative side complain about this bill because they say it empowers an inappropriate form of judicial activism, it is very clear if we study this that they simply do not like the results. They simply do not like courts finding that this or that statute might not be permissible under the Constitution. Because if we look at the judges who have been judicial activists, what we find, of course, is that the most conservative justices of the Supreme Court, for example, are also the most judicially active.

Justices Scalia and Thomas, the two most conservative justices, strongly supported by the conservatives, have in fact voted to invalidate more statutes, to find more acts of Congress unconstitutional than their more moderate and liberal counterparts. If in fact they think it is a terrible idea for the Supreme Court to strike down statutes, then they would be very critical of Mr. Scalia and Mr. Thomas, the Religious Freedom Restoration Act that they did not like, the Brady Bill, parts of which they did not like. There are a whole series of them. And the conservative justices are in league.

One of the most glaring examples of this came recently with regard to a series of decisions in California where judges in California found referenda unconstitutional. Now, in a couple of cases, at least in one case, a district judge found the referendum unconstitutional under affirmative action. That district judge was promptly overruled. No harm was done to the cause of the people who were against it. We went through the regular procedure.

And if we listen to my Republican friends, we might get the impression that they do not like the idea of a Federal judge invalidating a popular referendum. But if we got that idea, Mr. Chairman, we would be wrong.

Sometimes in an excess of their concern over a particular case, my friends on the other side overstate their allegiance to general principles. Because, in fact, when the people on the Republican Party do not like the result of a referendum, what do they do? Well, in California, they go to court and they ask a single district judge to invalidate it.

Indeed, it seems to me clear that, with regard to judicial activism, my friends on the other side have essentially the same position with regards to States' rights. They are against it except when they like it. They are prepared to denounce it when it produces a result they do not like. But when it gets in the way of a result they like, then they ignore it. That is where they are on States' rights, and that is a perfectly valid viewpoint.

That is, it is valid to be result-oriented. It is valid to say, I am going to hope for the right decision. What is not intellectually valid, it seems to me, is to assert adherence to a principle to which one does not, in fact, adhere. And when we talk about States' rights but are prepared to disregard States' rights and talk reform and criminal procedure and economic regulation and consumer protection, then we really forfeit our rights to talk about States' rights. And when we denounce judicial activism but Honor Justices Scalia and Thomas, our two most active justices, then it seems to me we undercut our argument.

And with regard to the notion that somehow it is a terrible thing for a district court judge to invalidate a popular referendum, let me read a refutation of that view. I am reading from a legal brief.

> The blanket primary is not valid because it apparently was passed by a majority of Democrats and Republicans who voted in the 1996 election. Voters cannot validly enact a law which conflicts with parties' rules governing the nomination of candidates and infringes their first amendment rights any more than can a legislature.

Let me read that again correctly. "Voters cannot validly enact a law which conflicts with parties' rules governing the nomination of candidates and infringes their first amendment rights any more anymore than a legislature."

Let me also now read. "Even if the electorate could enact statutes to regulate the selection of nominees for partisan offices, it cannot do so in a way that undermines the integrity of the electoral process."

And then quoting with approval another decision, "Voters may no more violate the Constitution by enacting a ballot measure than a legislative body may do so by enacting legislation. A court must undertake the same constitutional analysis of laws passed by initiative as by a legislature. There is little significance to the fact that a law was adopted by a popular vote rather than as an act of the State legislature. Indeed, there are substantial reasons for according deference to legislative enactments that do not exist with respect to proposals adopted by initiative." And that is a quote again from another decision.

Now, where do these arguments in favor of allowing a single Federal district judge to invalidate a referendum of the people of California if it was unconstitutional come from? What radical group, what group of anti-public elitists, what sneering left-wingers, unwilling to let the people decide, put this forward? Who says that, in fact, the legislative enactment might even get more deference from a court than the people? Who are these judicial activist encouragers who so sneer at the public? They are the California Republican Party.

I am quoting from the brief filed by the California Republican Party, Michael Schroeder, Shawn Steel, and Donna Shalansky. Not that Shalala. Donna Shalansky. It was filed July 28, 1997. Because the people of California dared to pass a referendum changing the way candidates are nominated for office which the Republican and Democratic Parties of California did not like.

So the Republican Party of California went to court with the Democratic Party of California and said, judge, you make those people stop violating my constitutional rights. And they wrote down here that just because the people did it in a referendum does not mean anything. In fact, it may mean it is even less entitled to respect than when the people do it.

□ 1100

Of course, we have a bill on the floor that does exactly the opposite. We have a bill on the floor that says that, if a referendum is involved, we have to have a three-judge court.

It just seems to me, Mr. Chairman, that there ought to be some limit to the extent to which a gap is allowed to exist between what people say they truly believe and what they do when it is important to them.

So what we have here is a cry of frustration. We have the right wing not liking the fact that the court sometimes enforces constitutional rights. So they talk about all the doctrines which they, it does not seem to me, follow themselves when they are inconvenient.

So they come forward with a bill which is mostly a nuisance and interference and a derogation from the efficiency of our Court system. We will be offering some amendments to try to clear that up. And absent the passage of those amendments, I hope the bill is defeated.

Mr. Chairman, I reserve the balance of my time.

Mr. COBLE. Mr. Chairman, I yield 7 minutes to the distinguished gentleman from Illinois (Mr. HYDE), the Chairman of the House Committee on the Judiciary.

Mr. HYDE. Mr. Chairman, I will restrain myself from quoting the well-known line about a foolish consistency, because I tend to agree with the gentleman from Massachusetts (Mr. FRANK). I think consistency is a virtue, and I do not have the time to point out inconsistencies on the left.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman, because my good friend from Illinois and I do not always agree on the definition of virtue, so I am glad we do in this case.

Mr. HYDE. Mr. Chairman, that is right, at least in this instance. But I would like to suggest that I think he proves too much when he refers to this bill as somehow hostile to the vibrancy, the vitality, the importance, the significance of the Federal judiciary. Just the opposite; it is an effort to make the Federal judiciary work better.

We will have amendments here, and we will debate this issue, but I do not think there is anything in the bill that is hostile at all to the notion of the third branch of government and its very important role in the functioning of our democracy.

As to the three-judge panel, somehow the gentleman from Massachusetts views that as a derogation of authority, proper authority that belongs to the courts. I would just simply suggest that the notion of setting aside by injunction a referendum that has passed through a State process where members of the State have voted in the referendum is a topic of some significance and deserves the gravity of a three-judge court rather than just one judge.

I say that because we do this in the context of three-judge courts already deciding appeals from voting rights cases and reapportionment cases. I am sure the gentleman from Massachusetts supports enthusiastically the notion that three-judge courts have to hear voting rights cases. They are important. Three-judge courts ought to hear appeals on reapportionment because they are important.

We feel a State referendum is equally important. So rather than derogating from the importance of the Federal courts deciding these, we are adding some gravatas to the process by saying where an entire State has voted on an issue, that the setting aside of that should be done by a three-judge court rather than one.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for yielding to me. I would say, as our friend from North Carolina had reminded us, the original reason for a three-judge court in the voting rights case had to do with the unfortunate history of judges in the South, who did not really believe in it. I do not think that there was need for it any further, and I would not insist on maintaining it.

I would say with regard to the substance of what the gentleman said, I understand his argument that there is something special about a referendum. But the California Republican Party filed a lawsuit directly contradicting that.

I would ask the gentleman, do the California Republicans, who serve on the Committee on the Judiciary, have they talked to the California Republican Party and tried to enlighten them and correct this error, which they have so strongly propagated?

Mr. HYDE. Mr. Chairman, I would say to my friend, the gentleman from Massachusetts, that is the one aspect of this controversy I have not researched. But I can also tell him that I will not research it. But, nonetheless, the purpose of the three-judge court is a recognition of the significance of an entire State voting on a referendum, and giving it the added dignity of a three-judge court to set aside the expressed wish of perhaps millions of people; the same as in voting rights appeals and in reapportionment.

Mr. FRANK of Massachusetts. Mr. Chairman, I ask the gentleman to yield.

Mr. HYDE. Mr. Chairman, this is almost amounting to harassment, but I, nonetheless, in the mood of accommodation, yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I seek no quid pro quo, so I do not think it is harassment.

Mr. COBLE. Mr. Chairman, I did not hear what the gentleman said.

Mr. FRANK of Massachusetts. Mr. Chairman, I seek no quid pro quo, so I do not think it is harassment because I am not the gentleman's supervisor.

I would say to the gentleman that I appreciate his talking about the relevance of respecting the wishes of millions of California voters in a referendum. I hope when the resolution condemning those same voters for voting for medical marijuana comes up that the respect that the gentleman is now showing for those California voters does not evaporate as rapidly as I fear it might.

Mr. HYDE. Mr. Chairman, I yield to the gentleman's superior knowledge on marijuana.

I simply would like to say that the rest of this bill deals with improvements in the Federal court system, abuses that can occur in class-action certifications, questions of judicial misconducts. Some of us feel those are better handled by a committee in another circuit rather than the circuit where the judge practices or sits.

We deal with questions of courts ordering taxing bodies to raise taxes. We feel that is a violation of separation of powers. We like to help avoid getting stuck, if I may use that inelegant term, with a judge who is inappropriate for a particular party or litigant or lawyer by letting us at least change once, which we can do in every circuit court throughout the country. We deal with cameras in the courtroom handling capital punishment appeals.

So this is a good bill. I do not doubt it is controversial. It is not hostile to the courts. We will have a struggle perhaps later on over judicial pay. Some people who just congenitally dislike judges will have their say, but that is for later in the day.

SUMMARY OF H.R. 1252, THE JUDICIARY REFORM ACT OF 1998

This necessary legislation addresses one of the most disturbing problems facing our constitutional system today—the infrequent but intolerable breach of the separation of powers by some members of the Federal judiciary.

THREE-JUDGE PANELS

The first reform contained in this bill was developed originally by a valued member of the Committee on the Judiciary, the late Representative Sonny Bono of California. Recognizing the unjust effect on voting rights created by injunctions issued in California by one judge against the will of the people of the State as reflected in Propositions 187 and 209, H.R. 1252 provides that requests for injunctions in cases challenging the constitutionality of measures passed by a state referendum must be heard by a three-judge court. Like other federal voting rights legislation containing a provision providing for a hearing by a three-judge court, the Judicial Reform Act of 1998 is designed to protect voters in the exercise of their vote and to further protect the results of that vote. It requires that legislation voted upon and approved directly by the citizens of a state be afforded the protection of a three-judge court pursuant to 28 U.S.C. §2284 if an application for an injunction is brought in federal court to arrest the enforcement of the referendum on the premise that the referendum is unconstitutional. This system already applies to Voting Rights Act and reapportionment cases.

In effect, where the entire populace of a state democratically exercises a direct vote on an issue, one federal judge will be able to issue an injunction preventing the enforcement of the will of the people of that state. Rather, three judges, at the trial level, according to procedures already provided by statute, will hear the application for an injunction and determine whether the requested injunction should issue. An appeal is taken directly to the Supreme Court, expediting the enforcement of the referendum if the final decision is that the referendum is constitutional. Such an expedited procedure is already provided for in other voting rights cases. It should be no different in this case, since a state is "redistricted" for purposes of a vote on a referendum into one voting block. The Congressional Research Service estimates that these three-judge courts would be required less than 10 times in a decade under this bill, causing a very insubstantial burden on the federal judiciary, while substantially protecting the rights of the voters of a state.

This bill recognizes that state referenda reflect, more than any other process, the one-person/one-vote system, and seeks to protect a fundamental part of our national foundation. This bill will implement a fair and effective policy that preserves a proper balance in federal-state relations.

INTERIM APPEALS OF CLASS ACTION CERTIFICATIONS

The second reform contained in this bill was developed by the Chairman of the Subcommittee on the Constitution, Representative Charles Canady of Florida. It allows immediate (interlocutory) appeals of class action certifications by a federal District judge.

When a District judge determines that an action may be maintained as a class action, the provisions contained in the Judicial Reform Act allow a party to that case to appeal that decision immediately to the proper Court of Appeals without delaying the progress of the underlying case. This prevents "automatic" certification of class actions by judges whose decisions to certify may go unchallenged because the parties have invested too many resources into the case before an appeal is allowed.

This bill will also prevent abuses by attorneys who bring class action suits when they are not warranted, and provides protection to defendants who may be forced to expend unnecessary resources at trial, only to find that a class action was improperly brought against them in the first place. As a practical matter, the outcome of a class-action suit is often determined by whether the judge elects to certify a class since certifications may guarantee that a plaintiff's attorney can extract a favorable settlement, irrespective of whether the certification was proper.

COMPLAINTS AGAINST JUDICIAL MISCONDUCT

The third reform contained in this bill was developed by another member of the Committee on the Judiciary, Representative Ed Bryant of Tennessee. It requires that a complaint brought against a federal judge be sent to a circuit other than the one in which the judge who is the object of the complaint sits for review. This will provide for a more objective review of the complaint and improve the efficacy of the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980, 28 U.S.C. §372 ("The 1980 Act"), which established a mechanism for the filing of complaints against federal judges.

Under those procedures, a complaint alleging that a federal judge has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts may be filed with the clerk of the U.S. Court of Appeals for the circuit in which the federal judge who is the subject of the complaint sits. Under the Act, a special committee will report to the judicial council of the circuit, which will decide what action, if any, should be taken.

By requiring that complaints filed under the 1980 Act be transferred to a circuit other than the circuit in which the alleged wrongdoer sits, more objectivity and accountability will exist for litigants who find themselves in need of relief from a judge who is not properly performing his or her functions. In addition, the bill has been amended to limit out-of-circuit referrals to those cases in which a complaint is not dismissed as being incomplete, frivolous, or directly related to the merits of a decision or procedural ruling. This amendment represents an effort to respond to those critics who assert that the revision to existing complaint procedures will generate unnecessary and trivial administrative expenses for out-of-circuit judges. In other words, only "substantive" complaints will be referred out of circuit.

JUDICIAL TAXATION

The fourth reform contained in this bill prohibits a federal court from "expressly directing" or "necessarily requiring" that a state or municipality impose taxes on its citizenry, a function reserved to legislative bodies, for the purpose of enforcing a legal decision. Seizing the power of the public purse by imposing taxes on any community is an egregious example of how some members of the judiciary have breached this nation's founding principle of separation of powers and undermined the concept of self-rule.

In some cases, judges have designed in specific detail local school systems and public housing systems, and then ordered tax increases to finance the spending bills disguised in their judicial rulings. The most conspicuous example illustrating this problem is the ongoing case of *Missouri* v. *Jenkins*, in which the Supreme Court has issued three opinions and the court of appeals more than 20. In Jenkins, the Supreme Court ruled that while it was permissible for the lower court in the Kansas City school system to order the state or municipality to raise taxes to remedy a constitutional deprivation, it remanded and reversed the lower court decision based on the fact that the lower court lacks the authority to impose a tax itself; it must order the state or local municipality to do so. The Jenkins litigation also demonstrates that once a federal court seizes such a "structural reform" case, it will constantly reevaluate its progress for years until the "constitutional deprivation" has been cured.

State and federal laws leave budget and spending authority to legislative bodies, because only a body which represents the will of the people can decide properly how to spend the people's taxes. While rulings on due process are important to protect the rights of litigants, and remedy which would force the public to pay more in taxes must come from the House of the people and not from the authority of the bench. The judiciary is neither equipped nor given the power to make such decisions. To allow otherwise is to usurp self-rule and replace it with self-appointed authority. As four justices of the United States Supreme Court have stated, the imposition of taxes by courts "disregards fundamental precepts for the democratic control of public institutions. The power of taxation is one that the federal judiciary does not possess."

This bill will restore the proper balance defined in the Constitution between the federal branches and federal-state relations by forbidding any U.S. District court from entering an order or approving a settlement that requires a state or one of its subdivisions to impose, increase, levy, or assess any tax for the purpose of enforcing any federal or state common law, statutory, or constitutional right or law.

This reform contains a narrow, multi-part exception to the general prohibition of judicially-imposed taxation. Specifically, a court may not order a state or political subdivision to impose a tax unless the court first determines by clear and convincing evidence that: (1) there are no other means available to remedy the relevant deprivation of rights or laws, and the tax is narrowly tailored and directly related to the specific constitutional deprivation or harm necessitating redress; (2) the tax will not exacerbate the deprivation intended to be remedied; (3) the tax will not result in a revenue loss for the affected subdivision; (4) the tax will not result in a depreciation of property values for the affected taxpayers; (5) plans submitted by state or local authorities will not effectively redress the relevant deprivation; and (6) the interests of state and local authorities in managing their own affairs is not usurped by the proposed tax, consistent with the Constitution.

Finally, the bill specifies that the judicial tax provisions will apply to any action or proceeding pending on, or commenced on or after, the date of enactment. This was done at the behest of Representative Don Manzullo of Illinois, whose district is home to Rockford, a city which is subject to a court taxation order that has devastated local communities.

REASSIGNMENT OF CASES

The fifth reform contained in this bill was also developed by Representative Canady. It allows all parties on one side of a civil case brought in federal District court to agree, after initial assignment to a judge, to bring a motion requiring that the case be reassigned to a different judge. Each side of the case may exercise this option only once. Under the provision, a motion to reassign must be made not later than 20 days after the notice of original assignment of the case is given.

Because some critics believe the reassignment device might encourage forum-shopping and attendant delay, its application will be limited to the 21 largest federal judicial districts (each containing over 10 judges to allow a random reassignment) over a five-year period, thereby allowing Congress to evaluate its effects and to determine whether it ought to be extended to all districts and perpetuated in the future.

This substitution-of-judge, or, as referred to in the bill, "reassignment-of-case-as-of-right," provision mirrors similar state laws and allows litigants on both sides of a case to avoid being subjected to a particular federal judge, appointed for life, in any specific case. It might be used by litigants in a community to avoid "forum shopping" by the other side in a case, or to avoid a judge who is known to engage in improper courtroom behavior, who is known to be prejudiced, or who regularly exceeds judicial authority.

This provision is not meant to replace appellate review of trial judges' decisions, but rather to complement appellate review by encouraging judges to fairly administer their oaths of office to uphold the Constitution. Many judges face constant reversals on appeal, but still force litigants to bear extraordinary costs before them and further bear the burden of overcoming standards of review on appeal. This provision allows litigants some freedom in ensuring that due process will be given to their case before they bear the costs associated with litigating in trial court and will encourage the judiciary to be as impartial as required by their charge.

HANDLING OF CAPITAL PUNISHMENT APPEALS

The sixth reform set forth in H.R. 1252 was developed in response to the May 14, 1997, testimony of Charlotte Stout, who participated in an oversight hearing on judicial misconduct, and comments made by Representative William Delahunt of Massachusetts. Ms. Stout's daughter was raped and murdered by a man who sat on death row for 18 years as a result of filing numerous habeas petitions at the state and federal level. His federal petition was handled by a judge who delayed its consideration for four years before ordering a new trial. This same judge handles all habeas petitions in that judicial circuit, and has delayed consideration of all capital cases appealed to that circuit by a minimum of 65 years. All cases on which he has reached a final decision have resulted in an over-turning of a jury verdict to impose execution. In effect, this judge has taken it upon himself to usurp the decision of a jury to impose the death penalty. Pursuant to the bill, the chief judge of a circuit could neither handle all habeas cases by himself or herself, nor delegate the responsibility on an exclusive basis to another judge.

CAMERAS IN THE COURTROOM

A seventh reform would permit a presiding judge, in his or her discretion, to permit the use of cameras during federal appellate proceedings. Based on legislation introduced by Representative Steve Chabot of Ohio, the change mirrors state efforts to provide greater public access to the workings of the judiciary. The Committee on the Judiciary also adopted an amendment offered by Representative Chabot which creates a three-year pilot program allowing televised proceedings in any U.S. District (trial-level) proceeding, subject to the discretion of the presiding judge.

JUDICIAL PAY

An eighth reform includes parts of legislation introduced by Representative Henry Hyde of Illinois, Chairman of the Committee on the Judiciary, that would grant federal judges an annual cost-of-living adjustment unless Congress takes action to the contrary.

COMPLEX DISASTER LITIGATION

With Representative Jim Sensenbrenner of Wisconsin as its chief advocate, a ninth reform consists of language which the House passed in the 101st and 102nd Congress, and which the full Committee on the Judiciary passed in the 103rd Congress. This language is intended to improve the ability of federal courts to handle complex multidistrict litigation arising from a single accident, such as a plane crash.

Briefly, these changes would bestow original jurisdiction on federal District courts in civil actions involving minimal diversity jurisdiction among adverse parties based on a single accident where at least 25 persons have either died or sustained injuries exceeding $50,000 per person. The District court in which such cases are consolidated would retain those cases for purposes of determining liability and punitive damages, and would also determine the substantive law that would apply for findings of liability and damage. Returning individual cases to state and federal courts where they were originally filed for a determination of compensatory money damages (and where all relevant records are located) is fair to the plaintiffs or their estates.

These changes should reduce litigation costs as well as the likelihood of forum-shopping in airline and other accident cases. An effective one-time determination of punitive damages would eliminate multiple or inconsistent awards arising from multiforum litigation.

AGENCY (OPM) APPEALS OF ADVERSE PERSONNEL DECISIONS

The tenth and final reform of H.R. 1252, proposed by Representative Conyers of Michigan, would permit the Office of Personnel Management (OPM) to appeal final decisions of the Merit Systems Protection Board (MSPB) and final arbitral awards dealing with adverse personnel actions to the Federal Circuit within 60 days from the time final notice of a decision is received. Currently, OPM must file its appellate briefs within 30 days, which is half the time allotted to other federal agencies.

This bill is limited in scope. It reforms the procedures of the federal courts to ensure fairness in the hearing of cases without stripping jurisdiction, or reclaiming any powers granted by Congress to the lower courts. It does assure that litigants in federal courts will be entitled to fair rules of practice and procedure leading to the due process of claims.

Mr. FRANK of Massachusetts. Mr. Chairman, I reserve the balance of my time.

Mr. COBLE. Mr. Chairman, I yield 5½ minutes to the distinguished gentleman from Texas (Mr. DELAY), the majority whip for the House.

Mr. DELAY. Mr. Chairman, I thank the Chairman for yielding. I want to commend the chairman of the subcommittee and the chairman of the full committee and the Members of the Committee on the Judiciary for their very hard work and effort in what I consider a much needed piece of legislation.

The system of checks and balances so carefully crafted by our Founding Fathers is in serious disrepair and has been for years. This bill takes a very necessary step to bring the courts back into constitutional order.

The Founding Fathers established a system of government in the United States that does not allow one branch to become too powerful at the expense of the other. I contend, quite frankly, if we read the Constitution as it originally was written and intended, the judiciary branch was supposed to be the weakest branch of the three created by the Constitution.

Contrary to the opinion of the liberal legal establishment of this country, judicial power is not limitless. Judicial power does not equal legislative power. Judges apply the law. They are not to make the law. When judges go further and unilaterally impose legislative remedies, they exceed the legitimate limits of power given to them by the Constitution.

When judges legislate, they usurp the power of Congress. When judges stray beyond the Constitution, they usurp the power of the people. For instance, under the Constitution, only Congress can lay and collect taxes. But that did not stop District Judge Russell Clark from ordering tax increases from the bench.

That tax increase, and 2 billion tax dollars, turned the city school district into a spending orgy, complete with editing and animation labs, greenhouses, temperature-controlled art galleries, and a model United Nations that was wired for language translation. If that is not taxation without representation, I do not know what it is.

Another example of a judge tossing aside the Constitution and supplanting his own personal biases was the decision of the District Court Judge, Thelton Henderson, prohibiting the State of California from implementing the California Civil Rights Initiative, the CCRI.

The CCRI simply removed the opportunity for State officials to judge people by their race and their sex, a practice that I think most Americans consider repugnant. In a ruling that turned common sense and our Constitution on its head, Justice Henderson ruled that by adopting the equal protection clause of the 14th amendment, the voters of the State of California had violated that same 14th amendment.

Although judicial taxation and Judge Henderson's circumvention of the Constitution are two extreme examples of judges breaching the separation of powers, there are, of course, many, many others.

Judges have created the right to die. Judges have prohibited States from declaring English as an official language. Judges have extended the right of States to withhold taxpayer-funded services from illegal aliens, all without sound constitutional basis.

Now, some Federal judges have even made themselves the sovereigns of the cell blocks, micromanaging our State prisons, and forcing changes in prison operations that have resulted in the early release each year of literally hundreds of thousands of violent and/or repeat criminals out on our streets and the streets to plague our families.

In 1970, not a single prison system was operating under the sweeping court orders common today. By 1990, some 508 municipalities, and over 1,200 State prisons were operating under some judicial confinement order or some consent decree.

In New York City, judges have forced prison officials to require that only licensed barbers cut the hair of the prisoners; that sweetened coffee may never be served at meals for the prisoners; and a court-appointed monitor must be given a city car within one grade of the prison commissioner's car. If it were not so appalling, it would be funny.

But if that is not enough, the same activist judges have also imposed prison caps, mandating the release of violent felons and drug dealers before they have even served their time.

Later today, the gentleman from Pennsylvania (Mr. MURTHA) and I will offer an amendment that will end this travesty of justice caused by overactive judges. Our amendment will prohibit a Federal judge from ever releasing a felon from prison because of claims of prison overcrowding.

The prisoners claim of overcrowding has become a get-out-of-jail-free card. And we say no longer. No longer will these prisoners plague our families, and our cities, and in our towns.

I urge my colleagues to support the Hyde bill and the DeLay-Murtha amendment. The time has come to reestablish our system of checks and balances and to restore sanity to our criminal justice system.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the ranking member of the full committee.

Mr. CONYERS. Mr. Chairman, I thank the gentleman from Massachusetts for yielding to me.

Mr. Chairman, I was delighted to hear the majority whip, constitutional expert in his own right, whose opinions I respect very much, and which will become very much in focus today. The gentleman from Texas (Mr. DELAY), majority whip, is the same Member of Congress who claims it is time we impeach judges whose opinions consistently ignore their constitutional role, violate their oath of office, and breach the separation of powers.

□ 1115

That is a quote.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Texas.

Mr. DELAY. Does the gentleman believe that a judge should not be impeached that violates his oath of office and violates the Constitution?

Mr. CONYERS. I will get to that later. Right now I am making my own presentation, and I wanted to make sure I am quoting the gentleman correctly.

Mr. DELAY. Will the gentleman yield?

Mr. CONYERS. I yield to the gentleman, yes.

Mr. DELAY. The gentleman from Michigan is absolutely quoting me correctly.

Mr. CONYERS. All right, that is all I need. The majority whip should use his own time.

Now let me ask the majority whip, who is enjoying this as much as I am, "Do you have any judges in mind since you made that statement a few months ago or do you plan to do anything about your pronouncements on that subject?"

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. With pleasure.

Mr. DELAY. I got a list and it is growing, yes, sir.

Mr. CONYERS. The gentleman from Texas got a list and it is growing.

Well, does the gentleman plan to ever do anything with the list, though? That is the point, and I yield again.

Mr. DELAY. I will be glad to consult with the gentleman when I have a candidate that has violated his oath of office and the Constitution.

Mr. CONYERS. Okay. Then that means up to now the gentleman does not have a candidate but he has got a list.

Mr. DELAY. Will the gentleman yield?

Mr. CONYERS. Yes, sir.

Mr. DELAY. I thought the list of candidates is what I was referring to. I have got plenty of candidates, yes. I am just looking for one that is particularly bad in violating the Constitution and his oath of office, yes.

Mr. CONYERS. I get it. Then the gentleman does not have a candidate right now. He has got a list. And I am not yielding any more. The gentleman from Texas can get time. I got a way for him to get as much time as he wants, but it is on the other side on his own time.

Okay.

Mr. DELAHUNT. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. If the gentleman would inquire of the majority whip to give us the names on that particular list.

Mr. CONYERS. No, I am not going to go there. I am not going to go there. He has got a list and he is working on it, but he does not have a name yet so I got to wait. Said just stay tuned and he is going to make his presentation when the time comes.

Mr. DELAHUNT. Will the gentleman continue to yield? Could he reveal to us the number of candidates that are on it?

Mr. CONYERS. I am not going to go there, either. Maybe he will tell us today, maybe he will not. Maybe he will come up with a list next month. Who knows? That is what he is telling me.

Well, now, "Congressional Republicans yesterday rallied," this is the great Washington newspaper, the Washington Times, "Congressional Republicans yesterday rallied behind House Majority Whip Tom DeLay's announcement that the GOP will pursue impeachment proceedings against activist Federal judges."

Now I would like to gain the distinguished majority whip's attention again. Excuse me, sir, if I may gain your attention again.

Mr. DELAY. Is the gentleman going to yield to me now?

Mr. CONYERS. Just a moment. I just want to gain the gentleman's attention first. Okay. I thank the gentleman. "Congressional Republicans yesterday rallied behind House Majority Whip Tom DeLay's announcement that the GOP will pursue impeachment proceedings against activist Federal judges."

And I will be happy to yield to the gentleman. What generally is his description of activist Federal judges?

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Texas.

Mr. DELAY. I appreciate the gentleman giving me this opportunity.

Mr. CONYERS. It is a pleasure.

Mr. DELAY. First of all, I did not write that.

Mr. CONYERS. I know the gentleman did not.

Mr. DELAY. I am not looking to impeach activist judges. What I am looking for are judges that violate their oath of office and judges that violate the Constitution of the United States.

Mr. CONYERS. Okay. Then the Washington Times is wrong again, and to the extent that they are incorrect I apologize for bringing it to the gentleman's attention.

Mr. DELAY. Will the gentleman yield again?

Mr. CONYERS. I yield to the gentleman from Texas.

Mr. DELAY. They just used the wrong word.

Mr. CONYERS. I see. What word should they have used?

Mr. DELAY. Judges that violate the Constitution and their oath of office.

Mr. CONYERS. So this is not about activist judges. Okay. Well we are getting someplace.

Now here is the problem with this bill. There was a section in H.R. 1252 granting parties in the 21 largest Federal districts the right to peremptorily challenge a Federal judge's right to hear a civil action. In effect, listen carefully, Republican Members of this House, in effect this provision permits prejudicial challenges based on the race or gender of the judge.

Now, current law already provides a clear and coherent statutory regime for removing judges in appropriate circumstances, and it has been working pretty well all these years. But now today, 1998, we get a proposal in this bill that goes well beyond removing judges for cause and allows the parties to remove judges for no stated reason whatsoever, no stated reason whatsoever.

This is what the Republican lawyers on the House Committee on the Judiciary propose we do to the Federal courts today, for no reason, any reason. These are lawyers on the Committee on the Judiciary seriously proposing that that is what we do, and I say that is wrong.

In addition, these challenges would not require the exercising party to make any showing or even any allegation of bias on the part of the judge. In other words, "I don't like that judge, let's get another judge." Does the gentleman know what that would do to the judicial process in the Federal system? Every judge that walks into every court where he is assigned, a judge, any party that does not like the judge, they get another one. And they go there and they get another one. They do not like the next one, someone else objects.

And this is a serious proposal, my colleagues. I think we ought to take a good look at this and find out just what is fueling this desire to allow every lawyer that comes into Federal court to forum shop. I do not think it is proper, and I do not think that it ought to be in the law. The judges are not too thrilled about it either. The delay would be incredible, and the Judicial Conference is a little bit exercised, as my colleague can believe.

A preemptive challenge would be devastating of this kind. All the expertise that a judge acquired regarding the cases developed over many months would be lost. New judges would have to educate themselves regarding the attendant cases, with delay and expense.

And so we are asking that this provision be stricken from the bill. We hope that a lot of Members, lawyers and constitutional experts and Members that do not make that claim, will join us in opposing this section of the bill.

Mr. COBLE. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. BONO).

Mrs. BONO. Mr. Chairman, as one of the newest Members of the 105th Congress, I want to express what a privilege it is to arrive at this great institution and participate during these important debates.

As one of my first official acts I am very proud to rise today to support the bill under consideration, the Judicial Reform Act of 1997. This is a very good bill, and among its important provisions is one of special significance to the voters of my district, of my State and to myself. Section 2 of the bill reflects the bill, H.R. 1170, which was my late husband's first piece of legislation in Congress and which passed this House last Congress. This is a simple but long overdue measure that will protect the franchise of democracy.

This provision, as my colleagues already know, establishes a three-judge panel to review the constitutionality of voter-passed initiatives. When a single Federal judge can block the will of the people for years at a time, that is one of the most antidemocratic features of our legal system. For the voters of California and other States that have initiatives, justice is delayed, and thus it is denied.

Quickly I want to spell out three reasons why the three-judge panel provision should be passed by the House today. This is a commonsense idea; it will make the Federal courts more objective in the way they review cases arising from a vote of the people.

This is a mainstream idea. This measure was part of the American legal system for years, and in my view we are bringing back something that has an important role in protecting our democratic system. Every Member knows that the three-judge panels are used today in voting rights and apportionment cases.

And, finally, this is a bipartisan idea. The three-judge panel bill, H.R. 1170, was supported by an overwhelming and bipartisan vote of this body in the last Congress. The bill we are considering today also contains provisions that Republicans and Democrats should unite to support.

In closing, I want to commend the gentleman from Illinois (Mr. HYDE) and the gentleman from North Carolina (Mr. COBLE) for their hard work in bringing this excellent bill to the floor. Again, I ask every Member to support this provision and pass this bill.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS), a member of the committee.

Ms. WATERS. Mr. Chairman, I rise in opposition to this odious bill. This bill may as well be called the anti-Thelton Henderson bill. Republicans got upset with one Federal district judge's decision regarding proposition 209, and now they want to change the whole judicial process. These changes would make it possible to pick and choose with no justification. Thus, black judges, Latino judges, women judges would be challenged simply because of their color.

The changes they propose are outrageous. They want to make it easy for racist and sexist judges to hear cases in civil actions. They want the Reagan-Bush appointed court of appeals judges to control the decisions about the constitutionality of State referenda issues. They want to restrict Federal district courts from enforcing rights laws if there are any fines involved.

Now, after proposing all of that, the Republicans dangle the cameras in the courtroom provision as if to make a concession. Well, I am not falling for it. Now I wholly support the opening up of the judiciary. Cameras would help the public understand the justice system. But I will not sacrifice the integrity of the entire Federal judiciary for one good provision.

This bill is unconscionable and unconstitutional. Tampering with the Federal justice system to get back at one judge's decision is petty and dangerous, and shame on my colleagues for pushing this bill, shame on all of us if we vote for it.

I strongly urge a vote of "no" on H.R. 1252.

Mr. COBLE. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. BRYANT), a member of the Committee on the Judiciary.

Mr. BRYANT. Mr. Chairman, this legislation before us was created after a number of judges across this country have began taking away rights and liberties in many of the cases before them, and the portion of this bill that I strongly support and actually authored has an impact in this situation when it comes to filing ethical complaints against judges by people who feel that they have been wrongfully treated in those courtrooms. And what it does, it removes the issue of appearance of conflict of interest, possible bias and favoritism in the review of these ethical complaints against the judges now presently done by that judge's own colleagues.

□ 1130

The process is once a complaint is filed, it is given to the clerk of the circuit court, who then passes it on to the chief judge.

My proposal allows this chief judge to ferret out, to eliminate those frivolous claims, and those claims that are based on the judge's ruling itself, which is not proper, or those incomplete complaints. But once he finds there is some merit to a complaint against a judge, rather than allow, as I said before, the judge's own colleagues within that circuit court to determine whether or not that judge is guilty of an ethical violation, I simply ask the courts to allow that to be moved over to another circuit, to other judges, who perhaps do not know that judge as well.

What that simply does is allow the person who filed that complaint, the citizen, to have a fair hearing of that complaint against the judge, without the appearance of a conflict of interest, without the appearance of favoritism by colleagues. Whether that exists or not, at a minimum, the appearance exists.

It is a question of freedom and fairness. This legislation would protect those filing such a grievance, such a complaint, and allow it to be heard by judges who do not have that friendship or who do not have that working relationship with the judge under issue.

Mr. Chairman, I close by simply urging my colleagues to support this bill. It is a very good bill.

Mr. COBLE. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas (Mr. HUTCHINSON), a member of the Committee on the Judiciary.

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman for yielding me time. I appreciate the leadership of the gentleman on this important issue.

Mr. Chairman, I rise in support of H.R. 1252, the Judicial Reform Act, and want to speak about two provisions of the bill.

The first one is one long-championed by our former colleague, Sonny Bono, which ensures that the will of millions of voters is not overturned by a single Federal judge. Of course, the illustration was given in the State of California, but that can be duplicated in Arkansas, in which the initiative petition drive alternative of the voters is utilized quite frequently.

Whenever we have a ballot initiative that is passed by the voters, I think it is wrong to have that potentially overturned by one single Federal judge. I believe the three-judge panel is a better procedure because it preserves the right of judicial review, which I believe in. Yet at the same time it ensures it is not going to be passed on the whim of one Federal judge, but would at least require three to review and act upon what the voters of a particular State have done, and it would be a due regard for the Constitution of the United States.

The second thing that I believe is important in this provision is the section that prohibits Federal judges from levying taxes on localities or municipalities as part of a settlement or a court ruling.

Mr. Chairman, I believe that our constituents are probably wondering why we are even debating this, because the Constitution gives Congress the sole authority to impose taxes on the citizens. Because of what has happened in one particular case in Missouri, there is the fear that it could happen again. So this kind of judicial activism is, indeed, considered an outrage by the American public, and this legislation will ensure it does not happen again in our localities.

So I believe that this is appropriate. It is responsible legislation; it has a good balance between the judicial review that is appropriate for judges to maintain, but yet we in this Congress are sworn to uphold the Constitution of the United States as well.

I believe that this legislation is in line with our constitutional authority, and I would ask my colleagues to support it.

Mr. COBLE. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT), a member of the Committee on the Judiciary.

Mr. CHABOT. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the Judicial Reform Act. As my colleagues know, this legislation contains language authored by the gentleman from New York (Mr. SCHUMER) and myself that would permit Federal judges in appropriate situations to allow the televising of civil and criminal trials or appeals. Again, it would permit it, but it would not require cameras in the courtroom. It is at the discretion of the trial judge.

Open, public trials have a long-standing tradition in our country. The framers of the Constitution required public trials because they recognized that a thriving democracy depends on a well-informed public. They knew that the public needs to see how an important branch of the Federal Government works, or, in some cases, does not work, and they understood that the dignity of the court comes from the courtroom itself and from the values and beliefs on display.

Those values and beliefs are invigorated, not undercut, as opponents of open government would argue, by giving the people the ability to see our judicial system in action.

Chief Justice Berger, for example, once wrote, "People in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing."

An informed citizenry also is essential to our constitutional system of checks and balances. The Federal courts play a very important part in our government. Federal judges, after all, serve for life. The American people deserve the opportunity to see how they operate. We need to encourage deeper understanding and further national discussion of the proper and properly limited role of the Federal judges.

In an age where new technological breakthroughs are made every day and televisions are present in virtually every American home, it is inconceivable that access to the courts would be strictly limited to those Americans who have the time and ability to personally visit a courthouse.

Our Founding Fathers over 200 years ago wanted our Federal courts to be open, and they are open. But who has the time nowadays to take off of work or to take away from the time in raising their families to go down to the Federal courts, which are generally downtown? They should have the ability to view what is going on in those courtrooms at home. After all, those courts do not belong to the judges; they belong to the people.

Mr. Chairman, I urge passage of this bill.

Mr. FRANK of Massachusetts. Mr. Chairman, to close for us, I yield the balance of my time to the gentleman from North Carolina (Mr. WATT).

The CHAIRMAN pro tempore (Mr. EWING). The gentleman from North Carolina is recognized for 8 minutes.

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I actually had tried to restrain myself from taking time in general debate on this bill because I had very, very mixed emotions throughout this debate.

I had the pleasure of practicing, sometimes the pain, of practicing law for 22 years before I was elected to Congress. There have been many, many times during that 22 years that I would have longed for the opportunity to be given the right to strike a judge and select another judge.

There have been many times during that 22 years that I was on the verge of losing confidence in a process, and had to step back from it and evaluate the process that was there in our court system, and try to say to myself, how would I do this differently if I were designing a court system?

So, in a sense, I guess I can empathize with my Republican colleagues who would like to make a substantial change in our judicial system because they have a sense of frustration about some aspect of it.

There is probably not another person in this body, if there are, there are probably only a few, who have had a judge look at them or their law partners and call them a "nigger" in the courtroom. I would love to have had the opportunity to strike that judge and go on to another judge.

There is probably nobody who has, as much as I, been involved in a system that had a three-judge panel, and recognized the benefits and detriments of having a three-judge panel in litigation.

But when all is said and done, what we have to recognize is that we operate in a system that is unique to our country. I am in the majority a lot in this House, but I cannot start changing every rule that sometimes cuts in my favor and sometimes cuts against me. There has to be a set of rules that govern any kind of organized system, and our court system has a set of rules that govern it.

So while I have experienced that frustration that some of my colleagues have talked about, what I have said to myself over and over and over again is that our system has to be protected. Otherwise, there is no rule of law; there can be no justice. We substantially undercut it when we start selectively trying to take some result and change it by changing the whole process under which we operate.

That is what this bill does in substantial measure. It gives every citizen the opportunity to come in and say, I don't like this judge because I don't like what color he is or what gender she is or what political perspective they have, and therefore I am going to exercise a peremptory challenge, just like we do in a jury pool.

That is an unprecedented change in our system. One, which I would have loved to have had on many occasions, but I have understood would undermine the system of justice that we have substantially in our country.

Yet, my colleagues would come in here and whine and say I don't like the result, therefore I am going to change the whole system and give everybody in America the right to delay trials and subvert the system. This, my friends, is not a good bill.

It may have some superficially appealing aspects to it, some which I can understand and empathize with, but we must protect the system of justice and the rules of the road, and we cannot start making them subject to who is in power in the Congress of the United States and whether it is Conservatives versus Liberals. We must have rules under which we operate.

Once we undermine those rules, as this bill does substantially, then we have undermined our whole system of justice in this country.

So I beg my colleagues on both sides of the aisle to evaluate this bill and see if this really is where they want to be. It may serve some short-term political objective that they have, but what does it do to the confidence of the public in our judiciary and in our judicial system?

□ 1145

At the end of the day, after my colleagues have made that kind of evaluation, I believe, if they are acting in the interests of justice and the integrity of our system, they will reject this bill so that we can have a reasonable set of rules that have governed our system for years and years and years and do not delay the trial of cases in our system.

I ask my colleagues to vote against this bill, even though it may have some political, superficial benefit to them.

Mr. COBLE. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, if there is any phrase that sums up the reason for the existence of this Republic, that phrase is "no taxation without representation." That is not the phrase of DON MANZULLO. It is the phrase of Thomas Jefferson, who, when he wrote the Declaration of Independence, cited King George for three things: that King George, III, refused to pass laws that would allow people the right to be represented in their own legislatures; that he called together legislative bodies at unusual times so nothing could be done; that he imposed taxes on us without our consent.

Taxation without consent gave rise to the Boston Tea Party, and it gave rise to the Constitution that was written in 1787, a document so magnificent that author Flexner has said, never before in history had people gathered together to write a document by which people can govern themselves.

Two of the people who had a tremendous impact on that Constitution were Hamilton and Madison. Hamilton said, in Federalist Paper 78, "The judiciary has no influence over either the sword or the purse, no direction either of the strength or of the wealth of the society."

And Madison said in Federalist Paper 33, "What is a power but the ability or faculty of doing a thing? What is the power of laying and collecting taxes but a legislative power?"

And so powerful were those words, Mr. Chairman, that they were written into article 1, section 7, that said, "All bills for raising revenue shall originate in the House of Representatives." It is very clear, any Federal attempt to raise taxes must come in the people's House, and it must come by people who have to stand for reelection every 2 years.

But history has not proved that out, because it is not only in Kansas City, Missouri, where the judge has raised $2 billion worth of taxes, but it is in Rockford, Illinois, where an unelected magistrate ordered the members of the school board to either raise taxes or go to jail for the purpose of implementing a desegregation plan.

That is taxation without representation, and that is why we are here today, because Madison compelled it whenever one branch of government would become predominant over the other. In fact, in number 47 he said, "The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny."

We are here, perhaps for the first time since the Constitution was adopted, perhaps for the first time that the House of Representatives has been here in existence, for the first time in history, to argue Congress should take back from the judges the power to tax.

Mr. BERMAN. Mr. Chairman, I rise in opposition to H.R. 1252. There are many in this chamber who from time to time have disagreed with decisions rendered by federal judges. Count me among them. But I have always felt that our independent life-tenured federal judiciary is one of the glories of the American system of government, and that efforts by the Congress to retaliate against particular decisions are inimical to our larger stake in the preservation of the American constitutional system.

That is why I am so strongly opposed to H.R. 1252. It is simply wrong to manipulate court jurisdiction and procedure as this bill would do to try to make it more or less likely that the federal courts will reach particular results.

I am particularly concerned that H.R. 1252 seeks to strip the remedial power of the federal courts, to the detriment of all Americans. By prohibiting a federal district court from entering any order or approving any settlement that could require a state or local government to raise taxes—and applying this provision to pending cases, to boot—the bill deprives all Americans of effective recourse for the vindication of their rights under federal law. As critics have noted, *Brown v. Board of Education* required expenditures to desegregate the public schools. Would the proponents of this bill suggest that the authority of the federal courts should have been limited to declaring segregation unconstitutional, and the courts barred from ordering desegregation?

And on the very week that we celebrate Earth Day, please do not tell me that we are going to deprive the federal judiciary of the ability to effectively enforce the nation's environmental laws. For all these reasons, I urge support for the amendment to be offered by our colleagues Mr. DELAHUNT and Mr. BOEHLERT to strike Section 5 of the bill.

I also note with great concern that Section 6 of the bill would grant parties in federal court the right to remove the judge randomly assigned to their case. Because due process guarantees an impartial judge, under current law a party can seek to remove a judge for bias or prejudice. But to go further and allow peremptory strikes is to "replace the traditional process with a dangerous alternative. * * * We would be wrong to buy into a proposed reform whose basic effect is to influence judges through considerations extrinsic to the merits of a case." That is the analysis of the eminent Chief Judge of the 4th Circuit, J. Harvie Wilkinson, widely viewed as a conservative Republican jurist. Why would we seek to introduce strategic judge-shopping based on a judge's race, gender, or experience before taking the bench, into what is now the impeccably random assignment of judges to cases, and in so doing risk chilling decisionmaking in difficult cases?

I am heartened that my neighbor and colleague form California, Mr. ROGAN, will join in seeking to strike Section 6 later today. In light of his experience as a judge, I hope my colleagues will carefully consider the concerns which prompt him to offer his amendment.

I also want to make note of Section 2 of the bill, which would bring back into federal judicial practice a mechanism largely discarded by Congress in 1976 as inefficient and unwieldy, namely three judge panels in the district court. Section 2 would require a three judge court in all cases involving constitutional challenges to state referenda and initiatives. The authority of the federal judiciary to hear and decide constitutional questions, including challenges to state laws, should not turn on whether the challenged law was enacted by a state legislature or by a state's voters. Indeed, Section 2 would create the anomalous result that identical laws adopted by two different states would be treated completely differently by the federal courts. Because appeals of decisions of three judge courts are heard on an expedited basis by the Supreme Court without the benefit of circuit court review, the laws of those states where the referendum and initiative processes do not exist could be placed at a disadvantage. Why would we do that?

In all of these instances, I believe the legislation before us threatens the independence of the federal judiciary and imposes increased delays and costs for our constituents who seek recourse in the federal courts. This legislation endangers the balance among the branches of government so carefully wrought by the Founding Fathers and threatens the vindication of our constitutional rights. I urge its defeat.

Mr. PACKARD. Mr. Chairman, today we will consider the Judicial Reform Act, a piece of legislation that will curb judicial activism by restraining judges who use their authority to advance political agenda rather than uphold the laws set forth in the Constitution. As it stands now, federal, district and circuit court judges wield an enormous amount of power, and yet are accountable to no one. They are not elected, but are appointed for life.

Judicial activism has taken its hold throughout the country. Recently, a federal judge in California declared State proposition 187 unconstitutional, succumbing to political pressures rather than preserving the liberties of law-abiding citizens. Now illegal immigrants will enjoy public benefits at the expense of American taxpayers. Proposition 187 was a ballot initiative that was studied and passed by voters in California. One individual had the power to overturn a statute that was agreed upon by a majority of the electorate. Mr. Chairman, this is not democratic and it is far from constitutional!

The Judicial Reform Act will restrict judges who practice judicial activism, designating a panel of judges to review U.S. district court decisions when they may be perceived as unconstitutional. Establishing new rules is the only way to halt this growing problem. Mr. Chairman, I urge my colleagues to take a closer look at how judicial activism is negatively impacting their constituents and to support the Judicial Reform Act.

Mr. TANNER. Mr. Chairman, I rise today to bring to the attention of my colleagues a particular provision of H.R. 1252—section seven: random assignment of habeas corpus cases.

This section was added to the bill as a result of the testimony of one of my constituents, Mrs. Charlotte Stout of Greenfield, Tennessee. I'd like to submit the testimony of Mrs. Stout for the RECORD since I can't hope to duplicate her eloquent effort.

Before I begin, let me first say that I understand the difficulty facing this House in that judicial independence is a cornerstone of our democracy; but independence does not mean that we as a co-equal branch of government abdicate all responsibility for seeing that justice is done in this country. This House has heard all to often that justice delayed is justice denied. This is yet another unfortunate incident where this valid statement applies. I believe we do have a solemn duty to respond to injustice whenever and wherever we can.

This section is a response to an injustice and I commend Chairman COBLE and his staff for working diligently with me and Mr. DELAHUNT to add this important provision.

The story of Charlotte Stout's daughter, Cary Ann Medlin is one which is too gruesome and too cruel to recount fully and I won't further their suffering by a detailed account—neither would Charlotte want me to. She is not an avenging mother, but a compassionate concerned woman who wants justice for not only herself, but all victims of crime.

On September 1, 1979 her daughter Cary Ann Medlin, age 9, went out to ride her bicycle for a few minutes before dinner. Charlotte never saw her alive again. A man, by his own confession, brutally raped, sodomized, and murdered her small child. This man was brought to trial in 1981 and sentenced to two life sentences and death by electrocution. This case was appealed in all the appropriate state courts.

In 1992, this killer filed his second petition for habeas corpus relief in the federal court. In December of 1996, after being reprimanded for delay by the chief judge of the district, the judge finally ruled on this case after having it in his court for 4 years and 10 months.

While this one woman's ordeal through the federal court system has made the constituents of my district question our judicial system and rightly so, Charlotte did not come to Washington to testify about an isolated, single case.

This federal judge in the middle district of Tennessee, after very lengthy delays, has overturned 100% of all death penalty cases on which he has reached a final decision. Five to ten years is the norm in this judge's court and in my view this is unacceptable. This judge delayed eight capital cases a combined total of over 66 years.

The citizens of Tennessee are concerned that since the reinstatement of the death penalty in 1977, this judge has received almost 100% of the cases prior to 1990. He did not transfer the cases back to the district of origin, nor did he recuse himself in hearing the cases. The lengthy and constant delays in these capital cases has resulted in the victims of crime being denied justice. That is wrong; that is an injustice; and I support this section as a minor response to a grave injustice which if left unchecked could threaten the very credibility of the judiciary.

Again, I thank the Subcommittee for hearing the testimony of Mrs. Charlotte Stout from Greenfield, Tennessee and the mother of Cary Ann Medlin.

HOUSE SUBCOMMITTEE ON COURTS AND INTELLECTUAL PROPERTIES—SUMMARY OF WRITTEN TESTIMONY BY CHARLOTTE STOUT, MAY 15, 1997

I am not here today as an avenging mother. I am not here because a Federal Judge overturned one isolated death penalty case. If that were the case, you could discredit me as an emotional extremist and I would be wasting this committee's and my time. I represent almost 27,000 others who are concerned with and perceive a grave miscarriage of justice in Tennessee. The source of our concern is life-time appointed Federal Judge John Nixon of the Middle Tennessee District.

Judge Nixon has delayed eight counted death penalty cases a compiled total of 65 years and 7 months. He has then overturned 100% of all death penalty cases on which he has reached a final decision. If our concern stemmed from one isolated decision, then I would also call attention to Judge Morton of Middle Tennessee who has also overturned a death penalty case. Our concern stems from several reasons, not just Judge Nixon's decision on one case. We are concerned with the consistency with which Judge Nixon makes his decisions. We are concerned about the inordinate delays on death penalty cases in his court. We are concerned because of his misconduct in office by accepting an award from a group who has a previously stated controversial point of view on a legal issue. We are concerned with the amount of financial reimbursement he has authorized in capital cases. We are concerned that since the reinstatement of capital punishment in Tennessee in 1977, Judge Nixon received almost 100% of the cases prior to 1990. He did not transfer the cases back to the district of origin, nor did he recuse himself from hearing the cases. And finally, we are concerned about the system for filing judicial complaints. Twelve (12) complaints were officially filed against Judge Nixon in the 6th Circuit Court. These were reviewed by a judge who is his peer and social acquaintance.

From the Governor, (and past Governor) to the "blue-collar" workers, from East Tennessee to West Tennessee, thousands believe that Judge Nixon is opposed to capital punishment and is allowing his personal convictions to obstruct the law of the State of Tennessee. Tennessee Senate Joint Resolution 41 has been proposed by Senator Tommy Burks which is a resolution memorializing the U.S. Congress to initiate impeachment proceedings against U.S. District Court Judge John T. Nixon. We believe, Judge Nixon who is appointed for a life-time term, will continue to overturn death penalty convictions and order new trials, if he is allowed to continue in his historic path. I cannot begin to elaborate on the number of newspaper editorials, TV news segments, and public commentaries that have been expressed against Judge Nixon. A Federal Judge, who is appointed for life is holding the citizens of Tennessee "hostage" to his conscientious beliefs. He does have the right to his beliefs. No one disputes that. But when those beliefs interfere with the administration of justice and the performance of his duties as an officer of the court, he should be removed or at the very least restrained. Capital punishment has been ruled to be constitutionally appropriate. How then, can one individual be allowed to hold his beliefs above the law because he is a Federal Judge? He is frustrating the entire legal system in our state. To what purpose do our law enforcement officers, prosecuting attorneys, Judges and courts spend countless hours and taxpayer dollars to bring criminals to swift and sound justice. How can due process be served when delays of 10 years exist in one court? A fair trial after two decades will be impossible for any of these cases. What a tragedy if any one of these men is innocent. What a tragedy if they are guilty and allowed to abuse the system. What a tragedy if a Federal Judge is allowed flagrant misconduct in office and our elected Representatives refuse to act for the sake of protecting the independence of the judiciary. The framers of our Constitution surely never intended for one branch of the government to act completely independent of the other two branches. If that were the case, there would be no true system of checks and balances.

We realize that only 15 judges have ever been brought up on impeachment charges and only seven of them have been convicted and removed from the bench. We realize the grounds for impeachment are complex. The Constitution sets the framework for impeachment and defines an impeachable offense as "High crimes or misdemeanors" but also states that judges who have lifetime appointments must be of "good behavior". Our elected Representatives can define the parameters of good behavior. On April 9, 1996, Chief Justice of the U.S. Supreme Court William Rehnquist said to the Washington College of Law, "It would be a mistake to think that just because a certain kind of judicial business has always been conducted in a particular way in the past, it therefore ought to be conducted that way in the future."

We, the people, have only one voice, the voice of our elected Representatives.

The CHAIRMAN. All time has expired.

The amendment in the nature of a substitute printed in the bill, modified by striking section 9 and redesignating each succeeding section accordingly, shall be considered by sections as an original bill for the purpose of amendment. Pursuant to the rule, each section is considered as read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment, and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Judicial Reform Act of 1998".

The CHAIRMAN. Are there any amendments to section 1?

Mr. COBLE. Mr. Chairman, I ask unanimous consent that the remainder of the amendment in the nature of a substitute, as modified, be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The text of the remainder of the amendment in the nature of a substitute, as modified, is as follows:

SEC. 2. 3-JUDGE COURT FOR ANTICIPATORY RELIEF.

(a) REQUIREMENT OF 3-JUDGE COURT.—Any application for anticipatory relief against the enforcement, operation, or execution of a State law adopted by referendum shall not be granted by a United States district court or judge thereof upon the ground that the State law is repugnant to the Constitution, treaties, or laws of the United States unless the application for anticipatory relief is heard and determined by a court of 3 judges in accordance with section 2284 of title 28, United States Code. Any appeal of a determination on such application shall be to the Supreme Court. In any case to which this section applies, the additional judges who will serve on the 3-judge court shall be designated under section 2284(b)(1) of title 28, United States Code, as soon as practicable, and the court shall expedite the consideration of the application for anticipatory relief.

(b) DEFINITIONS.—As used in this section—

(1) the term "State" means each of the several States and the District of Columbia;

(2) the term "State law" means the constitution of a State, or any statute, rule, regulation, or other measure of a State that has the force of law, and any amendment thereto;

(3) the term "referendum" means the submission to popular vote, by the voters of the State, of a measure passed upon or proposed by a legislative body or by popular initiative; and

(4) the term "anticipatory relief" means an interlocutory or permanent injunction or a declaratory judgment.

(c) EFFECTIVE DATE.—This section applies to any application for anticipatory relief that is filed on or after the date of the enactment of this Act.

SEC. 3. INTERLOCUTORY APPEALS OF COURT ORDERS RELATING TO CLASS ACTIONS.

(a) INTERLOCUTORY APPEALS.—Section 1292(b) of title 28, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following:

"(2) A party to an action in which the district court has made a determination of whether the action may be maintained as a class action may make application for appeal of that determination to the court of appeals which would have jurisdiction of an appeal of that action. The court of appeals may, in its discretion, permit the appeal to be taken from such determination if the application is made within 10 days after the entry of the court's determination relating to the class action. Application for an appeal under this paragraph shall not stay proceedings in the district court unless the district judge or the court of appeals or a judge thereof shall so order.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to any action commenced on or after the date of the enactment of this Act.

SEC. 4. PROCEEDINGS ON COMPLAINTS AGAINST JUDICIAL CONDUCT.

(a) REFERRAL OF PROCEEDINGS TO ANOTHER JUDICIAL CIRCUIT OR COURT.—Section 372(c) of title 28, United States Code, is amended—

(1) in paragraph (1) by adding at the end the following: "In the case of a complaint so identified, the chief judge shall notify the clerk of the court of appeals of the complaint, together with a brief statement of the facts underlying the complaint.";

(2) in paragraph (2) in the second sentence by inserting "or statement of facts underlying the complaint (as the case may be)" after "copy of the complaint";

(3) in paragraph (3)—

(A) by inserting "(A)" after "(3)";

(B) by striking "may—" and all that follows through the end of subparagraph (B) and inserting the following: "may dismiss the complaint if the chief judge finds it to be—

"(i) not in conformity with paragraph (1);

"(ii) directly related to the merits of a decision or procedural ruling; or

"(iii) frivolous."; and

(C) by adding at the end the following:

"(B) If the chief judge does not enter an order under subparagraph (A), then the complaint or (in the case of a complaint identified under paragraph (1)) the statement of facts underlying the complaint shall be referred to the chief judge of another judicial circuit for proceedings under this subsection (hereafter in this subsection referred to as the 'chief judge'), in accordance with a system established by rule by the Judicial Conference, which prescribes the circuits to which the complaints will be referred. The Judicial Conference shall establish and submit to the Congress the system described in the preceding sentence not later than 180 days after the date of the enactment of the Judicial Reform Act of 1998.

"(C) After expeditiously reviewing the complaint, the chief judge may, by written order explaining the chief judge's reasons, conclude the proceeding if the chief judge finds that appropriate corrective action has been taken or that action on the complaint is no longer necessary because of intervening events.";

(4) in paragraph (4)—

(A) by striking "paragraph (3)" and inserting "paragraph (3)(C)"; and

(B) in subparagraph (A) by inserting "(to which the complaint or statement of facts underlying the complaint is referred)" after "the circuit";

(5) in paragraph (5)—

(A) in the first sentence by inserting "to which the complaint or statement of facts underlying the complaint is referred" after "the circuit"; and

(B) in the second sentence by striking "the circuit" and inserting "that circuit";

(6) in the first sentence of paragraph (15) by inserting before the period at the end the following: "in which the complaint was filed or identified under paragraph (1)"; and

(7) by amending paragraph (18) to read as follows:

"(18) The Judicial Conference shall prescribe rules, consistent with the preceding provisions of this subsection—

"(A) establishing procedures for the filing of complaints with respect to the conduct of any judge of the United States Court of Federal Claims, the Court of International Trade, or the Court of Appeals for the Federal Circuit, and for the investigation and resolution of such complaints; and

"(B) establishing a system for referring complaints filed with respect to the conduct of a judge of any such court to any of the first eleven judicial circuits or to another court for investigation and resolution.

The Judicial Conference shall establish and submit to the Congress the system described in subparagraph (B) not later than 180 days after the date of the enactment of the Judicial Reform Act of 1998.".

(b) DISCLOSURE OF INFORMATION.—Section 372(c)(14) of title 28, United States Code, is amended—

(1) in subparagraph (B) by striking "or" after the semicolon;

(2) in subparagraph (C) by striking the period at the end and inserting "; or"; and

(3) by adding after subparagraph (C) the following:

"(D) such disclosure is made to another agency or instrumentality of any governmental jurisdiction within or under the control the United States for a civil or criminal law enforcement activity authorized by law.".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) apply to complaints filed on or after the 180th day after the date of the enactment of this Act.

SEC. 5. LIMITATION ON COURT-IMPOSED TAXES.

(a) LIMITATION.—Chapter 85 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 1369. Limitation on Federal court remedies

"(a) LIMITATION ON COURT-IMPOSED TAXES.—(1) No district court may enter any order or approve any settlement that requires any State, or political subdivision of a State, to impose, increase, levy, or assess any tax, unless the court finds by clear and convincing evidence, that—

"(A) there are no other means available to remedy the deprivation of a right under the Constitution of the United States;

"(B) the proposed imposition, increase, levying, or assessment is narrowly tailored to remedy the specific deprivation at issue so that the remedy imposed is directly related to the harm caused by the deprivation;

"(C) the tax will not contribute to or exacerbate the deprivation intended to be remedied;

"(D) plans submitted to the court by State and local authorities will not effectively redress the deprivations at issue;

"(E) the interests of State and local authorities in managing their affairs are not usurped, in violation of the Constitution, by the proposed imposition, increase, levying, or assessment; and

"(F) the proposed tax will not result in the loss or depreciation of property values of the taxpayers who are affected.

"(2) The limitation contained in paragraph (1) shall apply only to any order or settlement which—

"(A) expressly directs any State, or political subdivision of a State, to impose, increase, levy, or assess any tax; or

"(B) will necessarily require a State, or political subdivision of a State, to impose, increase, levy, or assess any tax.

"(3) If the court finds that the conditions set forth in paragraph (1) have been satisfied, it shall enter an order incorporating that finding, and that order shall be subject to immediate interlocutory de novo review.

"(4) A remedy permitted under paragraph (1) shall not extend beyond the case or controversy before the court.

"(5)(A) Notwithstanding any law or rule of procedure, any person or entity whose tax liability would be directly affected by the imposition of a tax under paragraph (1) shall have the right to intervene in any proceeding concerning the imposition of the tax, except that the court may deny intervention if it finds that the interest of that person or entity is adequately represented by existing parties.

"(B) A person or entity that intervenes pursuant to subparagraph (A) shall have the right to—

"(i) present evidence and appear before the court to present oral and written testimony; and

"(ii) appeal any finding required to be made by this section, or any other related action taken to impose, increase, levy, or assess the tax that is the subject of the intervention.

"(b) TERMINATION OF ORDERS.—Notwithstanding any law or rule of procedure, any order of, or settlement approved by, a district court requiring the imposition, increase, levy, or assessment of a tax pursuant to subsection (a)(1) shall automatically terminate or expire on the date that is—

"(1) 1 year after the date of the imposition of the tax; or

"(2) an earlier date, if the court determines that the deprivation of rights that is addressed by the order or settlement has been cured to the extent practicable.

Any new such order or settlement relating to the same issue is subject to all the requirements of this section.

"(c) PREEMPTION.—This section shall not be construed to preempt any law of a State or political subdivision thereof that imposes limitations on, or otherwise restricts the imposition of, a tax, levy, or assessment that is imposed in response to a court order or settlement referred to in subsection (b).

"(d) ADDITIONAL RESTRICTIONS ON COURT ACTION.—(1) Except as provided in paragraph (2), nothing in this section may be construed to allow a Federal court to, for the purpose of funding the administration of an order or settlement referred to in subsection (b), use funds acquired by a State or political subdivision thereof from a tax imposed by the State or political subdivision thereof.

"(2) Paragraph (1) does not apply to any tax, levy, or assessment that may, in accordance with applicable State or local law, be used to fund the actions of a State or political subdivision thereof in meeting the requirements of an order or settlement referred to in subsection (b).

"(e) NOTICE TO STATES.—The court shall provide written notice to a State or political subdivision thereof subject to an order or settlement referred to in subsection (b) with respect to any finding required to be made by the court under subsection (a). Such notice shall be provided before the beginning of the next fiscal year of that State or political subdivision occurring after the order or settlement is issued.

"(f) SPECIAL RULES.—For purposes of this section—

"(1) the District of Columbia shall be considered to be a State; and

"(2) any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.".

(b) CONFORMING AMENDMENT.—The table of contents for chapter 85 of title 28, United States Code, is amended by adding after the item relating to section 1368 the following new item:

"1369. Limitation on Federal court remedies.".

(c) Statutory Construction.—Nothing contained in this section or the amendments made by this section shall be construed to make legal, validate, or approve the imposition of a tax, levy, or assessment by a United States district court or a spending measure required by a United States district court.

(d) Effective Date.—This section and the amendments made by this section shall apply with respect to any action or other proceeding in a Federal court that is pending on, or commenced on or after, the date of the enactment of this Act, and the 1-year limitation set forth in subsection (b) of section 1369 of title 28, United States Code, as added by this section, shall apply to any court order or settlement described in subsection (a)(1) of such section 1369, that is in effect on the date of the enactment of this Act.

SEC. 6. REASSIGNMENT OF CASE AS OF RIGHT.

(a) In General.—Chapter 21 of title 28, United States Code, is amended by adding at the end the following:

"§ 464. Reassignment of cases upon motion by a party

"(a) Upon Motion.—(1) If all parties on one side of a civil case to be tried in a United States district court described in subsection (e) bring a motion to reassign the case, the case shall be reassigned to another appropriate judicial officer. Each side shall be entitled to one reassignment without cause as a matter of right.

"(2) If any question arises as to which parties should be grouped together as a side for purposes of this section, the chief judge of the court of appeals for the circuit in which the case is to be tried, or another judge of the court of appeals designated by the chief judge, shall determine that question.

"(b) Requirements for Bringing Motion.—(1) Subject to paragraph (2), a motion to reassign under this section shall not be entertained unless it is brought, not later than 20 days after notice of the original assignment of the case, to the judicial officer to whom the case is assigned for the purpose of hearing or deciding any matter. Such motion shall be granted if—

"(A) it is presented before trial or hearing begins and before the judicial officer to whom it is presented has ruled on any substantial issue in the case, or

"(B) it is presented by consent of the parties on all sides.

"(2) Notwithstanding paragraph (1)—

"(A) a party joined in a civil action after the initial filing may, with the concurrence of the other parties on the same side, bring a motion under this section within 20 days after the service of the complaint on that party;

"(B) a party served with a supplemental or amended complaint or a third-party complaint in a civil action may, with the concurrence of the other parties on the same side, bring a motion under this section within 20 days after service on that party of the supplemental, amended, or third-party complaint; and

"(C) rulings in a case by the judicial officer on any substantial issue before a party who has not been found in default enters an appearance in the case shall not be grounds for denying an otherwise timely and appropriate motion brought by that party under this section.

"(3) No motion under this section may be brought by the party or parties on a side in a case if any party or parties on that side have previously brought a motion to reassign under this section in that case.

"(c) Costs of Travel to New Location.—(1) If a motion to reassign brought under this section requires a change in location for purposes of appearing before a newly assigned judicial officer, the party or parties bringing the motion shall pay the reasonable costs incurred by the parties on different sides of the case in travelling to the new location for all matters associated with the case requiring an appearance at the new location. In a case in which both sides bring a motion to reassign under this section that requires a change in location, the party or parties bringing the motions on both sides shall split the travelling costs referred to in the preceding sentence.

"(2) For parties financially unable to obtain adequate representation, the Government shall pay the reasonable costs under paragraph (1).

"(d) Definition.—As used in this section, the term 'appropriate judicial officer' means—

"(1) a United States magistrate judge in a case referred to such a magistrate judge; and

"(2) a United States district court judge in any other case before a United States district court.

"(e) District Courts That May Authorize Reassignment.—The district courts referred to in subsection (a) are the district courts for the 21 judicial districts for which the President is directed to appoint the largest numbers of permanent judges.

"(f) 3-Judge Court Cases Excluded.—This section shall not apply to any civil action required to be heard and determined by a district court of 3 judges.".

(b) Clerical Amendment.—The table of contents for chapter 21 of title 28, United States Code, is amended by adding at the end the following new item:

"464. Reassignment of cases upon motion by a party.".

(c) Monitoring.—The Federal Judicial Center shall monitor the use of the right to bring a motion to reassign a case under section 464 of title 28, United States Code, as added by subsection (a) of this section, and shall report annually to the Congress its findings on the basis of such monitoring.

(d) Sunset.—Effective 5 years after the date of the enactment of this Act, section 464 of title 28, United States Code, and the item relating to that section in the table of contents for chapter 21 of such title, are repealed, except that such repeal shall not affect civil cases reassigned under such section 464 before the date of repeal.

SEC. 7. RANDOM ASSIGNMENT OF HABEAS CORPUS CASES.

Section 2241 of title 28, United States Code, is amended by adding at the end the following:

"(e) Applications for writs of habeas corpus received in or transferred to a district court shall be randomly assigned to the judges of that court.".

SEC. 8. AUTHORITY OF PRESIDING JUDGE TO ALLOW MEDIA COVERAGE OF APPELLATE COURT PROCEEDINGS.

(a) Authority of Appellate Courts.—Notwithstanding any other provision of law, the presiding judge of an appellate court of the United States may, in his or her discretion, permit the photographing, electronic recording, broadcasting, or televising to the public of court proceedings over which that judge presides.

(b) Authority of District Courts.—Notwithstanding any other provision of law, any presiding judge of a district court of the United States may, in his or her discretion, permit the photographing, electronic recording, broadcasting, or televising to the public of court proceedings over which that judge presides.

(c) Advisory Guidelines.—The Judicial Conference of the United States is authorized to promulgate advisory guidelines to which a presiding judge, in his or her discretion, may refer in making decisions with respect to the management and administration of photographing, recording, broadcasting, or televising described in subsections (a) and (b).

(d) Definitions.—As used in this section:

(1) Presiding judge.—The term "presiding judge" means the judge presiding over the court proceeding concerned. In proceedings in which more than one judge participates, the presiding judge shall be the senior active judge so participating or, in the case of a circuit court of appeals, the senior active circuit judge so participating, except that—

(A) in en banc sittings of any United States circuit court of appeals, the presiding judge shall be the chief judge of the circuit whenever the chief judge participates; and

(B) in en banc sittings of the Supreme Court of the United States, the presiding judge shall be the Chief Justice whenever the Chief Justice participates.

(2) Appellate court of the united states.—The term "appellate court of the United States" means any United States circuit court of appeals and the Supreme Court of the United States.

(e) Sunset.—The authority under subsection (b) shall terminate on the date that is 3 years after the date of the enactment of this Act.

SEC. 9. MULTIPARTY, MULTIFORUM JURISDICTION OF DISTRICT COURTS.

(a) Basis of Jurisdiction.—

(1) In general.—Chapter 85 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 1370. Multiparty, multiforum jurisdiction

"(a) In General.—The district courts shall have original jurisdiction of any civil action involving minimal diversity between adverse parties that arises from a single accident, where at least 25 natural persons have either died or incurred injury in the accident at a discrete location and, in the case of injury, the injury has resulted in damages which exceed $50,000 per person, exclusive of interest and costs, if—

"(1) a defendant resides in a State and a substantial part of the accident took place in another State or other location, regardless of whether that defendant is also a resident of the State where a substantial part of the accident took place;

"(2) any two defendants reside in different States, regardless of whether such defendants are also residents of the same State or States; or

"(3) substantial parts of the accident took place in different States.

"(b) Special Rules and Definitions.—For purposes of this section—

"(1) minimal diversity exists between adverse parties if any party is a citizen of a State and any adverse party is a citizen of another State, a citizen or subject of a foreign state, or a foreign state as defined in section 1603(a) of this title;

"(2) a corporation is deemed to be a citizen of any State, and a citizen or subject of any foreign state, in which it is incorporated or has its principal place of business, and is deemed to be a resident of any State in which it is incorporated or licensed to do business or is doing business;

"(3) the term 'injury' means—

"(A) physical harm to a natural person; and

"(B) physical damage to or destruction of tangible property, but only if physical harm described in subparagraph (A) exists;

"(4) the term 'accident' means a sudden accident, or a natural event culminating in an accident, that results in death or injury incurred at a discrete location by at least 25 natural persons; and

"(5) the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

"(c) Intervening Parties.—In any action in a district court which is or could have been brought, in whole or in part, under this section, any person with a claim arising from the accident described in subsection (a) shall be permitted to intervene as a party plaintiff in the action, even if that person could not have brought an action in a district court as an original matter.

"(d) NOTIFICATION OF JUDICIAL PANEL ON MULTIDISTRICT LITIGATION.—A district court in which an action under this section is pending shall promptly notify the judicial panel on multidistrict litigation of the pendency of the action.".

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 85 of title 28, United States Code, is amended by adding at the end the following new item:

"1370. Multiparty, multiforum jurisdiction.".

(b) VENUE.—Section 1391 of title 28, United States Code, is amended by adding at the end the following:

"(g) A civil action in which jurisdiction of the district court is based upon section 1370 of this title may be brought in any district in which any defendant resides or in which a substantial part of the accident giving rise to the action took place.".

(c) MULTIDISTRICT LITIGATION.—Section 1407 of title 28, United States Code, is amended by adding at the end the following:

"(i)(1) In actions transferred under this section when jurisdiction is or could have been based, in whole or in part, on section 1370 of this title, the transferee district court may, notwithstanding any other provision of this section, retain actions so transferred for the determination of liability and punitive damages. An action retained for the determination of liability shall be remanded to the district court from which the action was transferred, or to the State court from which the action was removed, for the determination of damages, other than punitive damages, unless the court finds, for the convenience of parties and witnesses and in the interest of justice, that the action should be retained for the determination of damages.

"(2) Any remand under paragraph (1) shall not be effective until 60 days after the transferee court has issued an order determining liability and has certified its intention to remand some or all of the transferred actions for the determination of damages. An appeal with respect to the liability determination and the choice of law determination of the transferee court may be taken during that 60-day period to the court of appeals with appellate jurisdiction over the transferee court. In the event a party files such an appeal, the remand shall not be effective until the appeal has been finally disposed of. Once the remand has become effective, the liability determination and the choice of law determination shall not be subject to further review by appeal or otherwise.

"(3) An appeal with respect to determination of punitive damages by the transferee court may be taken, during the 60-day period beginning on the date the order making the determination is issued, to the court of appeals with jurisdiction over the transferee court.

"(4) Any decision under this subsection concerning remand for the determination of damages shall not be reviewable by appeal or otherwise.

"(5) Nothing in this subsection shall restrict the authority of the transferee court to transfer or dismiss an action on the ground of inconvenient forum.".

(d) REMOVAL OF ACTIONS.—Section 1441 of title 28, United States Code, is amended—

(1) in subsection (e) by striking "(e) The court to which such civil action is removed" and inserting "(f) The court to which a civil action is removed under this section"; and

(2) by inserting after subsection (d) the following new subsection:

"(e)(1) Notwithstanding the provisions of subsection (b) of this section, a defendant in a civil action in a State court may remove the action to the district court of the United States for the district and division embracing the place where the action is pending if—

"(A) the action could have been brought in a United States district court under section 1370 of this title, or

"(B) the defendant is a party to an action which is or could have been brought, in whole or in part, under section 1370 in a United States district court and arises from the same accident as the action in State court, even if the action to be removed could not have been brought in a district court as an original matter.

The removal of an action under this subsection shall be made in accordance with section 1446 of this title, except that a notice of removal may also be filed before trial of the action in State court within 30 days after the date on which the defendant first becomes a party to an action under section 1370 in a United States district court that arises from the same accident as the action in State court, or at a later time with leave of the district court.

"(2) Whenever an action is removed under this subsection and the district court to which it is removed or transferred under section 1407(i) has made a liability determination requiring further proceedings as to damages, the district court shall remand the action to the State court from which it had been removed for the determination of damages, unless the court finds that, for the convenience of parties and witnesses and in the interest of justice, the action should be retained for the determination of damages.

"(3) Any remand under paragraph (2) shall not be effective until 60 days after the district court has issued an order determining liability and has certified its intention to remand the removed action for the determination of damages. An appeal with respect to the liability determination and the choice of law determination of the district court may be taken during that 60-day period to the court of appeals with appellate jurisdiction over the district court. In the event a party files such an appeal, the remand shall not be effective until the appeal has been finally disposed of. Once the remand has become effective, the liability determination and the choice of law determination shall not be subject to further review by appeal or otherwise.

"(4) Any decision under this subsection concerning remand for the determination of damages shall not be reviewable by appeal or otherwise.

"(5) An action removed under this subsection shall be deemed to be an action under section 1370 and an action in which jurisdiction is based on section 1368 of this title for purposes of this section and sections 1407, 1660, 1697, and 1785 of this title.

"(6) Nothing in this subsection shall restrict the authority of the district court to transfer or dismiss an action on the ground of inconvenient forum.".

(e) CHOICE OF LAW.—

(1) DETERMINATION BY THE COURT.—Chapter 111 of title 28, United States Code, is amended by adding at the end the following new section:

"§1660. Choice of law in multiparty, multiforum actions

"(a) FACTORS.—In an action which is or could have been brought, in whole or in part, under section 1370 of this title, the district court in which the action is brought or to which it is removed shall determine the source of the applicable substantive law, except that if an action is transferred to another district court, the transferee court shall determine the source of the applicable substantive law. In making this determination, a district court shall not be bound by the choice of law rules of any State, and the factors that the court may consider in choosing the applicable law include—

"(1) the place of the injury;

"(2) the place of the conduct causing the injury;

"(3) the principal places of business or domiciles of the parties;

"(4) the danger of creating unnecessary incentives for forum shopping; and

"(5) whether the choice of law would be reasonably foreseeable to the parties.

The factors set forth in paragraphs (1) through (5) shall be evaluated according to their relative importance with respect to the particular action. If good cause is shown in exceptional cases, including constitutional reasons, the court may allow the law of more than one State to be applied with respect to a party, claim, or other element of an action.

"(b) ORDER DESIGNATING CHOICE OF LAW.—The district court making the determination under subsection (a) shall enter an order designating the single jurisdiction whose substantive law is to be applied in all other actions under section 1370 arising from the same accident as that giving rise to the action in which the determination is made. The substantive law of the designated jurisdiction shall be applied to the parties and claims in all such actions before the court, and to all other elements of each action, except where Federal law applies or the order specifically provides for the application of the law of another jurisdiction with respect to a party, claim, or other element of an action.

"(c) CONTINUATION OF CHOICE OF LAW AFTER REMAND.—In an action remanded to another district court or a State court under section 1407(i)(1) or 1441(e)(2) of this title, the district court's choice of law under subsection (b) shall continue to apply.".

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 111 of title 28, United States Code, is amended by adding at the end the following new item:

"1660. Choice of law in multiparty, multiforum actions.".

(f) SERVICE OF PROCESS.—

(1) OTHER THAN SUBPOENAS.—(A) Chapter 113 of title 28, United States Code, is amended by adding at the end the following new section:

"§1697. Service in multiparty, multiforum actions

"When the jurisdiction of the district court is based in whole or in part upon section 1370 of this title, process, other than subpoenas, may be served at any place within the United States, or anywhere outside the United States if otherwise permitted by law.".

(B) The table of sections at the beginning of chapter 113 of title 28, United States Code, is amended by adding at the end the following new item:

"1697. Service in multiparty, multiforum actions.".

(2) SERVICE OF SUBPOENAS.—(A) Chapter 117 of title 28, United States Code, is amended by adding at the end the following new section:

"§1785. Subpoenas in multiparty, multiforum actions

"When the jurisdiction of the district court is based in whole or in part upon section 1370 of this title, a subpoena for attendance at a hearing or trial may, if authorized by the court upon motion for good cause shown, and upon such terms and conditions as the court may impose, be served at any place within the United States, or anywhere outside the United States if otherwise permitted by law.".

(B) The table of sections at the beginning of chapter 117 of title 28, United States Code, is amended by adding at the end the following new item:

"1785. Subpoenas in multiparty, multiforum actions.".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to a civil action if the *accident giving rise to the cause of action occurred on or after the 90th day after the date of the enactment of this Act.*

SEC. 10. APPEALS OF MERIT SYSTEMS PROTECTION BOARD.

(a) APPEALS.—Section 7703 of title 5, United States Code, is amended—

(1) in subsection (b)(1), by striking "30" and inserting "60"; and

(2) in the first sentence of subsection (d), by inserting after "filing" the following: ", within 60 days after the date the Director received notice of the final order or decision of the Board,".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date of the enactment of this Act and apply to any administrative or judicial proceeding pending on that date or commenced on or after that date.

The CHAIRMAN. Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. COBLE

Mr. COBLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COBLE:

Add the following at the end:

SEC. 11. EXTENSION OF JUDICIARY INFORMATION TECHNOLOGY FUND.

Section 612 of title 28, United States Code, is amended—

(1) by striking "equipment" each place it appears and inserting "resources";

(2) by striking subsection (f) and redesignating subsequent subsections accordingly;

(3) in subsection (g), as so redesignated, by striking paragraph (3); and

(4) in subsection (i), as so redesignated—

(A) by striking "Judiciary" each place it appears and inserting "judiciary";

(B) by striking "subparagraph (c)(1)(B)" and inserting "subsection (c)(1)(B)"; and

(C) by striking "under (c)(1)(B)" and inserting "under subsection (c)(1)(B)".

SEC. 12. OFFSETTING RECEIPTS.

For fiscal year 1999 and thereafter, any portion of miscellaneous fees collected as prescribed by the Judicial Conference of the United States pursuant to sections 1913, 1914(b), 1926(a), 1930(b), and 1932 of title 28, United States Code, exceeding the amount of such fees in effect on September 30, 1998, shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

SEC. 13. MEMBERSHIP IN CIRCUIT JUDICIAL COUNCILS.

Section 332(a) of title 28, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) The chief judge of each judicial circuit shall call and preside at a meeting of the judicial council of the circuit at least twice in each year and at such places as he or she may designate. The council shall consist of an equal number of circuit judges (including the chief judge of the circuit) and district judges, as such number is determined by majority vote of all such judges of the circuit in regular active service.";

(2) by striking paragraph (3) and inserting the following:

"(3) Except for the chief judge of the circuit, either judges in regular active service or judges retired from regular active service under section 371(b) of this title may serve as members of the council."; and

(3) by striking "retirement," in paragraph (5) and inserting "retirement under section 371(a) or section 372(a) of this title,".

SEC. 14. SUNSET OF CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLANS.

Section 103(b)(2)(A) of the Civil Justice Reform Act of 1990 (Public Law 101-650; 104 Stat. 5096; 28 U.S.C. 471 note), as amended by Public Law 105-53 (111 Stat. 1173), is amended by inserting "471," after "sections".

SEC. 15. CREATION OF CERTIFYING OFFICERS IN THE JUDICIAL BRANCH.

(a) APPOINTMENT OF DISBURSING AND CERTIFYING OFFICERS.—Chapter 41 of title 28, United States Code, is amended by adding at the end the following new section:

"§613. Disbursing and certifying officers

"(a) DISBURSING OFFICERS.—The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to be disbursing officers in such numbers and locations as the Director considers necessary. Such disbursing officers shall—

"(1) disburse moneys appropriated to the judicial branch and other funds only in strict accordance with payment requests certified by the Director or in accordance with subsection (b);

"(2) examine payment requests as necessary to ascertain whether they are in proper form, certified, and approved; and

"(3) be held accountable for their actions as provided by law, except that such a disbursing officer shall not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate for which a certifying officer is responsible under subsection (b).

"(b) CERTIFYING OFFICERS.—(1) The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to certify payment requests payable from appropriations and funds. Such certifying officers shall be responsible and accountable for—

"(A) the existence and correctness of the facts recited in the certificate or other request for payment or its supporting papers;

"(B) the legality of the proposed payment under the appropriation or fund involved; and

"(C) the correctness of the computations of certified payment requests.

"(2) The liability of a certifying officer shall be enforced in the same manner and to the same extent as provided by law with respect to the enforcement of the liability of disbursing and other accountable officers. A certifying officer shall be required to make restitution to the United States for the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificates made by the certifying officer, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

"(c) RIGHTS.—A certifying or disbursing officer—

"(1) has the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment request presented for certification; and

"(2) is entitled to relief from liability arising under this section in accordance with title 31.

"(d) OTHER AUTHORITY NOT AFFECTED.—Nothing in this section affects the authority of the courts with respect to moneys deposited with the courts under chapter 129 of this title.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 41 of title 28, United States Code, is amended by adding at the end the following item:

"613. Disbursing and certifying officers.".

(c) DUTIES OF DIRECTOR.—Paragraph (8) of subsection (a) of section 604 of title 28, United States Code, is amended to read as follows:

"(8) Disburse appropriations and other funds for the maintenance and operation of the courts;".

Page 17, line 12, strike "**appellate**".

Mr. COBLE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Mr. Chairman, this is a technical amendment that contains no controversial provisions, but which will aid in making the judiciary function more efficiently, and will clarify certain provisions of the law as they pertain to the third branch.

In short, the amendment will extend the Judiciary Information Technology Fund, allow the judiciary to retain any additional offsetting receipts derived from increases in miscellaneous fees charged in the Federal courts, enhance membership in Circuit Judicial Councils, sunset the Civil Justice Expense Plan, and create certifying officers in the judicial branch.

I urge my colleagues to support this technical amendment, which I believe contains no controversial matter.

Summary follows for purposes of questions or explanation

Extension of the Judiciary Information Technology Fund: This amendment eliminates the provision in the statute authorizing the Judiciary Information Technology Fund, which subjects the activities of this Fund to the management process of the executive branch.

Offsetting Receipts: This provision would allow the judiciary to retain any additional offsetting receipts derived from increases in miscellaneous fees charged in the federal courts of appeals, district courts, bankruptcy courts, the Court of Federal Claims, and the Judicial Panel on Multi-district Litigation. This provision responds to a directive from congressional appropriations committees that the Judiciary identify ways to increase offsetting receipts.

Membership in Circuit Judicial Councils: This section amends 28 U.S.C. §332(a) to enhance judge participation in the federal judiciary's internal governance process by equalizing the representation of circuit judges and district judges on circuit judicial councils and establishing the eligibility of senior circuit and district judges to serve as members of those councils.

Sunset of Civil Justice Expense and Delay Reduction Plans: This provision would clarify that section 103(b)(2)(A) of the Civil Justice Reform Act is not to be extended. Provisions of the Civil Justice Reform Act have lapsed. An amendment to last year's Appropriations Act extended the reporting of old cases, but unintentionally also extended this section of the Act. This section was intended to sunset, but a technical change is needed to clarify that intent. This simply accomplishes that purpose.

Creation of Certifying Officers in the Judicial Branch: This section would enable the Director of the Administrative Office of the

United States Courts to appoint certifying officials in the various court units who would be responsible for the propriety of payments they request. It would also enable the Director of the AO to appoint disbursing officials in the various court units who would be responsible for ensuring that payment requests are proper, certified and approved.

Mr. FRANK of Massachusetts. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I agree with the gentleman from North Carolina (Mr. COBLE).

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. COBLE).

The amendment was agreed to.

The CHAIRMAN. Are there other amendments?

AMENDMENT NO. 3 OFFERED BY MR. DELAHUNT

Mr. DELAHUNT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. DELAHUNT:

Page 9, strike lines 13 through 20 and insert the following:

"(2) The limitation contained in paragraph (1) shall apply only to any order or settlement which expressly directs any State, or political subdivision of a State, to impose, increase, levy, or assess any tax.

Redesignate succeeding paragraphs accordingly.

Mr. DELAHUNT. Mr. Chairman, some context is needed to understand this amendment. Reference was made earlier to the Missouri versus Jenkins case.

Back in 1990, the Supreme Court rendered a decision involving the State of Missouri; and it held clearly that the Federal courts could not directly impose a tax levy on State or local governments. As far as I can tell, every member of the Committee on the Judiciary, on a bipartisan basis, understands and supports that concept. That is a principle everyone embraced.

This amendment which I have filed with my colleague, the gentleman from New York (Mr. BOEHLERT), would simply do just that. Let me repeat, the amendment would prohibit a court from directly imposing a tax increase on State or local government, or any other political subdivision, for that matter, as a remedy for an illegal or wrongful action by that particular State or local government.

This amendment, the Delahunt-Boehlert amendment, makes clear that the levying of taxes is not an appropriate judicial function. It leaves it to State and local governments to decide how to fund a judicial remedy to some illegal or wrongful action that they themselves are responsible for.

It may involve spending cuts. It may involve borrowing. It may even involve raising taxes. But it is the State or local government's decision, not the court's decision, how to fund that particular remedy. That is what this amendment is all about. In fact, when I offered this amendment at the subcommittee it was agreed to.

I might add, there was considerable discussion at that point in time. It was voted unanimously, on a voice vote. However, the bill came out of the full committee dramatically changed, changed to the point that it is now considered unconstitutional by hundreds of legal scholars.

The Department of Justice also agrees, as it is presently drafted, it is of dubious constitutionality, and that based on these and other concerns with the bill, the Attorney General will absolutely recommend a veto unless amended.

As presently written, a court could not even issue an order which would require a State or local government to impose a tax. That is absurd. It is the end of an independent judiciary, because it is utterly meaningless for the courts to order a remedy without the ability to compel the wrongdoer to implement that remedy.

Just imagine how State and local governments could flout court orders by simply claiming they did not have sufficient cash on hand to comply with the remedy. It is no exaggeration to say that a State or local government could very well avoid responsibility for its malfeasance in the operation of a sewage treatment plant that polluted our constituents' drinking water if this amendment fails. That is one of the reasons that every major environmental group in the country opposes the underlying bill.

The bill as it now stands is worse than the perceived abuses it was meant to cure. Speaking to that issue of perceived abuses, let us be honest. Despite what we hear, there is no outbreak of judicial taxation cases in this country today. They simply do not exist.

The truth is clear. It is very simple. The Federal courts have not directly imposed a tax, except for the single school desegregation case, Missouri versus Jenkins, which I referenced earlier and the gentleman from Illinois alluded to. That case was overturned in 1995 by a unanimous Supreme Court that rejected the concept of direct imposition of taxes by a Federal court.

Adoption of the Delahunt-Boehlert amendment would accomplish the goals articulated by many of those who advocate judicial restraint. Let us exercise some common sense and support the Delahunt-Boehlert amendment.

Mr. COBLE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, my good friend, the gentleman from Massachusetts and I generally agree on this matter. I am not in agreement with him. I appreciate his comments, but the amendment was defeated in full committee during markup.

I think, Mr. Chairman, this probably would gut the judicial taxation provision of the bill. The amendment would allow a Federal judge to, in my opinion, circumvent section 5 of the bill in the following manner. The provisions constraining the ability of a judge to order a State or municipality to impose taxes on affected citizens would apply only if a judge expressly directed a tax.

□ 1200

To avoid the restrictions set forth in section 5, a judge, it seems to me, could simply order a State or municipality to construct a new school building, for example, according to particular specifications, without specifying how the project would be funded.

The practical effect of this result, however, would be to compel the State or the municipality or whatever political subdivision to impose a tax if no other revenues were available. And I believe that the bill as written cures such a problem by applying section 5 to orders which expressly direct a tax or which necessarily require a tax. And for those reasons, Mr. Chairman, I oppose the amendment.

Mr. BOEHLERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the Delahunt-Boehlert amendment. What is at stake here is nothing less than whether we are going to exempt State and local governments from complying with a wide range of environmental and other laws. I do not think that Congress ought to be providing that sort of blanket exemption.

I want to emphasize again that the issue here is whether we believe that States and localities ought to comply with the laws we pass. This is not about judicial activism or tax rates. Our amendment blocks judicial activism by keeping intact all of the provisions of section 5 that prevent judges from imposing or raising taxes. Let me repeat that. Our amendment blocks judicial activism by keeping intact all of the provisions of section 5 that prevent judges from imposing or raising taxes.

Courts ought not to be levying taxes and our amendment keeps them from doing so. But the language we are removing from the bill would do far more than prevent judges from overreaching. It would prevent judges from doing their jobs. It would prevent judges from taking actions that are required by law.

For example, let us say a municipal waste treatment plant upstream from our town is discharging pollutants into a river, closing beaches in our town. We sue to get the sewage treatment plant to comply with the standards in the Clean Water Act. Under H.R. 1252, a judge could be unable to issue an order requiring compliance with the Clean

Water Act, because doing so might lead the town to raise taxes.

Even worse, if we and the town agreed to settle the case by the town agreeing voluntarily to fix the sewage treatment plant, H.R. 1252 could forbid the judge from approving the voluntary settlement. Yet, if an industry were discharging the same pollutants into the same river, a judge would be able to force the industry to comply.

That is bad law. That is bad policy. And, quite simply, it is unfair.

Virtually every environmental group, as well as the Judicial Conference of the United States, chaired by Chief Justice Rehnquist, oppose section 5 because of its perverse consequences such as the ones I have just outlined. And environmental laws are not the only ones that could become dead letters under this bill. The Americans with Disabilities Act, the Individuals with Disabilities Education Act, other civil rights statutes and worker protection statutes would also be affected. Indeed, one judge has noted that even the Brown v. Board of Education decision would have been difficult to enforce if H.R. 1252 had been in effect.

Section 5 as written would simply undermine the enforcement of our laws. If Congress does not like the laws, like the Clean Water Act, then we ought to rewrite them. But we will not do that because the laws have proven so successful and so immensely popular.

If we think localities ought to get more Federal aid to comply with these laws, let us provide the money. I am fighting with the administration right now to increase the funding available for municipal sewage treatment plants.

Those are all reasonable remedies. Preventing enforcement of statutes that are on the books is not a reasonable way to change the law. In fact, the approach in this bill is to offset, offer massive congressional overreaching to counteract an occasional and rare judicial overreaching. It is like hearing that one of our kids has misbehaved at school and responding by never sending any of our kids to school again.

Mr. Chairman, I urge support for the Delahunt-Boehlert amendment. It will prevent judges from raising taxes while allowing the proper enforcement of legitimate laws to continue.

Mr. MANZULLO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Delahunt-Boehlert amendment would gut section 5. There is a legal fiction as to whether or not a court can order the increase of tax or a court can order a municipality to increase tax.

Our bill provides in both situations a court will be prevented from directly or indirectly raising taxes. What the amendment does, it prevents a court from directly raising taxes, but all the courts have to do is to read Missouri versus Jenkins and instead of the court directly raising the tax, it says "I am ordering you to raise the tax."

The Delahunt-Boehlert amendment would allow a Federal judge, as the judge in Rockford, Illinois, has done, to point to a duly elected school board and say, "Either you raise taxes or you are going to jail." That is the purpose of section 5.

If the amendment is adopted, the Delahunt-Boehlert amendment, it will not affect the situation. The judge can still do the same thing. And it is legal fiction which they are presenting before this body today to allow them to have all of the congressional mandates come before the Federal courts and for the Federal courts to say, local municipalities to comply, either raise taxes or go to jail. That is what this amendment is about.

Mr. Chairman, I have letters here from people in Rockford, Illinois. Mr. DELAHUNT said he knew of no area in the country that is affected similarly to Kansas City, Missouri. Well, the same master in Kansas City, Missouri is now the master in Rockford, Illinois. Listen to this letter from Adam Lamarre:

> Dear Representative Manzullo, Thank you for the support you gave limiting the powers of judges to impose taxes. My family is considering moving out of Rockford because we can no longer afford to pay high taxes.

This is from Earl and Ann Young in Rockford:

> Dear Mr. Manzullo, we are very affected by Magistrate Mahoney's rulings. We are senior citizen property owners in Rockford School District 205, living on a fixed income, who are being taxed out of our home!
>
> To add insult to injury, we did not live in Rockford when the alleged discrimination took place, have never had children in the Illinois school system, but we are judged guilty because our House is in district 205.
>
> We would like you to tell us how can this one man," the unelected magistrate responsible to no one, "assume to have all this power, and what action you are pursuing in Washington.

And a letter from Carol Angelico:

> I'm writing to you because of my saddened frustration that no one can 'fairly' resolve the unnecessary and overburdening taxation problem in our City of Rockford.

Oh, yes, the City of Rockford, with over 2,200 homes for sale in a city of less than 150,000 people. The City of Rockford, where the property values keep going down. The City of Rockford, where people are being taxed unmercifully and senior citizens come to my office with tears in their eyes and say, "Congressman, we cannot afford to pay our taxes because the Federal magistrate raised our taxes. You represent us. You should be the one responsible, because if you raise taxes, I will remove you from office."

What we are doing today is historic, perhaps the first time in the history of this Republic in which Congress is trying to reclaim the ground where only we have the power in Federal situations to raise taxes, and to take it back from the courts and say that they do not have the power to raise taxes. That was not given to them.

Hamilton expressly said, "You shall not have it." Madison said, "You shall not have it." And Jefferson said, when writing about King George III, said, "He has taxed us without representation."

This is what this Republic is about. Who is in control of raising taxes in this Republic? Is it the unelected judges appointed for life, or is it Members of the United States Congress who have to stand for reelection every 2 years?

Delahunt-Boehlert guts section 5. It makes it meaningless, and I would urge my colleagues, especially those who voted yesterday that said this body can only raise taxes by having two-thirds of the vote, to say only this body can raise taxes and not the judiciary, and to vote against Delahunt-Boehlert.

Mr. Chairman, I include the following for the RECORD:

APRIL 12, 1997.

Congressman DON MANZULLO,
Cannon House Office Bldg., Washington, DC.

CONGRESSMAN MANZULLO: I'm writing to you because of my saddened frustration that no one can "Fairly" resolve the unnecessary and over-burdening taxation problem in our city of Rockford.

I'll clarify my above statement by getting to the point as briefly as I can. A federal judge "Mahoney" ordered real estate tax increases to pay for three (3) new schools (we have closed schools in some areas and have been busing our school children), this ruling was the result of a lawsuit because a small group of people didn't like their school being closed and it accelerated into a state of "ridiculous" with an end result of lawyers fees, court fees, and consultant fees already costing $100 million dollars taken from a Tort Fund which was the money to be used for the schools. This is not right!

1st—A judge taxes us without any representation (our forefathers started this country because of that reason).

2nd—$100 million dollars spent not for our school children, or schools but for lawyers, and consultants. That money would have been better spent improving the education of our children.

My husband and I have filed a joint tax protest with other people in town to no avail, and have spoken to our State Rep's before only to hear a lot of rhetoric but no action to back them up and change the laws regarding federal judges rulings with no regard to the negative effect financially on the community, nor allowing the majority of the people to have their voice heard and vote on instead of just giving the minority a voice. I thought this country was a democracy in which the majority vote was the law/rule, at least that's what I was taught in history classes in school. Have our governing bodies forgotten that! A federal judge wielding such a ruling not only here but anywhere in the U.S. is wrong!!! We are paying so much in taxes already, not only Real Estate but other areas of our now structured government.

So I'm asking you Congressman, to continue to take the initiative and act on the behalf of the hard working people who pay all these taxes by doing without and tightening the belt, but the belt is becoming so tight we are all strangling. We want our schools to produce educated people but that's not what our money is being used for. It has not gone to the schools or for our children's education. New schools do not educate; teachers, books, computers, etc. do!! Changes need to be made regarding this matter. Two incomes are already necessary today so we can give our families the necessities of life because the taxation has gotten out of hand, literally, from our hands to government hands. Then we have the additional burden of our school districts court order. People can't keep their homes for their children who would be going to our school, not to mention our elderly homeowners. My husband and I are paying monthly real estate payments almost equal to our mortgage payment, this is really getting scary because we were reassessed on our property again last year and our tax bill will be higher again for 1996.

Please express to your fellow congressmen and congresswomen that it's their responsibility, which was given to them by us the the voter, that they are in the political office they now hold, to work for and with the majority of us not against us. That's how they won their office, by the majority not the minority. I hear to many people say why write to express your dissatisfaction, nothing gets done about, only the minority get catered to and politicians are only self-interested in matter to better themselves and not the general public—PROVE THEM WRONG!!!

Respectfully,

CAROL A. ANGELICO.

DECEMBER 26, 1997.

Representative DONALD MANZULLO,
Broadway, Suite 1, Rockford, IL.

DEAR MR. MANZULLO: The enclosed article is from the December 26, 1997 issue of the Rockford Register Star. It reflects a major concern of ours. How does an appointed official of the Judiciary Branch of our Government obtain such power, and what can be done to eliminate the power, and/or remove Mahoney from office?

Mr. Nelson, the writer of the article, claims to be "a citizen not directly affected by the decision." We, on the other hand, are very affected by Mahoney's rulings. We are Senior Citizen property owners in School District 205, living on a fixed income, who are being taxed out of our home!

To add insult to injury, we did not live in Rockford when the alleged discrimination took place, have never had children in the Illinois school system, but we are judged guilty because our house is in district 205.

We would like you to tell us how this one man can assume to have all this power, and what action YOU are pursuing in Washington to restrict and/or eliminate such misuse of assumed judicial power!

Sincerely Yours,

EARL AND ANN YOUNG.

TIME TO CLIP JUDICIAL WINGS

Magistrate P. Michael Mahoney should be given a Nobel Prize for coming up with a solution to our most vexing problem, how to lower taxes. Since he has established that elected legislative bodies must vote according to the wishes of the judiciary, we can save enormous sums of money by eliminating all such bodies and just let the judiciary run the country. Think of the savings: No senators, no congressmen, no aldermen, no county boards, and most importantly the elimination of the bureaucracies that support these institutions. In fact we can take it one step further and eliminate the executive branch and let judges appoint masters.

To those of you who support Magistrate Mahoney's decision, would you support him if he ordered the state legislature to raise the state income tax 30 percent to pay for increases in school funding or raises for judges?

Would you support him if he ordered you to vote for a specific candidate in the next election?

To our elected representatives: It is up to you to assert your constitutional right to the separation of powers.

The judiciary has been allowed to slowly undermine the very constitution that they are sworn to protect.

If this nation is to continue to exist as a democratic republic, it is up to those legislators elected by the people to reassert their constitutional right to vote their conscience.

I am aware that this is not the first time the judiciary has directed an action by elected officials, but I am not aware of any other time that a member of the judiciary has determined how to fund said action. As a citizen not directly affected by the decision, I besiege our state and federal legislators to clip the wings of the judiciary before they make voters totally irrelevant.

I realize that this particular case involves a lowly little school board, but remember, this is an elected legislative body being ordered to vote a specific way by a lowly federal magistrate acting on behalf of one semiretired judge.—Roger T. Nelson, Loves Park

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ROCKFORD, IL,
July 3, 1997.

DEAR REP. MANZULLO: Thank you for the support you gave limiting judge's ability to impose taxes. My family is considering moving out of Rockford because we can no longer afford to pay the big property taxes.

Sincerely,

ADAM LAMARRE.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would ask the gentleman from Illinois (Mr. MANZULLO) whether he has ever heard of the Supreme Court case, Missouri v. Jenkins.

Mr. MANZULLO. Yes, I quoted from that.

Mr. CONYERS. Well, did the gentleman not read in there that the courts cannot impose taxes?

Mr. MANZULLO. It is very simple——

Mr. CONYERS. Mr. Chairman, I just asked the gentleman a question.

Mr. MANZULLO. If I am given the opportunity to respond——

Mr. CONYERS. Yes or no?

Mr. MANZULLO. What is the question again?

Mr. CONYERS. Forget it.

Mr. MANZULLO. No, I do not want to forget it. I want to make this clear.

Mr. CONYERS. Well, I want to forget it on my time.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) controls the time.

Mr. CONYERS. Mr. Chairman, before we vote, the Supreme Court said, in the case that the gentleman read so clearly, and the question when he could not remember what I asked, said that the court cannot impose taxes. Repeat. The court cannot impose taxes. They can enforce an order for taxes. That is the case.

So I urge the gentleman to read it again.

Mr. DELAHUNT. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Chairman, I would just reiterate what the gentleman from Michigan (Mr. CONYERS) said in terms of the holding in the Missouri v. Jenkins case, and the gentleman from Illinois indicated that he was quoting from Missouri v. Jenkins. He quoted earlier from Thomas Jefferson, or at least he credited Thomas Jefferson the quote that taxation without representation is tyranny.

Mr. Chairman, I would correct the gentleman, because I come from that part of the country where the gentleman was born and raised who had made that quote. His name is James Otis and he lived on Cape Cod.

Mr. Chairman, I do not know whether the gentleman misquoted or misread the Missouri v. Jenkins decision, but it clearly stated that Federal courts could not impose a tax levy on a State or local government. In the Federal district court which had earlier issued an order that did impose a tax levy in that tax case, it was overturned by a unanimous decision of the Supreme Court.

The Boehlert-Delahunt amendment simply codifies the Missouri case. It prohibits a court from directly imposing a tax increase on State and local government or any other.

Mr. CONYERS. Mr. Chairman, reclaiming my time, let us all go to law school. All right? The Supreme Court case. Outside the context of a few 19th century municipal bond cases, the Federal courts have not directly imposed a tax except for a single school desegregation case, Missouri v. Jenkins. And even this isolated case was overturned by the Supreme Court in 1995 when the Justices unanimously rejected the concept of a direct Federal court imposition of taxes. Now, is that clear or is it not?

Mr. Chairman, I did not ask the gentleman anything. I just wanted to get his attention to read simple English to him of what the Supreme Court said.

□ 1215

The gentleman may get his own time.

Mr. DELAHUNT. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Chairman, I think what is most interesting is that upon a careful and thorough analysis of the language that presently exists in title V, that there has been a conclusion by many legal scholars that that language is patently unconstitutional as a result of the decision in Missouri v. Jenkins. It is also clear that the Department of Justice will recommend a veto of this bill if it should pass, if this language is not deleted and the Boehlert-Delahunt amendment does not pass.

Mr. CONYERS. Mr. Chairman, reclaiming my time, I am going to read this one more time. I am going to read it slowly.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. CONYERS) has expired.

(By unanimous consent, Mr. CONYERS was allowed to proceed for 1 additional minute.)

Mr. CONYERS. Mr. Chairman, I am going to read this one more time.

Outside the context of a few 19th century municipal bond cases, the Federal courts have not directly imposed a tax except for a single school desegregation case, Missouri v. Jenkins. And even this isolated case was overturned by the Supreme Court in 1995, when the Justices unanimously rejected the concept of direct Federal court imposition of taxes.

End of sentence.

Mr. CAMPBELL. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, the Missouri versus Jenkins case is very simple. Five justices against four justices ruled that a court can indirectly raise taxes by applying this legal fiction. The difference is between the judge saying from the bench, I raise your taxes, and the judge saying, I order you to raise your taxes.

The Delahunt-Boehlert amendment would still allow a judge to say, I order you to raise your taxes. In fact, the majority decision was so feeble that four justices in the minority said that the majority opinion "is an expansion of power in the Federal judiciary beyond all precedent," and Delahunt-Boehlert, therefore, if they are saying it would codify Missouri versus Jenkins, would therefore be, quote, "an expansion of power in the Federal judiciary beyond all precedent."

It is just that simple. A vote on that amendment would gut section 5. It would still allow judicial taxation to take place. And for my friend from Massachusetts, I would say, if he would make reference to the Declaration of Independence, that is where Mr. Jefferson says and accuses King George III of taxing the people without representation. I like to quote from Jefferson. He is the most credible.

Mr. CAMPBELL. Reclaiming my time, Mr. Chairman, Missouri versus Jenkins, I believe, is correctly described both by my friend from Illinois and my friend from Massachusetts. Accordingly, at least as I read it, if the Boehlert-Delahunt amendment passes, the bill will have no effect beyond Missouri versus Jenkins, and Missouri versus Jenkins does say that a court may not directly impose a tax. So both gentlemen are right, Mr. Chairman, which is to say that if this amendment passed, the purpose of this bill will be defeated.

I would like that result—if the bill's managers has not agreed to my amendment. The problem is, my amendment comes up next, it is not up now. So I would like to take a moment and explain what my amendment would do because I think it takes the most dangerous part of this bill away.

The most dangerous part of this bill to me is section F of section 5. The whole idea of this bill is to make it hard for courts to impose taxes; fine. Since Missouri versus Jenkins says a court cannot directly impose a tax, this bill says let us also make it hard for courts effectively to impose a tax by leaving no other options. Okay, fine, let us make it hard.

But—do not make it impossible. Where the Constitution requires it; it should be done. Accordingly, what I would like to do is to go through the provisions that are left in the bill, because if my amendment is taken, which strikes F, then the remaining restrictions, I think, are very reasonable; namely, that a court cannot effectively impose a tax unless it is constitutional to do so, it is narrowly imposed, it will help as opposed to make worse the problem being addressed by the court suit in the first place, there is no adequate alternative remedy under the State and local government, and the interests of the State are not unconstitutionally usurped. That is the exact phrase used.

Accordingly, if you get rid of F, there is nothing, at least in my mind, that is difficult in this proposal (or, surely, that is unconstitutional) in this proposal. What was F? "F" was that the court would have to be assured that the proposed tax would not result in a depreciation of property values. That is an impossible standard, because any property tax is going to result in a depreciation of property values.

Suppose, for example, a school desegregation order said a school district had to allow in blacks. The school district's revenues come from property tax. Say the school district now must allow in 20 to 30 percent more children; the taxes then have to go up to pay for them. There go the property values.

My good friends on this side of the aisle are willing to drop section F, and I only hope that my amendment had come up first. It has not, but under the assurance that it will, I would simply wish to point out that the unconstitutional aspects of this provision are now gone.

With that, Mr. Chairman, I yield to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I thank the gentleman from California for yielding to me. I hope he teaches a law school course for Members of Congress in the evenings with or without credit because I completely agree with him.

PARLIAMENTARY INQUIRY

Mr. CAMPBELL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CAMPBELL. Is it in order, Mr. Chairman, to ask unanimous consent to consider my amendment ahead of this or to consider it at this time? Is there a procedural provision allowing that or not?

The CHAIRMAN. In response to the gentleman's query of the Chair, the pending amendment would have to be first withdrawn by unanimous consent of the Committee of the Whole.

Mr. CAMPBELL. Then I cannot proceed as I would have liked to. I thank the Chair.

Mr. GILCHREST. Mr. Chairman, I move to strike the requisite number of words.

I rise to support the Boehlert-Delahunt amendment. I would like to say very clearly first that the gentleman from Illinois has a good argument in that we are taxed very heavily now, so I want to commend him on his effort to streamline the whole complex tax system. It is just that I fear that his method, which we agree with basically, would go a little bit too far and have consequences that the gentleman from Massachusetts does not foresee. This bill and this amendment would not give the courts any extra power to raise taxes. It does not change anything in my understanding in that area at all.

The gentleman from Illinois quoted Jefferson. He quoted Madison and he quoted Hamilton. Jefferson and Hamilton certainly did not want taxation without representation. This amendment does not tax people without representation. People continue to have representation. Jefferson, Hamilton, Madison would want people to have clean water, and they would want the collective community to be responsible for clean water.

Let me give my colleagues an example. In my district, the Chesapeake Bay, over the last year or so, we have been having a problem with a microorganism called pfiesteria. It is scientific conclusion that pfiesteria is stimulated in part by extra nitrogen and phosphorous going into the waterways. The courts and the community, the public sector can impose fines and cause farmers to have to pay for the improvement of their practices to reduce phosphorous and nitrogen getting into the water.

If the gentleman from Illinois does not, if the gentleman from New York does not have his amendment passed, the farmer would have to pay to clean up his act, but the local sewage treatment plant, which has also caused phosphorous and nitrogen into the waterway, which is called Pokomoke, would not.

So the farmer would go to all these expenses and the local sewage treatment plant and everybody has a little problem with money, even people have problems with whether or not there really is a problem. And sometimes there are problems with competency, and the court is there to say yes, you also have to clean up your act.

I will give you an example in Baltimore City. The sewage treatment plant right now is under order from the EPA to clean up their act. The EPA is going to fine, with the help of the courts, Baltimore not to put more nitrogen and phosphorous into the water.

The local ARCO plant, the local CONOCO plant, they have to clean up. They have to pay. The private sector has to pay. The farmer has to pay. But unless this amendment passes, the city of Baltimore does not have to do anything. They can continue to put the phosphorous and the nitrogen in the water that is causing to a great extent this microorganism that is decimating the fish population of the Chesapeake Bay.

The Boehlert amendment does not give the court system any iota of more power to raise taxes, but unless the Boehlert amendment passes, your local farmer is going to be more responsible for cleaning up the waterways than the public facilities. I am sure Jefferson and Hamilton wanted us to drink clean water, and I think this amendment is perfectly balanced.

Mr. Chairman, I yield to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman from Maryland for yielding to me. The examples he cited are perfect and the illustration he presented is right on target.

Courts cannot impose taxes. But courts are charged with the responsibility of dealing with the laws we, the House of Representatives, and the Senate, and the Congress of the United States, pass. And when we are dealing with sensitive issues like clean water, which we all depend on, and which the American people want us to protect, we have to make certain that the laws we pass are dealt with in a responsible manner by the courts.

The courts are not going to impose a tax, but the courts are going to say to a given community, for example, you have to stop polluting. And the community is going to decide how it has to stop polluting. I thank the gentleman for the example.

The gutting would occur, the gutting would occur, I would suggest, if we failed to amend section 5.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, the proponents of the Delahunt-Boehlert amendment are trying to draw a fine line between a direct tax and an indirect tax. The effect is the same. The elected representatives still have to raise taxes and is it not interesting, they say, well, this will protect, this will stop courts from raising taxes. In Rockford, Illinois, the judge, the unelected magistrate has ordered the school board to either raise taxes or go to jail.

□ 1230

There is no difference between that and the judge saying, "I am going to order raising of taxes on my own." The original language of section 5 allows both scenarios.

However, the Delahunt-Boehlert amendment removes the second scenario and not only says that the judge cannot directly raise taxes but it still allows the judge to indirectly raise taxes. And as to all the environmental issues and everything else, what our bill says simply is this, to live within our means, to allow remedial plans to come about.

Maryland already has a State law with regard to cleaning up the environment, to cleaning up the waters. All these scare tactics that this will gut environmental laws, this will gut ADA laws, that is not the case. We are simply saying that local communities and elected representatives should not be ordered to go to jail unless they raise taxes. Because the only constitutional function for the Federal raising of tax is the United States Congress and not the Federal judiciary. And that is why it is absolutely important, it is compelling that to make this law have any teeth, we must defeat Delahunt-Boehlert.

Mr. YOUNG of Alaska. Mr. Chairman, I would say just one thing. I was not going to get involved in this argument. But the concept that a judge can raise taxes on the public without due representation is inappropriate.

Secondly, when we hear these scare tactics about clean water and clean air and all these good things in this bill, that is pure nonsense. States have the authority to do this to begin with. The States have the right to do it, and they should do it.

I am going to suggest, I have seen small communities that EPA and other agencies have required to do certain things and they have gone broke. They have lost their schools, they lost other facilities in the infrastructure because of the agency saying they had to raise certain amounts of money to put in certain standards in that area.

I am suggesting, respectfully, that this amendment is a mischievous amendment that will give back the authority for judges. And I do not particularly like judges to begin with. I want to tell my colleagues right now, especially those that are appointed and have a life expectancy. I think it is also time to let them recognize that the people should be represented in this Congress.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. DELAHUNT).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. COBLE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 230, noes 181, not voting 21, as follows:

[Roll No. 103]

AYES—230

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bass
Bentsen
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Burr
Camp
Capps
Cardin
Carson
Castle
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gordon
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Harman
Hefner
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kucinich
LaFalce
LaHood
Lampson
Lantos
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Ortiz
Owens
Pallone
Pappas
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Shays

Sherman
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Sununu
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weller
Wexler
Weygand
White
Whitfield
Wise
Woolsey
Wynn
Yates

NOES—181

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bereuter
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady
Bryant
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jenkins
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Knollenberg
Kolbe
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Northup
Norwood
Nussle
Oxley
Packard
Parker
Paul
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Portman
Redmond
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Wamp
Watts (OK)
Weldon (FL)
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Barr
Bateman
Becerra
Boyd
Bunning
Clay
Cook
Cooksey
Dixon
Gonzalez
Hastings (FL)
Istook
Matsui
Miller (CA)
Olver
Paxon
Petri
Radanovich
Tanner
Watkins
Weldon (PA)

□ 1255

Messrs. CONDIT, DICKEY, KIM, SAM JOHNSON of Texas, and McKEON changed their vote from "aye" to "no."

Messrs. COYNE, GUTKNECHT, and EWING changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. MANZULLO. Mr. Chairman, I ask unanimous consent to strike section 5 of the pending bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. FRANK of Massachusetts. Mr. Chairman, reserving the right to object, not having been consulted on something of this importance, we are constrained to object, and so I do now object.

The CHAIRMAN. Objection is heard.

AMENDMENT OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CAMPBELL:

Page 9, line 5, and "and" after the semicolon.

Page 9, line 9, strike "; and" and insert a period.

Page 9, strike lines 10 through 12.

Page 9, line 2, insert after "remedied" the following: ", including through its effect on property values or otherwise".

Mr. CAMPBELL. Mr. Chairman, the passage of the Boehlert-Delahunt amendment makes this amendment less important. But I believe it is still an improvement in the bill.

I am authorized to say that this amendment is agreeable to the majority, agreeable to the chairman of the committee, and agreeable to the author of this provision of the bill.

So in the interest of time, I would be prepared to yield back, unless this is controversial, in which case I will take additional time to explain it. But I have already tried my best to explain it to both sides, and I believe it is not controversial. So in the interest of time, I would yield back.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think it is a very good idea. I have nothing absolutely to add to this debate.

The CHAIRMAN. Are there any other Members seeking recognition on the amendment by the gentleman from California (Mr. CAMPBELL)?

If not, the question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. ROGAN

Mr. ROGAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. ROGAN:

Strike section 6 and redesignate succeeding sections, and references thereto, accordingly.

Mr. ROGAN. Mr. Chairman, this amendment would involve deleting section 6 from the bill that is before us. Section 6 as proposed would allow parties as a matter of right in a civil case to peremptorily challenge a judge, without any showing of cause, for bias or prejudice. Under current law, a judge may be challenged for cause or for bias, but there must be an actual showing.

□ 1300

My concern, Mr. Chairman, with respect to the proposal that is set forth, is that it would do a couple of things. First, it would increase the likelihood that attorneys will use the new procedure for "forum shopping"; secondly, it would allow lawyers to put judges in the position where retail justice is being served.

Mr. Chairman, in California, my home State, we have a similar provision already on the books that is being proposed by this current legislation under section 6. Unfortunately it is often used for all the wrong reasons. We have a number of examples in California where judges have been challenged not because of their ability to be fair or to hear a case; they are challenged because of their race, sex, age, political affiliation, or some other factor unrelated to their ability to sit in judgment.

Mr. Chairman, in California when I was a judge, I was present at judicial conferences where judges sat around and polled each other as to what the "going rate" was for sentencing in a particular case. Judges knew that if they deviated from the going rate, then attorneys who had the ability to come into court and file a blanket affidavit of prejudice against them would do so, thereby precluding them from hearing either a case, or a class of cases.

I think that we ought to retain the current system where judges may be challenged in cases of actual bias or prejudice. Although I respect the fact that my dear friend, our former colleague from California, Dan Lungren, is in support of the bill in an unamended fashion, I rise because I oppose this one particular provision.

Mr. CANADY of Florida. Madam Chairman, I move to strike the last word.

Madam Chairman, I am not going to oppose the gentleman's amendment although I believe that there is a problem with the current system that needs to be rectified. Under the current system in many cases I believe that litigants who have a reasonable basis for believing that they are not going to be treated fairly by a particular judge do not really have any realistic recourse to have the case moved to be considered by another judge. I do not think the current system is working.

I am not going to oppose this amendment at this time because the version of preemptory challenge to judges that is contained in the bill is a much truncated version of my original bill which I introduced, which followed in a tradition that was started by Representative Drinan many Congresses ago when he introduced a bill to allow for preemptory challenges of judges in criminal cases.

It is my belief that we should have a provision that covers criminal cases, civil cases in districts throughout the country. What is in the bill now, as a result of the work of the Committee on the Judiciary which I respect, is a version that only covers civil cases, it covers certain districts in the country, and I am not very enthusiastic about this version of the bill.

What I would ask the gentleman from California to do is to consider the problems with the current system and to work with those of us on the Committee on the Judiciary who are concerned about those problems for a realistic way of helping ensure that litigants can have confidence that they are going to be treated fairly and not be trapped in the courtroom of a judge who has a bias or who otherwise is not going to treat the particular litigant fairly. I think that is important to everyone.

In the past the American Bar Association has supported efforts along these lines of preemptory challenge. Preemptory challenge may not be the right way to do it, but I am convinced that the current system is fundamentally flawed. At least the way it operates is flawed in many cases, and we need to do something to address that.

Having explained that background, I will not oppose the gentleman's amendment, but I will hope that the gentleman, the gentleman from California (Mr. ROGAN), will be willing to work with us in coming up with ways of addressing the real problems that do exist because what we are looking for is a system that will protect all litigants, a system that will allow everyone going into court to believe that they are going to get a fair shake, not that they are going to get any advantage but that they will not be treated unfairly.

And that is my objection, and I believe that that is the objective of the gentleman from California and all the others who have been engaged on this issue.

Mr. ROGAN. Madam Chairman, will the gentleman yield?

Mr. CANADY of Florida. I yield to the gentleman from California.

Mr. ROGAN. Madam Chairman, first I want to thank my distinguished colleague, the subcommittee chairman, for his comments. And I think that the chairman has hit the nail on the head: there are some procedural defects in what is currently on the books.

I agree that the procedure that was being proposed, a blanket preemptory challenge, is not the best way to deal with this. I would be the first to concede that there are problems with the current system. These problems are as diverse as the personalities of those judges who might be inclined to hear a case. I would be honored to work with my colleague in this particular area to fashion a more appropriate remedy.

So I want to thank the gentleman for his comments and for all the work he has done on this bill.

Mr. CANADY of Florida. Madam Chairman, I thank the gentleman for his comments, and I would extend the same offer to work together to the Democratic members of the Committee on the Judiciary who have opposed the provisions of the bill but who I also believe are concerned about helping ensure that all litigants are treated fairly in cases that are brought in the Federal courts.

Mr. FRANK of Massachusetts. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I want to, as did the gentleman from California, express my appreciation for the spirit of cooperation that the gentleman from Florida, to say yes. I think this is something we could work on in a cooperative way. I would just like to express my appreciation to the gentleman from California, the gentleman from South Carolina, who joined in this bipartisan effort, and I think it is very likely in the spirit that is developing here we will be able to address these issues. So I welcome this support, I thank my colleagues for the cooperation, and I shut up.

The CHAIRMAN pro tempore (Mrs. EMERSON). The question is on the amendment offered by the gentleman from California (Mr. ROGAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Add the following at the end of the bill:

SEC. 12. PROTECTIVE ORDERS AND SEALING OF CASES AND SETTLEMENTS RELATING TO PUBLIC HEALTH OR SAFETY.

(a) IN GENERAL.—Chapter 111 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 1660. Protective orders and sealing of cases and settlements relating to public health or safety

"(a) FINDINGS OF FACT REGARDING PUBLIC HEALTH AND SAFETY.—No order entered in accordance with the provisions of rule 26(c) of the Federal Rules of Civil Procedure shall continue in effect after the entry of final judgment in that case, unless at or after such entry the court makes a separate finding of fact that such order would not prevent the disclosure of information which would adversely affect public health or safety.

"(b) RESTRICTION ON AGREEMENTS AMONG PARTIES.—(1) No agreement between or among parties in a civil action filed in a court of the United States may prohibit or otherwise restrict a party from disclosing any information relevant to such civil action to any Federal or State agency with authority to enforce laws regulating an activity relating to such information, unless the court makes a separate finding of fact that such agreement would not adversely affect public health or safety.

"(2) Any disclosure of information described in paragraph (1) to a Federal or State agency shall be confidential to the extent provided by law.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 111 of title 28, United States Code, is amended by adding at the end the following:

"1660. Protective orders and sealing of cases and settlements relating to public health or safety.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of the enactment of this Act and shall apply only to orders entered in civil actions or agreements entered into on or after such date.

Ms. JACKSON-LEE of Texas. Madam Chairman, I appreciate very much the detailing of my amendment because I think if we listen acutely and carefully, we will find that my amendment does represent judicial reform, and the reason is that I am not seeking to take away the discretion of the judiciary or the judge. I am simply saying that I think in support of the right to know of the American people, even if one would argue that we have not determined that secrecy prevails and that judges may assess in their own determination at some time and can be cited sometime that they had determined that in a settlement they would, in fact, allow the facts to be detailed.

We have found that most often secrecy, once it is requested, remains. That creates a dangerous and hazardous set of circumstances for American consumers, American business persons, and generally it interferes with the fairness of having knowledge about anything that can impact negatively on the community.

I want to focus in particular on the language of this amendment. It indicates that a judge is required to make an assessment of whether or not secrecy must be maintained. That means that it allows the judge to go in specifically and assess the facts and decidedly make a determination: Yes, this must remain secret; no, it must not. In that ruling we would hope that the judge would take into consideration the terrible devastation or the blight that would come about by way of not allowing this information to come out.

Let me share with my colleagues an example that bears on health and safety. A case in the United States Court of Appeals for the Fifth Circuit involved litigation of a manufacturer of an artificial heart valve. This manufacturer of heart valves was allowed to keep secret through a court order life threatening defects, even as more of these valves were implanted in patients. None of us want to tolerate that sense of a lack of responsibility. We realize there was a settlement, but in this instance if we take the scales of justice, the weight of the public right to know is a more important right and responsibility than the secrecy of litigation.

I would argue I do think that if we weigh the scales of justice we will find that the higher right and the higher moral ground, along with the balance of the scales of justice, requires that we have a situation where we have an oversight over the overall point of perspective of settlement secrecy.

Let me add one other case. There was a case in the Third Circuit where the manufacturer of a drug that caused internal bleeding, they secured a secrecy order barring the injured consumer's attorney from disclosing this information to a government agency.

I am saying to all of my colleagues, this impacts our quality of life. In 1984 studies indicating the hazards of silicon breast implants were being uncovered. However, because of a protective order, this critical information was hidden from public view and from the FDA until 1992, more than 7 years and literally tens of thousands of victims later. Secrecy in our State and Federal courts undermines the right to know of every American citizen.

Let me now intervene and say it is not open season on secrecy. This particular amendment, if we are truly concerned about judicial reform, simply requires the judge to make a ruling that, yes, this does not impact the public health and safety.

Madam Chairman, I cannot imagine that Americans would not be so concerned as to not ensure that we have the open access to information that would impact their life and safety.

□ 1315

Secrecy keeps vital health and safety information from consumers. They have a right to know. The confidential settlements of early litigation involving the artificial valves kept life-threatening defects secret, even as more valves were being implanted. Hundreds of patients have died as a result of our failure.

In other cases, doctors have avoided disciplinary charges because court files, which would document negligent care, have been sealed. Secrecy creates more litigation. If you do not have the right to have this information acknowledged, then others are injured.

What does that generate? More litigation. If we are talking about bringing down the cost of what we perceive to be a litigious society, I happen to think everyone has a right to access the court of justice. But if for matter of argument we talk about increased litigation, secrecy helps to increase litigation, no matter what the cause. Business, personal injury, whatever we speak of, if we do not have knowledge and information, we increase litigation.

I would simply say as the American courts operate under the presumption of openness, my amendment enhances that openness. It allows those who feel that there is an element of secrecy that devastates the public safety the opportunity for the judge to rule that, in fact, this information must be presented to the American public and protect the safety and health of Americans.

Mr. COBLE. Madam Chairman, I rise in opposition to the amendment.

Madam Chairman, the tenor here on the floor has gone from discord to harmony. I am not going to bring it back to discord, but I want to at least go on record as resisting the amendment of the gentlewoman from Texas.

The amendment was defeated during the committee markup of the bill. It is opposed by persons interested in privacy issues; as well as the business community, including the National Association of Manufacturers, NFIB; the Chamber of Commerce, and others.

The amendment, it seems to me, would limit the ability of parties to negotiate private settlements and the authorities of a court to seal sensitive information after a final judgment has been reached unless a court makes a separate finding of fact that not revealing the information would not adversely affect public health or safety.

Recent studies, the Harvard Federal Judicial Center, the Judicial Conference, they strongly suggest that protective orders issued under rule 26(c) are not causing health or safety problems. In fact, the Civil Rules Advisory Committee of the Judicial Conference met in March, last month, and determined that no changes to rule 26(c) were needed.

Since many protective orders, and maybe most, are issued in employment discrimination and civil rights cases, the amendment would compromise the privacy rights of individuals, it seems to me. For example, a sealed order regarding medical records of an AIDS patient, for example. The amendment would also jeopardize the proprietary rights of businesses, trade secrets, and other confidential information, which a competitor might want to gain access to such information.

The courts already have rather wide discretion not to issue protective orders or to modify or rescind them. Discovery and the discovery process are designed to encourage parties to share information with each other and to settle, if possible. The amendment, it seems to me, interferes with this process and may well impose a greater strain on limited judicial resources.

Madam Chairman, I urge my colleagues to vote against the amendment.

Mr. CONYERS. Madam Chairman, I move to strike the last word.

Madam Chairman, my dear friend, the gentleman from North Carolina, Mr. COBLE, pointed out this amendment was defeated in subcommittee. Well, that is probably an indication it is a pretty good amendment. But it is important that we know that.

The next thing I should point out to everybody is that this amendment does not apply to civil rights cases. This amendment prohibits orders preserving the secrecy of documents that would adversely affect public health or safety. So, we are all in agreement so far.

So this is an amendment you might want to consider favorably, because when you do not disclose vital health and safety information and keep it out of the public's reach, we have people that pay dearly; loss of life, as has been referenced by the gentlewoman from Texas.

So these protective orders are dangerous. The artificial heart valves problem with their defects were kept hidden. Hundreds of people died unnecessarily, because the court allowed these records to be sealed.

Then before I yield to the gentlewoman from Texas, I want to raise the problem that might become involved with the tobacco settlement. Look, the court records have hidden thousands of critical documents concerning the strategies used around teenage smoking, minority targeting, nicotine manipulation. You do not want to keep that information secret, do you?

The tobacco industry, bless their hearts, have gone to incredible lengths to keep these documents under wraps. Let us make sure that with this amendment, they will not be able to do that, because the courts are public institutions, and the records and what goes on in the courts should be within the province of the people.

Ms. JACKSON-LEE of Texas. Madam Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank the ranking member for yielding. I am glad the gentleman has emphasized this is not and does not have an impact on civil rights cases. Clearly, it points to the question of public health and safety.

Interestingly enough, if we want to clarify the procedural tracking of this amendment in committee, we had unanimous consent on this amendment for a period of time. I do note, and I, too, want to add to the collegiality of the floor debate and say to the gentleman from North Carolina (Chairman COBLE) that I recognize that there are supporters of this bill that are not supporting this particular amendment. Many of them are from the manufacturing and business community.

I would argue that that does not justify opposing this particular amendment, because, in fact, I think it is more important to not get into a discussion between defense attorneys and trial lawyers or plaintiff's lawyers. This has to be a question of the public health and safety and the balance between the scales of justice.

Do you want knowledge about car seats that impact babies to be kept secret, so that those who would have to utilize these seats will not have the opportunity to know the information to prevent future litigation? What about Xomax, the artificial pain reliever that was manufactured in the early 1980s and was found to be dangerous? What about waterslides, where a gentleman fell and slid and broke his neck? Why would we not want the information to be able to provide the consumers with the basis of not having that happen again?

So I really think that we do better to err on the side of allowing the judge, and, again, this is not open season on violating settlements; it is allowing the judge to make an independent assessment that, in fact, you would do damage to public health and safety if you did not open these records.

Mr. CONYERS. Madam Chairman, reclaiming my time, it is an easy "aye" vote, and I urge support of the amendment.

Mr. NADLER. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in support of this amendment. I think it is an excellent amendment.

We have all read in the newspapers of settlements of major lawsuits in which many of the documents in court, the terms of the settlement, are secret. The fact is one of the purposes of our system of justice is to vindicate the public interest and the public safety. The suit in which someone sues a major company because the product they are producing is unsafe, that it is going to cause deaths, and the company settles the suit, and one of the terms of the settlement is that the evidence and the admission, perhaps, that this product is unsafe, or will cause death unless modified; you keep that secret so people do not know it, that does not serve the public interest.

Companies should not be permitted to buy off for cash these kind of safety concerns so that other members of the public will die or be injured. This needs to be in the public domain.

So I commend the gentlewoman from Texas (Ms. JACKSON-LEE) for having the originality and initiative to offer this amendment. I ask my colleagues to vote for it.

Ms. JACKSON-LEE of Texas. Madam Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank the gentleman for his leadership on many of these issues.

I would like to go back, Madam Chairman, to something that remains sort of controversial even today, but knowing the many breast implant survivors that I have had the opportunity to interact with from a perspective of not trying to do anything more than to bring to the American public that their illnesses, that the impact of the silicone breast implants are not a dream; they are not unreal, they are actually real.

So we are not talking about now the litigation and debate or nonlitigation. What we want to debate is whether or not if we had had this particular provision we would have been able to avoid the tragedies of what we are seeing today with so many victims of silicone breast implants.

For example, in 1984, as I said earlier, and I want to repeat this, studies indicated the hazards of silicone breast implants were being uncovered. Because of a protective order, this critical information was hidden from the public view and from the FDA until 1992, more than 7 years, and literally tens of thousands of victims later.

I would imagine if the business community actually sat down, scratched their head, and took out their pen, it would have been better for this information to be known in 1984 to avoid the thousands upon thousands and millions of women who have been devastated by the silicone breast implant. Knowledge would have avoided the tragedies of 1998.

I also say that with respect to fuel tanks, with respect, as I said, to the heart valves, with respect to a certain lighter that was utilized, as well as certain xerox, asbestos, the Corvair story which we know so full well, these are stories that the American consumers would have far better appreciated or benefitted, if a judge had simply assessed beyond the need of secrecy and the individuals inside that courthouse, to say you have a settlement. But with respect to the violation of the consumer product or the product itself, I believe in making an assessment.

That information should either go to the public or a governmental agency. That is what we are losing if we do not vote for this amendment. I cannot imagine if we are talking about judicial reform that we would not allow a court to make that assessment.

For the response that the rule works all right, what was really said was we have seen no problems. We know a judge will do it if they need do it. Again, I am not doubting the integrity of the judiciary, but this is too high a stake for us to leave it randomly to the arguments of lawyers who would plead to that judge, "don't you dare," and, rightly so, the judge leaves it secret, rather than making an independent assessment that would cause a review of that material to allow just that information, public safety and health, to be allowed to be part of the public right-to-know.

Madam Chairman, with that, I would ask with all due seriousness and call for judicial reform; that this is an amendment that speaks to reform beyond all. I would certainly ask that my colleagues join in voting for this amendment on behalf of the American people's right to know.

Mr. NADLER. Madam Chairman, reclaiming my time, I would add that I hope everyone votes for this amendment. It seems to me this is one of the very few amendments for which the arguments are all on one side. I urge all Members to vote for it.

The CHAIRMAN pro tempore (Mrs. EMERSON). The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. JACKSON-LEE of Texas. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 177, noes 242, not voting 13, as follows:

[Roll No. 104]

AYES—177

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Bereuter
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Fox
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Green
Hall (OH)
Harman
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Luther
Maloney (CT)
Manton
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rohrabacher
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Slaughter
Smith, Adam
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—242

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett

Barton
Bass
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lucas
Maloney (NY)
Manzullo
Matsui
McCollum
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Bateman
Clay
Cook
Dixon
Gonzalez
Gutierrez
Hall (TX)
Hastings (FL)
Istook
McCrery
Miller (FL)
Paxon
Tanner

□ 1351

Ms. McCARTHY of Missouri, Mrs. THURMAN and Mr. BOSWELL changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. WELDON of Pennsylvania was allowed to speak out of order.)

ANNOUNCEMENT OF FIRE EMERGENCY IN THE LONGWORTH HOUSE OFFICE BUILDING

Mr. WELDON of Pennsylvania. Madam Chairman, I move to strike the last word.

Madam Chairman, we just experienced what could have been a very tragic incident in one of our House office buildings, and that was a fire which started in the basement of the new elevator shaft that is being constructed, that poured smoke throughout that seven-story complex and required that building to be evacuated for a significant period of time.

Eleven years ago I came on this floor and offered a privileged resolution of the House regarding the health and safety of the Members, because we had a similar fire in then Speaker Jim Wright's office which burned out of control, and to which I had to respond that the buildings that we work in are absolute fire traps because there were no detection devices, no alarm systems, no sprinklers, there was no preplanning, no exit drills. There were no efforts in place to guarantee the safety of both the Members and our constituents.

Today I can rise and report exactly the opposite. In fact the response was quick, it was efficient. The Sergeant at Arms, the Capitol Hill Police, and those brave officers who by the way had to go to the hospital because of smoke inhalation and whose names I will enter into the RECORD today, all performed above and beyond the call of duty.

I might add, however, that Members who were on the seventh floor of Longworth did acknowledge that immediately the alarm system did not go off, and that is the reason why we must continue to press for adequate preplanning and the need for us to understand the severity of the situation.

As I stood there during the entire operation and saw people in wheelchairs and people who were challenged physically coming off the elevators, we come to realize the importance of taking lessons in advance to understand the potential for injury and perhaps even loss of life in these kinds of situations.

So while the story was absolutely a positive one, and Sergeant at Arms Livingood and the Architect of the Capitol, Ken Lauzier and the Chief of the Capitol Hill Police did an absolutely fantastic job with all the various components that we could muster on Capitol Hill, Dr. Eisold's staff to treat those personnel who were, in fact, affected with smoke inhalation, there are some lessons to be learned from this. I would hope that it would remind all of us that we need to understand that life safety, both for ourselves and for our staffs and for our constituents, needs to be a top priority every day this Congress is in session.

Mr. HOYER. Madam Chairman, will the gentleman yield?

Mr. WELDON of Pennsylvania. I yield to the gentleman from Maryland.

Mr. HOYER. Madam Chairman, I thank the gentleman from Pennsylvania (Mr. WELDON) for yielding to me. Madam Chairman, as all of us know, many of us know, the gentleman from Pennsylvania has been one of the leaders on fire service protection not only on Capitol Hill but throughout this country.

He is a former chief of a volunteer fire company of his own congressional district, a former municipal leader. And he did, in fact, raise to a high level of attention, subsequent to the fire in Speaker Wright's office, the necessity to make our buildings more safe for our Members, for our staffs, as well as for the visitors to our offices.

Today's fire in the Longworth House Office Building was a fire that apparently an acetylene torch, I think, heated up some materials that ignited very rapidly and shot flames seven stories high up through the elevator shaft. There was very significant smoke on the seventh floor. I do not know about other floors, but I heard from my staff on the seventh floor.

What is significant, and I think we all ought to know, is the extraordinarily quick and very skillful response that was given by the Capitol Hill officers, our medical staffs, the Sergeant at Arms' staff, all of those who were called upon to assist in evacuating the building. Some of the officers that were taken out, were taken out because they remained in the building to make sure that the building was, in fact, evacuated by showing great courage to assure the safety of all of those who might be in the building.

In addition, I want to report that my staff reported that the District of Columbia Fire Department was there almost immediately. There has been some criticism of the District of Columbia Fire Department for not responding as quickly as they might, but in this instance they were there very, very quickly.

And I think we owe a debt of thanks to all of those who we rely on day-today. As is so often the case, we do not think of them because we are not personally involved, it does not happen, there is not a crisis. And because they are there to respond to domestic crises such as this and we do not have one, we may not acknowledge their presence and their readiness to risk their limbs and their lives to protect their communities.

So I want to join with the distinguished gentleman from Pennsylvania (Mr. WELDON), who has really made it a cause, and a successful one at that, to ensure that we are aware of the risks and take every precaution to avert risks that might have tragic consequences for individuals not only on Capitol Hill, not only in this city, but throughout this country.

So I thank the gentleman for taking this time and thank him for yielding me this time.

Mr. WELDON of Pennsylvania. Madam Chairman, reclaiming my time, just in closing I would mention from the D.C. Fire Department that Battalion Chief Schaefer was the leader. We had Engine Company 13, 2, 8 and 6; Truck Company 7 and 10; Rescue Company 1 and 3; and Battalion 2. They did an absolutely fantastic job.

In addition, I would like to enter the names of those officers who were taken to the hospital. We do not know the status of these officers' conditions. They were all affected by smoke inhalation, but I think it once again underscores the need for us to be aware of the duty and the honor that these people take so seriously in protecting the lives of ourselves and our constituents.

Taken to local hospitals and either treated or currently there for further treatment are Sergeant Givens, Officer Merz, Officer Scott, Officer Worley, Officer Sturdivant, Officer Cleveland and Officer Blackman-Malloy.

☐ 1400

We thank all of them. We thank the chief of the department, Chief Abrecht. We thank Bill Livingood for a fantastic job, Dr. Eisold, as well as Ken Lauzier and everyone who came together in doing what should have been the right thing, and that is responding. I would encourage, again, our colleagues to remember that on the seventh floor, the alarm did not go off.

It is our responsibility to make sure if an incident occurs that we have to activate that manual alarm. It does not activate automatically. You have to pull that device down. That was not done on the seventh floor.

Furthermore, I would say this is an opportune time for me to announce that next Thursday at this time, 12 noon, there will be 3,000 firefighters from across the country in the parking lot right outside this door where we will assemble the largest gathering of the Nation's fire and EMS community who are coming to us to talk about the fact that they feel we are not doing enough to assist them in their current efforts by our agencies in Washington to deal with the threats of terrorism and the response to those terrorist acts.

I would encourage our colleagues to join with the gentleman from Maryland (Mr. HOYER) and myself as we have a national press conference with the Speaker in attendance and focus on their issues, one week from today at 12 noon directly outside of the House Chambers.

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NADLER:

Page 17, strike line 20 and insert the following:

(b) AUTHORITY OF DISTRICT COURTS.—

(1) IN GENERAL.—Notwithstanding—

Move the remaining text on lines 21 through 25 2 ems to the right.

Add after line 25 the following:

(2) OBSCURING OF WITNESSES.—(A) Upon the request of any witness in a trial proceeding other than a party, the court shall order the face and voice of the witness to be disguised or otherwise obscured in such manner as to render the witness unrecognizable to the broadcast audience of the trial proceeding.

(B) The presiding judge in a trial proceeding shall inform each witness who is not a party that the witness has the right to request that his or her image and voice be obscured during the witness' testimony.

Mr. NADLER (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. NADLER. Madam Chairman, I am pleased to offer this amendment along with my colleague, the gentleman from Ohio (Mr. CHABOT). As my colleagues know, this bill would permit cameras into Federal district courts at the judge's discretion. In the past, I have been very concerned, and I have opposed allowing cameras into trial courts because I feared it might intimidate witnesses. It is already intimidating enough for someone who witnesses an accident or a crime, and then sees an appeal on television that the police ask anyone who has seen this or has information please come forward. It is intimidating enough for such a person who knows that if they come forward they may well be asked to testify in court; they may well be subject to cross-examination by an attorney whose job it is to impeach their credibility as a witness, and to make them look foolish. In effect, that is a pretty intimidating prospect.

It is bad enough even if you are only going to be subject to that cross-examination in front of 30 people in the courtroom. But to be subject to that cross-examination perhaps in front of all your relatives, and friends, and wife, and children, and neighbors might be even more intimidating. I have always feared that this might lead to some witnesses not coming forward.

The gentleman from Ohio (Mr. CHABOT) suggested a way out of this dilemma, and I am delighted to join him in offering this amendment. He suggested, and what this amendment does is to say that where you are having cameras in the courtroom in a trial court, any witness other than a party to the action may at his or her request have his face and voice distorted so you cannot tell whose face it is, and you cannot recognize the voice. You can still hear what he is saying on the television so that, yes, this person's name will be known; yes, you can photograph him walking in or out of the courtroom, but he is not, he will have less fear of being made to look foolish in front of his friends on television by the opposing attorney.

This is not the most important thing in the world, but I suspect very much that there are witnesses in this world who will come forward if this is the procedure who might not otherwise come forward if this is not the procedure.

Again, you have cameras in the courtroom. This does not take that away. But it simply allows a witness at the witness' request to have his or her face and voice obscured during the testimony. At the committee, no arguments were offered in opposition so there was some confusion and some Members voted against it. I hope that will not happen on the House floor today.

Mr. CHABOT. Madam Chairman, I move to strike the last word.

I rise in support of the amendment offered by the gentleman from New York (Mr. NADLER) and myself. The amendment gives important protections to witnesses who may be otherwise reluctant to testify in a televised trial by requiring upon request of the witness that the face and voice of the witness be disguised or obscured in such a manner that it will not be evident who that person is testifying. I think it is a good amendment. I thank the gentleman for offering it.

Mr. COBLE. Madam Chairman, I move to strike the requisite number of words.

I will not consume 5 minutes. As we all know, cameras in the courtroom is an issue adamantly opposed by some; enthusiastically supported by others. This amendment, it seems to me, does no harm. It modifies the cameras in the courtroom approach slightly, but I think there the error is harmless, and I will not resist the amendment, not oppose the amendment.

Mr. FRANK of Massachusetts. Madam Chairman, I move to strike the requisite number of words.

After the passionate appeal of the gentleman from North Carolina, I thought I would try to restore a sense of calm to the Chamber. I also do not regard this as an amendment of enormous significance. I may approach it, however, from the opposite direction. I do not like the underlying provision.

I think requiring witnesses to a trial to be on camera, I think, is a mistake. I think where you are talking about appellate courts, it is reasonable, and I think the Supreme Court of the United States deserves criticism for not allowing its arguments to be run. I can think of few things that would be more useful and more informative for the country than for people to be able to watch Supreme Court arguments.

The notion that the nine Supreme Court justices and members of the Supreme Court bar would somehow be intimidated or thrown off by this is nonsensical. But when you get to witnesses, I think it is a mistake. I am not offering an amendment now; I do not want to take the time in the House. I do think the gentleman's amendment makes a situation that I regard as an unfortunate one a little less unfortunate. I think it is a good idea to have the face obscured.

On the other hand, I do have to say the gentleman said, well, people might be afraid of being made to look foolish. They will still be made to look foolish. They will, however, be made to look foolish with their face obscured. There may be a large number of people in this society who do not mind being made to look foolish, when everyone knows who they are, as long as their faces are obscured. But I think the, okay, put a mask over me and make me look silly group is smaller than my friend may make.

So therefore I would rather not see this at all with regard to witnesses. I do think anybody ought to have a right to object. When you talk about people who are involuntary participants, private citizens, not used to the public debate being thrust into the public this way in a trial, I do not think it is a good idea to require them to be cross-examined, perhaps, and made to look foolish to be there. But that is not the issue now. This is an amendment that, as I said, makes what I regard as an unfortunate situation a little less unfortunate, so I will also vote for the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The amendment was agreed to.

Mr. WATT of North Carolina. Madam Chairman, I move to strike the last word for the purposes of a colloquy with the chairman.

I simply wanted to, in a sense, create a legislative record so that everybody is aware of an interpretation that we are giving to a provision in this bill, and wanted to call the chairman's attention to page 3, section 3 of the bill, and reaffirm with the chairman that it is, in fact, the intention of this bill to allow an immediate appeal either on the granting of a class action motion, or on the denial of a class action motion to assure that this provision in the bill is intended to work in both directions.

Mr. COBLE. Madam Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from North Carolina.

Mr. COBLE. Madam Chairman, the gentleman from North Carolina is precisely correct; that is the intent, to apply to both.

AMENDMENT OFFERED BY MS. LOFGREN

Ms. LOFGREN. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. LOFGREN:

Add the following at the end:

SEC. 12. PARENT-CHILD TESTIMONIAL PRIVILEGES IN FEDERAL CIVIL AND CRIMINAL PROCEEDINGS.

Rule 501 of the Federal Rules of Evidence is amended—

(1) by designating the 1st sentence as subdivision (a);

(2) by designating the 2nd sentence as subdivision (c); and

(3) by inserting after the sentence so designated as subdivision (a) the following new subdivision:

"(b)(1) A witness may not be compelled to testify against a child or parent of the witness.

"(2) A witness may not be compelled to disclose the content of a confidential communication with a child or parent of the witness.

"(3) For purposes of this subdivision, 'child' means, with respect to an individual, a birth, adoptive, or step-child of the individual, and any person (such as a foster child or a relative of whom the individual has long-term custody) with respect to whom the court recognizes the individual as having a right to act as a parent.

"(4) The privileges provided in this subdivision shall be governed by principles of the common law, as they may be interpreted by the courts of the United States in the light of reason and experience, that are similar to the principles that apply to the similar privileges of a witness with respect to a spouse of the witness.".

Ms. LOFGREN (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. LOFGREN. Madam Chairman, this amendment is offered by myself and the gentleman from New York (Mr. NADLER) to correct what is a very serious defect in our Federal criminal and civil procedures.

Under our Federal law and the law of many States, children can be compelled to testify against their parents, and parents can be compelled to testify against their children. Although most prosecutors refrain from subjecting a family to this terrible situation, it can and does occur. I have long believed that parents and their children should be shielded from this trauma, and that doing so would not do significant damage to the administration of justice.

Therefore last month the gentleman from New York (Mr. NADLER) and I introduced H.R. 3577, which currently has 18 cosponsors in the House. This bill, the Confidence in the Family Act, is identical to this proposed amendment.

This amendment would ensure that parents and children could not be compelled to testify against one another, and that confidential communications between parents and children will be protected. These privileges would be similar to the privileges currently provided under Federal law to spouses, and would be developed by the courts in light of the common law, reason, and experience.

Rule 501 of the Federal Rules of Evidence states that, except as otherwise required by the Constitution of the United States or act of Congress, the privilege of witnesses, persons, governments, States, et cetera, will be governed by the principles of the common law as they may be interpreted by the courts of the United States.

We went to this development of evidence back in 1975 when the Committee on the Judiciary recommended, and the Congress adopted, the rule that allows our courts to develop the details of privileges and exceptions.

As you note, in the amendment that the development of this exception for parents and children should follow that allowed for spouses. In answer to some questions that Members have had, spouses currently can be compelled to testify against each other in certain circumstances.

For example, threats against spouses and spouses' children do not further the purposes of marital communications, and therefore are not protected from disclosure. Similarly, marital communications subject to the privilege are subject to an exception for crimes committed against a minor child and the rule that one spouse cannot be a witness against the other is subject to exception where one spouse commits an offense against the other. That is U.S. v. Allery.

Why is this important? I think many of us, without going into any of the details, recently observed a situation in which a mother was asked in a very high profile case to testify about confidences that her daughter had placed in her. When I saw that, and it is not a new thing in the law, I immediately thought of my daughter who is 16 years old, and I thought, could the government force me to reveal what my 16-year-old told to me in confidence? There is something quite wrong about that.

We parents spend most of our lives trying to make sure that our children trust us enough that if they have a problem, if there is something that is troublesome, they always know that they can, and they should, come to their mom and sort through it with us so that we can help them make mature decisions, so that we can help them lead a good life, and come to where they need to be.

If the young people of this country understand, as they currently do now, unfortunately quite well, that the confidences revealed to a parent as we sort through the things that we do in adolescence could be forced out into public view, that important bond, that important value, that family value is unalterably disrupted.

We have talked a little bit about the details and the exceptions to this rule of evidence, but I think it is important to understand why there are exceptions to forcing testimony at all.

□ 1415

We do not force a husband and wife to testify against each other, and the reason why is that we have said that the spousal relationship is so important that we will not allow it to be disrupted by the government for any purpose.

Surely, the relationship between mother and daughter, between father and daughter, between father and son is as valuable, as precious as that between husband and wife.

I hope that the House will look favorably upon the amendment.

Mr. COBLE. Madam Chairman, I rise in opposition to the amendment, and I do so not real comfortably because of the fact that the gentlewoman from California (Ms. LOFGREN) has been a very valuable member of the Committee on the Judiciary and, more specifically, the Subcommittee on Courts and Intellectual Property.

But I say to the gentlewoman from California, there is a matter that probably should have come a little earlier. I realize that we cannot always be perfect as far as timing is concerned. But Rule 501 simply requires a court to observe principles of common law when deciding whether to confer privileged status to an individual or relationship unless an action is civil and involves State law, in which case State law on the matter would be applicable.

A privilege means, as most of my colleagues know, that a court may not compel testimony against a privileged witness or party. For example, many States will not compel a person to testify against his or her spouse or to reveal confidential conversations between them.

The amendment creates a broad privilege that would prevent a court from compelling a witness to testify against a child or a parent of that witness or from revealing confidential conversations between the two. The overwhelming majority of Federal and State courts, Madam Chairman, have rejected such a parent-child privilege.

The Judicial Conference—well, let me say it a different way. I do not mean to say that we should only comply with what the Judicial Conference wants. But we do stay in touch with the Judicial Conference, and the Judicial Conference has not informed the committee that it plans to recommend any changes to Rule 501, which is of some significance I think.

Recognition of a parent-child privilege might prevent a parent from acting in the child's best interest by notifying authorities. Similarly would the alleged benefits of such a privilege outweigh the harm caused by a child whose testimony could not be compelled against a parent indulging, for example, in drug trafficking.

The scope of the privilege is not explained in the Lofgren amendment. I do not think the scope of the privilege is explained in the amendment. For example, would it only apply to unemancipated minors? What about stepparents? What about grandparents?

And I guess I alluded to this earlier, Madam Chairman, that this was not the subject of the subcommittee hearing nor the full committee markup. And I think the idea is, essentially, untested at the State level; and I just do not believe that we can anticipate the consequences of enactment. And I just believe that it is ill-timed, among other reasons that I just mentioned.

Madam Chairman, I yield to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Madam Chairman, I recognize that the gentleman from North Carolina disagrees on the substance, but I did want to clarify so as not to mislead in terms of my previous comment. I was referring to line 3 in Rule 501.

"The privilege of a witness, person, government, State or political subdivision thereof shall be governed by the principles of the common law as they may be interpreted by the courts of the United States and in the light of reason and experience," is what I meant to refer to so as to avoid any confusion.

And as my colleague notes in the amendment, on line 3, page 2, the amendment suggests to the court that the privileges to be carved out for parent-child should be similar to those with the same exceptions that have been devised for the spousal privilege.

Further, in answer to the question as to foster parents or stepchild, I have suggested, on line 17 on section 3, that such individuals should be included if the court recognizes that the individual is seen as having the right to act as a parent.

Mr. NADLER. Madam Chairman, I move to strike the last word.

Madam Chairman, I rise to support this amendment to protect the parent-child privilege. A few weeks ago, I joined with the gentlewoman from California (Ms. LOFGREN) to introduce a bill to create this privilege in Federal law; and I am proud to support this amendment today.

Frankly, I always assumed it was in the law. It was only when we read about the situation with Ms. Lewis being compelled to testify against her daughter by the independent counsel that I, to my surprise, found there was no such privilege.

This amendment will not affect that situation. That testimony has already occurred. But it will affect the future.

We pride ourselves in this country on the sanctity of the family. It is one of the core, fundamental American values. We encourage our kids to talk to us. We ask them to confide in us, to come to us when they are in trouble. It is not always easy, but I am sure a lot of fellow parents out there will agree with me when I say that developing that bond of trust between parent and child is part of what being a parent is all about.

The concept that a parent could be compelled to testify against his or her own daughter or son is shocking to a lot of people. It is shocking to me. In fact, a lot of people that I have spoken to are amazed that this kind of thing is not illegal already. They have asked, how can we do this in America?

We have decided in our judicial system that certain privileges, certain relationships are sacred. The vast majority of jurisdictions recognize the husband-wife privilege as well as attorney-client and psychiatrist-patient. And, yes, there are cases that would have turned out differently if we could have compelled a psychiatrist to testify about his patient or lawyer against her client or husband against wife or wife against husband. But that is not the kind of judicial system we want, where husbands and wives are compelled to testify against each other except where there has occurred spousal abuse or child abuse or something of that nature. It is not the kind of country we want.

I have long believed that the same sort of privilege should be extended to parents or children. No parents should ever be faced with the agony of being in contempt of court or of testifying against his or her child. No child should ever have to fear that sharing personal information with his parent or her parent could result in a subpoena for his parent.

This amendment would remedy this by establishing this parent-child privilege and would require the Federal courts to establish its boundaries according to the principles of common law as well as the court's own reason and experience.

For the past several years, there has been a lot of talk in this town about family values. I think it is fair to say that this amendment is a test of that. If we truly respect family values, we must put our money where our mouth is. If we truly respect family values, we must protect the ability of parents and children to have full trust in each other and not fear the court's subpoena to get in between them.

Now, I heard the gentleman a moment ago say that we do not want to prevent parents, that this amendment might prevent parents from notifying authorities in case of crimes or damages. But that is mistaken. It would not. This amendment would only prevent compulsion from the court. It would prevent the court from compelling a parent to testify or a child to testify against his or her parent. It would certainly not prevent the parents from notifying the police or the courts of drugs of or crimes or of danger or anything else that they wanted to notify and thought it advisable to notify the police or other authorities about. It simply would say the court shall not be between a parent and child and compel that testimony.

I think we have to recognize, as to this human relationship we have, if we are ever going to be serious about protecting family values, this is the key. Everything else we do about family values may be wise or not wise, but nothing is more key than enabling a parent and a child to talk under all circumstances without anyone worrying that someone is going to compel the child or the parent to testify in court about the confidences. We want children to be able to confide in their parents and vice versa.

So I very much urge all my colleagues to support this excellent amendment.

Mr. FRANK of Massachusetts. Madam Chairman, I move to strike the requisite number of words.

I rise to disagree with my friend on the general principle, also on one specific. He said, in the course of discussion of good conversations with our parents, we should put our money where our mouth is. My mother always told me never to put any money in my mouth. So I want to be truth to what she taught me.

But I have both substantive and procedural objections to this amendment. I understand that a lot of my colleagues were unhappy with what Kenneth Starr did. I have been often unhappy about what Kenneth Starr did. We might even want to come back after we have adjourned in a special session and call it the Kenneth Starr correction session. Because there are a number of things I would like to do to change some of the things Kenneth Starr has done, beginning with the underlying statute, but not in this manner.

Hard cases make bad law we are told. Well, it can also be bad law if we react too quickly because we have a specific objection to a particular act. I am sorry that he subpoenaed Marcia Lewis. But what if we were talking about a case of murder? What if we were talking about a kidnapping? What if we were talking about a 60-year-old parent and a 35-year-old child? What if the criminal was the 60-year-old parent and the 35-year-old child had valuable information dealing with a serious felony?

This bill extends the privilege equally to a 35-year-old child of a 60-year-old accused criminal as it does to a 35-year-old mother of an 8-year-old child, or vice versa. So, for instance, one of the questions I have and I noted my staff pointed out to me, the State of Massachusetts has such a privilege for minor children only. Now, that is an interesting idea I would like to explore. Maybe there ought to be some kind of privilege for minors. But that is not in this bill.

This bill went through subcommittee. It went through hearing and subcommittee and committee. This is the first I have heard of it. I notice the gentlewoman from California (Ms. LOFGREN) did file this as part of her bill on March 28, the Friday before we went out. It is just not enough time.

This is civil and criminal. Maybe there should be a privilege in civil cases. Although, even in civil cases, I note when I read about insider trading, a crime which a lot of people on my side do not like, that very often those involved in insider trading are relatives, they are adult relatives, the adult stockbroker son of a lawyer father or mother. Well, I do not know that I want to give those people a privilege.

I do not see that there is any problem in saying that adult children and adult parents who are in the financial business can conspire to do inside trading without talking to each other. These are all the issues that ought to be talked about, and they have not been.

I do not think it is a good idea in anger against Kenneth Starr to bring this forward at this point without knowing a lot more about it. Maybe there are Members here who know a lot more than I do about this subject. That would not be hard. But that is precisely the point. I doubt that very many of us are very familiar with this.

The gentleman from New York (Mr. NADLER) acknowledged that he was surprised, as many were, that there was no such privilege. I do not think we should go as a body from ignorance about it, which I certainly had, to within a month or so passing a law that governs every civil case and every criminal case in the Federal system and every parent and every child no matter what their age.

Madam Chairman, I yield to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Madam Chairman, I thank the gentleman from Massachusetts for yielding.

I think the point made about hearings is not a balanced one and it is one I have made from time to time on this floor about other bills. We have offered it up as an amendment to this bill because it is germane and because I am reasonably confident that my bill will not be heard.

Mr. FRANK of Massachusetts. Madam Chairman, let me say this. I think the gentlewoman has made something of an assumption that is not fair to the gentleman from North Carolina. I do not see why she would assume that we could not have a hearing on this issue. I would be surprised if the gentleman from North Carolina said at an appropriate time he will not do this.

I will note that, on a bill that has been a bill for less than a month, it certainly would not be fair to criticize, and the gentlewoman was not criticizing. We have only been back in session for about a week and a half. But I think this is something we should be considering. But taking it up on the floor now, when nobody knows much about it, without any of these questions, on a blanket basis, seems to me a very poor way to legislate.

I also want to add again, I disagree at this point. I do not understand why a 40-year-old who may have murdered someone should be shielded from his or her 60-year-old parent testifying. I do not understand that. It is a very different situation if we are talking about a 14-year-old. But having one blanket to cover all of these situations seems to me to be a mistake.

Ms. LOFGREN. Madam Chairman, if the gentleman would yield further, that is a substantive disagreement; and that is fair enough.

I would like to point out, however, in defense of the proposal, even though I understand his valid and thoughtful objection, but the better view in terms of the cases as to criminal activity in the area of spousal privilege is that the privilege does not apply to furtherance of this.

Mr. FRANK of Massachusetts. Madam Chairman, I thank the gentlewoman. As she knows, the better view means, for the nonlawyers, understand my colleague is talking lawyer now, not English. That is not her fault. That is the language.

The CHAIRMAN pro tempore (Mrs. EMERSON). The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 2 additional minutes.)

Mr. FRANK of Massachusetts. Madam Chairman, the better view means more people hold that view than hold the other view. It means more courts have gone one way more than the other. But it also means some courts have gone the other way. So the gentlewoman is agreeing that, under the law to which she would refer us, this is an unsettled question and some judges go one way and some another.

Well, I think if we are going to deal with this kind of privilege, we ought to decide whether we want it to cover murder cases. And, again, what the gentlewoman has here is a blanket provision that applies equally as between adults who may have conspired together to murder and minor children. And we all think about children. We all think about protecting young children. That is a very valid thing to do.

□ 1430

It seems to me Massachusetts has a good idea by talking differently about minor children. That is not what the gentlewoman's amendment does. To rush into this now and to lock it in would be an emotional response to an understandable provocation, but it would be, I think, an inappropriate way to legislate.

I would say, as the senior minority member of the committee, this is the first time I have heard of this issue, today, yesterday, taking it back to the Committee on Rules. I would be glad to go and lobby my colleague from North Carolina and let us address this issue of privilege. There may be other privileges we want to look at. The question of lawyer/client privilege when the client has died might be a problem. I suppose lawyer/client privilege when the lawyer has died is less problematic, except for Shirley MacLaine.

But, in general, this whole question of privilege could be looked at, but not hastily in reaction to a very politicized situation involving the current Independent Counsel, without many Members knowing what they should about it or having a chance to explore it.

So I urge the Members to vote "no" on this, and let us deal with this very, very important issue in a more thoughtful context.

Mr. HYDE. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I want to join the gentleman from Massachusetts (Mr. FRANK) in his well thought out sentiments because I think he is exactly right. This is an important subject and it is one that deserves thoughtful consideration.

A trial is a search for truth; and when we start asserting privileges, we are putting obstacles to that search for truth. They may well be justifiable, but I think they do impede the quest for learning the facts about a given situation.

We have a spousal privilege. We have an attorney/client privilege. We have executive privilege. We have a Secret Service privilege. Now we are creating a parent and child privilege. The whole subject of privilege is, it seems to me, important and significant and complicated, and perhaps we should look at it in a more thoughtful way than we are doing here.

We missed the priest/penitent privilege. But what we are doing here, the gentlelady's amendment is creating for the first time a Federal privilege, because section 501 of the Federal Rules of Evidence says there are no Federal privileges. We follow the State law. Of course here we are creating for the first time a new privilege: A parent may not be compelled to testify against a child.

I will forgo the opportunity to broaden this discussion as some have by bringing in the name of the Independent Counsel now, but I think it is helpful in this context to note that President Clinton's lawyers deposed Paula Jones' mother, Delmer Lee Corbin, and her sister, Lydia Cathey, in October of 1997. There was no hue and cry about protecting the mother from compulsory testimony.

I think it is worth noting that Colonel North, Oliver North, back in the halcyon days of Iran Contra, his wife was called to testify before the grand jury. Colonel North's lead attorney, Brendan Sullivan, was subpoenaed to appear before the grand jury. Colonel North's wife's sister was interrogated about how much it cost to feed their daughter's horse. The Norths' baby-sitter and a teenager who mowed the Norths' lawn were questioned about how much they were paid. Oh, and Colonel North's minister was asked how much the North family contributed on Sunday.

So we have had these things before. Fortunately, the gentlewoman has become sensitized to the problem somewhat late in this century, but that is all right. But I would suggest that this is inappropriate, and I hope the gentlelady's amendment is defeated.

I hope, and I pledge, as the gentleman from Massachusetts (Mr. FRANK) suggests, that we look at this whole subject across the board on privilege, but try to take it out of the fever swamps of our current political situation.

Ms. LOFGREN. Madam Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentlewoman from California.

Ms. LOFGREN. Madam Chairman, I just would like to note that I think in 1973, in the 93rd Congress, that the reference, at least the notes from the Committee on the Judiciary note several privileges that were recognized and then followed into rule 501 for future delineation.

I understand that the gentleman's objections are well-stated and sincere, and everyone has respect for his judgment. I would just like to note that I am in my second term. I was not here during Iran Contra to object or to introduce bills about that. I think it is terrible if Mr. North's minister was called by the grand jury.

As to the calling of the mother of the individual referenced, I think that is objectionable as well. I did not know about it until after I introduced this bill.

Mr. HYDE. Madam Chairman, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, although the arguments on the floor opposing the gentlelady's amendment may prove to be somewhat convincing, I would like to take those arguments and turn them around in support of the gentlelady's amendment, and to acknowledge the gentleman from Illinois (Mr. HYDE), the chairman, in recognizing that this is in fact a bipartisan amendment or one that should garner bipartisan support.

The fact that Oliver North's relatives were called, the fact that the President's lawyers deposed the mother of Ms. Jones, does not make it any more right. The issue of parent/child immunity should certainly fall and be given enough or sufficient or equal deference as the patient/doctor privilege, the psychiatrist/patient privilege, the priest's privilege with his religious constituent, and certainly the spousal privilege.

What the gentlewoman is saying, I believe, is that the common law has not responded to the crisis. Putting aside the immediacy of the national attention to the recent set of circumstances, I would argue as an aside that the hauling down, in front of massive media, the horrible evidence of the stress on that particular parent certainly encourages this kind of proposal. It does not take away from it. But it certainly answers a response to any set of circumstances that involves a parent/child, although the gentlewoman's proposal and the proposal of the gentleman from New York (Mr. NADLER) does give an exception if there is criminal fraud or conspiracy. So, therefore, if a parent and child were conspiring to do wrong, there is an exception.

Just a few weeks ago we saw a daring attempt for a mother to help her child escape from jail. I do not think there is any need to worry about whether there is parent/child immunity. The bare facts, the visuals will allow us to convince, I am sure, at some point, though there will be a trial, a jury that something was done wrong, without either the child or the parent being required to testify against each other. There are others who may provide the evidence that would be able to point to the criminal and/or the civil act of wrong.

So I do think that if we talk about all of our expressions of the sanctity of the parent, the child, our brief in the best interest of a child, the relationships of family, I believe that this amendment is one that carries with it the weight of what is right, the moral weight of what is right.

I welcome the opportunity for further hearings.

Ms. LOFGREN. Madam Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentlewoman from California.

Ms. LOFGREN. Madam Chairman, as someone who is steeped in the law and a former judge, I am sure the gentlewoman is aware of the so-called trilemma that lends doubt to the veracity of testimony compelled by a parent against a child. If the parent faces this dilemma, she can either fudge the truth, she can betray her child's confidences, or she can go to jail. Under those three choices, many prosecutors and many judges have grave doubt about the veracity of testimony, because some parents choose to fudge the truth, the first option.

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank the gentlewoman for that clarification. She is so very right, that in the course of the setting of a trial and a trial atmosphere, it is often doubtful as to whether that parent is totally truthful on the facts. And so I think that the question of whether or not we are moving too quickly on a parent/child immunity, I would hope that we would recognize that we would not do great or enormous injustice or deny justice by providing that privilege.

Mr. FRANK of Massachusetts. Madam Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Madam Chairman, let me give another example. Two people for whom I have an enormous amount of respect are two people who may be considered to have betrayed the family tie, but they are the Kaczynskis, Ted Kaczynski's brother and mother. They were not compelled, but they came forward. But that is an example. They came forward. Since they came forward, I think lives were saved, innocent lives were saved because they took this dangerous murderer off the streets.

If, in fact, the prosecutor became aware that Mrs. Kaczynski had information that could have led, as it in fact did, to the apprehension of her son, I do not see why we would want to give absolute privilege for a man in his 50s and his mother so that she could not be compelled to testify. In her case it was voluntary, but we could have seen a situation where that compulsory testimony could have been useful.

Yes, where we are talking about a small child, maybe a teenager, it is a very appealing situation. Maybe we ought to tailor a privilege for that. But where we are talking about Ted Kaczynski's mother and Ted Kaczynski, I do not think it is at all immediately obvious that we ought to, on this floor today, to vote to give somebody like that preference.

The CHAIRMAN. The time of the gentlewoman from Texas (Ms. JACKSON-LEE) has expired.

(By unanimous consent, Ms. JACKSON-LEE of Texas was allowed to proceed for 2 additional minutes.)

Ms. JACKSON-LEE of Texas. Madam Chairman, the gentleman is extremely convincing when we are talking about something that is heinous as that of those acts. I think, however, we need to ask the question as to whether or not, and a voice rises up, as to whether or not we know the status of the investigation and whether or not those investigating this heinous crime of the Unabomber would have, even without, would have been able to determine the fact that he was the person and brought him to justice.

I think more often than not we find circumstances where the parent/child relationship really rises above these questions of these very unique heinous crimes. I would simply say that the parent/child relationship, covering over 200 million Americans, we can find more cases than not when we should protect that relationship as opposed to suggest we would be, if you will, tampering or hindering the rights of justice if we did not allow the parent/child immunity. I simply see a range of places where that is important.

I chair the Congressional Children's Caucus. I think that when we talk about promoting children as a national agenda, when we talk about allowing these relationships, I look to it as the bulk of children, if you will, and realize that in cases where we are talking about an adult, I think there are exceptions to inhibit any disallowance of justice.

Ms. LOFGREN. Madam Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentlewoman from California.

Ms. LOFGREN. Madam Chairman, I would just note that all of the modern cases that I have been able to find in the spousal immunity area that would be the guide in the parental/child immunity cases do make exceptions for criminal activity.

I would note also that in the case cited by our colleague, the Kaczynskis, I would join in his admiration of the Kaczynski family that came forward under very trying circumstances and did the right thing and did save lives, and they did it voluntarily. I believe, had they relevant evidence, clearly that since they came forward with the evidence, they would have testified.

The CHAIRMAN. The time of the gentlewoman from Texas (Ms. JACKSON-LEE) has again expired.

(On request of Mr. FRANK of Massachusetts, and by unanimous consent, Ms. JACKSON-LEE of Texas was allowed to proceed for 1 additional minute.)

Mr. FRANK of Massachusetts. Madam Chairman, will the gentlewoman yield to me?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Madam Chairman, my colleague said that there is an exception for criminal, but let me read what might be more relevant here, the title of her amendment as she wrote it: Parent/Child Testimonial Privileges in Federal Civil and Criminal Proceedings. If the gentlewoman in fact intends to exempt criminal, putting "criminal" in the title is not the most artful drafting I have ever seen.

Ms. JACKSON-LEE of Texas. Madam Chairman, let me close by simply saying that I really do believe that we have made a very strong argument as to the sanctity of the parent/child relationship. I would commend, as well, the family of the Unabomber, and would say that that is something that probably occurs more regularly than not where parents and relatives come forward because they believe in justice.

□ 1445

In the instance, however, where there is a relationship, parent-child, I cannot imagine that we would diminish parent-child any lower than the priest, the psychiatrist, the physician, the lawyer and anyone else that has now benefited from privilege. And as well let me say that in the criminal sense I do believe that justice will not be denied if we provide this single privilege.

Madam Chairman, I would ask support of this amendment.

The CHAIRMAN pro tempore (Mrs. EMERSON). The question is on the amendment offered by the gentlewoman from California (Ms. LOFGREN).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Ms. LOFGREN. Madam Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 408, further proceedings on the amendment offered by the gentlewoman from California (Ms. LOFGREN) will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. DELAY

Mr. DELAY. Madam Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. DELAY:

Add the following at the end:

SEC. 12 LIMITATION ON PRISONER RELEASE ORDERS.

(a) IN GENERAL.—Chapter 99 of title 28, United States Code, is amended by adding at the end the following new section:

§ 1632. Limitation on prisoner release orders

"(a) LIMITATION.—Notwithstanding section 3626(a)(3) of title 18 or any other provision of law, in a civil action with respect to prison conditions, no court of the United States or other court listed in section 610 shall have jurisdiction to enter or carry out any prisoner release order that would result in the release from or nonadmission to a prison, on the basis of prison conditions, of any person subject to incarceration, detention, or admission to a facility because of a conviction of a felony under the laws of the relevant jurisdiction, or a violation of the terms or conditions of parole, probation, pretrial release, or a diversionary program, relating to the commission of a felony under the laws of the relevant jurisdiction.

"(b) DEFINITIONS.—As used in this section—

"(1) the terms 'civil action with respect to prison conditions,' 'prisoner,' 'prisoner release order,' and 'prison' have the meanings given those terms in section 3626(g) of title 18; and

"(2) the term 'prison conditions' means conditions of confinement or the effects of actions by government officials on the lives of persons confined in prison.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 99 of title 28, United States Code, is amended by adding at the end the following new item:

"1632. Limitation on prisoner release orders.".

(c) CONSENT DECREES.—

(1) TERMINATION OF EXISTING CONSENT DECREES.—Any consent decree that was entered into before the date of the enactment of the Prison Litigation Reform Act of 1995, that is in effect on the day before the date of the enactment of this Act, and that provides for remedies relating to prison conditions shall cease to be effective on the date of the enactment of this Act.

(2) DEFINTIONS.—As used in this subsection—

(A) the term "consent decree" has the meaning given that term in section 3626(g) of title 18, United States Code; and

(B) the term "prison conditions" has the meaning given that term in section 1632(c) of title 28, United States Code, as added by subsection (a) of this section.

Mr. DELAY. Madam Chairman, I just wanted to say that this is a wonderful debate that we are having. It is great to be part of an institution that is actually trying to regain some of its authority and responsibility that the Founding Fathers envisioned in the Constitution of the United States, and I am offering an amendment with the gentleman from Pennsylvania (Mr. MURTHA) that is, I think, pretty simple. It ends forever the early release of violent felons and convicted drug dealers by judges who care more about the ACLU's prisoners' rights wish list than about the Constitution and the safety of our towns and communities and our fellow citizens.

Under the threat of Federal courts, States are being forced to prematurely release convicts because of what activist judges call prison overcrowding. In Philadelphia, for instance, Federal Judge Norma Shapiro has used complaints filed by individual inmates, criminals, convicted criminals, to gain control over the prison system and establish a cap on the number of prisoners.

Federal Judge Shapiro put a cap on the number of prisoners in Pennsylvania. To meet that cap she ordered the release of 500 prisoners a week, 500 prisoners a week. In a 18-month period alone, 9,732 arrestees were out on the streets of Philadelphia on pretrial release because of her prison cap. They were arrested on second charges, including 79 murders, 90 rapes, 701 burglaries, 959 robberies, 1,113 assaults, 2,215 drug offenses and 2,748 thefts.

How does Judge Shapiro sleep at night? Each one of these crimes was committed against a person with a family, dreaming of a safe and peaceful future, a future that was snuffed out by a judge who has a perverted view of the Constitution.

Of course Judge Shapiro is not alone. We are seeing this all over the United States. There are many other examples. In Texas, my home State, a case that dates back all the way back to 1972, Federal Judge William Wayne Justice took control of the Texas prison system and dictated changes in basic inmate disciplinary practices that wrested administrative authority from staff and resulted in rampant violence behind bars.

And under the threats of Judge Justice, under the threats of Judge Justice, Texas was forced to adopt what is known as the "nutty release law" that mandates good time credit for prisoners. Murderers and drug dealers who should be behind bars are walking the streets of our Texas neighborhoods as I speak, thanks to Judge Justice.

Wesley Wayne Miller was convicted in 1982 of a brutal murder. He served only 9 years of a 25-year sentence for butchering an 18-year-old Fort Worth girl. Now, after another crime spree, he was rearrested. Huey Moe was sentenced to 15 years for molesting a teenaged girl. He is eligible for parole this September after serving only 2 years in prison. Kenneth McDuff was on death row for murder when his sentence was commuted. He ended up murdering somebody else.

In addition to the cost to society of Judge Justice's activism, Texas is reeling from the financial impact of Judge Justice's sweeping order. I remember back when I was in the State legislature, 1979, the State of Texas spent about $8 per day per prisoner to keep these prisoners. By 1994, with the full force of Judge Justice's edict being felt in the State of Texas, the State is spending more than $40 every day for each prisoner. That is a fivefold increase over a period when the State's prison system barely doubled. All of that money comes out of our families' pocket.

The truth is, no matter how Congress and State legislatures try to get tough on crime, we will not be effective until we deal with judicial activism.

The CHAIRMAN pro tempore. The time of the gentleman from Texas (Mr. DELAY) has expired.

(By unanimous consent, Mr. DELAY was allowed to proceed for 5 additional minutes.)

Mr. DELAY. Mr. Chairman, the courts have undone almost every major anticrime initiative passed by the legislative branch. In the 1980's, as many States passed mandatory minimum sentencing laws that the American people wanted to see happen around the country to keep these criminals in jail, judges checkmated the public by imposing prison caps on the amount of population that we can hold in prisons. When this Congress mandated the end of consent decrees regarding prison overcrowding in 1995, some courts just ignored our mandate.

There is an activist judge behind each of most of the perverse failures of today's justice system, violent offenders serving barely 40 percent of their sentences. Three and a half million, 3½ million criminals, most of them repeat offenders, are on the streets today and are on probation or parole. Thirty-five percent of all persons arrested for violent crime were on probation, parole or pretrial release at the time of their arrest.

Well, the Constitution of the United States gives us the power to take back our streets. Article III allows the Congress of the United States to set jurisdictional restraints on the courts, and my amendment will set such restraints.

I presume we will hear the cries of court stripping by the opponents of my amendment. These cries, however, will come from the same people who voted to limit the jurisdiction of Federal courts in the 1990 civil rights bill.

Now let us not forget the pleas of our current Chief Justice of the United States, William Rehnquist. In his 1997 year-end report on the Federal judiciary he said, "I therefore call upon Congress to consider legislative proposals that will reduce the jurisdiction of the Federal courts." We should heed Justice Rehnquist's call right here, right now.

The voters will be watching this vote. A vote against this amendment is a vote to put prisoners, convicts, drug dealers and rapists on the streets of my colleagues' congressional districts. Judicial activism threatens the very safety of our children and our constituents, if in the name of justice murderers and rapists are allowed to prowl on our streets before they serve their time. It is time to return some sanity to our justice system and keep violent offenders in jail, and I ask my colleagues to support my amendment.

Mr. FRANK of Massachusetts. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I listened to the gentleman from Texas describe an amendment that I would be prepared to vote for but I do not see it before me. The gentleman talked about murderers and rapists walking the streets of our districts, and I do not want that to happen. And if it was an amendment that was limited as the gentleman said, I suspect it would get virtually no opposition here, but the amendment is far broader. It is not limited to murderers and rapists, it is not even limited to people who committed violent crimes. It applies to anybody convicted under any felony.

Now there are some nonviolent felonies. There are also situations where prison conditions have been outrageous. The gentleman said we should not release murderers because of overcrowding. I agree. But what about people who might have violated a securities law or people who might have been guilty of nonsupport, if that were a felony, or some other nonviolent felony which we have, insurance fraud. I do not like people committing insurance fraud, but they are not all murderers and rapists. Most of them are probably not. It is probably kind of a distinction in the criminal class.

And it also is not just overcrowding. It says prison conditions means conditions of confinement are the effect of actions by government officials on the lives of persons confined in prison. If in fact there are situations where particular prison officials have behaved in a outrageous fashion abusive of people's rights, may even have put these people in danger, and we are talking about nonviolent felons, I am not prepared to say that no judge ever ought to let them out.

Now, as I said, if the gentleman had offered the amendment he described, I would not be up on my feet talking about it and I would not expect anyone else to be. If we were talking about violent criminals, particularly murderers and rapists, but muggers and others who were being released surely for overcrowding, I would agree with him.

We have an amendment that goes far broader. It does not just deal with overcrowding. It would immunize prison officials, as it is written, even by actions they took that were violative of people's rights and even for nonviolent criminals. It also is completely retroactive. It says any order now in effect is ended, and I think that would be a very unwise idea.

Mr. DELAY. Madam Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Texas.

Mr. DELAY. Madam Chairman, I appreciate the gentleman yielding. He must be reading a different amendment than I put in. This amendment does not affect any court action brought against prison officials that might violate the criminals' rights or even prison conditions. There are other kinds of remedies that can come into play here.

What we are just saying is do not turn felons out, and surely the gentleman is not for turning felons out, including nonviolent felons like drug dealers, out on the street just because prison conditions may be overcrowded and they could put prisoners in tents.

Mr. FRANK of Massachusetts. No, because the gentleman is wrong in the description of his amendment. In the first place, there are nonviolent felons other than drug dealers. There are people who committed insurance fraud; there are people who cheated on their taxes, their State taxes. I do not say that under no circumstances should they be released because I think they are not the kind of danger that we are talking about to the community in the near term. The gentleman talked about murderers and rapists, but it includes nonviolent felons.

Mr. DELAY. I totally agree with the gentleman.

Mr. FRANK of Massachusetts. And I am glad the gentleman from Texas does, and therefore there is no reason to interrupt me. Let me just say to my friend he should only interrupt me when he disagrees with me. He need not interrupt me when he agrees with me. He should just nod his head and we will all notice that.

But I appreciate the agreement. So we are now in agreement that we are talking about nonviolent felons, and they said including people who may have been convicted of tax fraud or insurance fraud.

Secondly, though, this does say no release could be a remedy because of conditions of confinement or. Now the gentleman says it is only overcrowding, but the word "or" apparently means something different to me than it does to the gentleman. "Or" generally means there is something else that is involved. It says these insurance fraud perpetrators cannot be released either because of conditions of confinement or because of the effects of actions by government officials on the lives of persons confined in prison.

□ 1500

In other words, if prison officials are grossly violating people's rights, and even people who have committed fraud have rights, as we all agree, even if it is not overcrowded, but if it deals with violations of their rights by conscious acts, one of the remedies cannot be to release people.

The CHAIRMAN pro tempore (Mr. ROGERS). The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 1 additional minute.)

Mr. FRANK of Massachusetts. Mr. Chairman, I do not think where we are talking about conscious misbehavior that violates the rights of nonviolent criminals. What we are talking about is saying if you have prison officials who are consciously abusing the rights of nonviolent felons, people who have committed fraud, it has nothing to do with overcrowding or violence, under no circumstances should a judge be able to say the remedy is, if you don't stop abusing these people, we are going to make you let them loose. I don't think under all circumstances we ought to say no to that.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, I agree with the gentleman, but disagree with his interpretation. I have the advantage of not having gone to law school. The advantage is such that nothing stops the inmates' rights to bring action against prison officials. All we are saying here is do not turn these felons out on the street.

The CHAIRMAN pro tempore. The time of the gentleman from Massachusetts (Mr. FRANK) has again expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 1 additional minute.)

Mr. FRANK of Massachusetts. Mr. Chairman, I think the issue is not that my friend didn't go to law school, the question is in what language did he not go to law school, because I am talking about English here; not law. What I am talking about is the phrase that says you cannot release nonviolent felons because of the effects of actions by government officials on the lives of persons confined in prison.

In other words, nothing to do with overcrowding, but conscious abuse of people's rights. I do think in some cases where you have got that pattern of abuse, ordering the release of nonviolent felons might be something they may want to consider.

For that reason, while I would have voted the amendment the gentleman described, I cannot vote for the gentleman's amendment as offered.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I happen to disagree with our previous speaker. The DeLay amendment really corrects a problem that I have spent most of my political career trying to fix.

When I was in the Texas statehouse, I spent a lot of time speaking out against the antics of a judge named William Wayne Justice, a Federal judge who in 1980, single-handedly took control of and weakened the Texas prison system, which I think is a little bit out of line as far as our States rights policies are concerned.

Judge Justice felt our State prisoners were cramped and "unhappy with their living conditions," so he forced Texas to turn jails into country clubs so that dangerous criminals could be more comfortable. He even ordered Texas to provide these criminals with color television. He ordered that 11 percent of Texas prison beds be empty at all times, and mandated that cells built for two prisoners only hold one, and that cells built for four prisoners only hold two.

Consequently, we have got over 5,000 empty beds in the Texas prison system because of a Federal judge's ruling, and that caused overcrowding and it caused extra expense. These mandates have done nothing but set criminals free, increase overcrowding, and waste billions of taxpayer dollars.

I want everyone to understand it is our Texas lawmakers that were forced to release hardened criminals on the order of a Federal judge. This means that criminals have been released back on to the Texas streets, all because a Federal judge was more concerned about the comfort of criminals than about the safety of law-abiding citizens.

This amendment will do what the Texas legislature tried to do and could not; stop Federal judges like William Wayne Justice from pushing their agenda at the expense of public safety. This language states in no uncertain terms that Federal judges cannot mandate early release of violent criminals. It also nullifies current consent decrees like the one inflicted on Texas by Judge Justice.

This is common sense legislation. It is long overdue. The people of Texas have waited 20 years for relief from this Federal judge. Let us not make them wait any longer. I think it is long overdue.

Mr. Chairman, I urge my colleagues to support this amendment, because it is going to make America a lot safer by keeping your violent criminals behind bars.

Mr. MANZULLO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, what the House is doing today, the House of Representatives, the People's House, is so unique in history, and it is truly remarkable, because what we are doing today is we are showing that when the Constitution was drafted in 1787, that the men who met in Philadelphia in that year envisioned a system of the separation of powers, and they built into the Constitution a mechanism whereby one branch of government could reclaim the authority that had been usurped by another branch of government, and that is the genius of the Constitution.

We can go back to the Declaration of Independence when Jefferson was asked by Benjamin Franklin, also in Philadelphia, to draft that document and to set forth the reasons for the establishment of this republic. One of the reasons that Jefferson put in the Declaration of Independence is that King George III had obstructed the administration of justice by refusing assent to laws for establishing judiciary powers. In other words, it would be up to the individual colonies, and thus a central government in a new country, to establish and define exactly what those judicial powers are.

So in the Constitution, under Article III, Section 1, Congress was given the express power to ordain and establish inferior Federal courts, which includes the power of vesting them with jurisdiction, either limited, concurrent, or exclusive.

In fact, in a 1943 case, it has been, perhaps, we do not know how many decades, we have arguments here where Congress is trying to get back from judiciary powers that judiciary has taken, and in the case of Lockerty versus Phillips, the court said that Congress has the power to withhold jurisdiction from courts in the exact degrees and character which to Congress may seem proper for the public good.

That is what is exciting about the legislation of the gentleman from Texas (Mr. DELAY). It takes a look at Congress, the elected branch, the representative branch of government, and says we are overseeing the court system to bring about a change when something has happened in the court system that violates the public good.

The public good to which the gentleman from Texas (Mr. DELAY) addresses himself is the fact that courts have overstepped their boundaries by releasing dangerous felons, who go out to kill, and to maim, and to peddle drugs to our little children, who ingest these drugs, and the little innocent ones, my children and children of all Americans, thus become susceptible to more people who the law enforcement people have in good faith put away, but which a Federal judge says they should be out.

So we are here today because the Constitution compels us to do so. It would do no good for me to reiterate the various travesties that have taken place in America because of what the Federal courts have done. But let us look upon this day in this Congress as being a responsible Congress and telling the American people that the courts have gone too far, and that Congress is exercising the jurisdiction and the authority envisioned by the founders of this republic in saying we are going to correct what is wrong with the court system.

Mr. FOLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me strongly support the efforts of the majority whip, the gentleman from Texas (Mr. DELAY), because this amendment goes right to the heart of a horrible situation we in Florida have faced.

In 1993, the Florida Department of Corrections reported that between January 1, 1987, and October 10, 1991, some 127,486 prisoners were released early from Florida prisons. Within a few years of their early release, they committed over 15,000 violent and property crimes, including 346 murders and 185 sex offenses.

Florida tried to stop the early release program last year, the "gain time" provision, which was created because of prison overcrowding. But, whoa, the judges said, the courts would not allow them to change it.

The courts suggested that since it was given in advance to create or vacate prison space, that it was now part of their sentence. It did not say when they were sentenced that they were entitled to it, but because it was a mechanism, a management tool created by the legislature, that it had to apply to every person in prison, no matter what crime they committed, whether it was bounced checks, murder or rape.

Now, who is paying for this type of thinking? Who pays for this type of thinking in our society? Let me give you a few examples.

One is a 21-year-old convicted burglar who got out of prison last October on early release. A month later he was charged with kidnapping and murdering a 78-year-old woman in Avon Park near my district. He abducted her from her home, forced her into the trunk of her car, and killed her in an orange grove about 20 miles away.

Then, there is the 30-year-old man jailed in 1989 on grand theft and armed burglary charges, who was released early in 1992 because of prison crowding. Four years later he was charged with murdering the owner of a convenience store in West Palm Beach, Florida, part of which I represent.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Our guests in the gallery will be advised they are guests of the House, but must not express approval or disapproval to interfere with the activities of the House.

Mr. FOLEY. Mr. Chairman, last month a 30-year-old drifter, jailed in 1986 for kidnapping and brutally beating a British tourist in Hollywood, Florida, but released early in 1986, was charged with first degree murder of a teenager after her partially mutilated corpse was found in his bathtub in Miami Beach.

In 1991, in St. Lucie County, which I represent, a Fort Pierce police officer, Danny Parrish, was murdered by an exconvict who had been released after serving less than a third of his prison term for auto burglary. Officer Parrish stopped him for driving the wrong way on a one-way street. The ex-convict, who admitted later he did not want to go back to prison for violating probation, disarmed Officer Parrish and killed him with his own gun.

Now, when are we in America going to wake up and recognize the rights of victims? I have heard constantly about judges stepping in and allowing prisoners to smoke in prison, prisoners being allowed video machines so they can watch TV, prisoners being given weight rooms so they can exercise and feel comfortable and good about themselves. And the same judges then say because it is a little crowded, we should let these people out early.

So then ultimately, after serving only a third of the time they have been sentenced to, they maim, murder, kill our families and our children, and society pays greatly for these acts. Society pays more for the violence on our street because of early release than we could ever pay for the proper construction of prison facilities.

So I urge my colleagues to look very seriously at this amendment. It is not defeating the judges' power; it is not usurping judicial power. It is asserting, first and foremost, that victims and their families should be given their rights first, not the criminal; that when you are sentenced to prison, it should mean something. When you are given 10 years, it should be 10 years, not 2 years.

When our young people look at the fact that people are being sentenced for 10 years, they should know it is serious. But when you commit a murder and are let out after 3 years of a 10-year sentence; when you are convicted of a crime, and told "don't worry about it, it is only a year;" in a recent case where a young girl killed her child, I understand she may get 2½ years in prison. What a punishment.

What does it say to society, the value we place on life. What does it say about the law of the land? What does it say to the law-abiding citizen? You can go ahead and get away with it, because a judge is going to be worried about your comfort in prison; that he will let you out on the street to maim, murder and kill once again?

□ 1515

I know judges do not do this because they do not care about our communities, but Congress has to step into the debate, protect the communities we represent, all 435 of them, and do our best to suggest that if a prisoner commits a crime, if a person victimizes another human being, if a person violates a human being, if a person murders someone else, that that person should fulfill the full terms of the sentence meted out by the courts, should not be granted special benefits, should not be given game time, and should be treated like the criminals that they are.

I urge the support of the fine amendment of the gentleman from Texas (Mr. DELAY).

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House, and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is a very, very difficult issue to debate, because when one postulates the rights of citizens, innocent citizens, against folks who have been sentenced to prison who are released, whether they are released for misdemeanors or felonies or whatever reason, because of prison overcrowding and conditions in prisons, it always seems like you are taking sides with the prisoners, as opposed to taking sides with the innocent people in the street.

The gentleman from Florida (Mr. FOLEY) obviously makes a very, very powerful argument. But an amendment which basically says we are going to go back retroactively and undo existing consent orders that have been entered into, that retroactively says we are going to undo orders that courts have entered in these cases, or even an amendment which, looking forward, says that even though the Constitution might, and we as a body of people in our country believe that nobody, no individual, ought to be put into conditions where they are subjected to rape or disease or whatever by overcrowding or failure of supervision, we cannot enforce that order to protect those people, is an amendment which, in my opinion, goes too far.

That is what this amendment does. It undoes prior consent orders. It undermines prior orders, whether they are consent orders or not. Also, it effectively says that where there is a constitutional violation there really is no remedy for that violation, because we are not going to provide a constructive remedy for somebody who is put in inhumane, overcrowded conditions.

So while I clearly am uncomfortable, and if anybody believes that I am siding with prisoners over victims in the street, I am uncomfortable being in that position, but I think this amendment goes too far.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, I appreciate the gentleman yielding. I understand the struggle that the gentleman is going through. I appreciate that.

I just want to remind the gentleman that in 1995 we passed a law, signed by this President, dictating to these judges that they should vacate these consent decrees if they have no further constitutional grounds, and these judges have found loopholes by which they can continue.

Mr. WATT of North Carolina. Let me stop the gentleman in the middle of his sentence, because that is a big "if," if there are no further constitutional grounds. The ones that I am talking about are where there is a constitutional ground. And what this amendment does is say you cannot have a remedy where there is a constitutional basis for the order. So to just kind of gloss over that big "if" in the gentleman's sentence is a serious matter.

The CHAIRMAN pro tempore. The time of the gentleman from North Carolina (Mr. WATT) has expired.

(On request of Mr. DELAY, and by unanimous consent, Mr. WATT of North Carolina was allowed to proceed for 1 additional minute.)

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, first of all, I am not, in my amendment, stopping any other remedies, any other constitutional remedies or the rights of inmates that are being mistreated, overcrowded, or any other prison condition. That is not my amendment.

My amendment basically is saying to judges, stop finding loopholes to continue your consent decrees, and we are going to eliminate the "if" part about early release of prisoners. We are not going to put these criminals back on the streets. They can have all the other remedies.

Mr. WATT of North Carolina. Mr. Chairman, if in fact the amendment was nearly as gentle and kind as the gentleman has portrayed it, I think I could get there with him, but that is not what the language of this amendment says. It says, we are undoing prior consent orders, we are undoing prior orders, and we are making it impossible to address a constitutional violation because there is no remedy for it. It is that that I have serious concerns about.

Ms. GRANGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today on behalf of families, victims and law-abiding citizens everywhere to support the Judicial Reform Act of 1998, and particularly to support the amendment offered by my good friend, the gentleman from Texas (Mr. DELAY).

I do so because I believe there is a time in the life of every problem when it is large enough to see and yet small enough to solve. The problem of judicial activism is one which we can see and we can also solve, if only we have the commitment and the courage to make it right.

According to the Bureau of Judicial Statistics, every day this year 14 people will be murdered, 48 women raped, and 570 robbed by criminals who have already been caught, convicted, and returned to the streets on probation or early parole.

Mr. Chairman, this is more than a crisis, this is the crime. I believe the first order of our legal system is to protect the innocent, and one way we can do this is to punish the guilty. But we cannot protect the innocent or punish the guilty by putting criminals back on the streets. Yet that is exactly what some judges are doing.

Under the guise of legal apologetics, many judges are giving felons and drug dealers get-out-of-jail-free cards. For example, a U.S. district judge in Philadelphia imposed a prison cap that had the effect of freeing scores of felons and drug dealers who are waiting trial in the prisons. In fact, 600 prisoners a week were released for over 1 year.

What did they do when they got a new lease on life? They committed 79 murders, 959 robberies, 2,215 drug-related crimes, 90 rapes, and over 1,100 assaults. This type of judicial activism is crazy, and it is changing once we pass the DeLay amendment.

Mr. Chairman, the American people want criminals to serve the sentences they are given. They do not want some judge overruling the law, the prosecutors who got them the conviction, or the jurors who sentenced them.

Mr. Chairman, let us not confuse our wants with our needs. We all want to give everyone a second chance, but we absolutely need to ensure that crime does not pay. I urge my colleagues to support the DeLay amendment. It is simple, it is smart, and it is a solution.

Mr. MURTHA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I agreed to cosponsor this amendment with the gentleman from Texas (Mr. DELAY) because I felt it was so important for us to send a message to the court system and to our judicial system that, when a person is sentenced, that person should spend that appropriate time in prison.

Now, I realize there may be some deficiencies in this amendment. I realize if this goes to conference that maybe a few things ought to be changed. But I think one of the reasons that we do not have as much crime as we had a few years ago is because people are staying in jail longer. We put mandatory sentences in.

I worried about mandatory sentences, but the results are the crime rate has dropped dramatically for violent crime throughout the country, and I think it is important for all of us to think about the victims of the crime. One way to make sure that they are separated is to keep them in prison for the time.

They spend a lot of time in thinking about how long the sentences ought to be. If we put them out, drug dealers, a person that commits a violent crime, out on the street prematurely, there is no question in my mind the crime rate will start to go back up again.

So I would urge Members to support this amendment and to vote overwhelmingly to send a message that we do not want people, just because of a technicality, overcrowding, to be out in the street before their time that they have spent in prison.

Mr. DOOLITTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I strongly support the DeLay amendment. I think it is a great amendment, and I hope that it survives unscathed through both Houses of the Congress.

This deals with the most fundamental obligation of government, the reason we pay all of the huge amount of taxes that we are having to pay these days. That is, it is the job of government to restrain men from injuring one another, to quote Thomas Jefferson.

It is just unconscionable that these liberal judges, unelected by the people but in office for life, have taken it upon themselves, in some cases, to inflict this kind of injury upon a community. Think of the thousands and thousands of lives that have been ruined, in many cases, or severely impacted in others, by the types of crimes that have been committed.

We did a study in our State legislature years ago, and it was a pretty established fact, as a result of the study, that two-thirds of the forcible-sex felonies are committed by repeat offenders, so that by dealing with this population and incarcerating them for long periods of time, we would dramatically reduce this type of crime. Indeed, that has been the case.

In California and other States where they have had mandatory sentences and where they have long terms, we have spent an awful lot of resources in California locking people up, and we have overcrowded those prisons as much as we could, and I am glad that we have, because it has made our streets safer.

We have now about 130,000 people incarcerated in the State of California alone. Look at our crime rates. They have been dropping dramatically. So taking off the streets this kind of offender was exactly the right thing to do.

Yet to have some isolated, arrogant, liberal, unelected district court judge turning these people loose because of some benighted belief in upholding some prisoner's constitutional rights is totally wrong.

Occasionally, there will be a conflict between the constitutional right of the prisoner and between the right of the public not to have dangerous criminals out in the street. The amendment of the gentleman from Texas (Mr. DELAY) simply says, Judge, do not make your remedy letting them go. You have other remedies. One of them is not to say, let these dangerous people back out on the street.

The public overwhelmingly supports the policy reflected in the DeLay amendment. It is long overdue. I strongly urge its adoption.

Mr. PACKARD. Mr. Chairman, I would like to voice my support for Congressman TOM DELAY's amendment to the Judicial Reform Act, which we will be voting upon shortly. Mr. DELAY's amendment addresses an issue of growing concern—the early release of convicted criminals due to overcrowding in prisons.

By this time we are all well aware of repercussions related to judicial activism. Mr. DELAY's amendment plays an important role in curbing this practice by targeting federal judges who order the release of persons convicted of violent or drug related crimes because of prison conditions. Uncomfortable prison conditions are no excuse for turning dangerous criminals out onto our streets.

Mr. Chairman, I hope that my colleagues will join me in voting in favor of the Judicial Reform Act and the DeLay Amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. DELAY).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DELAY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to House Resolution 408, the minimum time for electronic voting on the Lofgren amendment, if ordered, without intervening business, will be 5 minutes.

The vote was taken by electronic device, and there were—ayes 367, noes 52, not voting 13, as follows:

[Roll No. 105]

AYES—367

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Everett
Ewing
Farr
Fazio
Foley
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney

McNulty
Menendez
Metcalf
Mica
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Salmon
Sánchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Torres
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—52

Barrett (WI)
Bonior
Brown (CA)
Campbell
Carson
Clyburn
Conyers
Davis (IL)
DeGette
Delahunt
Evans
Fawell
Filner
Frank (MA)
Furse
Hilliard
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Lee
Lewis (GA)
Martinez
McDermott
Meehan
Meeks (NY)
Millender-McDonald
Miller (CA)
Oberstar
Olver
Owens
Payne
Pelosi
Rangel
Rush
Sabo
Sanders
Scott
Serrano
Skaggs
Stark
Stokes
Thompson
Tierney
Towns
Velázquez
Waters
Watt (NC)
Waxman
Yates

NOT VOTING—13

Bateman
Clay
Dixon
Fattah
Gonzalez
Hastings (FL)
Istook
Meek (FL)
Miller (FL)
Obey
Paxon
Spratt
Tanner

□ 1552

Messrs. BARRETT of Wisconsin, TOWNS, MILLER of California, SKAGGS, and TIERNEY changed their vote from "aye" to "no."

Messrs. RODRIGUEZ, JEFFERSON, SHAW, REYES, and FORD changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. LOFGREN

The CHAIRMAN pro tempore (Mr. ROGERS). The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. LOFGREN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 162, noes 256, not voting 14, as follows:

[Roll No. 106]

AYES—162

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Becerra
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Carson
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fazio
Filner
Ford
Fox
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Harman
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Klink
LaFalce
Lampson
Lantos
Leach
Lee
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McDade
McDermott
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sanford
Schumer
Serrano
Skelton
Slaughter
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson
Thurman
Torres
Traficant
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weller
Weygand
Woolsey
Wynn
Yates

NOES—256

Aderholt
Allen
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Dickey
Dicks
Dingell
Doggett
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Largent
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lucas
Manton
Manzullo
McCarthy (MO)
McCollum
McCrery
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Moakley
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Tierney
Towns
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Wexler
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Bateman
Clay
Davis (FL)
Dixon
Fattah
Gonzalez
Hastings (FL)
Istook
Meek (FL)
Miller (FL)
Paxon
Snowbarger
Spratt
Tanner

□ 1603

Mr. SAWYER changed his vote from "aye" to "no."

Mr. ABERCROMBIE changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. DAVIS of Florida. Mr. Chairman, during roll call vote 106, I was unavoidably detained. Had I been present, I would have voted "aye" on the amendment offered by the gentlewoman from California (Ms. LOFGREN).

Mr. HYDE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, at this stage, I was about to offer an amendment. I will not offer the amendment, but I think it is important to explain what kind of an amendment it was and why I am not going to offer it.

Mr. Chairman, there are not many of us, a narrow band of Members, but there are some on both sides of the aisle who feel that we mistreat in terms of cost-of-living allowances our Federal judiciary. Now, that is a poisonous subject in some quarters, because judge bashing is a universal sport. But it is a fact, of all the government employees in the galaxy, the only group that does not get an automatic cost-of-living increase is the Federal judiciary.

There is a law, it is called Section 140, that requires a specific vote before any Federal judge gets a cost-of-living allowance. Not a pay raise, a cost-of-living allowance. Even ourselves get an automatic cost-of-living allowance. Under the law, it can be reversed by vote. And, of course, sometimes we succumb to the penurious complaints of Members and deny ourselves a pay raise. But we must take affirmative action to do that.

Not so with the Federal judges. The only way they can get a cost-of-living allowance is by us voting them one. I think isolating Federal judges from all of the other employees in the Federal Government is wrong, it is mean-spirited, it is unfair. And I do believe the quality of justice, which is not of the highest I hasten to add, depends on the caliber of the people administering that justice; and that is the judges, male and female, throughout the land.

We penalize them because they are Federal judges and we are mad at this judge or that judge for a dumb decision and, so, we are going to have the whole system rigged so they are different from everybody else. I think that is unfair.

Now, I have proposed in this bill a judicial reform bill to remove the requirement that Federal judges could not get a cost-of-living increase without a vote to remove that. I learned very late in the day before I was to appear before the Committee on Rules that the rule that would be proposed would be self-executing and would delete Section 9 of my bill, which was my amendment to provide for treating Federal judges like everybody else on cost-of-living allowances. I was upset at that and not having any notification.

But, in any event, I was informed that the reason my bill was going to have that part deleted was that I was creating an entitlement and we do not create entitlements that way. Well, there are ways to handle that, and one is to subject this change to appropriated funds. That would cure that. But nobody was interested in helping me do that in the rule. And I was told if I offered an amendment to that effect on the floor, even though this is an open amendment, that this would not be germane.

Well, we took steps to see that it would be germane by redrafting it. Certain amendments were adopted that broadened the purview of the statute. But that encountered serious resistance. And so, the upshot of all of this folderol about people nobody cares a great deal about, the Federal judiciary, treating them equally with everybody else, although we pretend to support equal justice for all, the upshot of it is, if I persist in my efforts, the bill will go down. And I do not want the bill to go down.

I think this is a good bill. There are some good things in this. And, therefore, I have agreed not to offer my amendment, to bite my lip, and to take the unfair, in my judgment, treatment of an issue that deserves debate on the floor in the vote.

I understand why people do not want this change to occur, because it helps us get a pay raise if we can say the judges are being held back, too. But I do not see why economic politics should deny one group of Federal employees, with all their warts and their flaws, equal treatment.

The CHAIRMAN pro tempore (Mr. ROGERS). The time of the gentleman from Illinois (Mr. HYDE) has expired.

(By unanimous consent, Mr. HYDE was allowed to proceed for 5 additional minutes.)

Mr. HYDE. Mr. Chairman, I yield to the gentleman from Michigan (Mr. CONYERS), the ranking member.

Mr. CONYERS. Mr. Chairman, I thank the chairman of the Judiciary for yielding.

I join my colleague in his sentiments and point out that this is going to take a considerable amount of work to accomplish this delinking. But I think the time has come that judges, as a governmental class, should be able to be entitled to these very modest cost-of-living increases that the rest of people that serve in the government enjoy. I appreciate the efforts of the gentleman.

Mr. HYDE. Mr. Chairman, I yield to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the distinguished member of the Committee on the Judiciary for yielding.

There are not many, there are some but not many, who have stood on this floor and either voted for or advocated for the pay raises not only for Federal employees but for Members of Congress than I.

I, however, in this instance, although understanding the concern that some have with respect to impact on Members' pay, want to strongly join the chairman of the committee in his comments with respect to delinking.

Very frankly, my friends, this has to do with whether or not the Congress of the United States has either the courage or judgment to stand and do what I think the overwhelming majority voted to do back in 1989, and that is take a cost-of-living adjustment, not a pay raise, but a cost-of-living adjustment to keep pay even. That is what a cost-of-living adjustment does. It keeps pay even.

Now, if we think we ought not to do that for ourselves, what the Chairman is saying, we ought not to tie in others to that same position, which in my opinion relates not to the equity of pay but relates all to politics. I understand that. I criticize no one for that. But I was going to support the Chairman's inclusion of the delinking in the bill.

Many on my side have not have done that, Mr. Chairman, as my colleagues know. And, frankly, some of my strongest allies on the other side on the pay issue would not have supported it. But I think it is wrong that we continue to keep the judiciary tied to the political vagaries of what this body is willing to do for itself.

Mr. HYDE. Mr. Chairman, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the Chairman for yielding.

I would like to add my concern and willingness to go the extra mile on what I think is an important and crucial issue: Are we going to have the best judicial branch this Nation can afford? And I, too, supported the effort of the Chairman to reflect on our appreciation and respect for the judiciary and the difficulty of their job and position and, likewise, as a newer Member, think that we can defend COLAs no matter who it happens to before, unfortunately, politics do get in the way.

Just about a year ago, one of my senior judges, Judge Norman Black, who, unfortunately, passed away, came and made an eloquent argument, not for self, but for the standing and the quality and the excellence of the judiciary. How can we do any less than to compensate them for this high calling?

So I would just offer to work with the Chairman. I appreciate his position in terms of the overall bill.

☐ 1615

But I do believe that we need to have further discussions on this issue and work through it so that we can have the quality of the judiciary that we would like to have and ensure that there is adequate compensation out of the way of the politics.

Mr. HYDE. Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I rise to offer my support for the amendment that will now not be offered. But I want to express my admiration to the gentleman from Illinois. Taking the position he is taking so vigorously is not an easy one around here. But I hope Members will listen to what he said, separate out views that Members may have on particular judges and particular decisions from the more important question.

We all agree that there is going to be Federal law. We agree that there is going to be Federal criminal law and Federal civil law. We certainly all agree, I hope, that we want our constituents well served by thoughtful, intelligent people.

We want people who are at the top of the profession in temperament, and intelligence, and ability. Paying them as little as we do is a mistake. We are not going to get justice on the cheap that way, and we do not serve well this cause of justice for our constituents.

The CHAIRMAN pro tempore (Mr. ROGERS). The time of the gentleman from Illinois (Mr. HYDE) has expired.

(On request of Mr. FRANK of Massachusetts, and by unanimous consent, Mr. HYDE was allowed to proceed for 1 additional minute.)

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield to me?

Mr. HYDE. I yield to the gentleman from Massachusetts, certainly.

Mr. FRANK of Massachusetts. We do not serve the cause of justice by confusing unhappiness with particular judges and particular decisions with the functions of the judiciary. The gentleman is making a valiant effort to protect that function. I hope that in some other context those efforts are more successful. I regret, although I understand fully, the situation in which he found himself, that we will not be able to vote on it now.

I will say, as an aside, this does make it an easier decision for me because, had the gentleman offered the amendment and had it been succeeded, I would have been conflicted, but now I can vote against what I think is kind of a silly bill without any problem.

AMENDMENT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONYERS:

Add the following at the end:

SEC. 12. FOREIGN JURISDICTION AND PROCESS.

(a) IN GENERAL.—Chapter 113 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 1697. Foreign jurisdiction; service of process; compliance with rules of discovery

"(a) FOREIGN JURISDICTION AND PROCESS.—In any civil action for harm sustained in the United States, that is brought in a Federal court against a defendant located outside the United States, the court in which the action is brought shall have jurisdiction over such defendant if the defendant knew or reasonably should have known that its conduct would cause harm in the United States. Process in such civil action may be served wherever the defendant is located, has an agent, or transacts business.

"(b) COMPLIANCE WITH RULES OF DISCOVERY.—In any action described in subsection (a), any party who is a citizen or national of a foreign country shall comply with the rules governing the conduct of discovery in the same manner and to the same extent as a party that is a citizen of the United States, except that the deposition of a person who is a citizen or national of a foreign country may be taken only by leave of the court on such terms as the court prescribes.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 113 of title 28, United States Code, is amended by adding at the end the following new item:

"1697. Foreign jurisdiction; service of process; compliance with rules of discovery.".

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request from the gentleman of Michigan?

There was no objection.

Mr. CONYERS. Mr. Chairman, I used to say that my amendment is simple and should be noncontroversial, but I have stopped doing that lately. But this is not a complicated amendment. It changes title 28 to provide for service of process against actions brought against defendant corporations located outside of the United States. It is an amendment that has succeeded before on a couple of occasions, once in a bipartisan vote, and the other in a motion to instruct conferees.

It responds to the problem of service to a foreign corporation by creating a nationwide contacts test whenever a foreign defendant is sued in Federal court if it knew or reasonably should have known that its conduct would cause harm in this country.

This is not a new test. It has been repeatedly upheld by our courts and is in the law already and for other activities. It is similar to the standard adopted last Congress when we amended the Foreign Service Immunities Act to permit actions against terrorist States to proceed in this country.

Secondly, we provide for worldwide service of process. Presently, a big problem with service of process is that each nation requires different methods for process. A uniform worldwide service will fix this problem, and is consistent with our other laws like the Clayton Act, and the securities laws permitting service wherever the defendant can be found.

Finally, my amendment ensures that foreign persons are subject to the same rules of discovery as our own citizens and corporations when they are sued for wrongdoing. Currently, Americans are subject to a cumbersome discovery process which requires involvement of foreign courts and is subject to foreign laws that are designed to thwart discovery process.

Let us continue to create a level playing field so that our American companies are not, in fact, disadvantaged by foreign competitors. It will also help ensure justice for U.S. citizens that might be harmed by a foreign product.

When a foreign automobile is defective, or when fruit imported from out of the country causes widespread disease, or when a halogen lamp made overseas but used in this country explodes, we need to make sure that there is some form of accountability, whether the defendant is located within the United States or not.

So I urge, again, for the favorable consideration of the amendment.

Mr. CANADY of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Michigan. This is an amendment which was considered by the full Committee on the Judiciary and was not adopted. It is also an amendment that was considered by the full House 3 years ago, I understand, when it was offered as an amendment to the product liability reform bill. It was defeated then. I understand there may have been a conflicting action on a motion to instruct conferees.

I think it is important for the Members to focus on the potential impact of this amendment. I share the concern of the gentleman from Michigan that we act in such a way that we can help ensure that American companies are not subjected to unfair foreign competition. But I think we also have to be very concerned about the potential retaliation by foreign nations if we adopt a provision such as this, that that is a primary concern, I think, that should move us to oppose the gentleman's amendment and see that it is not adopted.

The extent to which American statutes apply to foreign nationals already is a serious point of contention in our foreign relations. I believe it is important that we proceed cautiously in this area. I think additional caution is indicated due to the fact that this amendment has not been the subject of full consideration in hearings.

I agree with the gentleman that this is an area for us to look at, but I do not think that we have adequately evaluated this in order to make sure that we are striking an appropriate balance that is not going to end up actually harming American interests.

I respect the intentions of the gentleman from Michigan. I understand that he is trying to protect American interests. But it is my concern for which I believe that there is a strong basis that the actual impact of this could actually be to harm American interests around the world and to subject

American companies, American citizens doing business in other countries to retaliatory action in response to our enactment of this amendment.

In light of those concerns, and with the recognition of the gentleman's good faith in offering this, I would strongly urge the Members of the House to reject the amendment, but I would for myself certainly offer to the gentleman to work with him on this issue and to see if there may be a way that we can strike an appropriate balance where we can help protect American interests without inviting retaliation that could be harmful.

Mr. SKAGGS. Mr. Chairman, will the gentleman yield?

Mr. CANADY of Florida. I am happy to yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Chairman, I just was curious because I was tracking, I think, the gentleman's logic in this. It seems to me it might extend then to, for instance, opposing the Helms-Burton legislation which has certain extraterritorial effects that run into serious opposition from our friends around the world.

Mr. CANADY of Florida. Mr. Chairman, I thank the gentleman for his insight on that issue. I would suggest to the gentleman from Colorado that there are extraordinary considerations involved there which the House has debated. The House has spoken on that issue along with the Senate, and I might also add along with the administration.

Mr. SKAGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the distinguished gentleman from Michigan (Mr. CONYERS), the ranking member.

Mr. CONYERS. Mr. Chairman, I would want to say to my friend from Florida, we need to work on this some more, but what more work does the gentleman have in mind? This is no different from the committee amendment. We have gone through this in the Committee on the Judiciary. That is the only way it got out to the floor.

Mr. CANADY of Florida. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Florida.

Mr. CANADY of Florida. Mr. Chairman, it is true we went through it in the Committee on the Judiciary, and the amendment was defeated. It was rejected by the committee. Obviously, that is why we are here debating it today.

Mr. CONYERS. Yes, it was defeated in the committee; but with no derogatory reflection on the committee. It was passed in the House by a vote of 258 to 166, and then it was approved by an even larger motion to instruct conferees by 256 to 142, February 29, 1996.

If the gentlemen are suggesting that I have got to pass an amendment in the Committee on the Judiciary before I can pass an amendment that has already passed on the floor, we maybe ought to reconsider the way that Congress works. Notwithstanding the Members in the committee, this is a very popular motion.

Let us talk about the problems that one might examine here. First of all, I do not want to put the gentleman into a not wanting to protect American interests like the majority of us do. I know he does. I would argue that for anybody. But there is no retaliation. We are the ones that are being disadvantaged already.

What I am doing is trying to level the playing field. The fact of the matter is that Americans cannot reach foreign corporations because we are tied up by their laws of service, their laws of discovery, their laws of bringing them into litigation.

All I am saying is that foreign corporations, if and when they may be the subject of litigation, would be subject to no less rules of procedure than American corporations.

How that would antagonize a foreign corporation benefiting from American sales, and by the way, guess who buys the most from everybody in the world? So there is no way that we could make them angry and they would take their products away from us. I do not think that is going to really work. So please, please, sir, realize that this is very critical to American citizens, our constituents, who are trying to seek some recovery.

Now, it just occurred to me, I mentioned halogen lamps. You know, the greatest jazz musician in America, aged 90, Lionel Hampton, had his whole apartment destroyed because of a halogen lamp. I do not know whether it was made in or out of the U.S., but there was going to be a big suit, and they, fortunately, resolved it.

But if it had gone to litigation, if it had been a foreign corporation, Lionel Hampton may not live long enough to ever see anything happen to it, because he would have to go along with the civil rules of procedure for whatever company, for whatever country the company originated in.

All I am saying is let us have everybody play by the same set of rules. So if we could get another vote on it, and everyone is of the same opinion that they were 2 years ago, 1 year ago, I would be very grateful.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. CONYERS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 408, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

The point of no quorum is considered withdrawn.

☐ 1630

AMENDMENT OFFERED BY MR. ADERHOLT

Mr. ADERHOLT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ADERHOLT:

Page 8, line 15, insert "or to disburse any funds to remedy the deprivation of a right under the Constitution," after "tax,".

Page 8, line 21, strike "or assessment" and insert "assessment, or disbursement".

Page 9, strike lines 1 through 24 and insert the following:

"(C) the tax or assessment will not contribute to or exacerbate the deprivation intended to be remedied, including through its effect on property valves or otherwise;

"(D) plans submitted to the court by State and local authorities will not effectively redress the deprivations at issue; and

"(E) the interests of State and local authorities in managing their affairs are not usurped, in violation of the Constitution, by the proposed imposition, increase, levying, or assessment.

"(2) The limitation contained in paragraph (1) shall apply only to any order or settlement which—

"(A) expressly directs any State, or political subdivision of a State, to impose, increase, levy, or assess any tax or disburse any funds to remedy the deprivation of a right under the Constitution; or

"(B) will necessarily require a State, or political subdivision of a State, to impose, increase, levy, or assess any tax or disburse any funds to remedy the deprivation of a right under the Constitution.

"(3) If the court finds that the conditions set forth in paragraph (1) have been satisfied, it shall enter an order incorporating that finding, and that order shall be subject to immediate interlocutory de novo review.

Page 10, line 7, insert after "tax," the following: "and any person or entity that is a resident of the State or political subdivision that would be required to disburse funds under paragraph (1) shall have the right to intervene in any proceeding concerning such disbursement,".

Page 10, line 16, insert ", or disburse the funds," after "tax".

Page 10, line 21, insert ", or the disbursement of funds," after "tax".

Page 10, line 25, insert "or the disbursement of funds, as the case may be" after "tax".

Page 11, line 10, insert ", or a disbursement of funds that is made," after "imposed".

Mr. ADERHOLT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. ROGERS). Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. ADERHOLT. Mr. Chairman, today I have come to the House floor to call for an end to the unlimited power of Federal judges to legislate from the Federal bench and then send State and local taxpayers the bill. I want to make certain that Federal judges like some in Alabama, like Judge Ira DeMent, so they cannot use the people's hard-earned tax dollars for things like court-appointed prayer monitors and sensitivity training for teachers on how to keep prayer out of schools.

In Dekalb County, Alabama, which I am privileged to represent, the Fourth Congressional District, Judge DeMent has been decided to be a legislator and appropriate from the Federal bench. He ordered county school funds that should be going to the classrooms to go to pay for court-appointed monitors who will go into the schools and to make sure that there is no prayer.

Although I disagree with Judge DeMent's ruling, there may be some here today who agree with it, but when a Federal judge has free rein to take control and take local school funds away from local officials and then use them to pay for whatever he deems necessary, that is going too far. We need to have checks and balances. Our Nation was founded on this principle, and unfortunately we have drifted far away from this. Taxation without representation has been a cause for revolt in this country since the beginning of the American Revolution, and we are still fighting this battle today.

This amendment that I am offering today would re-insert and clarify the original language in section 5 of H.R. 1252 to ensure that certain criteria are met before the courts can disburse existing local and State taxpayer dollars in constitutional cases. The underlying bill has stated that a judge must meet certain criteria in order to raise or assess taxes. My amendment will give Federal judges the same pause for thought before using existing State and local revenues in constitutional cases.

This amendment does not say a Federal judge can never use State and local funds, it merely states that before he acts he must make sure that he is doing the right thing.

An unelected official should not be allowed to impose a tax on the people without first giving careful consideration to their actions. Likewise, if a Federal judge takes away local resources to enforce a ruling, especially in constitutional cases, there need to be protections built into the system to ensure that judges do not overstep their bounds and make decisions that are clearly out of the scope of their authority.

Using existing funds collected from honest taxpaying citizens for purposes that a judge who has clearly over stepped his bounds, they should be prohibited, and that is what my amendment aims to do.

I urge my colleagues to put a stop to the court systems in America that are running amok and vote in favor of my amendment to H.R. 1252.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Alabama (Mr. ADERHOLT).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. SKAGGS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 408, further proceedings on the amendment offered by the gentleman from Alabama (Mr. ADERHOLT) will be postponed.

AMENDMENT OFFERED BY MR. SKAGGS

Mr. SKAGGS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SKAGGS:

At the end of the bill, add the following new section:

SEC. COURT SETTLEMENT SUNSHINE.

(a) SHORT TITLE.—This section may be cited as the "Federal Court Settlements Sunshine Act of 1998."

(b) REQUIREMENTS REGARDING SETTLEMENT OF CASES.—Chapter 111 of Title 28, United States Code, is amended by adding at the end the following:

"SEC. 1661. PUBLIC AVAILABILITY OF SETTLEMENTS OF CASES.

"Any settlement made of a civil action to which the United States, an agency or department thereof, or an officer or employee thereof in his or her official capacity, is a real party in interest, shall not be sealed, but shall be made available for public inspection, unless the court determines that there is a compelling public interest in limiting such availability. Any such determination shall be made in writing and shall explain the basis for the determination."

(c) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 111 of title 28, United States Code, is amended by adding at the end the following new item:

"Sec. 1661. Public availability of settlements of cases."

Mr. SKAGGS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as having been read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. SKAGGS. Mr. Chairman, I appreciate the opportunity to bring this issue to my colleagues, but in doing so I want first to apologize to particularly the chairmen of the committee and the subcommittee for not having brought this to them before we started debate on this on the floor today. It is not a process that I would normally want to follow and certainly not one that they want to have followed.

But this is a matter that actually was heard in a Judiciary subcommittee a few years ago and reported out. It basically would provide that in any civil case in which the United States, an agency of the United States or a officer of the United States is a party in interest, that any settlement entered into in such a case would in the normal course have to be made available to the public, public information, unless the presiding judge entered an order finding that there was a compelling public interest in sealing the settlement papers and making them secret.

Certainly at a time when there is a lot of discussion about the need for more open and accountable government, I believe that moving in this direction with the Federal courts is an appropriate thing to do.

We are all well aware that agencies in the United States Government are involved in litigation routinely around the country involving all manner of important public issues, whether Superfund matters, consumer products issues, whatever. Frequently these cases are settled and the judge considering the settlement is requested to seal the settlement; that is, block any public disclosure. The reason for sealing these settlements can range from just avoiding embarrassment to protecting trade secrets and a number of things, some of them quite legitimate and offering a compelling public interest reason for sealing the information.

But I think it is important and therefore this amendment would create a presumption that in cases in which the United States Government is a party, that the public's right to know should be respected, again absent a presentation of reasons to seal a settlement and absent a determination by the court on a reasonable basis that there is good reason to withhold the terms of the settlement from the public. This is the public's business. Often large sums of money or important matters of public policy can be at stake, so I think it is only right that we all have a chance to see what kind of settlement arrangements our national government has entered into.

I know my colleagues may recall back to the savings and loan debacle days. In Colorado there was a settlement in the old Silverado case involving something like a billion dollars, but that settlement was sealed and the people of Colorado and the country never had any opportunity to find out exactly what was going on there. I do not think that is the kind of presumption that creates and supports public trust and confidence in the courts, so I hope that this is an amendment that is reasonably drawn for a good purpose and can earn the support of my colleagues.

In the hearing that was held on this amendment some years ago before it was passed out of the same subcommittee that brings this bill to the floor, one Federal district judge who testified in support of the bill characterized this kind of public accountability as, quote, the very essence of justice is that it is public. I think that ought to inform our treatment of this matter, and I ask my colleagues' favorable consideration.

Mr. CANADY of Florida. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Colorado (Mr. SKAGGS).

Mr. Chairman, I am sorry to disappoint my friend and colleague from Colorado in opposing the amendment, but as the gentleman noted at the outset, this is an amendment which we on the Committee on the Judiciary have really not had an opportunity to fully evaluate.

I am sympathetic to the concerns underlying the amendment, and although I will have to say that this debate to a certain extent has already taken place in connection with the Jackson-Lee amendment that was offered earlier, obviously the gentleman's amendment is more restricted in that it focuses on settlements involving the Government of the United States, whereas the Jackson-Lee amendment was much broader than that. But, notwithstanding that, I am concerned that this amendment would in its present form serve to discourage settlement of cases by the government and could result in the disclosure of information which should not be disclosed, which could cause unnecessary embarrassment to innocent individuals.

There is also a potential, as the gentleman recognized, for disclosure of proprietary information. I believe the gentleman's position would be that his amendment would not require the disclosure of proprietary information. I am not certain that that is clear from the terms of the amendment, however, so that is a concern.

I think another point to make in connection with this is that the Civil Rules Advisory Committee of the Judicial Conference has recommended that there be no changes to rule 26(c) regarding protective orders, and I do not always agree with the Judicial Conference.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. CANADY of Florida. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I would just note that the gentleman never agrees with the Judicial Conference.

Mr. CANADY of Florida. Well, occasionally.

Mr. FRANK of Massachusetts. Except now.

Mr. CANADY of Florida. Occasionally we agree with the Judicial Conference. The Judicial Conference has looked at this, and they have decided that there is no compelling need for a change in the rule.

Another point that I think we should consider is that the sort of public matters and settlements by government agencies that the gentleman is concerned about are subject to ongoing oversight by the Congress of the United States. I think that that is an appropriate area for us to be involved, and I believe that to the extent that there may be problems with respect to settlements that are entered into by government agencies, it is our responsibility in the Congress to conduct oversight with respect to those matters. I believe that that avenue of bringing public scrutiny to settlements is a valuable check on potential abuses in this area.

So for all of these reasons I would urge the Members of the House to reject the gentleman's amendment. Again, as with the earlier amendments, I as a member of the Subcommittee on Crime would be happy to work with the gentleman in addressing his concerns.

There may be a way that could be more narrowly tailored and targeted which would help ensure that the public interest is protected, and that all the other concerns that we have are adequately covered so that we are not compromising the values that we seek to protect. We may be able to craft an approach that would take all those things into account and would be balanced and would deserve passage by the House, but I do not think we are there yet with this particular amendment, so I would urge the Members of the House to reject the amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as it has been said that patriotism is sometimes the last refuge of scoundrels, invocation of the Judicial Conference is the last refuge of my friend from Florida. He is rarely to be found on the same side of an issue as the Judicial Conference, he is rarely to be found on the same side of the hemisphere as the Judicial Conference, and when the gentleman from Florida invokes the Judicial Conference it is a simple affirmation of the principle that nature abhors a vacuum. Into the vacuum of arguments that my friend had rushes a reference to the Judicial Conference. The fact that he who ordinarily disagrees with it invokes it shows this is a pretty good idea. Not only is it a pretty good idea, but it is one that is hard to object to.

The gentleman's amendment is quite moderate, the gentleman from Colorado. It says if a judge decides there is a compelling reason not to make this public, the judge can do that. But the rule ought to be, the assumption ought to be that the public will know about public business.

I am surprised, frankly, at some of my conservative friends. Conservatives have traditionally distrusted the executive. For them to be not wanting to require the executive to make clear the terms of any settlement which in the nature of the case would exclude the legislative body but be an executive decision surprises me. So I rise in support of the amendment.

Mr. Chairman, I yield to the gentleman from Colorado (Mr. SKAGGS) the author of the amendment.

□ 1645

Mr. SKAGGS. Mr. Chairman, I appreciate the comments made by my friend from Florida about other ways of getting at the problem. I think it is a bit not quite sufficient to the issue to suggest that any problems along these lines, of course, would be susceptible to Congressional oversight and intervention by us. That can happen in a fairly haphazard fashion, as I think the gentleman is aware.

But this really comes down to a pretty fundamental question, which is do you think the business of the United States courts, when involving the United States itself as a party, ought to be presumptively public business or not, yes or no, subject to the discretion of a judge, employing a reasonable standard to determine whether there are countervailing interests to that presumption of the public business of the public courts being public?

If the gentleman is uncomfortable with that proposition, obviously he will vote against the amendment. But I think it is a fairly straightforward one, and one I was quite proud, for instance, to have the cosponsorship and support of the now chairman of the Committee on the Judiciary when this was reported out of the subcommittee that the gentleman is now a member of a couple of years ago.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. SKAGGS).

The amendment was rejected.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 408, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

The amendment offered by the gentleman from Michigan (Mr. CONYERS), and the amendment offered by the gentleman from Alabama (Mr. ADERHOLT).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. CONYERS

The CHAIRMAN. The pending business is the vote on the amendment offered by the gentleman from Michigan (Mr. CONYERS) on which further proceedings were postponed, and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 200, noes 216, not voting 16, as follows:

[Roll No. 107]

AYES—200

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Ballenger
Barcia
Barrett (WI)
Becerra
Bentsen
Berman

Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Chabot
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Duncan
Edwards
Ehrlich
Engel
English
Ensign
Eshoo
Etheridge
Evans
Farr
Fazio
Filner
Ford
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hefner
Hilleary
Hinchey
Holden
Hooley
Hoyer
Hunter
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pappas
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Roybal-Allard
Rush
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Skaggs
Skelton
Slaughter
Smith (MI)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stearns
Stokes
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Velázquez
Vento
Visclosky
Wamp
Waters
Watt (NC)
Waxman
Weygand
Wise
Woolsey
Wynn
Yates

NOES—216

Aderholt
Archer
Armey
Bachus
Baker
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chambliss
Chenoweth
Christensen
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilliard
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Inglis
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lucas
Manzullo
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Metcalf
Mica
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Parker
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Turner
Upton
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Bateman
Clay
Coble
Dixon
Fattah
Fox
Gonzalez
Hastings (FL)
Hinojosa
Istook
Meek (FL)
Miller (FL)
Paxon
Poshard
Riggs
Tanner

□ 1709

Messrs. FOLEY, YOUNG of Alaska, and CAMPBELL changed their vote from "aye" to "no."

Messrs. OWENS, KUCINICH, STUPAK, McHUGH, HILLEARY, MINGE and HUNTER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to House Resolution 408, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the additional amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. ADERHOLT

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Alabama (Mr. ADERHOLT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 236, not voting 22, as follows:

[Roll No. 108]

AYES—174

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bereuter
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Ensign
Everett
Foley
Fossella
Fowler
Gallegly
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jenkins
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Knollenberg
Kolbe
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Moran (KS)
Myrick
Nethercutt
Neumann
Northup
Norwood
Nussle
Packard
Parker
Paul
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Portman
Radanovich
Redmond
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
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Riggs
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Tanner

□ 1718

Messrs. GREEN, McDADE, PETRI and MILLER of California changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. CAMP. Mr. Chairman, on rollcall no. 108, my voting card did not register, although I voted no.

(By unanimous consent, Mr. SOLOMON was allowed to speak out of order.)

AMENDMENT PROCESS FOR H.R. 6, THE HIGHER EDUCATION AMENDMENTS OF 1998

Mr. SOLOMON. Mr. Chairman, I move to strike the last word for the purposes of making an announcement.

Mr. Chairman, the Committee on Rules is planning to meet the week of April 27th, this coming week, to grant a rule which may limit the amendment process on H.R. 6, the Higher Education Amendments of 1998.

The rule may, at the request of the Committee on Education and the Workforce, include a provision requiring amendments to be preprinted in the amendment section of the CONGRESSIONAL RECORD. Amendments to be preprinted should be signed by the Member and submitted at the Speaker's table. Amendments should be drafted to the text of the bill as reported by the Committee on Education and the Workforce.

Mr. Chairman, Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to make certain that their amendments comply with the rules of the House.

Mr. MANZULLO. Mr. Chairman, I ask unanimous consent that the Clerk be directed to strike section 5 of the bill.

The CHAIRMAN pro tempore (Mr. ROGERS). Is there objection to the request of the gentleman from Illinois?

Mr. ADERHOLT. Mr. Chairman, reserving the right to object, and I do not intend to object, but I would like to engage in a colloquy with the distinguished gentleman from Florida (Mr. CANADY) chairman of the Subcommittee on the Constitution of the Committee on the Judiciary.

Mr. Chairman, I would like to request that the Committee on the Judiciary study the situation in DeKalb County, Alabama, which has occurred as a result of Judge DeMent's ruling. I do not object to the unanimous consent at this time, but I would like to ask that that be studied.

Mr. CANADY of Florida. Mr. Chairman, will the gentleman yield?

Mr. ADERHOLT. I yield to the gentleman from Florida.

Mr. CANADY of Florida. Mr. Chairman, I certainly understand the gentleman's concerns and I share the concerns regarding certain matters with respect to the judge's order, and that is a matter which we will consider.

Mr. ADERHOLT. Mr. Chairman, reclaiming my time, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN pro tempore. Section 5, as amended, is stricken.

Are there other amendments?

AMENDMENT OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COBURN:

Add the following at the end:

Sec. 12. LIMITATION ON RACKETEERING

(a) IN GENERAL.—Chapter 99 of title 28, United States Code, is amended by adding at the end the following new section:

"Sec. 1633. LIMITATION ON RACKETEERING"

"(a) LIMITATION.—Notwithstanding any other provision of law, in an action under section 1964 of title 18, no court of the United States or other court listed in section 610 of this title shall have jurisdiction to enter or carry out any order against the defendant, unless the defendant has engaged in a profit-seeking purpose or committed a criminal offense under state law or under this title.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 99 of title 26, United States Code, is amended by adding at the end the following:

"1633. Limitation on racketeering.".

Mr. COBURN. Mr. Chairman, everyone knows what a racketeer is and what a racketeer-influenced corrupt organization is. These words refer to organized criminals, to people who form gangs for the purpose of hurting other people and stealing from them.

Declaring people racketeers simply because they engage in activities and activism on behalf of a cause does something very serious to our form of self-government and our sense of civil liberties. It puts citizens at risk of losing everything they have if they support a cause that happens to not be popular in the eyes of some court. It frightens citizens against the kind of civil activism that has been a hallmark of our democracy. It undercuts the very foundations of our government by the people.

This amendment has no effect on the prosecution of criminals. It affects only civil actions under RICO. It offers no loophole of any sort for those who would attempt to steal the property of others or for those who would hurt innocent people.

There is only one class of people who benefit from this amendment: citizens lawfully exercising their rights to speak out on issues of public concern.

Mr. Chairman, it is my hope that we can support this amendment.

Mr. SHADEGG. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from Arizona.

Mr. SHADEGG. Mr. Chairman, I rise in support of the gentleman's amendment and do so on the basis that the law needs to provide that the purpose of the crime has to have been a profit-seeking motive.

The Arizona RICO law is written in a fashion to parrot the gentleman's amendment. It provides that the crime, the RICO offense, in order to be a predicate under the law, must have been pursued for financial gain.

What the gentleman's amendment does is simply clarify that and provide that unless there was either a profit-seeking purpose or a criminal offense as defined under State law or under Federal law, a RICO action cannot be brought.

That is consistent, Mr. Chairman, with both the intent of the authors and of the experts that help write the law, specifically, I believe, law professor G.

Robert Blakey. I think the gentleman's amendment clarifies the law and is a step in the right direction, and I support the amendment wholeheartedly.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we will now find out if on the Republican side sauce for the goose is sauce for the gander.

I opposed an amendment that was offered before by the gentleman from California that would have created a brand-new privilege, a parent-child privilege, not on the grounds that it was an unthinkable idea but that dealing with a subject of that complexity and that impact for the first time on the floor of the House without having gone through any of our procedure was not a good idea.

☐ 1730

The majority agreed with me. I make the same argument here. Actually, this is not so much an amendment as it is a periodical. I have gotten four versions of it. I understand that. I am holding all four versions.

First, it said earlier today it would only apply if the defendant was not primarily engaged in a profit-seeking purpose. Then we got profit-seeking purpose or committed bodily injury. Then we got, we struck bodily injury, and we got criminal offense. Then we got a conforming amendment.

I do not criticize the drafters. They are doing a very good job, but this is a work in progress. We have gotten four versions of it because they are trying to deal with a complex subject. I understand that this is a response to a decision that was just made, but let me make a point that I thought was clear. You run the place. You control the committees. You could schedule a hearing next week. You could schedule a markup the week after. You can bring the bill to the floor. Do not work in such haste on this issue.

Now, Members quoted Professor Blakey as saying that the RICO statute goes too far. Many of us agree. But do my colleagues know it does not just go too far for nonprofits. There are profit-making entities that have been unfairly dealt with under RICO.

You leave them alone, because my colleague from California did not like what Kenneth Starr did with regard to Monica Lewinsky and her mother, and came in with a bill right to the floor of the House. My colleagues here do not like what a court did with regard to a right-to-life group, and they come right to the floor of the House. This is not a place for instant therapy. If you do not like something you read in the paper, please do not come right up with an amendment. Let us use the procedures.

I agree in both cases; legislative action is appropriate, but not right away; not version four of the amendment. Let us have a hearing and a markup, and let us not say that we are only going to protect nonprofits. If you vote for this amendment, are you then going to tell people that as far as profit-making entities are concerned, RICO does not go too far?

Mr. SHADEGG. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Arizona.

Mr. SHADEGG. Mr. Chairman, I simply want to point out that the language as offered by the gentleman from Oklahoma does not limit this exemption to nonprofits. It will apply to profits or nonprofits. What it does is limit the activity to whether or not the activity was profit-making activity.

Mr. FRANK of Massachusetts. I agree with that. That is exactly what I said. In fact, if you are a corporation trying to make a profit, which most corporations do, you are not covered by this amendment. That is true. If you have a profit-making corporation that is selling girl scout cookies, they could not be RICO'd for selling girl scout cookies. But under this amendment if they are a profit-seeking corporation seeking a profit, which profit-seeking corporations are wont to do, they do not get the benefit of this.

Mr. SHADEGG. Again, Mr. Chairman, if the gentleman will continue to yield, I want to try to make this clear. It does not matter whether the entity is a profit-making entity or a nonprofit-making entity. If a profit-making entity is not engaged in a profit-making activity, they are engaged in a charitable activity.

Mr. FRANK of Massachusetts. Mr. Chairman, I understand that. Reclaiming my time, the gentleman is limited in the amount of time he can state the obvious. Yes, if you are a profit-making corporation and you are going about the business of trying to make a profit, this amendment does not protect you. You could be subject to RICO. I agree.

If General Motors was accused of trying to sell girl scout cookies in a racketeering way, you have come to their defense. But if someone said, corporation X is guilty of racketeering in its profit-making corporate entity, they are not protected. I do not think that ought to be the case. I do think there have been abuses of RICO, but against profit-making entities trying to make a profit. Indeed, if you look at the pattern of RICO, it is more often used by one civil plaintiff against a civil defendant and a profit-making corporation.

I do not know what play they are going to call in the huddle, but we may be about to see version five. I have four versions and seven people working on amendment 5.

Let us go to a hearing. Let us go to a markup. I do not think we should have the markup right here. It is not polite. I think we ought to do this in the regular order. But this amendment says, if you are engaging in profit-making activity, and you have a profit-making purpose, you get no benefit. You are covered by RICO.

RICO says you cannot get together for racketeering purposes. I would not suggest that that is what is going on over there, Mr. Chairman. What they are trying to do is what we should do in the regular legislative process. Let us have a hearing and do this in a sensible way.

Mr. COBURN. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN pro tempore (Mr. ROGERS). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. COBURN. Mr. Chairman, I recognize the pertinent comments of the gentleman from Massachusetts, and would say that many of his comments are accurate, and that given his comments being accurate, I ask unanimous consent to withdraw the amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I would look forward, as I think many on our side would, and I know the ranking member would, we would love to reexamine the RICO statute across the board and deal with abuses, and on that basis I thank the gentleman and we will be cooperative.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I want to suggest to the gentleman from Oklahoma (Mr. COBURN) that he has performed a signal service by bringing this matter to our attention. Yes, it is in the wake of a jury verdict and a court case that happened in Chicago, but he is highlighting a problem this Congress has wrestled with for years; namely, trying to make some sense out of the RICO statute.

There are abuses where it is applied where it was never intended to be applied. That is recognized by the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Michigan (Mr. CONYERS) and conservatives on this side. We need to look at RICO. And so if the gentleman is generous enough, and he has been, to withdraw his amendment, I pledge the Committee on the Judiciary will take a hard look at revising the RICO statute, hold hearings, working in a bipartisan way with the minority, and try to come up with a bill that does something substantive and correct what we all agree is an egregious flaw.

Mr. COBURN. Mr. Chairman, I thank the gentleman.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, we may wind up invoking that great quote from Edward G. Robinson in the civil situation, "is this the end of RICO?"

Mr. HYDE. That is from Little Caesar, and I remember it well. The gentleman and I are the only two.

Mr. COBURN. Mr. Chairman, I ask unanimous consent that the amendment be withdrawn.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN pro tempore. Are there further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as modified.

The amendment in the committee nature of a substitute, as modified, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SNOWBARGER) having assumed the Chair, Mr. ROGERS, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1252) to modify the procedures of the Federal courts in certain matters, and for other purposes, pursuant to House Resolution 408, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 1252.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1252, JUDICIAL REFORM ACT OF 1998

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1252, the Clerk be authorized to correct section numbers, punctuation and cross references, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill, H.R. 1252.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3579, 1998 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3579) making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBEY.

Mr. OBEY. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

> Mr. OBEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 3579, making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes, be instructed, within the scope of the conference, to agree to funding for the International Monetary Fund consistent with the terms, conditions, and provisions of H.R. 3114, as reported by the Committee on Banking and Financial Services.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 30 minutes, and the gentleman from Louisiana (Mr. LIVINGSTON) is recognized for 30 minutes.

Mr. SANDERS. Mr. Chairman, I wonder if the gentleman from Louisiana is, in fact, in opposition to this IMF bailout?

Mr. LIVINGSTON. I am in opposition to the motion.

Mr. SANDERS. Mr. Speaker, I thank the gentleman.

□ 1745

Mr. OBEY. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, I am in a curious position here today. I am offering a motion to instruct to the conferees to defend what would have been considered a core Republican value when I first came to this body.

When I came to this body, the Republican Party was a very strong internationalist party, and it recognized that the best way to defend our own economic interests was to make certain that our economy was operating in a world which was as stable as possible. We are being asked to appoint conferees tonight on a bill which is supposed to contain not only supplemental appropriations for Bosnia and for Iraq and for flood victim relief, it is also supposed to contain, at least the administration asked us to include in this proposition, full funding for the IMF replenishment and funding, as well, for the United Nations arrearages so that we can eliminate our debt status in that organization.

I have a motion here tonight which would instruct the conferees to at least accept, as an add-on to the bill passed by this House, to accept our obligation to fully fund the administration request for the IMF.

I am not doing that because it will help American business, although it certainly will. I am not doing that because I care about what is going to happen in Asian countries around the world. I care, but that is not the reason I am offering the motion. I am offering this motion because we need to be aware of the fact that what happens in our economies around the world can have a crushing effect on American workers and a hugely negative effect on the American economy.

We have seen what has happened in Asia when that region has continued to engage in fiscally ludicrous acts. We have seen Japan for years follow an economic policy which has led to a huge over-building in many areas in Asia instead of having led to a growth in Japanese consumption. And we have seen speculative activities, as well, in Asia. And, as a result, a few months ago we saw a huge collapse of Asian currencies.

I do not worry about that because of what it means to Asia. I worry about that because of what it means to us. Because what it means is that, as a result of those devalued currencies, we have got every cargo ship known to man being loaded with artificially low-priced foreign goods who are on their way to the American economy and they are soon going to be sold in this economy at cut-rate prices because of currency disequilibrium; and those sales and the accompanying trade deficits are going to cost many American jobs and they are going to close many American factories.

We are being told that, in spite of that threat, we should not act upon it because, somehow, an element of the majority party caucus still wants to use this IMF crisis as leverage in order to push their advantage on a totally unrelated issue involving family planning policy known as the Mexico City policy.

And so, the American business community is being told that they should wait for another day to have this problem addressed. I do not think we can afford to wait for another day. At any moment, the act of some speculator, the run on country's currency could cause a further unraveling of the situation in Asia, which would present us with even bigger economic problems. At any time, we could have a currency crisis in the Ukraine, in Brazil, in Russia, in India, in Turkey; and, without IMF replenishment, we would not be ready to defend the economic interest of the United States.

My motion would simply instruct the House conferees to agree to the administration's request for funding of the International Monetary Fund under the terms and conditions approved by the House Banking Committee. That Banking Committee bill was approved on March 5 with the overwhelming bipartisan vote of 40–89, with the support of virtually all of the Democrats on the Committee and the votes of two-thirds of the Republicans on the committee. And that bill was endorsed by the administration.

That bill sets tough new labor rights and environmental conditions on IMF lending, as well as new requirements for increased accountability and transparency at the IMF. It sets up a watchdog group, including representatives from labor and NGO groups, to review the implementation of labor rights and other criteria. And it does a number of other things.

I do not think that we can afford to wait, and I do not especially think it is a good idea to allow us to go to the Senate and have only the Senate language on the table, language which was much more favorable to the administration, frankly, but language which I do not believe adequately defends the interest of American workers.

That is why I would simply say to those of my colleagues who have told their workers or their businesses or their farmers that they are going to be defending the economic interest of American workers, I think this is the time and this is the vote. This is not a partisan issue. It certainly should not be a partisan issue. It has become wrapped up in partisan hostage politics, unfortunately, but it should not be so.

We are here tonight to answer the question whether or not we will defend the economic interest of the United States and to defend the interest of American workers; and I think the best way to do that is to support this motion to recommit, and I would urge the House to do so when the vote comes later this evening.

Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3579, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LIVINGSTON. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, regardless of one's position on the IMF, one should understand that this is simply a motion to instruct the conferees to adopt the position that has not been debated on the floor of this House. It seems to me that if we are going to instruct the conferees to do anything, we are on solid ground if we are instructing them to deal with issues that have been debated and sent forward.

But the fact is the IMF is an issue that will be debated at some later date on the floor of this House. It has not yet been debated, and forcing the conferees to support this provision dealing with the IMF simply because the Senate has dealt with it and the House has not is ill-advised.

Moreover, reading the motion to instruct, it says that we should support the terms, conditions and provisions of H.R. 3114, the bill reported by the Committee on Banking and Financial Services. That bill differs substantially from the IMF provisions contained in our Non-Emergency Supplemental bill. It may never get to the House. We do not know what is in that bill, and to force the conferees to support all of the terms and conditions of what I believe is about a 60-page bill and incorporate it I think is extremely ill-advised.

The House Committee on Appropriations and the leadership of this House decided on a two-bill strategy. The bill which the House passed that will be before a conference provides for emergency appropriations for Bosnian peacekeeping disaster relief, and other military assistance.

In fact, if we do not address this military assistance by May 1, we understand from the Secretary of Defense that he might give notice of furloughs for people all within the Defense Department. So there is an emergency with respect to defense appropriations.

And, obviously, we know from all the other disasters that have occurred around this country we need to provide additional assistance to people. We are trying to give them that relief and not get embroiled in a heavy discussion on IMF or any other extraneous issues.

The second bill, which has not come before the House, is a non-emergency bill that includes $17.9 billion for the International Monetary Fund. That bill has passed the Committee. I sent a letter to the Committee on Rules asking for an open rule for consideration of that bill, and I requested the leadership to schedule that legislation as soon as possible.

Some people say that that second bill will never see the light of day. They are wrong. The fact is that many other items in the second bill absolutely must pass. They have to pass. Things like the veterans compensation and pension benefits. Believe me, Mr. Speaker, there is going to be a second bill.

There is going to be a second bill, and we should not prejudge the outcome of that bill by instructing conferees to weigh the consequences of that bill before we even have a chance to debate the contents on the floor of the House. We are going to have a full and fair discussion of those issues at a later date on the floor of the House. We should not prejudge them by putting them prematurely into the conference. They are totally unrelated to emergency appropriations, and the emergency bill needs to move forward so we can meet the needs of the disaster-afflicted people throughout the country and the military, which has to replenish the monies that they have expended in Iraq and in Bosnia.

So I urge Members to defeat this motion to instruct. It is on the wrong bill. It will have a full and adequate debate but not on a motion to instruct. We need to get the disaster bill conferenced and on its way to the President for his signature.

Our troops in Bosnia and Iraq will get the money they need to do their job, nobody in the Defense Department will be furloughed, and our citizens and the victims of the disasters will get the money that they deserve.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. LEACH), the distinguished chairman of the Committee on Banking and Financial Services.

Mr. LEACH. Mr. Speaker, I thank the gentleman for yielding.

First, let me acknowledge part of what my distinguished colleague and good friend, the gentleman from Louisiana (Mr. LIVINGSTON), said. This is not a perfect process, and I do not think that. I want to say to my distinguished friend that I appreciate very much the thoughtful attention his committee has given to this issue, and I am very much in his debt.

Having said that, I am hard-pressed not to support a product that comes from my committee, not only a product that comes from my committee but a product that has been caught up in some very unusual political kinds of pitfall debates that I think are not altogether central to the IMF issue.

So here let me just take a brief moment to talk about the IMF. The IMF, historically, was established in theory before the end of World War II and, in fact, right after the war to deal with the causes of war, the causes of depression.

☐ 1800

The rationale for the creation of the IMF is very much alive today and is symbolized in a circumstance in a part of the world that has fought three wars in the last 60 years.

It is in the interest of the United States of America to stabilize the economic turmoil in Asia. It is in the interest of the United States economy to stabilize the circumstance in Asia and ensure that it does not widen and deepen in terms of a gulf of economic recession spreading from one region of the world to another.

The word bailout is sometimes applied to the IMF. Actually, it is anything but. It is a lending, not aid-granting institution. It is an institution to which the United States proffers resources which amount to less than 20 percent of the total resources of the institution but resources which we have to call on on a very, very short notice, an institution that has almost $40 billion in gold reserves.

In a way, one might argue the IMF is the cheapest conceivable stabilizing institution in the world today. Rather than relying on the United States taxpayer alone and ways it could cause enormous liabilities of the United States, we are drawing on over 80 percent of the resources from others in ways using an institution that has a triple-A rating.

Finally, with regard to timing, I would also simply add that the longer we delay, the greater the likelihood that this problem deepens and widens. Delay is on the side of instability. Firm, direct, straightforward, prompt American action is on the side of stability.

For the sake of stability and for the sake of the United States economy, for the sake of United States' leadership in international affairs today, I would urge that, as awkward as this type of resolution is, that it be supported.

Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, in addressing this issue, I think we ought to first ask ourselves who is the IMF. Well, the IMF functions like a private club. Its minutes are secret. They are never released to the public. Its votes are not a matter of public record. The people who work for the IMF do not pay income taxes; or, actually, they pay income taxes, but then the IMF reimburses them for those income taxes.

We are talking about funding the IMF and funding its operation. Hear me, we are talking about an organization whose employees receive reimbursement for their income taxes.

When their children want to go to private schools, that education is financed; and we will continue to finance that if we vote another $18 billion to the IMF. When their children want to go to a private university or college, the IMF will pay their full cost of education, tuition, books.

We are asking the U.S. taxpayers in this funding request to reimburse the employees of the IMF for income taxes, for private school costs, for tuition, and not only that, but for salaries higher than those paid by the U.S. Government.

We might say, well, is it worth it? What will the IMF do with our money? We have been told they are going to bail out Asia, but that is not true. They have already funded the bailouts of Asia.

They have $80 billion in reserve. They have $40 billion in gold reserve. Indonesia, who they loan money to, has $16 billion in reserves. What are they going to do? They are going to expand their role and continue to give loans to foreign countries at 4.5 percent interest when the going market rate is 10 to 14 percent.

I will tell my colleagues there is going to be an infinite supply of those lined up to get money subsidized by the U.S. taxpayer.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Speaker, I rise in strong support of this motion. Clearly, the United States has a vested interest in the funding of the International Monetary Fund. We have an interest because we can protect jobs, we can protect the economic interest of the companies which are exporting so much product to Asia.

When we look at my home State of California, nearly 30 percent of our exporting is going to Asia. It is clearly in our interest to restore confidence in that market, to provide greater financial certainty for our businesses which are exporting critical products.

It is also in the interest of the United States to provide IMF funding because it provides for greater international security. When we look at the potential consequences of a weakened South Korea, with their inability to deal responsibly with their financial crisis, we are on the verge of inviting potential conflict with North Korea, looking at perhaps a weakened neighbor to the south.

Failure also to provide funding could further undermine the fragile investor confidence in the region and set off another round of global economic insecurity. If we do not arrest the financial crisis in Asia, we are inviting this to expand to other parts of the world, be it Russia, be it Latin America, which would further undermine the economic interest of the United States.

Rejecting the IMF funding also threatens the leadership the United States is providing in the world, the leadership that we are providing in terms of providing economic stability as well as military stability.

Clearly, this motion to instruct the conferees will ensure that this Congress will be able to act in an expedited fashion to ensure that our interest will be protected.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, if I thought that the $18 billion which is being asked for would provide a benefit to the people of this country and to the people of Asia, I would be the first one out front voting for it.

The fact of the matter is that the Joint Economic Committee and others have been studying this issue since last summer, since this request came in, and that is simply not true. It is not true for a number of reasons.

The gentleman from Alabama (Mr. BACHUS) talked about the secret club that surrounds the IMF. We cannot find out what they do, why they do it, the results of the studies on what they have done, any of that. That is all secret.

Secondly, and more importantly, the average loan rate is 4.7 percent.

Let me ask you a question, Mr. Speaker. If you were a businessman and the IMF came along and said, if you make risky investments, which the foreign countries and institutions did, and you fail, which they did, I will give you a loan of 4.5 percent, how would that make your decision making, understanding that we have two criteria in making investments, one is to make a profit and the other is how much risk we have to involve when we do it?

Obviously, a low interest rate bailout loan on a policy of the organization that does it on a global basis is going to have a deleterious, negative effect on the kinds of investment decisions that are made.

Besides that, Mr. Speaker, I think there is another issue that needs to be discussed, and that is simply this: The IMF promotes higher taxes. The IMF promotes monetary instability. And here we are being asked today, after we have not even had a debate on this House floor, to vote $18 billion of American taxpayers' money that promotes, through an organization that promotes higher taxes, that promotes monetary instability. That has a deleterious effect on foreign economy that is not a positive one.

I vote no, and I hope everyone else will here today.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. LAFALCE).

Mr. LAFALCE. Mr. Speaker, I really think that passage of the IMF legislation is the most important economic issue confronting the Congress in the year 1998. If we do not pass it, I believe we would be defaulting on our global economic leadership. It is unthinkable for us not to pass it. We must participate within the IMF.

We must also participate in the legislative arena in a manner that will enable us to obtain a majority of votes.

That means we have to proceed collegially. We proceeded collegially within the House Committee on Banking and Financial Services. We proceeded in a way that was able to bring about a significant majority of Republicans and Democrats so that we were able to report the bill out by a vote of 40 to 9.

We recognize, of course, that there is significant criticism of the IMF and, therefore, we adopted amendments in a collegial, bipartisan manner to instruct the administration in the ways to reform the IMF. Those amendments are essential to obtain passage and to accomplish mutually desired goals. Support the motion to instruct.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding.

I rise proudly as a progressive, as an internationalist, as somebody who is pro-choice, and someone who has a 100 percent lifetime labor voting record in the House of Representatives and have worked for labor and working people for his whole adult life.

I rise in strong opposition to the motion brought forth by my good friend, the gentleman from Wisconsin (Mr. OBEY).

Let us be clear what we are talking about here. We are talking about an $18 billion replenishment of the IMF, a 45 percent increase in our contribution to the IMF.

Please understand the Asian bailout is over. The $19 billion that we have already given to the Chase Manhattan Bank and the BankAmerica and to Citibank for their losses, and they came here for corporate welfare, and we gave it to them, that is gone. That is over. What we are talking about is new money for a new mission and for an expansion of the function of the IMF. That is point number one.

Point number two, I believe it was last year that many people took to the floor of this House and they said, Mr. Speaker, you are wrong for combining disaster relief with other matters. I said so.

How could we come back today and say the IMF is a disaster? It is not. People all over this country want to deal with the ice storm in the Northeast, tornados, hurricanes. That is not an issue that the IMF should be combined with.

Thirdly, no matter what our point of view may be on the IMF, this issue needs serious debate. It should not be brought here all of a sudden for a one-hour debate. It deserves many hours, and it deserves some ample warning time so we can have serious discussion.

Fourthly, does the IMF need this money today? No, they do not. Nobody believes they do. The IMF has $45 billion now in liquid resources, a $25 billion credit line and $37,000 in gold reserves.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to a well-known reactionary, the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I am impressed by the gentleman's renewal of the Louisiana/Vermont alliance. Not since the war of 1812 has it been so vigorous, but I think it is wrong this time.

The gentleman from Vermont talked about the Asian bailout as if it was all about Chase Manhattan Bank. I happen to think that Kim Tae-chung, the President of South Korea, is one of the great, small d, democratic heroes of our era. I will guarantee to my colleagues that, if asked, he would express his appreciation for the role of the IMF.

This is a very courageous democrat, a man who risked his life for democracy. He was elected president. He is working with the unions. He is working to try and help his country. The IMF is very important to him.

We have a thug like Soeharto, and we are working to try and change IMF policies there. That is why this particular amendment is such a good one.

People have said, well, we should have debated this. Fine by me, but I have not been in control of the committee that kept it off the floor. We had a long debate and hearing in the Committee on Banking and Financial Services. This should have been on the floor before. We cannot keep it off the floor and then claim the benefit of it having been kept off the floor. We cannot shoot our parent and plead we are an orphan and ask for mercy. The people who controlled the House decided to keep it off the floor. That is why we are dealing with it now.

It has been talked about a great deal. This is a version of it that reflects the importance of it to places like South Korea and to Thailand which are trying hard to make improvements. It reflects the need for labor standards. We explicitly here, by the way, included strong protections for the agricultural sector of our economy. The bill was explicitly amended to recognize that.

This is not a perfect world. It is not a perfect institution or a perfect bill. It is as good an effort as we were able collegially to put together, working with agriculture and labor and others, to provide more funds. It is true, it is not absolutely necessary now, but I will tell my colleagues this: If, in fact, we know that the House is never going to vote for the IMF, then maybe we ought to buy some Korean and Thai currency and sell it short. Because it is going to have a negative effect if we walk away from this on decent, struggling governments from South Korea and Thailand that deserve some support. It is also in our own self-interest to support them.

□ 1815

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM) a member of the Committee on Appropriations.

Mr. CUNNINGHAM. Mr. Speaker, I understand those that may want to support the IMF, but if we look, economists themselves are split whether the IMF does any good or not. And then those that say even that they doubt that we need it to bail out southeast Asia. But yet $18 billion.

As my colleagues know, this body has wrestled with emergency flood, emergency El Nino, emergency supplemental for defense, and yet we are having to try to offset it so we do not break the budget caps through domestic spending. But yet we are going to give away $18 billion. Haiti, Somalia, Bosnia, $16 billion in operations that we get no credit for from the U.N., but yet there are those that want to give money to the U.N. in support, $16 billion, $18 billion, $5 billion more for the extension in Bosnia.

My colleagues, where does it stop? The American taxpayers have to pay for this. It is not our money. It is $18 billion, not even million dollars, and we are going to give it away, Mr. Speaker. That is wrong.

My colleagues rap on the Republicans all the time for having to offset money. We want to break the budget caps, we want to spend more money. Well, it is easy to spend it but it is difficult to go to the taxpayers and ask them to pay for it, and then even more difficult to say where are we going to take it out and still not break the budget caps? Alan Greenspan said if we do, interest rates will go back up, the economy is going to go to hell, and it just does not work.

But yet here they are asking us again to spend, to spend, to spend, bigger government, higher taxes, spend money. It is the same old rhetoric, and I do not support it, and I do not think the American people do, Mr. Speaker.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Speaker, I want to stress again, when this bill passed the committee it passed by a vote of 40 to 9. Two-thirds of the Republican members of the committee voted in favor of this bill. Now, why? Not because we are giving money to foreigners, not because we are bailing out banks, but because we are concerned about jobs here at home.

I speak from New Jersey, representative of export-oriented States, and I can see many around here who understand the agricultural community and their dependence on this kind of trade situation. That is why it passed with an overwhelming majority.

I also want to say, and this has not been stressed enough, that we have in this bill, and it is included in the motion to instruct, certain reforms that are passed. We acknowledge the transparency and conditionality questions related to IMF. Those reforms are here. We will be requiring certain things of the countries that receive this aid. We will be putting more requirements on IMF in terms of the transparency, we acknowledge that. But, my friends, this is about jobs here at home and also security abroad.

The House Banking Bill contains strong language on Conditionality and making the IMF more Accountable to Congress.

The bill includes:

Accountability. I think the American people should know what the IMF is doing with the money they have. Not surprisingly previous Congresses thought that an audit of IMF lending activity was an important issue. The National Advisory Counsel—of which the Secretary of the Treasury is the chairman—is required to report annually by April 1 to the Congress regarding IMF loans. I was shocked to find out that the most recent annual report filed by the Treasury covers 1992—and this was transmitted to Congress in December of 1997!

The Banking bill will require the Secretary of the Treasury to provide a semi-annual report to the Congress on certain IMF loans.

The report would be a GAO "audit" of IMF loans—the amount, term, interest rate, disbursement schedule, etc. In addition, the report will include information regarding trade barriers in borrowing countries which may affect U.S. exporters as well as borrower country export promotion policies which may result in dumping of foreign goods in the United States. And importantly, the Secretary of the Treasury would be required to testify annually before the Congress on the contents of such report.

Let there be no mistake, I support full funding of the IMF—but Congress needs to be informed and there needs to be accountability at the Treasury Department. Being 5 years behind in providing required reports is nothing short of outrageous and an insult to the legislative branch. It is for this reason that I will sponsor an amendment today. I urge my colleagues on the Banking Committee to join me in supporting the Treasury Audit and Accountability Amendment.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. KLINK).

Mr. KLINK. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, you are right, the House should not consider IMF funding just an hour before we all get on board planes to head toward home. We should have a full debate on this issue.

Let me just give my colleagues one example of why we should be discussing this. The IMF is working on an amendment to its Articles of Agreement that would give the IMF the power to require all member countries to liberalize their laws regarding the flow of capital accounts. They would be the ultimate enforcer of capital deregulation. All member countries, including the United States, would be told by the IMF what they could and could not do regarding the flow of capital.

If my colleagues want some international bureaucrat to make that decision instead of the elected Members of Congress, then we should pass this motion. I think that there are some people probably who may disagree with me. The point is, we have not had a chance to study this issue, we have not had a chance to debate this issue. We are asked to come here at the end of a work week, after a two-week hiatus, and take up a very complex issue. And I think that the Members of this Congress deserve more, the people of this Nation need more, and whatever Members think about the MAI or the IMF, the one thing that they should know is that we should be making this decision after we study it and after we debate it.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding this time to me.

This evening we had a special opportunity in this House of Representatives, and that is to accept a motion to instruct for a resolution that has strong bipartisan support in its committee of jurisdiction. Many others have said it passed 40 to 9 with the support of the Chair, the gentleman from Iowa (Mr. LEACH) and the ranking member, the gentleman from New York (Mr. LAFALCE).

It has a framework to address many of the concerns our colleagues have about the IMF, and frankly that I share, about the need for increased transparency, for conditionality that includes labor rights and environmental protections, and the moral hazard issue of do countries' financial institutions take risks unduly because they think there is an IMF bailout. This resolution, this provides the framework to increase that, and all of those concerns are trumped by the contagion clause. Contagion, that is the spread of what will happen to the currencies in these countries, will have a terrible impact on workers in the United States.

Mr. Speaker, I want to make one point very, very clearly. This is not a bailout, it is a loan. We get a credit, an asset for it. We are not bailing out, we are not giving money away. We are honoring our commitment. Even the staunchest critics of IMF say we need to do this replenishment now and then proceed with the reforms.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the very distinguished gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, we should be debating this. I should have more than 1 minute, and I am not complaining to the gentleman from Louisiana (Mr. LIVINGSTON). It is a travesty to have this debate so that DANA ROHRABACHER has 1 minute to express himself on this issue. And the same with the rest of my colleagues. When are we going to stand up for our own rights in this body?

Here we have the violation of the rights of our people to control their destiny, taken away from them by $18 billion and given to some crook or some nincompoop overseas who has basically driven their own financial institutions into bankruptcy, and we cannot debate it for more than an hour. This is ridiculous, and it is as ridiculous as the idea of bailing out the IMF in the first place.

I just returned from Asia. There are alternatives in Asia to this bailout. And yet if we force our money over there in this IMF bailout, it will undercut the private efforts in that area to bail out their own problems. And what do they do with this money, this $18 billion and the other money going over to Asia? It is used to finance factories that put out goods and services that put our own people out of work.

It is immoral for us to give this money to foreigners after we have cut programs at home. We should not be bailing out the IMF, we should be balancing our budget. And we should have a longer debate.

Mr. LIVINGSTON. Mr. Speaker, I yield unfortunately just 1 minute to the gentleman from New York (Mr. SOLOMON) my good friend, the very distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I say to the gentleman if this were here under a rule we would have several hours to debate this and not several minutes.

As my colleagues know, in the other body they are debating, my colleagues, the NATO expansion bill over there for Poland, Hungary and the Czech Republic, and we have asked them to beef up their military so that they can interoperate and communicate with our military to defend each others' boundaries. We are asking them to pay their fair share.

Here the IMF is already warning these 3 countries they will not underwrite economic development loans if the countries start jacking up the military budgets. That could cost us $19 billion over the next 15 years. What is going wrong?

We should go slow on this, we should ask the IMF, the socialist French economist who is in charge of it, to come here and tell us why he is going against American foreign policy. We are footing most of the bill; why do they not listen to us?

This is going nowhere and we are going to see to it.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. COX) the chairman of the Policy Committee of the Republican Conference.

Mr. COX of California. Mr. Speaker, I thank the gentleman for yielding this time to me.

I would like to focus our attention on precisely where we are. We are being asked to increase the United States' commitment to the International Monetary Fund by 45 percent over the longstanding level of U.S. support. We are being asked to add $18 billion to our commitment. Which works out, incidentally, to over $150 for every single working taxpayer in America. Can my colleagues imagine calling them up and asking for the money and telling them we only have time to debate this for an hour because it is not in the bill? We are adding it on the floor at the last minute.

It has been pointed out here that the IMF needs some reform. We have got to exercise some leverage, even if we were going to give $18 billion to the IMF, if we want those reforms. But if we simply sign on at the last minute without any questions, there will not be any reforms.

This proposal hurts American agriculture because the IMF, as is well known, is going to continue its policy of supporting devaluations which hurt our market for exports. This hurts U.S. exporters. Without question, the IMF causes as many problems as it creates. This deserves real debate, has not anything to do with our El Niño storms, which is what this bill is supposed to be about. Keep it out.

□ 1830

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, it ought to be understood that we are not limited in debate today because of our choosing. We are limited in debate because we were denied the opportunity on the rule when this bill was considered to have a full-fledged debate on the IMF. We asked for that opportunity. Every person who voted against us on the rule has the responsibility for the fact that we are limited only to one hour tonight. Do not blame us for the problem which you yourself created.

Mr. LIVINGSTON. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Texas (Mr. DELAY), the great whip of the majority party.

Mr. DELAY. Mr. Speaker, I thank the chairman for all his hard work, and I appreciate being yielded this time.

Mr. Speaker, I rise in opposition to the motion to instruct. The question today, frankly, is not whether you support the IMF. We will answer that question in due time. Instead, we have to ask whether this motion will speed up disaster assistance to the American people, or slow that assistance down.

Clearly, if we pass this motion to instruct conferees, we will complicate the process of getting needed assistance to Americans who have faced disasters in the last year.

When it comes to the IMF, many of us continue to have strongly held and competing opinions. Why would one want to mix that kind of understanding and confusion?

Some believe that we should give more money to the IMF, no matter what the consequences. Others of us believe that the IMF is all too often not the solution, but rather the problem. Still others have opinions that fall somewhere in the middle.

We all agree, however, that we should do our best to help Americans who have suffered from natural disasters. We also should all agree that our Armed Forces need the necessary funds to sustain them overseas.

Mr. Chairman, I just urge my colleagues to keep the process as simple as possible. Let us vote against this motion to instruct, and let us make sure that the American people are taken care of first.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, a few weeks ago, not too long ago, several of us met with Mr. Greenspan, Mr. Rubin, and Mr. Glickman, and we had quite a good meeting. They agreed, and Rubin and Greenspan do not always agree on everything, but they agreed that day IMF is very, very important to us. I think the question came from at least a half a dozen different approaches, and some of you may have been there, too.

Is there risk in this? Mr. Greenspan said that we have never lost a dime on this; that there is always hard collateral. They also said that it is their opinion, the three of them, that the hit on this, if the Asian economy does go down, would be on agriculture.

In our State, 40 percent of our production is exported. That is important. Forty percent. Then I remembered as I reviewed the figures on the trade balance that it is up $26–$27 billion, but that agriculture is on the plus side. We cannot afford to take that risk.

Now, if these people tell us that this is a line of credit, that they may not use it, but it ought to be there to save our economy, we ought to give it serious thought.

Mr. Speaker, I support this.

Mr. LIVINGSTON. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I am urging my colleagues to vote no on the motion to instruct. Congress gives instructions to the IMF. There has been over 2,000 opportunities for the IMF to listen to the concerns of the American people, and each time the people have been ignored. As a matter of fact, the Executive Director of the IMF has only voted 12 of those 2,000 times.

They have been "absent without leave" at the IMF. Over and over they have ignored the will of the people and the will of the Congress. AWOL on labor rights, AWOL on environmental rights, AWOL on human rights.

So we are now going to tell this Congress that they are going to guarantee labor and environmental rights? That is baloney. Vote against the IMF, vote against the motion to instruct, and vote to stand up to this international financial cartel, which is destructive of jobs and human rights all over this world.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I rise in support of the Obey motion to instruct. The fact is that the money is already in the Senate bill. The question is, are we going to give them any guidance, any further guidance, on how to use it?

So the IMF wants what every bureaucracy wants, all the money and all the flexibility they can get. We are limiting them. The fact is there is an urgency to the passage of this money. There are 62 nations out of 183 that have loans, 183 Members of the IMF that have loans. It is obvious with the recessions or lack of growth in the European and Asian marketplaces that that does constitute the opportunity for our markets in terms of trade.

This is a fight really about those of us that are really wanting to have a free market and free trade to occur. We have a battle going on right now in terms of those markets. If the American model and the model of free markets does not work, and it is going to fail, we have to have mechanisms in place that can prevent it from going down to ground zero. That is what the IMF does.

All of us admit the IMF is not perfect, but what other tool do you have to go to? If you are in the middle of the ocean facing a storm, I do not think the idea to jump overboard and start swimming is a good one. That is what the Members of this Congress are proposing to do.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I thank the distinguished Chairman of the Committee on Appropriations for yielding me this time.

Mr. Speaker, I rise in strong opposition to the motion to instruct conferees to provide funding to the fiscally unsound IMF.

Mr. Speaker, for a moment let us consider a conversation down in my district with Alice and John Moore. If Bob Newhart could do this, he could do a much better job than I am going to do.

I knock on the door and I say, "Hello, Alice and John. I am your Congressman. Tonight I am going to vote to fund the IMF."

They say, "What is the IMF?"

I say, "This is an international fund, not from the United States, that is going to take your tax dollars and give it to Indonesia, South Korea, Thailand and others to help bail them out."

They say, "Mr. Stearns, you are my Congressman. Why are you doing this?"

"Well, let me tell you, there is an elite group in Congress, in the Senate, particularly down at the White House, who thinks they can spend your money overseas with these countries."

"Why haven't these countries taken care of themselves?" This is Alice talking about her and her two daughters, and she is talking also about John, his paying the bills. She is saying if I can take care of my family, if I can take care of my bills, why can't Indonesia, South Korea and these others take care of theirs?

"The bottom line, there is a little group in Washington that thinks we need to tax you higher so we can pay the IMF."

Vote against this motion.

Mr. Speaker. I rise in strong opposition to the Motion to Instruct Conferees to provide full funding to the fiscally unsound International Monetary Fund and to provide the fiscally irresponsible United Nations with alleged arrearages owed by our nation.

This Motion to instruct is being offered under the guise of an Emergency Supplemental Appropriation.

Let me be clear. The International Monetary Fund is not currently suffering an emergency. The money that has been pledged by the IMF to Indonesia, Thailand, and South Korea to combat their fiscal crisis is already provided.

Let me reiterate that point. By denying this Motion to Instruct and by denying any IMF money as part of a Supplemental Appropriation we will not harm the ongoing financial bailout of these Asian nations.

The IMF and its proponents scream that they cannot handle a crisis and that the IMF immediately needs $18 billion from the American taxpayer. How ludicrous.

Since the financial crisis started in Asia in the Summer of 1997, there has been no other financial crisis that required the assistance of the IMF. In fact, the economic situation has settled down in East Asia and there is the beginnings of an economic recovery.

The IMF has, right now, more than $75 billion to combat financial crises. The IMF has an estimated $50 billion in reserve right now in addition to $25 billion in an emergency account. On top of all that, the IMF will receive $28 billion in loan payments from other borrowing nations to the IMF by the end of the Year 2000.

With all that said, by the end of 2000, the IMF will have over $100 billion in reserve for their uses. Plus, these Asian nations will be paying back the $120 billion that they have borrowed from the IMF in the last few months.

Is a $200 billion IMF reserve fund not enough? This attempt to increase the IMF quota is not to deal with any emergencies, but is a naked attempt to expand bureaucracy and the scope of the IMF.

The IMF wants to play a dominant role in the world's economic policies, not simply aid nations in distress. The IMF has even tried to tell the United States what its economic policies ought to be.

The IMF is so arrogant that they still refuse to give Congress documents that we have requested over and over again that will give us more detail about how poor the IMF's policies are.

I urge my colleagues to soundly defeat this Motion.

Mr. OBEY. Mr. Speaker, I yield 30 seconds to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, in my 30 seconds, let me say I rise in strong support of this motion. I regret having to support this procedure, but in spite of my great respect for my chairman of the Committee on Appropriations, the gentleman from Louisiana (Mr. LIVINGSTON) and for his fairness, there is no way we can get this issue of funding for the IMF on the floor as a clean debate, where we vote up or down on IMF funding, without unrelated issues that constitute legislating on appropriations bills, which is against our rules, but has been allowed in regard to this issue.

Mr. Speaker, I strongly support IMF funding. It is definitely jobs in my district. This House bailed out the S&L's because we knew we had to minimize the damage, so we need to involve ourselves in this loan program to contain the Asian problem.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Speaker, I rise in strong objection to this motion. This should be a very easy vote for all of us; we should all vote no. They already have $35 billion of our money. They want $18 billion more. That is $53 billion.

Think about it. Some of you would like to spend that on the military, on national defense. That would not be too bad an idea. Others might want to spend it on domestic welfare programs. This would be a better idea than bailing out rich bankers and foreign governments. Besides, there are some of us who would like to give the $53 billion back to the American people and lower their taxes. But to give them another $18 billion does not make any sense.

Then to come to us and say it will not cost the taxpayers any money is absurd. Why do they come here and try to sneak through this appropriation with a parliamentary trick, if it is not going to cost the taxpayers any money? Certainly it is going to cost the taxpayers money. It adds to the national debt, and we have to pay interest on the national debt. This is a cost.

Now, the Director of the IMF had an interesting proposal. He said this will not cost us anything because it is coming out of the Central Bank.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, these elite groups that we heard talked about a moment ago that are sneaking this through include the American Farm Bureau Federation, Dairy Farmers of America, National Cattlemen's Beef Association and, U.S. Wheat Associates.

To all of these who have suggested that we are spending taxpayer money, you are not reading the facts. You know better than to stand here in the well and tell our colleagues who are not here that we are going to be appropriating this money, when we have not appropriated one penny in the history of the IMF.

Why are we here for the IMF? Because it is in America's best interests. It has been ever since we have had the IMF, and it is today.

To those who want the reforms, I agree with you on that. And let us look at the Wall Street Journal of April 10. "IMF moves are expected to force open markets." We are doing all of the things that critics who usually we agree on are saying we need to do, but the only way we can get it done is to bring this bill and have this action done.

If we had not had this in place, we could not have had GSM–102 funding for agriculture that has been very successful in building up markets.

Mr. STEARNS. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Speaker, does the gentleman think money grows on trees? Where does the IMF get the money, if Congress does not give it to them? Why are we voting on this tonight, if the gentleman does not think we are going to appropriate? Could the gentleman explain that?

Mr. STENHOLM. Mr. Speaker, reclaiming my time, these are loan funds. When loan funds are granted and paid back, there is no loss to the taxpayers of America. The gentleman knows this and I know this.

Mr. STEARNS. The money is guaranteed by the taxpayers of this country, and the money is given to them.

Mr. STENHOLM. "Guaranteed" is correct. But the bottom line is, is it a good investment and for whom is it a good investment? It is a good investment for American agriculture. And to those who continue to drag your feet and say we could not even bring this bill up and consider it, to those who continue to do that, you are in danger of doing irreparable harm to the American farmer and rancher, because we depend upon world trade, and we are a part of a 182-nation group that is attempting to have organized trade.

For us to continue to drag our feet can do irreparable harm to the American farmer, and when you vote no on this, understand that.

Mr. LIVINGSTON. Mr. Speaker, I am happy to yield 1 minute to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, this bill is to provide supplemental emergency aid. I thought it was to provide supplemental emergency aid to the Southeast United States of America, not Southeast Asia. I thought it was to provide emergency aid for American citizens, not for foreign citizens.

Leave this bill alone. We were elected to the Congress of the United States, not to the Council of the United Nations. If the International Monetary Fund is worthy, the International Monetary Fund should stand on its own merit, not on the backs of American victims of great disasters which brings us to the floor about this bill.

This is about emergency aid for American families, for victims of great disasters. Leave the bill alone. If you want to do something about the IMF, bring it up; let it stand on its own merits.

Quite frankly, I think we are too international around here, and we should be taking care of the Midwest a hell of a lot more than we take care of these countries overseas.

Mr. OBEY. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, this bill does not spend $18 billion, it will not cost $150 to the taxpayers. What will cost the American taxpayer is chaos in Asia. The IMF has made mistakes, but more often than not, it led to liberalization of trade. Look at Poland, Estonia, Uganda and Egypt.

Globalization is changing. For the first time, we have a bill that says an international institution has to pay attention to labor market conditions and the environment. Vote for this instruction.

Mr. LIVINGSTON. Mr. Speaker, I am pleased to yield 2½ minutes to the distinguished gentleman from Texas (Mr. ARMEY), the Majority Leader of the House.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, what is this IMF that wants $18 billion of our money? Where did they come from and what do they do? I am shocked and appalled at how little we know about the IMF. We know a little bit about its history, but we do not know a thing about how it does business.

We have an international financial institution that purports to manage international markets and commerce, has failed in its originally intended mission, and now intends to self-describe a new mission so that it can become an international deposit insurance corporation.

It is run by a French Keynesian, who operates the agency at such levels of secrecy that we have no idea how they come by the decisions. It is alleged by many fine scholars to have been the agency that caused the Asian flu first by forcing the Thais to devalue their currency. It seems to have a consistent track record of opposing tax decreases and requiring tax increases.

Now, even for a Keynesian, you have got it backwards. This is the taxpayers' hard-earned dollars. We are being asked by this agency, that operates in secrecy, "Give us the money, or more catastrophe will come." Many fine scholars believe that the catastrophe we have called the Asian flu was, in fact, created by the IMF.

□ 1845

There is an old adage in economics, Mr. Speaker: When the government assumes the risk, nobody assumes the risk. If we have an agency out there with taxpayers' dollars, that sends a message out, Mr. and Mrs. International Investor, irrespective of the denominations in which you will make risky, careless decisions, do not worry about it. We will be there with a bailout, decisions made in countries that practice the worst kinds of failed crony capitalism. No, we need to study this issue. We need to understand this.

I understand that there are industries and sectors of the American economy that feel they themselves are at risk. But will they, in fact, not put their own industries, agriculture, even, at worse risk if, in fact, the IMF is indeed the perpetrator and not the savior in international crises? We need to understand this. They need to come clean.

They need to be willing to tell us who they are, how they do business, how decisions are made, by what criteria, on what empirical data, and through what historical precedents they base their judgments. They have a failed track record. They are not a good bet.

If I were to take $18 of my own money out and bet it on a racehorse, I would not bet it on one that I had observed consistently running the wrong way in the dark of night. No, I would bet it on a racehorse that was running the right way and winning the race.

Members are asking me to bet $18 billion of the taxpayers' money. I am telling the Members, they are asking me to bet on a blind racehorse going the wrong way and dragging too many others with it. I need to know more. It is our duty to know more. If we do not see it as our constitutional duty, let us see it as a matter of the basic, fundamental dignity and integrity of the House of Representatives.

Members could not come to me today through any agency of the American government, working on behalf of the American people immediately and directly, and say, give them $18 billion, no strings attached, no questions asked. We would certainly laugh them out of the body. Why would we do that for an international agency that refuses to reform and refuses to even tell us how they do business?

Certainly, they are a grand institution. Certainly, they are wrapped in wonderful, international mystique. But because they are mysterious, is that the reason to give them more money more easily, with less consideration than we would give even an agency of our own government? No.

The answer is, vote no. We will discuss this at greater length later. We will hold the hearings. We will understand it later better. It just very well may be that we conclude, after thorough, full, complete understanding that we ought not to bet on this blind horse at any time.

Mr. OBEY. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, with all due respect to my colleague from Texas, in the debate I have heard today there are a great deal of Members here who in fact do not understand the IMF and do not understand the situation, but the fact is this. I am not going to get into the details, because I don't have enough time, but if we wanted to, we did not have to take 3 weeks off over the Easter recess. We could have passed the supplemental with the disaster relief. We could have done the work on this. We could have taken several hours and debated the IMF. But the leadership chose not to do that.

We are all paid the same, and we are all here to work. We have important issues we have to deal with. The IMF is a very important issue. If the United States fails to act on this in what is a liquidity facility, the rest of the world will see it, the markets will see it, and the markets will be very efficient in how they will treat it, and we will see what will happen to the East Asian economies and the effect on the American economy.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR), the distinguished Minority Whip.

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding time to me.

Mr. Speaker, I share some of the concerns that have been expressed on this floor this evening. I would not be in this well today to support a bill that endorsed the status quo. This bill is about reform. This vote is about reform.

I want to commend the gentleman from Iowa (Mr. LEACH), the gentleman from New York (Mr. LAFALCE), and the Committee on Banking and Financial Services, who in an overwhelming vote, 40 to 9, endorsed the first major revisions and reform of the International Monetary Fund.

They put for the first time in 50 years working men and women at the table. They put for the first time the concerns of our fragile Earth at the table. They did this in a responsible way. I would have liked more, but I think they did the right thing, and they moved things forward in a responsible way.

Mr. Speaker, this bill sets labor standards and environmental standards and accountability standards and transparency for the IMF in a way that we have never seen before. It will, Mr. Speaker, for the first time, allow people to assemble, to organize, to bargain collectively. It will take on sweatshops and child labor. It will do the things that we all talk about around here, but we have not been able to accomplish through these lending institutions.

So I say to my friends, this is a good bill. Not only will it do it, it will set up a watchdog group, including representatives from business, from labor, from agriculture, and from NGO groups to watch what they are doing and to report back to the public. It will require our Secretary of the Treasury to meet on a regular basis defined in the bill with different groups and issue a report card on how we are doing in these areas.

It is a good piece of legislation. I urge my colleagues to vote yes on the motion to recommit, so we can begin the process of changing how we do business in this world. The world is a different place. These international organizations must reform to the reality of a different place. This bill helps do it.

Mr. LIVINGSTON. Mr. Speaker, I am pleased to yield the balance of my time to the very distinguished Speaker of the House, the gentleman from Georgia (Mr. GINGRICH).

Mr. GINGRICH. Mr. Speaker, I thank very much my friend, the gentleman from Louisiana, for yielding time to me.

Mr. Speaker, let me say that I rise first to point out that the bill which we are actually going to conference on is, in fact, an important, urgent bill. In my State, for example, where we have had significant tornado damage, and my friends from Alabama, who can report on their tornado damage, Tennessee, other places around the country, where there are real problems, we are trying to get the aid to the Federal Emergency Management Administration. That is urgent.

The Secretary of Defense has indicated if we do not get this bill finished and to the President before May 1, that he will have to begin to initiate laying off personnel, laying off contracts, cutting off training. That is urgent. So this is an important supplemental bill that is urgent.

The Committee on Appropriations reported out a second bill, a bill which is not quite on as fast a track, but which will in fact be considered by the House. But I cannot help but draw to the House's attention who has been lecturing us today on international trade: Members who voted against NAFTA, Members who were prepared to vote against fast track, Members who have made a career out of protectionism, Members who are dedicated to not being part of the world market.

They now get up to lecture us, those of us who voted for NAFTA, those of us who supported fast track, those of us who actually believe in the world market, and we are to be told, rush this thing through; make sure that you get $24 billion or $18 billion down to the International Monetary Fund, or whatever number the Secretary of the Treasury sends up. Do not look at it. Do not ask questions about it. Do not explore it. Send the money. Because after all, it is only money.

Now, I believe we have an obligation to the people of America to look critically at the International Monetary Fund. Former Secretary of the Treasury Bill Simon has said, abolish it, it is obsolete. He happens to be a man who has made a great deal of money in international trade. But ignore him for a moment.

Former Secretary of State, former Secretary of the Treasury, former Secretary of Commerce, former Secretary of Labor, this is all the same person, George Schultz at Stanford University, one of the most respected international figures in American government history, has said, abolish it, it is obsolete, it no longer serves a function. When Bretton Woods died, it died. It is a large, expensive bureaucracy finding a new excuse to mess things up.

But we are not suggesting that we abolish it. We are suggesting we ask some questions. For example, the International Monetary Fund is consistently wrong. There is a very significant report that says it is the IMF which caused the bank crisis in Indonesia. There is a significant study which says it is the IMF which caused Thailand first to quit fixing its money, then to float its money, and then to suffer from an economic disaster. We know from Latin America it is routine for the International Monetary Fund to go in and say, raise taxes; take care of the international banks, but raise taxes.

Let us talk about the crisis in banking. Two major U.S. banks reported yesterday that they had had record profits. None of the big banks are suffering out of Indonesia. They have made their money. They are not suffering out of South Korea. But what does the International Monetary Fund answer? Raise taxes on the working poor.

I hear people come to this floor who claim they represent the workers, who say they are for an international bank institution that is totally secret, that is run by a bureaucrat whose major policy is to raise taxes on workers in the Third World to pay off New York banks. That does not sound like populism to me.

But let me go a step further. We were told at Thanksgiving, I got the phone calls, big crisis in Asia, everything is going to collapse by Christmas. We were told at Christmas, big crisis in Asia, everything is going to collapse by mid January. We were told in January, big crisis, might even lead to a war in Korea. We were told in February, big crisis, could be bad by March.

But do Members know what we were told, over and over? Japan is not the problem, because all of Japan's debt is denominated in yen, and the Japanese can cope with it, and they have $270 billion in reserve. Do Members know what the statement was this week? We have to have this money for Japan; which is, by the way, intellectually nonsense, because the IMF does not have enough money to deal with Japan.

So what is really at stake here? We believe, on behalf of the taxpayers, that we have the right as the Congress to ask some very tough questions of a multi-billion dollar bureaucratic institution that is totally secret.

I will start with question number one: If they think tax increases are so good, how come no staff member of the IMF pays any taxes anywhere in the world? They do not pay taxes in the U.S., and they do not pay taxes in their home country. So the French leader of the IMF pays no taxes in socialist France while advocating tax increases. Maybe if the IMF staff paid taxes, they would not be as excited about tax increases.

Let me give just one quick example of how out of touch with reality the IMF is. This is their annual report for 1997 in which they recommend that we not have tax cuts because they are worried that the budget will not be balanced. This is their annual report leading into this year.

Now, we are the most transparent Nation in the world. There is more information available about us than any other country. We are going to have a surplus this year of somewhere between $18 billion, the inaccurate low and defensive Congressional Budget Office number, because they are like the IMF, they are bureaucrats, and the free market estimate of $50 to $80 billion.

If the IMF is wrong about the surplus of the United States of America, when it is headquartered in Washington, could it be possible that their bureaucrats do not have a clue about how the modern, instantaneous real-time worldwide money markets work, and could it be possible that their advice is consistently wrong?

They said as late as July 28, 1997, that, "Many directors also indicated that a faster pace of fiscal consolidation by bringing forward spending cuts and delaying tax cuts than that envisioned in the balanced budget agreement would help to contain demand pressures and enhance the plan's credibility, as well as increase the latitude for countercyclical fiscal policy."

What does that mean? It means as late as July last year, when we were bringing the budget agreement to the floor, they were against tax cuts, they were for deeper spending cuts. They did not have a clue about the politics of the country their headquarters is in, and their policy was exactly backwards.

☐ 1900

It was a big tax increase, big government, socialized policy.

So here is my proposition. We have several hearings coming up. The Joint Economic Committee under Chairman SAXTON will be holding hearings. Former Secretary George Schultz has agreed to come and testify. Others will be asked to testify. I am certain our friends on the left who would like to have more taxes and bigger bureaucracy will have a chance to come and testify.

When we have finished the hearings and we are prepared to have appropriate requirements to get transparency and accountability out of the International Monetary Fund, we will bring an appropriate bill to the floor this year in the appropriate way.

But for my friends who are protectionists, who opposed NAFTA and who opposed Fast Track, to come to the floor and lecture the rest of us on the world market and demand that we move in ignorance now, before we can learn anything, I think is highly inappropriate.

I hope every Member will vote this down on behalf of defending the American taxpayer, so we can get an effective IMF program that in fact truly helps American agriculture and truly helps American exporters.

Mr. OBEY. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, I would simply say to the distinguished Speaker, those of us who voted against NAFTA and Fast Track want to be involved in the world market, but in ways that are fair to workers and not just investors and CEOs.

Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Missouri (Mr. GEPHARDT), the minority leader.

Mr. GEPHARDT. Mr. Speaker, I urge Members to vote for this motion to instruct. I obviously reject the Speaker's categorization of some of us as protectionists. I voted for Fast Track when George Bush was President. I voted for the WTO. I stand ready to vote for Fast Track for President Clinton if we can have the proper provisions to recognize the rights and the needs of workers and the environment. I was ready to vote for a NAFTA that had sufficient teeth in the side agreements.

To refresh everybody's memory, it was not long ago that the Speaker and I were called to the White House with then Majority Leader Dole and Mr. DASCHLE, and the President and Bob Rubin and Allen Greenspan told us that there was a crash happening in Mexico, this was after NAFTA was passed, and that we needed to replenish funds for the IMF so that Mexico could be bailed out.

We all said that we thought it was necessary to do that because there was no good for America in Mexico going bankrupt. But after we came back to the House and consulted on both sides of the aisle, we found there was not a good deal of support for doing that. And so the President, using a Justice Department opinion, decided to go ahead with that loan.

One of the reasons they felt it was important to do that was because while Mexico was going down, something was happening that none of them had ever seen before. That was, developing countries' economies all over the world, Thailand, Indonesia, were going down.

Mr. Speaker, we are in a new world. And in that new world, technology has put us at a point where when one developing country has a horrible problem it begins to invade the economies of all the developing countries in the world. I believe the President did the right thing in using the IMF and Treasury funds to do something to help Mexico. As a result of that, the problem was stemmed across the world. Mexico is paying that loan off. In fact, most of it is already paid off with interest.

The problem we face now is greater than the problem we faced with Mexico because it is not just one country that is experiencing trouble, it is six or seven or eight in Asia.

Now, the Speaker says there is no rush and that he thought people were kind of overstating the problem a few months ago. Well, I do not think they were overstating the problem. But they were able, because they had funds available to commit, to go to these countries and to keep them from going into bankruptcy. So because of the existence of the IMF and the ability to do this, we have avoided tremendous problems.

There is no good for any worker or any business in the United States to have any of these countries fail. Even with that in place, they may fail. And when we criticize the IMF, and I am sure there is a lot to criticize, I think we have to keep in our mind a little bit of humility about what is going on here. Let us face it, nobody at the IMF, nobody at Treasury, nobody at the World Bank, and I dare say nobody in the world really knows how to do what we are trying to do.

We are literally trying to build a new architecture in our world for world trade. The truth is crony capitalism is not consistent with capitalism. And I now believe we cannot really have capitalism unless we ultimately have democracy and human rights. But we also know we cannot get those things to be achieved overnight, and so we have got to have a little bit of humility about what we know will work and what can bring these countries back to economic health.

Mr. Speaker, it is great to have a pledge that we may get to vote on this before the year is out. We could wake up tomorrow morning or next month or the month after that and be in a world of trouble. The IMF, the truth is, does not have the ability to deal with these problems now. We have a chance tonight to vote to instruct the conferees to try to pull some of this funding into this bill. We may be sorry, we all may be sorry, if this bill does not contain the monies that the IMF needs.

This is an important moment. None of us will like a world that is in free fall, and it will be in free fall very quickly if they cannot move and act to stem problems that we have never seen before in the history of the world.

I ask Members and beseech Members to act responsibly tonight and vote "yes" for this motion to instruct, so we have a chance to bring to this bill the kind of funding that it needs for the good of the world.

The SPEAKER pro tempore (Mr. SNOWBARGER). All time has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 186, noes 222, not voting 24, as follows:

[Roll No. 109]

AYES—186

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (NE)
Barrett (WI)
Becerra
Bentsen
Bereuter
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Capps
Cardin
Castle
Christensen
Clayton
Clement
Clyburn
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Farr
Fawell
Fazio
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gilman
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kolbe
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)

Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Minge
Mink
Moakley
Moran (VA)
Murtha
Nadler
Neal
Ney
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sánchez
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stenholm
Stokes
Stupak
Tauscher
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

NOES—222

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Bonilla
Bono
Brady
Brown (OH)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Carson
Chabot
Chambliss
Chenoweth
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cubin
Cunningham
Danner
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Evans
Everett
Ewing
Filner
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jenkins
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kucinich
Largent
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McKinney
Metcalf
Mica
Miller (CA)
Mollohan
Moran (KS)
Myrick
Nethercutt
Neumann
Northup
Norwood
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Strickland
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—24

Bateman
Boehner
Burr
Clay
Coble
Dixon
Fattah
Forbes
Fox
Gonzalez
Hastert
Hastings (FL)
Istook
Jefferson
Kaptur
Meek (FL)
Miller (FL)
Morella
Paxon
Poshard
Reyes
Stark
Tanner
Yates

☐ 1929

Ms. MCKINNEY and Mr. BLUNT changed their vote from "aye" to "no."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ISTOOK. Mr. Speaker, I regret I could not be present to vote on the Motion to Instruct Conferees on IMF funding. I am attending a special family milestone—my oldest son's graduation from college. Had I been present I would have voted Nay.

☐ 1930

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the Chair appoints the following conferees: Messrs. LIVINGSTON, MCDADE, YOUNG of Florida, REGULA, LEWIS of California, PORTER, ROGERS, SKEEN, WOLF, KOLBE, PACKARD, CALLAHAN, WALSH, OBEY, YATES, STOKES, MURTHA, SABO, FAZIO of California, HOYER; Ms. KAPTUR and Ms. PELOSI.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3130, CHILD SUPPORT PERFORMANCE AND INCENTIVE ACT OF 1998

Mr. DAVIS of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3130) to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements, to amend the Immigration and Nationality Act to make certain aliens determined to be delinquent in the payment of child support inadmissible and ineligible for naturalization, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida? The Chair hears none and, without objection, appoints the following conferees:

From the Committee on Ways and Means, for consideration of the House bill and Senate amendments and modifications committed to conference:

Messrs. ARCHER, SHAW, CAMP, RANGEL, and LEVIN.

As additional conferees from the Committee on Education and the Workforce, for consideration of section 401 of the Senate amendment and modifications committed to conference:

Messrs. GOODLING, FAWELL, and PAYNE.

There was no objection.

APPOINTMENT OF ADDITIONAL CONFEREES ON H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1998

The SPEAKER pro tempore. Without objection, the Chair appoints the following additional conferees on H.R. 2400:

As additional conferees from the Committee on Science, for consideration of section 312(d) and Title VI of the House bill and sections 1119, 1206, and Title II of the Senate bill and modifications committed to conference:

Mr. SENSENBRENNER, Mrs. MORELLA, and Mr. BROWN of California.

There was no objection.

The SPEAKER pro tempore. The Speaker will appoint additional conferees at a subsequent time.

The Clerk will inform the Senate of the change in conferees.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from Texas (Mr. DELAY) to inquire from the distinguished Majority Whip the schedule for today, the rest of the week, and next week.

Mr. DELAY. Mr. Speaker, I appreciate my friend the gentleman from Michigan (Mr. BONIOR), the distinguished Minority Whip, yielding to me.

I am pleased to announce, Mr. Speaker, that we have concluded legislative business for the week. The House will next meet on Monday, April 27, for a pro forma session. There will be no legislative business and no votes that day.

On Tuesday, April 28, the House will meet at 12:30 p.m. for the morning hour and 2 p.m. for legislative business.

On Tuesday, we will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices. Members should note that we do not expect any recorded votes before 5:00 on Tuesday, April 28.

On Wednesday, April 29, and Thursday, April 30, the House will meet at 10 a.m. to consider the following legislation:

A bill to establish a prohibition regarding illegal drugs and the distribution of hypodermic needles; H.R. 6, the Higher Education Amendment of 1998; H.R. 1872, the Communications Satellite Competition and Privatization Act of 1997; H.R. 3546, the National Dialogue on Social Security Act of 1998; and S. 1502, the District of Columbia Student Opportunity Scholarship Act of 1997.

Next week, we also hope to consider the conference report to the Emergency Supplemental Appropriations Act.

Mr. Speaker, we hope to conclude legislative business for the week by 6 p.m. on Thursday, April 30.

I thank the gentleman for yielding.

Mr. BONIOR. Mr. Speaker, reclaiming my time, would the gentleman entertain a few questions?

Mr. DELAY. Mr. Speaker, I would be glad to.

Mr. BONIOR. Campaign finance reform. When? When do we expect to have that before the body?

Mr. DELAY. Well, as the gentleman knows, we are all excited about bringing campaign finance reform to the floor.

Mr. BONIOR. I can tell on your face that you are just overjoyed.

Mr. DELAY. And we hope to bring the campaign finance reform when it has had open and fair discussion sometime in May. Certainly, I would expect we would hope before the Memorial Day recess.

Mr. BONIOR. We do not know that it is going to be before the Memorial Day recess? Is that still in doubt?

Mr. DELAY. Anything in this body is in doubt, as the gentleman knows. We are working on it. We hope the committees to work on the bill and bring it to the floor as soon as we can.

Mr. BONIOR. I would encourage my friend, the gentleman from New York (Mr. SOLOMON), the chairman of the Committee on Rules, to engage in this if he would like. Are we expecting an open rule on campaign finance?

I yield to my friend from New York.

Mr. SOLOMON. Yes, we are. The arrangement that was made on both sides of the aisle on a bipartisan basis was to have a freshmen bipartisan bill as the base text and then allow any of the germane substitutes that would be offered to it.

Mr. BONIOR. Repeat the last part.

Mr. SOLOMON. Would allow any germane substitutes that are credible to be allowed to be debated for at least 1 hour.

Mr. BONIOR. And does my colleague expect the Shays-Meehan piece to be a part of that?

Mr. SOLOMON. The Shays-Meehan, if it stays in the form it is in now, it would be germane and it would be allowed to be brought to the floor.

Mr. BONIOR. Let me ask this question of the gentleman.

Some of us on this side of the aisle and on your side of the aisle think another approach that might be worth debating and discussing is the constitutional approach, trying to correct some of these problems through the constitutional route, given the court rulings with respect to participation in the system and limitations on spending.

Would the gentleman be entertaining opportunities for us to offer those type of remedies to our present predicament?

Mr. SOLOMON. Constitutional amendments are joint resolutions, as the gentleman knows. And we can talk about it, but that is not a part of the arrangement that was allowed.

Mr. DELAY. If the gentleman would yield. Certainly the gentleman is not talking about limiting the jurisdiction of judges, is he?

Mr. BONIOR. No, that was your exercise today.

My friend from New York said that this was an arrangement that was made by both sides. Can he apprise us who he talked to on our side, who his leaders talked to with respect to agreeing on what the base bill was? I mean, I do not know of anybody on our side of the aisle that participated in any discussions with him on this.

Mr. SOLOMON. I will tell the gentleman, I do not know who else was spoken to. I see my good friend Sean Connery, no, that is not Sean Connery, that is the gentleman from Massachusetts (Mr. MOAKLEY) standing over there; and I sat down with him and explained what we had in mind and it would be open and fair and every single Member of this House will be able to work their will as long as they have a credible plan, which we can discuss. And, as I told the gentleman from Massachusetts (Mr. MOAKLEY), we will make those substitutes in order.

Mr. BONIOR. Well, we are hoping that when the committee meets, the Committee on Rules, that the options available for a full debate and opportunities to debate the wide variety of proposals that are out there, including constitutional provisions, will be available to Members.

And that is all we have asked for with the discharge petition that we initiated, and we hope that we can move on and have a good debate on those issues.

Mr. SOLOMON. I think my colleague will be excited and happy with the rule that the gentleman from Massachusetts (Mr. MOAKLEY) and I will bring to the floor.

Mr. BONIOR. Mr. Speaker, I thank my friend from Texas, and I wish both my colleagues a very pleasant weekend.

Mr. DELAY. I wish my colleague a very pleasant weekend. I hear the weather is nice in Michigan.

Mr. BONIOR. Great mellow moments in the House of Representatives.

ADJOURNMENT TO MONDAY, APRIL 27, 1998

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TUESDAY, APRIL 28, 1998

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, April 27, 1998, it adjourn to meet at 12:30 p.m. on Tuesday, April 28, 1998, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

UNFAIRNESS IN TAX CODE: MARRIAGE TAX PENALTY

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. WELLER. Mr. Speaker, a series of very simple questions state why passage of the Marriage Tax Elimination Act is so important. Do Americans feel it is fair that our Tax Code punishes marriage with a higher tax? Do Americans feel that it is fair that 21 million married working couples with two incomes pay on the average $1,400 more in taxes just because they are married? Do Americans feel that it is right that our Tax Code actually provides an incentive to get divorced?

Of course not. Americans recognize the marriage tax penalty is wrong; it is unfair; it is immoral. They also recognize that 21 million married working couples are paying $1,400 more. In the south side of Chicago, in the south suburbs, $1,400 dollars is real money for real people, one year's tuition at Joliet Junior College or 3 months of day care at a local day care center.

The Marriage Tax Elimination Act has 238 cosponsors, a majority of the House. Let us eliminate the marriage tax penalty. Let us eliminate it now.

Mr. Speaker, I rise today to highlight what is arguably the most unfair provision in the U.S. Tax code: the marriage tax penalty. I want to thank you for your long term interest in bringing parity to the tax burden imposed on working married couples compared to a couple living together outside of marriage.

In January, President Clinton gave his State of the Union Address outlining many of the things he wants to do with the budget surplus.

A surplus provided by the bipartisan budget agreement which: cut waste; put America's fiscal house in order; and held Washington's feet to the fire to balance the budget.

While President Clinton paraded a long list of new spending totaling at least $46–$48 billion in new programs—we believe that a top priority should be returning the budget surplus to America's families as additional middle-class tax relief.

This Congress has given more tax relief to the middle class and working poor than any Congress of the last half century.

I think the issue of the marriage penalty can best be framed by asking these questions: Do Americans feel it's fair that our tax code imposes a higher tax penalty on marriage? Do Americans feel it's fair that the average married working couple pays almost $1,400 more in taxes than a couple with almost identical income living together outside of marriage? Is it right that our tax code provides an incentive to get divorced?

In fact, today the only form one can file to avoid the marriage tax penalty is paperwork for divorce. And that is just wrong!

Since 1969, our tax laws have punished married couples when both spouses work. For no other reason than the decision to be joined in holy matrimony, more than 21 million couples a year are penalized. They pay more in taxes than they would if they were single. Not only is the marriage penalty unfair, it's wrong that our tax code punishes society's most basic institution. The marriage tax penalty exacts a disproportionate toll on working women and lower income couples with children. In many cases it is a working woman's issue.

Let me give you an example of how the marriage tax penalty unfairly affects middle class married working couples.

For example, a machinist, at a Caterpillar manufacturing plant in my home district of Joliet, makes $30,500 a year in salary. His wife is a tenured elementary school teacher, also bringing home $30,500 a year in salary. If they would both file their taxes as singles, as individuals, they would pay 15%.

MARRIAGE PENALTY EXAMPLE IN THE SOUTH SUBURBS

	Machinist	School Teacher	Couple
Adjusted gross income	$30,500	$30,500	$61,000
Less personal exemption and standard deduction	6,550	6,550	11,800
Taxable income	23,950	23,950	49,200
Tax liability	3592.5	3592.5	8563
Marriage penalty: $1378.			

But if they chose to live their lives in holy matrimony, and now file jointly, their combined income of $61,000 pushes them into a higher tax bracket of 28 percent, producing a tax penalty of $1400 in higher taxes.

On average, America's married working couples pay $1,400 more a year in taxes than individuals with the same incomes. That's serious money. Every day we get closer to April 15th more married couples will be realizing that they are suffering the marriage tax penalty.

Particularly if you think of it in terms of: a down payment on a house or car; one year's tuition at a local community college; or several months' worth of quality child care at a local day care center.

To that end, Congressman DAVID MCINTOSH and I have authored the Marriage Tax Elimination Act.

It would allow married couples a choice in filing their income taxes, either jointly or as individuals—whichever way lets them keep more of their own money.

Our bill already has the bipartisan cosponsorship of 232 Members of the House and a similar bill in the Senate also enjoys widespread support.

It isn't enough for President Clinton to suggest tax breaks for child care. The President's child care proposal would help a working couple afford, on average, three weeks of day care. Elimination of the marriage tax penalty would give the same couple the choice of paying for three months of child care or addressing other family priorities. After all, parents know better than Washington what their family needs.

We fondly remember the 1996 State of the Union address when the President declared emphatically that, quote "the era of big government is over."

We must stick to our guns, and stay the course.

There never was an American appetite for big government.

But there certainly is for reforming the existing way government does business.

And what better way to show the American people that our government will continue along the path to reform and prosperity than by eliminating the marriage tax penalty.

Ladies and gentlemen, we are on the verge of running a surplus. It's basic math.

It means Americans are already paying more than is needed for government to do the job we expect of it.

What better way to give back than to begin with mom and dad and the American family—the backbone of our society.

We ask that President Clinton join with Congress and make elimination of the marriage tax penalty a bipartisan priority.

Of all the challenges married couples face in providing home and hearth to America's children, the U.S. tax code should not be one of them.

Let's eliminate the marriage tax penalty and do it now!

Which Is Better?

Note: The President's Proposal to expand the child care tax credit will pay for only 2 to 3 weeks of child care. The Weller-McIntosh Marriage Tax Elimination Act, H.R. 2456, will allow married couples to pay for 3 months of child care.

Which is better, 3 weeks or 3 months?

CHILD CARE OPTIONS UNDER THE MARRIAGE TAX ELIMINATION ACT

	Average tax relief	Average weekly day care cost	Weeks day care
Marriage Tax Elimination Act	$1,400	$127	11
President's child care tax credit	358	127	2.8

AMERICAN PEOPLE HAVE BEEN THE BENEFICIARIES OF A BALANCED BUDGET

(Mr. ABERCROMBIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ABERCROMBIE. Mr. Speaker, I was privileged to be on the floor of the House of Representatives when the President's budget passed in 1993, that budget at the time denounced so severely by many critics of the President and what he was trying to accomplish.

I think, some 5 years later, we found that all of the goals have been in fact accomplished with respect to balancing the budget; and, most particularly, we find ourselves in a situation with low interest rates and the ability of people to take advantage of the home interest deduction they might not otherwise have had.

As a result, Mr. Speaker, I hope there is a recognition that this was the right course to take, that the American people have been the beneficiaries, that home ownership has been advanced, and that these 5 years provide a record of accomplishment of which we can all be proud.

Mr. Speaker, Today, many if not every Member of Congress is going to receive a visit by realtors from our districts.

I look forward to meeting today with the members of the Hawaii Association of Realtors on their annual trip to Washington.

I know one of their top priorities is preserving the home mortgage interest deduction. I stand with them completely on this issue.

As the House moves closer to developing a tax bill in the months ahead, it is vitally important that we preserve the mortgage interest deduction. It is fundamental of fulfilling the American dream of home ownership.

I am concerned that proposals for a flat tax or a national sales tax would endanger the mortgage interest deduction.

The mortgage interest deduction in important to Hawaii, where the average cost of a single family home is $312,000.

It is estimated that eliminating the mortgage interest deduction could cause the value of existing homes to drop between 20–30 percent.

As we in Hawaii face our greatest economic challenge since statehood, elimination of the mortgage interest deduction would be a disaster.

Homeowners would suffer a disastrous loss of equity. Thousands of realtors, construction workers, and employees of financial institutions would lose their livelihoods.

Mr. Speaker, I urge my colleagues to join me in fighting any attempt to eliminate the home mortgage deduction.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LAHOOD). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REGARDING THE PRESIDENT'S TAX PARTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DELAY) is recognized for 5 minutes.

Mr. DELAY. Mr. Speaker, we would like to have gone into recess a few minutes ago, but the staff of the House has convinced me otherwise. But we wanted to go into recess to give time for our Democrat colleagues to go down to the White House so that they could celebrate.

And why are they celebrating? They are celebrating those Members of Congress who voted for the largest tax increase in the history of this country. We want to make sure they all were able to get down to the White House in a timely fashion. Included in that group are several former Members of Congress who lost because of that vote.

I am not kidding. This is not April Fool's Day. This is actually happening down at the White House as we speak. Do not worry, though. There will not be any Republicans invited to the White House tonight because not one Republican voted for the largest tax increase in history and so none of us got an invitation.

But down in my office right now we are having hot dogs and pizza to celebrate the fact that we voted for tax cuts last year. We are going to vote for tax cuts again this year. We are going to vote for tax cuts again next year. We will vote for tax cuts every year we are in the majority.

And we will continue to want to cut taxes for America's working families. Because we understand that over 50 percent of a family's income goes to the Government. If you add up State, local and Federal taxes and the cost of regulation, 50 cents out of every hard-earned dollar that the American family makes today goes to the government. No wonder our families are in strain. No wonder it takes one parent to work for the Government while the other parent works for the family.

But Democrats, on the other hand, love to raise taxes. One prominent Democrat admitted that Democrats just do not like to cut taxes, they like to raise taxes. They think cutting taxes is irresponsible.

□ 1945

They think raising taxes is responsible. Can we remember the debates of 1995 and 1996? Everybody said we cannot cut taxes and balance the budget; that is irrelevant, and it is crazy. Well, we did it last year. We cut taxes on the American family. We had the first balanced budget agreement in I do not know how many years.

But this is why they are usually responsible for increasing those taxes. Now, make no mistake about it, the Democrat budget not only increased taxes, it also increased spending and deepened the deficit. Now the Republican budget, the budget we passed in 1995, cut taxes and balanced the budget.

So the lesson here is very simple. If we want higher taxes and more Washington spending and higher deficits, then the American people need to vote for the Democrats. If we want lower taxes and a balanced budget and sensible government spending, then they should vote for the Republicans.

So I hope my friends are enjoying themselves down at the White House tonight. But their party's commitment to higher taxes is no party.

Mr. TAYLOR of Mississippi. Mr. Speaker, will my friend the gentleman from Texas yield?

Mr. DELAY. I will be glad to yield.

Mr. TAYLOR of Mississippi. Mr. Speaker, I am not going to argue with the gentleman on the tax increases, but it is misleading to the American people to say that this Congress has passed a balanced budget. They did not.

Mr. DELAY. Well, the gentleman reads a different budget.

Mr. TAYLOR of Mississippi. The budget plan that you passed——

Mr. DELAY. Mr. Speaker, I have the time, and I am reclaiming the time and I am going to answer the gentleman's statement.

Mr. TAYLOR of Mississippi. But, please, the American public needs to know we are not there yet.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Texas has the time.

Mr. DELAY. Mr. Speaker, the gentleman does not know what unified budgeting is. The gentleman obviously does not know. I agree with the gentleman that we have a huge surplus that we are spending on government spending. But if we take all the spending and all the tax revenues, then we are in surplus.

I want, as the gentleman wants, I am sure, I want to make it a true balanced budget by taking the Social Security surplus and not spend it on government spending. If the gentleman will work with me, I guarantee we will come up with a budget that will accomplish that. I think I have the credibility to do that.

PUT SOCIAL SECURITY FIRST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I think it is reasonable to carry on the discussion of what has happened in the last 5 years. I was elected, and my first year in Congress was 1993. In that year we had a deficit under the unified budget of $322 billion. In the next, that year for the budget for 1994, President Clinton sent us a budget with a deficit of $265 billion, a deficit in terms of a unified budget.

So it was not only on the $265 billion that we were short, it was also what we were short borrowing from the Social Security Trust Fund and the other trust funds of this country.

I think, number one, we have got to start being very honest with the American people of what has happened. When the Republicans took the majority of this House in 1995, we changed the budget and started rescissions and started cutting down spending, getting rid of one-third of the staff in this Congress, cutting out committees, cutting out up to 200 different agencies and departments and divisions to try to reach a balanced budget.

The Republicans really were demagogued in that election that eventually followed because we were doing all sorts of budget cuts, cutting down on the spending of the Federal Government in order to get a balanced budget.

We ended up winning. We ended up in the spring of 1996 sending a reconciliation bill to the President saying the operational budget, to keep government open, to keep it operating, is not going to go into effect, Mr. President, unless you send Congress a balanced budget.

Finally, the President did send Congress a balanced budget, and now we have moved ahead. We have reframed the debate in Washington, D.C. so both sides of the aisle are now saying, great, we need a balanced budget. Let us be more frugal in our spending.

We have come a long ways, but we have still got a long ways to go. We have got a long ways to go because we are still borrowing the money that is coming in surplus from the Social Security Trust Fund to use for other government spending, and that has got to stop.

Here is my proposal of how we stop it. I introduced the only Social Security bill that has been introduced in the last session of Congress three years ago and again this session that has been scored by the Social Security Administration to keep Social Security solvent. So if we really want to put Social Security first, let us stop talking about it and start doing it.

Now that we are looking at a surplus in terms of the unified budget that is coming in this year, and the estimates are as high now as a $40 to $50 billion surplus. Let us start taking that surplus money and allowing workers in this country to have their own personal retirement savings account that will partially offset their fixed benefits and Social Security eventually when they are ready to retire.

But giving these workers some of this surplus money that is coming in, which is, after all, overtaxation, allowing them to see the creation of wealth, allowing them to see the magic of compounding interest where our money can double every 4 or 6, 8 years; and when we are ready for retirement at age 65, we are going to see much more money in those funds.

So with even a partial offset, in my bill that I call for using these surplus monies to beef up Social Security, to start down the road of solvency, I am suggesting that for each $2 these people earn in the investment market of limited investments, of so-called safe investments, for every $2 they earn there be a $1 offset in their Social Security benefits, so there is really a safety net.

But what we have got to do is make sure that existing retirees continue to have the benefits that have been promised to them, but at the same time we make provisions that our kids and our grandkids and our kids' grandkids and great-grandkids can have an opportunity to have even more revenue returns in their retirement years.

Look, we have got a demographic situation where there are fewer workers paying in their FICA taxes to more and more retirees. When we started out in 1935 we had an average age life-span of 62 years old. That meant most people that paid into Social Security all their working life never received any benefits.

Now the average age of mortality, the life-span today at birth is 74 years old for a male, 76 years old for a female. But if we live to be 65 years old, then on the average we are going to live another 20 years. Let us get at it. Let us really put Social Security first.

TAKE OUR DAUGHTERS TO WORK DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise today to commemorate Take Our Daughters to Work Day. The Capitol Hill activities for Take Our Daughters to Work Day have been rescheduled for next Thursday because of the D.C. schools having academic testing today.

Today many fathers and mothers took their daughters to work. Take Our Daughters to Work Day was created in 1993 to help maintain that essential feeling of self-worth and enhance their understanding of what is possible and what they can accomplish if they put forth the effort.

This is an important day for the millions of girls who are provided with the rare and much-needed opportunity to meet successful professional women and envision the immense possibilities that stand before them.

Numerous studies have shown how many girls exhibit a strong and distinct sense of self-confidence until they reach the age of 11. Then there is a sudden drop in self-esteem, a lowered sense of self-worth, and intense feelings of insecurity about their own judgments and emotions. Take Our Daughters to Work Day is an effective way of maintaining their self-esteem.

Last year, 48.3 million adults said that their company and their spouse's company participated in this special day. In addition, three in ten adults said that they or their spouse personally participated by taking a girl to their workplace, which equals 15.4 million people.

Clearly, this is a day not only for this Nation's daughters but for parents, employers, and people who understand the value of investing in and training the younger generation to become better, stronger, and more effective members of the labor force in the years ahead.

As we approach the new millennium, Take Our Daughters to Work Day and similar activities which promote reaching out to young girls and women will become even more essential. By the turn of the century, 8 out of every 10 women between the ages of 25 and 54 will be on the job because they want and, in most cases, need to work. For the first time in history, most new jobs will require education or training beyond high school.

I hope that Members will participate in the Take Our Daughters to Work Day activities we have organized for our colleagues on Capitol Hill next week.

Our Nation's daughters need to know who they are and what they can be, which will exceed far beyond any societal limitations that were placed on their foremothers and to some degree continue to this day.

This knowledge and self-confidence help them develop more ambitious dreams, strive to take on more challenges, and become valuable leaders in America's future. We look forward to next week, Take Our Daughters to Work Day.

NATIONAL CRIME VICTIMS RIGHTS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BRADY) is recognized for 5 minutes.

Mr. BRADY. Mr. Speaker, this week is a special time in our country. It is designated as National Crime Victims Rights Week. It is an opportunity to try to begin to balance the scales of justice that are weighted so heavily in favor of the accused and so lightly weighted in favor of the victims of violent crime.

I am proud to be an original cosponsor of a constitutional amendment proposed by the gentleman from Illinois (Mr. HYDE), Congressman and Chairman of the House Committee on the Judiciary, that attempts to restore and provide really for the first time in this country solid, irreversible rights for victims of violent crime.

What this constitutional amendment does is that it provides that victims have the right to be given notice, to know when there are public hearings related to the crime in which they have been victimized, to be heard if they are present, and if they are not, to submit a written statement at all public proceedings where a sentencing occurs or a plea bargain is agreed to or there is a prospect that the criminal will be released from custody.

It provides the right under this constitutional amendment to be notified if that convict is released or escapes from custody, and because justice needs to be sure and swift, to seek relief as victims from these unreasonable delays related to the crime; the right to have restitution, because for many of victims of violent crime, especially if they lose a spouse or someone who is a source of income and revenue for their family, not only do they lose a loved one but they lose the financial support, the ability to send their children to college, the ability to spend time and have a house in which their children and those who survive the victim can live.

This constitutional amendment ensures that the victim's safety is always considered when a parole board or similar organization is looking at releasing a criminal in custody at whatever level. Finally, because rights mean nothing if we do not know of them, in this constitutional amendment we ensure that victims are notified of these rights early in the process.

As obvious as these rights are, the fact of the matter is, today in America very few enjoy them. With the exception of some enlightened States and some individual communities, for the most part the victims have no rights in these proceedings, are ignored in the process, are left behind, bewildered at a time in their life when they are stunned by what is occurring to them.

Our family has had some experience in this matter. When I was 12, my father was murdered in a South Dakota courtroom. While I was young at the time, and we do not remember everything as distinctly, I recall our family going through the trial, through the conviction, through the sentencing. And like a lot of families, we were before the parole board trying to keep dad's killer behind bars.

We have been through it. The fact of the matter is that no one ever expects it to happen to them. They are sure it only occurs in someone else's neighborhood, someone else's family, in someone else's community. But the fact of the matter is, in this America there are two classes of Americans: those who have been touched by violent crime and those who someday will be.

This constitutional amendment is designed to protect those who have not yet been victimized by a crime, to make sure that at a time in their life that they never thought that they would be involved in, when justice seems so distant and remote, that they get the one thing in life that they most need at that time, which is justice.

□ 2000

Last year, I think in the year before, many of us watched the O.J. Simpson trial. We watched and read about the victims of the Oklahoma City bombing, and we had to pass a Federal law to ensure that the victims of Oklahoma City bombing could be present in the courtroom when that trial occurred. In most States all that a shrewd defense attorney has to do is identify the family or the victim's family as a possible witness in a courtroom case and excludes them, leaving the courtroom where the accused has a family behind them and full of supporters and where the victim is basically abandoned and empty. It is time that jurors see the victims of these crimes so that as they weigh the evidence, as they weigh the sentence, they understand that these are real people whose lives they affect.

I support this constitutional amendment and urge my colleagues to do so as well.

RANCHERS IN COLORADO KNOW HOW TO TAKE CARE OF THE LAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. MCINNIS) is recognized for 5 minutes.

Mr. MCINNIS. Mr. Speaker, I woke up this morning and, doing the usual morning, looked at the newspapers and read some of the comments about Earth Day yesterday, and I was surprised at some of the remarks that were made that seem to want to imply to the American people or convince the American people that the way to protect our environment is to have a larger and bigger government in Washington, D.C.; that the people in Washington, D.C., truly know better than those of you out there who own property, who have worked property, who work your land and live your land; that the people in Washington, D.C., really should be trusted with your water, they should be trusted with utilization of your land, they should be trusted with all of the decisions to be made about the environment.

So briefly tonight I wanted to talk to you about a few people that live on the land.

David and Sue Ann Smith, the Smith ranch located in Meeker, Colorado, that ranch is what they call a centennial ranch, which means one family has been on that ranch more than a hundred years. In the Smith case, it is one of the most beautifully managed ranches that I have been on, and I have spent a lot of time on it. It is a centennial family, they care about it, they make their living off that land.

Down in Carbondale, Colorado, former Congressman Mike Strang, Mike and Kit Strang have their ranch down there. It looks out over Mount Sopris. They take care of that land as if it were their own child.

You go back up to Glenwood Springs, Colorado, Al Strouband's. Al has a beautiful ranch up there, Storm King Ranch. He takes care of it. You should see what he does with the vegetation, you should see what he does with the utilization of the water, how he takes care of the game.

And not only does Al have a ranch in Colorado, he also has a farm in Virginia. Go down and see the farm and what he does with his farm, how well manicured it is, the animals that are taken care of, how he takes care of the environment, the soil, the water.

And you come back to Colorado. Go back up to Meeker again, go visit Bart and Mary Strang. They have been there a long time, these Strang families, long, long time. See how they take care of the land, see how protective they are of the environmental issues.

Go back up to Evergreen, Colorado, to Bill and Leslie Vollbracht. That is the utilization of conservation easements so that they can protect their land into the future.

Or if you want to, go back to Grand Junction, Colorado, Doug and Cathy King. I go up there every year to bugle elk. Some of the finest elk in the country are up in that area, beautiful aspen trees. You should go up there sometime in the fall, should go and ride in the pickup truck with Doug and see how much he cares about that land, how fragile they are with the land.

Go to Carbondale, Colorado to Tom and Ruth Perry's ranch; to their inlaws, Tom and Rossie Turnbull's. Look at what they do with their land and how protective they are.

You will find three things in common with all of these families. Obviously the first thing in common is they care about that land. They love that land. They know how important the land was for generations before them. They know how important that land is for generations ahead of them.

The second thing they all have in common is no one in Washington, D.C., no one in Washington, D.C., no Environmental Protection Agency, nobody from Earth First or the National Sierra Club had to march onto this property and tell these people how to care for that land. Nobody from Washington, D.C. or Earth First or these organizations had to tell them about the future generations. Nobody in Washington, D.C. or Earth First or any of those programs know anything about the past generations of this land.

The other thing that is in common, they are all Republicans.

Now when I read the papers this morning, the Democratic Party seems to think that through big government, through a larger EPA, through organizations like Earth First, that that is the way we ought to control and protect our environment. Well, I am telling you they have got it all wrong.

What they need to do is just take a few minutes, go talk to their local members, go talk to the local ranchers, go talk to the men and women that make their livings off farms and ranches. Take enough time to ride around on horseback or in a pickup or walk around, whatever you want to do. That land, see how they care for it, see how they talk about it, see how they cuddle it like it is a small child, see how they talk about future generations, and then reassess whether it is necessary for Washington, D.C. to impose their excess regulations, to impose some of the utopian ideas and in many cases to drive these people off that land.

You know it is very easy in the East to tell them what to do in the West because there is not much government land in the East. In the West, my district for example, my district, geographically larger than the State of Florida, 20-some-million acres of Federal land. We know about that land. We do not need Washington, D.C. to tell us.

Sometime take a deep breath and go visit a ranch in Colorado.

AN AWESOME RESPONSIBILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, let me first apologize to the wonderful people who work for this House. I am sorry we are keeping you late, I am sorry I am contributing to that.

As far as the American people, I want to apologize for the expense of this speech and the others. It costs about $8,000 an hour for special orders.

I tried when the Democrats were in the majority to do away with it, to have us use a room upstairs, let these good people, approximately 80 House employees, go home. There is no reason for these 80 people to be here, there is no reason for the clock to keep running. And I hope that some of my Republican friends who are equally cost-conscious would work with me on ending this practice.

Mr. Speaker, there is a room upstairs we can use. We do not have to keep 80 people around. My worries are not so great they need to be transcribed, and I can always ask that they be included in the RECORD if I think it is worthwhile.

I am sorry Mr. DELAY left. I do like Mr. DELAY. But I do feel like he said some things that need to be clarified, and I want the American people to know where I am coming from as I make these remarks.

I have been here almost nine years, and in those nine years have come to the conclusion that both the political parties have degraded themselves to the point where they are not much more than organizations that raise money and peddle influence. So I hope that no one will take this as a partisan speech, but merely somebody who cares about his country and wants to fix it.

I regret that Mr. DELAY would lead the public to believe that we have a balanced budget, because we do not, and I do consider our Nation's debt as the greatest threat to our Nation. I regret to tell the American people that we are now spending a billion dollars a day on interest on that debt and it is growing.

A couple yards away from me is a real neat human being by the name of DUNCAN HUNTER. He is the chairman of the Subcommittee on Military Procurement of the Committee on National Security. One of DUNCAN's great misfortunes is trying to replace an aging fleet for the Navy, replace aging airplanes for the Air Force, on a very, very small budget. And quite frankly, if we were not squandering a billion dollars a day on interest on the national debt, we could be buying a destroyer a day with enough change left over to buy about 20 Blackhawk helicopters.

That is why it is important that we balance our budget, that is why it is important we be honest with the American people. And it is not a Democrat or Republican issue because, doggone it, they are both guilty in creating the debt, and the only way we are going to get out of debt is working together.

I am sorry to say that the Cato Institute can back up everything that I have said. Actually, overall spending in the first three years that the Republicans have run Congress has increased at a greater rate than the last three years that the Democrats were in the Congress. They are both wrong. It is wrong for both of us.

But defense spending has either shrunk or been frozen under both, and that is equally wrong. There are kids today flying around in 30-year-old CH–46s, 30-year-old CH–47s. Almost a thousand UH–1 Hueys have been grounded because we finally came to the conclusion that it just was not fair, and above all it just was not safe to send those kids up. But people are still flying old F–14s, still flying old C–103s, and they are still going to sea in old ships.

That is why it is important that, number one, we face up to the reality that we are still not balancing the budget, that we are borrowing from the trust funds, and it does not get any easier to get out of that hole for a lot of reasons, but the biggest reason is as a Nation we are getting older. As a Nation we are getting fewer and fewer people who are taxpayers and more and more people who are receiving benefits.

My dad a couple of days ago turned 77 years old, and I will use his generation as an example. When my dad was a teenager in the 1930's, there were 19 working people for every retiree. One hundred years later, in the year 2030, it has been estimated that there will only be 1.2 working people for every retiree. If we do not pay our bills now, we will never pay our bills because the ratio of workers to retirees continues to decline. It gets only worse all the way out to at least halfway through the next century.

So what I am going to ask Mr. DELAY on one side, what I am going to ask my fellow Democrats on the other, let us not claim victory in the budget because we have not even started. We are $5.5 trillion in debt, and we do not need the Democrats over here or the demagogues over there misleading the public.

We have an awesome responsibility to defend this nation. We have an equally awesome responsibility to pay our bills. We have an equally awesome responsibility to be honest with the American people, make them aware of the problem and then, as their elected representatives, both Democrats and Republicans, let us solve them.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. HUTCHINSON) is recognized for 5 minutes.

Mr. HUTCHINSON. Mr. Speaker, I want to take this opportunity to address an important issue that really took a different spin this week. As we entered this week in legislative business, I did not expect campaign finance reform to be an issue that was going to be on the front lines of legislative business this week nor next week.

But it took a turn this week, and it goes to show the legislative process works, and I want to express my appreciation, I think the appreciation of the American public, that the leadership indicated their willingness to have a full and fair and open debate on campaign finance reform. The procedure that has been outlined could not be more fair and open than having a base bill that comes to the floor of the House, which is the bipartisan Campaign Integrity Act, the freshman bill that is a bipartisan bill that addresses campaign finance reform, and then it is subject to amendments. It is a full and free open debate that no one can quarrel about as to its fairness.

That is what the American people expect, and that is what they have received, and I think it is a tribute to the leadership for recognizing this, responding to it in a very fair fashion.

□ 2015

Now, they have selected the freshman bill, it is called. It is really the result of a freshman task force, as the base bill that would come to the House on campaign reform. If you look at this bill, it is bipartisan in nature, but it is also bipartisan in process, and that is why it is so unique.

Let me talk just for a second about how that bill, I suspect, might have been chosen. If you go back to the beginning of this Congress, the two respective freshmen classes, the Democrats and the Republicans, said let's work together on an issue, and they choose finance campaign reform.

A task force of six Republicans and six Democrats met together over the course of 5 months, heard experts on constitutional law. We heard from the Democratic Party and heard from the Republican Party as to what they believed needed to be done.

We heard from the American people. We heard from academia. We heard from everyone imaginable; from the unions to the business side. And from those hearings we learned a lot, but we also came up with a proposal. We said we need to avoid the extremes. That is what has killed this issue time and time again in Congress. Avoid the extremes.

Let us concentrate on what we can agree on, the consensus, the common ground. And that resulted in this bill that was produced by this task force, but now has over 70 cosponsors, both Republicans and Democrats, both Liberals and Conservatives. It crosses the political spectrum. Not only is it fair, but it is an improvement in our system.

Now, it is not just a freshman bill. We have representatives all across the spectrum, every class that has sponsored this, that has joined in support of this. We need more support for this bill as it moves to the floor.

What does the bill do? First of all, I think it is very important to say that this is not a Republican leadership bill; it is not a Democrat bill. It is a bipartisan bill in process, in form and result, and I hope that we can continue that process as we move through the House.

This bill, first of all, bans the corporate money from the multinational corporations that comes in huge sums to our national political parties. It bans the contributions in the same form from the labor unions that go to the national political parties. So it is balanced in banning soft money to the national parties.

The second thing it does, besides reducing the influence of special interests, it increases the role of individuals in our campaign process. It increases their contribution limits. It says they should have a greater role in it. It reduces special interests, increases the role of individuals, and then it increases the role of the American public by giving them more information, more information on who is affecting the campaigns, how much money is being spent, what groups are spending that money. And that is the information that they need to make the correct decisions on campaigns, and who are trying to influence them.

It is a basic bill that is good campaign reform, that is true reform, and I am delighted to have an opportunity for it to come to the floor, subject to amendment, as we debate this issue.

So I think that we have come a long way. I look forward to the next 3 or 4 weeks as we debate ideas and we have disagreements; both on the Republican and Democrat side. But what would be more fair to the American public than to debate ideas on the floor of this House and let the majority rule govern? I think that is what democracy is about. That is what this institution is about.

I addressed some eighth graders over the break at Alma High School. They asked me some questions. One was, why did you want to go to Congress? The answer was to reduce cynicism and distrust of our institutions of government.

What we can do by having this full and fair debate is to increase confidence, to increase respect by the American public, and we have done a great service. In addition, we have a good chance of passing meaningful reform, send it to the Senate, and let us see what they do.

PUTTING SECURITY BACK INTO SOCIAL SECURITY

The SPEAKER pro tempore (Mr. COOKSEY). Under a previous order of the House, the gentleman from South Carolina (Mr. SANFORD) is recognized for 5 minutes.

Mr. SANFORD. Mr. Speaker, I would like to follow up on what my colleague from Mississippi was talking about, and that is the surplus.

As we all may know, theologians have a thing, a word, a concept, if you will, called original sin, and the idea is from original sin all other sins flow. And when Washington these days begins talking about the idea of surplus, it seems to me that that is the original sin in Washington, because I just have real questions about the idea of us really running a surplus.

I have got a question from the standpoint of accounting. I mean, in the President's budget that was sent up to the Congress, it listed in it a $9.5 billion surplus, and yet the national debt would go up by $176 billion. That is the equivalent of saying I am going to pay off $95 on my credit card balance, but my credit card balance is going to go up by $1,700.

Mathematically that is impossible, with the exception of anyplace but Washington, D.C. Because in Washington, D.C., if you were to break out the budget, what you would see is $103.5 billion borrowed from Social Security, and as you add up the other trust fund borrowings, it comes to this $176 billion number.

That number actually may be a little less than that because the surplus is supposed to be greater, but the point is that is not the way you do accounting back home in South Carolina, or Nevada, or Illinois, or anywhere else. That is not conventional accounting.

Too, I think the surplus is somewhat fictitious simply from the standpoint of economy. The $225 billion that plugs the gap from where the Congress was and where the White House was built on the economy continuing to roll ahead, and I have serious reservations on it being able to continue to roll ahead.

The third way, I guess, I have questions on the sustainability of the surplus would be simply on the basis of what we send to Washington every year. We are at a post-World War II high in terms of the amount of money that people send in taxes to Washington, D.C.

This last year we hit 20.1 percent of GDP sent by hard-working Americans to Washington. Now, that was only met or exceeded basically at the height of World War II. In 1944, we hit 20.9 percent, and in 1945 we hit 20.4 percent of GDP. Other than that, it has been below 20 percent consistently, which means it only takes people modifying their behavior just a little in terms of a spouse working a little bit less or in terms of a worker spending a little bit more time with the family to all of a sudden have us drop below the 20 percent figure.

If we did, the surpluses would go out the window.

What this means to me as we begin to talk about the issue of Social Security is how do we have security with Social Security? Because what is interesting to me about the Social Security debate, is the President in this very Chamber said at the State of the Union that we ought to reserve every dollar of surplus for Social Security, and yet, given the way the trains have been running in this town recently, it seems to me if $50 or 60 billion comes to Washington, there is a good likelihood that that money will be spent. And if it is spent, it is not saved for Social Security.

So I think that one of the things we really ought to begin looking at is the idea of the gentleman from Ohio (Mr. KASICH) of Social Security Plus. Quite simply, that would be taking the surplus money, rebating it back to everybody that pays Social Security taxes, and then letting them put that money in their own Social Security Plus account.

The advantage for me of that idea is that by having it in your own account, and we are not talking about a lot of money, about $500, based on the size of the surplus in your account each year, and over the next 6 years, that would be $3,000. But by having that money in your account, Washington cannot reach in and borrow that money.

I think we really need to begin looking at that kind of security when we talk about the word "Social Security" if we are serious about, A, having every dollar of surplus go toward Social Security, and, B, on the whole concept of protecting Social Security.

STATE OF MILITARY PREPAREDNESS IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, we are getting closer and closer to the anniversary of the invasion of South Korea, and I reflected back the other day when I was at my aunt and uncle's house in Fort Worth, Texas, because on one of their dressers they have a photograph of a young marine; his name was Son Stilwell, a Marine Lieutenant killed in Korea, one of the 50,000-some casualties KIA that we suffered in that conflict.

I reflected on that this pending anniversary. We are on the eve of when I listened to our Secretary of Defense and President Clinton's defense leaders as they presented a declining defense budget to the U.S. Congress.

The situation, I think, is a lot like it was in those days in 1950 before that June invasion. To set the stage, Mr. Speaker, we have come down, we have slashed defense and cut down on our forces dramatically since Desert Storm. We have cut from 18 Army divisions that we had in 1991 to only 10 today. That is, incidentally and coincidentally, the same number of Army divisions we had when Korea was invaded.

We have gone from 24 to only 13 fighter air wings, so we have cut our air power almost in half under the Clinton Administration. And we have cut our naval vessels from 546 to 333, about a 40 percent cut in naval vessels.

Now, the theme in 1950 and the reason that so many defense leaders from then Lewis Johnson, then Secretary of Defense, right on down, the theme that they propounded as they presented this declining defense budget to the U.S. Congress, and said that it was adequate, was that somehow we were the dominating Nation of the world with respect to high-tech, and nobody would mess with us. Of course, we had at that time the nuclear weapon. Nobody else presumably had that until a few years later.

Yet we were shocked in June when the North Koreans invaded South

Korea and almost pushed the South Korean forces and the Americans that tried to stem the tide into the sea. We tried to hold them up at the Osan Pass, the 25th Infantry Division that we flew in, MacArthur flew in from Japan, was cut to ribbons. The commander, General Dean was, in fact, captured by North Korean forces.

We held the Pusan Peninsula by our toenails and finally started to push it up to the northern part of the peninsula. Then, interestingly, the theme that the leaders had that nobody would mess with us because we had the high technology and the nuclear weapon was further devastated when the Communist Chinese invaded South Korea.

The point isn't that we are any dumber than we were in 1950 and/or maybe we were dumber than we are now, and maybe we have leaders today that know something those people didn't know. My point is that the events of the world are unpredictable and that we today are taking a high level of risk by dramatically cutting our defenses.

The American people need to know that. They need to know that the massive savings, so-called savings that President Clinton is showing the world proudly and showing the American people proudly, the millions of dollars that he has pulled out of programs, have primarily been pulled out of national security.

We have dramatically cut back our national security. And we do not know what this world is going to bring us. I am reminded of the fact that when we had our assembled intelligence apparatus and our intelligence leaders in front of us, and we asked them a few simple questions, such as which of you predicted the Falklands war, none of them could raise their hands. When we asked which of you predicted the downfall of the Soviet Union, that was in all the papers. None of them could raise their hands.

And when we asked them which of you predicted the invasion of Kuwait, one of them actually said before or after the armored columns started moving? We said, no; before the armored columns started moving. None of them had predicted the invasion of Kuwait. It is not that they are not smart, it is not that they don't have a lot of resources at their disposal. The facts are that unexpected things happen in this world.

We are still living in a very unstable world, and we have a declining military to face that unstable world with. One reason we were able to bring home to the American people so many of the soldiers and sailors and marines who went over to Desert Storm, and the reason we didn't have to fill up those 40,000 body bags we took with us in fighting the fourth largest army in the world, was because we were so strong we won the war decisively in a very short period of time with very limited American casualties.

Mr. Speaker, we are taking a big chance today, because under the Clinton Administration's leadership, we have cut our military almost in half. If the balloon goes up today, we cannot win a Desert Storm war as decisively as we did just a few years ago.

SECURITY POSTURE IN AMERICA THREATENED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise as we complete legislative work this week, in anticipation of next week when we will begin the markup process for one of the largest bills we do each year, and that is the defense authorization bill. As my colleague just discussed, we are in a massive downsizing mode that I think is heading us right for a train wreck at the turn of the century in terms of our security posture.

You are going to be hearing significant amounts of comments and speeches and activities over the next four weeks as members of our committee, all 57 members, get involved in educating Members of this body, and the American people about where we are in terms of our state of readiness. I want to call attention to my colleagues two events that will take place next week.

First of all, Mr. Speaker, the largest loss of military life that we have had in this decade was back 7 years ago when 28 young Americans were killed by a scud missile, a low complexity scud missile shot from Iraq into a barracks in Saudi Arabia. That missile devastated the lives of 28 young Americans.

On Wednesday, all day in the Rayburn courtyard off of New Jersey Avenue, we will display a 40-foot-long scud missile, a missile that, in fact, was produced by the Iraqis with assistance from North Korea; that is the same missile that, in fact, killed American troops, the only major loss of life of our troops in this decade.

☐ 2030

That missile is now being sold around the world. Rogue nations are purchasing it. It is still a threat to this country that we cannot defend against.

Along with a display of that Scud missile, which will be available for inspection by our colleagues in the House and the other body and by the American public at that courtyard off of the Rayburn Building on New Jersey Avenue and C Street, will be a demonstration of one of our responses. The Army will, in fact, have a full, active deployment of a THAAD battery. THAAD is the Theater High Altitude Area Defense System that we are developing for our Army to deploy in theaters around the world to defeat missiles like the Iraqi Scud missile.

The THAAD battery will allow Members to see firsthand the success we have had to date in building what will become a very capable system. The unfortunate part of this is that it is going to take several years before this system will be available. But I want to encourage Members to walk over to the Rayburn courtyard and see for themselves how far we have come in terms of building a comprehensive system.

In fact, it has been this body, both Democrats and Republicans, over the past 3 years that have increased funding for these programs, at a time when the administration wanted to continually decimate and decrease funding for these very important programs.

The second event will occur the second day, on Thursday of next week, when 2,000 of America's finest American fire and domestic defenders, our emergency services personnel, will travel to Washington for our tenth annual dinner, where on Thursday night at the Washington Hilton we will pay tribute to these brave heroes.

These individuals will come from every State in the Union, they will represent every major community, large cities like New York, small towns across America, and they will come with one common purpose: that is, for us to be able to recognize their services.

But something different will happen that day, Mr. Speaker. On Thursday, at noon, there will be a massive rally and demonstration at this Capitol building, where the fire and EMS providers in every congressional district in this country will gather for a massive rally at noon, after having surrounded this Capitol building with fire and emergency services apparatus, to make a statement.

The statement is a simple one: As this Congress and this administration has increased funding for response to terrorism acts, to the potential use of weapons of mass destruction, and for the disasters that would result from those, from increases in funding for the Defense budget, the Department of Justice budget, the Health and Human Services budget, the FEMA budget, and the Department of Energy budget, none of that money is in fact siphoning down to those people who are where the rubber meets the road, who are the Nation's first responders in each of these situations.

The demonstration on Thursday, that will be loud and vocal, to which I invite all of our colleagues from both parties, will focus on the fact that this Congress and the administration need to understand that in working to prepare this Nation to deal with disasters, especially those involving weapons of mass destruction, we need to provide the support to the 1.2 million men and women in the 32,000 departments, 85 percent of whom are volunteer, who protect this country every day.

I am also asking our colleagues, Mr. Speaker, to reach out and invite fire and EMS personnel from across the country, and especially in this region, to travel to Washington on Thursday to send a signal throughout this Capitol, with a massive rally at noon right outside the steps of this Chamber, that we will no longer tolerate the consideration of our fire and EMS personnel as second-class citizens, that they deserve the top priority in preparing this Nation to deal with disasters, both manmade and the potential use of terrorist devices.

THE INCREDIBLE THINGS HAPPENING IN THIS COMMUNITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin (Mr. NEUMANN) is recognized for 60 minutes as the designee of the Majority Leader.

Mr. NEUMANN. Mr. Speaker, I thought I would dedicate tonight's special order to the incredible things that are happening here in this community. I could not get on a plane home because we got out of session too late tonight, so I am kind of like putting myself back in Wisconsin and looking at Washington and just looking at how some of the most incredible things in the world are going on right out here in this city today.

I am going to start with one of the issues that was talked about today and actually we voted on today, and that is the IMF issue.

Out in Wisconsin, if you said IMF to the average person out there, I am not sure they would even know what IMF is or what it is for or any of the rest of that. Frankly, I came out of the private sector and had no political experience, so today I had an opportunity to sit in on an educational session on what the IMF is and how it actually goes about lending money and what it is all about.

At the end of the session, Jack Kemp was leading the session, but there were other experts there on the IMF, and at the end of the session I started asking questions that I think most people in Wisconsin, if they had sat in on this thing, would have logically started asking.

The first one I asked is, how much have we given the IMF already of the taxpayers' money? Thirty-six billion dollars, is the answer.

What do they want now? What are they asking for? They are asking for $18 billion more of the taxpayers' money.

The most incredible thing, and this is what this is dedicated to tonight, the incredible part of this is, as we heard on the floor during this debate, do not worry about it, the IMF does not cost any money. If the IMF does not cost any money and we do not have to raise any taxes to put this money over there, then why are we talking about $18 billion that we are somehow going to give them? Again, only in Washington could we have this kind of discussion.

But I did not stop there. I started asking some more Wisconsin commonsense kinds of questions. The next one I asked is, they had gone through this whole thing about how wherever the IMF was, America was viewed as an enemy, not as a friend. So I said, now, wait a second, if the IMF is not working today, why would we want to put more money into the system?

I asked another what I consider commonsense question: Does the IMF have enough money in the system today to keep going and doing what it is doing? And the amazing thing to me is they answered that question, yes, they do.

So I asked what I considered another commonsense question: How much money do they have? They have $40 billion of liquid assets today, $40 billion in the IMF of liquid assets today. But that is not the end. They have $35 billion in gold, beyond that. On top of that, they have borrowing power of $25 billion.

So this agency that is asking us to go to the American taxpayers and get the $18 billion that is not going to cost our government anything, even though we are going to put it in the IMF, the amazing thing is they already have all of this liquid cash on hand.

So I started asking what I thought was a logical question. I said, they have got $100 billion available already. What are they going to do with the $18 billion they are now asking us to collect from the American taxpayers that is not going to cost the government any money?

It turns out that this program, on which they spent 45 minutes describing why it was not working and what was wrong with it, the $18 billion is not to fund the program as it exists today, the $18 billion is to look at this program that they all say is not working and expand the program.

The $18 billion is not for the ag industry and the concerns that I hear from our ag folks, it is not to continue funding the programs to allow countries to buy grain and some of our agriculture products, the $18 billion is to expand this program that we heard from the leading experts is not working.

Mr. GUTKNECHT. Mr. Speaker, will the gentleman yield?

Mr. NEUMANN. I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding. I appreciate this special order tonight.

I was at that briefing, as well. I must tell the Members, it was eye-opening. When we look at what they are asking for, I was reminded that somebody once observed that the definition of insanity is doing more of what you have always done and expecting a different result.

If we look at what has happened in Asia, where they have gone in and forced some of the Asian economies to raise taxes, to devalue their currency, then they are surprised when, ultimately, that has a devastating impact on the economy, and it just seems to me this is wrongheadedness elevated to an absolute art form.

When we heard some of the examples today of what has happened in Asia and what happened in Indonesia, what has happened in other parts, what happened in Hungary, for example, and then they are coming in and saying, by the way, what we need is another $18 billion from the American taxpayers, and, incidentally, we want no debate on this, we want you to do this as part of a supplemental emergency bill so that there is no debate here in Congress, no debate here on the floor of the House, so people do not have any chance to ask some serious questions, it really illustrated what is wrong with things here in Washington.

We have a lot of things here in Washington that are wrong, a lot of things that need to be questioned, and this certainly is one of them. We have our friend here, the gentleman from Colorado, and I would like to hear from him as well.

Mr. McINNIS. Mr. Speaker, will the gentleman yield?

Mr. NEUMANN. I yield to the gentleman from Colorado.

Mr. McINNIS. Mr. Speaker, I appreciate my colleague yielding to me.

Mr. Speaker, we all grew up with the same thing, and my father and mother told me many times when I saw a great bargain, my father would always say, as yours did, just remember, nothing is free. Nothing is free. You always pay something.

But under this IMF request for $18 billion, Secretary Rubin and members of the administration say, it is not going to cost the taxpayer one dime. We heard it today. We have made a new discovery. The American people should be thrilled. They have discovered money that is free. Why send the IMF $18 billion, since it is free? We might as well send them several trillion dollars.

Of course, it is not free. Where it comes from are the hard-working people of all of our constituencies who have never even imagined $18 billion. And where is it going? One of the things that concerns me is that this country was based on the checks and balances of the private marketplace, of capitalism. When you mess up, you go broke. If you do not produce a product that should satisfy the consumer, people quit buying the product and you have to revise the product.

But do Members know what happens with this IMF money? They are going to take this $18 billion, let it follow money that they have already shipped over there; and, by the way, they will be back, especially if they think the $18 billion is easy money and free money out of the United States Congress.

Besides, they are insulated. The IMF has never talked, the executives of the IMF, in my opinion, have never once talked to a taxpayer in my district, never once gone to somebody pumping gas at the gas station, never once stopped by the ranch and talked to the ranch hand and said, hey, you are the guy paying me, let me tell you what this is doing.

Mr. GUTKNECHT. If the gentleman will continue to yield, Mr. Speaker, not only do they not talk to the taxpayers, the people in Colorado, the people in Wisconsin, the people in Minnesota, they will not talk to us. They will not tell us what exactly they intend to do. They will not tell us what their policies are.

Mr. McINNIS. It is because it is free. They think they can just go to the Congress and the money is going to flow in. Of course, as I was saying, that money that goes over to these countries, what we are doing there, there are many private enterprises.

Now, in the past with the IMF, what they have done in the history of the IMF, they have bailed out governments of countries that got into trouble, where the entire government was on the verge of collapse. This time, it is different. This time, the IMF is going in to families, private families, who assume the risk, and they are going to bail these families out of a misjudgment. They took a risk.

What we are saying is that we are now making any kind of business ventures outside of the boundaries of our country risk-free. All you have to do is go out, throw out a few hundred million dollars, if you lose it, come to Washington, come to us, and get the money.

Mr. NEUMANN. The amazing thing to me is when you understand what the policy of the IMF is. They have gone into these countries. They have encouraged these countries to devalue their dollar.

Let us translate that so our folks understand exactly what that means, because it is incredible. It is absolutely incredible that the folks, my colleagues from the other side of the aisle, supported this effort today.

When the IMF goes in and devalues the currency in a foreign country, what that means is it makes their goods cheaper to ship to the United States and any American-made goods more expensive to ship to their country.

So how in the world did we have my colleagues on the other side of the aisle, supported en masse by the unions of this country, come out here and vote to not just keep the IMF where it is, because it already has the money to do the things it is doing now, but vote to expand the IMF that is going into these countries and encouraging this devaluation of their dollar system, so that their goods become cheaper to ship into our country and our American-made goods, produced by our American workers, with American jobs, become more expensive in their countries?

I started this thing kind of lighthearted tonight, because this city is so ridiculous, but when you get into these things, it is infuriating that we would take the taxpayers' money from our country, give it to an organization that is going to go to a foreign country, encourage that foreign country to devalue their dollar so they can ship their goods to America cheaper, and our American-made goods and our American jobs, those goods get more expensive.

It is just incredible the way things work in this city.

Mr. GUTKNECHT. Mr. Speaker, if the gentleman will continue to yield, it is even worse than that. They have gone to a lot of our farmers, and obviously we have lost market share in Asia. Whether you are shipping milk and cheese in Wisconsin, whether you are shipping pork and other commodities from Minnesota or whatever, beef and other products from Colorado, a lot of our farm groups have said, we have to do something to get these farm markets back. We certainly agree with that.

But if we take Indonesia, for example, and we take their currency, and we devalue it by 10 or 15 or 20 or 50 percent, 50 percent I think was the number in Indonesia, how much can they really buy from us? The fact of the matter is they cannot buy anything from us anymore, whether it is Spam, whether it is cheese, whether it is beef, or whether it is any other product from the United States. We are really hurting ourselves.

Mr. NEUMANN. And that is the thing that our agriculture industry needs to understand. If this organization goes in with this policy of devaluation and they devalue the dollar in Indonesia by 50 percent, that effectively makes our farm products that much more expensive to ship in Indonesia, and it effectively shuts the markets down.

Before I end this part of our conversation here this evening, though, I would like to come back to the gentleman from Minnesota and compliment him on bringing his Spam from his district to our meetings this morning. I would like to tell him that was excellent, and we certainly are appreciative of the products that are produced in our districts back home.

Mr. GUTKNECHT. I always try to bring it along to the meetings we have on Thursday mornings. It has become almost a tradition. People who have not enjoyed it recently, we do recommend that Spam. You just warm it up in the microwave or fry it, and it is a wonderful product.

More importantly, it is a wonderful product for export. This is a product that we can export anywhere in the world. Asia loves to buy more Spam. But when you devalue currencies, when you raise taxes, as the IMF is recommending to many of these economies, it really is the wrong prescription.

□ 2045

It is a little like giving poison to someone who is already weakened. This is like the old remedies that they had during the Dark Ages where if a patient had a fever, they would do bloodletting. And that is exactly what the IMF has been doing to so many economies. It is the wrong remedy and wrong prescription.

And what is the answer that we are asked to deliver? More taxpayers' money to do exactly the wrong thing.

Mr. McINNIS. Mr. Speaker, I would just like to say that the summary of what the IMF is asking us to do is to subsidize the IMF so they can turn around and subsidize mismanagement.

These economies, these large private families that took private risks now want the American taxpayer, who by far is the largest contributor to the IMF fund, they want the American taxpayer to subsidize overseas their mismanagement, their miscalculation and their risk. We do not even do it for a farmer in our district that does not get the prices he needs for his milk. We do not go in there and bail them out. We do not reward mismanagement. But we do with this.

I appreciate the opportunity to visit with both of my colleagues this evening and have a discussion about this, because this is an issue which, as the gentleman from Wisconsin (Mr. NEUMANN) said, it is an issue that is complicated. It is hard to understand what IMF stands for, but it is important for us.

I appreciate my colleagues including me in this conversation this evening to try to at least get the message out to our colleagues: Take a second look at this deal. Money is not free. Somebody is paying for it. And in these circumstances, all of our constituencies are paying for this $18 billion to be shipped, wired out of here and wired over to these mismanaged international economies.

Mr. GUTKNECHT. If the gentleman would yield, I think many of us in Congress would be willing to do something to try and strengthen the economies in Asia. I think historically the American people have been more than generous with people around the world. We understand the importance of world trade. We want to strengthen those economies.

But before we give $18 billion to this fund, I think that we in Congress have a right to some serious discussion and, more importantly, some real answers to some of these questions about what is their policy. What exactly are they trying to impose upon these economies, and what in the end will it really mean in terms of world trade?

Will it mean stronger world trade? Stronger economies? Better markets for American-grown products and produced goods? Or will it in fact have the adverse consequences that we have seen in the past?

I would yield to my colleague from Colorado.

Mr. McINNIS. And another thing we might ask is, when are they going to pay us back? I think that is a pretty logical question. Somebody borrows money from the bank, the bank says not only when are they going to pay it back, but how are they going to pay it back?

The other thing is that in an economy we have to let correction take place. There has to be that cycle of correction. And what we are doing is really we are doing an injustice to this country. We are avoiding the correction, the necessary correction by bailing it out. That correction will not take place and the next correction they get hit with is going to be much, much harder.

Again, we need to move on to some other subjects, but I do appreciate my colleagues and I appreciate the time that they have allowed me to join them this evening.

Mr. NEUMANN. Mr. Speaker, we appreciate the gentleman from Colorado being with us.

As we started tonight, we talked about the incredible things, and I think my colleagues would all like to be home in their home districts where it seems that common sense has a tendency to prevail more so than it does here. I would like to jump to another topic that I find absolutely incredible.

Over at the White House, the reason that there is a lot of people gone tonight is that they are having a party. They are celebrating the five-year reunion of the biggest tax increase in American history. Think about this. Out in Wisconsin we would celebrate tax cuts. We would celebrate lowering the tax burden on the American people. We would celebrate restoring Social Security and balancing the budget. But we most certainly would not be out there celebrating a tax increase on the American people.

It is just absolutely incredible to me that they would celebrate a tax increase. For anyone who has forgotten 1993, I think we ought to remember exactly what happened in 1993.

In 1993, these people looked at the fact that they had not been able to balance the budget here in Washington. They realized it was a serious problem facing America and they concluded the only thing they could possibly do is raise taxes on the American people and they did.

And I heard my colleague, the gentleman from Mississippi (Mr. TAYLOR) tonight, and so much of what he said I absolutely agreed with, but he said that spending was going up at slower rates before we got here and that is just plain not right.

During the first two years of Democrat control when they had a Democrat House, a Democrat Senate and a Democrat President, spending rose at 3.7 percent, almost twice the rate of Bush's last year. The reason they needed tax increases in 1993 was to fund an increased rate of spending. There are no ifs, ands or buts about this.

I brought a couple of charts with me tonight. Maybe we should go through a few more of the tax increases of 1993 before we bounce to them. If anyone thought they did not have their taxes increased in 1993, listening to the Washington rhetoric, I would understand that because they tried to play this off as a tax increase on the rich. When we start thinking about, who it is that they defined as rich, it becomes a fascinating discussion as well.

First, if someone was a senior citizen getting a Social Security check and they earned $32,000 a year or more, their Social Security tax rate went up. They started paying taxes on a whole bunch more Social Security. So the first group of people that this hit solidly was moderate, low-income senior citizens that earned $32,000 a year or more. They paid more taxes.

If anyone thinks they are not rich because they are not in that group, let me get to the next group. If Americans own an automobile and they fill their car up with gas, they are considered rich under this tax increase package of 1993. The gasoline taxes increased 4.3 cents a gallon in 1993. And as incredible as this seems, when they raised the Social Security taxes they did not put the money in Social Security. They spent it on other programs. When they raised the gasoline tax, they did not spend it building roads. They put the money into their social welfare spending programs.

Mr. Speaker, it is incredible. Small business owners, I used to be in the real estate business and the home building business. I would meet with clients sometimes and we would start at 8:00 in the morning and we would go right straight through to noon. Realtors understand that if they have been with their clients for four hours, they buy them lunch. That is part of business. At lunch the sale is discussed. When they buy the property, the realtor makes a commission and pays taxes on the commission. That is how this thing works. That lunch with those clients that the realtor has been with for four or five hours, that is part of their business expense.

What they did was dramatically reduce the ability of a business professional to write off that particular dinner or lunch with clients where they were selling as part of business, and in real estate that is how we did our business. It is just incredible to me that tonight the White House is celebrating these tax increases.

Mr. GUTKNECHT. Only in Washington, only in Washington dominated by the liberals would we have a birthday party, in effect, an anniversary party of the fifth anniversary of the largest tax increase in the history of the world. Only in Washington.

Mr. NEUMANN. Does the gentleman know what they are saying over there? They are saying that this tax increase somehow balanced the budget. I have brought a couple of notes with me.

Mr. GUTKNECHT. One of my favorite quotes is from John Adams, and John Adams had something to do with writing our Constitution. And John Adams often said, "Facts are stubborn things." And you have some charts which help demonstrate the facts.

Mr. NEUMANN. The gentleman is absolutely right. Facts are stubborn things. Let us get some facts on the table to understand that that tax increase in 1993 was not the right answer to get to a balanced budget.

What I have is a chart and this top line shows where the deficit was going in 1995, two years after this tax increase, if we passed the President's budget. I do not know how I could make it clearer. This shows where the deficit was going after the tax increase if we passed the President's budget.

I mean, this is not like maybe this might have happened. Any person in America can pull this up on the Internet and find this budget and find it scored and they would find deficits in excess of $200 billion, even scored by the President's people. Scored by CBO it was up over $350 billion.

Mr. GUTKNECHT. Those are not our numbers. Those are from the nonpartisan Congressional Budget Office. That even after the enormous tax increases of 1993, had we passed the President's budget, the red line represents how much the deficit was going up over the next five years.

Mr. NEUMANN. The reason for that is very clear. The reason they raised taxes is so they could spend more money in Washington. Remember, this is a picture that starts in 1995, two years after the tax increase. The deficits were nowhere near under control.

When we were elected and came in here together in 1995, when we were elected to the House of Representatives we came with a different idea. We understood that reaching into the pockets of hard-working Americans and bringing more money to Washington was not the right answer. We understood that the way to get this done was by controlling wasteful Washington spending.

This yellow line on the chart shows where we were after 12 months of us being in office. It is significantly better, but still not done.

The green line shows the plan that we had to reach a balanced budget. And I am happy to report the blue line shows what actually happened. And in fact for the last 12 months running, by Washington's definition, but for the last 12 months running the United States Government actually spent less money than they had in their checkbook.

Our colleague, the gentleman from Mississippi (Mr. TAYLOR), earlier this evening pointed out that that is not really a balanced budget. This is kind of a sad thing here. Washington defines a balanced budget is when the dollars in equals the dollars out. Part of those dollars in are the Social Security money. In the private sector where I come from, when I was running my company I had a pension plan for employees. The money had to be put into the pension fund.

The Social Security money should be put away. But what the gentleman from Mississippi misses in my opinion is that by controlling this growth of Washington spending we have, in fact, reached a balanced budget, even by Washington's definition, for the first time since 1969.

The definition that they have been using, even with all of that Social Security money in there, they have had not a single solitary 12-month period of time since 1969 where they did not spend more money than they had in their checkbook. So it is a monumental accomplishment. The gentleman's point that we still have a long ways to go is absolutely true.

So I want to start with this picture to make it very, very clear that raising taxes did not lead us to a balanced budget. Raising taxes, the President's proposal in 1995 has a huge deficit staring us in the face. It was only when we started controlling Washington spending that we actually started getting to a balanced budget.

Mr. GUTKNECHT. If the gentleman would yield, I think it really illustrates the difference between the two philosophies. One says, and the people who are celebrating down at the White House the largest tax increase in the history of the world, those people are saying the problem was that the American people were not paying enough taxes. What the American people believe, and we believe, is the problem was that there was too much Washington spending.

I think we have proven and we can demonstrate with some of your other charts that by eliminating 300 programs, by beginning to get control of those entitlements, including welfare, including Medicare spending, by doing that we have come closer now, in fact by the old Washington accounting standards, for the first time since Neil Armstrong walked on the face of the moon we will in fact have a balanced budget this year.

It seems to be an incredible coincidence that all of this has happened literally since the 1994 elections, because in 1994 the American people finally said enough is enough. This team has had their chance now for 30 years, they have controlled Washington, they have controlled Congress, they have run up deficits.

And I might just point out that one of the most scary statistics about our deficits and ultimately the debt, and we talk a lot about deficit and sometimes people get confused. There is a difference between the national debt and the deficit. Deficits are annual. But we have run up a debt of over $5.5 trillion on our kids and grandkids. That is a scary statistic. But what is scarier is how much we have to pay every year just to pay the interest on that national debt.

I tell people in my district, because Wisconsin and Minnesota are divided by the Mississippi River, but every single dollar of personal income taxes collected west of the Mississippi River now goes to pay the interest on the national debt. If that is not a scary statistic, I do not know what is.

The charts that we have there, and I want you to talk about it a bit, demonstrates how much we have actually slowed the rate of growth in spending here in Washington since we came and became part of that historic 104th Congress.

Mr. NEUMANN. That is what is so incredible about the party that they are holding in the White House tonight to celebrate the tax increase. For goodness sakes, if we look at what has happened, the red shows how fast spending was going up before we got here. The reason they raised taxes in 1993 was to pay for this spending increase.

This is how fast spending is going up now with the new Congress since 1995. Notice there is a 40 percent decrease in the growth of Washington spending. It is this difference between here and here that has gotten spending under control and gotten us to a point where we have actually spent less money in the last 12 months than in our checkbook.

Every time I say that I acknowledge the Social Security problem. It is the old Washington definition. I sincerely hope that our class is successful in moving this city forward to defining a balanced budget as something that we would accept in Wisconsin or Minnesota.

Mr. GUTKNECHT. We ought to use the same kind of accounting that every business uses and every family uses. Unfortunately, we are still stuck with the old accounting standards used by Washington since 1964.

□ 2100

I might mention a lot of people, a lot of Members who are watching this in their offices, and others, they really need to understand that in 1964 in many respects Washington changed the accounting standards. They went to what is called a unified budget, and many believe that the real reason that they did that is because they wanted to disguise the total of the Vietnamese war plus the total cost of the great society. And by taking all of that money from Social Security that was supposed to go into a trust fund and transferring that into the general fund, they made the deficit look much smaller. In the end, it is real money either way.

Mr. NEUMANN. I just want to bring up another point here because that party in the White House tonight celebrating these tax increases; the gasoline tax increase, the increase on seniors, increase on small business owners, it is so incredible that they would hold a party to celebrate this. I wanted to point out what happened after they raised taxes in 1993, and what this chart shows is exactly what happened to interest rates as soon as they raised those taxes.

You see on the far side of this chart is September of 1993; that is when they passed the tax increase. What you see, this climb right straight up, as soon as they raised taxes, interest rates started climbing. And they climbed right straight through until November of 1994, when we elected a Republican Congress. And why did it change in November of 1994? It changed because the people understood that we became committed to controlling Washington spending, and we were not going to go out and raise more taxes on the hardworking people of this country.

So what happened when we got here is they slowly, gradually started to understand that we were serious about getting Washington spending under control because here is what happened next. Those interest rates started tumbling. The reason they started tumbling is because when Washington spends less money, they borrow less money out of the private sector.

When there is less money coming out of the private sector to Washington, that, of course, means there is more money available in the private sector. With more money available in the private sector, and increased availability of money, it does not take Einstein to figure out, with more money available, the interest rates went down.

You can see they have been consistently below this point since we were here, some ups and downs as you go forward, but they have always stayed consistently below where they were at the peak after they raised taxes. That is why it is just incredible.

Are they celebrating over at the White House that the American people that wanted to buy a house or car got to pay more interest? What is it that they are celebrating over there? Are they celebrating they got to pay more taxes, or are they celebrating they got to pay more interest for their taxes and cars?

I keep coming back to, I guess I should have been on a plane back to Wisconsin tonight where we get back to some common sense out there. It is incredible in this city that they are holding a party to celebrate, for goodness sakes, to celebrate higher taxes and higher interest rates.

Mr. GUTKNECHT. I might just point out about that chart, it is no secret that interest rates peaked on election day of 1994. They trended down dramatically after the people on Wall Street, and more importantly the people on Main Street began to believe that the new Congress was serious about controlling spending. You see a couple of blips up there.

I think those correspond almost exactly with those periods when it looked as if we were going to lose that fight in terms of balancing the budget and paying down some of the debt in this country. And when the American economy, when Americans, as I say, from Wall Street to Main Street started to think that perhaps we were not going to succeed, we saw interest rates begin to trend upward.

But generally speaking, they know better sometimes than the pundits and the pollsters and whatever that it has been the Republican Congress since we came here in 1994 that has put a lid on Federal spending and said the problem is not that Americans do not pay enough taxes.

The problem is that Washington spends it so rapidly. If I could just close with this on this particular issue, there was a farmer in my district who said it so well and so simply, better than I can say it, and I quote him, and I am sorry, I do not have his name. But he once, I was out meeting with farmers one day and he said, talking about Federal spending and the deficit and the debt, he said the problem is not that we do not send enough money into Washington. He said the problem is that you guys spend it faster than we can send it in. And that, I think, is the best way to say it.

The problem was not that Americans were not paying enough taxes. They can celebrate down in the White House because I think it demonstrates to the American people more clearly than anything else that those folks believe that the problem has been that the American people were not paying enough in taxes. We believe that the American people were right in saying that the real problem was that Washington spent it too fast. We have slowed that spending rate dramatically. As a result, we have a balanced budget.

Mr. NEUMANN. I sincerely hope that the American people will pay attention to this particular situation and to the party that is going on over there at the White House tonight, and I really mean this sincerely. I think every American citizen who believes higher taxes is the right way to solve the economic problems facing our country, and there are some out there, they should all vote for the Democrat ticket in the fall of this year.

I think everybody who believes that we should control Washington spending, they should be voting for the Republican ticket; that believe that taxes are already too high, taxes should come down, we should get spending under control so we can restore Social Security, start paying down the Federal debt, that $5.5 trillion debt that our colleague from Mississippi so eloquently talked about before, the people that believe that controlling Washington spending is the right way to restore Social Security, pay down the debt and get the tax rate under control, those folks should be voting on the Republican ticket. The people that believe higher taxes is the right answer to do the same things, they ought to be voting Democrat.

Mr. GUTKNECHT. There really is a philosophical divide.

Mr. NEUMANN. Reclaiming for just a minute, I do want to point out, interest rates peaked out in November of 1994 when we were first elected. As Main Street America started to understand we were serious, they got all the way down here. It was almost a full year later, if you remember, a full year later we were in that government shutdown period.

This peak occurs shortly after we folded in the government shutdown because the American people thought we were going to go right back to the old spending ways. As they figured out that that was not true, you see the interest rates coming back down again. So the idea that we can control spending directly impacts these interest rates, and we should not just talk about this in terms of the numbers and these lines up here. Let me talk about this in a little different way.

If the interest rate falls by 2 points on a family that has bought a home for $100,000, that means that they keep in their house $2,000 extra money or roughly $160 a month that they get to decide how to spend for themselves. This is not even taxes we are talking about. This is simply because the interest rates are lower because Washington has got its spending under control.

If you take a family of five that went out and bought a three-bedroom, two-bathroom ranch in our neck of the woods, probably $110- $115,000 type home, they have got $100,000 mortgage on it. This means that in that family those parents get to decide what to do with an extra $150, $160 a month. Let me translate that even further.

If this family is looking at this $150 a month and they do not have to spend it on the interest, and they also look at the tax cuts that were passed because the spending is under control so they have this extra money in their house, these families may be able to make the decision to not take a second and third job. And when they do not take the second and third job that they would have otherwise had to take to pay the higher interest rates, to pay the higher taxes that they are over there celebrating about, if they would have had to take that second job, that means they cannot spend the time with their kids.

When they do not spend time with their kids, I have been talking about this 12,000-student survey done here recently, when parents do not spend time with kids, the single common factor in higher crime, more likeliness to have drug problems, teen pregnancy, teen smoking, the single uniting factor in those issues. It was parental time with the kids or parental connectedness. It is not just about charts and numbers; it is about the families out there in America that get to keep an extra $150 a month in their pocket because of the fact that the spending got under control and the rates came down.

Add that to the tax cut rate, and let us hope some of these families will not have to take a second and third job. Let us hope that some of our families will have more time to spend with their kids, and by parents spending more time with kids, education will get much better. We will see lower crime rates. We will see lower drug use, fewer teen pregnancies.

They looked at 12,000 students. This is a given fact. If parents spend more time with their kids, the probability that the kids are going to have drug problems, crime problems, teen pregnancy, smoking problems, the likeliness of the student or the young teenager being involved with these things decreases dramatically.

Mr. GUTKNECHT. Let us talk a little bit about what has happened in America over the last 30 years with the other team in control. I was fortunate; I was raised in the 1950's. So were you. You are a little bit younger than I am.

Mr. NEUMANN. Late 1950's, early 1960's.

Mr. GUTKNECHT. Nonetheless, let us talk about what it was like growing up in the 1950s. In the early 1950s, the average American family sent to Washington about 4 percent of their gross income. And I was really fortunate because my mom and dad could raise me and two brothers, three boys in our family on one paycheck.

Mom was always there when we came home from school, when we were doing things around the house, mom was there. Things have changed a lot in the last 30 years. Back then they paid 4 percent of their gross income to the Federal Government. Today, the average family sends 25 percent of their gross income to the Federal Government. What a difference that makes.

Today, the average family spends more on taxes than they do for food, clothing and shelter combined. And that is what is really driving a lot of the things you are talking about because we have changed the nature of the family. We have decided somehow in Washington that we could spend money smarter than the American family, that by creating more and more government programs that somehow we could improve the moral and the social fabric of this country. The facts just do not bear that out.

As a matter of fact, most Americans now believe that the fabric, the moral fabric of our country today is in worse shape than it was back in the 1950s. More government programs clearly are not the answer. Strengthening the cornerstone that makes our society work, strengthening the American family really is the answer.

Mr. NEUMANN. I might add on the moral front, I think we need strong leadership in our Nation. I think the leadership of our Nation needs to set the example and needs to be an example that people both around the world as well as our own teenagers and our own kids can look to. I have one more chart that I would like to briefly talk about that just lends more to the incredibleness of that party that is going on over at the White House tonight celebrating tax increase.

This shows the level of the stock market. This is between here, and the far side of the chart is between the tax increase and when we were first elected to office. This becomes pretty significant, again not because just the Dow Jones has soared as much as it has. It becomes significant because in our society today when I am at town hall meetings and I ask how many people own a stock or a bond or a mutual fund, I mean virtually every hand in the room goes up.

So we are now talking about not just numbers and the Dow Jones, we are talking about Main Street America, we are talking about families in Jaynesville and Beloit and Racine. We are talking about regular American families that own stocks and bonds. And what happens is since we were elected, we got spending under control, the interest rates came down; no big surprise. People started buying more houses and cars.

The economy got very strong because with low interest rates and available capital there is more jobs available and naturally we expect the economy to be strong. And that is exactly what is reflected in this chart as the Dow Jones rose dramatically since we were elected in 1994, late 1994. Again, I think what is important, here we are talking about the opportunity for people in our age group, people in their 50's and people in their 60's to retire and have a better life-style than what perhaps they would have otherwise had because they have got their money invested in these stocks and bonds and mutual funds so when they sell them off, of course, they are going to get to keep more money. Hopefully, that means a better life-style for them.

So this chart and this talk about budget numbers, that is all nice, but what is really important is that when somebody reaches age 65, if they put their money back in down here, the stock market is up here now, when they take those bonds and cash them and get the money, they can now live a better life-style, provide better health care for themselves and their family, provide a better life-style in general than they otherwise would have been able to do. It is not just numbers and charts and graphs, it is about a better life-style and the opportunity for a better life-style.

Mr. GUTKNECHT. Those numbers are a little small to read. What it really says is that under the old policies of the past with higher taxes and more spending, the market was growing at about 18 percent, had grown about 18 percent. Since the American people said enough is enough, and let us elect a whole new team to run things, and let us control spending instead of just raising taxes. In fact, let us control spending and allow families to keep more of what they earn and invest, the market has grown by 136 percent.

So they are celebrating the failed policies of 18 percent and we are talking about growth of 136 percent. And you are right, in the end it really is about quality of life and a lot more people can enjoy a higher quality of life when you have a stronger market, lower interest rates. You can have an economy that is growing at 3 and 4 percent, which we believe it should grow at, than you can with an economy that is only growing at 1.8 percent.

We have not even talked about the real impact in terms of welfare and what we have done for poor people and allowing people to get on the ladder and climb that ladder of success and go from poverty and get that job and begin to grow and invest and grow with this economy.

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I think the most exciting thing that has happened since my colleague and I came to Washington is that we cut the welfare roles by 2.2 million American families. And a lot of people thought, when we were talking about reforming welfare, they said, this is an accounting exercise, and it is just about saving money. Well, welfare reform is not so much about saving money as it was about saving people. It was about saving families. It was about saving children. It was about saving those kids from one more generation of dependency and despair.

I think one of the greatest victories we have had since my colleague and I came to Congress is this victory over welfare. We have got a long ways to go, but enormous progress has been made.

Mr. NEUMANN. Reclaiming my time, I would like to point out one other thing that is very, very important when we look at this picture and rise in the stock market and we see the number of people that now own stocks and bonds and mutual funds in America, I think we should also talk about the fact that, because Washington is under control, as they make this additional profit, as they make more profit, of course, they pay more taxes and make the problem easier to solve, but now the tax is already at a lower rate because, last year, for the first time in 16 years, we actually lowered taxes.

What a direct contrast between what they are celebrating over there in the White House, the biggest tax increase in American history, and what has happened since then where we are now able to lower taxes while still achieving, albeit the Washington definition, the first significant step towards getting us to a real balanced budget. It is exciting to think about.

By the way, I hope people make profit. I sincerely hope that the people that have invested in this stock market make profit and make money. That is what investing is all about in America. It is not evil and rotten in America to make an investment and make a profit from it.

Now that tax rate on that profit, it used to be $28 out of every $100 we earned or made on our investment came to Washington. Now it is only $20 out of every $100. So it went down from 28 percent down to 20 earned.

I found we need to mention the other side of this. If they are earning less than $40,000 a year, it is amazing how many people are still in the stock market and bonds even in the low and moderate income brackets. If they are earning less than $40,000 a year, the capital gains tax rate dropped from 15 down to 10. So, again, it is not only this picture of the growing stock market, it is the impact on real lives of real people by reducing the tax rate.

The next topic that we talked about, if it is all right if we move on.

Mr. GUTKNECHT. I think we should. My colleague mentioned several times about the old accounting standards and how we use Social Security to make the deficit look smaller. I think we need to talk about it. Because the truth of the matter is, and I think the American people understand, we have made enormous progress, if we look at where we were just 4 years ago in terms of the deficit going up.

As a matter of fact, we need to be reminded that when the Congressional Budget Office scored the President's budget back in 1995, shortly after we came here, they said by the year 2002 we would be looking at deficits of $322 billion. And that is when we began to roll up our sleeves. We have eliminated 300 programs. We have dramatically changed the way the entitlements worked. We reformed welfare and Medicare and Medicaid. We made a lot of changes. And, as a result, we cut the rate of growth in Federal spending by about 40 percent. So where we were 4 years ago was headed towards disaster.

Where we are today is that the economy is stronger, the deficit under the old accounting standards is gone. And I think my colleague and I have been working on some of the numbers. My colleague does a better job, it seems to me, than almost anybody in Washington in terms of predicting where the economy is going and what it is going to mean to our budget.

My colleague is predicting, and frankly I agree, that we are going to see a surplus by the end of this fiscal year of somewhere in the area of $50 billion. That is good news. But what gets even better as we look forward, we are going to see surpluses perhaps if we continue to exercise the kind of fiscal discipline that we have for the last couple of years. If we continue that kind of discipline, we can actually see surpluses in the area of $250 to $300 billion. And what a great debate to have.

And now we can start talking about how do we save Social Security? How do we make some of those changes permanent so we can begin to guarantee our kids a better standard of living and a better quality of life in the future?

I would be happy to yield back. Because I say, nobody in Congress has done a better job than my colleague has of creating a model and a computer model so that we really have a blueprint of where we can go in the future.

Mr. NEUMANN. I do think it is important. And when I listened to the gentleman from Mississippi (Mr. TAYLOR) earlier tonight, my colleague, who I have the greatest respect for, most everything he said, I really agree with except for the pessimistic side of it. We do not have to be pessimistic in America. We do not have to say our best days are behind us.

I will never forget at basketball games. I coach a lot. As a matter of fact, we just signed up for a couple more tournaments that my son and some of his friends in school will be playing in, one in Kenosha, one up in Omro, Wisconsin, and perhaps one in Oconomowoc. And we get into these basketball games and sometimes we are behind at halftime. And I like to compare this to what has happened in America over the last 20, 30, 40 years.

We are behind right now. But when we get into halftime and we are down by 12 points in a basketball game, I always tell our young players, in the first half of this game they beat us by 12 points. Now we got the second half. Let us go out and make sure we beat them by 13 points so we actually win the game.

We do not have to conclude because of the problems we have in America today that our best days are behind us. We can go out and play the second half of this game, the second half of our lives, if you like, and we can make sure that by 20 or 30 years down the road, a generation from now, we can make sure we have done the right things to restore this Nation. I do not think we have to be pessimistic about the future.

My colleague was talking about what is happening around us right now. We do not have to do anything different than the first 3 years we have been in office. We just have to hold the constraints on spending. If we hold the constraints on spending that we have had here, government spending is going up at roughly the rate of inflation. So let no one out there misconstrue this, that somehow it is being twisted or dramatically cut back somehow. It is not. Government spending is still going up at the rate of inflation, too fast in my opinion.

But for all the people around the country, it seems to be a rate they have learned to live with over the last 3 years. If we can keep government spending going up at the rate of inflation, because revenues go up because of both inflation and real growth in the economy, these large surpluses start to appear.

In all fairness, if I were the American people and I were listening to this concept that we might actually have these large surpluses, I would use the line "show me the money" to believe it. But I would point out, a year ago we were on this floor doing special orders, predicting surpluses in fiscal year 1998, and they were laughing at us.

We are now on the floor, and it is a given fact, that the United States Government will spend $50 billion less than it has in its checkbook this year. So what they were laughing at a year ago is reality today.

Mr. GUTKNECHT. If the gentleman would yield, I remember on the floor of this House, in fact, he came and we did some town hall meetings, one in Winona, Minnesota, and one in Mankato. And I think a lot of people thought we were crazy then when we said there was a very good chance that we would actually balance the budget this year. This was a year ago. And my colleague and I were a very small fraternity then who believed not so much that we believed at what was being done in Congress, I think the real thing was we believed in the American people.

The American people do not need a big incentive. They do not need large incentives to do what they have done throughout the generations. And literally since the pilgrims landed at Plymouth Rock, the history of this country has been that people would work, they would invest, they would save, they would produce and ultimately produce more wealth for more people.

The marvelous thing about this free enterprise system we have in the United States is that it has an enormous propensity to produce wealth not just for the wealthy but for all Americans.

John Kennedy reminded us back in the sixties that a rising tide lifts all boats, and that is what we are seeing in this economy. It is not perfect. There are still people being left behind. And we have to be aware of that and do what we can to pull our brothers along.

But the American people are doing what they have always done before, and that is they have been investing and saving and producing. They have been growing wealth and growing jobs and growing the economy. And, as a result, we have more revenue than anybody except perhaps my colleague would have predicted just a year ago.

Mr. NEUMANN. The good news is, if we get to a point where this does keep going, we keep spending under control and revenue just keeps growing like it has been for the last 3 or 4 or 5 years and it just keeps doing what it has been doing, these $250 billion surpluses are not far off. That means we can both put the money aside for Social Security and start paying down the Federal debt so our children might inherit a debt-free Nation and lower the tax burden on the American people. We can do all three of those things if we just manage to stay under control with spending in this city.

We talked about some incredible things here and we talked about how sometimes common sense in Washington and Wisconsin and Minnesota are very, very different. I would like to bring up one more topic, and then I would like to take the last few minutes to kind of close with a vision where we are going on the future.

The topic I would like to bring up is the needle exchange. This is perhaps as incredible as any discussion I have ever seen in this city. What they are proposing that we do, and as a matter of fact, the law was actually passed that this happened, is that the United States Government provide clean needles to drug users. Just think of it. We are not talking about legal medication here. We are talking about illegal drug users being able to turn in their dirty needles and get brand new ones.

What is really incredible about this is when they started to implement the program in various parts around the country, they traded in one dirty needle and got 39 new ones. Now, I do not know what my colleague thinks about this. But in my mind it does not take Einstein to figure out that if they turned in one dirty needle and got 39 new ones, the United States Government just became an agent in promoting the use of drugs in the United States of America; and that is pathetic.

I am happy to say that at least temporarily they have stopped this needle exchange program. But the law is still on the books, and that law needs to be changed. It is incredible that we would in this city decide that the right way to solve drug problems is to somehow trade dirty needles in for clean needles. It is just incredible that we would make that sort of decision.

Mr. GUTKNECHT. I do not think the people back in Wisconsin or Minnesota, at least the common-sense people sitting around the coffee shops and the feed mills, I mean they would say this is crazy, especially when we are supposedly having a war on drugs.

In fact, what makes it even more bizarre is we have some folks in Washington who want to have this war on tobacco. And, on the one hand, we are going to do everything we can, and I certainly support the notion of doing everything we can to try and keep kids from starting smoking, but, on the other hand, we have some of the most dangerous drugs which we know, for example, if they are a heroin addict ultimately it will kill them; and somehow we have this bizarre notion that we will make it safer by providing clean needles to heroin addicts.

This is sort of the tortured logic that has run this city for too long, and I think we have got to get back to some of those old-fashioned notions, things like personal responsibility and ultimately calling things the way they are and saying we have got to do everything to keep people from using heroin rather than making it easier for them to use heroin with cleaner needles.

Mr. NEUMANN. We have spent an hour here tonight talking about some of the incredible things going on in this city from IMF funding to the strange way that we found support in this Congress for IMF funding today. We found that people that voted against it were people that we might have thought might vote for it, especially people that represent union districts supporting an agency that is encouraging devaluation of the dollar. Which means foreign goods come in cheaper and our American made goods cost more, which means we lose American jobs.

We talked about the party going on at the White House where they are celebrating tax increases, where what we ought to be doing is celebrating the tax cuts from last year. And we talked about the needle exchange.

I would like to kind of conclude this evening by not talking about something incredible, but rather talking about where we might go in the future with this great Nation that we live in; and I would like to kind of present a vision here for where we might go with America both from an economic front and from a social front. Let me start on the economic side because we have talked about it already a little bit tonight.

On the economic side, I think the first thing we need to do is make sure that Social Security is safe and secure for every senior citizen in the United States of America. I believe our seniors have the right to get up in the morning and not worry about whether their Social Security check is going to be there. So the first thing economically, let us make sure Social Security is safe for our senior citizens.

Second, we have got a $5½ trillion debt staring us in the face. Let us start making payments on that debt, much like we would pay off a home mortgage, and let us pay off the debt so our children can inherent a debt-free nation instead of having a legacy of a $5½ trillion debt.

The third thing, the tax rate is too high. The tax rate in America, if we look at State, local, Federal, property taxes, if we look at all taxes people pay, $37 out of every $100 they earn in America today goes to taxes of some form. So on this economic side, let us get a vision. Restore Social Security so our seniors are safe, pay off the debt so our children can inherent a debt-free nation, and let us get that tax burden down to not more than $25 out of every $100 the people earn, instead of the $37 that it currently is.

A lot of people would say that is pie-in-the-sky vision. I tell my colleagues, 3 years ago if we said we were going to balance the budget by 1998, they would say that was pie-in-the-sky. I believe in America and I believe what our people can do in this great country that we live in. It is possible to achieve these economic goals.

Let us go to the social side for just a minute. On the social side, I think education is the number-one problem facing the United States of America. Our kids have dropped to 21st in the world in education. I think the right answer to education is not Washington going out and spending more money on education. The right answer on education is empowering our parents to be actively involved in deciding where our kids go to school, what they are taught, and how they are taught it.

If we can just empower our parents to be actively involved in the kids' education, all kinds of things will change. It is the right way to bring education back up. More Washington control, more Washington dollars. Taking that responsibility away from the parents is the wrong answer. The right answer is parental involvement in the education system.

Now I am going to refer back to that study I talked about before of 12,000 teenagers. When parents are more actively involved in their kids' school, there is a side benefit. When parents are more actively involved in what their kids are learning, there is a side benefit. And the study of 12,000 teenagers pointed it out directly.

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There is an immediate impact. The more parents that are involved with their kids, the less likely it is that the kids will be involved with crime, the less likely it is the kids will be involved with drugs, the less likely it is that the kids will have teen pregnancies, and the less likely it is the teens will be smoking.

So when we talk about those social problems facing America, the single most important thing that we can do is empower our parents to get more actively involved with our kids.

Both sides of this issue, both sides of this chart are intertwined in that, if we can reduce the tax burden from $37 out of every $100 the people earn down to $25 out of every $100 the people earn, we will be in a position where parents are no longer forced to take a second and a third job.

When they do not take the second and third job, they will have more time to spend with their kids. More time involved with their kids' education will automatically improve the education of their kids. And as they spend more time, the side benefits of less crime, less drugs, fewer teen pregnancies, and less teen smoking is an automatic outcome based on the survey that we just looked at. Again, the survey of 12,000 teenagers, the survey is accurate.

The last thing I would mention on the social side is something I did not really understand when I first came to Congress 4 years ago. I did not understand what a partial-birth abortion was. I am pro-life, so I understood the abortion issue reasonably well, but I did not understand partial birth.

When someone first explained to me that, in the third trimester of a pregnancy, in the seventh, eighth, or ninth month of a pregnancy that they would partially deliver a baby, and then with the baby going to live if they finish the delivery, at the last second, they would kill the baby in this abortion. A seventh, eighth or ninth month killing of a baby that would otherwise live is what a partial birth abortion is, and that is just plain wrong.

Wherever you are at on the abortion issue, I know from the State of Wisconsin, in the House of Representatives, the people that are pro-choice that are Democrats, the people that are pro-choice that are Republicans, the people that are pro-life Democrats and pro-life Republicans, all of them voted to end partial-birth abortions in America.

When I think about a social agenda, I do not believe that our free society now understanding what is happening in a partial-birth abortion can allow this to continue. It is one thing to not understand it; it is another thing to know about it and not do something about.

I would like to close tonight with a thought that I think about regularly. I think about this country and where we are at and where we have come over the last 40 years. I think about the problems in the White House and the message that that is sending to our kids, and I think about all of these social problems facing America and the education problems, and I think about the financial problems. These words just keep ringing in my ears. I keep hearing these words that, in order for evil to succeed, good people need only sit idly by and watch.

I wonder, when generations look back on our generation, and they ask what kind of people were these? Were these the people that sat quietly by, were these the good people that sat quietly by while evil succeeded during their generation?

Folks, we over the next 10, 15, 20 years, will we be the people that said enough is enough? We are not going to spend our children's money anymore. We are not going to take that money out of the Social Security Trust Fund. The taxes are too high, and we are going to get it down. We are going to pay off this debt so our kids get a debt-free nation.

We have had it with our kids being 21st in education in the world. They are going to be number one again. When they are number one with our parents more actively involved in their lives, the crime rate goes down, the drug use goes down, teen pregnancies are fewer, less teen smoking. We end partial-birth abortions.

Are we going to be the people that history looks back on and say that was the people in our society, that was the people in America that said enough is enough. The good people would no longer stand idly by and watch evil succeed. They are the people that stood up and took this country back and provided our children with a safe, secure moral future.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3156

Mr. COOKSEY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3156.

The SPEAKER pro tempore (Mr. GUTKNECHT). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

REPUBLIC OF TURKEY SEEKING U.S. APPROVAL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I do not plan to use very much of the hour this evening, probably about 15 or 20 minutes.

My topic relates to foreign affairs and U.S. relations with two countries that I feel very close to. One is Armenia. I happen to cochair the Armenia Caucus in the House of Representatives. And also India, another country where I cochair our Members' caucus that we have with approximately 100 Members, in the case of the India Caucus, and I think 65 or so in the Armenia Caucus.

I would like to turn first to the situation in Armenia. I should say really threats, if you will, to the Republic of Armenia, and also the Republic of Nagorno Karabagh that are coming, once again, from its neighbors.

I would like to specifically address a very troubling situation involving the possible transfer of sophisticated U.S. arms to Azerbaijan, an unstable and undemocratic regime. There have recently been press reports suggesting that the Republic of Turkey, another neighbor of Armenia, is seeking U.S. approval to sell F–16 fighter planes, assembled in Turkey, but based on a U.S. license, to the Republic of Azerbaijan.

According to the press reports, the idea of arms sale emerged during talks between government officials from the two countries regarding a Turkey-Azerbaijan defense agreement.

Mr. Speaker, for the transfer of the F–16's to take place, Turkey would have to seek permission from the United States and also of NATO. I have come to the House floor tonight to ask my colleagues to join me in urging our administration to reject any such proposal and discourage Turkey's growing role as an arms supplier to such volatile regions as the Transcaucasus and the Middle East.

In the next few days, I will be seeking signatures for letters to our President and other key national security officials in opposition to the Turkish sale of F–16's to Azerbaijan. Indeed, Mr. Speaker, it is inconceivable to me, and I think to most of the American people that our military, diplomatic, and intelligence agencies would even contemplate such a proposal.

While all the facts about the F–16 deal are still somewhat in dispute, these recent reports are the latest indication of a growing military and political alliance between Turkey and Azerbaijan, a very troubling development in terms of peace, stability, and democracy in this strategically important Caucasus region.

Both Turkey and Azerbaijan continue to maintain blockades of their neighbor, Armenia. These blockades, which are both illegal and immoral, have made it extremely difficult for much-needed emergency food, medicine, and energy supplies to reach the people in Armenia, including supplies sent by the American people.

In addition, Azerbaijan continues to refuse to compromise on negotiations to achieve a settlement over the Nagorno Karabagh conflict. Nagorno Karabagh is a region that has been primarily populated by Armenians for centuries, which has proclaimed its independence about 10 years ago, but which continues to be claimed by Azerbaijan. As a matter of fact, Azerbaijan also continues to maintain a blockade of Nagorno Karabagh, causing significant human hardship there as well.

Mr. Speaker, when I was in the region earlier this year in the Caucasus, in the frontline area of Karabagh, which was the target of constant sniper fire from Azerbaijani forces, I became aware of a very disturbing fact, which I would like to point out this evening.

The equipment that was being used by the Azerbaijani forces, from the weapons right down to the uniforms, were American and NATO supplies, provided to Turkey and then funneled to Azerbaijan.

Of course, Turkey, as we know, is a NATO ally, despite the fact that, unlike the other NATO countries of North America and Western Europe, Turkey is a country with numerous restrictions on democratic and civil liberties and a terrible human rights record.

But while Turkey is a NATO member, Azerbaijan is not, and it should not be receiving American military equipment, particularly not anything as sophisticated and dangerous as F–16 aircraft. Turkey should not be supplying such equipment to other nations.

Mr. Speaker, Azerbaijan is not exactly one of the democratic success stories of the former Soviet Union. In fact, the leader of Azerbaijan, Heydar Aliyev, is a former Communist Party boss who seized power in a coup and has led an authoritarian regime ever since. He has not permitted opposition political organizations or a free media.

More shocking, while oil wealth begins to pour into the Azeri capital of Baku, President Aliyev has done nothing to relieve the suffering of his own people in the countryside of Azerbaijan. Yet, it is precisely the huge oil wealth and Azeri territory in the Caspian Sea that has led Western Governments, including, I am sorry to say, our own government, to tolerate and promote this antidemocratic regime.

The combination of the oil resources in Azerbaijan and Turkey's position as a NATO member have led to excessive tolerance, in my opinion, on the part of our State Department for these two regimes and their growing military partnership.

I just hope, Mr. Speaker, and this is the last thing I would like to say tonight on this subject, is I just hope that the proposed Turkish-Azerbaijani F–16 sale will be where we finally draw the line in our support for this undemocratic regime and the dangerous situation that the F–16s might pose if this sale were ever allowed.

Now, Mr. Speaker, if I could, I would like to switch now and talk again briefly about the situation in India. I would like to make a very positive statement, if I could, about the recent visit to India by some of our U.S. officials representing the President. I speak today specifically about U.S. Ambassador to the United Nations, Mr. Bill Richardson, a former colleague of ours in the House of Representatives; Assistant Secretary of State for South Asia, Mr. Karl Inderfurth; and Director for South Asia in the National Security Council, Mr. Bruce Reidel, who recently made a very successful trip to India.

Indian and American officials associated with the trip have stated that the meetings were conducted with exceptional warmth, which can only indicate that U.S.-India relations have never been stronger.

I wanted to say, Mr. Speaker, that Ambassador Richardson and Secretary Inderfurth have traveled to South Asia in preparation for President Clinton's trip to the subcontinent, which was scheduled for this fall. As you know, President Clinton's trip to South Asia will be the first by an American President that has taken place in over 20 years.

These meetings were not intended to produce high-level agreements, but they gave senior administration officials the opportunity to meet with senior officials from the newly elected Indian government. The government in India changed hands. It was an election in March, and a new government took office in early April. Numerous issues were discussed with our U.S. officials and the new government, and I am pleased to see that the talks were very positive.

I wanted to talk about some of the issues that were discussed, because I think they are important. The U.S. delegation spent much of its time encouraging the reassumption of dialogue between India and Pakistan. This was something that the previous Prime Minister Gujral had encouraged quite a bit.

Talks between these South Asian neighbors had abruptly ended in September just prior to the new election cycle when both countries failed to resolve their differences over Kashmir. Fortunately, soon after Ambassador Richardson and Secretary Inderfurth had left South Asia, reports indicated that talks between the two countries may resume after a summit meeting of the Indian and Pakistani Prime Ministers during the SAARC meeting in July. So we are very hopeful that we are going to see the reassumption of these talks, and I was very pleased to see that our representatives encouraged the reassumption of the dialogue between India and Pakistan.

Mr. Speaker, both the United States and India also, I would note, were very willing to discuss sensitive and controversial issues. For example, Ambassador Richardson stated that the United States will continue to work with the Indians in curbing the development of the nuclear weapons program, but that the nuclear issue would not dominate the dialogue between the two countries.

The U.S. Delegation informed Indian officials that the United States was pleased that the Indians had shown restraint after Pakistan had test-fired the Ghauri missile. I would like to inform Members of this body that the Defense Department is ready to consider sanctions against Pakistan following the firing of the missile.

A spokesman from the Pentagon recently stated, and I quote, that the United States has imposed sanctions against Pakistan in the past under the Missile Technology Control Regime. We are continuing to review the particular case and that review was in its advanced stages.

I would like the administration to look very closely at this issue. I am concerned that China or North Korea might have provided Pakistan with the technical information for the Ghauri missile. The continued illegal transfer of missile and nuclear technology may lead to further instability in South Asia. That is why I continue to oppose the administration's certification that will allow the United States to transfer nuclear technology to China.

Mr. Speaker, China is known to have transferred nuclear technology to Pakistan, so we should not be transferring any kind of technology to China that ultimately could be transferred to Pakistan.

I would also like to note that, on the heels of Ambassador Richardson and Secretary Inderfurth's trip, reports from India indicate that the United States and India are set to reinitiate civilian nuclear cooperation after 20 years. This partnership will focus on bilateral research projects and aimed at the improvement of the operational safety of India's nuclear power plants.

The first meeting between the two countries is scheduled to take place in the U.S. later this year. U.S. law will govern the exchange of civilian nuclear officials. The proposed safety cooperation between our countries would not involve the transfer of technology or controlled information or commodities from the U.S. to India. But increased dialogue on nuclear issues between our two countries can only lead to a safer and cleaner nuclear environment. So again, this is a very positive development.

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During the meetings that took place with Ambassador Richardson and Secretary Inderfurth the United States also acknowledged India's bid for permanent membership on the United Nations Security Council.

Now basically what the U.S. position is, and they basically stated it again at this meeting, is that the U.S. endorses Security Council reform and the U.S. supports the inclusion of Germany and Japan and one country each from Latin America, Asia and Africa. The United States, however, would allow the regions to determine who their representatives would be.

So United States is saying that there should be another Asian representative, but it does not necessarily have to be India.

I have to say, though, that in private discussions with administration officials there is no question in my mind that they support India's bid, and I hope that the United States public policy will ultimately be supportive of India being a permanent member of the Security Council.

There was also discussion between the U.S. and Indian officials during this recent trip on the need to fight terrorism. Ambassador Richardson had called on India's prime minister and home minister and had shared their concern over Pakistan-sponsored terrorism in Jammu and Kashmir and in other parts of India.

Obviously, again, the United States needs to do more to fight terrorism, to basically put pressure on Pakistan to not encourage and to harbor and train terrorists on its soil, and hopefully the comments that were made by Ambassador Richardson and Mr. Inderfurth will mean that the U.S. takes a more proactive view and tries to basically pressure, if you will, Pakistan into not encouraging terrorism in Kashmir and in other places in south Asia.

Both countries also discussed, very importantly I would say, the need to increase trade and investment. Finance Minister Sinha was just in the United States last week, this is the new finance minister in India, in the Indian government, and he assured U.S. business leaders that the new BJP government was not anti-foreign investment and that economic reforms would be accelerated with the new government. He recently stated that there was no doubt about the continuity of the reform process, and the finance minister said that the Indian government would seek foreign investment, particularly infrastructure like roads, railways, power, rural and high technology sectors, and he assured investors that the new government would continue the deregulation process to help build a strong private sector.

Now once again this is very important. One of the goals of our India Caucus is to promote more trade and investment by U.S. businesses in India. It is very important to see that the move towards a market economy, towards privatization, continues under the auspices of this new government.

There was a lot of attention paid during this recent trip to the so-called strategic dialogue that has been initiated by U.S. officials, and I would like to see the strategic dialogue extended into the defense area.

During the trip Defense Minister George Fernandez and the U.S. delegation agreed that more cooperation was needed in technology and military-to-military exchange, and I think that India, Mr. Speaker, can be a bulwark against the expansion of China's military in Asia. India should be more integrated in my opinion into the U.S. defense framework, and it should be able to buy military equipment and supplies from the United States on an equal basis with other allies. The strategic dialogue being fostered by the U.S. officials' recent trip I think will hopefully lead in this direction.

And finally, Mr. Speaker, my overall goals and the goals of the India Caucus include bringing India and the United States closer together, making India more of a foreign policy priority for the United States and, again, increasing U.S. trade with and investment in India. And I believe very strongly that this recent trip by U.S. officials to India has clearly helped to achieve these goals and is going a long ways towards improving our relationship on almost every level with India.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MILLER of Florida (at the request of Mr. ARMEY) for today after 1:00 p.m. on account of attending his daughter's wedding.

Mrs. MEEK of Florida (at the request of Mr. GEPHARDT) for today after 2:00 p.m. on account of personal reasons.

Mr. YATES (at the request of Mr. GEPHARDT) for today after 6:00 p.m. on account of physical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. CAPPS) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Ms. CARLSON, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

(The following Members (at the request of Mr. MCINNIS) to revise and extend their remarks and include extraneous material:)

Mr. LATHAM, for 5 minutes, today.

Mr. BRADY, for 5 minutes, today.

Mr. HUTCHINSON, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. MCINNIS, for 5 minutes, today.

Mr. DELAY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. CAPPS) and to include extraneous matter:)

Mr. HILLIARD.
Mrs. KENNELLY of Connecticut.
Mr. HAMILTON.
Mr. LAMPSON.
Ms. DELAURO.
Ms. ESHOO.
Mrs. MEEK of Florida.
Mr. MENENDEZ.
Mr. NEAL.
Mr. TOWNS.
Mr. KENNEDY of Massachusetts.
Mr. KUCINICH.
Mr. KLECZKA.
Mr. BARCIA.
Ms. VELÁZQUEZ.
Mr. SHERMAN.
Mr. SKELTON.
Mr. POSHARD.
Mr. KIND.

(The following Members (at the request of Mr. MCINNIS) and to include extraneous matter:)

Ms. ROS-LEHTINEN.
Mr. MCINTOSH.
Mr. WALSH.
Mr. GREENWOOD.
Mr. GALLEGLY.
Mr. SOLOMON.
Mr. GRAHAM.
Mr. RADANOVICH.
Mr. BUNNING in two instances.
Mr. SMITH of Michigan.
Mr. COLLINS.
Mr. DAVIS of Virginia.
Mr. COBLE.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until Monday, April 27, 1998, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

8593. A letter from the Deputy Chief, Programs and Legislation Division, Department of the Air Force, transmitting notification that the Commander of Hill Air Force Base (AFB), Utah, has conducted a cost comparison to reduce the cost of operating grounds maintenance, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

8594. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—International Banking Regulations; Consolidation and Simplification (RIN: 3064–AC05) received April 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8595. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA–7684] received April 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8596. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA–7685] received April 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8597. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [44 CFR Part 65] received April 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8598. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [44 CFR Part 65] received April 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8599. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–7249] received April 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8600. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–7236] received April 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8601. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations (44 CFR Part 67) received April 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8602. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations (44 CFR Part 67) received April 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8603. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations (44 CFR Part 67) received April 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8604. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations (44 CFR Part 65) received April 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8605. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the Council's 1997 Annual Report to Congress, pursuant to 12 U.S.C. 3305; to the Committee on Banking and Financial Services.

8606. A letter from the Chairman, National Credit Union Administration, transmitting the 1997 Annual Report of the National Credit Union Administration, pursuant to 12 U.S.C. 1752a(d); to the Committee on Banking and Financial Services.

8607. A letter from the Administrator of National Banks, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, transmitting the Office's final rule—Expanded Examination Cycle for Certain Small Insured Institutions [Docket No. 98–03] (RIN: 1557–AB56) received April 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8608. A letter from the Chairperson, National Council on Disability, transmitting the Council's Annual Report for Fiscal Year 1997, pursuant to 29 U.S.C. 781(a)(8); to the Committee on Education and the Workforce.

8609. A letter from the Acting Administrator for Health Resources and Services Administration, Department of Health and Human Services, transmitting the Department's final rule—Grants for the Construction of Teaching Facilities for Health Professions Personnel (RIN: 0906–AA39) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8610. A letter from the Deputy Director, OSG, Department of Health and Human Services, transmitting the Department's final rule—Medicare, Medicaid, and CLIA Programs; Clinical Laboratory Requirements-Extension of Certain Effective Dates for Clinical Laboratory Requirements Under CLIA [HSQ–237–FC] (RIN: 0938–AH84) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8611. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 046–1046; FRL–6001–2] received April 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8612. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend title XIX of the Social Security Act to clarify and revise requirements regarding penalties for certain taxes on and donations by health care providers; to the Committee on Commerce.

8613. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the progress made toward opening the United States Embassy in Jerusalem, pursuant to Public Law 104–45, section 6 (109 Stat. 400); to the Committee on International Relations.

8614. A letter from the President, Inter-American Foundation, transmitting the Foundation's Fiscal Year 1997 Audited Financial Statements, pursuant to 22 U.S.C. 283j–1(c); to the Committee on Government Reform and Oversight.

8615. A letter from the Director, Administration and Management, Department of Defense, transmitting the Department's final rule—Defense Logistics Agency Privacy Program [Defense Logistics Agency Reg. 5400.21] received April 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

8616. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the Department's final rule—Justice Acquisition Regulations [48 CFR Chapter 28] received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

8617. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the Commission's Fiscal Year 1997 Accountability Report, pursuant to 31 U.S.C. 3512(c)(3) Public Law 103–56; to the Committee on Government Reform and Oversight.

8618. A letter from the Attorney General, Department of Justice, transmitting a copy of the Annual Report of the Attorney General for Fiscal Year 1997, pursuant to 28 U.S.C. 522; to the Committee on the Judiciary.

8619. A letter from the President, The Foundation of the Federal Bar Association, transmitting a copy of the Association's audit report for the fiscal year ending September 30, 1997, pursuant to 36 U.S.C. 1101(22) and 1103; to the Committee on the Judiciary.

8620. A letter from the Administrator, Federal Aviation Administration, transmitting the Pilot Minimum Flight Time Requirements Study, pursuant to 49 U.S.C. 44935 nt; to the Committee on Transportation and Infrastructure.

8621. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes [Docket No. 97–NM–62–AD; Amendment 39–10434; AD 98–07–14] (RIN: 2120–AA64) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8622. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Hutchinson River, NY [CGD01–97–125] (RIN: 2115–AE47) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8623. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Richmond Creek, NY [CGD01–98–013] (RIN: 2115–AE47) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8624. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: North River, MA [CGD01–97–126] (RIN: 2115–AE47) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8625. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Sheepscot River, ME [CGD01–97–128] (RIN: 2115–AE47) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8626. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Presumpscot River, ME [CGD01–97–124] (RIN: 2115–AE47) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8627. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Fore River, ME [CGD01–97–127] (RIN: 2115–AE47) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8628. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; AERMACCI S.p.A. Models S.208 and S.208A Airplanes [Docket No. 97–CE–140–AD; Amendment 39–10453; AD 98–08–04] (RIN: 2120–AA64) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8629. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; AERMACCI S.p.A. S.205 Series and Models S.208 and S.208A Airplanes [Docket No. 97–CE–144–AD; Amendment 39–10455; AD 98–08–06] (RIN: 2120–AA64) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8630. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Model PC–7 Airplanes [Docket No. 97–CE–149–AD; Amendment 39–10456; AD 98–08–07] (RIN: 2120–AA64) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8631. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Stemme GmbH & Co. KG Models S10 and S10–V Sailplanes [Docket No. 97–CE–127–AD; Amendment 39–10452; AD 98–08–03] (RIN: 2120–AA64) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8632. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Robinson Helicopter Company Model R44 Helicopters [Docket No. 98–SW–08–AD; Amendment 39–10461; AD 98–04–12] (RIN: 2120–AA64) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8633. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA 330F, G, and J, and AS 332C, L, L1, and L2 Helicopters [Docket No. 97–SW–27–AD; Amendment 39–10462; AD 98–08–13] (RIN: 2120–AA64) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8634. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA 365N, N1 and AS 365N2 Helicopters [Docket No. 97–SW–21–AD; Amendment 39–10463; AD 98–08–14] (RIN: 2120–AA64) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8635. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR42–500 Series Airplanes [Docket No. 98–NM–107–AD; Amendment 39–10457; AD98–08–08] (RIN: 2120–AA64) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8636. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 0070 and Mark 0100 Series Airplanes [Docket No. 97–NM–249–AD; Amendment 39–10450; AD 98–08–01] (RIN: 2120–AA64) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8637. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace: Fayetteville (Springdale), AR [Airspace Docket No. 97–ASW–19] received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8638. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes [Docket No. 97-CE-119-AD; Amendment 39-10438; AD 98-07-18] (RIN: 2120-AA64) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8639. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 98-NM-95-AD; Amendment 39-10448; AD 98-07-26] (RIN: 2120-AA64) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8640. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328-100 Series Airplanes [Docket No. 96-NM-119-AD; Amendment 39-10432; AD 98-07-12] (RIN: 2120-AA64) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8641. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Schempp-Hirth K.G. Models Nimbus-2B, Mini-Nimbus B, Discus a, Discus b Sailplanes [Docket No. 96-CE-19-AD; Amendment 39-10439; AD 97-08-02 R1] (RIN: 2120-AA64) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8642. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300-600 Series Airplanes [Docket No. 95-NM-92-AD; Amendment 39-10451; AD 98-08-02] (RIN: 2120-AA64) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8643. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 340B Series Airplanes [Docket No. 98-NM-49-AD; Amendment 39-10449] (RIN: 2120-AA64) received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8644. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Cooperstown, ND Correction [Airspace Docket No. 97-AGL-50] received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8645. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; New Bern, NC [Airspace Docket No. 97-ASO-26] received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8646. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Use Airspace [Docket No. 29179; Amendment No. 73-8] received April 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8647. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Class E Airspace; Spofford, TX [Airspace Docket No. 98-ASW-21] received April 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8648. A letter from the Acting Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule—Unemployment Insurance Program Letter [No. 18-98] received April 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8649. A letter from the Acting Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule—Indian and Native American Welfare-To-Work Grants Program (RIN: 1205-AB16) received April 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8650. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 98-23] received April 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8651. A letter from the Assistant Secretary for Import Administration, International Trade Administration, transmitting the Administration's final rule—Antidumping Duties; Countervailing Duties [Docket No. 950306068-6361-04] (RIN: 0625-AA45) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8652. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the Administration's final rule—Duty-Free Entry of Space Articles (RIN: 2700-AC12) received April 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8653. A letter from the President, U.S. Institute of Peace, transmitting the Institute's Fiscal Year 1997 Audit Report, pursuant to 22 U.S.C. 4607(h); jointly to the Committees on Education and the Workforce and International Relations.

8654. A letter from the Deputy Director, OSG, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Medicare Appeals of Individual Claims [BPD-453-FC] (RIN: 0938-AG18) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Commerce and Ways and Means.

8655. A letter from the Executive Director, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting a report entitled "The Opening of District of Columbia Public Schools for the 1998-1999 Academic Year," pursuant to Public Law 105-100, section 143; jointly to the Committees on Government Reform and Oversight and Appropriations.

8656. A letter from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's Annual Report for Fiscal Year 1995, pursuant to 42 U.S.C. 2000e-4(e); jointly to the Committees on the Judiciary and Education and the Workforce.

8657. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize activities under the Federal Railroad safety laws for fiscal years 1999 through 2002, and for other purposes; jointly to the Committees on Transportation and Infrastructure and the Judiciary.

8658. A letter from the Deputy Director, OSG, Department of Health and Human Services, transmitting the Department's final rule—Medicare and Medicaid Programs; New Payment Methodology for Routine Extended Care Services Provided in a Swing-Bed Hospital [BPD-805-F] (RIN: 0938-AG68) received April 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

8659. A letter from the Office of Inspector General, Department of Health and Human Services, transmitting the Department's final rule—Medicare and State Health Care Programs: Fraud and Abuse; Issuance of Advisory Opinions by the OIG (RIN: 0991-AA85) received March 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

8660. A letter from the Regulations Officer, Department of Health and Human Services, transmitting the Department's final rule—Health Care Programs: Fraud and Abuse; Revised PRO Sanctions for Failing To Meet Statutory Obligations (RIN: 0991-AA86) received March 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

8661. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Source Category: Pulp and Paper Production; Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards: Pulp, Paper, and Paperboard Category (RIN: 2040-AB97) received April 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on the Joint Committee on Printing and Commerce.

8662. A letter from the Secretary of the Treasury, Securities and Exchange Commission, and Board of Governors of the Federal Reserve System, transmitting Secretary of the Treasury, the Securities and Exchange Commission, and the Board of Governors of the Federal Reserve System: Joint Study of Regulatory System for Government Securities, pursuant to 15 U.S.C. 78o-5 nt.; jointly to the Committees on Commerce, Ways and Means, and Banking and Financial Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCHER: Committee on Ways and Means. H.R. 3546. A bill to provide for a national dialogue on Social Security and to establish the bipartisan panel to design long-range Social Security reform: with an amendment (Rept. 105-493). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. McINNIS:

H.R. 3715. A bill to authorize the Secretary of the Interior to convey the facilities of the Pine River Project, to allow jurisdictional transfer of lands between the Department of Agriculture, Forest Service, and the Department of the Interior, Bureau of Reclamation, and the Bureau of Indian Affairs, and for other purposes; to the Committee on Resources.

By Mrs. LOWEY (for herself and Mrs. MORELLA):

H.R. 3716. A bill to amend the Public Health Service Act to extend the program of research on breast cancer; to the Committee on Commerce.

By Mr. SOLOMON (for himself, Mr. WICKER, Mr. HASTERT, Mr. BARR of Georgia, and Mr. DELAY):

H.R. 3717. A bill to prohibit the expenditure of Federal funds for the distribution of needles or syringes for the hypodermic injection of illegal drugs; to the Committee on Commerce.

By Mr. DELAY:

H.R. 3718. A bill to limit the jurisdiction of the Federal courts with respect to prison release orders; to the Committee on the Judiciary.

By Mr. BARTLETT of Maryland:

H.R. 3719. A bill to authorize the construction of a monument to honor those who have served the Nation's civil defense and emergency management programs; to the Committee on Resources.

By Mr. DELAY (for himself, Mr. KING of New York, Mr. SOLOMON, Mr. LIVINGSTON, Mr. ARCHER, Mr. STUMP, Mr. DOOLITTLE, Mr. CUNNINGHAM, Mr. ROHRABACHER, Mr. PAUL, Mr. HERGER, Mr. CANADY of Florida, and Mr. HILLEARY):

H.R. 3720. A bill to repeal the Bilingual Education Act and for certain other purposes; to the Committee on Education and the Workforce.

By Mr. BASS:

H.R. 3721. A bill to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for election for Federal office, and for other purposes; to the Committee on House Oversight, and in addition to the Committees on the Judiciary, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHRISTENSEN (for himself, Mr. BARTLETT of Maryland, Mr. BEREUTER, Mr. BURR of North Carolina, Mrs. CUBIN, Mr. DOOLITTLE, Ms. DUNN of Washington, Mrs. EMERSON, Mr. ENSIGN, Mr. GANSKE, Mr. HOEKSTRA, Mr. ISTOOK, Mr. MANZULLO, Mrs. MYRICK, Ms. PRYCE of Ohio, Mr. RAMSTAD, Mr. SESSIONS, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. SISISKY, Mr. TALENT, Mr. THOMAS, Mr. TRAFICANT, and Mr. WOLF):

H.R. 3722. A bill to amend the Internal Revenue Code of 1986 to clarify the standards used for determining whether individuals are not employees; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3723. A bill to authorize funds for the payment of salaries and expenses of the Patent and Trademark Office, and for other purposes; to the Committee on the Judiciary.

By Mr. CUMMINGS (for himself, Ms. KILPATRICK, Ms. DELAURO, Ms. PELOSI, Mr. PALLONE, Mr. MEEHAN, Mr. FROST, Mr. HOYER, Mr. COYNE, Ms. BROWN of Florida, Mr. JACKSON, Mr. SCOTT, Mr. OLVER, Mr. LEWIS of Georgia, Mr. NADLER, Mr. HILLIARD, Ms. SLAUGHTER, Mr. LANTOS, Mr. KENNEDY of Massachusetts, Mr. RUSH, Mr. FRANK of Massachusetts, Mrs. MALONEY of New York, Mr. STARK, Mr. MOAKLEY, Ms. LOFGREN, Mr. OWENS, Mr. KUCINICH, Mr. BORSKI, Mr. GONZALEZ, Mr. BARRETT of Wisconsin, Mr. THOMPSON, Mr. MEEKS of New York, Mr. BONIOR, Mr. CLAY, Mr. DAVIS of Illinois, and Mr. PAYNE):

H.R. 3724. A bill to provide for the continuation of the demonstration program, known as the Healthy Start Initiative, that is carried out by the Secretary of Health and Human Services as a program of grants to reduce the rate of infant mortality; to the Committee on Commerce.

By Mr. GREENWOOD:

H.R. 3725. A bill to make the Occupational Safety and Health Act of 1970 applicable to the United States Postal Service in the same manner as any other employer; to the Committee on Education and the Workforce, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GUTIERREZ:

H.R. 3726. A bill to amend the Electronic Fund Transfer Act to require additional disclosures relating to exchange rates in transfers involving international transactions; to the Committee on Banking and Financial Services.

By Mr. LAZIO of New York (for himself, Mr. QUINN, Mr. HORN, and Mr. BOEHLERT):

H.R. 3727. A bill to provide loan forgiveness for individuals who earn a degree in early childhood education, and enter and remain employed in the early child care profession, to provide loan cancellation for certain child care providers, and for other purposes; to the Committee on Education and the Workforce.

By Mr. OBEY:

H.R. 3728. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act and other laws to return primary responsibility for disaster relief to the States, to establish a private corporation to insure States against risks and costs of disasters otherwise borne by the States, and to provide for reimbursable Federal assistance to States for activities in response to disasters, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Agriculture, Small Business, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PRYCE of Ohio:

H.R. 3729. A bill to ensure that prisoners are not permitted unsupervised access to any interactive computer service; to the Committee on the Judiciary.

By Mr. SHAW (for himself and Mr. JEFFERSON):

H.R. 3730. A bill to amend the Internal Revenue Code of 1986 to provide for the elimination of certain foreign base company shipping income from foreign base company income; to the Committee on Ways and Means.

By Mr. SKEEN (for himself, Mr. REDMOND, Mr. SENSENBRENNER, and Mr. PICKERING):

H.R. 3731. A bill to designate the auditorium located within the Sandia Technology Transfer Center in Albuquerque, New Mexico, as the "Steve Schiff Auditorium"; to the Committee on National Security.

By Mr. TIAHRT:

H.R. 3732. A bill to amend title II of the Social Security Act to waive the waiting period otherwise required for disability beneficiaries in the case of individuals suffering from terminal illnesses with not more than six months to live, and to amend titles II and XVI of such Act to provide for appropriate treatment of prisoners; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

282. The SPEAKER presented a memorial of the Legislature of the State of Colorado, relative to House Joint Resolution 98-1013 memorializing the relocation of the exchange and commissary at Fitzsimons Army Garrison to new facilities to be constructed at Buckley Air National Guard Base; to the Committee on National Security.

283. Also, a memorial of the Legislature of the State of Kansas, relative to House Concurrent Resolution No. 5035 memorializing the Congress not to take action to mandate competition in retail sales of electricity and to leave that responsibility to the individual states; to the Committee on Commerce.

284. Also, a memorial of the House of Representatives of the State of Pennsylvania, relative to House Resolution 294 memorializing the Congress of the United States and the Federal Communications Commission to all state regulatory agencies the flexibility they need to conserve available telephone numbers and so extend the useful lives of existing area codes; to the Committee on Commerce.

285. Also, a memorial of the Legislature of the Commonwealth of Pennsylvania, relative to House Resolution 388 memorializing Congress to authorize a ten-year extension of the Delaware and Lehigh Navigation Canal National Heritage Corridor Act and to authorize continued Federal support for corridor projects; to the Committee on Resources.

286. Also, a memorial of the Senate of the State of Kansas, relative to Senate Resolution No. 1835 memorializing the United States Congress to enact legislation on taxation of electronic commerce that will treat in-state and out-of-state retailers in an equitable fashion and help preserve the integrity of the tax systems of state and local governments; to the Committee on the Judiciary.

287. Also, a memorial of the House of Representatives of the State of Pennsylvania, relative to House Resolution 296 memorializing the Congress of the United States to enact legislation directing the Environmental Protection Agency to return no less than 80% of all fines and penalties collected from any municipality, its authorities or agencies to same for the rehabilitation of the existing facilities to required environmental standards; to the Committee on Transportation and Infrastructure.

288. Also, a memorial of the Senate of the State of Tennessee, relative to Senate Resolution No. 106 memorializing the United States Congress to maintain the incentive grant approach to accomplishing the shared public safety objectives and to refrain from imposing federal mandates to accomplish such objectives; to the Committee on Transportation and Infrastructure.

289. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 106 memorializing the U.S. Army Corps of Engineers and the Bonneville Power Administration to reassess the most recent program recommendations and retain a policy of spreading the risks to assure perpetuation of the salmon fish run in the Salmon and Columbia river systems; jointly to the Committees on Transportation and Infrastructure and Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 59: Mr. GOODLING.

H.R. 66: Mrs. KELLY.

H.R. 68: Ms. HOOLEY of Oregon.

H.R. 218: Mr. HALL of Ohio and Ms. DUNN of Washington.

H.R. 225: Mr. FOLEY.

H.R. 322: Mr. BOEHLERT.

H.R. 530: Mr. NEUMANN, Mr. ROYCE, Mr. SALMON, and Mr. GOODLATTE.

H.R. 619: Mr. HASTERT, Mr. TRAFICANT, and Mr. LAMPSON.

H.R. 716: Mr. MCCRERY.

H.R. 738: Mr. SMITH of Texas.

H.R. 814: Mr. BARRETT of Wisconsin.

H.R. 815: Mr. TRAFICANT and Mr. MEEKS of New York.

H.R. 860: Ms. EDDIE BERNICE JOHNSON of Texas and Ms. STABENOW.

H.R. 864: Ms. HOOLEY of Oregon, Mr. BORSKI, Mr. SISISKY, Mr. SCOTT, and Mr. KLECZKA.

H.R. 965: Ms. PRYCE of Ohio and Mr. RIGGS.

H.R. 979: Mr. SCHUMER, Mr. SESSIONS, Mr. GIBBONS, and Mr. STUPAK.

H.R. 991: Mr. TOWNS.

H.R. 1023: Mr. KLINK.

H.R. 1126: Mr. TURNER and Mr. POMBO.

H.R. 1231: Mr. PETERSON of Pennsylvania.

H.R. 1311: Mr. BONIOR.

H.R. 1320: Mr. BARRETT of Wisconsin and Mr. KILDEE.

H.R. 1356: Mr. RAHALL, Ms. GRANGER, and Ms. SÁNCHEZ.

H.R. 1398: Mr. OBERSTAR.

H.R. 1415: Mr. CUMMINGS.

H.R. 1492: Mr. CUNNINGHAM.

H.R. 1521: Mr. BOYD and Mr. MCCRERY.

H.R. 1570: Mr. SHERMAN.

H.R. 1689: Mr. RYUN.

H.R. 1766: Mr. DREIER, Ms. KILPATRICK, and Mr. HILLIARD.

H.R. 1773: Mr. BOYD.

H.R. 2009: Mr. CALVERT, Mr. HILLIARD, Mr. NEY, Mr. DEFAZIO and Ms. SÁNCHEZ.

H.R. 2019: Mr. CLEMENT.

H.R. 2020: Mr. MARTINEZ, Mr. CALVERT, Mr. FOX of Pennsylvania, Mr. SANDLIN, Mr. LANTOS, Mr. DOYLE, and Mr. MASCARA.

H.R. 2023: Mr. FROST, Mr. FILNER, Mr. LANTOS, Mr. BROWN of California, Mrs. MEEK of Florida, and Mr. KILDEE.

H.R. 2163: Ms. PRYCE of Ohio.

H.R. 2351: Mr. SCHUMER and Mr. FATTAH.

H.R. 2409: Mr. HINCHEY.

H.R. 2538: Mr. BARTON of Texas, Mr. BRADY, Ms. DUNN of Washington, Mr. FOSSELLA, Mr. HOSTETTLER, Mr. JONES, Mr. PAXON, Mr. RYUN, Mr. SNOWBARGER, Ms. FURSE, Mr. MARTINEZ, Mr. MORAN of Kansas, and Mr. LINDER.

H.R. 2549: Mr. PETERSON of Minnesota.

H.R. 2568: Mr. BERRY.

H.R. 2639: Ms. HARMAN and Mr. CONYERS.

H.R. 2671: Mr. NADLER.

H.R. 2678: Mr. FRANK of Massachusetts.

H.R. 2704: Mr. DIXON.

H.R. 2713: Mr. GUTIERREZ.

H.R. 2714: Mr. GIBBONS.

H.R. 2733: Mr. MURTHA, Mr. GUTIERREZ, Mr. DEAL of Georgia, Mr. YATES, Mr. CALLAHAN, Mr. SHAYS, Mr. RUSH, Mr. ANDREWS, Mr. MCCOLLUM, Mr. MCDERMOTT, Ms. LOFGREN, Mr. EVERETT, and Mr. MCNULTY.

H.R. 2752: Mr. KIM and Mr. DREIER.

H.R. 2829: Mr. ENSIGN.

H.R. 2876: Ms. STABENOW.

H.R. 2888: Mr. INGLIS of South Carolina and Mr. BEREUTER.

H.R. 2898: Mr. SANDERS.

H.R. 2912: Mr. DAVIS of Illinois.

H.R. 2921: Mr. CHAMBLISS, Mr. SANDERS, and Ms. KAPTUR.

H.R. 2929: Mr. LIVINGSTON.

H.R. 2949: Mr. LATHAM.

H.R. 2963: Ms. KILPATRICK, Mrs. MINK of Hawaii, Mr. STRICKLAND, and Mr. LANTOS.

H.R. 2983: Mr. DOYLE and Mr. MENENDEZ.

H.R. 2994: Ms. NORTON.

H.R. 3050: Mr. GONZALEZ.

H.R. 3081: Mr. ACKERMAN, Mr. MCGOVERN, Mr. GEJDENSON, and Ms. ESHOO.

H.R. 3107: Mr. TIERNEY, Mrs. MALONEY of New York, and Mr. BILIRAKIS.

H.R. 3121: Mr. BENTSEN.

H.R. 3126: Mr. DAVIS of Florida.

H.R. 3156: Mr. STRICKLAND.

H.R. 3167: Mrs. LOWEY, Mr. SCHUMER, Mr. BOEHLERT, Mr. MCHUGH, Mr. TOWNS, Mrs. MALONEY of New York, Mr. HINCHEY, Mr. QUINN, Mr. MCNULTY, Mr. MANTON, Ms. SLAUGHTER, Mr. FOSSELLA, Mr. ENGEL, Mr. MEEKS of New York, Mr. NADLER, Mr. WALSH, Ms. VELÁZQUEZ, Mr. OWENS, Mr. SERRANO, Mr. GILMAN, Mr. SOLOMON, Mr. LAFALCE, Mr. HOUGHTON, Mrs. KELLY, Mr. RANGEL, and Mr. PAXON.

H.R. 3181: Mr. WYNN.

H.R. 3217: Mr. LEWIS of Georgia.

H.R. 3236: Mr. FRANKS of New Jersey, Ms. NORTON, Ms. RIVERS, Mrs. MORELLA, Mr. CANADY of Florida, Mr. BEREUTER, Mr. ARCHER, and Mr. MORAN of Virginia.

H.R. 3243: Mr. CANADY of Florida.

H.R. 3249: Mr. DAVIS of Illinois.

H.R. 3259: Mrs. CLAYTON.

H.R. 3281: Mr. COOK, Ms. HARMAN, and Mr. MARKEY.

H.R. 3295: Mr. COYNE, Ms. LEE, Mr. MCDERMOTT, Mr. MCHALE, Mr. KASICH, and Mr. ENGEL.

H.R. 3331: Mr. BOEHNER, Mr. CALVERT, and Mr. PAPPAS.

H.R. 3342: Mr. BARRETT of Wisconsin and Mr. OLVER.

H.R. 3379: Ms. ROS-LEHTINEN, Mr. MCDERMOTT, Mr. RUSH, and Mr. FROST.

H.R. 3396: Mr. SHAW, Mr. GOODLATTE, and Mr. TAYLOR of North Carolina.

H.R. 3441: Mr. BOEHLERT, Mr. TOWNS, Mr. WELDON of Pennsylvania, Mr. EHLERS, Mrs. ROUKEMA, Mr. PORTER, Mr. MCHUGH, and Ms. FURSE.

H.R. 3469: Mr. CUMMINGS, Mr. WEYGAND, Mr. KLINK, and Mr. LEWIS of Georgia

H.R. 3506: Mr. BERRY, Ms. ESHOO, Mr. KOLBE, Mr. ROGAN, Mr. MILLER of California, Mr. MATSUI, Mr. JOHNSON of Wisconsin, Mr. PETERSON of Minnesota, Ms. STABENOW, Mr. REDMOND, Mr. FORBES, Mr. HALL of Texas, Mr. SHAW, and Mrs. ROUKEMA.

H.R. 3510: Mr. CLYBURN.

H.R. 3511: Mrs. JOHNSON of Connecticut, Mr. ENGLISH of Pennsylvania, Mr. STRICKLAND, Mr. CARDIN, Mr. MANZULLO, Mr. BURR of North Carolina, Mr. RANGEL, and Mr. BECERRA.

H.R. 3513: Mr. RANGEL, Mrs. THURMAN, and Mr. BALDACCI.

H.R. 3523: Mr. GOODE, Mr. HOSTETTLER, Mr. LAZIO of New York, Mr. REDMOND, Mr. WHITE, Mr. HOLDEN, Mr. TIERNEY, Mr. PICKERING, Mr. OXLEY, Mr. LEWIS of Kentucky, Mr. LATOURETTE, Mr. HULSHOF, Mr. KIND of Wisconsin, Mr. POMBO, Mr. DAVIS of Illinois, Mr. HILL, Mr. CRANE, and Mr. HINCHEY.

H.R. 3538: Mr. STARK, Mr. LEWIS of Georgia, and Mr. ROMERO-BARCELO.

H.R. 3552: Mr. HUTCHINSON and Mr. KINGSTON.

H.R. 3553: Mr. SERRANO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BLAGOJEVICH, and Ms. ROS-LEHTINEN.

H.R. 3561: Mr. GUTIERREZ and Mr. OLVER.

H.R. 3567: Mr. LOBIONDO, Mr. SHAW, and Mr. WEYGAND.

H.R. 3568: Mr. SKEEN and Ms. DELAURO.

H.R. 3595: Mr. MORAN of Virginia and Mr. LAFALCE.

H.R. 3610: Mr. KENNEDY of Rhode Island, Mr. PETERSON of Pennsylvania, and Mr. COBURN.

H.R. 3613: Mr. COMBEST, Mr. STEARNS, Ms. NORTON, Mr. CALVERT, Ms. PRYCE of Ohio, Mr. BISHOP, Mr. HALL of Texas, Mr. ADERHOLT, Mr. HUTCHINSON, Mr. KENNEDY of Rhode Island, Mr. MCINTOSH, Mr. WOLF, Ms. SANCHEZ, Mr. MCKEON, Mr. WATKINS, Mr. EHRLICH, Mr. FROST, Mr. HAYWORTH, Mr. KUCINICH, and Mr. BOYD.

H.R. 3624: Mr. FALEOMAVAEGA, Mr. PAYNE, Mr. FROST, Ms. KAPTUR, Mr. WAXMAN, Mr. SANDLIN, and Mr. POSHARD.

H.R. 3629: Mr. MCKEON.

H.R. 3651: Mr. ACKERMAN and Mr. HINCHEY.

H.R. 3652: Mr. FRANK of Massachusetts, Mrs. MALONEY of New York, Mr. BONIOR, Mr. DAVIS of Florida, Mr. GORDON, and Mr. TORRES.

H.R. 3659: Mr. CALLAHAN, Mr. GOODE, Mr. SESSIONS, Mr. ISTOOK, Mr. SMITH of Texas, and Mr. WYNN.

H.R. 3668: Mr. WATTS of Oklahoma and Mr. SPENCE.

H.R. 3672: Mr. LEWIS of Georgia, Mr. MOAKLEY, Mr. MCGOVERN, Mr. DELAHUNT, and Mr. GUTIERREZ.

H.J. Res. 89: Ms. KILPATRICK, Ms. STABENOW, and Mr. FROST.

H.J. Res. 99: Mr. FILNER, Mr. FRANKS of New Jersey, Mr. PASCRELL, and Mr. OLVER.

H. Con. Res. 36: Mr. ARMEY and Mr. HALL of Texas.

H. Con. Res. 52: Mrs. LINDA SMITH of Washington, Mr. WAMP, and Mr. DUNCAN.

H. Con. Res. 181: Ms. GRANGER, Mr. BOYD, Mr. GUTKNECHT, Mr. COSTELLO, Mr. BILBRAY, Mr. WELDON of Pennsylvania, Mr. COBLE, Mr. TALENT, Mr. SNYDER, Mr. SUNUNU, Mr. BOEHLERT, Mr. STARK, Mrs. CAPPS, Mr. SHUSTER, Mr. DAVIS of Illinois, Mr. MATSUI, Mr. MCHALE, Mr. LOBIONDO, Mr. MALONEY of Connecticut, Mr. TOWNS, Ms. HARMAN, Ms. KILPATRICK, Mr. MCKEON, Mr. CLAY, and Mr. GALLEGLY.

H. Con. Res. 217: Mr. CALVERT.

H. Con. Res. 225: Mrs. KELLY, Mr. WAXMAN, Ms. WOOLSEY, Mr. HILLIARD, Mr. GUTIERREZ, and Mr. FALEOMAVAEGA.

H. Con. Res. 228: Mr. BLUMENAUER and Mr. BARRETT of Wisconsin.

H. Con. Res. 229: Mr. BALDACCI, Mr. BLUMENAUER, Mr. CRANE, Mrs. CUBIN, Mr. DELAHUNT, Ms. ESHOO, Mr. FARR of California, Mr. FORD, Mr. GOSS, Mr. KIND of Wisconsin, Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Mr. MURTHA, Mr. SALMON, Mr. DAN SCHAEFER of Colorado, Mr. SPRATT, Mr. SUNUNU, Mr. WALSH, Mr. WELDON of Pennsylvania, and Mr. WEXLER.

H. Con. Res. 239: Mr. GEJDENSON and Ms. WOOLSEY.

H. Con. Res. 249: Mr. FALEOMAVAEGA and Mr. POSHARD.

H. Res. 37: Mr. SAXTON, Mr. SABO, Mr. MICA, and Mr. STOKES.

H. Res. 399: Mr. MORAN of Kansas.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3156: Mr. COOKSEY.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 3 by Mr. BAESLER on House Resolution 259: Amo Houghton, Thomas M. Davis, Zach Wamp, Bennie G. Thompson, Barbara Lee, Frank R. Wolf, Brian P. Bilbray, Lee H. Hamilton, and Tim Roemer.

The following Members' names were withdrawn from the following discharge petition:

Petition 3 by Mr. BAESLER on House Resolution 259: Christopher Shays, Frank R. Wolf, Amo Houghton, James A. Leach, Zach Wamp, Marge Roukema, Tom Campbell, Nancy L. Johnson, Thomas M. Davis, Brian P. Bilbray, and Michael N. Castle.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6

OFFERED BY: MR. CUMMINGS

AMENDMENT NO. 1: Page 104, after line 15, insert the following new subsection:

(h) THURGOOD MARSHALL LEGAL EDUCATION OPPORTUNITY PROGRAM.—Chapter 1 of subpart 2 of part A of title IV is amended by inserting after section 402H (20 U.S.C. 1070a-18) the following new section:

"SEC. 402I. LEGAL EDUCATIONAL OPPORTUNITY PROGRAM.

"(a) PROGRAM AUTHORITY.—The Secretary shall carry out a program to be known as the 'Thurgood Marshall Legal Educational Opportunity Program' designed to provide low-income, minority, and disadvantaged college students with the information, preparation, and financial assistance to gain access to and complete law school study.

"(b) CONTRACT AUTHORIZED.—Subject to the availability of amounts appropriated pursuant to section 402A(f), the Secretary is authorized to enter into a contract with, or make a grant to, the Council on Legal Education Opportunity, for a period of no less than 5 years—

"(1) to identify individuals from low-income, minority, and disadvantaged backgrounds;

"(2) to prepare such individuals for study at accredited law schools;

"(3) to assist students to select the appropriate law school, make application for entry into law school, and receive financial assistance for such study;

"(4) to provide support services to first-year law students to improve retention and success in law school studies; and

"(5) to motivate and prepare such students in law school studies and practice in low-income communities.

"(c) SERVICES PROVIDED.—In carrying out the purposes described in subsection (b), the contract or grant shall provide for the delivery of services through prelaw information resource centers, summer institutes, and midyear seminars conducted under this section. Such services may include—

"(1) information and counseling regarding—

"(A) accredited law school academic programs, especially tuition, fees, and admission requirements;

"(B) course work offered and required for graduation;

"(C) faculty specialties and areas of legal emphasis;

"(D) undergraduate preparatory courses and curriculum selection;

"(2) tutoring and academic counseling, including assistance in preparing for bar examinations;

"(3) prelaw mentoring programs, involving law school faculty, members of State and local bar associations, and retired and sitting judges, justices, and magistrates;

"(4) assistance in identifying preparatory courses and material for the law school aptitude or admissions tests;

"(5) summer institutes for Thurgood Marshall Fellows which expose them to a rigorous curriculum that emphasizes abstract thinking, legal analysis, research, writing, and examination techniques; and

"(6) midyear seminars and other educational activities designed to reinforce reading, writing, and studying skills of Thurgood Marshall Fellows during the first year of law school study.

"(d) SUBGRANTS AND SUBCONTRACTS.—For the purposes of planning, developing, or delivering one or more of the services described in subsection (c), the Council on Legal Education Opportunity shall make subgrants to, and subcontracts with, institutions of higher education, law schools, public and private agencies and organizations, and combinations of such institutions, schools, agencies, and organizations.

"(e) STIPENDS.—The Secretary shall annually establish the maximum stipend to be paid (including allowances for participant travel and for their dependents) to Thurgood Marshall Fellows for the period of prelaw preparation in summer institutes and midyear seminar prior to and during the period of law school study. A Fellow may be eligible for such a stipend only if the Fellow maintains satisfactory academic progress toward the Juris Doctor or Bachelor of Laws degree, as determined by the respective institutions.

"(f) MAXIMUM GRANT LEVEL.—For any year for which an appropriation is made to carry out this chapter, the Secretary shall allocate not more than $5,000,000 for the purpose of providing the services described in subsection (c).".

H.R. 6

OFFERED BY: MR. MCGOVERN

AMENDMENT NO. 2: Page 95, after line 7, insert the following new subsection (and redesignate the succeeding subsections accordingly):

(e) PELL GRANT INCENTIVES.—Section 401(b) is further amended by adding at the end the following new paragraph:

"(9) (A) Notwithstanding the preceding provisions of this subsection, the amount of the basic grant under this section awarded to a student during the first two academic years of undergraduate education who graduated in the top 10 percent of his or her high school graduating class shall be an amount equal to twice the amount for which the student is eligible under this section as determined without regard to the provisions of this paragraph.

"(B) The Secretary shall establish by regulation procedures for the determination of eligibility of students under subparagraph (A). Such procedures shall include measures to prevent any secondary school from certifying more than 10 percent of it's students for eligibility under this paragraph.

"(C) In prescribing procedures under subparagraph (B), the Secretary shall ensure that the determination of eligibility and the amount of the award is determined in a timely manner consistent with the requirements of section 482 and the submission of the financial aid form required by section 483. For such purposes, the Secretary may provide that, for the first of a student's two academic years of eligibility under this section, class rank may be determined prior to graduation, at such time and in such manner as the Secretary may specify in the regulations prescribed under this subsection.".

H.R. 6

OFFERED BY: MR. PAUL

AMENDMENT NO. 3: Page 50, line 13, at the end of paragraph (1) add the following new sentence: "The Secretary shall not use the social security account numbers issued under title II of the Social Security Act as the electronic personal identifier, and shall not use any identifier used in any other Federal program as the electronic personal identifier.".

H.R. 6

OFFERED BY: MR. STUPAK

AMENDMENT NO. 4: Page 327, after line 10, insert the following new section (and conform the table of contents accordingly):

SEC. 705. FORGIVENESS AUTHORIZED.

There are authorized to be appropriated such sums as may be necessary to permit the Secretary of Education to forgive the entire balance due, or any portion thereof, on any loan made to the Suomi College of Hancock, Michigan, under part C or part F of title III of the Higher Education Act of 1965 (as in effect on the day before the date of enactment of the Higher Education Amendments of 1992), or under the College Housing and Academic Facilities Loan program, or any other federally subsidized, insured, or authorized loan program designed to assist institutions of higher education to construct academic or dormitory facilities.

H.R. 6

OFFERED BY: MR. STUPAK

AMENDMENT NO. 5: Page 334, strike lines 20 and 21 and insert the following:

SEC. 806. REPEALS AND EXTENSIONS OF PREVIOUS HIGHER EDUCATION AMENDMENTS PROVISIONS.

Page 335, line 7, strike "D, and E" and insert "and D"; and after line 7, insert the following:

(3) OLYMPIC SCHOLARSHIPS.—Section 1543(d) of the Higher Education Amendments of 1992 is amended by striking "1993" and inserting "1999".

SENATE—*Thursday, April 23, 1998*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we praise You for Your guidance. As we begin the work of the Senate today, we pray with the Psalmist, "Show me Your ways, O Lord; teach me Your paths. Lead me in Your truth and teach me, for You are the God of my salvation; on You I wait all the day."—Psalm 25:4–5.

We acknowledge our total dependence on You. Revelation of Your truth comes in relationship with You; Your inspiration is given when we are illuminated with Your Spirit. Therefore, we prepare for this day by opening our minds to the inflow of Your Spirit. You know what is ahead today. Crucial issues for the future of our Nation confront us.

We praise You Lord that when this day comes to an end we will have the deep inner peace of knowing that You have heard and answered this prayer for guidance. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Georgia, is recognized.

SCHEDULE

Mr. COVERDELL. Mr. President, this morning the Senate will immediately proceed to a stacked series of rollcall votes. Following the stacked votes, it appears that there are up to four remaining first-degree amendments in order to the Coverdell education bill. It is hoped that these amendments will be offered and debated in a timely fashion so that final passage can occur by early afternoon today. Therefore, Senators should expect rollcall votes throughout today's session with respect to the Coverdell bill or any other legislative or executive items cleared for action.

I thank my colleagues for their attention.

Mr. President, parliamentary inquiry. Is it not true that by previous agreement we will now begin three stacked votes?

The PRESIDING OFFICER (Mr. FAIRCLOTH). The Senator is correct.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2646, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2646) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Coats amendment No. 2297, to provide an additional incentive to donate to elementary and secondary schools or other organizations which provide scholarships to disadvantaged children.

Levin/Bingaman amendment No. 2299, to replace the expansion of education individual retirement accounts to elementary and secondary school expenses with an increase in the lifetime learning education credit for expenses of teachers in improving technology training.

Landrieu amendment No. 2301, to provide funding to carry out a program that recognizes public and private elementary and secondary schools that have established standards of excellence.

Kempthorne modified amendment No. 2302 (to amendment No. 2301), to provide for student improvement incentive awards.

Levin amendment No. 2303 (to amendment No. 2299, as amended), to replace the expansion of education individual retirement accounts to elementary and secondary school expenses with an increase in the lifetime learning education credit for expenses of teachers in improving technology training.

AMENDMENT NO. 2297

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate prior to a vote on or in relation to the Coats amendment No. 2297.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Indiana.

Mr. COATS. Mr. President, this amendment Members will be voting on shortly simply adds an incentive to the current deduction that is allowed for individuals making contributions to tax-exempt organizations that provide scholarships for low-income children.

Currently it is 100 percent deductible. We are adding an additional 10 percent incentive so that these organizations, of which currently more than 30 exist around the country, can receive additional funds through this incentive so that they can offer additional scholarships to children trapped in an educational system which allows them no escape. There are currently programs operating in virtually every major city in the country. They are giving children a chance.

Those who say, "If you can't give everybody a chance, you can't give anybody a chance", are like those standing on the Titanic saying, "If we don't have enough lifeboats for all on this sinking ship, nobody gets to use the existing lifeboats."

These kids are condemned to failure with no way out of the plight they are in. Let us allow these organizations that are reaching out through private contributions a chance to give these kids a chance.

This is paid for. It is revenue neutral. Earlier the offset was an elimination of the gambling loss deduction. That has been replaced. There was controversy. We wanted the focus to be on this amendment. That has been replaced by two provisions of the Internal Revenue Code, changes that are approved by the Finance Committee. There should be no controversy on that.

I urge my colleagues to give children, low-income children in minority situations mostly in urban schools—let us give them a chance.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this week we were supposed to be debating our Nation's policy on education. Where our Nation's children are going to school is to the public school systems. We do not have anything against the private school system, but we ought to be testing every single recommendation against does it really help our public schools or are we taking needed funds away from our public schools?

This does absolutely nothing for our public schools. It gives no help and assistance to hard-working parents whose children are going to public schools. What it does do is it says we are going to give a preference in terms of charitable giving to these specific organizations over charitable giving to cancer, over charitable giving to heart disease, over charitable giving to Alzheimer's, over charitable giving to a wide range of other very worthwhile factors.

What is possibly the justification for that? We ought to consider tax policy

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

in that respect, but this is not good education policy. It does not advance our common interest of moving the public schools toward greater academic achievement and accomplishment. That ought to be the test. This fails on the education standard, and it fails on tax policy.

Mr. President, I hope that the amendment will not be accepted.

Mr. COVERDELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 2297. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 46, nays 54, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—46

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Gregg
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—54

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Chafee
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Enzi
Feingold
Feinstein
Ford
Glenn
Graham
Grassley
Hagel
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Specter
Torricelli
Wellstone
Wyden

The amendment (No. 2297) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the next vote in this series be limited to 10 minutes in length.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2302, AS MODIFIED

The PRESIDING OFFICER. Under the previous order there will now be 2 minutes of debate prior to the vote on or in relation to the Kempthorne amendment 2302, as modified.

The text of the amendment (No. 2302), as modified, is as follows:

AMENDMENT NO. 2302

(Purpose: To amend section 6201 of the Elementary and Secondary Education Act of 1965 to provide for student improvement incentive awards, and for other purposes)

Strike all after the first word, and insert the following:

101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) Tax-Free Expenditures for Elementary and Secondary School Expenses.—

(1) In general.—Section 530(b)(2) (defining qualified higher education expenses) is amended to read as follows:

"(2) Qualified education expenses.—

"(A) In general.—The term 'qualified education expenses' means—

"(i) qualified higher education expenses (as defined in section 529(e)(3)), and

"(ii) qualified elementary and secondary education expenses (as defined in paragraph (4)).

Such expenses shall be reduced as provided in section 25A(g)(2).

"(B) Qualified state tuition programs.—Such term shall include amounts paid or incurred to purchase tuition credits or certificates, or to make contributions to an account, under a qualified State tuition program (as defined in section 529(b)) for the benefit of the beneficiary of the account."

(2) Qualified elementary and secondary education expenses.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(4) Qualified elementary and secondary education expenses.—

"(A) In general.—The term 'qualified elementary and secondary education expenses' means—

"(i) expenses for tuition, fees, academic tutoring, special needs services, books, supplies, computer equipment (including related software and services), and other equipment which are incurred in connection with the enrollment or attendance of the designated beneficiary of the trust as an elementary or secondary school student at a public, private, or religious school, or

"(ii) expenses for room and board, uniforms, transportation, and supplementary items and services (including extended day programs) which are required or provided by a public, private, or religious school in connection with such enrollment or attendance.

"(B) Special rule for homeschooling.—Such term shall include expenses described in subparagraph (A)(i) in connection with education provided by homeschooling if the requirements of any applicable State or local law are met with respect to such education.

"(C) School.—The term 'school' means any school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law."

(3) Special rules for applying exclusion to elementary and secondary expenses.—Section 530(d)(2) (relating to distributions for qualified higher education expenses) is amended by adding at the end the following new subparagraph:

"(D) Special rules for elementary and secondary expenses.—

"(i) In general.—The aggregate amount of qualified elementary and secondary education expenses taken into account for purposes of this paragraph with respect to any education individual retirement account for all taxable years shall not exceed the sum of the aggregate contributions to such account for taxable years beginning after December 31, 1998, and before January 1, 2003, and earnings on such contributions.

"(ii) Special operating rules.—For purposes of clause (i)—

"(I) the trustee of an education individual retirement account shall keep separate accounts with respect to contributions and earnings described in clause (i), and

"(II) if there are distributions in excess of qualified elementary and secondary education expenses for any taxable year, such excess distributions shall be allocated first to contributions and earnings not described in clause (i)."

(4) Conforming amendments.—Subsections (b)(1) and (d)(2) of section 530 are each amended by striking "higher" each place it appears in the text and heading thereof.

(b) Maximum Annual Contributions.—

(1) In general.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(2) Contribution limit.—Section 530(b) (relating to definitions and special rules), as amended by subsection (a)(2), is amended by adding at the end the following new paragraph:

"(5) Contribution limit.—The term 'contribution limit' means $500 ($2,000 in the case of any taxable year beginning after December 31, 1998, and ending before January 1, 2003)."

(3) Conforming amendments.—

(A) Section 530(d)(4)(C) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(B) Section 4973(e)(1)(A) is amended by striking "$500" and inserting "the contribution limit (as defined in section 530(b)(5)) for such taxable year".

(c) Waiver of Age Limitations for Children With Special Needs.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

"The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary)."

(d) Corporations Permitted To Contribute to Accounts.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking "The maximum amount which a contributor" and inserting "In the case of a contributor who is an individual, the maximum amount the contributor".

(e) No Double Benefit.—Section 530(d)(2) (relating to distributions for qualified education expenses), as amended by subsection (a)(3), is amended by adding at the end the following new subparagraph:

"(E) Disallowance of excluded amounts as credit or deduction.—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph."

(f) Technical Corrections.—

(1)(A) Section 530(b)(1)(E) (defining education individual retirement account) is amended to read as follows:

"(E) Any balance to the credit of the designated beneficiary on the date on which the beneficiary attains age 30 shall be distributed within 30 days after such date to the beneficiary or, if the beneficiary dies before attaining age 30, shall be distributed within 30 days after the date of death to the estate of such beneficiary."

(B) Section 530(d) (relating to tax treatment of distributions) is amended by adding at the end the following new paragraph:

"(8) DEEMED DISTRIBUTION ON REQUIRED DISTRIBUTION DATE.—In any case in which a distribution is required under subsection (b)(1)(E), any balance to the credit of a designated beneficiary as of the close of the 30-day period referred to in such subsection for making such distribution shall be deemed distributed at the close of such period."

(2)(A) Section 530(d)(1) is amended by striking "section 72(b)" and inserting "section 72".

(B) Section 72(e) (relating to amounts not received as annuities) is amended by inserting after paragraph (8) the following new paragraph:

"(9) EXTENSION OF PARAGRAPH (2)(B) TO QUALIFIED STATE TUITION PROGRAMS AND EDUCATIONAL INDIVIDUAL RETIREMENT ACCOUNTS.—Notwithstanding any other provision of this subsection, paragraph (2)(B) shall apply to amounts received under a qualified State tuition program (as defined in section 529(b)) or under an education individual retirement account (as defined in section 530(b)). The rule of paragraph (8)(B) shall apply for purposes of this paragraph."

(3) Section 530(d)(4)(B) (relating to exceptions) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by adding at the end the following new clause:

"(iv) an amount which is includible in gross income solely because the taxpayer elected under paragraph (2)(C) to waive the application of paragraph (2) for the taxable year."

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (f) shall take effect as if included in the amendments made by section 213 of the Taxpayer Relief Act of 1997.

SEC. 102. STUDENT IMPROVEMENT INCENTIVE AWARDS.

Section 6201 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7331) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(C), by striking "and" after the semicolon;

(B) in paragraph (2), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(3) student improvement incentive awards described in subsection (c)."; and

(2) by adding at the end the following:

"(c) STUDENT IMPROVEMENT INCENTIVE AWARDS.—

"(1) AWARDS.—A State educational agency may use funds made available for State use under this title to make awards to public schools in the State that are determined to be outstanding schools pursuant to a statewide assessment described in paragraph (2).

"(2) STATEWIDE ASSESSMENT.—The statewide assessment referred to in paragraph (1)—

"(A) shall—

"(i) determine the educational progress of students attending public schools within the State; and

"(ii) allow for an objective analysis of the assessment on a school-by-school basis; and

"(B) may involve exit exams.".

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, thank you very much.

Mr. President, this is a very straightforward amendment. This is a voluntary, incentive-based approach to help improve the academic excellence in our public schools. It allows each State, if they wish, to utilize Federal funds that they receive so they can reward excellence and encourage their schools. There is no new requirement of new Federal money. It uses existing Federal money. There is no new Federal bureaucracy put in place. It would be taken care of, again, voluntarily by the States. It is simply a concept that all of us believe in; that is, incentive and reward. We now give a new tool to our public schools to utilize these funds for that purpose, if the States so choose.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. FRIST). Who yields time?

Ms. LANDRIEU addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, let me ask my colleagues to join me in voting against the second-degree amendment to my underlying amendment on blue ribbon schools. This is a do-nothing amendment. The States actually can already do this with the money they receive. There is no reason for this amendment. The only thing that this amendment does, if by any chance it passes, is it limits our——

Mr. WELLSTONE. Mr. President, could we have order?

The PRESIDING OFFICER. The Senate will be in order.

Ms. LANDRIEU. Mr. President, this amendment is a do-nothing amendment. In some ways it could be harmful to the current blue ribbon program that is so excellent now in our country, because if this amendment would pass, you would not be able to reward private and parochial schools who are doing an excellent job. A wonderful thing about our blue ribbon school program is that it recognizes excellence across the board and helps us. It will give them more than a blue ribbon and a plaque; it will give them some financial incentive to continue to do good work.

I ask my colleagues to vote "no" on the Kempthorne amendment and then to support our blue ribbon amendment, which is the underlying amendment.

Thank you very much, Mr. President.

Mr. KEMPTHORNE. Mr. President, I greatly respect the Senator from Louisiana, but I totally disagree with the characterization of the Senator from Louisiana. This allows the States to finally utilize these funds so they can make financial rewards to our schools as they should do.

Thank you.

The PRESIDING OFFICER. The time has expired.

The yeas and nays have not yet been ordered.

Mr. COVERDELL. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 58, nays 42, as follows:

[Rollcall Vote No. 96 Leg.]

YEAS—58

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Reid
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—42

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Robb
Rockefeller
Sarbanes
Torricelli
Wellstone
Wyden

The amendment (No. 2302), as modified, was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the amendment is modified to be a first-degree amendment.

The amendment (No. 2302), as modified further, reads as follows:

Strike section 101 and insert the following:

101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) TAX-FREE EXPENDITURES FOR ELEMENTARY AND SECONDARY SCHOOL EXPENSES.—

(1) IN GENERAL.—Section 530(b)(2) (defining qualified higher education expenses) is amended to read as follows:

"(2) QUALIFIED EDUCATION EXPENSES.—

"(A) IN GENERAL.—The term 'qualified education expenses' means—

"(i) qualified higher education expenses (as defined in section 529(e)(3)), and

"(ii) qualified elementary and secondary education expenses (as defined in paragraph (4)).

Such expenses shall be reduced as provided in section 25A(g)(2).

"(B) QUALIFIED STATE TUITION PROGRAMS.—Such term shall include amounts paid or incurred to purchase tuition credits or certificates, or to make contributions to an account, under a qualified State tuition program (as defined in section 529(b)) for the benefit of the beneficiary of the account."

(2) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(4) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—

"(A) IN GENERAL.—The term 'qualified elementary and secondary education expenses' means—

"(i) expenses for tuition, fees, academic tutoring, special needs services, books, supplies, computer equipment (including related software and services), and other equipment which are incurred in connection with the enrollment or attendance of the designated beneficiary of the trust as an elementary or secondary school student at a public, private, or religious school, or

"(ii) expenses for room and board, uniforms, transportation, and supplementary items and services (including extended day programs) which are required or provided by a public, private, or religious school in connection with such enrollment or attendance.

"(B) SPECIAL RULE FOR HOMESCHOOLING.—Such term shall include expenses described in subparagraph (A)(i) in connection with education provided by homeschooling if the requirements of any applicable State or local law are met with respect to such education.

"(C) SCHOOL.—The term 'school' means any school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law."

(3) SPECIAL RULES FOR APPLYING EXCLUSION TO ELEMENTARY AND SECONDARY EXPENSES.—Section 530(d)(2) (relating to distributions for qualified higher education expenses) is amended by adding at the end the following new subparagraph:

"(D) SPECIAL RULES FOR ELEMENTARY AND SECONDARY EXPENSES.—

"(i) IN GENERAL.—The aggregate amount of qualified elementary and secondary education expenses taken into account for purposes of this paragraph with respect to any education individual retirement account for all taxable years shall not exceed the sum of the aggregate contributions to such account for taxable years beginning after December 31, 1998, and before January 1, 2003, and earnings on such contributions.

"(ii) SPECIAL OPERATING RULES.—For purposes of clause (i)—

"(I) the trustee of an education individual retirement account shall keep separate accounts with respect to contributions and earnings described in clause (i), and

"(II) if there are distributions in excess of qualified elementary and secondary education expenses for any taxable year, such excess distributions shall be allocated first to contributions and earnings not described in clause (i)."

(4) CONFORMING AMENDMENTS.—Subsections (b)(1) and (d)(2) of section 530 are each amended by striking "higher" each place it appears in the text and heading thereof.

(b) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(2) CONTRIBUTION LIMIT.—Section 530(b) (relating to definitions and special rules), as amended by subsection (a)(2), is amended by adding at the end the following new paragraph:

"(5) CONTRIBUTION LIMIT.—The term 'contribution limit' means $500 ($2,000 in the case of any taxable year beginning after December 31, 1998, and ending before January 1, 2003)."

(3) CONFORMING AMENDMENTS.—

(A) Section 530(d)(4)(C) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(B) Section 4973(e)(1)(A) is amended by striking "$500" and inserting "the contribution limit (as defined in section 530(b)(5)) for such taxable year".

(c) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

"The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary)."

(d) CORPORATIONS PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking "The maximum amount which a contributor" and inserting "In the case of a contributor who is an individual, the maximum amount the contributor".

(e) NO DOUBLE BENEFIT.—Section 530(d)(2) (relating to distributions for qualified education expenses), as amended by subsection (a)(3), is amended by adding at the end the following new subparagraph:

"(E) DISALLOWANCE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph."

(f) TECHNICAL CORRECTIONS.—

(1)(A) Section 530(b)(1)(E) (defining education individual retirement account) is amended to read as follows:

"(E) Any balance to the credit of the designated beneficiary on the date on which the beneficiary attains age 30 shall be distributed within 30 days after such date to the beneficiary or, if the beneficiary dies before attaining age 30, shall be distributed within 30 days after the date of death to the estate of such beneficiary."

(B) Section 530(d) (relating to tax treatment of distributions) is amended by adding at the end the following new paragraph:

"(8) DEEMED DISTRIBUTION ON REQUIRED DISTRIBUTION DATE.—In any case in which a distribution is required under subsection (b)(1)(E), any balance to the credit of a designated beneficiary as of the close of the 30-day period referred to in such subsection for making such distribution shall be deemed distributed at the close of such period."

(2)(A) Section 530(d)(1) is amended by striking "section 72(b)" and inserting "section 72".

(B) Section 72(e) (relating to amounts not received as annuities) is amended by inserting after paragraph (8) the following new paragraph:

"(9) EXTENSION OF PARAGRAPH (2)(B) TO QUALIFIED STATE TUITION PROGRAMS AND EDUCATIONAL INDIVIDUAL RETIREMENT ACCOUNTS.—Notwithstanding any other provision of this subsection, paragraph (2)(B) shall apply to amounts received under a qualified State tuition program (as defined in section 529(b)) or under an education individual retirement account (as defined in section 530(b)). The rule of paragraph (8)(B) shall apply for purposes of this paragraph."

(3) Section 530(d)(4)(B) (relating to exceptions) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by adding at the end the following new clause:

"(iv) an amount which is includible in gross income solely because the taxpayer elected under paragraph (2)(C) to waive the application of paragraph (2) for the taxable year."

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (f) shall take effect as if included in the amendments made by section 213 of the Taxpayer Relief Act of 1997.

SEC. 102. STUDENT IMPROVEMENT INCENTIVE AWARDS.

Section 6201 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7331) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(C), by striking "and" after the semicolon;

(B) in paragraph (2), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(3) student improvement incentive awards described in subsection (c)."; and

(2) by adding at the end the following:

"(c) STUDENT IMPROVEMENT INCENTIVE AWARDS.—

"(1) AWARDS.—A State educational agency may use funds made available for State use under this title to make awards to public schools in the State that are determined to be outstanding schools pursuant to a statewide assessment described in paragraph (2).

"(2) STATEWIDE ASSESSMENT.—The statewide assessment referred to in paragraph (1)—

"(A) shall—

"(i) determine the educational progress of students attending public schools within the State; and

"(ii) allow for an objective analysis of the assessment on a school-by-school basis; and

"(B) may involve exit exams.".

AMENDMENT NO. 2301

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate prior to a vote on or in relation to the Landrieu amendment No. 2301. Who yields time?

Ms. LANDRIEU. Mr. President, could I have some order, please?

Mr. KENNEDY. Mr. President, may we have order? The Senator is entitled to be heard.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, as this body knows, many on both sides of this aisle support blue ribbon schools because we believe that we should begin rewarding excellence, funding results, and we should stop funding failures. Blue ribbon schools are chosen by their States every year. Some of them are public—many of them. Some of them are private. Some of them are parochial. When they achieve against the odds and when their students succeed, we call them to Washington and they come, 250 of them every year. We give them a beautiful, shiny plaque and a big blue ribbon and we send them home with nothing else but the plaque and the blue ribbon. They are happy to get it, but what they really want and need are some resources to continue doing their good work.

So I think this is a better way to spend the $1.5 billion. Instead of helping just a few people in America, we can help all of our schools and begin rewarding results. That is what this amendment does, the blue ribbon school amendment. I ask my colleagues to support it.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time? The Senator from Georgia.

Mr. COVERDELL. Mr. President, there is certainly nothing wrong with an amendment that tries to improve blue ribbon schools. But the amendment by the Senator from Louisiana guts the underlying premise of the bill. What is substituted here is pretty simple. You have 250 schools that would receive a grant of $100,000, or you have 20 million children and 14 million families that will benefit all across the Nation. In balance, there is just no comparison at all. So I would simply say again her amendment guts the underlying premise we have been debating for 6 months and exchanges assistance to 200-some-odd schools for 14 million families.

I urge the defeat of the amendment.

The PRESIDING OFFICER. The yeas and nays have not yet been ordered.

Mr. COVERDELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 34, nays 66, as follows:

[Rollcall Vote No. 97 Leg.]

YEAS—34

Akaka
Bingaman
Boxer
Bumpers
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Ford
Glenn
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Robb
Rockefeller
Sarbanes
Wellstone
Wyden

NAYS—66

Abraham
Allard
Ashcroft
Baucus
Bennett
Biden
Bond
Breaux
Brownback
Bryan
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Feinstein
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Reid
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner

The amendment (No. 2301) was rejected.

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of Levin amendment No. 2303 on which there shall be 30 minutes of debate equally divided.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield 1 minute to my good friend from Louisiana on an unrelated matter.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Thank you, Mr. President. I thank my colleague from Michigan.

TAKE OUR DAUGHTERS TO WORK DAY

Ms. LANDRIEU. Today, Mr. President, and colleagues, is a very special day in America. We are celebrating here in the Senate, and millions of people around our Nation are celebrating this special day. It is "Take Our Daughters to Work Day." And mothers and fathers and aunts and uncles and friends are taking their special charges to work with them to see perhaps a side of life that some young girls do not get to see.

It is the sixth year that our Nation has celebrated in this way. I wanted to just say for the record that we have made a lot of progress in our Nation in the past 30 years. In 1968, only 20 percent of 18- to 24-year-old women were enrolled in college. Today, thank goodness that number is climbing, and we are at 36 percent.

The median earnings for women in 1968 was only $18,500. Today, women earn an average of $23,000. We are making progress, but not enough.

I saw a statistic the other day that still 80 percent of all women who work out of the home earn less than $25,000, earning 74 cents on every dollar earned by their male counterparts.

In 1968, women owned fewer than 5 percent of the Nation's businesses. That number has doubled, and I am proud to say that there are more people employed by women-owned businesses than all the Fortune 500 companies in the country. So we are making progress.

Today is a day to honor the progress that is being made. But it is also a day to encourage our young girls, particularly in the ages of 9 to 15, to reach for their dreams, to expand their horizons, to consider all the great options that are available for them as they think about beginning to make choices about their careers. They can balance home life and work life and they can chose careers that were unheard of just a few years ago.

I hope some of these young girls who are here today with us will think about the Senate, I say to our colleague from Michigan, to think about encouraging more young women to run here for the Senate.

So I thank my colleagues for giving me this time to recognize this day. I want to welcome my niece with me today, Gracie Landrieu, who came up—my daughter is only 10 months old, so she is a little too young to appreciate today. But she is going to be with me for a few minutes later today. But my niece, who is 10, can most certainly appreciate the great challenges before her. And I wish her all the best, as we do all of our daughters across America.

Thank you.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2303

Mr. LEVIN. Mr. President, first I ask unanimous consent that Senators BINGAMAN and MURRAY be added as cosponsors to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, this amendment provides a tax credit to teachers who return to school to learn education technology. The credit would be 50 percent of the cost of that training. The current situation across our country is that educators are trying to find ways to use technologies to enrich the learning experience and to prepare students for a world in which information technologies are increasingly woven into the fabric of our life and our work.

School districts all over this land are making investments in hardware and in software and in connecting computers and in accessing Internet and in distance learning. I traveled around my State, and I have spent a lot of time doing this, focusing on education technologies in the last 6 months. And I find, of course, as you would expect, there is a great variety in terms of how advanced school districts are when it comes to installing good computers, putting in the necessary software, how many computers they have for their student body, how much so-called local area networks, how many of those they have in the school connecting the computers to each other, how much access to the Internet in their school, to what extent are they connected to nearby colleges or distant colleges and universities, and those kinds of efforts. A huge effort is being made with different degrees of success.

But what these school districts tell me universally is that where they are falling short is in the development of their teaching staff in the use of the technologies they are able to acquire. That is the common story I get from every school district—that we need to train our teachers in the use of these technologies. Typically, we find that only about 5 cents of the technology dollar is going into professional development and 95 cents of the education technology dollar is going into the hardware and software and connecters and the access.

This Government is spending a fortune, for instance, in the so-called universal service fund to provide every school that applies with a discount on their communication bills to access the Internet, for instance, and on some of their internal linkages. But where we are falling way below where we must be is when it comes to the training of our teachers, of our professional staff in the use of these technologies.

This first chart shows, as of the time that the statistics were taken in 1994—and we do not think too much has changed since then; but this is the last available year—how the States are doing when it comes to the training of teachers.

How much education technology training do our teachers have? The U.S. average, this red line on this chart, is 15 percent of our teachers; 15 percent of our teachers have at least 9 hours of training in education technology. That is it. In my State, only 10 percent of the teachers—1 out of 10—had at least 9 hours of training in their lifetime in the use of education technology. That is a woeful story.

What it means is that with all of the dollars that are going into hardware and software and these other technologies that we are spending pennies on, what is critically important is the skills to use the technologies which are provided. The most difficult skill of all is the one that has been least acquired. That is the ability to integrate the material which is now available through these technologies into the curriculum. Very few teachers are accessing the information, the thousands of libraries now available to them through their computers, the hundreds of field trips which they now can take in their classrooms if they know how to use these technologies. Until our teachers have those skills and are given those opportunities, we are not using these technologies to their fullest or anywhere close to their fullest.

What this amendment does is, it says to those teachers who are willing to go back for training, we will give you a tax credit of 50 percent of the cost of that training. Now, we already have a lifetime learning credit of 20 percent that is a credit against the cost of higher education. That has been a great advance. It is effective this year. This amendment builds on that lifetime learning credit. It says for those teachers who go back to gain the skills in the use of education technology, they will get a 50 percent credit. It is a significantly increased incentive to obtain those skills which are so critically necessary if we are going to make use of these technologies and if our children are going to have the kind of training and access to material which can only be given by their teachers, if they have these skills.

The person who is the technology director for the Michigan Education Department is a man named Jamey Fitzpatrick. He was quoted as saying:

> For every dollar we spend on computer hardware and software in kindergarten through 12th grades, I think we would be lucky if we saw five cents on the dollar spent on training and support.
>
> If we continue with those kinds of ratios we will never realize the gain in student achievement that we think technology has the potential to elicit. We obviously need to put money into training.

Mr. President, I ask unanimous consent that Senator MOSELEY-BRAUN be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. What we do is leave most of the beneficial aspects of the underlying education IRA bill in place—first of all, that is what we don't do; what we do do, however, is we do not permit withdrawals from that IRA for K through 12. That is the most controversial part of this bill, for reasons I will get to in a moment.

The rest of the provisions of this bill we do not touch. We don't touch the expanded IRA relative to the cost of higher education. We don't touch the extension of the tax exclusion for employer-provided education assistance in this bill. We don't touch the tax exclusion for withdrawals from State tuition programs or the limited school construction provisions in this bill.

What we do, however, is not permit withdrawal from the IRA for the K through 12 expenses. We don't do that because this most controversial provision of this bill, it seems to me, is severely tilted against public schools. I want to show a chart that gives a picture of how serious this tilt is against public education in this IRA as it exists in the underlying bill.

According to the Joint Tax Committee—and we have here a letter from the Joint Tax Committee which lays out these numbers—according to the Joint Tax Committee, the majority of the tax benefit will go to the 2.9 million taxpayers with dependents in private school. The minority of the tax benefit will go to the 35 million taxpayers who have dependents in public school. So, 35 million taxpayers, those with dependents in public schools, get less than half the bill. The 2.9 million taxpayers with children in private schools get 52 percent of the benefit. Translated into dollars, in another way, the average taxpayer with a child in private school gets a $37 tax deduction in the year 2002; the public school taxpayer gets a $7 dollar deduction in the year 2002.

I want to read the provisions from the letter because that is reflected in this chart. The Joint Tax Committee says, "We estimate that of those eligible to contribute, approximately 2.9 million returns would have children in private schools. We estimate that the proposed expansion of education IRAs to withdrawals to cover primary and secondary education would extend approximately 52 percent of the tax benefit to taxpayers with children in private schools. We estimate that the average per return tax benefit for taxpayers with children attending private schools would be approximately $37 in tax year 2002. Conversely, we estimate that of the 38.3 million returns eligible, approximately 35.4 million returns would have dependents in public schools and that approximately 10.8 million of these returns would utilize education IRAs. We estimate that the proposed expansion of the education IRAs would extend approximately 48 percent of the tax benefit to taxpayers with children in public schools with an average per return tax benefit of approximately $7 in the year 2002."

I gather I have used my time, so I will not reserve the balance of it. I yield the floor, and I thank the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I yield myself 7 minutes.

I rise in opposition to this amendment. As I stated yesterday, it strikes at the heart of the Coverdell bill. It takes away the ability of parents to use educational IRAs to pay for expenses related to the schooling of their children between kindergarten and 12th grade.

Allowing parents greater resources to meet the educational needs of their young children is what the Coverdell bill is all about. Senator LEVIN proposes to take those resources away. Instead, he wants to expand the lifetime learning credit for those who participate in technology training. No one can argue against the proposition that helping teachers become more capable in technology is a good thing. We want our students to understand the technology of the 21st century. We certainly need to ensure that our teachers are proficient as well. But this amendment is not the way to reach that goal. First, expanding the lifetime learning credit for teachers at the expense of expanding the IRAs for our children runs contrary to the needs and objectives of American families. Mothers and fathers need increased wherewithal to support their children's educational goals. Mothers and fathers need stronger, more useful IRAs. They need the ability to use more of their own hard-earned money to take care of family priorities.

The Senate recognized this fact last year when we gave parents with children in grades K through 12 the ability to use educational IRAs. Our objective was to strengthen moms' and dads' ability to get the best education possible for their children. Our objective made sense then, and it certainly makes sense today.

The Coverdell bill empowers families to make decisions that are in their best interests. It allows them to use their own resources for their own benefit. Remember, the money in question here belongs to the taxpayers. They earned it, it's theirs, they will save it, and they should be able to choose how it will be spent. Let them use it where it serves them best—on their children.

Mr. President, despite what some in this Chamber continue to argue, the education IRA is not a boondoggle for the rich. The education IRA phases out for high-income taxpayers. Because of these phaseouts, the vast majority of the benefits will go to middle-income taxpayers. According to the National Catholic Education Association, almost 70 percent of the families with children in Catholic schools have income below $35,000, and almost 90 percent of those families have incomes below $50,000. These families, along with virtually all of the 38 million American families with children in public or private elementary and secondary schools, are the families that the Coverdell bill is designed to help.

At the same time, we should all take note that two-thirds of the individual income taxes in the United States are shouldered by taxpayers earning over $75,000 per year. So one can see that the Coverdell bill is focused on those families most in need of help.

As my colleagues know, the lifetime learning credit is a provision that was included in the Taxpayer Relief Act of 1997. It allows anyone pursuing postsecondary education to take a tax credit each year equal to 20 percent of their qualified expenses. The lifetime learning credit is available to anyone who meets the income requirement. Full-time students can take the credit, as can any professional who wants to continue his or her education. And this includes teachers, engineers, or research scientists.

What Senator LEVIN proposes is to single out teachers and increase their lifetime learning credit to 50 percent for technology training. Not only would this come at the expense of students and their families, but it would be inequitable among the professions. Why should a teacher receive an increased credit for his or her additional education when an engineer is limited to the current 20 percent? More important, it emphasizes one type of teacher continuing education over another. And what is the basis of claim, for instance, that we should give a 50 percent credit for teachers to become more proficient in using and teaching technology, but only give 20 percent to those who take courses to become better reading or math instructors? Those skills are also vital to function in a society.

It is important to note that the Coverdell bill already includes a provision that allows an employee, such as a teacher, to receive, tax-free, employer-provided education assistance. In other words, the bill already encourages a school to pay for its teachers to receive training such as contemplated by the Senator from Michigan. I believe we should leave this type of policy decision to the local schools. If a school attaches a high priority to the use of technology in the classroom—and we hope they do—the school can send its teacher to a training class. The best part of all is that the teacher would not have to pay anything at all—no expenses, no taxes. Under the Levin proposal, a teacher would still end up paying half the cost of this additional education.

In summary, the Levin amendment takes the means to use expanded IRAs to educate children and it creates a more distorted and, I must say, much more complex learning credit. This is not what we want to do, Mr. President. If you ask the families of America how they would choose to use the financial resources in question, I believe the vast majority would make it clear that they want the opportunity to use their money to give them greater flexibility and power to meet the educational objectives of their family.

Mr. President, I oppose the Levin amendment. The educational IRA is the foundation of the Coverdell bill. This modification guts the bill at the expense of the children. For this reason, I oppose this amendment and urge my colleagues to do the same.

I yield the floor and reserve any time that I may have left.

Mr. COVERDELL. Mr. President, how much time remains on this amendment on both sides?

The PRESIDING OFFICER (Mr. SMITH of Oregon). Seven minutes on the Senator's side, and 5 seconds on the Democrat side.

Mr. COVERDELL. I will be very brief. I yield a minute of my time to be added to the 5 seconds of the Senator from Michigan so that the Senator from Connecticut can have a word.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I thank my colleague.

Mr. President, I had not intended to speak on this amendment. I have an amendment coming up that I will be addressing. But I think it is such an important amendment that our colleague from Michigan has raised here. I think all of us have become much more highly sensitized to the critical importance of the generation of students in our country who are computer literate. It is no longer a question of whether or not that technology and the awareness of it is going to be important. It is critical. I have made the assertion that what keyboards and computers bring to this generation is tantamount to what a ballpoint pen brought to my generation. Any child today not completing elementary and secondary school without being computer literate is going to be totally unprepared for the 21st century economy.

Our colleague from Michigan has made it possible for the teachers of our Nation, who truly would like to become better prepared to instruct young people in the importance of this technology, to have the wherewithal to do so. This ought not to be a partisan debate in any way. It is a very thoughtful amendment, one that we all can be deeply proud of.

We are only some 500 days away from a new millennium, and Senator LEVIN has offered us a chance to make a difference for young people so that they might be able to acquire these skills. I commend him for the amendment and hope our colleagues will support it.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, certainly the amendment of the Senator from Michigan is a thoughtful one. But as has been noted by the Finance chairman, it completely makes moot a core principle of the underlying bill, and for that reason I oppose it.

I don't dispute the numbers that are demonstrated in his chart, but I would like to elaborate on them.

The education savings account essentially takes the education savings account that was celebrated and signed by the President last year, $500 per year to be saved, and it could only be used for higher education. The proposal before us takes that idea in its identical form and expands the $500 to

$2,000 and says you can use it in kindergarten through college. So it broadens the capacity of it.

These numbers refer to kindergarten through high school only and do not look at the cap in these accounts—that is very difficult to project—saved for college. That is No. 1.

No. 2, what that really means is that the tax relief, which is very modest for those that are in public school, is about $250 million over 5 years, and for those in private school it is about $250 million. There are more families using it in public schools, as is noted on the chart. About 70 percent of what we estimate to be 14 million families will use the savings account, and 70 percent of them will have children in public schools and 30 percent in private.

The reason it starts to equal itself in the distribution is that people who have children in private schools recognize that they are paying for the public schools with their property tax base and they have to pay for the private school education on top of that. So they have to save more. They have a higher bar to reach. I agree. They will therefore, likely save more, which means there will be more interest that is earned, which means they would have a higher proportion of this very small account.

In closing, I simply say that by offering a tax incentive over 5 years of $500 million-odd, which is modest in this big picture, it causes Americans to do a very big thing. They go out and save $5 billion, all of which will be used for 20 million children no matter where they are in school—public, private, or home—to help get them ready for the new century.

Mr. President, I will conclude my remarks and yield back the remainder of my time.

Mr. LEVIN. Mr. President, I don't think I have any time remaining. If I do, I will yield it. I thank my good friend for yielding that additional minute to Senator DODD, by the way. It was a generous gesture.

Mr. COVERDELL. I was very glad to do so.

If I might, Mr. President, for administrative clarification, I believe the sequence of events will be something like this. We are going to now take up the amendment being offered by the Senator from Connecticut, Senator DODD, and there will be a vote. I think the Senator would prefer that a vote occur after his debate. The Levin, Boxer, and Bingaman amendments will be stacked for early this afternoon just before the final vote. There are two more Senators who will debate following the vote of Senator DODD. I believe that is the description of the situation we have right now during the day.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 2305

(Purpose: To strike section 101, and to provide funding for part B of the Individuals with Disabilities Education Act)

Mr. DODD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut (Mr. DODD), for himself, and Mr. LEAHY, Mr. HARKIN, Mr. KENNEDY, Mr. WELLSTONE, and Mrs. BOXER, proposes an amendment numbered 2305.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike section 101, and insert the following:

SEC. 101. FUNDING FOR PART B OF IDEA.

Any net revenue increases resulting from the enactment of title II that remain available, taking into account the provisions of this title, shall be used to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

Mr. DODD. Mr. President, I ask unanimous consent that our colleagues, Senators LEAHY, HARKIN, KENNEDY, WELLSTONE, and BOXER, be included as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I have in front of me a chart which demonstrates what I think most Members of this body are familiar with; that is, the rising cost of special education in our country and the rising population of students who are requiring special education services.

Presently, for the special education needs of America, 55 percent of the cost is being borne by our States, and 35 percent is being borne by local governments and local property taxes, and roughly 10 percent by the Federal Government. It is the Individuals with Disabilities Education Act (IDEA), endorsed and supported by those of us here in Congress, which rightly encourages and provides for the inclusion of all children who require special education services in the educational process of this Nation.

It is worthy of note that at the time the U.S. Congress passed the IDEA legislation, it was recommended that the Federal Government would provide 40 percent of the costs of special education services. Several decades later, the Federal Government is presently only contributing 10 percent of the costs of special education. Mr. President, special education costs are rising. We are told nationally that these numbers are moving up. In 1991, special education costs were 17 percent of the overall education budget; they are now 19 percent of the overall education budget.

I might also point out that the amount being spent on regular education has dropped to 56 percent, down from 58 percent. Also, the population of special needs children is on the increase. The overall population of children in elementary and secondary schools has gone up about 7.3 percent in the last few years, whereas the number of children requiring special education services has jumped over 12 percent in the same period of time. We have rising costs, rising population, and the Federal commitment to special education has remained static.

I mention this because I am offering an amendment that, with all due respect to my colleague from Georgia, would take the $1.6 billion from tax proposal that would provide $37 or $7 in tax relief for private and public school families, respectively, and use that money to lower the cost at the local and State level for special education services. If the Federal Government is to meet its full commitment of 40 percent to special education, it would need to provide $16 billion to state and local school districts, more than four times the current funding.

Let me quickly add that I commend the Budget Committee and others in recent weeks and months who have actually increased spending on special education. The total commitment to States is slightly lower than $4 billion but is still substantially less than the $16 billion needed to meet the 40-percent commitment.

I believe, given the scarce funding available to us, is that we would be far wiser, with all due respect to the authors of this underlying proposal, to take that $1.6 billion and give it back to the States and local governments to reduce the rising cost of special education in this country.

We are told that the underlying bill is about choice. I argue there should be no choice when the needs of children with disabilities are involved. Private schools can simply accept or reject students that they want or don't want. If your child is a special needs child, you don't have a choice whether you would like to go to a private school. The only school system that has to take you is a public school system. Parents with children with special needs don't have those choices. Property taxpayers, sales taxpayers, and State income taxpayers don't have any choice; they have to pay their tax bills.

The only people I know of at this very moment who have a choice about education are the 100 of us in this body. We have a choice to take $1.6 billion and provide a $37 tax break for private school students and their families, a $7 tax break for the public school students and their families, or we can help state and local school districts by providing them with $320 per special needs child so that they can provide valuable special education services. That is what my amendment does. It is saying, let's make a choice with rare funding dollars and apply them to help special needs children.

Let me share how big a cost this is and point out the situation in a number of States. In Colorado, the State must pay a 60-percent share for special education services. In Connecticut, the State provides 59 percent of special education funding. In Maine, 33 percent; Michigan, 60 percent; Missouri, 60 percent; Rhode Island, 59 percent; Virginia, 68 percent. These are huge costs at the State and local level. I have one community in my State, Torrington, CT, where 2 years ago the bill was $635,000 for special education services. Two years later, it has risen to $1.3 million. Mr. President, the costs associated with special education can often be staggering.

What I am saying is, if we think this is a national goal, to do something about special education, then we ought to be willing to help our local towns and our States to reduce their share of special education costs. The $1.6 billion that my amendment would provide is not going to pay the entire bill. It is, however, a move in the right direction. But when you have very scarce funding, wouldn't it be wiser for us to make the choice here today to reduce property and State taxes, by saying here is $1.6 billion, which we know is not going to solve the whole problem, but I want to give that money back to the States, back to the local governments, to bring down the cost of special education services.

We made that promise, Mr. President. We said decades ago we would provide 40 percent of the cost of special education, and we have never provided more than 10 percent. There is a chance for us today to provide, not $37, not $7 after taxes, but a $320 per child tax break in terms of reducing the cost of providing special education services.

It seems to me this would be a far wiser way for us to spend our money. I say after-tax dollars because I think there is some confusion. Again, I say this with all due respect to the authors of the underlying bill. But the $2,000 IRA contained in Senator COVERDELL's legislation is an after-tax proposal. It provides as much as if you put $2,000 in a savings account and the interest that it earns, that is the money you get the tax break on, not the $2,000 principle. So when I say it provides a $37 and $7 tax break, those are real numbers.

Recently, I looked at what the cost of private schools is in the greater Washington, DC, area. They run anywhere from $10,000 to $17,000 annually. Why are we providing a $37 tax break for families who are already sending their children to schools that expensive when the $1.6 billion specified in this legislation could help lower property taxes and assist with special education?

Recently, when speaking with mayors in Connecticut, they often mentioned the high cost of special education services. By not contributing 40 percent of special education costs, we are pitting families against each other in these communities. I think every one of us probably knows someone, maybe in our own families, that has a special needs child. We know the concern, the fear, that a family goes through in discovering that a child requires special education services. It is a critically important issue. But I am also aware of what happens in a community where you only have a handful of special needs students and all of a sudden their services cost a bit more and people get upset because it is their tax dollars that are paying for that education. The school systems in our states need our assistance.

What we are offering here is some relief to State and local school systems. It is not total relief. We have $1.6 billion over 10 years, what are we going to do with the taxpayers' money of this country? Do we give it back to the communities in Connecticut and elsewhere that are struggling to meet the cost of special education? Or do I write a $37 check to someone who is sending their child to a school that is costing $10,000 or $13,000 or $14,000 a year? I don't know how you justify it. I don't know how I can explain to my constituents not providing some relief to their school systems for an area of great concern and importance—special education.

That is the choice I get to make here in the next few minutes. Do we take these dollars and return them to our States, return them to our towns, trying to make a real difference for special education, or do we take them to provide minor tax relief.

Now, again, let me mention briefly the role of public and private education. At this very hour, all across our country, even on the west coast where the Presiding Officer is from, children have started school. There are 53 million children in elementary and secondary schools at this very hour all across our country; 48 million of them are in public schools and 5 million are in private schools. So we are talking about $1.6 billion, $37 of which goes to students in those private schools, $7 of which goes for those in public schools.

I am a product in many ways of private education. My parents made that choice. I respect them for having made it. However, my parents never thought they should get a tax break for doing so. They understood that this Nation had a special obligation to public education and particularly the families with special needs children. I had to be accepted to the private schools I attended. They didn't have to take me. Private schools can reject anyone they want. Public schools cannot. Public schools must accept these children. And you have that family that has done everything right and, unfortunately, has a situation with a child who requires special education services, and they, of course, want that child to succeed. They don't have the choice of going to a private school. Private school is not going to take that cost on. They have to attend a public school. Let us try to provide the valuable resources specified by this legislation to our local communities to help that family receive special education services for their child, to say to the other property taxpayers in that town that we are going to provide the 40 percent of special education costs we promised we would and never have.

One hundred of us here in the next 20 minutes or 15 minutes will be given the choice of deciding which is a higher priority. It is not a question of we would like to do everything. We can't do everything. But, we have $1.6 billion and we are going to decide in the next 15 minutes where it is going to go.

Does it go toward a $37 tax break for someone who has their child enrolled in a private school, or does it come back to that community in my State and other States all across this country to provide some needed tax relief—at $320 per child—to begin the process of lowering the cost of special education services and making a difference in our towns and for these families. That is really the choice. That's the real choice we have before us today.

Mr. President, let me ask how much time I have remaining.

The PRESIDING OFFICER. The Senator has 1 minute and——

Mr. DODD. I withhold the remainder of my time.

The PRESIDING OFFICER. The Senator from Georgia has 15 minutes in opposition if he chooses to use it.

Mr. COVERDELL. Mr. President, there are so many numbers tossed around. Anybody listening to this debate must be somewhat befuddled. You try to step back from it and look at the bigger picture.

First of all, the concern of the Senator from Connecticut about the funding of special education is a real one, but he has already alluded to one of the major problems, and that is this mandate, which is one of the largest mandates in American history, ordered by the Congress on local communities in 1975, and in 1975 the promise was 40 percent of the funding would be Federal, 40 State and 20 local. Now, the other side, until 1994, was in control of the Congress and never sent the check.

Since we have been in the majority, last year we put in another $700 million. The Senate budget resolution placed special education as the top priority. Republicans are seeking an additional $2.5 billion over the next 5 years for educating children with disabilities. In fiscal year 1997, the President requested $3.6 billion for this IDEA. Our Congress provided $4 billion for it. In fiscal year 1998, the President requested $4.2 billion for this. We came up with $4.8. The President's proposal for 1999 proposes $4.8 billion a year for IDEA. Our resolution calls for $5.3 billion, a $0.5 billion increase.

So, while the other side controlled the Congress, this promise was left unfulfilled. Since we have controlled the Congress, we have begun paying down that obligation. In the Republican BOOKS proposal, we proposed fully funding it. The Budget Committee is moving rapidly in that direction. We are not there yet. And we did it, and have been doing it, without gutting other ideas.

So the additional money my friend from Connecticut talks about that ought to be fulfilling this promise—it is being done. We are doing exactly what he has asked that we do, and—comma "and"—we are trying to help 14 million American families individually take charge and help to connect them to the education of their children. We do not think it is mutually exclusive, you have to do this or you have to do that. We are doing both. So, since we have been in the majority, and the Senator acknowledged it, we have been moving to try to fund IDEA.

This $1.6 billion that's referred to, that is tax relief over 10 years, and the $37, of course, is a statistical average, as is the $7. But it does not take into account the principal. The tax relief was only accrued because of the principal. For $37, you have to have $1,000 in the account; for $7, you have to have $250. But what it means is we will have taken this $1.6 billion in relief to the same middle-class families that the President designated last year, the same criteria, same concept, and the Joint Tax Committee tells us that because of that modest tax incentive, these 14 million families over 10 years—that is the 10-year number you are using—will save, in principal and accumulated interest, over $10 billion; 10 billion new dollars coming behind education.

These $10 billion are not public dollars. They are private. They are willfully volunteered by these families. So it means that public education will get, over the next 10 years, in support of it, $5 billion. And private will get $5 billion. And, yes, the private represents fewer families, but it still means, at the bottom line at the end of the day, that there is $5 billion flowing behind public schools all across the country and there is $5 billion flowing behind private and home schools across the country.

Those are very smart dollars, too, because they are in individual family checking accounts where people know exactly what the frailty or problem is of a given child. If it is a math deficiency, it is going to go to hire a math tutor. If it is an inner city student who does not have a home computer, it is going to purchase a home computer. If it is transportation that is needed for an afterschool program that we all want to encourage —it is smart dollars. Public dollars have a hard time doing that, going right to the problem. If it is dyslexia or special education, it will flow right to it. And no school board is going to have to raise the property tax to get ahold of this $10 billion, no State is going to have to raise income tax, and we are not having to raise taxes. This is volunteered money, and I think the value of the money is geometrically increased, it is probably worth three times other dollars because it is being driven right into the child's need.

The point we do not talk a lot about here—and they are not in these figures, either—is that the one distinction this savings account has is that it can accept contributions from sponsors—an employer, a church, a grandparent, a sister or brother, a neighbor, a benevolent association. And as people understand this and they begin to connect to these ideas, there is going to be a lot more money in those accounts than we have even envisioned.

Another point I would make about the savings account to my colleague from Connecticut, is that every time a family makes a conscious decision to open a savings account—every time they do it—there is a mental connection to that child's education. And every month, for 20-some-odd years, they will get a notice from some financial institution that tells them the condition of that child's account. It will remind them every month of the requirements and needs and will make them think about what those children need.

I can certify that to be absolutely true because my dad and I did the same thing for my sister's two sets of twins. We knew we were going to have some problems with the financial burden. So we started putting a little away. It was not a huge amount of money when they had to go to school—but it was a lot. And if this had been in place, it would have been twice what we had in that account. I think we got it up to $6,000 or $7,000. It would have been doubled. It could have been tripled if we kept it 30 years and used it for college. There is a special ed feature of this, too. Because if the child has a special educational need, it will stay with the child until he or she is 30 years old.

So, my point is this. We agree that special ed needs attention and the Congress has been a party in seeing to this, and it has created enormous problems and we are responding to it. I am just citing the numbers here. But we are doing it, along with other reforms. We are doing it with an education savings account. We are doing it with a school construction proposal. We are doing it, helping employers fund continuing education for their employees. We are doing it and we are helping support 21 States that have prepaid tuition programs for families to help get ready for the cost of higher education. Mr. President, 17 more States are coming into the picture.

We are accomplishing the funding of IDEA—which we agree is important. But we are not stopping the other changes and other ideas to help families. My colleague mentioned somewhere, I believe, around 50 million are in our elementary and secondary schools. Mr. President, 20 million of them will be beneficiaries of these accounts, half of the entire population. Some will be more; some will be less. Some will save the full amount; some will only save part of it. Some will accumulate $1,000; some will accumulate the entire amount. But they will all be helped and they will all be reminded about the needs of those children

Like I said, we are funding IDEA. We are giving parents new tools. We are giving employers new tools. We are supporting the States with prepaid tuition programs. And we are building new schools. That is the underlying motion here.

Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator has 4 minutes 12 seconds. The Democratic side has 1 minute 18 seconds.

Mr. DODD. I yield a minute to my good friend from Rhode Island, and I ask unanimous consent that he be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Thank you very much. Mr. President, I rise in very strong support of the amendment of the Senator from Connecticut. I think it illustrates two important points.

First, the huge gap between what the Federal Government promised in terms of special education support to the States and what was delivered. Even though, as the Senator from Georgia pointed out, we are trying to do better, we can do much better. And using these resources rather than engaging in the private savings plan as the Senator from Georgia proposes, but using these resources to assist special education, I think, will be the best way to use these dollars.

The second point I think the amendment of the Senator from Connecticut illustrates is the critical role that public education plays in our country, because these students—typically these disabled students—are all public education students. Private facilities don't take these individuals typically because they can't afford them and they think they are disruptive. That is the essence of private education. They can pick and choose.

A public school cannot. We have committed ourselves in this Congress to ensure that every child in this country, regardless of ability or disability, has a free, excellent public education. But what that means in practice is that our public schools have to respond to large numbers of special education students, something to which private education does not respond. That is, I think, at the heart of this debate.

If we are going to have a public school system that we expect to give education to all of our citizens, then we cannot siphon off resources to private education in the way that is proposed by these savings accounts. We have to match our orders and commands to the schools of America and to educate all of our citizens with resources.

This amendment does that. It preserves a program that we have all stood up and said is vitally important to this country, both educationally and socially—and that is special education—and it does so by reinforcing public education. That is the way we should proceed.

I commend the Senator from Connecticut for his efforts in regard to this amendment today.

Mr. DODD. I thank my good friend from Rhode Island. Mr. President, I understand there will be a point of order raised against this amendment. I regret that, because I am not asking to spend any more money than the underlying amendment does, but I realize this is a point of order that will be sustained. I will make an appropriate motion to vote on that.

I am sorry that is going to be the case, because I really do believe that this is the one opportunity, a chance, after we all talked about trying to do something, about reducing the cost to communities, to make the choice to do so. But I need 60 votes, I am afraid, to prevail on all of that. When the appropriate motion is made, I will respond to it. I hope that will not be the case. I hope we can have an up-or-down vote as we have had on every other amendment.

I believe my time has expired, and if it has, I believe my colleague wants to make an appropriate motion.

Mr. COVERDELL. Mr. President, has the proponents' time expired?

The PRESIDING OFFICER. It has expired.

Mr. COVERDELL. Mr. President, I do not believe we need to be in a dilemma where it is either/or—do this and not the education savings account, or do the other.

The Senator from Connecticut is correct that I will raise a point of order. The Congressional Budget Office has told us this amendment creates a new entitlement for special education, a program which has always been discretionary since its creation in 1985. This spending would be charged to the Finance Committee, which has already exceeded its allocation.

Therefore, we conclude that amendment No. 2305, offered by my colleague from Connecticut, Senator DODD, violates section 302(f) of the Congressional Budget Act because it provides for an increase to direct spending beyond the allocation of the committee of jurisdiction. I, therefore, raise a point of order under section 302(f) of the Budget Act against this amendment. I assume my colleague will move to waive.

MOTION TO WAIVE THE BUDGET ACT

Mr. DODD. Mr. President, I move to waive the Budget Act so that the amendment may be considered. I ask for the yeas and nays.

Mr. COVERDELL. I yield back my time in order to facilitate the two motions.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. DEWINE). The question is on agreeing to the motion to waive the Budget Act with respect to amendment No. 2305, offered by the Senator from Connecticut. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Colorado (Mr. CAMPBELL) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 46, nays 53, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—46

Akaka
Baucus
Bingaman
Boxer
Breaux
Bryan
Bumpers
Chafee
Collins
Conrad
D'Amato
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Torricelli
Wellstone
Wyden

NAYS—53

Abraham
Allard
Ashcroft
Bennett
Biden
Bond
Brownback
Burns
Byrd
Cleland
Coats
Cochran
Coverdell
Craig
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NOT VOTING—1

Campbell

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, it is my understanding that in the regular order we will now go to the amendment to be offered by the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 15 minutes.

AMENDMENT NO. 2306

(Purpose: To improve academic and social outcomes for students by providing productive activities during after school hours)

Mrs. BOXER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mrs. MURRAY, Mr. BINGAMAN, Mr. JOHNSON, Mr. LIEBERMAN, Mr. SARBANES, Mr. KERRY, Mr. DODD, Mr. DURBIN, Mr. LEVIN, Mr. AKAKA, Mr. KOHL, Mr. WELLSTONE, Mr. BRYAN, Mr. KENNEDY, Mr. INOUYE, Mr. DASCHLE, and Ms. MOSELEY-BRAUN, proposes an amendment numbered 2306.

Mrs. BOXER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, add the following:

TITLE —AFTER SCHOOL EDUCATION AND SAFETY

SECTION 01. SHORT TITLE.

This title may be cited as the "After School Education and Safety Act of 1998".

SEC. 02. PURPOSE.

The purpose of this title is to improve academic and social outcomes for students by providing productive activities during after school hours.

SEC. 03. FINDINGS.

Congress makes the following findings:

(1) Today's youth face far greater social risks than did their parents and grandparents.

(2) Students spend more of their waking hours alone, without supervision, companionship, or activity than the students spend in school.

(3) Law enforcement statistics show that youth who are ages 12 through 17 are most at risk of committing violent acts and being victims of violent acts between 3 p.m. and 6 p.m.

SEC. 04. GOALS.

The goals of this title are as follows:

(1) To increase the academic success of students.

(2) To improve the intellectual, social, physical, and cultural skills of students.

(3) To promote safe and healthy environments for students.

(4) To prepare students for workforce participation.

(5) To provide alternatives to drug, alcohol, tobacco, and gang, activity.

SEC. 05. DEFINITIONS.

In this title:

(1) SCHOOL.—The term "school" means a public kindergarten, or a public elementary

school or secondary school, as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) SECRETARY.—The term "Secretary" means the Secretary of Education.

SEC. ___06. PROGRAM AUTHORIZED.

The Secretary is authorized to carry out a program under which the Secretary awards grants to schools to enable the schools to carry out the activities described in section ___07(a).

SEC. ___07. AUTHORIZED ACTIVITIES; REQUIREMENTS.

(a) AUTHORIZED ACTIVITIES.—

(1) REQUIRED.—Each school receiving a grant under this title shall carry out at least 2 of the following activities:

(A) Mentoring programs.

(B) Academic assistance.

(C) Recreational activities.

(D) Technology training.

(2) PERMISSIVE.—Each school receiving a grant under this title may carry out any of the following activities:

(A) Drug, alcohol, and gang, prevention activities.

(B) Health and nutrition counseling.

(C) Job skills preparation activities.

(b) TIME.—A school shall provide the activities described in subsection (a) only after regular school hours during the school year.

(c) SPECIAL RULE.—Each school receiving a grant under this title shall carry out activities described in subsection (a) in a manner that reflects the specific needs of the population, students, and community to be served.

(d) LOCATION.—A school shall carry out the activities described in subsection (a) in a school building or other public facility designated by the school.

(e) ADMINISTRATION.—In carrying out the activities described in subsection (a), a school is encouraged—

(1) to request volunteers from the business and academic communities to serve as mentors or to assist in other ways;

(2) to request donations of computer equipment; and

(3) to work with State and local park and recreation agencies so that activities which are described in subsection (a) and carried out prior to the date of enactment of this Act are not duplicated by activities assisted under this title.

SEC. ___08. APPLICATIONS.

Each school desiring a grant under this title shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

(1) identify how the goals set forth in section ___04 shall be met by the activities assisted under this title;

(2) provide evidence of collaborative efforts by students, parents, teachers, site administrators, and community members in the planning and administration of the activities;

(3) contain a description of how the activities will be administered;

(4) demonstrate how the activities will utilize or cooperate with publicly or privately funded programs in order to avoid duplication of activities in the community to be served;

(5) contain a description of the funding sources and in-kind contributions that will support the activities; and

(6) contain a plan for obtaining non-Federal funding for the activities.

SEC. ___09. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $50,000,000 for each of the fiscal years 1998 through 2002.

SEC. ___10. SENSE OF THE SENATE.

It is the sense of the Senate that funding to carry out this title should be provided by a reduction in certain function 920 allowances, as such reduction was provided in the Senate-passed budget resolution for fiscal year 1999.

Mrs. BOXER. Mr. President, I ask that the Chair inform me when I have used 8 minutes.

Mr. President, I am very pleased to offer my After School Education and Safety Act as an amendment to the Coverdell bill. I want to mention those who are original sponsors of this legislation. They are: Senators MURRAY, BINGAMAN, JOHNSON, LIEBERMAN, SARBANES, KERRY from Massachusetts, DODD, DURBIN, LEVIN, AKAKA, KOHL, WELLSTONE, BRYAN, KENNEDY, INOUYE, DASCHLE, and MOSELEY-BRAUN. I mention them because I am very proud of their support for this very important measure.

This is not a new issue. I presented this plan to the entire Senate during the budget markup, and I am very pleased to tell you that my amendment was adopted unanimously. I think most Senators understand the fact that after-school programs are very important for two reasons. First of all, our children need the mentoring help, our children need the attention, and our children need the community support after school because it really increases their academic achievement.

Secondly, the FBI has told us that from the hours of 3 p.m. to 6 p.m., juvenile crime goes way up because our children are joining gangs, and they are getting into trouble after school. We need to do something to keep them busy and to keep them out of trouble. That is why I believe I got such unanimous support for this legislation during the budget debate. We have set aside $50 million in the budget for this program. Now we have a chance to authorize it.

I am very hopeful that my colleagues on both sides of the aisle will now follow though on the commitment they made in the budget resolution.

Mr. President, in this picture you can see some of the faces of what we are talking about. These are children in a California after-school program in Sacramento. You can see from the looks on their faces how excited they are about the work they are doing after school.

We have some others pictures to show you. This picture shows some of the valuable mentoring that occurs in this after school program. These children are working in small groups with a teacher or volunteer. These children are learning a tremendous amount. In fact, the academic performance of these students has dramatically increased as a result of the attention that they are getting after school.

Here are some pictures of the children learning music. There was a new study that just came out yesterday that says that children who engage in musical activities achieve higher levels of academic success. I see that our majority leader is on the floor. He had a group of singing Senators and I think he realizes the value of music. Music promotes camaraderie and brings us together.

Here we see the children learning how to play the drums in an after-school setting.

Finally, I have a picture of children working with one of the law enforcement officers who come into these programs.

Whether it is L.A.'s Best or Sacramento Start, whether it is the Tenderloin Program in San Francisco, or our after school program in Oakland, all of these after school initiatives desperately need some attention from our National Government. There is not one program in the Department of Education that is exclusively for after school, not one.

Through my amendment we have an opportunity to improve the Coverdell bill, a bill that started off as a very simple bill. Unfortunately, I think that this bill is turning into an anti-education bill. I have to say that with a heavy heart because I really thought that we would have some bipartisanship.

But what has happened to this bill? I think what we have before us is a bill that has been amended in such a way that it does great damage to our children. Let me explain what I mean.

We had a number of amendments that were rejected out of hand—amendments to try to rebuild our schools. I understand why Senators who like the underlying bill voted against that, but they have not reached across the aisle to try to come up with any compromise on it at all.

Our kids are facing schools that are crumbling. We do nothing. We reject it out of hand. We don't work for compromise. We say no. We had an amendment simply expressing support for reducing class sizes that was only debated for 3 minutes. That amendment passed. But then someone changed the vote, and we rejected that. If you ask parents all over this country, they will tell you that they want smaller class sizes.

So what provisions do we accept? We also voted on an amendment that essentially will prohibit the implementation of a program to test our students so parents will know if their kids are doing well or doing poorly and schools can be held accountable. To this, we say yes. To me this is unbelievable. We have an education bill here is that is turning into an anti-education bill, an antiparent bill, an antistudent bill. We also have other amendments that did away with a whole series of programs and made them optional for schools.

When Neil Armstrong landed on the Moon he said it was "one small step for man, one giant leap for mankind." This bill was one, tiny step forward for education, and it has become a huge step backward for education.

Listen to the list of the nationally recognized programs that are done away with summarily in this bill.

Critical programs for disadvantaged kids including Title I; School to Work; Goals' 2000; STAR schools; education technology; Eisenhower professional development, which is teacher training; safe and drug-free schools; magnet school assistance; telecommunications demonstration project for math skills, a fund for the improvement of education. The Javits gifted and talented education funding to support programs for special children is done away with. The Eisenhower regional math and science consortium is done away with. If you read President Eisenhower's comments on what we ought to do in education in the 1950's, he said, "It takes more than guns to make us strong." We need strong kids and we need them to learn. Yet now we are doing away with the Eisenhower program.

We are eliminating the International Education Exchange, which supports educational exchange programs. That is what the Gorton amendment did away with, or made it optional. The Gorton amendment took the National Government completely out of education. Education is the most important thing in the world, and this bill is a giant step backward.

We can improve this bill a little bit if we support the Boxer amendment to support education and reduce juvenile crime.

I told you before that juvenile offenders commit crimes between the hours of 3 p.m. to 6 p.m. That is why the police in my home state are supporting the Boxer amendment. This includes bipartisan support from the chiefs of police of many, many cities in my State. California law enforcement understands that when it comes to our children, we shouldn't seek party lines. That is why I hope people will vote for this.

Let's hear what the police chief from Los Angeles says about the need to invest in our children:

> Police leaders know that America's commitment to putting criminals in jail must be matched by its commitment to keeping kids from becoming criminals in the first place.

Here is another quote from our law enforcement officials.

"Crime Fighters Support After-School Programs":

> We . . . call on all public officials to protect public safety by adopting commonsense policies to: Provide for all of America's school-age children and teens after-school programs, and access to weekend and summer . . .

This statement is very, very clear. The organization that made this statement—Fight Crime, Invest in Kids—has 170 of the Nation's leading police chiefs, sheriffs, and prosecutors. Across the country law enforcement officials support after school programs.

Mr. President, I am hopeful that we will see a little bipartisanship. You all voted for it in the budget. You know what we did. We cut Government travel to pay for this initiative to fund 500 after school programs. The local school districts will design them. They will pull in community groups like Big Brothers and Big Sisters. They will bring in the business community.

Mr. President, we can keep our kids learning and keep them out of trouble. There is no magic solution to solve all the problems that our Nation is facing in terms of crime. But if we had to choose one way to fight crime it should be to keep our kids engaged when they are in school.

I really look forward to this vote. I hope it will be bipartisan.

I yield 2 minutes to my friend, Senator JOHNSON.

The PRESIDING OFFICER. The Senator from California has 4 minutes 10 seconds remaining.

Mrs. BOXER. I retain the remainder.

Mr. JOHNSON. Mr. President, I thank the Senator from California and applaud her great leadership on what I think is one of the critical issues in our Nation today.

I think it needs to be emphasized that the after-school program amendment being offered by Senator BOXER is not an alternative to the underlying Coverdell bill. Unlike other amendments that we have considered today, this is an add-on that is independent of the funding that is committed to the Coverdell legislation.

I have been holding meetings all around my State of South Dakota, which is an overwhelmingly rural State. The Senator from California represents a State with large urban areas. One of the things that we share is a very strong sense from parents, from child care providers, teachers and school administrators, and from everyone who follows this issue that after-school programs are among the most important items on which we should focus our attention.

In fact, the Republican Governor of my State has played a leading role in our State in trying to better utilize our school resources, recognizing that working moms are a larger and larger percentage of the work force. Welfare is pushing more and more people, mostly working moms, into the workplace because we have provided bipartisan support for that goal. We have increasing numbers of latchkey kids in all of our communities, large and small. After-school programs for these children are either nonexistent or far too expensive. We have studies from our law enforcement officials indicating overwhelmingly that between the hours of 3 to 6 in the afternoon is the greatest amount of juvenile crime, alcohol and drug experimentation, and sexual experimentation. All this takes place because we have an entire generation of young people in unsupervised settings, and these problems are becoming more widespread.

I applaud Senator BOXER and her effort to come up with an amendment that not only addresses this key issue but does it in a way that does not create new Federal bureaucracy, does not federalize anything but instead utilizes local resources, leaves the options and the administration and the decisions at the local level. Because of all of these strong reasons, I think this is a very positive and constructive contribution to the underlying legislation, and I certainly again applaud the Senator's leadership, and yield back the time to her.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. I thank the Senator.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

The Senator from Georgia.

Mr. COVERDELL. Mr. President, we have just been joined by the Senator from Arkansas, who I believe rises in opposition to this amendment. I yield up to 5 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I thank the Senator from Georgia.

I rise to speak in opposition to the Boxer amendment. My concern is that while there is, without doubt, an acknowledged need for after-school care and an acknowledged need for mentoring and tutorial-type programs, this would be taking the wrong step in the wrong direction and would create another Federal program, which, in my estimation, would be highly duplicative of existing programs, a multiplicity of Federal programs that already have been created for this purpose.

School districts already have the authority to establish after-school learning centers, many already financed, and will benefit from additional provisions of this year's budget for after-school programs.

Let me give just a few examples. The 21st Century Community Learning Centers Act provides $40 million for rural and inner-city public schools to establish after-school programs. The Safe and Drug-Free Schools Act allows money to be spent on after-school programs with a drug and violence prevention component. The child care development block grant and the community development block grant also provide money for child care, including after-school care. The Juvenile Justice Act will also target millions of dollars on prevention programs, including mentoring programs and after-school programs. It has already passed the House. These are just to give a few examples.

So I, once again, must object to the philosophy underlying the Senator's amendment to create another Federal program. While I agree that one-on-one mentoring and tutoring is valuable, it will help improve educational achievement of students, such tutoring is already allowable under at least 19 other Federal programs.

So I have listed a number of programs in which we have after-school care provided. There are 19 programs that have tutoring and mentoring components: AmeriCorps, Learn and Serve, VISTA, JUMP, the Juvenile Justice Mentoring Program, CAMP, the Migrant Education Mentoring Program, TRIO, are all examples of existing mentoring and tutoring programs that are out there already.

The Senator's amendment, in my estimation, would simply duplicate these existing programs. In addition, we find there are a great many volunteer organizations that are providing and supplying after-school care currently. We are going to prohibit them, exclude them from the possibility of even applying for, competing for these grants. And so I think that is a serious, serious weakness in the amendment as well. Organizations like the YMCA would be ineligible to compete for the grants even though they currently are doing a tremendous job in providing after-school care in many cities and many school districts. So to say it has to be school-based, run through the school, I think would unfairly exclude those that are currently doing such a great job.

The application described in Senator BOXER's amendment is a laundry list of paperwork. Read the amendment: identify goals, provide evidence of a collaborative effort, describe how the program would be administered, demonstrate how the activities will utilize or cooperate with programs, describe sources of other funds, provide a fundraising plan. All of these will require more bureaucrats, more administration, more reports, additional costs, and it would in all of that duplicate what we already have out there.

I think it is the wrong thing for us to establish another Federal program when we have good programs there that need additional resources. We do not need to dilute that, diminish that by starting another Federal program for after-school care for tutoring and mentoring.

So I ask my colleagues to consider this, do not just vote for an amendment because it has a good purpose, because it has a good goal in mind. Consider seriously that this program will be competing with a whole host of Federal programs already designed to meet this need in our schools and among our young people. I think that need is being met, and it would be a mistake for us to create more bureaucracy and a new Federal program. I hope my colleagues will oppose the Boxer amendment.

I thank the Senator from Georgia for yielding this time.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I wonder if the Senator will yield for a question. As I understand what the Senator is saying, we have sort of gotten ourselves into this difficulty over the years by creating another program and another program. How many programs did the Senator say we already have?

Mr. HUTCHINSON. There are 19 existing programs for mentoring and tutoring on the books as well as a whole host of programs dealing with after-school care.

The PRESIDING OFFICER. The Chair would advise the Senator from Georgia has 10 minutes.

Mr. COVERDELL. I appreciate that, Mr. President.

In reading the amendment, it appears to me this establishes a direct link between the Department of Education—Federal—and a school. I do not see from reading this that the grant process would run through the State's board of education or the district board of education. This would be school to the Secretary.

Mr. HUTCHINSON. That is my understanding as well, which is another step I believe in federalizing our local schools and removing the control ultimately from the local schools.

Mr. COVERDELL. I did think that was a philosophical problem, but I think the more important issue that the Senator raises is this layering and layering and layering. We are struggling with that in every component of the Government. I don't know how many programs we have for students. It just seems that we keep coming up with one after another after another.

Mr. HUTCHINSON. With another new program, there is another layer of bureaucracy, another level of bureaucracy created. It really dilutes the resources we have actually getting to those kids who are in need of after-school caring and one-on-one tutoring.

Mr. COVERDELL. I appreciate the remarks of the Senator from Arkansas. I do want to address several of the remarks that were made by the Senator from California with regard to the legislation in general.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes 30 seconds.

Mr. COVERDELL. And the Senator from California?

The PRESIDING OFFICER. The Senator from California has 2 minutes.

Mr. COVERDELL. Mr. President, the Senator indicated that the underlying legislation could actually be harmful. I am puzzled by that statement, somewhat stunned. And that we have not reached out.

The first point I make is that the underlying legislation, in great part, has been designed by a colleague of the Senator from California, Mr. TORRICELLI, of New Jersey, who sits right next to her. The underlying proposal has a significant component for new school construction. The legislation was designed and offered in the Finance Committee by the Senator from Florida, Mr. GRAHAM, on the other side of the aisle. The underlying proposal has a very key provision to enforce or reinforce States that have prepaid tuition to help children meet college costs, and that was designed by Senator BREAUX, of Louisiana, on the other side of the aisle. The underlying provision has a key component to help employers help employees who need continuing education, and that was either designed by Senator MOYNIHAN from New York or Senator BREAUX from Louisiana.

So the underlying proposal, if you really want to add up just the financial impact, is 80 percent designed by the other side of the aisle and about 20 percent from our side. I guess in the general division of the issues, it is about 50/50. But the underlying proposal will make available to 14 million families and half the school population of the United States, or thereabouts, the benefits of education savings accounts that their parents or sponsors can open; will reinforce the prepaid tuition programs of 21 States in the Union, 17 of which are coming on board; will support continuing education for 1 million employees, 1 million students in these prepaid tuition programs, and 250,000 graduate students.

I know we can have our differences about how to confront the issue of education. It is good that we are having the debate. We all want to improve it. We all want to get ready for the new century. But I don't think it is accurate to suggest that the underlying proposition would be harmful, A, or, B, that it is a partisan instrument, because it just is not.

Mr. President, how much time remains on my side?

The PRESIDING OFFICER. The Senator from Georgia has 5 minutes 15 seconds.

Mr. COVERDELL. I reserve the remainder of my time.

Mr. LEAHY. Mr. President, I rise today in support of Senator BOXER's amendment to the Education IRA bill because it will ensure schools across our nation have the additional resources they need to establish and expand after-school programs for school-aged children. With more and more parents of school-aged children working outside the home, we, as a nation, must make a commitment to our children to ensure they have safe and supervised places to be during the after-school hours. This amendment would provide much-needed funding to schools to set up such programs in their buildings or other public facilities, a cost-efficient way to provide children and teens with activities after the school bell rings.

With youth at most risk of getting into trouble between 3 and 8 p.m., this additional funding will help keep teens out of trouble during these critical hours. I know how effective and important after-school programs are, parents around the country know it and our law enforcement officers know it. In fact, a recent survey of nearly 800 police chiefs from across the nation found that 90 percent of the chiefs viewed prevention as a key factor in reducing our nation's juvenile crime rates. In my opinion, the best crime reduction strategy is one which prevents crime from happening. The $250 million authorized in this amendment is a good investment, not only because it will provide children with a safe haven, but also because it will likely lead to reduced crime rates in neighborhoods which choose to implement or expand their after-school programs.

I am particularly pleased with the flexibility provided in Senator BOXER's amendment. While no school is required to participate, those which do may use the funds for children of any age—from kindergarten through high school. Those schools which choose to participate would also have the flexibility to decide what sort of programs to offer. For example, schools receiving grants could engage in mentoring activities, tutoring or academic assistance programs, recreational activities or technology training. So long as a school offers at least two of these activities, it would meet the grant's eligibility requirements. Schools could also offer drug or alcohol prevention programs, gang prevention programs, health and nutrition counseling and job skills training. These broad categories of activities will allow the local schools to decide how their children spend their after-school hours while ensuring that the children and teens are engaged in productive activities.

Vermont is fortunate to have a wide variety of after-school programs available for children, both on and off school campuses. I have been working to ensure this diversity of programs continues. But, I hear again and again from parents in Vermont that we need more after-school programs for our state's children. Senator BOXER's amendment would ensure one piece of the puzzle is better funded—after-school programs on school and public property. I plan to continue pushing for other resources for after-school, evening and weekend programs, including in S.10, the Violent and Repeat Juvenile Offender Act of 1997. As the Ranking Member of the Judiciary Committee, I have been fighting hard to ensure that S.10 has dedicated funding for a variety of crime prevention programs. Senator BOXER's amendment is a perfect complement to these ongoing efforts.

The PRESIDING OFFICER. Who yields time? The Senator from California.

Mrs. BOXER. Mr. President, I ask for a minute of my time to say simply that Senator COVERDELL criticizes my proposal because it is a new program when he in fact is putting forward a new program. The issue is not about creating a new program. He doesn't like this program, he likes his.

Senator COVERDELL's proposal gives the average private school household a $37 a year benefit; if you are in public school, you fare worse, $7 a year. And he likes the program. That is fine. But he doesn't talk about these deleterious amendments that have made this a very dangerous bill by canceling 20 programs that help our children read and learn. Programs created by President Eisenhower, Senator Javits, tried and true programs, are canceled, put in a block grant to let the locals do what they want.

The fact is, the local districts like these programs yet this bill seeks to eliminate them. Other programs supported by local districts are rejected out of hand. The Senate rejects putting more teachers in the classroom; rejects any national testing. This is a bill that has now been amended in such a fashion it does harm to our children.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mrs. BOXER. I reserved that 1 minute, if the Senator will take his time now.

Mr. COVERDELL. Please proceed.

Mrs. BOXER. All right, we will do that. I just ask the Senator, since he has 5 minutes and I have a minute, if I feel compelled, will he give me an additional 60 seconds to respond to his concluding remarks?

Mr. COVERDELL. I will be glad to yield a minute of my time to the distinguished Senator from California.

Mrs. BOXER. The Senator is a good debater, so I want to have that opportunity.

But I also want to respond to the Senator from Arkansas. I am sorry he is no longer in the Senate chamber. He has criticized this after-school program because it is a new program. In actuality this is not a new program. The after school programs that would be funded by this amendment are going on. The local districts are doing a great job, but they need help, and more want to do this.

The Senator from Arkansas criticizes this program yet his side of the aisle agreed to it unanimously in the budget. We already debated this Boxer amendment, this exact same thing, in the budget resolution. The Senator from Arkansas didn't object to it then.

In addition the Senator from Arkansas cites a lot of programs that could fund after school initiatives, but those programs are not exclusively for after school; they also could fund senior citizens, parenting skills, or employment counseling. There is no direct program that responds to the fact that after school the crime rate soars and doesn't stop until mom and dad get home.

Do you know how we pay for this program? By cutting the travel budget for bureaucrats. This seems a reasonable price to pay to protect and educate our children after school.

The PRESIDING OFFICER. The Chair will advise the Senator she has 1 minute.

Mrs. BOXER. Do I have 1 minute remaining?

The PRESIDING OFFICER. The Senator has used her minute. She has a minute of the Senator from Georgia.

Mrs. BOXER. Thank you, Mr. President. I will withhold until my colleague completes his remarks.

Mr. COVERDELL. I assume I have somewhere in the range of 4 minutes?

The PRESIDING OFFICER. The Senator has 4 minutes left.

Mr. COVERDELL. Mr. President, the first point I want to reiterate is, we do have to acknowledge, apart from the amendments, that the points I made a moment ago are all in the underlying bill: Education savings accounts for 14 million families, 20 million children. And I might point out, those savings accounts will bring—when you use the figures $37 and $7, you are only talking about the interest that is saved because we didn't tax it in a given year.

When you talk about the savings accounts, you have to look at the principal, and what happens is, when we create them, Americans do very big things and they go out and save, over a 10-year period, $10 billion. That $10 billion—$5 billion will support students in public schools and $5 billion will support students in private schools, without us having to raise another dime. No taxes have to be raised, no property tax, no income tax. This is families stepping forward with a huge infusion of money. We are building new schools; we are helping employees with continuing education; we are helping millions of students with the costs of higher education.

To the amendment that the Senator has addressed, let me just say first, the amendment permitting block grants is totally voluntary; no one is required to do anything. It is a 3-year experiment that says if California wants to keep the system the way it is, fine. If they would like to experiment with the block grant, they might do that. If they want to experiment with the grant going directly to the school district, they might. But nothing is ordered.

Frankly, I am one of those who thinks the Federal system has become so ensnarled that it severely constrains and restricts local communities. We had a story here just the other day of a person—they couldn't build new classrooms. They needed new teachers, but they had to have the classrooms to reduce class size. Because of Federal constraints, they couldn't get it done. I think the idea of loosening the flexibility is good.

With regard to testing, it is very controversial. There are many of us who believe national tests will set national curricula and that national tests will be designed to enforce our current—could even be designed to ratify the current crisis we have.

My only question about national testing is this. Every week I read about the condition of our fourth graders, our eighth graders, how we compete with the international community. I do not find a shortage in this country of understanding the crisis we have in grades kindergarten through high school. We know a third of the students get there and can't read right. We know only four out of ten of the students in inner-city schools can't pass a basic exam. We know if we take all the schools and put them together, only 6 out of 10 can pass a basic exam. We don't need any more testing. We need some innovation. We need some change and reform like we are talking about. We know what is happening. We are losing, as we come to the new century.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator has 20 seconds remaining.

Mr. COVERDELL. I yield back my 20 seconds and dedicate my final minute to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. My colleague is very generous. I thank him. In rapid fire, I will try to respond.

The underlying bill really does no harm. As amended, this bill does a huge amount of harm, because it takes the National government out of the whole issue of education for our children. It takes us backward, away from visionaries like President Eisenhower, who said the strength of the Nation lies in its children. The National Government, if it truly cares about its children, should fill the gaps that are identified by local government. And that is what is done away with in the Gorton amendment.

Essentially, the Gorton amendment is saying to the people that education is not important on the national level. We know if we scratch the surface, many of our colleagues don't want a Department of Education. That is what this is about. This takes away 75 percent of the Department of Education's ability to at least in some way engage in the educational programs helping children in kindergarten through grade twelve. And to say that our children don't need any testing—you just ask the parents if they want testing. How can we talk about accountability without voluntarily testing?

So, in closing, I thank my friend for his generosity. I hope we will support this modest bill, to bring down the crime rate and lift up our children. It is paid for in the budget, and I look forward to a bipartisan vote.

I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I move to table the amendment of the Senator from California.

I think we are going to set the amendment aside for a stacked vote. I withdraw my motion and will make the motion at the appropriate time. We will be moving to debate on the Bingaman amendment.

Mrs. BOXER. Will the Senator yield?

Mr. COVERDELL. Yes.

Mrs. BOXER. I just want to guarantee that we will have a vote on a tabling motion or an up-or-down vote.

Mr. COVERDELL. We will.

Mrs. BOXER. I have the Senator's word, and I am pleased with that. Thank you.

UNANIMOUS CONSENT AGREEMENTS

Mr. COVERDELL. Mr. President, I ask unanimous consent that following the debate on the Bingaman amendment, it be in order for Senator COVERDELL to offer a first-degree amendment regarding reading excellence. I further ask unanimous consent that no amendments be in order to either amendment and, finally, that the vote occur on, or in relation to, the Coverdell amendment prior to the vote on, or in relation to, the Bingaman amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I ask unanimous consent that following the vote on, or in relation to, the Levin second-degree amendment, if the Levin second-degree amendment is defeated, the Senate proceed to the immediate consideration of the Levin first-degree amendment, as amended by the Ashcroft amendment, and the Levin first-degree amendment be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENTS NOS. 2298 AND 2307, EN BLOC

Mr. COVERDELL. Mr. President, I ask unanimous consent that it be in order at this time to offer two amendments en bloc, an amendment on behalf of Senator MCCAIN on multilingualism and an amendment on behalf of Senator DORGAN regarding safer schools.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I ask unanimous consent that following the reporting of the amendments, the amendments be agreed to and the motions to reconsider be laid upon the table, en bloc, and that any statements relating to these amendments appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendments.

The bill clerk read as follows:

The Senator from Georgia [Mr. COVERDELL] proposes amendments numbered 2298 and 2307.

The amendments are as follows:

AMENDMENT NO. 2298

(Purpose: To provide for a study of multilingualism in the United States)

At the appropriate place, insert the following:

SEC. ___ . MULTILINGUALISM STUDY.

(a) FINDINGS.—Congress finds that even though all residents of the United States should be proficient in English, without regard to their country of birth, it is also of vital importance to the competitiveness of the United States that those residents be encouraged to learn other languages.

(b) RESIDENT OF THE UNITED STATES DEFINED.—In this section, the term "resident of the United States" means an individual who resides in the United States, other than an alien who is not lawfully present in the United States.

(c) STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States (referred to in this section as the "Comptroller General") shall conduct a study of multilingualism in the United States in accordance with this section.

(2) REQUIREMENTS.—

(A) IN GENERAL.—The study conducted under this section shall ascertain—

(i) the percentage of residents in the United States who are proficient in English and at least 1 other language;

(ii) the predominant language other than English in which residents referred to in clause (i) are proficient;

(iii) the percentage of the residents described in clause (i) who were born in a foreign country;

(iv) the percentage of the residents described in clause (i) who were born in the United States;

(v) the percentage of the residents described in clause (iv) who are second-generation residents of the United States; and

(vi) the percentage of the residents described in clause (iv) who are third-generation residents of the United States.

(B) AGE-SPECIFIC CATEGORIES.—The study under this section shall, with respect to the residents described in subparagraph (A)(i), determine the number of those residents in each of the following categories:

(i) Residents who have not attained the age of 12.

(ii) Residents have attained the age of 12, but have not attained the age of 18.

(iii) Residents who have attained the age of 18, but have not attained the age of 50.

(iv) Residents who have attained the age of 50.

(C) FEDERAL PROGRAMS.—In conducting the study under this section, the Comptroller General shall establish a list of each Federal program that encourages multilingualism with respect to any category of residents described in subparagraph (B).

(D) COMPARISONS.—In conducting the study under this section, the Comptroller General shall compare the multilingual population described in subparagraph (A) with the multilingual populations of foreign countries—

(i) in the Western hemisphere; and

(ii) in Asia.

(d) REPORT.—Upon completion of the study under this section, the Comptroller General shall prepare, and submit to Congress, a report that contains the results of the study conducted under this section, and such findings and recommendations as the Comptroller General determines to be appropriate.

Mr. McCAIN. Mr. President, I rise today to offer an amendment which would mandate a study of multilingualism in the United States. This amendment would direct the Comptroller General of the United States to identify, examine and analyze the number of individuals who are proficient in English, but are also proficient in one or more additional languages.

I believe that we can all agree that it is imperative for everyone in the United States to be fluent in English in order to succeed in today's society. This is why we need to continue encouraging all members of our society to be fluent in the English language. However, I believe it is equally important for us to encourage all members of our society to understand English—Plus one or more additional languages. Currently, I am working with members of the Hispanic task force in this effort to stress the importance of speaking English—Plus other languages. This study of multilingualism is a practical step in our efforts to encourage English—Plus the knowledge of many other languages.

As I have stated, English is clearly the common language in the United States and is an important aspect of our society and individual success. However, it is equally important that we encourage and support efforts by individuals to become proficient in additional languages and broaden their opportunities for success.

I wholeheartedly applaud people who have the capability to communicate in multiple languages. Not only do they posses valuable language skills, but their knowledge of various languages affords them a multitude of opportunities economically, socially, professionally and personally.

The ability to speak one or more languages, in addition to English, is a tremendous resource to the United States because it enhances our competitiveness in global markets by enabling improved communication and cross-cultural understanding while trading and conducting international business. In addition, multilingualism enhances our nation's diplomatic efforts and leadership role on the international front by fostering greater communication and understanding between nations and their people.

Foreign language skills also serve as a powerful tool for promoting greater cross-cultural understanding between the multitude of racial and ethnic groups in our country.

The data collected from the study required by this legislation would enable us to identify the linguistic strengths and weaknesses in our society. Based upon this study we would be able to develop innovate initiatives which would promote the importance of foreign language skills, while providing a basis for expanding our nation's linguistic abilities.

The information we gather from this study will be invaluable in many aspects of our society. It is important that we encourage and support everybody, no matter what their age, in learning one or more languages in addition to English, since the opportunities which exist for individuals who can master additional languages are endless.

AMENDMENT NO. 2307

(Purpose: To promote school safety)

At the end, add the following:

SEC. . SAFER SCHOOLS.

(a) SHORT TITLE.—This section may be cited as the "Safer Schools Act of 1998".

(b) AMENDMENT.—Section 14601 of the Gun-Free Schools Act of 1994 (20 U.S.C. 8921) is amended by adding at the end the following new subsection:

(g) "For the purposes of this section, a weapon that has been determined to have been brought to a school by a student shall be admissible as evidence in any internal school disciplinary proceeding (related to an expulsion under this section.".

The PRESIDING OFFICER. The amendments are agreed to.

The amendments (Nos. 2298 and 2307) were agreed to.

Mr. COVERDELL. Mr. President, I believe at this time the order of the day is to go to the Bingaman amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. I thank the Senator from Georgia.

Parliamentary inquiry. Is the amendment that I am proposing at the desk, or should I send it to the desk?

The PRESIDING OFFICER. If the Senator can send the amendment to the desk.

AMENDMENT NO. 2308

(Purpose: To provide for dropout prevention)

Mr. BINGAMAN. Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. REID, Mrs. FEINSTEIN, Mr. CHAFEE, and Mr. BRYAN, proposes an amendment numbered 2308.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. BINGAMAN. Mr. President, this amendment is being offered on behalf of myself, Senator REID, Senator FEINSTEIN and Senator CHAFEE. What I would like to do is very briefly describe what the amendment is and then yield to my colleague from Nevada for his comments. Then I will come back and make further statements in behalf of the amendment.

The first obvious point is that there is a serious, pervasive dropout problem in our Nation's schools. I see this in my State every day. I am sure each Senator who has visited schools in his or her State sees the same problem. Over half a million students drop out of school each year before they complete high school, and they are joining a group of almost 4 million young adults who have neither graduated nor are getting a GED in lieu of graduation.

The second point is that dropout rates are disproportionately high among low-income and minority students. That is just a fact, which we will get into more in the discussion in the minutes ahead.

The third point is that the cost of this dropout crisis far exceeds the cost of preventing it. There may be some who suggest that my amendment, by proposing to spend as much as $150 million a year, is going to bust the budget. I suggest that we are spending more on the problem of unemployment, on welfare, on juvenile crime, on the incarceration of the 4 million undereducated young people than we are proposing in this amendment as a solution to the problem.

The fourth point is that there is no Federal funding targeted to help middle and high schools deal with this problem today.

The amendment would allow over 2,000 of the schools with the highest dropout rates in each State to compete for $50,000 restructuring grants. That is what we are talking about, very small amounts of money that would help these schools to begin the restructuring process to deal with the dropout problem.

The fifth point is that the amendment does not add a new Federal education program. Instead, it replaces an unfunded dropout demonstration program from the 1994 Improving America's Schools Act.

Sixth, this amendment would provide funding to every State. It would allow local schools to determine what dropout prevention method works best for them. We are not dictating the course or the steps each school should take, but we are trying to assist them in beginning to take the steps to deal with the problem.

Finally, reducing dropout rates needs to be a bipartisan national education goal. It was identified as such in 1989.

When President Bush met with all 50 Governors in Charlottesville, it was the second education goal we identified: At least 90 percent of our students would complete high school, would graduate. We have never had a serious effort to reach that goal. It is time we did. This amendment begins to move us in that direction.

Before I go on to any further discussion, I yield to my colleague, Senator REID, who has been a leader on this issue.

Mr. REID. Mr. President, it is my understanding, I say to my friend from New Mexico, that I have 5 minutes.

Mr. BINGAMAN. Yes, Mr. President, I yield 5 minutes to the Senator from Nevada.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. REID. Will the Chair inform me when I have 30 seconds left?

I ask unanimous consent that Senator BRYAN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I underline and underscore every word said by my colleague from New Mexico. This is a serious problem. The little amount of money that we want to spend on this will save inordinate amounts of money in welfare costs, costs to our criminal justice system and in our education system. This amendment, in my opinion, is the most important aspect of the legislation with which we have dealt. If we are going to do something about education, we have to slow down and, if possible, stop the dropout rate in our schools.

High school dropouts: Mr. President, unemployment rates of high school dropouts are more than twice those of high school graduates. The probability of falling into poverty is three times higher for high school dropouts than for students who have finished high school.

The median personal income of high school graduates during prime earning years, 25 years to 54 years, is nearly twice that of high school dropouts. That figure is startling.

The future of high school dropouts: What is the future? They may have a job making a lot of money in lawn maintenance or working in a service station. The median personal income of college graduates is more than three times that of high school dropouts.

Among prisoners in the United States, 82 percent of the prisoners in the United States never finished high school. That should send a message to this body loud and clear.

The children of dropouts have a much greater chance of dropping out of school.

The demographics of the State of Nevada and many Western States are changing rapidly. In the State of Nevada, the Hispanic population is rising very rapidly, adding a great deal to the culture of the State of Nevada, which is named after Hispanics—Nevada, snow-cap; Las Vegas, the meadows.

The dropout rate among Hispanic students is 30 percent compared to an overall rate of 11 percent, about three times higher than any other group of people. The Hispanic unemployment rate is 11.3 percent compared to 7.3 percent for non-Hispanics.

In 1991, Mr. President, 49 percent of all persons living in Hispanic households received some type of assistance. This is much, much higher than any other group of people in the United States. This cries out for doing something about dropouts, when the dropout rate is 30 percent, three times higher than any other group.

According to the U.S. Census Bureau, Hispanic Americans will make up nearly 20 percent of the U.S. population by the year 2030. This bill is not directed toward Hispanics, but Hispanics will benefit significantly from this legislation.

Mr. President, we need to make these changes. I congratulate and applaud the leadership of the Senator from New Mexico.

Dropouts in high school are a problem we must address. We must do it soon. The aim of our legislation is to encourage the type of innovative thinking that is working in other places, adopt and use those programs that work well. Each school would receive a little bit of money, because we found it only takes a little bit to make a great deal of difference. I ask all my colleagues to join in supporting this most important amendment.

Mr. BINGAMAN. Mr. President, how much time remains on our side?

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from New Mexico has 7 minutes 39 seconds remaining.

Mr. BINGAMAN. Mr. President, I yield myself 5 minutes of that time and reserve the rest so that I can use the remainder to summarize after the opponents have spoken.

But let me just go into this a little more in depth. I appreciate the strong support of the Senator from Nevada. What this amendment tries to do is to begin to focus our attention as a nation on what I see as a very, very serious problem in our educational system. And that is the problem that many, many of our students are not ever completing their high school education, in some cases are not completing their middle school education. These students are leaving the schools in large numbers, and we as a society are having to make accommodation to the fact that we have large numbers of young uneducated people coming into the work force.

So what we are trying to do is to begin the process of focusing attention on it, begin the process of reversing this trend. Let me show a few charts here, Mr. President, just to make the points.

This first chart is called "Event Dropout Rates for Grades 10 through 12, Ages 15 through 24, By Race and Ethnicity." And this is the period 1972 through October of 1995.

You can see on this chart that for the white non-Hispanic students, although they have had the lowest annual dropout rate of any group, that dropout rate has been increasing, not decreasing, in recent years. So this is a problem that affects everybody.

The non-Hispanic black students—that is this green line—it has been coming down somewhat. The general trend is down. But it also is quite high and is not near where it should be.

Of course, the red line—which is the line that represents the Hispanic students in our school system—it is by far the highest of these lines and shows the seriousness of the problem. Dropout rates have not declined in recent years. This is not a problem that is fixing itself; this is a problem that needs additional attention. Dropout rates are particularly adverse among the Hispanic population.

Let me show another chart here, Mr. President. You can see this is called "The Status Dropout Rate." That indicates, rather than an annual rate, this is how many of our students have left school essentially before they graduate. You can see that this red line—representing the Hispanic students in our school system—it is consistently over 30 percent. We essentially are losing a third of the Hispanic students in our school system before they complete high school under the present circumstance.

There was recently a report done called the "Hispanic Dropout Project Report, No More Excuses." That report makes the case very convincingly that new strategies are needed, new efforts are needed, to deal with this problem.

Let me show one other chart here, just because I know every Senator here is concerned about his or her State in particular. This is a listing of the dropout counts and annual rates for States by State, starting with the State with the highest dropout rate. Unfortunately—and this, I am sure, is one of the reasons that the Senator from Nevada is so concerned about this issue—Nevada, according to this, had the highest dropout rate in 1993–94. Next was Georgia, the manager's State, that had an 8.7 percent dropout rate. And third was New Mexico, my own State, with an 8 percent dropout rate. That means, every year, 8 percent of the students in the school system drop out.

So over the period of 4 years of high school and even some part of middle school, we lose more than 30 percent in many of our schools.

These are crucial issues in my State. I run into this problem as I go around my State talking to parents, talking to school administrators, talking to teachers, talking to the students themselves.

It is time for the country to act. It is not enough to just say, "This can get handled by the larger issues. We don't need to make special efforts with regard to this. It will take care of itself. As the general educational system improves, maybe this problem will go away too." That is not an adequate answer. We need to do better than that. The simple truth is that too many of our schools are not meeting the academic, the vocational, or the other needs of students. Students are leaving those schools. They are bored with the watered down, repetitive courses, and in many cases they are alienated by the very size of the schools.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. BINGAMAN. Mr. President, as I indicated, I will reserve the remainder of my time until after the opponents have spoken.

Mr. COVERDELL. Mr. President, I yield as much of our time as is necessary to the distinguished Senator from Tennessee who rises in opposition to the Bingaman amendment.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, please notify me at 13 minutes.

Mr. President, I rise in opposition to the amendment by the Senator from New Mexico. Senator BINGAMAN has offered an amendment which would create a new program intended to lower dropout rates in our Nation's schools. It does replace a program that was in existence up until 1995. That program is no longer funded, nor was funding requested by the President of the United States back in 1995, 1996, 1997, nor was it requested by the Department of Education, as I understand. It is a new program, though, and I will come back to that.

Senator BINGAMAN's amendment would amend title V of the Elementary and Secondary Education Act of 1965 to authorize this new entity, and up to $125 million in that first year, with the objective which I obviously share; that is, reducing dropout rates.

Secondly, the amendment, as I mentioned, authorizes $125 million for grants in that first year and authorizes an additional $25 million for a national clearinghouse on dropout data.

In addition, it would create an office in the Department of Education, it would create a new office of dropout prevention, and would also allow for the creation of a dropout czar at the Department of Education to focus attention on this issue.

I say all of that because it is a new program not currently funded. It is a Federal program. And that is important, because so much of the discussion that we have undertaken over the last 3 to 4 days and that I, as chairman of the Senate Budget Committee Task Force on Education, have reviewed over the last 6 months is that if there is one thing we have too many Federal programs with too much overlap, and it is too confusing and too burdensome. I think we have made great progress in the last 2 days on this bill and in simplifying and streamlining with some of the amendments as well.

The second point I want to come back to is that we do have a problem today in dropout rates, but we have made huge progress, huge progress, over the last 30 years. I have had the opportunity to go back and look at the statistics and the data in our task force. We need to do a lot more. I encourage all of us, and maybe we can take it back to the Labor Committee where we can really analyze this data and see what the trends mean.

But basically there are two points I want to make. I think we need fewer programs, not just another program, to address problems; and, No. 2, real progress has been made in lowering the dropout rate among all subgroups in this country, some more than others.

The 1997 Digest of Education Statistics, produced by the National Center for Education Statistics on this very issue, has a chart. Contrary to what Senator BINGAMAN has said, let me go back and look at the entire 36-year period, because I think it puts it in a much better perspective for us.

From 1960 to 1996, the dropout rate has fallen dramatically, from 27.2 percent down to 11 percent. The dropout rate over this period of time has fallen by much more than a half—almost by two-thirds. The current dropout rate is 11.1 percent. In fact, if we look at the data from the last several years, we have not improved in science in the last 30 years and we have not improved in math and we have not improved in reading. The one area we have improved in education in this country is lowering that dropout rate. I don't want to minimize the problem because I agree it is a problem, but we cut it not just by a quarter, not just by a half, but almost two-thirds, down to 11.1 percent.

In the same 1997 Digest, we learn from 1972 to 1996, look at women of Hispanic origin, the rate has dropped from 34.9 to 28.3—still too high. The intent of the amendment is to address the 28.3 percent, but it is the wrong approach, another Federal program. If we look at black men, the rate has dropped from 30.6 percent in 1967 down to 13 percent in 1996. That is dramatic. Not by just half, but two-thirds. Currently, it is 13.6 percent. Women of all races, the rate has dropped from 26.7 percent in 1960 to 10.9 percent in 1996. I wish we could see that much progress made in improvement in terms of science, math, and reading where we haven't seen any progress whatever. For men of all races, the rate has dropped from 27.8 percent in 1960 down to 11.4 percent in 1996. So we have made huge progress over the last 30 years.

Senator BINGAMAN and I are both members of the Senate Labor and Human Resources Committee, and much of the data I refer to was reviewed in the Senate Budget Committee task force. I do hope we have the opportunity, regardless of the outcome of this amendment, to go back and ask why the Hispanic dropout rate has gotten better but not as good as we would like and why for black men it has gotten remarkably better. I do not fully understand that and would like to find out in committee through hearings to see if we can address and if we can come up with an overall strategy.

I suggest we look at creative ways to assist all of our students. We approached that to some extent yesterday through the block grant, the Gorton-Frist amendent yesterday, which really allows States and localities to identify problems like this which may not be in every locality, which are not in every locality, every school district, but allow States and localities to identify for themselves what that problem would be, and give them, through this block grant approach, the flexibility to decide how, for themselves, based on their priorities, based on their needs, they can address that specific problem and spend those education dollars that we provide. Clearly, our current system of complicated overlapping programs is not the answer, and therefore I hesitate and therefore oppose having another new Federal program in this regard.

I have spoken a number of times about findings of the task force itself. It really comes down to having a fragmented Federal education effort; it ends up being uncoordinated. The General Accounting Office in our hearings presented testimony to the task force and noted how the Federal Government does target certain populations with a variety of Federal education programs. Again, the block grant approach through the Gorton-Frist amendment still allows the existence of programs but you give individual school districts or States the opportunity to use that money as they see fit or to keep those categorical programs.

The General Accounting Office, in this chart I will show briefly on the floor, illustrates the problem that we have today by just having another program. This chart shows target groups served by multiple programs and agencies. In the middle is the target group which is aimed by the Federal Government called "at-risk and delinquent youth." This is the area that the dropout rate potential student exists. Look what we have today. Department of Agriculture has programs, Department of Education has programs, Department of Health and Human Services has programs, Department of the Interior has programs, and now we want to add yet another program.

In fact, for this "at-risk youth" target group, we have 59 programs at the Department of Health and Human Services, 7 administered by the Department of Defense, 8 by the Department of Education, 4 by the Department of Housing and Urban Development, 9 by the Department of Labor, 22 by the Department of Justice, 3 by the Department of the Interior, 7 by the Department of Agriculture, and 8 by various other agencies. We have 127 Federal programs right now that are directed to at-risk and delinquent youth. We take it from 127 to 128. I think we can't kid ourselves that by adding another new program to address this fundamental problem, that that will be the answer.

The task force also held a hearing on January 28 called "Federal Education Funding: The State and Local Perspective." It was made clear at the hearing that additional Federal programs, which have numerous regulations and are costly to administer, is just simply not the best approach. In terms of the Federal burden, the commissioner of education for the State of Florida told the task force, using an example, that it takes 297 State employees to oversee and administer $1 billion in Federal funds; in contrast, only 374 employees oversee approximately $7 billion in State funds. The point being it takes almost six times as many people to administer a Federal dollar as a State dollar.

For some reason, and it has been reflected on the floor over the last 2 days, we had a problematic reluctance to ask the question, "What works, what doesn't work," and let us promote what works. I have been dismayed through the whole process of the last several months looking at education, looking at the sort of chart that you just saw where we have 127 programs already designed to look at that at-risk youth. Is 128 going to make a difference? I think not.

In summary, if you step away from it, we have a too-complicated Federal effort today. We don't need to have one more program in this already incoherent structure. No. 2, we have data to show that we have made, since 1960, dramatic progress, improvements in the dropout rates. Still, we have a problem. Still we need to address it. I argue that the best place to address that instead of right now on the floor where very few people have this data is in a committee, where you can debate it, look at the data, analyze it, and say why is one group doing better and one is not.

Third, the Senate did agree yesterday to the Gorton-Frist block grant approach which gives the opportunity for a State or a locality to obtain the same amount of funds and use those funds to address the specific problem—whether it is the dropout rate or whether it is technology or whether it is more books, they get to choose.

For these three reasons, I urge my colleagues to oppose and defeat Senator BINGAMAN's amendment. I look forward to working with him in the Labor Committee to address the issue that he has brought to the floor.

Mrs. FEINSTEIN. Mr. President, I am pleased to support Senators BINGAMAN and REID today and I thank them for including my suggestions to be more explicit in how school districts use funds authorized for dropout prevention.

At my suggestion, Senators BINGAMAN and REID added several specific strategies to the activities authorized by their original amendment. Under the original Bingaman-Reid amendment, funds would be authorized as grants to states and states would in turn award grants to public middle and secondary schools for activities like professional development and planning and research.

Under the Feinstein amendment, schools could also use grants for remedial education; reducing pupil-teacher ratios; efforts to help students meet achievement standards, such as tutoring or enrichment programs; and counseling for at-risk students.

I believe that the additions I suggested provide some concrete guidance to the states and represent specific, targeted strategies aimed at the underlying causes of the dropout problem.

Students at risk of dropping out need extra help and attention, such as smaller classes, counseling, and after-school academic programs and summer school. They require more than the normal school program, but schools are strapped as it is and this new "injection" of funding can help schools provide these extra services.

For example, limited English speaking proficiency is a major risk factor for dropping out school, especially for Latino children, according to the General Accounting Office in their July 1994 report. For Latino students born in the U.S., the dropout rate is 18 percent. For newly immigrated Latino students, the dropout rate is 44 percent. For African-American students the dropout rate is 12 percent and for Anglo students it is 9 percent, according to the National Center for Education Statistics. Nearly one in five Latinos between ages 16 and 24 leaves school without a diploma [Hispanic Dropout Project, U.S. Department of Education, February 1998]. Whatever the numbers, in my view, one percent is too high for any group. Everyone needs a solid education.

Other risk factors for dropping out are poverty, pregnancy, motherhood, disruptive behavior, academic failure, and lack of skills, said the General Accounting Office and the National Center for Education Statistics.

Dropping out of school can begin a downward spiral to delinquency, unemployment, disillusionment, drug and alcohol abuse and crime. Dropping out forecloses opportunities for a lifetime—having children who are poor and uneducated; lack of job skills; civic breakdown.

Public schools need help and the added resources of this amendment in an effort to bring concentrated attention to at-risk students and to prevent the downward plunge that can begin when children drop out of school. We should not give up on these children but give them extra help to stay in school. This amendment can provide some help and I urge the Senate to adopt it.

Mr. COVERDELL. How much time is remaining on both sides?

The PRESIDING OFFICER. The proponents have 3 minutes 27 seconds remaining and the opponents have 2 minutes 40 seconds remaining.

Mr. BINGAMAN. I would like to have the opportunity to summarize my arguments at the end. If the opponents would go ahead and complete their opposition, I prefer that.

Mr. COVERDELL. I think this would be the appropriate time for you to do that and we will yield back and proceed.

Mr. BINGAMAN. You are planning to yield back your time?

Mr. COVERDELL. Is there anything further from the Senator from Tennessee?

Mr. FRIST. I reserve 30 seconds, but otherwise I have nothing further.

Mr. BINGAMAN. Mr. President, let me first just respond to a couple of points that were made by the Senator from Tennessee. He says we made huge progress. That is not what the people in my State believe. That is not what the school administrators and students and parents in my State believe.

The Department of Education report that just came out this year indicates their conclusion is that there has been no overall progress in lowering dropout rates during the last 10 years. That is the decade during which we were supposed to be moving up to 90 percent of all of our students completing high school before they left school.

In 1989, when the Governors and President Bush met in Charlottesville, the goal was set at 90 percent. It was 86 percent then. It is today 86 percent, according to the National Education Goals Panel. In the last 10 years there has been no progress, in spite of the fact that we have had this national goal.

Another part of the goal, in addition to getting 90 percent of our students to complete high school, was to eliminate the disparity in the different groups in our society so that you didn't have such a large dropout problem among one group—in this case, the Hispanic students—and such a disparity between the problem with that group and other groups. Clearly, those disparities have not been eliminated. The problem is very much with us. It needs attention, and it is every bit as serious now as it was in 1989 when we established the national goal of getting to 90 percent.

The Senator from Tennessee says we have too many programs already. I point out that my friend and colleague from Georgia is getting ready to offer another proposal here. We seem to have a double standard. When the proposed new programs are brought up on that side of the aisle, they are acceptable; when they are brought up on our side of the aisle, there are too many programs. The reality is that there are no programs—there is no Federal money focused on dealing with this problem of dropout prevention. That is one reason we have never dealt with it. It is not on the national agenda, it is not on the agenda of the Department of Education, and, frankly, it is not on the agenda of most of our States and school districts, and it needs to be.

Mr. President, if we are going to make progress on this, at some stage we are going to have to quit coming up with excuses. The title of a report that came out this year was "No More Excuses." To my mind, that sums it up well. Let's get on with dealing with this problem.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COVERDELL. Mr. President, I yield back the opponent's time. I believe that would move us to the next order of business. This amendment would be set aside for the stacked votes later this afternoon.

The PRESIDING OFFICER. The Senator from Georgia is correct. The amendment is set aside.

AMENDMENT NO. 2309

(Purpose: To provide for reading excellence)

Mr. COVERDELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Georgia [Mr. COVERDELL] proposes an amendment numbered 2309.

Mr. COVERDELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. COVERDELL. Mr. President, as we have noted throughout this debate, we have a lot of Americans who are exceedingly deficient in reading. When more than 40 million Americans cannot read a phone book, a menu, or the directions on a medicine bottle, and only 4 out of 10 third graders can read at grade level or above, new solutions are needed—I might add, not programs, but solutions.

This amendment, based on Senate bill 1596, the Coverdell-Gorton Reading Excellence Act, will help children learn to read. The reading excellence amendment would focus on training teachers to teach reading. Fewer than 10 percent of our teachers have received formal instruction on how to teach reading.

My amendment would also send 95 percent of the funds associated with it directly to the classroom, which I know the Chair would applaud, as he has been the author of the money-to-the-classroom legislation. It requires that funds be spent on research-based reading instruction, methods with proven track records. It provides extra tutorial assistance for at-risk children, as well as literacy assistance for parents, so they can be their children's first and most important teacher.

It is already funded. That is unique here. Two hundred and ten million dollars were set aside in the fiscal year 1998 Labor-HHS appropriations bill specifically for literacy work. However, this is contingent on the passage of an authorization bill by July 1, 1998. The House has already acted and passed a Reading Excellence Act by voice vote on November 8, 1997.

President Clinton endorsed the Reading Excellence Act in his radio address February 28, 1998, and has called on the Senate to act. This amendment is a response to that call. I will read the actual statement on behalf of the President of the United States:

> But we need Congress' help to meet this goal.

The goal is that we are on track to give extra reading help to 3 million children at risk of falling behind.

He says:

> But we need Congress' help to meet this goal. This past November, the House of Representatives voted with bipartisan support to promote literacy efforts in the home, the school, the community. Legislation with these goals is now awaiting action in the Senate——

Not anymore—

> which means $210 million in targeted assistance is now on hold in Washington, not at work in our communities.

We are getting ready to end that.

> So today I call on the Senate to pass this legislation without delay. We need it. Our children need it.

That was the address of the President of the United States to the Nation on February 28, 1998. This is the answer to the call. The research is overwhelming. Most recently, the National Research Council, at the request of the Department of Education, released a report calling for a direct, systemic approach to teaching so that children can learn to connect the letters of words to the sounds they represent. Our amendment does this by requiring that proven scientific methods be used, ensuring that 95 percent of the funds reach the classroom, and providing teachers with the skills to help our children.

We should seize this opportunity, as the President requested, to put our children first, which, I might add, is the genesis of this whole underlying proposal: Children first, system second. We have been fighting this system a long time, and we have bad numbers. It is time that we put the kids first. This amendment is in complete sync with the nature of the underlying bill and does just that. We know you can't have a free population, Mr. President, if it is uneducated. It denies them the rights and privileges of American citizenship. If you can't read a phone book or a medicine bottle, you can't get a job. If you can't get a job, you can't take care of yourself, you lose your dignity, you are robbed of everything that America is all about.

Mr. President, on April 17, 1998, I received a letter that was signed by Jim Barksdale, president and CEO of Netscape Communications; Carol Bartz, chairman of Autodesk; John Chambers, president of Cisco Systems; Eric Benhamou, president of 3COM; Floyd Kramme, a partner at Kleiner, Perkins, Caufield and Byers; and John Young, retired president and CEO of Hewlett-Packard.

It says a lot of good things about what we are trying to do here today, but the last paragraph is particularly poignant:

> In our respective businesses, we are creating thousands of jobs that our Nation's education system is not preparing youths to fill. The 21st century economy will depend on one resource more than any other—qualified people—and dominance of the world economy in the next century will shift to the nation that best educates its population. We are grateful that the Senate Republican leadership understands the seriousness of this challenge.

Mr. President, I can't think of a more fitting concluding amendment to the debate than the Reading Excellence Act. People have to be functional in our society. This amendment puts kids first. This amendment helps American teachers to do this job. This amendment has been passed by the House. This amendment has been called on for enactment by the President of the United States and, through this amendment, the leadership of the Senate. I hope that our colleagues on both sides of the aisle in a continuing bipartisan spirit at the appropriate time will vote in favor of this amendment.

Mr. President, I reserve the remainder of my time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, for those who may be in opposition, we have some time, as I understand it.

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. KENNEDY. Mr. President, I am not sure that I qualify for being in opposition because I will urge our colleagues to support this amendment. I want to commend the Senator for giving some focus and attention on the floor of the Senate to the issues of literacy and literacy training.

On next Tuesday in our Human Resources Committee, Senator JEFFORDS will be having a hearing on our literacy legislation. It is his hope and certainly all of ours in the committee that we will pass out a strong, bipartisan proposal that will incorporate a number of the ideas that are included in the Coverdell amendment and a number of the ideas that have been included in President Clinton's literacy proposal of a little over a year ago. As we all know, now that the President has asked the colleges of this country in the work-study program for those young people to devote time for literacy training, I take pride that our Massachusetts colleges are No. 2, with California being No. 1, in the number of colleges where the young people who are benefiting from the work-study program are actually involved in tutorial work. We have tried to get every one of the colleges in our State—there are 126—to be involved in that tutorial work.

I think, the fact that this afternoon we are focusing on the issue of literacy, hopefully we will pave the way for a bipartisan effort and for an outcome that will result in our ability to utilize the $250 million which have been designated for literacy training as a part of the budget of last year and was worked out in a bipartisan way. We may have had differences on the number of the education issues that we have been debating in the past days, but I certainly hope that we can in these next very, very few weeks have legislation out here that will have a responsible literacy initiative.

Mr. President, we know that the Academy of Sciences has recommended a modality for the development of literacy programs. If we take the Coverdell proposal, we will find it quite prescriptive in relationship to the range of initiatives that have been recommended by the Academy of Sciences that provide greater flexibility. How we eventually are going to come out on that issue remains to be seen. But the strong emphasis on the teachers that they be well trained to teach is something that we all would have common agreement on. The idea of the role of the tutors under the President's program is an important role. I think under the Coverdell proposal we find that feature of it, hopefully, would be strengthened.

I think there is probably some difference in this body about the administration of the program. Under the Coverdell proposal, you set up a whole new bureaucracy effectively with your partnership program rather than working with the State programs. It is quite prescriptive in the naming of a number of members that will serve on various boards. You have a number of States now that are doing some very, very important work. This would be a circumstance where I hope that the program would work through the State agencies that are in the Coverdell proposal.

I also believe that you have particular features in here where you have the devoting of a good deal of money for assistance grants for tutors. I think most of those involved in literacy training feel that having a school-based system is a better use and a more effective use of the funds.

Mr. President, I hope that at the time we address this issue Members will vote in favor of the Coverdell amendment. Then we will have an opportunity to vote after in terms of the Bingaman and Reid proposal. I hope that we will vote in favor of that as well.

I think the President's proposal and ones which will be advanced in our Human Resources Committee will give greater emphasis to volunteers and to tutors than would necessarily be the case in the Coverdell proposal.

We have under the leadership of our colleague and friend, Senator JEFFORDS, the Everyone Wins Program, which is a reading program which a number of our colleagues on both sides of the aisle have been involved in at the Brent School on the Hill. We have good attendance from a number of our Members here where they go over and read each week to students. I think the kind of flexibility provided in the President's program as well as the kind of support for a number of school-based systems has some additional credibility. I hope that we will support it.

I commend the Senator for giving focus and attention. I want to pledge to the Senator from Georgia, as well as to our other colleagues, that we will certainly work every way that we possibly can, those of us on the Education and Human Resources Committee, to work under the leadership of Senator JEFFORDS who has really been a strong, strong leader on the issues of literacy long before many others in this body, and hopefully we will have a chance to all be together and join in something that can pass and be successful and really move us towards a country that has a real commitment towards literacy.

It is interesting that, if you go back into the history of our country, in the early days of this Nation at the time of the birth of the Republic we had a much higher rate of literacy than we have today. That is rather surprising to many, many people. The reason was because of the reading of the Bible, because we had church-related efforts for literacy in every community across the country in order that children were going to be able to read the Bible. We had much higher degrees of literacy at other times in our history than we have at the present time. That is one of the areas where we have slipped. I think we need to call for focus, attention, energy, and I think some resources to really galvanize the sense of voluntarism, which I believe is out there, in an effective way to really make a dramatic impact on reducing illiteracy in the country.

I hope our colleagues will support that amendment. I commend him for bringing it. I pledge that we will try to work to find ways to get a meaningful program.

Mr. President, I reserve the remainder of my time.

Mr. COVERDELL. Mr. President, How much time remains on both sides?

The PRESIDING OFFICER. The Senator from Georgia controls 6 minutes 59 seconds.

Mr. COVERDELL. And they have?

The PRESIDING OFFICER. The opponents have 7 minutes 8 seconds remaining.

Mr. COVERDELL. Mr. President, I am prepared to yield back here in just a minute so that we might proceed to a unanimous consent request to clarify for the Senate where we might head from here.

I thank the Senator from Massachusetts for his remarks. As he has noted, there are some differences remaining, but I pledge to work with the Senator as we move forward on this amendment. There is still the conference. Maybe there are other differences that we might deal with even at that time. But I do appreciate the Senator's words in support of the amendment, and I am glad we are in a situation here where we can, by and large, respond to the President. I think we would both agree at least on this point that there is nothing more important or no more important skill than American citizens having the capacity to read. Again, I appreciate very much the genuine remarks of the Senator from Massachusetts.

Mr. President, I am prepared to yield back the time on our side so that I might proceed to a unanimous consent request if that is agreeable.

Mr. KENNEDY. Mr. President, I will just take one moment. I hope we can move forward. We may have a number of differences—probably will—in the conference, but this is an area where we really ought to try to get the best ideas that all of our Members have and then move it forward.

I look forward to working with the Senator from Georgia on that. I know I speak for all of the Members on our side on the Labor and Human Resources Committee. No matter how the underlying legislation comes out, I will look forward to working with the Senator from Georgia and others to make sure that we are going to get an effective bill. I am prepared to yield back the remaining time that I have.

Mr. COVERDELL. I yield back the time we have.

The PRESIDING OFFICER. All time has been yielded.

Mr. COVERDELL. We have now debated all outstanding amendments. I know that may be hard to believe by anybody listening. I ask unanimous consent that this next voting sequence occur beginning at 2:15, with no additional amendments in order to the sequenced amendments and with 2 minutes of debate between each vote for explanation. I further ask that at the conclusion of the amendment debate Senator BYRD be recognized for up to 30 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. COVERDELL. Mr. President, the voting series will be as follows: the Levin amendment regarding vocational education, the Boxer amendment regarding after-school programs, the Coverdell amendment regarding reading and excellence we have just concluded, and the Bingaman amendment regarding dropout prevention. It is my hope that following the voting series the Senate could quickly move to third reading and a final vote on the Coverdell A+ education bill. I thank all of my colleagues for their continued cooperation and support.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I intend to vote for this bill. Some amendments have been adopted, however, with which I do not agree, and I would prefer that they had not been adopted. But that was the Senate's will. Even so, I think this is a new approach and it is entitled to be tested. So I am going to support this legislation for that reason.

Mr. President, the Bible tells us that Solomon prayed for wisdom and knowledge. He did not pray for riches. He did not pray for honor. He did not pray for the life of his enemies. He asked the Creator for knowledge and wisdom, and perhaps we in the Senate should do the same.

Mr. President, I am very concerned by our Nation's failure to produce better students despite the billions of Federal dollars appropriated every year for various programs intended to aid and improve education. To put it simply, the sums of money invested in our Nation's education system continue to grow each year and, yet, the quality of our Nation's students does not keep pace.

Several Senators have championed efforts to improve the dilapidated state of our Nation's school buildings, and I commend them for their leadership. According to the General Accounting Office (GAO), over fourteen million students attend schools in need of major renovations, and I am concerned by this figure. Then, why, my colleagues may ask, have I chosen to vote against an initiative to use Federal funds for construction of our Nation's school buildings? It is not because I do not recognize the benefits or the need for better school facilities—I certainly do. The GAO has estimated that the total bill for addressing this problem nationally tops $100 billion. However, I have reservations about the administration's approach to school repair and construction, which may be more appropriate for better-heeled school districts than are to be found in West Virginia and other rural States. Many poor districts do not have the ability to repay any loan, even an interest-free loan.

We are right to be concerned about dilapidated school buildings in this Nation. However, Mr. President, I believe that before the Federal Government embarks upon the new mission of providing massive amounts—and they will be massive amounts—of scarce Federal dollars for school construction, we should just step back and take a fresh look at why our students are not performing well scholastically. Is it due to aging school buildings? No. Reasons much more fundamental than aging school buildings underlie the poor academic performance by American students. It is these problems which must be addressed.

Senators stand on this Floor and we argue about the benefits of tax credits for education, we argue about funds for aging schools, we argue about funds for private schools versus funds for public schools. Yet, I tell you that I believe we are all just talking past each other and past the problem. The problem is rather clear. It has two major components. The problem with education in America has, as its root, (1) the quality of our teachers, and (2) the quality of what they are teaching.

We have many good teachers and many of us owe more than we can ever pay to our good teachers. I had dedicated teachers when I was a child. They didn't get paid much back in those days. We came through the Great Depression. But they were dedicated. They loved the children that they taught and they inspired us to excel. And a good teacher can do that, can inspire his or her students to excel, to try harder, to work harder, and strive to be at the head of the class.

According to the Third International Math and Science Study, released on February 24 of this year, "U.S. 12th graders outperformed only two (Cyprus and South Africa) of the 21 participating countries in math and science." This is deplorable, absolutely deplorable.

Why is it that from 1993 to 1998, education spending has increased by 25 percent, and at the same time, results from the Third International Mathematics and Science Study (TIMSS) rank U.S. high school seniors among the worst participants in the areas of math and science? Why is that? Why is it that in all three content areas of advanced mathematics, U.S. advanced mathematics students' performance was among the lowest of the twenty-one participating nations? It is not because of lack of money.

James A. Garfield, one of the Presidents, said with regard to the value of a true teacher: "Give me a log hut, with only a simple bench, Mark Hopkins on one end and I on the other, and you may have all the buildings, apparatus and libraries without him." He wasn't talking about massive buildings, impressive halls and corridors. So why is it? Why is it that in all three content areas, as I say, of advanced math, U.S. advanced—the best—math students' performance was among the lowest of the 21 participating nations? These are supposed to be our Nation's stellar students, our Nation's best students. This is not to say that all our students fall short. We have some excellent students. We have some good schools.

I am 100 percent for education. In all my life I have endeavored to press to improve myself. I wanted to start at the beginning, start with myself, improve myself. And I think I have—my colleagues know that. I also wanted to help others. So, in 1969, almost 30 years ago, I started a program in West Virginia to reward the high school valedictorians. And I started a program that is referred to as the Robert C. Byrd Scholastic Recognition Fund. When I began it, I began it with money out of my own pocket. In the beginning, a $25 savings bond was presented to each high school valedictorian in the State of West Virginia. That was in 1969. After a while, I established a trust fund for purchasing the savings bonds, which, in recent years, have been $50 bonds. I wanted to reward students—not the athletes, they get their rewards—but the students who work hard to excel in reading and in mathematics and algebra and geometry and music and so on, encourage those students to excel and to recognize them for excellence. As I say, we recognize the great athletes. We don't recognize the best spellers. Often I hear my colleagues talk about their State's No. 1 standing in football teams and so on. The question that occurs to me is how well can they spell? How well can they add and subtract and multiply and divide? How well can they read? That is what we need to reward—the children who are in the libraries and in the laboratories and who are working hard to improve themselves, to get an education.

So I am 100 percent for education but I want to have some confidence, more than I presently have, that my vote to spend the hard-earned dollars of taxpayers will produce a return to merit that investment. I have been voting for Federal aid to education for decades—not just years, for decades—since 1965, to be exact. That was the year in which the Elementary and Secondary Education Act was passed as well as the Higher Education Act. I have been supporting those acts.

But, we still seem to be losing the battle against mediocrity. I do not want to vote against spending for education. But, Mr. President, when do we admit that we are doing poorly, and try something new? It is glaringly apparent from the results of the Third International Mathematics and Science Study (TIMSS) and other similar studies that increased education funding does not necessarily translate—does not necessarily translate—into higher student achievement levels. An even more recent study, conducted by the Fordham Foundation, a private organization committed to quality-based reform of elementary and secondary education, indicates the low quality of state standards in math and science. In mathematics, the Nation flunks, with only three States out of 50 receiving a grade of an "A", and just nine others a grade of "B". In science, the United States is just mediocre, if we can call it that, with nine States failing and seven earning "D's".

The Thomas B. Fordham Foundation found that our schools are also doing a pretty dismal job of teaching history and geography. I quote from the foreword of the report on history: ". . . the vast majority of young Americans are attending school in states that do not consider the study of history to be especially important."

Now think of that.

". . . the vast majority of young Americans are attending schools in states that do not consider the study of history to be especially important."

Napoleon said: "Let my son often read and reflect on history; this is the only true philosophy." That was Napoleon.

"No doubt some children are learning lots of solid history from excellent teachers in fine schools. Their good fortune, however, appears to be serendipitous. State standards rarely constitute a ceiling on what can be taught and learned. But it's not unreasonable to view them as the floor below which no child or school should fall . . . when it comes to history, most states have placed that floor where the sub-basement ought to be . . . in only a few instances is history itself the focus of the state academic standards that pertain to it. In most jurisdictions, history remains mired in a curricular swamp called 'social studies,' . . . "

Social studies is all right. I don't have any quarrel with social studies, but let's also have history. Let's don't substitute social studies for history. There is no substitute for history.

History, of all things, is not thought to be important enough in many of our states to be taught as a separate subject, and that is most unfortunate.

Mr. President, merely continuing along this same path of proliferating education programs and investing more and more Federal dollars into our Nation's education system will not solve the problem of improving the quality of our Nation's students.

I congratulate our colleagues who work diligently on their committees to bring bills to the floor and manage the bills, who are highly dedicated to serving the students of the Nation and to improving the schools of the Nation and to getting better teachers. I congratulate my colleagues for their efforts. They, too, must become discouraged.

On a fundamental level, however, there is something askew with the way we are approaching education in this Nation.

I started out in a little two-room schoolhouse along about 1923, when we did not have hand calculators. Lord, have mercy—calculators? We did not have them. We did not have computers or other high technology. We did not have much money for supplies, just the bare essentials. We got by with spring water. We had only one bucket in the school room. A two-room school; two buckets in the school. I was glad when the teacher chose me from time to time to go with another lad across the hill to the spring to bring back the bucket of water. We all drank out of the same bucket and out of the same dipper.

We didn't have any indoor plumbing. We had an outhouse—a couple of them—and we didn't have electricity. When the storms came, we had to light a candle or a kerosene lamp. So I do know something about so-called "difficult" conditions. I am one of those children who started out with the bottom two or three rungs of the ladder gone; they were missing.

In those days, mathematics was about rules, memorized procedures, memorized multiplication tables and other methodical tables. Science was stern stuff. History was about dates and heroes. That is where many of us who went to school in the mountains and hollows of West Virginia learned about our heroes, the people we wanted to be like.

There is where we learned about Nathanael Greene, one of Washington's top generals, perhaps his top one. Francis Marion, the Swamp Fox; Daniel Morgan; Nathan Hale, who died on September 22, 1776, because he had been asked by George Washington to go behind the British lines and to draw pictures of the breastworks and other military excavations, and so on. Hale was discovered the night before he was about to return. He had these drawings in his pockets. The next morning, he was executed.

He was asked if he had anything he would like to say. He had already asked for a Bible and a chaplain and had been denied both of those. He asked if he had any statement. He said, "I only regret that I have but one life to lose for my country."

So there in our history books is where we children first learned about American heroes, our heroes.

History was about dates and heroes. And with these basics, the United States became a mighty industrial power, a leader in medicine, and a winner of world wars. But, somewhere along the line, we seem to have gotten off the track. Today, our students have algebra textbooks that include discussions of chili recipes and hot pepper varieties. I made a speech on this floor a year or so ago about this and brought the particular so-called algebra book with me. And these textbooks do not even begin to define an algebraic expression until page 107—107 in this particular book, so it is no wonder that our students do not fare better on international tests such as the TIMSS!

On Friday, March 20, I noted an article on the front page of the Washington Post, which reported a new trend among teachers to teach without the benefit of textbooks. The article discussed how teachers are increasingly relying on the Internet or on materials that they prepare themselves, and spurning the traditional student textbook. Now, what is the reason for this phenomenon? I quote from the Post piece, "Scientific knowledge is expanding so rapidly that many textbooks are outdated only a few years after they are published. Recent political disputes"—get this; this is the Washington Post talking—"Recent political disputes over textbook content have made publishers wary of offending any interest group, and the result is that the books have become bland and shallow, some teachers complain. . . . Some teachers even cite a decline in children's reading skills as a rationale for abandoning the tomes."

Mr. President, imagine that. Our kids can't read well enough to effectively digest a textbook. And furthermore, textbooks have become such worthless amalgams of touchy-feely, politically correct twaddle, that many teachers are casting them aside in favor of doing the extra work to prepare material themselves.

Mr. President, if we ever hope to improve the quality of students in this country, it is essential that we recultivate an interest in education for its own sake—education for education's sake—not only in our Nation's children, but also in their parents. Our Nation's ailing education system is, in part, influenced by the parents of those children, and of young adults attending high school and college. Parents need to take an active role in their children's education. Without parental involvement, dumbed-down textbooks will continue to creep into the local school systems, and it will be our children and our grandchildren who suffer.

I hope that we do not try to tell the American people that fighting over school vouchers or the size of an education IRA, or even the repair of our school buildings will solve the problem of the often shallow, substandard, low quality education we are offering our kids these days. I strongly suspect that our students' poor performance as scholars has a lot more to do with the general dissolution of the family structure, loss of respect for authority, rampant alcohol and drug use by students even in the lower grades, and a pervasive change in attitudes about the value of discipline, than it does with dilapidated school buildings.

We can rebuild all the school buildings that we want, and, yes, I agree that we undoubtedly need to modernize and to rebuild some of these structures, but let no one believe that school construction will solve what is wrong with education in this country today. The problems assail us from many directions. How can our teachers teach if they have to create their own textbooks as well as attempt to maintain discipline, and please every interest group? When one considers the meager salaries of teachers generally, and having to struggle against the backdrop of a society that glorifies athletics and the attainment of any type of celebrity far more than it cares about scholarship, it is easy to see why good teachers are increasingly hard to come by. How can mundane scholarship, which requires commitment and hard work on the part of the student, compete with sensational television and movies that offer brutal murder, steamy sex, and filthy language as standard daily fare for our young people? What in the world has happened to a society that is intent on rewriting every single discipline from algebra to geometry to history to be sure that those essential basic subjects are, first and foremost, absolutely politically correct? It has taken us over lock, stock and barrel. We are pulverizing essential knowledge and facts to pulp, easily digested by even the laziest and most undisciplined brains—baby pablum for the mind.

So, while we rage on here today about which political party will capture the education issue, let us remember that we are only skimming the surface with any and all of these well-intentioned solutions.

There is something much, much more fundamentally wrong with education in America today than a shortage of funding. The public school system had better shape up, or else public support for it is going to completely erode. And I, for one, am willing to try some new approaches—new approaches—anything that may help our most precious resource.

The Democratic party is not our most precious resource. The Republican party is not our most precious resource in this country. Our children are our most precious resource—our kids. And so I am willing to try some new approaches to achieve the kind of scholastic excellence that our children need and deserve.

My only hope is that someday—someday—in some effective manner, we will find the courage and the practical means to address what amounts to educational child abuse in this Nation in a bipartisan fashion.

It should not make any difference whether the right approach is Democratic or Republican. We ought to forget that stuff. That is mere junk partisanship. What matters is the education of our children.

There is no room for mere political jousting on a matter of such momentous importance to our people and to our Nation. And that is exactly what the country is witnessing in Washington with regard to the education debate—political jousting.

Mr. President, with U.S. high school seniors ranking 19th out of the 21 countries in mathematics, and 16th out of 21 countries in science, we must devote greater attention to stimulating excellence in education. Getting back to the basics is the obvious starting point, and we better start now.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). Under the previous order, there are 2 minutes of debate evenly divided.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Parliamentary inquiry. First, I think it has to be said that was a startling speech by the Senator from West Virginia that cuts to the core. I do not think much else needs to be said.

Mr. President, it is my understanding that we are now moving, by previous order, to the votes. The first vote will occur on the Levin amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. COVERDELL. Two minutes equally divided?

The PRESIDING OFFICER. Two minutes equally divided.

Mr. LEVIN. Let me thank the Senator from West Virginia for his comments.

AMENDMENT NO. 2303 TO AMENDMENT NO. 2299

Mr. LEVIN. The demands that are being made on teachers, as a matter of fact, are what is behind my amendment, which is to provide a credit to teachers who now have all these new technologies that are brought into the schools to help those teachers go back to learn how to utilize those technologies, should they choose to do so. These demands are huge. We are putting a fortune into computers, software and connectors to Internet and everything else, but we are only putting pennies into the professional development of our teachers.

This amendment would provide a 50 percent tax credit for the cost when those teachers go back for that training. It pays for it by not allowing the use of this new IRA in the K through 12 area because it is so skewed against public schools. That is the main point here. It keeps the IRA increase for college education, and it keeps other parts of this bill. But what it says is that withdrawals will not be permitted in the K through 12 grades because of the manner in which most of the money goes to private-school families, although they represent only 10 percent of the families with children in schools.

Mr. ROTH. Mr. President, I oppose the Levin amendment as it takes away the ability of parents to use educational IRAs to pay for K through 12 school expenses. It runs contrary to the whole purpose of the Coverdell bill, which is to allow parents greater resources to meet the educational needs of their young children.

Instead, Senator LEVIN wants to take these resources and expand the lifetime learning credit from 20 percent to 50 percent for those teachers who participate in technology training. A 20 percent lifetime learning credit is already available to teachers for continuing education, just as it is for members of other professionals. Let me remind my colleagues that the Coverdell bill already contains a provision that allows teachers to receive tax-free technology training provided by their employer, the school.

We all agree that it is vitally important for teachers to be proficient in the use of technology in the classroom, but this is not the way to do it. This amendment takes the resources of an expanded IRA from our families, our children, and creates a more distorted and complex learning credit.

For these reasons, I oppose this amendment and urge my colleagues to vote against it.

Mr. COVERDELL. Mr. President, I move to table the amendment offered by the Senator from Michigan, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Michigan.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 61, nays 39, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—61

Abraham
Allard
Ashcroft
Bennett
Biden
Bond
Breaux
Brownback
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Feinstein
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner

NAYS—39

Akaka
Baucus
Bingaman
Boxer
Bryan
Bumpers
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Wellstone
Wyden

The motion to lay on the table the amendment (No. 2303) was agreed to.

AMENDMENT NO. 2299, AS AMENDED

The PRESIDING OFFICER. Under the previous order, the amendment numbered 2299, as previously amended, is agreed to and the motion to reconsider that action is laid on the table.

The amendment (No. 2299), as amended, was agreed to.

AMENDMENT NO. 2306

The PRESIDING OFFICER. There will now be 2 minutes of debate, evenly divided, on amendment No. 2306.

Mrs. BOXER addressed the Chair.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the remaining votes in this series be limited to 10 minutes in length.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California is recognized.

Mr. FORD. Mr. President, parliamentary inquiry: How many votes are we having?

The PRESIDING OFFICER. Three additional votes.

The Senator from California is recognized.

Mrs. BOXER. Thank you, Mr. President.

Three weeks ago, my after-school bill was included in the budget agreed to by the Senate. It passed unanimously. Now what we are doing is authorizing the after-school program. It is paid for by cutting Government travel.

My friends, there is absolutely no national after-school grant program today. The after school program I am proposing today will have total local control. Community organizations and businesses will be brought into school buildings that now get padlocked at 3 p.m. when the juvenile crime rate goes up. That is why 170 of the Nation's leading police officers, sheriffs, and prosecutors endorsed after-school programs, so we can lift up our children and raise their academic performance, and keep them out of trouble. We cut Government travel to pay for this program and use school buildings that are lying fallow.

I hope we will have a strong bipartisan vote for this amendment.

Thank you.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, this is an old formula to identify a problem and then you create a new Federal program that might solve it.

There is a problem. There is a problem with after-school care. The solution is not to create yet another Federal program. We already have four existing programs that allow for after-school care. One of the problems with this amendment, or this program, would be that it would be school-based, school-run, and, therefore, prohibit scores of organizations like the YMCA that are currently providing for after-school care. They would be excluded entirely. There are 19 existing Federal programs that provide tutoring and mentoring for students on a one-on-one basis. So it is simply unnecessary to start a new Federal program at a price tag of $250 million. I ask my colleagues to oppose this amendment.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I ask for the yeas and nays on the amendment of the Senator from California.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—49

Akaka
Baucus
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Conrad
D'Amato
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Snowe
Specter
Torricelli
Wellstone
Wyden

NAYS—51

Abraham
Allard
Ashcroft
Bennett
Brownback
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Warner

The amendment (No. 2306) was rejected.

Mr. COVERDELL. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2309

The PRESIDING OFFICER (Mr. SMITH of Oregon). The question is now on amendment No. 2309, offered by Mr. COVERDELL. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order. The Senator from Georgia.

Mr. COVERDELL. Mr. President, this is the reading excellence amendment. It is designed to attack the reading deficiency. We have 40 million Americans who could not read a phone book or a medicine label. The President of the United States called for this initiative to be adopted by the Senate. Senator KENNEDY from Massachusetts spoke on behalf of the amendment. In deference to time, it is my understanding both sides will be agreeable to a voice vote, which I will call for after we have heard from the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I want to just commend Senator COVERDELL for focusing on the issue of literacy. As we know, President Clinton advanced a literacy program in 1996. Our colleague, Senator JEFFORDS, has been having the hearings on this literacy issue in his committee and has been a leader on literacy issues—child literacy, family literacy, and adult literacy programs. I am very hopeful we will have a good bill that will be strong and bipartisan in the very near future. So I hope everyone will support this program.

I want to just mention quickly the concern that I have is that it is too prescriptive in terms of how it develops the programs. The Academy of Sciences has outlined a series of ways of doing it. I think we ought to consider that. It establishes a new State bureaucracy. I think we ought to build on the States. The tutorial programs are not school based, and I think they would be stronger if they were.

These are important issues, but what I think is enormously encouraging is that we have strong, bipartisan commitment to try to work out in the very near future a strong bipartisan literacy program. I commend Senator COVERDELL for developing this amendment and his strong commitment to work with all of us. We look forward to working with him to get a good, strong bill.

Mr. COVERDELL. I thank the Senator from Massachusetts. My understanding is that the Chair is prepared to call for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2309.

The amendment (No. 2309) was agreed to.

Mr. COVERDELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2308

Mr. COVERDELL. Mr. President, am I correct that the pending business is the vote on the Bingaman amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. BINGAMAN. Mr. President, this amendment tries to begin to focus national attention and some resources on the problem of students who drop out of school before they complete high school.

In 1989, when President Bush and the 50 Governors met and set some national education goals for the country, one of those goals was that we would have at least 90 percent of our students complete high school before they left school. At that time, 86 percent of our students were completing high school before they left. Today, it continues to be 86 percent. We have done absolutely nothing to reach this very important national goal.

Mr. FORD. Mr. President, may we have order? It is getting a little out of hand here. The Senator from New Mexico deserves to be heard, the same as those on the other side.

The PRESIDING OFFICER. The Senate will come to order. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, thank you, and I thank my colleague from Kentucky.

This amendment is offered on behalf of myself, Senator REID, Senator FEINSTEIN, and Senator CHAFEE. It is bipartisan. It is an important bipartisan issue. We have always before, at least since the national goal was established in 1989, found excuses to not do anything to follow up and achieve the goal. This time we need to go ahead and commit some Federal resources to help local school districts solve this problem. This amendment is a step in that direction. I hope very much that people will support the amendment.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I rise in opposition to Senator BINGAMAN's amendment. Under the Senator's amendment, $125 million is authorized for grants in the first year alone. It would create an office of dropout prevention in the Department of Education. The amendment would allow for the creation of a dropout czar at the Department of Education.

As Senator FRIST so eloquently stated when the amendment was debated earlier, he suggested as chairman of the Budget Committee's task force on education that we look to creative ways to assist all of our students, proposals such as the block grant, which the Senate agreed to only yesterday, which will allow States and localities the flexibility to decide for themselves how to best spend education dollars.

Senator FRIST argued that this amendment adds yet to the complexity of an already encumbered Federal Department of Education. I call on my colleagues to oppose the amendment of the Senator from New Mexico.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2308. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 74, nays 26, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—74

Abraham
Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Faircloth
Feinstein
Ford
Glenn
Graham
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Harkin
Hatch
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
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Landrieu
Lautenberg
Leahy
Levin
Lieberman
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Torricelli
Warner
Wellstone
Wyden

NAYS—26

Allard
Ashcroft
Brownback
Coats
Cochran
Enzi
Feingold
Frist
Gorton
Grams
Grassley
Gregg
Hagel
Helms
Hutchinson
Inhofe
Lott
Lugar
Mack
Nickles
Roberts
Sessions
Shelby
Thomas
Thompson
Thurmond

The amendment (No. 2308) was agreed to.

Mr. COVERDELL. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MODIFICATION TO AMENDMENT NO. 2299

Mr. COVERDELL. Mr. President, I ask unanimous consent to modify Amendment No. 2299, previously agreed to, making technical changes, which I have at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modification is as follows:

Change the instruction line to read:

Strike section 101 as amended and insert the following:

EXPLANATION OF ABSENCE—VOTE ON AMENDMENT NO. 2305

Mr. CAMPBELL. Mr. President, prior to the noon hour today, the Senate cast a roll call vote on our colleague Senator DODD's amendment No. 2305 to H.R. 2646, the Coverdell Education bill. This vote to waive the Budget Act with respect to the Dodd amendment failed by a vote of 46–53. I was unavoidably detained in the Physician's Office of the Capitol, but would have voted against waiving the Budget Act. My vote would not have altered the final outcome of the vote.

Mr. LOTT. Mr. President, just so all Members will be aware of what we are talking about at this point—and I do not have a unanimous consent request ready at this moment, but I will have one momentarily for Senator DASCHLE to review—we will be having additional votes tonight. We try to accommodate Senators' schedules, but we believe we can get an agreement for final debate on the education bill and then have a recorded vote. That I presume would occur sometime around 7 o'clock, or earlier if some time is yielded back. That will be followed, if we can enter the agreement, by a debate of approximately 30 minutes on the resolution dealing with Northern Ireland and a vote after that.

I assume we will have then two additional votes tonight, and then we will have a further announcement about the schedule on Friday, but with no recorded votes on Friday, and Monday with likely recorded votes, at least a vote at 5:30 on Monday. But we will have that for each leader to review momentarily, and we will be asking for consent to that effect.

I yield the floor. Is any Senator seeking recognition?

I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. In the interest of making sure we utilize all time that is available, we have here and ready to speak Senators who are interested in the resolution with regard to Ireland.

ACKNOWLEDGING THE HISTORIC NORTHERN IRELAND PEACE AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the current resolution regarding Ireland; that there be 30 minutes for debate only, equally divided between the majority and minority leaders or their designees; that no motions or amendments be in order, and at the conclusion of yielding back of time, we have the vote on the resolution on Ireland immediately following the education vote. So it would be stacked, those two—first the education vote and then the vote on the Ireland resolution.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LOTT. I yield the floor, Mr. President.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Con. Res. 90) to acknowledge the historic Northern Ireland peace agreement.

The PRESIDING OFFICER. Who yields time?

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

The Senator controls 15 minutes on his side.

Mr. DODD. I thank the Chair.

Mr. President, I offer this resolution on behalf of myself, Senators KENNEDY, MOYNIHAN; the Democrat leader, Senator DASCHLE; Senator LEAHY; Senator LAUTENBERG; Senator KERRY; Senator MACK; Senator D'AMATO; Senator HARKIN; and Senator BIDEN.

Mr. President, today we are here considering this resolution when there are renewed hopes for peace in Northern Ireland, hopes that spring from the successful conclusion of 22 months of negotiations on April 10, Good Friday. I do not think it was mere coincidence that it was during Holy Week, one of the most sacred periods in the Christian calendar, that this small miracle occurred, the possibility of peace, political stability, and reconciliation for the 1.6 million people who reside in the six counties of Northern Ireland. Many people deserve credit and congratulations for making this small miracle possible.

First, we should commend the individuals who participated in the peace process for more than 3 years and stayed the course. It took courage on their parts, as Senator Mitchell noted, "to compete in the arena of democracy."

I think it is fair to say that one of the giants over the years in Northern Ireland and the Northern Ireland peace efforts has been John Hume of Derry, a long-time civil rights crusader and respected leader of the Social Democratic and Labour Party. John Hume deserves great praise for his tireless efforts over the past 30 years to bring peace to his people. David Trimble, president of the Ulster Unionist Party, and Gerry Adams, president of Sinn Fein, were also indispensable in making a final agreement possible.

They, along with other participants, deserve enormous credit for their persistence and determination, for their willingness to make honorable compromises so that the people of Ireland can look forward to a day when hatred and bloodshed are not part of their daily landscape.

Let me also take a moment, if I may, to mention a few of the other key actors in this drama who warrant special recognition. First, British Prime Minister Tony Blair, who made the search for peace one of his first priorities upon assuming office last year. He did so because he believed that the people of Belfast "deserve a better future than a life of bloodshed, murder and disharmony."

Equally important to the success of the process was the Irish Taoiseach Bertie Ahern, also was new to the office, who inspired trust and confidence in the nationalist community. They knew of his commitment to ensuring that any final agreement would protect and guarantee the rights, freedoms, and traditions of the Irish Catholic minority in the north.

It goes without saying that the American people can be justifiably proud of the role played by President Clinton throughout the process. Were it not for the President's vision, perseverance, and unwillingness to give up on the negotiations, we would not be here today talking about a new chapter in the history of Northern Ireland.

Perhaps President Clinton refused to be discouraged because he had looked into the eyes of so many men and women during his visit to Belfast in 1995 and saw how deeply they yearned for peace, most especially peace for their children.

Last but not least, there was Senator George Mitchell, our former colleague, who shepherded the parties to an agreement. As someone who served with Senator Mitchell, it came as no surprise to me that George found a way to overcome what at times appeared to be insurmountable differences among the parties.

With patience, evenhandedness and acute political skills, Senator Mitchell guided and empowered the parties to find common ground and finalize an agreement.

The tireless efforts of Ambassador Jean Kennedy Smith should also be acknowledged. She was there at every turn to keep everyone focused on what was happening throughout the process, and to ensure that at appropriate moments, the necessary encouragement from the United States was forthcoming.

I should mention as well that our own colleague, Senator EDWARD KENNEDY of Massachusetts, played a very, very important role over many years to encourage a political and peaceful resolution of the problems in the north.

There have been others of our colleagues here in this Chamber, Senator MOYNIHAN of New York, Senator LEAHY of Vermont, Senator MACK of Florida, and in the other body PETER KING of New York, Congressman NEAL of Massachusetts, BEN GILMAN of New York, JOE KENNEDY of Massachusetts all of whom have been deeply committed to finding a peaceful solution to Ireland's Troubles. I know there are others as well, but these are the names that come to mind immediately who, for many, many years sought to bring about a political and peaceful resolution to the violence in the north.

The 67-page final document is a complex mosaic of provisions that endeavors to address the interests and concerns of the two Northern Ireland communities, Protestant and Catholic, within a framework of democracy, justice and equal rights.

The April 10 agreement is in many ways the culmination of more than a decade of efforts by the British and Irish governments to broker peace in the conflicted North. The 1985 Anglo-Irish Accord, the 1993 Joint Declaration, and the 1995 New Framework for Agreement were all important milestones on the road to peace.

Perhaps the secret of success on this occasion was that all of the parties to the conflict were represented in the negotiations—each side setting forth for itself its concerns and aspirations. Those concerns and aspirations have in turn been interwoven into the final text of the accord.

The August 1994, IRA cease-fire and the cease-fire by the Combined Loyalist Military Command that followed shortly thereafter created the opportunity for these all inclusive negotiations to take place.

There were clearly anxious moments over the last several years during the quest for peace. To be sure, at times the setbacks and disappointments that followed the promise of the 1994 ceasefire announcements, left all of us despairing that the situation was without hope.

You will recall, for example, that the peace process was dealt a near fatal blow on February 9, 1996, with the detonation of an IRA bomb in London—a blast that injured scores of innocent people.

Frankly, until the restoration of the IRA cease-fire last July, the Northern Ireland peace process had hit bottom, it had reached the point where, in the words of Irish poet Seamus Heaney, "bad news is no longer news."

We are now once again at a turning point in the history of Northern Ireland. The possibility of peace is as real as it has ever been.

As President Clinton has so aptly observed, "to engage in serious negotiations, to be willing to make principled compromises, requires courage and creativity."

The political leaders of Northern Ireland demonstrated that courage and creativity in finalizing this agreement.

It is now up to the people of Ireland—North and South—to ratify that agreement in the upcoming referendums. More importantly, it rests in their hands and hearts to make the words on that 67-page peace accord make a difference in the daily lives of every man, woman and child who calls Northern Ireland home.

On this day and in this Chamber, with what I hope will be the unanimous endorsement of every one of our colleagues, I pray, as everyone else does, that the people of Northern Ireland will have the courage, wisdom and foresight to do that.

Mr. President, I know my colleague, Senator KENNEDY, is here on the floor. If there is additional time, I ask unanimous consent for another 5 or 10 additional minutes for people to be heard on this issue if it is appropriate.

The PRESIDING OFFICER. There are 6½ minutes remaining. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it is a privilege to join my colleagues, Senators DODD, MOYNIHAN, KERRY, LAUTENBERG, LEAHY, DASCHLE, MACK, and D'AMATO in sponsoring this resolution, which commends the many leaders responsible for the achievement of the recent historic peace agreement in Northern Ireland.

The agreement reached on Good Friday marks a turning point in the history of Northern Ireland. For too long, it has been a land synonymous with bloodshed, violence and hatred. But now Northern Ireland stands as an example to the world that agreement between differing ethnic and national groups is attainable.

The current troubles in Northern Ireland began in 1969 and raged mercilessly in the following decades, to the great distress of the many citizens there who wanted only peace and justice.

Many efforts to achieve a peaceful settlement over the years were unsuccessful. But finally, in December 1993, the Irish Government and the British Government issued a Joint Declaration, making it clear that if the groups resorting to violence declared ceasefires, their political representatives could join all-inclusive talks on Northern Ireland's future. The time was ripe, and a hopeful formula for peace had been found.

I give special credit for this historic achievement to John Hume, the leader of the Social Democratic and Labour Party in Northern Ireland, who has worked tirelessly and brilliantly for peace in Northern Ireland for the past quarter century. No one's contribution has been greater. When the final history of this extraordinary agreement is written, the name of John Hume will stand first.

The courageous decision by President Clinton to grant a visa for Gerry Adams, the leader of Sinn Fein, to visit the United States in early 1994 was a key step leading to the decision by the Irish Republican Army to declare a ceasefire in August of that year, and the Loyalist paramilitaries did the same in October 1994.

In the years that followed, there were many obstacles, setbacks, and crises to be overcome, but the parties never lost sight of the goal of the peace. A new British Government under Prime Minister Tony Blair was elected in May 1997, and a new Irish Government under Taoiseach Bertie Ahern came to power in June. Both leaders, with the strong support of Britain's Secretary of State for Northern Ireland, Marjorie Mowlam, committed themselves to peace, and worked skillfully and effectively to achieve it.

Negotiations including Sinn Fein and chaired by our former Senate colleague George Mitchell began, and Senator Mitchell's patience and determination were critical in guiding the talks to a successful conclusion.

Great credit also goes to Taoiseach Ahern and Prime Minister Blair. They made Northern Ireland their high priority, and constantly urged the parties to keep moving forward to agreement. President Clinton's continuing strong support was also indispensable in the success that was finally achieved. And so were the support and encouragement of my sister, Ambassador Jean Kennedy Smith, who has done an outstanding job as America's Ambassador to Ireland for the past five years, and whose early insight into the possibilities for peace helped launch this all-important peace process.

The participants on both sides in the talks also deserve great credit. They had the courage to sit down to negotiate, and to produce a fair agreement that reflects the aspirations of Nationalists and Unionists alike. Truly, they are all profiles in courage.

On May 22, the agreement will be voted on in separate referendums by the people of Ireland, North and South. Last Saturday, David Trimble, who deserves great credit himself as a principal architect of the peace agreement, succeeded in obtaining the overwhelming endorsement of the Ulster Unionist Party for the agreement. I hope that the leaders of all the parties will work as hard and as effectively for a "yes" vote to convince their followers of the merits of this agreement.

Hopefully, the people of Ireland and Northern Ireland will approve the agreement in the referendums to be held next month, so that implementation of the agreement can begin. An Assembly must be elected. Changes must be made in the policing and the criminal justice systems to reassure both Nationalists and Unionists that they will receive equal protection under the law. Nationalists and Unionists will have to work together in partnership. After decades of animosity, this challenge is still very real, but Northern Ireland's parties can rise to meet it, as the events of Good Friday have proved. And they will have the continuing strong support of the United States as they do so.

I thank the majority leader for scheduling this resolution in an extremely pressed time. Given the historic agreement that has been reached, it is entirely appropriate that the Senate speak on this issue. We are very, very appreciative that the majority leader is giving us the opportunity in a very busy time to consider this resolution and support it.

Mr. DODD. Mr. President, if my colleague will yield, I also thank the majority leader. I know the pressures he is under. Everything is terribly important. As my colleague from Massachusetts said, he is gracious to allow us to bring this up at this particular time.

I ask—I know there are others, including our colleagues from Florida, New York and others, who want to be heard on this issue who may not be able to make it over to speak—that the RECORD be left open so their comments on the resolution appear prior to the adoption of the resolution.

If it is appropriate, I ask for the yeas and nays on this resolution.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LOTT. Mr. President, I ask unanimous consent, for those Senators who would like to have their statements on this resolution inserted, that they be inserted at this point in the RECORD. I know Senator MACK, who had gotten away before we made these arrangements, would like his remarks included at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, I rise today to offer my support to the Resolution being debated on the floor this afternoon. I am proud to be a cosponsor of this important statement of Senate support for the Northern Ireland peace agreement. Like my colleagues, I believe the settlement in Northern Ireland is an historic opportunity to bring peace to a remarkable people that have suffered from violence for far too long. And as a nation with deep cultural ties and personal attachment to Ireland, I believe we can all take a moment to be hopeful that a new era of peace and prosperity in Northern Ireland is now possible.

First, I would also like to use this opportunity to offer my congratulations to our former colleague George Mitchell for his role as Independent Chairman of the multiparty talks. Despite long odds and numerous setbacks, Senator Mitchell has demonstrated diplomatic skills that can only be learned by being Majority Leader of the Senate. His actions have truly been a credit to our nation.

Mr. President, for the first time in centuries there is hope that a lasting peace can be achieved in Northern Ireland—I think our words today fail to capture the importance of this opportunity. The agreements that led to the April 10 accord are the result of brave actions by both Protestant and Catholic political leaders, and the desire to find a solution to the cycle of violence that has virtually imprisoned all of the people of Northern Ireland for decades. I am confident, when given the chance to vote in the May 22 referendum, the people of Ireland will take the opportunity to send a strong message to their political leaders of their desire to continue to move forward in this process.

In our euphoria over the recent agreements, we must not forget that lasting peace will only come with continued diligence. We must not allow the opponents of peace in Northern Ireland to use terrorism to destroy what has been painstakingly built so far. Mr. President, with our strong support for this resolution we send an unmistakable signal of our willingness to continue to work with any and all people in Northern Ireland dedicated to bringing about a peaceful and lasting settlement.

Mr. MOYNIHAN. Mr. President. I rise as an original sponsor of the resolution acknowledging the historic Northern Ireland peace agreement. In adopting this resolution, the Senate will demonstrate its strong support for this agreement which has been so long in coming.

When I first came to the Senate in 1977, Senator KENNEDY, Speaker O'Neill, then-Governor Hugh Carey of New York, and I joined together and issued this St. Patrick's Day statement:

> We appeal to all those organizations engaged in violence to renounce their campaigns of death and destruction and return to the path of life and peace. And we appeal as well to our fellow Americans to embrace this goal of peace, and to renounce any action that promotes the current violence or provides support or encouragement for organizations engaged in violence.

Now, finally, one of the oldest conflicts in Europe has the potential of healing and being resolved. A courageous agreement has been reached in Northern Ireland. We in the United States Senate can be particularly proud of the role that our former colleague and leader George Mitchell played in mediating this agreement. He deserves no less than the Nobel Peace Prize.

The search for a just and lasting peace in Northern Ireland has entered a most promising stage. This resolution indicates the strong support of the United States Senate for this historic agreement. May it fulfill our hopes.

Mr. FEINGOLD. Mr, President, I rise today to commend the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from New York (Mr. MOYNIHAN) for introducing S. Con. Res. 90, which acknowledges the historic Northern Ireland peace agreement, and congratulates the individuals who made the agreement possible.

Just today, in my home state of Wisconsin, leaders representing all sides of the Northern Ireland peace process gathered in Milwaukee for a National Symposium on Prospects for Peace in Northern Ireland, sponsored by the George F. Kennan Forum on International Affairs. Mr. President, this conference was planned long before the historic peace agreement was announced. I am pleased that the attendees were able to come to Milwaukee with a viable agreement already on the table. The speakers at today's conference, who were involved in the negotiations of the peace agreement, discussed both the agreement itself and prospects for a lasting peace in Northern Ireland.

In light of this resolution, I want to repeat some of my remarks for the peace symposium.

The recent agreement reached by the parties to the conflict in Northern Ireland offers real hope for an end to three decades of violence in that troubled land. This historic step is the product of a new commitment to peace by parties on all sides of this longstanding conflict.

It is proper that this resolution commends President Clinton for making the search for an end to the conflict in Northern Ireland a top foreign policy priority. My former colleague, Senator George Mitchell, deserves special recognition from this body for his leadership in helping move the parties to an agreement. Above all, we commend the leaders from all sides of this conflict, many of whom worked tirelessly on this agreement, and had the will to put ancient hatreds aside and make peace their priority.

Now the success of the agreement rests in the hands of the people of Northern Ireland, who continue to review the details and, eventually, will have the opportunity to express themselves democratically through a referendum. Let us hope that all the parties will be able to commit to this process and that none will turn to the sectarian violence of the past. It is now the duty of all who seek peace to resist the efforts of those who may seek to undermine the accords through violence.

As a member of the Senate Foreign Relations Committee, I believe this agreement signals new hope for longstanding conflicts around in the world. Just a few years ago, many saw the conflicts in South Africa and Northern Ireland as intractable, but today one has been peacefully resolved and the other has made tremendous progress, as we recognize with this resolution.

So, Mr. President, I am happy to support this resolution with hope for the future, and commend the brave leaders who have taken a risk for peace in Northern Ireland.

Mr. CHAFEE. Mr. President, on Good Friday a landmark agreement was reached in Northern Ireland to start down the road to bring to an end decades of violent hostilities, and reshape fundamentally the political institutions of that province. All Americans have reason to be very pleased that the many competing political factions in Northern Ireland were able to resolve their longstanding, bitter disagreements.

Today I want to express my particular appreciation of the splendid efforts of President Clinton's Special Advisor on Ireland, former Senate Majority Leader George Mitchell. It comes as no surprise to me that those closest to these negotiations believe that were it not for the tireless efforts of Senator Mitchell, this agreement would not have been reached. Having worked with Senator Mitchell for nearly fifteen years on many complex issues, I can certainly attest to his unique ability to forge an agreement that most thought unachievable.

Senator Mitchell's many fine attributes served him well in the U.S. Senate, and helped prepare him for the tremendous challenges he faced as chairman of the multi-party talks in Northern Ireland:

He has the patience to listen to the contentions of people whose differences have existed for some three hundred years. Twenty-two months of talks may well have worn out a less capable, less disciplined person.

Senator Mitchell also brought with him to Belfast the Senate's respect for full and fair debate. As chairman of these talks, he ensured that all voices at the table were permitted to speak. He knew well that in the end, a successful agreement required that all parties felt that they had been listened to.

He possesses unrivaled negotiating skills. When needed, Senator Mitchell called upon Prime Ministers Blair of Great Britain and Ahern of Ireland, as well as President Clinton, in order to urge the participants to keep the talks alive. He also had the strategic thinking to set a deadline to end the talks.

Senator Mitchell was persistent in bringing about this agreement. Despite the long odds, he never gave up in his core belief that newborn children in Northern Ireland deserve the same chance as his six-month-old son to have peace, stability and reconciliation.

Finally, Senator Mitchell believed in compromise. Unionists and nationalists were clearly far apart when these talks began, as they had been for decades. Senator Mitchell was able to forge an agreement that gave just enough to both sides so that each could declare victory. Indeed, this ability to bridge differences helped create our very nation, as our Founding Fathers crafted a Constitution that satisfied the big states—that sought representation by population—and the small states, that sought representation by states.

Mr. President, George Mitchell's accomplishment in Northern Ireland makes us all very proud of him and proud of American values and ideals. In announcing the Good Friday Agreement, he stated, "it doesn't take courage to shoot a policeman in the back of the head, or to murder an unarmed taxi driver. What takes courage is to compete in the arena of democracy as these men and women are tonight."

Senator Mitchell knows the value of this competition of ideas from his days in this institution. He recognizes that a government which upholds this competition of ideas serves its people best. The people of Northern Ireland have recognized this basic truth as well. We salute George Mitchell, a true statesman who has helped begin the end of one of the world's most intractable conflicts.

Ms. SNOWE. Mr. President, today I rise to express my support for Senate Concurrent Resolution 90, which acknowledges the historic Northern Ireland Peace Agreement reached just two weeks ago.

Both the governments of the Republic of Ireland and the United Kingdom have worked for many years to facilitate a peaceful resolution to the conflict in Northern Ireland that has cost so many lives and caused so much suffering. Ultimately, it was the willingness of the representatives of Northern Ireland's political parties to adhere to the principles of non-violence that helped create an atmosphere that led to this most historic agreement.

I commend all those who helped lay the groundwork for this achievement: Prime Minister Tony Blair, Prime Minister Bertie Ahern and President Clinton for their dedication to the peace process. And I am especially proud of my former colleague, Senator George Mitchell, for his patient and herculean efforts to heal the deep wounds of this tragic conflict.

It will come as no surprise to my fellow Mainers and my Senate colleagues that Senator Mitchell would be unduly modest in recognizing the role he has played. As he noted, it may be true that the agreement alone "guarantees nothing." But it does bestow the precious gift of hope upon a people who finally have "the chance for a better future."

In his quiet, understated way, George Mitchell brought individuals who had been in conflict for the past thirty years out of the shadows of distrust and into the light of faith—faith in a nonviolent, democratic resolution. As one of the participants in the talks commented, "Here the United States sent one of its most able, skilled, talented, humble politicians, a supreme diplomat, and frankly we didn't deserve him."

That is a poignant and appropriate tribute to a man who has helped bring the promise of peace to a region most deserving of its blessings. As one who served with him in the Congress for nearly 15 years, I am proud to extend my gratitude to Senator Mitchell for his extraordinary work. And I do so knowing that the honor which would please George Mitchell most would be the true and lasting success of the remarkable agreement he helped to broker.

May the Northern Ireland Peace Agreement finally bring an end to the fear and suffering, and may the future of Northern Ireland be as bright as the spirit and potential of her extraordinary people.

Ms. COLLINS. Mr. President, it was Samuel Johnson who said in 1777 that the knowledge that you will be hanged in a fortnight does wonders to concentrate your mind. In 1998, former Senate Majority Leader and Maine Senator George Mitchell proved the truth of this aphorism by giving the Northern Ireland peace talks a deadline, placing upon these negotiations the equivalent, if you will, of a "sunset" provision that left the parties no alternative but finally to come up with a real solution.

This deadline accomplished its purpose: it concentrated their minds wonderfully, and this led directly to the historic Stormont Agreement. Some years ago it scarcely seemed possible to imagine a Northern Ireland in which children could grow up without fear of sectarian violence and bloodshed. Today, however, this brighter future is not only imaginable—it is very nearly here.

That Senator Mitchell should possess such statesmanship and political acumen is, of course, no surprise in my home state of Maine. Senator Micthell is greatly admired in this country for his work on behalf of Maine and on behalf of all Americans. Today, however, the people of Northern Ireland and the Republic of Ireland—and peace-loving people everywhere—also owe Senator Mitchell a great debt for helping steer these talks to their successful conclusion.

It is my great hope that with his statesmanship and steady hand, Senator Mitchell has now made it possible to achieve a real reconciliation in Northern Ireland—and for the Irish people to go about building their future together, in cooperation rather than in conflict.

And I am very pleased that the Senate tonight will pass legislation expressing our support for the Irish peace process and the brighter future represented by the Stormont Agreement.

Mr. MACK. Mr. President, I am proud to join my colleagues in the United States Senate in congratulating the people of Northern Ireland for their tremendous courage and perseverence which allowed for the signing of the historic peace agreement. With continued political leadership and the inspiring dedication of the Northern Ireland people, I am optimistic that peace may be at hand.

I traveled to Northern Ireland this past January. In fact, I arrived on the date that the latest initiative which led to the peace agreement arrived: January 12. During three days there, as the parties reviewed the details and held discussions with their constituencies, I developed a deep admiration for the political leaders who eventually accepted this agreement.

The concurrent resolution which we are submitting today seeks to thank all of the people who contributed to this peace agreement; I wish to personally thank all of the people who spent time listening to and talking with me.

Mr. President, I learned a great deal about politics and courage from the representatives of the political parties in Northern Ireland. I found that politicians in Northern Ireland share many of the challenges that politicians face in the United States Senate. Specifically, they often spend hours of each day in very difficult negotiations which may result in dramatic changes in the lives of those they represent. Following these meetings, they face their constituencies and justify their actions. The difference, however, between our jobs and theirs lies in the stakes. These people literally risked their lives by engaging in the peace process; they risked their lives to endorse this agreement; and they continue to bear this risk as the process continues.

Mr. President, the American people recognize the incredible risks these leaders take, and we thank them. To these brave men and women, however, the reward diminishes the risk. If this agreement succeeds as planned, it may alter the course of history. Because of this brave sacrifice, the people of Northern Ireland have the promise of security, freedom, prosperity and an end to indiscriminate killings and terrorist acts.

Mr. President, our concurrent resolution thanks a lot of people. But for me, the most inspiring people I met were outside of Belfast. The role of the community leaders cannot be overemphasized. While the negotiations proceeded in Belfast, at homes, neighborhoods and towns across the region, people were building local relationships which crossed borders and communities. These are the true heroes of the peace process. The people I met are making changes and making a differences where they live. They support the political process, but were not waiting around for anything coming from the capitals. Spending time among the people in the border regions, with the strongest faith in their abilities to make a difference in their own towns and neighborhoods, I became convinced that peace had a chance in Northern Ireland.

I salute all of the people of Ireland and Norther Ireland today who have labored for peace. They are the driving force behind the peace process, and they will make it work.

Mr. LOTT. I have a few remarks I would like to make on this.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I thank Senators KENNEDY and DODD for their comments. I thought it appropriate today, without another day going by, that the U.S. Senate express itself on this very important issue on behalf of the American people. That is why we made sure that we brought it up and had these few minutes to discuss this resolution, and that we put on the record our salutations to those who have been involved in these negotiations. We offer our congratulations to all the participants in the negotiations. I think they deserve recognition for their willingness to make honorable compromises in order to reach this agreement.

I think particular credit goes to our former colleague, Senator George Mitchell, for his persistence and his doggedness. Frankly, I wasn't sure that it could be pulled off, but he stayed with it. I think we owe him a debt of gratitude for his work.

Also, of course, I commend Prime Minister Tony Blair and Taoiseach Bertie Ahearn for their involvement and leadership. I believe the American people are proud of the contributions the United States and our President have made to this effort. We hope it will lead to approval in the May 22 referendums. Most of all, we hope it will lead to a lasting peace in Northern Ireland. That is the desire and that is the prayer of the people in Northern Ireland, in America and, hopefully, throughout the world. I endorse this resolution.

I have no further request for time. I am prepared to yield back the remainder of our time.

The PRESIDING OFFICER. All time is yielded back.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, Senator DASCHLE and I have been communicating. We do have an agreement we think is a fair way to conclude the debate on the education bill and also an agreement with regard to how the State Department reorganization conference report will be considered.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the Coverdell A+ education bill be advanced to third reading and that there be 3 hours 40 minutes of remaining debate time, to be equally divided in the usual form; and that following the conclusion or yielding back of time, the Senate proceed to a vote on passage of the Coverdell A+ bill.

I am hoping that Senators have had an opportunity to say what they need to say on this. Those who want to make closing remarks will be free to do so under this agreement, but it would be all right with the majority leader and the Senate if we did not have to use the full 3 hours 40 minutes. At that time, we will have a recorded vote, if this agreement is entered into, on the education bill, followed by a vote on the Irish resolution.

I further ask unanimous consent that at 10 a.m. on Friday, the Senate begin consideration of the conference report to accompany the State Department reorganization bill under the consent agreement of March 31, and that the vote occur on adoption of the conference report at 5:30 p.m. on Monday, April 27, with 10 minutes of debate remaining for closing remarks to be equally divided just prior to the vote.

I further ask unanimous consent that when the Senate reconvenes on Monday, April 27, following morning business, the Senate proceed to executive session to consider the NATO enlargement treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, for the information of all Senators, we will have two votes back to back around, I presume, 7:30, hopefully. Then we will have the State Department reorganization debate on Friday, with no recorded votes. The next recorded vote after tonight will be at 5:30 p.m. on Monday. We will have no other subject debated on Monday other than NATO enlargement. We will stay on NATO enlargement until Senators feel they are prepared to vote. Hopefully, by having that debate Monday and votes on amendments perhaps on Tuesday and Wednesday, we can come to a conclusion on Wednesday, but we will not hurry this most important issue and deliberation of the Senate with regard to the NATO enlargement treaty.

Therefore, that will be the schedule for the remainder of this week and through some part of Wednesday of next week.

I yield the floor, and we can now begin the debate.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the order just stated, the Senate will now resume discussion and debate of H.R. 2646.

Under the previous order, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from the great State of California.

Mrs. FEINSTEIN. Mr. President, I have not had an opportunity to speak on this bill. I take this opportunity to do so now.

Prior to yesterday, it was my full intention to vote for this bill. After yesterday, I regret to say I have some serious problems with it and cannot vote for it at this time, but I will, if the problems are remedied, vote for this bill when it comes out of conference.

Let me speak just briefly about what the problems are and then why I think the Coverdell-Torricelli bill is so important and groundbreaking.

Yesterday, this body accepted on a 50-to-49 vote an amendment to convert over $10 billion in currently targeted Federal education funds to a block grant to States. With adoption of this amendment, our efforts to direct limited Federal funds to national priorities are obliterated. Funds for disadvantaged students, funds to make schools safe and drug-free, funds for meeting national student achievement goals—virtually gone.

For ESEA Title I, the bill as it now stands deletes important requirements:

Requirements for student performance standards and assessment, something that I believe is vital if we are going to change the downward trend of public education in this country.

Requirements for evaluating a program's effectiveness. How could someone oppose that?

Requirements to take corrective action if programs are not effective. You mean, don't change a program if you find out it is not effective?

And requirements that Federal funds not supplant State and local funds. That was the Gorton amendment.

Secondly, that same day the Senate adopted, on a 52–47 vote, an amendment which would prohibit voluntary national testing of students. Last year, this body worked out a bipartisan compromise on reading and math testing under which States and local school districts could participate in national achievement tests, if they wished, voluntarily. Many, including several school districts in California, have agreed to participate. A good thing. Without national tests we have no way of comparing student performance, therefore, the success of individual States in educating their students from State to State. This was the Ashcroft amendment. It would abolish these voluntary tests.

Both of these amendments run counter to my very strong education beliefs. And more importantly, I believe they obliterate any chance of a veto being overridden by this body. I think that is really too bad, because I was one Democrat who was planning to vote to override a Presidential veto if necessary because I believe the Coverdell-Torricelli bill breaks important ground which I, frankly, am pleased to stand and support and defend.

I have heard the bill called a lot of things: "A voucher system." In my view, it isn't. A "subsidy to private institutions." In my view, it isn't. A "gift to the wealthy." In my view, it isn't. I have heard it said that it is "bad education policy." I disagree. "Bad tax policy." I disagree.

What this bill is, is an encouragement to save for education in a society that lives on credit and saves very little. In my book, that is good. I intended to vote for this bill.

Last year, as you all know, we had the IRA savings accounts for higher education of $500. Both political parties thought that was good. That would be extended to $2,000 and extended down through elementary school by this bill, whether the family that saves wants to spend that money in a public institution, a private institution, a religious or a parochial institution. I think that is good, sound public policy.

I have heard it said this is only for the rich. I suppose the reason for that is because these special savings accounts would be available to couples earning under $150,000 and single people earning under $95,000. And some people say, "Why should we give them any benefit?" Well, let me tell you, in my view, saving for education makes sense, whether you make $30,000 a year or $90,000 a year. It is good and we should encourage it. Of course, it may not be politically correct, but if it makes education a higher priority or a little easier, even better, what is wrong with that?

Let me speak for a moment on how Americans save.

The U.S. personal savings rate has been dropping for some time. In 1997, it fell again from 4.3 percent in 1996 to 3.8 percent in 1997. The U.S. household personal savings rate for 1996 was 4.4 percent; compared to Japan, with its troubled economy, at 12 percent; Germany at 11.4 percent; France at 12.8 percent; and Italy at 13 percent. So the United States saves about two-thirds less than any of these countries.

I'll give you an example of what is good about this bill. Let us say you are a struggling single mother, as I was at one point in my life. I earned less than $30,000 a year. I was a single mother with a young child. I could not save; that is true. Nonetheless, if I had had an uncle who saw an incentive like the tax incentives in this bill, and said, "Aha, she's got problems now. Let me start a savings account for her little girl," I would have appreciated it. This savings incentive would be available to a parent, a grandparent, an uncle or an aunt.

So if a grandparent can contribute to a grandchild's education, when the mother of that child only earns $25,000 or $30,000 a year, what is wrong with that? That is good. And if they want to spend that savings in a private school, in a public school, in a parochial school, I say, what is wrong with that?

I am a strong supporter of public schools, but I must tell you that I reject the thinking that says there is only one way to look at strengthening education, that is that you can only push it in one direction. What this underlying bill does is to encourage people to save for education and then use their savings for education.

What I like about this bill is it does just that. It says, if you send your child to a public school, you can use this bill perhaps to buy them a computer. You can use this bill to get them tutors or to send them to a special after-school program or you can use this bill to buy their school uniforms. Or if you are lucky enough or want to send your child to a private school, yes, you can use this money you saved, or the child's grandparent or the child's aunt or the child's uncle saved, you can use that to educate this child.

In a country where public education and other education is weak, why wouldn't we want to encourage savings for education? In the first place, families can talk about it. "Oh, I'm going to contribute to a savings account for my granddaughter. And here's where it's going to go. And here's how it's going to be used. And when she needs it, here's what's going to be there." I think that is healthy for this country.

I commend both authors, both Senator COVERDELL on the Republican side and Senator TORRICELLI on the Democratic side. I think this is an important bill. The Joint Tax Committee has estimated that 58 percent of the tax benefit would accrue to those taxpayers filing returns with children in public schools. Fifty-eight percent would go to families who have children in public schools. So I do not believe this is a bailout for the rich. I do not believe it will help only the affluent.

In California, a high-cost State, the cost of a home mortgage, a car loan, insurance premiums, clothing, recreation, are all high. Believe it or not, families that earn $90,000 a year have a hard time saving.

In California, out of the 13 million tax returns filed, 10.4 million, or 78 percent, of these returns reflect earnings under $50,000. The average per capita income in California in 1998 is $28,500. Here is where the grandparents or an aunt or an uncle could really help out.

Additionally, one out of every four students in a California school lives in a single-parent home. Again, 25 percent of the students are in single-parent families.

I was in Los Angeles, meeting with a group of African American mayors of cities surrounding Los Angeles this past week, and a woman whom I very much respect from Watts, California, came up to me and said, "Hey, Dianne, tell me about this bill. Does this mean that if I can save this money, I can save it for my grandchild?" And I said, "Yes, Alice, it sure does." And she said, "That sounds pretty good to me." Well, I have to tell you, it sounds pretty good to me, too.

Only 51 percent of California's homes have a personal computer. Among Latino households, only 30 percent own a computer.

In my State, we rank 45th out of 50 in student-to-computer ratios, with 14 students for every computer, compared to the national rate of 10 students for a computer. We rank 43rd in network access. Our education technology task force has called for an $11 billion investment to put technology into K through 12 classrooms. Computers in the home can supplement those in the classroom. And this is a way for a grandparent, an uncle, a niece, to help with that.

Another important part of the Coverdell-Torricelli bill that no one is talking about are the incentives for college education. This bill helps in three ways. First, it increases the allowable contributions to education IRAs that we created last year for college education. It raises them from $500 to

$2,000. That is important in California because tuition is so high now, even in public institutions. This makes it possible.

Second, again, it expands those who contribute to include those other than parents. These changes should encourage many more Californians to save for a college education. I say let's try it. Let's watch it. Let's see what happens.

Finally, the bill allows interest earned in qualified State tuition plans to be exempt from Federal taxation. This could increase participation in California's new Scholarshare Trust Program. Effective January 1, 1998, this program authorizes participants to invest money in a trust on behalf of a specific beneficiary and it defers payment of State and Federal income taxes on interest earned, on investments in the trust, until benefits are distributed. Any California family or any person can open an account and distributions are authorized for all expenses of attending college. In the view of the Postsecondary Education Commission, the bill before us could enable Californians to save $25 million annually in Federal taxes, savings that can then be devoted to education.

Let me just indicate increases in college tuition are outpacing increases in income. Total expenses during the 1997–1998 school year to attend the University of California at Berkeley were $13,169—a year; at UC San Diego, $13,400; California State, Chico, $10,000. For private schools, the cost in 1996–1997 of attending my alma mater, Stanford, was $30,410—when I went there, we ran costs of about $1,200 a quarter. Now it is $30,000 a year; at Occidental, $26,000; University of the Pacific, $25,000.

California's public colleges and universities have been told to prepare for a 24 percent increase in enrollment by the year 2005, which translates into almost half a million additional students. The California Postsecondary Education Commission has predicted that our public college and university system will need about $1 billion in new revenues per year through 2006 to maintain existing facilities.

The PRESIDING OFFICER. The Senator from California has spoken 15 minutes. She can seek more time if she so desires.

Mrs. FEINSTEIN. This bill is not the end-all, be-all solution to the problems of our schools. But it is a good step.

It is my intention to vote against this bill at this time because of the two additions I cited earlier. If the Gorton and Ashcroft amendments come out in conference and the appropriate tax incentives to save for education remain, I will vote for this bill and I will vote to override a Presidential veto.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I yield 15 minutes to the Senator from Minnesota, Senator WELLSTONE.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 15 minutes.

Mr. WELLSTONE. The U.S. Senate is about to pass a bill that deals with education and then send it to the President.

Now, when I go back to Minnesota—and when I am in Minnesota I try to be in a school every 2 weeks—here are some of the questions that students might be asking me about this education bill.

"Senator," or "PAUL," will this legislation reduce the class size or the size of our classes so that our teachers will be able to give us more attention so we won't have to sit on a radiator because there is not enough room in the classroom?" By the way, I don't speak just for Minnesota but I speak for a lot of schools I visited in this country. My answer will be no, though I would like to be able to say to those students yes, because I know how important class size is to whether or not they receive a good education.

"Senator, will there be any money to renovate our school?" I was just meeting with a group of students from one of our schools, a middle school in Minnesota, the community of Cambridge. They were talking about some of the problems that they have. "Senator, will there be any money to rebuild our schools?"

Or as I think about some of the schools I visited around the country, and if I was talking to other children, they might be saying to me, "Senator, the roofs are caving in, the building is decrepit, the air-conditioning doesn't work during the warm spring months, the heating system doesn't work well during the cold weather months. Is there any money to invest in the infrastructure, because we don't have the wealth in our communities to do this?" My answer will be, "No, not in this piece of legislation."

"Senator, will this bill train teachers to use technology so they can incorporate that into their teaching—because we are hearing that it is so important for us to be technologically literate to compete in the economy. Will that happen?" And my answer will be no.

How about other people who work with children, people who are down in the trenches? This is their life's work. This is their passion. They say to me, "Senator, did you in this education bill put any money into early childhood development so that when children reach kindergarten they will be ready to learn?" And the answer will be no.

Then another question will come: "Senator, what about after-school care?" I think about the Boxer amendment. "Did you put any money into good community-based after-school care programs?" A lot of us with teenage daughters and sons worry a lot about where they are and whether or not there would be something positive for them to do after school. "Did you all do anything in this legislation to help us?" And the answer will be no.

Then to make matters worse, with some of the amendments that have passed, I heard my colleague from California speaking, now we have block grant amendments that passed. So as a national community, what we used to say was we are a nation. We do not want to grow apart, we want to grow together. We make certain commitments here in the Senate and here in the House of Representatives representing our Nation. We are a national community with certain values and priorities. By golly, one of them is title I. We want to make sure that children who come from families in difficult circumstances—low and moderate income and other problems—get some additional support, and our schools get some additional support so they can give these kids some additional help.

Now there is no assurance that will happen. There is no assurance that we will have the same commitment to safe and drug-free schools. We now have with this piece of legislation $1.6 billion or $1.7 billion—what we have done is not just a money issue. It is not just a lack of investment in crumbling schools. That is not there. It is not just the lack of investment in smaller class sizes. It is not there. It is not the lack of investment in enabling teachers to get more training for uses in technology. It is not there. It is not just a great step backward where we don't invest the money in public education.

I don't know what slice of the population we are talking about, but I will tell you there are not a lot of Minnesotans who can just take $2,000 and put it into savings. What about the vast majority of people who don't have those dollars, who are concerned about the communities they live in and the schools their children go to, public education?

This isn't a great step forward for public education or education for children; this is a great leap backward. Now we have done something else, I say to my colleagues who supported this initial framework. What we have done through amendments passed on this floor is undercut what has been a historic national community commitment to title I, to children who need that additional help. This is not a step forward; this is a great leap backward.

Mr. President, I will tell you, this piece of legislation is a piece of legislation that does not do well for many, many children in our country. We should be able to do much better. If we were to think about the best kinds of things we could do to make sure that children would do well, that we could have good education for all of our children, we would have put a lot of emphasis on smaller class size, and there is no emphasis on it; a lot of emphasis on early childhood development, and there is no emphasis on this; a lot of emphasis on after-school programs, and there is nothing in this legislation; a lot of emphasis on rebuilding crumbling schools.

What kind of message do you think these children get when they walk into these dilapidated buildings? The message is that we don't value them. But there is nothing in this legislation that deals with that. Mr. President, what we also would have done is, we would have focused not just on the children, but we should be focusing also on the parent or parents. The two most important explanatory variables in determining how well children do are the income status and the educational status of their parent or parents. We don't put the emphasis on that. We don't put the emphasis on making sure there is health care there and good jobs and family income. We don't put the emphasis on smaller class size. We don't put emphasis on rebuilding crumbling schools. We don't put emphasis on preschool, early childhood development or after-school programs. What we do is undercut and wipe away a major commitment that we have made to the title I program and funds for kids from low- and moderate-income families.

This piece of legislation is not a great step forward; it is a great leap backward from a commitment to public education, from a commitment to children and families all across the United States of America, from a national commitment to making sure that we expand opportunities for all of the children in our country.

This piece of legislation doesn't do that. It may pass, but it will be vetoed by the President. And I will say to my colleagues that I am sorry, because I guess, with the exception of some Senators who have a different view, this is by and large a difference that we have on the two sides of the aisle. I look forward to this national debate. We will be debating education. In a way, this exercise—I would not call it meaningless. People spoke. But the truth of the matter is that everybody knows the President is going to veto this bill. He has made that clear. In that sense, all of us have felt a little uneasy about this week. But the debate will go on, because this issue of education, this issue of our children, whether our children will get good educational opportunities so they will do well in their lives—this is an important issue to families in North Dakota, Connecticut, Minnesota, and all across the country.

As a Democrat, I am telling you, we are going to take this issue out and about the country. We are going to have a discussion, dialog, and debate. This piece of legislation, especially with these amendments, represents a huge step backward, and I want people in the country to understand that on this issue, the differences between the Democrats and Republicans makes a huge difference.

I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. Who yields the Senator time?

Mr. LIEBERMAN. Mr. President, I have been authorized to confirm the time allocated to the Senator from Georgia, Mr. COVERDELL, and yield myself up to 15 minutes.

The PRESIDING OFFICER (Mr. COATS). The Senator is recognized for up to 15 minutes.

Mr. LIEBERMAN. Mr. President, I rise today to voice my support for the Parent and Student Savings Account PLUS Act, which I am pleased to join Senators COVERELL and TORRICELLI in cosponsoring, and also to urge my colleagues to give this bill a full and fair hearing before making up their minds on it.

The core of this legislation is similar to a provision that passed both houses of Congress as part of the Taxpayer Relief Act of 1997, but was stricken out before the President gave his final approval. The Taxpayer Relief Act authorized the creation of an Education IRA that would allow parents to set aside up to $500 each year in a tax-free account to help pay for their children's college education, a provision that I cosponsored. Senator COVERDELL succeeded in adding an amendment that would permit parents to also use this Education IRA to pay for elementary and secondary education costs, but that provision was ultimately dropped from the final version of the Taxpayer Relief Act at the request of the Administration.

The bill we are considering today, H.R. 2646, mirrors the modifying amendment that Senator COVERDELL offered. It would increase the annual contribution limit for the Education IRA up to $2,000, and then expand the definition of "qualified expenses" to also allow families to withdraw money from the account without penalty for K-12 expenses, such as tutoring, tuition, books, uniforms, computers and special services for disabled students. Like the original Education savings account, this expanded version would be targeted at the broad range of working and middle class families with dependents under 18 years old, limiting eligibility to those households with annual income of less than $160,000.

Judging this proposal on the merits, it makes eminent sense. At a time when parents are growing increasingly concerned about the quality of K-12 education their children are receiving and when many educators are trying desperately to spur greater parental involvement in their children's schooling, the expanded Education savings account would encourage parents to invest directly in their children's education, from kindergarten all the way through to graduate school, and take a more active role in the lives of their sons and daughters. And at a time when many parents are seeking more choices for their kids, especially for the students who are trapped in failing and unresponsive local schools, this bill would help make private or parochial school a more affordable option for those families who decide that is the best choice for their child, or in some cases, the only chance to get a decent education.

For the average family, this plan would provide a significant incentive to set aside some of their savings for the myriad costs they may face in helping their children reach their full potential, such as the after-school math tutoring an underachieving child needs to reach grade level, or the new computer a budding programmer needs to upgrade his skills, or the special classes a dyslexic students needs to take to overcome her disability, or even the price of tuition a family needs to pay to ensure that their child can learn in a safe, disciplined environment. According to an analysis by the Joint Tax Committee, if a family with annual income of $70,000 contributed the maximum each year to the expanded IRA, they would accumulate a savings of more than $17,000 by the time their first child was age seven, while saving $1,000 in taxes. By the time that same child was ready to start high school, the account would be worth $41,000, and the tax savings would top $4,300.

Those are significant sums of money, which could be used for immediate needs when children are growing up, or in many families, could be reserved primarily to help meet the financial burden of going to college. The choice is up to each individual family on how to spend their money—which is an important point to stress, that we are talking about after-tax income, not the "government's" money, not a tax credit or even a deduction. It is the parent's money, not the government's. The modest tax benefit we are proposing would simply reward them for saving for their child's future, which is exactly why we passed the original Education savings account with strong bipartisan support.

This is all reasonable and sensible, which leaves me puzzled as to why some are attacking this bill as if we were proposing to destroy public education in this country as we know it. Judging from the overheated rhetoric we have been hearing, this plan is little more than a backdoor attempt to funnel money into private schools at the expense of public schools and create a new tax shelter for the wealthy. It would "do nothing to improve teaching or learning in our public schools," in the words of one group; instead, it would "undermine support of public education," in the words of the another. And a third organization seethed that this bill is really "private and parochial school vouchers masquerading as tax policy."

For those of us who have fought the school choice battles in the past, the nature and vehemence of these criticisms is familiar. Last fall, for instance, we called for the creation of a small pilot program here in Washington, D.C., that would have authorized $7 million to provide 2,000 disadvantaged children with scholarships to attend the school of their choice, without a dime away from the amount requested by the D.C. public schools. For that Secretary of Education Richard Riley, a man I truly admire, went so far as to suggest that our bill would "undermine a 200-year American commitment to the common school."

But what is surprising in this case is how utterly disconnected the current criticisms are from the bill we are considering today. Let's start with the fact that this measure does not remotely resemble a voucher or scholarship plan, nor does it target aid to private schools. This is a savings account bill, one that simply raises the contribution limit for the existing education savings account and gives parents the choice to use some of those savings for K–12 expenses. It is unequivocally neutral on its face—it does not distinguish between public school parents and private school parents. It is meant to help all parents, and the truth of the matter is that the clear majority of parents who are expected to take advantage of it—70 percent, according to the Joint Tax Committee—will have their children in public schools. To suggest otherwise is to ignore the growing variety of educational costs that many public school parents face these days, and overlook the tens of thousands of parents who are turning to places like Sylvan Learning Center to help improve their children's skills.

The critics of the education savings account legislation are also off base when they proclaim that it would do absolutely nothing to help public education. To see why, I would urge my colleagues on both sides to re-read the President's major educational priorities. Both the President and the Secretary have rightly argued that stimulating greater parental involvement is critical to reaching all seven of the Administration's top goals, particularly when it comes to improving reading proficiency. The Secretary believes it is so essential that he established a broad-based national initiative—the "Partnership for Family Involvement in Education"—to better engage parents. The bill we are debating today, H.R. 2646, will help by encouraging parents across the country to save for the future and take a more active role in their children's schooling. It will not singlehandedly raise test scores or prompt millions of new parents to join their local PTAs. But is will complement and reinforce the work that the Secretary and many national and grassroots education groups are already doing, and for that reason it is worthy of our support.

Perhaps the most vexing criticism of this super Education IRA plan is the notion that it will only benefit the wealthy. The language of the bill explicitly refutes that point, and I would urge my colleagues to read it for themselves. They will see that it precludes any individual parent with income above $110,000 or any couple above $160,000 from contributing to an expanded IRA. I would also urge my colleagues to refer again to the Joint Tax Committee's analysis of the bill, which projects that 70 percent of the tax benefit from the expanded IRA will go to families with annual incomes less than $75,000—middle class families. And I would urge them to consider the provision in the bill that allows any corporation, union, or non-profit organizations to contribute to IRAs for low-income students. The growth of donations to private scholarship funds across the country—more than $40 million has been raised since 1991 for programs in more than 30 cities, including one in Bridgeport, Connecticut—suggests that there are many generous groups who would be interested in lending their support to an Education IRS for a disadvantaged child.

Mr. President, in making these points, I harbor no illusions. I recognize that a relatively small number of poor families will likely benefit from the expanded IRAs, and that these accounts will primarily help middle and upper middle class families who have the means to maintain them. But that is a significant chunk of our populace, and most of them are financially stressed in trying to meet the costs of home, family and school. If this bill can spur them to invest in their children's education and generate parental involvement, then it will serve a valuable purpose.

Moreover, I would also say to my colleagues that if they truly want to target aid to disadvantaged children who are not being well-served by the status quo, then they should support legislation that Senator COATS and I have sponsored that would establish low-income school choice programs in several major cities. These pilot programs would give thousands of poor students the opportunity to attend a better school and realize their hopes of better future, while providing us as policymakers an opportunity to examine what impact this kind of narrowly-targeted, means-tested approach would and could have on the broader education system. Many of the supporters of the bill we are debating today also have expressed strong support for the Coats-Lieberman bill, so it's just not accurate to suggest that the sponsors of the education savings account legislation are merely interest in helping the well-off.

Nevertheless, the opponents of this bill continue to insist that we are wrong no matter what the facts say. Last year, many of my Democratic colleagues and many of the leading educational groups voiced their strong support for the original Education IRA as a boon to middle class families struggling to pay for college. Today they turn around and attack the same concept with the same income caps—let me repeat, the same exact income caps—as a sop to the rich. The difference, of course, is that parents would have the choice to use the savings from the expanded IRA for K–12 expenses for public and private schools students, or college or both.

That distinction is so significant to our cities that they are willing to eliminate the part of the A+ Accounts bill that would increase the contribution limit for the IRA from $500 to $2000, which would give millions of parents an even greater incentive to save for college, in order to prevent us from providing a modicum of relief for elementary and secondary costs. That facet of the bill has gotten lost in all the hyperbole of this debate, and it bears repeating: Beyond allowing parents to use the IRA to pay for K–12 expenses, this measure would significantly enhance their ability to meet the burden of paying for college. In fact, according to the Joint Tax Committee, the clear majority of the additional $1.64 billion in tax benefit that this bill would extend over the next 10 years would go to families who are saving for higher education, a very important purpose for them and for our country in this education age. That is something that the critics of this super Education IRA are reluctant to acknowledge. According to them, practically every last penny from this bill will end up in the coffers of private elementary and secondary schools. On the contrary, most of the money saved will go to colleges and universities.

Hearing these misdirected attacks, I can't help but ask why so many thoughtful, well-intentioned educational groups are engaging in so many logical contortions to bring down this bill. To answer that question, I would repeat the simple theory I offered last fall during the rancorous debate over the D.C. scholarship bill: Love is blind even in public policy circles. I fear that our critics are so committed to the noble mission of public education that they have shut their eyes to the egregious failures in some of our public schools and insisted on defending the indefensible. And they are so conditioned to believing that any departure from the one-size-fits-all approach is the beginning of the end for public schools that they refuse to even concede the possibility that offering children a choice could give them a chance at a better life while we are working to repair and reform all of our public schools.

In this week's debate, we are seeing this reflexive defensiveness again. We are not discussing a voucher bill. We are not attempting to give nay Federal money to private schools. We are proposing a modest plan to help families—not public school families, or private school families, but families of all kinds—provide the best educational opportunities for their children. It sounds a lot like the G.I. bill or the guaranteed student loan program, which we all support. But because some parents who take advantage of these accounts and the small tax benefit we are offering will choose to send their children to private schools, this bill is seen as anathema by some.

Mr. President, as the consideration of this bill proceeds, I would appeal to my colleagues to lay down their rhetorical arms and listen—not to be bipartisan co-sponsors of the bill, but to the people we are trying to help. Yes, they want smaller class sizes, and yes, they want safer and sturdier public schools, and yes, they want better-trained teachers. But those are not reasons to oppose this bill. In addition to seeking more money to improve our public schools, parents increasingly are demanding more choices for their children—be it in the form of public school choice, charter schools, or scholarships for low-income kids to attend a quality private or parochial school. And they are seeking more of a focus on results rather than a defense of the system and all who function in it.

Poll after poll confirms this. For the sake of this debate, let me cite just a few. A recent survey by the Center for Education Reform found that 82 percent of parents said they would support efforts to give them the option of sending their children to the public or private school of their choice. A much-quoted study done by the Joint Center for Political and Economic Studies last year found that 57 percent of African-Americans and 65 percent of Hispanics favor the use of vouchers to expand opportunities for low-income students. And even Phi Beta Kappa, which is openly skeptical of private school choice, found in its annual poll on public attitudes towards public schools a slim plurality of Americans would now support a program using tax dollars to pay tuition at private school for some children. If my colleagues need any more evidence, I would point them to the mushrooming charter school movement, where parents and teachers hungry for alternatives to the status quo have started more than 700 new schools from scratch over the last five years, with hundreds more to open next fall.

The bill we are considering today cannot and will not guarantee greater choices for every family. But it does offer a progressive response to the public's pleas for innovative educational solutions that focus less on process and more on children. That, in my mind, is what is truly at stake here in this debate. We cannot walk away from our responsibility to fix what ails our public schools, to set high standards, and demand greater accountability in meeting them. But in doing so, we must not be so defensive in our thinking that we reflexively rule out innovative options that deviate a scintilla from the prevailing orthodoxy.

That is why I have urged my colleagues to give choice a chance. That is why I have urged this body to give charters a chance, which I am proud to report we did last year in raising Federal funding by 60 percent for this fiscal year. And that is why I am appealing to my colleagues today to give this Education IRA bill a chance. By doing so, we can prove that it is possible to encourage parents to invest in their children's future without disinvesting in our common schools. And hopefully we can begin to change the dynamic of what for too long has been a disappointingly dogmatic and unproductive debate on education policy in this country and lay the groundwork for a new bipartisan commitment to putting children first.

Mr. President, again, this bill is part of a host of responses to a reality to, I think, all of us here in this Chamber, which is that while we have many extraordinarily positive things going on in our system of education in this country, while we have tens of thousands, hundreds of thousands, of gifted and, I would say, heroically successful teachers, while we have excellent schools—public, private, and faith-based—in our country, the fact is that the status quo in American elementary and secondary education is not working for millions of our children.

The Senator from West Virginia, Mr. BYRD, spoke today with eloquence, with force, and with truth about the extent to which education, which has always been the way in which we have made the American dream of opportunity real for generations of our people, and which is even more necessarily so today because of the highly informational, technological age in which we live—how that ticket to a better life is being deprived to millions of our children today, who are going to school in buildings that are in shabby shape and schools that are unsafe—not only are the buildings unsafe, but it is unsafe to be there in many cases. Too often, they are taught—and I use the word advisedly—by teachers who are not prepared in the subjects that they are supposed to be teaching. Too many parents are wanting to help their children more, but they are too burdened economically to find a way to make that happen. Class sizes are too large, and professional development of teachers is not what it should be.

Mr. President, I view this A+ Act, these A+ accounts, as one thoughtful, progressive response to that problem. It is not the solution to the problems that face American education and our children today. The fact is that there is no one answer to those problems. And the shortcoming of the debate that we have had here and the political jousting that is going on here—too much of it partisan—is that this debate is being framed as if it were a multiple-choice question on an exam for which there is only one right answer. That is not reality. There is not one right answer. The underlying bill here—the A+ accounts—is a thoughtful part of an answer. Many of the amendments offered, such as one regarding school construction, and class size, and Senator BOXER's on after-school education, are all part of the solution. And there are other decent, constructive, thoughtful answers to the crisis.

I hope we can find a way—and I hope it is after we pass this bill, which I strongly support—to put aside the jousting and figure out a way to sit down together and find common ground that is aimed at benefiting the millions of schoolchildren in this country who are not being adequately educated today. That is going to require all sides to drop some of the orthodoxies, to drop some of the prejudices, to drop some of the political reflex instincts at work here today, and to go forward not to develop issues for the next campaign but to develop programs for the next school year for our children. That is the way I approach this legislation.

This is similar to a provision that passed both Houses of Congress as part of the Taxpayer Relief Act of 1997 but was stricken out before the President gave his final approval. The Taxpayer Relief Act did authorize the creation of an education savings account that would allow parents to set aside up to $500 each year in an after-tax account to help pay their children's college education—a provision that I was proud to have cosponsored. The income limits in that proposal were exactly the same as in the proposal before us today. That proposal enjoyed broad bipartisan support. No one called it a sop to the rich at that point, because it certainly was not. It was a helping hand to middle class families who are trying to send their kids to college to better educate them and to figure out how to do it without putting an enormous financial burden of debt on their backs.

Senator COVERDELL and Senator TORRICELLI have had the imagination to simply take that idea and increase the amount of money that could be put in up to $2,000, and make it, as the debate has made clear, applicable to elementary and secondary education as well as college, and to make it available for use by parents for both public school students and for students of those parents who choose to send them to private or faith-based schools.

This bill could be called "the private GI bill." It is really, in principle, no different than the GI bill that is one of the great accomplishments of the American Government in the postwar period. I say "private" because the money isn't governmental, the money is the parents'. It is the families' own money that they put into the accounts. Then they decide how they want to use it to benefit their child's education and to put their child on a path to self-sufficiency in this technological information age.

Some people talk about this bill as if it were the beginning and the end for public education. How could that be so? This is the beginning of an assist to parents of working middle class families, to encourage them to save some money so that they can help us better educate their children. Our priority in this country has been and always will be public education. That is where most of our children will be educated. That is where most of our effort must be put. But the crisis that plagues too many of our schools today forces us to focus on results. What are the results of the education system? What are we getting for the money we are putting into it and not on protecting the status quo?

I view this not as a revolutionary proposal. Not at all. It is a modest, thoughtful, progressive, cost-efficient way to help parents better educate their children. Let's not forget that one of the elements of the administration's education program is to get parents more involved in their children's education.

I urge my colleagues on both sides of the aisle to reread the President's major education priorities. Both the President and the Secretary of Education have rightfully argued that stimulating greater parental involvement is critical to reaching all seven of the administration's very worthy, right on target, top education goals, particularly when it comes to improving reading proficiency. The Secretary believes it is so essential that he established a broad-based national initiative, a partnership for family involvement in education to better engage parents.

The bill we are debating today I am convinced will help by encouraging parents across the country to save for the future and to take a more active role in their children's schooling. It will not singlehandedly raise test scores or prompt millions of new parents to join their local PTA. But it will complement and reinforce the work of the Secretary of Education, the great work that he and many national and grassroots education groups are already doing. For that reason alone, to encourage more parental involvement in our children's education, I think this proposal is worthy of support.

Mr. President, as I see you in the Chair, the Senator from Indiana, it reminds me to make this point. Some have said that this bill is a sop to the rich because of the income limits. In my opinion, it is a helping hand to the middle class working families. The reality is that the poorest families in our country probably will not have the money. I hope they can find some to put into these tax-free education savings accounts.

But I appeal to my colleagues. If you really want to help give a boost to poor children, if you are looking for a program that targets aid to those who are most disadvantaged, please take another look at the low-income school scholarship choice programs that the Senator from Indiana and I have tried in vain to convince 60 of our colleagues, 58 besides ourselves, to support so we could at least give these programs a test. Those programs are totally means tested. There is no sop to the rich there—not even a helping hand. It is to the middle class and directed totally to the poorest of our citizens.

Mr. President, let me make two final points. I listened very carefully to my colleague and friend, the distinguished Senator from California, who is troubled by at least two of the amendments that have been put forward, both of which I voted against, one by the Senator from Washington and the other by the Senator from Missouri. Her decision, which I respect, is to vote against this bill because of those amendments.

My decision, because of my strong support for the underlying bill, the idea of these empowering education savings accounts, is to vote for the bill with the amendments, although I oppose the amendments, but to appeal to all of our colleagues who will sit on the conference committee on this measure to remove those amendments, to bring them back on another day, so that they do not jeopardize the enormous accomplishment that we can make by passing the underlying bill.

I want to say specifically with regard to Senator GORTON's amendment on block grants that he spent a lot of time on it and he did a lot of good work. It is a very thoughtful proposal. It is significantly improved—if I could use that judgmental term at least in my frame of reference—from the last time he presented it to the Senate. I know he has met with education groups about it. But the reality is, in my opinion, that it is too large a change. The underlying bill, that is significant, as I have said, is not revolutionary. Senator GORTON's amendment is revolutionary. I think appropriately it ought not to be passed after a brief debate as an amendment to another bill; it ought to be considered in the fullest of time next year, when the Congress will take up the reauthorization of the Elementary and Secondary Education Act.

The final point is this: I hope beyond the effort to take these controversial amendments off, which are guaranteed to bring a Presidential veto, that the conferees will break out of the tug-of-war mode that the two sides are in and see if we can't find common ground. I have great respect for the Senator from Georgia, whose imagination built on the education savings account, the bill we passed last year, and made it into this excellent A+ account proposal. I know he has not spent the time which he has, as well as Senator TORRICELLI and others, just to pass a bill that is vetoed by the President and nothing happens. I know him well enough to know that he is not looking—if I may speak directly—for an issue, he is looking for an accomplishment, as all of us are.

The PRESIDING OFFICER. The Senator's 15 minutes have expired.

Mr. LIEBERMAN. I ask my colleague from Georgia for simply an additional 2 minutes.

Mr. COVERDELL. I yield another 2 minutes to the Senator.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LIEBERMAN. I thank the Senator.

My appeal is that when this bill passes, as I am convinced it will, that the conference committee, or meetings outside the conference meeting, including representatives of both parties, both Chambers, and the administration, sit down together and see if we can't put a package together that includes these education savings accounts, the A+ accounts, and opens the door and includes some of the proposals that have been made by some of my Democratic colleagues in this debate and are favored by the administration.

I think that is the way to have the result of all of this debate this week to be more than noise and issues to carry into the campaign. That is the way to have this debate result in some real change, some real hope of reform in America's educational system, and, most specifically and in a more personal way, some real hope for a better future for the millions of children in America who are not being given that chance for proficiency because we are not giving them the educational tools they deserve.

I thank the Chair. I thank the Senator from Georgia.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield 5 minutes to the Senator from Georgia, Senator CLELAND.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CLELAND. Thank you, very much.

Mr. President, I would like to commend the senior Senator from Georgia, my dear colleague and friend, Senator COVERDELL, for his stick-to-itiveness in bringing this issue to the floor of the U.S. Senate. He has worked hard on the Parent and Student Savings Account Act. This bill is the product of many long hours of hard work and compromise and collaboration, and Senator TORRICELLI and other members of the Finance Committee deserve praise for bringing this issue to the floor.

I would like to state for the record that I had planned to support final passage of the Parent and Student Savings Account (PLUS) Act as reported out of Committee. In addition to the education savings account provision in the bill, H.R. 2646 contains a number of measures that further increase education opportunities for students, including the expansion of employer-provided education assistance to cover graduate courses, an allowance for individuals to make withdrawals from State tuition program accounts on a tax-free basis, and a provision providing an increase in the small issuer rebate exception for bonds used to finance school construction, all of which I strongly support.

And I also support the education savings account provisions, especially the expansion of the credit for savings for college education, which have caused most of the controversy on the bill. While the Parent and Student Savings Account (PLUS) Act as reported by Committee was a modest and moderate bill and certainly was not the final answer to the education problems currently facing our country, I believe that by making additional resources available for education this bill represented a step forward and I had every intention of supporting it.

Unfortunately, yesterday the Senate voted, by a one vote margin, to attach an amendment to this bill which I can not support, and which is neither modest nor moderate in impact. Senator GORTON's block grant amendment greatly concerns me and I believe that it is a risky experiment that will undermine the legitimate, but limited, federal role in support of public education.

Senator GORTON's amendment would block grant funds for about one-third of the programs administered by the Education Department including those for bilingual education, Title I programs which are targeted to poor, disadvantaged school districts, Safe and Drug-free Schools, and education technology. Some of these programs date back to the Eisenhower Administration. We cannot turn back the clock on programs such as these. The Gorton amendment will undermine the federal commitment to improve the nation's schools and opens the doors for abandonment of national commitments to disadvantaged and disabled students and other priorities established over the years by a bipartisan consensus in Congress.

In spite of the fact that this idea was first advanced many months ago when the Senate took up last year's education appropriations bill, no hearings have been held on this block grant proposal nor has there been any committee review of its impact. As I stated earlier, this amendment affects one-third of the federal education programs and would, in effect, radically restructure the administration of over $10 billion of federal education dollars. I believe that it is premature and irresponsible for this body to pass legislation that would make such sweeping changes to the federal role in education based on thirty minutes of debate.

As a strong supporter of state and local decision-making I fully support our current educational system which vests most authority for education at the level of government closest to students and parents, usually local school boards, with the federal role largely limited to the provision of supplemental financial assistance. However, I also believe that federal involvement, while limited, is necessary and that the Department of Education provides an appropriate oversight function to ensure basic educational standards, civil rights protections, program quality safeguards as well as overall accountability.

I realize that there are many problems with today's schools. Our schools and our children, unfortunately, mirror many of the problems of our times. Drugs, gangs and weapons have infiltrated many of our schools and are adversely affecting our children. Student educational attainment is too low in far too many of our school systems. Combating these problems will take the best efforts of parents, teachers, administrators and governments at the local, state and federal level.

In addition to Senator GORTON's amendment I also am very concerned about Senator ASHCROFT's amendment which will prohibit spending Federal education funds on national testing. I believe that voluntary national achievement tests will empower parents and local school districts to assess how well their students are performing. Such measures will give parents insight into how their children are doing and how well their children's school is doing. From the voluntary tests, we will be able to determine if a child needs help, if a class needs help and if a school needs help. In direct conflict with the bipartisan compromise on national testing so painstakingly crafted last year, the ASHCROFT Amendment will deny states and localities the right to utilize voluntary national tests to measure student learning and improve education so that all students will meet high academic standards, particularly in math and reading.

Again, I would like to reiterate that I would have voted for the Committee-approved version of H.R. 2646, which was a modest and moderate pro-education bill. However, due to the adoption of the block grant and national testing amendments, in my view the current version of this legislation does more harm than good and I cannot in good conscience vote for it.

I say to Senator COVERDELL, who has put in many, many hours on behalf of this legislation, if these objectionable amendments are removed in conference, and I hope they will be, I will be pleased to vote for the conference report.

I thank the Chair.

Mr. COVERDELL. Mr. President, I am going to yield to the Senator from New Jersey whatever time he will need, but I also take this moment to acknowledge the enormous work he has provided as a principal cosponsor from the beginning. He has been tireless, dedicated, thoughtful, and a great ally.

I yield to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. TORRICELLI. Mr. President, I thank Senator COVERDELL for yielding the time and for his very gracious comments and, very importantly for the country and for the States, his extraordinary leadership on this issue.

Mr. President, I will concede that when this debate began I believed we were entering upon something very important, that after years of fooling ourselves about the quality of education in America, the Senate was about to undertake a broad and comprehensive debate—indeed, a discussion that could last not simply for this year or this Congress but through the decade—about how we fundamentally reform education in America, a debate in which everything was relevant and all subjects and proposals would come forward but one, and that is the defense of the status quo, because if there is one aspect of American life today that cannot in its entirety be defended, it is the quality of education that we are giving our children.

The process of education in America today stands like a dagger at the heart of this country. It is time to speak the truth to parents and children alike, because it is not simply that the education of our country is not of a quality to compete, the problem is more fundamental—because many parents, working hard, paying their taxes, helping their children, believe they are being educated to world-class standards when they are not.

The simple answer to the question, what can be said about the future of a country where one-third of its students may enter the work force functionally illiterate, 40 percent of fourth graders cannot meet minimum standards of math, 40 percent of eight graders cannot read at basic levels, the simple truth is a country that is teaching its children to those standards has a very limited economic future and cannot maintain its current quality of life or perhaps even social stability.

That is the sad truth about our country today. And so I believed that when Senator COVERDELL brought this legislation forward, we would be laying the foundation for an extensive debate about what we do about private and parochial schools, what we do about the public schools, that we would incorporate the best of President Clinton's ideas and that of the Democratic and Republican leadership and set out an agenda to carry us through the years in this great debate.

It was sadly, it appears, Mr. President, not to be. There are aspects about the Coverdell legislation that have been said so many times and yet it is as if those who do not agree simply do not want to hear. Among those, sadly, I must say, my friend and a man that I admire as much as any in this country, the President of the United States, Bill Clinton. I heard the President yesterday say this is another form of a voucher, it is support for the wealthy, it is an abandonment of the public schools.

It is worth stating one more time before this debate concludes so, no matter what the vote and however people may choose to cast their votes, we understand the simple truth. No one ever contended that the Coverdell legislation was an answer for every problem of education in America. If you are voting for it because you believe in one vote you solve all problems, you will not only be disappointed but you will be dishonest in casting your vote. It is one idea to deal with one set of problems. It does these things. But not as its critics have contended.

Last year this Senate voted to establish savings accounts for college educations. In that instance, as on this day, we did not want this benefit to go to the wealthy alone. With limited resources, we wanted this benefit to go to middle-income people and working families. So we established income limits, $160,000 for a family, $110,000 for a single parent. Those are the same limits that are in this bill. If you came to this floor last year establishing savings accounts for college, believing you were targeting these resources to the middle-income people—and you did—on this day you have the same chance with the same limits of providing the same opportunity to the same families. This is a middle-income program. Yet it is argued this is just another form of a voucher.

Senator COVERDELL and I differ on the question of vouchers. He supports them. I do not. In either case, this is not a voucher. A voucher is a system whereby you take a drawing right upon Government money and you transfer that money from a public school to a private school. Under the Coverdell proposal, all the money being made available is your money. It is a family's savings, not the Government's. The public schools will not receive one dime less, not one dime less because we establish these accounts. All we are using, or allowing to be used, is the family's own money.

At the end of the day, as Members of the Senate come to this floor to cast their votes, the issue is really more simple than it might otherwise appear. Senator COVERDELL's proposal will provide a net increase over these years of $12 billion in new resources for American education, public and private. Who among us, knowing the test scores of our students, the quality of their instruction, the challenge to our country, would argue that this $12 billion should not be made available when it draws nothing from the Treasury, puts no restraint upon our resources, but simply allows families to join the fight for a quality education?

Now the question arises, of that $12 billion, what else does it bring? Because, you see, not only is it not drawing upon Government resources but it draws upon another powerful idea. Through most of the life of this country, the education of a family, a child, a whole generation, was not seen as the responsibility of a school board or a government alone. It was grandparents and aunts and uncles, employers, a whole community was part of educating a child. Somehow, through the years, education became a government issue alone. The government will always be central to education, in raising the resources and hiring teachers and assuring quality, but part of the genius of this proposal is that through these savings accounts, on every holiday, on every birthday, on every occasion, aunts, uncles, grandparents, employers, labor unions, churches, can also put their money in these accounts to help educate these children. It is an invitation to the American family and community to get back into the process of educating American children.

Yet, it is argued, those who may now concede maybe it doesn't just go to the wealthy, and maybe after this final argument they will concede maybe it is not government money, maybe it doesn't hurt the public schools—but what does it do for most American students who have these accounts? It bears repeating, because it goes to the heart of the issue of educational quality. I hope these accounts allow us to maintain a system of private education—be they Yeshivas or private or parochial schools, so parents have a legitimate choice of where to send their children. That choice and that competition has served America well in every other aspect of American life. I doubt it is a complication and I doubt it will fail to provide quality in education, as it does in all other areas of American life.

But the fact of the matter is, too, these accounts are not just about maintaining a private school system in the country free of constitutional challenge by not using government money. The simple truth is, 90 percent of the students in America go to public school. We cannot begin to deal with issues of educational quality unless we also deal with public schools. Simply because most of these students go to public schools, by logic most of this money will go to public school students. The Joint Committee on Taxation has informed the Congress that 70 percent of this money, 70 percent of the beneficiaries of this money, will be public school students. Because under the proposal of Senator COVERDELL, this money is available not simply for tuition to private schools, but after-school activities: Transportation after school, the hiring of tutors, home computers, books, software.

It is an acknowledgment that education in the 21st century is not any longer just about a teacher, a desk, and a student. Learning will take place throughout the day, throughout the year, in many avenues of learning. How many middle-class and working-class families in America can afford to buy home computers, pay the cost of hiring a public school teacher to teach in the evening or after school when a child is having trouble with her studies? How many can buy the software so a student can do the research? How many can afford the after-school transportation, the uniforms, the athletic equipment, things that a generation ago as students we took for granted? They are not available anymore. Or they weren't necessary then, like tutors or home computers. But they are necessary now.

For those who come to the floor and argue about the social justice of it, whether or not this is being made available to the broad majority of Americans, consider this. There is a new dividing line in America of opportunity and it is access to knowledge and education. Mr. President, 60 percent of American families do not have home computers. Their ability to research, to write, to learn when they are not in school, to be competitive, is being compromised. Public education, the great leveler in America, can have two tiers—those families who have money for these ancillary purchases and those who do not; those who can afford tutors and those who do not, to participate in advanced math and science.

Under the Coverdell proposal, these accounts are available to ensure that those 60 percent of Americans who do not have access to this technology can buy it through these accounts. Indeed, it is worse than it appears on its face. In the minority communities, 85 percent of African American families do not have access to home computers. This is an opportunity, it is an avenue where many of these families—admittedly not all—many families can save their own money to prepare their students.

Yet it will be argued by people of good faith who genuinely care about education, who will come to this floor and argue that, well, it may do those things, some students in the public schools may get home computers, some may get tutors, and in the private schools some working families may be able to keep their children in schools who couldn't do it otherwise, but it won't help everybody, it won't help a third of the students, 20 percent of the students, 10 percent of the students. They could not be more right. I have not heard Senator COVERDELL argue, and certainly this Senator has not argued, that this is a prescription that will help every student in every way in every educational problem in America.

I challenge one Senator to come to this floor with one idea that will do that. This is a single idea, not the last idea. It may not even be the best idea, but it is an idea that does help the problem of education in America. Let me address that for a moment, if I can, frankly in a partisan sense.

For many years, members of my party proudly have been able to contend that the issue of education in America, in access and in quality, belonged to the Democratic Party. Indeed, from student loans to student lunches, title I through the vast array of 40 years of education programs, much of those programs were authored by Democrats in this Congress. It is one of the things that led me proudly to be a member of the Democratic Party.

But if at this late date in our Nation dealing with our education problems we are about to engage in a partisan competition, if there is to be an upward spiral of competition in ideas for who can serve the cause of quality education, then it is a debate not only worthy of the country, but important for our future.

Education savings accounts need be neither a Republican nor a Democratic idea. Last year in establishing such accounts for college, they were authored by President Clinton himself. This year, Senator LIEBERMAN, Senator BREAUX, Senator BIDEN, myself, and others have joined in this effort with Senator COVERDELL to establish these accounts. This does not mean that we subscribe to the notion that this is a replacement for either the President's program or other proposals. Indeed, I began my remarks today by stating some profound disappointment. This legislation is worthy of being passed. It would be better if Senator CAROL MOSELEY-BRAUN's legislation for school construction were included. With two-thirds of American schools in fundamental disrepair, needing serious construction, the Federal Government should be involved, and the President's proposal, as advanced by the Senator from Illinois, should be included.

Senator KENNEDY's proposal, in advancing the proposal of President Clinton for 100,000 new teachers to reduce class size to 18, should be included. Senator LEVIN's proposal for technology training for teachers would better prepare our schools and should be included. Senator MURRAY's proposal for class size; Senator BOXER's proposal for after-school activities.

I am going to support Senator COVERDELL's proposal, because I believe it is a worthwhile contribution, but I also concede this: This Senate could have done better. We may be addressing one important proposal and making one valuable contribution, but we could have made many valuable contributions. We could have made this genuinely bipartisan and further advance the cause of quality education.

Finally, let me say that on this day when the vote is complete, I will join with Senator LIEBERMAN, Senator CLELAND, Senator BREAUX, and others in a letter to the majority leader, because it is still not too late to have this educational debate be genuinely bipartisan to avoid a confrontation with President Clinton and to achieve something real in the process of education reform.

The majority has the power in the conference committee to maintain its provisions to eliminate voluntary Federal testing standards across the country. The majority will have the votes and the power in the conference committee to impose block grants on the Department of Education under the title. That power exists, but it will not lead to the cause of bipartisanship or more comprehensive education reform. It will ensure a Presidential veto, frustrate those of us who have fought for education savings accounts, and deadlock this Senate in further consideration of improving educational quality in the United States.

I urge the majority leader in the conference committee to use his influence to have those provisions removed, to allow Senator COVERDELL's proposal to stand on its merits in which we can privately engage in a conversation with the President and convince him in one of the great ironies of this debate. Senator COVERDELL's proposals are not only consistent with President Clinton's goals for education in America, they, indeed, spring from the same roots as his own programs last year for college education.

Finally, I want to state my great admiration for Senator COVERDELL, his tenacity and his creativity in having brought the Senate to this point. I know he must share my disappointment in that all of our optimism for bipartisanship, our hope for a thorough educational debate in which we could have engaged in a competition of how together we could improve the quality of our schools rather than having sought partisan advantage—it has been a disappointment, but we make progress where we can, remembering Edison's words that discontent is a necessary element in progress. We have had our share of discontent. Senator COVERDELL, in the passage of his legislation, will at least have a share of progress as well.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I thank my colleague. I appreciate his eloquence. Again, I extend my thanks for his dedication and just tenacious strength in terms of promoting this legislation. I listened intently to his description of the circumstances, and I applaud his moment here in the Senate. Thank you.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield 10 minutes to the Senator from Massachusetts, Senator KERRY.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I thank the Senator from North Dakota.

Mr. President, I listened carefully to the debate, as we have called it, over the course of the last few days, and to the comments of the Senator from New Jersey. I regret to say he is correct in saying this could have been a great debate, but it wasn't; this could have been a great bill, but it isn't.

The truth is that over the course of the last days, the Senate has fundamentally avoided a real discussion and a real engagement on the subject of American education. What has happened essentially has been a very partisan and very political exercise. I do not believe that was the design of the Senator from Georgia, and I know it is not his fault. But I regret that, as I am sure he must regret it, because we know this is a bill that, in its current form, is going to be vetoed by the President of the United States, and I believe it ought to be vetoed by the President of the United States.

I have previously said on the floor of the Senate that I do not think the idea of savings accounts is a bad idea, and there are ways to construct a savings account that makes sense. But if the Joint Committee on Taxation tells us, even though you can distort the figures and say, "Well, X percentage of this is going to go to people in public school, yes, it is going to go to families whose kids are in public school"—it is still the high-income earners in America; the fact is over 70 percent of the benefits of this are going to go to the top 20 percent of income earners. You cannot rationalize that by saying, "Well, 48 percent of it is going to go to public school people and 52 percent is going to go to private school people." The 48 percent of public school people who are going to get it are not the people who most need it and not the people, generally speaking, who reflect the crisis of our schools.

I come to the floor perhaps from a different place than some of my colleagues, because I am prepared to say the public education system of this country is fundamentally imploding for a lot of different reasons. There are wonderful bright spots, so-called blue ribbon schools. We can go out, pin them up and award benefits to "Teacher of the Year" with salutations in Washington—and they are marvelous teachers, extraordinary teachers, as are the vast majority of teachers in the system. But no one can deny the hard realities of what we know is happening in the system.

When you look at the fact that 2.6 million kids graduated from high school a couple of years ago, and fully one-third of them graduated with a level of reading that was below a basic satisfactory reading level and only 100,000 of the 2.6 million had a world-class reading level, how can anybody in their right mind sit there and defend that system?

The Brookings Institute recently released statistics that show a very damning reality with respect to the number of people who are teaching in their fields, so to speak. The number of teachers in our public school system who are actually teaching math who majored in math or are teaching science who majored in science is deplorable. It is extraordinary.

It is no wonder that all across America we have parents who are desperate about the situation, who are trying to find ways to vote with their children, in a sense, by taking them out of the public school system and putting them into parochial school, teaching them at home, or putting them into a charter school and hence there is an enormous surge in America among our parents looking for safety, looking for a sanctuary for their children, looking for the certainty of adequacy of education.

Everybody in the U.S. Senate ought to admit that. But having admitted it, the question is then, what are we prepared to do about it? What we are doing here has the potential to, in fact, undermine the capacity to fix the places where 90 percent of the children of this country go to school. Ninety percent of the children of this country are in public school today. But 90 percent of the benefit of this bill does not go to public schools. A minimal percentage of the benefit of this bill is going to go to the people who most need it, in the places that they most need it, for the reasons that they most need it.

It is not enough to talk about putting more teachers into our classrooms if the teachers are not the right kinds of teachers, if the teachers do not get paid the right amount of money, if you cannot attract the right kinds of teachers because you do not pay them the right amount of money, if you do not put them in a school situation where there is the minimal level of safety so they can function in a way that does not put them at jeopardy, at risk of life and a whole lot of other things that are part of the problems in the public schools of America. We have a lot of people who are prepared to abandon that because of those problems rather than try to fix those problems.

But you cannot build enough charter schools, you cannot provide enough vouchers to save a whole generation from the current crisis of education in this country for that 90 percent of our kids who are in public school. You cannot do it. And what this bill amounts to is a Band-Aid, a tiny little Band-Aid on a system that needs triage, a system that is basically floundering, but part of the reason that it is floundering is because this is what we do.

We come to the U.S. Senate and we do not debate the real problems of how you turn this system around. What do you do in a school that is floundering in the inner city where parents do not have the options of a private school, where there is no place to take their voucher, where there is no place for them to somehow find a place that is a sanctuary for their children? Do you abandon that school?

Well, the Senator from Illinois tried to come in here and say, "Let's not abandon that school. Let's provide the resources to guarantee that that school can be fixed up and decent." What did we do? The U.S. Senate rejected that. The U.S. Senate is suggesting that it is OK to help those people for whom a tax benefit is a benefit, and if you do not get the benefit of the tax benefit, too bad. Sure that is going to save some kids. I do not deny that. That is really nice for people who can take advantage of that benefit. But what about all the rest of the people who are stuck in that system who do not even have a way of filing a tax return and getting a tax credit, don't know anything about an IRA, can't put away enough money to have an IRA or who are stuck in a system, as they are in Washington, DC, or elsewhere, that just does not function?

I am going to be the first person to say that we have to talk differently about the whole education system. We have to talk differently on our side of the fence about the things that we have been stuck in the cement on ideologically, about things like tenure and a whole lot of other third rails of American politics.

And we also have to ask our friends on the other side of the aisle to face the reality that those 90 percent of our children who are stuck in those public schools desperately need us to help them have schools that function, that do not freeze them out of the classroom or bake them out of the classroom, to give them the opportunity to be able to learn, and that learning is a function of a whole bunch of things.

Every blue ribbon school I visited, the first thing I have noticed is, boy, do they have a wonderful principal. And almost without exception, that principal is operating outside of the normal workings of the system. They work to deal with the school committee. They work to deal with the parents. They work to deal even with the union, and teachers can be moved when they need to be moved. And, by God, you get a school that works all of a sudden.

What we ought to be talking about is how we make every public school in the system fundamentally a charter school within the system. We could do that if we really wanted to. We could do that if we were not stuck in this sort of, gee, we are going to fight for vouchers, and we are going to be over here, and we are going to protect the people who do not like the vouchers, and, by God, we are going to talk past each other in the most important debate that this country has faced. That is what we are doing.

This is the single most important subject in front of the country, because we have kids who come to school today in the first grade who do not even have the capacity of a first-grade level to read numbers, to repeat colors, to recognize shapes. And that is where the problem for our teachers begins, with a whole different set of children. People who sit there and say, "Gee, our school system ought to be the way it was with the little red schoolhouse," are not willing to acknowledge that we are living in a very different world.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DORGAN. I yield 4 additional minutes to the Senator.

Mr. KERRY. I thank the Senator.

The PRESIDING OFFICER. The Senator is recognized for an additional 4 minutes.

Mr. KERRY. The problems that our teachers face today are different from anything that ever existed previously in our lives. Kids come to school with different baggage. And teachers are expected to perform a whole set of functions which they are not able to perform, which they have not been trained to perform, and in many cases which they are simply not allowed to perform because the political correctness of the school system or the political correctness of the school boards, and the politics of it, deny them the ability to be able to do the things that you can do in some of these other schools.

I think people who are looking to those other schools, for example, are right. They are right. You have to look around to where education is really happening. You have to look to where kids are coming out with higher test scores, with better values, with a better sense of discipline, with a sense of order, and with opportunity in their lives.

But why is it that we are incapable in the Senate of finding the ability to look for the common ground where we could find the best of what happens in parochial schools, the best of what happens in charter schools, the best of what happens in blue ribbon schools, and make it happen in all of our schools?

We did not try in this debate, in my judgment, because I think the Senate was busy talking past each other, creating a lot of 30-second advertisements for campaigns and fundamentally setting up a structure where the kids are once again the victims of our unwillingness to meet these issues.

We need a lot of fundamental reform in our school system, and I will speak considerably to that over the course of the next weeks. But I regret that in the course of this debate good ideas were left languishing.

Let me give you an example. There was one amendment that passed by 63 votes which provides incentives for States to establish and administer periodic teacher testing and merit pay programs. I am for that. I voted against it though. Why did I vote against it? Because it takes the money from teacher training programs for the very people who are trying to improve, who are in the system today, who have to have ongoing efforts in order to meet the standards that we want them to meet.

So why could we not guarantee at least that we would protect the current structure sufficiently and find the capacity to provide the merit pay and have the testing? And I think that what has happened generally here is the process of robbing Peter to pay Paul, because we are unwilling to acknowledge the size and complexity of the overall reform effort that is necessary.

My hope is we will come back to this effort after the President has gone through his effort. Or perhaps the conference committee will totally rewrite this with a miracle. My hope is we will come back and write a bill that will adequately reflect the full measure of reform that is necessary and, most importantly, the full measure of commitment to the public school system of this country.

My friend from New Jersey said this is not a voucher system. Well, it is not. It is not a direct voucher system. But you cannot tell me if 52 percent of the benefit goes to people in private schools and all of a sudden they are getting $2,000 instead of $500, that that will increase support for the public school system when they now have increased dollars in their pocket to send their kids to more private schools. It is a backdoor voucher system. It is providing a savings account that, in effect, has the impact of a voucher system because it strengthens parochial and private at the expense of the public school system and diminishes the base of support, the foundation for that system.

I will vote against it. I hope the Senate will come back to have a real debate on education in the future.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, in a moment I will yield to the Senator from New Hampshire, but I do want to point out to the Senator from Massachusetts that so far, until we hear from Senator GREGG, the Senators who have come to the floor to speak about the education savings account in a favorable forum were Senators BYRD, FEINSTEIN, LIEBERMAN, CLELAND, and TORRICELLI—all Democrats. Despite the difficulty we have had, this has been a very significant bipartisan debate—not as partisan as the Senator characterized.

We will next hear from the first Senator on our side of the aisle in support, No. 1.

No. 2, you are right when you say these statistics are befuddling. But at the end of the day, over a 10-year period over $10 billion gets saved in these accounts. Half goes to children who are in public schools and half goes to children in private. The construct of who benefits is identical, to the exact same people who were defined in the education savings account that the President and we adopted last year. It is identical. It is the same targeted community, same targeted community.

The point that neither one of us can really settle, I believe it is statistically insignificant, the number of people —there will be some who will change schools because of the savings account. I think it is very limited. In other words, the reason that half this money—they represent a third of the people, but half the money in private, is because those folks are already paying the public school system and they know they have a higher tuition, so they save more.

In that sense it skews 50/50. But it is still $5 billion going to public schools and $5 billion going to help students in private.

Mr. KERRY. Will the Senator yield?

Mr. COVERDELL. I yield.

Mr. KERRY. That is exactly what I said in my comments: 52 percent versus 48 percent. That is almost even. But when you take that 48 percent and look at their income levels, you have the largest percentage——

Mr. COVERDELL. Those are the same income levels as set in the IRA for higher education which has been celebrated by both parties and the President.

Mr. KERRY. A second point is most of those people are putting away for higher education because they have no place to put it in terms of the public school unless they might choose to spend it on a computer or something, but there is no proof they will do that. There is no proof here as to how people will be able to spend their money. I will not get into how you go down that road.

The underlying component of this that is so disturbing, after you finish that analysis, is this, and I think the Senator from Georgia will have to acknowledge it. You are still leaving that vast 90 percent out there, most of whom in the worst situations are stuck in situations where this will not improve their lives, their education, their capacity to move forward. That is the great dilemma that so many of us have with this.

As I said, I like savings accounts. I want to vote for a savings account. I cannot do it in the structure that has been put in this bill. That is my regret.

Mr. COVERDELL. I would like to come back to it. I did want to respond to the Senator. I appreciate the Senator giving me an opportunity to respond.

I now yield up to 15 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized to speak for up to 15 minutes.

Mr. GREGG. I thank the floor leader, and I wish to congratulate the floor leader for his excellent work in moving this bill forward. This is a very important piece of legislation for improving the quality of education in this country, and specifically for empowering parents to have more of a role in choosing how their child is educated and being sure their children have the resources to obtain the type of education which parents want for their kids. It really is not a radical idea. It is a very reasonable idea. So reasonable it is hard to understand why there would be opposition to allowing parents to be able to save more, to use that savings for the benefit of their children, to educate their children. So I certainly congratulate the Senator from Georgia for his excellent work in bringing this legislation.

I wanted to speak on a couple of specifics and then generally on the bill. There was an opportunity which I was going to undertake, along with Senator GORTON, to offer an amendment to try to clarify some of the issues relative to IDEA, especially in the questions dealing with the teacher role, in dealing with children who have special education needs but turn out to be violent.

We did pass the IDEA reauthorization bill last year, which I worked hard on. I was proud to participate in it.

Unfortunately, the Department of Education has not followed the rather explicit instructions from the Congress on how regulations should be issued under this bill. As a result, the question of how we deal with the school situation involving a child who is a physical threat to other children in the classroom and to the teacher has not been properly addressed. My amendment would have addressed that. It was an amendment which I worked on. Senator GORTON was the prime mover of such an amendment earlier last year, although it was the same amendment.

The issue here, of course, is making sure that such language, should it be brought forward, does not allow school systems to in any arbitrary or capricious or inappropriate way bar the special-needs child from the classroom. That would be absolutely unacceptable.

I headed up a school that dealt with special-needs children, and I understand, I think, this issue as well as anyone who is addressing it here in this Senate. I am very sensitive to the importance of making sure that nothing happens which would undermine the capacity of the child who is mainstream, and who is gaining from that mainstream experience, to receive that experience they have under the law.

There is also a need to address the fact that in instances of true physical violence, teachers, principals, other children in the classroom, find themselves sometimes put in a position where they have no way of adequately dealing with a child who is a physical threat to them. In fact, there have been a lot of instances which reflect this problem.

Without the Department of Education addressing the issue, which it should have addressed, it is probably going to be appropriate to address the issue in some other form such as this. We decided not to move forward on that because we did not want to complicate this bill any further than it had already been complicated, and therefore we—Senator GORTON and myself—reserved our amendment on that point.

I must say, the special education community, which I have worked with rather aggressively over the years—I have been probably their greatest champion on a number of issues, specifically on getting funding and on working on the last bill—has reacted, I think, overreacted to the proposal. They did not see the proposal. They simply characterized it and went forth to inform their constituency—misinform their constituency would be more accurate—as to what it would have done, which is ironic and inappropriate considering the support I have given that community.

On the second point, which was the number of amendments which we saw here which were an attempt to basically move dollars from this COVERDELL approach from the A+ plan into special education, a number of amendments were brought forth, and specifically the Dodd amendment, which I wanted to address because I didn't have a chance in the 15-minute limitation of time to respond on these points. I have led this fight in the Senate now for 3 years—well, actually since I got here, but I have actually been successful over the last 3 years—to try to increase funding for special education. The Federal Government made a commitment that it would do 40 percent of the cost in special education. When I arrived here, having served as Governor, that commitment was not being fulfilled. In fact, the Federal Government was only doing about 6 percent of the cost of special education.

The fact that the Federal Government was failing to do its share of special education costs was having a disproportionate and unfair impact on the local school systems, and it was especially, in my opinion, putting the special-needs child and the parents of the special-needs child in an untenable position in local school board meetings, where they were being looked at as siphoning off resources from other activities of the school systems. They had every right to those resources, but unfortunately because the Federal Government wasn't paying the cost of that education, those resources had to come from other places. So the Federal Government has been totally irresponsible in this area of funding special education.

As a result of my efforts and the efforts of Senator LOTT, first we passed a commitment to fully fund special education to 40 percent, and we followed that up with making the Budget Act make that statement, and followed it up by having the first bill put forth by the Republican Senate being S. 1, a commitment to full funding for special education. Then we followed all those words up with hard dollars. Two years ago, we increased the funding of special education by almost $700 million. We followed that up with another almost $700 million—I think it is over $700 million in the first year. We have dramatically increased funding in special education, not as far as we need to go, but we have done that. The Republicans did that. We had no support from the administration on this initiative and only marginal support when it came to the actual votes on those budgets from the other side of the aisle on this initiative.

So we have a track record of having delivered on this issue. The great irony here—another great irony—is that the amendments brought forth by the other side of the aisle were paper amendments meant to paper over, I think, the irresponsibility of this administration and the other side of the aisle on the issue of special ed because, once again, just a few weeks ago when we passed the budget in this body, we saw that the administration and the other side of the aisle were not willing to put their name on the line on the cause of special education and funding special education.

The Republican budget increases special education by $2.5 billion. I don't think any Democrats—or maybe one or two—only a small number of Democrats voted for that budget. The President's budget that was brought forward and voted on in committee increased special education funding by a measly $35 million—$35 million. That was basically a nonexistent event that would have probably been used for administrative overhead down at the Department of Education. That $35 million probably would never have seen the light of day in any school system.

So we made the commitment, and when it came to casting the vote, we cast the vote to increase special education funding. Now this cause has been taken up by the Speaker of the House, who talked about this, and the chairman of the House committee on this issue, and again the majority leader is aggressively pursuing it as well as myself. We intend to fulfill our obligations for special education funding as a Congress under Republican leadership.

So when we saw these amendments coming at us, we had to almost smile at the political grandstanding of it because that is what they were, just political grandstanding. If those folks really want to fund special education, we are going to give them the chance to do that. We are going to be bringing bills out here that do that. I wish they had been there on the budget amendment. Please take those votes and those amendments for what they were, which was trying to paper over their own lack of effort in this area in the face of what was a hard action on our part of delivering hard dollars out to the school systems for assistance to special education.

On the bill overall, what we have here is a choice between the status quo—and I have heard basically almost an unlimited defense of the status quo from those folks who oppose this piece of legislation—and people who want to empower parents to have more of a role in the education of their children. Now, I know that money is a factor in education. We all know that. I know that the building is a factor in education. I know that the number of kids in a classroom is a factor in education. I will tell you something. In my experience, and I think probably in the experience of anybody who is going to be honest, the single most significant impact on a child's education is the parental involvement and the parental activity. What this bill does is it brings the parents into the process more aggressively. It gives the parents a new tool to be able to help their children out as they try to move through this maze of education which we thrust at them.

Why would we not want to do that? Well, I can't think of any reason. This is a parent-empowering amendment and proposal. The opposition really comes from people who seem to think that this threatens the status quo. That is where the opposition is coming from. They see this as a threat to some structure that presently exists out there. That has been the basic underlying theme of the opposition. Well, is the status quo so good? Is it so extraordinary and doing such a wonderful job that it should not be shaken a little bit? This is not a big shaking up; it's just sort of a little vibration. I am not sure this would appear on the Richter scale, but it is a significant and good step. It is a good step, but it is not a dramatic shaking up of the status quo. I can think of some things we should do to dramatically shake up the status quo, and hopefully we will. But this is a step in the right direction. It is a parent-empowering step, confronting the defenders of the status quo on education.

I have to tell you, the status quo in education isn't cutting it. We know that as a society. Parents know it. Businesses that are trying to hire people coming out of our educational system know it. Regrettably, the world is seeing it. We have gotten to a point really where, in many instances, in many of our most cutting industries that are producing the jobs in this country, they are having to hire people from outside of the country because they don't have the educational expertise to do it, or they don't have enough educational expertise in this country. So the status quo is not working. We need to take some new, original approaches. Clearly, the proposal before us, the A+ accounts, is an attempt to empower parents to do something, to give parents an opportunity to do something to help their kids get a better education. What an appropriate purpose that is.

We had a whole series of amendments and other ideas on how we should improve education. We had an amendment to build more schools, an amendment to change the teacher ratios, and an amendment to do after-school planning. These were all nice ideas, but they don't belong in this body. These are ideas that belong in a school board meeting. If these Senators want these ideas to move forward, they should go back home to their school board meeting and suggest it. These are local control issues. We should not be taking resources out of the local community, sending it to Washington, draining it off from the one program in Washington that we are not funding, which is special ed, which should be funded, and sending it back to the community and say that they have to do this or that with those dollars. You have to build a building, or you have to cut down your class size, or you have to do an after-school program with those dollars. That is a local control issue. That is where it belongs, in the local school board. They make those decisions.

Let's give the local communities the flexibility to have the resources, and let's give them the resources to have the flexibility to make decisions as to whether they want a new school building or new art course or a foreign language course, or whether they want a new teacher who teaches some sort of high-grade technical computer science.

The local school board knows best on that. But for us here in Washington to basically be taking the resources out of the local community by not fully funding special education and then telling the local school board that we are going to send the resources back covered with strings and directions, and, by the way, all of the things the local school board traditionally has control over, but we decide to take them over in Washington because we know better than you do. It is absurd. But it is classic Washington. I am glad that all of those items were defeated because they should have been defeated. Let's defeat them and send them back to the local school board.

Again, I congratulate the Senator from Georgia. He has brought forward a concept and an idea that is going to empower the parents to be able to help their kids get a better education. I cannot think of any better sentiment or any better purpose for any bill. I look forward to its final passage.

I yield the floor.

Mr. COVERDELL. Mr. President, I appreciate very much the remarks of the Senator from New Hampshire. He was for a long time a Governor, and he is someone who understands the issues very adroitly. I appreciate very much the comments he came to the floor to make this evening.

I conferred with the other side. Senator GORTON has another calendar event that he needs to attend to. So we will turn to the Senator for up to 10 minutes.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Washington.

Mr. GORTON. Mr. President, I am given to understand from the debate on the floor this afternoon that I have made many new friends along with the Senator from Georgia. Senators on the other side of the aisle who were totally unable to find a good word for his bill over the course of the last month or two have suddenly said how desperately they wish to vote for his bill if it were not for the Gorton amendment having been added to it.

Mr. President, the Gorton bill basically takes $10 billion a year of Federal money for our public schools, of which about $2 billion is used by bureaucrats today, and says that we prefer classrooms to bureaucrats. We would like to allow each State, if it wished to do so, to say that the whole $10 billion went into our schools rather than to have roughly $2 billion of it siphoned off by Federal and State bureaucrats.

I suppose it is perfectly appropriate for Members of this body to believe that without those bureaucrats in Washington, DC, and in our State capitals, all of that money would be wasted; that our school board members, our superintendents, our principals, our teachers, and our parents, don't know what they are doing and that we must set national priorities for them and tell them there are certain things they must spend the money—that we have collected from them and returned to them—on.

That, however, has not been the argument against the Gorton amendment so far. More than one Member this afternoon opposing it talked about how it damaged disabled children. It doesn't include the aid for disabled children. It is not affected by it at all. It is totally irrelevant to that subject. Others have said how it destroys the fight against drugs in our public schools, or for safety, or for mathematics education, and the like.

Mr. President, it may very well be that, for example, the principal debater against this, the senior Senator from Massachusetts, knows more about what the Boston schools need than does the Boston school committee, but I am reasonably confident that he does not know more about what the Wenatchee, WA, school district needs than do the teachers and parents and school board members in Wenatchee, WA.

That amendment takes about one-third of the money, $10 billion out of $30 billion a year that goes to the Department of Education here in Washington, DC, for common school education, and it says that States, like that system of Federal regulation and the narrow Federal categorical aid program, are perfectly free to retain it without change, but that those States that think that either their States or their local school districts might possibly do better without those Federal regulations and with more money will have that option for a 5-year period. The State can adopt the policy under which it is the State educational agency that makes the determination as to how this money can be used, or the States can opt.

It is my preference, and was the only option a year ago when I first proposed it and this amendment was agreed to, that each of the 14,000 school districts in the United States can make those choices for themselves. It may be that the Wenatchee school district, or any other, will feel that the precise requirements and the exact amount of money in the Safe and Drug-Free

Schools Act is what the Wenatchee school district ought to spend on that subject. But if it were allowed to make those choices, that school district might decide that it wanted to spend more money on that subject from the Federal Government, and perhaps in a slightly different way than the set of Federal regulations set out for every school district in the country, and it might, if it is very fortunate, decide that it could get by with less and put more of that money into teaching English, or mathematics, or computer sciences.

Mr. President, I suppose one can say that to allow that kind of discretion would be disastrous to our schools; that there is no way that it is appropriate for us to trust those local school board members wisely to spend the money collected here in Washington, DC, and send it back for school purposes. But I believe that if there is to be an argument against that, it ought to be on the basis of what the amendment says and not the statements of those who have not read it.

To repeat. It does essentially two things. It takes this $10 billion and says each State may continue the present system, may have a State-based system or may have a local-based system for a period of 5 years, at the end of which time, I think, perhaps we might know a little bit more about what works best.

It does something else. It says that this bill stays in effect only as long as Congress keeps, modestly at least, increasing the amount of money it puts into our schools. I would have thought many on the other side of the aisle would have liked that effective guarantee, a real incentive for us to do our job for education. Evidently, however, there is in this body a view not widely shared in the United States, a view that the present system is so close to perfect that we do not dare experiment with it; that we are doing so well with our Federal policies, that we are so successful that we should not experiment with them at all. For those who believe that bureaucrats are more important than classrooms, or at the very least that bureaucrats here in Washington, DC, should run our classrooms, and that they should retain literally billions of dollars that could otherwise be spent in the classroom, opposition to the amendment was appropriate and taken well.

But for those who believe that there is not only great concern, perhaps the greatest concern, for children in a given part of the United States on the part of those children's parents and their teachers, their principals, their school board members, and a degree of competence and knowledge about what those communities and schools need, this amendment offers a new chance and a real experiment. It isn't permanent. Can I say that there is no question but that it will be a better system? Of course not. I think it will be. I am sure we will learn when there are States that accept each of these three alternatives.

But to say that it is some kind of disaster, to say that without this guidance, without these requirements from the Department of Education in Washington, DC, without our wisdom, 100 Members of this body, with all we know about schools, that we will irretrievably damage the educational fabric of this country is simply wrong. I regret having deprived my friend and colleague from Georgia of so many friends and so many supporters. I strongly support his bill, as he does mine.

But it does seem to me that there ought to be enough tolerance in this body, enough faith in the American system that we are willing for a period of time to let some States in this country try to operate under State-mandated rules and others to let school districts make their own decisions. The amendment that a small majority of this body passed yesterday does just exactly that, nothing less and nothing more.

Mr. DORGAN. Mr. President, let me take just a couple of minutes. I understand that the Senator from Georgia will be yielding time to the Senator from Florida. But before he does that, let me take a couple of minutes to respond to some of what I have heard.

There have been interesting discussions on the floor of the Senate about this legislation, and it is clear that different Senators see this issue from a different perspective. Many people come to the floor to talk about public education. Well, our proud tradition of public education began in this country in 1647. The Colonists in Massachusetts first developed tax-supported public schools, and we have had from that time on in this country an understanding about the desire and obligation to create a network of taxpayer-financed public schools in this country.

I defy anyone to come to the floor of the Senate and show me a country anywhere in the world that is as successful as this country has been, that has produced as many scientists and engineers, as many mathematicians, as many well educated men and women coming from our public school system. In fact, even today, do you know a country out there that you would like to trade places with, a country with a better economy than ours?

Oh, you can point to some areas where you might say, gee, this country has a better education system than ours. Many countries take only its top students and run them up the ladder and say to one group of students, you are more appropriately going into another area, and to the best group, we say we are going to direct you toward higher education. And we are going to compare that group to the American students, the students that have universal opportunity. What a great tradition we have of affording every young boy and girl in every school entering every classroom door the opportunity to be the best they can be because our public education system gives them that opportunity.

It is interesting to me that there is a kind of "blame America first" notion that somehow nothing works here. Again, tell me, with what country would you change places? I have two children in public schools. They are wonderful public schools. Both have wonderful teachers. I am enormously proud of what they are doing. They are doing harder work in those public schools in both grades than I did—much, much harder work than I did when I was in school.

I also read to a young boy in the Everybody Wins Program. Yesterday, my power lunch for an hour was reading with a young third grader in a school here in Washington, DC. And I understand the challenges of different schools. Some have more resources than others. I understand that not all is right with our education system. We have plenty of challenges, some external and some internal, in our education system.

A week ago yesterday I was in the school in Cannon Ball, ND, on the Standing Rock Indian Reservation—in a public school in a public school district with a very poor tax base. This is a school with 145 students and 40 teachers and staff—180 people in a school, part of which is 90 years old and has been condemned as a fire hazard. 180 people using 2 bathrooms and 1 water fountain; second graders, third graders, fourth graders, fifth graders in a choir room that is about 12 foot by 12 foot, that they can only use occasionally because the stench of the sewer gas seeps into the classroom and drives them into another classroom. The other classrooms are only 8 foot by 12 foot in many cases, and the children sit in desks only a half inch apart with their desks touching because there is not enough room in that school and in those classrooms. And too many students they simply put in an open area, and one teacher will teach two classes at the same time by spending 15 minutes talking to one group and then 15 minutes talking to another group of students, in the same room, and by going back and forth all day long.

The question I ask is, Who defends this underlying bill where we say here is the priority of need in education? It is a tax subsidy. The majority of the money from the subsidy will go to the parents of fewer than 10 percent of the children in this country who attend private schools. That is the priority of need identified in this bill. And the question of school construction and modernizing the school buildings so that the wiring will allow kids to access the Internet, those priorities somehow don't matter; they apparently represent some ranking of need well down below the tax issue.

We are told, if we talk about the desperate repair and construction needs, that what we are talking about is decisions that ought to be made by the local school board. In this case, the local school board doesn't have any money. They have no tax base with which to issue bonds to repair this school. And there are plenty of other schools like it. To the second grader that I mentioned earlier this week, little Rosie Two Bears at that Cannon Ball school, who says, "Mr. Senator, will you buy me a new school," I say, "Well, we are talking about that in Washington, DC."

Can we provide some help perhaps to that school district to deal with school construction, to give those kids some help? It seems to me the people who are defending the current legislation are saying that issue doesn't matter to us, that ought to matter to somebody else. Crowded classrooms, too few teachers, crumbling schools, those issues don't matter to us; they belong in some other debate.

In fact, the amendment that was offered by Senator GORTON, who just spoke, is an amendment that says let us take a substantial amount of money in the Department of Education and block grant it. That is a seed that comes from the same garden planted by those who want to abolish the Department of Education. In fact, abolishing the Department of Education is a part of the 1996 Republican national platform. They want to eliminate a national role in education, but they don't want to say that publicly. They don't want to offer it publicly on the floor of the Senate, so they do something slightly different called a block grant.

And I say to them, if you want to do that, why be a tax collector? Why collect the taxes, run it through Washington and send it back in a block grant. That's like passing an ice cube around; all you do is get a smaller cube every time you pass it. If you decide that safe and drug-free schools is not a program of national interest and national importance and you want to tell the States this is not something that represents a national interest, it is fine if 5 schools or 5 States want to do it, and if 45 States want to do it, that's OK, too; we will send you all the money for it, and you do whatever you want. If we decide there is not a national interest in having safe and drug-free schools or title I or, for that matter, a half dozen other programs, then why would we collect the tax money for it and send it back? Why not say to the local districts, you collect the taxes and you decide how to spend it. That is the way the system ought to work.

We don't run the local school boards and we should not. We have done some targeted financing in certain areas that have been enormously successful. For example, with title I we have provided specific investments and opportunities for the very lowest income kids in this country. Those investments would not have been made and could not have been made by the local school districts. They are very important, and I am enormously proud of what we have done in this and other areas.

Do I believe we should take those programs apart and block grant them? Absolutely not. Why take a giant step backwards? The defenders of the legislation before us are the folks who come here and say, "Well, gee, we should not worry about that. We are a U.S. Senate. This is not a national issue."

If education and achievement and competitiveness in the international arena is not a national issue—I am not talking about running the local schools; that is a local issue—then I do not know what is a national issue.

So, I say to my friends who come here to speak in defense of the current bill, Rosie Two Bears was in school today in a school that in most cases none of you in this room would send your children to. That school is not going to get fixed with any help from us, despite the fact that President Clinton called for it in his State of the Union Address. I support this effort, and I think a number of others in this Chamber support some initiative to provide incentives to those school districts that don't have the opportunity and don't have the resources, "We are going to help you a bit," because we believe that any kid who walks through any classroom anywhere in this country ought to have the expectation that they are going into a room that they can be proud of, a room in which learning will take place, a room in which education will prosper, a room in which young minds will blossom. That is not the case today in some areas, and we know it.

I have great respect, incidentally—I have said this on a couple of occasions—for the Senator from Georgia. He has handled himself with great skill in this debate, and I have great respect for him. However, we differ with respect to the priority of needs. That's the only place we differ. I see our priorities as very different than he does. I would like very much for us, if we have $1.6 billion, to debate about what we do with the $1.6 billion. Let us consider the range of needs that represent what we think are the national needs in education and then start at the top, pick No. 1, No. 2, or No. 3, and identify what we can do.

We don't do that. We bring this bill to the floor and we say, no, we are not going to deal with the top priority needs. We are going to establish tax subsidized accounts, 52 percent of the benefits of which will go to parents who have fewer than 10 percent of the kids in schools and say that is what represents our priority of need. I just say to you I think this shortchanges a lot of children in schools in this country. I regret that we have been prevented from having the kind of debate we should have had on these issues.

Thirty minutes of debate on our side—30 minutes on this question of school construction as a national priority—because that is what we were told was allowed to us under the time agreement for an issue of significant national importance. This was not the kind of free and open and aggressive debate that we ought to have had on the range of priorities of needs that exist in education in this country today. It didn't happen this time. Maybe it will happen in the future. I think the Senator from Georgia will win this vote and lose the battle. Because this bill will be vetoed. But then perhaps we will be able to debate the entire range of needs and try to determine from that debate what kind of priorities we can achieve from each side.

I am not somebody who believes only one side has wisdom. I think, instead of getting the worst of what each side has to offer in this Chamber, both can offer. The only way to do that is to have a real debate, not a debate based on very narrow one-sided rules, but a debate in which we guarantee everyone in this Chamber can bring up the best ideas and we can have a real competition of ideas on the floor of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I would like to respond to my good friend from North Dakota but, in deference to time—there will be other chances to do it—I am going to yield 15 minutes to the distinguished Senator from Florida. I might add, I think, as I listened to the Senator's remarks—he dwelled on construction. There is a key component of school construction in the underlying bill and its author is the Senator from Florida. So it is opportune that he would be here at this moment.

The Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, first to my good friend from Georgia and to my good friend from North Dakota, I wish to express my commendation for the quality of debate that is taking place this evening and that has taken place throughout the period of consideration of this legislation. This is, as we will all agree, important business that we are about. I believe that we all start from a desire to see that the young people of our Nation have the best possible educational opportunities. We may differ on the details of how we think we can achieve that objective, but we should respect our individual desires to achieve that goal.

It is ironic that we are having this debate on this week as we mourn the death of our former colleague, Senator Terry Sanford. Senator Sanford, in the earlier part of his career, was the distinguished Governor of North Carolina, from 1961 to 1965. During that period, he formed an alliance with the then-president of Harvard, who had written extensively on the needs of education in America in the postwar period. Then-Governor Sanford took the leadership in establishing an organization called the Education Commission of the States. The purpose of the Education Commission of the States was to assist in the national debate to rationalize what should be the role of the Federal Government and the individual States in meeting the educational needs of American youth.

It was agreed by the founders of the Education Commission of the States, under the leadership of Governor Sanford, that the primary responsibility for education in America is and should be at the local and State level. But it was also recognized that there were important national goals of education which justified a Federal participation. What were some of those national roles? One, which was particularly searing at the time of Governor Sanford, was the issue of civil rights; that the National Government had a responsibility of assuring that all children had their full, legal civil and human rights protected within the education setting; that education should be an opportunity available to all American youth. The Education Commission of the States recognized that the Federal Government had a particular role in higher education, specifically in assuring access to higher education for all American children.

We had just come through the period of the GI bill, at the end of World War II, and we were learning, as a Nation, the benefits that we had secured by the fact that millions of Americans who previously had no chance at higher education suddenly were given that opportunity and that that opportunity should not be limited to that one generation who fought and won World War II, but should be a permanent part of our national commitment to its own future. And a third important area was at-risk children, children who did not come into this world with the benefits and opportunities to be fully competitive and were going to require additional assistance because of their circumstances which were beyond their control.

Those have traditionally been some of the priority areas that have defined what should be Federal policy for education. I believe that as they were in the early 1960s, they continue in the late 1990s as important principles to determine what should be the Federal role in education.

For that reason, I am pleased with much of what is in this legislation, but concerned about other important provisions. I am concerned, for instance, about a theme that is running through several of the amendments that we have adopted, which essentially says that this thoughtful construction of a Federal role in education is no longer relevant, that we can treat all Federal education funds as if they are fungible, that they can serve any purpose that a State determines, that there is no longer an appropriate, focused Federal role in these areas such as access to higher education and at-risk children.

We have adopted not just in one place but in several places amendments, language that says essentially, notwithstanding any other law or provision, that any Federal education funds can be used for the specific object that the authors of that amendment thought were appropriate.

I do not believe that is tolerable education policy. It is not policy. It is the denial of a rational policy to direct Federal educational actions and resources.

For that reason, I am going to vote for this bill, but I will announce at this point that if this bill should come back from the conference committee containing these what I consider to be troublesome provisions, I will have to vote against the conference report. I believe there is a sufficient amount of good in this bill that it is not appropriate at this stage to pronounce its death; that, rather, we should try, with the opportunities that will be available to us in the next few weeks and with the confidence that I have in a person such as Senator COVERDELL—that we will be able to keep what is constructive and what is consistent with our tradition, keep those things that Senator Sanford would be pleased to have as part of his legacy of educational policy for America, and discard those that are not constructive and not consistent with our traditions.

Let me focus on those areas in which I believe there is substantial good embedded for our education and consistent with our tradition.

The fundamental thrust of this legislation is to increase the access to higher education. While much has been made of the amendment that bears the specific name of the Senator from Georgia as to its role in elementary and secondary education, if anyone looks at the actual numbers and how this will play out in the planning of the American family, the reality is that the program is going to have its principal utility in preparing a family to meet those enormous costs that are associated with higher education, and, thus, its principal contribution is going to be in making it possible for families to save and plan and prepare for the cost of college and university. And that is a good thing. We are going to spend approximately $1.7 billion to accomplish that.

But that is not the only area in which we are going to encourage access to higher education. There is another provision in this bill which was sponsored by the senior Senator from New York, Senator MOYNIHAN, which happens to have a cost over the same time period of approximately $2 billion, more than the cost of Senator COVERDELL's provision.

What will that provide? That will extend the current provision in the law that says an employer can provide higher education tuition to one of its employees so that that employee can increase his or her skills and wisdom and contribution both to the company and to his or her own goals, and that that employee will not have to take into the employee's income the value of that tuition provided by the employer.

That is clearly a provision aimed at making more certain, more stable, our concept of access to higher education through cooperation between employers and employees.

There is another provision which I have been active in advocating, and that relates to State programs through which families can purchase contracts to pay the tuition and, in the case of many States, the room and board for their child or grandchild or nephew or niece in advance of the time that that child is ready to enter college or university.

These plans, which now are in place in 21 States and will add another 13 States before the end of 1998, vary but have some similar elements. Those elements generally include the ability to purchase at a point in time the tuition for a child prior to the time that child is ready for college and, thus, lock in the tuition at its current level. Thus, the family is able to avoid tuition inflation, which has been running substantially higher than inflation in the general economy and higher than increases in family income.

It also provides an effective means by which families can plan and save for that large cost. It also fundamentally changes the nature of the question that a child will ask as they are growing towards college years. They no longer will have to ask the question, "Will I be able to afford to go to college?" Instead, they will ask the questions "Will I be prepared to go to college? Will I work hard enough? Will I make adequate grades? Will I be able to distinguish myself so that I will be admitted to the college for which I have already made financial preparations?"

I think that will be a very important step toward increasing the level of motivation and quality of learning.

There has been a cloud over these plans, the plans that Senator LANDRIEU sponsored when she was the Treasurer of the State of Louisiana, the plans which many Members of this Senate have been involved with in their individual States, and that cloud was that the Internal Revenue Service has said these plans are taxable and, therefore, sent a chilling signal to States considering the establishment of the plan and individual families' participation.

In the last two years, in what I think were very wise decisions, this Congress eliminated the taxability of the plans on an annual basis. That is, as the interest accrued in the account for a particular child, that accumulation would no longer be subject to Federal income taxation.

The provision that is in this bill, which happens to have approximately the same cost to the Federal Treasury of $1.7 billion as the underlying provision of the Senator from Georgia, will say that when the funds are transferred at the time of commencement of college education from the State higher education tuition trust fund to the individual university to which the student is now going to be enrolled, that that transaction will also be nontaxable. So the family can be assured that every dollar that it invests, every dollar that is accumulated in the fund during the period that the child is maturing to college age, will be used for that child's education.

I believe that with the adoption of this provision, we will find many more States that will establish a State plan and many more families than the over 700,000 who are currently participating will participate in this means of preparing for their child's higher education.

At the end of the day with this legislation, we will have Senator COVERDELL's bill which will provide one means through an educational savings account to prepare for higher education, we will have Senator MOYNIHAN's provision that will provide for the adult who is studying through the financial assistance of his or her employer, and we will have State-based plans fully tax free providing another vehicle by which Americans, youth and adult, can see that they will have the resources to meet their goal of higher education.

That is a good thing. That is consistent with the role of the Federal Government which we have established at least since the GI bill in World War II and the definition of the Federal role in education as established by then Governor Terry Sanford.

Another issue which is a very serious one, for which Senator DORGAN has just made an excellent plea, is the issue of school construction. This is a national crisis. The General Accounting Office completed a study a couple of years ago which indicated the cost of bringing existing schools up to appropriate educational standards was in the range of $110 billion to $120 billion. There is not a comparable figure as to what is the cost of building new schools to meet the demands of a growing student population and to keep class size at reasonable levels, but the best estimate is that it is at least the equal of that cost of rehabilitation.

I believe that this is an area in which the Federal Government has a role and needs to play a more effective partnership with the States. We are already doing a significant amount to assist the States. We are providing that States have access to tax-free financing when those financings are done directly to a public agency for purposes of public education.

In this bill we have a provision which may be arcane but which will be significant, particularly to many small and rural school districts. And that is a provision that builds upon action taken a year ago in which we allow a school district that issues no more than $10 million per year in tax-exempt bonds to keep the difference between the interest that is earned as a lender of the funds prior to paying construction vendors and the interest which it pays to the bondholders.

As an example, a typical school district might issue a bond issue and pay 6.5 percent interest to bondholders who do not have to pay tax on this interest received. For the period of time before it actually begins to spend that money to construct a school, it may be able to loan that money for 8.5 percent. This would allow the school district to keep that 2 percent differential, which is referred to as arbitrage.

This proposal will make this arbitrage rebate exemption available to districts issuing up to $15 million in bonds, rather than the current $10 million. This will be particularly valuable to those small school districts who only occasionally are in the business of building that elementary school that they may only construct once every 50 years in order to meet their needs.

Another important provision which I think will be, if adopted, the beginning of a new and creative approach to public education construction assistance from the Federal level is called the private activity bonds. Private activity bonds are bonds issued by a public agency on behalf of a private concern in order to serve a public purpose. These bonds today are primarily used in areas such as airports, seaports, mass transit facilities, water and sewer facilities, solid waste disposal facilities, housing for low-income and affordable housing. Those are the kinds of areas in which this type of financing is currently available.

By the adoption of a provision which is in this bill, we will make this available for the first time to public schools. The irony is that under provisions that are already in effect, private schools, both at the higher education level and at the primary and secondary level, are benefiting by private activity bonds. This creates parity by allowing public schools for the first time to participate directly in private activity bonds.

Some examples of how this might work—let me give an example that is currently in a stage of finalization in Orange County, Orlando, FL, which is the home of one of the most rapidly expanding school populations in the country.

I ask if I could have 3 more minutes to close.

Mr. COVERDELL. I yield 3 more minutes to the Senator from Florida.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Florida.

Mr. GRAHAM. I thank the Senator.

In the Orange County school district a proposal that is close to becoming a reality involves the school district working with the private developer who will build a public school which will be co-located with a YMCA facility. The school district would make payments on the building at 2 percent interest for 5 years. At the end of that 5-year period the school district will receive the building and lease out space to the YMCA, a creative example of financing co-location, being able to use the school as a means of meeting a variety of the needs of the children of that community. This use of private activity bonds will accelerate the creativity and innovation of school districts, particularly those that are facing crushing demands by escalating student population. This provision in the legislation before us has a cost of approximately $400 million. If I had a criticism, I would say both of these provisions, the one for the small and the rural schools and that for the fast-growing schools, are inadequate to the challenge. But in the one case it is building on progress that we made last year, on the other it is starting a new departure which I think will have tremendous long-term benefit.

So it is for provisions like those that I will vote for this legislation. It is my hope, as I indicated, that with the good will and effort of people like Senator COVERDELL, and Members of my side of the aisle, that in conference we can take the ideas that are consistent with our tradition of a Federal role in education, build upon them, shape them, and bring them to the point that they can serve important, constructive purposes for the youth of America; with those ideas which may have been introduced, I would say, more for theater than for serious public policy, they can be discharged and will not cause the good ideas to be placed in jeopardy.

I want this legislation to become law. I want to see the benefits in terms of access to higher education, school construction, and the other valuable provisions which are included in this bill to be made available to the children and communities of America. Therefore, I will vote for this legislation. And I wish it well as it moves on to the next stages of its journey.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. COVERDELL. Mr. President, I want to acknowledge that the work of the Senator from Florida has been immense. All of the provisions that deal with school construction in the underlying bill have been basically the genesis of the Senator from Florida. He has been consistent and persistent, and I want to compliment that work here this evening while he is here.

I yield the floor.

STATE PREPAID TUITION PROGRAMS

Mr. SESSIONS. Mr. President.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Thank you, Mr. President.

Mr. President, I would like to engage the distinguished Senator from Georgia in a brief colloquy to discuss extending to all private college prepaid tuition plans the same tax treatment that public college prepaid plans receive.

Currently, 16 states, including my home state of Alabama and the distinguished Senator's state of Georgia, have established prepaid tuition plans that allow resident families to lock in today's tuition rates for tomorrow's education. Income taxes on the accrued interest in these accounts are deferred until the account is cashed in to pay for college and these taxes are paid at the student's tax rate, which is typically lower than that of their parents.

Mr. President, as valuable as these plans are, however, there are drawbacks. Specifically, the plans typically cover only in-state public universities. Therefore, if a student decides to attend an out-of-state school or even an in-state private school, then the savings accrued in the prepaid plan are less valuable because states typically redeem only the principal and some nominal interest to account for inflation.

Mr. President, as my good friend from Georgia would agree, this places private schools at a distinct disadvantage vis-a-vis their public counterparts.

Mr. COVERDELL. Yes, the Senator from Alabama is correct. Under current law, private colleges are at a distinct disadvantage to their public counterparts.

Mr. SESSIONS. I appreciate the Senator's comments. I would like to ask the Senator from Georgia further, to clarify for me, that under this legislation, H.R. 2646, the A+ Education Savings Account Bill, is there no provision in the bill to place private college prepaid tuition plans on equal ground with public prepaid tuition plans?

Mr. COVERDELL. The Senator from Alabama is correct. Under this bill, HR. 2646, the A+ Education Savings Account Bill, there is currently no provision that would provide the same type of tax treatment for parents and students to use for private college and university state pre-paid tuition programs.

Mr. President, I have met with the Heritage Foundation, and informed them that it is my intention to work to include private colleges and universities into this bill in Conference so they will be eligible for parents and students who choose to attend these private universities and colleges by using state pre-paid tuition programs.

Mr. SESSIONS. I would just like to convey to my good friend from Georgia, that I was prepared to offer an amendment to his bill that would remedy this inequity, by providing private schools the same fair and equitable treatment as is currently provided to public institutions of higher learning.

However, it is my understanding that the Senator from Georgia plans to work with the Senate Finance Committee Chairman, Senator ROTH, and our other colleagues during the conference on this bill to fix this disparity and provide a level playing field for private universities and colleges. Is this a correct characterization of the Senator from Georgia's intention to do so?

Mr. COVERDELL. I would say to my good friend from Alabama, that he is correct. I am committed to fight for the adoption of this provision in conference.

Mr. SESSIONS. Mr. President, I would like to thank my colleague for his strong support on this issue and I look forward to working with him through conference and in support of this bill once it returns to the Floor.

SAME-GENDER EDUCATION AMENDMENT

Mrs. HUTCHISON. I ask unanimous consent to engage my colleague, Senator TORRICELLI, in a colloquy with regard to my recently-passed same-gender education amendment to the Coverdell-Torricelli A+ bill.

The PRESIDING OFFICER. Without objection, so ordered.

Mrs. HUTCHISON. Thank you, Mr. President. I want to thank Senator TORRICELLI and my other colleagues who voted in favor of this important amendment yesterday. I think the Senate's strong 69 to 29 vote in favor of this amendment sent a strong signal that same-gender education should be made available as an option to parents and their children enrolled in public schools. I understand, however, that you have additional questions about the amendment and the issue of same-gender education.

Mr. TORRICELLI. I thank Senator HUTCHISON for setting aside this time today, and for her leadership on this issue in the Senate. I certainly share your support for making same-gender education available to more parents and their children. The benefits of same-gender education have been demonstrated in the context of private and parochial schools, and the evidence is strong that these same benefits await public education, if the legal uncertainty surrounding this issue were lifted.

That is why I was pleased to support your amendment—to allow schools to move forward with same-gender programs, if they deem appropriate, and not with the fear that by doing so they risk losing federal financial support. Nevertheless, during the debate on your amendment, concern was raised as to the legal status and impact of your amendment, and some claimed your amendment allowing same-gender education funding could lead to discrimination against one sex or the other. Could you please elaborate as to why you believe that your amendment complies with both Title IX of the 1964 Civil Rights Act and the Equal Protection Clause of the 14th Amendment?

Mrs. HUTCHISON. I thank Senator TORRICELLI very much for his statement and for his very important question. States, school districts, and individual public schools all over the country have either tried to implement same-gender programs and have been forced to end them, or have been dissuaded from even trying by the threat of lawsuit or termination of federal funds by the Department of Education.

The fundamental purpose and intent of my amendment, then, is to make it clear to these schools that it is the will of Congress that they be allowed to institute voluntary same-gender programs if they believe it will help further their important mission of educating students of both sexes. In no way, however, could this amendment possibly allow discrimination against either girls or boys.

As you know, the text of my amendment is straight forward. It simply adds same-gender schools and classrooms as one of the allowable uses for federal funds under Title VI of the Elementary and Secondary Education Act. As you also know, Title VI is a very flexible block-grant program that can be used for virtually any education reform effort a school district wishes to try, arguably including same-gender programs. But in order to receive Title VI funds for a same-gender school or classroom, the amendment requires that school district offer, quote "comparable educational opportunities for students of both sexes." This requirement is completely consistent with the requirements of both Title IX and the Equal Protection Clause.

Mr. TORRICELLI. What is the opinion of the Senator from Texas on how Title IX and the Equal Protection Clause impact same-gender education?

Mrs. HUTCHISON. Title IX of the 1964 Civil Rights Act prohibits sex-based discrimination by any school receiving federal funds. However, by explicit omission, Title IX does not apply to admissions at same-gender public schools. This is confirmed by Department of Education regulations that allow public, same-gender schools, as long as comparable courses and facilities are offered to both sexes. That word, "comparable,"[1] is the precise word used by the Department in their own regulations. They do not say "equal"—they say "comparable." My guess as to why they chose not to use the word equal is they came to the same conclusion as I did when drafting my amendment—that "equal" means "the same," and that requiring two or more schools or two or more classrooms, (same-gender or coed), to be exactly the same would pose a nearly impossible administrative and legal burden for any school official to meet. It also simply misses the point that in some respects the educational needs of boys and girls are different, and that these differences cannot and should not be ignored. An all-girls or all-boys school that simply ignored the fact that they were teaching only boys or only girls would be an exercise in futility, and educators know it. Enforcing some "equalness" standards, then, would not only fail to clear the way for schools to try same-gender programs, it would very likely ensure the end of such efforts in the future.

I would also note that the language of Title IX simply exempts admissions to same-gender public schools; it does not go on to say that this exemption only applies if a school meets either a comparability or an "equalness" standard. So ensuring that same-sex schools afford comparable opportunities for both sexes, as my amendment does, in fact strengthens the existing protections of Title IX against gender discrimination in schools.

With regard to same-gender classrooms within co-ed public schools, the Department of Education requires that there be a sufficient showing that a single-sex class is necessary to overcome past discrimination against one sex. But this purely agency-created requirement is nowhere to be found in the language of Title IX, and is in fact contrary to the language and intent of the statue. It seems clear that Congress would not allow same-gender schools but prohibit same-gender classrooms, absent some onerous and ambiguous showing of past discrimination. This defies logic and the legislative history of Title IX. So, at least with regard to the use of the education reform funds identified in my amendment, I would seek to reverse this unnecessary and overly burdensome department-imposed requirement.

In fact, it was our colleague, Senator COLLINS, who pointed out how burdensome this requirement really is. She recounted how she had visited an all-girls math class in Presque Isle, Maine. Despite the tremendous results she described in terms of watching girls really excel at mathematics, the school was forced to undergo a host of, as she described them "regulatory hoops" in order to be allowed by the Department of Education to continue to foster this success among girls in math. This is both unnecessary and unwise if we truly want to encourage achievement.

Mr. TORRICELLI. I also noted during the debate that someone cited the recent Supreme Court case involving the Virginia Military Institute in claiming that your amendment did not meet the standard for equal protection of the laws of the 14th Amendment to the Constitution. How would you respond to that?

Mrs. HUTCHISON. As you know, in that case the Supreme Court struck down the state-supported VMI because the state of Virginia failed to, quote "provide any comparable single-gender women's instituion." My amendment follows the Supreme Court's own language and requires that programs offer "comparable" opportunities for both sexes.

I should also highlight that while the VMI case is certainly in keeping with my amendment, it was a case about higher education, which clearly involves different considerations with regard to the different needs of male and female students than elementary and secondary education. The only major case in which the Supreme Court directly dealt with the Equal Protection Clause as applied to K–12 education was in *Vorchiemer*, which involved a challenge to an all-girls academy in Philadelphia. In that case, the Supreme Court upheld a Third Circuit ruling that this single-gender public school did not violate Title IX or the 14th Amendment Equal Protection Clause. The court in that case explicitly held that there are legitimate differences between boys and girls that can justify separate educational programs in order to provide the best education possible.

I appreciated the questions that were raised about this amendment, and I sincerely wish to engage them to see how we might best address their concerns. I hope our discussion here today has been helpful in clarifying some of these questions, and I would certainly be happy to answer any additional questions you or other individuals may have.

The one point I do not wish to get lost in this discussion, however, is that you and I and the other supporters of this amendment simply wish to protect single-gender education as an option. If someone is opposed on principle to single-gender education, that's fine. They can keep their children in a co-ed environment and even oppose single-gender education when their local school board brings it up. But the decision will be made at the local and individual level. Parents and their children and administrators serving the community will choose, and that is what this effort is all about.

Mr. TORRICELLI. I thank the Senator again for taking the time to clarify some of these points on her amendment. I look forward to continue to working with you to provide families with greater educational opportunities.

Mrs. HUTCHISON. Thank you, and I yield the floor.

Mr. CHAFEE. Mr. President, this week the Senate has been debating a proposal that would enable families to invest in tax exempt savings accounts. The funds from these savings accounts could be used for educational expenses from kindergarten through college, including the cost of tuition at private and religious schools.

I voted against this proposal in the Finance Committee, and I intend to vote against it today. If the President vetoes this bill, I will vote to sustain his veto.

At first blush, this proposal sounds appealing. Why shouldn't parents be encouraged to save for their children's education? The problem is that the "encouragement" the proposal would provide, costs more than $1.6 billion over 10 years and, according to the Treasury Department, 70 percent of the benefits go to the richest 20% of Americans. That is money that would be better spent on improving public schools, particularly low-income, urban schools where most of the problems exist. Also, it permits families to use funds from these tax-exempt accounts to pay for tuition at private and religious schools. Doing so would mean that the federal government is subsidizing private and religious education.

I believe that the Federal role in education must be to support public schools. Nearly 90% of students attend public schools. Our nation's public schools are required to take children who come to school at any time of the year, children with disabilities, children whose primary language is not English, children with disciplinary problems, and children with low IQs.

Private schools have the ability to select the smartest and the least difficult students, with the fewest challenges to overcome. Families who send their children to private schools typically come from higher income levels, yet it is these families who would receive the greatest benefits from education savings accounts.

There have been a number of amendments to this bill. Some of the amendments that I opposed have merit, and I would like to take a moment to explain my reasons for voting against them.

Senator MOSELEY-BRAUN offered an amendment that would have provided tax incentives to help pay for school construction. Although her amendment failed, Senator MOSELEY-BRAUN has been very successful in making us all aware of the deteriorating conditions of our nation's school facilities. I voted against her amendment because I believe her approach would be very difficult for the IRS to administer, and I have concerns about using Superfund taxes as an offset.

Senator GORTON offered an amendment, and, although I have serious concerns about its effect, he has highlighted an important problem with federal education funding. I share his view that states should have some flexibility in spending federal education funds. They should be able to target these funds to schools with the greatest needs, but I don't agree that $10 billion should be given to the states in block grants without the appropriate committees holding a single hearing. Also, the Commissioner of Education in my state had very serious concerns about the impact of this amendment. Next year, when the Elementary and Secondary Education Act is up for reauthorization, I hope that consideration is given to Senator GORTON's point of view and that appropriate hearings are held.

I wholeheartedly agree with Senator MURRAY's desire to encourage smaller class sizes, particularly in the primary grades. In fact, in 1987, I introduced a bill that would have created a demonstration program on small class sizes. Regrettably, the Labor Committee never held hearings on my bill. I voted against Senator MURRAY's amendment because I am concerned about providing short term federal support for hiring new teachers. How would the school districts pay to keep 100,000 new teachers after the federal funding expired? This is a question posed by representatives from local school committees in Rhode Island when they visited my office earlier this year.

Finally, I voted for Senator ASHCROFT's amendment to prohibit federal funds from being used for national testing. Unlike many of my colleagues, I am not opposed to national testing. Parents should be able to compare their child's performance with children across the United States. Parents should be able to compare the performance of their child's school with schools across the state and throughout the nation. Nevertheless, I agree with Senator ASHCROFT that it is Congress' responsibility to authorize a national testing program before federal funds can be used to implement such a program.

Regardless of the outcome, we have had a good debate on a very important issue, namely the federal roll in education in America.

Mr. BAUCUS. Mr. President, it is with mixed feelings that I rise today to oppose, H.R. 2646, the A+ Education Savings Account Act. I am pleased to see that we in the Senate are discussing educational issues. It is an important debate that the American people need to hear. However, I simply don't believe this bill takes our nation's education system in the right direction.

One of my highest priorities is preparing Montana's children for the challenges of the 21st Century.

Education is the only way to improve our economy and keep our kids in-state working at good jobs that help them achieve the kind of future we want for all Americans.

In the area of education I have taken it upon myself to do more than legislate. Because legislation can only accomplish so much. I have worked hard to put over 350 surplus computers in Montana schools. I've encouraged companies to donate funding for computer hardware and software. I've prepared a comprehensive guide on technology funding which has been distributed statewide.

My office also conducted and compiled a survey of Montana schools' technology needs. And I hold weekly internet chats with students throughout Montana.

In working toward ensuring that every child has strong technological, verbal, written , math and critical thinking skills, I have visited over 100 schools during the last year. A lot of these schools are barely making ends meet. Often times teachers and principals are put in the agonizing position of deciding between new books or computers. New desks or a new furnace. While our public schools are in such straits I believe it is unfair to subsidize attendance at private schools.

These institutions are charged with educating all children, not just those who are able to pay or who meet certain requirements.

Public education is a mainstay of our democracy. It is the great democratizer of the American people. Ninety-seven percent of children in America attend public schools. Public education is a promise to all children: if you work hard and commit yourself fully, you can receive a quality education. And you can achieve anything.

Public education is a promise of opportunity—a promise of open doors. And that is a promise which should be our number one priority to uphold.

Unfortunately H.R. 2646 will not open the doors of educational opportunity for the average American family.

This bill would primarily benefit those who are already most able to afford a private education. Those making less than $50,000 per year, will receive a tax cut of only a few dollars from this bill.

Wealthier families who are in a much better position to save money, will have much larger accumulations of tax-free earnings.

According to the Joint Committee on Taxation, 52% of the tax benefit from this bill would go to the 7% of families whose children attend private schools. The other 48% of the benefits would go to the 93% of the families whose children attend public schools. The average benefit to a family with children in private schools would be $37 while the average benefit for families with children in public schools would only be $7.

Expanding the definition of qualified education expense will result in revenue losses of $760 million over five years and $1.6 billion over ten years. That's money that could be better invested in improving crumbling school buildings, buying computer equipment, paying teachers more and making classes smaller in our public schools.

Public education faces more challenges today than ever before. But rather than diverting precious resources and students from our public schools we need to face these problems head on.

Simply abandoning public education does a disservice to every American—it breaks the promises that our country is founded on.

By any measure, the schools in my own state are doing a good job. In 1997 Montana continued to top the nation in ACT scores (fourth highest in the country) and our state's SAT scores continued to be 37 points above the national average in math and 40 points above the national average in verbal skills.

Montana, like nearly half (47%) of the states, has a policy prescribing class size.

Since 1970 Montana and national student/teacher ratios have stayed virtually parallel, with Montana maintaining a ratio of about two fewer students per teacher than the national average. Beginning in the mid-1990's Montana's statewide ratio of 14.8 students per teacher is only one fewer that the national average of 15.8 students per teacher. Class sizes in most of Montana's middle and larger sized school districts are roughly equal to the national average.

Unfortunately the salary scale for Montana teachers has not kept pace with the national average. In 1996 our educators were paid 16% less than the national average.

Federal funding plays an increasingly important role in public education. After stagnating in the late 1980s and throughout the 1990s, Federal revenues now pay more that 10% of Montana's public schools costs; or 2% more than in 1983. Unfortunately, during this period state revenues committed to education have declined. In 1993, state revenues paid for 53.8% of school costs but have now fallen to around 49% of total school expenditures.

Montana is not willing to rest on its education laurels. Our State Board of Public Education is evaluating new standards for math and reading proficiency.

The State Superintendent of Public Instruction recently stated that "(i)t's time to raise the high bar on education" by forging ahead with development of new standards for science and communications, English, writing, speech and debate.

Rather than providing tax benefits for those who can already send their children to the best schools, we need to invest in education systems like Montana's that have a proven record of success while insuring that public schools that do not perform well are held accountable for their performance.

We are called upon today to discuss our nation's education system. And I welcome the debate that all sides will give. However, I urge my colleagues to support public education—support the promise that we hold out to all children regardless of faith, race, income or ability.

Oppose the A+ Education Savings Account Act. And hold open wide the door of opportunity for all America's children.

Mr. KEMPTHORNE. Mr. President, I am here today to support the A+ Education Savings Accounts bill the Senate is currently considering.

Many Americans, including single mothers and low and middle income families, face the dilemma of how to afford the best possible education for their children. The A+ bill is good legislation that gives all families education opportunities they may not have otherwise.

During my years as a United States Senator, I have learned that the true measure of the legislation we propose and pass comes from my constituents in Idaho. A letter from a northern Idaho school teacher named Brad Patzer perfectly expresses why the Senate should pass this bill. The Patzer family has one child in 2nd grade and the other in kindergarten. I would like to share with you an excerpt of Mr. Patzer's sentiments regarding the educational future of his two children. Brad wrote, ". . . I believe that the power of choice needs to rest with parents and I agree that this IRA would provide more equal opportunities for those willing to make their children's education a priority."

The Patzers, like most parents, do not want their children's impending education costs to prevent them from receiving the highest quality education. They want flexibility to make good choices both about day to day K-12 educational expenses and the future enrollment of their children in college. This legislation accomplishes these goals.

The A+ Education Savings plan will aid families and school districts all over the country. As we contemplate the rising costs of education many would believe those comments are solely directed to higher education. As we have learned in recent years, however, parents are having equal difficulty in paying for their kids elementary and secondary schooling. The A+ legislation begins by increasing the current contribution limit of $500 for educational IRA's to $2000. The scope of this IRA is also expanded to allow contributions to be used for day to day elementary and secondary education as well as future college costs. This provision allows parents to save for their future college expenses while at the same time covering expenses during their child's younger years. For example, if a family deposited an original $2,000 in an A+ account at the time of their child's birth, they would have a savings of $4,522 by the time the child reaches kindergarten. Another provision in this bill would establish a tax free status for state-sponsored prepaid tuition programs, allowing students to withdraw from an account, tax-free, that was established years before the student approached his or her college years.

In addition, the A+ bill proposes a new, and creative method for constructing schools. The private sector would be allowed to use tax exempt financing to build schools, and would then be able to lease those facilities back to local school districts. After a designated number of years the facilities would then become the property of the leasing school district. In the bill's current form, Idaho is authorized to issue up to $10.2 million of these new type of bonds; $5 million for wherever the need is the greatest and another $5 million for high growth school districts. Under the bill, however, only a few school districts would be eligible to utilize this bond. I have raised, with the floor manager of the legislation, my concern that economically depressed school districts, not just high growth areas, should also receive special consideration. To be issued, however, these bonds must conform to conditions imposed by Idaho state and constitutional law. The floor manager of the bill, the senior Senator from Georgia, has said he is willing to work to see whether this issue can be addressed when this bill goes to conference with the House of Representatives. The measure retains current federal law that allows school districts, with voter approval, to issue an unlimited amount of tax-exempt bonds for school construction.

As I mentioned earlier, the A+ bill allows for the establishment of a tax-free savings account for each American child. It also contains a special provision for the use of such accounts for children with special needs. Specifically, the bill waives the age limit for children benefiting from such accounts for those students with special needs. I feel this is an important acknowledgment of the financial concerns which can come with being the parent of such a child. We reauthorized the Individuals with Disabilities Education Act because we wanted to improve the way we educate special needs children. This provision will help parents expand on what we have already done.

I would also like to thank my colleagues for their support of my Student Improvement Incentive Grant amendment. This amendment provides states with a new option for how to use their federal education dollars. Under my amendment, states will be able to use these funds to reward schools which demonstrate excellence. Such a system will help create competition between schools to encourage improvement in education. Most importantly, in creating this new option, we did not increase federal regulation, federal spending, or federal oversight of our schools.

I support the pending legislation because it gives parents more financial tools to meet education needs. The bill creates educational savings accounts which allow parents to place as much as $2,000 per year, per child in a designated savings account. These after-tax, non-government dollars would earn interest at a tax-free rate and could be used for education expenses (home computers, tutoring, tuition) associated with any K-12 school. With help of my amendment we have also established a precedence to raise the level of excellence within our schools. This legislation is not the sole answer to the future of America's education, however, it is a step in the right direction. I would urge my colleagues to recognize the significant role this educational savings plan could have in the future of many American students and their families. I would urge my colleagues to support and pass this legislation.

Ms. MIKULSKI. Mr. President, I rise today in opposition to H.R. 2646, the Education IRA Tax Bill. I oppose this bill for three reasons. First of all, it is does not meet the education needs of America's children. Second, it does not support the mission of either public or private education. Third, it does not meet its stated goal of providing economic relief to America's families.

Mr. President, this bill is ineffective in serving the education needs of our children. One of my priorities as a Senator for Maryland is standing behind our kids. I believe this priority should also be at the heart of the Senate's agenda. The bill before us does not reflect what America's priorities in education should be.

Let me state clearly that I believe that education should be a non-partisan issue about what is good for our kids and the future of our country. Fighting for education does not mean pitting our schools or our people against one another. It should not be about private schools vs. public schools, or wealthier people vs. people with more modest means of educating their children.

This is not what education is about. This is not what the business of the

Senate is about. We are here to do the very best we can for ALL of the people of America, not just a select few. We have a duty to help ALL of the children of America to prepare themselves for the 21st century.

We need to be able to look toward a future that promotes a sustainable, robust economy. A key element to our future is educating those who will be governing our future. We need to invest in our children's education so that they can skillfully navigate our country into the ever expanding world markets. They need the skills to become productive members of our workforce. Our children need the educational tools that allow them to understand the complicated economic mechanisms that govern our modern world.

While the Coverdell IRA bill purports to be a pro-education bill, it does nothing to improve the education of the majority of our students. Coverdell does nothing to ensure our kids have the tools they need to cope with these important issues as future leaders and hardworking adult citizens of our country.

Support for public education must be the priority for federal investment. Coverdell represents an actual divestment in public schools. The Coverdell bill costs $1.6 billion dollars over the next ten years and gives the majority of the benefits to only 7% of the families with children in school. Even those benefits are meager ones. For example, the average family with children in private schools stands to benefit only $37 a year in tax exclusions.

This $1.6 billion can be much better spent following an agenda that truly gets behind our kids. The Senate should support and pass legislation that offers real solutions to address the problems faced by our schools.

Students cannot learn in overcrowded schools that are falling down around them. Schools in every state in this country are in desperate need of repair. This year, K–12 enrollments reached an all-time high of 52 million children and they will continue to rise. It is estimated that we will need to build 6,000 new schools by 2006 to maintain current class sizes. Leaky roofs and overcrowded classrooms are the real problems that need to be addressed, not whether an average $37 per year tax benefit is what is best for Americans and education.

We should target scarce federal resources to finance the construction and modernization of our public schools. These are the schools that 93% of our children attend. These schools will help many communities provide modern, well-equipped schools that can be wired for computers and technology so the children can get the education they need to succeed in the 21st century. These are also the same schools that may house after-school education and safety programs which our children need.

We need to place our priorities on hiring new teachers. I supported Senator KENNEDY's amendment to hire 100,000 new teachers and to make certain that they are well qualified in the areas we need them most.

Under the 1994 Crime bill, we agreed to add 100,000 cops to police forces throughout the country. My own state of Maryland has added over 1,200 cops—who are out in the community fighting crime. I know what a difference they've made in preventing crime, and in ensuring that those who commit crimes are apprehended. Our streets are safer because of this program. Think what a difference 100,000 new teachers could have made. I am disappointed that this amendment was not approved.

The Coverdell bill does not meet any of these dire education needs—for school repair, for school construction, for more teachers and smaller class sizes. It is silent on these critical needs.

The Coverdell bill is ineffective in supporting the mission of either public or private education. I believe that public education—the choice of 93% of America's families—must not be shortchanged by the federal government. But let me be clear that I support our private schools as well. I am a proud product of parochial schools. What I am today I owe in large measure to the sisters who educated me in Baltimore's parochial schools. They nourished my intellect, and they nourished my spirit.

So I know about the value of private schools and I support private schools. But I believe there are better ways to support private school education. The federal government already provides substantial assistance in support of private education. There are a range of federal programs that private schools can take advantage of which are designed to serve a variety of school student and teacher needs.

For example, there are 366 private schools in Maryland that take advantage of "Innovative Programs," a federal program available to both private and public schools. Innovative Programs supports a broad range of local activities in eight primary areas including technology, reform implementation, disadvantaged children, literacy programs, gifted programs and some Title I and Goals 2000 activities or programs. I believe that better use of the resources tied up by this bill—some $760 million over the next five years—could be better used through supporting existing programs that benefit both public and private schools.

Finally, Mr. President, this legislation is ineffective in providing economic relief to America's families. I know how hard many families of modest means struggle to give their children the best education possible. The Coverdell bill has been presented as a tool to give these families some financial relief. But, that is a hollow promise. The average family with children in private schools would receive tax relief of only $37.00 a year. $37.00, Mr. President. I know that every dollar counts, but $37.00 a year is not going to make much of a difference in the average family's budget.

The bottom line is that the education IRA will not fix our crumbling schools or help us bring qualified teachers into our classrooms. The education IRA will not bring the information superhighway to public schools. In fact, it will bring very little benefit to the majority of Americans and no benefit at all for Americans who cannot afford to contribute money to these savings accounts.

For these reasons, I must oppose this legislation.

Mr. McCAIN. Mr. President, I want to cast my wholehearted support for a very important piece of legislation for our children and our nation's future, H.R. 2646, the A-Plus Education Savings Account Act. As my colleagues know, this bill would provide families with the economic freedom to save their own money, tax-free for their children's elementary and secondary educational needs.

I am excited that the Senate is about to pass a bill which addresses the unique educational needs of all our children while making significant strides toward improving their academic performance. This bill is an important step toward returning to parents and communities the means and responsibility to provide for their children's education. This is why I support the A+ bill and will continue to support innovative, flexible programs which focus on the best interests of our children, our future.

As an original cosponsor of this legislation, I have consistently worked with my colleagues to ensure passage of this bill and have looked forward to the day when it would pass the full Senate.

Unfortunately, I will be unavoidably absent for the final vote on this crucial education measure. I am very disappointed that the vote on final passage for this measure was unexpectedly delayed. If I had been able to be present this evening, I would have voted yes for this bill.

Again, I want to reiterate my commitment for this bill and regret my absence for witnessing the passage of such a monumental measure. Finally, I would like to take a moment to applaud the leadership of my colleague, Senator COVERDELL and his staff for his commitment to this proposal. He has fought tirelessly on behalf of our nation's children and should be commended for his efforts.

Mr. ALLARD. Mr. President, today I encourage my colleagues to support legislation which will open doors to education opportunities for parents and children throughout our nation.

Education savings accounts are a sensible step toward solving the education crisis in America by allowing families to save their own money to pay for their child's educational needs.

This bill would empower parents with the financial tools to provide for all the needs they recognize in their children—needs that teachers or administrators should not be trusted to address in the same way that a parent can.

These accounts would provide families the ability to save for extra fees, tutoring, home computers, S.A.T. preparation, transportation costs, or in cases of violent incidents, would allow a family to consider another public or private school.

This kind of tax relief is especially important for parents who are working two jobs with no extra time to help with homework, or those who do not feel adequate in their own knowledge to tutor their children.

As parents, I know that my wife and I were the best judges of our children's needs because we truly cared about their future.

And as all parents realize, I knew that I was in the best position to address those needs.

As a small businessman, I would have welcomed an opportunity to accrue tax-free interest to help pay for more opportunities in education for my children.

Far too many parents find that their hopes to provide the best education for their children are crushed as they realize the costs involved in accomplishing this task.

Contrary to popular myth, 75% of the children who would benefit from this bill are public school students. The new estimates released by the Joint Tax Committee appear to disprove the claim that public school revenues would be reduced by A+ accounts.

The Joint Tax Committee estimates that by the year 2000, 14 million students will be able to benefit from this bill, with 90 percent of those families earning between $15,000 and $100,000 a year.

This savings is not reserved for the wealthy but instead lifts the burden from our nation's hard working lower and middle class families.

This bill is good for families—it's good for schools—especially public schools.

Since parents would be spending their own money, it fuels parental involvement in their children's education.

And because it gives them increased resources that can be used for education at their own child's school, it encourages parental involvement in the schools as well.

Tax-free savings accounts may not fix our nation's education system, but they will give parents an opportunity to make a difference for their own children and their own community's school.

Our tax code has always encouraged various deductions and credits for investment in physical capital, but why have we never encouraged investments in human capital?

Education for our children is the most worthwhile investment we have—one that we should protect and foster growth.

This bill is a positive step towards reform and choice in our public school system.

Why anyone would vote against tax relief for America's families and improving education for all of our nation's children at the same time is difficult for me to understand.

I thank the Senator from Georgia, Mr. COVERDELL, for introducing this bill.

I believe that the working families in our states will thank us for handing them an opportunity to invest in their own children.

Mr. LAUTENBERG. Mr. President, I rise in strong opposition to the Coverdell bill. This bill will undermine our public schools and provide the bulk of the tax breaks to wealthy individuals.

Mr. President, before I talk about the Coverdell bill, I want to make two points. First, I am not opposed to tax cuts for families which help them make ends meet and invest in their children. For example, last year I supported the $500 family tax credit and the HOPE Scholarship $1,500 tax credit for college tuition both contained in the 1997 Taxpayer Relief Act. I also believe that we can enact further targeted tax cuts for hard working middle class families this year without tapping the surplus.

Second, I am not opposed to private schools. In fact, I commend the teachers and administrators in private schools for their work. And I strongly support the mission of the private schools in my State. Catholic, Jewish, and other parochial and private schools provide an excellent education to thousands of New Jersey children.

But I am also a strong supporter of our public school system, because 93 percent of all children go to public schools. They come from all different, racial, ethnic, religious, disability, academic and financial backgrounds. They are generally poorer than children who go to private schools. They tend to live in unsafe neighborhoods—surrounded by crime and drugs. They mostly attend schools that are in need of great repair. Many have no textbooks and ancient computer equipment that does not provide them access to the internet.

Mr. President, these children should be our highest priority. And I will never give up on them.

I strongly believe in educational equity—the ability for all kids to have access to an excellent education with modern facilities and talented teachers. But the Coverdell bill will only make our educational system less equitable. If we pass it, we are turning our backs on our public schools.

Mr. President, as ranking member of the Budget Committee, I must tell my colleagues that Federal budgeting is a zero sum game. And since this bill effectively spends money to help private schools, we cannot spend more for public schools. It is that simple.

Unfortunately, our public schools have enormous financial needs. For example, our schools need a tremendous amount of modernization. In fact, our existing school buildings are in such poor shape, the General Accounting Office estimated that we need to spend $112 billion on repairs and renovations. Fourteen million children—mostly from poor or inner-city school districts—attend schools that need extensive repair or replacement.

But the needs of our public schools do not stop here. They need modern computers. They need to be hooked up to the internet. They need more teachers to reduce class size. That is why the President proposed hiring 100,000 new teachers. We also need greater funding for educating disabled children. And the list goes on and on. That is why the 93 percent of all American children who attend them should be our number one priority.

Mr. President, this bill is also unfair as a matter of tax policy. While we are awaiting final figures from the Treasury Department, I would like to point out the tax distribution of last year's Coverdell bill. Under last year's Coverdell bill, the average tax benefit for the richest 20 percent of all Americans would be $96. But do you know what the average tax benefit would be for the lowest 20 percent of all Americans? One dollar! One buck!

Mr. President, this means that the richest Americans would get ninety-six times the tax break that the poorest Americans would get under the old Coverdell bill. Now, I understand that this new Coverdell bill is slightly modified, but I understand that the same dramatic inequity still exists.

We simply should not pass a tax bill that is so skewed toward the rich. Any tax relief should be focused towards middle class Americans—people who work hard to raise their families.

Mr. President, the Democratic alternative to this bill meets part of our educational needs in an equitable manner. It will provide tax incentives for employer paid education and pre-paid college tuition plans that exist in many states. It also provides $22 billion for school modernization. This will mean that thousands of schools across our country will have better science labs, safer classrooms and smaller class size.

If we pass the Democratic education plan, along with the President's proposals to hire 100,000 teachers to reduce class size, increase the number of tutors available and create new education opportunity zones, we will see real improvements in our educational system both public and private.

Mr. President, I am pleased that the President has indicated that he will veto the Coverdell bill. It will hurt our public schools and provide a tax break for the rich on top of it. When it comes to our public school children, this bill says "let them eat cake."

I ask my colleagues to oppose this legislation for the sake of the millions of children who walk through the public school door house every day and seek a solid physical and educational foundation.

Mr. DORGAN. Might I, before I yield time to the Senator from Delaware, Senator BIDEN, inquire of the Senator from Georgia—those we know on our side who have requested time include Senator BIDEN for 5 minutes; Senator KENNEDY for 5 minutes; and Senator DASCHLE for 10 minutes. That represents the list of all of those we know who will be here to speak.

Could the Senator from Georgia indicate to us the list that he has so we might determine when we might be headed for a vote?

Mr. COVERDELL. My list is Senator DOMENICI, the distinguished Senator from New Mexico, and my closing remarks. We are 15 minutes or less. That would put a vote around 7:30.

Mr. DORGAN. Mr. President, if that is the case, it might be useful for Members to understand that some time in the next 35 minutes or so we might be heading toward a vote. So with that, I yield the 5 minutes to the Senator from Delaware, Senator BIDEN.

Mr. DOMENICI. Would the Senator yield?

Mr. BIDEN. I would be glad to yield.

Mr. DOMENICI. I want to be clear, on my time I would like to yield part of my time to Senator BINGAMAN on a Steve Schiff memorial we want to introduce. We will not take much time.

Mr. COVERDELL. Fine.

Mr. BIDEN. Mr. President, I have listened to and been involved in this debate now for weeks before this got to the floor, and since it has gotten to the floor, and now in the final moments. And I find myself in an unusual position. I think the claims made by everyone on both sides of this issue are greatly exaggerated.

Although I have voted against vouchers, and have voted against direct funding to private schools, I strongly support, and have since I got here in 1973, the use of the Tax Code to indirectly assist private schools.

My friend from North Dakota talked about how the public schools are getting short shrift, but so are the private schools. The private schools I went to were Catholic grade schools where the average income I expect was lower—I know it was lower in the neighborhood I lived in—than the average income in the public schools. I will not belabor this, mainly because no one is interested and, secondly, because I do not have the time.

I think when we get here on the floor and people say, this is really about priorities, I agree. And if the debate really were whether or not to spend this money for aiding higher and elementary and secondary education, all three—and about $300 million of this bill is for secondary and elementary education through the Tax Code—I would say that is a legitimate debate.

The truth is, most of the people who are voting against this are voting against it because in principle they don't think the Tax Code should be used this way, period. They have no desire under any circumstance—and they think it is anathema to our system—to help even indirectly private schools.

So I find myself in strong disagreement and in a distinct minority in my party on that view. Consequently, I voted against a whole lot of things I have supported for 20 years, because most of the initiatives that were brought up that I supported were in lieu of—in lieu of—this use of the Tax Code, this IRA, which is going to be a very, very small amount of money for most people, by the way.

Then having done that—and I do not in any way suggest that the sponsor of this legislation had this in mind—along came an amendment that trumped everything for me. I have always been an extremely strong supporter of public schools. I have supported education for the 25 years I have been here. With every major education initiative, I have played a small part, at least in my vote, along with the Senator from Massachusetts, who has been the leader in this body on education issues since I have been here.

So along comes an amendment by Senator GORTON that essentially emasculates the notion of Federal participation in the education process in our country. I am not suggesting that he is not philosophically committed to the notion that there should be no Department of Education, that it should all be local. But, I think that is malarkey. I think that is absolutely "brain dead" in terms of what this country needs. That is my view.

So now I am faced with a dilemma. I want to support this bill. But, in helping a little tiny bit those parents who send their kids to private schools—over the objection of my friend Senator KENNEDY and others—in the process, from my perspective, I would be voting to emasculate the Federal responsibility in education by shifting all programs to a block grant.

I find it ironic, by the way, all this talk from Republicans about, "We don't want any directed education programs, we want block grants," and then everyone voted for a Republican-sponsored amendment to create a new directed Federal Government education program which is not a block grant.

At any rate, I can no longer support this bill. It really makes me angry with myself that I can't vote for this bill. All these years trying to get a little bit of fairness, in my view, for private and parochial schools. It is just about to happen, and I can't vote for it now because it undermines everything I have believed about the role of the Federal Government in education for the last 25 years.

So I say to my friend from Georgia, who has been straight up with me, upfront with me, the whole way—our offices are across from one other—although we met on this and strategized on this, and, I think to the chagrin of my Democratic colleagues, although I helped play a part in getting this bill to the floor, now I can't vote with him.

Now, if you go to conference and this is dropped—that is, the foolishness of the Gorton amendment—and the bill comes back here without the Gorton amendment in it, I will vote for it and I will vote to override a Presidential veto. But I cannot vote for it in its present form.

The reason, Mr. President, I wanted to vote for the Education IRA proposal is because I believe in it. I have always believed—and I voted as far back as 1978—that we should find some way to help financially those parents who wish to send their children to the school of their choice.

That does not mean that I support every effort to provide tax dollars or tax breaks to support private education. But, I have supported—and will continue to support—reasonable, appropriate, constitutional measures that do not take money away from the public schools to help middle-class and lower-income families who choose an alternative to public schools.

Let me also say that my support for this bill—and similar initiatives—should in no way be viewed as an abandonment of public education. Yes, there are some supporters of this bill who believe that there should be no Federal role in education or that the Federal government should not help States fund public education or that we should decrease our commitment to public education. I have not, do not, and never will subscribe to that philosophy.

I have supported and will continue to support increasing funding for public schools and for programs to help the public schools—Title I for disadvantaged children, Goals 2000 academic standards, safe and drug free schools, special education, school construction, and smaller class sizes, to name a few examples. Public education must be our top priority. But, no matter how much those on both sides of this issue try to make it so, this is not an either-

or choice—where you either support public education or you support families who choose an alternative to public schools. That is a false choice.

Now, having said all that, Mr. President, let me explain in some detail why I believe it to be true—why I believe this bill is reasonable and appropriate, and does not undermine public education. In doing so, I need to review some of the provisions of this bill, which my colleagues are familiar with. I do this because as I have talked to people about this bill—and as people have talked to me—it is clear that there is a lot of misunderstanding about it. So, let me take a few minutes to explain exactly what this bill is and is not.

This bill is not a voucher bill. It does not provide a voucher or grant to pay for private schools. This is not a tuition tax credit bill. It does not give a tax write-off for the costs of tuition at private schools. And, this is not a bill to aid private schools. It does not give private schools a dime of tax money.

What this bill does is simply say that the interest earned on a family's savings that are used for education will not be considered taxable income. Let me be more specific.

Last year, we established Education IRAs for higher education. This was a proposal that I had originally introduced in 1996 as part of my comprehensive bill—known as the "GET AHEAD" Act—to make college more affordable for middle-class families. Under last year's tax bill, families can now put up to $500 per year into an Education IRA and if that money is later used to pay for the costs of higher education, the interest on that savings will not be taxed.

This bill does two things to build on last year's law. First, it increases the amount that can be put into the account each year from $500 to $2000. Second, for families with incomes under $160,000, the bill allows funds in an Education IRA to be used—without having to pay tax on the interest—for the costs of a child's education at any level—elementary, secondary, or higher education—and at any school, public or private, or for home schooling expenses.

There is no tax deduction for the amount put into the savings account. And, there is no tax deduction for the entire cost of a private school education. Those are myths. This bill simply says that interest earned on Education IRAs—which already exist for higher education—will not be taxed if the money is used at any level of education. What is the harm in that? I see none. We are simply expanding existing Education IRAs so that people can use their own money to pay for elementary and secondary education costs.

Now, Mr. President, here is something interesting. The cost of this proposal is estimated by the Congressional Budget Office to be $1.6 billion over ten years, paid for by closing loopholes in the current tax law—not by taking money away from public schools. But, about $1.3 billion of the cost is expected to result from Education IRAs used to help finance the cost of a higher education. Only $300 million—and, remember, that's over a 10-year period—would result from Education IRAs used to help pay for elementary and secondary education. In other words, less than 20 percent of the cost of this proposal is a result of Education IRAs being used for elementary and secondary education costs—what all the hullabaloo has been about—and some of that would be used by families with children in public schools.

Let me repeat that. Under this bill, Education IRAs can be used to help families whose kids attend public schools. If parents need to buy their kids public school uniforms, they can use this money. If parents need to buy their kids a computer, they can use this money. If a child needs an after-school or summer tutor, parents can pay for that tutor using this money.

How is that a disaster that will befall this nation's public school system? The answer is, it is not. That is a rhetorical exaggeration by opponents of this bill, who are trying to have it both ways. On the one hand, they claim that this bill is significant because it will undermine public education, and on the other hand, they argue that this bill is meaningless because the tax benefit for the average family, they claim, will be $37 per year. Which is it—significant or meaningless? It cannot be both.

The truth is, this bill in the aggregate will have only a marginal impact. But, to some families, it will be a real help. And, so I believe that this bill is an appropriate way to reach a desirable goal—assisting parents who wish to send their children to the school of their choice.

Finally, Mr. President, although I support this bill, let me say that I am disappointed with the way the Republican leadership chose to bring up this bill. I am disappointed because we did not use this opportunity to have a serious debate on education in this country. By any measure, as I just noted, this bill will have only a small impact. And, it will help primarily—not exclusively, but primarily—families whose children attend private schools. I support it out of a sense of fairness.

But, meanwhile, there are 45 million public school children in this country. And, we have schools that are falling down, classes that are overcrowded, and children who have nowhere to go and nothing to do when the final school bell rings at 3:00 in the afternoon. Even if the Education IRA proposal becomes law—which I think it should, and I hope it will—it is not a fix for the problems of America's schools, and we should not pretend otherwise. No matter how important I think this bill is, it is not about making our public schools better. We could have put more money in building and repairing schools. We could have put 100,000 new teachers in our elementary school classrooms to reduce class size. We could have funded after-school programs to help keep kids off the streets and away from crime. We could have done all of these things in addition to the Education IRA proposal. But, we did not.

We have missed the opportunity to think big and have instead gone forward with a bill that gets by with something small. Nonetheless what is being done here is important, and I look forward to voting for it if the Gorton amendment is dropped.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I thank the Chair.

(The remarks of Mr. DOMENICI and Mr. BINGAMAN pertaining to the introduction of S. 1978 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOMENICI. Mr. President, this is a very important education bill before us today.

It is a revolutionary education bill.

It encompasses a major philosophical shift.

This legislation is as significant as when we, as a society, decided that it was okay, in fact desirable, to teach girls to read. It is as big of a philosophical shift as when the Supreme Court struck down separate but equal schools in the 1960's.

This bill stands for the proposition that during a time when our technological capability is undergoing exponential change, education also needs exponential change not incremental tinkering.

To understand the magnitude of this proposed change, start with old adage "follow the money."

The Gorton amendment takes the money and provides three different paths for it to follow. Instead of a myriad of overlapping programs, each with its own set of guidelines, principles, and educational commandments, states are given maximum flexibility. Flexibility not only on "what" to do with the federal education dollars but "how" those federal dollars should be delivered to states.

States can opt to send funds directly to local school districts minus the federal regulations; or—states can decide they want their federal money to be sent to the state education authority without federal regulations or—states can opt to continue to receive federal funds under the current system.

States are supposed to be laboratories for government experiments. The Gorton amendment allows this experimentation so that Congress will have some concrete examples and data to see how each approach works.

This bill stands for the proposition that the best decisions regarding education are local decisions and this amendment gives the federal purse to the local decision makers.

This bill stands for the proposition that our schools need to do things differently. Too many kids are merely getting "social promotions" to keep them in a class with their age group regardless of whether they have learned their lessons. It is a sad state when many of our graduates can't read the diplomas they receive at graduation.

Too many schools don't teach the basics any more, and what they do teach isn't taught very well.

Another important philosophical shift encompassed in this legislation is the long-overdue, common-sense revelation that it is reasonable to expect teachers to pass a competency test before we can expect our students to be able to pass tests. I am pleased that this bill includes a provision providing for teacher testing and merit pay.

The bill now includes an amendment to provide new grants to states that (1) test K–2 teachers for proficiency in the subject area they teach and (2) has a merit based teacher compensation system.

In line with my belief that teacher competence is key to improving American education, this bill creates incentives for states to establish teacher and merit pay policies.

I believe the best teachers should be rewarded for their efforts to educate our children. A little competition in our public schools would be a good thing for rewarding these teachers who excel at their profession and motivating those who may need to improve their performance.

The MERIT amendment would use the Eisenhower Professional Development Program (Title II) to provide incentive funds to states that establish periodic assessments of elementary and secondary school teachers, including a pay system to reward teachers based on merit and proven performance.

The legislation would not reduce current funding for the Eisenhower Professional Development Program. Incentives will be provided to states that establish teacher testing and merit pay programs. The amendment permits the use of federal education dollars to establish and administer these programs.

The Eisenhower program, established in 1985, gives teachers and other educational staff access to sustained and high-quality professional development training. In 1998, the Congress approved $28.3 million, $10 million more than in 1997, for the Eisenhower program to provide in-service training for teachers in core subject areas.

The President requested $50 million for the Eisenhower program in 1999, an increase of $26.7 million above the $28.3 million provided in 1998. New Mexico received $2.4 million in 1997 for all 89 school districts. The President funds his 1999 request at the expense of Title VI, Innovative Program Strategies, which New Mexico also heavily utilizes. He requests no funding for this program, which received $350 million in 1998.

This is but one step forward in our bid to improve the educational performance of American students. This amendment supports the principle that all children deserve to be taught by well-educated, competent and qualified teachers.

This bill also builds upon the education savings accounts enacted last year. It expands the amount of money that can be saved and expands its uses to include K–12.

About 14 million individuals are expected to sign up for these accounts by the year 2002. Contributions can be saved to cover college expenses or used when needed to pay for a wide range of education expenses during a student's elementary and high school years. Examples of eligible expenses include text books, computers, school uniforms, tutoring, advanced placement college credits, home schooling, after-school care and college preparation courses.

A tutor can make the difference between success or a student falling hopelessly behind.

A computer can open the world, as well as cyberspace to a child. Children growing up in homes with computers will be the achievers. I am afraid children growing up in homes without computers will be at a disadvantage. This bill will allow money from an education savings account to be spent on a computer, software, and lessons on how to use the computer.

The bill has several solid worthwhile provisions.

It raises the limits on annual contributions to an education IRA from $500 to $2,000 per year, and allows accounts to be used for K–12 expenses. The bill allows parents or grandparents to make the contribution in after-tax money each year.

The Accounts would grow with interest, and withdrawals for educational expenses would be tax-free. A+ accounts, as under current law, are targeted to middle income taxpayers. Eligibility phases out beginning at $95,000 for individuals and $150,000 for joint filers. Under these terms almost all New Mexicans would be eligible to set up one of these accounts.

The bill allows parents to purchase contracts that lock-in tomorrow's tuition costs at today's prices. This bill would make these savings completely tax-free.

Families purchasing plans would pay no federal income tax on interest build-up. Under current law, state-run programs allowed tax-deferred savings for college. However, savings in such plans, when withdrawn, are taxable as income to the student. This provision would benefit one million students.

Twenty-one states have created tuition plans. New Mexico has not yet implemented one but it does have a proposal under consideration. If the state finalizes it pre-paid tuition plan future students would be able to benefit. Prepaid tuition plans are a great way to secure the future.

The bill extends through 2002, the exclusion for employers who pay for their employees' tuition and expands the program to cover graduate students beginning in 1998. The exclusion allows employers to pay up to $5,250 per year for educational expenses to benefit employees without requiring the employees to declare that benefit as income and pay federal income tax on the benefit. One million workers including 250,000 graduate students, would benefit from tax-free employer-provided education assistance provision.

The bill also creates a new category of exempt facility bonds for privately-owned and publicly operated elementary and secondary school construction high growth areas. The bill makes $3 billion in school construction bonds over five years. This is enough to build 500 elementary schools.

I hope the Senate will complete its work quickly on this bill and that the President will sign it.

Mr. President, this education bill is a revolutionary education bill. When you look at it on its four corners as it has finally passed the Senate, it is not nibbling around the edges. It is asking we make some fundamentally different decisions about the Federal involvement in public education.

I am not sure everybody understands that the Federal Government's involvement is about 7 percent. So when we talk about our U.S. Government having an impact on education for kindergarten through 12, about 7 percent of the money spent in the public schools across this land comes from the Federal Government. That means 93 percent comes from the States, municipalities, counties, boroughs and the like.

From what I can tell, the Federal Government has been doing too much dictating for 7 percent of the resources that they give to the States, too much of a heavy hand trying to dictate outcomes with very little money. One of the worst examples of the Federal Government's involvement is when we decided we should help the disabled young people get into the mainstream of our public schools, a wonderful idea. Then we said we will pay 40 percent if you pay 60 percent. To this day, to this night as we stand here on the floor, the Federal Government has paid 9 percent, yet we impose regulations. The latest ones on the IDEA bill that implements our desire to help public education mainstream and educate disabled young people, this 9 percent has for many schools dictated such onerous mandates that some today are willing to violate the law in order to get before a judge to show that some of what we are doing is so arbitrary that it is not even common sense.

Now, frankly, the revolution is twofold, as I see it. One, we are going to take a third of our public education money and say to our States: You have three options. You can take this one-third of our funding, a number of programs, and leave it just like it is. You can stay with these categorical programs where we put up a tiny bit of money. We have bureaucracy and regulations coming out of everybody's ears as we try to impact on education with a little sliver of money, with a marvelous purpose and goal attached to it. So, one, you can take it and keep it that way. The other is, you can say: State of New Mexico, State of Alabama, you send that money right to your school districts to be allocated to them proportionately and let them decide how to use the money in the best interests of their problems. Third is for the State to say: We will administer the money to the school districts and let them spend it the way we dictate. In all events, it is a marvelous research project. There is no downside for our kids.

What we are doing is not working. So for those who stand up and worry about this new change, what is working today? Things are getting worse. We just had a TIMMS report that looked at our math and science kids, and it said the following, plain and simple: Up to the 5th grade, we are doing great. From 5th to 12th, we go right off the log, like the Titanic, into the ocean.

We are at the bottom of the heap by the time the 12th grade arrives in the United States of America, the highest technology and science country in the world. We are sitting around worrying about one-third of the programs that we have been dumping on our school systems with highfalutin goals, and we are saying to the school systems that you can decide where to put that money. The other two-thirds we will leave the old way.

Now, that is a revolution worth putting right before the public and seeing what happens. The other one is a little bit of a movement in the direction of merit pay and expanded teacher education. Both of them are revolutionary ideas and neither of them will harm anyone—in particular, the young people of our country. The chances are they will help our young people.

I know the President is going to veto this bill, but I am as positive as anything that the change in public education from the U.S. Government will start with this bill. This bill is going to start a change that is going to be borderline revolutionary. We are either going to do more and accomplish more, or essentially we are going to find out why not.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield 7 minutes to the Senator from Massachusetts, Mr. KENNEDY.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 7 minutes.

Mr. KENNEDY. Mr. President, the Republican approach these days often seems to be "one ideology fits all." They want to privatize everything. They want to privatize Social Security, they want to privatize Medicare, and now they want to privatize education, and that would be their biggest mistake of all.

People ask why this bill is so important and why this debate has been so hard-fought. The answer is clear. This is not just another ordinary bill, or ordinary day, or ordinary vote in the life of the Senate. The Republican Party is making a massive mistake, a mistake of truly historic dimensions, if they turn their backs on public schools, if that is the clear signal they are sending the country by pushing this misguided bill, because its fundamental purpose is to aid private schools, not help public schools. We all know that public schools have problems, but our goal should be to fix those problems, not ignore them or make them worse.

Over the past few days, the Senate has had the opportunity to correct the defects in this bill and direct scarce resources to the public schools that have the greatest need. But at every turn Republicans have chosen to make this bad bill even worse. The bill uses tax breaks to subsidize parents who send their children to private schools, and it is a serious mistake. It diverts scarce resources away from public schools that have the greatest need. It undermines the important Federal role in education, and it bans voluntary national tests. It does nothing to improve public schools. It does nothing to address the serious need of public schools to build new facilities and to repair crumbling existing facilities. It does nothing to reduce class sizes in schools. It does nothing to provide qualified teachers in more classrooms across the Nation that will be needed. It does nothing to provide after-school activities to keep kids off the streets, away from drugs, and out of trouble. It does nothing to help children reach high academic standards. It does nothing to improve the quality of education for children in public schools.

On issue after issue, the Republican bill undermines Federal support for education, and that is irresponsible. We know what it takes to achieve genuine education reform. The place to start is by resoundingly rejecting this defective bill that destroys the national commitment to improving education for all students.

The challenge is clear: We must do all we can to improve teaching and learning for all students across the Nation. We must continue to support efforts to raise academic standards. We must test students early so we know where they need help in time to make that help effective. We need better training for current and new teachers so that they are well-prepared to teach to high standards. We must reduce class size to help students obtain the individual attention they need. We need after-school programs to make constructive alternatives available to students. We need greater resources to modernize and expand school facilities to meet the urgent need of schools for modern technology and up-to-date classrooms.

We cannot stand by and enact a regressive bill to help private schools at the expense of public schools. It is clear that our Republican friends are no friends of public schools. This Republican anti-education tax bill is wrong for education, it is wrong for America, and it is wrong for the Nation's future.

Public education is one of the all-time great achievements of our country. Education is the key that unlocks the golden door of opportunity. Great leaders of a century and more ago understood that. They understood what may be the greatest experiment of all in American democracy. They insisted on free public education for all, and in doing so they laid the solid foundation that made this country the most powerful and most successful nation on earth in this century. None of us—no Republican, no Democrat—should retreat from that basic bedrock principle. Yet, this unacceptable bill does that. It hangs a sign for all to see on the front door of every public school in America: Abandon hope, all ye who enter here. Get out while you can, public schools have failed. Find a private school that will take you in and we will subsidize the cost.

I categorically reject that view. Public schools have not failed. Public schools are still the backbone of American education, and they always will be. Let's solve their problems, not abandon them. Let's defeat this bill and make a fresh start to do all we can to help our public schools.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Would the Chair inform us as to the current status regarding time?

The PRESIDING OFFICER. The Democrats control 41½ minutes, and there are 8 minutes 49 seconds left for the Republicans. I heard some discussion earlier about yielding that back.

Mr. DASCHLE. Mr. President, it is my understanding that I am the last speaker on our side, and then we have one speaker left on the Republican side. It is with that understanding that I will yield such time now as I may consume.

First of all, let me begin by commending the distinguished senior Senator from Massachusetts for his eloquence again just now and for his remarkable leadership on this debate for the last several days. He has been our quarterback, and he has been a real inspiration to many of us. I thank him, and I thank all of our colleagues who have done so much to contribute to this debate, who have done so in a civil way, who have done so in an enlightened way, who have done so with every good intention about raising the level of debate and talking about these critical issues, recognizing the significant difference of opinion that exists between our parties on this important matter of national concern.

This debate started out as really a difference of opinion on how we commit about $1.6 billion in resources to education. I have noted in the past that I have great admiration for the Senator from Georgia and his interest in pursuing ways in which to improve to education. I differ with him strongly on this particular issue. We have noted on many occasions as we have made reference to his approach that the original design of this legislation did little to address the real problems we have in education. We have argued on this floor on many occasions whether, with $1.6 billion, we should give tax relief largely to those in the most successful quintile of our economic strata. I am told about $37 in tax benefits would go to the top 20 percent of income earners in our country.

The question is, is that the best way for our Federal Government to commit these hard-earned tax dollars? Should we provide that kind of tax relief, as laudable as the intentions might be and as a different an approach as it might be? Certainly we want to encourage saving. Certainly we want to find ways to reduce the overall cost to all American families of education. The question is, is this the right way? Is this the best way?

There are those who have argued that if you do not favor the status quo, that this is the approach we ought to be subscribing to. Mr. President, I have to say, probably of all the things that have been said on the Senate floor with regard to this issue and this debate, this is the one which perhaps I feel most vehement opposition to.

I am an ardent opponent of the status quo in many respects. I oppose simply accepting our current situation as fact. We know that there are things we can do, that we must do. In an information age, we cannot be content to simply sit back and say, yes, this is the best we can do. We can't be content when we are not number one when it comes to math and science. We can't be content when we know that there are people who are not getting a good education because we have not made the right commitments.

I defy anyone to challenge those of us who believe there is a better way than the underlying bill that somehow we are defending the status quo, because that could not be further from the truth. As evidence of that, I guess I would suggest, No. 1, that you look at the array of amendments that we have offered that would have changed the status quo, beginning with, first and foremost, the single most consequential reduction in property tax that we have considered on the Senate floor, at least in my lifetime. As much as $10 billion in potential property tax relief could have been part of this legislation. In my state of South Dakota, we could have reduced property taxes by as much as $25 million. If we had passed the Moseley-Braun amendment, we could have relieved the burden on state and local taxes, including property taxes, by $10 billion. We didn't have the votes. The majority voted against reducing property taxes by $10 billion. I want to change the status quo. That would have done it. That would have done it, in addition to recognizing the fact that three out of four school districts in this country have at least one school that is in dire need of repair.

I spoke to people in a school district not long ago who shared with me the fact that, when the winds in South Dakota exceed 40 miles an hour, the school has to be evacuated. When the winds in South Dakota exceed 40 miles an hour, they have to go home. We had a chimney that fell through the third floor of one of our schools in Hartford, SD. I could go on and on.

The fact is, we have an incredible problem with regard to infrastructure. While we legitimately commit, as we must, to highways, to bridges, to airports, and to the array of infrastructure challenges we have—and I am a strong supporter of the effort to do that—we ought to be committing to infrastructure for the most important part of our population, our children. You want to change the status quo? We should have voted to support the Moseley-Braun amendment. You want to support change in the status quo? We should have supported the after-school program supported and offered by the distinguished Senator from California. You want to change the status quo? We should have recognized that we have to go out and find over 100,000 new teachers in the next 3 years. That is real change in the status quo.

Now our Republican colleagues have come back with proposals of their own to change the status quo. As the senior Senator from Massachusetts has just acknowledged, the real question now is, do we privatize public education? Because that is exactly what we will do if this bill passes and is signed into law. We would privatize public education.

So while we started out with a bill that promised to do very little, we have ended up with one that would do real damage. We've gone from doing almost nothing for public education to doing serious damage to the fundamental appreciation of the importance in democracy of education as we have known it for 200 years. We do damage. If this legislation was ever signed into law, we would do serious damage, because we would abolish the promise of universal education for the people of the United States as we have known it. This promise has been largely responsible for the democracy that we have enjoyed with all of its richness. We would abolish all remedial education for disadvantaged children. We would abolish safe and drug-free schools. We would abolish the opportunities for schools to come to the people of the United States asking for assistance to acquire new technology in their classroom. We would abolish Goals 2000, which would set some goals for the whole country to achieve as we recognize the importance of the information age. We would abolish teacher training in math and science. We would abolish magnet schools. We would abolish school-to-work. We would abolish the ability to use voluntary national achievement tests in order to empower parents to find out just how their students are doing. The abolition of all of those tools and more are incorporated in what we are about to pass tonight.

Mr. President, this is a lost opportunity. Yes. But far more than that, during the debate on this bill, we have gone from doing little to doing damage—damage to our public educational system, damage to the opportunities that children all over this country ought to have when they walk into a classroom. We would abolish the national role in public education.

So the question tonight that we must ask ourselves is, do we support the continued role of public education, recognizing, as we do, the need to move beyond the status quo and fundamentally and radically find ways in which to improve upon the tradition of public education in this country? Do we do that? Or do we privatize education? Do we privatize it and take away whatever role the people of the United States have when we consider our educational challenges in the years ahead? That is the question.

I hope our colleagues will vote a resounding no on final passage of this bill.

I yield the floor.

Mr. ROTH. Mr. President, I'm pleased that we are moving toward passage of this significant bill. The importance of giving American families the resources and means they need to educate their children must be above politics.

Before I get into the specific benefits of the bill, let me remind my colleagues that with the exception of several school construction bond provisions—which were newly added this year—all of the concepts in this bill should be very familiar.

Mr. President, these concepts should be familiar because we have already endorsed them: The base provisions in the bill—which include the increase in the maximum allowable contribution to an education IRA, the use of the IRA for elementary and secondary school expenses for public and private schools, the tax-free treatment of state sponsored prepaid tuition plans, and the extension of tax-free treatment for employer provided educational assistance—all received bipartisan support from the Senate as part of the Taxpayer Relief Act of 1997.

Despite this Senate support, these provisions were dropped from the bill during conference negotiations. Because of opposition from the Administration, these particular elements failed to be included in the final version of the Taxpayer Relief Act of 1997.

Today we will show our commitment to these provisions—and to enact what this body has already determined makes good sense for American families.

Mr. President, it is important to note that this tax bill is not designed to answer all of the education-related issues that face this country. Those issues are too varied and complicated to be addressed by the federal government. They need to be solved at the state and local level—by schools, teachers, and parents working together.

Instead, this bill is designed to build on the innovative concepts that have been introduced in the last few years. Our goal is to improve the tax code so that it provides the necessary incentives to help American families help their children. These are much needed tools.

Over the past 15 years, tuition at a four year college has increased by 234%. The average student loan has increased by 367%. In contrast median household income rose only 82% during this period and the consumer price index rose only 74%.

Our students—our families—need these resources to help them meet the costs and realize the opportunities of a quality education. The Senate recognized the importance of these provisions less than one year ago, voting in favor of them. I hope that my colleagues continue to recognize just how important they remain. The American people are counting on us.

The various provisions of this bill are important measures that will aid our students and parents.

The first major change in this bill increases the maximum education IRA contribution from $500 to $2,000. That increase is important on two levels. First, with the well-documented increase in education costs, it is essential that we provide American families with the resources to meet those costs.

I have long argued that it is essential to change the savings habits of the American people, and there are few things more important than the education of their children. Not only will saving in this way increase our investment capital, it will increase American's education capital as well. Anything that thwarts either of these objectives is short-sighted.

By using the tax code to encourage individual responsibility for paying for educational expenses, we all benefit. The expansion of the education IRA will result in greater opportunities for individuals to save for their children's education.

Mr. President, the next major change that this bill makes to education IRAs is that it allows withdrawals for education expenses for elementary and secondary schools and for both private and public schools.

As we recognized last year, it is a fundamental principle that a parent should have the right and the ability to make decisions about his or her child's education—to decide basic questions such as how the child should be educated and where the child should attend school.

This bill recognizes that just like for secondary schools, we should not establish a priority system where some elementary and secondary schools are favored over others. We should not forget that it is the taxpayer who funds the education IRA—that it is the parent who puts his or her hard-earned money into the education IRA.

Mr. President, it seems a matter of common sense, therefore, that the parent should be able to choose how to spend that money.

Mr. President, another provision in this bill makes state-sponsored prepaid tuition plans tax-free, not simply tax-deferred. This is a significant distinction, because it allows students to withdraw the savings that accumulate in their pre-paid tuition accounts without paying any tax at all. It means that parents have the incentive to put money away today and their children have the full benefit of that money, without any tax, tomorrow.

As I have already mentioned, forty-four states have pre-paid tuition plans in effect, and the other six are in the process of implementing such plans This means that every member of the Senate has parents and students back home who either benefit from this plan right now, or will benefit from this plan soon.

Mr. President, the Coverdell bill also extends tax-free treatment of employer provided educational assistance for graduates and undergraduates through the year 2002.

This particular program is a time-tested and widely used benefit for working students. Over one million workers across America receive tax-free employer provided education. This allows them to stay on the cutting edge of their careers. It benefits not only them, individually, but their employers and the economy as a whole. With the constant innovations and advancing technology of our society, it is vitally important that we continue this program.

The various provisions that I have just described are all ones that members of this body approved last year. They made sense then. They certainly continue to make sense today.

Mr. President, the Coverdell bill does even more than address the costs of attending school. In response to concerns from Members on both sides of the aisle, the Finance Committee agreed on some measures to provide targeted relief in the area of school construction.

The first provision is directed at high growth school districts. It expands the tax-exempt bond rules for public/private partnerships set up for the construction, renovation, or restoration of public school facilities in these districts. In general, it allows states to issue tax-exempt bonds equal to $10 per state resident. Each state would be guaranteed a minimum allocation of at least $5 million of these tax-exempt bonds. In total, up to $600 million per year in new tax exempt bonds would be issued for these innovative school construction projects.

This provision is important because it retains state and local flexibility. It does not impose a new bureaucracy on the states and it does not force the federal government to micro-manage school construction.

Mr. President, there is a second bond provision in this bill. That provision is designed to simplify the issuance of bonds for school construction. Under current law, arbitrage profits earned on investments unrelated to the purpose of the borrowing must be rebated to the Federal government. However, there is an exception—generally referred to as the small issuer exception—which allows governments to issue up to $5 million of bonds without being subject to the arbitrage rebate requirement. We recently increased this limit to $10 million for governments that issue at least $5 million of public school bonds during the year.

The provision in the Coverdell bill increases the small issuer exception to $15 million, provided that at least $10 million of the bonds are issued to finance public schools.

Mr. President, it is clear that the Coverdell bill contains numerous important provisions for the American family. As I have said already, many of these measures are ones that the Senate passed last year.

Anyone—students or parents—who is on the front line dealing with the costs of a quality education, must have been disappointed last year when we failed to give them all the tools that they needed. American families understand the need for these measures. They have now been waiting for a year. I am pleased today that we will, once again, address the needs of American families and students. I urge my colleagues to support the Coverdell bill.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I thank my colleagues on the other side of the aisle who made so many eloquent statements on behalf of the underlying bill. As is obvious, this has not been easy for them. They have been at odds with their Members in the caucus. We all understand that takes considerable courage. The Senator from Delaware, who explained the dilemma that he faced—and that I accept, but I appreciate his comity and the efforts to work through this long journey very much, even though he cannot vote with us at this point.

To my adversary, the other manager, it has been a very civil debate. We even ended up in agreement on the reading excellence amendment. I appreciate the comments that came.

I would particularly like to associate myself with the remarks of the distinguished Senator from West Virginia, a very moving statement. It reminded me of my father. That is another relationship. He began his career as a coal truck driver in the Midwest. But when the Senator from West Virginia described the schoolroom in which that excellent mind of his was educated, I wish everyone could have heard it. While we all want excellent facilities, it isn't necessarily the key component in education. His came from a two-room building with two buckets of water. My dad's was one room. It likewise had no heat nor facilities. But that is for another day. I would admonish everybody to read the speech, though.

Mr. President, the underlying bill is focused on children. In all these debates, sometimes it is buildings, it is tax policy, but at the end of the day what we are talking about is the desire of all of us to have the youth of our country be given a chance to fully participate in the greatest democracy in the history of the world.

At one point in the debate I indicated that an uneducated mind is not capable of enjoying the full benefits of American citizenship and an uneducated people cannot and will not remain free. A core stanchion of American liberty envisions a citizen who can think well and participate. When we deny them those opportunities, as the Senator from West Virginia indicated we have been doing in growing numbers, we are condemning these people to something less than full American citizenship. The first thing they are denied is economic liberty. And when they are denied economic liberty, which is the second stanchion of American freedom, they are pushed to the periphery of society and before long they are pushed into those components of society that are a risk to the safety of persons and property, another component of American liberty.

So at the center of maintaining our democracy is the duty for each generation to make sure that all of its youth are capable of participating in American citizenship.

It has been alleged that public education is being abandoned here. I would like to point out that of the economic underpinnings of this bill, over 90 percent of it supports public education, whether it is school construction, whether it is assistance through an education savings account to come to students that attend public schools, whether it is support of all of our public institutions in State prepaid tuition policy, whether it is aiding employers in continuing education for their employees. A very small component, albeit a meaningful component, of the funding of this bill deals with helping families whose children are in private schools. But it is simply wrong to characterize this as abandoning public education. Far from it. It is one of the most significant new energies behind public education we have seen in a long time here.

Just to reiterate—we talked about these children—there are about 53 million children in our elementary and secondary schools. The Joint Tax Committee has repeatedly said that 14 million American families will be beneficiaries of the savings account. That means nearly half of the entire population in elementary and secondary schools will receive some benefit. We also know that because of the work to help prepaid State tuition, a million university students will be helped. And we know 250,000 graduate students will benefit from these programs that we are talking about here today, that 1 million American employees will benefit from helping employers assist them in continuing education, and that at least 500 new schools in high-population areas and rural areas will be helped here.

This is a very large piece of legislation affecting literally millions of Americans across the country on the basic belief that an educated mind is an absolute essential requirement for full citizenship in this American democracy.

Mr. President, I know we have had our differences. I think this is the beginning of a long debate. It could be upwards to a decade. I am pleased that the minority leader has agreed that the status quo is unacceptable. If we have at least achieved that, it has been a major breakthrough.

In closing, I thank all of my colleagues on both sides of the aisle for an incredible amount of patience. The hour is near.

On behalf of the leader, for the information of all Senators, these next two votes will be the last votes of the evening. The Senate will convene tomorrow at 10 a.m. and debate the State Department reorganization conference report under the parameters of the consent agreement of March 31. However, no votes will occur during Friday's session of the Senate.

On Monday, the Senate will debate the NATO treaty beginning at 12 noon. It is the leader's hope that we will have vigorous debate and, hopefully, even have a few amendments offered on Monday.

I announce to my colleagues that the next vote will occur at 5:30 p.m. on Monday, April 27.

Mr. President, I ask for the yeas and nays on final passage of the education bill.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The PRESIDING OFFICER (Mr. ALLARD). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 102 Leg.]

YEAS—56

Abraham
Allard
Ashcroft
Bennett
Bond
Breaux
Brownback
Burns
Byrd
Campbell
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lieberman
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner

NAYS—43

Akaka
Baucus
Biden
Bingaman
Boxer
Bryan
Bumpers
Chafee
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Specter
Wellstone
Wyden

NOT VOTING—1

McCain

The bill (H.R. 2646), as amended, was passed.

Mr. COVERDELL. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ACKNOWLEDGING THE HISTORIC NORTHERN IRELAND PEACE AGREEMENT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of Senate Concurrent Resolution No. 90.

The Senate continued with the consideration of the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), the Senator from Utah (Mr. BENNETT), and the Senator from Kansas (Mr. BROWNBACK) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—97

Abraham
Akaka
Allard
Ashcroft
Baucus
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—3

Bennett
Brownback
McCain

The concurrent resolution (S. Con. Res. 90) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 90

Whereas the people of Ireland have experienced civil conflict throughout their history with the latest phase, known as The Troubles, ongoing for the last thirty years;

Whereas this tragic history has cost the lives of thousands of men, women, and children, and has left a deep and profound legacy of suffering;

Whereas the governments of the Republic of Ireland and the United Kingdom have endeavored for many years to facilitate a peaceful resolution to the conflict in Northern Ireland; and such efforts, including the 1985 Anglo-Irish Agreement, the 1993 Joint Declaration, and the 1995 New Framework for Agreement, were important milestones in guiding the parties toward a political agreement;

Whereas the announced cessation of armed hostilities in 1994 by the Irish Republican Army and the Combined Loyalist Military Command created the opportunity for all-inclusive political discussions to occur;

Whereas representatives from Northern Ireland's political parties, pledging to adhere to the principles of non-violence, commenced all-party talks in June 1996, and those talks greatly intensified in the Spring of 1998 under the chairmanship of former United States Senator George Mitchell;

Whereas the active participation of British Prime Minister Tony Blair and Irish Taoiseach Bertie Ahern was indispensable to the success of negotiations;

Whereas the support and encouragement for the Northern Ireland peace process by President Clinton, on behalf of the United States, was also an important factor in the success of the negotiations;

Whereas on April 10, 1998, the political parties, together with the British and Irish Governments successfully concluded the Northern Ireland Peace Agreement;

Whereas people throughout the island will have an opportunity to approve or reject the final agreement during the May 22 referendums;

Whereas the British and Irish Governments have committed to making the necessary constitutional and other legal changes necessary to bring the agreement into effect after the referendum approval processes have been concluded: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), that it is the sense of the Congress that—

(1) All of the participants in the negotiation deserve congratulations for their willingness to make honorable compromises in order to reach an agreement that promises to end the tragic cycle of violence that has dominated Northern Ireland for decades;

(2) Prime Minister Tony Blair and Taoiseach Bertie Ahern deserve particular credit for their leadership and constant encouragement in support of the peace process;

(3) The American people can be especially proud of the contributions made by the United States in the quest for peace, including President Clinton's vision and determination to achieve peace in Northern Ireland and his personal commitment to remain an active supporter throughout the process;

(4) All friends of Ireland owe a lasting debt of gratitude to Senator George Mitchell for his dedication, courage, leadership, and wisdom in guiding the peace talks to a successful conclusion.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING THE U.S. HOLOCAUST MEMORIAL MUSEUM

Mr. DASCHLE. Mr. President, today is a holy day, Yom Hashoah. It is a day set aside every year to remember the victims of the Holocaust.

I had the privilege of starting this Yom Hashoah morning with an extraordinary group of people, the Founders of the U.S. Holocaust Memorial Museum. Founders are men and women from across America who have given at least $1 million to the Holocaust Museum.

This week, as we mark the fifth anniversary of the opening of the museum, it seems an especially appropriate time to recognize the incredible gift the Founders, and all the museum's supporters, have given our nation.

We are indebted to them all—particularly to Miles Lerman, chairman of the museum council, and Ruth Mandel, the council's vice chair, and to my dear friend Abe Pollin, the chairman of this year's Founders Reunion.

One of the sages of the Torah told us more than 200 years ago that God could have created plants that would grow loaves of bread. Instead, he created wheat for us to grow and mill and transform into bread. Why? Because He wanted us to be able to take part in the miracle of creation.

That is what the Holocaust Museum Founders have done. They used stone and steel and sacred artifacts, rather than wheat. But they have unquestionably experienced the miracle of creation.

Simon Dubrow, the great Jewish historian, was one of the 6 million Jews murdered in the Holocaust. He was killed in the Latvian ghetto of Riga by a Gestapo officer who had once been his student. His dying words were "Schreibt und farschreibt." "Write and record." He believed to the end that truth and memory ultimately would triumph over the evil of the Holocaust.

Through the leadership and generosity of the Holocaust Museum Founders, his prediction has come true. Many in Congress remain in awe of the fact that the U.S. Holocaust Memorial Museum has raised $320 million since its inception. That's a part of the museum's story that isn't fully known or appreciated.

The Holocaust Museum has not only demonstrated that public/private partnerships can work—it has set the standard for such partnerships. Much has changed since that bitter cold, rainy day 5 years ago when the Holocaust Museum was dedicated.

Before the museum opened, I understand that the most optimistic estimates were that 700,000 people a year would walk through its doors. That first year, and every year since, I am now told, 2 million visitors have come to the museum—5,000 people every day. Before the museum opened, I well remember that there were some who questioned whether it should be built on the National Mall, since the Holocaust did not take place in our country.

Today, the Holocaust Memorial Museum is a fundamental part of this city. Not only does it belong on the Mall, but it gives a deeper meaning to the other great memorials there. Ask anyone who has been through the museum and they will tell you. The Washington Monument and the Lincoln Memorial have never looked so beautiful—and freedom and democracy have never seemed as precious—as they do when you emerge from the darkness of that extraordinary building.

Elie Weisel has said, "Survivors are understood by survivors only. They speak in code. All outsiders could do was come close to the gates." That is what the Holocaust Memorial Museum allows us to do: to come close to the gates; to see; to grieve; and, finally, to learn, so that we can pass the knowledge on from, generation to generation, about what can happen when intolerance and hatred are allowed to spread unchecked.

Elie Weisel is right. We cannot walk on the shoes of the victims, or the survivors. But we can see their shoes—that heartbreaking room full of dress shoes and work boots and baby shoes. And it is one of the many paradoxes of the museum, that in looking at something as simple as those shoes, we can begin to feel the profound tragedy of that terrible time.

Anyone who has been there knows, the Holocaust Museum is not an easy place to visit. The images in it are not images of beauty, but of incomprehensible evil. People always spend longer in the museum than they expect. And they leave shattered. But they also leave changed. It is one of the few museums in the world that has the capacity to change people fundamentally.

It teaches many lessons. One of the most profound lessons is about the horrors that can be unleashed when we deny the basic humanity of even one person. Another is what can happen to democracy when we are not vigilant in its protection.

The museum also teaches us about the necessity of leadership dedicated to preventing intolerance, hatred and oppression. For members of Congress, that is an especially important lesson. And the presence of the museum on the mall is a constant reminder of it.

Perhaps the most dramatic example of its influence on Congress was 2 years ago, when we debated how the United States should respond to the horrors in Bosnia. There were times during that debate when it was as if the victims of the Holocaust were looking down from the Senate galleries, reminding us of the moral imperative: Never again. I doubt we would have felt their presence so strongly, had it not been for the museum.

But evil is not always as obvious as it was in Bosnia, or Rwanda, or Pol Pot's Cambodia. The Holocaust Museum reminds us that the early warning signs are more subtle—and, often, closer to home. That lesson is particularly important for people who are entrusted to write the laws that guide this great nation.

When you walk down that first long, dark corridor, and see the step-by-step dismantling of German democracy, you understand in a deeper way why we must never again allow books to be burned, or laws to be written that permit discrimination and expropriation.

The last time I visited the museum I stopped on the way out to read what people had written in the "comments" book. None of the comments was very long. The museum has a way of leaving many people without words for a while.

Among the short messages, there were two that especially stood out. Both were written in what appeared to be the handwriting of teenage girls. One said, "The museum taught me the meaning of democracy." The other said simply, "I will remember this for the rest of my life." What an extraordinary gift the Founders have given those young women, and everyone else who has visited these first 5 years!

I understand the museum is now taking advantage of the Internet and other new technologies so that people in my home state of South Dakota, and all over the world, can "visit," even if they can't come to Washington. I've been told the website gets 100,000 hits a day! That's most impressive.

By reaching out in this way, the museum is not only fulfilling our moral responsibility to "write and record" the story of the Holocaust and its victims. It is also creating a stronger America. And, in the process, it is redefining what museums, and public-private partnerships can be, and what they can accomplish.

The poem that is written on the wall behind the shoes declares, "We are the shoes. We are the last witnesses." In the 5 years since the museum opened, 10 million new witnesses have been created—one for every person who perished in the Holocaust. Five years from now, there will be 10 million more. And, like the young woman who signed the book, each of them will be remembered for the rest of their lives.

The Founders, and all the supporters of the Holocaust Museum, have indeed taken part in the creation of something very, very rare. Today, on this holy day of Yom Hashoah, as we remember the victims of the Holocaust, the Congress and the people of the United States thank them.

90TH ANNIVERSARY OF THE ARMY RESERVE OF THE UNITED STATES

Mr. THURMOND. Mr. President, for the past week, the United States Army Reserve has had a number of events to help celebrate the 90th anniversary of their founding. Appropriately, the United States Senate, led by Senator Helms who was joined by 28 of our colleagues, passed a resolution last night commending the Army Reserve and its citizen-soldiers on an impressive heritage and on the invaluable contributions they have made to keeping the United States free and safe.

As a former Army Reservist, I was naturally interested in reading this resolution and I am certain you can imagine my surprise when I discovered that it was also a tribute to me and the service I rendered the United States as a Soldier. I was, and am, humbled and flattered by this very touching gesture, you have touched the heart of this old "trooper", and I thank each of you for your kind act.

I join each of you in commending all those who have served in the Army Reserve throughout its 90-year history, particularly those men and women who serve today. In this era of skrinking force structure and defense budgets, we will increasingly rely on our reserve forces to meet the security and foreign policy goals of the United States. We should be grateful that there is no shortage of patriotic Americans willing to endure the hardships and demands of reserve service, we are all better off their efforts. I am certain that I speak for the entire Body when I say that we appreciate and value the work and contributions of the Soldiers of the Army Reserve and stand ready to assist them however we can.

IN HONOR OF FORMER SENATOR TERRY SANFORD

Mr. HOLLINGS. Mr. President, today, as it has for the past three days, the South mourns the passing of one of its greatest leaders. Terry Sanford, former Governor of and United States Senator from North Carolina, passed away on Saturday, April 18, 1998.

From 1961 to 1965, Governor Sanford forged a remarkable record as one of America's most progressive governors. His great passions were education, civil rights, and social justice. Perhaps his bravest act as Governor, and the one that posed the greatest political risk, was to encourage the people of North Carolina to accept the winds of change that swept the South during the 1960s.

In a 1963 speech, for example, he implored the people of North Carolina to end job discrimination against blacks and announced the creation of a biracial panel, the North Carolina Good Neighbor Council, to work toward that end. He also appointed many black North Carolinians to important positions in his administration and publicly supported school integration.

The other hallmark of Governor Sanford's administration was his commitment to education. He pushed state lawmakers to provide more money to schools and laid the foundation that has helped make the North Carolina higher education system one of the best in the world. As a true intellectual and lover of the humanities, Terry Sanford understood the importance of ideas for their own sake. But he also was a practical man, and he realized that a well-educated populace is crucial to attracting new corporations and creating good jobs. Thanks to his vision, North Carolina now is home to one of the best-educated populations in the nation, and it is a leader in creating high-paying, high-tech jobs.

From 1969 to 1985, Senator Sanford was President of Duke University. He was one of that institution's most vigorous and successful presidents, inspiring loyalty and love among faculty and students and helping the University increase its endowment and improve its resources. As President of Duke, Terry Sanford did great things for not just the students, but all the people of North Carolina. Under his hand, Duke joined North Carolina State and the University of North Carolina as part of the vaunted Research Triangle, which has generated high-tech jobs for North Carolina and helped the state secure a reputation as one of the best locations in the country for companies and their workers. President Sanford dedicated himself completely to Duke; he was driven to serve the school by the same passion for education and material and intellectual progress which had guided his governorship.

Discontent with the direction in which our nation was headed and the seemingly intractable problems that had beset the political process drove Senator Sanford to offer himself for the Democratic nomination for President in 1972 and 1976. Although both his candidacies were unsuccessful, Terry ran with conviction and courage. Above all, he ran to oppose those who offered no alternative to confusion other than darkness, who would have replaced idealism with cynicism, and who practiced the politics of division rather than unity.

Terry Sanford achieved national office in 1986, when the people of North Carolina elected him to the United States Senate. During his term, Senator Sanford was one of the ablest and most conscientious legislators this body has ever seen. He maintained his well-deserved reputation for decency, integrity, and intelligence; continued to show great interest in education and social policies; and never flagged in his commitment to the public good.

After being narrowly defeated for reelection in 1992, Senator Sanford returned to Duke University, where he taught courses on public policy and government. As an outstanding educator, he continued to enrich his students' lives and devote himself to the dissemination of knowledge.

Mr. President, Terry Sanford's death is a loss for North Carolina, this nation, and this Senate. He embodied the best of public service and education. His tremendous accomplishments were recognized and appreciated for over 30 years by the people of North Carolina. Increasingly, they have been recognized throughout the nation as well. In 1981, for example, a Harvard University study named Terry Sanford one of the ten best governors in the nation in this century. This was high praise, but Terry surely deserved it.

With his passing, our nation has lost one of its most tireless public servants. We in the Senate have lost a cherished colleague and loyal friend. Fortunately for us all, Terry Sanford's legacy will live on in the educational institutions of North Carolina to which he gave so much and in the example he set for those of us who aspire to public service.

Mr. President, of everything that has been said and written about our dear friend Terry Sanford, no one has said it better than Governor Jim Hunt of North Carolina, in the eulogy he delivered at Senator Sanford's funeral. At this time, Mr. President, I ask unanimous consent that Governor Hunt's eulogy be printed in the Record.

There being no objection, the eulogy was ordered to be printed in the Record, as follows:

Eulogy by Gov. Jim Hunt at the Memorial Services for Terry Sanford, April 22, 1998

In the words of a great Methodist hymn: "Oh, for a thousand tongues to sing our Great Redeemer's praise."

Indeed, our thousand tongues are here today to praise our Redeemer and one of His most magnificent gifts to the people of our state and our nation.

I know that I speak for many of you when I say very simply: Terry Sanford was my hero.

I'm sure that Terry Sanford has already had his orientation with the Lord. And it is not a one way conversation. And I suspect that by now he has almost certainly given the Lord a few good ideas for improving Heaven.

At a time when we struggle about whether government should act, let us remember the words of an uncommon man who could think great thoughts and make them a reality. In one of his books, Terry wrote:

"Indeed, if government is not for the express purpose of lifting the level of civilization by broadening the opportunities in life for its people, what is its purpose?"

And he added:

"Government is not something passive, not our kind of government. It has built into it the spirit of outreach, the concern for every individual. Look at the verbs in the Constitution's Preamble—establish, insure, provide, promote, secure. All these connote action, and all suggest that we must constantly be striving to improve the opportunities of our people."

And act he did. Strive to improve opportunities for our people he did.

Imagine what North Carolina would be like if we had not had Terry Sanford striving for us these many years.

Imagine what North Carolina would have been like in the 1960s if we had not had a Governor who believed in bringing people of all races together. If we'd had a Governor like other states' who appealed to the worst rather than the best in us. Imagine no Terry Sanford.

Imagine what North Carolina would be like without the Research Triangle Park. Imagine no Terry Sanford.

Imagine what North Carolina would be like without the community college system or the School of the Arts. Imagine no Terry Sanford.

Imagine what North Carolina would be like had he not set national excellence as the goal for this great university—and for that other one just up the road. Imagine no Terry Sanford.

Imagine what North Carolina's schools would be like if a great Governor hadn't had the courage to pass a tax for school improvements—an act of courage that cost his own political ambitions dearly. Imagine no Terry Sanford.

It is truly unimaginable. You cannot imagine North Carolina without Terry Sanford.

Forty years ago, no one could have imagined what North Carolina would become.

No one, that is, but Terry Sanford.

He once wrote:

"The governor, by his very office, embodies his state. He stands alone at his inauguration as the spokesman for all the people. His presence at the peak of the system is unique, for he must represent the slum and the suburb, his concerns must span rural poverty and urban blight. The responsibility for initiative in statewide programs falls upon the governor. He must energize his administration, search out the experts, formulate the programs, mobilize and support and carry new ideas into action."

Terry, you set the goals and our sights very high. So high that we often wonder if we can meet your standard. But your good works, your words and your spirit tell us every day, in every way, that the goal can be ours. That the struggle is worth it.

When we leave today, we will leave the body of our hero in this chapel. We leave it here because no other structure is sufficiently magnificent to serve as the final resting place for a life as magnificent as his.

But while we leave his body here to rest, the evidence of his good works is and will be everywhere around us—in the institutions he led, in the innovations he championed, in the individuals he touched and, most of all, in the spirit of everyone here today and everyone in this state. And so it will be for every generation yet to come.

For all that North Carolina has become and will be, Terry, we thank you.

God bless this place. God bless this family. And thank God for the magnificent blessing of giving North Carolina Terry Sandord.

90TH ANNIVERSARY OF THE UNITED STATES ARMY RESERVE

Mr. SESSIONS. Mr. President, I rise this evening to congratulate the

United States Army Reserve on its 90th anniversary and to recognize the contributions of my good friend STROM THURMOND who served in the Reserves for 36 years.

Many of you know Senator THURMOND's distinguished record in war and in peace and the contributions he has made to this institution. He, like the thousands of soldiers in the Army Reserves today, is an example of the best in America.

Some years ago, I was a Judge Advocate General (JAG) officer in the United States Army Reserve. I served for thirteen years in one of our 82 Alabama Reserve units and organizations, located in one of 19 cities and in 24 Reserve Centers spread across Alabama. Today, Alabama is home to approximately 7000 Army Reservists representing nearly 3½% of the total Army Reserve Force. I am particularly proud of the fact that we have the 81st Regional Support Command and the 87th Division (Exercise) headquartered in Birmingham, a unit which commands and controls soldiers in a number of surrounding southern states.

Like any major element of the Armed Forces, America's Army Reserve has a great history. Let me share just a small portion of that history: Created by statute on April 23, 1908, first of the Federal reserve forces created by Congress, a trained and ready force of citizen soldiers bringing relevant skills into the military, an integral part of today's global power projection strategy, a force which deploy's 20,000 reservists to 50 countries annually, a force which has mobilized and deployed 70% of the reserve forces to Bosnia for Operation Joint Guard, a force which contributed over 90,000 soldiers to Operation Desert Storm, one of which was my Chief of Staff, Armand DeKeyser, and a force which is found in all 50 states, U.S. territories, in Europe and in the Pacific region.

Mr. President, we have much to be proud of in America tonight. We can add to that list the United States Army Reserve whose birthday we quietly celebrate. Happy Birthday to the men and women of the Army Reserves. Men and women who quietly man the ramparts of freedom. You are always there when America needs you. For this act of selfless devotion, we as a nation ought to be truly grateful.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, April 22, 1998, the federal debt stood at $5,521,690,068,621.47 (Five trillion, five hundred twenty-one billion, six hundred ninety million, sixty-eight thousand, six hundred twenty-one dollars and forty-seven cents).

One year ago, April 22, 1997, the federal debt stood at $5,340,281,000,000 (Five trillion, three hundred forty billion, two hundred eighty-one million).

Five years ago, April 22, 1993, the federal debt stood at $4,228,121,000,000 (Four trillion, two hundred twenty-eight billion, one hundred twenty-one million).

Ten years ago, April 22, 1988, the federal debt stood at $2,499,356,000,000 (Two trillion, four hundred ninety-nine billion, three hundred fifty-six million).

Fifteen years ago, April 22, 1983, the federal debt stood at $1,244,297,000,000 (One trillion, two hundred forty-four billion, two hundred ninety-seven million) which reflects a debt increase of more than $4 trillion—$4,277,393,068,621.47 (Four trillion, two hundred seventy-seven billion, three hundred ninety-three million, sixty-eight thousand, six hundred twenty-one dollars and forty-seven cents) during the past 15 years.

CHIEF HAROLD BRUNELLE OF THE HYANNIS FIRE DEPARTMENT

Mr. KENNEDY. Mr. President, the Hyannis Fire Department recently honored Harold S. Brunelle of Hyannis by appointing him as Fire Chief. This honor is a well-deserved tribute to Chief Brunelle, his 26-year career with the Department, and his commitment to the community of Hyannis.

Chief Brunelle was chosen after nation-wide competition for the position of Fire Chief, and he was selected unanimously for the position in a field of 34 applicants.

Chief Brunelle joined the Hyannis Department in 1972 as a Junior Firefighter and rose through the ranks because of his great ability and dedication. His selection as Fire Chief demonstrates the town's confidence in Mr. Brunelle and their faith in his able service and leadership to the residents of the community.

Hyannis and Massachusetts are proud of Harold Brunelle's appointment as Fire Chief. I congratulate him on this distinction, and I look forward to working closely with him in the years ahead.

TRIBUTE TO BONNIE SUE COOPER

Mr. ASHCROFT. Mr. President, I rise today to recognize a tremendous individual who exemplifies citizenship, character, and service to humanity, Missouri State Representative Bonnie Sue Cooper.

On December 5, 1997, Missouri State Representative Bonnie Sue Cooper finished her tenure as the National Chairwoman of the American Legislative Exchange Council (ALEC). Representative Cooper accomplished a great deal during her tenure as Chairwoman of ALEC. She succeeded in strengthening ALEC's policy-making operations. She also heightened ALEC's profile among both legislators and the private sector. ALEC thanked Representative Cooper for her hard work by choosing her as the 1997 recipient of the Thomas Jefferson Freedom Award. The gratitude bestowed on Representative Cooper for her excellent service and commitment to principle is reflected in the award. Previous recipients of this prestigious award include former President Ronald Reagan.

While Representative Cooper's tenure as Chairwoman of ALEC has ended, her legacy to this important organization of State Legislators lives on. It is an honor to commend Representative Cooper for her service to the American Legislative Exchange Council.

CHILDREN'S MENTAL HEALTH WEEK

Mr. ASHCROFT. Mr. President, I rise today to recognize Children's Mental Health Week which will be held the week of May 4–10. "Putting Our Voices Together For Children" is the theme of 1998's Children's Mental Health Week. The Missouri Department of Mental Health and the Missouri Statewide Parent Advisory Network will serve as co-sponsors of the week; these organizations were instrumental in the establishment of the first ever Children's Mental Health Week in 1992.

Children throughout the United States have been diagnosed with emotional and behavioral disorders. And yet, some estimate that only one third of the children are able to receive proper treatment and care. The reason for Children's Mental Health Week is to provide our communities with additional information and understanding of these disorders. The week serves to help spread valuable information that will ultimately aid our children and our future.

During Children's Mental Health Week, green ribbons will be circulated throughout cities to spread the message of support for our children. Numerous events will be hosted to honor Children's Mental Health Week, as well as a two day conference for the spread of further information on children with mental health problems. The week will conclude with an awards ceremony to thank those who make a difference in working for children with emotional and behavioral disorders.

I would like to thank all the diligent workers who have dedicated their time and energy to help the children who suffer from mental disorders. My best wishes of support and gratitude are extended to the organizers of Children's Mental Health Week.

THANKING AILEEN ADAMS FOR HER SERVICE AS DIRECTOR OF THE DEPARTMENT OF JUSTICE OFFICE FOR VICTIMS OF CRIME

Mr. LEAHY. Mr. President, this year we have had to say farewell to Aileen Adams as she leaves the post of Director of Department of Justice Office for

Victims of Crime (OVC) and returns to California. Three years ago, Aileen was appointed by the President and confirmed by the Senate. During her time in Washington, I worked with Aileen and OVC on a number of matters and came to know Aileen as a dedicated advocate for crime victims. Her vision and dedication have been extraordinary. Aileen will be sincerely missed, although her legacy will benefit victims of crime for years to come.

Before coming to the Department of Justice, Aileen had served as the legal counsel for the Rape Treatment Center at Santa Monica Hospital for 10 years. In that position, Aileen demonstrated her leadership and innovation with the creation of Stuart House, an interagency center for sexually-abused children.

As Director of OVC, Aileen focused on assisting local and state crime victim programs around the country and improving crime victims services in the federal system. Aileen's leadership has helped over two million crime victims across the country and around the globe. In just this past year, OVC has administered over $528 million and supported more than 2,500 victim assistance programs.

Aileen's dedication has impacted rural areas such as Vermont. She has helped sharpen the focus on rural crime and domestic violence and supported a rural crime initiative which will study and enhance services available to rural crime victims.

Among the victim assistance programs pioneered by Aileen was the establishment of the National Victim Assistance Academy last year. This Academy provides training on victims' rights and services and draws upon expertise of professionals ranging from law enforcement officers to rape crises counselors. Over 200 victim advocates and professionals have graduated from the Academy and have taken their skills back to their communities, where they continue outreach work for the benefit of victims.

Under her leadership, a group of international experts joined to draft a manual to implement the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. Among other things, this manual is a step toward ensuring that crime victims are treated fairly and that they are assisted throughout the globe.

I had the opportunity to work with Aileen and the many dedicated members of her staff on a number of matters over the last few years. In the aftermath of the bombing of the Murrah Federal Building in Oklahoma City, Aileen and OVC were among those immediately on the scene to provide assistance to the victims. Together we have found ways to extend and expand that victims assistance over time and to enact legislation to allow victims and their families greater opportunity to attend and observe the trials of those charged in connection with that horrendous crime.

We worked together on the Victims of Terrorism Act that I added to the bill passed by the Senate in June 1995, in the wake of the Oklahoma City bombing, to improve our law recognizing the rights and needs of victims of crime. We also worked on the Justice for Victims of Terrorism Act that was enacted in April 1996. We were able to make funds available through supplemental grants to the States to assist and compensate victims of terrorism and mass violence, which incidents might otherwise have overwhelmed the resources of Oklahoma's crime victims compensation program or its victims assistance services. We also filled a gap in our law for residents of the United States who are victims of terrorism and mass violence that occur outside the borders of the United States.

In addition, we allowed greater flexibility to our State and local victims' assistance programs and some greater certainty so that they can know that our commitment to victims programming will not wax and wane with events. Accordingly, we enacted an important provision to increase the base amounts for States' victims assistance grants to $500,000 and allowed victims assistance grants to be made for a 3-year cycle of programming, rather than the year of award plus one, which was the limit contained in previous law. We were able to raise the assessments on those convicted of federal crimes in order to fund the needs of crime victims.

We worked to improve the church burning legislation and to increase the stability to victim assistance and victim compensation program funds.

Aileen was helpful in consulting with me and other Senators on the Judiciary Committee on the victims provisions of S. 15, a youth crime bill, so that the rights of victims of juvenile crime to appear, to be heard and to be informed would be protected. Those provisions have now been incorporated in the juvenile crime bill ordered reported by the Judiciary Committee.

In addition, Senator KENNEDY and I incorporated a number of her suggestions in S. 1081, the "Crime Victims Assistance Act." That bill would reform the Federal Rules and Federal law to establish additional rights and protections for victims of federal crime. In particular, the legislation would provide crime victims with an enhanced right to be heard on the issue of pretrial detention, on plea bargains, at sentencing, on probation revocation, and to be notified of a defendant's escape or release from prison. The legislation goes further than other victims rights proposals that are currently before Congress by including enhanced penalties for witness intimidation, an increase in Federal victim assistance personnel, enhanced training for State and local law enforcement and officers of the Court, development of state of the art systems for notifying victims of important dates and developments in their cases, and the establishment of ombudsman programs for crime victims.

I know that crime victim advocates in Vermont join me in thanking Aileen for her service. I was delighted that Aileen could come to Vermont to keynote the restorative justice conference in Vermont last June. Our Vermont advocates are well aware of the extraordinary efforts at OVC and have worked with OVC to create greater opportunities for rural programs. With support from OVC, Vermont has been able to implement its victims programs for outreach to underserved populations and coordinate among providers and allied professionals.

I was especially proud when the recent site visit to Vermont resulted in the Justice Department concluding that "Vermont's programs are setting the standard for outreach to under served populations and service coordination among providers and allied professionals."

Aileen Adams has dedicated her service to the needs of crime victims. She has made a difference. She has improved federal programs for victims of domestic violence, victims of terrorism, and crime victim assistance generally. She has helped create a strong funding source for crime victim compensation and assistance programs. She has worked to expand crime victims rights. Most importantly, she has made a difference in the lives of crime victims all across the country.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on April 6, 1998, during the adjournment of the Senate, received a message from the House of Representatives announcing that House disagrees to the amendment of the Senate to the bill (H.R. 2400) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

For consideration of the House bill (except title XI) and the Senate amendment (except title VI), and modifications committed to conference: Mr. SHUSTER, Mr. YOUNG of Alaska, Mr. PETRI, Mr. BOEHLERT, Mr. KIM, Mr. HORN, Mrs. FOWLER, Mr. BAKER, Mr. NEY, Mr. METCALF, Mr. OBERSTAR, Mr. RAHALL, Mr. BORSKI, Mr. LIPINSKI, Mr. WISE, Mr. CLYBURN, Mr. FILNER, and Mr. MCGOVERN.

MESSAGES FROM THE HOUSE

At 4:06 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3164. An act to describe the hydrographic services functions of the Administrator of the National Oceanic and Atmospheric Administration, and for other purposes.

The message also announced that pursuant to the provisions of section 801(b) of Public Law 100–696, and the order of the House of Wednesday, April 1, 1998, the Chair announces the Speaker's appointment of the following Member of the House to the United States Capitol Preservation Commission: Mr. DAVIS of Virginia.

The message further announced that pursuant to the provisions of section 801(b)(6) and (8) of Public Law 100–696, the Minority Leader appoints the following Member of the House to the United States Capitol Preservation Commission: Mr. SERRANO of New York.

The message also announced that pursuant to section 801 of Public Law 100–696 (40 U.S.C. 188a), the Chairman of the Committee on House Oversight appoints the Honorable JOHN L. MICA of Florida to serve on the United States Capitol Preservation Commission in the position reserved from the Chairman of the Joint Committee on the Library.

The message further announced that pursuant to the provisions of section 704(b)(1) of Public Law 105–78, the Minority Leader appoints the following individual to the National Health Museum Commission: Dr. H. Richard Nesson of Brookline, Massachusetts.

At 5:38 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker appoints the following Members as additional conferees in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2400) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; and appoints as additional conferees from the Committee on Commerce, for consideration of provisions in the House bill and Senate amendment relating to the Congestion Mitigation and Air Quality Improvement Program; and sections 124, 125, 303, and 502 of the House bill; and sections 1407, 1601, 1602, 2103, 3106, 3301–3302, 4101–4104, and 5004 of the Senate amendment and modifications committed to conference: Mr. BLILEY, Mr. BILIRAKIS, and Mr. DINGELL: *Provided*, that Mr. TAUZIN is appointed in lieu of Mr. BILIRAKIS for consideration of sections 1407, 2103, and 3106 of the Senate amendment.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 3164. An act to describe the hydrographic services functions of the Administrator of the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4654. A communication from the Acting Assistant Secretary of Labor for Employment and Training, transmitting, pursuant to law, the report of a rule entitled "Unemployment Insurance Program Letter No. 07–98" received on April 20, 1998; to the Committee on Labor and Human Resources.

EC–4655. A communication from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices" received on April 21, 1998; to the Committee on Labor and Human Resources.

EC–4656. A communication from the Acting Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, a rule entitled "Indicators of Equal Employment Opportunity—Status and Trends"; to the Committee on Labor and Human Resources.

EC–4657. A communication from the President of the United States, transmitting, pursuant to law, a report on the activities of U.S. Government departments and agencies relating to the prevention of nuclear proliferation for calendar year 1997; to the Committee on Foreign Relations.

EC–4658. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–4659. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to economic and political transformations of countries of Central and Eastern Europe after the collapse of the Communist system for fiscal year 1997; to the Committee on Foreign Relations.

EC–4660. A communication from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule received on April 15, 1998; to the Committee on Finance.

EC–4661. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Ruling 98:23 received on April 21, 1998; to the Committee on Finance.

EC–4662. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Notice 98:23 received on April 15, 1998; to the Committee on Finance.

EC–4663 A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "The Medicaid Quality of Care Medical Records Study"; to the Committee on Finance.

EC–4664. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program" (RIN0938–AI60) received on April 15, 1998; to the Committee on Finance.

EC–4665. A communication from the Secretary of Labor, transmitting, a draft of proposed legislation entitled "The Unemployment Compensation Amendments of 1998"; to the Committee on Finance.

EC–4666. A communication from the Acting Assistant Secretary of Defense (Health Affairs), transmitting, pursuant to law, a report relative to the maintenance medication dispensing policy; to the Committee on Armed Services.

EC–4667. A communication from the Acting Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a notice relative to the report on Reserve retirement initiatives; to the Committee on Armed Services.

EC–4668. A communication from the Acting Deputy Under Secretary of Defense (Logistics), transmitting, pursuant to law, a report relative to the Defense Logistics Agency; to the Committee on Armed Services.

EC–4669. A communication from the Secretary of Defense, transmitting, pursuant to law, the annual report on the Third Party Collection Program for fiscal year 1997; to the Committee on Armed Services.

EC–4670. A communication from the Director of the Office of Small and Disadvantaged Business Utilization, Office of the Under Secretary of Defense, transmitting, pursuant to law, a report relative to Department of Defense contracts and subcontracts; to the Committee on Armed Services.

EC–4671. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, the report of a special impoundment message for fiscal year 1998; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Finance, and to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1360. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify and improve the requirements for the development of an automated entry-exit control system, to enhance land border control and enforcement, and for other purposes.

S. 1504. A bill to adjust the immigration status of certain Haitian nationals who were provided refuge in the United States.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Wilma A. Lewis, of the District of Columbia, to be United States Attorney for the District of Columbia for the term of four years.

James K. Robinson, Michigan, to be an Assistant Attorney General resigned.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COCHRAN:

S. 1971. A bill to amend the American Folklife Preservation Act to permanently authorize the American Folklife Center of the Library of Congress; to the Committee on Rules and Administration.

S. 1972. A bill to reform the laws relating to Postal Service finances, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BUMPERS (for himself, Mr. CHAFEE, Mr. HOLLINGS, Mrs. BOXER, Mr. TORRICELLI, and Mr. WELLSTONE):

S. 1973. A bill to amend section 2511 of title 18, United States Code, to revise the consent exception to the prohibiton on the interception of oral, wire, or electronic communications; to the Committee on the Judiciary.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1974. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income any Alaska Permanent Fund dividend received by a child under age 14; to the Committee on Finance.

By Mr. COVERDELL:

S. 1975. A bill to broaden eligibility for emergency loans under the Consolidated Farm and Rural Development Act; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DEWINE (for himself and Mr. LEAHY):

S. 1976. A bill to increase public awareness of the plight of victims of crime with developmental disabilities, to collect data to measure the magnitude of the problem, and to develop strategies to address the safety and justice needs of victims of crime with developmental disabilities; to the Committee on the Judiciary.

By Mr. D'AMATO (for himself and Mr. REID):

S. 1977. A bill to direct the Secretary of Transportation to conduct a study and issue a report on predatory and discriminatory practices of airlines which restrict consumer access to unbiased air transportation passenger service and fare information; to the Committee on Commerce, Science, and Transportation.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1978. A bill to designate the auditorium located within the Sandia Technology Transfer Center in Albuquerque, New Mexico, as the "Steve Schiff Auditorium"; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL (for himself and Mr. FAIRCLOTH):

S. 1979. A bill to ensure the transparency of International Monetary Fund operations; to the Committee on Foreign Relations.

By Mr. BREAUX:

S. 1980. A bill to amend the Internal Revenue Code of 1986 to allow certain coins to be acquired by individual retirement accounts and other individually directed pension plan accounts; to the Committee on Finance.

By Mr. HUTCHINSON (for himself, Mr. LOTT, Mr. NICKLES, Mr. COVERDELL, Mr. MACK, Mr. FRIST, Mr. ENZI, Mr. BOND, Mr. SESSIONS, Mr. ROBERTS, Mr. ALLARD, Mr. HAGEL, and Mr. HELMS):

S. 1981. A bill to preserve the balance of rights between employers, employees, and labor organizations which is fundamental to our system of collective bargaining while preserving the rights of workers to organize, or otherwise engage in concerted activities protected under the National Labor Relations Act; read the first time.

By Mr. WARNER (for himself, Mr. LAUTENBERG, Mr. GREGG, Mr. KERRY, Mr. JEFFORDS, Mr. DORGAN, Mr. BENNETT, Mr. HOLLINGS, Mr. DEWINE, Mr. MURKOWSKI, Mr. REED, Mr. HELMS, Mr. TORRICELLI, Mr. DURBIN, Mr. GRAMM, Mr. KENNEDY, Mr. CONRAD, Mr. SESSIONS, Mr. KEMPTHORNE, Mr. ROBB, Mr. THURMOND, Mr. FORD, Ms. MOSELEY-BRAUN, Mr. ABRAHAM, Ms. LANDRIEU, Mr. INOUYE, Mr. SARBANES, Mr. DODD, and Mr. MCCAIN):

S. J. Res. 45. A joint resolution designating March 1, 1999 as "United States Navy Asiatic Fleet Memorial Day", and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. HUTCHISON:

S. Res. 215. A resolution directing the Secretary of the Senate to request the House of Representatives to return the official papers on S. 414, and make a technical correction in the Act as passed by the Senate; considered and agreed to.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. MOYNIHAN, Mr. DASCHLE, Mr. LEAHY, Mr. LAUTENBERG, Mr. KERRY, Mr. MACK, Mr. D'AMATO, Mr. REED, Mr. KERREY, and Mr. WELLSTONE):

S. Con. Res. 90. A concurrent resolution to acknowledge the Historic Northern Ireland Peace Agreement; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COCHRAN:

S. 1971. A bill to amend the American Folklife Preservation Act to permanently authorize the American Folklife Center of the Library of Congress; to the Committee on Rules and Administration.

THE AMERICAN FOLKLIFE CENTER CREATION ACT OF 1998

Mr. COCHRAN. Mr. President, a little more than 20 years ago, Congress enacted legislation which created the American Folklife Center at the Library of Congress. The legislation enjoyed broad bipartisan and bicameral support. The legislation I am introducing today will provide permanent authorization for the Center so that the Center may continue its work to preserve and share the collections of traditions which exemplify the diverse heritage of millions of ordinary Americans.

The collections of the American Folklife Center contain rich and varied materials from my State of Mississippi and every State in the Nation. These materials document the diversity of the folk traditions of the many people who make up our Nation. The Folklife Center serves as a National repository of traditional culture and is used by scholars from around the world as well as schoolchildren, teachers, and genealogists.

The Congress has charged the American Folklife Center to preserve and present American Folklife for future generations. Providing the Center with permanent authorization will give the Center the security it needs to carry on its good work, continue its educational services, and strengthen its world-class collections. Permanent authorization will also allow the Center to engage the public's support of its collections through long-range planning and fundraising.

American folklife is the traditional expressive culture shared within the many familial, ethnic, occupational, religious, and regional groups in the United States. It is the very basis of family and community life. I hope we can permanently authorize the Folklife Center so that these wonderful collections will be available to future generations.

By Mr. COCHRAN:

S. 1972. A bill to reform the laws relating to Postal Service Finances, and for other purposes; to the Committee on Governmental Affairs.

THE POSTAL FINANCING REFORM ACT OF 1998

Mr. COCHRAN. Mr. President, today I am re-introducing a bill that I originally introduced last fall—the Postal Financing Reform Act of 1998. This bill is designed to do three things: allow the Postal Service to deposit funds in private sector institutions, invest in open markets—with Treasury approval of investment choices, and allow the Postal Service to borrow from private credit markets.

For almost two decades now, the Postal Service has been self-supporting. With a yearly budget near $60 billion, and just $100 million appropriated to provide free mailing for the blind, free overseas voting, and reduced postage rates for certain nonprofit mailers, continuing U.S. Treasury control over Postal Service banking, investing, and borrowing is no longer necessary or justified. Nonetheless, when I first introduced the Postal Financing Reform Act last fall, specific concerns were raised by some in the postal community, and I agreed to make changes that were suggested. The Postal Financing Reform Act of 1998 incorporates these changes. Specifically, the revised 1998 Act reverts back to existing law bill language that would have potentially allowed the Postal Service to invest in its private sector competitors, and to benefit from an increased borrowing ceiling at the U.S. Treasury.

Current law prevents the Postal Service from obtaining the most favorable combination of prices and services and results in added operating costs. Under this new approach, the Treasury Department would retain much of its current oversight, but it would no longer be the sole provider of certain financial services to the Postal Service.

The Postal Financing Reform Act of 1998 proposes four significant changes to current law. First, section two of the bill amends Title 39 of the U.S. Code to authorize the Postal Service to deposit its revenues in the Postal Service Fund within the U.S. Treasury or any Federal Reserve banks or depositories for public funds. The requirement to obtain the Secretary of the Treasury's approval before any funds be deposited elsewhere would be eliminated, just as this approval is no longer necessary for other quasi-public agencies like the Tennessee Valley Authority (TVA).

Section three continues the provision of existing law which requires that the Secretary of the Treasury approve any investments the Postal Service may make in non-Government securities. At the same time, it would permit the Postal Service to invest in U.S. Government obligations on its own accord, without unnecessary constraints, thus enabling the Postal Service to take advantage of favorable conditions in the Government securities market.

Section four removes the control of the Secretary of the Treasury over the Postal Service's financial borrowing decisions. The Postal Service would still be required to consult with the Secretary regarding the terms and conditions of the sale of any obligations issued by the Postal Service under section 2006(a) of Title 39, and the Secretary would still exercise a power of approval over the timing of a sale of obligations.

Finally, section five of the bill removes the ability of the Postal Service to require the Secretary of the Treasury to purchase Postal Service obligations. It merely permits the Secretary of the Treasury to buy Postal Service obligations upon the Postal Service's request.

I have heard from many sources that reforms in the Postal Service should be made. Though I have decided to refrain from undertaking comprehensive reform, I have selected instead a simple, straightforward correction of an out of date practice that would reduce costs and help hold down future rate increases, without increasing risk to the taxpayers.

Those who believe the Postal Service should operate as efficiently as possible, thus reducing fees charged to consumers, should support this bill. So, too, should those who profess to see the Postal Service treated more like a business.

I think it is time to act on this issue. I invite Senators to consider this proposal for reform and support this effort to ensure a more efficient and financially sound U.S. Postal Service.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS—POSTAL FINANCING REFORM ACT OF 1998

SECTION 1. SHORT TITLE

The short title of this Act is the Postal Financing Reform Act of 1998.

SECTION 2. END OF TREASURY CONTROL OF POSTAL SERVICE BANKING

This provision would amend 39 U.S.C. 2003(d) by enabling the Postal Service to have sole discretion to deposit its revenues in the Postal Service Fund within the U.S. Treasury or any Federal Reserve banks or depositories for public funds. This amendment enables the Postal Service to deposit its funds as it deems appropriate, and take advantage of banking and other modern financial services in the open market that are unavailable from the Treasury Department.

SECTION 3. POSTAL SERVICE INVESTMENTS

This amendment to 39 U.S.C. 2003(c) ensures continued oversight of any non-Government investments made by the Postal Service. It continues the provision of existing law which requires that the Secretary of the Treasury approve any investments the Postal Service may make in non-Government securities. At the same time, it would permit the Postal Service to invest in U.S. Government obligations on its own accord, without unnecessary constraints, thus enabling the Postal Service to take advantage of favorable conditions in the Government securities market.

SECTION 4. ELIMINATION OF TREASURY PREEMPTION OF BORROWING BY THE POSTAL SERVICE

This amendment to 39 U.S.C. 2006(a) removes the control of the Secretary of the Treasury over the Postal Service's financial borrowing decisions. The Postal Service, however, must consult with the Secretary of the Treasury for a reasonable period of time, as determined by the Postal Service, regarding the terms and conditions of the sale of any obligations issued by the Postal Service under section 2006(a). The specification of a "reasonable" time, rather than a specific number of days, is intended to ensure that the consultation process is concluded in a commercially reasonable time, and does not unduly restrict the borrowing flexibility of the Postal Service. The Secretary will exercise a power of approval over the timing (but not the other terms) of a sale of obligations. At the end of the consultation period, the Postal Service may proceed to issue obligations to a party other than the Secretary, and the Secretary cannot block such action, regardless of whether the Secretary has approved such third-party sale. This provision should allow the Postal Service to minimize interest expense by obtaining the most cost efficient service available.

SECTION 5. ELIMINATION OF POSTAL SERVICE "PUT" ON TREASURY

Section 2006(b) of Title 39 allows the Postal Service to *require* the Secretary of the Treasury to purchase obligations of the Postal Service up to a limit of $2 billion. The amendment removes the ability of the Postal Service to *require* the Secretary of the Treasury to purchase Postal Service obligations. It merely permits the Secretary of the Treasury to buy Postal Service obligations upon the Postal Service's request. Removing this "put" on the Treasury will be consistent with the purpose of directing the Postal Service borrowing to the private sector where it will be able to take advantage of a broader market, albeit with the requisite constraints.

Since the decision to buy is at the discretion of the Secretary of the Treasury, there is no longer a need to place a dollar limit on the amount of Postal Service obligations that the Treasury can purchase. The total limit on Postal Service debt in Section 2005 should apply.

SECTION 6. EFFECTIVE DATE

This Act will become effective 90 days after enactment.

By Mr. BUMPERS (for himself, Mr. CHAFEE, Mr. HOLLINGS, Mrs. BOXER, Mr. TORRICELLI, and Mr. WELLSTONE):

S. 1973. A bill to amend section 2511 of title 18, United States Code, to revise the consent exception to the prohibition on the interception of oral, wire, or electronic communications; to the Committee on the Judiciary.

THE TELEPHONE PRIVACY ACT OF 1998

Mr. BUMPERS. Mr. President, I rise today, along with Senators CHAFEE, HOLLINGS, BOXER, TORRICELLI, and WELLSTONE, to introduce the Telephone Privacy Act of 1998. The issue of telephone privacy thrusts itself into the news every so often. I have introduced similar legislation twice before, because these concerns have been with us since Alexander Graham Bell installed the first party line.

In the early '80s Charles Wick was the head of USIA. He freely admitted that he had recorded more than eighty conversations with then President Reagan and former President Carter, cabinet members and many others. None of those people knew that Mr. Wick had recorded their conversations. I was absolutely appalled to learn that such conduct is perfectly legal. I have been trying to correct that gap in the law ever since.

Usually, we hear about this issue after some incident where an unsuspecting person has suffered harsh personal consequences after a private conversation has been recorded and disseminated. The Speaker of the House himself was recently recorded by a third party while speaking on a cellular phone. If that call had been made on an ordinary phone, any party to the call could have recorded it without informing the Speaker or anyone else—and it would have been perfectly legal. He could have broadcast it on the evening news and published the transcript in the New York Times. This should be repugnant to almost everyone and yet it is all quite legal. My two previous efforts to make such conduct illegal failed. I believe that in the present environment a majority of our people think it is time to correct this abomination.

Sixteen states have outlawed the taping of phone conversations without the consent of all parties to the call, but the federal law has not caught up with those states. Until a bill like mine becomes law, recording of personal conversations will be legal, so long as one party to the conversation is aware of such recording.

How many Americans are aware that it is legal for the private telephone conversations of any person in this country to be monitored and even recorded without his or her consent? Indeed, how many Senators know?

Americans cherish their privacy as nothing else. One of the reasons the President's popularity is so high is people believe his privacy and the First Lady's privacy has been unfairly invaded.

How many times have we heard a recording on television or read a transcript in the newspaper where one of the parties makes some embarrassing revelation, confident that the conversation is "private," never suspecting that he or she was being recorded?

I am not talking about authorized law enforcement surveillance. I'm not talking about calls to 911. I'm not talking about employers who must monitor calls made by employees in the course of their duties and my bill makes no change in the law regarding Caller ID technologies. My bill would also allow victims of phone threats to record threatening calls. This bill retains all of the existing exceptions to the law that allow our law enforcement agencies and intelligence gathering agencies to carry out their important duties unimpeded.

I want to emphasize that the only change this bill is intended to make to the status quo is this: subject to existing exceptions, under my bill, the interception of wire and electronic communications will be permitted only where all parties have consented, rather than allowing only one party to make that determination. Existing penalties for violations of the law will remain unchanged.

The current law leaves a huge hole in the rights of telephone users. We have tolerated that gap for many years, but those have been years in which communications technology has exploded. In 1998, the technology to intercept and record telephone calls and other wire communications is available to almost everyone—you can do it with an ordinary answering machine. Much of our lives is now conducted over the telephone. Too much of our privacy is at risk. Too much mischief can be made to allow this flaw in our right to privacy any longer.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1973

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telephone Privacy Act of 1998".

SEC. 2. REVISION OF CONSENT EXCEPTION TO PROHIBITION ON INTERCEPTION OF ORAL, WIRE, OR ELECTRONIC COMMUNICATIONS.

Section 2511(2)(d) of title 18, United States Code, shall be revised to read as follows:

"(d)(i) It shall not be unlawful under this chapter for a person not acting under color of law to intercept a wire, oral, or electronic communication where all parties to the communication have given prior consent to such interception unless such communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of any State.

"(ii) Notwithstanding subparagraph (i), a person may intercept a wire, oral, or electronic communication where such person is party to the communication and the communication conveys threats of physical harm, harassment or intimidation."

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1974. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income any Alaska Permanent Fund dividend received by a child under age 14; to the Committee on Finance.

TAX LEGISLATION

Mr. MURKOWSKI. Mr. President, I rise to introduce legislation that would alleviate an IRS paperwork hassle that confronts every citizen of Alaska who has a child. I am pleased to be joined by the distinguished senior Senator from Alaska, Senator STEVENS, in introducing this legislation.

Mr. President, when this nation was facing the oil crisis of the 1970s, Alaskan oil from Prudhoe Bay was in large part responsible for allowing our nation to bridge the oil crisis and overcome the blackmail the world faced from the OPEC cartel. The state of Alaska made a foresighted decision at that time that it would take a portion of the oil royalty money and place it into a trust fund for the benefit of the citizens of our State.

This trust fund has grown significantly in the past two decades and has allowed the state to issue dividends to every citizen of the state each year. Mothers, fathers and children are all entitled to an equal share of the dividend. Yet when it comes time to file tax returns, every family with a child in Alaska is forced to file a separate tax return for the child based on the fact that the child's only income is the permanent fund dividend.

Children under 14 must pay income tax if they have investment income of more than $650. If their investment income is greater than $1,400, a special "kiddy tax" is levied that taxes the child's income at the parents' highest tax rate. The kiddy tax was designed for one simple purpose: To prevent high income taxpayers from shifting income to their children for tax avoidance purposes.

Mr. President, in the case of nearly every child in Alaska, there is no effort for parents to shift income to their children. A two-year old is required to file a tax return simply because the state had the foresight to invest state oil royalty income for the benefit of all its citizens.

In recent years, the annual Permanent Fund dividend checks have averaged nearly $1,000 per person. For a two-year old child who received that dividend, the child's parents are responsible for having a tax return prepared for the child that will show a tax liability of $52.50. As all of my colleagues know, filling out tax returns has become ever more complicated. Fewer and fewer individuals are filling out their own returns. Instead, they are having to pay professional preparers to fill out these returns.

In fact, IRS reports that returns filled out by paid preparers are a record high this year—54% of all returns filed had been prepared by professionals. For an Alaskan family with two children, that means a paid preparer must fill out three separate tax forms—one for the mother and father and one for each of the two children. How much additional cost does the preparer charge for the additional returns? The simplest form to file—the 1040 EZ costs $16.50 at the local H&R Block. For two children that's an additional $33, on top of the costs of the parents' return.

And what does it cost the IRS to process that return? I've heard costs that range from $5 to $30. I don't think anyone knows the real answer.

Mr. President, the bottom line is that families with children under 14 in

Alaska are subjected to additional IRS paperwork and filing requirements simply because their children's permanent fund dividends are subject to a few dollars of federal income tax.

The legislation we are introducing today would exclude from income permanent fund dividends received by children under 14. This will eliminate the paperwork burdens that families in our state face simply because their children receive a dividend from the state. Although I am sure this will be scored as losing a modest amount of revenue, about $50 for every Alaskan child, IRS will have to process far fewer tax returns from Alaska's children and parents in Alaska will not have to incur additional tax preparation fees.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCOME TAX EXCLUSION FOR ALASKA PERMANENT FUND DIVIDENDS RECEIVED BY CHILDREN UNDER AGE 14.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by redesignating section 138 as section 139 and by inserting after section 137 the following new section:

"SEC. 138. ALASKA PERMANENT DIVIDENDS TO CHILDREN UNDER AGE 14.

"Gross income shall not include any Alaska Permanent Fund dividend received by an individual during a taxable year if the individual has not attained age 14 before the close of the taxable year."

(b) CONFORMING AMENDMENTS.—

(1) Section 1(g)(7)(A)(i) of the Internal Revenue Code of 1986 is amended by striking "(including Alaska permanent fund dividends)".

(2) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 138 and inserting:

"Sec. 138. Alaska Permanent Fund dividends to children under age 14.

"Sec. 139. Cross references to other Acts."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

By Mr. DEWINE (for himself and Mr. LEAHY):

S. 1976. A bill to increase public awareness of the plight of victims of crime with developmental disabilities, to collect data to measure the magnitude of the problem, and to develop strategies to address the safety and justice needs of victims of crime with developmental disabilities; to the Committee on the Judiciary.

THE CRIME VICTIMS WITH DISABILITIES AWARENESS ACT

Mr. DEWINE. Mr. President, I am pleased today to join with Senator LEAHY to introduce the Crime Victims With Disabilities Awareness Act. The purpose of this legislation is to achieve three basic goals: first, to increase public awareness of the plight of crime victims with developmental disabilities; second, to start collecting data to measure the extent and nature of the problem; and third, to develop strategies to address the safety and justice needs of these victims.

Research in foreign countries has found that persons with developmental disabilities are at a 4 to 10 times higher risk of becoming crime victims than those without disabilities. Studies in Canada, Australia, and Great Britain consistently show that crime victims with developmental disabilities suffer repeated victimization, because so few of the crimes against them are reported. Unfortunately, even when crimes against victims with disabilities are reported, there is sometimes a reluctance by justice officials to rely on the testimony of a disabled person, further making these victims a target for criminal predators.

What do we know about similar crimes in the United States? Amazingly, little if any. No significant studies have been conducted in the United States. In fact, the Bureau of Justice Statistics in their annual National Crime Victims Survey does not specifically collect data about crimes against persons with disabilities.

Research needs to be done in the United States to (1) understand the nature and extent of crimes against persons with developmental disabilities; (2) assess how the law enforcement and justice systems currently respond to crimes against the developmentally disabled; and (3) identify programs, policies, or laws that hold promise for making our law enforcement and justice systems more responsive to crimes against persons with developmental disabilities.

Our legislation today would accomplish these three research goals. Our legislation would direct the Attorney General to contract with the National Research Council through the National Academy of Sciences' Committee on Law and Justice to develop a research agenda to increase the understanding and control of crime against persons with developmental disabilities. The National Academy of Sciences would develop a research agenda that includes convening an interdisciplinary panel of nationally recognized experts on crime victims with disabilities and related fields, to define and address critical issues to understanding crimes against people with developmental disabilities. Their research would focus on preventive, educative, social, and legal strategies, and recommend methods for addressing the needs of underserved populations.

An authoritative report resulting from this process should provide some important answers.

In addition, the bill would direct the Attorney General to begin collecting data for the National Crime Victims Survey of crime victims with developmental disabilities. The Attorney General is asked to study and report to the States and to Congress on how the States may collect centralized databases on the incidences of crimes against the disabled.

One reason why this issue is so important, and why this legislation is necessary is because there are more and more people with developmental disabilities. The factors behind this rising population include poor prenatal nutrition and care, increases in child abuse, and substance abuse during pregnancy.

I am hopeful that the research called for in this legislation will have broad, positive national policy implications. Greater knowledge about victims with developmental disabilities will help service providers target programs more effectively. Victims and their families will have a better understanding of crime risks. Justice and social service policy makers will have a greater understanding of how, where, and when these crimes occur, the characteristics of victims, and how these crimes affect victims and their families. Law enforcement may gain information on how to improve investigative and prosecution strategies, and how to use victims' testimony in conjunction with other case evidence. Clearly, what we're trying to do with this legislation is to raise considerably the national profile of this issue among research agencies and the academic community, and to continue to define and develop solutions to this problem.

I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1976

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Crime Victims With Disabilities Awareness Act".

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) although research conducted abroad demonstrates that individuals with developmental disabilities are at a 4 to 10 times higher risk of becoming crime victims than those without disabilities, there have been no significant studies on this subject conducted in the United States;

(2) in fact, the National Crime Victim's Survey, conducted annually by the Bureau of Justice Statistics of the Department of Justice, does not specifically collect data relating to crimes against individuals with developmental disabilities;

(3) studies in Canada, Australia, and Great Britain consistently show that victims with developmental disabilities suffer repeated victimization because so few of the crimes against them are reported, and even when

they are, there is sometimes a reluctance by justice officials to rely on the testimony of a disabled individual, making individuals with developmental disabilities a target for criminal predators; and

(4) research in the United States needs to be done to—

(A) understand the nature and extent of crimes against individuals with developmental disabilities;

(B) describe how the justice system responds to crimes against the developmentally disabled; and

(C) identify programs, policies, or laws that hold promises for making the justice system more responsive to crimes against individuals with developmental disabilities.

(b) PURPOSES.—The purposes of this Act are—

(1) to increase public awareness of the plight of victims of crime who are individuals with developmental disabilities;

(2) to collect data to measure the extent of the problem of crimes against individuals with developmental disabilities; and

(3) to develop strategies to address the safety and justice needs of victims of crime who are individuals with developmental disabilities.

SEC. 3. DEFINITION OF DEVELOPMENTAL DISABILITY.

In this Act, the term "developmental disability" has the meaning given the term in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001).

SEC. 4. RESEARCH AGENDA.

(a) REQUEST FOR CONTRACT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit a request to the National Research Council, that the Committee on Law and Justice of the National Academy of Sciences, acting through the National Research Council, enter into a contract with the Attorney General to develop a research agenda to increase public awareness of crimes against individuals with developmental disabilities and to reduce the incidence of crimes against those individuals.

(b) RESEARCH AGENDA.—The research agenda developed under this section shall—

(1) address such issues as—

(A) the nature and extent of crimes against individuals with developmental disabilities;

(B) the risk factors associated with victimization of the developmentally disabled;

(C) strategies to reduce crimes against individuals with developmental disabilities;

(D) the manner in which the justice and social service systems respond to crimes against the developmentally disabled, and the means by which that response can be improved;

(E) the personal and social consequences of victimization;

(F) the importance of place and context in understanding crimes against the developmentally disabled; and

(G) the means by which to achieve a better understanding of the interaction between caregiver, victim, and other circumstances in improving public safety; and

(2) include an analysis of various methodologies for addressing the issues described in paragraph (1), which may include—

(A) appropriate longitudinal designs to increase understanding of its causes;

(B) rigorous evaluation research designs to inform and improve prevention, intervention, and control efforts;

(C) a multidisciplinary approach to measuring the nature and frequency of crimes against the developmentally disabled, and the personal and social consequences of those crimes;

(D) survey data and analysis efforts that better describe the victimization experiences of the developmentally disabled, the context in which victimization occurs, and the social and institutional responses to these experiences; and

(E) the development of a Federal research response and a coordinated research strategy by Federal agencies.

(c) PANEL OF EXPERTS.—In developing the research agenda under this section, the Committee on Law and Justice shall—

(1) convene and consult with a panel, which shall be composed of—

(A) nationally recognized experts on victims of crime who are individuals with disabilities, in the fields of—

(i) law;

(ii) services to individuals with disabilities;

(iii) criminology;

(iv) education;

(v) direct services to victims of crime; and

(vi) the social sciences; and

(B) crime victims with disabilities who are members of diverse ethnic, social, and religious communities; and

(2) focus primarily on preventive, educative, social, and legal strategies, including addressing the needs of underserved populations.

(d) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report describing the research agenda developed under this section.

(2) REPORT.—The Attorney General shall ensure that—

(A) the report submitted under paragraph (1) is disseminated widely in governmental, nonprofit, and academic arenas, including by seminars, briefings, and the Internet; and

(B) shall make not less than 100 copies of the report available upon request to nonprofit organizations free of charge.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $375,000 for each of fiscal years 1999 and 2000.

SEC. 5. NATIONAL CRIME VICTIMS SURVEY.

(a) SURVEY.—As part of each National Crime Victims Survey, the Attorney General shall include statistics relating to the nature and characteristics of victims of crime who are individuals with developmental disabilities.

(b) CONSULTATION.—In carrying out subsection (a), the Attorney General shall use a methodology developed in consultation with experts in the collection of criminal justice data, statistics, services to individuals with disabilities, and victims of crime.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000 for fiscal year 1999.

SEC. 6. STATE DATABASES.

(a) IN GENERAL.—The Attorney General shall conduct a study and submit to Congress and to each State a report on the means by which each State may establish and maintain a centralized computer database on the incidence of crimes against individuals with disabilities within the State.

(b) CONSULTATION.—In conducting the study under subsection (a), the Attorney General shall consult with—

(1) individuals who are experts in the collection of criminal justice data;

(2) State statistical administrators;

(3) law enforcement personnel;

(4) nonprofit nongovernmental agencies that provide direct services to victims of crime who are individuals with disabilities; and

(5) such other individuals and entities as the Attorney General considers to be appropriate.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives, a report describing the results of the study under subsection (a), which report shall include the views of the individuals and agencies consulted under subsection (b).

Mr. LEAHY. Mr. President, I am proud to join Senator DEWINE in introducing the Crime Victims With Disabilities Awareness Act. This legislation will address and strengthen our services for disabled victims of crime throughout our country.

It is important that we focus attention on the needs and rights of crime victims not only during this week, National Crime Victims Rights Week, but throughout the year. For the past several years, I have worked hard with others to make improvements in the law and provide greater assistance to victims of crime.

My involvement with crime victims rights began more than three decades ago when I served as State's Attorney for Chittenden County, Vermont, and witnessed first-hand the devastation of crime. I have worked ever since to ensure that the criminal justice system is one that respects the rights and dignity of victims of crime and domestic violence, rather than presents additional ordeals for those already victimized.

The needs of victims of crime are many and must be addressed in a number of ways, including strengthening law enforcement and education, improving and increasing services for victims, and protecting the rights of victims. Today I am proud to again have the support of the Vermont Center for Crime Victim Services in focusing attention on the needs of crime victims with disabilities with the Crime Victims With Disabilities Awareness Act.

Research conducted abroad has shown that individuals with disabilities have a four to 10 times higher risk of becoming a victim than do individuals without disabilities. Despite these findings, there have been no significant studies on this subject conducted in the United States. The Crime Victims With Disabilities Awareness Act we are introducing today will rectify this omission.

The Crime Victims With Disabilities Awareness Act proposes to have the Committee on Law and Justice of the National Academy of Sciences conduct research so as to increase public awareness of victims of crime with disabilities, to understand the nature and extent of such crimes, and to develop strategies to address the safety and needs of victims of crime with disabilities. This Act directs the Attorney General to utilize statistics gathered from this study for inclusion in the National Crime Victims Survey. The Crime Victims With Disabilities Awareness Act also directs the Attorney General to submit a report detailing the means by which each State can establish and maintain a database on the incidence of crimes against individuals with disabilities.

Over the last 20 years we have made strides in recognizing crime victims' rights and providing much needed assistance. I am proud to have played a role in passage of the Victims and Witness Protection Act of 1982, the Victims of Crime Act of 1984, and the Victims' Rights and Restitution Act of 1990 and the other improvements we have been able to make.

In the Violent Crime Control Act of 1994, Congress acted to ensure a right of allocation for victims of crimes of violence or sexual abuse and to make tens of millions of dollars available to crime victims. No amount of money can make up for the harm and trauma of being the victim of a crime, but we should do all that we can to see that victims are assisted, compensated and treated with dignity by the criminal justice system.

I was the author of the Victims of Terrorism Act that was passed by the Senate in the wake of the Oklahoma City bombing and became the basis for the Justice for Victims of Terrorism Act signed into law in April 1996. We were able to make funds available through supplemental grants to the States to assist and compensate victims of terrorism and mass violence, which incidents might otherwise have overwhelmed the resources of Oklahoma's crime victims compensation program or its victims assistance services. We also filled a gap in our law for residents of the United States who are victims of terrorism and mass violence that occur outside the borders of the United States. In addition, we allowed greater flexibility to our State and local victims' assistance programs and some greater certainty so that they can know that our commitment to victims programming will not wax and wane with events. And we were able to raise the assessments on those convicted of federal crimes in order to fund the needs of crime victims.

Last year, I cosponsored the Victim Rights Clarification Act of 1997. That legislation reversed a presumption against crime victims observing the fact phase of a trial if they were likely to provide testimony during the sentencing phase of that trial. As a result of that legislation, not only were victims of the Oklahoma City bombing able to observe the trial of Timothy McVeigh, all those who were able to witness the trial and were called as witnesses to provide victim impact testimony at the sentencing phase of that trial were able to do so.

The Crime Victims Assistance Act, legislation that I introduced this past July with Senator KENNEDY, builds upon the progress made over the last several years. It provides for a wholesale reform of the Federal Rules and Federal law to establish additional rights and protections for victims of federal crime. This bill would provide crime victims with an enhanced right to be heard on the issue of pretrial detention and plea bargains, an enhanced right to a speedy trial and to be present in the courtroom throughout a trial, an enhanced right to be heard on probation revocation and to give a statement at sentencing, and the right to be notified of a defendant's escape or release from prison. The Crime Victims Assistance Act would also strengthen victims' services by increasing Federal victim assistance personnel, enhancing training for State and local law enforcement and Officers of the Court, and establishing and ombudsman program for crime victims.

With a simple majority of both Houses of Congress, the Crime Victims Assistance Act could be enacted this year and we could mark a significant and immediate difference in the lives of victims throughout our country. I hope that the Senate will turn to this important measure without further delay. Unfortunately, one consequence of the effort to focus attention on proposals to amend the Constitution has been to dissipate efforts to enact effective victims rights legislation over the past two years. The momentum we had built over the last several years has been dissipated by this focus to the exclusion of statutory reform.

While we have made great improvements in our law enforcement and crime victims assistance programs and have made advances in recognizing crime victims' rights, we still have work to do. This week is National Crime Victims' Rights Week. Crime victims advocates across Vermont and the nation are commemorating this week with ceremonies, awards and proclamations. I am honored to have received recognition from the Vermont Center for Crime Victims Services and the Vermont Network for Domestic Violence and Sexual Assault during National Crime Victims Rights Week in 1996 and a Congressional Leadership Award from the National Organization for Victim Assistance. Each year at this time our hearts go out to the families and victims of crime. Each year I try to help focus attention on those who work so hard every week of the year on behalf of all crime victims in crime victims' assistance and compensation programs.

There are many individuals in Vermont who I would like to thank for their expertise and advice in addressing victims' rights and services, including Lori Hayes, Executive Director of the Vermont Center for Crime Victim Services, and Marty Levin, Coordinator of the Vermont Network Against Domestic Violence and Sexual Assault. Their hard work and dedication have made a real difference in the lives of people who suffer from violence and abuse.

In May 1997, the Department of Justice Office for Victims of Crime concluded that "Vermont's programs are setting the standard for outreach to undeserved populations and service coordination among providers and allied professionals." Vermont's leadership was also recently recognized with its selection for participation in the Department of Justice Rural Victim Services 2000 project. The Vermont Center for Crime Victim Services will administer this grant to conduct the first systematic survey of what rural crime victims need. The more informed we become of the needs of victims, the more we can adapt services to make them more effective and efficient.

I commend all those in Vermont and across the country who are committed to assisting crime victims.

By Mr. D'AMATO (for himself and Mr. REID):

S. 1977. A bill to direct the Secretary of Transportation to conduct a study and issue a report on predatory and discriminatory practices of airlines which restrict consumer access to unbiased air transportation passenger service and fare information; to the Committee on Commerce, Science, and Transportation.

THE CONSUMER ACCESS TO TRAVEL INFORMATION ACT OF 1998

Mr. D'AMATO. Mr. President, I rise today to offer legislation that will benefit consumers and small businessmen and women who must travel by air. The bill I am introducing today, the Consumer Access to Travel Information Act of 1998, will reverse an increasingly anti-consumer, anti-competitive trend in airline travel across the country.

For three years, the major airlines have been moving to gain more control over the airline travel ticket distribution system. While this effort may seem harmless, the ramifications to consumers are significant. Currently, most air travelers get their information from one of the 33,000 travel agencies around the country. These agencies provide consumers with unbiased and comprehensive air travel information, i.e., the best flight at the cheapest fare. Without that independent source of travel information, there is no doubt that consumers will be paying more, in many cases, substantially more for air travel.

The Consumer Access to Travel Information Act of 1998 is a reasonable, and balanced bill that is significant not only for what it does, but also for what it doesn't do. This legislation would simply require the Secretary of Transportation to investigate the behavior of major airlines, including discriminatory and predatory practices of airlines which target travel agents, other independent distributors, and small airlines. This is authority that the Secretary currently has under the Airline Deregulation Act of 1978, but has thus far not elected to use. This bill makes certain this investigation is undertaken. If it is determined that anticompetitive, discriminatory or predatory practices exist, the Secretary must report to Congress those steps the Department intends to take to address such practices.

What this legislation does not do is regulate the airline industry. In fact, this legislation is a wake up call for the industry. As the for-profit hospital and HMO industries discovered, if consumers are disregarded, and anti-competitive activities are encouraged, the heavy hand of regulators and anti-trust remedies will soon follow. This investigation by DOT may bring to light practices that the airlines themselves may not even realize exist. It is far better to have DOT look into these issues and have them addressed now, than to have Congress begin pursuing more proactive legislative remedies in the future.

Travel agents provide critical services to air travelers, and air travelers depend heavily upon travel agents to provide an accurate, broad selection of schedules, fare quotes, and ticketing services for all airlines. Agents quote schedules and fares, and provide ticketing services, to consumers on major U.S. airlines, small U.S. airlines, large and small international airlines, and start-up airlines.

The travel agency community and other independent ticket distributors are the only efficient, independent and comprehensive sources of information for airline travel options. Travel agencies and other independent distributors comprise a considerable portion of the small business sector in the United States, employing over 250,000 people. Over 50% of travel agencies are owned by women or minorities.

Every industry study conducted since the 1960's has concluded that travel agents can process reservation and ticketing transactions in any medium more efficiently than can airlines. Just this year, one of the world's largest and most efficient airlines announced the closing of all of its U.S. ticket offices in favor of the efficiencies of the U.S. travel agency industry.

So why are multi-billion dollar airlines putting the squeeze on the mom and pop travel agencies? Unfortunately, the answer lies beyond just sucking more revenue from the travel agent. The biggest threat to the current airline oligopoly is the young, upstart airlines. Wherever these airlines operate, the major air carriers' prices are competitive. Wherever these airlines do not operate, the consumer pays monopoly prices. Small domestic airlines, many international airlines, and start-up airlines heavily depend upon the travel agency distribution system. There is no alternate distribution system available to these types of airlines. A less ubiquitous, less independent travel agency means less business for, and less competition from, the smaller airlines.

As part of the effort to consolidate their market power, the airlines began to focus on the ticket distribution system. Twice in the last three years, the major airlines have initiated and supported reductions in travel agent commissions on the sale of air travel. In February alone, total travel agent commissions on domestic travel dropped 21%. More reductions from airlines, and greater travel agent losses, are expected. The number of travel agencies has decreased for the first time since World War II, and many more closings are expected as agency operating reserves are exhausted.

As travel agents are forced out of the industry and airlines secure more direct consumer business, consumer alternatives will continue to decrease, resulting in significantly higher consumer travel costs. Major airlines have generally misrepresented the reason for agency commission cuts, citing a need to reduce expenses and pass savings on to consumers. In fact, airline ticket prices have steadily increased, there have been no consumer benefits, airlines are posting record profits quarter-after-quarter, and consumers are paying the highest airfares in history.

Commissions are not the only way in which the airlines are using anti-competitive practices to pressure the travel agents. For example, confidential business information generated by travel agents, such as marketing, bookings, and sales data, is routinely shared by the airlines.

Considering airlines regard themselves as competitors of travel agents, this is an intolerable situation for the travel agents.

Another example of unfair treatment is the use of promotions, concessions, and benefits that airlines can pass on to consumers that are denied to travel agents. In addition the airlines operate the Airlines Reporting Corporation (ARC), which controls both who can become a travel agent and the settlement of funds between travel agents and the airlines.

Internet travel servicing, one ticket distribution alternative which holds great promise for consumers, is also being dominated by the major air carriers. As a practical matter, travel agents have already been excluded by airlines from selling tickets booked by electronic means. As with conventional distribution, Internet consumers have very limited ability to view consolidated electronic schedule and fare information, much less interpret the rules, restrictions and penalties attached to such lower fares as might be found.

That is why, Mr. President, Congress must pass the Consumer Access to Travel Information Act of 1998 before consumers are hurt further, and before there is an overwhelming cry to reregulate air travel.

Mr. President, I urge my colleagues to support this legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1977

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consumer Access to Travel Information Act of 1998".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) To foster and preserve competition, national transportation policy should support the continuation of widespread, convenient, and efficient public access to unbiased comparative air transportation passenger service and fare information.

(2) The traveling public relies upon unbiased comparative air transportation passenger service and fare information provided by independent retail travel agents and other independent sources.

(3) Concentrations of market power, restrictions on entry, and predatory and discriminatory practices of airlines impair consumer access to independently distributed unbiased comparative information about air transportation passenger services or fares.

(4) If not corrected, such practices will seriously restrict consumer access to the independent and unbiased service and fare information provided by travel agents and other independent sources.

SEC. 3. POLICY.

Section 40101(a) of title 49, United States Code, is amended by adding at the end the following:

"(16) Ensuring that consumers may obtain unbiased comparative information from travel agents and other independent sources about air transportation passenger services and fares in an efficient and convenient manner.".

SEC. 4. STUDY; REPORT.

(a) STUDY.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Transportation (hereinafter in this Act referred to as the "Secretary") shall undertake a study of the availability to consumers of adequate unbiased information about air transportation passenger services and fares. The study shall include an investigation of the following practices:

(1) Air carrier policies that deter or prevent travel agents or other independent sources from using competitively efficient phone systems, computer reservation systems, or other electronic systems to communicate or consummate transactions with the public.

(2) Air carrier policies that deter or prevent travel agents and other independent

sources from offering the public the same or greater concessions, benefits, or services than those offered by air carriers directly to those consumers.

(3) Discriminatory collective or joint operation of assets used to offer concessions, benefits, or services to the public while denying comparable access to such concessions, benefits, or services through travel agents and other independent sources, including joint sales activities, denial of competitive tools, and denial of distribution efficiencies.

(4) Sharing of competitively significant sales transaction data in violation of the confidentiality interests of the travel agents or other independent sources that generated such data.

(5) As the Secretary considers appropriate, any other practices which may impair consumer access to independently distributed unbiased comparative information about air transportation passenger services or fares.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report of the conclusions of the study required by subsection (a).

SEC. 5. CEASE AND DESIST ORDERS.

The Secretary shall, after notice and hearing, order any air carrier or other party engaged in any practice or policy which constitutes a predatory, unfair, or deceptive practice or unfair method of competition which restricts the widespread, convenient, and efficient access by the public to unbiased comparative air transportation passenger service and fare information or the sale, booking, or distribution of air transportation passenger services or products, to cease and desist therefrom.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1978. A bill to designate the auditorium located within the Sandia Technology Transfer Center in Albuquerque, New Mexico, as the "Steve Schiff Auditorium"; to the Committee on Energy and Natural Resources.

THE STEVE SCHIFF AUDITORIUM DESIGNATION ACT OF 1998

Mr. DOMENICI. Mr. President, it is a real honor today to introduce legislation, together with Senator BINGAMAN, to honor Representative Steve Schiff. This legislation designates a special auditorium at the Sandia National Laboratories as the "Steve Schiff Auditorium." Steve spoke in this Auditorium on several occasions, as part of his long service to the people of New Mexico.

I think everyone knows that Steve Schiff exemplified all that was good about public service: integrity of the highest order, deep and fundamental decency, and an acute and open mind. He went about his business quietly, but with wonderful efficiency. He was great at telling stories, usually about himself. He was a model for all politicians to admire.

Steve came to New Mexico from Chicago, where he was born and raised. He served the people of New Mexico in different capacities since 1972, when he graduated from the Law School at the University of New Mexico. Before election to Congress in 1988, he served as District Attorney for eight years.

One of Steve's favorite local programs was his Tree Give-Away Program. For eight years, Steve held a Saturday tree give-away day at the Indian Pueblo Cultural Center. He gave away more than 115,000 trees. Through those trees, he shared his own hope, faith, and love. Those trees now flourish throughout the Albuquerque area in New Mexico as lasting symbols of this man. In a similar way, his legislative achievements continue to serve the American people as another reminder of this great American.

Along with those trees and his legislation, the Steve Schiff Auditorium will serve as a lasting memorial. I am happy and honored to have been a part of his life.

I think he would be pleased that this major facility at Sandia National Laboratories, an auditorium where many events occur, many events he has sponsored, that he desires that we talk about in our Federal Government as it pertains to nuclear weapons and research, that it be designated after him.

Mr. BINGAMAN. Mr. President, I feel very honored today to rise with my colleague, Senator DOMENICI, to introduce legislation to honor Representative Steven H. Schiff, who died last month. This bill names the Auditorium in the Technology Transfer Center at Sandia National Laboratories as the Steven H. Schiff Auditorium. I have visited Sandia's Technology Transfer Center (TTC) in Albuquerque, New Mexico. It is a beautiful building dedicated to furthering collaborations between the fine staff of scientists and engineers at Sandia and their counterparts in American universities and industry.

It is altogether fitting that we dedicate the TTC Auditorium to the memory of Steven Schiff. Steve was a strong champion of collaborations and making the resources of our national laboratories available to US industry to help us compete in the global economy.

Mr. President, Sandia National Laboratories has 6,000 employees. The lab is one of the nation's premier national security facilities with major responsibilities for our nation's energy research and development projects. Part of Sandia's mission includes technology transfer. The emphasis is on partnerships between industry and the lab to collaborate on emerging new technologies.

Today, Sandia's vast technical expertise is being applied to solve a variety of technical problems that will benefit working Americans. A number of exciting collaborations between Sandia's engineers and private industry have come about as a direct result of Steve's efforts. Some of these collaborations include projects to improve microelectronics and computers, airline and airport safety, lightweight materials for automobiles, robots for advanced manufacturing, and automobile tires that are safer and provide consumers better fuel economy. Madam President, I could go on and on.

Perhaps the one area of Sandia's work that Steve was the most proud of was the lab's application of its 20 years of experience in state-of-the-art physical security technologies to the important areas of fighting crime and terrorism. Today, Sandia's vital and highly visible programs are helping to assure the safety and security of every American. In particular, Steve's efforts were instrumental in creating a satellite facility of the National Institute of Justice at Sandia. This linkage was especially satisfying to Steve because of his leadership positions on both the House Science and Judiciary Committees.

In a short time, Sandia's efforts for the Department of Justice and the FBI are helping to combat crime and terrorism. These programs are having a major impact on the safety and security of all Americans. These efforts are truly one of Steve Schiff's greatest legacies to New Mexico and the nation.

I'd like to cite just a few examples of Sandia's programs for the National Institute of Justice. Because of Steve's efforts, Sandia was able to play a vital role in disarming a bomb left in the unabomber's cabin. Sandia also has a school safety and security program that has dramatically increased the safety of high school students in Belén, New Mexico. I had a chance to visit the school, and it is truly remarkable what Sandia has accomplished there. Another example of Sandia's innovative technologies is the development of a "smart gun" that can only be fired in the hands of someone authorized to use it. And Sandia is developing explosive detectors for increased airport security and new ways of detecting illegal drugs.

Perhaps the culmination of Steve's efforts was last August, when 64 of the world's top bomb squads came to Operation Albuquerque '97 for hands-on experience with the latest science and methods for disabling terrorist bombs.

Madam President, using our national laboratories' unique resources to save lives and protect the safety of ordinary people is surely a proper memorial for Steve Schiff. Naming the auditorium at Sandia National Laboratories in his honor is another. I am proud to cosponsor this legislation, and I thank my colleague, Senator DOMENICI, for his efforts.

By Mr. CAMPBELL (for himself and Mr. FAIRCLOTH):

S. 1979. A bill to ensure the transparency of International Monetary Fund operations; to the Committee on Foreign Relations.

THE IMF TRANSPARENCY AND EFFICIENCY ACT OF 1998

Mr. CAMPBELL. Mr. President, today I introduce the "International

Monetary Fund Transparency and Efficiency Act of 1998." When bailing out failing economies, the International Monetary Fund often requires countries to make their markets more transparent, efficient and accountable. In the wake of the Asian economic crisis, it has become clear that the IMF itself also sorely needs the very same increased transparency, efficiency, and accountability that the IMF demands of others.

I am pleased to be joined today by my colleague from North Carolina, Senator FAIRCLOTH, as an original cosponsor of this legislation.

On March 17, 1998, the Senate Appropriations Committee approved S. 1769, which would provide Supplemental Appropriations for the IMF for Fiscal Year 1998. Although I voted against the amendment which would provide $18 billion to bail out the IMF, the Senate ultimately adopted this amendment. While S. 1769 contains a few provisions calling for IMF reforms, like increased transparency and calling on countries receiving IMF loans to end market distorting government subsidies, S. 1769 contains much weaker enforcement mechanisms than those contained in the bill I am introducing today. Also, S. 1769 does not curtail the IMF's subsidized interest rates, something this bill will do.

Just last week, the IMF itself freely admitted the need for increased openness and accountability. On April 14, 1998, on the eve of the IMF's annual spring meeting, Managing Director, Michel Camdessus, promised more openness and accountability at the IMF. Furthermore, during a National Journal interview earlier this month, Deputy Treasury Secretary Lawrence Summers was quoted as saying, "Equally, we cannot be satisfied with the IMF that we now have. And that is why it is important to build consensus as rapidly as possible on efforts to make the IMF a more transparent institution." I believe the American taxpayers deserve no less.

We in Congress must act to ensure that just such IMF reforms become reality. By sending the IMF's established hierarchy a clear and immediate reason to implement these reforms we will ensure that these long overdue reforms will actually take place.

This legislation is also timely. When the IMF bails out failing economies, it regularly calls for increased transparency and governmental efficiency as a precondition for receiving financial aid. The IMF is right on target in this respect. Increased transparency and accountability are crucial to give the American taxpayers reasonable assurances that the problems that cause these economic breakdowns are being directly addressed. Obviously, if these troubled economies had been transparent, efficient and open to American exports from the start, Congress would not be debating about making another $18 billion available to the IMF. Clearly, the IMF itself should live up to the standards it sets for others.

This legislation would withhold U.S. federal funding from the IMF until the Treasury Secretary certifies that the IMF has met four specific reform requirements, and then Congress enacts a joint resolution approving this certification.

First, the IMF would be required to make the minutes of its board of Governors or Executive Board available for public inspection within three months of the meeting. Second, the IMF would release copies of loan and program documents, written reviews, and other pertinent documents related to proposed and ongoing programs within three months. Third, the IMF would establish an independent board to review the IMF's operations, research and loan activities and then issue annual reports for public inspection. Finally, when granting financial assistance, the IMF would charge interest rates that are comparable to market interest rates rather than the subsidized interest rates it currently charges. Naturally, this bill includes special exemptions to protect classified U.S. information, information which would disrupt markets, and proprietary information.

The administration and IMF have requested that the American taxpayers make an additional $18 billion of their hard-earned dollars available to the IMF to replenish its fund that has been depleted by the Asian financial crisis. My bill will bring accountability to an institution, funded in large part by the American people that has—for the last 50 years—eluded true accountability. Increased transparency and efficiency will finally enable the American taxpayers to clearly see how their tax dollars are being used by the IMF.

For the reasons stated above and more, I introduce this bill as the Senate companion to H.R. 3331, recently introduced by our colleagues in the House, Congressman SAXTON of New Jersey, the Chairman of the Joint Economic Committee, Congressman TOM CAMPBELL from California, and House Majority Leader DICK ARMEY. The Heritage Foundation has described this legislation as a compromise with a lot of merit. It is time for increased transparency and efficiency at the IMF, and I urge my colleagues to support passage of this legislation. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1979

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "IMF Transparency and Efficiency Act of 1998".

SEC. 2. DENIAL OF FEDERAL FUNDS TO THE INTERNATIONAL MONETARY FUND IF ITS OPERATIONS ARE NOT MADE MORE TRANSPARENT.

Title XV of the International Financial Institutions Act (22 U.S.C. 262o–262o–1) is amended by adding at the end the following:

"SEC. 1503. DENIAL OF FEDERAL FUNDS TO THE INTERNATIONAL MONETARY FUND IF ITS OPERATIONS ARE NOT MADE MORE TRANSPARENT.

"(a) IN GENERAL.—An officer, employee, or agent of the United States may not, directly or indirectly, provide Federal funds to, or for the benefit of the International Monetary Fund unless—

"(1) there is in effect a written certification, made by the Secretary of the Treasury to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, that the International Monetary Fund has met the requirements of subsection (b); and

"(2) the Congress has enacted a joint resolution approving the certification.

"(b) REQUIREMENTS.—The requirements of this subsection are the following:

"(1) Within 3 months after any meeting of the Board of Governors or the Executive Board of the International Monetary Fund, an edited copy of the minutes of the meeting shall be made available for public inspection, with the following information redacted:

"(A) Information which, if released, would adversely affect the national security of a country, and which is of the type that would be classified by the United States Government.

"(B) Information which, if released, would disrupt markets.

"(C) Proprietary information.

"(2) Within 3 months after the staff of the International Monetary Fund makes a loan document, written review, program document, or assessment of any proposed or ongoing loan program of the International Monetary Fund, a copy of the review, document, or assessment, and all related and supporting materials, shall be made available for public inspection, with the following information redacted:

"(A) Information which, if released, would adversely affect the national security of a country, and which is of the type that would be classified by the United States Government.

"(B) Information which, if released, would disrupt markets.

"(C) Proprietary information.

"(3) Not later than 18 months after the date of enactment of this section:

"(A) The International Monetary Fund shall establish an independent advisory board to review the research, operations, and loan programs of the International Monetary Fund.

"(B) The legislature of each country which is represented on the Executive Board of the International Monetary Fund shall each appoint to the advisory board 1 individual with expertise in private sector finance gained in the private sector or in academia.

"(C) The advisory board shall issue annual reports summarizing its activities, which shall be available immediately for public inspection.

"(4) The annual rate at which the International Monetary Fund charges interest on loans made after the date of enactment of this section shall be comparable to the average annual rate of interest in financial markets for loans of comparable maturity, adjusted for risk.

"(c) EFFECTIVE PERIOD OF CERTIFICATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), certification made under this section shall cease to be in effect 1 year after the date the certification is made.

"(2) REVOCATION.—

"(A) IN GENERAL.—A certification made under this section shall cease to be in effect if the Secretary of the Treasury revokes the certification.

"(B) CAUSE FOR REVOCATION.—The Secretary of the Treasury shall revoke a certification made under this section if the Secretary of the Treasury is made aware that the International Monetary Fund has ceased to meet a requirement of subsection (b).".

SEC. 3. EFFECTIVE DATE.

This Act shall take effect 6 months after the date of enactment of this Act.

By Mr. BREAUX:

S. 1980. A bill to amend the Internal Revenue Code of 1986 to allow certain coins to be acquired by individual retirement accounts and other individually directed pension plan accounts; to the Committee on Finance.

INDIVIDUAL RETIREMENT ACCOUNT LEGISLATION

Mr. BREAUX. Mr. President, I rise today to introduce legislation allowing certain U.S. legal tender coins to be qualified investments for an individual retirement account (IRA).

Congress excluded "collectibles", such as antiques, gold and silver bullion, and legal tender coinage, as appropriate for contribution to IRAs in 1981. The primary reason was the concern that individuals would get a tax break when they bought collectibles for their personal use. For example, a taxpayer might deduct the purchase of an antique rug for his/her living room as an IRA investment. Congress was also concerned about how the many different types of collectibles are valued.

Over the years, however, certain coins and precious metals have been excluded from the definition of a collectible because they are independently valued investments that offer investors portfolio diversity and liquidity. For example, Congress excluded gold and silver U.S. American Eagles from the definition of collectibles in 1986, and the Taxpayer Relief Act of 1997 took the further step of excluding certain precious metals bullion.

My legislation would exclude from the definition of collectibles only those U.S. legal tender coins which meet the following three standards: certification by a nationally-recognized grading service, traded on a nationally-recognized network, and held by a qualified trustee as described in the Internal Revenue Code. In other words, only investment quality coins that are independently valued and not held for personal use may be included in IRAs.

There are several nationally-recognized, independent certification or grading services. Full-time professional graders (numismatists) examine each coin for authenticity and grade them according to established standards. Upon certification, the coin is sonically-sealed (preserved) to ensure that it remains in the same condition as when it was graded.

Legal tender coins are then traded via two independent electronic networks—the Certified Coin Exchange and Certified CoinNet. These networks are independent of each other and have no financial interest in the legal tender coinage and precious metals markets. The networks function in precisely the same manner as the NASDAQ with a series of published "bid" and "ask" prices and last trades. The buys and sells are enforceable prices that must be honored as posted until updated.

Mr. President, the liquidity provided through a bona fide national trading network, combined with published prices, make legal tender coinage a practical investment that offers investors diversification and liquidity. Investment in these tangible assets has become a safe and prudent course of action for both the small and large investor and should be given the same treatment under the law as other financial investments. I urge the Senate to enact this important legislation as soon as possible.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 1980

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN COINS NOT TREATED AS COLLECTIBLES.

(a) IN GENERAL.—Subparagraph (A) of section 408(m)(3) of the Internal Revenue Code of 1986 (relating to exception for certain coins and bullion) is amended to read as follows:

"(A) any coin certified by a recognized grading service and traded on a nationally recognized electronic network, or listed by a recognized wholesale reporting service, and—

"(i) which is or was at any time legal tender in the United States, or

"(ii) issued under the laws of any State, and".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1997.

By Mr. HUTCHINSON:

S. 1981. A bill to preserve the balance of rights between employers, employees, and labor organizations which is fundamental to our system of collective bargaining while preserving the rights of workers to organize, or otherwise engage in concerted activities protected under the National Labor Relations Act; read the first time.

THE TRUTH IN EMPLOYMENT ACT

Mr. HUTCHINSON. Mr. President, small businesses are under attack in this country, and the United States government, through the National Labor Relations Board and other regulatory agencies, is aiding in this unprecedented assault. This battle is being waged against small employers by paid and unpaid union operatives who get access to non-union workplaces by seeking employment in these companies. Because employers are not allowed to refuse to hire union labor, they are usually hired. Once on job, these union agents put economic pressure on their employers by causing workplace disruptions that increase their employer's cost of doing business. This union guerilla warfare against employers is known as "salting."

The weapon of choice for these union operatives is to file unfair labor charges against their merit shop employers at the National Labor Relations Board or to file complaints against their employers at the EEOC, OSHA, or other regulatory agencies. Defending against these charges and complaints costs the employers in both legal fees and in lost time. As an added benefit, these cases often net union employees large damage awards or settlements because their employers can ill-afford the expense of defending themselves against the barrage of frivolous charges being filed against them.

Consider the following examples: Gaylor Electric of Carmel, Indiana has had 96 charges filed against it. While each and every one of these cases has been dismissed without merit, Gaylor Electric has had to bear the cost of these cases to the tune of $250,000 per year. Likewise, hth Companies in Union, Missouri has had 48 unfair labor charges filed against it. Again, while all but one of these cases was dismissed, hth Companies has wasted $150,000 defending itself against these frivolous charges. Bay Electric in Cape Elizabeth wasted over $100,000 defending itself against 14 unfair labor charges—each of which was dismissed without merit. Wright Electric in Delano, Minnesota has lost almost $500,000 defending itself against 15 unfair labor charges, 14 of which have been dismissed, and one of which is still pending.

In my home state, Little Rock Electrical, of Little Rock, Arkansas has been flooded with 72 unfair labor cases in just one year, 20 of which have already been dismissed, and 45 which have been set for trial. Finally, R.D. Goss in Clearfield, Pennsylvania has suffered the worst, having been hit with 20 unfair labor cases, all but one of which was dismissed—but which forced them out of business after 38 years.

Mr. President, I support the right of workers to organize, and I am always reluctant to propose federal legislation that interferes in private matters—particularly private contractual relationships between employers and employees. However, in this case, as the above examples show, the federal government, particularly through the National Labor Relations Board, is wreaking havoc on merit shop contractors through this unfair, but legal, practice.

Evidence as to the true nature and intent of union salting was best explained in the Organizing Manual of the International Brotherhood of Electrical Workers (IBEW), which stated that the true goal of "salting" is to:

> . . . threaten or actually apply the economic pressure necessary to cause the employer to . . . raise his prices to recoup additional costs, scale back his business activities, leave the union's jurisdiction, go out of business, and so on.

Or, more bluntly, in the words of an IBEW organizing flyer, the goal is:

> . . . infiltration, confrontation, litigation, disruption, and hopefully annihilation of all non-union contractors.

On February 13, 1997, I introduced legislation that addresses the issue of salting. This legislation, The Truth in Employment Act of 1997, would have allowed employers to reject an applicant that has no intention of actually working for the company, but who was instead solely interested in organizing and harassing their employer and fellow employees. Earlier this month, the House of Representatives passed their own version of the Truth in Employment Act, under the able leadership of Chairman BILL GOODLING of Pennsylvania and Chairman HARRIS FAWELL of Illinois, both of whom I had the privilege of serving with when I was a Member of the House.

Today, I am introducing new legislation to address this issue of salting. My new bill, the Truth in Employment Act of 1998 is identical to the House passed version.

Mr. President, the strength of this country rests on the freedom of individuals to pursue their dreams and ideas, and to risk their own capital to open and operate small businesses. Likewise, this country is built on the principle that workers are free to sell their labor, and if they deem necessary, to join fellow workers to negotiate higher pay or better working conditions. This measure will not undermine either of these legitimate rights. This bill only seeks to stop the destructive practice of "salting" to protect employers who operate non-union shops, and to protect employees who freely choose to work for these non-union employers.

I would urge my fellow Senators to join our colleagues in the House and pass the Truth in Employment Act. The survival of America's small businesses demand that we act.

ADDITIONAL COSPONSORS

S. 236

At the request of Mr. GRAMS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 236, a bill to abolish the Department of Energy, and for other purposes.

S. 887

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 887, a bill to establish in the National Park Service the National Underground Railroad Network to Freedom program, and for other purposes.

S. 981

At the request of Mr. LEVIN, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 981, a bill to provide for analysis of major rules.

S. 1069

At the request of Mr. MURKOWSKI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1069, a bill entitled the "National Discovery Trails Act of 1997."

S. 1141

At the request of Mr. JOHNSON, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1141, a bill to amend the Energy Policy Act of 1992 to take into account newly developed renewable energy-based fuels and to equalize alternative fuel vehicle acquisition incentives to increase the flexibility of controlled fleet owners and operators, and for other purposes.

S. 1251

At the request of Mr. D'AMATO, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1251, a bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

S. 1252

At the request of Mr. D'AMATO, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1273

At the request of Mr. GRAHAM, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1273, a bill to amend title 10, United States Code, to expand the National Mail Order Pharmacy Program of the Department of Defense to include covered beneficiaries under the military health care system who are also entitled to medicare.

S. 1375

At the request of Mr. KOHL, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 1375, a bill to promote energy conservation investments in Federal facilities, and for other purposes.

S. 1413

At the request of Mr. LUGAR, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 1413, a bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions.

S. 1525

At the request of Mr. SPECTER, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 1525, a bill to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty.

S. 1580

At the request of Mr. SHELBY, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1580, a bill to amend the Balanced Budget Act of 1997 to place an 18-month moratorium on the prohibition of payment under the medicare program for home health services consisting of venipuncture solely for the purpose of obtaining a blood sample, and to require the Secretary of Health and Human Services to study potential fraud and abuse under such program with respect to such services.

S. 1712

At the request of Mr. JEFFORDS, the names of the Senator from North Carolina (Mr. FAIRCLOTH) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 1712, a bill to amend title XXVII of the Public Health Service Act and part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to improve the quality of health plans and provide protections for consumers enrolled in such plans.

S. 1774

At the request of Mr. LOTT, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 1774, a bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to make guaranteed farm ownership loans and guaranteed farm operating loans of up to $600,000, and to increase the maximum loan amounts with inflation.

S. 1802

At the request of Mr. ASHCROFT, his name was added as a cosponsor of S. 1802, a bill to authorize appropriations for the Surface Transportation Board for fiscal years 1999, 2000, and 2001.

S. 1825

At the request of Mrs. MURRAY, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1825, a bill to amend title 10, United States Code, to provide sufficient funding to assure a minimum size for honor guard details at funerals of veterans of the Armed Forces, to establish the minimum size of such details, and for other purposes.

S. 1858

At the request of Mr. JEFFORDS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1858, a bill to amend the Social Security Act to provide individuals with disabilities with incentives to become economically self-sufficient.

S. 1868

At the request of Mr. NICKLES, the names of the Senator from North Carolina (Mr. FAIRCLOTH) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 1868, a bill to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted for their faith worldwide; to authorize United States actions in response to religious persecution worldwide; to establish an Ambassador at Large on International Religious Freedom within the Department of State, a Commission on International Religious Persecution, and a Special Adviser on International Religious Freedom within the National Security Council; and for other purposes.

S. 1900

At the request of Mr. D'AMATO, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1900, a bill to establish a commission to examine issues pertaining to the disposition of Holocaust-era assets in the United States before, during, and after World War II, and to make recommendations to the President on further action, and for other purposes.

S. 1907

At the request of Mr. DASCHLE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1907, a bill to amend the Internal Revenue Code of 1986 to allow a refundable tax credit for wetland restoration and conservation expenses.

S. 1963

At the request of Mr. THURMOND, the name of the Senator from North Carolina (Mr. FAIRCLOTH) was added as a cosponsor of S. 1963, a bill to amend title 10, United States Code, to permit certain beneficiaries of the military health care system to enroll in Federal employees health benefits plans.

S. 1970

At the request of Mr. ABRAHAM, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1970, a bill to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

SENATE CONCURRENT RESOLUTION 75

At the request of Mr. FEINGOLD, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from South Dakota (Mr. DASCHLE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Idaho (Mr. KEMPTHORNE), the Senator from North Dakota (Mr. DORGAN), the Senator from North Dakota (Mr. CONRAD), the Senator from Nebraska (Mr. HAGEL), the Senator from Michigan (Mr. LEVIN), the Senator from Ohio (Mr. GLENN), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of Senate Concurrent Resolution 75, a concurrent resolution honoring the sesquicentennial of Wisconsin statehood.

AMENDMENT NO. 2303

At the request of Mr. LEVIN, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Illinois (Ms. MOSELEY-BRAUN) were added as cosponsors of amendment No. 2303 proposed to H.R. 2646, a bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

SENATE CONCURRENT RESOLUTION 90—TO ACKNOWLEDGE THE HISTORIC NORTHERN IRELAND PEACE AGREEMENT

Mr. DODD (for himself, Mr. KENNEDY, Mr. MOYNIHAN, Mr. DASCHLE, Mr. LEAHY, Mr. LAUTENBERG, Mr. KERRY, Mr. MACK, Mr. D'AMATO, and Mr. WELLSTONE) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 90

Whereas the people of Ireland have experienced civil conflict throughout their history with the latest phase, known as The Troubles, ongoing for the last thirty years;

Whereas this tragic history has cost the lives of thousands of men, women, and children, and has left a deep and profound legacy of suffering;

Whereas the governments of the Republic of Ireland and the United Kingdom have endeavored for many years to facilitate a peaceful resolution to the conflict in Northern Ireland; and such efforts, including the 1985 Anglo-Irish Agreement, the 1993 Joint Declaration, and the 1995 New Framework for Agreement, were important milestones in guiding the parties toward a political agreement;

Whereas the announced cessation of armed hostilities in 1994 by the Irish Republican Army and the Combined Loyalist Military Command created the opportunity for all-inclusive political discussions to occur;

Whereas representatives from Northern Ireland's political parties, pledging to adhere to the principles of non-violence, commenced all-party talks in June 1996, and those talks greatly intensified in the Spring of 1998 under the chairmanship of former United States Senator George Mitchell;

Whereas the active participation of British Prime Minister Tony Blair and Irish Taoiseach Bertie Ahern was indispensable to the success of negotiations;

Whereas the support and encouragement for the Northern Ireland peace process by President Clinton, on behalf of the United States, was also an important factor in the success of the negotiations;

Whereas on April 10, 1998, the political parties, together with the British and Irish Governments successfully concluded the Northern Ireland Peace Agreement;

Whereas people throughout the island will have an opportunity to approve or reject the final agreement during the May 22 referendums;

Whereas the British and Irish Governments have committed to making the necessary constitutional and other legal changes necessary to bring the agreement into effect after the referendum approval processes have been concluded: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), that it is the sense of the Congress that—

(1) All of the participants in the neogiations deserve congratulations for their willingness to make honorable compromises in order to reach an agreement that promises to end the tragic cycle of violence that has dominated Northern Ireland for decades;

(2) Prime Minister Tony Blair and Taoiseach Bertie Ahern deserve particular credit for their leadership and constant encouragement in support of the peace process;

(3) The American people can be especially proud of the contributions made by the United States in the quest for peace, including President Clinton's vision and determination to achieve peace in Northern Ireland and his personal commitment to remain an active supporter throughout the process;

(4) All friends of Ireland owe a lasting debt of gratitude to Senator George Mitchell for his dedication, courage, leadership, and wisdom in guiding the peace talks to a successful conclusion.

SENATE RESOLUTION 214—DIRECTING THE SECRETARY OF THE SENATE TO REQUEST THE HOUSE OF REPRESENTATIVES TO RETURN THE OFFICIAL PAPERS ON S. 414

Mrs. HUTCHISON submitted the following resolution; which was considered and agreed to:

S. RES. 215

Resolved, That the Secretary of the Senate is directed to request the House of Representatives to return to the Senate the official papers on S. 414, entitled "An Act to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States exports, and for other purposes".

SEC. 2. Upon the return of the official papers from the House of Representatives, the Secretary of the Senate is directed to make the following change in the text of the bill, viz:

In the amendment of section 8(f) of the Shipping Act of 1984 by section 106(e) of the bill, insert a comma and "including limitations of liability for cargo loss or damage," after "practices".

AMENDMENTS SUBMITTED

THE EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

DODD (AND OTHERS) AMENDMENT NO. 2305

Mr. DODD (for himself, Mr. LEAHY, Mr. HARKIN, Mr. KENNEDY, Mr.

WELLSTONE, Mrs. BOXER, and Mr. REED) proposed an amendment to the bill (H.R. 2646) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; as follows:

Strike section 101, and insert the following:

SEC. 101. FUNDING FOR PART B OF IDEA.

Any net revenue increases resulting from the enactment of title II that remain available, taking into account the provisions of this title, shall be used to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

BOXER (AND OTHERS) AMENDMENT NO. 2306

Mrs. BOXER (for herself, Mrs. MURRAY, Mr. BINGAMAN, Mr. JOHNSON, Mr. LIEBERMAN, Mr. SARBANES, Mr. KERRY, Mr. DODD, Mr. DURBIN, Mr. LEVIN, Mr. AKAKA, Mr. KOHL, Mr. WELLSTONE, Mr. BRYAN, Mr. KENNEDY, Mr. INOUYE, Mr. DASCHLE, Ms. MOSELEY-BRAUN, and Ms. MIKULSKI) proposed an amendment to the bill, H.R. 2646, supra; as follows:

At the end, add the following:

TITLE —AFTER SCHOOL EDUCATION AND SAFETY

SECTION 01. SHORT TITLE.

This title may be cited as the "After School Education and Safety Act of 1998".

SEC. 02. PURPOSE.

The purpose of this title is to improve academic and social outcomes for students by providing productive activities during after school hours.

SEC. 03. FINDINGS.

Congress makes the following findings:

(1) Today's youth face far greater social risks than did their parents and grandparents.

(2) Students spend more of their waking hours alone, without supervision, companionship, or activity than the students spend in school.

(3) Law enforcement statistics show that youth who are ages 12 through 17 are most at risk of committing violent acts and being victims of violent acts between 3 p.m. and 6 p.m.

SEC. 04. GOALS.

The goals of this title are as follows:

(1) To increase the academic success of students.

(2) To improve the intellectual, social, physical, and cultural skills of students.

(3) To promote safe and healthy environments for students.

(4) To prepare students for workforce participation.

(5) To provide alternatives to drug, alcohol, tobacco, and gang, activity.

SEC. 05. DEFINITIONS.

In this title:

(1) SCHOOL.—The term "school" means a public kindergarten, or a public elementary school or secondary school, as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) SECRETARY.—The term "Secretary" means the Secretary of Education.

SEC. 06. PROGRAM AUTHORIZED.

The Secretary is authorized to carry out a program under which the Secretary awards grants to schools to enable the schools to carry out the activities described in section 07(a).

SEC. 07. AUTHORIZED ACTIVITIES; REQUIREMENTS.

(a) AUTHORIZED ACTIVITIES.—

(1) REQUIRED.—Each school receiving a grant under this title shall carry out at least 2 of the following activities:

(A) Mentoring programs.

(B) Academic assistance.

(C) Recreational activities.

(D) Technology training.

(2) PERMISSIVE.—Each school receiving a grant under this title may carry out any of the following activities:

(A) Drug, alcohol, and gang prevention activities.

(B) Health and nutrition counseling.

(C) Job skills preparation activities.

(b) TIME.—A school shall provide the activities described in subsection (a) only after regular school hours during the school year.

(c) SPECIAL RULE.—Each school receiving a grant under this title shall carry out activities described in subsection (a) in a manner that reflects the specific needs of the population, students, and community to be served.

(d) LOCATION.—A school shall carry out the activities described in subsection (a) in a school building or other public facility designated by the school.

(e) ADMINISTRATION.—In carrying out the activities described in subsection (a), a school is encouraged—

(1) to request volunteers from the business and academic communities to serve as mentors or to assist in other ways;

(2) to request donations of computer equipment; and

(3) to work with State and local park and recreation agencies so that activities which are described in subsection (a) and carried out prior to the date of enactment of this Act are not duplicated by activities assisted under this title.

SEC. 08. APPLICATIONS.

Each school desiring a grant under this title shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

(1) identify how the goals set forth in section 04 shall be met by the activities assisted under this title;

(2) provide evidence of collaborative efforts by students, parents, teachers, site administrators, and community members in the planning and administration of the activities;

(3) contain a description of how the activities will be administered;

(4) demonstrate how the activities will utilize or cooperate with publicly or privately funded programs in order to avoid duplication of activities in the community to be served;

(5) contain a description of the funding sources and in-kind contributions that will support the activities; and

(6) contain a plan for obtaining non-Federal funding for the activities.

SEC. 09. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $50,000,000 for each of the fiscal years 1998 through 2002.

SEC. 10. SENSE OF THE SENATE.

It is the sense of the Senate that funding to carry out this title should be provided by a reduction in certain function 920 allowances, as such reduction was provided in the Senate-passed budget resolution for fiscal year 1999.

DORGAN AMENDMENT NO. 2307

Mr. COVERDELL (for Mr. DORGAN) proposed an amendment to the bill, H.R. 2646, supra; as follows:

At the end, add the following:

SEC. . SAFER SCHOOLS.

(a) SHORT TITLE.—This section may be cited as the "Safer Schools Act of 1998".

(b) AMENDMENT.—Section 14601 of the Gun-Free Schools Act of 1994 (20 U.S.C. 8921) is amended by adding at the end the following new subsection:

"(g) For the purposes of this section, a weapon that has been determined to have been brought to a school by a student shall be admissible as evidence in any internal school disciplinary proceeding (related to an expulsion under this section.".

BINGAMAN (AND OTHERS) AMENDMENT NO. 2308

Mr. BINGAMAN (for himself and Mr. REID, Mrs. FEINSTEIN, Mr. CHAFEE, and Mr. BRYAN) proposed an amendment to the bill, H.R. 2646, supra; as follows:

At the end, add the following:

TITLE —DROPOUT PREVENTION AND STATE RESPONSIBILITIES

SEC. 01. SHORT TITLE.

This title may be cited as the "National Dropout Prevention Act of 1998".

Subtitle A—Dropout Prevention

SEC. 11. DROPOUT PREVENTION.

Part C of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7261 et seq.) is amended to read as follows:

"PART C—ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

"Subpart 1—Coordinated National Strategy

"SEC. 5311. NATIONAL ACTIVITIES.

"(a) NATIONAL PRIORITY.—It shall be a national priority, for the 5-year period beginning on the date of enactment of the National Dropout Prevention Act of 1998, to lower the school dropout rate, and increase school completion, for middle school and secondary school students in accordance with Federal law. As part of this priority, all Federal agencies that carry out activities that serve students at risk of dropping out of school or that are intended to help address the school dropout problem shall make school dropout prevention a top priority in the agencies' funding priorities during the 5-year period.

"(b) ENHANCED DATA COLLECTION.—The Secretary shall collect systematic data on the participation of different racial and ethnic groups (including migrant and limited English proficient students) in all Federal programs.

"SEC. 5312. NATIONAL SCHOOL DROPOUT PREVENTION STRATEGY.

"(a) PLAN.—The Director shall develop, implement, and monitor an interagency plan (in this section referred to as the "plan") to assess the coordination, use of resources, and availability of funding under Federal law that can be used to address school dropout prevention, or middle school or secondary school reentry. The plan shall be completed and transmitted to the Secretary and Congress not later than 180 days after the first Director is appointed.

"(b) COORDINATION.—The plan shall address inter- and intra-agency program coordination issues at the Federal level with respect to school dropout prevention and middle school and secondary school reentry, assess the targeting of existing Federal services to students who are most at risk of dropping out of school, and the cost-effectiveness of various programs and approaches used to address school dropout prevention.

“(c) AVAILABLE RESOURCES.—The plan shall also describe the ways in which State and local agencies can implement effective school dropout prevention programs using funds from a variety of Federal programs, including the programs under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

“(d) SCOPE.—The plan will address all Federal programs with school dropout prevention or school reentry elements or objectives, programs under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.), title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.), and part B of title IV of the Job Training Partnership Act (29 U.S.C. 1691 et seq.), and other programs.

“SEC. 5313. NATIONAL CLEARINGHOUSE.

“Not later than 6 months after the date of enactment of the National Dropout Prevention Act of 1998, the Director shall establish a national clearinghouse on effective school dropout prevention, intervention and reentry programs. The clearinghouse shall be established through a competitive grant or contract awarded to an organization with a demonstrated capacity to provide technical assistance and disseminate information in the area of school dropout prevention, intervention, and reentry programs. The clearinghouse shall—

“(1) collect and disseminate to educators, parents, and policymakers information on research, effective programs, best practices, and available Federal resources with respect to school dropout prevention, intervention, and reentry programs, including dissemination by an electronically accessible database, a worldwide Web site, and a national journal; and

“(2) provide technical assistance regarding securing resources with respect to, and designing and implementing, effective and comprehensive school dropout prevention, intervention, and reentry programs.

“SEC. 5314. NATIONAL RECOGNITION PROGRAM.

“(a) IN GENERAL.—The Director shall carry out a national recognition program that recognizes schools that have made extraordinary progress in lowering school dropout rates under which a public middle school or secondary school from each State will be recognized. The Director shall use uniform national guidelines that are developed by the Director for the recognition program and shall recognize schools from nominations submitted by State educational agencies.

“(b) ELIGIBLE SCHOOLS.—The Director may recognize any public middle school or secondary school (including a charter school) that has implemented comprehensive reforms regarding the lowering of school dropout rates for all students at that school.

“(c) SUPPORT.—The Director may make monetary awards to schools recognized under this section, in amounts determined by the Director. Amounts received under this section shall be used for dissemination activities within the school district or nationally.

“Subpart 2—National School Dropout Prevention Initiative

“SEC. 5321. FINDINGS.

“Congress finds that, in order to lower dropout rates and raise academic achievement levels, improved and redesigned schools must—

“(1) challenge all children to attain their highest academic potential; and

“(2) ensure that all students have substantial and ongoing opportunities to—

“(A) achieve high levels of academic and technical skills;

“(B) prepare for college and careers;

“(C) learn by doing;

“(D) work with teachers in small schools within schools;

“(E) receive ongoing support from adult mentors;

“(F) access a wide variety of information about careers and postsecondary education and training;

“(G) use technology to enhance and motivate learning; and

“(H) benefit from strong links among middle schools, secondary schools, and postsecondary institutions.

“SEC. 5322. PROGRAM AUTHORIZED.

“(a) ALLOTMENTS TO STATES.—

“(1) IN GENERAL.—From the sum made available under section 5332(b) for a fiscal year the Secretary shall make an allotment to each State in an amount that bears the same relation to the sum as the amount the State received under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) for the preceding fiscal year bears to the amount received by all States under such title for the preceding fiscal year.

“(2) DEFINITION OF STATE.—In this subpart, the term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

“(b) GRANTS.—From amounts made available to a State under subsection (a), the State educational agency may award grants to public middle schools or secondary schools, that have school dropout rates which are in the highest ⅓ of all school dropout rates in the State, to enable the schools to pay only the startup and implementation costs of effective, sustainable, coordinated, and whole school dropout prevention programs that involve activities such as—

“(1) professional development;

“(2) obtaining curricular materials;

“(3) release time for professional staff;

“(4) planning and research;

“(5) remedial education;

“(6) reduction in pupil-to-teacher ratios;

“(7) efforts to meet State student achievement standards; and

“(8) counseling for at-risk students.

“(c) INTENT OF CONGRESS.—It is the intent of Congress that the activities started or implemented under subsection (a) shall be continued with funding provided under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

“(d) AMOUNT.—

“(1) IN GENERAL.—Subject to subsection (e) and except as provided in paragraph (2), a grant under this subpart shall be awarded—

“(A) in the first year that a school receives a grant payment under this subpart, in an amount that is not less than $50,000 and not more than $100,000, based on factors such as—

“(i) school size;

“(ii) costs of the model being implemented; and

“(iii) local cost factors such as poverty rates;

“(B) in the second such year, in an amount that is not less than 75 percent of the amount the school received under this subpart in the first such year;

“(C) in the third year, in an amount that is not less than 50 percent of the amount the school received under this subpart in the first such year; and

“(D) in each succeeding year in an amount that is not less than 30 percent of the amount the school received under this subpart in the first such year.

“(2) INCREASES.—The Director shall increase the amount awarded to a school under this subpart by 10 percent if the school creates smaller learning communities within the school and the creation is certified by the State educational agency.

“(e) DURATION.—A grant under this subpart shall be awarded for a period of 3 years, and may be continued for a period of 2 additional years if the State educational agency determines, based on the annual reports described in section 5328(a), that significant progress has been made in lowering the school dropout rate for students participating in the program assisted under this subpart compared to students at similar schools who are not participating in the program.

“SEC. 5323. STRATEGIES AND ALLOWABLE MODELS.

“(a) STRATEGIES.—Each school receiving a grant under this subpart shall implement research-based, sustainable, and widely replicated, strategies for school dropout prevention and reentry that address the needs of an entire school population rather than a subset of students. The strategies may include—

“(1) specific strategies for targeted purposes; and

“(2) approaches such as breaking larger schools down into smaller learning communities and other comprehensive reform approaches, developing clear linkages to career skills and employment, and addressing specific gatekeeper hurdles that often limit student retention and academic success.

“(b) ALLOWABLE MODELS.—The Director shall annually establish and publish in the Federal Register the principles, criteria, models, and other parameters regarding the types of effective, proven program models that are allowed to be used under this subpart, based on existing research.

“(c) CAPACITY BUILDING.—

“(1) IN GENERAL.—The Director, through a contract with a non-Federal entity, shall conduct a capacity building and design initiative in order to increase the types of proven strategies for dropout prevention on a schoolwide level.

“(2) NUMBER AND DURATION.—

“(A) NUMBER.—The Director shall award not more than 5 contracts under this subsection.

“(B) DURATION.—The Director shall award a contract under this section for a period of not more than 5 years.

“(d) SUPPORT FOR EXISTING REFORM NETWORKS.—

“(1) IN GENERAL.—The Director shall provide appropriate support to eligible entities to enable the eligible entities to provide training, materials, development, and staff assistance to schools assisted under this subpart.

“(2) DEFINITION OF ELIGIBLE ENTITY.—The term ‘eligible entity’ means an entity that, prior to the date of enactment of the National Dropout Prevention Act of 1998—

"(A) provided training, technical assistance, and materials to 100 or more elementary schools or secondary schools; and

"(B) developed and published a specific educational program or design for use by the schools.

"SEC. 5324. SELECTION OF SCHOOLS.

"(a) School Application.—

"(1) In general.—Each school desiring a grant under this subpart shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may require.

"(2) Contents.—Each application submitted under paragraph (1) shall—

"(A) contain a certification from the local educational agency serving the school that—

"(i) the school has the highest number or rates of school dropouts in the age group served by the local educational agency;

"(ii) the local educational agency is committed to providing ongoing operational support, for the school's comprehensive reform plan to address the problem of school dropouts, for a period of 5 years; and

"(iii) the local educational agency will support the plan, including—

"(I) release time for teacher training;

"(II) efforts to coordinate activities for feeder schools; and

"(III) encouraging other schools served by the local educational agency to participate in the plan;

"(B) demonstrate that the faculty and administration of the school have agreed to apply for assistance under this subpart, and provide evidence of the school's willingness and ability to use the funds under this subpart, including providing an assurance of the support of 80 percent or more of the professional staff at the school;

"(C) describe the instructional strategies to be implemented, how the strategies will serve all students, and the effectiveness of the strategies;

"(D) describe a budget and timeline for implementing the strategies;

"(E) contain evidence of interaction with an eligible entity described in section 5323(d)(2);

"(F) contain evidence of coordination with existing resources;

"(G) provide an assurance that funds provided under this subpart will supplement and not supplant other Federal, State, and local funds;

"(H) describe how the activities to be assisted conform with an allowable model described in section 5323(b); and

"(I) demonstrate that the school and local educational agency have agreed to conduct a schoolwide program under 1114.

"(b) State Agency Review and Award.—The State educational agency shall review applications and award grants to schools under subsection (a) according to a review by a panel of experts on school dropout prevention.

"(c) Criteria.—The Director shall establish clear and specific selection criteria for awarding grants to schools under this subpart. Such criteria shall be based on school dropout rates and other relevant factors for State educational agencies to use in determining the number of grants to award and the type of schools to be awarded grants.

"(d) Eligibility.—

"(1) In general.—A school is eligible to receive a grant under this subpart if the school is—

"(A) a public school—

"(i) that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), including a comprehensive secondary school, a vocational or technical secondary school, and a charter school; and

"(ii)(I) that serves students 50 percent or more of whom are low-income individuals; or

"(II) with respect to which the feeder schools that provide the majority of the incoming students to the school serve students 50 percent or more of whom are low-income individuals; or

"(B) is participating in a schoolwide program under section 1114 during the grant period.

"(2) Other schools.—A private or parochial school, an alternative school, or a school within a school, is not eligible to receive a grant under this subpart, but an alternative school or school within a school may be served under this subpart as part of a whole school reform effort within an entire school building.

"(e) Community-Based Organizations.—A school that receives a grant under this subpart may use the grant funds to secure necessary services from a community-based organization, including private sector entities, if—

"(1) the school approves the use;

"(2) the funds are used to provide school dropout prevention and reentry activities related to schoolwide efforts; and

"(3) the community-based organization has demonstrated the organization's ability to provide effective services as described in section 107(a) of the Job Training Partnership Act (29 U.S.C. 1517(a)).

"(f) Coordination.—Each school that receives a grant under this subpart shall coordinate the activities assisted under this subpart with other Federal programs, such as programs assisted under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.) and the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

"SEC. 5325. DISSEMINATION ACTIVITIES.

"Each school that receives a grant under this subpart shall provide information and technical assistance to other schools within the school district, including presentations, document-sharing, and joint staff development.

"SEC. 5326. PROGRESS INCENTIVES.

"Notwithstanding any other provision of law, each local educational agency that receives funds under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) shall use such funding to provide assistance to schools served by the agency that have not made progress toward lowering school dropout rates after receiving assistance under this subpart for 2 fiscal years.

"SEC. 5327. SCHOOL DROPOUT RATE CALCULATION.

"For purposes of calculating a school dropout rate under this subpart, a school shall use—

"(1) the annual event school dropout rate for students leaving a school in a single year determined in accordance with the National Center for Education Statistics' Common Core of Data, if available; or

"(2) in other cases, a standard method for calculating the school dropout rate as determined by the State educational agency.

"SEC. 5328. REPORTING AND ACCOUNTABILITY.

"(a) Reporting.—In order to receive funding under this subpart for a fiscal year after the first fiscal year a school receives funding under this subpart, the school shall provide, on an annual basis, to the Director a report regarding the status of the implementation of activities funded under this subpart, the disaggregated outcome data for students at schools assisted under this subpart such as dropout rates, and certification of progress from the eligible entity whose strategies the school is implementing.

"(b) Accountability.—On the basis of the reports submitted under subsection (a), the Director shall evaluate the effect of the activities assisted under this subpart on school dropout prevention compared to a control group.

"SEC. 5329. PROHIBITION ON TRACKING.

"(a) In General.—A school shall be ineligible to receive funding under this subpart for a fiscal year, if the school—

"(1) has in place a general education track;

"(2) provides courses with significantly different material and requirements to students at the same grade level; or

"(3) fails to encourage all students to take a core curriculum of courses.

"(b) Regulations.—The Secretary shall promulgate regulations implementing subsection (a).

"Subpart 3—Definitions; Authorization of Appropriations

"SEC. 5331. DEFINITIONS.

"In this Act:

"(1) Director.—The term "Director" means the Director of the Office of Dropout Prevention and Program Completion established under section 219 of the General Education Provisions Act.

"(2) Low-income.—The term "low-income", used with respect to an individual, means an individual determined to be low-income in accordance with measures described in section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)).

"(3) School dropout.—The term "school dropout" has the meaning given the term in section 4(17) of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6103(17)).

"SEC. 5332. AUTHORIZATION OF APPROPRIATIONS.

"(a) Subpart 1.—There are authorized to be appropriated to carry out subpart 1, $5,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) Subpart 2.—There are authorized to be appropriated to carry out subpart 2, $145,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years, of which—

"(1) $125,000,000 shall be available to carry out section 5322; and

"(2) $20,000,000 shall be available to carry out section 5323.".

SEC. 12. OFFICE OF DROPOUT PREVENTION AND PROGRAM COMPLETION.

Title II of the Department of Education Organization Act (20 U.S.C. 3411) is amended—

(1) by redesignating section 216 (as added by Public Law 103–227) as section 218; and

(2) by adding after section 218 (as redesignated by paragraph (1)) the following:

"OFFICE OF DROPOUT PREVENTION AND PROGRAM COMPLETION

"Sec. 219. (a) Establishment.—There shall be in the Department of Education an Office of Dropout Prevention and Program Completion (hereafter in this section referred to as the 'Office'), to be administered by the Director of the Office of Dropout Prevention and Program Completion. The Director of the Office shall report directly to the Secretary and shall perform such additional functions as the Secretary may prescribe.

"(b) Duties.—The Director of the Office of Dropout Prevention and Program Completion (hereafter in this section referred to as the 'Director'), through the Office, shall—

"(1) help coordinate Federal, State, and local efforts to lower school dropout rates and increase program completion by middle school, secondary school, and college students;

"(2) recommend Federal policies, objectives, and priorities to lower school dropout rates and increase program completion;

"(3) oversee the implementation of subpart 2 of part C of title V of the Elementary and Secondary Education Act of 1965;

"(4) develop and implement the National School Dropout Prevention Strategy under section 5312 of the Elementary and Secondary Education Act of 1965;

"(5) annually prepare and submit to Congress and the Secretary a national report describing efforts and recommended actions regarding school dropout prevention and program completion;

"(6) recommend action to the Secretary and the President, as appropriate, regarding school dropout prevention and program completion; and

"(7) consult with and assist State and local governments regarding school dropout prevention and program completion.

"(c) Scope of Duties.—The scope of the Director's duties under subsection (b) shall include examination of all Federal and non-Federal efforts related to—

"(1) promoting program completion for children attending middle school or secondary school;

"(2) programs to obtain a secondary school diploma or its recognized equivalent (including general equivalency diploma (GED) programs), or college degree programs; and

"(3) reentry programs for individuals aged 12 to 24 who are out of school.

"(d) Detailing.—In carrying out the Director's duties under this section, the Director may request the head of any Federal department or agency to detail personnel who are engaged in school dropout prevention activities to another Federal department or agency in order to implement the National School Dropout Prevention Strategy.".

Subtitle B—State Responsibilities

SEC. ___21. STATE RESPONSIBILITIES.

Title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801 et seq.) is amended by adding at the end the following:

"PART I—DROPOUT PREVENTION

"SEC. 14851. DROPOUT PREVENTION.

"In order to receive any assistance under this Act, a State educational agency shall comply with the following provisions regarding school dropouts:

"(1) Uniform data collection.—Within 1 year after the date of enactment of the National Dropout Prevention Act of 1998, a State educational agency shall report to the Secretary and statewide, all school district and school data regarding school dropout rates in the State, and demographic breakdowns, according to procedures that conform with the National Center for Education Statistics' Common Core of Data.

"(2) Attendance-neutral funding policies.—Within 2 years after the date of enactment of the National Dropout Prevention Act of 1998, a State educational agency shall develop and implement education funding formula policies for public schools that provide appropriate incentives to retain students in school throughout the school year, such as—

"(A) a student count methodology that does not determine annual budgets based on attendance on a single day early in the academic year; and

"(B) specific incentives for retaining enrolled students throughout each year.

"(3) Suspension and expulsion policies.—Within 2 years after the date of enactment of the National Dropout Prevention Act of 1998, a State educational agency shall develop uniform, long-term suspension and expulsion policies for serious infractions resulting in more than 10 days of exclusion from school per academic year so that similar violations result in similar penalties.".

COVERDELL AMENDMENT NO. 2309

Mr. COVERDELL proposed an amendment to the bill, H.R. 2646, supra; as follows:

At the appropriate place, insert the following:

TITLE ___—READING EXCELLENCE

SEC. ___01. SHORT TITLE.

This title may be cited as the "Reading Excellence Act".

Subtitle A—Reading Grants

SEC. ___11. AMENDMENT TO ESEA FOR READING GRANTS.

Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(1) by redesignating part D as part E; and

(2) by inserting after part C the following:

"PART D—READING GRANTS

"SEC. 2351. PURPOSE.

"The purposes of this part are as follows:

"(1) To teach every child to read in their early childhood years—

"(A) as soon as they are ready to read; or

"(B) as soon as possible once they enter school, but not later than 3d grade.

"(2) To improve the reading skills of students, and the in-service instructional practices for teachers who teach reading, through the use of findings from reliable, replicable research on reading, including phonics.

"(3) To expand the number of high-quality family literacy programs.

"(4) To reduce the number of children who are inappropriately referred to special education due to reading difficulties.

"SEC. 2352. DEFINITIONS.

"For purposes of this part:

"(1) Eligible professional development provider.—The term 'eligible professional development provider' means a provider of professional development in reading instruction to teachers that is based on reliable, replicable research on reading.

"(2) Eligible research institution.—The term 'eligible research institution' means an institution of higher education at which reliable, replicable research on reading has been conducted.

"(3) Family literacy services.—The term 'family literacy services' means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family (such as eliminating or reducing welfare dependency) and that integrate all of the following activities:

"(A) Interactive literacy activities between parents and their children.

"(B) Equipping parents to partner with their children in learning.

"(C) Parent literacy training, including training that contributes to economic self-sufficiency.

"(D) Appropriate instruction for children of parents receiving parent literacy services.

"(4) Reading.—The term 'reading' means the process of comprehending the meaning of written text by depending on—

"(A) the ability to use phonics skills, that is, knowledge of letters and sounds, to decode printed words quickly and effortlessly, both silently and aloud;

"(B) the ability to use previously learned strategies for reading comprehension; and

"(C) the ability to think critically about the meaning, message, and aesthetic value of the text.

"(5) Reading readiness.—The term 'reading readiness' means activities that—

"(A) provide experience and opportunity for language development;

"(B) create appreciation of the written word;

"(C) develop an awareness of printed language, the alphabet, and phonemic awareness; and

"(D) develop an understanding that spoken and written language is made up of phonemes, syllables, and words.

"(6) Reliable, replicable research.—The term 'reliable, replicable research' means objective, valid, scientific studies that—

"(A) include rigorously defined samples of subjects that are sufficiently large and representative to support the general conclusions drawn;

"(B) rely on measurements that meet established standards of reliability and validity;

"(C) test competing theories, where multiple theories exist;

"(D) are subjected to peer review before their results are published; and

"(E) discover effective strategies for improving reading skills.

"SEC. 2353. GRANTS TO READING AND LITERACY PARTNERSHIPS.

"(a) Program Authorized.—The Secretary may make grants on a competitive basis to reading and literacy partnerships for the purpose of permitting such partnerships to make subgrants under sections 2354 and 2355.

"(b) Reading and Literacy Partnerships.—

"(1) Composition.—

"(A) Required participants.—In order to receive a grant under this section, a State shall establish a reading and literacy partnership consisting of at least the following participants:

"(i) The Governor of the State.

"(ii) The chief State school officer.

"(iii) The chairman and the ranking member of each committee of the State legislature that is responsible for education policy.

"(iv) A representative, selected jointly by the Governor and the chief State school officer, of at least 1 local educational agency that has at least 1 school that is identified for school improvement under section 1116(c) in the geographic area served by the agency.

"(v) A representative, selected jointly by the Governor and the chief State school officer, of a community-based organization working with children to improve their reading skills, particularly a community-based organization using volunteers.

"(B) Optional participants.—A reading and literacy partnership may include additional participants, who shall be selected jointly by the Governor and the chief State school officer, which may include—

"(i) State directors of appropriate Federal or State programs with a strong reading component;

"(ii) a parent of a public or private school student or a parent who educates their child or children in their home;

"(iii) a teacher who teaches reading; or

"(iv) a representative of (I) an institution of higher education operating a program of teacher preparation in the State; (II) a local educational agency; (III) an eligible research institution; (IV) a private nonprofit or for-profit eligible professional development provider providing instruction based on reliable, replicable research on reading; (V) a family literacy service provider; (VI) an adult education provider; (VII) a volunteer organization that is involved in reading programs; or (VIII) a school or a public library that offers reading or literacy programs for children or families.

"(2) Agreement.—The contractual agreement that establishes a reading and literacy partnership—

"(A) shall specify—

"(i) the nature and extent of the association among the participants referred to in paragraph (1); and

"(ii) the roles and duties of each such participant; and

"(B) shall remain in effect during the entire grant period proposed in the partnership's grant application under subsection (e).

"(3) Functions.—Each reading and literacy partnership for a State shall prepare and submit an application under subsection (e) and, if the partnership receives a grant under this section—

"(A) shall solicit applications for, and award, subgrants under sections 2354 and 2355;

"(B) shall oversee the performance of the subgrants and submit performance reports in accordance with subsection (h);

"(C) if sufficient grant funds are available under this part—

"(i) work to enhance the capacity of agencies in the State to disseminate reliable, replicable research on reading to schools, classrooms, and providers of early education and child care;

"(ii) facilitate the provision of technical assistance to subgrantees under sections 2354 and 2355 by providing the subgrantees information about technical assistance providers; and

"(iii) build on, and promote coordination among, literacy programs in the State, in order to increase their effectiveness and to avoid duplication of their efforts; and

"(D) shall ensure that each local educational agency to which the partnership makes a subgrant under section 2354 makes available, upon request and in an understandable and uniform format, to any parent of a student attending any school selected under section 2354(a)(2) in the geographic area served by the agency, information regarding the qualifications of the student's classroom teacher to provide instruction in reading.

"(4) Fiscal agent.—The State educational agency shall act as the fiscal agent for the reading and literacy partnership for the purposes of receipt of funds from the Secretary, disbursement of funds to subgrantees under sections 2354 and 2355, and accounting for such funds.

"(c) Preexisting Partnership.—If, before the date of the enactment of the Reading Excellence Act, a State established a consortium, partnership, or any other similar body, that includes the Governor and the chief State school officer and has, as a central part of its mission, the promotion of literacy for children in their early childhood years through the 3d grade, but that does not satisfy the requirements of subsection (b)(1), the State may elect to treat that consortium, partnership, or body as the reading and literacy partnership for the State notwithstanding such subsection, and the consortium, partnership, or body shall be considered a reading and literacy partnership for purposes of the other provisions of this part.

"(d) Multi-State Partnership Arrangements.—A reading and literacy partnership that satisfies the requirements of subsection (b) may join with other such partnerships in other States to develop a single application that satisfies the requirements of subsection (e) and identifies which State educational agency, from among the States joining, shall act as the fiscal agent for the multi-State arrangement. For purposes of the other provisions of this part, any such multi-State arrangement shall be considered to be a reading and literacy partnership.

"(e) Applications.—A reading and literacy partnership that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and including such information as the Secretary may require. The application—

"(1) shall describe how the partnership will ensure that 95 percent of the grant funds are used to make subgrants under sections 2354 and 2355;

"(2) shall be integrated, to the maximum extent possible, with State plans and programs under this Act, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and, to the extent appropriate, the Adult Education Act (20 U.S.C. 1201 et seq.);

"(3) shall describe how the partnership will ensure that professional development funds available at the State and local levels are used effectively to improve instructional practices for reading and are based on reliable, replicable research on reading;

"(4) shall describe—

"(A) the contractual agreement that establishes the partnership, including at least the elements of the agreement referred to in subsection (b)(2);

"(B) how the partnership will assess, on a regular basis, the extent to which the activities undertaken by the partnership and the partnership's subgrantees under this part have been effective in achieving the purposes of this part;

"(C) what evaluation instruments the partnership will use to determine the success of local educational agencies to whom subgrants under sections 2354 and 2355 are made in achieving the purposes of this part;

"(D) how subgrants made by the partnership under such sections will meet the requirements of this part, including how the partnership will ensure that subgrantees will use practices based on reliable, replicable research on reading; and

"(E) how the partnership will, to the extent practicable, make grants to subgrantees in both rural and urban areas;

"(5) shall include an assurance that each local educational agency to whom the partnership makes a subgrant under section 2354—

"(A) will carry out family literacy programs based on the Even Start family literacy model authorized under part B of title I to enable parents to be their child's first and most important teacher, and will make payments for the receipt of technical assistance for the development of such programs;

"(B) will carry out programs to assist those kindergarten students who are not ready for the transition to 1st grade, particularly students experiencing difficulty with reading skills;

"(C) will use supervised individuals (including tutors), who have been appropriately trained using reliable, replicable research on reading, to provide additional support, before school, after school, on weekends, during non-instructional periods of the school day, or during the summer, for students in grades 1 through 3 who are experiencing difficulty reading; and

"(D) will carry out professional development for the classroom teacher and other appropriate teaching staff on the teaching of reading based on reliable, replicable research on reading; and

"(6) shall describe how the partnership—

"(A) will ensure that a portion of the grant funds that the partnership receives in each fiscal year will be used to make subgrants under section 2355; and

"(B) will make local educational agencies described in section 2355(a)(1) aware of the availability of such subgrants.

"(f) Peer Review Panel.—

"(1) Composition of peer review panel.—

"(A) In general.—The National Institute for Literacy, in consultation with the National Research Council of the National Academy of Sciences, the National Institute of Child Health and Human Development, and the Secretary, shall convene a panel to evaluate applications under this section. At a minimum the panel shall include representatives of the National Institute for Literacy, the National Research Council of the National Academy of Sciences, the National Institute of Child Health and Human Development, and the Secretary.

"(B) Experts.—The panel shall include experts who are competent, by virtue of their training, expertise, or experience, to evaluate applications under this section, and experts who provide professional development to teachers of reading to children and adults, based on reliable, replicable research on reading.

"(C) Limitation.—Not more than ⅓ of the panel may be composed of individuals who are employees of the Federal Government.

"(2) Payment of fees and expenses of certain members.—The Secretary shall use funds reserved under section 2260(b)(2) to pay the expenses and fees of panel members who are not employees of the Federal Government.

"(3) Duties of panel.—

"(A) Model application forms.—The peer review panel shall develop a model application form for reading and literacy partnerships desiring to apply for a grant under this section. The peer review panel shall submit the model application form to the Secretary for final approval.

"(B) Selection of applications.—

"(i) Recommendations of panel.—

"(I) In general.—The Secretary shall receive grant applications from reading and literacy partnerships under this section and shall provide the applications to the peer review panel for evaluation. With respect to each application, the peer review panel shall initially recommend the application for funding or for disapproval.

"(II) Priority.—In recommending applications to the Secretary, the panel shall give priority to applications from States that have modified, are modifying, or provide an assurance that not later than 1 year after receiving a grant under this section the State will modify, State teacher certification in the area of reading to reflect reliable, replicable research, except that nothing in this part shall be construed to establish a national system of teacher certification.

"(III) Ranking of applications.—With respect to each application recommended for funding, the panel shall assign the application a rank, relative to other recommended applications, based on the priority described in subclause (II), the extent to which the application furthers the purposes of this part, and the overall quality of the application.

"(IV) RECOMMENDATION OF AMOUNT.—With respect to each application recommended for funding, the panel shall make a recommendation to the Secretary with respect to the amount of the grant that should be made.

"(ii) SECRETARIAL SELECTION.—

"(I) IN GENERAL.—Subject to clause (iii), the Secretary shall determine, based on the peer review panel's recommendations, which applications from reading and literacy partnerships shall receive funding and the amounts of such grants. In determining grant amounts, the Secretary shall take into account the total amount of funds available for all grants under this section and the types of activities proposed to be carried out by the partnership.

"(II) EFFECT OF RANKING BY PANEL.—In making grants under this section, the Secretary shall select applications according to the ranking of the applications by the peer review panel, except in cases where the Secretary determines, for good cause, that a variation from that order is appropriate.

"(iii) MINIMUM GRANT AMOUNTS.—Each reading and literacy partnership selected to receive a grant under this section shall receive an amount for each fiscal year that is not less than $100,000.

"(g) LIMITATION ON ADMINISTRATIVE EXPENSES.—A reading and literacy partnership that receives a grant under this section may use not more than 3 percent of the grant funds for administrative costs.

"(h) REPORTING.—

"(1) IN GENERAL.—A reading and literacy partnership that receives a grant under this section shall submit performance reports to the Secretary pursuant to a schedule to be determined by the Secretary, but not more frequently than annually. Such reports shall include—

"(A) the results of use of the evaluation instruments referred to in subsection (e)(4)(C);

"(B) the process used to select subgrantees;

"(C) a description of the subgrantees receiving funds under this part; and

"(D) with respect to subgrants under section 2354, the model or models of reading instruction, based on reliable, replicable research on reading, selected by subgrantees.

"(2) PROVISION TO PEER REVIEW PANEL.—The Secretary shall provide the reports submitted under paragraph (1) to the peer review panel convened under subsection (f). The panel shall use such reports in recommending applications for funding under this section.

"SEC. 2354. LOCAL READING IMPROVEMENT SUBGRANTS.

"(a) IN GENERAL.—

"(1) SUBGRANTS.—A reading and literacy partnership that receives a grant under section 2353 shall make subgrants, on a competitive basis, to local educational agencies that have at least 1 school that is identified for school improvement under section 1116(c) in the geographic area served by the agency.

"(2) ROLE OF LOCAL EDUCATIONAL AGENCIES.—A local educational agency that receives a subgrant under this section shall use the subgrant in a manner consistent with this section to advance reform of reading instruction in any school selected by the agency that—

"(A) is identified for school improvement under section 1116(c) at the time the agency receives the subgrant; and

"(B) has a contractual association with 1 or more community-based organizations that have established a record of effectiveness with respect to reading readiness, reading instruction for children in kindergarten through 3d grade, and early childhood literacy.

"(b) GRANT PERIOD.—A subgrant under this section shall be for a period of 3 years and may not be revoked or terminated on the ground that a school ceases, during the grant period, to be identified for school improvement under section 1116(c).

"(c) APPLICATIONS.—A local educational agency that desires to receive a subgrant under this section shall submit an application to the reading and literacy partnership at such time, in such manner, and including such information as the partnership may require. The application—

"(1) shall describe how the local educational agency will work with schools selected by the agency under subsection (a)(2) to select 1 or more models of reading instruction, developed using reliable, replicable research on reading, as a model for implementing and improving reading instruction by all teachers and for all children in each of the schools selected by the agency under such subsection and, where appropriate, their parents;

"(2) shall select 1 or more models described in paragraph (1), for the purpose described in such paragraph, and shall describe each such selected model;

"(3) shall demonstrate that a person responsible for the development of each such model, or a person with experience or expertise about such model and its implementation, has agreed to work with the applicant in connection with such implementation and improvement efforts;

"(4) shall describe—

"(A) how the applicant will ensure that funds available under this part, and funds available for reading for grades kindergarten through grade 6 from other appropriate sources, are effectively coordinated and, where appropriate, integrated, with funds under this Act in order to improve existing activities in the areas of reading instruction, professional development, program improvement, parental involvement, technical assistance, and other activities that can help meet the purposes of this part; and

"(B) the amount of funds available for reading for grades kindergarten through grade 6 from appropriate sources other than this part, including title I (except that such description shall not be required to include funds made available under part B of title I unless the applicant has established a contractual association in accordance with subsection (d)(2) with an eligible entity under such part B), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and any other law providing Federal financial assistance for professional development for teachers of such grades who teach reading, which will be used to help achieve the purposes of this part;

"(5) shall describe the amount and nature of funds from any other public or private sources, including funds received under this Act and the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), that will be combined with funds received under the subgrant;

"(6) shall include an assurance that the applicant—

"(A) will carry out family literacy programs based on the Even Start family literacy model authorized under part B of title I to enable parents to be their child's first and most important teacher, will make payments for the receipt of technical assistance for the development of such programs;

"(B) will carry out programs to assist those kindergarten students who are not ready for the transition to 1st grade, particularly students experiencing difficulty with reading skills;

"(C) will use supervised individuals (including tutors), who have been appropriately trained using reliable, replicable research on reading, to provide additional support, before school, after school, on weekends, during non-instructional periods of the school day, or during the summer, for students in grades 1 through 3 who are experiencing difficulty reading; and

"(D) will carry out professional development for the classroom teacher and other teaching staff on the teaching of reading based on reliable, replicable research on reading;

"(7) shall describe how the local educational agency provides instruction in reading to children who have not been determined to be a child with a disability (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)), pursuant to section 614(b)(5) of such Act (20 U.S.C. 1414(a)(5)), because of a lack of instruction in reading; and

"(8) shall indicate the amount of the subgrant funds (if any) that the applicant will use to carry out the duties described in section 2355(b)(2).

"(d) PRIORITY.—In approving applications under this section, a reading and literacy partnership shall give priority to an application submitted by an applicant who demonstrates that the applicant has established—

"(1) a contractual association with 1 or more Head Start programs under the Head Start Act (42 U.S.C. 9801 et seq.) under which—

"(A) the Head Start program agrees to select the same model or models of reading instruction, as a model for implementing and improving the reading readiness of children participating in the program, as was selected by the applicant; and

"(B) the applicant agrees—

"(i) to share with the Head Start program an appropriate amount of the applicant's information resources with respect to the model, such as curricula materials; and

"(ii) to train personnel from the Head Start program;

"(2) a contractual association with 1 or more State- or federally-funded preschool programs, or family literacy programs, under which—

"(A) the program agrees to select the same model or models of reading instruction, as a model for implementing and improving reading instruction in the program's activities, as was selected by the applicant; and

"(B) the applicant agrees to train personnel from the program who work with children and parents in schools selected under subsection (a)(2); or

"(3) a contractual association with 1 or more public libraries providing reading or literacy services to preschool children, or preschool children and their families, under which—

"(A) the library agrees to select the same model or models of reading instruction, as a model for implementing and improving reading instruction in the library's reading or literacy programs, as was selected by the applicant; and

"(B) the applicant agrees to train personnel, including volunteers, from such programs who work with preschool children, or preschool children and their families, in schools selected under subsection (a)(2).

"(e) USE OF FUNDS.—

"(1) IN GENERAL.—Subject to paragraph (2), an applicant who receives a subgrant under this section may use the subgrant funds to carry out activities that are authorized by this part and described in the subgrant application, including the following:

"(A) Making reasonable payments for technical and other assistance to a person responsible for the development of a model of reading instruction, or a person with experience or expertise about such model and its implementation, who has agreed to work with the recipient in connection with the implementation of the model.

"(B) Carrying out a contractual agreement described in subsection (d).

"(C) Professional development (including training of volunteers), purchase of curricular and other supporting materials, and technical assistance.

"(D) Providing, on a voluntary basis, training to parents of children enrolled in a school selected under subsection (a)(2) on how to help their children with school work, particularly in the development of reading skills. Such training may be provided directly by the subgrant recipient, or through a grant or contract with another person. Such training shall be consistent with reading reforms taking place in the school setting.

"(E) Carrying out family literacy programs based on the Even Start family literacy model authorized under part B of title I to enable parents to be their child's first and most important teacher, and making payments for the receipt of technical assistance for the development of such programs.

"(F) Providing instruction for parents of children enrolled in a school selected under subsection (a)(2), and others who volunteer to be reading tutors for such children, in the instructional practices based on reliable, replicable research on reading used by the applicant.

"(G) Programs to assist those kindergarten students enrolled in a school selected under subsection (a)(2) who are not ready for the transition to 1st grade, particularly students experiencing difficulty with reading skills.

"(H) Providing, for students who are enrolled in grades 1 through 3 in a school selected under subsection (a)(2) and are experiencing difficulty reading, additional support before school, after school, on weekends, during non-instructional periods of the school day, or during the summer, using supervised individuals (including tutors) who have been appropriately trained using reliable, replicable research on reading.

"(I) Carrying out the duties described in section 2355(b)(2) for children enrolled in a school selected under subsection (a)(2).

"(J) Providing reading assistance to children who have not been determined to be a child with a disability (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)), pursuant to section 614(b)(5) of such Act (20 U.S.C. 1414(b)(5)), because of a lack of instruction in reading.

"(2) LIMITATION ON ADMINISTRATIVE EXPENSES.—A recipient of a subgrant under this section may use not more than 3 percent of the subgrant funds for administrative costs.

"(f) TRAINING NONRECIPIENTS.—A recipient of a subgrant under this section may train, on a fee-for-service basis, personnel who are from schools, or local educational agencies, that are not receiving such a subgrant in the instructional practices based on reliable, replicable research on reading used by the recipient. Such a non-recipient school may use funds received under title I, and other appropriate Federal funds used for reading instruction, to pay for such training, to the extent consistent with the law under which such funds were received.

"SEC. 2355. TUTORIAL ASSISTANCE SUBGRANTS.

"(a) IN GENERAL.—

"(1) SUBGRANTS.—A reading and literacy partnership that receives a grant under section 2353 shall make subgrants on a competitive basis to—

"(A) local educational agencies that have at least 1 school in the geographic area served by the agency that—

"(i) is located in an area designated as an empowerment zone under part I of subchapter U of chapter 1 of the Internal Revenue Code of 1986; or

"(ii) is located in an area designated as an enterprise community under part I of subchapter U of chapter 1 of the Internal Revenue Code of 1986; or

"(B) in the case of local educational agencies that do not have any such empowerment zone or enterprise community in the State in which the agency is located, local educational agencies that have at least 1 school that is identified for school improvement under section 1116(c) in the geographic area served by the agency.

"(2) APPLICATIONS.—A local educational agency that desires to receive a subgrant under this section shall submit an application to the reading and literacy partnership at such time, in such manner, and including such information as the partnership may require. The application shall include an assurance that the agency will use the subgrant funds to carry out the duties described in subsection (b) for children enrolled in 1 or more schools selected by the agency and described in paragraph (1).

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—A local educational agency that receives a subgrant under this section shall carry out, using the funds provided under the subgrant, each of the duties described in paragraph (2).

"(2) DUTIES.—The duties described in this paragraph are the provision of tutorial assistance in reading to children who have difficulty reading, using instructional practices based on the principles of reliable, replicable research, through the following:

"(A) The promulgation of a set of objective criteria, pertaining to the ability of a tutorial assistance provider successfully to provide tutorial assistance in reading, that will be used to determine in a uniform manner, at the beginning of each school year, the eligibility of tutorial assistance providers, subject to the succeeding subparagraphs of this paragraph, to be included on the list described in subparagraph (B) (and thereby be eligible to enter into a contract pursuant to subparagraph (F)).

"(B) The promulgation, maintenance, and approval of a list of tutorial assistance providers eligible to enter into a contract pursuant to subparagraph (F) who—

"(i) have established a record of effectiveness with respect to reading readiness, reading instruction for children in kindergarten through 3d grade, and early childhood literacy;

"(ii) are located in a geographic area convenient to the school or schools attended by the children who will be receiving tutorial assistance from the providers; and

"(iii) are capable of providing tutoring in reading to children who have difficulty reading, using instructional practices based on the principles of reliable, replicable research and consistent with the instructional methods used by the school the child attends.

"(C) The development of procedures (i) for the receipt of applications for tutorial assistance, from parents who are seeking such assistance for their child or children, that select a tutorial assistance provider from the list described in subparagraph (B) with whom the child or children will enroll, for tutoring in reading; and (ii) for considering children for tutorial assistance who are identified under subparagraph (D) and for whom no application has been submitted, provided that such procedures are in accordance with this paragraph and give such parents the right to select a tutorial assistance provider from the list referred to in subparagraph (B), and shall permit a local educational agency to recommend a tutorial assistance provider from the list under subparagraph (B) in a case where a parent asks for assistance in the making of such selection.

"(D) The development of a selection process for providing tutorial assistance in accordance with this paragraph that limits the provision of assistance to children identified, by the school the child attends, as having difficulty reading, including difficulty mastering essential phonic, decoding, or vocabulary skills. In the case of a child included in the selection process for whom no application has been submitted by a parent of the child, the child's eligibility for receipt of tutorial assistance shall be determined under the same procedures, timeframe, and criteria for consideration as is used to determine the eligibility of a child whose parent has submitted such an application. Such local educational agency shall apply the provisions of subparagraphs (F) and (G) to a tutorial assistance provider selected for a child whose parent has not submitted an application pursuant to subparagraph (C)(i) in the same manner as the provisions are applied to a provider selected in an application submitted pursuant to subparagraph (C)(i).

"(E) The development of procedures for selecting children to receive tutorial assistance, to be used in cases where insufficient funds are available to provide assistance with respect to all children identified by a school under subparagraph (D) that—

"(i) gives priority to children who are determined, through State or local reading assessments, to be most in need of tutorial assistance; and

"(ii) gives priority, in cases where children are determined, through State or local reading assessments, to be equally in need of tutorial assistance, based on a random selection principle.

"(F) The development of a methodology by which payments are made directly to tutorial assistance providers who are identified and selected pursuant to subparagraphs (C), (D), and (E). Such methodology shall include the making of a contract, consistent with State and local law, between the tutorial assistance provider and the local educational agency carrying out this paragraph. Such contract—

"(i) shall contain specific goals and timetables with respect to the performance of the tutorial assistance provider;

"(ii) shall require the tutorial assistance provider to report to the parent and the local educational agency on the provider's performance in meeting such goals and timetables; and

"(iii) shall contain provisions with respect to the making of payments to the tutorial assistance provider by the local educational agency.

"(G) The development of procedures under which the local educational agency carrying out this paragraph—

"(i) will ensure oversight of the quality and effectiveness of the tutorial assistance provided by each tutorial assistance provider that is selected for funding;

"(ii) will remove from the list under subparagraph (B) ineffective and unsuccessful providers (as determined by the local educational agency based upon the performance of the provider with respect to the goals and timetables contained in the contract between the agency and the provider under subparagraph (F));

"(iii) will provide to each parent of a child identified under subparagraph (D) who requests such information for the purpose of selecting a tutorial assistance provider for the child, in a comprehensible format, information with respect to the quality and effectiveness of the tutorial assistance referred to in clause (i); and

"(iv) will ensure that each school identifying a child under subparagraph (D) will provide upon request, to a parent of the child, assistance in selecting, from among the tutorial assistance providers who are included on the list described in subparagraph (B), the provider who is best able to meet the needs of the child.

"(c) DEFINITION.—For the purpose of this section the term 'parent' includes a legal guardian.

"SEC. 2356. PROGRAM EVALUATION.

"(a) IN GENERAL.—From funds reserved under section 2260(b)(1), the Secretary shall conduct a national assessment of the programs under this part. In developing the criteria for the assessment, the Secretary shall receive recommendations from the peer review panel convened under section 2353(f).

"(b) SUBMISSION TO PEER REVIEW PANEL.—The Secretary shall submit the findings from the assessment under subsection (a) to the peer review panel convened under section 2353(f).

"SEC. 2357. INFORMATION DISSEMINATION.

"(a) IN GENERAL.—From funds reserved under section 2260(b)(2), the National Institute for Literacy shall disseminate information on reliable, replicable research on reading and information on subgrantee projects under section 2354 or 2355 that have proven effective. At a minimum, the institute shall disseminate such information to all recipients of Federal financial assistance under titles I and VII, the Head Start Act (42 U.S.C. 9801 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and the Adult Education Act (20 U.S.C. 1201 et seq.).

"(b) COORDINATION.—In carrying out this section, the National Institute for Literacy—

"(1) shall use, to the extent practicable, information networks developed and maintained through other public and private persons, including the Secretary, the National Center for Family Literacy, and the Readline Program;

"(2) shall work in conjunction with any panel convened by the National Institute of Child Health and Human Development and the Secretary, and any panel convened by the Office of Educational Research and Improvement to assess the current status of research-based knowledge on reading development, including the effectiveness of various approaches to teaching children to read, with respect to determining the criteria by which the National Institute for Literacy judges reliable, replicable research and the design of strategies to disseminate such information; and

"(3) shall assist any reading and literacy partnership selected to receive a grant under section 2353, and that requests such assistance—

"(A) in determining whether applications for subgrants submitted to the partnership meet the requirements of this part relating to reliable, replicable research on reading; and

"(B) in the development of subgrant application forms.

"SEC. 2358. STATE EVALUATIONS.

"(a) IN GENERAL.—Each reading and literacy partnership that receives a grant under this part shall reserve not more than 2 percent of such grant funds for the purpose of evaluating the success of the partnership's subgrantees in meeting the purposes of this part. At a minimum, the evaluation shall measure the extent to which students who are the intended beneficiaries of the subgrants made by the partnership have improved their reading.

"(b) CONTRACT.—A reading and literacy partnership shall carry out the evaluation under this section by entering into a contract with an eligible research institution under which the institution will perform the evaluation.

"(c) SUBMISSION.—A reading and literacy partnership shall submit the findings from the evaluation under this section to the Secretary and the peer review panel convened under section 2353(f). The Secretary and the peer review panel shall submit a summary of the findings from the evaluations under this subsection to the appropriate committees of the Congress, including the Education and the Workforce Committee of the House of Representatives.

"SEC. 2359. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

"Each reading and literacy partnership that receives funds under this part shall provide for, or ensure that subgrantees provide for, the participation of children in private schools in the activities and services assisted under this part in the same manner as the children participate in activities and services pursuant to sections 2353, 2354, 2355, and 2356.

"SEC. 2260. AUTHORIZATION OF APPROPRIATIONS; RESERVATIONS FROM APPROPRIATIONS; APPLICABILITY; SUNSET.

"(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this part $210,000,000 for fiscal years 1999, 2000, and 2001.

"(b) RESERVATIONS.—From the amount appropriated under subsection (a) for each fiscal year, the Secretary—

"(1) shall reserve 1.5 percent to carry out section 2356(a);

"(2) shall reserve $5,075,000 to carry out sections 2353(f)(2) and 2357, of which $5,000,000 shall be reserved for section 2357; and

"(3) shall reserve $10,000,000 to carry out section 1202(c).

"(c) APPLICABILITY.—Part E shall not apply to this part.

"(d) SUNSET.—Notwithstanding section 422(a) of the General Education Provisions Act (20 U.S.C. 1226a(a)), this part is repealed, effective September 30, 2001, and is not subject to extension under such section.".

Subtitle B—Amendments to Even Start Family Literacy Programs

SEC. 21. RESERVATION FOR GRANTS.

Section 1202(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(c)) is amended to read as follows:

"(c) RESERVATION FOR GRANTS.—

"(1) GRANTS AUTHORIZED.—From funds reserved under section 2260(b)(3), the Secretary shall award grants, on a competitive basis, to States to enable such States to plan and implement statewide family literacy initiatives to coordinate and integrate existing Federal, State, and local literacy resources consistent with the purposes of this part. Such coordination and integration shall include coordination and integration of funds available under the Adult Education Act (20 U.S.C. 1201 et seq.), Head Start (42 U.S.C. 9801 et seq.), this part, part A of this title, and part A of title IV of the Social Security Act.

"(2) CONSORTIA.—

"(A) ESTABLISHMENT.—To receive a grant under this subsection, a State shall establish a consortium of State-level programs under the following laws:

"(i) This title.

"(ii) The Head Start Act.

"(iii) The Adult Education Act.

"(iv) All other State-funded preschool programs and programs providing literacy services to adults.

"(B) PLAN.—To receive a grant under this subsection, the consortium established by a State shall create a plan to use a portion of the State's resources, derived from the programs referred to in subparagraph (A), to strengthen and expand family literacy services in such State.

"(C) COORDINATION WITH TITLE II.—The consortium shall coordinate its activities with the activities of the reading and literacy partnership for the State established under section 2353, if the State receives a grant under such section.

"(3) READING INSTRUCTION.—Statewide family literacy initiatives implemented under this subsection shall base reading instruction on reliable, replicable research on reading (as such terms are defined in section 2352).

"(4) TECHNICAL ASSISTANCE.—The Secretary shall provide, directly or through a grant or contract with an organization with experience in the development and operation of successful family literacy services, technical assistance to States receiving a grant under this subsection.

"(5) MATCHING REQUIREMENT.—The Secretary shall not make a grant to a State under this subsection unless the State agrees that, with respect to the costs to be incurred by the eligible consortium in carrying out the activities for which the grant was awarded, the State will make available non-Federal contributions in an amount equal to not less than the Federal funds provided under the grant.".

SEC. 22. DEFINITIONS.

Section 1202(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(e)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) the term 'family literacy services' means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family (such as eliminating or reducing welfare dependency) and that integrate all of the following activities:

"(A) Interactive literacy activities between parents and their children.

"(B) Equipping parents to partner with their children in learning.

"(C) Parent literacy training, including training that contributes to economic self-sufficiency.

"(D) Appropriate instruction for children of parents receiving parent literacy services.".

SEC. 23. EVALUATION.

Section 1209 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6369) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) to provide States and eligible entities receiving a subgrant under this part, directly or through a grant or contract with an organization with experience in the development and operation of successful family literacy services, technical assistance to ensure local evaluations undertaken under section 1205(10) provide accurate information on the effectiveness of programs assisted under this part.".

SEC. 24. INDICATORS OF PROGRAM QUALITY.

(a) IN GENERAL.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

(1) by redesignating section 1210 as section 1212; and

(2) by inserting after section 1209 the following:

"SEC. 1210. INDICATORS OF PROGRAM QUALITY.

"Each State receiving funds under this part shall develop, based on the best available research and evaluation data, indicators of program quality for programs assisted under this part. Such indicators shall be used to monitor, evaluate, and improve such programs within the State. Such indicators shall include the following:

"(1) With respect to eligible participants in a program who are adults—

"(A) achievement in the areas of reading, writing, English language acquisition, problem solving, and numeracy;

"(B) receipt of a secondary school diploma or its recognized equivalent;

"(C) entry into a postsecondary school, a job retraining program, or employment or career advancement, including the military; and

"(D) such other indicators as the State may develop.

"(2) With respect to eligible participants in a program who are children—

"(A) improvement in ability to read on grade level or reading readiness;

"(B) school attendance;

"(C) grade retention and promotion; and

"(D) such other indicators as the State may develop.".

(b) STATE LEVEL ACTIVITIES.—Section 1203(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6363(a)) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) carrying out section 1210.".

(c) AWARD OF SUBGRANTS.—Paragraphs (3) and (4) of section 1208(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368) are amended to read as follows:

"(3) CONTINUING ELIGIBILITY.—In awarding subgrant funds to continue a program under this part for the second, third, or fourth year, the State educational agency shall evaluate the program based on the indicators of program quality developed by the State under section 1210. Such evaluation shall take place after the conclusion of the startup period, if any.

"(4) INSUFFICIENT PROGRESS.—The State educational agency may refuse to award subgrant funds if such agency finds that the eligible entity has not sufficiently improved the performance of the program, as evaluated based on the indicators of program quality developed by the State under section 1210, after—

"(A) providing technical assistance to the eligible entity; and

"(B) affording the eligible entity notice and an opportunity for a hearing.".

SEC. 25. RESEARCH.

The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as amended by section 524 of this Act, is further amended by inserting after section 1210 the following:

"SEC. 1211. RESEARCH.

"(a) IN GENERAL.—The Secretary shall carry out, through grant or contract, research into the components of successful family literacy services. The purpose of the research shall be—

"(1) to improve the quality of existing programs assisted under this part or other family literacy programs carried out under this Act or the Adult Education Act (20 U.S.C. 1201 et seq.); and

"(2) to develop models for new programs to be carried out under this Act or the Adult Education Act.

"(b) DISSEMINATION.—The National Institute for Literacy shall disseminate, pursuant to section 2357, the results of the research described in subsection (a) to States and recipients of subgrants under this part.".

NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on Thursday, April 23, 1998 at 9:00 a.m. in SR-328A. The purpose of this meeting will be to examine fraud and abuse in the federal food stamp program.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, April 23, 1998 at 9:00 a.m. in SR-328A. The purpose of this meeting will be to examine fraud and abuse in the federal food stamp program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. COVERDELL. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, April 23, 1998 beginning at 10:00 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM AND GOVERNMENT INFORMATION

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate Judiciary Subcommittee on Technology, Terrorism and Government Information, Committee on the Judiciary and the Senate Select Committee on Intelligence be authorized to meet for a joint hearing during the session of the Senate on Thursday, April 23, 1998 at 2:30 p.m. in room 226 of the Senate Dirksen Office Building to hold a joint hearing on: "Chemical and Biological Weapons Threats to America: Are We Prepared?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an Executive Business Meeting during the session of the Senate on Thursday, April 23, 1998, at 10:00 a.m., in room 226 of the Senate Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources, Subcommittee on Public Health and Safety, and House Committee on Commerce, Subcommittee on Health and Environment be authorized to meet for a hearing on Increasing Bone Marrow Donation and Transplantation during the session of the Senate on Thursday, April 23, 1998, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, April 23, 1998, at 2:00 p.m. to hold a joint open hearing with the Senate Judiciary Subcommittee on Technology, Terrorism, and Government Information.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Aviation Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, April 23, 1998, at 2:00 p.m. on Aviation Competition: DOT Competition Guidelines.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY, AND NUCLEAR SAFETY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety be granted permission to conduct a hearing on the proposed Clean Air Act regional haze regulations Thursday, April 23, 9:00 a.m., Hearing Room (SD-406).

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. COVERDELL. Mr. President, I ask unanimous consent on behalf of the

Permanent Subcommittee on Investigations of the Governmental Affairs Committee to meet on Thursday, April 23, 1998, at 9:30 a.m. for a hearing on the topic of "The Exploding Problem of Telephone Slamming in America."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, April 23, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:30 p.m. The purpose of this hearing is to receive testimony on S. 1253, the Public Land Management Act of 1997.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO THE JCRC HOLOCAUST MEMORIAL CEREMONY

• Mr. SANTORUM. Mr. President, the Jewish Community Relations Council (JCRC) hosted the annual Holocaust Memorial Ceremony starting on April 19 in remembrance of the six million Jews who died in the Holocaust. The theme for this year's ceremony is "A People Survives: From the Gates of Hell to the Gates of Jerusalem." This memorial service draws over 3,000 people every year to honor the stoicism and faith of all people who were unjustly massacred by the Nazis. The Holocaust Memorial Ceremony is one of the most profound events in the Jewish Community.

The JCRC was established in 1938 and works to promote issues of Jewish communal concern and is driven by Jewish values of humanitarianism, respect for others, and the sanctity of human life. To this day the JCRC has worked to create a society in which there is equal opportunity for all, freedom of thought, opinion, religion and constructive, amicable relationships between people of all races and creeds. They pledge to do all this while maintaining the integrity and character of the Jewish faith.

In 1980 Congress established the United States Holocaust Memorial Council and mandated it to lead the nation in civic commemorations of the victims of the Holocaust (called Days of Remembrance), to sponsor the national annual civic commemoration and to encourage appropriate Remembrance observances throughout the country. This year Yom Hashoah was April 23. The Days of Remembrance of the victims of the Holocaust are being observed from Sunday, April 19 through Sunday, April 26.

Before there was a United States Holocaust Memorial Museum, Days of Remembrance was established and carried out, not only in the Rotunda of the United States Capitol, but all across the nation. This annual, national commemoration program is the United States Holocaust Memorial Council's longest-running program and is essential to the Council's Congressional mandate.

We have now reached the time at which many of the Holocaust survivors are passing on. It is imperative that all of humanity maintain respect for and never forget the tremendous suffering of the Jewish community. It is true that this event is a wholly Jewish experience, and yet, the entire world still reels from its impact. It is the responsibility of the people of the United States and the world to ensure that the memory of the Holocaust lives on.

Mr. President, I ask my colleagues to give their blessings to the Holocaust Memorial Ceremony and to praise the efforts of the JCRC in maintaining awareness of the Holocaust.•

AIR SERVICE RESTORATION ACT

• Mr. DORGAN. Mr. President, yesterday I and some of my colleagues on the Senate Committee on Commerce, Science, and Transportation introduced the Air Service Restoration Act designed to help revive air service to those parts of the country that have suffered under deregulation. The revitalization of air service for small communities is of absolute importance to the economic and social well-being for these communities. While this legislation is no panacea, it will hopefully provide some tools to help small communities address the air service deficit that has hit them since deregulation.

Some rural states, such as North Dakota, have not enjoyed the benefits of competition and deregulation that other regions of the country have experienced. In fact, the federal policy of deregulation has led to less service, higher fares, and less competition for my state and other rural areas. Unfortunately, the air service problems facing rural America have gone ignored for too long and we now have an air service crisis, in my judgment. This crisis needs immediate attention and the Air Service Restoration Act is a modest attempt to address this, the chronic air service deficit facing many small communities.

This legislation is based on three principles.

First, it acknowledges that since deregulation some communities have indeed suffered and there is a need for a federal role to address this small community air service deficit. It seems to me that we need to move beyond the broader debate over whether or not deregulation has been a good or a bad thing. It has been good for some and bad for others—creating an unacceptable circumstance of air service "have" and "have nots." This legislation does not seek broad-sweeping policy changes that will dramatically alter federal aviation policy. Rather, the Air Service Restoration Act attempts to target some modest resources and policy objectives to address the problem areas, i.e., the "have nots." This legislation will not threaten deregulation. Rather, it is an attempt to save it by addressing the casualties of a policy that has left some parts of the country behind. It is time that we develop "air service development zones" and allow all regions of the nation to participate in a national air transportation system. This legislation does that by identifying the problem areas and creating opportunities to attract new air service.

The second principle of this legislation is based on the notion that the initiative and locus of solving air service problems for small communities must begin at the local level. There is no federal "silver bullet" and those communities that seek to improve or restore air service must roll up their sleeves and develop sustainable public-private partnerships that will make air service economically sustainable. This legislation is a market-based solution to improving air service for small communities. The only way small communities are going to succeed in attracting new air service is that local officials and business leaders will have to get together and identify ways to make it economically viable for carriers to add service.

Finally, this legislation is based on the notion that there is clearly a need for a federal role. The U.S. Department of Transportation needs to play an active role by providing a means for small communities to access the resources and in making the regulatory changes necessary to allow new service to flourish. Under this legislation, a new office would be created within the U.S. Department of Transportation whose sole function would be to work with local communities and provide assistance to help them achieve their goals of improving air service by providing financial assistance to local communities and addressing regulatory hurdles that inhibit air service to small communities.

Hopefully, this legislation will help reverse the air service deficit in this country. Since 1978, more communities have lost service than the number of communities that have been added to the air service map of the United States. Over 30 small communities have lost all air service since 1978 and many more have had jet service replaced with turboprop commuter service.

Service decline is not the only disturbing trend plaguing small community air service. Consolidation is having its toll as well. As the airline industry continues its steady trend of consolidation, the major network carriers are pulling out of rural areas. Out of a total of 320 small communities that had scheduled air service in 1978, 213 of those were served by a major carrier. In 1994, only 33 of those small communities had service from major carriers. Prior to deregulation, North Dakota was served by 6 major carriers and every major market in North Dakota had 3 or 4 major carriers in each market, each providing jet service. Today, North Dakota has only 1 major carrier that provides jet service.

The number of small communities receiving multiple-carrier service decreased from 136 in 1978 to 122 in 1995. Also, the number of small communities receiving service to only one major hub increased from 79 in 1978 to 134 in 1994.

In 1938, when the Federal Government began to regulate air transportation services, there were 16 carriers who accounted for all the total traffic in the U.S. domestic market. By 1978 (the year Congress passed deregulation legislation) the same 16 carriers (reduced to 11 through mergers) still accounted for 94% of the total traffic.

Today, those same 11 carriers (now reduced to 6 through mergers and bankruptcies) account for 80% of the total traffic.

One expert estimated in 1992 that since deregulation, over 120 new airlines appeared. However, more than 200 have gone bankrupt or been acquired in mergers and today, only 74 remain—most small and struggling.

Between 1979 and 1988, there were 51 airline mergers and acquisitions—20 of those were approved by the Department of Transportation after 1985, when it assumed all jurisdiction over merger and acquisition requests. In fact, DOT approved every airline merger submitted to it after it assumed jurisdiction over mergers from the Civil Aeronautics Board in 1984. Fifteen independent airlines operating at the beginning of 1986 had been merged into six mega carriers by the end of 1987. And, these six carriers increased their market share from 71.3% in 1978 to 80.5% in 1990.

These mega carriers have created competition free zones, securing dominate market shares at regional hubs. Since deregulation, all major airlines have created hub-and-spoke systems where they funnel arrivals and departures through hub airports where they dominate traffic. Today, all but 3 hubs are dominated by a single airline where the carrier has between 60 and 90 percent of all the arrivals, departures, and passengers at the hub.

In a report by the General Accounting Office entitled "Airline Deregulation: Barriers to Entry Continue to Limit Competition in Several Key Domestic Markets," [GAO/RCED-97-4], operating limitations and marketing practices of large, dominate carriers restrict entry and competition to an extent not anticipated by Congress when it deregulated the airline industry. The GAO identified a number of entry barriers and anti-competitive practices which are stifling competition and contributing to higher fares. The GAO issued a similar report in 1990 and the 1996 report said that not only has the situation not improved for new entrants, but things have gotten worse.

The fact is that deregulation has lead to greater concentration and stifling competition. The legislative history of the Civil Aeronautics Act of 1938 shows that Congress was as deeply concerned about destructive competition as it was with the monopolization of air transportation services. Thus, the CAA sought to ensure that a competitive economic environment existed. As we can see, deregulation is realizing the fears anticipated by the Congress in 1938. Competition has not become the general rule. Rather, competition is the exception in an unregulated market controlled largely by regional monopolies.

It has been demonstrated that hub concentration has translated into higher fares and rural communities that are dependent upon concentrated hubs have seen higher fares. Studies from DOT and the GAO have demonstrated that in the 15 out of 18 hubs in which a single carrier controls more than 50% of the traffic, passengers are paying more than the industry norm. The GAO studied 1988 fares at 15 concentrated airports and compared those with fares at 38 competitive hub airports. The GAO found that fares at the concentrated hubs were 27% higher.

The difference between regulation and deregulation is not a change from monopoly control to free market competition. Today, nearly two-thirds of our nation's city-pairs are unregulated monopolies where a monopoly carrier can charge whatever they wish in 2 out of 3 city-pairs in the domestic market.

A January 1991 GAO Report on Fares and Concentration at Small-City Airports found that passengers flying from small-city airports on average paid 34 percent more when they flew to a major airport dominated by one or two airlines than when they flew to a major airport that was not concentrated. The report also found that when both the small airport and the major hub were concentrated, fares were 42 percent higher than if there was competition at both ends.

A July 1993 GAO Report on Airline Competition concluded that airline passengers generally pay higher fares at 14 concentrated airports than at airports with more competition. The report found that fares at concentrated airports were about 22 percent higher than fares at 35 less concentrated airports. The same report found that the number of destinations served directly by only one airline rose 56 percent to 64 percent from 1985 to 1992, while the number of destinations served by 3 or more airlines fell from 19% to 11% during that same period. This report confirmed similar conclusions reached in previous GAO studies conducted in 1989 and 1990.

The fact is that deregulation, while paving the road to concentration and consolidation, has allowed regional monopolies to control prices in noncompetitive markets. While the entrance of low cost carriers has introduced competition in dense markets, the main difference between today and pre-deregulation is that the monopolies are unregulated.

Deregulation has been both a tremendous success in some aspects and a colossal failure in some circumstances. It's time we started addressing the problems rather than just praising the successes. For hundreds of small communities, it has meant less service, higher fares, and fewer options.

Air transportation in North Dakota is just as important as air service in New York and Denver. It is not in our national interest to allow vast regions of our country to become geographically isolated. That would be not only tragic for our rural communities, but bad for the Nation.

I hope my colleagues will support this legislation and that the Senate Commerce Committee expeditiously acts on it this year.•

CELEBRATING THE 125TH ANNIVERSARY OF COORS BREWING COMPANY

• Mr. ALLARD. Mr. President, I rise today to pay tribute to a great American company, one that will be celebrating its 125th Anniversary next month. The success of Coors Brewing Company is a great American story. When Adolph Coors arrived in this country in 1868, he did not speak English, but he did know how to brew a great beer.

From 1873 until today, Coors has made its reputation on the lasting values of its founder. The American values tradition, commitment, quality, and innovation have long been a part of this history. Holding steadfast to these values has helped Coors grow from a tiny local brewery in Golden, Colorado into a world-class competitor producing more than 20 million barrels of beer each year. Today, Coors' familiar products are sold not only across the United States, but in 45 foreign countries as well.

Through the years, Coors has been at the forefront of responsible community involvement, and today it is recognized as a leader in corporate citizenship. That is why Business Ethics magazine recently placed Coors in the top ten of its "The 100 Best Corporate Citizens." Coors also has been cited numerous times for its outstanding record in attracting, hiring, and promoting minority Americans. It is what you would expect, given Coors' record of investing hundreds of millions of dollars in economic development and other programs designed to strengthen Hispanic and African-American communities.

When you do business in Colorado, respect for the environment is, of course, a must. Coors is a leader in this area as well. Coors launched the aluminum recycling revolution back in 1959 when it began offering a penny for every returned can. Since 1990, the Coors Pure Water 2000 program has provided more than $2.5 million to support more than 700 environmental programs across the nation.

One of its most noteworthy accomplishments has been in developing and promoting effective programs to discourage abuse of its products. Coors has a record of encouraging responsible consumption of its products by adults—and only adults. Over the years, millions of dollars have been devoted to community-based education and prevention programs. Coors' "21 means 21" message has been one of the elements responsible for the steady decline in underage drinking and drunk driving that we in the United States have been fortunate to see in the recent years.

Coors has set the standard for responsible advertising, and has led the industry with policies to ensure that its ads encourage moderation, and are directed only to those over the age of 21.

We all know of the controversies that can befall consumer products of all kinds during the highly politicized times in which we live today. But the record amassed by Coors over the past 125 years is reassuring. It is good to know there are still people and companies dedicated to doing the right thing.

Today, I ask my colleagues to join me in a toast to the thousands of Coors employees in Colorado, Tennessee, Virginia, and at Coors distributorships in every state of the nation: Congratulations on a job well done!•

HONORING BRIGADIER GENERAL WALLER ON HIS RETIREMENT

• Mr. REED. Mr. President, I rise to honor Brigadier General Joseph N. Waller on the occasion of his retirement from the Rhode Island Air National Guard.

For the past thirty-one years, General Waller has dedicated himself to the citizens of our country and the Ocean state. He was first assigned to the 143rd Special Operations Squadron in July 1967 as a troop carrier pilot. The next year he was assigned as a tactical airlift pilot, a duty he performed for the next twenty-three years. During this time, he also served as a flight leader and instructor pilot. General Waller is a command pilot who has logged 4,500 flying hours.

General Waller is noted not only for his piloting skills, but also for his leadership. In 1981, he was selected as commander of the 143rd Tactical Airlift Squadron. In December 1987, he was reassigned to Headquarters, Rhode Island National Guard and named Deputy Chief of Staff. Three years later he became Chief of Staff. The very next year he was elevated to the position of Assistant Adjutant General, the position he holds today.

General Waller chairs the Eastern Region of the Air National Guard Long Range Planning Process and serves as the Air National Guard Assistant of Strategic Planning to the US Air Force Long Range Planning Office. He is well suited to these positions because during his thirty years in the Rhode Island National Guard, General Waller has witnessed and provided leadership through immense change. When General Waller first joined the Guard in the 1960s, the United States was immersed in turmoil both at home and abroad. The goals and role of the military in the states and overseas were confused and conflicted. During the next decade, the United States moved to an all volunteer force, fundamentally changing the nature of the Guard. Then in the 1980s, military goals and perspectives shifted again during an enormous buildup which peaked in 1985 with a record budget of $300 billion.

Now, once again, the Guard is adjusting to new era of reduced force structure, budget constraints, and base closures. Members of the Guard no longer train one weekend a month and two weeks each summer. Instead, they participate 110–120 days a year and work side-by-side with their active duty colleagues on missions in countries around the world. General Waller has been through it all and has never wavered from the core values of the Guard: integrity first, service before self, and excellence in all that is done.

General Waller is clearly an outstanding soldier. His military awards and decorations include the Legion of Merit; Meritorious Service Medal with two bronze oak leaf clusters; Air Force Commendation Medal; Air Force Achievement Medal; Outstanding Unit Award; Combat Readiness medal with three bronze oak leaf clusters; National Defense Service Medal with one star; Air Force Longevity Service Award Ribbon with one silver and three bronze oak leaf clusters; Armed Forces Reserve medal with gold hourglass; Small Arms Expert Markmanship Ribbon; Air Force Training Ribbon; Rhode Island Star with one oak leaf cluster; Rhode Island Defense Medal; and Rhode Island National Guard Service Medal with eagle and "V" device.

General Waller is also an outstanding citizen. He is the devoted husband of Carol, the loving father of Wendy, Jay and Jill and the proud grandfather of three boys. Throughout the years he has also given to his community as a Boy Scout Master and a Sunday school teacher.

General Waller rose from the enlisted ranks and has occupied and succeeded at virtually every level of command. He inspired and empowered those around him. He cares deeply for the Guard and the people in it. We are honored by the legacy he leaves behind and aspire to ensure that General Waller is always proud of the Guard in the future.•

DAY OF REMEMBRANCE

• Mr. JEFFORDS. Mr. President, I rise today, April 23, as the United States Congress joins hands with the United States Holocaust Memorial Museum and conducts a Day of Remembrance ceremony in the Rotunda of the Capitol. This ceremony, and those in each of the 50 State capitols and in some 200 cities and towns throughout the nation, honors the memory of those 11 plus million Holocaust victims and the millions more who survived but found their pre-WWII lives in shambles and in all too many cases, irretrievable.

This year's ceremony pays special tribute to the children, those innocent victims of the war and the Nazis' persecution. That they survived is remarkable. In some instances, they bear the physical markings of their plight. Others carry their wounds in their hearts and heads.

That this great nation mandates a Day of Remembrance ceremony is an indication of its commitment to historical memory. But an equally important part of our effort to learn from the past is the presence of the United States Holocaust Memorial Museum. Its mission is to advance Holocaust memory, education and scholarship. This week marks its 5th anniversary.

Five years ago, no one would have predicted the reaction of the United States to the opening of the Holocaust Museum. Estimates of visitation, even those most rosy, were low by a factor of more than two. Expecting 750,000 visitors under the highest estimate, the museum welcomed over 2 million in its first year and every year since. Just drive by the Holocaust Museum any morning and see the line stretching around the building.

While I reflect on the Holocaust Museum, I feel it appropriate to mention the work of a distinguished Vermonter, Professor Raul Hilberg. Professor Hilberg spent many years educating students at the University of Vermont about the Holocaust, but few people know how instrumental he was in furthering Holocaust related research as a real serious enterprise. It wasn't until Raul Hilberg began his study of this important subject that historians began to take it seriously, and his research preceded the concept of the Holocaust Memorial Museum. Professor Hilberg was instrumental in furthering the Museum's research programs and many feel that he serves as a father figure to the institution.

Americans care about the past and want the world they leave to their children to be a better and safer place. They have learned well the lessons from the fall of German democracy and the rise of Nazism. They look around the world today and see acts of genocide and crimes against humanity and rightly worry about our future.

They come to the Holocaust Museum because it informs and educates. It makes disregarding the past and even contemporary acts of genocide and crimes against humanity more difficult.

We as a nation benefit greatly from this institution which stands as a testament to the horrors of the past and guards against a reoccurrence in the future.•

NEBRASKA CULTURAL PRESERVATION ENDOWMENT

• Mr. KERREY. Mr. President, I would like to talk about an exceptional, innovative effort in Nebraska; the creation of a $5 million Nebraska Cultural Preservation Endowment. Last week the Nebraska Legislature approved, and Governor Nelson signed legislation to make Nebraska the first state in the nation to establish a combined funding source for arts and humanities programs.

I am very hopeful that this pioneer endeavor will safeguard Nebraska's cultural programs from the uncertainty of federal funding and private donations. And I have high hopes that this permanent state resource will provide the Nebraska Arts Council and Nebraska Humanities Council the flexible, broad-based kind of support that they need to do the best job possible. Moreover, the foresight, diligence and creativity of those who conceived of this venture will undoubtedly ensure that future generations of Nebraskans will benefit from a vibrant cultural life, historical tourism and economic development which this public-private partnership will foster.

At this time, I would like to applaud the efforts of those who made this Endowment possible. Governor Ben Nelson, State Senator LaVon Crosby, of Lincoln, Jennifer Severin Clark of the Nebraska Arts Council and Jane Hood of the Nebraska Humanities Council are all to be highly commended. Thank you for your leadership, commitment and courage in this endeavor and congratulations on a job very well done.•

150TH ANNIVERSARY OF THE WOMEN'S RIGHTS MOVEMENT

• Mr. ABRAHAM. Mr. President, I rise today to recognize the 150th Anniversary of the Women's Rights Movement of the United States. This courageous movement which began in 1848 in Seneca Falls, New York at the first Women's Rights Convention ever held, changed the nation irrevocably. The Women's Rights Movement had a profound impact on women and all Americans. It opened up many new doors and increased opportunities for women in all fields. The work to achieve equality for women that began in 1848, has continued over the course of seven generations. It is for this reason that this significant movement in American history should be increasingly recognized by our nation's citizens, especially our children.

The significance of this year cannot be stressed enough. This 150th Anniversary, under the national theme: "Living the Legacy: Women's Rights Movement 1948–1998" should be widely recognized and celebrated throughout the year and into the future.•

TRIBUTE TO BETSY STEVENS OF THE CAPE COD CHAPTER OF THE RED CROSS

• Mr. KENNEDY. Mr. President, it is a privilege to take this opportunity to pay tribute to Betsy Stevens, who recently retired as Disaster Chairman for the Cape Cod Chapter of the American Red Cross.

Betsy Stevens has served with great distinction in this position for the past six years. One of her most impressive achievements was hosting the recent Eastern Disaster Conference. Over 200 Red Cross disaster volunteers from the Eastern United States attended this conference hosted by the Cape Cod Chapter.

In her capacity as Chairman, Mrs. Stevens did an excellent job organizing and training volunteers to provide services to the victims of disasters. During her tenure, Red Cross volunteers responded to disasters such as the Oklahoma City bombing, the hurricane in Guam, and the paralyzing ice storm in Maine.

On Cape Cod, Betsy Stevens was renowned for her availability to deal with sudden crises at all hours. She responded to fires and airplane crashes, and manned shelters during severe storms. She was skillful in recruiting shop owners to donate goods and services. She found emergency housing for victims and served countless holiday dinners. She deserves great credit for the exceptional readiness and high quality of the Red Cross volunteers of the Cape Cod Chapter. Her leadership will be greatly missed, but she has the gratitude of all of us for the job she did so well. •

GIRL SCOUTS OF THE U.S.A. GOLD AWARD

• Mr. INHOFE. Mr. President, today I would like to salute several outstanding young women who have earned the Girl Scouts of the U.S.A. Gold Award. All are members of the Red Lands Council of Girl Scouts in Oklahoma City, OK.

These outstanding young women will be honored on April 30, 1998, for earning the highest achievement award in Girl Scouting. The Girl Scout Gold Award symbolizes the outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The Girl Scout Award can be earned by girls ages 14–17 or in grades 9–12.

Girl Scouts of the U.S.A., an organization serving over 2.5 million girls, has awarded more than 25,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must fulfill five requirements: earn four interest project patches, earn the Career Exploration pin, earn the Senior Girl Scout Challenge, and design and implement a Girl Scout Gold Award Project. A plan for fulfilling the requirements of the award is created by the Senior Girl Scout and carried out through close cooperation between the girl and an adult Girl Scout volunteer.

The names and projects of the young women receiving the Girl Scout Gold Award are as follows:

Mary Foster put up a fence, cleaned up and fixed headstones in her community cemetery.

Laura Hubbard made a camp song book and set up a workshop to teach children and adults.

Taneya Hamlin made a take-home booklet for children to learn about nature. She achieved this by designing and drawing an activity/coloring book for young visitors to Martin Park Nature Center.

Rebecca Shappie provided a method to raise money for scholarships for kids to go to camp.

Christina Hammond, Carrie Heaton, and Sara Brannan, designed an Erosion Control Project at Lake Keystone which will benefit present and future generations.

Patricia Bardick designed a program called "Babies, Bears and Books."

Jennifer Hall designed a program called "Boredom Buster and Beauty Bags" for the Baptist Children's Home.

Parthenia Harding, Erica Hill, Nina Holman, Jamila Jones and Rachel Landry-Gators set up and taught a basic American Red Cross course at an elementary school.

Michelle Lambertus created "Huggable Gingerbread," a puppet show for children in the hospital.

Joelle Parrot and Jamie Smith organized and staffed a community blood drive.

The earning of the Girl Scout Gold Award is a major accomplishment for these young women, and I believe they should receive the public recognition due them for this significant service to their community and their country.•

CONGRATULATIONS TO C. VIVIAN STRINGER AND THE SCARLET KNIGHTS

• Mr. LAUTENBERG. Mr. President, I rise today to congratulate the Rutgers University women's basketball coach, C. Vivian Stringer, and her team for their excellent success this past season when the Scarlet Knights made it to the NCAA Tournament.

Even though Rutgers didn't make it to the NCAA Final Four, losing to the Tennessee Lady Volunteers 92–60, Vivian and the talented young women whom she has recruited and cultivated are champions to all New Jerseyans.

Vivian began her career building the fledgling women's basketball program at Cheyney State in Pennsylvania, bringing the team to the NCAA Championship game in 1982. She moved on to Iowa State, where for nine consecutive seasons she brought her team to the NCAA Tournament. And then she landed at Rutgers.

As one most respected head coaches in women's basketball history, Vivian has been named National Coach of the Year three times by her peers, as well as getting Coach of the Year awards from Sports Illustrated, USA Today, Naismith and the Black Coaches Association.

So Vivian's success at Rutgers, however remarkable, is not unexpected. Before this year, the Scarlet Knights had not been to the NCAA Tournament since 1994. A recent news article in Newark, New Jersey's Star-Ledger describes the reasons behind Vivian's thriving tenure best, I think. It said that Vivian, now in her third season: "pumped Rutgers with fresh talent and a distaste for mediocrity, a combination that has triggered the Scarlet Knights' rise and surge through the NCAA Tournament."

Vivian has worked hard to recruit gifted women, instill discipline in practice and competition, and most importantly, inspire self-confidence among the players. The women attracted to the Rutger's basketball program all excelled in their high school years and have a strong desire to contribute to the game at a college level. The number of awards that the players on the team have received individually is part of an impressive collection, with honors such as Parade all-American, Rookies of the Year, Gatorade Player of the Year, and Sports Illustrated "Faces in the Crowd."

Again, I congratulate Vivian on her hard work and the ambitious young women who play for her. I wish them continued success.•

TRIBUTE TO MR. WALTER M. HAUK, JR.

• Mr. SANTORUM. Mr. President, the Knights of Columbus recently honored Mr. Walter Hauk, Jr. for his contributions as the State Advocate over the past two years. I rise today to recognize Mr. Hauk and to discuss some of his outstanding contributions to his community.

A resident of Plymouth Township, Pennsylvania, Walter has taken a very active role in local affairs. Over the past 25 years, Walter has been a cornerstone of the Knights of Columbus. In fact, he has held all of the top offices in the organization. In addition, he has served as member of the Conshohocken Zoning Board, assisted in the Conshohocken Soap Box Derby, and served as a Scout Master. Furthermore, I would note that he earned a degree in accounting by attending evening classes at St. Joseph's University.

By all accounts, Walter is a dedicated husband and father. He and his wife, Carol, were blessed with four children—two sons and two daughters. They are also proud grandparents.

Mr. President, Walter has dedicated his life to his family and his community. I ask my colleagues to join me in extending the Senate's best wishes for continued success to Mr. Hauk and his family. •

DONOR AWARENESS WEEK, APRIL 19–25

• Mr. ABRAHAM. Mr. President, I rise today to proclaim this week, April 19–25, 1998 as "Donor Awareness Week." Organ and tissue donation is a very important issue. There is a critical need to bring this issue to the forefront. Nationally, nine out of ten individuals die while waiting for a lifesaving transplant. Awareness should be promoted at national and local levels.

I would also like to take this opportunity to recognize some individuals who work very hard to raise organ and transplant awareness. The volunteers at the Lakeshore Transplant Support Group in Muskegon, Michigan work on a daily basis to do so. I commend their dedication on behalf of this issue. Hopefully, more people will follow in their example and work to raise awareness of the importance of organ and tissue donation.•

MEASURE READ FOR THE FIRST TIME—S. 1981

Mr. GRASSLEY. Mr. President, I understand that S. 1981, which was introduced earlier today by Senator HUTCHINSON, is at the desk. I now ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

> A bill (S. 1981) to preserve the balance of rights between employers, employees, and labor organizations, which is fundamental to our system of collective bargaining while preserving the rights of workers to organize, or otherwise engage in concerted activities protected under the National Labor Relations Act.

Mr. GRASSLEY. Mr. President, I now ask for its second reading, and I object to my own request on behalf of Members on the other side of the aisle.

The PRESIDING OFFICER. The bill will be read the second time on the next legislative day.

MAKING A TECHNICAL CORRECTION TO S. RES. 414

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 215, submitted earlier today by Senator HUTCHISON.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:.

> A resolution (S. Res. 215) directing the Secretary of the Senate to request the House of Representatives to return the official papers on S. 414, and to make a technical correction in the Act as passed by the Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 215) was agreed to, as follows:

S. RES. 215

> *Resolved*, That the Secretary of the Senate is directed to request the House of Representatives to return to the Senate the official papers on S. 414, entitled "An Act to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States exports, and for other purposes".
>
> SEC. 2. Upon the return of the official papers from the House of Representatives, the Secretary of the Senate is directed to make the following change in the text of the bill, viz:
>
> In the amendment of section 8(f) of the Shipping Act of 1984 by section 106(e) of the bill, insert a comma and "including limitations of liability for cargo loss or damage," after "practices".

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and upon the recommendation of the Democratic Leader, pursuant to the provisions of S. Res. 208 of the 105th Congress, appoints the following Senators to the Special Committee on the Year 2000 Technology Problem: The Senator from Connecticut (Mr. DODD), Vice Chairman, The Senator from New York (Mr. MOYNIHAN), and The Senator from New Mexico (Mr. BINGAMAN).

ORDERS FOR FRIDAY, APRIL 24, 1998

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Friday, April 24. I further ask that on Friday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then begin consideration of the conference report to accompany H.R. 1757, the State Department reorganization bill, under the consent agreement of March 31, 1998.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT ON H.R. 1757

Mr. GRASSLEY. Mr. President, for the information of all Senators, the Senate will begin debate tomorrow on the State Department reorganization conference report under a 6-hour time agreement.

Mr. President, I ask unanimous consent that the vote on the adoption of the conference report now occur at 2:25 p.m. on Tuesday, April 28, with the previously ordered 10 minutes to commence at 2:15 Tuesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GRASSLEY. Mr. President, as previously ordered, the vote on the conference report will now occur on Tuesday at 2:25 p.m. I announce to the membership that the vote scheduled for Monday, April 27, at 5:30 p.m. now be postponed until 6 p.m. on Monday, and will be on an executive matter to be determined on Friday, April 24, by the majority leader after consultation with the Democratic leader. Also, under the previous order, when the Senate reconvenes on Monday and following morning business, the Senate will proceed to executive session to consider the NATO treaty. It is hoped that there will be good debate on the treaty and that Members who wish to offer amendments will come to the floor to do so. Therefore, there will be no rollcall votes during Friday's session, and the next rollcall vote will occur on Monday, April 27, at 6 p.m.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. GRASSLEY. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:27 p.m., adjourned until Friday, April 24, 1998, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 23, 1998:

ENVIRONMENTAL PROTECTION AGENCY

NIKKI RUSH TINSLEY, OF MARYLAND, TO BE INSPECTOR GENERAL, ENVIRONMENTAL PROTECTION AGENCY, VICE JOHN C. MARTIN, RESIGNED.

THE JUDICIARY

ROBERT A. FREEDBERG, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA VICE THOMAS N. O'NEILL, JR., RETIRED.

DAVID R. HERNDON, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF ILLINOIS VICE WILLIAM L. BEATTY, RETIRED.

EXTENSIONS OF REMARKS

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. KIND. Mr. Speaker, the announcement by the House leadership to allow an open and honest debate on campaign finance reform has been cheered by editorials and reform activists throughout the country. I, however, am withholding my enthusiasm. We have been given false promises before and I will not celebrate until we actually take part in a truly open debate on this issue on the House floor.

I am not yet convinced that our goal of passing meaningful reform will happen given the history of the Republican leadership in the House and the Senate on this issue. In spite of the support of a majority of the members of the Senate, reform was defeated by procedural maneuvers. In the House a majority of the members have been advocating for a year and a half in support of campaign reform, yet we haven't gotten a vote. I hope that the leadership has finally seen that the public wants Congress to do something about big money in politics.

Mr. Speaker I will continue my effort to keep this issue at the forefront until I am assured that an open honest debate will happen on campaign finance reform. The people of western Wisconsin will accept nothing less.

HONORING FILIPINA S. MACAHILIG

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. FARR of California. Mr. Speaker, I rise to note the passing of a woman whose loving care for her family and community spanned half the world, for over half a century.

Filipina S. Macahilig began life in Manila, graduating from the University of the Philippines before working as a nurse through World War II. The children at the schools on Panay Island were comforted by her tender and competent care.

At war's end, Ms. Macahilig moved to the United States, first to San Francisco and then to the Monterey Peninsula, where she continued to care for the ill and infirm. She and her beloved husband Edel raised her large family: four sons, Rene, Felicisimo, Requiro and Edilberto, and four daughters, Alice, Bernadette, Suzanne and Teresita, all of whom graduated with highest honors and became outstanding members of their communities. Her warmth extended outwards into the community through her service as a longtime member and officer of the Filipino Community Organization of the Monterey Peninsula. She replenished her spirit at the Carmel Mission Basilica where she was a faithful parishioner. She cared for her fourteen grandchildren and five great-grandchildren with her own special kind of gentle compassion, providing a model of humanity that they will carry with them always.

Her death at the age of 87 was a loss, but her generous spirit will continue to warm and nurture the community through the memories she has left with us.

RECOGNIZING GEORGE DICKINSON

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. POSHARD. Mr. Speaker, I would like to take a moment to recognize the achievements and services of my constituent, George Dickinson of Flora, Illinois, who serves as Scoutmaster for Boy Scout Troop 282. He has volunteered for the Boy Scouts of America for fifty years and has remained committed to this organization and his community.

George has demonstrated excellent service to his troops by teaching them how to survive in the wilderness and respect others. Over the past fifty years, he has taken his troops on a variety of trips to help them understand the great outdoors even better, including a trek to the Philmont Boy Scout Ranch in New Mexico, canoeing the boundary waters of Minnesota, and hiking the Appalachian trail through Georgia. It is refreshing to know we can rely on role models such as George to mentor our youth.

George has received numerous awards from the local and national Boy Scout councils, including the Silver Beaver Award, the District Award of Merit and the Veteran Scouter Award. He is dedicated to his Troop and dedicated to the service of the Boy Scouts.

George is not only an exemplary role model for the Boy Scouts of Troop 282, but also for the state of Illinois and it is with the greatest honor that I can represent George in this body. Mr. Speaker, please join me in recognizing George Dickinson for his milestone fifty years of service to the Boy Scouts and the Flora community.

UKRAINE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, in August 1991, the people of Ukraine courageously and proudly proclaimed independence from the Soviet Union, and immediately faced the dual challenges of restructuring both a centralized economy and authoritarian political system. Unlike the often erratic progression of other post-Soviet nations, Ukraine has moved cautiously and steadily toward a free-market economy and multi-party democracy. Just last month, Ukraine successfully held its first national Parliamentary elections under a new democratic Constitution and recently passed federal election law. Nearly seventy percent of the citizenry turned out to cast a ballot in this monumental election.

Any transition of this magnitude, however, will naturally encounter both progress, as well as setbacks. Ukraine, as Europe's second-largest nation with 51 million citizens, has faced particular challenges in transforming a misguided and convoluted Soviet economic system into a transparent and viable economy, open and appealing to eager foreign investors. Many American investors have faced significant obstacles and complications attempting to operate in this difficult environment.

The fiscal year 1998 Foreign Operations Appropriations bill, signed into law by President Clinton last year, requires U.S. Secretary of State Madeline Albright to "certify no later than April 30, 1998 that the government of Ukraine has made significant progress toward resolving complaints by U.S. investors." Without such certification, the U.S. shall, under law, withhold fifty percent of the fiscal year 1998 foreign assistance funding to Ukraine, not including funds used for nuclear safety purposes. Given our country's vital long-term strategic interest in Ukraine, however, it is my hope that investor complaints have been sufficiently resolved to warrant Secretary Albright's certification on April 30.

American and Ukrainian officials alike have stated that the development and improvement of Ukraine's business climate is crucial for Ukraine's continued path toward a true, market-oriented economy. While America should commend the reform efforts attained by Ukraine in 1997, which have resulted in the lowest rate of inflation since independence, the stabilization of Ukraine's monetary unit, and the continued privatization of state-owned enterprises, it is equally important for Ukraine to achieve deregulation in product licensing and to pursue further restructuring of its energy and agricultural sectors. It is my hope that Ukraine can achieve these additional, much-needed reforms through the assistance of continued U.S. engagement.

Acknowledging America's role in Ukraine's continued economic development, former ambassador to Ukraine William Green Miller recently stated, "the United States has the capacity to continue the levels of support it has given in the past, and in fact, should look to increase those levels in order to ensure a successful outcome." The Ukrainian government has indicated that without increased foreign investment, many structural reforms already in place would be difficult to maintain. For this

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

reason, the Ukrainian government recently formed the Special Task Force on Corporate Governance and Shareholder Rights. The purpose of this task force is to enhance the investment climate in Ukraine and improve its competitiveness in the international marketplace.

The existence of informal and unofficial economies remains a frequent complaint among businesses attempting to operate in Ukraine. Such malfeasance can most properly be attributed to Ukraine's years under Soviet rule, where such practice was commonplace, and does not reflect the overall will or potential of the nation. Rather than turning our backs on a promising democracy because it retains unfortunate remnants of a failed, oppressive political doctrine, it is my belief that we should instead continue to engage this aspiring, recovering independent nation and encourage the constructive reform Ukraine has already initiated.

Rebuking Ukraine for its greatest challenges, rather than assisting her with them, is counterproductive and could send the signal to other nations that America has lost confidence in Ukraine's ability to further reform its system. Such an outcome could defeat years of progress in this important democracy, and weaken the beneficial relationship between our two nations. It is essential that the United States continues to work toward ensuring an economically viable Ukraine which is critical to continued peace and stability in the region.

WORKERS MEMORIAL DAY: ORGANIZING AWARD

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. FILNER. Mr. Speaker, I rise today to recognize the United Domestic Workers of America/AFSCME, AFL–CIO, as they are honored by the San Diego-Imperial Counties Labor Council, AFL–CIO for their contributions to the labor movement and to the community as a whole.

The UDW Organizing Committee is being recognized by the Labor Council with its "Organizing Award" for their historic organizing drive in which they made over 10,000 house visits and signed up 3,200 home care workers in a record 3½ months last summer.

These home care workers, who provide domestic and personal care services to the elderly and disabled, earn minimum wage with no benefits. While they give their service in caring for the sick and infirm, they have no sick leave, no health insurance, and no retirement. Even though their work is controlled by the county and paid by the state, they are not recognized as permanent employees. They are called independent providers and have no employee rights.

To correct this situation, the new members of UDW have set up organizing committees in San Diego's five supervisorial districts, prioritized their demands for improving their jobs, trained 30 new delegates for the UDW State Convention, and initiated a membership service program to include emergency assistance, legal consultations, life and medical insurance, and representation at benefit appeal hearings. UDW is also working on legislation and local initiatives to establish legal recognition and collective bargaining rights for independent providers.

Having completed these successful accomplishments, UDW is now in the second phase of its campaign to organize the remaining 6,000 independent providers.

As a friend and supporter of UDW for many years, I want to sincerely congratulate the UDW Organizing Committee and its members on receiving this significant award from the San Diego-Imperial Counties Labor Council for your many long hours and labor-intensive work in the cause of justice!

HONORING BLISSFIELD'S NATIONAL HEROES

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. SMITH of Michigan. Mr. Speaker, I rise to pay special tribute to four of my constituents who have demonstrated the true meaning of community service. So many people talk about the need to get involved and pitch in when they see a problem, but in my district is blessed to have four young people who put those words into action.

This week, the Make A Difference Day committee, organized by USA Weekend, named the group of Christi Stoker, Natalie Eisenmann, Amanda Nicolai, and Stephanie Powell among ten recipients of a national award from the Make A Difference Day Foundation.

These girls offered some helping hands to a homeless shelter in Toledo, not too far from their hometown of Blissfield, Michigan. The girls, who are 13, organized a coalition of community members to donate books, games, wallpaper, and other materials to make this shelter more of a home for the kids and their parents who sought refuge there. They ended up collecting more than $800 in contributions for the shelter.

And, these special young people didn't stop there. They helped a young girl at the shelter and her mother find a place to live. The girls still stay in touch with the family to whom they gave this precious gift.

Mr. Speaker, we are a nation that turns famous people into heroes—TV and movie stars and our national journalists. But to me, America's true heroes are those who devote time and energy in their communities to give or offer assistance and compassion to those who need it.

Few people who have performed that task better than Christi Stoker, Natalie Eisenmann, Amanda Nicolai, and Stephanie Powell.

HONORING ARTHUR MITTELDORF

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. FARR of California. Mr. Speaker, I rise today to honor Arthur Mitteldorf, a devoted conservationist and warm friend and respected member of the community.

Mr. Mitteldorf's contributions cannot be measured. Throughout the years, he freely gave of his time and knowledge to environmental advisory committees. He wrote persuasive articles and commentaries on topics such as air quality, hazardous materials, and the consequences of building dams. His presence will be sorely missed by members of the Ventana Chapter of the Sierra Club, where he put words to the views of many.

Early in life, his aesthetic sense found expression in music. While obtaining a degree in chemistry from Brooklyn College, Arthur played the cello in orchestras and chamber ensembles. His life as a cello player was set aside to become a businessman, and he rose to become president and chief executive of Spex Industries, Inc. in Edison, New Jersey. Later in life he returned to his music as a member of the Chamber Music Society of the Monterey Peninsula and of the Carmel Music Society.

Arthur Mitteldorf and his wife Harriet undertook a project that was two years in the doing. Together they searched Carmel Valley for a stand of redwoods that would epitomize the beauty of the area. In 1990, having found a majestic tract, they donated 1,100 acres of redwood dotted canyons and hills to the Big Sur Land Trust. It is now known as the Mitteldorf Preserve. The Preserve not only provides a refuge for flora and fauna, but has become the centerpiece of the Land Trust public outreach, multiplying the Mitteldorf's contribution by setting an example to others to join them in their love for the land.

Arthur Mitteldorf's generosity, his staunch defense of the environment, and his commitment to his community will be sorely missed by all who knew him. Our hearts go out to his family. We can take solace in the knowledge that his contributions will enrich generations into the future.

RECOGNIZING HELEN DILLARD

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. POSHARD. Mr. Speaker, I would like to take a moment to recognize the accomplishments of my constituent, Mrs. Helen Dillard of Eldorado, Illinois. She is celebrating her fiftieth year serving the people of Illinois as a laboratory technologist, and I want to commend her on reaching this exceptional milestone.

As co-chair of the House Rural Health Care Coalition, I am pleased to see that my constituents are helping to truly make a difference in the medical community. For twenty years, Helen worked at the Farrell Hospital, and for twelve years she served the Hardin County General Hospital. She then went on to Pearce Hospital, and is currently working at the Harrisburg Medical Center, where she has impressed her co-workers with her diligence, skill and personality.

In addition, Helen is a model citizen in her hometown community. She participates in a wide range of activities and never hesitates to lend a hand to friends and neighbors. Helen is a faithful Christian and community leader who devotes her time and talent to the local church as an accomplished pianist, organist and singer.

Helen's kind generosity and dedication has brought her respect and admiration at work and at home. Mr. Speaker, please join with me in recognizing Helen Dillard for her milestone fifty years of service to the medical community and to the people of Eldorado.

CORTLAND ZONTA CLUB NAMES 1998 WOMAN OF ACHIEVEMENT

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. WALSH. Mr. Speaker, today I would like to acknowledge the very special contributions to my community and to humanity in general by an outstanding individual, the 1998 Zonta Woman of Achievement award winner in Cortland, N.Y., Mrs. Anna Forcucci.

Anna Forcucci is best known for her dedication to community health care, especially in her work for the Cortland Memorial Hospital and the Cortland Memorial Foundation.

As an employee of the hospital for 20 years, she has served in many roles. As Director of Volunteers for 12 of those years, she led 500 individuals and began many new programs. She was instrumental in the success of the 1993 Additions and Alterations Campaign which raised about $1 million. She is responsible for the great success of the Teen Age Volunteer Program, and for expanding it to include boys as well as girls. All participants gain experience in the health care setting and benefit from scholarships for academic service.

Anna is a role model not only for young women, but for all workers in the health care industry. She is highly regarded in her field among her colleagues around New York State.

Always the leader, she graduated from LeMoyne College in Syracuse summa cum laude in history and was awarded the Bishop Ferry Prize for highest grades in religion.

Anna has served on many boards with organizations such as the Salvation Army, the YWCA, the County Community Services, the Groton Health Center, and the J.M. Murray Center. She is a member of Zonta, the Fortnightly Club and the Church Women United, and since her retirement has remained active as a hospital volunteer and chair of the southern zone of the State Hospital Volunteer Association.

Anna Forcucci is a citizen of the highest character, integrity and ethical standards. It is with great pleasure that I ask my colleagues to recognize her accomplishments and to thank the Zonta Club of Cortland County for naming Anna the Woman of Achievement for 1998.

ACKNOWLEDGING ASHLEY SCOTT AND MEAGHAN MOORE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to acknowledge two young constituents from Colorado's Fourth Congressional District, Miss Ashley Scott and Miss Meaghan Moore who have the courage to speak out on a subject which most adults are noticeably silent—what happens to children who are raised in a society which has lost its respect for life. Violent acts committed by children have increased in the last two decades. With each terrible incident, we are struck with horror and bewilderment, unable or perhaps unwilling to answer our own question—what has happened to our children?

The answer to this question comes not from scientists or statesmen, but from the mouths of babes, the children whose lives have been profoundly affected by a culture of violence. Mr. Speaker, I hereby submit for the RECORD a letter submitted to the Coloradoan April 16, 1998 by Ashley and Meaghan, both twelve years old.

We want to inform people about how abortion is affecting children like us. In Arkansas recently, two boys, our age, murdered four young girls and one teacher. They are still to be punished for their crime. We want to know why mothers can get away with abortion when 12-year-old boys may get punished for murder.

We believe murder is murder, whether it is a shooting, stabbing, or abortion. Numerous amounts of mothers have killed an unborn child and not given them a chance to live. We also believe that doctors who carry out abortions are wrong. Everyone should have a chance to eat ice cream and get messy, play in puddles and get wet. And every mother can experience the warmth of a hug from a child. We understand mothers are confused and afraid, but they should think twice before getting pregnant. If we all take a stand, we can stop abortion.

Mr. Speaker, thank you for considering the opinions of these two young and bright constituents from Colorado.

WORKERS MEMORIAL DAY: FRIENDS OF LABOR AWARD

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. FILNER. Mr. Speaker, I rise today to recognize Mary Tong, Molly Busico and Michael Busico, as they are honored by the San Diego-Imperial Counties Labor Council, AFL–CIO for their dedication to helping working families and organized labor.

Mary Tong has worked for the labor movement for more than twenty years. She began her tireless efforts while still a teenager as she helped organize agricultural workers.

In 1993, she founded the Support Committee for Maquiladora Workers. As the Committee's Executive Director, she faces considerable risks to support the unionizing efforts of maquiladora workers. Mary played a critical role in assisting the workers at the Han Young plant to accomplish an historic feat by establishing the first independent union in the maquiladora industry in the Tijuana border region. In battling the corporations that move jobs south to Mexico to attempt to exploit workers, pay starvation wages, and disregard health and safety standards, Mary continues to break new ground in bringing together workers across borders.

Molly and Michael Busico are a labor family, and they are also a labor business. They give generous financial support to San Diego's labor movement through their family business, American Income Life. Molly and Mike volunteered to fund the Labor Council's Organizing Program and financed a toll free number and other campaign materials including banners and bumper stickers. Through American Income Life, they graciously host hospitality rooms for various union conferences.

Molly and Mike collect food on a monthly basis and donate it to the Labor Council's Community Services Program. When things get particularly busy, Molly volunteers in the Labor Council office. The Bosicos attend affiliate rallies together, and recently the entire family participated in the Strawberry Workers March in Watsonville. The Bosicos are a good example of the family that organizes together, stays together.

These three individuals are being honored by the Labor Council as Friends of Labor—members of the community whose work has strengthened labor's efforts and who have touched the lives of thousands of San Diegans. It is truly fitting that the House of Representatives join in this recognition, and I am proud to salute this year's honorees: Mary Tong, and Molly and Mike Busico.

CONGRATULATIONS TO BOB DUNCAN

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Bob Duncan for being honored with the Silver Medallion Award. This award is the highest honor bestowed by the Boys & Girls Clubs of America. Bob Duncan has been a life long supporter of the Boys & Girls Club and is very deserving of this honor.

Bob Duncan was born and raised in Fresno, California. He is the son of Lee R. Duncan and Mary Erma Duncan and has four grandchildren. He attended California State University, Fresno and served in the United States Army for three years during World War II, where he was a Lieutenant in the Medical Administration Corps.

Bob Duncan is currently on the Board of Governors at California State University, Fresno. He serves on the Steering Committee of the American Lung Association Celebrity Waiters Luncheon and is a member of the Fresno Rotary, Presidents, Circle-California State University, Frenso, and Little Hero's-Big Heroes of Valley Childrens Hospital Program. He is the Director of the Fresno Metropolitan Museum, Fresno City and County Boys & Girls Club, and the Fresno Athletic Hall of Fame. Additionally, he serves on the Executive Committee of the Fresno Business Council, the Executive Committee of the Fresno Convention & Business Bureau, and the State Center Community College Foundation.

Bob Duncan has been honored with many awards. He has received the Presidents Award, been named Optimist Of The Year by the Greater Fresno Optimists, recognized as Boss of The Year by the National Secretaries Association and has received the Alumnus Award from the California State University, Fresno School of Business. He has been named Honorary Member of Beta Gramma Sigma and was honored with the Top Producer Award by the California State University, Frenso Bulldog Foundation. He has received the Friend of Youth Award from the Optimists Club, the Citizens Service Award from the Fresno Association For the Retarded, and has appropriately had the Campus Athletic Building at California State University, Fresno named after him.

Mr. Speaker, it is with great honor that I congratulate Bob Duncan for receiving the Silver Medallion Award. I applaud his leadership and exceptional community involvement. I ask my colleagues to join me in wishing Bob Duncan many more years of success.

RECOGNIZING MOTHER CHARLOTTE EADES

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. POSHARD. Mr. Speaker, it is my great honor to rise today in recognition of an exceptional and inspirational woman, Mother Charlotte Eades, to mark the occasion of her appointment as State Supervisor of Women, 1st Jurisdiction of Illinois-Church of God in Christ. Mother Eades has served for twenty-eight years as the First Assistant to former State Supervisor of Women, Mother Carrie Cantrell. Sadly, Mother Cantrell recently passed away, but there could be no more dedicated, experienced or respected woman to succeed her than Mother Eades.

In addition to being a devoted wife, mother, sister and friend, Mother Eades has served the church in many capacities. She has been a teacher, an evangelist, a missionary, an advisor, and for the past seven years, she has served as Dean of the C.H. Mason/William Roberts Bible College. Mother Eades is a true leader and a role model who gives selflessly and generously of her wisdom, time, experience and talents. She has already touched so many lives, and as State Supervisor of Women she will have the wonderful opportunity to touch so many more.

On May 2, Mother Eades will be honored at a ceremony in Hickory Hills, Illinois, in recognition of her ascendance to the position of State Supervisor of Women. Mr. Speaker, it gives me great pleasure to add my congratulations and to express my deep gratitude for Mother Eades' years of dedicated service and for the excellent example I know she will continue to set for Christian women everywhere. I know my colleagues join me in saluting Mother Eades on this very special occasion.

TRIBUTE TO WILLIAM KONAR

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. LANTOS. Mr. Speaker, today representatives of the Congress, the Administration, and the Supreme Court gathered in the Great Rotunda of this historic building for the National Civic Commemoration to remember the victims of the Holocaust. This annual national memorial service pays tribute to the six million Jews who died through senseless and systematic Nazi terror and brutality. At this somber commemoration, we also honored those heroic American and other Allied forces who liberated the Nazi concentration camps over half a century ago.

Mr. Speaker, this past week Fortune Magazine, April 13, 1998, devoted several pages to an article entitled "Everything in History was Against Them," which profiles five survivors of Nazi savagery who came to the United States penniless and built fortunes here in their adopted homeland. Mr. William Konar of Rochester, New York, was one of the five that Fortune Magazine selected to highlight in this extraordinary article, and I want to pay tribute to him today.

William Konar, like the other four singled out by Fortune Magazine, has a unique story, but there are common threads to these five tales of personal success. The story of the penniless immigrant who succeeds in America is a familiar theme in our nation's lore, but these stories involve a degree of courage and determination unmatched in the most inspiring of Horatio Alger's stories.

These men were, in the words of author Carol J. Loomis, "Holocaust survivors in the most rigorous sense," they "actually experienced the most awful horrors of the Holocaust, enduring a Nazi death camp or a concentration camp or one of the ghettos that were essentially holding pens for those camps."

They picked themselves up "from the very cruelest of circumstances, they traveled to America and prospered as businessmen. They did it, to borrow a phrase from Elie Wiesel, when everything in history was against them." They were teenagers or younger when World War II began. They lost six years of their youth and six years of education. "They were deprived of liberty and shorn of dignity. All lost relatives, and most lost one or both parents. Each . . . was forced to live constantly with the threat of death and the knowledge that next time he might be "thumbed" not into a line of prisoners allowed to live, but into another line headed for the gas chambers." Through luck and the sheer will to survive, these were some of the very fortunate who loved to tell the story of that horror.

The second part of their stories is also similar—a variant of the American dream. These courageous men came to the United States with "little English and less money." Despite their lack of friends and mentors, they found the drive to succeed. As Loomis notes, "many millions who were unencumbered by the heavy, exhausting baggage of the Holocaust had the same opportunities and never reached out to seize them as these men did." Their success in view of the immense obstacles that impeded their path makes their stories all the more remarkable.

One other element that is also common to these five outstanding business leaders—they are "Founders" of the U.S. Holocaust Memorial Museum here in Washington, DC. They have shown a strong commitment to remembering the brutal horrors of the Holocaust, paying honor to its victims, and working to prevent the repetition of this vicious inhumanity.

Mr. Speaker, William Konar is one of the five Holocaust survivors and leading American entrepreneurs highlighted in this article. Mr. Konar was extremely successful in developing a chain of 84 discount drugstores, and he has been active and successful in real estate after selling the drugstore operation. As we here in the Congress mark the annual Days of Remembrance in honor of the victims of Nazi terror, I am inserting the profile of William Konar from Fortune Magazine be placed in the RECORD.

WILLIAM KONAR

ROCHESTER, N.Y.—RACK JOBBING, DRUGSTORES, REAL ESTATE

In the years since World War II, Bill Konar, now 68, has talked very little of his Holocaust experience, and as he made the effort recently for a visitor, his face gradually tightened, coming to look as if he could barely squeeze out the words. He was the youngest child of four in a family that lived in the central Poland city of Radom. His father, a leather wholesaler, died when he was 4—but not before the father had identified this son, Welwel by name then, as an uncontrollable piece of work, a stealer from the father's cash register even, who would surely someday "end up in Alcatraz" (indeed, infamous even in Radom).

After the Germans marched into Poland, Radom's Jews were first forced into work, then into ghettos, and ultimately into terrible episodes of separation, with the women and small children taken away and the men left in the ghettos. Bill, though only 12 and slight in build, was put with the men. After the time of separation, in July 1942, he never again saw his mother, his sister, her baby, or her husband (who had refused to leave his family).

Throughout these years, Bill's older brothers, Herszek (now Harry) and Moshe (now Morris), both teenagers, worked for the Wehrmacht. Aware, though, that his youth and small size made him look useless and expendable, Bill hid in ghetto attics for long periods. Later he worked, doing food-depot duty that he remembers as grueling.

By the summer of 1944, the Russians were advancing fast on the eastern front, and the Germans in Radom grew apprehensive that their Jews, many by then well-trained war workers, would escape. So the Konars and hundreds of other victims in the area were put into a forced march for more than 100 miles and at its end herded into railroad boxcars said to be headed for work camps in Germany. The stops turned out to include Auschwitz. There, the Jews were ordered out of their cars and subjected to still another weeding out in which the weak, elderly, and sick were shunted off to the gas chambers, and the others were shoved back onto the train. When the cars pulled out again, Bill was aboard, and so were his brothers.

The three ended the war at a work camp near Stuttgart, Germany, where Bill fell under the protection of a German cook, who liked this imp of a kid, let him sneak food to his family, and, in the final days of war, even helped him hide a brother threatened with transport one more time. On liberation day for the Konars, May 7, 1945, Bill was 15—hardened way beyond his years, but still 15.

Right after the war, Bill got into a school run by a relief agency and began to learn English. That gave him a head start when, in 1946, he became part of a boatload of orphans brought to the U.S. and dispersed countrywide to homes that either wanted or would have them. "They picked Rochester for me," he says, and that's where he's been ever since (along with his brothers, who came later). In the city's leading hospital, Strong Memorial, there is a renowned unit called the William and Sheila Konar Center for Digestive and Liver Diseases that would not exist had not Rochester gotten hold of this 16-year-old.

The U.S. government paid $10 a week to a Mrs. Goldberg to keep him. He somehow passed tests that qualified him to enter the junior class of Benjamin Franklin High School, and in his two years there he played soccer, worked for 25 cents an hour at a supermarket, and otherwise took on the spots—though definitely not the accent—of an American teenager. Once graduated, he even began taking some classes at the University of Rochester.

But by that time he was working just about every other hour of the day, getting a kick out of paying income taxes, and showing a marked talent for business. He sold canned foods and then kosher pickles to grocers and restaurants. Next, he caught on to a new wholesaling trend: the placing, or "rack jobbing," of health and beauty aids in food stores. He started with goods from Lever Brothers, Pacquin, and Ben-Gay; spread into phonograph records and housewares; and eventually got beyond mom-and-pop stores into the bigger spreads serviced by Independent Grocers Alliance (IGA). By the time he was 23, in 1952, his company, which he owned with a partner, had sales of $1 million. And in another ten years he was minus the partner and on his own, raking in good profits on sales above $3 million. From a street in Rochester on which he rented a building, he'd also lit on a Yankee-sounding name for his company, Clinton.

In business he had all the right entrepreneurial instincts and disciplines. "Cash is king" was a motto, meaning that he unequivocally expected his invoices to be paid when due. Big or not, J.C. Penney, to which Konar wholesaled records, got axed as a customer when it proved to be a slow payer. Konar also habitually worked like a demon. He wife, Sheila, whom he married when he was 24, rolls her eyes at the memory: "He was crazy; I didn't have a husband." Once, she says, her house caught on fire and he was too busy to come home, so he sent one of his managers to help instead.

Konar might have stayed at rack jobbing forever had not his biggest customer, IGA, decided in 1962 to go "direct," which meant it would cut out his middleman and his profits and instead itself supply the goods he'd been selling. The move caught Konar at a terrible time—he'd just bulked up in warehouse space—he was too independent and too riled to accept IGA's offer to buy him out. Said Konar to IGA's president: "I've been through the war, and I'm not going to take any crap from anybody."

He and IGA began gradually to phase out their dealings, and within months Konar simply went into an entirely new business: owning and operating discount drugstores (which, of course, could be fed from some of his spare warehouse space). His first two stores were in Muskegon and Traverse City, Mich., and from there, he added on another 80 stores stretching east to Rhode Island. His business formula was simple: very low prices, overseen by store managers who got a cut of the profits. It all worked well enough to get him to $12 million in sales in 1968 and $1 million in profits, earned from 64 drugstores and a small but still profitable rack-jobbing business.

And at that point, Konar took Clinton Merchandising public, in a sale that reduced his ownership of the company from 100% to 67% and also brought about $2 million into the company. On paper, the deal made Konar worth about $9 million, not bad considering where he'd come from. But he was no happier with public ownership than was Nathan Shapell, and he soon started listening to acquisition propositions. The eventual buyer was Melville Corp., which in 1972 acquired Clinton (by then up to 84 stores) for about $21.5 million. On paper this deal raised Konar's net worth to more than $14 million.

Melville combined Clinton's retail operations with its own chain of discount drugstores, CVS, and used many of Konar's merchandising ideas to build the highly successful chain that exists today. Konar himself stayed around, working part-time, for nine years. And then, at age 52, he "retired."

His hair has a retirement look, having long ago turned white. But a life of complete leisure has no charms for him; he has spent the past couple of decades building a real estate business in Rochester, William B. Konar Enterprises. The business owns apartments, townhouses, and warehouses, and is constructing an industrial park on the edge of Rochester.

Konar's own house, on the Erie Canal in suburban Rochester, is very nice but not lavish. Nearby, though, is the large and elegant new home of Konar's daughter, Rachel, her husband (who works for Konar), and their two children. Konar played tour guide through the house recently, clearly enjoying the moment. As he finished up and headed for his car, he looked back at the home with a grin, shook his head in wonder at it all, and said, "What a country!"

RETIREMENT OF STEVE McNEAL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to commemorate a constituent of mine, Mr. Steve McNeal of Fort Collins, Colorado upon his retirement after 36 years teaching music in the Poudre School District. Hired in 1962, his last year marks the longest term of service to the district of all teachers presently employed. During his long career, he has gained the respect and admiration of generations of students, parents, teachers, and administrators.

For his commitment to excellence, Steve was recently awarded the National School Orchestra Association Director of the Year. Even though the Fort Collins High School auditorium bears his name, Steve's legacy cannot be contained in a place or told in a word. As notable historian Henry Brooks Adam once said, "A teacher affects eternity; he can never tell where his influence stops." Steve McNeal is one such teacher, a person who touched lives through teaching music.

To teach a young person to love music is to give that person a lasting virtue. To teach a person to play music is to give that child the ability to make something beautiful and the confidence to carry through life even when the instrument is put away.

Although I cannot convey gratitude to match that which sounded forth last Sunday during a musical commemoration for Steve McNeal, I would like to impart to Congress a note of my appreciation for this special Colorado teacher. His devotion to music and his students has brought nearly four decades of song.

HONORING DEAN E. McHENRY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. FARR OF California. Mr. Speaker, today I rise to honor Dean E. McHenry, a visionary who achieved his dreams for public higher education in California and, in so doing, empowered a legion of students to achieve their dreams.

Dean McHenry's leadership in California institutions of higher education can be traced from his position as student body president at University of California at Los Angeles. He attended the best schools, both public and private, that our fine state can offer, earning a master's degree from Stanford University and doctorate from University of California at Berkeley. A noted scholar in his field of political science, he authorized many books, was a Carnegie Fellow in New Zealand and Australia, and a Fullbright lecturer at the University of Western Australia.

Dean McHenry held a number of administrative posts at the University of California at Los Angeles. But his life took a significant turn when his former roommate, Clark Kerr, who had just been appointed to the presidency of the University of California system, tapped into his abilities to conceptualize an innovative system of higher education, asking him to serve as the University representative on the team developing California's Master Plan for Higher Education. It was then that Dean McHenry designed a college system accessible to all high school graduates, with standards for the University, the state college system, and community colleges that allowed students to advance from one institution to another.

In 1961, Dean McHenry was appointed founding chancellor of the University of California, Santa Cruz which would become the tangible expression of the philosophies he shared with President Clark Kerr. Together they envisioned a university at which major academic research was done in an intimate small-college environment, a constellation of colleges, each with a specialized academic focus, and attendant dining halls, classrooms and meeting facilities. During the four planning years, eminent scholars were recruited to the faculty. The University of California, Santa Cruz opened to students in 1965. Upon opening not all of the construction had been completed, so the students were housed in mobile home trailers. They were pioneers with a visionary leader.

In the McHenry years, the University of California, Santa Cruz flourished. After his retirement in 1974, Dean McHenry monitored additions such as the arboretum and Long Marine Laboratory, supporting the University as a member of the UC Santa Cruz Foundation.

In his retirement, the nurturing aspect of his nature turned to family, friends and vinticulture, and those too were very good years. He is survived by his loving wife and helpmate, Jane, and four children, Sally MacKenzie, Dean McHenry Jr., Nancy Fletcher, and Henry McHenry, as well as nine grandchildren and seven great grandchildren.

Mr. Speaker, the far-sighted concepts of Dean McHenry have set the course for public education in California, with the University system as its crown jewel. His spirit imbues the campuses of the University of California with fairness and lofty standards. The University's students carry with them, throughout life, a bit of Dean McHenry's enthusiasm and passion for learning.

WORKERS MEMORIAL DAY: LEADERSHIP AWARD

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. FILNER. Mr. Speaker, I rise today to recognize Phil Saal, Secretary-Treasurer of Teamsters Local 542, as he is honored by the San Diego-Imperial Counties Labor Council, AFL–CIO for his leadership in the successful United Parcel Service (UPS) strike of 1997.

Phil and the Teamsters gathered overwhelming public support for working families and the plight of the growing part-time workforce during the UPS strike—and his leadership in bringing the UPS contract to a successful settlement is being acknowledged by this Leadership Award.

Under Phil's direction, dozens of strike counselors were trained to provide food and financial assistance to Teamsters during their contract dispute. Five hundred checks, totaling $30,0000, were written to assist workers with their bills, and thousands of pounds of food were distributed.

Phil is also a member of the Labor Council's Board of Directors and is a supporter of the Unity Coalition of Organized Labor in San Diego.

My congratulations go to Phil Saal for these significant contributions. I can attest to Phil's dedication and commitment and believe him to be highly deserving of the San Diego-Imperial Counties Labor Council, AFL–CIO Leadership Award.

HONORING BLISSFIELD YOUTH

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. SMITH of Michigan. Mr. Speaker, I rise to pay special tribute to four of my constituents who have demonstrated the true meaning of community service. So many people talk about the need to get involved and pitch in when they see a problem, but my district is blessed to have four young people who put those words into action.

This week, the Make A Difference Day committee, organized by USA Weekend, named the group of Christi Stoker, Natalie Eisenmann, Amanda Nicolai, and Stephanie Powell among ten recipients of a national award from the Make A Difference Day Foundation.

These girls offered some helping hands to a homeless shelter in Toledo, not too far from their hometown of Blissfield, Michigan. The girls, who are 13, organized a coalition of community members to donate books, games, wallpaper, and other materials to make this shelter more of a home for the kids and their parents who sought refuge there. They ended up collecting more than $800 in contributions for the shelter.

And, these special young people didn't stop there. They helped a young girl at the shelter and her mother find a place to live. The girls still stay in touch with the family to whom they gave this precious gift.

Mr. Speaker, we are a nation that turns famous people into hereoes—TV and movie stars and our national journalists. But to me, America's true heroes are those who devote time and energy in their communities to give, offer assistance and compassion to those who need it.

Few people have performed that task better than Christi Stoker, Natalie Eisenmann, Amanda Nicolai, and Stephanie Powell.

CREDIT UNION MEMBERSHIP ACCESS ACT

SPEECH OF

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. WALSH. Mr. Speaker, I rise today in strong support of H.R. 1151, the Credit Union Membership Access Act. I am proud to have been an original cosponsor of this important legislation.

My vote is a continuation of longstanding personal backing for credit unions in general. I believe they provide an invaluable service to working men and women—a service which is both convenient and comfortable.

Credit unions are familiar places which in many cases don't offer a full range of banking services but nevertheless do provide basic financial assistance—whether it be pocket money or a small unsecured loan.

After the U.S. Court of Appeals for the District of Columbia overturned a credit union decision in July of 1996, many of us in Congress realized the need for legislation to protect credit union members. Today's vote is the culmination of our efforts.

By passing this legislation, we allow Americans to choose the institution in which they put their money. By promoting continued operation of credit unions in a sound and reasonable manner, we spur competition and encourage savings. By supporting credit unions in this manner, we demonstrate our faith in the wisdom of working people.

On behalf of my constituents in central New York who will benefit from this consumer protection law, I want to thank the House for today's passage.

DISTINGUISHED TEACHER AWARD RECIPIENTS FROM COLORADO'S FOURTH CONGRESSIONAL DISTRICT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today in recognition of the Distinguished Teacher Award recipients from Colorado's Fourth Congressional District. These educators have committed their lives to teaching young minds in the Poudre School District. As individuals devoted to excellence, possessing talent, patience, fortitude, a personal love of learning, and the kind of tough love necessary to teach children, these individuals are the pride of our community and a credit to their profession. To the men and women of this Chamber and to the people of Colorado, I echo the words of Distinguished Awards Founder, Harry McCabe, "You have these very special people who have dedicated themselves to the young people in our society." Let us today honor them by name.

Distinguished Teacher William 'Skip' Caddoo of Lesher Junior High School, eight years of dedication to our schools.

Distinguished Teacher Jayne Hennen of Poudre High School, 22 years of dedication to our schools.

Distinguished Teacher Nancy Jacobs of Eyestone Elementary School, 19 years of dedication to our schools.

Distinguished Teacher Lana Jensen of Lopez Elementary School, 12 years of dedication to our schools.

Distinguished Teacher Ronald Jensen of Fort Collins High School, 14 years of dedication to our schools.

Distinguished Teacher Larry Lashley of Poudre High School, 27 years of dedication to our schools.

Distinguished Teacher Sandy Martinez of Lincoln Junior High School, 16 years of dedication to our schools.

Distinguished Teacher Tim Pearson of Riffenburgh Elementary School, 16 years of dedication to our schools.

Mr. Speaker, as you know, excellence in education has been the focus of my efforts since my days in the Colorado State Senate. As the son of two school teachers and the father of three children who attend public schools (and one on her way), no issue is closer to my heart and home. Exceptional public school teachers deserve our admiration, not only for their hard work but for the sheer weight of their accomplishments—the cultivation of an educated citizenry. These inspirational individuals give me a glimpse into what the future can hold if we let it. If we continue to improve our system by recognizing and building on the achievements of great educators like these men and women, the sky is the limit for American education.

HONORING FRED HIRT

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Ms. ROS-LEHTINEN. Mr. Speaker, next week, the Mount Sinai Medical Center, one of the leading medical centers in the United States, must wave good bye to Fred Hirt, its CEO and the individual responsible for many of the Center's most notable achievements. With much appreciation and admiration, the residents of the 18th Congressional district wish Fred much success as he progresses into the next phase of his professional life.

As CEO of Mount Sinai Medical Center, South Florida's only private, not-for-profit independent teaching hospital, Fred, who has been twice named "Best Hospital Administrator" by Medical Business, has achieved many notable accomplishments of great benefit to South Florida. The many achievements during his tenure include the construction of a state-of-the-art Comprehensive Cancer Center, the development of one of Dade County's most active cardiac programs, the establishment of the Wien Center for Alzheimer's Disease and Memory Disorders, and the acquisition of the St. Francis-Barry Nursing and Rehabilitation Center. Moreover, he has also supervised the contribution of an estimated $10 million each year for the care of South Florida's indigent population.

A specific example of Fred's vision has been his ability, over a decade ago, to identify those forces that would be of great value to today's health care industry: outpatient satellite facilities. For over a decade, Mount Sinai, with Fred at the helm, set up its first outpatient satellite facility and has gone on to develop seven more of these centers throughout South Florida.

Fred has also taken his duties beyond Mount Sinai and has dedicated his leadership and vision to over 50 local and national organizations. His participation in many state and federal legislative issues has been critical to the passage of significant legislation.

We thank Fred for his endless dedication to Miami's health care industry and for making Mount Sinai Medical Center, a national, not-for-profit, independent teaching hospital a force to be reckoned with nationally. His efforts will leave a mark on South Florida for many years to come and although he will be greatly missed, we wish him the best of luck in all of his future endeavors, where he will assuredly excel.

CONGRATULATIONS TO DICK AND BOB ANDERSON OF ANDERSON FARMS

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Dick and Bob Anderson of Anderson Farms for receiving the Fresno County Farm Bureau's Distinguished Service Award. The Andersons have been providing dedicated service to the agricultural community since the 1940's and are very deserving of this honor.

Dick and Lesta Anderson began farming in Tulare in 1940. Over the years, both of their sons, Bob and Craig, and grandchildren have joined in the family farming enterprises.

In 1974, the Andersons purchased land and equipment in the Huron area from the Giffen Ranch. They started Vasto Valle Farms, Inc. where Bob Anderson served as the ranch manager. During the first year, with only one tractor operating, they managed to harvest tomatoes and a variety of row crops. During the 1970's, they primarily farmed tomatoes, onions, melons, and lettuce.

In the 1980's, the water situation and commodity prices affected their cropping patterns. The Andersons added many vegetable crops which were new to the Westside. These crops included peppers, mixed melons, corn, celery, garlic, broccoli, leaf lettuce, cauliflower, beans, and cabbage. With their increased interest in vegetable production, the Andersons recognized the opportunity of building and operating their own cold storage facility and began to ship vegetables under their own labels of Vasto Valle Farms, Weston, and Dancin Andson.

In 1977, the Andersons formed a partnership and built a state of the art greenhouse nursery in Huron. The Plantel Central Valley Nursery now has 127,000 square feet of greenhouse space, with plenty of room for expansion.

Anderson Farms has grown significantly over the years. The Andersons now plant vegetables during every month of the year. In 1998, the Andersons expected to grow about 6,400 acres of vegetables.

Dick and Bob Anderson have always been supportive of their community. They have both served on the Board of Directors of the Huron Ginning Company. They support local schools and help students with their projects and activities. Bob's son, Mark, is currently in charge of Anderson Farms fresh fruit and vegetable sales and is Vice Chairman of the California Cantaloupe Advisory Board. His daughter, Robyn Black, is Deputy Director of the California Department of Industrial Relations. Robyn has served as an advisory board member of California Agriculture in the Classroom and is a member of the California Farm Water Coalition Board of Directors.

The Andersons are a four generation farming family. Their love of farming keeps them searching for new and innovative methods of keeping up with the constantly changing times.

Mr. Speaker, it is with great honor that I congratulate Dick and Bob Anderson for receiving the Fresno County Farm Bureau's Distinguished Service Award. It is their exceptional dedication and contribution to farming that warrant this recognition. I ask my colleagues to join me in wishing Dick and Bob Anderson many more years of success.

WORKERS MEMORIAL DAY: LABOR TO NEIGHBOR AWARD

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. FILNER. Mr. Speaker, I rise today to recognize the Sheet Metal Workers Union Local 206 and the Ironworkers Union Local 229, as they are honored by the San Diego-Imperial Counties Labor Council, AFL–CIO for their strong support of the Labor to Neighbor program. The Labor to Neighbor program educates and involves union members and their families in the campaign to protect jobs and the future of working people in San Diego and Imperial Counties.

The Sheet Metal Workers Local 206 is being recognized for its leadership role in the Farm Team Project that recruits and develops future candidates for all levels of elected office throughout our area. They also provided major financial assistance for the Voter List Project and for the fight against Proposition 226, the thinly-veiled attack on organized labor's right to participate in our democratic process.

The Ironworkers Local 229 is being recognized for their ongoing commitment to Labor to Neighbor, having been also recognized last year with this same honor. Local 229 organized an annual Labor to Neighbor fund-raising golf tournament to support efforts to educate union members on important issues and elections throughout San Diego and Imperial Counties.

For these activities, the San Diego-Imperial Counties Labor Council, AFL–CIO recognizes the Sheet Metal Workers Union Local 206 and the Ironworkers Local 229 with their "Labor to Neighbor Award." I am pleased to join in honoring their contributions to the working families of both San Diego County and Imperial County.

PUNJAB POLICE FOUND GUILTY OF HARASSING REPORTER

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. SOLOMON. Mr. Speaker, on April 22, Burning Punjab reported that two Punjab policemen were found guilty of harassing a Hindu journalist, Sanjiv Sharma, and three other members of his family. Police Sub-Inspector Girdhara Singh and police officer

Balhit Singh tortured Sanjiv Sharma, his father Chander Muni Lal, his friend Ranjiv Thakur (a Chandigarh car dealer), and lawyer Ajit Singh. The police in "the world's largest democracy" are harassing journalists, lawyers, private businessmen, and old men! This does not give me a great deal of confidence in the Punjab police.

On September 21, 1996, Mr. Sharma had appeared at a hearing in Patiala. On their way home, they were intercepted at Bahadurgarh, according to Burning Punjab, by a police officer who brought them back to Patiala, where they were beaten. The four men filed a complaint with the high court, which ordered the district magistrate to investigate the matter. The investigation report called for criminal action against these two police officers.

Unfortunately, this conduct is typical of the Punjab police. Here is a police force which kidnapped human-rights activist Jaswant Singh Khalra, which just last month raped 17-year-old Hardip Kaur, and which has murdered thousands of Sikhs and collected cash bounties for doing so. These are not the actions of a law-enforcement agency in a democratic state. They are the actions of a tyrannical occupying force. We must take strong action to stop this routine oppression.

The United States must speak out for basic human rights in Punjab, Khalistan. We should impose strong sanctions on this corrupt regime and speak out in support of a free and fair plebiscite on the political status of Punjab, Khalistan. These measures will help to end the kind of tyrannical abuses that were inflicted on Sanjiv Sharma.

CUBAN-AMERICAN ARTIST XAVIER CORTADA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to pay tribute to Xavier Cortada for his newly unveiled exhibition entitled, "Cubaba". Having exhibited on four different continents, this month marks the inception of Xavier's first solo show in his hometown of Miami, Florida.

Growing up Cuban-American in Miami was the foundation that inspired Xavier to paint the enlightening cultural celebration that is Cubaba. With combined elements of Hispanic culture and of Anglo-American college life, Xavier gave life to the feelings of "identity and belonging, about then and now, about being Cuban, being American, being both and being neither." The renegotiation of identity that mirrors members of the Cuban generation who find themselves "on the hyphen".

The Miami-based artist is also an attorney and a community leader who is able to express his concerns for social and political issues while exploring topics such as community development, racism, violence, poverty, political freedom, AIDS, and Cuba.

Prestigious accomplishments achieved by Xavier include having been commissioned to create public art for organizations such as Nike, HBO, MADD and Indiana's Governor's office. He has been commissioned to create community murals by museums such as the Lowe Art Museum, the Wolfsonian and the Miami Youth Museum.

In Cubaba, this talented painter and social voice has reaffirmed the existence of biculturalism through his celebration of oil colors on canvas and expression of Cuban nostalgia and American reality.

TRIBUTE TO JAMES McSHANE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Ms. ESHOO. Mr. Speaker, I rise today to honor James McShane on the occasion of his 90th birthday.

Mr. McShane was born in County Donegal in Ireland on April 26, 1908. Named for his grandfather and one of ten children, he immigrated to the United States in 1929 and proudly became an American citizen. Mr. McShane patriotically defended his adopted homeland during World War II, enlisting in the U.S. Army in 1941 and serving as a Master Sergeant until October 1, 1945. During the conflict, he found time to marry Marie Stirn, with whom he had three children: Dennis James, Margaret Mary, and Kathleen Bridget. Dennis James has gone on to become an outstanding doctor for the people of California's 14th Congressional District and a long-term partner for Richard Gordon, who serves on the San Mateo County Board of Supervisors.

Mr. Speaker, I ask my colleagues to join me in congratulating James McShane on his 90th birthday and in honoring his service to our nation and the legacy he has provided us through his loving family.

CELEBRATING THE 50TH WEDDING ANNIVERSARY FOR CORA AND WALTER THARP

HON. JIM BUNNING

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. BUNNING. Mr. Speaker, all of us like to talk about "family values." But all too often we, and particularly the media, focus our attention on "family failures"—neglected children, broken homes, spouse abuse. We should not forget that we need also to headline the success stories of "family values". There are lots of them and they should not be ignored.

One of these success stories is about to be celebrated in my congressional district—the 50th wedding anniversary of Cora and Walter Tharp of Fort Thomas, Kentucky.

The Tharps' 50th anniversary may be an overlooked event in terms of international politics, and it certainly won't make the national news. But it is a major achievement nonetheless in the lives of two people, their family and the people whom they have touched. And it illustrates very clearly that "family values" can work and that when they do, it is a real treasure.

On August 7, 1998, the family and friends of Cora and Walter Tharp will celebrate 50 years of a couple who understand and live "family values".

It is definitely an event worth celebrating.

TRIBUTE TO SIGI ZIERING

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. LANTOS. Mr. Speaker, today representatives of the Congress, the Administration, and the Supreme Court gathered in the Great Rotunda of this historic building for the National Civic Commemoration to remember the victims of the Holocaust. This annual national memorial service pays tribute to the six million Jews who died through senseless and systematic Nazi terror and brutality. At this somber commemoration, we also honored those heroic American and other Allied forces who liberated the Nazi concentration camps over half a century ago.

Mr. Speaker, this past week Fortune Magazine (April 13, 1998) devoted several pages to an article entitled "Everything in History was Against Them," which profiles five survivors of Nazi savagery who came to the United States penniless and built fortunes here in their adopted homeland. It is significant, Mr. Speaker, that four of these five are residents of my home state of California. Mr. Sigi Ziering of Los Angeles was one of the five that Fortune Magazine selected to highlight in this extraordinary article, and I want to pay tribute to him today.

Sigi Ziering, like the other four singled out by Fortune Magazine, has a unique story, but there are common threads to these five tales of personal success. The story of the penniless immigrant who succeeds in America is a familiar theme in our nation's lore, but these stories involve a degree of courage and determination unmatched in the most inspiring of Horatio Alger's stories.

These men were, in the words of author Carol J. Loomis, "Holocaust survivors in the most rigorous sense," they "actually experienced the most awful horrors of the Holocaust, enduring a Nazi death camp or a concentration camp or one of the ghettos that were essentially holding pens for those camps."

They picked themselves up "from the very cruelest of circumstances, they traveled to America and prospered as businessmen. They did it, to borrow a phrase from Elie Wiesel, when everything in history was against them." They were teenagers or younger when World War II began. They lost six years of their youth and six years of education. "They were deprived of liberty and shorn of dignity. All lost relatives, and most lost one or both parents. Each . . . was forced to live constantly with the threat of death and the knowledge that next time he might be 'thumbed' not into a line of prisoners allowed to live, but into another line headed for the gas chambers." Through luck and the sheer will to survive, these were some of the very fortunate who lived to tell the story of that horror.

The second part of their stories is also similar—a variant of the American dream. These courageous men came to the United States with "little English and less money." Despite their lack of friends and mentors, they found the drive to succeed. As Loomis notes, "many millions who were unencumbered by the heavy, exhausting baggage of the Holocaust had the same opportunities and never reached out to seize them as these men did." Their success in view of the immense obstacles that impeded their path makes their stories all the more remarkable.

One other element that is also common to these five outstanding business leaders—they are "Founders" of the U.S. Holocaust Memorial Museum here in Washington, D.C. They have shown a strong commitment to remembering the brutal horrors of the Holocaust, paying honor to its victims, and working to prevent the repetition of this vicious inhumanity.

Mr. Speaker, Sigi Ziering is one of the five Holocaust survivors and leading American entrepreneurs highlighted in this article. Sigi is the Chairman of Diagnostic Products Corporation in Los Angeles. As we here in the Congress mark the annual Days of Remembrance in honor of the victims of Nazi terror, I am inserting the profile of Sigi Ziering from Fortune Magazine to be placed in the RECORD.

SIGI ZIERING, LOS ANGELES, CHAIRMAN, DIAGNOSTIC PRODUCTS CORP.

Holocaust survivors, the saying goes, are conditioned not to cry. But on May 8, 1997, when the founders of the Holocaust Memorial Museum met for a reunion—and when the flags of 32 U.S. Army divisions that had liberated the concentration camps were paraded into the rotunda of the U.S. Capitol—Sigi Ziering, today a serious, reflective man of 70, wept. He spoke of this moment in a speech: "Today I cried because the worst memory of the ghetto and the camps was the feeling of total isolation and total abandonment by the rest of the world. This feeling of utter despair and hopelessness weighed more heavily on us than the constant hunger, the beatings, and the imminent death facing us every minute." His tears, he said, were for the millions who never got to see the flags.

His own ordeal began in Kassel, Germany, where his father, a Polish citizen, was a clothing merchant. In 1939 the father fled to England, expecting his wife and two children—Sigi (then officially Siegfried), 11, and Herman, 12—to follow as soon as they, too, could get visas. Instead, they became trapped in Germany.

The three scraped by until late 1941, when the Germans summarily transported 1,000 Jews, the Zierings included, to Rigi, Latvia. Some of the adult men in the group were sent directly to a nearby death camp, and the rest of the Jews were installed in a ghetto bloodstained from murders just carried out. Of the entire 1,000, Sigi Ziering believes that only 16 survived the war, among them, besides himself, his mother and brother.

In Riga the boys actually went to school for a while. But their mother, wanting the Germans to think them useful, required them to drop out and work. Once Sigi had a plum job in a "fish hall," from which he was able to smuggle food back to the ghetto. As he sneaked in with the food, he would sometimes pass dead Jews who had been caught doing the same and been hanged in the streets as an example.

Toward war's end, with the Russians closing in on Riga, the Germans began to move their Jewish captives around. Ziering believes that the SS in fact connived to keep small groups of Jews alive, so that the need to guard them would keep the Germans from being sent to the front.

The Zierings were moved to a German prison, Fuhlsbüttel, on the outskirts of Hamburg. Prison living conditions were a distinct step up. But every week the Germans would load eight or ten Jews into a truck and transport them to Bergen-Belsen for elimination. "With German precision," says Ziering, the guards went at their job alphabetically—and never got to "Z."

British troops then closed off Bergen-Belsen, and the Germans marched their remaining Jews to a Kiel concentration camp, whose commandant's first words upon seeing them were: "I can't believe that Jews still exist." The camps grisly conditions killed 40 to 50 inmates daily. Another 35 males were murdered when they could not run a kilometer while carrying a heavy piece of wood. Sigi and his brother passed that test.

Then, as the Zierings heard the story, Count Folke Bernadotte of Sweden offered to pay Heinrich Himmler $5 million for 1,000 Jews. (Whether the Count indeed made this offer or paid the money is not clear.) A German officer told the Ziering boys, who believed it not at all, that they were to be included but were unpresentable in the striped clothing they wore. Sigi and his brother were taken to a mortuary, where they were directed to strip the clothes from the corpses that lay there and make them their own. And on May 1, 1945, Red Cross workers arrived to take the 1,000 to Sweden. The route lay through Copenhagen, and at its railroad station, the Jews heard excited shouts: "Hitler is dead."

As if he'd suddenly awakened from a nightmare of unimaginable horror, Sigi then entered into a world of near-normalcy for a 17-year-old. His family managed to reunite in London, where the father—"a fantastic businessman," says Sigi—was doing well as a diamond merchant. Sigi, a bare five years of elementary education behind him, entered a tutorial school and then the University of London. He wished to be a doctor but found that almost all medical school spots were reserved for war veterans—the kind who'd worn military insignia, not tattooted numbers.

Hunting opportunity, the Ziering family made it to the U.S. in 1949, settling in Brooklyn. Working part-time, Sigi earned a physics degree at Brooklyn College and then two advanced degrees at Syracuse University. In those college years, he met the woman he soon married, Marilyn Brisman. When they first met, she says, he was "quiet, sweet, introspective," and, with his blond hair, blue eyes, and accent, so resembled the archetype of a young German that she briefly thought him one.

Exiting academe in 1957, Ziering did nuclear-reactor work with Raytheon in Boston and then space projects at Allied Research. The entrepreneurial urge hit, and with a friend he started a company called Space Sciences to carry out cost-plus government contracts.

It was the heyday of avaricious conglomerates, and in 1968 Whittaker Corp. bought Space Sciences for about $1.8 million. That made Ziering, not yet 25 years removed from the terrifying alphabetical lock step of Fuhlsbüttel prison, well-to-do. But the deal also made him a California-based research executive restless in Whittaker's conglomerate culture.

He left and tried one entrepreneurial venture, the making of fishmeal, that failed. Then, in 1973, he heard by chance of a chemist working out of his Los Angeles kitchen, Robert Ban, who'd developed radioimmunoassay (RIA) diagnostic kits that permitted the measurement of infinitesimally low concentrations of substances—drugs and hormones, for example—in bodily fluids. Ban, a man with big ideas and a corporate name to match them, Diagnostic Products Corp., had been advertising in a professional journal that he had upwards of 30 different RIA kits available. Some of these, says Ziering, "do not exist to this day," but that was not known to the journal's readers, and sacks of orders—though only morsels of money—landed in Ban's kitchen.

Ziering, warmed to the gamble by his longstanding interest in medicine, put $50,000 into the business and moved the chemist into a small factory that mainly produced one kit of particular commercial value. The business took off. But the partners were not getting along. So Ziering bought the chemist out for $25,000 and settled back to working with a more compatible partner, his wife, who has throughout the years been a DPC marketing executive.

Today their company, competing with such giants as Abbott Laboratories, has more than 1,400 employees and is a leading manufacturer of both diagnostic kits and the analytical instruments needed to read their findings. The company had 1997 sales of $186 million and profits of $18 million. DPC went public in 1982, though Ziering wishes it hadn't—the company has never really needed the money it raised, and he doesn't like the volatility of the market or the second-guessing of analysts—and he, his wife, their two sons (both in the business), and two daughters own about 24% of its stock, currently worth about $95 million.

Through most of its years, DPC has done well internationally, a fact that has required Ziering and his wife to travel often to Germany. Yes, it bothers him to go back, but he thinks that his encounters with young Germans disturb them more than him. When they get a hint of how he spent the war, he says, "you can feel the static electricity in the air."

In his business, says Marilyn Ziering, her husband is patient and visionary, but also a risk taker when he needs to be. He himself says he's a workaholic and muses as to why. He wonders whether the "training" of the Holocaust—"unless you work, you are destined for the gas chamber"—may not have permanently bent him and many other survivors to work.

The license plate on Ziering's Jaguar reads "K9HORA." That's a rough phonetic rendition of kayn aynhoreh, a Yiddish expression meaning "ward off the evil eye." It is customarily tacked to the end of a thought, as a superstitious precaution.

For these five survivors, who picked themselves up from the worst and darkest of beginnings and triumphed in the best tradition of the American dream, we might say, for example: "Since the Holocaust, the lives of these men have been good—kayn aynhoreh."

Or we might stitch those words to a larger thought. Of the Holocaust, Jews and the world say, "Never again." In the histories of these five men, there is a ringing, opposite kind of message: "Ever again." Evil weighed down their early lives. But it did not—and cannot—crush the human spirit.

Kayn aynhoreh.

WORKERS MEMORIAL DAY: COMMUNITY SERVICE AWARD

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. FILNER. Mr. Speaker, I rise today to recognize the National Association of Letter Carriers Branch 70 and the San Diego Construction & Building Trades Council, as they are honored by the San Diego-Imperial Counties Labor Council, AFL–CIO for their contributions to the labor movement and to the community as a whole.

The Labor Council's "Community Service Award" again goes to the National Association of Letter Carriers Branch 70 for its sixth consecutive and most successful food drive in San Diego County. With the cooperation of the Postal Service, they collected 155,000 pounds of food for needy working families.

Also being honored is the San Diego Construction & Building Trades Council, which helped to bring into being a neighborhood computer lab—the International Learning Center—at the National City Park Apartments. The Construction and Building Trades Council took a leadership role in promoting this project and enlisted the help of local unions who gathered donations.

The computer center has a bank of personal computers that is available without cost to the adults and 800 children who live in this apartment complex. Many individuals who could not otherwise gain the computer skills they need to improve their education and job prospects will now be able to do do.

The National Association of Letter Carriers Branch 70 and the San Diego Construction & Building Trade Council are truly deserving of the award which they are receiving. I join in adding my sincere thanks to their members, and I am pleased to highlight their service with these comments in the House of Representatives.

WILLARD'S MOUNTAIN NSDAR CELEBRATES 100 YEARS OF PATRIOTISM

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. SOLOMON. Mr. Speaker, this May, the Willard's Mountain Chapter of the National Society of the Daughters of the American Revolution in my congressional district in upstate New York will celebrate its 100th Anniversary. For the past century, this organization has furthered the important American values of community pride and patriotism through their many civic activities and sponsorships.

I believe that promoting pride in our nation and its rich history is one of the most important endeavors we can undertake for our country and our fellow citizens, both living and deceased. It is especially crucial for our young people to develop these principles at an early age. This is why I have fought so hard to preserve the integrity of our flag through the prohibition of its desecration. Such treatment of the flag is a slap in the faces of all of the brave men and women who have dedicated and in some cases sacrificed their lives so that we may lead free and prosperous lives we now have in the United States. It also sends a dangerous signal to America's youth that it is appropriate to disrespect and discount devotion to one's community and country. This is simply unacceptable.

Mr. Speaker, the Daughters of the American Revolution have always fostered and preserved the very ideals of basic human freedom and loyalty to family, community, and nation which our flag symbolizes. I ask all members to join me in thanking and commending the Willard's Mountain Chapter of the NSDAR on behalf of all Americans, especially those in our local communities in upstate New York, for their impressive efforts over the years in ensuring that patriotism and pride in our nation will remain alive and well in America for many years to come!

HONORING VARIAN ASSOCIATES, INC.

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Ms. ESHOO. Mr. Speaker, I rise today to honor Varian Associates, Inc. upon their 50th anniversary of incorporation.

Varian Associates was formed by brothers Russell and Sigurd Varian, along with a number of associates from Stanford University. The company first opened its doors July 1, 1948, with just six employees and total capital of $22,000 to conduct general research in the field of physical science. Varian was one of the first companies to recognize the significance and importance of a strong industry-university connection, and encouraged the formation of Stanford Industrial Park, becoming its initial resident. Varian has grown from its modest beginnings into one of Silicon Valley's greatest success stories, winning over 10,000 patents, receiving countless Industrial Research 100 Awards, and continually producing one or more of our nation's 100 most promising new products yearly.

Varian has evolved into a world leader in its current line of business—health care systems, analytical instruments, and semiconductor manufacturing equipment. The company employs over 7,000 individuals at over 100 plants and offices in nine countries, and generates sales well in excess of one billion dollars annually. Since its inception, Varian has had a strong commitment to our community, exemplified by its establishment of our nation's second Minority Small Business Investment Company and its leadership role with the Urban Coalition on fair housing, among others. Varian was recognized by *Industry Week Magazine* as one of the World's 100 Best Managed Companies in 1997.

Over the last 50 years, Varian has become one of our nation's most successful companies. Varian is a jewel in the crown of the 14th Congressional District of California and Silicon Valley.

Mr. Speaker, I ask my colleagues to join me in celebrating the 50th anniversary of Varian's inception and in commending the company for its extraordinary achievements and its contributions to our nation.

TRIBUTE TO JACK TRAMIEL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. LANTOS. Mr. Speaker, today representatives of the Congress, the Administration, and the Supreme Court gathered in the Great Rotunda of this historic building for the National Civic Commemoration to remember the victims of the Holocaust. This annual national memorial service pay tribute to the six million Jews who died through senseless and systematic Nazi terror and brutality. At this somber commemoration, we also honored those heroic American and other Allied forces who liberated the Nazi concentration camps over half a century ago.

Mr. Speaker, this past week Fortune Magazine (April 13, 1998) devoted several pages to an article entitled "Everything in History was Against Them," which profiles five survivors of Nazi savagery who came to the United States penniless and built fortunes here in their adopted homeland. It is significant, Mr. Speaker, that four of these five are residents of my home state of California. Mr. Jack Tramiel of the San Francisco Bay Area, was one of the five that Fortune Magazine selected to highlight in this extraordinary article, and I want to pay tribute to him today.

Jack Tramiel, like the other four singled out by Fortune Magazine, has a unique story, but there are common threads to these five tales of personal success. The story of the penniless immigrant who succeeds in America is a familiar theme in our nation's lore, but these stories involve a degree of courage and determination unmatched in the most inspiring of Horatio Alger's stories.

These men were, in the words of author Carol J. Loomis, "Holocaust survivors in the most rigorous sense," they "actually experienced the most awful horrors of the Holocaust, enduring a Nazi death camp or a concentration camp or one of the ghettos that were essentially holding pens for those camps."

They picked themselves up "from the very cruelest of circumstances, they traveled to America and prospered as businessmen. They did it, to borrow a phrase from Elie Wiesel, when everything in history was against them." They were teenagers or younger when World War II began. They lost six years of their youth and six years of education. "they were deprived of liberty and shorn of dignity. All lost relatives, and most lost one or both parents. Each . . . was forced to live constantly with the threat of death and the knowledge that next time he might be 'thumbed' not into a line of prisoners allowed to live, but into another line headed for the gas chambers." Through luck and the sheer will to survive, these were some of the very fortunate who lived to tell the story of that horror.

The second part of their stories is also similar—a variant of the American dream. These courageous men came to the United States with "little English and less money." Despite their lack of friends and mentors, they found the drive to succeed. As Loomis notes, "many millions who were unencumbered by the heavy, exhausting baggage of the Holocaust had the same opportunities and never reached out of seize them as these men did." Their success in view of the immense obstacles that impeded their path makes their stories all the more remarkable.

One other element that is also common to these five outstanding business leaders—they are "Founders" of the U.S. Holocaust Memorial Museum here in Washington, D.C. They have shown a strong commitment to remembering the brutal horrors of the Holocaust, paying honor to its victims, and working to prevent the repetition of this vicious inhumanity.

Mr. Speaker, Jack Tramiel is one of the five Holocaust survivors and leading American entrepreneurs highlighted in this article. Jack began as a typewriter repairman and moved on to establish his own firm, Commodore, which initially manufactured typewriters and adding machines. In 1976 he moved into the field of computers and took Commodore to $700 million in sales in 1983. As we here in the Congress mark the annual Days of Remembrance in honor of the victims of Nazi terror, I am inserting the profile of Jack Tramiel from Fortune Magazine be placed in the RECORD.

JACK TRAMIEL—SILICON VALLEY FOUNDER, COMMODORE INTL.

Only 10 when the Nazis marched into his city of Lodz, Poland, in 1939, Jack Tramiel (then named Idek Tramielski) initially had a kid's thrilled reaction to the sheer spectacle of the scene: weapons glinting in the sun, soldiers goose-stepping, planes overhead. "It was a fantastic thing," he remembers.

Reality crashed down after that. Lodz's Jews—one-third of the city's 600,000 people—were ordered out of their homes and into a crowded ghetto. For nearly five years Jack (an only child) and his parents lived there in one room, scavenged for food, and worked—his father at shoemaking, Jack in a pants factory. The faces that the Tramiels saw in the ghetto changed constantly: Jews left, new Jews came in, often from other countries. Later Tramiel learned that the Jewish leader of the ghetto was parceling out its residents to the Germans, believing that the community would be left in relative peace as long as he periodically delivered up a contingent of its residents for deportation—and no doubt extermination.

In August 1944 the Tramiels themselves were herded into railroad cars, told they were going to Germany to better themselves, and instead shipped to Auschwitz. Jack's most vivid memory of the three-day trip is that each person received a whole loaf of bread as a ration—a feast beyond his imagination. At journey's end, the men were separated from the women (at which point Jack lost track of his mother) and then themselves split into two groups, one permitted for the time being to live, the other sent to Auschwitz's gas chambers. Jack and his father were thumbed into the group that survived.

A few weeks later, Jack and his father were "examined" by the notorious Dr. Josef Mengele and thumbed again into a survivors line. "What do you mean—examine?" Tramiel is asked. "He touched my testicles. He judged whether we were strong enough to work." Having passed, Tramiel and his father were transported to a spot just outside Hanover, Germany, and there set to building a concentration camp into whose barracks they themselves moved. In weather that was often bitter cold, they worked in thin, pajama-like garments, and they grew increasingly emaciated on a deprivation diet: watery "soup" and bread in the morning, and a potato, bread, and more "soup" at night.

By December 1944 the Tramiels were assigned to different work crews and seeing each other only occasionally. At one of their meetings the father told the son that many young people in the camp were managing to smuggle food to their elders—and why hadn't Jack done that for his father? Stung, Jack studied for days how to deal with an electric fence that stood between him and an SS kitchen and finally succeeded in burrowing his thin frame under it to steal food—one potato and some peels. But when he got the food to his father, malnutrition had gripped the older man and grossly swollen his body. He could not eat. Soon after, he died in the camp's infirmary. Later, Jack learned that the death was directly caused by an injection of gasoline into his father's veins.

As the winter stretched into the spring of 1945, Jack Tramiel himself grew increasingly fatalistic. But then a strange end-of-the-war tableau unfolded. First, the Germans vanished from the camp; second, the Red Cross moved in briefly, overfed the prisoners to the point that some died, and then left; third, the Germans returned and then vanished again. On their heels came two American soldiers—"20-foot-tall black men, the first blacks I'd ever seen," says Tramiel—who loomed in a barracks door, peered at the prisoners hiding beneath the straw of their bunks, said something in English that one Jew gleaned as "More Americans will be coming," and left. Next a tank rolled up. In it stood a Jewish chaplain in dress uniform, who declared in Yiddish: "You are free," and told the tank to move on. These were troops of the advancing American Army, the month was April 1945, and Tramiel was 16.

Tramiel, today 69 and a fireplug in build, stayed in Europe for more than two years after his liberation, and many of his recollections of those days concern food: how he tricked his way into a sanitarium to a rich, and shamefully fattening, diet; how he gorged happily while working in an American Army kitchen; how he did other odd jobs for "money or food." But he also learned during this time that his mother was alive and back again in Lodz. He saw her there but then left, resolved by that time to marry a concentration-camp survivor he'd met, Helen Goldgrub, and go with her to the U.S.

The two wed in Germany in July 1947. They got to the U.S. separately, though—he first, in November of that year. His confidence, strengthened by what he'd survived, bordered on hubris: "I figured I could handle just about anything," he says. He started out living at a Jewish agency, HIAS, in New York City; got a job as a handyman at a Fifth Avenue lamp store; learned English from American movies; and at their end pigged out on chocolate instead of eating regular dinners.

Then, in early 1948, he did the improbable, joining the U.S. Army. By the time he left it four years later, he'd been reunited with his wife and fathered a son (the first of three). The Army had also pointed him to a career by putting him in charge of repairing office equipment in the New York City area.

When Tramiel checked back into civilian life, he entered a long period of close encounters with machines that typed words and manipulated numbers. He first worked, at $50 a week, for a struggling typewriter-repair shop. Using his Army connections, Tramiel got the owner a contract to service several thousand machines. "The guy flipped," says Tramiel, but did not give his enterprising employee a raise. "I have no intention of working for people who have no brains," said Tramiel to the owner, and quit.

Tramiel then bought a typewriter shop in the Bronx. He did repair work for Fordham University and, when he once got a chance to buy scads of used typewriters, rebuilt and resold them. He next prepared to import machines from Italy, but found he could get the import exclusivity he wanted only by moving to Canada. It was in Toronto, in 1955, that he founded a company he called Commodore, an importer and eventually a manufacturer of both typewriters and adding machines. Why Commodore? Because Tramiel wanted a name with a military ring and because higher ranks, such as General and Admiral, were already taken.

Commodore went public in 1962 at a Canadian bargain-basement price of $2.50 a share—a deal that raised funds Tramiel needed to pay off big loans he'd gotten from a Canadian financier named C. Powell Morgan, head of Atlantic Acceptance. Deep trouble erupted in the mid-1960s when Atlantic, to which Commodore was almost joined at the hip, went bankrupt, amid charges of fraudulent financial statements, dummy companies, and propped stock prices. Tramiel was never charged with illegalities, but an investigative commission concluded that he was probably not blameless. In any case, the Canadian financial establishment ostracized him. Struggling to keep Commodore itself out of bankruptcy, he was forced in 1966 to give partial control of the company to Canadian investor Irving Gould.

Commodore's line then was still typewriters and adding machines, but the electronics revolution was under way and setting up shop in Silicon Valley. Tramiel himself moved there in the late 1960s and soon, displaying a speed-to-market talent that has characterized his whole life, had Commodore pumping out electronic calculators. In time, one product, a hand-held calculator, grew so popular that it was self-destructive: The company that supplied Commodore with semiconductor chips, Texas Instruments, decided to produce calculators itself—selling them at prices that Commodore couldn't match.

With Commodore again reeling, Tramiel vowed never again to be at the mercy of a vital supplier. In 1976 he made a momentous acquisition: MOS Technology, a Pennsylvania chip manufacturer that also turned out to be extravagantly nurturing about 200 different R&D projects. Tramiel, a slash-and-burn, early-day Al Dunlap in management style, killed most of the projects immediately. But he listened hard when an engineer named Chuck Peddle told him the company had a chip that was effectively a microcomputer. And small computers, said Peddle, "are going to be the future of the world."

Willing to take a limited gamble, Tramiel told Peddle that he and Tramiel's second son, Leonard, then getting a Columbia University astrophysics degree, had six months to come up with a computer Commodore could display at an upcoming Comdex electronics show. They made the deadline. "And everyone loved the product," says Tramiel, relishingly rolling out its name, PET, for Personal Electronic Transactor. Unfortunately, this was potentially an expensive pet, carrying a lot of risk—and demanding, says Tramiel, "a lot of money I still did not have." So he determined to gauge demand by running newspaper ads that offered six-week delivery on a computer priced at $599, a seductive figure on which Tramiel thought he could still make a profit. The ads appeared, and a hugely encouraging $3 million in checks came back.

Commodore got to the market with its computer in 1977, in the same year that Apple and Tandy put their micros on sale. In the next few years, Tramiel drove those competitors and others wild by combatively pushing prices down and down, to levels like $200. He also became famous for rough treatment of suppliers, customers, and executives—and about it all was fiercely unrepentant. "Business is war," he said. "I don't believe in compromising. I believe in winning."

Which is what he did in those early years for computers, leading Commodore to $700 million in sales in fiscal 1983 and $88 million in profits. At its peak price in those days, the stock that Tramiel had sold in 1962 at a price of $2.50 a share was up to $1,200, and his 6.5% slice of the company was worth $120 million.

But then, in early 1984, just as annual sales were climbing above $1 billion, Tramiel clashed with a Commodore stockholder mightier than he, Irving Gould—and when the smoke had cleared, Tramiel was out. The nature of their quarrel was never publicly disclosed. Today, however, Tramiel says he wanted to "grow" the comapny, and Gould didn't.

Commodore was really Tramiel's last hurrah. True, he surfaced again quickly in the computer industry, agreeing later in 1984 to take over—for a pittance—Warner Communications' foundering Atari operation. But in a business changing convulsively as IBM brought out its PC and the clones marched in, Atari was a loser and ultimately a venture into which Tramiel was unwilling to sink big money. Eventually he folded Atari into a Silicon Valley disk-drive manufacturer, KTS, in which he has a major interest but plays no operational role.

Today Tramiel is basically retired and managing his money. From four residences, he's cut down to one, a palatial house atop a foothill in Monte Sereno, Calif. In its garage are two Rolls-Royces, a type of luxury to which Tramiel has long been addicted.

Naturally, charity fundraisers took Tramiel up. When those for the Holocaust Memorial Museum appeared, he at first thought of it as just one more philanthropic cause to be supported. But his wife, Helen, 69, who spent her concentration camp days at Bergen-Belsen, is intensely aware that both she and her husband survived what millions of other Jews did not. "No," she said adamantly, "for this one we have to go all out."

INTRODUCTION OF POSTAL SERVICE SAFETY AND HEALTH PROMOTION ACT

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. GREENWOOD. Mr. Speaker, today I am introducing legislation to treat the U.S. Postal Service the same as any private employer under the Occupational Safety and Health Act.

The fact that the Postal Service has not been covered by the Occupational Safety and Health Act in the same way as private employers—including private employers with whom the Postal Service directly competes for business—is apparently due to the fact that both the Occupational Safety and Health Act and the Postal Reorganization Act were being considered at the same time by Congress, in 1970. In any event, the Postal Service, although it is now "an independent establishment of the Executive Branch of the Government of the United States" is considered a "federal agency" for purposes of the Occupational Safety and Health Act.

As a "federal agency," under Section 19 of the Occupational Safety and Health Act, and Executive Order 12196, the Postal Service is supposed to comply with OSHA standards, but it is not subject to OSHA enforcement as are private employers. Instead, the Department of Labor is authorized under Executive Order 12196 to conduct inspections of agency workplaces "when the Secretary [of Labor] determines necessary if an agency does not have occupational safety and health committees; or in response to reports of unsafe or unhealthful working conditions, upon request of occupational safety and health committees . . .; or, in the case of a report of an imminent danger, when such a committee has not responded to an employee who has alleged to it that the agency has not adequately responded to a report." In such cases, the Department of Labor is required to follow up its inspection with a report to the head of the agency. In addition, under the executive order, the Secretary of Labor submits an annual report to the President on each federal agency's workplace safety and health performance. However, neither the Department of Labor nor the state agencies which enforce OSHA requirements in 23 states have the legal authority to require the Postal Service to comply with OSHA requirements, or to issue citations or penalties against the Postal Service for violations of OSHA requirements.

As my colleagues may know, I have been working for some time on much needed reforms of the workers compensation system for federal employees, known as the Federal Employees Compensation Act, or FECA, which is also the workers compensation program which covers Postal Service employees. The present program is expensive, has not been updated for years, continues to be afflicted by cases of fraud and abuse, and in many cases discourages employees' return to work. Measured by either total compensation costs or number of claims, Postal Service employees comprise one of the largest components of FECA.

During a hearing held on the FECA program on March 24 by the Workforce Protections Subcommittee, a representative of the American Postal Workers Union claimed that "[in] our experience, the federal government's workplace safety and health program remains inadequate and deficient, and this is where the greatest savings could and should be achieved in the costs associated with workers injured on the job in the line of duty."

While I certainly do not share the view that the only problem with the FECA program is the lack of effort by the Postal Service or federal agencies generally to seriously address workplace hazards in order to prevent workplace injuries, it does seem to me reasonable and appropriate to provide assurance that in addressing FECA we are not ignoring the issue of workplace safety. Nor does it seem unreasonable to me that the Postal Service, which increasingly competes directly with private companies, should do so "on a level playing field" with regard to OSHA regulation and enforcement.

So for both of these reasons I am introducing legislation to treat the Postal Service the same as private employers for purposes of the Occupational Safety and Health Act. Under the bill, the Postal Service would be subject to inspection, citation, and penalty by OSHA and approved state OSHA programs. I invite my colleagues to cosponsor this legislation, and I look forward to working with my colleagues in order to pass this legislation during this Congress.

W. STANLEY GARNER HONORED

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. MALONEY of Connecticut. Mr. Speaker, I want to bring to the attention of the House of Representatives and the American people the celebration of an individual in Connecticut's 5th Congressional District to be held this Saturday, April 25th, and the many accomplishments of Mr. W. Stanley Garner of New Fairfield, Connecticut. Family, friends and associates of Mr. Garner will gather at the new Fairfield Senior Center to honor him for his personal contributions to the Public Library and the community at large.

Born in New Fairfield on January 9, 1923, Mr. Garner involved himself in community affairs as a young man, and was an avid user of the New Fairfield Free Public Library when it was simply a corner room in the small town hall building before World War II. In 1967, Mr. Garner became Trustee of that library and served in that capacity for more than 20 years, a longer continuous tenure than anyone else.

During these twenty plus years, and since, Mr. Garner has been at the forefront of all the Library's construction projects and was primarily responsible for the establishment of the town's Children's Library. He served on the Building Committee for the present Town Library, built in 1975, as well as on the Building Committees for the addition to the New Fairfield Middle School, the Fire House and the town Police Station.

Mr. Garner's reputation as a builder in the area is outstanding, having been responsible for the construction of hundreds of homes in the area, as well as several public facilities including the Parish House of St. Edward's Church and its adjacent Sullivan Home. He was also a long time member of the Board of Directors of the Union Savings Bank in New Fairfield.

Throughout his life, Mr. Garner has given a level of public service that few achieve. He continues to serve today as an example of the type of service and dedication that all of us should follow. Despite his level of involvement, however, Mr. Garner has never allowed his outside activities to overshadow the importance of his family. This October 28th, Stan and Aileen Pulver Garner will celebrate their 48th wedding anniversary with their two sons.

Mr. Speaker, on behalf of Connecticut's 5th Congressional District, and this House, I want to congratulate Mr. Stanley Garner on his lifelong achievements and thank him for his service and dedication to New Fairfield, its institutions and citizens.

RECOGNIZING COLORADO'S FRONT RANGE CONTINUUM OF CARE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to speak about a citizen coalition known as Colorado's Northern Front Range Continuum of Care, whom I recently met with in my Fort Collins office to learn of their assessment of the community's need for affordable housing, transitional housing, group homes and homeless services. The Continuum of Care is comprised of over 125 individuals representing various community organizations including Alternatives to Violence, American Red Cross, Catholic Charities-Northern, House of Neighborly Service, WIRS, A Woman's Place, Weld Food Bank, Greeley Interfaith, Right to Read, Cities of Greeley, Loveland, and Fort Collins, Neighbor to Neighbor, Fort Collins Authority, Larimer County Mental Health, Larimer County Department of Human Services, Loveland Housing Authority, Crossroads Safehouse, Crossroads Ministry, Colorado Division of Housing, Ft. Lupton Housing Authority, Greeley Housing Authority, Greeley Transitional House, United Way of Weld County, Greeley Area Habitat for Humanity, CARE Housing, and Funding Partners.

Continuum of Care was formed for the purpose of inventorying existing local resources in the community, and to identify gaps in housing and service delivery for special populations. The assessments were achieved through the participation of these representatives who developed this analysis bringing their particular community experiences to the table.

The following facts were established concerning the value of the Low-Income Housing Tax Credit:

H.R. 2900 would increase the Low-Income Housing Tax Credits to $1.75 per capita and index the cap to inflation.

The current cap is severely limiting the state's capacity to help the thousands of lower wage families from renting decent, safe and affordable housing.

In 1996, Colorado was allocated $4.5 million in housing tax credits but the demand far exceeded this allocation with requests totaling $15.3 million.

The Low-Income Tax Credit is a federal tax credit to investors for ten years for up to 9% of their cost of constructing or rehabilitating apartments dedicated to lower-wage working families at restricted rents.

Since 1987, the housing tax credit has helped develop over 7,692 units of affordable housing in 40 counties in Colorado.

During that same time period in Larimer and Weld Counties, funds totaling $4,525,677 were allocated, providing 1,183 new housing units.

Facts were also presented in support of Private Activity Bonds:

H.R. 979 increases the Private Activity Bond (PAB) cap from $50 to $75 per capita and index the cap to inflation.

This legislation will stimulate job creation, the production of affordable housing, industrial development, environmental cleanup and higher education in Colorado.

Currently the cap is the greater of $50 per capita or $150 million per state per year. This computes to about $200 million annually in Colorado.

Annually, this cap is used-up completely. Demand exceeds supply by four-to-one.

In the last two years, over $414 million of private activity bond authority yielded a significant positive economic impact for Colorado.

Over $336 million in tax exempt bond financing for affordable housing for our bluecollar work force funded new home ownership and rental opportunities.

$41 million of financing for industrial development (manufacturing facilities) and agricultural loans.

$37 million in student loans to college students.

Also brought to my attention is the fact that the Federal Department of Housing and Urban Development (HUD) is spending less money on transitional housing and more on emergency shelters for the homeless. Transitional housing is designed to house women and children on a temporary basis when they leave an abusive environment and need a safe place to live while transitioning to a new home and life.

Statistics prove that affordable housing is very limited. For example, in Weld County, the median home price in 1990 was $68,118, climbing to $123,868 in 1996—an 84% increase. Rental rates climbed during the same period at 43%, going from $357 to $511, while vacancy rates remainded low. During the same time, job growth jumped up 31.7%, but most of the new jobs were created in low-paying service and retail sectors. With average median family income rising only by 35%, housing is unattainable for many.

It was my concern over the lack of affordable housing that inspired me to co-sponsor H.R. 2990, amending the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated to each State, and to index such amount for inflation; and H.R. 979 (Private Activity Bonds), which will increase the cap and help alleviate the pressure on our housing market. Sister Mary Alice Murphy described the housing assistance credit as having a positive impact on the community. Additionally, I remain firmly committed to eliminating the numerous federally mandated regulations which drive up the cost of building homes and those which dictate how a community administers their programs. I am pleased to carry the message for more affordable and available housing to my colleagues for this problem affects not only the people of Colorado's Fourth Congressional District, but also people nationwide.

TRIBUTE TO CHESTERFIELD SMITH, ESQ., ON THE DEDICATION OF THE CHESTERFIELD SMITH CENTER FOR EQUAL JUSTICE

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mrs. MEEK of Florida. Mr. Speaker, it is indeed a distinct honor to pay tribute to one of Miami-Dade's unsung heroes, Attorney Chesterfield Smith. The dedication of the Chesterfield Smith Center for Equal Justice on April 23, 1998 is a well-deserved honor.

Attorney Smith represents the best of our community. Having dedicated a major portion of his life to making the justice system work on behalf of the less fortunate in Miami-Dade, he was relentless in his development of probono legal services program that responded to the crying needs of our community's poor. His was a crusade that maximized understanding and compassion for countless destitute who severely lack the financial wherewithal to have their cases move up through the maze of the legal system.

Under his leadership many lives have been saved and countless families have been rendered whole because of the poor's accessibility to pro-bono legal services. He was virtually the lone voice in the wilderness in exposing his righteous indignation over the hopelessness of countless individuals who through the various crises of poverty rendered them helpless before the legal system. At the same time, he has been forthright and forceful in advocating the tenets of equal treatment under the law for the poor who have been remanded to the complex proceedings of the court system. His sensitivity toward them knew no bounds, and he was likewise untiring in seeking the appropriate guidance and counseling strategies for them.

In an April 5, 1998 Miami Herald write-up, Attorney Smith was genuinely lauded as a community leader whose "* * * life serves as an example of how much difference each of us can make in behalf of the less fortunate." Singlehandledly he has championed a careerlong commitment to free legal services to the poor.

In his stint on the prestigious Holland & Knight law firm, Attorney Smith truly represents an exemplary community servant who abides by the dictum that those who have less in life through no fault of their own should somehow be lifted up by those who have been blessed with life's greater amenities. As a gadfly among South Florida's law firms, he is wont to prod his colleagues toward the support of the Legal Services of Greater Miami to provide a more hopeful life for our community's poor.

As one of those hardy spirits who chose to reach out to those living in public housing projects, Attorney Smith thoroughly understood the accouterments of power and leadership. He sagely exercised them alongside the mandate of his conviction and the wisdom of his knowledge, focusing his energies to enhance the well-being of a community he learned to love and care for so deeply.

His undaunted efforts in the legal system through his tenure as President of the American Bar Association helped shape and form the agenda of many legal organizations. His word is his bond to those who dealt with him, not only in moments of triumphal exuberance in helping many of the poor turn their lives around, but also in his resilient quest to transform Miami-Dade county into a veritable mosaic of vibrant cultures and diverse peoples converging together into this great experiment that is America.

Numerous accolades with which various organizations have honored him symbolize the unequivocal testimony of the utmost respect and admiration he enjoys from our community. Attorney Chesterfield Smith, lawyer par excellence, truly exemplifies a one-of-a-kind leadership whose courage and resilient spirit genuinely dignifies the role of a community servant.

Today's dedication is genuinely deserved! I truly salute him on behalf of a grateful community.

TRIBUTE TO KATE McLEAN

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. GALLEGLY. Mr. Speaker, I would like to pay tribute today to a woman who has made her mission in life to help our society's most vulnerable find some sort of warmth in a world that can often be so cold. Kate McLean of Ventura, California, is an extraordinary person who has touched the lives of thousands, leading the charge of a successful organization which has been the saving grace to many in her community.

It's easy to look into the eyes of those in need, and feel sympathy. But for many, it's even easier to look away and forget about the unexpected harsh realities life brings. But when Kate McLean saw a person in need, a living tragedy, she didn't look away, but instead helped them look towards their future. Kate did more than recognize the social ills that so often ruin lives. Instead of extending fleeting sympathy, Kate McLean actually made a difference—a difference in the lives of the abandoned and the abused. She has helped the homeless find shelter and runaways find refuge and understanding.

Kate has achieved these and countless other compassionate deeds through an organization called Interface Children Family Services, a non-profit which she co-founded. To name just a few of their services, this organization offers assistance to families in crises, a 24-hour hotline for troubled teens, and shelters for battered women and their children. Under Kate McLean, hundreds of thousands of children and families have been helped at Interface from 1973 to 1990. Today, Interface Children Family Services continues to aid those in crisis situations, expanding on the foundation Kate McLean helped to start.

After Kate left Interface in 1990, she took her vast experiences to help the Ventura County Community Foundation, which under her supervision, increased Ventura County's endowed resources for charities from $300,000 to more than $16 million.

April 24, 1998 marks the 25th anniversary of the Interface Children Family Services. On this special occasion I want to recognize Kate McLean as a shining example, and to thank her for doing what others may have the yearning to do, but not the ambition. I want to thank Kate McLean for being such a vital part to the Ventura County Community, and for being our angel of hope.

EARTH DAY

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. HILLIARD. Mr. Speaker, I stand before you on this Earth Day to commend our nation on how we have left a legacy to our children by protecting the natural resources of our national parks, wildlife refuges and national forests. However, it is just as important for us to double our efforts to protect the habitat of our urban areas.

I feel strongly that the children of our cities also deserve to breathe cleaner air, and have green fields to play on as they mature under the blue skies of Alabama.

I am proud that our nation has made tremendous progress over the past 25 years in the area of environmental management. Our rivers and lakes in which our children fish, swim and boat are significantly cleaner; the air in which we breathe is improved and tremendous progress has been made in cleaning up our toxic waste sites, but we must concentrate more efforts for the children of our cities.

I am fighting for an approach to the environment that is based on reason, balance, and moderation . . . one that recognizes that it is not a question of whether we can afford to protect the environment, but whether we can afford not to protect it.

NEW CREATIONS BOARDING SCHOOL, RICHMOND, IN

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. McINTOSH. Mr. Speaker, I would like to share an inspiring story with my colleagues and the American people about a husband and wife team who have built New Creations Boarding School, in Richmond Indiana. Pastor Tim Cummings, being full of compassion for troubled teenagers, reached out and met the needs of those in Wayne County. Tim has been fully supported by his wife Bonnie, who has been an invaluable partner in his work. New Creations Boarding School is Biblically focussed and many student's lives have been changed through the teachings of the Bible. The Cummings have made a difference by showing that if individuals work hard and show kindness they can do good things. These qualities are needed in our communities and the Cummings are an excellent example for others to follow. In short, work hard, be kind to others and help your neighbor if you can. Well Done, Pastor Tim and Bonnie. May God Bless you in all your future endeavors.

SPEECH TO HORATIO ALGER SCHOLARS NATIONAL SCHOLARS CONFERENCE

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. LAMPSON. Mr. Speaker, to all of you who are here today because you have been selected to participate in the 1998 Horatio Alger Association's National Scholars Conference, I would like to say welcome. As I am sure you have already learned, you have joined a very exclusive club of achievers who have been recognized by that fine organization.

I am proud to note that several Members of Congress have been honored as distinguished Americans by the association such as Senator ROBERT BYRD of West Virginia and other great American's like the late Supreme Court Justice Thurgood Marshall. But I am particularly proud that one of my constituents and friends, Tom Harken, serves on the association's Board of Directors. If each of you have not had the opportunity to meet this man make sure you do so. Especially if you plan on being in business. He is truly a Horatio Alger success story.

Because each of you are exemplary high school seniors who have demonstrated outstanding qualities of honor, integrity and perseverance and did not allow life's obstacles to stop you, I would like to say "congratulations" and to tell how proud I am of you. I would also like to tell you that with your distinct honor, not only comes the $5,000.00 scholarship you are receiving (although that is awfully nice), but also a responsibility to your own success and to keeping the dream of success alive for other young people who need to know that they too can "beat the odds" in spite of the hardships that they face.

Today, as I speak to you on "Issues Facing Congress: A Congressman's Perspective," I would like to take you back to the first time that I stood in this chamber, when I was your age, and how it shapes my perspective today and how I hope that your visit today will shape your vision for tomorrow.

My first visit to Congress truly helped me understand that one of the greatest issues facing any session of Congress is how we keep the American dream alive for you and every other citizen of the United States, regardless of their financial, ethnic or religious background. This is done in many ways, but I'll come back to that later.

Allow me to share with you how my first visit to this chamber gave me a glimpse of that dream of success and how that glimpse was the start of my commitment to making a real difference for myself and others.

I hope you'll forgive me for being so personal, but I know that among you are people who can really make a difference, and I don't want to waste this opportunity to share my experience with tomorrow's leaders.

When I first came to this chamber, I was very close to your age. I was not rich. In fact it seems as though I had worked almost every day of my life since I was in Junior High School. At that time, Jack Brooks was Congressman. Because he had come to this office by overcoming financial and personal adversity as a young person, he made sure that young people such as myself got the opportunity to be here as Congressional interns so that we could catch a glimpse of the dream and carry it on to another generation. It was during that internship that I committed myself not only to personal achievement but to leadership as well.

As I said, one of the main issues facing Congress is how to provide the opportunity and tools necessary for every young person to not only succeed but to excel. I am attempting to do this in a number of ways that I think are extremely important.

First, as a freshman Member of Congress, I have founded the Congressional Caucus for Missing and Exploited children. The purpose of this caucus is:

1. To build awareness around the issue of missing and exploited children for the purpose of finding children who are currently missing and to prevent future abductions;

2. To crease a voice within Congress on the issue of missing and exploited children and introduce legislation that would strengthen law enforcement, community organizing and school-based efforts to address child abduction; and

3. To identify ways to work effectively in our districts to address child abduction. By developing cooperative efforts that involve police departments, educators, and community groups we can heighten awareness of the issue and pool resources for the purpose of solving outstanding cases and preventing future abductions.

Additionally, I strongly support funding for higher education both in institutional funding and in the form of grants and loans for those whose families do not have the resources to provide them with a college education.

I have the privilege of serving on two Committees in Congress. The Committee on Science, on which I serve on the Subcommittee on Space and Aeronautics which is responsible for NASA and all of it's programs, including the space shuttle and the international space station. I must say that I truly believe that the space program can do more to make the dream available to more people in more ways than any other single endeavor.

Additionally, I serve on the Committee on Transportation where I serve on two Subcommittees; the Subcommittee on Water Resources and Environment and the Subcommittee on Public Buildings and Economic Development. On each of these Committees, I have the opportunity to cast my vote in favor of the youth of today and the leaders of tomorrow.

But probably the most important thing that I have the privilege of doing as a Congressman is to stand before a group of outstanding young people, such as yourselves, and say to you, do not quit, do not waiver and do not flinch no matter how tough the road may be. You have already proven that you are not easily discouraged. But I also want to challenge you to bring others along with you and show them the dream, so that when all is said and done, it is my hope that one day you will be standing here speaking to a group of Horatio Alger Scholars. Then I will know that my time in Congress was well spent.

IN RECOGNITION OF MS. AMI KARLAGE

HON. JIM BUNNING

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. BUNNING. Mr. Speaker, I just wanted to take a few minutes to recognize an outstanding achievement by a young high school student from Kentucky.

Ms. Ami Karlage of Edgewood, in my congressional district, recently won a 1998 Voice of Democracy broadcast scriptwriting contest for Kentucky as sponsored by the Veterans of Foreign Wars. I have attached a copy of her winning essay for all to read.

Ms. Karlage is a junior at Holmes High School and is one of only 54 national winners. She was sponsored by VFW Post 6095 of Latonia, and I understand she is planning on becoming a geneticist one day. Given the intelligence she shows in her essay, I expect that she will eventually accomplish whatever she sets her mind to.

I am proud of Ms. Karlage, and I commend my colleagues' attention to her essay about the importance of principle and standing up for one's beliefs. They are time-honored lessons we should never forget.

"MY VOICE IN OUR DEMOCRACY"

(By Ami Karlage)

". . . Give me liberty or give me death!"
—*Patrick Henry*

"Join the union, girls, and together say Equal Pay for Equal Work".
—*Susan B. Anthony*

"I am in earnest—I will not equivocate—I will not excuse—I will not retreat a single inch; and I will be heard!"
—*William Lloyd Garrison*

These famous words ring throughout our country like the echoes of silent bells. Voices, unused in generations, can be heard today, still urging us to fight for what is good, to stand up for what we believe. These voices created and preserved our democracy, and they resound in our memories, a symphony of noble and pure ideas. Yet, added to this harmonious music of the past is a cacophony of voices belonging to the present: millions of people, each shouting his or her own opinions with little or no regard for anyone else's thoughts. Amidst all this turmoil, how can my voice be heard? How can my voice make a difference?

In todays' democracy, many cynical, disillusioned people would tell you that it's not worth shouting to be heard, it's not worth standing up for what you believe. Because no one listens, no one cares. I cannot believe that. Too many problems in the past have been corrected because one person dared to speak out against them. America won its independence because one person had the courage to challenge British rule. The rallying cry of "No taxation without representation" swept a nation of diverse peoples and fractured opinions and united a majority of the population to work towards a common goal. Women won the right to vote because one person refused to be silent. The writings and speeches of Susan B. Anthony sparked reforms in women's dress, social freedoms, and ultimately, constitutional rights in a time of heightened civil turbulence. Slavery was abolished because one person proclaimed it unjust. The accomplishments of William Lloyd Garrison and other abolitionists, such as Frederick Douglas and Sojourner Truth, resulted in the thirteenth amendment to the Constitution, which effectively outlawed slavery. Each of these controversies were important developments in our nation's growth, and each of them began with a single person who persisted until another person listened . . . and another . . . and another, until that first person was shouting with the multitude instead of against it.

If I want my voice to be heard, I have to ignore the cynics. I have to shout against the millions. I have to call out incessantly. I have to refuse to be silent, in the hopes that one person might take note of my cry. If I influence just one other person, then my voice has been heard. If I cause that person to examine or change his or her views, then my voice has made a difference. My voice is not the voice of the millions, nor does it have to be. My voice in democracy is just that: My voice, shouting against the crowd, so that I might be heard.

And today, there are so many more ways in which my voice can be heard. 150 years ago, communication was limited to the written word, in the form of newspapers and pamphlets, and the spoken word. As a student living in this day and age, I have the technology to reach many, many more people. for example, I have television. through television, I can make my voice heard across the nation, simultaneously; whereas, it was nearly impossible for an abolitionist or a suffragette to achieve the same effect. I also have the internet, which is growing daily, and radio, which reaches a large percentage of the population. On a local level, I have service groups, a school newspaper, clubs and other organizations, all designed to give me a forum to voice my opinions and to allow my voice to be heard. How much faster could Patrick Henry have inflamed a nation, had he been able to use the present day media?

Each of those historic, echoing voices belonged to an individual who felt the need to speak out against injustice, to better the world in which he or she lived. And even as a tempest begins with a single drop of rain, so did the American Revolution, the Women's Suffrage Movement, and the Abolitionist Movement begin with a single thought, a single voice shouting among millions of others. If our country could be so drastically influenced by just one person in the past, there is no reason that it cannot be just as affected by my voice in the present.

IN MEMORY OF PAMELA MAY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. SKELTON. Mr. Speaker, it is with great sadness that I take this opportunity to pay tribute to an outstanding public servant and teacher, Pamela May, who recently passed away at the age of 44.

Pam May, who was born August 4, 1953, in Nevada, MO, dedicated her life to public service and education. In 1997, she was appointed the Camden County auditor by Gov. Mel Carnahan, and from 1992 to 1997 Pam served as the Camdenton Third Ward Alderman. She also served as a Camden County Commissioner.

Mrs. May also served on the Child Advocacy Council, the Citizens Advisory Committee for the Camden County Jail, and the Governor's Total Transportation Committee. She was a member of the Camdenton Rotary Club and was former president of the Camdenton Chamber of Commerce.

In addition to her public service contributions, Pam May devoted her life to teaching Missouri youngsters. She was a teacher for 10 years in the Camdenton School District, and she began working in the Parents as Teachers program in 1986–87. She was also a part-time teacher in the Lake Area Vocational School's Child Care Management program. Mrs. May later became child care coordinator for the Camdenton R–3 School District, and wrote a grant to open the district's child care center.

Pam May is survived by her husband, Ralph, two sons, a daughter, her parents, a brother, and two sisters.

Mr. Speaker, I am certain that the Members of the House will join me in celebrating the life of this great Missouri public servant and educator. Pamela May's strong sense of community and compassion for the youth of our country make her a role model for all Americans. We will truly miss her.

RECOGNIZING YOM-HASHOAH

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. PAPPAS. Mr. Speaker, I rise today to recognize the tragedy of the loss of six million Jewish people, one and a half million of which were children, who were murdered at the hands of the Nazis. Today is Yom-HaShoah, the day in which we recognize the horrific genocide that Adolf Hitler imposed on so many.

Mr. Speaker, last year a group of young people from my district came to Washington and joined me on a visit to the Holocaust Museum. Additionally, last year, thanks to the assistance of the Jewish Federations in my district, I was fortunate enough to visit Yad Vashem in Israel. I cannot adequately express in words how moved I was to see the photographs of the victims, read the stories of so many families, and listened to the experiences that was told by the survivors. We can never forget what happened. Not only should we use this time to remember the past, but we must also educate our young people and future generations about the Holocaust in order to preserve the memory of those who lost their lives, honor those who were fortunate enough to survive and to reaffirm the promise of "never again!"

Throughout this entire week, from April 19 through April 26, 1998 the United States Holocaust Memorial Council will lead the nation in civic commemorations of the victims of the Holocaust, called Days of Remembrance. Next week we will recognize the 50th year anniversary of the establishment of the state of Israel.

So today Mr. Speaker, I join with the people of Israel, those in my district, the Jewish Community Centers and Temples, in remembering the victims and saluting the courage of the survivors of the Holocaust.

CONGRATULATIONS TO CONNECTICUT'S TEACHER OF THE YEAR MARIANNE CAVANAUGH

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise to congratulate Connecticut's Teacher of the Year, Marianne Roche Cavanaugh. Mrs. Cavanaugh is the head teacher for mathematics, Kindergarten through 12th grade, and teaches 4 math classes a day at the Gideon Welles Middle School in my home district. Since Mrs. Cavanaugh arrived in the Glastonbury public school system more than 20 years ago, her colleagues have watched in awe of her energy and ability to get students excited about mathematics. It has been said that her students have even groaned in disappointment at the end of one of "Mrs. Cav's" lessons.

In 1994, Mrs. Cavanaugh organized the first Gideon Welles Marathon. In this academic competition, students seek sponsors who pledge as much as 5 cents for each math problem correctly solved in an hour. The truly amazing thing is that over the last four years $20,000 has been raised in the Glastonbury community by 1200 students. The funds have been returned to the community to help purchase such things as youth league basketball uniforms, computer software programs, and to make charitable contributions such as donations to the food bank, clothing certificates to local stores, and bicycles.

Mrs. Cavanaugh's goal is to see a National Marathon Day during April, Math Awareness Month. Students across the country could strive to test the limits of their math skills while raising money for their communities. As a strong supporter of educational programs and initiatives throughout my career here in Congress, I stand before you in the hope that this day may soon be realized.

Outside her time in the classroom, Mrs. Cavanaugh has managed to present mathematical workshops across the nation, develop problem solving math curricula, and train other math teachers for the Interactive Math Program. In addition to this Connecticut Teacher of the Year award, Mrs. Cavanaugh was a finalist for the Presidential Award for Excellence in Mathematics and Science Teaching in 1998 and 1986, the 1998 Glastonbury Teacher of the Year, the Connecticut Association of School Superintendents' Middle School Teacher of the Year finalist in 1997, and Celebration of Excellence winner in 1986. As a resident of Marlborough, Connecticut, she and her husband Roy Cavanaugh have four children, Lindsey, Matthew, Shannon, and Kevin.

Again, I would like to commend Mrs. Cavanaugh on this achievement. She displays the kind of dedication, determination, and enthusiasm that make our public school system work. With teachers of Mrs. Cavanaugh's caliber, this next generation of Americans will surely reach the stars.

IN MEMORY OF WILLIAM CAFARO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to remember William Cafaro, a brilliant entrepreneur, a generous philanthropist, a political activist, and a good friend.

Mr. Cafaro changed the way America shops by pioneering the shopping center industry. He built some of the nation's first strip plazas and enclosed malls. His privately owned company has consistently ranked in the top ten largest commercial real estate developers in the nation. Mr. Cafaro emerged as a real estate developer and entrepreneur in the 1940's and soon revolutionized the industry nationwide.

This self-made man never forgot his roots. He has been recognized by countless organizations for his generosity and philanthropic work in the community. Among numerous other civic activities, Mr. Cafaro was especially involved in his church and in education. He was recently awarded a lifetime achievement award for humanitarian service from the National Italian American Foundation and was honored by President Clinton.

Mr. Cafaro was active in politics as well. He was a delegate to the Democratic National Convention for three presidential elections and was a member of the Electoral College. He was friends with several Presidents including Harry S. Truman, John F. Kennedy, Lyndon B. Johnson, Jimmy Carter and Bill Clinton and visited the White House many times.

Above all, Mr. Cafaro never lost sight of what was most important to him: his family, church, company, and community. His leadership and generosity are a great loss.

HUMAN RIGHTS SPEECH

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. HAMILTON. Mr. Speaker, I submit for the CONGRESSIONAL RECORD the attached excerpt from a speech I gave to the Columbus Human Rights Commission on April 4, 1998.

ADDRESS TO THE HUMAN RIGHTS COMMISSION ANNUAL DINNER, COLUMBUS, INDIANA, APRIL 4, 1998

(By Lee H. Hamilton)

I want to talk with you tonight about the challenges we face in advancing human rights. A deep concern for human rights is a basic and fundamental expression of the values of the American people. It is part of who we are and what we are.

In one sense, the history of this country can be told as the story of the advancement of human rights. Our ancestors fought a War of Independence to secure civil and political liberties, and a Civil War to ensure that all of its people, black and white, should be free and enjoy the basic rights of citizenship. In this century, Americans have struggled to secure political, social, and economic rights for women, minorities, and working people.

America has also been a model, a guide to other countries in its concern for human rights. With some success, and with some failures, too, we have sought to promote democratic institutions and the observance of human rights at home and abroad.

How would you respond if I asked you to define for me in one sentence what this country is all about? Most of you—I think—would say: At its very core, this country is about giving its people the opportunity to be the best that they can be. Our country does not provide equal opportunity to all its citizens. It does not assure success. But, at the very least, it does provide opportunity and it tries to remove barriers that deny us a fair chance to succeed. Human rights are about removing those obstacles, and ensuring that all of us are treated fairly, equally, and justly in our individual pursuit of happiness.

The Columbus Human Rights Commission is so important because it does precisely that. In fighting discrimination and human rights abuses at the local level, this Commission works to ensure that the magnificent ideal of the Declaration of Independence—that all men are created equal—becomes reality. It serves to help this community be a place where everyone has an opportunity to become the best they can be.

I. CIVIL RIGHTS AT HOME: CHANGING ATTITUDES, CHANGING ISSUES

Our country is today in the midst of a national debate about civil rights and race relations, perhaps for the first time since Congress passed landmark civil and voting rights laws in the mid-1960s. I have cast over 5,000 votes in my years in Congress, but few, if any, have given me more satisfaction than to support these laws. Much of the current debate has focused on affirmative action (more on that later). The debate, however, also goes to more fundamental questions about race in America: do we continue to be two Americas, one black and one white? and if we do live in two Americas, is that acceptable? and if it is acceptable, what does that say about the future of this country?

Someone asked me the other day how public views on race relations have changed since the Civil Rights Era. Three things come to mind.

a. public consensus

First, there was broad public consensus in the 1960s on what was wrong in our country and what needed to be done. Americans were outraged by the treatment of Civil Rights marchers in the South, and demanded that Congress take steps to secure basic civil and political liberties for all Americans in every part of the country. Today, we have strong anti-discrimination laws on the books, and an overwhelming majority of Americans agree that racial discrimination is wrong and must be proscribed.

Consensus quickly breaks down, however, once you scratch beneath the surface. Blacks and whites, for example, may agree that racial discrimination is wrong, but they have sharply differing views about how prevalent such discrimination is today in our society. In a recent poll three in four white Americans said blacks in their community are treated the same as whites. Only 49% of the blacks agreed. Whites really see very little problem when it comes to opportunities for blacks in jobs, education, and housing. Many blacks see racial discrimination as a fact of life.

Whites have generally become more optimistic that progress toward equality has occurred and that racial discrimination has declined. Blacks, in contrast, are increasingly discouraged about race relations and discrimination.

The debate over affirmative action provides another example of the breakdown in the consensus. Supporters of affirmative action say that while the situation has improved, racism persists in this country, and that affirmative action is needed to remedy the effects of discrimination. Affirmative action programs, they will note, have provided opportunities for millions of minorities, expanding the American middle class and strengthening our political system and economy. Opponents respond that affirmative action is fundamentally unfair, that people should succeed or fail based on character, talent and effort, not race. Either they say that we now live in a colorblind society so race-based policies are unnecessary, or they say that, while racism may persist, affirmative action leads to double standards which heighten rather than reduce racial tensions.

b. sense of optimism

Second, during the Civil Rights Era there was a strong sense of public optimism about tackling problems associated with race. I don't suggest it was a Golden Age. We then lived in a segregated society, where minorities were denied political and civil rights as well as economic and educational opportunities.

What has changed, however, is our outlook on the future of race relations. Back then, many of us took to heart Dr. King's vision of an integrated America, where people would be judged not by the color of their skin but by the content of their character. We, blacks and whites, believed that anti-poverty efforts could wipe out the inner city slums and lift the poor into the great American middle class. We believed—perhaps naively—that anti-discrimination laws would lead to a society with fully integrated schools, neighborhoods and workplaces.

We have made remarkable progress toward racial equality over the last 30 years, seen, I suppose, most conspicuously in the expansion of voting rights and of a black middle class, educated and affluent, that has taken advantage of new opportunities. But, in many other respects, this is not the world we dreamed of 30 years ago. White and black America are, in many respects, drifting apart. Many blacks feel aggrieved. They observe that black incomes are still only 75% of white ones; 40% of black children live in poverty; black unemployment is more than twice as high; and the life expectancy for black males is more than eight years less than for white men (65 years vs. 73 years). They say whites have lost interest in their plight, cutting federal programs that benefit their communities and eliminating affirmative action programs that have created educational and job opportunities. The response of a growing number of blacks is not a call for more integration with white America, but separation and self-help.

c. demographic changes

Third, the debate on race in the 1960s was straightforward. It dealt almost exclusively with relations between whites and blacks. The civil and voting rights laws and affirmative action were a response to the terrible legacy of racial discrimination, particularly towards blacks, in this country.

Our civil rights agenda has changed over the years, first in response to the demand for women's rights and, more recently, in response to the changing demographics of the country. More women are in the workplace than ever before, and the nation has become more diverse, ethnically and racially, in the last 30 years as immigration from Asia and Latin America has swelled. According to the most recent Census estimates, our population is roughly 25% non-white; that figure is projected to reach 50% by the middle of the next century, easily within the lifetime of my grandchildren. As early as next year, whites will no longer be the majority in California.

The range of new civil rights challenges is astonishingly broad. Among them:

Discrimination and harassment claims have increased as more women enter the workforce. Whole new rules are being worked out in the era of increased gender equality.

Our school systems are educating a more diverse student population, many of whom will enter school lacking basic English language and learning skills.

Many states and local communities are challenged to absorb immigrant groups into their economies and address their social and cultural needs.

Minority populations are becoming more active in the political process, seeking greater representation within all levels of government and within political party structures.

II. WHERE ARE WE TODAY?

Where are we today in civil rights in this country?

On the positive side: We have made progress in enacting laws to promote equality—in voting rights, public accommodation access, and non-discrimination. A genuine positive change has taken place in the attitude of most Americans toward racial issues. More of us understand that we should accept equality among the races as a matter of principle. Finally, the black middle class has grown, black business has expanded, and the number of black public officials has increased.

And yet there are many problems. We understand now that racial issues cannot be solved by laws alone. Inequalities, rooted in feelings of prejudice and distrust, permeate our culture and society. I also find a lack of urgency about racial issues. For example, I rarely hear from constituents about race at my public meetings today. Many feel that the major wrongs have been righted, and they have other things on their minds: balancing the budget, improving schools, creating good jobs, fighting crime.

Hence, while we have worked hard to tear down racial barriers and promote equality, we all know—as Jim Henderson reminded us last year before this gathering—that our work is not done—in Columbus or in the country. Much has been done, much is still to do.

III. WHERE DO WE GO FROM HERE?

The question, then, is where do we go from here on civil rights? How do we build on our successes of the last generation? How do we make for a more inclusive, more just society which affords every American the opportunity to be the best he or she can be?

a. affirmative action

I am one who continue to believe there is an appropriate role for affirmative action, properly defined. Affirmative action programs are being challenged successfully in courts and legislatures across the country. The U.S. Supreme Court has worked to limit the use of race-based preferences in the workplace, on contracts, in legislative redistricting, at all levels of government. The federal government is in the process of retooling its affirmative action programs in response to these Court decisions. The overall effect of these changes will likely be to curtail government contracts flowing to minority and women-owned businesses.

I am also concerned by efforts to bar affirmative action in college and graduate school admissions. One federal appeals court has said that the University of Texas cannot use race as a factor in law school admissions. California voters approved a state referendum to similar effect at state college and graduate programs. As a consequence, minority enrollment for incoming classes at these schools plummeted last year. The long-term effects on enrollment remain to be seen.

The goal of public policy should be to make sure that all of us have the opportunity to develop our talents to the fullest. The rapid rollback of affirmative action programs will, I think, disserve that goal. While I oppose quotas or rigid preferences, I see affirmative action plans as a tool to create a more inclusive work place and open up opportunities for all persons. Real equality of opportunity is the key to minority advancement. Where discrimination has existed, it is fair to provide an equal opportunity to catch up. Affirmative action can promote equal consideration, and not reverse discrimination.

My view is that compensating for past discrimination is acceptable if done by using special training programs, talent searches and targeted financial help, and by helping disadvantaged groups compete. I do not, however, want to predetermine the results of competition with a system of quotas. Government can act to promote racial integration, help disadvantaged persons improve their circumstances, and proscribe intentional racial discrimination, but it cannot assure outcomes in hiring, contracting, and admission for higher education.

b. integration vs. separation

Affirmative action and other government-led efforts may provide opportunities to blacks and other minorities, but they will not bridge the divide between the races. Blacks and whites may work in the same place, but they often live in separate neighborhoods, go to separate schools, socialize in different circles. Some of this separation can be traced to discrimination, but increasingly, I think, it is by choice.

I recently read a comment of a black woman, a professional who works with whites, but lives in a predominantly black community. She said: "It's hard to grow up in white neighborhoods. There are always doubts about you, about your intelligence. This is what America is supposed to be about, total integration, but the reality is that most of us keep to our own in this country, and not because there is specifically some race factor, but because we feel more comfortable that way."

Some will say there is nothing wrong with people of a particular race choosing to live and socialize with their own. That if this country stands for anything it is individual liberty, and if someone chooses to live in an all-black community or an all-Hispanic community or an all-Korean community, that is their choice and who are we to criticize it.

Others worry that separation of the races will lead to the balkanization of America. That we have built our nation on a shared set of values, beliefs and traditions. And that separation tears at the very fabric of our society and institutions.

We can argue all day about the causes of this separation—the lack of economic opportunities; racism; the burden of history—but the question Americans must answer is whether this trend toward separation is desirable. I think it is not.

I am an integrationist at heart. I believe in the motto of this country: E Pluribus Unum, out of many, one. We can't compel people to move to integrated neighborhoods. We can't force them to socialize with people of other races. Integration should, nonetheless, be our goal. We don't have to reach that goal today, but we should strive to take steps day-by-day to get there. We are, after all, one nation, one family, indivisible.

c. individual and community-based action

My own experience is that the best way to improve relations among races is to have people work together at something they both believe to be worthwhile and important. If you get two adult women, for example, of different races together to talk about the future of their children, you can see the making of harmony and consensus. People who may not believe they have very much in common learn that they really do. A dialogue that simply leaves people feeling that we remain far apart doesn't get us very far.

We must talk frankly, listen carefully, and work together across racial lines. We must all take responsibility for ourselves, our conduct, our attitude—and our community. We must talk less about separation and bitterness, and more about unity, reconciliation and shared values. We must do everything to assure that every person in our community has real opportunity. Give every child in the community, every adult, too, the opportunity to get a good, decent, safe, fulfilling education to get ahead in life.

On a personal level, I urge you to get to know well a person of another race, and try to see the world through their eyes. Reach out to persons of a different race. Speak to them; listen to them, as I know many in this audience do. When people do this, they find a lot more in common than they thought.

I also urge you to learn more about the remarkable civil rights history of our nation. Two recent books, "Pillar of Fire" by Taylor Branch and "The Children" by David Halberstam, give us stirring accounts of this era. One of the most memorable experiences of my congressional career was getting to know Martin Luther King, Jr. at Washington National Airport as he was emerging on the national scene. Both us were waiting for delayed planes, and for an hour or so I visited with him. I caught from Dr. King—as I have from my colleagues in Congress, John Lewis and Andy Young, two other civil rights heroes—a glimpse of their courage and vision.

Thirty years after Dr. King's death, we can say that we have torn down many of the legal barriers in the country, but we have not been as successful breaking down the barriers in our hearts and minds. No one should cling to the illusion that the battle for equal opportunity and equal justice has been won.

Tolstoy said that many people want to change the world, but only a few want to change themselves. He had the right perspective as we think about race. You and I have to engage each other, learn from each other, endure the pain of reflection and candor, and move on to higher ground. Progress in race relations is not simply a matter of economic statistics or survey data, but it is measured to a large extent through interaction of people, with acts of brotherhood, tolerance, and understanding.

The work of the Columbus Human Rights Commission is instrumental to this process of discussion, healing and growth. The Commission provides a forum for people of diverse backgrounds and races to air their comments and concerns, to debate the issues in a frank manner, and to find solutions which will make our community more inclusive and more just.

IV. CONCLUSION

Our success in meeting these challenges will depend—in large measure—on our commitment to human rights. This evening has been a success if it causes each one of us to renew our commitment to human rights and to act in specific ways on that commitment.

The stakes are high. This country has been dedicated to the cause of human rights from its inception. If you and I do not lead in human rights, who will? Surely those of us who have been given so much—good parents, good education, good health, a marvelous country—and all of our many blessings—must take the lead for human rights into the 21st Century.

So when you leave here in a few minutes, what are you going to do? May I suggest you and I renew a simple pledge: We stand for justice. We combat injustice wherever we may find it—at home or abroad, in our own community or across the world. Leaders and legislation may be important, but what happens in your life, in your home, in your heart is more important than what happens in the White House.

We join hands in support of the Human Rights Commission in Columbus in a noble cause: contributing to the direction and success of a free society and a humane world.

TRIBUTE TO DR. JOEL FORT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. MILLER of California. Mr. Speaker, I rise today to invite my colleagues to join me in recognizing the accomplishments and contributions of a truly remarkable man, Dr. Joel Fort.

Dr. Fort was an early visionary in the field of public health. He was one of the first professionals to understand that social problems such as substance abuse and violence were not going to be solved by the criminal justice system alone, but rather required a collaborative approach which included public health expertise. Dr. Fort's personal commitment to this field brought about the creation of the San Francisco Department of Health's Center for Special Problems and the Center for Solving Special Social and Health Problems. These Centers have reached thousands of individuals, and serve as a model for replication throughout the United States and abroad. Not satisfied to stop there, Dr. Fort influenced a generation of public health and social service professionals by taking his philosophy into the classroom—teaching at several universities on subjects of drug abuse, criminology, ethics and conflict resolution. Dr. Fort's many achievements have earned him numerous accolades, most notably the recent completion of Oral History of Joel Fort, M.D.: Public Health Pioneer, Criminologist, Reformer, Ethicist, and Humanitarian by the Regional Oral History Office of the Bancroft Library, University of California, Berkeley.

Throughout this rich and varied career, Dr. Fort always held his family as his top priority.

Therefore, it is only appropriate that we join with his wife of 46 years, Maria Fort, and his three children and three grandchildren, in celebrating his life and his legacy. Dr. Joel Fort is an undeniably outstanding member of our community, and I speak for the entire U.S. House of Representatives in this tribute to him.

COUNCIL OF KHALISTAN CALLS ON PAKISTAN TO RECOGNIZE KHALISTAN

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. DOOLITTLE. Mr. Speaker, recently the Council of Kahlistan, which leads the struggle to liberate the Sikh homeland, Punjab, Khalistan, from Indian rule, recently wrote an open letter to the people and government of Pakistan urging Pakistan to recognize Khalistan to stop India from achieving hegemony in South Asia.

The letter pointed out that two leaders of the ruling BJP recently called for Pakistan and Bangladesh to become part of India. It has been fifty years since India and Pakistan achieved their independence, agreeing to partition at that time. For leaders of the ruling party to call for that agreement to be undone reveals India's imperialist aims in the region. The atrocities committed against the Sikhs, the Christians of Nagaland, the Muslims of Kashmir, the Dalits ("black untouchables," the aboriginal people of the subcontinent), and so many others also show India's drive to establish Hindu Raj throughout South Asia.

An independent Khalistan can serve as a buffer to prevent war between India and Pakistan. Khalistan is committed to freedom, denuclearization in South Asia, and economic cooperation to assure prosperity for all. It is time for the United States to promote freedom, peace, stability, and prosperity in South Asia by supporting a free and fair vote on the political status of Khalistan and for Pakistan to recognize the legitimate aspirations of the people of Khalistan, Nagaland, and all the nations of South Asia.

I am putting the Council of Khalistan's open letter into the RECORD.

COUNCIL OF KHALISTAN,
Washington, DC, April 8, 1998.

AN OPEN LETTER TO THE PEOPLE AND GOVERNMENT OF PAKISTAN: TO STOP INDIAN HEGEMONY, RECOGNIZE KHALISTAN

To the people and Government of Pakistan:

Your recent missile test is an unfortunate reminder of the tensions in South Asia. While it was a necessary response to India's drive to establish its hegemony over South Asia, it is still an unfortunate event. We all hope that South Asia will not once again erupt into a war.

India's drive for hegemony shows in the recent statement by two BJP leaders that Pakistan and Bangladesh should become part of India. It shows in India's military buildup. And it shows in India's ongoing repression of the minorities living within its artificial borders. It has already murdered over 250,000 Sikhs since 1984. It has murdered almost 60,000 Muslims in Kashmir since 1988, over 200,000 Christians in Nagaland since 1947, and tens of thousands of Assamese, Manipuris, Tamils, Dalits ("black untouchables," the aboriginal people of South Asia), and others.

You can help to end India's drive for hegemony by recognizing Khalistan. Your recognition will be a major boost of the movement to bring freedom to the oppressed Sikh Nation. It will also carry strategic advantages for you, as Khalistan can serve as a buffer between you and India. If there is a war, Sikhs will not fight for India. The Sikh Nation can also use the fact the over 60 percent of India's grain comes from Punjab, Khalistan to deter India from pursuing its dream of Hindu Raj throughout South Asia. I ask you to recognize Khalistan immediately. We seek to establish an Embassy in Islamabad and four consulates in Lahore, Karachi, Peshawar, and Quetter.

Khalistan is committed to the denuclearization of South Asia and to the establishment of a South Asian common market to bring greater economic prosperity to all the countries of South Asia. Khalistan will also sign a 100-year friendship and defense treaty with Pakistan. Only the liberation of Khalistan and the other oppressed nations of South Asia will bring true peace and stability to the subcontinent.

The Indian government has been talking to Naga leaders about the status of Nagaland. Yet India has failed to live up to its obligations under the 1948 U.N. resolution in which it agreed to a plebiscite in Kashmir and it has refused to hold a free and fair plebiscite in Punjab, Khalistan. India is not one country. It is a collection of many nations thrown together by the British for their administrative convenience. The collapse of India's brutal, corrupt empire is inevitable. By recognizing Khalistan, you can help bring that about sooner and help bring freedom, democracy, peace, and prosperity to South Asia. I call upon the people and government of Pakistan to take this step immediately.

Sincerely,
DR. GURMIT SINGH AULAKH,
President,
Council of Khalistan.

HONORING THE 80TH BIRTHDAY OF JOSEPH GIGUERE

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. NEAL of Massachusetts. Mr. Speaker, it is with great honor that I have this opportunity to stand on the floor of this great Chamber and acknowledge the celebration and occasion of the 80th Birthday of my constituent, Joseph Giguere.

Mr. Giguere of Southbridge, Massachusetts was born in St. Aimée in the Province of Quebec, Canada on March 19, 1918. His early years on his family's homestead in the countryside surrounding Montreal instilled within him a sense of hard work and determination, and loyalty to friends and family. These admirable qualities were carried with him when he emigrated to the United States at the age of eleven and helped him to persevere and fully acclimate himself to the American society that he proudly became a citizen of. His eagerness to learn a new language, while still observing and respecting the strong French-Canadian heritage that had been ingrained in him, enabled him to attain an education and skills necessary for trade of a woodscraftsman. Though it was the Depression, his father was an entrepreneur and successfully started numerous enterprises, including broom factories, butcher shops, and woodworking establishments. The skills that Mr. Giguere learned allowed for him to always find work to sustain and contribute to his family.

Mr. Giguere married his sweetheart, Dorothy, with whom he celebrated a 50th wedding anniversary and each day of their life together. They shared a love and friendship that many would envy, as well as the blessing of six children and many grand-children and great-grandchildren. Mr. Giguere and his wife ensured that all of their children, Richard, Marguerite, Roland, Therese, Paul, and Michael, were raised appreciating the value of education, discipline, and tradition, all which they in turn have passed on to their own children. Mr. Giguere also extended his good fortune and the warmth of his home to members of his community and the parishioners at Notre Dame Church. In fact, stories abound of the crowds of neighbors and friends who would come to Mr. Giguere's home to watch Milton Berle, Jackie Gleason, and Art Carney since he owned the first television in the area. The laughter and happiness continues from those nostalgic days, and "Pepére", as he is affectionately referred to by his grandchildren and great-grandchildren, is always there to extend a helping hand or a listening ear and his own perspective and encouragement. It is a great pleasure to acknowledge Mr. Giguere today on the occasion of his 80th birthday. May he have many more happy and healthy years ahead of him.

IN HONOR OF MR. DEE J. KELLY

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. FROST. Mr. Speaker, I rise today to honor Dee Kelly, from Fort Worth, Texas, who is receiving the Blackstone Award on April 30, 1998, for consistent ability, integrity, and courage as a lawyer.

Mr. Kelly grew up in Bonham, Texas, the son of a farmer and a mill worker. He knew as early as high school that he wanted to practice law. He became a friend of Speaker Sam Rayburn, who was his Congressman in Bonham, and spent some time working for the Speaker on Capitol Hill. He completed his bachelors degree at Texas Christian University in Fort Worth, Texas, and studied law at George Washington University at night while he was working for the Speaker. After a few years in Washington, Mr. Kelly returned to Fort Worth to practice law. He began his own firm in 1979, which now has about 80 attorneys in Fort Worth and Austin.

Mr. Kelly is not a stranger to awards and honors. He has won countless business and civic awards, including the Horatio Alger Award in 1995. He has been included in the book Best Lawyers in America for seven years in a row. The Blackstone Award is special to him because it is given by his colleagues. In addition to the long hours he maintains at his firm, Kelly, Hart & Hallman, Mr. Kelly serves on several corporate boards and has close ties to his alma mater, Texas Christian University, where the alumni center is named after him. Many civil attorneys never receive the widespread recognition that their colleagues in criminal law receive, but Mr. Kelly is one of the few who has.

My fellow colleagues, please join me in recognizing Mr. Dee J. Kelly, a truly outstanding attorney and active member of his community.

REVEREND CARTER CELEBRATES 25 YEARS WITH FIRST BAPTIST CHURCH

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. COLLINS. Mr. Speaker, I rise to recognize and celebrate the contributions of Reverend Charles Carter, senior pastor of the First Baptist Church of Jonesboro. For the past 25 years, Reverend Carter and his wife, Margaret, have led the church through explosive growth, all the while inspiring those they touch with the important lessons of the Bible.

Raised in Toccoa, Georgia, Reverend Carter spent his time outside of school bagging groceries in his family's store and pumping gas at his parents' filling station. He went on to study at Mercer University, and then attended Southern Baptist Theological Seminary. After pastoring in Kentucky and North Carolina, Reverend Carter brought his passion for preaching the Bible to Clayton County. Under his leadership, First Baptist Church paralleled the country's population boom with incredible growth from a family of 1,600 members in 1973 to an extended family of 6,400 members this year.

With the growth, the church has had the opportunity to expand programming, particularly for the community's youth. They also fund missions to build churches in countries like Guatemala and Venezuela. In 25 years, First Baptist has operated under balanced budgets, even with a budget that has swelled to more than $4 million.

A balanced budget is not the only lesson we should follow from the example of Reverend Carter. His belief in the importance of work is motivation for us all. "You do whatever it takes to get the job done. Forget your job description. Forget what can be done and can't be done. Do whatever it takes."

Margaret Carter's involvement in the church is also inspirational. She is a partner in the truest sense, as she and her husband have shared in the joys and responsibilities that come with 25 years of heartfelt devotion to the church.

Jonesboro is privileged to have Reverend and Mrs. Carter in its community. Although Reverend Carter will soon retire, his legacy of guidance and inspiration will long survive his absence from the pulpit of First Baptist.

TRIBUTE TO WALTER G. WATSON

HON. LINDSEY O. GRAHAM

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. GRAHAM. Mr. Speaker, I rise today to congratulate and honor Dr. Walter G. Watson of North Augusta, South Carolina. At the graduation ceremony, on May 6, 1998, Clemson University will present Dr. Watson with an honorary degree.

At 88 years of age, Dr. Watson remains a practicing physician. After graduating from The Citadel, he attended the Medical College of Georgia (MCG), and later taught there. Besides serving as chair of the OB/GYN department for most of his career, Dr. Watson has received the Outstanding Faculty Award and the Outstanding Alumnus Award from MCG.

Dr. Watson also demonstrates exemplary commitment outside of his career. He has served the North Augusta athletic program for over fifty years, by performing physicals and caring for the injured. He also provided critical assistance to his church, by helping to rebuild Grace Methodist, one of South Carolina's largest Methodist churches.

As Dr. Watson has no plans for retirement, he continues to serve as an exemplary role model for future generations. He is a dedicated gentleman of high character, concerned with the needs of others and the community he serves. Mr. Speaker, I ask that my colleagues join me in paying tribute to this outstanding individual, by recognizing the commendable actions in all aspects of his life.

TRIBUTE TO THE UNIVERSITY OF ILLINOIS WOMEN'S BASKETBALL TEAM

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. EWING. Mr. Speaker, I rise today to pay tribute to the outstanding achievements of the 1997–98 University of Illinois women's basketball team. With a "Dare to be Great" attitude, head coach Theresa Grentz challenges her players, coaching staff and those working with her to strive for excellence. Studying the 1997–98 record books, it seems to have paid off.

The University of Illinois Women's 1997–98 basketball team was destined to soar to new heights. Their No. 5 ranking in December marked the highest ranking ever by an Illinois team. Illinois earned a No. 3 seed, the highest in program history, and advanced to the "Sweet Sixteen" for the second consecutive year, an outstanding accomplishment. Senior Ashley Berggren became Illinois' all-time leading scorer with 22 points against Purdue. She finished her career with 2,089 points, placing fifth all-time in the Big Ten. Fellow teammate and senior Krista Reinking set the Illinois record for three-point field goals made in a game while playing Minnesota. She closed out her career with a total of 194 three-point field goals. Coach Grentz, who won her second consecutive Big Ten Coach of the Year award, led her team to a nine game winning streak spanning November 28 until January 16, the second longest in program history. The 1998 senior class tied the class of 1984 for the all-time winningest class with 67 wins over four years. For this honor I would like to recognize the Senior players; Guard Ashley Berggren from Barrington, IL; Guard Kelly Bond from Chicago, IL; Guard Krista Reinking from Decatur, IN; and Center Nicole Vasey from Lake Zurich, IL. May their past successes continue to follow them wherever they may go. Mr. Speaker, I would like to thank the entire women's team, Coach Grentz and all involved in bringing such excitement and pride to the University of Illinois.

CONGRATULATING DR. STANLEY NUSSBAUM

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mrs. McCARTHY of New York. Mr. Speaker, I rise to congratulate Dr. Stanley Nussbaum, who is being honored by the Herbert Tenzer Five Towns Democratic Club at its annual brunch on May 3, 1998. Stan is a dynamic political leader, representing the community in my district known as the Five Towns on the local, state, and national levels. The residents of my district have reaped the benefits of his commitment to the community, as he has always put forth the needs and concerns of the people of Long Island.

Stan's leadership is quite impressive. He has been a member of the Nassau Democratic County Committee for twenty-five years, and served as President of the Five Towns Democratic Club from 1978–1980 and then again from 1984–1990. He was Zone Leader of Lawrence-Cedarhurst and in 1994 was elected as a New York State Committeeman.

An early supporter of President Clinton prior to his election, Stan proceeded to run and was elected as a Clinton delegate for the 1992 Democratic National Convention. Currently, Stan serves the Island as Assembly District Leader in the 20th A.D.

In addition to his outstanding and extensive involvement within the Democratic Party, Stan is also very active in community affairs. Locally, he served as President of the Five Towns Jewish Council, and has been a trustee of the American Jewish Committee. Presently, he is a trustee of Temple Beth El of Cedarhurst, and sits on the boards of the American Committee of Israeli MIA's and the Conference of Jewish Organization of Nassau County. Stan is a life member of the American Dental Society.

Amazingly, Stan has managed to accomplish all of this and remain extremely devoted to his family including his wife, Toby; their three children, Felice, Hillary and Larry; and two grandchildren, Ananda and Sierra.

Dr. Nussbaum emulates the ideals of citizenship in our country—through his concern for others, his service to the community and active participation in our government. I wish to congratulate—and thank—my good friend

Stan, for all that he has done for me, my district, and Long Island.

TRIBUTE TO THE LATE HONORABLE BELLA ABZUG

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Ms. DELAURO. Mr. Speaker, last night a number of my colleagues, led by Congressman JERRY NADLER and Congresswoman ELEANOR HOLMES NORTON, paid tribute to the late Bella Abzug. I want to lend my voice to theirs in honoring this remarkable woman.

It is particularly fitting that we honor her this week, after we watched two new women members be sworn in. We now have 55 women serving in the House of Representatives—the largest number in history. Bella would be proud.

Those gains were made possible by women like Bella Abzug, women who fought their way into what was still a "man's world." Bella spent her career working to promote women's rights. After she left Congress she founded the National Women's Political Caucus, a vital organization with the goal of promoting women's participation in government. As we look around the chamber today we can see the tremendous progress we have made toward that goal.

With her trademark hats and her bold style, Bella hit the ground running in Congress and never once stopped. As the daughter of immigrants and the first Jewish woman to serve in the House, Bella never forgot who she was or where she came from. She spent her lifetime looking out for those who were traditionally excluded from the Washington power structure—immigrants, minorities, and especially women. She fought to end U.S. involvement in Vietnam. She fought for women's rights, civil rights, worker protections. Bella served as a voice for those who had been shut out of the process for far too long.

Before she came to the House in 1971, this body had never seen the likes of Bella Abzug. We all know that we never will again. Bella was a true pioneer.

Every woman who walks these halls today, and every woman who will follow us in the future, owes a tremendous debt to Bella for all the barriers she broke. Bella, we thank you and we will never forget you.

TRIBUTE TO VICTIMS OF ARMENIAN GENOCIDE

SPEECH OF

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. KENNEDY of Massachusetts. Mr. Speaker, April 24 marks the 83d anniversary of the beginning of one of the most terrible chapters of human history—the Armenian genocide.

From 1915 to 1923, over 1½ million Armenians perished at the hands of Ottoman Turks. As Peter Balakian documents in his book "Black Dog of Fate":

> Every day you heard about Armenians disappearing. Shopkeepers disappearing from their shops in the middle of the day. Children not returning from school. Men not coming back from the melon fields. Women, especially young ones, disappearing as they returned from the bath.

But sadly, the Turkish government is practicing historical revisionism by denying that a genocide took place. Even more regrettably, Turkey continues its blockade of Armenia, attempting to starve it of humanitarian aid and commerce. The United States should persuade Turkey to be a catalyst for truth and peace in the region. Only with Turkey's cooperation and America's leadership will it be possible to move forward to bring peace and prosperity to the descendants of the victims and the survivors of the Armenian genocide.

This period of ethnic cleansing was only the first of the twentieth century. It was to be followed by the Holocaust of World War II and the mass murders of the Bosnian conflict and central Africa. Perhaps if more people had known the truth behind Armenia's tragedy, the world would have seen the warning signs, and prevented the subsequent genocides. Today in 1998, ethnic cleansing threatens to reignite in places like Kosovo. It is of utmost importance to acknowledge the Armenian genocide, for its example is relevant more than ever today.

I am a proud cosponsor of House Concurrent Resolution 55, which honors the victims of the Armenian genocide and urges the United States to be active in the struggle to bring recognition to this tragedy.

Today, Armenian grandparents are passing the story of Armenian suffering down to their families because they know the importance of keeping the truth alive. We in Congress should do our part too, to inform the public, to recognize historical fact, and to honor those who suffered.

THINK TANK PREDICTS NUCLEAR WAR BETWEEN INDIA AND PAKISTAN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. BURTON of Indiana. Mr. Speaker, a very distressing article has just come to my attention, thanks to Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. It is a report from the April 17th issue of India Abroad that the Rand Corporation, a widely-respected think tank, predicted that within a few years, there will be a major war between India and Pakistan and that this war could involve nuclear weapons.

The prospect of a nuclear war in South Asia must be distressing to anyone. This event could pose a major threat to the entire world. We should all commit ourselves to making sure that even if a war does break out, it is fought without the use of nuclear weapons.

In its report, the Rand Corporation noted that "the insurgency in Indian Kashmir has become unmanageable" and that "the insurgency has begun to spread into Punjab." The Indian Government is fond of telling us that there is no support for independence in Punjab, Khalistan. Yet Rand Corporation, which has no interest in promoting either side, tells us that the "insurgency" is spreading into Punjab, Kahlistan.

This disastrous scenario is one more reason the United States, as the world's only remaining superpower, should support freedom for Khalistan, the Sikh homeland that declared its independence on October 7, 1987, and the other nations in South Asia that are seeking their freedom. An internationally recognized and independent Khalistan could serve as a buffer between both India and Pakistan. This would be in the best interests of India, Pakistan, the United States, and the whole world.

Mr. Speaker, it is time for this Congress to go on record in support of a free and fair plebiscite on the political status of Khalistan. It is time to demand that India keep its promise made in 1948 to hold a plebiscite in Kashmir. That is the democratic way to settle these issues. It is also the best way to prevent South Asia from becoming the tinderbox of a nuclear disaster for the entire world.

I would like to enter the India Abroad article into the RECORD, and I strongly urge my colleagues to read it carefully.

[From India Abroad, Apr. 17, 1998]

THINK TANK PREDICTS INDIA-PAKISTAN WAR

(By Aziz Haniffa)

WASHINGTON—A scenario prepared for the Pentagon by the semi-official Rand Corporation, a highly regarded think tank which receives some Federal funding, finds large-scale humanitarian operations in a nuclear combat zone in South Asia following the year 2005, which is fueled by an "unmanageable" situation in Kashmir.

The scenario, contained in Rand's report titled "Sources of Conflict in the 21st Century: Regional Futures and U.S. Strategy," paints a picture where "the insurgency in Indian Kashmir has become unmanageable," so much so that "despite the best efforts of the Indian government, the insurgency has begun to spread into Punjab."

"Recognizing that it has been left behind in its conventional military competition with India," the scenario notes, "Pakistan sees these revolts as a way of weakening its great rival and increases its material and diplomatic support, including training and sanctuary, to both insurgencies."

By early the following year, it predicts, "Pakistan's involvement—never precisely subtle to begin with—becomes highly visible when two Pakistan soldiers, acting as trainers for Kashmiri insurgents, are captured in an Indian commando raid on a rebel-controlled village."

According to the scenario, "India warns Pakistan to desist from supporting the insurgencies and threatens dire consequences. Pakistan initiates diplomatic efforts to isolate India while increasing levels of covert support for the insurgents." In the spring of 2006, the scenario shows that "India dramatically increases its counter-insurgency operations . . . and the rebels are pushed into precipitate retreat."

Pakistan's response, it says, is "by infiltrating a number of special-forces teams, which attack military installations."

India then mobilizes for war "and launches major attacks all along the international border, accompanied by an intense air campaign."

Consequently, according to the Rand scenario, "the Indian Army makes significant penetrations in the desert sector and achieves a more limited advance in Punjab, capturing Lahore and heading north toward Rawalpindi and Islamabad."

Additionally, "a supporting attack from Kashmir is poised to go at the proper moment," and conventional missile and air strikes "have done extensive damage to Pakistani military infrastructure, while India's air bases, in particular, have been hit hard by the Pakistanis."

The scenario notes that "fearful that the Indians will use their emerging air superiority to locate and destroy the Pakistani nuclear arsenal and perceiving their military situation as desperate," Islamabad demands that India cease all offensive operations and withdraw from occupied Pakistani territory "or face utter destruction."

But it paints a picture of India pressing on with its conventional attacks while announcing that while it would not "initiate the escalation of the conflict," it would "surely respond in a * * * devastating manner" to any Pakistani gambit.

Bringing in the nuclear dimension to its scenario, the Rand report then notes that as Indian forces "continue to press forward, Pakistan detonates a small fission bomb on an Indian armored formation in an unpopulated area of the desert border region; it is unclear whether the weapon was intended to go off over Pakistani or Indian territory." India responds by destroying a Pakistani air base with a two-weapon nuclear attack.

Condemning the "escalation" to homeland attacks, Pakistan then attacks the Indian city of Jodphur with a 20-kiloton weapon and demands cessation of hostilities.

But India strikes Hyderabad with a weapon assessed to be 200 kiloton and threatens "10 times" more destruction if any more nuclear weapons are used during the conflict. Pakistan then offers a cease fire.

Meanwhile, according to the scenario, "pictures and descriptions of the devastation in Jodhpur and Hyderabad are broadcast worldwide, and Internet jockeys—playing the role ham radio operators often have in other disasters—transmit horrifying descriptions of the suffering of the civilian victims on both sides."

This results in the United Nations immediately endorsing a massive relief effort, "which only the United States—with its airlift fleet and rapidly deployable logistics capability—can lead."

Thus, within 48 hours—after the cease-fire has been accepted by India but before it is firmly in place—"the advance echelons of multinational, but predominantly American, relief forces begin arriving in India and Pakistan."

In noting the constraints in such a scenario, the Rand report notes the war has rendered many air bases in both India and Pakistan only marginally usable for airlift operations.

"U.S. citizens," it states, "are scattered throughout both countries, and the host governments' attitudes toward their evacuation are not known."

The U.S. President meanwhile has assured the nation in a broadcast address that only the "smallest practical number" of troops will be deployed on the ground in either India or Pakistan.

In a preface to the report, Rand said the study, sponsored by the Deputy Chief of Staff, Plans and Operations, "was intended to serve Air Force longrange planning needs."

It said the "findings are also relevant to broader ongoing debates within the Department of Defense and elsewhere."

PUNJAB IS STILL A POLICE STATE UNDER AKALI RULE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. TOWNS. Mr. Speaker, we had hoped that the election of a new Sikh-led government in Punjab would end the tyranny that has reigned there. Unfortunately, that has not been the case. Former Justice Ajit Singh Bains, chairman of the Punjab Human Rights Organization (PHRO), recently described Punjab as a police state. As the Council of Khalistan recently pointed out in a letter to Punjab police chief P.C. Dogra, Punjab remains a police state even under the rule of the Akali Dal.

Since the Akali government took power in March last year, over 100 atrocities have been documented, including murders, rapes, and many instances of torture by the Punjab police. The Akali government has not freed any of the Sikh prisoners held in illegal detention, some since 1984, nor has it brought charges against even a single policeman. Even the Congress Party governments in Punjab and Delhi charged a few police officers who committed the most visible abuses. Yet despite a Supreme Court order that the police officers who kidnapped human-rights activist Jaswant Singh Khalra on September 6, 1995 be indicted, the Akali government proudly boasts that no action has been taken against any police officer.

Earlier this month, members of the Khalra Committee had their tires slashed by the police during a court hearing. Mr. Khalra's wife, Paramjit Kaur Khalra, has been falsely charged with bribing a witness, who is now under police protection. Two other witnesses have also had their rights infringed. Kikkar Singh was falsely implicated in two cases, and PHRO Vice Chairman Kirpal Singh Randhawa recently wrote to the Chief Minister and the President of the World Sikh Council exposing a police conspiracy to eliminate him.

In March, a 17-year-old Sikh girl named Hardip Kaur was gang-raped by four policemen. In February , two Sikh youths were arrested while riding their bicycles in front of a Gurdwara (a Sikh temple.) Also in February, a Sikh named Malkiat Singh died from torture by the police at the Ahmedgarh police station. Plainclothes police even occupy the Golden Temple in Amritsar, the holiest of Sikh shrines, which was the scene of a brutal desecration and massacre by the Indian military in June 1984.

Even Justice J.S. Sekhon, a member of the government-appointed Punjab Human Rights Commission, expressed his concern about police behavior. He said that his commission has received 90 complaints about police misconduct. Some incidents have resulted in death. This does not sound like the way a democracy operates. Justice Bains is right. Punjab is a police state. I call upon the Punjab government to begin prosecuting police, to bring in independent human-rights monitors, to release all Sikh political prisoners, and to begin observing the basic rights of all human beings. If it will not, America should ban all trade with Punjab and demand an internationally-supervised plebiscite on independence for Punjab, Khalistan. These are the best steps we can take to insure that the rule of law and the glow of freedom finally come to the Sikh homeland.

I am placing the Council of Khalistan's letter to Mr. Dogra into the RECORD.

[Open Letter to Punjab DGP Dogra From Dr. Gurmit Singh Aulakh, President, Council of Khalistan, April 16, 1998]

PUNJAB IS A POLICE STATE—END POLICE ABUSES NOW!

MR. DOGRA: Recently Justice Ajit Snigh Bains, the chairman of the Punjab Human Rights Organization, described Punjab as a police state. He is right. Your police have murdered, raped, tortured, and secretly cremated tens of thousands of Sikhs since 1984.

Last week the human-rights community in Punjab met with the Chief Minister. They detailed numerous abuses of human rights by the police. Your police slashed the tires of Khalra Committee members. The Supreme Court ordered the indictment of the police officers who kidnapped Jaswant Singh Khalra on September 6, 1995, yet they are still at large. Mr. Khalra's whereabouts remain unknown. Mr. Khalra published a report exposing the police tactic of abducting Sikhs, torturing and killing them, then declaring their bodies "unidentified" and cremating them. For this, the late Tarn Taran police chief, Ajit Sandhu, threatened that "We made 25,000 disappear. It would not be hard to make one more disappear." It has been two and a half years since Mr. Khalra was kidnapped. When will your police take responsibility?

Kikkar Singh, who is a witness in the Khalra case, was falsely implicated in two cases and remains in jail. Kirpal Singh Randhawa, Vice-Chairman of the Punjab Human Rights Organization, is a witness in the Khalra case. He wrote to the Chief Minister and the President of the World Sikh Council exposing a police conspiracy to eliminate him. These illegal actions show the lengths that the police will go to in the effort to cover up their own responsibility for the reign of terror that has engulfed Punjab.

Just in the last year, over 90 atrocities by police have been documented in Punjab. Last month, a 17-year-old Sikh girl named Hardip Kaur was waiting for a bus to take her to her family's village. She was offered a ride by two police officers, and this innocent young girl accepted. She was taken to a house where these officers and two other police officers gang-raped her all night. In February, Malkiat Singh of the village of Bisgawa died from torture inflicted by the Inspector and Sub-Inspector of the Ahmedgarh police station. In February, two Sikh youths who were riding their bicycles in front of a Gurdwara were picked up by your police and stuffed into a police jeep. They are accused of being militants, but the residents of their village say that these charges are unfounded. These are just some of the most recent incidents. How can a country that operates this way call itself a "democracy?"

It is a well-known fact, reported by the U.S. State Department, that police officers have received cash bounties for killing innocent Sikhs. It was in pursuit of one of these bounties that the police murdered a three-year-old child and claimed that he was a "terrorist." Do you consider that acceptable police practice?

Your police even continue to occupy the Golden Temple, the holiest of Sikh shrines. It has been fourteen years since the desecration and massacre known as Operation Bluestar. There is no better illustration of the fact that there is no place for Sikhs in India's "secular democracy."

During a recent visit to Punjab and Chandigarh, Canadian Revenue Minister Herb Dhaliwal said that only when the problem of harassment of people and insecurity of property is solved will outsiders be encouraged to invest in Punjab. He called for democratic change. It is you and your police force that can end the harassment and abuse of human rights. Only then will the door be open for real democracy to function in Punjab.

Recently, Justice J.S. Sekhon, a member of the government-appointed Punjab Human Rights Commission, said that he is worried about the inhuman behavior of the police. He noted that the police have been torturing people in the police stations and that the law does not allow this. Even though militancy has yielded to peace in Punjab, he said, his commission has received 90 complaints against the police. Justice Sekhon said that the commission is taking a serious view of these complaints, especially those that resulted in death in police custody. He added that the police must be more cooperative and humane towards people. What further proof is needed? Punjab is a police state.

As Justice Sekhon said, your police force has a long way to go before it begins to resemble the law-enforcement arm of a free state. As the Director General, you bear ultimate responsibility for these crimes. Even your own allies are exposing the reign of terror that you police have imposed on the hardworking people of Punjab.

Only when the fundamental rights of all people are observed can any country call itself democratic and free. We Sikhs are moving towards true democracy and freedom in our homeland, you can either help in that process or hinder that process. So far you have done the latter, I hope for the sake of your own conscience, you begin to do the former.

It is your responsibility to end the police tyranny in Punjab, otherwise, history and the Sikhs will never forgive you.

PANTH DA SEWADAR,
DR. GURMIT SINGH AULAKH,
President, Council of Khalistan.

CHALLENGES AND OPPORTUNITIES IN THE DIGITAL ERA

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Ms. HOOLEY of Oregon. Mr. Speaker, I rise today to submit an article to the RECORD entitled "Digital Watch; The Big Picture" by Jerry Meyer, the Chief Executive and President of Tektronix, a global high-technology company based in Wilsonville, Oregon. This article describes the challenges and implications of the transition to the digital transmission of television, telecommunications and information technology signals.

Directed by Congress in the Telecommunications Act of 1996, the Federal Communications Commission mandated a ten-year period for the transition from analog to digital broadcasting.

This industry imperative to disseminate the new technology has not necessarily created an instant demand for digital products, but it has driven the development of remarkable new interactive technologies.

Mr. Meyer, whose firm is a global distributor of high technology components, including testing and interactive video equipment, is in an ideal position to observe trends in the digital industries.

While emphasizing the unpredictability of these new markets, his article offered me a clear perspective on the possibilities that digital broadcasting creates and the scramble now taking place to capitalize on those opportunities. Thus, I am inserting this article into the RECORD and commend it to all of my colleagues for its reasoned approach to the new digital era.

DIGITAL WATCH: THE BIG PICTURE

(By Jerome Meyer)

Even if you've heard the hype and seen the product demos—amazing color and clarity, images so real they look almost 3D—chances are you haven't given much thought to their consequences. Most people never worry about how a broadcast signal reaches their television set or computer terminal, and most don't have to in order to lead profitable, happy lives. Yet the move from a world of analog signals to a digital version, raises a host of questions. Just how much will consumers shell out for enhanced quality? Who will deliver it to them? With telephone companies, Internet service providers, and media powerhouses all scrambling for a ride on the wave, what will the much-heralded "digital world" of the future really look like?

NOW YOU SEE IT, NOW YOU DON'T

A virtual hurricane, the digital revolution is sweeping the worlds of telecommunications, broadcasting, and multimedia, carrying consumers from the analog world of The Ed Sullivan Show to the digitally supercharged computer games of Sega Saturn. Like all transitions, this event isn't monolithic, and it isn't pre-programmed. As the laboratory tools of digital conversion and compression become available at a price that makes them salable, programmers, movie studios, producers, and advertisers are applying their creative genius to the new delivery system.

A simple comparative glance at a digital television picture and an analog picture will give you a hint of how drastic the improvement really is. The superfine visual and audio quality is brought to you thanks to a technology chain that links satellite makers, cable operators, content providers, and electronic manufacturers.

Even telephone companies like GTE (which recently bid to buy Internet service provider BBN Corp. for $616 million) and US West are fast expanding beyond their traditional delivery mediums. Digital technology will make packaging offerings of wireless services such as paging and data transfer more widely available.

In a sense, the perceived needs of the consumer are driving this revolution into a digital state of high quality and dependability. It is no longer enough to deliver the consumer to another technology barrier. Motorola's global scale Iridium project is just one attempt to deliver digital technology into a world marketplace.

Are consumers responding?

Without a doubt. Although just 150 commercial satellites spin overhead today, you can expect to find the sky cluttered with almost 2,000 of them in just seven years. When you consider that that could provide a market of more than 1 billion people, it's no wonder media moguls like Rupert Murdoch are running hard to put in place the content and capability to service those markets.

There are an estimated 50 million people surfing the Internet. Last year, computer sales outpaced those of televisions. At the same time, it is clear that the consumer is not wedded to a particular delivery system and will shop for price and quality.

The mad scramble for digital conversion has created dynamic responses, but it has also caused some confusion. From my vantage point at Tektronix, I am able to measure the needs of the people who are using digital technology everyday. As demand grows for better ways to test and measure the digital stream of information—whether into a TV or onto a computer screen—I see some patterns and possible pitfalls.

The debate over whether consumers will use their televisions or their computers for digital images ends up being about ease of use. Whether my "network appliance" is made by Sony or Philips or comes mail order from Dell or Compaq doesn't really matter. What matters to the consumer is: Is it better than what I already have? Does it cost more or less? What programming or content will it give me access to?

Some pundits and news media would have us believe that 90 million television owners are going to drive down to the store Monday morning and buy brand new digital televisions. Current prices for the screens make that unlikely, but just as with the VCR, when consumers finally get a glimpse of something that is demonstrably better—and digital is—computer makers and consumer electronic makers will have a great opportunity. Most large-scale manufacturers are already making plans for the 10-year analog to digital changeover mandate by the FCC.

Already, computer makers and their chip allies, like Intel, see an advantage to being on the consumer's desktop. And, of course, our Pacific Northwest neighbor, Microsoft, has taken advantage of the way your appliance works in order to serve up information, news, and data. Microsoft recently demonstrated its desire to be part of the "screen experience" by paying $425 million for WebTV and $1 billion for a stake in cable operator Comcast.

Your future Internet experience—whether at home or at your place of business—will not be rooted in the appliance, but in the value it adds to your work or social life. Business-to-business on-line commerce is already beginning, and structures are now being built to handle grocery shopping, educational material, and banking for consumers. The growth in e-mail tells me that people want to communicate with each other, but it also offers a way to transform learning and education.

Applications will continue to drive the digital marketplace, with technical solutions always playing catch-up to the needs and desires of the consumer. Continuing price pressure and the persistent need to lower costs—whether through falling chip prices or sinking telephone charges—will also spur the digital conversion.

But this urge to go digital isn't without its pitfalls. Intense efforts and great spending by some of the best and brightest companies has yet to secure a business model where the consumer will pay enough money to make sophisticated, costly technology a worthwhile business investment. Interactive television trials are now showing the promise they once had, though other kinds of digital interactive technology is securing a market. Digital editing and digital transmission of images and sound are no longer revolutionary.

The fact that it is my own inclination to actually go to the movies with my wife, rather than rent a video as our children do, underscores the point that all consumers—and all businesses—don't embrace change at the same speed. The "rush" to replace the analog technology of vacuum tubes with the high-speed elegance of chips and computers has taken time, and that will continue.

My perspective is perhaps a little different than most, because I've been able to see how technology has become more and more a consumer product. Turning out oscilloscopes for the U.S. Navy—our old business—isn't exactly the kind of thing that gets you headlines, unless there is a war on. But the initial concept of testing and measuring the quality and consistency of technology is at the root of this digital revolution—and that just happens to be our business.

THE DIGITAL WATCH

When you see a digital television picture you'll know it. The clarity and quality is downright amazing, and some digital broadcasting currently being received by digital set-top boxes looks almost 3D. Even with current standard televisions, signals transmitted digitally via a satellite make Thursday night's Seinfeld episode shine even brighter.

The big question has never been, "Gee, is this neat stuff?" The real question that keeps companies like Intel, Sony, and TimeWarner up at night is: "How much will consumers pay for this technology?"

Several events have coincided to make this a particularly exciting shift for the industry. Not only are huge sums of money being spent on a variety of new delivery systems, but government deregulation also throws these new technologies into the push-and-pull of the marketplace.

When telephone deregulation started back in the mid-1980s, the personal computer was outside the reach—and want—of most people. Technology issues revolved around speed, size, and standards. By embracing open standards of technology—a concept similar to that of everyone agreeing on grades of gasoline—the PC business boomed; even the Goliath IBM learned a lesson trying to hang onto standards, while companies like Dell Computer, Compaq, and Microsoft gave new meaning to the mixing of technology and growth.

In terms of going digital, Murdoch's Fox television network is the most aggressive entertainment company. They are using the digital shift to bring costs down as well as to build a satellite distribution network that stretches around the globe. I get a first-hand look at what these companies want to do because they've got to know what the technology can do before they deploy it. Whether transmitting stock prices or television programs, you have to use technology to deliver it to the customer.

Right now, other broadcasters (CBS, NBC, and ABC) are steering a conservative course. There's some good reason for this. They have all been through the cable wars and were told that their traditional dominance would be washed away like Gilligan and his friends. With a massive capital spending campaign to finance this government-mandated switchover from analog to digital transmission, no one wants a false start.

The market players know that digital will be the de facto standard in the next century. Ditigal technology will allow companies to provide more information to consumers as well as create challenges relating to costs and development. The digital world will blur the lines between data and video on a computer screen and the entertainment and news we have grown accustomed to on our television sets.

SWITCHING CHANNELS

One clear benefit of the digital world will be greater choice. Individuals will be able to personalize the kinds of information they receive as well as the medium they want to use. Hand-held digital telephones with news, messages, Internet connections, as well as the more mundane tasks of scheduling, telephoning, and electronic files will be packed into small cost-effective devices.

Companies such as Motorola, Ericson, and Sony will lead the consumer charge in this area, but an entire behind-the-scenes technology deployment will have taken place—unseen by the average customer. Digital standards provide the framework for all the information traveling the airwaves. As broadcasting, production, and distribution players battle for consumers, they will all be using digital tools for combat. Traditional broadcasting will be using two-way technology to connect with viewers; production companies will have new video and audio capabilities to engage the audience; and distribution will follow the customer from room to room and from city to city.

Imagine video technology at a reasonable price, bundled, as part of a wider array of technology information choices. One channel might be news; another might be a conversation with co-workers or family members. Digital technology literally unleashes whole new combinations of images and sounds that can go anywhere and be transported for a fraction of their traditional cost. While the corporate landscape will be dominated by some of the same players competing today, it is fair to say that everyone is watchful of new entries. As digital technology becomes more and more pervasive, it also will present new opportunities for startup and new ventures.

Whether it is video browsers that let computer users watch full motion, digital video with sound, digital signals sent via satellites, or new digital transmission towers, the consumer will be clamoring for the best technology at the best price. The challenge for the consumer electronics industry is to deliver it.

LETTER CARRIERS AGAIN SPONSOR FOOD DRIVE FOR NATION'S NEEDY

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. KLECZKA. Mr. Speaker, again this year, as they have for countless years in the past, letter carriers from around the country will collect nonperishable food items placed near their customer's mail boxes on Saturday, May 9. The food will then be given to local food pantries for distribution to those in need. Letter carriers in my hometown, Milwaukee, collected the largest amount of food nationwide in their efforts of May, 1997.

The National Association of Letter Carriers, in conjunction with the United States Postal Service and the United Way, will kick off this year's food drive in Milwaukee with a press conference on Thursday, May 7th, to raise community awareness of this very worthwhile project.

I rise today, Mr. Speaker, to ask my colleagues to enthusiastically support the letter carriers' food drives in their hometowns and districts, and to remind my fellow residents of Milwaukee and Waukesha Counties to consider buying a few extra canned goods and nonperishables while doing the weekly grocery shopping the week before the 7th. Together, we can ensure that this year's food drive is as successful as those which came before.

With a little help from all of us, our local food pantries will be stocked full and maybe even over-flowing, for this summer, a time when pantries are often put to the test.

CONGRATULATIONS TO GIRL SCOUT COUNCIL HONOREES

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. MENENDEZ. Mr. Speaker, it is with great enthusiasm that I congratulate Janet Haynes, Gail Thompson and the Matsushita Electric Corporation of America for their selection as honorees at this year's Women of Distinction Luncheon, sponsored by the Girl Scout Council of Greater Essex and Hudson Counties. This year's luncheon will take place on April 23 at the Holiday Inn/North in Newark, NJ.

Janet Haynes, who will receive the Girl Scout World of People award, is a native of Jersey City. She serves as country clerk for the County of Hudson. Through her election to this post, she became the highest ranking African-American official in the history of Hudson County and the only African-American to serve as county clerk in the state of New Jersey.

A former girl scout, Haynes is actively involved in volunteer work. She has served as the chairperson and vice-chairperson of the board of directors of the Hudson County Health Systems Agency and is also chairperson of the United Way of Hudson County.

Gail Thompson, who will received the Girl Scout World of Today and Tomorrow award, is a registered architect who currently serves as vice-president of design and construction, for the New Jersey Performing Arts Center, Newark, NJ. Thompson, who holds a degree in architecture from the Pratt Institute, Brooklyn, NY and a master's degree in real estate and finance from Rutgers University, Newark, has also served as assistant vice-president of facilities planning and development at the American Stock Exchange.

In addition, Thompson is very involved with volunteer work. A commercial pilot and flight instructor, Thompson has been actively involved in exposing minority youth to aviation. She is the founder of a summer aviation camp for high school students.

The Corporate Award is being given to Matsushita Electric Corporation of America, located in Secaucus, NJ. Matsushita has consistently made generous contributions to the Girl Scouts, and their employees have been active volunteers in many Girl Scout programs.

I would like to congratulate all three of the recipients for their work with the Girl Scouts and wish them continued success in all of their endeavors.

CONGRATULATIONS TO PRACA FOR 45 YEARS OF LEADERSHIP IN THE PUERTO RICAN COMMUNITY

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to pay tribute to the Puerto Rican Association for Community Affairs (PRACA) and congratulate this worthy organization on the occasion of the First Annual PRACA Awards. I ask my colleagues to join me in congratulating PRACA as they celebrate their forty-fifth year of leadership in New York City's Puerto Rican and Latino community on May 1st, 1998.

PRACA was founded in 1953 during the height of the Puerto Rican migration to New York City. At that time there were few organizations that helped newly-arrived Puerto Rican families adjust to the city's fast lifestyle, while helping them maintain their culture, values and traditions. PRACA was in the forefront of a movement, creating social service programs dedicated to the enrichment of the Puerto Rican community. In the years that followed, PRACA continued this work and extended the same services to other newly-arrived Latino families.

Today, PRACA's programs range from children and families services to adoption, education and housing programs. Over the years, they have been consistent in their mission while continuing to meet the diverse needs of the Puerto Rican and Latino community. PRACA has assisted families in understanding their new culture as well as preserving their history, language and cultural heritage. PRACA has helped reduce barriers, promote advancement and improved the lives of thousands of families in New York.

In closing, I ask you to join me in saluting PRACA for their vision, their leadership and their perseverance these past 45 years. Congratulations!

TRIBUTE TO GORDON BINDER

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Gordon Binder for his leadership of Amgen Corporation and his continued commitment to bringing science and technology into the community.

Calvin Coolidge once said, "Education is the result of contact. A great people is produced by contact with great minds." As CEO of one of America's leading genetic engineering firms, Gordon Binder and his corporation have dedicated themselves to fulfilling President Coolidge's call to educate the community. Gordon has not only continued to expand Amgen's research and development capabilities, but he has also initiated a number of innovative community outreach programs, bringing science to the community.

Some of these programs include the Amgen Staff Community Involvement Program (SCIP), in which the services of Amgen's talented staff are made available to non-profit organizations or to needy individuals for community improvement projects. In another program developed under Gordon's leadership, Amgen presents five $10,000 Amgen Awards for Teacher Excellence each year. Amgen also provides evening science lectures for local high school students and administers a Mobile Laboratory Program that teaches students to perform real-life gene cloning experiments right in their own classrooms.

In addition to his work at Amgen, Gordon also serves on the Board of Directors of the Pharmaceutical Research and Manufacturers Association, Pepperdine University, and Cal Tech. He also is Chairman of the Biotechnology Industry Organization and Past President of the American Cancer Society Foundation.

Mr. Speaker, distinguished colleagues, please join me in paying tribute to Gordon Binder for his visionary leadership of Amgen Corporation and his efforts, in our community and across the country, to make innovations in science and technology available to thousands of high school students.

HAPPY 115TH ANNIVERSARY, SECOND BAPTIST CHURCH

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. BARCIA. Mr. Speaker, the ability to endure provides a sense of power to any entity, and it instills confidence in those who belong to an organization. Nothing is more reassuring than the endurance of religious faith as evidenced by the long history of one's church. The congregation of Second Baptist Church in Bay City Michigan, is proud of its Church, which will be celebrating its 115th anniversary this weekend.

The history of Second Baptist Church is an inspirational story of accomplishment. For the first twenty-five years after its organization in 1883, Second Baptist depended upon its faithful worshipers for sustenance, until a major building project was completed in 1907 under the pastorate of Rev. Henry Brown. This site saw the growth of the church over its first ninety-six years, until the cornerstone for the current church at Youngs Ditch and Scheurmann Roads was laid by then-pastor Rev. Marvin A. Jennings, Sr.

The mortgage on this property was paid in full last year, culminating the project that was started by Reverend W.L. Daniel, who was the pastor in 1964.

Pastor Seth Doyle has led the church since May 11, 1986. He has overseen the establishment of a day care center, a ministry mission to Zimbabwe, and the on-going spiritual growth of the Bay City community. Pastor Doyle wants Second Baptist Church to be a vital, vibrant beacon in the community, which it has been, and most assuredly will continue to be.

Mr. Speaker, I urge you and all of our colleagues to join me in wishing Pastor Doyle and the entire congregation of Second Baptist Church a most joyous and blessed 115th anniversary. We join them in their prayer to continue to look to God for strength, guidance, and direction.

CUDAHY HIGH SCHOOL BAND, STILL MARCHING STRONG AFTER 75 YEARS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. KLECZKA. Mr. Speaker, I rise today in tribute to the past and present members of the Cudahy, Wisconsin High School Band who will mark the band's 75th anniversary with a series of events and concerts the weekend of May 16 and 17, 1998.

One of the four oldest bands in the greater Milwaukee area, the Cudahy High School's 75th Anniversary Gala will truly be a special event. Former conductors, alumni, distinguished guests and dignitaries will be on hand for the festivities and, in some cases, will even join the current musicians!

All of the members of the Cudahy High School Bands, which now include the Wind Ensemble, Symphonic Band, Concert Band, Marching Band, Jazz Ensemble, and Pep Band, are to be commended for their many accomplishments over the years. The Marching Band has been named the State Champion in its class in 1989, 1990, 1996 and 1997. The band has qualified many members for the State Honors Band, State Honors Orchestra and State Honors Jazz Ensemble since beginning Honors participation in 1977. Members of the band have an outstanding solo and ensemble record at both State and District level competitions.

With all of this in mind, Mr. Speaker, I truly look forward to joining the Cudahy High School Bands at their 75th Anniversary Gala in May. I know that all Cudahy's residents will mark that weekend to say a heartfelt "thank you" to the band members and directors for all of their entertainment in parades, concerts and athletic events over the years.

TRIBUTE TO DR. CONRAD L. MALLETT, SR.

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. CONYERS. Mr. Speaker, I rise today to pay tribute to Dr. Conrad L. Mallett, Sr., president emeritus of Capital Community-Technical College in Hartford, Connecticut. A noted educator, historian and culture bearer, Dr. Mallett entered the arenas of education and government service to press the fight for justice and equality for America's oppressed and overlooked citizens.

Although he and his wife, Dr. Claudia Jones Mallett, have spent the past 13 years in Connecticut, Dr. Mallett grew up and was educated in my hometown of Detroit, Michigan. That's where we first met. Our friendship has continued since.

Dr. Mallett is an African-American historian who still believes that our nation can live up to its glorious promises; he is a husband, father and grandfather who takes great joy in seeing his offspring dream dreams that he could not even imagine as a poor, black child raised by a widowed mother in the segregated South and later the intransigently rigid North.

Dr. Claudia Jones Mallett, his wife of 46 years, attributes his sterling character and his drive to his mother. "She was a very strong woman who was a domestic worker. She imparted to him steadfastness and the work ethic. He has a strong belief that it is education that brought African-Americans as far as they have gotten, and it is education that will move them further along.

"He believes that the more we are able to allow every person to become an educated person, the more successful we will be in our drive to become full citizens in this country. Whenever he has encountered barriers that get in the way of that goal of full citizenship, he has tried to move them out of the way."

Far more often than not, he has succeeded.

Born in Ames, Texas, about 40 miles south of Houston, Dr. Conrad Mallett lost his father at age 10. His mother, Mrs. Lonnie Mallett, worked to support him and his sister, Nora. The family moved to Detroit in the early 1940s when Mrs. Mallett learned that domestics could earn twice as much in Detroit.

"Sometimes my husband tells a story about those days," Dr. Claudia Mallett recalled. "His mom sometimes would take him and his sister to work with her. They had to be very quiet while she worked because they were not supposed to be there, so they had nothing else to do but read. Both he and his sister are avid readers, and I don't think I know of any person who is more well read than my husband."

After graduating from Detroit's Miller High School, a young Conrad Mallett was drafted, trained in the South Pacific as an Army Air Corps engineer and eventually was stationed on Baffin Island, off the southern tip of Greenland.

After his honorable discharge, he returned to Detroit and started a steady climb toward his goal. While working at the U.S. Post Office, he used the GI Bill to take some courses at the Cass Tech Veterans Institute. After a few years, he left the post office ("I found it dull and unromantic") and began walking the beat as a Detroit police officer. At the same time he enrolled in college full time.

"I say with some pride that the years from 1952–57 were the most productive of my life. I married, we had three children and I completed college and worked full time. Had it not been for my wonderful wife, I would not have been able to do any of those things," he said of those years. With the exception of one year when he received a scholarship from the Mott Foundation, he always held full-time jobs while earning his undergraduate and post graduate degrees. Today he holds a B.S. in Education and an Ed.D. in Education Administration from Wayne State University and an M.A. in American History from the University of Michigan.

The young ambitious father and husband was driven to succeed because, as he explained it, "I come from a generation that had as its goal surviving, dealing with a racist society, dealing with prejudice. We just tried to make it day to day.

"Today I take great pride that my grandchild can say, 'I will be the next Bill Gates or a doctor or a lawyer.' Those goals were not as accessible in the 1940s and 50s as they are now. I was always looking for a better quality of life, one with some dignity and respect."

Dr. Mallett still remembers how his high school counselor tried to steer him into carpentry even though he had expressed an interest in engineering. After graduating from college, Dr. Mallett taught American History and social studies in the Detroit Public Schools. In fact, he taught the first African-American history course offered in the Detroit District. After seven years, he left the school system and took a job as head of the training unit of Detroit anti-poverty program.

He may not have known it then, but Dr. Mallett was about to set off on a career that would earn him a shining reputation in public service and education. He had made sure he was prepared to take advantage of the opportunities that came his way. "If you are prepared, sometimes good things happen," he said. "It all goes back to the statement black parents made to their children during Reconstruction: Get as much education as you can because they can never take that away from you."

Dr. Mallett's commitment to social justice extends far beyond the job. For example, in 1964 a fund-raising benefit was scheduled in Detroit for the Student Non-violent Coordinating Committee. Dr. Mallett and his wife agreed to put their home on the line to cover the cost of renting Detroit's Cobo Hall if the benefit did not raise enough money to pay the rental fee.

In the 1960s Dr. Mallett became the first African-American Assistant to Detroit Mayor Jerome Cavanagh, a bold young Irish Catholic lawyer who, with the support of the black community, staged an upset victory over the incumbent mayor. "I had finished everything but the dissertation on my doctorate when I was appointed to that job," Dr. Mallett said.

As Director of the city's Department of Housing and Urban Renewal, Dr. Mallett helped steer the city through the turbulent 1960s.

When Cavanagh left office, Dr. Mallett came to the attention of Wayne State University which needed someone with experience in public housing to oversee its building expansion. The University Board of Governors appointed him Director of Community Extension Services and then Director of the Office of Neighborhood Relations.

In 1973, he was named Vice President for Academic Affairs at Wayne County Community College, Michigan's largest community college. He served in that position until 1977 when Detroit Mayor Coleman A. Young, the first African-American Mayor of Detroit, tapped him to be director of the Detroit Department of Streets, Traffic and Transportation. Six years latter, academia called again. Dr. Mallett left Detroit to serve as Vice President for Academic and Student Affairs at the Community College of Baltimore, a position he held until 1985 when he was appointed President of the Capital Region Community College District in Hartford, Connecticut. Upon the dissolution of the regional district, he was appointed President of the Greater Hartford Community College. In 1992, he became the first President of Capital Community-Technical College, a comprehensive, publicly funded two-year college program offering career, technical and transfer programs. On June 30, 1996, he retired as president emeritus.

Recipient of many academic honors and leadership awards, he was named Educational Administrator of the Year by the Black Educational Administrators Association while at Wayne County Community College. The Southeastern Michigan Council of Governments presented him with its Distinguished Service Award. In recognition of his exemplary leadership, he received the Anthony Wayne Award from Wayne State University.

Throughout their marriage, Dr. Mallett and his wife, now a retired science teacher, always kept their primary focus on their three children. Conrad Mallett, Jr. is Chief Justice of the Michigan Supreme Court; Lydia Mallett, Ph.D., is Director of corporate Diversity of the General Mills Corporation, and Veronica Mallett, M.D., is a faculty member at Wayne State University Medical School in Detroit and is pursuing advanced research in obstetrical and gynecological surgery.

Though the children were raised in a middle-class environment, they were never allowed to forget the historic struggles and sacrifices that led to their lifestyle. Justice Mallett said he will never forget a trip he and his dad took to Houston, Texas. "I was 17 years old, and that's not exactly the time you want to make a cross-country trip with your dad. But when we got to Houston, my dad said we were having dinner that night at the Rice Hotel. He said I had to put on a suit. It was August, and Houston was about 199 degrees. It was so hot. When I asked whey we had to go inside to eat, my dad said, 'Because I never walked in the front door of the Rice Hotel. I was a bellboy there and made it all the way up to be bell captain, but I never walked in through the front door.'" That night they both walked in through the front door.

Justice Mallett said his father brought a fierce integrity to the process of public service delivery. "He said that you may not always be able to do your best for everyone, but in general those persons less able than you to fend for themselves are the ones to whom you must give your best." And that, Mr. Speaker, is how Dr. Conrad Mallett, Sr. lives his life. Our nation is richer because of his contributions.

CONGRATULATIONS TO MUSLIMS ON THE CELEBRATION OF EID

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. RODRIGUEZ. Mr. Speaker, I rise today on behalf of my constituents and other members of the Muslim community in the United States and throughout the world who this month celebrated the holy day of Eid.

Muslims celebrate two Eids (festivals) every lunar year, Eid-ul-Fitr and Eid-ul-Adha. Eid-ul-Fitr is celebrated after fasting for a whole month. During this month a Muslim distributes 2.5 percent of his annual savings in charity to the poor.

Eid-ul-Adha, Feast of the Sacrifice, takes its roots from the Patriarch of our three great faiths, Judaism, Christianity and Islam—Abraham. In recognition of the act of sacrifice and obedience with which Abraham was ready to sacrifice his beloved son, for the last 1,400 years Muslims have followed Abraham's tradition by sacrificing a lamb at the end of Hajj, the pilgrimage to Mecca.

I ask the Congress to join me in congratulating the six million Muslims in the United States and over a billion Muslims across the globe who follow the tradition of Abraham upon this occasion of celebration, sacrifice and charity.

U.S.-PAKISTAN RELATIONSHIP WORTH REPAIRING

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. HAMILTON. Mr. Speaker, some weeks ago I sent identical letters to Secretary of State Madeleine Albright and National Security Adviser Sandy Berger outlining my thoughts on some of the problems troubling the relationship between the United States and Pakistan.

I have now received replies from Mr. Berger and the Department of State. Because I believe that Pakistan is an important country and that it remains very much in the American interest to repair our tattered relations with Pakistan, I now insert this correspondence in the RECORD.

It is my hope that this will provoke a serious and sustained discussion of the U.S.-Pakistan relationship.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, February 19, 1998.

HON. MADELEIN K. ALBRIGHT,
Secretary of State,
Washington, DC.

DEAR MADELEINE: Knowing that the President intends to visit South Asia later this year, I have been giving some thought to the United States' relationship with Pakistan, particularly, the F–16 problem and other bilateral issues.

First, I am concerned that it may not be possible to have a successful presidential trip to Pakistan if we have not made any progress in addressing the F–16 issue.

You will recall that in 1995, President Clinton, meeting with then Prime Minister Bhutto, noted the apparent unfairness of the U.S. refusal to either provide Pakistan with the F–16s it had bought or refund the money paid for the aircraft.

If, three years later, no progress has been made in resolving this issue, this will cast a cloud over the President's trip to Pakistan and preclude the resumption of anything approaching a normal relationship between the two countries.

Moreover, should Pakistan take the United States to court over this issue (as it is now considering), this would materially diminish the likelihood of a successful presidential visit and otherwise damage U.S.-Pakistan relations.

None of the obvious solutions for resolving this problem appear viable. Congress is unlikely to repeal the Pressler amendment, or to appropriate the approximately $500 million we owe Pakistan for the F–16s. Nor does anyone hold out much hope for finding alternative buyers for these planes, which would enable us to use monies from that sale to reimburse Pakistan.

I understand there is some talk about the possibility of using a 614 waiver to permit the administration to transfer the F–16s to Pakistan, notwithstanding the Pressler amendment restrictions. I would strongly oppose this idea because of the adverse effect it would almost surely have on the credibility of our global nonproliferation policies and on our gradually warming relationship with India. I also expect that an administration attempt to use a 614 waiver in this instance would draw considerable opposition on the Hill.

Since none of the obvious solutions appear feasible, I would urge you to look into less obvious ways to deal with this problem. I understand, for instance, that some people are talking about debt forgiveness, where we would write off a portion of Pakistan's P.L. 480 or other debt in return for Pakistan waiving all claims against the United States stemming from the F–16 sale. This appears to be an idea worth exploring further.

Alternatively, I understand there is some discussion of linking the $500 million owed Pakistan for the aircraft to a resumption of an USAID program tailored specifically to meet Pakistan's grave problems in the social sector. Under this proposal, Congress would authorize the President to enter into negotiations with Pakistan with a view to arriving at a reasonable compromise figure—perhaps in the neighborhood of $250 million—that would be provided Pakistan, over a number of years, in return for Pakistan dropping all F–16 related claims against the United States. Even $250 million is a considerable sum, but members of Congress might be swayed by the fairness argument so long as the planes were not being transferred, if much of this sum could be portrayed as traditional U.S. foreign assistance designed to meet basic human needs, and if the annual U.S. aid allotments were in the $40–50 million range.

The purpose of this letter is not to advocate a specific solution, but to draw your attention to this matter, and to encourage you to redouble your efforts to ensure that the F–16 controversy does not derail the President's trip later this year.

I also believe your legal experts need to look at the specific consequences, if any, should Pakistan take the United States to court over the F–16s. I am told that at least some legal experts believe that a number of U.S. programs and sales would have to be shut down as soon as Pakistan files suit. I do not know if this is correct. If it is, Pakistan should be made aware of this at the earliest possible date, to ensure that Pakistan understands fully that bringing suit against the United States will adversely affect its own interests.

I would also urge you to investigate means by which Pakistan could be relieved of the obligation for paying storage fees for the F–16s we currently hold. Our insistence on forcing Pakistan to pay an annual storage charge for our refusal to transfer the planes costs the United States far more in ill will than it brings in revenue to the U.S. Treasury.

On a second issue in our bilateral relations, I urge you to seek legislative approval for resuming an IMET program in Pakistan. As you no doubt recall, the Senate approved such a provision last year, but it was dropped in conference, without the House ever considering the issue. While the monetary value of such a program is small, I believe resumption of this program would be perceived in Pakistan as a good will gesture and a manifestation of the United States' desire to rebuild the bilateral relationship.

Finally, while U.S. military training is an important tool for promoting American interests, I believe that the administration should place greater emphasis on helping Pakistan, within the restrictions of U.S. law, to begin to address some of its urgent domestic problems.

For instance, current law permits some population planning assistance for Pakistan. Programs of this sort should be encouraged. The administration should also renew its efforts to secure congressional approval for the democracy-building components of the Harkin amendment that failed in conference last fall.

Ultimately, the most serious threats to Pakistan are internal, not external. If we value our ties with Pakistan—and I believe we should—it would seem to be in the U.S. interest to help Pakistan address these threats, rather than encouraging Islamabad to divert scarce resources into nonproductive channels.

I would be pleased to discuss these matters with you in more detail if you would like.

With best wishes,

Sincerely,

LEE H. HAMILTON,
Ranking Democratic Member.

THE WHITE HOUSE,
Washington, March 16, 1998.

HON. LEE H. HAMILTON,
House of Representatives,
Washington, DC.

DEAR LEE: Thank you for your very thoughtful letter regarding our relationship with Pakistan. As we prepare for the President's trip to South Asia this Fall, we are very appreciative of your insights on the important bilateral issues that complicate our relationship with that country.

Your views on the F–16 issue were of particular interest. The President fully shares your opinion on the importance of resolving this issue and on the impact it has on our bilateral relationship. I am encouraged by your helpful comments and we will give careful consideration to your suggestions of debt relief and a focused resumption of our USAID program as we review the full range of options in the weeks ahead.

I am also encouraged that you have urged the Administration to seek legislation to reestablish the IMET program in Pakistan. We continue to see IMET as an important vehicle for strengthening our ties with Pakistan and will examine how we might best go about seeking congressional support.

Thank you again for sharing your thoughts. We will consult closely with you and your colleagues as we seek solutions to these vexing problems.

Sincerely,

SAMUEL R. BERGER
Assistant to the President for National Security Affairs.

DEPARTMENT OF STATE,
Washington, DC, April 15, 1998.

Hon. LEE H. HAMILTON,
House of Representatives.

DEAR MR. HAMILTON: The Secretary has asked that I respond on her behalf to your letter of February 19 concerning our relations with Pakistan.

It is the Department's desire to improve our relationship and advance our long term interests with Pakistan. Like you, we believe the best way to do this is to resolve the F-16 issue while enhancing bilateral ties in other areas.

The Department is currently examining the merits of the full range of alternatives for resolving the F-16 issue. We fully appreciate that failure to settle this matter could harm bilateral relations and may precipitate a lawsuit. You may be certain that we will keep your views about debt relief and economic assistance very much in mind as we proceed.

We strongly agree with your assessment about the importance of IMET and democracy building for Pakistan and intend to seek legislative authorization to reinstitute these programs.

We also appreciate knowing of your judgment that the most serious threats facing Pakistan are internal. We agree that such matters as a stagnant economy and ineffective educational system are critical to Pakistan's long-term development and stability. Consequently, we have devoted increasing attention to helping Islamabad address these problems.

We greatly appreciate your interest in improving ties with Pakistan and look forward to working with you on all matters raised in your letter.

Sincerely,

BARBARA LARKIN,
Assistant Secretary, Legislative Affairs.

CASIMIR S. JANISZEWSKI HONORED FOR HIS OUTSTANDING COMMUNITY LEADERSHIP

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. KLECZKA. Mr. Speaker, I rise today in tribute to Casimir S. Janiszewski, who will be honored May 2nd by the Pulaski Council of Milwaukee as the Polish Heritage Award Recipient at the group's annual Polish Constitution Day festivities.

Each year, the Pulaski Council of Milwaukee, which was organized to promote the civic, social and cultural interests of Americans of Polish extraction, recognizes the accomplishments of an outstanding member of the Milwaukee-area Polish community. This year's honoree, "Casey"Janiszewski, is very deserving of this prestigious award.

Casey grew up in his family's business, Superior Die Set Corporation, which was founded by his grandfather Kasimir, who immigrated from Poland in 1910. Today, Casey is the firm's President and Chief Executive Officer. His father, Casimir, is Chairman, while Casey's brother, Frank, is Executive Vice President. The company will proudly celebrate 75 years of family ownership and operation with festivities this fall.

Casey Janiszewski is truly a family man. In addition to working side-by-side for years with his father and brother, he is a loving husband to Diane and father to Nick and Steven. He's active in his community, serving on the Board of Directors of several corporations, and the St. Josaphat Foundation. He is the Co-Chair of the Polish Fest Community Center committee, and is active in his parish, St. Elizabeth Ann Seton, and the Polonia Sports Club.

I applaud the Pulaski council's choice in naming Casey Janiszewski the Polish Heritage Award Recipient this year. Sto Lot!

TRIBUTE TO BILLY SUTTON

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. KENNEDY of Massachusetts. Mr. Speaker, to paraphrase the lyrics of the great old Irish folk song, "Oh Billy, we hardly knew ye." But we loved you all the more.

For us, it all began six years before I was born. The Second World War had just ended, and a young Navy veteran named John F. Kennedy had decided to run for Congress for the old Eleventh Congressional District.

It so happened that one day in January 1946, a young Army veteran named Sergeant William Sutton was being discharged from Fort Devens. Billy loved to tell about what happened next. He'd been overseas for two years. He was finally on his way home to see his mother, and he had taken a train from Devens to North Station here. He had started up School Street, when Joe Kane spotted Billy.

Joe Kane was family, literally. Joe Kane and grandad Joe Kennedy were first cousins, and they always called each other Cousin Joe. Cousin Joe Kane knew a great deal about Boston politics, and he was the first person Grandad turned to for advice for Uncle Jack. Billy had previously worked on two campaigns in the Eleventh District and knew everyone—but everyone!—in the District. So Cousin Joe Kane knew that Billy would be a prize catch for Uncle Jack.

Cousin Joe wouldn't take no for an answer. When he caught up with Billy on School Street, he told Billy, "There's someone you have to meet. Come on over to the old Bellevue Hotel with me."

Billy said he'd been in the Army overseas for two years, and he was going home to see his mother. Cousin Joe told him, "You can see your mother later—this won't take a minute."

It took a little more than a minute, but it was love at first sight at the Bellevue. Uncle Jack loved Billy, and by the time Billy left for home, he'd signed on with Uncle Jack full time. He started the very next morning to build the organization that took Uncle Jack to victory in 1946.

A few days after that, Billy introduced Uncle Jack to another great friend of our family, a man that Billy used to sell newspapers with at the Charlestown Navy Yard, another young veteran named Dave Powers.

Two days after that, Uncle Jack made his famous visit to the meeting of the Gold Star Mothers at the American Legion Hall in Charlestown, and Billy and Dave and Uncle Jack were on their way together.

The Democratic primary that year was in June, and the day before was Bunker Hill Day, with its huge parade and celebration in Charlestown. Billy felt they clinched the victory for Uncle Jack with their parade. Billy and Frank Dobie marched at the front with a huge banner 20 feet wide and five feet high saying "John F. Kennedy for Congress."

People used to say that Billy had organized a thousand of Uncle Jack's supporters to march in the parade. As Billy knew, it was only a little over one hundred—but they marched only three abreast, stretching themselves out as far as the eye could see, going past all the Kennedy banners they'd put on every second house along the route.

That day and many other days of Billy's ability, hard work, and incredible loyalty produced the victory that put Uncle Jack on the path to the New Frontier. He couldn't have found the way without you, Billy. We owe you big for that, and we always will.

On January 3, 1947, Uncle Jack arrived in Washington to take his seat in the House of Representatives. He had driven down overnight from Boston in a snowstorm in Aunt Eunice's Chrysler. Billy met him at the Statler Hotel. Uncle Jack was desperate for breakfast, but Billy said he was late for a Democratic Party Caucus, and Party Leader John McCormack had been calling every ten minutes to find out why he wasn't there.

But Uncle Jack said, "Mr. McCormack has been getting along without me here in Washington for 28 years. He can get along without me for another 15 minutes. Let's go into the drugstore and get some eggs."

Billy spent those first early years with Uncle Jack in Washington. In those days, he lived on the third floor of the house Uncle Jack rented on 31st Street in Georgetown. Billy had his own shower and bath, and he bragged about how often he sneaked into Uncle Jack's closet for a shirt or tie.

One day, Uncle Jack put on a pink shirt, and Billy told him in no uncertain terms, "With your complexion, a pink shirt isn't right. It's too much technicolor." So Uncle Jack took it off and handed it to Billy.

The next day, Billy walked into the room wearing the pink shirt himself. Uncle Jack looked up and said, "Well, I'm glad to see my clothes go with your complexion."

Billy was also one of the first to say to Uncle Jack that a Senate seat was winnable.

And in early 1951, as the Senate race was shaping up, Billy came home to Boston to organize and help out here. And he never left again.

In Washington, he had missed his family, missed his city, and missed his state. I know how you felt, Billy.

But in all the years that followed, Billy never left us. He helped us in all of our campaigns—my campaigns, Teddy's campaigns, Dad's campaign for President—he was always there, with his trademark skill and loyalty and smile—and the legion of friends we called Billy Sutton's army.

As Billy used to say, "Compared to the Boston Irish politicians I grew up with, Jack Kennedy was like a breath of spring." Grampa Fitzgerald didn't like to hear that, but the voters understood it.

And do you know something—if it hadn't been for Billy in those early days, if Sergeant Billy Sutton had taken a different train from Fort Devens that afternoon, the Kennedys might still be in banking, and I wouldn't be here thanking Billy for making all the difference for our family.

The last time President Kennedy saw Billy was at the Boston Armory in October 1963. It was "The New England Salute to the President" Dinner, and President Kennedy came over to spend time with Billy and Marsha and talk about old times.

One of the things Billy and Marsha treasured most was the telegram that President Kennedy sent to their daughter Barbara on her third birthday—May 29, 1963. They had the same birthday, and President Kennedy told her "Congratulations on our birthdays." And ever after, Barbara could show the telegram and say, "My father knew President John F. Kennedy, right from the beginning."

The secret of Billy's success was no secret at all to all of us who knew him. He was Irish to the core. The light in his Irish eyes and his Irish heart and soul was always on. It sparkled in everything he ever did, every story he ever told, every friend he ever made, everything he ever did. When the Kennedys and countless others hear the great Irish anthem, we think of Billy:

When Irish eyes are smiling,
Sure it's like a morn in spring.
In the lilt of Irish laughter,
You can hear the angels sing.
When Irish hearts are happy,
All the world seems bright and gay,
And when Irish eyes are smiling,
Sure they'll steal your heart away.

To Marsha and Barbara and A.J. and all the rest of Billy's wonderful family, on behalf of all the Kennedys, I say today, as others in our family have said so often over the years, "You stole all our hearts away, Billy. We love you, Billy. We miss you, Billy. And we'll always remember you."

HONORING BOB LENT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. KILDEE. Mr. Speaker, it is an honor to rise before you today to pay tribute to a loyal friend and tireless advocate of America's working class citizens. On May 5, 1998, members and friends of the United Automobile, Aerospace, and Agricultural Implement Workers of America will honor Mr. Bob Lent, as he retires from his position as director of Michigan UAW's Region I after many years of dedicated service.

It is nearly impossible to imagine the condition of Michigan's labor movement without the benefit of Bob Lent's insight and leadership. His is a career that has spanned half a century, beginning in 1949, when at the age of 19, he was hired by Dodge Motor Co. as a spray painter. He later left Dodge for the U.S. Army, serving as a paratrooper from 1951 to 1953. Upon his return to civilian life, Bob found employment with Chrysler and reestablished his association with the UAW. As a member of Local 869, Bob served in a number of capacities, including alternate chief steward, trustee chairman, vice president, and a 4-year tenure as president. Bob was appointed as education representative of region 1B in 1972, and became assistant director in 1982. When Region I and Region 1B merged to form a larger, stronger Region 1 in 1983, Bob was elected director, the position he has held to this day.

In addition to his illustrious career with the UAW, Bob has also developed a high degree of respect in the political, educational, and civic arenas as well. He has been a precinct delegate, and serves on Labor Advisory committees at Oakland University in Rochester and Wayne State University in Detroit. He is a life member of the NAACP, serves on the board of directors of the United Way of Pontiac-Oakland County, and the Detroit Area United Foundation.

Mr. Speaker, we in the great state of Michigan are more than proud of our reputation as the automotive capital of the world, having recently celebrated the 100th anniversary of the automobile. Just as we are proud of the product, we are proud and grateful for the men and women who day in and day out work to provide these quality products and bolster our pride. Bob Lent is one of those people. I ask my colleagues to join me in wishing Bob, his wife Earline, and their son Steven, all the best.

TRIBUTE TO VICTIMS OF ARMENIAN GENOCIDE

HON. STEVE R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. ROTHMAN. Mr. Speaker, it is an honor to join my colleagues in commemorating the Armenian Genocide and the solemn memory of the 1.5 million Armenians who lost their lives earlier this century. This is an important day to reflect on the lessons of history and work to avoid the horrors faced by the Armenian people in 1915.

For the CONGRESSIONAL RECORD, I would very much like to submit a letter concerning the Armenian Genocide that I sent to President Bill Clinton. It is my earnest hope that the United States Congress, with President Clinton's determining leadership, will swiftly move to adopt a resolution acknowledging the Armenian Genocide.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 21, 1998.

Hon. WILLIAM J. CLINTON,
President of the United States.

DEAR MR. PRESIDENT: I am writing to you, as a proponent of peace and stability in the Caucasus, to urge your Administration to play an active role in ending Turkey's denial of the Armenian Genocide.

In addition to the clear moral imperative to appropriately recognize and commemorate all instances of Genocide, such a move would serve our own national interests by ensuring that the United States is viewed as an impartial and honest broker in the ongoing Nagorno-Karabagh peace process.

During your 1992 Presidential campaign, you acknowledged the "Genocide of 1915." Your words were welcomed by Armenians and all people of good conscience as a principled stand by a leader committed to resisting the Turkish government's shameful campaign to deny the Armenian Genocide. It is unfortunate that members of your Administration have failed to live up to your own words, issuing ambiguous statements about the "Armenian massacres." I strongly encourage the Administration to use the correct term, genocide, to describe the systematic and deliberate extermination of the Armenian people—a crime against humanity thoroughly documented in our own national archives.

As a nation, we pay a great price for our government's participation in the Turkish government's denial of the Armenian Genocide. As you would surely agree, complicity in the denial of genocide—for any reason, at any time—is simply unacceptable conduct for the world's leading defender of human rights.

The United States' long-standing acquiescence of Turkey's denial was accurately characterized in 1995 by Stanley Cohen, a professor of criminology at Jerusalem's Hebrew University, writing in "Law and Social Inquiry," published by the American Bar Foundation: "The nearest successful example [of collective denial] in the modern era is the 80 years of official denial by successive Turkish governments of the 1915–17 genocide against the Armenians in which some 1.5 million people lost their lives. This denial has been sustained by deliberate propaganda, lying and cover-ups, forging documents, suppression of archives, and bribing scholars. The West, especially the United States, has colluded by not referring to the massacres in the United Nations, ignoring memorial ceremonies, and surrending to Turkish pressures in NATO and other strategic arenas of cooperation."

As I noted, withholding the proper recognition of the Armenian Genocide also significant hinders our nation's ability to help resolve the ongoing conflict over Nagorno-Karabagh. The Administration's assurance of security guarantees for the people of Nagorno-Karabagh are greatly weakened by our government's unwillingess, after 83 years, to acknowledge that a crime of genocide was committed against the Armenian nation. This unwillingness seriously undermines the faith that the people of Karabagh have that the United States will stand up for their rights in the event of renewed Azerbaijani aggression.

Mr. President, very appropriately, you have always stressed that the United States must lead on the question of fundamental freedoms around the world. Your statement on March 25th of this year in the Rwandan capital was in the proudest tradition of our nation's commitment to human rights. At the Kigali airport, you stated that, "Genocide can occur anywhere. It is not an African phenomenon. We must have global vigilance. And never again must we be shy in the face of evidence."

Mr. President, the evidence of the Armenian Genocide is clear. Now is the time to stand up for justice and help bring an end to Turkey's denial of the Armenian Genocide.

Sincerely,
STEVEN R. ROTHMAN,
Member of Congress.

COMMENDING SHELBY CORBITT VICK

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, today I rise to talk about the value of an excellent education. I would like to tell you about Shelby Vick, a student from my hometown of Fort Collins, Colorado.

Shelby Corbitt Vick was born November 15, 1986 and is the eldest child and only daughter of Joseph James Vick and Patricia Burns Vick. She was born in Fort Collins. She attends St. Joseph Catholic Elementary School as a 5th grader. Shelby has one younger brother, Emmett James Andrew Vick. Emmett is nine years old and was also born in Fort Collins.

Shelby's mother and father both graduated from the University of Texas at Austin. Her mother is a homemaker and volunteers extensively at Shelby's school. Her father is an attorney who practices in Fort Collins and Greeley, Colorado.

Shelby's interests include horseback riding and anything to do with horses. Shelby is a voracious reader. Shelby enjoys playing volleyball and basketball on her school's team. Shelby plans to attend college and become an author writing stories about horses.

Recently Shelby entered a nationwide history essay contest. She has written an exceptional essay which was chosen as the national winner of the 5th Grade American History Essay Contest sponsored by the National Society, Daughters of the American Revolution. Mr. Speaker, I hereby submit Miss Vicki's winning essay for the RECORD and enthusiastically commend it to my colleagues.

"FORTS IN AMERICAN HISTORY"—FORT LARAMIE

(By Shelby Vick)

Fort Laramie is a national historic site in southeastern Wyoming. It was not an ordinary fort. It did not have any walls, moats, or watch towers. A visit to this landmark conjures up images of the old west. This remote site was an important stop for many people, yesterday and today. Now you are invited to travel back in time to a "Grand Old Post".

Fort Laramie, earlier called Fort William, was first built of cottonwood logs by Fitzpatrick and Sublette in 1834. The fort was later moved upstream along the Laramie River and renamed Fort Laramie after Joseph LaRamee. Fort Laramie is on the west bank of the Laramie River, halfway between St. Louis and the West coast.

Fort Laramie attracted many traders. Famous visitors included Kit Carson, Jim Bridger, Buffalo Bill, Brigham Young, Horace Greeley, Colonel William Collins, General Dodge, General Sherman, and Chief Red Cloud. The American Fur Company was using Fort Laramie as a trading post when military authorities, recognizing the need for a chain of forts to protect the settlers, purchased the fort for $4,000.

Plans were drawn up for a traditional "fort" with a blockhouse and stockade to be built. Since lumber had to be hauled from forty miles away, the blockhouses and wall were never built. The only defensive structure at Fort Laramie was the old adobe fort. There were many other structures, including a store, barracks, a corral, a hospital, and a warehouse.

The army recruited many poor and often recent immigrants as soldiers, some paid as little as $13.00 a month. Soldiers found the frontier life boring and isolated, so there were many deserters.

Weather was harsh on the Wyoming plains and it was a greater enemy than the Indians. Summers were very hot. Winters were sometimes bitter with wind temperatures dropping to −40 degrees. Amputations of frozen hands and feet were common.

Fort Laramie is along the Oregon Trail, the Black Hills Gold Rush Trail and is the beginning of the Bozeman Trail. Settlers stopped to get fresh oxen and mules, wash clothes and to mail letters back home. In 1850 over 37,000 settlers registered at Fort Laramie. Everyone rested, wagons were repaired, and food stocks resupplied.

In 1851 over 10,000 Indians (Sioux, Crow, Arapahoe, and Cheyenne) met and agreed upon a peace treaty at Fort Laramie. The tribes could neither fight with each other nor attack settlers. Whites would be allowed to have roads through Indian lands and the government would give the tribes gifts. Annual payments of $50,000 per year for fifty years would be paid to the Indians along with educational programs to help them become farmers.

Fort Laramie served as a Pony Express stop in 1860. In 1861, when the telegraph arrived, the Pony Express ended. When the telegraph was relocated to southern Wyoming, the settlers also took this new route, and left Fort Laramie isolated. In 1863 Bozeman Trail settlers began traveling through Fort Laramie again. The government used military activity along the Bozeman Trail, as a diversion to keep the Indians from interfering with the construction of the Union Pacific Railroad across southern Wyoming.

Fort Laramie was a grand old post with an important place in American history. Fort Laramie's significance as a supply stop in the settling of the American West is unquestioned. Many a soldier and weary traveler found comfort or hardship at this fort. One hundred sixty three years ago travelers and pioneers came to Fort Laramie on horses and in wagons on their journey. Today tourists are coming in cars to understand the fort's past.

Mr. Speaker, education is the key to success for all Americans. Quality education is provided at schools like St. Joseph's Elementary School. St. Joseph's Elementary School was established in 1926 by St. Joseph's Parish. There are 242 students at St. Joseph's and it is the only Catholic elementary school in Fort Collins. The school has published a statement of philosophy which I urge my colleagues to consider.

BASIC PHILOSOPHY OF SAINT JOSEPH SCHOOL

We affirm the purpose of Saint Joseph School is the Christian, intellectual, social and physical growth of each child. Our aim is the development of the total person with Catholic, Christian attitudes and values, and skills fitting him/her for life in our society and in God's Kingdom.

We recognize the need for high academic achievement in our rapidly advancing and complex world and are dedicated to providing the environment best fulfilling this need. We expect our children, reflecting their individual abilities, to achieve in academic areas at a rate equal to or greater than surrounding schools.

We recognize that not all societies and/or communities share in our Christian values and/or belief. We are dedicated to preparing each child for his/her place in our society. It is our desire to instill in each child a working knowledge of the Catholic faith.

Further recognizing our physical nature, we are dedicated to developing the child's physical talents and training him/her to use these talents for the general welfare of society.

With the Second Vatican Council we affirm our conviction that the Catholic School "retains its immense importance in the circumstances of our time" and we recall the duty of Catholic parents "to entrust their children to Catholic Schools when and where this is possible".

Mr. Speaker, St. Joe's is dedicated to educating devoted Christian citizens to contribute to their community. St. Joseph's Elementary School has a strong, demanding curriculum that challenges the students to meet high expectations. The educators along with involved parents continue to produce bright students who are great assets to the northern Colorado community.

Mr. Speaker, it has been my privilege to describe the talent of Miss Vick to my colleagues today. Shelby is a shining example of what a child can do given the proper academic instruction and the best possible upbringing. Obviously, I'm exceedingly proud of her accomplishments and the great work being done by all the good folks at St. Joe's

INTRODUCTION OF THE "WIRE TRANSFER FAIRNESS AND DISCLOSURE ACT OF 1998"

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. GUTIERREZ. Mr. Speaker, immigrants in Chicago and throughout the United States work hard, same money, and send billions of their U.S. dollars to relatives living in foreign countries. The money wiring industry—dominated by giants Western Union and MoneyGram—have emerged as the major vehicle for sending dollars across borders.

Immigrants with family in Mexico are among the primary customers of these services. It is estimated that between $4 and $6 billion is sent annually from the U.S. to Mexico through such wire payments. This figure has an enormous impact on Mexico, as it represents the country's fourth-largest source of income from international sources—trailing only the money it receives for manufactured goods, oil, and tourism.

Many Mexican immigrants prefer to use the services offered by wire transfer companies rather than postal or other delivery services. Some customers are attracted by the companies, advertisements which promise fast, affordable, convenient service. Others have been dissuaded from sending money through other means after reports began circulating of armed robberies of courier services in Mexico and mail pouches disappearing from Mexican postal branches.

As a result, Western Union and MoneyGram have virtually cornered the market. The two companies—plus a third, Orlandi Valuta which, like Western Union, is owned by the First Data Co.—account for a combined total of more than 90 percent of all transfers.

At first glance, the wire transfer companies appear to represent an attractive option for prospective consumers. In part, this is the result of massive advertising campaigns through which the companies target Latino customers. In such advertisements, companies promise relatively low rates. For instance, one company recently publicized a $12 fee for a $300 transfer to Mexico.

On other occasions, the companies have tried to appear to be even more generous. For instance, following the devastation caused by Hurricane Pauline which struck Mexico in October 1997, Western Union advertised "free" service for concerned family members in the U.S. sending money to help the victims.

However, such promises are grossly misleading. The cost to the consumer is far less reasonable—and certainly not "free."

That is because the companies fail to inform their clients—either in print advertisements, in displays at their establishments, or on forms presented to the customer—that an additional cost will be imposed on the customer and on the recipient in Mexico.

The hidden cost arises from the rate at which the wire transfer companies convert dollars into pesos for their customers, compared to the rate that these companies have had to pay to obtain Mexican currency. While the wire service companies obtain pesos at a rate that closely matches an established benchmark rate, the companies distribute pesos to their customers at a far lower rate.

The difference between those two figures represents a source of additional income to the companies and an additional cost to the consumer—one which is not disclosed.

Before transferring money, many customers research the current benchmark exchange rate to find out how many Mexican pesos can be obtained for their U.S. dollars. However, customers are not informed that the wire transfer companies fail to abide by that benchmark rate, and establish their own conversion scheme allowing them to pocket additional money.

A benchmark exchange rate is set daily by Banco De Mexico. While this figure is an unofficial rate, those entities doing the largest share of business converting U.S. dollars to Mexican pesos—such as major financial institutions, markets, government agencies, and the wire transfer companies—generally receive a rate which closely matches the daily benchmark rate.

On the other hand, Western Union and MoneyGram arbitrarily set a different exchange rate for their customers—one which has been found to routinely vary from the benchmark rate by as much as 12 percent

These "currency conversion fees" allow the companies to post huge profits. According to one analysis of figures, Western Union alone made an additional $130 million based on the conversion scheme—roughly equivalent to the amount that the company made for the service fees.

In other words, this hidden practice allows the company to virtually double the money it is making off of the Mexican community.

The wire transfer companies allege that this is a legitimate and common practice. The fact is, however, that other major companies and institutions which convert dollars into pesos follow more closely the benchmark exchange rate which is set daily by the Banco de Mexico, often matching the benchmark rate exactly when providing services to their customers.

The wire transfer companies are wrong, therefore, when they claim that this represents a "common" business practice.

How does the rate affect an individual customer? One day late last year, the benchmark exchange rate was listed as 8.3 pesos to the dollar. On the same day, both Western Union and MoneyGram were offering customers 7.3 pesos to the dollar. As a result, for every $100 transferred, the customer (or the recipient) would lose an additional $12 dollars—on top of service fees.

This practice targets a particular community. When a comparison is made of transfers to various countries, this practice appears aimed at Mexican immigrants and their families in particular. For example, on a recent occasion, the exchange rate which MoneyGram set to convert U.S. dollars to Mexican pesos was three times more costly than the rate for changing U.S. dollars into Canadian currency.

Specific advertisements (misleading as they are) are aimed at the Mexican market. One MoneyGram advertisement claims (falsely): "Send $300 to Mexico for $14."

The company's tactics in the wake of Hurricane Pauline have been cited as further evidence of a trend of seeking to make additional money by misleading the Mexican-American community.

Lawsuits have been filed in federal court in California claiming the companies have engaged in false advertising and charging hidden fees. Likewise, a class-action lawsuit will also be filed in federal court in Chicago next week.

I am introducing today legislation aimed at curbing the wire transfer companies' tactics which they have used to take advantage of their customers. My legislation would require the wire transfer companies to fully disclose their practices to their customers, thereby making sure that such "hidden" costs are brought to light.

This bill would require companies to list—and to reasonably explain—their own currency conversion rates on all advertisements, forms and receipts provided to customers, and in display windows or at service counters in all establishments offering international wire transfers.

Failure to comply could lead to criminal penalties and civil liabilities of at least $500,000.

I am entitling my bill the "Wire Transfer Fairness and Disclosure Act of 1998." I welcome the support of my colleagues who wish to join me in protecting consumers in our communities.

IN HONOR OF THE ANNANDALE LIONS CLUB

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to pay tribute to the Annandale Lions Club, a truly outstanding organization that has served Annandale, Virginia for fifty years. The Club overcame initial obstacles to become a great fixture in our community, providing valuable support wherever the Lions saw a need.

The Annandale Lions Club received its Charter in 1948 when Annandale was a tranquil rural community. The Club was off to a rocky beginning. By the end of the first year, membership had waned from thirty to twelve members, meeting attendance was poor, and the club's finances were in disarray. The Club's future looked precarious as Lions International District leadership discussed revoking the Club's Charter.

The Club's remaining members, along with several new members rallied in a valiant effort to save the Club. Under the new leadership of Erskine "Erk" Worden as President and Victor Ghent as Secretary-Treasurer, the Club began a legacy of service to the community which continues to this day.

Throughout its fifty year history, the Annandale Lions Club has embraced the Lions philosophy of "We serve". The Club's numerous activities have benefitted youth, community betterment, and healthcare. Noteworthy projects from the early years include providing playground equipment and furnishing a clinic for the old Annandale Elementary School, the endowment of a then-maternity ward at Fairfax Hospital, supplying yellow school patrol raincoats with hats or hoods to twelve or thirteen elementary schools, supplying bleacher seats to Annandale High School when it opened in 1953, and later providing financial help with the athletic field lighting system.

Many projects helped transform rural Annandale to the bustling suburban area it is today. During the early years, the Club provided a map to the local Fire Department to facilitate prompt responses to emergencies. The map was updated yearly to reflect Annandale's rapid growth. In 1959, the Lions embarked on a project to install street signs at all unmarked intersections, until the County began to install street signs County-wide about six years later.

Around 1960, the Annandale Post Office and Annandale Fire Department were in need of a street numbering system to aid in locating houses. Lion Merlin "Mac" McLaughlin, a land-surveyor then in private practice, volunteered to work with the Postmaster to develop a house numbering system for the entire Annandale postal area that could accommodate urban growth. Fairfax County implemented the 9-1-1 system in 1970 requiring that houses be numbered. Due to the effective system that the Lions Club had created, Annandale was allowed to retain the existing house numbers and the system was expanded throughout the County.

As the community changed and evolved over the years, the Club's service activities have adjusted to meet the changing needs and priorities of the community. Some of the numerous Club projects over the years include sponsoring or co-sponsoring a scout troop, sponsoring ball teams in Little League and Babe Ruth League, constructing the children's playhouse at the Annandale Christian Community for Action's (ACCA) Day Care Center and landscaping the ACCA Elder Care Center, providing Leader Dogs and service dogs to community members, collecting and sending food and clothing to disaster areas around the country, and providing chairs and landscaping to the George Mason Library. In addition, the Annandale Lions Club supports a number of projects benefitting sight and hearing screening and research, including the Virginia Lions Eye Institute for which they recently purchased a Fundus camera to take Fluorescein angiograms of the retina.

Mr. Speaker, I know my colleagues join me in thanking each and every Annandale Lion for their hard work and dedication to helping others in making Annandale a great place to live. I wish the Annandale Lions Club continued success in all of its future endeavors.

TRIBUTE TO PAUL KORBER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. GALLEGLY. Mr. Speaker, I would like to pay tribute today to Paul Korber, a hero who lost his life while saving a mother and her two sons stranded in the rough waters of the Ventura Harbor. Paul Korber, a harbor patrol officer in Ventura County, California, ignored the dangers which took his life to save three others.

The rescue was not an uncommon one for Paul Korber. He often risked his own safety to help those in danger—his job was to save lives. But that day the tides were not in his favor and he died in the line of duty, an unselfish chance he often took.

Paul Korber was known as a fitness advocate and could usually be found on a mountain bike, camping or freediving to spear fish. Paul was a man who embraced life and who enjoyed a good adventure. Friends of Paul Korber have said he was a positive person who was always looking for ways to improve himself, whether it was learning a foreign language or staying physically fit.

But besides being a hero and an athlete, Paul Korber was a success at one of life's biggest challenges—he was a single father. After Paul's wife, Cindy, died of cancer three years ago, Paul was faced with raising his son, Barrett, on his own. Paul and Barrett were very close, taking camping trips, bike riding and fishing together. Paul always found time for his young son, even helping out at Barrett's school.

Paul Korber was a great father, an outstanding athlete, and a hero. His bravery and selflessness will always be remembered with gratefulness by the many lives he saved and with fondness by the many lives he touched.

THE "UNITED STATES PATENT AND TRADEMARK OFFICE AUTHORIZATION ACT, FY 1999"

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. COBLE. Mr. Speaker, today I am pleased to introduce the "United States Patent and Trademark Office Authorization Act for Fiscal Year 1999," which contains the first actual decrease ever in patent user fees for our nation's inventors.

The introduction of this legislation follows a hearing the Subcommittee on Courts and Intellectual Property of the Committee on the Judiciary held last month in exercise of its oversight responsibilities concerning the operations of the U.S. Patent and Trademark Office ("PTO"). The Subcommittee heard testimony from witnesses representing the Administration, PTO users, and PTO employee unions. This hearing covered the PTO's budget, including how its fee revenues are collected and spent, the expiration of the patent surcharge fee, the diversion of PTO funds to other government agencies, and other relevant issues.

The Administration announced that in light of the lapsing of Section 10101 of the Omnibus Budget Reconciliation Act of 1990 ("OBRA"), the patent fees established under subsections 41 (a) and (b) of title 35 of the U.S. Code would revert to their pre-OBRA level. It was stated that, unless adjusted, the fee would fall $131,526,000 short of the amount the PTO needs to execute the program recommended by the President in his FY 1999 budget. To compensate for this reduction in fees revenues, Assistant Secretary of Commerce and Commissioner of Patents and Trademarks Bruce Lehman stated that an increase was needed in the base patent fees in an amount equal to the reduction in revenue which results from the lapsing of the surcharge authority.

While I and other Members of the Subcommittee are very supportive of ensuring that the PTO is adequately funded to provide the services requested by patent and trademark applicants, the Administration's request received by the Subcommittee would actually raise $50 million more than the amount the President stated in his budget the PTO will need in FY 1999. Commissioner Lehman explained that this revenue, along with $66 million from FY 1998, would be used to fund other government agencies and programs. This continuing diversion of PTO fee revenues was strongly opposed by inventors and the trademark community, who pay for patent and trademark applications to fund only the services they receive from the PTO.

The Patent and Trademark Office is 100 percent funded through the payment of application and user fees. Taxpayer support for the operations of the Office was eliminated in 1990 with the passage of OBRA. OBRA imposed a massive fee increase (referred to as a "surcharge") on America's inventors and industry in order to replace taxpayer support the Office was then receiving. The revenues generated by this surcharge were placed into a surcharge account. The PTO was required to request of the Appropriations Committee that they be allowed to use the revenues in the surcharge account to support the portion of its operations these revenues represented. It was anticipated in 1990 that Congress would routinely grant the PTO permission to use the surcharge revenue since it was generated originally from fees paid by users of the patent and trademark systems to support only the cost of those systems.

Unfortunately, the user fees paid into the surcharge account became a target of opportunity to fund other, unrelated, taxpayer-funded government programs. The temptation to use the surcharge, and thus a significant portion of the operating budget of the PTO, was proven to be increasingly irresistible, to the detriment and sound functioning of our nation's patent and trademark systems. Beginning with a diversion of $8 million in 1992, Congress increasingly redirected a larger share of the surcharge revenue, reaching a record level of $54 million in FY 1997. In total, over the past seven fiscal years, over $142 million has been diverted from the PTO to other agencies and programs.

Mr. Speaker, the time has come for Congress to stop diverting the fees of inventors and trademark applicants to fund other taxpayer-funded government programs. Accordingly, in the United States Patent and Trademark Office Authorization Act, FY 1999, I am proposing a schedule of fees that would recover only the amount of money which the Administration has stated it needs to execute the program recommended by the President for the PTO in FY 1999 and FY 2000. This legislation not only fully funds the stated needs of the PTO, it will provide a real decrease in fees paid by patent applicants—the first actual decrease in fees in at least the last fifty years, indeed, perhaps since the patent system was established in 1790.

The decrease in fees provided by this legislation will provide tangible assistance to America's inventors, while ensuring that they get their monies worth, especially since their creativity and ingenuity are so crucial to the welfare of our nation.

I urge my colleagues to join me in authorizing one of our country's most important agencies in a manner that responds fully to both the stated needs of the Office and its users.

TRIBUTE TO BILLY SULLIVAN

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. KENNEDY of Massachusetts. Mr. Speaker, I always thought Billy Sullivan was immortal. And in a way, he was—always larger than life, always a giant in the eyes of our family, and in the eyes of everyone he met.

We miss him very much. We know what an immense loss this is to Mary, to his children Chuck, Billy, Patrick, Jean, Kathleen, and Nancy, to his sisters Tess and Eleanor, to the grandchildren, to the extended family he loved so much, and to all of us as well. Billy Sullivan was a great man who accomplished a great deal in his life. But he could not have risen as high and never gone as far without the enduring love and sustaining support of that beautiful, wonderful Sullivan family.

He was Irish to the core, and it seems obvious that God wanted Billy in Heaven for St. Patrick's Day.

We loved Billy for the little things—the endless, last-minute envelopes in response to our sudden calls, because we all had friends who just had to be at the Patriots game on Sunday.

We know the special place of the Jimmy Fund in Billy's heart and soul. We know how much it meant to him—and we in turn often thought of it as the Billy Fund.

To countless New Englanders, Billy Sullivan was the greatest Patriot of all, and the man who brought pro football to Boston. We'll never forget that bright figure with the map of Ireland on his face pacing up and down the sideline in whichever stadium he happened to be calling home that day.

As a teenager, I remember Billy drenched in Harvard Stadium as the Dolphins played the Patriots in a New England monsoon, the end zone completely under water. I remember cheering for Jim Nance as Billy's great running back set a rushing record in a playoff in Fenway Park.

He meant the world to our family. The Billy Sullivan I remember most was the oil company president who welcomed me with open arms and offered his support and advice when I came to him a quarter century ago with a half-baked plan to help the poor and elderly heat their homes during the winter months.

My Dad used to say, "Some people see things as they are and say why, I dream things that never were and say why not?" That's the way I think of Billy Sullivan, too.

In an industry full of good old boys who didn't particularly want to help a young fellow with a different idea about oil, Billy welcomed me into his office and told me the story of his own impossible dream.

No matter how many defeats he had suffered in life, he always came back, again and again and again. And that trademark smile made you believe that he loved every minute of it—because he knew, if he tried once more, he would finally achieve the happy ending he knew was out there. You could never walk out of Billy's office without believing your own highest dream was possible, too. There could never have been a Citizens Energy Corporation without Billy Sullivan.

I know that Michael felt that way, too, and now they're together in Heaven.

In a very real sense, the man from hardscrabble Lowell was "Everyman"—living the hard daily struggle of the Irish in his early years, battling the prejudice of "No Irish Need Apply," and never forgetting those glorious roots.

And later, as president of Metropolitan Coal and Oil, Billy understood better than anyone the struggle of so many customers to keep a roof over their heads, put three meals a day on the table, and keep their families warm.

My mother served on the board of NFL Charities with Billy. Once, they worked hard together to obtain the support of other board members for one of Billy's many charities. They succeeded beautifully, and a check was duly prepared for a dramatic presentation at an NFL halftime show.

Until a little problem materialized—it turned out that Billy's project hadn't taken the steps to qualify for a tax deduction. Billy knew there was no problem with the charity—the problem had to be with the IRS.

On another occasion, my mother was at LaGuardia Airport, about to drive to Greenwich, Connecticut, with a lawyer bent on pressing her on a complex legal problem. By chance, Billy arrived on the scene, saw my mother in distress, and insisted on joining her for the long ride to Greenwich. Every time the lawyer tried to bring up the legal problem, Billy the raconteur broke in, launching into yet another wild and funny Sullivan story that left my mother laughing and the lawyer fuming.

In so many ways, Billy was a member of our family, too. He'd regale us with stories about his father's friendship with the Fitzgeralds, with Honey Fitz.

Over the years, during some of the most trying moments of my life, I would get a long, hand-written letter from Billy, offering comfort and wisdom, lighting the way ahead. That was vintage Billy—always guiding, always reaching out, always helping, always caring.

Above all, there was this magnificent family which sustained him and which is his greatest monument of all—Mary, the great joy of his life; Tess and Eleanor, the sisters whose independence and strength he so admired; Chuck and Patrick, who did so much to build the team of his dreams; Jeannie and Kathleen and Nancy, in whom he took such enormous pride; Billy, who made so much difference in his father's final years.

Near the end of "Pilgrim's Progress," there is a passage that tells of the death of Valiant, in words that apply to Billy Sullivan, too:

> Then, he said, I am going to my Father's; and though with great difficulty I am got hither, yet now I do not regret me of all the trouble I have been at to arrive where I am. My sword I give to him that shall succeed me in my pilgrimage, and my courage and skill to him that can get it. My marks and scars I carry with me, to be a witness for me, that I have fought his battle who now will be my rewarder.
>
> When the day that he must go hence was come, many accompanied him to the riverside, into which as he went he said, "Death, where is thy sting?" and as he went down deeper, he said, "Grave, where is thy victory?" So he passed over, and all the trumpets sounded for him on the other side.

We loved you, Billy—we loved your marvelous loyalty, your beautiful love of family, your laugh that could fill our hearts with laughter, too, your giant Irish heart. We miss you, Billy, and we always will.

HONORING MIKE NYE

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. SMITH of Michigan. Mr. Speaker, I rise to join the citizens of Hillsdale and Branch Counties to pay special tribute to our representative in the Michigan legislature.

So many people talk about the kind of leader they want to represent them in government and Mike Nye fits that definition by every measure.

This week, my friends in Hillsdale County will honor Mike Nye for his sixteen years of dedicated leadership in Lansing. They know, as I do, the few people have accomplished more in that time for the people of Michigan.

Mike Nye's retirement from the state legislature is a great loss. As a member of the House, he fought for commonsense legal reform and worked to provide better health care to poor children and was the innovator of reforms that have resulted in a better education system for Michigan. Mike Nye's improvements in court reform, school reform, tort reform, and juvenile justice reform will be a continuing legacy of his knowledge, ability and leadership in the Michigan legislature.

In an era of overheated rhetoric and blatant partisanship, Mike Nye stands out as a conciliator a legislator who brought people together. Mike Nye was often the man people turned to when they needed a leader to finalize and pass legislation.

Mr. Speaker, my colleagues and I here in Washington can learn a lot from the service of Mike Ney. His contributors to public policy are complimented by his and his wife, Marcie's dedication to their community. Marcie's leadership in working in the prison system with her Kids Need Moms program is a great example of their commitment to help people.

I know Mike's future contributions will be just as worthwhile to all of us, regardless of what path he may take. God bless you, Mike and Marcie and good luck.

IN HONOR OF MR. WILFRED "RED" REED

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a wonderful man, Mr. Wilfred "Red" Reed.

Red was the perfect example of a good neighbor and friend. He was the kind of man that was always there when there was a need and was never concerned with drawing attention to his good deeds or claiming credit.

If children needed transportation to a school event or money for necessities, he was the first to make a donation. He had a habit of leaving ripe tomatoes on your door step with no note attached—he simply had more than he needed and wanted to share with others. It made no difference to him who needed assistance—the church, school, community, friends, or neighbors—he was there.

He never had anything but good to say about anyone or anything. If he ever had a negative thought, he kept it to himself.

He brought civility to any conversation or discussion that he was involved in and set a standard for good citizenship that will endure through generations.

Beloved and admired, Red will be missed by the community he lived in and served over these many years.

Of Red, the ultimate compliment can be given: he will be missed because he was a good man, and the world is a better place because he was here.

IN HONOR OF THE NATIONAL TEACHER OF THE YEAR

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to pay tribute to Philip Bigler, the 1998 National Teacher of the Year. Philip is a history teacher at Thomas Jefferson High School for Science and Technology in Alexandria, Virginia.

The National Teacher of the Year Program is the oldest and most prestigious award to attract public attention to excellence in teaching. Philip is truly deserving of this great honor. For almost twenty years, he has captivated students by recreating history in the classroom. His students have experienced a polis of ancient Greece, cases argued before the Supreme Court, and pilgrims on the hajj to Mecca without ever traveling from the classroom. Outside the classroom, Philip's students have discovered history firsthand by interviewing residents of the Soldiers' and Airmen's homes about their experiences in the World Wars. Philip's most significant achievement as a teacher is his ability to instill a lasting love of history. His students learn to appreciate that civilization rests upon the foundations of the past and that they inherit a rich, intellectual legacy.

Philip's inspiration to teach was instilled by teachers from his own school years. His 8th grade teacher Mary Josephine taught him his love of learning, and in high school, a battle-hardened marine, Colonel Ralph Sullivan, showed him the rigor of academics and taught him a thirst for knowledge and reading. His love of history led him to take a break from teaching to serve as the historian at Arlington National Cemetery but his appreciation for the importance of teaching brought him back. He has spent his entire teaching career in the Greater Washington Metropolitan area. Philip and his wife Linda, who is also a teacher, share the great love of educating young minds.

Philip is also an accomplished author and has previously been honored with the Washington Post Agnes Meyer Outstanding Teacher Award, the Hodgson Award for Outstanding Teacher of Social Studies, and has twice been honored with the Norma Dektor Award for Most Influential Teacher from the Students of McLean High School and the United States Capitol Historical Society.

I know my colleagues join me in honoring Philip Bigler. Philip ignites a spark of enlightenment in each of his students, motivates their interest, and cultivates their minds. I have the highest appreciation for his dedication to teaching and inspiring our children.

SENATE—*Friday, April 24, 1998*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Sovereign God, we claim Your promise through Jeremiah, "Call to me, and I will answer you, and show you great and mighty things, which you do not know."—Jeremiah 33:3. We need that assurance as we close this week of work.

Lord, we want to do our work today and end this workweek so that You will be able to say, "Well done, good and faithful servant." It is liberating to know that we have only You to please. You enable excellence in us that more than meets the expectations of others. Keep our eyes focused on You. Our ultimate goal is to glorify You and enjoy You forever. Add life to our years and years to our life. May our joy of serving You give us freedom. We cast all our burdens on You so that we may work without the tension of worry today. You are with us in all the ups and downs of life. There is no problem or circumstance beyond Your control. There is no panic in heaven and there is peace in our hearts when we trust You completely. Thank You for Your abiding love, through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President.

(Mr. SMITH of Oregon assumed the chair.)

SCHEDULE

Mr. LOTT. Mr. President, this morning the Senate will begin consideration of the conference report to accompany H.R. 1757, the State Department reorganization bill, under a 6-hour time agreement. Under the previous order, the vote on the conference report will occur on Tuesday, April 28 at 2:25 p.m.

On Monday, following morning business, the Senate will proceed to executive session to consider the NATO expansion treaty. It is hoped that Members who wish to offer amendments to the treaty will come to the floor on Monday to offer and debate those amendments.

We have had some discussion already on this NATO enlargement. I remember very well an outstanding speech given on the floor by the distinguished Senator from Oregon a month or so ago, a beautiful speech laced with history. It made an indelible impression upon my mind.

Senators have claimed that we have not enough time on NATO enlargement, or that the issue has been unfocused. But one of the problems has been that Senators have not been willing to come to the floor and offer their amendments.

Beginning Monday, the debate will be focused and uninterrupted on this very important issue of the NATO treaty alliance. We will spend all day on Monday and all day on Tuesday with the only interruption being the vote at 2:25 when we come back in from our policy luncheons. We will spend whatever time is necessary on Tuesday and Wednesday. I hope that we can complete it Wednesday after a thoughtful debate. Every Senator will have an opportunity to make a statement, if he or she wishes, or to offer amendments. But we must begin the process, and it includes having amendments in fact offered so we can bring it to a conclusion.

I remind our colleagues that we still have a lot of very important issues that we need to take up. Unfortunately, earlier in the year several committees had not acted. But committees are acting profusely, and good bills are beginning to line up now. I would like to begin to move bills. In fact, we probably are going to have a high-tech period where we take up as many as 10 bills from a variety of committees that are important to the high-tech area, all the way from antislamming in the telephone area to gambling on the Internet, and a lot of things in between and beyond those. We have other good bills that we want to try to consider.

In order to be able to do that and get to the IRS reform package the week after next, we are just going to have to have more cooperation. If Members continue to delay, then there will be more nights like last night where we were here at 8 or 8:30 or 9. I don't think our work is as good when we are working late into the night.

As a reminder to all Members, there will be a rollcall vote on Monday at 6 p.m. on an Executive Calendar matter to be determined today by the majority leader after consultation and with information, of course, being provided to the minority.

As previously announced, there will be no rollcall votes during today's session since we have 6 hours reserved for debate on the State Department reorganization.

The next vote will then occur at 6 p.m. on Monday.

THE EDUCATION BILL

Mr. LOTT. Mr. President, I wish to speak briefly on a couple of issues. I will not take long. But I want to again express my appreciation to a number of Senators and to the Senate as a whole for the passage of the education bill on Thursday night by a bipartisan vote of 56 to 43 with one Senator being absent. I think you have to acknowledge that Senator COVERDELL of Georgia was persistent. He was fair. This issue really has been considered in one form or another for over a month. But he stuck with it. There was a lot of give and take. I appreciate the involvement of Senator TORRICELLI of New Jersey and his support of the bill. But more important than that, I appreciated the tone of the debate. There are fundamental disagreements on how we begin to improve the quality of education in America, deal with violence in the schools, and drugs in the schools. That is understandable. But we don't have to be nasty in our disagreements. We weren't.

I thought the debate was of a high quality. While the disagreements are passionate, we covered a lot of subjects over the last week, a lot of amendments. We probably voted on 10 or 12 amendments on this bill. Others were accepted or agreed to in one way or another or set aside by agreements. It took cooperation to get it done even after most of the week was spent on that. I think we came up with a good bill. Education is important. This is the best debate I have seen on education in many years. Having been in Congress for 25 years, the debate on education over those 25 years has always been the same: more decisions from Washington, more programs from Washington, more strings from Washington, more money from Washington. And the test scores and the violence—the test scores have been going down and the violence and drugs have been going up. What we have been doing is not working. We need to try some different things.

This bill does that: More choice in elementary and secondary education, No. 1.

I emphasized in my remarks that in my own State, higher education in America is the best in the world. People want to come from all over the world and go to schools, from Stanford to Harvard to Ole Miss, to get degrees in science and engineering, business, or whatever.

But our elementary and secondary education has been deteriorating, and we are way down on most lists. Why is that? What is the difference between higher education and elementary and secondary education? One difference is choice. When you finish high school you can go to a trade school, you can go to a community college, you can go to a denominational college, or you can go to a university. You have a choice. The second big difference is you have financial assistance to be able to do it.

For 2 years I worked in the placement and financial aid office at the University of Mississippi. I know the importance of grants, loans, scholarships, and work-study programs for any student in America. Any student in America can go to college. He or she has a choice. Not so in elementary and secondary. If you are poor, if you come from a blue-collar working family like I did, son of a shipyard worker and a mother that taught school to help make ends meet, they couldn't afford to send me to a different school. They couldn't afford today's market. They wouldn't have been able to afford tutors or computers. They just couldn't have done it. We don't have financial assistance. There needs to be some. How can you get it?

No. 1, allow the parents to keep more of their money and make choices about how to spend their money in helping their children. This is not an attack on public schools.

I am a product of public schools. My wife is a product of public schools. Both of my children went to public schools from the first grade through college. Now, a lot of people who are pontificating as great defenders of public education went to private schools and send their children to private schools. It makes it difficult to believe that you are as sincere as I am. I want to help public education, but I want to give parents a choice.

When I give this sort of speech to some of the traditional education groups, they say, "But the bad schools, the bad public schools may not make it." Right. That is the idea. It is called competition. It is called quality. Get right, improve the quality of your teachers, improve the quality of the administration, or go out of business; let somebody else do it that can do a better job.

This bill also included merit pay for teachers, teacher testing. I still don't understand why it is OK to test and test and test the students but, oh, you can't test the teachers. That is one of the problems we have all over this country. We don't always have good-quality teachers. Should we encourage it? Should we pay them better? Yes. Should they be paid by the Federal Government? No. That is a local decision, State decision.

Senator GORTON came up with a block grant approach, but it was an interesting approach. Again, it is a choice. He took programs, consolidated them into something over $10 billion, and he said, Well, now, States, if you want to continue with the traditional strings-attached, Washington-knows-best controls from the bureaucracy, you can do that. If Massachusetts wants its money to come through the Federal multiplicity of programs with directions of how it must be spent, Massachusetts can choose that. But if Texas wants to bring it through their State government and then to the local schools, they can choose that.

Or in my State of Mississippi, I hope we would choose to let it go direct to the schools. Why does it have to stop in Atlanta or Jackson and trickle down and trickle down and trickle down, with everybody taking a bite for administrative costs—5 percent, 10 percent, 15 percent? Why not let it go from Washington directly to the schools and let the administrators, the parents, the teachers, and the children decide where that $10 billion portion that they get would be spent? Hopefully, they would spend it for STAR teachers, merit pay for better teachers, teachers who work hard, do the extra thing. Maybe they would decide to spend it on construction. That is OK if they make the decision at the local level. That is their choice.

I think they are crying wolf. Those who want the status quo, those who want Washington to make the decisions, those who want controls and directions of how the money is going to be spent from Washington, they didn't like what we did this week and what we voted on last night. Those who say the status quo is not good enough when it comes to education should feel good about our effort last night. Now, they say, Well, the President is going to veto it. I don't know that he will. It is like laws; they are not unconstitutional until some court or the Supreme Court says they are unconstitutional. A bill is not vetoed until a President vetoes it. It will have to go through conference. Perhaps changes will be made. Perhaps the President will have a conversion and decide this is good legislation. But if he does veto it, the parents will know who has faith in them and the local education apparatus and those who believe Washington is the only place that can decide what is best for education in America.

So I slept better last night knowing that at least we were trying to make sure that my prospective grandson will have more opportunity and greater choices in education.

STATE DEPARTMENT REAUTHORIZATION

Mr. LOTT. Mr. President, on the legislation we are fixing to take up, the State Department reorganization bill, this is the result of literally years of work, give and take, by Senator HELMS, the chairman of the committee, and by the administration. I think credit has to go to Secretary of State Madeleine Albright. She worked with Senator HELMS on this State Department reorganization, which is so long overdue, which would allow us to do a better job in our foreign policy apparatus. Senator BIDEN has been a good partner, I believe, with Senator HELMS, as the ranking member on that committee that reported this legislation, in developing this State Department reorganization.

So this is very important legislation which has been a long time coming.

The second part of that bill does provide for the U.N. arrearages, something over $900 million, I believe. You can still argue about how much really the United States owes to the United Nations. You can still argue that the United Nations doesn't always make the right decision. You can argue back and forth. But it is an agreed-to compromise which will allow the United States to fulfill its commitment in a way that a majority of those directly involved, Republican and Democrat, conservative, moderate, and liberal, feel is a fair way to get this job done.

So that is an important part of this package, not only the reorganization of the State Department, which will be of tremendous benefit, I believe, in the next few months and years of this administration and of future administrations, but then you add to that that we are finally addressing this question of U.N. arrearage. That is very important.

There is also included in this bill language that maybe nobody is totally happy with but language dealing with the so-called Mexico City issue, which is language that would have some restraints on lobbying other governments and organizations with taxpayers' dollars to promote the changing of laws to provide for abortions or to deal with the abortion issue. It is an issue that we have been tangled with for years. I am not diminishing it by putting it that way, but it is just something that we have been trying to find a fix to. There is no easy answer. You have passionate people on both sides of the issue. And I have clearly been on one side of the issue forever. I don't think that taxpayers' dollars should be used to promote abortion. Does anybody want to question JESSE HELMS on this issue? Anybody? No.

Now, the others who are on the other side of the issue, such as Senator BIDEN, they argue very strongly. They have been consistent on the other side. This is a compromise. This is a part of the package. This is a way to deal with three very important issues in this package. It has been agreed to reluctantly, but now I think with understanding and vigor, by the Senators who are involved directly with this legislation.

So I urge my colleagues to think about it, recognize that you may not like one piece of the three or maybe two of the three, but what is the alternative? Are we never going to reorganize the State Department? Are we never going to deal with the U.N. arrearage issue? Is the abortion issue going to be involved with U.N. arrearage, State Department reorganization, IMF, appropriations bills? How long will this go on this year? This is the solution. So I urge my colleagues to support this legislation.

I caution the administration and urge them to stop lobbying against this legislation, their bill. I have expressed this to the Secretary of State, in which I said, "Madam Secretary, this is the last train out of Dodge on the U.N. arrearage." Now, I don't believe it will happen—if this bill doesn't pass the Senate and if this bill is not signed by the President, then the U.N. issue is probably dead for the year.

Am I advocating that? Am I defending it? No. I am just stating a fact. I don't see how you do it. Senator HELMS and Senator BIDEN have reluctantly agreed to this process, but it is the only process, I believe, that will allow us to deal with these three difficult, complicated, but important issues.

So I hope the Senate will have a good debate today and will think about it. I don't think anybody is going to be surprised by what is in here. We do not need a lot of pontificating on either side of the aisle. You are for or against State Department reauthorization. You are for or against the U.N. arrearage issue. And you may be for or against the abortion issue. But this is a reasonable solution, and I hope it will pass when we vote on it Tuesday at 2:25.

Mr. President, I yield the floor.

BILL PLACED ON THE CALENDAR—S. 1981

Mr. LOTT. Mr. President, before I yield the floor, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> A bill (S. 1981) to preserve the balance of rights between employers, employees and labor organizations which is fundamental to our system of collective bargaining while preserving the rights of workers to organize, or otherwise engage in concerted activities protected under the National Labor Relations Act.

Mr. LOTT. I object to further proceedings on this matter at this time, Mr. President.

The PRESIDING OFFICER. The bill will be placed on the calendar.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consideration of a report of the committee of conference on the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and for other purposes, which the clerk will report.

The legislative clerk read as follows:

> The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1757), have agreed to recommend and do recommend to their respective Houses this report, signed by majority of the conferees.

The Senate proceeded to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of March 10, 1998.)

The PRESIDING OFFICER. There will now be 6 hours of debate equally divided in the usual form. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the distinguished occupant of the chair, who is a valued member of the Senate Foreign Relations Committee. I say good morning to him, and all the others who are here this morning.

Mr. President, back in the middle of the 20th century—and when I say that I sound like I'm talking about a long time ago—Congress created a number of temporary, independent federal agencies. I think it was a bad mistake. If I had been here, I would not have voted to do that, having the hindsight that I have. But, of course, members of Congress did not have the hindsight. They had just gone through, not too many years earlier, a horrible World War and were trying to get this Government stabilized, trying to help get the rest of the world stabilized. This seemed like a good idea, to create these specialized, independent Federal agencies.

Ronald Reagan, when he was President, had to deal with what these independent agencies had become—and they did grow mighty independent. He would say, "There is nothing so near eternal life as a temporary Federal agency."

I read the other day that the responsibilities of just one of these agencies is duplicated by about 42 other entities in the Federal Government. And of course the cost of running the U.S. bureaucracy has risen constantly. Furthermore, there is what has become an interesting psychology among those who not only run these agencies but are employed by them. The agencies have become the personal little fiefdoms of these bureaucrats, and they fight tenaciously at any attempt to do away with their turf or, as this conference report proposes to do, to mesh these agencies with the rest of the State Department foreign policy apparatus. In order to pass this legislation, we have gone through a great deal of difficulty, but turf protection is only one of the difficulties. Let me proceed, if I may, to give some further historical reference, with an assessment of the situation that now exists.

Of course, we have before us as the pending official business the Foreign Affairs Reform and Restructuring Act of 1998, which I believe, it is fair to say, is the most comprehensive and far-reaching foreign policy reform ever considered by the Congress of the United States regarding both the United Nations and the executive branch of this country. Now then, the distinguished Senator from Delaware and I, and many others, have spent not months but years working on this proposition. We made every proper and reasonable concession in arriving at the general draft of this legislation that is now before us in the form of a conference report issued by the House and the Senate.

So it has been the result of long and painstaking negotiations between the Congress and the administration. The sweeping and bipartisan reforms contained in this conference report are clearly designed to enhance America's post-cold war foreign-policy-making process and to force some fundamental reforms on the United Nations.

With the full support of the administration, this legislation shuts down two Federal agencies—the Arms Control and Disarmament Agency and the U.S. Information Agency. I say "now." That is a relative term, in terms of doing something in the Federal Government. It has to be done within the next 18 months.

The legislation also requires the Secretary of State to rein in the existing increasingly unwieldy U.S. foreign aid agency, the Agency for International Development, and it strengthens the independence of U.S. public diplomacy and international broadcasting programs.

The legislation also mandates a series of deep-seated reforms at the United Nations, which many Members of this Senate and of the House of Representatives have been demanding for years. I remember the distinguished Senator from Kansas, a gentlelady if there ever was one, Nancy Kassebaum, whose ire was raised when she found out what was going on in terms of irresponsibility in the operation of the United Nations.

How to get it under control? I am going to discuss that in some detail in just a minute. All you hear these days is talk about how wonderful the United Nations is—and that is not so, it is a bureaucratic nightmare—and how bad the United States and the American people are for not paying what is called "the arrearages." Hogwash. For more than a year, I have worked with Senators BIDEN, GRAMS, GREGG, and others, to create a package of reform benchmarks—reforms that the State Department must certify that the United Nations has completed—before they are paid any of these so-called arrearages. In other words, it is a very clear put up or shut up.

For months, we negotiated these reforms with the State Department and the White House. In fact, we even shared our proposals with Kofi Annan, the distinguished Secretary-General of the United Nations, so that the international elite in New York and Geneva would not be blindsided by these requirements for reform of the United Nations.

Kofi Annan came down and visited me one day. We had a nice visit. We went to several places on Capitol Hill together. One by one—in S. 116, down on the first floor of this Capitol, which is one of the Senate Foreign Relations Committee hearing rooms—we went down the list, benchmark by benchmark by benchmark by benchmark, and he nodded, and he nodded, and he nodded.

This conference report contains the fruits of hundreds of hours of bipartisan negotiations. Maybe it could be done better, but I don't know anybody in this Senate who is going to take the time to do it better, because it is going to take hundreds upon hundreds more hours to change the kinds of things that we worked out.

You are going to have the lobbyists from the United Nations piling all over Senators, "Oh, you can't do this, we've got to have our money right now." You are going to have lobbyists for this agency and this independent agency and all the rest. They don't want to be folded into the foreign policy apparatus that exists and which costs billions upon billions of dollars of the taxpayers' money.

It is either now or never. The game playing is over, and the enactment of this legislation represented by this conference report between the House and the Senate is the last shot the President will have at enacting this legislation. If members want to go home and tell their constituents, "Well, I didn't like this aspect," or "I didn't like that aspect," I am going to be right behind you saying, "Yes, but 'what he didn't do' or 'what she didn't do' is vote to clean up a mess in Washington, DC."

This conference report, as I say, contains the fruits of hundreds upon hundreds of hours of labor. Once these U.N. reform benchmarks are implemented, only then will be made $819 million available for the United Nations and other international organizations. In addition, the President will be authorized to forgive an additional $107 million in debt that the United Nations owes the United States. Nobody ever mentions that. Of course, it is a lot bigger than that when you figure in the American people have paid for all of these police actions that the United Nations has been doing all around the world. But that is neither here nor there for the time being.

What I am saying, Mr. President, is that there has been no disagreement about any of these provisions. So the substance of this bill, a complete overhaul of our Government's foreign policy apparatus, and the reform of the United Nations, which has to come before a dollar changes hands, remains virtually unchanged since the Senate passed this bill, by a vote of 90 to 5, on June 17, 1997.

Let me restate for the obvious an important point. This conference report remains virtually unchanged from the bill passed by the Senate by a vote of 90 to 5 last year. The Senate has overwhelmingly endorsed the reforms, and the Clinton administration has signed off on them. Let's see who reneges on this agreement. Will it be the administration? Will the administration veto this bill because of two or three lines that it happens not to like? We will find out, won't we?

All those Senators who say, "Well, I don't like this aspect of it, so I'm not going to vote for any of it," had better be prepared to explain what they, in effect, voted against. If they want to come and sit down and talk with JOE BIDEN and me, we will explain the purpose and the reason for everything in this bill.

And yet—and this is bothersome to me, I confess—we are now facing a razor-thin majority vote in the Senate. We might not even have a majority. Far from lobbying the Senate for passage of this legislation, the President has been standing over there in the wings and has indicated that he may veto the bill, the substance of which his administration had negotiated with us and agreed to with us.

Why is the President threatening to veto this bill? One small provision—a few words included by our House colleagues—section 1816 bars American organizations from using U.S. taxpayers' dollars to lobby foreign governments to change their abortion laws. I guarantee you, that is all there is to it, and the President sits down on Pennsylvania Avenue and says, "If you don't take that out, I'm going to veto it; I don't care whether you save billions of dollars or not."

Mr. President, as they do in grade school, this is show-and-tell day—put-up-or-shut-up.

I tell you one thing, I have tried to get along with the administration, but if the administration vetoes this bill because of those few lines, I am going to go do everything I can, go everywhere I can and explain exactly what the President did. I have dealt with him on this thing and he has been very accommodating, and so have his people, but if he wants trouble on this bill, just veto it, and I will give him some trouble.

That little provision for which he is threatening to veto this bill—let me repeat—it stops those who advocate abortion—that is the deliberate destruction of innocent and helpless human life—from using tax dollars paid by the American people to lobby foreign governments to change their policies on abortion.

I did not want to have the subject mentioned. I could have put it in this bill when it went through the Senate, but I thought we ought to address the real problem in this bill, and that is this foreign policy apparatus which has become so bloated and with so many other Federal entities running around duplicating each other's business.

I do not believe in my heart of hearts, or cannot believe, that Mr. Clinton and his Democratic allies in the Senate would be willing to sacrifice the payment of U.N. arrears—one of their top foreign policy priorities—just to preserve the ability of nongovernmental organizations to use American tax money to lobby foreign governments on the question of abortion. I refuse to believe that the President is going to "pick up his pen," as Ronald Reagan used to say, and veto it. If he does, some of us are going to react.

But that is exactly what a lot of people are proposing in the Senate: "Oh, I can't vote for it because of that abortion language." They don't care anything about all the millions of dollars this legislation is going to save, or about the elimination of the duplication of bureaucracy. Instead, two or three little lines involving, what I regard anyhow, an abuse of American taxpayers' money, are the grounds for voting against this bill.

Some on the other side have been heard going around calling section 1816 the "Mexico City" policy. It "ain't" the Mexico City policy, not a bit of it. I helped write the Mexico City policy way back when Ronald Reagan, by Executive order, made it part of this country's position. But don't take my word for it. I want every Senator to read the bill or the conference report, especially section 1816. And to help them look for it and find it, section 1816 is on page 102 of this conference report. If you can't find page 102 of the conference report, come right here, and I will find it and put it in your little hot hands. But let's not play games about it. Put-up-or-shut-up, show and tell.

What did Ronald Reagan's Mexico City policy do? It forbade any expenditure of U.S. taxpayer money going to any organizations that performed abortions abroad.

Ronald Reagan was a strong and sincere, genuine pro-life President. You do not see many of them coming along.

The provision in this conference report does not do what the Mexico City policy did.

As much as I wish it were otherwise, section 1816 will not cut off funding to organizations that perform abortions as required under President Reagan's original Mexico City policy. All section 1816 does is simply prohibit population control groups from using American taxpayers' money,—which they will receive under current law anyhow—to lobby foreign countries to overturn their laws pertaining to abortion. That is it, sum total. If anybody in the press or the media doubt it, come on down here; we will talk about it. No, they are not even here. There is one lonely soul sitting up there in the media gallery.

Initially, last year, the House did include or try to include President Reagan's full Mexico City language in this bill. When the House did that, the Clinton administration said, "No. The President will veto this bill." And there ensued a months-long standoff which lasted until the waning hours of the last session of Congress.

Now, then, Mr. President, despite my personal support—my personal support—for the Mexico City policy, I urged my House colleagues to remove that provision from the bill. I said, "We can fight that battle on another battleground. Let's not kill this one opportunity we are going to have to revamp and consolidate and shape up the foreign policy apparatus of this country." I did this because I knew that the President would never accept a full reversal of his administration's stand on the Mexico City policy which was totally at odds with those of the stand of Ronald Reagan.

Last November, in an effort to reach a compromise, the House of Representatives' leaders watered down the abortion language in the bill to the point that I have stated over and over this morning—simply to ban the use of U.S. dollars to lobby foreign governments to change their abortion laws. But despite an exceedingly reasonable offer from the House, this was still not good enough for the administration. The administration rejected this compromise as the session came to an end last year, citing nonbinding report language that they claim would have barred the U.S. groups from even attending international conferences aimed at changing abortion laws. This they said would amount—get this, Mr. President—this would amount to a "gag rule."

Come this spring, House leaders offered a second compromise. They agreed to remove the offending report language, softening it simply to prevent the use of U.S. tax dollars to sponsor such conferences. So it is all right to attend them, but do not use tax money to sponsor them. In fact, I have to say this about the House leadership. They have been so reasonable in their efforts to reach a compromise that today the abortion language before us in this legislation is so limited that its approval would be little more than a symbolic concession on the part of the Clinton administration.

But even that appears to be too much from what I hear because the lobbyists say all Democrats must vote against this bill. That is the word I am hearing floating around. And we will see when the roll is called on it. We will see.

At this point it is unreasonable, I think, to suggest that it is the House leaders who have been exhibiting intransigence. While the House has offered compromise after compromise, giving up 90 percent of their ground, the administration still, to this day, is demanding total and complete capitulation. What they are saying is: "Kill the conference report. Forget it. Don't do away with any of these irrelevant, unnecessary Federal agencies and the bureaucracies. Let's keep on keeping on." They do not seem to care what the costs are. I have not heard that mentioned one time—not one time—by the administration.

Mr. President, I am not going to take any more of the Senate's time discussing this issue, because I do not view it as central to the reforms contained in the conference report. I want to get back to that before I turn over the podium to my good, fine friend, Senator BIDEN.

Mr. President, not anybody—not the administration, not the Democrats, certainly not JESSE HELMS—got everything any of us wanted in this conference report. I acknowledge that. But we did work together in a remarkably novel way to cooperate, and to craft the legislation that is before the Senate today that forms the conference report. This legislation, save for one single provision on international abortion lobbying, is the result of strong bipartisan consensus. And that is a novelty around this place. And that is the reason it passed the Senate the first time around 90–5.

I think, Mr. President, it will be a terrible mistake for the Senate Democrats and the White House to kill these absolutely imperative, essential, necessary reforms in order to defend the bureaucratic status quo at the United Nations, not to mention within our own executive branch, to defend the bloated foreign policy apparatus.

So let me be candid. This legislation represents quite possibly the last chance to bring true, deep-seated change to the United Nations in return for U.S. arrearages payments. If Democrats succeed in voting down this conference report or if the President chooses to veto this legislation, then they together will decide what is going to happen in the future; they will bear sole responsibility, I think, for the unpaid dues to the United Nations. And nobody is going to tell Kofi Annan, if this conference report goes down in the Senate or if it is vetoed by the President, "The check's in the mail," because it is never going to be in the mail, certainly not if I have anything to do with it.

This Senator, for one, will delay crying, weeping, when the White House complains that funding has not been made available to the United Nations. Next time I see the President I am going to say, "Mr. President, you did it. You did it."

Mr. President, I yield the floor. Thank you very much.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, there is not much that my colleague from North Carolina, the chairman of the committee, has said that I take issue with. Sitting with my staff here, as I was waiting to speak, I said, "I have this long statement that is prepared that goes into detail about the bill. The truth of the matter is, the debate here is almost not about the bill, not about the conference report."

I can and I guess I will at some point do what I probably shouldn't do and that is second-guess what the rationale and motivation of the House leadership is and what the rationale and motivation of the President and administration is relative to the one thing that doesn't have a darn thing to do with what the Senator and I worked so hard to put together—and, I might add, the Presiding Officer, as well is a member of the committee. He will remember we spent a lot of time on this—a lot of time.

There has been talk, led by my friend from North Carolina, about reorganizing the State Department for the past several years. Nothing ever really happened. There was a lot of work, don't get me wrong, but in terms of producing something that would become law, nothing ever happened.

We have been debating and talking about U.N. arrearages. We have really been debating the U.N. arrearages, or whether or not it was a reasonable, functional, useful organization. That has been a raging debate probably since the mid-1980s. It has been around for a long time but, in terms of the political chemistry on this floor of the U.S. Senate, for the last probably 10 to 12 years in earnest. As a matter of fact, I think my friend from North Carolina would acknowledge with me that in both our political parties it has taken on, in the fringes of our parties, a status that far exceeds anything about what the United Nations does or doesn't do. On one end of my party it is the salvation of the world, and on the other end of the Senator's party it is the Devil incarnate. It has kind of replaced the fervor that involved the debate for and against communism. It is a new thing, a new political dynamic.

We worked very hard and we actually came up with a resolution. I respectfully suggest that what we did—and we made serious compromises—the Senator from North Carolina did not come to this conclusion gently, nor did the Senator from Delaware in terms of the compromise relative to what we did in the United Nations here. But the vast majority of the people who are informed on this issue, both in politics and in the foreign policy establishment and in the world community, acknowledge that what we did is a reasonable, straightforward and, I think, significant piece of work.

I don't want to get my friend from North Carolina in trouble. I think the most significant thing about it is the Senator from North Carolina signed on to this. That puts in perspective not only the arrearages but what he has wanted to do to get the United Nations to change its tune a little bit. Hopefully, we will not be arguing another decade about whether or not it is a salvation of the world or the Devil incarnate. We will have a pretty clear-eyed view of what we expect of the United Nations and what we think its value is. That is a very valuable contribution all by itself, in my opinion.

The third thing we did here, and I am sure my friend will not mind my saying this because we both said it publicly in different iterations over the last year or so—when I inherited this job from the distinguished Senator from Rhode Island, who retired, I went to see the chairman. We came here together, same year, same time. We have been friends; we have been ideological foes. We have been on the opposite sides on issues, and we have been together. We have been hanging out with each other for 25 years. I went to him and I said—which is, I guess, uncharacteristically blunt for me—"We can play this flat or we can play this round, Mr. Chairman; how do you want to do this?"

He came back and said, "JOE, what are your priorities? What is important to you? This is what is important to me. Let's agree with what we can, and fight it out where we cannot agree." He has kept his word in everything he said to me. I said, "It is important to me, with the end of the cold war, the Berlin wall down, that we do not cut back our foreign policy establishment." As we are cutting back our defense establishment I think as far as we should cut it back, cutting back our defense establishment, there is a need for us to extend our foreign policy reach and establishment, whether it means embassies or consulates or enough personnel or intense involvement in other countries. He said, "It is not my intention in reorganization to emasculate the foreign policy," the 150 function, as we call it in budget parlance.

So the third piece of this deal here is the State Department has been trying to get full funding for all its operations for years. And it is in here. Now there are reorganization provisions. The President agreed to the reorganization, and we put the structure of it into this bill. The Administration didn't like some of it. But the Senator and I agreed it was necessary. And in return we got a pretty balanced package here.

Now, so far, so good, as they say. The Senator, I think, is fond of telling the joke about the guy who jumps off the 100-story building and as he passes the 50th floor a group of people are standing at a window and yell out, "How is it going?" And the guy falling down says, "So far, so good." That is how I felt about this whole operation. I am feeling real good. We just haven't hit the ground yet. Everything we have done I am, quite frankly, proud of.

I think we have made what has to happen. In a democracy of 250 million people, we make compromises. But the end result is, I think this conference report strengthens the foreign policy and the ability to conduct foreign policy and the security of the United States of America.

Now, that is the so-far-so-good part. We both knew, the chairman and I, that the President wanted fast track, something he feels very strongly about. He probably could have saved fast track if he were willing to compromise on Mexico City, although that wasn't attached. I understand at the end of the day there were some in the House who said, if you attach this, we will go along with fast track. He didn't do it then. He didn't do it on other things.

By the way, I have to say for the record, because I want to be straight up about this, my colleagues know this, but so that everybody understands how I approach this, the abortion issue is not one that I live and die on. I think government should stay out of the business. I vote against funding of abortion and I vote against restrictions on a woman's right to an abortion, which makes everyone angry with me. The only person happy with me is me, in my conscience. But this for me is not on the list of the 10 most important issues facing America. It doesn't make that list for me. I must admit I do not have the passion for or against what is being debated in here to think it is warranted or worthy of being attached to what I consider to be a serious array of foreign policy considerations affecting this Nation.

On the other hand, the Senator from North Carolina does. It is a matter of great passion and commitment to him. His opposition to abortion from the day we arrived on this floor of the U.S. Senate and I first became acquainted with him to today has not waned a bit. I respect him for that. I disagree with his approach—at least most of it. I vote against funding, so that part we agree on, but I disagree with his approach. But I respect it, as I do people like my friend Senator BARBARA BOXER and others who vehemently feel the other way on both funding and access.

The reason I bother to tell you that, Mr. President, is this. It took nothing on my part, I had to make no compromise to say to our House friends and to our friends in the Senate, we want to keep Mexico City off of this; but it did take some real sacrifice on the part of my friend from North Carolina to say, as he did last year, look, keep this off. There are other vehicles. We can fight this out other places. Don't confuse it with this historic undertaking.

We have, I think, accomplished, in at least what we passed out of the Senate—I will be straight up with everybody. We hung tough on that. The truth of the matter was neither one of us were able to affect the House's attitude toward this. The one thing I think we share a lot in common, the one thing the chairman and I share in common is we are realists. We have been here for 25 years; we know how this place works. This is not something that—not because we are so smart, you would have to be an idiot to be here 25 years and not know how it works—speaking for myself. It is pretty clear that once we could not control what would happen in the House and what Representative SMITH—who, I might add, I suspect, although he knows a lot about the issue, knows a lot less about the issue than my friend from North Carolina. My friend from North Carolina was dealing with this issue before a lot of other people knew it existed. It became clear that we could not do much about it.

Although the chairman and I still disagree on a number of things, one thing we have established—and I am proud of it, and I think he is too—is that we are absolutely straight with each other. So he came to me and said, "Look, JOE, this is in. They are going to compromise on this, but it's going to be in. So my position now, JOE, is it's in, so let's pass the whole thing." I tried my best and kept my promise, I stuck with my commitment, but I told him, "If it's in, I am going to have a problem sticking with the deal—that is, pushing this through."

Let me tell you why. It has less to do with the merits of the argument relating to Mexico City than it does if we pass it here with this attached, even though the President will veto it. I am going to be completely blunt about this. If we pass this, my worry is that it will embolden the "Congressmen Smiths" and others to suggest that they can keep doing this on everything that comes over here. I want to tell my friend straight up, that is my rationale.

I am of the view—and this is like reading the entrails of goats and guessing like the soothsayers did 2,000 years ago what is going to motivate Members of the House or an administration to act or not act. My feeling is, since the Senate has not passed this Mexico City language in the past, and there is a majority that votes against Mexico City language—and this is purely presumptuous on my part—if Speaker GINGRICH, keeping his commitment to his people, put it in, he realizes and is able to say, the Senate will not pass this, the President will not veto it, let's move on; we have a better chance of getting to the spot we want to get to—the Senator and I—which is to clear up the U.N. arrearages, reorganize the State Department, and fully fund the State Department.

So I guess what I am saying is, the only place we disagree is tactically what is the better thing to do to get what we both want, notwithstanding that we disagree on Mexico City. I vote against Mexico City restrictions; the Senator votes for them. But I don't think that is what is motivating either one of us here at this moment. To speak for myself, that is not what is motivating me at the moment. What motivates me at the moment is, what do I tell my colleagues on my side of the aisle, a fair number of whom listen to me on these issues—and that is presumptuous to say, but it is just because I am the ranking member. What do I tell them is the most likely route for us, at the end of the day, to be able to get the State Department reorganized, get the U.N. arrearages paid, and funding for the State Department through the supplemental?

The conclusion I have reached—and I would not bet college tuition on it for my daughter—is to stand firm, demonstrate there are not enough votes here to pass Mexico City, with the knowledge the President is going to veto it and the pressure is to get on with the business of foreign policy. I could be wrong about that.

One way or another, I think it is fair to say that at least the Senator and I know—from different perspectives—that isn't going to become law. The President is going to veto this with this language attached. I could—and I am inclined to, because I am proud of it—spend a great deal of time talking about the merits of each of the pieces of this conference report. I will refrain from that, because I would be preaching to the choir. I am preaching to the author here. It is not like I am going to say anything he doesn't know.

I can put in the RECORD the details of what constitutes what we have accomplished and what is in the conference report. In many respects, the conference reported back a better bill than we put out. In many ways, it has been a better bill. But time is our enemy. Time is our enemy.

I must again be completely blunt with my colleagues. At one point, I counseled that we not even debate this, let's vote, get it over with, and send it to the President and let it be vetoed. I believe the more time we take to deal with the U.N., the more difficult and intransigent the U.N. becomes, the harder it is for Ambassador Richardson to take what we have given him and get the results we want, the harder it is for us to unravel a State Department that needs unraveling, in terms of reorganization. Time is not our friend.

I read on the way down this morning on the train—I commute every day from my home State of Delaware. I have a little ritual, and my friend knows about this. I read my local paper because of its interest and out of self-defense, I read the New York Times, and I read the Wall Street Journal, and that gets me to Baltimore. From Baltimore on, I prepare whatever I am going to do that morning. So commuting 4 hours a day isn't all bad, because you have a lot of time to prepare.

On the way down, I read in the New York Times this morning's lead article about the IMF. It is pretty clearly unrelated to this issue but tangentially involved with the issue of Mexico City. But it looks like IMF isn't going to go anywhere. I will not put this in the RECORD. I don't often put in news articles. But this is on page 9 of the New York Times, entitled, "GOP Snubs White House on Billions for IMF."

Well, there are only three or four major foreign policy considerations on our plate right now. NATO is a big one, and the Senator and I will deal with this come Tuesday. Then there is IMF, the U.N., and reorganization of the State Department. It seems to me—and I do not in any way—and I give my friend my word on this—direct any of this at him or to anyone in particular. It seems a shame that three of those four major issues get tied up in what is in fact a divisive and, understandably, national debate relating to abortion.

Sometimes I wish we had the House rules, which say that whatever you do has to be germane. But then I am not so sure, because I realize they can get the Rules Committee to do anything they want. But it is too bad we can't say that we are going to debate foreign policy and settle it, that we are going to fight out abortion, and that we will fight out education, and so forth. I understand the practical reasons why that is not the case, but the truth is that it creates real problems.

The one and only place—and I will cease after this—where I disagree with my friend from North Carolina, the chairman of the full committee, is on this issue of whether or not there has in fact been a compromise that has been put forward by the House leadership on the issue of Mexico City. It has been stated—and this is the only place I disagree with my friend—that the House anti-abortion forces, led by SMITH of New Jersey and GINGRICH, the Speaker, compromised on 90 percent of what the Mexico City language is. In truth, I think that is illusory. I don't think there is any compromise.

Let me for the record, for those who are going to make difficult decisions here on how to vote—I am going to vote no on this bill. The reason I am going to vote no on this bill is because I am opposed to Mexico City. That is true. But that is not the main reason I am going to vote no. To be honest with you, were I President of the United States, I would have a harder time deciding whether to veto this or not because I care so much about the three provisions.

Arguably, someone could say why not swallow on another provision that you strongly disagree with, but in comparative weight, in terms of how it affects the national interest, arguably you should go ahead and not veto. But I am not President. I am a U.S. Senator. As a U.S. Senator, I am obliged to explain my rationale for why I am going to vote against this. I am reiterating what I said at the outset. I think if we vote no in this body, whether you are for or against Mexico City, we, quite frankly, take the House leadership off of a bit of a dilemma. I believe in my heart that much of the House leadership would rather this not have been in this bill. They know how important this is, even though I am not questioning their support for the Mexico City language.

It is a little bit like my saying I feel very, very strongly about tobacco companies being able to target advertising to children—very strongly. I think they have been outrageous in what they have done. Should I attach that tobacco language to this foreign policy bill? Would that be appropriate no matter how strongly I feel about it? Should I say I am not going to fund the United Nations arrearages, I am not going to reorganize the State Department, I am not going to fund the State Department, and, by the way, although it is not in this bill, I am not going to replenish the International Monetary Fund even though there is an economic crisis in Asia that could still spill over to the United States? And the single most significant thing we could do to stop that from happening is regenerate confidence to the degree that everyone knows there is enough money in the IMF to help these countries get back on their feet. Should I say because of my feeling about tobacco advertising that I am ready to scuttle all three of those? I think that is inappropriate.

I think the House leadership—I could be wrong, but I think the majority of the House thinks it is inappropriate. It does not matter. A minority in the House, as has occurred in the Senate, with Democrats as well as Republicans, on other issues, both of us have attacked it. I think the strongest message we could send is to stop it. The Senate is not going to accept it. The President clearly will not accept it, because then I think the leadership on the other side will say, "Look, minority within our minority. I know this is important to you. I kept my commitment to you. We tried it. Now let's get down to the business of the Nation."

I could be wrong about that. But that is why JOE BIDEN is voting against the thing that he, at least 49 percent, was responsible for creating, this bill, along with the 51 percent of my friends, including the Senator from North Carolina. I cannot think of anything other than the crime bill that I put as much time into than this. This is a little bit like sacrificing your child. I put a lot of time and energy, and my staff put in hundreds of hours, as has the chairman's staff. I am proud of our product. But I know the President is going to veto this. What is going to embolden the CHRIS SMITHS of the world to continue to throw a monkey wrench into the foreign policy of this Nation?

My point to my colleagues on my side of the aisle is to vote no. That, coupled with the President being against it, maybe will allow us to get down to the regular business of the Senate again. But I could be wrong.

Again, this is a tactical judgment, from my standpoint, on how we get on with conducting the foreign policy of this Nation and taking on our responsibilities in the U.S. Senate to do that.

But having said that, let me make sure everybody understands what Mexico City is. You say to people out there, "Well, this is about Mexico City. Well, is it about smog? What do you mean Mexico City? What is this about? Corruption? Drugs? No. It is about Mexico City.

Mexico City is a consequence of a reference to a meeting which took place on population planning back in 1984 where a whole bunch of nations got together under the auspices of the United Nations. They were going to meet in Mexico City and decide how they should deal with the notion of population planning. The Reagan administration announced administratively a new policy on international population assistance, which was a change in what United States Government policy had been as it related to assisting organizations involved in population planning in other countries.

Let me make a very important distinction. Even I had to go back and read this. This is not about involving any restrictions on governmental agencies. Money we send to the Mexican Government, the Mexican Government can use in population planning funds—if we send them any—any way they want with one restriction, and it is the Helms law. Senator HELMS—and I supported it—argued that we should not be sending taxpayer dollars to other countries in the form of foreign aid if those other countries, or private organizations within those countries, are going to take our taxpayer dollars and perform abortions—in the case of China, coerced abortions, where the Chinese Government has coerced people into having abortions, forced abortions, to maintain this one-child policy, one child per family. So it became law. It is still law. Under the Helms amendment, taxpayer dollars collected and sent overseas, in what most people would refer to as foreign aid, cannot be used to perform or to coerce abortions. That is the law.

Mexico City is in addition to that. Mexico City says—I caution my staff to correct me if I make even any nuance mistake about this because it is important—Mexico City comes along and it does two things. It says when the United States, by whatever mechanism, sends American taxpayer dollars to nongovernmental organizations instead of to the comparable Department of Health and Social Services in Mexico—for example, they have a comparable agency in their Federal Government like we have in ours—sending funds to them, it gets treated one way. Sending funds to, say, Mexico City Planned Parenthood, not a U.S. corporation, not a U.S. entity, but a Mexican entity, or any other country, in Argentina, in China, in Vietnam, the Mexico City directive of President Reagan said not only can they not use their funds because the Helms amendment blocks use of any taxpayer dollars—OK? Not only the government, but to these private agencies. The add-on that President Reagan, through Executive order, laid out was the following. It said not only can they not use our funds, the money we send, say, to Planned Parenthood Mexico, they cannot use their funds—let me get this straight for everybody. Right now, if we sent, through a population control program, money to Planned Parenthood Mexico, Planned Parenthood Vietnam, Planned Parenthood—I don't know that they have one but assume they do—and we sent money to the Government of Vietnam, the Government of Mexico, the government of another country, as well for population control under our law, if we find out they, either the private agency, or the government, is using that money to perform abortions, then it is against Federal law. We stop doing it. It is the Helms amendment. It cannot be done.

OK. That is the law. That is not in question here. That is the law now, and it will stay the law. But this is a different deal. Former President Reagan said not only do we want to stop that; we want to stop these nongovernmental agencies from using their own money. So now Planned Parenthood in Mexico gets a dollar of U.S. taxpayers' money; they can't use that dollar to perform abortions. They can't use that dollar to go out there and be promoting those abortions. OK.

But now let's say they have a fundraiser in Mexico City, and all Mexican citizens show up and they contribute $2. So they have $3 to spend now, two of their own that they raised that has nothing to do with taxpayers' dollars and one that is the American taxpayers' dollar. Mexico City says they can't even use their own dollars, their own money to do either of two things: One, to perform abortions or, two, to lobby their own Government on anything relating to abortion.

Now, the irony here is if they were the Right to Life Committee in Mexico City, they also could not lobby with their own money their Government to end abortions. It is a gag rule. We are saying what we can't say to their Government—even Mr. SMITH and others have not tried to say—any money we send to the Mexican Government to control population can't be used to perform abortions, and if they take any of our money they can't use any of their own money to do anything relating to abortion. We don't say that. We know we can't tell another Government they can't use their own tax dollars, but we feel we can tell a nongovernment agency, these NGOs they talk about, nongovernment organizations, we think we can tell them what they can do not only with the money we send them but with their own money.

That is the objection this President has. By the way, we went through a similar debate here in the United States on the so-called gag rule. It would be unconstitutional. We could not say to local Planned Parenthood in Duluth, MN, "You are getting some Federal funding; you can't use the Federal money. . . ." We can say that. But we could not then say, "With your money, you can't even tell anybody who comes in to see you about the options that are available." We can't say to a local doctor in the United States of America, "Look, we can pass a law saying you cannot perform an abortion with taxpayer dollars"—we could do that, but under our first amendment we could not say to the doctor or clinic, using their own funds, you cannot counsel the patient, "By the way, there are four ways to deal with your problem. One of them is . . ." We can't do that.

That is what we call the gag rule. But we are going to gag the world. We are going to tell the world, if you are involved with us in any way, you not only in accepting our dollars cannot use our dollars, you can't use your own dollars. The President and a vast majority of my colleagues feel very strongly—I admit they feel more strongly than I do—about that as a matter of principle.

So what is this fight about? Where did the compromise come in? What did the House do to make this Mexico City language more palatable or reflect what is called a compromise by my friend from North Carolina? Well, the compromise contained in this report would put Mexico City into place, make it law—it is not law now, but it was an Executive order, by the way, from President Bush and President Reagan, and eliminated by President Clinton. This would now put into legislation Mexico City language. But here is what the language said. It would permit the President to waive the restriction on U.S. funds to a group that used its own money to perform abortions. Hardly any of these groups do that. So it is really not giving up much, and it would require the President to say, you can use your own money to perform an abortion.

That is allegedly the compromise. But let's look at what it leaves in place. And by the way, there would be a small financial cost in doing so. Population funds would then be limited to $356 million in that year as opposed to $385 million if he exercised this waiver. That is the penalty the President would pay to waive. But there is no waiver authority on the provision which is referred to as the lobbying restriction. And this is the more important provision because (a) few of the organizations that receive population funds actually perform abortions, and (b) from the administration's viewpoint, the principle worth upholding is one embodied in the first amendment of our Constitution, and that is this provision restricts free debate.

In fact, the reason the restriction applies only to foreign organizations and not domestic organizations is that it wouldn't be permitted under our Constitution under the first amendment if we tried to apply this language to an American nongovernmental organization. It would be unconstitutional.

Now, the statement of the managers in the conference report elaborates on the definition of lobbying and makes it clear that the provision is in fact designed to restrict speech. What are we doing now? We are telling them they can't use their own money to speak to their own Government, not our Government, not our money, can't use their own money to speak to their own Government about the issue of procreation.

Let me read the managers' statement, fancy term for saying what is contained in the attachment to this legislation. This is relating to what constitutes lobbying. "Such practices include not only overt lobbying for such changes but also such other activities as sponsoring rather than merely attending conferences and workshops on the alleged defects of the abortion laws as well as drafting and distributing of materials or public statements calling attention to defects in the country's abortion laws."

That is pretty broad. That is the problem the administration has. This is so far-reaching in terms of what it does as it relates to speech that as a matter of principle they have made no bones about it; 3 days after they came into office they scrapped this language. It is now being forced down their throat if they want to be able to conduct the foreign policy of the United States of America.

So my disagreement with my friend from North Carolina relates only to whether or not this is really a compromise. None of the language is changed. Only the ability of the President to waive the first section, not the second section. And by my understanding the managers' definition of what constitutes lobbying is even broader than anyone reasonably would think lobbying is in our country.

Now, I think this is antidemocratic. It is a gag rule. It is inappropriate for us to do this. It interferes in ways we should not be interfering. And it will have no impact, in my view, on whether there are more or fewer or lesser abortions performed in the United States of America. As a matter of fact, I am of the view—and I am, as I think 99 percent of Americans are, opposed to abortion. No one likes abortion. Even among those who have had one and/or perform them, I don't know anybody who likes abortion. But I think, ironically, Mexico City could cause more abortions to be performed worldwide. If Mexico City's restrictions are reimposed, several population organizations, including the largest in the world, the International Planned Parenthood Federation, will not any longer take any U.S. population control money. They are going to say, "If the price for us taking your money is we have to not use any of our money ever again, then we don't want your money." Is that a good idea? What have we accomplished?

I think these restrictions could lead to significant cutbacks in family planning assistance in several countries. Such assistance increasing access—for example, assistance to increase access to contraceptive services, to information related to everything from the rhythm method to the use of condoms to the use of the pill, all those things which are critical in preventing unwanted pregnancies—I think that the lessening of the amount of money available for that, because you know these organizations are not going to accept U.S. money, I think it is going to increase the number of abortions.

I think this is especially so in Eastern Europe and the former Soviet Union, where abortion, under the Communist period, was often the method used for family planning. For example, in Kazakhstan, U.S. assistance to some two dozen clinics, Planned Parenthood-type clinics in Kazakhstan from 1993 to 1994, led to a 41 percent decline in the number of abortions performed in that country.

Did you hear what I just said? When we were engaged in pointing out to the people of Kazakhstan what alternatives they had to deal with unwanted pregnancies other than abortion, and that information was made available, the number of abortions declined by 41 percent. In Russia, contraceptive use increased from 19 percent to 24 percent in the years 1990 to 1994. During this period, from 1990 to 1994, the number of abortions dropped from 3.6 million performed in Russia to 2.8 million. If, like me, you want to stop abortions, you had over 800,000 fewer abortions in Russia because we were providing money to train and to make available information to Russian women and men about the use of contraceptives.

But what are these organizations going to do now, when they say, if we give them money, they know they can't even talk to their governments or attend conferences and talk about abortion? They are not going to take the money.

In Ukraine, the Ministry of Health reported an 8.6 percent decrease in abortions between January and June of 1996, which it directly attributes to the women's reproductive health program that began in 1995 with U.S. funding. For every 100 abortions performed in the 6 months before, there were 8 fewer performed in the next 6 months. Why? Because of population services.

Now, look, I don't mean to, I don't intend to, and I don't pretend to want to engage my friend in a debate on abortion. As I said when he was necessarily off the floor, the only place we disagree as it relates to this conference report is how much of a compromise the House really made. I would argue essentially they made no compromise and allowed the President to waive in one circumstance the Mexico City restriction which is hardly ever used anyway. I think—I know from the administration's perspective and the majority of my colleagues on this side and about 8 or 10 on your side, that it is a larger principle of whether or not we can impose internationally a gag rule that can't be imposed nationally because of our first amendment. Again, I am not arguing the merits of it, but I am arguing that is enough, I think, to doom this conference report.

And I will conclude by saying—and I thank my friend for his indulgence—but I conclude by saying the only other thing we probably disagree on, and only of late, is tactically what is the best way to get what we both want done. I think if the Senate rejects, as well as the President veto's threat exists, tactically that puts up more of a wall that says, Look, let's deal with foreign policy, not with Mexico City on this; pick another vehicle.

But I want to tell you—and I don't say this to be solicitous—I don't know anyone who is tactically smarter, in terms of Senate procedure, than my friend from North Carolina. We have both been here the same number of years, but I do not have his knowledge and experience relative to the rules. But I think I have almost as much of an instinct about what will motivate or not motivate our colleagues in the House or the Senate.

So, again, we disagree on only two points: One, this is not much of a compromise on Mexico City; two, tactically I am urging my colleagues to vote "no" to make the point that this is not an easy access, to keep attaching this kind of language. Because it will allow, in my view, the leadership in the House to say, "Look, if we want to get something done, let's not attach it."

That is my rationale. We have no disagreement on the legislation. We both made real compromises on the core of this. I think we both, on both our parts—it is presumptuous of me to say this and self-serving for me to say this—but think we did a good job. I think we worked the way one of the major newspapers in America said the way the committee is supposed to work. We actually heard the facts, debated it, fought it out, resolved it, and did what was reasonable in the outcome.

So I say to my friend, I don't know where this will all lead except I am confident, either because of action on this floor or by the President, this conference report is not going to become law and we are going to have to go at this again. But I fear, as he does, time is awasting. It is harder each time to put Humpty-Dumpty back together again. Time is running out. We are moving into an election year. I do not in any way question his motivation. I do not in any way suggest that I know my tactical judgment is better than his. But I have reached this conclusion—and we talked about this—I have reached this conclusion for the reasons I have stated.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, do not be misled by the modesty of the distinguished Senator from Delaware. He knows as much about tactics as anybody I have ever seen. It is true that we came here the same day. I think we have learned at the feet of certain masters that we have known. Some have gone—departed. But, anyway, it has been great working with the Senator. I appreciate his kind comments, and we will have to see how it comes out.

Mr. President, how much time remains? I believe we had, at the outset, a total of 6 hours allocated. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. How much time remains on each side?

The PRESIDING OFFICER. Senator HELMS has 2 hours 31 minutes; Senator BIDEN has—somewhat less than that.

Mr. HELMS. I thank the Chair, and I thank the Parliamentarian.

Mr. President, I ask unanimous consent—and I know the Senator from Delaware will agree—that any quorum call that occurs during this allotted time be charged equally.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, can the Chair advise the Senator from Vermont where we are on the time?

The PRESIDING OFFICER. The Senator from Delaware used 50 minutes of the 3 hours. In consequence, to his side, there are 2 hours 10 minutes remaining.

Mr. BIDEN. Will the Senator yield?

Mr. LEAHY. Yes.

Mr. BIDEN. Mr. President, is the time in control of the Senator from Delaware?

The PRESIDING OFFICER. It is.

Mr. BIDEN. Mr. President, I yield as much time as my friend from Vermont would like, and I ask unanimous consent that since I am going to be absent from the floor, that he have the authority to yield any time he wishes as well. I have 2 hours 10 minutes left. I yield up to 2 hours 5 minutes to my friend from Vermont.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Thank you, Mr. President. I assure my friend from Delaware, I will not utilize all that time. I yield myself such time as I require within those constraints.

Mr. President, when the Senate passed its version of the State authorization bill last year, it contained no reference at all to international family planning or the Mexico City policy, which, as we know, restricts U.S. Government funds to private family planning organizations. The reason for that was obvious. Family planning has nothing to do with the State authorization bill.

This bill is about how many Assistant Secretaries of State there will be, the bureaus, how they are set up, and so on. It is not about running Planned Parenthood.

The House saw things differently. Unfortunately, a minority in the House saw yet another opportunity to hold hostage important foreign policy legislation, and they did, like funding for the United Nations and the reorganization of the State Department. In doing so, they sought to force the President to embrace a discredited family planning policy he has repeatedly and publicly rejected.

For some reason, the House seems to think that sending it down to the White House to get a certain veto represents some kind of victory, when all it does is guarantee that we will revisit this issue again and again and again.

When I came to the Senate, we had members of both parties who tried to represent the United States in the best way possible. They would join in a bipartisan agreement on foreign policy, to act in ways that would make the United States as strong as possible.

Somehow, in the past few years, we have some who seek to make political points or fill out forms on fundraising letters, or whatever, and they distort the foreign policy of the United States for their own short-term political gain. It is almost as though, with their ego, they feel that whatever their issue is all that matters, and the foreign policy of the United States can be thrown overboard. They are going to make their point, they are going to send out their fundraising letters, they are going to recruit their supporters based on how they might distort the foreign policy of the United States, and they could care less of the consequences. I will give you an example.

An agreement was reached last year with the Republican leadership and the Democratic leadership of the House and the Senate and the President of the United States that we would pay the dues that we owe under law and under treaty and under agreement to the United Nations. It is money we agreed to pay, are legally obligated to pay, and have not paid.

Then, on the very day that the United States was asking the Security Council of the United Nations to stand solidly with us on the question of sanctions on Iraq, on the very day that the United States was asking a disparate group in the Security Council to agree with us against Saddam Hussein and his refusal to comply with his obligations under the Security Council resolutions, on that same day the Republican leadership of the House of Representatives broke its word—broke its word to the President, broke its word to the United Nations, broke its word to the American people, broke its word to the Congress—and killed the bill to pay our dues to the United Nations.

And why? Because a handful of people in the House of Representatives wanted to include the so-called Mexico City language that did not have the support of even a majority of the Senate not to mention enough votes to override a veto, and which the President had made unequivocally clear he would veto.

The U.S. Congress should have the honesty and the maturity to put the interests of the country ahead of the individual political interests of Members. We are asked to do this often as we should be. There has to be some reason for serving here other than sending out fundraising letters or making political points. Maybe it seems novel to some, but I come from the old school and we Vermonters feel that the country comes first.

Mr. President, it would be one thing if the only problem with the Mexico City policy were that it is totally nongermane to this bill, which it is, but it is a lot worse than that. It is anti-family planning, anti-free speech, anti-women, anti-children, and flies in the face of the very democratic principles we are encouraging other countries to adopt. It is among the most illogical and misguided approaches to an issue I have seen in my time here.

What the House has done is send us a conference report that we have no opportunity to amend, which contains a controversial provision that was not in the Senate version, that was never voted on by the Senate, that is certain to be vetoed and which, despite repeated attempts, has not won a majority of votes in the Senate for over a decade.

Mr. President, we could simply voice vote this conference report and let the President veto it, but that would resolve nothing since the proponents of the Mexico City policy would simply play the same game with the IMF supplemental, and if that failed, with the other appropriations bills. I am waiting for them to put it on a bill dealing with highways or national forests or agricultural research or some other thing. The rules are irrelevant to them. Logic is irrelevant to them. Good sense is irrelevant to them. And the interests of the country are apparently irrelevant.

The only way we are going to put a stop to these antics is for the Senate to reject the Mexico City policy altogether, for the Senate to stand up and say, "We will not play these games." We will be the Nation's conscience.

I am among those who believe we should pay our debts to the United Nations. If the United States gives its word that it is going to do something, then we should do it. We bring our children up that way. We tell them if they give their word, they ought to keep their word. Well, we are the ones who are the keepers of the word of the United States. When the United States gives its word, we ought to be honest enough to back it up.

The United Nations is helping solve global problems that we could not possibly solve by ourselves, even though they are problems that affect the United States of America. Unfortunately, the amount authorized here falls far short of what we owe, and it is encumbered with too many restrictions.

Others, including the distinguished chairman of the Foreign Relations Committee, want to reorganize the State Department. But if we pass this conference report with the Mexico City language, there will be no State reorganization because it will be vetoed and it will be held hostage by the House indefinitely.

So the Senator from Vermont believes there is only one option: Defeat it, and send it back to the House. There are no guarantees, but that is our best hope of getting the Mexico City policy stricken from this bill so the President can sign it.

Before I discuss what this version of the Mexico City policy would do, let me remind all Senators what should be common knowledge. United States law explicitly prohibits the use of U.S. Government funds to pay for abortion or to lobby for abortion. That has been the law for years. You wouldn't know it to hear some of the proponents of the Mexico City policy talk. But that is the law. We have passed it time and time again. We have all voted for that. In fact, the last time I believe was about 6 months ago.

We will have our next opportunity to vote to reaffirm that prohibition on the Foreign Operations bill in a couple of months. No one needs to worry about where they stand on that.

So when the proponents of the House Mexico City language say it is needed to ensure that taxpayer funds are not used for abortion, they conveniently forget to mention that our law already prohibits that. I remember the "Saturday Night Live" character Dana Carvey, who would say, "Isn't that convenient." Well, for them it is convenient.

Because what they really want to do is prohibit funding for private organizations that use their own funds for abortion even where abortion is legal. In fact, the version that is in this conference report goes even further. It would prohibit those private organizations from even speaking about abortion.

Now, can't you imagine how we would all react if the Parliament or the Congress or ruling committee of any other country passed a law, and standing up they would say, "In this law, no private organization in the United States can speak on a particular issue." Lord love us all, Mr. President, there would be such a flood of Senators and House Members to come down and say, "How dare they, how dare they, in that"—and fill in the blank of whatever country it is—"How dare they tell the United States what to say or people in the United States what they can say."

Yet that is what the House would have us do. We would laugh them out of the Chamber because it would so obviously violate our first amendment. But we have some in the other body who do not believe that private organizations, even American organizations, have the right of free speech outside our country.

I was going to say that they should reread our history, but it is apparent that I presume too much. They should simply read it. Do we really want to go down this road? This isn't a Democratic issue or a Republican issue; it is a free speech issue. It is about the right of people to voice their opinions as representatives of private organizations where it is legal to do so. It is shameful for the U.S. Congress, which the world looks to as a beacon of free speech and democracy, to even think of curtailing that right. And yet the House would have us do that in countries that are struggling to become more democratic and more free.

What kind of an example is that? How can the same people stand up and say, we stand for the principles of America, except in those instances where they conflict with whatever our political agenda is and then we are willing to trample on them?

What is described innocently as a lobby ban is in fact a gag rule that flies in the face of efforts to reduce unsafe abortion worldwide. Private organizations receiving U.S. funds would be prohibited from even calling attention to defects in legal abortion laws. They would be prohibited from trying to make abortion safer and reduce the number of women worldwide—hundreds of thousands of women—who die from unsafe abortions. Why on Earth would we want to do that?

Members of the House argue they have made a difficult concession by allowing the President to waive one of the restrictions. Either they are joking or they assume we do not bother to read what we are voting on. They fail to mention that if the President exercises the waiver, which they fully expect him to do, scarce family planning funds would be cut an additional $44 million in this year alone, meaning a $224 million cut from the 1995 level.

What would be the consequence? Millions of women who might otherwise receive access to family planning would become pregnant, and there would be millions of abortions that otherwise would have been prevented. The evidence that voluntary family planning reduces unwarranted pregnancies and abortions is beyond dispute. It can be seen in every country in the world. The irony is that the provisions sent to us by the other body would result in more abortions, not fewer, because it would sharply cut funding for family planning.

Now, let us be honest. They say they don't want abortions. That is fine. I respect that. Who wants abortions? I wish there would never be another one. But you don't accomplish that by cutting money for family planning. It is so logical. If you have good family planning the number of unwanted pregnancies goes down and the number of abortions goes down. You can't say, "We don't want you to have abortions but we also don't want you to have contraceptives." Be honest. That is what it comes down to.

Studies done in the United States show that the use of family planning reduces the probability of a woman having an abortion by a staggering 85 percent. In Russia, the average woman had seven abortions in her life, but since AID began providing modern contraceptives to Russia the number of abortions has gone way down and continues to go down.

In Kazakhstan, AID support for family planning clinics led to a 59 percent increase in contraceptive use and a 41 percent decrease in abortion among women served by the clinics. There have been similar declines of abortions when contraceptives were made available from Latin America to eastern Europe. In one of the poorest countries, Bangladesh, where abortion is prohibited, education about contraceptives and alternatives to abortion has contributed to a significant reduction in fertility rates over the past 10 years. Even in Bangladesh, where abortion is illegal, 50,000 women are hospitalized each year because of complications from illegal, unsafe abortions. Family planning funding will help reduce those numbers. These are women's lives that are saved. Why do the people who support the Mexico City language not care about them? Is it because they live in a different country?

Another argument they make is that although U.S. funds are not spent on abortion they free up other funds that are spent on abortion. The old "money is fungible" argument. Do they really want to go down that road? Do they really want to say we cannot send aid to countries because they might use some of that aid on abortion because abortion is legal there? Does that mean that because abortion is legal in Israel—we give aid to Israel, it is deposited in the Israeli Treasury—that we should shut off U.S. aid to Israel because other Israeli Government funds are used for abortion? Whoops, not going to do that, and I am not suggesting we should. Obviously, we are not going to cut aid to Israel because the Israeli Government supports abortion. But why should the rules be different for private citizens? If anything, they should have more protection to speak freely. They are not a government. They ought to be able to speak freely.

Should we stop funding nuclear safety programs in Russia because abortion is legal there and abortions are provided at government hospitals? Should we say that we will put at risk the lives of Americans for a nuclear accident and cut off funds for nuclear safety programs in Russia because they won't make abortion illegal? Maybe we should cut off aid to any State in the United States because abortion is legal. That would be all 50 States.

Of all things, family planning is something we should support. Unlike nuclear safety, it does help reduce the number of abortions. Yet the Mexico City policy would prevent us from supporting private family planning organizations. Crazy, absolutely crazy.

Mr. President, whether you are pro-choice or pro-life, you should oppose the Mexico City policy. One of my best friends in the U.S. Senate, a man I admire greatly, a man who was a mentor to me when I first came to the Senate, served as chairman of our Senate Appropriations Committee, is now retired, the former distinguished senior Senator from Oregon, Senator Hatfield. He is strongly pro-life. I greatly respected Senator Mark Hatfield for that. I greatly respected him for a lot of things because I felt he was a man who always followed his conscience. He opposed the Mexico City policy not because he is pro-abortion, he was adamantly the other way, but because he said if you have family planning, especially with the U.S. prohibition against using it for abortion—if you have family planning the number of abortions will go down. He knew from the hearings we had in the Appropriations.

Voting for the Mexico City policy may make for a good press release, but it would cut funding for family planning. It would increase the number of abortions. We should reject this attempt to push this misguided policy down our throats. We should send the bill back to the House.

Mr. President, before I yield the floor I want to say a final word about the tactics used here. These are vitally important foreign policy programs, but this is the second time in 6 months that the House has used this type of blackmail. This is the second time in 6 months a small group in the House has pushed their political agenda no matter how much damage it might do to the integrity and the word of the United States worldwide—last year, it was the IMF and U.N. funding; this year it is the U.N. funding and they are threatening again to block funding for the IMF. If that fails, it would be funding for disaster relief in Vermont or California or Minnesota, Oregon, or anywhere else.

And all because they do not have the votes to override a veto of the Mexico City policy. Whatever happened to democracy, to the legislative process? Instead, we have a handful who prefer gridlock and blackmail. They shut down the Government first and now this. If it were up to them they would hold hostage billions of dollars for these economic and security programs indefinitely. No wonder the Congress is seen by so many Americans as an embarrassment.

Mr. President, I have been proud to serve in the U.S. Senate for almost 24 years. I am proud that the people of Vermont have sent me to this body. In our over 200-year history, I am the only member of my party to ever serve in the U.S. Senate. But the other party sent great, great leaders that I revere and admire, people I try to emulate. The Senators from Vermont have always felt that the integrity of the United States must be protected, that the United States, when it gives its word, must stand by it. The first Ambassador to the United Nations was a Vermonter who gave up his seat in the U.S. Senate to be appointed to that post, to again stand up and say that when the United States gives its word, it keeps it.

I hope that some—mostly in the other body, and maybe some in this body—will step back and say, let us worry less about our own political lives and our own political future, for whatever short moment that may be, and think in the long term for our country. None of us owns a seat in the U.S. Senate; I don't, the distinguished Presiding Officer doesn't, none of us do. It is the same in the other body. We are privileged and honored to represent our States for the time that we are here. Most of us do it with a great deal of care and in the interest of our State and our country. I know my friends who are on the floor here at this moment are all people who fall into that category.

But there are always times when we have to say that the political interests we may have individually are greatly outweighed by the interests of the United States of America, because we will come and go, the country will remain, and the country can either be weakened or strengthened by what we do. This is a time when we ought to stand up and fulfill the obligations of the United States, fulfill our high standards, and keep our word. So in this case, I hope that this conference report is defeated.

Mr. President, I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, the pending business before the Senate is the Conference Report on H.R. 1757, the Foreign Affairs Reform and Restructuring Act. I take the other side of this issue. I strongly encourage my colleagues on both sides of the aisle to support passage of this important foreign policy initiative.

As Chairman of the Subcommittee on International Organizations of the Foreign Relations Committee, I spent many hours along with my colleagues on the Committee and with the Clinton Administration crafting legislation which will strengthen America's leadership role in the international arena.

This Conference Report is a true "reform" bill. H.R. 1757 abolishes two federal agencies and reorganizes their essential functions into the Department of State. It brings long overdue reform to the United Nations. It prioritizes our international affairs expenditures and authorizes important foreign policy initiatives. In fact, the core reforms contained in this legislation were originally approved by the Senate by a vote of 90–5 on June 17, 1997.

I think it is fair to say that this is one of the most far-reaching and comprehensive foreign affairs bills undertaken by the Congress. This reflects Congressional acknowledgment of the need to create a more effective foreign affairs apparatus, both at home and at the U.N., in order to confront the post-Cold War challenges to U.S. peace and security.

The pending legislation is the result of a good-faith effort to accommodate conflicting perspectives on how we, as a nation, should allocate our resources. There were tough, lengthy negotiations on this package. We had to reconcile competing interests, and as a result, no one can claim that the final product contains everything that they would wish. I will be the first to say that this bill does not contain all of the reforms I originally sought. I would have preferred much more in the way of reforms and budget discipline. But this is a good agreement; and in this case, we must not let the perfect be the enemy of the good.

Now, let me say that I understand some on the other side of the aisle may vote against this bill, and the President has indicated his intention to veto it, because of a provision that contains a part of the so-called "Mexico City" language. Specifically, section 1816 of this bill would prohibit organizations that receive U.S. taxpayer dollars from lobbying to change abortion laws—either for or against—overseas.

Now, let me make clear some of the important initiatives that would not be enacted if this Conference Report is defeated.

The President and the Secretary of State have indicated that payment of U.S. arrears to the United Nations is a top priority. This bill would authorize a three-year payment plan of $819 million, and an additional $107 million in debt reduction, to the United Nations and other international organizations in return for comprehensive management and fiscal reform of the United Nations. Rejection of this conference report would eliminate this funding and kill the management and fiscal reform measures.

The President and the Secretary of State have agreed that a fundamental restructuring of U.S. foreign affairs agencies is long overdue. This bill eliminates the Arms Control and Disarmament Agency, and the U.S. Information Agency and folds their functions into the State Department, while still maintaining firewalls between the State Department and the essential broadcasting activities and public diplomacy of USIA. It also consolidates certain functions of the Agency for International Development into the State Department and grants the Secretary of State greater authority over foreign aid spending. Without the pending legislation, this reorganization cannot go forward.

The Drug Czar, General McCaffrey, has agreed that keeping our children free from drugs is a top priority. This bill requires the State Department to develop and implement a comprehensive counternarcotics strategy. Without this bill, this important initiative will not go forward.

The Secretary has been a tireless advocate for investment in the U.S. diplomatic infrastructure, citing examples of deplorable conditions of U.S. missions overseas, including ambassadors washing dishes in bathtubs, and outdated computer systems. This bill fully funds the capital investment fund and provides urgently needed resources for embassy construction in Berlin and Beijing.

Containment of Saddam Hussein and support for a democratic movement in Iraq are essential to advancing democracy in the Gulf. This bill authorizes programs to assist a democratic Iraqi resistance, to create a Radio Free Iraq broadcast, and to reconstruct communities not under the control of Saddam Hussein. None of these programs will be authorized if this legislation is not enacted.

Mr. President, this Conference Report lays out comprehensive and achievable reforms, both here at home in the nation's foreign affairs bureaucracy and in the United Nations. My visits to the U.N. as the U.S. Congressional Delegate to the U.N. General Assembly served to reinforce my commitment to salvage this organization. In this age, any organization burdened with a bloated bureaucracy and no mechanisms to control spending, will collapse under the weight of its own inefficiency. If we do not take a leadership role in reforming the U.N. now, a powerful, entrenched U.N. bureaucracy looking after its own short-term interests may condemn the U.N. to irrelevance as we move into the 21st Century.

When Secretary of State Albright was serving as Ambassador to the U.N., she warned that "poor management" could be the U.N.'s "Achilles' heel" saying, "I cannot justify to the taxpayers of my country some of the personnel arrangements, the sweetheart pension deals, the lack of accountability, the waste of resources, the duplication of effort and the lack of attention to the bottom line we often see around here."

Well, Congress cannot justify these excesses to the American taxpayers either. That is why we have stepped forward with a bipartisan reform plan that will compel the United Nations to address these concerns. As I stated previously, the pending legislation provides a three-year payment of $819 million in arrears to the United Nations and $107 million in debt reduction that the U.N. owes that U.S. in conjunction with the achievement of specific benchmarks that will help enhance the vitality of the U.N.

Mr. President, this bill also takes steps to address another concern of mine, and that is the move to ensure that survivors of torture will be treated with the compassion which they deserve. One provision that I authored prohibits the involuntary return of any person to a country in which there are substantial grounds for believing that he or she would be in danger of being subjected to torture. Another provision authorizes the U.S. to contribute $3 million in fiscal 1998 and another $3 million in fiscal year 1999 to the United Nations Voluntary Fund for Victims of Torture, ensuring that treatment centers in more than 50 countries will continue to receive support.

The United States should take a leading role in encouraging the establishment of additional programs, both at home and abroad, for the treatment of torture survivors. My home state of Minnesota is fortunate to have the first comprehensive treatment center in the United States for survivors of torture. The Center for Victims of Torture has treated over 500 patients since it was established in 1985, and has enabled them to become productive members of our communities by overcoming the atrocities suffered in their countries of origin. We must continue to support treatment centers, like the one in Minnesota, which help those who cannot help themselves—survivors of torture. Dedicating more of our U.N. voluntary funds for this purpose will help provide this important service to more needy survivors.

I strongly believe the U.N. is an important forum for debate between member states and a vehicle for joint action when warranted. It is not a world government. However, the U.N. must endorse reforms that provide transparency and accountability so it is embraced as an important world forum for discussion and for coordinating action to promote international peace and security, not as a world government. I firmly believe that this package will improve the U.N. and assist it in winning back public support in the United States.

I urge my colleagues to support this important legislation. I commend the Chairman of the Foreign Relations Committee for his diligence and perseverance in achieving this comprehensive reform plan.

Little has changed since the Senate approved this legislation last November by voice vote, and last July by a vote of 90–5. It certainly would be disappointing, and I believe short-sighted, now to reject reorganization, payment of U.N. arrears, and other key foreign policy initiatives because the President has decided that single-issue politics is more important than U.S. foreign policy interests. My colleagues should heed the warning of the Secretary of State that failure to pay the U.N. arrears would result in a "shutdown for our national security policy." If this is the case, then it would be irresponsible to reject these funds because of opposition to the prohibition on U.S. aid recipients against lobbying foreign governments to change their abortion laws. Mr. President, this legislation advances key American foreign policy interests, and I hope that all of my colleagues will support its passage.

Mr. KERRY. Mr. President, there are several provisions in this conference report which trouble me greatly. For example, the bill abolishes the Arms Control and Disarmament Agency (ACDA) and merges its functions into the Department of State. As one who has always believed that there are sensible ways to reorganize our foreign affairs agencies, I do not oppose this merger. However, I am concerned that the bill fails to augment the State Department's budget in fiscal year 1999 to ensure that the vital activities for which ACDA is now responsible will continue. The bill also perpetuates and increases funding for international broadcasting activities—an approach which, in my view, is not the most effective use of scarce resources at a time when there are so many other sources of information available globally. However, the main reason why I am going to vote against this conference report is that it imposes unacceptable conditions on funding for international family planning organizations.

Section 1816 of the bill was offered by Congressman CHRIS SMITH in a sham conference process in which no Democrat from the Senate or the House was invited to participate. It has been billed by its author as a so-called "compromise" to bridge the gap between the House, which has voted to reinstate the Mexico City policy of the Reagan and Bush administrations, and the Senate, which has repeatedly supported the Clinton Administration's decision to abandon it. The Mexico City policy ended assistance to private family planning organizations overseas if the organization was involved in voluntary abortion activities even if U.S. funds were not used for such activities. Of course, since 1973 U.S. funding for abortions overseas has been banned by law and international family planning organizations have been prohibited from using U.S. funds to pay for abortions. Even abortion opponents agree that there is no direct U.S. funding of abortions abroad.

Make no mistake about it. The Smith provision is no compromise. First, it tries to dictate how foreign family planning organizations use their own funds by mandating that no U.S. population assistance may be given to any foreign organization unless the organization certifies that it will not use its own funds to counsel or perform abortions. If the President exercises the waiver of this provision, funding for family planning activities will be cut by $44 million.

Far worse, however, is the expanded ban on lobbying which amounts to a gag rule on organizations receiving US population funding. The Smith provision prohibits funding for any foreign organization that "engages in any activity or effort to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated or prohibited." The statement of managers makes it clear that the phrase "alter the laws or governmental policies" is broadened well beyond traditional lobbying to include "sponsoring conferences, and workshops on the alleged defects of the abortion laws, as well as the drafting and distribution of materials or public statements calling attention to such alleged defects." In other words, under this prohibition, which is not waivable, any foreign organization which dares to enter a legitimate public policy debate on the abortion issue in its own country would be denied U.S. family planning assistance.

The lobby ban in the Smith amendment is anti-democratic in every sense of the word. As Secretary of State Albright has said, it is "basically a gag rule that would punish organizations for engaging in the democratic process in foreign countries and for engaging in legal activities that would be protected by the First Amendment if carried out in the United States." It sacrifices free speech, a right we Americans hold dear, for ideological purposes on the abortion issue.

This gag rule harkens back to the old days of American imperialism by telling others in foreign countries what they can and cannot say and do. It runs counter to our long held belief in pluralism, open political processes and democratic participation, and it undermines a central tenet of our foreign policy: encouraging democratic political practices abroad and participation by non governmental organizations in those processes.

The Mexico City provision in this conference report, with its gag rule, will not reduce the number of abortions but rather increase it. The effect of this provision, if enacted, would be to cut funding for family planning programs, thereby decreasing access to the most effective means of reducing abortion.

Finally, Mr. President, I think it is a travesty that the reorganization of our foreign affairs agencies—an issue on which the Administration and the Congress have finally found common ground after much disagreement—and our efforts to pay our debts at the United Nations and promote much-needed reform in that body are being held hostage to a domestic issue which is irrelevant to the substance and goals of this bill. This is not the proper place or the proper time to engage yet again in a debate over Mexico City. For this reason alone, I urge my colleagues to vote against this conference report.

Mr. President, I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I ask unanimous consent that I be allowed to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair.

(The remarks of Mr. LIEBERMAN pertaining to the submission of S. Res. 216 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. LIEBERMAN. I thank the Chair, and I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I also ask unanimous consent that I be able to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. GRAMS pertaining to the introduction of S. 1982 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The distinguished Senator from West Virginia.

Mr. BYRD. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is the conference report to accompany H.R. 1757, the Foreign Affairs Reform and Restructuring Act.

Mr. BYRD. I thank the Chair.

Mr. President, has the Pastore rule run its course for the day?

The PRESIDING OFFICER. That will not expire until 1:20 today.

Mr. BYRD. Mr. President, I therefore ask unanimous consent that I may speak out of order for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

ISTEA

Mr. BYRD. Mr. President, on Wednesday evening, the committee of conference on the reauthorization of the Intermodal Surface Transportation Efficiency Act, or ISTEA, had its first opportunity to sit down in full conference and discuss the differences between H.R. 2400 and S. 1173, respectively, the House- and Senate-passed highway bills. As a Senator who is not a member of the conference committee but as a Senator who is, nevertheless, deeply committed to increasing substantially the size of our national investment in transportation infrastructure, I rise to urge the conferees to complete expeditiously their deliberations on the highway reauthorization bill. The conferees and all Senators are fully cognizant of the imminent—the imminent—arrival of May 1, the date beyond which all States will be prohibited by law from obligating any Federal-aid highway funds.

Senators will recall that, during the months of February and March, I and a number of other supporters of the Byrd/Gramm/Baucus/Warner amendment, spoke on the Senate floor on a daily basis to discuss the critical need for the Senate to turn immediately to the ISTEA, or the highway, reauthorization bill. I thought it was extremely important that all 100 Senators, all 50 Governors, and the thousands of State legislators and mayors and transportation agencies throughout our Nation were fully aware that the Surface Transportation Extension Act—the short-term ISTEA extension bill passed at the end of last year—includes a deadline on the authorization of our federal aid highway and transit programs. That short-term bill, P.L. 105–130, the Surface Transportation Extension Act of 1997, includes the following passage, and I quote from the law of the land.

The Magna Carta of 1215, which the English barons forced King John to sign at Runnymede on the meadow near the Thames River, had a phrase within it, "the law of the land." That was the phrase, "the law of the land." And our own American Constitution later used the phrase "due process." "Due process." We speak of the due process law. Due process is an evolution from the law of the land in the Magna Carta.

So I want to read this following passage from the law of the land:

> A State shall not obligate any funds for any federal aid highway program project after May 1, 1998.

There is no equivocation. There are no ifs, ands, or buts. Let me read it again. This passage is from the law of the land, the statute that Congress passed last November:

> A State shall not obligate any funds——

That is pretty absolute, pretty final. There are no doubts that arise from reading that language.

> A State shall not obligate any funds for any Federal aid highway program project after May 1, 1998.

The short-term bill also includes other provisions which, in effect, limit our States to obligating no more than $9.8 billion through May 1 on our Federal-aid highways. Even though the Transportation Appropriations Act for the current fiscal year provided a total obligation limitation of $21.5 billion, a historic 16 percent increase above the prior year's level, the short-term authorization bill effectively capped that amount at $9.8 billion, roughly 45 percent of the allowable appropriation. It will be necessary for a new highway bill to be enacted into law in order for the States to spend the remaining $11.7 billion allowed under the appropriations act.

I recently contacted the Federal Highway Administration to find out how States are progressing in the obligation of this $9.8 billion and how their obligations compare to amounts they have obligated in prior years by this time. As of Wednesday evening, the States had obligated roughly $8.5 billion, or 86 percent, of the total $9.8 billion permitted under the short-term extension law. The Federal Highway Administration expects, however, that almost all of the $9.8 billion will be obligated by the time the clock strikes—by the time that clock just above the Presiding Officer's Chair strikes midnight one week from today. Indeed, this rate of obligations is consistent with the amounts the States customarily obligate by this point in the year.

We now find ourselves in a situation where the Federal spigot will be shut off without even a dribble of funding going to States to continue the annual construction process beyond the end of next week. States will not be allowed to enter into any new obligations. It will be anything but business as usual in our Nation's highway construction enterprise. Roughly $11.7 billion in potential highway construction funds will be frozen at the Treasury until a new highway bill is signed into law. And if that highway bill is not signed into law soon, the States will be required to lay off highway workers and bring their planning and engineering activities to a halt. The longer it takes to get a new highway bill enacted, the greater the likelihood that a good part of the spring and summer construction season will be lost.

I remind my colleagues that the Federal Highway Administration estimates that every billion dollars in federal highway spending generates 42,000 jobs throughout our economy. This $11.7 billion in construction funds that will be withheld from our States after May 1, pending the enactment of a new highway bill, thus, represents almost 500,000 jobs. Put another way, Mr. President, our failure to enact a highway bill in the near term could result in layoffs approaching half a million workers over the long term.

I do not believe that any Senator or any Member of the other body wants to see half a million highway workers thrown off the job. The sooner the Congress sends a highway bill to the President and the sooner the President signs that bill, the sooner we will ensure that this does not happen.

Mr. President, I am hopeful that the conferees on the highway bill will complete their work promptly. Through the intervention of the bipartisan leadership of both the House and the Senate, each body has now passed a comprehensive surface transportation bill with substantially increased resources. This accomplishment was long overdue and I commend the leadership of the House and the Senate, as well as the leadership of the Senate Environment and Public Works Committee, and the House Transportation and Infrastructure Committee, in passing bills that will finally authorize the obligation of all new revenues to the highway trust fund.

I do not mean to belittle the task that is before the conferees in the development of the final conference agreement on the ISTEA reauthorization bill. There are significant differences in approach and policy between the two bills. I am confident, however, that under the leadership of Chairman SHUSTER and Chairman CHAFEE and their Democratic counterparts, Congressman OBERSTAR and Senator BAUCUS, these differences can be resolved so that we can adopt a conference report as close to the May 1 deadline as possible. So I implore all conferees to work diligently, as they always do, to ensure that our States, and our local communities, see no interruption in the flow of critically needed highway investment dollars.

(Mr. HAGEL assumed the Chair.)

SENATOR KENNEDY AND THE EDUCATION BILL

Mr. BYRD. Now, Mr. President, on another matter, I desire to compliment Senator TED KENNEDY on his stalwart, unstinting, and unyielding support of public education. I, on yesterday and on previous days, voted in opposition to Senator KENNEDY's position on amendment after amendment to the education bill that was before the Senate, the bill which passed the Senate last evening. But Senator KENNEDY never falters—never falters. I did not agree with him, and that is why I voted differently on some of the amendments and on the passage of the bill.

But I, nevertheless, never hesitate to admire his supreme dedication to the education of our children and to the support of the public school system. He has done a magnificent job over the years. When I was majority leader, he was just as magnificent, just as unyielding in his support of public education, always a superb committee chairman and today a superb ranking member of the committee.

He is undaunted always. He is always constant. You know where he stands.

> How hard it is——

As we read from Caesar:

> How hard it is for women to keep counsel!
> But I am constant as the northern star,
> Of whose true-fix'd and resting quality
> There is no fellow in the firmament.

That is pretty constant, isn't it? Let us go over it again.

> How hard it is for women to keep counsel!

Now that is not a part of my thinking in this instance, but that is part of the quotation.

Now I am thinking of Senator KENNEDY.

> But I am constant as the northern star,
> Of whose true-fix'd and resting quality
> There is no fellow in the firmament.

So even though I differ in my position, especially with respect to this bill that was passed yesterday, differ in some respects from my colleague, Senator KENNEDY, I admire him and commend him and salute him for his constancy in standing for what he thinks is the best for our young people.

And, of course, in differing with Senator KENNEDY, I, too, stood for what I thought was best for our children. I deplore some of the things that are being said in an attempt to equate highways with schools or with education. The country needs both. The country is in dire need of investment in infrastructure in this country. Both highways and education, the education of our young people, both constitute infrastructure.

And I think it is unwise to attempt to equate one with the other and say, "Oh, we are spending billions of dollars on highways. Why should we not spend like amounts on education?" I am for both. But why equate education with highways or highways with education? We cannot have one without the other. We have to have both. And so I hope the administration will get off that tack of trying to equate highway funding with education funding. We can be for both roads and schools and be for our children in being for both, without speaking disparagingly of either.

My concerns, as I stated yesterday, grew out of the deplorable state of elementary and secondary education as we view it today and as we view its results. And as I cited on yesterday, certain reports indicate that we are not doing very well in the education of our young people. And while some people seem to be saying just spend more and more money, we cannot continue to just throw money at the problem and expect to resolve it.

I have been voting for more money for elementary and secondary education now for 33 years, since the legislation was first passed in 1965. For decades I have always been found at the gate protecting and supporting Federal funds for public schools and for our education programs.

But when one goes the last mile of the way and concludes from what he sees, from what he hears, and from what he reads, concludes from analytical reports about public education that we are not doing well, that there is something wrong, then it seems to me that, in the interest of the public school system, we may have to try a little different approach, else the confidence of the American people in that system and the support of the American people for that system are going to erode. We see that happening.

One of the things that I am greatly concerned about is the kind of textbooks that our children are being given in the schools—books that are almost devoid of history, according to one of the reports yesterday. Many teachers are putting textbooks aside, not using them, and depending upon materials that they—the teachers—develop for themselves. That is a sad commentary. One of the reports indicated that in many States the subject of history is no longer being taught. That is a tragedy. How are we going to be able to judge current events if we have no knowledge of what happened yesterday or in yesteryear or a decade ago or a century ago? These are guideposts, and history will help us to determine, with some amount of knowledge and wisdom, the solutions that are needed concerning events and problems of today.

Byron, in speaking of history, said, "History, with all her volumes vast, hath but one page." "History, with all her volumes vast, hath but one page." Now, what did Byron mean by that? He meant that history does really, essentially, repeat itself. And I think it does. Why? Because human nature has never changed.

When God created the world and the solar system and all of this universe and other universes—and he is still creating the universes, still creating stars, God created man, and gave him a will. If we read Milton's "Paradise Lost," we read much about man's having been given the faculty of reasoning and having been given the power of the will. He may exercise his will.

He has been given a memory. History is a compilation, in many ways, a compilation of memories. And if we don't have any sense of history, then we will find ourselves lacking.

Cicero said with respect to history, "To be ignorant of what occurred before you were born is to remain always a child."

I recall that Herodotus, the father of history, who lived circa 484–424 B.C., wrote about Cyrus the Great of Persia. He wrote about Cyrus and Darius and Xerxes. Writing of Cyrus, he told the story of how Cyrus had been very successful as a ruler of Persia. Cyrus ruled in Persia, ruled as the king of Anshan, from 559 B.C. to 550 and then as the king of Cyrus, all the Persians and the Medes, from 550 to 529 B.C. As Cyrus was nearing the end of his reign, he desired to enlarge upon his provinces and he conceived the idea of going into the area of the world northeast of the Black Sea and the Caspian Sea, which was the land of the Scythians. The ruler of the Massagetae was a woman. Her name was Tomyris.

Cyrus came to a great river. He called about him his wise men, his seers, his soothsayers and top generals, and asked them for their opinions as to whether or not he should cross the river and pursue his dreams of adding to his mighty provinces by defeating the Scythians. His advisors urged him to cross over the river. Some years earlier, Cyrus had defeated Croesus at the battle of Thymbra, in 546 B.C. Croesus was at that time the ruler of Lydia—Croesus, the richest man in the world, I suppose. But Cyrus didn't execute Croesus as one whom he had defeated, but he took Croesus into his court and used him as an advisor.

On this occasion, Cyrus got one piece of advice from his generals, and he then asked Croesus what his opinion was. Croesus said this: "There is a wheel on which the affairs of men revolve but its movement forbids the same man to be always fortunate."

What was Croesus telling Cyrus? He was saying that history repeats itself. And in my own life, in my perception of things, I have seen men successful for a while, but it doesn't always last. Croesus gave to Cyrus this good advice, which, indeed, was a warning.

Let me just say briefly that Cyrus disregarded the advice of Croesus and crossed the river. And Tomyris, the ruling queen of the Massagetae, sent word to Cyrus, urging him to go back into his country, telling him that he had been a successful king; but promising him that, if he continued in his efforts to subjugate, to conquer, the Massagetae, he would get his fill of blood.

Cyrus disregarded the words of Tomyris and there was a great battle. Cyrus lost the battle.

Herodotus tells us that after the battle, Tomyris sent her men around the field to find Cyrus. They found his body. Tomyris prepared a large bag of skins and filled that bag with blood. When the body of Cyrus was brought to her, she had the head severed from the body. She thrust Cyrus' head into the bag that was filled with blood, and said, "I promised you that, if you persisted in attacking my people, you would get your fill of blood. I have kept my pledge."

Now, Mr. President, I believe that history is exceedingly important for people who wish to become statesmen, for people who wish to become teachers, lawyers, ministers, doctors. Why would we want in our country to put history aside and to substitute social studies? One of the reports that I referred to on yesterday indicated that history had become a "curricular swamp" and indicated also that in many States among the 50, history is not even being taught as a study.

What is happening to America? No wonder our children are going to grow into men and women without any idea as to what happened before they were born. Cicero would not have thought very well of that. There are people who think that we ought to get away from memorizing things. Well, how could I ever instantly come up with the answer to the question, "How much is eight times nine?" or "How much is six times seven?" if I hadn't memorized my multiplication tables?

History, as I said yesterday, is a matter of dates and heroes. That was my own way of putting it.

As a boy, I walked the red clay roads of Mercer County in southern West Virginia and attended a little two-room schoolhouse and studied Muzzey and his history of the American people. I studied Muzzey by the light of an old kerosene lamp—I memorized my history lessons. My first heroes were men like Daniel Webster, Henry Clay, John C. Calhoun, Thomas Benton, Nathanael Greene. I studied about the Revolutionary War. We read about Francis Marion, the swamp fox, and Daniel Morgan. We read the story of Nathan Hale, who said, "I only regret that I have but one life to lose for my country." Those were our heroes.

Are we reaching a point in American history when young people no longer have heroes, except what they see on TV? Is that going to be the history that they will remember?

As the story in the Washington Post had related, to which I referred on yesterday, textbooks are being written in ways that seek to avoid offending this little interest group or that little interest group or some other little interest group, as a result of which the pages are becoming so bland and meaningless that they end up offending everybody.

If we want to really improve the public school system and the education received in the public school system, then we ought to demand textbooks that are meaningful and not just filled with pictures. "A picture is worth a thousand words," but not a whole book of pictures. There has to be some substance that goes with the dessert—some beans, potatoes, cabbage, and corn bread to go along with the dessert, some substance that teaches high morals and teaches the basics, teaches our children to read and to write and to spell, and teaches them about arithmetic, science, history, and geography.

We used to have our little spelling matches on Friday afternoons back in that little two-room schoolhouse. I always looked forward to Friday afternoon. I looked forward to those occasions when I would be able to stand up with other boys and girls and see who was the last to be left standing. He or she was the champ. And then we would have contests in addition and multiplication, with a piece of chalk on the blackboard. Who was the best math student?

Those teachers were dedicated when I was a boy. They loved us and we loved them. They inspired us and we, each of us, wanted to get that pat on the back, that pat on the shoulders from the teacher, saying, "You did well." We were inspired by those teachers. They weren't paid much. I can remember that, during the Great Depression, teachers had to give up a certain percent of their paychecks in order to get them cashed. They were dedicated teachers. That was their life. We had great teachers. We had good textbooks. We had discipline in the schoolroom.

My foster dad was not my natural father, but he raised me. He always told me that if I got a whipping at school, I would get another whipping when I came home. You will find most people of my age who received the same warnings from their parents. "If you get a whipping at school, we are not going to the schoolhouse and beat up on the teacher. We are going to see you in the back room." We knew they meant business. The parents supported the teachers. They supported discipline in the school. How can children learn and how can teachers teach unless we have discipline in the schools? They can't do it. There has to be discipline in the schoolrooms.

There is something more than just money that the public school system in America needs today. And the public school system had better get its act together. Here I am, after 33 years of giving solid support to the public school system in America, saying if there is another approach that will work. Let's try it. We are not doing too well, as it is, plowing this same old furrow. We have to make some changes. I think we need to start with the textbooks. Teachers ought to be paid well. Not all teachers are good teachers. Not all Senators are good Senators. People will take care of that sooner or later, hopefully. But not all teachers are good teachers. Yet, there are a lot of good teachers and there are a lot of good students.

In speaking of good students, let me brag about my grandsons and granddaughters. I have a grandson named Darius, who has a doctorate in physics, a pretty tough subject, I would say. I doubt that his grandfather could do that well. Darius has a degree, a Ph.D. in physics. He was married recently. He married a young lady who is working on her Ph.D. in physics at the University of Virginia. I have another grandson who will receive his Ph.D. in physics just within a few weeks, before the summer is over. I also have a son-in-law who is a Ph.D. in physics. I could speak at great length about my sons-in-law and daughters and grandsons and granddaughters. I will not do that today. But I have made my point. Those grandsons who have received Ph.D.s in physics didn't get those Ph.D.s in physics watching television. They didn't get those Ph.D.s reading trash. They read good books. They were taught by good teachers.

We have a lot of young people in this country who want to learn. I have tried to encourage young people. My wife and I sent a young Chinese orphan through college some years ago. We paid her tuition and for her books because her mother had died of cancer. My wife and I knew that the mother, who had discovered that she had terminal cancer, was very concerned about her daughter. They were no relation to us. We happened to get acquainted with them because we visited in those days, a lot of restaurants in the area. At one point we had visited over 100 restaurants in Northern Virginia and Maryland and the District of Columbia. We came to know this Chinese couple. When they were faced with this tragedy, my wife and I said to the woman, "We are going to see that your child has a college education. If she continues to make good grades in school and graduates with good character, and if she will go to American University, we will see that she has her tuition and her books paid for."

I chose American University because I had graduated from there with a law degree at the age of 45. I never intended to practice law. Nobody told me to do it. I wanted the experience of being in a classroom with other law students. I went to law school for 10 years at night while serving in the House of Representatives and in the Senate. In fact, I just received my baccalaureate in political science from Marshall University in Huntington, West Virginia, in 1994.

It never gets too late to learn. Solon, that great lawgiver who was one of the seven wise men of Greece, said, "I grow old in the pursuit of learning." One never gets too old to learn, and it is one of the best ways to stay young—continue to study, to learn.

As I was saying yesterday, in 1969 I decided I wanted to establish a little recognition for the high school valedictorians in West Virginia. I came up with the idea of having a "Robert C. Byrd Scholastic Recognition Fund." At that time I bought, out of my own pocket, a $25 savings bond for each high school valedictorian. It only cost $18.75, I believe. But if and when it matured it would be worth $25. It wasn't a great amount of money. Nobody gave me a bond when I graduated from high school. But I wanted to give a little recognition to the exceptional students in the high schools of West Virginia. I remember in one high school there were seven students, I believe, who tied with a 4.0 average. I gave seven $25 bonds to the students in that school. A little recognition like that is what our young people need. In recent years, I have established a trust fund, and the bond is a $50 bond.

I often talk with the pages here. I try to take a little time out of my day once in a while to tell them some good stories written by Tolstoy or by other great authors, like Chaucer. We talk about wholesome, good works by great authors; a little encouragement along that line. We never know when we toss a pebble in the water where the ripples will end. They go on and on. We don't know where a little word of encouragement to these young people might take them.

Then a few years ago, I devised legislation that would provide for a national scholarship of $1,500 to be awarded to the same number of students in each State as there are representatives from each State in the House of Representatives and the Senate. The criteria require that those children excel in scholastic studies. What they do as athletes doesn't count. Neither do extracurricular activities.

There is a rightful place for sports. But the country's values are made to stand on their heads when people revere a little too much the athletes while not recognizing the young people who are working in the laboratories and in the libraries and in the schoolrooms poring over textbooks day and night.

So what I am saying is, we ought to readjust our values. Let each have its proper place. But no ball game ever changed the course of history. I do not say that disparagingly about ball games. We all like to watch them. But it is the young people who study science, math, algebra, history, physics, these other disciplines; they are the people who keep this country with its finely honed cutting edge in technology; they are the people who put an American on the Moon.

Let's get back to basics. Let's recognize our young people and encourage them to study, to read good books, get away from the trash that is on TV. It might be a good thing for some adults, too. Get off that couch and quit watching so much of that junk. It is junk, most of it. I have seen some good movies on television. Alistair Cooke used to have some great movies. But for the most part, TV programming is lousy. I am not sure, if my daughters were growing up today, that I would even have a television set in my house. It is a great medium for good, but it is very destructive, the kind of programming of which we see all too much today.

I have taken some time this afternoon because I wanted to compliment TED KENNEDY. I also wish to compliment Senator COVERDELL and all those who worked hard for the bill yesterday as well as those who opposed the bill. They all have at heart the welfare of the children of this country. I thought a little bit of my own homespun philosophy thrown in while no other Senator seeks the floor this afternoon, wouldn't hurt either.

A Builder builded a temple,
He wrought it with grace and skill;
Pillars and groins and arches
All fashioned to work his will.
Men said, as they saw its beauty,
"It shall never know decay;
Great is thy skill, O Builder,
Thy fame will endure for aye."

A Teacher builded a temple
With loving and infinite care,
Planning each arch with patience,
Laying each stone with prayer.
None praised her unceasing efforts,
None knew of her wondrous plan,
For the temple the Teacher builded
Was unseen by the eyes of man.

Gone is the Builder's temple,
Crumbled into the dust;
Low lies each stately pillar,
Food for consuming rust.
But the temple the Teacher builded
Will last while the ages roll,
For that beautiful unseen temple
Was a child's immortal soul.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

THE ELWHA RIVER ECOSYSTEM AND FISHERIES RESTORATION ACT OF 1998

Mr. GORTON. Mr. President, earlier this month, I came to the floor to announce that I was introducing legislation that would authorize the removal of one of two dams on the Elwha River on the Olympic Peninsula in my state. I have always been skeptical about claims that dam removal will have significant enough impact on my state's depleted salmon runs to justify their social and economic costs. I am willing to go along with this limited experiment, however, provided that the removal or significant alteration of any dam on the Columbia-Snake River System will not take place without Congressional approval.

As I mentioned in my statement, removing the lower Elwha Dam, a relatively small, poorly maintained project, is a small price to pay for the protection of the larger, more productive Columbia-Snake dams that are the lifeblood of our Northwest economy and that in recent years have come under attack by the Clinton-Gore Administration. I hoped that allowing the experiment of dam removal to move forward on the Elwha River would be enough to satisfy the wishes of environmental extremists within this Administration. I should have known that when it comes to environmental issues nothing is ever enough for this Administration.

I was astounded by the criticism my bill has received. Big City newspapers in Seattle and Portland have attacked the bill. The Sierra Club and other radical groups have attacked the bill. The Administration has attacked the bill, as has my Democratic colleague from Washington state. Needless to say, this criticism is unfounded and shortsighted.

Let me remind my colleagues and anyone else who has an interest in this subject what my bill does and does not do. It authorizes many millions of dollars to remove the lower Elwha River Dam. It also protects the local water supply in Port Angeles, and protects jobs at a local paper mill. As I have said repeatedly, I am skeptical that dam removal will result in a significant increase in Elwha River salmon runs because: (1) many rivers on the Olympic Peninsula that have never been dammed are not teeming with salmon; (2) the salmon crisis challenge our coastal rivers as well and yet none of those rivers have dams on them; and (3) Puget Sound is now home to endangered salmon runs, and, of course, there are no major dams on Puget Sound. Yet, despite these reservations, I am still willing to go forward with this experiment—it's worth the money to see the results on the ground.

But rural communities of Eastern Washington are so concerned about how this legislation impacts their livelihood—many in Eastern Washington believe removal of the Elwha River dams is a precursor to destroying dams on the Columbia and Snake Rivers. So my bill contains protections for these communities by requiring congressional approval for any destruction, or significant modification, of dams on the Columbia and Snake Rivers.

I should point out that for several years federal agencies have taken unprecedented and unauthorized actions to alter significantly and limit the effectiveness of these projects without any input from Congress. For the most part, my bill allows these agencies to continue implementing the present series of unauthorized actions. It simply prevents the executive branch from taking additional unilateral actions to modify these projects without Congressional approval. Why it should be so controversial when Elwha dam removal will have been the subject of two bills in Congress, I fail to understand. Columbia and Snake River dam removal almost certainly requires Congressional approval now, under present law—my bill just provides reassurances for eastern Washington.

I think this is also an appropriate time to remind all of those who are interested in this legislation—the Port Angeles community, Eastern Washington, environmentalists, the Administration, and Northwest congressional officeholders—what I am for, and what I am not for in regards to management of our region's environment, and the Columbia/Snake Rivers system. Here are the things that I am for:

Salmon: On this one, everyone has the same goal—more salmon. We just have different approaches for accomplishing this goal. I want more salmon in our rivers, and I want solutions to our Northwest salmon crisis that result in more salmon and less conflict among the region's various interests.

Clear, Scientific Conclusions: We need clear, scientific conclusions that guide the region toward responsible salmon recovery measures.

Hydropower Production: Hydro is the cleanest and most cost-effective way to produce large amounts of electricity. Our hydropower asset is the backbone of our Northwest economy. I don't want to lose that "leg up" that we have on other regions, nor do I want to resort to less environmentally friendly sources of power production to replace power lost because of dam removal.

Irrigation: Eastern Washington is America's pantry and refrigerator. Our farmlands produce dozens of different crops that feed the nation and the world. Before the dams, Central Washington had few farms, and was mostly a dustbowl. Irrigated farmland has turned this part of the nation into some of the world's most productive farmland.

River Traffic: We get a large share of those crops to market by barging them down the river. Studies show that it would take 700,000 more trucks each year to get farm products to market if dam removal eliminated barge traffic.

Recreation: I want people to have access to the river for boating, fishing and other recreation activities.

Protecting our Communities from Severe Floods: Without question, the dams on the Columbia and Snake Rivers were the single biggest reason why Portland and other Columbia River communities did not incur untold millions of dollars in additional damages from the record winter rains our area has seen over the past three years.

A Clean Washington State: This is my most important goal—I want our State to have clean water, clean air, and a healthy environment for all of our citizens. My desire for a clean Washington state is why I have backed the following environmental initiatives: Washington Wilderness Bill; Double-hulled oil tankers in Puget Sound; Higher emission standards for automobiles; and Spending taxpayer dollars on recreation such as the Mountains to Sound Greenway, the Cape Horn Trail, Alpine Lakes, and other nature projects.

Given all the confusion and mischaracterizations of my bill, I think it is also important to talk about what I cannot support. Here is what I am not for:

Removing Dams on the Columbia-Snake: Why would anyone want to remove the jewels of our Northwest economy? I will never support such efforts to cripple the world's most productive hydro system.

The Status Quo: During the past six years, we have spent $3 billion on salmon recovery for the Pacific Northwest, most of it directed by the Clinton Administration, and the crisis is even greater than it was when the Administration's efforts started.

Wasteful Spending of Taxpayer Dollars: Even now, our government spends $500 million on Columbia/Snake River salmon recovery, and most of that money is spent in ways that have not proven to be successful. Until I passed legislation that ended an outrageous conflict of interest by which those who approved the spending of salmon recovery funds awarded most of the money to themselves, the money was misspent. Now, at least the money goes to those whom objective scientists feel will use it most effectively.

Solutions Dictated to the region from Washington, D.C.: Recently, the Administration's top environmental staffer in Washington, D.C., Katie McGinty, was in Oregon to discuss the government's salmon recovery plans for the Northwest. That is exactly the wrong way to approach this problem. Why would our region put decisions about our economy, our communities, our future in the hands of someone 3,000 miles away? I believe we need to make these decisions, not Administration officials in Washington, D.C.

Rather than continuing the mindless attacks on my efforts to bring some balance to this debate, I make the following offer to those who criticize the Eastern Washington part of my Elwha package. If you are not for dam removal and want to keep the dams intact, offer up better legislative language that helps accomplish the goal of protecting our region's economic future. My legislation may need improvement. I am anxious to listen to how others would reach my goal. If there is a better idea of how we can ease the concerns of Eastern Washington with regard to dam removal, I challenge the Administration, Senator MURRAY, and the Sierra Club, and other opponents of this legislation, to offer a better alternative. I am interested in all proposals from those who want to make a statement in favor of protecting the dams on the Columbia and Snake Rivers.

If you favor removing dams, however, and that is what is really driving your opposition to my legislation, I think it is time for you to be honest with the Northwest and state your position clearly. The Clinton Administration, and major environmental groups have sent mixed signals on this issue. Many of them advocate extreme, unrealistic and unscientific salmon recovery measures; some do not. I think it is time for these people to make their positions clear—do they want the dams removed or effectively destroyed, or what? And if they continue to temporize on this issue, I ask them to address the goals that I discussed earlier—salmon, irrigation, river traffic, hydropower production, recreation, and flood control—and tell me how they are committed to those traditional objectives, or if the possibility of attaining some salmon recovery goals is worth destroying most or all of these other uses.

I want my Elwha Dam removal legislation fully discussed in committee and have requested hearings. In the past few weeks, the opponents of my anti-dam removal legislation have called me divisive, extremist, and a salmon-hater. I am none of those things. I hope that my opponents, and particularly the Administration and my Democratic colleagues from the Northwest, will work together with me to craft legislation that removes the lower Elwha River dam and protects Eastern Washington from those who want to remove dams, stop irrigation, eliminate barge traffic, reduce hydropower, raise electric rates for families, restrict recreation and push for dubious salmon solutions.

I welcome the opportunity for a full and reasoned debate on this subject. It's time to put the rhetoric aside, the tired adjectives aside, and the political smokescreens aside. It's time for everyone to come clean, and make clear where they stand on this important issue. This bill provides such an opportunity, and I look forward to receiving proposals from people throughout the region on how to improve my bill.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Maine is recognized.

Ms. SNOWE. Thank you, Mr. President.

FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Ms. SNOWE. Mr. President, I ask unanimous consent that all time be yielded back on the pending conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Ms. SNOWE. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there an objection? Without objection, it is so ordered.

Ms. SNOWE. Mr. President, I ask unanimous consent that following my statement, the order of speakers be Senator COLLINS from Maine and Senator CHAFEE from Rhode Island.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. I further ask unanimous consent that Senator DEWINE be recognized for up to 60 minutes following our statements.

The PRESIDING OFFICER. Is there an objection? Without objection, it is so ordered.

EFFORTS OF SENATOR GEORGE MITCHELL IN ACHIEVING THE NORTHERN IRELAND PEACE AGREEMENT

Ms. SNOWE. Mr. President, I am pleased today to join with my colleagues, Senator COLLINS from Maine and Senator CHAFEE from Rhode Island, in the wake of yesterday's 97 to 0 vote by the Senate to pass Senate Concurrent Resolution 90 acknowledging the historic Northern Ireland peace agreement reached just 2 weeks ago.

The agreement was produced through the hard work and patience and goodwill of representatives of Northern Ireland's political parties, the Prime Ministers of both Britain and Ireland, President Clinton, and a man well known in this Chamber, the former Senator from Maine and former majority leader, George Mitchell.

Senator Mitchell's skill, patience, and determination were largely responsible for bringing opposing parties to the point where they were able to broker a historic agreement that offers the people of Northern Ireland the opportunity to put an end to the longstanding fear and suffering they have endured and to achieve a future that will be as bright as the spirit and potential of her extraordinary people.

In describing Senator Mitchell's pivotal role, one of the participants in the talks said, "Here the United States sent one of its most able, skilled, talented, humble politicians, a supreme diplomat, and frankly we didn't deserve him."

Well of course, the people of Northern Ireland deserved his leadership that has provided, as we now know, the very best opportunity for these talks to succeed.

After his retirement from the Senate, President Clinton invited Senator Mitchell to serve as a special economic adviser to Northern Ireland. However, before he finished his efforts to attract business investment to Northern Ireland, Senator Mitchell was selected by both the British and Irish governments to join a panel that recommended the decommissioning of arms by the paramilitary factions in Northern Ireland. He assumed responsibility for taking over the peace talks in June of 1996.

Senator Mitchell faced tremendous obstacles in attempting to win the trust of the parties involved in seeking an agreement. After all, previous efforts resulted in failure. However, his patience, diligence and sincerity won them over. I know that Senator Mitchell's long experience in the Senate helped prepare him for this unique challenge. As one who served with him for more than 14 years in the Maine Congressional Delegation, I know he has an excellent ability to understand the concerns of whomever he is talking with—whether it is a constituent from Bangor, or Augusta or Protestants and Catholics in Northern Ireland.

Being an effective majority leader in the Senate, as we know, requires one to be a good listener, to know when to compromise, to know when to coax and cajole, to know when to be patient and to know when to be firm. All these qualities served George Mitchell well in this body and served him well in his most recent role which consumed 22 long, hard months of negotiations.

This was by no means an easy task and often it must have seemed a hopeless one. However, the toll of the continuing violence in which over 3,200 people have died since 1969 led in the end to a deep yearning for peace. Individuals who grew up accustomed to violence were tired of going to funerals and watching their friends and family members die. Senator Mitchell led an effort that promised a way out—a path toward a future of peace and hope. In 1996 he proposed the decommissioning of weapons be addressed during the talks and that participants make a commitment to nonviolence. That was the same year that bombings took place in London and Manchester. Yet none of that deterred Senator Mitchell. When the agreement was concluded, he commented that "no one wants to go back to the bitterness of the past."

In his understated way, Senator Mitchell commented that "This agreement is a reason to celebrate. But by itself, it guarantees nothing." I fervently hope that the agreement does indeed turn out to be the harbinger of a new era in Northern Ireland. Ultimately it is the Irish people, voting on May 22nd, who will determine whether or not this agreement will succeed. I am optimistic that it will.

The agreement is a landmark achievement. There will be a 108 seat assembly in which Protestants and Catholics share responsibility and powers. It will be elected this June, and I hope those who are chosen in that election will share the dream that Senator Mitchell cited when he talked about the babies who were born in Northern Ireland on the same day his new son Andrew was born 6 months ago.

Senator Mitchell said, "I believe that they are entitled to the same chance in life that I want for my son. Peace, political stability and reconciliation are not too much to ask for. They are the minimum that a decent civilized society provides."

Eloquent words that I am sure touched the hearts of mothers and fathers on both sides of the historic divide that has scarred Northern Ireland.

In the agreement Senator Mitchell helped to forge, in addition to the aforementioned assembly, there will be a North/South Ministerial Council which will provide an opportunity for ministers from the Republic of Ireland to promote joint policymaking with the Northern Ireland Assembly. This council will have the opportunity to implement policies for the entire island of Ireland but only with the approval of the Northern Ireland Assembly and the Irish Parliament in Dublin. This remarkable opportunity will allow the benefits of peace to be provided and to be shared by all the Irish people.

At the conclusion of the talks, Senator Mitchell said, "It doesn't take courage to shoot a policeman in the back of the head, or to murder an unarmed taxi driver." But he knows it does take courage to finally face down the horrors of sectarian violence, that it does take courage to realize that sometimes you have to make compromises for a future of peace.

When he first visited Belfast and saw a 30-foot wall dividing neighborhoods, I am sure he was reminded of the most famous wall of all, the Berlin Wall, which came down in 1989 when communism crumbled. Just 2 years before a new millennium, the wall in Belfast still divides people. But this agreement may bring us one day closer to the day it, too, crumbles.

Senator George Mitchell has helped broker an agreement that will, I hope, be the spark for an era of peace and prosperity for Northern Ireland and bring to a close one of this century's most tragic and stubborn conflicts. This agreement is one that should be celebrated for all it can bring to Northern Ireland. It should also be celebrated as proof of how one remarkable individual can make a difference for his fellow human beings. It is my fervent hope that the people of Northern Ireland will long remember and celebrate the contributions of this one man, George Mitchell, toward providing them the key to a lasting peace.

Mr. President, I yield the floor.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Maine is recognized.

Ms. COLLINS. Thank you, Mr. President.

Mr. President, I am very pleased to join the senior Senator from Maine and our distinguished colleague from Rhode Island in paying tribute to the extraordinary accomplishments of a former Maine Senator, George Mitchell, in bringing a new sense of hope, peace, and security to Northern Ireland.

Mr. President, it was Samuel Johnson who said in 1777 that knowledge that you will be hanged in a fortnight does wonders to concentrate your mind. In 1998, former Senate majority leader, George Mitchell, proved the truth of this aphorism by giving the Northern Ireland peace talks a Good Friday deadline, placing upon these negotiations the equivalent, if you will, of a sunset provision that left the parties with no alternative but finally to come up with a real solution.

This deadline accomplished its purpose wonderfully. It concentrated their minds wonderfully and led directly to the historic agreement. Some years ago, it scarcely seemed possible to imagine a Northern Ireland in which children could grow up without fear of violence and bloodshed. Today, however, due to the extraordinary efforts of former Senator George Mitchell, this brighter future is not only imaginable—it is very nearly here.

That Senator Mitchell should possess such statesmanship and skill is, of course, no surprise to the people in my home State of Maine. Senator Mitchell is greatly admired in this country for his work on behalf of the citizens of Maine and indeed of all Americans. Today, however, the people of Northern Ireland and the Republic of Ireland—and peace-loving people everywhere—also owe Senator Mitchell a great debt for helping to steer these talks to their successful conclusion. I do not believe that we would be celebrating this agreement without his heroic efforts.

It is my great hope that with his statesmanship and steady hand, Senator Mitchell has now made it possible to achieve a real reconciliation in Northern Ireland—and for the Irish people to go about building their future together, in cooperation rather than in conflict.

I am very pleased that the Senate has passed overwhelmingly a resolution expressing our support for the Irish peace process and the brighter future represented by this truly historic agreement.

Thank you, Mr. President.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, I join the two distinguished Senators from Maine in paying tribute to the remarkable job that Senator George Mitchell did in Ireland.

Senator Mitchell would be the first to say that success is not assured and that this is but the first step in a long, difficult process. But because of what Senator Mitchell did, the chances for peace have been greatly improved. And it truly was an extraordinary job, as the two Senators from Maine have outlined.

What patience George Mitchell showed, and what skills as a negotiator he displayed.

I join in the sentiment that has been expressed that his success there comes as no great surprise to those of us who knew him well. I served in this Senate for the entire time that George Mitchell was here as Senator from Maine. I had the privilege of serving in not one but two committees, the Finance Committee and the Environment Committee, with George Mitchell.

Indeed, as soon as he came to the Senate, he went on the Environment Committee, and there I saw the tremendous abilities that he had. I can remember particularly the Clean Air Act, that George Mitchell was the one most responsible for the reauthorization of that act, which occurred when George Mitchell was majority leader. Because of the guidance that he gave to all of us, that extraordinary reauthorization took place.

I personally have deep ties to the State of Maine. My father was born in Maine. I have spent childhood summers there and adult summers likewise. So I am very familiar with that State. I might point out that although Maine is large in size, it has a relatively small population, about 1 million people. It is true that Maine is a very large State; it is as large as the rest of New England put together; but, as I said, it has a relatively small population.

Yet from that relatively small population of 1 million people have come a series of extraordinary Senators. I look back, Mr. President, just in the ones I have had the privilege of knowing—Margaret Chase Smith, for example, who stands out as a beacon, particularly in connection with the impeachment hearings and leading up to that of President Nixon. We remember clearly Ed Muskie, with whom I had the privilege of serving on the floor of the Senate. He was active, ran for Vice President, and gave one of the finest television speeches it has been my privilege to hear. And George Mitchell, whom we have just had the privilege of extolling, and rightfully so. And Bill Cohen, who is now our Secretary of Defense. And that great tradition of those outstanding Senators is carried on now by the two Senators from Maine, Senator OLYMPIA SNOWE and Senator SUSAN COLLINS.

It seems to me that the people of the State of Maine have great reason to be extremely proud not only of the Senators who have been before—and I listed some of them—but of their current Senators, Senators SNOWE and COLLINS. It is a tradition that they are carrying on. It is a remarkable one, Mr. President. As I thought about these remarks today and thought of the Senators I have known, I don't think you could name a State that is as small in population as the State of Maine and has produced such outstanding Senators as those I just listed.

Mr. President, in making this salute to George Mitchell, it seems to me we are saluting the people of the State of Maine, who have had such good judgment. These are not all Republicans, and they are not all Democrats. They are Republicans and they are Democrats, both. It has been a remarkable flow of outstanding servants, not just for the State of Maine but for the United States of America. I think all of us can be very proud of those who have gone before and those who are now serving in the U.S. Senate from the State of Maine.

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. I ask that I be allowed to proceed under the previous order for 60 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL ORGAN DONOR WEEK

Mr. DEWINE. Mr. President, we are concluding National Organ Donor Week. I think as we conclude our week here in the U.S. Senate, it will be appropriate to pause for a moment and discuss the importance of this week. This is one of the few times when the mere talking about an issue actually will, in fact, make a difference.

Why do we celebrate or why do we call attention to National Organ Donor Week? We do it because of a tragedy. The tragedy is that 7, 8, 9, in some weeks 10, of our fellow citizens die, die every week, because there aren't enough organs available. They don't die because medical science can't save them—medical science can save them. They die waiting on a list, waiting for an organ to become available, and seven, eight, or nine of them every week die.

What can be done about this? What we can do is talk about this issue. As we talk about it, we can encourage people and their families around the kitchen table to talk about it. Talking about it does make a difference. Too many families, when faced with life's most horrible tragedy, which is the unexpected, usually sudden, loss of a loved one—a daughter, son, mother, father, wife, husband—when they are asked by the medical personnel at the hospital, "Can we use your loved one's organs to help save someone else?" they don't know what to say. They are faced with horrible trauma, something they have not expected. Too many of our fellow citizens say no, not because they don't want to help people, but they say no because they never thought of it.

I am convinced if people talk about this issue, if they talk among the members of their family, that we will increase the number of people, when they are faced with that horrible tragedy, to in fact say yes, and we will save lives. That is why we set aside a week as National Organ Donor Week.

The ribbon I am wearing symbolizes that. One of our great pages who was out in the hallway a moment ago asked me, "Senator DEWINE, what does that stand for?" And I was able to tell her what this stands for. I think it is something that we want to share with all our fellow Americans.

The Postmaster General and his committee will issue a postage stamp next August to remind us all as we put postage on our letters, as we receive letters, of how important it is to encourage people to become organ donors. I appreciate, Mr. President and Members of the Senate, having an opportunity to talk about this issue this afternoon.

STARR INVESTIGATION

Mr. DEWINE. Mr. President, I have, with few exceptions, been very careful not to comment about the ongoing investigation, the Starr investigation, the independent investigation—however you want to characterize it. I have refrained from doing that for many reasons.

I want to speak this afternoon about a very limited aspect of that investigation. I speak as a former county prosecuting attorney. I bring, I guess, to the Senate floor today that particular perspective. This past week, there have been news stories—and again I emphasize "news stories;" we don't know whether it is true or not true—news stories about the possible subpoena into the grand jury here in Washington of Secret Service agents. That has been the report.

Before I go any further, let me say I don't know what the facts are. I don't know whether that is true or not true; nor do I know what the facts are underlying this investigation; nor do I know what Mr. Starr and his prosecutors have uncovered so far; nor, obviously, do I know what has occurred inside the grand jury. So my comments have to be qualified, and that fact has to be taken into consideration. My comments must be understood in that light, and they are given in that light.

Former President Bush was quoted in the Washington Post in what was described as a private letter—it was in the Washington Post of Thursday, April 23, yesterday. This was a letter that apparently was privately sent to, directly to, the Secret Service Director, Lewis C. Merletti. And the Washington Post quotes the letter from former President Bush as saying, in part, the following: "'I can tell you, sir, that I am deeply troubled by the allegations swirling around there in Washington and what all this might do to the office I was so proud to hold,'' Bush wrote Merletti.

Continuing the quote: "Regardless of all that, I feel very strongly that the United States Secret Service agent should not be made to appear in court to discuss that which they might or might not have seen or heard."

Mr. President, I hope that this issue about the potential subpoenaing of Secret Service agents into a grand jury, if it's true, to testify about things they observed involving the President of the United States would be resolved not in the courts and not by legislation. As a former prosecutor, I hope that this matter will be resolved by the sound, good judgment of the special prosecutor in this case. It should be resolved by the proper use, the measured use, the reasoned use of what we refer to as "prosecutorial discretion."

Mr. President, the prosecutor in our system has a unique role. I don't know of any other country where the prosecutor has quite this distinctive a role. The prosecutor, really, in many respects, is the most important player in the criminal justice system. It is because of prosecutorial discretion the prosecutor must decide whether the evidence that has been gathered is sufficient to even summon a grand jury, to even present a case to a grand jury. A prosecutor carries a very, very heavy burden. It is a burden that is not carried by the defense attorney, whose job it is to present the defense. It is a burden that is really not even carried by the judge, who is not the principal acting force because, under our system, nothing really happens until a prosecutor says it happens. Nothing goes into play, so to speak. The game doesn't start until the prosecutor makes that decision. So the burden on the prosecutor of summoning people to a grand jury, of asking a grand jury to indict someone is an awesome, awesome responsibility.

Let me talk for a moment—and again, I am talking in the abstract without all of the information. At least from this Senator's perspective, I can express my point of view as to how I hope and expect that prosecutorial discretion to be exercised in a very unique situation when we are dealing with the Secret Service that is sworn to protect the lives of the President of the United States and his family and when we are dealing with the President of the United States. Frankly, I am not concerned about an individual President; I am concerned about the office, and I am concerned about what precedent we may or may not be in the process of setting.

It seems to me that some reasonable standards would be as follows:

If the prosecutor has reasonable belief and reasonable evidence to indicate that a Secret Service agent has seen a direct violation of criminal law, then I think it is clearly correct that that Secret Service agent should be questioned, and it's clearly correct that that Secret Service agent should be brought into the grand jury. If a Secret Service agent, it is alleged, is credible enough that the prosecutor believes that person should be called in and that he or she, as an agent, has seen in the course of duties, or outside of the course of duties, a direct violation of criminal law, I would find it very difficult to make any kind of case that that person should not be brought in and questioned and should not be compelled to testify in front of a grand jury.

However, short of that set of facts, I believe there must be a compelling reason to subpoena a Secret Service agent into a grand jury on facts less than that. I think the reason for this, Mr. President, and the reason for my statement and the reason for this rationale is very obvious. Again, we are not so concerned, really, about one President. What we ought to be concerned about, however, is the precedent. We should not worry about what is in the best interest of a particular President, but we should be very much concerned about what is in the best interest of our country. We look to the Secret Service to protect the President of the United States. It is not just in the President's interest that the President be protected; it is obviously in our national interest that the best security precautions be taken to protect our President and his family.

If the President has to be concerned about the Secret Service being called in to a grand jury for less than compelling reasons, I think the consequences are not good. I think you could make a very legitimate argument that that would, in fact, intrude on the very special relationship that we expect the Secret Service agents to have with the President of the United States. Again, I do not know the facts of this case, but I think it is important, and I felt compelled, frankly, to outline on the floor today at least what this Member of the Senate, as a former prosecutor, thinks the proper use of prosecutorial discretion would indicate. It is a very high standard. It is a very awesome responsibility. It is a sacred trust. Whether it be in Greene County, OH, where I prosecuted cases, or whether he be the independent counsel appointed to look into allegations about the President of the United States, we expect the same standard, we expect the same discretion, and we expect the same responsibility.

In summary, in my opinion, if there has been evidence, substantial allegations, credible allegations that the Secret Service has seen something criminal, I have no problem; in fact, they should be brought into a grand jury to help in the investigation. Short of that, there should be a compelling reason for that person to be subpoenaed by the prosecutor. It is difficult to write legislation to deal with this. It is difficult for the courts to make decisions in regard to this. Frankly, the best person to make that decision is the independent counsel. We should expect a great deal of discretion, a great deal of good, common sense and judgment to be exercised by the independent counsel before he or she exercises the awesome responsibility of subpoenaing someone into the grand jury, particularly when we might be dealing with a Secret Service agent who would be testifying about what he or she overheard in connection with the President of the United States.

THE NATIONAL DUI STANDARD

Mr. DEWINE. Mr. President, I will turn to another issue I have spoken about on the floor a number of times. It is a question, in my opinion, of life or death. It is legislation that was approved by this body with an overwhelming—virtually a 2-to-1—vote. It is a matter presently subject to the conference committee between the Senate and the House. That issue, of course, is the issue of the .08 national DUI standard.

Members of the conference committee are working on this, or preparing to work on this matter, so I think my comments are timely and I think it is important to emphasize what this whole question is all about. I believe that one of the most important provisions of the Senate version of this service transportation bill was a provision that we approved by an overwhelming majority of 62 in favor and 32 opposed. That division, if this Senate approved it, would move our country forward to a national .08 blood alcohol standard.

As my colleagues know, the House Rules Committee voted, I think very unfortunately, to stop the House from even considering this matter on the House floor.

Mr. President, the facts are that if this does not become law, there will be lives that will be lost that would have been saved if we would have enacted this very reasonable national standard. The need for this legislation will not go away, it will only increase.

How did such a clearly valuable measure, a life-saving measure, end up being blocked in the House and remain in such legislative peril today? I think one major reason is an effort outside this Congress, a well financed campaign of what I believe are half-truths.

There was a full-page ad that appeared in the Washington Times before the Rules Committee voted. It said that reducing the blood alcohol limit to .08 would transform the average American into a lawbreaker. Here is what it said. I quote.

> Reducing the limit to .08 would increase the number of law violators by about 60 percent.

Mr. President, that is simply not true. That is wrong. It is not true. That is not what our bill does. Our amendment's purpose is not to get more people arrested for driving under the influence of alcohol but, rather, to get more people to change their behavior so that fewer of them drive under the influence. One might be asked: How do we know that would happen if our legislation passed? How do we know the results will be fewer people actually arrested? The answer comes from our largest State, the State of California.

In 1989, the last year California had a .10 blood alcohol content limit, the highway patrol in California made 138,000 DUI arrests. In the first year after the law was changed, the first year of the new .08 limit, that number did jump almost 14 percent, to 158,000—138,000, 158,000. But every year since then, Mr. President, that number has declined, all the way down to the last available figures, which were 1997, and that figure was 91,014. Every year, it went down. That is the lowest level of DUI arrests in California since 1971. The efforts from our largest State could not be more clear.

A .08 standard does not turn Americans into lawbreakers. It does not turn the average American into lawbreakers. That is simply not true. It takes impaired drivers off our streets.

Because precious lives depend on keeping impaired drivers off the road, I promise that we will fight to keep this legislation in the final transportation bill. We will work to pass the legislation, because the facts are on our side. The facts tell a very disturbing story.

During the recent break, when Members of the House and the Senate had a chance to be in their home States, on April 13 the Washington Post had an important, I think, revealing article laying out the facts.

Fact: According to a Boston University study, passing this legislation would save, at a minimum, 500 lives a year. In fact, the majority says it is no more than between 500 and 1,000. But even to take a minimum of this Boston University study, it would be 500 families that would not be destroyed—500 families that would not have to bury a son, or a daughter, or a loved one. That is the fact. The only debate on this fact is, Is 500 lives a lot or a little? Is it worth doing something "just to save" 500 lives? I happen to think it is. This is an easy question, I think, to answer. If by making a minor adjustment in the law—this is a minor adjustment—we can save at least 500 lives across this country, I think it is very, very important and very significant, and I think we ought to do it. This legislation clearly would save at least 500 lives.

The second fact, again, as contained in this what I think is a very well balanced argument: The blood streams of .08 drivers "carry enough alcohol to measurably impair the symphony of neurological responses necessary to drive a car well." This is the conclusion of the Washington Post article based on the current state of research and based on their interviews with numerous experts, scientific experts, and medical experts in the field.

The third fact, again from this article: "There is no question that nearly everything you can think of in terms of driving impairment is evident by a .08." That is a quote from UCLA Professor Herbert Moskowitz, the president of the Southern California Research Institute.

Science tells us that at .08, drivers have a lot of trouble dividing their attention between different visual stimuli. They also have trouble processing new information as fast as driving requires. Mr. President, these are absolutely critical driving skills, crucial skills, when you are driving a car. At .08, a person's ability to do both of these things is seriously impaired. That is a fact.

I had a chance to talk to an old friend of mine, "KO" Martin, who used to be a highway patrolman. In fact, "KO" and I prosecuted a number of cases together. He brought a number of cases to me while I was a county prosecutor. He was a highway state trooper for many, many years. He told this story. Once he pulled over a motorist who was so impaired that "KO" had to literally carry him to the patrol car. He literally couldn't get him there, he was so impaired. That particular motorist tested at .05 blood alcohol level. Apparently, this man had received a promotion at work. They had just thrown a party for him. He wasn't used to drinking. He was clearly unable to drive a car after the drinks he had. He tested .05. Clearly, he should not have been behind the wheel. Someone who is so under the influence that he can't even walk is not going to be able to react fast enough to drive a car safely. That is the simple fact.

My fourth fact: According to a study published in the Journal of Studies on Alcohol, "Drivers with readings between .08 and .05 had 1.4 times the risk of dying compared to people who had no alcohol in their blood. For people between .05 and .09, that risk was 11 times higher."

Again, Mr. President, that is a fact, a tragic fact that costs human lives.

Another fact: There is evidence that a .08 standard will have a deterrent effect on the whole range of impaired drivers. Allen F. Williams of the Insurance Institute for Highway Safety says, "There seems to be a deterrent effect all across the whole range of blood alcohol concentrations, including the very high levels," the very high ones all the way across on all drivers.

Mr. President, let me mention in this regard that this last fact doesn't surprise me at all.

In fact, in 1982, as a member of the Ohio State Senate, I wrote a law toughening Ohio's standard on impaired driving. That law went into effect March 17 of 1983. In the first year after our bill became law, we saw an across-the-board change in public attitude towards driving under the influence. The biggest impact our bill had was not who was being arrested but, rather, in the public perception of drunken driving, the public perception of driving under the influence. It happened all across Ohio. We saw auto fatalities from drinking and driving going down. We sent a very strong message. That message could be sent across this country in all 50 States by this Congress by approving what the Senate approved by a 2 to 1 margin, and that is to go to a very reasonable standard of a .08 national blood alcohol standard.

No matter where someone was driving, whether they were driving in your great State of Kansas or my great State of Ohio, or Indiana or Kentucky or Maine or California, they would have some assurance that the law would be uniform; that when they put their child in a car, got behind the wheel, that whatever State they were in, the standard would be at .08.

America needs this legislation, and I will make sure we keep returning to this issue until we get the job done. I urge the transportation bill conferees to consider these basic facts and to include what the Senate did, and that is the .08 legislation in the final transportation bill.

(The remarks of Mr. DEWine pertaining to the introduction of S. 1987 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

ELECTION OF LARRY DOBY INTO THE BASEBALL HALL OF FAME

Mr. DEWINE. Mr. President, I rise today to pay tribute to what I believe is a truly excellent decision by the baseball Hall of Fame's Veterans Committee. On the 3rd of March, one of the true greats of baseball history, Larry Doby, was elected to the baseball Hall of Fame. I think we all know the story, at least the outline of the story. On July 5, 1947, Larry Doby became the first African American to play in the American League—just 3 months after Jackie Robinson had broken baseball's color barrier in the other league, the National League.

The legendary Bill Veeck was at that time, of course, the owner and had control of the Cleveland Indians. Veeck saw that Larry Doby was leading the Negro National League with a .458 batting average and had at that time 13 home runs. He and Doby, Veeck and Doby, made the historic and courageous decision to break the color barrier in the American League.

It is sometimes difficult for us to remember what the situation was back in 1947 or to really truly understand it. The Jackie Robinson decision was still highly controversial. It was really at this point by no means self-evident that support for integrated baseball would take hold. Larry Doby and Bill Veeck made an act of faith in America's future and in the American people.

In his autobiography, Bill Veeck wrote that he "received 20,000 letters, most of them in violent, sometimes obscene protest." But then he went on to say, "When Doby hit a tremendous home run to put us ahead in the fourth game of the Series, it could be observed that none of the people who were on their feet cheering seemed at all concerned or even conscious of Larry Doby's color."

Mr. President, it took courage for Larry Doby to get up to the plate, but once he got there his record of accomplishment silenced his critics. In 1948, his first full season, he led the Indians to victory in the World Series batting .318 and hitting a game-winning home run. He was named to the All-Star Team every single year from 1949 to 1955. In 1952, he led the American League in home runs and runs scored. Two years later, in 1954, he led the league in home runs and RBIs.

He left the Indians in 1956 to play for the Chicago White Sox, and later the Detroit Tigers. He retired in 1959, but returned to baseball in 1978 to manage the White Sox—becoming only the second African-American manager in the history of the major leagues. The first, I might add, was the great Frank Robinson—who managed the Indians from 1975 to 1977, and who played as a player, of course, for the Cincinnati Reds and then for the Baltimore Orioles.

Mr. President, I join all Ohioans—and indeed all lovers of baseball nationwide—in congratulating Larry Doby on this well-deserved recognition of a truly outstanding career.

(Mr. SMITH of New Hampshire assumed the Chair.)

JOSELIN HERNANDEZ

Mr. DEWINE. Mr. President, we observe, this month, National Child Abuse Prevention Month. On this occasion, I would like to give the Senate an update about the fate of a little girl about whom I testified previously before the Senate Finance Committee.

In my testimony on October 8, 1997, I told the story of a little 2-year-old girl from Ventura County, CA, a little girl by the name of Joselin Hernandez. This poor little girl was beaten, bitten and slowly tortured to death by her parents. She first was taken into foster care when she was 6 weeks old, hospitalized with six fractured ribs, broken legs and burns to her hands and feet. She was also malnourished and dehydrated. The little girl, little Joselin, was placed at that time with her grandmother. But when her grandmother died, Joselin was returned to her parents, and 3 months later, as I testified before, she was dead.

Now, after a 6-week trial, Joselin's father has been convicted of first-degree murder and torture, and her mother of second-degree murder. The judge sentenced Joselin's father to life in prison. He will be eligible for parole in 42 years. The judge sentenced her mother to 15 years to life, and she will be eligible for parole in 13 years. The judge, after listening to the evidence, after listening to this horrible story, this horrible tragedy, told Joselin's father:

> I have been in court with literally scores of people—some brutal, sadistic killers, but none of them were treated by society as Joselin was treated by her father.

Joselin's mother's attorney asked the judge to take into consideration the mother has lost two children—Joselin and a 3-year-old son who was placed in foster care. The judge replied, I think correctly:

> She hasn't lost two children. She killed one and lost the other. And it seems the reason she did it was not a pretty one. She was getting what she needed, so it was acceptable. It was not unacceptable enough for her to lift a hand to make it end.

These killers have been brought to justice. We, as Americans, I don't think, can truly believe that justice has been done when any child has been left to the mercy of people like this. The bill that we passed—my colleague in the chair helped pass last year—to reform the foster care system in this country to help liberate children from abusive parents, is just the beginning, just the beginning of a strong struggle to reduce the number of lives lost in this kind of senseless tragedy.

We need to move children into safe, stable, loving and permanent homes. Just about a year ago, on April 30, 1997, I told the Senate about another little girl, and her story has a happier ending. This is a little Ohio girl. She was less than 4 months old when she was hospitalized in critical condition, suffering from shaken-baby syndrome. When she was released from the hospital she went to her first foster home. By the time this little girl was 4, she had been shuttled through eight separate foster homes in 4 short years of life.

By the time she finally got out of foster care, she became hysterical whenever she saw a full black garbage bag. Why? That's because that was the luggage that was used whenever she had to be moved from one foster home to another. They always put her belongings in a plastic garbage bag. She knew when she saw that that she was going to be moved again.

Last week this little Ohio girl finally got permanent adoptive parents. That is what she and every child in this country needs and deserves. I'm sure all my colleagues join me in wishing her well in her new home and her healing process. I'm sure all of my colleagues also join me in pledging that we will redouble our common efforts to help all of America's children find safe, stable, loving and permanent homes.

In short, and in conclusion, the bill that we passed last year is doing some good. It will continue to do good. But it is only the first step. As long as there are half a million children in this country, as there still are today, who are in foster care at any one given moment, as long as children are in some abusive homes, as long as we continue to lose children every week who are killed by their caregivers, this Senate and legislative bodies across this country must remain vigilant. We must continue to examine this issue. We must do all that we can to make sure that every child has what we all want for our own children, and that is a permanent and loving home.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 105–92, appoints John David Davenport, of Oklahoma, as a participant in the 1998 National Summit on Retirement Income Savings, to fill the existing vacancy thereon.

Mr. DEWINE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be recognized for 10 minutes to speak as in morning business for a period not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. I thank the Chair.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 1988 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, April 23, 1998, the federal debt stood at $5,501,159,283,287.65 (Five trillion, five hundred and one billion, one hundred fifty-nine million, two hundred eighty-three thousand, two hundred eighty-seven dollars and sixty-five cents).

One year ago, April 23, 1997, the federal debt stood at $5,345,089,000,000 (Five trillion, three hundred forty-five billion, eighty-nine million).

Five years ago, April 23, 1993, the federal debt stood at $4,230,203,000,000 (Four trillion, two hundred thirty billion, two hundred three million).

Twenty-five years ago, April 23, 1973, the federal debt stood at $454,924,000,000 (Four hundred fifty-four billion, nine hundred twenty-four million) which reflects a debt increase of more than $5 trillion—$ (Five trillion, forty-six billion, two hundred thirty-five million, two hundred eighty-three thousand, two hundred eighty-seven dollars and sixty-five cents) during the past 25 years.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING APRIL 17TH

Mr. HELMS. Mr. President, the American Petroleum Institute's report for the week ending April 17, that the U.S. imported 9,503,000 barrels of oil each day, 1,519,000 more barrels than the 6,424,000 imported each day during the same week a year ago.

Americans relied on foreign oil for 59.6 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf War, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970s, foreign oil accounted for only 35 percent of America's oil supply.

Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the U.S.—now 9,503,000 barrels a day.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on April 24, 1998, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1252. An act to modify the procedures of the Federal courts in certain matters, and for other purposes.

The message also announced that the Speaker appoints the following Members as additional conferees in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2400) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; and appoints as additional conferees from the Committee on Science, for consideration of section 312(d) and title VI of the House bill and sections 1119, 1206, and title II of the Senate amendment and modifications committed to conference: Mr. SENSENBRENNER, Mrs. MORELLA, and Mr. BROWN of California.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 3130) to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements, to amend the Immigration and National Act to make certain aliens determined to be delinquent in the payment of child support inadmissible and ineligible for naturalization, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on Ways and Means, for consideration of the House bill and the Senate amendments, and modifications committed to conference: Mr. ARCHER, Mr. SHAW, Mr. CAMP, Mr. RANGEL, and Mr. LEVIN.

As additional conferees from the Committee on Education and the Workforce, for consideration of section 401 of the Senate amendment and modifications committed to conference: Mr. GOODLING, Mr. FAWELL, and Mr. PAYNE.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3579) making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. LIVINGSTON, Mr. MCDADE, Mr. YOUNG of Florida, Mr. REGULA, Mr. LEWIS of California, Mr. PORTER, Mr. ROGERS, Mr. SKEEN, Mr. WOLF, Mr. KOLBE, Mr. PACKARD, Mr. CALLAHAN, Mr. WALSH, Mr. OBEY, Mr. YATES, Mr. STOKES, Mr. MURTHA, Mr. SABO, Mr. FAZIO, Mr. HOYER, Ms. KAPTUR, and Ms. PELOSI, as the managers of the conference on the part of the House.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1252. An act to modify the procedures of the Federal courts in certain matters, and for other purposes; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 1981. A bill to preserve the balance of rights between employers, employees, and labor organizations which is fundamental to our system of collective bargaining while preserving the rights of workers to organize, or otherwise engage in concerted activities protected under the National Labor Relations Act.

The following bills were read twice and ordered placed on the calendar:

H.R. 3565. An act to amend Part L of the Omnibus Crime Control and Safe Streets Act of 1968

S. 1985. An act to amend Part L of the Omnibus Crime Control and Safe Streets Act of 1968.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services, without amendment:

S. 1873. A bill to state the policy of the United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack (Rept. No. 105–175).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRAMS:

S. 1982. A bill to equalize the minimum adjustments to prices for fluid milk under milk marketing orders; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SMITH of New Hampshire (for himself, Mr. HELMS, and Mr. FAIRCLOTH):

S. 1983. A bill to amend section 991(a) of title 28, United States Code, to require certain members of the United States Sentencing Commission to be selected from among individuals who are victims of a crime of violence; to the Committee on the Judiciary.

By Mr. LAUTENBERG:

S. 1984. A bill to prohibit the transfer of a handgun by a licensed dealer unless the transferee states that the transferee is not the subject of a restraining order with respect to an intimate partner of the transferee, a child of the transferee, or a child of an intimate partner of the transferee; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. BIDEN, Mr. LEAHY, Mr. DEWINE, and Mr. SESSIONS):

S. 1985. A bill to amend Part L of the Omnibus Crime Control and Safe Streets Act of 1968; read twice and placed on the calendar.

By Mr. D'AMATO (for himself and Mr. SHELBY):

S. 1986. A bill to restructure the regulation of the Federal Home Loan Bank System; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DEWINE (for himself and Mrs. HUTCHISON):

S. 1987. A bill to amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes; to the Committee on the Judiciary.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 1988. A bill to provide for the release of interests of the United States in certain real property located in Augusta, Maine; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LIEBERMAN (for himself, Mr. LUGAR, Mr. GRAHAM, Mr. BROWNBACK, Mr. BINGAMAN, and Mr. ROCKEFELLER):

S. Res. 216. A resolution expressing the sense of the Senate regarding Japan's difficult economic condition; to the Committee on Foreign Relations.

By Mr. WARNER (for himself, Mr. ROBB, and Mr. GRAHAM):

S. Con. Res. 91. A bill expressing the sense of the Congress that a postage stamp should be issued to commemorate the life of George Washington and his contributions to the Nation; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAMS:

S. 1982. A bill to equalize the minimum adjustments to prices for fluid milk under milk marketing orders; to the Committee on Agriculture, Nutrition, and Forestry.

THE DAIRY REFORM ACT OF 1998

Mr. GRAMS. Mr. President, I rise today to introduce legislation that seeks to restore fairness to the nation's dairy system—fairness that has long been missing, particularly in the Upper Midwest and especially in my home state of Minnesota.

When Minnesotans are asked to name my state's leading industries, agriculture will certainly be at or near the top of most every list. Farming and farm-related business plays a critical role in Minnesota's economy. One out of every four Minnesota jobs is tied in some way to agriculture, and 25% of the state's economy is dependent upon farmers and agri-business, most of it focused in the dairy industry.

What many people do not realize is that, despite those statistics, our state's dairy industry is in real trouble.

Since dropping to number five in milk production—behind Wisconsin, California, Pennsylvania, and New York—Minnesota has been slowly but steadily losing its clout among the top dairy states in the nation. We have lost over 10,000 dairy farms in just the last decade, and today, dairy farms are drying up at a rate of about three every single day. Milk production has dropped significantly as a result—nearly 20% in the last decade.

What makes this especially troubling is that much of the decline in Minnesota's dairy industry can be traced directly to farm policies mandated outside of Minnesota's control, in Washington. And the outdated federal milk marketing orders program is a serious part of our dairy problems.

The Midwest is one of the best places in the country for dairy. It should be growing and expanding in the Midwest, but because of the Government's outdated policies and programs, it is hurting and killing the dairy industry in the Midwest.

The milk marketing orders is yet another example of a well-intentioned scheme dreamed up by Washington bureaucrats that has gone seriously awry. Instead of helping Minnesotans, the milk orders actually hurt the state's economy and penalizing its taxpayers, while benefiting dairy farmers outside the Midwest.

The problem can be traced back to 1937, when Congress enacted the "Agricultural Marketing Agreement Act." The legislation was created to encourage the milk production near the nation's major population centers and set a minimum price paid to dairy farmers for Class I milk. That federal "nudge" was necessary in some instances, because without refrigerated trucks, fluid milk could not be transported over long distances.

In 1985, as part of that year's farm bill, Congress expanded the milk orders program to aid the dairy industry outside the Midwest by increasing the minimum price for Class I milk based on a ridiculous formula.

This basically helps producers outside the Upper Midwest, while making dairy production less profitable for producers inside the Upper Midwest region.

That is not because of anything that the farmers are doing, their productivity, the land, the climate, whatever. The only reason for the decline, again, is because of an outdated Federal dairy policy.

This process is unfair and archaic. Above all, it is opposite in every way to the free market.

The Upper Midwest dairy industry, one of the most efficient in the world, is only asking for a fair shake in this process. And so, Mr. President, the legislation I introduce today will amend one of the most inequitable components of the Agricultural Marketing Act of 1937—the Class I milk price differentials.

USDA is currently in the process of reforming its system of Federal Milk Marketing Orders. Unfortunately, the Class I differentials proposal released earlier this year was disappointing. Two options have been offered under the proposal. Option "1A"—the status quo option—is plainly unacceptable. Option "1B" does take a small step in the right direction, but it does not go far enough. However, a small step for reform is most certainly preferable to a step backward as "1A" would do.

As short-term progress, I support Option "1B" because, as I have said, it is the only option USDA is currently considering that makes a move toward fairness in federal dairy policy. My bill would continue the reform beyond the small gains for equity that "1B" establishes. We cannot allow ourselves to become satisfied until we secure substantive federal dairy reform.

Common sense would tell us that USDA's proposal of a small step toward market-policy is the compromise position for dairy reform. However, as you can imagine, there has been the typical, standard-fare outcry against any sort of reform—even the minimal reform that was offered in the form of Option "1B." And surely that is little more than an acknowledgment on the part of USDA that equity and fairness really do matter in national dairy policy.

USDA has explicitly expressed its preference for "1B." However, my optimism is guarded, given the fact that "the status quo option" is being seriously considered as a measure of reform.

It is all too likely that they may move us a step backward and call it reform. There is every reason to believe that USDA will succumb to the pressure of maintaining the unjustifiable status quo.

So many constituencies have been built up around this antiquated dairy pricing policy, and now to try to put any fairness into the system we are going to have these outcries from across the country.

So, in addition to the objective of shaping the policy debate beyond short-term fixes, I believe that we in the Upper Midwest must now proceed with progressive dairy reform in the event we once again, find ourselves standing alone in the name of justifiable, equitable, dairy policy.

The Dairy Reform Act of 1998 establishes a uniform Class I price differential of $1.80 for each marketing area subject to an order. The newly proposed 11 Federal Milk Marketing Orders will remain in place to provide necessary over order premiums that would raise the $1.80 in some areas. This legislation directs us toward market-oriented reform because it removes the arbitrary, artificial price structure and its resulting interference with the market itself.

As far as dairy policy is concerned, we're at a pivotal juncture. The groundwork is being laid for a national patchwork of regional compacts. Roughly half the country has either passed enabling compact legislation, is debating such legislation, or is involved in the Northeast Interstate Dairy Compact. We must either decide to support a national system, or regionalize. As I've said, USDA's Option "1B" is a small step in the right direction for dairy policy. The Dairy Reform Act brings us closer yet to substantive reform. The compact alternative, on the other hand, is not reform—it is retreat. It is anti-market and anti-consumer, by definition.

There is no substantive, equity-based justification to support random Class I differentials. In fact, USDA's current federal marketing order system was deemed "arbitrary and capricious" by a Federal district court judge late last year.

That is the fourth time that the courts have come out and said that the current dairy policies in this country are, again, arbitrary and capricious. So, bottom line, it means they are unfair, they are antimarket, they are anticonsumer.

So, the case brought against USDA has been in the courts for 7 years, and the judge's ruling was no less than the fourth such proceeding in the history of the case. Given the outrageously drawn-out history of the case, the judge decided not to grant USDA's request to justify the pricing scheme.

However, the ruling has been stayed now pending the appeal of the decision of the eighth circuit. After the courts have been cleared on the marketing order system, why is the USDA appealing? Why are they appealing to keep in place a system that the courts have ruled four times is basically unfair? Why don't they focus their efforts on changing the system, as the court has required, but, most important, changing the system to make sure that it is fair, that it does not discriminate against one part of the country over another, that it does not pick winners and losers, and it does not step on the necks of farmers in the Midwest?

Under the current Federal order marketing system, the Government is picking winners and picking losers. This system of nonuniform differentials is inherently unfair, and I welcome debate of other dairy policy proposals for reform as well.

Mr. President, finally, I just want to say the Dairy Reform Act of 1998 is simply a call to fairness, just fairness, in dairy policy. It is a statement in no uncertain terms that we who represent upper Midwest dairy farmers are going to fight for equitable reform, for market-driven policy. I urge my colleagues to take a look at it, to say what is fair. Why not have everybody on a level playing field? Why not give farmers all over the country the same opportunity for success or failure? Why not get consumers market-driven prices, rather than unfair Federal policies aimed at the Midwest?

So, I urge my colleagues to give their support.

By Mr. SMITH of New Hampshire (for himself, Mr. HELMS, and Mr. FAIRCLOTH):

S. 1983. A bill to amend section 991(a) of title 28, United States Code, to require certain members of the United States Sentencing Commission to be selected from among individuals who are victims of a crime of violence; to the Committee on the Judiciary.

U.S. SENTENCING COMMISSION LEGISLATION

Mr. SMITH of New Hampshire. Mr. President, this is National Victim Rights Week and today I am introducing a bill to amend section 991(a) of title 28, United States Code, to require certain members of the United States Sentencing Commission to be selected from among individuals who are victims of a crime of violence.

Each year, Mr. President, about 40 million Americans are victimized by crime. Yet, all too often, the voices of those victims are lost in the criminal justice system. In fact, it often seems that the voices of those who commit crimes are heard with greater attentiveness by our criminal justice system than are the voices of the victims of crime. As President Reagan's Task Force on Victims of Crime stated in its 1982 report, "the criminal justice system has lost its essential balance."

One response to this problem has been S.J. Res. 44, a constitutional amendment to protect the rights of victims of crime, which has been introduced in this Congress by Senators KYL and FEINSTEIN. I am proud to be a cosponsor of that crime victims constitutional amendment.

The bill that I am introducing today, Mr. President, is another response to the problem of the underrepresentation of victims' rights in our criminal justice system. My bill, which my distinguished colleagues from North Carolina, Senators FAIRCLOTH and HELMS, are cosponsoring, would reserve two of the seven seats on the United States Sentencing Commission for victims of violent crime.

Mr. President, the United States Sentencing Commission is an independent entity within the judicial branch that establishes sentencing policies and practices for the Federal courts. This includes sentencing guidelines that prescribe the appropriate form and severity of punishment for offenders convicted of Federal crimes.

The U.S. Sentencing Commission is composed of seven voting members who are appointed by the President, with the advice and consent of the Senate, for six-year terms. The Commission also includes two non-voting members. Of the seven voting members of the Sentencing Commission, three must be Federal judges.

Under my bill, two of the four seats on the Sentencing Commission that are not filled by Federal judges would be reserved for victims of a crime of violence or, in the case of a homicide, an immediate family member of such a victim. My bill utilizes the existing statutory definition of a crime of violence that is found in section 16 of title 18 of the United States Code.

Mr. President, my bill preserves, to a large extent, the discretion of the President in making decisions about whom to nominate to seats on the Sentencing Commission. Under my bill, the President remains free to seek individuals who have professional expertise in the criminal justice field, so long as they also are victims of crime. Sadly, Mr. President, I do not believe that the President would have much difficulty identifying such qualified individuals.

Mr. President, six of the seven voting seats on the Sentencing Commission are vacant. Let's give victims of crime a voice by requiring that two of those vacant seats must be filled by Americans who have been victimized by violent crime.

Mr. President, I ask unanimous consent that the text of my bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1983

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMPOSITION OF UNITED STATES SENTENCING COMMISSION.

(a) In General.—Section 991(a) of title 28, United States Code, is amended by inserting after "same political party." the following: "Of the members who are not Federal judges, not less than 2 members shall be individuals who are victims of a crime of violence (as that term is defined in section 16 of title 18) or, in the case of a homicide, an immediate family member of such a victim.".

(b) Applicability.—The amendment made by this section shall apply with respect to any appointment made on or after the date of enactment of this Act.

By Mr. LAUTENBERG:

S. 1984. A bill to prohibit the transfer of a handgun by a licensed dealer unless the transferee states that the transferee is not the subject of a restraining order with respect to an intimate partner of the transferee, a child of the transferee, or a child of an intimate partner of the transferee; to the Committee on the Judiciary.

BRADY HANDGUN VIOLENCE PROTECTION ACT AMENDMENTS

Mr. LAUTENBERG. Mr. President, I rise today to introduce a bill to add a provision to the Brady Handgun Background Check Form to enforce the prohibition that persons under a restraining order for harassing, stalking or threatening an intimate partner or child cannot purchase a gun.

The Background Check Form, used by law enforcement and gun dealers to enforce the Brady Handgun Violence Protection Act, currently requires a purchaser to answer questions on whether he or she falls into one of the categories prohibited from purchasing a gun. The form asks whether the purchaser has been convicted of a felony, has been declared mentally defective or been committed to a mental institution, is an illegal alien, fugitive from justice or an illegal user of drugs—all of which would disqualify the person from lawfully purchasing a gun. However, there is one very important disqualification not listed on this form. The 1994 Crime Act prohibits a person under a restraining order for harassing, stalking or threatening an intimate partner or the child of that partner from purchasing a gun. But this disqualification is not on the Brady Background Check Form—in fact it is the only disqualification not on the Form.

Dealers, law enforcement agencies, and purchasers rely on the form to provide notice as to who is prohibited from purchasing a handgun, and law enforcement agencies use the form as a guide in making background checks. This omission on the Brady Form means persons under restraining orders for harassing, stalking and threatening their partners and their partner's children can more easily obtain a gun even though it is illegal for them to do so. My legislation is necessary because all changes to the form are required to be done by legislation rather than by regulation or order.

This simple change to the Brady Check List can mean the difference between life and death for women and children across America. Domestic violence in the United States remains the number one threat of injury to women ages 15 to 44, and hundreds of thousands of women are forced to obtain restraining orders to protect themselves and their children from abusive partners every year. More than twice as many women are shot and killed each year by their husbands or intimate partners than by strangers.

Mr. President, Congress has already recognized that persons who are under restraining orders for harassing, stalking, and threatening their spouses, partners, and children should not be able to buy a gun. This simple bill will help to enforce this important prohibition to keep guns out of the hands of those who pose a real and serious threat to their partners and children. Every year we see tragic incidents of victims of domestic violence who have obtained restraining orders only to be murdered by their partner.

I hope you will join me and support this worthy bill to protect victims of domestic violence from the dangers that follow when their abusive partner gains access to a gun.

I ask unanimous consent that a copy of this bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1984

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION OF THE TRANSFER OF A HANDGUN BY A LICENSED DEALER UNLESS THE TRANSFEREE STATES THAT THE TRANSFEREE IS NOT THE SUBJECT OF A RESTRAINING ORDER WITH RESPECT TO AN INTIMATE PARTNER OF THE TRANSFEREE, A CHILD OF THE TRANSFEREE, OR A CHILD OF AN INTIMATE PARTNER OF THE TRANSFEREE.

Section 922(s)(3)(B) of title 18, United States Code, is amended—

(1) by striking "and" at the end of clause (vi); and

(2) by adding "and" at the end of clause (vii); and

(3) by adding at the end the following:

"(viii) is not subject to a court order that—

"(I) restrains the transferee from harassing, stalking, or threatening an intimate partner of the transferee or child of such intimate partner or transferee, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child;

"(II) was issued after a hearing of which the transferee received actual notice, and at which the transferee had the opportunity to participate; and

"(III) (aa) includes a finding that the transferee represents a credible threat to the physical safety of such intimate partner or child; or

"(bb) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury;".

By Mr. HATCH (for himself, Mr. Biden, Mr. Leahy, Mr. DeWine, and Mr. Sessions):

S. 1985. A bill to amend Part L of the Omnibus Crime Control and Safe Streets Act of 1968; read twice and placed on the calendar.

THE CARE FOR POLICE SURVIVORS ACT OF 1998

Mr. HATCH. Mr. President, during the week of May 12, the country will honor once again those law enforcement and public safety officers who have died in the line of duty. It is entirely fitting that we do this. And as we remember those who have fallen in defense of the public safety, we should also do all we can to comfort and assist the families and loved ones they have left behind. The bill I rise to introduce today, the Care for Police Survivors Act of 1998, will help ensure that we are doing so.

First, this bill, which was introduced in the House as H.R. 3565, will strengthen programs available to the families of slain police officers. For instance, the bill will allow groups like Concerns for Police Survivors, more commonly referred to as COPS, to increase and improve their services to these families. Second, this bill provides authority to the Director of the Bureau of Justice Assistance to spend no less than $150,000 out of the Public Safety Officers' Benefits program to support and enrich national peer support and counseling programs for families of police officers lost in the line of duty.

Second, this act will expedite the process of handling cases pending before the Public Safety Officers' Benefits Office by allowing the expenditure of PSOB program funds on outside hearing officers. Currently, survivors of fallen police officers have to wait entirely too long to obtain an appeal hearing for the denial of benefits. By enacting this bill, we will make the process of helping these families less burdensome.

I am pleased to be joined by Senators Biden, Leahy, DeWine, and Sessions in introducing this bill in the Senate. On Tuesday of this week, the House of Representatives overwhelmingly passed H.R. 3565 by a 403 to 8 vote. I urge my colleagues to join me in expeditiously passing this legislation to demonstrate our tremendous gratitude and support for these heroes and their families.

By Mr. DEWINE (for himself and Mrs. HUTCHISON):

S. 1987. A bill to amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes; to the Committee on the Judiciary.

THE CHILD PROTECTION AND SEXUAL PREDATOR PUNISHMENT ACT OF 1998

Mr. DEWINE. Mr. President, I rise today to introduce the Child Protection and Sexual Predator Punishment Act of 1998. The purpose of this legislation is to address the problem of child molesters and pedophiles who use computers, and the Internet in particular, to commit crimes of sexual abuse and exploitation against our most vulnerable citizens—our children. I appreciate Senator KAY BAILEY HUTCHISON joining me in this important effort.

The Child Protection and Sexual Predator Punishment Act is a comprehensive bill that combats the growing problem of criminals who misuse our information superhighway to contact children for purposes of sexual abuse and exploitation. Not only does this legislation send a strong message that America will not tolerate the abuse of its children, it will also make it easier to put these heinous criminals out of commission.

Mr. President, my wife Fran and I have eight children—ages 6 to 30. There is nothing more important to parents than protecting their children from harm. There was a time, not so long ago, when parents could feel secure when their children were at home or in a library—that their child would at least be safe from danger in those places. But along with the tremendous benefit of the Internet, we have also unfortunately, unintentionally invited strangers into our homes, and sometime our children's rooms, just because computers may be located there. Strangers who sometimes have the immoral and criminal intent to lure our kids into deviant sexual, abusive, and illegal activity right under our noses.

Not long ago, a 47-year-old Ohio man used the Internet to entice a 12-year-old girl in New Jersey to make pornographic videos of herself. He posed online as a 15-year-old, who promised that he would forward copies of the pornographic video to her favorite music band members. She made four sexually explicit videos before the man was apprehended by authorities. There are literally hundreds of these examples, and many even worse, occurring every day in America. It has become commonplace to hear about a child being lured across the country via the Internet by a pedophile.

I hope, and believe, that through this legislation we can begin to restore the peace of mind parents should have when their children use the Internet at school, at the library, or in their home.

This bill will protect children from cyber-stalkers and porn peddlers by prohibiting contacting of a minor on the Internet for the purpose of engaging in illegal sexual activity. It prohibits knowingly transferring obscene materials to a minor over the Internet. In addition, the maximum penalty is doubled for enticing a minor to travel across State lines for illegal sexual activity. Using a computer to persuade a minor to engage in prostitution or a sexual act will carry a maximum sentence of 15 years, and a minimum sentence of 3 years.

Also, law enforcement is given the tools to quickly and effectively investigate sex and kidnaping crimes involving children. Pretrial detention is provided for Federal sex offenders, and administrative subpoenas are allowed in certain child exploitation investigations. In addition, the bill clarifies that kidnaping investigations do not require waiting 24 hours—they can be initiated immediately. Further, Federal jurisdiction is provided in kidnaping cases where a facility or means of interstate or foreign commerce is used.

Mr. President, a person today can get almost anything on the Internet. With this bill, we are trying to make sure that they cannot get our children.

Mrs. HUTCHISON. Mr. President, technology has opened many doors for communications and information sharing. Unfortunately, criminals have found new ways to use the innovations to hurt children.

Today I am introducing with Senator DEWINE the Child Protection and Sexual Predator Punishment Act of 1998. Our bill will give law enforcement the necessary tools to stop crimes against children, especially those initiated through the Internet and commercial on-line services.

Along with the proliferation of users of on-line services, our nation has seen a rise in crimes committed against children by sexual predators on-line. Every day, pedophiles stalk children through the computer, transmitting pornography to them and enticing them to participate in illegal activity. In some of the most tragic instances, these criminals have convinced children to travel long distances to meet them, only to face horrendous abuse by their "hosts."

In response to the growing number of these crimes. Congress has and will surely continue to appropriate funds to allow collaboration among FBI and state and local law enforcement to develop effective means to prevent innocent children from being exploited. In the past, funds have been used to train officers to detect cybercrime, pursue sexual predators and establish child sexual exploitation cyber-squads of state and local officers.

But the responsibility of Congress is not only to provide necessary resources. We have an unfinished responsibility to give officers the legal tools they need to stop these crimes before they happen. In addition, Congress must send the unequivocal message to criminals who dare to prey on children that such crimes will not be tolerated.

As children and adults increase their use of computers and on-line services, this problem will only get worse. Only through aggressive enforcement will we be able to combat this rise in tragic crimes against our most vulnerable citizens—children.

By Mr. D'AMATO (for himself and Mr. SHELBY):

S. 1986. A bill to restructure the regulation of the Federal Home Loan Bank System; to the Committee on Banking, Housing, and Urban Affairs.

THE FEDERAL HOME LOAN BANK SYSTEM RESTRUCTURING ACT OF 1998

Mr. D'AMATO. Mr. President, I rise today to introduce the "Federal Home Loan Bank System Restructuring Act of 1998" to eliminate the last vestiges of a bureaucratic structure which contributed to the downfall of the savings and loan industry in the 1980's, and cost American taxpayers $125 billion. I am referring to the structural weakness inherent in a regulatory system which allows the combination of basic safety and soundness oversight with management and governance functions. This structural weakness exists today in the Federal Housing Finance Board (FHFB) which oversees the Federal Home Loan Bank System. Moreover, the FHFB appears to be the only regulatory agency where the responsibility for safety and soundness regulation has not been separated from management and governance functions.

I am very pleased that Senator RICHARD SHELBY has joined as a co-sponsor because he is the Senate's leading proponent of regulatory reform and eliminating outdated and unnecessary regulation.

Mr. President, throughout most of its history, the Federal Home Loan Bank System was regulated by the Federal Home Loan Bank Board, the same agency responsible for regulating the thrift industry. In 1989, Congress passed the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) to abolish the Bank Board and create the Federal Housing Finance Board ("FHFB") to assume responsibility for the regulation and supervision of the Federal Home Loan Bank System (FHLB System). FIRREA provided the FHFB with the authority to supervise the Federal Home Loan Banks (FHLBanks), ensure that the FHLBanks carry out their mission of housing finance, ensure the FHLBanks remain adequately capitalized and able to raise funds in the capital markets, and ensure the FHLBanks operate in a safe and sound manner.

Safety and soundness regulation became the *primary* duty of the FHFB as a result of the Housing and Community Development Act of 1992. In that Act, Congress also recognized problems at the Federal Housing Finance Board and specifically identified this structural flaw as a serious problem. In search of a solution to this problem and information concerning the future of the Federal Home Loan Banks in the context of changing markets for housing finance, Congress mandated several studies. In the study conducted by the FHFB, the agency itself expressed concern about its dual role: "The roles of regulation and governance residing in one entity are not compatible and, indeed, represent a long standing, well-understood inherent conflict when joined". [*The Report on the Structure and Role of the Federal Home Loan Bank System*, The Federal Housing Finance Board, submitted to Congress on April 28, 1993, page 153.] The FHFB recognized that concerns about shareholder dividends and profitability should not be in competition with concerns over safety and soundness and the availability of housing finance for American taxpayers.

Mr. President, this bill would eliminate this serious and dangerous conflict by transferring functions from the FHFB to the Office of Federal Housing Enterprise Oversight (OFHEO) and the Department of Housing and Urban Development (HUD). This is the current system of regulation designed by Congress for the other two housing-related government sponsored enterprises (GSEs)—Fannie Mae and Freddie Mac.

In addition, consolidating safety and soundness regulation in one regulatory is consistent with the core recommendations of GAO and HUD—that the conflict with the FHFB be resolved through the creation of a single housing-related GSE. Even the Chairman of the FHFB, in testimony before a House Banking Subcommittee last July, endorsed the GAO's recommendation for a single independent safety and soundness regulator for the Federal Home Loan Banks, Fannie Mae and Freddie Mac. He acknowledged that consolidation will yield more effective regulation.

Mr. President, consolidating regulation of the housing GSE's is also consistent with the Administration's objective of reducing government by eliminating unnecessary, duplicative or redundant regulation—an objective we all share. By placing FHFB's safety and soundness functions with OFHEO, administration costs would be cut and regulatory consistencies would be realized as a result of the complementary nature of the housing finance roles played by the Federal Home Loan Banks, Fannie Mae, and Freddie Mac. Another important public benefit of consolidating oversight of the housing missions of these agencies within HUD is to enable HUD to more effectively assess and respond to the nation's affordable housing needs.

Mr. President, the legislation would abolish the conflicting dual roles of the FHFB, streamline an overburdened bureaucratic process, and insure that those entities with the mission of promoting housing finance—Fannie Mae, Freddie Mac, and Federal Home Loan Banks—are meeting that challenge in the most effective way possible. We owe nothing less to the working families most in need of our assistance than to insure the system is working for them.

Mr. President, this bill would address the regulation of the Federal Home Loan Bank System by transferring its safety and soundness functions to OFHEO and mission oversight to HUD. It does not—and is not intended to—address other policy issues pertaining to the future role of the Federal Home Loan Banks which remain under consideration by the Banking Committee, Improving the level of affordable housing, ensuring effective, efficient and objective regulation, cutting the fat out of the government, and managing the taxpayers' dollars wisely—that is what this bill is all about.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Home Loan Bank System Regulatory Restructuring Act of 1998".

SEC. 2. RESTRUCTURING OF FEDERAL HOME LOAN BANK REGULATOR.

(a) IN GENERAL.—The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.) is amended by striking sections 2A and 2B and inserting the following:

"SEC. 2A. DUTIES AND POWERS OF THE DIRECTOR.

"(a) DUTIES.—The Director shall—

"(1) as a primary duty, ensure that the Federal Home Loan Banks operate in a financially safe and sound manner; and

"(2) to the extent consistent with paragraph (1), supervise the Federal Home Loan Banks and ensure that the Federal Home Loan Banks remain adequately capitalized and able to—

"(A) raise funds in the capital markets;

"(B) satisfy their obligations to support affordable housing as required by section 10(j);

"(C) make payments to the Resolution Funding Corporation as required by section 21B(f)(2)(C); and

"(D) pay dividends on bank stock sufficient for such stock to remain a competitive investment for the holders of the stock.

"(b) GENERAL POWERS.—The Director may—

"(1) supervise the Federal Home Loan Banks and promulgate and enforce such regulations and orders as are necessary to carry out this Act;

"(2) suspend or remove for cause a director, officer, employee, or agent of any Federal Home Loan Bank or joint office, except that—

"(A) the cause of such suspension or removal shall be communicated in writing to such director, officer, employee, or agent and to such Bank or joint office; and

"(B) notwithstanding any other provision of this Act, no officer, employee, or agent of a Bank or joint office shall be a Federal officer or employee under any definition of either term in title 5, United States Code;

"(3) determine necessary expenditures of the Director under this Act and the manner in which such expenditures shall be incurred, allowed, and paid;

"(4) use the United States mails in the same manner and under the same conditions as a department or agency of the United States;

"(5) issue such notice and orders, and, subject to the same terms and conditions, exercise the same powers, rights, and duties to enforce this Act with respect to the Federal Home Loan Banks and their officers and directors, as may be issued or exercised by the OFHEO with respect to Federal housing enterprises under—

"(A) subtitle C of title XIII of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992;

"(B) the Federal National Mortgage Association Charter Act; or

"(C) the Federal Home Loan Mortgage Corporation Act.

"(c) STAFF.—

"(1) IN GENERAL.—Subject to title IV of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the OFHEO may employ, direct, and fix the compensation and number of employees, attorneys, and agents of the OFHEO necessary to carry out its duties under this Act, except that in no event shall the Director delegate any function to any employee or administrative unit of any bank, or joint office of the Federal Home Loan Bank System.

"(2) COMPENSATION.—In directing and fixing such compensation, the Director shall consult with and maintain comparability with the compensation at the Federal bank regulatory agencies. Such compensation shall be paid without regard to the provision of other laws applicable to officers or employees of the United States, except that the Director shall receive no additional compensation above that specified by section 5313 of title 5, United States Code.".

"(d) RECEIPTS OF THE BOARD.—

"(1) RECEIPTS.—Receipts of the Board derived from assessments levied upon the Federal Home Loan Banks and from other sources (other than receipts from the sale of consolidated Federal Home Loan Bank bonds and debentures issued under section 11 of this Act) shall be deposited in the Treasury of the United States.

"(2) SALARIES.—Salaries of the directors and other employees of the OFHEO, and all other expenses necessary for the Director to carry out the duties of the Director under this Act—

"(A) may be paid from assessments described in paragraph (1), or from other sources; and

"(B) shall not be construed to be Government Funds or appropriated monies, or subject to apportionment for the purposes of chapter 15 of title 31, United States Code, or any other authority.

"(e) ANNUAL REPORT.—The Director shall submit to Congress an annual report.".

(b) ASSESSMENTS.—Section 18(b) of the Federal Home Loan Bank Act (12 U.S.C. 1438(b)) is amended by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—To the extent provided in advance in appropriations Acts, the Director may impose a semiannual assessment on the Federal Home Loan Banks, the aggregate amount of which shall be sufficient to provide for the payment of the expenses of the Director estimated to be incurred under this Act for the period for which the assessment is made.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422) is amended—

(A) by striking paragraph (1) and inserting the following:

"(1) OFHEO.—The term 'OFHEO' means the Office of Federal Housing Enterprise Oversight, established under section 1311 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.";

(B) in paragraph (2)(B), by striking "Board" and inserting "OFHEO";

(C) in paragraph (6), by striking "Board", and inserting "Secretary"; and

(D) by striking paragraph (10) and inserting the following:

"(10) DIRECTOR.—The term 'Director' means the Director of the OFHEO, appointed under section 1312 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.".

(2) ELIGIBILITY.—Section 4(a) of the Federal Home Loan Bank Act (12 U.S.C. 1424(a)) is amended in the last sentence, by striking "Board" and inserting "Secretary".

(3) MANAGEMENT OF BANKS.—Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) is amended by striking "Board" each place it appears and inserting "Secretary".

(4) ADVANCES TO MEMBERS.—Section 10 of the Federal Home Loan Bank Act (12 U.S.C. 1430) is amended—

(A) in each of subsections (a) through (d), by striking "Board" each place it appears, and inserting "Director"; and

(B) in each of subsections (e), (g), and (j), by striking "Board" each place it appears, and inserting "Secretary".

(5) GENERAL POWERS AND DUTIES OF BANKS.—Section 11(i) of the Federal Home Loan Bank Act (12 U.S.C. 1431(i)) is amended by striking "Chairperson of the Board" and inserting "Director".

(6) FINANCING CORPORATION.—Section 21 of the Federal Home Loan Bank Act (12 U.S.C. 1441) is amended—

(A) in each of subsections (b)(5) and (e)(9), by striking "Chairperson of the Federal Housing Finance Board" and inserting "Director"; and

(B) by striking "Federal Housing Finance Board" each place it appears and inserting "Director".

(7) RESOLUTION TRUST CORPORATION.—Section 21B of the Federal Home Loan Bank Act (12 U.S.C. 1442) is amended by striking "Federal Housing Finance Board" each place it appears and inserting "Director".

(8) MEMBER FINANCIAL INFORMATION.—Section 22 of the Federal Home Loan Bank Act (12 U.S.C. 1442) is amended—

(A) in subsection (a), in the last sentence, by striking "Board or" each place it appears and inserting "Director or"; and

(B) in subsection (b), by striking "Board" each place that term appears and inserting "Director".

(9) FORMS OF BANK STOCK AND OBLIGATIONS.—Section 23 of the Federal Home Loan Bank Act (12 U.S.C. 1443) is amended by striking "Board of Directors of the Federal Housing Finance Board" and inserting "Director".

(10) HOUSING OPPORTUNITY HOTLINE PROGRAM.—Section 27(a) of the Federal Home Loan Bank Act (12 U.S.C. 1447) is amended—

(A) by striking "Federal Housing Finance Board" and inserting "Secretary"; and

(B) by striking "Board" and inserting "Secretary".

(11) FEDERAL HOUSING ENTERPRISE FINANCIAL SAFETY AND SOUNDNESS ACT OF 1992.—Section 1313 of the Federal Housing Enterprise Financial Safety and Soundness Act of 1992 (12 U.S.C. 4513) is amended—

(A) in subsection (a), by inserting before the period at the end the following: ", and that the Federal Home Loan Banks are adequately capitalized and operating safely in accordance with the Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.)"; and

(B) in subsection (b)—

(i) in paragraph (10), by striking "and" at the end;

(ii) in paragraph (11), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(12) the performance of any function or the exercise of any authority assigned to the Director pursuant to the Federal Home Loan Bank Act.".

(12) OTHER REFERENCES.—Except as otherwise provided in the amendments made by this subsection, any reference in the Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.), or any other provision of Federal law, to the Federal Housing Finance Board, shall be construed to refer to the Director of the Office of Federal Housing Enterprise Oversight.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 60 days after the date of enactment of this Act.

SEC. 3. TRANSITION PROVISIONS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE AGENCY.—The term "appropriate agency" means—

(A) with respect to the functions transferred under subsection (b)(1), the Department of Housing and Urban Development; and

(B) with respect to the functions transferred under subsection (b)(2), the Office.

(2) BOARD.—The term "Board" means the Federal Housing Finance Board established under section 22A of the Federal Home Loan Bank Act (as in effect on the day before the effective date of the amendments made by section 2 of this Act).

(3) DIRECTOR.—The term "Director" means the Director of the Office.

(4) FUNCTION.—The term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(5) HEAD OF THE APPROPRIATE AGENCY.—The term "head of the appropriate agency" means—

(A) with respect to the functions transferred under subsection (b)(1), the Secretary; and

(B) with respect to the functions transferred under subsection (b)(2), the Director.

(6) OFFICE.—The term "Office" means the Federal Housing Enterprise Oversight established under section 1311 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.

(7) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

(b) TRANSFER OF FUNCTIONS.—

(1) TRANSFER TO DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—Effective 60 days after the date of enactment of this Act there are transferred to the Department of Housing and Urban Development all functions that the Board exercised before the date of enactment of this Act (including all related functions of any officer or employee of the Board) relating to the functions of the Board under the following provisions of the Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.) (as in effect on the day before the effective date of the amendments made by section 2 of this Act):

(A) The last sentence of section 4(a).

(B) Section 7.

(C) Subsections (e), (g), and (j) of section 10.

(D) Section 27(a).

(2) TRANSFER TO OFFICE.—Effective 60 days after the date of enactment of this Act there are transferred to the Office all functions, other than the functions transferred under paragraph (1), that the Board exercised before the date of enactment of this Act (including all related functions of any officer or employee of the Board) under the Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.).

(b) DISPOSITION OF AFFAIRS.—During the 60-day period beginning on the date of enactment of this Act, the Chairperson of the Board—

(1) shall, solely for the purpose of facilitating the orderly implementation of this section—

(A) manage the employees of the Board and provide for the payment of the compensation and benefits of any such employee that accrue before the effective date of the transfer of such employee pursuant to subsection (g); and

(B) manage any property of the Board and arrange for the transfer thereof to the Office as promptly as practicable; and

(2) may take any other action necessary for the purpose of facilitating the orderly implementation of this section.

(c) TREATMENT OF REFERENCES IN ADJUSTABLE RATE MORTGAGE INSTRUMENTS.—

(1) IN GENERAL.—For purposes of adjustable rate mortgage instruments that are in effect on the day before the effective date of the amendments made by section 2, any reference in the instrument to the Board shall be construed to be a reference to the Secretary, unless the context of the reference requires otherwise.

(2) SUBSTITUTION FOR INDEXES.—If any index used to calculate the applicable interest rate on any adjustable rate mortgage instrument is no longer calculated and made available as a direct or indirect result of the enactment of this Act, any index—

(A) made available by the Secretary, pursuant to paragraph (3); or

(B) determined by the Secretary, pursuant to paragraph (4), to be substantially similar to the index that is no longer calculated or made available, may be substituted by the holder of any such adjustable rate mortgage instrument upon notice to the borrower.

(3) AGENCY ACTION REQUIRED TO PROVIDE CONTINUED AVAILABILITY OF INDEXES.—As soon as practicable after the effective date of the amendments made by section 2, the Secretary shall take such actions as may be necessary to assure that the indexes prepared by the Board and the Federal Home Loan Banks immediately before the effective date of the amendments made by section 2 and used to calculate the interest rate on adjustable rate mortgage instruments continue to be available.

(4) REQUIREMENTS RELATING TO SUBSTITUTE INDEXES.—If any index can no longer be made available pursuant to paragraph (3), an index that is substantially similar to such index may be substituted for such index for purposes of paragraph (2) if the Secretary determines, after notice and opportunity for comment, that—

(A) the new index is based upon data substantially similar to that of the original index; and

(B) the substitution of the new index will result in an interest rate substantially similar to the rate in effect at the time the original index became unavailable.

(d) Continuation of Services.—

(1) In general.—The head of the appropriate agency may use the services of employees and other personnel and the property of the Board, on a reimbursable basis, to perform functions transferred by this section to the appropriate agency, for such time as is reasonable to facilitate the orderly transfer of functions so transferred.

(2) Agency services.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, that is providing supporting services to the Board before the effective date of the amendments made by section 2 in connection with functions that are transferred to the head of the appropriate agency under this section, shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with the Director to coordinate and facilitate a prompt and reasonable transition.

(e) Savings Provisions.—

(1) Existing rights, duties, and obligations not affected.—This section shall not affect the validity of any right, duty, or obligation of the United States, the Board, or any other person, that—

(A) arises under or pursuant to the Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.) or any other provision of law applicable with respect to such Board; and

(B) exists on the day before the effective date of the amendments made by section 2.

(2) Continuation of suits.—No action or other proceeding commenced by or against the Board, or any person or entity with respect to any function of the Board that was delegated to such person or entity, shall abate by reason of the enactment of this Act, except that the head of the appropriate agency shall be substituted for the Board or a party to any such action or proceeding.

(f) Continuation of Orders, Resolutions, Determinations, and Regulations.—

(1) In general.—Except as provided in paragraph (2), all orders, resolutions, determinations, and regulations, shall continue in effect according to the terms of such orders, resolutions, determinations, and regulations and shall be enforceable by or against the head of the appropriate agency until modified, terminated, set aside, or superseded in accordance with applicable law by the head of the appropriate agency by any court of competent jurisdiction, or by operation of law, if such orders, resolutions, determinations, and regulations—

(A) have been issued, made, prescribed, or allowed to become effective by the Board in the performance of functions that are transferred by this section; and

(B) are in effect on the effective date of the amendments made by section 2.

(2) Exception.—Paragraph (1) does not apply to any order, resolution, determination, or regulation of the Board the authority of which is terminated under this Act or the amendments made by this Act.

(g) Transfer of Employees.—

(1) In general.—Not later than 60 days after the date of enactment of this Act, each employee of the Board shall be transferred to the appropriate agency and each such transfer shall be construed to be a transfer of function for the purpose of section 3503 of title 5, United States Code.

(2) Retention of status, tenure, pay.—Each employee transferred under this subsection shall be guaranteed a position with the same status, tenure, and pay as that held on the day immediately preceding the transfer. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation during the 6-month period beginning on the date of the transfer, except for cause.

(3) Appointment authority.—

(A) In general.—Subject to subparagraph (B), in the case of any employee transferred under this subsection who occupies a position in the excepted service or the Senior Executive Service, any appointment authority established pursuant to law or regulations of the Office of Personnel Management for filling such a position shall be transferred.

(B) Decline.—The head of the appropriate agency may decline a transfer of an employee described in subparagraph (A) to the extent that the authority transferred to the appropriate agency relates to positions excepted from the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(4) Reorganization.—If the head of the appropriate agency determines, after the end of the 1-year period beginning on the date on which the transfer of functions to the appropriate agency under this section is completed, that a reorganization of the combined work-force is required, that reorganization shall be deemed a "major reorganization" for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(5) Employee benefit programs.—

(A) In general.—Any employee accepting employment as a result of a transfer under this subsection may retain, during the 1-year period beginning on the date on which that transfer occurs, membership in any employee benefit program of the Board, including insurance, to which such employee belongs on the effective date of the amendments made by section 2 if—

(i) the employee does not elect to give up the benefit or membership in the program; and

(ii) the benefit or program is continued by the head of the appropriate agency, as applicable.

(B) Costs.—The difference in the costs between the benefits that would have been provided by such agency or entity and those provided by this section shall be paid by the head of the appropriate agency, as applicable. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by the head of the appropriate agency the employee shall be permitted to select an alternate Federal health insurance program within 30 days of such election or notice, without regard to any other regularly scheduled open season.

(6) Insurance.—Any employee employed by the head of the appropriate agency as a result of a transfer under this subsection may retain membership in any employee benefit program of the Board, including insurance, that such employee has on the day before the effective date of the amendments made by section 2, if the employee does not elect to give up such membership and the benefit or program is continued by the head of the appropriate agency, as applicable.

(7) Notice.—Each employee transferred under this subsection shall receive notice of the position assignment of that employee not later than 60 days after the effective date of that transfer.

By Ms. COLLINS (for herself and Ms. Snowe):

S. 1988. A bill to provide for the release of interests of the United States in certain real property located in Augusta, Maine; to the Committee on Armed Services.

KENNEBEC ARSENAL LEGISLATION

Ms. COLLINS. Mr. President, along with my colleague, the senior Senator from Maine, I am pleased today to introduce legislation that would bring about the release of certain interests of the United States in property that the Federal Government conveyed to the State of Maine more than 90 years ago. The property in question, which is situated on a bluff overlooking the Kennebec River in Augusta, Maine, is known as the Kennebec Arsenal.

In 1905, the Secretary of the Army, acting pursuant to a Congressional mandate, executed a deed transferring the property to Maine. That conveyance was subject to the conditions that the property be used for what was then called the Maine Insane Hospital and that the United States could take possession should the President determine that the country had a need for it. In 1980, Congress provided that the first condition be broadened to allow the property to be used for any public purpose. Today, I seek to complete the transfer process through legislation that would effectively eliminate the conditions attached to the conveyance.

Mr. President, the property is no longer needed for it former purposes, and my bill would set in motion a chain of events that would allow for new uses that would benefit not only the City of Augusta and the State of Maine but our entire country. With the exception of the Kennebec Arsenal, virtually all of the great arsenals of the nineteenth century have been demolished or so completely altered that their original appearance has been lost. The new uses contemplated by Maine would raise money needed for repairs that would maintain what historic preservation experts have described as the most perfectly intact of the nineteenth century arsenals.

To be more specific, the State of Maine and City of Augusta plan to form a nonprofit corporation to oversee the property. That corporation would seek out private parties interested in using the land and buildings for such purposes as a marina, a museum, and a restaurant. Those parties would provide the capital for infrastructure development that would likely include sidewalks, streets, water, sewer and other utility service, and landscaping. In addition, the Arsenal's retaining wall needs repair, and a marina cannot be established without substantial dredging of the river.

The objective of my bill is to open the way for these improvements and new uses by eliminating any reversionary interests of the United States. The existence of such interests is a barrier to the private sector making the long-term commitments required to fund the improvements. In other words, Maine needs clear title for this plan to go forward.

Mr. President, the Kennebec Arsenal occupies an important place in the history of Maine and the nation. It was established in 1827 to deal with the threat of invasion from Great Britain, either from across the sea or from Canada to the north. The possibility of such an invasion was seen as a major threat to American security during the first half of the nineteenth century.

Much of the tension with the British stemmed from our disputed border with Canada, and in the late 1830's that dispute nearly blossomed into a full-scale war. While the so-called bloodless Aroostook War proved to be more talk than action, it caused a flurry of activity at the Kennebec Arsenal, with newly fabricated munitions sent there in anticipation of full-scale fighting. Fortunately, cooler heads and the arrival of the spring planting season brought the parties to the negotiating table.

During the Mexican War, rockets and fixed ammunition were manufactured at the Arsenal and shipped to the front. During the Civil War, the post became an important depot of military stores. Indeed, a fear that Confederate guerrillas based in Canada would seek to burn the Arsenal led to the stationing of extra guards there, but despite the approach late one dark night of an unidentified boat, nothing came of this concern. During the latter half of the century, the Arsenal's importance declined, and in 1901, the Army posted an order for its abandonment. That process culminated in the legislation signed by President Theodore Roosevelt providing for the transfer of the property to the State for use as a hospital to serve the mentally ill.

Mr. President, I have offered this greatly abbreviated history of the Kennebec Arsenal to demonstrate the value of finding uses for the property that will guarantee its permanent preservation. That is the goal of the State of Maine and the City of Augusta, and this legislation will remove an anachronistic obstacle to the realization of that goal.

I thank you, Mr. President, and I hope to have your support for this very important legislation when it comes before the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 1286

At the request of Mr. JEFFORDS, the name of the Senator from North Carolina (Mr. FAIRCLOTH) was added as a cosponsor of S. 1286, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain amounts received as scholarships by an individual under the National Health Corps Scholarship Program.

S. 1360

At the request of Mr. ABRAHAM, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1360, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify and improve the requirements for the development of an automated entry-exit control system, to enhance land border control and enforcement, and for other purposes.

S. 1649

At the request of Mr. FORD, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1649, a bill to exempt disabled individuals from being required to enroll with a managed care entity under the medicaid program.

S. 1724

At the request of Mr. DEWINE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1724, a bill to amend the Internal Revenue Code of 1986 to repeal the information reporting requirement relating to the Hope Scholarship and Lifetime Learning Credits imposed on educational institutions and certain other trades and businesses.

S. 1930

At the request of Mr. NICKLES, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1930, a bill to provide certainty for, reduce administrative and compliance burdens associated with, and streamline and improve the collection of royalties from Federal and outer continental shelf oil and gas leases, and for other purposes.

SENATE RESOLUTION 188

At the request of Mr. MOYNIHAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of Senate Resolution 188, a resolution expressing the sense of the Senate regarding Israeli membership in a United Nations regional group.

SENATE RESOLUTION 201

At the request of Mr. KEMPTHORNE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of Senate Resolution 201, a resolution to commemorate and acknowledge the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

SENATE CONCURRENT RESOLUTION 91—RELATIVE TO A POSTAGE STAMP

Mr. WARNER (for himself, Mr. ROBB, and Mr. GRAHAM) submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 91

Whereas 1999 marks the 200th anniversary of the death of George Washington;

Whereas George Washington's extraordinary virtue commanded the respect of America's early leaders, who called on him to preside over the framing of the Constitution;

Whereas George Washington was an indispensable figure in the founding of our Nation, and served as our country's first commander in chief and President with unparalleled distinction;

Whereas all Americans remain indebted to George Washington for the liberties we enjoy today;

Whereas the death of George Washington on December 14, 1799, marked the first instance of national mourning in this country;

Whereas George Washington's tremendous accomplishments over the course of a remarkable lifetime are studied and admired in this Nation and around the world; and

Whereas issuing a postage stamp to honor the life and contributions of George Washington, "The Father of Our Country", is proper and fitting: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) a postage stamp should be issued by the United States Postal Service to commemorate the life of George Washington and his contributions to the Nation; and

(2) the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a postage stamp be issued.

Mr. WARNER. Mr. President, I rise today to submit legislation to honor one of the greatest men in American history. Many of my esteemed colleagues have joined me in a resolution paying tribute to the life of George Washington. However, I believe the year 1999, the bicentennial of Washington's death, may be further consecrated. Therefore, I am introducing a Sense of the Senate Resolution calling upon the Citizen's Stamp Advisory Committee to issue a stamp which celebrates the leadership and courage possessed by Washington.

The life of this great patriot is an extraordinary parable of nationalism and a belief in the power of a republican form of government. Upon emerging victorious in the Revolutionary War, General Washington laid aside the instruments of destruction to craft a young nation. Discarding any intimations of personal glory, Washington spurned the title of Monarch and instead chose to model the new country on the ancient principles of democracy. He was truly a "First among Equals". Washington was very much aware of the momentous nature of the first presidential term for our emerging democracy. He wrote,

> I walk on untrodden ground. There is scarcely any part of my conduct which may not hereafter be drawn into precedent.

We must, as a Nation, recognize the value of responsibility. Washington shouldered the responsibility of his two terms in office with grace and dignity, ever aware that he would be an example for countries around the world for time eternal. Through a heightened cognizance of the actions and beliefs of Washington, we can convey the true meaning of service to our Nation. I ask my colleagues what better way to honor such a man, than to devote a year to honoring his life. In this pursuit, it is fitting to request that a George Washington stamp be issued in 1999. Let us reflect upon the tradition of character of our Nation, inaugurated by our first President. Washington will remain, "First in War, first in Peace, and first in the hearts of his Countrymen." I look forward to the swift passage of this legislation.

Mr. ROBB. Mr. President, I rise today to join the Senior Senator from Virginia, Mr. WARNER, in submitting a concurrent resolution expressing the sense of the Senate that the Citizens' Stamp Advisory Committee examine issuing a stamp to commemorate the 200th anniversary of the death of our first President, George Washington.

I hardly need to expound on the legacy George Washington has provided our nation—his courageous leadership through the Revolutionary War, his vision as our first President, and his personal example as a citizen.

I recently joined Senator WARNER and Senator GRAHAM in introducing a resolution, S. Con. Res. 83, calling on the country to commemorate the 200th anniversary of Washington's death with ceremonies and activities that explore the life and legacy of George Washington. Given the formative influence of this distinguished man on our nation, I also believe it is appropriate to ask the Citizens' Stamp Advisory Committee to authorize a stamp in honor of the historic anniversary of President Washington's passing. I encourage all of my colleagues to become cosponsors of this resolution so that we can send a clear message to the Committee and our fellow citizens about the importance we place upon President Washington's legacy.

SENATE RESOLUTION 216—EXPRESSING THE SENSE OF THE SENATE REGARDING JAPAN'S DIFFICULT ECONOMIC CONDITION

Mr. LIEBERMAN (for himself, Mr. LUGAR, Mr. GRAHAM, Mr. BROWNBACK, Mr. BINGAMAN, and Mr. ROCKEFELLER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 216

Whereas the United States and Japan share common goals of peace, stability, democracy, and economic prosperity in the Asia-Pacific Region;

Whereas the current economic crisis in the Asia-Pacific Region represents a new challenge to United States-Japan cooperation to achieve these common goals;

Whereas the Japanese economy, the second largest in the world, has been growing a little over 1 percent annually since 1991 and most forecasts suggest that Japan is unlikely to experience any significant growth in the near future;

Whereas Japan's is the second largest trading partner of the United States and accounts for 11 percent of our total foreign trade;

Whereas Japan accounts for over 70 percent of the Asia-Pacific Region's gross domestic product and therefore has a particular interest in the stability of the Region's economic and financial system;

Whereas a strong United States-Japan alliance is critical to American forward engagement and stability in the Asia-Pacific Region;

Whereas the importance of the United States-Japan alliance was reaffirmed by the President of the United States and the Prime Minister of Japan in the April 1996 Joint Security Declaration;

Whereas United States-Japan bilateral military cooperation was enhanced with the revision of the United States-Japan Guidelines for Defense Cooperation in 1997;

Whereas Japan's failure to contribute to the Region's recovery from the current economic crisis or failure to prevent a further contraction of the Japanese economy could undermine regional stability, cause a setback in the close United States-Japan bilateral security cooperation achieved over the past 3 years, and increase Japan's bilateral and global trade surplus;

Whereas the low level of foreign direct investment in Japan, at less than 1 percent of Japan's gross domestic product compared to foreign direct investment in the United States of over 8 percent of the United States gross domestic product, contributes to large external trade imbalances and impedes market access for competitive foreign firms and products;

Whereas the United States bilateral trade deficit with Japan increased from $48,000,000,000 in 1996 to $56,000,000,000 in 1997 and has recently increased from $4,000,000,000 in January of 1998 to $5,300,000,000 in February of 1998;

Whereas the recent weakness in the yen, following a more than 20 percent depreciation of the yen against the dollar over the last few years, has placed competitive price pressures on United States industries and workers;

Whereas a period of deflation in Japan would lead to lower demand for United States products;

Whereas the estimated $574,000,000,000 of problem loans in Japan's banking sector has the potential to threaten the recovery of the Asia-Pacific Region and could destabilize global capital markets;

Whereas the unnecessary and burdensome regulation of the Japanese market constrains Japanese economic growth, raises the costs to business and consumers, lowers the standard of living, and impedes imports;

Whereas the United States strongly encourages Japan to pursue a domestic demand-led economic recovery and thereby prevent further increases in Japan's external trade surplus;

Whereas the Japanese Government has responded to the Asia-Pacific Region's economic crisis with financial commitments of approximately $19,000,000,000 to the International Monetary Fund; and

Whereas the United States appreciates Japan's efforts to stimulate its economy with the recently announced package of 16,000,000,000,000 yen that includes 4,500,000,000,000 yen in tax cuts and 11,500,000,000,000 yen in government spending: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the American people and the countries in the Asia-Pacific Region are looking for a demonstration of Japanese leadership and close United States-Japan cooperation in resolving the current crisis;

(2) encouraging the strengthening of the Japanese economy should be one of the Administration's central priorities in all its bilateral and multilateral discussions with Japan;

(3) every effort possible should be made to ensure that all other negotiating objectives are consistent with the overall goal of promoting economic growth in Japan, improving market access to Japan, and restoring stability to international financial markets;

(4) the President should continue to voice his serious concern about the economic situation in Japan, the international, regional, and bilateral implications of the situation, and the need to address significant structural impediments to competition in the Japanese markets, in order to restore confidence in the Japanese economy and contribute to the Asia-Pacific Region's political stability and economic recovery;

(5) the President, the Attorney General, the Secretary of the Treasury, and the United States Trade Representative should emphasize the importance of financial deregulation, including banking reform, market deregulation, and restructuring bad bank debt;

(6) the President, the Secretary of the Treasury, the United States Trade Representative, and the Secretary of Commerce should press vigorously for comprehensive and urgent deregulation and fundamental structural reform of the Japanese economy and sectoral markets, liberalization of the distribution system, and elimination of nontariff barriers and anticompetitive business practices that restrict the free flow of competitive goods and services, in order to increase market efficiencies and enhance competition, lower prices, improve market access, and redress global trade imbalances;

(7) the President, the United States Trade Representative, the Secretary of Commerce, and the Attorney General should continue to press for—

(A) increased antitrust enforcement by the Japan Fair Trade Commission, and

(B) strengthening of the Antimonopoly Act to eliminate private practices that restrict competition;

(8) the President, the Secretary of the Treasury, the United States Trade Representative, the Secretary of Commerce, and the Secretary of State should urge the Government of Japan to open the Japanese market to increased foreign direct investment and eliminate barriers to foreign direct investment in order to increase the competitiveness of the Japanese economy and stimulate investment and consumer spending; and

(9) restoring economic growth in Japan and stability in international financial markets should be given the highest attention at the upcoming meeting of the G–7 countries that will be held in Birmingham, England.

Mr. LIEBERMAN. Mr. President, I rise today to offer a bipartisan resolution expressing the sense of the Senate regarding Japan's difficult current economic condition.

I am privileged to do so on behalf of my original cosponsors, Senators

LUGAR, GRAHAM, BROWNBACK, BINGAMAN, and ROCKEFELLER.

Mr. President, for the last 46 years almost to the day—since April of 1952, when the American occupation of Japan ended and immediately our two Nations entered into a security agreement—the United States and Japan have shared the common goals of peace, stability, democracy and prosperity in the Asia-Pacific region and throughout the world.

The fact is that Japan has been our most critical strategic ally and our most important economic partner in the region. We have worked together to bring unprecedented prosperity and security to our people's through mutual understanding and cooperation. The importance of the United States-Japan alliance was reaffirmed by President Clinton and Prime Minister Hashimoto in the April 1996 Joint Security Declaration and the United States-Japan bilateral military cooperation critical to our security in the Asia-pacific region. It was enhanced with the revision and promulgation of the United States-Japan Guidelines for Defense Cooperation in 1997.

Japan is our second largest trading partner—not in Asia but in the world—and a huge and growing consumer of American goods and services. Japan imported $65.6 billion of American goods in 1997, third only to our neighbors to the north and south, Canada and Mexico. That figure has increased 37 percent from 1992 to 1997. In addition, Japan has played an important role in the current Asian financial crisis with financial commitments of approximately $19 billion through the International Monetary Fund, while we, as the news indicates today, have trouble coming up with a comparable amount authorized by members of Congress.

However, the current economic crisis in Japan is real and represents a new and serious challenge to United States-Japan cooperation to achieve the common goals of economic prosperity and national security. We must not allow this extraordinary bilateral relationship to falter at this critical time, but, rather, we should do everything in our power to support the people of Japan and encourage the Government of Japan to implement new policies that will promote strong and sustained economic recovery.

In less than a decade, Japan's economy has slowed so much that pundits have coined the phrase "passing Japan," meaning that many in the world now look past Japan and toward its continental neighbor, China, as the economic engine for Asia. But I take these observations to be premature. Japan retains enormous long-term economic strength but, nonetheless, has some very serious immediate economic problems which cannot be ignored. Experts believe that Japan's economy will be stagnant or shrink this year; real industrial output was down 3 percent for the first 2 months of this year. Unemployment, while still low by world standards and American standards, is at approximately 3.6 percent, which is a 45-year high in Japan, in a society that, incidentally, lacks the kind of social safety nets that we have built in our country. The Nikkei Index is hovering around 15,000, near its lowest level in 10 years; bad and doubtful bank debts are estimated at an astounding $574 billion; the Asian crisis has dried up an important source of trade and corporate earnings for the Japanese economy—that is, the regional crisis—and the Bank of Japan's most recent Tankan survey showed Japanese business outlook for the future to be gloomy.

At least so far, we have been fortunate that the fallout on our economy from Japan's economic woes, as well as the collapse of the other troubled Asian economies, has been minimal. That is another way of validating the enormous resilience and strength in the American economy. Nonetheless, we have had serious and real early warning signs. In the trade figures announced last week, we see evidence that Japan's economic troubles are starting to have a direct impact on us here in the United States. If Japan's economy continues to deteriorate, there is good reason to believe that it will affect our ability to create jobs and to sustain current GDP growth.

Today, my colleagues and I introduce this resolution to express to our President and to the Government of Japan that the Congress of the United States is deeply concerned about Japan's poor economic performance and the pressure it is putting on our overall bilateral relationship. It is widely agreed among economists throughout the world, including most that I have read about in Japan, that more than a quick-fix fiscal stimulus is needed to address the underlying problems that are now being seen in the Japanese economy.

In that regard, I was very encouraged to see that earlier today Prime Minister Hashimoto announced a more long-term approach to restoring economic growth in Japan than had previously been presented by his government. Along with the details of the Japanese Government's $123 billion stimulus package, the Prime Minister announced today that he would delay by 2 years his self-imposed deadline to balance the national budget. That is a significant change. This will provide the opportunity for Mr. Hashimoto to make his proposed income and targeted tax cuts permanent. And I believe this is the right policy and will help lead Japan out of its current economic troubles.

The resolution that we submit today also calls for a number of fundamental economic reforms in Japan—deregulation of the Japanese economy, improvement of market access, and enforcement of fair trade. These are all actions which should increase the competitiveness of the Japanese markets and of Japanese companies and provide greater opportunities for investment in Japan and for the success of individual entrepreneurs within that country.

Finally, the resolution describes the implications of the weakening Japanese yen which could lead to another round of competitive currency devaluations throughout the region. Of particular concern is the effect of the weak yen on the Chinese yuan. Further devaluation of the yen could lead to a devaluation of the yuan, an event with significant ramifications of the regional, global and, therefore, of course, American economies.

For economic, political and strategic reasons, we must support and encourage economic reform in Japan. It is absolutely necessary. In the end, a more open and healthly Japanese economy is in the interest of the Japanese and American people. The sooner Japan recovers from its economic problems, the sooner the United States, Japan, and the world will reap the benefits of a stable and growing Asian-Pacific region.

As we express our concerns about Japan's current economic difficulties, we must also remember the very significant economic strengths that Japan has. It is the second largest economy in the world, second only to ours, and maintains enormous human and capital assets. The fact is that one of this century's most dramatic stories is Japan's rise to economic superpower status, achieved by a citizenry dedicated to education, hard work, and fiscal responsibility. Japan is the most literate society in the world, and 94 percent of the population completes high school. The Japanese save more than any other people in the world. I know some critics may argue that too much savings is not good for the economy, but the point I want to make here is that in Japan saving is a virtue, as it was for a large parts of our own history. We lost that truth for a period of time and, fortunately, we are now recovering it, saving in larger numbers again, and that is part of the reason why our economy is doing so much better today.

Japan also maintains huge foreign reserves and continues to be a major contributor to international organizations. Unlike the United States, Japan is a net creditor nation. Simply put, Japan's potential for the 21st century continues to be very bright. Its strategic importance to the United States continues to be critical. Long into the next century, Japan will remain our economic trading partner and strategic ally, sharing our goals of regional and world prosperity and peace.

Given the significance of the current crisis in Japan and the importance of

Congress making its voice heard on this crisis, I urge my colleagues to review and hopefully support this bipartisan resolution.

Mr. ROCKEFELLER. Mr. President, as someone who has had a tremendous interest in Japan throughout my life, I have gained a great deal by maintaining direct and meaningful contact with Japan as a country, a people and a fascinating culture since my days as a student there in the 1950s. And although it is tested constantly, I truly believe the relationship between Japan and the United States continues to be strong. It is a relationship based on shared interests in democracy and the market economy, as well as mutual respect and fundamental friendship. It is from that perspective—as a friend of the Japanese people—that I feel it is so important to introduce this resolution today with my esteemed colleagues.

It was not very long ago that Americans were up in arms about the trade deficit and Japan in particular—blaming the Japanese and other foreign countries bitterly for plant closings, job losses and our long list of economic ills. It was a very difficult time for our relationship with Japan, and a very difficult time for America as we struggled to get our own economic house in order.

It was, however, also a cathartic time that I think was both inevitable and ultimately healthy for both countries.

During that time, the United States was going through its own banking difficulties with the S&L scandals that saw many of our banks close their doors. Unemployment was way up and wages were stagnating. Our federal deficit was exploding and our national debt was climbing into the trillions. And corporations, many of which had traditionally employed their workers throughout their lifetime, were shedding employees by the thousands.

The pressure to change intensified, as the American people watched our edge in certain industries and technologies slip and our people's anxieties and personal pain grow. The pressures strained our political system. In a nation of great diversity, ideas were born and rejected, consensus embraced, then rejected. While the U.S. still has plenty of room for improvement, I think there would be a large consensus that would agree that the United States has effectively tackled many of our "structural problems"—the ones that Japan was right to point out to us so often.

Today, Japan faces a similar crisis. A creeping economic crisis that has profound and dangerous implications for all of Asia, and the world. At stake, in my opinion, is Japan's leadership in the world and the stabilization of the Asian economies. This world and the United States cannot move forward successfully, without Japan's leadership.

I feel so strongly about this and that is why this resolution is so very important. It is not to speak harshly of Japan, but to push for an honest, frank discussion, among friends, to talk about the very serious issues facing Japan that could lead to problems around the world.

I would remind my colleagues that this crisis is not a recent phenomenon. For more than six years, we have had warnings of problems on the horizon. Many Japanese have told me the biggest mistake that Japan could make would be to continue to delay action and postpone reform. One of the things I and many Japan watchers worry about is that because of Japan's strong financial reserves, they will somehow get through this crisis, and there will be those who say, "see everything is OK. The system works fine;" that Japan will get through this crisis without learning anything from it.

By turning inward and ignoring the need for change, at the moment that Japan is challenged to lead, Japan risks abdicating its long term global and regional security and economic responsibilities to emerging powers like China or even India. This has serious implications for the United States, as well.

In terms of Japan, it is hard to not believe that Japan will once again face the problems that require action, and come out stronger as a result. The Japanese know more than anyone that many so-called "Japan watchers" in the United States and elsewhere are more pessimistic—saying that the talk in Japan of reform, adjustment, and stimulating the economy from within is not real. But when I think of Japan's history and what Japan's leaders in government and business know about economic success, I still personally choose to be more optimistic.

I recall 1973, with the oil shock and the end of the Bretton Woods system, when it led the Japanese to a national commitment to reduce energy consumption and to increase energy efficiency. The overall effect on Japan as a whole was dramatic and impressive.

Again, in 1985, with the Plaza Accord, when the yen began its dramatic strengthening—resulting in a commitment from Japanese industry to become much more efficient and squeeze out enormous waste and costs. The result was an incredibly competitive manufacturing machine.

Now it is 1998, when the problems of other Asian countries require plans for international bail-outs and very harsh measures. President Clinton has called on Japan to become the engine of growth and recovery in Asia. I agree with him and encourage him to continue pushing Japan. Frankly put, Japan's future depends on a prosperous Asia and world. And America's future does as well.

But, we also need to be realistic about what can and cannot work in Japan. American or European solutions to problems will not necessarily work there. If Japan is to lead Asia out of this crisis, Japan needs to move more quickly to recognize the extent of this problem and to find the uniquely Japanese solutions to them. But, only Japan can chart Japan's future.

Japan needs to continue to work toward the reforms in their regulatory system which Prime Minister Hashimoto has begun. While there has been some small movement on this front, still, many more regulations remain that are a strait jacket on competition and free commerce. Telecommunications, housing and distribution are all sectors ripe for deregulation.

In a similar vein, opening Japanese markets to more products, particularly products from Asia, is critical to the Asian recovery. This won't be easy—and that's where leadership comes in—especially as Japan itself struggles to regain its balance. Open markets, over the long term, will position Japan to become the leader of a reborn Asian miracle.

One extremely important foundation in a Japanese recovery, and in promoting Japanese economic leadership in an Asian recovery, is the fostering of a new pluralism of ideas in their political system. Every nation goes through times of introspection. America often does. Certainly, a national dialogue in Japan on this crisis and how to emerge from it stronger than ever, can't hurt. And efforts to institute significant political reform here should not be slowed. Diet Members, as the most direct representatives of their districts, need to become actively engaged in finding solutions. At all levels of government, accountability is key. Ministers need to have the power to lead their departments, and become responsible for their success and failure. Bureaucrats need to take orders, as easily as they give them.

Over and over again, my Japanese friends point to the fact that Ministry of Finance and its bureaucracy has a far greater influence on policy than is appropriate and prudent in a parliamentary democracy. This has been said to me by Japanese time and time again over a number of years. It would seem to me, and not to be idealistic here, that the ministry ought to reflect the views of the Prime Minister and those elected to represent the people, and not the reverse. In our country this is a subject of extensive discussion and complaint by people who care about Japan. Accountability in a democracy is paramount.

Why should it be that when I meet the Minister of Finance, or any Minister for that matter, that I know that I'm not speaking to the person who makes the decisions? How can that be in a democracy? In Great Britain they share Japan's Parliamentary system, but their cabinet agencies reflect the views of the Prime Minister and the people who elect the parliament, and they run the agency. Of course the Ministers consult with the bureaucrats, but they are held accountable for reflecting the Prime Minister's views and the national will. Unfortunately, that can't be said about today's Japan.

I also find it ironic that the political reforms, such as single delegate districts, that were supposed to open up Japan's democracy and decision making, have not brought about the fundamental change in the system that everyone expected. The lack of a strong multi-party system, with a strong and viable opposition party remains a barrier to reform and serves as a wall through which ideas and change cannot penetrate.

Just as Americans still have much to learn from Japan's successes, my point must also be to emphasize that we are affected by how Japan handles the challenges now posed by the weaker parts of their economy. Our relationship is not just a matter of the ties between our leaders, the tremendously important military alliance we share or the many forms of business and investment we transact between one another. We are increasingly connected through currencies, our banking systems and loan policies, the value of stocks, and whether Japan puts too much emphasis on exporting its way out of the problems rather than internal measures. We in the U.S. hope that our economic condition will insulate ourselves from the downturns in Asia. But we have to worry about markets shrinking for our products and especially any growth in our sizable trade deficit with Japan.

My biggest fear is that if the Asian crisis remains unchecked, and average Americans begin to feel the impact of the succeeding market collapses on their incomes, they will begin to question Japan's national resolve and political will to deal with these problems. I especially don't want to see any further reasons for Americans to turn within or fear an active role in world trade. Throughout my political career, I have pushed very hard in my state of West Virginia for open markets, a global economy and fought against the forces of isolation and protectionism. Competition has served both my state and my country, and they will Japan as well.

So, the actions Japan takes, or does not take, will affect America, as surely as they will their neighbors in Asia.

I hope both our nations' leaders will continue to place the utmost importance on the U.S.-Japan relationship. Its strength is the basis for honesty with one another, for the ability to address problems together, and to pursue regional and shared objectives. We also must maintain and nurture this strength, which especially requires us to appreciate the role that our economies have on one another—because of their effect on our people and our sense of ourselves as nations. And this is a time when steps are more urgently required to ensure progress and prevent any kind of setback. I pledge to do my part in continuing to promote the importance and the potential of a strong, close U.S.-Japan relationship at all levels.

ADDITIONAL STATEMENTS

COMMEMORATION OF THE ARMENIAN GENOCIDE

• Mrs. FEINSTEIN. Mr. President, I rise today as I and a number of my colleagues do every year to mark and remember a dark day in human history: The beginning of the systematic extermination of 1.5 million Armenian men, women, and children.

On April 24, 1915—eighty-three years ago—the Ottoman Empire launched a brutal and unconscionable policy of mass murder. Over an eight year period, 1.5 million Armenians were killed, and another 500,000 were driven from their homes, their land and property confiscated.

As we remember the dark past of the Armenian people, however, our act of remembrance also offers the opportunity to celebrate hope and the resilience of the human spirit. Today, the people of Armenia can look to a promising future, as they continue to work for democracy and peace in their homeland.

The Armenian genocide was the first genocide of the twentieth century, an appalling precursor to events in Nazi Germany, Soviet Russia, Cambodia, Bosnia and Central Africa, as well as too numerous other places. As we mark this day of remembrance, people of conscience around the world must redouble our commitment to fight for human dignity and freedom, and vow to never again allow genocide to occur.•

THE ARMENIAN GENOCIDE

• Mr. D'AMATO. Mr. President, April 24th is the day we remember the horrors inflicted upon the Armenians in Turkey during World War I and afterward. Today, we express our solidarity with Armenians everywhere, and reflect upon the meaning of their suffering and sacrifice. We mourn the dead, and express our condolences to their living descendants. During that terrible tragedy, about 1.5 million people were killed.

The massacres and deportations of the Armenians during that period were a forerunner of subsequent horrors perpetrated against other peoples. The Armenians were the first victims of genocide in this century, when civilian populations, defined by ethnicity, race or religion, have been targeted by soldiers or paramilitary groups, and in some cases, by sovereign states using all their instruments of military power to destroy a people.

We mark this day so as never to forget what happened, and to strengthen our conviction to prevent any recurrences in the future. Not only against Armenians, but against any people.

During and after World War I, Armenians did not have a state of their own. Today, independent Armenia defends Armenians everywhere, and they, in turn, protect the interests of their ancient homeland. Armenia is a country of great promise, despite its many troubles. We fervently hope that the efforts of the Organization for Security and Cooperation in Europe's Minsk Group will be successful and the Nagorno-Karabakh conflict will be resolved peacefully. We pray that we may see a prosperous Armenia living in peace with all its neighbors, continuing to teach the world lessons, as a light unto the nations.•

THE 83RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

• Mr. SARBANES. Mr. President, I rise to join my colleagues in commemorating the 83rd anniversary of the Armenian genocide, which consumed the lives of one and a half million men, women and children. Today, as we remember the sacrifice of the Armenian people, we honor them by renewing our commitment to protecting the fundamental rights and freedoms of all humanity.

It is imperative, Mr. President, that no nation or individual ever forget the injustices suffered by the Armenians in 1915. Perhaps the most prominent witness to the Armenian genocide was Henry Morgenthau, the U.S. Ambassador to Turkey at the time, who described the wide-scale and deliberate orchestration of atrocities against the Armenian people as "the Greatest Horror in History." He later wrote,

"Whatever crimes the most perverted instincts of the human mind can devise, and whatever refinements of persecutions and injustice the most debased imagination can conceive, became the daily misfortunes of this devoted people. I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915. The killing of the Armenian people was accompanied by the systematic destruction of churches, schools, libraries, treasures of art and of history in an attempt to eliminate all traces of a noble civilization some three thousand years old."

Ambassador Morgenthau's assessment of the great tragedy was consonant with public reporting at the time the events took place. Newspaper headlines in mid-1915 heralded, "More Armenian Massacres," "Armenian Horrors Grow," "Tales of Armenian Horrors Confirmed," "800,000 Armenians Counted Destroyed," "Spare Armenians, Pope Asks Sultan." On July 16, 1915, Morgenthau sent the following message by telegraph to the Secretary of State:

"Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eyewitnesses it appears that a campaign of race extermination is in progress under pretext of reprisal against rebellion."

Other diplomats and consular officers substantiated the Ambassador's report of what was taking place. Abram Elkus, Morgenthau's successor, through his cables to the State Department confirmed his predecessor's assessment.

We must not allow a handful of revisionists to shake our resolve to prompt recognition and acceptance of responsibility for this well-documented historical event. Indeed, Morgenthau and other diplomats who witnessed and reported in great detail the enormous devastation of the Armenian community would be astonished to learn today that the abundant evidence they collected, much of which is held in our own National Archives, and the testimony of survivors who are still with us, have come under challenge. Despite the irrefutability of the documentation and testimony, including extensive accounts from survivors, witnesses, and historians, there are those who deny the past, blame the victims, and oppose reconciliation.

It is a tribute to the indomitable spirit of the Armenian people that, after enduring centuries of oppression, they have reestablished a free and independent state that is making new strides toward democracy and economic revitalization. In its short existence, the Republic of Armenia has survived the earthquake of 1988, the dissolution of the Soviet Union and a blockade by its neighbors. The spirit of the Armenian people is reflected not only in their dedication to rebuilding a nation from the ashes of totalitarianism, but also in the strength and vibrancy of the Armenian-American community. Americans of Armenian origin have successfully contributed to the cultural, social, economic, and political life of this country while preserving the rich faith and cultural traditions of their forebears. Clearly, the spirit of the Armenian people continues to thrive.

Mr. President, to ensure that such a tragedy never be repeated it is incumbent upon us to remember the victims of the Armenian genocide and pay tribute to the survivors. Just as we have vowed never to forget the Nazi Holocaust, we must continually remind ourselves of the events of 1915. They became, after all, a precedent for Hitler, who rationalized his barbarism by asking, "Who remembers the Armenians?"

As citizens of a nation founded on the ideals of freedom and human dignity, we must educate ourselves about the events that constituted the Armenian genocide and renew our commitment never to remain indifferent in the face of such assaults on humanity. In the words of the great philosopher, George Santayana, "those who cannot remember the past are condemned to repeat it."●

COMMEMORATION OF THE ARMENIAN GENOCIDE

● Mr. REED. Mr. President, I rise to commemorate the 83rd anniversary of the Armenian Genocide.

Old and young around the world today remember the Armenian holocaust. We remember that on this date in 1915, the Ottoman Empire and the successor Turkish nationalist regime began a brutal policy of deportation and murder. Over the next eight years, 1.5 million Armenians would be massacred at the hands of the Turks and another 500,000 would have their property confiscated and be driven from their homeland.

Although it seems that the world stood silent while the Armenian population was devastated, a few witnesses did try to tell the terrible story. In 1919, Henry Morganthau, Sr., the American Ambassador to the Ottoman Empire, published a memoir which extensively detailed what he had seen and heard in Turkey during the previous six years. Of the events of the genocide, Ambassador Morgenthau wrote, "I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915."

Last August, I had the opportunity to visit Armenia and Nagorno Karabagh. I was able to see the treasures of that land firsthand and pay tribute to the indomitable spirit of the people of Armenia. One morning I toured the Genocide Monument and Museum in Yerevan and then stood by the eternal flame while a vocalist sang a haunting solo. It was the most moving moment of my visit.

My trip to the Transcaucasus made it clear that despite having already undergone such terrible persecution and hardship, the people of the Armenian Republic still suffer today. The economy is struggling and the area has still not recovered from the 1988 earthquake. The Karabagh conflict remains unresolved and Turkey continues to blockade humanitarian aid to Armenia.

However, the Armenian people remain resilient, hopeful, and an inspiration to others. In Armenia, they continue their quest for peace and democracy. Just last month, the residents of Armenia showed their commitment to democracy when they participated in the third presidential election since independence in 1991. In America, many communities, like those in my home state of Rhode Island, are enriched by the traditions of Armenians who have immigrated to our shores.

Because Armenia is a part of our world and persons of Armenian descent are members of our community, we must remain committed to always remember the Armenian genocide. As Peter Balakian, author of the critically acclaimed "Black Dog of Fate", wrote:

> Commemoration is an essential process for the bereaved and for the inheritors of the legacy of genocide. It is a process of making meaning out of unthinkable horror and loss. The burden of bereavement can be alleviated if shared and witnessed by a larger community. Only then can redemption, hope and community be achieved.

Menk panav chenk mornar.●

CONGRATULATIONS TO DUNWOODY HIGH STUDENTS

● Mr. COVERDELL. Mr. President, I rise today to congratulate Dunwoody High School students, Bakari Brock, Jennifer Campbell, Richard Cartwright, Michael Cayes, Carol Chandler, Melissa Chastnew, Zack Cullens, Melissa Derick, Kevin Franklin, Erin Green, Judy Hudgins, Rebecca Lamb, Dwayne O'Mard, Sandra Park, Andrea Pierce, Jennifer Price, Scot Prudhomme, Carlyn Sibler, Geren Stone, Dannon Taylor, David Weiner, David Yoo, and their teacher, Celeste Boemker, who will be traveling to Washington to represent our state in the "We the People . . . the Citizen and the Constitution Program" in early May.

As a strong proponent for the education of our nation's youth, it is with great pride that I hear of children from my home state to compete on a national level to test their knowledge of politics and the government of the United States. Students and teachers such as these, who have demonstrated exceptional leadership and intelligence, should be appropriately recognized. Therefore, Mr. President, I would like to take this opportunity to commend these students and wish them luck in their upcoming competition.●

EXPLANATION OF SELECTED VOTES TO THE SENATE BUDGET RESOLUTION

● Mr. ABRAHAM. Mr. President, now that the budget resolution has been adopted, I wanted to take a few moments to discuss several of the more important votes that took place.

The first of these was the Allard amendment to create a new point of order against future budgets that fail to eliminate the federal debt by the year 2028. Mr. President, I fully support reducing the size of the federal debt, and I am glad the pending resolution cuts the relative size of the debt by almost 20 percent over the next five years. On the other hand, the Allard amendment may require making payments on debt that is not actually due. A significant portion of the debt is held by foreign investors. It does not make sense to me to use American taxpayers' dollars to make early debt payments to foreign investors like the central banks of China, Japan, and Germany. I believe there are several priorities facing this Congress beyond reducing the federal debt, including reforming the Social Security system and improving our onerous tax code, and I do not support amendments that would tie Congress' hands with regard to these important reforms.

Two other amendments that require comment were the Kennedy and Murray amendments to increase funding in Function 500, the eduction and training function, while making across-the-board cuts to all other domestic discretionary accounts. Mr. President, the underlying budget resolution accomplishes two priorities with regard to education. First, it lives up to the budget agreement signed by both congressional leadership and the President just last year. That agreement targeted sufficient resources at federal education programs to fully fund the priorities of both the President and Congress. Second, this resolution adds to those agreed-to levels by increasing funding for important programs like IDEA and the Innovative Strategies State Grant program—programs that work by block-granting federal resources back to the states and local governments.

Mr. President, if we have learned anything regarding effective education policy, it is that building an ever larger federal presence in historically local- and state-controlled public schools simply doesn't work. The Senate budget recognizes this fact, while the Kennedy and Murray amendments ignore it. This budget increases federal education funding by $2.6 billion over the next five years at the same time that many budget areas are being cut. I believe this is a clear indication of the priority the Senate places on eduction issues.

Several other amendments were offered, including the Lautenberg, Wellstone, Dorgan, and Feingold amendments, which would have established so-called reserve funds for the creation of new mandatory spending programs. Mr. President, by definition, these amendments call for creating new, uncontrolled federal entitlement programs. Exactly what these programs would do, and how they would be funded, is left unclear. On the other hand, my position regarding new mandatory spending is extremely clear—until Congress takes the necessary steps to ensure the future solvency of our existing entitlements, including Social Security and Medicare, we should have the discipline to refrain from creating new programs which will endanger the solvency of existing programs and the federal government. For that reason, I opposed these reserve fund amendments.

The Kempthorne amendment regarding the Endangered Species Act also requires comment. Under the budget resolution, funds raised from selling surplus BLM lands were to be targeted at programs designed to protect endangered species. In my mind, Mr. President, this funding mechanism represents a win-win situation for everyone involved in protecting this nation's wildlife. First, by selling surplus lands, the federal government rids itself of the cost of managing lands for which it has no purpose. Second, the proceeds from these lands would go towards continued protection of endangered wildlife. During debate, Senator REID raised concerns that tying ESA funding solely to the sale of federal lands was not good policy. For this reason, I supported the Kempthorne amendment which addressed some of Senator REID's concerns by expanding the possible funding sources for Endangered Species Act enforcement.

Another important vote was the Bumpers amendment to increase the royalty on the net return on the profits from mining gold, silver and platinum and channeling those funds into IDEA. Mr. President, the underlying budget resolution takes a dramatic step towards increasing the funding for IDEA. This is a program that I fully support and look forward to continued increases in federal participation.

Nevertheless, I opposed this amendment because I do not believe the imposition of new taxes on the mining industry is the proper means of reforming our mining law. Hard rock mining is a capital intensive industry that has struggled in recent years despite the booming U.S. economy. The reason is simple—the costs of extracting these metals from U.S. soil is only slightly less than the market value of these metals. I believe there are better approaches for reforming our mining laws than simply raising taxes, and I look forward to working with Senator BUMPERS and other Senators to seeing those reforms take place.

Finally, Mr. President, I wanted to discuss the Domenici amendment regarding the recent ruling by the Veterans' Administration General Counsel to include some smoking-related illnesses in the qualified list of "service connected" diseases. Mr. President, I want to help veterans and their families, but it is my firm belief that such an increase in the federal government's liability should result only from an act of Congress, not a judge's ruling, and that Congress should only act with all the pertinent facts before it. For these reasons, I supported the Domenici amendment to require a year-long study of the merits of such claims. This study will enable Congress to avoid the current vacuum of knowledge that surrounds this issue and devise the best policy for our veterans. If the study supports these claims, then I will support expanding the current program to accommodate them.●

TRIBUTE TO UNIVERSITY OF UTAH ROTC CLASS OF 1944

● Mr. BENNETT. Mr. President, I rise today to pay tribute to the University of Utah ROTC Class of 1944 which responded to the call for active military duty during World War II. On May 2, 1998, at the University of Utah members of the ROTC Class of 1944 will hold a reunion commemorating the 55th anniversary of their activation into our national armed services. I believe it is fitting that we honor them today in the United States Senate.

The University of Utah Reserve Officer Training Corps (ROTC) was an unique organization. It was one of the few military units which were called into service during World War II from a specific community and which can return to that home area for a reunion. Most military units include individuals whose residences are scattered throughout the country. Through an Act of Congress in 1916, ROTC programs were established in higher education institutions across the country. Since that time, they have been an important part of this nation's civil defense—in times of war and peace—training generations of students for service to their country.

In the early 1940s, this class trained at the University of Utah with horse-drawn artillery working with an old French 77 millimeter cannon and with a 105 millimeter howitzer, new at the time. As a unit, this ROTC class was first assigned to Camp Roberts in California, for basic training in truck drawn artillery. Later they were assigned to Fort Sill, Oklahoma, for further training and ultimately received further schooling at the Infantry Officers School at Fort Benning, Georgia. After graduation from Fort Benning, these young men, whose average age at the time was slightly over 20, served as officers in various combat units in Italy, France and the South Pacific.

These were brave and honorable men, each one of them. Of the 99 who were called to active duty in 1943, two were killed in action while serving in the 10th Mountain Division in Italy. One was later killed in the Korean Conflict. Of the group's original 99 members, 71 are still alive. Today, I speak for all Utahns and all Americans when I say, we honor these brave men and pay tribute to them for their service and sacrifice for this great country. The Class of 1944's great tradition of discipline and leadership continues today as many of its members are respected professionals in the public and private sector as well as their own communities.

Finally, Mr. President, before I close, I want to thank Chris S. Metos of Salt Lake City, Utah, for the outstanding job he has done to help organize this upcoming reunion and for the many years of service he has provided to this country and to the people of the state of Utah.●

NATIONAL COUNTY GOVERNMENT WEEK, APRIL 19–25

● Mr. GRAMS. Mr. President, I rise today to salute the work of the 3,072 county governments nationwide, and in particular, the work of the 87 counties in my home state of Minnesota. Counties are often an invisible, but extremely important part of our intergovernmental system. County officials in my home state have also taken leadership roles in their national organization, namely Commissioner Randy Johnson, who chairs the Hennepin County Board of Commissioners and serves as the President of the National Association of Counties (NACo), and his colleague, Hennepin County Commissioner Peter McLaughlin, who chairs NACo's Large Urban County Caucus which represents the interests of the nation's 100 largest counties.

Counties can trace their roots to the English shire of a thousand years ago. Serving a dual function, the shire acted as the administrative arm of the national government as well as the citizen's local government. The structural form of the shire was adopted along the eastern seaboard of North America by the colonists and adapted to suit the diverse economic and geographic needs of each of the colonists.

Traditionally, counties performed state-mandated duties which included assessment of property, record keeping such as property and vital statistics, maintenance of rural roads, and administration of election and judicial functions. Today, counties are moving rapidly into other areas, undertaking programs relating to consumer protection, economic development, employment training, planning and zoning, and water quality, to name just a few.

This week, counties across the country are celebrating National County Government Week. This celebration is an annual event for counties. First held in 1991, the goal of National County Government Week is to raise public awareness and understanding about the roles and responsibilities of the nation's counties.

There have been activities at the national, state and local levels this week. More than 1,000 counties annually participate in National County Government Week by holding a variety of programs and events. These include tours of county facilities, presentations in schools, meetings with business and community leaders, recognition programs for volunteers, briefings on environmental projects, and adoption of proclamations.

There is a theme each year for National County Government Week. This year, the theme has been "Creating Sustainable Communities." Counties are being encouraged during National County Government Week to make their communities more livable by engaging their citizens in a process that promotes job growth and environmental stewardship.

I know that NACo has encouraged counties this week to hold a town meeting or launch a series of community-wide dialogues to solicit citizen participation to identify the community's most pressing issues and to establish a comprehensive vision for the future.

NACo has also suggested that counties develop a public participation strategy to identify and solve local problems that bring local government officials, business leaders, and community representatives together.

Counties have brought their citizens closer to their government by getting them to come to county facilities to learn about county services—or by going where the people are. Some counties this week held an open house at the county courthouse and administration building. They created displays by county departments showing what each department does. Employees were on hand to describe the services they provide and their responsibilities.

Some counties focused on their county's history as well. Local historical societies and libraries put together presentations or displays to inform citizens about the county's history.

Mr. President, I am pleased to rise today to support the efforts of our county governments throughout the country, and in particular, my home state of Minnesota. National County Government Week has been successful in attempting to raise public awareness of the good work of our nation's county governments and how they help improve the lives of their residents.●

MEASURES PLACED ON THE CALENDAR—H.R. 3565 AND S. 1985

Ms. COLLINS. Mr. President, I ask unanimous consent that two bills that are at the desk, H.R. 3565 and S. 1985, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR NOMINATIONS

Ms. COLLINS. Mr. President, as in executive session, I ask unanimous consent that on Monday, April 27, at 6 p.m., the Senate turn to the nomination of Scott Fleming, to be Assistant Secretary for Legislation at the Department of Education, and that the Senate proceed to an immediate vote on the confirmation of the nomination without intervening action or debate and that it be in order now to order the yeas and nays on the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Ms. COLLINS. I further ask unanimous consent that immediately following the confirmation, the Senate proceed to the following additional nominations, that they be confirmed, that the motions to reconsider be laid upon the table, and that the President be immediately notified of the Senate's action, and that the Senate resume consideration of the NATO treaty. Those nominations are: Garr King, of Oregon, to be a district judge in Oregon; Gregory Sleet, of Delaware, to be a district judge for Delaware; and Cherryl Thomas to be a member of the Railroad Retirement Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, APRIL 27, 1998

Ms. COLLINS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m., on Monday, April 27. I further ask unanimous consent that on Monday, immediately following the prayer, the routine requests through the morning hour be granted, and the Senate then proceed to 1 hour of morning business with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator THOMAS, 15 minutes; Senator FEINSTEIN, 20 minutes. I further ask unanimous consent that following morning business, at 12 noon the Senate proceed to executive session and begin debate on the NATO treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Ms. COLLINS. Mr. President, for the information of all Senators, the Senate will begin debate on the NATO treaty at 12 noon on Monday. At 6 p.m., the Senate will conduct a rollcall vote on the confirmation of Scott Fleming to be an Assistant Secretary at the Department of Education. It is the leader's hope that before and after that vote the Senate can conduct a vigorous debate on the NATO treaty and possibly have amendments offered during Monday's session of the Senate.

As previously ordered, the vote on the conference report to accompany the State Department reorganization legislation will occur on Tuesday at 2:25 p.m. And I announce to the membership that the vote scheduled for Monday, April 27, will occur at 6 p.m.

ADJOURNMENT UNTIL 11 A.M., MONDAY, APRIL 27, 1998

Ms. COLLINS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

Thereupon, the Senate, at 3:23 p.m., adjourned until Monday, April 27, 1998, at 11 a.m.

HOUSE OF REPRESENTATIVES—*Monday, April 27, 1998*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. NETHERCUTT).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 27, 1998.

I hereby designate the Honorable GEORGE R. NETHERCUTT, Jr., to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

Let us pray using the words of Psalm 100.

Make a joyful noise to the Lord, all the lands. Serve the Lord with gladness. Come into his presence with singing. Know that the Lord is God. It is he that made us, and we are his. We are his people, and the sheep of his pasture. Enter his gates with thanksgiving, and his courts with praise. Give thanks to him, bless his name. For the Lord is good, his steadfast love endures forever, and his faithfulness to all generations. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. MILLER) come forward and lead the House in the Pledge of Allegiance.

Mr. MILLER of California led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate passed a concurrent resolution of the following title, in which concurrence of the House is requested:

S. Con. Res. 90. Concurrent resolution to acknowledge the Historic Northern Ireland Peace Agreement.

The message also announced that the Secretary of the Senate is directed to request the House to return to the Senate the official papers on S. 414, "An Act to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States exports, and for other purposes," and upon return of the official papers from the House, the Secretary of the Senate is directed to make the following change in the text of the bill, viz:

In the amendment of section 8(f) of the Shipping Act of 1984 by section 106(e) of the bill, insert a comma and "including limitations of liability for cargo loss or damage," after "practices".

The message also announced that pursuant to Public Law 105–92, the Chair, on behalf of the Majority Leader, appoints John David Davenport, of Oklahoma, as a participant in the 1998 National Summit on Retirement Income Savings, to fill the existing vacancy thereon.

APPOINTMENT AS MEMBERS TO THE MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of 22 U.S.C. 276h, the Chair announces the Speaker's appointment of the following Members of the House to the Mexico-United States Interparliamentary Group:

Mr. KOLBE of Arizona, Chairman, and

Mr. GILMAN of New York, Vice Chairman.

There was no objection.

APPOINTMENT AS MEMBER TO THE CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of 22 U.S.C. 276d, the Chair announces the Speaker's appointment of the following Member of the House to the Canada-United States Interparliamentary Group:

Mr. HOUGHTON of New York, Chairman.

There was no objection.

COMMUNICATION FROM STAFF MEMBER OF HON. MATTHEW G. MARTINEZ, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Joshua D. Cantor, staff member of Hon. MATTHEW G. MARTINEZ, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 20, 1998.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena ad testificandum issued by the Pasadena Superior Court, in the case of *People* v. *Anthony Albert Jimenez*, Case No. GA 034516.

After consultation with the Office of General Counsel, I have determined that the subpoena relates to my official duties, and that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

JOSHUA D. CANTOR.

NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–241)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

I hereby report to the Congress on the developments since my last report concerning the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c).

1. On October 21, 1995, I signed Executive Order 12978, "Blocking Assets and Prohibiting Transactions with Significant Narcotics Traffickers" (the "Order") (60 Fed. Reg. 54579, October 24, 1995). The Order blocks all property subject to U.S. jurisdiction in which

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

there is any interest of four significant foreign narcotics traffickers, one of whom is now deceased, who were principals in the so-called Cali drug cartel centered in Colombia. These persons are listed in the annex to the Order. The Order also blocks the property and interests in property of foreign persons determined by the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, (a) to play a significant role in international narcotics trafficking centered in Colombia or (b) to materially assist in or provide financial or technological support for, or goods or services in support of, the narcotics trafficking activities of persons designated in or pursuant to the Order. In addition the Order blocks all property and interests in property subject to U.S. jurisdiction of persons determined by the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, to be owned or controlled by, or to act for or on behalf of, persons designated in or pursuant to the Order (collectively "Specially Designated Narcotics Traffickers" or "SDNTs").

The Order further prohibits any transaction or dealing by a United States person or within the United States in property or interests in property of SDNTs, and any transaction that evades or avoids, has the purpose of evading or avoiding, or attempts to violate, the prohibitions contained in the Order.

Designations of foreign persons blocked pursuant to the Order are effective upon the date of determination by the Director of the Department of the Treasury's Office of Foreign Assets Control (OFAC) acting under authority delegated by the Secretary of the Treasury. Public notice of blocking is effective upon the date of filing with the Federal Register, or upon prior actual notice.

2. On October 24, 1995, the Department of the Treasury issued a notice containing 76 additional names of persons determined to meet the criteria set forth in Executive Order 12978 (60 Fed. Reg. 54582, October 24, 1995). Additional notices expanding and updating the list of SDNTs were published on November 29, 1995 (60 Fed. Reg. 61288), March 8, 1996 (61 Fed. Reg. 9523), and January 21, 1997 (62 Fed. Reg. 2903).

Effective February 28, 1997, OFAC issued the Narcotics Trafficking Sanctions Regulations ("NTSR" or the "Regulations"), 31 C.F.R. Part 536, to further implement my declaration of a national emergency and imposition of sanctions against significant foreign narcotics traffickers centered in Colombia (62 Fed. Reg. 9959, March 5, 1997).

On April 17, 1997 (62 Fed. Reg. 19500, April 22, 1997), July 30, 1997 (62 Fed. Reg. 41850, August 4, 1997), and September 9, 1997 (62 Fed. Reg. 48177, September 15, 1997), OFAC amended appendices A and B to 31 C.F.R. chapter V, revising information concerning individuals and entities who have been determined to play a significant role in international narcotics trafficking centered in Colombia or have been determined to be owned or controlled by, or to act for or on behalf of, or to be acting as fronts for the Cali cartel in Colombia. These actions are part of the ongoing interagency implementation of Executive Order 12978 of October 21, 1995. These changes to the previous SDNT list brought it to a total of 426 businesses and individuals with whom financial and business dealings are prohibited and whose assets are blocked under the Order.

3. OFAC has disseminated and routinely updated details of this program to the financial, securities, and international trade communities by both electronic and conventional media. In addition to bulletins to banking institutions via the Federal Reserve System and the Clearing House Interbank Payments System (CHIPS), individual notices were provided to all relevant State and Federal regulatory agencies, automated clearing houses, and State and independent banking associations across the country. OFAC contacted all major securities industry associations and regulators. It posted electronic notices on the Internet and over 10 computer bulletin boards and 2 fax-on-demand services, and provided the same material to the U.S. Embassy in Bogota for distribution to U.S. companies operating in Colombia.

4. As of March 25, 1998, OFAC had issued nine specific licenses pursuant to Executive Order 12978. These licenses were issued in accordance with established Treasury policy authorizing the completion of presanctions transactions and the provision of legal services to and payment of fees for representation of SDNTs in proceedings within the United States arising from the imposition of sanctions.

5. The narcotics trafficking sanctions have had a significant impact on the Cali drug cartel. Of the 133 business entities designated as SDNTs as of February 20, 1998, 41, or nearly a third, having a combined net worth estimated at more than $45 million and a combined income of more than $200 million, had been determined to have gone into liquidation. As a result of OFAC designations, 3 Colombian banks have closed about 300 SDNT accounts of nearly 100 designated individuals. One of the largest SDNT commercial entities, a discount drugstore with an annual income exceeding $136 million, has been reduced to operating on a cash basis. These specific results augment the less quantifiable but significant impact of denying the designated individuals and entities of the cartel access to U.S. financial and commercial facilities.

Various enforcement actions carried over from prior reporting periods are continuing and new reports of violations are being aggressively pursued. Two criminal investigations are ongoing. Since my last report, OFAC has collected its first civil monetary penalty for violations of IEEPA and the Regulations under the program. OFAC collected $2,625 from a commercial agent for ocean-going oil tankers for violative funds transfers.

6. The expenses incurred by the Federal Government in the 6-month period from October 21, 1997, through April 20, 1998, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the national emergency with respect to Significant Narcotics Traffickers are estimated at approximately $620,000. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, and the Office of the General Counsel), the Department of Justice, and the Department of State. These data do not reflect certain costs of operations by the intelligence and law enforcement communities.

7. Executive Order 12978 provides my Administration with a tool for combatting the actions of significant foreign narcotics traffickers centered in Colombia and the unparalleled violence, corruption, and harm that they cause in the United States and abroad. The Order is designed to deny these traffickers the benefit of any assets subject to the jurisdiction of the United States and to prevent United States persons from engaging in any commercial dealings with them, their front companies, and their agents. Executive Order 12978 demonstrates the United States commitment to end the damage that such traffickers wreak upon society in the United States and abroad.

The magnitude and the dimension of the problem in Colombia—perhaps the most pivotal country of all in terms of the world's cocaine trade—are extremely grave. I shall continue to exercise the powers at my disposal to apply economic sanctions against significant foreign narcotics traffickers and their violent and corrupting activities as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 24, 1998.*

SPECIAL ORDERS

INDUSTRIAL GROUP PLANS TO BATTLE CLIMATE TREATY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from California (Mr. MILLER) is recognized for 60 minutes as the designee of the minority leader.

Mr. MILLER of California. Mr. Speaker, this past Sunday the American public was presented with a front-page article in the New York Times outlining a plan by an industrial group to battle the climate change treaty. This is a treaty that was arrived at in Kyoto, Japan earlier this year, which brought together the international community in a plan to fight against an increase in greenhouse gases that threaten this world with climate change.

It was a plan that was negotiated between all of the nations in attendance. Many nations signed on and many other nations have yet to sign on. It is a plan that is necessary if in fact we are going to prevent the worst impacts of global climate change.

What the New York Times article tells us is that a group of corporations, mainly large international oil companies, have put together a plan to spend millions of dollars to try to convince the American public that the overwhelming scientific evidence regarding global climate change is somehow shaky and not to be trusted, and that therefore we should not go forward with actions in this and other countries, and with efforts to bring developing countries on board the Kyoto treaty, that we should walk away from that treaty; and that certainly we should not attend the meetings in Buenos Aires later this year where we will attempt to bring on large developing countries such as China, Mexico, Brazil and other such nations that are contributing huge amounts of greenhouse gases to the atmosphere of our world.

But rather than work on that progressive agenda, rather than work in an effort to try to see how we can stem greenhouse gases, these oil companies would rather try to convince people that in fact the science is not very good. Now that is contrary to the science itself and is contrary to the vast number of scientists around the world who have joined this effort to look at the science, to look at the data and try to help us predict what in fact is taking place with respect to greenhouse gases and global climate change.

But rather than participate in the serious scientific discourse, this group of oil companies has decided that they would take millions of dollars and try to convince the average citizen, under the portion of their plan that says victory will be achieved when the average citizen recognizes the uncertainties in climate science. Recognition of the uncertainties becomes part of conventional wisdom. So when you think about global climate change, about the threat of climate change, about warming, the oil companies want you to think, "well, the science is not very good so probably nothing much is going to happen."

Then they would like to move on and have the media recognize the uncertainties of climate science, so when the media presents stories about global change, about what is happening in our world, they would then say, "Well, we really do not know if this science is very good." Then they take more of their money and they would try to make the media balance out, try to get stories into the media about how the science is not very good, and they would hope that the media would then accept, if they spend enough money to convince the media, that they would accept that it is conventional wisdom that the science is not very good.

Now mind you, this all comes at a time, it is not a question whether the science is very good or not—the science is getting better and better. But unfortunately, what the science tells us is that the problem of global warming is becoming more and more a realistic problem for the future of the world and that steps must be taken.

But that is not what these oil companies do. They want to change the mind set of the media, of the American public, of industry and certainly of the government. And what they really want to do is arrive at a point where the Kyoto treaty is dead, there will be no further action on that treaty, as they spell out in their strategies and their tactics, and to make sure that we do not go forward, we do not go forward in Buenos Aires to bring other nations on to that treaty.

How would they measure this? They are going to track the percentage of media articles that raise questions about climate science. They are going to register the number of Members that they have been able to contact and send materials to change their mind about the climate science, the number of communications on climate science received by Members of Congress. So they are going to spend a few hundred thousand dollars tracking their efforts to see whether or not it is working.

You know, we have seen this all before, my colleagues. We saw it when the tobacco companies got together to try to convince the American public that there was no link between tobacco and cancer, that there was no link between the usage of tobacco and the incredible rate of lung cancer in this country and of other cancers.

They spent millions of dollars to undermine the scientists who were saying there is a link, to undermine the evidence. They told us more and more every year, and when the science came against their wishes, they paid scientists to keep it down, to not tell the American public. Now for the first time what we see are thousands, millions of pages of documents with the tobacco companies engaged in an effort to keep from the American public science that would tell them that tobacco and cancer are linked.

Now we see an effort where some industries do not like the scientists, independent scientists. They do not like what they have come up with on global warming. So what they want to do is, they want to establish what they would consider an independent global climate science data center, and from this center would flow information to Members of Congress, to the public, to State legislatures, to the mayors, city council people. But this independent center reportedly would be initially staffed, this is according to the memo from the public relations firm advising the oil companies, it will be staffed initially with professionals on loan from the various oil companies and associations of the major interests in climate change.

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So here we are going to have a bunch of people who work for oil companies as scientists who are now going to tell us what the independent science is on global warming, as opposed to the independent scientists who have been out there now for a number of years working for universities and foundations and others to try to find out what is happening. They want to create the impression that they have scientists who radically disagree with the prevailing science about the harms of greenhouse gases and the consequential global warming.

Mr. Speaker, we have to understand that there is something going on in business in America. Many of us in Congress have had complaints from our constituents about the impacts of HMOs and managed care. People come into our offices because they cannot get care for their spouse who is very ill, and they cannot get care for their children because somebody who is supposed to give a second opinion, some 800 number, they have to call where they talk to somebody, and they say, oh, no, we do not allow that care under your insurance plan.

So the Congress got together on a bipartisan basis and decided that what they would do is they would try to have a patients' bill of rights so that patients knew what kind of coverage they had, they would know what kind of care they had, so they had access to specialists, so they had a right to sue managed care plans if some bureaucrat in another city was making a decision against a doctor's recommendation and somebody was harmed.

On a bipartisan basis, in the Senate and the House, many State legislatures are doing this, and what do we see? We see corporations in America coming together, raising millions of dollars to try to tell the Congress, "This is not a problem. These complaints from your constituents are not real. We have it all under control." They had a corporate fly-in where they had people fly in from all over the country to tell them we do not need to change anything with managed health care, it is just fine.

So we see the tobacco companies, they set up their spin organizations; the health care corporations, they set up their spin organizations; and now the oil companies are going to set up their spin organizations to tell us that all of this we have heard about climate change, greenhouse gases, global warming is nothing for us to be concerned about. Well, the fact is it is something for us to be very concerned about.

Mr. Speaker, I am happy to say that not all oil companies apparently have joined this organization. In the article it suggested Shell Oil USA has not joined this organization. They do not see the merit to it. In fact, Shell Oil USA is one of those oil companies that believes that a good part of its future is going to be about clean energy, about renewable energy, wind energy, solar energy. It has joined companies like British Petroleum that have made major investments in solar energy. Billions of dollars of markets in solar energy are now recognizable, and we see those companies taking a different tack.

But yet there are a few companies that have decided that the best they can do is to try to confuse the American public on global warming, try to lobby their Representatives in the Congress not to accept, not to accept what the scientists are telling us now is the future of this planet if global warming continues.

Mr. Speaker, I was in Kyoto this year with the Chairman of the Science Committee, and I witnessed the U.S. delegation's diligence in forging a treaty that both protects the U.S. interests and at the same time sets important goals for slowing global warming.

The world is looking to the U.S. for leadership on this issue, and while clearly the solution must include participation from developing nations, there is much the United States can do to reduce global greenhouse gases, emissions that cause immediate health effects on our children and the elderly, contaminate our air, water and land, and cost taxpayers dearly to clean up.

The truth is the steps necessary to curb global warming present an enormous economic opportunity for the people of the United States. The scientific evidence about global warming compels strong action, not a head-in-the-sand approach that characterizes the organized opposition to the Kyoto Protocol and U.S. energy efficiency measures.

To hear some critics describe the Administration's actions to try to push forward with renewable energy and energy efficiency and clean sources of energy, one would think that protecting the environment is a crime against humanity, and that President Clinton should be tried at the Hague. They are accusing the President of trying to use Federal tax dollars to spur public and private investment in energy—in energy efficiency and renewable energy.

We are seeing more and more countries, more and more companies looking at renewable energy sources as a path to the future. America ought to participate in that. We have the technology, we have the know-how, we have the products. We ought to recognize the economic opportunity that that provides.

In fact, the global market for energy efficiency products and services is $80 billion per year and is expected to reach $125 billion a year by the year 2015. Several studies estimated that job growth from energy efficiency and technology innovation will exceed 800,000 new jobs over the next 15 years.

I do not know where these critics live, but they do not live in the district that I represent.

Earlier this year, in fact, 71 percent of my constituents recently answered a questionnaire that they thought the U.S. should take strong steps against global warming, even if it cost taxpayers more in the beginning to do so. The same is true across the country. In January, Ohio State University conducted a national survey on the American opinion on global warming, finding that 77 percent of Americans believe that global warming has been happening, and 67 percent believe that steps should be taken to combat global warming, and that reducing air pollution is an effective way to do so. Eighty-eight percent thought the U.S. Government should limit air pollution for businesses, and 77 percent thought they were willing to pay more for electricity, gas and oil to reduce the amount of air pollution.

It is that poll that is driving the oil companies crazy. It is that poll that is causing the oil companies to consider spending $5 million to change Americans' opinion about the urgency of global warming. It is that consortium that is coming together that recognizes that the American people understand what is going on, and now they want to change their mind.

It is too bad, because most of the last couple of decades, this country has been built on greater and greater efficiencies. We see it in the computer industry, in telecommunications, in marketing, in transportation. We see it throughout the entire global economy. But somehow, when we get to energy, the coal companies and the oil companies, they do not want us to be efficient. They want us to burn more oil and more coal; it is just that simple, folks. If we can do it more efficiently and we can save the environment and we can save dollars in the cost of that electricity, and if we can provide jobs and new economic opportunities in the export of American products, they do not want us to hear about it, they do not want us to believe it. They want us just to go on burning the coal and burning the oil in the same old fashion we have been doing for the last 50 years.

The problem is if we all do that, and if the developing countries—China, Mexico, India, Indonesia, Brazil—who are increasing their use of oil and coal as their economies grow, if they just do it the same way we did it over the last 50 years, we will choke this planet to death. We will destroy the environment for our children and our grandchildren, and we will threaten the economic well-being of a good portion of the world.

That is what the American people understand. That is what is reflected in the polling data. They trust the independent scientists. They are not going to trust a bunch of scientists on the oil company payrolls to tell them that they are wrong about the science, that it is really shaky.

But we have to be diligent in this matter. We have to be aware of what is happening, because as we start to see attacks on the scientists who have studied global warming, attacks on this administration that is trying to bring developing countries on board a treaty to reduce those greenhouse gases—and hopefully at the end of this year in Buenos Aires some developing countries will sign on—as they are trying to do that, they are going to come under attack. They are going to come under attack by a consortium put together by oil companies and coal companies to say that we are all wrong, that global warming is not a problem.

Well, I think by now we have seen enough evidence to suggest that global warning is a problem.

So, Mr. Speaker, I would hope that people would be alert to what is taking place and to what is proposed by these oil and coal companies to try and put their spin on the hard evidence that has been derived by independent scientists from many, many countries, from many, many disciplines, over many years, being very conservative about the changes that they have seen. But as scientists drill the ice cores, as they look at what has happened in the past, Nature magazine just reported that the Northern Hemisphere mean annual temperatures for 3 of the past 8 years were warmer than any year since AD 1400. We have to understand the kind of changes that means for the American economy and for the environment of the world.

So I would hope that Members of Congress would not give credibility to this effort by the oil companies to put their spin on what is very good, even if incomplete, evidence about the problems raised by the continuing burning of fossil fuels and creation of greenhouse gases.

I commend to my colleagues the article and memo, which I have enclosed here.

[From the New York Times, Apr. 26, 1998]

INDUSTRIAL GROUP PLANS TO BATTLE CLIMATE TREATY

DRAFT PROPOSAL SEEKS TO DEPICT GLOBAL WARMING THEORY AS A CASE OF BAD SCIENCE

(By John H. Cushman, Jr.)

WASHINGTON, April 25—Industry opponents of a treaty to fight global warming have drafted an ambitious proposal to spend millions of dollars to convince the public that the environmental accord is based on shaky science.

Among their ideas is a campaign to recruit a cadre of scientists who share the industry's views of climate science and to train them in public relations so they can help convince journalists, politicians and the public that the risk of global warming is too uncertain to justify controls on greenhouse gases like carbon dioxide that trap the sun's heat near Earth.

An informal group of people working for big oil companies, trade associations and conservative policy research organizations that oppose the treaty have been meeting recently at the Washington office of the American Petroleum Institute to put the plan together.

Joe Walker, a public relations representative of the Petroleum Institute who is leading the project, said in an interview that the plan had been under consideration for about two months and was "very, very tentative." Mr. Walker said no industry executives had yet been approached to pay for it.

But an eight-page memorandum that he wrote shows in detail how some industry lobbyists are going about opposing the climate treaty.

It is a daunting pubic relations task. Whenever the treaty's advocates, including the Clinton Administration, discuss global warming, they present the science as essentially settled and unchallengeable, and they compare dissenting scientists to discredited apologists for the tobacco companies. That view has become widely accepted among reporters and the public.

Although mainstream scientists do identify considerable uncertainties in their climate predictions, which are based on computer models, they are increasingly confident that global warming is a serious problem and often say that the uncertainties do not justify inaction.

Based on the latest science, most of the world's nations agreed in Rio de Janeiro in 1992 that industrial nations should cut emissions of greenhouse gases, and the treaty was modified last year to require further reductions in emissions to levels well below those of 1990, over the next 10 to 15 years. But the United States Senate has not yet agreed to that treaty provision, which could require deep reductions in American consumption of fossil fuels.

Documents describing the proposal to undermine the mainstream view were given to The New York Times by the National Environmental Trust, whose work in support of the global-warming treaty is financed by philanthropic organizations, including the Pew Charitable Trusts, the biggest of the nation's pro-environmental grant makers.

Phil Clapp, the president of the environmental trust, said he obtained the papers from an industry official. Exposing the plan at this stage, Mr. Clapp said, would probably ruin the effort to raise money to carry out the plan.

Industry representatives confirmed that the documents were authentic, but emphasized that the plans had not been formally approved by participating organizations. The document listed representatives of the Exxon Corporation, the Chevron Corporation and the Southern Company as being involved. Representatives of Chevron and Southern acknowledged attending meetings on the project; the Exxon representative could not be reached for comment.

The draft plan calls for recruiting scientists to argue against the Administration, and suggests that they include "individuals who do not have a long history of visibility and/or participation in the climate change debate."

But among the plan's advocates are groups already linked to the best-known critics of global-warming science.

They include the Science and Environment Policy Project, founded by Fred Singer, a physicist noted for opposing the mainstream view of climate science. Frederick Seitz, another prominent skeptic on global warming, is involved with two other groups mentioned in the plan: the George C. Marshall Institute, where Dr. Seitz is chairman, and the Advancement of Sound Science Coalition, where he is on the science advisory board.

On Monday, the National Academy of Sciences disassociated itself from the most recent effort to drum up support among skeptical scientists. That effort came in the form of a statement and petition on global warming circulated by Dr. Seitz, a physicist who was president of the academy in the 1960's.

The petition, attacking the scientific conclusions underlying the treaty on climate change, was accompanied by an article that was formatted to resemble one that might have been published in the academy's prestigious peer-reviewed journal. It was not.

The draft plan, recently discussed at the oil industry offices, calls for giving such dissenters on climate science "the logistical and moral support they have been lacking."

It also calls for spending $5 million over two years to "maximize the impact of scientific views consistent with ours on Congress, the media and other key audiences."

It would measure progress by counting, among other things, the percentage of news articles that raise questions about climate science and the number of radio talk show appearances by scientists questioning the prevailing views.

The document says that industry's polling, conducted by Charlton Research, has found that while Americans see climate change as a serious threat, "public opinion is open to change on climate science."

Supporters of the plan want to raise money quickly to spend much of it between now and the November negotiating session in Buenos Aires, where important details of the international treaty are to be decided.

A proposed media-relations budget of $600,000, not counting any money for advertising, would be directed at science writers, editors, columnists and television network correspondents, using as many as 20 "respected climate scientists" recruited expressly "to inject credible science and scientific accountability into the global climate debate, thereby raising questions about and undercutting the 'prevailing scientific wisdom.'"

Among the tasks, the petroleum institute's memorandum said, would be to "identify, recruit and train a team of five independent scientists to participate in media outreach."

What the industry group wanted to provide, the memorandum said, was "a one-stop resource on climate science for members of Congress, the media, industry and all others concerned."

The industry group said it wanted to develop "a sound scientific alternative" to the Intergovernmental Panel on Climate Change, a large group of scientists advising the United Nations that has published the most authoritative scientific assessments of global warming. That panel has predicted that the next century will bring widespread climatic disruptions if actions are not taken to reverse the accumulation of greenhouse gases in the atmosphere.

The draft plan suggests that despite industry efforts to convince the public that the climate treaty would be costly to carry out and unfair to the United States, the treaty remains popular partly because environmentalists are winning the debate on the science.

"Indeed, the public has been highly receptive to the Clinton Administration's plans," the memorandum said. "There has been little, if any, public resistance or pressure applied to Congress to reject the treaty, except by those 'inside the Beltway' with vested interests."

To: Global Climate Science Team
Subject: Draft Global Climate Science Communications Plan

As promised, attached is the draft Global Climate Science Communications Plan that we developed during our workshop last Friday. Thanks especially to those of you who participated in the workshop, and in particular to John Adams for his very helpful thoughts following up our meeting, and Alan Caudill for turning around the notes from our workshop so quickly.

Please review the plan and get back to me with your comments as soon as possible.

As those of you who were at the workshop know, we have scheduled a follow-up team meeting to review the plan in person on Friday, April 17, from 1 to 3 p.m. at the API headquarters. After that, we hope to have a "plan champion" help us move it forward to potential funding sources, perhaps starting with the global climate "Coordinating Council." That will be an item for discussion on April 17.

Again, thanks for your hard work on this project. Please e-mail, call or fax me with your comments. Thanks.

Regards,

JOE WALKER.

APRIL 3, 1998.

GLOBAL CLIMATE SCIENCE COMMUNICATIONS ACTION PLAN

Situation analysis

In December 1997, the Clinton Administration agreed in Kyoto, Japan, to a treaty to reduce greenhouse gas emissions to prevent what it purports to be changes in the global climate caused by the continuing release of such emissions. The so-called greenhouse gases have many sources. For example, water vapor is a greenhouse gas. But the Clinton Administration's action, if eventually approved by the U.S. Senate, will mainly affect emissions from fossil fuel (gasoline, coal, natural gas, etc.) combustion.

As the climate change debate has evolved, those who oppose action have argued mainly that signing such a treaty will place the U.S. at a competitive disadvantage with most other nations, and will be extremely expensive to implement. Much of the cost will be borne by American consumers who will pay higher prices for most energy and transportation.

The climate change theory being advanced by the treaty supporters is based primarily on forecasting models with a very high degree of uncertainty. In fact, it not known for sure whether (a) climate change actually is occurring or (b) if it is, whether humans really have any influence on it.

Despite these weaknesses in scientific understanding, those who oppose the treaty have done little to build a case against precipitous action on climate change based on the scientific uncertainty. As a result, the Clinton Administration and environmental groups essentially have had the field to themselves. They have conducted an effective public relations program to convince the American public that the climate is changing, we humans are at fault, and we must do something about it before calamity strikes.

The environmental groups know they have been successful. Commenting after the Kyoto negotiations about recent media coverage of climate change, Tom Wathen, executive vice president of the National Environmental Trust, wrote:

". . . As important as the extent of the coverage was the tone and tenor of it. In a change from just six months ago, most media stories no longer presented global warming as just a theory over which reasonable scientists could differ. Most stories described predictions of global warming as the position of the overwhelming number of mainstream scientists. That the environmental community had, to a great extent, settled the scientific issue with the U.S. media is the other great success that began perhaps several months earlier but became apparent during Kyoto."

Because the science underpinning the global climate change theory has not been challenged effectively in the media or through other vehicles reaching the American public, there is widespread ignorance, which works in favor of the Kyoto treaty and against the best interests of the United States. Indeed, the public has been highly receptive to the Clinton Administration's plans. There has been little, if any, public resistance or pressure applied to Congress to reject the treaty, except by those "inside the Beltway" with vested interests.

Moreover, from the political viewpoint, it is difficult for the United States to oppose the treaty solely on economic grounds, valid as the economic issues are. It makes it too easy for others to portray the United States as putting preservation of its own lifestyle above the greater concerns of mankind. This argument, in turn, forces our negotiators to make concessions that have not been well thought through, and in the end may do far more harm than good. This is the process that unfolded at Kyoto, and is very likely to be repeated in Buenos Aires in November 1998.

The advocates of global warming have been successful on the basis of skillfully misrepresenting the science and the extent of agreement on the science, while industry and its partners ceded the science and fought on the economic issues. Yet if we can show that science does not support the Kyoto treaty—which most true climate scientists believe to be the case—this puts the United States in a stronger moral position and frees its negotiators from the need to make concessions as a defense against perceived selfish economic concerns.

Upon this tableau, the Global Climate Science Communciations Team (GCSCT) developed an action plan to inform the American public that science does not support the precipitous actions Kyoto would dictate, thereby providing a climate for the right policy decisions to be made. The team considered results from a new public opinion survey in developing the plan.

Charlton Research's survey of 1,100 "informed Americans" suggests that while Americans currently perceive climate change to be a great threat, public opinion is open to change on climate science. When informed that "some scientists believe there is not enough evidence to suggest that [what is called global climate change] is a long-term change due to human behavior and activities," 58 percent of those surveyed said they were more likely to oppose the Kyoto treaty. Moreover, half the respondents harbored doubts about climate science.

GCSCT members who contributed to the development of the plan are A. John Adams, John Adams Associates; Candace Crandall, Science and Environmental Policy Project; David Rothbard, Committee For A Constructive Tomorrow; Jeffrey Salmon, The Marshall Institute; Lee Garrigan, Environmental Issues Council; Lynn Bouchey and Myron Ebell, Frontiers of Freedom; Peter Cleary, Americans for Tax Reform; Randy Randol, Exxon Corp.; Robert Gehri, The Southern Company; Sharon Kneiss, Chevron Corp.; Steve Milloy, The Advdancement of Sound Science Coalition; and Joseph Walker, American Petroleum Institute.

The action plan is detailed on the following pages.

GLOBAL CLIMATE SCIENCE COMMUNICATIONS ACTION PLAN

Project goal

A majority of the American public including industry leadership, recognizes that significant uncertainties exist in climate science, and therefore raises questions among those (e.g. Congress) who chart the future U.S. course on global climate change.

Progress will be measured toward the goal. A measurement of the public's perspective on climate science will be taken before the plan is launched, and the same measurement will be taken at one or more as-yet-to-be-determined intervals as the plan is implemented.

Victory will be achieved when

Average citizens "understand" (recognize) uncertainties in climate science; recognition of uncertainties becomes part of the "conventional wisdom"; media "understands" (recognizes) uncertainties in climate science; media coverage reflects balance on climate science and recognition of the validity of viewpoints that challenge the current "conventional wisdom"; industry senior leadership understands uncertainties in climate science, making them stronger ambassadors to those who shape climate policy; and those promoting the Kyoto treaty on the basis of extant science appear to be out of touch with reality.

Current reality

Unless "climate change" becomes a non-issue, meaning that the Kyoto proposal is defeated and there are no further initiatives to thwart the threat of climate change, there may be no moment when we can declare victory for our efforts. It will be necessary to establish measurements for the science effort to track progress toward achieving the goal and strategic success.

Strategies and tactics

I. National Media Relations Program: Develop and implement a national media relations program to inform the media about uncertainties in climate science; to generate national, regional and local media coverage on the scientific uncertainties, and thereby educate and inform the public, stimulating them to raise questions with policy makers.

Tactics: These tactics will be undertaken between now and the next climate meeting in Buenos Aires, Argentina, in November 1998, and will be continued thereafter, as appropriate. Activities will be launched as soon as the plan is approved, funding obtained, and the necessary resources (e.g., public relations counsel) arranged and deployed. In all cases, tactical implementation will be fully integrated with other elements of this action plan, most especially Strategy II (National Climate Science Data Center).

Identify, recruit and train a team of five independent scientists to participate in media outreach. These will be individuals who do not have a long history of visibility and/or participation in the climate change debate. Rather, this team will consist of new faces who will add their voices to those recognized scientists who already are vocal.

Develop a global climate science information kit for media including peer-reviewed papers that undercut the "conventional wisdom" on climate science. This kit also will include understandable communications, including simple fact sheets that present scientific uncertainties in language that the media and public can understand.

Conduct briefings by media-trained scientists for science writers in the top 20 media markets, using the information kits. Distribute the information kits to daily newspapers nationwide with offer of scientists to brief reporters at each paper. Develop, disseminate radio news releases scientists nationwide, and offer scientists to appear on radio talk shows across the country.

Produce, distribute a steady stream of climate science information via facsimile and e-mail to science writers around the country.

Produce, distribute via syndicate and directly to newspapers nationwide a steady stream of op-ed columns and letters to the editor authored by scientists.

Convince one of the major news national TV journalists (e.g., John Stossel) to produce a report examining the scientific underpinnings of the Kyoto treaty.

Organize, promote and conduct through grassroots organizations a series of campus/community workshops/debates on climate science in 10 most important states during the period mid-August through October, 1998.

Consider advertising the scientific uncertainties in select markets to support national, regional and local (e.g., workshops/debates), as appropriate.

National Media Program Budget—$600,000 plus paid advertising

II. Global Climate Science Information Source: Develop and implement a program to inject credible science and scientific accountability into the global climate debate, thereby raising questions about and undercutting the "prevailing scientific wisdom." The strategy will have the added benefit of providing a platform for credible, constructive criticism of the opposition's position on the science.

Tactics: As with the National Media Relations Program, these activities will be undertaken between now and the next climate meeting in Buenos Aires, Argentina, in November 1998, and will continue thereafter. Initiatives will be launched as soon as the plan is approved, funding obtained, and the necessary resources arranged and deployed.

Establish a Global Climate Science Data Center. The GCSDC will be established in Washington as a non-profit educational foundation with an advisory board of respected climate scientists. It will be staffed initially with professionals on loan from various companies and associations with a major interest in the climate issue. These executives will bring with them knowledge and experience in the following areas: Overall history of climate research and the IPCC process; congressional relations and knowledge of where individual Senators stand on the climate issue; knowledge of key climate scientists and where they stand; ability to identify and recruit as many as 20 respected climate scientists to serve on the science advisory board; knowledge and expertise in media relations and with established relationships with science and energy writers, columnists and editorial writers; expertise in grassroots organization; and campaign organization and administration.

The GCSDC will be led by a dynamic senior executive with a major personal commitment to the goals of the campaign and easy access to business leaders at the CEO level. The Center will be run on a day-to-day basis by an executive director with responsibility for ensuring targets are met. The Center will be funded at a level that will permit it to succeed, including funding for research contracts that may be deemed appropriate to fill gaps in climate science (e.g., a complete scientific critique of the IPCC research and its conclusions).

The GCSDC will become a one-stop resource on climate science for members of Congress, the media, industry and all others concerned. It will be in constant contact with the best climate scientists and ensure that their findings and views receive appropriate attention. It will provide them with the logistical and moral support they have been lacking. In short, it will be a sound scientific alternative to the IPCC. Its functions will include:

Providing as an easily accessible database (including a website) of all mainstream climate science information.

Identifying and establishing cooperative relationships with all major scientists whose research in this field supports our position.

Establishing cooperative relationships with other mainstream scientific organizations (e.g., meteorologists, geophysicists) to bring their perspectives to bear on the debate, as appropriate.

Developing opportunities to maximize the impact of scientific views consistent with ours with Congress, the media and other key audiences.

Monitoring and serving as an early warning system for scientific developments with the potential to impact on the climate science debate, pro and con.

Responding to claims from the scientific alarmists and media.

Providing grants for advocacy on climate science, as deemed appropriate.

Global Climate Science Data Center Budget—$5,000,000 (spread over two years minimum)

III. National Direct Outreach and Education: Develop and implement a direct outreach program to inform and educate members of Congress, state officials, industry leadership, and school teachers/students about uncertainties in climate science. This strategy will enable Congress, state officials and industry leaders to be able to raise such serious questions about the Kyoto treaty's scientific underpinnings that American policy-makers not only will refuse to endorse it, they will seek to prevent progress toward implementation at the Buenos Aires meeting in November or through other ways. Informing teachers/students about uncertainties in climate science will begin to erect a barrier against further efforts to impose Kyoto-like measures in the future.

Tactics: Informing and educating members of Congress, state officials and industry leaders will be undertaken as soon as the plan is approved, funding is obtained, and the necessary resources are arrayed and will continue through Buenos Aires and for the foreseeable future. The teachers/students outreach program will be developed and launched in early 1999. In all cases, tactical implementation will be fully integrated with other elements of this action plan.

Develop and conduct through the Global Climate Science Data Center science briefings for Congress, governors, state legislators, and industry leaders by August 1998.

* * * * *

Organize under the GCSDC a "Science Education Task Group" that will serve as the point of outreach to the National Science Teachers Association (NSTA) and other influential science education organizations. Work with NSTA to develop school materials that present a credible, balanced picture of climate science for use in classrooms nationwide.

Distribute educational materials directly to schools and through grassroots organizations of climate science partners (companies, organizations that participate in this effort).

National Direct Outreach Program Budget—$300,000

IV. Funding/Fund Allocation: Develop and implement program to obtain funding, and to allocate funds to ensure that the program is carried out effectively.

Tactics: This strategy will be implemented as soon as we have the go-ahead to proceed.

Potential funding sources were identified as American Petroleum Institute (API) and its members; Business Round Table (BRT) and its members, Edison Electric Institute (EEI) and its members; Independent Petroleum Association of America (IPAA) and its members; and the National Mining Association (NMA) and its members.

Potential fund allocators were identified as the American Legislative Exchange Council (ALEC), Committee For A Constructive Tomorrow (CFACT), Competitive Enterprise Institute, Frontiers of Freedom and The Marshall Institute.

Total Funds Required to Implement Program through November 1998—$2,000,000 (A significant portion of funding for the GCSDC will be deferred until 1999 and beyond)

Measurements

Various metrics will be used to track progress. These measurements will have to be determined in fleshing out the action plan and may include:

Baseline public/government official opinion surveys and periodic follow-up surveys on the percentage of Americans and government officials who recognize significant uncertainties in climate science.

Tracking the percent of media articles that raise questions about climate science.

Number of Members of Congress exposed to our materials on climate science.

Number of communications on climate science received by Members of Congress from their constituents.

* * * * *

Number of school teachers/students reached with our information on climate science.

Number of science writers briefed and who report upon climate science uncertainties.

Total audience exposed to newspaper, radio, television coverage of science uncertainties.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MILLER of California) and to include extraneous matter:)

Mr. STOKES.
Ms. SLAUGHTER.
Mr. SCHUMER.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 90. Concurrent resolution to acknowledge the Historic Northern Ireland Peace Agreement; to the Committee on International Relations.

ADJOURNMENT

Mr. MILLER of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, April 28, 1998, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

8663. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Mediterranean Fruit Fly; Removal of Quarantined Area [Docket No. 97–056–9] received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8664. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Mediterranean Fruit Fly; Removal of Quarantined Area [Docket No. 97–102–2] received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8665. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Brucellosis in Cattle; State and Area Classifications; Georgia [Docket No. 98–013–1] received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8666. A letter from the Administrator, Foreign Agricultural Service, Department of Agriculture, transmitting the Department's final rule—Dairy Tariff-Rate Import Quota Licensing (7 CFR Part 6) received April 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8667. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Propiconazole; Extension of Tolerance for Emergency Exemptions [OPP–300637; FRL–5783–5] (RIN:

2070–AB78) received April 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8668. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fenoxaprop-ethyl; Pesticide Tolerance [OPP–300635; FRL–5782–1] (RIN: 2070–AB78) received April 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8669. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Canola Oil; Exemption from the Requirement of a Tolerance [OPP–3000623; FRL–5773–9] received April 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8670. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Spinosad; Pesticide Tolerances [OPP–300644; FRL–5785–7] (RIN: 2070–AB78) received April 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8671. A letter from the Acting Deputy Chief for Operations, Forest Service, transmitting the Service's final rule—Notice, Comment, and Appeal Procedures for National Forest System Projects and Activities [36 CFR Part 215] received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8672. A letter from the Secretary of Defense, transmitting the Annual Report of the Reserve Forces Policy Board for Fiscal Year 1997, pursuant to 10 U.S.C. 113 (c) and (e); to the Committee on National Security.

8673. A letter from the Secretary of Transportation, transmitting the annual report of the Maritime Administration (MARAD) for Fiscal Year 1997, pursuant to 46 U.S.C. app. 1118; to the Committee on National Security.

8674. A letter from the Under Secretary for Acquisition and Technology, Department of Defense, transmitting the Department's certification that the survivability and lethality testing of the CH 47 Improved Cargo Helicopter (ICH) would be unreasonably expensive and impractical, pursuant to 10 U.S.C. 2313(c); to the Committee on National Security.

8675. A letter from the Acting Assistant Secretary for Reserve Affairs, Department of Defense, transmitting a delay in the report on Reserve retirement initiatives, pursuant to Public Law 104–201; to the Committee on National Security.

8676. A letter from the Acting Deputy Under Secretary (Logistics), Department of Defense, transmitting a request for deferment until August 1st off the report containing a plan to reduce overhead costs of the supply management activities of the Defense Logistics Agency (DLA) and the military departments (known as Iventory Control Points (ICPs) so that the overhead costs for each fiscal year after fiscal year 2000 do not exceed eight percent of net sales at standard price by Inventory Control Points during that year, pursuant to Public Law 105–85, section 394; to the Committee on National Security.

8677. A letter from the Acting Assistant Secretary for Health Affairs, Department of Defense, transmitting a report on the review of the maintenance medication dispensing policy with a view towards modifying the current policy to dispense maintenance medications for a 90-day period; to the Committee on National Security.

8678. A letter from the Secretary of Defense, transmitting a report on the premium collection procedures for the dental insurance programs, pursuant to Public Law 105–85, Section 733(c); to the Committee on National Security.

8679. A letter from the Secretary of Defense, transmitting a report that specifies for each military treatment facility the amount collected from third party payers during the preceding fiscal year, pursuant to 10 U.S.C. 1095; to the Committee on National Security.

8680. A letter from the Secretary of Defense, transmitting a report detailing the costs and savings attributable to base closures and realignments (BRAC), pursuant to Public Law 105–85, section 2824; to the Committee on National Security.

8681. A letter from the Secretary of Defense, transmitting a report on enlistment waiver trends for Fiscal Years 1991–1997, pursuant to Public Law 105–85, section 531; to the Committee on National Security.

8682. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the determination 98–18 that it is in the national interest for the Export-Import Bank to extend a loan, guarantee, insure or lease any product to Vietnam, pursuant to 12 U.S.C. 635(b)(2)(D)(iv); to the Committee on Banking and Financial Services.

8683. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Unsafe and Unsound Banking Practices [Docket No. 97–02] (RIN: 1557–AB56) received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8684. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Occupant Crash Protection [Docket No. NHTSA–97–2714] (RIN: 2127–AG17) received April 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8685. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Side Impact Protection—Side Impact Dummy [Docket No. NHTSA–98–3668] (RIN: 2127–AG37) received April 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8686. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Nebraska; Control of Landfill Gas Emissions From Existing Municipal Solid Waste Landfills [NE 052–1052a; FRL–6002–4] received April 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8687. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Iowa; Control of Landfill Gas Emissions From Existing Municipal Solid Waste Landfills [IA 051–1051a; FRL–6002–8] received April 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8688. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Fuel Fleet Program [FRL–5994–5] (RIN: 2060–AH56) received April 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8689. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 042–1042(a); FRL–5979–4] received April 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8690. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Amendments to the Test Procedures for Heavy-Duty Engines, and Light-Duty Vehicles and Trucks and Amendments to the Emission Standard Provisions for Gaseous Fueled Vehicles and Engines [FRL–5999–7] received April 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8691. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; California—South Coast Air Quality Management District [CA–189–0059; FRL–5996–5] received April 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8692. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Washington [WA 66–71741a; FRL–5998–3] received April 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8693. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; California—Ventura County Air Pollution Control District [CA–203–0062; FRL–5996–4] received April 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8694. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acid Rain Program: Revisions to Sulfur Dioxide Opt-Ins [FRL–5996–6] (RIN: 2060–AH36) received April 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8695. A letter from the Secretary of Health and Human Services, transmitting a report entitled "The Medicaid Quality of Care Medical Records Study," pursuant to Public Law 99–509, section 9432(c); to the Committee on Commerce.

8696. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Fiscal Year 1997 report on implementation of the support for East European Democracy Act (SEED) Program, pursuant to 22 U.S.C. 5474; to the Committee on International Relations.

8697. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–323, "Real Property Tax Rates and Assessment Initiative Amendment Act of 1998" received April 21, 1998, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

8698. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–317, "Sex Offender Register Immunity From Liability Temporary Amendment Act of 1998" received April 21, 1998, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

8699. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-326, "Omnibus Personnel Reform Amendment Act of 1998" received April 21, 1998, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

8700. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-319, "Solid Waste Facility Permit Temporary Amendment Act of 1998" received April 21, 1998, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

8701. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-322, "Southeastern University Equitable Real Property Tax Relief Act of 1998" received April 21, 1998, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

8702. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-324, "Real Property Tax Rates and Assessment Initiative Temporary Amendment Act of 1998" received April 21, 1998, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

8703. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-316, "Omnibus Regulatory Reform Amendment Act of 1998 Temporary Repealer Act of 1998" received April 21, 1998, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

8704. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-275, "Real Property Tax Reassessment Temporary Amendment Act of 1998" received April 21, 1998, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

8705. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-318, "Mutual Holding Company Mergers and Acquisition Temporary Amendment Act of 1998" received April 21, 1998, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

8706. A letter from the Chairman, Census Monitoring Board, transmitting a statement informing Congress that the Board cannot issue its first report by April 1, 1998 because the President has not yet appointed four members to the Census Monitoring Board, pursuant to Public Law 105-119; to the Committee on Government Reform and Oversight.

8707. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Disclosure of Information (RIN: 3064-AC10) received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

8708. A letter from the Executive Director, Neighborhood Reinvestment Corporation, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

8709. A letter from the Secretary of Housing and Urban Development, transmitting the Government National Mortgage Association (Ginnie Mae) management report for the fiscal year ended September 30, 1997, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform and Oversight.

8710. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Extension of Effective Date of Environmental Impact Assessment of Nongovernmental Activities in Antarctica [FRL-5994-2] received April 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8711. A letter from the Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for One Plant, Arctostaphylos pallida (Pallid Manzanita), from the Northern Diablo Range of California (RIN: 1018-AD35) received April 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8712. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Offshore Component Pacific Cod in the Central Regulatory Area [Docket No. 971208297-8054-02;I.D. 033098A] received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8713. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Maryland Regulatory Program [MD-042-FOR] received April 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8714. A letter from the Director, Administrative Office of the United States Courts, transmitting two reports on the 1997 Activities of the Administrative Office of the United States Courts and the 1997 Judicial Business of the United States Courts, pursuant to 28 U.S.C. 604(a)(4), (h)(2), and 2412(d)(5); to the Committee on the Judiciary.

8715. A letter from the Senior Attorney, Federal Register Certifying Officer, Financial Management Service, transmitting the Service's final rule—Transfer of Debts to Treasury for Collection (RIN: 1510-AA68) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8716. A letter from the Director, Government Relations, Girl Scouts of the United States of America, transmitting the Girl Scouts of the United States of America 1997 Annual Report, pursuant to 36 U.S.C. 37; to the Committee on the Judiciary.

8717. A letter from the Director, Judicial Conference of the United States, transmitting the Federal Judicial Center's Annual Report for 1997, pursuant to 28 U.S.C. 623(b); to the Committee on the Judiciary.

8718. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Explosives Detection Systems [Docket No. 28671] (RIN: 2120-AF95) received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8719. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Apple Valley, CA [Airspace Docket No. 96-AWP-3] received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8720. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Davis/Woodland/Winters, CA [Airspace Docket No. 97-AWP-20] received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8721. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Globe, AZ [Airspace Docket No. 98-AWP-8] received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8722. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The New Piper Aircraft, Inc. Models PA-31, PA-31-300, PA-31-325, PA-31-350, and PA-31P Airplanes [Docket No. 90-CE-65-AD; Amendment 39-10467; AD 98-08-18] (RIN: 2120-AA64) received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8723. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes Equipped with Pratt & Whitney JT9D-3 and -7 Series Engines [Docket No. 97-NM-267-AD; Amendment 39-10284; AD 98-02-02] (RIN: 2120-AA64) received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8724. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; McCall, ID [Airspace Docket No. 97-ANM-16] received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8725. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Class E Airspace; Blue Mesa, CO; and Establishment of Class E Airspace; Gunnison, CO [Airspace Docket No. 97-ANM-15] received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8726. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification to the Gulf of Mexico High Offshore Airspace Area [Airspace Docket No. 96-ASW-30] (RIN: 2120-AA66) received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8727. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29186; Amdt. No. 1862] (RIN: 2120-AA65) received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8728. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures [Docket No. 29185; Amdt. No. 1861] (RIN: 2120-AA65) received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8729. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29187; Amdt. No. 1863] (RIN: 2120-AA65) received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8730. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce, plc RB211 Series Turbofan Engines [Docket No. 94–ANE–39; Amendment 39–10426; AD 98–07–07] (RIN: 2120–AA64) received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8731. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model 1329–23 and –25 Series Airplanes [Docket No. 97–NM–93–AD; Amendment 39–10442; AD 98–07–21] (RIN: 2120–AA64) received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8732. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB SF 340A and SAAB Series Airplanes [Docket No. 97–NM–291–AD; Amendment 39–10465; AD 98–08–16] (RIN: 2120–AA64) received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8733. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–100, –200, and –300 Series Airplanes [Docket No. 98–NM–83–AD; Amendment 39–10464; AD 98–08–15] (RIN: 2120–AA64) received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8734. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Turbo-Propeller Powered General Dynamics (Convair) Model 240, 340, and 440 Series Airplanes [Docket No. 97–NM–69–AD; Amendment 39–10466; AD 98–08–17] (RIN: 2120–AA64) received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8735. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 97–NM–97–AD; Amendment 39–10459; AD 98–08–10] (RIN: 2120–AA64) received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8736. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Twin Commander Aircraft Corporation 500, 600, and 700 Series Airplanes [Docket No. 95–CE–92–AD; Amendment 39–10468; AD 98–08–19] (RIN: 2120–AA64) received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8737. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 and 767 Series Airplanes Equipped with General Electric (GE) CF6–80C2 Engines [Docket No. 98–NM–79–AD; Amendment 39–10472; AD 98–08–23] (RIN: 2120–AA64) received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8738. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Model PC–7 Airplanes [Docket No. 97–CE–130–AD; Amendment 39–10471; AD 98–08–22] (RIN: 2120–AA64) received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8739. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–10,–20,–30,–40, and –50 Series Airplanes, and C–9 (Military) Airplanes [Docket No. 97–NM–40–AD; Amendment 39–10473; AD 98–08–24] (RIN: 2120–AA64) received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8740. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; AlliedSignal Aerospace Bendix/King Model KSA 470 Autopilot Servo Actuators, part numbers 065–0076–10 through 065–0076–15 [Docket No. 97–CE–74–AD; Amendment 39–10469; AD 98–08–20] (RIN: 2120–AA64) received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8741. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; SOCATA— Groupe AEROSPATIALE Models TB10 and TB200 Airplanes [Docket No. 95–CE–71–AD; Amendment 39–10470; AD 98–08–21] (RIN: 2120–AA64) received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8742. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA.315B, SA.316B, SA.316C, SA.319B, and SE.3160 Helicopters [Docket No. 98–SW–09–AD; Amendment 39–10479; AD 98–04–40] (RIN: 2120–AA64) received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8743. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Industrie Aeronautiche e Meccaniche Model Piaggio P–180 Airplanes [Docket No. 97–CE–142–AD; Amendment 39–10454; AD 98–08–05] (RIN: 2120–AA64) received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8744. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Vessel Identification System; Effective Date Change [CGD 89–050] (RIN: 2115–AD35) received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8745. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—SAFETY ZONE: Bath / Woolwich Bridge Construction [CGD1–98–029] (RIN: 2115–AA97) received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8746. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Anacostia River, Washington D.C. [CGDO5–98–017] (RIN: 2115–AE47) received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8747. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Unescorted Access Privilege: Address change [Docket No. 29193; Amendment No. 107–11; 108–16] received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8748. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Improvements to Hazardous Materials Identification Systems; Editorial revisions and Responses to Petitions for Reconsideration and Appeal [Docket No. HM–206] (RIN: 2137–AB75) received April 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8749. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; RAPCO, Inc. Filter, Part Numbers RA–1J4–4, RA–1J4–6, and RA–1J4–7 from Lot Numbers 05597, 07797, and 12597 [Docket No. 97–CE–71–AD; Amendment 39–10103; AD 97–16–10] (RIN: 2120–AA64) received April 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8750. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Proposed Amendment to Class E Airspace; Le Mars, IA [Airspace Docket No. 98–ACE–7] (RIN: 2120–AA66) received April 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8751. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class D and Class E Airspace; Poplar Bluff, MO; Correction [Airspace Docket No. 97–ACE–28] (RIN: 2120–AA66) received April 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8752. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Aurora, NE [Airspace Docket No. 98–ACE–13] (RIN: 2120–AA66) received April 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8753. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Norfolk, NE; Correction [Airspace Docket No. 97–ACE–33] (RIN: 2120–AA66) received April 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8754. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Marshall Army Airfield, Fort Riley, KS [Airspace Docket No. 97–ACE–20] (RIN: 2120–AA66) received April 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8755. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Sabreliner Model NA–265–40, –60, –70, and –80 Series Airplanes [Docket No. 97–NM–171–AD; Amendment 39–10349, AD 98–04–37] (RIN: 2120–AA64) received April 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8756. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320–111 Series Airplanes [Docket No. 98–NM–22–AD; Amendment 39–10410] (RIN: 2120–AA64) received April 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8757. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Amendment of the Provisions to Eliminate and Phase-out Mixing Zones for Bioaccumulative Chemicals of Concern and Amendment to Procedure 8.D. of Appendix F (Pollutant Minimization Program) for the Final Water Quality Guidance for the Great Lakes System [FRL–5999–8] received April 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8758. A letter from the Chairman, Federal Maritime Commission, transmitting the 36th Annual Report of the Federal Maritime Commission for fiscal year 1997, pursuant to 46 U.S.C. app. 1118; to the Committee on Transportation and Infrastructure.

8759. A letter from the Secretary of Transportation, transmitting a report on the pipeline safety user fee assessment basis, pursuant to Public Law 104–34; to the Committee on Transportation and Infrastructure.

8760. A letter from the Acting Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule—Unemployment Insurance Program Letter No. 07–98—received April 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8761. A letter from the Secretary of Labor, transmitting a report entitled "Evaluation of Short-Time Compensation Programs: Final Report," pursuant to Public Law 102–318, section 401; to the Committee on Ways and Means.

8762. A letter from the Secretary of Housing and Urban Development, transmitting the Department's quarterly report on the Portfolio Reengineering Demonstration Program for the fourth quarter of Fiscal Year (FY) 1997, pursuant to Public Law 104–134; jointly to the Committees on Banking and Financial Services and Appropriations.

8763. A letter from the Chairman, Federal Communications Commission, transmitting a report on the Federal-State Joint Board on Universal Service [CC Docket No. 96–45] received April 15, 1998, pursuant to Public Law 105–119, 111 Stat. 2440; jointly to the Committees on Commerce and Appropriations.

8764. A letter from the Executive Director, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting a report on the second quarter of Fiscal Year 1998, pursuant to Public Law 105–100; jointly to the Committees on Government Reform and Oversight and Appropriations.

8765. A letter from the National Film Preservation Foundation, transmitting the first Annual Report of the National Film Preservation Foundation for the calendar year ending December 31, 1997, pursuant to 36 U.S.C. 5706 Public Law 104–285, Title II; jointly to the Committees on the Judiciary and House Oversight.

8766. A letter from the Chief Counsel, Federal Aviation Administration, transmitting copies of the FY 1999 budget requests of the Federal Aviation Administration to the Department, including requests for "Facilities and Equipment" and "Research, Engineering, and Development," pursuant to 49 U.S.C. app. 2205(f); jointly to the Committees on Transportation and Infrastructure, Science, and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 1872. A bill to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes; with an amendment (Rept. 105–494). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker.

[The following action occurred on April 24, 1998]

H.R. 1965. Referral to the Committees on Ways and Means and Commerce extended for a period ending not later than May 8, 1998.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII,

Mr. RYUN introduced a bill (H.R. 3733) to authorize the National Science Foundation to make grants for applied engineering and technology education equipment and capital improvements; to the Committee on Science, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

290. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 151 memorializing the Congress of the United States to take certain actions regarding the implementation of the Food Quality Protection Act of 1996; to the Committee on Agriculture.

291. Also, a memorial of the Legislature of the State of Rhode Island, relative to Senate Resolution 2995 memorializing Congress to amend title ten, United States Code relating to the compensation of retired military; to the Committee on National Security.

292. Also, a memorial of the General Assembly of the State of Georgia, relative to Senate Resolution 766 memorializing the United States Congress to reject any legislation that would exempt health plans sponsored by associations and multiple employer welfare arrangements from state insurance standards and oversight; to the Committee on Education and the Workforce.

293. Also, a memorial of the House of Representatives of the Commonwealth of The Mariana Islands, relative to House Resolution No. 11–23 requesting the federal officials for a waiver on the Covenant matching fund to help expedite and foster infrastructure development in the CNMI; to the Committee on Resources.

294. Also, a memorial of the House of Representatives for the Commonwealth of The Mariana Islands, relative to House Resolution No. 11–25 expressing full, undeniable and unquestionable support on the provisions of the Covenant by the people and their government of the Commonwealth of the Northern Mariana Islands and in particular under section 902 of said provisions; to the Committee on Resources.

295. Also, a memorial of the Senate of the State of Pennsylvania, relative to Senate Resolution No. 97 memorializing Congress to authorize a ten-year extension of the Delaware and Lehigh Navigation Canal National Heritage Corridor Act and to authorize Federal support for Corridor projects; to the Committee on Resources.

296. Also, a memorial of the Senate of the State of Tennessee, relative to Senate Resolution No. 106 memorializing the United States Congress to maintain the incentive grant approach to accomplishing shared public safety objectives and to refrain from imposing federal mandates to accomplish such objectives; to the Committee on Transportation and Infrastructure.

297. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 211 memorializing the Congress of the United States to enact legislation to raise the cap on mortgage revenue bonds; to the Committee on Ways and Means.

298. Also, a memorial of the Senate of the State of Maine, relative to Joint Resolution 871 memorializing Congress To Ensure The Viability of the United States Social Security System adopted by the 118th Maine Legislature; to the Committee on Ways and Means.

299. Also, a memorial of the Legislature of the State of Michigan, relative to Resolution No. 8 urging the President and the Congress of the United States to resolve differences that exist between the Province of Ontario and the State of Minnesota relating to the taking of fish in Canadian boundary waters by Americans staying in American resorts; jointly to the Committees on International Relations and Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1047: Mr. ENGEL and Mr. LANTOS.

H.R. 1375: Mr. PRICE of North Carolina and Mr. STRICKLAND.

H.R. 1531: Mr. CALVERT.

H.R. 2009: Mr. ENGEL and Mr. KING of New York.

H.R. 2189: Mr. CAMPBELL and Mr. PETERSON of Minnesota.

H.R. 2693: Mr. DIXON.

H.R. 2990: Mr. HILLEARY, Mr. HINCHEY, Mr. SMITH of New Jersey, Mr. DIXON, Mr. SCHUMER, Mr. MARTINEZ, Mr. CONYERS, Mr. TOWNS, Ms. WATERS, Mr. STUPAK, Mr. LEWIS of Georgia, Mr. CALVERT, and Mr. SESSIONS.

H.R. 3253: Mr. OXLEY.

H.R. 3279: Mrs. CLAYTON and Mr. MEEKS of New York.

H.R. 3376: Mr. WISE.

H.R. 3400: Ms. KAPTUR and Ms. KILPATRICK.

H.R. 3494: Mr. CALVERT.

H.R. 3531: Mr. KENNEDY of Rhode Island, Mr. UNDERWOOD, Mr. THOMPSON, Mr. YATES, Mr. GUTIERREZ, Mr. PAYNE, Mr. DAVIS of Illinois, Ms. KILPATRICK, Mrs. CLAYTON, and Ms. MCKINNEY.

H.R. 3571: Mr. FALEOMAVAEGA and Mr. MEEKS of New York.

H.R. 3624: Mrs. MORELLA, Mr. BORSKI, Mr. GUTIERREZ, Mr. WEYGAND, Mr. SCHUMER, Mr. MANTON, Mr. FILNER, Ms. HOOLEY of Oregon, Ms. LOFGREN, Mr. YATES, Ms. SLAUGHTER, Mr. SANDERS, and Mr. KENNEDY of Rhode Island.

H.J. Res. 102: Mr. MILLER of California, Mr. MORAN of Virginia, Mr. PETERSON of Minnesota, Mr. PRICE of North Carolina, Mr. SALMON, and Mr. SKAGGS.

H. Con. Res. 203: Mr. BALDACCI.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

58. The SPEAKER presented a petition of the Office of the City Clerk, Pittsburgh, Pennsylvania, relative to Resolution No. 119 imploring the United States House of Representatives and the United States Senate to pass H.R. 1151; to the Committee on Banking and Financial Services.

59. Also, a petition of the City Commission of the State of Florida, relative to Resolution 98-7 petitioning the United States Senate and House of Representatives to appropriate $250,000 to the U.S. Army Corps of Engineers so that the Corps can complete the plans and specifications for a much needed shore protection project; to the Committee on Transportation and Infrastructure.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6

OFFERED BY: MR. LAZIO OF NEW YORK

AMENDMENT NO. 6: Page 192, after line 10, insert the following new section (and conform the table of contents accordingly):

SEC. 430. LOAN FORGIVENESS FOR CHILD CARE PROVIDERS.

(a) PURPOSE.—It is the purpose of this section—

(1) to bring more highly trained individuals into the early child care profession; and

(2) to keep more highly trained child care providers in the early child care field for longer periods of time.

(b) LOAN FORGIVENESS FOR CHILD CARE PROVIDERS.—Part B (20 U.S.C. 1071 et seq.) is amended by inserting after section 428J (as added by section 432) (20 U.S.C. 1078-10) the following:

“SEC. 428K. LOAN FORGIVENESS FOR CHILD CARE PROVIDERS.

“(a) DEFINITIONS.—In this section:

“(1) CHILD CARE FACILITY.—The term ‘child care facility’ means a facility, including a home, that—

“(A) provides child care services; and

“(B) meets applicable State or local government licensing, certification, approval, or registration requirements, if any.

“(2) CHILD CARE SERVICES.—The term ‘child care services’ means activities and services provided for the education and care of children from birth through age 5 by an individual who has a degree in early childhood education.

“(3) DEGREE.—The term ‘degree’ means an associate's or bachelor's degree awarded by an institution of higher education.

“(4) EARLY CHILDHOOD EDUCATION.—The term ‘early childhood education’ means education in the areas of early child education, child care, or any other educational area related to child care that the Secretary determines appropriate.

“(b) DEMONSTRATION PROGRAM.—

“(1) IN GENERAL.—The Secretary may carry out a demonstration program of assuming the obligation to repay, pursuant to subsection (c), a loan made, insured or guaranteed under this part or part D (excluding loans made under sections 428B and 428C) for any new borrower after the date of enactment of the Higher Education Amendments of 1998, who—

“(A) completes a degree in early childhood education;

“(B) obtains employment in a child care facility; and

“(C) is working full-time and is earning an amount which does not exceed the greater of an amount equal to 100 percent of the poverty line for a family of 2 as determined in accordance with section 673(2) of the Community Services Block Grant Act.

“(2) AWARD BASIS; PRIORITY.—

“(A) AWARD BASIS.—Subject to subparagraph (B), loan repayment under this section shall be on a first-come, first-served basis and subject to the availability of appropriations.

“(B) PRIORITY.—The Secretary shall give priority in providing loan repayment under this section for a fiscal year to student borrowers who received loan repayment under this section for the preceding fiscal year.

“(3) REGULATIONS.—The Secretary is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

“(c) LOAN REPAYMENT.—

“(1) IN GENERAL.—The Secretary shall assume the obligation to repay—

“(A) after the second year of employment described in subparagraphs (B) and (C) of subsection (b)(1), 20 percent of the total amount of all loans made after date of enactment of the Higher Education Amendments of 1998, to a student under this part or part D;

“(B) after the third year of such employment, 20 percent of the total amount of all such loans; and

“(C) after each of the fourth and fifth years of such employment, 30 percent of the total amount of all such loans.

“(2) CONSTRUCTION.—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan made under this part or part D.

“(3) INTEREST.—If a portion of a loan is repaid by the Secretary under this section for any year, the proportionate amount of interest on such loan which accrues for such year shall be repaid by the Secretary.

“(4) SPECIAL RULE.—In the case where a student borrower who is not participating in loan repayment pursuant to this section returns to an institution of higher education after graduation from an institution of higher education for the purpose of obtaining a degree in early childhood education, the Secretary is authorized to assume the obligation to repay the total amount of loans made under this part or part D incurred for a maximum of two academic years in returning to an institution of higher education for the purpose of obtaining a degree in early childhood education. Such loans shall only be repaid for borrowers who qualify for loan repayment pursuant to the provisions of this section, and shall be repaid in accordance with the provisions of paragraph (1).

“(5) INELIGIBILITY OF NATIONAL SERVICE AWARD RECIPIENTS.—No student borrower may, for the same volunteer service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).

“(d) REPAYMENT TO ELIGIBLE LENDERS.—The Secretary shall pay to each eligible lender or holder for each fiscal year an amount equal to the aggregate amount of loans which are subject to repayment pursuant to this section for such year.

“(e) APPLICATION FOR REPAYMENT.—

“(1) IN GENERAL.—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(2) CONDITIONS.—An eligible individual may apply for loan repayment under this section after completing each year of qualifying employment. The borrower shall receive forbearance while engaged in qualifying employment unless the borrower is in deferment while so engaged.

“(f) EVALUATION.—

“(1) IN GENERAL.—The Secretary shall conduct, by grant or contract, an independent national evaluation of the impact of the demonstration program assisted under this section on the field of early childhood education.

“(2) COMPETITIVE BASIS.—The grant or contract described in subsection (a) shall be awarded on a competitive basis.

“(3) CONTENTS.—The evaluation described in this subsection shall—

“(A) determine the number of individuals who were encouraged by the demonstration program assisted under this section to pursue early childhood education;

“(B) determine the number of individuals who remain employed in a child care facility as a result of participation in the program;

“(C) identify the barriers to the effectiveness of the program;

“(D) assess the cost-effectiveness of the program in improving the quality of—

“(i) early childhood education; and

“(ii) child care services;

“(E) identify the reasons why participants in the program have chosen to take part in the program;

“(F) identify the number of individuals participating in the program who received an associate's degree and the number of such individuals who received a bachelor's degree; and

“(G) identify the number of years each individual participates in the program.

“(4) INTERIM AND FINAL EVALUATION REPORTS.—The Secretary shall prepare and submit to the President and the Congress such interim reports regarding the evaluation described in this subsection as the Secretary deems appropriate, and shall prepare and so submit a final report regarding the evaluation by January 1, 2002.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years.”.

H.R. 6

OFFERED BY: MR. LAZIO OF NEW YORK

AMENDMENT NO. 7: Page 192, after line 10, insert the following new section (and conform the table of contents accordingly):

SEC. 430. LOAN FORGIVENESS FOR CHILD CARE PROVIDERS.

(a) PURPOSE.—It is the purpose of this section—

(1) to bring more highly trained individuals into the early child care profession; and

(2) to keep more highly trained child care providers in the early child care field for longer periods of time.

(b) LOAN FORGIVENESS FOR CHILD CARE PROVIDERS.—Part B (20 U.S.C. 1071 et seq.) is amended by inserting after section 428J (as added by section 432) (20 U.S.C. 1078-10) the following:

“SEC. 428K. LOAN FORGIVENESS FOR CHILD CARE PROVIDERS.

“(a) DEFINITIONS.—In this section:

“(1) CHILD CARE FACILITY.—The term ‘child care facility’ means a facility, including a home, that—

"(A) provides child care services; and

"(B) meets applicable State or local government licensing, certification, approval, or registration requirements, if any.

"(2) CHILD CARE SERVICES.—The term 'child care services' means activities and services provided for the education and care of children from birth through age 5 by an individual who has a degree in early childhood education.

"(3) DEGREE.—The term 'degree' means an associate's or bachelor's degree awarded by an institution of higher education.

"(4) EARLY CHILDHOOD EDUCATION.—The term 'early childhood education' means education in the areas of early child education, child care, or any other educational area related to child care that the Secretary determines appropriate.

"(b) DEMONSTRATION PROGRAM.—

"(1) IN GENERAL.—The Secretary may carry out a demonstration program of assuming the obligation to repay, pursuant to subsection (c), a loan made, insured or guaranteed under this part or part D (excluding loans made under sections 428B and 428C) for any new borrower after the date of enactment of the Higher Education Amendments of 1998, who—

"(A) completes a degree in early childhood education; and

"(B) obtains employment in a child care facility.

"(2) AWARD BASIS; PRIORITY.—

"(A) AWARD BASIS.—Subject to subparagraph (B), loan repayment under this section shall be on a first-come, first-served basis and subject to the availability of appropriations.

"(B) PRIORITY.—The Secretary shall give priority in providing loan repayment under this section for a fiscal year to student borrowers who received loan repayment under this section for the preceding fiscal year.

"(3) REGULATIONS.—The Secretary is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

"(c) LOAN REPAYMENT.—

"(1) IN GENERAL.—The Secretary shall assume the obligation to repay—

"(A) after the second year of employment described in subparagraphs (B) and (C) of subsection (b)(1), 20 percent of the total amount of all loans made after date of enactment of the Higher Education Amendments of 1998, to a student under this part or part D;

"(B) after the third year of such employment, 20 percent of the total amount of all such loans; and

"(C) after each of the fourth and fifth years of such employment, 30 percent of the total amount of all such loans.

"(2) CONSTRUCTION.—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan made under this part or part D.

"(3) INTEREST.—If a portion of a loan is repaid by the Secretary under this section for any year, the proportionate amount of interest on such loan which accrues for such year shall be repaid by the Secretary.

"(4) SPECIAL RULE.—In the case where a student borrower who is not participating in loan repayment pursuant to this section returns to an institution of higher education after graduation from an institution of higher education for the purpose of obtaining a degree in early childhood education, the Secretary is authorized to assume the obligation to repay the total amount of loans made under this part or part D incurred for a maximum of two academic years in returning to an institution of higher education for the purpose of obtaining a degree in early childhood education. Such loans shall only be repaid for borrowers who qualify for loan repayment pursuant to the provisions of this section, and shall be repaid in accordance with the provisions of paragraph (1).

"(5) INELIGIBILITY OF NATIONAL SERVICE AWARD RECIPIENTS.—No student borrower may, for the same volunteer service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).

"(d) REPAYMENT TO ELIGIBLE LENDERS.—The Secretary shall pay to each eligible lender or holder for each fiscal year an amount equal to the aggregate amount of loans which are subject to repayment pursuant to this section for such year.

"(e) APPLICATION FOR REPAYMENT.—

"(1) IN GENERAL.—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(2) CONDITIONS.—An eligible individual may apply for loan repayment under this section after completing each year of qualifying employment. The borrower shall receive forbearance while engaged in qualifying employment unless the borrower is in deferment while so engaged.

"(f) EVALUATION.—

"(1) IN GENERAL.—The Secretary shall conduct, by grant or contract, an independent national evaluation of the impact of the demonstration program assisted under this section on the field of early childhood education.

"(2) COMPETITIVE BASIS.—The grant or contract described in subsection (a) shall be awarded on a competitive basis.

"(3) CONTENTS.—The evaluation described in this subsection shall—

"(A) determine the number of individuals who were encouraged by the demonstration program assisted under this section to pursue early childhood education;

"(B) determine the number of individuals who remain employed in a child care facility as a result of participation in the program;

"(C) identify the barriers to the effectiveness of the program;

"(D) assess the cost-effectiveness of the program in improving the quality of—

"(i) early childhood education; and

"(ii) child care services;

"(E) identify the reasons why participants in the program have chosen to take part in the program;

"(F) identify the number of individuals participating in the program who received an associate's degree and the number of such individuals who received a bachelor's degree; and

"(G) identify the number of years each individual participates in the program.

"(4) INTERIM AND FINAL EVALUATION REPORTS.—The Secretary shall prepare and submit to the President and the Congress such interim reports regarding the evaluation described in this subsection as the Secretary deems appropriate, and shall prepare and so submit a final report regarding the evaluation by January 1, 2002.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years.".

H.R. 6

OFFERED BY: MR. RIGGS

AMENDMENT NO. 8: Page 246, line 23, after the period insert close quotation marks and "; and", and strike line 24 and all that follows through line 5 on page 247.

H.R. 6

OFFERED BY: MR. RIGGS

AMENDMENT NO. 9: At the end of the Bill, add the following new title:

TITLE XI—DISCRIMINATION AND PREFERENTIAL TREATMENT

SEC. 1101. PROHIBITION AGAINST DISCRIMINATION AND PREFERENTIAL TREATMENT.

(a) PROHIBITION.—No institution of higher education that participates in any program authorized under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) shall, in connection with admission to such institution, discriminate against, or grant preferential treatment to, any person or group based on whole or in part on the race, sex, color, ethnicity, or national origin of such person or group.

(b) EXCEPTION.—This section does not apply to any institution of undergraduate higher education which is a private institution that traditionally and continually from its establishment has had a policy of admitting only students of one sex.

(c) OUTREACH ACTIVITIES PERMITTED.—Subsection (a) does not prohibit or limit any effort by an institution of higher education to encourage and recruit qualified women and minorities to seek admission to such institution if such recruitment or encouragement does not involve granting preferential treatment, in selecting any person for admission, that is based in whole or in part on race, sex, color, ethnicity, or national origin.

SENATE—*Monday, April 27, 1998*

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord, as we begin this new week, we claim that You are in our midst. Fill this Senate Chamber with Your glory. May we humbly trust You as the sovereign Lord of our lives and of America.

Because Your strength is limitless, our inner wells need never be empty. Your strength is artesian, constantly surging up to give us exactly what we need in every moment. You give us supernatural thinking power beyond our IQ; You provide emotional equipoise when we are under pressure; You engender resoluteness in our wills and vision for our leadership; and You energize our bodies with physical resiliency.

Lord, quiet our turbulent hearts with Your unqualified, indefatigable love. Give us profound confidence, security, and peace. We have absolute trust in Your faithfulness and we commit ourselves to You anew. Tune our hearts to the frequency of Your inner voice. Give us the clarity as we need to lead our Nation. In Your never-failing power, we humbly pray, through Jesus Christ our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader from Alabama is recognized.

SCHEDULE

Mr. SESSIONS. Mr. President, this morning the Senate will be in a period of morning business until the hour of 12 noon. At noon, the Senate will proceed to executive session to consider the treaty on NATO enlargement. It is hoped that Senators will come to the floor to debate the treaty and to offer amendments. As a reminder to all Members, a rollcall vote will occur this evening at 6 p.m. on the confirmation of the nomination of Scott Fleming to be Assistant Secretary for Legislation and Congressional Affairs at the Department of Education.

As a further reminder, a rollcall vote will occur on the State Department reorganization conference report at 2:25 p.m. on Tuesday, April 28. This will not necessarily be the first vote of Tuesday's session, and the Members will be notified of an updated voting schedule.

Also during this week's session, the Senate could be asked to consider the supplemental appropriations conference report, if available from the conference committee.

In addition, the Senate could be asked to consider, possibly under a brief time agreement, the Work-Force Development Act. A couple of amendments are expected to be offered, and, as always, Members will be notified as the schedule becomes clearer later in the week.

I thank my colleagues for their attention.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. SESSIONS). Under the previous order, there will now be a period for the transaction of morning business.

The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, I thank the Chair.

(The remarks of Mr. FORD pertaining to the introduction of S. 1989 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Under the previous order, the Senator from Wyoming, Mr. THOMAS, is recognized to speak for up to 15 minutes.

Mr. THOMAS. Thank you, Mr. President.

PRIORITIES

VISION 20–20

Mr. THOMAS. Mr. President, this is a morning with a little bit of break between issues. It is an opportunity, it seems to me, to share some of the thoughts some of us have as priorities. Obviously, when we get involved in a particular bill, as we did last week, it took the whole week. Some of the things we care a lot about we tend to sort of set aside.

I speak this morning briefly on a couple of issues that I think are very important, and are particularly important to me. One is the bill called Vision 20–20. It is the product of a great deal of effort that we put in in the Parks Subcommittee with respect to revitalizing our national parks. We have had one hearing in the subcommittee. We have another planned for this week. Finally, we will have four hearings and then, hopefully, bring it to the floor sometime in May or early June.

National parks, of course, are increasingly well thought of in this country. They are increasingly popular. Visitations go up. We have more and more people taking advantage of the parks, parks that preserve either natural resources or cultural resources that have been a tradition.

We celebrated last year the 125th anniversary of the first park, Yellowstone Park in Wyoming, as a matter of fact. Unfortunately, at the same time that we have increased our caring about parks, we find ourselves, according to the park agency, in addition to being $5 billion behind in the infrastructure, taking care of those parks and preserving those parks. The purpose, of course, of a park is to preserve those resources, whether they be natural or cultural. But equally as important, and the second issue, certainly is to provide a pleasant visit to the owners of the park who are the people of the United States. That, of course, becomes more difficult as this infrastructure needs repair.

We are seeking to do a number of things. We are seeking to increase the resources that are available that will be supplemental to the budget money, to the tax money that all taxpayers pay, by doing things like extending the fee period where additional trial fees have been added to the parks, and to extend that for some time to see that people who enter the park can actually share more of the responsibility of paying for it. We are also talking about a stamp, collectible stamps, such as a duck stamp, in which the resources would go to the park. We are talking about those people who come on international tours to be able as part of their tour to buy a 30-day entry to parks with some of those funds going to national parks.

We are talking about bonding many of the larger parks. Have things like streets and sewers, and it is very difficult to keep those up on annual budgets. So we are seeking to do that which is difficult since there is no real capital budget in the Federal establishment at work in doing that.

In addition, we hope to give an opportunity for taxpayers to deduct a portion of their return—the money that comes back to them—and dedicate it to the parks, if they choose to. We think that is an opportunity to support the parks and those people who care a great deal about it.

In addition, we are talking about the management. I think that is fair because they have more resources. There is evidence, of course, that management is not always what it might be. The most recent one, of course, is the cost of some of the construction there that has been extremely, unusually, inappropriately high. We are asking that

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

there be a strategic plan, that is a national strategic plan also revisited on down to each unit, and that each unit have a strategic plan that complies with the flat plan. That has a measurable goal in it. This is a large business; there needs to be planning for it.

We are talking about the concessions—the way that the concessions can contribute more financially to the parks. They are a commercial function within the park. We would like to see more private expertise in the management of these kinds of commercial activities within the Park Service. We also would like to have it more competitive so that people who want to get into the business can do that. We deal with the preferential right. In addition to that, of course, in order to invest millions of dollars, there needs to be some proprietary interest protecting that as well.

These are some of the things we are doing. We are talking about education of the park employees, which I think is an advantage for them. Park employees are some of the most committed people I know of in the Federal Government to their role in the parks.

We are excited about that, and hope that can be one of the things that this Congress accomplishes as they strengthen in making sure that the parks are going to be there for us in the next century and, therefore, our kids and our grandkids.

THE BUDGET PROCESS

Mr. President, we are also working, I think, as we move on into the allocation of funds through the budget and through the appropriations. I think we ought to take another look at a 2-year budget. We are going to find ourselves spending at least half of this year talking about budgeting and appropriations. Many State legislatures have shown that it is successful to do it on a biannual basis. What we ought to do, in my opinion—and we are also joined by the chairman of the Budget Committee, as well as the majority and minority whip—is that we ought to do this on a 2-year basis so that we can do it 1 year, set up the budgets the next year, and have oversight, which is something we need to do more of in Congress. I think it is good for agencies. They would have a longer period of time to know what resources are available to them. Somehow we don't seem to be able to get to it. It is a reasonable procedural thing that we ought to do. But, as is often the case and too often the case in Government and in this Congress, we have always done it that way. That is not a good enough reason. That is not a good enough reason. If there are ways we can do things more efficiently, if there are ways we can do things that will produce better results, that is what we ought to be doing. I am persuaded that is one of them.

We are also in the process of trying to set up a system that provides for more entrepreneurial private involvement in some of the things that Government does. Basically, we have a bill that will probably be heard in the House this week that simply says to OMB to define those things that are basically commercial in nature, that are done by the Federal Government, and then require under the so-called 876 process that each of those kinds of things be made available for private contracting if you can show that it can be done more efficiently that way.

The private contractor should get to bid on those things that are basically commercial in nature and be more efficient. We reduce the size of Government, and I think it makes a lot of sense. Of course, some of the labor unions in the Government agencies are not excited about that. The fact is that many of those people would be also doing the same thing in the private sector, and probably would be at least as well off.

These are some of the things that we are doing.

ELEMENTARY AND SECONDARY EDUCATION

Mr. President, I guess as an expression of some frustration, I have been hearing reports of last week's talk about education. I am surprised, frankly, that the national media has promoted some of the kinds of things that simply, it seems to me, are not the basis of the discussion. Yesterday, on TV, I heard them sitting around for 20 minutes talking about the idea that this bill was simply to define private school funding. It is not what it is about at all. It provides an opportunity for people to have a savings to use for their own children during kindergarten through college, an expansion of the $500 credit that is now $2,000 set aside. It is your money. It is not tax money. It is money that you are allowed to set aside after taxes but the income has not been taxed.

But the real issue, and what seems to be missed by most people, is what should the involvement of the Federal Government be in elementary and secondary education. What we are really debating is whether or not there ought to be a set of Federal entitlements set up that would go on forever by the Federal Government and would eventually, of course, impede or infringe upon local control of elementary and secondary schools. That is what the debate was about.

I am surprised sometimes that does not seem to permeate through the national media. Part of that is, of course, because the administration and our friends on the other side of the aisle tried to make that point. I guess when we govern and people are involved in self-government, as we all should be doing, that there has to be some semblance of factual information going out to people so that they can be involved.

I spoke this morning with a group of kids. There is one from each State here to talk about Government. The point that I try to make and that all of us try to make is that this is a government of the people, by the people, and for the people, and that all of us should try to make that democracy work, to make the Constitution work, to make the system work, and that we have to participate. To participate, you have to have some facts, not media hype, and not show business, but facts.

It seems to me, increasingly prompted some by politicians, to be sure, that we find ourselves more and more being faced with the political process becoming something of show business. That is not what it is. It is government deciding based on facts what is best for freedom, freedom for democracy, and for the American people. It is frustrating from time to time that those issues that are really basic to the decisions get lost somewhere. They get lost somewhere. I find them frustrating.

It is interesting, Mr. President, that in your home State,—as it is in Wyoming, where yesterday I had conversations—you hear things that are totally different than with some you talk with here. It is really interesting that folks at home are thinking about those things that are really important to them, and here we are talking about the gossip. But that is the way it works. So we all will continue to make it work that way.

Mr. President, as you can tell, I have used this opportunity to share some of the concerns and interests that I have having to do with national parks, having to do with allowing the private sector to participate in many of the things that are commercial in nature in the Government; talking about what I think is a more efficient manner of handling our budget on a 2-year budget cycle, and using the other year to have oversight to ensure those dollars are being spent in the best way they can.

They complain a little bit, I guess, which is OK, all of us do it, about the lack of ability to really portray and get out into the public the real issues and the real controversies. That is what we are really about here—is talking about different views and different directions. And to the extent that all of us can participate in making those decisions through the political process, which is how we govern ourselves, then it's important, I think—vital—to have that information available.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, April 24, 1998, the federal debt stood at $5,505,293,755,428.21 (Five trillion, five hundred five billion, two hundred ninety-three million, seven hundred fifty-five thousand, four hundred twenty-eight dollars and twenty-one cents).

One year ago, April 24, 1997, the federal debt stood at $5,343,217,000,000

(Five trillion, three hundred forty-three billion, two hundred seventeen million).

Twenty-five years ago, April 24, 1973, the federal debt stood at $455,284,000,000 (Four hundred fifty-five billion, two hundred eighty-four million) which reflects a debt increase of more than $5 trillion—$5,050,009,755,428.21 (Five trillion, fifty billion, nine million, seven hundred fifty-five thousand, four hundred twenty-eight dollars and twenty-one cents) during the past 25 years.

THE MISSOURI RIVER ENERGY SERVICES

Mr. DASCHLE. Mr. President, today I would like to share with my colleagues a development that is occurring in my region with an organization that has long been an agent of change. The Missouri Basin Municipal Power Agency is a joint action agency that provides affordable electricity, through its 58 municipal utility members, to over 200,000 consumers in my home state of South Dakota, and to citizens of North Dakota, Minnesota and Iowa.

The agency was formed in 1960 to coordinate municipalities' efforts to negotiate the purchase of power and energy from the Federal government. In 1970, the Federal government informed public power systems in the region that their growing power supply needs could no longer be met through the Federal hydropower program. Missouri Basin stepped in and met the supplemental power supply of its member communities by participating in, among other arrangements, the Laramie River Station coal-fired plant, one of the cleanest coal plants in the country.

Over the years, the agency has played a vital role in meeting the energy needs of the region. The agency has promoted integrated resource planning, carried out an aggressive tree planting program, and continued to provide its customers with affordable, reliable electricity.

Faced with a changing electricity market, Missouri Basin this month changed its name to Missouri River Energy Services, signaling its readiness to embrace a new era in which utilities will provide many added services and benefits for their customers. Missouri River Energy Services is rising to meet this challenge admirably.

I appreciate the work Missouri River Energy Services has done for our communities and wish the agency the best of luck as it helps forge the future of the electricity industry.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND THE CZECH REPUBLIC

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and proceed to the consideration of Executive Calendar No. 16, which the clerk will report.

The legislative clerk read as follows:

> Treaty Document No. 105-36, Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic.

The Senate resumed consideration of the treaty.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, prior to the Easter recess, there was some rather spirited discussion on the question of NATO expansion, and the debate so far has shown, I believe, that most Senators are reaching the correct conclusion that bringing Poland, Hungary, and the Czech Republic into the NATO alliance is the right thing to do.

To be sure, there are some commentators who vow they know more than all the rest of us and who make a living on the talk shows and in newspaper op-ed pages, and they have been wringing their hands declaring how awful it is that the U.S. Senate is not taking this vital foreign policy issue seriously. How awful, they lament, it is that the Senate is not paying adequate attention to this important issue.

Sometimes when I hear comments completely off the wall like that, I am tempted to say to these know-it-alls, "Heal thyselves." In fact, most of them have ignored the debate that the Senate has been having for months on this issue, and most of the commentators have been following something else, maybe an intern at the White House, or whatever. If they had been paying attention, they would have known why the Senate today appears to have reached a broad consensus as to the wisdom of NATO expansion and they would not be confusing that consensus with the lack of serious discussion and debate.

The fact is, Mr. President, we have been working with the administration leaders for 9 straight months now to fix their original approach to the NATO expansion. The Senate Foreign Relations Committee and the Senate NATO observer group have made concerted efforts to address the contentious issue early on precisely to ensure that the major problems with NATO expansion were addressed by the time 12 noon today arrived and we reached the Senate floor with this proposal.

Last fall, when we began the Foreign Relations Committee's extensive hearings on NATO expansion, I gave the administration a clear warning emphasizing that there was a right way and a wrong way to expand NATO and that, in my view, and in the view of many Senators, the administration was doing it the wrong way.

Some may recall that when Secretary Albright first came to testify before the Foreign Relations Committee, I told that fine lady that while I wanted to be helpful to her in achieving Senate ratification of NATO expansion, it was essential that we work together to fix what was wrong with the administration's approach and make sure it was done the right way. During the ensuing months, that is precisely what we have done.

We have held eight—count them—eight separate hearings in the Senate Foreign Relations Committee to discuss and debate every aspect of the administration's plan for NATO expansion. We heard from 38 different witnesses, who testified at some length each, and we produced a hearing transcript that is 552 printed pages long.

In the Foreign Relations Committee, we had worked with Secretary Albright to make the necessary course corrections in the administration's original approach to expansion. I can report now that we have successfully made those course corrections. When we finally vote on the Senate's resolution of ratification, we will not just be voting to expand NATO, we will be voting to expand NATO the right way.

The administration has agreed to a tightly worded resolution of ratification which includes strict, legally binding language that, among other things, requires that the core purpose of NATO must continue to be the collective defense of the territory of all NATO members, not just peacekeeping or the achievement of so-called nonmilitary goals.

It requires that NATO defense planning command structures and force goals be centered on ensuring the territorial defense of a number of countries.

It builds impenetrable firewalls in the NATO-Russia relationship, ensuring that Russia will have neither a voice nor a veto in NATO decisionmaking and that the NATO-Russia Permanent Joint Council be a forum for explaining, not negotiating, NATO policy decisions.

It requires extensive consultation with the Senate in the case of any proposed changes in the strategic concept of NATO.

It reaffirms that NATO does not require the consent of the United Nations or any other international organization to take any actions it deems necessary to defend the security interests of its members.

It requires the administration to develop and to report to Congress on a plan for a NATO ballistic missile defense system to protect Europe.

And it places strict limits on the cost to the American taxpayers for expansion, ensuring that our current NATO allies pay their fair share of the cost and that the American taxpayers will no longer be required to subsidize the national expenses of any countries, including the new members—Poland, Hungary, and the Czech Republic—for them to meet their NATO commitments.

If the administration had refused to accept these and other conditions contained in the resolution, Mr. President, I guarantee we would not have the consensus that we have here this afternoon. I would, under that circumstance, be on the Senate floor all this week leading the fight to delay NATO expansion until the administration did accept those conditions, and the professional commentators would probably be criticizing the Senate for holding this important administration priority hostage.

The consensus is not unanimity. A number of my Senate colleagues, for whom I have enormous respect, still have concerns. For one, we have heard some Senators raise the issue of NATO dilution. I am concerned about the dilution of NATO as well, but let's not confuse the issue. No one—no one—should be concerned that adding these new members will somehow dilute NATO. What we need to prevent is the dilution of NATO's mission and NATO's purpose, and we need to make sure that peacekeeping and nation building do not eclipse territorial defense as a primary alliance function.

I believe we have done that with our resolution of ratification by requiring that NATO defense planning remain focused on territorial defense and tied to the security of NATO members, not vague concepts like stability in Europe. There is none of that in this resolution of ratification.

The most important step we can take to stop NATO dilution is to bring Poland, Hungary, and the Czech Republic into the NATO alliance, and these countries know better than anybody else the need to keep NATO focused on territorial defense. Each of these countries spent the better part of this century, remember, either under foreign occupation or as satellites of a hostile superpower. They represent three more votes within the councils of NATO for the view of NATO with a clear-cut but limited mission.

Some have suggested that we take steps to curtail NATO's ability to act "out of area," as they put it; that is to say, outside of the North Atlantic area. That would be a serious mistake. The threats to the NATO alliance are changing and evolving. The day may not be far off when the principal threat to the territory of NATO members would not be a resurgent Russia but a missile strike or a terrorist attack launched by rogue states such as Iran, Iraq, Syria, or Libya.

The point is this, Mr. President: Would we really want to constrain NATO's ability to respond out of area with disproportionate force against a regime who dared to use chemical or biological weapons on the territory of a NATO member? Would we want to bar NATO's ability to strike out of area to prevent such attacks? Of course we wouldn't. With the end of the cold war, NATO's ability to act out of area will be more important as threats to the territory of NATO members change and evolve.

Some have said that NATO expansion is unnecessarily provocative to Russia. That is just plain wrong. NATO expansion in no way threatens Russian democracy or precludes building friendly relations with Russia. If anything, it will make it easier for us to maintain friendly relations with Russia, because an expanded NATO will shut off Russia's avenue to more destructive patterns of behavior.

Henry Kissinger pointed out that NATO expansion will "encourage Russian leaders to break with the fateful rhythm of Russian history . . . and discourage Russia's historical policy of creating a security belt of important and, if possible, politically dependent states around its borders."

In other words, what he was saying is Russia will no longer have the option, should the temptation ever arise, of seeking to restore its hegemony in Central Europe. With that avenue shut off, Russia is more likely to seek constructive options in its relations with the West.

Some others have suggested that the Senate require that Poland, Hungary, and the Czech Republic first gain admission to the European Union before we admit them to NATO. With all due respect to our friends in Europe, the European Union could not find its way out of a wet paper bag, and we need to face up to that.

Giving the European Union a veto over who does and who does not get into NATO would be nothing less than the abdication of American leadership in Europe. The fact is this: Admitting Poland, Hungary, and the Czech Republic to NATO is in America's best interest. If it were not, I would not be standing here this afternoon. These nations will be among the most reliable pro-American NATO allies that we could ever hope for. Indeed, I would go so far as to say that not only do these countries need NATO, America needs these countries in NATO.

That was certainly clear to me during the standoff with Iraq earlier this year. While many of our current NATO allies stuck their heads in the sand and wiggled their fannies, Poland and Hungary and the Czech Republic did not do that. They immediately and without hesitation said, "We will send troops in alongside the American forces if a military response is necessary in Iraq."

Furthermore, while many of our friends in Europe pursue policies in Cuba and China—that is, self-serving policies—these countries stand with us in working to promote human rights and to promote democracy in those last few bastions of communism.

So, Mr. President, I am convinced that Poland and Hungary and the Czech Republic will be among the first to stand with us in times of crisis and will support America as we work to ensure that NATO remains what it is today—the most effective military alliance in human history.

As I have tried to make clear, through the efforts of many Senators we have ensured with this pending resolution of ratification that NATO expansion is done the right way. I urge all Senators to vote for this resolution and right the historical wrongs of Yalta and support NATO expansion.

Mr. President, I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished majority leader is recognized.

Mr. LOTT. Mr. President, I am pleased the Senate is beginning to formally debate now the enlargement of NATO. I want to emphasize that this is the "formal" beginning of the debate. The real beginning goes back more than 4 years.

I want to again commend and congratulate the chairman of the Foreign Relations Committee for his work on this issue and his leadership, and, of course, the ranking member, the Senator from Delaware. I note the presence of two other distinguished Senators on the floor, Senator WARNER and Senator MOYNIHAN. They have some very important views which they will express, and they will have an amendment or amendments that I think will be very carefully considered by the Senate.

I do think it is important that we note that this issue has been debated for years. We did have some discussion a month ago. But because Senators felt that they needed more time to consider the issues—at least one Senator expressed the desire to actually go to Europe and meet with our allies, meet with NATO ambassadors, go to the affected countries. I thought that was a legitimate request, so some time was allowed to pass.

But now I think it is important that we stay focused on this. There will be no other issue that will be debated today or tomorrow or Wednesday other than NATO enlargement so that Senators will have a chance to focus, and so that the news media will feel this debate has been focused, and we can give it the consideration that a historic treaty of this nature deserves.

I had hoped that the U.S. Senate could have been the first country to vote on the enlargement of NATO. But Canada, Germany and Denmark have already ratified the enlargement by overwhelming margins.

I must express some surprise over media accounts which claim the Senate is giving NATO enlargement short shrift and we are rushing to judgment. We have not. We will not. The Senate should not rush to judgment on a treaty of this magnitude.

In 1994, in 1995, and in 1996 the Senate explicitly voted on urging NATO enlargement. The implications of this issue were all raised by opponents of that legislation, and in each case the legislation was overwhelmingly passed. But it has been debated and discussed and considered by the previous administration, by this administration, and by Congresses and the Senate since 1994.

Last April, I realized how serious this issue was. That is why I, along with the Democratic leader, created a special group, with the endorsement of the President, beyond the existing committee structure, to make sure that Senators were involved and were thinking about this enlargement question, to make sure that Senators on both sides of the aisle, not on the committees directly involved, would have a chance to attend hearings and go to Europe.

The Senate NATO enlargement group included 28 percent of the Senate—28 Senators. I made it a particular point to make sure that Senators who had reservations that had already been expressed would be included. That is why Senator WARNER was in the group, Senator KAY BAILEY HUTCHISON was in the group. Senator MOYNIHAN was included. And it did include members from the Appropriations Committee, the Armed Services Committee, the Intelligence and Foreign Relations Committees.

The observer group held 17 meetings with administration officials as well as political and military leaders from Europe. Senator ROTH led two observer group delegations to Europe.

I want to say at this point that I, too, took the time to go and meet with our allies. I went to London, and then I went to Brussels. I met with all of the NATO ambassadors. I went to Budapest, Hungary. I have taken advantage of opportunities to meet with leaders from the Czech Republic and Poland as well as Hungary to make sure I understood all the ramifications of this very important issue.

I think the criticism that we moved too quickly or have not seriously considered the issues of NATO enlargement does a real disservice to the Committee on Foreign Relations. Their hearing record, for instance, from just 6 weeks last year is 552 pages long, reflecting six hearings with 32 witnesses.

More than 20 Senators have already spoken on NATO enlargement here on the floor when it was considered last month. GAO and CRS have issued more than 30 reports on NATO enlargement. More than 1,000 op-eds, editorials and articles have been published in newspapers and academic journals on NATO enlargement. In fact, just recently I have seen endorsements, I believe, from the Washington Post and the Washington Times and criticism from the New York Times. So there has been a lot of thought, and a lot of articles and editorials have been written on this very important matter.

Let me provide an answer to one of the questions about the timing and nature of the Senate debate on this momentous issue. Why is there not more controversy? The answer is the supporters of NATO enlargement have been successfully making the case for 5 years. The arguments in support of NATO enlargement have convinced an impressive array of individuals and organizations. Much of the groundwork has been laid. That is why the 1996 platforms of both the Republican and Democratic Parties endorsed NATO enlargement. That is why every living former Secretary of State supports NATO enlargement.

I have made up my mind to support NATO enlargement. I believe it is in the strategic, moral, and political interests of the United States, as well as Poland, Hungary, and the Czech Republic.

Later this week all Senators will have a chance to vote on this issue. I think they will have all the time—I am going to make sure they have all the time they need to express themselves. I think the vote will be decided by an overwhelming margin. And it is a question not only of the security of the United States, but expanding the NATO alliance to these three countries. I think it will shape the future of Europe for many years to come.

I do subscribe to the view expressed by some—I believe Senator BIDEN has said this—that it is a natural extension of having won the cold war in that it is extending the ring of freedom to those countries that would like to join NATO.

That is one thing that impressed me so much. In Hungary, they have made progress toward democracy. They are making progress toward a stronger economy. They do want to have better communication and cooperation between our military capabilities. They are committed to doing the things that are necessary to help their country as a member of NATO and as they move toward full membership in the European Union. I think they would be greatly disturbed if at this point, after all these considerations and after the efforts they have taken after the votes that they had in their own countries, if we walked away from this opportunity.

There are those who say, "Well, what about Russia? Won't they be alarmed by this?" First, it is interesting to me that some of our colleagues who have felt the strongest against the Soviet Union and have raised the most concerns about Russia are the ones now saying, "Oh, well, what will Russia think?" Well, I think we should consider that.

But look at Senator LUGAR, who for years has been trying to make sure that the United States worked on its relations with Russia. He is for the NATO enlargement. He would certainly not want to do something that would harm the interests we share in a developing relationship with Russia. The bottom line is that NATO poses no threat to Russia or Russians unless Russia has ambitions against current or prospective NATO members.

As I noted, Senator WARNER will have an amendment to have a 3-year pause before NATO acts to invite additional members. There is no Member who is more thoughtful than Senator JOHN WARNER of Virginia when it comes to our national security, our military, NATO, and European security interests. I do not think that he is right in this instance that we need this pause. I think it would send the wrong signals.

I think we can make the right judgment as to how much time should be required or when additional countries would be invited to join. But I do think it is important we think about that and that we give all the time that is desired to the Senators who want to advance this amendment so that we can think clearly about what will the future hold as far as other countries that might be considered for admission to NATO and where it will eventually lead.

But we do have unanimous support from, as I said, the former Secretaries of State. We have the support of former President Bush, former President Carter, and a bipartisan group of five former Senators. I ask unanimous consent that their letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOUSTON, TX,
February 24, 1998.

His Excellency VACLAV HAVEL,
President of the Czech Republic,
Prague.

DEAR VACLAV: I was delighted to receive your letter of February 10 favoring NATO expansion. Though I have no authority anymore, I certainly will take into consideration your arguments when discussing NATO expansion, which I strongly favor.

It is my view that Russia itself is better off with an expanded NATO, though Russia clearly does not see it that way yet.

On another subject, I was very pleased to see that picture of you greeting one of your Olympic heroes. You look well and that pleases me, for I have been concerned about your health.

Warm best wishes from your friend,

George Bush.

The Carter Center,
Atlanta, GA, March 18, 1998.

Hon. Senate Majority Leader Trent Lott,
Senate Russell Office Building,
Washington, DC.

To Senate Majority Leader Trent Lott: I understand that the full Senate will soon consider the amendments to the Washington Treaty of 1949, which created NATO, to admit The Czech Republic, Poland, and Hungary as new members.

Given the strong bipartisan support for NATO expansion as reflected in the Senate Foreign Relations Committee vote, I hope that through your leadership the full Senate will give its overwhelming endorsement as well.

I was initially very concerned about the potential negative reactions within Russia. Like many, I was concerned that forces within Russia who perceived NATO expansion as a reflection of Russian weakness could marshall public opinion in opposition to close ties to the West and to further moves toward disarmament, particularly nuclear. My concerns have, however, been considerably alleviated through the open and forthright way Russia's fears have been addressed, although I realize there are still many opposed in Russia, which may be reflected in the Duma's debate over ratification of the Start II Treaty.

I believe it is vitally important to US foreign policy and security interests that NATO remain the cornerstone of cooperation on security matters in Europe, all the more as we witness the continued unrest in the Balkans. Strong, bipartisan support from the Senate would be seen in Europe as a clear indication of US commitment. I therefore encourage all Senators to view NATO expansion as very much in the US interest and give my full endorsement.

Sincerely,

Jimmy Carter.

April 23, 1998.

Hon. Trent Lott,
Senate Majority Leader,
U.S. Capitol, Washington, DC.

Dear Mr. Majority Leader: In the next few days, the United States Senate will be confronted with a historic vote: the expansion of NATO to include Poland, Hungary and the Czech Republic.

We have watched the rapid progress of these three countries as they have rejoined the free societies of the world community. We are convinced that expanding NATO is good for the Alliance and for the United States.

It is unquestionably in the interest of the American people for Europe to remain free and democratic, safe and secure. Having won the Cold War, we now have a fleeting chance to secure through peace what we once fought to achieve through war.

The Senate has held numerous hearings regarding NATO expansion, all of which have examined the issues surrounding the NATO debate. At least three different committees have examined every aspect of NATO enlargement. Even more importantly, the full Senate has acted on a number of occasions on legislation that would help speed the transition of Central European countries into NATO. The Senate has held several major debates and taken recorded votes as early as January 1994 that demonstrate overwhelming support for rapid transition for Poland, Hungary and the Czech Republic into NATO. The process, therefore, has been protracted, intensive and conclusive.

Now, the world watches for a sign of American leadership. To hesitate would send a signal that the U.S. role in the world has begun to drift. We urge our former colleagues to shine forth with a strong signal of leadership by voting in support of NATO expansion.

Sincerely,

Hank Brown.
Alan Dixon.
Alan Simpson.
Paul Simon.
George Mitchell.

Mr. LOTT. I am looking forward to listening to the debate. I know that it will rise to the standard that the Senate has always reached in consideration of historic matters of this type. I think when we get to the conclusion, hopefully by Wednesday, the American people will feel we have done our duty appropriately.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I thank my distinguished leader and very dear friend for his kind remarks. But I would say that if the issue of sufficient time to debate was ever an issue, then it is long since to be put aside because, as the distinguished leader recited very carefully this morning, the Senate has given a lot of very conscientious deliberation to this issue, and now we have had a recess of some several weeks during which a number of colleagues, I say to the leader, and others, have had the opportunity to reflect adequately, in my judgment, on the seriousness of this question. It is time that we proceed today. I am confident at such time as the Senate reaches the vote this week, there will be no voice in opposition based on the absence of an adequate opportunity to consider it. So I thank the distinguished majority leader, and indeed the minority leader who collaborated in seeing that the Senate had adequate time.

We have our differences, Mr. President. And I should propound a question or two to my distinguished colleague momentarily, the chairman of the Foreign Relations Committee. But first I think it is important—Senator Moynihan and I have joined in our collaborative efforts to bring to the attention of the Senate our concerns in the form of two amendments.

I will say, although not present at the moment on the floor, there are many others who have joined with us. Mr. Smith of New Hampshire, I spoke with him just moments ago. He will be joining in the debate this afternoon—Mr. Harkin.

It is truly, Mr. President, a bipartisan effort of some Senators who spent many long hours working together and discussing this issue very thoroughly. There is not to be found in this debate, in my judgment, a single element of partisanship. It is truly a debate of conscience.

For the assistance of Senators, Mr. Moynihan and I will put in the Record today, without objection, Mr. President, a letter from Paul Nitze, of the School of Advanced International Studies and a letter from Mr. George Kennan, former Ambassador to the then-Soviet Union—two men who have dedicated much of their careers to the very issue about which we will be discussing, NATO and, most specifically, its enlargement. I ask unanimous consent those letters be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Johns Hopkins University, The
Paul H. Nitze School of Advanced International Studies,
Washington, DC, April 24, 1998.

Hon. Daniel Patrick Moynihan,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

Dear Senator Moynihan: Your effort to introduce a more deliberate approach to the question of NATO expansion is most constructive. We are in a period of great change in the security challenges for which our country must be prepared, but it is also an era in which we would be foolish to squander the opportunities opened by the end of the Cold War and the collapse of the Soviet Union.

Perhaps the most important such opportunity is the chance to bring Russia into the community of nations. A sensible policy to support that objective would concentrate on lending political and economic support to the development of a democratic, market-oriented society in Russia. NATO expansion distracts both us and the Russians from that goal. Indeed, the open-ended expansion being proposed for the alliance points toward increasing friction with post-Communist Russia for years to come. Driving Russia into a corner plays into the arguments of those most hostile to forging a productive relationship with the United States and its allies. It is not a sound basis for future stability in Europe, particularly when no current or projected threats warrant extending the alliance.

As you and Senator Warner have proposed, the preferable path surely lies in the direction of enlarging the European Union to embrace the countries of Central and Eastern Europe. Negotiations have now begun for the accession to the EU of Poland, Hungary and the Czech Republic, along with others. Encouraging those negotiations is the most useful emphasis the Senate could give to current trends in Europe. It makes no sense at all to enlarge NATO merely "to fill the void," as one senior administration official described the current process. We should, on the contrary, use the period while the EU is negotiating its own enlargement to demonstrate that the Partnership for Peace—which now has more than 25 partners—is the suitable relationship for European countries which are not members of NATO.

In the present security environment, NATO expansion is not only unnecessary; it is gratuitous. If we want a Europe whole and free, we are not likely to get it by making NATO fat and feeble.

Sincerely,

PAUL H. NITZE.

[From the World Policy Journal, Spring, 1998]

MAROONED IN THE COLD WAR

(An Exchange between Mark Danner and George F. Kennan, Strobe Talbott, and Lee H. Hamilton)

(Mark Danner's article, "Marooned in the Cold War: America, the Alliance, and the Quest for a Vanished World," which was published in the fall 1997 issue of this journal, elicited a strong response from prominent writers in government and out. An exchange of letters between Richard Holbrooke, former assistant secretary of state for European affairs, and Mr. Danner appeared in our winter 1997/98 issue. In the following pages, we are pleased to publish letters in response to "Marooned in the Cold War" addressed to Mr. Danner by the eminent historian and diplomat George F. Kennan, Deputy Secretary of State Strobe Talbott, and Rep. Lee H. Hamilton, ranking Democratic member of the House Committee on International Relations, along with Mr. Danner's replies.)

From George F. Kennan: I have read the article twice, once upon receiving it and again just a short time ago, before writing this letter. It is hard for me to express, without pressing the border of the fulsome, my reactions to it. Let me just say that I have seen no finer treatment than this one, both as a summary of the salient features of the conduct of American policy in earlier decades of this century, and as a treatment of the bewilderments into which we are now heading. What a pity, I find myself thinking, that this article could not be given the wide exposure it deserves and allowed to serve as cornerstone for a national debate on the problems and directions of American policy at this crucial post-Cold War moment. To put it briefly, the article is, to my way of thinking, in all respects excellent.

That neither this article, nor any other broad and thoughtful treatment of the questions you write about, could serve the purpose I have just mentioned, is obvious. It would be drowned in the cacophony created by the television, computer, and advertising industries which, each in its way, if they were to take any notice of it at all, would do so only in order to tear it to pieces and to exploit individual pieces as over-simplified sound-bites, here today and gone tomorrow. In itself, as I am sure you would agree, what is at stake in this sad state of affairs is a problem of tragic and momentous importance; for the situation now prevailing stands firmly in the way of the creation in influential American opinion of any quiet thoughtful concepts of American policy and hence of any really useful and constructive employment of the great and unique potential weight of this country in world affairs. But the national political establishment, as now existing, has shown itself totally incapable even of understanding the true dimensions of this problem, and much less in tackling it effectively; and one cannot now look to it for anything more than what it is capable of giving.

This was the reason why, in one of my books (*Around the Cragged Hill*) I urged the establishment of a wholly nonpolitical but prestigious advisory body, totally outside the boundaries of the political process, to address some of the deeper problems of the country and to let its advice, conclusions, and recommendations be pondered by presidents, Congresses, state and local governments, and people at large. But never, I am sure, have any of my words ever met with less resonance than did the pages on which that suggestion was put forward; and with this total indifference facing me, I have seen no reason to press it further.

So much for the article in general. Now for one nit-pick and a couple of comments.

You refer to the Russians, on page 18, as having "accepted" the expansion of the NATO borders. Whether this is or is not a correct understanding depends on the meaning you give to the word "accepted." If it be taken to mean that one accepts something highly unwillingly and regretfully, persuaded that one has no other alternative, that is one thing. But if one accepts it in the sense that one has become persuaded of its merits, approves of it, welcomes it, and would not wish things to be otherwise, that, of course, is something else.

No one in authority in Russia today would, I am sure, accept the NATO expansion in the latter of these two senses. In the former? Yes, the vast majority would see it that way. What, after all, could they do about it? They could not oppose it by force of arms. The NATO leaders had said that they would not discuss it. They repeatedly emphasized that their decision was final, and that was that.

Yeltsin personally would probably accommodate himself to this state of affairs more easily than others would have done. He was plainly disinclined to make a serious issue of it in his relations with NATO, and with the United States in particular. But he too, has repeatedly stated publicly (and most recently only in the last few days) that he could not accept the expansion. On the contrary he regretted and deplored it. And in other sections of the regime, in the Parliament and among the military leadership, feelings were plainly angry and resentful. Neither of these circles, after all—neither the Parliamentarians nor the military leaders—had been, so far as the outsider can see, consulted or allowed to participate in the recent meetings between Yeltsin and Western leaders where these questions of the NATO expansion were discussed. The military, in particular, have felt themselves humiliated and demeaned in their professional dignity by this unilateral decision on the part of the Western powers, and have seen it as a shameful exploitation of a temporary and quite abnormal weakness in their own military posture.

The American authors of the expansion, disquieted, I suspect, by some of the adverse reactions their initiative has unleashed, have been at pains to persuade us that the Russians have actually accepted it voluntarily, that they are now quite happy about it, and that it will cause no serious difficulty. The nationalist elements in the Russian public, they point out, consist primarily of older people, now a passing generation, who have never had great electoral support. The youth, they would say, have for the most part supported Yeltsin. And the common people don't care.

Perhaps, perhaps. But the military have not yet been heard from. And aside from that, a process has now been put in motion that can hardly be stopped until NATO has come to take in practically all of Europe except the Balkans, at the risk of making of itself a dangerous absurdity rather than a meaningful alliance.

But enough of that. There is one more comment that I should like to make. Madame Albright is quoted as saying that NATO's foundation, 50 years ago, "gave Europe confidence in economic recovery." I would have to challenge that statement quite flatly. It was not at all the foundation of NATO but rather the Marshall Plan, put forward one to two years earlier, that had this effect. The foundation of NATO was actually a detraction from the beneficial effect that the Marshall Plan was at that time having on European opinion and particularly on the confidence of the Europeans in their own economic recovery. The foundation of NATO demanded that very large sums, which otherwise could have gone into the economic recovery process, were now to be diverted into the building up of armed forces in the center of Europe. And this, a number of us felt, was not only unnecessary, given the circumstances of that moment, but directly detrimental to certain of the positive developments which the Marshall Plan had put in motion.

The wider and more lasting basis for my own opposition to the NATO expansion will be visible to you, I think, from the enclosed copies of two of the final pages of my own last book (*At a Century's Ending*), pages that were written, I seem to recall, at the end of the year 1994.

My congratulations, once more, on the qualities of your article, not the least, if not the most important, of which was the excellence of the writing *October 15, 1997.*

Mr. Danner replies: As I sit down to write I must frankly admit that I run the clear risk—as you so well put it—of "pressing the border of the fulsome." The fact is, the beauty and extraordinary generosity of what you wrote left me rather stunned.

In the last quarter century, I have read, I believe, nearly everything you have written. To me you became—and here I am afraid I tread very close to that perilous border—something of a hero. In large part, this was because of the tenacity of your principles (a phrase that should properly be redundant but in our world today sadly is not). Perhaps in equal part, though, it was because of the supreme artistry of your work.

Of course, I agree fully, and sadly, with you that "the national political establishment . . . has shown itself totally incapable even of understanding the true dimensions of this problem." And yet nonetheless I find myself increasingly amazed by the steady and silent progress of the enlargement policy. I suppose I go on hoping that the debate must come; and yet as the days pass the phrases of our senior public officials simply grow murkier and murkier and the public discussion, what little of it there is, is directed more toward obscuring the underlying issues than uncovering and illuminating them. I wish, for example, I had had the wit to point out, as you do, that in declaring that NATO had originally given Europe "confidence in economic recovery," Mrs. Albright not only speaks inaccurately but manages to falsify a history of competing military alliances and civilian institutions that might well have taught today's policymakers a critical lesson, if they had bothered to look.

Now, of course, arguments of frank absurdity hold the stage, notably Mrs. Albright's repeated declarations, as she promotes the expansion of the alliance, that in Europe there is now "no more us and them. There is only one side." Many erstwhile critics, meantime, let themselves sink into bleak resignation.

I certainly agree, and hope I made clear in my message, that the Russians can be said to have "accepted" the expansion only in the most limited sense, so limited in fact that the word "accept" used in this way, might as well be meaningless. The least that can be said of this is that a dynamic process has begun, and no one can doubt that it takes relations between our two countries in a very different direction from the one in which we were traveling only four or five years ago. It seems impossible to say what might have happened; but I am profoundly disappointed that some of the positive elements of those relations are now very unlikely to be pursued.

By the way, I know At the Century's Ending, and its beautifully crafted last pages, very well. Rereading the photocopies you sent has encouraged me to go back to the book's beginning, and I am now happily in the midst of making my way through its pages once more.

Mr. WARNER. Also, Mr. President, I would like to place in the RECORD excerpts from a speech delivered by the distinguished senior Senator from New York, Mr. MOYNIHAN, before the Associated Press on April 20, in which he outlined with some specificity, and indeed absolute clarity, his deep concerns. And he put it in a historical context. This is a document worthy of each Senator's consideration as they proceed to prepare themselves fully for this debate.

I will read one excerpt, as follows:

And there were reservations. George Kennan, for one, felt economic recovery as embodied in the Marshall Plan provided the best hope for peace. The eventual incorporation of a prospering Federal Republic of Germany surely attests to this thought. History is repeating itself, so much that it could be said we are on the verge of fighting the last war.

Half a century ago, the Soviets kept their eastern neighbors out of the Marshall Plan, so an Iron Curtain descended across Europe. Five decades later, it is the west Europeans who are not prepared to admit the Poles, Hungarians, Czechs, Slovenians, Estonians, who have made clear their hopes to join a continental common market, the European Union, which would make for a united and secure Europe. Last fall Ambassador Richard Holbrooke noted the irony, "Almost a decade has gone by since the Berlin Wall fell and, instead of reaching out to Central Europe, the European Union turned toward a bizarre search for a common currency. So NATO enlargement had to fill the void."

Allow me to suggest that wandering in this void we may stumble into the catastrophe of nuclear war with Russia.

This would come about not from Russian strength, but Russian weakness. This is an idea we find difficult to absorb and understandably so. But we had better do [that].

Russians have been trying to tell us this.

I will have the remainder of the excerpts printed in the RECORD, but I think as we proceed in this debate there are a number of documents that should be carefully considered. I ask unanimous consent that the excerpts I referred to be printed in the RECORD, along with the most recent cost estimate by the Congressional Budget Office, dated March 17, 1998.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPTS FROM SENATOR MOYNIHAN'S SPEECH

The founding of NATO in 1949, then a pact of 12 nations, was an act of rare foresight and political will. Yet, it had its ambiguities. At the signing ceremony, President Truman observed that the alliance was made necessary because "one of the major powers"—the USSR—had blocked the formation of an international force provided for in Article 43 of the Charter that was to have enabled the United Nations to preserve world peace. By contrast, the AP account of the signing ceremony recorded that the French Foreign Minister, "speaking in his native tongue," noted that the new treaty in no way compromised his country's nonaggression pact with the Soviet Union. Rather, said the French Minister in the words of the dispatch, "This is directed against a possible future German menace." Indeed, in 1966, President Charles de Gaulle, having developed an independent atomic potential, withdrew France from NATO and unceremoniously threw our headquarters cadre out of his country.

And there were reservations. George Kennan, for one, felt economic recovery as embodied in the Marshall Plan provided the best hope of peace. The eventual incorporation of a prospering Federal Republic of Germany surely attests to this thought.

Much of this history is repeating itself, so much that it could be said we are on the verge of fighting the last war. Half a century ago the Soviets kept their Eastern neighbors out of the Marshall Plan, and so an iron curtain descended across Europe. Five decades later it is the west Europeans who are not prepared to admit the Poles, Hungarians, Czechs, Slovenes, Estonians, who have made clear their hopes to join a continental common market, the European Union, which would make for a united and secure Europe. Last fall Ambassador Richard Holbrooke noted the irony, "Almost a decade has gone by since the Berlin Wall fell and, instead of reaching out to Central Europe, the European Union turned toward a bizarre search for a common currency. So NATO enlargement had to fill a void."

Allow me to suggest that wandering in this void we may stumble into the catastrophe of nuclear war with Russia.

This would come about not from Russian strength, but Russian weakness. This is an idea we find difficult to absorb and understandably so. But we had better do.

Russians have been trying to tell us this. On December 7, 1988, Mikhail Gorbachev gave an extraordinary speech to the General Assembly of the United Nations declaring, "We in no way aspire to be the bearer of ultimate truth." The Marxist promise had failed in astonishing ways. (Thus, in 1996, a 16-year-old Russian male had only a 54 percent chance of surviving to age 60; two percentage points *less* than had he been born a century earlier!) In the meantime, ethnic hostilities, which were in theory meant to disappear, seemed to rise on every hand. In 1992, Gorbachev spoke to us in Statuary Hall in the Capitol of the problems of Russians now outside Russia:

"One problem which is assuming an acute and at times dramatic character in Russia is that of ethnic enclaves which, thanks to the breakup of the formerly unified state organism are being violently separated from their accustomed motherland, and now find themselves on the other side of a national boundary. . . .

"The situation is aggravated by the paroxysms of extreme nationalism which have here and there generated direct discrimination against minorities. Sometimes this is carried to a point which resembles apartheid. In this situation, any incautious step by anyone, however well intended it might be, can be misinterpreted and used in a way contrary to what was anticipated."

"Any incautious step." As, for example, expanding NATO to the Soviet border of Kaliningrad. Or officials in Moscow comparing the leader of Latvia to Pol Pot, as happened just last week.

Also last week Charles Krauthammer, blunt as ever asked in The Washington Post column: "Is NATO expansion directed against Russia?" "Of course it is," he answered.

If we don't see that, surely the Russians do. This is painfully clear in their National Security Blueprint issued by President Yeltsin on December 17, 1997. It is a 14,500 word assessment of their bleak situation and their only seeming option. "The former defense system has been disrupted, and the creation of a new one is proceeding slowly. Long unprotected sections of the Russian Federation state border have appeared." What does remain and does work are the strategic nuclear forces. And so:

"Russia reserves the right to use all the forces and systems at its disposal, including nuclear weapons, if the unleashing of armed aggression results in a threat to the actual existence of the Russian Federation as an independent sovereign state."

Conspiciously, the Duma has yet to ratify the START II Treaty signed in 1991. In a careful argument against NATO expansion first published in The Los Angeles Times, Howard Baker, Sam Nunn, Brent Scowcroft and Alton Frye termed this a doctrine of "inflexible response." A generation of arms negotiations, beginning under President Eisenhower, all directed against "first use" nuclear policies seems now to have been rejected.

A Newsday editorial of March 15 began with George Kennan's stark assessment: "Expanding NATO would be the most fateful error of American policy in the entire post-cold-war era."

More recently Kennan has written in World Policy Journal:

". . . what is at stake in this sad state of affairs is a problem of tragic and momentous importance; for the situation now prevailing stands firmly in the way of the creation in influential American opinion of any quiet thoughtful concepts of American policy and hence of any really useful and constructive employment of the great and unique potential weight of this country in world affairs. But the national political establishment, as now existing, has shown itself totally incapable even of understanding the true dimensions of this problem, and much less in tackling it effectively; and one cannot now look to it for anything more than what it is capable of giving."

Now is the time to look to the Senate. There will be a debate. Thanks to the insistence of Senators such as John Warner, Bob Smith, and Tom Harkin, there will be a debate. As of now there is not much doubt as to the outcome. This could change. Public opinion would seem to be changing. As recent Pew opinion survey found that approval for NATO expansion has dropped to 49 percent, with a large undecided element.

But should the vote go as expected, may we at least hope that the people and that the "national political establishment," as Ambassador Kennan has it, be alert to the risk we will have taken? We might even change our mind one day. We might even recall that

Article 51 of the Charter of the United Nations recognizes "the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations. . . ." Which includes every nation in Eastern Europe. This is grounds on which we went to war with Iraq. It is the law of nations. Concerning which at the General Assembly in 1988, Gorbachev declared "Pacta Sunt Servanda." Agreements must be kept. That is all President Truman intended at that ceremony in 1949. The law of the Charter must be enforced. Such "idealism" no longer resonates with Americans. But surely it is the great standard we have given the world. Russia included. It deserves our attention.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 17, 1998.

Hon. JESSE HELMS,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for the Resolution of Ratification of Treaty Document 105-36.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jeannette Deshong, who can be reached at 226-2840.

Sincerely,

JUNE E. O'NEILL.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

RESOLUTION OF RATIFICATION OF TREATY DOCUMENT 105-36

(Protocols to the North Atlantic Treaty of 1949 on Accession of Poland, Hungary, and the Czech Republic)

Summary

The resolution would ratify protocols to the North Atlantic Treaty of 1949 that would admit Poland, Hungary, and the Czech Republic as members of the North Atlantic Treaty Organization (NATO). Expanding the alliance would require the United States to contribute additional funding for equipment or capabilities shared by members of NATO. CBO estimates that those costs would initially be in the tens of millions of dollars and would reach about $100 million a year after four or five years. Ultimately, the United States and its NATO allies have considerable discretion in how to implement the protocols and, therefore, in the costs that would be incurred.

Estimated Cost to the Federal Government

On December 16, 1997, the United States and the other parties to the North Atlantic Treaty signed protocols to expand NATO to include three new members. Article V of the treaty commits each nation to provide assistance—including the use of armed force—to restore and maintain the security of any threatened member. The protocols, if ratified, would extend full NATO membership to Poland, Hungary, and the Czech Republic including a security guarantee under Article V.

In addition to spending for special national needs, NATO members contribute funds for equipment and facilities needed to accomplish common goals. NATO members share the costs of the alliance's spending for civilian and military headquarters, the Airborne Early Warning Force, various science and public information programs, and the NATO Security Investment Program (SIP) that covers common infrastructure projects, communications and air defense systems. Overall totals for the commonly funded budgets are determined collectively, and individual contributions are based on formulas for burden sharing.

Expanding the alliance would entail greater costs for improving command, control, communications, logistics and infrastructure—primarily the activities covered under SIP. The United States and its NATO allies, however, would have considerable discretion in how to implement the protocols and, therefore, in the costs that would be incurred. For example, standards for facilities, equipment, and training cover a wide range. Depending on what standards NATO sets, the budgetary consequences could vary substantially. Nevertheless, NATO has provided some initial studies that lay out basic military requirements.

At the December 1997 ministerial meetings, NATO's Senior Resource Board (SRB) presented cost estimates for expansion-related projects that would be eligible for common funding. In that report, the SRB identified costs of $1.5 billion for the next ten years. Assuming that current rules for burden sharing would continue under the protocols, the United States would cover 25 percent of those costs, or approximately $40 million per year. Similarly, the Department of Defense (DoD) assumes that NATO funding will increase gradually over the next four to five years with U.S. assessments for additional military costs reaching $36 million in 2002.

CBO's estimate includes an allowance of $25 million a year for the likelihood that U.S. costs would rise as NATO finalizes implementation plans, engineering surveys, and eligibility criteria for common funding. U.S. costs might also be higher if new member countries face difficulties paying for infrastructure or if military plans become more ambitious. In addition, the United States is likely to incur bilateral costs for expanded exercises, training, and programs to incorporate NATO compatible equipment into the Central European militaries. CBO estimates these costs would be low in the near-term but could amount to $30 million to $45 million a year after 2001 based on additional exercise costs for one brigade and two air squadrons every year plus the cost of subsidies for weapons purchases by the new members.

Thus, CBO estimates that the costs to the United States of expanding NATO would total about $100 million a year after a transition period of four or five years. Roughly 90 percent of these costs would be charged to Defense Department accounts for operation and maintenance, and military construction. The remaining 10 percent would accrue to budget function 150, International Affairs.

Previous CBO estimate

The CBO paper *The Cost of Expanding the NATO Alliance* (March 1996) explored five different scenarios for extending the NATO security guarantee to four central European countries. The scenarios ranged from a low-threat security environment that called for minimal NATO reinforcement of Central Europe to a scenario assuming a resurgent Russian threat that required the forward positioning of NATO troops in Central Europe.

The cost estimates in that report focused on the total costs to all NATO members, including the new members who would bear the largest shares of the total. Average annual costs to the United States over a 15-year period ranged from about $300 million to $1.3 billion. However, since CBO prepared that study, the SRB has provided clearer indications of how NATO would use its discretion to implement the protocols.

Pay-as-you-go considerations: None.

Intergovernmental and Private-Sector Impact

Section 4 of the Unfunded Mandates Reform Act of 1995 excludes from the application of that act any legislative provisions that are necessary for the ratification or implementation of international treaty obligations. CBO has determined that these protocols fit within that exclusion, because they make the Czech Republic, Poland, and Hungary parties to the North Atlantic Treaty of 1949.

Estimate Prepared by: Federal Costs: Jeannette Deshong; Impact on State, Local, and Tribal Governments: Pepper Santalucia; Impact on the Private Sector: Eric Labs.

Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

Mr. WARNER. I shall read briefly from it the cost estimate.

The resolution would ratify protocols to the North Atlantic Treaty of 1949 that would admit Poland, Hungary, and the Czech Republic as members of the North Atlantic Treaty Organization (NATO). Expanding the alliance would require the United States to contribute additional funding for equipment or capabilities shared by members of NATO. CBO estimates that those costs would initially be in the tens of millions of dollars and would reach about $100 million a year after four or five years. Ultimately, the United States and its NATO allies have considerable discretion in how to implement the protocols and, therefore, in the costs that would be incurred.

Mr. President, I think it is essential that the Senate spend a great deal of time during the course of this debate on costs. Right now, the United States spends about one-fourth of the costs of the entire NATO—let me repeat that—the taxpayers of the United States spend one-fourth of the entire cost of NATO, a membership of 16 nations, and now we are asked to add three more.

On each Senator's desk were the hearings in the Foreign Relations Committee. I will ask a question of the distinguished chairman. I have looked through this, and I suggest at some point today he have printed in the RECORD those references in this well-done document which relate to costs.

I have to say in all fairness to my distinguished friend and chairman, I find very little addressing the issue of cost in this. It would be my hope that the committee could provide such supplemental material that can be of assistance to Senators on this issue of cost. The costs range from a low of $1.5 billion over 10 years—that is the NATO-U.S. estimate—to $125 billion over the same time; that was the original CBO estimate. The administration claims the U.S. share of expansion will cost $40 million per year for 10 years. But the March 17 CBO estimate cost resolution of ratification had costs much higher—$100 million per year.

Mr. President, we are embarking here in a few days on a decision which will have far-ranging implications, not only to the men and women of the United States who proudly wear the uniform today and tomorrow and for a decade hence in terms of their own personal security, in terms of the admissions of NATO—and I will address that momentarily—but to the American taxpayer, who for years, literally 50 years, have borne the majority of the costs associated with this treaty.

The time has come, I think, that we have to examine those costs and the burdensharing very carefully, and we should do that in the context of the deliberation on this treaty.

Another document that is on each Senator's desk is legislative notice—at least on our side of the aisle, and I presume a similar document is on the other side—and it points out NATO's new missions. It is my understanding that the new mission of NATO is a subject which is under study at this time, yet to be determined by NATO itself, much less ratified by the 16 nations through the forum of the North Atlantic Council.

So, again, we are asked to vote on enlargement of the treaty without knowing the future missions to which men and women of our Armed Forces and the other nations could be committed in the future.

Mr. MOYNIHAN. Will the Senator yield?

Mr. WARNER. Yes, indeed.

Mr. MOYNIHAN. Sir, would you be aware—and obviously this is a rhetorical question because the Senator is very much aware—that the resolution of ratification has a section, "The Strategic Concept of NATO," in which I read. "The Senate declares that NATO may also, pursuant to article 4 of the North Atlantic Treaty, on a case-by-case basis engage in other missions when there is consensus among its members that there is a threat to the security and interests of NATO members."

Would my distinguished friend not regard that as a huge expansion of the mission and territorially defined role from a specific North Atlantic Treaty Organization to a global treaty?

Mr. WARNER. Mr. President, the Senator is so correct in his observation.

In the course of addressing the press the other day, I said we are literally trying to create, through this expansion and the indefinite new missions, a 911 organization—"Call if there is a problem"—dial-a-cop, dial-a-soldier.

Mr. President, the American public has no idea what is taking place with regard to the expenditure of their tax dollars, with regard to the commitment of their sons and daughters for future NATO service. That is why it is so important we focus on the very point the distinguished Senator from New York raises.

There is an amendment to be considered by the Senate, I presume shortly, by the distinguished Senator from Missouri, Mr. ASHCROFT. I am joined as a cosponsor. It raises the precise question with regard to the future missions—I think we should pass that amendment—the basis of which would be to reestablish the original purpose of NATO as a collective defense of the member nations and not to go beyond the border unless it is clearly a dispute that puts in jeopardy the security of one or more members of NATO.

I hope the Senate will adopt that amendment, together with others, because we cannot allow this organization to become a response unit to any crisis in that part of the world. We will have lost its purpose, a purpose which has been magnificently served for over 50 years.

I challenge any Senator to point out another military alliance, another military treaty, that has served the American people, that has served Europe, that has served the cause of peace in half the world better than this. If it works, it works well; why try to fix it? We would not turn our back on a clear act of naked aggression against these three nations that are being considered for membership. I am certain that there would be an alliance probably consisting of the principal members of NATO that would come to their defense.

We see a similar alliance today in war-torn Bosnia. I, for one, feel that that is a conflict which represents the type of conflicts the world is most likely to experience in the years to come. I just made a trip to the Caspian Sea recently. That region has potentially one of the largest oil and gas reserves in the world, a world which is becoming desperate for more energy resources. But the nations that surround it are still embroiled internally, and with their bordering nations, in old ethnic and religious hatreds that go back, some, for centuries.

If I may depart for a moment, when I look at the magnificence of the United States of America, just over 100 or so years ago this Nation was torn apart by a cruel, devastating civil war, but we put it behind us, we have gone on. We took a north and a south and brought them together and reestablished ourselves militarily and economically to where we are the strongest nation in the world today. And to the extent that we refer to that tragic period, it is done only now with serious, contemplative reflection on history, which remains perhaps the single most studied chapter in history in contemporary America. I know my State, in which the majority of the battles of this region were fought, is host to hundreds of thousands of visitors every year. But the point I wish to make is that we put it behind us, we reconciled our differences, and we went on to become the strongest nation in the world.

Somehow, that is not an achievement that so many other nations of the world can seem to reach, and they still are embroiled in conflict. That is why I certainly am going to join in the debate and focus on this strategic concept of what the future missions of NATO are, and do it very carefully, and hopefully, even if these three nations are permitted to join, restrict it to what was a collective defense of the individual nations.

Mr. President, I just want to ask my distinguished chairman here, the chairman of the Foreign Relations Committee, What is his view as to the costs and what are the basic facts on which he relies in bringing forth this treaty at this time to the Senate?

Mr. HELMS. Mr. President, my response to my friend from Virginia has to be in many parts. I just told my helpmate here that we did a drivel here and a drivel there, all formal and official estimates. Before we go any further, I want to get the Senator's question on paper, and then we will give the citations for the various figures. The problem is that the cost of operating NATO, oddly enough, reduces in the early years, and then it will go up, and then it will come down again. I want to explain that so that the Senator will understand it and, to be honest, so that I will understand it a little better myself. It is things like that. Why don't we get together and get the specific question about the specific figures, and we will give the Senator the responses on which we based our judgment.

Mr. WARNER. I think that is a most reasonable reply. I will carefully draft it up, submit it in a letter, and in due course I hope to have the opportunity to debate a response to my letter with my distinguished chairman. We will try as best we can to at least refine the extremes of the estimates and the likelihood that we can have any consensus—which I feel is unlikely—as to the costs, which I think is a very important part of this debate, I say to the Senator.

Mr. HELMS. Of course it is.

Mr. WARNER. Because we are about to commit the American taxpayers, in my judgment, to almost a blank check for almost an indefinite period of time. So we will go to work on that together.

Mr. HELMS. We will respond to that in particular. I am not inclined ever to give anybody a blank check for the American taxpayers' money. We will cover every detail the Senator wants to cover, as well as the distinguished Senator from New York.

Mr. WARNER. My second question to the chairman is—and he can put it in writing or otherwise—I would like to have a clarified understanding of what the committee's view is as to the future missions of NATO and whether or not my position is correct that it is undecided, undefined, and it is now being considered by the NATO staff and yet to be published. That publication will come, regrettably, long after the Senate action on this question of the three nations.

Mr. HELMS. The Senator is on sound ground in wanting to get that point cleared up. I will help him.

Mr. WARNER. I thank the Chair and my distinguished chairman. I see my colleague from New York on his feet.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I first join in thanking the revered chairman of the Foreign Relations Committee for the openness with which he has addressed this issue of cost, which has come to be a bit of an embarrassment. We start out by hearing it is only $150 billion, and in no time at all we learn that it is only $3.5 million. But those are not his fooling with the estimates; that comes from downtown.

I would like, sir, to address, just for balance, the question of who has entered objections, expressed fears, or concerns regarding NATO expansion. The majority leader was quite correct that the Secretary of State and others have joined in supporting this measure. It was their policy for many years, but it is also the case that the persons most responsible for the formation of NATO and the formation of the containment policies which NATO implemented, in a far off time that not everyone remembers—I believe it is the case, sir, that half of the Members of the Senate were born after 1940, such that many would have been aged 9 when NATO was established. It is in a distant time.

Following World War II, American foreign policy faced the maniacal determination of Stalin to extend his effective borders and power—somewhat conceded by the United States at Yalta, in all truth. The Soviet expectation was that there would come a day, not far distant, when Socialism would manifest, with the U.S.S.R. and China leading the way to international unity. But the person who put in mind the notion that the Soviet Union will fail if you just contain them, that the internal contradictions are so awful, they can't pull this off, that man is George F. Kennan. He was a treasure then, and is doubly so now, as he is still alive to bear witness to the aftermath and the extraordinary success of his policy. His famous "Long Cables From Moscow" and the subsequent anonymous article published in Foreign Affairs under the pseudonym "X" are part of the history of the United States, not just this particular period.

Sir, George Kennan has said that expanding NATO would be "the most fateful error of American policy in the entire post-world war era"—"the most fateful error." More recently, in the World Policy Journal, he writes:

> What is at stake in this sad state of affairs is a problem of tragic and momentous importance; for the situation now prevailing stands firmly in the way of the creation in influential American opinion of any quiet thoughtful concept of American policy and hence of any really useful and constructive employment of the great and unique potential weight of this country in world affairs. But the national political establishment, as now existing, has shown itself totally incapable even of understanding the true dimensions of this problem, and much less in tackling it effectively; and one cannot now look to it for anything more than what it is capable of giving.

I have the honor to have known Ambassador Kennan for 30 years. He has been a historian for 45 years now at the Center for Graduate Studies at Princeton. He does not normally speak with such disdain of those in, as Shakespeare called "our brief authority," here in Washington. He is a statesman. But he says that the persons involved in a moment of "tragic and momentous importance" are quite incapable of doing anything but what they have done.

That is George Kennan.

If there was one other iconic—and I will use that word—person of the age still with us, still active, and in Washington, it would be, of course, Ambassador Paul Nitze. Paul Nitze, active adviser to President Truman at a time when we formed this policy we call containment and when NATO's article 5 military guarantee, that an attack upon any one of us is an attack on all of us, was extended. And don't make any mistake about that. That was the beginning.

Paul Nitze has just this moment written in almost the same terms as George Kennan to say, don't do this. I am going to read, if I may, the letter which I received on Friday from Paul Nitze addressed, in effect, to me and to my distinguished colleague, Senator WARNER. It is from the Ambassador Paul H. Nitze, the Paul Nitze School of Advanced International Studies at Johns Hopkins University. It says:

> DEAR SENATOR MOYNIHAN: Your effort to introduce a more deliberate approach to the question of NATO expansion is most constructive. We are in a period of great change in the security challenges for which our country must be prepared, but it is also an era in which we would be foolish to squander the opportunities opened by the end of the Cold War and the collapse of the Soviet Union.
>
> Perhaps the most important such opportunity is the chance to bring Russia into the community of nations. A sensible policy to support that objective would concentrate on lending political and economic support to the development of a democratic, market-oriented society in Russia. NATO expansion distracts both us and the Russians from that goal. Indeed, the open-ended expansion being proposed for the alliance points toward increasing friction with post-Communist Russia for years to come. Driving Russia into a corner plays into the arguments of those most hostile to forging a productive relationship with the United States and its allies. It is not a sound basis for future stability in Europe, particularly when no current or projected threats warrant extending the alliance.
>
> As you and Senator Warner have proposed, the preferable path surely lies in the direction of enlarging the European Union to embrace the countries of Central and Eastern Europe. Negotiations have now begun for the accession of the EU of Poland, Hungary and the Czech Republic, along with others. Encouraging those negotiations is the most useful emphasis the Senate could give to current trends in Europe. It makes no sense at all to enlarge NATO merely "to fill the void," as one senior administration official described the current process.

Might I interject here, Mr. President, to say that was Ambassador Holbrooke, and I commented on this in my address to the Associated Press.

To quote further:

> We should, on the contrary, use the period while the EU is negotiating its own enlargement to demonstrate that the Partnership for Peace—which now has more than 25 partners—is the suitable relationship for European countries which are not members of NATO.
>
> In the present security environment, NATO expansion is not only unnecessary; it is gratuitous. If we want a Europe whole and free, we are not likely to get it by making NATO fat and feeble.

Mr. President, one other question. I see my friend.

Mr. WELLSTONE. Mr. President, could I interrupt my colleague for a moment,

Mr. MOYNIHAN. Certainly.

Mr. WELLSTONE. I will ask him when it fits in with his presentation. Later on this week, I would like to speak on this. But I have some questions that I would like to put to my colleague. I have had tremendous respect for Senator MOYNIHAN over the years, long before I came to the Senate. I think this is such an important debate. I wanted to ask my colleague, when it does not break up the flow of his presentation, some questions.

Mr. MOYNIHAN. If I could say to my distinguished friend, I have about 5 more minutes at the most to comment on the nuclear matters. Then I will open to questions.

Mr. WELLSTONE. I thank my colleague.

Mr. MOYNIHAN. Mr. President, on the nuclear issue, I raised this in an address to the Associated Press, their 150th anniversary, which was held in Dallas on April 20. I simply put the question: Could NATO expansion lead to nuclear war? The thrust of these remarks was that Russia is now a much weakened country—terribly weakened. They have recently issued the equivalent of our NSC–68, which Paul Nitze wrote in 1950, a national security memorandum. In the Russian National Security Blueprint, issued in December, describes how Russian armed forces have seriously declined, the army has melted away, the navy is rusted, and things like that. But it says, don't forget this. We have nuclear weapons, and don't think that we will not use them if our country is in danger. The whole of 40 years of national security doctrine, from President Eisenhower on, of thinking of conventional forces, of a graduated approach to conflict, of no first use of nuclear weapons—all that is off the table. Not because the Soviet Union is so powerful but because it is so weak. We can almost feel them pleading in this document to say, "Don't you understand our situation?" Back to the hair trigger of the 1950s.

I ask unanimous consent that address to the Associated Press be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

COULD NATO EXPANSION LEAD TO NUCLEAR WAR?

(Address by Senator Daniel Patrick Moynihan at the 150th anniversary annual meeting of the Associated Press, April 20, 1998)

As some of you may have learned, things are a bit confusing in Washington just now. I have had some personal experience of this.

Some while ago, I was most generously invited by the President to a formal White House dinner. Our daughter had never been to one of these affairs, and so off we went, making our way past one Secret Service checkpoint after another, until at last we arrived at the East entrance where a bright young Agent, clipboard in hand, leaned through the car window and proclaimed, "Good evening, Senator Thurmond."

Next came my birthday, March 16, and a letter from the Vice President which began:

"Dear Daniel:

"I was very pleased to learn about the recent birth of your twins. Tipper joins me in sending our warmest congratulations and best wishes to you. We know that everyone close to you shares the excitement of the new additions to your family."

The more, then, do I welcome this opportunity to talk to people who make it their business to get their facts straight.

The Associated Press at 150! Conceived by David Hale of the *Journal of Commerce*, still flourishing on West Street in Manhattan, meeting with editors from five other New York dailies. It happens that at that time there was another such organization, operating out of Brussels. This was the network of correspondence bureaus which Karl Marx and Frederich Engels had established connecting various European capitals. Soon they had a Communist League across Europe, and in 1848, issued the celebrated Communist Manifesto.

There is a sense in which the age that followed was a competition between the ideas embodied in these respective organizations. As an early AP correspondent, Lawrence A. Gobright, put it, "My business is to communicate facts."[1] To the Marxists and the other ideologues that would follow, facts were merely an epiphenomenon of vast historical forces, which could and should be shaped to great historical ends. That much grief came of the latter is well known. Lesser known, perhaps, is the achievement of the Associated Press and the ideals it represented in large polities in which democratic politics become possible because people basically have the same information, and accordingly, can reach common understandings.

This was the beginning of modernization. We go straight from Hale and Raymond and Greeley to the Internet. The whole world now has the same facts.

The transition has not been smooth and, indeed, at times seemed doubtful. There were many reasons, but in essence they were those that Marx and Engels set forth, namely that the transition to a modern world meant we would enter a period of ever mounting economic crises which would eventually destroy the system that created them. For a half century, until just recently, the world has been frozen in a Cold War between the Soviet Union, committed to this proposition, and the West, led by the United States which, well, hoped it wasn't so.

There was one person, however, who you could say knew it wasn't so, the English economist John Maynard Keynes. In 1932 he published here in the United States a small volume entitled, "Essays in Persuasion." The whole of the Western world was then seized by a devastating economic crisis. How right Marx and Engels appeared to have been; how hopeless our own situation. Nonsense, wrote Keynes. His thesis was simple.

". . . the profound conviction that the Economic Problem, as one may call it for short, the problem of want and poverty and the economic struggle between classes and nations, is nothing but a frightful muddle, a transitory and an unnecessary muddle. For the Western World already has the resources and the technique, if we could create the organization to use them, capable of reducing the Economic Problem, which now absorbs our moral and material energies, to a position of secondary importance."[2]

He estimated it might take until about a hundred years.

Well, here we are, two thirds of the way and it begins to look as if Keynes might have been right. The past half century has been one of near continuous economic growth for the United States, and most of the industrial democracies. A story by David Skidmore on the AP wire last Tuesday began, "Inflation disappeared from the U.S. economy for the second time in three months in March. . . ."[3] We have full employment and steady growth. Other nations that pay attention are having the same experience.

Just last week our distinguished Secretary of the Treasury Robert E. Rubin outlined an American initiative to avoid future economic convulsions of the kind that have unsettled Asia. It is time, he said, to update the international financial institutions which Keynes, for the British, along with various Americans, established at the end of the World War II. Time for international financial systems "to be as modern as the markets."[4] Which means as the AP would say, to get the facts out fast and straight. Work on the optimistic hypothesis, Keynes would say, and the hypothesis will tend to be realized.

A final reference to Keynes. In the preface to his essays, he has this seeming simple, but profound forecast:

". . . [t]he day is not far off when the Economic Problems will take the back seat where it belongs, and that the arena of the heart and head will be occupied, or re-occupied, by our real problems—the problems of life and of human relations, of creation and behavior and religion."[5]

Human relations, behavior, religion Hmm. We may yet long for the age of the General Strike! For, as we look about the world, we see dreadful civil strife, ethnic warfare, religious hatred of the most appalling kind. This is seen as somehow pre-modern, in that much of the most conspicuous conflict seems to occur in pre-modern settings. But I would offer you the thought that a number of us have been writing about for years that it is essentially post-modern, and is not about to go away. To be sure, we are developing international institutions to deal with such matters, from election observers to international criminal courts. An international common law is emerging, along with an ever more elaborate network of legal agreements. And yet, the Cold War no more ended, with the collapse of the Soviet Union, than the first European war in fifty years broke out in what had been Yugoslavia. I got into Sarajevo in 1992; one could feel the future.

This comes to us of a sudden, and our grasp of it all is only just beginning to develop. For it was sudden, the end of the Cold War. I spoke to your annual luncheon in 1976, almost a quarter century ago. It was a somewhat sullen talk. I felt we had been conceding too much to the Soviets, and for my pains had just been fired as U.S. Representative to the United Nations. I had previously been Ambassador to India and had left the subcontinent asking how long could anyone seriously suggest that the Russians would hang on to, let us say, Tajikstan. I remarked at lunch:

"Russia, after all, is merely the last 19th Century European Empire left, and it is just as likely to come apart one of these days as did its onetime peers."[6]

This, I argued, would come about principally from centrifugal forces of ethnicity, religion, nationalism, which drive international politics in our age. But there was something more; the near death of the universalist Marxist belief in world communism in the Soviet Union itself. Moscow might then have been dispatching Cuban forces to Angola, invading Africa, if you like, but with small conviction. What I was not able to tell you in that talk was that Arkady N. Shevchenko, Under Secretary General of the United Nations, a man on most anyone's short list to succeed Andrei Gromyko as Foreign Minister of the U.S.S.R., had that winter defected to the United States. No such event had ever occurred. An official near the center of Kremlin policy had looked about him and decided that the whole Soviet idea had failed. No one in the Kremlin any longer believed in it, or, for that matter, understood it. Dissolution was inevitable. Shevchenko was kept "in place,"[7] in the tradecraft term, for another two years. But his insights and forecasts were available from the first, even if few in Washington paid much heed.

This is central. The collapse of the Soviet Union in 1991 took the West almost completely by surprise. We now have volumes like that of former Red Army political commissar, Dmitri Volkogonov, whose *Autopsy for an Empire* was published posthumously. It describes the stagnant decades in which decline became irreversible. In a review in The Wall Street Journal, Gabriel Schoenfeld writes that we should ask ourselves:

". . .[W]hat failure of will led the West to behave so timidly, pursuing unobtainable friendship and detente with doddering mediocrities who engaged in the ceaseless accumulation of arms and who recklessly lit bonfires around the globe?"

We have never asked this question in Washington. At lease we have never answered it. Instead, we continue to act as through the Cold War is still a central reality of foreign policy, withal there has been a turnover and we now have the ball and it is time to move downfield. How else can we explain the astonishing decision to expand NATO to include three former members of the Warsaw Pact. And only the beginning. As

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Footnotes at end of address.

Amos Perlmutter recently wrote in The Washington Times: "the second phase, sometime at the end of 1999, will usher the entry of Croatia, Slovenia, Romania, Bulgaria, and assorted new and old entities."[8] Thereafter, the three Baltic nations and after that, who can say?

Moreover, the Resolution of Ratification now before the Senate providing for the Accession of Poland, Hungary and the Czech Republic has this singular provision.

"(1) THE STRATEGIC CONCEPT OF NATO.—

"(A) THE FUNDAMENTAL IMPORTANCE OF COLLECTIVE DEFENSE.—The Senate declares that—

"(i) in order for the NATO to serve the security interests of the United States, the core purpose of NATO must continue to be the collective defense of the territory of all NATO members; and

"(ii) NATO may also, pursuant to Article 4 of the North Atlantic Treaty, on a case-by-case basis, engage in other missions when there is a consensus among its members that there is a threat to the security and interests of NATO members."[9]

Does this not read suspiciously like a license to get into a fight just about anywhere?

The founding of NATO in 1949, then a pact of 12 nations, was an act of rare foresight and political will. Yet, it had its ambiguities. At the signing ceremony, President Truman observed that the alliance was made necessary because "one of the major powers"—the USSR—had blocked the formation of an international force provided for in Article 43 of the Charter that was to have enabled the United Nations to preserve world peace. By contrast, the AP account of the signing ceremony recorded that the French Foreign Minister, "speaking in his native tongue,"[10] noted that the new treaty in no way compromised his country's nonaggression pact with the Soviet Union. Rather, said the French Minister in the words of the dispatch, "This is directed against a possible future German menace."[11] Indeed, in 1966, President Charles de Gaulle, having developed an independent atomic potential, withdrew France from NATO and unceremoniously threw our headquarters cadre out of his country.

And there were reservations. George Kennan, for one, felt economic recovery as embodied in the Marshall Plan provided the best hope of peace. The eventual incorporation of a prospering Federal Republic of Germany surely attests to this thought.

Much of this history is repeating itself, so much that it could be said we are on the verge of fighting the last war. Half a century ago the Soviets kept their Eastern neighbors out of the Marshall Plan, and so an iron curtain descended across Europe. Five decades later it is the west Europeans who are not prepared to admit the Poles, Hungarians, Czechs, Slovenes, Estonians, who have made clear their hopes to join a continental common market, the European Union, which would make for a united and secure Europe. Last fall Ambassador Richard Holbrooke noted the irony,

"Almost a decade has gone by since the Berlin Wall fell and, instead of reaching out to Central Europe, the European Union turned toward a bizarre search for a common currency. So NATO enlargement had to fill the void."[12]

Allow me to suggest that wandering in this void we may stumble into the catastrophe of nuclear war with Russia.

This would come about not from Russian strength, but Russian weakness. This is an idea we find difficult to absorb and understandably so. But we had better do.

Russians have been trying to tell us this. On December 7, 1988, Mikhail Gorbachev gave an extraordinary speech to the General Assembly of the United Nations declaring, "We in no way aspire to be the bearer of ultimate truth."[13] The Marxist promise had failed in astonishing ways. (Thus, in 1996, a 16-year-old Russian male had only a 54 percent chance of surviving to age 60; two percentage points less than had he been born a century earlier![14]) In the meantime, ethnic hostilities, which were in theory meant to disappear, seemed to rise on every hand. In 1992, Gorbachev spoke to us in Statuary Hall in the Capitol of the problems of Russians now outside Russia:

"One problem which is assuming an acute and at times dramatic character in Russia is that of ethnic enclaves which, thanks to the breakup of the formerly unified state organism are being violently separated from their accustomed motherland, and now find themselves on the other side of a national boundary. . . .

"The situation is aggravated by the paroxysms of extreme nationalism which have here and there generated direct discrimination against minorities. Sometimes this is carried to a point which resembles apartheid. In this situation, any incautious step by anyone, however well intended it might be, can be misinterpreted and used in a way contrary to what was anticipated."[15]

"Any incautious step." As, for example, expanding NATO to the Soviet border of Kaliningrad.[16] Or the mayor of Moscow comparing the leader of Latvia to Pol Pot, as happened just last week.[17]

Also last week Charles Krauthammer, blunt as ever, asked in The Washington Post column: "Is NATO expansion directed against Russia?" "Of course it is," he answered.[18]

If we don't see that, surely the Russians do. This is painfully clear in their National Security Blueprint issued by President Yeltsin on December 17, 1997. It is a 14,500 word assessment of their bleak situation and their only seeming option. "The former defense system has been disrupted, and the creation of a new one is proceeding slowly. Long unprotected sections of the Russian Federation state border have appeared." What does remain and does work are the strategic nuclear forces. And so:

"Russia reserves the right to use all the forces and systems at its disposal, including nuclear weapons, if the unleashing of armed aggression results in a threat to the actual existence of the Russian Federation as an independent sovereign state."[19]

Conspicuously, the Duma has yet to ratify the START II Treaty signed in 1991. In a careful argument against NATO expansion first published in The Los Angeles Times, Howard Baker, Sam Nunn, Brent Scowcroft and Alton Frye termed this a doctrine of "inflexible response."[20] A generation of arms negotiations, beginning under President Eisenhower, all directed against "first use" nuclear policies seems now to have been rejected.

A Newsday editorial of March 15 began with George Kennan's stark assessment: "Expanding NATO would be the most fateful error of American policy in the entire post-cold-war era."[21]

More recently Kennan has written in World Policy Journal:

". . . what is at stake in this sad state of affairs is a problem of tragic and momentous importance; for the situation now prevailing stands firmly in the way of the creation in influential American opinion of any quiet thoughtful concepts of American policy and hence of any really useful and constructive employment of the great and unique potential weight of this country in world affairs. But the national political establishment, as now existing, has shown itself totally incapable even of understanding the true dimensions of this problem, and much less in tackling it effectively; and one cannot now look to it for anything more than what it is capable of giving."[22]

Now is the time to look to the Senate. There will be a debate. Thanks to the insistence of Senators such as John Warner, Bob Smith, and Tom Harkin, there will be a debate. As of now there is not much doubt as to the outcome. This could change. Public opinion would seem to be changing. A recent Pew opinion survey found that approval for NATO expansion has dropped to 49 percent, with a large undecided element.[23]

But should the vote go as expected, may we at very least hope that the people and that the "national political establishment," as Ambassador Kennan has it, be alert to the risk we will have taken? We might even change our mind one day. We might even recall that Article 51 of the Charter of the United Nations recognizes "the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations. . . ." Which includes every nation in Eastern Europe. This is grounds on which we went to war with Iraq. It is the law of nations. Concerning which at the General Assembly in 1988, Gorbachev declared "*Pacta Sunt Servanda*."[24] Agreement must be kept. That is all President Truman intended at that ceremony in 1949. The law of the Charter must be enforced. Such "idealism" no longer resonates with Americans. But surely it is the great standard we have given the world. Russia included. It deserves our attention.

FOOTNOTES

[1] Charles J. Hanley, Flash! The Associated Press Covers the World (New York: Harry N. Abrams, Inc., 1998).

[2] John Maynard Keynes, Essays in Persuasion (New York: Harcourt, Brace and Co., 1932), vii.

[3] David Skidmore, "Inflation Disappears for Second Time in Three Months," The Associated Press, 14 April 1998, 12:09 EST.

[4] David E. Sanger, "U.S. Treasury Chief Offers Plan to Avoid Crises Like Asia's," The New York Times, 15 April 1998, A15.

[5] Keynes, op. cit., vi.

[6] Daniel Patrick Moynihan, The Associated Press Annual Luncheon Address, 3 May 1976, 17.

[7] Gabriel Schoenfeld, "Room at the Top," The Wall Street Journal, 15 April 1998, A20.

[8] Amos Perlmutter, "Illusion of an Unending NATO Expansion," The Washington Times, 9 April 1998, A17.

[9] Resolution of Ratification, Protocols to the North Atlantic Treaty of 1949 on Accession of Poland, Hungary and the Czech Republic, Report of the Senate Committee on Foreign Relations, Exec. Rpt. 104–14, 6 March 1998, 40.

[10] "Ministers Assert Peace is Sole Aim of Atlantic Pact," The Associated Press, 4 April 1949.

[11] Ibid.

[12] Roger Cohen, "While Kohl Touts New Currency, Many Germans Cry: "Not Again!" International Herald Tribune, 19 September 1997, A1.

[13] Mikhail Gorbachev, "U.S.S.R. Arms Reduction: Rivalry into Sensible Competition," Speech delivered before the United Nations on December 7, 1988; reprinted in translation in Vital Speeches of the Day, 55 (1 February 1989), 234.

[14] Murray Feshbach, "Population and Health Issues in Russia and the Pundits," (Speech at the Kennan Institute for Advanced Russian Studies, Woodrow Wilson International Center for Scholars on 8 December 1997), Washington, D.C.

[15] Mikhail Gorbachev, Transcript of an Address to the Congress of the United States, 14 May 1992, 8–9.

[16] Note: There are a total of 89 administrative subdivisions of the Russian Federation.

They are as follows:

49 Oblasts: administrative subdivisions made up predominantly of Russians

21 Republics: national homelands of the major non-Russian minorities, including Tatarstan and Chechnya

6 Autonomous okrugs (districts): national homelands of smaller non-Russian minorities

10 Krays: mixed population of Russian and various non-Russian nationalities, between okrug and oblast

Moscow and St. Petersburg: federal cities

Jewish autonomous region: created by Stalin in the early 1930s, it was intended to be national homeland for the Soviet Jews.

[17] Charles Krauthammer, "Good Geopolitics," The Washington Post, 17 April 1998, A23.

[18] Ibid.

[19] Russian National Security Blueprint, December 17, 1997, p. 19. (Trans. by FBIS Dec. 26, 1997, Doc. ID: FTS19971230000280[0]).

[20] Howard Baker, Jr., Alton Frye, Sam Nunn, and Brent Scowcroft, "Will Expansion Undercut the Military?" The Los Angeles Times, 26 March 1998, A11.

[21] "Expanding NATO Would Be the Most Fateful Error of American Policy in the Entire Post-Cold-War Era," Editorial, Newsday, 15 March 1998, B1.

[22] George F. Kennan, "Marooned in the Cold War," World Policy Journal XIV (Spring 1998): 107.

[23] Pew Charitable Trust Poll, 25–29 March 1998.

[24] Gorbachev, op. cit., 234.

Mr. MOYNIHAN. Finally, just a few comments. Some attention was paid to that address. On just last Friday there was an article in USA Today in which it says:

> At a speech in Dallas this week Senator Moynihan raised eyebrows when he said that NATO expansion at a time of Russian weakness in conventional weapons and increased dependence on nuclear weapons could cause the United States and Russia "to stumble into the catastrophe of nuclear war."

Then this paragraph:

> "That's not hyperbole," says Michael Mandelbaum of the Johns Hopkins University School of Advanced International Affairs. "If NATO continues to expand, as many envision to include the Baltic States on Russia's border—Latvia, Lithuania, and Estonia—we would be moving toward a hair-trigger nuclear balance of the kind we had in the 1950s and 1960s."

David Broder had a column last Wednesday in the Washington Post in which he quotes Jack Matlock, who is the former Ambassador to Moscow, a wonderful diplomat, who says:

> There is no question that our decision to take on new members now, when no country in Eastern Europe faces a security threat from the outside, will greatly complicate our efforts to see to it that the vast stocks of nuclear weapons now in Russia are never used against us or our allies.

And finally, just from this morning's Newsweek magazine, there is an article by Fareed Zakaria, who is the managing editor for Foreign Affairs who simply comments—this is my last remark so Senator WELLSTONE can ask some questions—he asks, "Can't Russia Join the Club, Too?" But he makes one simple blunt assessment:

> NATO could defend the Baltics by only one means, nuclear attacks.

Nuclear attack and nuclear response. We are right back to where we were in the 1950's, or we will be as we continue this. We have already signaled we are going to move into the Baltic States. I cannot imagine the thinking process that has led us to this point. I can only note that the persons who conceived this extraordinarily successful strategy in the 1940s look up today and say: Have you all gone mad? Do you realize what you are doing? Mr. President, I ask unanimous consent these documents be printed in the RECORD, and I yield the floor or yield to my colleague from Minnesota for any questions that he may have.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From USA Today, April 24, 1998]

UNLIKELY CAST GATHERS TO OPPOSE NATO GROWTH

(By Barbara Slavin)

WASHINGTON.—An unusual bipartisan coalition is launching an 11th-hour effort to block expansion of the NATO military alliance.

At a news conference Thursday, nine senators, anti-abortion activist Phyllis Schlafly and a business group led by the liberal Ben Cohen of Ben and Jerry's ice cream urged the Senate to stop NATO's growth.

Formal debate on whether to admit Poland, Hungary and the Czech Republic resumes Monday. A vote could come as early as Wednesday.

The measure, a treaty modification, requires 67 votes, or two-thirds of the Senate. It does not go to the House. The North Atlantic Treaty Organization was set up in 1949 to confront the Soviet Union in Europe. It now has 16 members.

Some opponents argue that including countries once part of the Soviet empire will cost U.S. taxpayers billion of dollars that could be better spent on social problems at home. Others say expansion would alienate Moscow, force the United States into dangerous military alliances and blur NATO's mandate.

President Clinton and congressional supporters say NATO should be open to all new free-market democracies in Europe.

At least 20 senators have moved from being in favor of the NATO expansion when Congress recessed three weeks ago to undecided when it returned this week, said Sen. Tom Harkin, D-Iowa. Bob Smith, R-N.H., says public support is waning as Americans learn more about what NATO expansion might entail.

Supporters say they will have the votes they need. They may have more trouble blocking amendments that would limit expenditures or require a three-year pause before any further growth.

"What's the urgency?" Smith asked at the news conference. "The greatest threat is a situation where Russia and the United States are not allies."

Sen. Kent Conrad, D–N.D., said Russia's more than 7,000 tactical nuclear weapons—"loose nukes"—should be the focus of U.S. concern. Sen. John Ashcroft, R-Mo., worried that a new NATO would become a "911 for disorders around the globe."

At a speech in Dallas this week, Sen. Daniel Patrick Moynihan, D-N.Y., raised eyebrows when he said that NATO expansion, at a time of Russian weakness in conventional weapons and increased dependence on nuclear weapons, could cause the United States and Russia to "stumble into the catastrophe of nuclear war."

"That's not hyperbole," said Michael Mandelbaum of the Johns Hopkins University School of Advanced International Studies. If NATO continues to expand as many envision to include the Baltic states on Russia's border—Latvia, Lithuania and Estonia—"we would be moving toward a hair-trigger nuclear balance of the kind we had in the 1950s and '60s," he said.

The Clinton administration, which has made NATO expansion its top foreign policy priority, says expansion would solidify democratic gains in Central and Eastern Europe and decrease the likelihood of small-scale ethnic conflicts and of a wider war.

[From the Washington Post, April 22, 1998]

BRAVE NEW NATO

(By David S. Broder)

With their heads presumably cleared by two weeks at home, the members of the Senate have returned to the issue of NATO expansion. They tried but failed to focus on it in March. This time they vow to see it through to a vote. Let's hope they have their thinking caps on.

Before they went out for Easter, Sen. John Warner of Virginia, the Republicans' leading voice on national security issues, told me he could count no more than 15 other senators who shared his doubts about adding Poland, Hungary and the Czech Republic to the alliance. Only if it appears the potential opposition may approach the 34 votes needed to block this questionable action will President Clinton feel compelled to give the American people a clear explanation of the course to which he is committing this nation, something he has conspicuously failed to do so far.

Charles Krauthammer, whose column typically contains much good sense, attempted last week to fill in for Clinton by providing a rationale for expanding NATO more compelling than what he called the "pablum" and "rubbish" offered by administration spokesmen.

Cutting through all the State Department boilerplate about "extending the borders of peace," friend Charles says NATO "is expanding in the service of its historic and continuing mission: containing Russia."

"It says to the world, and particularly to the Russians, that the future of Central Europe is settled," Krauthammer writes. "The no man's land is no more. Poland, Hungary and the Czech Republic are now securely part of the American-allied West. Finis. And if any Russians entertain other ideas, they can forget about it."

You've got to admire that like-it-or-lump-it logic. But even though Krauthammer calls NATO expansion "the easiest U.S. foreign policy call of the decade," he leaves one big question unanswered: If it's smart to move NATO's front line eastward with these countries, why not do a real job of containment and sign up all the countries in Russia's neighborhood?

Secretary of State Madeleine Albright might like the idea. Soon after the first three recruits were invited last year, she said, "We must pledge that the first new members will not be the last and that no European democracy will be excluded because of where it sits on the map."

Five other countries have been promised early consideration: Romania, Slovenia, Lativa, Estonia and Lithuania. Albania, Bulgaria, Macedonia and Slovakia won't be far behind. And why not Ukraine and other former Soviet republics struggling for democracy? That would be containment with a capital C.

Only two problems. Pull out a map and ask yourself how the United States and its allies would guarantee these new NATO members that an attack on their territory from any source would be dealt with exactly as if it were an attack on Paris, London or Chicago. That pledge has made NATO the most successful military alliance of this century. It should not be given lightly, especially if you agree with Krauthammer that Russia may no longer be communist but is still a major power that inevitably will seek to dominate its own region.

None of the current NATO countries envisages sending its ground troops to fight on this vastly enlarged frontier. The security guarantee will have to be underwritten by America's nuclear force—a prospect that assuredly will motivate Russia to maintain its own nuclear weapons, rather than join us in scaling them down.

More broadly, a policy of aggressive containment will inevitably be seen by Russians as threatening. Boris Yeltsin has gone along so far, grudgingly accepting a Clinton policy that effectively bars Russia from NATO membership but creates a fig leaf NATO-Russia Permanent Joint Council, which Albright promises "gives Russia no opportunity to dilute, delay or block NATO decisions." In his current weakness, Yeltsin has no alternative.

But Susan Eisenhower, granddaughter of the former president and a student of Russian foreign policy, has documented scores of statements by leading Russian figures, both democrats and hard-liners, expressing anger at NATO expansion. Even a moderate such as Grigory Yavlinsky has declared, "It is absurd to believe in NATO's peaceful intentions."

Jack Matlock, the former U.S. ambassador to Moscow, says, "There is no question that our decision to take on new members now, when no country in Eastern Europe faces a security threat from the outside, will greatly complicate our efforts to see to it that the vast stocks of nuclear weapons now in Russia are never used against us or our allies."

Think, senators; think. And force Clinton to address these issues.

[From Newsweek, May 4, 1998]

CAN'T RUSSIA JOIN THE CLUB, TOO?—IF THE NATO ALLIANCE IS ABOUT STRENGTHENING DEMOCRACY, THE TROUBLED NATION SHOULD GET ITS OWN INVITATION

(By Fareed Zakaria)

The expansion of NATO is a foregone conclusion. The Senate will soon vote overwhelmingly to extend membership in the alliance to Hungary, Poland and the Czech Republic. But while they're at it, the senators might think about adding one more name to that list—Russia.

This is not nearly as preposterous as it sounds. Having succeeded in its original mission—to deter the Soviet Union—NATO is somewhat lost in this new era. Expansion, the Clinton administration has stressed, is an ongoing policy that could result in many new members. That will further change the essential nature of the alliance, moving it from a tight military camp to a larger crisis-solving and democracy-strengthening organization. In this new context, Russian participation becomes indispensable.

Few alliances survive victory. After having come together to defeat Napoleon, the Quadruple Alliance soon fell apart in the 1820s and 1830s. NATO has done better. It still exists, has a large bureaucracy, conducts military maneuvers and is used by the United States as its preferred military outfit when force is required. But its core function—defending its members from Soviet attack—is dead; as dead as the Soviet Union.

The United States still has many problems dealing with Russia, but they stem from Russian weakness rather than strength. Russia's economy today is slightly more than half the size it was 15 years ago, and has declined for five straight years. Its military is in ruins, with salaries, food and medicine in scarce supply, let alone modern tanks and aircraft.

Additionally, Russia's new borders are farther away from those of NATO members—including the new countries of Central Europe—than they have been for 300 years. Yet NATO has responded to this precipitous decline in Russian power and its diminished imperial intentions by bulking up and getting closer. The administration has given a wink and a nod to the Baltic states, which want to be next in the club. Their membership would almost certainly end any pretense of credible security guarantees: NATO could defend the Baltics by only one means—nuclear attack.

All this is old thinking, we are told by the Clinton administration. The new NATO is meant to deal with the new world. Precisely because there are no longer actual threats to the security of Western Europe and other members, the alliance must deal with those threats that exist—whether in Bosnia or the Middle East—which require a new, expanded alliance. "NATO must go out of area or out of business," says Sen. Richard Lugar. This turns NATO into a kind of off-the-shelf army that might be used when its members can agree. But as the war in Bosnia bloodily proved, NATO members can't really agree on much. Out of area—in Libya, Iran, Iraq, the peace process, China—the United States and Europe are out of sync.

Hence, when the United States wants to use military force, it will try to get NATO support. If not, it will go alone. And if it gets a few NATO countries and a few non-NATO ones to come along, it will construct a "coalition of the willing." So how exactly is the new, improved NATO helping here? If global problem-solving is NATO's new mission, it can work only with the cooperation of other great powers—principally Russia, which straddles two continents and has the world's second largest nuclear arsenal and a veto in the Security Council. To try to construct an international security system and leave Russia out because it lost the cold war contradicts the most simple rule of strategy for the victorious. Written across the first page of Churchill's magnificent history of World War II is the four-line "moral of the work," which reads: "In War—Resolution; In Defeat—Defiance; In Victory—Magnanimity; In Peace—Goodwill." The last time a losing power was excluded from the new order was Germany in 1918, and things didn't turn out so well.

There is, finally, the moral argument. We are told that the countries of Central Europe deserve to be recognized as full-fledged members of the West, and their fledgling democracies supported and strengthened. But if one of NATO's new goals is to strengthen democracy, then surely its place lies with the most important democratic experiment taking place on the European continent—in Russia. The Czech Republic, Poland and Hungary are in no real danger of backsliding on democracy. What they need is access to West European markets. Membership in the European Union, not NATO, can alone solve that problem. But the fate of Russian democracy is in the balance, and the outcome will have enormous consequences for the democratic idea everywhere and for peace in Europe. Why not help where help is needed?

As for belonging to "the West," Central Europe has many cultural affinities with Western Europe, but surely they are matched by those of Russia. Which has made a larger contribution to European culture: Hungary or the land of Tolstoy, Dostoevsky, Pushkin, Prokofiev, Kandinsky and Shostakovich? Bringing Russia firmly into the West is a goal worthy of the United States—and its Senate.

Mr. WELLSTONE. Mr. President, I thank my colleague.

The PRESIDING OFFICER (Mr. KYL). Senator WELLSTONE is recognized.

Mr. WELLSTONE. Mr. President, I came to the floor because I had just come back and was in my office and I heard my colleague talk about the wisdom of George Kennan. I associate myself with his remarks. I have said on the floor before that my father was a Jewish immigrant who fled Russia. He had a chance to meet with George Kennan on a number of different occasions. He always marveled at Kennan's command of the language. My father also was always so respectful of his wisdom.

George Kennan has argued that this could, indeed, be a fateful decision. I want to, first of all, ask Senator MOYNIHAN whether or not he believes that we run the risk—I know he has talked about this—whether or not he believes that we run the risk of really poisoning relations with Russia and playing into the hands of the militaristic forces in Russia? Susan Eisenhower talks about a visit that she had with Gorbachev and that Gorbachev was deeply disturbed by NATO expansion. I quote what Gorbachev had to say to Susan Eisenhower. "Russia has been swindled," he asserted, "and it is feeding into the wild ideas of those who hold 'conspiracy' theories, that the West is intent not only on the Soviet Union's demise but also Russia's. NATO expansion has poisoned the atmosphere of trust."

I have two questions for my colleague. Do you believe that that is, indeed, the mistake that Kennan is talking about?

Mr. MOYNIHAN. Yes. Yes.

Mr. WELLSTONE. Needlessly risking poisoning relations with Russia? And second, can my colleague discern what are the reasons for doing that as opposed to the expansion of the European Union? I am trying to find—I am puzzled by this. Why are we doing this at this time in the history of our country and the world?

Mr. MOYNIHAN. I would like to respond first to the absolutely essential question Senator WELLSTONE has put, or so I judge, in the context of Mr. Gorbachev's response to Susan Eisenhower. That all takes place in the context of the reunification of Germany when the wall came down and western Germany moved into eastern Germany. There was a clear understanding that that is as far as NATO would go. That is why I believe the word "swindled" was used.

Now I would like to make a point which I know my friend would sympathize with, and I think his father might sympathize with, which is to say this: That the Russians have the right to claim that they freed their own country from the horrors of a decayed Marxist-Leninist dictatorship. It was not always such in Russia.

I have, Mr. President, a certain advantage which comes with age. There are not many others. But when I grew up in New York City, Alexander Kerensky would come around to speak to our high school classes from time to time.

Mr. WELLSTONE. Kerensky, the "Social Democrat."

Mr. MOYNIHAN. The Social Democrat. So I had the opportunity to learn early in life—which most people never seem to recall—there wasn't one Russian revolution, there were two. There was a democratic revolution, a provisional government came in, recognizable Social Democrats, as we say, and they were overthrown by the Bolsheviks. All right, now, in turn, the Bolsheviks have been overthrown. The Russians have a right to say, "we are back on course."

There was a rather striking meeting of Woodrow Wilson's Cabinet in Washington in the spring of 1917 after this first Russian revolution. I know my friend would be interested in this. On March 20, 1917, before the United States had entered the war, the cabinet was called together for a discussion on "the question of war with Germany and the abandonment of the policy of neutrality" as Secretary of State Robert Lansing wrote in a memorandum of the Cabinet meeting. They were very clear that war was coming with Germany and the President asked the cabinet if he should call for a meeting of Congress to so declare. And then Lansing had this comment. He said:

> I said that the revolution in Russia, which appeared to be successful, had removed the one objection to affirming that the European war was a war between democracy and absolutism.

We welcomed the Mensheviks, the Social Democrats, and we said—I will say that once again. Here it is 1917, the United States is about to get into the First World War—and the Second World War is just an extension of the first—and the Secretary of State believed "that the revolution in Russia, which appeared to be successful, had removed the one objection to affirming that the European war was a war between democracy and absolutism."

Do we want to put that in jeopardy? Don't we want the Russians to be able to say, "We are back where we were at the beginning of the century; we have a democratic tradition, not a perfect one, but we have one, we were moving there, and the Bolsheviks just stole it; we liberated Poland and we liberated the Baltic States that Stalin had seized; we have done things for which the world ought to sort of say thank you."

I spent most of my adult life thinking would we go to war with the Soviet Union this week or next week. It is a bit late in life that that prospect declined and has gone away, until now. Wouldn't the Senator agree that the Russian people and their leaders have something of which to be proud?

Mr. WELLSTONE. Mr. President, I say to my colleague from New York that—and I appreciate his historical perspective, because this is going to be a very important debate; this is a very important debate. We are going to be making a decision on the floor of the U.S. Senate that is going to crucially define the quality or lack of quality of lives of people throughout the world, because what happens in Russia is key to what happens in Europe and key to what happens with our children and our grandchildren.

My colleague is absolutely right. Kerensky was a democrat, overturned and then the Bolsheviks came in, Lenin and the Bolsheviks.

I say to my colleague, my father, who was almost 50 when I was born, came to this country. He fled czarist Russia. He was born in the Ukraine, Odessa, trying to stay one step ahead of the pogroms, where basically soldiers would come in and destroy my dad's business because he was Jewish. My dad fled the country at the age of 17 in 1914, 3 years before the revolution. Then he was going to go back. He was excited because it looked like the czar had been overthrown and there would be democracy. Then his parents wrote him and said, "Don't come back, the Communists have taken over." My father never saw his family again.

When Sheila and I finally visited—I wish my dad could have gone back to Russia after the democracy forces were able to succeed—it was clear to me that all his family was murdered during the Stalin years.

What has happened is that finally what we have is no longer a Soviet Union. We have the democracy forces and, I say to my colleague, Senator MOYNIHAN, let's just talk about Dr. Arbatov, who was involved in the START I negotiations in Geneva and served as consultant through all the Russian-American arms control issues. You talked about your concern over the direction this takes us with the risk of nuclear war, including START II and the CFE treaties. Dr. Arbatov has said, and I will read the end of his quote:

> At best, NATO expansion to the east—

Right up to the border—

> is regarded in Russia as a mistaken policy. At worst, it is regarded as the consummation of the "grand design" to encircle and isolate Russia, establishing strategic superiority and finally destroying Russia, ending once and for all Russia's role as a European power.

Let me finish with this quote. Dr. Arbatov, by the way, is a leader of the democracy forces. That is what he is about. The people whom I talked with in Russia, the people whom I believe the American citizens are most committed to are the democracy forces. They are deathly afraid of what is about to happen if we adopt this agreement.

Let me quote Dr. Arbatov again:

> NATO expansion will plant a permanent seed of mistrust between the United States and Russia. It will worsen everything from nuclear arms control to policies in Iraq and Iran. It will push Moscow into alliance with China and rogue regimes.

I say to my colleague, yes, I think this undercuts the democracy forces, and it also undercuts a people who are proud of overthrowing communism and are now trying to build a market economy and build a democracy and who had no inkling whatsoever that what we would now do is expand what is a military alliance eastern right up to their border and redivide Europe.

This is exactly the opposite of what they thought would happen. The European Union, that is where we should be using our leverage as a nation—expand the European Union. That is about markets, that is about democracy. But I fear that people in Russia feel betrayed by this, and I am even more frightened that the very forces that we do not want to see in power in a post-Yeltsin Russia—and there will be a post-Yeltsin Russia—will come into ascendancy as a result of this. This is a very, I think, serious mistake we are about to make.

I ask my colleague this question. One American scholar has defined NATO expansion as "a bad idea whose time has come."

Can my colleague explain to me why this is—I think it is a bad idea. Why has its time come? Why are we doing this? In other words, we know what the risk is. We know that this is a real risk for democracy in Russia. We know that this is a real risk for arms agreements. We know this is a real risk in perhaps setting off just the opposite of what all of us hope for, which is the use of nuclear weapons, the unthinkable. We know what the risks are—poisoning relations with Russia, instability in Europe. So the question is, why are we doing this? Why are we expanding a military alliance? Is there a military threat?

Mr. MOYNIHAN. I would like to say here that we have an element of candor that is not always forthcoming in these matters. Ambassador Holbrooke said, what? Because Brussels won't expand the European Union, NATO expansion must fill a void. Is it filling a void because they cannot agree on a common agricultural policy in Europe? So filling a void to bring back the prospect of nuclear war, is that worth it? I know there are a lot of farmers in Poland.

Well, there are a lot of farmers in Spain, too, and Ireland, too, and they got into the European Union and they have lived through it.

The Europeans owe us something. Half—half—the defense outlays of the United States for the last half century, Mr. President, have gone to protect Europe. I was there. I was called back in the Navy when the Korean War broke out for service in Europe in case that conflict became global. Oh, the ruin. But we, by God, were there, and the submarine pens the British had managed to get a few bombs through, just testing. We saved those people. And now because the common agricultural policy would be a little bit inconvenient for them, we are proposing to expand NATO as a surrogate. And may I make a point to my friend, I am sure he knows it, but not everybody does. We say we are expanding the borders of NATO toward Russia. My learned friend knows there is a Russian enclave on the Baltic Sea which is called Kaliningrad, named after one of the original members of the politburo—Stalingrad is gone, Leningrad is gone, Kaliningrad continues—sitting right next to Poland.

We are not getting close, Mr. President, to the borders of Russia. We are on the borders of Russia. There it is, that little yellow spot—yellow for Russia. It says "Russia."

Mr. WELLSTONE. Might I ask my colleague, what would be the reaction of people in our country if there was a Russian military alliance that came to the border of the United States?

Mr. MOYNIHAN. Nova Scotia?

Mr. WELLSTONE. Nova Scotia.

Mr. MOYNIHAN. Well, there would be a lot more people on the Senate floor this afternoon. But, I mean, I could not agree more. You heard George Kennan say, in fact, "Is this the only thing our policymakers in Washington can think to do?"

Now, the creating of NATO was a big event. It was a proposal by Ernest Bevin, who understood these things in a way that not every American did. There is a nice story that I think Senator WELLSTONE will enjoy, and you, Mr. President.

As some people recall—I recall, but I was in the Navy. After V-E Day, the British held an election. They had not had one for 10 years. Suddenly, Churchill and all his Cabinet—out they go. And in comes the Labor Government. Big change. Clement Attlee is Prime Minister. And Ernest Bevin, the sometime head of the Transport and General Workers Union, becomes Foreign Secretary. So he goes off to Potsdam, which is just a suburb of Berlin. And there is Stalin and all his people. And Truman—I doubt whether Harry S. Truman ever met someone he knew to be a Communist until he got to Potsdam and was introduced to Stalin. They do not have many of them in Kansas City. We had lots of them on the west side of Manhattan, but that is another matter.

This story is apocryphal but true. Bevin comes back from Potsdam, and he is in on the floor of the House of Commons. And a friend comes up to him, a parliamentarian, and says, "Ernie, what are those Soviets like?" And he says, "Well, you know, they're just like the bloody Communists."

I mean, there are no shortage of Communists in the Transport and General Workers Union. He could spot their behavior and so forth. It was he who said we had to form a military alliance. The thing nobody in this world wanted was more armies and navies, and so forth, but he knew. And our people responded.

Harry Truman, who did not know there was an atom bomb being built as Vice President, who had very little contact with any of this—he had been in Europe in World War I—supported it. God, there was a golden age.

Now, all we can do is expand NATO because the common agriculture policy is making it difficult in Brussels to include the Czech Republic and Poland. That is not the standard we set for ourselves when the cold war began.

Mr. WELLSTONE. I say to Senator MOYNIHAN, could I ask you one final question?

Mr. MOYNIHAN. Sure.

Mr. WELLSTONE. I say to my colleagues who are on the floor, I know other colleagues want to speak, and I am sensitive to your schedules. But I do think this is an important discussion and I never had the chance to do this in the 7 years I have been in the Senate.

I said I really believe that George Kennan has made enormous contributions to the world. I think he is as profound a thinker and as knowledgeable a person about Russia as there is, and I put my colleague, Senator MOYNIHAN, in the same tradition.

There are other points that I will make later on in the debate I have other than what I have made today. I find it interesting. There was a piece in the New York Times, front page story, about all the ways in which some of the bigger companies, military contractor companies have now poured money into lobbying on behalf of this.

That makes me nervous because I really do not want to see this become kind of a proliferation of weapons in some of the new member countries. And then what will be the Russians' response? I have concerns about that. Other Senators will talk about the cost, what will be the cost.

But we are talking, I say to Senator MOYNIHAN, about what I am most worried about, which I think it is a profound mistake, because I believe that, again, this needlessly risked poisoning relations with Russia in creating the very kind of instability we do not want to see. I think that we do not want to see the people who are prodemocracy forces undercut.

But my question is this. You can help me out. I come from a State—I will tell you this is probably maybe the most difficult for me. Actually, the welfare vote was the most difficult for me on political grounds, but this may be the second most difficult vote, because I have met with some wonderful people—Czech community, Bulgarian community, Polish community, we have big populations in Minnesota.

They have been wonderful supporters of me, I say to the Senator. They are really disappointed in me. And I wonder, what would you say to some pretty wonderful people in our country who feel so strongly that as a matter of kind of almost historical justice that these countries should have membership in NATO? How do you speak to their strongly held views, to how emotional—and I do not mean that in a negative way; I am not putting people down at all—they feel about this? How do you respond to them? What do you say based upon your knowledge, your experience in public service, your sense of history? Do you understand my question?

Mr. MOYNIHAN. I understand your question perfectly, sir, because it is my question.

And I say this—and I would recommend to anyone who wishes to think about it—if you love Poland, if you think that solidarity was the first real assault on the Soviet system, if you think that Pope John Paul has meant more in advancing freedoms in this age than anybody you can think of, do not do this to Poland. See that Poland is in the European Union, give them a common market, give them the same currency that the Danes will have and the Spanish will have. Give them access to a global market they have never been allowed into. Give them a common agricultural policy that will give their farmers a living.

That is what they deserve. And that is what is being denied them by the bureaucracies, as bureaucracies will do. And what we do not want is—Poland has had enough in this 20th century. We do not want another period of hostilities that could lead not just to war but to annihilation.

Mr. WELLSTONE. I thank my colleague.

Mr. MOYNIHAN. Mr. President, I see my distinguished friend from Indiana is on the floor. I have to apologize. In the colloquy with Senator WELLSTONE, I did not realize he had characteristically quietly come aboard.

I yield the floor, and I look forward to his remarks.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. I thank the distinguished Senator from New York and the distinguished Senator from Minnesota for a very constructive and helpful colloquy. I enjoyed it.

PRIVILEGE OF THE FLOOR

Mr. LUGAR. I ask unanimous consent that Kevin Johnson, a fellow in my office, be permitted floor privileges for the duration of debate on the Protocols of Accession to the NATO Treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, the Senate has begun a historical debate over NATO's future, one that surely will reverberate for many years to come. I believe we have a historical window of opportunity to take steps which will secure European peace and stability and which will lock in the freedom and independence won in the revolutions of 1989 and the collapse of communism.

If the Senate ratifies enlargement, we will have set the foundation for decades of European peace and prosperity; but if we fail, historians may look back at the early post-cold-war period as a tragic loss of opportunities. The more distant we are from the days of the fall of the Berlin Wall and the collapse of communism, the clearer it becomes that we have entered a new era. But dangers still abound in post-cold-war Europe. The revolutions of 1989 not only led to the collapse of communism but also to the end of the peace orders established after two world wars.

What is at stake here and now is order and stability in Europe as a whole. And that is why American interests are involved. Mr. President, NATO cannot by itself solve all of Europe's problems, but without a stable security framework, we run the risk that reform and democracy in Eastern Europe will not persist but will instead be undercut by destructive forces of nationalism and insecurity.

The failure of democracy in the east could not help but have a profound consequence for democracy in the continent's western half as well. If history teaches us anything, it is that the United States is always drawn into such European conflicts because our vital interests are ultimately engaged. Poland, Hungary, and the Czech Republic are democratic, free-market nations with professional militaries under civilian control. In addition to contributing to NATO's core mission of collective defense, they are ready and able to support American and allied interests beyond their borders as they have demonstrated in Desert Storm, in Haiti, and in Bosnia.

Accession of these three democracies to NATO will eliminate immoral and destabilizing dividing lines in Europe. I point out, Mr. President, those lines are there—not put there by us—and extend stability into a region long troubled by conflict.

A stable and peaceful Europe will benefit all of Europe, including Russia and non-NATO countries. Expanding peace and stability in Europe lessens the chance of the United States again being pulled into conflicts in the region. NATO enlargement provides an opportunity for the alliance to be proactive in shaping a stable and strategic landscape in Europe.

Mr. President, it has been argued that we are rushing into 1992 enlargement. I have advocated, among others, expanding the NATO alliance since 1992. I have had countless discussions on the subject with colleagues here in the Senate and in the administration since that time. I have traveled to Europe and to the former Soviet Union many times in recent years, and the issue of NATO enlargement has been one of the most debated and talked about issues throughout that period of time.

As an early advocate of enlargement, I do not agree that the Senate is rushing to expand NATO. Rather, I suggest that supporters and critics of enlargement have been engaged in a debate and discussion of this topic for at least 6 years—hardly a hurried process. NATO enlargement has been endorsed by Congress each year since 1994. NATO enlargement was endorsed in the Contract With America as part of the 1996 Republican Presidential platform.

Mr. President, the Foreign Relations Committee held 12 hearings over the past 4 years to hear from nearly 50 supporters and opponents of the policy of enlargement. In fact, I held the first hearing on the subject as chairman of the Subcommittee on European Affairs of the Foreign Relations Committee. Not only has the Foreign Relations Committee held hearings and studied the subject, but so has the Armed Services Committee, Intelligence Committee, and Budget and Appropriations Committees.

These committee hearings have thoroughly examined concerns about NATO expansion, including projected cost, how we deal with Russia, and the future mission of NATO. The committee's resolution addresses all of these points and was reported by a vote of 16–2. Our chairman, Senator HELMS, and distinguished ranking member, Senator BIDEN, have done an excellent job in constructing a very thoughtful and balanced resolution of ratification.

If Senate committee hearings and deliberations are not enough, Senators LOTT and DASCHLE organized a Senate NATO observer group, which had 28 members and met 17 times to study and discuss this important foreign policy initiative. NATO enlargement has received endorsements from every living U.S. Secretary of State, numerous former Secretaries of Defense and National Security Advisers, and more than 60 flag and general officers, including 5 distinguished former Chairmen of the Joint Chiefs of Staff.

This has been a long, serious debate among Members of Congress, the administration, and our allies regarding the benefits and possible pitfalls of enlargement. There has been no rush to judgment. We are now entering the final stage of the process; namely, Senate debate and a vote on the merits of NATO enlargement. I have listened carefully to critics who suggest that there is no threat at the present time and thus we should not expand NATO now. They suggest there will be plenty of time to expand the alliance should a new enemy or threat appear on the horizon. I strongly disagree with that point of view. We have learned that the weapons used in Desert Storm were envisioned, planned, and produced in the 1970s. Thus, the systems which allowed us to triumph in the Persian Gulf are 20 to 25 years old.

The organization and infrastructure to meet future threats must have a similar root structure. We must begin to construct an alliance which can meet the future and undetermined threats. Our military experts and top strategic thinkers believe an alliance which includes Poland, Hungary, and the Czech Republic will be better able to meet those challenges.

What might those challenges be? Perhaps the emergence of a hostile regional power, a threat from the Middle East or from North Africa, a resurgent imperialist Russia, nationalist or religious instability, or the proliferation of weapons of mass destruction.

The systems needed to deter or defeat such future threats must begin to be constructed long before they can be expected to operate effectively. One cannot expect an alliance to be shelved during times of peace and simply dusted off when the threats emerge. The alliance must begin to lay the foundation which will prepare us to meet an uncertain future. In my mind, expanding the zone of peace and security in Europe and adding three new willing, enthusiastic members will contribute to that preparedness.

Four of our NATO allies—Canada, Denmark, Norway, and Germany—have already ratified the protocols of enlargement. It is time for the Senate to act and to show leadership on this issue.

NATO's open-door entrance policy established by article 10 of the Washington treaty—which should not be misunderstood as an open-ended policy—has given countries of Central and Eastern Europe the incentive to accelerate reforms, to settle disputes with neighbors, and to increase regional cooperation. They have done so magnificently.

To retract the open-door policy, as some have suggested, would risk undermining tremendous gains that have been made for peace throughout the region. The result of a "closed-door" policy would be the creation of new dividing lines across Europe. Those nations outside might become disillusioned and insecure and, thus, inclined to adopt the competitive and destabilizing security policies of Europe's past.

NATO's decision to enlarge in stages recognizes that all new democracies and applicants in Europe are not equally ready or willing to be security allies. Some states may never be ready. At the same time, NATO must not prejudge the future or draw new lines in Europe by pre-emptively excluding or setting time lines for future cooperation or membership.

The selection of future NATO members should depend on: (1) a determination by NATO members of their strategic interests; (2) NATO's perception of threats to security and stability; and (3) actions taken by prospective members to complete their democratic transitions and to harmonize their policies with NATO's political aims and security policies.

This would clarify the security expectations of non-NATO members. It would make clear that it is the intention of the United States that NATO remain a serious defensive military alliance and not slip into a loose collective security society. It suggests that enlargement will be a careful, deliberate process, with consideration of all security interests. Finally, it draws again on the principle of reciprocity, both to encourage prospective members to align themselves with NATO's values and policies and to signal that threats will be counterproductive.

Intellectually, I can understand the concern that we must not allow the NATO Alliance to collapse under the strains, produced by multitudes of new members. But, neither can we seek a quick, painless remedy for serious debate and oversight of American foreign policy through "strategic pauses" or "NATO linkages". The best way to ensure the continued vitality of NATO is for the United States to consider and debate the qualifications and potential ramifications of new members on a country-by-country or a stage-by-stage basis.

NATO's open-door policy has served the Alliance well for fifty years. The Senate has always and will retain its prerogatives and powers in the area of the North Atlantic Treaty and the Alliance. A two-thirds Senate majority is the best form of balance and oversight we can produce without treading on executive privilege.

In the weeks leading up to the Alliance's Madrid summit in July 1997, many of our current European allies pushed for a larger initial number of states to join NATO. The President decided to keep the initial round to three members. This was not a popular decision with some of our allies, who had championed the cause of Slovenia and Romania. And while neither the Administration nor the Senate can prevent other current members of the Alliance from promoting the membership of additional states, both have the ability to prevent the accession of other candidates—the Administration through its predominant voice in the North Atlantic Council and the Senate through its role in approving modifications to the North Atlantic Treaty.

Consequently, I do not believe a legislatively mandated pause is in the interest of this country, this institution, or the NATO Alliance.

Some propose that NATO enlargement be bound to the expansion of the European Union (EU). EU enlargement is highly desirable in its own right, but must not be a condition to NATO membership. It would restrict a trans-Atlantic Alliance led by the U.S. to the political exigencies of a strictly European organization.

I point out again, Mr. President, that NATO is the organization in which the United States is involved and in which we offer leadership, not the European union.

The transfer of security decision-making power to an institution which has been unable to develop a common security policy and failed to stop the fighting in the former Yugoslavia would not bode well for the future of European security. The EU's decision-making procedures are notorious for being cumbersome and slow. Moreover, the consensus-building process they serve to tend to produce outcomes expressing the lowest common denominator. All of these traits are antithetical to the demands of a military alliance which places a premium on timely, decisive action rather than first meeting the test of political acceptability to a diverse relationship.

Finally, subordinating NATO to the EU in this manner would make the Alliance, not a cornerstone of European security, but an appendage. The role of the U.S., Canada, and Turkey, none of whom are members of the EU, would be significantly diminished in the enlargement process. This potential "back-door" approach to enlargement is fraught with dangers; I prefer the "front-door", the "open-door".

Critics assert that NATO enlargement repeats the mistake of the Versailles Treaty by mistreating Russia. One should be careful with historical analogies. NATO enlargement is not a punishment or isolation of Russia. During the period that NATO enlargement has proceeded, President Yeltsin was re-elected; reformers were elevated in government; President Yeltsin pledged to press for ratification of START II and then to pursue deeper nuclear arms reductions in START III; the Russian Duma approved the Chemical Weapons Convention; Russian troops continue their participation in Bosnia; the West has extended some $100 billion since 1991 to assist Russian democratic and economic reforms, and over $2 billion in weapons dismantlement and security.

NATO members will continue to have both common and divergent interests with Russia, whether NATO enlarges or not. It is a mistake to view Russia solely as a reactive power and to blame its actions on Western behavior alone. There will be areas of collaboration and areas of discord in the relationship, and those distinctions will be determined by differences in geography, history, and economic standing, not by ideology as during the Cold War and not by NATO enlargement in the post-Cold War world. The only way to manage both areas of coincident and conflicting interests is by building bridges where possible and drawing lines where necessary.

Many reject NATO enlargement out of a desire to preserve a Russian sphere of influence. If Russia cannot accept the legitimate right of its neighbors to choose their security arrangements, a policy they embraced in the NATO-Russia Founding Act, then NATO's role in the region will prove even more important.

Some critics believe that NATO enlargement is somehow condemning the START II Treaty and cooperative U.S.-Russian nuclear dismantlement activities to the dustbin of history. I do not believe this is the case. Russia's recent ratification of the Chemical Weapons Convention would indicate that the linkage between NATO enlargement and arms control is more political than strategic.

Many Russians, including liberal Duma members, simply do not like the START II Treaty. They believe the Russian side was out-negotiated by the Americans, and oppose it whether NATO expands or not.

What is at issue among Russian arms control specialists is whether the United States can be convinced to pay some additional price for mutual strategic nuclear arms control reductions that the Russians themselves will have to undertake with or without a treaty. Continued statements about the dire consequences that will accompany NATO enlargement become the means by which they hope to induce the U.S. to go to a START III agreement sooner rather than later.

Perceived START II inequities constitute by far the primary reason for the reluctance of many Duma members and defense specialists to ratify the START II Treaty, not continuing, deep-seated resentment of NATO enlargement. It is not simply the nationalists but the so-called liberals in the Russian foreign policy elite who believe that START II, as currently written, is not in Russia's national interest. The latter would also propose to substantially modify the START III elements of the Helsinki joint statement agreed to by Presidents Clinton and Yeltsin, arguing that the March 1997 START III principles do not go far enough to guarantee that Russia's smaller strategic forces of the future will be able to reliably deter the United States.

At the very time that prominent Russian "arms controllers" are publicly laying the blame for lack of Duma ratification of START II at the feet of an expanding NATO, they are privately probing to determine how far the United States would be willing to go in further lowering warhead ceilings through START III, realizing that Russia cannot realistically afford to maintain the proposed START II strategic force levels. They want to drive the warhead ceiling down to a figure that Russia can afford! They are urging the beginning of START III negotiations as soon as possible, in part, they say, to improve the prospects for Russian ratification of START II. They are arguing, in short, that the entire strategic arms control dialogue is foundering, not because of NATO enlargement, but because the U.S. insists on waiting for START II ratification before beginning formal negotiations on START III.

It is not so much NATO expansion that is eating away at the U.S.-Russia strategic relationship. Rather, it is Russian weakness and the desire of some Russians either to stop the strategic nuclear arms reduction process at START I levels, or to convince American statesmen and political leaders, in part through a "guilt trip" over NATO enlargement, that a better deal needs to be offered to the Russian side—either in order to secure ratification of the START II Treaty or to supersede it with a START III agreement.

There is nothing inherently inconsistent between a strong, healthy U.S.-Russian relationship and an expanding NATO. Too many Americans critics of NATO enlargement who posit this as an either/or choice fail to understand the nature of the debate within the Russian Federation.

NUNN-LUGAR

In recent trips to Russia and the former Soviet Union it has been clear to me that NATO enlargement is unlikely to have a negative impact on our broad and deep cooperation with the Russian government to reduce the threat from weapons of mass destruction. My colleagues have expressed their concern that our successful cooperative dismantlement and destruction programs may falter as NATO enlarges.

For the past year or two, while NATO issues were being addressed by senior diplomats, Nunn-Lugar activities continued along their steady path, undisrupted. The programs are proceeding well, with no signs of NATO enlargement hindering or damaging our ongoing destruction and dismantlement efforts.

To date, the Nunn-Lugar program has deactivated 4,700 nuclear warheads, destroyed 255 ICBMs, eliminated 252 ICBM launchers, destroyed 37 bombers, eliminated 95 SLBMs, destroyed 80 SLBM launchers, and sealed 114 nuclear test tunnels. These numbers will continue to climb as we expand our cooperative efforts with Russia.

Our cooperative programs with Russia on these issues have not slowed down; rather they have made remarkable gains in recent months. Recently, the Russians have indicated their willingness to move forward on a range of new projects. Nunn-Lugar will support the elimination of over 20 Russian SS-18 ICBMs each year. At 10 warheads apiece, this removes one of the most feared threats to U.S. strategic forces.

Nunn-Lugar will support the elimination of over 10 missile submarines per year at three Russian shipyards. Dismantlement projects will include DELTAs and ultimately TYPHOONs, the workhorses and mainstays of the Russian submarine forces. Moscow has also proposed Nunn-Lugar support for transforming the fissile material from dismantled Russian warheads into non-weapons-usable hockey puck shapes for storage at the Mayak fissile material storage facility. This project would provide unprecedented conformation that the Russians are dismantling nuclear warheads, and will speed the safe and secure storage of weapons-usable material.

Ukraine has been similarly expansive in identifying new areas of cooperation. The Ukrainian government has requested Nunn-Lugar assistance in eliminating SS-24s and associated silos to meet its requirements by 2000. Kiev has also asked for Nunn-Lugar assistance in destroying 44 bombers, as well as over 1,000 advanced air-launch cruise missiles.

With these major advances in our cooperative destruction and dismantlement programs under Nunn-Lugar, it is difficult to find evidence to support the claim that NATO enlargement is interfering with the larger problem of the proliferation of weapons of mass destruction. Just the opposite, as NATO enlargement has progressed, so have our joint efforts with Russia and other states of the former Soviet Union to deal with the threat of weapons of mass destruction.

Therefore I conclude that NATO enlargement and deeper NATO-Russian relations both have immense value for the United States and Europe if they are pursued properly. They are complementary and reinforcing objectives. The best outcome for the United States and Europe is for both tracks to succeed. A zero-sum debate about them, therefore, misses the point.

The coming votes of European parliaments and the U.S. Senate on NATO enlargement will not simply be decisions over whether to add a few members to a military alliance. These votes will become a statement on the roles of the United States and the countries of Western Europe in the world. The U.S. vote on enlargement will be seen as a sign of whether America intends to maintain its international leadership role, or whether, after the end of the Cold War, the United States intends to retreat and relinquish its status as the world leader.

It is my hope that America will maintain its position and engagement in the world's arena. We should ratify NATO enlargement and expand the zone of peace and security which has served Western Europe so well for the last fifty years to the central and eastern portions of this important continent.

I thank the Chair.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Minnesota.

Mr. GRAMS. Mr. President, Ronald Reagan once remarked that:

> They say the world has become too complex for simple answers. They are wrong. There are no easy answers, but there are simple answers.

Mr. President, with the end of the Cold War and the dissolution of the Soviet empire, we must face the challenge of maintaining a zone of stability in Central Europe while preserving the freedom and independence of these democratic states. Enlarging NATO to include Poland, Hungary, and the Czech Republic is not an easy answer, but it is a simple answer. Most importantly, it is a simple answer that is in the best interest of the United States.

This is not the first time that the Senate has considered the merits of NATO enlargement. NATO added new members on three other occasions, bringing Germany, Greece, Turkey, and Spain into the fold. With each addition, the military capability of NATO increased, and the stability of Europe was enhanced. I am confident that the inclusion of Poland, Hungary, and the Czech Republic in NATO will have the same effect.

This round of NATO expansion, however, is significant in that these are the first candidates for NATO membership to be considered that were part of the Soviet bloc. Nearly a decade after the fall of the Berlin Wall, we have a chance to right the historical wrong of Yalta, and firmly anchor Poland, Hungary, and the Czech Republic in the West. While the accession of these three nations to full NATO membership should not be supported for moral reasons alone, our moral obligation to these countries should not be ignored. We must look at NATO expansion not just as a way to make up for past mistakes, but as a chance to secure the gains of freedom and democracy and ensure that they will never again be encroached.

NATO expansion offers the United States a remarkable opportunity to be proactive in shaping the strategic landscape of Europe. That this opportunity is a result of peace, and not the spoils of war, is a tribute to the effectiveness of NATO over nearly 50 years. It is not a responsibility that we should take lightly; it is not a responsibility that we can shirk.

NATO'S MISSION

The Senate does not have merely the obligation to determine whether Poland, Hungary and the Czech Republic should be admitted to NATO, but to safeguard the integrity of the organization they would be joining. NATO has been a successful military alliance with a clearly defined mission: protecting the territorial integrity of its members, defending them from external aggression and preventing the domination of Europe by any single power. NATO's mission remains just as valid today as it was at its inception. I am convinced that a NATO which includes Poland, Hungary, and the Czech Republic will be a stronger, more viable institution as long as NATO retains its essential character throughout this transition.

I share the concerns of some of my colleagues that unless we are vigilant, NATO may evolve into a UN-style peacekeeping force. However, it is important to underscore that the expansion of NATO to include Poland, Hungary, and the Czech Republic will inhibit—not promote—this objectionable outcome. The prospective members are eager to join NATO to receive the same strong security guarantee that NATO members have traditionally enjoyed. They understand what it means to be invaded and occupied, and do not want NATO's ability to carry out its mission to be diluted or compromised. They will be on our side in the internal debate in the North Atlantic Council over NATO's strategic concept in the 21st century.

RUSSIA

Mr. President, others have argued that the inclusion of Poland, Hungary, and the Czech Republic in NATO will destabilize Russia and endanger our efforts to build a constructive relationship with that important nation. I do not believe this is the case. The Russian legislature is refusing to ratify START II. Russia is forging closer ties to Iraq and Iran and undermining U.S. policy in the Middle East whenever possible. Moscow is trying to disrupt U.S.-backed plans to move Caspian Sea oil through an Azerbaijani-Georgian pipeline to the Black Sea. But there is no evidence that any of these actions is linked to NATO expansion. Indeed, Russia was pursing these policies long before the expansion of NATO was seriously contemplated. NATO expansion may be a convenient excuse for Russia's stance on foreign policy issues that run counter to U.S. interests, but it is not the cause.

I have no doubt that Russia, if given the choice, would like to maintain a "sphere of influence" in Central Europe, or barring that, a buffer zone. But this is 1998, not 1948, and Poland, Hungary, and the Czech Republic have the right and the ability to reject the former, and the United States has a vital interest in denying the latter. As former Secretary of State Henry Kissinger noted.

Basing European and Atlantic security on a no man's land between Germany and Russia runs counter to historical experience. A greater security dilemma would be created by ceding to our own fears about antagonizing Russia than proceeding with enlargement.

Furthermore, appeasing the Russian extremists who object to NATO expansion would only serve to undermine the very democratic forces that we're trying to protect. I see no evidence of a brewing nationalist backlash that critics keep warning us about. The Russian people are concerned about securing jobs, protecting their pensions, and preserving their personal security. Opinion polls show that Russian voters don't care one way or another about NATO expansion. As one expert witness, Mr. Dimitri Simes, before the Foreign Relations Committee remarked, the Russian leadership: engaged in terrible atrocities in Chechnya against [. . .] many Russian civilians. They are not paying wages and pensions at a time when people can easily observe the huge mansions of the new elite [. . .]. None of this moves Russian politics in a nationalist or reactionary direction. But somehow an obstruction like NATO enlargement is supposed to have a mystical, destructive impact on Russian politics. It is very difficult for me to believe.

EUROPEAN UNION

Mr. President, we should not let our fears of Russia's response stall NATO expansion; nor should we let protectionist elements of the European Union have the same effect. Poland, Hungary, and the Czech Republic are established democracies with free market economies. They have resolved all territorial conflicts with their neighbors. Their militaries are firmly under civilian control and they have pledged to meet all the responsibilities of NATO membership. These countries want to be engaged in Europe; they are willing to fully participate in the defense of Europe and have pledged to do their fair share. There is no need to wait until the European Union accepts Poland, Hungary, and the Czech Republic before we permit them to achieve full membership in NATO.

Right now, three of our current European allies are not members of the European Union: Norway, Iceland, and Turkey. There is no reason to raise the bar for the admission of new members.

MANDATED PAUSE

The accession of Poland, Hungary, and Czech Republic to full NATO membership must be regarded as the first—not the only—round of expansion. A mandated pause would create a new dividing line in Europe and send a signal to the Central European countries who were not included in the first round that enlargement has not just stalled, but has stopped. Many of these countries are making positive changes toward democracy and free markets with the view of joining NATO. It would be destructive to remove that goal.

RESOLUTION OF RATIFICATION

As a member of the Foreign Relations Committee, I raised a number of concerns about the Administration's proposal to expand NATO and I am pleased that these have been addressed in the Resolution of Ratification. This Resolution of Ratification underscores that NATO's central mission remains the territorial defense of its members and that NATO command, structures, force goals, and defense planning must reflect that fact. It confirms that Russia will not have a voice or a veto on NATO decision-making and that the Permanent Joint Council will be a mechanism for explaining NATO policy, not creating it. It also ensures that there will be a clear, equitable distribution of the financial costs of expansion. American taxpayers should not pay the costs of modernizing the forces of our current allies, because they have failed to live up to their previous commitments. Nor should our taxpayers pay more if any of our European allies refuse to pay their fair share for the costs of bringing in new members.

MINNESOTA

Some of my colleagues have stated that the American people have not been informed about the issues surrounding NATO expansion. Well, I can categorically state that is not the case in Minnesota. Minnesotans have participated in an ongoing dialogue on the merits of expanding NATO at every level—from the Minnesota legislature, to academic symposia, to town hall meetings. Mr. President, at this time I ask unanimous consent to have printed in the RECORD the remarks of three Minnesotans who have worked diligently for the inclusion of Poland, Hungary and the Czech Republic in NATO: Mr. John Radzilowski, Mr. Lazlo Fulop, and Ms. Paulette Will. They made an extraordinary effort to make sure that their fellow Minnesotans had the opportunity to become well-informed about the issues surrounding NATO expansion.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Statement by John Radzilowski in Favor of a Resolution Memorializing Congress To Support the Admission of Poland, Hungary, and the Czech Republic to the North Atlantic Treaty Organization (HF 2417)

(John Radzilowski is president of Polish American Cultural Institute of Minnesota. He is a historian, and a freelance writer and editor, currently in the final stages of his Ph.D. candidacy. He is the author of three books, the co-author of four others, as well as many articles, reviews, and stories. He has written on topics such as Minnesota history, east European history, immigration, and American ethnic groups)

Mr. Radzilowski: I would like to thank the committee for providing me the opportunity to speak today and I am very pleased to be able to speak in favor of the resolution supporting NATO membership for Poland, Hungary, and the Czech Republic. As a Polish American who grew up in Minnesota, I am especially proud to see the legislature considering this vital issue. Since the beginning of American history, the interests and values of the Polish and American peoples have coincided. During our war for independence, Americans were aided by many Polish patriots. Kazimierz Pulaski founded the U.S. Cavalry and died fighting the British at Savannah. Tadeusz Kościuszko, a close friend of Thomas Jefferson, played a key role in the American victory at Saratoga, and designed the fortress of West Point (which later became our military academy). Kościuszko was also a fierce of foe of slavery and on hearing that Congress had awarded him a plantation for his services, he ordered Jefferson to free its slaves, sell the plantation, and use the money to educate freed blacks. Poland's 1791 Constitution was based on the U.S. Constitution, and was only the second democratic constitution in the world.

Although Poland lost her fight for independence, Poles kept their dream alive. When they could not win their own freedom, Poles battled for the independence of oppressed peoples around the world, becoming known as the scourge of tyrants. Fleeing political oppression and economic hardship, Poles found a haven here in America. Today, there are about 10 million Polish Americans, while Minnesota boasts about a quarter million Polish Americans, making us the state's sixth largest ethnic or racial group. [According to the 1990 U.S. Census.] Polish Americans have distinguished themselves in America's service. According to the 1990 U.S. Census, Polish Americans have the highest per capita percentage of veterans in their population than any of the other ethnic and racial groups the government keeps track of.

After World War I, Poland regained her independence, thanks in part to the efforts of U.S. President Woodrow Wilson, who is still considered a hero in Poland today. Following the shameful Munich Pact of 1938, in which an independent Czechoslovakia was turned over to Hitler, Poland refused to give in to German threats and was attacked in September 1939 and defeated by Hitler's Germany and Stalin's Soviet Union after a month of desperate fighting. Many Poles escaped to the West, where they helped make up the fourth largest Allied force in the fight against Nazism. On many occasions Polish and American troops fought side by side. Polish fighters escorted American bombers on raids deep into Germany. Polish destroyers watched over merchant convoys in U-Boat infested waters. In Italy, the Polish victory at Monte Cassino allowed the Americans to break out of the Anzio beachhead and capture Rome. On August 19, 1944, soldiers of the Polish 1st Armored Division linked up with Gen. George Patton's 90th Infantry Division near the French town of Falaise to close the trap on 60,000 Nazi troops, destroying the bulk of the German army in the West.

World War II cost the lives of some 6 million Polish citizens (a number divided about evenly between Christians and Jews), as well as incalculable losses of property and cultural and artistic treasures. Despite the terrible cost, and despite fighting for the winning side, Poland did not regain her freedom. Her struggle against tyranny was forgotten. Instead, Poland, like her neighbors Hungary and Czechoslovakia, became a satellite of the Soviet Union, a nation that was responsible for the deaths of almost 1 million Poles. Yet, Soviet communism proved a failure in Poland, and the people did everything they could to undermine a system that became increasingly corrupt, unworkable, and morally bankrupt. Given this history, it is no surprise that the unraveling of the Communist system in Europe began in Poland. Although we did not know it at the time, the election of Pope John Paul II and the formation of the Solidarity independent trade union in Poland spelled the beginning of the end for the Cold War. The momentum that began in Poland was furthered by the people in Hungary and Czechoslovakia. The rest of story is, as they say, history.

After breaking with the communist past, Poland, Hungary, and the Czech Republic began an effort to re-enter the family of democratic nations from which they had been unnaturally separated in 1945. They transformed their economies from state-run command systems, to free, open markets. They reformed their political systems, reintroducing real democracy, a free press, and civilian control of the military. These changes have taken root and borne fruit—there have been a series of free and fair elections, and the economies of all three nations are doing well. Poland, for example, has the fastest-growing economy in Europe. Each of these three nations has taken the initiative and solved its outstanding border disputes and tensions. In short, Hungary, Poland, and the Czech Republic have met the objectives we in the West set for them as conditions for NATO membership.

NATO enlargement will expand the borders of peace and security. It will spread more evenly the burdens of defense within the alliance. It will add to the ranks of our allies. It will encourage those who want to reject politics based on hatred, division, and spheres of influence. As Czech president Vaclav Havel put it, NATO "is first and foremost an instrument of democracy intended to defend mutually held and created political and spiritual values." It is not an alliance aimed at an enemy, but "a guarantor of Euro-American civilization and thus a pillar of global security." [New York Times, May 13, 1997.]

The consequences of the U.S. Senate not ratifying NATO expansion would be serious indeed. Hardline nationalists in Bosnia, Belarus, Serbia, and elsewhere would be encouraged, while friends of democracy and free markets would be disheartened. Furthermore, U.S. interests would be severly harmed. We depend on stability in the heart of Europe. An expanded NATO is the best guarantor of that security. With NATO membership for the Czech Republic, Hungary, and Poland, no dictator will ever again dream of a central European empire based on force and violence. We only need to remember the price the U.S. paid in two major European wars and the protracted commitments of the Cold War to understand how important this is.

For Minnesotans, east-central Europe is of increasing importance. The three NATO candidates have some of Europe's fastest growing economies and many Minnesota companies are doing good business in Hungary, Poland, and the Czech Republic. The list of major companies with interests in these three countries reads like a who's who of corporate Minnesota: Cargill, 3M, Honeywell, Pillsbury, Land O'Lakes, NRG. We can add to this many medium and smaller companies, especially in the high technology area (many of which were started by recent immigrants). Ask the officials of these companies what NATO enlargement means for them.

In just two weekends this summer we collected some 1,400 signatures of Minnesotans from all over the state on a petition in support of NATO membership for Poland, Hungary, and the Czech Republic. This was a grassroots effort conducted by volunteers with little or no political experience. Since then, there has been a flood of letter writing, faxing, and calling to our U.S. Senators. One senator supports NATO expansion, while the other is officially undecided. The debate continues. Thus, it is important that the state legislature make its voice heard on this important issue, to tell the U.S. Senate that NATO expansion is good for global security, good for America, and good for Minnesota. I thank Rep. Jaros, and other state legislators who have helped on this issue, for their good work, and I urge members of this body to support the resolution.

NATO membership is the final step in the return of Poland and its neighbors to their place as our allies. As President Clinton recently noted, Poland is not a new ally for America, but an old friend returning home.

Statement by Laszlo G. Fulop, in Support of Why Hungary Should Become a NATO Member.

Mr. Fulop. Mr. Chairman, thank you for the opportunity to appear in front of your committee and speak in support of Hungary's—along with Poland's and the Czech Republic's—admission to NATO.

Let me introduce myself: Laszlo G. Fulop, architect and planner of Minneapolis, MN, representing the Minnesota Hungarians.

The question many of you have in mind is, Why should Hungary become a NATO member? Before responding to this question let me make a few brief remarks, that are pertinent to this issue.

Hungary has existed in Europe for over 1100 years, and of those over 1000 was oriented to Western Europe. In the course of this orientation she found herself in situations where she fought for and defended the Christian culture of Western Europe, often just by blocking great expansionist endeavors from the East.

Hungary also had a 200+ year interest in the United States. Many Hungarians fought in the American War of Independence. Indeed a Hungarian, Colonel Michael Kovats serving under the famous Polish General Pulaski, organized the first US Cavalry, while fighting for American independence. Later, when the Hungarians fought for their freedom with the Hapsburg empire in 1848-49 and declared their independence, the new Hungarian Constitution was modeled after the American Constitution of 1787. By the way, the Hapsburg forces were able to put down that valiant revolution, only because they asked for Russian help. A Russian army of 175,000 together with the Hapsburg armies eventually subdued the Hungarians fight for freedom. Unfortunately this intrusion was not an isolated occasion.

Until just 9 years ago East and part of Central Europe was relegated to the Soviet Sphere of interest and even the U.S. conducted her relationship with the region through Moscow. Since the defeat of Communism in 1989–90 the Czechs, Poles, Hungarians, regaining their independence, had to overcome great difficulties in their efforts to reestablish democracy.

The dissolution of the Warsaw Pact, initiated by Hungarian Prime Minister Antall in 1990, along with the absence of existing security guarantees has left a strategic vacuum in the region. This effectively dissolved a bipolar world order, and also changed the situation of European security. The threat of nuclear war was replaced by much more limited in scope, yet expanded in types of threats. Aggression in Yugoslavia that went on unchecked for too long has shown just one major cause why this vacuum has to be filled.

The practical view of this membership: what's good in it for me and what's in it for you? Let's look at a few areas:

Security

The Enlargement means expanded security for Europe, and for the individual countries. It means ensuring common interests, common values. NATO was never an aggressive organization, but was an effective deterrent of active war. NATO always professed to protect the "status quo". In this case NATO's Enlargement simply means the "eastward expansion of the region of security and stability."

Hungary values its security, exactly because it had been threatened so often during her history.

Also a new security system seems to be evolving in Europe that is based on cooperation and partnership and these are driven by democracies in Western Europe. In orienting herself to the West, it will be imperative for Hungary (and to Poland and the Czech Republic) to participate in the economic, political and security aspects of this newly evolving mechanism. This will require modernization in more fronts, including security.

European stability is in the interest of the United States, as well, as NATO has been one of the major guardians of that. Today, it is still viewed in that role, and its enlargement will simply expand the security enjoyed by the current NATO countries, to establish conditions for peaceful, and democratic development in the new member countries. This enlargement is not viewed as pushing the military line established during the Cold War further east, but to expand the state of stability. A war in the area would cost the U.S. a great deal more both in political efforts and in military spending than the costs associated with the NATO Enlargement. These countries will mean a net gain for NATO and the United States.

Developing democracies

Hungary also intends to become a member of the EU, but, as NATO has become more than just a military organization, HU views NATO as complimenting her integration into the ranks of western democracies.

These three countries mean market, strong sources of educated manpower, and devoted allies to the West in political as well as on economical turf.

The association with NATO provides a vision that can galvanize people in these three countries (and hopefully later with others) to achieve higher levels of co-operation in areas of common concern and shared destiny. Collectively these people will have a greater power to integrate their future within this alliance. This is perhaps truer today than it ever was before, and the recognition is becoming more pervasive than before. Partially, the margin of vote (85.5%) in Hungary attested to this recognition.

The threat of a large scale military conflict is currently not real, however, smaller scale conflicts can occur. Their potential can never be ignored. For Hungary the upgrading of military will be a costly affair, but it is estimated to cost less over the same period than as if she had to provide for her total defense alone.

Since the reestablishment of democratic governmental forms in Hungary, the military is under civilian control.

Nature of concerns

We are aware that some people are concerned about this step of NATO and has urged a wide ranging discussion on this topic. The main concern seems to be that this expansion will ". . . bring the Russians to question the entire post-Cold War settlement, and galvanize resistance in the Duma . . .". It, however, appears that Russia's benefits from the enhanced security adjacent to her borders are being recognized. Serious attempts are being made to re-focus Russia's main goals for the 21st century to the economic development front, [see recommendations prepared by the prestigious Foreign and Defense Policy Council which in its 1997 report came out and said: "Russia should not busy itself with the blocking of enlargement but adjust itself within a short time to the new situation as effectively as possible." Further, "(if) Russia does not want to completely withdraw from it (i.e. the Central European region) economically, it must adjust itself to the present economic and political conditions for the sake of its own interests.]

Additionally, NATO and Russia has worked out a unique cooperative deal that did more for enhancing Russia's diplomatic position in Europe than she could have hoped for without the enlargement-issue being pursued. We also heard from an authentic and very reliable source that the NATO Enlargement issue is on the low end of concerns of Russian citizen on a Moscow street. On the other hand, even the customarily reserved Encyclopedia Britannica in "The role of NATO" brands those trying to do away with NATO as "neo-isolationists".

Finally, we also see this world as becoming more and more globalized. Minnesota firms are doing business in Europe, and increasingly in the Central European countries, as well. The University of Minnesota has several student exchange agreements with other countries including the Central European countries. We believe the enlargement of NATO and the attendant security will be but one step to insure increased cooperation, and better understanding of people in an atmosphere of enhanced security and stability.

These are only a sampling of reasons why this action should be supported. Indeed, President Clinton should be commended for seeking solutions in an atmosphere conducive to stability in Central Europe, and anchor security in this area while there are problems in the Middle East. This creates a safer environment for all of us.

Therefore, we urge you to pass a supporting resolution to this most important foreign policy consideration and express your support to the United States Senate. Thank you for allowing me to talk on this issue.

STATEMENT OF PAULETTE WILL IN FAVOR OF A RESOLUTION MEMORIALIZING CONGRESS TO SUPPORT THE ADMISSION OF POLAND, HUNGARY, AND THE CZECH REPUBLIC TO THE NORTH ATLANTIC TREATY ORGANIZATION (HF 2417)

Ms. WILL: Chairman Jaros and Members of the Committee, My name is Paulette Will, I am President of the Minnesota Czechoslovak Center and a partner in Bohemian Traders, a Minnesota-based company importing leather bags from the Czech Republic.

Thank you for the opportunity to express my support for the Czech Republic's entry into NATO along with Hungary and Poland. The Czech Republic is, as you probably know, a very young country. On January 1, 1993 Czechoslovakia, founded in 1918, ceased to exist and the Czech Republic and Slovakia became independent nations as a result of an agreement by their respective governments the previous year. Before World War II Czechoslovakia had a flourishing economy surpassed only by France and Switzerland. Since 1938 the history of the region includes occupation by the Nazis, loss of religious and personal freedoms in the 1968 Prague Spring Soviet crackdown, countless personal losses in terms of families being torn apart from Czechs seeking freedom from an oppressive regime and just this year both the Czech Republic and Poland were struck by catastrophic rains and floods. Today the Czech Republic has a population of 10.3 million people. The country is strategically located in the center of Europe and as such is in an ideal position for trade and investment. Geographically, Prague is located to the west of Vienna, Austria.

According to the last Federal census in 1990 almost 100,000 people in Minnesota are of 50% or more Czech descent (87,748 Czech and 11,466 Czechoslovak) 238,039 are of Polish descent and 12,349 are of Hungarian descent. Minnesotans of Czech heritage are dispersed throughout the state with significant concentrations in LeSuer (New Prague & Montgomery), Rice, Steele, McCleod, Jackson, Pine, Polk, Pope, Renville and St. Louis counties. Many German-Bohemians settled in Minnesota as well, mostly in the New Ulm area.

Recently, the Czech Ambassador to the United States, Alexandr Vondra journeyed here in Minnesota. He said that NATO membership would be the fulfillment of the "century's goal of the Czech state". Here in the center of the United States, Minnesota's business community is significantly invested in the Czech Republic. NRG, a subsidiary of NSP is the 5th largest investor in the Czech Republic where they are building an electric power generating plant in Kladno. Other Minnesota corporations with substantial business interests in the Czech Republic include: 3–M, the Carlson Companies, Ecolab, Honeywell, H.B. Fuller, Land O'Lakes, Midwest Imports, Pillsbury, Radisson Hotels, Toro, Thermo-King and many smaller companies such as mine. In the past eight years all of Minnesota's major educational institutions have had Czech students studying here and returning to work in law firms, private industry and the media as many Americans have lived and settled in the Czech Republic.

But something curious is happening in the United States. It's called isolationism. David Gergen said in a U.S. News and World Report article, October 27, 1997 "Americans from boardrooms to college classrooms are embracing the rest of the world as never before. Business people and students are heading overseas . . . while our political leadership is staying at home. U.S. companies have increased their exports by 40%, many now earning more than half of the revenue overseas . . . Not long ago, our public leaders personally knew the chancellor of Germany and the prime minister of Japan at least as well as the President did. In 1995, some 200 members of the German Parliament came to Washington, not one member of Congress visited Bonn. The National Security Caucus Foundation in Washington reports that one third of today's Senate and House members do not even have passports. Some American political leaders are signaling that it is time to disengage from world affairs." This attitude has serious long term implications, not least for Americans peace, security and economic stability. For, like it or not, we are a major player on the world stage and we are inevitably called upon to defend freedom. No one wants to see Central Europe remain isolated between the East and West. Central Europe's security and economic interests are Europe, Canada, America and Minnesota's security and economic interests. NATO ratification is a simple vote to help guarantee civil and safe societies.

A few days ago, on January 18, NATO peacekeeper troops surrounded key buildings in Sarajevo, Bosnia and Herzegovina just hours after a deeply divided Parliament elected a moderate Prime Minister for the Bosnic Serb Republic. NATO peacekeepers also circled a ministry building in the eastern town of Bijeljina. The Bosnia Serb conflict has cost billions compared to the estimates for NATO expansion. The lesson to be learned is simple; pay now or pay later.

So, here in Central United States, I trust that the Minnesota House and Senate will each enact resolutions joining other State Legislatures around our country urging the United States Senate to ratify the expansion of NATO to include the Czech Republic, Hungary and Poland.

Mr. GRAMS. In conclusion, Mr. President, this Resolution of Ratification provides the Senate with a historic opportunity to shape the strategic landscape of Europe.

At the end of the Cold War, there was a lot of discussion about the "peace dividend"—the financial savings which would accrue from the end of the superpower rivalry between the U.S. and the Soviet Union. Well, the expansion of NATO reflects the true "peace dividend"—the extension of a zone of security to codify the gains of freedom and democracy for three more nations and ensure that they will never again be encroached.

Mr. President, the United States has a national security interest in assuring the stability of Central Europe. I am convinced that the best way to do that is to enlarge NATO to include Poland, Hungary, and the Czech Republic.

As Czech President Vaclav Havel, a man who I respect and admire, has warned, "If the West does not stabilize the East the East will destabilize the West." Mr. President, we have an obligation to our troops stationed in Europe and to future generations of Americans to do everything in our power to make sure it is the West which stabilizes the East and war will never again be precipitated by a power vacuum in Central Europe.

Mr. President, I will cast my vote in favor of expanding NATO to include Poland, Hungary, and the Czech Republic, recognizing that this is one of the most important votes that I will take in the Senate. I urge my colleagues to do the same. I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. I thank the Senator from Connecticut for allowing me about 20 seconds. May I also say to the Senator from Minnesota, who has just spoken, and the Senator from Indiana that I subscribe to their remarks and appreciate the strength of their statements.

Mr. President, the United States Senate today has the rare opportunity to right a historical wrong. In the years immediately following World War II, Europe was forcibly divided. As the United States helped to rebuild the nations of Western Europe, the nations of Central and Eastern Europe were subjugated under the heavy hand of Soviet domination. To counter this Soviet expansion into Europe, the United States and its Western European allies forged the most effective defense alliance in modern history, the North Atlantic Treaty Organization. The military and political strength of this alliance made it the guarantor of an unprecedented period of peace in Western Europe and contributed significantly to the eventual demise of the Soviet Union.

Today, the nations of Central and Eastern Europe are free, and three of them—Poland, Hungary, and the Czech Republic—are seeking to take advantage of an opportunity denied them following World War II, the opportunity to join NATO, an alliance described by Harvard Professor Samuel Huntington as "the security organization of Western civilization [whose] primary purpose [in the post-Cold War world] is to defend and preserve that civilization." It is my hope that the United States Senate will grant them this opportunity—an opportunity that these nations deserve and have earned.

In the years following the dissolution of the Soviet Union, these three nations have demonstrated a commitment to the Western ideals embodied by the NATO alliance. Their dogged pursuit of democratic institutions, free market economies, and human freedom will serve to remind the existing members of NATO what it means to be a part of the Western world. Indeed, their dedication to these ideals is all the more zealous because they know first hand what it is like to suffer under a regime that denies its citizens basic human freedom.

The enlargement of the NATO alliance to include Poland, Hungary, and the Czech Republic serves America's national interests. The essence of the U.S. national interest in the world is promoting the security, well-being, and expansion of the community of nations that respect their citizens' democratic rights. Although this is a moral policy, it is not an entirely altruistic one. The freedom, prosperity, and security of Americans—our standard of living and our domestic civil liberties—all are enhanced and bolstered when this community of free nations grows bigger and stronger, especially when it does so in Europe, where our closest allies and our most profound interests are concentrated.

The enlargement of NATO will also send a clear message to any power who may wish to interfere with the ongoing process of democratization in Europe: you will not succeed, so do not even try.

I know that the enlargement of NATO will not be free. Clearly, additional financial resources will be required on the part of all NATO members—old and new alike. These new costs must be shared equitably by all allies. Although enlargement will ultimately require an increased financial commitment by the United States, I believe that the substantial dividends that will accrue to the U.S. from enlargement justify our strong support for this endeavor.

I urge my colleagues to support the admission of Poland, Hungary, and the Czech Republic to NATO, so that, as Secretary of State Madeleine Albright recently noted, "three nations who have long been our allies in spirit will become our allies in fact." It is the right thing to do, and it serves our national interest.

AMENDMENT NO. 2310

Mr. KYL. Mr. President, I call up an amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. KYL) proposes an amendment numbered 2310.

Mr. KYL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In paragraph (1) of section 3, after "(1) THE STRATEGIC CONCEPT OF NATO.—" insert the following:

(A) POLICY OF THE UNITED STATES TOWARD THE STRATEGIC CONCEPT OF NATO.—The Senate understands that the initial adaptation of NATO's strategy for the post-Cold War environment is contained in the Strategic Concept of NATO (as defined in (1)(E)), and that its core concepts remain relevant today as the North Atlantic Alliance approaches the 21st century. The Senate understands that the policy of the United States toward the revised Strategic Concept shall reflect that fact and shall be based upon the following principles:

(i) FIRST AND FOREMOST A MILITARY ALLIANCE.—NATO is first and foremost a military alliance. NATO's success in securing peace is predicated on its military strength and strategic unity.

(ii) PRINCIPAL FOUNDATION FOR DEFENSE OF SECURITY INTERESTS OF NATO MEMBERS.—NATO serves as the principal foundation for collectively defending the security interests of its members against external threats.

(iii) PROMOTION AND PROTECTION OF UNITED STATES VITAL NATIONAL SECURITY INTERESTS.—Strong United States leadership of NATO promotes and protects United States vital national security interests.

(iv) UNITED STATES LEADERSHIP ROLE.—The United States maintains its leadership role of NATO through the stationing of United States combat forces in Europe, providing military commanders for key NATO commands, and through the presence of United States nuclear forces on the territory of Europe.

(v) COMMON THREATS.—NATO members will face common threats to their security in the post-Cold War environment, including—

(I) the potential for the re-emergence of a hegamonic power confronting Europe;

(II) rogue states and non-state actors possessing nuclear, biological, or chemical weapons and the means to deliver these weapons by ballistic or cruise missiles, or other unconventional delivery means;

(III) threats of a wider nature, including the disruption of the flow of vital resources, and other possible transnational threats; and

(IV) conflict in the North Atlantic area stemming from ethnic and religious enmity, the revival of historic disputes or the actions of undemocratic leaders.

(vi) CORE MISSION OF NATO.—Defense planning will reaffirm a commitment by NATO members to a credible capability for collective self-defense, which remains the core mission of NATO. All NATO members will contribute to this core mission.

(vii) CAPACITY TO RESPOND TO COMMON THREATS.—NATO's continued success requires a credible military capability to deter and respond to common threats. Building on its core capabilities for collective self-defense of its members, NATO will ensure that its military force structure, defense planning, command structures, and force goals promote NATO's capacity to project power when the security of a NATO member is threatened, and provide a basis for ad hoc coalitions of willing partners among NATO members. This will require that NATO members possess national military capabilities to rapidly deploy forces over long distances, sustain operations for extended periods of time, and operate jointly with the United States in high intensity conflicts.

(viii) INTEGRATED MILITARY STRUCTURE.—The Integrated Military Structure of NATO underpins NATO's effectiveness as a military alliance by embedding NATO members in a process of cooperative defense planning and ensuring unity of command.

(ix) NUCLEAR POSTURE.—Nuclear weapons will continue to make an essential contribution to deterring aggression, especially aggression by potential adversaries armed with nuclear, biological, or chemical weapons. A credible NATO nuclear deterrent posture requires the stationing of United States nuclear forces in Europe, which provides an essential political and military link between Europe and North America, and the widespread participation of NATO members in nuclear roles. In addition, the NATO deterrent posture will continue to ensure uncertainty in the mind of any potential aggressor about the nature of the response by NATO members to military aggression.

(x) BURDENSHARING.—The responsibility and financial burden of defending the democracies of Europe will be more equitably shared in a manner in which specific obligations and force goals are met by NATO members.

Mr. KYL. Mr. President, I, again, thank the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I rise to support the resolution calling upon the Senate to advise and consent to the ratification of the Protocols of the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary and the Czech Republic.

This is an important debate, an important week for this Chamber, for this country, for our alliance with our friends in Europe and, indeed, for global security. I appreciate very much the quality of the debate and the thoughtfulness of it as it has proceeded this afternoon. I must say that I am honored to be part of this debate and grateful to my constituents in Connecticut for giving me the chance to do so.

It is a debate that looks backward and forward, and its significance goes in both directions.

Looking backward in our history and in the history of Europe, it could well be said that the enlargement of NATO to now encompass these first three countries that lived under Soviet domination is a ratification of the end of the cold war. It is a validation that we have learned the lessons of that war.

Looking forward, it is, in my opinion, and respectfully, directly at odds with those who oppose expansion and spoke earlier this afternoon, it is the best step that we can take to protect and sustain the peace and freedom that now has broken out across the European Continent. So I appreciate very much the opportunity to participate in this debate.

Mr. President, there are three principles, three values, three ideas, three purposes that I want to speak about this afternoon in supporting NATO enlargement. They are freedom, collective defense and the promotion of peace. Each of those three, I think, speaks powerfully on behalf of the need to enlarge NATO, on the wisdom of that move.

I want to speak particularly about freedom, because that principle may be lost in the strategic discussions and in the practical and tactical concerns that people in the circle may have about the effect of NATO enlargement.

Freedom is at the heart of what it means to be an American. Freedom is at the heart of the American experience, and it is at the center of NATO and the NATO experience. The quest for freedom is what drove the founders of our country here, and they, in turn, were motivated by their faith, by their own quest for personal freedom and by the understanding their faith gave them that they expressed at the very outset of the Declaration of Independence, that all of us are created equal and we are blessed with certain rights—life, liberty, and the pursuit of happiness—not by any assemblage of our fellow human beings, legislators, lawyers, philosophers, but we are endowed with those rights to freedom by our Creator. Freedom, the pulsating, motivating principle of the American experience, expressed in the declaration, fought for throughout our history, fought for particularly in this century in two great and terrible wars in Europe.

After the second of those, when another threat arose to freedom in Europe from Soviet communism, the leaders of the Western European countries and the leader of the United States at that time, President Harry Truman, saw the need to come together in a military alliance, NATO, to protect what had been won, the freedom that had been won during the Second World War and to try to roll back the advance of tyranny and communism that had begun to occur in Europe under Soviet domination.

That is what NATO is all about. Yes, I understand it is a military alliance, but it is a military alliance in defense of a principle, and that principle is freedom, individual human dignity and worth, as expressed in our Declaration, as I described a moment ago.

Political freedom, religious freedom, the right to express oneself, the right to pursue one's own economic well-being without being dictated to by a central government—that is what NATO is about, a military alliance in defense of a principle. And that is what the cold war was about, not just a clash of blocs or power groupings; it was a great clash of ideas.

Freedom against tyranny, the right of the individual against the right of the state to dictate to the individual; state-controlled economy against market economies. And freedom won, individual dignity won, market economies won. It is a remarkable story whose heroes are numberless, the soldiers in NATO who stood guard over those decades of the cold war, the proud and effective leaders of the Western democracies, the people who understood what was at risk and stood side by side in defense of these principles.

In 1989, the Berlin Wall fell. The Soviet Union began to collapse, and the countries that lived under its domination, not just the people of Russia, among whom there are so many heroes who brought this about, but the people in the constituent countries of the former Soviet Union who had lived under tyranny, whose national identities had been temporarily erased, at least from public expression, certainly not from within their own conscience, whose right to worship as they wished had been suppressed and stifled, whose drive to better themselves by working to build a better life for their family, to profit, to achieve success was undermined, was crushed by the power of the bloated bureaucratic Communist state.

Those people who were suddenly freed, freed by the collapse of the Soviet Union, understood what the cold war was about, understood it was about freedom and understood what NATO is about. That is why they have come to us to ask for inclusion.

After all those years of living in effective slavery, they have turned to us and said, "By the grace of God and good leadership and faith, now we have the opportunity to express our national will, our individual selves to be free, to prosper," and they have turned to NATO and not to the European Union, as some of my colleagues would urge them to do, because they understand what the past was about and what the future is going to be about.

Yes, NATO is a military alliance, but it is a military alliance in defense of a principle, which is freedom, and freedom and security precede commerce.

Of course, inclusion in the European Union is important. But these countries now knocking at the door of the family of freedom, asking to become members of our community of freedom, they understand the significance of NATO.

(Mr. GRAMS assumed the Chair.)

And for us, who for years during the cold war would speak out across the Iron Curtain that dropped in the middle of Europe and say to the people in the suppressed countries—we used to call them the people of the captive nations; they were captives —"Rise up. Be strong. Have faith. A day will come when the Soviet Union will collapse or be defeated. You will have your opportunity to be free and we will welcome you into the community of free nations."

That is what they are asking. Will we now turn our backs on them and the principle, the idea, the value of freedom that motivated us throughout the cold war and motivates them today? I hope not. I do not think so. I do not believe we will.

Mr. President, collective defense is the second reason why we ought to expand the NATO alliance to embrace these three nations and keep the door open for others as they meet the tests, the standards.

NATO, from the outset, was a military alliance to provide for the collective defense, to protect member nations from attack from an outside enemy. It was started quite clearly as a defensive alliance against Soviet aggression. We had hundreds of thousands of troops in Europe ourselves to protect our allies and ultimately ourselves from that danger.

Now, times have changed. Fortunately, the threat of aggression from the East is not there. Some say that an alliance, a military alliance can only last as long as the threat that engendered it. Now that that threat is gone, some say NATO really ultimately will dissipate.

Well, would that it were so that there were not threats in the world that should tie the member nations and those who choose to be added to NATO together in common defense. My colleagues have mentioned them. I will only repeat them very briefly. Today, the threats may be more from the south of NATO than from the east, from weapons of mass destruction, from terrorism, from threats via ballistic missiles.

We may well—hopefully soon—work with our allies in NATO to form a regional missile defense to protect member nations from the threats posed by the high-tech war that we and our allies face.

So I would say, unfortunately, though security is greater than it was on the European Continent during the cold war, there is still much to worry about. A strong NATO, working together, surely can provide a better defense against those common enemies than nations alone.

In fact, Mr. President, though the NATO treaty, as originally stated—article V—talked about each member being obliged to defend and protect member states who might be attacked, it talked about focus on conflict within the area that is NATO. Clearly in our times some of those threats may come from outside—threats to security of the member nations.

It was not so many years ago—it was 1990 and 1991—when Saddam Hussein drove his Iraqi Army into Kuwait, threatening not just the independence of that small country, but the energy supply on which not only we but our European allies and others depend. The gulf war, Operation Desert Storm, was not explicitly a NATO action, but it was surely NATO in the experience that we had together within NATO. That was not only the place on which the defense and counteroffensive against Saddam could be fashioned and formed, but it was where over those many decades we had learned to work so well together.

So, in fact, I view the enlargement of NATO in our time, the post-cold war time, as the best step that the United States can take to bring others to share our burden of world leadership. We say repeatedly we are not going to be the policemen of the world, but the fact is that we are the world's only remaining global superpower, and responsibility and interests come with that.

Our alliance in NATO is a place in which we can find allies to share the burden when a threat affects the security of the United States and other member nations of the NATO alliance and organization. The three nations that seek accession to NATO, Hungary, Poland and the Czech Republic, have already helped us in Bosnia and elsewhere. Some helped during the gulf war. They add 200,000 troops to the NATO forces on the European Continent, providing hope that less will be asked of the United States, or at least we will only be asked in a more proportionate way when these three nations and perhaps others in the future are added.

The third reason why I support this resolution so strongly, Mr. President, is the promotion of peace. That is to remember that NATO from the outset was never just a defensive alliance. It was always an organization which was aimed at promoting peace among its members, not just to bring its members together in alliance to protect them against outside threats. But acknowledging the war-torn history of Europe, feeling still the pain, the sting, the horror of the two World Wars that preceded it, NATO was formed to create an organization in which common interests could be stressed, yes, through military alliance, but through the sharing of opportunities and challenges. It has worked magnificently in that regard, and it will work even better in this post-cold war period to bring nations formerly under Soviet domination in Central and Eastern Europe within that zone of peace, within that community of which peace will be promoted and conflict will be avoided. That is the record of the now almost five decades of NATO in terms of the amity, the civility, the cordiality of the relations among previous enemies, now members, of NATO, and it will continue to play that role as we expand NATO to other countries on the European Continent. The fact is that it has already begun to happen in anticipation of this effort to accede to NATO membership of the three we are focused on today. And other nations hoping for NATO membership have begun to resolve long-standing conflicts.

The conflict between the Hungarians and the Romanians comes to mind. That is the drive—the momentum will be on the side of conflict resolution among the member states of NATO and those who choose to become members in promoting peace on the European continent and again learning the lessons of the war-torn history of Europe.

Mr. President, a final word about Russia. It is from within Russia that the Soviet Union and communism that I have spoken of and the denial of freedom began. It is from within Russia under the historic progressive leadership of Mikhail Gorbachev and from within the hearty and heroic band who resisted tyranny even as it began to rear its head again after the collapse of the Berlin Wall. It is from within Russia that this historic change began.

It began, as I said earlier, and occurred because of the steadfastness, the sense of purpose, the heroism of people in the NATO alliance and Western Europe and the United States, and it began after a long period of suffering by those who lived within Russia and within the member states of the former Soviet Union under Soviet domination.

It has to be a central tenet of priority of our foreign and defense policy to develop good relations with Russia. We have worked mightily at that. But I must say, as I hear some of those who oppose expansion, enlargement of NATO, who are prepared to blame enlargement of NATO on anything that goes wrong in Russia, I simply cannot accept that prediction. Those who foresee the most dire consequences of NATO enlargement, including, as some have suggested here, the heightened possibility of nuclear war—I simply do not see it. These arguments in some ways seem more psychoanalytical than geopolitical, more psychological than strategic.

Yes, I know that Russia has struggled and has much work to do. I simply echo and embrace by association the comments of the Senator from Indiana, Mr. LUGAR, on this course. The fact is that Russia has come some distance in spite of the challenges it has faced. It has sustained a democratically elected government. It has fought off attempts to create denials of freedom within the country. If there is a threat to the continued movement forward of freedom within Russia, if there is a threat that will somehow raise the possibility of nuclear conflict with Russia, it is not the enlargement of NATO.

I must say, as I speak to members of the Russian Government and private citizens, including businesspeople and think-tank people, I know there are some in the political community who are opposed to the enlargement of NATO, but honestly I do not find it to be the priority of concern that some on this floor have suggested.

The fact is, as the Senator from Minnesota, Mr. GRAMS, said, every poll I have seen taken in Russia shows that the people list NATO enlargement far down in their itemization of concerns they have about Western behavior. Think about how we and our people would feel if we were in Russia. What would be more important to us—that NATO is about to accept Hungary, Poland, and the Czech Republic into this alliance or that I am not getting my paycheck for working at the shipyard, or I am not getting my pensioners' check as a retired person, or my children's education is not as good as it used to be? Those are the things that the Russians are focused on. Those are the threats to stability if it exists within the Soviet Union. Those constitute the ground in which a more aggressive and warlike leadership might—I hope never will—but might arise again in Russia, not NATO enlargement.

It simply, respectfully, does not make sense to me that that is the case. I have said before we have worked hard at building good relations with Russia. The Founding Act creates an institutionalized relationship between Russia and NATO that some feel actually goes too far. I think it is appropriately balanced.

The relationship between President Clinton, President Yeltsin, Vice President GORE, former Prime Minister Chernomyrdin, and presumably the new Prime Minister Kiriyenko, is very strong. If we have had a shortcoming in our policy, in our post-cold war reaction to Russia that may have squandered an opportunity, which is a phrase that one of those who opposed NATO enlargement spoke about earlier, it is not to enlarge NATO, it is that we did not rush in early enough and broadly enough to help the Russians build their economy in the period after the Berlin Wall fell.

There were some great voices at that time—late President Nixon, most prominently at that point, speaking to the historic opportunity we had. The truth is what we delivered was timid, was weak, was insufficient. If we squandered an opportunity, it was at that moment when, as some said, we might well in our own self-interest have adopted the equivalent of a Marshall Plan for Russia, encouraging and creating incentives for American businesses to go over and invest there and create opportunity. Not enough of that has happened. Very little of that has happened. It is in that neglect that we planted the seeds that might—again we hope and pray never will—grow into a less democratic, more aggressive Russian, but not NATO, enlargement.

Let us come back to this. So much of the opposition to this enlargement is based on the effect it will have on Russia. That is what I said earlier, and I say respectfully, this becomes an argument more in psychoanalysis than in geopolitics or reality. NATO is a defensive alliance. NATO has no hostile intent on Russia. Does Russia fear military aggression from Hungary, the Czech Republic, and Poland? Of course not. So why do we yield to what we see or fear may be the opposition within Russia to the enlargement of NATO? When we do that, when we yield, we do something far more damaging. That is, we forget the principle I spoke about at the beginning, which is freedom. We forget what Winston Churchill said about that Iron Curtain falling in the middle of Europe. We forget what Harry Truman spoke to us when he joined in the creation of NATO, as he watched the Soviet threat in Europe against freedom. We forget what President Kennedy did at the Berlin Wall in the confrontation of Berlin in the 1960s. We forget what President Reagan said about the evil empire. Why was it evil? Because it denied its people freedom. And we forget we fought that cold war over an arbitrary, dictatorial, unnatural division in Europe which denied the principle of freedom, the line Stalin forced in Europe.

So will we now, because of our fear—strange for a victor, the world's global superpower, to have such fear—will we now redraw that line by shutting people in Central and Eastern Europe out of the community of free nations? I don't believe we will. I am confident that more than the necessary number of our colleagues here in the Senate will see the historic opportunity we have to validate the end of the cold war, to uphold the principle on which it was at fault, and to create the conditions for peace and security in Europe among the member nations of NATO as those members expand and together between them, in a free, secure, and strong Russia.

Mr. President, I close with words of one of the heroes of the century and certainly the heroes of the post-cold-war period, Vaclav Havel, who wrote almost a year ago in the New York Times, May 13, 1997:

> The [NATO] alliance should urgently remind itself that it is first and foremost an instrument of democracy, intended to defend mutually held and created political and spiritual values. It must see itself not as a pact of nations against a more or less obvious enemy, but as a guarantor of Euro-American civilization and, thus, as a pillar of global security.

That is what this debate is about. I look forward to the dialog as it continues this week. It is a critically important debate, and I hope that we will join it directly and not hesitate to speak forcefully but, of course, respectfully to one another. That much is at stake here.

I thank the Chair and yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, I am happy to have this opportunity to rise and discuss some of the ramifications of the proposed expansion of the North Atlantic Treaty Organization. A number of issues have received attention, and it is appropriate that we focus on those issues and give them very, very close scrutiny. The cost of enlargement, for instance, deserves our attention; the political and strategic benefits or deficits that of new NATO members deserves our attention; and finally, the effect of NATO expansion on the relationship of the United States with the Soviet Union deserve the Senate's full attention.

But while all these issues are important, I think in some respects they divert inquiry into a fundamental issue regarding NATO's future, and that is, "What is the purpose of the organization?" Is the purpose of the organization being altered inappropriately? Is it being transitioned away from that for which it was initially called into existence?

The expansion of NATO and the question about whether it should or should not be expanded is significant. But defining the purpose of the organization is even more significant.

I just might, in an aside here, mention that I am not sure we can redefine NATO. One of the most serious questions I raise is, Is it possible for NATO to be redefined without the redefinition being subject to the advice and consent of the U.S. Senate? If a treaty, once it is enacted and ratified by the United States, could then be changed without the U.S. Senate again offering its advice and consent, we would never need but to enter into one or two treaties, and then, subsequently, administrations could transfer, transition, enlarge, subtract, or shrink the treaty in accordance with the particular foreign policy strategy of the moment. A treaty's purpose might be distorted from defense to trade, or otherwise changed, if it is possible to change a treaty without being subject again to the Senate's advice and consent.

Now, we obviously find ourselves, with the North Atlantic Treaty Organization, looking at a treaty designed to protect the member states from a hostile foreign invasion. The Soviet Union no longer exists. There are nations that were a part of the Soviet Union that now exist, but we find ourselves with a significantly different configuration of forces and challenges to the United States. Challenges to the member states of NATO are different than they were when the treaty was called into existence in 1949.

So I think it is important now for the U.S. Senate—which is, if you will, the quality control organization as it relates to U.S. treaties—to ensure that U.S. treaty commitments are not expanded inappropriately and the American people are not subjected to obligations that have not been approved through the proper constitutional processes. The U.S. Senate has a role of assessing the quality of treaties as they proceed through the Senate before the Senate's imprimatur of approval is given.

Here we stand at this moment in time debating perhaps the most successful collective defense organization in the history of the world, the North Atlantic Treaty Organization. NATO still stands, although the specific threat for which it was created has disappeared for the time being. We have to ask ourselves at this juncture, "What is the purpose of the treaty?" Would some try to change the purpose of the treaty? Is it appropriate or possible to change the treaty, without amending the treaty, just by beginning to lean everyone in one direction, to turn the treaty to one side or another, or begin to assert that there are new things to be considered because the treaty is evolving?

I have to say to you, Mr. President, I don't believe in treaty evolution anymore than I believe in the evolution of the Constitution. If you could just evolve treaties, as I said, U.S. treaty commitments would seldom have to be brought before the Senate. In this case, NATO would be evolving and going on its way, entangling this country with potentially serious obligations which place in jeopardy the lives and fortunes of those who serve in our armed forces and those who support the military. I think we have to be very careful that we don't allow treaties to simply evolve.

It is interesting to me that as we work to address where NATO is and the purpose of the organization, that we be clear about what it is supposed to do. What is interesting to me is that there is a group of individuals who now say that NATO is totally different than the organization created in 1949.

I want to call attention to this idea that NATO, which was once designed to protect individuals in the North Atlantic area, is now, according to a number of people, becoming an organization with a global scope. Expanding the scope of NATO has serious ramifications: if the responsibility of NATO is no longer confined to specific territory, but now is global in nature, the kinds of required military devices, the kinds of technology, the kinds of cooperation, and the expenses are going to be massively different.

Here is what the immediate past U.S. Secretary of Defense, William Perry, said in testimony before the Senate Armed Services Committee on the 19th day of March of this year:

> The original mission of NATO—deterring an attack from the Soviet Union—is obviously no longer relevant.

Well, I would say the Soviet Union might be reconstituted, or there certainly might be a threat, but we will give him that much.

The original geographical area of NATO responsibility is no longer "sufficient", Mr. Perry continues.

Sufficient for what? It is sufficient for the people who live in that area. NATO helps secure the homes and livelihoods of people in the North Atlantic area.

Mr. Perry states, The original military structure of NATO is no longer appropriate.

We are going from a military alliance to something else.

He says:

> The new missions—

I am taken aback. "New missions"? How can a treaty organization ratified by the U.S. Senate, in place for 50 years, all of a sudden have new missions, new purposes?

Mr. Perry continues, "The new missions of NATO should be preventive defense—creating the conditions for peace in Europe."

Mr. Perry refers to Europe—not NATO member nations. There are a number of nonmember nations in the European area. All of a sudden, we are expanding beyond the concept of a group of individual countries who have agreed to defend themselves to the projection of a peace guarantee on an entire continent.

Mr. Perry continues, "The geographical area of NATO interests should be anywhere in the world * * *"

Mr. President, that is a substantial change. That is a significant departure. This is not the traditional understanding of NATO. This is not in the language of the original treaty. This is an effort to make NATO a worldwide organization. "* * * anywhere in the world where aggression can threaten the security of NATO members."

I wish to emphasize that we need to be very careful about anybody who threatens the security of NATO members. But what does this administration mean when it makes statements endorsing a global NATO? We don't have to rely on the former U.S. Secretary of Defense for guidance on that question. We can go to the current Secretary of State. According to the Washington Post, Secretary Albright "also has urged that an expanding national North Atlantic Treaty Organization must extend its geographic reach beyond the European continent and evolve into a 'force for peace from the Middle East to Central Africa.'"

I think it is only fair that we go beyond focusing on three new members in Eastern Europe. If a new mission is really what we are talking about, if this is what the intention is, the change here is far more than adding three new countries. The transformation is a shift from the defense of territory—specified and outlined with clear boundaries—to an organization whose impact will be worldwide. According to the Secretary of State NATO should be a "* * * force for peace from the Middle East to central Africa."

If what the Senate is really considering here is the transformation of NATO's mission, then I think it requires us to ask, "Is this what was intended when this NATO agreement came into existence? Was it designed to have this kind of elasticity? Was it designed to evolve, as an ameba does, changing shape with different circumstances to fill any void? Not according to the folks who presided in the U.S. Senate in 1949 when this great treaty organization was ratified.

Listen to the words of Senator Tom Connally, chairman of the Senate Foreign Relations Committee at the time: "Let us not forget that this treaty is limited in scope. Its main purpose is to maintain the peace and security of the North Atlantic area. We do not propose to stretch its terms to cover the entire globe."

It is interesting to consider these comments by Senators from the past. "We do not propose to stretch its terms to cover the entire globe", stated Senator Connally. His statement offers a striking contrast to the language of a globalist NATO offered by officials from this administration. This administration is now supporting the expansion of NATO to three new members, but is also presiding over an incredibly significant transition in the scope and shape of the organization itself.

In NATO, the United States was making a calibrated commitment. We joined NATO and considered the possible deployment of U.S. forces with the utmost caution. In 1949, our Congress was not about to deploy U.S. forces willy-nilly around the world. The collective defense mission of NATO was defined explicitly in article V, and I quote: "The parties agree that an armed attack against one or more of them"—of the parties, of the member nations—"in Europe or North America, shall be considered an attack against them all * * *"

Collective defense was meant to respond to an attack on the United States or another NATO ally. This was an attack on the member nations in Europe within their borders. The allies would then take such action, according to article V, as each "deems necessary" to restore the peace for those member nations.

The geographic scope of the article V commitment was defined explicitly in article VI to make sure there was not any confusion. In article VI, we made it clear. It said the United States would defend the territory—territory of NATO members—not the interests, not the commercial transactions, but the territory of the NATO members.

The geographical scope of Article 6 included the Mediterranean Sea and the North Atlantic area north of the Tropic of Cancer.

Article V says if you are attacked, you are to respond to the attack. Article VI has the sort of precision of a real estate transaction, specifically stating where the territory was and how it was to be defended.

Article IV of the treaty is seen by some now as an escape hatch for expansion of NATO's mission. Article IV of the treaty states: "The parties will consult together whenever in the opinion of any of them the territorial integrity, political independence, or security of any of the parties is threatened." Terms like "territorial integrity" and "political independence" and "security" flow from and reinforce NATO's collective defense mission.

As I will argue in more detail, undergirding NATO's collective defense mission was the purpose of article IV. Article IV was not a loophole for any military operation the North Atlantic Council could dream up.

One of the things I think the Senate should consider carefully is the expansion of NATO, not just by membership but by mission—from the defense of territory to the defense of interests, which is the direction in which things are pointed. If we go from defending territory to defending interests and following those interests, as Secretary Perry indicated and Secretary Albright has indicated, to remote locations on the globe, that threatens some of the very essential purposes of NATO. If you squander defense resources or if your forces are so thinly deployed, it can be very damaging and undermining to the capacity to respond to a real security threat.

It would be terrible to think that we would have our forces so far-flung that we could not respond to a real security threat. I have to say this: Right now the administration is so willing to deploy U.S. troops and so unwilling to provide resources for the military that we are stretching our resources very thin. If we want to put ourselves in real jeopardy by stretching them thinner, we should change the mission of NATO so that we become an international policing organization effectively answering 911 calls anywhere around the world. Secretary Perry says anywhere around the globe. Secretary Albright says in the Middle East and throughout central Africa.

The United States is extending defense commitments to these three new potential NATO countries while slashing its defense resources—a 27-percent cut in defense spending over the last 8 years. We need to be very careful. If your defense spending is falling and your defense deployments are rising, you have very low resources to meet high commitments, placing yourself in serious jeopardy.

Most Americans have agreed we have to have an ability to fight at least in two regions. If we cannot fight in two regions, and if we get into any kind of a struggle somewhere, it is an invitation for an aggressor somewhere else to start something. I mean, after all, if we were involved in the Middle East and we only had a capacity to defend one area, that would be the only area we could defend. It would invite rogue regimes, dictators, to be involved somewhere else pretty quickly. North Korea might decide to send its people over the border en masse. So the United States has to sustain the capacity to fight in two regions.

John Hillen writes in the National Review that we are losing that kind of capacity.

> In 1998, almost all the active Army's heavy-tank and armored-cavalry units outside of Korea and Bosnia would have to go to the Persian Gulf in order to equal the fighting power of America's VII Corps in 1991. And the VII Corps was only one of three American corps engaged in Desert Storm. In other words, it would take all the fighting materiel we have to make up one of the three corps that were fighting in Desert Storm. Given the fact that we have the commitments we have in both Korea and Bosnia, we have to be careful we don't hollow out the force. And expanding the mission, broadening the range of deployments, expanding NATO from the defense of territory to the defense of interests could further hollow out our armed forces.

Here's how NATO expansion will increase U.S. security commitments.

> Poland, Hungary and the Czech Republic comprise 301,000 square miles of new NATO territory and 2,612 miles of new NATO frontier to which the collective defense commitment is extended.
>
> Total national defense spending fell by 27 percent over the last 8 years.

If we are going to be a part of defending this new territory, I wonder about whether we can do it with a plummeting rate of investment in national defense.

> Outside normal training and alliance commitments, the Army conducted 10 "operational events" between 1960–91, and 26 since 1991.

There you have it. We are sending our troops all over the world, and you wonder if we can do that without hollowing out the force when we have a 27 percent drop in our funding.

> The Marine Corps conducted 15 "contingency operations" between '82 and '89, and 62 since the fall of the Berlin Wall.

We are sending our people all over the place and we are not funding them the way we really should.

> According to the Army Chief of Staff Dennis Reimer, the Army reduced manpower by 36 percent while increasing the number of deployed operations by 300 percent.

Can you forever shrink your resource base and increase your deployment?

President Reagan's Deputy Undersecretary of Defense states:

> Like Gulliver's enfeeblement by the Lilliputians, [the U.S.] will be tied down in so many parts of the world for so long that it will be hard-pressed to respond to the major threats against which only overwhelming force would prove effective.

I think the point I want to make here is we have to be very careful in expanding the mission, changing the mission of NATO from a defense-of-territory to a defense-of-interest mission, projecting deployments in central Africa and a wide variety of other places, as Secretary Perry indicated, around the globe. Are we making sure we have the necessary defense resources in the event there is a real security challenge? If we are stamping out brushfires on the other side of the world, can we defend ourselves against a firefight in our own backyard?

These are the kinds of things that I think are important. I don't think this administration has made very serious strategic assessments about NATO expansion. "We must pledge that the first new members will not be the last," according to Secretary Albright, "and that no European democracy will be excluded because of where it sits on the map." In other words, come one, come all. We are not going to make strategic judgments. In the real world, real soldiers die defending real borders.

I intend to ask the Senate to make a clear statement on the mission of NATO, a mission that is a defense of territory, not just a defense of interests. I know that Senator ROBERTS of

Kansas and Senator WARNER of Virginia have expressed their interest in this respect. We need to pass an amendment that will make sure that the Senate will not be endorsing what I call "treaty creep," where we just allow a creeping mission to get us to the place where we are no longer able to sustain those things which ought to be sustained.

It is with that in mind that I will be offering an amendment which would be added to the resolution of ratification. I hope that Members of the Senate will take into account the importance of understanding that we cannot dilute the capacity of the United States to defend its own freedom and to fulfill its collective defense commitment in NATO by making the breadth of this treaty so broad that it becomes a second United Nations, except this time with a standing army. NATO should not become an organization whose forces can be deployed and put at risk inappropriately and unduly in a wide variety of settings not defined by the territory of the members of the North Atlantic area.

It is with that in mind that I look forward to submitting the amendment and defending the opportunity to place in the resolution of ratification clear language which will define and reassert the only valid definition of NATO, its original purpose, which was the defense of territory, political independence, and security of member states in that particular organization.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, the matter of NATO expansion is perhaps the single most important foreign policy or defense issue to come before Congress this year. Because of the complexity of the issues involved, the importance of this decision, and its implications for our relationship with Russia, I have not rushed to judgment on this subject. Today, however, I would like to explain why after careful consideration, I have decided to support NATO expansion.

The past half-century has shown the cardinal importance of American engagement in European affairs. Throughout the Cold War, our involvement in Europe, principally through NATO, helped provide a crucial framework of peace and stability in which the countries of Europe have been able to develop—giving them breathing room in which to leave behind wartime devastation and grow into prosperous trading partners and allies. Today, of course, the Cold War has ended. The importance of U.S. involvement in Europe, however, has not.

With the end of the continent's artificial division along the inter-German frontier into hostile ideological blocks, the meaning of "Europe" has changed and its role in the world has evolved. If they are to have relevance in this new post-Cold War era, institutions built around Europe's previous divisions must also evolve, or else face creeping irrelevance. NATO may not be important to the world in precisely the way it used to be—as a breakwater against Soviet expansionism—but the cooperative security arrangements it embodies remain vital to European stability and to world peace.

Mr. President, NATO stands without peer in modern times as an institution capable of effective, coordinated international action in times of crisis. More important still, however, is the Alliance's much more quiet, everyday role as the ultimate underwriter of European peace, providing a supportive framework within which allied democracies can successfully consolidate themselves after difficult periods of transition and become valuable friends and partners in the best sense of these words. NATO expansion to incorporate the newly-liberated countries of Poland, Hungary, and the Czech Republic will help ensure that the Alliance remains an important guarantor of continental peace and stability in the years to come—and that America continues to play an engaged and productive role in European security.

I do not mean to suggest that NATO expansion has no costs, or that I am entirely sanguine about its potential implications.

I have been extremely concerned both about the anticipated financial costs of NATO expansion and about its potential impact upon U.S.-Russian relations.

With regard to the costs of NATO to the American taxpayer, I have discussed my concerns with both Secretary of Defense Bill Cohen and Secretary of State Madeleine Albright. In particular, I have been very concerned about the great variation in cost estimates given during the last year or so, estimates that have ranged from a total of $35 billion, or even more, over the next 10 years to a total cost of a relatively small $1.5 billion, with the United States share of that $1.5 billion being approximately $400 million.

As both Secretary Cohen and Secretary Albright have pointed out to me, the highest estimates anticipated expanding NATO to four countries, rather than three, and were not based on information now available about the condition of Eastern Europe's military infrastructure. I am thus greatly encouraged by NATO's most up-to-date financial estimates which were based upon an intensive country-by-country survey of the Polish, Czech and Hungarian defense establishments.

This latest study, the methodology of which has been endorsed by the General Accounting Office as well as by the Department of Defense, indicates that the likely costs of NATO expansion are much lower than had been previously estimated.

Mr. President, this study does not pull the wool over anyone's eyes. The shrinkage of the official cost estimates since early 1997, in fact, represents movement along a learning curve, and the pleasant surprise of discovering, after much analysis, that Eastern European militaries are in much better shape than previously thought is largely responsible for much of the change in the estimate.

There will certainly be costs to military modernization in Poland, Hungary and the Czech Republic, but most of these expenses will be borne by the new member countries themselves. Of the remainder, we will share the burden with our present NATO allies through our proportional contributions to the NATO common fund. All told, these expenses will not be significant compared to the benefits we will all reap from ensuring NATO's continuing role in securing European peace and security and stability.

With respect to U.S.-Russian relations, I have also been encouraged by the progress of our extensive Partnership for Peace Program with Moscow and of our mutual efforts to ensure that Russia's decaying strategic nuclear infrastructure remains secure against terrorism, theft and accident. Today, Russian and NATO diplomats sit together to discuss mutual concerns on a permanent joint council convened for this purpose. U.S. nuclear experts work very closely with Russian authorities in protecting the security of Russia's nuclear establishment.

Significantly, these crucial cooperative efforts with Russia have continued and even accelerated as NATO expansion has become more imminent. Most recently, the Russian Government announced in mid-April that it will push very hard to persuade the Duma to ratify START II strategic arms reduction agreement with the United States. These are not the hallmarks of a government preparing for a "new cold war" if Poland, Hungary and the Czech Republic join our alliance. To the contrary, U.S.-Russian relations have been growing warmer, even as NATO has been preparing to expand.

I look forward, in fact, to seeing Eastern Europe develop a whole new continuum of productive relationships with the United States and the West, links that range from formal NATO military ties to expanded Partnership for Peace relations, to ever more important economic and cultural ties.

The Europe of the 21st century will not be one of haves and have-nots when it comes to transnational ties. Rather, it will be a Europe bound together in a mutually reinforcing web of different but complementary relationships stretching across the entire spectrum of public affairs. This is a Europe to which we should look forward with eager anticipation, and it is one in the creation of which NATO expansion to Poland, Hungary and the Czech Republic can play an important role.

It is for these reasons, Mr. President, that after careful consideration and much deliberation I shall cast my vote in favor of NATO expansion. Thank you, Mr. President. I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from New Mexico.

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Bill Monahan, a fellow in my office, be allowed the privilege of the floor during the consideration of this NATO enlargement resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I rise to express serious concerns about this proposal to enlarge NATO. The question of whether we admit Poland, Hungary and the Czech Republic to NATO needs to be judged in the overall context of our security needs in this post-cold war period. Today's security environment is uncertain and vastly different from the climate of the cold war for which the NATO alliance was created. New threats dominate our national security agenda. The new threats are well known to all of us. They are the proliferation of weapons of mass destruction, terrorism and regional instability created by rogue states in the Middle East or northeast Asia, the specter of accidental nuclear launch and other high priority military threats. Those are the immediate security concerns which we have.

Yet, when I look at the national security threats that we have, it does not strike me that enlarging NATO is likely to help us meet those threats. An important distinction was made by Dr. Kissinger, a former Secretary of State and National Security Adviser, between the role of a military alliance and a collective security system. Dr. Kissinger—who, by the way, is a supporter of NATO enlargement—stressed that NATO is a military alliance which is established for the purpose of defending a specified area. In contrast, a collective security system or agreement is formed in response to aggression on a case-by-case basis. It does not maintain forces of its own and it is not restricted to defending a particular geographical area.

We need to ask ourselves which of these two types of organizations enhances our security more: Expanding a military alliance that was formed to defend the territory of its members against a Soviet threat that no longer exists—that is one option which is the one before us, unfortunately—or, on the contrary, pursuing collective security arrangements designed to meet today's threats.

I am concerned that this near-sighted emphasis on NATO enlargement may increase rather than decrease our threat to security interest in Europe. At best, NATO enlargement is a distraction in that it diverts our attention from other higher priority concerns and alternative solutions, and, at worst, it could undermine our ability to address these more immediate priority military threats and perhaps reduce the cohesiveness of the NATO alliance upon which we have depended.

Which one it results in will largely depend on how we address the long-term risks of NATO enlargement, how this open-ended process becomes limited, and what its impact is upon the cooperative efforts between the U.S. and Russia to enhance our security mutually, the security of the U.S. and of Russia, in the spirit of partnership.

If we proceed with NATO enlargement, we must ensure that we do not erode our ability to meet our highest priority security concerns or preclude alternative collective security arrangements that may more effectively address these concerns.

Mr. President, I am considering introducing several amendments to the Senate resolution on the protocols regarding the accession of Poland and Hungary and the Czech Republic. These amendments are intended to safeguard against some of the potential long-term risks associated with NATO enlargement.

First, let me express support for Senator WARNER's amendment to establish a 3-year moratorium on further rounds of NATO enlargement. I am an original cosponsor of that amendment. NATO membership for Poland and Hungary and the Czech Republic cannot be separated from the larger issue of the administration's seemingly open-door policy for enlarging NATO.

According to the administration, any state of Central or Eastern Europe that meets certain democratic criteria is a potential candidate for NATO membership. Altogether there are nearly a dozen countries that are or may be candidates for NATO membership in the coming years. Included in that group are the three Baltic States, Slovenia, Romania, Albania, Bulgaria, Slovakia and Macedonia.

I support the goal of integrating Central and Eastern Europe into a united and democratic Europe free of the divisive legacy of the cold war. But the question is, how do we achieve that goal? In this regard I have some serious concerns about the administration's open-door policy on enlarging NATO.

There are some fundamental questions that remain unanswered. We do not know whether these three candidate countries, the three we are considering in this resolution, are militarily and economically prepared to contribute to NATO's common defense.

As several of the speakers this afternoon have mentioned, cost estimates for enlargement vary widely. The burdensharing arrangements within NATO are still unresolved. NATO itself is still revising its post-cold war strategic mission.

At a minimum, I believe we in the Senate, if we proceed with expanding the Atlantic alliance, it is in America's and NATO's interest to take the time to fully assess the effects, both the costs and the benefits, of this round of expansion. A 3-year pause, as suggested in Senator WARNER's amendment, would give alliance members a reasonable time to do this. If things go according to NATO's plan, then alliance members, both the new ones and the old ones, will have updated NATO's strategic military mission well within that time frame. A pause would allow cost-sharing arrangements to be reached and payments to be received.

Let me turn to a few other issues that I intend to deal with by proposed amendment, Mr. President.

Currently, the NATO resolution contains language intended to require the President to consult the Senate prior to consenting to invite any additional states to join NATO. I commend the Senate Foreign Relations Committee for including that provision. It ensures that the Senate will be a partner in any decision to invite a state to begin accession talks with NATO.

We should have had such a provision in place before we got to this situation with Poland, Hungary, and the Czech Republic. But I intend to introduce an amendment that I believe complements and strengthens the provision that is now coming to the Senate floor. This amendment would require the President to report to Congress on the qualifications of any country being considered for NATO membership prior to the United States consenting to invite that country to begin accession talks with NATO as was done with Poland, Hungary, and the Czech Republic in Madrid last year.

The amendment further specifies the kind of detailed information to be provided, including each potential candidate's military preparedness to join NATO, the costs and burdensharing arrangements for integrating each potential candidate into NATO, and the impact that admitting each potential candidate would have on NATO's cohesiveness and other priority U.S. security concerns.

The second issue that I believe needs to be addressed by amendment relates to the strategic mission of NATO. Right now we in the Senate are being called upon to sign up to a policy of enlarging the alliance without a clear, coherent explanation of how expansion of NATO will serve NATO's strategic interests. I am concerned because NATO itself does not seem to have an agreed upon strategic military mission.

For several months now, NATO members have been engaged in updating the alliance strategic concept. The current concept, which was last revised in 1991, is outdated, and all agree on that. It fails to take account of such critical events as the collapse of the Soviet Union, NATO'S peacekeeping operations in Bosnia, or more recently the special relationships that NATO has established with Russia and the Ukraine.

NATO is currently debating administration proposals to expand the alliance's military charter to include operations in the Middle East and North Africa, a subject of considerable controversy for existing and prospective members alike. The alliance will also be reviewing its critically important nuclear policies. The updated strategic concept will not be completed by the time the Senate is expected to vote on this round of enlargement.

My amendment would withhold inviting additional countries other than Poland, Hungary and the Czech Republic for NATO membership until after NATO has approved a revised strategic concept. This is simply a matter of setting our priorities. NATO members need to decide on the alliance's mission before any new candidates are asked to join. Future candidates need to know what obligations they would be undertaking in seeking NATO membership.

This should not cause a delay for anyone. The expectation is that this revised strategic concept will be completed this summer.

Once a revised Strategic Concept is agreed, existing and prospective NATO members will be able to judge for themselves whether further expansion will in the long-run strengthen—or undermine—NATO's effectiveness in fulfilling its mission.

The third issue that I believe needs to be addressed before we conclude action on this proposed ratification of this treaty relates to the critical question of NATO membership for the Baltic States. The administration has repeatedly welcomed the aspiration of the Baltic States—Lithuania, Estonia and Latvia—to join NATO, most recently in signing a charter of partnership with those states this past January.

At the same time the administration tells us that this charter is neither a precommitment by the United States to NATO membership for the Baltic States, nor is it a backdoor U.S. security commitment to those states. I believe it is critical that we be clear on the Senate's understanding of the Baltic Charter for the record. I am considering an amendment stating that the Baltic Charter neither precommits the United States to Baltic membership in NATO nor provides those states with U.S. security commitments.

In addition, the NATO resolution must also be clear that it is essential for the administration to consult with the Senate well in advance of any vote in the North Atlantic Council to invite a Baltic state to begin accession talks with NATO.

Our military commitments must be tailored to our national security priorities. An open-door policy for enlarging NATO will mean further expanding U.S. security commitments. At the heart of NATO is the mutual commitment under article V of the North Atlantic Treaty to the common defense of all NATO members in the case of attack. Since the end of the cold war, even as our armed forces have been reduced by a third, our security commitments have extended to Bosnia and Iraq and Northeast Asia and other hot spots around the globe.

As we consider setting an open-ended course for expanding our military commitments, we must keep in mind that our defense resources are limited. I question whether we are prepared to allocate limited defense resources to ever-expanding NATO military commitments ahead of our other defense priorities, priorities such as force modernization, readiness, or investment in research and development needed to preserve our technological edge.

I am particularly concerned about U.S. and NATO preparedness to meet these article V commitments if the Baltic States are invited to join NATO.

If the United States and its allies are not prepared to meet our article V commitments to the common defense of all NATO members, then expansion could create alliance-threatening divisions within NATO.

Mr. President, I do not propose to preclude the possibility of Baltic membership in NATO sometime in the future. But any invitation to the Baltic States would be a serious step that should first be thoroughly considered with the Senate's participation. In any case, Senate consent to ratification of the current protocols for Poland and Hungary and the Czech Republic should in no way be interpreted as a preapproval of the Baltic States candidacy for NATO membership.

One final issue I want to raise today concerns continued U.S. support for the enhancement of NATO's Partnership for Peace initiative. Some have argued that if the Senate does not go along with NATO enlargement, the countries of Central and Eastern Europe will be abandoned in "strategic ambiguity," exiled to a no-man's-land between NATO and Russia. I do not accept this view. An alternative already exists in NATO's Partnership for Peace initiative. In this initiative, there are 28 partner countries of Central and Eastern Europe and the former Soviet Union, including Russia, associating themselves with NATO. This initiative is an essential element to current and future peace and security in Europe extending to central Asia.

Experts on both sides of this NATO enlargement issue agree on the need for a strong Partnership for Peace. Former Secretary of Defense Bill Perry, an advocate of NATO enlargement, testified before the Armed Services Committee on this very need to ensure that the Partnership for Peace initiative is not undermined in the process of expanding the alliance. He stated, "The Partnership for Peace should receive attention comparable to that accorded to enlargement. The experience of PFP membership should closely resemble the experience of NATO partnership."

So the amendment that I intend to offer on this issue would be a declaration of support for the Partnership for Peace intended to place the NATO resolution in an important context; that is, the complementary effectiveness of the Partnership for Peace initiative.

This amendment would declare that PFP is both an essential and enduring complement to the NATO alliance in maintaining and enhancing regional security. It would also endorse NATO efforts to enhance PFP, to strengthen its political consultative mechanism through the Euro-Atlantic Partnership Council, to expand the operational role of the PFP, and to provide for increased participation of Partner countries in decision-making and planning within PFP. Many of these objectives are the same ones voiced in favor of NATO enlargement.

I am concerned about contentions that the whole purpose of PFP is to prepare Partner countries for future NATO membership. For a significant number of PFP Partners, that simply isn't their primary purpose in participating. It is essential that PFP continue to be valued as an independent component of the European security system and not be reduced or constrained to being a prelude to NATO membership. Accordingly, my amendment would also clarify that PFP membership does not in any way prejudice a country's application or consideration for admission to the NATO alliance.

I would note that, in contrast to NATO enlargement, Russian reaction to PFP is increasingly positive. While it has been a PFP Partner since the initiative began in 1994, Russia is now completing its first-ever Individual Partnership Plan, detailing the specific activities in which it intends to participate over the next few years. These include eleven PFP exercises, including one on its own territory.

In conclusion, I urge my colleagues to consider carefully the long-term risks associated with NATO enlargement. The Senate must be an active partner in any future decision to invite further rounds of candidates for NATO membership.

In the meantime, we need to focus our efforts on meeting our top military security priorities. We must ensure that NATO enlargement does not undermine our ability to address our most pressing security concerns. But I believe we should reserve higher priority for our cooperative efforts with

Russia to eliminate strategic nuclear weapons under START I, to secure Duma ratification of START II, and to advance discussions on further reductions of nuclear weapons under a START III framework. The cooperation between the national laboratories in my state of New Mexico and their counterparts in Russia remains critically important to the pressing problem of nonproliferation. In addition, the United States needs to engage Russia in a dialogue on additional joint steps beyond START to reduce the nuclear threat.

In summary, our primary security goal must be to promote a safe and stable security environment for the United States, our NATO allies, and the countries of Eastern and Central Europe, including Russia. No further enlargement of NATO should be considered unless and until it can be clearly demonstrated that such a step serves this goal. We need to proceed cautiously, with clear priorities and thorough consideration of all options—whether NATO, the Partnership for Peace, or other security arrangements—for promoting the security and safety of the North Atlantic area as a whole.

Mr. WARNER. Would the Senator take a brief question?

Mr. BINGAMAN. I am happy to respond.

Mr. WARNER. I wish to commend the distinguished Senator. He has worked from the beginning with Senator SMITH, myself, and others as we began to examine the very serious questions.

The Senator raised an issue that caused me great concern, and that is the nuclear aspect and how in his State so much valuable work is now being done and has always been done on this question.

My understanding, having met with a number of Members of the Russian Duma—and I believe the Senator was present at the time that Members of the Duma came informally before the Armed Services Committee—there is a considerable doubt as to whether or not they will ratify the current arms control arrangements because of the question of NATO enlargement.

Is that the Senator's understanding?

Mr. BINGAMAN. Mr. President, let me respond to my friend from Virginia by saying that is my understanding. I have yet to speak to any high official in the Russian Government who felt this would be helpful, that us going ahead with this resolution particularly at this time would be helpful in bringing Russia along to ratify START II or to take any other actions that would be helpful in reducing the nuclear threat.

Mr. WARNER. In response, I say to my good friend, I talked with a number of Members of the Duma. I accompanied the Secretary of Defense, Mr. Cohen, to Russia in the January timeframe, where we sat down in the U.S. Embassy in Moscow and listened to the protests of about half a dozen Members of the Duma for the better part of 2 hours. There was absolutely no equivocation on their part that they felt that the future ratification by the Russian Duma of the current arms control arrangement now pending is in great doubt.

Mr. BINGAMAN. I thank my friend from Virginia for his leadership on this important issue. As I indicated earlier, I am proud to be a cosponsor of the amendment that he is offering and hope we can gain the support of colleagues on that as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Thank you, Mr. President.

I might add to the comments of the distinguished Senator from Virginia in the discussion of the distinguished Senator from New Mexico that we had had some testimony along the same lines in the strategic subcommittee. General Xavier indicated he felt, likewise, that the Duma would be less inclined to provide—they believe that if, in fact, NATO expansion were to continue, this could very well jeopardize the START II talks.

I think it is also important to note—and I know the distinguished Senator made many visits to Russia, as I have in the past few years—the worst part of this, I don't sense anger on the part of some of our Russian colleagues, but I do sense frustration, especially those who want to see Russia move to a democracy and stay there. Small "d" democrats in Russia really believe—and I think they are correct—that this is not going to help their cause.

President Yeltsin has been steadfast and brave and courageous as he has tried to move, despite great odds and a lot of problems, especially inflation, to try to move Russia to the West and to democracy and to a good free market.

I think this is going to hurt it, and I think hurt it needlessly, because there is absolutely, in this Senator's opinion, no urgency whatever to make this decision, which is the part I just cannot understand—why there is this sense of urgency.

Only 2 short years ago, reading a quote from the President of the United States—actually 4 years ago, in which he gave a compelling reason not to have NATO expansion, and yet now it has all changed, and it didn't change that quickly.

Mr. WARNER. If my colleague would allow me, first I wish to thank the Senator. He has been an absolute leader on this issue from the very beginning, and at the beginning there were fewer than there are now. We are fortunate there is a growing number beginning to look at it from the perspective that the distinguished Senator from New Hampshire and I have had for some period of time.

Just today, I was privileged to have lunch with the mayor of St. Petersburg, Russia. I was on his right, and to my immediate right was the deputy chief of mission here of the Russian Embassy. Now, never should the United States allow Russia to veto any of our foreign policy. We always must do those things that are in our strategic interest.

But I join the distinguished Senator from New Hampshire in his view that there is no rush to do this. It is a window of opportunity that Russia has seized upon to try to solidify their movement toward a solid democracy, try to solidify their struggle in the free market system of the world, at the same time they are dealing with tremendous political instability at home both in elective office and indeed in law enforcement. Both of these persons told me, formally in the discussion over luncheon not over 2 hours ago, it is of grave concern to them individually, of the timing of this move.

I thank the Senator.

Mr. SMITH of New Hampshire. I thank my colleague for those remarks.

I just say to Senator WARNER, on January 10, 1994, along the same vein, President Clinton himself made the following statement, only 4 years ago:

> Why should we now draw a new line through Europe just a little further east? Why should we now do something which could foreclose the best possible future for Europe? The best possible future would be a democratic Russia committed to the security of all of its European neighbors. The best possible future would be a democratic Ukraine, a democratic government in every one of the Newly Independent States of the former Soviet Union, all committed to market cooperation, to common security and to democratic ideals. We should not foreclose that possibility.

That was the President of the United States, Bill Clinton, on January 10, 1994. I simply say to my colleagues, what has changed? What has changed?

Mr. BIDEN. Will the Senator yield for a question?

Mr. SMITH of New Hampshire. Yes.

Mr. BIDEN. What does that quote have to do with anything? What does it have to do with anything relating to whether or not we should expand NATO? How is it inconsistent with expansion of NATO?

Mr. SMITH of New Hampshire. I think it has a lot "to do with anything." The President made these statements at the NATO headquarters in Brussels, Belgium, and his point is that drawing a new line through Europe a little further east might jeopardize the relationship between the Russians and the United States and bringing the Russians into the democracy, into the West as a democratic nation. The Senator doesn't believe that is relevant to this?

Mr. BIDEN. With all due respect, the President never spoke of that in the context of drawing any new lines; he spoke in the context of being democratic nations.

Mr. SMITH of New Hampshire. I'm reading the President's quote. "The best possible future would be a democratic Russia committed to the security of all of its European neighbors. We should not foreclose it." That was the time he followed in President Bush's footsteps of supporting the Partnership for Peace, which I also support. Now something has intervened—perhaps the election of 1996—that caused him now to change his mind, and suddenly now there is this urgent need to have these three nations become part of NATO.

Mr. BIDEN. I don't want to take the Senator's time. He was kind enough to yield for a question. If he would like to, I could continue this. Otherwise, I will let him finish his statement and I will respond and point out why, in my view, there is not the least bit of inconsistency between wanting to see Russia as a democratic nation and expanding NATO.

Mr. SMITH of New Hampshire. Let me say, when I came into the room and prior to coming into the Chamber, I listened to some of the debate of my colleagues on the other side of this issue. Very interesting. I thought for a moment that I was in a time warp, that I was back in the 1950s and was somehow privy to the debate here. I heard terms like "cold war." I heard terms like "evil empire," "Iron Curtain," and Stalin was mentioned, as was Yalta and the Soviet Union.

Unless I am missing something—and I try to pay pretty close attention to current events—I don't see that same situation in the world today. I think Stalin is gone. It is my understanding that he is. The Iron Curtain is no longer there, which Churchill talked about. Yalta divided up Europe, unfortunately, and now we have these nations who have sought and got a well-deserved freedom. Now the Senate is considering whether to add these three nations—Poland, Hungary, and the Czech Republic—to the North Atlantic Treaty Organization. That is the issue before us. The question is whether that is necessary or not in considering the situation right now in the world.

I just say to my colleagues, what is the threat today to those three nations or any other nation that may be coming into NATO in the future? What is the specific threat? Is there still a cold war? Is there still an Iron Curtain? Is there a massive Soviet army poised at the ready on the borders of Poland or on the borders of Germany or on the borders of Hungary or Romania or the Czech Republic? I don't see any. Is Russia now an absolute to become a democratic nation, never to be a threat to the United States? No, absolutely not. That is the point of the discussion. What is the best way to try to bring that nation into the democratic fold, not to turn to the East, not to turn to Red China, not to turn to Iran and other nations that could very well be a serious threat to the United States before the end of the 21st century?

But a few weeks ago when this matter first came up, it seemed to be a foregone conclusion that we were going to run this thing through with no debate, essentially. Everybody was feel-good, emotional. These nations had "earned it." They are free and now they have earned the right to fall under the umbrella of NATO—25 percent of which is funded by the United States, I might add—and earned the right to become members of NATO. Then, after several of us had written a letter to the leaders and requested some time—we had a little difficulty getting it, but we did get the time to have a good debate, and I appreciate the fact that both Senator DASCHLE and Senator LOTT responded to that request. However, unfortunately, there is still other information that is out there that we would like to have. For example, the NATO report, which is not due until perhaps late next month or early in June; it would be nice to have that. We don't have that. Again, we are now trapped in this urgency—this urgency. There is this huge threat looming out there to these three countries. Yet, I have not heard anybody tell me what that threat is. I would be happy to yield to anybody on the floor now or later who would be willing to stand up and tell me what the threat is to Poland, Hungary, and the Czech Republic. Where is the threat that forces us to immediately, this week, vote on NATO expansion?

Frankly, a growing number of us have come to the realization that expanding NATO is unwise. At worst it is unwise and unnecessary at best. It is time for a little thought. Some tried to get this thing to go through without any thought. I think that was the goal initially, to run this thing through before we had much time to think about it, analyze the thoughts, and before we had time to realize that there wasn't any threat, that this was emotional, feel-good politics. That is what this is.

If NATO enlargement made sense, it would have gained strength as the debate began, not lost strength. It is losing strength. There are more Members now than there were several weeks ago who are opposed to NATO expansion. The more it was discussed, the more opposition there was. My suspicion has been that many of those clamoring for that speedy vote did so out of fear that the case for enlargement may not just bear the scrutiny that is deserves—and it does deserve a lot of scrutiny for a number of reasons, which we will be getting into, costs among others. But in discussions with constituents over the recess and colleagues over the past several weeks, my suspicion has been confirmed. When asked careful questions, the American people have serious reservations. I think initially—and I was one of them—when it first came up, the emotional response was, wow, they have gotten their freedom finally. We spent trillions to help them win it—trillions. We sacrificed American lives, millions of Americans in uniform, to help defeat the "evil empire" that Ronald Reagan spoke about. And it worked. But the question really is whether or not the so-called NATO umbrella makes sense right now. Now what are the people saying?

Hot off the presses is a poll from Opinion Research of Princeton, a nationwide poll, just completed today. They ask the following question to people across the country: "Congress is currently debating expanding the NATO military alliance to include Poland, the Czech Republic, and Hungary. Estimates of the cost to U.S. taxpayers from the first phase of expansion range from $400 million to $19 billion. Do you oppose or favor expanding NATO? Answer: Favor, 32 percent; opposed, 56 percent."

By almost a 2-to-1 margin, when you indicate that we do not have a handle on the cost, people are opposed.

These are facts. This is information that deserves to be part of the debate. This decision should not be based on polls. I will be the first one to agree with that. We should not be making a decision as important as the expansion of NATO based on polls. But it shows that when the American people understand and get information, they react accordingly. I think many members had the feeling that the American people were overwhelming in their support of this because it is an emotional feel-good thing to do. These nations suffered immensely under communism for a long, long time. And they earned their freedom.

The question is: How do we preserve and continue to protect that freedom? The question is, Mr. President, do we look back at the last 50 years, or do we look ahead at the next 50 years in terms of protecting that freedom? Because that is the question we are talking about here today. We are not talking about Stalin and the evil empire and the cold war. We are talking about the next 50 years, and hopefully the next 150 or 250 years. That is what we are talking about.

The best way to preserve and protect and defend these nations and their way of life is to have a Western Russia, a Russia that has moved into the West, a democratic Russia, and we ought to be doing everything in our power to see to it that that happens, and anything we do in any way to hinder that is a serious mistake, a mistake that we are going to pay for dearly down the road. It is a very shortsighted, a very, very shortsighted decision.

With or without NATO, the United States can come to the defense of any European nation next week, tomorrow, next year, or 5 years from now. Should Europe ever be threatened by Russia, or by anybody else, we can expand NATO. We can do it quickly.

But there is a lot to lose and very little to gain by expanding NATO now. We basically say to Russia: Don't worry about it. Don't worry about NATO expansion. It is OK. It is a defensive alliance. But it does not matter what we say. It matters what the Russians think. They have stated clearly and officially they oppose expansion. It has been said by others on the floor, and I agree that we should not set our foreign policy based on what the Russians say, I will be the first to admit that, but we ought to realize there is a lot going on inside Russia and there is no threat to these nations from Russia.

So why not leave the window open a little bit longer? What is the urgency? What is the threat? Let me keep asking that question. Somebody rise on the Senate floor sometime during this debate, if not now, and tell me what the threat is. Tell me what the urgency is. There is no urgency. There is no threat. It is an emotional feel-good thing to do. They earned it. They are free. Let us put them under the umbrella of NATO and protect them. From what? We are still going to go to their defense if anything threatens them. Every person in the Senate knows it. The most important requirement for the Poles, the Czechs, and the Hungarians as far as their security is concerned is that America and Russia remain friends. That is the protection these nations need—that Russia and America become friends and remain friends. That is the issue here.

Mr. WARNER. Mr. President, will the Senator allow me to observe that the American taxpayers, since 1992, have contributed $2.6 billion in the spirit of that friendship to help Russia dismantle its weapons systems. And here this comes along and takes a red-hot poker and jams it right in their ribs.

Mr. SMITH of New Hampshire. It sure does. The Senator knows that. He knows the Senator has worked on this issue tirelessly in the Armed Forces Committee and has visited Russia to see this.

I don't think anybody could deny that in the very near future Russia is going to be one of the, if not the, strongest nations in that region of the world. The question is, Whose side is it going to be on? Is it going to be on the Iranians' side? Is it going to be an alliance with the Chinese Communists? Or is it going to be on our side? If it is on our side, why will the Poles care, or the Czechs, or the Hungarians, or anybody else? The point is they wouldn't.

What we ought to be doing again is keeping the window open, using the advantages that we have to draw that out, to draw them this way. Senator WARNER has mentioned how they have reached out to do that. We are taking down tremendous numbers of weapons that have been aimed at the United States for decades.

But extending an alliance, which during the cold war the Soviet Union considered hostile, the countries that she doesn't threaten is basically kicking this former giant, like the Senator from Virginia said, poking them in the ribs. That is exactly what we are doing. God knows. I have stood on this floor many times and in the House Chamber before that and extolled the virtues of the United States against the cold war Soviet Union and voted trillions to defeat it. But let's not walk away from the victory. Let's not walk away from the victory. History shows that it is unwise to treat nations like that, and it is highly dangerous for countries in the middle, because these are the countries that are going to suffer if there is a confrontation that takes place between the United States and Russia again. It is the nations in the middle in Eastern Europe that are going to get the squeeze. That is where it is going to be fought. Those are the people who are going to suffer.

We are talking about costs. The cost was in that poll question. I am not sure what we are paying for it. Maybe someone else does. You have estimates as high as $125 billion, some $250 billion. It is not the issue of cost per se. It is that nobody knows what the facts are. Nobody knows what we are dealing with. That is why there is this uncertainty.

What if there is a threat and these nations were actually threatened? The question of cost would be irrelevant—I think. I think we would go to the defense of France, a current NATO member, and I would assume if these nations become members we would go to their defense if there was a threat. It would be irrelevant now as it was in the cold war, because we made the commitment if one is attacked, we are all attacked and we are going to do our part. But unfortunately, our part becomes the dominant part in NATO, and as current members shrink back from responsibility, this will increase our responsibility or our burden. There is no foreseeable conventional threat to any country in Europe, and no credible analysis disputes this. I challenge anyone to give me an analysis that shows how any nation in Europe today has a conventional threat. Is there a Russian army, a strong Russian army that has threatened France, Hungary, or the Czech Republic, or England, or anybody else? Where is it? If it isn't, then what is the urgency? What is the threat?

Mr. BIDEN. Mr. President, will the Senator yield for a question?

Mr. SMITH of New Hampshire. Certainly I will.

Mr. BIDEN. If there isn't a threat, what is the need for NATO?

Mr. SMITH of New Hampshire. That is a good question.

Mr. BIDEN. I think what is really at the heart of this is what was said, if I am not mistaken, in a sort of dress rehearsal of this debate—the Senator from Virginia and I appeared before a group of Connecticut voters who were down here at the request of one of our colleagues, Senator DODD. He may remember my saying the real debate on the floor is going to be whether there should be NATO.

The only thing I would like to state now, before I make my opening statement—in the context of a question so the floor hasn't been yielded to me; ordinarily I would not put it in the context of a question—is that isn't the real debate here, if there is no strategic rationale for expanding, if there is discussion questioning the strategic doctrine of NATO as it exists now, as Senator BINGAMAN said, and if there is no threat at all, as my friend from New Hampshire says, the real question is—this is a veiled way of us saying: Should we have NATO at all? If there is no threat to France, no threat to Germany, no threat to Poland, then obviously don't expand but also don't have NATO. If there is a threat at all to Germany or to France or the other 15 nations, or 13 nations, then there is clearly a threat to Poland or to the Czech Republic.

You cannot have both. This call of no threat either present or anticipated, indicating there is no need to expand, I think, leads one to the conclusion that if they take that view, there should not be NATO. So I don't know why you don't just stand up and say why don't we just eliminate NATO because there we are spending, for assets devoted to NATO, counting our national budget, over $100 billion a year.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Virginia.

Mr. WARNER. I thank the Senator from New Hampshire because this is the type of debate the Senate should participate in and it is a good one. I will respond directly. The United States of America had to rescue Europe in 1917 and 1918. How well I remember; my father served as a doctor in the front lines of those battles. The United States came to the rescue again in World War II, and that is clearly in the minds of all of us. We have not had to respond with significant force in these 50 years for the very purpose that NATO has served as a collective defense, and to deter—to discourage, to put it in a layman's term—an attack on any of its members.

Second, the United States is there because we need, as a nation, a presence in Europe, and that presence of leadership, both in a military form of

NATO and an economic and every other way, gives us the justification for a strong voice of leadership in Europe—NATO. So it has served a purpose and will continue to serve a purpose if we do not dilute it, as the Senator from New Hampshire has ably said.

Mr. BIDEN. Will the Senator allow me 2 minutes to respond to that?

Mr. SMITH of New Hampshire. Go ahead.

Mr. BIDEN. I think the Senator has just made an overwhelming case why the Poles think it is so important. The Senator just points out, World War I, World War II—by the way, for those wars to get to France they had to roll over Poland first on the way. Then the reason why there was no war, as the Senator points out, after World War II—a cold war, not a hot war—is we had NATO. And the nations that we extended the umbrella of NATO to were kept free from fear of attack. Guess what. Poland was occupied during that whole period.

Now Poland is no longer occupied, and they are worried that the world may have the same kind of amnesia that it had in 1917, and 1916, and 1915—and 1938 and 1939 and 1940. They are kind of worried because they figured it out, if you are under this umbrella, it dissuades anyone from invading you.

So if it is a rationale to keep Germany in NATO, and NATO protects Germany because that gives it that added security, you can kind of understand why the Poles think it also makes sense for them, since they have been the doormat to Western Europe.

There is much more to say about this. I will not go on. But the point is that NATO membership significantly reduces the prospect that anyone now or in the future would conclude that you are a worthy target of their aggression. That is the point the Senator is making. And the clear notion is that if in fact Poland were part of this alliance, to take one country, they would not have to wonder any longer whether or not they would have to wait for the Brits to do something—as occurred in World War II. They would not have to wonder if Russia or anyone else understood that Poland was no longer the doormat of Europe.

If all goes well, as I anticipate, and I vote with my taxpayers' pocketbook to try to promote democracy in Russia—if all goes well, then in fact there is not any greater need in Russia for Poland to be a member of NATO than for Germany to be a member of NATO. There may be no need for NATO. Or it may be that Russia is part of NATO. But we are in a position, as the Washington Post says:

> American interest in expansion lies in reducing unpredictability and instability in an arc that has generated the century's major wars.

One of the things, as the Post and many others have tried to point out, and as I have tried to point out on the floor before, part of Russia's necessary post-cold war evolution, mental evolution, if you will, is to understand and consider the novel notion that its neighbors have a right to whatever national orientation they want. Most other democracies in the world have figured that out. Most other nations have figured that out. And if you are not going to—the current likelihood that there is little danger that is posed for these three countries or any other part of Europe, it seems to me, again to paraphrase the Post, "makes it smart and a cheap buy for the extra security now, in case things don't go the right way."

But the bottom line is this: If, in fact, there is a rationale for us to continue to be a member of NATO, and I believe there is, and to continue to make commitments to the likes of Germany and other allies—if there is a rationale for expanding NATO on the Soviet Union's border bringing in Turkey not too many years ago, there is a rationale to bring Poland, the Czech Republic and Hungary under that umbrella.

I will conclude—and I thank my colleague for allowing me to respond—but I conclude by suggesting to you that the way to the greatest certainty that Russia continues along its democratic trek and nonimperialistic instinct is to have these nations within NATO, forever removing the realistic possibility that they are part of the hegemony of the former Soviet Union or Russia.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I thank my colleague for his comments. I in no way object or feel interrupted. I think this is a good way to debate the issue. It is much better than a series of monologues, I think, in regard to this issue.

I would just say to my colleague, though, I am trying to accomplish, I think, the same thing that he is, which is that Poland or any other country not be a doormat for anyone else ever again. I think that really goes to the heart of the debate here; what is the best way to accomplish that?

My point is—and I am a supporter of NATO, always was and still am—but I believe that what we have here is a window of opportunity that allows us to try to pull the Russians to us. If the Russians right now were threatening Poland, I would say it is urgent—or were even talking about threatening Poland—it is urgent to move forward on this. We would still go to their defense, in my opinion, anyway. But that is an academic argument.

Mr. BIDEN. But we never did. We never did. Twice before we didn't, not until after the fact, not until after they were no longer an independent nation. We never did.

I believe—I hope we would, too. But understand it from their perspective. We never did.

Mr. SMITH of New Hampshire. It is still going to take a commitment, whether you are in NATO or not, it is still going to take a commitment to defend Poland, period. You have to have a will to do that, whether you are in NATO or not.

The point here is we have an opportunity, where the Russians have reached out to us ever so slightly, but as the Senator from Virginia has talked about in strategic weapons reduction, in trying to look at what Yeltsin has gone through, the market reforms—1000 percent inflation a few years ago down now to 8 percent. They have worked hard to try to make this thing work with a lot of strong leadership.

I don't think this is the way to encourage them to continue to do that. This Senator, I guess much like Nixon going to China, is hardly one who has been soft on the Russians or the Soviet Union over the past several years of my public life, and certainly I have been in as strong opposition to them as anyone else. But also a strategist has to look at the real world, and I don't think we ought to be looking at just simple, cheap analogies here. We ought to be looking at the real world, and the real world is today, not what it was yesterday. Yesterday the real world was Stalin, was the cold war, was the "evil empire," was expansionist tendencies, and was the NATO which came forth to block all of that.

Today, we don't know what the future will bring; therefore, we do need NATO. But the question is, "Do we need NATO expansion?"; not, "Do we need NATO?" Those are two different issues. Do we need NATO? Yes. Do we need NATO expansion in order to make this transition? I don't believe that we do. I think that is really the crux of this issue. There is no urgency.

Again, what is the urgency? I say with the greatest respect to my colleague. What is the urgency? What now is the threat that is perceived, that you perceive to be, that makes this necessary to do today or tomorrow rather than to give the Russians some more time to make these reforms work, to perhaps get the START II agreement that the Senator from Virginia was talking about? What is the urgency? That is really the thrust of my involvement here.

I will be happy to yield for a comment.

Mr. WARNER. Mr. President, if I can make a historical observation. You raise the passions by saying we didn't come to the defense of Poland. It was September of 1939 when Hitler directed his forces across the border with an element of surprise with the panzer divisions and went against the Polish cavalry, in large measure, with lances.

If you have never seen the footage of that battle, it is extraordinary.

Mr. BIDEN. I have.

Mr. WARNER. Subsequently, Stalin and Hitler partitioned and cruelly crucified the Polish people. But at that time, I say to my good friend from Delaware, the United States was holding its maneuvers with dump trucks acting as tanks and with wooden rifles or broomsticks. We were not the superpower, nor the military strength, as we are today.

I say to the Senator and my good friend, don't try to raise the passions that this country turned its back on Poland then and would now do so. The key word that the Senator from New Hampshire used is "instability." And where is that instability? It is not in Poland, it is not in Hungary, it is not in the Czech Republic, but with the Russian nation struggling to work with democracy and an economic free-market system and the problems at home of the succession of Yeltsin. That is the instability. And, I might add, if we are going to use the military argument, the Red Army barely put down a minor revolution in Chechnya, which it had to fight for over a year, using every piece of modern equipment that they have, and barely did they subdue that small segment of the former Soviet Union.

Mr. BIDEN. Let me respond, if I may, to the question of urgency and the process to clarify the issue of going to Poland's defense.

My point about going to Poland's defense did not relate to whether Americans were courageous, were good, were bad, or kept or didn't keep a commitment. It was a statement of fact.

My friend talks about the real world. The real world, that was 1939. We got in the war on December 7, 1941. In the meantime, nothing happened. We were a major power. My colleague points out that we weren't militarily prepared. By our own choice, we weren't militarily prepared. But other nations that were allegedly militarily prepared were powers on the continent. They also did nothing, and they watched.

All I am pointing out to you is, from a Pole's standpoint, it is of little consequence to tell them, "Don't worry, if you're ever threatened, we'll be there, we'll be there." That would be like saying to most Poles, "The check's in the mail."

They look at history, like other nations have looked at history, and they know what has happened to them, and they know the powers who had power did not respond when power was available and they were in trouble. I think it is unrealistic to think that we should expect the Poles to assume that, especially with some of the comments made by my colleagues on the floor in this debate over the last couple weeks about whether or not it is in our vital interest that Poland be free. That question was raised on the floor, and it is raised constantly in the minds of those who deal with the issue of European security.

So, from the Polish standpoint, there is a clear, clear reason for them to know and understand that there is a big difference between being part of an alliance where the sacred word and trust of a nation is committed in advance and being left to the vagaries of rationalization on the part of a country after the fact to justify why they did or did not go to the aid of a country in question. It is a big difference. If it is not a big difference, then why do we have any treaties at all?

With regard to the real world—let's look at the real world. The real world is, as my friend from Virginia has pointed out, that we have committed over $2 billion dealing with arms control agreements and providing American dollars to allow them to keep a commitment that they made with regard to arms control treaties.

All of the Western European nations, the United States included, have contributed over $100 billion to Russia since the wall has come down and the empire has broken up. We, along with our other NATO allies, have taken the unprecedented step, accused by many on the right of having yielded our sovereignty to Russia by doing the NATO-Russian accords where they have full transparency within NATO.

We have and continue to seek ways in which to restore—"restore" is the wrong word; there never was a democracy—seek to provide the circumstances where democracy can flourish in a market economy with American tax dollars and German tax dollars and French tax dollars. So there is no reason—no reason—whatsoever for the Russians—no real world reason for the Russians to conclude that they are viewed as the enemy, the enemy by us. Any indirect comparison to the Weimar Republic is bizarre. We were exacting reparations from them; we are sending dollars, we are sending deutsche marks, we are sending francs, we are sending pounds to Russia, maybe not as much as we should, in the minds of some of us, but we are.

With regard to the urgency, the worst time in the world to have to enlarge an alliance is at the moment of threat, because then it leads the other country in question to conclude that if they do not act out what we fear they will do before the alliance is reached, they will be in a weaker position.

I respectfully suggest that urgency isn't the question. The question relates to, Is this the time and the moment, 9 years after the wall has come down—almost 9 years now after the wall has come down—to end once and for all the artificial boundaries and the ability of any nation, including Russia, to suggest that individual nations within Central and Eastern Europe do not have the ability to choose their own natural and national alliances?

That is the urgency. The urgency is, the opportunity is here. It is the cheapest way to do it. It did not come as a consequence of any fad. It was debated and reflected among the NATO nations, not a decision made alone by the United States of America.

Fifteen other European nations thought it was in their interest and the interest of the West, did not feel that it would increase their jeopardy and offend the Russians to do this, and unanimously all voted to take in these three nations. The only debate related to whether we should take in three or five. That was the debate among our NATO allies.

So let me conclude—and I thank my colleague again for yielding this time—the urgency is that this is the most propitious time to end—to end—the artificial division of Europe and the implicit recognition that any country in Europe, including Russia, has the right to some buffer zone or has the right to impact upon the national decisions of a neighbor in that neighbor's determination to enter into a defensive alliance they view in their national interest—and I emphasize the word "defensive."

I yield the floor and thank my colleague.

Mr. SMITH of New Hampshire. Let me say to my colleague, I posed the question to you about urgency, and you answered it. And I commend you for that. I do not agree with your assessment of urgency.

I think that, to me, "urgency" would be a military urgency, a perceived threat. It is not an urgent matter to make this decision today or tomorrow or within the next few months. It might be a matter that could, in your opinion, enhance the situation to prevent an emergency or an urgency, but I do not see it as that right now.

You mentioned—the Senator from——

Mr. BIDEN. Will the Senator yield for one point?

Mr. SMITH of New Hampshire. Yes.

Mr. BIDEN. I ask, would the Senator not acknowledge when we expanded to bring in Greece and Turkey, expanded to bring in Spain, there was also no emergency?

Mr. SMITH of New Hampshire. Correct.

Mr. BIDEN. No more urgent than now.

Mr. SMITH of New Hampshire. There was a Soviet Union then.

Mr. BIDEN. A Soviet Union, but there was no specific threat that I am aware—specific change.

Mr. SMITH of New Hampshire. The specific threat was the specific threat of the Soviet Union that was still there.

Mr. BIDEN. I see. I am trying to define—I mean, I am trying to get a clearer picture of what the Senator means by "urgent." He is not suggesting it requires there be a Russian division breathing down the throat, making threats to come across the line, merely that there was this power, this entity, that existed that, if it chose to exercise its military strength, was a real threat.

Mr. SMITH of New Hampshire. Clearly, yes. It clearly had the capability to send an army into Western Europe if it so chose, if we had not stood up to stop it.

I think the issue, though, of dividing lines—I believe the Senator used the term "dividing line" or "artificial lines" or "demarcations in Europe," saying, "See, I think it's the opposite." I think by doing this, we are creating artificial lines in Europe, and we are picking winners and losers. These three—why these three nations and not six, seven, eight others?

And I think we are going to have a permanent sense of disruptions, if you will, now in Europe over the next several years as this debate comes up over and over and over again as to who is next and who would be the next country to go in.

As far as going back to 1939 and what happened—we have 100,000 troops in Europe today. If we had 100,000 troops in 1939, Hitler may not have come into Poland with his panzer divisions. I think that is a very important point here. It is not that we are sitting there in a sterile vacuum in Europe with nothing there. We have NATO now. We have armed forces there. And, again, my objective here is to see to it that we create an environment that, hopefully, will see a peaceful relationship between the United States and Russia which will enhance the protection of these very nations that we talk about.

Mr. BIDEN. Will the Senator yield on the point of 100,000 troops?

Mr. SMITH of New Hampshire. Yes.

Mr. BIDEN. Mr. President, I think again we should focus on what my colleague from New Hampshire said about the real world. I think that is a legitimate point to make.

The real world several years ago was, we had 338,000 American troops in Europe. Today we have 100,000. That should make it awfully clear to Russia that ours is not an aggressive posture. The expansion of NATO is not for purposes of encircling and/or crushing Russia. The real world is, all indicia out there that are available for the Russians to look at—I understand the psychology, but the real world is, there is no threat, this is a defensive alliance.

With regard to drawing lines—I do not suggest in any way, in mentioning what I am about to say, that my friend from New Hampshire in any way wishes to ratify Yalta, but the practical fact of the matter is, Yalta was a deal made out of at the time, viewed by that President at the time, a necessary requirement to basically say, "Hey, look. Hey, look, you've got this sphere of influence. This is the line drawn in Europe." At the time, there was not this anticipation there was going to be this carnage that would result, there would be this overwhelming suppression that would result. "But here is the deal. Here is the line we are going to draw you. You have this buffer zone." That is what it was all about.

To say now that these nations cannot come in is to ratify in a different way but the same line. Why? "You can't come in because the successor to the Soviet Union—Russia—does not want you in." So when I say "redrawing the lines," I say, to say they cannot come in ratifies the old line drawn after World War II.

And when you erase that line, it is, in my view—and I respect the Senator from New Hampshire and all those who oppose expansion, but I argue it does not send a line closer to the Soviet Union for purposes of encircling; it says that there is no automatic line either of us, East or West—Russia-the United States, Russia-Germany, Russia-anyone else—is going to say, ipso facto, that no nation can make its own choice as to wherein they wish to have their alliance reside. That is what it says. That is what it says.

So, therefore, when I say "redrawing a line"—excuse me, "erasing a line," the line I am talking about erasing is Yalta. And separate and apart from the physical occupation of those countries, at its root it was an admission and an acknowledgment of a sphere of influence of one country over—over—the fate of other countries in Central and Eastern Europe on the grounds that to do otherwise would put them in jeopardy, they had a right to at least indirectly control the national decisions of those nations relative to where they viewed their security to lie, in what alliance, if any.

So to not extend, in fact, in my view, is a bold confirmation that that sphere of influence still remains. And that is a tragic historic mistake, in my view.

Mr. SMITH of New Hampshire. I really would take issue with the comparison between the situation today we are talking about with the expansion of NATO and Yalta. We had a ground war, a terrible war that impacted almost every nation in Europe, Western and Eastern, that was costly, and at the end of it, with two sides converging, the Americans and the Russians converging on Europe, basically, I believe in a horrible mistake—I think the Senator would probably agree—the politicians sat down and carved up Europe and therein caused the problem that we faced. And from that came NATO and the cold war and everything else.

This is not what we are talking about today. This is Russia today. This is a country that has had its ears pinned back pretty well as far as its conventional forces. It still has a ton of nuclear material and certainly nuclear weapons, tons of it, literally, that we are interested in working with them to get rid of.

But I do not know what message it sends, not only to the American taxpayers but also to the Russians themselves, to say, on one hand, as the Senator is saying, that we would provide moneys to this empire, former evil empire, to take down their strategic systems—and we are doing that with Nunn-Lugar and other funds—and, on the other hand, spend as much as $250 billion to bring nations into an alliance to defend ourselves against that very same nation. Now, there is an inconsistency there somewhere, that sooner or later somebody will figure out that it doesn't make sense. I think we have to understand that.

I say to my colleague from Delaware, I am about to wrap up. I know the Senator has a statement. I have been on the floor quite some time and I will yield in a moment.

We are creating insiders and outsiders here. In my humble opinion, what we are going to do if we act on this this week is say to three nations, "You guys are winners; we are picking you." You talk about Yalta; if there is a comparison, that is it. They picked winners and losers at Yalta. We are picking winners and losers. You three nations, the Czech Republic, Hungary and Poland, you are the good guys. You get the protection of NATO.

Tomorrow, next year, or 3 years from now, depending on how this is resolved on the expansion vote here, depending on what amendments may pass, we will see this revisited again with other countries—whether it be Romania or some other country down the line, Slovenia, and on and on, Latvian countries. We will see this come up again and again. The same issue is going to have to be argued again and again and the same hard feelings.

Again, going back to the position of the point of urgency, I just don't see what the urgency is to do that and to continue that kind of dialog and that kind of agitation. Basically, it is a permanent agitation that will go on for years and years and years. If at any time the Russians, the nationalists in Russia, the Zhirinovskys of the world were to assume power or even to look like they were going to assume power, we do what we have to do.

Adding these three insiders creates more outsiders. That is the issue. This is a perpetual anguish that will be taken up year after year after year here on the Senate floor and will be debated nationally, and all the difficulties—and I think if the Senator would talk to some of the arms control people in the current administration, he might be surprised at some of the information they might give you on the QT as to how they feel about NATO expansion and what it might do to the strategic arms talks. I have talked to some of them, and it is interesting what they have to say. This will be disruptive for the alliance as a whole, and as member nations are encouraged or compelled to take sides, it will cause stress in the whole alliance.

The end of the cold war, NATO faces internal issues, serious ones about its means and its end, whether Bosnia-type missions are appropriate. Is a Bosnia mission appropriate for NATO? Do we know that? We couldn't find unity in the Persian Gulf war when we had the threat from Saddam Hussein. We could not get unity. We saw evidence in the Libyan situation where the French Government refused to allow our aircraft to fly over their country. We have not had a big, rosy picture of unity even among NATO nations at all times, although the alliance has worked well on the whole. There are a lot of issues that need to be desperately looked at regarding the current NATO before we start exacerbating the problem by adding new nations.

Enlargement, in my opinion, is a token, well intended, but a token and unimagined distraction from real problems. That is my concern. I get a little tired of the old cold-war dividing line reference and how we left the countries out in the cold and somehow we owe them.

A lot of Americans died, a lot of Americans put on uniforms, a lot of taxpayers ponied up to the tune of trillions and trillions of dollars to help them get that freedom. They earned it. I am glad they have it. Not letting them in NATO is not going to do one thing to harm it at all. It may enhance it. In fact, in my humble opinion it will enhance it because we will draw the Russians, I believe, out toward the West and not to the East, which I believe in the long run protects their freedoms.

In conclusion, this should not be a sentimental decision about our historic relationship with Europe. It ought to be a hard-nosed decision about extending a military guarantee to a precise piece of territory under current strategic circumstances.

I think, again, it is about the next 50 years, not the last 50.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Before the Senator leaves the floor, let me thank him again for allowing me to engage and be engaged while he spoke.

Before he leaves the floor, I indicated to Senator WARNER, and at least in an informal way I invite the Senator—it requires no invitation—I invite the Senator from New Hampshire, maybe we can work out a time tomorrow where those interested in the cost issue would be here to debate.

The cost of $250 billion for expansion of NATO is bizarre, in my humble opinion. I will lay it out in detail why it is tomorrow. All of NATO combined, including our national budget now, doesn't cost but half that, less than half of that. How adding three nations would more than increase over 200 percent over the cost—I guess I assume the Senator is talking over a 10-year period—but essentially increase by 50 percent the costs of NATO is beyond me.

I think it may be orderly and useful to our colleagues and to the public if those of us who, as the Senator from New Hampshire does, have spent a lot of time researching the detail related to the cost in trying to decipher and explain the reasons for the inconsistent numbers. The inconsistent numbers relate to what we talk about as the unified budget, the national budget, and so on, what we allocate as part of our—for example, we spend a lot of money, $300 billion a year, roughly, for defense. Is that all accountable to NATO? Do we say that the United States is spending $300 billion a year on NATO? What portion of that is the consequence of us belonging to NATO? When we build a runway and so on, is it because of NATO?

The NATO budget and the cost relating to expansion I think are very, very important and warrant a very focused and coherent presentation by each of us.

I will be here tomorrow prepared to do my best to outline in detail why we are talking more on the order of $40 million a year rather than $200 billion, and I will lay out my reasons. Hopefully, Senator WARNER and Senator SMITH and others will come and lay out in detail why they believe rather than picking an estimate that has been set out by someone, explain how they arrive at those numbers.

I must say, if you tell my constituency to keep NATO—forget expanding, if you told them to keep NATO—it was going to cost them $250 billion, I imagine the referendum in my State would go through like a hot knife through butter. They would say get out. Obviously, if you set a number where the costs could be from $40 million to $150 billion, as I think the Princeton Survey was, although I may have heard it incorrectly, that came hot off the press, obviously a majority of the people would say, "I am not for that. You mean to tell me I'm signing on for 150 billion bucks?"

I will be here tomorrow, and it might be useful to pick a time when we can be here, all of us interested in the cost, to debate it in some detail.

In the meantime, I will take this opportunity to make a broader statement and I will respond to some of the things said today.

Mr. MOYNIHAN. Will the Senator yield?

Mr. BIDEN. I am delighted to yield.

Mr. MOYNIHAN. Your colleague has said he would have a formal estimate of costs for Senator WARNER and that will arrive in a time we can do that kind of debate.

Mr. BIDEN. It will arrive in the form of the Senator from Delaware. We do have a formal estimate of the cost, and the chairman of the full committee was, I think, being his usual diplomatic self in saying that. Maybe it is best that we debate this in a coherent way and a very specific way. So that is why he asked the Senator to submit in writing, if I am not mistaken—Senator WARNER submit in writing; I was not here at the time—his questions and the basis of his analysis of the cost and he would come back with a formal response.

Mr. MOYNIHAN. Yes.

Mr. BIDEN. Maybe we could all try to work out a time through our offices if they are listening, although I'm not sure when I speak my office listens, but if they are listening, maybe the other offices might see if we can coordinate a time on the floor tomorrow where we could enlighten one another and enlighten the country about the cost of the matter.

Mr. President, as the Senate begins reconsideration of the resolution of ratification for enlargement—and I and others who are for or against expansion all agree on one thing: I strongly believe it was a mistake, for whatever scheduling reasons, to have brought this up, then delayed it, put other things before it, and then brought it back up. So my hope is—and those who support expansion and those who oppose it have all communicated to their respective leaders that we hope nothing will intervene during the consideration of this debate so that we can give it the time and attention and detail that the public is entitled to.

The truth of the matter is, all those folks sitting back behind the bar, back there on both sides, they, along with me and a number of others, have already devoted hundreds of hours to this. This is not a new deal. This is not something that all of a sudden we woke up one morning and said, you know, I feel like expansion today, let's expand, and here we go, let's go through it. This has been a long, serious debate, which has taken place within NATO among the military types and the political types. It has taken place within the national governments of each of the other NATO nations. It has taken place within this country, within the administration.

There was a NATO observers group that, in my 25 years in the Senate, was granted unprecedented access to the decisionmaking process. There were 28 of us, the bulk of whom participated, while the decision to invite, if to invite, and who to invite, to join NATO was being made. We went to Europe on several occasions. I bet there were at least a half dozen trips of the NATO advisers to Europe to meet with the military in each of the existing NATO countries and all of the aspirant countries.

I myself spent time with my colleague, Dr. Haltzel, next to me here at the moment. We went to Russia, we went to Poland, we went to the Czech Republic, and to Hungary, and to Slovenia, and we met with all of the relevant parties—every leader of every major faction within the political spectrum in Russia today. We had long, private, and sometimes contentious, but always frank meetings. We met with military personnel. We met with the Polish Chief of Staff of the military. We met with the Defense Minister, the Prime Minister, and every major player. We did the same in each of the countries in question. We have hosted the NAC. I was at a meeting with Senator ROTH—I am the cochair and he is the chair of the NATO observer group—where there was so much brass in the room, I thought the floor was going to crack. If I am not mistaken—and I may be mistaken—I think the person comparable to our chairman of the Joint Chiefs of Staff was present for every one of the nations in question, every one of them. I am serious. We debated and we argued and we discussed. It was open and frank. There is nothing new about this, and there is nothing quick about it.

The wall went down almost 9 years ago. The Soviet Union crumbled. It ended its existence. That was not yesterday, but a long while ago, in political terms. No one rushed out to judgment. The other thing I should point out is that we, under Secretary Perry, the predecessor to Senator Nunn, sent out a group of what he called the Perry principles, the requirements that each—I said Senator Nunn, who was our colleague who I wish was still here; he has a different view from me on this. Senator Cohen is the Secretary of Defense. I know it, Bill, if you are listening, I know it is Senator Cohen. But the truth of the matter is that Secretary Perry set out some criteria that were minimum requirements for any aspirant country to have to meet. By the way, just setting out criteria has fundamentally changed the dynamic and the picture in Central and Eastern Europe, without even joining NATO.

If I told my colleagues in 1992 that I believed by the year 1998 that we would have a circumstance where there was an accommodation to the Hungarian minority in Romania or that any border disputes or claims were settled by Eastern European countries—and I could name them—and a whole range of other things, that there would be total civilian control of the military in Poland, et cetera, I think they would have thought that probably wasn't going to happen. But because we said to all nations who wish to be part of NATO, hey, look, there are certain basic drop-dead requirements to even be considered, democracies who lack imperial designs, abide by certain rules, and here are the minimum rules even to get in the game, and we laid them out—I might note, parenthetically, that I attended a conference with some leading Chinese Government folks—not dissidents—and we get the same kind of arguments with regard to China. If you want China to continue its market programs and market economies, you have to go easy on them. You have to back up and you have to slow up.

The question I raised there was, hey, wait a minute, if in fact you want to be part of the civilized world and seek civilized behavior and civilized treatment, when you sign an agreement and make a deal, should we not hold you to that deal? There are certain minimum requirements to be able to establish your bona fides as even an aspirant democracy or a market economy.

In the case of Russia, can anybody in Russia say now, next year, or could they say yesterday that the minimum requirement for a peaceful democracy is, by the way, my neighbor has a right to choose, assuming it is nonthreatening to me, whatever alliance they wish. It is called their national sovereignty. We relinquish any claim to hegemony. It seems to me to be a minimum nonstarter if you fail to do that, a minimum requirement, a nonstarter, if you fail to do that. How have we threatened Russia? I am the author of the act that became the Freedom Support Act under President Bush. What have we done to threaten Russia? The irony is how the tables are turned here.

In the early 1970's, some of my conservative colleagues would look at me as if I were an apologist for the Soviet Union. And here I am now saying expand NATO to include these three nations, assuming they meet the criteria, and extend beyond what we already have, a hand of friendship and help to Russia. They are not inconsistent. As a matter of fact, in my humble opinion, if you would like to diminish the drive toward democratization in Russia, if you would like to diminish the prospects of an emerging market economy in Russia, let the browns and the reds, let the nationalists within Russia crow about how their unsatisfactory response to expansion in NATO was the reason why the United States did not go along and vote to expand NATO. If you want to give antidemocratic forces in Russia a boost, that is a good one. That is the one to do.

That is not the intention of any of my colleagues. This is a legitimate, honest, and open debate. I am not questioning the motives of any man or woman in this body. Not a one of us desire anything other than security in Europe and a democratic Russia. That is a universe that all of us can agree on in this body.

I think we kind of have it backwards, because, as I said earlier, I think what is strung throughout this, as Senator WARNER and Senator SMITH of New Hampshire—I do not want to put words in their mouths. So I will say they did not take strong exception to my saying what this is really about is whether or not there should be a NATO; not whether or not to expand NATO but whether or not there should be a NATO. That is a legitimate debate. We have not addressed that in 50 years. For 50 years, we have said this is a good thing. The world has changed, as they point out. It is legitimate to debate whether or not we should even have NATO. But let's not confuse expanding to include these three countries with whether or not there should even be a NATO. If it is about NATO and its existence, let's debate it. Because, as I said, I constantly hear, What is the threat? My response is, If you don't think there is any threat now or in the future, why NATO? Why not save a lot more money? Why not bring all 100,000 folks home? Let's do that. Some would say, yes, let's do that. But I think it is real important we get our facts straight. After a tremendous amount of study and discussion by more than 70 Senators and 4 different committees, and the Senate NATO observer group, before we began the debate, we began on the floor last month to focus attention on whether we were going to vote up or down for or against expansion.

So I welcome this climactic debate. As with many momentous decisions, there are legitimate questions to be asked, and it is always easier to criticize than create. But, Mr. President, I urge my colleagues not to fall into the trap of failing to see the forest for the trees. Let's step back a little bit and take a look at the big picture.

By enlarging NATO membership to include Poland, Hungary, and the Czech Republic, we will merely be catching up with reality. For centuries, these three countries have been part of the West. Four decades of Communist oppression and isolation was the historical aberration that has been all but corrected culturally and economically. Prague, Budapest, and Warsaw are now every bit as European as Madrid, Paris, and Berlin. It would be, in my view, indeed, perverse to recreate Stalin's immoral and artificial dividing line through the heart of Europe. Poland, Hungary, and the Czech Republic belong in NATO, and in the European Union. They will soon join these organizations.

I would parenthetically note, if you were a Russian and you had the choice of having other European nations near you join NATO, or join the EU, I suspect they would view their economic interests as the most negatively impacted upon by the EU being enlarged and them not being a part of it.

What are we talking about? We talk about how we are offending the Europeans or expanding the EU. We are offending Russia to expand the European Union. Great. Great. You are sitting in Russia. Hey, good idea. I now have bilateral relationships that work pretty well with Poland and with Hungary and with these other countries. But I will tell you, they are now going to join the EU, and we don't get a piece of the action.

Look, you cannot have it both ways. If this is about Russian pride, Russians feeling they are not part of the West, Russians not being involved in a way that they see their future in the West, then how does isolating them economically in the same way it is isolating them militarily, how does that convince any Russian leader? "They won't let me sell my widgets in Paris. But they say I am part of the West. They are welcoming me. I need to sell my widgets so I can employ my people."

The same polls we hear bandied about—the last poll I recall being conducted in Russia, the Russian people didn't even raise NATO on the scale of concern. Zero. Literally zero, of little or no concern to them.

So it would be perverse if we were to say that, "Hey, by the way, you can't join NATO until you are part of the EU." As if Russia is going to say, "Oh, that's a good idea. I really want Poland in the EU and a member of NATO. That will make me feel a lot better."

It is kind of hard to get a handle on this. But let me just read this poll: 53 percent say Poland—this is in Russia, a Gallup poll, March 14 of this year—53 percent say Poland should be allowed to join NATO.

Did you hear what I just said? Fifty-three percent say Poland should be allowed to join NATO; 57 percent say the Czech Republic should be allowed to join NATO; 54 percent say Hungary should be allowed to join NATO, and 25 percent had no view on the matter. Threat? That is one of the reasons I think, by the way, that the Russian people think that, No. 1. This is conjecture on my part; no poll says this. I cannot cite any evidence of this. But I think they are like the American people. They are pretty smart, intuitively pretty smart. They know if Poland is part of NATO that any of the harebrained schemes any of their leaders may have in the future about sending their boys to Poland will be eliminated. I think they are pretty smart. They kind of have us figured out.

If, in fact, national Poland is a part of NATO, they realize their political leadership in the future, as well as what is already done now, will have to finally shed 500 years, from czar through commissar, of a notion that somehow in American terms there is a manifest destiny for Russia to control Poland or any other place west of their boundaries.

Don't you kind of find it fascinating that a majority of the Russian people say these countries should be able to join? We talk about this like it is a vacuum, where we are operating in a vacuum. How about all those European countries, our allies? I am not suggesting we should take a different kind of poll; that is, the more nations that agree, the better it is. But in counter to the argument that you know the best way to bring Russia around permanently is not to have NATO expanded. But the countries who are most threatened by Russia over the years, don't you kind of find it fascinating they think expansion is a good idea? We hardly agree with the French on anything. We can't even agree with them on Coca-Cola. We hardly have similar values. We hardly agree on any foreign policy national matter, except NATO. They think it is a good idea. The Brits think it is a good idea. The Danes and Spaniards think it is a good idea. The Italians and Greeks think it is a good idea. It is the only thing the Greeks and Turks agree on.

Those who argue for expansion sometimes exaggerate the benefits that flow from this picture. I assure you that those who argue against expansion vastly exaggerate it and the potential damage that can be done to the emergence of a democracy in Russia.

I ask my colleagues: What are we worried about? Are we worried about Russia? Of course, in public most Russian politicians will grouse about NATO enlargement. Public pronouncements cost them nothing. But from my many conversations with Russian politicians, both here and in Moscow, I can tell you that not one—not one, I repeat, not one—think that the entry of Poland and Hungary and the Czech Republic into NATO will constitute a military threat to Russia, including a long private luncheon with Chernomyrdin not too long ago—2 weeks, 3 weeks ago, whenever he was here last.

Now, it would be my opponents, the opponents of enlargement in this country, who will cite a range of issues on which Russia and the United States have different policies and then point the wagging finger at NATO enlargement as the universal culprit. One size fits all. Secretary Albright used an apt metaphor when she labeled NATO enlargement as the opponents' "El Nino." They blame it for everything wrong in the United States-Russian relationship.

But even a superficial familiarity with the recent history of our relationship gives the lie to such illogic. Russian Communists and ultranationalists were against ratifying START II before NATO enlargement was even a gleam in the eyes of Lech Walesa and Havel, let alone U.S. policy. Why were Russian Communists and ultranationalists against it? I'll tell you why. Because American arms control negotiators did a heck of a job, and Russia knew it.

That does not mean that ratifying START II isn't in Russia's self-interest. It is. But it will take some hard swallowing for them to take that step. It's all part of Russia coming to terms with the end of an empire. And this difficult psychological adjustment lies at the root of the Russian rhetoric against NATO enlargement. But I repeat, when you get down to brass tacks in discussions with Russian leaders, absolutely none of them think that their country's security will be threatened by Polish, Czech, or Hungarian troops being part of NATO—none.

Why should they worry? Do my colleagues really believe NATO is anything but a defensive alliance? Surely they don't want to validate crude Russian cold war stereotypes of NATO as a rapacious aggressor just waiting to invade Mother Russia. We all know that NATO never had a plan to invade Russia. Do you know what? The Russians know it, too. How do I know that? They know it because thanks to the NATO-Russia Founding Act, which was signed in Paris last May, Russians have a permanent physical presence at NATO headquarters in Brussels and at SHAPE headquarters in Mons, Belgium. They take part in all discussions with NATO members, and they see for themselves that NATO has no hostile intentions.

If they don't believe my analysis, let me quote from an article by the Defense Minister of the Russian Federation in the spring of 1999 edition of the NATO Review. The very fact that the Russian Defense Minister is now contributing, I might add, to the NATO Review, I believe says something in itself, as does the title of his article: "We Are Not Adversaries, We Are Partners."

Although the Russian Defense Minister repeats the obligatory negative attitude toward NATO expansion, the vast majority of his article stresses the positive. In particular, he declares:

> Today it is an established fact that Russia and NATO no longer regard each other as adversaries. * * * Moreover, a partnership in maintaining peace and security on the continent has begun to take shape in our relations. The NATO-Russia Founding Act is an example of this.

It doesn't sound to me like a guy who thinks that expansion jeopardizes the security interest of his country. So let's give the Russians a little credit for being intelligent, thinking people who are not captives of outdated, ideological propaganda. From the Gallup Poll I read you, clearly the Russian people are not. And, obviously, the Russian military is not either.

If some of my colleagues still don't believe me, I direct their attention to the balance sheet of recent Russian international behavior. On the negative side, from America's point of view, is their unwillingness to follow our lead on inspections of suspected Iraqi military sites, weapons sites.

Does anyone really think this had anything whatsoever to do with NATO enlargement? Russia has two centuries worth of involvement in the Middle East, has had Iraq as a major client for decades, has a foreign minister who specializes in that area and has had a lengthy personal friendship with Saddam Hussein. It is nothing to do with NATO.

I may be wrong, but I doubt that when Mr. Primakov and Saddam Hussein get together, they talk about the evils of the enlargement of NATO.

And, I might add parenthetically, if the reason why the Russians didn't go along with our plan—someone explain to me, my ancestors, the French, how did they arrive at that? Was their decision to side with Russia relative to inspectors because of NATO enlargement? I think it was. I think it was. It is bizarre—I am only joking. I don't think it was.

So, you can't have it both ways. It is often cited: You know, they were with us in the gulf war. France was with us in the gulf war. It was a different circumstance. A country had been invaded. They are not with us now, nor is France with us this time.

How about Iran, another irritant in our relationship with Russia? Russia's involvement with Persia is even older than that with the Arab world. We certainly must and do oppose Russian investment in Iran and arms shipments and technology transfers to that country. But, again, their policies are grounded on historic geopolitics on their southern flank, economic distress, and lax controls—not on NATO expansion.

Or let me frame the issue another way. I ask the critics of NATO enlargement, if NATO rejects enlargement, rebuffs Poland, Hungary, and the Czech Republic, who have met NATO's rigid membership qualifications, is anyone going to be prepared to come to the floor here—the staffs of the opponents are listening here—is anyone going to come to the floor and say, if we reject NATO expansion, and we do it on the floor in the next week or so, that out of heartfelt gratitude you are going to see Russia break off relations with Iran, break off relations with Iraq—which is what we wish them to do—and immediately ratify the START agreement? What do you think?

If Senator ROTH and I lose on this one, I'm willing to bet you a year's salary, and that is all I have is my salary. It's plenty, but that's all I have. I am willing to bet you a year's salary—that's a joke. I'm not allowed to bet on the floor. I don't really mean it. I'll get letters saying BIDEN is gambling with his salary. But I will bet you anything that I'm allowed to bet that circumstances, in terms of the ties with Iran and Iraq, will increase, not diminish; that there will be less prospect for future arms control because the nationalists will have prevailed and they will triumph, and they will trumpet their triumph. So, look, if NATO expansion is the reason these bad things are happening to the extent they are happening, then obviously, if it's defeated, a lot of good things are going to happen. Don't hold your breath.

Let's turn to the other side of the ledger and go back for a minute to arms control. What is Russia's recent record? I keep hearing from my friend from Virginia: You know it's going to be the end of arms control. Everything is going to come to a screeching halt because this occurred, because we voted to expand—so on and so forth. Let's look at the record. Much as opponents of NATO enlargement would like to forget, the facts are that within the past year the state Duma and Federation Council have ratified two critically important international treaties. One is the Flank Document to the Treaty on Conventional Forces in Europe. As the Presiding Officer and all my colleagues know, that is the treaty that talks about how much materiel, armored personnel carriers, et cetera, weapons, heavy weapons that each side could have and where they could have them.

We just modified that agreement. They ratified it—an arms control agreement.

With regard to the Chemical Weapons Convention, I was told once we passed it here, that would be the end of it in the Duma. If I am not mistaken, it was almost the very day we were in either Paris or Spain where the President and the 15 other NATO heads of state were inviting—inviting—these three additional countries to join that by an overwhelming vote, their version of our Senate and House, the Duma, went ahead and overwhelmingly ratified a very controversial arms control agreement requiring them to destroy thousands of tons of chemical weapons.

Even now, the Yeltsin government has pledged to push for ratification of START II. Russia is well ahead of schedule in its destruction obligations under START I, and the Russians continue to work with us in implementing the vitally important Nunn-Lugar Cooperative Threat Reduction Program. That doesn't sound like a country that is so blinded by hatred for NATO enlargement that it is opting out of international arms control agreements.

How about cooperation in conventional weapons? I might add, Chernomyrdin, when he met with us here, predicted by the end of summer, he was confident that they would ratify the START II treaty. But how about conventional weapons? Russia and the United States and 28 other countries signed the CFE Treaty and, as a consequence, destroyed more than 53,000 pieces of heavy equipment in this decade. And the process continues.

Does that sound like a country that is opting out, figuring there is a threat and they are going to stop and start to rebuild? Not only not rebuild it, they are continuing to meet their obligations under the CFE Treaty and destroying military equipment.

Let me say that again. More than 53,000 tanks, armored personnel carriers, artillery pieces and helicopters, and guess what, NATO enlargement hasn't stopped this remarkable process on multilateral disarmament, and it won't stop it after Poland, Hungary and the Czech Republic finally join the alliance.

Finally, NATO enlargement has not prevented Russian forces from serving side by side with U.S. forces under NATO command in Bosnia. In my last of several trips to Bosnia, I was standing at what we call Camp McGovern. I was standing out in the field talking to an American one-star general. A Russian colonel who looked every bit like the guy who fought Sylvester Stallone in Rocky IV, whatever that was, ramrod straight, 6 foot 3, wearing a Russian uniform, comes up, seeks to interrupt, salutes the American general and asks what his orders are.

I don't know. For all this lack of cooperation we are talking about, how much the Russians hate expansion, how much they view it as a threat, how it is going to bring to a crashing end any cooperation on military matters, on arms control, conventional and strategic, I don't see it. I see no evidence to suggest that.

For someone like me of the cold war generation, this was mind-boggling to watch this Russian colonel salute an American general. In spite of the policy differences between Moscow and Washington with regard to Bosnian Serbs, cooperation on the ground is exemplary. I heard the same thing from the Russian Ambassador who is deputy to the American civilian administrator in Brcko when I was in Bosnia. I scarcely need to say that neither the Russian colonel nor the Russian Ambassador had even one word to say about NATO enlargement. It was a nonissue to them. In fairness, there was no way I brought it up. It wasn't like they raised it and I responded. Nobody said anything to me.

The salient point which the naysayers would like to obscure is that NATO enlargement is simply a matter of catching up with reality. It would be nothing less than grotesque, in my view, for the U.S. Senate, out of a totally misplaced fear of offending Russian sensibilities, to consign the thoroughly Western Poles, Czechs and Hungarians either to Moscow's sphere of influence or to a "gray zone" in Central Europe.

Imposed spheres of influence have no place in Europe in the 21st century.

Every country must have the right to choose its own political system, its own economic system, its own cultural direction and its own security arrangements, including whether or not to join the alliance. If we would reject the Poles, the Czechs and Hungarians for fear of antagonizing the Russians, the only people we would be helping would be the Russian ultranationalists and Communists by validating their outdated, vicious portrait of the United States, a view not shared by the democrats.

The worst you hear, by the way, in Russia from Russian democrats, the worst you hear is not that "we think expansion is a threat, we think expansion will be a problem to us." We know it is not. The worst you hear is "this expansion will or might give fodder to the ultranationalists and the Communists in our battle to establish democracy." That is the worst you hear—the worst you hear.

The only people, in my view, we would be helping if we rejected expansion would be the ultranationalists and Communists by, again, validating their outdated and vicious portrait of the West and their outdated and dangerous notion of what they are entitled to do in terms of influencing their neighbors.

That rather obvious conclusion brings up a more basic point, which is regularly glossed over by the opponents of NATO enlargement. The choice is not between enlarging or maintaining the status quo; the harsh reality is that the status quo is not an option.

It is myopic, in my view, to believe that three booming, vigorous Central European countries, all of whom have bitter historical memories of Russian domination, if rebuffed by NATO would sit idly by and trust good fortune to protect them.

It should be obvious that they will not. They didn't do it in the interwar period earlier in this century, and they wouldn't do it now. The renationalization of security policy would take place, undoing all the stability that has been painstakingly created since the fall of communism. It would allow the poisonous forces of ethnic and religious hatred and international crime to regain a foothold in that volatile region.

Nearly 60 million highly educated, talented Central Europeans are ready and willing to contribute to the security of the North Atlantic area. All three candidate countries have carried out rigorous reforms to conform to NATO's political and military standards. All three have already contributed to NATO-led missions in the gulf war and in Bosnia. They will be an invaluable asset in controlling the forces of chaos and destruction that are now the real threats in Central and Eastern Europe. Indeed, this is the basic rationale for NATO enlargement—to extend the zone of peace and stability in Europe. It is a zone within which democracies do not fight with each other and which other countries, Russia included, need not fear.

Obviously, there are certain risks associated with NATO enlargement, as there are with any policy initiative. But the risk of not enlarging NATO, of not catching up with history, in my view, are far greater.

One other word about history. In the frantic flurry of last-minute attempts to derail ratification of NATO enlargement, I have even heard the accusation that we would be undermining the young Russian democracy, of helping to create a so-called "Weimar Russia." Well, that charge wins the prize for historic illiteracy.

After World War I, the victorious allies imposed punitive reparations upon Weimar Germany and kept it out of the League of Nations until 1926.

After the cold war, on the contrary, the victorious West has done exactly the opposite with Russia. The United States and Western Europe have pumped more than $100 billion in aid and investment into Russia and have brought Russia into the international bodies where it was formerly not represented. They have even brought Russia into a working relationship with the inner councils of NATO itself.

So please, in this round of Senate debate, let us spare ourselves hearing about "Weimar Russias" and "Iron Rings" and other ridiculous historic constructions. We are building a partnership with Russia which can continue to grow. Later in this session, Senators will have the opportunity to strengthen this process by voting resoundingly for the administration's enhanced funding request for assistance to Russia and the Nunn-Lugar program. I want to see all those who are opposed to expansion of NATO on the grounds of, it is going to offend Russia, to step up to the ball and do what they say they really are concerned about. Let us see them vote for enhanced funding for assistance to Russia and the Nunn-Lugar program.

Another canard of the opponents of enlargement is that we will saddle the American taxpayer with mountainous new costs. Although I would invite my colleagues who wish to debate this to set a time tomorrow to do that, and do it in a coherent way, let me very briefly speak to that.

Fortunately, we now have indisputable facts to refute this element of the basic scare tactic which is being engaged in: Is it going to cost $250 billion? $125 billion? and so on. NATO officials estimate that the total common cost of enlargement is $1.5 billion over 10 years. Of this, the share of the United States will be approximately $400 million, or an average of about $40 million per year over 10 years. And that is based upon our accepting the same proportion of responsibility for enlargement as we have for NATO thus far—burdensharing as we have been engaged in it for the past 20 years.

As I said, later in the floor debate I hope to have an opportunity to explain this official cost estimate in some vivid detail. For now, however, I refer the doubters to the analysis of two U.S. Government agencies, the General Accounting Office and the Congressional Budget Office.

The GAO concluded last month that NATO's approach to determining the $1.5 billion estimate over 10 years is reasonable. The CBO, which traditionally uses worst-case analysis as a hedge against any surprises in the future, set the common cost at $2.5 billion over the next 10 years.

The worst estimate is one-tenth of what the worst estimate suggested by our colleagues is. Even the CBO figure, however, would yield an annual American contribution that amounts to only .15 percent of our total defense budget—.15 percent—almost only one-tenth of 1 percent.

One final word is in order. No resolution, or even final legislation, is perfect. And there may be a few areas in the resolution of ratification that could be improved upon. Senator HELMS and I plan to offer an en bloc managers' amendment that includes several of the amendments proposed to date.

I anticipate that in these coming days several other amendments to the resolution of ratification will be offered and we will have ample time to discuss them. So I will not go into detail now. But, Mr. President, I see my senior colleague from Delaware is on the floor, so let me wrap up what I am about to say and what I have been saying in order to give him a chance to speak.

Mr. President, it is important to note that the resolution of ratification is thoroughly a bipartisan product, as you will soon hear from my colleague from Delaware, a product in the committee crafted by the chairman of the Foreign Relations Committee, Senator HELMS and myself, with significant input from other members of the committee and our respective staffs. It was voted out of the Senate Foreign Relations Committee by a vote of 16–2 after hundreds and hundreds of pages of recorded testimony for and against expansion.

I urge my colleagues to reread the resolution before offering amendments, for upon careful scrutiny, some of them prove to be superfluous, others harmful, and some both.

An example of this is the amendment introduced by my friend and distinguished senior Senator from Virginia which would mandate a 3-year pause for additional countries before they could be invited to join the alliance, if they were to be invited. This would tie our hands diplomatically, Mr. President, if, for example, a clearly qualified country like Austria should apply for membership, and will put an arbitrary hold on Slovenia's case for membership which I believe is already convincing.

Other amendments offered by my friend, the distinguished senior Senator from New York, for whom I have no higher regard, would require new NATO members to first join the European Union. This, in my view, equates apples and oranges, forgetting that the criteria to qualify for those two organizations are dramatically different.

Moreover, his amendment would turn the institutional history of the last 50 years on its head. Traditionally, NATO membership has preceded EU membership. And I would further add that he chooses, as we are trying to come up with a new architect for the security of Europe, a requirement to go forward first by a group of which we are not a member and in which we have no say.

We are not a member of the EU. To suggest that, before we could consider membership in NATO, it has to be decided by the EU whether or not they can join essentially takes us out of the game. And every time we have been taken out of the game in Europe—I might note parenthetically, this is not a direct analogy—but every time we have been taken out of the game or taken ourselves out, there has been real trouble in Europe. We are still a European power. We must remain a European power. We must continue to have a major say in the structures of Europe, because we have found, when we do not, nothing good usually happens.

Still other amendments proposed by the junior Senator from Texas and the junior Senator from Missouri would use the enlargement ratification process as a vehicle to alter the very fundamentals of the NATO treaty that exists today, either by changing the rules of the North Atlantic Council or by putting severe restrictions on non-article V missions—an issue that is being debated right now within NATO.

I want to put my colleagues on notice that I will oppose any amendments that will undermine the most successful military alliance in history.

Mr. President, nearly 50 years ago, NATO was founded to counter a Soviet threat in Western Europe and to establish stability in the rest of Europe. Today, the new threat is instability itself arising out of ethnic and religious conflicts. And this is, at a minimum, a hedge against any future wrongheaded decisions by Russia. Enlarging NATO to include Poland, the Czech Republic, and Hungary is a unique opportunity to expand the zone of stability in the continent. It serves America's interest, Europe's interest, and the world's interest. I am absolutely confident, if we do this, history will record, as well, it serves Russian interests.

I thank the Chair, and I now am happy to yield the floor to my colleague from Delaware, Senator ROTH.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER (Mr. COATS). The Senator from Delaware.

Mr. ROTH. First, let me express my gratitude and thanks to my colleague, the junior Senator from Delaware, for his effective leadership in this most important foreign affairs matter. He, of course, speaks as an expert, as one who is the ranking member of the Foreign Relations Committee and, of course, cochairs with me the Senate observer group. I just want to publicly acknowledge the strong leadership role he is playing in what I consider the most important foreign policy matter that will come before this Congress.

PRIVILEGE OF THE FLOOR

Mr. ROTH. Mr. President, I ask unanimous consent David Stephens of Senator KYL's staff be permitted on the floor for the duration of the debate on NATO enlargement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, as the Senate resumes consideration of the resolution of ratification for NATO enlargement, I would like to commend my colleagues for the debate that has occurred thus far.

In the few days that the Senate has already dedicated to this important issue, and I speak before the debate today, some 21 Members of this Chamber have expressed their views. I have listened intently to their arguments and I have been impressed by the substantive dialog. This vote on NATO and its future is perhaps the most important foreign policy decision we will make since the end of the cold war. I appreciate the efforts my colleagues have dedicated to this matter.

I have long felt that NATO enlargement is a policy whose time is past due. The case for NATO enlargement is indisputable. The accession of Poland, the Czech Republic and Hungary, the only three countries that are the focus of the resolution before us, will, without a doubt, strengthen the alliance. It will eliminate the stabilizing and immoral dividing lines imposed upon Europe by dictators of the past. It will consolidate peace and stability on that continent. A stable and peaceful Europe will benefit the entire transatlantic community, as well as Russia.

I could elaborate on these points and other important benefits of NATO enlargement, but I have done that on many occasions in the past. Today, instead, I wish to address a number of arguments that I have heard made directly against this important policy. For example, in the course of our debate it has been incorrectly asserted that the Senate is rushing this important debate and that it remains inadequately prepared to address this issue.

This is wrong. Few issues of national security have been as extensively examined by the Congress as well as the public. NATO enlargement has been the topic of countless editorials and opinion pieces in national and local papers. By one estimate, over 1,000 scholarly article opinion pieces and editorials on NATO enlargement have been published in leading journals since 1994. A quick count of editorials and opinion pieces in the New York Times found that it has run some 72 such articles over the past 3 years. A quick survey of the Washington Post found another 90 over the same period of time. In other words, these two nationally syndicated papers have published articles on NATO enlargement at a rate exceeding one every 10 days. This does not take into account the other important national, local journals.

I might suggest that those who believe this issue has not been well vetted may not be reading the right papers. Either that or they have not been interested enough in the issue to be aware that a debate concerning this policy has been waged for 3 years. Over the last 2 years, some 15 States—including my first State, Delaware—have passed resolutions endorsing nuclear enlargement. Moreover, this policy has been endorsed by countless civic public policy, political, business, and veteran organizations.

I point to a chart beside me, the number of organizations that have supported NATO enlargement. All of our outstanding veteran organizations, the AMVETS, the American Legion, the Veterans of Foreign Wars—just to mention a few—have all endorsed NATO enlargement. We could point to the many other organizations that have done exactly the same.

Congress itself has been deeply engaged in NATO enlargement from the very beginning of this policy initiative. In fact, Congress has not only done its homework on this matter, Congress has led the charge for NATO enlargement. I think that is particularly important to understand, that Congress has been in the lead on NATO enlargement.

Its committees have examined in detail the military, intelligence, foreign policy and budgetary implications of this long overdue initiative.

Since last July alone, thirteen hearings have been conducted on NATO enlargement by the Senate Committees on Foreign Relations, Armed Services, Appropriations, and Budget.

The Senate NATO Observer Group, which I chair with Senator JOE BIDEN, has convened seventeen times with, among others, the President, the Secretaries of State and Defense, NATO's Secretary General, and the leaders of the three invitee countries.

In support of these Congressional initiatives, the Congressional Research Service and the General Accounting Office have produced some 30 objective, non-partisan reports and countless memos on the subject of NATO enlargement.

As I said when we began this debate, it is no surprise—indeed, for me, it is a matter of pride—that Congress has legislatively promoted NATO enlargement every year since 1994. Perhaps a good question is how can we ensure that all dimensions of U.S. national security policy benefit from this much public attention and endorsement.

The second argument that one often hears falsely asserts that the extension of NATO membership to Poland, the Czech Republic, and Hungary will dilute the Alliance because their military capabilities do not match those of Allied nations.

It is true that the militaries of these three countries must be modernized. They do not deny that. That is why these three countries have embarked on military modernization programs that involve regular increases in their defense budgets. And, these programs have been endorsed by NATO's political and military authorities.

Earlier this year, I and a few members of the NATO Observer Group met with General Klaus Naumann, a highly respected German military officer who is Chairman of NATO's military committee. He stated that because Poland, the Czech Republic and Hungary are so committed to modernizing their militaries they may sooner rather than later find themselves better equipped and more technologically advanced than some of the current Allies.

To see the level of contribution that these countries will make to the Alliance, we need only look at what they have done and are doing today. Already, they are enhancing the Alliance's military capabilities. They contributed forces to Operation Desert Storm. They have forces serving by the side of U.S. Forces as part of S-FOR in Bosnia. They were among the first to commit forces to stand by the United States in the recent stand-off against Saddam Hussein.

NATO commanders, including those from the United States, have stated clearly that the admission of Poland, the Czech Republic, and Hungary will increase the capabilities of the Alliance. And this view is shared by some sixty retired four-star admirals and generals, including former Chiefs of the Joint Staff, former Supreme Allied Commanders of Europe, and numerous former Service Chiefs.

Mr. President, the facts before us today, and the endorsements of these military leaders, can only leave one fully confident that the admission of Poland, the Czech Republic and Hungary into NATO will leave the Alliance stronger. We can be confident that these three democracies will not only be model members of the alliance but also pro-American Allies.

A third argument that has been voiced by some of my colleagues falsely asserts that NATO enlargement threatens Russia, or that we should abandon this policy because Russia perceives it as threatening.

The reality is that NATO is a defensive Alliance of democracies. Its decision-making process is consensual, and I find it hard to believe that any one of its members—all democracies—would ever advocate aggression.

The fact is that NATO poses no immediate military threat to Russia. U.S. force deployments in Europe, arguably the Alliance's most mobile component, has been reduced by two-thirds since the Cold War. Allied force structures and defense budgets have declined steadily over the last decade. The Alliance has stated that it has no intention to permanently station foreign forces or deploy nuclear weapons on the territories of new member states. Where is the threat to Russia?

Those who argue that NATO enlargement threatens Russia have also asserted that this policy directly contradicts efforts to reduce the risk of nuclear confrontation with Russia and to ensure that Russia's nuclear arsenal does not leak out to rogue states.

The evidence however shows that this assertion is false. Since 1994, when NATO first announced its intentions to open its membership to the democracies of Central Europe, the risks of nuclear war have not increased, but been reduced. There is no evidence that NATO enlargement has hurt cooperation with Russia on nuclear matters.

First, the actual number of Russian and American operational strategic nuclear weapons have continued to decline. In 1990, that number was about 24,000 warheads. Today, that number is in the vicinity of 14,000 warheads, and Moscow is dismantling its strategic nuclear forces at a rate faster than that required by the START I treaty.

Second, the Russian government has again reiterated its commitment to ratify the START II treaty, which will further reduce these two strategic nuclear arsenals. Those who note that the Russian parliament, which has voiced its opposition to NATO enlargement and continues to block the ratification of START II, should recognize that the same Duma has blocked START II long before NATO enlargement was formally endorsed by the NAC.

And, let me add that the Russian government has agreed to pursue a START III accord once START II enters force.

Third, the Nunn-Lugar Threat Reduction Program continues to improve the Russian's control and security of their nuclear arsenal. Indeed, this program has been enthusiastically received by Russia. It stands out as one of the true success stories of Russian-American partnership in the post-cold-war era.

Our policies toward Europe must focus on these objective strategic realities and must be structured to enhance economic, political, and military stability in all parts of Europe. That is exactly what NATO enlargement does. That is in our national interest and in Russia's national interest.

For those who are still concerned about Russia's fear of NATO enlargement, let me share with you a recent poll conducted in Moscow.

Earlier this year, a branch of the Gallup Organization, found that among respondents in Moscow: 53 percent said that Poland should be allowed to join NATO; 57 percent said that the Czech Republic should be allowed to join NATO; and 54 percent said that Hungary should be allowed to join NATO.

These polling results are not surprising if one takes into account the fact that NATO enlargement is facilitating unprecedented reconciliation between Russia and its neighbors. The reconciliation now occurring between Warsaw and Moscow and Moscow and Kyev are positive developments for Russian citizens, and they understand this. They also understand that such developments would not be occurring with NATO enlargement.

And, let us not forget the open and inclusive manner in which Nato and the West has approached Russia. The Alliance has extended the hand of partnership through the NATO-Russia Founding Act, and today Russian troops serve with NATO forces in Bosnia. The West has extended some $100 billion in assistance since 1991, to help Russia's democratic and economic reforms, and over $2 billion in weapon dismantlement and security assistance. On top of that, Russia has regularly been invited to participate in the G–7 or G–8 meetings. This is hardly—as some detractors might try to persuade—a policy of punishment and isolation.

It is false and even misleading to assert that Russia is being surrounded by a ring of isolation. Rather, NATO's policies have been more like a strong magnet drawing Russia out of its historically self-imposed isolation into a growing web of political and military cooperation. Such cooperation holds out the prospect of an entirely new and constructive relationship with a reforming and democratic Russia.

Mr. President, I hope that these three points have added clarity to the Senate's consideration of NATO membership. There are few policy initiatives as important as this one. There are few that stand to offer peace-living people throughout the transatlantic community and in Central and Eastern Europe so much hope—hope for greater stability, increased security, enhanced cooperation, and even a collective vision for the future. I encourage my colleagues to support NATO enlargement. History is being made, and for the sake of those who have long-awaited this moment, we must not keep it waiting.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I rise to speak on the NATO issue. I understand that we have 10 minutes before a vote. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Mr. President, I would like to address the legislation before the Senate, the North Atlantic Treaty of 1949 to include Poland, Hungary, and the Czech Republic as members of the NATO alliance.

Mr. President, let me begin by sharing a statement made to me last fall by Hungarian Ambassador Banlaki during his visit to my office. He said, "The people of my country would like to be able to choose our own allies. We would like to enjoy all those things that history has denied us."

Mr. President, I am here today to say, this is the U.S. Senate's chance to make Hungary, Poland and the Czech Republic's hopes come true—let them choose their own allies for they are choosing to join NATO where they have been denied in the past the right to choose their own allies. We all know that. We all understand that.

Let me be clear—I am fully supportive of this treaty before the Senate allowing these three countries membership into NATO. NATO is an alliance that has been a success beyond anyone's expectations—it has never been permeated—and since its inception, no great wars have been fought within its borders.

NATO embodies our continued commitment to Europe. Its existence ties U.S. security to peaceful relations among our European allies. The historic, political and cultural connection between the U.S. and Europe provide the foundation for this transatlantic alliance.

The objective of the myriad institutions and organizations created in the aftermath of World War II were a reaction to the carnage of two great wars in the first half of this century. The NATO alliance, the Organization for Cooperation and Development, and the European Union were all created with one purpose in mind—preventing further conflict between the states of Europe. This goal of peace was achieved. The only tragic failure in the history of these alliances was their inability to encompass nations beyond the Iron Curtain.

Today we have the opportunity to realize what was impossible only a few years ago—expanding a cooperative alliance to the nations previously locked in a coercive pact.

I have listened to many of the arguments for amending this treaty and for delaying this treaty. I have also heard the criticism aimed at the U.S. Senate for not debating it further.

So let me make this point—NATO was a defensive alliance. But it was never an exclusive alliance. We in the free world waited for the day when the rest of Europe would be free—free from tyranny, free from communism, and free from the everyday controls placed on the people of Eastern and Central Europe.

Mr. President, that day is here. These countries are free. They have been free for 7 years. They have struggled to establish democratic, free market societies. To a greater or lesser degree, all three of them are being successful. They desire a place at the table among the democratic, free states of the West. And in my opinion, we should have allowed them to join NATO sooner than 1999, as this treaty before us states.

This Senate would be foolhardy to turn its back now on these countries or even to continue to delay the treaty's implementation.

In January, I visited the NATO headquarters in Brussels and met with NATO officials as well as the ambassadors from the new member countries. I was impressed by their perspective that this was not NATO expanding out to engulf these countries, but rather this was Poland, Hungary and the Czech Republic asking to come into NATO.

It is crucial to remember that NATO is not expanding against any sovereign will, but exactly the opposite. This treaty allows the West to let these countries fulfill their destinies—and if this Senate does not allow the treaty to pass and pass quickly—we are denying them the ultimate freedom—as the Hungarian Ambassador said—to choose their own allies.

I do not believe that Russia should fear the free association of allies, even those that might have been former enemies. There is nothing for Russia to fear. They should be reassured that the borders of Russia are peaceful today, that there is a united and growing Europe. They should be welcoming of NATO's ability to maintain peace and harmony among its members.

I would like to address those Senators who have expressed the need to link European Union membership with NATO membership. We must recognize that NATO enlargement, European Union expansion and monetary union are inextricably linked.

Last fall, I began considering the different arguments for and against this treaty. The Committee which I chair, the Senate Budget Committee, held a series of hearings on U.S.—European issues which gave me a different perspective to the many questions about the U.S. and Western European roles in Eastern Europe.

We cannot ignore that it was the presence of a U.S.-led NATO that provided the security for European Union that has facilitated its economic development. Without sovereign security, economic security cannot happen. These are exciting, new times in Europe. We have Europe in the next months uniting beyond its original common market alliances to become a monetary union.

While I know European Union membership is desired by Poland, Hungary, and the Czech Republic, EU membership is very different from NATO membership. And Monetary Union cannot even be considered until membership to the EU has been granted. Someday, I am convinced, they will become members of the European Union.

Some day, when they have developed their free markets which are emerging and their emerging new democracies, they will also be part of the new monetary union, the new single currency that many European countries will have in the not too distant future. They need the security and the structures of democracy to make capitalism work. To tie NATO membership with European Union membership at this time would not be wise. Defense security first will then lead to economic security.

On costs, over the last few months, I have had CBO, GAO and the administration explain their estimates of the costs of NATO expansion. CBO estimates that the costs to the U.S. will approximate $100 million per year for the next four or five years.

From the perspective of the Budget Committee, this cost is very affordable when compared to the overall levels of defense spending this year of $272 billion that we approved for the 1999 budget resolution.

Let me conclude Mr. President, that while the debate on NATO has raised several issues, one issue keeps dominating my thoughts. Here is an alliance, that once was designed to respond to the threats of the Cold War. Those threats included the armies of Poland, Hungary and the Czech Republic. Now this same alliance is being asked by those same three countries to be allowed to join today. How can we possibly say no?

I have no doubt that we are witnessing a major event in the histories of these former Warsaw Pact countries as well as the Free World.

Mr. President, I ask unanimous consent that the article "For Expansion: The Case Clinton Isn't Making" from The Wall Street Journal, April 21, 1998, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOR EXPANSION: THE CASE CLINTON ISN'T MAKING

(By Zalmay Kualilzad)

This week the Senate will start debating the question of whether to allow the Czech Republic, Hungary and Poland to join the North Atlantic Treaty Organization. A vote on the issue is likely next week. Although the Clinton administration supports NATO expansion, it has not made its case forcefully enough. In its public defense of NATO expansion, the administration has emphasized bringing the three Central European states into the zone of democracy, peace and prosperity. This argument is a good start, but a much stronger case can be made. NATO expansion is vital not only for the well-being of these potential new members, but also for the security of the U.S. and its Western allies.

The first strategic argument for an expanded NATO is to hedge against uncertainties in Russia. The administration argues that NATO expansion is not directed against Russia. This is true, to a point. As long as Russia is not expansionist, it will have nothing to fear from an enlarged NATO. In fact, a democratic and nonimperial Russia should be NATO's partner. But Russia's future is not certain. Many in the Russian elite are unhappy with the current international system and the U.S.'s preeminence in it. They are nostalgic for their lost empire and would like to reimpose hegemony over the former Soviet territories and Eastern Europe.

Russia is too weak to dominate its former empire today. However, even with its current difficulties, Moscow is developing two new long-range nuclear missiles, is reluctant to ratify the Start II treaty, and insists on interpreting the Antiballistic Missile treaty in ways that put severe limits on effective defense against ballistic missiles to which both the U.S. and Russia are increasingly vulnerable. Moscow's statements and behavior towards the Baltic states, Ukraine, the Caspian Basin and Central Asia at times have neoimperial overtones.

Russian weakness, however, will not last forever. Rich in natural and human resources, it will eventually reemerge as a great power. A revitalized and democratic Russia would most likely seek greatness through economic prosperity and political stability. However, should a revitalized Russia prove hostile and expansionist, NATO membership for Eastern European states will act as a powerful deterrent against future Russian aggression in this region. Unfortunately, Russia can go either way—and which way it goes will not be affected by NATO expansion.

Second, an expanded NATO keeps Germany as part of an American-led international system. Eastern Europe is Germany's backyard, and the European Union is unable to look after the security of Western Europe by itself, let alone protect Eastern Europe. Therefore, if NATO does not stabilize Germany's frontiers, Germany might do so alone. Germany is a key democratic ally of the U.S. and prefers to cooperate within NATO to stabilize Eastern and Central Europe. A renationalization of German security policy will end NATO as we know it and could lead to a less stable, less unified Europe. This would create an enormous problem for U.S. security interests, not only in Europe—both East and West—but around the world.

Third, an expanded NATO strengthens the U.S. position in Western Europe. The Eastern Europeans are more pro-American than most of our current allies. They attribute their freedom to the American-led containment of the Soviet Union, and they know that the U.S. led the alliance to expand NATO eastward. Within the alliance, they are likely to be strongly supportive of the dominant U.S. role. And should they also join the EU—as they are likely to—they will be a strong force for a continued U.S.-European alliance.

Fourth, an expanded NATO ties Europe and the U.S. closer together and opens the door for greater cooperation in other parts of the world, especially the Middle East, a region vital to both sides of the Atlantic.

NATO expansion eastward should be accompanied by an effort to develop a common U.S.-European strategy for ensuring energy security and for countering the spreading of weapons of mass destruction and missiles. And we need to consider steps to increase military cooperation between the U.S. and European nations for the longer term and agree to financial formulas for sharing the burden of Persian Gulf security as the Europeans develop their military capabilities. The Europeans have been freeloading at U.S. expense. Thousands of the U.S. troops protect the gulf from Iran and Iraq. Europe contributes little, though it is more dependent on the region's oil and more vulnerable to its missiles. In exchange, the U.S. should be willing to give Europeans a greater say in decisions about the Middle East, including policies towards Iran. As with NATO expansion such steps are unlikely to be taken without U.S. leadership.

Although the administration may want to avoid publicly voicing these strategic reasons for NATO expansion in order to avoid offending Russia and some of our European allies, it is important that we recognize that NATO expansion is necessary to protect vital U.S. interests, increase cooperation among European and North American democracies and sustain America's global leadership. Given the stakes involved, congressional support should be overwhelming.

Mr. DOMENICI. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF SCOTT SNYDER FLEMING TO BE ASSISTANT SECRETARY FOR LEGISLATION AND CONGRESSIONAL AFFAIRS, DEPARTMENT OF EDUCATION

The PRESIDING OFFICER. Under the previous order, the hour of 6 p.m. having arrived, the Senate will now proceed to vote on Executive Calendar No. 567 which the clerk will report.

The assistant legislative clerk read the nomination of Scott Snyder Fleming, of Virginia, to be Assistant Secretary for Legislation and Congressional Affairs, Department of Education.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from New Hampshire (Mr. GREGG), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

Mr. FORD. I announce that the Senator from Illinois (Mr. DURBIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Wisconsin (Mr. KOHL) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 104 Ex.]

YEAS—92

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Enzi
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Jeffords
Johnson
Kempthorne
Kerrey
Kerry
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—8

Durbin
Faircloth
Gregg
Inhofe
Inouye
Kennedy
Kohl
Murkowski

The nomination was confirmed.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, Calendar Nos. 554, 558 and 569 are confirmed.

The nominations were considered and confirmed, as follows:

THE JUDICIARY

Garr M. King, of Oregon, to be United States District Judge for the District of Oregon.

Gregory Moneta Sleet, of Delaware, to be United States District Judge for the District of Delaware.

RAILROAD RETIREMENT BOARD

Cherryl T. Thomas, of Illinois, to be a Member of the Railroad Retirement Board for a term expiring August 28, 2002.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the confirmation of the nominations.

NOMINATION OF SCOTT SNYDER FLEMING

Mr. CRAIG. Mr. President, since September of 1997, the General Accounting Office, at my request, has been conducting an investigation into possible anti-lobbying violations—as well as possible violations of the Federal Advisory Committee Act—at the Department of Education.

This investigation is ongoing and I have no reason to believe at this time that the nominee in question, Mr. Fleming, is a key figure in this investigation nor have I been presented with any evidence of wrongdoing on his part that would compel me to oppose his nomination. I would, however, like to take this opportunity to urge Mr. Fleming, in his new capacity as Assistant Secretary of Education for Legislation and Congressional Affairs, to cooperate fully with the GAO investigation in order to resolve this matter expeditiously.

Mr. President, let me explain my involvement with this issue and my concerns as they relate to allegations of an unusually close, and perhaps improper, relationship between the Department of Education and certain lobbyists in this town.

This matter was first brought to my attention by an editorial that appeared in the Washington Post on September 4, 1997.

That editorial, written by nationally syndicated columnist Robert Novak, described how—each week while Congress was in session—senior Department of Education officials and special interest group representatives gathered in Secretary Riley's conference room for what, in my opinion, amounted to 'political action' or 'legislative planning' sessions.

News of these meetings surfaced in a report published by the Alexis de Tocqueville Institution's, Paul Steidler. For seven months, Mr. Steidler attended these meetings and kept detailed minutes of what was discussed. What emerges from the Steidler notes, if substantiated, is extremely troubling.

Without discussing the particulars of this investigation, Mr. President, let me note that I take Mr. Steidler's allegations very seriously. Collusion between special interest lobbyists and the executive branch for the express purpose of defeating or promoting specific legislation, at the grass roots level or here in Congress, is unacceptable.

Mr. President, the GAO investigation into these matters is still underway. And, as I said, it does not appear that Mr. Fleming was a central figure in the formation or conduct of the weekly meetings in question.

My concern is that the Department of Education cooperate fully with this investigation so this body and the American people can be certain that the Department of Education's interests correspond with our children's best interests and not just the needs of those special interests that dominate the landscape here in Washington.

I ask unanimous consent that the Novak editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 4, 1997]

TRIUMPH OF THE BLOB

(By Robert D. Novak)

At 4 p.m. today, some 45 education lobbyists—"back to school" after the August congressional break—will resume weekly sessions with Department of Education officials in the secretary of education's conference room. There is doubt whether these meetings are legal but no question that they have been effective and, until now, a rare Washington secret.

They began in 1995, when what former education secretary William J. Bennett calls The Blob—the special-interest groups that want to maintain the educational status quo—feared the worst from a newly Republican Congress. With more than a hundred bills for abolition of the Department of Education introduced, the Thursday meetings began without the formal notification required by law for "advisory committees". After 2½ years of this collaboration the tide has turned on education, with the Republicans in full retreat.

"It's pretty much an open meeting," Acting Deputy Education Secretary Marshall (Mike) Smith, who usually presides, told me. He added that I would be welcome, which he conceded would make me the first journalist there. In fact, the sessions have been attended almost exclusively by The Blob, providing intelligence for the government bureaucrats who in turn disclose Clinton administration strategy. "We rely on you, partly, as your eyes and ears," Smith told participants July 24.

But an interloper appeared at this year's meetings. Paul Steidler, senior fellow of the conservative Education Reform Project, heard about them and asked to attend. He got permission after interrogation by reluctant education officials. Steidler's subsequent weekly minutes offer a wondrous insight into how Bill Clinton's Washington works.

"There was boisterous conversation, and one could sense the camaraderie in the air," Steidler said of the atmosphere preceding his first meeting. The regulars represent such pro-Clinton groups as the National School Boards Association, the American Association of School Administrators and the American Federation of Teachers. First among equals is the National Education Association (NEA), the powerful teachers' union. Joel Packer, the NEA's expert lobbyist, sits next to and is deferred to by the Education Department's senior official present.

When an Education Department official described Republican Sen. Paul Coverdell's proposal for $50 million in grants to fund school-choice pilot programs somebody exclaimed. "Yeah, the fear voucher." Another voice joined in: "You get it if you are scared." Steidler noted: "There was loud and sustained laughter. I found this to be quite chilling."

Through seven months of these minutes, the administration and The Blob marched in lock step to maximize federal funding and suppress school choice, with scarcely a critical word for the Clinton administration and no kind word for Republicans.

When it was mentioned that former education secretary Lamar Alexander would testify to Congress, "moans and snickers" were followed by the NEA's Packer saying, "It's called Mr. Voucher time". Commenting on a C-SPAN broadcast of Republican congressmen discussing education, then-Education Department lobbyist Kay Casstevens said: "If you didn't see it, you're probably better off."

As budget negotiations neared their climax, Smith asked everybody to make sure they could be reached if they left town. The joint Education Department-NEA clout soon was demonstrated.

At the June 16 meeting, the NEA's Adele Robinson alerted the department to House committee approval of Democratic Rep. Benjamin Cardin's proposed $150 tax credit for after-school private tutoring. Smith declared: "It drives a stake through [the president's] America Reads [program]. It's close to a voucher, folks." Cardin's proposal was eliminated, thanks to administration pressure.

So was a Coverdell amendment to the tax bill permitting parents to use their own tax-free savings for kindergarten through 12th-grade private schools. "On behalf of the NEA," Packer said at the July 31 meeting, "I want to profusely thank the administration for its stand on Coverdell."

Is the administration's failure to list these meetings in the Federal Register a violation of the Federal Advisory Committee Act (FACA)? "The meetings are not covered by FACA" acting Education Department General Counsel Jiumenne Studley told me, because they have no fixed membership or specific purpose. "Anyone who wants can join in," she said. But her assertions are refuted by Paul Steidler's minutes, as Mike Smith may hear when he comes up for Senate confirmation.

NOMINATION OF GARR "MIKE" KING

Mr. SMITH of Oregon. Mr. President, we have confirmed the nomination of an outstanding judicial nominee to the U.S. District Court for the District of Oregon. Garr "Mike" King is a consummate professional, who is universally respected within the Oregon legal community for his integrity and professionalism. His long and distinguished legal career as a trial lawyer began as a Deputy District Attorney with the Multnomah County Oregon District Attorney's Office. He helped draft the Oregon Rules for Civil Procedure and wrote the arbitration rules used in Multnomah County. Since 1971, as a partner with the Portland firm of Kennedy, King & Zimmer, he has handled a variety of cases, including commercial litigation, professional malpractice, products liability, and employment litigation in an exemplary fashion. In addition, Mr. King has been active in the U.S. District Court mediation program, has served as an arbitrator through the American Arbitration Association and, in 1995, was elected to the Board of Regents for the American College of Trial Lawyers.

Mr. President, I am confident that Garr "Mike" King will bring to the

U.S. District Court for the district of Oregon the same dedication, professionalism, and integrity that has exemplified his entire legal career.

Mr. WYDEN. Mr. President, today we confirmed an outstanding lawyer, a knowledgeable and diligent servant of justice and great judicial nominee from my State of Oregon. It was a great honor to present to the Senate the name of Mr. Garr "Mike" King to be a United States District Judge for the District of Oregon.

Mr. King comes before the Senate today with the bipartisan support of the Oregon Congressional delegation, and with broad support from both Oregon's law enforcement community and our state's legal community. Mr. King has served as a member of the Oregon State Bar Association since 1963 and has distinguished himself as one of the finest attorneys in the state. During this period of time, Mr. King has developed a sterling reputation for integrity, hard work, intelligence, and diligence.

In addition to his outstanding career as an attorney in private practice, Mr. King also has served as Multnomah County Deputy District Attorney and was elected to the Board of Regents of the American College of Trial Lawyers. He helped draft the Oregon Rules for Civil Procedure, authored the arbitration rules for Multnomah County and served as an arbitrator through the American Arbitration Association. He has been active in the U.S. District Court Mediation program since it was initiated and has worked quite closely with the Court to improve the federal mediation system.

Mr. King is a veteran of the United States Marine Corps who served his country with honor from 1954 to 1957. He has lived in Oregon for the past 35 years and is a proud father of seven children who is deeply involved in his church and community affairs. As those of my colleagues who were at Mike's confirmation hearing can attest, I think he single-handedly managed to fill about half of the hearing room with family members from all over the country, and I believe that speaks volumes about the kind of caring, concerned and committed family man Mike King is.

As with previous recommendations that I have made for the federal bench, the recommendation of Mr. King was preceded by an extensive bipartisan screening effort undertaken by a committee of leading Oregon attorneys. The selection committee was appointed with input from all the members of the Oregon Congressional delegation and the Governor's office. All applicants reviewed by the committee were evaluated on three criteria: judicial temperament, fitness to serve on the federal bench, and legal qualifications. Mr. King was rated very highly by the committee, and after personally interviewing him, I found him very well qualified for this position.

I want to again thank the Chairman of the Judiciary Committee, Senator HATCH for moving us to this point in the process. I am very grateful for both the amount of time and good counsel you continue to give me in the consideration of my region's needs on the federal bench.

I also thank my colleague, Senator SMITH, for his efforts on behalf of this nominee. Senator SMITH and I have now worked together in support of two other fine candidates to the federal bench, both of whom have been confirmed by the Senate.

I am certain that Mike King will bring to the federal bench the same intelligence, legal skill and integrity that he has brought to his work as one of our state's most respected attorneys.

THE NOMINATION OF GREGORY M. SLEET

Mr. ROTH. Mr. President, I rise to recognize Judge Gregory Sleet, who was confirmed by the Senate earlier today as a District Judge for Delaware. Unfortunately, I did not have an opportunity to personally greet him or his family when they came to the Capitol for his hearing before the Judiciary Committee just over a month ago. But today, it is my pleasure to congratulate Judge Sleet, his wife Mary and their two children on this achievement.

Since 1994, Greg Sleet has served Delaware as our U.S. Attorney. From that post, he was appointed by Attorney General Janet Reno to serve as the Vice-Chair of her Advisory Committee.

While his record of public service is impressive, so, too, is his previous work in the private sector. You see, Judge Sleet served Hercules Incorporated, an outstanding Delaware company, as legal counsel before becoming our U.S. Attorney. Having worked in the same capacity with Hercules some years earlier, I know first-hand that they hire only the sharpest young lawyers to handle their legal affairs.

Mr. President, the Senate needed not even four months to complete our work on Judge Sleet's nomination. I thank Judiciary Committee Chairman HATCH for his efforts to review the nomination in such an expeditious manner. Such prompt action speaks to the quality of the nominee, and I am happy to again congratulate Judge Sleet on the occasion of his confirmation by the Senate.

Mr. BIDEN. Mr. President, I support the confirmation of the nomination of Greg Sleet to be the 22d Federal district court judge in Delaware.

One of the most important duties of any U.S. Senator is the duty of advice and consent to the President's judicial appointments. I have worked hard throughout my career to ensure that the Senate provides the Federal courts with a steady supply of judges to enforce our Federal laws.

But, after serving on the Judiciary Committee for the last 20 years, and after serving as U.S. Senator from Delaware for the last 25 years, this is my first opportunity to recommend a Federal district court judge for Delaware.

I took this responsibility very seriously. And I have no doubt that Greg Sleet is the most qualified and experienced person for this position.

This is the second time President Clinton has put Greg's name through the rigors of Senate confirmation. But this is no surprise—he enjoys a reputation for impeccable integrity in the Delaware legal community.

In 1993, when I recommended Greg as U.S. attorney for Delaware, President Clinton was wise to follow my advice—he could not have nominated a more qualified, well-rounded, experienced Delawarean.

Greg was confirmed unanimously and flawlessly, and for the past 4 years has exceeded even my highest expectations.

And it is not only his distinguished service for Delaware, but also the breadth of Greg's experience that has impressed Delawareans, and convinced me that he will make a distinguished Federal judge.

Greg is a graduate of Rutgers University School of Law and completed his undergraduate work at Hampton University in Virginia.

He began his legal career in 1976 by serving for 7 years as a Philadelphia public defender—arguing before juries and representing indigent defendants at all stages of the criminal process—from pre-trial through the appellate courts.

He than gained experience in civil litigation, civil rights, estates, and criminal defense as an associate in private firms—most recently as a sole practitioner for his own firm. I know how tough—and rewarding—running your own firm can be.

In 1990, Greg began his service as deputy attorney general for the State of Delaware, where he gained experience prosecuting a variety of criminal cases at the State level.

He has practiced corporate and commercial law as well—working as an attorney in the legal department for Hercules Inc., where he helped manage corporate operations and litigation, and provided advice on acquisitions and antitrust matters.

Since Greg became U.S. attorney, he has demonstrated strong leadership as my State's chief Federal law enforcement officer—

He has developed a solid reputation by prosecuting many significant criminal cases, including numerous Federal drug and gun cases.

He has prosecuted hate crimes and fraud cases more aggressively than ever before.

And, in addition to his accomplishments in the criminal court at the Federal level, he has made it a priority to strengthen the civil division in Delaware's U.S. attorney's office.

Mr. President, I will not take up any more time—other than to repeat my "bottom line" from Greg's Judiciary Committee hearing:

Greg Sleet's record speaks for itself—the Federal bench needs judges like him. His background makes him exceptionally qualified to service on the Federal bench, and his record shows that he is tough—as we need our Federal judges to be—with the practical abilities and experience to do the job.

I am deeply proud to be associated with Greg's service as Delaware's U.S. attorney, and look forward to his service as a U.S. district court judge.

I commend my colleagues for taking the time to review Greg's record and thank them for their support for the candidacy of this fine nominee.

MORNING BUSINESS

Mr. GRASSLEY. Mr. President, on behalf of the leader, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENDING THE FALSE CLAIMS ACT

Mr. GRASSLEY. Mr. President, on Friday, a new audit report was released by the Health Care Financing Administration. It is the Chief Financial Officer's report. It shows that a staggering $20 billion of tax dollars were improperly paid through Medicare last year. That is 20 billion reasons to defend the False Claims Act and oppose the bill percolating in the House that's being pushed by the American Hospital Association, and sponsored by Congressman BILL MCCOLLUM—H.R. 3523.

The audit is only the latest reminder of why the False Claims Act is the law of the land. Whether it is the derivation of the law signed by Abraham Lincoln in 1863, or the amendments that I sponsored, which passed in 1986, the reason the law exists is to protect the public's vital interests.

In the case of health care, those vital interests are clear. The False Claims Act helps maintain the integrity of Medicare so that senior citizens won't have to fear the possibility that the program won't be there for them in the future. It helps maintain the standards we want for our seniors with respect to the quality of health care. The False Claims Act is beginning to be used successfully by U.S. Attorneys to improve the quality of care in the health care industry, such as nursing home care.

Finally, the False Claims Act is the final yet most effective line of defense to protect the taxpayers' hard-earned money. Since my amendments in 1986, the Act has been used to return more than $4 billion, fraudulantly taken, back to the taxpayers. Nearly $2 billion of that is from the health care industry. And somewhere between $150 and $300 billion-worth of potential fraud has been deterred.

There is a critical and obvious need for the False Claims Act to safeguard the public interest. The Act is also highly successful. It has built up a track record for accomplishing exactly what it was designed to do—to promote integrity in taxpayer-funded programs.

Suddenly, integrity in such programs is under a fierce attack. The attack is the McCollum bill, which would gut the False Claims Act. What's wrong with this picture?

The McCollum bill is a misguided missile in the war against fraud. If it passes, perpetrators of fraud will be celebrating in the streets. It is ill-founded, and would send the wrong message both to the public and to those who would commit fraud.

The bill is the product of the American Hospital Association. The AHA came to me earlier this year and reported what they claim are examples of the Justice Department going after hospitals with heavy-handed tactics, and using the False Claims Act to prosecute innocent mistakes. I also visited with the Iowa Hospital Association, from my home State.

After listening to their concerns, it seemed to me that the examples the AHA provided spoke more to problems in the implementation of the law, rather than to problems with the law itself. I agreed to approach the Justice Department and help begin a dialogue between DOJ, the AHA, and myself and other members of Congress. The goal was to examine the evidence and see where the problems were occurring and why. And then to fix any real problems.

After much examination and discussion, I and others determined that the AHA had some legitimate concerns involving the way some U.S. Attorneys were communicating with some hospitals around the country.

To its credit, the Justice Department has reevaluated its process and made changes. It has changed its approach, and has taken steps to ensure higher standards prior to any investigation for fraud. It is not often that the Justice Department willingly reexamines its process, admits changes are needed, and then makes them. Because it did so in this case, I believe that the Justice Department should be commended for its responsiveness.

As a case in point, let me refer to a letter I received this month from the president of a medical center in Iowa. Next year, he will be in the leadership of the Iowa Hospital Association. He is one of those who had expressed concerns to me months ago about how the Justice Department was implementing the False Claims Act. After the dialogue, and after DOJ changed its process, this official wrote to me and said he was satisfied that the law doesn't need to be changed. This official further says that after meeting with the local U.S. Attorney, he is confident in DOJ's intentions to not use the False Claims Act to go after honest mistakes.

In this case, the dialogue seems to have worked. Reason prevailed. Where reason has not prevailed is with those supporters of the McCollum bill who believe that the False Claims Act should be gutted anyway. There is a logical disconnect between the problems identified by the hospital industry, and the solution they now advocate.

Pure and simple, the False Claim Act is a tool against fraud. It is not to be used, and is not used, against innocent mistakes. There is clearly an agenda behind this bill. It is to remove the taxpayers' most effective weapon in its arsenal against fraud. And it is being pushed by some in an industry that has been clearly ravaged by those who have committed fraud.

There is no question that the vast majority of hospitals and hospital employees in this country are honest, civic-minded, and true public servants. Many are absolute heroes. Those in industry who get caught committing fraud threaten to give the industry a tarnished reputation.

If that is so, can't we also say that those who are pushing to gut the law also threaten to give the industry a tarnished reputation? After all, given the changes made by DOJ, there is no empirical basis for this bill. Just as changes were demanded of the Justice Department to refrain from taking action without a legal or factual predicate, shouldn't there be a legal and factual predicate for advancing this bill. There is none.

The McCollum bill is not designed to stop the prosecution of innocent mistakes. Rather, it would make fraud easier to accomplish more often. And, it would establish new "look-the-other-way" loopholes, including for on-going cases such as Columbia/HCA. And remember, this bill would do all that at a time when there's $20 billion of potential fraud out there, fraud in the medical industry has been rampant, and the public has had it up to their keesters.

Is this what the supporters of the McCollum bill really think the public wants and needs? Do you really thing the public wants a white flag of surrender in the war against fraud?

Specifically, the McCollum bill would do the following:

First, it would create a "fraud-free zone." No false claims case could be brought unless the taxpayers' damages are a "material amount." That "material amount" is unclear but it could be as much as ten percent. In other words, we will write off the first 10 percent of fraud. In effect, it legalizes or legitimizes up to ten percent of what is now illegal. For a company like Columbia/HCA, for example, which pulled in more than $6 billion from the taxpayers last year, the first $600 million would be okay. For the entire Medicare program, which was $210 billion last year, we could write off the first $21 billion. That is a $21 billion loophole. A real whopper.

Second, let us say a false claims case involved a "material amount." there are still three more ways a company could get off the hook anyway. The McCollum bill would open up three more whoppers to raise that $21 billion—"free fraud zone" to substantially more. Companies would be able to better insulate themselves from liability simply by, among other things, showing a commitment to setting up better procedures in the future despite defrauding Medicare today.

Finally, the bill would make it much harder to provide that claims were wrongfully submitted. The normal standard for civil statutes is "a preponderance of the evidence." The McCollum bill would raise it to "clear and convincing evidence." That is basically a criminal standard, not a civil one. Once again, reason has not prevailed in the formulation of this bill.

The McCollum bill would establish a fortress around the medical industry. It would prevent legitimate efforts on behalf of the taxpayers to punish those bad apples that undermine the integrity of health care programs and raid the treasury. The solution is not to gut the law. The solution was and is to take the steps DOJ has already taken, and to ensure DOJ stays on that rack in the future. We have addressed the process dealing with innocent mistakes.

At the same time, we need the toughest possible law to go after mistakes that aren't innocent. Those who continue down the road of supporting this bill pose a clear and present danger to the public's vital interests—to the highest quality of health care for our senior citizens, and to the integrity of how our tax dollars are spent.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATE DEPARTMENT AUTHORIZATION CONFERENCE REPORT

Mr. FEINGOLD. Mr. President, I rise to speak on the State Department authorization conference report debated on Friday and to be voted on tomorrow. Unfortunately, I was unable to participate in the debate on Friday, and I appreciate the chance to take the time now to express my views on this legislation.

I would like to express my extreme regret and disappointment that the debate over the important issues of the long-overdue payment of our arrears to the United Nations and the reorganization of the U.S. Department of State has once again become a sideshow to an exercise by some Members of Congress regarding the issue of reproductive choice. I find it astounding that these members insist on holding our international commitments hostage to a desire to score political points on a domestic issue.

We should be on the floor talking about the important foreign policy priorities that were articulated during the Senate debate on S. 903. Instead, we are spending the majority of our debate time on this measure talking about one narrow issue that shouldn't even be in here in the first place!

As we all know, a minority of our colleagues in the other body successfully inserted language in this conference report that would impose severe restrictions on U.S. assistance to foreign non-governmental organizations engaged in family planning activities. These restrictions were inserted without consultation with the Democratic conferees. They were not consulted because they surely would have objected to these provisions. The restrictions fall into two basic categories.

First, the conference report would mandate that no U.S. population assistance may be given to any foreign non-governmental organization unless that organization certifies that it will not use its own funds to perform abortions during the period in which it receives U.S. funds. If the President chooses to waive this restriction, which I am sure President Clinton would do, funding for family planning-related activities would then be capped at $356 million.

The second category of restriction would prohibit funding for organizations that lobby to change abortion laws in their own countries.

Mr. President, the authors of these restrictions see this version, that is, the provisions as written in this conference report, as a compromise of earlier iterations of restrictions on family planning. But—let us be very clear here—not only is this not a compromise, but the language is actually more restrictive than what we have seen before.

First of all, unlike the so-called "Mexico City" language, which has been considered each year as a rider to appropriations bills, the restrictions in this conference report would become permanent statutory changes. That is a rather disturbing concept.

Second, the waiver provision included for the President would result in a greater decrease in funding for family planning than we have seen in earlier versions. Many observers believe that the $356 million cap amounts to a decrease of $29 million, a cut that would come solely out of USAID's family planning account. But, the language in this conference report would also apply to "all funds for programs and activities designed to control fertility or to reduce or delay childbirths or pregnancies, irrespective of the heading under which such funds are made available." What this means is that the cap would also apply to certain birth-spacing related programs that currently fall under other USAID accounts, and in fact, would represent a larger total decrease than is immediately evident—about $44 million. That represents an 11 percent decrease in funding for these programs, which, Mr. President, I think we all would agree is rather substantial.

Third, the definition of "lobbying" that is used in the second restriction is disturbingly broad in that it would ban all sorts of public statements or the participation of individuals at public meetings. It is so bad that many of us call it "the global gag rule."

Finally, the President would have no waiver authority over this gag rule provision.

Let me turn for a moment to the substance of these provisions.

While proponents of the Mexico City language say they do not want U.S. dollars to pay for abortions overseas, the adoption of the restrictions in this conference report would actually increase the number of unintended pregnancies worldwide, and, correspondingly, the number of abortions and deaths of mothers and children due to high-risk pregnancies.

The funding at issue here has nothing to do with performing abortions and everything to do with preventing them. It is about family planning, and about a woman's right to know about all options that are legally available to her. It is about helping non-governmental organizations educate women around the world about family planning and other health care issues.

I firmly oppose all of these restrictions and will oppose this conference report because of them for several reasons, which I will discuss in turn.

First, U.S. assistance for family planning initiatives abroad is a sound investment that pays dividends including healthy women and children. According to the Johns Hopkins Population Information Program, approximately 120 million women in developing countries who need family planning services do not have access to them. Family planning services educate women about contraception, pre-natal care, birth spacing, the prevention of sexually transmitted diseases, and other important, life-saving issues. These programs have proven to be enormously effective—not only in improving the health of hundreds of thousands of women and children, but also in reducing the pressures that rapid population growth places on food and water, housing and education, and the environment in developing countries.

Second, this language reinstates—and expands—the Mexico City policy that prevents U.S. population assistance from being disbursed to non-governmental organizations that use other funds to engage in abortion-related activities. This restriction does not prevent abortions, Mr. President, it increases their likelihood by cutting off funds to reputable family planning organizations which happen also to use their own money for abortion-related activities.

Finally, this language contains a troubling restriction on the freedom of speech of those working for family planning programs which receive U.S. funding. By linking funding for much-needed family planning assistance to the stifling of freedom of speech, the language runs counter to the very principles upon which our own nation was founded. We cherish our right to freedom of speech in this country, and the promotion of democracy and respect for basic freedoms around the globe represent an important aspect of our foreign policy.

The language in this conference report is an assault on free speech, one of the most fundamental human rights. In this country, citizens are encouraged to speak their minds and participate in the political process. In fact, the First Amendment states that "Congress shall make no law * * * abridging the freedom of speech * * * or the right of the people * * * to petition the Government for a redress of grievances."

If the language in this conference report were adopted, it would mean U.S. citizens who have this constitutionally-guaranteed right would be forcing people in other countries to give up similar rights if they wish to keep receiving U.S. funding for family planning programs. The only way I can interpret this, Mr. President, is as an attempt by some Members of Congress to control the free speech of people in foreign countries relating to one particular issue about which they may not agree: abortion.

In essence, this language tells foreign non-governmental organizations which seek family planning assistance that they will get it if, and only if, they comply with a restrictive set of rules for how they may use their own money. It is a thinly veiled threat to pull much-needed funding if the word "abortion" is uttered to any woman seeking counseling at any foreign family planning agency that receives U.S. funds. This language violates the spirit of the Constitution which we have all sworn to uphold.

I would like to talk about two family planning programs that would be jeopardized if this conference report were to become law.

The humanitarian organization CARE is working with a local non-governmental organization that promotes dialogue within local communities and at a national level regarding important issues facing Bolivian women, such as violence against women, sexual harassment and lack of appropriate medical services. One of the most critical issues for discussion is the alarmingly high rate of maternal mortality in Bolivia—the highest in Latin America. According to the World Health Organization, a women in Bolivia has a 1 in 27 chance of dying from a pregnancy-related cause. This compares to women in the U.S., who have a 1 in 3,500 chance of dying from such circumstances. CARE's Bolivian partner works to educate women and men about the importance of family planning and the dangers of illegal abortion and how it contributes to Bolivia's appalling rate of maternal mortality.

Under the language in the conference report, U.S. funding for this Bolivian organization would be at risk because the organization makes "public statements" about women's health issues that may be construed as lobbying for abortion rights. This is a capable, effective organization that is addressing real needs within Bolivia.

My second example relates to South Africa. As Ranking Member on the African Affairs Subcommittee, I have had the opportunity to learn much about the success of family planning programs in Africa and, indeed, of U.S. assistance to such programs in Africa.

We all watched with awe and amazement as South Africans of all races participated in the first multiparty elections in that country in 1994. We were further inspired by the country's adoption of its first permanent, post-apartheid constitution which was signed into law on December 10, 1996, by President Nelson Mandela, one of the greatest heros of our time. The Government of South Africa continues to consider various proposed amendments to the constitution on outstanding issues, and is also working on the implementation of many of its provisions. Not surprisingly, the Government is consulting widely with a variety of groups and interested parties from around the country.

Why, you may ask, am I talking about the South African constitution and South African legislation during a debate over family planning assistance?

Because, the language of this conference report would actually put limitations on the ability of South Africans to participate in the democratic process in their country.

The Government has asked Dr. Helen Rees, president of the Planned Parenthood Association of South Africa, to become an advisor to the National Department of Health and a member of the country's Medical Advisory Board to assist the Government in its implementation of a law enacted in 1996 concerning access to safe abortion during the first twelve weeks of pregnancy. Prior to this law's enactment, Dr. Rees had also helped in its drafting.

Had this conference report been law at the time of Dr. Rees' participation in the drafting of that law, the Planned Parenthood Association of South Africa would have lost its U.S. family planning assistance, even though her activities related to the drafting process were conducted without U.S. funds.

In other words, the Association might have been forced to suffer simply because the South African government chose to invest in Dr. Rees' expertise. Dr. Rees would have been forced to choose between allowing her organization to receive much-needed U.S. assistance or to become an active participant in the political process of her country. This is a totally unfair choice, and one that we, members of the U.S. Congress, should not be forcing foreign citizens to make. In fact, it contradicts what the Congress worked so actively for over the last several decades, and that is the freedom of all South Africans to be able to participate in their own political process.

I want to make my last point very clear, Mr. President. The language contained in this conference report would be unconstitutional if this were a piece of domestic legislation because it violates the First Amendment.

I repeat, this language would be unconstitutional if this were domestic legislation.

Mr. President, the United States has a long history of promoting democracy and basic freedoms around the world. This global gag rule runs counter to that tradition. If adopted, this language would not encourage free speech—it would squelch it.

None of these restrictions belong in this legislation in the first place, but now that they are there, I encourage all of my colleague, who all profess to support free speech and our constitutionally-guaranteed liberties, to defeat this conference report.

Mr. President, I ask unanimous consent that a February 27, 1998, editorial from the Washington Post, which makes some excellent arguments as to why this report should be defeated, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 27, 1998]

EXPORTING THE ABORTION DEBATE

It is scandalous that an unrelated domestic dispute over abortion is holding up congressional approval of funds for international purposes of vital American interest. One such purpose is to enable the International Monetary Fund to help troubled Asian economies, among other things, buy more

American goods. A second is to pay up American arrears to the United Nations, an organization in the center of American efforts to banish proscribed weapons from Iraq.

The trouble arises from an amendment offered by Rep. Christopher Smith (R–N.J.) and supported by the House Republican leadership. Current law already bars any U.S. funding for foreign abortion-related services, lobbying or research. Mr. Smith would go on to revive the Reagan-Bush "Mexico City Policy." It denies American aid to any foreign nongovernmental organization that performs abortions or lobbies for abortion even with its own money.

In the domestic debate we support the side favoring choice. But of course both sides are principled in their fashion, and both stir important constituencies. You could call it a difficult but unavoidable fight among Americans.

But why must this fight be exported onto foreign terrain? The limitations that the Mexico City Policy imposes upon the work of foreign nongovernmental organizations intrude directly upon the options available to poor countries to manage their own future. The anti-lobbying provision intrudes especially egregiously not only into the medical standards but also into the political practices of aid recipients. As Secretary of State Albright put it, that provision punishes nongovernmental organizations "for engaging in the democratic process in foreign countries and for engaging in legal activities that would be protected by the First Amendment if carried out in the United States."

The current House Republican position is to demand that the administration negotiate a compromise banning lobbying but allowing limited family-planning aid. The Clinton administration is right to want no part of a compromise that narrows the personal choices open to women abroad, interferes in the development policies of other countries and invades the public space they maintain for policy debate. House Republicans have attached the abortion measure to essential foreign-policy legislation, including United Nations reform and State Department reorganization. Their amendment constitutes a rank intervention into other countries' domestic business, and deserves defeat.

Mrs. FEINSTEIN. Mr. President, I rise today in opposition to Senate adoption of the Conference Report on the State Department Authorization Bill, which we will be voting on tomorrow.

I do so with disappointment, and concern. As an advocate of many of the good provisions in this bill, it is ironic to be arguing today against adoption of this Conference Report.

With its provisions to reorganize America's foreign policy institutions and to press for reform at the United Nations while paying off our arrears, I think it is fair to say that the State Department Authorization bill is one of the most far-reaching and important bills that we will consider this Congress.

I am disappointed, therefore, that Congress finds itself seemingly unable to pass this bill in a form which will allow it to become law.

Now, we find ourselves in this position today is because a few hard-line House Republicans, by insisting on the inclusion of language to restrict international family planning assistance, have been unwilling to compromise and be flexible in the interests of American foreign policy and national security.

Let me briefly state 3 reasons why I think that without the family planning restrictions this is a good bill.

First, this bill authorizes funding of both existing needs and the correction of long-time existing problems, such as a failing computer system, the construction of two major long overdue embassies, and the remediation of security and maintenance problems around the world. International law enforcement, narcotics abatement, and refugee programs are all increased under this bill.

Second, the State Department Authorization Bill takes an historic step in working with the administration and Secretary Albright to reorganize the foreign policy bureaucracy of the United States, so that the Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development are brought within the State Department and other operations are streamlined.

The reorganization plan presented by this bill preserves the unique skills and capabilities of each of the current foreign affairs agencies while creating a new, streamlined, structure capable of meeting the challenges of the twenty-first century. It is a plan supported by the Chairman and Ranking Member of the Foreign Relations Committee and by the President and Secretary of State.

Finally, this bill also contains a package to allow repayment of our arrears to the United Nations, some $926 million, with much-needed reform benchmarks designed to ensure that the United Nations will remain an effective organization in the decades to come.

I am an unabashed supporter of the United Nations. I believe a strong and effective United Nations is both important to the world and to the national interest of the United States.

With little fanfare or recognition the United Nations serves American interests each and every day. Through the UN High Commission for Refugees, it feeds and clothes homeless refugees in time of war. The World Health Organization fights diseases like AIDS. The United Nations Children's Fund combats childhood poverty, hunger, and sickness. The UN Development Programs helps the poorer nations of the world develop their infrastructures. The UN provides a forum for negotiating multilateral agreements on arms control, protecting the environment, and other matters that affect all nations.

The United Nations helps to protect peace and security in dozens of trouble spots around the world. Although we are often quick to criticize UN operations, we are slow to credit those successful U.N. peacekeeping operations in such places as the Golan Heights, Macedonia, Angola, and Kuwait—all important to American foreign policy concerns.

This is not to say the United Nations is without its faults. The need to reform and streamline the UN bureaucracy, refocus the budget structure, eliminate duplication, and add transparency to all its operations are all included in the 3 year time-period of this bill.

As the Ranking Member of the International Operations Subcommittee, I was involved in the initial discussions on UN dues payment arrears. The final result negotiated by the Secretary of State, the Chairman, and the Ranking Member is a tough, but achievable, series of reforms to be implemented by the United Nations over the next three years, during which time the United States will pay the $926 million it owes in back dues.

Payment of these arrears is no trivial matter. The U.N.'s current financial difficulties are threatening to render it unable to implement many of its most important programs. Prompt payment by the United States of its arrears is the best way to ensure that the UN will be able to survive as a force for international peace and security in the post-Cold War era.

As someone who values the United Nations, I regard the United Nations arrears and reform package included in this bill to be a major step forward, and one of which we can all be proud.

That is why I find it so unfortunate that we are faced today with the prospect that all of these achievements will be for nothing. And why? Because a small group of abortion opponents in the House have tied up this Bill over the issue of the so-called "Mexico City" family planning language. In so doing, they are placing their own narrow domestic concerns and political agenda ahead of all the substantial achievements and reforms encapsulated in this Bill.

In short, unable to advance their agenda through the normal channels of congressional policy making (an agenda unsupported by the vast majority of the American people, I might add) they have decided to hold this bill hostage to achieve a major blow to family planning throughout the world.

Ironically, their opposition to family planning is antithetical to their goal of reducing abortions because family planning actually reduces the need for abortions, and without it terrible starvation and deprivation is visited upon millions in other lands. The irony is that no U.S. international family planning funds are spent on abortion in this or any other bill.

Since 1973, U.S. law has prohibited any USAID funds from being used to pay for abortions as a method of family planning or to coerce any person to have an abortion. Today each and any program supported by these dollars are voluntary, and none involve abortion. All programs are rigorously monitored to ensure strict compliance.

In Russia, where the average Russian woman used to have a stunning 7 or 8 abortions in her lifetime, family planning has made a huge difference. An active family planning effort has actually reduced the number of abortions in Russia from 1990 to 1994 by over 20%, from 3.6 million to 2.8 million. That is 800,000 fewer abortions in a four years period of time due to family planning efforts.

The story repeats itself over and over, wherever family planning exists. As our esteemed former colleague Mark Hatfield, who was a proudly prolife Senator, reminded us each time we debated this issue, family planning assistance prevents abortions.

I also find the prohibitions placed on free speech contained in the Conference Report—in essence a global gag rule on responsible family planning discussions—to be unacceptable. Foreign family planning providers would only be eligible for U.S. dollars if they agree to have their voices silenced. They could neither lobby nor discuss or educate under the terms of this Bill. The fact that the language included in this Conference Report dictates what public statements can be made, what conferences can be attended, and what educational materials can be produced with an entity's own funds I find an overreaching and dictatorial edict by a country that prizes free speech.

One of the most important and effective components of U.S. foreign assistance has for years been our family planning programs. These programs reduce poverty, improve health, and raise living standards around the world by enhancing the ability of couples and individuals to determine freely and responsibly the number and spacing of their children in some of the most overpopulated and depraved countries on earth. Most of us take these rights for granted. None of us knows the level of deprivation and suffering that exists outside our borders.

What we can not do now—what we should not do now—is allow a small minority of this and the other body to effectively stop any U.S. family planning efforts worldwide.

The President has stated that if the Conference Report passes with the family planning restrictions he will veto this bill. By including language in this Conference Report which we know will result in a veto we will sacrifice—needlessly and pointlessly—all the important work accomplished to date.

I sincerely hope and urge that there are sufficient votes in this body to reject this Conference Report, return it to Conference, remove the counterproductive language, and develop a report which the Senate can support, and which the President can sign.

I urge my colleagues to reject adoption of this Conference Report.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING LLOYD M. PELFREY

Mr. ASHCROFT. Mr. President, I rise today to commend Lloyd Pelfrey for his service to Central Christian College of the Bible in Moberly, Missouri. Mr. Pelfrey, an ordained minister of the Christian Church since 1953, will retire as President of the college on May 8, 1998.

President Pelfrey's service to Central Christian College started when the school opened in September 1957. He has worn many hats during his tenure at the school, serving as: the President of the college, the Acting President, the Executive President, the Dean of Faculty, the Academic Dean, and a Professor of Old Testament. On April 6, 1973, Mr. Pelfrey became the fourth President of Central Christian College. He has held this esteemed position longer than any other president of the college.

Under President Pelfrey's leadership many exciting transformations have occurred at the college. He oversaw the completion in the construction of the Memorial building. Central Christian College received accreditation with the Accrediting Association of Bible College under President Pelfrey's administration. He also contributed to an increase in the college's endowment.

I wish President Pelfrey all the best and thank him for his service to the community of Central Christian College of the Bible. May God bless him and protect him in his future endeavors.

REPORT CONCERNING THE NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT—PM 117

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on the developments since my last report concerning the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c).

1. On October 21, 1995, I signed Executive Order 12978, "Blocking Assets and Prohibiting Transactions with Significant Narcotics Traffickers" (the "Order") (60 *Fed. Reg.* 54579, October 24, 1995). The Order blocks all property subject to U.S. jurisdiction in which there is any interest of four significant foreign narcotics traffickers, one of whom is now deceased, who were principals in the so-called Cali drug cartel centered in Colombia. These persons are listed in the annex to the Order. The Order also blocks the property and interests in property of foreign persons determined by the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, (a) to play a significant role in international narcotics trafficking centered in Colombia or (b) to materially assist in or provide financial or technological support for, or goods or services in support of, the narcotics trafficking activities of persons designated in or pursuant to the Order. In addition the Order blocks all property and interests in property subject to U.S. jurisdiction of persons determined by the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, to be owned or controlled by, or to act for or on behalf of, persons designated in or pursuant to the Order (collectively "Specially Designated Narcotics Traffickers" or "SDNTs").

The Order further prohibits any transaction or dealing by a United States person or within the United States in property or interests in property of SDNTs, and any transaction that evades or avoids, has the purpose of evading or avoiding, or attempts to violate, the prohibitions contained in the Order.

Designations of foreign persons blocked pursuant to the Order are effective upon the date of determination by the Director of the Department of the Treasury's Office of Foreign Assets Control (OFAC) acting under authority delegated by the Secretary of the Treasury. Public notice of blocking is effective upon the date of filing with the *Federal Register*, or upon prior actual notice.

2. On October 24, 1995, the Department of the Treasury issued a notice containing 76 additional names of persons determined to meet the criteria set forth in Executive Order 12978 (60 *Fed. Reg.* 54582, October 24, 1995). Additional notices expanding and updating the list of SDNTs were published on

November 29, 1995 (60 *Fed. Reg.* 61288), March 8, 1996 (61 *Fed. Reg.* 9523), and January 21, 1997 (62 *Fed. Reg.* 2903).

Effective February 28, 1997, OFAC issued the Narcotics Trafficking Sanctions Regulations ("NTSR" or the "Regulations"), 31 C.F.R. Part 536, to further implement my declaration of a national emergency and imposition of sanctions against significant foreign narcotics traffickers centered in Colombia (62 *Fed. Reg.* 9959, March 5, 1997).

On April 17, 1997 (62 *Fed. Reg.* 19500, April 22, 1997), July 30, 1997 (62 *Fed. Reg.* 41850, August 4, 1997), and September 9, 1997 (62 *Fed. Reg.* 48177, September 15, 1997), OFAC amended appendices A and B to 31 C.F.R. chapter V, revising information concerning individuals and entities who have been determined to play a significant role in international narcotics trafficking centered in Colombia or have been determined to be owned or controlled by, or to act for or on behalf of, or to be acting as fronts for the Cali cartel in Colombia. These actions are part of the ongoing interagency implementation of Executive Order 12978 of October 21, 1995. These changes to the previous SDNT list brought it to a total of 426 businesses and individuals with whom financial and business dealings are prohibited and whose assets are blocked under the Order.

3. OFAC has disseminated and routinely updated details of this program to the financial, securities, and international trade communities by both electronic and conventional media. In addition to bulletins to banking institutions via the Federal Reserve System and the Clearing House Interbank Payments System (CHIPS), individual notices were provided to all relevant State and Federal regulatory agencies, automated clearing houses, and State and independent banking associations across the country. OFAC contacted all major securities industry associations and regulators. It posted electronic notices on the Internet and over 10 computer bulletin boards and 2 fax-on-demand services, and provided the same material to the U.S. Embassy in Bogota for distribution to U.S. companies operating in Colombia.

4. As of March 25, 1998, OFAC had issued nine specific licenses pursuant to Executive Order 12978. These licenses were issued in accordance with established Treasury policy authorizing the completion of presanctions transactions and the provision of legal services to and payment of fees for representation of SDNTs in proceedings within the United States arising from the imposition of sanctions.

5. The narcotics trafficking sanctions have had a significant impact on the Cali drug cartel. Of the 133 business entities designated as SDNTs as of February 20, 1998, 41, or nearly a third, having a combined net worth estimated at more than $45 million and combined income of more than $200 million, had been determined to have gone into liquidation. As a result of OFAC designations, 3 Colombian banks have closed about 300 SDNT accounts of nearly 100 designated individuals. One of the largest SDNT commercial entities, a discount drugstore with an annual income exceeding $136 million, has been reduced to operating on a cash basis. These specific results augment the less quantifiable but significant impact of denying the designated individuals and entities of the cartel access to U.S. financial and commercial facilities.

Various enforcement actions carried over from prior reporting periods are continuing and new reports of violations are being aggressively pursued. Two criminal investigations are ongoing. Since my last report, OFAC has collected its first civil monetary penalty for violations of IEEPA and the Regulations under the program. OFAC collected $2,625 from a commercial agent for ocean-going oil tankers for violative funds transfers.

6. The expenses incurred by the Federal Government in the 6-month period from October 21, 1997, through April 20, 1998, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the national emergency with respect to Significant Narcotics Traffickers are estimated at approximately $620,000. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, and the Office of the General Counsel), the Department of Justice, and the Department of State. These data do not reflect certain costs of operations by the intelligence and law enforcement communities.

7. Executive Order 12978 provides my Administration with a tool for combatting the actions of significant foreign narcotics traffickers centered in Colombia and the unparalleled violence, corruption, and harm that they cause in the United States and abroad. The Order is designed to deny these traffickers the benefit of any assets subject to the jurisdiction of the United States and to prevent United States persons from engaging in any commercial dealings with them, their front companies, and their agents. Executive Order 12978 demonstrates the United States commitment to end the damage that such traffickers wreak upon society in the United States and abroad.

The magnitude and the dimension of the problem in Colombia—perhaps the most pivotal country of all in terms of the world's cocaine trade—are extremely grave. I shall continue to exercise the powers at my disposal to apply economic sanctions against significant foreign narcotics traffickers and their violent and corrupting activities as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 24, 1998.*

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. FORD:

S. 1989. A bill to amend the Internal Revenue Code of 1986 to increase the standard deduction amount to reduce the marriage penalty, simplify the filing of individual tax returns, and provide tax relief for lower and middle income individuals, and for other purposes; to the Committee on Finance.

By Mrs. HUTCHISON (for herself and Mr. GRAMM):

S. 1990. A bill to authorize expansion of Fort Davis National Historic Site in Fort Davis, Texas; to the Committee on Energy and Natural Resources.

By Mr. JOHNSON:

S. 1991. A bill to require the Secretary of Transportation to issue regulations to provide for improvements in the conspicuity of rail cars of rail carriers; to the Committee on Commerce, Science, and Transportation.

By Mrs. HUTCHISON (for herself and Ms. COLLINS):

S. 1992. A bill to amend the Internal Revenue Code of 1986 to provide that the $500,000 exclusion of a gain on the sale of a principal residence shall apply to certain sales by a surviving spouse; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER:

S. Res. 217. A resolution recognizing the Valley Forge Military Academy and College for establishing the "General H. Norman Schwarzkopf Library"; to the Committee on Armed Services.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 218. A resolution to authorize testimony, production of Senate documents, and representation by Senate Legal Counsel in civil case; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FORD:

S. 1989. A bill to amend the Internal Revenue Code of 1986 to increase the standard deduction amount to reduce the marriage penalty, simplify the filing of individual tax returns, and provide tax relief for lower and middle income individuals, and for other purposes; to the Committee on Finance.

THE MARRIAGE PENALTY REDUCTION ACT

Mr. FORD. Mr. President, it is the time of the year when we are certain to hear more ideas for tax reform. We're certain to hear many colleagues discuss the unfairness of our current tax code. Although taxes in this country remain lower than major competitors like the United Kingdom, Japan, and Germany, many families feel their tax burden has been increasing.

One of the interesting reasons why some individuals feel squeezed is the changing nature of the tax burden over the last few decades. For example, individual income taxes—both as a percentage of all federal taxes paid and as a percentage of gross domestic product—are at roughly the same levels as they were in 1970. Yet during that same time period the so-called social insurance taxes or payroll taxes have risen dramatically, primarily to fund Social Security and Medicare. And the portion of revenues collected from corporate income taxes has fallen by an equally dramatic amount. For example, in 1960, we collected $1.89 in individual income taxes for every $1.00 in corporate income taxes. By 1980 this ratio has risen to $3.78 in individual income taxes for every $1.00 in corporate income taxes. And today we collect $4.02 in individual income taxes for every $1.00 in corporate income taxes. It is no wonder individuals feel squeezed.

As we begin to debate several tax reform proposals this year, perhaps none will receive as much attention as the so-called marriage penalty. The marriage penalty refers to the aspect of the tax code, which results in many married couples paying more in taxes than they would if both spouses remained single. Yet few will discuss—and I found this to be very interesting—that 51 percent of married couples actually receive a marriage "bonus", meaning they pay less in federal taxes as a result of being married.

Let me repeat that. Fifty-one percent of married couples—a majority of married couples—pay less in federal taxes than they would if both spouses remained single. Last June CBO found that 51 percent of married couples receive a marriage bonus averaging $1,300 per couple. If they were required to file as single individuals, federal revenues would be $32.9 billion greater each year.

CBO also found that 42 percent of married couples are subject to a marriage penalty, paying an average of $1,400 more per couple in taxes than if both were single, for a total of $28.8 billion per year in additional revenues. In other words, fully eliminating the marriage penalty costs $28.8 billion per year. However, if both marriage penalties and marriage bonuses were eliminated, there would actually be a net increase in federal revenues of $4.1 billion per year. Forty-two percent of married couples would receive a tax cut, but 51 percent of married couples would receive a tax increase.

There is no way to make a statement about income tax exciting. There is nothing you can talk about that brings you out on the edge of your seat. I am not going to try to do that. So I am going to put into the RECORD several examples of how couples, both making $20,000 a year and filing jointly or filing single, and then one breadwinner making $200,000 while his spouse stays home and cares for the children—how much less they would pay than the married couple making $40,000.

I think you can already see the trend is to try to take care of that lower income and not increase the bonus, as S. 1285 does.

CBO found numerous causes for these differentials in tax treatment. However, two major factors explain most of the reason why married couples are treated differently: (1) the standard deduction, and (2) the tax rate schedules. In each case, the cutoff for married couples is about two-thirds higher than for single individuals.

For example, in 1998, the standard deduction is $4,250 for singles and $7,100 for married joint filers—about 67% higher, but applying to two people instead of one. This has significant implications for married couples who do not itemize their deductions. For a couple where one spouse earns all the income, this means a deduction of $2,850 more than if both spouses were single, giving them a marriage bonus. However, for a couple where both spouses have significant income, the result is a deduction of $1,400 less than if both were single.

Similar results occur when comparing tax rates. In 1998 the 15% bracket extends to incomes of $25,350 for singles, and $42,350 for married joint filers—about 67% higher. Most one-income couples receive a marriage bonus because an additional $17,000 is taxed at the lower 15% level. However, many dual-income married couples will find that less of their income is taxed at the 15% level.

So it is far more complex than some have been led to believe. For instance, many married couples currently receiving a marriage bonus have the impression that all married couples are penalized. Many married couples are unaware that there is such a thing as a marriage bonus. But remember—51 percent of all married couples currently receive a marriage "bonus" and pay an average of $1,300 LESS in taxes than if they were single, according to CBO. They tried to eliminate the so-called marriage penalty. But they increased the marriage bonus we now have for over 50 percent of our filers. Therefore, I think that is a little bit unfair for a $200,000-a-year filer to receive an additional tax cut where we are just trying to make it even for those who make $40,000 or less.

I believe we should consider taking reasonable steps to address the marriage penalty. However, I strongly disagree with the approach taken in the leading Senate bill proposed on this topic—S. 1285. S. 1285 would allow married couples to file "combined" returns where income can be split 50-50, and each spouse taxed at single rates.

S. 1285 would add significantly to the complexity of the current Tax Code. Last year we went through all of this. "We are going to reduce the Tax Code; we are going to make it simpler." We only added almost 900 pages to the Tax Code last year. We go out here and beat our chest and say, "Oh, we have reformed the Tax Code. We have made it simpler, we have given some tax cuts with 900 additional pages." No wonder H&R Block and CPAs are doing business. We made it so complicated even the smartest minds do not want to fool with it.

S. 1285 would add significantly to the complexity of the current tax code, requiring many couples to calculate their taxes under both the traditional "married filing jointly" category and also under the new "combined" category. But even more troubling, it goes well beyond what is necessary to address the marriage penalty. The costs of the bill appear astronomical—somewhere in the neighborhood of $40 billion per year. For many couples who currently face a marriage penalty under S. 1285 their tax burdens would now be even lower than if they were both single. In other words, many couples currently facing a marriage penalty would find that S. 1285 would not only eliminated the penalty but create a new marriage bonus as well.

And beyond the impact on the marriage penalty, S. 1285 would have the effect of actually increasing the marriage bonus for many couples who already receive a marriage bonus. Let me provide an example.

Consider a young, affluent family of four. Spouse No. 1 makes $200,000 while spouse No. 2 stays at home to raise their two children. They have $30,000 in deductions. According to estimates supplied to me by Citizens for Tax Justice, this family currently receives a marriage "bonus" of $3,161, but under S. 1285 the marriage "bonus" would grow to $4,807.

Mr. President, I understand the marriage penalty, I also understand the appeal of this issue politically. But why in the world would we pass a bill to give a couple making $200,000 the chance to pay $4,807 less in taxes than if they were single, and claim we are doing this in the name of fighting the marriage penalty? It seems that S. 1285 would give very generous tax cuts to wealthy married couples who currently do not face any marriage penalty whatsoever, Why would we do this?

I believe there is a much more logical approach. It is a simpler approach. It would significantly reduce the marriage penalty, especially for lower and middle income families. And it would simplify the tax code at the same time. And perhaps most importantly it would not give huge tax windfalls to wealthy couples who already receive a marriage "bonus" under current law.

Mr. President, today I am introducing the Marriage Penalty Reduction Act. My legislation would significantly increase the standard deduction, to $6,000 for singles, $9,000 for heads of households, and $12,000 for married couples. For many lower and middle income married couples who face a marriage penalty, the current standard deduction is the single most important reason. Under my proposal, the standard deduction would no longer have any role in creating a marriage penalty. None.

There are several advantages to this approach. By setting the standard deduction for married couples at exactly twice the level of singles, no marriage penalty can occur.

Mr. President, 70 percent of all individual tax filers currently take the standard deduction. In other words, only 30 percent itemize their deductions. For married couples who currently take the standard deduction, my proposal will grant them a tax cut of at least $735, significantly reducing any existing marriage penalty. If this $12,000 deduction were in effect in 1998, along with the current personal exemption of $2,700, a family of four would find that their first $22,800 would not be subject to income taxes.

Let me give a second example. Couple No. 2 is a young, newlywed couple. Each makes $20,000 per year, for a total of $40,000. They take the standard deduction. Under current law they owe $4,125 in income taxes as a married couple, but would only owe $3,915 in combined income taxes if both remained single. In other words, current law imposes a "marriage penalty" of $210 on couple No. 2.

Under S. 1285, couple No. 2 would, in fact, be able to eliminate their entire marriage penalty. Their tax bill would be reduced by $210. However, under may proposal, since the standard deduction would also be raised overall, couple No. 2 would see their overall tax bill decline by $765. My proposal would completely eliminate the marriage penalty, and also provide tax relief for this moderate income couple.

There are advantages for some of those who currently itemize deductions as well. Of the 30 percent who do itemize, the average amount of deductions is about $16,000. However, for married couples with itemized deductions under $12,000, they will no longer have to go to the trouble of making calculations under the legislation I am proposing today. They can simply take the higher standard deduction. For many, this will greatly simplify the process of doing their taxes.

And my proposal will cost significantly less than S. 1285. Most who have looked at the issue of tax relief in 1998 understand that S. 1285 is far more than we can afford. My approach costs far less. I intend to ask the Joint Committee on Taxation for an official estimate of this proposal. If we are to debate a tax package later this year with a significant component devoted to the marriage penalty, it is my hope that the proposal I am introducing today can form the basis for a more logical, more rational approach, to the issue. It is also an approach which costs less and simplifies the tax code at the same time.

Mr. President, I ask unanimous consent that a copy of this straightforward proposal appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1989

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marriage Penalty Reduction Act".

SEC. 2. INCREASE IN STANDARD DEDUCTION AMOUNT.

(a) STANDARD DEDUCTION AMOUNT.—Section 63(c)(2) of the Internal Revenue Code of 1986 (relating to the basic standard deduction) is amended—

(1) by striking "$5,000" and inserting "$12,000" in subparagraph (A),

(2) by striking "$4,400" and inserting "$9,000" in subparagraph (B),

(3) by striking "$3,000" and inserting "$6,000" in subparagraph (C), and

(4) by striking "$2,500" and inserting "$6,000" in subparagraph (D).

(b) INDEXING OF AMOUNT.—Subparagraph (B) of section 63(c)(4) of the Internal Revenue Code of 1986 (relating to adjustments for inflation) is amended—

(1) in clause (i)—

(A) by striking "(2) or", and

(B) by striking "and" at the end,

(2) in clause (ii), by striking the period at the end and inserting ", and", and

(3) by adding at the end the following new clause:

"(iii) 'calendar year 1998' in the case of the dollar amounts contained in paragraph (2).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

By Mr. JOHNSON:

S. 1991. A bill to require the Secretary of Transportation to issue regulations to provide for improvements in the conspicuity of rail cars of rail carriers; to the Committee on Commerce, Science, and Transportation.

RAILROAD CAR VISIBILITY ACT

Mr. JOHNSON. Mr. President, today, I am introducing the "Railroad Car Visibility Act," requiring that all railroad cars have some form of visible marker such as reflectors or reflective tape.

The purpose of this legislation is to reduce the number of accidents with both moving trains at rail crossings, and with rail cars parked on sidings. In South Dakota a number of such accidents have occurred recently at rural and small town rail crossings and sidings which are often unprotected or unlighted. Such accidents occur in rural areas across the country.

As a result, last year I urged the Department of Transportation (DOT) to take appropriate measures to improve railroad car visibility. While DOT has begun enforcing rules governing locomotive visibility, rail cars are still not required to have reflective lighting. However, DOT research concludes that "retroreflective materials are useful and satisfactory for enhancing the visibility of railroad cars."

This legislation has the support of both South Dakota's legislature and Governor Janklow. For relatively little cost, this legislation will improve railroad car visibility and thereby reduce the number of accidents, unnecessary injuries and deaths at rail crossings and sidings. Therefore I urge my colleagues to support this legislation and work with me to secure its passage.

Mr. President, I ask unanimous consent to have this bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1991

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMPROVED CONSPICUITY OF RAIL CARS.

(a) IN GENERAL.—Section 20132 of title 49, United States Code, is amended—

(1) by striking the heading and inserting the following:

"§ 20132. Visible markers for train cars";

and

(2) by adding at the end the following:

"(c) IMPROVED CONSPICUITY.—Not later than 180 days after the date of enactment of this subsection, the Secretary of Transportation shall—

"(1) develop and implement a plan to ensure that the requirements of this section are met; and

"(2) issue regulations that require that, not later than 2 years after the date of issuance of the regulations, all cars of freight, passenger, or commuter trains be equipped, and, if necessary, retrofitted, with at least 1 highly visible marker (including reflective tape or appropriate lighting).".

(b) CONFORMING AMENDMENT.—The analysis for chapter 201 of title 49, United States Code, is amended by striking the item relating to section 20132 and inserting the following:

"20132. Visible markers for train cars.".

ADDITIONAL COSPONSORS

S. 263

At the request of Mr. McCONNELL, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 361

At the request of Mr. JEFFORDS, the names of the Senator from New York (Mr. D'AMATO), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Indiana (Mr. LUGAR), and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 361, a bill to amend the Endangered Species Act of 1973 to prohibit the sale, import, and export of products labeled as containing endangered species, and for other purposes.

S. 1334

At the request of Mr. BOND, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availability of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1360

At the request of Mr. ABRAHAM, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Florida (Mr. MACK) were added as cosponsors of S. 1360, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify and improve the requirements for the development of an automated entry-exit control system, to enhance land border control and enforcement, and for other purposes.

S. 1589

At the request of Mr. HUTCHINSON, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1589, a bill to provide dollars to the classroom.

S. 1677

At the request of Mr. CHAFEE, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Indiana (Mr. LUGAR), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1677, a bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

S. 1723

At the request of Mr. ABRAHAM, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 1723, a bill to amend the Immigration and Nationality Act to assist the United States to remain competitive by increasing the access of the United States firms and institutions of higher education to skilled personnel and by expanding educational and training opportunities for American students and workers.

S. 1903

At the request of Mr. THOMAS, the names of the Senator from North Carolina (Mr. FAIRCLOTH) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 1903, a bill to prohibit the return of veterans memorial objects to foreign nations without specific authorization in law.

S. 1957

At the request of Mr. BURNS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1957, a bill to provide regulatory assistance to small business concerns, and for other purposes.

S. 1982

At the request of Mr. GRAMS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1982, a bill to equalize the minimun adjustments to prices for fluid milk under milk marketing orders.

SENATE CONCURRENT RESOLUTION 65

At the request of Ms. SNOWE, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Florida (Mr. GRAHAM), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Michigan (Mr. LEVIN), the Senator from Ohio (Mr. DEWINE), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of Senate Concurrent Resolution 65, a concurrent resolution calling for a United States effort to end restriction on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE RESOLUTION 170

At the request of Mr. SPECTER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of Senate Resolution 170, a resolution expressing the sense of the Senate that the Federal investment in biomedical research should be increased by $2,000,000,000 in fiscal year 1999.

SENATE RESOLUTION 197

At the request of Mr. REID, the names of the Senator from New Jersey (Mr. TORRICELLI), the Senator from Illinois (Mr. DURBIN), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of Senate Resolution 197, a resolution designating May 6, 1998, as "National Eating Disorders Awareness Day" to heighten awareness and stress prevention of eating disorders.

SENATE RESOLUTION 212

At the request of Mr. HUTCHINSON, the names of the Senator from Minnesota (Mr. WELLSTONE), and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of Senate Resolution 212, a resolution expressing the sense of the Senate that at the upcoming United States-China summit the President should demand the release of all persons remaining imprisoned in China and Tibet for political or religious reasons, and for other purposes.

SENATE RESOLUTION 217—RECOGNIZING THE VALLEY FORGE MILITARY COLLEGE FOR ESTABLISHING THE "GENERAL H. NORMAN SCHWARZKOPF LIBRARY"

Mr. SPECTER submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 217

Whereas General H. Norman Schwarzkopf graduated from Valley Forge Military Academy and College as Valedictorian in 1952 and graduated from the United States Military Academy at West Point in 1956;

Whereas General H. Norman Schwarzkopf served with distinction with over 35 years of service, earning numerous distinguished service awards including awards for valor and two purple hearts, foreign decorations, as well as the Congressional Gold Medal and the Presidential Medal of Freedom;

Whereas General H. Norman Schwarzkopf commanded a multi-national coalition of 34 members during Operation Desert Shield/Desert Storm and freed the country of Kuwait on February 26, 1991; and

Whereas the Valley Forge Military Academy and College intends to build the General H. Norman Schwarzkopf Library and to dedicate it as a national commemorative site for Operation Desert Shield/Desert Storm: Now, therefore, be it

Resolved, That the United States Senate recognizes Valley Forge Military Academy and College for establishing a "General H. Norman Schwarzkopf Library", which will serve as a national commemorative site for Operation Desert Shield/Desert Storm.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the Valley Forge Military Academy and College.

Mr. SPECTER. Mr. President, today I seek to submit a resolution recognizing the Valley Forge Military Academy and College for establishing the "General H. Norman Schwarzkopf Library."

The Valley Forge Military Academy and College, located near Historic Valley Forge National Park and Philadelphia, Pennsylvania, is the ideal site to commemorate General H. Norman Schwarzkopf and his many accomplishments. The Academy broke ground in March, 1998 to begin construction of a Regimental Mess Hall, a section of which will serve as a Library to honor those Americans who participated in the Desert Shield and Desert Storm campaigns. The Library, which would serve both the Academy and the community, will contain some of the General's personal papers, memorabilia, and artifacts commemorating Desert Storm and Desert Shield. It would be appropriate and beneficial for young collegians to have access to history they have witnessed. In 1989, General Schwarzkopf is quoted as having said, "West Point prepared me for the Army, but Valley Forge prepared me for life."

General Schwarzkopf graduated from the Valley Forge Military Academy as Valedictorian in 1952, thereafter he entered the United States Military Academy at West Point. During Operations Desert Shield and Desert Storm, General Schwarzkopf served as the Commander in Chief of the United States

Central Command. From his days as an accomplished cadet, General Schwarzkopf has proven himself to be a superior and compassionate commander.

General Schwarzkopf has served the United States with distinction for more than 35 years. Throughout his military career, the General has earned numerous distinguished service awards including commendations for valor, two purple hearts, honoring decorations, as well as the Congressional Gold Medal and the Presidential Medal of Freedom.

For these reasons, I take great pride in sponsoring this resolution to recognize the Valley Forge Military Academy and College for establishing the "General H. Norman Schwarzkopf Library," which will serve as a national commemorative site for Operations Desert Shield and Desert Storm.

SENATE RESOLUTION 218—TO AUTHORIZE TESTIMONY, PRODUCTION OF DOCUMENTS, AND REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 218

Whereas, in the case of *Buroojy, et al.* v. *Walsh, et al.*, Civil Case No. 97-91407, pending in the Superior Court of the State of Arizona, documents have been subpoened from the offices of Senator John McCain and Senator Jon Kyl;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members, officers, or employees of the Senate with respect to any subpoena, order, or request for evidence relating to their official responsibilities;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That employees of the offices of Senator McCain and Senator Kyl are authorized to testify and produce documents in the case of *Buroojy, et al.* v. *Walsh, et al.*, except concerning matters for which a privilege or objection should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent Senator McCain and Senator Kyl and their employees in connection with the testimony and document production authorized in section one of this resolution.

AMENDMENTS SUBMITTED

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND CZECH REPUBLIC

KYL (AND LOTT) EXECUTIVE AMENDMENT NO. 2310

Mr. KYL (for himself and Mr. LOTT) proposed an amendment to the resolution of ratification for the treaty (Treaty Doc. No. 105-36) protocols to the North Atlantic Treaty of 1949 on the accession of Poland, Hungary, and the Czech Republic. These protocols were opened for signature at Brussels on December 16, 1997, and signed on behalf of the United States of America and other parties to the North Atlantic Treaty; as follows:

In paragraph (1) of section 3, after "(1) THE STRATEGIC CONCEPT OF NATO.—" insert the following:

(A) POLICY OF THE UNITED STATES TOWARD THE STRATEGIC CONCEPT OF NATO.—The Senate understands that the initial adaptation of NATO's strategy for the post-Cold War environment is contained in the Strategic Concept of NATO (as defined in (1)(E)), and that its core concepts remain relevant today as the North Atlantic Alliance approaches the 21st century. The Senate understands that the policy of the United States toward the revised Strategic Concept shall reflect that fact and shall be based upon the following principles:

(i) FIRST AND FOREMOST A MILITARY ALLIANCE.—NATO is first and foremost a military alliance. NATO's success in securing peace is predicated on its military strength and strategic unity.

(ii) PRINCIPAL FOUNDATION FOR DEFENSE OF SECURITY INTERESTS OF NATO MEMBERS.—NATO serves as the principal foundation for collectively defending the security interests of its members against external threats.

(iii) PROMOTION AND PROTECTION OF UNITED STATES VITAL NATIONAL SECURITY INTERESTS.—Strong United States leadership of NATO promotes and protects United States vital national security interests.

(iv) UNITED STATES LEADERSHIP ROLE.—The United States maintains its leadership role of NATO through the stationing of United States combat forces in Europe, providing military commanders for key NATO commands, and through the presence of United States nuclear forces on the territory of Europe.

(v) COMMON THREATS.—NATO members will face common threats to their security in the post-Cold War environment, including—

(I) the potential for the re-emergence of a hegamonic power confronting Europe;

(II) rogue states and non-state actors possessing nuclear, biological, or chemical weapons and the means to deliver these weapons by ballistic or cruise missiles, or other unconventional delivery means;

(III) threats of a wider nature, including the disruption of the flow of vital resources, and other possible transnational threats; and

(IV) conflict in the North Atlantic area stemming from ethnic and religious enmity, the revival of historic disputes or the actions of undemocratic leaders.

(vi) CORE MISSION OF NATO.—Defense planning will reaffirm a commitment by NATO members to a credible capability for collective self-defense, which remains the core mission of NATO. All NATO members will contribute to this core mission.

(vii) CAPACITY TO RESPOND TO COMMON THREATS.—NATO's continued success requires a credible military capability to deter and respond to common threats. Building on its core capabilities for collective self-defense of its members, NATO will ensure that its military force structure, defense planning, command structures, and force goals promote NATO's capacity to project power when the security of a NATO member is threatened, and provide a basis for ad hoc coalitions of willing partners among NATO members. This will require that NATO members possess national military capabilities to rapidly deploy forces over long distances, sustain operations for extended periods of time, and operate jointly with the United States in high intensity conflicts.

(viii) INTEGRATED MILITARY STRUCTURE.—The Integrated Military Structure of NATO underpins NATO's effectiveness as a military alliance by embedding NATO members in a process of cooperative defense planning and ensuring unity of command.

(ix) NUCLEAR POSTURE.—Nuclear weapons will continue to make an essential contribution to deterring aggression, especially aggression by potential adversaries armed with nuclear, biological, or chemical weapons. A credible NATO nuclear deterrent posture requires the stationing of United States nuclear forces in Europe, which provides an essential political and military link between Europe and North America, and the widespread participation of NATO members in nuclear roles. In addition, the NATO deterrent posture will continue to ensure uncertainty in the mind of any potential aggressor about the nature of the response by NATO members to military aggression.

(x) BURDENSHARING.—The responsibility and financial burden of defending the democracies of Europe will be more equitably shared in a manner in which specific obligations and force goals are met by NATO members.

CRAIG EXECUTIVE AMENDMENT NO. 2311

(Ordered to lie on the table.)

Mr. CRAIG submitted an amendment intended to be proposed by him to the resolution of ratification for the treaty (Treaty Doc. No. 105-36) protocols to the North Atlantic Treaty of 1949 on the accession of Poland, Hungary, and the Czech Republic. These protocols were opened for signature at Brussels on December 16, 1997, and signed on behalf of the United States of America and other parties to the North Atlantic Treaty; as follows:

Insert after subparagraph (A) of section 3(1) the following new subparagraph:

(B) REQUIREMENT OF UNITED NATIONS COMMITMENT FOR REIMBURSEMENT OR CREDITING OF UNITED STATES EXPENDITURES FOR CERTAIN NATO MISSIONS.—Prior to the deposit of the United States instrument of ratification, the President shall certify to the Senate that he has obtained a commitment from the United Nations that United States expenditures for costs incurred in any mission described in subparagraph (A)(ii) shall be treated by the United Nations as in-kind contributions by the United States to a United Nations peacekeeping operation and shall be—

(i) reimbursed to the United States out of funds available to the United Nations; or

(2) credited toward contributions assessed the United States by the United Nations for such operations.

Redesignate subsequent subparagraphs in section 3(1) accordingly.

Mr. CRAIG. Mr. President, today I am filing an amendment related to the resolution of ratification for the proposed expansion of the North Atlantic Treaty Organization.

Last May, President Clinton publicly embraced the idea of a "new NATO" mission. It is my concern that the President's vision of a new NATO will signal the end of NATO as a defensive alliance and begin its role as a global peacekeeping organization.

I have several concerns about the President's vision for NATO, not the least of which is cost for a "new" NATO. It seems to me that if the President continues to eagerly commit our men and women in uniform to dangerous peace-keeping missions, for which, the U.S. invariably pays the lion's share of the cost, the United Nations should either be forced to reimburse us for those costs, or relieve our so-called arrears.

Therefore, I will be offering an amendment which requires that prior to the deposit of the instrument of ratification for NATO expansion, the President must certify that the Senate has obtained a commitment from the United Nations that the U.S. will be reimbursed or credited for costs incurred in peace-keeping missions.

I am offering this amendment because I am both concerned and frustrated by the tremendous costs that the U.S. incurs in peacekeeping and humanitarian missions around the globe. Our men and women in uniform are asked to do more and more, with less and less. Meanwhile, American taxpayers foot the bill for these missions. Yet, the United States is handed the single largest assessed contribution for any U.N. member, despite the huge commitments we maintain across the globe.

I hope my colleagues will support this common-sense amendment to force the United Nations to account for the contributions that the United States has made to peace-keeping around the world.

NOTICES OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Wednesday, April 29, 1998, 10 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is "Assistive Technology Act." For further information, please call the committee, 202/224–5375.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Subcommittee on Public Health and Safety, Senate Committee on Labor and Human Resources will be held on Thursday, April 30, 1998, 11 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Agency for Health Care Policy Research. For further information, please call the committee, 202/224–5375.

ADDITIONAL STATEMENTS

NORTHERN IRELAND PEACE AGREEMENT

• Mr. BROWNBACK. Mr. President, I was unable to vote on Senate Concurrent Resolution 90, which acknowledges the historic Northern Ireland Peace Agreement. Had I been present I would have voted in favor of the resolution. I request that the official record so indicate.

Mr. President, Ireland has suffered thirty years of turmoil, a tragic set of circumstances which has taken a deep toll on the Irish people. This toll can be measured in the loss of thousands of lives, and the instability which arises from thirty years of constant fighting, and terror. Despite the best efforts of the governments of the Republic of Ireland and the United Kingdom over the years to find an equitable solution, these, until recently were to no avail.

Mr. President, finally I would note that the symbolism of this accord being reached on Good Friday should not escape us. It has been said that Good Friday is the vortex to which all history is drawn, and out of which all history flows, forever transformed. Let us hope that this momentous accord will set Ireland on a course towards peace and prosperity from which there is no turning back.•

STEPHEN C. ROBINSON—U.S. ATTORNEY FOR THE STATE OF CONNECTICUT

• Mr. DODD. Mr. President, there are few issues as important as protecting our citizens and keeping our communities free of crime. Americans should feel secure in their homes, at their schools, and in their neighborhoods, and in recent years we have made tremendous progress in this area, reducing the crime rate for a record five years in a row. But more work needs to be done. One of the most effective ways to make our streets safer is attracting talented and committed individuals to work in law enforcement. That is why I am so pleased that my Senate colleagues have displayed great wisdom and unanimously confirmed Stephen C. Robinson to serve as U.S. Attorney for the State of Connecticut.

Mr. Robinson has extensive and varied law enforcement experience in the public sector and his legal and investigative work for the private sector well qualify him to serve in this position. I was proud to recommend his nomination to the President, and I believe that he will bring a sense of intelligence, integrity, and energy to this office.

After graduating from Cornell University and Cornell Law School, Mr. Robinson was in private practice for several years. He then became an Assistant U.S. Attorney in the Southern District of New York where he directed the prosecution of narcotics cases and tax fraud and securities fraud cases. He also argued appeals in the U.S. Court of Appeals in the Second Circuit. In 1990, Mr. Robinson received the Department of Justice's Director Award for Superior Performance as an Assistant U.S. Attorney.

Mr. Robinson also has served as Associate General Counsel and Managing Director at Kroll Associates, the world's largest private investigation firm. In 1993, FBI Director Louis Freeh asked Mr. Robinson to join the Bureau as his Special Assistant and General Counsel. At the FBI, he oversaw counter-terrorism and counter-espionage policy and investigation; revision of the selection and promotion process for Special Agents; and FBI undercover investigation proposals. Mr. Robinson has most recently worked as Chief Compliance Officer for Aetna U.S. Healthcare in Middletown, Connecticut, and he is also an instructor of Trial Practice Law at Yale Law School.

Mr. Robinson's confirmation is particularly significant in Connecticut, because he is the first African-American to ever serve as our State's top federal prosecutor. He has spoken publicly about the sense of hopelessness amongst young blacks throughout the country. And having grown up in the Bedford-Stuyvesant section of Brooklyn, Mr. Robinson hopes that young people from inner cities will look at him and see someone who can not only relate to their circumstances, but who also illustrates that if you get your education and work hard you can attain your goals, regardless of where you come from. Mr. Robinson stands as a positive role model for African-American youths, and in fact all young people.

By taking the post of Connecticut's U.S. Attorney, Mr. Robinson is renewing his connection to public service. But this may have never been possible were it not for a conversation between Steve and his mother in 1996. During the Thanksgiving holidays, his mother encouraged him to return to public service and give more back to his community. Mr. Robinson has frequently stated that this conversation prompted him to reevaluate what he wanted to do with his life. Upon reflection, he decided to take his mother's advice, and he decided that he should return to public service. On behalf of the people of Connecticut, I would like to thank Steve's mother. Steve Robinson is a man of outstanding character and intelligence, and we are fortunate to have him serve as our next U.S. Attorney.

I offer my sincere congratulations to Steve, his wife Kathleen Sullivan, his daughter Victoria, and all of his family and friends on his well-deserved confirmation. I have every confidence that he will flourish in this position.●

THE 5TH ANNUAL HEARTS FOR LIFE BENEFIT

● Mr. ABRAHAM. Mr. President, I rise today to recognize a very special event in the state of Michigan. The 5th Annual Hearts for Life Benefit, sponsored by Right To Life—Lapeer County, will take place on Monday, May 4, 1998, at the Lapeer County Center Building. The Master of Ceremonies will be the Honorable Michael P. Higgins and the guest speaker for the evening will be Monsignor James P. Lisante, director of Family Ministry and Pastor of St. Thomas the Apostle in West Hempstead, New York. He is a champion of pro-life causes.

An event like this one is very important for the pro-life movement. It reinforces the fact that at every level, we have people who value the sanctity of life working together. This is very encouraging. All who are involved with the Hearts for Life event should be commended not only for their efforts in planning it but for their efforts in promoting this very important cause. I extend my best wishes and appreciation to the Right To Life—Lapeer County.●

KATHERINE PATERSON, WINNER OF THE 1998 HANS CHRISTIAN ANDERSON AWARD

● Mr. LEAHY. Mr. President, my wife and I have lived our lives in Vermont. One of the great advantages of that is the wonderful Vermonters we have gotten to know over the years.

One of our valued Vermonters is Katherine Paterson, who has just won the 1998 Hans Christian Anderson Award for her authorship of children's books.

Mrs. Paterson has written 27 children's books, and she and her husband, the Reverend John Paterson, live on Cobble Hill in Barre Town, not far from our tree farm in Middlesex, Vermont.

While I was home for Easter Break, I read a wonderful article about her in the Saturday, April 11th, Times Argus, and I ask that it be printed in the RECORD.

The article follows:

[From the Times Argus, Apr. 11, 1998]

BARRE AUTHOR WINS WRITING AWARD—FOR KATHERINE PATERSON "THE CLOSEST I'LL EVER GET TO A NOBEL PRIZE"

(By David W. Smith)

BARRE TOWN—Author Katherine Paterson has just won what may be the most prestigious award in her field, the Hans Christian Andersen Award, but that doesn't make finding a last-minute seat on a plane to New Delhi any easier.

"It's hard to get a ticket to India," she said with a sigh, as yet another phone call interrupted her train of thought.

Paterson, the well-known Barre author of 27 children's books, needs to find her way to the other side of the world by April 20 to receive the award, bestowed every two years by the International Board on Books for Young People (IBBY). An international jury of children's literature specialists selects a recipient who has created a body of work important to the genre. Paterson's work has been translated into 22 languages.

"An award for a body of work is the best kind," said Paterson. "None of your children get neglected."

Sitting in the parlor of her house on Cobble Hill Road, Paterson joked about the award and the prestige that children's authors accept in lieu of money, but also reflected with a sense of wonder on the amount of attention she's received in her 34-year writing career.

"It's thrilling. I'm surprised at how thrilled I was," she said. "It's the closest I'll ever get to a Nobel Prize."

Paterson's first attempt at serious writing was a book for the Presbyterian Church explaining questions of religious faith to children. "Who Am I?" was published in 1964, but from there it would be a long seven years until another of her works went to press.

"I feel I've paid my dues," she said.

Working in a small corner room of her house with a single skylight which she described as "the room that has books all over the floor," Paterson tries to rise each day and write for a few hours before breakfast.

"(It's when) your critical mind is lazier than your creative mind," she said. "I'm glad I have a critical mind, it just gets in the way when you're trying to get through the first draft." Paterson writes for children of all ages, but is best known by her novels for 10–14 year-olds, like "Lyddie," "The Great Gilly Hopkins," "Bridge to Terabithia," and "Jip, His Story."

"I really am a writer for children and very happy to be a writer for children," she said. "They're your best audience. They want your book to be the best book they ever read."

The recipient of many awards, Paterson has also been subject to critical scrutiny. Her books have been singled out as containing everything from obscenity and profanity to religious blasphemy and have even been banished from libraries.

Never one to shy away from difficult subject matter, "Lyddie," deals with the sexual harassment and exploitation of mid-19th century factory girls, while "Terabithia" focuses on a child's grief at the death of a special friend. Paterson said that usually it is the adults, not the young readers, who are upset by her work.

"(Adults) don't want to believe that children feel things as deeply as they do," she said. "They want them to stay innocent."

Paterson said she felt her more controversial work was often released at the same time as other children's books which dealt with similar topics.

"We all breathe the same air," she said, "and we all sort of breathe in themes at the same time."

A play based on her novel, "The Great Gilly Hopkins," which was adapted by her son David, will be presented by the Center Stage Theater Group on May 8 and 9 at the Barre Opera House. The same play is being performed on Broadway.●

DEDICATION OF THE BETHEL CHURCH OF GOD IN CHRIST

● Mr. SANTORUM. Mr. President, on April 26, the Bethel Church of God in Christ will celebrate "A New Work." Not only will this two year old ministry install a new pastor, Elder George Shepherd Christopher, but also, the congregation will dedicate its new church in Pittsburgh. The theme for the installation service comes from Psalm 118:23, "This is the Lord's doing, it is marvelous in our eyes."

The Bethel Church of God in Christ is a community based, Bible believing, Christ centered, Spirit directed fellowship. For the past two years, this church has selflessly dedicated itself to community service. The congregation believes it is necessary to minister to the whole person for the glory of God. Having pledged to provide "Ministry to the heart of East Liberty and beyond," the church looks forward to the challenges and promises of the future.

Mr. President, the parishioners and clergy have worked and prayed tirelessly for both the new building and their new pastor. In closing, I ask my colleagues to join me in extending the Senate's best wishes to the Bethel Church of God in Christ. With God's help, this church will be a light for lost souls in East Liberty and throughout Pittsburgh.●

HONORING THE ARMENIAN VICTIMS OF THE OTTOMAN EMPIRE

● Mr. FEINGOLD. Mr. President, I rise today to honor the memory of the ethnic Armenians who died at the hands of the Ottoman Empire from 1915–1923. Last week, we marked the 83rd anniversary of the beginning of a systematic, officially-sanctioned genocide that would eventually claim 1.5 million lives and force more than 250,000 to flee their homeland. As a result, there are fewer than 80,000 Armenians remaining in present-day Turkey.

I have spoken about these events every year of my term, on or near this date, in order to remind the Senate—and to remind the American people—of the sacrifice of these 1.5 million people who were murdered simply because of their ethnicity. In a country where we cherish the ethnic diversity of our citizens and welcome legal immigrants from around the globe, we sometimes forget about the ethnic strife that existed—and continues to exist—all over the world.

Unfortunately, ethnic conflict has led to genocide all too often, as we have seen during this decade in Bosnia, Rwanda, and elsewhere. More recently, there has been a resurgence of ethnic fighting in Kosovo, where the minority Serb population seeks to control the majority Albanian population.

Mr. President, human rights violations have become all too commonplace in the modern world. Beatings, rapes, murders, and "disappearances" have become routine weapons of war in battles where the perpetrators are rarely brought to justice. It is my strong view that the United States must continue to lead the fight for global human rights.

The recent death of Khmer Rouge leader Pol Pot—who died before he could be tried for the murders of millions of Cambodians—reinforces the urgency of bringing those responsible for genocide to justice. I applaud the efforts of the United Nations International Criminal Tribunal which is currently working to prosecute those responsible for the atrocities committed in Rwanda and the Former Yugoslavia.

As we honor the memory of the 1.5 million Armenians whose annihilation began 83 years ago, we must also remember the countless other victims of "ethnic cleansing" around the globe, and recommit ourselves to the effort to punish those responsible for these unspeakable crimes.•

THE 50TH ANNIVERSARY OF THE INDEPENDENCE OF SRI LANKA

• Mr. BROWNBACK. Mr. President, I rise today to commemorate the 50th Anniversary of independence of Sri Lanka. I believe it is appropriate that we so mark this occasion by offering our congratulations to her excellency, President Kumaratunga and the people of Sri Lanka.

In the five decades since Sri Lanka gained its independence from British colonial rule, Sri Lanka has held regular national elections as well as provincial and local government elections. The most recent parliamentary elections were held in August 1994, and the third presidential election was held in November 1994.

Sri Lanka has prospered economically since 1977, when it introduced economic liberalization policies which shifted the economy away from state controls, subsidies and public sector involvement to a market-oriented system in which private entrepreneurship flourishes. The U.S. is Sri Lanka's largest trading partner, accounting for 30% of the latter's exports, and over 90 U.S. companies have invested in Sri Lanka, with a heavy concentration in mining and textiles.

U.S. official relations with Sri Lanka date back to 1850 when John Black, an American merchant residing in Colombo was appointed the first American commercial agent in Galle. Fifty years later the agency moved to Colombo and became a consulate. It subsequently became an embassy in 1948 after Sri Lanka became independent.

The exchange of bilateral visits has played an important role in strengthening the cordial relations between our two nations. Then Secretary of State John Foster Dulles visited Sri Lanka soon after its independence, and since that time members of this body as well as our colleagues in the House have regularly visited this lovely country.

Despite its prosperity and commitment to democratic principles, Sri Lanka has been plagued for many years by two domestic insurgencies, one mainly Tamil in the North, and the other mainly Sinhalese, in the South. The result has been the loss of many lives and heavy damage to property. The government has reiterated its commitment to addressing grievances articulated by these groups through dialog and the process of negotiation. Four rounds of unconditional talks with the Tamil Tiger separatists were held following the President's election in November 1994, and a cease fire was subsequently reached. This however, was breached by the separatists after 3½ months when they resumed their terrorist activity.

As a result of these terrorist actions at home, Sri Lanka has placed counter terrorism at the forefront of its foreign policy. Sri Lanka was the Vice Chair of the United Nations Ad hoc Committee on Terrorism and played an important role in the drafting of the Convention for the Suppression of Terrorist Bombing, being the first to sign the Convention at United Nations Headquarters on January 12, 1998.

I am therefore, Mr. President, pleased to acknowledge this occasion by expressing best wishes to the Government and people of Sri Lanka as they celebrate 50 years of independence. I know that we all look forward to continued cooperation and friendship with the Government and people of Sri Lanka in the years ahead.•

RECOGNIZING ARIZONA'S TOP TWO 1998 YOUTH VOLUNTEERS

• Mr. McCAIN. Mr. President, I would like to congratulate and honor two young Arizona students who have achieved national recognition for exemplary volunteer service in their communities. Eliza Robinson of Scottsdale and Jason Kelley of Prescott have just been named State honorees in the 1998 Prudential Spirit of Community Awards program, an annual honor conferred on only one high school student and one middle school student in each state, the District of Columbia and Puerto Rico.

Ms. Eliza Robinson is being recognized for her many years of dedication and service to the Multiple Sclerosis Society, culminating with a term as spokesman for that wonderful organization.

Mr. Kelley is being recognized for his efforts to start a Youth Chamber of Commerce. Jason's organization will give other young people in his community the opportunity to participate in Chamber events similar to those sponsored by their local Chamber of Commerce, as well as interact with business leaders from the area.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it's vital that we encourage and support the kind of selfless contributions these young people have made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Mr. Kelley and Ms. Robinson are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought these young role models to our attention—The Prudential Spirit of Community Awards—was created by the Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued and to inspire other young people to follow their example. In only three years, the program has become the nation's largest youth recognition effort based solely on community service, with more than 30,000 youngsters participating.

Ms. Robinson and Mr. Kelley should be extremely proud to have been singled out from such a large group of dedicated volunteers. As part of their recognition, they will come to Washington in early May, along with other 1998 honorees from across the country, for several days of special events, including a Congressional breakfast reception on Capitol Hill. While in Washington, ten will be named America's top youth volunteers of the year by a distinguished national selection committee co-chaired by our colleagues, Senators BOB KERREY of Nebraska and TIM HUTCHINSON of Arkansas.

I heartily applaud Mr. Kelley and Ms. Robinson for their initiative in seeking to make their communities better places to live, and for the positive impact they have had on the lives of others. I also would like to salute four other young people in my state who were named Distinguished Finalists by the Prudential Spirit of Community Awards for their outstanding volunteer service. They are: Chrissy Weiers of Maricopa, who has demonstrated an extraordinary commitment to make her peers aware of the dangers of drugs; Christina Barela of Glendale, who helped organize a day camp for elementary school girls; Purvi Patel of Yuma, who designed and built a park adjacent to her school with five peers from the Gifted and Talented Education Program; and Tirzah Orcutt of Phoenix, who created a volunteer project to paint a mural on the Veterans Administration Medical Nursing Home Care unit in Phoenix.

All these young people have demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserve our sincere admiration and respect. Their actions show that young Americans can—and do—play important roles in their communities, and that America's community spirit continues to hold tremendous promise for the future.●

GORTON AMENDMENT TO H.R. 2646

● Mr. FAIRCLOTH. Mr. President, I rise to explain my support of Senator GORTON's amendment to the Coverdell A+ Accounts legislation. I was pleased to support the Gorton amendment because it returns the decision making authority over our children's education to parents, teachers, and locally elected school boards. After more than 30 years of top down control, it is clear that the hundreds of federal education programs and one size fits all policies from Washington, D.C. are not working.

The Gorton Amendment allows each state to choose from one of three options: to have federal funds sent directly to local school districts minus federal regulations; to have funds sent to the state education authority without federal regulations; or to continue to receive federal funds under the current system of categorical programs. Any changes to the current system are not mandated by the federal government—but are left to the discretion of the states.

I believe this is a wonderful opportunity to send money directly to local school districts free from the excessive mandates and regulations imposed on our schools from the Department of Education. I want it clearly understood, though, that this does not affect my support for the National Board for Professional Teaching Standards. I support the National Board and support further funding for its initiatives.

The National Board for Professional Teaching Standards (NBPTS) seeks to establish high and rigorous standards for teachers. It is leading the way in making teaching a profession dedicated to student learning and to upholding high standards for professional performance. Teachers are role models for our students and our communities. Interestingly enough, they are the ones leading the way in establishing and implementing the National Board certification.

I fully support the National Board for Professional Teaching Standards and hope that this body will support it for the sake of our young people. It is children in their care that are the beneficiaries of teacher improvement.●

THE 60TH ANNIVERSARY OF THE VERMONT ELECTRICAL COOPERATIVE

● Mr. LEAHY. Mr. President, I would like to take this time to commemorate the 60th birthday of the Vermont Electric Cooperative. Beginning on that April day in 1939 when the co-op first brought electricity to a family farm in Eden, they have provided an indispensable service to generations of Vermonters who were missing out on the conveniences of electricity.

Mr. President, I ask that a short retrospective about the co-op which recently appeared in their newsletter be printed in the RECORD.

The material follows:

HAPPY BIRTHDAY CO-OP!!—A RETROSPECTIVE

Studying by lantern light, milking cows by hand, cutting blocks of river ice for refrigeration—life in Colonial America, perhaps?

In rural Vermont, this way of life was not so long ago and there are plenty of Co-op members who remember all too well those days before Vermont's Governor George Aiken pioneered the federal legislation that spawned the birth of Vermont Electric Cooperative.

This year, the Co-op celebrates the sixtieth anniversary of its creation which brought to rural residents of Vermont the conveniences of electricity which many Americans had been enjoying for years.

More than anyone, Vermont's farmers looked forward to the day when the power poles would march down the road to their own barns and houses. Harold Putnam, of Cambridge, was one of them.

"Some of our neighbors closer to town were already on CVPS and we were very anxious to get electricity to the barn and the house. The gas lanterns we were using in the barn were kind of dangerous, the gas-powered milking system didn't always work and it was hard to keep things clean without a constant supply of hot water."

The Putnam farmhouse had running water from a spring by the kitchen door to keep food cool. Harold's mother, Maybelle, was especially looking forward to the day when the barn would have its own hot water tank and the endless parade of milking equipment through the kitchen to her sink would finally end, recalled Harold's wife, Lois.

The Putnams relied on a gravity-fed system to bring cold spring water into a tank in the barn which held milk cans. Until the late 1930's, the Putnams, like many farmers in Vermont, sold their cream to a local creamery. The Putnams worked with the Cloverdale Creamery in Westford on Route 15, where the Burlington and Lamoille Railroad had been stopping since 1887. The cream was then shipped to Hartford, Connecticut. The skimmed milk was fed to pigs and the family sold pork. Just before the advent of VEC, the Putnams began shipping fluid milk, which required not just the cool spring water, but also a steady supply of ice.

"We bought our ice from a neighbor who cut ice under the Cambridge covered bridge (the long bridge now at the Shelburne, Museum) or at Halfmoon Pond in Fletcher," Mr. Putnam explained.

For the Putnams, switching to electricity was a fairly simple matter: their barn was already equipped with a milk pump that had been powered by the unreliable gas-powered system. They wired just half the house at first to save money.

Mr. Putnam took on the task of helping to secure easements for the new Co-op line from the CVPS substation, then at the junction of routes 15 and 104 in Cambridge, out to Poker Hill Road in Underhill.

Twenty-five miles away from Cambridge, Evelyn and Ernest Earle were milking 20 cows by hand in Eden where the entire town was without electricity.

The Earles moved to their current home, just off route 118 between Eden and Belvidere, a year or so after they were married in 1940. It had been the first house in Eden on the Co-op's very first power line, and Mr. Earle was part of the crew that dug the holes for the poles to carry that first line in 1939.

The line that supplied power to what is now the Earle's home originated at the first substation built specifically to serve the Co-op. The house still has the wall brackets which held the gas lamps. Most houses had a large table lamp as well with several mantles that maximized the output of the lamp, easily brightening up an entire room, Mrs. Earle said.

Richard Parker and his brother Henry, who grew up in Lowell, wired many of the buildings served by the Co-op, including those owned by both the Putnams and the Earles, and were later long-time Co-op employees.

Richard Parker, then 21, remembers the day Governor Aiken came to Eden and turned on the lights for the first VEC line. The inaugural line ran from the new Eden substation through the villages of Eden and Eden Mills, where the first Co-op office was located, to Lowell.

"It was quite a gathering—40 or 50 people. The Co-op had tested the lines before-hand to make sure the lights were all working. Governor Aiken threw the switch and the Co-op was in business."

It was a warm, sunny day in April 1939. It had taken less than a year from the creation of the Co-op to the construction of the first substation and transmission line.●

"FRIENDS COMMUNITY SERVICE AWARD" RECIPIENTS

● Mr. ABRAHAM. Mr. President, I rise today to honor two very special people, Dr. Haifa Fakhouri and Ms. Florine Mark. Both will be receiving the "Friends Community Service Award" on Sunday, May 17, 1998 from the American Arab and Jewish Friends, a program of The Interfaith Round Table of the National Conference. American Arab and Jewish Friends was established in 1981 to promote a greater understanding between the Arab and Jewish Communities of Southeastern Michigan.

Dr. Fakhouri is the President and CEO of the Arab-American and Chaldean Council, the nation's largest community based, human service organization serving the Arab-American and Chaldean population. The ACC has grown tremendously under Dr. Fakhouri's leadership. In addition to her work with the ACC, she has served as special advisor to the United Nations on women's issues in the Arab world and as a delegate to the International Women's Conference in Mexico. She also serves on the boards of several national, state and local organizations. In all of her capacities, Dr.

Fakhouri works to strengthen relations between the Arab-American and Jewish communities. She is well-deserving of the award being presented to her.

Ms. Florine Mark has been the President and CEO of the WW Group, Inc., the nation's largest franchise of Weight Watchers International for the last 30 years. In addition to this, Ms. Mark also finds time to serve on the boards of numerous community organizations including the American Red Cross, the Detroit Institute for Children and the United Jewish Appeal National Campaign. Ms. Mark's contributions to society, especially promoting Arab-American, Jewish relations are commendable.

Both of these women deserve special recognition for their contributions to the Arab-American and Jewish communities. I want to congratulate them on their awards. At this time, I would also like to commend the Interfaith Round Table on all of their efforts to improve understanding and friendship between the Arab and Jewish communities. I extend my best wishes for a successful 12th Annual Awards and Scholarship dinner.●

TRIBUTE TO UNIVERSITY OF UTAH ROTC CLASS OF 1944

● Mr. BENNETT. Mr. President, I rise today to pay tribute to the University of Utah ROTC Class of 1944 which responded to the call for active military duty during World War II. On May 2, 1998, at the University of Utah members of the ROTC Class of 1944 will hold a reunion commemorating the 55th anniversary of their activation into our national armed services. I believe it is fitting that we honor them today in the United States Senate.

The University of Utah Reserve Officer Training Corps (ROTC) was an unique organization. It was one of the few military units which were called into service during World War II from a specific community and which can return to that home area for a reunion. Most military units include individuals whose residences are scattered throughout the country. Through an Act of Congress in 1916, ROTC programs were established in higher education institutions across the country. Since that time, they have been an important part of this nation's civil defense—in times of war and peace—training generations of students for service to their country.

In the early 1940s, this class trained at the University of Utah with horse-drawn artillery working with an old French 77 millimeter cannon and with a 105 millimeter howitzer, new at the time. As a unit, this ROTC class was first assigned to Camp Roberts in California, for basic training in truck drawn artillery. Later they were assigned to Fort Sill, Oklahoma, for further training and ultimately received further schooling at the Infantry Officers School at Fort Benning, Georgia. After graduation from Fort Benning, these young men, whose average age at the time was slightly over 20, served as officers in various combat units in Italy, France and the South Pacific.

These were brave and honorable men, each one of them. Of the 99 who were called to active duty in 1943, two were killed in action while serving in the 10th Mountain Division in Italy. One was later killed in the Korean Conflict. Of the group's original 99 members, 71 are still alive. Today, I speak for all Utahns and all Americans when I say, we honor these brave men and pay tribute to them for their service and sacrifice for this great country. The Class of 1944's great tradition of discipline and leadership continues today as many of its members are respected professionals in the public and private sector as well as their own communities.

I ask that the text of the unit's Activation Orders for March 16, 1943 be printed in the RECORD as part of this tribute.

And finally, Mr. President, before I close, I want to thank Chris S. Metos of Salt Lake City, Utah, for the outstanding job he has done to help organize this upcoming reunion and for the many years of service he has provided to this country and to the people of the state of Utah.

The material follows:

ACTIVATION ORDERS: HEADQUARTERS NINTH SERVICE COMMAND, FORT DOUGLAS, UTAH, MARCH 16, 1943

1. Following-named Enl Res, 1st yr Advanced ROTC, are ordered to AD. WP fr Univ of Utah, Salt Lake City, Utah so as to rpt to Recp Cen. Fort Douglas, Utah on April 5, 1943 for processing and asgmt to Camp Roberts, Calif to receive Mil Tung in lieu of that normally given during 2d yr advanced course ROTC (FA) instructions. Ea Enl Res named herein reporting to Recp Cen will present to Classification Officer transcript of colg academic and ROTC records.

Pvt Ray N. Welling, in charge of detachment; Pvt Rodney E. Alsop; Pvt Arthur S. Anderson; Pvt David F. Anderson; Pvt Warren S. Anderson; Pvt Dale F. Barlow; Pvt Eliot D. Barton; Pvt Ronald A. Bell; Pvt Wallace G. Bennett; Pvt Wilford N. Bergener; Pvt Burton F. Brasher; Pvt Over J. Call; Pvt Louis B. Cardon; Pvt Gordon L. Carlson; Pvt John S. Carlson; Pvt Charles G. Chase; Pvt Lorin W. Clayton; Pvt Jack A. Clegg; Pvt Walter K. Conrad; Pvt Max T. Cornwell; Pvt Everett E. Dahl; Pvt Peter W. Eberle; Pvt Bernard J. Eggertsen; Pvt Keith M. Engar; Pvt Boyd C. Erickson; Pvt Roland T. Evans; Pvt Silvio J. Fassio; Pvt Moffet E. Felkner; Pvt Joseph B. Fetzer; Pvt Donald L. Fox; Pvt Norman J. Fuellenbach; Pvt Orin A. Furse; Pvt James H. Gardner; Pvt Phil R. Garn;

Pvt Edwin G. Gibbs; Pvt LeRoy B. Hansen; Pvt Dale A. Harrison; Pvt Leon G. Harvey; Pvt Clarence R. Hawkins; Pvt Charles S. Hewlett; Pvt Parnell K. Hinckley; Pvt Jesse H. Jameson; Pvt James R. Jarvis, Jr.; Pvt Victor D. Jensen; Pvt Frank L. Johnson; Pvt Melvin A. Johnson; Pvt William L. Korns; Pvt Robert J. Kurtz; Pvt Gerald P. Langton; Pvt Earl V. Larson; Pvt Jack D. Lawson; Pvt Franklin M. Leaver; Pvt Elwin C. Leavitt; Pvt George A. Lockhart; Pvt John S. MacDuff; Pvt Robert H. Marshall; Pvt Herbert W. Maw; Pvt Hal N. Mays; Pvt Christopher S. Metos; Pvt Franklin L. McKean; Pvt Clinton R. Miller; Pvt Edward L. Montgomery; Pvt Robert L. Montgomery; Pvt Jerome R. Mooney; Pvt Robert F. Moore; Pvt Henry G. Nebeker; Pvt Frank A. Nelson, Jr.;

Pvt Delbert E. Olson; Pvt August L. Orlob; Pvt Evan J. Pearson; Pvt Richard V. Peay; Pvt Artmas T. Peterson; Pvt Donald H. Pickett; Pvt Bill J. Pope; Pvt Robert F. Poulson; Pvt John R. Rampton, Jr.; Pvt Carry L. Rich; Pvt Charles E. Richards; Pvt William S. Ryberg; Pvt Ernest J. Sabec; Pvt Robert S. Shriver; Pvt Rocco C. Siciliano; Pvt Frank R. Slight; Pvt Allan R. Sloan; Pvt David W. Smith, Jr.; Pvt Craig Temple; Pvt Donald C. Thomas; Pvt Parry E. Thomas; Pvt LaMar Tibbs; Pvt Joseph Tibolla; Pvt Lawrence S. Tohill; Pvt John Van Den Berghe; Pvt Milton E. Wadsworth; Pvt James C. Waller, Jr.; Pvt Saint C. Weaver; Pvt Shirley R. Wood; Pvt Eugene T. Woolf; Pvt Verner H. Zinik; and Pvt William E. Zwick, Jr.

By command of Major General JOYCE:

P. R. DAVISON,
Colonel, General Staff Corps, Chief of Staff.●

TRIBUTE TO MRS. LOUISE CHASE

● Mr. SANTORUM. Mr. President, I rise today to recognize Mrs. Louise Chase, a very special constituent from Horsham, Pennsylvania. A Navy veteran during WWII, Mrs. Chase continues to serve her country and her community as commander of the American Legion, Pennsylvania Department.

Last summer, Mrs. Chase became the first woman to serve as commander of the Pennsylvania Department of the American Legion. She was elected at the conclusion of the 79th convention. Such an honor came as no surprise to those who have followed her involvement in the American Legion. In 1979, Louise was elected as the Department of Pennsylvania's first female vice commander. She has twice served as District Commander. Her Legion service also includes terms as adjutant of Philadelphia County and the Eastern Judicial Section, two terms as post commander, and 12 years as adjutant of Tioga Post 319. Other positions she has held within the organization include state legislative chairman, and chairman of the Select Committee on Economics and Benefits. Moreover, she is one of only two Pennsylvania Legionnaires who served on committees of the two National Conventions held in Pennsylvania.

In the business world, Louise proved to be an equally hard-working and dedicated employee. She was the controller and office manager of Philadelphia's prestigious Germantown Cricket Club for 13 years. She managed two high rise apartment buildings. Mrs. Chase was also a manufacturers' representative for paper container companies. Recently, she retired as an international marketing representative of a major computer manufacturer.

Mr. President, Louise Chase has continued her family's tradition of service to the nation, which literally spans from the Civil War to the Space Age. I ask the Senate to join me in extending the Senate's best wishes for continued success to Mrs. Chase and her family.•

UNANIMOUS-CONSENT AGREEMENT—S. 1186

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the majority leader, after consultation with the minority leader, however not before the conclusion of the NATO treaty, may proceed to consideration of Calendar No. 214, S. 1186, the job training partnership legislation. I further ask unanimous consent that total debate be limited to 4 hours as divided on the amendments listed below. I further ask that the only amendments in order be the following:

One substitute amendment offered by Senator JEFFORDS, with 2 hours equally divided;

One amendment offered by Senator DEWINE, which is the text of Calendar No. 318, S. 1579, the rehabilitation bill, with 30 minutes equally divided;

Two amendments by Senator ASHCROFT, 10 minutes equally divided on each;

One amendment by Senator LAUTENBERG on service delivery area size with 10 minutes equally divided;

One amendment by Senator DOMENICI on business partnerships with 1 hour equally divided.

I further ask consent that no second-degree amendments be in order to the above listed amendments and that following the expiration of time or yielding back of time and disposition of any pending amendments the bill be read a third time and the Senate proceed to vote on passage of the bill with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appoints the following Senators to the Board of Visitors of the U.S. Military Academy: the Senator from Indiana (Mr. COATS), from the Committee on Armed Services, and the Senator from Texas (Mrs. HUTCHISON), from the Committee on Appropriations.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appoints the following Senators to the Board of Visitors of the U.S. Air Force Academy: the Senator from Idaho (Mr. KEMPTHORNE), from the Committee on Armed Services, and the Senator from Montana (Mr. BURNS), from the Committee on Appropriations.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appoints the following Senators to the Board of Visitors of the U.S. Naval Academy: the Senator from Arizona (Mr. MCCAIN), from the Committee on Armed Services, and the Senator from Mississippi (Mr. COCHRAN), from the Committee on Appropriations.

AUTHORIZING TESTIMONY, PRODUCTION OF DOCUMENTS AND REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 218 submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 218) to authorize testimony, production of documents, and representation by Senate legal counsel in civil case.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, this resolution concerns a civil case pending in the Superior Court for the State of Arizona. Prior to the litigation, some of the defendants sought assistance from Senator MCCAIN's and Senator KYL's offices in connection with a child custody dispute. The plaintiffs in the ensuing litigation have alleged, among other things, that the defendants defamed them in connection with the custody dispute. The plaintiffs have now subpoenaed correspondence from the files of the offices of Senator MCCAIN and Senator KYL.

Senators MCCAIN and KYL are willing to provide the requested correspondence to the parties in this case. Accordingly, this resolution would authorize Senator MCCAIN's and Senator KYL's offices to produce and authenticate documents in this case, except where a privilege or objection should be asserted. The resolution also would authorize the Senate Legal Counsel to represent Senator MCCAIN's and Senator KYL's offices, to protect the Senate's privileges in connection with this matter.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 218) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 218), with its preamble, reads as follows:

S. RES. 218

Whereas, in the case of *Buroojy, et al.* v. *Walsh*, et al., Civil Case No. 97-91407, pending in the Superior Court of the State of Arizona, documents have been subpoened from the offices of Senator John McCain and Senator Jon Kyl;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members, officers, or employees of the Senate with respect to any subpoena, order, or request for evidence relating to their official responsibilities;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That employees of the offices of Senator McCain and Senator Kyl are authorized to testify and produce documents in the case of *Buroojy, et al.* v. *Walsh*, et al., except concerning matters for which a privilege or objection should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent Senator McCain and Senator Kyl and their employees in connection with the testimony and document production authorized in section one of this resolution.

ORDERS FOR TUESDAY, APRIL 28, 1998

Mr. BROWNBACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Tuesday, April 28. I further ask that on Tuesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then begin a period of morning business until 10:45 a.m. with Senators permitted to speak for up to 10 minutes each, with the following exceptions:

Senator COLLINS for up to 15 minutes;

Senator DORGAN for up to 15 minutes;

Senator COATS for up to 45 minutes beginning at 10 a.m..

I further ask that at the conclusion of morning business the Senate immediately proceed to executive session and resume consideration of the NATO enlargement treaty, and the Kyl amendment No. 2310 be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I further ask that at 10:45 a.m. Senator HARKIN be recognized to offer an amendment and that there be 2 hours equally divided for debate on the amendment; further, that the vote on or in relation to the Harkin amendment occur immediately following the vote on the adoption of the State Department reorganization conference report previously ordered to occur at 2:25 p.m.; further, that no amendments be in order to the Harkin amendment prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. I further ask unanimous consent that the Senate stand in recess from 12:45 p.m. until 2:15 p.m. to allow the weekly party caucuses to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWNBACK. Mr. President, for the information of all Senators, the Senate will be in a period of morning business until 10:45 a.m. At 10:45, the Senate will resume consideration of the NATO enlargement treaty, with Senator HARKIN being recognized to offer an amendment with 2 hours of debate on the amendment equally divided. When the Senate reconvenes following the weekly party luncheons, there will be 10 minutes equally divided for closing remarks on the State Department reorganization conference report. Following that debate at 2:25 p.m., the Senate will proceed to two back-to-back votes, the first being a rollcall vote on adoption of the State Department conference report, followed immediately by a rollcall vote on or in relation to the Harkin amendment. Members can expect further rollcall votes throughout Tuesday's session on amendments to the NATO treaty, or on any other legislative or executive items that are cleared for action.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWNBACK. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:07 p.m., adjourned until Tuesday, April 28, 1998, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 27, 1998:

DEPARTMENT OF EDUCATION

SCOTT SNYDER FLEMING, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR LEGISLATION AND CONGRESSIONAL AFFAIRS, DEPARTMENT OF EDUCATION.

RAILROAD RETIREMENT BOARD

CHERRYL T. THOMAS, OF ILLINOIS, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR A TERM EXPIRING AUGUST 28, 2002.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

GARR M. KING, OF OREGON, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF OREGON.

GREGORY MONETA SLEET, OF DELAWARE, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF DELAWARE.

EXTENSIONS OF REMARKS

NATIONAL COMMEMORATION OF THE DAYS OF REMEMBRANCE—CHILDREN OF THE HOLOCAUST: THEIR MEMORIES, OUR LEGACY

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1998

Ms. SLAUGHTER. Mr. Speaker, I was honored last Thursday, April 23 to participate in the National Civic Commemoration of the Days of Remembrance, the United State's annual national Holocaust memorial service. The theme of this year's commemoration was "Children of the Holocaust: Their Memories, Our Legacy."

The moving ceremony began with a processional and the presentation of the flags of the United States Army Divisions that liberated concentration camps. Following the Presentation of the Colors and the National Anthem, Benjamin Meed, Chairperson of the Days of Remembrance Committee made opening remarks recalling the horror he felt as a child in hiding in Warsaw as other Jewish children in the Warsaw ghetto were brutally burned to death. His Excellency Eliahu Ben Elissar, the Ambassador of Israel to the United States, remarked upon the legacy of the Holocaust from the perspective of the State of Israel's 50th Anniversary.

Mr. Speaker, I was deeply touched by the beautiful voice of Staff Sergeant Beverly Benda, accompanied by the U.S. Army Band (Pershing's Own). Sergeant Benda sang "Oyfn Pripeshik" (At the Fireplace), a song used in hidden ghetto classrooms to teach children the alphabet. The translation of the end of the song reads:

"When you grow older you will understand that this alphabet contains the tears and the weeping of our people. When you grow weary and burdened with exile, you will find comfort and strength within this Jewish Alphabet."

Miles Lerman and Ruth Mandel, Chairperson and Vice Chairperson of the United States Holocaust Memorial Council, noted the role of the United States Holocaust Memorial in allowing new generations of Americans to learn about the horrors of the Holocaust—the first step in understanding how it occurred and how we can prevent it from ever happening again. The keynote address by Yale University President Richard C. Levin elaborated on the theme of remembrance as the key to understanding. Dan Napolitano, a teacher at Georgetown Preparatory School, related how his experience as a student and teacher of the Holocaust and the history of anti-Semitism have reshaped his view of himself as a Catholic, a Christian, and a member of the human race.

As Josef Hapli and Rebecca Levy read heartbreaking excerpts from Children's Diaries of the Holocaust, pairs of Holocaust Survivors and Members of Congress lit memorial candles. I was honored to light the last candle with my constituent Alex Mutz, a survivor of three ghettos and five concentration camps. Others lighting candles of remembrance were Senator ARLEN SPECTER and Betty Grossman Goodfriend; Rabbi Alfred Gottschalk; Representative CHRISTOPHER CANNON and Charlene Perlmutter Schiff; Representative CAROLYN MALONEY; and Representative JIM KOLBE and George S. Pick. Tiffany Nickels of Romani heritage placed a rose among the candles to memorialize the fate of the Roma and Sinti murdered by the Nazis.

The Remembrance Program concluded with the singing of the service for the dead, "El Moleh Rachamim," and the Hymn of the Partisans by Cantor Alberto Mizrahi and the recitation of the "Kaddish" led by Sigmund Strochlitz.

Mr. Speaker, I thank Chairperson Benjamin Meed for giving me the privilege to play a small role in this remembrance program. It is an experience I will always remember and treasure. I ask all my colleagues to take this occasion to remember the tragedy of the Holocaust and to ensure that our children and our children's children learn about it, so that we can all work together to ensure that it will never happen again.

JUDICIAL REFORM ACT OF 1998

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. CASTLE. Mr. Speaker, I rise in support of the Delahunt-Boehlert amendment. Let me say first, I believe judicial activism is a problem. I believe some judges overstep their judicial bounds. I believe some judges exercise poor judgment in formulating judicial plans forcing states and localities to comply with state and federal laws.

I believe in lowering taxes. I believe in H.J. Res. 111, the Tax Limitation Amendment, which sadly was voted down yesterday. I believe judges should not be able to direct states and localities to raise taxes. The Delahunt-Boehlert Amendment does not change this aspect of H.R. 1252.

I believe the government and private citizens should be treated equally before the law. H.R. 1252 exempts states and local governments from complying with judicial orders that "necessarily require" raising taxes no matter how egregiously the government violated the law. A private citizen who violates those same laws has to pay the penalty. Just about every federal law, whether it's an environmental law, a civil rights law or a labor law carries penalties with it that could "necessarily require" a government violator to raise taxes to pay for.

If Congress thinks those penalties are too high, then let's lower them, but let's not give states free rein to violate either their own laws or federal laws just because the penalty may be costly. The Delahunt-Boehlert amendment strikes this "necessarily require" clause because state and federal laws must be enforced whether the violator is a state, locality, or private citizen.

I urge you to support the Delahunt-Boehlert amendment.

TRIBUTE TO THE LATE HONORABLE BELLA ABZUG

SPEECH OF

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mrs. CLAYTON. Mr. Speaker, I join my colleagues in the tribute to the Honorable Bella Abzug, a woman who has given the Congress—and people throughout the world—a legacy of which to be proud.

Bella's legacy is one of caring and concern, dedication and determination, and audacity—in the best sense of the word—and accomplishment. At the United Nations Conference on Women in Beijing, Bella said that she "always believed that women will change the nature of power rather than power changing the nature of women."

Bella cared about what happened nationwide and worldwide to those often considered the "underclass." She was especially concerned about ensuring the rights of women, minorities, and people in need. She dedicated her lifetime determined to help improve lives and help empower people with little power.

She had the audacity early in her career as a lawyer to don a hat so that she would be viewed as a woman working in a profession and not in the stereotypic role for women—as staff support.

She had the audacity to want to be the first Jewish woman elected to Congress, the audacity to want to be the first person elected to Congress on a women's rights and peace platform, and the audacity to "tell it like it is."

She had the determination to make things happen, and she accomplished a lot—such as: the Freedom of Information Act, the Privacy Act, founding the National Women's Political Caucus to help other women become legislators, coming very close to passing the Equal Rights Amendment. As a pioneer in the women's rights movement, she fostered generations of female leaders.

It is in large part because of Bella's caring, concern, dedication, determination, and audacity that my sisters and I became the "Class of 1992 in the 'Year of the Woman'" here in the Congress.

She championed important issues and left a legacy for a better life. Legacies are important

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

because of what they inspire other people to accomplish. However, these people must first hear about these legacies.

To my astonishment and dismay, I spoke recently with several younger women who are not familiar with the name "Bella Abzug" as well as the names of other important human rights advocates. Although these young people have reaped the benefits of their accomplishments.

We must inform the generations who come after us and help them recognize, appreciate, and remember the people and the work that paved their way. This is how we can preserve our history and pass on the important and wonderful legacies left by such special people as Bella Abzug.

NOTING THE PASSING OF MARY STRASSMEYER

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1998

Mr. STOKES. Mr. Speaker, in my Congressional District, we are mourning the passing of an outstanding individual and journalist. Mary Strassmeyer died on April 20, 1998. Before retiring from the Plain Dealer newspaper, her "Mary, Mary" column provided a wealth of information about Northeast Ohio's social events, people and other items of interest.

Mary Strassmeyer began her career as a reporter for the Cleveland News in 1956. Four years later, she came to the Plain Dealer, to become Society Editor in 1965. For 21 years, readers were entertained and informed through her "Mary, Mary" column. She was an exceptional journalist whose dedication was unsurpassed. During her lifetime, she was the recipient of numerous awards, including being named one of the best society editors in the country. She was also inducted into the Press Club of Cleveland's Journalism Hall of Fame.

Mr. Speaker, throughout my congressional career, I enjoyed a close association with Mary Strassmeyer. She was a remarkable woman whom I admired and respected. I could always count on her coverage of events throughout my Congressional District, and I always looked forward to reading "Mary, Mary" for other tidbits of information. I am pleased that the Wednesday, April 22, 1998, edition of the Plain Dealer includes an article on the life and career of Mary Strassmeyer. In her memory, I include this article in the CONGRESSIONAL RECORD. I extend my sympathy to Alex Machaskee and Mary's colleagues at the Plain Dealer, her family and many friends. We are saddened at her passing and she will never be forgotten.

[From the Cleveland Plain Dealer, Apr. 22, 1998]

MARY STRASSMEYER DEAD AT 68

SHE WAS A HARD-WORKING JOURNALIST WHO LOVED HER TOWN, HER NEWSPAPER AND WRITING HER COLUMN

(By Alana Baranick)

Mary Strassmeyer, retired Plain Dealer reporter whose Mary, Mary column was an encyclopedia of people and places in Greater Cleveland, died of complications from diabetes Monday at Deaconess Hospital. She was 68.

She covered Cleveland's high society for 32 years and moved easily among British royals, Hollywood and Broadway celebrities and the Washington elite.

For 21 of those years, Strassmeyer wrote a column full of information about people, places and happenings in Northeast Ohio and beyond. She often included announcements about fund-raising functions for nonprofit organizations.

"Many charities and civic organizations benefited from a kind word in Mary's column," Plain Dealer President and Publisher Alex Machaskee said. "Mary Strassmeyer was an excellent journalist, and she also was a very good friend. She has a great sense of humor and enjoyed life to the fullest. I will miss her warmth and honesty."

Honesty was her trademark.

"Mary was to the print media as Dorothy Fuldheim was to TV," said Sam Miller, co-chairman of Forest City Enterprises. "She was a high-class lady. She never broke her word. When she said 'off the record,' it was off the record. It just shows you can be a decent human being and be a first-class journalist at the same time."

Strassmeyer did not kowtow to her subjects, no matter how much power they wielded. She was known for her dry wit and her take-no-prisoners approach.

She had a bemused affection for the "swells," as she called socially prominent folks, and reported stories as truthfully as she saw them.

She didn't mince words with people who were trying to get items in her society column, often telling them in a brusque voice, "You're going to have do better than that".

Strassmeyer made a beachhead in The Plain Dealer newsroom when it was virtually devoid of women. She did it by exuding toughness on her beat and with her male colleagues.

Later, her desk was always covered and surrounded with roses, carnations and other flowers and plants, which came as thank-you gifts from people and organizations mentioned in her column.

Strassmeyer was a hard worker who loved her town, her newspaper and writing her column. She reluctantly retired in July because of poor health.

Her home in the Old Brooklyn section of Cleveland was on the same street as the house in which she was raised. For less than two years in the 1960s, she tried suburban living in Bay Village, but soon grew homesick for her hometown.

She graduated in 1951 from Notre Dame College in South Euclid, where she majored in English and history. She did post-graduate work in history at Toledo University.

In 1956, Strassmeyer joined the Cleveland News as a reporter. She was an education writer when the News closed in 1960 and she joined The Plain Dealer. She wrote features and travel stories and served as beauty editor before becoming the society editor in 1965.

While composing beauty colums for teens, Strassmeyer collaborated with a promotion department artist, Jeanne Harris, on a one-panel cartoon called, "Sneakers" which featured helpful hints on beauty, grooming and etiquette for teenagers.

The cartoon, which first appeared in The Plain Dealer in 1964, was soon syndicated internationally through King Features. In 1966, it was added to a display of American comics at the Smithsonian Institution.

She later wrote the words to photographer Bill Wynne's pictures for the book, "Coco, The Special Delivery Dog."

In 1976, Strassmeyer began writing a society column, called "Today," which was the forerunner of "Mary, Mary."

She added broadcast media work to her resume in 1979. For 10 years, she had a weekly radio show, first on WCLV-FM and later on WERE-AM. She also had a show on WKYC Channel 3 for a short time.

Strassmeyer earned a law degree from the Cleveland-Marshall College of Law of Cleveland State University in 1981 and was admitted to the Ohio Bar in 1983. Since then, she maintained her own practice.

She received numerous accolades for her work as a journalist. In 1969, Charlotte Curtis of the New York Times named her one of the seven best society editors in the country. In 1982, "Mary, Mary" was described as one of the "wittiest, best written of all American gossip columns, filled with double entendres and literary references" in a Town & Country magazine article.

In 1994, she was inducted into the Press Club of Cleveland's Journalism Hall of Fame.

The Intown Club honored her in 1976 for her contributions to civic and cultural projects. Ten years later she became the first recipient of the WomenSpace media award for her support of women's issues and organizations.

Strassmeyer was the founder and first president of the Society of American Social Scribes. She was a member of Theta Sigma Phi, now known as Women in Communications, the Ohio Newspaper Women's Association and the Cleveland Play House Club.

She also belonged to Our Lady of Good Counsel Catholic Church and Kappa Gamma Pi, a national honor society for Catholic women's college graduates. She volunteered with Catholic Charities.

She was a world traveler, belonged to numerous travel organizations and co-owned Gerry's International Travel Agency since 1991.

"Anytime she got a vacation, she was off to Singapore or more exotic places," said Plain Dealer Reporter William F. Miller. "She could get along with virtually anyone."

Retired Plain Dealer Reporter Pauline Thoma said, "She was one of the world's best friends."

Strassmeyer is survived by a sister, Joan Palus of Parma.

TRIBUTE TO HONOR THE ST. EDMUND ELEMENTARY SCHOOL

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1998

Mr. SCHUMER. Mr. Speaker, I am proud to join all my friends and colleagues in celebrating the 75th Anniversary of the St. Edmund Elementary School. This wonderful school has been serving the community of Brooklyn, NY faithfully for 75 years, and is well deserving of recognition and praise.

On September 17, 1923, seventeen months after the founding pastor, Rev. Denis A. Maloney, celebrated the first Mass for the people of the St. Edmund Parish, a new church and school building were ready to serve the people of its community. St. Edmund is committed to the development of a Christian community; The Dominican Sisters of Sparkhill made sure that the children would receive a proper education. Under their leadership the school flourished and there was a need for new classrooms. In 1931, during the Great Depression, the school was able to raise $33,000 for new classrooms. This kind of support shows just how much the school meant to the community. Also, St. Edmund was one of the first Catholic schools to realize the need for women to have the opportunity for a full four year Catholic High School Education. Now as they celebrate the 75th Anniversary of St. Edmund Elementary School nearly four hundred boys and girls continue to celebrate a solid education in this parish school. Today the community's children continue to study in a faith filled community as they are given the tools needed to enter the new millennium.

For years, families have known this school as a living monument in the community, making it a good place to study. I am certain that the strength of this community would not be what it is today without the commitment of this school. I am honored to congratulate the members of the St. Edmund Elementary School for making it a source of community pride for the past 75 years.

TAX LIMITATION CONSTITUTIONAL AMENDMENT

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. CASTLE. Mr. Speaker, I fully support H.J. Res. 111, which calls for an amendment to the United States Constitution prohibiting passage of tax increases without a two-thirds majority in each house of Congress, except in emergency cases such as military conflict. I have voted for it in the past, am a cosponsor, and am committed to passing the strongest tax limitation amendment possible.

Opponents claim, and will continue to claim, that constitutional amendments on taxing and spending make it harder to operate government as we know it. That is exactly the point—fiscal reality proves to us that we need an instrument, a tool, to control government spending and limit raising taxes.

The Federal Government has run deficits for over 25 years in a row, and for 56 of the last 64 years. This is not a short-termed trend, and points to a fundamental flaw in the political system that makes a constitutional solution both necessary and appropriate. Last year, Congress passed the historic Balanced Budget Agreement as a first step toward fiscal discipline. However, only nine months later, Congress is already breaking the transportation spending caps by $34 billion inviting criticism that fiscal discipline was just a fad for Congress. We need to pass H.J. Res. 111 to renew our commitment to fiscal discipline. Otherwise, irresponsible spending and higher federal taxes will continue to own us, cripple our economy and mortgage our children's future. Congress needs the legal and moral authority of a Constitutional amendment making it more difficult to raise taxes.

This Congress cannot afford to alienate our constituents by failing to pass this crucial legislation. I urge my colleagues to join us in restoring fiscal responsibility to this institution today, not tomorrow, and not next year.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 28, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 29

9:00 a.m.
Finance
To continue oversight hearings to examine the operation of the Internal Revenue Service.
SH–216

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Army programs.
SD–192

Banking, Housing, and Urban Affairs
Business meeting, to mark up S. 1260, to limit the conduct of securities class actions under State law by setting national standards for stocks that are traded on the national markets, and S. 1900, to establish a commission to examine issues pertaining to the disposition of Holocaust-era assets in the United States before, during, and after World War II, and to make recommendations to the President on further action, and to consider the nomination of Donna Tanoue, of Hawaii, to be a Member and Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation.
SD–538

Labor and Human Resources
To hold hearings to examine proposed legislation relating to assistive technology.
SD–430

10:30 a.m.
Judiciary
To hold hearings to examine opportunities for the blackmarket to raise tobacco prices.
SD–226

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD–226

2:30 p.m.
Select on Intelligence
Closed business meeting, on intelligence matters.
SH–219

APRIL 30

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine agricultural transportation issues.
SR–332

Finance
To continue oversight hearings to examine the operation of the Internal Revenue Service.
SH–216

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Envrionmental Protection Agency.
SD–138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the United States Customs Service, Department of the Treasury.
SD–124

Commerce, Science, and Transportation
To hold hearings on the nominations of James M. Loy, USC, to be Commandant, and James C. Card, USC, to be Vice Commandant, both of the United States Coast Guard.
SR–253

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To resume hearings on S. 1253, to provide to the Federal land management agencies the authority and capability to manage effectively the federal lands in accordance with the principles of multiple use and sustained yield.
SD–366

10:00 a.m.
Banking, Housing, and Urban Affairs
Business meeting, to mark up H.R. 1151, to amend the Federal Credit Union Act to clarify existing law and ratify the longstanding policy of the National Credit Union Administration Board with regard to field of membership of Federal credit unions.
SD–538

Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR–253

Judiciary
Business meeting, to consider pending calendar business.
SD–226

11:00 a.m.
Labor and Human Resources
Public Health and Safety Subcommittee
To resume hearings to examine the role of the Agency for Health Care Policy Research in health care quality.
SD–430

2:00 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on proposed legislation authorizing funds for the Airport Improvement Program.
SR-253

Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on title IV of S. 1693, to renew, reform, reinvigorate, and protect the National Park System, and S. 624, to establish a competitive process for the awarding of concession contracts in units of the National Park System.
SD-366

2:30 p.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

MAY 1

9:00 a.m.
Finance
To continue oversight hearings to examine the operation of the Internal Revenue Service.
SH-216

MAY 5

9:30 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To resume hearings on S. 1253, to provide to the Federal land management agencies the authority and capability to manage effectively the federal lands in accordance with the principles of multiple use and sustained yield.
SD-366

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs.
Room to be announced

2:00 p.m.
Labor and Human Resources
Children and Families Subcommittee
To hold hearings on proposed legislation authorizing funds for Community Services Block Grant programs.
SD-430

MAY 6

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the U.S. Pacific Command.
SD-192

Indian Affairs
To resume hearings to examine the status of tribal sovereign immunity and the role its plays to preserve the Federal Government's protection of tribal self-government, and its impact on Indian economic development, commercial dealings, and taxation, focusing on S. 1691, to provide for for Indian legal reform.
Room to be announced

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 94and H.R. 449, bills to provide for the orderly disposal of Federal lands in Nevada, and for the acquisition of certain environmentally sensitive lands in Nevada.
SD-366

MAY 7

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine agricultural trade policies.
SR-332

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Science Foundation, and the Office of Science and Technology.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Executive Office of the President.
SD-192

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on titles VI, VII, VIII, and XI of S. 1693, to renew, reform, reinvigorate, and protect the National Park System.
SD-366

MAY 11

2:00 p.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD-192

MAY 12

9:30 a.m.
Indian Affairs
To hold hearings on proposed legislation to revise the Indian Gaming Regulatory Act of 1988, focusing on lands into trust for purposes of gaming.
Room to be announced

2:00 p.m.
Foreign Relations
To hold hearings on S. 1868, to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted for their faith worldwide, to authorize United States actions in response to religious persecution worldwide, to establish an Ambassador at Large on International Religious Freedom within the Department of State, a Commission on International Religious Persecution, and a Special Adviser on International Religious Freedom within the National Security Council.
SD-419

MAY 13

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD-192

MAY 14

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on the Department of Agriculture's Year 2000 compliance.
SR-332

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on titles IX and X of S. 1693, to renew, reform, reinvigorate, and protect the National Park System, and S. 1614, to require a permit for the making of motion picture, television program, or other forms of commercial visual depiction in a unit of the National Park System or National Wildlife Refuge System.
SD-366

MAY 20

10:00 a.m.
Indian Affairs
Business meeting, to mark up S. 1691, to provide for Indian legal reform.
SR-485

MAY 21

2:00 p.m.
Energy and Natural Resources
Energy Research and Development, Production and Regulation Subcommittee
To hold hearings on S. 1141, to amend the Energy Policy Act of 1992 to take into account newly developed renewable energy-based fuels and to equalize alternative fuel vehicle acquisition incentives to increase the flexibility of controlled fleet owners and operators, and S. 1418, to promote the research, identification, assessment, exploration, and development of methane hydrate resources.
SD-366

OCTOBER 6

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the American Legion.
345 Cannon Building

POSTPONEMENTS

APRIL 28

10:00 a.m.
Judiciary
To hold hearings on proposed legislation to reform bankruptcy law provisions.
SD-226

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the United States Agency for International Development.
SD-192

APRIL 29

9:30 a.m.
Indian Affairs
To resume hearings to examine Indian gaming issues.
Room to be announced

10:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to examine satellite reform, focusing on regulation policy and deregulation.
SR–253

APRIL 30

2:00 p.m.
Judiciary
To hold hearings on S. 1645, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions.
SD–226

SENATE—*Tuesday, April 28, 1998*

The Senate met at 9:30 a.m., and was called to order by the Honorable TIM HUTCHINSON, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, life can be simply awful or awfully simple. Today, we choose the awfully simple but sublime secret of a great day: Your work, done on Your power, achieves Your results on Your timing. We reject the simplistic idea that things work out, and ask You, dear Lord, to work out things. Before us is a new day filled with more to do than we can accomplish on our own strength. You have given us the power of inspired imagination to envision a day in which what is truly important gets done. Help us to move expeditiously through today's work, to listen to You and each other, and to make guided decisions. Pull our anchors out of the mud of combative competition, lift our sails, and remind us that it is Your set of our sails, and not the gales, that determines where we will go.

Lord, we believe that the work we will do this day is crucial for our Nation. This is the day You have given. We intend to live to the fullest with Your guidance, by Your power, and for Your glory. In the name of the Way, the Truth, and the Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 28, 1998.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TIM HUTCHINSON, a Senator from the State of Arkansas, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. HUTCHINSON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Ms. COLLINS. Mr. President, this morning the Senate will be in a period of morning business until 10:45 a.m. Following morning business, the Senate will proceed to executive session to resume consideration of the treaty on NATO enlargement. Senator HARKIN will then be recognized to offer an amendment regarding U.S. costs.

Under the previous order, there will be 2 hours equally divided for debate on the amendment. At 12:45 p.m., the Senate will recess until 2:15 p.m., to allow the weekly party caucuses to meet.

When the Senate reconvenes at 2:15, there will be 10 minutes of debate equally divided for closing remarks on the State Department Reauthorization Conference Report. Following that debate, at 2:25 p.m., the Senate will proceed to the first of two stacked rollcall votes. The first vote will be on the adoption of the State Department Conference Report, to be immediately followed by a vote on or in relation to the Harkin amendment. Members should expect further rollcall votes throughout Tuesday's session on amendments to NATO enlargement, or any other legislative or executive items cleared for action.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:45 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the Senator from Maine is recognized to speak for up to 15 minutes.

Ms. COLLINS. I thank the Chair.

(The remarks of Ms. COLLINS and Mr. FEINGOLD pertaining to the introduction of S. 1993 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. If there is no other Senator seeking recognition, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. I ask unanimous consent to speak for 10 minutes in morning business.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

THE FEDERAL RESERVE

Mr. DORGAN. Mr. President, this morning the front page of the Washington Post has an article that says, "Interest Rate Fears Drive Stocks Down." The article makes the point that the Dow Jones average tumbled 147 points yesterday. And John Berry, in the Post, who writes a fair amount about the Fed and about economic news, says the analysts on Wall Street indicate there was a strong concern by investors that the long-running bull market might be nearing a peak and that the Federal Reserve Board is looking at the potential of increasing interest rates.

It is interesting to me that it is a front page story that the stock market is down 147 points. The fact is the Dow Jones industrial average is nearly 9,000. It is a stock market that has increased dramatically. We have had up days of 70 points, 90 points, 120 points. It is not surprising that we will have downturns in the market of 140 points or more when you have a market that is over 9,000 in the Dow Jones industrial average.

But what surprises me is the notion somehow that the Federal Reserve Board somewhere behind closed doors at a March 19 meeting indicated that, gee, they were concerned that the economy was growing too fast and that maybe American workers are making too much money. They are concerned that maybe too many people in this country are employed.

There is no amount of good news that will not give the economists down in the Fed a bellyache for a week or two. There is no amount of good news that does not cause them great concern. "Gosh, the economy is doing well, so we better have a heartache about how well the economy is doing." It is interesting to me that the Fed has been consistently wrong. I know there are people in this Chamber who will stand up and say, the Fed ought to be credited with the good economic news in this country. In fact, just the opposite is the case.

The Fed has been consistently wrong about this economy. They indicated time after time after time that if unemployment ever went below 6 percent

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

we were going to be in huge trouble, we were going to see the new fires of inflation stoke up. Well, unemployment went below 6 percent and has stayed below 6 percent. We have not seen new waves of inflation. The Federal Reserve Board has just missed the fact that the global economy has put downward pressure on wages in this country.

But having said that, the Federal Reserve Board now has short-term interest rates higher than it ought to be, higher historically than it should be by a full half a percent. This means the prime rate is higher than it ought to be and higher than it historically would be given the rate of inflation of well over 1 percent at this point. Yet, they are talking about maybe increasing interest rates down at the Federal Reserve Board.

What on Earth can they be thinking? I mean, if the job of the Federal Reserve Board is to simply slow down the economy, my uncle can do that. There are five or six people in my hometown who can do that. We do not have to pay them a lot of money to do that. What can they be thinking? Too many people are working? We are starting to see maybe some increases in some salaries at the bottom of the economic scale?

I would say to the Federal Reserve Board, if you have a lot of time on your hands, take off those gray coats you wear from those gray suits you wear to work every day and start thinking about bank mergers. Maybe start thinking of what the CEOs make at the top—not workers at the bottom, and wonder what it does to the economy.

The Fed should be talking about the biggest bank mergers in the history of this country. What does it mean for consumers that all of the biggest banks of this country are getting together and deciding there is so much romance going on in the financial industry and they would like to marry up?

The Federal Reserve keeps a list down there called the "too-big-to-fail" list. That is a list of the biggest banks in the country that will never be allowed to fail because the consequences of their failure would be too catastrophic for the economy. So they have the too-big-to-fail list.

As more and more banks merge, of course, that list gets bigger, and it means the risks of the merger will be borne by the American taxpayer. So this monopoly game played by American giants passes off its risk to the American taxpayer.

So I say to the Federal Reserve Board, if you have lots of time on your hands, don't sit around scratching your heads and increasing interest rates, when the short-term Federal funds rate is already higher than is justified, given the rate of inflation. Start thinking about what these bank mergers do to the American economy. Start asking yourself why—if you keep a list that is called "too-big-to-fail," why in this economy do family farmers out there face a risk of serious financial problems right now? And they seem to be, in the eyes of the Fed, and others, too small to matter? Why is it that some are too big to fail and others, who are critical of this country's success, somehow too small to matter?

I would just say to the Fed—when I read this story this morning, I wondered again about those we hire to do monetary policy and who think about economic policy. What they can be thinking about when they suggest—and have now for about 3 years—that any good economic news in this country is somehow a step backwards.

I just ask the Fed to understand this economy is doing quite well, notwithstanding the Fed's advice. And there is no justification—none—for this Federal Reserve Board to be considering increasing interest rates.

The Federal funds rate at the moment is historically higher than it should be, given the rate of inflation. If they take any action at the Fed, it ought to be to decrease the Federal funds rate to where it ought to be, given the current rate of inflation which, incidentally, is almost nonexistent.

THE AGENDA OF THE SENATE

Mr. DORGAN. Now, Mr. President, just a couple final points.

The agenda of the Senate—I was talking here about the agenda of the Federal Reserve Board, something I do not control. I guess the same is probably true with respect to the agenda of the Senate, because the majority leader controls the agenda of the Senate. He determines what to bring to the floor of the Senate for debate, and the agenda for the U.S. Senate is a very important agenda.

In front of us in the coming weeks I hope will be the following pieces of legislation, some of which are already very, very late. The so-called highway bill or ISTEA bill which is very important. It should have been passed last year. It is now in conference. We need to get that and get it done. It is important for this country, an investment of roads and infrastructure.

The tobacco bill. We have just passed a tobacco bill out of the Senate Commerce Committee. It should be ready to come to the floor of the Senate. I hope it is done sooner rather than later. A supplemental disaster bill—that bill has been passed for some while, and the Senate is now in conference. In fact, I am a conferee. We will have a conference at 2 o'clock this afternoon. That ought to be done. There is no excuse, especially with respect to the disaster funds, for further delay. That ought not sit there waiting. This Congress has a responsibility to get that work done and bring it to the floor of the Senate.

Another important issue that we want brought to the floor of the Senate as soon as possible is the Patients Bill of Rights, which deals with managed care and the abuses that are occurring in managed care in this country.

Those are just a handful of bills we want to be brought to the Senate floor soon. Some of them have already been through the Senate and have been languishing in conference. The highway bill, for example, the supplemental disaster bill, others, need to come to the floor so we can make some progress on them.

I ask the majority leader and all others on both sides of the aisle in the Senate that we do our work and do it on time and tell the American people that things like investment in infrastructure, building roads, repairing bridges, and the kind of things done in this important highway bill get done on time. They were supposed to have been done last year. It is now getting towards May of this year. It is in conference. A very, very important piece of legislation. I hope it is brought to the floor of the Senate soon.

One more point. The tobacco legislation is very important. Some, I know, want to stall on that legislation, but we reported it out of the Commerce Committee under the leadership of Senator McCAIN. That piece of legislation, I think, because of the short year that we were involved with that piece of legislation, should be brought to the floor of the Senate as soon as possible. The later that it is brought to the floor of the Senate, the less likely it is that Congress will get its work done on the tobacco bill. I ask the majority leader, bring the tobacco bill to the floor of the U.S. Senate, and let's get it done.

I yield the floor.

The PRESIDING OFFICER (Mr. ROBERTS). Under the previous order, the hour of 10 a.m. having arrived, the Senator from Indiana, Mr. COATS, is recognized to speak for up to 45 minutes.

Mr. COATS. Mr. President, I thank the Chair.

(The remarks of Mr. COATS, Mr. ABRAHAM, Mr. SANTORUM, and Mr. BROWNBACK pertaining to the introduction of S. 1994 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND THE CZECH REPUBLIC

The PRESIDING OFFICER. Under the privilege order, the Senate will now go into executive session to resume consideration of Executive Calendar No. 16, which the clerk will report.

The legislative clerk read as follows:

Treaty Document No. 105-36, Protocols to the North Atlantic Treaty of 1949 on Accession of Poland, Hungary and the Czech Republic.

The Senate resumed consideration of the treaty.

Pending:

Kyl amendment No. 2310, to establish principles of policy of the United States toward the Strategic Concept of NATO.

The PRESIDING OFFICER. Under the previous order, the hour of 10:45 having arrived, the distinguished Senator from Iowa, Mr. HARKIN, is recognized to offer an amendment on which there shall be 2 hours of debate equally divided.

The Senator from Iowa is recognized.

EXECUTIVE AMENDMENT NO. 2312

(Purpose: To limit any United States subsidy of the national expenses of Poland, Hungary, or the Czech Republic in meeting its NATO commitments)

Mr. HARKIN. Mr. President, I send my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an executive amendment numbered 2312.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In section 3(2)(A), strike "and" at the end of clause (ii).

In section 3(2)(A), strike "(iii)" and insert "(iv)".

In section 3(2)(A), insert after clause (ii) the following:

(iii) any future United States subsidy of the national expenses of Poland, Hungary, or the Czech Republic to meet its NATO commitments, including the assistance described in subparagraph (C), may not exceed 25 percent of all assistance provided to that country by all NATO members.

At the end of section 3(2), insert the following new subparagraph:

(C) ADDITIONAL UNITED STATES ASSISTANCE DESCRIBED.—The assistance referred to in subparagraph (A)(iii) includes—

(i) Foreign Military Financing under the Arms Export Control Act;

(ii) transfers of excess defense articles under section 516 of the Foreign Assistance Act of 1961;

(iii) Emergency Drawdowns;

(iv) no-cost leases of United States equipment;

(v) the subsidy cost of loan guarantees and other contingent liabilities under subchapter VI of chapter 148 of title 10, United States Code; and

(vi) international military education and training under chapter 5 of part II of the Foreign Assistance Act of 1961.

Mr. HARKIN. Mr. President, I will yield myself such time as I may consume for opening comments and then reserve some time for others on the amendment.

Mr. President, we are, as the Senate and the country now know, debating the issue of whether or not the Senate will advise and consent to the President's signature on a proposal to bring three more nations into the North Atlantic Treaty Organization.

While I was not present yesterday in this Chamber, I did watch some of the debate that unfolded yesterday, and I think the debate is taking a good course of action. The debate yesterday was a good debate. I hope that the debate today will continue along those lines. In other words, what I mean by that is not just people giving a speech and then walking off the floor but where we can actually engage one another in asking and answering questions about the implications of the NATO treaty.

So I hope that will be the course of action during the Senate's responsibility to advise and consent here.

Mr. President, I want to make some extended remarks about the whole picture of NATO expansion, but I will just talk very briefly right now about the amendment I sent to the desk.

Basically, I think one of the most important issues facing us on NATO expansion is what it is going to cost, what it will cost the taxpayers of this country. So what I have sent to the desk is an amendment that will hopefully clear this up a little bit and provide for an accurate accounting of all of the expenses incident to the expansion of the North Atlantic Treaty Organization. And I will have more to say about that a little bit later.

Concerns about the extension of our military obligations—and let's again be frank about this; NATO is a military alliance—have been voiced by Senators and interest groups, academics across the political spectrum, and when the voices expressing caution include Republicans and Democrats and progressives and conservatives, libertarians and others, such a diverse opposition may be a sign that we ought to really act very deliberately and deliberatively on this issue. So I am glad the debate has finally begun, and as I said, I am delighted with the course of action in the debate.

At the outset, I hope the Senate would not simply rubber stamp this bill that we have before us. We have a constitutional responsibility to both advise and consent on treaties. This is a responsibility that is taken seriously by every Senator and ought to because, as you know, under our Constitution a treaty overrides the Constitution. So anytime we advise and consent on a treaty, we are advising and consenting on a document that basically overrides much of our Constitution. So we have to be very careful about this.

There are important issues to consider in NATO expansion—burdensharing, command and coordination, responses to real and perceived threats, even the basic questions of mission and scope of the organization itself. They are not simple questions that lend themselves to a simple, sound bite debate. These questions and their answers will shape for better or worse our defense and foreign policy options for decades to come.

There is no doubt that NATO has been one of the greatest military alliance success stories in our Nation's history. And, again, at the outset we have to ask the question. Here is an organization founded in 1949 shortly after the end of the Second World War—the Second World War in this century—when 12 countries signed the North Atlantic treaty to establish the military alliance known as NATO.

Now, let's face it. The reason for NATO was the Soviet Union. The reason for being in that alliance, and also to preserve the nations of Europe together, was to preclude any possibility of cross-border excursions by European countries. The treaty had as its goal "to unite their efforts for collective defense and the preservation of peace and security in Europe."

Four nations have been added. Spain, the most recent, joined in 1982. So, again, it has been a success. It has kept the peace in Europe for nearly 50 years, both by deterring aggression by the Warsaw Pact and by encouraging cooperation between its members.

I must say, due to the commitment of its members and the leadership of the United States, NATO has largely fulfilled the reason for its very birth—the demise of the Soviet Union. So we have to, I think, at the outset, say, if something was born because of the Soviet Union and it has succeeded, what, then, are the reasons not only for continuing it but for expanding it? And, subsequently, are there better and other ways in which we can fulfill other goals, such as democracy, economic progress, market-based economies, and integration of the countries of Europe into one economic entity?

So, what role will NATO play in a new century? And what is the cost going to be in financial terms? And what is the cost going to be in other less tangible areas, like the potential for strained relations with nonmember nations? Or what will the cost be in a dangerous rollback, perhaps, of nuclear arms control and nonproliferation progress made since the end of the cold war?

By the administration's own admission, "Enlargement will take place in a European security environment in which there is no current threat of large-scale conventional aggression and where any such threat would take years to develop." This is from the administration's own admission. There is no current threat and any threat would take years to develop. In response to questions from many Senators, the administration reiterated this point when they wrote, "Current members and prospective new members face no imminent threat of attack."

This seems to be one of the few issues on NATO expansion where we can find wide consensus. There is no large-scale external threat, including Russia. They just don't exist. The administration's expectation for the role of an expanded NATO include:

No. 1, helping to deter future threats; No. 2, expanding our collective defense capabilities to respond to both traditional and nontraditional security challenges; and, No. 3, helping to support and stabilize emerging democracies. I agree that these are goals that the United States should pursue. They are worthwhile goals. But again I ask, is NATO the proper framework in which to accomplish these goals?

Poland, Hungary, and the Czech Republic have legitimate concerns about protecting their borders and their national sovereignty. After all, they persevered through a century of invasions and decades of outside control by a large and powerful neighbor. But, again, let me also say that I remember when I happened to be in Moscow shortly after the Berlin Wall came down and the Soviet Union was breaking up, I remember one of the Russian Members of the Duma telling me that, "You think you were the victims of the Soviet Union. You think Europe was the victim of the Soviet Union," he said. "We Russians were the biggest victims of the Communist Soviet Union."

So we have to think about it in that context also; of Russia, and of them coming out from underneath the yoke of a Soviet Communist empire. Think about Russia, also, in terms of its history, when it has gone, also, through a century of invasions and decades of control by a power not necessarily of Russian being.

I learned a lot about what countries in this region had endured. Last year I attended the dedication of the National Czech and Slovak Museum in Cedar Rapids, IA.

It is interesting. I was there with President Clinton and Ambassador Madeleine Albright, who was then-Ambassador to the United Nations, President Vaclav Havel of the Czech Republic, and President Kovac of the Republic of Slovakia.

Again, these people of these nations have shown a commitment and resilience to the democratic ideals during the economic and political transition. They are working in concert with the community of nations and peacekeeping operations in Bosnia, in Iraq also. I want to commend and recognize their efforts. That is all well and good. But is that a reason to expand NATO?

I am not convinced it is the most appropriate vehicle that we can use to get the goals of security, stability, political reform, and economic integration with the West sought by these newly free countries.

I am really worried we are buying into a mentality that has its roots in the cold war, and not the mentality that is looking ahead to the next century. Yes, it is true that Europe has sustained decades, almost a century, of warfare, invasions, domination and oppression by the people of Eastern Europe. This approach to foreign policy would be appropriate if the world climate was similar to what it was, say, before World War II. But the world has changed.

To those who say that, well, we can have another cross-border invasion by a country in Europe against another country, even the administration admits this is not going to happen. This would not happen for years. It would take years for anything like this to develop. You are not about to see any headlines exclaiming that Russian troops are marching toward Poland or Czechoslovakia.

The czars are gone. The Third Reich is gone. Germany is united as a democracy. Again, we need to reorient ourselves to the realities of the 21st century where the security threats are not czars and Hitlers and people like that, but are more likely to be rogue nations, international terrorists, and, as we have seen again in Europe, internal ethnic clashes.

For example, the security threat of most concern to Europe now is Bosnia and Kosovo. There is also the so-called nontraditional threat—terrorism, chemical, biological weapons. Again, we need to consider, is NATO the best way to deal with these challenges? But my primary concern now, and with this amendment, is the cost.

In February of 1997, the administration estimated the total cost of between $27 to $35 billion, of which the U.S. share would be $1.5 to $2 billion.

In December, NATO released their own study with the astonishingly low total cost estimate of $1.5 billion. Well, then the Clinton administration revised their initial projections down to reflect the NATO estimate of $1.5 billion.

Some would argue that comparing these numbers is like comparing apples and oranges—I heard that—because of the different assumptions and scenarios. But I would argue that is exactly the point. We do not have any consensus or concrete ideas on what posture NATO will take in the future and at what cost.

I have a chart here that shows basically the varying cost estimates so we get an idea of just how widely divergent they are. NATO, as I said, estimates $1.5 billion. The Clinton administration initially, as I said, came in last year—a year ago—at $27 to $35 billion. Now the administration says it is $1.5 billion. They just picked up the NATO estimate. CBO has given us a range of $21 to $125 billion. The Rand Corporation says it is $10 to $110 billion.

As I said, the first Clinton administration estimate was $27 billion to $35 billion—to $1.5 billion. So we go from $1.5 billion to $125 billion.

Where is it? How much of this will the U.S. taxpayers have to pick up? The GAO issued a report late last fall, the title of which explains my concerns and the reason for this amendment. It says, "NATO Enlargement Cost Implications for the United States Remain Unclear."

Now, much of the uncertainty is because—a quote from the GAO report—"It will not be until June of 1998 that NATO will make decisions about whether or how much to increase the common budgets which would then be shared among current and new members. Until this has been done, the implications for the U.S. contributions to NATO's common budgets will be unclear."

Now, again, this is one reason why several other Senators and I asked for a delay in voting on NATO expansion. I felt and some others felt that we should have delayed this until this summer. We are not going to get this NATO estimate until at least June of this year. So why should we be voting on a blank check for the American taxpayer before we have the data? What is the rush? Why could we not wait until this summer until we get the NATO decisions on how much they want to increase their common budgets?

The same GAO report went on to discuss the financing for commonly funded items, such as the needed infrastructure to send reinforcements to new allies in times of crisis, communications systems, or interoperability with NATO's air defense system. None has been agreed to yet. None of it has been agreed upon yet.

Again, from the GAO report: "Whether they will be financed within existing budgets or by increasing the size of NATO's common budgets will not be determined until June of 1998."

That is from the GAO report.

I am hopeful that the managers of the bill would engage with us in discussing why we would go ahead with this before we have this data that NATO will come up with in June of 1998. So that is a missing piece of the puzzle right there.

Another piece of the puzzle we are missing is how new members are to address their military shortfalls. The countries' force goals will not be set again until this spring. In other words, we are without a plan to address the force goals and the price tag associated with it.

Again, I and others are uncomfortable signing the American taxpayers' names to a potentially ballooning blank check, so that is a second part of this puzzle that I believe is missing.

The GAO concluded that while DOD's key assumptions were reasonable, their "cost estimates" are speculative. "NATO enlargement could entail costs in addition to those included in DOD's estimate, including costs for assistance to enhance the PFP or other bilateral assistance for countries not invited to join NATO in July 1997."

So, in other words, it is not just those countries invited to join. What about the cost for assistance and other vital assistance for all of the other countries not invited to join in July 1997?

Mr. BIDEN. Would the Senator yield?

Mr. HARKIN. I would be delighted to yield.

Mr. BIDEN. Wouldn't the Senator acknowledge the example he just gave has nothing to do with any commitment that is being undertaken by the expansion of NATO now? It is unrelated. We may or may not through the program which the opponents of expansion constantly point to—the Partnership for Peace, as what we should have stuck with—we may or may not do that. But passage of the expansion of NATO for these three countries in no way affects the point of whether or not we give assistance to Romania or we give assistance to any other country questioned. Is that not correct?

Mr. HARKIN. Well——

Mr. BIDEN. I respectfully suggest the answer is yes.

Mr. HARKIN. Well, wait a second. I do not think the answer is yes. What GAO said is NATO enlargement could entail costs in addition to those countries in the Partnership for Peace, for example, others who may not be invited to NATO but because of the enlargement of NATO there may be other costs incidental and associated with it. That is what they are saying.

Does the Senator say absolutely there will be no other costs associated to PFP countries when NATO is enlarged?

Mr. BIDEN. If the Senator will yield, the answer is I am saying there is no obligation we undertake. The Senator sits on the Appropriations Committee. The Senator will have to make an individual judgment as each of the items come before him whether he wishes to do it.

For example, we are going to have, and right now the President has sent up within the last 3 months a request for additional equipment for Turkey, additional military equipment for Greece. Now, they have nothing to do with our common budget in NATO, zero.

Now, the Senator sits on the Appropriations Committee. He can come to the floor, and on foreign military sales of those countries, he can say no, we don't want to do that, and we can vote against it. It is irrelevant. It has nothing to do with whether or not Poland is a member of NATO or the Czech Republic is a member of NATO.

What the Defense Department means, I respectfully suggest, is the following; that with NATO, with the additional three countries in NATO, we may conclude that our defenses would be further enhanced, bilaterally enhanced, U.S. interests enhanced if we gave more money, more for military sales to Romania or to the Baltics or somewhere else. But it has nothing to do—nothing to do, zero—with whether or not we expand NATO. Zero, nothing.

The Senator from Virginia is on the floor, a strong opponent of expansion. He knows that the Armed Services Committee has no obligation to send foreign military sales which we subsidize to Greece or Turkey, yet he votes for it. But it has nothing to do with NATO, zero. Nothing to do with NATO, zero. It is not part of NATO's common budget, common budget.

The only thing, I respectfully suggest to my colleague, that we are committing ourselves to with the expansion of NATO is that we will continue to participate roughly 25 percent of the cost of the common budget of NATO. The things that the DOD referenced and what my friend from Iowa is talking about have zero to do with the common budget.

There is a chart here, "budget cost-sharing formula, in percentage of total NATO common budget." I will later in the day go into great detail, because I think one of the great misnomers here is how the NATO is funded. I am not speaking to my friend from Iowa, who knows this area very well because he serves on the Appropriations Committee. But many of us who do not serve on the Appropriations Committee or Armed Services Committee don't necessarily understand the details of how the NATO budget is constructed. There are three common budgets. I will not go into it now. But they are the things that all 16 NATO nations reach into their pockets and pay for. They are not the national budgets.

The national budget, my friend on the authorizing committee—both my friends stand here on the Armed Services Committee—in the national budget we decide whether or not out of our military budget we are going to help Greece beyond the common budget, whether we are going to help Turkey beyond the common budget, whether we are going to help Chile beyond the common budget, whether we will spend money in Korea beyond, and it has nothing to do with the common budget of NATO.

So what happens here is we are taking great big apples and putting them in baskets of small oranges. We talk about mixing apples and oranges. The reason why the numbers, which I will go into in great detail later, range from $125 billion to $1.5 billion is that we are counting the wrong things.

So the issue here, and we will get a chance to talk about this in detail, what is NATO's—and I know my friend from Virginia knows this well—what is the common budget of NATO? And what are we committing ourselves to spend in addition to what we are now spending on the common budget of NATO because these three countries are going to be added—if they are added, if we prevail?

So, that is the issue. With all due respect, my friend is mixing apples and oranges here when he refers to the DOD saying we might in the future decide to spend more money. It has nothing to do with any obligation we are taking on as a consequence of expanding NATO.

I thank my colleague. I yield the floor.

Mr. HARKIN. I would like to respond, but I yield to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Iowa controls the time and the time has been running on his side.

Mr. HARKIN. I had 1 hour.

The PRESIDING OFFICER. Correct; the Senator has 35 minutes remaining.

Mr. HARKIN. I yield to the Senator from Virginia.

Mr. WARNER. I thank my distinguished colleague.

First, I want to say what a pleasure it is to sit and listen to a well-informed presentation on a very important amendment. Indeed, I will, in the course of the day, engage in another detailed colloquy with my friend on this.

I point out when you mention the Armed Services Committee, authorizing committee, I think the Senator should reconsider. It is your committee, the Foreign Relations Committee, that authorizes the level of assistance on matters like this, as opposed to the Armed Services Committee.

Mr. BIDEN. That is correct.

Mr. WARNER. A small matter, but I wanted to make——

Mr. BIDEN. We are so accustomed to other committees stealing our jurisdiction that it was a slip of the tongue.

Mr. WARNER. It is well-taken. At every opportunity the Armed Services Committee will do that.

Your question is correct, but I say to my good friend that while there is no fixed-in-law obligation for an increased contribution on behalf of the United States to these three potential new members, there is, indeed, a moral, and it seems to me that that moral obligation will come into play very strongly. If for any reason their economies cannot support their quotient of final costs allocated among the three, I am certain the United States would be a participant in picking it up.

Mr. BIDEN. On my time, if I may respond, if I can take 3 minutes—and I guess it is not just my time but the time controlled by the majority here—if I can have 3 minutes to respond.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. BIDEN. Mr. President, I say to my friend, one of the things the Armed Services Committee has been very jealous of, rightfully so, even though foreign military sales fall within the Foreign Relations Committee purview, when we argued in the Foreign Relations Committee, some of us, against some foreign military sales, the Armed Services Committee members and staff have often come to us and said, "Joe, do you know what you are doing?" If you don't let Lockheed or Marietta Martin sell that particular item subsidized to the Germans or to the Greeks or to the Spaniards or to whomever, do you know what you are doing? You are just subsidizing the French because they will sell them a Mirage; they will sell this, they will sell that.

When we make these judgments on foreign military sales, they are judgments that are not only made in terms of what we believe to be our security interest, but when we fail to participate in that, we find that we lose part of our infrastructure because we find that, as a lecture I received many times on the floor from Armed Services Committee members, we lose the competitive advantage to those foreign military sales merchants in France, in England, wherever else.

So what we are talking about is the independent judgment of whether or not we may, in the future conclude, as we have in the past, that in addition to our contribution to the common military budget, in order to keep peace in the Aegean, we have supplied in addition to that common NATO budget, we have supplied additional moneys or subsidies to Greece or to Turkey or Denmark. We have done it for almost all of the 15 members.

What the amendment of my friend here would do is something revolutionary. It would say that we will redefine what NATO's common budget is as it relates to the United States. We now would have to include as part of the economic budget any of the following: foreign military financing under the Arms Control Export Act, transfers of excess defense articles, emergency drawdowns or no-cost leases of U.S. equipment or subsidies or loan guarantees, which would in effect give veto power over our interests with the other 15 NATO nations. The reason we give a veto power is because if we draw down, if we have to draw down from a 25 percent foreign military sales, we can't then pay our common budget that is owed to NATO because we have agreed. If we don't do that, then NATO says "Woe, woe, you are not engaging in cost sharing." And that, in turn, means that they can veto whether or not as a practical matter we decide it is in our national interest to sell Cobra helicopters to the Greeks. My time is up.

Mr. HARKIN. Will the Senator yield?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I think the Senator is making my point. My friend from Delaware is making my point. We are limited to 25 percent of the common budgets. All of the cost estimates we keep hearing about only deal with the common budgets. We don't talk about the national budget. What my amendment says is what is good for one side ought to be good for the other. We are not mixing the two. We are applying a good, sound principle. If 25 percent is good for the common budgets, it ought to be good for the national budgets. That is what my amendment says. It says to the American people, look, you are right, we don't know what it is going to cost us in the future. The Senator just stated that. He said that we don't know what it may cost us in the future.

What this amendment says is that at no time will the portion of the national budgets of these countries or any other new members of NATO be more than 25 percent, so that if some cost comes in at $10 billion, our share, the share of the American people, will be no more than 25 percent. The other nations of NATO will have to kick in their proportionate share, also.

That is why I drafted this amendment. People don't understand the difference between the common budgets and the national budgets. We keep hearing from the Clinton administration that this is only going to cost us $400 million—as I pointed out, we already promised as much as $1.069 billion in loans and subsidies to Eastern and Central Europe—because they are talking about the common budgets, not about the national budgets of these countries. The Senator from Delaware is exactly right. My amendment seeks to say that no more than 25 percent of those would be paid for by the American taxpayers. I would think the Senator would support that.

Mr. BIDEN. If the Senator will yield. He wants written into law in the passage of the amendment to the Washington treaty a commitment that the United States national budget will now and forever not exceed 25 percent of all the money we decide to spend in the European theater. I can't imagine the Senator from Virginia supporting that.

Mr. HARKIN. Mr. President, with all due respect, I don't think the Senator read my amendment.

Mr. BIDEN. I have read it in detail.

Mr. HARKIN. It is talking about the subsidy. It is not talking about what we spend ourselves in terms of our own military. It is talking about what subsidy we provide to these countries.

Mr. BIDEN. Is that not out of our national budget? Is that not out of our national defense budget?

Mr. HARKIN. Yes, out of our taxpayer dollars, subsidies to those countries. But it has nothing to do with our military expenditures for our nation's forces stationed in Europe.

Mr. BIDEN. Mr. President, it clearly does. It says that if we want to "take a tank off the shelf," as they say, which comes right now out of the Defense Department budget, and we want to give that tank to Turkey, or to Greece, or to Germany, it says that tank can't be given if in fact we have already met our obligation of 25 percent under the common budget because it would exceed 25 percent. So he is limiting—limiting in perpetuity—the amount of money we can spend out of our national budget.

Look, this is apples and oranges again. We say with NATO, here is the deal: We are going to pay 25 percent of all the moneys that directly relate to NATO. We do not say we are only going to keep 25 percent of the total amount of money we spent at 25 percent if, in addition, we decide we want to help, as we have over the last 30 years, Greece. If this had been the law in the last 20 years, the military aid that we have given to Greece and Turkey would have eaten up our share of what we agreed to do in the common budget. So in Aviano, Italy, the national budget of the country of Italy pays for that Air Force base. But if we are going to build a runway to land NATO planes on, or Italy comes back and says, wait a minute, even though that is on an Italian air base for which we pay for all the infrastructure, if you want to lengthen the runway to accommodate NATO planes, the other 15 members of NATO have to kick in to pay for it. If it costs $10 to extend the runway, we take out $2.50 and pay the 25 percent. But if we have already given $2.50 off the shelf to Greece, we don't have any money, we are prohibited by law from being able to do this.

This is hamstringing our national defense budget, unrelated to NATO. It is a little like my saying that we are not going to spend anymore money on education than what we now spend on title VII. So if we want to pass, as I do, and did, the subsidy for IRAs for private schools, that would have to come out of the ceiling for all title VII, which was a billion dollars. We would have to find $300 million out of that billion dollars, which means you don't have enough money to meet the obligation you have agreed to, separate and apart for decisions independent of NATO considerations. You know, the rest of NATO has not wanted to support Greece. We stepped in and said, OK, notwithstanding that NATO doesn't want to support Greece beyond the NATO common budget, we are going to step in and give them the following subsidies, or the following military equipment off our shelf, out of our national budget, out of our pocket.

Now, if we deal with any NATO nation, and we conclude that we want to engage in foreign military sales with them, unrelated to NATO, if we want to convince the French—which we never could—to stop flying Mirage aircraft in their national air force and fly F–15s, we could not do that. And so this is a profound change in national defense policy that, with all due respect, has nothing to do with NATO. If you want to cap all U.S. spending as it relates from the Euros to the Atlantic at 25 percent, fine, do it; but understand that you are making a profound foreign policy judgment that has nothing to do with whether or not Poland, the Czech Republic, and Hungary are members of NATO.

I yield the floor.

Mr. HARKIN. Mr. President, I will get back to this amendment. I respectfully suggest that the Senator from Delaware, again, is making my point in two ways. What the Senator from Delaware has said is that the costs of the taxpayers of this country are going to increase in the future. We don't know how much, but that is what he said. It is going to increase. Listen carefully—

Mr. BIDEN. Mr. President, with all due respect, I did not say it is going to increase. It would be up to the Senate and the Appropriations Committee.

Mr. HARKIN. After a treaty is signed. And keep in mind, treaties override the Constitution of the United States. Once those decisions are made, we are going to have to meet, as the Senator from Virginia said, our moral obligations.

Mr. BIDEN. Moral obligations——

Mr. HARKIN. If the Senator will let me finish, I never interrupted him.

Mr. BIDEN. The Senator is correct. I apologize.

Mr. HARKIN. Again, I think the arguments, if I might respectfully say so, of the Senator from Delaware are arguments that we would have heard on the Senate floor in the 1950s and the 1960s and the 1970s. The Senator's arguments pertain to a world that no longer exists in Europe. The Senator talks about Greece, that if this amendment had been in effect 30 years ago, 40 years ago, we could not have done in Greece what we did. The Senator is right. But this is not 40 years ago.

Mr. BYRD. Will the Senator yield?

Mr. HARKIN. I yield to the Senator from West Virginia.

Mr. BYRD. Mr. President, I thought I heard the distinguished Senator say that treaties override the Constitution of the United States.

Mr. HARKIN. Portions.

Mr. BYRD. Did I hear him correctly?

Mr. HARKIN. Portions.

Mr. BYRD. No, treaties don't override the Constitution of the United States. Under the Constitution, treaties are a part of the law of the land, the supreme law of the land. They don't override the Constitution of the United States.

Mr. HARKIN. I will not argue constitutional principles with the Senator from West Virginia.

Mr. BYRD. I hope the Senator will take that out of his written speech.

Mr. HARKIN. I will not argue constitutional principles with the Senator from West Virginia, I know that. But treaties under—I forget the article—treaties become the law of the land.

Mr. BYRD. Yes; but they don't override the Constitution.

Mr. HARKIN. Under the Constitution, they become the law of the land.

Mr. BYRD. They become part of the supreme law of the land. I thank the Senator for yielding.

Mr. HARKIN. I appreciate the correction of the Senator from West Virginia.

Back to my point; the Senator from Delaware is right. If this amendment had been in effect 40 years ago, we couldn't have been in Greece. But that was during the cold war. That is when we were facing the Soviet Union. That is when we were facing, if I might say to the Senator from Delaware, facing a Europe that was on its knees, busted, broke, basically decapitated from World War II. There is no way that they could have done it on their own. That is why I say with this whole NATO argument that it just seems to me we are arguing about a world that existed 50 years ago. The Senator from Delaware in his impassioned pleas is arguing for a situation that no longer exists. Europe is powerful. Europe is wealthy, and the nations' GNPs are going up. There is no Soviet Union. There is no external threat like Greece was facing. Europe has been rebuilt. The cold war is over. Let's look ahead.

What I am saying is that I don't believe, in the context of a Europe that we see now and in the foreseeable future, that our taxpayers ought to be liable for the national costs anymore in excess of what they are liable right now for the common costs. That is what this amendment says. Very simply, it says very forthrightly, "Any future United States subsidy of the national expenses of Poland, Hungary, or the Czech Republic to meet its NATO commitments, including the assistance described in subparagraph (c), may not exceed 25 percent of all assistance provided to that country by all NATO members."

When it comes to tanks, planes, or anything else, of course, we can still sell them. They can still buy from us. But our subsidy to this national effort cannot be more than 25 percent of the total amount of subsidies by all of the countries for that national effort——

Mr. BIDEN. Mr. President, will the Senator yield on that point?

Mr. HARKIN. Yes. But I am losing a lot of time; if the Senator would help me by yielding back some time.

Mr. BIDEN. Where you don't go back 50 years—for example, if the Senator's amendment had been in place, we probably could not have amended the conventional forces in Europe. In 1991, it became clear—the wall came down in 1989—we had to amend the conventional forces amendment. We renegotiated that agreement. The flank agreement in the Senate was an amendment. It was passed in Russia in the Duma as well. What we said was that we had to give up a number of pieces of equipment, thousands of pieces of equipment, but because Greece and Turkey were on the southern flank of NATO and because we still were concerned about instability in the region, we still wanted force structure there, we had to call for a cascading down. We took all of the equipment that we were giving up, thousands of pieces, and we just gave them to the Greeks and the Turks. It was in our national interest to do so.

Had the Senator's amendment been in place, the cost of all of those pieces of equipment would have to have been computed and added up, and then reduced from the 25 percent ceiling that was allowed to be spent by the United States on the common budget of the NATO. That had nothing to do with the cold war; it had to do with reality. It had to do with the arms control agreement. That arms control agreement would have done one of two things. It would not be able to have been negotiated and signed by us because we would not have been able to have that force structure on the southern flank, or we would have had to go in arrears to our commitment of saying 25 percent of the common budget of NATO.

That is a contemporary example. That went on from 1991 to 1996. It is a further example of how well-intended but dangerous this amendment is.

I thank the Senator for yielding.

Mr. HARKIN. Again, I respond to the Senator from Delaware. Again, what he is basically arguing for is giving a blank check to the American people, I disagree with the Senator on the point that he just said about conventional structure. We are talking about three countries. My amendment only mentions three countries. It mentions Poland, Hungary, and the Czech Republic. It is just those three countries that we are talking about and about their national costs. There may be other arrangements in Europe. There may be other structures in which we are engaged that are not covered by this amendment.

Mr. BIDEN. Will the Senator yield?

Mr. HARKIN. I am talking only about subsidies to the national military budgets, the national expenses of those three countries to meet their national commitments.

Mr. BIDEN. Just those three?

Mr. HARKIN. That is all.

Mr. BIDEN. This in no way limits our ability to give aid or assistance to any other country in NATO. So we are going to say that you three guys can come in, but we are going to promise that we are never going to give you assistance, but we will maybe give assistance to Greece, Turkey, Germany, France and England.

Mr. HARKIN. That is right. Exactly. Why is that? Because England, France, and all of these countries' forces are modernized. They are fully integrated into NATO. Those are the three countries that are going to have a lot of money for interoperability, command, communications, force structures. That is where the money is going to go. I didn't want to say anything about the other countries. I don't think it is necessary for these other countries because we are not going to be involved in that kind of expenditure. That is why I limited it specifically to those three countries and why I respectfully demur from the Senator's comments that we could not be involved in other aspects of NATO beyond the 25 percent. We absolutely could. That is why I want to focus on those three countries only because that is where the money is going to be spent for force structure and modernization. I don't believe we ought to give a blank check.

Mr. SMITH of Oregon. Will the Senator yield?

Mr. HARKIN. Yes.

Mr. SMITH of Oregon. Wouldn't we, if we accept the amendment of the Senator from Iowa, then be relegating Poland, Hungary, and the Czech Republic second class citizenship in NATO?

Mr. HARKIN. I don't believe so. I think all we are saying is that the other members of NATO have to be as fully involved financially in upgrading and modernizing their force structure as the taxpayers of this country. I basically would submit that this amendment is more inclusive. It is saying to our partners in NATO that we are in this together; don't just stick the American taxpayer with the bill.

Mr. SMITH of Oregon. One other question.

It seems to me, as we look at the numbers that the Senator is presenting, $125 billion versus $1.5 billion, and changing circumstances, I would remind the Senate that the $125 billion was predicated on the Congressional Budget Office based upon an invasion by Russian forces of Hungary, Poland, and the Czech Republic, and that it would require the full advanced positioning of the U.S. military. If that were to occur, those numbers are probably right. The much reduced number of $1.5 billion is a reflection, according to the GAO, of the current political situation and, therefore, isn't an accurate estimate.

But I would say this: I don't think we should hamstring now our ability as the Senate and as the Congress to respond to whatever things might occur. But it seems to me, we would be doing just that if we were to accept the Harkin amendment.

Mr. WARNER. Mr. President, if I might, if I could restate what the Senator is trying to achieve with his amendment, is simply to say when NATO establishes the military requirements of three new nations, the costs associated with each of the nations and their ability to reach that requirement, the U.S. States taxpayer will pay no more than 25 percent of that cost, and 75 percent is then to be allocated among the remainder of the nations. It is as simple as that in clear English language.

Mr. HARKIN. I thank the Senator. That says it very clearly and very eloquently, and I think brings the point home again. I say to the manager of the bill that when you talk about $1.5 billion, that is one of the common costs. That is why we are trying to reach out and find out what these other costs associated with it are. These NATO's costs, as I have pointed out, we have already allocated over $1 billion ourselves of taxpayer dollars for this.

I also say in response to the comments of the Senator from Delaware about what happens in the future that, if there is an emergency or something happens where you have changed circumstances, I would respond with the same enjoinder that he gave to this Senator; that is, I believe it is important now to limit our taxpayers' exposure rather than a blank check. If there is an emergency in the future, if something does happen, yes, the Appropriations Committee will respond. The Foreign Relations Committee and the authorizing committee will respond. The Armed Services Committee in their capacity as authorizing committee will respond. The appropriators will respond. It is better to address it at that point rather than giving a blank check now and just sort of letting it go. I think from a budgetary standpoint, from the standpoint of protecting our taxpayer dollars better, we limit it now, and then, if there is an emergency, fine, we can come up with the money and finance the emergency.

Mr. BIDEN. If the Senator will yield. If in fact this logic makes sense, I don't know why we would produce an amendment that says right now we spend—I don't know the exact national budget. My friend from Virginia may know how much we spend on defense right now in the United States of America on our total defense budget. I will make up a number. Let's say it is $300 billion. Why don't we attach an amendment right now and say that we will not spend more than $300 billion on defense, period? Why don't we do that? It is the same logic. Let's tell the American taxpayers now we are limiting what they are going to spend on defense. We will do it now. We will limit it to that number, not just in Europe but all over the world. Tell them that right now. If there is an emergency, we can come back.

This is the same man, whom I respect enormously, who argued strenuously, and he argued on the same issue of a constitutional amendment to balance the budget.

Why not set a number? Defense spending cannot increase at all. We can pass it now, unless we come along and by a two-thirds vote in this body agree to spend more money on defense. That is what we are doing here relative to these three countries. That is what we are doing for Europe. Why don't we do it for the all of the national defense budget? If it doesn't make sense for the whole national defense budget, I respectfully suggest it makes zero sense to do it in Europe for these three countries.

Mr. WARNER. Mr. President, if I could clarify, the funds the Senator is talking about come out of the Department of State budget, not the defense budget.

Mr. BIDEN. Let's set the State Department budget.

Mr. WARNER. It is important in this debate that we begin to establish a few fundamentals with some correctness. The defense budget will be around $260 billion to $270 billion, but it does not contain the funds to which my distinguished colleague is now referring.

Mr. BIDEN. If the Senator will yield, let's set the State Department budget then, freeze that.

Mr. HARKIN. I didn't hear the Senator from Delaware.

Mr. BIDEN. If the categories all come out of the State Department budget, then let's say let's freeze the State Department budget. Nothing can go up in the State Department budget, period. Freeze it, just like we are going to freeze it here. Why not do that? And if an emergency comes along, we can change our mind.

It is not a way to do business, I respectfully suggest.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa has 13 minutes 30 seconds.

Mr. HARKIN. I am sure the Senator will yield me some more off his time, because I have been so yielding to him.

I think the analogy that the Senator from Delaware uses is totally wrong. Let me provide, I think, a more correct one. This amendment in no way limits how much total defense dollars we can provide to these three countries—not at all. It simply says, whatever their national budget, we will only pay 25 percent. So the Senator's analogy that we are somehow going to cap defense spending is not right.

A better analogy, if I might say to my friend from Delaware, is this. We do have a defense budget in the United States. It is $260 billion. Let's say that for national emergency reasons, or whatever threat might come up, we have to increase it to $300 billion a year. But what we are going to do is tax the citizens of Delaware for half of it, and then we will spread the other half among the other 49 States of the Union. That is the more correct analogy as to what my amendment seeks to do.

Now, certainly we would not say to the citizens of Delaware, "We are going to increase the defense budget. You have to pick up 50 percent of the total." No. We would spread it out, make everybody pay a fair, proportionate share. That is what my amendment says. My amendment in no way limits the total amount of defense money spent on these three countries.

Mr. LIEBERMAN. Mr. President, I wonder if I might yield myself time from the Senator from Oregon.

Mr. HARKIN. Mr. President, I will yield the floor and let others use their own time.

Mr. LIEBERMAN. Mr. President, I wonder if, having discussed with the Senator from Oregon, I might yield myself time from his time so as not to deprive the Senator——

The PRESIDING OFFICER. The Senator from Iowa yields the floor?

Mr. HARKIN. I am sorry. Mr. President, I yielded the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, the Senator from Iowa has been very generous in yielding his own time. I wanted to make a brief statement and then pose two questions on what I take to be not just hypotheticals but real life probabilities.

I followed the discussion on a particular element of the budget, whether State Department or defense. I don't think that is right on point to what is being said here. I think the amendment of the Senator from Iowa is saying that American subsidy, as it were, of the national expenses of Poland, Hungary, and the Czech Republic to meet their NATO commitments should not be more than 25 percent of all assistance provided to each of those countries by all NATO members.

Let me lead into the questions that I want to ask the Senator from Iowa. The Senator from Iowa has said that his purpose in offering this amendment is to protect the taxpayers of America from incurring a liability greater than this 25 percent; that is, 25 percent of all assistance provided to each of these three countries by all NATO members. But I am concerned that there are some consequences in his amendment, perhaps unintended, which in fact not only do not protect the taxpayers of the United States but may hurt them, and certainly may hurt their security. And I want to describe two situations and then ask the Senator from Iowa if he would respond.

The 25 percent number is one that has some currency—no pun intended—in NATO circles about the American share. So it is not the 25 percent that I think troubles those of us who oppose this amendment. It is what the Senator from Iowa is including within the 25 percent in subsection (C) of his amendment, and I go particularly to this and I read from the amendment.

> The assistance referred to in (A)(iii) above includes (1) Foreign Military Financing under the Arms Export Control Act.

So here is the circumstance I am concerned about being covered here. At sometime in the future—next year, 2 years, 3 years, 4 years—one of these three countries, the Czech Republic, Hungary, or Poland, decides that they, as part of their participation in NATO, their responsibility for their own defense, want to acquire certain modern military equipment systems.

My concern is that by squeezing foreign military financing under the Arms Export Control Act—which is to say the credits that our Government gives to facilitate the sale of weapons systems by American manufacturers to foreign purchasers—we are going to block our defense companies from having a chance to compete equally with other foreign defense manufacturers to try to sell to the Czech Republic, Hungary, and Poland. Because the credits will be included within the 25 percent, and the effect of that will not be to protect American taxpayers, it will be to hurt American defense workers, whose products will not be able to be sold to these three countries.

So, I ask my friend from Iowa, is it not true, if the amendment he has submitted is agreed to, that we will limit credits for foreign military sales to these three countries and therefore limit the opportunity of American defense manufacturers to sell to these three countries, meaning that they will be pushed to buy from other producers elsewhere in the world?

Mr. HARKIN. I will respond to my friend, if he will yield.

Mr. LIEBERMAN. I do.

Mr. HARKIN. Mr. President, again, this amendment does not preclude increased subsidies as long as we only pay our fair share. That is the point I was making prior to the Senator's comments.

But, again, is the Senator arguing that, again, this is going to cost a lot more than the $400 million that the administration has suggested—that this could really balloon in the years ahead? That is what I am concerned about. What is this going to cost? We are told it is only going to cost us $400 million. But now I hear the Senator saying maybe, if a country there decides to buy some expensive military hardware, we will want to jump in and subsidize our sales, so, therefore, we don't give it? I mean, nothing is given? It is not free; the taxpayers pay for it. And that bothers me. It doesn't preclude the sale of weapons; it just means it must be a fair share.

Again, I probably agree with the Senator that my amendment would preclude the kind of giveaway programs that cost our taxpayers a lot of money in order to maybe help one of these countries modernize to the point where they may not need it. But as long as it is free to them and costs our taxpayers, why not give it to them?

Mr. LIEBERMAN. I appreciate the response of the Senator from Iowa, because I do believe the response confirms my concern that one of the effects of passage of this amendment will be to apply what I consider to be an arbitrary cap—which is to say a 25 percent cap—on all American expenditures related to the assistance provided to these NATO countries.

Here is why I am concerned about that and why it does bother me. There are two different categories of expense. One is the direct amount we are contributing—common expenses, if you will—the $400 million that the Senator from Iowa refers to, to enlarge NATO to these countries. I do not consider the credits given to facilitate the sale of American military equipment to these countries in that same category. These are not giveaways. These are, in a long-established program, quite similar to what we do through the Export-Import Bank in other areas, or OPIC in other areas, to facilitate American companies' ability to sell their products abroad, creating or sustaining more jobs for American workers here at home.

So, my initial concerns are confirmed. I think the effect of this amendment, if adopted, would be to limit the ability of American companies to compete equally with foreign manufacturers of comparable weapons systems to sell them to these three countries, and the losers in that would be the workers in defense companies all around America. So these export credits are not giveaways. Yes, it may take the budget, the possible spending, somewhat above the $400 million, but that is a different category. The $400 million, if you will, is a grant. This is a little bit like giving a bit of a subsidy so you can sell a multiple of many times more and create jobs for American workers.

Mr. BIDEN. Will the Senator yield for a question?

Mr. LIEBERMAN. I will.

Mr. BIDEN. The Senator from Iowa forthrightly responded, as he always does, that if we wanted to sell Poland, like we sell Greece or Germany or anyone else, a piece of American-made military equipment, as long as we did not subsidize more than 25 percent of what that was, then we could sell it.

I wonder, why in God's name would the French Government agree to come up with money for Poland to allow them to buy an American jet instead of a French jet? Why would they possibly do that? And does this not give a veto, a veto on the part of other NATO nations, over American foreign military sales? Because unless they come up with 75 percent of what any subsidy would be, why would they possibly do that?

Is it not true—the Senator is on the Armed Services Committee—is it not true that one of the core debates in NATO beyond burdensharing has been who gets to sell NATO the equipment, whether they fly Mirages—whether NATO planes are Mirages or whether they are American made aircraft? Every other European country in NATO has been saying, "You Americans get too much of an advantage." Every time we talk about burdensharing, don't they come back and say, "Yes, but you don't get it; you get to make all that money and get all those jobs because you are supplying the equipment that all the NATO uses"?

So why in the Lord's name would we give a veto power over the ability of American manufacturers and American employees to keep their jobs to the French and the Germans and the Brits?

Mr. LIEBERMAN. The Senator raises a very good question. For me, at least, there is no good answer to that. That is why I say I believe that this may be an unintended consequence of the amendment that the Senator from Iowa has put forward. There is very spirited competition among the member countries of NATO in arms sales and arms purchases by NATO.

For instance, right now there is a great issue about the Joint Stars Program, a remarkable air surveillance of ground activity system in which we had an original requirement of 19 planes; assuming that NATO would buy 6, we would pay for 13. Our military says these are extraordinarily valuable. They are going to be critical in future warfare. We have already used them in Bosnia before we thought we would have to. Our allies in NATO decided last fall that they didn't want to buy the six from us, they wanted to try to make them themselves. So there is very spirited competition that goes on among the NATO members for NATO acquisitions, let alone to other countries.

I do want to say one word additionally on this point. The credits that are given for foreign military financing under the Arms Export Control Act are not literally spending; they are more in the form of a guarantee. I don't have the exact information before me, because I didn't realize we were going to get into this point this morning. I don't believe that the taxpayers have actually spent very much money on these credits. They are a form of a guarantee to facilitate these sales.

Anyway, bottom line, I leave this part of the debate with a confirmed concern, which deepens my opposition to the amendment, that one of the unintended consequences—or consequences of this amendment, if it passes, would be to hamstring, to tie up, to put a cap on the ability of American companies and workers to compete with foreign companies and workers to sell these three systems that they may want to acquire in the future.

Mr. President, I would like to go on and pose a second question to my friend from Iowa. Let me describe a different kind of fact circumstance.

One of the reasons I am so strongly supporting the enlargement of NATO to these three countries is that it will help us—it will share our burden, to be as specific as I can. NATO, as we continue our historic mission of providing for the collective defense of the member states, will face threats, as it has both within their territories and outside. We have seen it in Bosnia. I suspect, as others do, that we will be threatened increasingly from the south of NATO, not from the east, because Russia is now our ally and our partner—Partner for Peace, as we say—in that specific program. And I am struck by what these three new members can add to NATO's military capacity.

First off, and most explicitly, they will add 200,000 troops. And not just the troops, but I think what we will find, because these three new members will have the enthusiasm of new membership, perhaps even a greater willingness to be involved in sharing the burden that would otherwise fall exclusively on the United States of America in responding to threats to the security of NATO and its member states, including our own security.

Let me give a specific example. Hungary has been of great help to us already in Bosnia, giving us a base from which we can launch or source so much of our activity in Bosnia. But let me come to a much more specific and recent point. A short while ago, we were on the edge of military action against Iraq again, because the Iraqis wouldn't allow us, or the United Nations inspectors, access to their facilities, according to the post-gulf-war promises that they had made. And that conflict, for now—I am afraid not forever, but for now—has been avoided. But the record will show that during the period of time leading up to the possibility of military action against Iraq, these three countries—Poland, Hungary, and the Czech Republic—made unswervingly clear that they were prepared to stand by us.

Let me be very blunt about this, undiplomatically blunt. They were much more supportive of military action against Iraq, much more willing to commit forces and materiel, much more convinced of the common threat that an uninspected Iraq posed to them, as well as to us, than some of our longest term and foremost allies in NATO. There is no secret here. The French were particularly reluctant about military activity against Iraq.

So what I want to pose now is another fact situation. Let us say in the next half year—we all hope this does not happen, but we can feel it building in Iraq again. Mr. Butler, of UNSCOM, of the U.N. group charged with inspecting in Iraq to guarantee that weapons of mass destruction have been eliminated, has said in the last week or two that, yes, the inspectors gained access to Saddam Hussein's palaces, but as far as I interpret his statements, the Iraqis cleared out the palaces, let the inspectors in, the inspectors naturally found nothing—there was a lot of time that passed—the inspectors went out, and now the Iraqis say, "That's it. Lift the sanctions."

Mr. Butler, steadfast, honorable, independent, says, "Hey, we don't have affirmative proof as required under the post-gulf war agreements that the Iraqis are not developing chemical and biological weapons."

So let us go forward a few months, and the conflict grows, the disagreement grows, the Iraqis refuse to allow U.N. inspectors in, and we are on the edge of military conflict again, and as we hope it will not happen, in fact there is a decision to launch a military action, and in this we ask and receive the support of our allies in Hungary, Poland and the Czech Republic.

I know I am speeding up the schedule a little bit because they will not in that timeframe have acceded to NATO membership. So let us take it forward a year or two or three. They want to help us in an international conflict. And the one in the gulf is most likely. To facilitate their aid to us, we have to invoke exactly the sections of law that the Senator from Iowa includes in his amendment under the 25-percent cap—transfers of excess defense articles under section 516 of the Foreign Assistance Act of 1961, emergency drawdowns of our equipment to give to them no cost leases of U.S. equipment. All of this is not to throw it away but because they can share our burden. They can send troops to be with ours. But they may need some assistance, materiel assistance that we would normally draw down from.

So perhaps this has been a longer way than necessary to say that my concern is, these additional sections of this law would prevent the United States from, in a crisis such as the one I have described, or God forbid a larger one, where the soldiers, the military forces of these three countries were ready to share the burden of the United States in defense, in fact the 25-percent cap would say, you cannot do it, you cannot help them help us.

That is not only in the most limited and technical sense such a result in the interest of the taxpayers of the United States, it certainly is not in the interest of the security of the United States or in the interests of the well-being of the military of the United States, without assistance from countries like this, to have to shoulder more of the burden.

So I ask my friend from Iowa, is it not true that these sections of this amendment would limit the ability of the United States to draw down, to transfer articles, to enter into no-cost leases of U.S. equipment to these three countries in a time of crisis, in which we would very much want them to be helping us with our assistance?

Mr. HARKIN. If the Senator will yield.

Mr. LIEBERMAN. I will.

Mr. HARKIN. Is the Senator then saying that the cost of this is going to escalate greatly in the future, that it is not $400 million, it is going to be something much above that because we are going to subsidize a lot of sales? Is that what the Senator is saying?

Mr. LIEBERMAN. I thank the Senator. What I am saying is that from the best estimates I have seen, the American contribution to the common costs of NATO will be limited to the $400 million. But there will be other cases in our self-interest, such as the ones I have mentioned, where there is an international crisis and we will want to draw down, to give no-cost leases to Hungary, Poland and the Czech Republic to help us so we incur less damage and less direct costs ourselves that I am afraid this amendment would limit. I consider that a very separate category than in the contribution we make to the common costs of NATO enlargement.

Mr. HARKIN. If the Senator would yield further.

Mr. LIEBERMAN. I will.

Mr. HARKIN. The Senator talks about prices. Again, with all due respect, when a crisis happens, Congress responds. Again, just from a budgeting standpoint, from being perhaps a little tightfisted with taxpayer dollars, and not giving sort of a blank check and saying, "Fill it in," I think by having a cap on these costs, a national cost that I propose equivalent to what we do in our common costs, that it precludes a kind of runaway giveaway.

It is like, OK, Hungary wants to upgrade their capabilities in a certain area, so we say, "Oh, wonderful. You need not the $1.98 version, you need the $100 version." But Congress says, "We can't afford the $100 version." We say, "Not to worry. We'll give it to you. That will be one of our grants. We will subsidize it, and you will get ours."

Again, I must respectfully say to my friend from Connecticut, this is a whole new vineyard, this debate about jobs. I thought this was about democracy and markets and peacekeeping. Now we are talking about jobs. I find this debate now is veering off course a little bit.

To answer the question as forthrightly as I can, yes, I am saying that if one of these three countries want the $1.98 version, we could give up a 25-percent subsidy for that. We would not come in with a $100 version and say taxpayers are going to pay for the whole thing. Yes, that is exactly what I mean.

Mr. LIEBERMAN. I thank the Senator from Iowa. I will say a brief word or two more and then yield to the Senator from Oregon.

What I fear from the amendment is that the effect of the amendment will be to limit our ability to sell cost-effective items to these three governments, not just the ones that the Senator may consider to be bloated in expense. And more to the point of the second example that I have asked him about, I think it will have the unintended consequence of shackling us in our attempt to benefit from the willingness of these three countries to assist us in a time of international crisis.

I want to make a final point about the comment that the Senator made in passing that this is about, the NATO enlargement debate is about principle, not about jobs in America. I respectfully, loosely paraphrase there.

In my opinion, as I tried to indicate yesterday, this debate really is about a principle, about the principle of freedom that was secured and won in the cold war and that we now, in my opinion, have a moral obligation to ratify that victory in the freedom won by countries like Poland, Hungary and the Czech Republic, countries that suffered during the cold war and the long years of Soviet Communist domination, to welcome them into this military alliance which is based on the principle of freedom, also on collective defense.

I know that there are some who have said that what drives this debate, what drives the move for NATO enlargement is the yearning by American military contractors for more sales in Central or Eastern Europe. I must say, I am on the Armed Services Committee and I have not had a single comment—I have contact on a regular basis with representatives of defense companies, and I have not had a single one of them say a single word to me about NATO enlargement.

But that having been said, and looking realistically, the potential sales here are quite modest as a proportion of overall military sales throughout the world, particularly within the United States with the Pentagon as the purchaser. But if these three countries want and need to purchase new military equipment, why would we want to limit the ability of American companies to sell American made products to them? So, no, the debate overall is not about American workers; it is about the principle of freedom and collective defense, and the promotion of peace and stability on the European Continent, which is what NATO has done so greatly for almost 50 years and will do more broadly in the years ahead if we enlarge it.

Way down on the list of effects is the possibility that there might be a few sales of American-made equipment to these countries. I fear that the unintended consequence of this amendment would be to limit those sales and, in that sense, to give an unusual and surprising competitive advantage to military contractors abroad, particularly in Europe, perhaps even in Russia or China, as well.

I thank my friend from Iowa for what I hope has been an illuminating dialog and for the directness and eloquence of his own participation.

I thank my friend from Oregon for yielding me this time. I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, I was once asked by a mother in a town meeting I had in Oregon why her son or daughter should put his or her life at risk for a Hungarian or Pole or Czech through the expansion of NATO. I think it sometimes helps to think in human terms like that. My answer to her was that the surest way not to put her son's or daughter's life at risk was, in fact, to expand NATO.

It is a very troubled area in world history. In a tough neighborhood, good fences make for better neighbors. I have fought to expand NATO because I think to leave the vacuum, to leave muddled "international speak" out there at the border was a mistake.

I think the answer I gave to that mother can also be given to my friend from Iowa. The Senator is concerned about the bill going up. I am concerned about that, too, but I think the surest way that the bill not go up is to expand NATO. I think if we did not expand NATO, and the worst kinds of scenarios you could construct actually occurred, we would be spending far more than $1.5 billion—whether Poland, Hungary and the Czech Republic were in NATO or not because I don't think this time we would stand idly by. I certainly hope we would not.

So the surest way, I think, we can assure the American taxpayer that Senator HARKIN is rightly concerned that we won't spend $125 billion to expand NATO, is to define the terms of the future, not just react to them, make them, expand NATO, make this commitment, and I believe it means we will not be spending the kind of excesses that I also fear with the Senator from Iowa.

Mr. HARKIN. How much time remains?

The PRESIDING OFFICER. The Senator has 11 minutes.

Mr. SMITH of Oregon. I yield the floor.

Mr. HARKIN. Mr. President, I will respond with a couple of things.

First of all, I have to ask again the question: Can these three members, these three nations, can they afford membership in NATO or can they not? Can they afford to bear the burden or can they not? We have been told they can. One of the requirements for membership is they can pay the tab. These three nations have stated over and over they could afford it.

Now I am hearing, wait a minute, no, maybe they can't, because now we will have to give them a lot of subsidies to buy weapons systems. Well, if that is the case, then do they have the economic strength to join NATO? It seems like we cannot have it both ways. If they have the economic strength, why do they need all the subsidies? If they don't, are they really capable of joining NATO?

Secondly, yes, I am concerned about these types of giveaway programs and loans and grants. I say to my friend from Connecticut, we have—I have been on the Defense Appropriations Committee for several years now, and I have been in some aviation things going back almost 20 years, both in the House and the Senate. I say to my friend from Connecticut, we have always been faced with other countries subsidizing, in many cases more than we ever subsidized our arms manufacturers.

So how do we beat them? We beat them because we make the best products. We have the best quality. No one can match our aircraft. No one can match our weapons systems. No one can match not only the quality but the kind of support infrastructure that we can provide for those weapons systems. So other countries might have to subsidize theirs a little bit more, but only because they cannot match us in those areas. So we have been quite capable of competing and winning in the world market our share of defense items in the past. I do not think that will change in the future.

So in the last decade we have written off or forgiven over $10 billion in default of loans on military-related items on this. I think, again, we have to be very careful about this. We are told it will only cost us $400 million, but now what I hear is no, that is only for the common costs. This could go up and up and up and up, subsidy after subsidy after subsidy.

Then we hear that is only if there is a crisis. Fine. If there is a crisis we will address it then. But even the administration has said any threat to Europe to these nations is not imminent and would take years to develop. So we are not facing something that might happen in the next few months or even in the next couple of years or so, even according to the administration's own admission.

Therefore, I submit once more, Mr. President, that to keep the costs down, to be honest with the taxpayers of this country, what my amendment says is what is good for the common costs—that is, we limit our involvement to 25 percent—that we should limit the 25 percent, for subsidies for all of those national costs, also. That is all this amendment does. My friend from Oregon, my amendment does not stop NATO expansion. It simply says no longer will our taxpayers simply pick up the tab.

I yield the floor and reserve the remainder of my time.

Mr. SMITH of Oregon. Mr. President, with all respect for my friend from Iowa, I believe the Harkin amendment attempts to strangle NATO's expansion because it cannot prevent NATO expansion. This amendment places unreasonable restrictions on expenditures by limiting our assistance to new NATO members to 25 percent of all assistance provided to these countries by current NATO members.

I urge my colleagues to read carefully the resolution of ratification that we have before us. Condition two requires the President to certify that the United States is under no obligation to subsidize the national expenses necessary for Poland, Hungary, or the Czech Republic, to meet those countries' NATO commitments.

Let me be clear on this point. In signing the Protocols of Accession with these three countries, the United States has not signed up to foot the bill for their membership in NATO, and Poland, Hungary, and the Czech Republic understand that it is ultimately their responsibility to make the necessary improvements to their military structures.

Now, my friend from Iowa knows that in the past, the U.S. Congress has authorized and appropriated funds for countries in Central and Eastern Europe to assist in their efforts to meet the criteria for NATO membership.

Approving this resolution, however, in no way restricts the congressional prerogative to make this decision on an annual basis. In other words, why draw an arbitrary line now? We are going to do this on a regular basis anyway as circumstances change.

If in the future years we determine that Poland, Hungary, and the Czech Republic do not warrant or do not need the U.S. assistance, we will not authorize and appropriate it. I trust that future Congresses will be able to make this decision based on the circumstances in their time and will not need artificial percentages to dictate how our assistance should be appropriated.

I also confess concern about the signal that would be sent if the Senate adopted the Harkin amendment. Does approval of this amendment mean that the United States would only need NATO 25 percent of the time no matter what our security interests may be? Does it mean that the United States is interested in only 25 percent of NATO's activities, exercises, and planning processes? Does it mean that the United States would participate in just 25 percent of NATO operations despite any potential threat posed to the alliance? I think these questions demonstrate why arbitrary ceilings simply do not belong.

Mr. President, I suggest that we allow the Congress to make funding decisions based on our foreign policy interests and that we reject any effort to tie our assistance to countries in Central and Eastern Europe to that provided by our NATO allies. I, therefore, urge my colleagues to oppose the Harkin amendment, which I do today.

I yield the floor, Mr. President.

Mr. HARKIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Seven minutes.

Mr. HARKIN. Mr. President, I want to briefly touch on an issue the Senator from Connecticut mentioned, and that is lobbying by defense contractors.

At the outset, I want to say that I have not been contacted by any either. I don't know that my staff has; at least they haven't told me that. I respond by reading from an article that appeared in the New York Times on March 30, which I obviously got off the Internet, in which the writer of the article went on to say that "The chief vehicle of support for NATO expansion is a group called 'The U.S. Committee to Expand NATO'." The president of that innocent-sounding group is Bruce Jackson, director of strategic planning for Lockheed, a vice president for Lockheed for strategic planning.

Mr. President, again, a lot of these people have been championing NATO membership for these countries. He quoted me as saying that "This may amount to 'a Marshall Plan' for defense contractors who are chomping at the bit to sell weapons and make profits." Well, I am a Democrat, and it says, "A top Republican aide joked that the arms makers were so eager for NATO expansion, we will probably be giving landlocked Hungary a new navy." Those are just musings and comments by various and sundry people.

Again, this gets back to the question of whether or not we are going to ask the taxpayers of this country to provide subsidies over, above, and beyond what they kind of have been told in terms of NATO expansion as to what the costs would be. Yes, if these countries are going to upgrade their weapons system, sure. Do I want our defense contractors to be in there to provide them the necessary resources they need for defense? Absolutely. But do I want them there when the taxpayers say—as I pointed out to my friend from Connecticut, which we have seen so often in the past, for one of those countries may say that we need a certain system and it cost $1.98. Since there is no limit on the subsidies, one of our contractors could come in and say: You don't need the $1.98 one, you need the $100 version. Hungry, Poland, or the Czech Republic may say: We can't afford that. The contractor may say: Not to worry. You see, under the situation we have now, the U.S. taxpayers will provide the subsidy for it and you can go ahead and have it.

Once again, our taxpayers are stuck with it. I think that is the normal course. If there is a crisis, as has been stated many times, well, this would hamstring us in terms of a crisis. Again, I point out that no one is saying there is any imminent threat of any crisis at all. The administration says that for years ahead Russia is no threat. So if, in fact, a crisis comes up in the future—in the distant future—we have time to react, we have time on both the authorizing committee and on the appropriating committee to make changes, to make sure these countries have the adequate and necessary defense capabilities to defend themselves. But to just give a blank check now, I think, is wrong. I think it will cost the taxpayers of this country untold billions of dollars, unless we put the same cap on our subsidies for national expenses that we have on the common costs.

We have agreed with our fellow member nations in NATO that on the common costs we would provide about 25 percent. I see no reason why that same logic cannot prevail and be used to cap our exposure on the national costs. In fact, I have gotten an idea this morning that I may offer another amendment to this bill, and that is to get other member countries of NATO to also agree that their subsidies, their proportion of the national costs, would not exceed what their proportion is under the common costs. Now, we cannot force them to do that, but it seems to me that should be one of the negotiating principles that we would use with other countries when they want to expand and enlarge NATO. In fact, it kind of comes as a surprise to me that we did not do that in the beginning. If we really want honest accounting, and we want the European countries that are quite wealthy now to bear their fair share of the costs, it seems to me that we should have insisted in the beginning that the same proportionality that pertains to the common costs should pertain to the national costs. To me, this is a gaping hole, and the first place to close it is here with this bill, by saying that the United States will provide no more than its 25-percent share of those national costs.

Mr. President, I yield the floor and reserve my time.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I wonder if the Senator from Washington will yield up to 5 minutes.

Mr. GORTON. Certainly.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. LIEBERMAN. Mr. President, I want to respond briefly to two points. One is on the question of the involvement of the American defense industry in this debate. The Senator from Iowa cited a news article indicating that a group called the U.S. Committee to Expand NATO, headed by a gentleman involved in the defense industry—honestly, I don't know the facts about that committee at all, but I have seen some advertisements they have placed. But what I want to do is suggest—and I know the Senator from Iowa didn't mean to say this in quoting the article—that the support for NATO enlargement is quite broad. It is enormous. It goes well beyond this one organization headed by this one man. There are a host of military and veterans' organizations that I think support this because they have learned the lessons. They feel enlarging NATO is one of the rewards, if you will, for their service over the long years of the cold war. It was one of the goals they aspired to—to free the captive nations and let them become part of the community of freedom-loving nations. AMVETS supports NATO enlargement, as do the American Legion Association, U.S. Army Jewish War Veterans, Marine Corps League, National Guard Association, Reserve Officers Association, Veterans of Foreign Wars Association, and, in addition, a host of civic policy and political organizations, including, interestingly, the Council of State Governments, the U.S. Conference of Mayors, a host of State legislative bodies, including my own State senate in Connecticut that spoke on behalf of enlargement;

A true rainbow coalition of ethnic organizations, American ethnic organizations, many of whom have members who have family ties to the people who have suffered for almost five decades, four decades anyway, under Soviet Communist domination, are now thrilled that their family and friends can enjoy the blessings of liberty and want to affirm that opportunity by membership in NATO;

Many business and labor organizations, including the AFL-CIO, support the enlargement of NATO. So this is a very broad-based organizational effort, much beyond one group;

A remarkable number of high-level officials have signed a statement of support of NATO enlargement; former Vice Presidents Quayle and Mondale; former Secretaries of State Baker, Christopher, Eagleburger, Haig, Rodgers, Shultz, Kissinger, and Vance. I believe that is every living former Secretary of State;

Former National Security Advisers Allen, Brzezinski, Lake, McFarland, and Powell;

Former Secretaries of Defense Carlucci, Cheney, Clifford, Perry, and Rumsfeld.

It is a remarkable, broad coalition, much beyond one person whose affiliation may be the defense industry and an organization that I presume is much larger than that.

The second and final point that I want to make is I want to draw on something that the Senator from Oregon said, and it helps me to make a point about what I believe to be one of the unintended, certainly undesirable, consequences if we should adopt the Harkin amendment, which I hope we will not. The Senator from Oregon has occasionally held town meetings in Oregon. He has asked about NATO enlargement. Do we want to send your sons? How will you respond to the question of why would you send your sons to defend Budapest or Warsaw or Prague?

One of the effects of enlarging NATO is in effect quite the opposite, which is to bring the military forces, 200,000 strong, into the common effort to defend NATO and its member states from security threats to it and them. That involves a scenario that I suggested earlier that may occur in the Middle East around Iraq and other trouble spots around the world. What I am confident of is there will be an enthusiasm and a steadfastness to participate among these three new members that we don't always find, frankly, among the other members who have been with us from the beginning.

The question could almost be turned. That is, expanding NATO holds the prospect that Hungarian soldiers, Czech soldiers, and Polish soldiers will be sent to trouble spots in the world and not require American soldiers to be sent, certainly not in the same numbers. I believe that one of the consequences of this amendment putting an arbitrary 25 percent cap on American involvement here will be to make it impossible for us to draw down supplies and equipment to offer assistance to those soldiers of these three countries when they share our burden and place less of a burden on our military and on those who wear the American uniform.

I thank the Chair.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, 10 days ago in a column appearing in the Washington Post, Charles Krauthammer wrote:

> By ruling Central Europe out of bounds to Russia, NATO expansion takes one of this century's fatal temptations off the table. It is the easiest U.S. foreign policy call of the decade.

Why is it the easiest foreign policy call of the decade? Because the North Atlantic Treaty Organization for 50 years has preserved the peace of Europe and the peace of the United States. As a result of the North Atlantic Treaty Organization, the Soviet Union literally ceased to exist. All of this was accomplished by a military alliance that never was required to fight or to sacrifice its young men and women in a military conflict within the bounds of that organization.

Why did the North Atlantic Treaty Organization come into existence in the first place? Because the first half of this century showed that both world wars began in Central Europe because of the weakness, the instability, the unsettled nature of the former empires and the then national states in that part of Europe, occupied almost wholly by the Soviet Union at the end of World War II. The West could only be defended by a military organization of which the United States was a part. Behind the magnificent defensive line, the parapets, built by the North Atlantic Treaty Organization, Western Europe became free, democratic, and prosperous.

During that 50 years, we and the Western Europeans invested not an inconsiderable amount of money in communicating those ideas of freedom to the people of Central and Eastern Europe through the Voice of America and other such organizations. It is clear now that nothing was desired by the people of the Czech Republic, Poland, and Hungary more than to join the free and prosperous countries of Western Europe. Partly because of our efforts through NATO, partly because of our economic success, and partly from their growing dedication to freedom, they freed themselves—they freed themselves—from the Soviet Union. The Soviet Union disappeared and became Russia, a country still unstable, a country with candidates for President in the year 2000 who would desire nothing more than the restoration of the old Soviet Union.

So the rationale of the expansion of the North Atlantic Treaty Organization is to say, no; these countries freed by their own efforts and our own efforts will stay freer. They will be to us as Germany and France and Normandy have been for the last half century. What history teaches us is that a political vacuum filled with weakness and irresolution is a temptation to an aggressor. Countries a part of the North Atlantic Treaty Organization were not such a temptation, even at the height of the power of the Soviet Union.

Accession to NATO is as close to a guarantee as we can possibly come of the fact that our sons and daughters will not die in Warsaw or in Prague or in Budapest any more than they were required to do so in Oslo or in Paris in the course of the last half century.

Mr. President, this is the easiest foreign policy call of the decade. The North Atlantic Treaty Organization will lend strength to us, a contribution to our own defense, but most importantly the security of countries that have not been secure that want to join us in prosperity and in safety as they have in freedom.

The amendment of the Senator from Iowa is simply another attempt to make these members second-class members. We have already stated that we made no commitment at all, a zero commitment, to subsidize the national expenses for these countries. How much, if any, we subsidize them in the future is a decision that can and should be made in the future and not in the course of this debate.

Even more mischievous, in my view, Mr. President, are amendments to say that there will be no further expansion, that we will leave a vacuum unless certain preconditions are made. For more than 50 years the United States of America refused to recognize the annexation of the Baltic republics by the Soviet Union. When their cause was deemed to be a hopeless cause by almost everyone, they, too, have freed themselves. They, too, want at some future date to be a part of NATO. They, too, create a vacuum at the present time in the power structure of Central and of Eastern Europe.

To pass an amendment that is likely to be proposed by another of my colleagues that singles them out as being countries we will not want to defend or be a part of without special circumstances, in my view, is simply an engraved invitation to some future Russian Government to say: We're coming back in; we don't care about your desire for freedom. You're a part of us whether you like it or not. And, look, the Americans have in effect in the Senate said that's OK.

That is the essence of instability and of uncertainty, not only for the nations immediately involved but for all of us.

Certainty created through 50 years by the North Atlantic Treaty Organization is the best guarantor of peace. I am convinced we should reject all limiting amendments, admit these three nations, and judge in the future what additional nations should be admitted to NATO—nations, in my opinion, consisting of all of those that become real democracies, real free market countries, with a real desire not only to be a part of the North Atlantic Treaty Organization but to contribute their own strength to it.

We should reject the Harkin amendment. We should grant the accession of the three countries before us at the present time without further conditions, and in the good faith that their accession will strengthen peace, strengthen their democracy, and strengthen our own security.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent that I be allowed to address the Senate as if in morning business past the agreed upon time of 12:45.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, for the moment I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I realize we only have a minute or two before the unanimous consent order kicks in which ends discussion at 12:45, but let me say for the record that one of the aspects of the amendment that we are considering and will be voting on when we come back from our caucus luncheons, the Harkin amendment, deals with requiring excess military materiel transferred to any NATO country—in this case, the three new members—to be counted against our common budget.

I did not have these numbers before, but I want to put them in the RECORD now. The Senator from Iowa has contended that we provide aid only to the less well off countries in NATO, and he implied they are the only ones we have given this excess military equipment to. Most people don't know what we are talking about here, so let me make it clear. Here are the facts.

In fiscal year 1996, we provided excess defense articles to the following countries: Denmark, Germany, Greece, Portugal, and Turkey, for a total value of $55 million. In fiscal year 1997, these excess articles went to the United Kingdom, Norway, Spain, and Turkey; value: $113 million. And my friend from Iowa, if his amendment passes, would say we can continue to spend taxpayers' money for what we believe is in our national interest to give excess items to other NATO countries, not part of our NATO requirement but our individual judgment, but we could not do the same for Poland, the Czech Republic, or Hungary. I think that would a serious mistake. If he wishes to do that and "save the taxpayers' money," why not have his amendment say no excess military arms could go to any NATO country? Why single out for this second-class treatment the three new countries?

I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I thank my friend from Delaware. His statement is a very important contribution to this debate on NATO, and I appreciate the fact that not only is he giving the Senate information but the great job the Senator is doing on this issue here for these many days. I am very appreciative.

Mr. BIDEN. I thank the Senator.

Mr. McCAIN. There is no one more qualified, in my view, in the Senate than the Senator from Delaware, on this issue especially, but other foreign policy issues.

THE TOBACCO INDUSTRY'S CAMPAIGN OF DIVERSION

Mr. McCAIN. Mr. President, much has been said and written about the tobacco bill approved by the Senate Commerce Committee 19 to 1, three weeks ago.

The Senate will soon have an opportunity to debate, offer amendments and vote on tobacco legislation. I know the Senate can and must work cooperatively and without partisanship, as we have on the Commerce Committee, to improve the measure, and assure that it serves the public health interests of our nation—most particularly our children.

The Commerce Committee measure is a bipartisan bill that was developed in consultation with the attorneys general, the administration and the public health representatives including Dr. Koop, Dr. Kessler, and Matt Myers of the National Center for Tobacco Free-Kids.

It's a comprehensive bill aimed at dramatically reducing youth smoking. Every living Surgeon General has signed a letter to Congress urging us to pass comprehensive legislation this year to address what is our nation's number one public health problem.

The tobacco industry is now embarked on a campaign of diversion to change the subject from health and children. They are trying to take attention away from the facts, and use specious "buzz word" attacks to kill a bill they know might actually stop kids from smoking and reduce their ability to lock teens in as lifetime smokers.

So, Mr. President, this is about money—the tobacco industry's money—and the lengths they'll go to make more, including lying to Congress, manipulating nicotine to hook customers and marketing to kids.

Mr. President, I would like to quote recent newspaper items responding to the industry's attacks and regarding new evidence of the prevalence of smoking among minority children as reported in the Washington Post. First, from USA Today:

> Some, ever eager for some raw meat, were sucked right in by the rhetoric. But before you believe it, pause a moment for one little bit of truth: Everything the industry is railing against today it agreed to in some form just 10 months ago. Here's the rundown:
>
> Big tax boost. Half a trillion dollars. That's how much those greedy lawmakers want to take from smokers. And a disproportionate amount would come from poor people because they smoke more.
>
> But wait a minute. Where were these brave champions of the downtrodden last June? Ooops. They were signing a settlement deal with a group of state attorneys general to dig $400 billion from smokers' pockets. The AGs and congress sought high prices to discourage smoking, particularly in the teen years when most smokers start. The poor? Flip the tax idea around. Imagine what the reaction would be to a plan that lowered their costs in order to lure them into a deadly habit.
>
> Big government. Standing athwart the onward march of big government, tobacco executives now warn that "Washington wants to create 17 new bureaucracies." Memories of Clintoncare dance in their heads.
>
> Just don't pay any attention to the fact that 10 months ago these same executives were whipping big government on. The June settlement gave the Food and Drug Administration a 30% boost in its budget, the feds new powers to ban indoor smoking, and on and on.
>
> Ad restrictions. Why those do-gooders in Washington even want to strip the industry of its First Amendment rights by sharply restricting advertising. No human images, no color ads, and so on. Yet somehow all this was perfectly fine with the industry last June.
>
> Tobacco farmers. Congress' plan would put hundreds, if not thousands, of tobacco farmers out of work. The Senate bill does set aside some $28 billion in a trust fund to help growers and their communities dislocated by the cut in smoking rates. Guess how much the industry secured for these beloved farmers when cutting its June deal? Zip. Zero. Nada.
>
> What changed between June and today is this: Congress started to give the appearance of closing loopholes the industry had artfully built into the June deal—a tactic it has exploited in the past. Penalties for failing to reduce teen smoking, for instance, were too small to matter.
>
> Some observers have suggested that the industry quit negotiations now only to improve chances for a weak deal later. That remains to be seen, but one thing is certain. All Big Tobacco has done for two weeks is blow smoke.

As reported in the Washington Post:

> The latest annual report by the surgeon general, David Satcher, showed what other studies have highlighted: that smoking continues to increase in allure to young people even as fewer adults smoke. Over the past six years, it said, youth smoking has risen by nearly a third, and some 40 percent of white high school students smoke. Smoking by high school-age blacks, who still smoke less than white counterparts, rose by nearly 80 percent from 1991 to 1997. The smoking rate among Hispanic students rose by 34 percent, the study found.

Here are the facts.

First the statistics on youth smoking are clear and alarming: 3000 kids a day start smoking every day; 1000 of them will die early from smoking related disease; and one out of every three adolescents uses tobacco by age 18. Mr. President, we're not talking about kids who sneak a cigarette out of their mother's purse. According to a Surgeon General's report: Seventy-one percent of youth smokers, use tobacco daily.

The Centers for Disease Control reports that youth smoking is on the rise, a trend that the American Cancer Society calls a "pediatric epidemic." Ninety percent of lifetime smokers take up the habit before the age of 18—when it is illegal to buy tobacco products in every state in the union. We know from documents discovered in state suits against the tobacco industry that they have long understood the adverse health impacts and addictiveness of their products, yet actively marketed to children, including studying 5–7 year olds.

The cost of this problem is enormous.

Mr. President, 435 thousand Americans die from smoking related illness every year—the single greatest cause of preventable disease and death in America by far. Every year, taxpayers must foot the bill for $50 billion in health care costs to treat smoking related disease. According to the Department of the Treasury, smoking related injury, damage and economic cost exceed over $130 billion annually. To recoup some of these costs to taxpayers, 41 states have sued the industry.

Mr. President, the severity and urgency of the problem is beyond question. Now is the time for action. As I said, every living surgeon general of the United States has signed a letter urging Congress to pass comprehensive tobacco control legislation.

The bill passed by the Commerce Committee is comprehensive and mirrors the framework of the tobacco settlement reached between the industry and the attorney general.

The bill: Restricts tobacco advertising and marketing aimed at kids; sets aggressive but achievable youth smoking reduction targets, and holds the industry responsible for failing to achieve the reductions; increases the price-per-pack of cigarettes by $1.10 over five years to reduce youth consumption. Experts agree such a hike is a critical part of the overall effort to curb youth from smoking.

It provides the Food and Drug Administration with authority to oversee nicotine and tobacco product ingredients and marketing. It requires the industry to pay up to $516 billion over 25 years to compensate states for tobacco related costs to Medicaid and public health programs; to fund youth smoking reduction and health research initiatives; and to assist tobacco farmers.

The bill is about our kids, it's about accountability and it's about solving a national problem. The industry wants to change the subject with the tried and true tactics of diversion.

I understand they now intend to spend $100 million for print and broadcast media to maintain the status quo. Perhaps if the industry had spent some of their resources on legitimate anti-youth smoking activities, we wouldn't have the problem we do today.

The industry diversion play book consists of four themes.

DIVERSION ONE—SOLVING THE PROBLEM OF YOUTH SMOKING IS REALLY ABOUT TAX AND SPEND GOVERNMENT

Experts agree that a price increase is an essential component of the effort to stop youth from taking up the habit—the industry doesn't want a bill that will truly diminish the number of their "replacement" users.

The money raised by a settlement would be used to reimburse taxpayers for the $50 billion yearly tax that big tobacco places on American taxpayers in the form of tobacco health care—including a substantial drain on Medicare and Medicaid.

The funds would also finance: Youth anti-smoking initiatives; vital health research to find new cures and treatment for smoking related disease including, cancer, stroke and heart disease. It would assist farmers who will be affected by reductions in tobacco consumption—hard working middle class Americans who for years have been encouraged to grow tobacco by federal policies.

The bulk of the revenue raised—up to $195 billion—will be dispensed to the states to settle their cases against the tobacco companies and could be used for tax cuts at the State level.

It's more than slightly ironic that last summer the industry agreed to a substantial price increase in their settlement with the attorneys general. They further tax their own credibility by suggesting that an additional 10 cents more per year by the year 2003 is the difference between enlightened public policy and tax and spend government.

DIVERSION TWO—THE EFFORT TO STOP YOUTH SMOKING IS ABOUT BIG GOVERNMENT

The tobacco companies ads say that the bill approved by the Commerce Committee contains seventeen new boards and panels, and is government run amok.

Of the dozen boards, most of which were contemplated in the industry's agreement, eight of them are part-time or advisory and entail little or no cost; two are temporary, including one created to reimburse small business people for the termination of cigarette vending machines. And, one is to ensure that increased research dollars are not wasted.

Furthermore, the majority of these initiatives were contemplated in the June 20th agreement signed by the industry.

DIVERSION THREE—THE INDUSTRY WILL GO BANKRUPT

The Commerce Committee bill implements the President's request for $1.10 increase in the price per pack of cigarettes over five years.

The Deputy Secretary of the Treasury, Lawrence Summers, testified before the Commerce Committee that this increase would not bankrupt or render the industry financially unviable.

The President has stated that it is not the administration's intention to drive the industry out of business, but to get them to stop marketing and selling to kids.

If the industry truly believes the President's request creates a bankruptcy situation, it's incumbent upon them to make their case to the Department of the Treasury, not simply walk away from the table, and threaten to go back to business as usual.

DIVERSION FOUR—PRICE INCREASES WILL CREATE A BLACK MARKET

Again, the administration has assured that the President's request will not stimulate a substantial black market.

It's important to understand that there is a black market today in cigarettes, as there is in a variety of consumer goods.

If the industry has credible evidence that price hikes will create a substantial black market that poses a threat to public safety or health they should produce that evidence.

I don't believe, however, that most Americans would agree we should refrain from doing what's necessary to stop youth smoking based on unsubstantiated conjecture.

One answer to the omnipresent black market issue is to better enforce our laws against smuggling and sale of contraband.

Let me conclude by saying Congress and the administration must focus on enacting a fair, effective and responsible piece of legislation that will stop youth from smoking. The American people demand it.

They do not want a political football, or partisan politics.

Certainly, improvements in the Commerce Committee bill can be made, and I look forward to continuing to work with all Senators to achieve that end. Now is the time for all sides to lower the rhetoric, make their case and let the legislative process work.

Mr. President, I appreciate the indulgence of the Presiding Officer, and I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 1 o'clock having been reached, the Senate is in recess until 2:15.

Thereupon, at 12:59 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

EXECUTIVE SESSION

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND THE CZECH REPUBLIC

The Senate continued with the consideration of the treaty.

EXECUTIVE AMENDMENT NO. 2310, AS MODIFIED

Mr. ENZI. Mr. President, I ask unanimous consent that it be in order at this time to modify the Kyl amendment with the modification that is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Executive amendment, as modified, is as follows:

In paragraph (1) of section 3, after "(1) THE STRATEGIC CONCEPT OF NATO.—" insert the following:

(A) POLICY OF THE UNITED STATES TOWARD THE STRATEGIC CONCEPT OF NATO.—The Senate understands that the policy of the United States is that the core concepts contained in the 1991 Strategic Concept of NATO (as defined in (1)(F)), which adapted NATO's strategy of the post-Cold War environment, remain valid today, and that the upcoming revision of that document will reflect the following principles:

(i) FIRST AND FOREMOST A MILITARY ALLIANCE.—NATO is first and foremost a military alliance. NATO's success in securing peace is predicated on its military strength and strategic unity.

(ii) PRINCIPAL FOUNDATION FOR DEFENSE OF SECURITY INTERESTS OF NATO MEMBERS.—NATO serves as the principal foundation for collectively defending the security interests of its members against external threats.

(iii) PROMOTION AND PROTECTION OF UNITED STATES VITAL NATIONAL SECURITY INTERESTS.—Strong United States leadership of NATO promotes and protects United States vital national security interests.

(iv) UNITED STATES LEADERSHIP ROLE.—The United States maintains its leadership role of NATO through the stationing of United States combat forces in Europe, providing military commanders for key NATO commands, and through the presence of United States nuclear forces on the territory of Europe.

(v) COMMON THREATS.—NATO members will face common threats to their security in the post-Cold War environment, including—

(I) the potential for the re-emergence of a hegemonic power confronting Europe;

(II) rogue states and non-state actors possessing nuclear, biological, or chemical weapons and the means to deliver these weapons by ballistic or cruise missiles, or other unconventional delivery means;

(III) threats of a wider nature, including the disruption of the flow of vital resources, and other possible transnational threats; and

(IV) conflict in the North Atlantic area stemming from ethnic and religious enmity, the revival of historic disputes or the actions of undemocratic leaders.

(iv) CORE MISSION OF NATO.—Defense planning will affirm a commitment by NATO members to a credible capability for collective self-defense, which remains the core mission of NATO. All NATO members will contribute to this core mission.

(vii) CAPACITY TO RESPOND TO COMMON THREATS.—NATO's continued success requires a credible military capability to deter and respond to common threats. Building on its core capabilities for collective self-defense of its members, NATO will ensure that its military force structure, defense planning, command structures, and force goals promote NATO's capacity to project power when the security of a NATO member is threatened, and provide a basis for ad hoc coalitions of willing partners among NATO members. This will require that NATO members possess national military capabilities to rapidly deploy forces over long distances, sustain operations for extended periods of time, and operate jointly with the United States in high intensity conflicts.

(viii) INTEGRATED MILITARY STRUCTURE.—The Integrated Military Structure of NATO underpins NATO's effectiveness as a military alliance by embedding NATO members in a process of cooperative defense planning and ensuring unity of command.

(ix) NUCLEAR POSTURE.—Nuclear weapons will continue to make an essential contribution to deterring aggression, especially aggression by potential adversaries armed with nuclear, biological, or chemical weapons. A credible NATO nuclear deterrent posture requires the stationing of United States nuclear forces in Europe, which provides an essential political and military link between Europe and North America, and the widespread participation of NATO members in nuclear roles. In addition, the NATO deterrent posture will continue to ensure uncertainty in the mind of any potential aggressor about the nature of the response by NATO members to military aggression.

(x) BURDENSHARING.—The responsibility and financial burden of defending the democracies of Europe will be more equitably shared in a manner in which specific obligations and force goals are met by NATO members.

Mr. ENZI. Mr. President, I ask unanimous consent that at 4:30 p.m. today, the Senate resume consideration of the Kyl amendment No. 2310, as modified, and there be 30 minutes equally divided for debate on the amendment. Further, I ask unanimous consent that following the expiration or yielding back of time, the Senate proceed to vote on or in relation to the Kyl amendment, and further that no amendments be in order to the Kyl amendment prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I further ask that following the vote on adoption of the State Department conference report, at 2:25 p.m., there be 2 minutes equally divided for closing remarks on the Harkin amendment prior to the vote on or in relation to the Harkin amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to legislative session.

FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, there will now be 10 minutes of debate equally divided for closing remarks prior to the vote on the adoption of the conference report accompanying H.R. 1757, which the clerk will now report.

The legislative clerk read as follows:

> The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1757), have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I yield myself 2½ minutes. It is what, 5 minutes each?

The PRESIDING OFFICER. Five minutes on each side.

Mr. HELMS. I yield myself half of my time.

The PRESIDING OFFICER. The distinguished Senator is recognized.

Mr. HELMS. Notify me when it is over.

The PRESIDING OFFICER. The Chair will advise the Senator.

Mr. HELMS. I thank the Chair.

Mr. President, rumors, they are aflying to the effect that the President of the United States has instructed the Democrats of the Senate to vote against this conference report and, if my intelligence sources are correct, it will get about three Democratic votes this afternoon. That compares with the vote of 90–5 for this very same bill, largely, that was passed by the Senate. If such game playing is going to happen, and if this conference report is defeated because of that sort of thing, then the President is going to have a difficult time about a lot of things.

Let me say it again. The pending conference report is the result of more than a year's hard work by Senator BIDEN and Secretary Albright and JUDD GREGG, ROD GRAMS, and many others to abolish two antiquated temporary Federal registries created in the 1950s and bringing reform to the United Nations. Now, if this conference report is defeated this afternoon, so be it.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, the chairman and I have worked very, very hard over the last 9 months to produce this bill. I will not reiterate all that each of us said last week at the end of the day. We have no real disagreement in terms of the substance of the bill. We have a disagreement on not even whether or not we should attach a provision relating to family planning and abortion in the bill. We don't even disagree on that. The chairman had nothing to do with that being in. He is a strong supporter of the family planning limitation that is in this bill, so-called Mexico City, although he did not ask for it to be put in this bill, but it is on the bill. We are faced with the reality, it is on the bill.

The question is, What do we do from here? I urge my colleagues, notwithstanding the agreement the Senator and I have in every other aspect of the bill, to vote against this conference report. I do so because, at the insistence of the House, the Mexico City provision, which is not related to the underlying legislation, is in the bill, and stopping the conference report, I hope—and I may be tactically wrong here; this is my objective—I hope we send a signal to the House that we will not yield to what I characterize—not the chairman, "me"—characterize, as legislative blackmail on this or other controversial issues.

As indicated, it would be inappropriate, if the Democrats took back the House next time out—I have no idea whether that will happen, but if they did—for them to attach to one of the bills an education provision that no one on the Republican side liked and said, "Take it or leave it." I think it is a mistake.

The underlying legislation is critically important to American foreign policy. It would pay off our arrearages to the United Nations and bring additional reform to that body and reorganize our foreign policy agency, and it begins to provide the funds, in essence, to restore our diplomatic presence worldwide. I believe the President will sign it promptly, provided we send him one without Mexico City attached.

Again, the only thing that the chairman and I disagree on, he believes, and he believed, and I believe he believes it, that what the House sent is at least a compromise on Mexico City. I view it as not a compromise at all on Mexico City.

So I urge my colleagues to reject this conference report so we can return to conference and produce a bill that the President can sign.

I reserve the balance of the time.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. How much time remains?

The PRESIDING OFFICER. The Senator has 2 minutes 30 seconds.

Mr. BIDEN. I see the Senator from Texas is standing. After he speaks, I am delighted to yield my 2 minutes in closing to my friend from Massachusetts.

Mr. GRAMM. I want to ask the distinguished chairman of the committee a question, if I might, if he will yield for that purpose.

Mr. HELMS. I yield for that purpose.

Mr. GRAMM. Obviously, a great deal of compromise has occurred on our side of the aisle with regard to arrearages at the United Nations. That is now, obviously, a focal point of this bill. I have to assume that the President would have to understand that if this bill is defeated today, his chances of getting any arrearage funding for the United Nations in this Congress would be diminished substantially and probably would not happen.

I ask the chairman his views on that.

Mr. HELMS. If I have anything to do with it, there will be no action on arrearages or anything else that the President is interested in.

Now, he has waved that veto flag time and time again. Let him wave it this time, but he must bear in mind that this is it, this is the end of it, one way or the other.

I thank the Senator.

Mr. GRAMM. I thank the chairman.

Mr. BIDEN. I yield to my colleague from Massachusetts.

Mr. KERRY. Mr. President, I will join, I hope with the vast majority of colleagues on this side of the aisle, to vote against this bill even though the bill is an important bill and it is one that I have worked on with the ranking member and chairman for a long period of time.

I know the chairman worked diligently to try to break this bill free of the Mexico City language and to try to have the capacity to move forward on the floor. I applaud him for his good-faith efforts to do that.

Let me say to my colleagues that this is a tragedy of enormous proportions. It is dangerous. It is damaging to the interests of the United States to tie the U.N. arrearages and larger policy questions to one issue, to one point of view, by a very narrow percentage of Members of the U.S. Congress who want to tie it in this way to the United Nations. It is a form of a kind of political blackmail.

The reality is that the United States of America is going to lose significant prestige, significant leverage, and our interests are going to be set back in the international arena. We are going to be hurt with respect to issues like Bosnia. If anybody mistakes it, all you have to do is look at the way in which the coalition fell apart over Iraq and the issue of holding Saddam Hussein accountable for weapons of mass destruction.

Talk to anybody at the United Nations and you can learn very quickly about the growing anger of nations who watched the United States, which has become a scofflaw within the United Nations, unwilling to live up to the rules that we helped to write, unwilling to fulfill our obligations under the United Nations, all because one point of view in the U.S. Congress can't have its way.

I think those who think about this should think hard about what interest is being served here—the interests of abortion versus the interests of world leadership of the United States in the United Nations. That is what is at stake here.

I think the President ought to veto this and we ought to hold those accountable who are unwilling to assert the interests of the United States, the world's leader, all nations of the world today looking to us for that leadership, and here we are, handicapping ourselves over a totally separate issue.

Mr. CHAFEE. Mr. President, I would like to express my opposition to the measure we are about to vote on, H.R. 1757, the State Department Authorization conference report. Despite the fact that this bill contains many provisions which I support, such as a wide-ranging reform package that would ensure U.S. payment of dues to the United Nations, the entire measure is overshadowed by an egregious and misguided abortion provision included at the insistence of those who oppose abortion rights.

This provision would prohibit foreign organizations from receiving U.S. family planning funds if that organization, with its own funds, provides legal abortion services or advocates on abortion issues in its own country. Such providers, for example, would lose their U.S. funds if they discussed at a conference that more than 20 percent of all maternal deaths throughout Latin America and the Caribbean are due to illegal abortion.

In my view, this provision is a thinly-veiled attempt to further erode our commitment to international family planning programs. I must say, Mr. President, I am always perplexed by those who oppose family planning and also oppose abortion. Study after study has shown that lack of family planning leads to more unintended pregnancies which leads to more abortions. Consider two countries: Russia has very little contraception available, and abortion is the primary method of birth control. The average Russian woman has at least four abortions in her lifetime! Alternatively, Hungary has made family planning services more widely available and the abortion rate has dropped dramatically.

The impact these family planning programs have on the health and well-being of women and children around the world cannot be denied. But there is another issue here that should not be overlooked—the important role population programs play in sustaining the global environment.

The earth now supports 5.7 billion human beings. In thirty years it is estimated the world's population will be 8.3 billion. We are growing by 86 million people per year. It is expected that 90 percent of this increase will be in the developing world. India has to feed an additional 16 million people per year. And so many of these people are children—forty percent of the population of the average less-developed nation is under the age of 15.

Mr. President, the United States plays a critical role in providing family planning services abroad. I feel strongly that we should continue our leadership role in this area. It is both humane and environmentally sound. This conference report contains provisions that would gut our commitment to international family planning, and I urge my colleagues to oppose this measure.

Mrs. MURRAY. Mr. President, here we go again. As we have done so many times in recent years, we are sacrificing serious and legitimate national interests to the partisan and divisive abortion debate. Due to the global gag rule imposed on international family planning, I will vote against the conference report on H.R. 1757, the Foreign Affairs Reform and Restructuring Act.

I commend the President for his strong veto message to the Congress on this legislation. Passage of this conference report will not change current law. A vote in favor of the conference report will not ultimately result in the payment of the U.S. debt to the United Nations or the reorganization of the State Department. Passage may score political points but it will delay this important legislation and diminish U.S. standing in the international community.

This language is anything but a compromise as proponents of the new global gag rule claim in defending the conference report. It was not adopted nor debated on the Senate floor. Every single Democratic conferee to this legislation refused to sign the conference report. Labeling this language a compromise is misleading and untrue.

Passage of the conference report will unfairly disqualify many family planning organizations from receiving U.S. international family planning funds if they use their own funds in their own countries to point out the adverse public health consequences of medically unsafe abortion. The elimination of these non-governmental organizations from the program, considered to be one of the best and most cost-effective channels for U.S. foreign aid dollars, will have a devastating impact on this critical foreign aid program.

The language in the bill will condition an organization's eligibility for U.S. family planning assistance unless it agrees to surrender its rights to free speech and participation in the political process in its own country using its own funds. Proponents of the controversial language will describe it as a ban on abortion lobbying, such as a restriction would be unconstitutional if applied to American citizens and would undermine one of the primary objectives of our foreign policy—the promotion of democracy around the world. The Senate should reject this conference report and the restrictive family planning language added behind closed doors.

Enactment of the conference report will result in the reduction of family planning funding by $44 million. The funding cut would likely cause a subsequent increase in the number of abortions as couples lose or are denied access to contraceptive services. Any Senator who supports family planning as a means to reduce the incidence of abortion should oppose this bill.

Family planning saves lives, particularly in the developing world where a woman dies in pregnancy or childbirth every minute of every day and where more than 12 million children each year do not live to see their fifth birthday.

I urge the Senate to reject the Conference Report on the Foreign Affairs Reform and Restructuring Act.

Mr. DODD. Mr. President, I rise to speak in opposition to the conference report on H.R. 1757—The Foreign Affairs Reform and Restructuring Act of 1998.

As is the case with many of my colleagues who have already spoken on this matter, I believe that it is fundamentally wrong to be holding the payment of U.N. arrears and the structural reform of U.S. foreign affairs organization hostage to a single issue related to international family planning—an issue by the way which was never even discussed during Senate consideration of this legislation. I am speaking of course of the so called Mexico City restrictions on U.S. international population programs that have been included in the legislation pending before us today—Section 1816 of the bill. These restrictions not only prohibit foreign non-governmental organizations that accept U.S. funding from using their own funds to perform abortions, but also bar them from lobbying their own governments, with their own money, on abortion related public policy issues.

Without doubt, Section 1816 is going to result in all of the other sections in the bill, over 160 of them—not becoming law.

That means that nearly two years of work on this bill will have been for naught. That is unfortunate in my view, because many of the other provisions are meritorious and should become law.

Mr. President, how did we get to where we find ourselves with respect to this legislation? Mr. President, let's be clear about who is responsible. It was not the President who created the current dynamic—he and officials in his administration have worked in good faith for months with House and Senate conferees on the legislation before us today.

It certainly wasn't the Senate conferees who working together had come up with an acceptable package of compromises on the various difference between the House and Senate passed bills —a package that we all more or less agreed to and would have supported. A package that did not include Mexico City language.

The responsibility for putting U.S. leadership at the U.N. in jeopardy and delaying foreign affairs reorganization rests solely with the House Republican leadership.

The Republican leadership knew full well that this entire bill was being put at risk with the inclusion of Section 1816 in this bill—a provision which, incidentally, would never become law if it were to be applied to domestic non-governmental organizations because it is so fundamentally a violation of the first amendment constitutional protections of free speech.

I know our Democratic colleagues in the House warned them of what was likely to happen.

I know Senator BIDEN did as well. Certainly the President has made no secret of his fundamental opposition to the so called Mexico City language and most especially the "global gag rule" aspect of it.

Despite these warnings, the House leadership instructed House Republican conferees to include this provision in the final version of the bill. Not a single Democratic conferee from either the House or Senate supported the final conference report that we have before us today. I was one of those conferees who refused to sign onto this legislation.

I certainly agree with those who are strongly opposed to the codification of the Mexico City language into law. I think it is reprehensible to attempt to restrict the free speech of foreign non-governmental organizations and their members.

I happen to believe that these organizations do very important work—work that is making a real difference to the health and overall quality of life for hundreds of millions of women and children living in developing countries throughout Asia, Africa, and Latin America.

But my objections with respect to this matter go beyond the substance of the provision to that of the tactics that are being used here and for an unwillingness to take into account U.S. national and foreign policy interests that may be at stake. Proponents of this measure have made no effort to balance these overarching interests against the narrower ones of wanting to score partisan political points by promoting a very controversial agenda that clearly does not have the support of the majority of the American people.

Mr. President, it is my hope that the Senate will vote to reject the pending conference report and thereby send a signal that, at least in the Senate, we aren't in the practice of "legislative hostage taking"—that is not the way the Senate conducts its business. In doing so, we will also be sending a signal to the American people that we are here to do their business, the business that we were elected to look out for, and not to play games of "partisan one upmanship." I would urge my colleagues to join me in sending such a message by voting no on this measure.

Mr. DASCHLE. Mr. President, this conference report contains many important provisions that deserve the support of the Senate.

It authorizes Congress, at long last, to pay our overdue debt to the United Nations. It clears the way for comprehensive UN reform. The bill also includes a much-needed, major restructuring of our nation's foreign affairs agencies.

In the years since the Cold War ended, the maps of the world have been redrawn. The reorganization plan in this bill would enable us to redraw our foreign affairs structure to match the new, post-Cold War reality. It is the product of careful and detailed negotiations, and enjoys broad, bipartisan support.

Despite these important provisions, I regret that I will vote against this conference report, and I urge my colleagues to do likewise. The reason I oppose this report is because, in addition to its positive provisions, it also contains an extreme and extraneous provision the Senate has considered and rejected many times in the past. This provision—the so-called "Mexico City language"—would do serious damage to international family planning efforts—including efforts that have nothing to do with promoting abortion and that, in fact, help to prevent abortions.

It would do serious damage to one of the ideals on which our own nation was founded, freedom of speech and expression. The Mexico City language would bar any agency that receives international family-planning assistance from the U.S. from using their own funds to pay for abortions, or to lobby for abortions.

Let me repeat: This bill does not tell agencies it cannot use U.S. funds for these services. That is already prohibited under existing law. This bill tells agencies in other nations that they may not use their own funds to pay for, or lobby for, abortions, without losing all U.S. family-planning assistance. This goes far beyond what the current law prescribes.

This body has rejected this kind of restriction in the past because we agreed it is inappropriate to place such limitations on how organizations in other nations may use their own money. Mr. President, it is still inappropriate for us to do so. But it is important to note that the Mexico City language is not simply the language this body has previously rejected. In 2 important ways, it is even more extreme.

First, this Mexico City provision will cut funds for international family-planning services. The conference report mandates that family planning agencies in other nations may not receive one dollar in U.S. family-planning assistance unless and until they certify that they will not perform abortions with their own funds. It is true that the President may waive this restriction. But if he does so, U.S. aid for international family-planning programs for that year would be limited to $356 million—$44 million less than we are now spending.

Second, this new version of the Mexico City language includes a provision that not only prohibits funding for any organization that lobbies to change abortions laws in other nations, as the former version did. It goes far beyond that prohibition to forbid recipients of U.S. funds from making any public statements about abortion. They are forbidden, Mr. President, even from expressing concerns about the dangers of illegal abortions.

And the President has no authority to waive this provision. The Secretary of State has rightly labeled this restriction a "gag rule." In no way would this provision improve the lives of women and children around the world, nor would it reduce the incidence of abortion. Instead, this gag rule would violate one of our country's most hallowed principles, the principle of freedom of speech.

What kind of message would we be sending to the rest of the world if we violate our founding principles? That those principles are not inalienable after all? That they may have worked 200 years ago, but they are not applicable in a modern world?

Surely, at a time when struggling new democracies all over the world are looking for guidance and inspiration, these are not messages we want to send. But the greatest danger of these extreme and extraneous provisions is that they will not improve the lives of women and children anywhere, nor will they prevent abortions anywhere. In fact, they will have the opposite effect. They will make it more difficult for women to plan their own families.

U.S. support of international family planning programs have immeasurably improved the lives of women in developing countries. By helping women limit the size of their families, we have enabled women to make the educational and economic gains that are essential if they, and their children, are to live longer and healthier lives. The number of women of childbearing age is increasing by 24 million every year. Now is not the time for this nation to cut back on our commitment to programs that enable women to plan their families—programs that actually reduce the incidence of abortion.

And make no mistake, Mr. President, that would be one of the consequences if we pass this conference report. There would, inevitably, be an increase in the number of abortions. That is not something I want to see, and I know that every member of this body agrees with me on this point.

Finally, Mr. President, it is important to note the context in which we are considering this conference report, and the implications it has for another important piece of legislation the Senate has already passed—the supplemental funding for the U.S. contribution to the International Monetary Fund.

Last month, the Senate approved these funds overwhelmingly. The vote was 84–16. The size of that margin indicates the importance Senators attach to an adequately-funded IMF. Unfortunately, a small but vocal minority of members in the other body have expressed reluctance to vote on the IMF funding unless we give into their demands on the Mexico City issue.

They are, in effect, holding hostage an important bill with significant national security implications, a bill that has broad, bipartisan support in the Senate, in order to force their way on a completely unrelated issue. The IMF appropriation is an insurance policy for the world economy and for countless American exporting businesses and farmers whose livelihoods depend on strong markets in Asia, Latin America, and other regions of the world. It is inappropriate and dangerous to link passage of IMF with the Mexico City restrictions. The longer we delay passage of the IMF funds, the more we expose our businesses, workers, and farmers to the risks and uncertainties of world financial markets.

For all of these reasons, Mr. President, the Mexico City provision does not belong in either the State Department authorization bill, or the IMF supplemental. If the other body wishes to implement the Mexico City restrictions, it should debate those restrictions in the context in which they belong—in a comprehensive foreign aid authorization bill. They should not hold hostage every high-priority piece of foreign policy legislation moving through the Congress.

It is imperative that the Senate defeat this conference report to demonstrate that we will not support such efforts at linkage either in this instance or in the future. I urge my colleagues to vote against the conference agreement.

Mrs. BOXER. Mr. President, I rise today to emphasize the value of our nation's international family planning program. I share the outrage expressed by my colleagues that the United States Congress would even consider the un-democratic and un-American provisions contained in the Foreign Affairs Reform Act. What Congress should really be focusing on as we debate the role of international family planning is the impact of these scarce federal funds on the lives of women and families throughout the world.

Currently at least one woman dies every minute from causes related to pregnancy and childbirth. In developing countries, maternal mortality is the leading cause of death for women in reproductive age. The World Bank estimates that improved access to family planning would reduce maternal death by 20 percent. In the United States, there are 12 maternal deaths for every 100,000 live births; in parts of Sub-Saharan Africa, this ratio is more than 1,500 maternal deaths for every 100,000 live births. That's over 100 times greater than in the United States.

By being able to plan their pregnancies, mothers are able to ensure they bear their children at their healthiest times and that pregnancies do not occur too close together. This reduces the risks to the lives of both the mother and her children. Data from developing countries shows that babies born less than 2 years after their next oldest sibling are twice as likely to die in the first year as those born after an interval of at least 2 years. Further analysis suggests that, on average, infant mortality would be reduced by 25 percent if all births were spaced at least 2 years apart.

Reduced maternal and infant mortality are just two of the benefits of family planning programs. Family planning education also helps prevent the spread of sexually transmitted diseases, including AIDS. Family planning can also reduce the number of abortions. A U.S. study found that for every $1 increase in public funds for family planning, there is a decrease of 1 abortion per 1,000 women. According to the Rockefeller Foundation, in just 1 year, cuts and severe restrictions of federal funding for family planning programs will result in an additional 4 million unplanned pregnancies, and 1.6 million of those pregnancies will end in abortion. These are only conservative estimates.

U.S. family planning funds are having a profound, positive impact on families throughout the world. Mothers and children are healthier; more women are using contraception; fewer women are having abortions. Let me share just a few examples of the positive role family planning has played in Latin America. In 1960 in Chile, less than 3 percent of married women were practicing family planning, and the abortion rate was 77 abortions per 1,000 married women of reproductive age. By 1990, 56 percent of married women were using family planning, and the abortion rate had dropped to 45 per 1,000. Data from Bogota, Columbia showed that contraceptive use doubled between 1976 and 1990, accompanied by a 40 percent decrease in the abortion rate during the same period. In Mexico City, use of contraception increased by about 24 percent between 1987 and 1992, and the abortion rate fell 39 percent.

Similar successes can be found in examples from former Soviet Bloc nations. In Almaty, Kazakhstan, the

United States population program has provided funding to train doctors and nurses and to increase contraceptive supplies for 28 clinics. Between 1993 and 1994, the number of people receiving contraceptives from the clinics increased by 59 percent, and the number of abortions fell by 41 percent. In Russia, contraceptive use has increased from 19 to 24 percent after an affiliate of the International Planned Parenthood Federation opened in 1991. The abortion rate dropped from 109 per 1,000 pregnancies in 1990 to 76 in 1994. The total number of abortions fell from 3.6 million in 1990 to 2.8 million in 1994. In Hungary, abortion rates dropped dramatically from the late 1960's to the mid-1980's, largely due to the significant increase in contraceptive use.

The numbers are incredible, but what is truly important and who we can't forget are the women and their families represented in these numbers. One such woman is 30 year old Maria Elena Absalon Ramirez in Mexico. Her husband earns just $80 per month to support Maria and their four children. They cannot afford contraceptives and rely on USAID-funded family planning. These are Maria's words: "What I fear most is becoming pregnant again."

I urge my colleagues to recognize the valuable impact of family planning on the lives of millions of families throughout the world, and to oppose restrictions on the use of international family planning funds.

Mr. KOHL. Mr. President, I want to comment on one aspect of the conference report before us today, the provisions relating to the consolidation of USIA into the State Department. Although the President has already signaled his intention to veto this bill should it pass, I would like to highlight a concern I share with others which was addressed to some degree in the conference report: the need to protect the integrity of U.S. public diplomacy.

There have been some indications that when the State Department incorporates the functions of USIA into its organization, there are some State Department officials who are interested in using the resources associated with USIA programs to boost the public affairs functions of the State Department. I would like to go on record in opposition to any shifting of resources or even worse merging of these two very distinct functions of public affairs and public diplomacy.

To give some background on this issue, since 1948 when U.S. government information programs were first authorized under section 501 of the Smith/Mundt Act, it has been understood that public diplomacy programs were directed to foreign audiences. As Under Secretary of State Philip Habib said in 1986:

> There is a distinction between public diplomacy and public affairs. The word diplomacy means "outside" and has nothing to do with what you are trying to do with the American people, which is altogether different. Gaining the support of the American people for U.S. foreign policy initiatives is entirely different from attempting to pursue the interests of the United States in the foreign arena.

Over the years, Congress and the courts have upheld and strengthened the distinction between public diplomacy, which is directed abroad, and public affairs, which is directed toward a U.S. audience. As USIA and its functions are folded into the State Department—and I do not necessarily oppose this and other cost savings moves—we must continue to uphold the distinction between these two functions. I support the need to provide a clear articulation of U.S. foreign policy to Americans, especially as the world and U.S. international interests have become increasingly complex. However, the State Department should not anticipate a windfall in resources for its public affairs function.

Public diplomacy, the presentation and advocacy of information about the United States, not just the advocacy of a particular foreign policy position, has been best presented independently and objectively without consideration of how that message would play at home. Educating the rest of the world about American society should not be hindered by the equally important but distinct function of explaining U.S. foreign policy to the American people.

Edward R. Murrow said it best almost 40 years ago:

> What we endeavor to reflect . . . is not only our policy, but our ideals. We not only seek to show people who we are and how we live: we must also engage others in the delicate, difficult art of human persuasion, to explain why we do what we do.

Mr. President, as we consider legislation to consolidate USIA into the State Department, whether it be in this session or in future sessions of Congress, I urge my colleagues to keep this important distinction in mind.

Ms. SNOWE. Mr. President, I rise in opposition to the conference report to H.R. 1757, the Foreign Affairs Reform and Restructuring Act.

My opposition is tinged with a measure of regret, for this bill contains many provisions that I have worked on, first as Ranking member on the House International Operations Subcommittee for ten years and for two years as Chair of the Senate Foreign Relations Subcommittee on International Operations. This bill consolidates our foreign policy apparatus by merging the Arms Control and Disarmament Agency and the United States Information Agency into the State Department—which will make our foreign policy machinery run more efficiently.

With regard to arrearages owed to the United Nations, I supported the provisions of this bill—which are similar to provisions in my own UN Reform bill—which linked payment of funds owed by the United States to the United Nations implementing certain benchmark reforms including a reduction in the dues charged to the United States for the United Nations regular budget as well as our share of peacekeeping assessments.

I have worked on six State Department authorization bills during my time in the Congress and know how difficult a process it is to assemble a consensus on the reorganization of the State Department. I was extremely pleased that this bill built upon the foundation the Foreign Relations Committee laid in the last Congress when I was Chair of the International Operations Subcommittee. I worked with Senator HELMS on these most important foreign policy issues. The work done by Senators HELMS and BIDEN on these matters is to be commended.

However, this bill also contains a provision that would reinstate the Mexico City Policy in a way that imposes unacceptable restrictions in international family planning efforts. And for that reason I cannot support it.

Mr. President, this issue is often referred to as the "Mexico City policy" issue because it was at the 1984 United Nations Population Conference in Mexico City that the Reagan Administration adopted for our international family planning programs a precursor of what became known as the "gag rule" for our own domestic family planning programs. Under the Mexico City policy, the Reagan Administration withheld international family planning funds from all groups that had even the slightest involvement in legal abortion-related services using their own private funds.

Before I address what I believe to be the most troubling aspects of the current version of the "Mexico City policy," let me first emphasize that no United States taxpayer funds are being used to pay for abortions overseas. Since 1973 an amendment, authored by the Chairman of the Foreign Relations Committee, prohibits the use of United States funds for abortion services. That needs to be made clear in discussing United States funding for international family planning efforts.

However, the current version of the so-called "Mexico City policy" contained in this bill is most troubling. Foreign nongovernmental organizations would still be barred from receiving family planning assistance if they, with their own funds, perform legal abortions. While the President can waive the ban on the performance of abortions, he is prohibited from using waiver authority granted him under section 614 of the Foreign Assistance Act of 1961 to permit these groups to lobby on abortion matters.

As Secretary of State Albright noted, this lobby ban "is basically a gag rule that would punish organizations for engaging in the democratic process in foreign countries and for engaging in legal activities that would be protected by the First Amendment if carried out in the United States."

Let me take just a moment to illustrate what the practical effect this lobbying ban would have on international family planning efforts.

If a foreign nongovernmental organization, or NGO, were to produce a paper that noted that a certain percentage of all maternal deaths in a certain part of the world are due to illegal abortion, it would lose their US family planning funds. The reason? This paper would be calling attention to "defects" in abortion laws.

If the president of an NGO were to give a radio interview and make a "public statement" giving an opinion about his or her nation's own abortion law, that NGO would lose its US family planning funds. The reason? A question about abortion law was answered on the airwaves.

These restrictions greatly concern me and they should concern anyone interested not only in the free exchange of ideas but the welfare of developing nations.

Ever since the 1974 United Nations Population Conference in Bucharest, Romania the United States has been the traditional leader in international family planning assistance. Many of the world's developing nations at that time perceived family planning to be a western effort to reduce the power and influence of Third World nations. By the time of the Mexico City Conference ten years later, most developing nations had come to understand the importance of widely-available, voluntary family planning to their own nation's development potential.

I believe that the absence of family planning assistance may well lead to more, not fewer, abortions being performed. If organizations such as the International Planned Parenthood Federation would be denied United States funds, we would be unable to support some of the most effective and capable family planning programs in the developing world. These programs are vital in preventing unplanned pregnancies, in reducing infant mortality and in promoting maternal and child health.

I am also troubled by the message that this "gag rule" sends to nations all around the world about American values that I cherish—freedom of speech and participation in the political process of one's country. Under the restrictions imposed by this bill, a foreign nongovernmental organization would be required to remain silent on this issue. This restriction on public debate is unhealthy for the democratic process and is something Americans would not tolerate if attempts were made to impose it here at home.

Finally, I am troubled by the fact that these restrictions would place the weight of the United States government behind efforts to tell NGOs what they can and can not do with their own, let me repeat that, their own, funds. These groups should not have to check in with the United States whenever they wish to issue a public statement, sponsor a conference, or distribute materials with their own money.

Mr. President, international family planning should not be held hostage to these restrictions. The benefits of population control are substantial. Funds invested in family planning yield savings in maternal and child health care costs. Lower population growth rates make it easier for developing nations to institute the types of free market reforms that offer them their best hope for long-term sustainable development. Lower population growth places fewer strains on these nations political institutions which means there is less of a risk to international stability and peace.

Lower population growth also places less of a strain on the environment. Reduced environmental trauma, improved standards of living, and reduced immigration pressures benefit every single living person on the planet.

This conference report endangers all of these potential benefits. For this reason I will oppose its adoption and I urge my colleagues to do likewise.

The PRESIDING OFFICER. The time allocated to the Senator from Delaware has expired.

The Senator from North Carolina.

Mr. HELMS. All the President has to do is pull back that flag of veto. All the Democrats have to do is to vote for this bill, and then we can proceed to work in harmony, as we have previously, leading to a 90-5 endorsement on this bill on the first go-round.

I yield the remainder of my time to the distinguished assistant majority leader.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I compliment my colleague from North Carolina for his work on the State Department reorganization bill. He has worked on it for years. He has done good work. It will save taxpayers a lot of money and make the State Department more accountable and do a better job.

We have heard colleagues on the other side say, I will not support it because of the so-called abortion provision. The only thing in this bill that deals with abortion is that it basically says we don't want to have U.S. money used to lobby other countries to change their laws. What in the world makes people think that we are so right on abortion, this administration's philosophy is so right on abortion, we should be lobbying other countries to change their position? Some countries are prolife. They have it in their constitution; they have it in their legislature. Why should U.S. tax money be used to lobby those countries to change their laws? That is a serious mistake—a serious mistake.

I heard somebody say we haven't changed Mexico City policy. There is no restriction in here. These International Planned Parenthoods can use their money for abortions overseas. That is not even in this. The only restriction is, anybody that received nongovernmental entity can't use money to lobby other countries to change their laws and influence other countries on abortion. I don't think we should do that. We certainly shouldn't have U.S. tax moneys doing that.

I think this is a decent compromise. I urge my colleagues on both sides of the aisle to pass this.

Mr. BIDEN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BIDEN. Does the Senator from Delaware have any time left?

The PRESIDING OFFICER. No.

Mr. BIDEN. I ask unanimous consent for 60 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I know my friend from Oklahoma didn't intend to mislead, but there is already a law, the Helms amendment, which says no U.S. money can be used for that purpose—no U.S. money.

What the Mexico City language in this bill says is that these nonprofit organizations cannot use their own money, the money they raise, in Mexico, in Argentina, in Italy, in France, in China, they can't use that money to lobby their government. No U.S. taxpayers' dollars are allowed under present law to be used to lobby for abortion, period, bang. That is already law. That is the Helms amendment.

What we are talking about is using their money raised from sources other than a contribution from the U.S. taxpayer.

The PRESIDING OFFICER. All time has expired.

Mr. NICKLES. Mr. President, I ask unanimous consent for 60 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, money is fungible. We had the law of the land under President Reagan and President Bush for 10 years, 12 years, a certain number of those years. No money should be used by these organizations if they take U.S. money to fund abortions or to lobby governments. Whether it be government money or their money, we said, "No; if you are going to get U.S. money, you can't go in and take other money and use it to pay for abortions or lobby other countries."

Money is fungible, so the net result is, what we are trying to say is, wait, if you are going to take U.S. taxpayer dollars, don't use money and shuffle money around in accounts and lobbying other countries to change their laws. They are representing our Government in many cases. If they are getting U.S. taxpayer money and they are lobbying and using that money to set up family planning, and they are also lobbying, a lot of other countries are going to think that is the U.S. Government or would think that is taxpayer dollars. That is a mistake.

This is a reasonable compromise. I urge my colleagues to pass it.

The PRESIDING OFFICER. All time has expired.

Mr. KERRY. I ask unanimous consent for 30 seconds.

Mr. HELMS. I object.

The PRESIDING OFFICER. The objection is heard.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—51

Abraham
Allard
Ashcroft
Bennett
Bond
Breaux
Brownback
Burns
Campbell
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Ford
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—49

Akaka
Baucus
Biden
Bingaman
Boxer
Bryan
Bumpers
Byrd
Chafee
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Glenn
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Snowe
Specter
Torricelli
Wellstone
Wyden

The conference report was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND THE CZECH REPUBLIC

The Senate continued with the consideration of the treaty.

EXECUTIVE AMENDMENT NO. 2312

The PRESIDING OFFICER. Under the previous agreement, there will be 2 minutes equally divided on the Harkin amendment No. 2312.

We will not proceed until the Senate is in order.

Who yields time? If no one yields time, time runs equally on each side.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I rise in opposition to the Harkin amendment. Everyone should understand one thing. This has nothing to do with the expansion of NATO. Under the resolution we are passing, we say we are not going to do anything beyond what we now do to contribute to the common budget of NATO, which, on average, is 25 percent.

There are three common budgets. My friend from Iowa comes along and says: Look, we are not going to allow you to do what you were allowed to do now for Greece, Turkey, Germany. For example, when we passed the CFE agreement, we agreed we would get rid of a lot of materiel. That materiel was worth the sum total of about $185 million. We gave it to Turkey, Portugal, Germany, et cetera.

Under this amendment, we would not be able to do that kind of thing for any of the new countries if they come in. In addition to that, we would be limited to be engaged in any foreign military sales to these countries. Nothing to do with common budgets.

I urge you to vote no.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Iowa has 1 minute.

Mr. HARKIN. As former U.S. Ambassador to Russia, Jack Matlock warned:

> We're going to have a dilemma that we either encourage them—new NATO members—to divert resources they don't have or we end up fooling the American people about what it's going to cost them.

That is what this amendment is about, not fooling the American people.

My amendment does two things. It requires a full accounting of all U.S. contributions, all for NATO expansion by including the U.S. contributions to the national governments when calculating the U.S. share of enlargement costs.

Right now, we are limited to 25 percent for the common costs. That does not take into account the national costs. What I am saying with this amendment is, sure, we will provide our fair share, but why should we do more than 25 percent.

And please do not fall for the argument that we could not have done this for Greece and others in the past. The cold war is over. Europe is rich. These countries have money. We should not just stick U.S. taxpayers with the total bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. HARKIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 24, nays 76, as follows:

[Rollcall Vote No. 106 Ex.]

YEAS—24

Ashcroft
Baucus
Bond
Bumpers
Byrd
Conrad
Dorgan
Feingold
Graham
Harkin
Hutchinson
Jeffords
Johnson
Kempthorne
Kohl
Leahy
Moseley-Braun
Moynihan
Murray
Smith (NH)
Torricelli
Warner
Wellstone
Wyden

NAYS—76

Abraham
Akaka
Allard
Bennett
Biden
Bingaman
Boxer
Breaux
Brownback
Bryan
Burns
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Durbin
Enzi
Faircloth
Feinstein
Ford
Frist
Glenn
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchison
Inhofe
Inouye
Kennedy
Kerrey
Kerry
Kyl
Landrieu
Lautenberg
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond

The executive amendment (No. 2312) was rejected.

Mr. CAMPBELL. I move to reconsider the vote, and I move to lay it on the table.

The motion to lay on the table was agreed to.

VISIT TO THE SENATE BY DEPUTY PRIME MINISTER OF GREAT BRITAIN, MR. JOHN PRESCOTT

Mr. CAMPBELL. Mr. President, I ask unanimous consent the Senate stand in recess for 2 minutes for the purpose of welcoming Deputy Prime Minister of Great Britain, Mr. John Prescott, to the floor.

In addition, I ask unanimous consent the privilege of the floor be granted to Sir Christopher Mayer, the British Ambassador to the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

There being no objection, the Senate, at 3:21 p.m., recessed until 3:23 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. KEMPTHORNE).

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND THE CZECH REPUBLIC

The Senate continued with consideration of the treaty.

Ms. MIKULSKI. Mr. President, I rise to speak in favor of the expansion of NATO. And how appropriate that our friends, colleagues, and allies from the United Kingdom have joined us on the Senate floor just as they have joined us in battle and just as they have joined us in keeping the peace, and we welcome them with affection, admiration, and gratitude.

Mr. President, I am pleased that the Senate has returned to consideration of the ratification of NATO enlargement. I hope we will now have an uninterrupted debate. NATO enlargement deserves the dignity of serious consideration of this matter and to take such time as the Senate deems necessary.

Mr. President, I support NATO enlargement because it will make Europe more stable and America more secure. It means that the new democracies of Central and Eastern Europe will share the burden of European security. It means that future generations might not have to fight and die in a European theater.

If NATO doesn't enlarge, the Iron Curtain remains permanent and the unnatural division of Europe will live on longer than the Communist empire did in the Soviet Union. NATO will remain, as President Havel has said, an alumni club for cold war victors. It will have little relevance to the realities of the 21st century.

Mr. President, as a Polish American, I know that the Polish people did not choose to live behind the Iron Curtain. They were forced there by the Yalta agreement and by Potsdam and because they and the Baltic States and the other captive nations were sold out by the West.

Many Members of the U.S. Senate have stood long for the freeing of the captive nations. Many of our colleagues have been strong supporters of Solidarity. I, as both a Congresswoman and then as a U.S. Senator, supported the Solidarity movement. I was a strong supporter of the Solidarity movement. I was with President Ronald Reagan in a wonderful evening he held at the White House where he hosted the Polish Ambassador to the United States who had defected when Poland had imposed martial law on its own people, there sitting with President Reagan and the Ambassador from Poland who chose to defect rather than uphold where the Polish Army had been forced to go against its own people.

We pledged that we would make Poland free. And now Poland is free, but we have to make sure that Poland, Hungary, and the Czech Republic are not only free but that they are secure. That is why my support is for the expansion of NATO. My support for NATO is not based on ethnic American politics nor is it even based on the past, but it is based on the future. What will the new world order look like?

I support NATO enlargement because it will make America and Europe more stable and secure. NATO enlargement means a future in which the newly independent countries will take their rightful place as a member of Western Europe. NATO played an important part in securing this freedom. It has been the most successful alliance in history. It is an alliance that helped us win the cold war. It deterred war between the superpowers and helped prevent confrontation between member states.

But if NATO is to survive, it must adapt to the needs of a post-cold-war world, or it will become irrelevant.

NATO has evolved since it was created in 1949. We have enlarged NATO on three different occasions. Each new member strengthened NATO and increased security in Europe. No expansion of NATO is easy. No expansion of NATO is done without thought. No expansion of NATO is ever without controversy. We can only reflect what the bitter debate must have been when we voted to include Germany because of their provocative role in World War I and World War II.

Today, we are facing difficult and different threats to security. We have civil wars, as in Bosnia; we have hot spots caused by ethnic and regional tensions, as in Kosovo; we have international crimes, drugs, and terrorism; and we have the spread of weapons of mass destruction. NATO must change in order to meet these new threats. Europe's new democracies will help us meet those challenges.

The countries of Central and Eastern Europe want to help us address these new threats. How many times has the Senate discussed burdensharing in Europe—and we want others to share the burden, not only in the financial cost, but of the risk to be borne in defending democracy. How often have we in the United States complained that European countries were not willing to pay their fair share for their own defense?

Now, we have countries that are asking to share the burden. They are asking to pledge their troops and equipment for a common defense. They are asking to share the burden of peacekeeping. In fact, they are doing it right now in Bosnia, where thousands of troops from Poland, Hungary, and the Czech Republic are helping to secure the peace. Hungary has made itself available, so it is our base camp to go into Bosnia. They have even committed to joining us and ending Iraq's chemical and biological weapon programs, which is more than can be said of some of our allies.

These countries are not asking for a handout, nor are they asking for our protection without their own ability to maintain their own defense. They are asking to be full partners in the new Europe. By transforming their countries into free-market democracies, countries that have a democracy, a free-market economy, with civilian control of the military, transparent military budgets, wow, these new democracies are ready to join NATO.

These new democracies will contribute to America's security by making NATO stronger. They are adding troops and equipment. They will provide additional strategic depth to NATO. They will also provide the will to fight for democratic values. Their history and geography make them passionate defenders of peace and democracy. They know what it means to be occupied and oppressed by tyrants, occupied and oppressed against their own will. They will put our common values into action. They will join with us in defending our national security and our values, whether it means peacekeeping in Europe or preventing the spread of weapons of mass destruction anywhere in the world.

Opponents of NATO enlargement have valid concerns, and I think we need to discuss them. First of all, opponents of enlargement point to cost. They say that NATO enlargement has a cost, and they are right. The new NATO members must modernize their military and make them compatible with NATO systems. The new NATO members have committed to pay this price.

There will also be a cost to the United States. Our funding of NATO's common budget will increase. NATO estimates that the total common budget will increase $1.5 billion over 10 years. The American share of that will be $400 million, or $40 million a year.

But what is the cost of not enlarging NATO? I believe it will be far higher. What will be the cost to European security, the cost to the new democracies of Eastern Europe, the long-term cost to America? And, most important, will the benefits of NATO enlargement outweigh the costs?

As a member of the Senate NATO Observer Group, working on a bipartisan basis, I met recently with the Foreign Ministers of Poland, Hungary, and the Czech Republic. I asked them those very questions.

The Polish Foreign Minister, Bronislaw Geremek, is a hero of the Solidarity movement. He said that Poland would feel abandoned once again by the West. He said that Poland will still pay to modernize their military. In fact, he said that the failure to include these three nations in NATO will cause them to spend more on their military budget. They also said they would form their own military alliance, which would be decidedly more anti-Russian than NATO. He went on to say that by refusing to enlarge NATO, we would give the hardliners in Russia a great victory. The antidemocratic forces in Russia would feel vindicated and proud. We would be handing them a victory that they could build on.

What would be the long-range costs to America of failing to prepare NATO for the 21st century? The cost would be instability in Europe and the increased chance of being pulled into yet another European war. And the cost of preventive security is always less than the cost of war.

I would like to discuss the benefits of enlargement, which I believe outweigh the costs. The strategic benefits of enlargement are most important. NATO enlargement will create a zone of peace and stability that does include Eastern Europe. It will extend NATO's stabilizing influence to more of Europe and reduce the chances of aggression or conflict in Eastern Europe. Enlargement will bring peace and security to Eastern Europe, just as it did for the West.

There are also economic benefits. Europe is America's largest trading partner, with $250 billion in two-way trade each year. Our new NATO partners will increase trading opportunities. They are building vibrant free-market economies. Poland's economy is growing at 6 percent, which is more rapidly than many of the others. NATO brings stability, and stability brings prosperity. We are creating a prosperity zone across Europe.

Mr. President, in the best tradition of the Senate, I could expand, but I know my colleague from Texas is waiting to speak as well. We are both involved in the supplemental. What I want to say is that the treaty ratification is one of the Senate's most fundamental duties. We are extending our Nation's commitment to collective defense. I certainly don't take this responsibility lightly. In the very best tradition of the Senate, we are addressing NATO enlargement as a national security issue, not a political issue. NATO enlargement is bipartisan, and it should be. It must be fully supported by members of both parties and the leadership of the Senate.

We have worked closely with the President and Secretary Albright. The Senate has been fully consulted at every step of the process, as has been required by our Constitution. Senator LOTT and Senator DASCHLE, our Republican and Democratic leaders, appointed a NATO observer group, chaired by Senator ROTH, which has engaged in all aspects of discussing NATO enlargement, as well as the appropriate committees. So now we have had discussion at the committee level. Now it is time to debate this on the Senate floor.

I am proud to support NATO enlargement. By ratifying this resolution, we are marking the end of the cold war and the beginning of a new century. We are building an undivided, peaceful, and democratic Europe for the new millennium. We are laying the groundwork for a new era of peace and stability.

Mr. President, a new century is coming, a new millennium is about to be born, and I do not want the repugnant and despicable wars that characterized the 20th century to be carried into and repeated in the 21st century. That is why I believe in the expansion of NATO with these three countries. I look forward to a full and ample debate with my colleagues, Mr. President. This is a moment that I think is a long time waiting. We appreciate the leadership of President Ronald Reagan, who brought the end of the cold war, and Mr. George Bush, who was willing to defend and fight against the weapons of mass destruction. And now, under President Bill Clinton, we look forward to expanding NATO and to keeping that momentum going.

I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I was going to make my floor statement, but Senator SMITH and I have an amendment and we have been encouraged to go ahead and put our amendment forward. I will yield to Senator SMITH for his introduction of the Smith-Hutchison amendment that deals with MIA. I yield the floor to him.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the pending Kyl amendment be temporarily set aside for the purpose of offering an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE AMENDMENT NO. 2314

(Purpose: To express a condition requiring full cooperation from Poland, Hungary, and the Czech Republic with the United States efforts to obtain the fullest possible accounting of captured and missing United States personnel from past military conflicts of Cold War incidents)

Mr. SMITH of New Hampshire. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for himself and Mrs. HUTCHISON, proposes an executive amendment numbered 2314.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in section 3 of the resolution, insert the following:

( ) REQUIREMENT OF FULL COOPERATION WITH UNITED STATES EFFORTS TO OBTAIN THE FULLEST POSSIBLE ACCOUNTING OF CAPTURED AND MISSING UNITED STATES PERSONNEL FROM PAST MILITARY CONFLICTS OR COLD WAR INCIDENTS.—Prior to the deposit of the United States instrument of ratification, the President shall certify to Congress that each of the governments of Poland, Hungary, and the Czech Republic are fully cooperating with United States efforts to obtain the fullest possible accounting of captured and missing United States personnel from past military conflicts or Cold War incidents, to include the following:

(A) facilitating full access to relevant archival material; and

(B) identifying individuals who may possess knowledge relative to captured and missing United States personnel, and encouraging such individuals to speak with United States Government officials.

Mr. SMITH of New Hampshire. Mr. President, I will be very brief in my remarks regarding this amendment. First of all, I want to compliment and commend the Senator from Texas, Senator HUTCHISON, for her cooperation and support as we worked together to craft this amendment.

This is a very, very important amendment, which I will get into in a moment, regarding the cooperation of these new NATO nations—if they were to become NATO nations—that would require their full cooperation with the United States in order to obtain the fullest possible accounting of any military personnel missing from any of the wars, from World War II, Korea, Vietnam, to the cold war.

This amendment is supported by a number of veterans organizations—Vietnam Veterans of America, National Vietnam and Gulf War Veterans Coalition, MIA Families, Korean/Cold War Family Association, National League of POW/MIA families.

Mr. President, I ask unanimous consent that a brief statement in support of this amendment by each of those organizations be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VIETNAM VETERANS OF AMERICA,
Washington, DC, April 13, 1998.

HOLD FORMER SOVIET BLOC NATIONS ACCOUNTABLE FOR PLEDGES MADE ON POW/MIAS

During the current Senate debate on the expansion of NATO, Vietnam Veterans of America strongly urges the United States Senate to hold the former Soviet Bloc countries of Poland, Hungary, and the Czech Republic accountable for their pledges of cooperation on POW/MIA archival research made to the U.S./Russia Joint Commission in July 1997.

The Joint Commission on the POW/MIA issue was established by President Bush and

President Yeltsin in 1992. One of its goals was to research the military, intelligence, security, and communist party archives for relevant information on the disposition of American POWs from the Vietnam War. The Eastern Bloc countries actively supported and were allies of the communist government of North Vietnam during this conflict.

The former Soviet Bloc countries had a significant presence in Asia and were aware of communist POW policy. Membership in NATO guarantees an American military presence. Before considering expansion of NATO to include these Soviet Bloc countries, they must grant access to their archives and provide relevant information on American POW/MIA's from the Vietnam War. Vietnam Veterans of America strongly urges the United States Senate, in their current debate, to focus on the unsatisfactory follow up actions by these countries, and to delay the expansion of NATO to include the Soviet Bloc countries until they have fulfilled their previous commitments.

Vietnam Veterans of America is the nation's only congressionally chartered veterans service organization dedicated solely to the needs of Vietnam-era veterans and their families. VVA's founding principle is "Never again will one generation of veterans abandon another."

NATIONAL VIETNAM & GULF
WAR VETERANS COALITION,
Washington, DC, April 28, 1998.

Re NATO Expansion.
Hon. BOB SMITH,
U.S. Senate, Washington, DC.

DEAR SENATOR SMITH: The National Vietnam & Gulf War Veterans Coalition is a federation of approx. 90 veterans membership and issue organizations dedicated to the advancement of ten goals for the benefit of veterans of these two wars. One of those goals is for full POW MIA accountability.

The primary argument in favor of NATO expansion into Eastern Europe has been said to be a means of encouraging enforcing Western, democratic norms on these former Communist countries. Under the circumstances, we do not find it at all unreasonable to also require the emptying of the closets containing defunct Communist secrets concerning the disappearance of many of our servicemen, apparently alive and in captivity at some point, from hot and cold wars fought during half a century.

We therefore endorse your rider, requiring the President to certify full co-operation by the NATO membership applicants on the POW-MIA issue that continues to haunt us.

Sincerely,

J. THOMAS BURCH, JR.,
Chairman.

NATIONAL LEAGUE OF FAMILIES OF
AMERICAN PRISONERS AND MISSING
IN SOUTHEAST ASIA,
Washington, DC, April 28, 1998.

Hon. BOB SMITH,
U.S. Senate, Washington, DC.

DEAR SENATOR SMITH: The lack of full and open cooperation by the governments of Vietnam and Russia to help account as fully as possible for Americans still missing from the Vietnam War has prompted our support for your efforts to seek such cooperation from the governments of Poland, Hungary and the Czech Republic.

We recognize that the initiatives of the U.S.-Russian Commission on POW/MIA offer promise to POW/MIA families who have long awaited answers. Although less promising than through the leadership serving in Hanoi, Moscow and Pyongyang, there is increasing evidence that the countries who were a part of the former USSR have relevant knowledge about Americans still missing and unaccounted for from our nation's past military conflicts.

For this reason, the League expresses our gratitude to you and your colleagues who recognize the need to seek full cooperation from the governments of Poland, Hungary and the Czech Republic.

Respectfully,

ANN MILLS GRIFFITHS,
Executive Director.

NATIONAL ALLIANCE OF FAMILIES,
Bellevue, WA, March 16, 1998.

Re: NATO—A Resolution for Our POWs.
Hon. JESSE A. HELMS,
Chairman, Foreign Relations Committee, Washington, DC.

DEAR SENATOR HELMS: Within days, the Senate will vote to extend NATO membership to Poland, Hungry and the Czech Republic. The membership of the National Alliance of Families asks that during debate on this subject, a resolution is introduced requiring the United States to formally request that these nations release all archival information the above Countries hold on American Prisoners of War from the Korean War, the Cold War and the War in Southeast Asia.

During the Hearings before the House Subcommittee on Military Personnel, evidence was presented clearly showing Czech involvement with American and United Nation POWs during the Korean War. Evidence presented by the former Czech General, Jan Sejna, indicated POWs from the Vietnam War were transported to Czechoslovakia.

We do not wish to punish the present democratic nations of the former Eastern Bloc. However, we do not want to let a golden opportunity slip through our fingers. Each former Eastern bloc nation seeking NATO membership must be asked a series of specific questions relating to that Country's knowledge of American POWs. This mandate for questioning can only be achieved by a formal Senate Resolution.

Each former Eastern Bloc country should be asked to:

1. Search their records for the location of any Americans or former American citizens living in their country, making said survivors available to U.S. investigators;

2. Open their archives, making available all documents relating to American POWs or survivors. This should include all records of interrogations and medical experimentation and records and documentation of the Country's involvement with American POWs on foreign soil.

These requests should be made with the understanding that no nation will be condemned or punished for involvement with American POWs or survivors.

Any nation coming forward with "live" American POWs (survivors) or information relating to POWs (or survivors) will be commended for their spirit of cooperation in this "new age" of democracy.

The Countries that once formed the Soviet Eastern Bloc hold a wealth of information on American POWs. A resolution by the United States Senate, formally requesting this information assuring no reprisals or condemnation should encourage the cooperation of these new Democracies.

Senator, please do not let this golden opportunity to gain information about our POWs slip through our fingers.

Sincerely,

DOLORES APODACA ALFOND,
National Chairperson.

KOREAN/COLD WAR FAMILY
ASSOCIATION OF THE MISSING,
Coppell, TX, April 27, 1998.

Re expansion of NATO.
Senator ROBERT SMITH.

DEAR SENATOR SMITH: The proposed expansion of NATO to include the Czech Republic, Poland, and Hungary presents a unique opportunity to gain information about the fate of the more than 10,000 American men who remain missing from the Korean, Vietnam, and Cold Wars. Although the governments involved might express the best of intentions at this stage of the admission process, experience tells us that promises made to gain advantage are often broken when the incentive no longer exists. The window of opportunity to ensure significant cooperation is open to us during the admission process, and will be lost if not seized at this time.

As you know, the United States has considerable intelligence and other information that delineates a Soviet program during the Korean, Vietnam and Cold Wars to exploit American POWs. The governments of the former East Bloc countries most certainly had information about this covert program, and some intelligence suggests they participated in the effort to some extent.

The United States would be remiss if we did not set forth a clear expectation of full and good faith cooperation on the POW/MIA issue in the proposed NATO Treaties, as a condition of membership. The nexus between a military alliance and the POW/MIA Full Accounting is both clear and appropriate. As an integral part of their membership in NATO, the three countries under consideration at this time, and all former East Bloc countries that might be considered in the future, should come forward with whatever information they might have about missing American servicemen.

Cooperation on this important issue should go without saying for these countries. If we fail to require a demonstrable level of meaningful cooperation, these countries will be justified in presuming that the United States Government really does not want to know what happened to our missing servicemen. Surely, the Senate does not want to send such an unacceptable message to these countries, to the families of our missing men, nor to the American People.

We thank you for your ongoing support for our efforts to account for American POW/MIAs.

Sincerely,

DONNA D. KNOX.

Mr. SMITH of New Hampshire. Mr. President, I also thank Congressman SAM JOHNSON, who, as many of my colleagues know, was a POW, along with Senator MCCAIN, and others, during the Vietnam war. Congressman JOHNSON and I have traveled to Prague, Warsaw, and to Moscow together in search of answers, along with former Ambassador Malcolm Toon, as part of the U.S.-Russia commission to seek answers on our missing.

There is a great window of opportunity here in the old eastern bloc countries as well as Russia to get some answers as to what may have happened to these Americans. I think as we went out and searched the countryside and met in the capitals of these countries, we received some cooperation. I want to make that very clear. But, Mr. President, there is much more to be done. There are clearly answers in these archives. I think it is very important that, if we are going to say that our military—our men and women in uniform—is going to be asked at some point, if NATO expansion occurs, to shed their blood, possibly, or defend these countries, I think it behooves these countries to provide us the fullest possible accounting of any service personnel who may have crossed their borders during the time the Communists held, basically, and controlled these countries.

I wish that I could say that all follow-up action to our trip had occurred properly and that we had every satisfactory answer that we wanted, but that is not true. It is disturbing because of the reasons that I gave. At some point in the future, by having these countries part of NATO, we are going to ask Americans to face possible combat situations to defend these countries. So the least they could do is to provide us answers that they may have now of things that occurred during Communist control. It has been said by some NATO advocates that we have an opportunity to ensure the cold war never resurfaces. Yet we still can't seem to get the cooperation we need from this region to address vital questions about our missing Americans, especially from the cold war but also possibly from Korea and Vietnam. If their pledges were genuine, as I believe they were, then, frankly, I question why leaders of these countries can't convince the old cold war bureaucracies to allow us access to the archives and allow us access to individuals who could provide us answers.

We have had some cooperation. I am very grateful for that cooperation. We met with some very influential people in the governments of those three countries when I traveled there last summer. Since last summer there have been follow-up communications by our commission support staff at the Department of Defense and also by my own office with each of these nations urging them to follow through. But most important is the fact that, based on current leads available, our commission really still believes that there is relevant information, very relevant information, which likely exists in Eastern Europe, especially in the military intelligence security Communist Party archives of these three nations in question.

Again, this is a very complex situation that has developed. The Communist Party controlled these archives, controlled all of the government activities, controlled the activities of intelligence and military and security. Now we have a different government, a friendly government. But the access to those archives has not yet been provided to us. If they are friendly and we are going to bring them into NATO and defend them, then they owe us that information, pure and simple. They owe us that information. They owe us every opportunity to get and find that information wherever it may be. I regret to say we really have not had that kind of cooperation, even though we have had some very interesting meetings.

Let me just conclude on this point. We should remember and not forget that these eastern bloc countries, when they were eastern bloc countries, were allies of the North Koreans, were allies of the North Vietnamese, and the Soviets, of course, during the cold war. They had a significant presence in both North Korea and in Vietnam. They were privy to information about Communist policies toward our own American POWs. That is very important. I want to repeat that. They were privy to a lot of information about our POWs in Vietnam, our POWs in Korea, and indeed some of the missing cold war losses. This information has not yet been shared with us.

It is very important that we delve into this and find out whether any American POWs were transferred, either stopping there permanently or transferred through any of the capitals of these countries. I want to emphasize again, this is not meant to be a hostile statement. We met with those governments, and they were very cordial and very cooperative but somewhat standoffish by basically passing the buck by saying, Well, you know those were the Communist days, and I am not sure we can dig that out.

Again, if we are asking Americans to shed their blood in the future to defend free nations, then asking them to dig into their archives a little bit is not asking too much.

I want to emphasize again and appeal to leaders of the Czech Republic, Poland, and Hungary to follow through on commitments that were made during our visits and help us to search for American missing service personnel from the cold war, from Korea, and from Vietnam and urge my colleagues on behalf of the veterans organizations that I have mentioned, on behalf of all veterans throughout America and the families, most especially the families of those who are missing, to please join with me in continuing to push for more progress on this humanitarian issue. We can do that and, I think, make a very strong statement here on the floor by voting for this amendment.

At this point I yield the floor for the purpose of allowing my colleague, Senator HUTCHISON, who has been a stalwart on this issue to speak. I am very grateful to her for her support.

I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I thank Senator SMITH for leading the effort on this amendment.

I want to tell you a story about how this came to be an amendment to this bill.

Pat Dunton is my constituent. She is the president of the Korean-Cold War Family Association of the Missing. Pat Dunton's father served in the Korean conflict. She has been trying to get information about her father for all of these years since the Korean war. She still gets choked up talking about not knowing where he is or what happened to him. She came to my office one day and we started talking about how hard it is not to know. We started thinking. Well, you know, maybe we could do something with the new members who have been invited into NATO because during the cold war, which is when some of the MIA incidents took place, maybe the governments of these countries who were allies with the Soviet Union, some of whom were in Korea, might be helpful in going to these families and providing the information that they might have knowledge of. I just believe that this is something that should be done. I also believe that all three of the countries being considered for NATO membership would like to help in this effort.

I went to Senator SMITH, who has been the leading advocate in the Senate for not forgetting our POWs and MIAs. I said, Let's do something in the NATO agreement that would require any information to be opened to the families of POWs from any conflict. But most especially, of course, Korea is where we think these countries really might have some information that could be relevant.

I am pleased that Senator SMITH decided to take the lead and work with me on this because I think it can make a difference. It calls for the full cooperation of the Governments of Poland, Hungary, and the Czech Republic in obtaining that accounting, and specifically calls for facilitating access to relevant archival material and for these Governments to identify any individuals that may possess knowledge relative to captured and missing U.S. personnel.

Mr. President, Poland, Hungary, and the Czech Republic have all thrown off the chains of Communist domination. But not so long ago and throughout the cold war their military forces and their intelligence services were closely aligned with the very governments who hold the keys to a great deal of information which may help achieve the full accounting we seek. For example, from the end of the Korean war in 1953, representatives of the Czech and Polish military were stationed inside North Korea as part of the Neutral Nations Supervisory Commission at Panmunjom. Their military personnel had direct contact with the North Korean military and had at times a great deal of high-level access throughout North Korea. They met with their North Korean counterparts and may well have highly relevant information on the fate of Americans who were missing during the Korean war.

We also know that their intelligence services and their military often shared information with the intelligence services and military forces of the Soviet Union and that there are those who may have direct knowledge of events involving Americans who were missing during the Vietnam war as well as the numerous Americans who disappeared during military operations in other areas during the cold war.

As new NATO allies, it is certainly reasonable to expect that they would open their archives and provide access to our officials. I have already received assurances from representatives of the Polish Government that this access would be readily granted, and I am certain that the Czechs and the Hungarians would also be eager to work with us.

I have also been contacted by family members of the missing as well as by military personnel working in the area of POW-MIA recovery, and both groups have insisted that it would be helpful to make an official statement on behalf of Congress in the form of this amendment that this is an issue of national importance.

I think the amendment is necessary and important. It sends a message to the long-suffering families often forgotten that are still seeking information about the fate of their loved ones. We must take every opportunity to demonstrate that we understand their grief and their desire to find answers and that it is reasonable to expect any new allies to also respect our legitimate desire to learn all we can about those who are missing in the service of our country. The armed forces and the intelligence services of these same countries that seek to join NATO today were once on the other side of the bitter struggle of the cold war. So they would have information, and we hope that they would agree readily to help us in giving some comfort and perhaps providing answers, that final answer, to some member of a family who has been waiting maybe not patiently but certainly with hope in their hearts that someday they would know what happened to their father or their son who has served in our military and perhaps gave his or her life in service to our country. I think we owe them this amount of caring, this amount of assurance that we will go the extra mile to make sure they have that closure if it can possibly be given to them.

So I thank Senator SMITH. I hope the Senate will adopt this amendment when we have the vote.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I say to my colleagues, just 1 or 2 minutes. I wish to expound a little bit on what the Senator from Texas, Mrs. HUTCHISON, just said in terms of the impact on families.

In the 1950s, there was a Captain Dunham who was shot down over Soviet territory—then Soviet territory—and as a result of the U.S.-Russian commission, of which Senator JOHN KERRY and I are members, we ran an ad in the Red Star newspaper in Russia that went all over; it was read heavily by former military people, veterans of the Soviet Union. And an individual read the article about this Captain Dunham who was missing. It turned out that this individual had been at the crash site and provided us the ring of Captain Dunham, his personal ring, which came back to his family, and as a result of following that up, we were able to find Captain Dunham's remains, missing since the 1950s, and returned just 2 or 3 years ago.

So I think this is a good example of what cooperation can really produce. Sometimes what might seem like a small, insignificant fact turns into a huge issue and a great relief to the family of a missing serviceman or woman. So this is very important, and I want to emphasize again that what this amendment does is very simple, Mr. President.

Let me just mention three things. It would require that prior to the deposit of the U.S. instrument of ratification, the President shall certify to Congress that each of the Governments—Poland, Hungary, and the Czech Republic—is fully cooperating with the U.S. in order to obtain the fullest possible accounting of any military personnel from the cold war, from Vietnam, or any military conflicts; that they facilitate full access to all relevant archival material; and that they would identify any individuals who may possess knowledge relative to the capture of missing personnel. That is it. That is all the amendment does.

I thank my colleagues, especially Senator HAGEL, who has been waiting. I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. I will be very brief. Speaking for myself and my side and I think Senator SMITH of Oregon, who will say the same thing, we are prepared to accept the amendment.

Let me just make a few very brief comments. I think that the applicants for NATO accession have provided cooperation, as was indicated in the U.S. efforts to locate American POWs and MIAs in the cold war.

In July of 1987, the U.S.-Russian Joint Commission on POW/MIAs visited Poland; the Department of Defense Prisoner of War/Missing Personnel Office visited in December of 1997. Resulting from these visits, senior Polish officials pledged to search their archives thoroughly and open all relevant information to the United States. U.S. officials met with the Polish National Security Bureau, the Ministry of Defense, the Ministry of Intelligence Services, the Office of Central Security, Central Archives. All, in the minds at the Pentagon, are fully cooperating. I can say the same relative to the Czech Republic and with regard to Hungary.

So although I, quite frankly, do not think it is necessary, I have no objection to the amendment. And let me say to my friend from New Hampshire, all you have to be is the brother, sister, mother, father, son, daughter, nephew, or niece of an MIA to understand everything the Senator says.

My mother lost her closest brother in World War II, shot down in New Guinea. They never found his body. To this day, my mother—and that was 1944—wakes up after dreaming that he has been found. To this day, he is a constant—"constant" would be an exaggeration—he is a regular source of painful memories for my mother. The idea that there is no closure, the idea that there has never been the ability to say his name was Ambrose J. Finnegan, God love him—his nickname was Bozy to everybody in my mom's family. My mother, when I was a kid, literally would wake up at night screaming from a nightmare. She would scare the hell out of us, dreaming that her brother was in the most extreme circumstance.

I do not mean in any way to suggest this is not important by saying we will accept it and that I do not think it is necessary, because it is being done, because it is true, the pain lasts. My mother just turned 80 years old. It is like yesterday for my mother.

So I appreciate what my friend from Texas and my colleague from New Hampshire are doing. Again, I do not think it is necessary, because I anticipate they will fully cooperate. But I see no problem in accepting the amendment.

Mr. SMITH of Oregon addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. I would like to associate myself with the words of the Senator from Delaware and just tell my colleagues, the advocates of this amendment, I support it. I believe the Poles, Hungarians, and Czechs would support it, too. These are nations that know something about prisoners of war and missing in action, gulags, and all the horrors that go with totalitarianism, and I fully expect that they would want us to accede to this.

I appreciate the Senators offering this amendment. I think it helps. And part of the reason to expand NATO is to heal these countries. Part of the healing comes from addressing issues like this. We will find they will do this with us and without any resistance to it.

I thank the Senators who are offering this amendment.

The PRESIDING OFFICER (Mr. ENZI). The Senator from New Hampshire.

Mr. SMITH of New Hampshire. If I could just respond to the Senator from Delaware for a moment, I listened to his story about the personal episode in his family. I might say, we have found in the last 4 or 5 years, aircraft—I am almost certain that we located an aircraft in New Guinea and other areas where aircraft had been lost during World War II. I think it says a lot about our own Nation that we would still send teams out there in those jungles, searching for people who were lost. Maybe at some point, maybe—I know it was your relative, I did not hear, what relative?

Mr. BIDEN. My uncle. My mother was one of five children. It was her brother and her soul mate. It is amazing how, like I said, she is 80 years old, God love her, and it is still there.

The only reason I bothered to mention it—I never mentioned it before on the floor in all the debates we had about POWs and MIAs. I compliment my colleagues in their diligence to continue to pursue accounting for POWs and MIAs, and I didn't want them to think that, because I slightly disagree with their assertion of what these three countries have done—I agree with my friend from Oregon. I think they are clearly interested in helping. If there are any countries that are fully aware, as my friend from Oregon said, it is the Hungarians and the Czechs and the Poles, who have had people dragged off to those gulags, never to be heard from again.

These democratically elected officials, now—I would be dumbfounded if they did not fully cooperate. But I understand the motivation. That is my point, to my two colleagues. I am happy, from our side, to accept the amendment, as well as my friend has indicated he is willing to accept it.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I appreciate my colleague's willingness to accept it. It seems to be the consensus of those of us who are sponsoring it, we seek a recorded vote on it because of the significance of the issue.

With that in mind, I will ask for a recorded vote at the appropriate time.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Obviously that is the Senator's right. I do not challenge it. I just am reminded, I remember one time when I first got here—and I know he has been here a long time. I went up to Russell Long, the Chairman of the Finance Committee, and indicated to him I wanted help on an amendment to a Finance Committee bill. Senator Long, the senior Senator and Chairman of the Finance Committee, said, "Fine." He accepted it.

Then I thought later it would be good to have a recorded vote. I stood up and said, "I have decided I want a recorded vote." He said, "In that case, I am against it." We had the recorded vote and he beat me. So I learned, from my perspective anyway, that when someone accepts an amendment, I am always happy to do it.

But I understand the Senator's motivation. I will not change my position, but maybe he would reconsider whether we need the vote. But that is his judgment. I yield the floor.

Mr. SMITH of New Hampshire. I had great confidence that you would not do that.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I rise this afternoon to support the ratification of NATO expansion. I have had the good fortune, over almost the last year and a half that I have been in the U.S. Senate, to serve on the Committee on Foreign Relations. That has given me a unique opportunity to examine the NATO expansion protocol. I attended, start to finish, each of the eight full hearings we had in the Foreign Relations Committee on this issue. I also was appointed by the Senate Majority Leader to serve on the NATO Observer Group Task Force. I attended almost all of the 17 meetings that our distinguished colleagues from Delaware, Senator BIDEN and Senator ROTH, held. That does not give me a particularly unique perspective on this issue, but it gives me some grounding on understanding the complications of NATO expansion.

As I have listened to the debate the last 2 days, and in previous weeks when this Chamber debated this issue, and during committee hearings, I have come to the conclusion that, yes, a number of the questions and points raised by my colleagues are not only relevant but are important and they should be fully aired and fully debated. It is based on those observations that I have made, as I have listened to this debate, that I wish to offer some of the following points.

Aside from the obvious defense purpose of the expansion of NATO, there are other issues involved. The obvious defense purpose of expanding NATO is to help assure stability and security in Europe, all of Europe. There has been some debate on the floor about this issue, this fourth expansion—and, by the way, a not unprecedented expansion. We have expanded NATO three other times, to include West Germany, Greece, Turkey, and the third expansion was Spain and Portugal. So this would be not an unprecedented action we take, that we include three new countries. But I find interesting that there has been some reference made to "we would split Europe." I say just the opposite, just the opposite. We would, in fact, do much to unify Europe. Why would that be? That would be because stability, security, economic development, development of democracy and market economies, would extend across the continent of Europe and no longer would there be the Iron Curtain that fell at the end of World War II. NATO expansion would help assure that.

I also find the argument interesting from the perspective of—I thought, when the Berlin Wall fell in 1989, that meant something. It was beyond symbolism. It was a witness to history that authoritarian, totalitarian government does not work, under any name—Nazism, communism, it doesn't work.

Here we are, almost 10 years after the fall of communism, with the Berlin Wall, talking about, "Well, I don't know, should we do this? We might offend our Russian friends." Certainly any important decision must factor in every dynamic in the debate and every dynamic of our national security interest—relationships, future relationships, and in this case it certainly does factor in our relationship with Russia. But, my goodness, why did we fight, for 40 years, a cold war? And we won it. Only 10 years later, to some extent, to be held hostage to what the Russians want?

You see, I don't see an awful lot of sense in that. Yes, it is important to understand the Russians. Yes, it is important to engage the Russians. But not allow Russia, or any other nation to dominate the final analysis and decisions of our Nation's security interests, nor all of the collective security interests of Europe.

There is another consequence of this that has not yet been fully developed and that is we would be helping provide role models for Central and Eastern Europe by these three new nations, Poland, Hungary, and the Czech Republic, coming into NATO, complying with—not as a handout, not as a gesture, but complying with all of the requirements established 50 years ago to belong to NATO. We just didn't invent these. They didn t just "happen." They are the same requirements for Poland, Czechoslovakia, and Hungary as we had for the previous three expansions of NATO.

Other nations of Central and Eastern Europe can look to these three nations as role models, for help, and not just in the national security dynamic. Let's face it, I have heard, also, a lot of talk about the European Union—why not allow these nations to be brought into the European Union first? Mr. President, you cannot separate economics here. You can't separate economic stability from military stability. They are integrally entwined.

There is no question the world is a global community underpinned by a global economy. Of course—of course—these nations will benefit economically. And that will invent and give opportunities to other countries, and more opportunities as well. Now, this is not just—not just—a national defense issue and a security issue for the United States. This is an investment for the United States.

This is an investment because it is connected. And if we invest, yes, some money—my goodness, isn't that something? We would actually have to pay some money, not wild exaggerations that we have heard on the floor of the Senate, but some real dollars to invest, to expand the security and stability umbrella of NATO eastward.

It is an investment for us for a couple of reasons. One, it will help assure this country will not be sending its children and its grandchildren to fight another World War or a war in Europe. Democracies do not attack other democracies. Democracies do not go to war. So it is an investment in national security and peace for us.

It is also an economic investment. As these nations that had been under the yoke of Communist dictatorship for almost 50 years are now in a position to develop democracy and flourish economically as they develop their democratic governments and their freedoms, they are as well developing market economies.

What does that mean to us? That means markets, that means some stability, that means connection.

I also have found some of my colleagues, particularly on my side of the aisle, comment about, "Well, but this President, this administration, wants to take NATO expansion beyond the boundaries of what the mission is of NATO." I remind my colleagues on this side of the aisle, my Republican colleagues, who might have some concern about this present administration, 10 Republican and Democratic administrations have presided over America's involvement in NATO, 10 administrations, Republican and Democratic.

This debate should not get confused with the underbrush of detail or who is in the White House today. This debate is about the future and how we are preparing for the future as we go into the next century—not about Bill Clinton, Madeleine Albright, Bill Cohen. They are players on the scene for a very brief time, just like 10 administrations have been on the scene, essentially for a brief time.

Missions and organizations change, believe it or not. Missions and organizations change. Times change. Dynamics change, challenges change, circumstances and situations change.

To my colleagues who say, "Well, prove to me that NATO is going to be important. Prove to me every dollar that's going in. Prove to me we need NATO," well, as brilliant as many of my colleagues are, no one can give them that answer, you see, because no one can predict the future. But that is what NATO expansion is about. That is why we established NATO 50 years ago, because the future was uncertain and was unstable. If we did not have NATO today, we would have to invent NATO.

To those of my colleagues who say, "Well, why rush? We're rushing into this. What's so important about doing this now? This year? Next year?" I say, I suppose you could have asked that question after World War II—there was relative peace in Europe after World War II—"What's the rush?" And for every one of the previous three expansions into NATO, you could have said, "Why West Germany now? Let's wait until about 1980," or for any of the other nations. But, my goodness, doesn't it make a little more sense to develop strong, bold, dynamic, futuristic policy now—now—when we can think clearly, when we can understand the dynamics of the issues rather than, well, let us wait for some country to be invaded and then we will show them what we are going to do? Come on, it does not work that way. It does not work that way.

Let us not squander the time we now have to plan as best we can for a surely uncertain future.

Another dynamic that gets lost in this debate, Mr. President, is another certainty—the diffusion of power in the world. The face of this globe will not look the same in 25 years. It will not look the same because the geopolitical, economic and military power structures of the globe of this 5.2 billion-people world are changing. Like life changes, everything changes.

It is in the best interest of this country and the world for us to lead as best we can to prepare for those new challenges and to prepare for that new diffusion of power, as it will surely come, as it is coming today.

Yes; yes, Europe is only one part of that. But look at the numbers—a rather significant part. Any measurement you take of the importance of Europe, any measurement you take—people, gross domestic product, exports—and do we really believe Europe still and will still be untouched into the next century with no war, no conflict?

Who would have predicted Bosnia? Who would have foreseen that in 1990 and 1991? Kosovo. These are deadly, real examples of how fast things can come unraveled even in—even in—Europe.

Another question that is asked, and appropriately so, is our force strength. It is a very good question. Over the last 10 years, we have been asking our military to do more with less—more deployments, longer deployments. We now have a force structure, in real dollar terms—in real budget terms—that is down as low as any time since 1940. Less than 3 percent of our gross domestic product goes for our national defense. That is below dangerously low. And if we in fact are going to ask our military to take on new responsibilities, like NATO expansion, which I support, and NATO and the Persian Gulf, and a hundred other nations where we have troops, then we are going to have to pay attention to our military. And we have not been doing that.

Another debate for another time surely, Mr. President, but one that is appropriately talked about in this debate and asked because if we are going to ask our military to do more, we are going to have to pay attention to the budget and to rebuilding our military. We are soon becoming a hollow military, and that is in any measurement you wish to take. In the President's own budget for fiscal year 1999, he cuts another 25,000 uniformed men and women from the services. We cannot have it both ways. But, as I say, part of the debate should be part of that debate, but that debate should come at a different time.

I conclude my remarks, Mr. President, by saying that we have a unique opportunity, as the most dominant nation on Earth, at a most unique time in history—not a time seen probably since Rome during the Roman Empire—when one nation has so thoroughly dominated this globe.

There is a bigger question for this country and a bigger challenge that will require a bigger debate than NATO. But it is part of the debate. And that is, yes, a great nation is required to do great things, to take on great burdens, and to give great leadership. It is an awesome responsibility the United States has. And our challenge, our debate is, do we wish in fact to go into the next century as that dominant great nation and carry that great burden of leadership? This is part of that debate.

We have an opportunity, unique in history, to help build strong democracies, help to build structures that will give more people more freedom than the history has ever known, more market economies, better standards of living, better health, less conflict, less war. That is why NATO expansion is important. It is not the only issue, maybe not the most important issue, but surely it fits into the grander debate that we will have.

New alliances are being formed, new alliances will continue to be formed in the next century. We want to be part of that. As we rely on more nations and more relationships and more alliances, in the end that will mean less burden for us, less burden for us because we are helping develop strong democratic nations with resources, with economies that can defend themselves. That is in our interest. In the end, it is in the world's interest.

That, more than any other reason, is why I strongly support NATO expansion. I ask that my colleagues in this body who are still undecided, for legitimate reasons, listen to this debate closely, because in the end this debate is about our future and what is in our best interest.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BIDEN. Mr. President, it is true the Delaware which touches New Jersey is owned by Delaware, but I am from Delaware. I would be proud to be from New Jersey, but I am prouder to be from Delaware.

Mr. President, I understand we are going to go to the Kyl amendment very shortly and I cosponsor and agree with the Kyl amendment. I think the manager supports the Kyl amendment, too. But while we wait for Senator KYL to make his opening statement in support of his amendment, I would like to reiterate a point I made yesterday with Senator SMITH, in the few minutes while we are waiting for Senator KYL to come to the floor.

Yesterday there was a good deal of talk here about whether or not this expansion of NATO was good, bad or indifferent. The distinguished Senator from New York, Senator MOYNIHAN, the distinguished Senator from Virginia, Senator WARNER and others, were taking issue with the expansion of NATO. I referenced why I thought the Poles thought this was in their interest because the comments were basically made that the Poles—Senator SMITH of New Hampshire said we support the Poles anyway.

I made the point that that kind of promise had been made to Poland before. In 1939, France was considered to have Europe's strongest army. It had built the massive defensive fortification called the Maginot Line which was widely thought to be impregnable.

Hitler's generals warned against an attack on France. In late August of 1939, of course, came the Molotov-Ribbentrop Pact between the Soviet Union and Nazi Germany which—difficult though it may be to understand today—astonished the world then.

Little more than a week later, on September 1, 1939, Hitler's forces launched a surprise attack on Poland. Here we come to two critical points.

First, Great Britain and France had cobbled together an alliance with Poland earlier that year after Germany had annexed the rest of Czechoslovakia.

But that last-minute alliance, of course, can in no way be compared to today's powerful integrated military command of NATO. France and Britain had no capability to project forces eastward to defend the Poles. Furthermore, Poland was then ruled by authoritarian colonels, while Britain and France were democracies. Therefore, appeasers could and did proclaim that they would not "die for Danzig."

Hitler saw all this and correctly anticipated that France and Britain would not actively oppose his attack on Poland. And they didn't.

Secondly, Hitler's generals needed the attack on Poland to perfect their new tactic which was dubbed the "Blitzkrieg" or "lightning war." The panzer attack on the Polish cavalry, as was pointed out yesterday, an incredible undertaking where Poles on horses were taking on armored divisions of the German Army, which the Senator from Virginia recalled earlier in the debate, was a metaphor for the effectiveness of the German's new kind of rapid, mobile warfare.

I said yesterday that France and Britain, after formally declaring war on Germany September 3, 1939, did nothing. In fact, Mr. President, for more than 8 months nothing happened on the Franco-German frontier. Commentators labeled this the "phony war," a term which students of history will readily recall.

Meanwhile, after carving up Poland with Stalin, the Germans were freed to redeploy offensive combat units for use in the West. On May 10, 1940, Hitler invaded France and the Low Countries using the Blitzkrieg tactics perfected against the Poles, now against France. Going through Belgium and Holland, the Germans simply bypassed the vaunted Maginot Line, and soon they were in Paris.

So I repeat, Hitler's road to France went through Poland. We should ask ourselves what lessons can be learned from this sad tale and acknowledge Poland is east of Germany. How did it get to France? Had they not gone into Poland first they would not, in all probability, have been nearly as successful as they were in 1940. The road to France was through Poland.

First, the lesson we should learn from this sad tale is the alliance only means something if it has a deeper purpose. Today, Poland, Hungary and the Czech Republic are democracies with Western values—not as Poland was then, a very different country. By the way, only extreme isolationists, I submit, would repeat a "I won't die for Danzig" slogan in 1998.

Second, the alliance must have military muscle to back up a paper agreement. NATO clearly has the military structure in force to make collective defense credible.

The third lesson, is NATO, through its Partnership for Peace Program, is actively cooperating with non-NATO countries, including Russia, to lessen tensions and make future conflicts highly unlikely.

So for all these reasons, Mr. President, Poland, Hungary, and the Czech Republic, passionately want to become members of NATO. All three countries have successfully completed a demanding set of reforms in order to qualify.

History need not repeat itself, Mr. President. But history is always instructive. That is why I mention the connection between Poland and France in 1939 and 1940. I hope this explanation is helpful to my colleagues. I hope we keep it in mind.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. WARNER. I wonder if I might engage our distinguished colleague, who just presented his views, in a bit of a colloquy.

First, I ask my colleague, did he make the statement that NATO is for the defense of all of Europe, or some broad, sweeping statement to that effect?

Mr. HAGEL. No, I didn't say it is for all of Europe. I said we would have a Europe, as we expand NATO eastward, that gives Europe an opportunity from east to west, all of Europe, to be democratic, opportunity to develop market economies, the potential to be a free continent, and that NATO could help do that.

Mr. WARNER. I thank my colleague. I am just going back to read the charter, article V, and this is the heart and soul of NATO.

It says that parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all, and consequently they agree that if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defense, recognized by article V of the Charter of the United Nations, will assist the party or parties so attacked by taking forthwith, individually and in concert with other parties, such action as it deems necessary, including use of armed force to restore and maintain the security of the North Atlantic area.

Now, it was very clear when this was written that we envisioned the Soviet Union as the threat. That was the purpose of it. And now with the demise of the Soviet Union and the threats now being fractured into many places and of many types, we are trying to determine what is the future mission of NATO.

One of my great regrets is that we are proceeding with this matter of including three new states at a time when NATO itself has not determined exactly what is to be the mission subsequent to the 1991 statement to that effect.

The PRESIDING OFFICER. The Chair reminds the Senator of the previous order.

Mr. WARNER. For the benefit of the Senate, the Chair should state the order.

EXECUTIVE AMENDMENT NO. 2310, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there is to be 30 minutes of debate on amendment No. 2310 offered by Senator KYL of Arizona to begin at 4:30 p.m.

Mr. WARNER. I ask unanimous consent to proceed for about a minute and a half.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I direct my comment to the distinguished Senator who is proposing the amendment, Senator KYL, which will now be the subject of further debate. In particular, on page 1 entitled "common threats," it says, "NATO members will face common threats to security in the post-cold war environment, including . . ."—and on page 5 it says—I guess that was 4. It says, ". . . conflict in the North Atlantic area stemming from ethnic and religious enmity, the revival of historic disputes, or the actions of undemocratic leaders."

I find that far afield from the NATO charter itself. Indeed, it is somewhat far afield from the 1991 restatement of the mission of NATO. Speaking for myself, I have grave concerns about NATO incorporating in any future document the fact that it stands ready to stamp out ethnic and religious enmities and the revival of historic disputes. That is the very thing we are involved in now in Bosnia. I just don't have time to get into it, but I would like to have a clearer explanation from the proponent of this amendment as to what he intended by the inclusion of this paragraph in this amendment. Basically, I wanted to support the amendment, but I cannot support a document that says NATO is going to take it upon itself to put out civil wars and religious enmities and ethnic disputes. I am concerned about the future of American servicepersons and that the men and women who will proudly wear the uniform of the United States and be an integral part of NATO would be subject, under NATO commanders, to go into these areas and meet such conflicts.

Mr. KYL. Mr. President, I will be delighted to answer the question of my distinguished colleague from Virginia. I will begin, first of all, by setting forth the essential concept or idea underlying this amendment.

The future course of the NATO alliance, its core purposes and its strategic orientation in this post-cold war era, will be decided by allied negotiations upcoming on the so-called revised strategic concept of NATO. The new document is going to be agreed upon in a little bit less than a year—next April. Senate advice and consent to the NATO enlargement issue here presents a unique opportunity for the Senate of the United States to speak on this issue, an opportunity we would not otherwise have. We, therefore, can help to lay out the strategic vision of NATO from the standpoint of the United States and thus influence the outcome of these negotiations.

In my view, the current resolution focuses too much on what NATO should not be and should not do. The resolution does not attempt to lay out a comprehensive set of principles to guide development of the strategic concept. And so this proposed amendment will establish the Senate's vision of the future of NATO and, I hope, help to lay the foundation for American positions on the strategic concept.

Here is the background that will lead up to the answer to the Senator's question. I hope it is the only expression of concern about the amendment because I would certainly like to have his support for what I think is an amendment that will be overwhelmingly supported by both proponents and opponents of expansion. Our principal objective here, I say to the Senator from Virginia, is to ensure that NATO remains an arm of U.S. power and influence. NATO, not the WEU or the OSCE, must remain the principal foundation for the security interests of its members. This means NATO must be prepared militarily to defend against a range of common threats to our vital interests. We have tried to identify what they all are.

Now, some of us may not like what some of them are and may not like the fact that we will have to respond to them. For example, a radical Islamic terrorism threat in the North Atlantic region may require that we defend against that. That didn't used to be a big problem for NATO. What I have done is insert the words "in the Atlantic area"—words that were not in the underlying resolution of ratification that came out of the committee. So what I have tried to do is both to, yes, acknowledge a threat that we all acknowledge that could arise, but to limit the nature of our response to that in the Atlantic area by the specific language of the section that the Senator from Virginia and the Senator from Texas are concerned about.

This amendment underscores that collective defense will remain the core alliance mission. But it acknowledges that new threats have emerged in the post-cold war era that will require NATO to adapt its military forces and defense planning mechanism.

Mr. WARNER. May I have one word of clarification?

Mr. KYL. I am happy to try to answer the question.

Mr. WARNER. The mix of NATO is the collective security of member nations and the collective security of the continent that they occupy. That has been the traditional mission. Now, you are recognizing these are threats, and I agree they are becoming more and more threats—religious and ethnic strife. But do you intend, by this document, to say that that should be written in as a mission of NATO, to stand ready to intervene in these types of conflicts? Or are you just recognizing them as potential threats and subsequently, depending on the magnitude of the threat, the NATO commanders, and the NAC, North Atlantic Council, can determine if in fact it threatens the collective security of a nation or the nations?

Mr. KYL. That is an excellent question, Mr. President, and it is, of course, the latter—something that I think the Senator from Virginia and I support. I point to the specific language to confirm my point. In paragraph 5, "common threats," it says: "NATO members will face common threats to their security in the post-cold war environment, including. . ." Then we list threats. We hope they will never arise. That is the context in which this particular provision is listed.

If I could just close my comment here, Mr. President, because the Senator from Delaware wishes to comment. This amendment merely conditions Senate advice and consent to its understanding of U.S. policy as it relates to the revising strategic concept of NATO. It acknowledges the principles that have animated our participation in NATO from the very beginning and also identifies the threats that we may face. It states that the Senate understands that the core concepts contained in the 1991 document remain valid today.

I say to my friend from Virginia, in essence, that the 1991 strategic concept provides a foundation on which to build the revised statement of NATO strategy and sets forth the 10 principles which the Senator understands will be in the new document.

I urge my colleagues who support and oppose the expansion of NATO to support this amendment and to put the Senate on record as defining the NATO of the future. I reserve the remainder of my time.

Mr. WARNER. Mr. President, collectively, with the Senator from Texas—

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Delaware controls the time. Who yields time?

Mr. BIDEN. How much time do I control?

The PRESIDING OFFICER. Fifteen minutes.

Mr. BIDEN. I yield 2 minutes to the Senator from Virginia.

Mr. WARNER. The Senator from Texas and I wish to discuss the capacity to respond to common threats. NATO's continued success requires a credible military capability to deter and respond to common threats. And when you look at the definition of common threats, it includes historic disputes, religious enmities, ethnic and the like. I fear that, although the Senator in his statement seemed to clarify that this is not to be a mission, somehow the language, I believe, is somewhat tangled. I yield to my colleague from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I have just been looking at the amendment with the Senator from Virginia. I like every other part of the amendment. I like every other part of the amendment. But it seems that the words define what a common threat is, and included in the common threat are ethnic divisions or uprising, and then it says that one of the missions of NATO is to respond to common threats. I just wondered if there could be a clarification, or perhaps a clarifying amendment that would assure that is not going to be a responsibility of NATO to come into a situation in which there is a border dispute or an ethnic dispute. In fact, that is one of the amendments I would offer later, which is to avoid having the United States get into an ethnic dispute.

If the Senator from Arizona can clarify it, I think the Senator from Virginia and I would like to support the amendment. But if it needs some work to assure its intent, then perhaps we could work on that as well.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. On my time, let me take a crack at that, if I may. I am a cosponsor, although I cannot take credit for the drafting. It is totally a product of my friend from Arizona, and it is an admirable job. The Senator from Oregon and I were just talking about what a good amendment this is. I am glad to cosponsor it. But let me maybe help.

I have in my hand the alliance's Strategic Concept of 1991, the last one that occurred. It is the present operating doctrine for NATO. My friend from Virginia pointed out that the North Atlantic Assembly committee gets together and they decide whether this should be updated periodically, what it should say, and what article V of the Washington treaty means. Article V of the Washington treaty, the NATO treaty, was read earlier by my friend from Virginia.

It starts off, the parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all, consequently, and it goes on from there. Let me read from the strategic concept, the alliance's strategic concept, which is the operating strategy of NATO, as we speak, the one that was, in effect, redone in 1991 to respond to the changed circumstances, meaning no longer the Soviet Union, the Berlin Wall is down, and all these nations. We are talking about independent republics and nations themselves. OK. That is the concept in which the strategic document came about.

On page 4, under "Security Challenges and Risks," paragraph 10, the present strategic doctrine of NATO reads as follows:

> Risks to allied security are less likely to result from calibrated aggression against the territories of the allies, but rather from adverse consequences of instability that may arise from serious economic, social, or political difficulties, including ethnic rivalries and territorial disputes . . .

—border disputes, and ethnic rivalries. Excuse me. Let me be clear that I don't want to misquote. Go back to the quote:

> . . . political difficulties, including ethnic rivalries, and territorial disputes.

Parenthetically inserted by me was border disputes, and what is going on in Bosnia now.

Back to the quote:

> . . . which are faced by many countries in Central and Eastern Europe . . .

Not members of NATO.

> . . . the tensions which may result, as long as they remain limited, should not directly threaten the security and territorial integrity of members of the alliance. They could however lead to a crisis inimical to European stability and even to armed conflicts which would involve outside powers, or spill over into NATO countries having a direct effect on the security of the alliance.

Nothing to do with the expansion of NATO—zero, zero to do with expansion. Presently, NATO interprets article V to represent—is interpreted and laid out tactically in the alliance's strategic concept as interpreted by the 16 NATO nations. It authorizes and allows, and they in advance acknowledge that NATO will deem, under article V, instability as a consequence of ethnic rivalries, or boundary and territorial integrity. They will interpret that. They may interpret that to be a threat to the security of any of the member nations; ergo, you are then allowed under NATO strategic doctrine, if all NATO countries agree, as they do in this doctrine, to use force.

What is happening in this debate, unintentionally, as I said to my friend from Virginia yesterday, and what we are really debating in the biggest debate that has occurred is what the greatest differences have been over NATO strategy as it now exists.

That is really what people are arguing about. They are really arguing not about what these three additional countries will do to impact on strategy. They are basically arguing, as they should, as they should, whether or not this outfit we put together almost 40-some years ago still is relevant today, whether we should still have it. But the strategic doctrine today put in place in 1991 says, and I will repeat, "Risks to allied securities are less likely to result from calculated aggression against the territory of the allies but, rather, from adverse consequences of instability that may arise from serious economic, social and political difficulties including ethnic rivalries, territorial disputes which are faced by many countries in Central and Eastern Europe."

Now, my friend from New York, who is opposing the expansion, is probably the single most qualified man in the Congress, having written about and predicting the kind of chaos that would come from the mail fist of communism being lifted off of the sectarian rivalries that have been subsumed under that heavy hand in the Communist rule—he predicted in a book he published several years ago, that I recommend to everyone, that there would be crisis in Europe. It would not be Soviet armies invading.

So my friends who keep saying: Look, we ought to reflect reality, NATO should reflect the real world, as Senator SMITH from New Hampshire kept saying yesterday, NATO did just that in their strategic doctrine of 1991. They said the risk—paraphrasing—is not from Soviet divisions; it is from ethnic rivalries, economic, social, and political instability. That is where our risks lie and we must respond to those risks.

So nothing new is being stated by my friend from Arizona. He is not breaking new ground. He is reiterating a basic principle of the strategic doctrine that exists now. And if we vote down these three countries, it will still exist. To the extent you have a fight, an argument with that section of his amendment, which I cosponsor, you do not have a fight about expansion. You have a fight about why don't you introduce an amendment that says the strategic doctrine of NATO should not be what my friend states it should be and, in fact, is.

So, again, we tend to——

Mr. WARNER. Mr. President, if the Senator will yield, I think we could settle this with two sentences. Do I understand from the sponsors—and you being a cosponsor of the amendment —that nothing in the amendment expands beyond what is stated in the 1991 doctrine, paragraph 10, which the Senator from Delaware just read? If it is to be interpreted as saying that remains as the goal, then I am comfortable with the amendment. But as drawn, largely due to the defining language, I have a problem with it in its present form.

I agree with the Senator from Delaware, if that is to be the mission in the future, a consistent one with paragraph 10.

Mr. BIDEN. Mr. President, if I may respond, since I am not the author but only the cosponsor, I do not want to take the liberty of suggesting what the Senator from Arizona meant, but that is my understanding. It is my understanding that the words as drafted now in paragraph 5—and I apologize. I am searching for the language—say each of the threats are self-evidently covered by present NATO doctrine: "Re-emergence of hegemonic power confronting Europe," i.e., Russia. That is part of our existing doctrine today. "Rogue states and non-state actors possessing nuclear, biological, or chemical weapons and the means to deliver these weapons by ballistic or cruise missiles," et cetera. That, as I read paragraph 10, is contemplated within the "serious economic, social and political difficulties." It says, "including ethnic rivalries and territorial disputes" but not limited to those two items.

No. 3, "Threats of a wider nature, including the disruption of the flow of vital resources" obviously would affect the economic security and the stability of the NATO nations. No. 4, "Conflict in the North Atlantic stemming from ethnic and religious enmity." That is covered. So as I said——

Mr. WARNER. Mr. President, the Senator is a little swift in saying that is covered. Look, in paragraph 10, in referring to such disputes as ethnic and religious enmity, they say this response: "These tensions which may result as long as they remain limited should not directly threaten the security and territorial integrity of members of the alliance," and therefore NATO stays out.

Mr. BIDEN. Mr. President, to respond, that is exactly what this amendment says. The amendment says, as my friend from Arizona has drafted it, it is a decision self-evident. In this amendment, it is a decision for the NAC to make whether or not it is an armed conflict that will spill over. There have been a number of ethnic conflicts in Central and Eastern Europe which we had concluded not to get involved in because the NAC concluded they were not directly threatened, they did not directly threaten the security of those countries. They did conclude that the ethnic rivalries and the war in Bosnia did—did—threaten their security. They made that judgment internally within the NAC, within that governing body of NATO.

So I reserve the remainder of my time. I have 2 minutes, I am told.

Mr. SMITH of Oregon addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona has 7 minutes.

Who yields time?

Mr. KYL. Mr. President, I ask unanimous the following Senators be listed as cosponsors to my amendment—HELMS, ROTH, BIDEN, and SMITH of Oregon.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Oregon.

Mr. SMITH of Oregon. I thank the Chair. I thank Senator KYL. The Senator just took away some of the business I wanted to do.

I am very pleased to be added as an original cosponsor of this amendment.

Mr. President, I think the Clinton administration made a serious error in allowing the other NATO countries to reopen the strategic concept issue. The current document agreed to in 1991 needs no alteration. The approach taken under President Bush's strategic concept has served NATO well for the past 7 years and would have served equally well for the next 7. That said, what is done is done. The administration failed to prevent the French and others from opening a Pandora's box.

Negotiations on the strategic concept for the purpose of amending it will commence this summer, and I expect that a document will be agreed upon by early next year. Senator KYL's amendment establishes a vision for NATO's future. It does so by emphasizing those aspects of the current NATO policy which the United States finds most important. For instance, the Kyl amendment makes clear that NATO, not the European Union, not the OSCE or any other United Nations-type organization, must remain the principal foundation for collective security in Europe.

It also takes note of the broad range of threats that will face the United States and our NATO allies in the post-cold war world and calls upon NATO members to ensure that their forces can be rapidly deployed and sustained during combat operations.

Taken together with paragraph B of the current condition 1 of the resolution, which calls upon NATO military planners to put territorial defense above all other priorities, this amendment makes clear that the United States expects every NATO member to pursue the capability of operating with the United States in any contingency under any circumstance.

Finally, it reaffirms the key tenets of current NATO nuclear policy. I find this paragraph of the Kyl amendment particularly important.

In conclusion, Senator KYL has identified the 10 most important aspects of NATO's current strategic concept which must be preserved. His amendment sets forth the Senate's expectations that any future revisions to the strategic concept must reflect these principles. I welcome his contribution to the resolution of ratification. It provides a much-needed vision for the future course of the NATO alliance. The administration can expect that I for one will hold it to the policies established under the Kyl amendment during the course of future negotiations of the strategic concept.

Again, my thanks to Senator KYL. I think his amendment is forward looking. It is visionary. Unlike so many amendments offered here today which are sort of in the category of "thou shalt not," this is in the category of "thou shalt do." So I thank Senator KYL for that and his leadership. I am proud to be a cosponsor with him.

I yield the floor.

Mr. MOYNIHAN. Will the Senator yield for a question?

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I would be delighted to yield for a question from the Senator from New York.

Mr. MOYNIHAN. Would it be correct to say that the statement, "Conflict in the North Atlantic area stemming from ethnic and religious enmity, the revival of historic disputes or actions of undemocratic leaders" does not represent any expansion of the 1991 doctrine?

Mr. KYL. Mr. President, I say to my colleague from New York that I am in total agreement with the Senator from Delaware. That is the case, that this was not intended to be an enlargement of existing NATO policy.

Mr. MOYNIHAN. I thank my friend from Arizona.

Mr. KYL. I thank the Senator.

Mr. President, I make that statement in order to assure my colleagues who are concerned about enlarged missions that it is not our intention to try to expand the mission of NATO. But what we are concerned about is helping the administration of the United States define very clearly to our European allies our strategic vision of NATO as a defense alliance. Unfortunately, some Europeans have a different point of view. They would limit NATO solely to the mission of collective defense against an armed attack, elevate the WEU to the principal military organization for responding to all other threats to NATO security, and cuts the United States out of decisionmaking on issues affecting our vital interests. Some undermine our ability to shape NATO as a viable 21st century military alliance, and that is why I offered this amendment, to help make clear an unambiguous U.S. policy on the future direction of the alliance using the fundamental principles which have existed since 1949 when these concepts were first enunciated and which in the Foreign Relations Committee report at that time said that, of course, each party would have to decide in the light of circumstances surrounding the case and the nature and extent of the assistance whether, in fact, an armed attack had occurred and article 5 thus brought into play—armed attack relating to different kinds of situations that might not be a direct invasion but might, from other kinds of causes nevertheless, pose a security risk to the states within NATO.

So I really believe we have not expanded the current policy, but I hope we have clarified for our friends in Europe the limits of the U.S. policy, the vision, the strategic vision that we have. I appreciate the questions raised by the Senators from New York and Virginia to help us clarify that point.

Mr. WARNER. Mr. President, we thank the Senator and with that assurance I will give you my support. But the amendment is to restrict in some way the expressions in the resolution that is before the Senate.

Mr. KYL. That is correct.

Mr. WARNER. Would the Senator state that for the record?

Mr. KYL. Yes. Mr. President, that is correct. We explicitly, for example, insert "in the North Atlantic area" which is not in the underlying resolution of ratification.

Mr. MOYNIHAN. Will the Senator yield for a brief question?

Mr. KYL. I am happy to yield. I think I am out of time.

Mr. MOYNIHAN. Would the Senator agree that in 1949 the issue facing Western Europe and the United States was not ethnic and religious conflict, it was international communism in the form of the Soviet Union, which had declared ethnic and religious conflict to be a premodern phenomenon, long since sent into the dustbin of history?

Mr. KYL. The Senator is correct that the concern at the time was the great conflict between the West and communism from the Soviet Union. I suggest the Senator probably knows better than any of the rest of us about the longstanding disputes, some ethnic and religious in origin, which were, perhaps, always under the surface. But at that time, of course, the Senator is absolutely correct.

Mr. MOYNIHAN. I thank my colleague.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I am not one for shilling for books, but for those of you who are interested in this subject and the religious and ethnic conflicts that have erupted after the mailed fist of communism has been lifted in Central and Eastern Europe, I strongly recommend—and I mean this sincerely—Senator MOYNIHAN's book entitled "Pandaemonium." It is worth, as they say, the read, and is incredibly instructive. I mean it sincerely. It is incredibly insightful, and those of you who have an interest should take a look at it.

I yield the floor and yield the time, and I am ready to vote.

Mr. KYL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Illinois (Ms. MOSELEY-BRAUN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 90, nays 9, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—90

Abraham
Akaka
Allard
Baucus
Bennett
Biden
Bond
Boxer
Breaux
Brownback
Bryan
Burns
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Rockefeller
Roth
Santorum
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wyden

NAYS—9

Ashcroft
Bingaman
Bumpers
Byrd
Graham
Roberts
Sarbanes
Smith (NH)
Wellstone

NOT VOTING—1

Moseley-Braun

The executive amendment (No. 2310), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I rise today to express my support for Senate ratification of the Protocols to the North Atlantic Treaty on accession of Poland, Hungary, and the Czech Republic. I have been privileged to participate in the historic debate on the enlargement of the North Atlantic Treaty Organization as a member of the Committee on Foreign Relations. Since last October, the committee has held 8 hearings on this issue and heard testimony from 37 witnesses with a variety of opinions on NATO enlargement.

I will take this opportunity to thank the chairman of the committee, the Senator from North Carolina, and the committee's ranking member, Senator BIDEN, for the balanced manner in which these hearings were conducted and for their support for expeditious consideration of this important matter.

As we all know, Mr. President, NATO has been the most important factor in maintaining peace in Europe since the devastation of World War II. As we prepare to mark the alliance's 50th anniversary next year, it is appropriate to look back on its successes and look forward to see what role NATO will play in the next 50 years. The world will be a much different place in 1999 than it was in 1949 when this alliance was formed as a buffer against Soviet aggression and as a means of protection for nations whose people had just emerged from one of the costliest wars, in both human and financial terms, in our history.

But to fully understand and appreciate what the security of NATO represents to the people of Eastern Europe, we must first remember what they have endured in the years since we celebrated V-E Day. At the same time the people of Western Europe were working to found an alliance that would ensure security and were fighting to rebuild their countries and the economies after the fall of the Third Reich, a new threat was emerging on the other side of the continent.

The Soviet Union, which had been our ally against Hitler, was about to become our foe in a cold war that would last almost a half century and result in the sacrifice of lives, traditions, and religious liberty throughout Eastern Europe. The people of Eastern Europe barely had time to recover from the devastation of a world war when they were faced with Soviet tanks. Foreign subjugation was, of course, nothing new for the people of Eastern and Central Europe.

For centuries, Mr. President, this part of the world had been a battleground where people and territory seemed little more than spoils in a seemingly endless series of bloody fights. Bit by bit, the Soviet Union redrew Europe's map until it swallowed up the entire eastern and central region. Under the reign of the Communist Party, people lived in fear that they would be accused of being disloyal to the party. Religion was outlawed, and the myriad beautiful places of worship in the Soviet Union were left vacant; many were destroyed.

In spite of the treatment they were forced to endure at the hands of the Soviet regime, the people of Eastern Europe never lost their will to be free, as demonstrated by events such as the Prague Spring and the Solidarity movement. By the mid-1980s, the Soviet Union was beginning to crumble and the people of Eastern Europe yearned to satisfy their hunger for democracy and freedom. Beginning in 1989, the people of Poland, Hungary, and Czechoslovakia peacefully ousted their Communist governments and replaced them with democracy. It was, in the words of Vaclav Havel, a "velvet revolution."

Because of modern technology, the world community has had a front-row seat for the transformation of Eastern Europe. We literally watched the Berlin Wall fall and marveled at cranes dismantling statues of Lenin and laying low the hammer and sickle.

Today, nearly a half a century after World War II, the Iron Curtain is gone and the Soviet regime is no more. The changing face of Europe is marked by newly-independent countries eagerly embracing democracy for the first time in more than two generations. But the people of these former Soviet satellite countries still live in the shadow of the history of Soviet domination. These nations and their people seek to rejoin the West, and seek a means to ensure that they will never again fall victim to a Soviet-style regime.

The lingering memory of Soviet domination was evident at the Winter 1998 Olympic Games, where a player on the Czech Republic's hockey team wore the number 68 to mark the February 25, 1968, invasion of his country by the Soviet Union. When the Czech Republic's hockey team beat the Russian team for the gold medal, many Czechs felt that the victory represented more than athletic excellence. It also symbolized their country's freedom from the Soviet domination of the past.

Now, there is a new, democratic Russia, and the nations of Eastern Europe, which have become our friends and trading partners, are caught, both literally and figuratively, between this new Russia and the West. This is a critical time for the newly-independent states of Eastern Europe to establish themselves as countries in their own right, finally free of the yoke of Soviet domination.

It is only natural that these Eastern European countries would seek to join NATO, an alliance which shines as a beacon of democracy and security on the European continent. The proposed enlargement of this alliance represents a crossroads in American foreign policy, and, indeed, in the fragile balance of power in Europe. Some opposed to enlarging this alliance have said that it would create a new series of dividing lines in Europe, between NATO, Russia, and those countries which are caught in the middle—neither members of NATO nor under the sphere of Russian influence. Others have argued that all countries meeting the criteria for membership in NATO should be allowed to join. Opponents fear that this would lead to a different dividing line —one between Russia and the rest of Europe.

Many of my constituents, and indeed many people around the world, have a special interest in the debate over NATO enlargement due to their ethnic heritage or their memories of the iron fist of Soviet rule in Eastern Europe. I share their commitment to a Europe which will never again fall victim to such oppression.

The proposed enlargement embodied in the protocols currently before this body leads to many questions: How many countries? How many rounds of enlargement? What about Russia? What about those that may be left out?

It is my view that the newly-independent countries in Europe should not be forever caught between Russia and the West. It is also my strong view that the United States must proceed carefully so that we do not damage our relationship with a democratic Russia. Unfortunately, parts of the debate over NATO enlargement have taken on an "us versus them" quality. We must not forget that the Russian Federation is not the Soviet Union, and that we should encourage democracy wherever it takes root. Instead of the "us versus them" of the Cold War era, this debate should be about the new landscape of Europe. We must not make Russia feel as if it is being ganged up on by the West. We must encourage democracy there as we do elsewhere on the globe, and we must encourage the newly-independent states to take control of their own futures.

That is why the Administration helped to successfully negotiate the NATO-Russia Founding Act. And that is why the language in the resolution of ratification currently before this body encourages the continuation of a constructive relationship between NATO and Russia.

I support the fundamental goals of NATO enlargement, and believe it is in America's national interest to pursue this first round, as it has. However, I do have some concerns, that I know are shared by many other Members of Congress, about the commitment—financial and otherwise—the United States will undertake as it pursues enlargement of the alliance.

On that point, Mr. President, I would like to speak for a moment on one of my concerns about this debate: the disparity among the various estimates on the financial commitment the United States would be undertaking if NATO enlargement were to proceed. There have been at least three major studies conducted on this subject, each of which has taken a different approach with respect to the basis for their estimates. While I understand that it is impossible to account for all of the different variables that will be included in this endeavor, each study assumes a different set of costs, and thus reaches very different cost projections for the U.S. share of this undertaking—anywhere from $2 billion to $7 billion.

I am pleased that I was able to get clarification on this issue through the hearings we held in the Foreign Relations Committee, and I am pleased that the members of the Committee devoted so much time to this important aspect of NATO enlargement. The Committee based its evaluation of the estimated cost of NATO enlargement on the following four assumptions that can be found in the Department of Defense and NATO studies:

First, because there is no immediate threat to NATO, the alliance will continue to operate in the current strategic environment for the foreseeable future.

Second, NATO will not station substantial forces on the territories of Poland, Hungary, and the Czech Republic.

Third—and this is a key point for me—NATO's standard burdensharing rules will apply to the costs of enlargement.

Fourth, the modernization of the United States military is considered to be a strictly American project that will not be funded through the NATO common budget, and, thus, NATO enlargement will not require the United States to undertake any new force modernization initiatives beyond those already planned.

Mr. President, I believe that these four assumptions are at the heart of the debate over the cost of NATO enlargement. While, in my view, the enlargement of the alliance is in the best interest of the United States, I remain committed to ensuring that the federal government achieves—and maintains—a balanced federal budget. The Committee's careful analysis of the costs involved in NATO enlargement addressed many of my concerns in this regard. I agree with the language included in the Committee Report which states that the Committee "stresses the importance of all current and future allies to meet their commitments to the common defense. Anything less will result in a hollow strategic commitment." At the same time, I will look carefully at any of the amendments before us that seek to control the costs to the U.S. taxpayer of this enlargement.

Because of the necessity of all NATO members to meet their commitments to the common defense, I asked Secretary of State Madeleine Albright, at a February 24, 1998, Foreign Relations Committee hearing, if Poland, Hungary, and the Czech Republic would be prepared to take on these commitments. She told me that "We are confident that Poland, Hungary and the Czech Republic will take on the financial commitment involved in NATO membership. Indeed, to prepare for this commitment, all three have increased their defense budgets to fund necessary defense reforms, and to bring them in line with the standard outlays of NATO Allies. . . . Moreover, the cost of defense would undoubtedly be higher if these countries did not join NATO."

In addition, I have been assured by both Secretary Albright and Secretary of Defense William Cohen that the United States share of NATO enlargement costs will not exceed $7 billion over ten years. They have insisted that the wide range of cost estimates can be attributed to the use of varying data and the fact that the original estimates assumed the admission of four new countries into the alliance. I respect the views of the Department of Defense and the General Accounting Office in explaining the differential, and will continue to monitor revised cost estimates as they become available.

The many cost estimates involved in this first round of NATO enlargement also lead me to wonder if we will have a clearer picture of the cost of future rounds, or if we will be faced with the same financial uncertainties that loom before us today. This is an issue the Senate will be looking at closely as the Alliance develops its policies regarding future enlargement. This is also the subject of at least one amendment to the resolution of ratification currently before this body.

I also have concerns about the impact of new U.S. commitments to NATO on America's general military readiness, especially at a time when so many of our forces are deployed around the world in Bosnia, the Persian Gulf, Korea, and other posts. I asked the Chairman of the Joint Chiefs of Staff, General Hugh Shelton, about this concern when he testified before the Committee on Foreign Relations. He said, "I see nothing in the NATO enlargement concept that will detract from our overall readiness. To the contrary, the additional troops, military equipment and capabilities that the three new countries bring to the Alliance can only reduce the demands on current members."

I am encouraged by his answer, and I am also encouraged by the willingness of Poland, Hungary, and the Czech Republic to participate in NATO's Partnership for Peace. All three countries were original members of this program, and all have provided troops and equipment for NATO missions. In my view, the willingness of these three countries to participate in NATO efforts will only strengthen the alliance.

As I stated earlier, I share the Administration's basic views on the merits of enlarging this alliance. The people of Eastern Europe must never again be subjected to the conditions they were forced to endure under Soviet rule. They see NATO membership as a means to ensure their future safety. My concern is about the extent of the commitment the United States will be making, and the uncertainty regarding the price tag that American taxpayers will be asked to pay in this time of fiscal restraint and personal sacrifice. But voting in favor of NATO enlargement should not be considered a blank check for military or other spending in the region. Should the Senate ratify the protocols we are considering today, I and my colleagues in both the House and the Senate will continue to monitor the new U.S. commitments to NATO—financial and otherwise—through the regular congressional budget and appropriations process.

Mr. President, I urge my colleagues to support this resolution of ratification.

I yield the floor.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I have been watching with a great deal of interest the debate that is taking place. It has been a very healthy debate. Certainly the Senator from Wisconsin raised some very good points. As I listened to his comments, I can only say that I agree with almost everything he said except for his conclusion. I look at the cost of this, and we do not know what to anticipate should we extend NATO to these countries. I am deeply concerned about the costs that would be incurred. The range has been incredible. You talk about something between $400 million and $120 billion. That range is not one that gives me much comfort.

I would like to remind my colleagues that the same group of people that are giving us their assurances now—that is, the Secretary of Defense, the Secretary of State, and the White House—that it is not going to cost over a certain amount of money, are the same ones that told us in November of 1995 that it would not cost more than $1.2 billion for our participation in Bosnia. We knew better. But, nonetheless, that is what they said. They said that is a guarantee. Yet here we are now. Our direct costs in Bosnia have exceeded $9 billion. I suggest that is less than half of the total direct and indirect costs. So I don't have a very high comfort level when it comes to being able to rely on what it might cost us to extend NATO to these three countries.

The second thing as I read article V, which is the security guarantee, is that I see this as a very expensive security guarantee, and it is open ended. It stipulates that, "An armed attack against one or more of them in Europe or North America shall be considered as an attack against them all." It doesn't say that we would come to the aid of someone who is attacked if we have any national security interests. It doesn't say that if it should impair our Nation, we are going to be in a position to defend them. It is not like many of the situations where we have become involved in helping countries such as Nicaragua and others because we know it is cheaper actually to help them than it is to have to fight these battles ourselves. This just says, "as an attack against them all." That means that if there is an attack, we have to come to their aid. We always take a much greater share of the burden than our partners do.

The third thing is that I have no doubt in my mind that if we do this, this is just the beginning and that we will be extending it to more and more countries.

I would like to remind you, Mr. President, of a quote from Secretary Albright that the door is open, she said, to other countries with democratic governments and free markets. "The administration is fighting an effort by Warner and others to place a moratorium on admission of additional countries until it is known how well the first recruits are assimilated." After the first three recruits were invited last year, Albright said, "We must pledge that the first new members will not be the last, and that no European democracy will be excluded because of where it sits on the map."

So with the increased costs as we make these extensions, we are looking at Romania, Slovenia, Latvia, Estonia, Lithuania, Albania, Bulgaria, Macedonia, and Slovakia, and many others. I don't see where there is an end to it. However, I remind my colleagues that this is not a partisan subject.

I was honored to serve on the Senate Armed Services Committee with the Democrat who is probably more knowledgeable than any Democrat has been—certainly in my recollection—on that committee, Sam Nunn. Sam Nunn was quoted as saying, "Russian cooperation in avoiding proliferation of weapons of mass destruction is our most important national security objective, and this NATO expansion makes them more suspicious and less cooperative." He further said, "The administration's answer to this and other serious questions are what I consider to be platitudes."

I agree with Senator Nunn that this is opening the door to something that is very expensive, and also it could impair what progress we have made with Russia.

Just to quote the Duma, on January 23 they passed a resolution—this is in Russia, the Russian Duma—calling NATO expansion the biggest threat to Russia since the end of World War II.

All of these things have been talked about on this floor. One thing that has not been talked about is what I would consider to be the greatest exposure we would be inheriting by making this extension.

I can remember being here on the Senate floor back in November of 1995. We missed passing a resolution of disapproval to keep sending our troops over to Bosnia. We had no national security interest on a very expensive thing that now has caused the decimation of our entire defense system. We did that as a response to the strongest argument; that is, we must continue our commitment and our allegiance to NATO. So NATO is the reason that we are over in Bosnia today. Even though the administration said this would be something that would cost approximately $1.2 billion, it has cost directly $9 billion, and indirectly far more than that.

Mr. President, it wasn't long ago that we were talking about making some strikes on Iraq. We know there are problems there. We know they have not kept their commitment to the United Nations. They have not allowed our inspection teams to see what they had agreed they should be able to see, and it looks like those storm clouds may be there. If that happens, I don't know of one person who has a background in military strategy in the Pentagon or one person in the administration who can tell you that you can go in there and do surgical strikes from the air and not end up having to send in ground troops. Where are we if we should have to do that?

In the case of Iraq, we are talking about a theater that includes Bosnia. We are talking about the 21st COCOM located in Germany that was supposed to be offering the logistical support for any ground movement in any place within the theater. That would include Iraq.

Right now, you go over to the 21st COCOM in Germany, and you will find out that we don't have the capability of supporting any other ground operations in addition to Bosnia because they are at over 100 percent capacity right now trying to support Bosnia. They don't have the spare parts for their equipment. They don't have the equipment. They are using M-115 trucks that have 1 million miles on them. It is something that we can't afford. It is something that we can't afford in terms of using up our military assets and our capability. Yet we are not able to support any ground operation anywhere else in the theater so long as we are offering that support to Bosnia. And the reason we are there is this allegiance that we apparently have to NATO.

It seems to me, Mr. President, that in addition to all the other arguments we have heard, from the cost of the operation to our relationship with Russia and all the rest of them, that there is another very serious problem we are facing, and that is how many more Bosnians are out there that we are going to be obligated to support as a result of increasing our commitment to NATO.

Mr. President, I would like to say that if you were in a position where most Americans think we are in right now, and that is where we are the superpower, that we are able to defend America on two regional fronts, then I would say maybe we should consider doing this. But right now we have a hollow force. We are in a situation very similar to what we were facing in the 1970s.

Mr. President, I think we can no longer afford the luxury of any more activities such as the Bosnian operation. I think we would be best served not to extend NATO to these three countries.

Mr. ROBERTS addressed the Chair.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Kansas.

Mr. ROBERTS. Mr. President, I rise today to join my colleagues to discuss the issue of national security and the vital security interests to the United States and Europe, and obviously I am talking about the proposed expansion of NATO. To borrow a very well-known phrase, now we are engaged in a great debate, or at least a very good discussion, to determine and to test whether that alliance or any alliance so conceived and so successful in the past can meet the challenges of today.

We are in the amendment process, but I do want to offer some general comments and some concerns.

But for NATO and the collective security of Europe and the United States, the time has come. I must say that from the time of news accounts on old newsreels, or what we in my age can recall as the Movietone News or to CNN today, it has been quite a show for NATO. But it is time to turn off the movie projector, sweep up the popcorn, and turn out the lights. The old NATO show is over. Just as in that great 1971 movie, "The Last Picture Show," when the camera pans back from the now-closed movie theater and pictures a deserted small, dusty town in Texas and tumbleweeds blowing down the street, we are not sure what the future holds but we know it will be different from the past.

We now face the uncertainty of NATO either enlarged or with the same 16 members. We don't know what it will be in the future, but we are certain it will be different than in the past and, quite frankly, peace and stability in Europe and throughout the world hang in the balance.

The debate on the addition of three new members will soon be over and the time for the vote will rapidly approach, perhaps as of this week.

The administration assures us that to fundamentally alter the most successful alliance in our history is a good thing. They tell us that we will be more secure with an expanded alliance, that the wrongs of Yalta will be corrected, the candidate countries will now be free to fully develop as democratic and market-driven societies. We are guaranteed that no new dividing lines between the West and the East will result from this or any kind of future enlargement, that the door is open to all, and that further rounds of enlargement are a certainty. The administration also predicts that although the Russians are upset, and they are, with the enlargement of NATO they will simply "get over it" and come to understand we have their best interests in mind with enlargement and Russia will also be more secure.

Now, we get all this for the amazing value of about $1.5 billion over the next 10 years. We are reassured that although the cost estimates have varied from $125 billion to $1.5 billion over the next 10 years, NATO's sharp-penciled budgeteers certainly have it right. Much to our relief, the burdensharing problems between our NATO allies that have plagued the alliance in the past will not be a problem now or in the future of an enlarged NATO, so the argument goes. The administration is confident the United States will not have to pick up any unexpected costs, although the allies have said they will refuse to pay one additional mark or franc for enlargement.

Now, I have spent considerable time looking into each of these controversial areas surrounding the enlargement of NATO, and one of the most amazing things about this debate is that in each concern for enlargement, the basis of the arguments, both pro and con, are fundamentally the same but the conclusions are the opposite.

Let me take a few minutes to lay out the pros and cons of NATO enlargement, if I might. First is the issue of cost and also burdensharing. Unfortunately, only time will truly show what the costs for NATO enlargement will be. With such a wide variance in the estimates, there clearly is not a single set of assumptions to gauge the true costs of enlargement. I do not know how we could. I can tell you the final costs will not be $1.5 billion over a 10-year period, but I cannot tell you what the costs will be, and I do not think anybody else can.

The opponents of enlargement say the $1.5 billion number is laughable, and the opponents breathe a sigh of relief that the agreed-to number is so low that no one could suggest we cannot afford the costs of enlargement. We are told the reasons for $1.5 billion being the correct cost include the fact only three countries are being invited as opposed to four or five, and the military infrastructure in the candidate countries is in much better shape than originally thought.

I am a little surprised at the infrastructure point. NATO has been involved in Partnership for Peace exercises and military-to-military contacts with those countries for more than a few years. We have a huge facility at Taszar in Hungary at a former Soviet air base. Didn't anyone in NATO or the United States notice the condition of the infrastructure during any of the exercises, and particularly in the three candidate countries?

Finally, another reason the cost has been reduced is that NATO has shifted some of what some thought to be shared costs to the three candidate countries.

I am concerned, regardless of the public statements by these countries, that they will not be able to fund NATO enlargement or, if they do, they will divert needed resources away from more important domestic issues and into military spending. If they are unable to meet their fiscal obligations for enlargement, will the costs be deferred or will NATO simply pick them up?

I might point out in terms of paying the contribution to NATO there are three accounts. The NATO Security Investment Program, formerly called the NATO Infrastructure Program, comes from the annual military construction appropriation. We do not have the money in that account to pay for this. The NATO civil budget money comes from the annual State Department appropriation "Contributions to International Organizations," and that money is tight. The NATO military budget comes from the Department of Army annual appropriation, and that budget, too, is under very severe pressure.

Let's take up one other subject, if I might, Mr. President. What about the correction of the wrongs of Yalta? The candidate countries are proud, developing democracies and countries wanting very badly to become a part of the West. They have already made some great strides. We all understand they suffered terribly during the many years of Soviet domination. I applaud their efforts. I am confident they would be wonderful allies, capable at some point of carrying out their NATO responsibilities. I have been to Prague. I have been to Budapest. I have listened to the history. I have felt the pride of their accomplishments. A freedom-loving person cannot experience the strength of their conviction without reaching out to help them attain their stated goals of Western integration. But understanding and empathizing with their feelings and their desires are not reasons for the Senate to ratify a change in NATO membership.

The only reason to enlarge NATO is if it is in our vital national interest to simply do so. Proponents of enlargement do not see it that way. For example, General Shalikashvili in a recent Los Angeles Times article said, "Meanwhile, there are urgencies to expanding NATO. It is nearly 10 years since the fall of the Berlin Wall, and the countries of Eastern Europe—including my native land, Poland—have waited long enough for a place at the table where they have yearned to be for so long."

That is a common theme for the enlargement proponents, including the Secretary of State. They have the right to join NATO, and that is good enough to alter the alliance. Others argue that enlarging NATO will show the continued interest and commitment of the United States in a stable and secure Europe. As a matter of fact, I think the distinguished Presiding Officer has made that very cogent argument.

It is still not clear why NATO must enlarge to demonstrate, however, in this Senator's opinion, U.S. resolve or commitment to Europe. There is no question in my mind a secure and stable Europe is in our vital interest, but I fail to see the connection between an enlarged NATO and that end goal.

It is interesting to note that Austria, a Central European country, is not seeking NATO membership. There is no cry of a security vacuum in Austria or a concern for the right to join the premier alliance, which is NATO. In fact, Austria took a good look at NATO and decided it was more important to seek its long-term security within the European Union and the Partnership for Peace and the Organization for Security for Cooperation in Europe, OSCE. This would have been the best approach, in this Senator's view, for security and acceptance into the West for the current candidate nations rather than immediate NATO membership. Unfortunately, that is not now an option. We have come too far. The administration has planted the flag of U.S. commitment and integrity—no small matter.

Let me share with you the results of a survey published in June of 1996 in an issue of The Economist. I am sure some will challenge these results, but I think it is worth reviewing these questions asked of citizens of the three candidate countries.

Would these countries support sending troops to defend another country? Only 26 percent of the people of Hungary, 43 percent of those polled in the Czech Republic, and 55 percent in Poland support sending troops to defend another country. Now, considering this is the best that the support will ever be, since the excitement of joining NATO will soon wear off, I suggest this is not a very good commentary on the weak support to carry out a core requirement of NATO. And that core requirement is the common defense and the commitment to send troops to defend an ally.

Let me ask another question: Would these countries support having NATO troops based on their soil? In The Economist, they reported that only 30 percent of the Czechs and 35 percent of the Hungarians support the notion of allowing NATO troops to be stationed on their soil. Although 56 percent of the people of Poland, obviously, supported the idea, it is still an idea that does not have broad support in any of the three of the candidate countries.

The next question: Would these countries support regular NATO exercises in their country, or regular flights over their country? Less than half of any of the candidate countries supported having NATO exercises on their soil or even allowing flights over their country, and those percentages range from 26 percent to 41 percent, representing, again, little support for the cost of simply joining the alliance.

Would these countries support spending a bigger share of their country's budget on military and social needs? The numbers in support for this question are very low, and it is a crucial question. In the Czech Republic, 8 percent; in Hungary, 9 percent; and 23 percent in Poland support spending a bigger share on defense. Unfortunately, there will be these costs associated with their membership in NATO. I know the agriculture problems they are having in those countries. A great deal of those expenses will have to be committed to the transformation from a collective farm system to a system more in keeping with the rest of Europe.

My only point in presenting these statistics is to show there are concerns in the candidate countries about the commitment to NATO. I am afraid the survey says NATO may no longer be a "one for all, all for one," but rather it may become an "all for me, but not for you" alliance.

Let me say, in April of this past year the Roper Starch World Wide poll asked Americans the level of support for using armed forces in certain situations. I hope—and I do not believe that the American public has become so isolationist that they would never risk any American life in defense of freedom. But there is a clearly understandable concern about risking American lives in what some call a political war of gradualism where there is no clear and discernible vital national interest.

Listen to this. If the U.S. were attacked, 84 percent of those polled supported using force. This is in the Roper Starch World Wide poll. I would like to know where the other 16 percent are.

If our forces stationed overseas were attacked, 50 percent supported armed intervention. To safeguard peacekeeping within the framework of the United Nations, the support dropped to 35 percent, which explains a great deal in regards to what happened in the gulf. Finally, to stop invasion of one country by another, the support fell sharply to 15 percent. That is why it took George Bush and Jim Baker and Dick Cheney and others a whole year to rally support among our allies in regards to the gulf war.

One issue we should all be concerned about is the collective security commitment that NATO makes in the post-cold-war environment, and that commitment is contained in article V of the NATO charter. During the cold war, obviously, everybody understood that if the Soviet Union and the Warsaw Pact countries attacked Western Europe, the very survival of the free world was at stake and every NATO member would strike back with all of their military capability. But is that still true today with no threat to the survival of Europe? Would all NATO members automatically strike back if another member was attacked tomorrow?

Article V can be read either way, and in fact the proponents and opponents argue both ways. There is a considerable amount of disagreement on this topic. I believe that if a member of NATO had a vital national interest at risk in the country under attack, they would respond with military force. If there was no threat to their vital interests, I doubt they would automatically respond with the same kind of military force. They would respond with outrage. They might threaten military force if the belligerents did not stop. But I am not sure if they would respond militarily. I am confident, however, that the candidate countries think NATO would respond to an attack on them, just as they would have during the cold war—that is, with all of their military strength.

The construction of article V is such that both interpretations are possible. Some argue—and I believe they have a point—that this ambiguity is good and may be just the right amount of deterrence in the minds of would-be belligerents. This is a serious issue, since it is at the very heart of the commitment and success of NATO during the cold war. We need to fully understand what article V means in today's environment. We just had an amendment on the floor of the Senate to try to spell that out.

The confusion over article V is only one mission concern. There is a more fundamental concern: What is the mission of NATO in the post-cold-war? The distinguished ranking member of the Foreign Relations Committee, Senator BIDEN, and the distinguished Senator from Oregon who was just the Presiding Officer, the distinguished Senator from Virginia, the Senator from Arizona, had a lengthy debate over this and considered the Kyl amendment. Let me share part of former Secretary of Defense Perry's testimony before the Armed Services Committee.

> The original mission of NATO—deterring an attack from the Soviet Union—is obviously no longer relevant. The original geographical area of NATO's responsibility is no longer sufficient. The original military structure of NATO is no longer appropriate. And the way in which NATO relates to Russia must be entirely different from the way it related to the Soviet Union.

One would think, with that array of differences, and before the alliance was changed forever, that some agreed-to long-range strategy would have been developed. Unfortunately, this is not the case. Listening to the discussion on the Senate floor by my colleagues, I believe there are many possibilities for future missions of NATO. Some say the Kyl amendment opened the door to more possible missions, and the Senator from Arizona firmly says that he wants to go back to the original 1991 strategic concept.

Can anyone in the Senate say with certainty what NATO's mission is? Can anyone articulate what mission, what role, against what threat we are rushing toward enlargement of NATO, to fundamentally alter this great alliance?

Let me say that simply to bring NATO expansion into focus, the President, it seems to me, should become engaged. In Warsaw, St. Petersburg, and in Bucharest, the President did address general European security concerns. But to my way of thinking, despite all of the hard work by the Secretary of State and others, he has not made a personal case to the Congress or the American people.

As a matter of fact, in remarks during the European trip, the President said, in a post-Soviet era—I am paraphrasing here—military matters are no longer primary, that terrorism, illegal drugs, national extremism, regional conflicts due to ethnic, racial, and religious hatreds do matter. I can assure you, using an expanded NATO to address these concerns raises some very important questions.

What means would be used? Warplanes, ground forces, and naval power are of little use in fighting ethnic hatred and racism. If NATO membership reduces the threats of ethnic rivalries, somebody should tell that to the Protestants and Catholics in Northern Ireland, the Basques in Spain, and the Kurds in Turkey.

Do we really want to change the most successful security alliance in history to a European United Nations? With 16 NATO members and 28 other nations inaugurating the Euro-Atlantic Partnership Council, it seems to me the protocol, rituals, and welcoming speeches will leave no time for any serious discussion. Exactly what force requirements are necessary to prevent a power vacuum? What is the strategy to ensure stability and security in Europe?

NATO's leadership understands there is some confusion in this regard and, as I have indicated, has directed a review of its 1991 Strategic Concept to see if it is in line with the changed world and threats—and we had a good debate on the Senate floor just earlier on this very matter.

Now the Secretary of State wants to "spread NATO's security from the Middle East through Central Africa," but several of the current alliance members remain unconvinced of the utility of these so-called out-of-area operations for NATO. Again, let's quote from Dr. Perry's written statement to the Senate Armed Services Committee.

> The geographical area of NATO interests should be anywhere in the world where aggression can threaten the security of NATO members. . . .

Let me repeat that:

> The geographical area of NATO interests should be anywhere in the world where aggression can threaten the security of NATO members—certainly including all of Europe, and certainly including the Persian Gulf.

That is a quote. Just think of that, even with the current membership and the world's global economy, what corner of this universe could not hold interest for NATO members? Are we considering NATO as a global alliance? If we are, are we to consider global membership for NATO? Is this alliance to become the military arm of the United Nations? We should be seriously concerned that we are changing NATO before we are certain of its future mission requirements.

Now, the last but most frequently debated point associated with NATO enlargement is the impact on United States-Russian relations. Here both sides of the argument can list exactly the same points but come up with opposite results. It is a paradox of enormous irony.

Unfortunately, this is the one area that will have the most profound effect on our country in the coming decades. We must be certain of what we are doing.

The proponents argue that Russia understands that NATO is no threat to them. Opponents point out that some 350 Members of the Duma, some of which we have met with in the Senate Armed Services Committee, have formed an anti-NATO group. Let me inform the President there is not one—one—Member of the Duma that is pro-NATO publicly. The proponents say the Russians will get over it—in time. Opponents state enlargement will sour our relations with the moderate Russians. The proponents vigorously point out that in dealing with the Russians, we can't be seen as simply giving in to the "hard-liners." Opponents say if we enlarge NATO, we will play into the hands of the "hard-liners."

Let me say, I think I know at least in part what some of the blood pressure and the motives are in regard to expanding NATO and Russia. And I quote an article from the Washington Post from Charles Krauthammer, who I think is an outstanding columnist most of the time due to the fact that he agrees with my prejudice. Obviously, I think he is a very learned columnist, but on this he tells the truth. He says here that:

> . . .NATO expansion nothing more than extending the borders of peace; building new bridges; strengthening an alliance directed against no one in particular, certainly "not arrayed against Russia. . . .

Then he tells the truth.

> This is all nice and good. It is, however, rubbish. In order not to offend the bear, the administration must understandably pretend that NATO expansion has nothing to do with Russia. Those not constrained by diplomatic niceties, however, can say the obvious: NATO, an alliance founded in that immortal formulation "to keep America in, Germany down, and Russia out," is expanding in the service of its historic and continuing mission. . . .

And that is to contain Russia. We are poking the Russian bear.

So it goes with a host of NATO enlargement topics dealing with Russia-and-United States relations. Keeping or encouraging Russia moving toward a complete system of democratic reforms, I submit, Mr. President, is in our vital national interest and, from a timing perspective, it is more important than the addition of these three candidate countries.

These are the key issues surrounding the debate on NATO enlargement: cost, mission and strategy, and United States-Russia relations. Unfortunately, there are still many unanswered questions remaining on these vital areas. I trust the Senate, with the various amendments we will be considering and the very good debate that we have had, will answer these concerns. The show is over, and we must address this enlargement of NATO on the floor now with the facts we have before us.

I ask unanimous consent to have printed in the RECORD, in closing, Mr. President, an article by John Lewis Gaddis, who is a professor of history at Yale University. The information was provided to me by the granddaughter of Dwight David Eisenhower. Susan Eisenhower has played a very important role in this debate.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times on the Web, Apr. 27, 1998]

THE SENATE SHOULD HALT NATO EXPANSION

(By John Lewis Gaddis)

NEW HAVEN—The decision to expand NATO to include Poland, Hungary and the Czech Republic has produced some strange political alignments. There aren't many causes that Bill Clinton and Jesse Helms can both support, or that Phyllis Schlafly and the editors of The Nation can join in opposing.

Even stranger, to a historian, is the consensus that seems to be shaping up within our community. Historians normally don't agree on much, whether it is about the origins of the Peloponnesian War or the end of the cold war. And yet I've had difficulty finding any colleagues who think NATO expansion is a good idea. Indeed, I can recall no other moment when there was less support in our profession for a government policy.

A striking gap has opened, therefore, between those who make grand strategy and those who reflect on it. On this issue, at least, official and accumulated wisdom are pointing in very different directions.

This has happened, I think, because the Clinton Administration has failed to answer a few simple questions:

Why exclude the Russians? One of the few propositions on which historians tend to agree is that peace settlements work best when they include rather than exclude former adversaries. Within three years after the defeat of Napoleon in 1815, the victors had brought France back within the concert of Europe. Within six years of their surrender in 1945, Germany and Japan were firmly within American-designed security alliances. Both settlements survived for decades. The post-World War I settlement, however, excluded Germany. The lessons of history on this point seem obvious.

Who, then, will we include? The Administration has made it clear that expansion will not stop with Poland, Hungary and the Czech Republic. It has mentioned the Baltics and Romania as possible future members. The State Department's Web site claims support for NATO expansion from groups like the Belorussian Congress Committee of America, the Ukrainian National Association and the Armenian Assembly of America.

The State Department assures us, though, that the Russians view this process with equanimity and that we can expect relations with Moscow to proceed normally while we sort out just who the new members of NATO will be. Perhaps it will next try to tell us that pigs can fly.

What will expansion cost? The Administration's estimate for including Poland, Hungary and the Cezch Republic comes to only $1.5 billion over the next 10 years, of which the United States would pay $400 million. That sounds like a bargain, but the estimate assumes no change in the current security environment. Has it occurred to the Administration that the act of expanding NATO, especially if former Soviet states are included, could itself alter the current security environment? It doesn't take a rocket scientist—or even a historian—to figure out that actions have consequences.

What's the objective? Alliances are means to ends, not ends in themselves. NATO served brilliantly as a means of containing the Soviet Union, but the Administration has specified no comparably clear goal that would justify expanding the alliance now that the cold war is over. It speaks vaguely of the need for democratization and stabilization, but if these objectives inform its policy, shouldn't they apply throughout Eastern Europe and in Russia as well?

I heard a very different explanation from influential government and academic figures when I visited one of the proposed new member countries last month. NATO expansion, they boasted, will demonstrate once and for all that the Russians never have been and never will be part of European civilization. Yet Secretary of State Madeleine Albright has told the Senate Foreign Relations Committee that she wants to erase "the line that once so cruelly and arbitrarily divided Europe." It is not at all clear how this policy will produce that result.

Isn't it too late now to change course? Some argue that even if the decision to expand NATO wasn't the most thoughtful, historically aware way to make policy, the decision has been made and going back on it would be a disaster far greater than the problems NATO expansion itself will bring. This sounds a little like the refusal of the Titanic's captain to cut his ship's speed when told there were icebergs ahead. Consistency is a fine idea most of the time, but there are moments when it's just plain irresponsible.

Only future historians will be able to say whether this is such a moment. But the mood of current historians should not give the Administration—or those senators who plan to vote this week for NATO expansion—very much comfort.

Mr. ROBERTS. Mr. President, I simply close in quoting the last two paragraphs:

> Isn't it too late now to change course? Some argue that even if the decision to expand NATO wasn't the most thoughtful, historically aware way to make policy, that the decision has been made and going back on it would be a disaster far greater than the problems NATO expansion itself will bring.

That is a good argument. As a matter of fact, I think that may be a persuasive argument. I have listed a lot of concerns that I have. I think the adjectives and adverbs that I have used and the language I have used would indicate, if somebody is watching, "Well, Senator ROBERTS, he is going to vote no." I am undecided.

Again, what the professor has indicated that "the decision has been made and going back on it would be a disaster far greater than the problems NATO expansion itself will bring."

Then he goes on to say this:

> This sounds a little like the refusal of the Titanic's captain to cut his ship's speed when told there were icebergs ahead. Consistency is a fine idea most of the time, but there are moments when it's just plain irresponsible.

That is the other view.

> Only future historians will be able to say whether this is such a moment.

Professor Gaddis goes on to say:

> . . . But the mood of current historians should not give the Administration—or those senators who plan to vote this week for NATO expansion—very much comfort.

I thank you, Mr. President, and I thank the indulgence of my colleague from Illinois. I apologize to him for going on a little bit longer than I told him, and I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from the great State of Illinois.

Mr. DURBIN. Thank you, Mr. President. I thank my colleague from Kansas for his remarks. It is always a great education to listen to his statements on the floor. Though we may not agree on any particulars, I certainly do respect him very much and have enjoyed our service together both in the House and the Senate.

I stand this morning not to give a long speech, even by Senate standards, but I would like to say I hope all Members of the Senate will put this debate into its historical context. This may be one of the most important foreign policy debates of the decade. It is to determine the future of the U.S. relationship with a new Europe, a Europe after the cold war.

Since 1949, the United States understood, particularly through the NATO alliance, our relationship with Europe. We defined that relationship in specific terms and committed not only the United States on paper but, in fact, at one point stationed some 300,000 Americans in Europe, in an effort to make certain that that sector of the world will continue to be safe from any type of aggression or invasion.

When I think back on my own life and all of the concerns of the cold war, it focused primarily on the possibility that the Soviet Union might expand through some manner through its Warsaw Pact nations into the a NATO alliance and force us to respond. It was a concern that cost us lives, it cost us money, and it really was the focus of our foreign policy for many, many decades.

With the tearing down of the Berlin Wall, the end of the Soviet Union, as we knew it, and the emergence of countries in Eastern and Central Europe, formerly part of the Soviet orbit, we now are in a position to redefine the U.S. position in the world. There are some people who naturally tend toward the American tradition of isolationism. We are pretty far away from these countries. "Perhaps we shouldn't be concerned about them," they will say. "Let them worry about their own future, we have our own concerns here."

But, we have heard that response many times in our past, and the Americans, by and large, have rejected it. We understand we are part of the world community. In fact, we are viewed by most nations of the world as a major leader, an example, in many instances, of democracy and a country which most nations choose to emulate.

I found it interesting, when the wall came down in Berlin and the Eastern and Central European countries started emerging as democracies, how many of the new leaders made a point of coming not to London, not to Paris, but to Washington, DC, in the hopes that they might address a joint meeting of Congress. To them, it was a validation that the new Czech Republic and the new Poland was going to embark on a democratic experiment, and coming here to this building in Washington, DC, was really shown to be a break from the past; that they would separate themselves from the past and their connection with the Eastern powers, with communism, with the old Soviet Union, and dedicate themselves to democracy.

Now we have the natural evolution of their emergence as democracies and our natural evolution as a leader in today's world. We are debating on the floor of the Senate the question of enlarging the NATO alliance to include newcomers, to include nations which just a few years ago were perceived as potential enemies and now we see as allies. What a refreshing change in this world that a nation like Poland, which we identify with certainty in my home State of Illinois and the city of Chicago very closely, that a nation like Poland now has a chance to join us as close allies.

I listened carefully as some of my colleagues talked about the attitudes in these nations about the possibility of NATO membership. Make no mistake, if you visit these countries, that is all they talk about—the possibility that at some point in time, they will be part of the NATO alliance.

This is an exciting prospect for them, not so much because they anticipate some military invasion or the need for military defense, but rather because they see this alliance with the United States and with other NATO allies as an assurance that they are committed to many things, to democracy, to a free market and, most importantly, to the principles of NATO.

It is interesting, this alliance, in our world's history, is a unique one because for 50 years this was not an aggressive alliance, this was a defensive alliance. We basically said we respect others' boundaries as we expect them to respect ours and we are not setting out to invade and claim territory but merely to protect our own. It was a defensive alliance. It has been throughout history. And that is its future as well.

As other countries come in—Poland, Hungary, the Czech Republic—they accept the premise. The premise is, you are on board as an alliance to protect our borders and to try our best to maintain stability in this new and developing world. I think that is the bottom line here. It is no longer a fight against ideology or even the aggression of some superpower but rather the stability of the region.

Is that stability important to the United States? I think it is critical to the United States. In just a few months we are going to see the creation of the Eurodollar, or the Eurocurrency, which is going to be perhaps one of the more dominant currencies in the world. We will see the European nations by and large coming together as an economic unit as a major competitor to the United States, and at the same time we will see opportunities in Europe for American firms.

If we are going to engender this relationship, this free market economy and this new democracy, it is entirely consistent for us to build an alliance with these countries through NATO.

I hear some of my colleagues arguing against the expansion of NATO, and as I listened carefully, they are actually arguing against the existence of NATO. I hope they are not. To pause on reflection, it has been one of the most successful military alliances in our Nation's history, perhaps in the history of the world. And it is important for us to maintain NATO and to expand it.

I watched carefully the amendment offered by the Senator from Arizona, Mr. KYL, just an hour or two ago. I read it carefully, and I thought, does this amendment, which seeks to spell out the parameters of the expansion of NATO, in any way preclude the possibility that one day Russia would join NATO? Well, it does not, because it speaks in terms of principles and goals and values.

I think when we talk about the nervousness in Russia about the expansion of NATO, we should put it in historical context. The Russians have gone through a major transformation in a very short period of time. Once considered a superpower and a major leader in the world, they are now struggling to redefine themselves in the 21st century.

I know this causes angst and pain among many Russian leaders who can recall, I am sure with fondness, days of empire. But the fact is, it is a new world and a new opportunity, and they have a chance for a new relationship. A new and expanded NATO is no threat to Russia. A new and expanded NATO is an invitation to Russia to join us in the same principles and values. I think that should be our view, our vision of the new world.

When I hear about this Russian concern and nervousness, I really hope they will take the time to consider the history of this alliance, which has been a peaceful alliance, a defensive alliance.

Let me speak for a moment before I close about the Baltic States. I always confess my prejudice when I come to this issue. My mother was born in Lithuania. So when I speak of the Baltic States, it is with some particular personal feeling. I have visited Lithuania on four our five different occasions and have also visited Latvia and Estonia.

I did not believe in my lifetime that I would see the changes that have taken place in those three tiny countries. When I first visited Lithuania back in 1978 or 1979, it was under Soviet domination, and it was a rather sad period in the history of that country. The United States said for decades that we never recognized the Soviet takeover of the Baltic States. We always believed them to be independent nations that were unfortunately invaded and taken over by the Soviets.

When I went to visit them in 1979, I saw the efforts of the Soviet Union to impose upon the people in Lithuania, Latvia and Estonia the Russian culture. They expatriated so many of the local people and sent them off to Siberia and places in the far reaches of Russia; and then they sent their own populations, the Russian cultural population, those speaking the Russian language, into the Baltic States in an effort to try to homogenize them into some entity that was more Russian than it was Baltic.

But it did not work. The people maintained—zealously maintained—their own culture, and they kept their own religion, their own language, and their own literature and their own dreams. I did not imagine in my lifetime that I would ever see these Baltic States once again free, and yet I lived to see that happen.

In fact, at one point I was sent as a member of a delegation by then-Speaker of the House Tom Foley to witness the first democratic election in Lithuania. The Soviets refused to give me a visa. I sat in Berlin day after weary day waiting for a chance to get in. And finally I was only able to be there the day of the election, that evening for the celebration. But I was there for an important moment, and I am glad I saw it.

Today these three nations are trying their best to become mature economies, to watch their democracies flourish. And they have ample evidence of real progress. The fact that they would entertain the possibility of being part of NATO should not be a source of concern to us but one of great hope and great optimism, because as countries like Lithuania, Latvia and Estonia, and so many others that were either part of the Warsaw Pact or even Soviet republics become part of NATO, they really show this transformation and this progression into a democratic form and a new democratic vision in Europe.

One of the resolutions being offered by one of my colleagues wants to single out the Baltic States as if they are the real concern of Russia. If you took a look at a map of the world and saw the huge expanse of Russia today, and then took a look at these three tiny nations, Estonia, Latvia and Lithuania, it is almost laughable that the Russians would look to them as any threat to their future or to their security. They are small nations with very small armies and virtually no sophisticated military forces. What they are asking for is a chance to flourish, and I think they should have that chance.

So I close by saying that I hope my colleagues in the Senate who have followed this debate will understand its historic importance and understand that those of us who are privileged to serve in the Senate and have a chance to vote on this question of NATO enlargement may be casting a vote on foreign policy that is going to be viewed for generations to come as a milestone—the end of the cold war, the new vision of the world, the new definition of an alliance involving the United States and freedom-loving democracies in Europe that led to stability and to growth. That is my vision of the world. That is my vision of NATO enlargement.

I hope that a majority of my colleagues will join me in supporting President Clinton and supporting virtually all of these nations that are asking for NATO to be enlarged to reflect this new vision.

Mr. President, I yield back the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. SNOWE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

Ms. SNOWE. I rise to express my intention to vote for the admission of the Czech Republic, Hungary and Poland to the North Atlantic Treaty Organization.

In taking up this decision, the Senate takes up one of its basic constitutional mandates. A nation's most sacred obligation is to protect its citizens and its territory from hostile forces. The NATO alliance has been the cornerstone of our efforts to do so on behalf of free citizens for nearly 50 years. It has emerged as the most successful enterprise of common defense in human history. Any changes in the membership of the Alliance that we contemplate must undergo careful consideration.

I have done so and am confident that this enlargement is in our national security interests and will ensure that NATO continues to do in the 21st century what it has done in the latter half of the 20th for the United States, and the people of Europe—guarantee their security, freedom and democratic forms of government.

Mr. President, last year, I was asked by the Senate Majority Leader and the Senate Democratic Leader to join a bipartisan group of 28 Senators to study the issues associated with NATO enlargement. I was honored to join in such a task. The NATO alliance has been for nearly 50 years the greatest force for maintaining peace and security in the world. When it was founded, the United States had just emerged from fighting the most destructive war in history on the European continent and was just beginning to lead the fight against imperial Soviet communism—a Cold War against a totalitarian foe who was committed to imposing another form of tyranny first in Europe and then around the world.

The nations of Czechoslovakia, Hungary, and Poland, therefore, faced the bitter prospect of exchanging one form of tyranny for another. I knew that if NATO was to continue to protect freedom and democracy in Europe, it needed to face the changing circumstances posed by the collapse of the Soviet Union, the Warsaw Pact and communist ideology. The Alliance had to change in form to preserve the principles that it had safeguarded in modern times.

Today, the United States and the other 15 members of the Alliance hope to move the frontiers of NATO eastward at a time when there is not a visible threat to the security of any of its members. When the Alliance expanded between the 1950s and the 1980s to add Greece, Turkey, West Germany and Spain, the grim shadow of Soviet power menaced Europe and the West.

I believe that the parallels with the decision to expand NATO in the 1990s are in some ways similar to those which existed at the end of World War II. At that time, the strategic security situation on the continent of Europe was also in flux. The threat from Nazi Germany had collapsed, but no protective machinery had yet been set up to prevent the emergence of a new tyranny. As the great statesman Winston Churchill noted, "From Stettin in the Baltic to Trieste in the Adriatic, an iron curtain has descended upon the continent [of Europe]."

Unlike the era beginning at the end of World War I, when we retreated from victory to a fateful isolationism, the United States realized that our own security depended upon the building and maintenance of a free and democratic Europe.

President Harry Truman, with the able leadership of Senator Arthur Vandenberg, began the shaping of what became known as the "containment" policy. The United States and its friends in Europe would resist the westward march of communism. Harry Truman and his generation were determined to block the Soviet Union from leveraging the political fate of a continent that had drawn millions of Americans into war by ensuring that its expansion not go any further.

At first it was thought that economic assistance to Europe was sufficient. The Marshall Plan, named for the then Secretary of State George Marshall, was first articulated in 1947 and approved by the Congress in 1948. Just as today some believe that membership in the European Union is enough to ensure the security of Poland, Hungary and the Czech Republic, it was hoped in the 1940s that economic aid alone would suffice in strengthening Europe to resist the designs of the Soviet Union. However, that was not to be the case. Both the Communist coup in Czechoslovakia, and the 1948 Berlin blockade, convinced the United States that more than economic aid was needed to protect freedom and democracy in the Western world.

As a result, on April 4, 1949, the United States and eleven nations of Western Europe signed the North Atlantic Treaty in Washington. NATO was born, and for the first time in history, a military alliance was created for the sole purpose of defending freedom and democracy. And without firing one shot in 40 years, it gave ready firepower to the policy of containing Communism until that system collapsed under its own contradictions.

Our commitment to security in the North Atlantic Treaty is spelled out in Article V. The words "an armed attack against one or more of them in Europe or North America shall be considered an attack against them all" signify the commitment of this country to forego isolationism and to play a critical role in helping to guarantee freedom and security in Europe.

Today of course, there is no immediate threat to the security of Western Europe. The United States and the other 15 members of NATO face an incipient Russian democracy. Communism as a system and a power has receded from the tormented heart of Europe. The mighty Red Army of the 1940s is now a force that is in military decline. Today, we live in a different world—but not one without dangers or threats. Today, we face our own set of challenges—and we must create our own set of solutions.

The end of the Cold War has not meant that freedom has suddenly become free-of-charge. While the Soviet Union has disintegrated and the threat of invasion from a much weaker Russia has receded, this development by no means signals that NATO's mission has evaporated. To the contrary, just as NATO protected and guaranteed the freedom of the United States and Western Europe during the latter half of the twentieth century, it can, and must, continue to do so for all of Europe as we prepare to enter the new millennium.

For forty years, NATO could protect only the Western half of Europe—the other half was trapped behind the Iron Curtain of communism. With the collapse of the Soviet Union, three of those nations—the Czech Republic, Hungary and Poland are now poised to enjoy the freedoms that the totalitarians so long withheld and to take fresh responsibility for their political pluralism as members of a voluntary alliance.

I know that some of my colleagues in this chamber, whose opinions I respect, assert that it is more important for Poland, Hungary and the Czech Republic to achieve membership in the European Union and to enjoy the economic benefits that it offers as a prelude to joining NATO. This proposal brings the echoes of history to the Senate if we recall that some advocates of the Marshall Plan thought economic health was sufficient for the protection of freedom and democracy. Unfortunately, it was not true then, and it is not true today.

The European Union is not a substitute for the NATO alliance. If that were the case, then the nations of Western Europe would not need the benefits of NATO membership to ensure their security. They realize that the two entities each serve their purpose and reinforce rather than substitute for each other. The European Union is an economic entity that will shepherd the prosperity of Europe well into the next century. I have little doubt that Poland, Hungary and the Czech Republic will eventually become members. However, membership will only be part of the way they help fulfill their desire—for the first time in over fifty years—to determine for themselves how they will ensure their security.

NATO was and is more than a defensive military alliance. It reflects the civic values underpinning trans-Atlantic security through the cultivation of peaceful ties among governments that rest on the consent of the governed. It is a tangible symbol of the resolve of democratic nations, united in a common purpose, to promote freedom and democracy. While the threat in the Cold War was from a large conventional army led by the Soviet Union that could sweep across Germany, today the threat is far more subtle but just as real. Today we all face threats from terrorism, weapons of mass destruction in the hands of rogue states and nationalistic passions liberated from Cold War restraints. The Gulf War showed that the United States and the European members of NATO face threats far from their borders. Poland, Hungary and the Czech Republic must deal with these same threats, and they can overcome them as members of the NATO alliance.

Already, we have seen a preview of some of the potential security benefits of having these nations—all of which are now strong democracies that have worked to strengthen civilian control of the military—as NATO members:

All three have contributed to the success of the SFOR mission in Bosnia. Hungary's base at Taszar has been host to over 95,000 U.S. military personnel rotating in and out of IFOR and SFOR duty. And if there had been a need to fight Iraq, our new NATO members would have been ready to assist. Poland has chemical weapons experts ready to support us if necessary. The Czech Republic would also supply chemical weapons experts. Hungary's Foreign Minister would have urged his nation's parliament to open its airspace and airports to U.S. aircraft if military action had been needed.

The spur to all of these actions was prospective membership in NATO, and the assumption of a fair share of responsibilities as full fledged members of the Western community. This enthusiasm should make us realize how important NATO is and how established members often take the Alliance and its benefits for granted.

It would be unjust to deny the Poles, Hungarians and Czechs a role in safeguarding the freedom of the European-American community—a freedom, incidentally, we rhetorically upheld for these nations over the past four decades. It would be morally wrong to create an artificial dividing line in Europe just a decade after another such line was erased.

Mr. President, what would happen if the Senate were to reject NATO expansion? I believe that we would signal the willingness of the West to confuse the tranquility of today with the potential turmoil of tomorrow for which history warns us to prepare. If we reject expansion now, we would also reject the enduring link, shown by our experience in NATO, between democratic institutions and the defense of peace.

The incentive of NATO membership has furthermore stabilized democratic forces in all three candidate nations. Poland instituted civilian control of the military and formed a joint battalion with the Danes and Germans. Hungary and Romania, the latter a possible future member of NATO, signed a treaty respecting the rights of the Hungarian minority in Romania. If NATO membership did not provide the framework for these actions, the Poles, Czechs and Hungarians could still be struggling with the social and military legacies of authoritarianism.

Mr. President, if we were to reject the logical first step of NATO membership for these three states, then the progress made by these nations might be reversed. All three nations could and would be entitled to feel that NATO and the West do not care about them. We in the Senate would be sending a message that while the United States and Western Europe are entitled to the benefits of freedom and the confidence that a military alliance will sustain them that NATO is an exclusive club which will not admit those willing to make it even better. All three nations might then form another military bloc.

Such an organization might turn inward or Eastward to make security arrangements without the participation of the West. But I would rather see Poland, Hungary and the Czech Republic work within the NATO alliance to address the concerns of the Baltic states and other regional parties.

Another aspect of this issue which has concerned me and I know, many Senators, is the cost of this expansion. It is a legitimate concern. The General Accounting Office produced a report just last month concluding that the Defense Department's assessment of the NATO cost of expansion was reasonable if the current environment of a diminished military threat to the continent will continue for years into the future. New members, in turn, will sustain their own internal budgets for critical defense modernization. It is also up to them to meet their formal treaty commitments to the commonly-funded budgets of the Alliance.

The governments of Poland, Hungary, and the Czech Republic have agreed to specific 10-year obligations on payments for the integration of military systems and command structures with existing Alliance members. I commend our prospective new partners and the Defense Department for developing this blueprint for enlargement. They must also expect that NATO as well as Congress will hold them accountable for it.

Mr. President, Secretary Albright summed it up well last year when she said: "Let us not deceive ourselves. The United States is a European power." We fought two world wars because much of Western Europe was threatened, invaded and occupied. The Cold War was fought because some of these nations were again threatened and others forced to endure Communist tyranny.

The enlargement of NATO will mean that more of Europe is part of an alliance designed to protect freedom and democracy. That makes conflict and the defense of our security interests much greater.

NATO will be stronger with the addition of more territory and more armed forces—200,000 in fact—a valuable addition if we account for the reductions in Western military forces since the end of the Cold War. Peace through strength may be a slogan to the cynics, but to me, it summarizes the invaluable lesson that we learned on the postwar ashes of a Europe leveled by aggression.

One of the Senate's most illustrious members, Senator Arthur Vandenberg, said at the time of NATO's founding in 1949 that "[NATO] is not built to stop a war after it starts . . . It is built to stop wars before they start."

The admission of these three applicants will strengthen NATO's ability to prevent war. I cannot imagine that the United States and the other members of NATO would do nothing if the territorial integrity of Poland, Hungary and the Czech Republic were threatened—even if they were not a part of NATO. But by having them become members, we would bring into the democratic family a region that has hosted the century's bloodiest conflicts.

Furthermore, by formally extending NATO's territorial jurisdiction further east, the Alliance will be even better placed to prevent any security threat to all of its members. NATO's role has evolved from deterring an invasion of the West by the Soviet Union to preventing armed conflict on the continent of Europe, and admission of Poland, Hungary and the Czech Republic will augment this shift in mission.

Others will argue that NATO expansion will cause problems in relations with Russia; that expansion undercuts efforts to build democracy in Russia; that we are still treating Russia as a Cold War adversary, instead of a nation building a democracy and a free-market economy or that expansion will anger Russia at a time when we need to work together on issues such as Iraq and the danger of weapons proliferation. Mr. President, I do not agree with these arguments.

Even if NATO had never promised to expand, the United States and Russia would continue to have international policy differences. There is also no evidence that the prospect of NATO expansion has hurt efforts to ratify arms control treaties or to address concerns over the need to control nuclear weapons of all varieties.

I also do not believe that enlargement will harm efforts to build a secure and strong democracy across the 11 time zones of Russia. The stability an enlarged NATO will bring to Eastern Europe will provide a more secure environment in which democracy's roots can grow stronger. NATO is furthermore not building a military force which can threaten Russia, as demonstrated by its intention not to station either nuclear weapons or substantial forces in the territories of the new members.

Finally, the United States and NATO have worked hard to address Russian concerns over expansion through the Founding Act and the creation of the NATO-Russia Permanent Joint Council. The Permanent Joint Council allows NATO and Russia to talk directly about ways to promote and enhance Europe's security. It offers a means to discuss matters of concern to either or both parties. If Russia chooses to work with the Permanent Joint Council in a cooperative manner, then this Council can help take NATO-Russia relations to a level of cooperation that benefits all of Europe. The Permanent Joint Council, however, will never substitute for or supersede any NATO policy making organs. Russia does not have a veto over NATO actions and must never be allowed to obtain one.

It is not possible for NATO to remain static and at the same time effective in the post-Cold War environment of Europe. NATO is, and must remain a military alliance that will guarantee the security of its members. However, it does face a different set of challenges as the 21st century approaches. Because the threat to NATO's territorial integrity today is significantly diminished, the Alliance has the opportunity to vanquish the dangers posed by unbridled nationalism and great power policies and to replace them with free-market democracies that can grow and prosper.

Mr. President, when Secretary of State Madeleine Albright testified before the Foreign Relations Committee, she quoted an individual who appreciates what freedom means and that is not to be taken for granted. Czech President Vaclav Havel stated that "Even the costliest preventive security is cheaper than the cheapest war."

By admitting the Czech Republic, Hungary and Poland, NATO will be taking a giant step toward insuring that the freedoms won by Eastern and Central Europe at the end of this century will survive and prosper in the next. By expanding NATO, the West will ensure that the freedoms it preserved through the darkest days of World War II and the Communist threat of the 20th century will survive and prosper through the millennium.

In conclusion, NATO enlargement will enhance our national security and the stability of Europe. As my former Senate colleague and current Defense Secretary Bill Cohen stated, "a stable Europe is necessary to anchor America's worldwide presence."

The addition of Poland, Hungary, and the Czech Republic to NATO will mean a stronger NATO, and our approval of this enlargement will show that the United States is ready to do in the 21st Century what it did for the latter half of this one: be a force, with other democracies, for the protection of freedom today and for the generations to come.

MORNING BUSINESS

Ms. SNOWE. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALCOHOL AWARENESS MONTH

Mr. FORD. Mr. President, as April draws to a close this week I want to remind my colleagues of Alcohol Awareness Month. I think the tireless efforts of many types of groups have raised our awareness about alcohol consumption. This includes efforts made by federal and state governments, citizen action groups, and the beverage alcohol industry itself. More than ever, Americans deplore the devastation of drunk driving. More than ever, Americans understand the consequences of failing to deal responsibly with alcoholic beverages.

Americans also need to understand that alcohol is alcohol. A standard serving of beer, wine, and distilled spirits contain the same amount of alcohol. Some fear that teaching alcohol equivalence would be paramount to promoting alcohol consumption. But I think it can actually have the opposite effect, promoting a rational approach to this topic and encouraging moderation The U.S. Departments of Health and Human Services, Transportation, Agriculture, and Education, as well as the Dietary Guidelines for Americans all define a drink as 12 ounces of beer, 5 ounces of wine, and 1.5 ounces of distilled spirits. And the federal government is not alone is recognizing alcohol equivalence. Many leading organizations involved in this debate do as well.

Yet as recently as 1996, one survey found that only 39% of Americans understand that a 12 ounce can of beer, a 5 ounce glass of wine, and a mixed drink with 1.5 ounces of distilled spirits contain the same amount of alcohol. We owe it to Americans to do a better job of disseminating this information and providing basic facts on this topic. In recognition of Alcohol Awareness Month, it is the very least we can do.

WE THE PEOPLE—THE CITIZEN AND THE CONSTITUTION

Mr. FORD. Mr. President, on May 2–4, while their friends are celebrating the 124th running of the Kentucky Derby, some students from my home state will be answering questions about the Constitution, here in Washington, in a mock Congressional hearing. These students will be competing in the national finals of the We the People . . . The Citizen and the Constitution program. I am proud to announce that the class from Louisville Male High School will represent Kentucky. These young people have worked long and hard to reach the national finals, winning local competitions to get here.

I would like to recognize these students for their achievements. The members of this class representing Kentucky are Angela Adams, Perry Bacon, Katherine Breeding, Will Carle, Eric Coatley, Courtney Coffee, Brian Davis, Mary Fleming, Matt Gilbert, Amanda Holloway, Holly Jessie, Heath Lambert, Gwen Malone, Kristy Martin, Brian Palmer, Lauren Reynolds, Shane Skoner, LaVonda Willis, Bryan Wilson, Darreisha Wilson, Beth Wilson, Janelle Winfree, Treva Winlock, and Jodie Zeller.

I would also like to recognize their teacher, Mrs. Sandy Hoover, who clearly deserves a lot of the credit for the class' success. The district coordinator, Dianne Meredith, and the state coordinators, Deborah Williamson and Jennifer Van Hoose, also contributed their time and effort to help the class reach the national finals.

The We the People . . . The Citizen and the Constitution program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The three-day national competition simulates a congressional hearing. Students are given the opportunity to demonstrate their knowledge while they evaluate, take, and defend positions on relevant historical and contemporary constitutional issues. The simulated congressional hearing consists of oral presentation by the students before panels of adult judges.

The We the People . . . program is run by the Center for Civic Education. The program has provided teaching materials to upper elementary, middle, and high schools for more than 75,000 teachers and 24 million students across the nation. Members of Congress and staff also contribute by discussing current constitutional issues with program participants.

This special program is designed to help students understand and appreciate the values and principles that unite us as Americans. The program also promotes the notion of citizenship—that the rights and benefits are tempered by the responsibilities of participation in effective government.

I wish these young people the best of luck testing their constitutional knowledge in the upcoming national finals of the We the People . . . program. I also congratulate them on reaching this level of competition.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, April 27, 1998, the federal debt stood at $5,507,607,026,200.10 (Five trillion, five hundred seven billion, six hundred seven million, twenty-six thousand, two hundred dollars and ten cents).

Five years ago, April 27, 1993, the federal debt stood at $4,234,899,000,000 (Four trillion, two hundred thirty-four billion, eight hundred ninety-nine million).

Ten years ago, April 27, 1988, the federal debt stood at $2,500,616,000,000 (Two trillion, five hundred billion, six hundred sixteen million).

Fifteen years ago, April 27, 1983, the federal debt stood at $1,247,506,000,000 (One trillion, two hundred forty-seven billion, five hundred six million).

Twenty-five years ago, April 27, 1973, the federal debt stood at $456,773,000,000 (Four hundred fifty-six billion, seven hundred seventy-three million) which reflects a debt increase of more than $5 trillion—$5,050,834,026,200.10 (Five trillion, fifty billion, eight hundred thirty-four million, twenty-six thousand, two hundred dollars and ten cents) during the past 25 years.

THE MURDER OF BISHOP JUAN JOSE GERARDI

Mr. LEAHY. Mr. President, in one of the most outrageous, cold-blooded killings I can recall in a region where such despicable acts have been commonplace, Guatemalan Bishop Juan Jose Gerardi was murdered this past Sunday when his assailant crushed his skull with a cement block.

The way he died is horrifying enough. But what Senators should also be aware of is that Bishop Gerardi had just completed an extraordinarily courageous investigation of the thousands of atrocities committed against Guatemala citizens during thirty years of civil war. He undertook his inquiry after it became clear that the Guatemalan Clarification Commission would not seek to identify those responsible for even the worst atrocities. Bishop Gerardi's investigation, not surprisingly, attributed the overwhelming majority of human rights violations to the military and the death squads and paramilitary groups allied with them.

Mr. President, the United States bears more than a little responsibility for the slaughter in Guatemala that devastated that country in the years after the CIA-backed coup of 1954. Our government trained the Guatemalan armed forces, remained silent when they tortured and killed thousands of innocent people, withheld information about the atrocities, and justified our complicity as the necessary response to a guerrilla insurgency. In fact, during this period of political violence which is apparently not yet over, the principal victims were Guatemala's Mayan population of rural peasants who have been the target of discrimination and injustice for generations.

According to a statement by the Guatemalan Embassy, the Guatemalan Government "condemns and repudiates" this crime and has opened an investigation. Let us hope that this investigation can withstand the inevitable pressure from the forces who would intimidate anyone who seeks real justice in Guatemala. The Arzu Government deserves considerable credit for bringing the peace negotiations to a successful conclusion. But few weeks pass that I do not receive a report of a political crime in Guatemala, most of which go unsolved. Justice remains elusive for those who need it most.

How the Guatemalan government handles this investigation will either embolden or deter those who seek to undermine the peace accords, and, as the Ranking Member of the Foreign Operations Subcommittee I can say that as far as I am concerned it will also be important in determining our future assistance relationship with Guatemala.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Office laid before the Senate a message from the President of the United States submitting one treaty and sundry nominations which were referred to Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:40 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that pursuant to the provisions of 22 U.S.C. 276h, the Speaker appoints the following Members of the House to the Mexico-United States Interparliamentary Group: Mr. KOLBE, Chairman and Mr. GILMAN, Vice Chairman.

The message also announced that pursuant to the provision of 22 U.S.C. 276h, the Speaker appoints the following Member of the House to the Canada-United States Interparliamentary Group: Mr. HOUGHTON, Chairman.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. COLLINS (for herself, Mr. CHAFEE, Mr. LEAHY, Mr. JEFFORDS, Mr. FEINGOLD, Mr. DURBIN, Mr. HARKIN, Ms. SNOWE, Mr. REED, Mr. SANTORUM, Mr. TORRICELLI, Mr. LEVIN, Mr. DASCHLE, and Mr. SPECTER):

S. 1993. A bill to amend title XVIII of the Social Security Act to adjust the formula used to determine costs limits for home health agencies under medicare program, and for other purposes; to the Committee on Finance.

By Mr. COATS (for himself, Mr. ABRAHAM, Mr. BROWNBACK, Mr. COVERDELL, and Mr. SANTORUM):

S. 1994. A bill to assist States in providing individuals a credit against State income taxes or a comparable benefit for contributions to charitable organizations working to prevent or reduce poverty and to protect and encourage donations to charitable organizations; to the Committee on Finance.

By Mr. ABRAHAM (for himself, Mr. Brownback, Mr. Coats, Mr. Coverdell, Mr. Hutchinson, and Mr. Santorum):

S. 1995. A bill to amend the Internal Revenue Code of 1986 to allow the designation of renewal communities, and for other purposes; to the Committee on Finance.

By Mr. SANTORUM (for himself, Mr. Abraham, Mr. Brownback, Mr. Coats, Mr. Coverdell, and Mr. Hutchinson):

S. 1996. A bill to provide flexibility to certain local educational agencies that develop voluntary public and private parental choice programs under title VI of the Elementary and Secondary Education Act of 1965; to the Committee on Labor and Human Resources.

By Ms. MIKULSKI (for herself and Mr. Faircloth):

S. 1997. A bill to protect the right of a member of a health maintenance organization to receive continuing care at a facility selected by that member; to the Committee on Labor and Human Resources.

By Mr. HATCH (for himself, Mr. Bennett, and Mr. Bingaman):

S. 1998. A bill to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park, and for other purposes; to the Committee on Indian Affairs.

By Mrs. HUTCHISON (for herself, Mr. Faircloth, Mr. Ashcroft, and Mr. Mack):

S. 1999. A bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty by providing that the income tax rate bracket amounts, and the amount of the standard deduction, for joint returns shall be twice the amounts applicable to unmarried individuals; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself, Mr. Chafee, Mr. Leahy, Mr. Jeffords, Mr. Feingold, Mr. Durbin, Mr. Harkin, Ms. Snowe, Mr. Reed, Mr. Santorum, Mr. Torricelli, Mr. Levin, Mr. Daschle, and Mr. Specter):

S. 1993. A bill to amend title XVIII of the Social Security Act to adjust the formula used to determine costs limits for home health agencies under medicare program, and for other purposes; to the Committee on Finance.

THE MEDICARE HOME HEALTH EQUITY ACT OF 1998

Ms. COLLINS. Mr. President, America's home health agencies provide invaluable services that have enabled a growing number of our most frail and vulnerable senior citizens to avoid hospitals and nursing homes and stay just where they want to be—in their own homes. Today, home health is the fastest growing component of Medicare spending, and the program grew at an astounding average annual rate of more than 25 percent from 1990 to 1997. As a consequence, the number of Medicare home health beneficiaries has more than doubled, and Medicare home health spending has soared from $2.7 billion in 1989 to $17.1 billion in 1996.

This rapid growth in home health spending understandably prompted Congress and the Health Care Financing Administration, as part of the Balanced Budget Act of 1997, to initiate changes that were intended to make the program more cost-effective and efficient and protect it from fraud and abuse. However, in trying to get a handle on costs, we in Congress and the administration have unintentionally created problems that may restrict some elderly citizens' access to vitally needed home health care.

Critics have long pointed out that Medicare's cost-based payment method for home health care has inherent incentives for home care agencies to provide more services, which has driven up costs. Therefore, the Balanced Budget Act called for the implementation of a prospective payment system for home care by October 1, 1999. Until then, home health agencies will be paid according to what is known as an Interim Payment System.

Under the new IPS, home health agencies will be paid the lesser of: their actual costs; a per-visit cost limit; or a new blended agency-specific per beneficiary annual limit based 75 percent on an agency's own costs per beneficiary and 25 percent on the average cost per beneficiary for agencies in the same region. These costs are to be calculated from cost reports for reporting periods ending in 1994.

I spent some time going over the formula because it is important to understand what the importance of that very complicated formula is for many of our home health agencies.

At a recent hearing of the Senate Special Committee on Aging, on which I serve, we heard testimony from a number of witnesses who expressed concern that the new Interim Payment System inadvertently penalizes cost-efficient home health agencies by basing 75 percent of the agencies' per patient payment limits on their FY 1994 average cost per patient. This system effectively rewards agencies that provided the most visits and spent the most Medicare dollars in 1994, while it penalizes low-cost, more efficient providers. Let me repeat that point, Mr. President. The agencies, usually the nonprofits, that have provided services at the lowest cost, are penalized by the new payment system.

Home health agencies in the Northeast are among those that have been particularly hard-hit by the formula change. As the Wall Street Journal recently observed,

> If New England had been just a little greedier, its home-health industry would be a lot better off now . . . Ironically, . . . [the region] is getting clobbered by the system because of its tradition of non-profit community service and efficiency.

Moreover, there is no logic to the variance in payment levels. As the same article goes on to point out, the average patient cap in Tennessee is expected to be $2,200 higher than Connecticut's, and the cap for Mississippi is expected to be $2,000 more than Maine's, without any evidence that patients in the Southern states are sicker or that nurses and other home health personnel in this region cost more. Mr. President, I ask unanimous consent that the entire text of this article be printed in the Record.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, this system also gives a competitive advantage to high-cost agencies over their lower cost neighbors, since agencies in a particular region may have dramatically different reimbursement levels regardless of any differences among their patient populations. And finally, this system may force low-cost agencies to stop accepting patients with more serious health care needs.

That is exactly the opposite of what we should want. I simply do not think that this is what Congress intended. To rectify this problem, today I am pleased to introduce legislation along with Senators Chafee, Jeffords, Leahy, Feingold, Snowe, Durbin, Harkin, Reed and Santorum. The Medicare Home Health Equity Act will level the playing field and make certain that home health agencies that have been prudent in their use of Medicare resources are not unfairly penalized. The legislation will also ensure that home health agencies in the same region are reimbursed similarly for treating similar patients.

Instead of allowing the experience of high-cost agencies to serve as the basis for the new cost limits, the bill we are introducing today sets a new per beneficiary cost limit based on a blend of national and regional average costs per patient. This new formula will be based 75 percent on the national average cost per patient and 25 percent on the regional average cost per patient. Moreover, by eliminating the agency-specific data from the formula, the Medicare Home Health Equity Act will move us more quickly to the national and regional rates which will be the cornerstones of the future prospective payment system, and it will do so in a way that is budget neutral. This is a matter of common sense and fairness. It is also a matter of ensuring that there is a fair system for reimbursing these vitally needed home health agencies that are providing services that are so important to so many of our senior citizens. I urge all of my colleagues to join as cosponsors of the Medicare Home Health Equity Act, and I ask unanimous consent that the text of the bill as well as a section by section summary be printed in the Record.

The ACTING PRESIDENT pro tempore. Without objection, the items were ordered printed in the Record, as follows:

S. 1993

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Home Health Equity Act of 1998".

SEC. 2. REVISION OF HOME HEALTH INTERIM PAYMENT FORMULA.

(a) RESTORATION OF COST LIMITS.—Section 1861(v)(1)(L)(i)(IV) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)(i)(IV)) (as added by section 4602 of the Balanced Budget Act of 1997) is amended—

(1) by striking "105 percent" and inserting "112 percent"; and

(2) by striking "median" and inserting "mean".

(b) CHANGE IN ADDITIONS TO COST LIMITS.—Section 1861(v)(1)(L)(v) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)(v)) (as added by section 4602 of the Balanced Budget Act of 1997) is amended to read as follows:

"(v)(I) For services furnished by home health agencies for cost reporting periods beginning on or after October 1, 1997, the Secretary shall provide for an interim system of limits. Payment shall not exceed the costs determined under the preceding provisions of this subparagraph or, if lower, the product of—

"(aa) an agency-specific per beneficiary annual limitation calculated based 75 percent on the reasonable costs (including nonroutine medical supplies) of the standardized national average cost per patient in calendar year 1994, or best estimate thereof, (as published in the Health Care Financing Review Medicare and Medicaid 1997 Statistical Supplement) and based 25 percent on the reasonable costs (including nonroutine medical supplies) of the standardized regional average cost per patient for the agency's census division in calendar year 1995 (as so published), such national and regional costs updated by the home health market basket index and adjusted pursuant to clause (II); and

"(bb) the agency's unduplicated census count of patients (entitled to benefits under this title) for the cost reporting period subject to the limitation.

"(II) The labor-related portion of the updated national and regional costs described in subclause (I)(aa) shall be adjusted by the area wage index applicable under section 1886(d)(3)(E) for the area in which the agency is located (as determined without regard to any reclassification of the area under section 1886(d)(8)(B) or a decision of the Medicare Geographic Classification Review Board or the Secretary under section 1886(d)(10) for cost reporting periods beginning after October 1, 1995).".

(c) CONFORMING AMENDMENTS.—

(1) Section 1861(v)(1)(L)(vi) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)(vi)) (as added by section 4602 of the Balanced Budget Act of 1997) is amended to read as follows:

"(vi) In any case in which the Secretary determines that beneficiaries use services furnished by more than 1 home health agency for purposes of circumventing the per beneficiary annual limitation in clause (v), the per beneficiary limitations shall be prorated among the agencies.".

(2) Section 1861(v)(1)(L)(vii)(I) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)(vii)(I)) (as added by section 4602 of the Balanced Budget Act of 1997) is amended by striking "clause (v)(I)" and inserting "clause (v)(I)(aa)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the Balanced Budget Act of 1997.

SEC. 3. CBO ESTIMATE OF HOME HEALTH PAYMENT SAVINGS.

(a) ESTIMATE.—Not later than 60 days after the date of enactment of this Act, and annually thereafter until the prospective payment system for home health agencies established by section 1895 of the Social Security Act (42 U.S.C. 1395fff) is in effect, the Director of the Congressional Budget Office (referred to in this section as the "Director") shall estimate the amount of savings to the medicare program under title XVIII of such Act (42 U.S.C. 1395 et seq.) resulting from the interim payment system for home health services established by the amendments to section 1861 of such Act (42 U.S.C. 1395x) made by section 4602 of the Balanced Budget Act of 1997.

(b) CERTIFICATION.—If the Director determines that the amount estimated under subsection (a) exceeds the amount of savings to the medicare program that the Director estimated immediately prior to the enactment of the Balanced Budget Act of 1997 by reason of such interim payment system, then the Director shall certify such excess to the Secretary of Health and Human Services (referred to in this subsection as the "Secretary").

(c) ADJUSTMENT.—

(1) IN GENERAL.—If the Director certifies an amount to the Secretary pursuant to subsection (b), the Secretary shall prescribe rules under which appropriate adjustments are made to the amount of payments to home health agencies otherwise made under subparagraph (L) of section 1861(v)(1) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)) (as amended by section 4602 of the Balanced Budget Act of 1997) in the case of outliers—

(A) where events beyond the home health agency's control or extraordinary circumstances, including the case mix of such agency, create reasonable costs for a payment year which exceed the applicable payment limits; or

(B) in any case not described in subparagraph (A) where the Secretary deems such an adjustment appropriate.

(2) AMOUNT.—The total amount of adjustments made under paragraph (2) for a year may not exceed the amount certified to the Secretary pursuant to subsection (b) for such year. To the extent that such adjustments in a year would otherwise exceed the amount certified to the Secretary pursuant to subsection (b) for such year, the Secretary shall reduce the payments to home health agencies in a pro rata manner so that the adjustments do not exceed such amount.

MEDICARE HOME HEALTH EQUITY ACT—SECTION-BY-SECTION SUMMARY

CURRENT LAW

The cost-based payment method that has historically been used for Medicare home health services has inherent incentives for home care agencies to provide a higher volume of services. Therefore, the Balanced Budget Act of 1997 (BBA) called for the implementation of a prospective payment system (PPS) for home care by October 1, 1999. In the interim (FYs 1998 and 1999), home health agencies will be paid according to an Interim Payment System (IPS) established by the BBA.

The IPS reimburses home health agencies using the lowest of three cost limits: 1) an agency's actual costs; 2) a per visit cost limit applied to each skilled nursing, physical therapy, or other type of home health visit provided; or 3) an agency-specific aggregate per patient cost limit that is based 75 percent on an agency's average cost per patient in 1994 and 25 percent on a regional average cost per patient in 1994.

The Interim Payment System penalizes cost-efficient home health agencies by basing 75 percent of the agencies' per patient payment limits on their FY 1994 average cost per patient. Giving such a heavy weight to the agency-specific costs per beneficiary effectively rewards agencies that provided the most visits and spent the most Medicare dollars in 1994, while it penalizes low-cost, more efficient providers. As a result, high-cost and inefficient agencies will continue to receive a disproportionate share of Medicare home health dollars.

THE MEDICARE HOME HEALTH EQUITY ACT

Formula change for setting per beneficiary cost limits

The Medicare Home Health Equity Act will level the playing field and make certain that those home health agencies that have been prudent in their use of Medicare resources are not unfairly penalized. Moreover, it will ensure that home health agencies in the same region are reimbursed similarly for treating similar patients. Instead of allowing the experience of high cost agencies to serve as the basis for the cost limits, the bill sets a new per beneficiary cost limit based on a blend of national and regional average costs per patient. This new formula would be based 75 percent on the national average cost per patient in calendar year 1994 ($3,987) and 25 percent on the regional average cost per patient in calendar year 1995.

Restoration of the per-visit cost limit to 112 percent of the national mean

The per visit cost limits essentially place a cap on the amount of costs that can be reimbursed by Medicare for each home health care visit provided. The BBA reduced these cost limits from 112 percent of the mean to 105 percent of the median. This was done to provide additional savings. However, most of the BBA savings (at least 80 percent) came from the per-beneficiary cost limits. According to Price-Waterhouse, changing the formula from an agency-specific to a national/regional average cost per patient blend achieves an additional $5.5 billion in savings. The Medicare Home Health Equity Act of 1998 uses these savings to restore the per-visit cost limit to 112 percent of the national mean.

Most analysts agree that the growth in Medicare home health expenditures is due to the high number of visits provided to patients, not by the cost per visit. In fact, the cost per visit has remained relatively stable in recent years, and CBO confirms that controlling use, not price, is the key to Medicare home health cost containment. It is appropriate to use the savings achieved by rewarding rather than penalizing cost-efficient agencies to re-establish the cost limits that enabled many of those agencies to provide more efficient care over the entire episode of care. The average cost per visit tends to be higher for lower-overall cost, non-profit HHAs which tend to provide care in fewer visits. By keeping visits to the number that are medically necessary, costs per visit may increase slightly, but overall costs per patient decrease.

Modifies Application of Proration of Per Beneficiary Limits Provision

The BBA contained a provision which requires proration of the per beneficiary annual limit where the patient is served by more than one home health agency. The Medicare Home Health Equity Act modifies this provision to clarify that proration only applies where it can be demonstrated that a home health agency is attempting to circumvent the limits by shifting care between agencies.

Establishes an Outlier Provision

The bill instructs the Secretary of HHS to prescribe rules under which adjustments can be made in payments to home health agencies that are "outliers" where events beyond their control or extraordinary circumstances, including their case mix, create "reasonable costs" that exceed what otherwise would be their payment limits. This is included so that there is some provision for higher payments for home health agencies that treat the sickest Medicare home care patients and does so in a way that is budget neutral.

[From the Wall Street Journal]

REGION'S HOME-CARE FIRMS FACE BEING PUNISHED FOR THEIR EFFICIENCY

(By Carol Gentry)

If New England had been just a little greedier, its home-health industry would be a lot better off now.

In a rush to cut Medicare spending, Congress has set up a home-health payment system that punishes low-cost agencies and states, while it rewards big spenders and regions where audits have found widespread fraud and abuse. Ironically, New England is getting clobbered by the system because of its tradition of non-profit community service and efficiency.

And patients are feeling the effects. In the past two weeks, about 30 complaints have come into the Boston office of the federal agency that must implement the change, the Health Care Financing Administration. The agency says the complaints are coming from patients who need frequent, long-term nursing visits, but say they are being turned away or cut off.

"I fear we're now looking at home health agencies dumping (expensive) patients," says Margaret Leoni-Lugo, chief of the HCFA quality-improvement branch for New England. Such discrimination violates state and federal regulations.

Ms. Leoni-Lugo says she sympathizes with the difficult situation confronting New England agencies, but cannot condone patient dumping. Today she is expected to hold a telephone conference with health-department officials in the six New England states, warning them to watch for evidence that agencies are cutting care too much.

"We want to keep the beneficiaries safe," says Ms. Leoni-Lugo.

THE NEW FORMULA

The new system rolls back payments to 1993–94 levels minus 2%, regardless of whether an agency's budget was low or grossly inflated during those years. Under the system, home-health agencies' Medicare payments will be affected not only by their own budget history, but also by their location. If a company is in a penny-pinching region, its payments will be lower than if it comes from an area of big spenders. The agencies that come out best under this formula are those that spent money willy-nilly five years ago and were surrounded by companies that did the same thing. The biggest winners will be states in the South.

Meanwhile, frugal agencies in regions with moderate costs—especially New England, the Midwest and the Mountain states—are reeling. Vermont, New Hampshire and Maine will be among the hardest-hit states in the nation. Massachusetts, Connecticut and Rhode Island fare only marginally better.

Advocates for the elderly and the region's home-health agencies say such a system gives a competitive advantage to the worst players in the industry. "This is not in the best interest of taxpayers," says Susan Young, executive director of the Home Care Association of New Hampshire.

Adds Margaret Gilmour, president and chief executive officer of Home Health & Hospice Care, a home-care agency in Nashua, N.H.: "This is going to be a tidal wave of disaster for elder care."

Layoffs are already under way in New Hampshire, Ms. Young says, where the industry is among the leanest in the nation.

The congressional delegation from Massachusetts hopes to derail the new system before it can do massive damage. "This defies common sense." says Rep. James P. McGovern, a Democrat from Worcester. "This is a big, fat mistake."

TAKING CARE OF THE HOMEBOUND

In late November, Rep. McGovern and 11 other members of the state's congressional delegation sent a letter of concern to HCFA. The group hopes to meet with top agency officials in Washington soon.

Home-health agencies send nurses, aides, and physical and speech therapists to the homes of patients who are so physically or mentally disabled that they cannot easily go or be taken to a medical clinic.

While most private insurers and health-maintenance organizations cover home health care, the main money pipeline is Medicare. All homebound elderly and disabled beneficiaries of the program are eligible for free unlimited visits, as long as the visits are part of a treatment plan that is authorized by a physician and is updated every two months.

There are several types of home-health agencies, including the community-based nonprofits, such as the Visiting Nurses Associations of America; the newer for-profit companies; and hospital-affiliated agencies. Medicare's costs have been higher for patients who go through one of the hospital or for-profit companies.

Hospital-affiliated agencies tend to have higher per-visit costs than independent ones because they can legally transfer some of the hospital's overhead to the home-health books and have Medicare pay for it. For-profit agencies tend to generate higher Medicare payments by billing for a greater number of visits per patient.

Patients recuperating from surgery or a short-term illness may need only a few visits, but home-health agencies are a lifeline for patients with long-term conditions—multiple sclerosis. Alzheimer's disease, heart failure, severe diabetes—who are trying to stay out of nursing homes.

The new system sets an annual limit on the amount that Medicare will spend on any given patient. While that cap is different for every agency, it averages out to 75 visits a year in Massachusetts. Patient advocates say this gives agencies an incentive to take only those clients who are going to get better or die in a short time.

To make matters worse, agencies must reduce expenses without knowing just how deep the cuts will be. The details of the payments formula won't be determined until April 1, but will be retroactive to Oct. 1.

SEEKING FORMULA CHANGE

In the letter to HCFA, the Massachusetts delegation asked administrators to alter the new formula to "lessen the blow" to low-cost, efficient home-health agencies. The letter says it is unfair to tag payments to a 1994 average per-patient cost of $4,328 in Massachusetts, when Tennessee was getting $6,508 and Louisiana $6,700.

Rep. McGovern says he hopes to repeal the payment-system provision when Congress convenes later this month, but he knows that may not be easy. Many of the leaders of Congress are from the South, where payment rates are projected to be double those in much of New England.

Massachusetts has a lot at stake. In 1995, the last year for which Medicare has complete data, the program spent more than $1 billion in New England to provide home health to 246,000 beneficiaries. Of that money, Massachusetts absorbed more than half for 119,000 homebound patients. More than 14% of the state's Medicare beneficiaries were served by home care, while the rate was about 10% nationwide.

Under the new payment system, members of the Massachusetts delegation say, their state stands to lose $95 million and at least 1.5 million patient visits in the first year.

Why will the system affect Massachusetts so much? The state's home-health agencies deliver care at a more moderate cost per visit than most other states, federal data show, but also perform more visits per patient, on average. Pat Kelleher. executive director of the Home Health Care Association of Massachusetts, says one reason is that the state has deliberately pushed home care to save state tax money. Federally paid Medicare home-health visits keep patients out of nursing homes, which draw most of their revenue from the state Medicaid program.

ROUGH TIME AHEAD FOR VERMONT

If the other New England states affected, Vermont, the only state that legally requires home-health companies to be non-profit, especially faces troubled times. After consistently providing home care at the lowest cost per patient in the nation. Vermont's 13 agencies stand to lose more than $2 million this year and estimate they will have to reduce service by 10%.

The Vermont Assembly of Home Health Agencies estimates the average per person payments in the state this year will be $2,600 a year, less than half what they payout is expected to be in, say, Alabama.

"The system was supposed to limit the high rollers" says the association's director, Peter Cobb but instead "Congress rewarded excess."

The rule changes stem from the passage last August of the Balanced Budget Act, which cuts $115 billion from Medicare by 2002. The home-care portion of the act slices $16.2 billion from the budget.

Home care seemed a logical place to look for cuts, since it's the fastest-growing segment of the health industry. Between 1990 and 1995, while the number of Medicare beneficiaries rose 10%, the number of home-health visits grew 255% and spending went up 316%.

Some of that increase accompanied the rise of managed-care companies that try to keep patients out of the hospital to save money and, if they must go, keep the visits as brief as possible. However, much of the inflation in home care was a predictable response to a payment system that offered no incentive to be frugal.

PROBE FINDS WASTE, FRAUD

Massive fraud, waste and ineptitude in Medicare billings were reported last summer by the Office of the Inspector General of the U.S. Department of Health and Human Services following a two-year investigation called Operation Restore Trust. The study covered five states that account for 40% of Medicare payments: California, New York, Florida, Texas and Illinois.

The report said one-fourth of home-health agencies in those states received nearly half the Medicare dollars spent on home-health care. According to the report, the "problem" agencies tended to be for-profit, closely held corporations with owners that were involved in a tangle of interlocking, self-referring businesses. Texas was cited as the biggest home-health spender of the states studied. (An HCFA audit conducted in Massachusetts and Connecticut last year found a few overpayments, but no cases of fraud.)

It just so happened that the revelations of Operation Restore Trust occurred at the same time that Congress was looking for ways to cut Medicare spending.

Congress wanted to change the home-health payment system so that it would reward efficiency, by switching to a flat rate by diagnosis. This "prospective payment system" would be similar to the one that Medicare uses to pay hospitals.

But HCFA said it needed more time to develop the complex formula to set prospective payment in motion. So Congress created an interim system that will run until Oct. 1, 1999. It freezes spending at the rates there were in place in 1993-94—before Operation Restore Trust began.

VARYING PAYMENTS

Now payments vary illogically. The average patient cap in Tennessee is expected to be $2,200 higher than that in Connecticut, and the cap for Mississippi $2,000 more than Maine, without any evidence that patients in the Southern states are sicker or that nurses cost more there.

But those who think the Southern states are pleased at getting a patient cap double that of New England are mistaken. Officials at the Texas Association for Home Care say they need bigger payment rates because they have a high rate of poor elderly who have never had proper health care, and the state Medicaid program hasn't taken care of them because it's stingy.

"Congress has cut into the bone," says Sara Speights, director of government and public relations for the Texas group.

Inequities exist even within the same region. Ms. Gilmour of the Nashua, N.H., home-care agency says a competitor in northern Massachusetts could end up with a payment cap twice as high as her own as a result of her staff's efforts to keep costs down. Because patients are free to choose either agency, she worries they will gravitate to the one that has a bigger budget.

Joan Hull, chief executive of the nearby competitor, the Home Health Visiting Nurses Association of Haverhill, Mass., says her agency is a product of a merger between agencies that had different payment rates, so she doesn't know whether the Medicare cap will be $3,400 or $4,600 per patient. Unfortunately for her agency, services it has delivered since the beginning of its fiscal year in October will be on the new payment rate, but the agency won't know what the rate is until April.

"It's crazy, isn't it?" Ms. Hull says with a laugh.

YANKEE THRIFT

Home health agencies in the New England states have delivered care for less money than the national average, both in Medicare payments per visit and per patient. (Data shown here are from 1995.)

	No. of patients (in thousands)	Avg. payment per visit	Pct. above or below national avg.	Avg. payment per patient	Pct. above or below national avg.
Connecticut	57	$60	−30	$4,770	6.6
Massachusetts	119	50	−19.0	4,730	−5.7
Rhode Island	19	64	3.0	4.037	−9.7
Maine	22	53	−15.0	3,717	−16.9
New Hampshire	17	50	−19.0	3.057	−31.7
Vermont	12	45	−28.0	3,030	−32.3
New England	246	53	−15.0	4,400	−1.6
U.S.	3,430	62	....	4,473	....

Sources: Health Care Financing Administration and The Wall Street Journal

BIG SPENDERS

While Medicare costs for home health services have gone up nationwide, Sunbelt states led the spending spree. The new payment system rewards states where payments were far above average, as shown below (Data are for 1995.)

	No. of visits per patient	Avg. payment per patient	Pct. above national avg.
Louisiana	144	$7,867	75.9
Oklahoma	127	7,358	64.5
Texas	117	7,217	61.3
Tennessee	121	6,886	53.9
Utah	106	6,283	40.5
Mississippi	128	6,205	38.7
THE SOUTH	95	5,488	22.7
U.S.	72	4,473	....

Sources: Health Care Financing Administration and The Wall Street Journal

Mr. FEINGOLD. Mr. President, I rise today to join my colleagues, Senators COLLINS, CHAFEE, JEFFORDS, LEAHY, REED and others in introducing the Home Health Medical Equity Act of 1998. I especially want to compliment the Senator from Maine, who has taken the lead on this issue. It is a matter of enormous concern in her State and also in mine. I think it is worth taking a moment just to acknowledge how useful the Senate Aging Committee is, to be able to highlight an issue like this. I wonder whether this issue would have gotten the attention it deserves had it not been for that forum, where we were able to have an excellent hearing and hear from Senators all over the country whose States are very negatively affected by the rules that were put into place. I congratulate the Senator from Maine for taking the initiative out of that hearing to introduce legislation.

This legislation is a crucial step in ensuring that the Medicare Home Health Care program's Interim Payment System does not penalize regions of the country that have been providing home health services efficiently.

Mr. President, I have been working to promote the availability of home care and other long-term care options for my entire public life because I believe strongly in the importance of enabling people to stay in their own homes. For seniors who are homebound and have skilled nursing needs, having access to home health services through the Medicare program is the difference between staying in their own home and being moved into a nursing facility. Home care offers feelings of security, dignity and hope. Where there is a choice, we should do our best to allow patients to choose home health care.

Mr. President, I recognize that there are situations when one's ability to conduct the activities of daily living are so limited, and the medical needs are so great, that the patient would be better served, in some cases, in a skilled nursing facility. I also want to recognize that my State of Wisconsin has a very, very good network of caring and high-quality nursing homes. Without a doubt, there is a need for these services. But, Mr. President, as I travel throughout Wisconsin's 72 counties every year, what seniors tell me again and again is that, to the extent possible, and as long as it is medically appropriate for them to do so, they would like to remain in their own homes. I think seniors need and deserve that choice.

Mr. President, seniors clearly prefer to remain in their own homes rather than be moved to a nursing home. Their medical needs can often be met through home health services. Despite these facts, the implementation of the Medicare Home Health Interim Payment System as passed in last year's budget could create serious access problems for seniors in States like Wisconsin and Maine when they seek the home health benefit. The cuts to the Medicare Home Health program imposed by the Interim Payment System are so severe that home health agencies will have no choice but to reduce dramatically the amount of services provided. Some home care agencies may get out of the home care business altogether. But, Mr. President, the real impact of the Interim Payment System will not be simply to reduce payments to home care providers and force some out of business, what it will really do and what really concerns me is it will drastically reduce the options that homebound seniors now have today with respect to whether they will remain in their home in the community or whether they will be forced into a nursing home situation that is not necessarily the best place for them.

As of right now, Mr. President, the Interim Payment System for Medicare home health care is a system that pays agencies the lowest of the following three measures: (1) actual costs; (2) a per visit limit of 105% of the national median; or (3) a per beneficiary annual limit, derived from a blend of 75% an agency's costs and 25% regional costs. Now, these measures are pretty technical and I will not go into any more of the specifics about them. But suffice it to say that the net effect of the Interim Payment System will be to penalize severely agencies who have been operating efficiently all these years. Since the Interim Payment System will pay the agency the lowest of the three measures that I mentioned, agencies in areas where costs have been kept lower will be disproportionately and unfairly affected.

Mr. President, according to the Health Care Financing Administration, just in Wisconsin alone, there are currently 181 home health care agencies that participate in Medicare. Of these, two-thirds of them are operated as nonprofit entities. These nonprofit home health care providers are often county health departments and visiting nurse organizations; these are not entities out to make a fast buck on the backs of homebound seniors. According to administrators of Valley Visiting Nurse Association in Neenah, WI, the average, per patient Medicare home care cost in Wisconsin is $2,586, compared to $5,000 in other parts of the country. Let me repeat that, the statistics, because it is really quite striking. The average, per patient Medicare home care cost in Wisconsin is only $2,586, compared to often over $5,000 or more in other places in the country. These nonprofit providers in Wisconsin are already as lean as they can be. I am fairly convinced they don't have any "fat" to cut from their programs. The Visiting Nurse Association Home Health of Wausau showed me some figures demonstrating that, over the past 5 years, their services have averaged 30 percent below limits imposed by the Health Care Financing Administration, with 36 percent fewer visits per beneficiary than the national average.

Mr. President, the effect of the deep reductions imposed by the Interim Payment System will be, quite simply, a devastating blow to these types of agencies, and, in turn, will seriously impact the availability of home health care services to many people in Wisconsin. This devastating blow is dealt not because Wisconsin has been providing too many services too expensively. It is just to the contrary. States like Wisconsin and others are being penalized more precisely because they have always operated efficiently. Moreover, on a national level, with a reduced per-patient limit, home health agencies have a disincentive to take more seriously ill patients onto their rolls.

Mr. President, the legislation my colleagues and I introduce today will change the Interim Payment System to bring about greater payment equity for Medicare home health providers in different parts of the country. The bill, as the Senator from Maine outlined, would create a new formula for the per-patient limit that reflects a higher percentage of national data rather than relying solely on regional and local data. The change in payment calculation would enable high-efficiency, low-cost home health agencies to continue providing services efficiently and cost-effectively. But, Mr. President, the most important impact of the Medicare Home Health Equity Act will be to make sure that seniors who are homebound and have skilled nursing needs will retain for as long as possible the right to decide to stay in their own homes.

Mr. President, I thank the Chair and yield the floor.

Ms. COLLINS. Mr. President, I thank the Senator from Wisconsin for his cosponsorship of this important legislation and for his leadership in this issue.

Mr. CHAFEE. Mr. President, I am pleased to sponsor the Medicare Home Health Equity Act of 1998 with my distinguished colleague from Maine. I want to applaud Senator COLLINS' efforts to correct a provision in the Balanced Budget Act (BBA) of 1997 which has had the effect of penalizing those home health agencies that have taken the lead in becoming more cost-efficient over the last several years.

The Medicare Home Health Equity Act of 1998 will help avert the potentially devastating effect of the Interim Payment System (IPS), established by the Balanced Budget Act, on many home health agencies in Rhode Island, and throughout the country.

The IPS for Medicare home health services that was established by the BBA bases its reimbursement in large part on agency-specific costs during fiscal year 1994. Consequently, home health agencies that had already been implementing cost-efficient practices at that time, like many agencies in Rhode Island were doing, are now finding their reimbursements greatly reduced.

Home health agencies in my home state have told me that this decreased reimbursement, in addition to being unfair, might lead to reductions in critical health services that currently enable elderly patients to maintain their dignity and quality of life. These agencies also have pointed out that this interim payment system may well result in a loss of jobs in the home health industry.

I am greatly troubled by the thought that the IPS now in effect may well put into financial jeopardy those Rhode Island home health agencies that have been working diligently to heed our appeal to deliver cost-efficient services. The impact of this payment system on one of Rhode Island's most vulnerable populations, the infirm elderly, is unpredictable and potentially devastating.

The Medicare Home Health Equity Act of 1998 bases Medicare reimbursement for home health services primarily on national costs during the baseline year rather than agency-specific costs. Consequently, the most efficient home health agencies will not be placed at financial disadvantage. This is a matter of economic necessity—we will never be able to maintain the financial security of the Medicare program unless we encourage everyone involved in the system to help make it work.

This bill is budget-neutral and will not increase overall Medicare expenditures. The legislation is a big step forward in our goal of a cost-efficient and reliable health care system for our older citizens.

Mr. President, I encourage my colleagues to join me in supporting the Medicare Home Health Equity Act of 1998.

Mr. JEFFORDS. Mr. President, Vermont's home health agencies are a model of efficiency for the nation. For the past seven consecutive years, the average Medicare expenditure for home health care in Vermont has been the lowest in the nation. This efficiency was achieved by exclusive reliance on 13 nonprofit agencies which provide care without sacrificing quality, and which adhere strictly to Medicare requirements and guidelines. Today, I am cosponsoring The Medicare Home Health Equity Act of 1998, with my good friend Senator COLLINS, in order to preserve this high-quality, low-cost home health system from possible insolvency.

At this moment, Vermont is facing an unprecedented crisis in its home health care system. This is not a crisis of their own making, and the home health agencies had little, if any, advance warning that disaster was imminent. The crisis that befalls Vermont's home health care agencies, and many others throughout the country, arose from the decision made by Congress, as a part of the Balanced Budget Act of 1997 (BBA), to adopt a Medicare prospective payment system for home health care.

There is compelling rationale and general agreement for moving Medicare to a prospective payment system (PPS) in the home health care sector. Under a national, prospective payment system, low-cost agencies will fare well, as they have already learned how to manage their resources wisely. However, the interim system created by the BBA for the transition to a PPS is fundamentally flawed and rewards high-cost agencies. Under the Interim Payment System, reimbursement limits for home health care are heavily weighted toward an agency's historical costs. This means that until a prospective payment system can be designed and implemented, the lowest cost agencies will face the most significant caps on their Medicare payments.

Where a prospective payment system aims to level the playing field for agencies that care for similarly situated patients, the interim system preserves and reinforces significant disparities across agencies. Although high-cost agencies will face reductions in payments under the interim system, these will be the agencies in the best position to make those cuts. Low-cost agencies with budgets that are already lean have no place to turn. It would be a national tragedy if those low-cost agencies cannot survive the transition to a prospective system.

I commend the efforts of my good friend Senator COLLINS for bringing this bill forward. It was a difficult task to craft a remedy that allows committed and responsible home health agencies to survive and also maintain budget neutrality. The Medicare Home Health Equity Act of 1998 would alter the interim payment formula by basing payment caps on a blend of national and regional averages. In this way, we can move toward a more uniform level of reimbursement and allow home health care agencies in the same locale to operate under the same constraints. Furthermore, this legislation can be implemented quickly. This is important, because the regulations defining the interim payment system were not published until January of this year—nearly four months after the payment system was in force.

The situation is serious. We must provide relief to home health agencies and peace of mind to the clients who are under their care. Last August, I voted in support of the Balanced Budget Act of 1997. I was proud of the changes we made to preserve Medicare benefits for the present and for future generations. Today, I urge my colleagues to enact The Medicare Home Health Equity Act of 1998 and correct the unintended consequences of the BBA's interim payment system reimbursement limits on low-cost home health agencies.

Mr. HARKIN. Mr. President, I am pleased to join today with my distinguished colleague, Senator SUSAN COLLINS, in the introduction of the "Medicare Home Health Equity Act of 1998." This bill tries to fix what we believe to be an unintended injustice in the Balanced Budget Act of 1997.

As many of you know, home health agencies have historically been reimbursed on the basis of costs. The Health Care Financing Administration paid each agency to cover the cost of providing care. This arrangement has been widely criticized because it offers no incentive for agencies to control their costs.

In order to correct this, we in Congress agreed that Medicare should move to a prospective payment system to control costs and ensure quality and access to care. The Balanced Budget Act establishes this system for home health, effective as of October 1, 1999. In the mean time, an interim payment system has been put in place. These changes were needed in order to rein in the incredible growth—some due to inappropriate payments—in the industry in the last seven years. In 1990, Medicare spent $3.7 billion on home health care. In 1996, $16.7 billion was spent. In addition, the average number of visits per beneficiary soared from 26 in 1990 to 76 in 1996.

I believe the change to the prospective payment system had to be done. However, the interim payment system will reward high-cost, inefficient home health providers at the expense of those home health agencies that have historically kept their costs low. I don't believe this was the intent of Congress, and that is why I am cosponsoring Senator COLLINS' bill to correct this injustice.

As co-chair of the Senate Rural Health Caucus, I've been working for a long time to change the big city, urban bias in Medicare's reimbursement payments. It penalizes more conservative cost-effective approaches to health care, and that hurts rural areas like Iowa. We went a long way towards fixing that bias in Balanced Budget Act by equalizing Medicare's reimbursement payments for managed care services.

But unbeknownst to me and, I believe, most of my colleagues, while we provided rural equity in one area, we took it away in another. It is just common sense that we should reward those who provide quality care in a cost-effective, efficient manner. We did this when we changed the Medicare managed care rates. It doesn't seem right that in the same Act, we created an interim payment system for home health services that rewards the high cost, wasteful agencies and leaves those that have successfully kept their costs low struggling to survive.

The system's reliance on a provider's historical costs in determining their reimbursement amounts has produced an uneven playing field. Many of the newer agencies, who got started during a period of high growth, now have a competitive advantage. They will now be reimbursed at a higher rate than their lower cost competitors.

Senator COLLINS' bill does the right thing—it rewards those agencies who have done the most to save Medicare money. These include many visiting nurse associations, non-profit free standing agencies and most non-profit hospital based programs.

The Home Health Equity Act will revise the current system of reimbursement based on 75 percent of agency cost blended with 25 percent of national costs. The legislation would create a 75 percent national rate blended with 25 percent regional rate to level payments to providers in a given geographic area. In addition, this bill continues the cost savings that the interim payment system was intended to achieve. Price Waterhouse has analyzed the bill and found it to be budget neutral.

If we don't fix the interim payment system, I am afraid we risk a reduction in access to and quality of health care for Iowa seniors. Iowa home health care agencies have historically provided efficient, quality service and they ought to be rewarded, not punished for this. Most importantly, rural patients and their families deserve continued access to the best possible care.

Mr. DASCHLE. Mr. President, today I join my colleagues in introducing the Medicare Home Health Equity Act of 1998.

The Balanced Budget Act (BBA) included numerous changes to Medicare that were necessary to extend the solvency of the trust fund and increase the program's integrity. It was extremely important legislation that I strongly supported, but there was no way to know the impact of every provision it included.

One provision of the BBA in particular, the interim payment system for home health care, locks in place inequities between regions of the country, efficient and inefficient providers, and new and older agencies. I am concerned about the impact of that provision on my state of South Dakota.

In South Dakota, the interim payment system has raised significant concern. The interim payment system bases each agency's per patient cost limit largely on its per beneficiary cost in 1994. My concern is that South Dakota's cost per beneficiary and number of visits per patient were well below the national average in 1994. Many of the home health agencies in the state have expanded the geographic area they serve since 1994 and have added services that formerly were not available in the more rural parts of the state. Some of these agencies are the sole providers in our most rural counties.

I have heard from Hand County Home Health Agency which primarily serves women, age 85 and older, with little family nearby and with difficult health conditions. Since 1994, the Hand County Home Health Agency has kept its costs down, but has added new services such as physical therapy and has expanded the geographic area to serve areas that no other provider covers. The agency has told me that they have to consider discontinuing the new services they cover or decreasing the geographic area they serve. Neither of these options seems acceptable to me.

The interim payment system also creates problems between new and older agencies. In the same geographic area, where there is a new provider and an old agency, the new provider's limit will be based on the national median reimbursement. This results in significant discrepancies in reimbursement and ultimately the services that agencies can afford to deliver within the same area and market.

Ultimately the impact of this payment system falls on beneficiaries, and this must be foremost in our minds. Senator COLLINS' bill would go a long way to addressing the access, quality, and equity issues that have been raised by the interim payment system in South Dakota. I am pleased to join her in beginning the dialogue on this issue that I hope will lead to constructive changes for home health care patients in South Dakota and across the nation.

By Mr. COATS (for himself, Mr. ABRAHAM, Mr. BROWNBACK, Mr. COVERDELL, and Mr. SANTORUM):

S. 1994. A bill to assist States in providing individuals a credit against State income taxes or a comparable benefit for contributions to charitable organizations working to prevent or reduce poverty and to protect and encourage donations to charitable organizations; to the Committee on Finance.

By Mr. ABRAHAM (for himself, Mr. BROWNBACK, Mr. COATS, Mr. COVERDELL, Mr. HUTCHINSON, Mr. SANTORUM, and Mr. LIEBERMAN):

S. 1995. A bill to amend the Internal Revenue Code of 1986 to allow the designation of renewal communities, and for other purposes; to the Committee on Finance.

By Mr. SANTORUM (for himself, Mr. ABRAHAM, Mr. BROWNBACK, Mr. COATS, Mr. COVERDELL, and Mr. HUTCHINSON):

S. 1996. A bill to provide flexibility to certain local educational agencies that develop voluntary public and private parental choice programs under title VI of the Elementary and Secondary Education Act of 1965; to the Committee on Labor and Human Resources.

RENEWAL ALLIANCE LEGISLATION

Mr. COATS. Mr. President, I am here today to announce, along with several Members—in fact, a coalition of 30 Republican Members from both the House and the Senate called the Renewal Alliance, which has been in business now for a considerable amount of time—more than a year—will be jointly introducing new initiatives to help restore hard-pressed urban neighborhoods of our country to reach out to families and communities and neighbors that are dealing with some of the most difficult and intractable social problems that affect our society.

This package, called REAL Life—renewal, empowerment, achievement, and learning for life—contains what we believe are essential elements to help bring improvements and restore hope to impoverished communities and to bring self-sufficiency to low-income individuals and families. REAL Life seeks to address the critical deficits facing neighborhoods and communities, families, those communities and neighborhoods who lie behind the gleaming skyscrapers, the neighborhoods where some of the most difficult problems in our society—homelessness, drug abuse, teen pregnancy, poverty, and violence—are found in some of the most complex and intractable forms in the neighborhoods, however, where groups of individuals and private community organizations and leaders are already at work defeating the poverty and dysfunction that have defied our well-intentioned and lavishly funded Federal efforts.

Before I begin to make specific comments about the legislation that we will be introducing, let me take a moment to read from a letter given to me by Light of Life Ministries, a rescue mission operating in Pittsburgh, PA. I think this letter communicates in a very compelling and clear way both the problems that we face today in our low-income areas and particularly in our cities—although these are no respecters of income or persons, but it seems that the problems are particularly acute in some of our urban areas—but also addresses some of the solutions that even today are within our grasp.

This letter is from a fellow named Benjamin Primis, a young man who, after a promising start in life, fell on hard times. He was a graphic artist working in the television industry, and he began using drugs and became addicted to crack cocaine. Soon he was homeless and desperate.

Benjamin writes:

> I found myself homeless in Pittsburgh. It seemed as though the world had turned its back on me. . . . When there was nowhere else to run, the Light of Life Ministry in Pittsburgh opened their doors of unconditional love. . . . Instantly I was comforted with three hot meals a day, clean linens, drug and alcohol therapy. . . . They fed me when I was hungry. They clothed me when I had nothing else to wear. [Most importantly,] they cared for me when I didn't care for myself.

Benjamin Primis's story is one of thousands, maybe tens of thousands, of stories of hope and restoration and healing that bring us together here on this floor, the Senate floor, this morning. Ben Primis was failed by both the dogmas and initiatives of Republicans and Democrats, conservatives and liberals. A booming economy did not prevent his fall into poverty. And the Government safety net proved to be an illusion. Instead, Ben was rescued by one of the thousands of neighborhood-based, privately run, often faith-based religious charities that operate in poor neighborhoods across our country.

Let me give another example, Mr. President. For years, officials in the District of Columbia and Members of Congress have wrestled with the problem of violence in this city that has plagued this city. A lot of programs have been tried, and the police department has been strengthened and reorganized and redeployed on several occasions to almost no effect. It seemed that none of the often very expensive initiatives had any fruition.

Last year, a group of African American men called the Alliance of Concerned Men began brokering peace treaties among the gangs that inhabit, and frequently dominate, some of the city's public housing complexes. Benning Terrace in southeast Washington, known to the D.C. police department as perhaps the most dangerous area of the city, has not had a single murder since the Alliance's peace treaty went into effect early last year. This movement is now spreading across the city.

These are community healers who are saving lives where all other Government efforts have failed. I have met with these individuals. I have listened to their stories and some of the most remarkable stories of transformation of individual lives and reconciliation that anyone could ever encounter.

The Light of Life Mission in Pittsburgh, the Alliance of Concerned Men in Washington, DC, Gospel Rescue Mission of Washington, these are the kinds of organizations that the Renewal Alliance REAL Life initiative wants to place at the center of our Nation's welfare and social policies.

REAL Life is not a handout, it is an opportunity agenda for America's poor, and it is concentrated on those who live on America's meanest streets. It does acknowledge a role for Government programs, but it makes that role one of a junior partner—not a CEO, not a director, but a junior partner, a junior partner with those organizations that, without Government help, without Government rules and regulations, are reaching out and actually bringing hope and bringing restoration to some of the most desperate situations that our country encounters. This whole array of community-based organizations, faith-based organizations, social institutions, help restore individual lives and rebuilds neighborhoods.

Finally, REAL Life is a vision that starts with a belief that real and lasting social reform begins among the families, the churches, the schools, the businesses, that are the heart and the soul of local communities.

We have three central components in REAL Life. We have a community renewal component, which I will talk a little bit more in a moment, which incorporates a State-based voluntary charity tax credit, charity donations protection, liability reform. We have an economic empowerment component, which incorporates a number of empowerment initiatives that have been discussed and talked about over the years. These will be discussed by other members of the Renewal Alliance. We have educational opportunity for low-income families. This real-life initiative by the Renewal Alliance has narrowed its scope to three essential components as a means of demonstrating the effectiveness of these initiatives.

Before I yield to other members of the Renewal Alliance—and I note that Senator ABRAHAM, a key member of our Alliance, is here and ready to speak—let me briefly discuss the community renewal portion of the package we are introducing today.

The REAL Life Community Renewal Act begins with the belief that social capital, the invisible elements of trust, cooperation, and mutual support that undergird communities life, have been severely damaged by 30 years of misguided Government programs. The traditional networks of community action and caring anchored in churches, schools, and volunteer programs have been displaced by Government programs. Too much money and too little wisdom have combined to wreak havoc in urban neighborhoods. We seek to repair that damage done by the Great Society by shifting authority and resources out of Government and into the private, religious, and voluntary groups that know the deepest needs of local neighborhoods. We achieve this through State-based charity tax credit.

We tap a wide range of existing Federal welfare block grants as a funding source for these charity tax credits. The credit is entirely voluntary. It builds up on efforts in the States to find innovative approaches for the delivery of welfare services. Already, Arizona and Pennsylvania and Indiana have either incorporated or are in the process of incorporating charity tax credits as a way to provide incentives for contributions to these organizations.

As I said, we also contain provisions which will strengthen charities through enhanced liability protections and also to prevent IRS actions against these organizations to allow them to better do their mission. Others here this morning will speak in greater detail about the economic empowerment and educational opportunities sessions of our proposal.

The bottom line is this: After 30 years of experiments with top-down Federal poverty strategies and an enormous expenditure of money, the returns are in. The Great Society approach, the Government-knows-all approach, the Government-can-solve-all-your-problems approach, has failed. It has been a failure that has been widespread across this country. Many of the initiatives were well motivated, but the results are in. It is time now for us to look at a new approach, a new approach that makes local leadership, community-based institutions, and neighborhood center reform efforts the heart of our welfare strategy.

I trust that my colleagues will join us in this effort to bring real life to those in greatest need in our society. I could spend the day discussing and talking about initiatives that have taken place in communities across this country where individuals, inspired by nothing more than a dream or a vision, often severely and desperately underfunded, have opened their arms and opened their hearts and opened their doors to provide real support and real help for real people in need. They have done so in a remarkable way.

The Center for the Homeless in South Bend, IN, has combined the efforts of 300 churches spanning the spectrum of denominations and religions. They have utilized the services of the University of Notre Dame, the hospital community of St. Joseph County, and help from volunteers from all walks of life, and put together a model homeless shelter which has a six-part, 2-year strategy of taking homeless individuals and turning them into homeowners, restoring their lives, and, in the process, restoring neighborhoods and restoring communities. It is one of the most remarkably efficient and effective efforts that I have witnessed.

But the story is repeated all across the State of Indiana in initiative after initiative. The Matthew 25 clinic in Fort Wayne, IN, a combination of doctors, dentists, and nurses, on a volunteer basis, is reaching out and established a clinic, providing medical care and help to low-income individuals who are not insured and don't have opportunities for medical treatment in the normal course of things. They have made a remarkable difference in our community. It is not a Federal program; it has nothing to do with a Federal program; there are no Federal funds. It is voluntary efforts by the community of medical personnel in our city. Whether it is a maternity home, a home for girls, a spouse abuse shelter, any of a number of programs, they are duplicated and replicated in virtually every city in America. Yet, they are struggling, struggling because, as I said, after 30 years of Federal initiatives, their efforts have been almost overwhelmed by the well-intended, well-meaning, extraordinarily expensive, and incredibly low-result efforts of the Federal Government. It is this problem that we are trying to address.

This doesn't have to be a partisan issue. This is something Republicans and Democrats can come together on. I believe liberals, who have been well-motivated and well-intended, have seen the dismal results of their efforts and are looking for an alternative. And those conservatives who say, "Let this sort itself out; after all, it is an issue of personal responsibility and there is nothing Government should be involved in," I think are ignoring the fact that some of these institutions that are so essential to helping in this process need support and need to be rebuilt.

This is not a new, massive Federal program, this is simply some startup initiatives to point the way and, hopefully, to encourage the support and development of these non-Government institutions.

My colleague from Michigan is on the floor, Senator ABRAHAM, who has been instrumental in helping to develop the REAL Life initiative. I am pleased to yield time to him to explain another component of this particular package.

The PRESIDING OFFICER. The distinguished Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, I would like to begin by thanking Senator COATS for the leadership he has provided. Even before there was such a thing as the Renewal Alliance, Senator COATS was, in a variety of contexts, bringing forth the arguments in the case that he has begun to present here today. I think the existence of his efforts and the various projects he has worked on was really the basis upon which a lot of us thought it made sense to begin working on a joint venture, the Renewal Alliance agenda that we are presenting today.

I would like to discuss a piece of legislation that has to do with an important part of the Renewal Alliance agenda. This is a bill which provides economic empowerment in economically distressed areas. It is part of an effort by a number of us who wish to bring about the revitalization of economically and socially distressed areas in our country, especially in our cities.

Traditional responses to persistent poverty have not been particularly effective. Frankly, even in the best of economic times, we find that certain parts of our communities still don't see significant change and feel that they are left behind—and indeed they are, economically. On the other hand, at the other end of the spectrum there has been the Government solution approach that we have seen over the last several decades, more than $5 trillion in Government programs. Yet, we have seen very little change in the level of poverty in the country. The fact is that the debate that has occurred over the past 30 years between, on the one hand, the argument that all we need is a strong economy and, on the other hand, all we need are more Government programs, leaves us still short of the mark.

So what the Renewal Alliance has attempted to do is look beyond those traditional responses, believing that across America people have an abundance of desire to help the less fortunate to rebuild our cities and stop moral decay; also believing that too often the Federal Government impedes or fails to promote the community renewal that we need.

We must encourage families, churches, small businesses, and community organizations to take on the hard work of social renewal. How? By reducing Government barriers that are making it difficult for economically distressed areas to improve the quality and conditions of life there and, at the same time, providing incentives so that the culture and the private sector can assist the Government in achieving this objective. Yes, we do need a social safety net for the truly deserving, but that will never give people the opportunity to get out the economically distressed conditions they find themselves in. We must go further.

So what I would like to talk about specifically now is the economic empowerment component of the Renewal

Alliance agenda. What we need are new approaches to our urban problems and problems of any community in the country that suffers from economic disadvantage because, as I say, despite the War on Poverty, our cities still face an array of problems.

Illegitimacy in our inner cities is at a record high level, in some areas exceeding 80 percent.

Harvard's Lee Rainwater estimates that by 2000, 40 percent of all American births will occur out of wedlock. And our cities are losing population, as well.

Since the mid-1960s, our largest 25 cities have lost approximately 4 million residents. Too often, the people left behind are the poor.

Half the people in our distressed inner cities lived below the poverty line in 1993.

To address this tragic situation, we propose the "REAL Life Economic Empowerment Act." This legislation would target America's 100 poorest communities and offer pro-growth incentives to create jobs and spur entrepreneurship where it is needed most.

In order to become a renewal community, a community must meet several criteria. First, it must need the assistance. That means people in the area must be experiencing abnormally high rates of poverty and unemployment.

Second, State and local governments must enter into a written contract with neighborhood organizations to reduce taxes and fees, increase the efficiency of local services, formulate and implement crime reduction strategies, and make it easier for charities to operate.

Third, the community must agree not to enforce a number of restrictions on entry into business or occupations, including unnecessary licensing and zoning requirements.

In exchange, the community would receive a number of benefits from the Federal level. Our legislation would zero out capital gains taxes within these empowerment areas, it would increase business expensing, it would give a 20 percent wage credit to businesses hiring qualified workers who were still employed after 6 months, and it would provide tax incentives for entrepreneurs who clean up environmentally contaminated "brownfield" sites.

Unlike the administration's current "empowerment zones," our incentives recognize that it is the private sector, not the Federal Government, that must be part of any effort to revitalize our communities.

Mr. President, there will be no boards established to dole out Government patronage, and our legislation will not include the onerous conditions and bureaucratic requirements of current programs. What is more, States and localities will be joining the Federal Government in reducing the burden of Government so that local small businesses can start and grow in distressed areas.

We know that it is these small businesses, from barber shops to local grocery stores, that often serve as the glue holding communities together. Not only do these small businesses provide jobs, they also provide places where people can meet one another to exchange news and keep in touch with local events and other job opportunities. It is crucial that we seed our distressed areas with businesses like these so that residents can pull their communities together and work toward a better life.

Mr. President, in short, what we hope to do with our legislation is to provide the incentives so that small entrepreneurial enterprises can develop in areas where there is currently significant economic distress. Therefore, the jobs being created will be created where the people are who don't have jobs. Right now, the biggest impediment to creating jobs is to create conditions in which entrepreneurship can exist. That means cleaning up contaminated brownfield sites, it means providing access to capital so small businesses can begin and flourish, it means making sure that Government regulations and rules aren't so burdensome and onerous that even the best-intentioned small business person can't even open their enterprise. The only way that is going to happen is if we have State, local, and Federal teams working together in the fashion that our legislation suggests.

The suggestion that this can work is, I think, abundantly clear if one looks to just existing examples of this going on in the country today. In our State of Michigan, under Governor John Engler, we have launched several extraordinarily interesting initiatives along these lines—one called the Renaissance Zone Concept, which essentially does the same thing we are proposing in this legislation; it just doesn't have the Federal component. Obviously, the State could not include us in the mix. But what the State has done is to say that, within a certain number of zones in the State, in economically distressed areas—and they range from inner-cities to rural areas, Mr. President—we will dramatically reduce the burdens of taxes and regulations in order to try to stimulate economic development. And we are doing that with tremendous results.

Another approach that is somewhat similar is being done in an effort to get people off of the welfare rolls and onto the job rolls. In fact, we have a country in Michigan which, because of this kind of State and local cooperative effort, the county of over 200,000 people has virtually nobody left on the welfare rolls because of the innovative approach that is being taken.

It is time to learn from these "laboratories," these experiences at the State level. We believe this legislation moves us in that direction. So as we proceed forward with this Renewal Alliance agenda, I intend to work very hard on that component of it to find us economic empowerment. We want to give the Members of the Senate a chance to decide whether or not the business-as-usual approach is the way we want to enter the 21st century, or whether we want to augment what we do in Federal programs, as well as private sector initiatives, by providing, through the legislation we will offer, an opportunity to reduce the impediments to starting new business opportunities in our economically distressed areas, as well as providing incentives to create more of those businesses that obviously provide more people with a chance to get on the first rung of the economic ladder.

Mr. President, let me conclude, because other members of the Alliance are here. I thank Senator COATS for his leadership on this. I look forward to working with all of our colleagues as we try to move this agenda forward this year.

Mr. COATS. Mr. President, I thank the Senator from Michigan for his invaluable contributions to this effort. I now turn to another key member of our Renewal Alliance, someone who has offered additional invaluable contributions, for further explanation of the package we are introducing, Senator SANTORUM of Pennsylvania.

The PRESIDING OFFICER. The distinguished Senator from Pennsylvania is recognized.

Mr. SANTORUM. I thank the distinguished Presiding Officer for his recognition.

Mr. President, let me thank Senator COATS for his tremendous leadership on what is, really, a new paradigm. Those listening to the debate on the Senate floor and the discussion of the Renewal Alliance agenda—renewal, empowerment, achievement learning for life—may be hearing some things for the first time, as to a different approach.

One of the things that I know Senator COATS talked about and, in a sense, schooled many of us in here on this side of the aisle and on the other side of the aisle, I might add, is the importance of understanding the problems of this country, the real intractable problems, the ones that we sort of don't believe that there are any quick fixes to and are not going to be fixed in Washington. In fact, many of us would argue that many were exacerbated by attempts by Washington to fix those problems.

As a result of Senator COATS' urgings, the more I have gotten out into the neighborhoods in the last few years—poor neighborhoods, in particular, in Pennsylvania—to see what works and what doesn't: What are people doing at the local level that is making a difference in people's lives, that is taking absolute hopelessness and despair and turning it into productivity and optimism?

What I see is that, almost without exception, they are not Government programs and, almost without exception, they don't take Government dollars because, in so doing, it would corrupt what works for them because the Government would have some way of dictating to them how this program must work or what hoops they must jump through. And they have designed a program that meets the needs of the people in that community, designed by people in that community who have, in many, if not most, cases experienced the same kind of hopelessness and despair before they arrived where they are today—in a state of now helping those come out of the problems they have.

So what I have learned from my discussions with those very people is that we need to look here in Washington as to how we can help them, help them do the mission—and it is a mission, it is not a job. I don't know of anybody I have met in these communities who is making any money, who is getting a good night's sleep at night, who is profiting in any real financial way from, or any tangible way from, their work, but profiting enormously in the intangibles that are, frankly, the most satisfying.

It is a true labor of love for people in these communities, whether they are in the economic development area, or in the community development area, or in dealing with homelessness, or abused women, or doing a charter school, or running a small parochial school. Whatever the case may be, these are people who are convicted, who care deeply—not about education, not about homelessness, not about drug abuse; they care about that person sitting across the table from them. It is not a macroissue. It is a one-to-one, person-to-person challenge to save someone's life. They do it because they care. They do it because they love that person. That is the magic that no Government program can provide.

What DAN COATS, SPENCER ABRAHAM, and SAM BROWNBACK—those of us who are members of the alliance having looked into the eyes of those who care, not those who appropriate money here in Washington who say we care, but those who are there across the table shedding the tears, holding the hands, embracing those in real pain, those people who care—how can we help them? How can we help the world ministries, the real healing agents of our society to solve those intractable problems that, believe it or not, they solve, and do so so well? How did we help them do it better? How can we help them turn more lives around and replicate the great accomplishments they have made to so many neighborhoods? There isn't a neighborhood in America where there is not at least one person or one organization—whether it is a school or whether it is a rehab center or whether it is a homeless shelter or a soup kitchen—that isn't touching and changing people.

We have come forward with this agenda that is not, as the speaker said before, a Washington-based solution to the problem. But it is, in fact, a way that Washington can, one, get out of the way; two, maybe help with some of the things in a legal sense to get out of the way; three, give financial resources to those organizations that need those resources to either help the community or help the economy; and, next, give resources to the hands of parents and children so they can have the opportunity to hope through an education that gives them the tools to be able to be successful in our society.

But I am going to focus my couple of minutes more to talk in the area of education. I cannot tell you the number of employers I talked to just within the southeastern Pennsylvania area the other day, Philadelphia. Employer after employer, factory or industry, they told me how they desperately need skilled people. They desperately need people who are even semiskilled who can be trained. There are such shortages in the workplace today. Then I asked—the unemployment rate in the city of Philadelphia, the center city, or in Chester, or in Levittown, or places like that is very high, and there is available work? They say, "Yes, there is. We have job fairs. We ask people to apply, and they don't." I said, "Why don't they?" They said, "Well, by and large, they don't have the education. They can't, in many cases, fill out applications, or they just simply don't have the education necessary to even meet what is a minimal skilled job."

The jobs are there. But we just do not have people who are educated enough to take advantage of those opportunities. That is, in fact, a shame, and, as a result of a variety of factors, a breakdown in the family, the breakdown in the community, and, yes, the breakdown of the educational structure.

There are lots of things we can do to solve the first two problems that have been talked about. I am going to talk about the third, which is the breakdown of the education structure. I am not going to profess to you I have the answer—the silver bullet to make public education work in America's poor neighborhoods. I do not have a silver bullet. I can sit up here and suggest a variety of things that may or may not work to solve that intractable problem in educating poor students in poor schools. I do not have that answer off the top of my head. What I do have is a solution that will give children and families the opportunity to send their child to school where they can get a good education tomorrow. We have to step back and say, "Well, is that good enough?" Some may say, "Senator, you are not solving the big problem tomorrow in public education in the poor neighborhoods of our country." I will answer, You are right. I am not. I am not going to solve that problem tomorrow. But what I am going to start to do today is to give that young person who may have a dream, or that mother or father who sees the spark in that young child's eye and believes that spark can lead them to somewhere in life if given the educational tools. I am going to give them the chance to get that child a chance. That is all we can do right now—to give them a scholarship, to send them to a school where they will have the opportunity to see that spark catch fire, to feed them what they need to take on the world.

Our program, called Educational Opportunities for Low-Income Families, is to provide scholarships through existing block grants that go to the States right now. We would allow that block grant to be used for scholarships to go to low-income children and 185 percent of poverty and below in the poorest neighborhoods in our country so that it will give low-income kids in poor neighborhoods the opportunity to have a scholarship that pays up to 60 percent of the cost of their tuition and would give them the opportunity to go to school and learn. I think it is a great opportunity for us to help one child at a time. I believe that in the long run helping one child at a time and giving that choice will, in fact, cause dramatic reforms in the whole educational system in those communities.

I have been given the high sign here. I will follow my chairman's lead. Again, I thank Senator COATS for his tremendous leadership on this.

Mr. COATS. Mr. President, it is very difficult to ask the Senator from Pennsylvania to wrap up his remarks because he, obviously, has such a deepfelt and heartfelt passion for these issues. I appreciate his work with us. We are under some time constraint.

I now turn the floor over to the Senator from Kansas, Senator BROWNBACK, who has also been a very key instrumental member of the development of this package.

The PRESIDING OFFICER. The distinguished Senator from Kansas is recognized.

Mr. BROWNBACK. Thank you very much. Mr. President, I am delighted to be able to work with the distinguished Senator from Kansas, who is presiding today, and also the distinguished Senator from Indiana, who has put forth this new alliance. It is a cadre of members who are putting forth these points that we think have not been sufficiently debated nor brought forward in the overall debate in America about what we should do about the crying issues of poverty that has so hit and harmed our Nation in so many places, both urban and rural.

More than 30 years after the United States first declared the War on Poverty, most signs point to failure. The United States has spent hundreds of billions of dollars—by some accounts we have spent nearly $4 trillion—to fight poverty only to find poverty in America has grown more widespread, more entrenched, and more pathological. The solution is not to expand more Government but rather to go a different way, and to say, "Look, we have tried that route. We have spent nearly $4 trillion trying that route. We have tried every program you possibly can with that route. Maybe there is another way that we should be going."

This is what the Renewal Alliance, this program, is about—about rewarding self-help and not Government help. It is about encouraging charity rather than encouraging Government. It is about encouraging volunteerism rather than putting more people on the taxpayer rolls to solve problems that we have failed to be able to solve. Family breakdown, crime, poor education performance, and a lack of opportunity in the inner cities, and many other areas, including many rural areas, are now national problems. But many of the solutions are to be found on a local level and not in Washington, through personal contacts that people can make between individuals and the dedicated involvement of families, churches, schools, and neighborhood associations. These small groups, not big Government, but rather small groups, often referred to as the "little platoons" in a civil society, can often accomplish what no Government program could dream of or ever been able to do. They have the soft hearts and the willing hands to be able to reach out and touch people directly in a community where they are in there with the families working with them.

Last December, I had the chance to visit several of these small, private charities in my home State of Kansas. To me, they are living proof of the amazing effectiveness of small, local charities that lead with heart, that lead with love.

Mr. President, in this very body, in this very room, as you enter into the main doorway coming in here, there is a sign above the door mantle which reads "In God We Trust." As I visited these small charities in Kansas, I was reminded at that time and was thinking about how many people say that versus how many people do that. These are charities, which "In God We Trust" they live every day.

I visited Good Samaritan Clinic in Wichita, which serves around 300 patients a month from Wichita's poorest neighborhood. This tiny clinic operates on less than a shoestring budget. With the exception of a fax machine and one piece of furniture, everything in the clinic is donated. The clinic's staff, a dedicated and accomplished group of doctors, are mostly volunteers. They are reaching out and touching people, and helping and healing people with their skills and with their hearts.

I visited the Topeka Rescue Mission and the Union Rescue Mission of Wichita, both of which serve thousands of people each year.

These missions are not merely assigning people to bunks, but they challenge them personally and spiritually, and they are challenged to change their hearts and their souls along with helping them out in their lives.

I visited the Crisis Pregnancy Outreach Program in Topeka and a maternity home in Wichita and saw firsthand the love and personal attention devoted to each woman who passes through those doors.

Contrast that with the large Government solution that we have tried for the past 30 years that gets millions of people flowing through the door but constantly keeps them flowing back out the door and never really changes things in a person's life, continues to hand them something but doesn't put arms around them and hug them, doesn't put arms around them and give them heart and soul and say, "Here is my phone number; call anytime."

It is not that we don't have a lot of good and dedicated servants; we do, but they are limited in what they can do. This is a mission for them. They must not see the number of people who are walking through; they must see a soul at a time. They must see another and another, to reach out and touch and help them. We need to encourage these groups and not discourage them.

As the past 35 years of our history has shown, the Federal Government is limited in its capacity to solve the problems of poverty and pathology, But it can eliminate perverse incentives that reward irresponsibility and fuel the flight of capital from the inner cities, and it can encourage entrepreneurialism, charitable giving and investment in the inner cities and its inhabitants, investment in the inhabitants of those areas and rural areas as well. It can do these things and it should. And through the renewal alliance REAL Life legislation, it will.

That is why I am delighted to be associated with the Senator from Indiana in this package that we have put forward. It is a different way. It is a way that people every day are proving can and is working, and we need to encourage it and lift it up and move it forward. I am delighted to be a part of this legislation.

Mr. COATS. Mr. President, I thank the Senator from Kansas for his invaluable support and effort in helping craft this legislation.

Mr. President, I know the time allocated to us is just about up.

I send to the desk three pieces of legislation, one that I am introducing, another that Senator ABRAHAM is introducing, and a third that Senator SANTORUM is introducing, all of which encompass the three major components of the renewal alliance package. I would ask for its immediate referral.

Mr. President, I also ask unanimous consent if it is possible—a qualified unanimous consent request—to have these numbered sequentially since these three pieces of legislation are part of a package. If it is possible, we would like to have them numbered consecutively.

The PRESIDING OFFICER. Is there an objection? The Chair hears none, and the bills will be so numbered. They will be received and appropriately referred.

Mr. COATS. Mr. President, I believe that wraps up our time. I think the Senator from Iowa is in the Chamber prepared to speak within a moment or two. Let me ask unanimous consent for 2 additional minutes to wrap up.

The PRESIDING OFFICER. The Senator has 2 additional remaining on his time.

Mr. COATS. That is propitious then. The Senator will take all 2 of those minutes. I thank the Chair.

Mr. President, in summary, let me state that what we are attempting to accomplish here is a third alternative. We believe that the well-intentioned, well-motivated programs of the past, at great cost to the taxpayers, have failed to successfully address some of the most difficult social problems facing our Nation, and particularly problems facing low-income urban communities where in many situations nothing but crime and drugs are the prevalent activities of those organizations. By the same token, the argument that no Federal policy is the best policy to address these problems is something that we as a group cannot accept.

We think this third alternative, providing REAL Life meaningful solutions to the areas of community renewal, economic empowerment and educational opportunities for low-income families offers real hope. It does so not through Government organizations, Government structures or even significant Government funding. It does so by encouraging those community volunteer, nonprofit, often faith-based organizations that already exist and should exist in greater numbers to take a much greater role in addressing these problems. We want to make the Federal Government not the dominant partner but a junior partner, an entity that can assist through the provision of Tax Code changes, primarily tax credits and other incentives, to encourage individuals and other organizations to contribute to these nonprofit groups to allow them to do a better job. They have demonstrated success at an efficiency rate and at a cost-effectiveness that far exceeds those current programs in place.

Are we calling for a dismantling of the safety net? No, we are not. We are calling for a better use of dollars, a better commitment, stronger commitment to organizations which have demonstrated real success in providing hope to individuals, transformation and renewal of communities.

Mr. President, I believe the time is probably expired, and with that I yield the floor and encourage my colleagues to take a look at the REAL Life Renewal Alliance initiative which we are happy to provide and discuss with our colleagues.

By Ms. MIKULSKI (for herself and Mr. FAIRCLOTH):

S. 1997. A bill to protect the right of a member of a health maintenance organization to receive continuing care at a facility selected by that member; to the Committee on Labor and Human Resources.

THE "SENIORS' ACCESS TO CONTINUING CARE ACT OF 1998"

Ms. MIKULSKI. Mr. President, I rise today to introduce the "Seniors' Access to Continuing Care Act of 1998", a bill to protect seniors' access to treatment in the setting of their choice and to ensure that seniors who reside in continuing care communities, and nursing and other facilities have the right to return to that facility after a hospitalization.

As our population ages, more and more elderly will become residents of various long term care facilities. These include independent living, assisted living and nursing facilities, as well as continuing care retirement communities, which provide the entire continuum of care. In Maryland alone, there are over 12,000 residents in 32 continuing care retirement communities and 24,000 residents in over 200 licenced nursing facilities.

I have visited many of these facilities and have heard from both residents and operators. They have told me about a serious and unexpected problem encountered with returning to their facility after a hospitalization. Many individuals have little choice when entering a nursing facility. They do so because it is medically necessary, because they need a high level of care that they can no longer receive in their homes or in a more independent setting, such as assisted living. But residents are still able to form relationships with other residents and staff and consider the facility their "home".

More and more individuals and couples are choosing to enter continuing care communities because of the community environment they provide. CCRC's provide independent living, assisted living and nursing care, usually on the same campus—the Continuum of Care. Residents find safety, security and peace of mind. They often prepay for the continuum of care. Couples can stay together, and if one spouse needs additional care, it can be provided right there, where the other spouse can remain close by.

But hospitalization presents other challenges. Hospitalization is traumatic for anyone, but particularly for our vulnerable seniors. We know that having comfortable surroundings and familiar faces can aid dramatically in the recovery process. So, we should do everything we can to make sure that recovery process is not hindered.

Today, more and more seniors are joining managed care plans. This trend is likely to accelerate given the expansion of managed care choices under the 1997 Balanced Budget Act. As more and more decisions are made based on financial considerations, choice often gets lost. Currently, a resident of a continuing care retirement community or a nursing facility who goes to the hospital has no guarantee that he or she will be allowed by the MCO to return to the CCRC or nursing facility for post acute follow up care.

The MCO can dictate that the resident go to a different facility that is in the MCO network for that follow up care, even if the home facility is qualified and able to provide the needed care.

Let me give you a few examples:

In the fall of 1996, a resident of Applewood Estates in Freehold, New Jersey was admitted to the hospital. Upon discharge, her HMO would not permit her to return to Applewood and sent her to another facility in Jackson. The following year, the same thing happened, but after strong protest, the HMO finally relented and permitted her to return to Applewood. She should not have had to protest, and many seniors are unable to assert themselves.

A Florida couple in their mid-80's were separated by a distance of 20 miles after the wife was discharged from a hospital to an HMO-participating nursing home located on the opposite side of the county. This was a hardship for the husband who had difficulty driving and for the wife who longed to return to her home, a CCRC. The CCRC had room in its skilled nursing facility on campus. Despite pleas from all those involved, the HMO would not allow the wife to recuperate in a familiar setting, close to her husband and friends. She later died at the HMO nursing facility, without the benefit of frequent visits by her husband and friends.

An elderly couple in Riverside, California encountered the same problem when the husband was discharged from the hospital and retained against her will at the HMO skilled nursing facility instead of the couple's community. At 25 miles apart, it was impossible for his wife and friends to visit at a time when he needed the tenderness and compassion of loved ones.

Another Florida woman, a resident of a CCRC fractured her hip. Her HMO wanted her to move into a nursing home for treatment. She refused to abandon her home and received the treatment at the CCRC. Her HMO refused to pay for the treatment, so she had to pay out of her pocket.

Collington Episcopal Life Care Community, in my home state of Maryland, reports ongoing problems with its frail elderly having to obtain psychiatric services, including medication monitoring, off campus, even though the services are available at Collington—how disruptive to good patient care!

On a brighter note, an Ohio woman's husband was in a nursing facility. When she was hospitalized, and then discharged, she was able to be admitted to the same nursing facility because of the Ohio law that protected that right.

Seniors coming out of the hospital should not be passed around like a baton. Their care should be decided based on what is clinically appropriate, not what is financially mandated. Why is that important? What are the consequences?

Residents consider their retirement community or long term care facility as their home. And being away from home for any reason can be very difficult. The trauma of being in unfamiliar surroundings can increase recovery time. The staff of the resident's "home" facility often knows best about the person's chronic care and service needs. Being away from "home" separates the resident from his or her emotional support system.

Refusal to allow a resident to return to his or her home takes away the person's choice. All of this leads to greater recovery time and unnecessary trauma for the patient.

And should a woman's husband have to hitch a ride or catch a cab in order to see his recovering spouse if the facility where they live can provide the care? No. Retirement communities and other long term care facilities are not just health care facilities. They provide an entire living environment for their residents, in other words, a home. We need to protect the choice of our seniors to return to their "home" after a hospitalization. And that is what my bill does.

It protects residents of CCRC's and nursing facilities by: enabling them to return to their facility after a hospitalization; and requiring the resident's insurer or managed care organization (MCO) to cover the cost of the care, even if the insurer does not have a contract with the resident's facility.

In order for the resident to return to the facility and have the services covered by the insurer or MCO: 1. The service to be provided must be a service that the insurer covers; 2. The resident must have resided at the facility before hospitalization, have a right to return, and choose to return; 3. The facility must have the capacity to provide the necessary service and meet applicable licensing and certification requirements of the state; 4. The facility must be willing to accept substantially similar payment as a facility under contract with the insurer or MCO.

My bill also requires an insurer or MCO to pay for a service to one of its beneficiaries, without a prior hospital stay, if the service is necessary to prevent a hospitalization of the beneficiary and the service is provided as an additional benefit. Lastly, the bill requires an insurer or MCO to provide coverage to a beneficiary for services provided at a facility in which the beneficiary's spouse already resides, even if the facility is not under contract with the MCO, provided the other requirements are met.

In conclusion, Mr. President, I am committed to providing a safety net for our seniors—this bill is part of that safety net. Seniors deserve quality, affordable health care and they deserve choice. This bill offers those residing in retirement communities and long term care facilities assurance to have their choices respected, to have where they reside recognized as their "home", and to be permitted to return to that "home" after a hospitalization. It ensures that spouses can be together as long as possible. And it ensures access to care in order to prevent a hospitalization. I urge my colleagues to join me in passing this important measure to protect the rights of seniors and their access to continuing care.

By Mr. HATCH (for himself, Mr. BENNETT, and Mr. BINGAMAN):

S. 1998. A bill to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park, and for other purposes; to the Committee on Indian Affairs.

THE FOUR CORNERS INTERPRETIVE CENTER ACT

Mr. HATCH. Mr. President, I rise today to introduce legislation that would authorize an interpretive center and visitor facilities at the Four Corners National Monument. As my colleagues know, Four Corners is the only place in our country where four state boundaries meet. Over a quarter of a million people visit this monument every year.

The Four Corners area is also unique for reasons other than the political boundaries of four states. Once inhabited by the earliest Americans, the Anaxazi, this area is rich in historical, archaeological, and cultural significance as well as natural beauty.

Currently, however, there is nothing at Four Corners that would help visitors to fully appreciate and learn about the area. And, at a national monument that has 250,000 visitors a year, one would expect certain basic facilities to exist—restrooms, for example. But, there is no electricity, running water, telephone, or permanent structure at Four Corners.

The bill I am introducing today is simple: We propose a Federal matching grant to build an interpretive center and visitor facilities within the boundaries of Four Corners Monument Tribal Park.

We are not suggesting a museum the size of the Guggenheim. But, exhibits on the history, geography, culture, and ecology of the region would significantly enhance the area and Americans' appreciation of this unique part of their country and their heritage. And, I daresay that some very basic guest amenities would enhance their enjoyment of it.

There is, as you can imagine, a great deal of excitement and enthusiasm for this project from many fronts. Currently, the Monument is operated as one of the units of the Navajo Nation Parks and Recreation Department. And, since there has been so much debate about "monuments" recently, I should clarify that the Four Corners "Monument" is merely a slightly elevated concrete slab at the juncture of our four states.

The Navajo Nation owns the land in the Arizona, New Mexico, and Utah quarters and the Ute Mountain Ute Tribe owns the quarter in Colorado. Although the Navajo Nation and the Ute Mountain Ute Tribe are fully supportive of the project and have entered into an agreement with one another in order to facilitate planning and development at the Four Corners Monument, neither Tribe has the necessary resources to improve the facilities and create an interpretive center at the Monument.

The bill, however, does not contemplate federal government giveaway. The bill requires matching funds from nonfederal sources and for the two tribes to work collaboratively toward the development of a financial management plan. It is intended that the Interpretive Center become fully self-sufficient within five years.

The bill requires that proposals meeting the stated criteria be submitted to the Secretary of the Interior. These criteria include, among other things, compliance with the existing agreements between the Navajo and Ute Mountain Ute Tribes, a sound financing plan, and the commitment of nonfederal matching funds. The federal contribution would not exceed $2.25 million over a 5 year period.

Over the past several years, the Navajo Nation has met with many of the local residents of the area and has found overwhelming support to improve the quality of the services provided at the Four Corners Monument. The local area suffers an unemployment rate of over 50 percent and any development which would create employment opportunities and would encourage visitors to stay longer in the area would be welcomed.

Another important participant in the development of this proposal is the Four Corners Heritage Council. This Council, which was established in 1992 by the governors of the four states, is a coalition of private, tribal, federal, state, and local government interests committed to finding ways to make the economy of the Four Corners region sustainable into the future. The mission of the Heritage Council is to guide the region toward a balance of the sometimes competing interests of economic development, resource preservation, and maintenance of traditional life ways.

Back in 1949, nearly 50 years ago, the governors of the states of Arizona, Colorado, New Mexico, and Utah assembled at the Four Corners in a historic meeting. Each governor sat in their respective state and had what is probably the most unusual picnic lunch in history. They pledged to meet often at the Four Corners Monument to reaffirm their commitment to working together. Clearly, the governors understood that they shared stewardship of a unique piece of western real estate.

Mr. President, the heritage of this area belongs to all Americans. The small investment requested in this legislation will help bring it to life.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1998

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Four Corners Interpretive Center Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Four Corners Monument is nationally significant as the only geographic location in the United States where 4 State boundaries meet;

(2) the States with boundaries that meet at the Four Corners area are Arizona, Colorado, New Mexico, and Utah;

(3) between 1868 and 1875 the boundary lines that created the Four Corners were drawn, and in 1899 a monument was erected at the site;

(4) a United States postal stamp will be issued in 1999 to commemorate the centennial of the original boundary marker;

(5) the Four Corners area is distinct in character and possesses important historical, cultural, and prehistoric values and resources within the surrounding cultural landscape;

(6) although there are no permanent facilities or utilities at the Four Corners Monument Tribal Park, each year the park attracts approximately 250,000 visitors;

(7) the area of the Four Corners Monument Tribal Park falls entirely within the Navajo Nation or Ute Mountain Ute Tribe reservations;

(8) the Navajo Nation and the Ute Mountain Ute Tribe have entered into a Memorandum of Understanding governing the planning and future development of the Four Corners Monument Tribal Park;

(9) in 1992 through agreements executed by the governors of Arizona, Colorado, New

Mexico, and Utah, the Four Corners Heritage Council was established as a coalition of State, Federal, tribal, and private interests;

(10) the State of Arizona has obligated $45,000 for planning efforts and $250,000 for construction of an interpretive center at the Four Corners Monument Tribal Park;

(11) numerous studies and extensive consultation with American Indians have demonstrated that development at the Four Corners Monument Tribal Park would greatly benefit the people of the Navajo Nation and the Ute Mountain Ute Tribe;

(12) the Arizona Department of Transportation has completed preliminary cost estimates that are based on field experience with rest-area development for the construction of a Four Corners Monument Interpretive Center and surrounding infrastructure, including restrooms, roadways, parking, water, electrical, telephone, and sewage facilities;

(13) an interpretive center would provide important education and enrichment opportunities for all Americans.

(14) Federal financial assistance and technical expertise are needed for the construction of an interpretive center.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize the importance of the Four Corners Monument and surrounding landscape as a distinct area in the heritage of the United States that is worthy of interpretation and preservation;

(2) To assist the Navajo Nation and the Ute Mountain Ute Tribe in establishing the Four Corners Interpretive Center and related facilities to meet the needs of the general public;

(3) To highlight and showcase the collaborative resource stewardship of private individuals, Indian tribes, universities, Federal agencies, and the governments of States and political subdivisions thereof (including counties);

(4) to promote knowledge of the life, art, culture, politics, and history of the culturally diverse groups of the Four Corners region.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) CENTER.—The term "Center" means the Four Corners Interpretive Center established under section 4, including restrooms, parking areas, vendor facilities, sidewalks, utilities, exhibits, and other visitor facilities.

(2) FOUR CORNERS HERITAGE COUNCIL.—The term "Four Corners Heritage Council" means the nonprofit coalition of Federal, State, and tribal entities established in 1992 by agreements of the Governors of the States of Arizona, Colorado, New Mexico, and Utah.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) RECIPIENT.—The term "Recipient" means the State of Arizona, Colorado, New Mexico, or Utah, or any consortium of two or more of these states.

(5) FOUR CORNERS MONUMENT.—The term "Four Corners Monument" means the physical monument where the boundaries of the states of Arizona, Colorado, New Mexico and Utah meet.

(6) FOUR CORNERS MONUMENT TRIBAL PARK.—The term "Four Corners Monument Tribal Park" means lands within the legally defined boundary of the Four Corners Monument Tribal Park.

SEC. 4. FOUR CORNERS MONUMENT INTERPRETIVE CENTER.

(a) ESTABLISHMENT.—Subject to the availability of appropriations, the Secretary is authorized to establish within the boundaries of the Four Corners Monument Tribal Park a center for the interpretation and commemoration of the Four Corners Monument, to be known as the "Four Corners Interpretive Center."

(b) Land for the Center shall be designated and made available by the Navajo Nation or the Ute Mountain Ute Tribe within the boundary of the Four Corners Monument Tribal Park in consultation with the Four Corners Heritage Council and in accordance with—

(1) the memorandum of understanding between the Navajo Nation and the Ute Mountain Ute Tribe that was entered into on October 22, 1996; and

(2) applicable supplemental agreements with the Bureau of Land Management, the National Park Service, the United States Forest Service.

(c) CONCURRENCE.—Notwithstanding any other provision of this Act, no such center shall be established without the consent of the Navajo Nation and the Ute Mountain Ute Tribe.

(d) COMPONENTS OF CENTER.—The Center shall include—

(1) a location for permanent and temporary exhibits depicting the archaeological, cultural, and natural heritage of the Four Corners region;

(2) a venue for public education programs;

(3) a location to highlight the importance of efforts to preserve southwestern archaeological sites and museum collections;

(4) a location to provide information to the general public about cultural and natural resources, parks, museums, and travel in the Four Corners region; and

(5) visitor amenities including restrooms, public telephones, and other basic facilities.

SEC. 5. CONSTRUCTION GRANT.

(a) GRANT.—The Secretary is authorized to award a Federal grant to the Recipient described in section 3(4) for up to 50 percent of the cost to construct the Center. To be eligible for the grant, the Recipient shall provide assurances that—

(1) The non-Federal share of the costs of construction is paid from non-Federal sources. The non-Federal sources may include contributions made by States, private sources, the Navajo Nation and the Ute Mountain Ute Tribe for planning, design, construction, furnishing, startup, and operational expenses.

(2) The aggregate amount of non-Federal funds contributed by the States used to carry out the activities specified in subparagraph (A) will not be less than $2,000,000, of which each of the states that is party to the grant will contribute equally in cash or in kind.

(3) States may use private funds to meet the requirements of paragraph (2).

(4) The State of Arizona may apply $45,000 authorized by the State of Arizona during fiscal year 1998 for planning and $250,000 that is held in reserve by that State for construction towards the Arizona share.

(b) GRANT REQUIREMENTS.—In order to receive a grant under this Act, the Recipient shall—

(1) submit to the Secretary a proposal that meets all applicable—

(A) laws, including building codes and regulations;

(B) requirements under the Memorandum of Understanding described in paragraph (2) of this subsection; and

(C) provides such information and assurances as the Secretary may require.

(2) The Recipient shall enter into a Memorandum of Understanding (MOU) with the Secretary providing—

(A) a timetable for completion of construction and opening of the Center;

(B) assurances that design, architectural and construction contracts will be competitively awarded;

(C) specifications meeting all applicable Federal, State, and local building codes and laws;

(D) arrangements for operations and maintenance upon completion of construction;

(E) a description of center collections and educational programming;

(F) a plan for design of exhibits including, but not limited to, collections to be exhibited, security, preservation, protection, environmental controls, and presentations in accordance with professional museum standards;

(G) an agreement with the Navajo Nation and the Ute Mountain Ute Tribe relative to site selection and public access to the facilities;

(H) a financing plan developed jointly by the Navajo Nation and the Ute Mountain Ute Tribe outlining the long-term management of the Center, including but not limited to—

(i) the acceptance and use of funds derived from public and private sources to minimize the use of appropriated or borrowed funds;

(ii) the payment of the operating costs of the Center through the assessment of fees or other income generated by the Center;

(iii) a strategy for achieving financial self-sufficiency with respect to the Center by not later than 5 years after the date of enactment of this Act; and

(iv) defining appropriate vendor standards and business activities at the Four Corners Monument Tribal Park.

SEC. 6. SELECTION OF GRANT RECIPIENT.

The Secretary is authorized to award a grant in accordance with the provisions of this Act. The Four Corners Heritage Council may make recommendations to the Secretary on grant proposals regarding the design of facilities at the Four Corners Monument Tribal Park.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

IN GENERAL.—(a) AUTHORIZATIONS.—There are authorized to be appropriated to carry out this Act—

(1) $2,000,000 for fiscal year 1999;

(2) $50,000 for each of fiscal years 2000–2004 for maintenance and operation of the Center, program development, or staffing in a manner consistent with the requirements of section 5(b).

(b) CARRYOVER.—Any funds made available under this section that are unexpended at the end of the fiscal year for which those funds are appropriated may be used by the Secretary through fiscal year 2001 for the purposes for which those funds were made available.

(c) RESERVATION OF FUNDS.—The Secretary may reserve funds appropriated pursuant to this Act until a proposal meeting the requirements of this Act is submitted, but no later than September 30, 2000.

SEC. 8. DONATIONS.

Notwithstanding any other provision of law, for purposes of the planning, construction, and operation of the Center, the Secretary may accept, retain, and expend donations of funds, and use property or services donated from private persons and entities or from public entities.

SEC. 9. STATUTORY CONSTRUCTION.

Nothing in this Act is intended to abrogate, modify, or impair any right or claim of the Navajo Nation or the Ute Mountain Ute Tribe, that is based on any law (including any treaty, Executive order, agreement, or Act of Congress).

Mr. BINGAMAN. Mr. President, I am pleased to rise today to co-sponsor this important legislation introduced by my friend from Utah, Senator HATCH. The bill authorizes the construction of an interpretive visitor center at the Four Corners Monument. As I am sure all senators know, the Four Corners is the only place in America where the boundaries of four states meet in one spot. The monument is located on the Navajo and Ute Mountain Ute Reservations and operated as a Tribal Park. Nearly a quarter of a million people visit this unique site every year. However, currently there are no facilities for tourists at the park and nothing that explains the very special features of the Four Corners region. The bill authorizes the Department of the Interior to contribute $2 million toward the construction of a much needed interpretive center for visitors.

Mr. President, the Four Corners Monument is more than a geographic curiosity. It also serves as a focal point for some of the most beautiful landscape and significant cultural attractions in our country. An interpretive center will help visitors appreciate the many special features of the region. For example, within a short distance of the monument are the cliff dwellings of Mesa Verde, Colorado; the Red Rock and Natural Bridges areas of Utah; and in Arizona, Monument Valley and Canyon de Chelly. The beautiful San Juan River, one of the top trout streams in the Southwest, flows through Colorado, New Mexico, and Utah.

In my state of New Mexico, both the legendary mountain known as Shiprock and the Chaco Canyon Culture National Historical Park are a short distance from the Four Corners.

Mr. President, Shiprock is one of the best known and most beautiful landmarks in New Mexico. The giant volcanic monolith rises nearly 2,000 feet straight up from the surrounding plain. Ancient legend tells us the mountain was created when a giant bird settled to earth and turned to stone. In the Navajo language, the mountain is named Tse' bi t'ai or the Winged Rock. Early Anglo settlers saw the mountain's soaring spires and thought they resembled the sails of a huge ship, so they named it Shiprock.

The Four Corners is also the site of Chaco Canyon. Chaco was an important Anasazi cultural center from about 900 through 1130 A.D. Pre-Columbian civilization in the Southwest reached its greatest development there. The massive stone ruins, containing hundreds of rooms, attest to Chaco's cultural importance. As many as 7,000 people may have lived at Chaco at one time. Some of the structures are thought to house ancient astronomical observatories to mark the passage of the seasons. The discovery of jewelry from Mexico and California and a vast network of roads is evidence of the advanced trading carried on at Chaco. Perhaps, the most spectacular accomplishment at Chaco was in architecture. Pueblo Bonito, the largest structure, contains more than 800 rooms and 32 kivas. Some parts are more than five stories high. The masonry work is truly exquisite. Stones were so finely worked and fitted together that no mortar was needed. Remarkably all this was accomplished without metal tools or the wheel.

Mr. President, 1999 marks the centennial year of the first monument at the Four Corners. An interpretive center is urgently needed today to showcase the history, culture, and scenery of this very special place. New facilities at the monument will attract visitors and help stimulate economic development throughout the region. I am pleased to co-sponsor this bill with Senator HATCH, and I thank him for his efforts.

ADDITIONAL COSPONSORS

S. 1021

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1021, a bill to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service, and for other purposes.

S. 1180

At the request of Mr. KEMPTHORNE, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 1180, a bill to reauthorize the Endangered Species Act.

S. 1334

At the request of Mr. BOND, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availability of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1413

At the request of Mr. LUGAR, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1413, a bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions.

S. 1427

At the request of Mr. FORD, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 1427, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve lowpower television stations that provide community broadcasting, and for other purposes.

S. 1578

At the request of Mr. MCCAIN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1578, a bill to make available on the Internet, for purposes of access and retrieval by the public, certain information available through the Congressional Research Service web site.

S. 1645

At the request of Mr. ABRAHAM, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1645, a bill to amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions.

S. 1677

At the request of Mr. CHAFEE, the names of the Senator from Kansas [Mr. ROBERTS], the Senator from Georgia [Mr. COVERDELL], the Senator from Iowa [Mr. GRASSLEY], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 1677, a bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

S. 1862

At the request of Mr. DEWINE, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1862, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 1917

At the request of Mr. DURBIN, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 1917, a bill to prevent children from injuring themselves and others with firearms.

S. 1963

At the request of Mr. THURMOND, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1963, a bill to amend title 10, United States Code, to permit certain beneficiaries of the military health care system to enroll in Federal employees health benefits plans.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. HELMS, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of Senate Concurrent Resolution 30, a concurrent resolution expressing the sense of the Congress that the Republic of China should be admitted to multilateral economic institutions, including the International Monetary Fund and the International Bank for Reconstruction and Development.

SENATE CONCURRENT RESOLUTION 80

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of Senate Concurrent Resolution 80, a concurrent resolution urging that the railroad industry, including rail labor, management and retiree organization, open discussions for adequately funding an amendment to the Railroad Retirement Act of 1974 to modify the guaranteed minimum benefit for widows and widowers whose annuities are converted from a spouse to a widow or widower annuity.

SENATE CONCURRENT RESOLUTION 83

At the request of Mr. WARNER, the names of the Senator from Indiana [Mr. LUGAR], the Senator from New York [Mr. D'AMATO], the Senator from Georgia [Mr. COVERDELL], the Senator from Alabama [Mr. SHELBY], the Senator from Connecticut [Mr. DODD], the Senator from Wisconsin [Mr. KOHL], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVIN], the Senator from New York [Mr. MOYNIHAN], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from North Carolina [Mr. HELMS], the Senator from Nebraska [Mr. HAGEL], the Senator from Georgia [Mr. CLELAND], the Senator from North Dakota [Mr. DORGAN], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Washington [Mr. GORTON], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Concurrent Resolution 83, a concurrent resolution remembering the life of George Washington and his contributions to the Nation.

SENATE RESOLUTION 193

At the request of Mr. REID, the names of the Senator from Ohio [Mr. DEWINE], the Senator from Maryland [Mr. SARBANES], the Senator from Illinois [Mr. DURBIN], the Senator from California [Mrs. BOXER], the Senator from Utah [Mr. HATCH], and the Senator from Arkansas [Mr. HUTCHINSON] were added as cosponsors of Senate Resolution 193, a resolution designating December 13, 1998, as "National Children's Memorial Day."

SENATE RESOLUTION 197

At the request of Mr. REID, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of Senate Resolution 197, a resolution designating May 6, 1998, as "National Eating Disorders Awareness Day" to heighten awareness and stress prevention of eating disorders.

AMENDMENT NO. 1678

At the request of Mr. WARNER the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of amendment No. 1678 intended to be proposed to Treaty No. 105-36, Protocols to the North Atlantic Treaty of 1949 on the accession of Poland, Hungary, and the Czech Republic. These protocols were opened for signature at Brussels on December 16, 1997, and signed on behalf of the United States of America and other parties to the North Atlantic Treaty.

AMENDMENT NO. 1755

At the request of Mr. REED the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of amendment No. 1755 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 2310

At the request of Mr. KYL the names of the Senator from North Carolina [Mr. HELMS], the Senator from Delaware [Mr. ROTH], the Senator from Oregon [Mr. SMITH], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of amendment No. 2310 intended to be proposed to Treaty No. 105-36, Protocols to the North Atlantic Treaty of 1949 on the accession of Poland, Hungary, and the Czech Republic. These protocols were opened for signature at Brussels on December 16, 1997, and signed on behalf of the United States of America and other parties to the North Atlantic Treaty.

AMENDMENTS SUBMITTED

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND THE CZECH REPUBLIC

HARKIN EXECUTIVE AMENDMENT NO. 2312

Mr. HARKIN proposed an amendment to the resolution of ratification for the treaty (Treaty Doc. No. 105-36) protocols to the North Atlantic Treaty of 1949 on the accession of Poland, Hungary, and the Czech Republic. These protocols were opened for signature at Brussels on December 16, 1997, and signed on behalf of the United States of America and other parties to the North Atlantic Treaty; as follows:

In section 3(2)(A), strike "and" at the end of clause (ii).

In section 3(2)(A), strike "(iii)" and insert "(iv)".

In section 3(2)(A), insert after clause (ii) the following:

(iii) any future United States subsidy of the national expenses of Poland, Hungary, or the Czech Republic to meet its NATO commitments, including the assistance described in subparagraph (C), may not exceed 25 percent of all assistance provided to that country by all NATO members.

At the end of section 3(2), insert the following new subparagraph:

(C) ADDITIONAL UNITED STATES ASSISTANCE DESCRIBED.—The assistance referred to in subparagraph (A)(iii) includes—

(i) Foreign Military Financing under the Arms Export Control Act;

(ii) transfers of excess defense articles under section 516 of the Foreign Assistance Act of 1961;

(iii) Emergency Drawdowns;

(iv) no-cost leases of United States equipment;

(v) the subsidy cost of loan guarantees and other contingent liabilities under subchapter VI of chapter 148 of title 10, United States Code; and

(vi) international military education and training under chapter 5 of part II of the Foreign Assistance Act of 1961.

CONRAD (AND BINGAMAN) EXECUTIVE AMENDMENT NO. 2313

(Ordered to lie on the table.)

Mr. CONRAD (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the resolution of ratification for the treaty (Treaty Doc. No. 105-36) protocols to the North Atlantic Treaty of 1949 on the accession of Poland, Hungary, and the Czech Republic. These protocols were opened for signature at Brussels on December 16, 1997, and signed on behalf of the United States of America and other parties to the North Atlantic Treaty; as follows:

At the appropriate place in section 3 of the resolution, insert the following:

( ) NON-STRATEGIC NUCLEAR WEAPONS.—

(A) FINDINGS.—The Senate finds that

(i) the United States Strategic Command has estimated that the Russian Federation has between 7,000 and 12,000 non-strategic nuclear warheads, weapons that—unlike strategic systems—are not covered by any arms control accord;

(ii) the thousands of tactical nuclear warheads inside Russia present the greatest threat of sale or theft of a nuclear weapon in the world today;

(iii) with the number of deployed strategic warheads in the Russian and United States arsenals likely to be reduced to around 2,250 warheads under a START III accord, Russia's vast superiority in tactical nuclear warheads becomes a strategic concern;

(iv) the Commander in Chief of the United States Strategic Command has stated that future nuclear arms control agreements should include tactical nuclear weapons;

(v) statements from Russian officials that NATO enlargement would force Russia to rely more heavily on its nuclear arsenal have caused concern to be expressed that NATO expansion could be an impediment to progress on tactical nuclear arms control; and

(vi) the danger of theft or sale of a tactical nuclear warhead, and the destabilizing strategic implications of Russia's enormous lead in tactical nuclear weapons creates an urgent need for progress on increasing the security of Russia's tactical nuclear arsenal and working toward conclusion of a US-Russian agreement on tactical nuclear arms in Europe.

(B) SENSE OF THE SENATE.—It is the Sense of the Senate that

(i) it would be advisable for future nuclear arms control agreements with the Russian Federation to address non-strategic nuclear weapons in Europe; and

(ii) the Administration should work with the Russian Federation to increase transparency, exchange data, increase warhead security, and facilitate weapon dismantlement.

(C) CERTIFICATION.—Prior to the deposit of the instruments of ratification, the Administration shall certify to the Senate that with regard to non-strategic nuclear weapons

(i) it is the policy of the United States to work with the Russian Federation to increase transparency, exchange data, increase warhead security, and facilitate weapon dismantlement; and,

(ii) that discussions toward these ends have been initiated with the Russian Federation.

(D) REPORT.—Not later than 180 days after the deposit of the instruments of ratification, the President shall submit a report to the Senate on the Russian Federation's non-strategic nuclear arsenal. This report shall include

(i) current data and estimates regarding the current numbers, types, yields, and locations of Russia's non-strategic nuclear weapons;

(ii) an assessment of the extent of the current threat of theft, sale, or unauthorized use of such warheads;

(iii) a plan to work with the Russian Federation to increase transparency, exchange data, increase warhead security, and facilitate weapon dismantlement; and,

(iv) an assessment of the strategic implications of the Russian Federation's non-strategic arsenal.

SMITH (AND) HUTCHISON EXECUTIVE AMENDMENT NO. 2314

Mr. SMITH of New Hampshire (for himself and Mrs. HUTCHISON) proposed an amendment to the resolution of ratification for the treaty (Treaty Doc. No. 105-36) protocols to the North Atlantic Treaty of 1949 on the accession of Poland, Hungary, and the Czech Republic. These protocols were opened for signature at Brussels on December 16, 1997, and signed on behalf of the United States of America and other parties to the North Atlantic Treaty; as follows:

At the appropriate place in section 3 of the resolution, insert the following:

( ) REQUIREMENT OF FULL COOPERATION WITH UNITED STATES EFFORTS TO OBTAIN THE FULLEST POSSIBLE ACCOUNTING OF CAPTURED AND MISSING UNITED STATES PERSONNEL FROM PAST MILITARY CONFLICTS OR COLD WAR INCIDENTS.—Prior to the deposit of the United States instrument of ratification, the President shall certify to Congress that each of the governments of Poland, Hungary, and the Czech Republic are fully cooperating with United States efforts to obtain the fullest possible accounting of captured and missing United States personnel from past military conflicts or Cold War incidents, to include the following:

(A) facilitating full access to relevant archival material; and

(B) identifying individuals who may possess knowledge relative to captured and missing United States personnel, and encouraging such individuals to speak with United States Government officials.

SPECTER (AND TORRICELLI) EXECUTIVE AMENDMENT NO. 2315

(Ordered to lie on the table.)

Mr. SPECTER (for himself and Mr. TORRICELLI) submitted an amendment intended to be proposed by them to the resolution of ratification for the treaty (Treaty Doc. No. 105-36) protocols to the North Atlantic Treaty of 1949 on the accession of Poland, Hungary, and the Czech Republic. These protocols were opened for signature at Brussels on December 16, 1997, and signed on behalf of the United States of America and other parties to the North Atlantic Treaty; as follows:

At the appropriate place in section 2 of the resolution, insert the following:

( ) UNDERSTANDING OF THE SENATE REGARDING PAYMENTS OWED BY POLAND, HUNGARY, AND THE CZECH REPUBLIC TO VICTIMS OF THE NAZIS.—

(A) UNDERSTANDING OF THE SENATE.—It is the understanding of the Senate that in future meetings and correspondence with the governments of Poland, Hungary, and the Czech Republic, the Secretary of State should—

(i) raise the issue of insurance benefits owed to victims of the Nazis (and their beneficiaries and heirs) by these countries as a result of the actions taken by their communist predecessor regimes in nationalizing foreign insurance companies and confiscating their assets in the aftermath of World War II;

(ii) seek to secure a commitment from the governments of these countries to provide a full accounting of the total value of insurance company assets that were seized by their communist predecessors and to share all documents relevant to unpaid insurance claims that are in their possession; and

(iii) seek to secure a commitment from the governments of these countries to contribute to the payment of these unpaid insurance claims in an amount that reflects the present value of the assets seized by the communist governments (and for which no compensation had previously been paid).

(B) DEFINITION.—As used in this paragraph, the term "victims of the Nazis" means persons persecuted during the period beginning on March 23, 1933 and ending on May 8, 1945, by, under the direction of, on behalf of, or under authority granted by the Nazi government of Germany or any nation allied with that government.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, April 28, 1998, at 9:30 a.m. on the year 2000 problem.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SMITH of Oregon. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Tuesday, April 28, 1998 beginning at 9:00 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, April 28, 1998 at 2:00 p.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on "S.J. Res. 44, a proposed constitutional amendment to protect crime victims."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Reading and Literacy Initiatives during the session of the Senate on Tuesday, April 28, 1998, at 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for a hearing entitled "Environmental Compliance Tools for Small Business." The hearing will begin at 10:00 a.m. on Tuesday, April 28, 1998, in room 428A Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, April 28, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:30 p.m. The purpose of this hearing is to receive testimony on S. 326, the Abandoned Hardrock Mines Reclamation Act of 1997; S. 327, the Hardrock Mining Royalty Act of 1997; and S. 1102, the Mining Law Reform Act of 1997.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Science, Technology, and Space Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, April 28, 1998, at 2:30 p.m. on Federal research and development.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE CHALLENGE OF PUBLIC SERVICE

• Mr. JOHNSON. Mr. President, over the past year, some remarkable developments have taken place at the University of South Dakota (USD) involving the advancement of public service. The South Dakota Board of Regents has designated the University as a public service center of excellence," the Farber Fund which is committed to assisting students with experiences helpful to a future in public service has continued to grow, and the University's political science program has prospered.

There are a great many people responsible for these positive developments, but undoubtedly the person who has contributed the most, both in terms of effort and vision, has been Dr. W.O. Farber. I have a special fondness for Bill Farber because he was chairman of the USD political science department (then referred to as the government department") when I was completing my undergraduate work there, and later Dr. Farber was instrumental in assisting me with my graduate studies. But beyond personal friendship, Dr. Farber has become an unequaled institution in our state—a voice for reason, progress and integrity respected by all.

Dr. Farber presented an important lecture this past year at the dedication of Farber Hall in the beautifully restored Old Main on the USD campus. I believe that all Americans would benefit from Dr. Farber's wisdom shared with us at that time and also by the Farber Testament" which dates to our nation's bicentennial in 1976.

Mr. President, I ask that excerpts of Dr. Farber's speech, "The Challenge of Public Service" and the Farber Testament be printed in the RECORD.

Mr. President, I appreciate the opportunity to recognize the contributions Dr. Farber has made to the advancement of public service and I encourage all of my colleagues to take the time to read these important observations.

The material follows:

EXCERPTS OF THE CHALLENGE OF PUBLIC SERVICE

(By Dr. William O. Farber, Professor Emeritus (Political Science), University of South Dakota)

Note.—This lecture, presented August 1, 1997, was the first to be given in the newly dedicated Farber Hall in Old Main. Dr. Farber was introduced by President James Abbott.

USD Alumni and Friends: As you may well imagine, this moment has been on my mind for a long time. H.G. Wells, the fabled historian of my generation, once described the eternal tragedy of a teacher to be that a teacher is a sower of "unseen harvests."

Today, I have the greatest of good fortune. For I am able to witness a "seen harvest." In my wildest fantasy I never thought that some day, on a single spot, I would witness such an assembly of those who, during a sixty-year period, would have brought me such inspiration, challenge, and satisfaction. It is a great day, in this building, in this hall, for us to celebrate.

This is certainly a special event for me for more than one reason. There had been a rumor that there had never been a Farber family, that I had appeared out of nowhere. Here this afternoon are seven Farbers, including two brothers, my special critics. I am especially happy they are here.

The presence of all of you makes me realize the extraordinary nature of USD. The credentials of a university are its alumni and, as I survey this audience, I appreciate that the University of South Dakota has much of which to be proud.

There are those who think that "politics" is a dirty word and "government" is synonymous with incompetence. But you know and I know better, that "politics" is determining the problems facing the world and deciding what can be done to improve humankind's lot, and "government" is the agency through which, when individual efforts fail, we collectively make our nation and world a better place in which to live. And that is what democracy and public service are all about.

While you were a student and, even now, I think of us as partners in a goal to improve government and the world. We know that if government is bad, all other human endeavors will fail. We subscribe to the Athenian oath that we will seek to transmit our community to the next generation greater, better, and more beautiful than it was transmitted to us.

We are here today then as partners in an especially important enterprise, as contributors, indispensable contributors, who have made this renovation of Old Main and this event possible. Many of you, like myself, have great memories of this building. I believe a superior restoration job has been done. I am especially proud of the Governors' Balcony. The idea came to me in June 1996, when, on the retirement of Bob Dole from the Senate, the decision was made to designate a Senate Balcony as the Dole Balcony. USD has had ten of its alumni serve as Governor of South Dakota—Norbeck, Gunderson, Jensen, Sharpe, the two Mickelsons, Anderson, Foss, Farrar, and Janklow. I have been fortunate in knowing six of them. They serve as models of what can be done. Students of the future can receive their inspiration in this room as well as this building. We owe much to many.

Fortunately, USD now is at the threshold of what can be a great future. It reminds me of Shakespeare's "tide in the affairs of men, which taken at the flood leads on to fortune." We are now lucky to have a USD graduate as president. I was tempted to say a "coyote" for president but somehow that didn't seem quite right. Jim Abbott was a political science major and is a member of the Farber Fund Executive Board. One wonders why we didn't place more emphasis on selecting one of our own sooner. Jim knows the territory.

There are three other developments which bode well for USD in achieving its goals. The Farber Fund is now approaching $1 million in assets and it takes only my death to put it there. (This is not a suggestion.)

The Fund has done much to stimulate ambition among our students and cause them to heighten their goals. The second development, thanks to Ray Aldrich, is the Chiesman Fund for Civic Education, which has over $400,000 to promote civic education through research and public forums. The third is the selection, by the Board of Regents of the Political Science Department's proposal, for a Leadership Training program as a Center of Excellence providing some $340,000 annually, including the recruitment of new staff.

Thus the Political Science Department and the University as a whole have some unusual opportunities in the near future. Already planned for next year is a lecture program, which involves some of you. The initial response from alumni has been excellent. Old Main is to be the center of student activity, an emphasis much to my liking.

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THE BACKGROUND TO KNOW

What is this business about? It's about preparing ourselves and others. There is an awful lot of garbage out there being passed around as information, on the tube, on the web, on the newsstand, and, indeed, in the classroom. We need to ask the right questions. We need to determine priorities. We need to help others to take little for granted.

I had a jolting experience with respect to the background to know. I took a minor in education at Northwestern where I received my BA and MA. To complete the minor, I took "practice teaching" and had the luck to do my "practicing" at New Trier High School in Winnetka, Illinois. I was an understudy to Laura Ullrich. Although she was a high school teacher, she had a Ph.D. In my evaluation session with her, she was very laudatory, said I had good command of the class, etc. But then she said, "You have one fault. You don't know your subject." That stinging rebuke I have never forgotten. You do need to know your subject. The need for the background to know is imperative. As part of the background to know, you must learn and love to read and write.

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My favorite quote is from Elizabeth Barrett Browning: "Every common bush is afire with God, but only he who knows, takes off his shoes. The rest sit round it and eat blackberries." The point is that it is possible to see in every situation intriguing and challenging forces. But you need to see. And that is what education is all about.

In addition to giving a stimulating lecture for all to hear collectively, the teacher must provide individual recognition. If a student calls for an appointment, I do my best to say, "Can you come over now." The student calls when the problem is disturbing him. I like to go to class early, walking down the aisle in large classes, to invite access.

I came from a family with a strong work ethic. My dad, for some 50 years, owned and worked in a grocery store. . . . I worked in the store on Saturdays and summer during high school and during summers through seven years of college.

The experiences in the grocery store taught me many things. the first is the constant need to be a salesman, including of yourself. When Mrs. Peterson came in the store with her list of needs, I always thought, what does she really need that is not on her list, and I made the applicable suggestion. Now, when a student comes into my purview, I think what is a potential career he or she has not thought about, which might be even better than present goals?

In attaining goals it is important to give encouragement. Some time ago, I was going to Pierre by plane from Sioux Falls. A good looking fellow sat down beside me and said, "Do you remember me?" I fumbled and said "Your face is familiar, but I do not recall your name." He identified himself and then said, "I want to tell you what you did for me. Inside the cover of a bluebook, a test I had taken, you wrote 'It begins to look as though you are getting the hang of it.' You have no idea how encouraged I felt at a time I felt discouraged. I have gone on, graduated, and have a successful business in Sioux Falls and Denver." I was happy with the compliment, but then I thought of all the other bluebooks that had deserved a similar statement. The position of a teacher is a delicate one.

One of the things I have done at graduation time has been to encourage students by rewarding them with a token gift. Originally, it was a marble owl from Italy, later an onyx turtle from Mexico, and more recently a Dedo gargoyle from Notre Dame. This past year a former student called me from Boston. "Doc," he said, "when you gave me a turtle, you said, like the turtle you will only make progress when you stick out your neck. Doc, I've made it, and I want you to know I have kept that turtle in sight for twenty years."

The background to know, fortunately is now easier to acquire, but at the same time there is much more to know. Thanks to technology we have greatly expanded our ability to know. We have access to global knowledge almost instantly. The shortcuts in acquiring knowledge are many and in this fast world the shortcuts are necessary. If you wanted to, you could get up from your seat, walk out on me here and read parts of my speech later on the Farber Fund web page. In the background to know, you must learn and love to read and write and cherish the value of both. As educators and public servants, we must not only acquire and dispense information, but also develop in ourselves and in others the inner hunger and imagination to use information meaningfully. Thus research in all areas including political science is a must and thankfully the USD Governmental Research Bureau, established in 1939, still exists and continues to provide needed studies in government. The Chiesman grant will make it possible to expand our research activities. It is a wonderful opportunity also for USD to promote civic education through public forums not only in Vermillion but throughout the state.

THE VISION TO SEE

The second important point is for one to have the vision to see. The background to know provides the pieces of the puzzle; as with a jigsaw puzzle, the vision to see puts the pieces in their rightful places.

Vision often comes easily. There are obvious reforms that should be made. In the early thirties Jane Addams, the founder of Hull House in Chicago, pointed out the ridiculousness of the American policy of killing little pigs to decrease supply when we had a nation of 12,000,000 unemployed and people starving. Justice Brandeis used to plead for "education in the obvious."

I have been enchanted with how the devil took Jesus to the top of a mountain to show him the kingdoms of the earth.

Thus from time to time we need to get to the mountaintops and examine our own problems. Look at South Dakota. The single most important political fact is our population size, only a bit over 700,000, less than the population of cities like Indianapolis, Phoenix, or San Antonio. Yet here we are to govern the 700,000 saddled with 66 counties, 300 municipalities, 900 township governments, and an increasing number of special districts. It is just plain nuts. Compared to Arizona with 16 counties, we should have 10 at most. Cities with populations of under 500 should be disincorporated. And townships have long since lost their reason for being.

E.A. Ross, a prominent University of Wisconsin sociologist, once said, "Rural Wisconsin resembles a dried up fish pond with nothing but the bullheads and the suckers left behind." I wouldn't put rural South Dakota in the same category as Wisconsin, but there is no doubt that the drain out of population with two-thirds of our counties losing population every census for the past thirty years has caused a loss of leaders.

* * * * *

It doesn't take too much vision to see that on the national level we should make certain that every child up to age 18 has adequate medical attention. And the tuition costs of college students are a national disgrace. Even our best and brightest are graduating with debts in many cases of more than $50,000. If China and Cuba can provide free educational and health costs, we, at least, could drastically reduce tuition costs.

In 1935, when I came to South Dakota, I was impressed by the vision of many of the local leaders. Governor Peter Norbeck was still alive and his record of accomplishment and his belief in what government could do was still remembered. In Vermillion, in the midst of a depression, the town could boast of a recently completed municipal swimming poll, a new Union Building, and a new hospital.

I had the good fortune to know Doane Robinson quite well. His vision of South Dakota included the building of the Missouri River dams, widespread irrigation including much of the land east of the Missouri and west of the Jim, extensive electrical power almost certain to attract a Henry Ford plant, and the use of the Missouri for transportation.

Many of these dreams have not been realized, but some have been. I am impressed with the great potential South Dakota has today. Look at Vermillion. The bridge to the south will open up new economic possibilities along the river itself. The example of Gateway stands out as an example for other industries to emulate. The caliber of our labor supply, the low crime rates, the quality of our labor supply, the low crime rates, the quality of living, the educational system, all make the state and its cities attractive places in which to live. Now is the opportune time to set up think tanks in South Dakota. Some of you have expressed a willingness to serve.

What we need for many of our problems is thus the vision to see. It is absurd to think that the governmental structure the founding fathers created in 1787 in Philadelphia, scared by a pending French revolution, is the best possible for the year 2000. And that much of state and local government should remain, two centuries later, relatively unchanged.

But there is another important ingredient to the vision to see. It is to secure human rights and equality of opportunity. One of the memorable events in my life was sitting beside Phil LaFollette at a graduate political science student session. We were considering at length First Amendment rights. He turned to me and said, "We are discussing the wrong rights. More important than these are the right to feel secure, have a decent job with just compensation, the right to an education, a home and a family."

Thus, I think we can conclude that while education is the basis of what we need to know and see, there is another important ingredient, to think of human values and the need to be caring. Life is not worth living if there is not a constant concern for others. I am reminded of one of Senator Karl Mundt's favorite quotes: "The hermit of God who shuts himself in, shuts out more of God, than he shuts in."

One of the best ways to provide a new dimension to one's vision to see is to be acquainted with a different culture. That is why the encouragement given to students to travel with funds from the Farber Fund has been so significant. One of my favorite quotes, an inscription on the old Pennsylvania Station in Washington, DC, is: "He who would bring back the wealth of the Indies must first take the wealth of the Indies with him." The requirement of a report upon the student's return has helped to implement that advice.

THE WILL TO DO

This brings me to my third and final point, the will to do. Without action, without implementation, all else becomes pointless. But most of us, burdened by needs of everyday life, are reluctant to do more than will make our own life more comfortable. The lesson from Toynbee is the need to insure that our civilization, our government, reflects citizen involvement, so that future developments of the Hitler type can be and will be resisted. That demands participation of a high order, the lack of which even now threatens our government.

What I am pleading for is a will to do, not only for one's own self but as well for one's community, one's state, one's nation, and indeed, the world. None of us attains his fullest potential. We can be more than we are. We should sacrifice what we are for what we can become.

Winston Churchill said, "we shall never surrender, never, never, never." And, "There are no hopeless situations, only people hopeless about them." There is a need for all of us to continuously explore alternatives. There are many ways to skin the proverbial cat.

George Bernard Shaw's famous quotation provides an important clue: "You see things as they are, and ask 'Why?' But I dream things that never were and ask 'Why not?'" I am confident that most of you present here today are "Why not" leaders. Part of the will to do is to accomplish through others. I have always believed, as you know, that a college education is a partnership between teachers and students and the success of much of life depends on partnerships. And as Pat O'Brien has noted in his essay in *Dig Your Well Before You Are Thirsty*, Farber Fund contributors have been an amazingly successful network.

An essential ingredient of leadership is enthusiasm. A teacher not sold on the importance of the subject is doomed to be a poor stimulator of students. The key to Nelson Rockefeller's success as New York governor was described as his "exuberance." I like Eisenhower's statement: "It is not the size of the dog in a fight that counts, it is the size of the fight in the dog."

The will to do involves leadership. I feel this afternoon that I am surrounded by leaders. The challenge today for professors and students has changed mightily since 1935. The complexity of modern problems demands a higher degree of expertise. Computers have opened up vast areas of information heretofore not available. In some ways, we are swamped. Leadership with guidance is increasingly important. In this world we need to speak out. In politics, if you don't blow your own horn, there is no music.

I have great confidence in South Dakota's potential. But I am equally convinced that without governmental changes of the sort outlined in the Vision to See, that potential will not be realized. I know that the conventional wisdom dictates that it is difficult to make changes in South Dakota. But we have, in my opinion, a population that can be sold. Remember, in 1936 the size of South Dakota legislature was reduced by public vote from 180 to 105 with the loss of 75 legislative seats—an astounding public victory.

I was a participant in the constitutional revision effort from 1969–1975. From a governmental point of view, the reorganizations of the executive and judicial branches of government were remarkable events that received popular approval. It is amazing what little things can help to bring about reform. Ted Muenster recalls that it was a letter from the State Snake Exterminator, who held office with no other employees, asking for a new pickup that made him realize the stupidity of a state administrative organization with over 100 reporting units. Action followed.

In 1982, I had the good fortune to head the successful drive, using the initiative, which changed the basis of our system, of electing legislators, abolishing the block system. It took time and effort but we did the job.

What is needed is leadership. I am convinced that we have the ability to change our outmoded method of taxation. There are those in this room who could do it.

This emphasis on leadership is why, as we look to the future, the opportunities now open to USD and especially in political science are indeed attractive. Key to this program is the recruitment of a core group of superior students whose leadership has been demonstrated in high school. As you can readily appreciate this is why scholarship money is a critical need.

* * * * *

With rising tuition costs, few superior students can afford university training without scholarship aid. South Dakota can well afford the investment in such aid. At the present time this state, of its total revenue, devotes 6.5 percent to higher education, the lowest of any state in the region. North Dakota provides 10 percent, Iowa 8.4, Minnesota 6.8 and Nebraska 8.3. As a consequence, compared to surrounding states, our in-state tuition is the highest with the exception of Minnesota.

* * * * *

And thanks to many of you, the support of the Farber Internship and Travel Fund has made possible funding that has enabled more than 500 eager political science students to receive internships, attend state national conferences, and study overseas. It has raised their sights, stimulated their study, and attracted many to careers of public service.

THE FUTURE

It is my hope that here in Farber Hall past traditions will guide future activities to motivate students to become involved and reap the many rewards of public service.

In the evening, I often walk to the Shakespeare garden and then pause at the Quirk carillon. There I am encouraged as I read from Longfellow's Psalm of Life:

Let us then be up and doing,
With a heart for any fate,
Still achieving, still pursuing,
Learn to labor and to wait.

* * * * *

One final thought: It is my hope that in that wonderful and exciting twenty-first century in which you will have an important role, that sometime when the merry feast is on, you may reflect on what we did here on August 1, 1997, and celebrate by imbibing a strawberry daiquiri!

God bless you all and thanks much for attending.

THE FARBER TESTAMENT

To My Students: I believe that dedicated public service is the noblest of the professions. To enter it, whether as academic or as practitioner, is the greatest of good fortune. Thus, I have sought to encourage all in my purview to share the joys and rewards of this commitment.

You who came to me with some inner flame, it has been my mission to nurture, to feed that flame, and at all costs never to kill it. With all the world's contemporary challenges, the chance to motivate, to stimulate, to kindle, remain the high calling, and ever to remind that in catastrophe there is opportunity, out of weakness can come strength. My hope has been that none of you has left my presence feeling the worse for the encounter.

The keys to a happy, acceptable, and productive life are participation, involvement and concern for others. I have hoped, by example, to inspire you to be change agents. Often your intellect, I know, has been superior to my own; only my experience has been greater and that I have tried to permit by association "to rub off on you."

To broaden one's horizons, travel, experimentation, and bold thinking must be the goals. I have sought to teach the importance of the background to know, the vision to see, the will to do. Like others before me I have often learned more from you than you from me. But always, for more than 40 years, has the joint educational venture been intensely human, exciting, and worthwhile. (May 8, 1976).●

NEW STUDY SHOWS HOW MINNESOTA'S CARGILL AND 3M COMPANIES BOOST THE U.S. STANDARD OF LIVING THROUGH THEIR GLOBAL ACTIVITIES

● Mr. GRAMS. Mr. President, last week, a Washington-based trade association, the Emergency Committee for American Trade (ECAT), released an important new study on how American companies with global operations increase the U.S. standard of living and strengthen the domestic economy. The study is entitled "Global Investments, American Returns" and I highly recommend it to every Member of the Senate

I am proud that two of my state's most successful companies have contributed case studies to this compelling report. Cargill, Incorporated and 3M Company are examples of why America's economic future and an improved standard of living for all Americans depend upon our ability to operate, sell, invest and compete in the global marketplace.

Cargill, Incorporated operates in some 72 countries as a marketer, processor and distributor of agricultural goods and services. The company has been so successful in selling to foreign markets that some of Cargill's fertilizer facilities operate 24 hours a day, 365 days a year. This allows the plants to achieve lower unit operating costs and thereby allows Cargill to deliver a more competitively priced product. If these plants served only the U.S. market, they would sit idle most of the year because fertilizers are required only during very short periods of growing seasons. Cargill's global presence helps generate demand for its fertilizers all year round by serving different parts of the world during different growing seasons.

3M Company produces a large and continually evolving range of technologies and products. For example, the company currently offers more than 900 varieties of tapes alone. More than 53 percent of the company's total sales are from outside the United States. 3M Company's success in operating abroad has meant growth here at home. Efficient foreign distribution, sales, and technical support, and research and development generate increased U.S. production and research and development here at home. For example, 3M's $2.6 billion in Asian-Pacific sales contributes more than $182 million to the company's annual research and development budget of $1 billion—much of which is spent in Minnesota. In addition, finished and semi-finished goods that are manufactured in the United States and then exported help support overseas sales.

Cargill and 3M Company are just two of the American companies profiled in Global Investments, American Returns. The study uses data and business cases to illustrate the importance of operating globally. For example, the study shows that:

Global activities by American companies actually increase investments here at home rather than substitute for them.

The global presence of U.S. firms helps to increase export sales and create additional purchases from U.S. suppliers.

American companies with global operations account for most of the nation's research and development capital investments, and export sales.

American companies with global operations also rely heavily upon U.S. suppliers. These companies purchase more than 90 percent of their supplies—amounting to $2.4 trillion annually—from American companies.

American manufacturers with global operations pay higher wages than do purely domestically-focused firms. For production or blue-collar workers, the difference is 15 percent higher earnings.

I urge all of my colleagues to review carefully "Global Investments, American Returns." It is an important study that should guide America's tax and trade policies. I am especially pleased to learn that ECAT—and companies like Cargill and 3M that contributed to the report—will launch a trade education campaign to help spread the facts and dispel the misconceptions about trade and investment. I am proud that these Minnesota companies are a part of this effort.

I ask that the Executive Summary of the study be printed in the RECORD.

The Executive Summary follows:

EXECUTIVE SUMMARY

In public and private-sector debates over U.S. trade and investment policies, the role in the U.S. economy of Americans companies with global operations[1] has often been misunderstood. Although there is no doubt that the United States plays an important role in the world economy, most Americans are unaware of the critical contributions that trade and foreign direct investment (FDI) of American companies with global operations make to the U.S. economy.

To broaden public understanding of the positive role of these companies, this study expands upon the research in ECAT's previous Mainstay studies in two important ways. First, it focuses on the key issue of the U.S. standard of living. Second, it broadens the scope of the study to include all three major sectors of the economy: manufacturing, agriculture, and services.

There are two key points in Mainstay III. First, by raising U.S. worker productivity, American companies with global operations help raise the U.S. standard of living. Second, because the U.S. and foreign activities of these companies tend to complement each other, the ability of these companies to help raise the U.S. standard of living depends crucially on their ability to undertake foreign direct investment abroad.

Mainstay III is based upon analysis of the investments, research and development, exports, imports, and purchases from suppliers of American companies with global operations and many other data from 1977 through 1994. The primary data source is surveys of such companies conducted by the Bureau of Economic Analysis (BEA) within the U.S. Department of Commerce.

The following sections summarize the major findings and conclusions of the study:

I. SETTING THE STAGE: THE WORLD ECONOMY IN WHICH AMERICAN COMPANIES WITH GLOBAL OPERATIONS COMPETE

American companies today operate in a world economy that is increasingly concentrated outside the United States and that is rapidly expanding its international linkages through FDI and international trade.

The U.S. share of the global economy is shrinking. For decades, the U.S. economy has been growing more slowly than the rest of the world, such that the U.S. share of total world output has been declining. This share was approximately 50 percent in 1945, but is down to only 20 percent today.

FDI and trade help U.S. integration into the global economy. American companies with global operations have helped integrate the United States more closely into the growing world economy. Average annual outflows of FDI from the United States quadrupled from the 1960s through the 1980s, and total trade as a share of U.S. output rose from 5.6 percent in 1945 to 24.7 percent in 1995.

By participating in the world economy, American companies with global operations maintain a significant presence in the United States.

Most employment is in the United States, not abroad. In 1977, U.S. parent companies accounted for 72.8 percent of total worldwide employment of American companies with global operations and by 1994, they accounted for 74.3 percent of the total.

Profits earned by foreign affiliates are mostly repatriated. In 1989 (the most recent year for which these data are available), U.S. parents repatriated 72.8 percent of their foreign affiliates' net income.

Most intermediate inputs are purchased from domestic suppliers, not foreign suppliers. From 1977 through 1994, more than 90 percent of all intermediate inputs purchased by U.S. parents came from American suppliers, not foreign suppliers.

Overseas, American companies with global operations are located primarily in developed countries, and the sales from these operations are overwhelmingly in local markets.

Most affiliate activity abroad is in developed—not developing—countries. In 1994, developed countries hosted nearly two-thirds of U.S. foreign affiliate employment and accounted for more than three-quarters of foreign affiliate assets and sales.

Foreign affiliate sales are mostly abroad, not back to the United States. In 1994, only 10 percent of total U.S. affiliate sales went to the United States. The other 90 percent stayed abroad, and fully 67 percent of all sales were within the host countries of the foreign affiliates.

II. THE IMPORTANCE OF AMERICAN COMPANIES WITH GLOBAL OPERATIONS TO THE U.S. STANDARD OF LIVING: GENERATING HIGH PRODUCTIVITY

American companies with global operations contribute in several important ways to the U.S. standard of living, and this contribution is larger than that of purely domestic firms.

Investment in Physical Capital. American companies with global operations undertake the majority—57 percent in most years—of total U.S. investment in physical capital in the manufacturing sector.

Research and Development. American companies with global operations perform the majority—between 50 percent and 60 percent—of total U.S. research and development.

Exports. American companies with global operations ship the large majority—between 60 percent and 75 percent—of total U.S. exports. Their foreign affiliates are important recipients of these exports; their share has increased to over 40 percent today.

Imports. American companies with global operations also receive a sizable share of U.S. imports—roughly 30 percent. These imports benefit the U.S. economy in many ways, including giving U.S. companies access to foreign-produced capital goods and technologies.

All these activities help increase U.S. productivity and thereby enhance the U.S. standard of living.

III. THE IMPORTANCE OF AMERICAN COMPANIES WITH GLOBAL OPERATIONS TO THE U.S. STANDARD OF LIVING: PAYING HIGHER WAGES

American companies with global operations pay their workers higher wages than those paid by comparable American companies without global operations.

A study of 115,000 U.S. manufacturing plants indicated that U.S. parent plants pay comparable workers higher wages than purely domestic plants. Production workers receive an average of 6.9 percent less at comparable domestic plants employing more than 500 employees and 15.2 percent less at comparable domestic plants employing fewer than 500 employees.

Non-production workers receive an average of 5.0 percent less at comparable domestic plants employing more than 500 employees and 9.5 percent less at comparable domestic plants employing fewer than 500 employees. These results control for possible wage differences attributable to variations across plants in age, industry, location, and size. In light of all these controls, it seems likely that these wage differences are attributable to workers at U.S. parents being more productive than workers at comparable domestic plants.

IV. THE IMPORTANCE OF AMERICAN COMPANIES WITH GLOBAL OPERATIONS TO THE U.S. STANDARD OF LIVING: LINKAGES TO AMERICAN SUPPLIERS

In addition to directly raising the U.S. standard of living themselves, American companies with global operations may also raise the U.S. standard of living through their interactions with domestic U.S. suppliers.

Evidence exists that companies benefit from being exposed to other dynamic, successful firms. Exposure to "worldwide best practices"—whether those best practices are in the same country or abroad—tends to foster innovation, cost control, and other improvements that boost firm productivity.

The very large amount of purchases of intermediate inputs from domestic suppliers by U.S. parents of American companies with global operations suggests the possibility that U.S. domestic suppliers have sufficient exposure to these high-productivity parents to realize some productivity gains. For the past 20 years, U.S. parents have purchased over 90 percent of their intermediate inputs—$2.4 trillion in 1994—from domestic, not foreign, suppliers.

V. HOW FOREIGN DIRECT INVESTMENT ABROAD COMPLEMENTS U.S PARENT ACTIVITY AND CONTRIBUTES TO A HIGH STANDARD OF LIVING IN THE UNITED STATES

Because the U.S. and foreign activities of American companies with global operations tend to complement each other, the ability of these companies to raise the U.S. standard of living depends crucially upon their ability to undertake FDI abroad.

Analysis of BEA data, academic research, and case studies of 10 major American companies demonstrates that U.S. FDI generally complements rather than substitutes for U.S. parent activity. Within American companies with global operations, affiliate expansion generally triggers in U.S. parents additional investment, research and development, trade, and input purchases from domestic suppliers. As stated earlier, these activities are key determinants of the U.S. standard of living.

Restrictions on FDI that prevent U.S. companies from expanding abroad generally will reduce U.S. parent activity and thus, lower the U.S. standard of living.

VI. CONCLUSIONS AND POLICY RECOMMENDATIONS

The United States must continue to strengthen the open system of global trade and investment in order to maximize the contributions of American companies with global operations to an improved standard of living for all Americans. To that end, U.S. trade and investment policies should take into account the following recommendations based on the research and findings in this study:

The U.S. government should maintain its open trade and investment policies. Moreover, these policies should recognize the ways in which trade and foreign direct investment benefit the U.S. economy.

The U.S. government should continue to negotiate aggressively for more open foreign markets and should persuade foreign governments to end restrictions on trade and investment. Removing these restrictions will create a "win-win" situation that benefits both foreign countries and the United States.

The U.S. government should strive to continue to harmonize its international trade, investment, and tax policies. In the case of American companies with global operations, this harmonization should take into account the many ways that their foreign operations tend to complement their U.S. activities.

Given that most services are inherently nontradable, firms in these industries must invest abroad to serve global markets. Accordingly, efforts to liberalize trade and investment should focus special attention on the unique needs of U.S. services industries.●

HARRY M. CLOR PROFESSORSHIP

● Mr. GLENN. Mr. President, I rise to congratulate Professor Harry M. Clor of Kenyon College in Gambier, Ohio, on the establishment of the Harry M. Clor Professorship in Political Science. This coming weekend, Professor Clor's colleagues and students will gather in

Gambier to honor him upon his retirement for his many years as an outstanding professor of political philosophy and constitutional law.

In addition to his many years as one of Ohio's exceptionally dedicated teachers, Professor Clor is also a distinguished scholar and author of books and numerous articles on constitutional law and public morality.

Ohio has always been fortunate to be the home for many outstanding colleges and universities. I am pleased to recognize Kenyon College and its Department of Political Science as they honor the distinguished service and teaching career of Professor Harry M. Clor. •

TRIBUTE TO VFW POST #5245 ON THEIR FIFTIETH ANNIVERSARY

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the North Haverhill, New Hampshire, Post #5245 of the Veterans of Foreign Wars (VFW) on the occasion of their fiftieth anniversary. As a veteran and member of the VFW myself, I honor these men for their selfless commitment to their country and to their community.

Since 1948, the original membership of 30 World War Two veterans has grown to 160 veterans of World Wars One and Two, the Korean War, the Vietnam War and the Gulf War. I would like to specially recognize the charter members that have been there from the beginning—William Fortier, Leo Fortier, Fred Robinson, Paul LaMott, Everett Jessman, Maurice Bigelow, Willis Applebee, Ernest Hartley, William Harris, Laurent Fournier, Clifford Sawyer and Leon Dargie. All have served our country valiantly, and now tirelessly serve the Upper Valley, devoting endless hours to their community.

The extent of the Post's involvement is endless, helping not only veterans, but anyone to whom they can lend a helping hand. They are especially involved with the youth of the Upper Valley. Their youth programs projects stretch from donating American flags to schools and teaching proper flag etiquette, to sponsoring essay contests and awarding college scholarships. They also sponsor Cub Scout and Girl Scout troops and instruct youth on bicycle safety. In addition, members host meals at a local soup kitchen, visit nursing homes and the VA Hospital and also visit shut-ins. They transport the elderly to appointments, donate wheelchairs and walkers and distribute food baskets on Thanksgiving.

For half of a century, these members have exemplified goodwill and concern for their neighbors, and their efforts will no doubt continue for the next fifty years. I congratulate Post #5245 for their steadfast service to the Upper Valley. New Hampshire and the United States are truly indebted to the North Haverhill Post #5245 of the Veterans of Foreign Wars, and I am proud to represent them in the U.S. Senate. •

RETIREMENT OF RABBI JACK ROSOFF

• Mr. LAUTENBERG. Mr. President, I rise today to congratulate an esteemed New Jerseyan, Rabbi Jack M. Rosoff, on the occasion of his retirement after 34 years of service at Congregations B'nai Israel in Rumson, New Jersey.

I really got to know Rabbi Rosoff when he organized a community-wide response to acts of vandalism committed against B'nai Israel and the neighboring Catholic church in Rumson. I spoke at the rally that Rabbi Rosoff put together condemning the desecration, and was very moved by his dedication to fighting bigotry.

Rabbi Rosoff's accomplishments during his tenure at B'nai Israel, for which he has just been elevated to Rabbi Emeritus status, are almost too numerous to mention. He has multiplied the membership of his congregation by hundreds and provided Sunday school opportunities for over 300 students. He developed the Israel Scholarship Program there, enabling all students in their junior year to spend six weeks in Israel.

Beyond those achievements, Jack has been a counselor and friend to the members of his synagogue. He has rejoiced with them in times of happiness and has been a comfort in times of grief.

Rabbi Rosoff has served on the boards of various organizations in Monmouth County, including Riverview Hospital, the Mental Health Association, the Day Care Center, the Clergy Advisory Council of the local Planned Parenthood, as well as being the founding member of the Greater Red Bank Interfaith Council.

Rabbi Rosoff should be honored by all of us not only for his 34 years of service to B'nai Israel, but for his community-wide leadership and civic involvement. I am pleased to congratulate him again on his retirement, and wish him well in this next chapter of his life. •

ISRAEL'S 50TH BIRTHDAY

• Mr. BOND. Mr. President, on Thursday, April 30, 1998, the St. Louis Jewish Community will be celebrating Israel's 50th Birthday. My home State of Missouri is especially excited for the event since President Harry S. Truman played a large role in the formation of the State of Israel.

The 50th anniversary is very significant because it marks the reestablishment of Jewish Sovereignty in the ancient Jewish homeland, the reasserting of Jewish peoplehood after the devastation of the Holocaust, the fulfillment of the Zionist vision, the blossoming of Jewish creativity and community. The Jewish Federation of St. Louis is the central planning and fundraising agency of the St. Louis Jewish Community. This outstanding organization has coordinated the St. Louis Israel 50th anniversary celebration congregation.

I congratulate the State of Israel and the Jewish community for 50 years of democracy. Additionally, I commend the Jewish Federation of St. Louis for its leadership during this exciting time. I wish them continued success in future years of Statehood.•

NATIONAL PRAYER BREAKFAST 1998 TRANSCRIPT

• Mr. AKAKA. Mr. President, I had the privilege of chairing the 46th Annual National Prayer Breakfast held here in Washington, D.C., on February 5, 1998. This annual gathering in our Nation's Capital is hosted by Members of the United States Senate and House of Representatives weekly prayer breakfast groups.

Once again, we were honored by the attendance and participation of the President and the First Lady, as well as the Vice President and Mrs. Gore. Our colleague, Senator CONNIE MACK, inspired and encouraged us with his remarks, and we were challenged by the prayer offered by Dr. Billy Graham.

This year we welcomed over 3,600 individuals from all walks of life, and from all 50 states and U.S. territories and many countries around the world. So that all may benefit from this special gathering, I request that the text of the program and a transcript of the 1998 proceedings be printed in the RECORD.

I understand that the Government Printing Office estimates that it will cost approximately $1,426 to print this transcript in the RECORD.

The material follows:

NATIONAL PRAYER BREAKFAST

Chairman: The Honorable Daniel K. Akaka

Pre-Breakfast Prayer
 Mr. Robert L. Parker, Businessman, Oklahoma

Opening Prayer
 General Hugh Shelton, Chairman of the Joint Chiefs of Staff

BREAKFAST

Welcome
 The Honorable Daniel K. Akaka, U.S. Senate, Hawaii

Remarks—Senate and House Breakfast Groups
 The Honorable Bobby Scott, U.S. House of Representatives, Virginia

Old Testament Reading
 The Honorable Don Gevirtz, Former Ambassador to Fiji

Duet
 Randy and Gae Hongo

New Testament Reading
 Dr. Dorothy I. Height, National Council of Negro Women

Prayer for National Leaders
 The Vice President of the United States

Message
 The Honorable Connie Mack, U.S. Senate, Florida

THE PRESIDENT OF THE UNITED STATES

Closing Song

The Honorable Daniel K. Akaka, Randy and Gae Hongo (all join in)

Closing Prayer

Dr. Billy Graham

[Audience, please remain in place until the President, Mrs. Clinton and other Heads of State have departed]

ROBERT PARKER. May we ask you now to join us in prayer? Please join us in prayer, if you will.

Lord, as we gather together for the beginning of this new day, we pause now to listen to you. Thank you for being with us now, and thank you for being in this room. Your presence gives us hope and encouragement. Whenever we gather in your name, there is excitement. Help us capture that excitement today, to the betterment of the lives of us all.

We all need your help. We all need your guidance. Give us the wisdom to be more like you in all that we do. And we especially thank you for sharing your servant, Billy Graham, with us. He represents you well, helps all of us be better followers. Thank you for listening. Thank you for showing the way. And thank you for the many blessings you have bestowed upon us. In your name we pray, Amen.

ANNOUNCER. Ladies and gentlemen, the President of the United States, the Vice President of the United States, the First Lady of the United States, and Mrs. Gore. (Applause.)

Senator AKAKA. Will you all be seated, please. Good morning, ladies and gentlemen. My name is Dan Akaka. I'm the convener of the United States Senate Breakfast Group and chairman of the National Prayer Breakfast. I want to say welcome to all of you here this morning.

On behalf of the United States Senate and House of Representatives, I welcome you to the 46th annual National Prayer Breakfast. We're happy to have you here on this special day. Robert Parker presented the pre-breakfast prayer this morning, and we are happy to have you here. At this time, General Hugh Shelton, Chairman of the Joint Chiefs of Staff, will offer the opening prayer. General?

Gen. HUGH SHELTON. Let us pray.

O Lord, our strength and our redeemer, we come together today to pray for strength and guidance in a difficult and challenging world. Though we have come far, we have so far to go to realize your plan here on Earth. Lord, we ask your help and guidance for all those who have been chosen to lead our people all over the world. And grant that we may follow with humble and willing hearts to do the work that must be done to preserve the blessings of peace and to share the gifts that you have given us. May those chosen to lead, lead with wisdom and compassion, not in pursuit of wealth and power, but guided by your righteous word and walking in your upright ways.

Today we pray for your blessings on all our men and women in uniform, at home and abroad. Keep them safe as they keep the peace. And keep them strong to carry the burdens that must be borne in a troubled world. And Father, though we are of many faiths, we have but one prayer, and that is to share your peace with people everywhere. May you stretch your loving hands over friend and foe alike and bring us together in the spirit of truth so that in our time we may know your peace.

Now we pray that you would bless this food to the nourishment of our bodies and our help to thy service. These things we ask in your name. Amen.

Senator AKAKA. Thank you very much, General Shelton. You honor us very much with your presence here at this prayer breakfast.

Please enjoy your breakfast. Our program will resume in a few minutes.

[Breakfast.]

Senator AKAKA. Good morning, ladies and gentlemen. It is a wonderful privilege for me to welcome all of you this morning to the National Prayer Breakfast. I particularly want to greet our international guests who represent over 160 nations. And everyone attending the prayer breakfast for the first time, I say again, welcome. (Applause.)

This morning we gather almost 4,000 strong from all 50 states, commonwealths and the U.S. territories and nations around the world to reaffirm our faith, seek spiritual support for our President and leaders in our country, and share fellowship and friendship with one another.

We are honored to have the President and First Lady and the Vice President and Mrs. Gore as our guests. In attendance we also have members of the Senate and the House, officials from the President's Cabinet and leaders of our armed forces, responsible student leaders and leaders from all facets of society throughout the United States.

We're also pleased to welcome the President of Albania, former heads of state, cabinet ministers, parliamentarians, members of the diplomatic corps, educators and business, labor and religious leaders from around the world.

Permit me to introduce the people sitting at the head table. And I'll do it quickly from my left to my right. Randy and Gae Hongo; General Hugh Shelton and Mrs. Carolyn Shelton; Dr. Dorothy Height; Mrs. Marilyn Gevirtz; Ambassador Don Gevirtz. (Laughter.) In a timely fashion to the Vice President and Mrs. Gore. (Laughter.) Congressman BOBBY SCOTT; the President and First Lady; my better half, Millie; Senator CONNIE MACK and Priscilla Mack; Dr. Billy Graham; Mrs. Catherine Parker and Mr. Robert Parker. (Applause.)

As chairman, I want to express my deepest appreciation to all participants this morning for sharing your faith with us. Looking upon this august and joyful assembly, I see the universality of the prayer breakfast, the coming together of people of different nations, faiths and cultures, and the power of love and consideration for one another.

I am reminded of the passage from Psalm 33, verse 12: "Blessed is the nation whose God is the Lord, the people he chose for his inheritance. From heaven, the Lord looks down and sees all mankind. From his dwelling place, he watches all who live on Earth. He forms the hearts of all and considers all their works."

God's love for all of us is everlasting, for all men and women from all nations. This perfect love fills our hearts, prepares us for the challenges we face each day and opens our minds to God's wisdom. As we seek to love God and one another, let the spirit of this prayer breakfast enrich us, strengthen us and lead us on life's journey, where we are never alone.

It is my privilege at this time to introduce to you the honorable BOBBY SCOTT, Congressman from Virginia, who is leader of the House Prayer Breakfast Group. He will speak to us on behalf of the House and the Senate Prayer Groups. Bobby?

Representative BOBBY SCOTT. Thank you, Senator. Mr. President and Mrs. Clinton, Mr. Vice President and Mrs. Gore, other dais guests, ladies and gentlemen, I'm delighted to join my congressional colleagues from the House and the Senate Prayer Breakfast Groups in bringing you another welcome to the 1998 National Prayer Breakfast. This is our 46th year of coming together to commemorate the value of prayer in both our personal lives and our work on behalf of the people of this nation.

We are joined by national leaders of business, labor, government, religion and other walks of life throughout the United States and over 16 of countries around the world. Members from the U.S. Senate first met for prayer and divine guidance during World War II. The House organized a weekly prayer group shortly thereafter, and both groups have continued the practice of weekly prayer breakfasts, meeting for breakfast, prayer and fellowship.

Since those first meetings in the face of a great national crisis, the need for a prayer group and the benefit of fellowship and prayer have been recognized in Congress. From the beginning of the prayer breakfast groups in both chambers, members of all faiths have come together to hear testimonials of faith and challenge and to seek guidance and strength from each other.

What we discuss and exchange in those meetings stays in those meetings. So members are free to share with each other, and we do. The weekly prayer breakfast provides members with one hour during the week in which we can relax without the presence of the media and without regard to partisan political affiliation. And so I can assure you that it is one hour that many of us look forward to each week.

As an example of the typical weekly prayer breakfast in the House, we begin with Scripture and a prayer and a report on member's faith and challenges, such as illness, or illness or death within their family, so that we can offer our prayers and support to that member. We also sing a hymn or, as more accurately can be described, we make a joyful noise. (Laughter.) And at each breakfast, one member is invited to speak for 15 minutes to share a personal challenge, reflection or faith experience with the group.

The weekly Senate and House prayer breakfasts have met separately since their inception. However, in 1953 both groups decided to combine forces and hold the first National Prayer Breakfast. President Dwight D. Eisenhower attended that first National Prayer Breakfast, and every President since has attended each year's breakfast.

President Clinton and Vice President Gore—(applause)—President Clinton and Vice President Gore have continued that unblemished record through their presence here today, reflecting their recognition of the value of prayer in our professional and personal lives. So I know I speak for all of my colleagues in both chambers when I say that we are delighted to host this 46th National Prayer Breakfast. You strengthen us and uplift us with your presence.

So, again, welcome. And may God bless you, Thank you. (Applause.)

Senator AKAKA. We will now hear an Old Testament reading from the Honorable Don Gevirtz, an outstanding businessmen from California and our former United States Ambassador to the Republic of Fiji, the Kingdom of Tonga, the Republic of Nauru and the Republic of Tuvalu.

Ambassador DON GEVIRTZ. Thank you, and good morning. Mr. President, my exboss, Mr. Vice President, distinguished guests. What is an ex-U.S. Ambassador born into the Jewish faith doing at an event like this? (Laughter.)

Appreciating the power of interfaith brotherhood and fellowship inspired by the National Prayer Breakfast movement.

At the core of my philosophy are the two words I want on my tombstone. They are, "He grew." Although my readings this morning are from the Old Testament. I would like to borrow for just a moment from the rich tradition of Luke, chapter 2, verse 52, in the New Testament, because of its clear statement about human potential. "Jesus grew in wisdom and stature and in favor with God and man."

I think that this is God's wish for all of his children. Proverbs in the Old Testament clearly identifies the characteristic a person must have to grow to realize his human potential. Proverbs, chapter 20, verse 5, points out that "The purposes of a man's heart are deep waters, but a man of understanding draws them out." Additionally, verse 15 says, "Gold there is, rubies in abundance, but lips that speak knowledge are a rare jewel."

Proverbs, chapter 18, verse 15, suggests that "The heart of the discerning gains in knowledge. The ear of the wise men searches for knowledge." And Proverbs, chapter 28, has important lessons of growth. Verse 14 says, "Happy is the man who is never without fear. He who hardens his heart will fall into distress." And verse 22 says, "He chases after wealth the man of greedy eye, not knowing that want is overtaking him." And finally, verse 1 says, "The wicked man flees when no one is after him. The virtuous man is bold as a lion."

The Bible has much wisdom for that person whose objective is growth. Samson had great credentials, but in Judges, chapter 16, verse 20, he learns that the Lord has left him. Consequently, he was remembered only for what he might have been. I want to be remembered for realizing my full potential, for earning those words on my tombstone, "He grew."

Thank you very much. (Applause.)

Senator AKAKA. Renowned inspirational singers Randy and Gae Hongo have traveled all the way from Honolulu to be with us this morning. They are joined this morning by their son Andrew, who came here from Yale University to sing as a family. The Hongo family will offer us a musical reflection, of their own arrangement, the phrase, "Ua mau ke 'ea 'o ka 'ania 'I ka pono," which translates from Hawaiian into "The life of the land is perpetuated in righteousness." It was first uttered in thanksgiving by King Kamehameha III. It is now the motto of the state of Hawaii. Its insight holds true today. The Hongo family.

[Song.]

Senator AKAKA. Thank you very much. Randy, Gae and Andrew. It is now my pleasure and great honor to introduce to you Dr. Dorothy Height, President of the National Council of Negro Women and a true national treasure, who will read from the New Testament.

DOROTHY HEIGHT. Mr. President, Mr. Vice President, distinguished guests and friends. Our New Testament reading is from Matthew, the 25th chapter, the 34th to the 45th verse. It answers the question that all of us ask ourselves every day as we try to be truthful, to be faithful, to serve our God. It answers the question that we have with each other, whatever our differences: What is our obligation? What must be our commitment?

"Then the king will say to those on his right, 'Come, you who are blessed by my father. Take your inheritance, the kingdom prepared for you since the creation of the world. For I was hungry and you gave me something to eat. I was thirsty, and you gave me something to drink. I was a stranger and you invited me in. I needed clothes and you clothed me. I was sick and you looked after me. I was in prison and you came to visit me.'

"Then the righteous will answer him, 'Lord, when did we see you hungry and feed you, or thirsty and give you something to drink? When did we see you a stranger and invite you in, or needing clothes and clothe you? When did we see you sick or in prison or go to visit you?' The king will reply, 'I tell you the truth, whatever you did for the least of these, my brothers of mine, you did for me.

"Then he will say to those on his left, 'Depart from me, you who are cursed, into the eternal fires prepared for the devil and his angels. For I was hungry and you gave me nothing to eat. I was thirsty and you gave me nothing to drink. I was a stranger and you did not invite me in. I needed clothes and you did not clothe me. I was sick and in prison, and you did not look after me.' They also will answer, 'Lord, when did we see you hungry or thirsty or a stranger or needing clothes or sick or in prison, and we did not help you?' And he will reply, 'I tell you the truth, whatever you did not do for one of the least of these, you did not do for me.'"

[The reading of his word. (Applause.)]

Senator AKAKA. Thank you, Dr. Height. The Vice President and I entered Congress together as members of the class of 1976. As a Congressman and Senator, he faithfully participated in both the House and Senate breakfast groups. Today we are honored to have him offer the prayer for our national leaders. So it is with pleasure that I welcome the pride of the class of '76—(laughter)—and an esteemed friend, the Vice President of the United States, Albert Gore, Jr. (Applause.)

Vice President GORE. Thank you very much. I'm glad to be introduced by the pride of the class of '76. Thank you very much, and to Mrs. Akaka, to the President and First Lady, to Congressman Scott and to Senator and Mrs. Mack, to Dr. Graham and all the members of the clergy who are present, members of the cabinet, Speaker Gingrich and members of the House and Senate who are present.

It is, of course, humbling to join with so many people of all faiths to rededicate ourselves to God's purposes and to reaffirm the ultimate purpose of our lives, to glorify the creator and to love the Lord our God with all our hearts, with all our souls and with all our minds, and to love our neighbors as ourselves.

I believe God has a plan for the United States of America and has since our founding. Our mission has always been to advance the cause of liberty and to prove that religious, political and economic freedom are the natural birthright of all men and women and that freedom unlocks a higher fraction of the human potential than any other way of organizing human society.

And I believe that God has given the people of our nation not only a chance, but a mission to prove to men and women in all nations that people of different racial and ethnic backgrounds, of all faiths and creeds, can not only work and live together but can enrich and ennoble both themselves and our common purpose and to prove, in the words of Jesus, "that they all may be one, as thou, Father, art in me, and I in thee."

Yet too often we lose sight of our common purpose and seek to make our public discourse one of meanness and not of meaning, one of bitterness and invective, not of faith and love. James Madison, one of our founders, wrote, "A zeal for different opinions concerning religion, concerning government, an attachment to different leaders ambitiously contending for preeminence and power, have in turn divided mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other than to cooperate for their common good."

We've seen those animosities unleashed by the whole continuum of human difference—differences of parties, opinion and faction, differences of nationality, religion, language and gender; and the most visible and therefore most persistent differences of all, those of race and ethnicity.

Overcoming those differences, fulfilling the mission that is ours in human history, must be achieved "not by might, nor by power, but by my Spirit, sayeth the Lord of hosts." It requires a dedication to faith and trust in God.

And so, speaking for my own faith in Jesus Christ but acknowledging and respecting all of the faiths represented here, I offer this prayer for our nation and its leaders and ask you to join with me.

God, who through thy saints and prophets has spoken to us in days of old, speak to us again in this hour. Teach us to be peacemakers and agents of reconciliation. Show us how to live out your commitment to the poor and to the oppressed. Inspire us to overcome the fears that have long bound us to small visions and tiny dreams. Save us from the differences that can obscure our common purpose and serve as an excuse and trigger for the unleashing of the evil that lies coiled in the human soul.

Help us to overcome evil with good. Deliver us from the wanton selfishness that would make us rich in things but poor in spirit. Grant us wisdom and courage for the living of these days. We pray for all who are given the responsibility to lead our nation and the other nations of this world. Help all of these leaders to seek out your will and give to all of them the strength to live in your way in our world. In your name we pray, Amen. (Applause.)

Senator AKAKA. Thank you very much, Mr. Vice President. It gives me great pleasure to introduce our featured speaker this morning. Senator Connie Mack is a source of inspiration and strength in our Senate Prayer Breakfast Group. As our planning committee discussed whom to invite to address the breakfast, our focus turned inward. Connie has a wonderful message, and we are so grateful that he agreed to share it with us this morning. I give you my friend, the honorable Connie Mack. (Applause.)

Senator MACK. Mr. President, Mrs. Clinton, Mr. Vice President, Mrs. Gore, ladies and gentlemen of the head table and guests from throughout our land and from across the globe. This is a distinct honor for me and true privilege to have the opportunity to speak with you this morning.

There are several people that I would like to introduce before I begin my remarks, and in a sense it is an expression of the love and affection that I have for my family. I am one of eight children. Three of my brothers are here this morning: My brother Dennis, my brother Andy and my bother John. I am not quite sure where they're seated. (Applause.) All together.

I have an older sister who is a Catholic nun who could not be with us today. And John is a trained Baptist minister. (Laughter.) So I think you can get the feel that there have been some interesting discussions—(laughter)—about religion in our lives.

As I thought about what I would share with you this morning, I decided, rather than to give some speech on politics and government, that I would share with you my own personal quest for a deeper understanding of the teachings of Jesus Christ.

When I use the word "share," this is something, frankly, that is pretty new to me. And when Danny called me and asked me if I would do it, frankly, there was no choice other than to say yes. But I must say to you, I felt a sense of terror go through my being. I'm an individual who has held my spiritual beliefs, my religious feelings and training, inside. I was not a person who shared those thoughts and ideas with anyone else, to the point that—and I see Don Nickles out there somewhere this morning—I can remember saying to Don before one of our policy committee lunches, when he asked me if I would give the blessing, I said, "Don, I would rather not."

And I don't know whether the men in the audience have had the experience of thinking about asking their wives to pray with them. We were having a discussion, a few of us in our Bible study and prayer breakfast, about prayer and about our prayer together, and I said to them, "Isn't it strange? I find it difficult to say to my wife Priscilla—we've been married now 37 years—for some reason there was an incredible sense of vulnerability that kept me from turning to her and saying, 'Would you be willing to pray with me?'" I am pleased to say that I did ask her, and we do pray together.

Again, I don't know whether you have shared the same feelings that I have had, but there have been many times in my life where I sensed that there was a void, that there was a part of me that I wasn't dealing with, that there was a part of me that I did not understand. But there is also a part of me that said I want to get in touch with that part of me.

And it is the prayer breakfasts and the Bible study group that helps me deal with that void, if you will. I was struggling really to have a deeper understanding of the word "love." What does love really mean? Who is in control of my life? Like I suspect most of us in this room, and maybe especially at the head table, we have steadfastly tried to stay in control of our lives throughout our entire lives. What is the meaning of God's will? How do you know what God's will is?

I want to touch on those points as I go through my remarks. But I also want to recognize—I mentioned Don Nickles a moment ago, and another colleague of mine in the Senate, Dan Coats, who never lost faith in me. No matter how many times they would ask and I would refuse to join them in Bible study or the prayer breakfast, they never gave up. "Connie," they said, "you would love this. This is exactly what you need." And finally, one day I said yes.

And it's because of Dan and Don and Danny and others like them who kind of guided me along the path to a deeper understanding that I can honestly say to you today that on October the 26th, 1995, my life began anew. And I want to tell you about that, a very special meeting of Bible study. And again, a couple of our members, Dan Coats and I were engaged in a very focused discussion. Interestingly enough, today I cannot remember what the discussion was about. But I sure know it was focused. (Laughter.)

One of the thoughts that occurred to me as our meeting was starting was, as I looked around the room to see who was there, Danny Akaka had not come yet. And Danny Akaka is a person who I have gotten to know and to love and deeply appreciate as a result of our experiences today at both prayer breakfasts and Bible study. And Danny wasn't there, and I kept thinking, "I hope he comes today. I hope he comes today." Again, mind you, now, this focused discussion that was taking place.

As it ended, seated right next to Dan Coats was Danny Akaka. And I was kind of stunned that you were there. I didn't know how you had gotten into the room. And I was expressing to him my sense of love and appreciation that he was with us.

Lloyd Ogilvie at that time, I think sensing something special, said to us, "Is there anyone here this morning who would like to deepen his commitment to Jesus Christ?" The immediate thought that went through my mind was, "It ain't me, buster." (Laughter.) I mean, that's it. "It ain't me, buster." Lloyd said I'm now going to be remembered as the guy that said, "It ain't me, buster." (Laughter.)

But as soon as that thought went through my mind, no sooner had it gotten out of mind, I said, "I want you to pray for me." And I had no idea what was going to happen after that. Lloyd asked me to move my chair to the center of the room, and all of my colleagues gathered around me, placed their hands on my shoulders and prayed for me.

It is difficult and, frankly, impossible to explain to you the emotion that I felt at that moment. But the one thing I do recall is, contrary to what you might think, there was a sense of something flowing out of me. And later, when I thought through what that experience was, I know what it was. It was that desire of keeping control of my life, that I was the one that was in charge. I was willing to give up that control. And on that day, October the 26th, 1995, I know that that control went out of my life and I began the process, began the process, of turning my life over to God.

After that very moving experience, Priscilla and I had the opportunity to be in Vermont on vacation. And I had gone out to go skiing that morning. And I got to the foot of the mountain that was in Vermont. It was −10 degrees. The wind was blowing 15, 20 knots. And I say, "I've got to be crazy out here skiing." I went back home. I picked up a book that Lloyd Ogilvie had written called "The Greatest Counselor in the World," a book about the Holy Spirit.

And later that day there was a sense of restlessness in me, and I decided to go for a walk. And I put on some snow shoes. Now, being from Florida, I had not had that experience before. (Laughter.) And I walked out into the forest, along the sides of the mountain, by myself. As far as I could see, there was nothing but the beauty and cleanness of the white snow. The only sounds that I heard were the sounds of nature. The trees—I never heard this before, but the trees actually rubbing against each other as there was a breeze that made its way through the forest.

I made my way down into a ravine, and there was a small stream that was making its way; a few spots where the water could be seen around the ice, and the sounds of that stream bubbling up. And I stopped there, wanting to get on my knees and to pray. But I must say to you, I was terrified about getting on my knees with those snow shoes. And with the snow, I didn't think I could get back up. (Laughter.)

So I stood there, and I literally raised my hands to the heavens and prayed that the Holy Spirit would fill me. There was a rustling of the wind. I'm not trying to hold out any kind of mystery, but there was a rustling of the wind that gave me a sense that, in fact, I was being filled with the Holy Spirit. And as I look back on those days, I now recognize that the fruits of the Holy Spirit have become part of my day—love, peace, joy, patience, goodness, kindness, gentleness, faithfulness, self-control. They are part of my day because that's God's will.

I remember not long after that that Priscilla and I had the opportunity to be at the movies. And the movie was over and I turned to her and I said, "I am filled with a sense of joy." What was rather startling about that was that later I said to Priscilla, "Do you know that that's the first time in over 17 years that I have truly had a sense of joy?"

My brother Michael had died of cancer in 1979. And for all those years, I carried around in me the gloom of his death. But I recognized, at the moment that I turned to Pris and said, "I feel a sense of joy," that the gloom had been lifted and God's love had replaced it.

I want to now share a couple of experiences with you to show you how my life has been changed as a result of this. Some of you in the Senate may remember a fellow by the name of Butch. He was a bus boy in the Senate dining room. I got to know Butch over the years as I would come in and have breakfast, and he would bring me a paper and we would chat for a few minutes.

One day I was having lunch with some of my colleagues in the Senate dining room, and one of the waitresses came up to me and handed me a note and said that Butch was seriously ill. Well, I put the note in my pocket. And as I left the Senate dining room, I stopped and talked with the waitress and she once again said that Butch was seriously ill. And I could sense she was saying—she had given me the note that said he was at, I believe, Greater Southeast Hospital here in Washington. I could tell she was really saying to me, "Can't you go see Butch?" And like I'm sure most of my colleagues, my initial reaction was one of "Where am I going to find the time?"

Well, again, the note's in my pocket. I went home. The following morning I looked at my schedule. There was a gap in my schedule. And I thought, "Well, maybe I ought to just go see Butch." So I went over to the hospital. I went up to Butch's room. A nurse was there giving him a shot. And I looked at Butch, his eyes wide open, almost transfixed on the television set. And within a few seconds, it became obvious to me that Butch was about to die.

It was just the two of us. I had asked the nurse how he was doing as I walked in, and she said, "He was fine yesterday. His family came from Chicago. They had a great time together." But clearly things had changed. And again, it was just Butch and myself. And I thought, "I cannot leave him here alone, to die alone." And I walked over to the side of the bed. I took Butch's hand, held it, rubbed his arms, and tried to comfort him in the sense of saying, "It's all right. You're at peace now. You'll be joining your God and your creator." And Butch died just a few moments after that.

The nurse came back in the room. She called one of, I believe, his aunts. His aunt actually was already on her way. She walked in within a few minutes. I explained to her that Butch had just died. I hugged her, embraced her, and again told her that he died in peace and he died in the hands of his God and creator.

As you can imagine, as I made my way back to the Senate and back to the dining room so I could tell his colleagues on the staff of the dining room that Butch had died, as you can imagine, I was asking myself several questions. How did you get there that day? Why were you there at that moment? What was it that you were supposed to learn from that experience?

And what I learned from the experience is something that's all too obvious, but sometimes we have a tendency to forget, and that is that in God's eyes, as it should be in our eyes, that all of us are equal. It makes no difference whether you're a United States Senator or whether you're a bus boy in the United States Senate. (Applause.)

Another experience that happened to me was again an acquaintance of mine, and frankly, an acquaintance of many people in this room, Tom Korologos. Tom's wife Joy passed away as the result of melanoma, the same kind of cancer that killed my brother in 1979. I picked up the phone and I called Tom and gave my condolences and expressed my concern and my love for him.

I ended up going to Joy's funeral service. And again, I had maybe met Joy once. And as I was sitting in the church waiting for the service to begin, I was again asking myself—again, to the members of the House and Senate, and clearly the President and the Vice President, understand this incredible demand on us for our time. And it's almost a natural thing to kind of ask every place we go. "Why are we here?"

And so, as I'm waiting for this service to begin, I'm asking those same kind of questions. Why am I here? Well, once the service began and the family began to express their deep convictions to their Lord and maker, it was pretty obvious to me why I was there. I wrote down some notes that morning during the service of some feelings that went through my mind, and I want to share from the notes that I made that morning. So they may not be grammatically correct, so bear with me. I'm going to read them exactly as I wrote them.

"Was there because I have replaced the love of self with the love for others. Being at the funeral service for Joy Korologos also allowed me to recognize that doing God's will is not the pursuit of the grand, but rather one day at a time, one moment at a time, pursuing God's will; that if I allow God to guide me one step at a time, I will eventually get to where he wants me to be in my life. And if I truly believe, if I truly believe this and follow that belief throughout each day, I will be free. I will be at peace; the ultimate freedom, to be free of worldly desires."

I also learned that this moment was a life-changing moment. As I said above, pursue God's will one step at a time and not worry or even wonder where it may lead me. This is a radical departure for me from my previous life—management by objectives, goal-setting, state a goal, a target, an objective, and then pursue it. Now for me it is "Help me, dear God, to do what is right, what is in your will at this moment, and then my life will take care of itself."

To me, this was a great revelation. Two points that I would want to build on here for just a moment; that doing God's will is not the pursuit of the grand. I don't know about you, but as I have thought about trying to understand God's will, I always had this idea that there was some huge event in the future that I was called on to participate in, always trying to figure out what it was; never could do it.

And now I understand that if each day I will pursue God's will—and I think you're beginning to understand why I said a moment ago that when Danny called me and asked me if I would be willing to give this address this morning, I had no choice but to do it, because on that day my sense was it was God's will that I speak this morning. So, again, I try to live each day now attentive, attentive to the needs of others, attentive to the needs of my colleagues in the Senate, trying to make sure that I am not so busy that I don't hear their cries for help.

I'd like to close my thoughts here this morning with another personal experience. And I want to use 1 Corinthians, chapter 13, verse 13, which I suspect that many of you are familiar with. I have used 1 Corinthians 13 at both weddings and at funerals, because in essence it is all about life. "And now abide faith, hope, love, these three. But the greatest of these is love."

And I don't know about you, but I've always kind of wondered what makes love the greatest of those three. And I will try to explain in just a couple of minutes at least what my understanding of that Bible reading is.

Both my mother and father died during these past 20 months or so. In a conversation in Bible study, as I was expressing my concerns about having a deeper understanding of love and trying to understand my relationship with my God and maker, it was said to me that sometimes it's helpful to think about your loving relationship with your father here on Earth. It may give you some insight into your loving relationship with your God.

Well, as would, I think, be natural when you see your parents heading towards the last moments of their life, it's fairly easy to get into a discussion about what love is all about. And I found out one of the things that there's a big difference between the love between a mother and her son and a father and his son. My mother loved me unconditionally. It made no matter what I did. She was there to comfort me, to love me, to protect me.

But with my father, frankly, it was different. And I didn't understand what that relationship was. Was the relationship one that was based on a need for reward? Was I looking for respect? What portion of it was fear? And as I watched my father over the last 20 years or so and recognized that he did over 17,000 hours of volunteer time at the local hospitals, and I heard people talk about seeing my father helping them being wheeled down to surgery or to the X-ray, I sensed that there was a strong sense of love that my father had expressed during those years.

And I finally understood the significance of the meaning of love and why love is so important, because frankly love is a collection of all the graces that God has given us in which we express in action, that we act in behalf of or on behalf of those less fortunate than us, those who at the moment need our assistance. And so for all those years I saw this outpouring of love from my mother and father and I understood then why I love my father and why I loved my Father in heaven, and it is very simple. It is because they so deeply loved me.

Thank you. Have a great day. (Applause.)

Senator AKAKA. Ladies and gentlemen, it is now my privilege and high honor to introduce the President of the United States, William Jefferson Clinton. Welcome, Mr. President. (Applause.)

President CLINTON. Thank you very much. Thank you very much to my good friend and sometimes golfing partner, Senator Akaka, to all the members of Congress here, Reverend Graham, other head table guests and ladies and gentlemen.

For five years now, Hillary and I have looked forward to this day. For me it's a day in which I can be with other people of faith and pray and ask for your prayers, both as President and as just another child of God. I have done it for five years, and I do so again today.

At each of these breakfasts, from our shared experiences and our prayers, God's grace always seems to come, bringing strength and wisdom and peace. Today I come more than anything else to say thank you. First, thank you, Connie Mack, for your wonderful message and the power of your example. I also thank all of you here for many things in the last five years and ask your help in helping us to work together to make our nation better, and the work that God has sent me to do and you to do.

I thank you for helping me to strike blows for religious liberty—with the work so many of you in this room have done to help us to protect the rights of federal employees, to follow their faith at work, our students in school. In particular, I want to thank Reverend Don Argue, the former President of the National Association of Evangelicals and Rabbi Arthur Schneier and the Roman Catholic Archbishop of Newark, Theodore McCarrik, who next week will go to China to look into religious practices there and to begin a dialogue there in hopes that a part of our relationship with China will be about our concern for the kind of religious liberty we have practiced here this morning. (Applause.)

I thank so many of you in the community of faith who have worked with the government in partnership to help move poor families from welfare, from welfare to work, to honor the Scripture that our friend Dorothy Height read today. And I ask more of you to join in. I thank those of you who have been responsible for working with me—and I see Senator Grassley out there and Harris Wofford is here—to bring communities of faith into the circle of national service.

We now have 5,000 young Americans working with religious organizations earning the Americorps scholarship to go to college with after they serve with their community of faith wherever they live in America. And the Congress has provided for many more positions, and I ask you to help us to enlist more young Americans to give meaning to their lives, to live out their faith, and to help make our country a better place.

I thank you for the prayers, the letters, the scriptural instruction that I have gotten from so many of you and many others around this country in recent weeks and indeed in the last five years. And I ask that they continue.

Finally, I couldn't help thinking when Connie Mack was talking that what we all need very much is to take what we feel when we're here every year and keep it close with us when we leave here every year—day in and day out, week in and week out, in good times and bad. And I ask for your help in that.

We have a difficult decision we are facing now, as a country and our administration, because of the concern all Americans have that we not expose our children, if we can help it, to the dangers of chemical and biological warfare. And last night I came across a scripture verse that a friend of mine sent me in the last 72 hours that I had not had the chance to read—a prayer of King Solomon that I ask you to keep in mind as we face this decision. Solomon said in I Kings, "I am only a little child, and I do not know how to carry out my duties. Your servant is here among people you have chosen—a great people—too numerous to count or number. So you give your servant a discerning heart to govern your people and to distinguish between right and wrong, for who is able to govern this great people of yours."

I also ask for your prayers as we work together to continue to take our country to higher ground and to remember the admonition to Micah, which I try to repeat to myself on a very regular basis. I ask your prayers that I and we might act justly and love mercy and walk humbly with our God. Thank you very much. (Applause.)

Sen. AKAKA. Thank you very much, Mr. President, for that wonderful message of gratitude and prayer. Thank you for sharing your wisdom and inspiration. And thank you for making the time to join us this morning. And I want you to know that we are praying for you.

To offer the benediction, I'm thrilled to welcome back to the National Prayer Breakfast a man whose presence inspires all of us to good and whose wisdom brings us comfort and hope, Dr. Billy Graham. We love you, Dr. Graham. (Applause.)

Dr. GRAHAM. Thank you very much. And as far as I'm concerned, I give all the glory and praise to God. (Applause.) It's been my privilege to be at many of these prayer breakfasts, I suppose more than any other person. (Laughter.) In fact, they told me that when I was interviewed by Senator Sam Nunn the other day about the history of the prayer breakfast, that they thought I was the oldest person that had attended the prayer breakfast for so long. And I suppose that's right. And they couldn't find any others that had been to so many, and so they asked me if I would be interviewed for the Archives—(laughter)—and the history of the prayer breakfast. (Laughter.)

But I don't know when I've been so moved at a prayer breakfast as this one. I feel the Holy Spirit is bringing us together and speaking to us. (Applause.) Not only different religious backgrounds, but different political backgrounds. And here I see members of all parties smiling, listening to the Word of God, listening to this magnificent word on the love of God and the love that he can put in our hearts.

And when the President spoke, I could not help but think of the various times that I've had the privilege of being with him alone to talk, read the Bible and pray. And I know that he's sincere in what he had to say. And to Vice President Gore and to all of you that are here, many of you, I look at you and I think back to times we've been together in years past, in your state, in your town. I'm an evangelist. I travel from place to place and preach the gospel. And it's the same gospel I started with. The human heart is the same. The gospel is the same. It never changes, that God loves you no matter who you are. (Applause.)

So I'm going to ask that we have this closing prayer together.

Our Father and our God, as we come to the close of another National Prayer Breakfast, we pause to give you thanks for the opportunity we have had to come apart from our daily tasks and turn our minds and our hearts to you. Give us a holy dissatisfaction with anything less than your perfect will that we heard expressed a few moments ago.

Help us to see ourselves as we truly are in your sight, as men and women who are subject to the temptations of pride and power and flesh and who need your forgiveness and your strength. Help us remember that you teach us that we're all sinners and everyone who is in this place needs repentance and forgiveness, including me.

May we all come to the cross. And by your grace, help us to turn to you for the forgiveness and mercy we need. We thank you for the promise of the Bible, that if we truly confess our sins that you're faithful and just to forgive us our sins and to cleanse us from all unrighteousness.

As we leave this place, help us to find in you the strength we need to live as we should. Give us motives that are pure, lips that are honest, lives that are blameless, and hearts that are filled with compassion and love.

We pray for the millions of the hungry and poor in our world and for the thousands even in our own land and for all who are oppressed, that we will not be deaf to their cries. We pray today especially for President and Mrs. Clinton, for Vice President and Mrs. Gore, for the Cabinet, for members of the Supreme Court, for the Congress and all others to whom you have given responsibility in our land, and for their families who many times have to bear the burden of responsibility.

Give them strength and courage, integrity and wisdom, as they face the complex problems of our nation and our world. And, O Lord, we pray that we will be faithful in praying that if it be thy will that thou would bring peace to the Middle East. And we pray that if it be thy will, that we'll not have war, as President Yeltsin has warned us about.

Send the strong driving wind of the Holy Spirit across our land, to bring us a new breath of joy and freedom in serving you. May we see a national, an international revival. Renew our vision. Restore our faith. Rekindle our desire to love and serve you and serve each other. As we leave this place, may we commit ourselves afresh to him who alone is the way, the truth and the life.

And now, may the Lord bless you and keep you, the Lord make his face to shine upon you and be gracious unto you, the Lord lift up his countenance upon you and give you peace. In the Name of the Father, the Son and the Holy Spirit, Amen. (Applause.)

Senator AKAKA. Thank you. Thank you very much, Dr. Graham. This concludes the 46th National Prayer Breakfast. I ask all of you to please rise and remain standing until the President and Mrs. Clinton and Vice President and Mrs. Gore depart from the ballroom. (Applause.)

I thank all of you for your participation and your cooperation. Trust in God and carry his love with you and share it with others today and every day. Thank you very much. This concludes the National Prayer Breakfast. (Applause.)●

CHILD CUSTODY PROTECTION ACT

● Mr. MCCAIN. Mr. President, today I became an official cosponsor of S. 1645, the Child Custody Protection Act introduced by Senator ABRAHAM. This bill addresses a very critical problem impacting our nation's families and their children, abortion. Under this bill, adults who take children across state lines to receive an abortion without the knowledge of their parents would be committing a federal offense.

Currently, 22 states require parental notification if a minor is going to receive an abortion. Yet, each and every day adults help thousands of children travel across state lines to receive abortions in states which do not require the notification of a parent.

Being an ardent opponent of abortion, I am gravely concerned about the children who are being taken by adults, who are not their parents, into different states to receive abortions. This process is wrong and must be stopped. We cannot allow adults to circumvent state laws by transporting a minor across state lines for an abortion without parental consent and involvement.

The decision to have an abortion is a critical decision, one which I personally hope that women of all ages would elect not to have. However, despite an individual's personal opinion on abortion, the majority of Americans, myself included, believe it is imperative for minor children to involve their parents in this life altering decision. According to a 1996 Gallup poll, 74 percent of Americans supported requiring minors to get parental consent for an abortion. According to the Supreme Court, "the medical, emotional, and psychological consequences of an abortion are serious and can be lasting; this is particularly so when the patient is immature." Clearly, our nation's children should not be kept from their parents when making an important life decision with such broad ramifications as an abortion.

This is why I am cosponsoring Senator ABRAHAM's bill, the "Child Custody Protection Act." This bill would make it a federal offense to transport a minor across state lines with intent to avoid state laws requiring parental involvement in a minor's abortion.

It is my firm belief that we must pass this law and stop people from bypassing the laws of our individual states. This legislation protects our children from making a life altering decision without the guidance of their most trusted advisors, their parents.●

TRIBUTE TO THE NATIONAL ORDER OF WOMEN LEGISLATORS

● Mr. CLELAND. Mr. President, I rise today to congratulate and commend the National Order of Women Legislators and the Georgia Chapter of the National Order of Women Legislators as they celebrate today 60 years of accomplishments since the organization was founded in 1938.

This year also marks the 150th Anniversary of the first Women's Rights Convention ever held to discuss the prohibitions then in force on women voting, holding public office, owning property, signing official documents, and receiving a formal education.

The women who have served in the National Order of Women Legislators and the Georgia Chapter of that organization have overcome gender barriers and are true champions of the women's rights movement. I applaud these women for fighting for and delivering to the women of this nation the right to vote, and a vital voice in local, state and national government.

The Declaration of Sentiments issued by the 1848 convention held in Seneca Falls, New York, launched a movement that unleashed and enhanced the myriad of talents and intellectual abilities already possessed by women throughout the United States. The resulting Women's Rights Movement has had a profound and undeniable impact on all aspects of American life, and has opened new and well deserved opportunities for women.

I would especially like to commend the spirit and hard work of Rebecca Latimer Felton, the first Georgia woman elected to the United States Senate in 1992, two years after women gained the right to vote; Florence Reville Gibbs, the first Georgia woman to serve in the United States House of Representatives (1940–1941); Viola Ross Napier, the first woman to serve in the Georgia House of Representatives (1923–1926); Susie Tilman Moore, the first woman to serve in the Georgia State Senate (1933–1934 and 1939–1940); and Grace Towns Hamilton, the first African American woman elected to the Georgia House of Representatives (1966–1984).

I am honored to serve in the United States Senate with nine remarkable female Senators—Sens. Barbara Boxer (D–CA), Susan Collins (R–ME), Dianne Feinstein (D–CA), Kay Bailey Hutchison (R–TX), Mary Landrieu (D–LA), Barbara Mikulski (D–MD), Carol Moseley-Braun (D–IL), Patty Murray (D–WA), and Olympia Snowe (R–ME). I also commend the 55 female members of the U.S. House of Representatives and female members in the Georgia State Legislature.

Members of National Order of Women Legislators serve as role models for women throughout this nation and the entire world. I ask my colleagues to join me today in saluting and congratulating the National Order of Women Legislators and the Georgia Chapter of the National Order of Women Legislators for setting a positive example to all Americans.●

TRIBUTE TO THE HOLLIS/BROOKLINE STUDENTS FOR THEIR PARTICIPATION IN "WE THE PEOPLE . . ."

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to 27 students from Hollis/Brookline High School for winning the right to represent New Hampshire in the "We the People . . . The Citizen and the Constitution" national competition in Washington, D.C.

As the New Hampshire state champions, the Hollis/Brookline students will compete against more than 1200 students from across the United States in a three-day national competition May 2–4, 1998. Students will demonstrate their knowledge of the Constitution and its relevance to contemporary issues in front of simulated congressional committees composed of constitutional scholars, lawyers, journalists, and government leaders.

The distinguished members of the Hollis/Brookline team are: Meghan Amber, Wayne Beuner, Randy Brown, Jonathon Davies, Meredith Edmunds, Jaima Elliott, Emily Gagne, Sara Godshall, Laura Hacker, Alex Harris, Nicola Huns, Craig Kimball, Sarah Kirby, Anna Klein, Brannon Klein, Maya Levine, Sara Liebling, Kass Litwin, Heidi Packard, Amy Rattin, Jared Rosenberg, Nadine Schneider, Carrie Spaulding, Kent Springfield, Anja Helene Stronen-Lien, Amy Tozier and Amanda Vormelker. Their teachers, Helen Melanson and Joel Mitchell, deserve special recognition for their role in preparing these students for this intense constitutional testing. I applaud them for their commitment to enriching the lives of these students.

As a former high school civics teacher myself, I recognize the value of instilling an understanding of the Constitution in students. The "We the People . . . The Citizen and the Constitution" program provides an excellent opportunity for students to gain an informed perspective about the history and principles of our nation's constitutional government. I wish these young constitutional experts from Hollis/Brookline High School the best of luck in preparing for the national finals. It is an honor to have them represent New Hampshire, and I wish them luck as they prepare to be America's leaders in the twenty-first century. I am proud to represent them in the U.S. Senate.●

A LITERACY SUCCESS STORY

● Mr. WARNER. Mr. President, on behalf of myself, Senator Jeffords and Senator Reed, I would like to submit this statement given by Ms. Raynice Brumfield of Washington, D.C. for the Record. Ms. Brumfield testified at this morning's Labor and Human Resources Committee hearing on Reading and Literacy Initiatives. I commend her for the progress she has made as a participant of the D.C. Head Start Toyota Family Literacy Program. Her testimony was very moving and she is a success story for others to emulate.

Mr. President, I ask that Ms. Brumfield's testimony be printed in the Record.

The testimony follows:

Testimony of Raynice Brumfield, District of Columbia Public Schools Head Start "Toyota Family Literacy Program"

Ms. Brumfield. Thank you Senator Jeffords and members of the Senate Committee, for inviting me to share my story with you. By virtue of the fact that I can sit before you to take part in this occasion, proves that without a program like the Toyota Family Learning Tree, I would still be just stuck in the house, taking care of my two small children, faced with a future that didn't look bright.

I am Raynice Brumfield. I am a 25 year old single parent with four children; James 10, Delonte 8, Kiara 5, and Tyrone, age 4. I was born in Washington, D.C., and attended the public schools there. When I was 15 years old I became pregnant with my first child. Between the ages of 15 and 17, I worked at various jobs. I soon found that I could not make enough money to afford food, clothing, baby supplies and living expenses. At age 17, I became pregnant with my second child. By 19, I enrolled in one of the District of Columbia's public vocational schools. I dropped out of that school because the staff was not sensitive to the needs of young mothers, and I did not feel safe in that environment. I started to receive Public Assistance when I was 19, and soon became pregnant with Kiara, and the next year, Tyrone.

The opportunity to further my education, while being close to my children, seemed like a dream come true. On September 30th, 1996 my children and I started school. The adult education teacher (Mrs. Grace Blackwood), and the parenting instructor (Mrs. Irene Ball), greeted me warmly. I was quiet, scared, and very unsure of myself.

When I entered the program my reading and math levels were at a second grade level. My teachers, and the program's coordinator, Mrs. Peggy Minnis, made the other parents and me feel like we could accomplish anything. They made sure that we maintained a positive self esteem. We were encouraged to set goals, and they helped us work to meet each goal. The work was hard, but soon it became a daily routine, for my children and I to sit at the kitchen table, learning together. As my reading skills improved, I began to enjoy reading stories to my children at home, and going into their classroom to practice and share my new skills with any child who wanted to crawl up in my lap, to hear me read. The harder I worked, the easier it became to help my older children with their homework. I began taking part in the activities at their school. My children's home library grew from 2 or 3 books, to over 40. Reading stories or telling stories to my children has helped in their language development and provided me with practice in reading.

The parenting course helped me understand child development. Understanding the stages that my children were going through, helped me to be patient, understanding, and able to predict their behavior. I learned that there are whole new worlds that my family and I can explore for free. We visit these new worlds every weekend inside the public library. I tell my children that even though we don't have a lot of money, we can still visit far away places and people. Most importantly, we enjoy these adventures as a family. All of my children have their own library cards. I've become a responsible citizen who has a voter registration card and I vote.

As a result of being in the Toyota Family Literacy Program, new worlds have opened up for me and my family. Worlds that were once just part of my day dreams. . . . are now a reality. I am proud to tell you that I now read on a 10th grade level, and my math skills have increased to a 9th grade level. I received an award from my children's school, which honored me as being, "Most Active Parent in Schoolwide Activities." I have volunteered more than 200 hours in my children's school. My children's report cards and teacher comments are no longer negative, but positive. I was invited to speak at last year's 27th Annual Congressional Black Caucus Legislative Conference in Washington, DC, by New Jersey's Representative Donald M. Payne. I shared how Toyota through the National Center for Family Literacy and the Head Start Program are helping to improve literacy in the African American community by focusing on young children and their parents. That speech was placed on the E-mail system of every congressman and representative in Congress. Now the most powerful people in the United States have heard about the wonderful work that all of you in this room have dedicated your lives to.

In January, the Head Start Program invited me to be a guest speaker at their staff development activities. Again, I told how family literacy programs make futures bright. I just took the GED examination on the 16th.

My adult education teacher encouraged me to apply for an intensive training program through the YWCA's Non-Traditional Jobs For Women Program last school year. I was accepted into the program, and have completed the training, which prepared me to be trained as a carpenter, plumber, mason, or electrical worker.

Upon notification of having passed the GED, I have been promised priority consideration for a non-traditional job at George Washington University (in the District of Columbia) through a partnership that has been set up between our program and the university. I will have the opportunity to work for no less than $12.00 per hour, have paid leave and benefits for my entire family.

I will gain experience, meet new people, and most importantly, the opportunity to continue my education free of charge. Upon advancement in my job, my children will be able to attend George Washington University and get their college education for free.

The partnership between Head Start, the National Center for Family Literacy and the Toyota Corporation have made my future look bright. By nurturing the promise of providing a quality education to my children and me, they have given me empowerment through Literacy.●

APPOINTMENT OF CONFEREES—H.R. 2646

The PRESIDING OFFICER. Pursuant to the order of March 27, 1998, the Chair appoints the following Senators to serve as conferees to H.R. 2646, the Education Savings Act for Public and Private Schools.

The Presiding Officer (Mr. ALLARD) appointed Mr. ROTH, Mr. MACK, Mr. COATS, Mr. GORTON, Mr. COVERDELL, Mr. MOYNIHAN, Ms. MOSELEY-BRAUN, Mr. KENNEDY and Mr. BINGAMAN conferees on the part of the Senate.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and upon the recommendation of the Republican leader, pursuant to the provisions of S. Res. 208 of the 105th Congress, appoints the following Senators to the Special Committee on the Year 2000 Technology Problem: The Senator from Arizona (Mr. KYL), the Senator from Oregon (Mr. SMITH), and the Senator from Maine (Ms. COLLINS).

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to the provisions of S. Res. 208 of the 105th Congress, appoints the following Senators as ex-officio members of the Special Committee on the Year 2000 Technology Problem by virtue of their positions on the Committee on Appropriations: The Senator from Alaska (Mr. STEVENS); and the Senator from West Virginia (Mr. BYRD), Ranking Minority Member.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Ms. SNOWE. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination on the Executive Calendar: Calendar No. 578.

I further ask unanimous consent that the nomination be confirmed; that the motion to reconsider be laid upon the table; that any statements relating to the nomination appear at the appropriate place in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was considered and confirmed, as follows:

DEPARTMENT OF VETERANS AFFAIRS

Togo Dennis West, Jr., of the District of Columbia, to be Secretary of Veterans Affairs.

Mr. SPECTER. Mr. President, on February 24, 1998, the Committee on Veterans' Affairs held a hearing on the nomination of Acting Secretary of the Department of Veterans Affairs Togo D. West, Jr. be the permanent Secretary of that agency. The committee carefully evaluated the nominee and his statements before the committee. It reviewed Mr. West's submissions of his background and financial interests and the investigation completed on all Presidential nominations and conducted by the Federal Bureau of Investigation. As a result, the committee voted unanimously on April 21 to report favorably to the full Senate the nomination of Togo D. West, Jr. to be the Secretary of the Department of Veterans Affairs.

The Department of Veterans Affairs has been without a permanent Secretary since Jesse Brown resigned in July 1997. This is too long a period for any department of the Federal government to be without its senior leader and manager. It is especially true for the Department of Veterans Affairs which is in a period of major transition of its health program from inpatient to outpatient care in a period of a declining real budget. In addition, the Department's administration of its benefits programs has been seriously challenged and is in need of major restructuring and effective leadership. Also, the Department, like other federal departments and agencies, faces a major hurdle in adjusting its computer-based information systems to the Year 2000.

It appears to me that Togo D. West, Jr. has the prerequisite qualifications to meet these challenges, to lead the Department, and to provide the health and benefits services which our veterans have come to expect and deserve.

Mr. West has been serving as Acting Secretary since January 2, 1998, pursuant to a December 2, 1997, Presidential directive under authority of the so-called "Vacancies Act," 5 U.S.C. 3348. He concurrently has been serving as Secretary of the Army, a position he has held since November 1993. He relinquishes that position upon being sworn in as Secretary of the Department of Veterans Affairs.

Mr. West's background is extensive and impressive. He was commissioned a second lieutenant in the U.S. Army Field Artillery Corps upon graduation from college and following law school, he was called to active duty in the Army's Judge Advocate General Corps. In 1975, he served in the Department of Justice as an Associate Deputy Attorney General and in 1977 he was named General Counsel for the Navy. In 1979, he served as the Special Assistant to the Secretary of Defense and Deputy Secretary, and in January 1980 was appointed General Counsel of the Department of Defense.

Mr. West is an articulate and dedicated public servant. I believe that he will serve well the Department and our country's veterans. Therefore, I thank my colleagues for their support of this nomination.

Mr. ROCKEFELLER. Mr. President, I'm delighted to join the Chairman of the Committee on Veterans' Affairs, Mr. SPECTER, in bringing before the Senate the nomination of Togo D. West, Jr., to be Secretary of Veterans Affairs and urging his confirmation.

Mr. President, Togo West has a long history of serving his country and America's service members. He began his career as an Army lawyer from 1969 to 1973, first as part of the Army Judge Advocate General's Corps and later with the Office of the Assistant Secretary of the Army for Manpower and Reserve Affairs. He left the Army in 1973, but never strayed far from public service. In 1975, he served in the Department of Justice as Associate Deputy Attorney General. In 1977, he was appointed to serve as the Department of the Navy's General Counsel. From there, he also served as the Special Assistant to the Secretary and Deputy Secretary of Defense, and in 1980 he was appointed General Counsel of the Department of Defense.

Most recently, Togo West served our country as Secretary of the Army, a position he held beginning in 1993, until President Clinton appointed him Acting Secretary of Veterans Affairs on January 2, 1998. As Secretary of Veterans Affairs, West will be responsible for safeguarding and improving the VA's system of delivering health care and benefits to America's 26 million veterans. VA is the second largest federal agency, employing almost 235,000 people, many of them veterans themselves.

Togo West will be filling the vacancy left by Jesse Brown, the former Secretary of Veterans Affairs. Jesse Brown has always been a tireless veterans advocate, and his leadership and energy are missed by veterans and others who also fight on behalf of veterans.

Mr. President, Togo West has a wonderful opportunity to serve the veterans of our Nation in this new capacity. He has demonstrated himself to be a person of the highest integrity with extraordinary leadership skills. President Clinton has shown great confidence in him, his work, and his commitment to veterans by nominating him to serve in this important position. I concur with the President who has said that Togo West "has always understood the special responsibility we owe to our men and women in uniform both during and after their years of service." His unique perspective and experience will serve him well in meeting the challenges that lie ahead.

Mr. President, I am proud of the confirmation of Togo West. I thank my colleagues for their unanimous support of this nomination.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT 105–42

Ms. SNOWE. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on April 28, 1998, by the President of the United States: Treaty with Brazil on Mutual Legal Assistance in Criminal Matters (Treaty Document No. 105–42.)

I further ask unanimous consent that the treaty be considered as having been read for the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered:

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty between the Government of the United States of America and the Government of the Federative Republic of Brazil on Mutual Legal Assistance in Criminal Matters, signed at Brasilia on October 14, 1997. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties that the United States is negotiating in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of modern criminals, including those involved in terrorism, other violent crimes, drug trafficking, money laundering, and other "white-collar" crime. The Treaty is self-executing, and will not require new legislation.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes:

(1) Locating or identifying persons or items; (2) serving documents; (3) taking testimony or statements of persons; (4) transferring persons in custody for testimony or other purposes; (5) providing documents, records, and items; (6) executing requests for searches and seizures; (7) assisting in proceedings related to immobilization and forfeiture of assets, restitution, and collection of fines; and (8) any other form of assistance not prohibited by the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 28, 1998.*

ORDERS FOR WEDNESDAY, APRIL 29, 1998

Ms. SNOWE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11:45 a.m. on Wednesday, April 29. I further ask unanimous consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then resume consideration of the Smith-Hutchison amendment No. 2314 to the NATO enlargement treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. I further ask unanimous consent that at 11:45 a.m., the Senate proceed to a rollcall vote on or in relation to the Smith-Hutchison amendment, with 2 minutes equally divided for debate prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Ms. SNOWE. Mr. President, for the information of all Senators, the Senate will resume consideration of the NATO enlargement treaty at 11:45 a.m. tomorrow morning. At 11:45 a.m., the Senate will immediately proceed to a rollcall vote on, or in relation to, the Smith-Hutchison amendment No. 2314 offered earlier today. The leader has indicated that he hopes that the Senate will complete action on the NATO expansion treaty by tomorrow evening or the close of business Thursday at the latest. Senators with amendments are encouraged to come to the floor to offer and debate those amendments so that good progress can be made during Wednesday's session. Therefore, Senators should expect rollcall votes throughout Wednesday's session on amendments to the NATO enlargement treaty or any other legislative or executive items cleared for action.

ADJOURNMENT UNTIL 11:45 A.M. TOMORROW

Ms. SNOWE. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:28 p.m., adjourned until Wednesday, April 29, 1998, at 11:45 a.m.

NOMINATIONS

Executive nominations received by the Senate April 28, 1998:

STATE DEPARTMENT

MARI CARMEN APONTE, OF PUERTO RICO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DOMINICAN REPUBLIC.

E. WILLIAM CROTTY, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BARBADOS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ANTIGUA AND BARBUDA, TO THE COMMONWEALTH OF DOMINICA, TO GRENADA, TO ST. KITTS AND NEVIS, AND SAINT LUCIA, AND TO SAINT VINCENT AND THE GRENADINES.

JEFFREY DAVIDOW, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MEXICO.

JOHN O'LEARY, OF MAINE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHILE.

ARTHUR LOUIS SCHECHTER, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE COMMONWEALTH OF THE BAHAMAS.

CONFIRMATION

Executive nomination confirmed by the Senate April 28, 1998:

DEPARTMENT OF VETERANS AFFAIRS

TOGO DENNIS WEST, JR., OF THE DISTRICT OF COLUMBIA, TO BE SECRETARY OF VETERANS AFFAIRS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Tuesday, April 28, 1998*

The House met at 12:30 p.m.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 21, 1997 the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leaders and minority whip limited to not to exceed 5 minutes.

SPEAKER TROUBLED BY PARTISAN BEHAVIOR DURING CAMPAIGN FINANCE INVESTIGATION

The SPEAKER pro tempore (Ms. PRYCE of Ohio). Under the Speaker's announced policy of January 21, 1997, the gentleman from Georgia (Mr. GINGRICH) is recognized during morning hour debates for 5 minutes.

Mr. GINGRICH. Madam Speaker, I rise with concern and sadness to report to the House on a letter I am sending the gentleman from Indiana (Mr. BURTON), Chairman of the Committee on Government Reform and Oversight, today. I want to read the letter and then I want to explain why I am sending it and the background of sending it.

"Dear Chairman BURTON: I was deeply troubled by the partisan Democrat behavior shown last week during the vote on granting immunity, to which even the Justice Department is not opposed, to four key witnesses in your campaign finance investigation.

"This is the exact opposite of previous congressional investigations, in which Republican Members worked in a diligent and bipartisan manner with Democrats to uncover the truth. According to David Dorsen, the assistant chief counsel of the Senate Watergate Committee, the 'Watergate Committee voted consistently and unanimously for immunity.' In fact, even during Iran-Contra the Congressional investigative committees voted unanimously to grant a limited form of immunity to Oliver North, John Poindexter and Albert Hakim. There is no logical reason for the Democrats' stonewalling and sharply partisan actions. Again, even the Department of Justice has clearly stated in writing that they have 'no opposition to the committee granting immunity.'

"The Democrats' efforts to block immunity, despite their own administration's willingness to accept it, cannot withstand the public's demand for the truth. For this reason, I encourage you to vote again on the immunity issue. It is obvious that these four witnesses would provide a great deal of clarification and a better understanding of the illegal campaign finance irregularities that took place in the 1996 election cycle.

"The American people have a right to know exactly what happened during the last election cycle. The very foundations of a democracy are a well-informed populace with the right to know the truth and a rule of law ensuring that all are equal in the eyes of justice. Therefore, at this time I strongly urge you to hold a second vote on granting immunity to the four key witnesses who were denied it last week."

My hope is that by next week the Committee on Government Reform and Oversight could vote. I urge every Democrat who voted no, and it was 19-0, 19 against immunity, to reconsider their vote.

I want to report to the House. Here is what the vote was about. The Department of Justice had cleared, for the purposes of giving testimony, three witnesses, and had cleared for the purposes of testimony in an executive session a fourth witness. Let me report to the House who they are:

Irene Wu, Johnny Chung's office manager and primary assistant at Automated Intelligent Systems, already immunized by the Department of Justice, testified before a grand jury. Instrumental in better understanding Chung's relationships with foreign nationals with whom he attended political fund-raising events, formed corporations, and from whom he received money.

Nancy Lee, an engineer at Automated Intelligent Systems, Inc. Witnesses say Lee solicited contributions to Clinton/Gore '96 from her colleagues and then reimbursed them. That is, of course, illegal. Already immunized by the Department of Justice; testified before a grand jury.

Larry Wong, close friend of Nora and Gene Lum. Believed to have relevant information regarding conduit contributions, that is, contributions that were not really from the person who made them technically, but they came from somebody else, in this case probably foreign money, made by the Lums and others.

And then under a special arrangement, Kent La, president and registered agent of Loh Sun International. Believed to have direct knowledge of Ted Sioeng's activities. At a minimum, La and Sioeng traveled, attended social functions and at least one fund-raiser, and transacted business together. The Department of Justice does not oppose granting congressional immunity with the understanding that the committee will only depose La in executive session at this time.

I am submitting for the RECORD the letters from the Department of Justice, all of them saying, and I would just read one of them because they are repetitive:

"Dear Mr. BENNETT: I am writing in response to your letter of April 7, 1998, requesting the Department of Justice's position on the granting of immunity to Irene Wu. The Department of Justice has no opposition to the Committee granting immunity to Ms. Wu. We appreciate greatly your coordinating with us in this matter."

Madam Speaker, the letters referred to are as follows:

U.S. DEPARTMENT OF JUSTICE,
CRIMINAL DIVISION,
Washington, DC, April 16, 1998.

Mr. RICHARD D. BENNETT,
Chief Counsel, Committee on Government Reform and Oversight, Rayburn House Office Building, Washington, DC.

DEAR MR. BENNETT: I am writing in response to your letter of April 7, 1998, requesting the Department of Justice's position on the granting of immunity to Irena Wu. The Department of Justice has no opposition to the Committee granting immunity to Ms. Wu. We appreciate greatly your coordinating with us on this matter.

Sincerely,
MARK M. RICHARD,
Acting Assistant Attorney General.

U.S. DEPARTMENT OF JUSTICE,
CRIMINAL DIVISION,
Washington, DC, April 16, 1998.

Mr. RICHARD D. BENNETT,
Chief Counsel, Committee on Government Reform and Oversight, Rayburn House Office Building, Washington, DC.

DEAR MR. BENNETT: I am writing in response to your letter of April 7, 1998, requesting the Department of Justice's position on the granting of immunity to Nancy Lee. The Department of Justice has no opposition to the Committee granting immunity to Ms. Lee. We appreciate greatly your coordinating with us on this matter.

Sincerely,
MARK M. RICHARD,
Acting Assistant Attorney General.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

U.S. DEPARTMENT OF JUSTICE,
CRIMINAL DIVISION,
Washington, DC, April 16, 1998.

Mr. RICHARD D. BENNETT,
Chief Counsel, Committee on Government Reform and Oversight, Rayburn House Office Building, Washington, DC.

DEAR MR. BENNETT: I am writing in response to your letter of April 7, 1998, requesting the Department of Justice's position on the granting of immunity to Larry Wong. The Department of Justice has no opposition to the Committee granting immunity to Mr. Wong. We appreciate greatly your coordinating with us on this matter.

Sincerely,

MARK M. RICHARD,
Acting Assistant Attorney General.

U.S. DEPARTMENT OF JUSTICE,
CRIMINAL DIVISION,
Washington, DC, April 22, 1998.

Hon. DAN BURTON,
Chairman, Committee on Government Reform and Oversight, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in response to your letter of April 7, 1998 requesting the Department of Justice's position on the Committee on Government Reform and Oversight granting immunity to Kent La. As you know, we have met with Dick Bennett, Kenneth Ballen and other members of the Majority and Minority staff in an attempt to accommodate the Committee's desire to obtain Mr. La's testimony and our desire that any action by the Committee not compromise the Department's ongoing criminal investigation. In our view, if Mr. La were to testify publicly at this time, the Department's criminal investigation could in fact be compromised. Even if Mr. La were to testify in a closed session, any disclosure or leak of that testimony, whether intentional or inadvertent, could seriously compromise the investigation and any subsequent prosecutions, under the rulings of *Kastigar, North, Poindexter* and related cases.

During our discussions with the Committee staff, most recently on April 20, 1998, we tried to convey to you that our preference would be to avoid any Committee action to immunize him. Because of your strong interest in securing his information at this time, we nevertheless indicated our willingness not to oppose a grant of immunity to Mr. La under certain conditions. The Department of Justice, therefore, is willing to withdraw its objection to the Committee granting immunity to Mr. La if, and only if, it agrees to adhere strictly to the following conditions in examining Mr. La. Based on our discussions with Committee staff, we understand that these conditions are acceptable to the Committee. The conditions that the Committee agrees to follow in return for the Department of Justice withdrawing its objection to the Committee granting immunity to Mr. La are:

1. The Committee will take Mr. La's deposition in a closed executive session attended only by Mr. La, his counsel, one staff member from the Majority, one staff member from the Minority, and a court reporter.

2. The reporter will make only two copies of the deposition transcript.

3. The Committee staff who took the deposition will be provided one copy of the deposition transcript and will maintain that copy at a mutually acceptable secure location under conditions that assure that only authorized persons may have access to the transcript and that no copies of the transcript may be made. The only persons authorized to have access to the transcript are Members of the Committee, the two staff members who took the deposition, and the majority and minority chief counsel, if they are not the same persons who took the deposition. [The persons described in the preceding sentence are hereinafter referred to as "the authorized persons.]"

4. The authorized persons may not copy the transcript, but may take notes, as long as they maintain the notes at the same location and under the same conditions as the transcript is maintained. The authorized persons may discuss the transcript with any other authorized persons, but may not discuss any aspect of the substance of the transcript with any other person, including Committee staff, other Members of Congress, or the public until such time as the Justice Department states that it has no objection to public disclosure of the testimony because release of the transcript or its contents would not compromise the criminal investigation.

5. The second copy of the transcript will be provided to a designated attorney within the Department of Justice, but who is not assigned to the Campaign Financing Task Force, who will review the transcript to determine if public release of the testimony could compromise the Department's ongoing criminal investigations. The designated attorney will maintain the transcript in a secure location. No Department of Justice employee other than the designated attorney will be permitted to review the transcript.

6. The Committee will not present Mr. La's public testimony until and unless the Department of Justice attorney has made the determination, discussed in No. 5, above, that public disclosure of the transcript or its contents would not compromise the investigation.

7. The designated attorney will meet with attorneys and investigators conducting the criminal investigation as necessary in order to obtain the facts needed to evaluate the transcript. The designated attorney will not discuss the transcript or its contents with any other employee of the Justice Department, or any person other than the two staff members who took Mr. La's deposition or the majority and minority chief counsel, until and unless the designated attorney has made the determination discussed in No. 5, above.

We recognize that under 18 U.S.C. 6005, the Committee has the statutory authority to vote to grant immunity to a witness regardless of the position of the Justice Department. We believe, however, that the terms and conditions set forth above will satisfy the Committee's needs while hopefully protecting the Justice Department's interest in conducting thorough investigations and prosecutions that are not subject to Kastigar hearings or related challenges. The Department has determined that if the Committee were to grant Mr. La immunity under 18 U.S.C. 6005 at this time and absent the restrictions outlined above, it would clearly compromise the Department's ongoing criminal investigation and make it more difficult to obtain convictions of any person(s) who might eventually be charged with a crime.

Sincerely yours,

MARK M. RICHARD,
Acting Assistant Attorney General.

So what happened is this: The chairman of the committee and his staff worked very closely with the Clinton Administration Justice Department. They actually got the Justice Department to sign off on granting immunity. Everything was done exactly appropriately. In that setting, at a time when the American people could have learned the truth from eyewitnesses who participated in laundering foreign illegal money, a threat to the entire fabric of our political system, for some reason the Democrats voted 19–0 against allowing immunity. That means they voted 19–0 to cover up this testimony, to block it from getting to the American people, and to prevent the Congress from being informed.

Now, I think there are two principles that we ought to live by. One is that the American people have the right to know when the law has been broken. Period. I cannot imagine why any Member of this House would want to block the American people from having the right to know that the law has been broken and who broke it and under what circumstances.

And when the people breaking the law are foreign nationals trying to corrupt the United States by bringing in foreign money, in some cases in a deliberate effort in collusion with billionaires in Asia, we have every reason as a national security matter to protect our political system from this kind of illegal foreign money.

In addition, the American people have the right to expect that the rule of law will prevail, that no one is above the law.

One of the things that the Committee on Government Reform and Oversight is working on is the fact that Webster Hubbell, former number two person in the Justice Department, one of the most powerful men in terms of the justice system in the United States in the government, Webster Hubbell received more than $700,000, and I want to commend the committee because the committee has discovered he received at least $200,000 more than was previously indicated, after he resigned as Associate Attorney General on March 4, 1994.

Most of the money came from friends of President Clinton and Democratic Party supporters and was coordinated by people such as then U.S. Trade Representative Mickey Kantor, Vernon Jordan, James Riady, the Indonesian who is also implicated in illegal foreign money. By the way, Indonesia is one of the countries involved in the International Monetary Fund bailing out the government which directly involves the Riadys' economic interests and the Lippo Group, which is the conglomerate owned by the Riadys which has large interests across Asia, including in Communist China.

Client records show that Mr. Hubbell did little or no work for most of the money he received from 18 companies and individuals. Now, his government job was $123,000 a year. His income totaled $704,000 after he left his government job. Something very wrong is going on.

The Committee on Government Reform and Oversight has an obligation to find the truth for the American people, to have people sworn under oath testifying, to work with the Justice Department to make sure that we do not disrupt their investigation. But when the Clinton Administration Justice Department says this person can be immunized, there is no excuse, none, for any Member of this House to vote against that immunization. I call on the committee next week to have a second hearing.

I hope every newspaper in this country will look carefully at the issue. Why would any Member vote against that kind of opportunity? I think that it is very important that we continue this.

Mr. WAXMAN. Madam Speaker, will the gentleman yield?

Mr. GINGRICH. Madam Speaker, how much time do I have remaining?

The SPEAKER pro tempore. Fifteen seconds.

Mr. WAXMAN. Madam Speaker, I ask unanimous consent that the Speaker be given 5 additional minutes.

Mr. GINGRICH. I do not think that is possible under the rules.

Mr. STEARNS. Madam Speaker, I object.

The SPEAKER pro tempore. The gentleman's time has expired.

RANKING MEMBER OF COMMITTEE RESPONDS TO SPEAKER'S REMARKS ON CAMPAIGN FINANCE INVESTIGATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Texas (Mr. DOGGETT) is recognized during morning hour debates for 5 minutes.

Mr. DOGGETT. Madam Speaker, I yield to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I thank the gentleman very much for yielding. I raced over to the House floor. I did not know the Speaker was going to raise the issue of the Government Reform and Oversight campaign finance investigation. But I did want to come to the House floor to inform him and my colleagues what has happened with this investigation.

First of all, in February of last year I went to the gentleman from Indiana (Mr. BURTON) and said, "Let's do a bipartisan investigation on campaign finance abuses." I wrote to the Speaker and asked that we have a House and Senate joint investigation so that we in the House would not duplicate the work being done by the Thompson Committee over in the Senate.

I never received a reply from the Speaker, but the response that I did get from the gentleman from Indiana was that he was going to do his own investigation, thank you very much. Now, after a year and a half, we have spent over $6 million of the taxpayers' money, we have duplicated a great deal of what went on in the Senate committee, and we have nothing to show for it. We have turned up nothing that was not already in the Senate investigation or quite frankly that has already appeared in the press.

The chairman of our committee, the gentleman from Indiana, has had delegated to him unprecedented authority. He had delegated to him powers that no chairman has ever had before. He has the power to unilaterally issue subpoenas.

The gentleman from Indiana has this authority to issue subpoenas unilaterally. He does not have to come to the committee for a vote. He does not have to seek even authorization from his Republican majority. He can just go ahead and issue subpoenas.

Prior to 1997, how many subpoenas were ever issued unilaterally by a chairman of a House committee? Zero. Now, after a year and a half, we have had the gentleman from Indiana issuing 600 subpoenas, all on his own. No one had a review of them. Those subpoenas are part of a thousand subpoenas and information requests issued to Democrats, or Democratic sources, related to Democratic campaign funding issues.

How many has he issued with regard to Republican abuses in the 1996 election? Fourteen. We have not had a single subpoena authorized by the chairman at our request, even though there are important issues to investigate.

The Haley Barbour national review, national committee, whatever it was, that was a source of foreign funding has never been reviewed by our committee. Fund-raising abuses on public property by Republicans, we cannot get the chairman to pay any attention to that. The strange $50 billion tax break for the tobacco companies, the Speaker knows may know something about that because he and Mr. LOTT were the ones who put that through in the middle of the night. We thought that ought to be investigated. None of these things have been investigated.

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The Democrats have been closed out by an effort by the Republicans to do a partisan, reckless investigation. Notwithstanding that, we went along on the only vote where our votes count, and that is on the issue of immunity for witnesses at the request of the chairman once before, and we were all embarrassed by that. The Democrats gave our votes for immunity for a witness who turned out not to have given us honest and credible testimony and a witness who used the immunity granted to him to avoid possible immigration and tax crimes for which he now will never be prosecuted.

Now we are being asked to give immunity to four more people, fairly low-level people. I do not think they have all that much to add to the investigation, but why should we give immunity to these witnesses?

We have not received a proffer from them which would tell us what they know and what they have to say, what to add to the information already available. We have no written proffer from these four people. We have no guarantee that the chairman will conduct the investigation any other way than what he has done up to now.

We wrote to the chairman after that last immunity vote and we said to him, "We gave you the votes for immunity, and we regret it. We've been embarrassed, as should you be, having given a man immunity for possible offenses that none of us ever knew about. The investigation wasn't done adequately by the majority party staff; and, in the future, if we're going to give immunity to witnesses, we want certain assurances. We want, first of all, the assurances we are going to know what these witnesses are going to say, that work will be done in advance so we don't find giving immunity when it's improper. And, secondly, we want this committee to be conducted the way every other congressional investigation has been conducted."

Madam Speaker, in the Watergate investigation, in the Iran-Contra and any other investigations, there have always been traditional procedures which are not being followed in this investigation.

The SPEAKER pro tempore (Ms. PRYCE of Ohio). The time of the gentleman from Texas (Mr. DOGGETT) has expired.

Mr. WAXMAN. Madam Speaker, I ask unanimous consent for one additional minute.

The SPEAKER pro tempore. The Chair will clarify for the RECORD that recognition during morning hour debate proceeds upon designations by the respective party leaders, and the Chair does not entertain unanimous consent requests to extend debate time.

SPEAKER TROUBLED BY PARTISAN BEHAVIOR IN CAMPAIGN FINANCE INVESTIGATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida (Mr. MILLER) is recognized during morning hour debates for 4 minutes.

Mr. MILLER of Florida. Madam Speaker, I yield to the gentleman from Georgia (Mr. GINGRICH), the Speaker of the House.

Mr. GINGRICH. Madam Speaker, I just want to make one comment.

I do not intend to debate my colleague from California, but I would ask every Member of the House who just watched this colloquy to go back in your memory, as I did when I was a young teacher at West Georgia College, to remember what it was like to sit mesmerized watching the Watergate hearings and to see Senator Howard Baker not ask that they go back and investigate Lyndon Johnson; not ask that they go back and find a Democrat; not ask that they have this excuse, that excuse, the next excuse; not say, "Don't go after the little guys because you have to go after the big guys; you can't go after the big guys because you didn't go after the little guys;" not give 25 different, phony excuses.

Howard Baker set the standard for this country of a bipartisan, serious effort at getting at the truth. Howard Baker understood that Richard Nixon could not be allowed to take the entire Republican Party and the Constitution down in flames and that his job as a United States Senator was to get at the truth, and Howard Baker again and again and again cooperated with the Democrat Chairman Sam Ervin.

And I would simply ask every one of my colleagues: Look at what you just heard from the ranking Democrat, go back in your memory and remember Howard Baker's effort to find the truth, and then I think you will understand why we are being forced inch by inch to break through the stonewall and the cover-up despite the defense attorney tactics being used by Democrats who ought to be ashamed of it and ought to be helping us get at the truth rather than finding some flimsy excuse to avoid voting for immunity.

Mr. WAXMAN. Madam Speaker, will the gentleman yield?

Mr. MILLER of Florida. Madam Speaker, I yield back the balance of my time.

PARTISAN BEHAVIOR IN CAMPAIGN FINANCE INVESTIGATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from California (Mr. WAXMAN) is recognized during morning hour debates for 5 minutes.

Mr. WAXMAN. Madam Speaker, I am sorry the Speaker would not yield to me because I wanted to tell the Speaker that in the Watergate investigation the Chairman, Sam Ervin, did not accuse the President of the United States of being a scum bag. He did not say that he was out to get him. Those were the very words of the chairman of the Committee on Government Reform and Oversight in remarks in his district when he talked about what he was doing in this investigation.

Are we stonewalling an investigation that is proper and legitimate and is trying to get to the truth under a chairman who is interested in objectivity and facts? The chairman of our committee has acted from the very beginning in the most partisan of manners. He has refused to give us the basic rights to request subpoenas to look at Republican abuses. He has refused to allow the Democrats to play a role. In fact, he does not even let his own members play a role. They delegated authority to him, and he, in turn, has delegated it to his staff.

I might not be a Howard Baker, but the gentleman from Indiana (Mr. DAN BURTON) is no Sam Ervin.

If we would have followed from the very beginning the requests that I made that we do a bipartisan, nonpartisan, fair investigation on campaign finance abuses, we would not be here a year and a half later having spent $6 million with a likelihood that at the end of this year we will have spent $10 million harassing witnesses. And I have a long list of people who have been abused of people who have been hounded either the Republican staff did not know the right people they were going after or people they have gone after to the point of just plain harassment. We would not have that sort of thing.

We have had witnesses in our committee who have been called in for depositions over five times to be asked the same questions over and over again.

Today, we have a woman coming in for the fifth or sixth time; and she already was in depositions in the Senate three separate days and asked the same questions over and over again; and she had never been accused of any wrongdoing. Does anybody know what that means when a witness is brought in day after day after day to answer the same questions over and over again, sitting there with her, as she must, with her attorney to whom she is paying out of her own pocket on a government salary?

Now witnesses have been brought into depositions by the unilateral action of our chairman, and those witnesses have been asked questions that no one ought to be asked about their personal lives. But, as a practical matter, do you know what it means? It means that they can object and then the ruling would go to the gentleman from Indiana (Mr. DAN BURTON) as to whether they would be required to answer questions about their personal lives, their drug use or whatever, which has nothing to do with campaign finance abuse. And then the gentleman from Indiana would rule they have to answer, and they could still refuse, and then they face a contempt of Congress.

Do you know what it is like for somebody to have the full force of the Federal Government, the Congress of the United States, staring at them and telling them they will be in contempt and may go to jail if they do not answer questions about their personal lives? So they answer it.

That is one area where people have been abused, but there is another area that I want to raise with my colleagues, and that is the action of the chairman to unilaterally release the tapes made of conversations that Web Hubbell had with his wife, with his children, with his friends when he was in this prison. He knew that the prison authorities were taping all conversations for security purposes, but he did not care about that because he was not talking about anything that breached security.

Ninety-nine percent of the tapes are conversations with his wife about the children, about their finances, about their sex life, about friends who may be in trouble whom they name, friends who may be having difficulties, the kinds of things that every person talks to a spouse about. And the gentleman from Indiana (Mr. BURTON) has moved to release those tapes to the public.

It was bad enough that his staff was able to sit there in a very prurient manner and listen to those intimate conversations. I had asked my staff to do the same just so we knew what was on those tapes, and they were embarrassed having to listen to such personal conversations.

We have not had the conduct of a chairman who has acted properly, and we should not give him this authority to go any further.

PARTISAN BEHAVIOR IN CAMPAIGN FINANCE INVESTIGATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Indiana (Mr. BURTON) is recognized during morning hour debates for 4 minutes.

Mr. BURTON of Indiana. Madam Speaker, since the beginning of this investigation, the White House and the Democrats on our committee have done everything they possibly can to obstruct our investigation.

Mr. Ruff, the President's counsel, told us initially he was not going to claim executive privilege; this was last January, and then he did. And then we had to move a contempt citation against the President's personal counsel because he would not give us documents that were relevant to the investigation. And, finally, at the last minute, 6 months later, he gave us a letter saying we are going to give you what you want. And then in June he sent me a letter saying, to the best of my knowledge, to the best of my knowledge, you have everything that you have asked for. Three months later, we got 12 more boxes of documents, and then we found out about the White House videotapes.

Ever since this investigation has gone on, they have tried to drag it out and drag it out and drag it out to keep us from getting at the facts; and we have to deal with that. They drag it out, and then they blame us for taking so long. They keep information from us, and then they blame us for taking so long. They try to keep us from talking to witnesses that want to talk to us, and then they blame us for taking too long.

The four witnesses that he voted against last week for immunity have been approved for immunity by the President's Justice Department, and yet all 19 Democrats voted to obstruct our investigation by not allowing that immunity to take place, even though the President's own Attorney General okayed us getting that immunity, and that is because they are trying to protect this administration and block every single thing that we are trying to accomplish.

Now, they said we have not accomplished anything, that this has been a waste of the taxpayers' money and time.

Let me just go through a few things.

The Democrat National Committee has returned $3 million in illegal foreign contributions that would not have been returned had it not been for the investigations that have taken place. Do we want the Chinese government giving campaign contributions to people running for president in this country? Do we want them to have influence over our foreign policy or our defense policy? I think not. And yet millions of dollars in illegal foreign contributions have come into this country to the DNC and to the President's legal defense fund and been returned, but only because of the investigation we caught him and we had to send it back.

We had White House coffees where they were raising money, where they were renting out the Lincoln bedroom, doing all kinds of things to try to raise money in addition to taking money from foreign sources.

The White House had people running in and out of there who were known drug dealers. Jorge Cabrera was in to meet with the President on a number of occasions. Wang Jun, a convicted drug dealer; Grigory Louchansky, another felon, had access to the President of the United States.

Charlie Trie, one of the President's best friends in Little Rock, was indicted. He fled the country, took the fifth amendment. He finally came back. We had to force that issue.

John Huang, a personal friend of the President who ran the Worthen Bank in Little Rock, Arkansas, a part of the Riady group, John Huang has taken the fifth, but we understand now he is willing to, with limited immunity, talk to us.

But the Democrats will not help us to get the immunity we need to have these people talk, and why do they do that? Because they do not want those people to talk. They do not want the American people to know the fact about these illegal contributions and how foreign entities were buying influence in this government. They do not want the people to know that, because it is explosive and we are bent, hell bent, to get to the bottom of it and to get the facts out.

Because the American people have a right to know if their government is for sale, if their foreign policy is for sale, if their defense capability is for sale. And, if it is, those who are responsible need to be brought to justice, and that is what we are all about.

Now people, like my colleague from California, keep trying to defend their position. It is indefensible, and we are going to stay after until we get the facts out and get the truth out.

TAXPAYERS FORCED TO FUND PARTISAN INVESTIGATION

The SPEAKER pro tempore (Ms. PRYCE of Ohio). Under the Speaker's announced policy of January 21, 1997, the gentleman from Texas (Mr. LAMPSON) is recognized during morning hour debates for 5 minutes.

Mr. LAMPSON. Madam Speaker, I yield to Mr. WAXMAN from California.

Mr. WAXMAN. Madam Speaker, I thank the gentleman for yielding.

I want to make it very clear what has been happening in this investigation. The gentleman from Indiana (Mr. BURTON) has unlimited and unprecedented authority. He can unilaterally issue subpoenas, he can force people in for depositions, he can make people give up information, and then he can also disclose anything he wants to the press. His staff can leak it to the right press people to get the maximum story, and then get their spin on it. Democrats have never been in a position to stop their investigation, to hinder it in any way. They do not even ask us what to do, they just go ahead and do it. The only time we have any say on anything is when there is a question of immunity.

Now, we hear the Speaker and the chairman of the committee coming to the House floor to complain that we are stopping their investigation. Well, the fact of the matter is that after over a year and a half, they have asked, through depositions and otherwise, for information about Democratic campaign abuses, and they have received over 1 million and a half pages regarding Democrats. They have gone after Democrats, at taxpayers' expense, doing research for opposition campaign purposes. This is what this is all about. It is a government-funded Republican campaign to smear Democrats. It is not a legitimate investigation about campaign finance abuses.

These people, by the way, who are complaining today are the same ones who did not want us to have campaign finance reform even considered by the House, until they were forced by some of their own Members to bring it up.

Madam Speaker, I want to point out that this Burton committee has been incompetent. They have blundered, these are not just my statements. I want to read the statements, a series of editorials from the New York Times. The New York Times called it a "parody of a reputable investigation", useless and unprofessional, and a "rogue operation". The Washington Post earlier last year already noted the "investigation runs the risk of becoming its own cartoon, a joke, and a deserved embarrassment". The Los Angeles Times called it a "partisan sideshow". The former chief counsel, the Republican chief counsel of the committee, quit last year, and he said, he was unable to conduct an investigation that complied with the standards of professional conduct that he had been accustomed to when he was in the U.S. Attorney's Office. He resigned because he said this whole investigation was incompetent and unprofessional.

Madam Speaker, they have blundered, they have handled it in a partisan way, they have handled it incompetently, and what do they do? They come to the House floor and want to point fingers. They want to blame everybody but themselves. They want to point a finger at the administration, they want to point a finger at me, they want to point a finger at the Democrats, for their incompetence and their blunders.

Oh, how I wish we really had a fair investigation. We pleaded with the Republicans, let us do a fair investigation. I even wrote an editorial in the New York Times, suggesting that if it helped, we ought to appoint some independent investigator to look at the Clinton administration issues, so we could then look at Democrats and Republicans in a fair way. We were told to forget it. They had the subpoena power, they had the millions of dollars of taxpayers' money to spend; they were going to do what they want to do, and that is what they have been doing for the last year and a half. It has been a series of embarrassments for them, and now, to get out of that, they are saying that we should go along and help them with immunity.

They can send this investigation to another committee. They can go to the Committee on House Oversight chaired by the gentleman from California (Mr. THOMAS) where they have stacked it so they have two-thirds of the vote, and they can vote immunity, and then Chairman THOMAS can do the investigation. Fine. If that is what the Republicans want to do, send it to another committee. It could not get any worse. It could not get any worse if they had somebody else trying to do this investigation.

The chairman of the committee, the gentleman from Indiana (Mr. BURTON), is just not the person for the job. We do not put somebody in to investigate about campaign finance abuses when he himself is being investigated on the issue of his possible campaign finance abuses.

DOUBLE STANDARDS ARE INAPPROPRIATE FOR OUR MILITARY PERSONNEL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Indiana (Mr. BUYER) is recognized during morning hour debates for 5 minutes.

Mr. BUYER. Madam Speaker, before I give remarks, I think the American people can see that the gentleman from California (Mr. WAXMAN) is perhaps one of the most partisan Democrats here in this body. I think he takes pride in that, and I applaud that because there really is not anything wrong with partisan politics; this is a political body, so that is what this is about.

Madam Speaker, I rise as chairman of the Subcommittee on Military Personnel here in the people's House on behalf of the American people and the 1.2 million active military personnel worldwide and those in the Reserves. I am here to send a message to this administration, and in particular to the President, on his conduct as Commander in Chief.

The message is that military personnel look to the Commander in Chief to set the high standard of ethical behavior and morality. Military personnel are required to set a high example of conduct in order to set an example to those they lead. Adherence to high moral standards is the fabric of good order and discipline in the military. When military leaders fall short of this ideal, then there is confusion and disruption.

Today, many see a double standard in the military. There is a double standard because the Commander in Chief has allegedly conducted himself in a manner that would be a court-martial offense for military personnel for sexual assault and sexual harassment regarding the allegations by the Democrat staffer in the White House, Kathleen Willey.

What about the double standard in the White House of those claiming that the Air Force general did not qualify as the Chairman of the Joint Chiefs of Staff because he had a relationship with a woman pending a divorce, and then we look at the President's own admitted adultery.

What about the Secretary of Defense? William Cohen stated in an interview recently that the President's alleged conduct is having no effect on troop morale. I respectfully disagree. This is not just my concern.

Let me share with my colleagues a letter I received recently from a retired Army officer with 30 years of service, Colonel John Hay. What he stated was, "From the earliest days of service, our new enlisted men and women and officers are taught the necessity of military ethic, chain of command, standards of conduct and principles of leadership; all enforced by the Uniform Code of Military Justice. These standards and values instilled early and continued throughout a career in the military are necessary to maintain the essential trust between the military and the Nation's civilian command authority. These military ethics, values and standards of conduct are generated by the fact that the activities conducted by the Armed Forces are official acts of the Nation. Since ours is a Nation that conducts itself within a set of stated high values, the manner in which our forces perform their duties must be carried out with the same set of high values. Thus, the consistent support of the Nation can only be maintained by expecting and enforcing the highest ethical standards upon every echelon of the military chain of command from the President, as our Commander in Chief, down to and including every individual soldier, sailor, marine and airman."

The Founding Fathers were concerned about the ethical standards of the military leaders. Madam Speaker, it was John Adams that included the first naval regulations, language that called for naval officers to have high moral and ethical standards. This language was codified for naval officers by Congress in 1956 and for the Army and the Air Force in 1997 in last year's bill.

This language calls for officers to "show themselves a good example of virtue, honor and patriotism and to subordinate themselves to those ideals, and to guard against and to put an end to all dissolute and immoral practices and to correct all persons who are guilty of them."

Madam Speaker, there is frustration and confusion in the military. Over the last 18 months, I have traveled to a number of military installations and training centers, not only here in the United States, but all over the world, as I have conducted extensive review in sexual misconduct and sexual harassment in the United States military. I have heard the questions from military personnel about the behavior of the President as the Commander in Chief. As a Member of Congress and as an officer in the Army Reserves, I myself find these questions disturbing.

Each of the services is recruiting young people all across the Nation. At boot camp they are infusing these young men and women with moral values of honor, courage and commitment. They are teaching self-restraint, discipline and self-sacrifice. Therein lies the understanding of deserving honor. Military leaders are required to provide a good example to these young recruits, yet when they look up the chain of command, they see a double standard at the very top.

That is why I have decided to include in my chairman's mark on Thursday for the military personnel section to the National Defense Authorization Act language that will apply John Adams' original guidance on ethical conduct for military officers to our national command authority, in particular the Secretary of Defense and the President, while acting as Commander in Chief.

I hope this language sends a loud and clear message to the administration. They are being watched. From the 18-year-old recruit to the admiral, they all look to the Commander in Chief to set the tone and serve as an example of high moral and ethical behavior.

Madam Speaker, I believe that it is worthier to deserve honor and hold it with humility than to have it, shamelessly flaunt it, and not deserve it.

SELF-DETERMINATION FOR PUERTO RICO: A DREAM DEFERRED

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) is recognized during morning hour debates for 5 minutes.

Mr. ROMERO-BARCELÓ. Madam Speaker, 100 years ago, in 1898 the United States acquired Puerto Rico as a territory. Since then, every time the Congress has considered extending the right of self-determination to the people of Puerto Rico, nativists have raised their voices in protest. Their message is a message of fear.

Less than 2 months ago, March 4 of this year, the House just passed a bill 209-to-208, by scarcely one vote, allowing the people of Puerto Rico to have an act of self-determination. The reason this vote was so close is because of the campaign of fear-mongering that was carried on in this House.

Nativists fear that Puerto Rico will be asked to join the Union as a State. In the nativist mindset, the 3.8 million American citizens of Puerto Rico do not belong in this Union because they do not walk, talk and look like the nativist of the hour. In the mid-1800s a nativist was a Protestant, white Anglo-Saxon male, born in the United States of Protestant parents. Perhaps the profile of a nativist today is the same.

Whoever they are, nativists are prejudiced. And the brand of prejudice they practice is the cultural equivalent of racism. Nativists resist the acculturation, that intercultural borrowing between diverse peoples which results in new and blended social and cultural patterns, even though America's history is a history of acculturation. How else, after all, did we arrive at the image of a great melting pot?

Nativists must think this melting pot business has gone on long enough and it has come time to put an end to it. They are willing to slander people in defense of their image of American cultural purity.

Just listen to what nativists say will happen to the United States if Puerto Rico becomes a State. "Granting statehood to a land that is alien to us in most ways," declares Don Feder of the Boston Herald, will be a milestone on "the road to national dissolution." Columnist George Will implies that the "fraying of American culture" and "the Balkanization of society into grievance groups organized around race and ethnicity," which he believes is already under way, would only be exacerbated by the State of Puerto Rico. Others predict that a State of Puerto Rico would be America's own Quebec; it would be violent, it would drain the national Treasury, it would allow gangs to run prisons; it would promote political patronage, and it would rob other States of their representation in Congress.

This is scary stuff, and it is meant to be. People are using fear to paralyze the Democratic process and to deny the 3.8 million American citizens of Puerto Rico the right to self-determination and the right to participate in the Democratic process of this Nation, a right that we defend on foreign soils, a right for which our people have died defending on foreign soils.

Puerto Ricans did not welcome American troops in 1898 for the privilege of transferring our colonial status from Spain to the United States. Our forefathers were certain that the world's most admired democracy would readily confer democracy to the people of Puerto Rico, but it did not.

When U.S. citizenship was extended to our people in 1917, it was devoid of the most fundamental Democratic right, the right of self-government and self-determination. It was not until 1950 that Congress invited the people of Puerto Rico to draft a Constitution as the ruling law of the established local self-government. The right of self-determination and participation in the democratic process of our Nation continues to be a dream deferred.

Yet, the American citizens of Puerto Rico are devoted to this democracy and its ideals, and we have demonstrated our commitment tangibly at the poll booth and at the battlefield. Whenever an election is held in Puerto Rico, 80 to 85 percent of the electorate votes.

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I challenge any State of the Union to try to match that. The fact is, Puerto Rico enjoys the highest rate of voter turnout of any jurisdiction in the world where voting is not mandatory.

And Puerto Ricans have given their lives in defense of U.S. national interests. We have served honorably, in disproportionately high numbers on a per capita basis and in absolute numbers, in every military engagement our Nation has face during this century. Madam Speaker, 48,000 Puerto Ricans fought in the Vietnam War alone, and in the Korean War more Puerto Ricans died on a per capita basis than in 49 of the 50 States of the Union.

"When people fight for a country," as Senator DANIEL PATRICK MOYNIHAN has so eloquently expressed, "they get a claim on a country." Puerto Ricans have a claim on these United States, and we make that claim today. It is time for this Nation to turn its back on nativism and honor Puerto Rico's right to self-determination and the right to participate in the democratic process of our Nation.

We beseech the leadership, the Republican leadership in the Senate, to allow this bill in the Senate to go forward as it went forward in the House, so the people of Puerto Rico, the 3,800,000 U.S. citizens, can exercise their right to self-determination and the right to vote.

TAX FAIRNESS?

The SPEAKER pro tempore (Ms. PRYCE of Ohio). Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Madam Speaker, I come to the House this afternoon to talk about the U.S. tax system. We have all just paid our taxes, so I think it is appropriate to ask the question: Is the U.S. tax system fair?

Of course not. In fact, it is kind of a preposterous question to ask anyway. We all kind of accept the fact that the Tax Code has become a perverse mess. It is a lot of things, but fair is not one of them. But like so many questions, this one becomes more complicated the more we know about it.

For example, what if we eliminated all the problems with the Tax Code, the loopholes, the needless complexities, the special exemptions and the historical anomalies? What we would be left with in the United States Tax Code is its essence. It would be nothing more than a tax on Americans' incomes at a progressive rate.

So we have to ask ourselves a question: Is a progressive tax on income fair? Well, consider the word "progressive," what it means. It has got sort of a positive connotation today. It is a good thing; its basic definition is "of or pertaining to progress." But before jumping to any conclusions, consider the definition in the dictionary which is number 4, "increasing in extent or severity."

The American income tax code has been progressive from the start. In 1913 when the tax was first imposed, the bottom tax rate was 1 percent, rising all the way to 7 percent on income over $500,000. Today the top rate is 39.6 percent as imposed upon all income above $250,000. Obviously, this sort of progressive tax is problematic in its own right, but there is more.

The reason this discussion is important is because we are starting the debate on tax reform. In the late 19th century when the income tax was first debated, the economists used the marginal utility argument as the justification for the progressive tax. Until then, the typical approach was to make everyone pay the same amount so that the more a citizen made, the more they paid. However, the marginal utility theorists argued that the last dollar people made became less important to them as their incomes went up, so to tax citizens "equally" one would have to tax wealthy persons at higher rates.

The idea seems pretty commonsensical at first, whether a citizen is Bill Gates or not. Whether Bill Gates earns $1,000 more than above his salary in a year, it does not change his life much. To his cleaning lady, the last $1,000 makes a huge difference in what she can afford. It might make the difference between a good year and a bad year. Thus, marginal utility works.

Not exactly, Madam Speaker. Unfortunately, not all Americans are Bill Gates nor are all Americans like the cleaning lady. For example, contrast a family with an income of $100,000 to a family with an income of $125,000. Does one family really value its last $1,000 more or less than the other? Moreover, is there any way to measure the difference in "utility" rationally and precisely enough to base policy decisions affecting millions of Americans upon this?

In fact, this is the first easy question to answer. There is absolutely nothing in the vast edifice of economics that could help us make such a finite decision on progressive tax rates. That is the basic flaw of progressive income tax. There is no objective way to decide what different tax rates should be, and that is why many people support a flat tax.

But ignorance should not be an argument for policy decisions. Unfortunately, the government can get away with it. Americans do not really believe in an income redistribution like the Europeans do, but Americans do not want their taxes raised either. Ultimately, it is a quandary best articulated by George Bernard Shaw who said, "A government who robs Peter to pay Paul can always depend upon the support of Paul."

The problem for the United States is that almost everyone is a Peter and even the Pauls are starting to get angry at the system.

So once again I ask: Is it fair? Is the U.S. tax system fair? Absolutely not. But it is not just a matter of convoluted and messy tax codes. It is a question of basic fairness. Is one taxpayer's last dollar bill really worth more or less than another taxpayer's?

Madam Speaker, I call upon the Speaker to put this issue before the House soon so that we can debate ways to simplify our tax system, albeit a flat tax, sales tax, or simply a simplified Tax Code that everyone can understand.

CENTENNIAL ANNIVERSARY OF THE SPANISH-AMERICAN WAR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Guam (Mr. UNDERWOOD) is recognized during morning hour debates for 4 minutes.

Mr. UNDERWOOD. Madam Speaker, 100 years ago this past Saturday, April 25th, the United States officially declared a state of war with Spain, and the "splendid little war" was officially underway. The Spanish-American War is generally remembered for the destruction of the *Maine*, Roosevelt's Rough Riders, and America's first acquisition of colonies. Many people tend to forget that the American victory was initiated and secured by the American activity not in the Caribbean but in the Pacific. And as we commemorate the centennial anniversary of the Spanish-American War, I would like to draw attention to a couple of unresolved issues which are a legacy of this conflict and our self-perception as an "anticolonial" but nevertheless colonial power.

This was the war that clearly established the United States as a colonial power in the world. The island of Guam was first acquired as a coaling station in 1898 and has since become America's foothold in Asia. Over the years Guam has provided a much-needed opportunity for the United States to protect its vast Asian interests and, more importantly, secure its military goals. Guam's strategic location in the western Pacific continues to be its major value to this country, and I am proud to say that we on Guam have realized this value and are more than willing to draw attention to it, particularly to our determination to finally exercise self-determination.

The acquisitions resulting from the 1898 war plunged the United States Government into uncharted political territory. Never before had noncontinental real estate come under its control. Prior to the acquisition of the islands, the continental American territories were intended for eventual incorporation into the Union of States. What then was to be the fate of these new possessions? And this issue continues today.

There are no easy solutions to this particular problem. However, we are currently presented with a rare opportunity to deal with it not only in the case of Puerto Rico, but in the case of Guam.

I would also like to draw attention to an issue with the Philippines. We have, in Wyoming, a structure designated as a memorial to American servicemen attacked and killed in the town of Balangiga, Philippines. One hundred years of misrepresentation and misinformation has gradually transformed this memorial into a symbol of a slanted and mistaken view of history, a reluctance to admit and correct mistakes from the past, and resistance to advance to the future.

On November 7 of last year I introduced H. Res. 312, urging the President to authorize the transfer of ownership of one of the "Bells of Balangiga" currently displayed in Wyoming to the people of the Philippines. Contrary to several misconceptions, H. Res. 312 recognizes that the memorial at F.E. Warren Air Force Base has a legitimate but not exclusive right to memorialize tragic events which occurred during the Philippine Insurrection, and does not seek to dishonor the memory of the American troops who perished in the Philippine Insurrection or to disestablish the monument in Wyoming. H. Res. 312 proposes a compromise wherein both the Philippines and the United States will share in the legacy of these historic symbols.

The matter touches upon a greater issue and reflects the true nature of our special relationship with the Republic of the Philippines. In the course of subduing the Philippines right after the Spanish-American War, over 4,000 Americans and over 200,000 Filipinos died. The Bells of Balangiga are a symbol of that conflict. For us, they are the trophies of war that marked the killing of over 50 Americans, and for Filipinos they represent the eventual order to kill every Filipino male over the age of 10 on the island of Samar. If we share these bells, we bring honor to both countries and all who suffered and died.

Today, each and every one of us is faced with a challenge. As we commemorate the centennial of the Spanish-American War, we must decide whether we should focus upon the true dimensions of this historic event, reflecting upon its far-reaching results, take advantage of the knowledge we have gained, learn from our experience, and bring resolution to these issues, or perhaps we should just save all these lofty aspirations for the bicentennial.

THE "GIVE FANS A CHANCE ACT"

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, this month a little drama is being acted out in New York City and the venue is Yankee Stadium. What should have been the glorious 75th anniversary of "the house that Ruth built" may in fact see the end of a tradition unless New York City comes up with perhaps as much as $1 billion.

This is another example of professional sports, instead of being a source of civic pride, are to be often a symbol of what people do not like. The players now are the television networks, major corporate sponsors, athletic equipment and apparel giants. The fans appear to be almost an afterthought.

This trend, some would suggest, started about 40 years ago when the Brooklyn Dodgers tore the heart out of that community by moving a very profitable franchise to the West Coast in pursuit of greener pastures.

It continues today. I have heard from fans all over America: Houston, Chicago, Sacramento. New York is just simply the most recent and perhaps the most egregious example. And of course it has come full circle because recently the Dodgers were sold again, this time to Rupert Murdoch, and the trend is growing. Over 50 million people live in and around communities with sports teams which have recently moved or are threatening to relocate.

The change of focus away from the fans has become more acute as these leagues have upped the ante. Between now and the year 2006, more than $7 billion will be spent on new stadiums, most of which will be public money. In comparison to the stadiums, teams are cheap. The stadiums currently under construction range in price from perhaps $250 million to, in the case of the New York Yankees, as we have mentioned, perhaps $1 billion or more.

But wait a minute. The average value of a baseball team is only $134 million. The average for a football franchise, $205 million. Thus, these stadiums cost significantly more than the teams themselves; in the case of the Yankees, as much as four times as much.

Madam Speaker, it would be cheaper for the community just to buy the team. Well, there is one city in America that does not have to worry about this little drama. Green Bay, Wisconsin, one thirty-fourth the size of Los Angeles, owns perhaps the most successful franchise in American sports. But the NFL will not let it happen again. They have passed rules against municipal ownership.

The Federal Government must stop aiding and abetting this abuse. We are not innocent bystanders. Besides the massive tax subsidies that we provide for the construction of stadiums, we provide an antitrust exemption that enables professional sports franchises to make billions of dollars. The NFL, for instance, will earn $17.6 billion over the next 5 years. We have made the NFL rich, yet the NFL will not allow another community to own its franchise.

That is why I have introduced the "Give Fans a Chance Act." It would tie the sports broadcast antitrust exemption to the elimination of rules that prohibit public ownership. And it would give communities a voice in relocation decisions.

The advantages are clear: It would end the franchise feeding frenzy; it would make stadium decisions based on what is good for a team and community, not on what looks to be blackmail; it will make it easier to get support for needed stadium expansions; and will help eliminate the cynicism that is permeating professional sports.

Sports fans from coast to coast love this idea. There is a congressional responsibility to help these fans, since we helped create this monster. I urge my colleagues to give fans a chance and support H.R. 590.

PRESIDENT SHOULD SUPPORT RELIGIOUS FREEDOM, RATHER THAN APPEASE OPPRESSIVE GOVERNMENTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Virginia (Mr. WOLF) is recognized during morning hour debates for 5 minutes.

Mr. WOLF. Madam Speaker, yesterday the President of the United States provided one of the most stunning rationalizations in history about the need for appeasement in the face of persecution. I submit today's front page article from the New York Times and encourage my colleagues to read it.

What is so bad about the "Freedom From Religious Persecution Act" according to President Clinton? That it will force the administration to "fudge," and that is the President's term, reporting on violations so they would not have to carry out the sanctions imposed by this act.

There apparently was no mention by the President that the bill, the Freedom From Religious Persecution Act, provides a very generous waiver, a total waiver for the President. He can waive the sanctions for national security reasons or if doing so would advance the objectives of the act.

As we consider this act, Madam Speaker, we should know that Catholic priests are in jail in China, Catholic bishops are in jail in China, even evangelical pastors are being persecuted in China. The Chinese government has plundered Tibet. I have been to Tibet. I have visited and gone outside the prisons to hear how they are persecuting Buddhist monks and Buddhist nuns. They are persecuting the Muslims in China, and yet the President says this legislation is a ridiculous act.

What the President and State Department fear most about this bill is the fact that it requires them to look at facts and take action. This administration wants to appease these governments when they are perpetrating evil, the same type of evil that when Ronald Reagan was President of the United States, he talked about the evil empire when he gave that very profound speech in Orlando back in the early 1980s.

President Clinton made his remarks when he stopped by a meeting with prominent evangelical leaders. He went on to describe President Jiang Zemin as a person who "knows a lot about Christianity in China." That is what the President said. "He knows a lot about Christianity in China." He said he "understands the issue."

Yes, Jiang Zemin understands the issue. He understands that he puts priests in jail. He understands that he puts bishops in jail. He understands that he puts evangelical leaders and lay pastors in jail. He understands that he persecutes the evangelical church and the Catholic church. He understands that he plunders Tibet and he brutalizes the Buddhist monks and nuns. He understands that he breaks the backs of the Muslims in China. He understands.

What does the President mean, that President Jiang Zemin understands? Does he mean he is sympathetic? Then let him open up the jails and allow these people to come out. And for the President of the United States to say this is wrong.

Madam Speaker, let me remind my colleagues that President Jiang Zemin is president of a country which systematically imprisons Catholic bishops and priests, imprisons protestant pastors and lay people, tortures Buddhist monks and nuns.

Has our President ever been to Tibet? No. Has anybody from the administration been to Tibet? No. I have been there and talked to the monks, and seen the plunder that is taking place. I say this is a shame. Yes, President Jiang Zemin knows about Christianity. He knows how to persecute it.

But, Madam Speaker, Christianity will rise in China. Christianity will be there when President Jiang Zemin is gone. And the Catholic church will prosper and the evangelical church will prosper, and the church will rise up and be there long after President Jiang Zemin is gone from there. But what a disgrace for this President to say and infer that President Jiang Zemin is sympathetic to the church in China.

One other thing I want to raise, Madam Speaker. I want to submit an article which was in Mother Jones magazine showing how USA*Engage, a lobbying group downtown run by Anne Wexler, is attempting to manipulate prominent religious leaders in the United States. One USA*Engage memo obtained by Mother Jones described how Company X is assigned to talk to one of the country's most well-known religious leaders and Company Y is assigned to talk to another prominent leader. It goes on.

I am saddened that USA*Engage and the Wexler group would attempt to manipulate leaders in this country of different denominations, while priests are being persecuted and slavery is taking place in Sudan. 1.1 million Christians have been persecuted in Sudan because of their faith. Because they love Christ and they want to stand for Christ, they are persecuted for Christ. And Anne Wexler and USA*Engage join up, join up to defeat legislation which will send a message to these people that we care, that we remember the words of the Declaration of Independence: We hold these truths to be self-evident, that all men and women are created equal and given rights by their creator God, life, liberty and the pursuit of happiness. And for USA*Engage to attempt to manipulate this progress is very, very sad.

Madam Speaker, yesterday the President of the United States provided one of the most stunning rationalizations in history about the need for appeasement in the face of persecution.

I submit for the RECORD today's front page *New York Times* article and encourage my colleagues to read it. What is so bad about the Freedom from Religious Persecution Act according to President Clinton? That it will force the administration to "fudge", and that's the President's term, reporting on violations so they would not have to carry out the sanctions imposed by the act.

There apparently was no mention by the President that the bill provides for very generous waiver authority: he can waive the sanctions for national security reasons or if doing so would advance the objectives of the act.

What the President and the State Department fear the most about this bill is the fact that it requires them to look at the facts and take action. He wants to continue appeasing governments even when they are perpetrating evil.

President Clinton made his remarks when he stopped by a meeting with prominent evangelical leaders. He went on to describe President Jiang Zemin as a person who "knows a lot about Christianity in China" He "understands the issue," the President said.

Let me remind you that President Jiang Zemin is the President of a country which systematically imprisons Catholic bishops and priests, imprisons Protestant pastors and laypeople, tortures Tibetan Buddhist monks and nuns and sends its security forces to break up underground worship services. President Jiang Zemin rules a country that uses brave dissidents as pawns in ego-politics—releasing prominent dissidents in exchange for favors by the United States.

I am pleased that Wang Dan and Wei Jingsheng have been released. But it does not reflect progress. The Chinese government has not released Pastor Peter Xu, one of China's most prominent house church leaders; Bishop Zeng Jingmu, a 77-year-old Roman Catholic bishop; or the Panchen Lama chosen by the Dalai Lama, a 5 year-old boy who has not been seen or heard from for over two years. All of these individuals were on the list of thirty prisoners raised by the recent, and highly-touted, religious leader's delegation to China. Not one of the thirty religious prisoners have been released since the delegation's visit.

Sure Jiang Zemin knows about Christianity—he knows how to repress it.

There is a growing movement in the United States demanding that the U.S. government take action against governments that persecute religious believers. That is what President Clinton fears the most—having to take action. To avoid action, he says the administration will be forced to "fudge" the facts. What an abomination.

But there is another issue that I wanted to bring to my colleagues' attention: the efforts being waged by USA*Engage and some top-dollar Washington lobbyists to defeat the Freedom from Religious Persecution Act by trying to manipulate prominent American religious leaders. I urge all my colleagues to read the recent article in Mother Jones magazine that I am submitting for the RECORD.

Madam Speaker, I am really saddened by this action. It is so disappointing to see what has been taking place and to what lengths some will go to defeat a bill which seeks only to help people being persecuted for their faith. Catholic bishops and priests are in jail in China. Tibetan Buddhist monks and nuns are being tortured in Tibet. Bahai's are being persecuted in Iran. Muslims and Christians are being persecuted in Sudan. Yet, the lobbying beat goes on. What a sad commentary.

I believe it is entirely inappropriate to manipulate American religious leaders. Yet, according to the article, that appears to be what is happening. One USA*Engage memo obtained by Mother Jones describes how company X is assigned to talk to one of this country's most well known religious leaders and company Y is assigned to talk to another prominent leader. It goes on. How disappointing.

Suffering Catholics, Protestants and Muslims in China do not have top-dollar Washington lobbyists. Christian slaves in Sudan cannot hire K Street law firms. Tibetan Buddhists have no funds to launch slick PR campaigns.

The Freedom from Religious Persecution Act is about them. Who speaks for them?

I have been to many of those countries.

I have spoken to many persecuted people. Almost everywhere I go I hear over and over—please speak out for us. We cannot speak for ourselves. We are voiceless, powerless minorities who are being victimized by powerful governments. If the American government does not speak for us, who will?

H.R. 2431 is not about trade—its about taking away taxpayer subsidies (including taxpayer subsidized trade) from governments that persecute people of faith.

H.R. 2431 does not cut off non-humanitarian aid to countries until they are engaged in "widespread, ongoing" and particularly severe kinds of persecution. In the face of killing, rape, torture, imprisonment, enslavement and other violent action, how can the President tell the American people that the United States government will continue trying to "understand" their point of view?

Passage of this bill is important to help those who suffer for their faith.

Madam Speaker, I submit the following article for the RECORD:

[From the New York Times, Apr. 27, 1998]

CLINTON ARGUES FOR "FLEXIBILITY" OVER SANCTIONS—U.S. TEMPTED TO "FUDGE" ON REPRESSIVE NATIONS

(By Elaine Sciolino)

WASHINGTON, April 27.—President Clinton criticized laws today that automatically impose sanctions on countries for behavior that Americans find unacceptable. He said such legislation put pressure on the executive branch to "fudge," or overlook, violations so that it would not have to carry out the sanctions.

Mr. Clinton made his unusually frank remarks during an appearance before a group of about 60 evangelical Christian leaders at the White House. They were meeting with Samuel R. Berger, the national security adviser, in the Roosevelt Room.

Specifically, Mr. Clinton asked the group to withdraw its support for pending legislation that aims to reduce religious persecution overseas by imposing trade and aid sanctions on repressive regimes.

Last week the House International Relations Committee approved, by 31 to 5, a bill that would impose export and aid sanctions on countries that endorse or permit violent attacks on religious believers. Among other provisions, the sanctions would ban imports from such countries, prohibit loans by multilateral institutions and make it easier for victims of religious persecution overseas to qualify for asylum or refugee status.

Mr. Clinton made clear to the visitors just how difficult it is for his Administration to produce honest analyses about a country's behavior when Congress passes laws that require sanctions the moment a country violates what Congress defines as good behavior. Legislators weigh in on issues including human rights, drug cooperation and efforts to stop the spread of nuclear weapons.

The President singled out punitive legislation against Russia, Iran and Cuba as examples of Congressional initiatives that boxed him in.

"What always happens if you have automatic sanctions legislation," he said, "is it puts enormous pressure on whoever is in the executive branch to fudge an evaluation of the facts of what is going on. And that's not what you want. What you want is to leave the President some flexibility, including the ability to impose sanctions, some flexibility with a range of appropriate reactions."

Later he repeated the point, saying that automatic sanctioning "creates an enormous amount of pressure in the bowels of the bureaucracy to fudge the finding."

Mr. Clinton did not say whether the Administration had ever "fudged" the facts to avoid imposing sanctions.

But the Clinton Administration, like its predecessors, has been criticized for ignoring or excusing obvious violations of United States sanction laws to justify continuing to do business with certain countries.

Earlier this year, for example, the Administration certified that Mexico, America's second-largest trading partner, was fully cooperating in antidrug efforts despite evidence to the contrary that could have required economic sanctions.

Some lawmakers and arms-control experts have criticized the Administration for not imposing sanctions on China for its sale of germ warfare equipment to Iran and its continued nuclear cooperation with Iran and Pakistan.

In addition, American lawmakers have threatened to improve economic sanctions on Russian enterprises that aid Iran's missile program if Russia does not fulfill its pledges to block the assistance. The Administration has strongly opposed the move.

It has also been cautious in declaring that some foreign companies are trafficking in formerly American-held property in Cuba. Such a declaration would automatically hamper the companies' operations in the United States and their executives' ability to enter the country.

As for Iran, the Administration has avoided deciding whether to impose sanctions against countries or companies that invest heavily in its oil sector, despite legislation requiring the United States to do so.

Mr. Clinton's remarks provided a rare opportunity to observe him in a private setting in which he did not expect reporters to be present.

The meeting was not listed on his public schedule, and he was told only later that a reporter had been invited to attend.

During the meeting, the president of the National Association of Evangelicals, Don Argue, told Mr. Clinton, "These are praying people," and asked how the group's members should pray for him.

The President asked that they never say a prayer for him that they didn't say for his family as well.

Then he added, "I'll tell you what the prayer I say every night is: 'To be made an instrument of God's peace, to have the words in my mouth and the meditations in my heart and to be on God's side.' That's about as good as I can do here."

Mr. Clinton also shared a story about his daughter, Chelsea, freshman at Stanford University. He said she often logged on to the Internet in the evening and called him to ask him about something she had read in the early edition of the next day's newspaper.

"She knows I work late," Mr. Clinton said. "So some nights at a quarter to one or something, the phone rings. It's Chelsea."

In his remarks, Mr. Clinton also unabashedly boasted that American religious freedom should be the model for countries that persecute their people over religious beliefs.

"The only answer for any of these countries is to basically have a system that America has," Mr. Clinton said. "I've always tried to be a little bit careful about telling anybody that we know best about everything."

But, he added, in this case, "we know best."

Still, he waxed philosophical about the need to understand other countries' "historical nightmares" before judging them too harshly.

"It's also important when you deal with a country to know what its historic bad dreams are," he said.

America's bad dream goes back to the Civil War, he said. Russia's goes back to invasions by Napoleon and Hitler, and China's goes back to internal disintegration.

In trying to persuade Russia that the eastward expansion of NATO was not a threat, for example, Mr. Clinton explained: "You know that NATO would never invade Russia, and it's not rational from our point of view. But then, America was never invaded by Hitler or Napoleon."

Mr. Clinton also described President Jiang Zemin of China as a leader who understands the concerns of the United States and "knows a lot about Christianity" in China. "I think he understands this issue and I think that if we just keep pushing along, I think that he will be more likely than not to advance it," Mr. Clinton said.

He added that he had spent "a lot of time" coaching Mr. Jiang during his trip to Washington last year on how to handle their joint news conference.

Mr. Clinton said he had told Mr. Jiang, "You've got to learn how to smile when they hit you right between the eyes."

"I said, 'That's the way we do it over here.'"

[From Mother Jones, May/June 1998]

SO YOU WANT TO TRADE WITH A DICTATOR

(By Ken Silverstein)

Americans may be fickle when it comes to politics, but as politicians and moviemakers know full well, there's one reliable "gimme": We hate dictators. Tyrants, autocrats, despots—we just don't like them.

So imagine how tough it would be to build a public campaign promoting trade with countries such as Iran, Burma, or Nigeria, whose dictatorial regimes have horrible human rights records. That's the challenge for a coalition of the nation's biggest corporate exporters, including aerospace titan Boeing; construction equipment giant Caterpillar; the country's biggest oil companies, including Unocal, Chevron, Mobil, and Texaco; and other Fortune 500 firms such as IBM and Motorola.

All have money to make overseas, and economic sanctions are just another obstacle. Now the coalition, led by its front group, USA*Engage, will have its two big shots at success.

For starters, it plans to file a lawsuit to overturn the "selective purchasing" laws that have sprung up in 18 different cities across the U.S. banning government contract work from being awarded to companies that trade with tyrannical regimes. More impressively, they have already managed to have a bill introduced in Congress—which appears to have been drafted by their own lobbyists—that would severely restrict the use of sanctions, and would pave the way for greater trade with outlaw nations. How will they convince legislators, or the voting public, that trading with dictators is good? Their strategy is detailed in a series of internal memos obtained by Mother Jones that describe how to spin the most morally questionable of campaigns—with help along the way from religious leaders and institutions such as the Rev. Billy Graham and the Catholic Church.

STEP 1—FIND YOUR SALES TEAM

The anti-sanctions drive is run out of the National Foreign Trade Council, a prominent Washington, D.C., trade association that represents the nation's 500 biggest exporters. But when it came time for its attack on sanctions, the NFTC needed a cover—provided, preferably, by someone who was liberal, popular, and well-connected. So in early 1997, it hired Anne L. Wexler, who heads the Wexler Group, and recently was ranked one of the capital's 10 most influential lobbyists by Washingtonian magazine.

The ultimate power broker, Wexler has Beltway access to burn, and her liberal credentials include working as a campaign organizer for Eugene McCarthy's 1968 presidential race, doing a stint as a consultant for the government watchdog group Common Cause, and serving, from 1975 to 1977, as the associate publisher of Rolling Stone during its muckraking heyday. Wexler followed that with a job as a top aside in Jimmy Carter's White House before launching her political consultancy, which boasts executives with close ties to President Clinton (Betsey Wright, his chief of staff when he was governor) and to Newt Gingrich (former Pennsylvania Republican Rep. Bob Walker, formerly a close Gingrich ally).

Wexler may have come far from her days as a war protester, but her lobbying efforts still carry a liberal spin. Arguing against sanctions, she says that because they limit investment opportunities for business, "the only people they end up hurting are U.S. workers."

The NFTC also lined up important politicians on both sides of Washington's revolving door. It signed up seven lobbyists from Hogan & Hartson. One of them, Republican Clayton Yeutter, while acting as President Reagan's U.S. Trade representative, threatened trade sanctions against Southeast Asian countries that did not open their markets to American tobacco companies.

Another of the group's lobbyists, former Rep. Michael Barnes, a Democrat, demanded that sanctions be imposed on Haiti in 1994 when he worked as a lobbyist for ousted president Jean-Bertrand Aristide. During the first half of 1997 alone the NFTC paid $340,000 to Hogan & Hartson for its campaign against sanctions.

The NFTC also made sure to cement a relationship with a key State Department official, Undersecretary of State Stuart Eizenstat—who chairs the sanctions review team created last year by the State Department—by retaining his former law firm, Powell Goldstein.

STEP 2—PUT ON A HAPPY FACE

With its lobbying army in place, the NFTC next needed to start a front group to head the anit-sanctions drive. Engineered by the Wexler Group, USA*Engage was officially unveiled at an April 1997 press conference, during which it portrayed itself as a dynamic "broad-based coalition representing Americans from all regions, sectors, and segments of our society." The address on USA*Engage's letterhead belongs to the Wexler Group, which is also where the number listed for USA*Engage rings (though callers are routed around the Wexler Group's main switchboard).

In its literature, USA*Engage claims to have more than 600 members. But when contacted, several of the smaller companies listed on its roster responded with puzzlement. Tim Hussey, president and CEO of Hussey Seating of Maine, said he had no idea what USA*Engage was. Richard Gravenhorst, co-owner of Reco Industries, a Louisiana road equipment company, also didn't know about USA*Engage, replying that his firm had little international business. Sanctions, he said, "[are] certainly not one of our priorities."

When he is asked about USA*Engage's bloated membership, Frank Kittredge, the NFTC president who doubles as the group's vice chairman, admits that no more than 50 to 100 companies are active participants. "USA*Engage was formed because a lot of companies are not anxious to be spotlighted as supporters of countries like Iran or Burma," he says. "The way to avoid that is to band together in a coalition."

So who is behind USA*Engage? The oil industry, for one. Unocal's chief Washington lobbyist, Jack Rafuse, chairs USA*Engage's State and Local Sanctions Committee. Unocal co-owns a billion-dollar natural gas pipeline in Burma, and one of its partners is Burma's State Law and Order Restoration Council (SLORC), the military dictatorship that the State Department says used slave labor to help build the pipeline. Jefferson Watterman International, a Beltway firm that lobbies for Burma, is also a member.

USA*Engage members also include Mobil and Texaco—both of which have major investments in Nigeria and have lobbied to prevent strong sanctions against Gen. Sani Abacha's regime, despite its having imprisoned 7,000 people without charge and, among other atrocities, having executed protester and writer Ken Saro-Wiwa.

USA*Engage's chairman, William Lane, is the Washington director for Caterpillar, a company that has obvious reasons for belonging to the coalition. It has its own Burmese dealership, and has business in other nations threatened with or currently under U.S. sanctions, including Sudan, Indonesia, Colombia, and Nigeria. Other USA*Engage members have just as much incentive for wanting to trade with dictators. Boeing, for instance, has long battled the government's threatened sanctions against China, where it sold one-tenth of its airplanes between 1992 and 1994. Another group of coalition members—including Westinghouse and ABB—has been pressing the Clinton administration to lift a ban on nuclear power exports to Beijing.

STEP 3—CALL IN THE RENT-A-SCHOLARS

Once USA*Engage was formed, coalition leaders quickly turned to a web of Beltway think tanks and scholars to provide the sanctions drive with badly needed intellectual ammunition.

The Institute for International Economics (IIE) prepared a study in 1997, released at USA*Engage's debut press conference, which states that sanctions cost the U.S. economy $15–$20 billion, and caused the loss of 250,000 jobs in 1995 alone. The study confirms an IIE sanctions specialist, Kimberly Elliott, was funded "in part" by the NFTC.

Georgetown University law school professor Barry Carter authored another study, paid for by the National Association of Manufacturers (NAM), a USA*Engage member. When it came out, NAM trumpeted the findings, saying the study showed that sanctions come "with a steep price tag for U.S. commercial interests." The coalition also uses reports from prominent think tanks such as the Cato Institute, the Center for Strategic and International Studies, and the Center for the Study of American Business to arm itself with intellectual firepower. All have received funding from companies that belong to USA*Engage.

STEP 4—GET RELIGION, KILL THINE ENEMIES

Once USA*Engage had its research studies in hand, it figured it would have an easier time convincing Congress to lift trade sanctions. But then the coalition faced a new enemy, one that any economic analyst would have a tough time countering: The God Lobby.

In May 1997, Rep. Frank Wolf (R–Va.) and Sen. Arlen Specter (R–Pa.) introduced the Freedom from Religious Persecution Act, which would slap mild sanctions on nations that persecute religious groups as a matter of government policy. The bill boasted a remarkable lineup of organizations that testified on its behalf—from the Christian Coalition to Amnesty International—and had strong backing from the Republican leadership.

USA*Engage sprang into action. On August 29, 1997, Don Deline of Dallas-based Halliburton, a USA*Engage member and the world's second-largest oil field services company, sent a memo to coalition members outlining the group's strategy to defeat the Wolf-Specter bill.

The plan: fight fire with hellfire. According to the memo, Deline met with two officials at the State Department, Deputy Assistant Secretary Bill Ramsay and David Moran, the director of the Office of Economic Sanctions Policy, who both told him they didn't like the bill but were "constrained for obvious reasons in how active they believe they can be in opposing them." Similarly, they suggested that business leaders would be unsuccessful opposing the bill publicly. Instead, they suggest, "religious leaders and organizations should take the lead for best results."

The resulting USA*Engage strategy matched members with key religious leaders. Specifically, Deline wrote, "Boeing will contact Rev. Billy Graham; Marjorie

Chorlins will contact Drew Christian," whose last name is actually Christiansen, and who represented the U.S. Catholic Conference, the Vatican's organizational arm in the United States.

When asked whether USA*Engage ever tried to get religious leaders to speak out against the Wolf-Specter bill, Deline admitted that the group had "low-key" conversations with religious leaders, but says that was it. "Nobody that I know of is shoving religious leaders out front for their personal gain," he says. Chorlins, a lobbyist for Motorola, confirms that she did speak with Drew Christiansen about Wolf-Specter, but then adds her own, nearly identical qualifier: "Business is not pushing religious leaders out there."

Says Chorlins, "I talk to different organizations and communities because I want dialogue, not to push them out front."

Both Graham and Christiansen eventually did come out against the religious persecution act—just as planned in the memo. Graham traditionally has ignored human rights conditions in the countries, such as China, where he preaches. He also joined Boeing last year in urging Congress to extend China's Most Favored Nation trade status.

And two weeks after Deline's memo, Christiansen, speaking before a House International Relations Committee hearing on the bill, said the U.S. Catholic Conference recommended being "cautious and deliberate in invoking [sanctions] as a remedy in public affairs." Christiansen then made two proposals that came straight out of USA*Engage's playbook: He suggested that the government require extensive public review before imposing sanctions, and advocated that the proposed presidential waiver included in the bill be extended.

Brian F. O'Connell of Interdev, a Seattle-area evangelical group, who also opposes Wolf-Specter, told Mother Jones that a Washington, D.C.-based business group—he won't say which but confirms that he talked to people from USA*Engage about Wolf-Specter—wanted to fly him to Washington to testify against the bill. O'Connell, however, declined the offer.

Gregg Wooding, a spokesman for the Billy Graham Evangelical Association, says Graham would not comment on this story because "he's not a politician and doesn't like to talk about politics." Christiansen also declined to be interviewed.

Ultimately, Congress deferred further consideration of the bill, and it was eventually rewritten to narrow the chances of sanctions and broaden the presidential waiver. A report sent out from Wexler's office to coalition members in February boasted that "USA*Engage is widely credited for the failure of [Wolf-Specter] to come to a vote in 1997."

STEP 5—WRITE YOUR OWN BILL

Now, having at least temporarily dispatched Wolf-Specter, USA*Engage was ready to put together its very own sanctions "reform" bill. The coalition quickly signed up two Hoosier friends in Congress to sponsor the legislation: Republican Sen. Richard Lugar, of the Senate Foreign Relations Committee, and Democratic Rep. Lee Hamilton, the ranking Democrat on the House International Relations Committee.

When initially asked about her company's role in moving the legislation forward, Wexler replies, "We don't lobby." When pressed, she concedes that her firm "worked closely" with members of Congress who worked on the legislation "so I guess we do lobby." However, she says firmly, "That bill was written on the Hill."

But a USA*Engage lobbyist memo suggests that the role Hamilton and Lugar played in sponsoring the legislation was largely ceremonial, and that it was the lobbyists who drafted the bill. In a memo dated September 4, less than two months before the bill's introduction, the Wexler Group's Erika Moritsugu wrote Richard Lehmann, a lobbyist for coalition member IBM, telling him that he would be receiving more information from her as soon as "we work to finalize the bill language." According to the memo, Wexler's people were also planning "a target date for introducing the bill" and even drafting the "Dear Colleague" letters that lawmakers send out to their peers to build support for legislation.

In the memo, Moritsugu also thanked Lehmann for contacting Rep. Jim Kolbe (R-Ariz.). According to other memos, the Wexler Group sent out requests to coalition members asking them to fax in summaries on their progress finding co-sponsors for the legislation. Wexler used this "Co-Sponsorship Meeting Response Form" to keep track of how far USA*Engage's tentacles had spread throughout Congress. In the case of Lehmann, they went far: Kolbe signed on as a co-sponsor of the House bill.

On October 23, Hamilton introduced the Enhancement of Trade, Security, and Human Rights through Sanctions Reform Act in the House (Lugar followed suit in the Senate early the following month). The bill would protect overseas contracts signed at the time sanctions are imposed and would require that sanctions expire after two years unless specifically reauthorized.

The legislation also makes the process of imposing sanctions a bureaucratic nightmare while specifically exempting restrictions on the use of measures "imposed to remedy unfair trade practices." In other words, says Mark Anderson, a union officer at the Food and Allied Service Trades who closely monitors USA*Engage, "sanctions are just fine if the economic interests of a company are threatened by intellectual property theft or expropriation, but they should not be imposed if a dictatorship is killing its people or depriving workers of their rights."

Meanwhile, the law firm Hogan & Hartson has been scheduling meetings between leading members of USA*Engage and congressional staffers. A series of three internal campaign memos from last fall urged key coalition members to attend engagements set up with a number of Capitol Hill offices, including the Senate Finance Committee.

STEP 6—SEIZE CONTROL

With Congress about to consider the bills, the future looks sunny for USA*Engage. The group mailed out a progress report to member companies stating that the coalition had "surpassed its 1997 goals across the board." Furthermore, USA*Engage's "continuous and aggressive media education effort" has paid rich dividends. According to the report, of the 242 newspaper editorials written on the sanctions issue since USA*Engage's founding last year, 180 had been favorable to the coalition, 36 were neutral, and only 26 were hostile.

The progress report also urged supporters not to let up, mentioning that "member companies are currently deeply involved" in recruiting more co-sponsors for the Hamilton-Lugar legislation, which already boasts 10 senators and 14 House members.

There's also good news for one of USA*Engage's congressional partners. While Hamilton will retire at the end of his term, Lugar will be up for re-election in 2000 and is apparently tapping into USA*Engage's membership lists. A member of the coalition, who asked to remain anonymous, says that after joining USA*Engage he received an invitation charging a $1,000-a-head fee to a fundraiser for Lugar in March at Washington's exclusive Monocle restaurant.

Along with the sparks that will occur when Congress debates the legislation, coalition members can expect a howl from human rights advocates, such as Simon Billenness of Franklin Research & Development Corp., a progressive investment firm in Boston, who notes the importance economic sanctions played in ending South Africa's apartheid regime. "If USA*Engage had succeeded with these tactics during the apartheid years, Nelson Mandela might still be in prison," he says.

But they can also expect support from sources higher up—and even more important than Billy Graham. The Clinton administration is highly sympathetic to USA*Engage's cause, especially the State Department's sanction review team, headed by Wexler contact Stuart Eizenstat.

As the anti-sanctions laws work their way through Congress, according to the progress report, USA*Engage will assist Eizenstat in dealing with any problems that might arise, such as the weak drug policies in Mexico and Colombia, and the upcoming Nigerian elections—rigged in advance by the country's generals. These cases, the report warns, "may result in a call for sanctions."

Not to worry. Eizenstat's sanctions review committee will have a strong say in such matters and, the report assures, "USA*Engage has encouraged this effort from the outset and will provide private sector input as it unfolds."

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 36 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BARRETT of Nebraska) at 2 p.m.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

Your bounty of blessings is with us, O God, and Your grace is Your free gift. From our beginnings, Your strong arm has strengthened us, and Your benedictions have given us hope. In response to Your favor toward us, we have not always answered with good works and noble deeds and have sometimes followed our own way of self-centeredness and personal advantage.

Help us, gracious God, to see more clearly the unity we share and teach us to work together for the common good.

While every person differs on the particular road we should follow to accomplish our goals, yet let us in solidarity hold high those ideals and traditions and values that we hold dear and make us proud as we honor and respect each other in all we do. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Pennsylvania (Mr. PITTS) come forward and lead the House in the Pledge of Allegiance.

Mr. PITTS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

DOLLARS TO THE CLASSROOM ACT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the Department of Education is currently spending Federal tax dollars funding the closed captioning of the Jerry Springer Show. Unbelievable. Since when does this talk show have anything to do with teaching our kids basic math, reading, writing, science, or history?

Not only does the Jerry Springer show not improve American education, but over the past few months, it has done seven shows on premarital or adulterous relationships with titles such as "I am Having Your Man's Baby".

They have produced another seven shows on the Ku Klux Klan, such as "I am a Breeder for the Klan" and "Christmas with the Klan". They had eight shows on prostitution, such as "I am a 13 Year Old Prostitute" and "My Wife wants to be a Call Girl".

If you believe that Federal education tax dollars should be made available to kids in classrooms instead of providing access to programs on prostitution, racism and polygamy, then I urge the Members to support the Dollars to the Classroom Act. This bill block grants 30 Federal education programs requiring 95 cents of every dollar go to classroom use.

REFORM THE IRS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the IRS is trying to kill reform. They are bringing out the big guns, Congress. The Treasury Department says, and I quote, whistle blowers are lying. The IRS is really doing a good job.

Unbelievable. Tell that to the families of Alex Consul and Bruce Baron, both of whom committed suicide. Tell me, how many more Americans must commit suicide? How many more American families must be destroyed? Who is kidding whom? The tail is wagging the dog in America, and Uncle Sam is now barking the praises of the IRS. Beam me up, Mr. Speaker.

No American should fear our government. The most important thing the Congress of the United States can do this year is reform the IRS. With that, I yield back any guts left in this great, august deliberative body.

SUPPORT RESOLUTION TO HELP STATES COMPLY WITH MEGAN'S LAW

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, I rise today to talk about a very important issue I think to every American, especially American families who have children.

Two years ago, Congress passed Megan's law, which requires States to develop programs to notify communities when sexual predators have been released into their neighborhoods. To date, 45 States have done that.

But I must report that not every State is doing the kind of job that I think needs to be done. In fact, recently, NBC News did a special, and they found in one precinct 222 released sex offenders were living in that one ZIP code. The bad news is that none of the neighbors, none of the families, none of the parents knew who they are or where they were living.

Mr. Speaker, the time has come for Congress to provide some additional leadership to the States. As a result, I have introduced a resolution in the House, and soon it will be introduced in the Senate as well, a resolution which will help States to comply with the requirements under Megan's law, to make it easier for States to comply and notify communities, to notify neighborhoods, and to notify families when sex offenders are moving into their neighborhoods. I encourage my colleagues to join me in this effort by cosponsoring this important resolution.

TRIBUTE TO SHARON AINSLIE

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, after many years of being a father figure to a couple hundred teenagers, Sandy Ainslie is retiring as the Headmaster at Episcopal High School in Alexandria, Virginia.

Much credit should and will be given to Sandy Ainslie for his many years of service, but I am here to honor his hard-working, always smiling, wife Sharon. Sharon has worked alongside Sandy through many years of trials and tribulations. She has raised money for the school and helped upgrade the school's facilities and made it a reality that all students attending Episcopal have their own computer. She has helped to instill in these young minds integrity, honesty, and values that will help enable them to prosper in today's ever-changing world.

While always keeping a loving and warm personality, Sharon has supported her husband and the many students of Episcopal High School for many years. So today it is Sharon we honor for her many years of dedication for our youth of tomorrow. Both Sharon and Sandy will be missed by the students, faculty, and alumni all.

SUPPORT SCHOOL CHOICE FOR AMERICA'S FUTURE

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, it is sad to say, but America's children are not receiving the education they need and deserve. I believe that we are facing this grim situation because parents, unfortunately, have been edged out of the system.

For years and years, the Federal Government has tried to solve educational problems. In fact, the Federal Department of Education has spent over $444 billion since its establishment in 1980, but it has failed our children. Adding more bureaucrats and ignoring parents and teachers is not the solution.

The Federal Government has had its turn. The solution is to put education decisions back in the hands of parents and teachers where education belongs. It is time to truly repair our damaged education system and to empower parents to choose the school that is best for their children. Support school choice for America's future.

INTERIOR DEPARTMENT NOT MAKING GREAT STRIDES IN IMPLEMENTING RESULTS ACT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the Interior Department says that it has been making great strides in implementing the Results Act. That is a 1993 law which requires Federal agencies to define their missions, set goals, and plan how to meet those goals, and specifically measure agency progress.

Great strides? In a recent audit by the GAO, the Interior Department received a 29 out of a possible 100. That is right, 29. It has been a while since I have been in school, but I cannot imagine the kind of bell curve that would make 29 a passing grade. Even the Interior Department's own independent acting IG says their plans do not provide a clear picture of the intended performance.

With approximately 87 percent of Nevada being managed by the Federal Government, this news only bolsters and solidifies the fact that the Department is in desperate need of a tutor. A 29 is not great strides. It is not a giant step. A 29 is a huge step backwards.

The only bright side to this is that they have plenty of room for improvement. The school bell has rung, recess time is over, and the Interior Department needs to return to class.

NATIONAL CHILD ABUSE PREVENTION MONTH

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, April is National Child Abuse Prevention Month. Communities that care about their children and families can and do work together to find solutions to tough problems. It is because of the partnership of a community in my district and a community in another county that I come before you today.

The Talmud says that he who saves one life saves the world entire. On April 13, nine-year-old Amber from Webster, Texas, was abducted and sexually assaulted. Within 24 hours after her abduction, Amber was found, and the assailant was placed into custody by the Harrison County Deputy Sheriff, Claire Martinez. Today, I would like to commend the Friendswood Police Department and Deputy Martinez for their great work in apprehending the suspect.

Within minutes after Amber's mother reported the abduction, the Webster and Friendswood Police Departments quickly organized themselves and responded to the situation. The result is that nine-year-old Amber is still alive. If the Friendswood Police Department had not developed a procedure for dealing with abductions, the result may have been quite different. The response by these agencies is commendable, needs to be a model throughout the Nation.

I would ask that Members wear these little blue ribbons today.

WHITE HOUSE NOT COOPERATING WITH INVESTIGATIONS

(Mr. BRADY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRADY. Mr. Speaker, I sometimes wonder why investigations take so long around here. Maybe you do as well. I know that the White House has insisted that they are cooperating fully with the various investigations and investigators charged with finding out the truth about the illegal campaign contributions in the last elections. But I think I now know why we are having so much trouble getting there.

There are 92 witnesses, that is 92 witnesses have either fled the country or taken the fifth amendment, refused to testify. When you are not afraid to tell the truth, if there is nothing to hide, why would 92 American citizens flee this country or hide behind the fifth amendment?

When the FBI director, Louis Freeh, was asked last year if he had ever seen this before, the only similarity he could draw was during the 16 years he spent investigating organized crime cases. I do not know if this is organized crime, but I know the White House is saying it is cooperating fully, but no one is cooperating.

CAMPAIGN FINANCE REFORM INVESTIGATION STYMIED AT EVERY TURN

(Mr. SESSIONS asked and was given permission to address the House for 1 minute.)

Mr. SESSIONS. Mr. Speaker, during the past few days, we have heard a lot about the ability to hear from witnesses in an objective investigation of the facts surrounding campaign financing. All I hear from the Democrats is that Congress must vote on campaign finance reform.

Well, my committee, the Committee on Government Reform and Oversight, is trying to find out what is wrong with campaign financing. But our investigation had been stymied at every single turn. There are witnesses who have been unavailable to the committee, 46 witnesses who have refused to testify, asserting protections against self-incrimination, and 12 witnesses who have fled the country.

Incredibly, the Democrats on the committee have refused to allow immunity for witnesses that Janet Reno, the Attorney General, says should have immunity. Mr. Speaker, this will prevent us from hearing from those witnesses. My question to the Democrats is this: What are you attempting to hide?

NATIONAL SECURITY DEMONSTRATION SET FOR WEDNESDAY AND THURSDAY

(Mr. WELDON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, to begin the markup of the National Defense Authorization bill this week, I want to call to the attention of our colleagues two significant events that will take place tomorrow and Thursday involving national security and threats from weapons of mass destruction.

All day tomorrow in the Rayburn courtyard, we will have a full demonstration of one of our leading new technologies, the Theater High Altitude Area Defense system as well as a Scud missile, the type of missile that killed our 28 troops in Saudi Arabia just 7 years ago. I would encourage our colleagues to visit that exhibit.

On Thursday, we will have 2,000 fire and EMS leaders from across the country assemble in Washington. At noon, we will have a major rally outside the doors of this Chamber to focus on the need for first responders to get full attention and focus as we plus-up money to respond to terrorist acts involving weapons of mass destruction nationwide.

I would encourage our colleagues to visit both events and to become active participants in the rally and the event from our fire and EMS leaders from all of our 50 States.

□ 1415

ELIMINATE THE MARRIAGE TAX PENALTY NOW

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, the question today is, why pass the Marriage Tax Elimination Act? I believe this series of questions best illustrates why.

Do Americans feel that it is fair that working married couples with two incomes pay higher taxes just because they are married? Do Americans feel that it is fair that 21 million married working couples pay, on the average, $1,400 more just because they are married than an identical couple with an identical income living together outside of marriage? Do Americans feel that it is fair that our Tax Code actually provides an incentive to get divorced?

Of course not. That is wrong, and that is why elimination of the marriage tax penalty is so important.

If we think about it, 21 million married working couples, 42 million Americans, pay on the average of $1,400 more just because they are married. That is one year's tuition at Joliet Junior College in the south suburbs of Chicago; three months in a local day care center. It is real money for real people.

Mr. Speaker, let us eliminate the marriage penalty. Let us eliminate it now.

CONGRESS SHOULD MOVE AGGRESSIVELY TO PUT SOCIAL SECURITY FIRST

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, a word on Social Security. Today the Social Security trustees released the annual report on their new projections when Social Security runs short of money to pay benefits. Because of the economic growth, because of the good economy with more jobs and higher incomes, they are now projecting that we are going to have an extra year or so before Social Security has less tax revenue coming in than is required to pay benefits. We still have a very, very serious problem.

Mr. Speaker, I urge my colleagues in the House and the Senate, I urge the President not to use this as an excuse to delay and put off and not deal with the serious problems of Social Security. The current good economy is an opportunity to move ahead with long term solutions giving more flexibility for transition.

Mr. Speaker, Social Security is one of the important problems that is facing us right now with an unfunded liability of over $3 trillion. Let us move ahead aggressively with a solution and really put Social Security first.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded voted or the yeas and the nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

RHINO AND TIGER PRODUCT LABELING ACT

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2807) to amend the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, importation, and exportation of products labeled as containing substances derived from rhinoceros or tiger, as amended.

The Clerk read as follows:

H.R. 2807

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rhino and Tiger Product Labeling Act".

SEC. 2. PROHIBITION ON SALE, IMPORTATION, AND EXPORTATION OF PRODUCTS LABELED AS CONTAINING A SUBSTANCE DERIVED FROM RHINOCEROS OR TIGER.

(a) FINDINGS.—The Congress finds the following:

(1) The populations of several magnificent and unique endangered species of rhinoceros and tigers, such as the Indian rhinoceros, the Javan rhinoceros, the African black rhinoceros, and all of the tiger subspecies, continue to decline.

(2) Growing demand throughout the world for wildlife and wildlife parts and products has created a market in which commercial exploitation has threatened certain rhinoceros and tiger populations.

(3) There are insufficient legal mechanisms enabling the United States Fish and Wildlife Service to forcefully interdict products that are labeled as containing substances derived from rhinoceros or tiger species and prosecute the merchandisers for sale or display of those products.

(4) Although approximately 77,000 import and export shipments occur annually in the United States, the United States Fish and Wildlife Service is able to maintain only 92 wildlife inspectors at 30 ports of entry, including 13 designated ports, to monitor the shipments.

(5) Wildlife inspectors are able to physically inspect only an estimated 5 to 10 percent of all import and export shipments, making the rate of detection of contraband wildlife products extremely low.

(6) Alternatives are available to the traditional medicinal products that contain substances derived from rhinoceros and tiger species.

(7) Public education initiatives directed toward traditional user groups on the endangered status of rhinoceros and tiger species and on the availability of alternative products in traditional medicine have proven useful in reducing the demand for products labeled as containing substances derived from rhinoceros and tiger species, and should be encouraged.

(b) PROHIBITION, PENALTIES, AND ENFORCEMENT.—The Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.) is amended by redesignating section 7 as section 8, and by inserting after section 6 the following:

"SEC. 7. PROHIBITION RELATING TO PRODUCTS CONTAINING OR PURPORTING TO CONTAIN ANY SUBSTANCE DERIVED FROM A RHINOCEROS OR TIGER SPECIES.

"(a) PROHIBITION.—No person shall sell, import, or export, or attempt to sell, import, or export any product, item, or substance intended for human consumption containing or purporting to contain any substance derived from any species of rhinoceros or tiger.

"(b) PENALTIES.—

"(1) CRIMINAL PENALTY.—Any person who knowingly violates subsection (a) shall be fined under title 18, United States Code, imprisoned for not more than 1 year, or both.

"(2) CIVIL PENALTIES.—Any person who knowingly violates, and any person engaged in business as an importer, distributor, or retailer of products, items, or substances purporting to contain substances derived from any species of rhinoceros or tiger who violates subsection (a) may be assessed a civil penalty by the Secretary of not more than $25,000 for each violation. A civil penalty under this paragraph shall be assessed, and may be collected, in the manner in which a civil penalty under the Endangered Species Act of 1973 may be assessed and collected under section 11(a) of that Act (16 U.S.C. 1540(a)).

"(c) FORFEITURES.—Any product, item, or substance sold, imported, or exported, or attempted to be sold, imported, or exported, contrary to the provisions of this Act or any regulation made pursuant thereto shall be seized and forfeited to the United States. All equipment, vessels, vehicles, aircraft, and other means of transportation used to aid the selling, exporting, or importing, or an attempt to sell, export, or import, of any product, item, or substance in violation of this Act or any regulation issued pursuant to this Act, may be seized and forfeited to the United States. All laws relating to the seizure, forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeiture, shall apply to the seizures and forfeitures incurred under this Act, insofar as those laws are applicable and not inconsistent with this Act.

"(d) REGULATIONS.—The Secretary, after consultation with the Secretary of the Treasury, the Secretary of Health and Human Services, and the United States Trade Representative, shall prescribe regulations that are necessary and appropriate to carry out the purposes of this Act.

"(e) ENFORCEMENT.—The Secretary, the Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating shall enforce this Act in the same manner such Secretaries carry out enforcement activities under section 11(e) of the Endangered Species Act of 1973 (16 U.S.C. 1540(e)).".

(c) DEFINITION OF PERSON.—Section 4 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.) is amended by—

(1) striking "and" at the end of paragraph (4);

(2) striking the period at the end of paragraph (5) and inserting "; and"; and

(3) adding at the end the following:

"(6) 'person' means—

"(A) an individual, corporation, partnership, trust, association, or other private entity;

"(B) an officer, employee, agent, department, or instrumentality of the Federal Government, of any State, municipality, or political subdivision of a State, or of any foreign government;

"(C) a State, municipality, or political subdivision of a State; or

"(D) any other entity subject to the jurisdiction of the United States.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased that the House is now considering H.R. 2807, a bill which I introduced with the gentleman from California (Mr. MILLER) entitled the Rhinoceros and Tiger Product Labeling Act.

The fundamental goals of this measure are to eliminate the U.S. market for illegally obtained rhino and tiger products and, by so doing, the incentive to kill these magnificent animals.

All populations of rhinos and tigers have been listed as endangered for over

20 years. Despite this fact, there are thousands of prepackaged oriental medicines sitting on pharmacy shelves throughout America with labels indicating they contain parts of rhinos and tigers.

In fact, according to a recent survey conducted by the World Wildlife Fund, nearly 50 percent of the 110 shops they visited in North America offered medicines for sale containing or claiming to contain rhino and tiger parts. Investigators identified at least 31 types of rhino and tiger medicines that have been produced by 34 different manufacturers.

What is most shocking was the study conclusion that the availability of these products has greatly increased over the last 5 years, while the danger to rhinos and tigers has increased as well.

While these products are primarily manufactured in China, the U.S. has become a major market for their sale. Those who buy these medicines believe they are effective in combating pain, headaches, convulsions and other ills. Unfortunately, those practicing traditional Chinese medicine are not aware that synthetic alternatives are available and that they are directly contributing to the demise of rhinos and tigers.

The underlying problem and the primary reason law enforcement officials are not confiscating these medicines is because it is virtually impossible to conclusively prove that they contain rhino and tiger parts. It would cost thousands of dollars to perform DNA tests on each of these products, and neither the Customs Service nor the Fish and Wildlife Service has sufficient resources to even begin to undertake such a massive job.

The Rhinoceros and Tiger Product Labeling Act, which has now been cosponsored by over 40 Members, will solve that problem. Quite simply, if a label on a product says that it contains rhino and tiger parts, then we accept the truthfulness of the manufacturer's claim and stop the sale in the United States. In other words, the label is enough proof under this law. This will save the Federal Government a substantial amount of money, and it will help to ensure that rhinos and tigers can continue to survive in the wild.

During our subcommittee hearing on H.R. 2807, every witness testified in strong support of the bill and for closing the loophole in our wildlife laws. These groups include the Clinton administration, the American Zoo and Aquarium Association, the International Rhino Foundation, Safari Club International, and the World Wildlife Fund.

In his testimony, Dr. Terry Maple, the president-elect of the American Zoo and Aquarium Association, stated that passage of H.R. 2807, combined with increased appropriations for law enforcement, will certainly be a bold step by the United States in ending the slaughter of rhinoceros and tigers in the world.

I urge an "aye" vote on H.R. 2807; and I want to thank my colleagues who have joined in this effort.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume and rise in strong support of this legislation and thank the subcommittee chairman, the gentleman from New Jersey (Mr. SAXTON), for bringing this matter both before the committee and before the House of Representatives.

Over the course of the past hundred years, conflict with humans has brought literally thousands of species to the brink of extinction. In the past, those conflicts were often direct and bloody: the Passenger Pigeon, eliminated from this planet by hunting; great whales almost brought to the same fate by the commercial whaling industry; and the African elephant, whose numbers were decimated by greedy ivory traders.

Today's story of the rhinoceros and the tiger is a little more complicated. Perhaps the conflict is a little less direct, but it is just as bloody. Throughout their range, these two magnificent species have been brought to their knees by habitat destruction and commercial trade in the products made from their carcasses.

While the CITES convention, the Convention on International Trade and Endangered Fauna and Flora, has made great strides in controlling the international trade in rhino horn daggers and in tiger skins, these species continue to decline, due in part to the huge demand for traditional medicines using rhino and tiger products.

A few years ago, Secretary Babbitt and the Clinton administration used their authority under the Pelly Amendment to the Fisherman's Protective Act to impose economic sanctions against Taiwan for failing to control this trade. It was the right decision, and it proved to be immensely helpful in getting the Government of Taiwan to work with the international conservation community to protect these animals.

Unfortunately, the global rules of free trade now prevent the United States from using unilateral economic sanctions to protect wildlife, a lesson we have just had driven home to us by the World Trade Organization in its ruling against U.S. laws protecting the endangered sea turtles from irresponsible shrimp fishing practices.

That makes this legislation even more important. It sends a clear message that any product imported illegally or labeled as containing rhino or tiger parts will, in fact, automatically be considered as contraband. As a result, our Fish and Wildlife agents can act to seize the product and prosecute the seller, many of whom will be committing a double crime by promoting an illegal product and falsifying the contents with synthetic or other substitutes for rhino and tiger ingredients.

I would have preferred that my colleague and I were here today to debate the reauthorization of this Nation's premier wildlife protection law, the Endangered Species Act. Unfortunately, the committee has been unable so far to move this legislation that would responsibly reauthorize a statute designed to protect hundreds of endangered and threatened species worldwide, and it now appears another Congress will pass without full consideration of this important law. Certainly, the protection afforded by the Rhinoceros and Tiger Product Labeling Act will prove invaluable to these two species. I wish we could agree to protect all the endangered species as well.

Mr. Speaker, this legislation is worthy of the support of all of the Members of the House of Representatives. Those of us who have had the opportunity to travel to some of the habitat of rhinoceros, of tigers, of even elephants, have met with government officials in Zimbabwe and other countries where we have seen the contraband that has been seized by poachers who kill these magnificent animals only for a very small part, in some cases the rhinoceros horn, in some cases they kill animals for their gallbladders, they kill them for their bones, for various body parts, and, obviously, the entire animal is decimated. It is destroyed for this trade.

When we see the kinds of risk and the kinds of money that is put into the poaching, the illegal taking of these animals, it becomes very clear that we have got to do what we can, within the laws of the United States and certainly within our international trade agreements, to now make it more and more difficult, to have sanctions on countries that look the other way while these magnificent animals are being violated. They look the other way while illegal traffic is taking part; and, in some instances, governmental officials are taking bribes to allow people to engage in this activity.

There is an effort to make sure that those who would deal and traffic in the parts of rhinos and tigers are kind of caught in a double whammy here. If they truthfully label their product for sale on the shelves of outlets in the United States, they are in violation of the law. If they mislead the public and they hide the fact it has it, they are in violation of the law.

We met and the chairman went to great lengths to meet with the traditional medicine community that assured us there were, in fact, substitutes for these parts of rhinos and tigers that are in keeping with traditional medicine. And what that means and what that tells us is that the slaughter of these animals is simply then about greed and about the illegal trafficking in the parts of these animals.

So I would hope that all my colleagues would support this legislation, and again I want to thank the gentleman from New Jersey (Mr. SAXTON) for his presentation of this bill and to all of the staff on both sides of the committee that have worked hard to bring this legislation to the floor of the Congress. Hopefully, we will make a major contribution in reducing the illegal traffic and the absolutely unnecessary slaughter of these two magnificent creatures.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield myself the balance of my time.

As both my friend, the gentleman from California (Mr. MILLER), and I indicated earlier, there has been a broad range of support for this effort, and I want to personally thank the chairman of the Committee on Ways and Means, the gentleman from Texas (Mr. ARCHER), for his cooperation. Inasmuch as this is a trade issue, it was referred to the Committee on Ways and Means and their responsibility was waived by the chairman, and we want to thank him for that.

I also want to mention that the gentleman from the other body, Mr. JEFFORDS, has been extremely effective in his leadership in the other body, and I hope that we will together be able to make strides this year in bringing this to fruition.

□ 1430

I would just like to close, Mr. Speaker, by saying that this is not just an issue that is considered here in Congress. I have here a copy of Time Magazine from, I believe, March 1994, and it features an article about this issue, and it has a picture of one of these great cats on the cover; and the headline here on the cover is "Doomed, Why the Real Tiger is on the Brink of Extinction." And it goes on at some length in the feature story to talk about tigers on the brink. "Once considered a conservation success story, they are again sliding towards extinction. This time the world's nations may not be able to save these great cats."

And that is what we are here today making an effort to do. And in the story it just points out that the levels of populations throughout that part of the world that the tigers live, that many of the species, the Siberian tiger, for example, the population is down to an estimated 150 to 200 animals. The South China tiger is down to an estimated population of 30 to 80 animals. The Javan tiger has been extinct since the 1980s. The Bali tiger has been extinct since the 1940s. The Caspian tiger has been extinct since the 1970s. The Indochinese tiger is down to a population of 1,000 to 1,700. And the Bengal tiger, which apparently in India is the most healthy of the species, has a population of an estimated 3,300 to 4,700 animals.

So we are hopeful that everyone here today will vote in favor of H.R. 2807, the Rhino Tiger Labeling Act. It is a very simple concept. It simply makes it relatively easy for us to enforce the laws that this House has previously passed. So, Mr. Speaker, I hope everyone will vote yea today.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of H.R. 2807, the Rhino and Tiger Product Labeling Act, a bill introduced by the Chairman of the Subcommittee on Fisheries Conservation, Wildlife and Oceans, JIM SAXTON.

There is no question that intense competition for land has resulted in the destruction of critical rhino and tiger habitat. After all, we are talking about some of the most densely populated countries in the world.

Nevertheless, the major cause of the decline of rhinos and tigers is the huge ongoing demand for products made from these animals. For generations, Oriental medicines have contained ingredients of rhino and tiger parts that are consumed to fight headaches and fever in children, kidney and liver problems, convulsions, and heart conditions. In almost all cases, rhino horn and tiger bones are obtained from illegal sources.

We must eliminate the market for these products and stop their importation into the United States. This is the goal of H.R. 2807. Instead of spending thousands of dollars trying to prove whether a particular Chinese medicine contains rhino or tiger parts, this legislation simply prohibits them from entering this country if the label says they contain these highly endangered species.

By closing the U.S. market, the hope is that the demand for these products will end and the financial incentives to illegally kill rhino or tiger will no longer exist.

Furthermore, there are synthetic alternatives to these products and it is essential that the U.S. Fish and Wildlife Service renew their educational efforts. Based on surveys conducted by the Wildlife Conservation Society, the majority of those people consuming traditional medicines have no idea they might be contributing to the destruction of these flagship species.

I urge an aye vote on this bold wildlife conservation legislation which will hopefully stop the slaughter of rhinos and tigers in the wild.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, April 23, 1998.

Hon. DON YOUNG,
Chairman, Committee on Resources, U.S. House of Representatives, Washington, DC.

DEAR DON: I am writing to address certain issues with H.R. 2807, as reported by the Committee on Resources on March 11, 1998, which would amend the Rhinoceros and Tiger Conservation Act of 1994. The bill contains import prohibition and Customs forfeiture provisions, which fall within the jurisdiction of the Committee on Ways and Means.

With respect to the import ban, H.R. 2807, as reported by the Committee on Resources, prohibits any person from selling, importing or exporting or attempting to sell, import, or export any product, item or substance intended for human consumption containing or purporting to contain any substance derived from any species of rhinoceros or tiger, creates criminal and civil penalties, and allows for the forfeiture of such products. Because these provisions fall within the Committee's jurisdiction, the Committee would ordinarily meet to consider the bill. However, because the bill, as reported, applies the ban in compliance with the letter and spirit of U.S. obligations under an existing multilateral agreement governing such trade, I do not believe that a markup of the bill is necessary.

With respect to forfeiture, section 2 of H.R. 2807, as reported, includes language within the jurisdiction of the Committee on Ways and Means. Under normal circumstances the Committee would meet to consider the bill. However, it is my understanding that you will be offering an amendment on the floor of the House of Representatives to substitute the following language so that the existing statutory Customs forfeiture provisions would apply:

(c) Forfeitures.—Any product, item, or substance sold, imported, or exported, or attempted to be sold, imported, or exported, contrary to the provisions of this Act or any regulation made pursuant thereto shall be sized and forfeited to the United States. All equipment, vessels, vehicles, aircraft, and other means of transportation used to aid the selling, exporting, or importing, or an attempt to sell, export, of any product, item, or substance in violation of this Act or any regulation issued pursuant to this Act, may be seized and forfeited to the United States. All laws relating to the seizure, forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeiture, shall apply to the seizures and forfeitures incurred under this Act, insofar as those laws are applicable and not inconsistent with this Act.

Based on your assurances to this effect, and in order to expedite consideration of this legislation, I do not believe that a markup by the Committee on Ways and Means will be necessary on this issue.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 2807, and would ask that a copy of our exchange of letters on this matter be included in the record during floor consideration. Thank you for your cooperation and assistance on this matter.

With best personal regards,
BILL ARCHER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, April 23, 1998.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, Longworth HOB, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 2807, the Rhino and Tiger Product Labeling Act. Enactment of this bill will help enforce the existing ban on the sale, import or export of products containing rhinoceros and tiger parts and therefore help conservation efforts for these endangered species.

I agree that the Committee on Ways and Means has jurisdiction over import prohibitions and U.S. Customs Service forfeitures. As noted in your letter, current law already prohibits imports and exports of products containing endangered species under the Lacey Act and the Convention on International Trade in Endangered Species of Wild Fauna and Flora. In addition, when H.R. 2807 is considered by the House of Representatives, I do intend to substitute the forfeiture language of the bill you have identified regarding Customs powers, as this provision also duplicates Lacey Act authority for the Secretary of the Interior.

Thank you for your cooperation in this matter, and I will place our correspondence on this issue in the Congressional Record during debate on H.R. 2807.

Sincerely,

DON YOUNG,
Chairman.

Mr. SABO. Mr. Speaker, I rise in strong support of H.R. 2807, the Rhinoceros and Tiger Product Labeling Act. This bill is a key bipartisan step to protect two of our planet's most precious and endangered animals—rhinos and tigers.

Rhinos and tigers are coming perilously close to extinction in the wild because of illegal poaching to support the high demand for traditional medications. Congress has worked to protect these majestic animals by creating the Rhinoceros and Tiger Conservation Fund, and by banning the import or sale of products that contain parts of endangered species.

Despite these laws to protect rhinos and tigers, a loophole allows many products to be sold in the United States that explicitly state—on their labels, no less—that they contain rhino and tiger parts.

Proving that these products contain banned substances can be extremely difficult. Even after performing costly tests, the U.S. Customs Service often can't prove what the labels plainly show—that these products contain rhino and tiger parts and are illegal. The result is that many such products end up in stores across America.

The Rhinoceros and Tiger Labeling Act would stop this costly and confusing exercise, and allow us to accept product labels at their face value. If products say they contain parts of endangered animals, we shouldn't let them in the country.

I strongly support this bipartisan legislation to stop the flaunting of our laws and strengthen protections for endangered species.

Mr. SAXTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 2807, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2807.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

CONGRATULATING PEOPLE OF SRI LANKA ON THE 50TH ANNIVERSARY OF THEIR INDEPENDENCE

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 350) congratulating the people of Sri Lanka on the occasion of the fiftieth anniversary of their nation's independence.

The Clerk read as follows:

H. RES. 350

Whereas on February 4, 1948, the people of Sri Lanka gained their independence from the British;

Whereas the people of Sri Lanka and the United States have a common interest in the promotion and preservation of democratic systems of government;

Whereas the people of Sri Lanka and the United States have had many shared values and interests, including the desire to promote the peaceful development of the South Asian region;

Whereas Sri Lankan citizens who have visited or lived in the United States, and United States citizens who have visited or lived in Sri Lanka, have done much to improve mutual understanding and build friendship over the past fifty years;

Whereas United States citizens of Sri Lankan origin have contributed greatly to the advancement of knowledge, the development of the United States economy, and the enrichment of cultural life in the United States;

Whereas the ties of trade and investment between the United States and Sri Lanka have grown over fifty years to the benefit of the people of both countries; and

Whereas the fiftieth anniversary of the independence of Sri Lanka offers an opportunity for Sri Lanka and the United States to renew their commitment to international cooperation on issues of mutual interest and concern: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the people of Sri Lanka on the occasion of the fiftieth anniversary of their nation's independence; and

(2) looks forward to broadening and deepening United States cooperation and friendship with Sri Lanka in the years ahead for the benefit of the people of both countries.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Minnesota (Mr. LUTHER) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 350.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the author of H. Res. 350, this Member rises to congratulate the people of Sri Lanka on the occasion of the 50th anniversary of their nation's independence.

Mr. Speaker, H. Res. 350 was introduced on February 4, the day that Sri Lanka celebrated the 50th anniversary of their independence, by this Member, by the distinguished gentleman from Indiana (Mr. HAMILTON), the ranking member of the Committee on International Relations, and by the distinguished gentleman from California (Mr. BERMAN), the ranking member of the Subcommittee on Asia and the Pacific.

America's relations with this island nation are very strong and productive. The social and economic progress that Sri Lanka has made in the last five decades is truly encouraging and has laid a strong foundation for its future. Sri Lankan Americans, both Sinhalese and Tamil, have made major contributions to American society, and our relationship has proven mutually beneficial.

While the official celebration will last all year, the precise date of the 50th anniversary was, as I mentioned, February 4. Major celebrations were held on that day, attended by Prince Charles as the head of the British delegation.

Regrettably, the celebrations have been marred by a series of bombings. This tragic fact emphasizes the point that a terrible bloody civil war continues in Sri Lanka that has cost tens of thousands of lives. This Member's purpose in introducing today's resolution is not just to discuss the specifics of the ethnic conflict. No, not at all. Rather, this Member wishes to give the U.S. House of Representatives an opportunity to celebrate and commend the achievements of the people of Sri Lanka, Sinhalese, Tamil and Muslim alike.

H. Res. 350 does precisely that. It congratulates the people of Sri Lanka and points to this occasion as an opportunity to renew the common U.S.-Sri Lankan commitment to international cooperation.

Mr. Speaker, the Committee on International Relations unanimously adopted H. Res. 350. This Member believes that H. Res. 350 represents a fitting and balanced expression of congratulations to the people of Sri Lanka on the occasion of the 50th anniversary of their nation's independence.

This Member also thanks the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations, for moving this initiative in an expeditious manner. This Member also expresses appreciation to the distinguished gentleman from Indiana (Mr. HAMILTON), the ranking member of the Committee on International Relations, for his constructive additions to this resolution.

Finally, this Member thanks the distinguished gentleman from California

(Mr. BERMAN), the ranking member of the Subcommittee on Asia and the Pacific, for his important assistance in speeding this resolution to the House.

Mr. Speaker, I urge unanimous adoption of H. Res. 350.

Mr. Speaker, I reserve the balance of my time.

Mr. LUTHER. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of this resolution.

Mr. Speaker, I strongly support this resolution; and I commend the gentleman from Nebraska (Mr. BEREUTER) for his leadership in bringing it before the House today.

Fifty years ago, following the example of our own country, the Sri Lankan people threw off the bonds of empire and entered the ranks of fully and free independent nations. In the five decades since then, notwithstanding economic hardship and civil war, Sri Lanka has proudly maintained its independence, promoted economic development, and fostered a democratic form of government.

Sri Lanka has also been a good friend of the United States. The people of Sri Lanka have earned our respect and admiration. This resolution attempts to convey those sentiments and express our desire to see the bonds of friendship that link our two nations broadened and deepened in the years ahead. It deserves our support, and I urge my colleagues to join me in voting "yes" on this important resolution.

Mr. Speaker, I yield 5 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I certainly would like to add my commendation to the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations, and the gentleman from Indiana (Mr. HAMILTON), our ranking Democratic member, and to the gentleman from Nebraska (Mr. BEREUTER), as the chairman of our Subcommittee on Asia and the Pacific for his authorship on this piece of legislation, and also the gentleman from California (Mr. BERMAN), the ranking member of our Subcommittee on Asia and the Pacific.

Mr. Speaker, I rise today in support of the House Resolution 350, a measure congratulating the people of Sri Lanka on the occasion of their 50th anniversary of the independence of the Democratic Socialist Republic of Sri Lanka from Great Britain.

Mr. Speaker, I am honored to be an original cosponsor of this measure. And again, I commend the gentleman from Nebraska (Mr. BEREUTER), chairman of the House Committee on International Relations Subcommittee on Asia and the Pacific, for introducing this legislation.

Mr. Speaker, earlier this year on February 4, Sri Lanka celebrated its 50th anniversary of independence from British colonial rule, which ended on February 4, 1948. I join my colleagues in commemorating the golden jubilee independence celebration of Sri Lanka and offer my sincere congratulations to her excellency, President Chandrika Kumaratunga, and the good people of Sri Lanka.

Sri Lanka, unlike much of Asia, has had a long tradition of a functioning democratic system of government. Since 1931, and even before the grant of its independence, voting rights were exercised by men as well as women. During the five decades since independence, Sri Lanka has held regular national elections as well as provincial and local government elections. The last parliamentary election was held in August of 1994, with a Presidential election taking place in November 1994. With a voter turnout of over 70 percent, President Kumaratunga was overwhelmingly elected into office. The most recent election in Sri Lanka was in the conflict-ridden Jaffna Peninsula, where in January the people of Jaffna elected local administrators.

Mr. Speaker, the United States is Sri Lanka's largest trading partner, and over 90 American companies have investments there, including Motorola, IMC Agrico, Coca-Cola, and American Express and others. In 1977, Sri Lanka was the first country in South Asia to adopt economic liberalization policies, which shifted the economy away from state controls and subsidies and paved the way for the private sector to become the engine of growth.

Sri Lanka's shift to a market-oriented system has become very successful, with the country recording some 6 percent economic growth in 1997. A major factor aiding Sri Lanka's economic growth has been the highly-educated work force. The government provides free education from elementary school through university levels, and the result has been a national literacy rate of 90 percent. The government also extends free health care services, and Sri Lankans enjoy low infant mortality rates and an average life expectancy of 70 years.

Relations between Sri Lanka and the United States date back to 1850, when an American, John Black, was officially appointed to head up a commercial agency between the governments. With a move to the capital, Colombo, the agency office became a U.S. consulate, and upon independence in 1948, it was elevated to a United States Embassy.

Mr. Speaker, this year Sri Lanka and the United States also celebrate the golden jubilee of establishing diplomatic relations. In honor and in recognition of this occasion, Ambassador Bill Richardson, the United States Representative to the United Nations, and Ambassador Karl Inderfurth, Assistant Secretary of State for South Asian Affairs, recently traveled to Sri Lanka for meetings with President Kumaratunga and other high-ranking dignitaries of the Sri Lankan Government.

Mr. Speaker, despite its prosperity and commitment to democratic principles, Sri Lanka, as we all know, has been years threatened by separatist movements. In its search for peace, the Government of Sri Lanka has proposed extensive devolution of power through constitutional reforms to resolve the present ethnic problem in the country through a negotiated settlement. This is a process supported by our government, and we should all take steps necessary to encourage the Liberation Tigers of Tamil Elam to lay down their arms, stop their terrorism, and enter into peaceful negotiations.

Mr. Speaker, I urge our colleagues to adopt the measure before us that congratulates the people of Sri Lanka on their 50th anniversary. We should all recognize the many accomplishments of our partners in Sri Lanka and the deep and enduring friendship that will always bind the good people of Sri Lanka and the people of the United States.

Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I wish that I could join in the enthusiasm that the people of Sri Lanka deserve in celebration of their nation's 50th anniversary. However, the deadly spiral of violence still gripping that beautiful nation makes it difficult to be joyous.

The Tamil Tigers need to change their methods and learn to compromise to obtain their goals. The government must renew its commitment to human rights and get back on the "high road" of respect for human rights. One way it can achieve this is by giving free and unrestricted access to the press and human rights organizations.

We must see an end to the "disappearances" of persons taken into custody by military and special police units, and the killings of moderate Tamil Parliament members and public execution of suspected "informers" or "traitors" by the Tamil Tigers.

Our policy towards Sri Lanka needs closer scrutiny. It is currently unbalanced. More attention needs to be placed on giving constructive criticism and suggestions that could lead to peace in that long troubled nation. Until then, any calls for celebration will ring hollow for the Sri Lankan people and their friends.

Mr. PALLONE. Mr. Speaker, I wish to join with my colleagues in paying tribute to the nation and the people of Sri Lanka during this year of celebration of the 50th anniversary of their independence. I want to congratulate the Chairman of the Subcommittee on Asia and the Pacific, Mr. BEREUTER, for introducing this resolution, as well as the Chairman of the International Relations Committee, Mr. GILMAN, the Ranking Democrat of the IR Committee, Mr. HAMILTON, the Ranking Democrat of the Asia and Pacific Subcommittee, Mr. BERMAN, and Mr. FALEOMAVAEGA, a member of the Asia and Pacific Subcommittee, for their support of this initiative. I am proud to join my colleagues as a co-sponsor of this Resolution.

As the co-chairman of the Congressional Caucus on India and Indian-Americans, I welcome the continuing trend toward more attention to the vitally important South Asia region on the part of Congress, the Administration and the private sector. At the same time, I hope we will continue to encourage greater regional cooperation and confidence building measures among the nations of South Asia.

Mr. Speaker, Sri Lanka has been an independent country for the last 50 years, but relations with the United States have gone as far back as 1850. John Black, an American merchant residing in Colombo, the capital of Sri Lanka, was appointed as the first commercial agent. His job was to assist American shipping with Sri Lanka. Now, 150 years later, the United States is Sri Lanka's largest trading partner, accounting for 30% of Sri Lanka's exports, with 90 U.S. companies having invested in mining and textiles. Furthermore, U.S. investments will reach $500 million after the completion of certain trade agreements.

Bi-lateral relations between the two countries have always remained strong. We can see this in numerous economic and technical support programs, trade and investment agreements, and the continuous exchange of high level officials—the most high-profile being the visit by First Lady Hillary Rodham Clinton in 1995.

We have signed agreements to protect investments and intellectual property rights to foster trade and encourage economic growth. In fact, the U.S. Chamber of Commerce is in Sri Lanka and works with the Sri Lanka government in creating an investment friendly climate.

Sri Lanka rose to international prominence when on July 21, 1960, the Sri Lanka Parliament appointed Ms. Bandaranike as the prime minister of Sri Lanka. Sri Lanka became the first country in the world to appoint a woman as the head of state. Interestingly enough, in a part of the world where many Westerners believe women are being treated as second class citizens, Sri Lanka became the first country to recognize a woman's ability to lead a nation. This led to women heads of government in Bangladesh, Britain, France, India, Israel, Norway, Pakistan, Poland and Turkey.

Sri Lanka was the first country in South Asia to introduce economic liberalization policies (1977) and shifted away from state controls. Recently, Sri Lanka has embarked on market oriented reforms that have allowed the economy to grow by 6% last year.

Unfortunately, Sri Lanka has been plagued with ethnic violence. Despite this, Sri Lanka continues to be one of the few countries in South Asia committed to democracy. For the last 50 years, Sri Lanka has held national, provincial and local government elections. Sri Lanka has provided universal adult suffrage, including women. Indeed, Sri Lanka had democratic elections 20 years prior to independence, when it was part of the British Empire. Thus, Sri Lanka is one of the oldest practicing democracies in the developing world.

Mr. Speaker, there is no doubt in my mind that the next 50 years hold tremendous potential for Sri Lanka. With the recent collapse of the East Asian economies, and the South Asian economies remaining stable, is a strong indication that Sri Lanka and the rest of South Asia will demonstrate new economic strength.

Mr. BERMAN. Mr. Speaker, it is my deep pleasure to rise in support of H. Res. 350, which I cosponsored with Mr. BEREUTER, in honor of the people of Sri Lanka on the occasion of the fiftieth anniversary of their nation's independence.

We have a long and deep friendship with Sri Lanka, dating back at least to 1789 when the first American traders visited Colombo, and followed in the early part of the 19th century by American missionaries and educators, who established the first boarding school for girls in Asia in 1824.

We established a consulate as early as 1874.

We are most proud of the role played by Colonel Henry Steel Olcott in promoting the study of Buddhism. The enlightened altruism demonstrated by Colonel Olcott continues to motivate our relations with Sri Lanka.

Today, our relations are being further solidified by our growing economic and political relationship. We are now Sri Lanka's largest trading partner. Most recently, the First Lady visited—the first, I hope, of many such visits, including perhaps that of the President later this year.

As we salute the past, it is also my hope that we will take all possible steps to assist in the resolution of the problems which afflict Sri Lanka today. The conflict which continues to disturb the rich Sri Lankese political culture is deeply disturbing. The recent terrorist bombing at the Temple of the Tooth in Kandy and the American decision to withdraw Peace Corps Volunteers testifies to the intensity of that internal conflict. I hope that efforts will be taken by all sides to the conflict to seek a peaceful resolution of the civil strife for only by ending this dispute will Sri Lanka realize the very bright future its people deserve.

I urge my colleagues to support this resolution's adoption.

Mr. LUTHER. Mr. Speaker, I urge unanimous support for the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, H.Res. 350.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CONCERNING AFGHANISTAN

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 218) concerning the urgent need to establish a ceasefire in Afghanistan and begin the transition toward a broad-based multiethnic government that observes international norms of behavior, as amended.

The Clerk read as follows:

H. CON. RES. 218

Whereas peace and stability has not returned to Afghanistan despite the February 1989 Soviet withdrawal from Afghanistan;

Whereas the Department of State's Country Reports on Human Rights for 1997 states: "The overall human rights situation [in Afghanistan] is poor . . . political killings, torture, rape, arbitrary detention, looting, abductions and kidnappings for ransom were committed by armed units, local commanders, and rogue individuals";

Whereas the continuing civil conflict in Afghanistan has had a grievous impact upon the Afghan people, where within its borders occurs the highest rate of infant, child, and maternal mortality in the region;

Whereas neighboring countries have provided support in the form of financial assistance and arms to the different groups warring in Afghanistan, thereby extending the length and expanding the destruction of this internal conflict;

Whereas another byproduct of this conflict is the harboring of Islamic militants and terrorist leaders in Afghanistan;

Whereas due to the tyranny and destruction caused by Taliban rule, Afghanistan is now one of the world's leading producers of opium, and over the past year alone, the production of opiates in Afghanistan has increased and resulted in a growth in the drug trade not only in the Central and South Asian regions but in Russia and the West as well;

Whereas continuing instability serves as an obstacle to international investment and the establishment of developmental projects inside Afghanistan, so necessary to Afghanistan's rejuvenation from years of conflict, and central to promoting political cooperation among Afghan factions;

Whereas the continuing conflict in Afghanistan serves as an impediment to economic prosperity and political development throughout all of South Asia and the newly independent Central Asian nations as well; and

Whereas despite repeated efforts by the United Nations to broker an end to continuing warfare among the country's warring factions, the absence of peace has prevented Afghanistan from addressing the numerous problems facing its citizenry: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) acknowledges that, through determination, tenacity, and courage, the Afghan people successfully waged a war against Soviet expansionism and greatly assisted in bringing an end to the cold war;

(2) calls upon all warring factions and national powers to participate in intra-Afghan dialogue (the "Frankfurt Process") and in the peace process and to actively cooperate in the acceleration of endeavors for peace;

(3)(A) deplores continuing human rights violations occurring within Afghanistan, especially against women and female children, who have suffered condoned discrimination and harassment, and the reported widespread execution of prisoners of war and civilians evidenced by the discovery of mass graves which contained an estimated 2,000 corpses; and

(B) supports the intention of the United Nations and the International Committee of the Red Cross to continue their investigation into these reported killings;

(4)(A) welcomes the appointment of Ambassador Lakhbar Brahimi as special envoy of the United Nations Secretary General for Afghanistan and supports his efforts toward attaining a peaceful negotiated settlement with the assistance of the six nations bordering Afghanistan as well as representatives from the United States and Russia; and

(B) encourages a role for Afghan leaders of all factions and ethnic groups in the United Nations negotiation efforts, based on the fact that peace and national reconciliation cannot be imposed on the Afghan people by their neighbors;

(5) urges the nations of the region to cooperate in the peace process and to end immediately the supply of arms, ammunition, military equipment, training or any other military support to all parties to the conflict;

(6) urges appropriate parties in the United Nations, Afghanistan, and its neighbors to work toward the eradication of the production of opium, especially in southern Afghanistan, and to link such efforts wherever possible to realistic income alternatives;

(7) calls upon all parties within Afghanistan to prevent the reoccurrence of actions which impede the ability of humanitarian and international organizations to move food shipments and other forms of humanitarian assistance into Afghanistan;

(8) acknowledges that due to the death and destruction wrought by the February 4, 1998, earthquake in northeastern Afghanistan, where approximately 5,000 people have died and an estimated 30,000 have been left homeless, there is a continuing need for international emergency aid of food, clothing, and shelter;

(9) recognizes the continuing requirement to address the needs of more than 2,500,000 Afghan refugees in neighboring countries, three-quarters of whom are women and children;

(10) acknowledges the necessity of international efforts to clear the estimated 10,000,000 land mines buried in the Afghan countryside; and

(11) calls for the expulsion of all known terrorist leaders from Afghanistan and the closing down of all terrorist training camps operating in the country.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Minnesota (Mr. LUTHER) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from Nebraska?

There was no objection.

□ 1445

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Con. Res. 218, which this Member introduced on February 1, 1998, calls for the urgent need to establish a cease-fire in Afghanistan and begin the transition towards a broad-based multi-ethnic government that observes international norms of behavior.

Today Afghanistan has no internationally recognized government. It is a country torn apart by civil war carried out by two warring factions known as the Taliban and the Northern Alliance. No parties to the conflict are heroic. All must share the blame for the destruction and division.

One of the by-products of the destruction brought about by this extended warfare is that Afghanistan has become one of the world's leading producers of opium. Over the past year alone, the production of opiates in Afghanistan has increased, and results in a growth in the drug trade throughout Central and South Asia, Russia, Europe and the United States.

Other problems currently facing Afghanistan include serious and repeated human rights violations occurring throughout the country, especially the treatment of women. The Department of State's Country Reports on Human Rights for 1997 states,

> The overall human rights situation in Afghanistan is poor. Political killings, torture, rape, arbitrary detention, looting, abductions and kidnappings for ransom were committed by armed units, local commanders and rogue individuals.

At the end of this decade-long conflict it would appear that Afghanistan is beginning the process of resolving these problems, as well as a number of others, including the removal of millions of land mines scattered throughout the Afghan countryside; the repatriation of over 2 million Afghan refugees currently residing in Pakistan and Iran; as well as the cessation of safe haven for terrorist leaders and activities in this war-torn Nation.

The United States officially supports no party or faction in this conflict and backs the United Nations negotiation efforts to establish a coalition government where all factions are fairly represented. Recently, on April 17, the United States Ambassador to the United Nations, the Honorable Bill Richardson, brokered an agreement from the two opposing factions to establish a cease-fire and participate in structured peace talks.

If the factions follow through with their commitments, it will mark the first talks since the Islamic militia took control of the capital 1½ years ago. Fighting broke out which appeared to jeopardize the negotiations. However, recognizing the renewed U.S. attention to Afghanistan, the Taliban and the Northern Alliance have begun these important talks.

This Member commends Ambassador Richardson and his staff, as well as the Pakistani Prime Minister Nawaz Sharif, for their efforts in successfully bringing the two warring factions to the negotiating table. In their opening statements, representatives of the two factions declared their willingness to work towards a peaceful resolution of the Afghan conflict. This Member sincerely hopes that this round of negotiations will bring enduring peace to the people of Afghanistan.

In the past, similar efforts have ended in failure as agreements reached in 1992 and 1993 quickly collapsed into more fighting. But this initiative comes at a time when internal and outside parties to the conflict seem at least more ready to work towards achieving stability in Afghanistan before all hope of stability and economic development is lost. The return of stability would in turn encourage international investment projects to the region, beneficial to South Asia and the newly independent Central Asian nations as well.

Mr. Speaker, H. Con. Res. 218 was considered by the Subcommittee on Asia and the Pacific on March 5, 1998 and was favorably reported to the full committee. On April 1 the Committee on International Relations unanimously approved this important resolution.

In conclusion, this Member again expresses appreciation to the gentleman from New York (Mr. GILMAN) chairman of the Committee on International Relations, and the distinguished gentleman from California (Mr. BERMAN) the ranking member of the Subcommittee on Asia and the Pacific, for their support and cosponsorship of H. Con. Res. 218. This Member would also thank the distinguished gentleman from California (Mr. ROHRABACHER) for his advice and support on this resolution. The gentleman from California (Mr. ROHRABACHER) has visited Afghanistan on numerous occasions, and has taken an active interest in Afghanistan's history and in resolving the bitter dispute which has consumed this country for the past 10 years.

Mr. Speaker, at this critical point of the ongoing peace negotiations, this Member urges this body to send a strong message that the United States Government and the Congress, which in the past assisted Afghanistan in the war against communist aggression, are supportive of the desire for peace by so many, indeed almost all of the Afghan people. Accordingly, this Member urges adoption of H. Con. Res. 218.

Mr. Speaker, I reserve the balance of my time.

Mr. LUTHER. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of this resolution.

Mr. Speaker, I strongly support this resolution. I again commend the gentleman from Nebraska for his leadership in drafting the resolution and bringing it before the House today. The scene of bitter fighting for more than 18 years, Afghanistan today is virtually forgotten by the international community. There are few nations in the world whose prospects look bleaker than Afghanistan. But I am pleased to say that over the past weekend, the various Afghan factions held the first round of what we all hope will be talks leading to the reestablishment of a just peace in Afghanistan.

This resolution seeks to refocus world attention upon Afghanistan at this important time. It calls for an end to the fighting in Afghanistan, for respect for human rights, and for the eradication of the heroin trade and the export of terrorism. This resolution deserves our support. I urge our colleagues to join me in voting "yes" on this important measure.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROYCE) who has been very responsive to the concerns of many people in his district concerned with the continued conflict in Afghanistan. For his active interest in the issue, I commend him.

Mr. ROYCE. Mr. Speaker, I want to commend the gentleman from Nebraska, chairman of the Subcommittee on Asia and the Pacific, for offering this very important resolution on the tragedy that is going on in Afghanistan.

What this resolution does is bring attention to a country which has been largely forgotten. America was intensely focused on Afghanistan after the Soviet invasion and throughout the years of its occupation. The Red Army was driven out in the face of a courageous resistance by the Afghan people, with the aid of America. Looking back, that unfortunately for Afghanistan was the easy part. It has been much harder winning the fight for peace and stability in Afghanistan since then, but the United States has an interest in trying. We must try.

The Afghan people are suffering. They have one of the highest infant mortality rates in the world. Millions of Afghans live as refugees, some in neighboring countries. Tragically, some of this suffering is almost a deliberate policy of the ruling Taliban in much of Afghanistan. This regime bans girls and women from attending schools, and it is blocking the delivery of humanitarian aid to thousands of suffering people in Afghanistan. The U.S. has an interest in seeing this stopped.

More direct interests are at stake, too. Afghanistan is now one of the world's leading producers of opium. This reaches America's shores. Afghanistan harbors terrorists who have the potential to attack our Nation. Terrorists with Afghan roots have wreaked havoc throughout the world. This resolution addresses all these American interests.

For too long the U.S. has been indifferent to the fate of Afghanistan. That has been changing a bit of late. My conversations with the former king of Afghanistan, King Zahir Shah, have led me to believe there is reason for hope. Events are moving rapidly. There are plans for peace talks among the factions.

This resolution says that what happens in Afghanistan matters to the U.S. and that we have an interest in seeing the peaceful resolution of this long-running and depressing conflict. I urge its adoption by my colleagues.

Mr. BEREUTER. Mr. Speaker, I want to commend the gentleman from California (Mr. ROYCE) for his excellent statement.

Mr. GILMAN. Mr. Speaker, I want to commend the distinguished Chairman of the Asia and Pacific Subcommittee, the gentleman from Nebraska, Mr. BEREUTER and its Ranking Minority Member, the gentleman from California, Mr. BERMAN, for initially crafting this important piece of legislation.

H. Con. Res. 218 calls attention to the urgent needs of the Afghan people who have been suffering for years from the aftermath of the cold war. The current civil conflict has led to a breakdown in civil society. Large areas of Afghanistan are now training grounds for terrorism and the world's largest production grounds for opium. Millions of land mines are killing scores of people daily and women are treated as chattel.

The war has created a huge humanitarian crisis in the north where more than 2,000,000 refugees are in need of humanitarian assistance. We commend our colleague, the gentleman from California, Congressman ROHRABACHER for filling in for the State Department and AID by raising the funds to ship plane loads of medical equipment to the refugees. I hope that the administration takes this resolution as a signal that it should be doing more to resolve the crises there and that it especially supports the inter-Afghan dialogue process which would serve as a long term solution to the problems.

Accordingly, I urge my colleagues to support the resolution.

Mr. LUTHER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I ask unanimous support for this resolution.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 218, as amended.

The question was taken.

Mr. BEREUTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SENSE OF CONGRESS REGARDING LITTLE LEAGUE BASEBALL

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 37) expressing the sense of the Congress that Little League Baseball Incorporated was established to support and develop Little League baseball worldwide and that its international character and activities should be recognized.

The Clerk read as follows:

S. CON. RES. 37

Whereas Little League Baseball Incorporated is a nonprofit membership organization, chartered by the Congress of the United States in 1964 to promote, develop, supervise, and assist youth worldwide in participation in Little League baseball and to instill in youth the spirit and competitive will to win, values of team play, and healthful association with other youth under proper leadership;

Whereas Little League Baseball Incorporated has chartered more than 18,000 local Little League baseball or softball leagues in 85 countries, across 6 continents, through which more than 198,000 teams and 3,000,000 youth worldwide come together in healthy competition, learning the value of teamwork, individual responsibility, and respect for others;

Whereas Little League Baseball Incorporated provides administrative and other services, including financial assistance from time to time, to such leagues without any obligation to reimburse Little League Baseball Incorporated;

Whereas Little League Baseball Incorporated has established a United States foundation for the advancement and support of Little League baseball in the United States and around the world, and has also created in Poland through its representative, Dr. Creighton Hale, the Poland Little League Baseball Foundation for the construction of Little League baseball facilities and playing fields, in which youth may participate worldwide in international competitions, and is providing all the funds for such construction;

Whereas the efforts of Little League Baseball Incorporated are supported by millions of volunteers worldwide, as parents, league officials, managers, coaches, and auxiliary members and countless volunteer agencies, including sponsors, all of whom give their time and effort without remuneration, in service to others, to advance the goals of Little League Baseball Incorporated and thereby assist the economic transformation of societies worldwide, the improvement in the quality of life of all citizens and the promotion of a civil international community; and

Whereas, as demonstrated by the success of its efforts worldwide, Little League Baseball Incorporated is the largest nongovernmental international youth sports organization in the world and continues to grow: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That (a) it is the sense of the Congress that Little League Baseball Incorporated is international in character and has engendered international goodwill through its worldwide activities, particularly among the youth of the world.

(b) The Congress reaffirms that Little League Baseball Incorporated was established to support and develop Little League baseball worldwide, through the chartering of local leagues and the provision of assistance to such local leagues, through the creation or location of facilities in other countries, and the provision of other support as appropriate, including financial support, without right of reimbursement or repayment.

(c) The Congress calls upon the parliamentary bodies and government officials of other nations, particularly those that participate in Little League baseball, to recognize and celebrate the international character of Little League baseball.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Minnesota (Mr. LUTHER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I urge my colleagues to vote unanimously in favor of S. Con. Res. 37. This resolution makes clear that Little League Baseball Incorporated is a bona fide nongovernmental organization and that it should be treated as such by our government and those of other nations.

Little League Baseball Incorporated is a nonprofit membership organization that was chartered by Congress in 1964 to promote participation by children around the world in Little League baseball. Unfortunately, the charter did not explicitly use the words "nongovernmental organization." That phrase and its acronym, NGO, were not in vogue in those days. So there has been some confusion, particularly in nations where Little League baseball is relatively new, about the undeniable fact that this organization indeed is a not-for-profit organization.

Because the U.S. Congress originally chartered this organization, it falls to us to clarify the matter. This resolution calls on the parliamentary bodies and government officials of other nations to recognize and celebrate the international charter of Little League Baseball, the largest nongovernmental international youth sports organization in the world, with over 18,000 local leagues in 85 countries supported by a network of many thousands of volunteers and coaches around the world.

S. Con. Res. 37 was introduced by Senator COVERDELL and has already passed the Senate. It also passed the Subcommittee on International Operations and Human Rights by a voice vote on February 12 of this year. On April 1 the full Committee on International Relations ordered the bill favorably reported, again by a unanimous vote.

Mr. Speaker, I want to point out the relentless dedication of the gentleman from Pennsylvania (Mr. MCDADE) on this issue. The gentleman from Pennsylvania helped draft the Senate resolution as well as a parallel House Resolution. He brought the resolution to the attention of our subcommittee and full committee, and he has pushed every step of the way to ensure the success of this resolution. He deserves the credit for its passage on the floor today.

Mr. Speaker, I reserve the balance of my time.

Mr. LUTHER. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of this resolution.

Mr. Speaker, I rise in support of this resolution expressing the sense of Congress that Little League baseball is international in character and has engendered international good will.

□ 1500

I commend the gentleman from Pennsylvania for introducing the companion measure in the House.

The resolution affirms congressional support for the Little League organization and calls upon other governments to recognize and celebrate the international character of Little League baseball. In the House, the companion to this resolution has received widespread bipartisan support.

Mr. Speaker, we all know Little League is a good organization, encouraging good, healthy life-styles for our young people, and I am happy to support its activities for kids around the world. I urge adoption of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I rise in support of S. Con. Res. 37, the Little League Baseball Resolution.

Senator COVERDELL and Representative MCDADE introduced this resolution last year in support of the international activities of little league baseball. The Senate has already acted on this resolution, and I support House passage today. The measure is broadly supported in the House, with a total of 42 cosponsors.

This non-controversial measure is designed to reaffirm the importance and the values exemplified by the long-standing American institution known as "little league baseball".

In addition, it expresses the sense of Congress that Little League Baseball Incorporated was established to develop Little League Baseball worldwide recognizing that its international activities are similar to other non-governmental organizations.

As a former president of our local Little League in my hometown in Middletown, NY, I am pleased to recommend approval of this resolution, affirming our support for the worthy international activities of Little League Baseball.

Mr. McDADE. Mr. Speaker, it is my very great pleasure to rise today in support of Senate Concurrent Resolution 37 which I wrote, on behalf of Little League Baseball, Incorporated.

I'd like to thank my good friend, the gentleman from New Jersey, Mr. SMITH, for bringing this resolution to the floor. I would also like to express my gratitude to the Chairman of the International Relations Committee, Mr. GILMAN, for moving this measure. I am also grateful to Ranking Member LEE HAMILTON and to the 45 bipartisan cosponsors of the House companion of this resolution which is so important to Little League Baseball.

As the sponsor of the companion resolution in the House and the Representative of the World Headquarters of Little League, Williamsport, Pennsylvania, I ask that my colleagues join with me in supporting this resolution which recognizes the international character of Little League Baseball.

Today's Little League Baseball has programs in 85 countries on six continents. It brings three million young people worldwide together every year to learn the value of teamwork and individual responsibility in a setting of healthy competition. Clearly, Little League Baseball is international.

However, when the Congress acted in 1964 to incorporate Little League Baseball, we failed to foresee that it would one day take the joys and disciplines of the American game of baseball to children around the world. Now that Little League Baseball has gone worldwide, it is time that we recognize its international character and activities.

Without an official imprimatur concerning its international character, Little League was unable to get a much-needed exemption from the Value-Added Tax from the Finance Ministry of the Republic of Poland related to the cost of building the Little League Baseball European Training Center in Kutno, Poland. Despite that setback, Little League has finished Phase I of the Center. Ultimately, the Center will have four little league-sized and three regulation-sized fields, two practice fields, dining and laundry facilities, a dormitory, and a conference center as well as other athletic facilities and administration buildings.

I am delighted to tell my colleagues that the Polish Ministry of Sports and Tourism recently awarded Little League a generous grant toward the cost of a regulation baseball field at the facility in Kutno.

I hope sincerely that the House will pass this resolution and that the nations of the world will recognize Little League's international qualities and extend to them all appropriate privileges.

Let's go to bat for Little League!

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

Mr. LUTHER. Mr. Speaker, likewise, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 37.

The question was taken.

Mr. SMITH of New Jersey. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SENSE OF THE HOUSE REGARDING ONGOING VIOLENCE IN ALGERIA

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 374) expressing the sense of the House of Representatives regarding the ongoing violence in Algeria, as amended.

The Clerk read as follows:

H. RES. 374

Whereas in January 1992 Algeria annulled the second round of parliamentary elections;

Whereas the Islamic Salvation Front (FIS), which favored the creation of a theocratic state, expected to win in those parliamentary elections;

Whereas the suspension of the Algerian elections in January 1992 triggered an escalation of terrorism;

Whereas the Islamic Salvation Army (AIS), the armed wing of FIS, started terrorist activities in the wake of the annulled elections, but has since delcared a unilateral ceasefire;

Whereas the Armed Islamic Group (GIA), a nonpolitical radical Islamic movement, has been responsible for carrying out terrorist activities, particularly since the AIS ceasefire;

Whereas the United States Government has listed the GIA as a foreign terrorist organization;

Whereas tens of thousands of Algerians have lost their lives since the onset of the violence in 1992, with hundreds estimated to have lost their lives in the holy month of Ramadan that ended in January 1998;

Whereas the violence perpetrated by terrorists has become increasingly barbaric, leaving thousands of innocent civilians, particularly women and children, dead or injured;

Whereas the Government of Algeria has not agreed to the establishment of an international inquiry into the massacres;

Whereas the democratic process has progressed in Algeria despite the current terrorist activity; and

Whereas the United States has a strong interest in seeing the development of a democratic and peaceful Algeria: Now, therefore, be it

Resolved, That the House of Representatives—

(1) strongly condemns the Armed Islamic Group (GIA) and any other terrorist groups responsible for the atrocities being committed in Algeria;

(2) condemns the perpetrators of violence and other crimes against the fundamental human rights of Algerians;

(3) urges those who continue to engage in violence and the fundamental abuse of human rights to discontinue such activity;

(4) calls on the Government of Algeria to take all necessary and legal steps to prevent violence and stop it once it occurs;

(5) encourages the Government of Algeria to cooperate with the international community to ensure transparency in the investigation and combating of terrorist activity, including the use of objective investigators into the massacres;

(6) acknowledges that the Government of Algeria has made progress toward democratization and urges the government to engage in dialogue with all elements of Algerian society who have renounced violence, in order to further democracy and promote the rule of law;

(7) urges the United States Government to continue to work closely with the Government of Algeria to bring about the development and implementation of political and economic reforms as well as the full restoration of law and order in Algeria;

(8) encourages the European Union and the Government of Algeria to further their cooperation against terrorism; and

(9) encourages the Algerian Government to accept the appointment of a Special Rapporteur by the United Nations or another qualified independent organization to conduct an inquiry into the violations of human rights in Algeria.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from Florida (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROYCE).

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 374.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution makes note of the ongoing crisis in Algeria and condemns the horrific wave of killings there. Throughout the Muslim holy month of Ramadan that begins on December 30 nearly 1,300 innocent Algerians, including women and children, were brutally murdered. Another 100 Algerians were killed earlier this month; and, according to the U.S. State Department Human Rights report, 70,000 Algerian men, women and children have been brutally murdered during the last 6 years, 70,000.

Much of this crisis in Algeria began after the annulled 1992 elections. An attempt at political reform by the government at the time included the legalization of opposition political parties.

One of the parties, the Islamic Salvation Front, or FIS, wanted to create an Islamic state. They were on the brink of a parliamentary victory in January, 1992, when the military forced the President's resignation and annulled the election. The banned FIS has since renounced its violence, but a new group, the radical Armed Islamic Group, or GIA, is a terrorist group that neither the FIS nor the government can control.

These radical Islamic insurgents, many of whom were trained and fought in Afghanistan, call themselves holy warriors and believe that during holy periods like Ramadan their barbarism will be doubly blessed by God. Some of the arbitrary and radical decrees of the GIA state that women who pursue formal education or fail to wear a veil are infidels deserving of having their throats cut. But this violence really extends to any Algerian who fails to join with the GIA. Combating this fanaticism has taxed the Algerian government.

Despite this crisis, Algeria has made some progress toward building democracy, even with the random violence that is bleeding the country. Among the positive measures is a new law that would extend the political and social rights of Algerian women.

Yet the Algerian government has been sharply criticized for human rights abuses and its inability to prevent these terrorist attacks. Because of these concerns and the sheer scale of the killing, pressure has been building on the Algerian government to allow international observers to investigate the massacres. In mid-January, the European Union was permitted to send a delegation of junior ministers to Algeria, but the dialogue was limited. More needs to be done.

Recently, the Algerian government arrested two mayors and 10 other local officials for suspected involvement in the massacre of civilians. Religious and ethnic disputes as well as attempted extortion were cited as reasons for the alleged killings. While some see these arrests as evidence of government involvement in the massacres, others see the arrests as a positive indication of the government fighting killers wherever and whomever they may be, an effort that we need to encourage.

Offers of humanitarian assistance to the victims of this tragedy have been made to the Algerian government. So far, they have been rejected. This resolution cites assistance that could be provided to the Algerian people in their time of need. Given the arrests of local officials, maybe the Algerian government will reconsider its opposition to outside assistance. The United States has an interest in seeing an end to the suffering and the building of democracy in Algeria.

Mr. Speaker, I would like to thank my colleagues on the Subcommittee on Africa for their work on addressing the Algerian crisis. We held a hearing in February in which we heard differing views of this situation. That hearing helped two Members craft this resolution, the gentleman from Ohio (Mr. CHABOT) and the gentleman from Florida (Mr. ALCEE HASTINGS).

Unfortunately, Mr. CHABOT of Ohio could not be with us at this time due to the death of his father. The funeral was this morning, and he is expected back in Washington later today.

Mr. CHABOT. Mr. Speaker, I want to thank the distinguished Chairman of the Africa subcommittee, the gentleman from California, Mr. ROYCE, for his exemplary leadership. He and the top-notch staff of the subcommittee have worked tirelessly to ensure that human rights issues in all of Africa are adequately addressed by the Congress.

I want to express a special thank you to the chief co-sponsor of this resolution, my good friend from Florida, ALCEE HASTINGS. Mr. HASTINGS has provided invaluable counsel and assistance during this process and I very much appreciate the hard work of him and his very able staff.

I also want to thank the gentleman from New Jersey, Mr. PAYNE, the Ranking Member, Mr. MENENDEZ, and the gentleman from California, Mr. ROHRABACHER, for their invaluable contributions to this bi-partisan resolution.

Mr. Speaker, tens of thousands of Algerians—many of them women and children—have lost their lives since violent terrorist attacks began in 1992. Hundreds more perished during the holy month of Ramadan that ended just a few weeks ago. As many as 120 people—including 32 children under the age of 2—were killed by axe-wielding assailants during the last weekend in March.

This resolution strongly condemns the perpetrators—the Armed Islamic Group, or GIA, and any other terrorist groups responsible for the atrocities committed in Algeria, and urges those who continue to engage in violence and the fundamental abuse of human rights to discontinue such activity immediately.

The legislation, while acknowledging that the Government of Algeria has made progress toward democratization, calls on the Government to take all necessary and legal steps to prevent violence and stop it once it occurs, and encourages the Government to cooperate with the international community to ensure transparency in the combating of terrorist activity.

Additionally, H. Res. 374 encourages the European Union and the Government of Algeria to further their mutual cooperation against terrorism. And, at the suggestion of Mr. MENENDEZ, encourages the Algerian Government to accept the appointment of a Special Rapporteur by the United Nations or another qualified independent organization, to conduct an inquiry into the violations of human rights in Algeria.

Mr. Speaker, I want to again thank the distinguished Chairman of the Africa Subcommittee, Mr. ROYCE, as well as our esteemed Chairman of the full International Relations Committee, Mr. GILMAN, for their support in this effort. I believe it is a very timely resolution. I hope it will be helpful in bringing an end to the senseless tragedies. And I urge my colleagues to support it.

I urge adoption of the resolution.

Mr. ROYCE. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first let me thank the gentleman from California (Mr. ROYCE) and offer my condolences to my colleague and cosponsor of this resolution, the gentleman from Ohio (Mr. CHABOT) whose father passed. I regret very much that Mr. CHABOT, who was the spearhead for our resolution, is unable to be here.

Mr. Speaker, I rise today to express my continued support for H. Res. 374 offered in response to the ongoing spiral of violence in Algeria. That violence was very adequately described by the gentleman from California (Mr. ROYCE) and I thank him for that and will expedite my remarks in that regard.

Pointedly, this legislation strongly condemns those who continue to perpetrate acts of violence and other crimes against humanity and violations of fundamental human rights.

Mr. Speaker, the situation in Algeria is not only an internal problem but one that should concern the world. These acts of violence continue to target innocent civilians. As the torture continues, relatives of the so-called disappeared are still wondering if their loved ones are dead or alive. Children continue to be hacked to death; and, very recently, as the gentleman from California pointed out, it has been reported that women have been raped before their throats are cut; and even a four-month-old baby was slaughtered.

Mr. Speaker, 6 years of this tragedy have left tens of thousands of civilians dead. Six years of violence is too long for us to remain silent to this vast human rights crisis which has sporadically grabbed international attention. We, as legislators, truly are, here in our House, democratic leaders of the world.

We must also heed the call of the world's citizens who are seeking peace and social justice, which are the principles that we adhere to, those principles being life, liberty and the rule of law, and we have to do that whether it is in Algeria or in Bosnia or Rwanda. Thus, Mr. Speaker, we cannot continue to turn a blind eye to the plight of these Algerian victims.

Mr. Speaker, I recognize the efforts of the Algerian government in providing housing and financial support for displaced people and encourage them to continue to build on existing cooperation with humanitarian organizations, as the gentleman has pointed out and has been offered.

I also acknowledge that Algeria has made some modicum of progress toward a multi-party democracy and toward a freer press, and it is rather encouraging to see that Algerian authorities have begun to allow some Algerian newspapers to publish reports for the first time. However, I would like to encourage the Algerian government under international law to allow and to cooperate with a fact-finding mission by the United Nations special rapporteur. This would be an initial step to address the situation and to ensure long-term transparency and scrutiny.

Mr. Speaker, the situation in Algeria is not something abstract. It is all about saving lives. I believe that this particular course of action that we embark on here today will assist in ending the ongoing conflicts in Algeria, and I would urge the Chair and other Members, particularly of the Subcommittee on Africa, to consider visiting Algeria under appropriate circumstances so that we may firsthand work in cooperation with the necessary mediation that might come by way of international involvement.

I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield as much time as he may consume to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, let me commend the chairman of the Subcommittee on Africa for the outstanding work that he has done, and I rise in support of H. Res. 374.

I am disappointed that, after gaining independence from France many years ago, Algeria is again plagued with some of the same old travesty. After colonialism ended in 1962, the French did little to prepare Algeria for independence. When the French left, mosques were reopened, people started learning Arabic again and feeling good about the religion of Islam.

While this past year marked the first legislative and local election since 1992, it also turned into the bloodiest year in the longstanding political strife of power. As we look back, the cancelling or annulling of the elections may not have seemed to be the right course of action. However, it should be noted that the desire to maintain Islamic domination and to radically change the food and clothing habits of the people was thwarted by most of Algerian citizens in 1992. Yet this explanation can be summed up by saying that the democracy cannot benefit if those that desire it want to end it once they are in power.

It is common knowledge that the first armed Islamic groups were organized by veterans of the war in Afghanistan and trained in Pakistan. Today, the GIA still receives weapons and money from outside sources including Pakistani Islamists, Iran and Sudan.

Let me just say that I was disturbed by the news of two mayors from neighboring towns being arrested for carrying out extrajudicial executions. This concerned me because it comes just after the meeting by the United Nation's Human Rights Commission report that suggests that a special envoy should go to the region.

As we seek to formulate U.S. policy toward Algeria, we must remember that Algeria has helped with the Iran hostage crisis in 1982, continues to assist the resettlement of refugees and helped with the Iraqi problem in which absolutely no one in the Arab world would consent to, not even Saudi Arabia at the time.

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In conclusion, we must not confuse the nonviolent Islamists with Islamic fundamentalism. I think that this political war to win at all costs has alienated the very people on whose behalf the struggle was designed to help.

Let me once again thank the gentleman from Ohio (Mr. CHABOT) and the gentleman from Florida (Mr. HASTINGS) for trying to constructively deal with this crisis.

Mr. ROYCE. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, since our committee marked up this resolution earlier this month, scores of Algerians, mostly civilians, have been killed in a barbaric civil war. Last night, Mr. Speaker, 40 Algerians had their throats cut by fundamentalist rebels. The massacre coincided with the feast of the Moslem New Year.

The horror of this violence is unimaginable. Since 1992, over 65,000 Algerians have been killed. It is vital that the Congress speak out on this issue. The resolution before us today I think sends the right message, Mr. Speaker. This resolution rightly calls on the Government of Algeria to allow neutral, independent international investigators to examine the violence that has racked Algeria since 1992. There should be no mistake, my colleagues, that the thrust of this resolution is to strongly condemn the Armed Islamic Group and the other terrorists inside Algeria who have slaughtered, in a barbaric fashion, tens of thousands of innocent Algerians. There is no place in this world for such atrocities.

Mr. Speaker, I thank the gentleman from Ohio (Mr. CHABOT) and the gentleman from Florida (Mr. HASTINGS) for bringing the resolution before us today, and in addition, I want to thank the distinguished chairman of the subcommittee, the gentleman from California (Mr. ROYCE) and the gentleman from New Jersey (Mr. MENENDEZ) of the Subcommittee on Africa, who have done such an excellent job of finding consensus to what could have been very difficult issues. Again, I thank the gentleman from Ohio (Mr. CHABOT) for introducing this resolution, and I urge my colleagues to adopt it.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

This is a balanced statement of the U.S. House of Representatives' views of the troubling situation in Algeria. It takes into consideration the democratic progress being made by the Algerian Government, but does not ignore human rights concerns involving the government either. I call on my colleagues to make a positive statement on the crisis in Algeria at this crucial time in this country's history.

Mr. MENENDEZ. Mr. Speaker, violence has become an integral part of life in Algeria—it consumes the country and it has temporarily derailed the future of what should be a vibrant Nation, politically and economically. Since 1992, as many as 80,000 people have died and thousands of others have been injured.

While socio-economic development will help the people of Algeria rebuild their lives, the government must also commit itself to stopping the massacres. The recent arrests of local officials and commanders of pro-government militia groups in Algeria on charges of carrying out massacres of civilians gives cause to those of us who have called for independent rapporteur to address the situation in Algeria.

In March, the Congressional Human Rights Caucus sent a letter to Secretary Albright in which we asked that the United States introduce a resolution at the U.N. Commission on Human Rights to appoint a Special Rapporteur for Algeria. Unfortunately, the United States decided against offering such a resolution. This resolution does call for such a rapporteur.

The United States and the international community have attempted to reach out to Algeria, to offer assistance and guidance, but they have been largely rebuked.

While the Algerian Government has made progress and increased transparency through the recent arrests, Algeria's efforts to handle this crisis have been largely ineffective. Progress will require Algeria opening up to the world. This means allowing the U.N. and other bodies to look at what is happening inside Algeria. Since the fundamentalists are accountable to no one, the onus for action, by necessity lies with the Algerian government.

Only the Algerian Government can start the process which will make 1998 the last year of bloodshed and the first year in many of peace, stability and reconciliation in Algeria.

I want to thank my colleagues for offering this resolution.

Mr. ROYCE. Mr. Speaker, I urge the adoption of this important resolution, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the resolution, H. Res. 374, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS CONGRATULATING THE FORMER INTERNATIONAL SUPPORT AND VERIFICATION COMMISSION OF THE ORGANIZATION OF AMERICAN STATES

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 222) expressing the sense of Congress, congratulating the former International Support and Verification Commission of the Organization of American States (OAS-CIAV) for successfully aiding in the transition of Nicaragua from a war-ridden state into a newly formed democracy and providing continued support through the recently created technical cooperation mission (OAS-TCM) which is responsible for helping to stabilize Nicaraguan democracy by supplementing institution building.

The Clerk read as follows:

H. CON. RES. 222

Whereas the Organization of American States International Support and Verification Commission (OAS–CIAV) was established August 7, 1989, for the purpose of overseeing assisting in the repatriation, disarmament, resettlement, and protection of human rights of the Nicaraguan resistance and their families;

Whereas the OAS-CIAV, successfully demobilized 22,500 members of the Nicaraguan resistance and distributed food and humanitarian assistance to more than 119,000 repatriated Nicaraguans prior to July 1991;

Whereas the OAS–CIAV successfully investigated and documented more than 1,800 human rights violations, including numerous murders and presented these cases to Nicaraguan authorities, following and advocating justice in each case;

Whereas the OAS–CIAV helped demobilize rearmed contras and Sandinistas, as well as apolitical criminal groups, and recently brokered and mediated the successful May 1997 negotiations between the Government of Nicaragua and the largest rearmed group;

Whereas the OAS–CIAV created 86 peace commissions and has provided assistance and extensive training in human rights and alternative dispute resolution for their members, who are currently mediating conflicts, including kidnaping and demobilization of rearmed groups, in every municipality of the zones of conflict;

Whereas the OAS–CIAV successfully provided critically needed infrastructure and humanitarian assistance including aid for Nicaraguan schools, roads, and health clinics; and

Whereas a new Organization of American States Technical Cooperation Mission (OAS–TCM) has been created to expand upon the mission of the OAS–CIAV by providing institution building resources in municipal government development, social work, and civic education in the twelve most conflictive municipalities in Nicaragua: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commends and congratulates Santiago Murray, the first OAS–CIAV Director, and Sergio Caramagna, the current director of the OAS–TCM, and all members of the OAS–CIAV and OAS–TCM team for their tireless defense of human rights, promotion of peaceful conflict resolution, and contribution to the development of freedom and democracy in Nicaragua; and

(2) expresses its support for the continuation of the role of the OAS–TCM in Nicaragua.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

California (Mr. GALLEGLY) and the gentleman from Minnesota (Mr. LUTHER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. GALLEGLY).

Mr. GALLEGLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Con. Res. 222, which congratulates the OAS for its successful CIAV mission in Nicaragua and its ongoing technical assistance program in that country.

In 1989 at the conclusion of the devastating Civil War in Nicaragua, that Nation was confronted with the sensitive task of disarming, repatriating and resettling members of the former "contra" resistance movement back into the Nicaraguan society.

Recognizing the need for help in carrying out this effort, the Government of Nicaragua asked the OAS for help. On August 7, 1989, the International Support and Verification Commission, better known as CIAV, was created by the OAS General Assembly. Over the next 7 years, the OAS-CIAV mission, with financial support from the United States, helped demobilize over 22,000 members of the contra organization, distributed food and other humanitarian assistance to over 100,000 Nicaraguans, and helped establish some 86 "peace commissions" to provide human rights monitoring and conflict resolution training.

When the OAS-CIAV mission closed its doors last August, a new, smaller successor organization, the technical cooperation mission, known as TCM, was established. The OAS-TCM focused on 12 of Nicaragua's most conflictive rural municipalities and will provide civic education, human rights training, municipal government development, and conflict resolution assistance.

Mr. Speaker, by every account, the OAS-CIAV mission was a great success for both Nicaragua and the OAS itself, and this resolution congratulates the OAS-CIAV mission for a job well done.

This resolution we are considering was passed unanimously by both the Subcommittee on the Western Hemisphere and the full Committee on International Relations, and is similar to a resolution introduced by the chairman of the Committee on Foreign Relations in the other body and passed by the full Senate last year.

I want to thank the chairman and ranking member of the full committee for their support as well as the ranking member of the subcommittee, the gentleman from New York (Mr. ACKERMAN) and cosponsors, the gentleman from North Carolina (Mr. BALLENGER) and the gentleman from New Jersey (Mr. MENENDEZ), and I urge passage of the concurrent resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LUTHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this resolution, and I commend the gentleman from New York (Mr. ACKERMAN) and the gentleman from California (Mr. GALLEGLY) for introducing it.

Like the OAS verification mission before it, the technical cooperation mission defends the human rights of the most vulnerable Nicaraguans and supports local communities in their efforts to build independent institutions. Independent institutions are the backbone of democracy, and we are right to support their development.

I would note, Mr. Speaker, that the Government of Nicaragua still has not appointed a human rights ombudsman, despite its announcement to do so. That ombudsman can play a critical role in institutionalizing respect for human rights in Nicaragua, and the appointment of such an ombudsman would send a clear signal that the government is committed to the protection of human rights. Nevertheless, Mr. Speaker, this resolution deserves our support, and I urge my colleagues to join me in voting yes on this important measure.

Mr. Speaker, I yield back the balance of my time.

Mr. GALLEGLY. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I rise in strong support of H. Con. Res. 222.

I want to thank the distinguished Subcommittee on the Western Hemisphere chairman, the gentleman from California (Mr. GALLEGLY), and the ranking minority member, the gentleman from New York (Mr. ACKERMAN), for introducing H. Con. Res. 222, which will serve as a companion resolution to Senate Con. Res. 40 already passed by the Senate.

This resolution provides long overdue recognition to the OAS-CIAV mission which successfully demobilized 22,500 members of the Nicaraguan resistance after the democratic elections of 1990 ended the 10-year Marxist-Leninist-Sandinista regime. Led by Santiago Murray and Sergio Caramagna, the CIAV mission helped Nicaraguan peasants who had taken up arms against the Sandinistas' one-party dictatorship to reintegrate themselves into Nicaraguan civil society.

The CIAV mission always maintained the highest standards of professionalism in the conduct of investigations of human rights abuses against some of Nicaragua's poorest and least represented people. The CIAV mission members earned the respect of all of the resistance fighters, and when former resistance members took up arms to press demands with the Nicaraguan Government, the CIAV officials acted with great skill and bravery on numerous occasions to negotiate peaceful resolutions to highly explosive situations.

Mr. Speaker, it is notable that the CIAV mission, with limited resources, worked with church groups to create peace and justice commissions to carry on the conflict resolution and civil society building work which the CIAV began. The follow-on OAS technical mission continues to nurture these important civil society groups in the most isolated and violent parts of Nicaragua.

Additionally, I want to take the opportunity to urge the Government of Nicaragua to move to name a professional, credible individual to serve as that country's human rights ombudsman. This is important, since the downsized successor to the OAS-CIAV has ceased providing independent human rights reporting.

Mr. ACKERMAN. Mr. Speaker, House Concurrent Resolution 222 commends the Organization of American States for its role in successfully aiding the transition of Nicaragua from Civil War to democracy.

Mr. Speaker, the OAS role in Nicaragua has proven to be invaluable. The international support and verification commission has resettled former combatants; distributed food and humanitarian assistance; and investigated and documented human rights abuses. In addition, the OAS–CIAV brokered negotiations between the Government of Nicaragua and the rearmed groups; provided critically needed infrastructure; and established local peace commissions to provide an avenue for alternative dispute resolution.

Clearly, Santiago Murray and Sergio Caramagna are to be commended for their work as are all the members of the OAS–CIAV team and the follow-on OAS technical cooperation mission. These dedicated professionals have labored long and hard to ease the journey as Nicaragua consolidates its democracy.

I want to thank and commend the chairman for introducing the resolution and I urge my colleagues to support the resolution.

Mr. GALLEGLY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GALLEGLY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 222.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING THE PEOPLE OF THE COOPERATIVE REPUBLIC OF GUYANA FOR HOLDING MULTIPARTY ELECTIONS

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 215) congratulating the people of the Cooperative Republic of Guyana for holding multiparty elections, as amended.

The Clerk read as follows:

H. CON. RES. 215

Whereas the people of Guyana voted on December 15, 1997, to re-elect the ruling party, the People's Progressive Party/Civic (PPP/Civic);

Whereas the Guyanese people showed their strong belief in the democratic process by approximately an 88 percent voter turnout;

Whereas the main opposition party, the People's National Congress (PNC) has alleged that the elections were not free and fair; and

Whereas although international observers such as the Organization of American States (OAS), the Commonwealth, and the International Foundation of Electoral Systems (IFES) have unanimously agreed, based on their observations on election day, that the polling process was free and fair, it has been alleged that violations occurred in the counting process, necessitating an audit of the elections by the Caribbean Community (CARICOM): Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) congratulates the people of Guyana for holding multiparty presidential elections by proportional representation;

(2) supports the audit of the elections by the Caribbean Community (CARICOM), an organization deemed acceptable to all parties;

(3) calls on all parties and opposition leaders to respect the outcome of the audit as the final decision and make a vow to peace and stability in Guyana; and

(4) calls on the newly elected president of the Cooperative Republic of Guyana to respect the rule of law and human rights.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GALLEGLY) and the gentleman from Minnesota (Mr. LUTHER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. GALLEGLY).

Mr. GALLEGLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Con. Res. 215. During the congressional recess from October of last year until February 1998, several nations in the Western Hemisphere, including Honduras, Columbia, Jamaica, Costa Rica and Chile, held important Presidential, congressional, or municipal elections. These elections represented another important step in the consolidation of democracy in the Americas. All of these nations deserve our congratulations and support.

One of those elections and subject to this bill was held on December 15 of last year when the people of Guyana went to the polls and elected their new President. H. Con. Res. 215 was introduced by our colleague, the gentleman from New Jersey (Mr. PAYNE) and congratulates the 88 percent of the voters of Guyana who participated in their elections.

By all accounts, these elections were judged to be free and fair by a team of international election observers. Despite the fact that some ballot counting problems did arise which necessitated an international audit, the overall election process was a great success.

□ 1530

Interestingly enough, the new president, Mrs. Janet Jagan, is a U.S.-born native of Chicago who succeeds her husband, the former president who passed away last year.

Mr. Speaker, I again want to congratulate all the peoples and the nations of the hemisphere who have held free and fair elections over the past few months, and commend the gentleman from New Jersey (Mr. PAYNE) my good friend, for introducing this resolution, and I urge its adoption by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. LUTHER. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of this resolution.

Mr. Speaker, I support this resolution and I commend the gentleman from New Jersey (Mr. PAYNE) for introducing it. After the elections in December, the situation in Guyana looked grim. Many political actors threatened violence and threatened to ignore the outcome of the elections. The intervention of the Caribbean Community averted what could have been a very violent situation.

But, Mr. Speaker, democracy in Guyana has a long way to go and this resolution recognizes that. All parties in Guyana must recognize the rule of law and human rights if democracy is going to overcome years of ethnic and racially charged politics, and we are right to call on them to do that.

This resolution deserves our support, and I urge my colleagues to join me in voting "yes" on this important measure.

Mr. Speaker, I reserve the balance of my time.

Mr. GALLEGLY. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H. Con. Res. 215. First, I would like to thank the distinguished gentleman from California (Mr. GALLEGLY) chairman of the Subcommittee on the Western Hemisphere, and the gentleman from Minnesota (Mr. LUTHER) who is managing the bill for the minority on this measure today.

Mr. Speaker, I also would like to thank the gentleman from New Jersey (Mr. PAYNE) and the gentleman from Georgia (Mr. BISHOP) for submitting H. Con. Res. 215.

On December 15, 1997, Guyana held elections that were judged by international monitors to be free and fair elections. However, opposition parties alleged some serious irregularities. This resolution points out that an audit of the elections was requested of the Caribbean Community, CARICOM. This resolution also lends support to CARICOM's efforts and urges the competing political parties in Guyana to respect the outcome of the CARICOM audit.

Mr. Speaker, I would like to endorse, particularly, the resolution's call on the elected President of Guyana to respect the rule of law and human rights. Accordingly, I support H. Con. Res. 215 and I thank the gentlemen for bringing it to our attention at this time.

Mr. LUTHER. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. PAYNE), the author of the resolution.

Mr. PAYNE. Mr. Speaker, I thank the gentleman from Minnesota (Mr. LUTHER) and the gentleman from California (Mr. GALLEGLY), and also the gentleman from New York (Chairman GILMAN) chairman of the full committee, for the outstanding work that they have done in this issue which is very important to me.

Mr. Speaker, I am very concerned, and have been, about events in Guyana, a wonderful place where the people deserve better.

First, let me congratulate the people of the Cooperative Republic of Guyana for holding multiparty elections on December 15, 1997. I was saddened to learn about the violence that erupted post-election. Although the Guyanese people showed their strong belief in the democratic process, as shown by the 88 percent voter turnout, factions in the country called for civil disobedience and there was looting and rioting for many days following the elections.

In January between 15,000 and 20,000 people were rioting in the streets. I know that Janet Jagan of the People's Progressive Party/Civic, PPP/C, won by a small majority. Nevertheless, a win is a win, and the majority has a right to rule with minority having the right to participate.

Opposition political parties and international observers invited to monitor the elections concluded that while the voting on election day was fair and free, there were some concerns with the counting of the votes. The results have since been challenged and an audit of the votes and the process have been started by the Caribbean Community, CARICOM, an organization deemed acceptable to all parties in that country.

However suspicious the confusion in the election commission, however wrong the opposition feels, mob violence does not address any of these issues. I will be anxious, as I am sure all of us will be, to hear of the results of the audit. At that time I believe we can move forward with the president on a number of issues.

In conclusion, I would hope that all parties, along with the newly elected president of the Cooperative Republic of Guyana, will respect the rule of law and human rights. I know that in Africa the newly elected president of Liberia, Charles Taylor, has appointed members of the opposition faction in his country to create a human rights organization. I would hope that President Janet Jagan would extend her government offices to all of the people of Guyana, and in particular the African-Guyanese descent that felt that the election did not go right.

Mr. Speaker, I think that if she brings in all of the political parties, opposition as well as majority, I think that the country will move forward in the right direction. I am hopeful that it will happen. I wish the new President success once there is the conclusion of the audit.

Mr. ACKERMAN. Mr. Speaker, House Concurrent Resolution 215 is a straightforward resolution which commends the people of Guyana for conducting what were, by all accounts, free and fair elections.

An assessment of the voting by the International Foundation for Election Systems indicates that election day went very smoothly, that poll workers were professional, that relations between the poll workers and poll watchers from the major parties were cordial, and turnout was very high.

The problems began after the polls closed when it became apparent that the poll workers were not as well trained in the mechanics of counting the votes as they were in actually administering the polls. In some instances, the elections commission had to reject incomplete tally sheets because they could not determine where the votes had been cast. In addition, the reporting of the returns took several days and caused public unease and suspicion which in turn led to unrest and violence.

The resolution makes note of these issues; commends the Caribbean community for its offer to audit the results; and urges all parties to respect the outcome of the audit, and to work for peace and stability in Guyana by supporting the rule of law and respecting human rights.

Mr. Speaker, I want to thank and commend our colleagues Congressmen PAYNE and BISHOP, for introducing the resolution, and Chairman GALLEGLY for moving forward with the bill.

I urge my colleagues to support the resolution.

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise today in support of H. Con. Res. 215, and join its sponsors in congratulating the people of Guyana for holding multiparty elections.

Mr. Speaker, the people of the Caribbean have long led the way in Latin America in the practice of free and fair elections. Even before Jamaica and Trinidad gained their independence from Great Britain in the early 1960's, the islands, for the most part, generally were engaged in the practice of freely electing their local political leaders.

In addition to Guyana, 1997 also saw free and fair elections in Jamaica and in St. Lucia. In my District, the U.S. Virgin Islands, we have been electing our Governors since 1970 and our local Legislative council since the early 1900's.

While I support the resolution before us, I must caution that the process of the 1997 Guyana election is still ongoing.

I commend the people of Guyana and the other Caribbean governments for their decision to let representatives of CARICOM conduct an audit of the 97 Guyana Presidential elections and I call on all concerned to await the outcome of the audit.

Last Friday, my colleagues DONALD PAYNE, the prime sponsor of this resolution, Representative MAJOR OWENS and our newest colleague, Congresswoman BARBARA LEE, hosted a breakfast meeting with the Secretary General of CARICOM. It was a very informative meeting and I believe will serve as the basis for a closer relationship between members of this body and CARICOM.

Mr. Speaker I applaud efforts of the authors of this resolution and the people of Guyana in the struggle for greater democracy and urge my colleagues to vote yes on H. Con. Res. 215.

Mr. GALLEGLY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LUTHER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from California (Mr. GALLEGLY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 215, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS ON 50TH ANNIVERSARY OF FOUNDING OF MODERN STATE OF ISRAEL

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 102) expressing the sense of the Congress on the occasion of the 50th anniversary of the founding of the modern State of Israel and reaffirming the bonds of friendship and cooperation between the United States and Israel.

The Clerk read as follows:

H.J. RES. 102

Whereas on November 29, 1947, the United Nations General Assembly voted to partition the British Mandate of Palestine, and through that vote, to create the State of Israel;

Whereas on May 14, 1948, the people of Israel proclaimed the establishment of the sovereign and independent State of Israel and the United States Government established full diplomatic relations with Israel;

Whereas the desire of the Jewish people to establish an independent modern State of Israel is the outgrowth of the existence of the historic Kingdom of Israel established three thousand years ago in the city of Jerusalem and in the land of Israel;

Whereas one century ago at the First Zionist Congress on August 29 to 31, 1897, in Basel, Switzerland, participants under the leadership of Theodore Herzl affirmed the desire to reestablish a Jewish homeland in the historic land of Israel;

Whereas the establishment of the modern State of Israel as a homeland for the Jews followed the slaughter of more than six million European Jews during the Holocaust;

Whereas since its establishment fifty years ago, the modern State of Israel has rebuilt a nation, forged a new and dynamic society, and created a unique and vital economic, political, cultural, and intellectual life despite the heavy costs of six wars, terrorism, international ostracism, and economic boycotts;

Whereas the people of Israel have established a vibrant and functioning pluralistic democratic political system including freedom of speech, a free press, free and fair and open elections, the rule of law, and other democratic principles and practices;

Whereas, at great social and financial costs, Israel has absorbed hundreds of thousands of Jews from countries throughout the world, many of them refugees from Arab countries, and fully integrated them into Israeli society;

Whereas for half a century the United States and Israel have maintained a special relationship based on mutually shared democratic values, common strategic interests, and moral bonds of friendship and mutual respect; and

Whereas the American people have shared an affinity with the people of Israel and regard Israel as a strong and trusted ally and an important strategic partner: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States—

(1) recognizes the historic significance of the fiftieth anniversary of the reestablishment of the sovereign and independent modern State of Israel;

(2) commends the people of Israel for their remarkable achievements in building a new state and a pluralistic democratic society in the Middle East in the face of terrorism, hostility and belligerence by many of her neighbors;

(3) reaffirms the bonds of friendship and cooperation which have existed between the United States and Israel for the past half-century and which have been significant for both countries; and

(4) extends the warmest congratulations and best wishes to the State of Israel and her people for a peaceful and prosperous and successful future.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 102 expresses the sense of the Congress on the occasion of the 50th anniversary of the founding of the modern State of Israel. It reaffirms the bonds of friendship and cooperation between our Nation and the State of Israel.

I want to commend our colleague on the Committee on International Relations, the gentleman from California (Mr. LANTOS) for his leadership in sponsoring this resolution and for his unstinting support of the State of Israel over the years.

H. Res. 102 has been cosponsored by more than a majority of our House Members. Such support is yet another indication of the special esteem in which we hold the State of Israel.

Mr. Speaker, over 50 years ago the United Nations General Assembly voted to partition the British Mandate of Palestine, and through that vote to create the State of Israel. On May 14, 1948, Israel became a sovereign state and the United States, under President Harry Truman, recognized that state.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind the guests in the gallery that they are guests of the House and please keep their conversations to a minimum.

Mr. GILMAN. Mr. Speaker, within 11 minutes of that recognition, President Harry Truman recognized the State of Israel. According to the Jewish calendar, that anniversary will be celebrated this week.

The modern state of Israel was reborn after thousands of years thanks to the leadership and years of dedicated commitment by Theodore Herzl and hundreds and thousands of men and women who, sharing his vision, worked tirelessly to make that dream a reality.

The reestablished state of Israel became a homeland for Jews who survived Hitler's slaughter, as well as those who fled Arab lands as well as others in which they had been persecuted. Despite all of those difficulties, Israel has absorbed hundreds of thousands of Jews over the past five decades, and has become a thriving multicultural democracy that holds a special place as a strong ally of our own Nation.

The special relationship that we in our Nation share with Israel is based on democratic values, common strategic interests and moral bonds of friendship and mutual respect. Israel is a strong and trusted friend and is an important strategic partner.

Mr. Speaker, H.J. Res. 102 therefore recognizes the historic significance of the 50th anniversary of the reestablishment of the sovereign and independent modern state of Israel. The resolution commends the people of Israel for their remarkable achievements despite the terrorism, the hostility and belligerence by many of its neighbors.

This legislation reaffirms the bonds of friendship and cooperation which have existed between our Nation and Israel for the past half century and which have been significant for both nations. The resolution also extends our warmest congratulations and best wishes to the state of Israel and to her people for a peaceful, prosperous and successful future.

Accordingly, Mr. Speaker, I urge our colleagues' full support for H.J. Res. 102.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first acknowledge in the gallery the distinguished Ambassador of the State of Israel and his party for having joined us for this very significant occasion.

Mr. Speaker, I want to thank the distinguished gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations, my good friend, for his kind words. Let me just say no one in this body has been a more steadfast supporter of the democratic state of Israel than Chairman GILMAN, who through the years, with action after action, has demonstrated his profound commitment to this democratic friend and ally of the United States and to the ultimate goal of that democratic friend and ally, the securing of a permanent and stable peace in the region.

Mr. Speaker, I would like to first briefly discuss the essence of my resolution. We here in the Congress are congratulating the modern state of Israel, which is the outgrowth of the existence of the historic Kingdom of Israel established thousands of years ago in the City of Jerusalem and in the land of Israel.

The establishment of the modern State of Israel 50 years ago followed the slaughter of more than 6 million Jews in the concentration camps and gas Chambers of Europe.

Since being created as a tiny nation on a tiny piece of land with a population of some 600,000, the modern state of Israel has rebuilt a nation, forged a new and dynamic society, created a unique and vital economic political, cultural and intellectual life, despite mind-boggling costs of six wars started against it, continuing terrorism, international ostracism and severe economic boycotts.

□ 1545

The people of Israel have established a vibrant, functioning, pluralistic democratic system which cherishes the right of free speech, free press, free and fair and open elections, the rule of law, and all the democratic practices of a free society.

During the 50 years of its existence, this young State absorbed well over a million refugees from throughout the world, ranging from Ethiopia to the former Soviet Union and integrated these people fully into the very fabric of Israeli society.

For a half a century, the United States and Israel have maintained a special and unique relationship based on mutually shared democratic values, common strategic interests, and moral bonds of friendship and mutual respect.

The American people have shared an affinity with the people of Israel and regard Israel as a strong and trusted ally and an important strategic partner in the Middle East.

The resolution we are about to vote on recognizes the historic significance of the 50th anniversary of the reestablishment of the sovereign and independent modern State of Israel. The resolution commends the people of Israel for their remarkable achievements in building a new State and a pluralistic democratic society in the Middle East in the face of terrorism, hostility, and belligerence by many of her neighbors.

It reaffirms the bonds of friendship and cooperation which have existed between the United States and Israel for a half a century and which have been significant and beneficial to both of our countries.

Of course, it finally extends our warmest congratulations and best wishes for the State of Israel and for her people for a future of peace, prosperity, and success.

Mr. Speaker, yesterday on the White House lawn, in a magnificent ceremony, President Clinton was awarded an honorary doctorate from Israel's leading university, the Hebrew University in Jerusalem.

During the course of his acceptance speech, among others, the President had these ideas to share with us: I accept this honor today, he said, on behalf of my predecessors, beginning with Harry Truman, nine American Presidents all devoted to Israel's security and freedom, all committed to peace in the Middle East. I accept it on behalf of the American people who have formed, not just an alliance, but a profound friendship with the people of Israel over these last 50 years.

Today we celebrate those extraordinary 50 years. In 1948, Israel arose from the seeds of the Diaspora and the ashes of the Holocaust. The children of Abraham and Sarah, survivors of 2,000 years of exile and persecution, were home at last and free at last.

For its founders, the Israeli State was, however, about even more than securing a haven for the Jewish people after centuries of suffering and wandering. Isaiah prophesied that Israel would become a light unto the nations, and David Ben-Gurion, the first President of this new nation, and his allies set out to make that prophesy come true by establishing a society of light, embracing what Ben-Gurion called the higher virtues of truth and justice and compassion.

Ben-Gurion, Mr. Speaker, believed Israel could lead the world to a better future by marrying the ethical leadership of the ancients with the discoveries of modern science. I quote him: "It is only by the integration of the two that the blessings of both can flourish." Of course, he also envisioned a third great achievement for Israel that, with the strength and wisdom and skill, Israel would build a lasting peace with its Arab neighbors.

Relations between our two nations were born of another leader's courage and vision. Harry Truman brushed aside the urgings of his advisors, as he so often did, when they said, go slow, wait and see before offering Israel its recognition.

For Harry Truman, supporting the State of Israel was a moral imperative rooted in his understanding of the sufferings and the dreams of Jews from Biblical times. As we learned yesterday on the White House lawn, our recognition of Israel occurred just 11 minutes after Israel proclaimed its independence. We, in becoming the first nation to recognize Israel, had one of our proudest moments.

Not only that, Mr. Speaker, but 50 years later, old Harry Truman looks pretty smart. Look what Israel has done. Under a brilliant blue sky, the Israelis have built prosperous farms, planted forests, turned streets of sand into shining boulevards, raised families and welcomed the arrival of brothers and sisters from Europe and North Africa, from Russia and Ethiopia, from all over the world. They have dazzled the world with their achievements in science and scholarship and literature and art. They have built a thriving democracy.

Despite the passage of 50 years, Israelis seem to practice their freedom as if they had only just gained it yesterday. They never seem to cease challenging themselves about their history, their relationship with their neighbors, the hard choices for the future.

If anyone ever wonders whether there is ever a place in the world where you can have freedom and honest vigorous 24-hour-a-day, 7-day-a-week, 365-day-a-year argument, go to Israel.

It is truly one of the most pulsating, vibrant places on the face of this planet. Alive with thousands of sounds, prayers in dozens of languages in the Old City; young people gathered on the avenues of Tel Aviv, computer keyboards tapping; new ventures launched on the Internet; school children now conversing in Hebrew, once the language only of the sacred text, now the voice of an Israeli renaissance.

The economy that has been propelled by all this energy and activity into being one of the most advanced and diversified in the world last year exported $32 billion worth of goods, 1,000 times their level of 50 years ago.

High-tech companies and high-tech people. You go to Israel, it looks as if you cannot be a citizen of Israel unless you have a cell phone glued to your hand.

Israelis have gone a very long way of fulfilling the first two pieces of Ben-Gurion's mission. Surely they have built an ethical, democratic society, a society which is based on modern science and technology. It has endured against unspeakable odds by prevailing again and again in battle. The valor of its soldiers and military and political leaders are legendary.

But the battle for the third piece of Ben-Gurion's vision, a just and secure and lasting peace, is still being waged and still in blood and tears. Camp David brought peace between Israel and Egypt, but it cost Anwar Sadat his life.

On the White House lawn, on a brilliant day in September of 1993, Yitzhak Rabin committed himself not only to an agreement with the Palestinians, but to a comprehensive peace in the Middle East. And how bravely he pursued it, but it cost him his life.

Jews and Arabs who have wanted nothing more than to live quiet, normal lives are still denied that simple pleasure. Still, Mr. Speaker, as the new century dawns, the world is filled with the promise and hope that we can overcome ancient hatreds to build a modern peace for our children.

From Guatemala to Mozambique and to Bosnia, and now even to Ireland, longtime antagonists have left the battle ground to find common ground. They are weary of war. They long for peace for their children and for their grandchildren. They move beyond hatred to hope.

Mr. Speaker, this is a time for reconciliation around our globe. It must be a time to deepen freedom and to raise up life in the Middle East. The 21st century can and must be a century of democracy, prosperity, justice, and most of all of peace; but it can only be a century of peace if we learn not only to respect, but to honor our differences. It is in that spirit that I ask my colleagues to join me in approving this resolution, commending the State of Israel on its 50th anniversary.

Mr. Speaker, I include the following for the record:

Remarks by the President at Reception for the 50th Anniversary of Israel

The President. Thank you very much. Mr. President, Director, all the officials of Hebrew University. Mr. Vice President, members of the Cabinet, the administration, members of the Congress. I'd like to especially thank Dr. Dunn, Dr. Nyang, Dr. Schorsch, and Richard Dreyfuss and Linda Lavin for their wonderful contributions to this day. To Ambassador and Mrs. Ben-Elissar, thank you for being here. To all of our former ambassadors to the United States and other distinguished guests from Israel, and my fellow Americans.

I'd also like to ask that we give a special word of appreciation to the people who provided all that wonderful music which got us in the right frame of mind. Thank you very much. (Applause.) If you could hang around here for a month or two, I think we might get some things done—you'd keep us all in a very positive frame of mind.

I am very honored to receive this degree from Hebrew University of Jerusalem—honored because its founders include Chaim Weizmann, Martin Buber, Sigmund Freud and Albert Einstein; honored because it is now one of the world's leading centers of learning and research.

I must say, I never expected to be doing this here. Many American universities have satellite campuses where working people like me can obtain degrees at locations near their homes and offices. (Laughter.) This is more than I ever could have anticipated. (Laughter.)

President Magidor, thank you for bringing this ceremony here so that those of us who cannot go to Israel in a couple of days may share in the celebration of this magnificent 50th birthday.

I accept this honor today on behalf of my predecessors, beginning with Harry Truman—nine American Presidents all devoted to Israel's security and freedom, all committed to peace in the Middle East. I accept it on behalf of the American people who have formed not just an alliance, but a profound friendship with the people of Israel over these last 50 years.

Today we celebrate that extraordinary 50 years. In 1948, Israel arose from the seeds of the Diaspora and the ashes of the Holocaust. The children of Abraham and Sara, survivors of 2,000 years of exile and persecution, were home at last and free at last. For its founders, the Israeli state was, however, about even more than securing a haven for the Jewish people after centuries of suffering and wandering. Isaiah prophesied that Israel would become "a light unto the nations," and David Ben-Gurion and his allies set out to make that prophecy come true by establishing a society of light, embracing what Ben-Gurion called the higher virtues of truth, justice, and compassion.

Ben-Gurion believed Israel could lead the world to a better future by marrying the ethical teachings of the ancients with the discoveries of modern science. "It is only by the integration of the two," he wrote, "that the blessings of both can flourish." Of course, he also envisioned a third great achievement for Israel that, with strength and wisdom and skill, Israel would build a lasting peace with its Arab neighbors.

As we have heard today, relations between our two nations were born of another leader's courage and vision. Harry Truman brushed aside the urgings of his advisors, as he often did, when they said go slow, wait and see, before offering Israel recognition. For him, supporting a Jewish homeland was a moral imperative rooted in his understanding of the sufferings and dreams of the Jews from biblical times. And as we learned from Richard's wonderful reading, it occurred just 11 minutes after Israel proclaimed independence. We, in becoming the first country to recognize Israel, had one of our proudest moments. (Applause.)

Not only that, 50 years later, old Harry Truman looks pretty smart. (Laughter.)

Look what Israel has done. Under a brilliant blue sky, the Israelis have built prosperous farms and kibitzes, planted forests, turned streets of sand into shining boulevards, raised families and welcomed the arrival of brothers and sisters from Europe and North Africa, from Russia and Ethiopia, and America. Israelis have dazzled the world with achievements in science and scholarship, in literature and the art. They have built a thriving democracy.

And despite the passage of 50 years, Israelis seem to love and practice their freedom as if they had only just gained it. They never seem to cease challenging themselves about their history, their relationship with their neighbors, the hard choices for the future. If anyone ever wonders whether there is ever a place in the world where you can have freedom and honest, vigorous, 24-hour-a-day, seven-day-a-week, 365-day-a-year argument, go to Israel. (Laughter and Applause.)

It is truly one of the most pulsating, vibrant places on Earth—alive with thousands of sounds, prayers in dozens of languages in the Old City; young people gathered on the avenues of Tel Aviv, computer keyboards tapping; new ventures launched on the Internet; school children now conversing in Hebrew, once the language only of sacred text now the voice of an Israeli renaissance. And the economy has been propelled by all this energy and activity into being one of the most advanced and diversified in the world—per capita income now matching nations in Europe; exports last year were $32 billion dollars, 1,000 times their level in 1948.

Hi-tech companies, hi-tech people. You go to Israel, it looks as if you can't be a citizen of Israel unless you have a cell phone glued to your hand. (Laughter.) Yes, Israelis have gone a very long way toward fulfilling the first two pieces of Ben-Gurion's vision. Surely they have built an ethical, democratic society, and a modern science and technology-based economy. It has endured against great odds by prevailing again and again in battle. The valor of citizen soldiers and military and political leaders like Golda Meir, Moshe Dayan, Yonnie Netanyahu.

But the battle for the third piece of Ben-Gurion's vision—a just, secure and lasting peace—is still being waged and still in blood and tears. Camp David brought piece between Israel and Egypt, but it cost Anwar Sadat his life. Here on this very spot, on a brilliant day in September of 1993, Yitzhak Rabin committed himself not only to an agreement with Mr. Arafat, but to a comprehensive peace in the Middle East. How bravely he pursued it. But it cost him his life.

Jews and Arabs who have wanted nothing more than to live quiet, normal lives are still denied that simple pleasure. Still as the new century dawns, the world is filled with the promise and hope that we can overcome ancient hatreds to build a modern peace for our children.

From Guatemala to Mozambique to Bosnia, and now even to the land of my ancestors in Ireland, longtime antagonists have left the battleground to find common ground. They are weary of war. They long for peace for their children. They move beyond hatred to hope.

This is a time for reconciliation around the world. It must be a time to deepen freedom and raise up life in the Middle East. The 21st century can and must be a century of democracy, prosperity and justice, and of course, of peace. But it can be only if we learn not only to respect, but to honor our differences. The Middle East can build on the momentous achievements of its Nobel Prize winners—Begin and Sadat, Arafat, Peres and Rabin—so that all its children may grow up without fear.

In a land holy to three great religions, sacred sites for Islam, Judaism and Christianity exist side by side. If there is so much history there, the children of all that history should be able to live together.

Again and again, extremists have sought to derail peace with bullets and bombs. Again and again, they demonstrate the real divisions today are not between Jews and Arabs, but between those stuck in the past and those who long for a better future; between those paralyzed by hatred and those energized by hope; those who stand with clenched fists and those who reach out with open hands. We cannot let the extremists prevail. Israel can fulfill its full promise by drawing on the courage and vision of its founders to achieve peace with security. Never has the opportunity been more real and it must not be lost.

You know, I was sitting here on the stage today listening to everything that was said and thinking of all the great gifts that Israel has given the United States. In 1963, 35 years ago this year, when Israel was still a young nation and President Kennedy was killed, your then-United Nations Ambassador, Mr. Eban, gave an enormous gift to the American people in all of our pain by putting in one short, terse sentence how we all felt when he said, tragedy is the difference between what is and what might have been. As we look ahead to tomorrow, let us define triumph by turning his formula on its head. Triumph is when there is no difference between what might have been and what (Applause.)

Let us in the United States say that we will stand by Israel, always foursquare for its security, always together in friendship, but we want this debate to continue until there is no difference between what might have been and what is. (Applause.)

We look at Hebrew University and see all three pieces of David Ben-Gurion's dream coming to life. We see biologists developing techniques to locate a single cancer cell among millions of healthy ones. We see the moral commitment to keeping people's health among the scientists there. We see Hebrew University researchers undertaking efforts in cooperation with Palestinian researchers in East Jerusalem. One of the participants in the project said, it's science and peace together. We know that much more is possible. We must understand that much more is essential.

Fifty years from now the 21st century will near its midpoint and Israel will have a 100th birthday celebration. Sure as the world, our grandchildren will be hanging around here on this lawn. What do you think they'll be able to say? And what will they be celebrating? It is my dream that on that 100th anniversary, people from every country in the Middle East will gather in the Holy Land, and all the land will be holy to all of them.

As a Christian, I do not know how God, if He were to come to Earth, would divide the land over which there is dispute now. I suspect neither does anyone else in this audience. But I know that if we all pray for the wisdom to do God's will, chances are we will find a way to close the gap in the next couple of years between what might be and what is. I think that is what we owe the founders of Israel—to finish Ben-Gurion's dream.

Thank you and God bless you all. (Applause.)

Remarks by Vice President Al Gore—50th Anniversary Celebration for Israel

Thank you all so very much for those profound and moving words.

It is a privilege to be here with you today. A half century ago, on a morning bursting with the promise of spring, a small group of rabbis and statesmen, workers and *kibbutzim*, dreamers, soldiers and survivors gathered at the Tel Aviv Museum, under a portrait of Theodore Herzl—and listened as the wise and brave David Ben-Gurion read the Scroll of Independence: "By virtue of our national and intrinsic right," he said, "we hereby declare the establishment of a Jewish state in Palestine, which shall be known as the State of Israel."

Thus—quietly and triumphantly—a sovereign Israel at last had been born in the promised land. And only eleven minutes later, a daring Harry S Truman became the very first among world leaders to recognize the newly-proclaimed Jewish state.

Today we gather as one nation to give thanks for the fiftieth anniversary of this remarkable moment of hope and history.

But in a larger sense, we gather today not just to celebrate Israel's independence—but to give thanks for the miracle of her survival; for the history of Israel and the Jewish people is the story of the redemption and freedom of all oppressed peoples everywhere.

For more than four millenia, Judaism has struggled over four continents and six civilizations. After enslavement by the Pharaohs, wandering in Canaan, destruction in Judah, captivity in Babylon; after the strife of the Maccabeans, oppression by the Romans; as children of the ghetto in the Middle ages, as victims of the camps, Judaism has survived. And—my friends—Israel survives.

It survives because of the ingenuity and foresight of men and women with names like David Ben-Gurion and Chaim Weizmann and Golda Meir; Shimon Peres, Yitzhak and Leah Rabin, and Yonni and Bibi Netanyahu.

It survives and is nurtured every day by the morality of the Torah, the social justice of the Prophets, and the eternal Jewish values of family and faith.

It survives not as an artifact or a monument. No; Israel is vital, and is constantly renewed by its diversity, and its creativity.

Israel has proven to be far more than the land of "milk and honey", it is a land of poetry and culture and learning and life, of technology and science and commerce, of productivity and prosperity unrivaled virtually anywhere in the world.

We gather here today not only to celebrate these achievements, but also to proclaim for all to hear that the dream of an Israel free, secure, and at peace, in a world where the echoes of anti-Semitism are heard no more, will be a reality for all time.

I want you to know that Israel never has had a better friend in the White House than President Bill Clinton.

That is what Israel's leaders will tell you, and that is what the historians and the history books will tell in the future as well.

Our friendship with Israel is not merely with one or another of its political parties. Our ties are deeper: they are forged by an iron-clad commitment to Israel's security and well-being, to combating terrorism, to stopping the spread of weapons of mass destruction; and to achieving a just, lasting, and comprehensive peace between Israelis and Palestinians, Egyptians, Jordanians, Syrians, and Lebanese and all who live in this holy land.

In two days, Tipper and I will travel to Israel to represent the American people at the celebration of Israel's 50th anniversary of independence. This is a great honor. I know we will carry the yearnings of millions of Americans for peace in the promised land; for a new season of joy, and a new jubilee of hope.

There is a wonderful song of Israel which is called al kol eileh—For all these things. Let me share with you some of its lyrics:

For all these things, please watch over for me my good God;
Please don't uproot that which is planted.
Don't forget the hope
Bring me back, and I shall return
to the good land. El ha'a-retz hatovah.

As we prepare to begin our own special journey to the good land, may we never forget the hope that God who makes peace in the heavens will grant peace here on Earth, among us, on Israel and upon all the inhabitants of the world.

Thank you very much.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I am pleased to yield whatever time he may consume to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I thank my very dear friend, the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations for yielding me this time.

Mr. Speaker, I would simply like to rise to echo the remarks of my very dear colleague the gentleman from California (Mr. LANTOS) in extending a very important 50th anniversary congratulations.

When one thinks about this alliance which has begun since the outset of the existence of the State of Israel, it is a very key one. When one thinks about the sacrifices that have been made on part of the Israeli people for interests that are, quite frankly, in many cases, those of the United States of America, I think it is very fitting and appropriate that we, as a Nation, mark this very, very important milestone.

I would simply like to express my appreciation to my colleagues for moving ahead with this resolution and extend the hardiest congratulations possible.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 3 minutes to my distinguished colleague, the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I thank the gentleman from California for yielding and commend the gentleman from California for his profound statement this afternoon in recognition of the 50th anniversary of the establishment of the modern State of Israel.

While I failed to and have not heard the statement from others this afternoon, I know that the distinguished chairman has a statement, but I would certainly associate myself with the profound remarks that the gentleman from California and I know my colleague, the gentleman from New York (Mr. GILMAN), the chairman of the committee, will make.

I simply want to rise and support this resolution. As we have said that the founding of the modern State, of course, is predicated on the fact that, for 2,000 years, without a physical presence and a nationalism which has come to characterize nation states today, the faith of the people of Israel persisted to such an extent that it has had a positive contribution in so many nations around the world.

□ 1600

I doubt that one could find a religious group that has upheld their values, and I would say those values have woven their way into what we characterize as Judeo-Christian tradition.

And so the celebration today is really one of recognizing the importance of the individual, the very old but I might say contemporary values that have served our Nation and served the people, mankind, that are so well embraced in the Jewish faith. And it is indeed a celebration to recognize that in this world today that this threat of human history, this continuity has been embraced in terms of a nation state.

Israel, really, as my colleague has said, is a jewel of economic and social success in North Africa; one that I think on occasions has had to rise to the defense of and deal with in other ways to persist in advocating those values but, nevertheless, one that has served mankind very well.

So I am very proud to recognize, as an old faith with a modern face, as my friend said, with a blue sky and the white, great hope that is engendered by this, and especially the positive prospects for the new century. It has not been an easy birth, it has not been an easy life for this nationalism in that part of the world, but I think that with the policies and working together in Congress and with the strong ally of the United States and maintaining those goals, we can ensure that this Nation and this faith and these people and these values are something that we share in common and we can guarantee and assure it into the future with our solidarity.

I commend my colleagues for offering the resolution and join in strong support of it and urge all to support it.

I rise today to honor the fiftieth anniversary of the establishment of the modern State of Israel. Founded in the aftermath of the Holocaust, in which over one-third of the world's Jewish population lost their lives, Israel was established as a homeland for Jews from around the world. A permanent refuge free from oppression and persecution which had persisted for over 2000 years. In 1948, the creation of the free independent state finally rendered a new hope for people of the Jewish faith. Despite the land, the elements and the many adversaries who have done their utmost to extirpate it, Israel has flourished and developed into a dynamic democracy. Today, Israel is a social and economic jewel that persists in offering hope.

No history or culture has been so well documented or remembered as that of the Jewish people. Israeli culture, religious and national identity were formed in the Holy land of Israel. Its vision and faith has been maintained unbroken through the centuries, especially after the majority of Jews were forced into exile. With the establishment of the State of Israel in 1948, Jewish independence, lost two thousand years earlier, was renewed. The events fifty years ago have breathed new life into this age old faith. The physical presence in national terms has been born anew.

Israel has been America's most loyal and devoted ally today. This is evident in American values which exemplify our ideals socially, economically and militarily that safe-guard these guarantees to all peoples. As our Cold War partner, Israel stood firmly in perpetual support for America's global commitment to freedom and democracy. As an example, during the Persian Gulf War, Israel joined the American-led coalition in its action against Iraq. Israel was very tolerant and withstood Iraqi Scud missile attacks as a result. Today, Israel continues to extend its hand in friendship to the United States and the American people.

This anniversary illustrates fifty years of freedom and democracy for the Israeli people. In honor of the special relationship the United States and Israel have maintained based on mutually shared democratic values, common strategic interests, moral bonds of friendship and mutual respect, I extend the warmest congratulations and best wishes to the State of Israel and her people for a peaceful and prosperous and successful future.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I want to thank the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) for bringing this resolution to the floor today. I am deeply pleased to be an original cosponsor of it.

As policymakers and politicians, we often talk about how Israel is our most important ally in the Middle East, a cherished friend and a democratic society that we must continue to support for the sake of stability and peace. And that is indeed true. But, as a person, I also know that the State of Israel, which is so physically tiny, appears so very large because of its history and its heart and the heart of its people.

Israel has been both a battlefield and a sanctuary, and this year we celebrate its 50th anniversary as a state. I know that it became that state because of the incredible courage and determination of a people who had faced more evil than a thousand generations could conceive and have survived to reflect both dignity and strength.

I join my colleagues today in this strong celebration and congratulations, recognizing the historic significance of the 50th anniversary of the reestablishment of the sovereign and independent modern State of Israel.

We commend the people of Israel for their remarkable achievement in building a new state and pluralistic democratic society in the Middle East in the face of terrorism, hostility and belligerence by many of her neighbors; and we strongly today reaffirm the bonds of friendship and cooperation which have existed between the United States and Israel. I think of all of the things that America has suffered and has witnessed and has been a part of in our history, the friendship with Israel remains our strongest and most formidable.

It is more important than ever for this Congress not only to support this resolution on its 50th anniversary but through the commitment of the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr.

LANTOS) that we go about securing this celebration each and every day we are here in this Congress; that we let everyone know, friend and foe alike, that we will always stand side-by-side with Israel; that we will not back down from a challenge and that we will indeed protect and defend them at all possible costs. They would do the same for us and have shown that determination for our abilities in the past.

Again, I just want to strongly echo my support and my sentiments and my pride in our chairman of the committee on H.J. Resolution 102, the 50th Anniversary of the State of Israel.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to my distinguished friend and colleague, the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. I thank my colleague from California for yielding me this time; and, Mr. Speaker, I rise in strong support of this resolution commemorating the 50th anniversary of the founding of the modern State of Israel and join my colleagues in congratulating the people of Israel for their impressive achievements in these 50 years.

This is also an appropriate opportunity to reaffirm the unique bond between the United States and Israel, a bond forged of our common commitment to freedom, justice and peace, and strengthened by the many links between our peoples.

So much has happened since May 14, 1948, when the State of Israel was reestablished following a vote by the United Nations General Assembly to petition the British mandate of Palestine. On that day, the State of Israel was formally proclaimed, and the United States extended diplomatic recognition to the new state. This day also marked an historic return to the Jewish people, who had established their homeland more than 3,000 years before in the historic kingdom of Israel in the City of Jerusalem.

In 50 years, Israel has developed a vibrant and dynamic society and established a strong economic cultural identity, despite the heavy tolls imposed by six wars, countless terrorist attacks and the hostility of its neighbors. Because of the perseverance, ingenuity, and faith of its people, Israel has overcome the most daunting of challenges and become one of the world's great nations.

Mr. Speaker, few nations could prosper and grow while under siege, on a state of alert and under attack, as Israel has had to do over the last 50 years. For 50 years, the United States Congress has extended bonds of friendship and cooperation to Israel. It is more important than ever that we continue to support Israel economically and militarily today as it makes the difficult decisions needed to secure a lasting peace.

The future will surely bring many new challenges, including the continued threat of terrorism and the added danger imposed by weapons of mass destruction. So it is critical the United States and Israel maintain our unshakeable alliance to further our many mutual interests. May the next 50 years bring continued prosperity, ever stronger friendship between our two nations, and a lasting peace for Israel and all the nations of the Middle East.

I join my colleagues in congratulating the State of Israel and its people on the occasion of its 50th anniversary.

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that an additional 30 minutes be made available, to be equally divided between the majority and the minority, for the debate of H.J. Res. 102, since large numbers of our colleagues wish to speak on this subject.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The 30 additional minutes is assigned 15 minutes to each side.

The gentleman from California (Mr. LANTOS) is recognized.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. ROSA DELAURO), my good friend and colleague and a strong friend of Israel.

Ms. DELAURO. Mr. Speaker, let me congratulate my colleagues, the gentleman from California (Mr. LANTOS) and the gentleman from New York (Mr. GILMAN); and I thank the gentleman from California for yielding me this time.

I rise in strong support of the joint resolution congratulating Israel on the 50th anniversary of its founding. Today, we mark one of the monumental achievements of the 20th century, the birth of Israel.

In 1948, as the Jewish community and the world was trying to come to terms with the awful brutality of the holocaust, a miraculous thing occurred: The very people who had been victims of the most vicious genocide the world has ever known emerged strengthened and hopeful. And the Jewish people forged that enduring strength and hope into a mission to build a new homeland, Israel.

The war had devastated the Jewish community of Europe, but in Israel there was a new determination to build a new community, a new nation and a secure future. The founders of Israel understood that only by uniting in a common land, with a common language, a common culture could the Jewish people and their heritage survive.

Israel was dedicated not only to physical survival but the survival of the Jewish religious traditions, ethnic customs and history. Israel's 50th anniversary is a reminder of the courage and strength of the human spirit and what it can accomplish. Against all odds and enemies, the people of Israel have united to build a strong nation. It has not been an easy journey, but it has been a triumphant one.

Americans have had the honor over the past five decades to help the brave men and women of Israel in their fight to make their dream a reality, and today we unite with them in the effort to bring peace to the region.

Congratulations to the people of Israel. May you continue to serve as examples of courage, vigilance and dedication to the world.

Mr. LANTOS. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, I want to first congratulate and thank my friend, the gentleman from California (Mr. TOM LANTOS), and the gentleman from New York (Mr. BEN GILMAN), two leaders in this Congress who we look to on regular occasions for their inspiration as well as their wisdom.

We are here to honor a nation of hard-working people, a country that is a thriving democracy of freedom and human rights, a land that has contributed to the world's economy and a sense of moral well-being, yet a state that, on its 50th birthday, still has to fight its neighbors for respect and, yes, for its right to exist.

Israel was founded after World War II, not by war, not by force, but by the United Nations. The Jewish people's ties to the region goes back more than 3,000 years. Every major country in the world supported Israel's creation, just like they supported the creation of other countries, Iraq, Lebanon, Jordan, Syria and Saudi Arabia, all of which nations were created after World War I. The only difference between Israel and these other countries, none of which existed before the 20th century, is this: Israel is the only western-style democracy in the Middle East, and it is the only nonIslamic state.

The vast majority of these other states are still ruled by bloodthirsty dictators, like Saddam Hussein of Iraq and Hafez Al-Assad of Syria and the supreme leader Khamenei of Iran, and they are also ruled by monarchies, like the tightly controlled monarchy of Saudi Arabia. Yet Israel has thrived despite being surrounded by countries still determined to drive them into the sea.

But she is not a war-torn nation, like the media tries to depict. Israel is a beautiful, safe place, a vacation destination for Americans, Europeans, Asians and Africans alike. She peacefully keeps the Christian, Muslim and Jewish holy sites safe and secure for all visitors from around the globe.

But Israel's 50th anniversary means more than the celebration of its people, its democratic roots, its determination and its ability to survive in a hostile environment. It means Israel should be respected as one nation in the family of nations, especially by the organization that created it, the United Nations.

Israel is America's strongest, most trusted and most reliable ally in the Middle East. At the United Nations, Israel votes with the United States 97 percent of the time, more than any other country in the world. It is time for the United Nations to treat Israel as an equal and not to vote against Israel when it takes measures to protect itself and her citizens from her hostile neighbors.

Israel has earned the world's respect the hard way, making the desert bloom with agriculture, high technology, art, culture and, above all else, democracy. America wishes Israel a very happy 50th birthday, and we want Israel to know that America stands with Israel, our greatest, most trusted ally in the Middle East, now and forever.

Mr. LANTOS. Mr. Speaker, I yield 3 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA), my good friend who has been a steadfast friend and supporter of the independence and security of the State of Israel.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of House Joint Resolution 102, the legislation which expresses the sense of the Congress on the 50th anniversary of Israel's founding and reaffirmation of the bonds of friendship and cooperation between the United States and the modern State of Israel.

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Mr. Speaker, I am honored to be a cosponsor of this legislation, and I thank our distinguished colleague the gentleman from California (Mr. LANTOS) for introducing this worthy measure. I also commend the gentleman from New York (Mr. GILMAN), chairman of the House Committee on International Relations, and the gentleman from Indiana (Mr. HAMILTON), the ranking member, for his support and for bringing this legislation to the floor.

Mr. Speaker, on May 14, 1948, the modern State of Israel was founded when Israel declared independence and was extended diplomatic recognition by the United States. Today, our legislation honors the 50th anniversary of the reestablishment of the sovereign and independent modern State of Israel and commends the leaders and people of Israel for their remarkable achievements in building a thriving democracy in the Middle East while being threatened constantly with terrorism and war.

Mr. Speaker, the legislation further reaffirms the strong ties of friendship and cooperation that have traditionally bound the people of Israel with the insurance over the past century and extends from Congress our warmest congratulations and best wishes to the State of Israel and her people for peace and prosperity in the future.

Mr. Speaker, the existence of the modern State of Israel is the culmination of a 3,000-year journey from the kingdom of Israel established in old Jerusalem. Today, Israel is America's closest ally in the Middle East, and the people of our two nations share a special relationship based upon democratic values, common strategic interests, and bonds of cooperation and mutual respect.

Mr. Speaker, it was my privilege recently to travel with the gentleman from New York (Mr. GILMAN) and other Members of this body to visit Israel and to especially pay homage to the great site of the late Prime Minister Yitzhak Rabin; and I recalled how this great modern-day warrior, Mr. Rabin, who seriously and who earnestly sought a solution to the crisis between the Israelis and the Palestinians, a man who truly was a peacemaker, a man who wanted so much to have a lasting peace with his blood cousins, the Palestinians, a man who recognized that Arabs and Israelis are, in fact, first cousins under Father Abraham.

And I sincerely hope that the current leadership, Prime Minister Netanyahu of Israel and President Arafat of Palestine, will eventually find the solution for peace to the never-ending problems between Israelis and Palestinians in the Middle East.

Mr. Speaker, the late Prime Minister Rabin's greatness, in my humble opinion, did not originate in the field of battle, but in his sincere desires to establish peace between Israel and among its Arab neighbors. Mr. Speaker, Americans with Jewish descent should have every reason to be proud and to witness the existence on the 50th anniversary of the modern State of Israel.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in conclusion, I would like to make a few observations concerning this anniversary. I suspect the most important thing we need to congratulate Israel on is that it survived. It survived in an atmosphere and in a climate of unrelenting hostility. We need to congratulate this small land for having remained democratic. We must commend it for having successfully concluded peace agreements with Egypt in 1979 and with Jordan in 1994. We must commend it for having withstood terrorist assaults that continue to this very day.

In calendar 1997, 463 terrorist attacks were launched against Israel, and an additional 100 were foiled. Iraq, during the Persian Gulf War, lobbed ballistic missiles on the largest city in Israel. I was there.

Just earlier this year, Mr. Speaker, Israeli citizens, men, women and children, were queueing up for gas masks when the climate in the Persian Gulf indicated that they might again be subjected to Iraqi attacks. They were buying antidotes for anthrax.

I think it is important to recognize that if this small land of great history and great future is to celebrate its 100th birthday 50 years from now, it and it alone will need to determine its basic perimeters of its own security requirements. We can play a critical role, and must play a critical role, in mediating, lubricating, facilitating. But just as any other nation on the face of this planet, it is only the people of Israel who, in the final analysis, can determine what are the minimum requirements for their own security. It is in that spirit that I ask my colleagues to approve this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from California (Mr. LANTOS) once again for introducing the measure, for his kind words, for his strong, eloquent support of this measure. I want to thank all of the Members who came to the floor and took the time to express their thoughts with regard to this measure. I thank all of those who participated in today's debate.

Mr. RODRIGUEZ. Mr. Speaker, I rise today to express my support for the resolution honoring Israel on the occasion of the fiftieth anniversary of its independence. From ancient prayers to modern dreams, the State of Israel has blossomed into a strong, thriving democracy and a steady ally of the United States. We have witnessed two solutions to the so-called Jewish Problem this century. One was evil and named the Final Solution. Seeking to destroy the Jewish people, the Nazis murdered 6 million Jews and millions of other innocents. The other solution, which we join together to honor today, was one of hope and promise—the return of the Jewish people to their ancestral home in the land of Israel. That dream remains alive.

Israel has overcome the most daunting obstacles in its quest to create a haven from persecution and the world's only Jewish state. After 2,000 years of Jewish wandering and exile, the modern state of Israel was born on May 14, 1948, only to face the onslaught of its neighbors and constant threat of destruction. Against all odds, Israel defended itself and began to plant the seeds for its future. Following the war of independence, Israel has time and again fought for its very existence. Even today, the threat of war and the promise of terrorism weigh heavily on Israel.

While many of the threats and anti-Israel rhetoric of 50 years ago unfortunately remains the same today, much has changed for the better. Egypt and Jordan have signed peace agreements with Israel, and the Palestinian Arabs and Israel have begun a formal, if not shaky, process toward peace. In the name of peace, Israel has ceded valuable territory to those who vowed its destruction.

Israel has created a thriving economy, a free press, regular free and open elections, the rule of law, and other firmly established democratic institutions. The once-barren hillsides now are green with trees and the fields again are plowed for the growth of food. Israel has successfully fulfilled the dreams of thousands of immigrants who fled tyranny and poverty and stands as a model for the absorption of the outcast and homeless. High literacy and educational achievement have produced an extraordinarily capable and creative workforce which boasts achievements in agriculture, medical research, emerging technologies and many other fields. Israel stands as a significant trading partner of my home State of Texas.

I salute the people of Israel on this anniversary. May your future be one of peace and security, prosperity, and continued friendship with the people of the United States.

Mr. BONILLA. Mr. Speaker, I rise in support of legislation commemorating Israel's fiftieth anniversary. The rebirth of Israel in this century is a modern day miracle. Jews from every continent have built a new nation, ancient in history, with a vibrant democracy and a modern economy.

Israel represents the rebirth of a nation, a people, and the Hebrew language. The building of a new nation with immigrants from societies as diverse as Russia, Poland, Morocco, Argentina, India, and Ethiopia is a challenge we as Americans recognize and celebrate. The achievements in this regard are truly impressive. Israel has made the desert bloom, has an exemplary education system and a growing economy. It is a world leader in technology and has had an impact far larger than other nations of its size.

Israel's accomplishments are particularly impressive as it has been living under siege for its entire history. Independence was secured in a bloody struggle and freedom has been defended at great cost. The Jewish state has faced great struggles maintaining its independence as the sole democracy in a hostile corner of the world.

America and Israel have been natural friends. Most Americans admire Israel's commitment to democratic government while living under siege. I think all Americans would like to join me in wishing the Israeli people a future of peace and prosperity on this occasion. I am hopeful that the people of Israel will achieve even more once a real peace, not one imposed by outside powers, is reached with their neighbors.

Mr. GEPHARDT. Mr. Speaker, it is with great pleasure that I rise today to join my colleagues in celebrating the occasion of the fiftieth anniversary of the founding of the modern state of Israel.

Created in the aftermath of the Holocaust, the state of Israel has served as a beacon of justice, freedom, and hope to Jewish people around the world. Israel's deep commitment to a pluralistic democracy and a vibrant economic, cultural, and intellectual life has served as a model for many nations. And despite great adversity, Israel has been steadfast in its commitment to achieving peace and security in the region. These values have garnered the admiration and respect of millions around the world.

It is these values that have also fostered the American people's great affinity and mutual respect for the people of Israel, and which have formed the core of the special bond between our two countries. Today the U.S.-Israel relationship remains among the strongest of any bilateral relationship in the world. The strength of this relationship is also a tribute to those U.S. citizens, many of Jewish heritage, who have worked tirelessly over the years to keep our Nation's leaders focused on the importance of this relationship.

The United States and Israel have numerous common and deep interests, and together will continue to lead the international fight against the proliferation of weapons of mass destruction, terrorism, and threats to religious freedom. Above all, we are united in our paramount goals of peace, prosperity, and security for all people of the Middle East.

I am proud to be a co-sponsor of House Joint Resolution 102, which reaffirms the bonds of friendship and cooperation between our two countries on Israel's fiftieth anniversary. On this occasion, I encourage my colleagues to seize this celebration not only as an opportunity to reflect on the achievements of Israel's past, but also to use it as a stimulus to further strengthen the U.S.-Israel partnership.

Fifty years ago, within minutes of Israel's leaders declaring their independence, Harry Truman rejected the advice of staff and took a momentous step in recognizing Israel's sovereignty. From that moment, the United States and Israel have forged perhaps the closest partnership in the international community today. it is in this spirit of friendship and cooperation that I extend my warmest congratulations and best wishes to the state of Israel and her people for a peaceful, prosperous and successful future.

Mr. MANZULLO. Mr. Speaker, I rise today in strong support of House Joint Resolution 102, a resolution expressing the sense of the Congress on the occasion of the 50th anniversary of the founding of the modern state of Israel and reaffirming the bonds of friendship and cooperation between the United States and Israel. I want to thank Mr. LANTOS for introducing such a timely and appropriate resolution and giving me the opportunity to be an original cosponsor. I am proud to support this excellent bill.

House Joint Resolution 102 recognizes the historic significance of this special anniversary, applauds the Israeli people for building a vibrant, modern democracy in the face of physical, economic, and political hostility, reaffirms the deep friendship between our two countries, and warmly congratulates the Israeli people and extends to them all the best for a prosperous, safe and successful future.

Mr. Speaker, the United States and Israel share a special relationship. As our only true democratic friend in the region, Israel deserves America's strong and unyielding support. I applaud the unanimous passage of this resolution today and extend to the people of Israel my very best wishes.

Ms. DEGETTE. Mr. Speaker, I rise in support of H.J. Res. 102, expressing the sense of the Congress on the occasion of the 50th anniversary of the founding of the modern State of Israel.

I am proud to be a co-sponsor of this important resolution. I look forward to a unanimous vote by the House that will send a strong message of our country's unyielding support to the State of Israel. April 30th will mark the fiftieth anniversary of the birth of the State of Israel. Israel's extraordinary history makes this milestone especially significant. Despite incredible challenges and continuous obstacles, Israel has developed into a prosperous democracy, whose citizens continue to enjoy the unlimited freedoms that Israel was created to protect.

The State of Israel and the well being of her people is one of the foreign policy issues that people in my district care about the most. There are so many in this country who share a common denominator of heritage, history and identity with the people of Israel. For many Jewish-Americans the fate of Israel is something to which they are inextricably linked.

The United States and Israel have a unique relationship due to the fact that Israel is our only democratic ally in that region of the world. There is no better time than right now to reaffirm our commitment to foreign support for Israel. I believe foreign aid to Israel is an important way to support and promote the peace talks. I am concerned that without peace in the Middle East, Israel's second fifty years will be as tumultuous as her first half century.

At Israel's 100th anniversary, I hope we can look back on Israel's second fifty years as a period of peace and prosperity where the challenges that face her today have long faded into history.

Mr. WEYGAND. Mr. Speaker, today I wish to congratulate the State of Israel on her 50th Anniversary. In fifty years, the people of Israel have endured many of the same things that our founding fathers did more than two hundred years ago. They have had to create a government, elect leaders who had come to their state from various countries around the world, and establish laws for their new state. Israel has had to defend her borders from advances first in 1948 to gain her independence within the Middle East, and again in the Six Day War to assert her autonomy. Much like the United States did in the 18th Century, Israel continues to define her character today.

I know in my home state of Rhode Island, many people struggled and worked very hard to realize the dream of a Zionist state. Former Governor Frank Licht got his passion for public service by working with the Rhode Island Zionist Emergency Council. Upon the creation of the new Jewish state, Governor Licht stated:

> The proclamation officially creating the new state is a milestone in the history of mankind. The 2000 year old dream of the Jewish people has become a reality. Recognition by the United States will go far, I hope, towards restoring peace in the Holy Land . . . I am confident that the state which the Jewish people set up in their own country will guarantee justice, freedom, and equality for all people regardless of religion, race, sex, or land of origin.

I believe, along with my constituents, that the State of Israel will find a way to ease tensions both internally and externally. Israel has persevered in building and maintaining a democratic state in the face of hostility and terrorism. Perhaps in another fifty years we will again gather here and commend Israel on solving these problems with her neighbors.

I commend the people of Israel on their successes over the past fifty years, and congratulate them wholeheartedly on this milestone in their history.

Mr. FROST. Mr. Speaker, I rise in support of H.J. Res. 102, Expressing the Sense of Congress on the Occasion of the 50th Anniversary of the Founding of the Modern State of Israel. May 14th will mark the 50th anniversary of its independence. I commend the State of Israel which has rebuilt a nation, forged a new and dynamic society, and created a unique and vital economic, political, cultural and intellectual life. I applaud the relationship held between the United States and Israel. This relationship is one that is based on mutually shared Democratic value, common strategic interests, and moral bonds of friendship and mutual respect. The State of Israel has built a nation in the face of adversity and triumphed in assuming a prosperous democracy in their ancient land. The people of Israel have so much to be proud of, these brave people have battled through a new frontier to create a new and thriving world for their children.

While I am delighted and quite proud of this fantastic milestone, I am also filled with promise and hope that both Israel and the Palestinians will one day come to a peaceful agreement allowing all of the people of the Middle East to grow and prosper towards another landmark anniversary celebration.

Mrs. KENNELLY of Connecticut. I rise as a cosponsor of House Joint Resolution 102 congratulating the State of Israel on its 50th Anniversary and wish to offer my strong support for this resolution.

Since declaring its independence on May 14th, 1948 the State of Israel has fought for its very existence and it has succeeded. In the years that have followed Israel has thrived, it has embraced democracy and has become and remains the most important ally for the United States in the Middle East region.

I want to commend the people of Israel for their perseverance through the difficult times they have faced. They have stood up to terrorism and aggression and have endured. They have built a vibrant democracy, with a unique culture, and a diverse economy. Throughout its existence, Israel has remained focused on its future and on the welfare of its people.

I am pleased to support this resolution which reaffirms the lasting bond of friendship between the United Stats and Israel which has been so important for both nations. Together we make our democracies stronger and it is together that we can work to ensure that lasting peace for Israel and throughout the Middle East can become a reality.

I want to extend my sincerest congratulations to the modern state of Israel on the occasion of their 50th Anniversary and to urge my colleagues to support this important resolution.

Mr. PALLONE. Mr. Speaker, it is fitting as Israel approaches the fiftieth anniversary of its independence to commemorate this event. It is also fitting to recognize this historic event here in the U.S. Congress. The U.S. has been Israel's friend and supporter from its inception. On a personal level, I have been an ardent supporter of Israel throughout my life. I became more of a staunch supporter after I traveled to Israel in 1989 toward the beginning of my Congressional service.

Once one has seen the many unique features of Israel and its people, one cannot help but be awestruck by this nation's accomplishments in its short 50 years. First, Israel has provided a refuge and homeland to hundreds of thousands of persecuted Jews from the former Soviet Union, Ethiopia, and many other places. In meeting with Israeli leaders and residents, I also was struck by their deep commitment to achieving a lasting peace in the region. This commitment is easily understood as Israeli Remembrance Day approaches: nearly every citizen has lost a relative or friend in the effort to protect and defend the land and its people. Thus, the desire and need to achieve peace for the present and future generations becomes even more evident.

As a Congressman actively involved in environmental issues, I have been particularly impressed with the stewardship Israelis exercise over natural resources. Israelis learn from a young age that every drop of water is precious. But the pioneers worked the land and developed the technologies to make these precious drops of water help grow trees, flowers, and crops, so that the entire nation could not only survive, but flourish—to the point where they now export flowers and produce all over the world.

And, while Israelis still bargain over prices in traditional, Middle Eastern-style market places, they also have developed a light industrial base that employs many people in high technology and computer-related fields. One example of the developmental progress that has occurred can be seen in the telephone systems. When I was last in Israel a decade ago, making a telephone call was difficult. Today, not only are phones accessible and easy to use, but cellular phones, call waiting services, and answering machines are prevalent.

Moreover, Israeli's GDP has grown from $2.5 billion to an astonishing $90.6 billion in the past three decades. Equally important, if not more so, is the fact that Israel is the only pluralistic democracy in the region. At the same time, Jerusalem, the unique "City of Gold," is the holy site for a number of the world's most important religions. And yet, this nation is smaller than my home state of New Jersey; one can walk across the country (East to West) in one day.

David Ben Gurion was prophetic when, on May 15, 1948, he stated that "[s]omething unique occurred yesterday in Israel, and only future generations will be able to evaluate the full historical significance of the event. It is now up to all of us, acting out a sense of Jewish fraternity, to devote every ounce of our strength to building and defending the State of Israel, which still faces a titanic political and military struggle."

I hope that as we recognize the fiftieth anniversary of its creation, Israel will soon cease to face such struggles. Yitzhak Rabin was deeply committed to securing peace for Israel. For this reason, the "Song for Peace" was being sung at the rally where he last spoke, and the words to this song were found in his shirt pocket at the time of his assassination. I pray that Rabin, and the many that will have fought for peace both before and after him, will not have sacrificed their lives in vain.

In closing, since I have seen the marvels of Israel and its people first-hand, and have been a strong supporter of Israeli and Jewish causes throughout my service in Congress, I am particularly pleased to be a cosponsor of this joint Congressional resolution that is being brought to the House floor today. The resolution recognizes the historic significance of the fiftieth anniversary of the reestablishment of the State of Israel; commends the Israeli people for their achievements in building a new state and a pluralistic, democratic society in the Middle East; reaffirms the bonds of friendship and cooperation between the United States and Israel; and extends congratulations and best wishes to the State of Israel and her people for a peaceful, prosperous, and successful future.

Mr. FORBES. Mr. Speaker, this May 14th, the modern state of Israel will celebrate its 50th birthday. In the life of an ordinary country, the 50 anniversary is a notable milestone of historical achievement. In the case of Israel, 50 years exemplifies nothing less than an enduring miracle.

The Jewish people, drawn to their country by a sacred relationship and a divine promise, flourished in ancient times. Their history is a seemingly never ending succession of miracles, punctuated by the painful sting of suffering. A poor, enslaved people in the land of Egypt, the Israelites were led by God out of Egypt and into the desert and freedom. It was there in the barren desert that their leader, Moses, went up to Mt. Sinai and came down with the Torah, the word of God. In the midst of their escape and suffering in the barren wilderness, the Jewish people provided the world with the Ten Commandments, the foundation of all western morality.

Back in their own country, the Jewish people ultimately realized the greatness that the Lord had promised. From King David, the poet warrior, to Solomon, the model of wisdom, the Jews gave us heroes that stir our hearts and souls still.

Sadly, though, Jewish suffering was not at its end. In 722 B.C.E. the Assyrians vanquished ten of their twelve tribes and sent the Israelites into exile. Only two small groups remained, fortified only by an undying faith in God and a refusal to surrender to the fate their enemies planned for them. They refused to give up hope. They refused to give up their faith.

In 586 B.C.E., this small remnant was captured. Their temple, built by Solomon, was destroyed. Forced into exile to Babylonia, again the Jewish people thrived. Without a temple, they developed houses of worship—the historical beginning of synagogues. Unable to offer sacrifices, their religious leaders developed prayers as a way to reach the Almighty. Forbidden to publicly worship or have priests, they developed a new way of thinking of religious leaders as teachers. This was how the title rabbi came to be.

Miraculously returning from their exile, the Jewish people rebuilt their Temple in Jerusalem. They wanted nothing more than simply to live under the grace and peace of God.

But then in the year 70 of the Common Era, the Second Temple was destroyed by the Romans. During a final revolt against the Romans, at Masada, the sheared plain that stands in the Judean desert, brave Jews sacrificed their lives rather than endure as slaves. The Romans forced Jews to leave and even re-named the country "Palestine" named after the Phoenicians, the enemies of the Jews. The Jewish people had lost their country and would not recover for nearly two millennia.

By any realistic view of history, the Israelites, few in number, robbed of their homeland and set apart by the cruelest of persecutions, should have disappeared.

But history is not able to reckon with the Jewish people. Instead of disappearing, the Jews flourished under the Lord's protective eye, developing a vast treasure of religious literature and a way of life that stressed lifelong learning and a striving to lead a moral life.

Through inquisition and torture, through religious coercion and unendurable pain, the Jewish people held firm to their religious foundations. Here, in our own century, occurred the Holocaust, the most monstrous and inhuman evil that mankind has ever inflicted upon itself. Six million Jews, one and half million of them children, were systematically murdered. One-third of the Jewish people in the world died during the Holocaust.

Even during these darkest hours of the Holocaust, when all hope for the Jewish people seemed to have disappeared, when their very future hung on the edge of despair, they persevered. Then came Israel.

The modern vision of a Jewish state, nourished by an historic attachment to the land of Israel, was given expression by the Viennese journalist Theodor Herzl, who organized the First Zionist Congress in 1897. When the Congress was ended, Herzl noted in his diary that the Jewish state would come into being in 50 years. It was exactly 50 years later that Israel was born.

On May 14, 1948, David Ben Gurion announced the birth of the modern Jewish nation. A day later, Arab armies attacked in full force, in an attempt to kill it before it had a chance to be born. After a bitter struggle for its very life, against overwhelming odds and trained armies, Israel prevailed. Their nation would not die. Masada would not fall again. David Ben-Gurion, the first Prime Minister and Menachem Begin, who would later become Prime Minister, both contributed mightily to Israel's birth. The number of heroes in Israel's birth is innumerable.

Over the course of the past 50 years, Israel has had to continually fight for its survival. In both 1956 and 1967, Israel had to defend itself against the attacks of its antagonistic neighbors. The Six Day War of '67 was particularly difficult for Israel. When the war was over, Israel gained control over all of Jerusalem including the Western Wall, the most sacred site in Jewish life because it is the last remaining part of the Second Temple. The Jews had returned to their land and to their holy city. In many ways, they returned to history itself.

Still, wars followed, though some Arab nations have come to see the need for peace. However, to this day, many Arabs have not reconciled themselves to the permanent existence of Israel. Terrorists, rogue nations, and bitter and implacable enemies continue to threaten Israel. Yet at 50, Israel has never been stronger.

Perhaps, especially for the Jews, but finally for all decent people, the very existence of Israel remains a symbol. Israel's historic return as a nation offers hope and reassurance for people the world over who are struggling to realize their own homeland. Israel's refusal to surrender to enduring horrors provides a model of courage for those in need of strength. Israel's commitment to democracy and religious freedom is a wonderful example for those who believe that nations can be both strong and decent.

Israel will always possess a special place in the heart and mind of the United States. Israel is, of course, a vital military ally, paramount in its support of the U.S. in the United Nations, and a dependable military source of information and support. Beyond these prudential reasons, however, Israel means much more to us. Sentinels of democracy, both nations were founded in pursuit of the righteous cause of liberty and human dignity. Citizens of both great nations have sacrificed their own lives in defense of freedom and in battle against tyranny. Neither America nor Israel is willing to accept the exploitation and oppression of innocent people by despotic rulers.

The truth is that Israel is not just another nation; it is part of our family. As one brother to another, we in the United States rejoice as we celebrate Israel's 50th birthday. Let us use this moment to vow to stand forever by Israel's side. Let every enemy of Israel know that the United States stands firmly beside Israel. We will never be silent when Israel is in danger. We will never let Israel's enemies win.

We stand with Israel. We wait in excitement to witness the miraculous achievements that Israel will have in the next 50 years.

Mr. SCHUMER. Mr. Speaker. This week we celebrate the 50th anniversary of the State of Israel, a truly momentous occasion. For Jews in Israel, America, and around the world this is a time of great celebration.

For 50 years, Israel has struggled to survive in a region of hostility, surrounded by neighbors who sought to destroy her. For 50 years, Israel has labored to transform a desert into a land of milk and honey and for 50 years, Israel has become a beacon of democracy, a land of freedom and a homeland for Jews everywhere.

Mr. Speaker, dear colleagues, let us join together in wishing Israel a happy 50th and a hearty "mazel tov."

Mr. GILMAN. Mr. Speaker, I once again ask my colleagues to support this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the joint resolution, H.J. Res. 102.

The question was taken.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT OF RETIREMENT OF HON. GERALD B. SOLOMON, CHAIRMAN OF COMMITTEE ON RULES

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I rise to join with my colleagues, and I know that my friend the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, will want to be recognized, to say how saddened and surprised we all were, but we certainly respect the decision that was made by the distinguished gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules, yesterday that, after 20 years of service as a Member of the United States Congress, and after a career in public life that expands 31 years, he has chosen to retire at the end of this term.

He, of course, has many more vigorous and active months left as chairman of the Committee on Rules. But I would like to say that, as we think about his stellar service in this institution, it has been a great honor for me to be part of a very important team.

The gentleman from New York (Mr. SOLOMON) has been on the front line of so many battles here in the Congress. He has been very active. He was, as was pointed out in the New York Times today, clearly the most influence member of the New York delegation serving in the Congress, and he was a member of Ronald Reagan's core group of individuals who provided him with a great deal of advice and assistance throughout President Reagan's campaigns and during the time that the President served.

So I am one who will say that I clearly am going to miss my colleague. He clearly always makes his presence known when he is here in the House of Representatives, because he carried that great binder that had his name inscribed on it. So we will be seeing that again before we hope the 105th Congress adjourns sine die the first of October. But I can tell my colleagues, when the 106th Congress convenes, we clearly miss that. He has been a great leader who has stood by principle very, very passionately and diligently.

Mr. Chairman, I yield to the gentleman from New York (Mr. GILMAN), distinguished Chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding, and I thank him for bringing this issue to the floor.

Mr. Speaker, as senior Republican in the New York State congressional delegation, I want to express my shock and my sadness to the surprising announcement that our dear colleague the gentleman from New York (Mr. SOLOMON), a senior member of our New York delegation, has now chosen to leave this body at the end of this congressional session.

I came to know and admire my colleague soon after he came to the Congress in 1978. His experiences as a United States marine, and he reminded us of that service continually, as a town supervisor, as a county legislator, as a member of the New York State Assembly, as well as his experience in the insurance business and real estate business brought to this Chamber the unique combination of experience of balance and of common sense.

I especially appreciate the gentleman from New York championing the cause of our POWs and MIAs in Southeast Asia. He earned a reputation for his leadership on that issue and many important issues, and I know my colleagues join with me in expressing our appreciation for the judicious manner in which he has chaired the House Committee on Rules for the past 3 years. He has always been the epitome of fairness and expertise.

Congress' loss is a gain for Freda and their five children. We wish the gentleman from New York (Mr. SOLOMON) and his family good health, happiness, and success in years ahead.

Mr. DREIER. Mr. Speaker, I thank my friend for his contribution.

I would like to say that I, too, enjoyed working with the gentleman from New York on that very important issue of POWs and MIAs, and I had the privilege of traveling with the gentleman from New York (Mr. GILMAN) and the gentleman from New York (Mr. SOLOMON) to Southeast Asia as we continue to remain committed to bringing about a full resolution and accounting of all those still classified as missing in action.

Mr. Speaker, I yield to the gentleman from California (Mr. LANTOS), my very dear friend and fellow Californian.

Mr. LANTOS. Mr. Speaker, I want to thank my good friend from California for yielding.

Mr. Speaker, I want to add my words of best wishes and sorrow at our colleague's decision to leave. The gentleman from New York (Mr. SOLOMON) has been one of the most energetic, committed, serious, decent Members of this body. I have had the privilege and pleasure of working with him on a wide range of issues, but two of those stand out in my memory. One, of course, was his determination to get to the bottom of the POW-MIA issue. And the second one, a generic issue, was his passionate commitment to human rights.

As the Democratic chairman of the Human Rights caucus, I never had a more dependable and reliable ally on any human rights issue than the gentleman from the State of New York. He passionately felt the plight and pain of people persecuted or discriminated against anywhere on the face of this planet, and his strong voice for human rights will be sorely missed.

I also want to join the gentleman from New York (Mr. GILMAN) and my friend the gentleman from California (Mr. DREIER) in expressing our best wishes to his very fine wife, who was a full partner and companion in all of his endeavors, and to all of his fine children. And I am sure on our side all of us deeply regret his departure.

Mr. DREIER. Mr. Speaker, I thank my friend for his contribution.

I would simply close this 1-minute, Mr. Speaker, by saying that I, too, extend best wishes to Freda and to all the members of the Solomon family. I had the opportunity to travel with the Solomons right into the district of my colleague, to Lake Placid, New York. I still am carrying the burden of that on my wrist, because he insured that I would go straight forward down the bobsled run, and I am still trying to recover from that. It took a while for me to have the guts to do it, but with my colleague pushing me on, I had no choice whatsoever but to go straight ahead in pursuing that.

I would say in closing, Mr. Speaker, that we will continue to hear from the gentleman from New York (Mr. SOLOMON). In the next week or so, I will be privileged to distribute to all of our colleagues a book on NATO expansion that he has just authored for the Center for Strategic and International Studies.

So the gentleman from New York is here. He is going to remain very active in this institution for the next several months, but we know that he will be retiring as the 106th Congress approaches. And I know everyone in this institution joins me in extending very best wishes and godspeed to our colleague and his family.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 4 o'clock and 30 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1702

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GIBBONS) at 5 o'clock and 2 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

House Concurrent Resolution 218, de novo;

Senate Concurrent Resolution 37, de novo; and

House Joint Resolution 102, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

CONCERNING AFGHANISTAN

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 218, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 218, as amended.

The question was taken.

Mr. GILMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 391, nays 1, not voting 40, as follows:

[Roll No. 110]

YEAS—391

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost

Furse
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sánchez
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—40

Baesler
Barr
Bateman
Bilbray
Blunt
Christensen
Cook
Dixon
Engel
Ensign
Eshoo
Foley
Ganske
Gejdenson
Gonzalez
Goode
Greenwood
Harman
Hyde
Inglis
Jefferson
Lofgren
Maloney (NY)
Martinez
Meeks (NY)
Millender-McDonald
Poshard
Rangel
Riggs
Riley
Rohrabacher
Ryun
Sandlin
Serrano
Smith (OR)
Tanner
Taylor (NC)
Towns
Weldon (FL)
White

☐ 1725

Mr. RUSH changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MEEKS of New York. Mr. Speaker, on rollcall vote number 110 I was unavoidably detained. Had I been present, I would have voted aye.

PERSONAL EXPLANATION

Mr. RILEY. Mr. Speaker, I was unavoidably detained for the vote on House Concurrent Resolution 218, a sense of Congress Regarding Afghanistan (Roll No. 110). Had I been present, I would have voted "aye".

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

SENSE OF CONGRESS REGARDING LITTLE LEAGUE BASEBALL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate concurrent resolution, S. Con. Res. 37.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 37.

The question was taken.

RECORDED VOTE

Mr. HUTCHINSON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 398, noes 0, not voting 34, as follows:

[Roll No. 111]

AYES—398

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha

Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sánchez
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—34

Baesler
Barr
Bateman
Bilbray
Blunt
Christensen
Cook
Dixon
Engel
Ensign
Eshoo
Foley
Gejdenson
Gekas
Gonzalez
Harman
Hyde
Inglis
Jefferson
Lofgren
Maloney (NY)
Martinez
Millender-McDonald
Poshard
Rangel
Riggs
Ryun
Sandlin
Serrano
Smith (OR)
Tanner
Taylor (NC)
Towns
White

□ 1736

So (two-thirds having voted in favor thereof) the rules were suspended, and the Senate concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1745

PERSONAL EXPLANATION

Ms. LOFGREN. Mr. Speaker, United flight 52 was late from the West Coast; and I was, therefore, unavoidably absent on rollcalls 110 and 111. Had I been present, I would have voted aye.

PERSONAL EXPLANATION

Ms. ESHOO. Mr. Speaker, I, too, was on flight 52 from San Francisco to D.C., which landed late, unfortunately; and on rollcalls 110 and 111 I would have voted aye.

PERSONAL EXPLANATION

Ms. HARMAN. Mr. Speaker, on rollcalls 110 and 111 I, too, was delayed; and I would have voted aye.

SENSE OF CONGRESS ON 50TH ANNIVERSARY OF FOUNDING OF THE MODERN STATE OF ISRAEL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, H.J. Res. 102.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the joint resolution, H.J. Res. 102, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were— yeas 402, nays 0, not voting 30, as follows:

[Roll No. 112]

YEAS—402

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sánchez
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wise
Wolf
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—30

Baesler
Barr
Bateman
Bilbray
Blunt
Christensen
Cook
Dixon
Engel
Foley
Gejdenson
Gonzalez
Hyde
Inglis
Jefferson
Maloney (NY)
Martinez
Millender-McDonald
Poshard
Radanovich
Rangel
Riggs
Ryun
Sandlin
Serrano
Smith (OR)
Taylor (NC)
Towns
White
Woolsey

□ 1746

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. MILLENDER-McDONALD. Mr. Speaker, during roll call vote 110, 111, and 112, which is H. Con. Res. 218, S. Con. Res. 37, and H.J. Res. 102, I was unavoidably detained because my flight has just gotten in. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. ENGEL. Mr. Speaker, I was necessarily absent during roll call votes 110, 111, and 112 because my flight from New York was delayed. If present, I would have voted 'aye' on roll call 110, 'aye' on roll call 111, and 'aye' on roll call 112.

PERSONAL EXPLANATION

Mr. TAYLOR of North Carolina. Mr. Speaker, due to transportation difficulties beyond my control, I was not present for the votes on H. Con. Res. 218, S. Con. Res. 37, and H.J. Res. 102.

Had I been present, I would have voted aye on H. Con. Res. 218 concerning the need to establish a cease fire in Afghanistan and begin the transition toward a broad based multi-ethnic government that observes international norms of behavior.

I would have also voted aye on S. Con. Res. 37 expressing the sense of the Congress that Little League Baseball Incorporated was established to support and develop little league baseball worldwide and that its international character and activities should be recognized.

Finally, I would have voted aye on H.J. Res. 102 expressing the sense of the Congress on the occasion of the 50th Anniversary of the founding of the modern state of Isreal.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GIBBONS). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EXCHANGE OF SPECIAL ORDER TIME

Mr. PAUL. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from North Carolina (Mr. JONES).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE BUBBLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, the big question is how history will play the current financial situation if all the great wealth accumulated in the last 10 years dissipates in a financial collapse.

According to an article in The New Republic, Greenspan is not only held in high esteem on Wall Street, he is seen as Godlike. One trader is quoted as saying, "When things go well, I hold Greenspan's picture between my hands and say, thank you. When things go poorly, I also take the photo in my hands and pray." And he is not alone on Wall Street in heaping praise on Greenspan. This comes as close to idolatry as one can get.

Alan Greenspan took over the Fed a few months before the stock market crash of October, 1997. In the 10 years that Greenspan has headed the Fed, $2 trillion of new credit has been created as measured by M3. Banks threatened by bankruptcy in the early 1990s received generous assistance from the Fed policy of low interest rates and rapid credit expansion as a response to the recession of 1991. Fed fund rates were held at 3 percent for well over a year. This generous dose of Fed credit has fueled the 5-year superboom on Wall Street.

We are endlessly told no inflation exists. But inflation is strictly and always a monetary phenomenon and not something that can be measured by a government consumer or producer price index.

Even so, there currently is significant price inflation for the fancy homes throughout the country, especially in the New York and Connecticut areas influenced by the New York financial center. CEO compensation is astronomically high, while wages for the common man have been held in check. The cost of all entertainment is not cheap and rises constantly. Art prices are soaring, as is the price of tickets to athletic events. Buying stocks with a 1.8 percent dividend yield is not cheap. These prices are inflated. The cost of education, medicine, and general services are expensive and rising.

In spite of Government reports showing food prices are not rising, many constituents I talk to tell me food prices are always going up. It seems every family has difficulty compensating for the high cost of living and taxes are always inflating.

There is no doubt that many Americans know the salaries of the CEOs, athletes and entertainers are astronomically high. The wages of the average working man, though, has not kept up. Workers feel poorer and resentment grows.

Even with all of Wall Street's euphoria, Main Street still harbors deep concern for their financial condition and the future of the country. Many families continue to find it difficult to pay their bills, and personal bankruptcies are at a record high at 1,400,000 per year. Downsizing of our large corporations continue as many manufacturing jobs are sent overseas.

This current financial bubble started in mid-1982. At that time, the money supply, as measured by M3, was $2.4 trillion. Today it is over $5.5 trillion. That is a lot of inflation, and money supply growth is currently accelerating.

Although the money supply has been significantly increased in the past 16 years and financial prices as well as other prices have gone up, Government officials continue to try to reassure the American people that there is no inflation to worry about because price increases, as measured by the Government's CPI and PPI, are not significantly rising.

Stock prices, though, are greatly inflated. If we had an average valuation of the Dow Jones Industrials for the past 87 years, as measured by the PE ratios, the Dow would be a mere 4,100 today, not over 9,000. And the Dow would be much lower yet if we took the average price-to-dividend ratio or the price-to-book ratio.

The NASDAQ is now selling at 85 times earning. There is no doubt that most stock prices are grossly inflated and probably represent the greatest financial bubble known in history.

A lot of foreign money has been used to buy our stocks, one of the consequences of computer-age financial technology and innovations. Our negative trade balance allows foreign governments to accumulate large amounts of our treasury debt. This serves to dampen the bad effect of our monetary inflation on domestic prices, while providing reserves for foreign central banks to further expand their own credit.

Think of this: Money can be borrowed in Japan at Depression-era rates of 1 percent and then reinvested here in the United States either in more treasury debt earning 5 or 6 percent, or reinvested in our stock market, which is currently climbing at a 20 percent annualized rate. This sounds like a perfect deal for today's speculators, but there is nothing that guarantees this process will continue for much longer. Perfect situations never last forever.

Some of the euphoria that adds to the financial bubble on Wall Street and internationally is based on optimistic comments made by our government officials. Political leaders remind us time and again that our budget is balanced and the concern now is how to spend the excess. Nothing could be further from the truth, because all the money that is being used to offset the deficit comes from our trust funds.

In other words, it's comparable to a corporation stealing from its pension fund in order to show a better bottom line in its day-to-day operations. Government spending and deficits are not being brought under control. Tax rates are at historic highs, and all government taxation now consumes 50 percent of the gross national income.

It is now commonly believed that the East Asian financial crisis is having no impact on our economy. But it's too early to make that kind of an assessment. Our president remains popular, according to the polls, but what will it be like if there's any sign of economic weakness? There could then be a lot of "piling on" and finger pointing.

PROBLEMS AND VICTIMS

The basic cause of any financial bubble is the artificial creation of credit by a central bank (in this case our Federal Reserve). Artificially creating credit causes the currency to depreciate in value over time. It is important to understand the predictable economic problems that result from a depreciating currency:

1. In the early stages it is difficult to forecast exactly who will suffer and when.

2. Inflated currency and artificially low interest rates result in mal-investment that produces over capacity in one area or another.

3. Wealth generally transfers from the hands of the middle-class into the hands of the very wealthy. (The very poor receiving welfare gain a degree of protection, short of a total destruction of the currency.)

4. Prices indeed do go up, although which prices will go up is unpredictable, and the CPI and PPI can never be a dependable measurement of a monetary policy driven by loose credit.

5. The group that suffers the very most is the low-middle-income group (those willing to stay off welfare, yet unable to benefit from any transfer of wealth as stagnant wages fail to protect them from the ravages of the rising cost of living).

There are probably several reasons why this current economic boom has lasted longer than most others. The elimination of the Soviet threat has allowed a feeling of optimism not felt in many decades, and there has subsequently been tremendous optimism placed on potential economic development of many world markets in this age of relative peace.

There is also very poor understanding regarding economic interventionism, the system most nations of the world accept today. Today's interventionism is not close to a free market. The great Austrian economist Ludwig von Mises consistently pointed out that interventionism always leads to a form of socialism, which then eliminates the apparent benefits of interventionism.

A good example of how interventionism leads to the destruction of a market can be seen in the recent tobacco fiasco. First, the tobacco industry accepted subsidies and protectionism to build a powerful and wealthy industry. Then, having conceded this "nanny" role to the government, Big Tobacco had no defense when it was held liable for illnesses that befell some of the willing users of tobacco products. Now, the current plan of super taxation on tobacco users will allow the politicians to bail out the individual farmers who may be injured by reduced use of tobacco products (destruction of the market). This half-trillion-dollar tax proposal hardly solves the problem.

Just as in the 1920's, today's productivity has fooled some economists by keeping prices down on certain items. Certainly computer prices are down because the price of computer-power has dropped drastically, yet this should not be interpreted as an "absence" of inflation. Innovation has kept prices down in the computer industry, but it fails to do so when government becomes overly involved as it has in other technological areas, such as medical technology, where prices have gone up for services such as MRIs and CAT scans, not down.

LEARN FROM JAPAN

The most important thing to remember is that perceptions and economic conditions here can change rapidly, just as they did last summer in the East Asian countries with the bursting of their financial bubble. They are now in deep recession.

Even though Japan first recognized signs of difficulty nine years ago, their problems linger because they have not allowed the liquidation of debt, or the elimination of over capacity, or the adjustment for real estate prices that would occur if the market were permitted to operate free of government intervention. The U.S. did the same thing in the 1930s, and I suspect we will do exactly what Japan is doing once our problems become more pressing. With our own problems from the inflation of the last 15 years now becoming apparent, their only answer so far is to inflate even more.

In its effort to re-energize the economy, the Bank of Japan is increasing its reserves at a 51 percent rate. This may be the greatest effort to "inflate" an economy back to health in all of history. Japan has inflated over the years and will not permit a full correction of their mal-investment. The Bank of Japan is doing everything possible to inflate again, but even with interest rates below 1 percent there are few takers.

OECD measurements, the M1 and quasi-money have been increasing at greater than 20 percent per year in East Asia. In the United States, M3 has been increasing at 10 percent a year. It is estimated that this year the U.S. will have a $250 billion current account deficit—continued evidence of our ability to export our inflation.

We are now the world's greatest debtor, with an approximately $1 trillion debt to foreign nations. Although accumulation of our debt by foreign holders has leveled off, it has not dropped significantly. The peak occurred in mid-1997—today these holdings are slightly lower.

THE CRUELEST TAX OF ALL

This process of deliberately depreciating a currency over time (inflation) causes a loss in purchasing power and is especially harmful to those individuals who save. AIER (American Institute for Economic Research) calculates that 100 million households since 1945 have lost $11.2 trillion in purchasing power. This comes out to $112,000 per household, or put another way, over 5 decades each one of these households lost $2,200 every year.

Although many households are feeling very wealthy today because their stock portfolios are more valuable, this can change rather rapidly in a crash. The big question is what does the future hold for the purchasing power of the dollar over the next 10 or 20 years?

THE END IN SIGHT?

Reassurance that all is well is a strategy found at the end of a boom cycle. Government revenues are higher than anticipated, and many are feeling richer than they are. The more inflated the stock market is as a consequence of credit creation, the less reliable these markets are at predicting future economic events. Stock markets can be good predictors of the future, but the more speculative they become, the less likely it is the markets will reveal what the world will be like next year.

The business cycle—the boom-bust cycle of history—has not been repealed. The psychological element of trust in the money, politicians, and central bankers can permit financial bubbles to last longer, but policies can vary as well as perceptions, both being unpredictable.

CENTRAL BANKERS

The goal of central bankers has always been to gain "benefit" from the inflation they create, while preventing deflation and prolonging the boom as long as possible—a formidable task indeed. The more sophisticated and successful the central bankers are as technicians, the larger the bubble they create.

In recent years, central bankers have had greater "success" for several reasons. First, due to the age in which we live, internationalizing labor costs has been a great deal more convenient. It is much easier for companies to either shift labor from one country to another, or for the company itself to go to the area of the world that provides the cheapest labor. This has occurred with increased rapidity and ease over the past two decades.

Central bankers have also become more sophisticated in the balancing act between inflation and deflation. They are great technicians and are quite capable of interpreting events and striking a balance between these two horrors. This does not cancel out the basic flaw of a flat currency; central bankers cannot replace the marketplace for determining interest rates and the proper amount of credit the economy needs.

Central bankers have also had the advantage of technological changes that increase productivity and also serve to keep down certain prices. It is true that we live in an information age, an age in which travel is done with ease and communication improvements are astounding. All of these events allow for a bigger bubble and a higher standard of living. Unfortunately this will not prove to be as sustainable as many hope.

THE PRICE OF GOLD

Another reason for the central bankers greater recent success is that they have been quite willing to cooperate with each other in propping up selected currency values and driving down others. They have cooperated vigorously in dumping or threatening to dump gold in order to keep the dollar price of gold in check. They are all very much aware that a soaring gold price would be a vote of no confidence for central-bank policy.

Washington goes along because it is furtively, but definitely, acknowledged there that a free market, high gold price would send a bad signal worldwide about the world financial system. Therefore, every effort is made to keep the price of gold low for as long as possible. It's true the supply-siders have some interest in gold, but they are not talking about a gold standard, merely a price rule that encourages central-bank fixing of the price of gold.

Most defenders of the free enterprise system in Washington are Keynesians at heart and will not challenge interventionism on principle.

Instead of making sure that policy is correct, central bankers are much more interested in seeing that the gold-price message reflects confidence in the paper money. Thus gold has remained in the doldrums despite significant rising prices for silver, platinum, and palladium. However, be assured that even central banks cannot "fix" the price of gold forever. They tried this in the 1960's with the dumping of hundreds of millions of ounces of American gold in order to artificially prop up the dollar by keeping the gold price at $35/oz., but in August 1971 this effort was abandoned.

THE SOLUTION

The solution to all of this is not complex. But no effort is going to be made to correct the problems that have allowed our financial bubble to develop because Alan Greenspan has been practically declared a god by more than one Wall Street guru. Because Alan Greenspan himself understands Austrian free-market economics and the gold standard, it is stunning to see him participate in the bubble when he, deep down inside, knows big problems lurk around the corner. Without the motivation to do something, not much is likely to happen to our monetary system in the near future.

It must be understood that politicians and the pressure of the special interests in Washington demand that the current policies of spending, deficits, artificially low interest rates and easy credit will not change. It took the complete demise of the Soviet-Communist system before change came there. But be forewarned: change came with a big economic bang not a whimper. Fortunately that event occurred without an armed revolution . . . so far. The amazingly sudden, economic events occurring in East Asia could still lead to some serious social and military disturbances in that region.

The key element to the financial system under which we are now living is the dollar. If confidence is lost in the dollar and a subsequent free-market price for gold develops, the whole financial system is threatened. Next year, with the European currency unit (ECU) coming on line, there could be some serious adjustments for the dollar. The success of the ECU is unpredictable, but now that they are indicating some gold will be held in reserve, it is possible that this currency will get off the ground.

NATIONALISM

However, I continue to have serious reservations regarding the ECU's long-term success, believing that the renewed nationalism within Europe will not permit the monetary unification of countries that have generally not trusted each other over the centuries. In Germany, 70 percent of the people oppose entering into this new monetary agreement. If economic problems worsen in Europe—currently the unemployment rate in Germany and France is 12 percent—the European union may well get blamed.

The issue of nationalism is something that cannot be ignored. Immediately after the collapse in East Asia, Malaysia began shipping out hundreds of immigrants from Indonesia as a reaction to their economic problems. Resentment in Germany, France, and England is growing toward workers from other countries. The same sentiment exists here in the United States, but it's not quiet as bad at this particular time because our economy is doing better. But in the midst of a deep recession, the scapegoats will be found and alien workers will always be a target.

The greatest danger in a collapsing financial bubble is that the economic disruptions that follow might lead to political turmoil. Once serious economic problems develop, willingness to sacrifice political liberty is more likely, and the need for a more militant government is too often accepted by the majority.

No one has firmly assessed the Y2K problem, but it cannot bode well if a financial crisis comes near that time. Certainly a giant company like Citicorp and Travelers, who have recently merged, could really be hurt if the Y2K problem is real. Since the markets seem to be discounting this, I have yet to make up my own mind on how serious this problem is going to be.

WASHINGTON MENTALITY

Every politician I know in Washington is awestruck by Greenspan. The article in The New Republic reflects the way many Members of Congress feel about the "success" of Greenspan over the last ten years. Add to this the fact that there is no significant understanding of the Austrian business cycle in Washington, and the likelihood of adopting a solution to the pending crisis, based on such an understanding, is remote.

Liberals are heedless of the significance of monetary policy and its ill effects on the poor. They have no idea that the transfer of wealth from the poor to the rich occurs as a result of monetary policy and serves to hurt the very people they claim to represent. Liberals stick to the old cliché that all that's needed are more welfare benefits. They are, I'm sure, influenced by the fact that if more welfare benefits are handed out, they can count on the Federal Reserve to accommodate them. Unfortunately this will continue to motivate them to argue for a loose monetary policy.

The debate so often seems only to be who should get the expanded credit, the business-banking community or the welfare recipients who will receive it indirectly through the monetization of an ever-expanding government deficit. In Washington there is a craving for power and influence, and this motivates some a lot more than their public display of concern for helping the poor.

Whether it's Japan that tries to inflate their currency to get out of an economic problem, or the East Asian countries facing their crisis, or our willingness to bail out the IMF, resorting to monetary inflation is the only option being considered. We can rest assured that inflation is here to stay.

With daily pronouncements that inflation is dead, the stage is set for unlimited credit expansion whenever it becomes necessary. Just as deficit spending and massive budgets will continue, we can expect the falling value of the dollar, long term, to further undermine the economic and political stability of this country and the world.

Until we accept the free market principle that governments cannot create money out of thin air and that money must represent something of real value, we can anticipate a lot more confiscation of wealth through inflation.

INTRODUCTION OF THE INTERNATIONAL TOBACCO RESPONSIBILITY ACT OF 1998

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DOGGETT) is recognized for 5 minutes.

Mr. DOGGETT. Mr. Speaker, today I am introducing the International Tobacco Responsibility Act of 1998, a bill to adopt a truly responsible policy on nicotine addiction.

With the recent forced disclosure of documents, we have learned, in the words of the tobacco companies themselves, the treachery they have engaged in in targeting America's children. Less well-known is the activity they have had around the world to addict the children of other countries.

Since 1990, while Philip Morris sales have risen by a little less than 5 percent here in the United States, they have grown by more than 80 percent abroad. Only last Thursday RJR Nabisco posted some bad news: They had about an 11 percent drop in their tobacco earnings. But the news was not all bleak. As the New York Times reported, the analysts said that the company's tobacco sales grew impressively in some areas like Romania, where they more than doubled. The analysts noted there was extremely good volume in market share growth in Eastern Europe and Russia.

The big tobacco companies that disavowed the settlement now, originally, when they entered that settlement, they knew they could pay any penalties they owed for what they did to our children by going and addicting children in someone else's backyard. I think that is wrong. If America is to be called a world leader, it must also lead in the battle to save the lives of young people around this planet.

Last year, this Congress took some constructive action when it adopted an amendment that I authored to an appropriations bill to stop the American taxpayer from having to be an unwilling accomplice in promoting the activities of these tobacco companies abroad by involving improperly, I think, and now it is against the law, the Trade Representative's office and our various consulates around the world.

□ 1800

Now we need to address this problem in a much more comprehensive way. And that is what this legislation does, recognizing that every year tobacco-related diseases kill 3 million people in this world, and if the trends continue, it is estimated that in the next 25 years we will be up to a level of 10 million deaths a year as a result of tobacco.

This legislation that I have introduced for myself and for a number of our colleagues in a bipartisan effort addresses five major areas. First, we seek to establish a worldwide code of conduct for U.S. tobacco companies. We basically are saying, do not market tobacco to children anywhere, and alert consumers to the dangers of your product everywhere. The Marlboro man has hardly vanished. He has just taken a trip around the world to a school or a youth-oriented magazine in someone else's country.

Last August, at the very time these high-paid, high-powered tobacco lobbyists were trooping around the Capitol asking us to endorse the settlement, one of these tobacco companies provided all-expense-paid vacations to Miami Beach for Latin-American reporters so that they could hear company representatives announce that restrictions on smoking and advertising were scientifically unsound. That is the kind of hypocrisy that we are dealing with. Two decades ago, the United States set a higher ethical standard with regard to bribery. We can do the same thing with regard to tobacco.

The second part of this bill is to strengthen last year's prohibition on our Government promoting tobacco abroad.

The third is to recognize that public health advocates around the world lack the resources to combat the very seductive practices perfected in addicting our children of these United States tobacco companies. And so it sets aside some revenues from any settlement to help establish an American Center on Global Health and Tobacco and to help fund efforts through the Department of Health and Human Services to discourage tobacco use worldwide.

A fourth issue is to address the matter of cigarette smuggling which is already going on and actually helps some of these companies open up new markets.

And finally, we encourage the involvement of the United States in an International Framework Convention on Tobacco Control. This convention would be similar to the international campaign to ban land mines, because we have a real mine here threatening the future of the children of this world. For our Government to allow companies to pay their debts at home by hooking children abroad to nicotine addiction and pushing them down the path to cancer, heart disease and emphysema would be an unprecedented act of hypocrisy.

After so much talk about a global tobacco settlement, it is time to pass truly global legislation that will establish a responsible United States policy for addressing our country's long complicity in the export of death and disease.

EXCHANGE OF SPECIAL ORDER TIME

Mr. JONES. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Texas (Mr. PAUL).

The SPEAKER pro tempore (Mr. DEAL). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

NATIONAL DEFENSE AND STATE OF U.S. MILITARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, I rise tonight to talk about national defense and the state of our military. It is a very important subject that does not seem to have received adequate attention lately.

In fact, the President this year devoted only one sentence in his entire State of the Union Address to the need to maintain a ready and modern force. Additionally, the President's 1999 budget proposes more than $100 billion in new domestic spending, but it fails to provide one dime in increased defense spending.

The administration's budget request for defense in 1999, therefore, represents the 14th consecutive year of real decline in defense spending. I personally do not believe this is the right policy for our Nation, and I know from talking to citizens in eastern North Carolina that they do not think so either.

My constituents, like so many people throughout America, realize that having a strong national defense has played a critical role in the history of our country and that now is no time to have a weakened military. Maintaining a ready and modern force is like insurance for our Nation. None of us would want to drive our cars without having car insurance in the event of an accident, but we seem to be denied that same protection to our national safety and freedom.

There is clear evidence that we no longer have the military to fight in two regions at the same time. Considering the real likelihood of this situation, I think it is past time that we take a serious look at protection we are denying ourselves. Once diminished, our forces cannot rebuild quickly, and they are, unfortunately, already 32 percent smaller than they were just 10 years ago.

We have such fine men and women in our military today, but they are constantly faced with budget cuts and shortages despite so many base closings. Our pilots are not receiving the flying time they need to be thoroughly prepared, and many are leaving the military at an alarming rate. All too often our troops do not have adequate equipment, and their morale is suffering.

I, for one, find this situation unacceptable. So many of our fellow countrymen have fought and sacrificed and even died so that we may have the freedoms we enjoy today. Yet we are, in effect, taking their bravery and sacrifices for granted by failing to adequately protect the safety and freedom they fought for.

The President has deployed over 25 times our forces during his tenure at a monetary cost that exceeds $13 billion, and yet he continues to cut their budget.

The 1999 defense budget request, when measured in constant dollars, represents the smallest defense budget since the beginning of the Korean War in 1950. I hope that, as we proceed with this year's appropriation process, my colleagues in this Congress would join me in the fight to stop this reckless depletion of our military.

In the name of freedom, let us once again provide our Armed Forces with the resources they need to fulfill their mission of protecting this Nation.

Mr. Speaker, may God bless America.

SAVING SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, there has been a lot of talk recently about what we are going to do to save Social Security. I would report to my colleagues this evening, Mr. Speaker, that today the Social Security trustees presented their new analysis of when Social Security is going broke; in other words, when there is going to be less money coming in from tax revenues than is required to pay current benefits.

That projection indicated that we have maybe a year, maybe 2 years' additional time before less is coming in than is needed to pay benefits. I think today is a day that we should all remind ourselves of the real problem of Social Security.

The estimate continues that the unfunded liability or the actuarial debt of Social Security is over $3 trillion. In other words, we would have to take $3 trillion today and put it in some kind of an investment fund to keep Social Security going for the next 75 years.

The problem that we are running into, Mr. Speaker, is the demographics of Social Security. Social Security is a pay-as-you-go program where existing workers pay in their taxes, and immediately those taxes are sent out to existing beneficiaries. Because of that and because demographics have changed in the last several years, there are fewer and fewer workers paying in taxes to support an increasing number of retirees.

Let me give my colleagues some examples of that changing demographics. In 1942 there were about 40 people working, paying in their Social Security tax for each retiree. By 1950 it got down to 17 workers working, paying in their Social Security tax for each retiree. Guess what it is today? Today, there are three people working, paying in their Social Security tax for each retiree. And the estimate is that by 2027 we will be down to two workers.

What has happened is there has been a decline in the birth rate after the so-called baby boomers. Then additionally, there has been an increase in the longevity or the length of time people are expected to live.

When we started Social Security in 1935, the average life span was 62 years old. So, therefore, since the retirement age was 65, that meant most people never lived long enough to collect anything from Social Security. Today the average life span at birth is 74 years old for a male and 76 years old for a female, but if one is I will use the word "fortunate" enough to reach retirement age 65, on the average, he or she will live another 20 years.

So what do we do about this pay-as-you-go system? How do we change it? The estimates are that there is going to be less money coming in as taxes than is needed for benefits as early as 2007 to 2013. Sometime in that time period, there is going to be less money coming in than is required to pay out benefits. The longer we delay in solving and coming up with a solution for Social Security, the more drastic that solution has to be.

I have the only bill that has been introduced in the United States House of Representatives that has been scored to keep Social Security solvent for the next hundred years. That is House bill H.R. 3082. But I also put in a companion bill a couple months ago, that is H.R. 3560, that says—in addition to keeping Social Security solvent for the young people and allowing them to own a private retirement investment account that bears money that if they die before age of retirement goes into their estate—this proposal says, "let us start using some of the surplus money that is coming into the Federal Government."

And we now expect the surplus this year, as we now define "surplus", to be upwards of $40- to $50 billion. So I say, let us start using some of that money to set up private investment retirement savings accounts for people that pay a FICA tax, for people that are working.

Let us not put off this problem simply but let us take advantage of today's current positive economy, with more jobs and higher pay in many cases, to create a Social Security program that preserves benefits for current retirees, and makes sure that future retirees have even more savings when they retire.

Mr. Speaker, let us do put Social Security first.

EXCHANGE OF SPECIAL ORDER TIME

Ms. CARSON. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Guam (Mr. UNDERWOOD).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

* * *

TRIBUTE TO MARY FENDRICH HULMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON. Mr. Speaker, I rise today to pay tribute to a unique and great American. Mary Hulman was Chair of the board of directors of the Indianapolis Motor Speedway when she died 2 weeks ago at the age of 93.

Most Americans would not recognize her, but they heard Mary Hulman's voice many times over the years at the Indianapolis 500 when she commanded the drivers "Gentlemen, start your engines." That may have been her highest-profile activity, but Mary Hulman was much more.

She was well-known for her generous philanthropic public service, even though she contributed with little fanfare. She was a major benefactor and board member of several organizations, including Rose-Hulman Institute of Technology, Saint Mary-of-the-Woods College, the Indianapolis Museum of Art and Swope Art Museum in Terre Haute. Ms. Hulman was steadfast in her devotion to her Catholic faith and her support for Catholic charities.

The Indianapolis Star said in an editorial that Mary Hulman always exemplified Jesus' teaching in the gospel of Matthew that giving should be done away from the blare of trumpets and the sight of men. She never sought recognition for her charity work and always looked for ways that she could do more.

□ 1815

Mary Hulman was born into a wealthy family but she never acted as though wealth was her birthright. She knew that much is expected from those who have received much. Over the years, Mary Hulman gave away much of her fortune. Her gifts included $3.5 million to the Indianapolis Museum of Art and $2 million to Indiana State University for a student union complex.

Her daughter's love of horses led Mary Hulman to give $629,000 to endow the Mari Hulman George School of Equine studies at St. Mary-in-the-Woods College. She also donated $500,000 needed to repair the college's science building.

Mary Hulman served on the development board of Wabash College and was active in the Public Health Nursing Association of Terre Haute. She also served on many agencies for the benefit of St. Anthony's Hospital in Terre Haute.

She was the granddaughter of Hermann Fendrich, a German immigrant and the founder of the LaFendrich Cigar Company. Her father took over the company and operated it until his death.

In 1926, Mary married Tony Hulman and lived in Terre Haute, where Tony was a well-known and prosperous businessman. Tony Hulman was the owner of the speedway for many years. Together he and Mary worked to keep the Indianapolis 500 the world's premier event in motor racing.

Legendary racer A.J. Foyt said that the new generation of racers will never know the struggles and hardship of Tony and Mary Hulman that they endured to make the speedway an international success. The Hulmans had taken Foyt in and given him food and a place to stay when he was a young man down on his luck. Mary was known for her kindness to new racers coming up through the ranks.

Mary Hulman thought her husband had bought a pig in a poke when in 1945 he acquired the speedway. But later she said, "I was wrong." Last year Mary Hulman was inducted into the Speedway Hall of Fame.

St. Francis of Assisi said, "When there is charity and wisdom, there is neither fear nor ignorance." Mary Hulman spent her life dispelling fear and ignorance through her support of education and charity to the less fortunate. Mary Hulman set an example for Americans in selflessness and sacrifice. The world is truly a better place for her 93 years of life.

Mr. Speaker, I include the following editorial from the Indianapolis Star on the life of Mary Hulman.

[From the Indianapolis Star, Apr. 14, 1998]

A GENTLE LADY

Matthew's Gospel counsels that charitable giving be done in quiet, away from the blare of trumpets and the sight of men: ". . . let not thy left hand know what they right hand doeth."

That advice characterized the generosity and spirit of Mary Fendrich Hulman, who committed her life to worthwhile causes yet managed to escape the spotlight that surround one of Indiana's richest and most prominent families.

The widow of longtime Speedway owner Tony Hulman died Friday at age 93. A Mass of Christian Burial will be at 12:05 p.m. today in St. Benedict Catholic Church, Terre Haute.

Although she shied away from publicity, Mrs. Hulman couldn't avoid the annual minute of global fame that accompanied the start of the Indy 500 when she issued the legendary command, "Gentlemen, start your engines." It was a duty she assumed after her husband's death in 1977 and continued to take seriously even after her health began to fail a few years back.

Married to a millionaire businessman, Mrs. Hulman had philanthropic resources in her own right as the granddaughter of Hermann Fendrich, a German immigrant who founded LaFendrich Cigar Co. A patron of the arts, Mrs. Hulman was a trustee of the Indianapolis Museum of Art and a member of the board of overseers of Terre Haute's Swope Art Museum.

Her financial contributions to museum, church and higher education institutions were innumerable. Her faith and love of the Catholic Church were unmistakable.

"Always gracious and unassuming, she quietly provided assistance for the museum's ongoing programs and for projects she knew would benefit the community and the state," noted Richard Wood, chairman of the board of governors of the Indianapolis Museum of Art.

Mrs. Hulman was an important figure in the racing world and remembered for her hospitality to drivers and their families. In 1997, she was inducted into the Speedway Hall of Fame along with two-time Indy winner Gordon Johncock.

But her role in this community far exceeded just being the wife of a very famous man. Her commitment to community leaves a legacy that rivals the motorsports legacy left by her late husband.

WARNINGS OF A FAILED DECENNIAL CENSUS

The SPEAKER pro tempore (Mr. DEAL of Georgia). Under a previous order of the House, the gentleman from Florida (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Florida. Mr. Speaker, yesterday the Los Angeles Times ran a story about a census in California. But the story had nothing to do with the Census 2000 dress rehearsal going on now in Sacramento. It concerned a census conducted by the Los Angeles County Department of Public Works, a census that counts bats. That is right, bats. On May 17, a team of biologists and a couple of dozen volunteers will try to count every bat living underneath three wooden bridges in Topanga Canyon in California. Let me quote from the article:

> Census takers, who range in age from 7 to 70, will each be assigned a section of a bridge. With a Tally Wacker in hand, a clicker used to count quickly with the thumb, they will attempt to count the bats as they emerge from their roosts at dusk. Participants will "have to be in place, sitting very quietly before dusk, so they don't disturb the bats," says biologist Rosi Dagit. Dagit says bats are very sensitive to noise and won't fly if they suspect they are being watched by humans.

The article concludes: "Census takers will have to be fast."

Mr. Speaker, as chairman of the Subcommittee on the Census, I am tempted here to start making jokes about the batty census the Clinton Administration wants to conduct in the year 2000 using statistical sampling, but I will refrain. I will just say that if we can put that much effort into actually counting bats, I think it is a good lighthearted example to show that let us just count all Americans when we do the census in the year 2000.

Mr. Speaker, let me talk about a more serious subject, and that is the continued stonewalling by the Clinton Administration regarding the 2000 census. The latest example is the Census Monitoring Board. Last year Congress and the Administration agreed to appoint a new oversight board. The agreement was for four congressional appointments and four White House appointments.

Speaker GINGRICH and Majority Leader LOTT made their appointments in February. But the board members have not been able to hire staff and start oversight because the White House took its own sweet time in making appointments. In fact, I had to send a letter on Friday to get the White House to finally follow through with the appointments last night. I would like to submit my letter for the RECORD.

The text of the letter is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
Washington, DC, April 24, 1998.

Hon. WILLIAM J. CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: I am writing to express my extreme disappointment with the apparent lack of serious interest your Administration is displaying towards the oversight of the 2000 Census.

You are required pursuant to §210 of Public Law 105-119, the Departments of Commerce, Justice, and State Appropriations Act of 1998, to appoint four members to the Census Monitoring Board to observe and monitor all aspects of the preparation and implementation of the 2000 decennial census. These appointments were due to be made within 60 days of the enactment of P.L. 105-119, which you signed into law on November 26, 1997.

On April 6, 1998, The White House Office of the Press Secretary released a two-page document which stated: "The President today appointed Tony Coehlo, Dr. Everett M. Ehrlich, Gilbert F. Casellas, and Lorraine Green as members of the U.S. Census Monitoring Board." I have attached a copy of this announcement for your reference. The news of the appointment of these individuals was subsequently widely reported by a substantial number of news organizations.

Several times after this April 6th announcement, including as recently as today, my staff and counsels have reported to me that in numerous telephone conversations, both the Office of the Executive Clerk and the Office of Presidential Personnel have denied to them that you have officially appointed either these or any other individuals to the Census Monitoring Board. Congressional Census Monitoring Board Co-Chairman J. Kenneth Blackwell has also been told that no appointments have been made, frustrating his efforts to convene a meeting of the Board to begin their work. These statements are in direct contradiction to your earlier announcement.

You can understand my frustration at this startling turn of events. It is completely irresponsible for the Administration to further delay the first meeting of the Board, since you are undoubtedly aware that the Board must first meet and approve its ground rules before oversight activities can begin and professional staff can be hired. Thus, every day you delay in making your appointments, you effectively stonewall independent oversight and review of the 2000 census.

The mixed and conflicting messages from your Administration on the Board appointments create the appearance of an attempt to delay or prevent oversight of the controversial Census 2000 plan. The Commerce Department Inspector General and the General Accounting Office have repeatedly warned us that the decennial census is at high risk for failure. The critical Census Dress Rehearsal began on April 18th, yet the Board is unable to perform any oversight until your appointments have been made. I would hope you agree with me that without this intensive oversight by the Board, the American people cannot have confidence that the demonstrations of the Bureau's complicated and complex statistical methodologies have been done in an open and fair environment.

The American people deserve a census that is honest and reliable. This latest episode increases the risk of a failed census in 2000, one which will cost taxpayers billions and produce worthless results. I strongly urge you to immediately rectify this situation by confirming your appointments to the Census Monitoring Board and allowing them to get on with the very serious work that await them.

Sincerely,

DAN MILLER,
Chairman, Subcommittee on the Census.

P.S. I strongly urge you to also move quickly to nominate a new Director of the Census Bureau.

After receiving the letter we heard last night that the President finally made his appointments.

Mr. Speaker, I should not have to send letters to the White House to get the President to comply with the law. The mere fact that the letter had to be sent reflects poorly on the White House. The fact that the dress rehearsal has already started before the President made his appointments reflects poorly on the White House. Reports that the co-chairman, Tony Coehlo, is planning on leaving the country before the board has a chance to meet reflects poorly on the White House.

Fairly or unfairly, the cavalier attitude from the Clinton Administration creates the appearance of an attempt to delay or prevent oversight of the controversial 2000 census plan. The Commerce Department's Inspector General and the General Accounting Office have repeatedly warned us that the decennial census is at a high risk for failure.

The critical census dress rehearsals began on April 18, yet the board has been unable to perform any oversight. Without this intensive oversight by the board, the American people cannot be confident that the demonstrations of the Bureau's complicated and complex statistical methodologies have been done in an open and fair environment.

Now we have strong signals that the stonewalling will continue. My friend and respected colleague from New York, the ranking member of the subcommittee, is suggesting hiring practices for the oversight board. Despite the fact that the law says that, "the board may appoint and fix the pay of such additional personnel as the executive director for each of the two parts of the group considers appropriate," there is now a suggestion that both sides have to approve the hiring of each other's persons. That is just outrageous. I do not tell the minority what staff to hire and they do not tell the majority what staff to hire. To propose that is just outrageous.

Unfortunately, the helpful suggestions of the minority do not stop there. They go on to demand that employees of the board be forbidden to do any work unless both sides approve, that the expenditure of any funds by the board be forbidden unless both sides approve, crippling their ability to do even simple things like traveling and cutting monthly paychecks. And, most shockingly of all, they demand that board members and employees forfeit their constitutional right to free speech while in the employment of the board.

Mr. Coehlo certainly does not need the advice of congressional Democrats on how to stonewall oversight, so my Democratic colleagues should not be concerned with trying to interfere with the oversight board's activities and dictate their rules.

Once again this strikes me more as an attempt to delay oversight. Rather than getting down to serious oversight, the Democrats now want to fight about hiring a staff and play games with the rules. That of course will take time, time that we do not have because the White House took so long to appoint its board members. I understand the game that is being played, and frankly it is sad.

The American people deserve a census that is honest and reliable. This ongoing saga of the delay at the oversight board increases the risk of a failed census in 2000, a census which will cost taxpayers billions and produce worthless results. I strongly urge the President to take the warnings of a failed census seriously and direct his administration to start cooperating and listening to Congress.

IN SUPPORT OF RESOLUTION ON OCCASION OF 50TH ANNIVERSARY OF FOUNDING OF MODERN STATE OF ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of House Joint Resolution 102, expressing the sense of Congress on the occasion of the 50th anniversary of the founding of the modern state of Israel and reaffirming the bonds of friendship and cooperation between the United States and Israel.

I would like to particularly acknowledge the Jewish community in Houston and thank them for giving to Houston and Houston school children the wonderful Holocaust Museum located in Houston, TX which has provided so many with an opportunity to understand the life and legacy of so many of our Jewish community and as well the history of Israel.

I would also like to acknowledge special friends like the late Jerry Ribnik, someone who has lived his life in fostering good relations, human relations and communication between those of the Jewish community and the larger community, and particularly for his support of Israel.

Likewise, I would like to add my appreciation and support for Vic Samuels, the editor of the Jewish Herald Voice, a paper that for many years has given to Houston the value of its insight and understanding of the issues dealing with Israel and the issues in general of the Jewish community.

I would also like to thank the late Karen Susman, who worked so very hard with the Anti-Defamation League. Many were able to see the light through Karen's eyes; we thank her. With her recent passing, I wanted her family and friends to know how much her contributions impacted all of us and helped to foster relationships between the Jewish community and the larger community.

Then I would also like to commend Melvin and Freda Dow whose combined leadership of AIPAC did so much in adding to the national recognition of the friendship between Israel and the United States.

It is important as well to recognize the many community associations and organizations like Houston's local chapter of the American Jewish Federation, the local chapter of the Anti-Defamation League and, as I mentioned earlier, the Jewish Herald Voice newspaper. All have contributed to fostering greater understanding and friendship in Houston and added to our appreciation of the importance of Israel to our Nation and yes, to our city, the City of Houston.

A milestone in world history was reached on November 29, 1947, when the United Nations General Assembly voted to assist in the creation of the state of Israel. The people of the United States began a long history with the modern state of Israel on May 14, 1948 when the people of Israel proclaimed the establishment of the sovereign and independent state of Israel and the United States Government established full diplomatic relations with Israel. This relationship has been fostered by a mutual appreciation for democratic values, common strategic interests and moral bonds of friendship and mutual respect.

The establishment of a modern state of Israel as a homeland for the Jews followed the murder of more than 6 million European Jews during the Holocaust. This tragic chapter in world history will never be forgotten, and the establishment of a modern state of Israel in no way relieves those responsible for that terrible crime.

This jubilee year for the state of Israel is one that the United States and the world can join in to celebrate together. The people of Israel have established a vibrant and functioning pluralistic democratic political system including freedom of speech, a free press, free and open elections, the rule of law, and other important democratic principles and practices.

I would like to offer my thanks and appreciation to the people of Israel for their efforts in maintaining a democratic government and the strengthening of the relationship with the United States as each Nation moves toward the dawn of a new century. I wish all of Israel and its people a prosperous future, and I believe that the next 50 years will be as successful as the last. Best wishes to all of you on the 50th anniversary of the modern state of Israel.

IN HONOR OF TOM ARCHER AND LARRY WALSH, VOLUNTEER FIREFIGHTERS FELLED IN THE LINE OF DUTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. LATHAM) is recognized for 5 minutes.

Mr. LATHAM. Mr. Speaker, I rise today to honor two fallen heroes from Albert City, Iowa. Tom Archer and Larry Walsh, both volunteer firefighters with the Albert City Fire Department, were taken from us in the line of duty on April 9. They were fighting a propane tank fire when an unexpected and horrific explosion claimed their lives. The explosion also injured six other firefighters and a deputy sheriff.

Both of these men were true heroes in every sense of the word. Between them they had served for nearly 30 years as volunteer firefighters to protect the lives and the property of their neighbors, their families and their communities.

Larry Walsh and Tom Archer volunteered because they cared. They volunteered because they cared enough to risk their lives whenever called upon. They volunteered because they cared enough to interrupt their jobs, their meals and their precious time with their families. They volunteered because they cared about protecting the property, the safety and the lives of their neighbors in times of need, a need that could have arisen at any time in the day or night or any day of the year.

Tom Archer and Larry Walsh were two of the Nation's finest volunteer firefighters, a group of men and women who inspire so many by the brave actions they take in and for their communities.

□ 1830

Volunteer firefighters are uniquely small town and rural American. They provide a quality protection that their communities would never be able to afford without their dedication.

This evening, I am asking that all Americans take a moment to remember Tom Archer, his wife Kelly, and their 2 children, Cody and Tanner, and to remember Larry Walsh, his wife Valerie, their four children, Angela, Lindsey, Jason and Shannon, in our prayers. May we remember Tom Archer and Larry Walsh in our hearts as fathers, husbands and two of America's greatest heroes. May they rest in peace in God's hands.

Mr. Speaker, I yield to the Chairman of the Congressional Fire and EMS Caucus, the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank my colleague for yielding; and I just want to join him and thank him for his eloquent statement on behalf of these two brave Americans and to extend my deepest sympathies to their families along with the gentleman from Iowa.

Let me state, Mr. Speaker, each year, unfortunately, we have a hundred incidents of this type across this Nation, where there is no other volunteer occupation in America where, each year, 100 brave Americans lose their lives and they are torn from their families as we have with the American volunteer fire service. It is another example of where we have people selflessly providing support to protect our families and our neighborhoods, and it is all the more reason why in this terrible tragedy in Iowa we should recommit ourselves as an institution to try to lessen the amount of loss of life that we have not in just these brave Americans but from those people they are trying to save.

I join with my friend and colleague, and I would reiterate that on Thursday, Mr. Speaker, we will be joined by some 2,000 of these leaders from across the country to talk about the kind of needs that would better prepare men like Tom and Larry to deal with these terrible disasters that they face every day in their communities.

Right outside of the House Chambers will be a massive display of support for the men and women of the American Fire Service, both paid and volunteers, asking this Congress and this administration to finally listen, to provide not just training but resources, communications equipment, support for preplanning that does not exist now so that we do not keep having to come down to the well to pay tribute to brave Americans like Tom Archer and Larry Walsh.

Let me say in closing, Mr. Speaker, as we in this country look for heroes we do not have to look to Hollywood, and we do not have to look to our athletic figures. We do not have to look to our politicians. We can look to those men and women across this country, 1.2 million of them in 32,000 organizations and departments just like the one that Tom and Larry belonged to who, day in and day out, protect America. And they do not do it for the pay. They do not do it for the recognition. They do it because it is the right thing to do for their community and for their country.

I join with my friend, and I thank him for his tireless efforts on behalf of the American Fire Service and in paying tribute to these two great Americans.

Mr. LATHAM. Mr. Speaker, I thank the gentleman very much for his excellent statement.

TRIBUTE TO DENNIS YARBOROUGH, KIRTLAND, OHIO'S CHIEF OF POLICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. LATOURETTE) is recognized for 5 minutes.

Mr. LATOURETTE. Mr. Speaker, before I had the pleasure of serving as a Member of Congress, I was a prosecuting attorney in Ohio. And while I prosecuted thousands of cases and saw many defendants in court, there was one in 1990 that was notorious; and the facts of the case do not matter; and the defendants, who are all in prison, really do not matter. But what does matter is that that case, because of its notoriety, gave me the things that those of us in public life need to be successful: name recognition, approval ratings. But, more than that, it gave me a friend for life, Chief Dennis Yarborough of the Kirtland Police Department.

Chief Yarborough served in the special forces posted at the White House. He was a highway patrolman in Pennsylvania, and he served as a deputy sheriff before coming home to his beloved Kirtland, where he served as chief of police for 19 years.

Kirtland, Ohio, is a beautiful town. It is a city of faith, it is a city of trees, many churches. It is the home, and those of the Mormon faith will know Joseph Smith stopped in his travels in Kirtland, Ohio, and built the Kirtland Temple. It is a city of good people, and it is a place that Dennis very much loved.

The last case in this series of cases, because of the pretrial publicity, was transferred hundreds of miles from our home; and Dennis and I lived for weeks at a time in 1990 out of our suitcases. And although it prepared me for this life, I have to say that I do not enjoy living out of a suitcase any more today than I did then.

But we did have the chance, when we had dinner at the end of the day or when we had breakfast before going to the courthouse in the morning, to talk; and, just like here, it is good to not talk always about legislation and things political. It was good not to talk about the case all the time.

Dennis' conversation always focused on three things. It focused on the community, Kirtland, where he grew up, a city that he loved, a place that he very much wanted to serve and protect; and it was obvious today at his funeral, Mr. Speaker, that the City of Kirtland loved him. As we left the driveway of the church, men, women and children lined the street and waved goodbye to their beloved chief. Store merchants put signs on their marquees thanking him for his 19 years of service and saying goodbye.

He talked about his children, Jim and Marcy, and how proud that he was to have been able to participate in the raising of such fine, fine Americans and how he was glad that if he had done nothing else on Earth he was able to provide two young people with a good start in life so that they could be proud Americans as well.

And, lastly, he talked about his wife Gail, his wife Gail whom he had been with since they were 12 years old. As a matter of fact, in our hotel in Toledo the chief had never been away from his wife for an extended period of time, and he could not sleep. So he would get up in the middle of the night, and he would walk the halls of the hotel, and that is how he passed his time.

Today, not only Kirtland, Ohio, but the United States and certainly the area that I represent lost a great man. On Thursday last, while jogging, another one of his passions, he collapsed and died of a heart attack.

Tonight, Mr. Speaker, Dennis Yarborough, Chief Dennis Yarborough of the Kirtland Police Department, I believe is in God's arms. And I also pray this evening that the good Lord watches over his family, Gail and James and Marcy; and I know that this country, my district, Kirtland, Ohio, is better for the fact that Dennis Yarborough came their way.

MEETING THE NEEDS OF OUR MILITARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, this week we begin the annual process of marking up our defense bills. These are the largest bills that we enact in this Congress each year and, perhaps, I would argue, the most important.

Unfortunately, we are facing an impossible situation. The only major area of Federal spending where this administration has actually cut has been in the area of national security. All other Federal agencies have either remained stagnant or they have received slight increases. In fact, this is the twelfth consecutive year of defense cuts. Some would say, well, we are still spending more money on the military, but the facts all prove otherwise.

In John Kennedy's era, a time of relative peace after Korea and before Vietnam, we were spending 52 cents of every Federal tax dollar on the military. This year, we are spending 15 cents on the military. In John Kennedy's era, we spent 9 percent of our country's gross national product on defense. This year, it is 2.9 percent.

And back in John Kennedy's era, Mr. Speaker, we had a draft where young people were taken out of high school and they were forced to serve the country and then they served for 2 years and left the service of the Nation. Today, we have an all-volunteer force, well-paid, families, children, education costs, housing costs. So quality of life is a much larger portion of that smaller amount of money that we spend on defense. Our job is to try to meet the needs of our military in a very difficult budget environment.

Now added to this problem of decreasing defense assets is the fact that, over the past 6 years under this President, we have had our troops deployed 25 times around the world at home and abroad. Now that compares to 10 deployments in the previous 40 years. Twenty-five deployments in 6 years versus 10 deployments in the previous 40 years. And the problem, Mr. Speaker, is none of these 25 deployments were budgeted for, none of these 25 deployments were paid for.

So in spite of the dramatically declining defense budgets, we have added up an additional $15 billion that was not planned for that had to come out of defense programs. So we have had an additional cut of $15 billion below the authorized budget amount.

The problem, Mr. Speaker, is, in the case of Bosnia, we are spending $9.42 billion on the Bosnian operation. It is not that we do not think we have a role for the U.S. in Bosnia, but what is being said in this body and the other body is, why should America go it alone? Why did we put 36,000 troops in Bosnia when the Germans right next door only put 4,000 troops in that theater? Why are we always asked to foot the bill for these deployments that are so important for regional and global security?

After all, President Bush in Desert Storm got the allied nations to reimburse the U.S. $53 billion for the costs of Desert Storm which were $52 billion. Under this administration, we have had no reimbursements; and the $15 billion of contingency costs have all come out of an already strapped defense budget.

I raise this issue, Mr. Speaker, because we are in for tough times as we approach the 21st century. We cannot continue to meet the needs of our troops under the type of robust commitments that this President has made for the men and women of America's military. We need to understand the sacrifice, and we need to understand that we need to stop the continuing drain of defense dollars that are so necessary to provide the support for these brave men and women.

We also must fund the emerging threats that we see arising. Missile capabilities around the world are coming up. Iran, Iraq are now developing medium-range missiles that North Korea already has.

Tomorrow, Mr. Speaker, I would ask our colleagues to join us on the Rayburn Triangle where we will unveil one of the Army's newest programs called THAAD, along with a Scud missile, a 40-foot-long missile that was used by Saddam 7 years ago to kill 28 young Americans in Saudi Arabia. This new Army system that we are desperately tying to fund in this difficult budget environment is designed to meet that threat in the 21st century.

I urge our colleagues to join the Army and the Ballistic Missile Defense Organization in seeing firsthand the kind of technology that we are trying to produce in this very difficult budget environment.

DOUBLE NIH FUNDING IN FIVE YEARS

The SPEAKER pro tempore (Mr. DEAL of Georgia). Under the Speaker's announced policy of January 7, 1997, the gentleman from Pennsylvania (Mr. GEKAS) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the subject of this particular special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Mr. Speaker, this special order is centered around our effort to double the appropriations, to double the funding, as it were, of the National Institutes of Health over the next 5 years.

I have for a long time appreciated the special efforts made by our scientists, researchers across the country, as have all Members of Congress as we see new, spectacular advances made in research and development of technologies, new ways to cure age-old diseases, those that have scourged the earth for all these years, and new ways of treating people who have reached older age, how to treat infant deaths and the scourge of handicaps that are across the land.

All these research methods and scientific methodologies have blossomed over the last several years to such an extent that we feel confident that to redouble, using those words advisedly, the effort on the part of our entire society will benefit that society in a million different ways.

Pursuant to that, back in November of last year I introduced H.R. 2889. Now this bill would have created and still is extent and could create, if passed, a national commission for the new national goal, that goal being the advancement of global health.

Mr. Speaker, the 20th century saw a goal for the United States thrust upon it.

□ 1845

Our country was designated the role in this entire global conflict that we witnessed during the 20th century of preserving democracy, of repelling total totalitarianism in all of its forms, and advancing the cause of democracy throughout the world. We did that in responding to World War I, and we did magnificently for the sake of preserving Europe; in World War II to preserve the world on every side of the planet, as it were. Since then, in all of the skirmishes and battles and conflicts that have occurred, including Korea and Vietnam and Desert Shield, Desert Storm later, Panama, Grenada, one names it, Bosnia today, the 20th century saw the United States emerge as the saviour of democracy and the proponent, the chief proponent, of democracy. So we met our goal to repel totalitarianism and to preserve democracy.

Now, what should be the goal of the next century, of the 21st century? My legislation calls for the establishment of a commission to determine that the goal for our country should be to eradicate disease from the face of the earth.

Now, this is a great humanitarian goal implicit in the language that I just used, to eradicate disease from the face of the earth, but it also carries with it an enlightened self-interest for our country. Since our country leads the world in pharmaceuticals and research, in development of technologies and biomedical advancements, in biotechnical concepts, in all of the science that is required to hone in on the eradication of disease, not only will we be steadily moving towards the goal of preventing and eradicating disease, but at the same time we will fashion a new leadership, economic worldwide leadership, for our country in producing the wherewithal by which to eradicate those diseases. What that means is more jobs, more enterprise, more prosperity, while helping save humanity from the ravages of the diseases in every corner of the world that too often are unattended.

So what this Special Order here tonight does, it fits splendidly into the goal, the vision that I see for the 21st century. Our message tonight is that now is the time to double, we say to double the appropriations, the funding mechanisms for the National Institutes of Health, which, after all, are the bulwark of all the research and the development that is required to meet these visions that we have of combating disease.

Mr. Speaker, if we designate funding to the National Institutes of Health of something like 15 percent, to increase the funding for the next 5 years at 15 percent per annum, we would be doubling the number of dollars now being spent for that magnificent institution that provides so much benefit to mankind, the National Institutes of Health.

For instance, right now we spend about $14 billion. We would go up to $28 billion, or the doubling about which we speak, by the year 2003. Now, we have been averaging about a 7 percent increase each year. I understand that this year the President offered an 8.4 percent increase; the Senate version of the proposals would probably be about 11 percent, and we hope that we can do a little better than that and meet the first leg, the first test of trying to double it by getting up to 15 percent. If we do so, then we will see tremendous momentum build up so that we can accelerate the rate and the breadth of the research that is required to meet that vision of eradication of disease among the citizens of the world.

The other feature of what we are doing here is that we did not come up with this idea about the worthwhileness of the National Institutes of Health just simply by saying it. About 5 or 6 years ago we established the Biomedical Research Caucus here in the House of Representatives.

The gentleman from Alabama (Mr. CALLAHAN), the gentlewoman from California (Ms. PELOSI), the gentleman from Massachusetts (Mr. KENNEDY) and myself are the current cochairs of that Biomedical Research Caucus. We have had over 60 or so special lectures by the most advanced scientists that we could muster as our lecturers to bring us up to date on the various progresses made by the National Institutes of Health. Among them have been about a dozen Nobel Prize winners in their particular field.

So you name the disease, Mr. Speaker, and I will name a lecturer, renowned lecturer, who has appeared in these very halls of the House of Representatives to give us an update on those diseases. Arthritis, AIDS, women's breast cancer, multiple sclerosis, Parkinson's disease, you name it. These speakers brought us up-to-date on these developments. In every single case, cloning, new technologies, we even had the people from the space program come to tell us the advancements that were made by reason of space research in these very same scientific methodologies about which we speak.

Now, what is the purpose of all of these things? To bring us up to date to these diseases, but also to give incentives to Members of the House to redouble their efforts to bring about solutions and treatments for the various diseases about which we speak. I must tell my colleagues that in many of these cases, just around the corner lies the final solution to a lot of these archaic diseases that have plagued us for so long.

Now, how do we do this? I have colleagues here who are ready to speak on these subjects. I will yield to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I thank my colleague from Pennsylvania (Mr. GEKAS), and I am honored to be here on this Special Order to help him with the endorsement of accelerated funding for the NIH.

As chairman, cochairman with the gentleman from Texas (Mr. GREEN), of the Genetic Privacy and Health Records Task Force of the Committee on Commerce, I can fully understand and appreciate the gentleman's feelings about accelerating the funding for NIH.

It is interesting that when I came to Congress, we were spending almost $18 billion a year for foreign aid, and if anybody said, well, why are we spending so much money for foreign aid, yet we are spending so little for the NIH, I think we have been forceful in trying to get more money for NIH, but we still have a long way to go.

As the gentleman from Pennsylvania (Mr. GEKAS) mentioned, we are now at $14 billion a year. One says, well, that sounds like a lot of money, but when we think of the kinds of things it can do for all Americans and for all of humanity, this is not enough money, and I think so much could be done.

I would like to just, for example, take my colleagues into the area I am familiar with, and that is taking advantage of some of the new opportunities in genetic engineering. For example, as we end this millennium, we will have completed a program to map and identify the entire human genome, but we will not have begun to access this new information. As my colleagues may be aware, I have been working on this legislation before the Committee on Commerce to ensure protective measures for genetic privacy to individuals so that we can move forward with these new technologies for all of our mutual benefits.

But where is this technology occurring? It is occurring at the National Institutes of Health. In the new area of NIH research opportunities, genetics is one of the most exciting and promising developments in molecular medicine. Once the map of the normal function of human genes is made available within the next few years, we will then, Mr. Speaker, be able to make comparisons with our own unique genetic blueprint. This will herald in a whole new era of computer collaboration with molecular medicine to develop a DNA chip, transferring the functions of human genome to a computer chip to be run for comparison for diagnostic and treatment purposes against our own genetic map. I mean, that is an enormous endeavor. It is going to require a lot of research.

The NIH is on the leading edge of doing this, and we need to fund that project, because the ultimate guarantee for all of us is better health by this DNA chip in transferring the function of the human genome to a computer chip so that we can run these comparisons to find out what particular genes are defective or what particular genes provide a predisposition for any of us for certain diseases.

The software and hardware that will be needed to be developed by the cooperative efforts of genome biologists, mathematicians and engineers to make the new field of genetics a reality will require this increased funding for the NIH. So again, I think it is a good case for all Members to be down here on the House floor to argue forcibly the need for increased funding for the NIH.

I think when we talk about funding for the NIH, we perhaps should put it into human terms, and I want to give my colleagues a case example of where this study, this research, has benefited all of us. The first debate in medical circles in the late 1960s and early 1970s was about the role of cholesterol in heart disease. Many scientists reasoned that a high-fat diet clogged the arteries and must surely contribute to heart attacks and strokes. Others argued that because so many Americans who dined on high-fat foods had apparently healthy hearts, cholesterol might just be sort of a wrong, a scapegoat.

Two physician scientists, Michael Brown and Joseph Goldstein of the University of Texas Southwestern Medical Center of Dallas, were treating children at the time, and this is interesting, who had heart attacks before the age of 10. Now, they discovered that the kids' arteries were as full of cholesterol deposits as those of a 50-year-old beef-eating man. Soon they identified the gene that controls special receptors on the surface of the liver, and other body cells, that removed the bad cholesterol before it has a chance to wreak havoc in blood vessels. None of the children with early heart disease had the gene needed to break down the bad cholesterol. So in 1985, Dr. Brown and Dr. Goldstein won the Lasker Award for discovering the mechanism that controlled cholesterol metabolism, and that same year they shared the Nobel Prize.

So that is an example of just simply scientists having the time and energy, working through the National Institutes of Health, through the grants, are able to solve some of the major problems.

I would like to identify another case example by Judah Folkman who generated a new approach to treating cancer that is directed not at the cancer cell itself, but at blood vessels that feed tumors. The cells that line blood vessels put out a host of proteins or growth factors to which tumors are attracted. If the tumors are deprived of its proteins, the cancer can be starved without harming the healthy cells the way normal chemotherapy does. This is a remarkable and once ridiculed idea that is now being tested in recurring and metastic cancer. Based on Folkman's work, experiments with unique tumor-suppressing drugs will soon be ready for breast, colon, prostate and other cancer trials.

So, Mr. Speaker, we have here a need for this funding for research, and I think many of us are on the House floor today to say that the budget of $14 billion is not enough. A lot of us around here talked about being fiscally responsible, but here is a case where the direct benefits from increasing the funding for the NIH will be enormous. I am happy to say that there are other Members who have stepped forward to do just this.

Recently, Senator CONNIE MACK from Florida, my Senator, advocated doubling the NIH funding over the next 5 years. So I have joined with him and others to double this funding, to increase it, because I think they are consistent with the views of conservative budget policy. We get the biggest bang for the buck by this research to help all Americans, particularly when we look at what the population is doing today. It is aging, and we have Medicare still not completely out of solvency, right now is solvent to the year 2010, but we are going to see more and more baby boomers coming in, and we need this research to protect their lives.

So I was glad to join with Senator MACK and others in the House, with the gentleman from Pennsylvania (Mr. GEKAS) to increase funding for the NIH. It is a wise investment for the many health care results we achieve, and it is not that ambitious an enterprise when we consider that at the current rate of expenditures, we will double NIH funding in 10 years rather than the 5 that the gentleman from Pennsylvania (Mr. GEKAS), proposed.

□ 1900

We are suggesting that we provide this additional funding, we do it now, and I think the important theme tonight is to make all Members aware of the need to get behind this. It is not a lot of money.

As I say, the foreign affairs budget is almost higher than the NIH budget, and so now is the time to continue our efforts.

Mr. Speaker, I yield back to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, I thank the gentleman for his remarks and I now yield to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. GEKAS) for yielding to me.

Mr. Speaker, there is no greater tragedy in life that all of us must face at some time or another than facing a debilitating and serious and chronic disease. It touches Democrats, Republicans, people of all races and religions. It is a fact of life.

It is my pleasure to be here tonight to talk in support of not only the efforts of the gentleman from Pennsylvania to increase funding for the National Institutes of Health, but to stand up in support of that national health organization that leads the world in health research.

I just happened to visit for the second time the National Institutes of Health a week ago Monday. And I commend that visit to every Member of this body; to go out to the NIH and see the resources that we have there, that we taxpayers fund in order to try to make lives better by curing disease. It is a remarkable experience to see it and to meet with the leaders of the centers and the institutes, the 21 centers and institutes of the National Institutes of Health.

Mr. Speaker, it is celebrating its 50th year, approximately, this year, having been the Public Health Service over the years and being the National Institutes of Health in recent times. I must say, Mr. Speaker, that the history is a proud one. There have been tremendous developments and progress achieved by the scientists, the researchers, the medical professionals, the nurses, the administrators at the National Institutes of Health. It is worthy of a Federal taxpayer commitment to enhance this research, to seek cures in our society for the very serious diseases which affect all Americans and, indeed, all people around the world.

I think we have to look at what increased funding would do. It would certainly help bridge the gap between the National Academy of Sciences and the NIH. There is research going on, scientific research going on throughout this entire government. The Department of Defense has a breast cancer facility and bank that looks at the incidence of breast cancer and blood work that would lead to cures for this terrible disease.

The National Aeronautics and Space Administration does tremendous work on microgravity. In fact, as we speak, there is a satellite and a space station somewhere and a research facility somewhere engaged with NASA doing this great research that is going to help people deal with the chronic diseases that affect their lives.

Mr. Speaker, I happen to have a special interest in diabetes research. In fact, I am proud to be one of the cofounders of the Diabetes Caucus with the gentlewoman from Oregon (Ms. FURSE), and 158 Members are now part of this Diabetes Caucus. We set out over the last three years that I have been in Congress to work very hard to raise the interest level and the understanding of diabetes.

The Speaker of the House, NEWT GINGRICH, has been a great leader in terms of providing additional funding for NIH, for the research mission to cure diabetes, because diabetes affects about 27 cents out of every Medicare dollar. It is spent in the treatment of diabetes and the very serious complications that can come if a diabetic does not take care of himself or herself. Things like blindness, amputations, heart disease, kidney failure, all of those things are consequences of lack of treatment and lack of care for the disease called diabetes that is a killer disease in our society.

So it has been our pleasure, with the other 157 Members, along with the gentlewoman from Oregon (Ms. FURSE) and myself, to push very hard this idea that we have to have increased funding at the National Institutes of Health, in specific terms the National Institute for Diabetes, Digestive and Kidney Diseases, which does this great research on how to cure diabetes.

Mr. Speaker, if we cure diabetes, we will have a better society. If we cure cancer, we will have more productivity among all Americans and around the world. So it is in our interest, our national interest, to dedicate ourselves to increased funding for the National Institutes of Health.

When I visited the National Institutes a week ago Monday, I had a chance to meet with the director of the National Cancer Institute, and he showed me some graphic pictures of a gentleman who was a patient there of the hospital at NIH with skin cancer, a terrible outbreak. Terribly devastating consequences of that disease are present today in our society.

Through the research that has been done at NIH to introduce the concept and the substance of Interleukin, to allow the body to beef up its damaged-cell fighting capability, its natural mechanism for fighting disease, that Interleukin component works wonders. In fact, I had the chance to meet the gentleman who was the subject of the pictures I was shown with his cancer developed earlier in last year. And now I looked at him, and I know through this great research effort, his skin was clear.

So this is one example of how we can cure this disease called cancer 50 percent of the time. We cannot cure all the cancers in America and in the world, but we can cure about 50 percent, I am informed. So it is in our interest, having been touched by cancer in my own family and having been touched by diabetes in my own family, it is in our interest to devote ourselves to this effort to increase research funding for this great institute.

Along with that increased research funding, I think we need to encourage the NIH, encourage the scientists, the 55,000 scientists around the country, through our university systems who do NIH research as NIH grant recipients, to make sure that the money we devote to this institute and this agency is spent wisely. I do not doubt that it is, but I also feel as though we can focus better, perhaps, the resources of America, to allow the NIH to focus better and the institutes to focus better, to work better toward preventive cures and prevention of disease.

The gentleman from Pennsylvania (Mr. GEKAS) and I and others and the Speaker of the House this year, and a lot of Democrats, voted very forcefully in favor of the balanced budget agreement which provided $30 million for diabetes research for five years, $30 million times five; and $30 million times five, $150 million, for Native American research, which is a population disproportionately affected by diabetes.

Speaker GINGRICH and others worked very hard to get Medicare coverage for the preventive side of diabetes, mammographies in women, prostate analysis in men, and the colorectal screening, all covered now and in this year in the Medicare program. That is going to save dollars on the other end.

And with this kind of research for treatment and cures through the NIH, we are going to be a better and healthier and happier and more productive and less wasteful society.

The Diabetes Working Group that we introduced is going to help focus the NIDDK, National Institutes for Diabetes, Digestive and Kidney Diseases, in how we set a chart, set a pathway to cure diabetes. I think it is a great model, Mr. Speaker, for other institutes to follow: To marshal the best minds, the best researchers, the patients, the children, the people who are affected by these devastating diseases, chronic conditions, mobilize them to chart a path, to chart a course to a cure or to better treatment or to making life easier with a particular disease. That is what the Diabetes Working Group is doing.

In fact, they are meeting this week again, all of these great minds and great scientists from around the country, to focus on how we can chart a path for additional research dollars to be spent, all in the cause of curing diabetes and its complications.

I think we have to recognize also that the consumer has a say in all of this, and increased funding for NIH, doubling the funding over the next five years, coordinating that funding with other scientific research throughout the government, has to have as a main component a consumer involvement. If we go out to the National Institutes of Health and see the National Health Library, it is hooked up to the Internet. It gets thousands of hits per month, per week, per day, to see and learn about disease and how NIH is working so very dramatically to help cure and treat those kinds of diseases.

That is a component that is very much a part of this NIH funding doubling. So that we can have the consumer who is touched by multiple sclerosis or AIDS or Alzheimer's or diabetes or cancer or Parkinson's or all the other diseases that are prominent in this country, they have a resource in the National Institutes of Health to touch immediately, to find out about that disease, to help a loved one get through it, to learn about it.

I know that is a common occurrence when people are touched by a disease. The first inclination that we all have is to find out about it, to learn about it and figure out how we can understand the current treatments. This is a value to doctors. It is a value to the consumer. It is a value to the researcher. And, by the way, we have to get good researchers funded through the NIH, the basic research that is done there and the applied research that is done there.

So this is a joint effort that joins diseases, it joins medical specialties across the board. It joins people from Congress, it joins special interest groups who care deeply about a particular disease. It joins the teachers and students, and families. It joins all Americans in one common cause, one common objective. That is to cure disease in America and throughout the world.

The United States is the leader in that effort. It is the leader because we have the best scientists, the best minds, the best technology, the best resources and the greatest commitment, I submit, to reach this great goal of curing disease globally.

So I want to thank the gentleman from Pennsylvania (Mr. GEKAS) and thank the Speaker and all the others who care deeply about this issue. We will join with our colleagues and make this a reality in the next five years and hopefully get it all done this year.

Mr. GEKAS. Mr. Speaker, we thank the gentleman. His remarks have been right on point. We in the Biomedical Research Caucus recognize the gentleman from Washington (Mr. NETHERCUTT) as one of our leading advocates of focus and concentration on the disease of diabetes. We thank him.

Mr. Speaker, the target of all this and the absolute goal of this special order is to convince the Committee on the Budget that it ought to respond to the resolution that we offered about doubling the funding for the National Institutes of Health over the next five years.

The gentleman from Ohio (Mr. KASICH) chairman of the Committee on the Budget, and the gentleman from South Carolina (Mr. SPRATT) ranking member, have been very workmanlike over the past several years in preparing the budgets for the entire government, of course. We want them to pay special attention to the doubling of the funding effort for the National Institutes of Health.

How do we do that? They have some problems because they are under the constraints that they are, of course, trying to convince us we must maintain, and they are correct, capping on spending so that we can stay within the parameters of the balanced budget that we supported not too long ago and which, of course, has to continue in order for our country to prosper, to make sure that we never fall back into the deficit mode and that the balanced budget carries with it all the benefits that it should.

Well, how do we convince them to be able to do this doubling effort and still maintain those caps? That is an interesting problem, and one which we think can be addressed if only the chairman and the ranking member of the Committee on the Budget will look at the possibilities that lie before us to be able to do that without violating the balanced budget or the guidelines or the caps that they have instituted to protect the fiscal integrity of the Congress and of the government.

□ 1915

We submit that any proceeds that might be forthcoming from the tobacco settlements that may or may not occur or the tobacco financing that can still occur, even without the overall settlement to which all the States are a party, that is a source of funding which would be a natural to devote to medical research, because it does not even have to be stated.

The causes of some of the worst diseases that we have emanate from smoking. We want to try to defeat both ends of the smoking cycle, to prevent teenagers from taking up the habit and to treat those who did not avoid the ravages of smoking, causing all the health problems that we know about.

So we want to be able to say that tobacco increased funding should be devoted, at least partially, towards medical research in the National Institutes of Health on how to prevent all the dastardly diseases that follow a lifetime of smoking.

So that is a natural, but that is not the only source that we can muster for dedication to the National Institutes of Health. We also have what is now being termed as the budget surplus. We are fortunate enough by all the configurations that have been entered into by the Committee on the Budget to be able to proclaim budget surpluses.

What better source for application of surpluses than that which we speak about here tonight, the National Institutes of Health? To be able to pour in a couple of billion dollars a year from the $10 billion or $12 billion or $14 billion or $20 billion, $30 billion per year surplus that we may be enjoying the next several years would be facilitating the doubling of the funding that we are talking about without really harming the path that we will have established for creating surpluses.

So we believe that the letter that we have sent to the Committee on the Budget serves those purposes. We sent a letter dated April 8, 1998, to the gentleman from Ohio (Mr. KASICH), chairman, and the gentleman from South Carolina (Mr. SPRATT), ranking member, signed by 36 Members in which we discussed this very same prospect.

In fact, the last paragraph, the last cogent paragraph, I would like to read into the RECORD.

We say, "We respectfully request that the Committee on the Budget consider using a combination of sources and funding mechanisms to achieve the doubling goal for the National Institutes of Health. These funding sources include general revenues, budget surpluses, and budget offsets. We also request that the Committee on the Budget consider establishing a reserve fund to capture offsets from any tobacco settlement for the purpose of funding biomedical research and for other purposes stated in the settlement."

So we are explicit to the powers that be in the budget process. We are not saying, please, oh, help us and double the efforts. We are suggesting concrete methodologies for accomplishing the doubling effort without harming the balanced budget for which the gentleman from Ohio (Mr. KASICH) and the gentleman from South Carolina (Mr. SPRATT) have worked so hard and which we support and which we do not want to violate in any way.

We just want the priorities to be set for the next century to include a heavy emphasis on biomedical research and all the efforts that can go into eradicating disease worldwide with the implicit benefits not only to humanity but to the economic leadership of our Nation.

Mr. Speaker, I include for the RECORD the following:

CONGRESS OF THE UNITED STATES,
Washington, DC, April 8, 1998.

Hon. JOHN KASICH,
Chairman, House Budget Committee,
Washington, DC.

Hon. JOHN SPRATT,
Ranking Member, House Budget Committee,
Washington, DC.

DEAR CHAIRMAN KASICH AND RANKING MEMBER SPRATT: As the Budget Committee begins consideration of the Fiscal Year 1999 Budget Resolution, we urge you to provide sufficient budget authority and outlays to provide a $2 billion increase (15%) for the National Institutes of Health (NIH). This is the first step toward achieving a doubling of the NIH budget over the next five years.

We recognize the pressures and trade-offs that you and your Budget Committee colleagues face in maintaining a balanced budget, but we ask that you consider the benefits derived from America's commitment to medical research, including a reduction in health care expenditures. Medical research is a budget saver, not a budget buster.

Recent breakthroughs in medical and health sciences have dramatically improved the quality of life for all Americans, and continue to yield cures and new treatments for the debilitating diseases which plague our society. The United States leads the world in the field of biomedical research, and will continue to lead the world only through a national commitment to increase support for the NIH.

Based on this record of success, and the tremendous potential for the future, we support sufficient budget authority and budget outlays to double NIH funding over the next five years, and to provide an increase of $2 billion for Fiscal Year 1999 over the current appropriated level.

We respectfully request that the Budget Committee consider using a combination of sources and funding mechanisms to achieve the doubling goal for the NIH. These funding sources include general revenues, budget surpluses and budget offsets. We also request that the Budget Committee consider establishing a reserve fund to capture offsets from any tobacco settlement for the purpose of funding biomedical research and for other purposes stated in the settlement.

As the House Budget Committee begins preparing the FY 1999 Budget Resolution, we remind you of the historically strong and bipartisan support for the NIH, the world's premier research enterprise. We hope that you will honor our request to provide sufficient budget authority and budget outlays to accomplish the will of your colleagues in the House.

Thank you for your consideration. We look forward to working with you on this historic public health and quality-of-life initiative.

Sincerely,

George W. Gekas, Louise Slaughter, Connie Morella, Martin Frost, James Leach, Randy "Duke" Cunningham, Eni F.H. Faleomavaega, Sam Gejdenson, Anna Eshoo, Cliff Stearns, Joseph Kennedy, Brian Bilbray, Rosa DeLauro, Martin Meehan, James Greenwood, Albert Wynn, Steve Horn, Fred Upton, Jose Serrano, Lois Capps, Gene Green, Jim McDermott, Brad Sherman, Robert Borski, Carolyn McCarthy, Edward Markey, Bobby Rush, Frank Mascara, Dennis Kucinich, Bob Clement, Max Sandlin, Harold E. Ford, Jr., Earl Hilliard, Jerrold Nadler, James McGovern, Nydia Velázquez, Members of Congress.

CONGRESS OF THE UNITED STATES,
Washington, DC, March 24, 1998.

JOIN US IN URGING THE BUDGET COMMITTEE TO MAKE MEDICAL RESEARCH A PRIORITY

DEAR COLLEAGUE: As the House Budget Committee begins the process of formulating the FY 1999 House Budget Resolution, we are writing to ask you to sign the attached letter to Chairman Kasich and Ranking Member Spratt supporting sufficient budget authority and outlays to accomplish two goals. First, to enable the House to provide a $2 billion increase for the National Institutes of Health (NIH) in FY 1999, and second, to enable the House to double NIH funding over the next five years.

Throughout history, the United States has been the world leader in biomedical research. The benefits derived from America's commitment to medical research have led to lifesaving medical breakthroughs, dramatically improving the quality of life for men and women throughout the world, and substantially reducing health care expenditures. Our investment has contributed to the development of innovative medical technologies and made America's pharmaceutical and biotechnology industries second to none.

Research has demonstrated that many diseases can be prevented, eliminated, detected or managed more effectively through a vast array of new medical procedures and therapies. The devastation once caused by polio has been virtually eliminated in most of the developed world. For the first time in history, overall death rates from cancer have begun a steady decline in the United States. Genetic research has enabled Americans to learn if they are more likely to develop osteoporosis, breast cancer, Lou Gehrig's disease, sickle-cell anemia, or some other disease. People with Parkinson's disease, diabetes, Alzheimer's disease, AIDS, and other ailments are living longer, healthier lives. But there is much more for us to learn, and much more we can do to enhance the quality of life for America's ill, frail, and disabled.

America's historic dedication of resources to biomedical research has had a real and lasting impact on our lives and those of our parents, children and grandchildren. The health and well-being of future generations depends upon strengthening our dedication to the principle that the federal government, in partnership with the private sector, has a legitimate role to further the advancement of science.

Turning those discoveries into new methods of treating disease will make every American a beneficiary of these monumental achievements. We ask you to join this effort by agreeing to sign the attached letter to Chairman Kasich and Ranking Member Spratt. To co-sign the letter please contact Seth Johnson in Congressman Gekas' office at x54315.

Sincerely,

GEORGE W. GEKAS.
ANNA ESHOO.

A full exposition of our plans to double the funding for NIH would not be complete without mentioning some key entities that have helped us all along in bringing to the floor all the special problems and special opportunities that we have as the research community begins the work of the 21st century.

We have four research societies that make up the Joint Steering Committee for Public Policy. They are the American Society for Cell Biology, American Society for Biochemistry and Molecular Biology, Biophysical Society, and the Genetics Society of America, chaired by Dr. Eric Lander of the Whitehead Institute at MIT, Director of the Human Genome Project. They have provided us a science advisor, Dr. Michael Bishop, who was co-recipient of the Nobel Prize with NIH Director Harold Varmus. This umbrella group helps us put on these biomedical research caucus, luncheon briefings, and other special projects that have heightened the level of understanding among Members of the House as to what progress is being made on all these.

By the way, Mr. Speaker, you should know that, in these biomedical research luncheons, not only do Members come but the real important people of the House of Representatives attend, the staffers, the staffers who are charged with the responsibility in their respective Member's offices to discharge the issues of health for their Member, for their congressman, attend these luncheons regularly and become well updated on all the advances that we have made and which the research community has produced.

We also have the Federation of American Societies for Experimental Biology which issues news bulletins on advances made on a regular basis; and, just recently, they provided for us a whole series of statements on some of the progress that has been made.

Some of their goals are to have the NIH increase its investment in collaborative translational investigations by supporting more grants engaging both basic and clinical biomedical scientists as co-investigators. These are the wool from which the whole cloth is being constructed to try to hone in on and concentrate on eradicating disease from the face of the earth.

We also have lists of research opportunities, if we double this effort, from the Campaign for Medical Research, from the Joint Steering Committee for Public Policy, as we have mentioned, and from various sources that are implicitly and explicitly involved in what we intend to try to accomplish.

Mr. Speaker, I include that list that we have of the cosponsors to H. Res. 363 urging the Committee on the Budget to double the funding for the Record:

44 COSPONSORS

Rep. Porter—02/12/98.
Rep. Morella—03/05/98.
Rep. Stearns—03/05/98.
Rep. Pickering—03/05/98.
Rep. Towns—03/05/98.
Rep. Kennedy, P.—03/05/98.
Rep. Cooksey—03/05/98.
Rep. Eshoo—03/16/98.
Rep. Moakley—03/16/98.
Rep. Green—03/16/98.
Rep. Kennelly—03/16/98.
Rep. Davis, D.—03/16/98.
Rep. Faleomavaega—03/16/98.
Rep. Pelosi—03/24/98.
Rep. Clay—03/24/98.
Rep. Bachus—03/24/98.
Rep. Gutierrez—03/24/98.
Rep. Gonzalez—03/24/98.
Rep. Greenwood—03/25/98.
Rep. Filner—04/01/98.
Rep. Fattah—04/21/98.
Rep. Gejdenson—04/21/98.
Rep. Frank—03/05/98.
Rep. Coyne—03/05/98.
Rep. Cunningham—03/05/98.
Rep. Evans—03/05/98.
Rep. Clayburn—03/05/98.
Rep. McCarthy, C.—03/05/98.
Rep. Kennedy, J.—03/16/98.
Rep. Boehlert—03/16/98.
Rep. Peterson, J.—03/16/98.
Rep. Pallone—03/16/98.
Rep. Woolsey—03/16/98.
Rep. Mink—03/16/98.
Rep. Callahan—03/24/98.
Rep. Bentsen—03/24/98.
Rep. Furse—03/24/98.
Rep. Farr—03/24/98.
Rep. Sanders—03/24/98.
Rep. Bilbray—03/24/98.
Rep. McGovern—03/25/98.
Rep. Spence—04/01/98.
Rep. Rush—04/21/98.
Rep. Jenkins—04/21/98.
Rep. Baldacci—4/28/98.

Suffice it to say, again, if indeed the United States continues to be and wants to remain the leader in the world of pharmaceuticals, of biomedical research, biotechnological advances, of all the efforts made towards one goal, to eradicate disease from the face of the earth and to remain the chief spokesman in the world and the chief entrepreneur in these enterprises, then it is a natural gigantic step for us to double the funding for the National Institutes of Health. We trust that the Members of Congress will see it as clearly as we do and help us in this effort.

Mr. PORTER. Mr. Speaker, I am very pleased to speak on the importance of doubling funding for the National Institutes of Health.

In my judgment, basic biomedical research, funded through the National Institutes of Health, is one of our Nation's highest priorities. The work performed by the scientists at the NIH campus, as well as those scientists who are funded by the NIH at our Nation's premier academic institutions and nonprofit organizations, is vitally important. Their commitment to battling disease has provided signficiant hope for the prevention, treatment, and eventual eradication of disease in the future.

There is hardly a more vital endeavor. Biomedical research lengthens and improves the quality of life for every American—indeed, for every human on this planet. Our country's continued lead in biomedical research—we are the envy of the world in this regard in both basic and applied research—means higher economic growth and the kind of high-tech, high paying jobs for our children and grandchildren that we want. Indeed, biomedical research is the best investment our Government makes because it pays for itself thousands of times over in terms of health care cost savings. The savings from one discovery—the Salk vaccine—has paid for all the costs of NIH over its entire 50 year history and there have been thousands, tens of thousands, of such discoveries. In addition, basic research, the kind most often pursued by NIH and NIH grantees will only be funded by Government; there is no immediate profit motive. Finally, scientific opportunities have never been greater. If we fail to find the resources to take advantage of them, we risk the lives and health of our people and all of the dear economic advantages of our leadership.

I serve as chairman of the Appropriations Subcommittee which funds the National Institutes of Health—as well as the Departments of Education, Health and Human Services, and Labor. Because there is such potential for real progress in treatment, cure, and prevention of disease through NIH research, I'm committed to providing NIH Director, Dr. Varmus, the resources he and his colleagues need to advance their work.

Over the last several years, we have achieved great success in doing just this. In fiscal year 1996, despite tremendous budget battles, and frankly, little support from the administration, the Congress provided the NIH with a 5.7 percent increase. For FY97, we increased the NIH by 6.9 percent, and in 1998, by 7.1 percent to nearly $13.65 billion.

Over its 50-year life, the annual real rate of increase in the NIH funding has been about 3 percent. But despite these strong increases the number of research proposals funded is barely keeping up with the number of promising proposals that are available. Because the opportunities in science are unprecedented, I strongly urge doubling Federal funding for all basic research over 5 years. With this strong commitment, the NIH will be able to pursue many more scientific opportunities that currently go unfunded.

The goal of finding a cure for the diseases that touch every individual in our society is an objective that should be above political partisanship and economic and social divisions. I urge my colleagues to work for this noble goal by viewing the NIH as a whole, the sum of extraordinary science that transcends the artificial boundaries of institute and seeks to cure or alleviate all diseases that afflict humankind.

Mr. BENTSEN. Mr. Speaker, I rise today to express my strong support for maximizing funding for biomedical research through the National Institutes of Health (NIH). I believe that our Nation must increase this investment to capitalize on recent medical advances and ensure that the NIH has the necessary resources to conduct cutting-edge research on diseases such as heart disease, diabetes, cancer, and AIDS.

I believe that doubling the NIH budget is the best approach to meet this goal. In the coming weeks, I plan to offer an amendment in the House Budget Committee to double the NIH budget. As we know, President Clinton has proposed a Fiscal Year 1999 NIH budget of $14.8 billion, an increase of $1.15 billion or 8 percent. The President also proposed increasing funding for biomedical research by at least 50 percent from 1999 to 2003. The President's proposal represents a good starting point, but Congress must make biomedical research an even higher priority, as we have in recent years. The Senate budget resolution includes a 11-percent increase in NIH funding, to add $1.5 billion to the NIH budget. I believe the House budget should include at least the Senate level of funding and preferably the $2 billion increase called for in House Resolution 363, which was introduced by our colleague Mr. GEKAS and which I am cosponsoring.

Doubling the NIH budget is necessary to ensure that we are meeting the research needs of our scientific community. The NIH supports the work of more than 50,000 scientists within the United States. Yet, on average only one in five of peer-reviewed NIH grants are funded. We need to increase the number of peer-reviewed grants so that more life-saving and cost-effective treatments and therapies can be discovered. In addition, in this age of managed care, the NIH must increase its budget to ensure that clinical trials continue. Academic health centers, where many of these trials are conducted, have traditionally used surplus revenues from patient care to supplement federal funding. With managed care, these surpluses are disappearing just as our scientific community is ready to develop new treatments and therapies for cancer and other diseases. With this added investment, more scientists would be able to conduct research that will reduce health care costs and save lives.

I believe that investment in biomedical research is cost-effective for taxpayers. A recent National Science Foundation study found that advances resulting from government investments in research and development, totaling about $60 billion a year, has produced big results. This study found that more than 70 percent of scientific papers identify government funding, not private research funding, as critical to new patents and biomedical discoveries.

I also believe that investing in the NIH helps our economy to grow. For every dollar spent on research and development, our national output is permanently increased by 50 cents or more each year. The government funds the basic research which biotechnology and pharmaceutical companies use to create new therapies and treatments for cancer, diabetes, and heart disease.

As the representative for the Texas Medical Center, one of our Nation's premier research centers, I have seen firsthand that this investment is yielding promising new therapies and treatments for all Americans. During a recent tour at the Texas Medical Center, I reviewed a gene therapy project which is helping to map the human genome. With this new information researchers hope to understand the genetic basis for disease and provide new therapies by fixing genetic abnormalities.

I strongly urge Congress to provide maximum funding for the NIH and urge my colleagues to support this effort.

Mr. BILIRAKIS. Mr. Speaker, As chairman of the Health and Environment Subcommittee, which has jurisdiction over the National Institutes of Health (NIH), I want to take this opportunity to express my strong support for increasing Federal funding to support the vital, life-saving research performed by NIH experts. I recently endorsed a proposal to double Federal funding for the National Institutes of Health (NIH) over the next 5 years.

On March 26, my Health and Environment Subcommittee held a hearing on new developments in medical research. This hearing was an important opportunity to learn more about the NIH priority-setting process and ongoing research efforts related to a number of specific diseases.

At this hearing, we heard testimony from a distinguished group of witnesses, including Muhammad Ali, National Spokesman for the National Parkinson Foundation, Dr. Harold Varmus, NIH Director, and representatives of patient groups. While advocating different approaches to disease research funding, all agreed on the need to provide more money for biomedical research.

To that end, I recently introduced H.R. 3563, the Biomedical Research Assistance Voluntary Option or "BRAVO" Act. This bipartisan measure would allow taxpayers to designate all or a portion of their Federal income tax refund to support NIH biomedical research. These taxpayers would be entitled to a charitable deduction under existing provisions of the Internal Revenue Code.

Under my bill, funds designated by taxpayers for use in biomedical research would be transferred by the Treasury Department to the gift fund of the National Institutes of Health. The bill specifically states that transfers to the gift fund may not offset amounts that otherwise would be appropriated for the National Institutes of Health.

In addition, my bill would give the Treasury Department flexibility in developing regulations to implement the Act. The bill would only require the designation to be made either on the first page of the return or on the page bearing the taxpayer's signature.

Passage of the BRAVO Act will help channel additional funds to support the critical research efforts ongoing at NIH. I remain committed to working with my colleagues to achieve the goal of doubling Federal funding for NIH over the next 5 years.

Mrs. MORELLA. Mr. Speaker, I am pleased to join my colleague from Pennsylvania, Congressman GEKAS, in this important special order on the critical importance of biomedical research funding. The National Institutes of Health (NIH) is located in my congressional district, and I am proud to represent this premier biomedical research institution.

Tonight, we are devoting this special order to the goal of doubling the NIH budget over the next 5 years. The NIH, the world's leading biomedical research institution, is one of the great success stories of the Federal Government. Our current $13.6 billion investment in biomedical research is a real "bang for the buck"—saving lives and reducing health care costs, while improving the quality of health care and creating jobs and economic growth.

The historical support of the NIH by Congress and both Republican and Democratic administrations has produced a comprehensive network of more than 50,000 scientists and technicians at more than 1,700 research universities, academic medical centers, and institutions throughout the United States.

NIH-sponsored research provides economic returns of incalculable value. The spawning of the biotechnology revolution is beyond question, with increased sales in 1996 of $10.8 billion (a 15 percent increase over 1995) and the addition of 10,000 new high-tech jobs to our national economy. In 1993 alone, NIH contributed nearly $45 billion to the U.S. economy and over 726,000 jobs. Our country's economic leadership has been secured in large part by our ability to translate scientific discoveries into new product development for export.

However, many Americans still face life-threatening health problems, and new medical challenges constantly arise. For most of these conditions, research offers the best, and, in many cases, the only hope. In recent years, NIH-sponsored research has produced major advances in the treatment of cancer, heart disease, diabetes, HIV/AIDS, rheumatoid arthritis, and mental illness that have helped save hundreds of thousands, if not millions, of lives.

Currently, fewer than one-third of reviewed grants are funded. Our failure to improve this ratio will cause important scientific leads to be delayed or lost. It will also deter young, talented scientists from careers in biomedical research. The resulting loss in scientists and new ideas could endanger U.S. competitiveness.

Funding biomedical research through the NIH is today's investment in America's future. We must make a substantial commitment now if we are to ensure the future health and economy of our Nation.

As I have for the past several years, I circulated the congressional funding letter, along with Congressman JOE KENNEDY, urging the Appropriations Committee to provide a 15-percent increase for the NIH for Fiscal Year 1999, the first installment toward our goal of doubling the NIH budget. I am pleased to report that we had more than 80 co-signers on this bipartisan letter.

I am also pleased to be a cosponsor of the resolution, introduced by Congressmen GEKAS and PORTER, expressing the sense of Congress that the NIH budget be doubled within 5 years. I also co-signed the letter to Budget Committee Chairman JOHN KASICH, urging that the budget resolution provide an adequate allocation to the Labor-Health and Human Services-Education Subcommittee in order to allow such an increase in funding.

Mr. Speaker, I look forward to continuing to work with my colleagues here tonight to substantially increase our commitment to biomedical research.

Mr. CUNNINGHAM. Mr. Speaker, I rise today to join my colleague from Pennsylvania (Mr. GEKAS) in addressing the critical need for increased funding for the National Institutes of Health (NIH).

I am submitting letters from my constituents who have shared with me the importance of NIH funding to their lives. These letters eloquently make the case for increased NIH funding.

Again, I want to thank my colleague from Pennsylvania for leading this debate tonight and encourage all my colleagues to support increased funding for NIH.

ARTHRITIS FOUNDATION®,
San Diego, CA, April 24, 1998.

Hon. RANDY CUNNINGHAM,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE CUNNINGHAM: This is to share our concerns and express the importance of doubling the funding to the National Institutes of Health (NIH). Funding research is critical to addressing the causes, treatments, and prevention of arthritis, musculoskeletal and skin diseases. Over 40 million Americans have some form of arthritis and it is predicted that by the year 2020 that number will increase to 60 million.

Arthritis occurs at all ages, destroys the quality of life for people who have it, and requires medical care over long periods of time. The current economic costs are estimated to be at least $143 billion. Arthritis and related diseases are the most common causes of chronic illness in the United States and are the leading causes of time lost from work.

Arthritis researchers are making great strides in understanding these diseases. Some of the advances sponsored by NIAMS include: new understandings of the roles of immune system abnormalities, infectious agents, and genetic factors in rheumatoid arthritis; development of new experimental treatments for osteoarthritis, significant insights into the specific genetic factors involved in lupus; and improved total hip replacement materials and techniques that have enhanced quality of life and productivity for many people.

While these are significant advances, we need to continue to support researchers and new investigators so that more answers can be found to reduce the incidence and prevalence of arthritis.

The Arthritis Foundation spent $16 million in 1997 on arthritis research and has committed to more than doubling that amount to $37 million by the year 2000. Please support our commitment by doubling the funding to NIH so that we can work together towards finding a cure for and prevention of arthritis.

Your time and efforts are greatly appreciated by all who have arthritis.

Sincerely,

JULIE SCHWARTZ,
Associate Vice President.

UNIVERSITY OF CALIFORNIA, SAN DIEGO,
April 27, 1998.

Hon. RANDY "DUKE" CUNNINGHAM,
House of Representatives,
Washington, DC.

DEAR DUKE: I am writing to urge you to support the goal of doubling the budget of the National Institutes of Health (NIH) in 5 years, and to specifically support a $2 billion increase in the NIH appropriation for FY99. Such action will be an important step towards expanding one of our country's greatest assets, namely the biomedical research supported by the NIH.

To remind you, Federal support of biomedical research and the NIH is of crucial importance to the health and vitality of the people in our country. Historically, this type of research has led to, and continues to lead to, new treatments for previously incurable diseases, as well as new and lower cost treatments for already treatable diseases. Both types of breakthroughs are of crucial economic benefit to the country (imagine the cost of caring for people afflicted with polio if a vaccine had not been developed with federal support). Both types of breakthroughs also reduce much needless human suffering. In addition, biomedical research will be a critical component in the long-term solution of the Medicare financial crisis. Expensive, and ultimately treatable diseases of the elderly such as Alzheimer's, diabetes, and cancer play a large and growing role in skyrocketing medical costs to our society.

Biomedial and other scientific research are also both economical drivers; they create knowledge and insights that lead to new inventions, new companies, innovation, and economic growth. Research supported by the NIH is the main engine that drives the increasingly important Biotechnology industry in this country, and will continue to do so in the foreseeable future.

I also want to point out that the health and quality of life of our citizens is just as much a national security issue as is military defense. Surely, the battle against viruses, bacteria, cancer and other debilitating diseases is just as important to the security of all of the American people as is our vigilance against threats from abroad.

Finally, I want to note that increased funding for NIH research is likely to be supported by the vast majority of your constituents. Recent polls found that 9 out of 10 Americans believe that we are not spending enough on medical research; they overwhelmingly favor medical research over environmental, defense, or energy research. In addition, there are data to support the view that Americans are willing to pay for biomedical research. For example another poll found that 71% of Americans would be willing to pay 1% more for insurance if there were some way to funnel the revenues exclusively to biomedical research.

This is a crucial time in our country's history. The 21st century has the potential to be the golden age of medicine and human health. We must not waver from our determination to make our country the healthiest and wealthiest ever. Biomedical and other scientific research is one of the most time-tested methods for achieving these ends. Your support will help us to achieve these important goals.

Sincerely,

LAWRENCE S. B. GOLDSTEIN, PH.D.

UNIVERSITY OF CALIFORNIA, SAN DIEGO
April 24, 1998.

Hon. RANDY CUNNINGHAM,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN CUNNINGHAM: I understand that you're going to participate in a discussion of the NIH budget on April 28, and I'm writing to urge you to support as strongly as possible the initiatives of the Congress, as well as the Administration to increase the budget allocation for NIH for the next fiscal year. Finally the public realizes that NIH is a magnificent national success story. The United States is leading the world in biomedical research and for the first time in years, morbidity by cancer and cardiovascular diseases is decreasing. The Human Genome Program promises a true avalanche of useful information for diagnostic and follow-up of human diseases and advances made in cellular and molecular medicine continue to be unusually exciting, often leading to practical applications in biotechnology, as well as in the pharmaceutical industry. It would be highly regretful if for myopic financial consideration the momentum we have achieved in biomedical research will be lost. I thank you in advance for your support. I'm available for additional information, if needed and, I remain,

Gratefully yours,

GEORGE E. PALADE, M.D.
Professor, Division of Cellular and Molecular Medicine.

UNIVERSITY OF CALIFORNIA, SAN DIEGO,
April 28, 1998.

Hon. RANDY "DUKE" CUNNINGHAM,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE CUNNINGHAM: I am writing to thank you for participating in the floor discussion on doubling the NIH budget tonight. As a research scientist, I know first hand the many benefits that biomedical research provides for this country. The federal government's support of basic science has led to spectacular advances in health while also contributing to our national economic growth. Investment in medical research is the first and critical step in prevention, treatment, and control of disease, which in turn will lead to longer, healthier, and more active lives. However, many Americans still face life-threatening health problems, and new medical challenges are arising. For most of these conditions, research offers the best and in many cases the only hope.

I want to thank you for supporting the effort to substantially increase our investment in biomedical research, which is critical to the health and well-being of our nation.

Sincerely yours,

SCOTT D. EMR,
Professor of Cellular and Molecular Medicine.

APRIL 27, 1998.

Hon. RANDY "DUKE" CUNNINGHAM,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE CUNNINGHAM: I would like to strongly encourage you to support the goal of doubling the budget of the National Institutes of Health (NIH) in 5 years, and, in particular, to support a $2 billion increase in the NIH appropriation for FY99. The opportunities for advances in biomedical sciences over the coming decades are unparalleled. The United States has provided worldwide leadership in biomedical science research over the years primarily because of the visionary decision to establish the National Institutes of Health in the 1940's. No other country has done this.

The opportunities in the decades ahead are extraordinary as we see a merging of technologies in the physical, chemical and computational sciences and their applications to biology and disease. Whereas we have made advances with telescopes and rockets that probe the universe in the past, we are now poised to make equivalent progress by focusing our microscopes inward to cells and molecules. An investment in the NIH is not only a sound investment in the benefits it will reap for treating disease, for curing disease, and for eradicating pathogens, it is also a sound economic investment. Not only will it reduce health care costs, the basic science that has grown from basic biomedical research supported by NIH has fueled our rapidly growing biotechnology industry. Once again we are undisputed world leaders. We must continue to lead.

Federal support of biomedical research and the NIH is of crucial importance for the health and vitality of the people in our country. Historically, this type of research has led to, and continues to lead to, new treatments for previously incurable diseases, as well as new and lower cost for treatments. Both types of breakthroughs are not only of crucial economic benefit to the country, but also reduce much needless human suffering. Biomedical and other scientific research are also both economic drivers; they create knowledge and insights that lead to new inventions, new companies, innovation, and economic growth. As indicated above, research supported by the NIH is the main engine that drives the increasingly important Biotechnology industry in this country, and will continue to do so in the foreseeable future.

This is a crucial time in our country's history. The 21st century has the potential to be the golden age of medicine and human health. Our ability to realize this vision depends on the creative leadership of you and your colleagues. Your support will help us to achieve these important goals and is greatly appreciated.

Sincerely,

SUSAN S. TAYLOR, Ph. D.

APRIL 27, 1998.

Hon. RANDY CUNNINGHAM,
Rayburn House Office Building,
Washington, DC. 20515.

DEAR REPRESENTATIVE CUNNINGHAM: Alzheimer's disease is one of the greatest threats to the personal and financial security of most Americans as they reach their retirement years. It is also one of the greatest threats to Medicare and Medicaid. Today, 4 million Americans have Alzheimer's. Most of them are Medicare beneficiaries; on an average, the cost to the Medicare system is almost 70% more than beneficiaries who are not cognitively impaired. This is true even though Medicare does not pay for most of the care they need. Nearly half of the Medicare beneficiaries also receive Medicaid, because they have used up all of their own resources paying for long term care.

By the time the baby boomers reach the age of greatest risk in the next century over 14 million Americans will have Alzheimer's disease. It is hard to see how we can save Medicare and Medicaid for future generations if we let that happen.

There is an answer to Alzheimer's disease and to other costly diseases. The answer is medical research. Scientists now know that changes in the brain start as much as 20 years before the disabling symptoms of Alzheimer's appear. That means that in most of the baby boomers who will eventually get Alzheimer's, the disease process has probably already begun.

The progress that has been made in Alzheimer's research in the past decade is truly remarkable. But just when the path to real answers to the disease is becoming clear, the funding for Alzheimer's research has slowed to the point that scientists cannot begin the important work on prevention that must begin today if we are going to save the baby boomers from the disease.

If we can delay the onset of Alzheimer's disease for even 5 years, we can reduce the incidence of Alzheimer's disease in half and save as much as $50 billion in the annual cost of care. That is one of the best investments in the future that Congress can possibly make.

Time is running out! That is why the Alzheimer's Association is asking Congress to increase funding for Alzheimer's research this year by $100 million, and to increase the overall funding for NIH by at least 15%. Thank you for your support of cause.

Sincerely,

RON HENDRIX.

PS: My father died of Alzheimer's disease on December 26, 1997, after 10 long hard years. My mother died 7 years earlier due to stresses brought upon by caregiving. I don't want my children to face this disease. Please help!

APRIL 27, 1998.

Hon. RANDY CUNNINGHAM,
U.S. House of Representatives,
Washington, DC.

DEAR MR. CUNNINGHAM: Along with 2,500,000 other Americans, a thief resides in my home, robbing my eleven year old son Skyler of his health, his ability to learn, his self-confidence, his personal safety, and perhaps, one day, his life. The intruder is epilepsy, a brain disorder that presents in the form of seizures. Epilepsy can affect anyone; any gender, any ethnicity, at any age, at any time, and in 30% of all cases, the cause remains unknown.

Modern treatments are successful in fully or partially controlling seizures in about 85% of cases. Unfortunately, my son is counted in the additional 15% for whom all known medical treatments have been tried and failed. Skyler has been on every seizure medication available in the world, including clinical and compassionate use trials. At times it has been difficult to distinguish which were worse, the seizures which assault his brain and body, or the drugs which cause him to lose his balance, his speech, his kidney and liver functions, and at times, his will to live. He has undergone obscure medical therapies such as steroid injections, immuno-globulin transplants, and ketogenic diets. And still Skyler has debilitating seizures everyday of his life.

Mr. Cunningham, research holds the only hope that my son might live a productive and meaningful life. New medications with fewer side effects are desperately needed. Research alone holds the key to treatments for epilepsy and many other catastrophic brain diseases and disorders. Congress must increase the federal commitment to biomedical research by allocating sufficient funding to the efforts at the National Institutes of Health and Center for Disease Control.

Please, on behalf of all Americans who live with the thief epilepsy, like my son Skyler, support initiatives to double the total national commitment to medical research from all sources. It is Skyler's only hope.

Sincerely,

TRACEY J. FLOURIE.

APRIL 26, 1998.

DEAR CONGRESSMAN CUNNINGHAM: I have a beautiful, lovable 13 year old daughter, Cassady, who was diagnosed with Insulin Dependent Diabetes when she was 10. She did nothing to cause it. It is still a mystery why certain people get type I diabetes. She is a normal 13 year old; she loves to go to movies, talk on the phone with friends, play softball, basketball and soccer, figure skate, play piano and go to our church's youth group.

This could happen to anybody. We do not know of any diabetes in my husband's or my families.

We say prayers every night and when she was first diagnosed, she would pray for God to help her get over the diabetes. I had to tell her the bad news: once you get insulin dependent diabetes (Type I), it never goes away. Every day for the rest of her life she will have to prick her finger and test her blood from 4 to 6 times a day and inject insulin from 3 to 5 times a day. And the insulin must be done in proper dosages and at proper times or she will die. That is until there is a cure. Diabetes can have a horrible effect on these children's bodies. One of every 7 dollars in health care and one of 4 Medicare dollars are spent on diabetes and its complications.

So what is the answer? Research to find a cure. These two reasons: (1) to reduce the human suffering and deaths, and (2) to save the billions of dollars that are spent treating diabetes and its complications. Sixteen million Americans have diabetes. (That's Type I and II.)

That is why, as a mother, I feel it is important to join with the many parents and volunteers at the Juvenile Diabetes Foundation is urging a 15% increase in NIH funding this next year and a doubling of the NIH funding in the next 5 years. Thank you for all you are doing to help. Your compassion and commitment are deeply appreciated.

JANET KINTNER.

TOBACCO REPORT ON TEENS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I want to address a number of issues tonight: first, a very important domestic issue, and that is the tobacco settlement and some recent information that has come out which supports, in my opinion, the need or the suggestion that many of us have made, that we need to move forward quickly and pass a tobacco bill that is very stringent in its effort to try to get after the problem of teen smoking in this country. That basically increases the Federal tax on cigarettes so that the money can be used for these tobacco prevention programs, particularly among young people.

Then I would like to move on from there and talk about a couple foreign policy issues. But I would like to begin with a report that just came out again on the issue of tobacco and teen smoking.

Yesterday, the Surgeon General, David Satcher, released a report. It was prepared by the Centers for Disease Control and Prevention. It is called Tobacco Use Among U.S. Racial/Ethnic Minority Groups. The report is the 24th in a series of tobacco reports that began 34 years ago. It has some very disturbing information in it.

This report's release also, I might add, Mr. Speaker, could not be made more timely in light of what is going on in this House of Representatives on the issue of tobacco settlement.

It is very unfortunate, and I have already said on the floor and I will say again, that Speaker GINGRICH and the House Republican leadership has opposed tough tobacco legislation. Because of their opposition and because they are in the majority and control what happens on the floor of this House of Representatives, tobacco legislation and the tobacco settlement's future is essentially in doubt.

It is not clear at all that we will be able to pass a tobacco bill this year. I want everyone to know, and I think everyone does already, that myself and other Democrats and the Democratic leadership and the Democratic caucus in general are very much in favor of a tobacco bill passing. Because if it does not pass this year, we are going to lose the opportunity to deal with the problem of teen smoking in the United States.

Getting back to the report that was released yesterday by the Surgeon General, it makes a compelling case, I believe, for passing a tough tobacco bill.

In a letter to Members of Congress that accompanied the report, the Surgeon General explained, and I quote, smoking is the leading cause of preventable death in the United States. Certain racial/ethnic minority populations remain at high risk for using tobacco and often bear a disproportionate share of the human and economic cost of tobacco use.

Although some recent declines in lung cancer trends are encouraging, we have reason for great concern about reported increases and rates of smoking among African American and Hispanic high school students.

That is in the letter that accompanied the report from the Surgeon General.

The Surgeon General then continues that the report sounds an urgent alarm. If minority tobacco use continues to increase, we can expect severe health consequences to begin to be felt in the early part of the next century. We must use every tool at our disposal to reduce tobacco use amongst racial and ethnic minorities, especially amongst adolescents, and to reverse these frightening trends.

I have to say, Mr. Speaker, if you look at this report, and I actually brought a copy of the report with me this evening, it is a rather thick report, it is a rather thick document, and there is an executive summary, but it does give us some very alarming information.

It says that teen smoking rates grew among all ethnic groups in the 1990s. So even though this is about ethnic minorities, the teen smoking rate grew amongst all ethnic groups in this decade. The smoking rate amongst African American teenagers grew a staggering 80 percent between 1991 and 1997.

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Approximately 20 percent of African American high school students smoke today, and that is one out of every five African American teens. The Surgeon General estimates that if this trend continues, 1.6 million African American children will become regular smokers and 500,000 of them will die as a result of that smoking habit.

I think it is important to note that the increase in the 1990s amongst black children reverses the trend set in the '80s and '70s when smoking rates actually declined.

Among Hispanic teens, the smoking rate rose by 34 percent over this same period. Approximately 33 percent, or one out of every three Hispanic teenagers smokes cigarettes.

Amongst Asian American teens, the smoking rate rose 17 percent between 1990 and 1995; and the overall rate of teens who smoke in the Asian American community is estimated to be about 20 percent.

The report also provides information with regard to Native American teens, the fourth ethnic group examined by the report; and the teen smoking rate rose by 26 percent amongst that group between 1990 and 1995. Approximately 50 percent or one of every two Native American teens smokes.

It is also estimated that about 40 percent of white high school students use cigarettes.

Now, the unfortunate thing about all this is, and we have pointed this out, myself and other Democrats who have been concerned about this issue, is that the tobacco companies clearly see the need to increase smoking amongst teenagers because they are the smokers of the future. If the teen smoking rates decline, then in another 10, 20, or 30 years the amount of tobacco use in the country would significantly decline. So that is the particular reason why the industry targets teenagers. It is also the reason why we must stop them from continuing to do that targeting amongst young people.

As numbers like these continue to roll out, in concert with the documents from the tobacco industry that detail their efforts to target children, I think Republican leaders in both the House and the Senate should not ignore reality and block progress and basically join with the Democrats and particularly with President Clinton in trying to move tobacco legislation in the few months that we have left in this Congress.

Now, of course, we know that the opposite is, in fact, happening. Just last week, Speaker NEWT GINGRICH felt compelled to defend Joe Camel, among all things. He went out of his way to make it known in his opinion that Joe Camel is not the reason why teenagers smoke cigarettes.

Now, we have document after document and report after report being released, many of those reports coming out of my own committee, the Committee on Commerce, and they show the havoc that tobacco has wreaked on our children in the past and the devastation it is causing today, and they clearly show that Joe Camel is part of this effort, that Joe Camel was an effort to essentially target young people. And here we have the Speaker of our House of Representatives defending Joe Camel.

This, I should add, comes shortly after the Speaker picked up the mantle of the tobacco industry itself and blasted the bill authored by his fellow Republican, Senator JOHN McCAIN of Arizona.

I have said before that I admire Senator McCAIN for pushing a relatively tough piece of tobacco legislation. It does not go as far as I would have it go. I think it does not go far enough on the issue of liability for the tobacco companies and some of the issues that Democrats care about. But he is making a bipartisan effort to pass a tobacco bill that deals with the problem of teen smoking; and he should be commended for it, not condemned for it.

Speaker GINGRICH said that, in talking about Senator McCAIN, he said that those people who say that is not a Republican bill, he is talking about Senator McCAIN's bill, they are right. So I guess, from what the Speaker seems to be suggesting, any bill that does not win the tobacco industry's stamp of approval cannot be called the Republican bill. The reality is, it is sponsored by a Republican, and it was passed on a bipartisan basis, and I commend the Republicans who have been joining with the Democrats to try to move this legislation.

This weekend, still more of Senator McCAIN's colleagues took to the airwaves to bash his bill. Again another Republican, Senator ORRIN HATCH, appeared on Meet the Press this Sunday to make it known he, too, does not approve of the McCain bill.

And at the same time that members of his own party continue to publicly squabble about tobacco legislation, the Republican majority leader, Senator LOTT, ironically enough, continues to criticize the President for showing no leadership on the tobacco issue.

I would suggest that Senator LOTT needs to check his facts. The President and congressional Democrats are on the same page. We are all in agreement that the tobacco companies should not be left off the hook.

In fact, President Clinton, when this report that I am making reference to today from the Surgeon General, it was actually released at a press event with the President, where he stood with I think 30 teenagers from the Campaign for Tobacco Free Kids, and he noted the fact that the tobacco industry, in order to survive, has to attract these young people and how wrong it is for them to attract young people. And he has been pushing have very hard for tobacco legislation almost on a daily basis.

To suggest that somehow the President is not supportive of efforts to move a tobacco bill is simply not true.

What I think is going on here is that the Republican leadership is in the process of what I call a work slowdown. There are only about 40 legislative days left in the year in which the Republicans basically have clearly projected their intention to do nothing, and the tobacco bill could very easily be a victim of that. If we do not move something quickly to the Senate floor, out of committee in the House of Representatives, there will not be an opportunity this year to pass a strong anti-tobacco legislation.

With 3,000 kids a day getting hooked on cigarettes, Mr. Speaker, I think it is an awfully high price to pay. We need to move on tobacco legislation.

I know that myself and other Democrats are going to continue to press this until the Republican leadership agrees to move anti-tobacco legislation to address the tobacco settlement and to try to make it possible for us to address the growing problem now of teenage smoking.

NO EXCUSE FOR DELAY IN AID TO NAGORNO KARABAGH

Mr. PALLONE. Mr. Speaker, I would like to now move to a couple of foreign policy issues that I consider very important.

I often talk about Armenia and India because of my position as a cochairman, the Democratic chairman, of the India caucus and also the Armenia caucus; and there are two issues, one with regard to each country, that I would like to address.

With regard to Armenia and the separate Republic of Nagorno Karabagh, which is next to Armenia, I would like to address the need to expedite humanitarian assistance that has already been appropriated to Nagorno Karabagh.

Just by way of background, the Republic of Nagorno Karabagh is a region which has been populated by Armenians since ancient times and which is still an Armenian region known as Artsakh to the Armenian people, but which is claimed by the Republic of Azerbaijan as part of that country's territory.

As I have mentioned in this House on several occasions, the people of Karabagh fought, and won, a war of independence against Azerbaijan. A cease-fire has been in place since 1994, but it has been shaky at best.

The U.S. has been involved in the negotiations intended to pursue a just and lasting peace in this region but, unfortunately, the United States' position has sided with Azerbaijan's claim of so-called territorial integrity, despite the fact that this land has been Armenian land for centuries and the borders which gave the land to Azerbaijan were imposed by the Soviet dictator Joseph Stalin.

Despite the ongoing pressures on Nagorno Karabagh, the people of that mountainous land have built a viable, democratic society. In February, they celebrated the 10th anniversary of the Karabagh movement, the galvanizing moment in the long history of the Armenian people.

But it has not been easy. The people of Karabagh are victims of a cruel and illegal blockade maintained by Azerbaijan. Karabagh's only connection to the outside world is via the Republic of Armenia, which is also the victim of blockades imposed by Azerbaijan and Turkey; and front-line Karabagh defense forces are constantly under attack from Azeri snipers violating the cease-fire, as I witnessed firsthand during my visit to the region just in January of this year.

The humanitarian and infrastructure needs of this area are severe, and I also witnessed that firsthand.

Now, last year, this Congress played an extremely positive and constructive role in helping the people of Karabagh. I want to praise the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations for providing for the first time direct aid to Karabagh in the amount of $12.5 million for humanitarian assistance.

Unfortunately, Mr. Speaker, none of that aid has yet been provided to Karabagh, and that is why I am addressing the House tonight on this issue. I am very concerned that some elements in the administration have misinterpreted the clear intent of Congress that the aid is destined for the people of Karabagh and, instead, are suggesting some of the funds should be diverted to Azerbaijan.

I will be circulating a letter to Brian Atwood, the Administrator of USAID, the Agency for International Development, urging that the funds be provided immediately; and I am also demanding the entire $12.5 million be provided to Karabagh as it was intended by Congress. I hope my colleagues will join me in this appeal as we go around and try to get co-signatures for this letter over the next few days.

It is true that USAID did send a need assessment team to Nagorno Karabagh earlier this year pursuant to the language in the Foreign Ops bill. While the team has reported its findings to Congress, we are still waiting for the aid to be provided.

Give us the aid. It needs to be provided. These people are hurting, and they need the help.

USAID officials have suggested that humanitarian aid will be committed in the near future; but, Mr. Speaker, I wanted to emphasize this aid was appropriated by Congress last fall. So we are talking 6 months for humanitarian assistance that is desperately needed, and there is no excuse for this delay.

While working to get the aid that has already been appropriated to its intended recipients in Karabagh, I am also urging the Subcommittee on Foreign Operations, Export Financing and Related Programs this year to build upon its historic achievement in the fiscal year 1998 bill to earmark assistance to Nagorno Karabagh at $20 million, an increase, and make it even more clear that aid is intended for disbursement within Nagorno Karabagh.

I also hope the subcommittee will consider broadening the scope of assistance to Karabagh to include the rebuilding and reconstruction of infrastructure damaged during the war. I know there are some true friends of Armenia on that subcommittee, and I am hopeful of support for these much-needed funds.

Mr. Speaker, let me say that, having twice visited this mountainous republic, I can attest that it is indeed a functioning society, a fact also attested to by members of the USAID team that visited Karabagh to conduct a needs assessment pursuant to this year's fiscal year 1998 bill.

Unfortunately, the State Department has apparently interpreted the provision of aid to the "victims of the Karabagh conflict", and they have interpreted this language of "victims of the Karabagh conflict", contrary to the intent of the House Subcommittee on Foreign Operations, Export Financing and Related Programs, as referring also to expanding existing funds for Azerbaijan's needy.

While I am concerned about the needy people of Azerbaijan, two things are important to point out: First, U.S. assistance is already being provided to Azerbaijan's needy through nongovernmental organizations, with tens of millions of American funds having been provided over the past few years. And, second, and I regret to say, the government of Azerbaijan has done very little to help the needy population in its rural areas, despite the huge revenues being generated for Baku for development of the Caspian Sea oil reserves. This is a fact that even our own State Department acknowledges.

Finally, Mr. Speaker, I wanted to again stress the importance of maintaining the current ban on government aids to Azerbaijan until that country lifts its blockade of Armenia and Karabagh. This ban was enacted as part of the Freedom Support Act of 1992, and it is a good law.

Now, Congress, unfortunately, is reexamining the issue of the prohibition on aid to Azerbaijan as part of an effort to enhance U.S. engagement in the region. While I am all for greater U.S. engagement in the Caucasus, we must not tinker with this provision. That is Section 907 of the Freedom Support Act.

Unfortunately, some in Congress, the administration and the oil industry are looking to curry favor with Azerbaijan by lifting or at least easing the ban on aid to Azerbaijan. And for the ban on aid to be lifted, Azerbaijan need only lift the blockades of Armenia and Karabagh. Until then, there should not be any consideration of asking the United States taxpayers to support the dictatorship in Baku.

Again, Mr. Speaker, I feel very strongly about this matter, and I think we need to seriously address the fact that this aid has not been coming to Nagorno Karabagh and that, hopefully, if we continue to tell the State Department that they are not doing their job in providing the assistance, they will do so forthwith.

POSITIVE DEVELOPMENTS IN U.S.-INDIA RELATIONS

Mr. PALLONE. Lastly, this evening, Mr. Speaker, I had the opportunity today to visit in New York with the President of India. Some of my other colleagues were there, the gentleman from New York (Mr. ACKERMAN) and the gentleman from New York (Mr. MANTON). Each of us had the opportunity to talk for some time with the President, and I wanted to comment on his historic visit to New York.

He was there to receive an award, I believe at a reception this evening; and he also spent some time at the United Nations. But he, in my conversations with the President, was very optimistic about what has been happening in terms of India and U.S. relations. And those of us who are members of the India caucus, again which I mentioned that I co-chair, are very pleased because we see more and more positive developments in terms of U.S.-India relations.

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Just to mention a few things, just a few weeks ago, one of our former colleagues who is now the U.N. Ambassador, Bill Richardson, visited India along with Rick Inderfurth, who is the Assistant Secretary of State for South Asia, and also some other U.S. officials as part of the first delegation that the President sent to India since the new government was formed just about a month ago. And that trip I commented on last week was a very good trip because it really enhanced good feeling, if you will, between other two countries.

But one of the things that the President of India said today that was very good about the trip or that he appreciated about this trip by Bill Richardson was the fact that the U.S. representatives, including Ambassador Richardson, viewed India independently from the other South Asian countries. In other words, in the past, India has felt that U.S. foreign policy looks at India vis-a-vis Pakistan or vis-a-vis Bangladesh or some of its other South Asian neighbors and does not see it as its own country with its own place, if you will, an important place in world affairs. And that clearly has changed.

When Ambassador Bill Richardson went to India, he made it quite clear that India is a priority of U.S. foreign policy, and it is a priority viewed independently, if you will, because of India's own status in world affairs.

Now, that is not to say that Ambassador Richardson and the others during this visit did not want to increase the dialogue between India and its neighbors in South Asia. Quite the contrary. They stressed during the trip, and the media reported the fact, that they stressed the need for India and Pakistan to resume their dialogue and try to improve their relations. And in fact, today when I spoke to the President of India, he was very optimistic that that indeed would happen, that sometime in the next few weeks or the next few months that the two Prime Ministers of India and Pakistan would meet at the Prime Minister level possibly, at the trade meeting of the SAARC group in July, or maybe even sooner than that, and that this dialogue between the two countries to try to reduce tension and bring not only Pakistan and India but all the countries of South Asia together again economically, politically and maybe even eventually militarily, that this dialogue would continue. So that was a very optimistic aspect of my conversation today with the President that I wanted to mention to my colleagues this evening.

The other thing that the President of India stressed at the meeting today was the need for U.S. support for India to become a permanent member of the U.N. Security Council. Obviously, a big part of his trip today to New York related to the United Nations, and the United Nations is a focal point of India's efforts these days to become a permanent member of the Security Council.

Myself and a number of other members of our India caucus have, in fact, sponsored a House resolution where we express the sense of this Congress that India should be a permanent member of the Security Council, and we are hoping that eventually we can get that resolution passed, but we are also hopeful that the State Department will eventually come around to that point of view.

Again, the President of India was appreciative of the fact that the United States is pushing for an expanded Security Council, but he would like to see the U.S. directly support India's bid for a seat, as would I.

The last thing I wanted to mention in this regard is that when I spoke to India's President today, he was also very much of the vein, and I certainly agree, and I think it has been shown in the last 2 weeks as well, that the trade and business and investment relationship between our two countries, between India and the United States, is also going to move progressively forward.

There was some concern, I think, on the part of American businesspeople that with the new government, the BJP government as we call it, that they might not be as willing to move forward to encourage U.S. investment and more trade or might put up some barriers to U.S. articles, certain U.S. materials or articles coming into India. But that has sort of been put to rest in the last 2 weeks.

India's Finance Minister was in Washington just a short time ago, and he made it quite clear that the new government wants to move forward in terms of U.S. investment, particularly in infrastructure, that the market reforms would continue, that privatization would continue. And I mentioned to the President of India today that this was very important to the United States, and he was of the opinion that we had nowhere to go but forward in terms of increasing our trade and business relationships.

So once again, I just wanted to say in conclusion this evening that what has been happening since the new government was elected in India in March has been very positive in terms of U.S. relations. I believe very strongly that the United States needs to think of India as a priority of its foreign policy and that we need to expand business and trade opportunities with India and basically have our countries work together in almost every area, whether it is political, diplomatic, economic, or even military. And I think we are clearly moving in that direction in terms of the developments that have taken place in the last month between our two countries.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3717, TO PROHIBIT THE EXPENDITURE OF FEDERAL FUNDS FOR THE DISTRIBUTION OF NEEDLES OR SYRINGES FOR THE HYPODERMIC INJECTION OF ILLEGAL DRUGS

Mr. HASTINGS of Washington (during the special order of Mr. OWENS), from the Committee on Rules, submitted a privileged report (Rept. No. 105–497) on the resolution (H. Res. 409) providing for consideration of the bill (H.R. 3717) to prohibit the expenditure of Federal funds for the distribution of needles or syringes for the hypodermic injection of illegal drugs, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3546, THE NATIONAL DIALOGUE ON SOCIAL SECURITY ACT OF 1998

Mr. HASTINGS of Washington (during the special order of Mr. OWENS), from the Committee on Rules, submitted a privileged report (Rept. No. 105–498) on the resolution (H. Res. 410) providing for consideration of the bill (H.R. 3546) to provide for a national dialogue on Social Security and to establish the Bipartisan Panel to Design Long-Range Social Security Reform, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6, HIGHER EDUCATION AMENDMENTS OF 1998

Mr. HASTINGS of Washington (during the special order of Mr. OWENS), from the Committee on Rules, submitted a privileged report (Rept. No. 105–499) on the resolution (H. Res. 411) providing for consideration of the bill (H.R. 6) to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HIGHER EDUCATION ASSISTANCE ACT

The SPEAKER pro tempore (Mr. DEAL of Georgia). Under the Speaker's announced policy of January 7, 1997, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, today is April 28. Tomorrow will be April 29. A major event will take place on the floor of the House of Representatives.

Tomorrow we shall begin the consideration of the Higher Education Assistance Act, the reauthorization of the Higher Education Assistance Act. I think that I would like to proclaim to the American people, to the public, to everybody who cares in this Nation, that this is no small event.

Reauthorization of the Higher Education Assistance Act is a major event. We only do it once every 5 years. And the role of the Federal Government in higher education has been no small one. It is very important. In fact, it is quite unfortunate that there has been so little discussion and so little debate up to this point. We should have had more dialogue, more interaction with the people who are involved, students, faculties, presidents of colleges. It has been a very quiet reauthorization process.

I have been here now for 16 years, and this is the third reauthorization I have gone through, and I have never seen it so quiet. It is part of the process that has been forced upon us by the leadership, the Republican majority leadership here in the House, that everything is kept at a low profile, everything important is kept at a very low profile.

This session, this second year of the 105th Congress, the art of forcing the low profile, the art of forcing a low visibility for important issues has been perfected. Never before have we been in a session where we have had as many recesses as we have had this year, as short a workweek as we have had this year.

A decision was made by the ruling Republican majority that the less visibility this Congress had, the less the people of the United States see their Legistature at work, the better. So we have minimized a very important discussion on education, as we minimize all discussions. We are in a situation now where we have not even passed a budget. And I suppose one is being prepared in secret like everything else. It is a process where most things go on behind closed doors, and very little participation is encouraged.

In the case of the Higher Education Assistance Act, I found it very difficult as a member of the committee, I am a member of the Committee on Education and the Workforce, and I found it difficult to find out how things were moving as the preparation of this very important piece of legislation took place at the committee level. I have heard my colleagues in other committees complain about the same process. Even the Members of Congress are not invited to participate. We have to sort of force our way into the dialogue. Therefore, it is not surprising that the same ruling majority here does not provide opportunities for the public to know very much about what is going on, the voters.

I suppose this is a result of what happened in the 104th Congress in terms of a very well-publicized, highly visible agenda in the form of the Contract with America. We had maximum debate. The Democratic Minority had a chance to answer the proposals put forth by the Republican majority. We had out on the table the intentions of the Republican party, especially in the area of education. They clearly had intentions that were in confrontation with the majority of the American people. They wanted to abolish the Department of Education. They wanted to drastically cut certain education programs, even cut Head Start, school lunches.

It was a situation where we appreciated the honesty of the majority. The majority was honest. They put their cards on the table; and the American people, in their wisdom, rejected them. They knew that these ideas had been rejected as we approached the election date in November of 1996. They knew that with respect to education, they had miscalculated, and they ran very fast and used their power to make amends.

At the last minute during the appropriations process, the Republican majority increased the budget for education programs by $4 billion. Whereas they had been threatening to cut as much as $4 billion in the previous year in 1995, in 1996 they increased it by the same amount, $4 billion increase, instead of a cut. So they understood, they understood through the focus groups, they understood through the public opinion polls all of the barometers that we use to measure opinions and to determine where the voters are. They understood that the commonsense wisdom of the American people was not with them.

Education is a high priority, and anyone who threatens to abolish the Department of Education and greatly cripple the involvement of the Federal Government in education matters has to pay the price for that kind of position. Fortunately for them, and unfortunate for the Democratic Minority, they changed radically at the last minute, and they went out, after giving us a $4 billion increase in education, they went out as the friends of education, as the champions of education.

Unfortunately, in this 105th Congress, that is not the case. The kind of last-minute conversion did not carry over. We are back to business as usual when it comes to the Republican majority. First of all, they have the old proposals for school vouchers and privatization of education on the table with greater gusto than ever before. Block granting and vouchers and all of those old items that did not sit well with the American people in the last Congress have been resurrected. We do not hear any more of the talk of the abolishment of the Department of Education. The extremism is not there anymore. They do not put it out on the table.

If they feel the Department of Education should be abolished, then that is a covert matter; they do not talk about it in public. If they feel that Head Start should be cut, that is a covert matter.

They actually have been very civil in this process of reauthorizing the Higher Education Assistance Act. The Higher Education Assistance Act has come forward. It will go to the floor tomorrow from the committee. And the Republican majority on that committee is to be commended, I suppose, for not proposing any drastic cuts. There are no drastic cuts in the previous higher education programs.

We should rejoice. We should applaud this. Let us give credit where credit is due. The jackals of the 104th Congress that wanted to cut everything have left, basically, higher education assistance alone. We should be rejoicing. And I do rejoice.

On the other hand, as I said, on the occasion of the markup of this important piece of legislation, it is most unfortunate that given the fact that we reauthorize higher education assistance acts only once every 5 years, in a 5-year period, whatever we legislate tomorrow, whatever comes out of our House tomorrow and goes to the Senate and conference and signed by the President, that will be in effect for 5 years.

□ 2000

It is unfortunate that a bill which is going to carry us through the next 5 years into the 21st century and beyond is really a status quo bill. We can applaud the fact that they did not cut anything, we can applaud the fact that there was no attempt to roll back history, but we cannot applaud the fact that there are no innovations in the bill tomorrow, there is nothing new, there is nothing that looks at the 21st century and says that our thrust should be different, our commitment to higher education should be enhanced, we should meet some of the problems that have surfaced and are clear on the horizon, we should meet these problems in this Higher Education Assistance Act or project a way to begin to deal with them. This is a status quo bill.

I complained at the level of the committee and I will complain again tomorrow that it is most unfortunate that at a time when we are enjoying the greatest prosperity the Nation probably has ever known, at a time when there is no war to absorb resources, at a time when the window of opportunity is wide open, we cannot come up with some more creative and imaginative proposals as to how we are going to proceed to educate the population. We have a lot of problems below the level of high school graduation. But certainly we have always committed ourselves and always been praised by for the fact that higher education in America is exceptional. We are ahead of most of the industrialized nations when they begin to make comparisons between the higher education systems among the countries. Not so with our elementary and secondary school systems. But at a time like this when we are ahead and it is clear that our higher education system has played a major role in our ability to quickly take advantage of the scientific revolution and to apply science and technology in many areas of life, including, of course, in the military area where the American people invested billions and billions of dollars in the military research and development, a situation which is very relevant because right now the kind of prosperity we are enjoying is partially fueled and pushed by the revolution in information technology. The companies that are newest and making the greatest amount of money on Wall Street are information technology companies, Intel, Microsoft, you name it, the newest companies, by the way who are not dependent on defense contracts or government contracts, they are all information technology related. That information technology that they have chosen to make great profits off of did not happen overnight and it did not happen by magic. It did not come directly from God. Everything comes from God indirectly but it did not come as a natural resource. It is not like an oil well, striking it rich with a diamond mine or a gold mine. Information technology and the state of the art right now is a direct result of the investment of the American people in great amounts of research and development for military purposes.

Information technology was really developed by the American people through their military services seeking ways to accomplish the jobs that they have to accomplish. The Internet was created by the American military forces. The Internet was created to assist and aid and speed up the exchange of information throughout the world, scientific information. The Internet is the creation of the American people through their military services. Something called the Defense Technical Information Center, another way for saying the world's greatest system of libraries, was created by the Defense Department. One of the by-products of that tremendous system for research and for development was the Internet. We are the beneficiaries of a system which was produced and financed by the American people which was conceived and operated and all the details have been put in place by American science and technology. Yes, we might have had some foreign scientists participate, we will not take that away from them, but basically the technicians and the scientists, the theoreticians and the philosophers who put this great technological revolution together in terms of information technology were products of our education system, mainly our higher education system, our higher education system which is still like all other higher education systems in the world basically an elitist system. Only a small percentage of people go to college. Only a small percentage of people totally still enjoy higher education opportunities throughout the world. That group and what they do and how they do it is critical to the advancement of our society and the continued prosperity that we enjoy. So if we are authorizing a piece of legislation called the Higher Education Assistance Act, then we ought to look at it in terms of this is a critical piece of legislation which will have a great impact on what we are doing in the future, how can we make this a better piece of legislation.

My first concern was that the legislation did not take advantage of an opportunity to increase greatly the amount of opportunities for Americans to go to college. The opportunities need to be increased for many reasons. We need more educated people. It is clear that there is a correlation between the number of educated people and our progress. If that is the case, then there should not be any question about having more people who have college education or higher education opportunities. Maybe some of them will only go to community colleges for 2 years but the principle of the value added, education adds value to everybody who participates, higher education adds very extensive, very great value to anybody who participates in higher education. A person coming out of a higher education institution is going to earn income and really pay back the investment that society has made in them. The person who comes out of a higher education institution is definitely not going to be dependent on subsidies. They will contribute to the process instead of absorbing any resources. We know all of this. It should not be difficult to conceive of the necessity of increasing the number. However, there are some people who balk at the idea that we need more college graduates and we need more college students. There is some notion that always runs throughout deliberations about higher education that, hey, you may get too many educated people and if you get too many educated people, you will drive down the standards and the salaries and the quality of life of the people who are educated. That has been a stream running through decision-making in America for a long time. It is not new. Fifty or 75 years ago they were talking about the possibility of having too many educated people, but it has never happened. We have never yet reached a point where we have too many educated people. People with college degrees may have some difficulty in the job market nowadays or they may have always had some difficulty, but generally they land on their feet, and generally people with college degrees do not end up being dependent on society. It is true now, it was true 25 years ago, it is going to be true in the year 2010.

Right now we are seeing an explosion of the need for people in the information technology sector. Information technology involves work with telecommunications apparatus, computers. It involves a lot of things which require higher education. Most people do not know it, but it also requires imagination, it also requires people who have some conception of spatial relationships, not just in terms of engineering but also in terms of artistic presentations. If you look at Web sites and you look at the kind of things that they are doing with Web sites, you know that these are not just mathematicians, these are not just physical scientists. The successful Web sites are being generated by people with imagination. They have imagination, they have some background beyond math and science or they are working in teams, so a person who is in drama and who is in art illustration or in just social science, understanding psychology of people, they may be on a team of people, some of whom have math and physics backgrounds, to produce what has to be produced in terms of software or in terms of Web sites, et cetera. We do not know, we cannot pick exactly who is going to be most successful in this area. But we should assume that all education can be fitted in somewhere. The psychologist may be as valuable as the physicist. We should have as much education as possible across the whole spectrum. We understood that briefly when the Russians outpaced us in space. The Russians put up Sputnik and began to put up one space rocket and one space satellite after another. We went to work in this country to deal with the fact that you can only compete in that arena if you have more and more people in the area of science. They did not all have to be geniuses and Einsteins. Some were theoretical scientists, some were applied scientists, some were technicians and technologists, some were good mechanics. The entire array of people needed to produce the kind of military hardware and the military processes that matched the Soviet Union and eventually made it spend itself to death in the area of military technology, that was produced through the education process. We understood it then.

We are facing now a situation where there is a survey that tells us that information technology workers are in great shortage. This new revolution, these information technology companies that are producing such great profits on the stock market, these are the places where we have vacancies appearing at a great rate. There is some debate about it but some pretty thorough and credible surveys have been done which shows we are talking about 300,000 people in this area right now who are needed and are not there, 300,000 vacancies exist out there now. That will only get worse, because the reading of the survey of where students are in college, how many are majoring in the appropriate fields, generally what the education pool is in our colleges and universities, that survey leads the information technology experts to project that you may have a million vacancies 5 or 6 years from now trying to cope with an expanded enterprise, not only in business. Right now the great investment is in business. Profit-making businesses want to be on top of the latest technology, information technology. The state of the art is always being sought by these profit-making businesses that have lots and lots of money to spend because they are making great amounts of profit, so the money is being spent now in the business arena. They have not even started yet to really apply information technology en masse to higher education institutions, and further down the public schools which the President, President Clinton and Vice President Gore certainly have seen the vision to include in this information technology revolution. The public schools are way, way down the chain. Even in some places like California where they led the country in showing us how to get schools wired using volunteers and put schools on the Internet, even there we are talking about a situation where every school that was wired by volunteers on a Saturday afternoon, we called them wired if they wired the library and five classrooms. The library and five classrooms was the extent of the wiring. There is a lot more to be done even in the places where we have been most successful. But in my hometown, New York City, and home State, the big cities in New York have nothing close to anything like 10 percent of the schools wired. We have a project going in our area where it has taken us almost 2 years to get 22 schools wired using our volunteers on Saturday. Even with the cooperation of the Board of Education, Bell Atlantic and a lot of private sector people have participated, it is a slow process. Of course in the suburbs surrounding New York City, they have dealt with the process. They have not depended on volunteers. They have wired their schools. They have state of the art media in some of those places. Where the largest number of poor people go to school in the inner cities, we are way behind.

In this Higher Education Assistance Act, my point is we have not taken into full consideration the fact that right now there are tremendous amounts of vacancies in the information technology sector, 300,000 vacancies right now, and a projection that there will be many more, these people have to go through higher education even if it is only 2 years of college in many cases. We have not taken that into consideration. Just to meet that need, we should have special programs in colleges and universities at increasing the number of students in the pool.

□ 2015

We have to replenish the number of doctors and lawyers and MBAs. You know, there is a whole society demanding more and more educated people. One of our biggest exports is not goods but services, the services supplied by experts, and these are experts that come out of our colleges and universities that export services around the world. There will be a more greater demand for services from highly educated people in the future.

Mr. Speaker, let me just recapitulate. I do not want anybody to get lost. I am talking about the fact that there is a great demand for people with higher education, and the demand will increase, and we should have taken that into consideration when we considered this Higher Education Assistance Act.

The act that we will be considering tomorrow on the floor of the House is a status quo bill. It maintains things pretty much as they are. And while we applaud the fact that there are no drastic cuts, it is unfortunate that we have not taken advantage of a window of opportunity to go forward and deal with needs that are obvious in our work force.

I also complained about the fact that, at the time that we considered this bill in our committee, about the fact that the great debate right now with respect to affirmative action and the problem of trying to provide diversity on higher education campuses by taking into consideration certain matters that go beyond just the scores on the SATs and the averages in courses in high school and that great debate, which is escalating, and certainly in California, has led to some real disasters in terms of the policy changes made by the board of regents of California.

You have a drastic reduction in the number of Hispanics and African American students who are in the higher education freshman class. You have an even more drastic reduction in the higher education graduate institutions. Texas has had a similar problem, and across the country there are more discussions and referendums and policy changes now in process with respect to ending efforts to promote diversity by considering the ethnicity of a particular student and the need to achieve balance in the student body.

If we are going to go that route, and there are people who argue that affirmative action is not good, but if we have proposals and programs that seek to provide more help for people who are disadvantaged, people who need help because they are poor, well, that is across the board. You know, consider race. You do not consider ethnicity, you just consider the fact that they are disadvantaged, they need help, that that is the way to go.

I have heard proponents of ending affirmative action. The people want very much to end affirmative action, including the Speaker of the House. They argue that we do not want any consideration on the basis of ethnicity. Let us forget about the 232 years of slavery and the descendants of slavery who did not have a chance to accumulate any wealth, and if you did not have a chance to accumulate any wealth, the whole family structure and the whole supportive atmosphere that breeds, that creates, middle-class people who are more successful in the formal education structure, forget about that they said.

Let us just consider everybody equal and take care of those who happen to be unfortunate economically all across the board so that white poor and the African American poor and the Hispanic poor are all treated equally.

I do not concede that affirmative action is not important. I do not concede you should forget about 232 years of slavery and the impact of that on the descendants of slaves, the impact of a hundred and some years of oppression as second-class citizens that followed the Emancipation Proclamation and the 13th, 14th and 15th amendments. I do not concede that, but let us for a moment lay it aside. Let us consider the arguments that are made by these people who want to get rid of affirmative action. They say they are ready to be fair to everybody.

If you are honest about that assertion, then you will create more opportunities. We should be considering how the Education Act, which had a tremendous increase in the amount of money available in order to create more opportunity for more people regardless of their race, creed or color.

We should have the Pell grants greatly increased. They are increased somewhat, but the Pell grants should be greatly increased in terms of the number of people covered. The amount for Pell grants, the number of people covered should be greatly increased.

We should have great increases in all of the loan programs, in the TRIO programs and every program that is designed to promote higher education. Because we should anticipate a great increase in the number of students coming in who have been denied an opportunity because of the fact that they are poor.

That requires money, that requires appropriations and commitments. In the authorization of this bill, we have not dealt with that.

Oh, yes, there is a lot of money involved here, but it is status quo, you know. It is taking into consideration the fact that we are throwing out affirmative action programs and, therefore, the affirmative action programs ought to be replaced with greater opportunity programs. There should be more opportunity programs.

You know, consider the constellation that we are dealing with here. In America now, there are roughly about 15 million students in college and universities, 15 million students in colleges and universities. That includes the community colleges and senior colleges. In America right now, there are about 3,688 institutions of higher learning, community colleges, senior colleges, et cetera.

Right now, the expenditures of the State and local governments for higher education is approximately $89 billion per year. These may seem like big numbers, but the cost, the amount we are spending per student in our public institutions supported by State and local governments and by the Federal Government, the Federal Government expenditure I think is around $38 billion for cash, programs receiving cash directly, and another $40 billion if all the tax credits and various new programs that have been established are utilized.

You are talking about $38 billion, $40 billion. That is a lot of money, a lot of commitment. $38 billion, $40 billion, you know you are talking about nearly $80 billion of federal assistance, $89 billion is expended by State and local governments. I suppose that comes to, you know, $169 billion, a lot of money.

But what is our defense budget? How much money do we spend on defense? It is way, way up there at $200 billion, almost $300 billion. Combined events in intelligence, you are talking about $300 billion on defense and intelligence.

So you can only compare. These figures will drown you. You will get lost quickly if you do not make comparisons. You can only compare, determine the value of what is being spent and get some perspective if you look at what modern costs are in other areas. What are we spending in defense? Close to $300 billion. $89 billion at the State and local level for higher education and another $80 billion probably at the Federal level.

It seems like a lot of money, but in terms of modern costs it is not a very great expenditure.

How much does the cigarette industry make in billions of dollars per year? I mean, in terms of modern costs, our commitment to higher education is, I assure you, nothing staggering.

City University in New York, City University of New York, which probably has one of the best bargains in education, we educate students in City University for less than $20,000 per year. I think that the recent budget cuts, they have had steady budget cuts for the last 20 years. This is a university that has been squeezed and pushed and manipulated and very badly treated by the people who appropriate funds over the last 20, 25 years.

City University, the cost of educating one student is about $20,000, and you might say $20,000 per year to educate a student. Well, Harvard and Yale is the Ivy League. Students are above $30,000 and climbing, and you might say those are large amounts of money, but compared to what?

The taxpayers of America spend $120,000 per student to educate students who go to West Point. Let me repeat that figure so you will understand what I said, and I had it checked and double checked, and this is not the military training. Military training takes it up to the $200,000 range. Just the academic training of every student that goes to West Point costs the taxpayers of America $120,000.

Now get the perspective in place. I would say that we are spending much too much to educate a student at West Point, but I would say at the same time we are spending much too little to educate a student at City University, or maybe it is not relevant unless you look at how the money is being spent.

City University has 200,000 students. You know, the economies of scale would allow you to do things cheaper, but City University also has students jammed into classrooms and college classes with 40 and 45 students; you know, are not conducive to learning.

City University has an antiquated infrastructure. Only recently, last 10 years, did some of the colleges get phones, push-button phones. You know they had rotary phones. In many cases the buildings have, the academic buildings, have only a few phones, let alone lines that could connect computers to the Internet.

The higher education establishments and City University are way, way behind the state-of-the-art higher education institutions in respect to computers and information technology. They need a great infusion of capital just for that purpose.

I am not saying that New York State and New York City should spend $120,000 per student as they do at West Point. But I think that, instead of the present rage that is being promoted by certain editorials in certain papers and certain of our political figures, the rage against City University for trying to educate too many students and having too much remediation and needing to raise its standards by locking out large numbers of students from the opportunity in higher education provides all of that is going in the direction which is counter to where we ought to be going as we move toward the 21st century.

So I want to reemphasize the fact that it is probably one of the most important bills that we consider in this Congress. The Higher Education Assistance Act that we will be considering tomorrow is probably one of the most important bills that we will consider. We only do it once every 5 years.

There are very real problems out there related to affirmative action and the way opportunities for higher education are being cut off, smothered in our various States, the Hopwood decision in Texas and the City University of New York.

If they end remediation, they would be accomplishing what California has accomplished through a back-door means. They do not talk about affirmative action, but it is large numbers of poor students, beginning with the poor students who are African American, the poor students who are Hispanic, but large numbers of white students also who are poor will be cut out of the opportunity to go to a higher education institution, that kind of opportunity provided by City University.

□ 2030

At a time when we ought to be considering how to have more of a pool of people upon which we can draw to meet the challenges of the 21st century, we are going in the opposite direction. There are some midget minds at work; there are some timid spirits that are moving things, and people that have power do not have any vision about where we are going.

Governor Rockefeller, who was a Republican, laid out a vision for the university systems of New York's SUNY and CUNY, which catapulted them into a whole new stratosphere in terms of the kind of activities they are involved in now. Now we are under a Republican Governor going in the opposite direction in terms of that vision and understanding of the role of higher education at a time when we should be going in the opposite direction.

Consider the history of higher education in this country. Consider the fact that if we had not had visionaries who understood the importance of education in the overall achievement of prosperity in this country, in the establishment of circumstances which would allow our people to pursue happiness, if that vision had not been there, we would be in serious trouble. We do not realize how much education and the initiatives taken by a few legislators, people in power, has meant over the years.

First, Thomas Jefferson and the University of Virginia. It probably did not become the model he wanted it to become, but it certainly planted the seed at the University of Virginia as a State institution and as one of the first of its kind in terms of being established and run with public funds, not being burdened with the necessity to heavily weight its courses, courses related to theology and philosophy, et cetera. There is nothing wrong with theology and philosophy, but the mission of the University of Virginia was to learn everything that they could learn about everything that was useful. Maybe it did not achieve that, but it planted a seed.

A man named Justice Smith Morrill, M-O-R-R-I-L-L, the Morrill Act, people who have tossed off that term, the Morrill Act, the land grant colleges, Justice Smith Morrill was a Congressman from Vermont, first as a Member of the House of Representatives, and then he became a Senator in 1862. He was here during the period of the Civil War and the period shortly after the Civil War. He served in the Senate until 1898, and he came forward several times with proposals to establish institutions that would go beyond the usual parameters of education at that time, the agricultural and the mechanical colleges which would deal with a scientific approach to farming, a scientific approach to the practical matters of our Nation, and eventually Morrill was able to prevail, and we established land grant colleges in every State in the Union.

The land grant colleges came out of the Morrill Act. It was later on improved and doctored by other actions by Congress, but the whole conception that the government should participate in the process of educating the population was institutionalized in the Morrill Act and the land grant colleges that flowed from that action.

The kind of education provided by the land grant colleges proved to be the greatest thing that ever happened to America in terms of the production of people who understood how to apply learning and knowledge and science to farming, to engineering, and a whole core of people were created who moved us forward. In the area of agriculture in particular, they moved us forward in a way that no other industrial power, none of the leading nations in the world, have ever been able to match. We are way ahead in terms of production of food at low cost for the population as a result of the Morrill Act and the land grant colleges.

Mr. Speaker, we need that kind of vision now. We need an innovation, an initiative now which would match the Morrill Act initiative. It has to go in a different direction, but it is not so different. Information technology alone offers a challenge just to move so that our colleges and universities are the premiere agents for the development of the human capital. Information technology demands human capital. We do not have to have oil or gold or natural resources, coal, but we must have human beings who have been very well-educated. We should have some initiative which understands that and applies it across the board to all of our institutions of higher learning so that they can begin in a systematic way to meet the needs.

Mr. Speaker, we had another innovation that took place in 1944. The GI Bill, which established the right for every returning GI, every veteran of World War II, to receive an education, was signed first by Franklin D. Roosevelt on June 22nd, 1944, called the Serviceman's Readjustment Act of 1944. During the past five decades the law has made possible the investment of billions of dollars in education and training for millions of veterans. The Nation has in return earned many times its investment in increased taxes and a dramatically changed society. The law also made possible the loan of billions of dollars to purchase homes for millions of veterans and helped transform the majority of Americans from renters to homeowners.

But the education part of it, the fact that returning veterans were able to go into colleges and universities and come out with the kind of training and know-how put us in a position after World War II to mount the kind of industrial revolution that we have now, the information technology revolution, the research and development revolution, and the military which led the way, allowed us to bring the competing Soviet empire to its knees. All of that could not have happened if we had not had a Morrill Act, a GI Bill of Rights, and the subsequent opportunities that that provided.

The American Legion is credited with designing the main features of the GI Bill. These ideas are not radical, they are part of a consensus that has been developed in America, and Republicans and Democrats have participated. The American Legion is credited with designing the main features of the GI Bill and pushing it through Congress. The Legion overcame objections that the proposed bill was too sweeping and could jeopardize veterans getting help at all. At the time Congress had already failed to act on about 640 bills concerning veterans.

Members of the American Legion met first in Washington on December 15, 1943, and by January 6 had completed the first draft of the GI Bill, and on and on the story goes. The bill was another one of those landmarks in American history that produced a great leap forward, a great leap forward in our society. The GI Bill, the Morrill Act, they are the kinds of actions that have propelled us forward, and they ought to be celebrated and understood.

It is a pity that at a time like this, when probably the Members of Congress are better educated than ever before and understand more about the dynamics of our society and the need for some kind of comprehensive approach to where we are going in the next century, it is a pity that those forces are all, for the moment, either paralyzed or oppressed or lulled to sleep or blocked, and that we have the Higher Education Assistance Act which makes no great steps forward.

This Higher Education Assistance Act, as I said before, is at least not a bill that is going to take us backwards, but it really is pathetic in terms of its understanding of the need for the next 5 years as we go into the 21st century.

The bill that we will be considering on the floor tomorrow reauthorizes Federal student loans, Pell grants and other student financial aid programs for 5 years. It resolves a controversy over cutting interest rates on student loans, which took us a lot of time. Banks were accused of trying to make a killing off student loans, and that was resolved.

Pell grants in this bill, the bill authorizes an increase in the maximum Pell grant award. It stands at $3,000 in the current academic year, and it will go to $4,500 in the year 1999–2000 academic year. It is a slow, incremental set of increases, not keeping pace with the cost of living, but at least nobody proposed that we cut it out or back. It authorizes annual increases of $200 until the 2003–2004 academic year when the authorized maximum amount would be up to $5,300. So it is an incremental movement forward in the area of student aid, which is the hallmark of the bill in terms of providing opportunity for the poor, the Pell grants.

The bill makes a number of changes to the formula used to calculate how much financial aid students receive. The bill denies Federal student aid to those convicted of possessing or selling illegal drugs, an amendment which had a great deal of discussion. I do not approve of cutting off opportunity for young people so early in life. There is one factor that must always be considered is that children are children. They are not adults. The aging process, anybody who is as old as I am, I am almost 62, one understands that one just could not know at age 18 or 20 or 22 what one knows later on. One cannot make the same judgments. And practically every young person is in danger of at some vulnerable moment making a mistake of some kind that is quite serious, but we should not set up situations where that mistake becomes a trap that is eternal for that person. Not to be able to get a college education because one made a mistake is a little too harsh, but that is part of the legislation at this point. Of course, I think it will be debated on the floor to some extent, but the majority has prevailed thus far on that matter.

It has many other good features before I talk about the negative. It does have loan forgiveness for people who teach in low-income communities; it does have a number of features that are improvements, slight improvements over what was there before. There is a provision related to the whole matter of affirmative action that will be on the floor tomorrow. Again, we will have to debate this whole matter of no efforts whatsoever can be made to diversify campuses, and we will have to deal with the fact that more stringent national standards will be applied;

there will be an attempt to apply stringent national standards that are similar to the California antiaffirmative action program.

Of the amendments that have been noticed, there will be an amendment offered by the gentleman from California (Mr. RIGGS), an amendment to prohibit any institution of higher education that participates in any higher education program from discriminating against or granting preferential treatment to any person or group in admissions based on, in whole or in part, on race, sex, color, ethnicity or national origin. The amendment exempts from its ban any private institution of undergraduate higher education that traditionally and continually from its establishment admitted students to schools on the basis of sex. The amendment also specifies that it does not prohibit or limit any institution from encouraging or recruiting qualified women and minorities from seeking admission, provided that such recruitment and encouragement does not involve granting preferential treatment in selecting any person for admission based, in whole or in part, on race, sex, color, ethnicity or national origin.

This is an amendment which, in very nice language, coats the fact that what it is saying is that we do not want any effort to encourage and promote diversity on a campus. The world is diverse. The United States is diverse. The number of people who are minorities, the proportion keeps increasing. To have diversity on campus, of course, is only to have students live on campus in a world that is very similar to the world outside. But this language, however civil it may seem on paper, seeks to wipe all of that out in one stroke. It would do what the University of California has done across the Nation. Because practically every higher education institution does receive some Federal funds, every higher education institution would have its hands tied in terms of promotion of diversity through its own affirmative action programs.

□ 2045

So the Riggs amendment will be debated, and I hope that we will prevail and not have the Federal Government participate in the blocking of opportunities for large numbers of deserving students who need to go to college.

Unfortunately, as a New York City resident, a New York State resident, I will be participating in the argument knowing fully well that an effort is being made in my own city and my own State to accomplish the same action, to accomplish the same ends through the back door. We are going to close off opportunity to large numbers of people.

And whereas I started by saying this Higher Education Assistance Act fails to increase opportunity by increasing the amount of funds and resources available so that poor people, no matter what color, race or creed they may be, will be able to take advantage of the higher education process, we do not have that. Yet we are going to have to debate an attempt to throttle even further that which exists already.

At City University of New York proposals are being made that they raise the standards of the senior colleges using SAT scores and cut off the admission of large numbers of students who cannot measure up to those SAT scores, although they are graduates of the schools in New York City. They also want to greatly reduce the amount of remediation done in the senior colleges and in the community colleges, two-year colleges. What this will do, if we reduce remediation, if we require students to make remediation before they enter college, we will greatly reduce the number of students because remediation is needed by large numbers of students. Eighty percent of the students have some form of remediation that they participated in during the course of their time in college.

Remediation are courses in effect across the country. Most colleges and universities have some remediation programs. What we have learned about the human mind and the learning process ought to tell us that remediation is a natural thing to have in higher education, because genius and talent is not comprehensive. It is not across the board that every student who is very good in English is also going to be good in math; those who are good in science are also going to be good in foreign languages. Remediation helps to balance out a process that nature has started, and we only rule out genius if we start insisting that remediation courses should be eliminated.

Mr. Speaker, I made the following statement, and I want to close with this statement. I did want to talk a bit about one other amendment that we will have on the floor tomorrow connected with information technology, the need for information technology workers.

I will have an amendment to provide for information technology partnerships between colleges and community-based agencies in order to provide more opportunities for young people to get exposure to computers and be able to determine whether or not they want to go into computer technology. They will have a chance to practice and a chance to get excited by it, and then apply it to a community college and a college to go into a program. The college would run these local centers where students would have these opportunities.

Mr. Speaker, I just want to close with my statement before the City University Board of Trustees. I thanked them for the opportunity to testify and then I mentioned that all over the world the education of masses of youth emerging from educationally deprived backgrounds is a vital challenge to the process of building a new global society with abundant supplies of indigenous leadership. If we meet this challenge of educating those who arrive in our college classrooms with inadequate preparation in the City of New York, in the City University, if we can take freshmen from impoverished backgrounds with enormous skills deficits but who have normal brains and great potential, if we can take this kind of raw material and create productive and independent citizens able to take care of themselves and also serve as leaders, if we can seize the situation which we presently confront, then we will have a system that produces a priceless global product.

Using this method, the methods established in New York, with our great and enormously diverse population, we will have developed a blueprint, a model for higher education which would be applicable anywhere in the world. The world market for such a service is almost unlimited. It would be a product of highest value. In other words, the challenge is to take the people who have the deficits educationally for whatever reason. The New York City public schools are inadequate now and they have gotten worse over the last 10 years, so students with good brains and great potential may have skills deficits, and the only way to deal with those skills deficits is when they get to college.

What is happening in New York City is a tragedy, however. At a pivotal point in the life of the city, as we approach the dawn of the 21st century, there are confused but powerful forces in the city which are turning a time for triumph into a time for tears.

President Clinton has rightfully referred to America as an indispensable nation. It is not exaggerated to state that in this indispensable nation, New York City is the indispensable city. In order for this city to maintain its rightful place and fully realize its destiny, an open, thriving, creative City University of New York is an indispensable institution. City University of New York is the jewel in the crown of our unique urban civilization.

This is a moment at which we must truly rally our better instincts, our common sense. We must rally our well-cultivated logic and our receptivity to the evidence provided by well-known studies. Such studies show that the record of CUNY is a laudable one. City University of New York has a laudable record.

Consider the fact that the cost to educate a single student is so much greater in Harvard, and even greater at West Point, $120,000 per year per student. Despite the shoestring budget of the City University of New York and repeated fiscal harassments, City University of New York has endured over many lean years. City University of New York still stands in the ranks of the greatest in its production of outstanding scholars, Nobel laureates, scientists and international prize winners.

The City University, as I said before, is indispensable to the life of the city. Any university anywhere in the country, all of our public institutions, following the tradition of the Morrill Act, following the tradition of the GI Bill, all of these have a great deal to offer as we go into the 21st century.

We should look at the Higher Education Act tomorrow as being inadequate but at least a start, and find ways to improve and expand on the Higher Education Assistance Act which will come before us for deliberations on the House of Representatives floor tomorrow morning.

RELIGIOUS FREEDOM AMENDMENT TO THE CONSTITUTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Oklahoma (Mr. ISTOOK) is recognized for 60 minutes as the designee of the majority leader.

Mr. ISTOOK. Mr. Speaker, tonight I am going to be talking about a very important issue that is coming before this House in approximately a month, that being the Religious Freedom Amendment.

Mr. Speaker, I will submit a copy of a detailed analysis of the proposed constitutional amendment which I will provide to the Clerk, to be printed and included in the RECORD.

The Religious Freedom Amendment, known as House Joint Resolution 78, is responding to the public's very valid concern for the last generation that the courts in the United States of America have become hostile to religion. They have placed barriers to religious expression which do not exist for other forms of speech for free speech.

A false standard has been created by the courts basically saying, well, if everyone is not unanimous in agreeing on some religious topic, then we ought to be censoring it, if it is something like a prayer in a public school during the school hours or the football game or at a graduation.

In the next 30 days or so, Mr. Speaker, all across America we are going to have students graduating from high school, and in some places from college, and they will usually want what has become an American tradition, or was until the Supreme Court interfered, namely having a simple prayer to begin or to close or both at a public school graduation.

In fact, it is a tradition. The earliest recorded public school graduation in the United States, according to the Supreme Court, featured a prayer. In fact, multiple prayers. But the Supreme Court has basically taken a stand and said if everybody does not agree, then we ought to censor it, because they say we do not want to have an establishment of religion created.

Or some people use a catch phrase, and I will talk about this more, Mr. Speaker, use a catch phrase of saying, well, it would violate the wall of separation between church and State, which is not a phrase found in the American Constitution. It is a phrase that has been put in by other people for other purposes and often, rather than quoting the Constitution itself, people cite that phrase as though it explained everything.

What does the Constitution say? "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

The Supreme Court rulings against school prayer and other religious issues have been provoking public outrage since 1962. We have not had a vote here in the House of Representatives since 1971 on a proposal to correct the Supreme Court by amending the Constitution to provide for voluntary school prayer, and to reinstate other protections in religious expression which used to be common in the U.S.A. until approximately 36 years ago.

Mr. Speaker, the text of the proposed amendment has been approved by the House's Subcommittee on the Constitution. It has been approved by the House Committee on the Judiciary. It is ready to come to this floor and will be coming to the floor soon.

Let me quote, Mr. Speaker. It reads thusly:

> To secure the people's right to acknowledge God according to the dictates of conscience: Neither the United States nor any State shall establish any official religion, but the people's right to pray and to recognize their religious beliefs, heritage, or traditions on public property, including schools, shall not be infringed. Neither the United States nor any State shall require any person to join in prayer or other religious activity, prescribe school prayers, discriminate against religion, or deny equal access to a benefit on account of religion.

And of course under the normal process it is proposed that two-thirds of the House approve this amendment, two-thirds of the Senate approve, and then during a seven-year window of opportunity it would require ratification by the necessary three-fourths of the State legislatures.

That, of course, is the process that was created by the Founding Fathers to amend the Constitution, and indeed it has been amended before to correct erroneous Supreme Court decisions. For example, the Dred Scott decision back in the middle of the last century provoked a lot of outrage with its decision that basically was in favor of slavery, and that was corrected by a later amendment to the Constitution.

Mr. Speaker, a lot of people today, and I think the media has a great deal to do with this misleading, because we will find in the press too a lot of people are told, well, the issue is separation of church and State.

Mr. Speaker, we could talk among ourselves and say, well, what does that term mean? But I think that it is instructive to look at what the Chief Justice of the United States Supreme Court, our current Chief Justice, William Rehnquist, has said about the use of this term, which he said has been used to mislead people about what the Constitution actually says and what the Founding Fathers actually intended when it comes to religious freedom.

Justice Rehnquist, our Chief Justice, has written in official Supreme Court opinion that the use of that term should be "frankly and explicitly abandoned." Those are his words. "It should be frankly and explicitly abandoned."

Why? Because it has not been used to promote neutrality toward religion, but it has been used to promote hostility. Essentially, it has been used to say that if government is present, then religion must be absent. So if government comes into a situation, religion must be pushed out and pushed aside.

Mr. Speaker, when we have the growth of government where it is with us in every aspect of our lives today, in schools, in something involving health care, in so many bodies that are created as public bodies, and we are told, "My goodness, this is a government-funded activity. You cannot have a prayer to open or close, or we feel hesitant if you involve your religious beliefs in sharing your opinion."

For example, a first grade student in Medford, New Jersey, in the last year was told by a Federal judge that even though he won a contest, a reading contest, and could read whatever story he wanted, because he chose a story from the Beginner's Bible, the school said, "Oh, no, you cannot read that at school," and the Federal judge said, "That is right. You cannot read that at school," and cited as his mantra what Justice Rehnquist has condemned, separation of church and State.

In Florida, in Fort Myers, Florida, they said they wanted to have a course not teaching doctrine but teaching about religion. And so they were going to have aspects of the course that dealt with the Bible as history, which is something that is supposed to be expressly approved, many people think, as long as it is taught as history. But the Federal judge in Florida ruled that they could teach about the Old Testament as history, but they could not teach anything about the New Testament because not everybody believes in the resurrection. So the Bible even as literature was singled out by a Federal judge. Why? Because they are following the standards set by the U.S. Supreme Court, standards not of neutrality but, unfortunately, to promote hostility.

□ 2100

Our courts blaze a wayward trail because they use a broken compass. Let me tell you, it was in the case of Wallace v. Jaffree that Chief Justice Rehnquist made his remarks about his little catch phrase, "separation of church and state." This was an opinion, it came down from the Supreme Court in 1985 in Alabama. Because they were so upset with the effort of the courts to strip prayer out of the public schools, they passed a law that said, let us have a moment of silence, a moment of silence at public schools. The U.S. Supreme Court ruled the moment of silence was unconstitutional because it could be used for silent prayer.

A lot of Americans are not aware of that, Mr. Speaker. They do not know that the Supreme Court has gone so far as to say if you have a moment of silence, that is unconstitutional, because people could be offering a silent prayer. Now, if that is not an outrage, Mr. Speaker, I do not know what is.

The Chief Justice was outraged by what five of the Justices did. It was a 5-4 decision. He was so outraged, and he wrote about it, and he talked about what they had said and the error of it.

For example, the originator of the phrase "wall of separation between church and state" is usually said to be Thomas Jefferson. But as Chief Justice Rehnquist noted in his opinion, and I quote here, "It is impossible to build sound constitutional doctrine upon a mistaken understanding of constitutional history; but unfortunately, the establishment clause has been expressly freighted with Jefferson's misleading metaphor for nearly 40 years. Thomas Jefferson was, of course, in France at the time the constitutional amendment known as the Bill of Rights was passed by Congress and ratified by the States."

The person that originated that phrase was not involved in drafting the first amendment. So the Chief Justice said clearly in the Wallace v. Jaffree opinion, and I quote him again, "The establishment clause did not require government neutrality between religion and irreligion, nor did it prohibit the Federal Government from providing nondiscriminatory aid to religion. There is simply no historical foundation for the proposition that the framers intended to build the wall of separation."

As Justice Rehnquist said, the evil that they wanted to address was from proposals to establish an official national church, or an official religion, because we do not want that in the United States of America. But he said, the Congress clearly intended to have a positive attitude toward religion.

Then the Chief Justice said that this so-called wall of separation is actually what he labeled a blurred and distinct and variable barrier. He called it a metaphor based on bad history. In his words, quoting again, "A metaphor based on bad history, a metaphor which is approved useless as a guide to judging, it should be frankly and explicitly abandoned."

Now, Mr. Speaker, I go through all that talking about what the Chief Justice of the U.S. Supreme Court has written merely to try to get people to understand that the issue is freedom. The issue is religious freedom.

If someone wants to stand up in a school and together wants to say the Pledge of Allegiance, can they say the Pledge of Allegiance at a public school? Sure. There was a challenge to that a number of years ago. It came out of West Virginia. The U.S. Supreme Court wrote that no child can be compelled to say the Pledge of Allegiance. I agree with that. But, Mr. Speaker, they never gave a child who did not want to say it the right to censor and silence the classmates who did want to say the Pledge of Allegiance.

Mr. Speaker, that is the correct standard that needs to be followed when it comes to a prayer that people may want to offer in public school, a positive expression of hope and faith at the beginning of the day. Whether it be part of a devotional activity, whether it be done on a school basis or classroom basis, whatever they choose to implement, the issue is the freedom to do so.

Are we to say that, because someone has overly sensitive ears and they choose to be offended by an expression of faith, that, therefore, we must censor and we must silence those expressions? Or if there may be a chance that one prayer out of a million might be offensive, do we say that we silence a million prayers just to be sure that one particular offensive prayer is never uttered? We do not apply that standard of free speech. We say that something with which we may disagree is nevertheless protected.

Were we to say that you can censor people if you do not like what they are saying, Mr. Speaker, we would not have free speech in this country. How, then, can we say you can censor what someone is saying if it is a prayer in a public place and still claim to have freedom of religion?

No, Mr. Speaker, freedom of religion means that we accept those with whom we agree and those with whom we disagree. It means we look after the rights of the majority and the rights of the minority. We don't fall for this mistaken theory that the Bill of Rights is meant to protect only minorities and not protect the rest of us. It is meant to protect all of us with a standard of tolerance.

In the cases where the U.S. Supreme Court ruled against prayer in public schools, one of the dissenting Justices was Supreme Court Justice Potter Stewart; and he noted that, if we really believe in diversity, then we ought to say people can offer their prayers. We know there will be different prayers, because we follow a basic principle, Mr. Speaker. You do not have a prayer composed by government. The religious freedom amendment says absolutely not. You do not have an imposition of government to require prayer to be said, nor its content.

Who then selects a prayer or offers it? Well, we follow a very basic principle that is used in so many aspects of school, something we learned in kindergarten. It is called taking turns, and let different people have their turns, and let people be aware.

Yes, there are diverse ways in which people pray. There are different opinions. But do we expect our children to be isolated from those during their daily activities at school, and then, when they become an adult, suddenly they are supposed to understand, suddenly they are supposed to be tolerant of different opinions when they have been told for years that those are dangerous or damaging or must be silenced? No, Mr. Speaker.

As Justice Stewart wrote, in a society of compulsory attendance at public schools, to say that, during the school day, a child must be isolated from what is normal in everyday life is not neutrality. It is placing religion at an artificial and State-created disadvantage.

Mr. Speaker, prayers are normal. They are common. We begin each day in this House of Representatives with a prayer. The United States Senate, the other body, begins its meetings with a prayer. Chambers of commerce, civic clubs, Lion's, Kiwanis, PTA organizations, State legislatures, city councils, all sorts of groups open with a prayer. Yet, if it happens in a public school, they say that is to be condemned.

In the State of Alabama, there is an outrageous court order from a Federal judge that is covering the students there. Many students have been kicked out of school because the judge has issued a gag order against so much religious expression in the Alabama public schools, appointing monitors to make sure that something does not happen that he believes is wrong.

I want to read to you from part of the opinion that was rendered by Federal Judge Ira DeMent in Alabama just this last year. As requested by foes of public prayer, U.S. District Judge Ira DeMent, permanently enjoined the schools from this, and I will read to you what he said could not happen under penalty of law. This was what was banned: "Permitting prayers, Biblical and scripture readings and other presentations or activities of a religious nature at all school-sponsored or school-initiated assemblies and events, including, but not limited to, sporting events, regardless of whether the activity takes place during instructional time, regardless of whether attendance is compulsory or noncompulsory, and regardless of whether the speaker, presenter, is a student, school official, or nonschool person."

No matter what the occasion, if it involves a public school, whether it is from a student or anyone else, there better not be a prayer, whether it be in the classroom, a school assembly, a football game, a graduation, you name it.

He appointed court monitors. In fact, he recently issued an order saying all the teachers and administrative personnel from the school system have to come to special training sessions to hear what the judge's standards are to make sure that people do not mouth religious utterances in a public school.

Mr. Speaker, that is not free speech. That is not freedom of religion. That is oppression of religion masquerading, masquerading as constitutional law. Why do the courts do this?

Remember what the First Amendment says. Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. That last phrase is basically ignored by the Supreme Court and, therefore, by the inferior courts, because the Supreme Court has said, well, anything, anything that smacks of religion becomes suspect.

Therefore, even if you are not creating a church, you are not advocating an official set of beliefs, you are not telling people that we are going to have a hierarchy, or priesthood, or a church building, or a tithing, or doctrine, or theology or any of those things, nevertheless, if it is a simple prayer, that is going too far. That is too close to an official establishment of religion. Mr. Speaker, that is using the establishment clause of the Constitution as a weapon to suppress the free exercise of religion.

One of the outrageous things, and there is plenty of them, one of the outrageous things in the Supreme Court decisions came in the graduation prayer case, the Lee v. Weisman decision, which came out of a public school graduation in Rhode Island; and in that case, Justice Kennedy wrote that a prayer must be assumed to be offensive. That is right. He said a prayer must be automatically assumed to be offensive. Those were his words, Mr. Speaker.

Do we automatically assume that anything else is not only offensive, but must be suppressed? We do not apply that to about anything else other than, I guess, pornography, Mr. Speaker. We say that you have to be silent about this because we find it to be offensive.

Now, if it is pornography, let us kick it out, and let us enforce the laws against it. But since when is a prayer or religious utterance considered to be automatically assumed to be offensive?

The Internal Revenue Service, and, you know, obviously, they are following the same rationale as Justice Kennedy, the Internal Revenue Service, in one of its major California districts, sent out a memo to its employees about 2 years ago. The memo said, in your personal work space or on your desk, you cannot have any sort of religious emblem or item. It may be a little nativity scene. No. It may be a star of David, no. It may be a Bible, no.

I wrote them, Mr. Speaker. I said, why are you doing this? The Internal Revenue Service wrote back to me, citing some different court cases. Frankly, Mr. Speaker, I think they went beyond them, but citing a court case, they said, items which are considered to be intrusive , such as religious items or sexually suggestive cartoons or calendars, were to be banned.

Mr. Speaker, that is the full list of what they said was offensive, to be banned; if it is religious, or if it is sexually suggestive, if it is pornographic. You see how the courts are equating the two, saying that something that is religious is offensive.

Mr. Speaker, that flies in the face of everything on which this country was founded and on which most Americans place their hope and faith and trust. It flies in the face of what we believe.

Mr. Speaker, I yield to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I want to thank the gentleman from Oklahoma for his leadership and persistence on this issue in pushing us to get a House vote and to give us at least the opportunity to attempt to pass this constitutional amendment. I could not take any more of the examples. My outrage was rising. It is inconceivable that even a moment of silence is illegal because people might be thinking about prayer.

□ 2115

The danger in our society, if we keep backing away from this moral premise, is if we ever do get a moment of silence, the kids will be thinking about stock market reports instead of a prayer. And is that really going to be better for America if we lose this idea that there is a power higher than us?

I find it extremely offensive that in class, and I agree with the gentleman's allusion to this. It is not clear where the law exactly is on a lot of this. In fact, school districts have been intimidated for fear of lawsuits and, probably because of that, have gone farther than they need to go. But currently in America we are in a situation where a teacher probably could talk about Native American religions but, boy, she better be careful if she mentions Jesus Christ.

A teacher could probably post on the wall, Desiderata was big back when we were in college, to God, whoever he may be but, boy, if they put the 23rd Psalm up there or the 10 Commandants, that might poison these poor little kids.

It is one thing if they have a book of astrology or magic spells on a desk, but what if it is a Bible? Woe be to that teacher, because these kids might pick up something that has a moral base.

Now if the kids in the hall want to talk to other kids about marijuana or how that works, or crack or how that works, as long as they are not selling drugs, they can talk about drugs all day. But if they want to talk to another child about eternal salvation, they will probably go down to that principal's office, may even, as a friend of my son's did, get expelled from school for raising the question. Not aggressively pushing it, for raising the question of eternal salvation because it could make somebody feel bad.

You can wear a Black Sabbath T-shirt, a mockery of the Sabbath and all this kind of thing, but if you wear a religious T-shirt, you might be evangelizing. Not that all this crappy rock music stuff is evangelizing or the drug hints or the hats that you can find in many stores in the mall with the marijuana weed on it or other types of drugs, that is not evangelizing. But, boy, if you have any religion on your T-shirts or symbols that could make other kids feel slightly intimidated, you can be reprimanded.

What are we coming to? I don't understand how we have gotten in this situation in the country. It is why so many people are despairing. It is why we have to take the extraordinary step that the Founding Fathers have given us to go to a constitutional amendment.

Quite frankly, we can pass laws here in Congress, and the courts do not seem to care. If we just pass laws without amending the Constitution, we are totally at their mercy to continue this what I believe is nonsense in these rulings.

Mr. ISTOOK. I think the gentleman has made some excellent points. Yet I want to give a lot of credit to the American people. We are a generation beyond now the original decisions in 1962, and people have not given up.

It is not just the public opinion polls, because they consistently, for 36 years, show that 75 percent or more of the American people support a constitutional amendment to make it possible to have prayer in public schools or a nativity scene on public property or whatever it might be, so long as we are not establishing an official church or a national religion or saying that somebody has precedence because their religion is better than somebody else's. We do not do that.

And the American people haven't given up because, as the gentleman knows, there is a lot of civil disobedience that goes on. There are people that are still having prayer, in some cases in public schools or at football games or at school graduations, often because the ACLU has not gotten around to their town yet.

But the moment that the ACLU does come in, or some of the other groups that work with them and bring these lawsuits around the country, groups like Americans United for Separation of Church and State or People for the American Way, these are groups that are typically involved with the ACLU and these lawsuits to suppress religious expression because it makes some people uncomfortable.

Well, as we know, it is common for someone to say something with which someone else may disagree, and we are supposed to be taught to be tolerant, but they are teaching them to be intolerant. But yet the American people keep trying.

We have something called the Equal Access Act, and that means that before school starts or after school kids have been able to get together in Bible clubs, although they have problems with them there. They are not permitted the same rights as other school clubs. They cannot meet during the hours once school starts until school is out for the day. Other clubs can meet during the day in different set-aside time but not the Bible clubs. Or they can have a faculty adviser but not the Bible clubs. Or they can be recognized in the yearbook and other things as other groups are, but the Bible clubs are typically excluded.

I looked through my high school annual recently. I graduated from high school in Texas in 1967. There is Fellowship of Christian Athletes and Youth for Christ, but in many places today those are considered suspect and they have to be handled with care. Yet clubs for any other purpose, as the gentleman mentioned, are routinely approved.

So some people say, well, the fact that we have Bible clubs being formed at school or kids having prayer before or after school in their groups of their own initiative, that is not a symbol of the fact that there is nothing wrong, because there are things wrong. It is a symbol of the great desire of the American people and how they are always looking for a way.

But why should we say that in classrooms where, as the gentleman mentioned, they may be talking about drugs, they may be talking about sex, they may be talking about all sorts of different alternate life-styles, but if somebody gives a religious perspective or says we ought to be able to start our days with prayer just like the U.S. Congress does, oh, no, we cannot do it, and people are threatened with arrest.

I have to tell my colleague another horror story here. In Galveston, Texas, Santa Fe High School, a Federal judge was persuaded that, since the initiative came from students, he said, well, okay, you can have a prayer at graduation, but I will have a U.S. Marshal there, and if anybody mentions the name of Jesus Christ, they can be arrested and be held accountable to me.

So it was not enough that they tried to squeeze out the ability to have some semblance of prayer. The judge wanted to control it. And how offensive that is to so many people.

I know we have people of different faiths. We will pray different ways. But we learn. We learn from our differences.

Mr. SOUDER. If the gentleman will yield, it is almost, well, it is not almost inconceivable, it is inconceivable when we have gangs, we have drug problems all over our country, we have teachers getting raped in the hallways, and we are concerned about stamping out anybody talking about Jesus Christ.

In 1983 and '84, I cannot remember which year, when then Congressman DAN COATS, I was working on his district staff, was working on the equal access bill, we actually had a series of problems come up in the school district that my kids were in that helped provide some of the fodder that led to the passage of the equal access bill, including a series of rules that the administration did not mean for the parents to get ahold of, which included not allowing any religious affiliated instructors or teachers or ministers to go on school grounds during the day.

The way this came about is one rural high school, the student who got in trouble at school asked to talk to his pastor. The pastor came into the school, and that led to a banning of pastors going into the school during the school day.

The church that I grew up in had a children's home. Many of those people who worked as house parents were lay pastors. And the question is, could they go on to school grounds? No, they were banned under this rule. It was absurd. You could not use the school for after hours if you had any religious affiliations.

This whole prayer question. A whole series of type of things led to many of these changes, supposedly covered by equal access. But we have backslid.

I want to use one other personal example. For anybody who, by any stretch of the imagination, thinks that I am a liberal, this will get rid of that impression. I mean, there are issues where I disagree with the majority of my conservative friends, and tomorrow on the amendment of the gentleman from California (Mr. FRANK RIGGS) and other things on affirmative action, it is one area where I have a disagreement. But, for the most part, I am very conservative; and my roots are very conservative.

I grew up in the Apostolic Christian Church of America. It is a very fundamentalist church. When we join that church, we do not have infant baptism. We believe in the age of accountability, and we commit our lives to Jesus Christ. When we do, we agree to accept certain guidelines of that church. When we accept those guidelines, we are expected to follow them.

One of the guidelines is that we do not go to movies. That was a difficult thing, I think it was my junior year in high school, because the school decided to go to the Sound of Music. Now, the church rule was not PG films or G films, it was no movies. That meant that I had to go sit alone in a classroom while the rest of the kids went to see Sound of Music.

I did not file an objection to stop everybody else in the school because I was isolated, because my religious beliefs were a minority and somehow I was going to be eternally damaged or even temporarily damaged because I was singled out, because other kids made fun of me because of my church, because I was extra conservative. I had to go sit alone.

The small school that I grew up in has a lot of Amish around it. The Amish do not believe in taking public showers. Therefore, often they were excused from gym or had to sit there or did not shower if they had to go to the gym class. But the school did not cancel gym classes. And in this particular school 12 percent of the kids were Amish. Twelve percent was not considered a significant enough minority to change the behavior of the rest of the school around it.

There needs to be a sensitivity. And I have to say I never ran into a teacher who mocked my religious beliefs. I ran into plenty who questioned my religious beliefs and were curious about them or told me they did not think they were very sound even biblically, but nobody mocked my beliefs.

And, quite frankly, because I had to go through experiences much, quite frankly, like other minorities have gone through in different ways, I had to decide to give in or actually firm up my beliefs.

In fact, to use a reverse example, the Communist party, in their indoctrination, used to send new recruits onto the street to try to spread their doctrine. And when they were attacked, they learned the beliefs better than if they did not have to defend them.

I learned more about the principles, not all of which I agree with today; but, at the same time, I learned to understand even why rules were there that I did not agree with because I had to execute them and I had to execute them in a period where I was the only one or sometimes one of only three who held that position.

I did not go to my senior prom because I did not dance. And I was senior class president, and I was supposed to speak at the senior prom. They had printed up the programs with my name in it. I told them I am not going to go. It was embarrassing, and it was difficult as a senior. It was difficult in many of these years to go through that personal discipline of being different than everybody else. But I did not ask everybody else to change because they were not like me.

The problem we have in America right now is that, if there are a few people who do not like what the majority of the people like, they feel they have a right to stop them from their practice of religious freedom, which, quite frankly, is the fundamental belief that America was founded on; that we were going to have free exercise of religion; that we were going to be able to worship God as we saw fit; that in America we had a fundamental belief in this Congress, in this body, in the Christian holy trinity.

Now, we have more diversity in America today, but it is still the preponderant belief. All our laws, as Francis Schaeffer said, are really echoes and remnants, if not direct outgrowth, of old testament law and of the Judeo-Christian tradition. If we lose that foundation as a country, we are lost.

What we are trying to do, and what the gentleman has tried to do in his leadership with this religious liberty amendment, is to allow free practice. We could make a case that our Founding Fathers, with their State establishment of religion, which they did not ban, different States had State religions, intended it to go far more. They just did not want one national religion. They believed in aggressive promotion of religious values.

We are not asking that anymore. In America, we are down to saying, can we not wear a T-shirt; can we not put a Bible on our desk; can we not talk to other people about our religious faiths? This is how far we have gone in America. This is the least we can do. Not the most we can do. It is the least we can do for our children in our schools is to allow them free exercise of religion.

We are not trying to impose anything here. Now we have the reverse. The minority is imposing on the majority.

Mr. ISTOOK. I think the gentleman makes some excellent points. The first amendment's first protection, the Bill of Rights, the very first thing is freedom of religion. That is the first thing the Founding Fathers put in the bill of rights. And yet now, this doctrine that the courts have adopted is, as the gentleman has illustrated, it is encouraging people not only to be thin-skinned but to seek to control the behavior of others under the guise of freedom. It is a topsy-turvy philosophy.

We need to recognize that the intolerant person is not the one who wants to be able to say a prayer. The intolerant person is the one who insists on stopping it and bringing down the weight and power and might of the Federal Government through the Federal courts to stop people from simple religious expression such as a prayer.

□ 2130

The cases go on. There was another case in Texas where a minister that had an antidrug program was banned from presenting it in public schools not because there was anything religious about his presentation. But simply because he was a minister. In Colorado, a teacher was fired, and the courts upheld the firing, for reading a Bible during the class reading time when the students were told, "This is reading time. Read whatever you want to read." And while the students read what they wanted to read, he read his Bible, and he was fired because he was told, "You cannot do that," and he insisted upon doing it. And the courts said that was okay?

You take symbols. In San Francisco, California, in a city park for more than 60 years there has been a large cross. Even during FDR's days when Franklin D. Roosevelt was President of the United States, in a national address he praised that as a great example and monument. And the Supreme Court a year ago said it has got to go.

There have been similar cases in Hawaii and Eugene, Oregon, saying we should not have those on public property. And yet, if we will pull out a dollar bill, on the back of the dollar bill is the Great Seal of the United States and the stars on the Great Seal, the 13 stars, are arranged in the form of the star of David. And we have plenty other religious references.

Mr. SOUDER. If the gentleman would further yield, behind us on the wall is Moses. All the other lawgivers are pointing to the side.

Mr. ISTOOK. We have a couple Popes on the wall of the House Chamber.

Mr. SOUDER. Moses is looking straight on the Speaker's chair. We know, and our Founding Fathers knew, where our laws were derived from.

Mr. ISTOOK. If we look right above the Speaker's chair, above the Speaker's chair and the flag are emblazoned the words "In God we trust," which we also find on our currency. There are people that find that offensive. Does that mean we should take it off?

Mr. SOUDER. It is important to know these were not additions after the Republicans took over Congress in 1994. They have been here under Republicans, they have been here under Democrats, because we have a unified tradition in America that this is our cultural heritage, it is our spiritual heritage, it is the foundation our country is built on.

Mr. ISTOOK. And the religious freedom amendment is intended to protect these to say that the standard ought to be the same as it is for the Pledge of Allegiance. If they do not want to say it, that is fine, but that does not mean that they can stop other students that may want to have a prayer in public school.

Take the Supreme Court's decisions on nativity scenes, the Allegheny v. Pittsburgh ACLU case from the Supreme Court, where they said they cannot have a nativity scene or a Jewish menorah, they were both covered on public property there, because there was not in the same line of sight secular emblems, Santa Claus, plastic reindeer, and so forth.

In Jersey City, New Jersey, gosh, over 30 different religions have been permitted by Mayor Bret Schundler to put their religious emblems on City Hall property, but they got sued over the nativity scene. And the judge said, well, they have done it for the other religions, that is fine, and they put out a manger scene, and they have put here secular emblems, Santa Claus, the plastic reindeer, Frosty the Snowman, but it is still not good enough because the nativity scene is just too powerful, and it has got to go. So that was another Federal court ruling this last December. Outrageous. But it comes from the U.S. Supreme Court's case and the Allegheny case.

Now, do my colleagues know what I am really waiting on? The Supreme Court says, well, they can't have religious emblems unless they balance them with a secular emblem, and even then they say the religious emblems are too powerful. But I have never seen them say they cannot have secular emblems unless they balance them with religious emblems. Are we going to say they cannot have a Frosty the Snowman unless they also have Mary and Joseph?

Let us get real, my colleagues. Let us quit being so thin-skinned. Let us make the standard where the religious freedom amendment says, which is what Justice Rehnquist said, it is what the Founding Fathers intended. We do not want an official religion. We will not have an official religion in the United States of America. That is inconsistent with freedom of religion. But suppressing expressions of religious heritage or tradition or belief or a prayer on public property, that is also inconsistent with our beliefs in America. So let us correct these court decisions.

Mr. SOUDER. Perhaps my colleague had not heard, we cannot refer to him as Santa Claus. It is just Claus. "Santa" is, of course, "saint" in Spanish, so we really should not say that. And I am waiting for it to be called Patrick's Day rather than St. Patrick's Day. It has a little bit of religious overtones. We have to be so careful in our society anymore.

Mr. Chairman, at the end of this particular special order, I would like to insert into the RECORD an article. It is actually a book review in this week's Weekly Standard magazine by Richard Neuhaus, one of the tremendous Christian writers in this country who wrote "Religion in the Public Square." He has a review of John Noonan's new book "The Luster of Our Country, the American Experience of Religious Freedom." I would like to insert this review into the RECORD at the end of this special order.

He makes two points in this review that, in fact, one of the reasons some people want to suppress religious freedom and free exercise is that, in fact, it is a danger to the State; that there have been a number of efforts in this country rooted in religious freedom, the abolition of slavery, the war against polygamy, the prohibition of alcohol, and the civil rights movement under the leadership of Martin Luther King, that really forced changes in our political system.

Furthermore, he points out in this book, he has whole chapters to four contrasting case studies. The French Revolution's affirmation and betrayal of the American idea of religious freedom; the American imposition of the idea on a defeated Japan; Russia's current and deeply flawed efforts to incorporate the idea; and the American influence in the Second Vatican Council's teaching on religious liberty.

In other words, in societies where they have not followed our pattern of religious freedom, they have developed problems. And because we allowed it, religious freedom, in fact, drove the system and changed the system.

One other thing that I would like to insert into the RECORD also following this article is a cover story in this week's U.S. News about James Dobson. This article is not directly on this subject but touches on some of the problems of this country that are occurring because of the lack of responsiveness.

I know the gentleman from Oklahoma (Mr. ISTOOK) has been in some of these meetings, as well as our friend, the gentleman from Colorado (Mr. BOB SCHAFFER) in the chair. We have some differences as to how to approach this, but what we understand is that Dr. James Dobson has been a spokesman and has been a mentor to many of us in his family issues and how he has done this, and he is speaking for a lot of our supporters and millions of people in America when he says that he is frustrated and he is frustrated with the types of thing that the gentleman from Oklahoma has been talking about tonight and I have been talking about when he says in here, and he is speaking for many people when he said that he cares about the moral tone of the Nation. "I care about right and wrong. I have very deep convictions about absolute truth."

And he says, had he stayed simply on family themes, he could have moved with ease through all denominations and in both political parties. But he has started to speak out because he is concerned about the general thrust and direction of our society that causes some heartburn in our party, causes some heartburn in Members of Congress, such as the gentleman from Oklahoma and myself.

At the same time, we understand why this article says "a righteous indignation," because that is what many people in America feel right now. They do not understand what in the world is wrong with the government. The examples that my colleague has given defy common sense.

Mr. ISTOOK. Mr. Speaker, I think the gentleman is making the point that we cannot separate values and principles and moral standards from the religious beliefs which gave them birth and gave them life and give them meaning.

If we look at the original founding document of this Nation, the Declaration of Independence, there is a very well-known clause in that. Many people only read it partway. But I am speaking of the clause that says, "We hold these truths to be self-evident that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men."

Now, if we look at what the Founding Fathers wrote, Mr. Speaker, we see that they say our rights did not come from the State, they did not come from the Federal Government, they did not come from the State government, they did not come from a local government, they did not come from a king, they do not come from an emperor, our rights come from God. "We hold these truths to be self-evident. We are endowed by our Creator with certain inalienable rights."

And what is the purpose of government according to the Declaration of Independence? To secure these rights, to secure the rights which come to us from God. That is what the Founding Fathers wrote they believed was the purpose of government, to protect our God-given rights.

I must question, if we cannot acknowledge the author of our rights, if we cannot acknowledge the origin of our rights, if we cannot express belief in He who created our rights, for which government was created to protect those rights, if we cannot do those things, can we stay believers and true persons to those beliefs and to the principles on which this Nation was founded? If we abandon the source of this Nation, we abandon its principles.

Mr. Speaker, the religious freedom amendment is intended to protect these rights which are in jeopardy. It has not gone without notice across the world that even though we enjoy great religious freedom in the United States of America, but let us not measure it by what we have left. Let us look at what has been taken away by these and other court decisions.

They have been chipping and chipping and chipping away at our rights. Are we then to be satisfied because we still have something left, or must we recognize the process of this chipping away, of this diminishing, of this fencing in of our rights and our freedom and our precious religious heritage? Are we to accept this false notion that, as government expands, religion must shrink to maintain a separation between church and state, because we live in the era of expanding government, and if that is the philosophy, then expansion of government necessitates a shrinking of religion?

Mr. Speaker, that is not the philosophy in which our Founding Fathers believed. That is why I quoted Chief Justice Rehnquist on that, and many other things to this effect can be found in their writings. We want to have a positive attitude toward religion, but make sure that we never embark upon anything that would create any official religion or any official church or any official faith for the United States of America. But the severity of this problem in the USA has been noted around the world.

I want to read a statement from Pope John Paul II, which he issued this past December, just 5 months ago. He was greeting the new American Ambassador to the Vatican, and Pope John Paul II spoke these words to the new American Ambassador: "It would truly be a sad thing if the religious and moral convictions upon which the experiment was founded could now somehow be considered a danger to free society such that those who would bring these convictions to bear upon your Nation's public life would be denied a voice in debating and resolving issues of public policy. The original separation of church and state in the United States was certainly not an effort to ban all religious conviction from the public sphere, a kind of banishment of God from civil society."

□ 2145

Mr. Speaker, it is time that we take notice and that we take action. We will have the opportunity on the floor of this House within approximately a month to vote on the Religious Freedom Amendment. It has been approved by the Subcommittee on the Constitution, by the Committee on the Judiciary, it has over 150 Members of Congress who are cosponsors of it. I hope even more will add their names to it.

I hope, Mr. Speaker, that those all across the country who are aware of this will contact their Member of Congress. I hope they will say to their Member of Congress, "We need to protect our religious freedom, we need to reverse the attack upon prayer in school and our other religious freedoms, we need the Religious Freedom Amendment, and we expect our Members of Congress to support it." Members of Congress need to hear that message.

Our children in public school need to be free to have a simple message of hope and faith in their school day, and let them be aware that yes, there are some differences in how some people pray and we have some differences among us that reflect some of our different faiths. But yet we are united, we are united by our common beliefs that almost all Americans share.

That certainly was part of the beliefs of the Founding Fathers, that we owe our existence to God, and if we do not recognize God and if we do not do it freely and openly and consistently and yes, daily, Mr. Speaker, then how long can we expect the blessings of the Lord to continue with us and with our families and with our beloved Nation? We need that freedom which has been under attack by the courts.

Let me share with you once again, Mr. Speaker, the words of the Religious Freedom Amendment which would become a part of the Constitution, not to replace the First Amendment but to supplement it, to be side-by-side with it. The Religious Freedom Amendment states as follows:

> To secure the people's right to acknowledge God according to the dictates of conscience: Neither the United States nor any State shall establish any official religion, but the people's right to pray and to recognize their religious beliefs, heritage or traditions on public property, including schools, shall not be infringed. Neither the United States nor any State shall require any person to join in prayer or other religious activity, prescribe school prayers, discriminate against religion, or deny equal access to a benefit on account of religion.

Those are the simple words, that is the simple language which will correct these things which we have been discussing, which will correct these wayward court decisions, which will give the Supreme Court a better compass than the one which they have been following.

Mr. Speaker, it is long overdue. We should have had this vote decades ago. I am so grateful to be an American, to live in a land where the American people have not lost their faith, but they need to be free to express it. With faith comes value, with faith comes principles, with faith comes morals, with faith comes strength, and with faith comes the blessings, the blessings of liberty which we seek to secure for ourselves and for our posterity.

DETAILED AND LEGAL ANALYSIS OF THE RELIGIOUS FREEDOM AMENDMENT, HOUSE JOINT RESOLUTION 78

(By U. S. Congressman Ernest J. Istook, Jr.)

THE RELIGIOUS FREEDOM AMENDMENT (HOUSE JOINT RESOLUTION 78)

"To secure the people's right to acknowledge God according to the dictates of conscience: Neither the United States nor any State shall establish any official religion, but the people's right to pray and to recognize their religious beliefs, heritage or traditions on public property, including schools, shall not be infringed. Neither the United States nor any state shall require any person to join in prayer or other religious activity, prescribe school prayers, discriminate against religion, or deny equal access to a benefit on account of religion."

BACKGROUND

The Religious Freedom Amendment, House Joint Resolution 78, responds to the public's valid concern that our courts have become hostile to religion, placing barriers to religious expression which do not exist for other forms of free speech.

A false and impossible standard of unanimity has been created, saying that if a single person objects to a prayer or other religious expression, then an entire group must be silenced and censored. This is the exact opposite of free speech. Free speech exists only when people have a right to say something with which others disagree.

For over 36 years, court decisions have harmed religious freedom in America; the Religious Freedom Amendment (RFA) is intended as the solution, because the courts have left no other remedy than to amend the Constitution. Over 150 Members of the House of Representatives are co-sponsoring the RFA. It also is supported by a broad coalition that includes Christian groups, and Jewish groups, and Muslim groups. Support ranges from America's largest black denomination, the National Baptists, to the Salvation Army, Youth for Christ, and the country's largest Protestant group, the Southern Baptist Convention, and many more.

Supreme Court rulings on school prayer and other religious issues have provoked public outrage since 1962. Throughout the last 36 years, public opinion polls consistently show about 75% or more of the American public want a constitutional amendment supporting prayer in public schools.

Not since 1971 has such a constitutional amendment been voted upon in the House of Representatives.[1] The Senate conducted votes in 1966,[2] 1970,[3] and 1984.[4] Obviously, none of those succeeded. Additionally, related votes not involving a constitutional amendment have ranged from efforts to limit the jurisdiction of the federal courts, to equal access proposals, to riders on appropriations bills. (These efforts are described in detail in a 1996 report by the Congressional Research Service.[5]) In 1997, on March 4th, the House approved legislation (HCR 31) to promote display of the Ten Commandments on public property, despite Supreme Court rulings to the contrary. It prevailed by 295–125, a 70% margin. It was, however, only a resolution of support, not changing any statutes or court decisions, much less changing the Constitutional language which the courts have misconstrued.

TEXT OF THE RFA

The RFA will end 27 years of inaction by the House on a constitutional amendment, by adding to our Constitution this language:

"To secure the people's right to acknowledge God according to the dictates of conscience: Neither the United States nor any State shall establish any official religion, but the people's right to pray and to recognize their religious beliefs, heritage or traditions on public property, including schools, shall not be infringed. Neither the United States nor any State shall require any person to join in prayer or other religious activity, prescribe school prayers, discriminate against religion, or deny equal access to a benefit on account of religion."[6]

H.J. Res. 78 also includes the normal protocol for submitting this text to the states for ratification, with a seven-year limit on that process.

ABOUT "SEPARATION OF CHURCH AND STATE"

The phrase "separation of church and state" is a term whose usage has been officially condemned by the Chief Justice of the Supreme Court, William Rehnquist, and with good reason. He labels it a "mischievous diversion of judges from the actual intentions of the drafters of the Bill of Rights. . . . a metaphor based on bad history, a metaphor which has proved useless as a guide to judging." Rehnquist then stated his conclusion: "It should be frankly and explicitly abandoned."[7]

The term "separation of church and state" has been frequently used not to promote official neutrality toward public religious expression, but to promote hostility. Essentially, it suggests that whenever government is present, religion must be removed. Unfortunately under this philosophy, because government today is found almost everywhere, the growth of government dictates a shrinking of religion. "Separation" becomes a euphemism for "crowding out" religion.

A proper analysis should center on the actual text of the Constitution, but too often the language of the Constitution is ignored, and is replaced with a focus on the catchphrase "separation of church and state." It is cited almost as a mantra, often in an effort to foreclose further discussion, and without critical analysis of what the phrase actually might mean. That phrase is not found in the Constitution; yet it commonly is erroneously treated as the standard measuring stick for religious freedom issues.

A wrongful focus on this term inevitably becomes antagonistic to religion, because its premise is that wherever government exists, religion must be pushed aside, to maintain the "separation." Since American government today is far, far larger than in the days of our Founding Fathers, or than in any other era,[8] its expansion automatically crowds out religious expression. When government enters, religion must exit. Our courts are blazing a wayward trail because they use a broken compass, a fact noted by dissenters on the Supreme Court. Chief Justice Rehnquist has decried the phrase as a "misleading metaphor" which the Court has followed "for nearly forty years."[9]

After reviewing at great length both the extra-Constitutional origin of the phrase, and the history of the development of the First Amendment itself, Chief Justice Rehnquist in Wallace v. Jaffree, 472 U.S. 38 (1985) condemned the reliance on the phrase "separation of church and state". Among his comments:

"The evil to be aimed at, so far as those who spoke were concerned [in the Congress which approved the First Amendment], appears to have been the establishment of a national church, and perhaps the preference of one religious sect over another; but it was definitely not concern about whether the Government might aid all religions evenhandedly.

* * * * *

"It would seem from this evidence that the Establishment Clause of the First Amendment had acquired a well-accepted meaning: it forbade establishment of a national religion, and forbade preference among religious sects or denominations. Indeed, the first American dictionary defined the word "establishment" as "the act of establishing, founding, ratifying or ordainin(g,") such as in "[t]he episcopal form of religion, so called, in England." 1 N. Webster, American Dictionary of the English Language (1st ed. 1828). The Establishment Clause did not require government neutrality between religion and irreligion nor did it prohibit the federal government from providing non-discriminatory aid to religion. There is simply no historical foundation for the proposition that the Framers intended to build the "wall of separation" that was constitutionalized in Everson.

* * * * *

"Our recent opinions, many of them hopelessly divided pluralities, have with embarrassing candor conceded that the "wall of separation" is merely a "blurred, indistinct, and variable barrier," which "is not wholly accurate" and can only be "dimly perceived." [Citations omitted:]

* * * * *

"But the greatest injury of the "wall" notion is its mischievous diversion of judges from the actual intentions of the drafters of the Bill of Rights. . . . The "wall of separation between church and State" is a metaphor based on bad history, a metaphor which has proved useless as a guide to judging. It should be frankly and explicitly abandoned.

* * * * *

"The Framers intended the Establishment Clause to prohibit the designation of any church as a "national" one. The Clause was also designed to stop the Federal Government from asserting a preference for one religious denomination or sect over others. Given the "incorporation" of the Establishment Clause as against the States via the Fourteenth Amendment in Everson, States are prohibited as well from establishing a religion or discriminating between sects. As its history abundantly shows, however, nothing in the Establishment Clause requires government to be strictly neutral between religion and irreligion, nor does that Clause prohibit Congress or the States from pursuing legitimate secular ends through nondiscriminatory secular means."

The Religious Freedom Amendment reflects Rehnquist's analysis as Chief Justice of the Supreme Court, and corrects the decisions he criticizes.

Catch-phrases such as "separation of church and state"[10] have had a chilling effect in modern America because government has expanded into almost every area of life. If the church must be segregated from government, then government's entry into any activity is a de facto expulsion of religion from that area. The severity of the problem was noted by Pope John Paul II, on greeting the new American ambassador to the Vatican in December, 1997, when he stated, "It would truly be a sad thing if the religious and moral convictions upon which the American experiment was founded could now somehow be considered a danger to free society, such that those who would bring these convictions to bear upon your nation's public life would be denied a voice in debating and resolving issues of public policy. The original separation of Church and State in the United States was certainly not an effort to ban all religious conviction from the public sphere, a kind of banishment of God from civil society."

HOW WILL THE RFA CHANGE THE OUTCOME OF PREVIOUS SUPREME COURT DECISIONS?

As noted in numerous examples, some of which follow, the RFA reflects the opinions expressed by many Supreme Court justices prior to the Court's detours in recent years, and also reflects the dissenting opinions of many Justices during this period. (Often these were 5-4 decisions, meaning the dissenters were but a single vote short of being a majority.) The RFA effectively incorporates (or re-incorporates) their arguments into the Constitution.

The following are some of the key decisions which are affected:

ENGEL V. VITALE

—The threshold case of Engel v. Vitale[11] held that government may not compose any official prayer or compel joining in prayer. This portion of Engel would remain intact. However, that portion of Engel which precluded students from engaging in group classroom prayer even on a voluntary basis would be corrected by the RFA.[12]

ABINGTON SCHOOL DISTRICT V. SCHEMP

—Abington School District v. Schemp[13], to the extent that it prohibited the composition or imposition of prayer by an entity of government, would remain the law under the RFA. But to the extent that Abington broadly permits the Establishment Clause to supersede the Free Exercise Clause, it would yield to the standard enunciated in Justice Stewart's dissent:

"It is, I think, a fallacious oversimplification to regard these two provisions as establishing a single constitutional standard of "separation of church and state," which can be mechanically applied in every case to delineate the required boundaries between government and religion. We err in the first place if we do not recognize, as a matter of history and as a matter of the imperatives of our free society, that religion and government must necessarily interact in countless ways. Secondly, the fact is that while in many contexts the Establishment Clause and the Free Exercise Clause fully complement each other, there are areas in which a doctrinaire reading of the Establishment Clause leads to irreconcilable conflict with the Free Exercise Clause."

WALLACE V. JAFFREE

—The prohibition on silent prayer in public schools, incorporated into Wallace v. Jaffree[14], would be corrected by the RFA. Silent prayer (as well as vocal prayer) would be legitimized, so long as there was no government dictate either to compel that it occur, or to compel any student to participate.

As Chief Justice Burger stated in his dissent in Wallace v. Jaffree:

"It makes no sense to say that Alabama has "endorsed prayer" by merely enacting a new statute "to specify expressly that voluntary prayer is one of the authorized activities during a moment of silence, . . . To suggest that a moment-of-silence statute that includes the word "prayer" unconstitutionally endorses religion, while one that simply provides for a moment of silence does not, manifests not neutrality but hostility toward religion.

* * * * *

"The notion that the Alabama statute is a step toward creating an established church borders on, if it does not trespass into, the ridiculous. The statute does not remotely threaten religious liberty; it affirmatively furthers the values of religious freedom and tolerance that the Establishment Clause was designed to protect. Without pressuring those who do not wish to pray, the statute simply creates an opportunity to think to plan, or to pray if one wishes . . ."

In Justice Potter Stewart's dissent from Abington, he found permitting school prayer is a necessary element of diversity:

". . . the duty laid upon government in connection with religious exercises in the public schools is that of refraining from so structuring the school environment as to put any kind of pressure on a child to participate in those exercises; it is not that of providing an atmosphere in which children are kept scrupulously insulated from any awareness that some of their fellows may want to open the school day with prayer, or of the fact that there exist in our pluralistic society differences of religious belief."

LEE V. WEISMAN

—Graduation prayers (so long as not prescribed by government) would be freed of the prohibition in Lee v. Weisman, 505 U.S. 577 (1992). Justice Kennedy wrote in that case that the normal expectation of respectful silence (which is expected for so many other school programs), became coercion when a rabbi offered a graduation prayer, because it creates "pressure, though subtle and indirect, . . . as real as any overt compulsion."

The RFA takes issue with Justice Kennedy's view, and instead embodies the views of the four Justices who dissented to this 5-4 decision. Whether at a graduation or other school setting, the RFA incorporates the conclusions of these four Justices (Scalia, Rehnquist, White and Thomas) that "hearing" is not "participating" and "hearing" is not "joining" in prayer, and thus there was no coercion to pray.

The Court never explained how expecting respect for a rabbi's prayer at graduation is worse or more "coercive" than expecting courtesy and quiet for non-religious school presentations, or for the Pledge of Allegiance which was also a part of the graduation ceremony. The majority, though, turned its back on neutrality by holding that expecting courtesy and tolerance is coercive, even though seeking respect for non-religious speech was normal and permitted. But because Lee V. Weisman transmuted simple listening into "participation", the Religious Freedom Amendment instead requires something greater than this before an activity is deemed to be an infringement of rights. The RFA applies a simple common-sense standard that makes prayer an expressly-permitted activity, so long as actual joining-in and/or prescribing of prayer are not required. Listening is not joining and is not participating and is not coercion.

In dissenting to Lee V Weisman's 5-4 ruling, Justice Scalia called the new "psychological coercion" standard "boundless, and boundlessly manipulable".[15] He noted that prayer at school graduations had been standard since the first known graduation from a public high school, in Connecticut in July 1868.[16] Just as the RFA now does, Justice Scalia and the other three dissenting justices distinguished between being present and actually joining in a prayer. As these four justices wrote (at 636):

". . . According to the [majority opinion of the] Court, students at graduation who want "to avoid the fact or appearance of participation," . . . in the invocation and benediction are psychologically obligated by "public pressure, as well as peer pressure, . . . to stand as a group or, at least, maintain respectful silence" during those prayers. This assertion-the very linchpin of the Court's opinion—is almost as intriguing for what it does not say as for what it says. It does not say, for example, that students are psychologically coerced to bow their heads, place their hands in a Durer-like prayer position, pay attention to the prayers, utter "Amen," or in fact pray. . . . It claims only that students are psychologically coerced "to stand . . . or, at least, maintain respectful silence." . . . The Court's notion that a student who simply sits in "respectful silence" during the invocation and benediction (when all others are standing) has somehow joined—or would somehow be perceived as having joined—in the prayers is nothing short of ludicrous."

The standard of Lee v. Weisman's bare 5-4 majority has been dangerous, because it declares that simple exposure to religious speech (like exposure to pornography) is so inherently damaging that people must be protected from it. In the majority opinion, Justice Kennedy wrote (at 505 U.S. 594), "Assuming, as we must, that the prayers were offensive . . .". Even pornography is granted a chance to be measured against prevailing community standards; but prayer is assumed automatically to be offensive. Lee v. Weisman's subjective standard permits a lone "offended" individual to silence all others in a public place, thereby censoring their religious expressions.

The effect of this ruling was to create the dangerous notion of a new "freedom from hearing" right which is superior to others' express free speech rights under the First Amendment. This is especially insidious and chilling when it is used for prior restraint of religious speech. It also perpetuates the notion that an offense to a few must be corrected, even if doing so gives offense to the vast majority. As Justice Kennedy noted (505 U.S. 595), "for many persons an occasion of this significance lacks meaning if there is no recognition, however brief, that human achievements cannot be understood apart from their spiritual essence." But he found that interest immaterial, so long as any one person was offended. The four dissenters took a view much more in keeping with respecting the rights of all, and not just of a few. They noted that, in trying to avoid offense to one student and one parent, the Court's anti-graduation prayer ruling ignored the fact that it was giving offense to all the other students and parents. They stated (at 505 U.S. 645):

"The reader has been told much in this case about the personal interest of Mr. Weisman and his daughter, and very little about the personal interest on the other side. They are not inconsequential. Church and state would not be such a difficult subject if religion were, as the Court apparently thinks it to be, some purely personal avocation that can be indulged entirely in secret, like pornography, in the privacy of one's room. For most believers it is not that, and has never been. Religious men and women of almost all denominations have felt it necessary to acknowledge and beseech the blessing of God as a people, and not just as individuals, because they believe in the "protection of divine Providence," as the Declaration of Independence put it, not just for individuals but for societies; because they believe God to be, as Washington's first Thanksgiving Proclamation put it, the "Great Lord and Ruler of Nations." One can believe in the effectiveness of such public worship, or one can deprecate and deride it. But the longstanding American tradition of prayer at official ceremonies displays with unmistakable clarity that the Establishment Clause does not forbid the government to accommodate it."

Lee v. Weisman, in discussing the tradition of graduation prayer, also included an interesting note that the practice was part of the first known American graduation ceremony. As it noted (at 505 U.S. 635):

"By one account, the first public high school graduation ceremony took place in Connecticut in July 1868—the very month, as it happens, that the Fourteenth Amendment (the vehicle by which the Establishment Clause has been applied against the States) was ratified—when 15 seniors from the Norwich Free Academy marched in their best Sunday suits and dresses into a church hall and waited through majestic music and long prayers."

Under the pretense of promoting tolerance, our courts have thus been used to promote censorship. The RFA corrects this, protecting the rights of both minorities and majorities. The Constitution and the Bill of Rights were intended to protect each and every one of us, not merely some of us.

STONE V. GRAHAM

—The ability to post the Ten Commandments on public property (as an expression of religious beliefs, heritage or traditions of the people), prohibited by Stone v. Graham,[17] becomes protected under the RFA, although there would be neither a mandate nor a guarantee that it would be proper under all circumstances. But Stone v. Graham's automatic prohibition on such a display would be ended.

Stone's majority decision expressed concern that posting the Ten Commandments would "induce the schoolchildren to read, meditate upon, perhaps to venerate and obey, the Commandments."[18] But, in dissent, Chief Justice Rehnquist noted:[19]

"The Establishment Clause does not require that the public sector be insulated from all things which may have a religious significance or origin. . . . Kentucky has decided to make students aware of this fact by demonstrating the secular impact of the Ten Commandments."

Chief Justice Rehnquist then quotes from a 1948 opinion[20] by former Justice Jackson:

". . . Perhaps subjects such as mathematics, physics or chemistry are, or can be, completely secularized. But it would not seem practical to teach either practice or appreciation of the arts if we are to forbid exposure of youth to any religious influences. Music without sacred music, architecture minus the cathedral, or painting without the scriptural themes would be eccentric and incomplete, even from a secular point of view. . . . I should suppose it is a proper, if not an indispensable, part of preparation for a worldly life to know the roles that religion and religions have played in the tragic story of mankind. The fact is that, for good or for ill, nearly everything in our culture worth transmitting, everything which gives meaning to life, is saturated with religious influences, derived from paganism, Judaism, Christianity—both Catholic and Protestant—and other faiths accepted by a large part of the world's peoples."

LEMON V. KURTZMAN

—Lemon v. Kurtzman[21] and its subjective three-pronged test have often been used to achieve a desired result rather than to guide an analysis. The Lemon test would necessarily be revised, because a "purely secular" objective would no longer be compulsory. Recognition of religious heritage, tradition or belief would be a proper objective, so long as it did not rise to the level of promoting a particular faith.

ALLEGHENY V. ACLU

—The case of County of Allegheny v. ACLU, Greater Pittsburgh Chapter,[22] would be brought back into line with Lynch v. Donnelly.[23] (Both were 5-4 decisions.) The so-called "plastic reindeer" test for holiday symbols on public property would no longer be decisive. Lynch permitted display of a government-owned Nativity scene, whereas Allegheny restricted the display of a private creche on public property, citing a need for better visual "balance" with secular emblems. It would be no more compulsory to add secular items to a religious display than to require adding religious symbols to "balance" purely secular displays.

A truer test would consider whether symbols of differing faiths were afforded similar opportunity for display during their special seasons. The proper test would be whether government sought to establish an official religion, rather than outlawing traditions from a public forum.

The Religious Freedom Amendment would correct the Supreme Court's bias that secular symbols, regardless of how perverse, are constitutionally-protected for public display,[24] whereas religious symbols are considered suspect. The intent of the RFA is to re-establish true neutrality, by affording religious expression the same equal protection as other expression, rather than the pretense of neutrality that too often exists in name only.[25] The carryover of true neutrality would extend to other aspects of once-common but now-suppressed reflections of beliefs, heritage and traditions. School holiday programs would not feel the pressure to limit songs to "Frosty the Snowman" or "Rudolph the Red-Nosed Reindeer". The carols of Christmas, the hymns of Thanksgiving, the songs of Hanukkah, and those of other holidays and other faiths would be welcome. Tolerance and understanding would be promoted, rather than avoided. The standard would be that reflections of faith, meaning minority faiths as well as majority faiths, are clearly permitted, so long as it does not progress into advocating or promoting any particular faith.

SECTION-BY-SECTION REVIEW OF THE RFA

Preamble: "To secure the people's right to acknowledge God according to the dictates of conscience: . . ."

The preamble has a purpose. As former Chief Justice Story described the nature of a constitutional preamble, "Its true office is to expound the nature and extent and application of the powers actually conferred by the Constitution, and not substantively to create them."[26] The preamble to H.J. Res. 78 serves principally to indicate intent, to assist in interpreting the substantive provisions.

The concept of this particular preamble is attributed chiefly to Forest Montgomery, legal counsel for the National Association of Evangelicals. There is nothing unique or unusual, however, to have constitutional language which expressly mentions God. Such language is the rule, and not the exception, in our state constitutions.

Critics of this mention of God should review the constitutions of our 50 states. Through these, the American people have freely embraced attitudes very different from those expressed by the U.S. Supreme Court. All fifty of our states [27] have adopted express and explicit mentions of God in their constitutions or preambles. The attached Appendix details the express language, from each of the states.

In Alaska, the constitution states that its citizens are "grateful to God and to those who founded our nation . . . , in order to secure and transmit to succeeding generations our heritage of political, civil and religious liberty". In Colorado, theirs reads, "with profound reverence for the Supreme Ruler of the Universe." Idaho states, "grateful to Almighty God for our freedom," which is the identical phrase used by California, and Nebraska, and New York, and Ohio, and Wisconsin. Pennsylvania phrases it as "grateful to Almighty God for the blessings of civil and religious liberty, and humbly invoking His guidance."

Some go even farther. Maryland's Article 36 declares "the duty of every man to worship God." Maryland's constitution further states that nothing in it shall prohibit references to God or prayer "in any governmental or public document, proceeding, activity, ceremony, school, institution, or place" and declares that those things are not considered to be an establishment of religion. Virginia's refers to the "duty which we owe to our Creator" and to the "mutual duty of all to practice Christian forbearance, love and charity."

These references to God are typical of our state constitutions.

Just as America adopted "In God We Trust" as our national motto, the states have mottoes, often incorporated on their state seals. Arizona's seal states, "Ditat Deus", meaning "God Enriches." Florida's seal states, "In God We Trust." Ohio doesn't put it on a seal, but proclaims its motto, "With God, All Things Are Possible."[28]

The Religious Freedom Amendment echoes the philosophy found in our state constitutions, namely that faith guided the creation of America's common principles and ideals, and faith is at the core of preserving them. It tracks the essence of the Declaration of Independence, wherein our Founding Fathers proclaimed that our rights come not from government, but from God, declaring, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights; that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men."

The Religious Freedom Amendment also applies a phrase common to many of the original state constitutions: "according to the dictates of conscience". Virginia used it in 1776 as part of its Declaration of Rights, proclaiming, "all men are equally entitled to the free exercise of religions, according to the dictates of conscience." It appeared with slight variations in the original constitutions of Delaware, New Jersey and North Carolina (all 1776), Vermont (1777), Massachusetts (1780) and New Hampshire (1784). Today, this phrase of "according to the dictates of conscience" is echoed in the constitutions of 28 states—Arkansas, Connecticut, Delaware, Georgia, Indiana, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia and Wisconsin.

It must always be stressed that the Religious Freedom Amendment is not intended to override the First Amendment's prohibitions on establishing any religion as a state religion and on creating official status for any set of beliefs. The RFA would not do this. The preamble's inclusion of the phrase, "according to the dictates of conscience," is the first of multiple protections within the Religious Freedom Amendment to safeguard the rights of religious minorities.

The term "according to the dictates of conscience" does not, however, protect lewd behavior under the claim or pretense of religion. Although worded in absolutist fashion, the First Amendment nevertheless yields when necessary to avoid "substantial threat to public safety, peace, or order".[29] The courts have determined that free exercise of religion is not a license to disregard general statutes on behavior, such as those against advocating violent overthrow of the government,[30] outlawing polygamy [31], use of illegal drugs[32], prostitution[33], and even snake-handling[34]. The right to free speech does not permit shouting "Fire!" in a public theater[35], or wanton and intentional libel and slander[36]. Free speech does not give students a right to interrupt and usurp class time to speak whenever they want about whatever they want. Neither does the RFA. The RFA would not permit or sanction disruptive behavior by those wishing to pray or to speak about religion. It does not open public schools to anyone who might wish to enter to bring in their own religious message. Trespass remains trespass. The RFA simply permits religious openness by those students who have a right (and usually a legal obligation) to attend school.

"The people's right" is a right held both by individuals and as a collective group. The RFA does not, however, create a mechanism for government officials to begin dictating wholesale inclusion of religious symbols for constant or incessant display on public property, because they would remain bound by the First Amendment's prohibition against establishing an official religion via government! The RFA simply shifts the boundary, away from exclusionism and into greater accommodation, but stops well short of actual endorsement of religion. It provides a check upon the court challenges which have erroneously equated and confused accommodation and recognition with endorsement.

The RFA would correct the trend of using the Establishment Clause to run roughshod over the Free Exercise Clause. The First Amendment consciously established a tension by stating not only what government could not do, but also stating what the people could do. Our courts have instead used it to halt voluntary religious expressions by citizens, individually and collectively, whenever government has some connection.

Because the scope and intrusiveness of government into all aspects of American society has grown so rapidly, it has become all-pervasive, making it a rare occasion when there is no presence of government. Accordingly, the judicially-created "wall of separation" has become a moving wall. As the presence of government constantly expands, this standard crowds out opportunities for religion to be present and to flourish. As shown by the recent ruling in City of Boerne v. Flores, Archbishop[37] even a church's ability to have room to seat its worshippers is subjected to government control. This was never the intention of our Founding Fathers.

The RFA's preamble stresses our shared belief that government should accommodate and protect religious freedom, but it simultaneously stresses that government should not and must not dictate in regard to religion. By concluding with the safeguard of "according to the dictates of conscience," the preamble assures that as it protects religious expression in public places, it nevertheless cannot be used to dictate expression or non-expression of beliefs, nor can it be used to favor one religious faith over another.

Protecting religious expression: "Neither the United States nor any State shall establish any official religion, but the people's right to pray and to recognize their religious beliefs, heritage or traditions on public property, including schools, shall not be infringed. . . ."

NEVER AN OFFICIAL CHURCH

This phrase draws a clear boundary beyond which government cannot go. No public property occasion which recognizes religious beliefs, heritage or tradition, and no such exercise of the right to pray shall rise to the level of denoting any religion as official. This follows the intent of the drafters of the First Amendment, as understood by now-Chief Justice William Rehnquist and related in his opinion in Wallace v. Jaffree:

"The evil to be aimed at, so far as [its drafters] were concerned, appears to have been the establishment of a national church, and perhaps the preference of one religious sect over another, but it was definitely not concern about whether the Government might aid all religions evenhandedly."[38]

Government should accommodate America's faiths, and the emphasis they have always received in this nation's life, but should not be promoting any one faith in particular. For example, the RFA would not permit government to proclaim officially that the United States is a "Christian nation", nor a "Jewish nation," "Muslim nation," nor that of any other particular faith. But the supposed accommodation under current rulings is typically a pretense, the functional equivalent of no accommodation at all.

The proper standard of accommodation was described by then-Chief Justice Warren Burger, in his dissent to Wallace v. Jaffree, 472 U.S. 38, at 90:

"The statute [permitting a moment of silence, and thus silent prayer, in Alabama's public schools] "endorses" only the view that the religious observances of others should be tolerated and, where possible, accommodated. If the government may not accommodate religious needs when it does so in a wholly neutral and noncoercive manner, the "benevolent neutrality" that we have long considered the correct constitutional standard will quickly translate into the "callous indifference" that the Court has consistently held the Establishment Clause does not require.

"The Court today has ignored the wise admonition of Justice Goldberg that "the measure of constitutional adjudication is the ability and willingness to distinguish between real threat and mere shadow."

The language to permit religious expression on public property is the first corrective segment of the RFA; the second is the portion dealing with non-discrimination.

The text of the RFA uses the two-part structure employed by the First Amendment, intended to balance freedom from state-imposed religion (via the so-called Establishment Clause, "Congress shall make no law respecting an establishment of religion . . .") with freedom of religion (via the so-called Free Exercise Clause, "or prohibiting the free exercise thereof"). The RFA likewise echoes the prohibition on an official religion, then follows it with language clearly indicating that the intent is not to restrict religion, but to maximize it. The RFA's terms are necessarily more explicit than the First Amendment, as a necessity to correct court rulings of recent years.

The RFA reflects former Chief Justice Warren Burger's comments about how government should accommodate expressions of religious tradition, heritage and belief. As he wrote in Lynch v. Donnelly, 465 U.S. 668, at 675 (1984) (and before Lynch was undercut by a later 5-4 ruling):

"[t]here is an unbroken history of official acknowledgment by all three branches of government of the role of religion in American life from at least 1789" and that there are "countless . . . illustrations of the Government's acknowledgment of our religious heritage and governmental sponsorship of graphic manifestations of that heritage." These included, in part:

"—invocations of Divine guidance in deliberations and pronouncements of the Founding Fathers and contemporary leaders;

"—George Washington's designation of a religiously-toned Thanksgiving, which 80 years later was made a national holiday;

"—the designation of Christmas as a national holiday and the grant of paid leave to public employees on that day;

"—Presidential proclamations commemorating other religious events, such as the Jewish High Holy Days;

"—Usage of "In God We Trust" as a national motto, and on coins and currency;

"—Display of religious paintings in publicly-supported art galleries [to which he could have added the religious overtones of many of the depictions in Statuary Hall in the U.S. Capitol itself]."

WHO ARE "THE PEOPLE"?

The word "people" was purposefully chosen rather than specifying simply "a person's right" or "every person's right" to pray, and to recognize religious tradition, heritage or belief. In speaking of "the people's right", the RFA embodies "people" in both the individual and the collective meaning of the word. This is consistent with the dual usage already employed by Constitutional references to "the people."

In its Preamble, the Constitution opens with "We the People", thus referring to the collective conduct of the American people acting to create their government.

The First Amendment uses an obviously collective sense of "people" when it proclaims "the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

The Fourth Amendment employs it to indicate individual rights in protecting "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures."

The Ninth and Tenth Amendments make obvious reference to the collective rights of the people, using their instrumentality of government, in specifying that "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." and that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

PROTECTING KEY DECISIONS

The RFA is also intended to preserve and protect the precedential value of Supreme Court decisions favorable to religious freedom and to even-handed treatment of religion, namely Marsh v. Chambers, 463 U.S. 783 (1983) and Rosenberger v. Rector and Visitors of the University of Virginia, 115 S. Ct. 2510 (1995). Without the RFA, the future of these precedents is problematical, because they are isolated exceptions to the trends of the Supreme Court in other religious freedom cases. Their viability and precedential value is subject to sudden change by the Court, absent the RFA.

The RFA also cements the precedent of another series of Supreme Court decisions, relating to government providing of benefits to students who are in parochial schools. That ruling, in the 5–to–4 decision in Agostini v. Felton, is discussed as part of the "benefits" clause of the RFA, later in this document.

Marsh v. Chambers, 463 U.S. 783 (1983), by 6–to–3 upheld the constitutionality of prayers by a government-paid chaplain, at the opening of legislative sessions.[39] Rosenberger by a 5–to–4 Court margin directed that when a public university funded other student publications, it could not refuse to assist one with a Christian association.

These decisions in Marsh v. Chambers and Rosenberger v. Rector are protected by the Religious Freedom Amendment, guarding them from the vagaries of back-and-forth shifting margins on the Supreme Court.

PROTECTING RIGHTS OF THE PEOPLE

H.J. Res. 78 does not seek to protect religious rights simply by restricting the power of government; it also proclaims an affirmative right of the people themselves. The Bill of Rights and other Constitutional amendments have likewise used both approaches to establish and protect rights of the people.[40] The Religious Freedom Amendment expressly declares the rights of the people, to make its intent clearer to the courts. (But, as previously noted, the absolutist statement of an affirmative right does not impede reasonable requirements for the time, place and manner of speech. For example, the RFA does not give a student any right to disrupt class by spontaneously offering a prayer, just as the First Amendment does not give them any right to disrupt class by spontaneously launching into any other form of speech.)

"Public property" as used in the RFA is synonymous with "government property", but is not limited to real estate. In a proper case, it can for example address public property such as a city seal which contains a depiction of a community's heritage, traditions or beliefs. Thus, the limiting test is to assure that any role of government does not go beyond recognizing religious belief, heritage or tradition, and avoids becoming the promoting of any religion. The RFA does not repeal the Establishment Clause of the First Amendment, but interacts with it, restoring the former balance between the Establishment Clause and the Free Exercise Clause. Use of public property to go beyond the Equal Access Act, to go beyond recognition and into promotion of a religion would continue to run afoul of the Establishment Clause of the First Amendment.

Protecting individual conscience and minorities: ". . . Neither the United States nor any State shall require any person to join in prayer or other religious activity, [or] prescribe school prayers . . ."

The RFA does contain any language to overturn the First Amendment's prohibition on establishing an official religion, neither expressly nor impliedly. Nevertheless, it contains protective language as an extra safeguard to assure this. The RFA echoes the pattern of the First Amendment, with both a prohibition on establishing an official church, coupled with guarantees intended to assure maximum religious liberty.

No school prayer (nor any religious activity) could ever be mandatory; the RFA explicitly makes this clear. It demonstrates an abundance of caution and concern for religious freedom for all, in particular for any who may be in a minority in their area. It does not permit a large group to muzzle or suppress a small group; it does not permit a small group to muzzle or censor a large group. Nor does it permit anyone to compel prayer or other religious conduct by those who do not wish to participate.

Neither the federal nor state government could prescribe prayer. This covers both principal definitions of "prescribe". It could not "prescribe" prayers, in the sense that it could not direct that they occur; under the RFA, that initiative properly comes from students. Nor could government "prescribe" prayer, in the sense that it could not dictate the content of prayer.

This language reinforces the "according to the dictates of conscience" protection of the RFA's preamble.

The RFA effectively endorses and follows the standard applied by the Supreme Court in West Virginia State Board of Education v. Barnette.[41] There, the Court correctly ruled that no child could or should be compelled to say the Pledge of Allegiance. However, the Court did not create a right for an objecting student to prohibit their classmates from saying the Pledge.

Providing equal protection: ". . . [Neither the United States nor any State shall] . . . discriminate against religion, or deny equal access to a benefit on account of religion."

ENDING DISCRIMINATION AGAINST RELIGION

Religious symbols and religious behavior are treated by current court decisions as being automatically suspect when they occur on public property, or in association with a government activity or program.[42] But unlike the standard on religion, secular symbols, behavior, or activity are not pre-burdened. This discriminatory dual standard is prohibited by the RFA. The amendment does not prohibit positive accommodation of religion, such as non-profit tax treatment, but focuses instead to bar discrimination against religion.

The Congressional Research Service reported recently on 30 instances of federal statutes and regulations which assure that government does not subsidize religious practices of receiving organizations. But CRS also found an additional 51 federal statutes and regulations which disqualify religious organizations or adherents from neutral participation in generalized government programs.[43] This discrimination needs correction.

There is a growing recognition that faith-based programs can succeed, winning results even when other programs cannot, to combat crime and violence, teen pregnancy, welfare dependency, recidivism, and other social problems. To disqualify them because of their religious component not only violates the notion of neutrality, but denies assistance to a great many Americans.

NEUTRALITY REGARDING BENEFITS-PROTECTING FRAGILE PRECEDENTS

The "benefits" provision of the RFA reflects and protects (among other policy decisions) two recent Supreme Court decisions. Both were decided by 5–4 margins, in an area where the Court still shifts back-and-forth, unless the RFA provides an anchor to preserve these fragile rulings.

The first of these protected holdings is Rosenberger v. Rector and Visitors of the University of Virginia, 115 S.Ct. 2510 (1995), holding it impermissible viewpoint discrimination to exclude student religious publications from the University's general subsidy of student publications. The Court concluded that free speech itself was threatened if religious speech were singled out for different treatment:

"The governmental program at issue is neutral toward religion. Such neutrality is a significant factor in upholding programs in the face of Establishment Clause attack, and the guarantee of neutrality is not offended where, as here, the government follows neutral criteria and even-handed policies to extend benefits to recipients whose ideologies and viewpoints, including religious ones, are broad and diverse."

The RFA also reflects the philosophy embodied—by a bare margin—in Agostini v. Felton, No. 96–552 (June 23, 1997). Agostini by 5–4 reversed a prior ruling on the same issue (a ruling in Aguilar v. Felton, 473 U.S. 402 (1985)), which likewise was decided by 5–4). The Court justified the reversal because the Court had also reversed two prior opinions on crucial points. Those cases likewise turned on margins of 5–4 in one instance[44] and also 5–4 in the other![45] What the Court gives, the Court can take away tomorrow, especially on 5–4 decisions! The RFA protects these important decisions from such judicial schizophrenia.

In Agostini v. Felton, the Supreme Court ruled that New York City may use federal Title I funds to provide special teachers on the premises of parochial schools, to give supplemental and remedial instruction to disadvantaged children.[46]

The Court opined that there were sufficient safeguards to assure that sectarian schools would not have a profit motive to provide religious instruction. It added:

"First, the Court has abandoned *Ball's* presumption that public employees placed on parochial school grounds will inevitably inculcate religion or that their presence constitutes a symbolic union between government and religion. *Zobrest v. Catalina Foothills School Dist.*, 509 U.S. 1, 12–13. No evidence has ever shown that any New York City instructor teaching on parochial school premises attempted to inculcate religion in students. Second, the Court has departed from *Ball's* rule that all government aid that directly aids the educational function of religious schools is invalid. Other Establishment Clause cases before and since have examined the criteria by which an aid program identifies its beneficiaries to determine whether the criteria themselves have the effect of advancing religion by creating a financial incentive to undertake religious indoctrination. Cf. e.g., *Witters*, supra, at 488; *Zobrest*, supra, at 10. Such an incentive is not present where, as here, the aid is allocated on the basis of neutral, secular criteria that neither favor nor disfavor religion, and is made available to both religious and secular beneficiaries on a nondiscriminatory basis."

NEUTRALITY REGARDING BENEFITS-PROTECTING CURRENT POLICIES

In addition to the Supreme Court precedents of *Rosenberger* and of *Agostini*, the "benefits" provision of the RFA protects other current policy. For example, the RFA's "benefits" provision protects these existing programs: Over a billion dollars each year in federal grants goes to Catholic Charities USA for various social services, ranging from shelters for the homeless, to aid to refugees and to unwed mothers. Over a billion dollars each year is spent on GI Bill education benefits, over $7-billion to federal Pell Grants to students, $23-billion a year in federally-guaranteed student loans, and $17-billion a year in direct lending to students, all of which may be used at private and church schools, as well as at public schools.

The RFA does not permit any appropriation or other funding for religious activities. Government funding for a religious purpose would still be banned by the prohibition on official religion found both in the First Amendment and in the RFA. However, once a government program was established, to accomplish a governmental purpose, participants could not be disqualified on the basis of religion or religious affiliation.

Other illustrations of the current problem (and the not-clearly-settled law in light of 5-4 Supreme Court rulings):

—Although the case was ultimately settled, the Federal Communications Commission denied a federal grant to Fordham University, because its campus station included a religious program on Sunday mornings. The federal district court[47] sided with the FCC that Fordham was disqualified by supposed church-state considerations. The RFA will prevent such injustices in the future.

—Provisions of state constitutions have been used to deny using general benefit programs when there was any connection with a religious institution. Again, the RFA will rectify this, because it applies at both the federal and the state levels.[48]

—After the Oklahoma City bombing, it was reported that HUD attorneys almost denied nearby churches the ability to receive bombing repair money, on the same basis as other damaged property, because of "separation of church and state" concerns. Again, the RFA protects the ability to participate on an equal and non-discriminatory basis.

The "benefits" language does not guarantee any benefit to any person or group. Instead, it assures "equal access" *if and when* some benefit is made available for a permitted governmental purpose. For example, the RFA does not create a program of vouchers for education. *If* and when a unit of government chose to create them, however, the RFA would simply assure that all individuals and private entities are afforded equal access to them. This is the identical standard already utilized in federal student loan programs and the G-I Bill.

Private institutions, including those affiliated with churches, should be permitted to participate under the same standards as public institutions. For example, neither the University of Notre Dame nor Boston College are disqualified from federal education programs for being Catholic, nor is any other school disqualified on the basis of religion. This is a proper standard which has proven workable, which should be applied uniformly, and which should be protected from the uncertainty of the Supreme Court rulings in this area.

CONCLUSION

Rather than promoting understanding, recent decades of current Supreme Court decisions have promoted the opposite. A correct standard of tolerance would accept the benefits of listening respectfully to other views, rather than using the courts to silence them.

As four current Supreme Court justices have expressed:[49]

". . . nothing, absolutely nothing, is so inclined to foster among religious believers of various faiths a toleration—no, an affection—for one another than voluntarily joining in prayer together, to the God whom they all worship and seek. Needless to say, no one should be compelled to do that, but it is a shame to deprive our public culture of the opportunity, and indeed the encouragement, for people to do it voluntarily. The Baptist or Catholic who heard and joined in the simple and inspiring prayers of Rabbi Gutterman on this occasion was inoculated from religious bigotry and prejudice in a manner that cannot be replicated. To deprive our society of that important unifying mechanism, in order to spare the nonbeliever what seems to me the minimal inconvenience of standing or even sitting in respectful nonparticipation, is as senseless in policy as it is unsupportable in law."

The wayward state of Supreme Court decisions has been decried by Chief Justice Rehnquist:

"George Washington himself, at the request of the very Congress which passed the Bill of Rights, proclaimed a day of "public thanksgiving and prayer, to be observed by acknowledging with grateful hearts the many and signal favors of Almighty God." History must judge whether it was the father of his country in 1789, or a majority of the Court today, which has strayed from the meaning of the Establishment Clause."[50]

The American people have never accepted the Supreme Court's extra burdens levied against school prayer and against religious freedoms during the past 36 years. It has been 27 years since this House has acted upon the necessary constitutional amendment to correct this, and the time to remedy that is now. The Religious Freedom Amendment should be adopted.

APPENDIX

References to God in State Constitutions & Preambles

Alabama—"invoking the favor and guidance of Almighty God"

Alaska—"grateful to God and to those who founded our nation . . . in order to secure and transmit succeeding generations our heritage of political, civil, and religious liberty"

Arizona—"grateful to Almighty God for our liberties"

Arkansas—"grateful to Almighty God for the privilege of choosing our own form of government, for our civil and religious liberty"

California—"grateful to Almighty God for our freedom"

Colorado—"with profound reverence for the Supreme Ruler of the Universe"

Connecticut—"acknowledge with gratitude, the good providence of God"

Delaware—"Through Divine goodness, all men have by nature the rights of worshipping and serving their Creator according to the dictates of their own conscience."

Florida—"being grateful to Almighty God for our constitutional liberty"

Georgia—"relying upon the protections and guidance of Almighty God"

Hawaii—"grateful for Divine Guidance"

Idaho—"grateful to Almighty God for our freedom"

Illinois—"grateful to Almighty God for the civil, political and religious liberty which He has permitted us to enjoy and seeking His blessing upon our endeavors"

Indiana—"grateful to Almighty God for the free exercise of the right to choose our own government"

Iowa—"grateful to the Supreme Being for the blessings hitherto enjoyed, and feeling our dependence on Him for a continuation of those blessings"

Kansas—"grateful to Almighty God for our civic and religious privileges"

Kentucky—"grateful to Almighty God for the civil, political, and religious liberties we enjoy"

Louisiana—"grateful to Almighty God for the civil, political, economic, and religious liberties we enjoy"

Maine—"acknowledging with grateful hearts the goodness of the Sovereign Ruler of the universe in affording us an opportunity, so favorable to the design; and imploring God's aid and direction in its accomplishments, do agree"

Maryland—"grateful to Almighty God for our civil and religious liberty"

Massachusetts—"acknowledging with grateful hearts, the goodness of the great Legislator of the Universe, in affording us, in the course of His providence, and opportunity"

Michigan—"grateful to Almighty God for the blessings of freedom"

Minnesota—"grateful to God for our civil and religious liberty"

Mississippi—"grateful to Almighty God, and invoking blessings of freedom"

Missouri—"with profound reverence for the Supreme Ruler of the Universe, and grateful for His goodness"

Montana—"grateful to Almighty God for the blessings of liberty"

Nebraska—"grateful to Almighty God for our freedom"

Nevada—"Grateful to Almighty God for our freedom in order to secure its blessings"

New Hampshire—"unalienable right to worship God according to the dictates of conscience"

New Jersey—"grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure . . ."

New Mexico—"grateful to Almighty God for the blessings of liberty"

New York—"grateful to Almighty God for our Freedom"

North Carolina—"grateful to Almighty God, the Sovereign Ruler of Nations"

North Dakota—"grateful to Almighty God for the blessings of civil and religious liberty"

Ohio—"grateful to Almighty God for our freedom"

Oklahoma—"Invoking the guidance of Almighty God"

Oregon—"to worship Almighty God"

Pennsylvania—"grateful to Almighty God for the blessings of civil and religious liberty, and humbly invoking His guidance"

Rhode Island—"grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors"

South Carolina—"grateful to God for our liberties"

South Dakota—"grateful to Almighty God for our civil and religious liberties"

Texas—"Humbly invoking the blessings of Almighty God"

Tennessee—"to worship Almighty God"

Utah—"Grateful to Almighty God for life and liberty"

Washington—"grateful to the Supreme Ruler of the Universe for our liberties"

West Virginia—"Since through Divine Providence we enjoy the blessings of civil, political and religious liberty . . . reaffirm our faith in and constant reliance upon God . . ."

Wisconsin—"grateful to Almighty God for our freedom"

Wyoming—"grateful to God for our civil, political, and religious liberties"

Vermont—"to worship Almighty God"

Virginia—". . . duty which we owe to our Creator . . . mutual duty of all to practice Christian forbearance, love, and charity"

FOOTNOTES

[1] Although the Judiciary Committee in 1971 refused to report any of several proposed prayer amendments, a discharge petition sponsored by Ohio Rep. Wylie successfully compelled a floor vote. Thereafter, on November 8, 1971, the language voted upon read, "Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in voluntary prayer or meditation." The vote was 240–162, falling 28 votes short of the necessary two-thirds majority needed, of the 402 House Members who voted.

[2] Sen. Dirksen of Illinois led the effort which promoted this language, "Nothing contained in this Constitution shall prohibit the authority administering any school, school system, educational institution or other public building supported in whole or in part through the expenditure of public funds from providing for or permitting the voluntary participation by students or others in prayer. Nothing contained in this article shall authorize any such authority to prescribe the form or content of any prayer." A vote on September 19, 1966, resulted in a 51–36 favorable vote to substitute this for other text, but the final vote of 49–37 was nine votes short of the two-thirds needed.

[3] During floor action on the proposed Equal Rights Amendment, Sen. Baker of Tennessee proposed adding this text to the ERA, "Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer." By 50–20, the text was added to the then-pending ERA. However, this plus another successful amendment, to exempt women from the military draft, were seen more as anti-ERA maneuvers than anything else, and final passage of the ERA (with this language added) was blocked at that time.

[4] A Reagan Administration initiative, S.J. Res. 73, was revised in committee to read, "Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any state to participate in prayer. Neither the United States nor any state shall compose the words of any prayer to be said in public schools." On March 20, 1984, the vote on this language was 56–44, falling 11 votes shy of the two-thirds needed.

[5] "School Prayer: The Congressional Response, 1962–1996", by David M. Ackerman, Legislative Attorney, American Law Division, October 16, 1996.

[6] This differs slightly from the language of H.J. Res. 78 as originally introduced. As introduced, the RFA read as follows:

"To secure the people's right to acknowledge God according to the dictates of conscience: The people's right to pray and to recognize their religious beliefs, heritage or traditions on public property, including schools, shall not be infringed. The government shall not require any person to join in prayer or other religious activity, initiate or designate school prayers, discriminate against religion, or deny equal access to a benefit on account of religion."

[7] Excerpted from Chief Justice Rehnquist's dissent in Wallace v. Jaffree, 472 U.S. 38 (1985).

[8] For example: Government runs most schools, with laws to compel attendance, and requires taxes to support those schools, even from those who pay to send their children to private schools. Charitable works, once the primary domain of the religious sector, now are dominated by government programs. The largest portion of American health care is paid in some way by a unit of government. Government runs most of the public welfare system, and massive quantities of public housing.

[9] Rehnquist commented at great length in his dissent to the graduation prayer case of Wallace v. Jaffree, 472 U.S. 38 (1985):

"Thirty-eight years ago this Court, in Everson v. Board of Education, 330 U.S. 1, 16 (1947) summarized its exegesis of Establishment Clause doctrine thus: 'In the words of Jefferson, the clause against establishment of religion by law was intended to erect 'a wall of separation between church and State.' Reynolds v. United States, [98 U.S. 145, 164 (1879)].'

"This language from Reynolds, a case involving the Free Exercise Clause of the First Amendment rather than the Establishment Clause, quotes from Thomas Jefferson's letter to the Danbury Baptist Association the phrase 'I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should 'make no law respecting an establishment of religion, or prohibiting the free exercise thereof,' thus building a wall of separation between church and State.' 8 Writings of Thomas Jefferson 113 (H. Washington ed. 1861).

"It is impossible to build sound constitutional doctrine upon a mistaken understanding of constitutional history, but unfortunately the Establishment Clause has been expressly freighted with Jefferson's misleading metaphor for nearly forty years. Thomas Jefferson was of course in France at the time the constitutional amendments known as the Bill of Rights were passed by Congress and ratified by the states. His letter to the Danbury Baptist Association was a short note of courtesy, written fourteen years after the amendments were passed by Congress. He would seem to any detached observer as a less than ideal source of contemporary history as to the meaning of the Religions Clauses of the First Amendment."

Chief Justice Rehnquist thereafter presents a detailed account of the actual history of the development of the First Amendment's language on religious freedom.

[10] Although it is the most-often used, this is not the only catch-phrase that is used to mislead in debate on these issues. The terms of "state-sponsored" prayer, and of "captive audience" are also misused often.

The term "state-sponsored" prayer is invoked to include situations when a school or government official simply permits prayer to occur, even when student-initiated. Thus, in the 1997 Alabama federal court ruling, Chandler v. James, CV–96–D–169–N (Middle District of Alabama), U.S. District Judge Ira Dement (at pages 7 & 8) permanently enjoined the schools from "permitting prayers, Biblical and scriptural readings, and other presentations or activities of a religious nature, at all school-sponsored or school-initiated assemblies and events (including, but not limited to, sporting events), regardless of whether the activity takes place during instructional time, regardless of whether attendance is compulsory or noncompulsory, and regardless of whether the speaker/presenter is a student, school official, or nonschool person."

The "captive audience" notion is never used to express concern for the majority of students, who are required to be in school, yet required to leave their normal religious expressions behind while they are there—which is the largest segment of their waking day. As Justice Potter Stewart noted in his dissent in Abington v. Schemp, "a compulsory state educational system so structures a child's life that if religious exercises are held to be an impermissible activity in schools, religion is placed at an artificial and state-created disadvantage. Viewed in this light, permission of such exercises for those who want them is necessary if the schools are truly to be neutral in the matter of religion."

[11] Engel v. Vitale, 370 U.S. 421 (1962).

[12] The pertinent portion of Engel stated, "Neither the fact that the prayer may be denominationally neutral nor the fact that its observance on the part of the students is voluntary can serve to free it from the limitations of the Establishment Clause, as it might from the Free Exercise Clause, of the First Amendment, both of which are operative against the States by virtue of the Fourteenth Amendment." To this Justice Stewart wrote in dissent, "With all respect, I think the Court has misapplied a great constitutional principle. I cannot see how an "official religion" is established by letting those who want to say a prayer say it. On the contrary, I think that to deny the wish of these school children to join in reciting this prayer is to deny them the opportunity of sharing in the spiritual heritage of our Nation."

[13] Abington School District v. Schemp, 374 U.S. 203 (1963).

[14] Wallace v. Jaffree, 472 U.S. 38 (1985).

[15] at 505 U.S. 632.

[16] at 505 U.S. 635–636.

[17] Stone v. Graham, 449 U.S. 39 (1980).

[18] at 449 U.S. 42.

[19] at 449 U.S. 45–46.

[20] McCollum v. Board of Education, 333 U.S. 203 (1948).

[21] Lemon v. Kurtzman, 402 U.S. 603 (1971).

[22] County of Allegheny v. ACLU, Greater Pittsburgh Chapter, 492 U.S. 573 (1989).

[23] Lynch v. Donnelly, 465 U.S. 668 (1984).

[24] In R.A.V., Petitioner v. City of St. Paul, Minnesota, 505 U.S. 377 (1992), the Supreme Court held that a "hate crimes" law banning cross-burnings and Nazi swastikas was unconstitutional on its face. In National Socialist Party v. Skokie, 432 U.S. 43 (1977), the Court upheld the right of neo-Nazis to parade with swastikas and anti-Semitic literature through the midst of a predominantly Jewish community.

[25] Justice Potter Stewart's dissenting comments in Abington v. Schemp provide an apt description of true neutrality, in contrast with the antagonism that can masquerade as neutrality. As he wrote, "It might also be argued that parents who want their children exposed to religious influences can adequately fulfill that wish off school property and outside school time. With all its surface persuasiveness, however, this argument seriously misconceives the basic constitutional justification for permitting the exercises at issue in these cases. For a compulsory state educational system so structures a child's life that if religious exercises are held to be an impermissible activity in schools, religion is placed at an artificial and state-created disadvantage. Viewed in this light, permission of such exercises for those who want them is necessary if the schools are truly to be neutral in the matter of religion."

[26] Story, Joseph, Commentaries on the Constitution of the United States (1833), Sec. 462.

[27] In testimony given in 1997 by Rep. Istook regarding the RFA, it was indicated that five states lacked a reference to God in their state constitutions. This was inaccurate. Corrective research indicates that the five 'missing' states—New Hampshire, Oregon, Tennessee, Vermont and Virginia, in fact do refer expressly to God in their state constitutions.

[28] Just as litigation is pending on many other fronts, challenging prayers at schools, graduations, football games, etc., it is also happening over the Ohio motto. Ohio is being sued to block any further use of this motto.

[29] Sherbert v. Verner, 374 U.S. 398 (1963)

[30] Brandenburg v. Ohio, 395 U.S. 444, 447 (1969) holding it is not protected to advocate "imminent lawless action if likely to incite or produce such action". See also 18 United States Code, Sec. 2385, being the criminal code's prohibition of advocating violent overthrow of the government and related offenses.

[31] Reynolds v. United States, 98 U.S. 154 (1878)

[32] Olsen v. Drug Enforcement Administration, 878 F.2d 1458 (D.C. Cir. 1989), cert. den., 494 U.S. 906 (1990); United States v. Rush, 738 F.2d 457 (1st Cir. 1984), cert. den., 470 U.S. 1004 (1985); and United States v. Middleton, 690 F.2d 820 (11th Cir. 1982), cert. den., 460 U.S. 1051 (1983).

[33] Tracy v. Hahn, 940 F.2d 1536 (9th Cir. 1991).

[34] Pack v. Tennessee, 527 S.W. 2d 99 (Tenn. 1975), cert. den., 424 U.S. 954 (1976).

[35] Schenck v. United States, 249 U.S. 47, 52 (1919), wherein Justice Holmes wrote, "The most stringent protection of free speech would not protect a man in falsely shouting fire in a theater and causing a panic."

[36] New York Times v. Sullivan, 376 U.S. 254, 279–280 (1964); Curtis Publishing Co. v. Butts, 388 U.S. 130 (1967).

[37] City of Boerne v. Flores, Archbishop, 521 U.S. ———, 1997 WL 345322, June 25, 1997.

[38] Wallace v. Jaffree, 472 U.S. 38 (1985).

[39] A similar standard was enunciated in dissent by Justice Potter Stewart in Engel v. Vitale, who wrote that school prayer was not an "official religion," but simply an effort ". . . to recognize and to follow the deeply entrenched and highly cherished spiritual traditions of our Nation—traditions which come down to us from those who almost two hundred years ago." Justice Stewart then elaborated with numerous references to the statements and conduct of the Founding Fathers.

[40] The First Amendment prohibits Congress from making any law "respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech," etc. The Second Amendment says the affirmative right "of the people to keep and bear arms shall not be infringed." The Fourth Amendment sets forth "the right of the people" against unreasonable searches and seizures, and then limits the government's ability to issue warrants, except for probable cause. The Fourteenth Amendment gives citizenship to all persons born or naturalized in the U.S., then restricts the states with equal protection and due process requirements. These and other examples illustrate the duality of protections, both by establishing affirmative rights of the people, and by restrictions upon the conduct of government.

[41] West Virginia State Board of Education v. Barnette, 319 U.S. 624(1943)

[42] There is also lack of balance regarding which symbols are treated as suspect. Typically, only symbols of a majority faith, such as a Christian cross, are ordered to be removed. Yet many other emblems are used as symbols of different faiths. The thirteen stars on the Great Seal of the United States remain arranged as a Star of David, a symbol of the Jewish faith. Banning all symbols of a religion also becomes problematic because they are so numerous, and often are also used for other purposes. The swastika is a condemned symbol of Nazism to most, but also is a sacred symbol for many Hindus. A hammer is a symbol of Norse mythology, and small hammers were often worn on necklaces, akin to the practice of Christians wearing a cross pendant. Kites have religious symbology in Japan. Beetles (scarabs) are religious symbols for Egyptian sun worship. A spokesman for Americans United for Separation of Church and State has even mentioned (although perhaps not seriously) banning witches from school Halloween displays, because of possible religious significance.

[43] March 18, 1996, report from American Law Division, Congressional Research Service.

[44] Zobrest v. Catalina Foothills School District, 509 U.S. 1 (1993), holding that providing a sign-language interpreter for parochial school students was not a First Amendment violation. As noted in Agostini v. Felton, the Supreme Court in Zobrest "abandoned Ball's presumption that public employees placed on parochial school grounds will inevitably inculcate religion or that their presence constitutes a symbolic union between government and religion."

[45] School District of the City of Grand Rapids v. Ball, 473 U.S. 373 (1985) had held it unconstitutional for a public school district to provide special supplemental classes at public expense to students located at places leased from private religious schools. It was not a "pure" 5-4 decision, in the sense that some justices concurred in part while dissenting in part. One key part of Bell was later reversed in the Zobrest case, once again by a 5-4 ruling. Another part of the 5-4 ruling of Bell was later reversed by the Court in Witters v. Washington Dept. of Services for the Blind, 474 U.S. 481.

[46] Despite discussing other grounds as dispositive, the Agostini decision was clearly motivated by a desire to permit the government to escape the $100-million expense of providing state facilities adjacent to the religious schools, so the teaching would not be on the grounds of a church school. It can be questioned whether the 5-4 majority was acting to protect religious freedom, or to protect government purse strings.

[47] Fordham University vs. Brown, 856 F. Supp. 684 (D.C.Cir., 1994), appeal dismissed per stipulation 94-5229 (D.C.Cir., Jan 5, 1996).

[48] In Witters v. Washington Department of Services for the Blind, 474 U.S. 481 (1986), although the federal constitution (by a 5-4 Supreme Court ruling) was not used to deny vocational rehabilitation funds to an individual who desired to become a pastor, the state constitution was ultimately used to block this.

[49] Scalia, Rehnquist, White and Thomas, in their dissent in Lee v. Weisman, at 505 U.S. 646.

[50] Wallace v. Jaffree, 472 U.S. 38 (1985)

GOVERNING GOD

A JUDGE'S REFLECTIONS ON RELIGIOUS FREEDOM

(By Richard John Neuhaus)

Since his appointment to the Ninth Circuit Court of Appeals in 1986, John Noonan has provided ample evidence that he is one of the most distinguished minds in our federal judiciary. Earlier, as a law professor at Berkeley and the author of major studies on the connections between religion and law, he demonstrated that he is, above all, a historian of ideas. That demonstration continues with his most recent work, The Lustre of Our Country, which is a personal summing up of Noonan's reflections on what he believes to be America's most innovative and audacious contribution to world history—the free exercise of religion.

The book's title comes from Noonan's hero, James Madison, for whom "the whole burden of freedom was carried by the formula of free exercise." The First Amendment's commitment to the free exercise of religion, Madison wrote, "promised a lustre to our country." That commitment is expressed in merely sixteen words: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

But the interpretation of those words, more than any other aspect of contemporary jurisprudence, has cut to the heart of our understanding of the American experiment. Although his tone is generally irenic, Noonan leaves no doubt that the courts—and the Supreme Court in particular—have made a hash of the Religion Clause under the rubric of "church-state law."

An egregious error entrenched itself in the 1950s when the courts began speaking not of the Religion Clause but of two Religion Clauses—the no-establishment clause and the free-exercise clause. Predictably, the error has been compounded again and again as the "two clauses" have been pitted against each other, almost always to the detriment of free exercise. But as Noonan notes, we are dealing with two prepositional phrases of one clause. "The first phrase assumed that establishments of religion existed as they did in fact exist in several of the states; the amendment restrained the power of Congress to affect them. The second phrase was absolute in its denial of federal legislative power to inhibit religious exercise." Over time, state establishments disappeared and the First Amendment was "incorporated" to apply also to the states, but always it should have been evident that there is one Religion Clause, devoted to the end of the free exercise of religion. No establishment is a stipulated means to serve that end. The jurisprudence of the last half century, however, has tended to turn the means into the end, repeatedly declaring that any connection, no matter how benign, between government and religion is a forbidden "establishment." The result is a court-imposed governmental indifference to religion that results in de facto governmental hostility to religion.

In regulating the activities of government, Noonan notes, the courts frequently pretend that they are not themselves part of government. But in fact, they are that part of the government that assumes that "the courts themselves are sacred." "Performing these tasks that they have determined to be allotted them by the First Amendment, the courts unself-consciously place themselves above any church or creed." And this is precisely what Madison was determined to avoid by declaring that citizens had a "prior obligation" and "natural right" to acknowledge a sovereignty higher than the sovereignty of the state. The genius of his innovation was to insist that, with respect to the exercise of that obligation and right, the government has no legitimate "cognizance."

The Founders were keenly aware that the free exercise of religion was qualitatively different from religious tolerance. "Tolerance," writes Noonan, "is a policy, an acceptance of religious difference because it's more trouble than it's worth to eliminate it, a prudential stance of wise statesmen. It is something else to inscribe in fundamental law an ideal of freedom for the human activity most potentially subversive of the existing order."

The free exercise of religion is most potentially subversive because it proclaims a sovereignty that "stands against the sovereignty of the state." Writes Noonan, "Each individual's religion 'wholly exempt' from social control? No qualifications whatever on the right and duty to pay homage to God as one sees fit? Surely, in the heat of battle, Madison exaggerates! No, his theological premises compel these radical conclusions."

The last point touches on a matter central to Noonan's argument, namely, that the free exercise of religion is, in the main, a religious achievement. This is explicitly proposed against the received wisdom that religious freedom—usually construed as tolerance—is the achievement of the secular Enlightenment against religion. In carrying this point, Noonan the historian is on impressive display.

The Lustre of Our Country is oddly contrived. It begins with an engaging autobiographical sketch of the Catholic author coming of age under the shadow of Puritan Boston. Noonan then examines the limits and contradictions embodied in the Puritan idea of religious freedom, to which he contrasts Madison's "original insight." A chapter is devoted to a fictional letter "discovered" by Noonan, written by Tocqueville's younger sister, who argues that her brother was right to view religion as "the foremost institution" of American democracy, but wrong in claiming that the "separation of church and state" is, in fact, the American reality. Employing various literary techniques, sometimes eccentric but always fascinating, Noonan retells key cases in which the Supreme Court has tied itself into knots by regulating religion, with the result that it ends up in ludicrous efforts to adjudicate the sincerity and truth of religious claims—exactly the claims that Madison declared to be none of the government's business.

On the "subversive" dimension of free exercise, Noonan recalls four "crusades"—the abolition of slavery, the war against Mormon polygamy, the prohibition of alcohol, and the civil-rights movement under the leadership of Martin Luther King Jr. Curiously, he does not include a fifth crusade, that against the abortion license of *Roe* v. *Wade*, on which he has written elsewhere with great persuasive effect. In all this, Noonan leaves no doubt that the free exercise of religion is an idea potentially dangerous to the state. Yet Madison and most of the other Founders believed that the entire constitutional order, this novus ordo seclorum, was contingent upon taking that risk. Noonan worries that we Americans, with the courts in the lead, may now have lost our nerve for it. Implicit in that loss of nerve, he suggests, is an acceptance of Durkheim's view that religion is essentially a function of society, something to be used and tolerated to the extent that it serves "the sacred society."

Nonetheless, Noonan is by no means ready to give up. For all the missteps along the way, the American commitment to the free exercise of religion is still, he insists, a "success." Against what he views as the false humility of many Americans, he urges a forthright acknowledgment that religious freedom is this country's foremost contribution to the world's understanding of just government. In advancing that claim, he devotes chapters to four contrasting case studies: the French Revolution's affirmation and betrayal of the American idea of religious freedom; the American imposition of the idea on a defeated Japan; Russia's current and deeply flawed efforts to incorporate the idea; and the American influence in the Second Vatican Council's teaching on religious liberty.

The Lustre of Our Country is erudite and instructive, frequently whimsical and typically wise. Yet I expect that other readers will share my frustration with aspects of its argument. At times, Noonan seems to conflate freedom of religion with freedom of conscience. There are similarities, to be sure, there are also big differences. Freedom of conscience is easily reduced to radical individualism, ending up with what Noonan rightly deplores as the courts' common depiction of religion as a private aberration, to be tolerated insofar as it does not interfere with government purposes. This conflation also invites the subsuming of religious freedom into constitutional guarantees of freedom of speech and other provisions that ignore religion's necessarily subversive witness to a higher sovereignty. Noonan is apparently unhappy with the Supreme Court's recent striking down of the Religious Freedom Restoration Act—a decision that many viewed as tantamount to a repeal of the Religion Clause—but he offers no suggestion of other legislative remedies for judicial hostility to religion, a matter of some importance, as Congress is now working on another effort to produce such legislation.

Throughout the book, the reader is provoked to speculate about the assumptions underlying Noonan's judicial philosophy. He is clearly a "textualist," and also an "originalist," in his devotion to the radical intention of those responsible for the First Amendment. Yet at other time she seems to want judges to act as philosopher kings. His epilogue proposes "Ten Commandments" for people who deal with religious freedom, including the admonition that "you shall know that no person, man or woman, historian or law professor or constitutional commentator or judge, is neutral in this matter." Fair enough. Noonan is right to insist that, where religion is concerned, imagination and empathy are required. "Can a judge be a pilgrim?" he asks. He answers in the affirmative. But as a judge, he should strive to read the law, to be objective, and, yes, to be neutral. Safety from judicial usurpation rests not so much in having judges who are better philosophers as in having judges who recognize that, as Madison would say, there are questions beyond their "cognizance."

Both suggestive and problematic is Noonan's persistent drawing of parallels between judicial interpretation and John Henry Newman's theory of "the development of doctrine." In this connection, he offers an extended treatment of the development of Catholic teaching on religious freedom at Vatican Council II. Clearly, Noonan has no use for the exponents of a "living Constitution," who declare, in effect, that the Constitution is dead because it means whatever the courts say it means. Just as clearly, there are parallels between what judges do and what church councils do. Both are involved in trying to comprehend a "sacred text" as it relates to current problems and understandings.

A crucial difference, however, and a difference on wishes Judge Noonan addressed more directly, is that church councils—at least in the Catholic understanding of things—are promised the guidance of the Holy Spirit.

But let me not leave the wrong impression. The questions and arguments provoked by The Lustre of Our Country testify to its great achievement. Judge Noonan understands, as very few judges and constitutional scholars do, the founding genius of the American experiment. He understands those sixteen words in the First Amendment—and persuasively explains why they continue to be this country's most innovative, audacious, and promising contribution to the world's understanding of the right ordering of political society.

[From U.S. News & World Report, May 4, 1998]

A Righteous Indignation

JAMES DOBSON—PSYCHOLOGIST, RADIO HOST, FAMILY-VALUES CRUSADER—IS SET TO TOPPLE THE POLITICAL ESTABLISHMENT

(By Michael J. Gerson)

On March 18, in the basement of the Capitol, 25 House Republicans met with psychologist James Dobson for some emotional venting. But this was not personal therapy; it concerned the fate of their party. Dobson, long on loyal radio listeners and short on patience, was threatening, in effect, to bring down the GOP unless it made conservative social issues, including abortion, a higher legislative priority. "If I go," he has said, "I will do everything I can to take as many people with me as possible."

In the audience sat some of Dobson's closest ideological allies. Rep. Steve Largent of Oklahoma, a former star football player, was a volunteer speaker for Dobson's organization, Focus on the Family, from 1990 to 1993. He credits this with "sparking my interest in public policy." Rep. James Talent of Missouri, years before, had pulled off the highway and prayed along with Dobson on the radio to become a Christian. "He is the instrument through which I committed my life to Christ. It is the single most important thing that has ever or will ever happen to me."

But for over two hours, until nearly midnight, House conservatives confronted Dobson about his indiscriminate attacks on the Republican Party, asking credit for achievements he had ignored. At one point the wife of a congressman, in tears, explained how Dobson's broadside had hurt their family, inviting harsh questions from friends. An emotional Dobson, according to one witness, responded, "I'm so sorry I hurt you."

Sobered, Dobson canceled planned meetings with the *New York Times* and the *Washington Post*, where he would have laid out his threat to leave. But in the next two weeks, he sent lengthy, public letters renewing the threat, which hangs in the air like distant thunder at the Republican picnic.

This conflict dramatizes a growing gap between grass-roots conservatism and governing conservatism, between the raised expectations of activists and the weary realism of legislators. It reveals a party that may be crumbling, not at its periphery but at its center, among its most loyal supporters. And it may be signaling a major shift in the attitudes of Christian conservatives toward politics.

Many Republicans are taking Dobson's divorce threats very seriously. House Speaker Newt Gingrich has hosted several meetings with other House leaders to discuss Dobson's specific demands, which include defunding Planned Parenthood, requiring parental consent for abortions, and eliminating the National Endowment for the Arts. House Majority Leader Dick Armey has asked subcommittee chairmen to explore how Dobson's agenda could be advanced. But Dobson will not be easily appeased. Of the assurances he has been offered that his issues will be taken seriously, he says: "We've got to see the proof. . . . If they will not change, I will try to beat them this fall."

HIS FOCUS

Dobson is a central figure in Republican politics because he is the central figure in conservative Christianity. His radio and TV broadcasts are heard or seen by 23 million people a week. A core audience of 4 million listens to his *Focus on the Family* radio show every day. That gives him a greater reach than either Jerry Falwell or Pat Robertson at the height of their appeal. Dobson's most popular books have sold more than 16 million copies, and his other tracts and pamphlets have sold millions more. His organization, Focus on the Family, has a budget five times the size of the Christian Coalition's and gets so much mail it has its own zip code. His mailing list of over 2 million is one of the most potent organizing tools in the religious world.

But the 62-year-old Dobson is not a preacher or political activist. He is a psychologist, and his authority comes from an ability to connect with people right at the level of their problems. "His family advice is simply helpful, and he has a reputation for absolute integrity—standing for something and sticking to it," says Prof. John Green of the University of Akron, an expert on the religious right.

The effect is completed by the slight drawl of a country doctor, a radio voice that is at once effortless and authoritative. Its influence seems to surprise even him. "My voice is a friendly voice that comes into the home each day, somebody they know, somebody many of them trust. And it does become a kind of friendship. It's a strange thing. I have a lot of women especially who write me and say, 'My father was not a father to me. . . . You've become a father to me,' which is interesting when you consider I've never met them."

Dobson is very much the son, grandson, and great-grandson of Nazarene evangelists, a denomination known both for moral sterness—no movies or makeup—and for the emotional openness of the camp meeting. This is the evangelicalism of the quivering lip, the arm around the shoulder, the lump in the throat, the easy tear. Though he might resent the comparison, Dobson displays a Clinton-like emotional connection, particularly with women, who make up the vast majority of his audience. He accepted the Nazarene faith at the age of 3 and never rebelled against it, though, like many of his generation of Nazarenes, he abandoned its more rigid prohibitions against pop culture.

As an only child, Dobson was "spoiled rotten," recalls old friend Mike Williamson. "His family doted over him." And Dobson developed a particularly close relationship with his father, who combined the moral rigor of a preacher with the softer traits of an artist. (He was a serious painter.) "He was a gentle man, a kind man, an easy touch, but outraged toward sin," Dobson says. "He had an abhorrence of that which offended God, and a lot of what I feel today reflects that."

Dobson might have been expected to go into the ministry himself. But Nazarene ministry must be inspired by a very special calling from God, and Dobson never felt it. He went instead to a Nazarene school in California, Pasadena College, and then to the graduate program in psychology at the University of Southern California. There he found himself interested in the science of child development, and he spent 14 years as a professor of pediatrics at the USC School of Medicine and 17 years on the attending staff at Children's Hospital at Los Angeles.

In the middle of his career, Dobson was hungry for broader influence on the issue he cared about most: child rearing. He hired an agent and began lecturing. And he also published a book in 1970 titled Dare to Discipline. It sold 3 million copies and established his national reputation. Dobson, who has written 15 other books, is a critic of permissive parenting. He stresses the idea that kids need boundaries to develop self-esteem and self-confidence. Children's behavior can be conditioned by the judicious use of rewards and punishments. He believes spanking is permissible, but only between 18 months and 8 years, and never by anyone with a history of abuse or a violent temper. But he also argues that rules without relationship lead to rebellion. So parents, while firm, should be emotionally accessible to their children.

Dobson stresses the need for fathers to be fully engaged in the life of their family, in contrast to the distant breadwinners of the past. His film on the subject, Where's Dad?, had a profound effect, for example, on Rep. Frank Wolf of Virginia. "That film, that day, changed my life. After that, I never went to a political event on Sunday, not when asked by George Bush or Ronald Reagan. I dedicated myself to spending more time with [the children]. My kids joke about B.D. and A.D.—before Dobson and after Dobson."

The psychologist's method is a mix of traditional parenting, biblical insights, and basic psychology—a traditionalism humanized by common sense and flexibility. His advice to a mother and 12-year-old daughter fighting bitterly over whether the young girl should be allowed to shave her legs: "Lady, buy your daughter a razor!" His counsel on masturbation: "Attempting to suppress this act is one campaign that is destined to fail—so why wage it?" He urges discipline for big issues and tolerance on the smaller stuff.

When demand for Dobson as a speaker began to steal time from his own two children, he quit his job at Children's Hospital of Los Angeles in 1977 and started his radio program. Two years later, he summarized his parenting views in a seven-part Focus on the Family video series, which has now been seen by 70 million people. Rapid growth carried the ministry through five headquarters buildings and from California to Colorado Springs, where 1,300 people work in the $113 million enterprise.

Focus provides answers to those seeking advice. It is also the center of a pro-family culture that is a kind of parallel universe to mainstream popular culture. There are monthly magazines for pre-schoolers, grade schoolers, teen boys, and teen girls. Glossy, frank, and helpful, they have articles like "Battle of an Anorexic," "Back-to-School Fashion," and "Spiritual Growth Boosters." Other magazines go to single parents, teachers, physicians, and pastors. Focus's second-most-popular production—after Dobson's daily radio program—is Adventures in Odyssey, a children's radio drama with moral story lines that is carried on over 1,500 radio stations. There are women's seminars and "Life on the Edge" seminars, designed to help parents and teens communicate about the challenges of adolescence. A new abstinence video, titled No Apologies, combines MTV production techniques, biblical values, and the explicitness of an Army VD training film. Teens who have already had sex are urged to be "recycled virgins." It is countercultural, urging children to rebel against the slipshod moral world around them by displaying virtue.

Most of the Focus operation, which receives up to 12,000 letters, calls, and E-mails every day, is occupied with "constituent service." In one pile of counseling requests at a random Focus cubicle, a long-distance trucker asks how to keep his family together when he is always gone; a woman deals with a miscarriage; a divorced man asks if it is OK to remarry. Prototype responses, drawn from Dobson's vast output of advice, guide counselors. All incoming letters are stored by computer, so the next time these people write, the dialogue will pick up where it left off. Focus does not just answer mail; it maintains relationships. Some hard cases are referred to licensed counselors. Some people are offered temporary financial help. They deal with one or two suicide threats a week.

Dobson's reach grows each day. At a recent weekly meeting of the Focus "cabinet"—Dobson plus his senior executives—there were reports on the translation of Focus broadcasts into Zulu. On how three Central and South American countries were putting Focus abstinence material into their public schools. On how Adventures in Odyssey is now one of the top five radio programs in Zimbabwe. On how 500 state-owned radio stations in China are about to begin the Focus broadcast.

When it comes to the business of helping people, Dobson the empathetic extrovert has a reputation as an intimidating micromanager. No one, no matter how long or loyal their service, is exempt from confrontational scrutiny. "I saw people who had given blood [serving] him come out of his office weeping," says a former employee. "He believes so strongly in his rightness." Another former employee says "the pace [at Focus] is unbelievable. But everyone has to appear perfectly happy."

At the center of it all is a man who does not lack confidence. He tells a story about his ill father, who prayed for three days and nights without sleep that his time on Earth would be extended so he could finish his work as a minister. At dawn, Gold told him he was going to reach millions around the world—not through himself but through his son. The next day Dobson's father suffered a major heart attack; he died in a few weeks. "I saw for the first time," says Dobson, "why [Focus on the Family] seemed charmed—beyond my ability and beyond my intelligence, my academic knowledge, my ability to communicate." This is the person who has chosen to test his influence against the Republican Party. He does not describe his actions as those of a man moved by grubby ambition; he sees it as a calling.

POLITICS AND PROPHECY

Dobson was once positioned to be a more conservative version of Joyce Brothers. "If I had simply stayed on those [family] themes, I could have moved with ease through all denominations in both political parties. But I care about the moral tone of the nation, I care about right and wrong. I have very deep convictions about absolute truth."

His sense of political urgency has come in stages. Convinced that his and his followers' views were not being given voice in Washington, he created in 1982 an advocacy group, the Family Research Council. But it was purposely designed to keep him one step removed from direct political involvement. Gary Bauer, a key aide in Ronald Reagan's White House, now runs the group, and he is supposed to be the partisan lightning rod, allowing Dobson to focus, as it were, on the family.

But Dobson, in the past several months, has become so dissatisfied with conservatives' performance in Congress that he wants to become more directly and personally involved in politics. "He has watched the manipulation of the religious right for the last decade," argues his close friend Charles Colson. "He feels a sense of betrayal and responsibility for stewardship of the great silent majority."

He is particularly intolerant of those who share his views but not his driving sense of urgency. So he has developed a habit of targeting allies with footnoted letters showing that Dobson can at times slip over the line between righteousness and self-righteousness. When Ralph Reed, then the head of the Christian Coalition, was insufficiently critical during the last election of Colin Powell for his support of abortion rights, Dobson wrote to Reed: "Gary Bauer and I have discussed your recent statements and considered the need to distance ourselves from you. . . . Some of the politicians with whom you have made common cause . . . would seal the fate of [unborn children] and sacrifice millions more in years to come. I will fight that evil as long as there is breath within my body." Commenting on Dobson's tendency to attack allies, conservative columnist Cal Thomas argues, "You begin to marginalize yourself, saying, I am the only true believer. Soon you are left only with your wife, then you begin to look at her funny. All of a sudden, you're Ross Perot." When confronted with the charge, Dobson responds: "I guess it irritates me when people who know what is right put self-preservation and power ahead of moral principle. That is more offensive to me, in some ways, than what Bill Clinton does with interns at the White House."

Dobson is not the kind of traditional conservative who has a keen appreciation of the limits and complexities of politics. He is a moralist and a populist, demanding rapid, immediate progress to fit a flaming moral vision: "If you look at the cultural war that's going on, most of what those who disagree with us represent leads to death—abortion, euthanasia, promiscuity in heterosexuality, promiscuity in homosexuality, legalization of drugs. There are only two choices. It really is that clear. It's either God's way, or it is the way of social disintegration."

Some conservatives dismiss this as an impractical philosophy for a governing party since progress emerges by small steps. Other conservative critics fear that Dobson's increased partisanship might undermine the generally nonpartisan good works of Focus on the Family. Still others warn that his walkout strategy will only result in the election of Democrat Dick Gephardt as House speaker. Dobson's response: "It is never wrong to do what's right. And you stand for what's right whether it is strategic or not."

The fact that Dobson has struck a chord among conservative activists may be signaling an important shift of political styles in evangelicalism. There are at least three of those tendencies to be considered: priest, kingmaker, prophet. From the 1950s to the 1970s, Billy Graham performed a priestly function as minister to the ministers of state. His role was to legitimize power and to use his access to present the Christian Gospel, which was his primary goal. Personal contact and influence were paramount. In the 1980s, culminating in the rise of Pat Robertson and the Christian Coalition, the goal shifted from legitimizing power to exercising power—the role of kingmaker. Robertson, the son of a senator, understood the give and take of coalition building and the need for a place at the table.

But the pragmatism of the religious right is under serious question, particularly in the wake of the coalition's embrace of Republican Bob Dole in the last presidential election, which many in the movement argue was a compromise too far. University of Akron's Green compares Dobson to an Old Testament prophet "speaking truth to power." It is a designation Dobson accepts: "I really do feel that the prophetic role is part of what God gave me to do."

And that frames the questions for his supporters: Do Christian activists want to be players or prophets? Insiders who accept inevitable compromises, or outsiders who hold on to higher standards?

THE NEXT MOVE

Dobson has rejected the idea of becoming a political candidate himself or trying to create a third party. This leaves him with two options. The conventional choice is for Dobson to intervene directly in Republican primaries on the side of social conservatives. This would require, in Dobson's words, "periodic leaves of absence" to protect the nonprofit status of Focus on the Family. Bauer's political action committee has already scouted 40 races where Dobson might throw his weight on the side of a candidate. After the congressional elections, Dobson would determine how to have the maximum impact in the 2000 presidential campaign. Bauer himself is considering a presidential run and covets Dobson's endorsement.

But Dobson is also actively considering "going nuclear" against the GOP leadership. Instead of working through primaries in the summer, Dobson would urge social conservatives to abandon Republicans in November—to stay at home or vote for third parties—with the goal of ending the GOP majority in Congress. "It doesn't take that many votes to do it. You just look how many people are there by just a hair, [who won their last election by] 51 percent to 49 percent, and they have a 10- or 11-vote majority, I told [House Majority Whip] Tom DeLay, 'I really hope you guys don't make me try to prove it, because I will.'" One senior Republican official says he has identified six districts in which Dobson could "turn the tide" against the GOP candidate, Dobson muses about delivering this message by "getting a stadium with 50,000 seats and having Chuck Colson and Phyllis Schlafly and Alan Keyes and Gary Bauer and myself fill it at a strategic times. That would get the attention of Republican leaders."

Some Republican insiders believe the effect of either approach—working within the party or working against it—would be much the same. Bauer's political action committee's fervent support for a conservative candidate in a recent California congressional special election helped elevate the abortion issue. Party leaders believe this allowed Democrat Lois Capps to win in the moderate district. They fear that if Dobson intervenes on behalf of social conservatives in other contests, similar results will follow. As for the nuclear option, the mood of many Republicans is frustrated resignation that Dobson will always be on the attack against the GOP. "It wouldn't matter how many hoops of fire we jump through, it is never enough for him," complains one party official. That strategist and others say majority parties have a responsibility to govern, and that means muting ideological fervor at times. It is hard to imagine this official and Jim Dobson in the same party—and it may be increasingly hard for Dobson to imagine that as well.

SCOURGE OF ILLEGAL DRUGS AGAIN UNDER ATTACK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Indiana (Mr. SOUDER) is recognized for 60 minutes.

Mr. SOUDER. Mr. Speaker, the gentleman from Oklahoma is once again to be commended for his leadership on this issue. There is no doubt that the number one fundamental problem in this country is the breakdown of character, the breakdown of the value system, the principled foundations of this country and the resultant breakdown partly, directly, the two things go in tandem, of families as well.

The number one outgrowth that we are seeing in this country is the problem of drug abuse: drugs of all types, marijuana, cocaine, heroin, alcohol, tobacco, but in particular what we have been focusing on is this explosion among our youth of the narcotics, of marijuana, heroin, cocaine, crack, methamphetamines and other artificial stimulants. Tonight we are going to spend some time discussing this issue.

It is a relatively historic night. Tomorrow we are going to have our first pieces of legislation, what will be a comprehensive multi-week, hopefully multi-month, year and up to three years extended start of a battle on drugs. We have done piecemeal legislation over the last few years but we have not had the concentrated effort that we will see starting as of tomorrow.

We have a needles bill in front of us tomorrow to ban the use of giving free needles to heroin addicts with taxpayer dollars. We have in the higher education bill an amendment relating to taking back student loans if students abuse drugs while they are on a government subsidized loan requiring them to go into treatment programs, and I have a second amendment on drug testing. It is the start.

We are also having announcement of a major initiative and Republican effort later this week. The number one person behind this is our Speaker. Speaker NEWT GINGRICH is committed to having an all-fronts war.

I am going to yield now to my friend the gentleman from Florida who has been a leader in this. Many of us have been involved in this, not just now but for many years. Congressman MICA and myself both were staffers before we became Members of Congress. He was elected in the class before I was, but he was also on the hill before I was working over as Senate chief of staff. I also worked in the House and Senate before I got elected to Congress. Both of us have had experience in working with drug legislation before we were elected to Congress.

This is not a new issue. These things go in tides. Right now we are at a high tide level again and we need to up our efforts. He is to be commended for his leadership. I now yield to the gentleman from Florida to fill us in on some of the battles that he has been watching, some of the background, and particularly a lot of what has happened in Orlando and Florida which has been at the epicenter of it, kind of backed off, and now you have another wave, which is exactly what is happening in this country.

Mr. MICA. I thank the gentleman for yielding. I certainly thank him for his leadership on the drug issue and also on so many other issues before the Congress.

We do have the privilege of serving together on the Government Reform and Oversight Committee and on the subcommittee that deals with our national drug policy, and that is the Subcommittee on National Security, International Affairs, and Criminal Justice. The gentleman from Indiana has brought tremendous leadership and, again from his tremendous experience both as a staffer and a Member of Congress and someone who cares about this issue, cares about his constituents and also is very compassionate towards what illegal narcotics are doing, and drug abuse, to the children of our Nation.

Tonight I want to take a few minutes, if I may, and review a little bit of the history of how we got ourselves into this situation. As the gentleman from Indiana said, I was a staffer back in the early 1980s on the U.S. Senate side working with Senator Hawkins from Florida. You have also heard and understand, I think, that no State probably has been more severely impacted historically by illegal narcotics trafficking than the State of Florida.

When Senator Hawkins was elected, the streets of Miami were overrun with illegal narcotics trafficking, we had unprecedented amounts of illegal drugs coming in and transiting through Florida and into our Nation, and for the first time we saw record drug abuse in our State and Nation. The question was what should we do and what could we do at that time.

We were fortunate to have the tremendous leadership of a new President who brought a vision, who brought integrity, who brought honesty, who brought vision to the White House. His job, and Senator Hawkins and others who served in the new Senate majority at that time, was to get a handle on this situation. In fact they did, even joined by the First Lady who initiated a program of saying "Just Say No."

I do remember and recall how the new Republican majority in the Senate began an Andean strategy. As a staffer I helped develop the certification law that requires that countries that get United States foreign assistance or trade assistance or financial assistance are certified each year for their eligibility for United States largesse by a review of their efforts to eradicate drug trafficking and illegal narcotics. That was another product of that era. There was tough enforcement.

What we saw in the 1980s under the Reagan Administration and the Bush Administration, I am not sure if this will show up to my colleagues watching C-SPAN, but in fact teenage drug use declined dramatically in the early 1980s, and not until 1992-1993 did we see that trend reverse. In 1992 I was elected to the Congress. History now records George Bush being defeated and the Democrats controlling the White House, the United States Senate and the House of Representatives.

One of the first acts that President Clinton took, and I would like to review this historically because I think it is important for the record of what took place and what the results of those actions are today, one of President Clinton's first actions on taking office was in fact to gut the Office of National Drug Control Policy. In fact, President Clinton gutted the staff of the Drug Czar's office by 80 percent. The facts are, it was slashed from 146 staff members to 25 staff members. Also in his first year, President Clinton cut $200 million in drug interdiction efforts in the Caribbean and another $200 million from alternate crop production and drug eradication in Mexico and the Andean drug-producing countries.

Back in the 1980s we thought that the most cost-effective means of stopping drugs was at its source, where it is grown, where just a few pesos or a few dollars is given for the product at its source. It seemed to make a tremendous amount of sense. Rather than try to catch drugs when they entered our borders or when they entered our streets or were disbursed through our communities and our schools and trying to cut off drugs at that point, we felt then, we believe now, that interdiction, eradication, crop substitution programs at the source countries are the most effective means of stopping drug trafficking. You stop it right at its source, in its heels.

These programs were gutted by this administration. These are the facts. The facts speak for themselves. We have seen, again, the results. In 1993, President Clinton dropped the war on drugs from 3rd to 29th in the national security list. The President produces a national security priority list. It was his action that dropped the war on drugs to 29th as a national priority.

To date, he has continued to allow the State Department to let counternarcotics issues lag far behind other priorities in our relations with other countries. Only recently have we heard the Secretary of State begin to speak out because the problem has reached such tremendous proportion and the cost and effect in our communities is so dramatic.

The number of individuals, and this again is fact, I cite only fact here tonight, the number of individuals prosecuted for Federal drug violations fell from 25,033 in 1992 to 21,900 in 1994, a 12 percent drop in just 2 years. So there was a deemphasis of prosecution at the Federal level. Again, the results are very clear of what we see.

It is interesting to note this, because with the election of Rudy Giuliani as Mayor of the City of New York, he introduced a zero crime tolerance policy, he introduced a tough prosecution policy, and there has been as high a drop recorded as 30 percent in crime, a dramatic drop in drug trafficking in that community of New York City. We have seen that tough enforcement, tough prosecution works.

And we see the results at the Federal level of what has happened with a decrease in Federal prosecutions, again citing only the facts in this case. From 1992 to 1995, again when the other party controlled the House, the Senate and the White House, 227 agent positions were eliminated from the Drug Enforcement Agency, and Clinton's fiscal year 1995 budget proposed cutting 621 drug enforcement positions from the DEA, the FBI, the INS, the United States Customs Service and the Coast Guard.

□ 2200

In fact, my community, and I represent central Florida, probably one of the more affluent, more prosperous areas, one of the vibrant areas of our State and Nation, a great community of people who are law abiding but who nonetheless have been inundated by a flow of illegal narcotics. An investigation of this issue found that, in fact, a tremendous quantity of drugs is coming in through Puerto Rico; and some people blame the Puerto Rican State Governor and others, the Commonwealth, for not really taking a lead on the issue.

What we found, and our subcommittee went down and held a hearing on a Coast Guard cutter on San Juan Bay, was that, in fact, this administration had cut the Coast Guard resources by nearly 50 percent. The Coast Guard, United States Coast Guard, in fact, since Puerto Rico is a Commonwealth and does not have its own armed forces, relies on the United States Coast Guard for coastal protection. That, again, that protection was cut by this administration by 50 percent, and those drugs came in in incredible quantities into Puerto Rico in transit for Florida and the United States.

Those are the results. They are documented. We have seen this, and we have seen what this type of policy has provided as a legacy for our Nation and our children.

The President, in fact, has not substantially increased funding for accountable youth prevention programs but instead has nearly doubled the amount of funding. His policy was to promote a doubling of funding for drug treatment programs, and this has been described sort of as treating the wounded in a battle and not addressing the fight itself or just approaching it from sort of the most demoralized end of the game with the least potential for success.

Then, of course, President Clinton recently certified Mexico, and again no nation has been more responsible for the influx and transit of hard drugs into our Nation than Mexico, again another slap in the face of the American citizenry.

I have not brought up other instances of incredible misjudgment on the part of this administration and this President, but I must when you appoint a surgeon general such as Jocelyn Elders, who adopted a program that said to our children, just say maybe, maybe it is okay. Then you had echoed by the President of the United States, a figure that every child looks to in this Nation, and his comments which I have heard over and over on various television programs and news broadcasts: If I had it to do over again, I would inhale.

Now what kind of a message does that send to our young people? In fact, we know what the message has done. The message has, and this is entitled Trends In Youthful Drug Use, Ages 12 to 17. We have seen from that reduction I showed you under Reagan and Bush, the just say no to just say maybe, a skyrocketing of youthful drug use in this country.

We are talking about not only marijuana in incredible amounts and a more dangerous marijuana than we saw in the streets in the 1960s, we are talking about cocaine, we are talking about methamphetamines, we are talking about heroin.

Again, I come from a community, and my community is one of the most rock solid in Florida, fairly prosperous, as I said, and economically doing well, and I have this headline from our local newspaper, the Orlando Sentinel. It says: Long out of sight, heroin is back killing teens.

My community in central Florida, again a peaceful community, was a victim of this policy, letting down the guard and gut slashing the budget, which they did when they controlled this body, the Senate and the White House. The guard around Puerto Rico in heroin came down not only through that country and hurting that territory of the United States but into our country and into our State and into our neighborhood so that our particular situation has been that in the last few years central Florida has seen heroin deaths on a par with other major metropolitan areas like Detroit, like New York, like Los Angeles.

So this is the legacy that we have inherited through this policy. It is clear. It is documented.

One of the other things that I wanted to mention tonight was that my colleague has mentioned that we took over the Congress in, what was it, 36, 40 short months ago. We have been able to bring some of our Nation's finances into balance, but we are trying to focus as leaders in this new majority with the leadership of Speaker GINGRICH in addressing some of the social problems. And if drug abuse and misuse is not a problem, I do not know what is a problem. Two million Americans are behind bars.

We held a hearing, and the gentleman from Indiana (Mr. SOUDER) and others came into our State. They heard our local officials. One of my local sheriffs said 80 percent of those behind bars in his county jail, that went through his jail, were there because of drug abuse or drug related crime. This has an unbelievable effect on our communities and on our children. And, again, this drug problem is not relegated to the poor, to the ghettos, to the across-the-railroad-track neighborhoods. This is hitting every neighborhood, every level of society, and we must do something about it.

So our committee, under the leadership of the Speaker, under the leadership of Chairman HASTERT, have begun a program of restoring the funds in these programs that were cut. We have got the military back into the war on drugs, and the Speaker and others are committed to make certain that they have the resources to conduct a real war on drugs. We have restored the cuts in the Coast Guard and other protective agencies, Customs and DEA, to make certain that they have the tools and the resources and the financial capability to conduct a real war on drugs.

And what we are doing this week is launching, in fact, a concerted effort to see that we have the laws in place, that we have the tough enforcement in place and that these individuals who are charged in our Federal Government with this new policy have every resource to see that it, in fact, is accomplished.

So that is the purpose of our coming together tonight, is to announce this policy. We have seen some terrible mistakes in the past when we did not have control of the Congress, when we had leadership in the White House that, in fact, strayed. And maybe they were well-intended, but the results, in fact, are just devastating to our young people and our communities and the social cost involved.

But we are determined again to turn this around, and whatever resources it takes we are going to devote full measure effort, whatever, again, finances the Congress can muster to make certain that we bring this under control so that the people who we represent, those who are trying to raise their children in communities, get them through schools, those who are retired trying to live in peace in their communities, young people.

I met a young lady the other day in one of the local department stores working, going to college, and she told me she could not go to school at night, and it was difficult for her to work and earn enough money because she was afraid to be out at the bus stop at night because of a potential for crime. And, again, 80 percent of the crime in my community is drug abuse related, and that is a pretty pitiful statement.

So for those people who we represent, their children and those trying to make a living or gain an education or live in peace and retirement, we owe them this effort, and we are going to see it through. And indeed it will succeed because we have the commitment, this new majority, and we hope we have the support of every one of my colleagues who are listening.

I thank the gentleman from Indiana (Mr. SOUDER) for yielding to me, and I am pleased also to join him tomorrow as we pass a resolution making certain that a needle exchange program which almost came into effect was stopped at the last minute through the efforts of the new drug czar, General McCaffrey, and others who know this is the wrong policy. It sends the wrong message. It is not the way to go. And if we are concerned about the minority communities, young black men and women who have been killed, we should be applauding that decision not to fund this.

I am speaking tonight at the United States Capitol in Washington, D.C., the District of Columbia. No jurisdiction in our Nation has been more oppressed by drugs. No segment of our communities in this Nation have been more devastated. Since I have been coming to Washington over the last 18 years, almost every year between 300 and 400 young black males between the age of 14 and 40 have been slaughtered on the streets within view of this Capitol building, a travesty which surpasses the casualty in many of our international conflicts just here in Washington, D.C.

So, if the Black Caucus, if other Members are concerned about policy that will turn this situation around and save some of these young people's lives and not destroy the great young men, the young black citizens of our nation's capital who have just had their lives snuffed out, then they should be here joining with us to see if we can turn this situation around.

We know what has been done, and what was done by this administration did not work. We see the results. These are not abstract or manufactured statistics. This is what has taken place from a failed policy, and we need to turn that around and give these people a chance.

So I am pleased again to join with the gentleman from Indiana (Mr. SOUDER) tonight and others as we launch a program to bring a meaningful war on drugs, a war against drug abuse and a public awareness to our young people and to our citizens that we must realize the consequences of illegal narcotics and drugs.

Mr. SOUDER. Mr. Speaker, I want to thank the gentleman from Florida once again for his leadership and for his compassion and heart for those who have been abused, shot, lives wrecked and ruined by the terrible scourge of drugs in this country, and it has been a consistent, complete support.

One of the things I want to do, too, is a supplement to what the gentleman from Florida has done, is to lay out a little bit what is happening here in the past and where we are headed and what we have been doing as we head into this major effort for the Members who are sitting in their office doing mail, for the dedicated C-Span junkies, to those who just will look through the RECORD later. Because some may say, where did the issue come from? Why all of a sudden is Speaker NEWT GINGRICH talking about drugs? Where did this pop in? Did they do some kind of poll? People are going to say, well, we have not seen what is all this action.

I want to establish that there are a number of logical things that have led to the development of this big push you are going to see. Too often, we have approached the drug issue as we approached the Vietnam war, and that is we devote just enough resources to not quite win, and so we keep falling further and further behind in a war we can ill afford to lose.

What has happened here is that the grassroots, every one of us, know, and the gentleman from Florida (Mr. MICA) detailed what we heard in central Florida. We are hearing from prosecutors, we are hearing from sheriffs, we are hearing from all sorts of law enforcement officials that 70 to 85 percent of all crime in every jurisdiction has some relationship to drug and alcohol.

□ 2215

They are either stealing to fund a habit, they are high on the drugs or alcohol, and that leads to 70 to 85 percent of all crime. Child abuse, spouse abuse, not just robbery, rape, pillaging, automobile wrecks when it is reckless driving; all of these types of things have as its source one common problem. The average person knows this, the communities know this, but it has been very difficult to tackle this on a national level.

General McCaffrey argues that it is a cancer; many of us argue that it is a war. It is both a cancer and a war. That means that we will work to eliminate it as much as possible, but quite frankly, as long as there is sin, we are likely to have some drug abuse there. It is a question of how we are going to control it. It is also a war. People are dying on the streets of America, people are dying around this world fighting this drug war.

This is a dinner table issue. One of the criteria that the Speaker looks for when we are going to have a major focus is, is this what people talk about at their dinner table? Is this what parents are concerned about at night when their kids are not there? Is this what parents are concerned about in the schools? Is this something that actually resonates with the people as opposed to being kind of an inside-the-Beltway Washington concern or a concern of a special interest that is lobbying because they have lots of funds, or of some other reason in the ways we deal with legislation? This is what strikes at the hearts and homes of American people, and that is why he is leading.

Mr. Speaker, it did not just come out of the blue. If we have been following this carefully, it has been kind of strange. Why did former Senator Bob Dole, our Presidential contender, talk about drugs during the campaign? It did not light a fire, it was not a hot media issue, but he was out there talking about it. So was the Speaker. People thought, this is kind of unusual. Why are they talking about drugs? Everybody in Washington is talking about the budget, and they are talking about taxes and so on. These people were talking about this early.

One of the things is when we took over Congress, the figures that the gentleman from Florida (Mr. MICA) was looking at were highlighted by then Congressman Bill Zeliff, who headed our subcommittee, and he got the ear of our Presidential candidate, Bob Dole, and our Speaker and said, look, there is a huge problem here. We need to start concentrating on this.

This is not something that we came up with last week; this is something that our committee, I am not sure whether we have had 30 or 40 hearings in the Committee on National Security and Justice Oversight Committee, which, in addition to having jurisdiction over the State and defense and the Justice Department, also has the drug czar legislation that moves through it and some very broad jurisdiction, and we have been concentrating on this. In addition, the gentleman from New York (Mr. GILMAN), who is the senior Republican on the former Select Committee on Narcotics, has been focusing on the international issue. The gentleman from Florida (Mr. MCCOLLUM) has been focusing on judiciary-related issues in his Subcommittee on Crime. The gentleman from Ohio (Mr. PORTMAN) has been a leader in community efforts.

It is not as though we have been silent. It is that we have not gotten a lot of news media coverage. There is a difference. For example, the gentleman from Florida (Mr. MICA) and I are on the Committee on Government Reform and Oversight where we have been doing the investigations into the kind of "gate" of the week of the administration, whether it is Filegate or Whitewatergate or whatever, Greg Livingstonegate I guess, whatever the variation is, and people say, is that all you guys do? We have done less on that than we have done on drugs. But drugs is not quite as sexy to put on the evening news as talking about some kind of finance scandal.

It is not that I am concerned and humiliated about the influence of the Federal Government on possible illegal influence of foreign contributions and campaign finance, but the fact is we work on a lot of other issues, too, but they do not necessarily hit on the front page.

We have had many oversight hearings; we have been in Indiana, Illinois and Michigan; we have been down in Florida multiple times and California multiple times and Arizona, up in New England; we have been around the country in Plano, Texas, where we had kids die of heroin overdoses in the district of the gentleman from Texas (Mr. SESSIONS), just like they have done in Orlando.

I have been to South America three times now in the last 3 years, where there is an actual war going on. We have been over in Asia and the Middle East trying to meet with foreign countries where the heroin, cocaine, marijuana and other drugs are coming in. We have had hearings on Hollywood and the movies and their impact on the culture. We have had hearings on the music industry and the impact on the culture and what we can do related to that.

This is not something we invented yesterday. This is something we have been working on almost from the month we took over Congress. Everybody was focused on the Contract With America, but, in fact, Congressman Zeliff and this subcommittee were starting on the drug issue not very many days after we got here, and the gentleman from Florida (Mr. MICA) and I know that because both of us are on the subcommittee, and we were up and running. Furthermore, the gentleman from Florida (Mr. MICA) had been objecting for years that the Democratic leadership of that subcommittee had not been focusing on it, so when we got in control, we started to move on this issue.

Now, what we heard in these hearings were from young people who talked, and I remember one at the Orlando hearing where a young man was there with his dad. It was a tough day for them because they were there together and going public, and his dad was fairly well-known. But he said how he started with marijuana and how he saw that his parents did not realize it, and then he started moving to harder drugs, and he started stealing, and his dad, as he said, really did not want to confront his son, did not really understand all of that, wishes now that he had been more involved. His son did not understand why his father did not get involved. They saw his grades dropping. It was very touching.

Every young person we have heard from, whether it is in Texas, whether it is in California, whether it is in Florida, say, I started with marijuana, and then I moved to cocaine. I robbed to support my habit. My grades went down, my life was wrecked, and then I was spared. And we looked at this type of thing.

We heard from one lady in Texas who talked about how her husband would get high on cocaine; how she and her daughter were hiding out because they knew he was going to kill them if the drug habit did not kill him first. She was living in terror, and what are we going to do about this? That is what we have heard about it.

We have heard how the administration's budget cuts have had an inverse effect. When they cut the interdiction efforts, when they cut the source country efforts, what we saw was supply go up, driving price down, and for competitive purposes, the purity and the potency of the marijuana and cocaine and heroin we have on our street is far greater. It is not like the 1960s and 1970s. The marijuana is more like the hard drugs of those eras, and the hard drugs are fatal today.

We had signals out of the administration, which the gentleman from Florida (Mr. MICA) has delineated very well, that we have kids' use going up. Even though we see in some adult sectors cocaine usage and others going down, the terrible news is it is soaring among kids.

I want to talk briefly about the international problem. The cocaine comes from basically three places in the world. We can chase it all over America and all over the world, but there is three countries, Bolivia, Peru and Colombia, where the stuff comes from. And thanks to the policies in Bolivia and Peru, it has mostly now shifted to Colombia. Initially the coca leaves were grown in Peru and Bolivia, and then Peru and Colombia were doing the transfer in the making cocaine, and the Colombia was the cartels. And now most has gone to Colombia, and it is a narcoterrorism threatening the very democracy and the stability of the nation of Colombia.

Mr. MICA. Mr. Speaker, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from Florida.

Mr. MICA. Mr. Speaker, this is an interesting point the gentleman raises about what had developed as an Andean strategy to stop in a very cost-effective manner; we only spent about $200 million out of $16 billion on this whole drug effort, but we spent about $200 million down there. It has been pretty much tightened up because of the efforts of President Fujimori, who we met with when we went down there, and also because of Bolivia's effort, but we learned some interesting things in this experience.

We learned first that, and we had a knock-down, drag-out fight with this administration when they destroyed the shoot-down policy. We had a policy established under the Reagan administration that, given fair warning over these air spaces, in fact, in Peru and Bolivia and Colombia, the drug dealers would be shot down, and they, in fact, were until a liberal in the Clinton administration moved from the Department of Justice, I think, to DOD, and then turned this policy upside down, and we saw a lot of these drugs coming back. I will say the other side worked with us on this to get the attention of the President, but we had to reverse that. That did a great deal of damage.

Then when we visited the jungles down there, we learned from some of our agents that overflights that had been conducted in that region had, in fact, been diverted, I believe, to Alaska by the administration to look for other problems, I think environmental problems as opposed to the drug problem flights. Then we, in fact, learned that our DEA agents in the jungles were dipping into their own pockets in some cases to keep programs alive, because money had been shifted from drug enforcement and from those programs and strategies, and I think I heard the figure of $40 million was put into Haiti for that incredibly failed program where we wasted almost $3 billion to date. So each of these attempts by the administration to destroy the program did not succeed.

The gentleman from Indiana (Mr. SOUDER) has also outlined how since we took over the Congress, and in fact, I served on the subcommittee and the committee before, the Democrats held one hearing of any substance relating to national drug policy while all of this was being done, in spite of my circulating a bipartisan letter of 132 Members requesting hearings on our policy. And the gentleman from Indiana (Mr. SOUDER) has said we are not Johnny-come-latelies in that, and in fact, we have held over 40 hearings.

They may not be interesting to the media; they may not want to cover them. They may want to spend more time on tobacco and some of the outlandish figures that have been brought out as a diversionary tactic by this administration while the country is going down the path of ruin with illegal narcotics and drug abuse, and 100,000 dying in our streets. And the social costs being absolutely astronomical, in addition to, of course, medical costs and the families that are destroyed.

But this is what we have learned, this is what we have done, and in fact, we have taken these actions, as Mr. Souder has outlined, and now we are faced with a dilemma in Colombia. The administration again, with another failed policy, the Colombian failed policy. We begged, we pleaded, we have sent letters. We passed, I believe, a resolution on the floor of this Congress.

Mr. SOUDER. A law, Mr. Speaker.

Mr. MICA. To get aid to Colombia, which is now where there is an incredible production of heroin. The heroin, when we went down there, they told us they are producing 10,000 hectares which will make heroin as cheap on the streets of the United States, and it is getting there very quickly, and a much stronger, much more potent heroin, because of our policy. We failed to provide the equipment.

The Congress directed the equipment, the funds, that spare parts be given down there to fight this war on drugs, and in the meantime this administration has denied those requests. Even of late when they have decertified Colombia with a waiver, the goods and the materiel and the resources to fight that war on drugs still have not reached Colombia, and Colombian military are being slaughtered. The national police chief Seranno has been here and begged us for assistance, and we still ignore it, and we have an incredible amount of drugs, as the gentleman from Indiana (Mr. SOUDER) just described, coming in now, not only transiting, but they are now mass producers of heroin. They are even into the cocaine business, because this administration has made it profitable for them to succeed.

I can tell my colleagues, there is nothing more effective as far as use of taxpayer dollars. Out of $16 billion we are spending this money on treatment and programs that do not work. We talk about losing a Vietnam War. This would be just like putting all of our resources in a war and just treating the wounded, and that is what this administration's policy has been, and that is why it has failed.

We have to have tough enforcement. We have to have tough and effective education. We have to have treatment. We have to have interdiction, and all of these elements coming together in a concentrated effort to make this thing work.

□ 2230

And that is what we are hopefully going to do. But the gentleman from Indiana has, in fact, outlined the failed South American strategy, and we could go on more about Mexico.

Mr. SOUDER. I would like to make some additional comments on Colombia. We were just down there again this past week as we went down to the Summit for Americas. I had an amendment that passed and was held in conference committee that three Blackhawk helicopters were supposed to be sent to Colombia. If this administration had followed the law, those Blackhawk helicopters would be down there and they would be able to get in the areas and eradicate the heroin. They cannot get up there with the Hueys. They do not get up to that altitude.

Furthermore, there is a shooting war where people are dying in Colombia, while we stand here fiddling in Washington trying to decide what to do, while we have grounded because of mechanical failure every Huey helicopter that they have. They have nothing with which to fight. They have lost 40 percent of Colombia, the effective control of the rural countryside.

For those who do not understand the significance of this, understand that we have troops in Haiti. We have troops in Bosnia. The national interest is a little unclear, even in the Middle East, where we are spending $1.5 billion about every nine months right now, where the gentleman from Florida and I just visited last fall and heard skepticism from our own armed forces leaders that we need to be at that level given the direct threat there.

And even arguing that the Middle East has multiple reasons of our national interest, including our friendship with Israel, our friendships with the potentially threatened Arab States and the oil supply, let us look at Colombia. If it is supplying the cocaine and heroin to this country where people are dying in my hometown of Fort

Wayne and throughout northeastern Indiana and all over America, the drugs alone is enough to have national interest be a priority there. But it is more than just that.

Along the Panamanian border they have lost effective control of that. The drug dealers and control has spread into that section of Panama, the Darien area. We are about to abandon Panama. I am very concerned that not only are we going to pull out militarily, but that our efforts to get an antinarcotics center there could be kiboshed.

That is extremely critical, as we just heard earlier from Congressman MICA about the shootdown policy. They need the AWACS. If we send those AWACS up to the United States and they have an hour-and-a-half transit time to get down there, we are going to dramatically reduce our airtime for surveillance, and we are going to have even more drugs at cheaper prices on our streets, threatening our kids and families. We need to make sure we have at least an antinarcotics center in Panama as we leave.

Because Colombian narcotics drug lords are prepared to move in through Panama. On the other side they control about half the Venezuelan border where the jungle is. And control, in a guerrilla war they do not have to have forts and troops and lines. Particularly in the jungle they can move around. We have to have at least four times the effective troops and an operative military defending ground or we in effect lose control because they get to pick and choose where they want to fight.

We have lost half the Venezuelan border. It is not the Middle East that is our number one supplier of oil, it is Venezuela. Seventeen percent of our oil comes from Venezuela. In oil by-products, Colombia is our number one supplier. Talk about energy threat, the energy threat is in Colombia. It is not in the Middle East. The Canal and the trade threat is in Panama, and we have all the drugs.

And what is our response? We will not send them the three helicopters that we were requiring them to send by law, and they are saying, well, they need 20 helicopters. You know what, three is better than zero. If we need to send them three more, we would not be arguing, maybe six, if we had sent them the three last year, then we could get them the three more this year. Frankly, they need the Blackhawks and more Huey IIs.

The alternative is American troops. Here we have a country, Colombia, where they are willing to fight and die partly because of our consumption here in America. Thousands and thousands of police officers, and we were just down there in Colombia and we visited a hospital, and we visited a number of Colombian national police who have been shot down trying to eradicate the cocaine so that it does not hit our streets. And what is our reaction? We will not give them the weapons with which to do it. Apparently we are not going to do it until we have to send troops down there.

This hat belonged to Colonel Gallego, the head of the DANTE, the antinarcotics subforce of the Colombian National Police. General Serrano and Colonel Gallego signed this for me. If anybody saw "Clear and Present Danger," it was a fictionalized account. The former ambassador who went with us on one of the trips, I asked him if it was an accurate movie and he said, "Not completely. I died in the movie." It is a pretty accurate picture of the fight they are facing in Colombia.

Colonel Gallego is the man who took down Pablo Escobar of the famous Medellin Cartel. He is known as the lab buster. He has a $3.5 million price on his head. General Serrano has an $8 million price on his head. They want him dead.

These people, there is no blood on this hat, but there are thousands of police officers and military forces who have died in Colombia fighting our battle. I do not want to have American men and women. I want to help the people who are fighting the war so that they at least have a fighting chance to win and drive back the narcotics, the FARC and others. I do not know that they will, but we ought to at least give them the chance. We are the ones with our national security interest directly threatened here.

I want to move on to a couple of other issues here in the last remaining minutes. I touched some on foreign policy, but I want to say that we are also approaching this comprehensively and domestically in treatment. It is clear that unless we can get the hard core addicts, and every hard core addict we get off, we have a dramatic reduction in the abuse of heroin and cocaine in particular.

Now we also know that, let us just say, that treatment programs are very erratic in their effectiveness. There are different measures to use. Obviously there is going to be a high recidivism rate, and obviously if people at least abuse it less than before, that is some kind of progress. But there are a couple of basic principles here and we will be putting these in as we move through the treatment question.

If we do not do drug testing, how do we know in fact if the treatment program worked? One of the basic principles is that we ought to have measurements in treatment programs and we ought to have monitoring. It is only the most kindhearted and compassionate thing we can do for an abuser, and that is hold them accountable for their behavior. Do not let them fall back in, particularly after we use taxpayers' dollars to try to get them out. Let us monitor and follow through.

It is absurd to give out free needles to heroin addicts. They argue that, well, they will be clean. They will not get AIDS. They will just die of drug overdose. They will not die of AIDS and they will not spread it. This would be the equivalent of going into the American schools and saying these kids are going to smoke anyway, why not give them low-tar cigarettes paid for by taxpayer dollars?

Why would we use taxpayers' dollars to sustain somebody in a habit that is going to kill them, destroy them, wreck their families? If they are a dad or a mom, it is abandonment of their children, and we are going to give them clean needles? It is absurd. We should have gone further than banning direct government money. We should have gotten the fungible money where it is transferred from one place to another.

Furthermore, we should be looking into people like George Soras who is funding a lot of these programs and also funding the medicinal marijuana, the back-door legalization of marijuana. There are legitimate cases, but they are few and far between.

Anybody who watched the special that focused on a lot of these kind of drug clubs for the medicinal uses of marijuana in California, it is appalling. Sit around and pass the pot. It is just like in the 1960s on the college campuses, only this time it is under legitimate government approval funded by George Soras and two friends in State after State. There are basically three people with one person at their head funding this, and we need to look into that question.

We need to also look at prevention programs. A lot of the drug-free school money, while well-intentioned, has been frittered away. We need to find particularly effective programs for those most at risk. A lot of times it seems that these programs are mostly aimed at kids who are not really high risk. We have to figure out those kids who are most at risk and we need to try to get them off.

I remember at one school where I went around the district and talked through these issues with high school kids at about 17 high schools in my congressional district in northeast Indiana, and one student came up and said that he had just gone clean the day before because his friend had gotten high and committed suicide. And he said, "I don't want to do that." He said, "I'm scared. I hope I can get off." And he said, "I wish my friend was still here."

When are we going to try to identify these high-risk kids and try to help them, as opposed to sometimes it seems we are more concerned about giving out little rulers or having a skit than actually tackling the very hard cases of the prevention.

The gentleman from Ohio (Mr. PORTMAN) was a leader in passing legislation which we now have, in northeast

Indiana almost every county now has a community-based group that is trying to pull the different organizations together. Sometimes schools feel like there are 23 different groups hitting them up to try to do anti-drug programs. We need community-wide organized efforts and we are trying to stimulate some of that through the Portman bill.

The gentleman from New York (Mr. SOLOMON) has an amendment that we have in the Higher Education Act that says that if students want a subsidized student loan, then they have an obligation to stay clean. If they do not stay clean for one year, the first time they are suspended from their student loan and they have to go into treatment.

And I want to offer tomorrow an amendment that also says that drug testing be included to make sure they are clean for two years, then they can get reinstated. The second offense, they are off for two years. Definitely, three strikes and they are out. We do not want to have high-risk people not have the opportunity to get an education. Self-esteem and education are critical to keeping them off of drugs. But at the same time, taxpayers should not have to fund behavior that is contrary to the law.

There needs to be a give-and-take with this, and we want to encourage people to get clean. The best thing we can do for them, the college education is a waste of money if they are on drugs. We have to get them clean. If they sold, it is a suspension of two years for first offense and indefinitely for second offense. So this will be up tomorrow.

The gentleman from Mississippi (Mr. WICKER) who has been a leader in the needles issue, along with the gentleman from Oklahoma (Mr. COBURN) will be working with that. We will work aggressively on prevention and treatment.

Let me reiterate, the difference that is seen here is a concentrated effort, not a dribbling of a bill here and a bill there. I am willing to criticize the Speaker when I have disagreements, and I want to make sure I praise him when I think he has taken the commendable leadership in this, as has the gentleman from Illinois (Mr. HASTERT) along with his cochairs, the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Ohio (Mr. PORTMAN) with the anti-drug task force. I think we are going to see a difference.

Mr. Speaker, we need this administration to join with us. This needs to be a bipartisan effort. This cannot be divided and have a bunch of people on the other side posturing with this. This needs to be a joint effort, a drumbeat from every source saying this is unacceptable.

As a goal we ought to say by the Year 2000 we are going to have a 50 percent reduction, and the President of the United States and others should join with us and say we are going to have a 50 percent reduction. A 50 percent reduction in two years sounds like a lot, but that would only take us to the place where we were when this President took office.

Mr. Speaker, the least he could do is, when he leaves, get it back to the level of when he came. Then we can start to get rid of the drug abuse that we had which was already there when he got here. We need his help so that when he exits, we are at least back to the level that it was when he came. He owes that to the American people, and hopefully we can work together with that.

Mr. MICA. Mr. Speaker, I thank the gentleman for yielding and for his comments, and again for his dedication to this subject. I honestly cannot think of any other issue before the Congress as far as the social impact on our Nation. We have been successful in the last 36 or 40 months getting our finances in order, but now the number one priority must be to tackle the illegal narcotics problem, the crime that it does rain upon this country.

This week we have launched another stage in the battle, a new offensive. It is going to take both Democrats and Republicans working together to get that passed.

But we I think also tonight have documented that the policy from this point, 1993, when he took office, to 1995, did not work. It was a failed policy. The results are dramatic. Since 1992 drug use among teens has skyrocketed, the latest statistics indicate by 70 percent. Half of the high school seniors in a recent survey think it is easy to obtain cocaine and LSD; and now eighth graders, where drug use has increased by 150 percent since 1992. These are the latest statistics. One in four high school seniors is a current user of illegal drugs.

This has had a dramatic impact on our young people. If we took out the areas of tough enforcement such as Mr. Giuliani in New York, and some of the other areas where some tough enforcement and prosecution and zero tolerance has taken place, we can see that we still have a very dramatic problem with tremendous cost to the taxpayers of this Nation, not to mention the insecurity of individuals who fear going from their car to the supermarket, from their community, from street to street at night, or even in the daylight being accosted by someone who is on drugs.

☐ 2245

Or the loss in our community just within the last 24 hours, as I left one of the communities, Oviedo, where a young woman was found dead, 21 years old, who worked in a local bank, either of an overdose of cocaine or heroin, just again within the last 24 hours in my community.

The incident we had in my community and the college reunion festivities over the weekend in Daytona Beach, the young man from Orlando who attacked the police with a gun was a habitual drug user and had a record of cocaine use.

Almost every incident of crime, of social problem that we see today is drug related, so we are committed to launch this campaign this week. We have not just spoken in the past 36 months but also acted in putting back together the pieces of an effective multifaceted war on drugs. You can call it whatever you want, but it is going to be indeed a national effort.

We beg the administration to get the resources to Colombia, to other programs that are effective, to treatment programs that work. We are not against treatment, but when you have them come before our committee and testify, folks testify that these are failed programs, and then you learn that sometimes the religious or faith-based programs are the most effective, or the private sector, non-Federally or publicly funded programs are most effective, you begin to wonder. We have been spending more and more in treating these wounded.

So today we take up arms, and this week I know I will be joined by everyone on this side of the aisle, and I know we will have many from the other side of the aisle, to make a meaningful effort to turn around this situation in our country, and again the dramatic cost to young people and citizens of every age, race, and color across our Nation.

Mr. Speaker, I thank the gentleman from Indiana (Mr. SOUDER) again for his leadership in taking time tonight. I know he and I would rather be with our families at home, but this is such an important issue. It is not to be made light of.

It will not be on the front page of tomorrow's paper, except it will be there in the obituary page and the page of abuse, the page of murders and crimes in our community, and the social costs and disruption to each of our communities throughout this land. So that is part of our agenda. It is part of our program. I thank the gentleman for his leadership.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BATEMAN (at the request of Mr. ARMEY) for today and the balance of the week on account of medical reasons.

Mr. DIXON (at the request of Mr. GEPHARDT) for today and the balance of the week on account of medical reasons.

Mr. SANDLIN (at the request of Mr. GEPHARDT) for today and the balance of the week on account of family medical reasons.

Wayne and throughout northeastern Indiana and all over America, the drugs alone is enough to have national interest be a priority there. But it is more than just that.

Along the Panamanian border they have lost effective control of that. The drug dealers and control has spread into that section of Panama, the Darien area. We are about to abandon Panama. I am very concerned that not only are we going to pull out militarily, but that our efforts to get an antinarcotics center there could be kiboshed.

That is extremely critical, as we just heard earlier from Congressman MICA about the shootdown policy. They need the AWACS. If we send those AWACS up to the United States and they have an hour-and-a-half transit time to get down there, we are going to dramatically reduce our airtime for surveillance, and we are going to have even more drugs at cheaper prices on our streets, threatening our kids and families. We need to make sure we have at least an antinarcotics center in Panama as we leave.

Because Colombian narcotics drug lords are prepared to move in through Panama. On the other side they control about half the Venezuelan border where the jungle is. And control, in a guerrilla war they do not have to have forts and troops and lines. Particularly in the jungle they can move around. We have to have at least four times the effective troops and an operative military defending ground or we in effect lose control because they get to pick and choose where they want to fight.

We have lost half the Venezuelan border. It is not the Middle East that is our number one supplier of oil, it is Venezuela. Seventeen percent of our oil comes from Venezuela. In oil by-products, Colombia is our number one supplier. Talk about energy threat, the energy threat is in Colombia. It is not in the Middle East. The Canal and the trade threat is in Panama, and we have all the drugs.

And what is our response? We will not send them the three helicopters that we were requiring them to send by law, and they are saying, well, they need 20 helicopters. You know what, three is better than zero. If we need to send them three more, we would not be arguing, maybe six, if we had sent them the three last year, then we could get them the three more this year. Frankly, they need the Blackhawks and more Huey IIs.

The alternative is American troops. Here we have a country, Colombia, where they are willing to fight and die partly because of our consumption here in America. Thousands and thousands of police officers, and we were just down there in Colombia and we visited a hospital, and we visited a number of Colombian national police who have been shot down trying to eradicate the cocaine so that it does not hit our streets. And what is our reaction? We will not give them the weapons with which to do it. Apparently we are not going to do it until we have to send troops down there.

This hat belonged to Colonel Gallego, the head of the DANTE, the antinarcotics subforce of the Colombian National Police. General Serrano and Colonel Gallego signed this for me. If anybody saw "Clear and Present Danger," it was a fictionalized account. The former ambassador who went with us on one of the trips, I asked him if it was an accurate movie and he said, "Not completely. I died in the movie." It is a pretty accurate picture of the fight they are facing in Colombia.

Colonel Gallego is the man who took down Pablo Escobar of the famous Medellin Cartel. He is known as the lab buster. He has a $3.5 million price on his head. General Serrano has an $8 million price on his head. They want him dead.

These people, there is no blood on this hat, but there are thousands of police officers and military forces who have died in Colombia fighting our battle. I do not want to have American men and women. I want to help the people who are fighting the war so that they at least have a fighting chance to win and drive back the narcotics, the FARC and others. I do not know that they will, but we ought to at least give them the chance. We are the ones with our national security interest directly threatened here.

I want to move on to a couple of other issues here in the last remaining minutes. I touched some on foreign policy, but I want to say that we are also approaching this comprehensively and domestically in treatment. It is clear that unless we can get the hard core addicts, and every hard core addict we get off, we have a dramatic reduction in the abuse of heroin and cocaine in particular.

Now we also know that, let us just say, that treatment programs are very erratic in their effectiveness. There are different measures to use. Obviously there is going to be a high recidivism rate, and obviously if people at least abuse it less than before, that is some kind of progress. But there are a couple of basic principles here and we will be putting these in as we move through the treatment question.

If we do not do drug testing, how do we know in fact if the treatment program worked? One of the basic principles is that we ought to have measurements in treatment programs and we ought to have monitoring. It is only the most kindhearted and compassionate thing we can do for an abuser, and that is hold them accountable for their behavior. Do not let them fall back in, particularly after we use taxpayers' dollars to try to get them out. Let us monitor and follow through.

It is absurd to give out free needles to heroin addicts. They argue that, well, they will be clean. They will not get AIDS. They will just die of drug overdose. They will not die of AIDS and they will not spread it. This would be the equivalent of going into the American schools and saying these kids are going to smoke anyway, why not give them low-tar cigarettes paid for by taxpayer dollars?

Why would we use taxpayers' dollars to sustain somebody in a habit that is going to kill them, destroy them, wreck their families? If they are a dad or a mom, it is abandonment of their children, and we are going to give them clean needles? It is absurd. We should have gone further than banning direct government money. We should have gotten the fungible money where it is transferred from one place to another.

Furthermore, we should be looking into people like George Soras who is funding a lot of these programs and also funding the medicinal marijuana, the back-door legalization of marijuana. There are legitimate cases, but they are few and far between.

Anybody who watched the special that focused on a lot of these kind of drug clubs for the medicinal uses of marijuana in California, it is appalling. Sit around and pass the pot. It is just like in the 1960s on the college campuses, only this time it is under legitimate government approval funded by George Soras and two friends in State after State. There are basically three people with one person at their head funding this, and we need to look into that question.

We need to also look at prevention programs. A lot of the drug-free school money, while well-intentioned, has been frittered away. We need to find particularly effective programs for those most at risk. A lot of times it seems that these programs are mostly aimed at kids who are not really high risk. We have to figure out those kids who are most at risk and we need to try to get them off.

I remember at one school where I went around the district and talked through these issues with high school kids at about 17 high schools in my congressional district in northeast Indiana, and one student came up and said that he had just gone clean the day before because his friend had gotten high and committed suicide. And he said, "I don't want to do that." He said, "I'm scared. I hope I can get off." And he said, "I wish my friend was still here."

When are we going to try to identify these high-risk kids and try to help them, as opposed to sometimes it seems we are more concerned about giving out little rulers or having a skit than actually tackling the very hard cases of the prevention.

The gentleman from Ohio (Mr. PORTMAN) was a leader in passing legislation which we now have, in northeast

Indiana almost every county now has a community-based group that is trying to pull the different organizations together. Sometimes schools feel like there are 23 different groups hitting them up to try to do anti-drug programs. We need community-wide organized efforts and we are trying to stimulate some of that through the Portman bill.

The gentleman from New York (Mr. SOLOMON) has an amendment that we have in the Higher Education Act that says that if students want a subsidized student loan, then they have an obligation to stay clean. If they do not stay clean for one year, the first time they are suspended from their student loan and they have to go into treatment.

And I want to offer tomorrow an amendment that also says that drug testing be included to make sure they are clean for two years, then they can get reinstated. The second offense, they are off for two years. Definitely, three strikes and they are out. We do not want to have high-risk people not have the opportunity to get an education. Self-esteem and education are critical to keeping them off of drugs. But at the same time, taxpayers should not have to fund behavior that is contrary to the law.

There needs to be a give-and-take with this, and we want to encourage people to get clean. The best thing we can do for them, the college education is a waste of money if they are on drugs. We have to get them clean. If they sold, it is a suspension of two years for first offense and indefinitely for second offense. So this will be up tomorrow.

The gentleman from Mississippi (Mr. WICKER) who has been a leader in the needles issue, along with the gentleman from Oklahoma (Mr. COBURN) will be working with that. We will work aggressively on prevention and treatment.

Let me reiterate, the difference that is seen here is a concentrated effort, not a dribbling of a bill here and a bill there. I am willing to criticize the Speaker when I have disagreements, and I want to make sure I praise him when I think he has taken the commendable leadership in this, as has the gentleman from Illinois (Mr. HASTERT) along with his cochairs, the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Ohio (Mr. PORTMAN) with the anti-drug task force. I think we are going to see a difference.

Mr. Speaker, we need this administration to join with us. This needs to be a bipartisan effort. This cannot be divided and have a bunch of people on the other side posturing with this. This needs to be a joint effort, a drumbeat from every source saying this is unacceptable.

As a goal we ought to say by the Year 2000 we are going to have a 50 percent reduction, and the President of the United States and others should join with us and say we are going to have a 50 percent reduction. A 50 percent reduction in two years sounds like a lot, but that would only take us to the place where we were when this President took office.

Mr. Speaker, the least he could do is, when he leaves, get it back to the level of when he came. Then we can start to get rid of the drug abuse that we had which was already there when he got here. We need his help so that when he exits, we are at least back to the level that it was when he came. He owes that to the American people, and hopefully we can work together with that.

Mr. MICA. Mr. Speaker, I thank the gentleman for yielding and for his comments, and again for his dedication to this subject. I honestly cannot think of any other issue before the Congress as far as the social impact on our Nation. We have been successful in the last 36 or 40 months getting our finances in order, but now the number one priority must be to tackle the illegal narcotics problem, the crime that it does rain upon this country.

This week we have launched another stage in the battle, a new offensive. It is going to take both Democrats and Republicans working together to get that passed.

But we I think also tonight have documented that the policy from this point, 1993, when he took office, to 1995, did not work. It was a failed policy. The results are dramatic. Since 1992 drug use among teens has skyrocketed, the latest statistics indicate by 70 percent. Half of the high school seniors in a recent survey think it is easy to obtain cocaine and LSD; and now eighth graders, where drug use has increased by 150 percent since 1992. These are the latest statistics. One in four high school seniors is a current user of illegal drugs.

This has had a dramatic impact on our young people. If we took out the areas of tough enforcement such as Mr. Giuliani in New York, and some of the other areas where some tough enforcement and prosecution and zero tolerance has taken place, we can see that we still have a very dramatic problem with tremendous cost to the taxpayers of this Nation, not to mention the insecurity of individuals who fear going from their car to the supermarket, from their community, from street to street at night, or even in the daylight being accosted by someone who is on drugs.

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Or the loss in our community just within the last 24 hours, as I left one of the communities, Oviedo, where a young woman was found dead, 21 years old, who worked in a local bank, either of an overdose of cocaine or heroin, just again within the last 24 hours in my community.

The incident we had in my community and the college reunion festivities over the weekend in Daytona Beach, the young man from Orlando who attacked the police with a gun was a habitual drug user and had a record of cocaine use.

Almost every incident of crime, of social problem that we see today is drug related, so we are committed to launch this campaign this week. We have not just spoken in the past 36 months but also acted in putting back together the pieces of an effective multifaceted war on drugs. You can call it whatever you want, but it is going to be indeed a national effort.

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Mr. Speaker, I thank the gentleman from Indiana (Mr. SOUDER) again for his leadership in taking time tonight. I know he and I would rather be with our families at home, but this is such an important issue. It is not to be made light of.

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LEAVE OF ABSENCE

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Mr. BATEMAN (at the request of Mr. ARMEY) for today and the balance of the week on account of medical reasons.

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Mr. SANDLIN (at the request of Mr. GEPHARDT) for today and the balance of the week on account of family medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FALEOMAVAEGA) to revise and extend their remarks and include extraneous material:)

Mr. DOGGETT, today, for 5 minutes.
Mr. UNDERWOOD, today, for 5 minutes.
Ms. MILLENDER-MCDONALD, today, for 5 minutes.
Mr. STRICKLAND, today, for 5 minutes.
Ms. CARSON, today, for 5 minutes.
Ms. DELAURO, today, for 5 minutes.
Ms. JACKSON-LEE of Texas, today, for 5 minutes.

(The following Members (at the request of Mr. JONES) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, on April 28 and 29, for 5 minutes each.
Mr. SMITH of Michigan, today, for 5 minutes.
Mr. MILLER of Florida, today, for 5 minutes.
Mr. LATHAM, today, for 5 minutes.
Mr. RIGGS, on April 29, for 5 minutes.
Mr. LATOURETTE, today, for 5 minutes.
Mr. JONES, on April 29, for 5 minutes.
Mr. WELDON of Pennsylvania, today, for 5 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. FALEOMAVAEGA) and to include extraneous matter:)

Ms. DELAURO.
Mr. ROEMER.
Mr. BERRY.
Mr. KUCINICH.
Mr. LIPINSKI.
Mr. TRAFICANT.
Mr. WAXMAN.
Mr. MCDERMOTT.
Mr. MENENDEZ.
Mr. KIND.
Mr. VENTO.
Mr. CLAY.
Ms. NORTON.
Mr. GEPHARDT.
Mr. FROST.
Mr. PAYNE.
Mr. FRANK of Massachusetts.
Mr. BORSKI.
Ms. JACKSON-LEE of Texas.
Mr. COYNE.
Mr. BROWN of California.
Mr. OBERSTAR.

(The following Members (at the request of Mr. JONES) and to include extraneous matter:)

Ms. ROS-LEHTINEN.
Mr. FORBES.
Mr. LEWIS of California.
Mr. WELDON of Florida.
Mr. SENSENBRENNER.
Mr. GILMAN.
Mr. HASTERT.
Mr. PACKARD.
Mr. GOODLING.
Mr. RILEY.

(The following Members (at the request of Mr. SOUDER) and to include extraneous matter:)

Mr. BOB SCHAFFER of Colorado.
Mr. MORAN of Virginia.
Mr. SCHUMER.
Ms. STABENOW.
Mr. BENTSEN.
Mr. BRYANT.
Mr. CONDIT.
Mr. ACKERMAN.
Mr. STARK.
Mr. FAZIO of California.
Mr. ETHERIDGE.

ADJOURNMENT

Mr. SOUDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 49 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 29, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

8767. A letter from the the Comptroller General, the General Accounting Office, transmitting a review of the President's first special impoundment message for fiscal year 1998, pursuant to 2 U.S.C. 685; (H. Doc. No. 105—242); to the Committee on Appropriations and ordered to be printed.

8768. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the Republic of Korea (Transmittal No. DTC-61-98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8769. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of VOR Federal Airway; CA [Airspace Docket No. 97-AWP-17] (RIN: 2120-AA66) received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8770. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of the Atlantic High Offshore Airspace Area [Airspace Docket No. 97-ASO-16] (RIN: 2120-AA66) received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8771. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Topeka, Forbes Field, KS; Correction [Airspace Docket No. 98-ACE-1] received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8772. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Valentine, NE [Airspace Docket No. 97-ACE-39] received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8773. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Chadron, NE [Airspace Docket No. 97-ACE-38] received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8774. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Gulfstream Model GV Series Airplanes [Docket No. 98-NM-114-AD; Amendment 39-10480; AD 98-09-01] (RIN: 2120-AA64) received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8775. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; SOCATA— Groupe AEROSPATIALE Model TBM 700 Airplanes [Docket NO. 97-CE-42-AD; Amendment 39-10476; AD 98-08-27] (RIN: 2120-AA64) received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8776. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Avions Pierre Robin Model R3000/160 Airplanes [Docket No. 97-CE-88-AD; Amendment 39-10477; AD 98-08-28] (RIN: 2120-AA64) received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8777. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Twin Commander Aircraft Corporation 500, 680, 690, and 695 Series Airplanes [Docket No. 96-CE-54-AD; Amendment 39-10474; AD 98-08-25] (RIN: 2120-AA64) received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2807. A bill to amend the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, importation, and exportation of products labeled as containing substances derived from rhinoceros or tiger; with an amendment (Rept. 105-495). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. S. 231. An act to establish the National Cave and Karst Research Institute in the State of New Mexico, and for other purposes (Rept. 105-496). Referred to the Committee of the Whole House on the State of the Union.

Mr. SOLOMON: Committee on Rules. House Resolution 409. Resolution providing for consideration of the bill (H.R. 3717) to prohibit the expenditure of Federal funds for the distribution of needles or syringes for the hypodermic injection of illegal drugs (Rept. 105-497). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 410. Resolution providing for consideration of the bill (H.R. 3546) to provide for a national dialogue on Social Security and to establish the Bipartisan Panel to Design Long-Range Social Security Reform (Rept. 105–498). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 411. Resolution providing for consideration of the bill (H.R. 6) to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes (Rept. 105–499). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WELLER (for himself, Mr. McIntosh, Mr. Riley, and Mr. Herger):

H.R. 3734. A bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty by providing that the income tax rate bracket amounts, and the amount of the standard deduction, for joint returns shall be twice the amounts applicable to unmarried individuals; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. Livingston, Mr. Tauzin, Mr. Brady, Mr. Cooksey, Mr. Ortiz, Mr. Taylor of Mississippi, Mr. Callahan, Mr. Scarborough, Mr. John, and Mr. Bonilla):

H.R. 3735. A bill to disapprove a rule requiring the use of bycatch reduction devices in the shrimp fishery of the Gulf of Mexico; to the Committee on Resources.

By Mr. SMITH of Texas:

H.R. 3736. A bill to amend the Immigration and Nationality Act to make changes relating to H–1B nonimmigrants; to the Committee on the Judiciary.

By Mr. ALLEN:

H.R. 3737. A bill to amend the Water Resources Development Act of 1996 to deauthorize the remainder of the project at East Boothbay Harbor, Maine; to the Committee on Transportation and Infrastructure.

By Mr. DOGGETT (for himself, Mr. Kennedy of Massachusetts, Mrs. Lowey, Ms. Pelosi, Mr. Hansen, Mr. McDermott, Mr. Olver, Ms. DeGette, Ms. Roybal-Allard, Mr. Stark, Ms. Millender-McDonald, Mr. Vento, Mr. Underwood, Mrs. Tauscher, and Mr. Pallone):

H.R. 3738. A bill to establish a responsible United States international tobacco policy, to prevent tobacco companies from targeting tobacco products to children, to ensure no government promotion of tobacco overseas, to curb smuggling of tobacco products, to establish the American Center on Global Health and Tobacco, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Ways and Means, International Relations, National Security, Resources, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:

H.R. 3739. A bill to amend title II of the Social Security Act to allow for distribution of the lump sum death payment, in the absence of a widow or widower or surviving children, to any other person as certified by the deceased worker to the Commissioner of Social Security; to the Committee on Ways and Means.

By Mr. GOSS:

H.R. 3740. A bill to amend the Act of October 11, 1974 (Public Law 93–440; 88 Stat. 1257), to provide for the continued operation of certain tour businesses in recently acquired areas of Big Cypress National Preserve; to the Committee on Resources.

By Mr. LIPINSKI (for himself and Mr. DeFazio):

H.R. 3741. A bill to amend title 49, United States Code, to require congressional approval of civil aviation agreements; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RIGGS (for himself, Mr. Watts of Oklahoma, Mr. Talent, Mr. McIntosh, Mr. Pitts, Mr. Packard, Mr. Souder, and Mr. Wamp):

H.R. 3742. A bill to provide flexibility to certain local educational agencies that develop voluntary public and private parental choice programs under title VI of the Elementary and Secondary Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. PAUL:

H.J. Res. 116. A joint resolution proposing an amendment to the Constitution of the United States relative to abolishing personal income, estate, and gift taxes and prohibiting the United States Government from engaging in business in competition with its citizens; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island:

H. Con. Res. 261. Concurrent resolution recognizing the importance of rivers to the United States and supporting efforts to inform and educate the people of the United States regarding rivers and the importance of their preservation; to the Committee on Resources.

By Mr. KIM:

H. Con. Res. 262. Concurrent resolution authorizing the 1998 District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds; to the Committee on Transportation and Infrastructure.

By Mr. KIM:

H. Con. Res. 263. Concurrent resolution authorizing the use of the Capitol Grounds for the seventeenth annual National Peace Officers' Memorial Service; to the Committee on Transportation and Infrastructure.

By Mr. PALLONE (for himself, Mr. Pascrell, Mr. Sandlin, Mrs. Cubin, Mr. Kleczka, Mr. Weldon of Pennsylvania, and Mr. Rothman):

H. Con. Res. 264. Concurrent resolution expressing the sense of the Congress with respect to documentation requirements for physicians who submit claims to Medicare for office visits and for other evaluation and management services; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 45: Mr. Blagojevich and Mr. Kind of Wisconsin.

H.R. 59: Mr. Souder.

H.R. 218: Ms. Granger and Mr. Sherman.

H.R. 306: Mr. Meeks of New York.

H.R. 371: Ms. Brown of Florida.

H.R. 372: Ms. Kaptur, Mr. Blumenauer, Mr. Coyne, and Mr. Manton.

H.R. 519: Mr. Smith of Michigan.

H.R. 539: Mr. Engel and Ms. Pelosi.

H.R. 612: Mr. Tanner, Mr. Foley, Mr. Salmon, Mr. Packard, and Mr. Berman.

H.R. 633: Mr. Nethercutt and Mr. Wise.

H.R. 676: Mr. Goode and Mr. Coyne.

H.R. 715: Mr. Bliley.

H.R. 872: Mrs. Northup, Ms. Pelosi, Mr. Quinn, Mr. Smith of New Jersey, and Mr. Weldon of Florida.

H.R. 902: Mr. Boehner, Mr. Fossella, Mr. Gillmor, Mr. Gilman, Mr. Goss, Mr. Dan Schaefer of Colorado, and Mr. Wolf.

H.R. 979: Mr. Bilbray, Mr. McHugh, and Mr. Miller of California.

H.R. 1054: Mr. Pappas and Mr. Barrett of Nebraska.

H.R. 1061: Mr. Rothman, Mr. Coburn, and Mr. Gutierrez.

H.R. 1126: Ms. Slaughter and Mr. Pickett.

H.R. 1173: Mr. Snyder.

H.R. 1200: Mr. Tierney.

H.R. 1375: Mrs. Emerson and Mr. Bunning of Kentucky.

H.R. 1524: Mr. Schumer, Mr. Weldon of Pennsylvania, Mr. Pickering, Mr. Young of Alaska, and Mr. Sununu.

H.R. 1531: Mr. Lampson.

H.R. 1689: Mr. Ney, Mr. Chabot, Mr. DeLay, and Mr. Cook.

H.R. 1788: Mr. Dixon.

H.R. 1802: Mr. Calvert.

H.R. 1911: Mr. Turner.

H.R. 1995: Mr. Ackerman, Mrs. Kelly, and Mr. Shays.

H.R. 2021: Mr. Sessions.

H.R. 2023: Mr. McGovern, Mr. Frank of Massachusetts, Mr. Vento, and Mr. Waxman.

H.R. 2081: Mr. Hilliard.

H.R. 2088: Mr. Sherman.

H.R. 2094: Mrs. Capps.

H.R. 2124: Mr. Ensign.

H.R. 2183: Mr. Fox of Pennsylvania.

H.R. 2523: Mrs. Johnson of Connecticut.

H.R. 2560: Mr. Sanders, Mr. Romero-Barcelo, Mr. Lantos, Mr. Bentsen, Mrs. Myrick, Mr. Boswell, Mr. Baldacci, Mr. Luther, Mr. Condit, Mr. Sherman, Mr. Shimkus, Mr. Coyne, Mr. Parker, Mr. Kasich, and Mrs. Kennelly of Connecticut.

H.R. 2568: Mr. Price of North Carolina.

H.R. 2579: Mr. Pickering and Mr. Hilleary.

H.R. 2598: Mr. Bob Schaffer.

H.R. 2604: Mr. Campbell, Mr. Bentsen, and Mr. Snowbarger.

H.R. 2612: Mr. Dingell.

H.R. 2635: Mr. Jackson of Illinois, Mr. Towns, Mr. Clyburn, Mr. Owens, Mr. Markey, Mr. Barrett of Wisconsin, Mr. Abercrombie, Mr. Stark, Mr. Moakley, Mr. Frank of Massachusetts, Mr. Coyne, Mr. Vento, Mr. Poshard, Ms. Waters, and Mr. Evans.

H.R. 2678: Mr. Underwood.

H.R. 2708: Mr. Camp, Mr. Towns, Mr. Sununu, Mr. Martinez, and Mr. McHugh.

H.R. 2800: Mr. Stump.

H.R. 2829: Mr. Jefferson and Mr. Camp.

H.R. 2895: Mr. Delahunt, Mr. Frost, Mr. Kennedy of Rhode Island, and Mr. Oberstar.

H.R. 2912: Mr. Payne and Mr. Hastings of Florida.

H.R. 2922: Mr. Calvert.

H.R. 2936: Mr. Bereuter.

H.R. 2955: Mr. Sanders, Mr. English of Pennsylvania, Mr. Kanjorski, and Mr. Kolbe.

H.R. 2990: Mr. Klink, Mr. Levin, Mr. Becerra, Mr. Scott, and Mr. Gutierrez.

H.R. 3010: Mr. Torres.

H.R. 3016: Mr. Porter.

H.R. 3111: Mr. Rush.

H.R. 3150: Mr. Hefley, Ms. Pryce of Ohio, Mr. Kleczka, Mr. Andrews, Mr. Brady, Mrs. Northup, Mr. Spence, Mr. Talent, Mr. Boyd, Mr. Pickett, and Mr. Dooley of California.

H.R. 3152: Mr. Dreier and Mr. Walsh.

H.R. 3181: Mr. Faleomavaega.

H.R. 3187: Mr. DeFazio.

H.R. 3205: Ms. DeGette and Mr. Lampson.

H.R. 3217: Mr. McDermott.

H.R. 3243: Ms. Ros-Lehtinen and Mr. Scarborough.

H.R. 3251: Mr. Gejdenson, Mr. Manton, Mr. Bateman, Mr. Clay, Mr. Fattah, Mr. Watt of North Carolina, Mr. Bartlett of Maryland, Ms. Rivers, and Mr. Kennedy of Rhode Island.

H.R. 3255: Mr. Manton.

H.R. 3262: Mr. Abercrombie.

H.R. 3314: Mr. Graham.

H.R. 3331: Mr. Talent.

H.R. 3338: Ms. Kilpatrick.

H.R. 3379: Mr. Faleomavaega and Mr. Poshard.

H.R. 3396: Mr. Bilirakis, Mr. Torres, Mr. Collins, and Mrs. Kelly.

H.R. 3400: Mr. Hinojosa and Mr. Olver.

H.R. 3438: Mr. English of Pennsylvania and Mr. Calvert.

H.R. 3459: Mr. Payne.

H.R. 3470: Mr. Bonior.

H.R. 3506: Mr. Blumenauer, Mr. Kasich, Mr. Mica, Mr. Hyde, Mr. Sisisky, Mr. Shuster, Mr. Green, Mr. Skelton, Mr. Davis of Illinois, Mr. Scarborough, Mr. Maloney of Connecticut, Mr. McCrery, Mr. Scott, Ms. DeLauro, Mr. Barcia of Michigan, Mr. Nethercutt, Mr. Burton of Indiana, Mr. Stokes, Mr. Ney, Mr. Rahall, Mr. Minge, Ms. Furse, Mr. Farr of California, Mr. McInnis, Mr. Bereuter, and Mr. Rogers.

H.R. 3514: Mr. Clay, Mr. Sabo, Mr. Kind of Wisconsin. Mr. Davis of Virginia, Mr. Allen, and Mrs. Clayton.

H.R. 3523: Mr. King of New York, Mr. Berry, Mr. Burton of Indiana, Mr. Cannon, Mrs. Lowey, and Mr. Matsui.

H.R. 3524: Mr. Miller of California, Mr. Frost, and Mr. Torres.

H.R. 3526: Mr. Gordon.

H.R. 3534: Mr. DeLay, Mr. Wamp, Ms. Sánchez, Mr. Calvert, Mr. Taylor of Mississippi, Mr. Herger, Mr. Berry, Mr. Livingston, Mr. Sisisky, Mr. Stump, Mr. Pombo, Mr. Cunningham, Mr. Campbell, Mr. Stearns, Mr. Collins, Mr. Ryun, Mrs. Northup, Mr. Talent, Mrs. Emerson, Mr. Wicker, Mr. Pickering, Mr. Ballenger, Mr. Smith of New Jersey, Mr. Skeen, Mr. Gibbons, Mrs. Kelly, Mr. Fox of Pennsylvania, Mr. Nethercutt, Mr. Porter, Ms. Granger, Mr. Ensign, Mr. Moran of Kansas, Mr. Bob Schaffer, Mr. Gallegly, Mr. LaTourette, Mr. Deal of Georgia, Mr. Pappas, and Mr. Paul.

H.R. 3541: Mr. Kolbe, Mr. Boucher, Mr. Foley, Mr. Goode, Mr. Gibbons, Mr. Hutchinson, Mr. Hostettler, Mr. Blunt, Mr. Hall of Ohio, Mr. Canady of Florida, Ms. Pryce of Ohio, Mr. Johnson of Wisconsin, Mr. Calvert, Mr. Frank of Massachusetts, and Mr. Souder.

H.R. 3567: Mr. Franks of New Jersey.

H.R. 3570: Mr. Strickland, Mr. Lampson, Mr. Vento, and Mr. Thompson.

H.R. 3599: Mr. Talent.

H.R. 3605: Mr. Bishop, Mr. Neal of Massachusetts, Mr. Davis of Illinois, Mr. Mollohan, Mr. Moakley, and Mr. Scott.

H.R. 3608: Mr. Taylor of Mississippi.

H.R. 3613: Ms. Woolsey and Mr. Maloney of Connecticut.

H.R. 3615: Mr. Payne, Mr. Evans, Ms. Slaughter, and Mrs. Maloney of New York.

H.R. 3636: Mr. Markey, Mr. Frank of Massachusetts, Mr. Houghton, Ms. Kilpatrick, Ms. Waters, and Ms. Carson.

H.R. 3641: Mr. Ensign.

H.R. 3648: Mr. Sessions, Mr. Royce, Mr. Brady, Mr. English of Pennsylvania, Mr. Forbes, Mr. Walsh, and Mr. Chabot.

H.R. 3651: Mr. Towns and Mr. Nadler.

H.R. 3661: Mr. Kildee, Mr. LaTourette, and Mr. Meeks of New York.

H.R. 3674: Mr. Johnson of Wisconsin.

H.R. 3684: Ms. Pryce of Ohio.

H.R. 3690: Mr. Bachus and Mr. Evans.

H.R. 3713: Ms. Woolsey.

H.R. 3719: Mr. Goodling.

H.J. Res. 102: Mr. Livingston and Mr. Kanjorski.

H. Con. Res. 55: Mrs. Capps, Mr. English of Pennsylvania, Mr. Bilbray, Ms. Stabenow, and Mr. Schumer.

H. Con. Res. 127: Mr. Buyer.

H. Con. Res. 181: Mr. Mascara, Mr. Kim, Mr. Lewis of Georgia, Mr. Pastor, Mr. Sabo, Mr. Norwood, Mr. Neal of Massachusetts, Mr. Torres, Mr. Ney, Mr. Gephardt, Mr. Vento, Mr. Jackson of Illinois, and Mr. Allen.

H. Con. Res. 210: Mr. Boyd.

H. Con. Res. 233: Mr. Becerra, Mr. Luther, and Mr. Jenkins.

H. Res. 151: Mr. Pickett.

H. Res. 363: Mr. Baldacci.

H. Res. 374: Mr. Royce, Mr. Lantos, Mr. Engel, Mr. Wexler, Mr. Brown of Ohio, Mr. Gutierrez, and Ms. Furse.

H. Res. 392: Mr. Watts of Oklahoma, Mr. Peterson of Pennsylvania, Mr. Nethercutt, Mr. Souder, Mr. Barrett of Nebraska, and Mr. Matsui.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6

Offered By: Mr. Allen

Amendment No. 10: Page 68, after line 11, insert the following new section (and redesignate the succeeding section and conform the table of contents accordingly):

SEC. 206. TEACHER RECRUITMENT.

(a) Future Math and Science Teacher Recruitment.—Title II is further amended by adding at the end the following new part:

"PART F—FUTURE MATH AND SCIENCE TEACHER RECRUITMENT

"SEC. 281A. SHORT TITLE; FINDINGS.

"(a) Short Title.—This part may be cited as the 'Recruit and Reward Future Math and Science Teachers of America Act of 1998'.

"(b) Findings.—Congress finds the following:

"(1) United States high school students rank 12th and 19th, respectively, in science and math out of 25 countries.

"(2) Of United States high school students who take physical science and math courses, 48 percent and 49 percent, respectively, are taught by teachers who did not prepare in that field.

"(3) Teachers' knowledge and skills powerfully influence student learning.

"(4) More than 2,000,000 teachers will need to be hired over the next decade.

"(5) The ability of the United States to place highly qualified math and science teachers specializing in their field of instruction will depend on proactive policies that increase funding for teacher training, recruitment, and induction.

"SEC. 281B. PURPOSE; APPROPRIATIONS AUTHORIZED.

"(a) Purpose.—It is the purpose of this part to make available, through a pilot program, 500 scholarship grants and stipends to outstanding students enrolled in a nationally accredited teacher training graduate program who are committed to pursuing careers teaching math and science at an urban or rural secondary level classroom.

"(b) Authorization of Appropriations.—There are authorized to be appropriated to carry out this part $5,000,000 in each of the fiscal years 1999, 2000, and 2001.

"SEC. 281C. SCHOLARSHIP DESIGNATION AND SELECTION CRITERIA.

"(a) Scholarship Designation.—Funds made available under this part shall be designated as the 'National Math and Science Teacher Scholarships'.

"(b) Selection Criteria.—The Secretary of Education may award funds for National Math and Science Teacher Scholarships on a competitive basis to qualifying higher education institutions with graduate programs in teacher training. The Secretary may not provide any individual higher education institution more than $100,000 per academic year for the purpose of the National Math and Science Teacher Scholarships. An institution applying for such Scholarships may only be eligible to receive funds if such institution—

"(1) meets nationally accredited teacher training graduate program standards; or

"(2) demonstrates to the Secretary that at least 90 percent of the graduates of such a graduate teacher training program take, and on their first attempt pass, the State teacher qualification assessments for new teachers.

"SEC. 281D. INDIVIDUAL SCHOLARSHIP ELIGIBILITY.

"An individual may be eligible for a National Math and Science Teacher Scholarship only if such individual—

"(1) is a citizen or national of the United States or an alien lawfully admitted to the United States for permanent residence;

"(2) is majoring in a physical or life science or mathematics graduate teacher training program;

"(3) is enrolled in a higher education institution that—

"(A) meets nationally accredited teacher training graduate program standards; or

"(B) demonstrates to the Secretary that at least 90 percent of the graduates of such a graduate teacher training program who enter the field of teaching take, and on their first attempt pass, the' State teacher qualification assessments for new teachers; and

"(4) is willing to be teacher certified or licensed and commit themselves to teaching math or science in a rural or urban public secondary school for no less than 3 full academic years.

"SEC. 281E. SCHOLARSHIP AMOUNT.

"(a) Amount of Award.—The amount of scholarship awarded by participating teacher training graduate programs under this part for any academic year shall be $10,000 per student.

"(b) Assistance Not To Exceed Cost of Attendance.—No individual shall receive an award under this part in any academic year which exceeds the cost of attendance. A scholarship awarded under this part shall not be reduced on the basis of the student's receipt of other forms of Federal student financial assistance, but shall be taken into account in determining the eligibility of the student for those forms of Federal student financial assistance.

"SEC. 281F. AGREEMENT; GRANT AND STIPEND REPAYMENT PROVISIONS.

"(a) AGREEMENT.—Recipients of the National Math and Science Teachers Scholarships shall agree to teach in an urban or rural public secondary school for no less than 3 full academic years.

"(b) REPAYMENT FOR FAILURE TO FULFILL AGREEMENT.—Any recipients of a Scholarship found by the Secretary to be in noncompliance with the agreement entered into under subsection (a) of this section shall be required to repay a pro rata amount of the scholarship awards received, plus interest and, where applicable, reasonable collection fees, on a schedule and at a rate of interest prescribed by the Secretary by regulations.

"SEC. 281G. EXCEPTIONS TO REPAYMENT PROVISIONS.

"An individual recipient of a Scholarship under this part shall not be considered in violation of the agreement entered into pursuant to section 281F during any period in which the recipient—

"(1) is pursuing a full-time course of study in math and science at an accredited institution;

"(2) is serving, not in excess of 3 years, as a member of the armed services of the United States;

"(3) is totally disabled for a period of time not to exceed 3 years as established by sworn affidavit of a qualified physician;

"(4) is seeking and unable to find full-time employment for a single period not to exceed 12 months;

"(5) is seeking and unable to find full-time employment as a math and science teacher in a public or private nonprofit elementary or secondary school or education program for a single period not to exceed 27 months; or

"(6) satisfies the provision of additional repayment exceptions that may be prescribed by the Secretary in regulations issued pursuant to this section.

"SEC. 281H. REPORT TO CONGRESS.

"On or before January 29, 2002, the Secretary of Education shall submit a report to Congress evaluating the success of the National Math and Science Teacher Scholarships pilot program in recruiting math and science teachers to teach in America's public secondary schools.".

H.R. 6

OFFERED BY: MR. ALLEN

AMENDMENT NO. 11: Page 267, after line 11, insert the following new subsection (and redesignate the succeeding subsections accordingly):

(d) FINANCIAL RESPONSIBILITY FOR REFUNDS AND DURING PROVISIONAL CERTIFICATION.—

(1) AMENDMENT.—Section 498(e) is amended by adding at the end the following new paragraphs:

"(6) Notwithstanding any other provision of law, any person required to pay, on behalf of a student or borrower, a refund of unearned institutional charges to a lender, or the Secretary, who willfully fails to pay such refund or willfully attempts in any manner to evade payment of such refund, shall, in addition to other penalties provided by law, be liable to the Secretary for the amount of the refund not paid, to the same extent with respect to such refund that such an individual would be liable as a responsible person for a penalty under section 6672(a) of title 26, United States Code, with respect to the nonpayment of taxes.

"(7) Notwithstanding any other provision of law, a proprietary institution of higher education, as defined in section 481(b), may be provisionally certified under subsection (h) only if it provides the Secretary with financial guarantees from one or more individuals whom the Secretary determines, in accordance with subsection (e)(2), exercise substantial control over such institution. Such financial guarantees shall be in addition to any financial guarantees otherwise required from the institution and shall be in an amount determined by the Secretary to be sufficient to satisfy the institution's potential liability to the Federal Government, student assistance recipients, and other program participants for funds under this title during the period of provisional certification.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) relating to responsibility for unpaid refunds, shall be effective with respect to any unpaid refunds that were first required to be paid to a lender or to the Secretary on or after 90 days after the date of enactment of this Act;

(B) relating to financial guarantees required for provisional certification, shall be effective with respect to any proprietary institution of higher education provisionally certified by the Secretary on or after the date of enactment of this Act.

Page 269, after line 4, insert the following new subsection:

(1) CHANGE IN STATUS.—

(1) AMENDMENT.—Section 498(i)(2) is amended by striking subparagraph (E) and inserting the following new subparagraph:

"(E) the change in tax filing status of an institution from for-profit to non-profit; or".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective on the date of the enactment of this Act.

H.R. 6

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 12: Page 153, before line 13, insert the following new subsection (and redesignate the succeeding subsections accordingly):

"(b) CONSOLIDATION LOANS.—Notwithstanding any provision of subsection (a), with respect to any consolidation loan made under section 428C for which the first disbursement is made on or after July 1, 1998, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

"(1) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

"(2) 2.3 percent,

except that such rate shall not exceed 8.25 percent.

H.R. 6

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 13: Page 154, line 18, strike "2.8 percent" and insert "2.3 percent".

Page 155, strike lines 2 and 3 and insert the following:

paragraph shall be applied by substituting '1.7 percent' for '2.3 percent'.

In clause (iv) as amended by the Manager's amendment to page 155, lines 12 through 23, relating to consolidation loans, strike "for '2.8 percent', subject" and insert "for '2.3 percent', subject".

H.R. 6

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 14: Page 156, after line 3, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

SEC. 417. INCOME CONTINGENT REPAYMENT UNDER THE FFEL PROGRAM.

Part B of title IV is amended by inserting after section 427A (20 U.S.C. 1077a) the following new section:

"SEC. 427B. INCOME CONTINGENT REPAYMENT OPTION

"(a) AVAILABILITY OF OPTION.—

"(1) INDIVIDUAL LOANS.—An individual who has only one loan outstanding under this part shall, not more than 6 months prior to the date on which the borrower's first payment is due, be offered by the lender the option of repaying the loan in accordance with this section.

"(2) MULTIPLE LOANS.—An individual who has two or more loans outstanding under this part may obtain a consolidation loan under section 428C for the purposes of obtaining the option of repaying the loan in accordance with this section.

"(3) DIRECT LOANS.—An individual who has one or more loans under part D of this title may obtain income contingent repayment pursuant to section 455(e).

"(4) RESTRICTION OF OPTION TO NEW BORROWERS.—Notwithstanding paragraphs (1) through (3), the option of repaying a loan in accordance with this section shall be available only to borrowers who, on the date of enactment of this section, do not have any outstanding balance of principal or interest on any loan made under this part or part D.

"(b) TERMS OF REPAYMENT UNDER OPTION.—

"(1) LOAN OBLIGATIONS UNDER OPTION.—A loan that is subject to repayment under this section shall be repaid in installments that—

"(A) are determined in accordance with paragraph (2) for each one year period beginning on July 1; and

"(B) notwithstanding the note or other written evidence of the loan and subparagraphs (D) and (E) of section 428(b)(1), shall continue to be paid until—

"(i) the borrower has repaid the principal and any accrued or capitalized interest on the loan; or

"(ii) the remaining obligations of the borrower are discharged under subsection (c).

"(2) CALCULATION OF INSTALLMENTS.—

"(A) INSTALLMENT AMOUNTS.—The total amount that a borrower shall be required to pay as installments on a loan of such borrower that is subject to repayment under this section is equal to—

"(i) one-fourth of the annual amount determined under subparagraph (B), in the case of a loan that is repaid in quarterly installments; or

"(ii) one-twelfth of such annual amount, in the case of a loan that is repaid in monthly installments.

"(B) ANNUAL AMOUNT.—The annual amount for a loan that is subject to repayment under this section is determined for each one year period beginning on July 1 of each calendar year. The annual amount is determined by reference to the taxable income of the borrower for the taxable year ending in the calendar year preceding the calendar year in which the determination is made. The annual amount is determined in accordance with the following table:

Annual limit

If the taxable income of the borrower is—	Then the annual amount is—
Less than $20,000	3% of taxable income
$20,001–$40,000	5% of taxable income
$40,001–$60,000	7% of taxable income
$60,001–$90,000	10% of taxable income
$90,001–$120,000	15% of taxable income
$120,001 or more	20% of taxable income

"(C) Special rule for joint returns.—If an individual who is a borrower of a loan that is subject to repayment under this section files a joint return for the taxable year on which the annual amount is based, then the annual amount for such individual is determined under subparagraph (B) by treating the taxable income of such individual as equal to one-half the taxable income indicated on such joint return.

"(3) Capitalization of unpaid interest.—If the amount that any borrower pays as an installment under paragraph (2) on a loan that is subject to repayment under this section is less than the interest that has accrued since the preceding installment, then the remaining unpaid interest shall be added, not more frequently than quarterly, to the principal amount of the loan. Such capitalization of interest shall not be deemed to exceed the annual insurable limit on the account of the borrower.

"(c) Discharge of Obligation.—

"(1) Unpaid balance remaining after 25 years.—If the unpaid balance on a loan that is subject to repayment under this section has not been repaid in full at the end of 25 years of repayment, then—

"(A) the Secretary shall repay the holder of such loan such unpaid balance and the holder of the loans shall be deemed to have a contractual right, as against the United States, to receive from the Secretary such unpaid balance without administrative delay after the receipt by the Secretary of an accurate and complete request for payment; and

"(B) such payment by the Secretary shall be applied to discharge the borrower from any remaining obligation with respect to the loan.

"(2) Unpaid balance.—For the purposes of paragraph (1), the unpaid balance of a loan is the sum of unpaid principal and unpaid accrued and capitalized interest, and any fees, such as late charges, assessed on such loan in accordance with the requirements of this part and the regulations thereunder.

"(e) Information Needed for Collection.—

"(1) Access to taxpayer information.—The Secretary may obtain such information as is reasonably necessary regarding the taxable income of a borrower (and the borrower's spouse, if applicable) of a loan that is subject to repayment under this section for the purpose of determining the installment caps under subsection (b)(2). Returns and return information (as defined in section 6103 of the Internal Revenue Code of 1986) may be obtained under the preceding sentence only to the extent authorized by section 6103(l)(13) of such Code.

"(2) Additional documents.—A borrower of a loan that is subject to repayment under this section and for whom taxable income is unavailable or does not reasonably reflect the borrower's current income, shall provide to the Secretary other documentation of income satisfactory to the Secretary.

"(3) Transmission of data to lenders.—The Secretary shall, by regulation, establish procedures for the transmission of data gathered under (1) and (2) to the lender or holder of a loan that is subject to repayment under this section.

"(4) Notification to borrowers.—The Secretary shall establish procedures under which a borrower of a loan that is subject to repayment under this section is notified of the terms and conditions of such loan, including notification of such borrower—

"(A) that the Internal Revenue Service will disclose to the Secretary tax return information as authorized under section 6103(l)(13) of the Internal Revenue Code of 1986; and

"(B) that if a borrower considers that special circumstances, such as a loss of employment by the borrower or the borrower's spouse, warrant an adjustment in the borrower's loan repayment as determined using the information described in subparagraph (A), or the alternative documentation described in paragraph (2), the borrower may contact the Secretary, who shall determine whether such adjustment is appropriate, in accordance with criteria established by the Secretary.

"(f) Definitions.—For purposes of this section:

"(1) Taxable income.—The taxable income of a borrower is determined in the manner provided in section 63 of the Internal Revenue Code of 1986.

"(2) Taxable year.—The term 'taxable year' means the taxable year of a taxpayer for purposes of subtitle A of such Code.".

Page 204, after line 5, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

SEC. 438. INCOME CONTINGENT REPAYMENT UNDER THE FEDERAL DIRECT LOAN PROGRAM.

Section 455(e) of the Higher Education Act of 1965 (20 U.S.C. 1087e(e)) is amended to read as follows:

"(e) Parallel income contingent repayment.—

"(1) In general.—The Secretary shall offer borrowers under this part the option of repaying their loans in the same manner as loans that are subject to repayment in accordance with section 427B.

"(2) Exceptions.—The Secretary shall prescribe any regulations necessary to implement the requirements of paragraph (1).".

H.R. 6

Offered By: Mr. Andrews

Amendment No. 15: Page 163, strike out lines 16 and 17 and insert in lieu thereof the following:

(p) Lenders-of-Last-Resort.—Section 428(j)(3) is amended—

(1) in subparagraph (A)—

(A) in the heading thereof, by striking "DURING TRANSITION TO DIRECT LENDING";

(B) by striking out "during the transition from the Federal Family Education Loan Program under this part to the Federal Direct Student Loan Program under part D of the title," and inserting a comma;

(C) by inserting "designated for a State" immediately after "a guaranty agency"; and

(D) by inserting "subparagraph (C) and" immediately before "section 422(c)(7)."; and

(2) by adding at the end thereof the following new subparagraph:

"(C) The Secretary shall exercise the authority described in subparagraph (A) only if the Secretary determines that eligible borrowers are seeking and are unable to obtain loans under this part, and that the guaranty agency designated for that State has the capability to provide lender-of-last-resort loans in a timely manner, in accordance with its obligations under paragraph (1), but cannot do so without advances provided by the Secretary under this paragraph. If the Secretary makes the determinations described in the preceding sentence and determines that it would be cost-effective to do so, the Secretary may provide advances under this paragraph to that guaranty agency. If the Secretary determines that guaranty agency does not have such capability, or will not provide such loans in a timely fashion, the Secretary may provide such advances to enable another guaranty agency, that the Secretary determines to have such capability, to make lender-of-last-resort loans to eligible borrowers in that State who are experiencing loan access problems.".

H.R. 6

Offered By: Mr. Andrews

Amendment No. 16: Page 164, after line 25, insert the following new subsection:

(t) Notice of Availability of Income-sensitive Repayment Option.—

(1) Amendment.—Section 428 is further amended by adding at the end the following new subsection:

"(o) Notice of Availability of Income-sensitive Repayment Option.—At the time of offering a borrower a loan under this part, and at the time of offering the borrower the option of repaying a loan in accordance with this subsection, the lender shall provide the borrower with a notice that informs the borrower, in a form prescribed by the Secretary by regulation—

"(1) that all borrowers are eligible for income-sensitive repayment through loan consolidation under section 428C;

"(2) the procedures by which the borrower may elect income-sensitive repayment; and

"(3) where and how the borrower may obtain additional information concerning income-sensitive repayment.".

(2) Conforming amendments.—

(A) Section 428(b)(1)(E)(i) is amended by inserting before the semicolon the following: "or of repaying the loan in accordance with an income-sensitive repayment schedule offered pursuant to section 428C".

(B) Section 485(b)(1)(A) is amended—

(i) by striking "and" at the end of clause (i);

(ii) by striking the period at the end of clause (ii) and inserting "; and"; and

(iii) by adding at the end the following new clause:

"(iii) the information required to be disclosed by lenders pursuant to section 428(o).".

H.R. 6

Offered By: Mr. Andrews

Amendment No. 17: Page 164, after line 25, insert the following new section (and conform the table of contents accordingly):

SEC. 417A. ADDITIONAL REDUCTIONS AND BENEFITS.

(a) Lender and Holder Risk Sharing.—Section 428(b)(1)(G) (20 U.S.C. 1078(b)(1)(G)) is amended by striking "98 percent" and inserting "95 percent".

(b) Insurance Premiums.—Section 428(b)(1)(H) of such Act is amended—

(1) by inserting the clause designation "(i)" following the subparagraph designation;

(2) by striking "the loan," and inserting "any loan made under section 428 or 428B before July 1, 1998,"; and

(3) after clause (i) (as redesignated by paragraph (1)), by adding "and" and the following new clause:

"(ii) provides that no insurance premiums shall be charged to the borrower of any loan made under section 428 or 428B on or after July 1, 1998;".

(c) Direct Loan Origination Fees.—Section 455(c) (20 U.S.C. 1087e(c)) is amended—

(1) by striking "The Secretary" and inserting "(1) For loans made under this part before July 1, 1998, the Secretary";

(2) by striking "of a loan made under this part"; and

(3) by adding at the end thereof the following new paragraph:

"(2) For Federal Direct Stafford/Ford Loans made under this part on or after July

1, 1998, the Secretary shall charge the borrower an origination fee of 3.0 percent of the principal amount of the loan.".

(d) SECRETARY'S EQUITABLE SHARE OF COLLECTIONS.—

(1) AMENDMENT.—Section 428(c)(6)(A)(ii) (20 U.S.C. 1078(c)(6)(A)(ii)), as amended by section 412(d)(2)(A), is further amended by striking "24 percent" and inserting "18.5 percent".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) of this subsection shall be effective with respect to any payments made by borrowers on or after October 1, 1997.

H.R. 6

OFFERED BY: MRS. CLAYTON

AMENDMENT NO. 18: Page 248, line 4, strike "and"; on line 10, strike the second period and insert "; and", and after line 10 insert the following:

(7) by adding at the end the following new paragraph:

"(23) The institution will distribute to each student, during registration for enrollment in its instructional program, the mail voter registration application form described in section 9(a)(2) of the National Voter Registration Act of 1993, unless the student, in writing, declines to receive such form.".

H.R. 6

OFFERED BY: MR. EDWARDS

AMENDMENT NO. 19: In section 271 of the Higher Education Act of 1965, as amended by the manager's amendment offered by the Gentleman from Pennsylvania, strike "and" at the end of paragraph (2), strike the period at the end of paragraph 93) and insert "; and", and after such paragraph 93) insert the following new paragraph:

"(4) to provide competitive grants to States for assistance in improving the managerial skills of school principals and superintendents.

In section 273(a) of the Higher Education Act of 1965, as amended by the manager's amendment offered by the Gentleman from Pennsylvania, add at the end the following new paragraphs:

"(7) Developing and implementing effective mechanisms to provide principals and superintendents with advanced managerial skills.

"(8) Creating opportunities for school principals and superintendents to further their professional development by providing advanced managerial skills training.

H.R. 6

OFFERED BY: MR. FARR OF CALIFORNIA

AMENDMENT NO. 20: Insert at the end of section 271(1) of the Higher Education Act of 1965 as amended by the manager's amendment offered by the Gentleman from Pennsylvania the following: ", such as math, science, English, foreign languages, history, economics, art, and civics".

H.R. 6

OFFERED BY: MR. FARR OF CALIFORNIA

AMENDMENT NO. 21: Page 310, strike line 3 and insert the following (and redesignate the succeeding paragraph accordingly):

(3) in subsection (c)(2)—

(A) by striking "and" at the end of subparagraph (E);

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E) the following new subparagraph:

"(F) professional graduate degrees in translation and interpretation; and"; and

H.R. 6

OFFERED BY: MR. FOLEY

AMENDMENT NO. 22: Page 346, after line 24, insert the following new part (and conform the table of contents accordingly):

Part C—General Education Provisions Act

SEC. 961. ACCESS TO RECORDS CONCERNING CRIMES OF VIOLENCE.

Section 444(h) of the General Education Provisions Act (20 U.S.C. 1232g(h)) is amended to read as follows:

"(h) DISCIPLINARY RECORDS.—(1) Nothing in this section shall prohibit an educational agency or institution from—

"(A) including appropriate information in the education record of any student concerning disciplinary action taken against such student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community; or

"(B) disclosing such information to teachers and school officials, including teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student.

"(2) Nothing in this section shall prohibit any post-secondary educational agency or institution from disclosing disciplinary records of any kind which contain information that personally identifies a student or students who have either admitted to or been found to have committed any act, which is a crime of violence (as that term is defined in section 16 of title 18, United States Code), in violation of institutional policy, either as a violation of the law or a specific institutional policy, where such records are directly related to such misconduct.".

H.R. 6

OFFERED BY: MR. GORDON

AMENDMENT NO. 23: Page 53, after line 3, insert the following new part (and conform the table of contents accordingly);

Part C—Year 2000 Computer Compliance

SEC. 121. YEAR 2000 AUTHORIZATION.

To ensure that all computer operations and processing including title IV aid processing delivery, and administration is provided without interruption by the Department of Education beyond December 31, 1999, the Secretary of Education shall take each of the following actions:

(1) Publish a risk assessment of the systems and hardware under the Department's management that has been reviewed by an independent audit firm no later than 60 days after the date of enactment of this Act and to submit such a report to the House and Senate authorizing committees.

(2) Take actions necessary to ensure that all internal and external systems and hardware administered by the Department and required for aid processing and administration under title IV of the Higher Education Act of 1965 are Year 2000 compliant to the extent necessary to ensure that no business interruption occurs. Such actions shall include—

(A) establishing schedules for testing and implementing new exchange formats prior to 1 March 1999 for completing all data exchange corrections; which schedules may include national test days that could be used for end-to-end testing of critical business processes and associated data exchanges affecting Federal, State, and local governments;

(B) notifying exchange partners of the implications to the agency and the exchange partners if they do not make date conversion corrections in time to meet the federal schedule for implementing and testing Year 2000 compliant data exchange processes;

(C) giving priority to installing the filters necessary to prevent the corruption of mission-critical systems from data exchanges with noncompliant systems; and

(D) developing and implementing, as part of the Department's overall business continuity and contingency planning efforts, specific provision for the data exchanges that may fail, including the approaches to be used to mitigate operational problems if their partners do not make date conversion corrections when needed.

(3) Have a qualified independent audit firm review the Department's Year 2000 system and hardware compliance and submit a report on its review to the Secretary and to the chairs of the respective House and Senate authorizing committees no later than June 30, 1999.

(4) Convene at least quarterly meetings with individuals from the school, student, lender, and guarantor communities beginning 30 days after the date of enactment of this act to be responsible—

(A) for reviewing the risk assessment and audit report provided for in paragraphs (1) and (3);

(B) for monitoring the Department's implementation of the Year 2000 change;

(C) for assisting the Department with the development of contingency plans for any item reported to be noncompliant under paragraph (30;

(D) publishing quarterly reports on implementation progress which shall include the Department's status in completing key steps for data exchanges, such as the percent of exchanges inventoried, assess, for which agreements have been reached, testing and implementation schedules and testing and implementation completed; and

(E) providing such a report to the respective House and Senate authorizing committees.

H.R. 6

OFFERED BY: MR. GORDON

AMENDMENT NO. 24: Page 138, beginning on line 9, strike subsection (e) through page 139, line 9, and insert the following:

"(e) OWNERSHIP OF FEDERAL FUND.—The Federal fund of the guaranty agency, and nonliquid assets, such as buildings and equipment, purchased by the guaranty agency, in whole or in part with Federal reserve funds, regardless of who holds or controls the reserves or assets, shall be considered to be the property of the United States and the guaranty agency, prorated as to their respective ownership based on the percentage of such asset acquired with such Federal reserve funds and any other funds, to be used by such agency as authorized by this part. To the extent that a nonliquid asset was acquired only in part with Federal reserve funds, and the cost of such asset was allocated between such Federal reserve funds and other funds, the Secretary may restrict or regulate the use of such asset only to the extent necessary to reasonably protect the Secretary's prorated share of the value of such assets.

Page 142, after line 22, insert the following new paragraph (and redesignate the succeeding paragraph accordingly):

"(3) PURCHASE OF NONLIQUID ASSETS.—The guaranty agency may use the Operating Fund or other non-Federal funds to purchase nonliquid assets of the agency originally acquired, in whole or in part, with Federal reserve funds. Such nonliquid assets may be purchased at fair market value, prorated based on the percentage of such asset acquired with Federal reserve funds; except that a guaranty agency may not use the Operating Fund to purchase any such nonliquid assets during any period in which funds are owed to the Federal Student Loan Reserve Fund as a result of a transfer under 422A(f).

The prorated purchase amount shall be deposited in the Federal Student Loan Reserve Fund of the guaranty agency.

Page 143, line 5, strike "the due diligence" and insert "any due diligence".

Page 143, line 7, insert before the period the following: "which are no more burdensome than those regulations in effect upon the date of enactment of this section".

Page 143, line 14, insert before the period the following: "which are no more burdensome than those regulations in effect upon the date of enactment of this section".

Page 144, line 3, strike "The" and insert "Notwithstanding any other provision of law, the".

Page 149, strike line 22 through page 150, line 2, and insert following:

aversion fee. Such fee shall be paid for any loan on which a claim for default has not been paid that the guaranty agency brings into current repayment status on or before the 210th day after the loan becomes 60 days delinquent.

Page 150, strike line 6 through line 10, and insert the following:

by the lender. Such fee shall not be paid more than once on any loan for which the guaranty agency averts the default unless the lender filed a default aversion assistance request at least 12 months after the borrower became current in payments. A guaranty agency may

H.R. 6

Offered By: Mr. Gordon

Amendment No. 25: Page 154, beginning on line 5, strike subparagraph (F) through page 155, line 19, and insert the following:

"(F) Subject to paragraph (4), the special allowances paid pursuant to this subsection on loans made on or after July 1, 1998 for which the applicable interest rate is determined under section 427A(a) shall be computed—

"(i) by determining the bond equivalent rate of the average of the quotes as reported by the Federal Reserve of the 3-month commercial paper (financial) rate in effect for each of the days in the quarter for which the rate is being determined;

"(ii) by subtracting the applicable interest rate on such loan from such applicable bond equivalent rate;

"(iii)(I) for Stafford loans during any period in which principal need not be paid (whether or not such principal is in fact paid) by reason of provision described in section 428(b)(1)(M) or 427(a)(2)(C), by adding 1.8 percent to the resultant percent, (II) for Stafford loans during any other periods, by adding 2.39 percent to the resultant percent, or (III) or PLUS loans, by adding 3.1 percent to the resultant percent; and

"(iv) by dividing the resultant percent by 4.".

H.R. 6

Offered By: Mr. Hall of Texas

Amendment No. 26: At the appropriate place in the bill in Title VIII insert the following new section:

SEC. . TEXAS COLLEGE PROVISION.

The Secretary may not consider audit deficiencies relating to record keeping with respect to qualifying students for financial aid at Texas College, located in Tyler, Texas, for academic years prior to academic year 1994-1995 in determining whether Texas College complies with the financial responsibility and administrative capacity standards under Section 498 of the Higher Education Act of 1965, if Texas College has made a good faith effort to furnish records to the Department with respect to such audits.

H.R. 6

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 27: Page 136, line 19 add the following new section:

TITLE IV—GUARANTY AGENCY REFORMS

SEC. 413. GUARANTY AGENCY REFORMS.

Directs the Secretary to conduct a study to investigate to what extent the actions of the lenders and the guarantors impact upon the default rates of student borrowers as it relates to the servicing of the loans or the due diligence of the loan.

H.R. 6

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 28: Page 149, line 13, strike "60th" and insert "120th".

Page 150, line 2, strike "60 days" and insert "120 days".

H.R. 6

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 29: Page 182, line 14, strike the close quotation marks and following period and after such line insert the following new paragraph:

"(7) Authority of the Secretary to Assist Distressed Institution.—The Secretary is authorized to provide administrative, fiscal, management, strategic planning, and technical assistance through a qualified third-party consultant identified by the institution or an organization representing such institutions. Institutions eligible for such assistance include those institutions which qualify for the exemption in paragraph (2)(C)(i), (ii), and (iii) of this subsection, or which have submitted a default management plan under paragraph (5) which has been accepted by the Secretary.

H.R. 6

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 30: Page 270, after line 16, insert the following new section:

SEC. 480. RELIEF FROM OBLIGATION.

To the extent authorized in advance in an appropriation Act, the Secretary may, in settlement of claims found or arising under audits and program reviews under title IV of the Higher Education Act of 1965, forgive the obligations to pay such claims of Texas Southern University relating to the administration of programs under such title, subject to such terms and conditions as Secretary may require with respect to conduct of programs under such title on and after the date of enactment of this Act.

H.R. 6

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 31: at the end of the bill, add the following new title:

TITLE XIII-EARLY DYSLEXIA DETECTION

SEC. 1202. EARLY DYSLEXIA DETECTION.

Directs the Secretary to conduct a study and submit a report to the Congress on methods for identifying students with dyslexia early in their educational training, and conduct such study in conjunction with the National Academy of Sciences.

H.R. 6

Offered By: Mrs. Kelly

Amendment No. 32: Page 128, line 12, strike the close quotation marks and following period and after such line insert the following new chapter:

"CHAPTER 6—PUBLIC SAFETY OFFICER MEMORIAL SCHOLARSHIPS

"SEC. 411A. SCHOLARSHIPS AUTHORIZED.

"(a) In General.—

"(1) Scholarship Awards.—The Secretary is authorized to award a scholarship to—

"(A) any eligible applicant who is attending, or who has been accepted for attendance at, any eligible institution providing instruction for one or more of grades kindergarten through 12; or

(B) any eligible applicant who is enrolled, or has been accepted for enrollment, in an eligible institution as a full-time or part-time post-secondary level student.

"(2) Application.—To receive a scholarship award under this chapter, each eligible applicant shall submit an application to the Secretary in such time and manner as may be determined appropriate by the Secretary, accompanied by a certification from the head of the agency that employed the public safety officer to whom the applicant was married (in the case of a surviving spouse), or with whom the applicant was living or from whom the applicant was receiving support contributions (in the case of a dependent child), stating that such officer died as a result of the performance of the officer's official duties.

"(b) Maximum Award.—

"(1) Elementary and secondary awards.—For any academic year, the maximum amount of a scholarship award under this section for a kindergarten or elementary or secondary school student may equal, but not exceed, the lesser of the following:

"(A) The average per pupil expenditure for elementary and secondary education of the local educational agency for the geographic area in which the eligible applicant resides.

"(B) The actual cost to the student for attendance at the school, including expenses such as tuition, fees, books, transportation costs, and other related expenses determined by the Secretary.

"(2) Postsecondary awards.—For any academic year, the maximum amount of a scholarship award under this section for a postsecondary student may equal, but not exceed, the lesser of the following:

"(A) The average cost of attendance (as defined in section 472), at a State university in the State in which the student resides, for a State resident carrying the same academic workload as the student, with the same number of dependents as the student, and residing in the same type of housing as the student.

"(B) The actual cost of attendance (as defined in section 472) of such student.

"(c) Award Period.—The duration of each award under this chapter—

"(1) for a kindergarten or elementary or secondary school student, shall be the period of time normally required for the completion of a high school diploma by a student in the grade that the recipient is in at the time the award commences; and

"(2) for a postsecondary student, shall be the lesser of—

"(A) the time actually required by the student to complete a course of study and obtain a diploma; and

"(B) 6 years in the case of a student engaged in undergraduate studies and 3 years in the case of a student engaged in postgraduate studies.

"(d) Notification.—The Secretary shall notify the recipient and the eligible institution of the applicant's selection for receipt of an award under this chapter, the conditions pertaining to award eligibility and continuance.

"(e) Fiscal Agent.—The Secretary shall, if practicable, use the eligible institution as fiscal agent for payment of an award.

"SEC. 411B. ADDITIONAL AWARD REQUIREMENTS.

A student awarded a scholarship grant under this chapter, as a condition for initial receipt of such award and periodically thereafter as a condition for its continuation, shall demonstrate to the satisfaction of the Secretary that the student is—

"(1) maintaining satisfactory progress in the course of study the student is pursuing—

"(A) in the case of a kindergarten or elementary or secondary school student, as determined by the Secretary; and

"(B) in the case of a postsecondary student, consistent with section 484(c);

"(2) committed to remaining drug-free; and

"(3) attending class on a regular basis as to not interfere with normal course of studies except for excused absence for vacation, illness, military service and such other periods deemed good cause by the eligible institution or the Secretary.

"SEC. 411C. AGREEMENTS WITH ELIGIBLE INSTITUTIONS.

For the purposes of this chapter, the Secretary is authorized to enter into agreements with eligible institutions in which any student receiving a scholarship award under this chapter has enrolled or has been accepted for enrollment. Each such agreement shall—

"(1) provide that an eligible institution will cooperate with the Secretary in carrying out the provisions of this chapter, including the provision of information necessary for a student to satisfy the requirements in section 411B;

"(2) provide that the institution will conduct a periodic review to determine whether students enrolled and receiving scholarship awards continue to be entitled to payments under this chapter and will notify the Secretary of the results of such reviews; and

"(3) provide for control and accounting procedures as may be necessary to assure proper disbursements and accounting of funds paid under to the institution under section 411A(e).

"SEC. 411D. DEFINITIONS.

In this chapter:

"(1) Dependent child.—The term 'dependent child' means a child who is either living with or receiving regular support contributions from a public safety officer at the time of the officer's death, including a stepchild or an adopted child.

"(2) Eligible applicant.—The term 'eligible applicant' means a person residing in a State who is—

"(A) a surviving spouse; or

"(B) a dependent child.

"(3) Eligible institution.—The term 'eligible institution' means a public or private kindergarten or elementary or secondary school, or any institution defined in section 435(a), if the kindergarten, school, or institution—

"(A) is located in a State; and

"(B) complies with the antidiscrimination provisions of section 601 of the Civil Rights Act of 1964 and does not discriminate on the basis of race.

"(4) Public safety officers.—The term 'public safety officer' means a person serving a public agency of a State or of a unit of general local government, with or without compensation, as—

"(A) a law enforcement officer, including a corrections or a court officer engaged in—

"(i) apprehending or attempting to apprehend any person—

"(I) for the commission of a criminal act; or

"(II) who at the time was sought as a material witness in a criminal proceeding; or

"(ii) protecting or guarding a person held for the commission of a criminal act, or held as a material witness in connection with a criminal act; or

"(iii) lawfully preventing of, or lawfully attempting to prevent the commission of, a criminal act or an apparent criminal act in the performance of his official duty; or

"(B) a firefighter.

"(5) Surviving spouse.—The term 'surviving spouse' means the legally married husband or wife of a public safety officer at the time of the officer's death.

"(6) Unit of general local government.—The term 'unit of general local government' means any city, country, township, town, borough, parish, village, or any other general purpose subdivision of a State, or any Indian tribe which the Secretary of the Interior determines performs law enforcement functions.".

H.R. 6

Offered by: Mrs. Kelly

Amendment 33: Page 128, line 12, strike the close quotation marks and following period and after such line insert the following new chapter:

"CHAPTER 6—PUBLIC SAFETY OFFICER MEMORIAL SCHOLARSHIPS.

"SEC. 411A. SCHOLARSHIPS AUTHORIZED.

"(a) In General.—

"(1) Scholarship Awards.—The Secretary is authorized to award a scholarship to any eligible applicant who is enrolled, or has been accepted for enrollment, in an eligible institution as a full-time or part-time postsecondary level student.

"(2) Application.—To receive a scholarship award under this chapter, each eligible applicant shall submit an application to the Secretary in such time and manner as may be determined appropriate by the Secretary, accompanied by a certification from the head of the agency that employed the public safety officer to whom the applicant was married (in the case of a surviving spouse), or with whom the applicant was living or from whom the applicant was receiving support contributions (in the case of a dependent child), stating that such officer died as a result of the performance of the officer's official duties.

"(b) Maximum Award.—For any academic year, the maximum amount of a scholarship award under this section for a postsecondary student may equal, but not exceed, the lesser of the following:

"(1) The average cost of attendance (as defined in section 472), at a State university in the State in which the student resides, for a State resident carrying the same academic workload as the student, with the same number of dependents as the student, and residing in the same type of housing as the student.

"(2) The actual cost of attendance (as defined in section 472) of such student.

"(c) Award Period.—The duration of each award under this chapter for a postsecondary student, shall be the lesser of—

"(1) the time actually required by the student to complete a course of study and obtain a diploma; and

"(2) 6 years in the case of a student engaged in undergraduate studies and 3 years in the case of a student engaged in postgraduate studies.

"(d) Notification.—The Secretary shall notify the recipient and the eligible institution of the applicant's selection for receipt of an award under this chapter, the conditions pertaining to award eligibility and continuance.

"(e) Fiscal Agent.—The Secretary shall, if practicable, use the eligible institution as fiscal agent for payment of an award.

"SEC. 411B. ADDITIONAL AWARD REQUIREMENTS.

A student awarded a scholarship grant under this chapter, as a condition for initial receipt of such award and periodically thereafter as a condition for its continuation, shall demonstrate to the satisfaction of the Secretary that the student is—

"(1) maintaining satisfactory progress in the course of study the student is pursuing consistent with section 484(c);

"(2) committed to remaining drug-free; and

"(3) attending class on a regular basis as to not interfere with normal course of studies except for excused absence for vacation, illness, military service and such other periods deemed good cause by the eligible institution or the Secretary.

"SEC. 411C. AGREEMENTS WITH ELIGIBLE INSTITUTIONS.

For the purposes of this chapter, the Secretary is authorized to enter into agreements with eligible institutions in which any student receiving a scholarship award under this chapter has enrolled or has been accepted for enrollment. Each such agreement shall—

"(1) provide that an eligible institution will cooperate with the Secretary in carrying out the provisions of this chapter, including the provision of information necessary for a student to satisfy the requirements in section 411B;

"(2) provide that the institution will conduct a periodic review to determine whether students enrolled and receiving scholarship awards continue to be entitled to payments under this chapter and will notify the Secretary of the results of such reviews; and

"(3) provide for control and accounting procedures as may be necessary to assure proper disbursements and accounting of funds paid under to the institution under section 411A(e).

"SEC. 411D. DEFINITIONS.

In this chapter:

"(1) Dependent child.—The term 'dependent child' means a child who is either living with or receiving regular support contributions from a public safety officer at the time of the officer's death, including a stepchild or an adopted child.

"(2) Eligible applicant.—The term 'eligible applicant' means a person residing in a State who is—

"(A) a surviving spouse; or

"(B) a dependent child.

"(3) Eligible institution.—The term 'eligible institution' means an eligible institution as defined in section 435(a) that—

"(A) is located in a State; and

"(B) complies with the antidiscrimination provisions of section 601 of the Civil Rights Act of 1964 and does not discriminate on the basis of race.

"(4) Public safety officer.—The term 'public safety officer' means a person serving a public agency of a State or of a unit of general local government, with or without compensation, as—

"(A) a law enforcement officer, including a corrections or a court officer engaged in—

"(i) apprehending or attempting to apprehend of any person—

"(I) for the commission of a criminal act; or

"(II) who at the time was sought as a material witness in a criminal proceeding; or

"(ii) protecting or guarding a person held for the commission of a criminal act, or held as a material witness in connection with a criminal act; or

"(iii) lawfully preventing of, or lawfully attempting to prevent the commission of, a criminal act or an apparent criminal act in the performance of his official duty; or

"(B) a firefighter.

"(5) Surviving spouse.—The term 'surviving spouse' means the legally married husband or wife of a public safety officer at the time of the officer's death.

“(6) Unit of general local government.—The term ‘unit of general local government’ means any city, county, township, town, borough, parish, village, or any other general purpose subdivision of a State, or any Indian tribe which the Secretary of the Interior determines performs law enforcement functions.”.

H.R. 6 ·

Offered By: Mr. Kennedy of Massachusetts

Amendment No. 34: Page 33, after line 10, insert the following new section (and redesignate the succeeding section and conform the table of contents accordingly):

SEC. 103. NATIONAL RECOGNITION AWARDS.

Section 111, as redesignated by section 101(a)(3)(E), is amended by adding at the end the following new subsection:

“(e) National Recognition Awards.—

“(1) Awards.—For the purpose of providing models of alcohol and drug abuse prevention and education (including treatment-referral) programs in higher education and to focus national attention on exemplary alcohol and drug abuse prevention efforts, the Secretary of Education shall, on an annual basis, make 10 National Recognition Awards to institutions of higher education that have developed and implemented effective alcohol and drug abuse prevention and education programs. Such awards shall be made at a ceremony in Washington, D.C. and a document describing the programs of those who receive the awards shall be distributed nationally.

“(2) Application.—

“(A) In general.—A national recognition award shall be made under paragraph (1) to institutions of higher education which have applied for such award. Such an application shall contain—

“(i) a clear description of the goals and objectives of the alcohol and drug abuse programs of the institution applying,

“(ii) a description of program activities that focus on alcohol and other drug policy issues, policy development, modification, or refinement, policy dissemination and implementation, and policy enforcement;

“(iii) a description of activities that encourage student and employee participation and involvement in both activity development and implementation;

“(iv) the objective criteria used to determine the effectiveness of the methods used in such programs and the means used to evaluate and improve the program efforts;

“(v) a description of special initiatives used to reduce high-risk behavior or increase low risk behavior, or both; and

“(vi) a description of coordination and networking efforts that exist in the community in which the institution is located for purposes of such programs.

“(B) Eligibility criteria.—All institutions of higher education which are two- and four-year colleges and universities that have established a drug and alcohol prevention and education program are eligible to apply for a National Recognition Award. To receive such an Award an institution of higher education must be nominated to receive it. An institution of higher education may nominate itself or be nominated by others such as professional associations or student organizations.

“(C) Application review.—The Secretary of Education shall appoint a committee to review applications submitted under subparagraph (A). The committee may include representatives of Federal departments or agencies whose programs include alcohol and drug abuse prevention and education efforts, directors or heads (or their representatives) of professional associations that focus on prevention efforts, and non-Federal scientists who have backgrounds in social science evaluation and research methodology and in education. Decisions of the committee shall be made directly to the Secretary without review by any other entity in the Department of Education.

“(D) Review criteria.—Specific review criteria shall be developed by the Secretary in conjunction with the appropriate experts. In reviewing applications under subparagraph (C) the committee shall consider—

“(i) measures of effectiveness of the program of the applicant that should include changes in the campus alcohol and other drug environment or climate and changes in alcohol and other drug use before and after the initiation of the program; and

“(ii) measures of program institutionalization, including an assessment of needs of the institution, the institution's alcohol and drug policies, staff and faculty development activities, drug prevention criteria, student, faculty, and campus community involvement, and a continuation of the program after the cessation of external funding.

“(3) Authorization.—For the implementation of the awards program under this subsection, there are authorized to be appropriated $25,000 for fiscal year 1998, $66,000 for each of the fiscal years 1999 and 2000, and $72,000 for each of the fiscal years 2001, 2002, 2003, and 2004.”.

H.R. 6

Offered By: Mr. Kennedy of Massachusetts

Amendment No. 35: Page 33, after line 10, insert the following new section (and redesignate the succeeding section and conform the table of contents accordingly):

SEC. 103. GRANTS AND CONTRACTS FOR DRUG AND ALCOHOL ABUSE PREVENTION.

(a) Grant and Contract Authority.—Section 111, as redesignated by section 101(a)(3)(E), is amended by adding at the end the following new subsection:

“(e)(1) The Secretary may make grants to institutions of higher education or consortia of such institutions and contracts with such institutions and other organizations to develop, implement, operate, improve, and disseminate programs of prevention, and education (including treatment-referral) to reduce and eliminate the illegal use of drugs and alcohol and their associated violence. Such contracts may also be used for the support of a higher education center for alcohol and drug abuse prevention which will provide training, technical assistance, evaluation, dissemination and associated services and assistance to the higher education community as defined by the Secretary and the institutions of higher education.

“(2) Grants and contracts shall be made available under paragraph (1) on a competitive basis. An institution of higher education, a consortium of such institutions, or other organizations which desire to receive a grant or contract under paragraph (1) shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require by regulation.

“(3) The Secretary shall make every effort to ensure—

“(A) the equitable participation of private and public institutions of higher education (including community and junior colleges), and

“(B) the equitable geographic participation of such institutions,

in grants and contracts under paragraph (1). In the award of such grants and contracts, the Secretary shall give appropriate consideration to institutions of higher education with limited enrollment.

“(4) There are authorized to be appropriated to carry out this subsection $5,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years.”.

(b) Repeal.—Section 4122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7132) is repealed.

H.R. 6

Offered By: Mr. Kennedy of Massachusetts

Amendment No. 36: Page 123, after line 13, insert the following chapter (and redesignate the succeeding chapters accordingly):

“CHAPTER 5—PUBLIC INFORMATION

“SEC. 409A. DATABASE AND INFORMATION LINE.

“From the funds available under section 409C, the Secretary shall award a contract to maintain and improve—

“(1) a computerized database of all public and private student financial assistance programs, to be accessible to schools and libraries through either modems or toll-free telephone lines; and

“(2) a toll-free information line, including access by telecommunications devices for the deaf (‘TDD's’), to provide individualized financial assistance information to parents, students, and other individuals, including individuals with disabilities, and to refer students with disabilities and their families to the postsecondary clearinghouse that is authorized under section 633(c) of the Individuals with Disabilities Education Act.

“SEC. 409B. COLLEGE AWARENESS INFORMATION PROGRAM.

“(a) Program Authority.—The Secretary is authorized to make grants to, and enter into contracts or cooperative agreements with, institutions of higher education and other public and private institution, agencies, and organizations—

“(1) to conduct an information program designed—

“(A) to broaden the early awareness of postsecondary educational opportunities by elementary secondary school students and their parents; and

“(B) to encourage economically disadvantaged, minority, or at-risk individuals to seek higher education, and to seek higher education and financial assistance counseling at public schools and libraries; and

“(2) to disseminate college awareness information and related data, including establishment and maintenance of an electronic site for such information and data.

“(b) Contents of Messages.—Announcements and messages supported under this section—

“(1) may be specially designed for students of limited English proficiency,

“(2) shall publicize—

“(A) the availability of Federal student assistance under this Act;

“(B) the importance of postsecondary education in long-term career planning; and

“(C) the need and necessity to complete a secondary education program successfully in order to meet the requirements for college.

“(c) Informing Congress.—The Secretary shall keep the appropriate committees of the Congress informed with respect to the efforts made pursuant to this section and shall recommend any additional legislative authority that will serve the purposes of this section.

"SEC. 409C. DATABASE AND INFORMATION LINE.

"There are authorized to be appropriated $15,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years to carry out this chapter."

H.R. 6

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 37: Page 128, line 12, strike the close quotation marks and following period and after such line insert the following new chapter:

"Chapter 6—Paul E. Tsongas Fellowships

"SEC. 411A. SHORT TITLE.

"This chapter may be cited as the 'Paul E. Tsongas Fellowship Act'.

"SEC. 411B. STATEMENT OF PURPOSE.

"It is the purpose of this chapter to encourage individuals of exceptional achievement and promise, especially members of traditionally underrepresented groups, to pursue careers in fields that confront the global energy and environmental challenges of the 21st century.

"SEC. 411C. DOCTORAL FELLOWSHIPS AUTHORIZED.

"(a) PROGRAM AUTHORIZED.—The Secretary of Education, in consultation with the Secretary of Energy, is authorized to award doctoral fellowships, to be known as Paul E. Tsongas Doctoral Fellowships, in accordance with the provisions of this chapter for study and research in fields of science or engineering that relate to energy or the environment such as physics, mathematics, chemistry, biology, computer science, materials science, environmental science, behavioral science, and social sciences at institutions proposed by applicants for such fellowships.

"(b) PERIOD OF AWARD.—A fellowship under this section shall be awarded for a period of three succeeding academic years, beginning with the commencement of a program of doctoral study.

"(c) FELLOWSHIP PORTABILITY.—Each Fellow shall be entitled to use the fellowship in a graduate program at any accredited institution of higher education in which the recipient may decide to enroll.

"(d) NUMBER OF FELLOWSHIPS.—As many fellowships as may be fully funded according to this chapter shall be awarded each year.

"(e) DESIGNATION OF FELLOWS.—Each individual awarded a fellowship under this chapter shall be known as a 'Paul E. Tsongas Fellow' (hereinafter in this chapter referred to as a 'Fellow').

"SEC. 411D. ELIGIBILITY AND SELECTION OF FELLOWS.

"(a) ELIGIBILITY.—Only United States citizens are eligible to receive awards under this chapter.

"(b) FELLOWSHIP BOARD.—

"(1) APPOINTMENT.—The Secretary, in consultation with the Director of the National Science Foundation, shall appoint a Paul E. Tsongas Fellowship Board (hereinafter in this part referred to as the 'Board') consisting of 5 representatives of the academic science and engineering communities who are especially qualified to serve on the Board. The Secretary shall assure that individuals appointed to the Board are broadly knowledgeable about and have experience in graduate education in relevant fields.

"(2) DUTIES.—The Board shall—

"(A) establish general policies for the program established by this part and oversee its operation;

"(B) establish general criteria for awarding fellowships;

"(C) award fellowships; and

"(D) prepare and submit to the Congress at least once in every 3-year period a report on any modifications in the program that the Board determines are appropriate.

"(4) TERM.—The term of office of each member of the Board shall be 3 years, except that any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the member was appointed. No member may serve for a period in excess of 6 years.

"(5) INITIAL MEETING; VACANCY.—The Secretary shall call the first meeting of the Board, at which the first order of business shall be the election of a Chairperson and a Vice Chairperson, who shall serve until 1 year after the date of their appointment. Thereafter each officer shall be elected for a term of 2 years. In case a vacancy occurs in either office, the Board shall elect an individual from among the members of the Board to fill such vacancy.

"(6) QUORUM; ADDITIONAL MEETINGS.—(A) A majority of the members of the Board shall constitute a quorum.

"(B) The Board shall meet at least once a year or more frequently, as may be necessary, to carry out its responsibilities.

"(7) COMPENSATION.—Members of the Board, while serving on the business of the Board, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding the rate of basic pay payable for level IV of the Executive Schedule, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

"(c) UNDERREPRESENTED GROUPS.—In designing selection criteria and awarding fellowships, the Board shall—

"(1) consider the need to prepare a larger number of women and individuals from minority groups, especially from among such groups that have been traditionally underrepresented in the professional and academic fields referred to in section 411B, but nothing contained in this or any other provision of this chapter shall be interpreted to require the Secretary to grant any preference or disparate treatment to the members of any underrepresented group; and

"(2) take into account the need to expand access by women and minority groups to careers heretofore lacking adequate representation of women and minority groups.

"SEC. 411E. PAYMENTS, STIPENDS, TUITION, AND EDUCATION AWARDS.

"(a) AMOUNT OF AWARD.—

"(1) STIPENDS.—The Secretary shall pay to each individual awarded a fellowship under this chapter a stipend in the amount of $15,000, $16,500, and $18,000 during the first, second, and third years of study, respectively.

"(2) TUITION.—The Secretary shall pay to the appropriate institution an amount adequate to cover the tuition, fees, and health insurance of each individual awarded a fellowship under this chapter.

"(3) ADMINISTRATIVE AND TRAVEL ALLOWANCE.—The Secretary shall pay to each host institution an annual $5,000 allowance for the purpose of covering—

"(A) administrative expenses;

"(B) travel expenses associated with Fellow participation in academic seminars or conferences approved by the host institution; and

"(C) round-trip travel expenses associated with Fellow participation in the internship required by section 411F of this chapter.

"SEC. 411F. REQUIREMENT.

Each Fellow shall participate in a 3-month internship related to the dissertation topic of the Fellow at a national laboratory or equivalent industrial laboratory as approved by the host institution.

"SEC. 411G. FELLOWSHIP CONDITIONS.

"(a) ACADEMIC PROGRESS REQUIRED.—No student shall receive support pursuant to an award under this chapter—

"(1) except during periods in which such student is maintaining satisfactory progress in, and devoting essentially full time to, study or research in the field in which such fellowship was awarded, or

"(2) if the student is engaging in gainful employment other than part-time employment involved in teaching, research, or similar activities determined by the institution to be in support of the student's progress toward a degree.

"(b) REPORTS FROM RECIPIENTS.—The Secretary is authorized to require reports containing such information in such form and filed at such times as the Secretary determines necessary from any person awarded a fellowship under the provisions of this chapter. The reports shall be accompanied by a certificate from an appropriate official at the institution of higher education, or other research center, stating that such individual is fulfilling the requirements of this section.

"(c) FAILURE TO EARN DEGREE.—A recipient of a fellowship under this chapter found by the Secretary to have failed in or abandoned the course of study for which assistance was provided under this chapter may be required, at the discretion of the Secretary, to repay a pro rata amount of such fellowship assistance received, plus interest and, where applicable, reasonable collection fees, on a schedule and at a rate of interest to be prescribed by the Secretary by regulations issued pursuant to this chapter.

"SEC. 411H. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for this chapter $5,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"SEC. 411I. APPLICATION OF GENERAL EDUCATIONAL PROVISIONS ACT.

Section 421 of the General Educational Provisions Act, pertaining to the availability of funds, shall apply to this chapter.

"SEC. 411J. DEFINITIONS.

For purposes of this chapter—

"(1) The term "Secretary" means the Secretary of Education.

"(2) The term "host institution" means an institution where a Paul E. Tsongas Fellow is enrolled for the purpose of pursuing doctoral studies for which support is provided under this chapter.".

H.R. 6

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 38: Page 260, after line 17, insert the following new section (and conform the table of contents accordingly):

SEC. 475. SENSE OF THE HOUSE OF REPRESENTATIVES.

It is the sense of the House of Representatives that, in an effort to change the culture of alcohol consumption on college campuses, all college and university administrators should adopt the following code of principles:

(1) For an institution of higher education, the president of the institution shall appoint a task force consisting of school administrators, faculty, students, Greek system representatives, and others to conduct a full examination of student and academic life at

the institution. The task force will make recommendations for a broad range of policy and program changes that would serve to reduce alcohol and other drug-related problems. The institution shall provide resources to assist the task force in promoting the campus policies and proposed environmental changes that have been identified.

(2) The institution shall provide maximum opportunities for students to live in an alcohol-free environment and to engage in stimulating, alcohol-free recreational and leisure activities.

(3) The institution shall enforce a “zero tolerance” policy on the illegal consumption and binge drinking of alcohol by its students and will take steps to reduce the opportunities for students, faculty, staff, and alumni to legally consume alcohol on campus.

(4) The institution shall vigorously enforce its code of disciplinary sanctions for those who violate campus alcohol policies. Students with alcohol or other drug-related problems shall be referred to an on-campus counseling program.

(5) The institution shall adopt a policy to discourage alcoholic beverage-related sponsorship of on-campus activities. It shall adopt policies limiting the advertisement and promotion of alcoholic beverages on campus.

(6) Recognizing that school-centered policies on alcohol will be unsuccessful if local businesses sell alcohol to underage or intoxicated students, the institution shall form a “Town/Gown” alliance with community leaders. That alliance shall encourage local commercial establishments that promote or sell alcoholic beverages to curtail illegal student access to alcohol and adopt responsible alcohol marketing and service practices.

H.R. 6

OFFERED BY: MR. KLINK

AMENDMENT NO. 39: Page 164, after line 25, insert the following new subsection:

(t) NOTICE TO INSTITUTIONS OF DEFAULTS.—

(1) ADMINISTRATIVE AND FISCAL PROCEDURES.—Section 428(c)(2)(A) is amended by striking “proof that reasonable attempts were made” and inserting “proof that the institution and the State licensing board were contacted and other reasonable attempts were made”

(2) REIMBURSEMENT.—Section 428(c)(2)(G) (20 U.S.C. 1078(c)(2)(G)) is amended by striking “certifies to the Secretary that diligent attempts have been made” and inserting “demonstrates to the Secretary that diligent attempts, including direct contact with the institution and the State licensing board, have been made.”.

(3) NOTICE TO SECRETARY AND PAYMENT OF LOSS.—The third sentence of section 430(a) (20 U.S.C. 1080(a)) is amended by inserting “the institution and the State licensing board were contacted and other” after “submit proof that”.

H.R. 6

OFFERED BY: MR. KLINK

AMENDMENT NO. 40: Page 177, after line 1, insert the following new subparagraph (and redesignate the succeeding subparagraphs accordingly):

(A) by striking “for the fiscal year for which the determination is made and for the two succeeding fiscal years” and inserting “for the period determined under subparagraph (D)”;

Page 177, after line 14, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

(3) by adding at the end of paragraph (2) the following new subparagraph:

“(D) An institution that is ineligible to participate pursuant to a determination under subparagraph (A) shall be ineligible for a period beginning with the fiscal year for which the determination is made and ending on the earlier of—

“(i) the expiration of the two succeeding fiscal years; or

“(ii) the date on which the final cohort default rates published with respect to such institution are less than the threshold percentage specified in subparagraph (B) for any two of the three most recent fiscal years for which data are available.”;

H.R. 6

OFFERED BY: MR. KLUG

AMENDMENT NO. 41: Page 161, after line 9, insert the following new subsection (and redesignate the succeeding subsections accordingly):

(j) DELAY IN COMMENCEMENT OF REPAYMENT PERIOD.—Section 428(b)(7) is amended by inserting after subparagraph (C) the following new subparagraph:

“(D) There shall be excluded from the 6 months determined under subparagraph (A)(i) any period during which the student was called or ordered to active duty in a reserve component of the Armed Forces of the United States.”.

H.R. 6

OFFERED BY: MR. LIVINGSTON

AMENDMENT NO. 42: Page 34, after line 5, insert the following new section (and conform the table of contents accordingly):

SEC. 104. PROTECTION OF STUDENT SPEECH AND ASSOCIATION RIGHTS.

Title I is further amended by adding after section 112 (as added by section 103) the following new section:

“SEC. 113. PROTECTION OF STUDENT SPEECH AND ASSOCIATION RIGHTS.

“(a) PROTECTION OF RIGHTS.—No student attending an institution of higher education on a full- or part-time basis shall, on the basis of protected speech and association, be excluded from participation in, be denied the benefits of, or be subjected to discrimination or official sanction under any education program, activity, or division directly or indirectly receiving financial assistance under this Act, whether or not such program, activity, or division is sponsored or officially sanctioned by the institution.

“(b) SANCTION.—

“(1) IN GENERAL.—No funds shall be made available under this Act to any institution of higher education that the Secretary finds, after notice and opportunity for a hearing, has violated subsection (a) of this section.

“(2) INAPPLICABILITY TO STUDENT ASSISTANCE.—Paragraph (1) shall not apply to any funds that are provided under this Act for student financial assistance.

“(c) EXCEPTION.—This section shall not apply to an institution of higher education that is controlled by a religious or military organization, if the speech or association is not consistent with the religious tenets or military training of the institution.

“(d) SANCTIONS FOR DISRUPTION PERMITTED.—Nothing in this section shall be construed to prevent the imposition of an official sanction on a student that has willfully participated in the disruption or attempted disruption of a lecture, class, speech, presentation, or performance made or scheduled to be made under the auspices of the institution of higher education.

“(e) DEFINITIONS.—

“(1) PROTECTED SPEECH.—The term ‘protected speech’ means speech that is protected under the 1st and 14th amendments to the United States Constitution, or would be so protected if the institution of higher education were subjected to those amendments.

“(2) PROTECTED ASSOCIATION.—The term ‘protected association’ means the right to join, assemble, and reside with others that is protected under the 1st and 14th amendments to the United States Constitution, or would be protected if the institution of higher education were subject to those amendments.

“(3) OFFICIAL SANCTION.—The term ‘official sanction’—

“(A) means expulsion, suspension, probation, censure, condemnation, reprimand, or any other disciplinary, coercive, or adverse action taken by an institution of higher education or administrative unit of the institution; and

“(B) includes an oral or written warning made by an official of an institution of higher education acting in the official capacity of the official.”.

H.R. 6

OFFERED BY: MR. LIVINGSTON

AMENDMENT NO. 43: Page 34, after line 5, insert the following new section (and conform the table of contents accordingly):

SEC. 104. PROTECTION OF STUDENT SPEECH AND ASSOCIATION RIGHTS.

Title I is further amended by adding after section 112 (as added by section 103) the following new section:

“SEC. 113. PROTECTION OF STUDENT SPEECH AND ASSOCIATION RIGHTS.

“(a) PROTECTION OF RIGHTS.—It is the sense of the House of Representatives that no student attending an institution of higher education on a full- or part-time basis should, on the basis of protected speech and association, be excluded from participation in, be denied the benefits of, or be subjected to discrimination or official sanction under any education program, activity, or division directly or indirectly receiving financial assistance under this Act, whether or not such program, activity, or division is sponsored or officially sanctioned by the institution.

“(b) SANCTIONS FOR DISRUPTION PERMITTED.—Nothing in this section shall be construed to discourage the imposition of an official sanction on a student that has willfully participated in the disruption or attempted disruption of a lecture, class, speech, presentation, or performance made or scheduled to be made under the auspices of the institution of higher education.

“(c) DEFINITIONS.—For the purposes of this section:

“(1) PROTECTED SPEECH.—The term ‘protected speech’ means speech that is protected under the 1st and 14th amendments to the United States Constitution, or would be so protected if the institution of higher education were subjected to those amendments.

“(2) PROTECTED ASSOCIATION.—The term ‘protected association’ means the right to join, assemble, and reside with others that is protected under the 1st and 14th amendments to the United States Constitution, or would be protected if the institution of higher education were subject to those amendments.

“(3) OFFICIAL SANCTION.—The term ‘official sanction’—

“(A) means expulsion, suspension, probation, censure, condemnation, reprimand, or any other disciplinary, coercive, or adverse action taken by an institution of higher education or administrative unit of the institution; and

“(B) includes an oral or written warning made by an official of an institution of higher education acting in the official capacity of the official.”.

H.R. 6

Offered By: Mr. McGovern

Amendment No. 44: Page 96, after line 7, insert the following new subsection (and redesignate the succeeding subsections accordingly):

(f) Pell Grant Incentives.—Subpart 1 of part A of title IV of the Higher Education Act of 1965 is amended by inserting after section 401 (20 U.S.C. 1070a) the following new section:

"SEC. 401A. PELL GRANT INCENTIVES.

"(a) Program Authority.—From the amounts appropriated pursuant to subsection (d), the Secretary shall establish a program to increase the Pell grant awards under section 401 during their first two academic years of undergraduate education to students who graduate after May 1, 1998, in the top 10 percent of their high school graduating class.

"(b) Amount of Increase.—The additional amount of Pell grant that shall be awarded under this section to any student who qualifies under this section shall be an amount equal to the amount for which the student is eligible under section 401 (determined without regard to the provisions of this section), except that if the amount appropriated pursuant to subsection (d) is less than the amount required to award such additional amounts to all such students, the additional amount awarded to each such student under this section shall be ratably reduced.

"(c) Determinations of Eligibility.—

"(1) Procedures established by regulation.—The Secretary shall establish by regulation procedures for the determination of eligibility of students for increased Pell grant awards under this section. Such procedures shall include measures to prevent any secondary school from certifying more than 10 percent of it's students for eligibility under this section.

"(2) Coordination with need analysis.—In prescribing procedures under paragraph (1), the Secretary shall ensure that the determination of eligibility and the amount of the increase in the Pell grant award is determined in a timely manner consistent with the requirements of section 482 and the submission of the financial aid form required by section 483. For such purposes, the Secretary may provide that, for the first of a student's two academic years of eligibility under this section, class rank may be determined prior to graduation, at such time and in such manner as the Secretary may specify in the regulations prescribed under this subsection.

"(d) Authorization of Appropriations.—There are authorized to be appropriated to award increased Pell grants under this section $240,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

H.R. 6

Offered By: Mrs. Meek of Florida

Amendment No. 45: Page 128, line 12, strike the close quotation marks and following period and after such line insert the following:

"CHAPTER 6—DEMONSTRATION PROJECTS ENSURING EQUAL OPPORTUNITY FOR INDIVIDUALS WITH LEARNING DISABILITIES

"SEC. 412A. PROGRAM AUTHORITY.

"(a) In General.—The Secretary may award grants to, and enter into contracts and cooperative agreements with, not more than 5 institutions of higher education that are described in section 412B for demonstration projects to develop, test, and disseminate, in accordance with section 412C, methods, techniques, and procedures for ensuring equal educational opportunity for individuals with learning disabilities in postsecondary education.

"(b) Award Basis.—Grants, contracts, and cooperative agreements shall be awarded on a competitive basis.

"(c) Award Period.—Grants, contracts, and cooperative agreements shall be awarded for a period of 3 years.

"SEC. 412B. ELIGIBLE ENTITIES.

"Entities eligible to apply for a grant, contract, or cooperative agreement under this chapter are institutions of higher education with demonstrated prior experience in meeting the postsecondary educational needs of individuals with learning disabilities.

"SEC. 412C. REQUIRED ACTIVITIES.

"A recipient of a grant, contract, or cooperative agreement under this chapter shall use the funds received under this chapter to carry out each of the following activities:

"(1) Developing or identifying innovative, effective, and efficient approaches, strategies, supports, modifications, adaptations, and accommodations that enable individuals with learning disabilities to fully participate in postsecondary education.

"(2) Synthesizing research and other information related to the provision of services to individuals with learning disabilities in postsecondary education.

"(3) Conducting training sessions for personnel from other institutions of higher education to enable them to meet the special needs of postsecondary students with learning disabilities.

"(4) Preparing and disseminating products based upon the activities described in paragraphs (1) through (3).

"(5) Coordinating findings and products from the activities described in paragraphs (1) through (4) with other similar products and findings through participation in conferences, groups, and professional networks involved in the dissemination of technical assistance and information on postsecondary education.

"SEC. 412D. PRIORITY.

"The Secretary shall ensure that, to the extent feasible, there is a national geographic distribution of grants, contracts, and cooperative agreements awarded under this chapter throughout the States, except that the Secretary may give priority, with respect to one of the grants to be awarded, to a historically Black college or university that satisfies the requirements of section 412B.

"SEC. 412E. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this chapter $10,000,000 for each of the fiscal years 1999 through 2001.".

H.R. 6

Offered By: Mr. Miller of California

Amendment No. 46: Page 68, line 12, redesignate section 206 as section 207, and before such line insert the following new section (and conform the table of contents accordingly):

SEC. 206. ACCOUNTABILITY FOR INSTITUTIONS OF HIGHER EDUCATION THAT PREPARE TEACHERS.

Title II is further amended by adding at the end the following new part:

"PART F—ACCOUNTABILITY FOR INSTITUTIONS OF HIGHER EDUCATION THAT PREPARE TEACHERS

"SEC. 281. DATA COLLECTION.

"(a) Data Required.—Within one year after the date of enactment of the Higher Education Amendments of 1998, and annually thereafter, the Secretary shall collect from each State and publish the following information:

"(1) A description of the teacher licensing and credentialing assessments used by each State, including any and all assessments required in the subject matter area or areas in which a teacher provides instruction.

"(2) The standards and criteria established by each State that teachers or prospective teachers must meet in order to receive a passing score on such assessments, including information on the extent to which passing such examinations is required in order for an individual to be a classroom teacher.

"(3) Information on the extent to which teachers or prospective teachers in each State are required to take examinations or other assessments of their subject matter knowledge in the area or areas in which they provide instruction, the standards established for passing any such assessments, and the extent to which teachers or prospective teachers are required to receive a passing score on such assessments in order to teach in specific subject areas or grade levels.

"(4) Information on the extent to which each State waives teacher credentialing and licensing requirements, including the proportion of all teachers or prospective teachers in the State for whom such licensing and credentialing requirements have been waived and the distribution of such individuals across high- and low-poverty schools and across grade levels and subject areas.

"(5) The pass rate, for the preceding year, on all teacher licensing and credentialing assessments for all individuals in the State who took such assessments, disaggregated by the institution of higher education from which the teacher received his or her most recent degree, gender, race, and ethnicity.

"(b) Coordination.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher licensing or credentialing assessments in a State other than the State in which the individual received his or her most recent degree.

"(c) Use of Local Agencies.—For each State in which there are no State licensing or credentialing assessments, the Secretary shall, to the extent practicable, collect data comparable to the data described in paragraphs (1) through (5) of subsection (a) from local educational agencies, colleges and universities, or other entities that administer such assessments to teachers or prospective teachers.

"SEC. 282. DATA DISSEMINATION.

"(a) Effective Date of Requirements.—The data required to be distributed under this section shall be distributed beginning within 3 years after the date of enactment of the Higher Education Amendments of 1998 and annually thereafter.

"(b) Passing Rates.—Each institution of higher education that has a course of study that prepares elementary and secondary school teachers and receives Federal funds will report and distribute widely, including through prominent publications such as catalogs and promotional materials sent to potential applicants, high school guidance counselors, and the employers of graduates of such institutions, their pass rate for graduates of the institution on each of the State's initial teacher certification and licensing assessments for the most recent year for which data are available at the time of publication of such materials.

"(c) Identification of Institutions With Passing Rates Below 70 Percent.—Each

State shall submit to the Secretary a list of institutions of higher education that prepare teachers and receive Federal funds under this Act for which, for the preceding year, less than 70 percent of graduates who took any of the State's initial teacher licensing and credentialing assessments failed to receive a passing score on any such assessment. For each assessment, data shall be disaggregated by the institution of higher education from which the test taker received his or her most recent degree, unless such degree was granted more than 3 years prior to the date such assessment was administered. Data shall also be disaggregated by subject, grade level, gender, race, and ethnicity where appropriate. The State shall distribute this list widely, including to high school guidance counselors.

"(d) REPORT ON IMPROVEMENT EFFORTS.—Each institution for which the pass rate, for the preceding year, of graduates on any teacher licensing and credentialing assessment falls below 70 percent shall report to the State on efforts underway to improve the performance of its graduates on such assessments. Each State shall gather and publicize all such reports and submit them to the Secretary. Such report shall include—

"(1) efforts underway by the institution to provide additional resources to the institution's teacher preparation program;

"(2) efforts underway by the institution or the teacher preparation program to implement more challenging admissions standards or more rigorous academic and curricular standards for teacher training programs;

"(3) efforts to improve the subject area knowledge of teachers, particularly in those subject areas in which less than 70 percent of graduates achieve passing scores on State assessments; and

"(4) participation in collaborative efforts with the State or Federal Government (including grants through this title) or with nongovernmental organizations to upgrade the quality of the institution's teacher preparation program.

"(e) FINES.—In addition to the actions authorized in section 487(c), the Secretary shall impose a fine of not less than $25,000 on an institution of higher education for failure to provide the information described in section 281 and this section in a timely and accurate manner, or for failing to cooperate with the State and the Secretary to obtain the information required by this section. The Secretary shall use any and all such funds collected through such fines for the purpose of supplementing grants made under this title.

"SEC. 283. TERMINATION OF ELIGIBILITY.

"(a) EFFECTIVE DATE.—The provisions of this section shall be effective on and after 5 years after the date of enactment of the Higher Education Amendments of 1998.

"(b) LOSS OF TITLE IV ELIGIBILITY.—

"(1) IN GENERAL.—A student who is enrolled in an institution of higher education as a major in a school or department of education, or who is otherwise enrolled in a program of professional training pursuant to becoming an elementary or secondary school teacher, shall be ineligible for aid under title IV of this Act to cover the cost of instruction associated with enrollment in such school, department, or program unless at least 70 percent of the graduates of such school, department, or program who took State teacher licensing and certification assessments, received a passing score on all such assessments for the preceding 2 consecutive years.

"(2) CLARIFICATION.—Notwithstanding paragraph (1)—

"(A) a student who is enrolled in an institution of higher education as a major in a school or department of education, or who is otherwise enrolled in a program of professional training pursuant to becoming an elementary or secondary school teacher, shall be eligible for aid under title IV of this Act for classes offered outside such school, department, or program; and

"(B) the Secretary may not impose as a remedy for failure to comply with the requirements of this section any sanction affecting the eligibility of any student for assistance under Title IV of this Act unless such student is a major in a school or department of education or is otherwise enrolled in a program of professional training pursuant to becoming an elementary or secondary school teacher.

"(c) SCORING CHANGES.—

"(1) LOWERING SCORES.—Any State which lowers its qualifying score, with the effect of decreasing the difficulty of achieving a passing score on any such assessment, shall report the change to the Secretary. For the purposes of this section, the pass rate for such State shall be computed based on the qualifying scores in place on the date of enactment of the Higher Education Amendments of 1998.

"(2) RAISING SCORES.—For the purposes of this section, any State which raises its cut score in order to increase the difficulty of passing any such assessment shall have the option of calculating pass rates on such assessments based on the original, lower qualifying score for a period of not more than 5 years.

"SEC. 284. NATIONAL TEACHER CERTIFICATION PROHIBITED.

"Nothing in this part shall be construed to permit, allow, encourage, or authorize any national system of teacher certification.".

H.R. 6

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 47: Page 68, line 12, redesignate section 206 as section 207, and before such line insert the following new section (and conform the table of contents accordingly):

SEC. 206. ACCOUNTABILITY FOR INSTITUTIONS OF HIGHER EDUCATION THAT PREPARE TEACHERS.

Title II is further amended by adding at the end the following new part:

"PART F—ACCOUNTABILITY FOR INSTITUTIONS OF HIGHER EDUCATION THAT PREPARE TEACHERS

"SEC. 281. DATA COLLECTION.

"(a) DATA REQUIRED.—Within one year after the date of enactment of the Higher Education Amendments of 1998, and annually thereafter, the Secretary shall collect from each State and publish the following information:

"(1) A description of the teacher licensing and credentialing assessments used by each State, including any and all assessments required in the subject matter area or areas in which a teacher provides instruction.

"(2) The standards and criteria established by each State that teachers or prospective teachers must meet in order to receive a passing score on such assessments, including information on the extent to which passing such examinations is required in order for an individual to be a classroom teacher.

"(3) Information on the extent to which teachers or prospective teachers in each State are required to take examinations or other assessments of their subject matter knowledge in the area or areas in which they provide instruction, the standards established for passing any such assessments, and the extent to which teachers or prospective teachers are required to receive a passing score on such assessments in order to teach in specific subject areas or grade levels.

"(4) Information on the extent to which each State waives teacher credentialing and licensing requirements, including the proportion of all teachers or prospective teachers in the State for whom such licensing and credentialing requirements have been waived and the distribution of such individuals across high- and low-poverty schools and across grade levels and subject areas.

"(5) The pass rate, for the preceding year, on all teacher licensing and credentialing assessments for all individuals in the State who took such assessments, disaggregated by the institution of higher education from which the teacher received his or her most recent degree, gender, race, and ethnicity.

"(b) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher licensing or credentialing assessments in a State other than the State in which the individual received his or her most recent degree.

"(c) USE OF LOCAL AGENCIES.—For each State in which there are no State licensing or credentialing assessments, the Secretary shall, to the extent practicable, collect data comparable to the data described in paragraphs (1) through (5) of subsection (a) from local educational agencies, colleges and universities, or other entities that administer such assessments to teachers or prospective teachers.

"SEC. 282. DATA DISSEMINATION.

"(a) EFFECTIVE DATE OF REQUIREMENTS.—The data required to be distributed under this section shall be distributed beginning within 3 years after the date of enactment of the Higher Education Amendments of 1998 and annually thereafter.

"(b) PASSING RATES.—Each institution of higher education that has a course of study that prepares elementary and secondary school teachers and receives Federal funds will report and distribute widely, including through prominent publications such as catalogs and promotional materials sent to potential applicants, high school guidance counselors, and the employers of graduates of such institutions, their pass rate for graduates of the institution on each of the State's initial teacher certification and licensing assessments for the most recent year for which data are available at the time of publication of such materials.

"(c) IDENTIFICATION OF INSTITUTIONS WITH PASSING RATES BELOW 70 PERCENT.—Each State shall submit to the Secretary a list of institutions of higher education that prepare teachers and receive Federal funds under this Act for which, for the preceding year, less than 70 percent of graduates who took any of the State's initial teacher licensing and credentialing assessments failed to receive a passing score on any such assessment. For each assessment, data shall be disaggregated by the institution of higher education from which the test taker received his or her most recent degree, unless such degree was granted more than 3 years prior to the date such assessment was administered. Data shall also be disaggregated by subject, grade level, gender, race, and ethnicity where appropriate. The State shall distribute this list widely, including to high school guidance counselors.

"(d) REPORT ON IMPROVEMENT EFFORTS.—Each institution for which the pass rate, for the preceding year, of graduates on any teacher licensing and credentialing assessment falls below 70 percent shall report to the State on efforts underway to improve the performance of its graduates on such assessments. Each State shall gather and publicize all such reports and submit them to the Secretary. Such report shall include—

"(1) efforts underway by the institution to provide additional resources to the institution's teacher preparation program;

"(2) efforts underway by the institution or the teacher preparation program to implement more challenging admissions standards or more rigorous academic and curricular standards for teacher training programs;

"(3) efforts to improve the subject area knowledge of teachers, particularly in those subject areas in which less than 70 percent of graduates achieve passing scores on State assessments; and

"(4) participation in collaborative efforts with the State or Federal Government (including grants through this title) or with nongovernmental organizations to upgrade the quality of the institution's teacher preparation program.

"(e) FINES.—In addition to the actions authorized in section 487(c), the Secretary shall impose a fine of not less than $25,000 on an institution of higher education for failure to provide the information described in section 281 and this section in a timely and accurate manner, or for failing to cooperate with the State and the Secretary to obtain the information required by this section. The Secretary shall use any and all such funds collected through such fines for the purpose of supplementing grants made under this title.".

H.R. 6

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 48: Page 68, line 12, redesignate section 206 as section 207, and before such line insert the following new section (and conform the table of contents accordingly):

SEC. 206. ACCOUNTABILITY FOR INSTITUTIONS OF HIGHER EDUCATION THAT PREPARE TEACHERS.

Title II is further amended by adding at the end the following new part:

"PART F—ACCOUNTABILITY FOR INSTITUTIONS OF HIGHER EDUCATION THAT PREPARE TEACHERS

"SEC. 281. TERMINATION OF ELIGIBILITY.

"(a) EFFECTIVE DATE.—The provisions of this section shall be effective on and after 5 years after the date of enactment of the Higher Education Amendments of 1998.

"(b) LOSS OF TITLE IV ELIGIBILITY.—

"(1) IN GENERAL.—A student who is enrolled in an institution of higher education as a major in a school or department of education, or who is otherwise enrolled in a program of professional training pursuant to becoming an elementary or secondary school teacher, shall be ineligible for aid under title IV of this Act to cover the cost of instruction associated with enrollment in such school, department, or program unless at least 70 percent of the graduates of such school, department, or program who took State teacher licensing and certification assessments, received a passing score on all such assessments for the preceding 2 consecutive years.

"(2) CLARIFICATION.—Notwithstanding paragraph (1)—

"(A) a student who is enrolled in an institution of higher education as a major in a school or department of education, or who is otherwise enrolled in a program of professional training pursuant to becoming an elementary or secondary school teacher, shall be eligible for aid under title IV of this Act for classes offered outside such school, department, or program; and

"(B) the Secretary may not impose as a remedy for failure to comply with the requirements of this section any sanction affecting the eligibility of any student for assistance under Title IV of this Act unless such student is a major in a school or department of education or is otherwise enrolled in a program of professional training pursuant to becoming an elementary or secondary school teacher.

"(c) SCORING CHANGES.—

"(1) LOWERING SCORES.—Any State which lowers its qualifying score, with the effect of decreasing the difficulty of achieving a passing score on any such assessment, shall report the change to the Secretary. For the purposes of this section, the pass rate for such State shall be computed based on the qualifying scores in place on the date of enactment of the Higher Education Amendments of 1998.

"(2) RAISING SCORES.—For the purposes of this section, any State which raises its cut score in order to increase the difficulty of passing any such assessment shall have the option of calculating pass rates on such assessments based on the original, lower qualifying score for a period of not more than 5 years.".

H.R. 6

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 49: Page 68, line 12, redesignate section 206 as section 207, and before such line insert the following new section (and conform the table of contents accordingly):

SEC. 206. ACCOUNTABILITY FOR INSTITUTIONS OF HIGHER EDUCATION THAT PREPARE TEACHERS.

Title II is further amended by adding at the end the following new part:

"PART F—ACCOUNTABILITY FOR INSTITUTIONS OF HIGHER EDUCATION THAT PREPARE TEACHERS

"SEC. 281. DATA COLLECTION.

"(a) DATA REQUIRED.—Within one year after the date of enactment of the Higher Education Amendments of 1998, and annually thereafter, the Secretary shall collect from each State receiving funds under this Act and publish the following information:

"(1) A description of the teacher licensing and credentialing assessments used by each State, including any and all assessments required in the subject matter area or areas in which a teacher provides instruction.

"(2) The standards and criteria established by each State that teachers or prospective teachers must meet in order to receive a passing score on such assessments, including information on the extent to which passing such examinations is required in order for an individual to be a classroom teacher.

"(3) Information on the extent to which teachers or prospective teachers in each State are required to take examinations or other assessments of their subject matter knowledge in the area or areas in which they provide instruction, the standards established for passing any such assessments, and the extent to which teachers or prospective teachers are required to receive a passing score on such assessments in order to teach in specific subject areas or grade levels.

"(4) Information on the extent to which each State waives teacher credentialing and licensing requirements, including the proportion of all teachers or prospective teachers in the State for whom such licensing and credentialing requirements have been waived and the distribution of such individuals across high- and low-poverty schools and across grade levels and subject areas.

"(5) The pass rate, for the preceding year, on all teacher licensing and credentialing assessments for all individuals in the State who took such assessments, disaggregated by the institution of higher education from which the teacher received his or her most recent degree.

"(b) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher licensing or credentialing assessments in a State other than the State in which the individual received his or her most recent degree.

"(c) USE OF LOCAL AGENCIES.—For each State in which there are no State licensing or credentialing assessments, the Secretary shall, to the extent practicable, collect data comparable to the data described in paragraphs (1) through (5) of subsection (a) from local educational agencies, colleges and universities, or other entities that administer such assessments to teachers or prospective teachers.

"SEC. 282. DATA DISSEMINATION.

"(a) EFFECTIVE DATE OF REQUIREMENTS.—The data required to be distributed under this section shall be distributed beginning within 3 years after the date of enactment of the Higher Education Amendments of 1998 and annually thereafter.

"(b) PASSING RATES.—Each institution of higher education that has a course of study that prepares elementary and secondary school teachers and receives Federal funds will report and distribute widely, including through prominent publications such as catalogs and promotional materials sent to potential applicants, high school guidance counselors, and the employers of graduates of such institutions, their pass rate for graduates of the institution on each of the State's initial teacher certification and licensing assessments for the most recent year for which data are available at the time of publication of such materials.

"(c) IDENTIFICATION OF INSTITUTIONS WITH PASSING RATES BELOW 70 PERCENT.—Each State shall submit to the Secretary a list of institutions of higher education that prepare teachers and receive Federal funds under this Act for which, for the preceding year, less than 70 percent of graduates who took any of the State's initial teacher licensing and credentialing assessments failed to receive a passing score on any such assessment. For each assessment, data shall be disaggregated by the institution of higher education from which the student received his or her most recent degree, unless such degree was granted more than 3 years prior to the date such assessment was administered.

"SEC. 283. STATE FUNCTIONS.

"(a) STATE ASSESSMENT.—In order to receive funds under this Act, a State shall, no later than one year after the date of enactment of the Higher Education Amendments of 1998, have in place a procedure to identify low performing programs of teacher preparation within institutions of higher education. Such levels of performance shall be determined solely by the State and may include criteria based upon information collected pursuant to this part. Such assessment shall be described in the report under section 281.

"(b) TERMINATION OF ELIGIBILITY.—Any institution of higher education that offers a program of teacher preparation in which the State has withdrawn its approval or terminated its financial support due to the low performance of its teacher preparation program based upon the State assessment described in section (a)—

"(1) shall be ineligible for any funding for professional development activities awarded by the Department of Education; and

"(2) shall not be permitted to accept or enroll any student that receives aid under title IV of this Act in its teacher preparation program.

"SEC. 284. NEGOTIATED RULEMAKING.

"If the Secretary develops any regulations implementing section 283(b)(2), the Secretary shall submit such proposed regulations to a negotiated rulemaking process which shall include representatives of States and institutions of higher education for their review and comment.

H.R. 6

Offered By: Mr. Miller of California

Amendment No. 50: Page 334, after line 19, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

SEC. 806. LABOR CODES OF CONDUCT.

(a) Findings.—The Congress finds the following:

(1) American workers have the right to a fair and safe workplace and to reasonable compensation under the law, such as under the Fair Labor Standards Act, the National Labor Relations Act, and the Occupational Safety and Health Act.

(2) Despite United States workplace laws, sweatshops and other forms of labor exploitation persist domestically. The Clinton Administration's Department of Labor has recovered $23,100,000 in illegally held back wages for over 45,000 garment workers, including $2,900,000 in back wages in 1997 alone. In 1997, 63 percent of the New York City garment shops investigated by the Department of Labor were found in violation of the minimum wage and overtime provisions of the Fair Labor Standards Act. And, a recent study commissioned by the Associated Press found that 13,000 children work in sweatshops in the United States.

(3) The use of sweatshop and child labor abroad for goods imported to the United States remains a problem, particularly in the apparel and sporting goods sectors, including the use of subminimum wages, bonded and indentured labor, and unhealthy working conditions. The International Labor Organization estimated there are 250,000,000 underage children working worldwide, in all sectors of the economy, such as agriculture, services and manufacturing for domestically consumed and exported items.

(4) Federal law, including the Trade Act of 1930, bans the importation of products made with indentured servitude, forced or slave labor into the United States.

(5) Codes of Conduct are voluntary steps taken by the private sector.

(6) Rigorous codes of conduct are an important component of a larger set of tools to reduce sweatshop and child labor.

(7) The Apparel Industry Partnership, comprised of major retail companies, human rights groups and labor unions, is seeking agreement on a code of conduct to reduce the use of sweatshops and child labor.

(8) American consumers have repeatedly expressed an interest in buying goods not made with exploited labor.

(9) American consumers frequently have no ability to know whether a product has been made with exploited labor.

(10) Informed consumer choices can be a powerful tool in the reduction of sweatshops and exploited labor.

(11) The market for college and university licensed merchandise such as caps, t-shirts, sweat pants, and other items is valued at over $2,000,000,000 a year, with 80 percent of the market coming from apparel products.

(12) Several universities, including most recently Duke University and Brown University, have adopted codes of conduct specifically requiring companies that manufacture products bearing those universities' names to adhere to minimum labor standards both domestically and abroad.

(13) Few universities and colleages, and none of those with the largest volume of merchandise sales, have labor codes of conduct regarding sweatshop and child labor covering companies that market their merchandise.

(15) The Association of Collegiate Licensing Administrators is expected to discuss labor codes of conduct at its annual meeting beginning on May 13.

(b) Sense of the Congress.—It is the sense of the Congress that all American colleges and universities should adopt rigorous labor codes of conduct to assure that university and college licensed merchandise is not made by sweatshop and exploited adult or child labor either domestically or abroad and that such codes should include but not be limited to: public reporting of the code and the companies adhering to it; independent monitoring of the companies adhering to the code by entities not limited to major international accounting firms; an explicit prohibition on the use of child labor; an explicit requirement that companies pay workers at least the governing minimum wage and applicable overtime; explicit requirement that companies allow workers the right to organize without retribution; and, an explicit requirement that companies maintain a safe and healthy workplace.

H.R. 6

Offered By: Mr. Owens

Amendment No. 51: Page 68, after line 11, insert the following new section (and redesignate the succeeding section accordingly):

SEC. 206. POSTSECONDARY INFORMATION TECHNOLOGY EDUCATION RECRUITMENT

(a) Findings.—The Congress finds the following:

(1) There are more than 200,000 to 400,000 vacancies in various categories of information technology jobs.

(2) From 1996 to 2005, more than 1,300,000 new computer scientists, engineers, and systems analysts will be required in the United States to fill vacant jobs, which equals 136,800 new workers per year.

(3) Systems analysts will experience the largest job growth, accounting for a 103 percent increase in the number of new positions from 1996 (506,000) to 2005 (1,025,000).

(4) The shortage of information technology workers transcends industries, affecting the manufacturing, service, transportation, health care, education, and government sectors. Within each sector, vacancies exist at all levels from aides and mechanics to programmers and designers.

(5) The information technology worker shortage is having an adverse effect on the viability of businesses in the United States and on the Nation's competitiveness. Industry surveys report that half of industry executives cite the lack of workers skilled in technology as the number one obstacle to their company's growth. An additional 20 percent of industry executives identify the lack of information technology workers as a major obstacle to their company's growth.

(6) A major factor affecting the short supply of information technology workers is the mismatch between what universities teach and what industry needs.

(7) It is in the national interest to promote special initiatives which effectively educate and train our domestic workforce to keep pace with these expanding job opportunities.

(8) Institutions of higher education have the capacity and resources to provide a role of oversight and technical assistance to a wide range of local entities, including community-based organizations, participating in a comprehensive education and training program for potential technology workers.

(9) Higher education institutions must be responsive to the digital environment and expand both their outreach efforts and on-campus activities to train and certify individuals to close the information technology worker gap.

(b) Amendment.—Title II is amended by adding at the end the following:

"PART G—INFORMATION TECHNOLOGY EDUCATION RECRUITMENT

"SEC. 281. PARTNERSHIPS FOR POSTSECONDARY INFORMATION TECHNOLOGY EDUCATION RECRUITMENT

"(a) Grants Authorized.—

"(1) In general.—The Secretary may make grants under this section, in accordance with competitive criteria established by the Secretary, to institutions of higher education, in order to establish, oversee the operation of, and provide technical assistance to, projects described in paragraph (2).

"(2) Projects.—Projects under this section shall be projects implemented by a community-based organization described in subsection (b), or by the institution of higher education receiving the grant, to provide postsecondary information technology education and employment procurement assistance to eligible individuals described in subsection (c).

"(3) Restrictions.—An institution of higher education shall be eligible to receive only one grant under this section, but may, subject to the requirements of this section, use the grant to enter into contracts with more than one community-based organization. A community-based organization shall not be eligible to enter into a contract under this section with more than one institution of higher education.

"(4) Period of grant.—The provision of payments under a grant under this section shall not exceed 5 fiscal years and shall be subject to the annual approval of the Secretary and subject to the availability of appropriations for each fiscal year involved.

"(b) Community-Based Organizations.—

"(1) In general.—Subject to paragraph (2), a community-based organization described in this subsection is an entity that, at the time the entity enters into a contract with an institution of higher education for a project under this section, and throughout the duration of that contract—

"(A) is—

"(i) a governmental agency; or

"(ii) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

"(B) is one of the following:

"(i) A local partnership (as defined in section 4 of the School-to-Work Opportunities Act of 1994) receiving a grant under section 302 of such Act.

"(ii) An entity organized and operated for religious purposes.

"(iii) An entity furnishing school-age child care services after school.

“(iv) A community-based college computer recruitment center.

“(v) An entity furnishing adult education.

“(vi) A library.

“(vii) A museum.

“(viii) Any other entity organized and operated for cultural, literary, or educational purposes.

“(2) Limitation.—An entity shall not be considered a community-based organization described in this subsection unless, at the time the entity enters into a contract with an institution of higher education for a project under this section, it has demonstrated to the satisfaction of the Secretary that—

“(A) it has the capacity successfully to recruit eligible individuals described in subsection (c) for participation in a project described in subsection (a), consistent with the enrollment requirements in subsection (d)(2)(E);

“(B) it is providing an educational service, social service, or employment procurement service; and

“(C) in the case of an entity that independently manages its own finances, it has been in existence 2 years or more.

“(c) Eligible Individuals.—An eligible individual described in this subsection is an individual who—

“(1) has submitted a satisfactory application to receive postsecondary information technology education recruitment assistance through a project under this section; and

“(2) has a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate.

“(d) Duties.—

“(1) Institutions of higher education.—An institution of higher education receiving a grant under this section shall use the funds provided under the grant to carry out the following duties:

“(A) Final selection of community-based organizations described in subsection (b) desiring to provide, at one or more sites, in accordance with a contract with the institution of higher education and this section, postsecondary information technology education and employment procurement assistance to eligible individuals described in subsection (c).

“(B) Entering into a contract with each community-based organization selected under subparagraph (A) under which the institution and the organization agree to carry out the duties respectively required of them under this section with respect to each site described in subparagraph (A).

“(C) With respect to each site described in subparagraph (A)—

“(i) design of a process for the recruitment of students from site to enroll in college courses or matriculate in college programs;

“(ii) provision of such funding for the establishment and initial operation of the site as was specified in the grant application submitted by the institution to the Secretary;

“(iii) approval of final site selection and preparation;

“(iv) initial orientation and training of personnel employed to manage and operate the site;

“(v) design and certification of the instructional and academic programs, and oversight of the implementation of the programs;

“(vi) oversight of equipment purchases and contracts for equipment maintenance; and

“(vii) selection of an outside contractor for periodic evaluation of the management and operation of the site.

“(2) Community-based organizations.—

“(A) In general.—A community-based organization implementing a project under this section with an institution of higher education, at one or more sites, shall carry out the duties described in this paragraph, with respect to each such site, subject to the oversight and guidance of the institution.

“(B) General duties.—The organization—

“(i) shall undertake final site selection and preparation;

“(ii) shall recruit and hire a site director;

“(iii) shall carry out any supplementary instructional, academic, or educational activities specified in the contract with the institution of higher education that are not described in subparagraph (D);

“(iv) shall assemble an advisory committee composed of individuals residing in the community in which the site is located, as well as industry representatives, who desire to assist the organization in ensuring that the goals of the organization are consistent with the goals and needs of the community population;

“(v) shall provide to the institution other evidence of volunteer support from among individuals residing in the community in which the site is located and industry representatives;

“(vi) shall recruit eligible individuals for enrollment, subject to subparagraph (E);

“(vii) shall maintain waiting lists of eligible individuals desiring to enroll in the project's programs;

“(C) Site requirements.—The organization shall ensure that each site—

“(i) has a minimum of 20 fully functioning computers with sufficient capacity to perform all of the computer operations that are the subject of the curriculum specified in subparagraph (D);

“(ii) in addition to the space for the computers described in clause (i), has—

“(I) a classroom space with the capacity for seating a minimum of 30 students;

“(II) a separate office for the site director;

“(iii) is real property subject to the control of the organization or the institution, through a lease or other legal instrument, for a period of not less than 5 years;

“(iv) is open to enrolled individuals not less than 12 hours per day; and

“(v) is located within walking distance of public transportation.

“(D) Information technology curriculum.—

“(i) In general.—The organization shall ensure that each site offers enrollees a curriculum that includes a broad range of course work in information technology.

“(ii) Courses leading to certification.—Such curriculum shall include course work leading to a certification of competence in areas of information technology recognized by the National Skill Standards Board established under the National Skill Standards Act of 1994.

“(iii) Specific courses.—The computer training offered shall include courses in basic computer competence, on-the-job upgrade assistance, and advanced computer competence.

“(E) Enrollment requirements.—The organization shall ensure that its enrollment of eligible individuals at each site is consistent with the following:

“(i) Not less than 50 percent of the eligible individuals shall be, at the time of enrollment, individuals—

“(I) to whom a credit was allowed under section 32 of the Internal Revenue Code of 1986 for the preceding taxable year;

“(II) who are recipients of assistance under a State program funded under part A of title IV of the Social Security Act;

“(III) who are a member of a household participating in the food stamp program; or

“(IV) who are considered low-income pursuant to regulations promulgated by the Secretary under this section.

“(ii) Not less than 50 percent of the eligible individuals shall be, at the time of enrollment, under 25 years of age.

“(iii) No prerequisite relating to net worth, income, or assets may be applied to any eligible individual who, at the time of enrollment, is over 50 years of age, except that this requirement shall not be construed to supersede clause (i).

“(e) Implementation of Projects Solely by Institutions.—The Secretary may make a grant under this section to an institution of higher education that desires to implement a project under this section without the participation of a community-based organization described in subsection (b), if the institution agrees to carry out all of the duties required of such an organization under this section, in addition to the duties otherwise required of an institution of higher education. The Secretary shall, in awarding grants under this section, give priority to institutions of higher education whose grant application includes an assurance that the institution will contract with one or more community-based organizations in accordance with this section.

“(f) Applications.—To apply for a grant under this section for any fiscal year, an institution of higher education shall submit an application to the Secretary in accordance with the procedures established by the Secretary. The application shall specify the institution's preliminary selections for the community-based organizations (if any) with which the institution proposes to contract, and shall include information with respect to preliminary site selections.

“(g) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $100,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years.

“(h) Definitions.—For purposes of this section:

“(1) Adult education.—The term ‘adult education’ has the meaning given such term in section 312 of the Adult Education Act.

“(2) Community-based college computer recruitment center.—The term ‘community-based computer center’ means a computer center—

“(A) funded by both the Federal Government and at least one private sector entity;

“(B) located in a low-income community (as determined by the Secretary); and

“(C) organized and operated for the purpose of providing families with access to computer resources that otherwise would not be available to them.

“(3) Food stamp program.—The term ‘food stamp program’ has the meaning given such term in section 3(h) of the Food Stamp Act of 1977.

“(4) Library.—The term ‘library’ has the meaning given such term in section 213 of the Library Services and Technology Act.

“(5) Museum.—The term ‘museum’ has the meaning given such term in section 272 of the Museum and Library Services Act.”.

H.R. 6

Offered By: Mr. Petri

Amendment No. 52: Page 156, after line 3, insert the following new section:

SEC. 416A. MARKET-BASED DETERMINATIONS OF LENDER RETURN.

Part B of title IV is further amended by inserting immediately after section 427A the following new section:

“SEC. 427B. MARKET-BASED DETERMINATIONS OF LENDER RETURN.

“(a) Pilot Program.—

‘‘(1) APPLICABILITY OF PILOT PROGRAMS.—Notwithstanding any other provisions of this part, no special allowance or other payment shall be paid under this part with respect to any loan made for periods of instruction beginning on or after July 1, 1999, but before July 1, 2001 pursuant to lending authority auctioned by the Secretary under this subsection, except as provided under the terms of the auctioned lending authority as determined by the Secretary.

‘‘(2) USE OF AUCTIONS TO APPORTION LENDING AUTHORITY DURING PILOT PROGRAMS.—

‘‘(A) AUCTIONS REQUIRED.—The Secretary shall conduct one or more pilot programs using an auction or other market-based mechanism in accordance with paragraph (3) to allocate the authority to make loans under this part among eligible lenders, or such other rights pertaining to loans made under this part as the Secretary determines appropriate.

‘‘(B) AMOUNT OF LENDING AUTHORITY AUCTIONED.—The Secretary shall determine the amount and nature of the lending authority auctioned during the pilot programs under this subsection, except that the lending authority auctioned under the pilot programs shall not exceed 15 percent of the anticipated annual loan volume during the period covered by the pilot programs.

‘‘(C) TRANSFERABILITY OF LENDING AUTHORITY.—An eligible lender may transfer any lending authority acquired pursuant to this subsection to another eligible lender upon such terms as may be agreed upon between such lenders, except that the acquiring lender may not extend loans pursuant to such authority except after notice to the Secretary in such form and manner as the Secretary may require by regulation.

‘‘(D) EXERCISE OF LENDING AUTHORITY.—The Secretary shall, in accordance with regulation, verify that a lender is not making loans under this paragraph in excess of the amounts of lending authority obtained in accordance with this paragraph. Such regulations shall provide that any lender who acquires, directly or pursuant to subparagraph (C), lending authority that was obtained at auction pursuant to two or more bids of different amounts shall be deemed to exercise such authority in descending order based on the amounts of such bids.

‘‘(3) CONDUCT OF AUCTION.—

‘‘(A) IN GENERAL.—

‘‘(i) The Secretary shall allocate the amount of lending authority determined under paragraph (2) among eligible lenders submitting bids in descending order by the unit price bid, but permitting each bidding lender to acquire such authority at the unit price bid by the next lower ranking bid, except that the Secretary may establish by regulation a different procedure for the conduct of the auction if the Secretary determines that such procedure will secure more receipts for the United States. The Secretary shall not permit any lender to acquire more than one-third of the amount of the lending authority offered at any auction conducted under this subsection, but a lender shall not be prohibited from acquiring more than such amount pursuant to paragraph (2)(C).

‘‘(ii) The Secretary is also authorized to conduct pilot programs under this subsection using such other market-based mechanism for determining the return to lenders under this part as the Secretary determines appropriate.

‘‘(B) BIDS GREATER THAN ZERO.—Any lender whose bid is accepted pursuant to subparagraph (A)(i) shall, if such bid is made at a unit price exceeding zero, promptly pay to the Secretary an amount equal to (i) the unit price, multiplied by (ii) the amount of lending authority allocated to such lender. A lender making such a payment shall have no claim to a refund or remuneration based on the lender making loans in an amount that is less than the amount of lending authority obtained.

‘‘(C) BIDS LESS THAN ZERO.—The Secretary shall pay to any lender whose bid is accepted pursuant to subparagraph (A)(i), if such bid is made at a unit price that is less than zero, an amount equal to—

‘‘(i) the amount by which the unit price is less than zero, multiplied by

‘‘(ii) the amount of lending authority that the lender demonstrates, in accordance with regulations prescribed by the Secretary, he has exercised by making and disbursing loans under this part.

‘‘(D) CONTRACTUAL RIGHT TO PAYMENTS.—Any lender whose bid is accepted pursuant to subparagraph (A)(i), if such bid is made at a unit price that is less than zero, shall be deemed to have a contractual right against the United States, to receive the payment required by subparagraph (C) in exchange for the lender's satisfactory performance as determined by the Secretary. Such payment shall be made promptly and without administrative delay after receipt of an accurate and complete request for payment, pursuant to procedures established by regulations promulgated under this subsection.

‘‘(E) PENALTY FOR LATE PAYMENT.—If a payment required by subparagraphs (C) and (D) has not been made within 30 days after the Secretary has received an accurate, timely, and complete request for payment thereof, the amount payable to such lender shall be increased by an amount equal to the daily interest accruing on the payments due the lender. For such purpose, the daily interest shall be the daily equivalent of the applicable rate of interest determined under section 427A(a)(1).

‘‘(4) MEASURES TO FACILITATE EXERCISE OF LENDING AUTHORITY DURING PILOT PROGRAM.—The Secretary shall provide for the establishment of facilities for the communication of information that permits eligible borrowers to be informed of the identity of, and means to contact, lenders holding unexercised lending authority pursuant to this subsection.

‘‘(b) AUTHORITY FOR PROGRAM-WIDE USE OF MARKET-BASED MECHANISMS.—

‘‘(1)(A) Notwithstanding any other provision of this part, the Secretary is authorized to implement a program-wide system of using market-based mechanisms to determine lender return on loans made under this part for loans made for periods of instruction on or after July 1, 2001.

‘‘(B) The Secretary shall implement such program-wide system only if the Secretary determines that doing so would be feasible, efficient, include the means to ensure that all eligible students would have access to loans, and be cost-effective when compared to the average program costs for the preceding three years (as adjusted for loan volume).

‘‘(2) Notwithstanding any other provision of this part, if the Secretary does not implement such program-wide system, the applicable interest rate on loans made for periods of instruction on or after July 1, 2001 shall be increased by .25 percent, and lenders' annual rate of return on such loans shall be reduced by .25 percent.

‘‘(c) COORDINATION.—The Secretary shall, by regulation, coordinate the availability of loans pursuant to section 428(j) to the extent necessary—

‘‘(1) to permit lenders to exercise the lending authority secured pursuant to this subsection; and

‘‘(2) to ensure that eligible borrowers obtain loans under this part.

‘‘(d) AUTHORITY TO PREPARE FOR PROGRAMS.—Notwithstanding subsections (a) and (b), the Secretary may, before the dates described in each such subsection—

‘‘(1) prescribe regulations to carry out each such subsection; and

‘‘(2) expend funds appropriated pursuant to this part to carry out activities necessary to the implementation of the programs authorized by each such subsection.’’.

(b) CONFORMING AMENDMENT.—Section 428(j)(1) (20 U.S.C. 1078(j)(1)) is amended by adding at the end the following new sentence: ‘‘The availability of loans under this subsection shall be coordinated to the extent necessary in accordance with regulations prescribed by the Secretary under section 427B.’’.

H.R. 6

OFFERED BY: MR. PETRI

AMENDMENT NO. 53: Page 192, after line 10, insert the following new section (and conform the table of contents accordingly):

SEC. 430. MARKET-BASED DETERMINATIONS OF INTEREST SUBSIDIES.

(a) AMENDMENT.—Section 438 (20 U.S.C. 1087-1) is amended by adding at the end the following new subsection:

‘‘(g) MARKET-BASED DETERMINATIONS OF INTEREST SUBSIDIES.—

‘‘(1) APPLICABILITY.—Notwithstanding the preceding provisions of this section, no special allowance or other payment shall be paid under this section with respect to any loan disbursed on or after July 1, 1999, except as provided pursuant to this subsection.

‘‘(2) USE OF AUCTIONS TO APPORTION LENDING AUTHORITY.—

‘‘(A) AUCTIONS REQUIRED.—The Secretary shall conduct an auction in accordance with paragraph (3) to allocate the authority to make loans under this part among eligible lenders for any academic year. The Secretary shall estimate the amount of lending authority that will be required by eligible students for such an academic year, and shall by auction allocate such amount, plus a reasonable margin for unexpected loan demand.

‘‘(B) LENDING AUTHORITY REQUIRED.—A lender may not make a loan under this part that is disbursed on or after July 1, 1999, except pursuant to an allocation of lending authority pursuant to this paragraph.

‘‘(C) TRANSFERABILITY OF LENDING AUTHORITY.—An eligible lender may transfer any lending authority acquired pursuant to this subsection to another eligible lender upon such terms as may be agreed upon between such lenders, except that the acquiring lender may not extend loans pursuant to such authority except after notice to the Secretary in such form and manner as the Secretary may require by regulation.

‘‘(D) EXERCISE OF LENDING AUTHORITY.—The Secretary shall, by regulation, provide for verification that a lender is not making loans under this part in excess of the amounts of lending authority obtained in accordance with this paragraph. Such regulations shall provide that any lender who acquires, directly or pursuant to subparagraph (C), lending authority that was obtained at auction pursuant to two or more bids of different amounts shall be deemed to exercise such authority in descending order based on the amounts of such bids.

‘‘(3) CONDUCT OF AUCTION.—

"(A) IN GENERAL.—The Secretary shall allocate the amount of lending authority determined under paragraph (2)(A) among eligible lenders submitting bids in descending order by the unit price bid, but permitting each bidding lender to acquire such authority at the unit price bid by the next lower ranking bid, except that the Secretary may establish by regulation a different procedure for the conduct of the auction if the Secretary determines that such procedure will secure more receipts for the United States. The Secretary shall not permit any lender to acquire more than one-third of the amount of the lending authority offered at any auction conducted under this subsection, but a lender shall not be prohibited from acquiring more than such amount pursuant to paragraph (2)(C).

"(B) BIDS GREATER THAN ZERO.—Any lender whose bid is accepted pursuant to subparagraph (A) shall, if such bid is made at a unit price exceeding zero, promptly pay to the Secretary an amount equal to (i) the unit price, multiplied by (ii) the amount of lending authority allocated to such lender. A lender making such a payment shall have no claim to a refund or remuneration based on the lender making loans in an amount that is less than the amount of lending authority obtained.

"(C) BIDS LESS THAN ZERO.—The Secretary shall pay to any lender whose bid is accepted pursuant to subparagraph (A), if such bid is made at a unit price that is less than zero, an amount equal to—

"(i) the amount by which the unit price is less than zero, multiplied by

"(ii) the amount of lending authority that the lender demonstrates, in accordance with regulations prescribed by the Secretary, has exercised by making and disbursing loans under this part.

"(D) CONTRACTUAL RIGHT OF HOLDERS TO SPECIAL ALLOWANCE.—Any lender whose bid is accepted pursuant to subparagraph (A), if such bid is made at a unit price that is less than zero, shall be deemed to have a contractual right against the United States, to receive the payment required by subparagraph (C). Such payment shall be made promptly and without administrative delay after receipt of an accurate and complete request for payment, pursuant to procedures established by regulations promulgated under this subsection.

"(E) PENALTY FOR LATE PAYMENT.—If a payment required by subparagraphs (C) and (D) has not been made within 30 days after the Secretary has received an accurate, timely, and complete request for payment thereof, the amount payable to such lender shall be increased by an amount equal to the daily interest accruing on the payments due the lender. For such purpose, the daily interest shall be the daily equivalent of the applicable rate of interest determined under section 427A(a)(1).

"(4) MEASURES TO FACILITATE EXERCISE OF LENDING AUTHORITY.—

"(A) INFORMATION.—The Secretary shall provide for the establishment of facilities for the communication of information that permits eligible borrowers to be informed of the identity of, and means to contact, lenders holding unexercised lending authority pursuant to this subsection.

"(B) COORDINATION.—The Secretary shall, by regulation, coordinate the availability of loans pursuant to section 428(j) to the extent necessary—

"(i) to permit lenders to exercise the lending authority secured pursuant to this subsection; and

"(ii) to ensure that eligible borrowers obtain loans under this part.

"(5) AUTHORITY TO PREPARE FOR PROGRAM.—Notwithstanding paragraph (1), the Secretary may, before July 1, 1999—

"(A) prescribe regulations to carry out this subsection; and

"(B) expend funds appropriated pursuant to this part to carry out activities necessary to the implementation of the programs authorized by this subsection.".

(b) CONFORMING AMENDMENT.—Section 428(j)(1) (20 U.S.C. 1078(j)(1)) is amended by adding at the end the following new sentence: "The availability of loans under this subsection shall be coordinated in accordance with regulations prescribed by the Secretary under section 438(g)(5).".

H.R. 6

OFFERED BY: MR. ROEMER

AMENDMENT NO. 54: Page 172, after line 22, insert the following new subsection (and redesignate the succeeding subsections accordingly):

(c) ADDITIONAL ANNUAL LOAN LIMIT FLEXIBILITY.

(1) IN GENERAL.—Section 428H(d)(2) is amended—

(A) by striking subparagraph (C); and

(B) by inserting after subparagraph (B) the following new subparagraphs:

"(C) notwithstanding subparagraph (A) and (B), in the case of such a student who is pursuing a program of study at an eligible institution leading to the baccalaureate degree—

"(i) $7,200 if such student is enrolled in a program whose length is at least 1 academic year (as determined under section 481);

"(ii) $4,500 if such student is enrolled in a program whose length is less than 1 academic year, but at least ⅔ of such an academic year; and

"(iii) $2,700 if such student is enrolled in a program whose length is less than ⅔, but at least ⅓, of such an academic year;

"(D) in the case of such a student who is a graduate or professional student enrolled at an eligible institution, an amount not to exceed the student's estimated cost of attendance (as determined under section 472), less the sum of—

"(i) any loan for which the student is eligible under section 428; and

"(ii) an estimate of any financial assistance reasonably available to such student.".

(2) DEPENDENT STUDENTS AMENDMENT.—Section 428H(d) is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following new paragraph:

"(3) ANNUAL LIMITS FOR DEPENDENT STUDENTS.—Notwithstanding paragraph (2), in the case of a dependent student who is enrolled in a program leading to the baccalaureate degree whose length is at least 1 academic year (as determined under section 481), the maximum annual amount of loans under this section such a student may borrow in any academic year or its equivalent or in any period of 7 consecutive months, whichever is longer, shall be the amount determined under paragraph (1) plus $1,500.".

(3) CONFORMING AMENDMENT.—Section 428H(d)(1) is amended by striking "paragraphs (2) and (3)" and inserting "paragraphs (2), (3), and (4)".

(4) EFFECTIVE DATE.—The amendments made by this section shall apply to loans made for periods of instruction beginning after July 1, 1998.

H.R. 6

OFFERED BY: MR. SANDERS

AMENDMENT NO. 55: Page 56, after line 18, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

"(5) cooperation between institutions to encourage cost saving initiatives through joint purchase of goods and services, and shared use of facilities and faculty resources."

H.R. 6

OFFERED BY: MR. SANDERS

AMENDMENT NO. 56: Page 94, strike lines 12 through 16 and insert the following:

"(i) $5,000 for academic year 1999–2000,

"(ii) $5,200 for academic year 2000–2001,

"(iii) $5,400 for academic year 2001–2002,

"(iv) $5,600 for academic year 2002–2003, and

"(v) $5,800 for academic year 2003–2004,

H.R. 6

OFFERED BY: MR. SERRANO

AMENDMENT NO. 57: Page 271, strike line 14 and insert the following:

"(A)(i) is an eligible institution; or

"(ii) is an institution of higher education (as such term is defined in section 101(a)(2)) that provides a 4-year baccalaureate program, is regionally accredited, and serves at least 1,500 Hispanic students;

H.R. 6

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 58: Page 334, after line 19, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

SEC. 806. STUDY OF CONSOLIDATION OPTIONS.

No later than 2 years after the date of enactment of this Act, the Secretary shall report to Congress on the desirability and feasibility of possible new Federal efforts to assist individuals who have substantial alternative student loans (other than direct student loans and federally guaranteed student loans) to repay their student loans. The report shall include an analysis of the extent to which the high monthly payments associated with such loans deter such individuals from jobs (including public-interest and public-service jobs) with lower salaries than the average in relevant professions. The report shall include an analysis of the desirability and feasibility of allowing the consolidation of alternative student loans held by such individuals through the Federal student loan consolidation program or the use of other means to provide income-contingent repayment plans for alternative student loans.

H.R. 6

OFFERED BY: MR. SOUDER

AMENDMENT NO. 59: Page 237, strike lines 4 through 10 and insert the following:

"(2) REHABILITATION.—A student whose eligibility has been suspended under paragraph (1) may resume eligibility before the end of the period determined under such paragraph if the student satisfactorily completes a drug rehabilitation program that complies with such criteria as the Secretary shall prescribe for purposes of this paragraph and that includes two unannounced drug tests.

EXTENSIONS OF REMARKS

RECOGNIZING OCCUPATIONAL THERAPY MONTH

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Ms. ROS-LEHTINEN. Mr. Speaker, in honor of Occupational Therapy Month, I would like to recognize Occupational Therapists nationwide for the wonderful work they do on a daily basis to help Americans regain their full physical capabilities. I would like to recognize Continued Care Corporation of Miami which will soon be celebrating the opening of its Rehabilitation Division and will become part of this wonderful network of occupational therapy providers.

It is important to realize the contributions that Occupational Therapists make in our daily lives as well as the positive impact they have on the health care community. In addition to contributing to a significant decrease in a patient's hospital length of stay, they also reduce the amount of care and services patients require after discharge. For the patient, the benefits of therapy translate into the prevention of further complications or disabilities and the ability to resume their normal lives.

The commitment of our Nation's Occupational Therapists to providing an opportunity for those with physical ailments and disabilities to participate to their fullest abilities should be recognized and recommended.

IN RECOGNITION OF ROY WYSE

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. GEPHARDT. Mr. Speaker, I rise today to pay tribute to a good friend and dedicated representative of working people, Roy Wyse. Roy is retiring as Secretary Treasurer of the United Auto Workers International Union after thirty-six years of leadership in the union.

Roy was hired by the Ford Motor Company in 1951, and immediately joined UAW Local 249 in Claycomo, Missouri. After being elected to the shop committee, Roy quickly rose within the UAW leadership. He was elevated to Secretary Treasurer in 1995, the second highest office in the union.

The safety and welfare of the working men and women of the UAW have always driven Roy's life. He has been a tireless fighter on their behalf, and his efforts have had a tremendous impact on the ability of working families to hold a secure job, receive a fair paycheck, and raise a family. Roy has worked to help people outside the union as well. His community involvement has ranged from serving as president of a local board of education, teaching Sunday school classes, and working as a volunteer fireman.

I applaud Roy's commitment to public service, and wish him and his wife Pat all the best in the years to come.

A TRIBUTE TO REDLANDS POLICE CHIEF, LEWIS NELSON

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine work and outstanding public service of my good friend, Lewis W. Nelson, the Chief of Police for the City of Redlands, California. After a long and distinguished career, Chief Nelson is retiring and will be recognized for his many years of service at a banquet in his honor on May 21st.

Lewis Nelson served in the U.S. Army as a medical specialist in Vietnam from 1967 to 1969. He received his Associate of Arts degree from San Bernardino Valley College (1970–72), his BS from California State University-Los Angeles (1972–74), a Master of Public Administration from the University of Southern California (1975–77) and a Masters of Science from California Polytechnic University in Pomona (1993–95).

He began his professional career with the Redlands Police Department in 1969 as a police officer. Since that time he has consistently moved up through the ranks receiving promotions to police detective (1973–74), police sergeant (1974–77), police lieutenant (1977–82), police captain (1982–83), and chief of police 1993–present). Throughout his career, he has earned professional certifications from the California Law Enforcement Command College (1992–94), the FBI National Academy (1983), and the Law Enforcement Executive Development Seminar (1998).

Chief Nelson has been a member and leader of numerous professional organizations including the San Bernardino County Chiefs and Sheriffs Association, the FBI Law Enforcement Executive Development Association, the California Police Chiefs Association, the FBI National Academy Associates, Police Futurists Society, the National Institute of Criminal Justice, the California Peace Officers Association, and others.

Over the years, Chief Nelson has also been closely affiliated with a great many community organizations including the Veterans of Foreign Wars, Rotary Club of Redlands, Redlands East Valley United Way, Redlands Family YMCA, Youth Development Incorporated, Redlands Baseball for Youth and Redlands AYSO Soccer.

Mr. Speaker, I ask that you join me and our colleagues in recognizing the many years of remarkable service of Chief Nelson. My hometown of Redlands, California is especially proud of the work he has done on behalf of our entire community. I also want to wish Chief Nelson, his wife Kathleen, son Brett, and daughter Kristen much happiness and the very best in the years ahead.

CELEBRATING THE 60TH BIRTHDAY OF REVEREND NORMA JEAN PENDER

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Ms. STABENOW. Mr. Speaker, I rise today to pay special tribute to Reverend Norma Jean Pender who is celebrating her 60th birthday.

For thirty-five years, Ms. Pender has served the people of Michigan and has been a tireless leader for the community. Ms. Pender received her license to preach the Gospel in the Christian Episcopal Church in 1974, and was ordained in 1978 by the late Bishop E.P. Murchison. In 1982, she accepted the call to the position of Pastor of the New Jerusalem Temple Baptist Church. In 1985, she was ordained in the Baptist faith through the National Baptist Convention, USA.

Along with her responsibilities to her church, she has also been committed to a vast array of community projects, such as the NAACP, the American Business Women's Association, and the Minister's Volunteer Services for the Harper Hospital Cancer Society.

During her thirty-five years, Ms. Pender has served as musical leader, teacher, community spokesperson, and spiritual advisor to people of all ages. Most of all, through song, she showed her passion for life and her faith in God.

While many of us know her as Reverend Mother on a popular radio show she hosts each weekday, Ms. Pender is also known as a woman committed to family, the community and the gospel. I thank her for the example she has set for so many of our young children as well as adults and wish her a very happy birthday.

IN HONOR OF THE 25TH ANNIVERSARY OF THE NEW KARLIN HALL AND CLUB

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor the 25th anniversary of the dedication of the new Karlin Hall and Club in Cleveland Ohio.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Early Czech settlers in the area gave the neighborhood surrounding lower Fleet Avenue the nickname, Karlin. The name stuck and the original Karlin Hall became the center of the Czech Karlin neighborhood. The hall was founded in 1936 by three lodges of the Czech Catholic Fraternal Insurance Society, the Catholic Workmen. In 1972, a disastrous fire left the original hall in ruins, but it was rebuilt in the same location and reopened May 1, 1978. The dedication of the new Karlin Hall marks the beginning of the renovation of lower Fleet Avenue and the Slavic Village area. Today, 14 different groups call Karlin Hall their home.

The anniversary will be celebrated with special masses at St. John Nepomucene Church and Our Lady of Lourdes Church. The three-day party to commemorate the occasion starts May 1 and will include live music, Slovak folk dancing and social dinners.

My fellow colleagues, please join me in saluting the members of Karlin Hall.

TRIBUTE TO CORTEZ KENNEDY

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a terrific young man.

Many of you may recognize the name Cortez Kennedy. Cortez is a star defensive tackle for the Seattle Seahawks in the National Football League. Aside from being an accomplished athlete and six-time Pro Bowl player, Cortez is an admirable human being who has not forgotten his beginnings.

Cortez grew up in Mississippi County in the First Congressional District of Arkansas. He went to school and played football in Wilson, Arkansas. Each summer, Cortez returns to Rivercrest High School in Wilson to host a football clinic for the youngsters in his hometown. The stars that turn out each year to help Cortez teach the children are a testament to the relationship he has with his peers. Widely-known football players like Derek Thomas, Russell Maryland, and Rick Mirer, and coaches like Barry Switzer have all traveled to Wilson at Cortez's request.

On April 18, I was honored to attend a ceremony in Wilson to witness the renaming of Main Street to Cortez Kennedy Avenue. I want to extend my heartfelt thanks to Cortez for all he has done for Wilson and Mississippi County. He is truly a superb young man.

NOTRE DAME COMBINING RESEARCH AND RELIGION

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. ROEMER. Mr. Speaker, I would like to draw my colleagues' attention to the following December 10, 1997 article in the New York Times about the University of Notre Dame.

[From the New York Times, Dec. 10, 1997]

NOTRE DAME COMBINING RESEARCH AND RELIGION

(By Ethan Bronner)

NOTRE DAME, IND., Dec. 4.—At the end of a century in which the great American universities have moved from being extensions of churches to centers of secularism, the University of Notre Dame is carving itself an important niche as an institution of serious scholarship with a deeply religious environment.

Some colleges are religious; others have vital research centers. Notre Dame is rare in combining the two.

The religious nature of Notre Dame is felt not only in the crucifixes that hang in every class, the Roman Catholic priests who live in every dormitory, the Mass recited nightly and the forbidding of men and women to enter each other's dormitory rooms after a certain hour. It comes as well in the work being fostered here.

Political scientists are reclaiming Augustine to examine "just war" theory. Law professors are focusing on neglected church views about dying in legal debates on assisted suicide. Historians are emphasizing the role of local parishes in understanding urban race relations.

Some of these approaches would have been dismissed as almost ridiculously retrograde a generation ago, yet scholars here and elsewhere say the American academy seems surprisingly receptive to them today because they bring new or lost perspectives to vital subjects.

This comes at a time of newfound self-confidence for Notre Dame. Flush with cash from rich alumni and proceeds from its storied football team, the university is discovering it can lure scholars, including non-Catholics, from top institutions by promoting religion.

"When I was a graduate student at Harvard 25 years ago, the whole idea of working in a religious framework was bizarre," said James Turner, an intellectual historian who moved here recently from the University of Michigan. "Augustine had become a kind of museum artifact to be studied only by the appropriate curators. But now we are making the case that neglected religious sources can help reconfigure academic discussion."

Professor Turner is director of the newly established Erasmus Institute here, a unique interdisciplinary effort that seeks to be a national model for the reinvigoration of Catholic and other religious intellectual traditions in contemporary scholarship.

He is among recent catches for Notre Dame in a highly competitive academic environment. Others have been lured to the prairies of northern Indiana by the idea of turning a respectable academic institution into a truly fine one.

Philip L. Quinn left an endowed chair in philosophy at Brown University for one here because, he said: "In my personal and professional life I take religion seriously. In the secular academy, they are not much concerned with religion. They look at it from the social science perspective."

George M. Marsden, a historian of religion and a devout Protestant, left Duke University for Notre Dame because, he said, only here did he feel there was the desire for a high-level scholarly discussion within a Christian context.

While there are scores of small Christian colleges across the United States, none can lay claim to being a center of scholarship outside the Christian world. Notre Dame can.

One of its sources of pride is its new Irish Studies Institute, financed with a gift of $13 million from Donald R. Keough, an alumnus who was president of Coca-Cola from 1981 to 1993.

The donation has made it possible to attract Seamus Deane, one of the most distinguished Irish scholars and authors, as director. Professor Deane, whose novel, "Reading in the Dark" (Knopf, 1997), was received with high praise earlier this year, says that by September 1998 there will be six full-time faculty members and one visiting professor at the institute, making it the biggest such program in the country.

"We're not on the scale of Johns Hopkins or M.I.T." said the Rev. Edward A. Malloy, Notre Dame's president, "but we are increasing the intellectual resources so as to make this a great university. With the Erasmus Institute and Irish studies we have identified areas of intellectual engagement where we can make a real contribution."

Notre Dame has long had a special place among American universities but not largely for its scholarship. Founded in 1842 by a priest of the Congregation of Holy Cross, it was to American Catholics in the mid-20th century what City College was to New York Jews, a welcoming place to study without fear of prejudice.

The dominance of its football team under a series of legendary coaches beginning with Knute Rockne—and the public way in which teams recited Mass before each game—focused the loyalty of many American Catholics who tended to regard Notre Dame with almost Lourdes-like devotion.

In recent decades, the university's endowment has risen to $1.5 billion, nearly 30 times what it was in 1970.

U.S. News and World Report ranks Notre Dame 19th of national universities and a recent book, "The Rise of American Research Universities" (Johns Hopkins, 1997), named Notre Dame as among a handful of top rising private research universities.

It is the combination of competitiveness and tradition that attracted M. Cathleen Kaveny to join the law faculty here three years ago. Holder of a doctorate and a law degree from Yale University, Professor Kaveny has become an expert on assisted suicide by drawing on Catholic teachings. She is planning a scholarly study of mercy, how a society should feed its hungry and comfort its sick.

"These are areas that I could never pursue as a junior faculty member at another law school," Professor Kaveny said. "I would be laughed at. Here they are excited about it."

There is some concern that all the talk about rediscovering Christian sources will serve as a pretext for squelching free inquiry. Michael A. Signer, a Reform rabbi who holds a chair here in Jewish culture, says Notre Dame is still grappling with being both Catholic and catholic. The test of the Erasmus Institute, Rabbi Signer says, will be to see how it handles that tension, whether it reaches out to other traditions or barricades itself in.

Alan Wolfe, who describes himself as a secular sociologist at Boston University, wrote recently in The Chronicle of Higher Education that the revival of religion in the academy at places like Notre Dame was welcome.

"To study the world's great literary works, many of which were inspired by religious questions, without full appreciation of those questions is like performing Hamlet without the Prince," Mr. Wolfe wrote. "Critics of academic specialization in the humanities often say that English departments, infatuated with contemporary works, no longer teach enough Milton or Tolstoy. It would be more correct to say that, through the lens of secularism, they are teaching them inaccurately."

INTRODUCING THE AVIATION BILATERAL ACCOUNTABILITY ACT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. LIPINSKI. Mr. Speaker, I rise today to introduce a piece of legislation entitled the Aviation Bilateral Accountability Act. The Aviation Bilateral Accountability Act is a bill that will require Congressional approval of all U.S. aviation bilateral agreements.

International aviation is governed by a series of bilateral civil aviation agreements between countries. Unlike other sectors of the economy that tend to be handled through multilateral agreements, such as the General Agreement on Tariffs and Trade, issues regarding international aviation are resolved through government-to-government negotiations. For example, if a U.S. air carrier wants to fly into and out of another country, the American government must first negotiate with the government of that country to determine the terms under which the carriers from both countries will operate. Terms of bilateral civil aviation agreements include, among other things, route assignments, capacity and frequency limitations, carrier designations, and pricing controls.

U.S. bilateral aviation agreements are executive agreements. They are negotiated and signed by representatives from the Department of State and the Department of Transportation. Unfortunately, Congress does not play any official role in the approval of bilateral aviation agreements.

As the Ranking Member of the House Subcommittee on Aviation, I strongly believe that Congress deserves to play a role in approving bilateral aviation agreements. As Members of Congress, we represent the businessperson, the leisure traveler, the consumer—the flying public in general. We should have the right to make sure that bilateral aviation agreements are negotiated to give U.S. consumers the most access to international aviation markets at the best price.

For this reason, I introduced the Aviation Bilateral Accountability Act, a bill to require Congressional approval of all U.S. aviation bilateral agreements. International aviation, which is based on bilateral aviation agreements, has a tremendous impact on the U.S. economy and U.S. citizens. Congress should not be excluded from agreements of such magnitude. As elected Representatives of the people, we owe it to the American consumer to look out for his or her best interests. My legislation will help Members of Congress better represent the flying public by giving Congress an integral role in the approval of U.S. bilateral aviation agreements.

The Aviation Bilateral Accountability Act will require implementing legislation for each U.S. bilateral aviation agreement, similar to the legislation required for trade agreements such as NAFTA. Under the bill, each bilateral agreement would be presented to Congress by the Secretaries involved in the negotiations. An approval resolution would then be introduced and referred for a limited number of days to the House Transportation and Infrastructure Committee and the Senate Commerce Committee. After Committee review, a straight up-or-down vote would then be required in both chambers. Finally, once the approval resolution passes both the House and the Senate, and is signed into law, then the bilateral aviation agreement would be official.

Mr. Speaker, in closing, I would like to thank the gentleman from Oregon, Representative PETER DEFAZIO, for joining me as an original co-sponsor of this important legislation. In addition, I urge all my colleagues to co-sponsor the Aviation Bilateral Accountability Act.

IN HONOR OF BAYONNE YOUTH CENTER, INC.

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. MENENDEZ. Mr. Speaker, I am delighted to rise today to thank and congratulate four citizens of Bayonne, New Jersey who have contributed immensely to the Bayonne Youth Center and the entire community. As it celebrates its 53rd anniversary at the HI Hat in Bayonne, The Bayonne Youth Center will honor Mrs. Susan Y. Davis, the recipient of the Sabra Jackson Award; Assemblyman Joseph V. Doria, Jr., recipient of the Humanitarian Award; Curtis Nelson, the winner of the Service Award; and Wilhelmina Wilson, who is receiving the Volunteer Service Award. Also being recognized at the dinner will be the Youth of the Month and the Art and Essay contests winners.

I would like to take a moment to tell you about these four remarkable constituents. Susan Y. Davis is continually active in community service. She has served on the Bayonne Community Day Nursery Board, Midtown Community School Advisory Council, and is a member of the Bayonne Youth Center's Board of Directors. She is also active in St. Patrick's Church of Jersey City. Susan received the 1995 NAACP Community Service award.

Assembly Democratic Leader Joseph V. Doria, Jr., recipient of the Humanitarian Award, has a distinguished career in public and community service. He serves as a member of the Board of Directors of Liberty Health Care Systems, and has served as a board member of St. Ann's Home for the Aged. Assemblyman Doria has received more than 110 awards and citations from both public and private groups, including the Deborah Hospital Foundation's Children of the World Award and the Liberty Science Center's Legislator's Award.

Wilhemina Wilson, winner of the Volunteer Service Award, lives her life exemplifying the philosophy of Dr. Martin Luther King, Jr., by promoting peace and goodwill towards all people. She is a faithful member of the Wallace Temple A.M.E. Zion Church and has received numerous awards for her outstanding church service. Wilson is a member of the Bayonne branch of the NAACP and has been a longstanding member and supporter of the Bayonne Youth Center.

Curtis Nelson, who was awarded the Service Award, has always made sure to give back to his community. During his work for New Jersey Transit, he received many Service Star Awards for his exemplary service. Nelson has been leader of the Neighborhood Block Association for 25 years and was the first black Commander of the F.A. Mackenzie Post of Bayonne where he raised money for many charities. He is also a member of the Pride of Bayonne Lodge No. 461.

These four extraordinary citizens who have given so much back to their community and the Bayonne Youth Center deserve our respect and admiration.

HONORING THE WEEK OF APRIL 26-MAY 2, 1998 AS NATIONAL SCIENCE AND TECHNOLOGY WEEK

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. SENSENBRENNER. Mr. Speaker, I rise to say a few words in honor of the 14th annual National Science and Technology Week.

During this week the National Science Foundation performs its most important public outreach activities of the year; getting children excited about science and technology. This year's theme for National Science and Technology Week is "Polar Connections." It draws attention to the scientific research being performed in the Arctic and in the Antarctic.

The North and South Poles are truly unlike any place on the planet. As Chairman of the Science Committee, I've had the opportunity to travel to Antarctica to visit NSF's South Pole Station, and I can tell you that it is a remarkable place. The men and women who perform research at the South Pole work under conditions that make the winters in Wisconsin look comparatively easy. For example, in 1989 researchers from the University of Wisconsin measured temperature variations at the South Pole ranging from −7 °F to −117 °F. The South Pole receives less than a foot of snow per year, yet it is covered by an icesheet that is nearly two-miles thick. Geographically it is 1.5 times the size of the continental United States and a year's worth of supplies must be fit onto the one supply ship that ventures to Antarctica once a year. When the sun goes down on March 21st, it doesn't come up again until September 21st.

This week's activities were not designed simply to draw attention to the Poles, but rather to the work being performed there. The North and South Poles are unique, natural laboratories and offer matchless opportunities to study our environment.

Highlighting the combination of the important and unique research being performed at the Poles and the harsh and dangerous living conditions there is, in my opinion, a great way to make children curious about science and technology. When children are introduced to the conditions at the Poles, they may wonder: How can anything survive in such cold conditions? How do you study geology when the ground's under two miles of ice? How do you get everything you need to the South Pole? How do you fit a year's supply of goods on one ship? Getting kids to ask these questions is the goal of National Science and Technology Week. I think that "Polar Connections" is a terrific theme for National Science and Technology Week, and I am confident that this year's activities will be a great success.

I must add that just as they did last year, the National Science Foundation has once again set up it's "Ask a Scientist or Engineer" phone-bank at 1–888–718–3026. The phonebank will be open on Wednesday, April 29th, from 9:00 am to 8:00 pm. This year's e-mail address is nstw@nsf.gov. More information about National Science and Technology Week can be found at NSF's web-page at www.nsf.gov.

Mr. Speaker, I encourage my fellow Members to strongly support this program, and join with me in celebrating National Science and Technology Week.

A TRIBUTE TO PHYLLIS NEWMAN

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine work and outstanding contributions of Phyllis Newman. Congregation Emanu El of San Bernardino, California will honor Phyllis on June 6th as this year's recipient of the Rabbi Norman F. Feldheym Award for distinguished service to the congregation and community. She will be recognized at a dinner dance which will also commemorate the 107th anniversary of the chartering of the congregation.

The Norman F. Feldheym Award was established to pay tribute to those Members of Congregation Emanu El who have, in their own lives, reflected Rabbi Feldheym's qualities of love for and loyalty to the synagogue, service of the community, as well as evidencing personal traits of humility, loving kindness, care and love. Phyllis Newman has been a particularly devoted leader of Congregation Emanu El through her service as president of its sisterhood and a member of the Board of Directors of the congregation. She has also edited and produced over 15 commemorative journals which have been efforts to raise funds for the congregation. During this time, she has been an inspiring example of generosity and commitment.

Phyllis has also been a very active participant in numerous community organizations including the Assistance League and the San Bernardino Area Mental Health Association. She is also very widely known for her deep devotion to her faith and her family.

Mr. Speaker, I ask that you join me, our colleagues and the many dear friends of Phyllis Newman in recognizing this remarkable woman as she is presented with the Rabbi Norman F. Feldheym Award. It is especially appropriate that this honor is being bestowed at a ceremony also marking the 107th anniversary of the founding of Congregation Emanu El.

MILDRED KIEFER WURF—A VIGOROUS ADVOCATE FOR GIRLS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Ms. NORTON. Mr. Speaker, I rise to pay tribute to Mildred Kiefer Wurf, the distinguished and highly respected Director of Public Policy of Girls Incorporated who has been a powerful voice for girls for nearly three decades.

Mrs. Wurf began her career as a senior staff member on the President's Council on Youth Opportunity and established contacts with more than 175 voluntary and professional organizations for this White House agency, promoting programs for disadvantaged youth within the nonprofit sector and among federal agencies. She has served as an appointee to the U.S. Department of Labor, Citizen Review Commission, Comprehensive Youth Employment Commission, U.S. Travel Service Advisory Committee, U.S. Department of Commerce, and the National Commission on Youth, Kettering Foundation and the Government Relations Committee of the Independent Sector. Mildred Kiefer Wurf served as the founding coordinator of the National Collaboration for Youth, where she brought together directors of 13 national organizations, developed management and funding symposiums, drafted statements on youth issues, wrote testimony and briefed principals and facilitated large youth employment and delinquency prevention grants.

Mr. Speaker, Mrs. Wurf was the first director of the Washington Office of Girls Clubs of America. She monitored hearings and legislation, testified before congressional committees, was responsible for staffing the Expansion, Development and Advocacy Committees of the National Board and originated and wrote a Washington newsletter for affiliates and Board. She has persuasively applied her passion for words both as a spokesperson and as coauthor of Girls, Inc. Advocacy publications that were used to remove barriers, provide gender equity and fight for equitable allocations of resources—"Today's Girls, Tomorrow's Women," "An Action Agenda for Equalizing Girls' Options," "Service Through Advocacy" and "Leadership Through Advocacy."

She has initiated successful collaborations with national women's organizations including the American Association of University Women, National Council of Jewish Women, The Committee of 100 Black Women and the National Federation of Business and Professional Women's Clubs Inc., among others, that resulted in noteworthy initiatives such as the "Women Helping Girls With Choices" Project. She has been an active volunteer serving on the Board of the National Committee for Citizens in Education, Business and Professional Women's Foundation, National Child Research Center, Fund for an OPEN Society, as Board Chair of the Center for Youth Services in Washington, D.C. and on the Advisory Committee of the Center for Early Adolescence at the University of North Carolina. As Director of Public Policy of Girls Incorporated, she continues to monitor issues affecting girls and young women, informs the National Board, staff and affiliates of relevant legislation and public education events, recommends and drafts public policy positions and serves as a strong, smart, bold and "vigorous advocate for girls."

She is the proud and loving mother of a son, Nicholas Wurf of London, England and, a daughter, Abigail Wurf of St. Louis, Missouri.

Mr. Speaker, I ask that this august body join me in applauding Mildred Kiefer Wurf for her dedicated service and exemplary record of highly effective advocacy on behalf of Girls Incorporated and the millions of girls of this nation and extend to her our best wishes for every success in her future endeavors.

TRIBUTE TO THOMAS DUBYNE, DR. VINCENT MASSEY, AND OLD KENT BANK—IMPRESSION 5 SCIENCE CENTER AWARD WINNERS

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Ms. STABENOW. Mr. Speaker, I am proud to recognize Impression 5 as one of the premier science centers in education today. Each year Lansing's Impression 5 announces a series of awards that highlight leadership in the area of science.

As in previous years, this year's recipients have shown a true commitment to science, our students, and education. Science is one of the most challenging important subjects to master. This year's recipients have used their knowledge, leadership and financial means to make science a focus on and outside the classroom and have found innovative ways to help the community appreciate and understand the importance of science.

I am very proud to recognize the following recipients of the 1998 Impression 5 Tribute to Science and Technology winners for Educator of the Year, Scientist of the Year, and Community Service Award.

SCIENCE EDUCATOR OF THE YEAR: THOMAS DUBYNE

As a science teacher at Haslett High School for over 35 years, Mr. DuByne has gained multiple state and national recognitions. He is best known in the community as a teacher committed to his students and the study of science. Whether it is the assistance he provides our elementary teachers, or the countless science fairs and demonstrations he has organized, Mr. DuByne has worked tirelessly on the local not only as a high school teacher, but as a leader in advocating science to young learners.

SCIENTIST OF THE YEAR: DR. VINCENT MASSEY

Dr. Massey is the J. Lawrence Oncley Distinguished University Professor in the Department of Biological Chemistry at the University of Michigan. He is a pioneering biochemist who is known internationally for his studies in the field of flavins and flavoproteins.

COMMUNITY SERVICE AWARD: OLD KENT BANK

Lansing's Old Kent Bank has been recognized for working closely with the Impression 5 Science Center for over twelve years. Through their continuous commitment to the science center and the nonprofit community, Old Kent has played a vital role in the operation of many education activities throughout the Lansing community.

As we continue to head toward the 21st Century, the areas of science and technology are more important. As a member of the House Science and Technology Committee, I am proud to recognize these efforts and offer congratulations and thanks for their continued leadership and excellence in science.

TRIBUTE TO MRS. HORTENSE HUNN

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. BROWN of California. Mr. Speaker, I rise today to recognize Hortense Hunn's years of outstanding achievement and service to the children and families of San Bernardino County, and to bid her a fond farewell as she retires from more than 30 years of service to the Head Start and Preschool Services Programs in San Bernardino County.

Mrs. Hunn has dedicated both her professional and her personal lives to helping improve the lives of those most in need of our community. As the Executive Director of the Preschool Services Department for San Bernardino County, Mrs. Hunn has taken a program that initially served only a handful of children and turned it into an exemplary department that serves over 5,300 children and their families. Under Mrs. Hunn's direction, the Head Start Program has been nationally recognized for its success. Her leadership has also extended well beyond the local area to positions with regional and national committees and organizations.

Mrs. Hunn's personal achievements include: 31 years with the Head Start Program in San Bernardino County; Policy Council Member, Children's Network of San Bernardino County; first President, California Head Start Association; National Head Start Association member; Governor's Child Development Programs Advisory Committee member; Southern California Cluster of Head Start Grantees Advisory Board founder; Black Voice Newspaper's Woman of Achievement for 1992; past Secretary, NAACP; Black Culture Foundation's 1997 Black Rose Award recipient.

Mrs. Hunn has also volunteered as a Board Member of the Cornerstone Christian Preschool, is a member of the Hospitality Committee for New Hope Missionary Baptist Church in San Bernardino, and is a member of the Children's Defense Fund.

Hortense Hunn is a remarkable person. Her dedication and commitment to the community and those less fortunate extends to every aspect of her life. She has touched the lives of countless families, and while she will be sorely missed, she has left San Bernardino County a great legacy and serves as an example for us all. Her new community will undoubtedly benefit greatly from her presence. Mrs. Hunn is truly a friend to all in need and I consider myself very lucky to have worked with her over the years.

TRIBUTE TO ROULETTE AND JESSIE WOLFE

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a wonderful couple, Roulette and Jessie Wolfe. Roulette and Jessie are the classic example of people that work hard, play by the rules, and achieve great success.

They were the kind of people that made you always feel that you were welcome and that they were always happy they saw you. Through hard work, thrift, and fair dealings they achieved financial and personal success.

They were always ready to do their part for the community. It made no difference if it was for the school, town, people in need, or the church they were always there to do their part. They provided a Christian witness by great example. They treated their fellow man with respect and dignity.

Roulette was a self-taught engineer and farmer of great skill. His buildings were always sound and pleasing to the eye. His crops were always the same way.

Their life cannot be described without the mention of Jessie's skills as a fisherman. She was a sport fisherman of great ability and was highly respected in a community of people that contains many skilled in this area.

They gave marriage the image that is was intended to have and were clearly devoted to their family and church. It remains difficult to have church without them in their customary place on the front row of Gillett Methodist Church.

They accepted their lot philosophically and moved on to the next task.

Their life was what Thomas Jefferson had in mind when he envisioned the agrarian society.

They were the kind of people that made America the great Nation it is today.

IN HONOR OF THE RETIREMENT OF MARGARET McCOOK

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. BORSKI. Mr. Speaker, I rise today to congratulate and honor an outstanding volunteer and citizen from my Congressional district who has achieved a long list of community service. Mrs. Margaret "Peg" McCook began her service in politics in 1967 as a Democratic Committee person. She went on to become an Administrative Aide to Senator Joseph F. Smith from 1972 to 1981. Senator Smith became Congressman Smith as a result of a special election and Mrs. McCook then became his Legislative Aide until 1982. Peg then began to work as an Administrative Aide to Senator Vincent Fumo until 1984 when she applied for the position of Bail Commissioner. Peg was sworn in as one of the first Bail Commissioners to serve in the Philadelphia Municipal Court in February of 1984, and finally retired from this position in 1997.

During her thirteen years of service in Municipal Court, Peg won both the adoration and respect from her peers, the Administration, and the Judiciary. She volunteered both her time and services, never hesitating to go above and beyond the call of service. She was even known to bring in some home made specialties, especially when her shift fell on a holiday. It is no wonder she has been affectionately referred to as "mom".

Peg McCook also ran for City Commissioner, and Council Person for the First District, but was narrowly defeated. Along with her various duties she was an advisor to several self help organizations. Peg has become well known and loved throughout the community for her many years of service. Along with all of her political achievements, Peg is also the wife of Joseph McCook, Sr., the mother of eight children, grandmother of seventeen, and great-grandmother of two.

I am proud of Peg McCook and all that she has done for the city of Philadelphia and abroad. She emulates the ideals of citizenship in our country—through her concern for others, her service to the community and active participation in our governments. I wish to congratulate and thank Peg McCook for all that she has accomplished. I hope that she enjoys her years of retirement, and wish her all the best.

IN MEMORY OF STANLEY RADWAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Stanley Radwan, a native of Poland and a famed strongman. Mr. Radwan's life was filled with amazing accomplishments, both physical and mental. He embodied the spirit of a hardworking individual.

Born in Poland in 1908, Radwan was a distinct child from his birth, showing off his strength for childhood friends during his youth. He joined several Polish fraternal organizations and clubs, taking great pride in his Polish heritage. His national pride inspired him to join the Polish navy and learn many languages before World War II. Unfortunately, Radwan was captured by the Nazis and became a prisoner of war at the Bergen-Belsen camp. He became legendary in the camp as he escaped briefly by pushing a brick wall over with his bare hands. Radwan immigrated to the United States after the war and established himself in Northeastern Ohio.

Mr. Radwan, also known as the "Polish Strongman" and the "King of Iron and Steel," wrestled professionally for over twenty years and was never defeated. He amazed his audience with feats of strength including straightening horseshoes, pulling cars with his teeth, and ripping quarters in half. Radwan even demonstrated these talents on the television show "You Asked For It." Radwan also served his new country in many capacities, most notably as a bodyguard for Cleveland officials and a worker in the Cuyahoga County Auditor's Office. He was noted for his clean attendance record and his hard work at the office. Radwan never lost touch with his Polish heritage, hosting a Polish-language radio show and working with Polish organizations. He is survived by two sons, a daughter, and seven grandchildren.

My fellow colleagues, join me in saluting the life of a true "strongman" in all facets of the word: Stanley Radwan.

SAVING SOCIAL SECURITY

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. PACKARD. Mr. Speaker, just a few weeks ago, President Clinton held his first meeting to outline his thoughts on reforming the Social Security system. The problem is, we still don't have any answers.

Although President Clinton won't admit it, Social Security is not financially sound. Statistics show that within the next 15 years, the system will begin to pay out more than it takes in. This means that unless we begin to make changes now, the system could be bankrupt in 30 years.

As a father and grandfather, I am not only concerned about the money I have payed into Social Security over the course of my lifetime, but now my children and grandchildren are putting their hard-earned dollars into the program as well. The worst part is, none of us have any confidence that this money will still be there when we need it.

Mr. Speaker, before our break you asked us to find out how our constituents would like to see the Social Security system reformed. I agree that the only way to create a system that is consistent with what Americans want is to talk to the very people who pay into and benefit from the program.

It is time for us to use the suggestions we heard from our constituents while we were back home and show the President and Social Security can and must be reformed now.

WORKER MEMORIAL DAY

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. ROEMER. Mr. Speaker, for today's observance of Worker Memorial Day, I would like to have the opportunity to recognize a shameful tragedy that millions of Americans must face every day.

Last year, according to the Bureau of Labor Statistics, over 6,000 workers were killed by traumatic injuries, 50,000 workers died of occupational diseases, and 6.2 million suffered injuries on the job. Lamentably, my home state of Indiana has paralleled these statistics by averaging 60 deaths a year.

Today in South Bend, Indiana, community leaders, business owners, and union representatives are gathering to pay tribute to two friends whose deaths hit very close to home. Officer Paul Deguch, member of the Fraternal Order of Police Lodge 36, was struck down in the line of duty by a senseless act of violence. This pointless death has not only shocked our community, but left his family devastated.

Jim Slater, member of the Elevator Constructors Local 57, was also killed on the job this year while working in an elevator shaft. His wife is now without a husband, his three children no longer have a father, and those he knew have lost a great friend.

As Members of Congress we must continue the fight begun at the turn of the century to ensure safety for everyone at their place of employment. Our American workforce is responsible for our booming economy, our high standard of living, and the quality of life which we enjoy. We have made a great deal of progress in the last eighty years, but for Officer Deguch, Jim Slater, and every other worker killed or injured on the job, we must do more.

My prayers go out of the families of those who were taken from us, and I know the rest of our community joins me. I only hope that we in Congress can do more to prevent tragedies like these from happening in the future.

IN RECOGNITION OF HOUSTON'S FIFTH ANNUAL AFRICA DAY

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. BENTSEN. Mr. Speaker, I rise to recognize Houston's fifth annual celebration of Africa Day taking place on Saturday, May 2, 1998.

African Cultural Exchange, Inc. (ACE) initiated Houston's celebration five years ago, joining an international effort to recognize the progress of people of African descent toward social, cultural, and economic freedom. Since its inception, ACE has had five goals and objectives: to exchange culture, arts, and educational programs between African countries and the United States; to build bridges of communication and better understanding; to promote awareness and appreciation of diverse culture; to provide programs and activities for children, youth, and the elderly; and to establish The Africa House as a cultural exchange center to serve all people.

The theme of this year's celebration is "Children of The World—Our Future." Festivities at the University of Houston, Central Campus, will include exhibitions and cultural activities, a soccer tournament, and an awards ceremony to recognize the achievements of children and youth. Other activities will provide opportunities to promote the arts, business, and entrepreneurial awareness and exchange.

The Africa Day celebration is especially timely this year in light of President Clinton's recent trip to Africa. While Africa still faces poverty, malnutrition, disease, unemployment, and terrible conflict in some places, free markets are taking hold, and democracy and peace are making progress. As a genuine partner and friend to the people of Africa, America can make a difference in its future. Cultural exchanges such as Africa Day are essential to bridge the gap and increase awareness and understanding between the United States and Africa.

I congratulate Africa Day on its fifth anniversary and commend the African Cultural Exchange, Inc. and all of the participants and supporters for their dedication to improving U.S.-African relations and to the future of our children and communities. Our continued support of events such as Africa Day will enhance our children's future, their educational development, economic growth, and their quality of life.

RECOGNIZING COURTLAND SEYMOUR WILSON

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Ms. DELAURO. Mr. Speaker, I rise today to recognize Courtland Seymour Wilson, Executive Director of the Hill Development Corporation on the occasion of his 80th birthday. Over the course of his life, Mr. Wilson has built a wonderful legacy of community and political activism that has improved his city and the world in which we live.

Born and raised in New Haven, Mr. Wilson attended school and worked there until enlisting in the United States Army. During World War II he saw active duty in both Italy and North Africa, returning to New Haven in 1945 having achieved the rank of Master Sergeant.

As dedicated an activist as he is a worker, Mr. Wilson's career began as a machinist in several shops in New Haven where he strived to organize his fellow workers. He served on the Executive Committee and as Treasurer of the International Association of Machinists local of the AFL–CIO.

Courtland Wilson did not however, contain his activism to the workplace. His efforts for equality and justice led to his Presidency of the New Haven chapter of the NAACP, and the founding of both the Hill Parent's Association—precursor to the Hill Development Corporation—and the New Haven Black Coalition.

This dynamic synergy of community and job politics led to his transition from machinist to staff activist at Yale University. Mr. Wilson was hired by Yale to desegregate their School of Medicine during a period of hiring and enrollment reforms. From Assistant Dean of Student Affairs at the Medical School, Mr. Wilson moved to Yale-New Haven Hospital's Office of Government and Community Relations where he worked until his "retirement" in 1985. During his tenure at Yale-New Haven, he sat on many local and state governing boards, and is a lecturer at the Yale School of Medicine Department of Psychiatry.

For the past 13 years he has been the Executive Director of the Hill Development Corporation, working diligently to ensure every family's right to decent, affordable housing.

For his countless efforts and contributions to New Haven, Mr. Wilson was given the Elm Award in 1995, the city's highest honor. In addition to his esteemed years of service, Courtland Wilson raised his usually low profile by winning his first elected office, that of Democratic Party Ward Co-Chair, at age 78.

A man who loves life, Courtland Wilson enjoys the company of his wife of 56 years, Ruth, and his children, Courtland H., Jon, Ruthia, and Peter, as well as the company of his many grandchildren and great-grandchildren. As his family and friends gather to celebrate his eight decades of improving our world, I rise today to wish him a happy and healthy birthday, and to thank him for his countless, tireless contributions.

TRIBUTE TO HONOR DOUGLAS KLEPSCH

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. SCHUMER. Mr. Speaker, I am pleased to greet you today as we honor Youth Corps Volunteer, Douglas Klepsch, for his selfless act of bravery.

Douglas Klepsch went beyond the call of duty when he took it upon himself to investigate the cries from a woman who sought help at the Woodhaven-Richmond Hill Ambulance Corps because her kitchen was on fire. That altruistic decision saved eight lives. This outstanding young man is an inspiration to us all. He risked his own life to save the lives of others.

Gathering here today to acknowledge the heroism of Douglas reminds us to continually pay heed to the local heroes of our community. Recognizing Douglas Klepsch will allow us all to take stock in our actions and reflect on how we too can make a difference in our neighbor's lives. I wish Douglas Klepsch success in his future endeavors.

RECOGNIZING MICHIGAN REPRESENTATIVE BOB EMERSON: THE AMERICAN LUNG ASSOCIATION OF MICHIGAN'S 1997 INDIVIDUAL HEALTH ADVOCATE OF THE YEAR AND HURLEY MEDICAL CENTER: THE AMERICAN LUNG ASSOCIATION OF MICHIGAN'S 1997 CORPORATE HEALTH ADVOCATE OF THE YEAR

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Ms. STABENOW. Mr. Speaker, I wish to recognize the American Lung Association of Michigan's 1997 Individual Health Advocate of the Year, Michigan Representative Bob Emerson and the 1997 Corporate Health Advocate of the Year, The Hurley Medical Center.

Bob Emerson was first elected to the Michigan House of Representatives in 1980 and has a 100 percent voting record against tobacco. As past chairperson of the Public Health Subcommittee, he has been a strong advocate against the dangers of smoking and a leader in educating our children of its dangers. Representing the Flint area, Representative Emerson is also the founder and chairperson for the Greater Flint Health Coalition. I am proud to have served in the state legislature with Bob and I know first hand that he is a fighter and champion for our children. And as someone who fought side by side with him against tobacco companies. I am very pleased his work is being acknowledged through this award.

On the corporate level, the Hurley Medical Center has become a national leader in treating Asthma and related illnesses. By sponsoring a summer Asthma camp, children from around Michigan have had the opportunity to enjoy nature and the summer weather in a safe environment. The Medical Center is also responsible for an innovative education program that many other medical organizations across the country have used as an example in effectively treating the disease.

Both award winners overwhelmingly met the criteria set by the American Lung Association of Michigan. The work completed by Representative Emerson and the Hurley Medical Center are wonderful examples for our communities and are rooted in social responsibility, innovation, and activism.

The American Lung Association is one of our county's most important health organizations. Their commitment to our children, public health, and education is unparalleled. I am very proud that our Michigan chapter is one of the strongest in the nation and I thank them for taking the time to recognize the individual and corporate advocates that make a true difference in our communities.

A TRIBUTE TO WILLIAM VON ALVEN

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. MORAN of Virginia. Mr. Speaker, I rise to pay tribute to a great American and resident of Northern Virginia, William H. von Alven, who has served the country faithfully and ably for twenty-six years at the Federal Communications Commission. Mr. von Alven will retire from the FCC on April 30, 1998, and I am pleased to join Congressman FRANK WOLF, FCC Chairman William E. Kennard and the employees of the FCC in congratulating Mr. von Alven on this remarkable accomplishment. Mr. von Alven is seventy-eight years old and has worked right up to the present point.

Mr. von Alven received his B.S. from the University of Idaho where he was elected to membership in Phi Beta Kappa. After pursuing graduate studies in engineering and management at Harvard and UCLA, he worked extensively in the private sector and edited the best selling book Reliability Engineering, which was in print for more than 30 years. Mr. von Alven served as president of many communications industry institutes and societies, and chaired several international conferences. He received the Institute of Electrical and Electronics Engineers Centennial Medal, and a Department of Defense award for his contributions to the Advisory Group on the Reliability of Electronic Equipment. In 1996, he was awarded the Telecommunications Industry Association's Certificate of Recognition and the FCC's Catherine Forester Public Service Award.

Mr. von Alven will retire as a Senior Public Utilities Specialist. He has managed the Part 68 terminal equipment registration program since its inception at the FCC in 1976 and has made many important contributions to the FCC. He will be greatly missed by his friends and colleagues at the Commission. Mr. von Alven is just one example of the many extraordinary federal employees residing in my district. Through his long years of service, he is certainly deserving of special recognition by the Congress.

FORT COLLINS HIGH SCHOOL SCIENCE BOWL TEAM TO COMPETE IN THE NATIONAL SCIENCE BOWL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, the winners of the Rocky Mountain Regional Science Bowl will soon be in Washington, D.C. to compete in the National Science Bowl. Since the regional winners are from my congressional district—The Fourth Congressional District of Colorado—I am especially proud of the young people who worked so hard to come to represent the Rocky Mountain region, the State of Colorado, and their school.

Fort Collins High School truly fielded a Science Bowl team of great accomplishment this year, Mr. Speaker. Our community will be well represented in the competition.

As a member of the Education Committee, I am truly encouraged by these students. Indeed the success we have been working toward as a nation is embodied in the Fort Collins High School team. Despite national test results and international comparisons showing U.S. students lagging, Colorado's Science Bowl champions are proof that American students are capable of high achievement in the field of science.

All hailing from my hometown of Fort Collins, Colorado, the Regional Championship Team consists of the following contestants: Miss Kristin Bjornsen, Mr. Stephen DiVerdi, Mr. Andrew Fangman, Mr. Jeremiah Way, and Mr. Jeremy Zimmerman.

Of course, these students could not have come so far on their own. Behind every successful team is the backdrop of encouragement and leadership. In this case, the students are most fortunate to have the firm backing and guidance of their families.

Surely, the parents of the champions are most proud, and have sacrificed themselves to help their children achieve great victories. They have every right to be proud.

Mr. Speaker, as you and my colleagues know, I have spent the past 10 years in public service working to improve Colorado's education system. My efforts to deliver more resources directly to classrooms, and treat teachers like real professionals have been motivated by my desire to see students achieve their potential.

Within that context, the success of the Fort Collins High School Science Bowl team is a triumph for our entire community, and a real sign that our hard work is paying off by creating school environments where ordinary children can become extraordinary students.

But Mr. Speaker, this day really belongs to the students. Bjornson, DiVerdi, Fangman, Way and Zimmerman are champions all the way. I urge my colleagues to help me welcome these students to their Capital City and wish them well in their pursuit of the National title.

VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. WELDON of Florida. Mr. Speaker, founded more than half a century ago, the Voice of Democracy Scholarship Program allows high school students a chance to compete in a broadcast script writing contest. The competition, sponsored by the Veterans of Foreign Wars and the U.S. Ladies Auxiliary, conducts this annual speech competition and provides the winners with a scholarship. I am very pleased that this year Scott Wilson, 18, from Palm Bay High School was selected as the winner from the state of Florida.

I commend him for his hard work both in this competition and as demonstrated in his academic achievements. In recognition of his selection as the winner of this competition, I am hereby submitting his speech to the CONGRESSIONAL RECORD for printing.

1997–98 VFW VOICE OF DEMOCRACY SCHOLARSHIP COMPETITION "MY VOICE IN OUR DEMOCRACY"

(SCOTT WILSON, FLORIDA WINNER)

Stop and listen. Listen to the past, to the glorious voices of our Democracy. Do you hear them speaking? Their words softly vibrate with each ring of our liberty bell, and echo loudly in the crash of a judge's gavel. They whisper from the forgotten pages of our Constitution, and scream from the dying lips of a fallen soldier. Their words are of freedom, justice, and equality and their voice is the voice of democracy. Stop and look. Look to the future. Behold, the golden sun of the twentieth century casts its final rays over the ever-darkening horizon, and the dawn of a new millennium rises. Yet now, many have forgotten the timber of democracy's magnificent voice. Its whisperings are barely audible now, diminished by the passage of time. The voice of democracy must be amplified by the megaphone of a new generation, so that the America of tomorrow will need not strain to hear its mighty declaration. But it begins with me. I must be the first megaphone. America will hear my voice in our democracy.

In 1775, American democracy was but a newborn babe, struggling to snap the umbilical cord of a tyrannical British monarchy. Lack of unity heightened the struggle, as colonial Tories, too timid to jump from the safety of the nest, clung tightly to their mother country. Meanwhile, true American patriots, few in number, desperately needed a spokesman. And in the Virginian House of Burgesses, Patrick Henry stepped to the platform. Henry strongly felt that the colonists should arm themselves for a war with Britain, in which they would cast off the bitter yoke of political enslavement. He is forever remembered for seven, soul-stirring words which emulated the very heart of the American revolution: "Give me liberty, or give me death!" And later, at the genesis of the American Constitution, Henry was among the creators of the Bill of Rights, which insured the people of their basic freedoms. Yes, in the turbulent age of the Revolution, the voice of freedom was calling, and Patrick Henry answered its call. Today, the voice of freedom is still calling through the corridors of time searching for someone to magnify her majestic voice. I will be that someone, who like Patrick Henry, steps to the platform in defense of freedom's voice. And when I behold the basic freedoms of man covered by a menacing storm of political scheming and deceit, I will help to pull back the clouds to reveal the rainbow of liberties that is the American birthright, and the democratic promise.

Since the passage of the Emancipation Proclamation, the United States has grappled with the issue of racial equality. But like a boxer that beats the air, we have landed few direct punches to the face of inequality's true opponent—discrimination. And even in the 1960's, racism had not yet received its rightful knockout blow. That is, until Dr. Martin Luther King, Jr., stepped into the ring. In August of 1963, 200,000 protesters marched to the Lincoln Memorial, and stood as sheep about its reflecting pool, listening to their shepherd speak these moving words: "I have a dream that one day this nation will rise up and live out the true meaning of its creed: We hold these truths to be self-evident; that all men are created equal." Today, nearly thirty-five years later, we still dream his dream, because when the vote of equality was calling, Dr. Martin Luther King Jr., answered its call. But like freedom's voice, the voice of equality searches for someone new. Here again, I will be that someone, who climbs into the ring of combat. And when I pass through the peaceful fields of equality, freshly trampled by the deafening machine of unfounded discrimination, I will glean from the lives of the past, and sow the seeds of democracy for future generations, so that in due time, they will reap an abundant harvest of racial tranquility.

And now I ask you: As the dawn of the new millennium rises, who will rise up with it, to echo the voice of democracy in the approaching age? Who will it be that opens the eyes of Americans to the truth of human equality? And who will it be that ensures future Americans of their right to freedom and justice? The past is speaking, but will you the future listen? The past is challenging, but will you the future respond? I am listening, and I will respond. I will be the new megaphone, that amplifies the democratic voice when freedom's rainbow cannot be seen, when justice's gavel is strangely mute, and when equality's harvest is trampled underfoot. America will hear me shout: "Freedom!" "Justice" "Equality!" Assuredly, my voice will be heard in our democracy.

IN MEMORY OF WILLIAM M. CAFARO

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. TRAFICANT. Mr. Speaker, I would like to pay tribute to a William M. Cafaro, who passed away recently at the age of 84. This remarkable self-made man contributed greatly to his family, his community and this country. He will be deeply missed.

William, a lifelong resident of Trumbull County, Ohio, emergence as a real estate developer and entrepreneur began in the 1940s with the purchase of property in Youngstown, Ohio. When he sold this property, he used the proceeds for other business investments. The 50's saw Cafaro develop, build and operate neighborhood shopping centers and strip plazas in northeastern Ohio. In the following decades, The Cafaro Co. developed more than 70 commercial properties and expanded into enclosed regional shopping malls in several states including Washington, Ohio, Indiana, West Virginia and Pennsylvania. Cafaro helped change the way America shopped.

Mr. Cafaro will be remembered by the people of the Mahoning Valley as a generous philanthropist and real estate developer. With a $1 million gift, Cafaro was one of the major donors in Youngstown State University's capital campaign. The honors dormitory on the YSU campus bears his name. Other organizations, including Mill Creek Children's Center and St. Anthony Church, have benefitted from his kindness. His business savvy also began early. The shopping mall he opened in Niles, Ohio in 1969 has grown into a retailing and entertainment complex that promises continued growth. Surrounding the mall now are stores and restaurants offering everything from movies to groceries to home improvement goods. Cafaro's last deed for his community was to commit to the construction of a stadium for minor league baseball play. The Cafaro Company will absorb the $7.5 million cost and donate the land for the project. Due to Mr. Cafaro's leadership, the groundbreaking for the stadium will begin in June 1998.

Cafaro was often recognized for his generosity and philanthropic work. On a number of occasions he was named "Man of the Year", including by the Wolves Club National Convention. In 1970, the president of the Republic of Italy made him a Knight of the Order of the Star of Italian Solidarity or Italian Cavalier. Most recently he received a lifetime achievement award from the National Italian American Foundation of Washington, D.C.

Simply by keeping the Cafaro Company headquarters in the Mahoning Valley, Mr. Cafaro showed the vision and pride he had for the area. He was a businessman whose handshake was his bond. A gentleman who honored his family and friends. He had an unparalleled sense of community which is evident nearly everywhere in the Valley.

The citizens of the Mahoning Valley and I mourn with the Cafaro family upon the great loss of this giant among men, William M. Cafaro.

IN HONOR OF POLISH CONSTITUTION DAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. KUCINICH. Mr. Speaker, I rise today in celebration of the two-hundred seventh anniversary of the Polish Constitution. The Polish Constitution of May 3, 1791 established a tradition of democracy and human rights in Poland that continues today.

The Polish Constitution has the honor of being the first Constitution in Europe to give inalienable human and economic rights for all. In the turbulent 1790's of classical Europe, Poland emerged as a beacon for the future of democracy in this unstable land. While other nations surrounding its sovereign borders engaged in revolution and civil war, Poland maintained its integrity for many years under this Constitution.

The rise of Soviet communism in the post-World War II era stemmed the Polish democratic principle for forty years, but under the capable leadership of Lech Walesa, democracy embodied in this Constitution returned to the Eastern European "cradle of democracy." The human and economic rights that were abandoned by years of communist rule returned triumphantly in recent years.

My fellow colleagues, join me in honoring the people of Poland, their long struggle for democracy, and their timeless Constitution.

A TRIBUTE TO THE WEST-HAMPTON BEACH HIGH SCHOOL BOYS BASKETBALL TEAM

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. FORBES. Mr. Speaker, it is with great pride and emotion that I rise today in the House of Representatives to pay tribute to the boys high school basketball team at my alma mater, Westhampton Beach High School, on Long Island. This past weekend, the Hurricanes came home with the school's first ever New York State High School basketball championship trophy.

Stepped in a proud athletic history, the Hurricanes of Westhampton Beach had to climb a steep mountain to attain this landmark championship. In the six years previous to winning the 1998 title, coach Rich Wrase led his team to six straight league titles, three Suffolk County championships and a trip to the state Final Four championship round. Their quest culminated last weekend when the Hurricanes rolled over defending state champion Syracuse-Westhill to win the New York State public school title, then whipped New York City powerhouse Wadleigh High School to win the state Federation Class B championship.

So much credit for Westhampton Beach's 28–0 season success lies in the contributions of its leaders on and off the court. Coach Rick Wrase's disciplined leadership kept these young men focused on winning a state title. On the court, senior point guard Dale Menendez proved himself a team leader by scoring 19 points, adding 5 rebounds and 4 steals in the win over Syracuse-Westhill to earn the Most Valuable Player honors for the Class B Tournament. Senior classmate Jermain Hollman also came up big for the Hurricanes, contributing 22 points, 8 rebounds and 4 assists to earn the Most Valuable Player award in the Federation title game.

As impressive as Menendez's and Hollman's offense contributions are, Westhampton Beach earned its championship with impenetrable team defense. Utilizing an aggressive, trapping attack, the Hurricanes dogged opponents mercilessly, holding Syracuse-Westhill to just 36 points. Then, up by just two points at halftime of the Federation title game, the Hurricane defense stepped up and held previously undefeated Wadleigh to just 19 second half points.

The work ethic and close-net feel of this high school basketball team is a team reflection of my hometown, Westhampton Beach. The entire community is filled with pride for these young men, who have worked hard and sacrificed together to reach this goal. So I ask my colleagues in the U.S. House of Representatives to join me and all my neighbors in saluting the Westhampton Beach Hurricanes, the 1998 New York State high school basketball champions.

TRIBUTE TO VICTIMS OF ARMENIAN GENOCIDE

SPEECH OF

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. WAXMAN. Mr. Speaker, today I wish to commemorate the 83rd Anniversary of the Armenian genocide. On April 24, 1915, more than two hundred Armenian religious, political, and intellectual leaders were arrested and killed. From 1915 to 1923, 1½ million people lost their lives in the slaughter. Another half million lost their homes and property, and watched as the symbols of their religion and culture were destroyed.

Regrettably, the world's inaction in the face of these atrocities sent a message that human rights violations would be tolerated. Hitler and other leaders saw nothing to deter them from waging genocide campaigns against other groups. Today we are still fighting the same kind of hatred in Eastern Europe, Southeast Asia, and other parts of the world.

The Armenians who survived have maintained thriving cultures in the Middle East and built vibrant communities in the United States and around the world. We in Congress join them in honoring the memory of those who perished in the killings, and we use this opportunity to renew and strengthen our commitment to protect human rights around the world.

A TRIBUTE TO LYNN O'SHEA

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. LIPINSKI. Mr. Speaker, today I would like to acknowledge the very special contributions to my community and to humanity in general by an outstanding individual, Ms. Lynn O'Shea.

Lynn O'Shea is best known for her dedication to enriching the lives of people with disabilities, especially in her 15 years of work as Executive Director of Seguin Services. On May 1, 1998, Lynn is leaving Seguin to become Executive Director of a similar agency that is closer to her home.

As an employee of Seguin for 15 years, Lynn has served in many roles. Under her leadership, Seguin has been fiscally sound in the face of continuing funding crises and has grown into a $15 million organization that provides jobs for over 400 people. More notably, Lynn has responded to the growing needs of foster care homes for infants and children with disabilities and severe medical conditions by launching a foster care program that is now recognized as a model in Illinois. Most importantly, Lynn has helped people with developmental disabilities to live and work in the same way their neighbors do, she has broken down barriers to community integration by supporting developmentally disabled adults find jobs in the community, and she has established small single family homes with permanent foster parents.

Lynn is a role model not only for the citizens of Illinois, but for all workers in the social work industry. She is highly regarded in her field among her colleagues in Illinois. Her leadership style and never-say-no attitudes have earned her respect, admiration and love from her management team.

It is with great pleasure that I ask my colleagues to recognize her accomplishments and to thank Lynn for her extraordinary work, leadership and dedication to helping citizens throughout the state of Illinois.

ELIZABETH PORTUGUESE LIONS CLUB TO DEDICATE "LION TRIANGLE MONUMENT"

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize the Elizabeth, New Jersey Portuguese Lions Club and congratulate its members for all they have done for the community. For their tireless efforts, the "Lion Triangle Monument" is being dedicated in their honor. The Monument will be unveiled on Saturday, April 25, at the corners of Elmora Avenue and West Grand Street in Elizabeth.

Since its establishment in 1979, the Elizabeth Portuguese Lions Club has raised funds for its community-based projects, ranging from soup kitchens to the establishment of the Elizabeth Portuguese Leo Club, the youth branch of the club. Last year alone, the club raised over $15,000 for community projects.

It is only fitting that the Elizabeth Portuguese Lions Club's motto, "Our City; Our Nation; Our Neighborhood," will be printed on the tiled sides of the monument along with images of Elizabeth, hand-printed by Fernando Silva. The project, a truly magnificent work of art, will not only serve as a symbol for the club's continued commitment to its community, but will also bring pride and beauty to the neighborhood.

I would especially like to thank the president of the club, Helena Goncalves, her board, the members of the club, as well as the prominent elected officials—Freeholder Donald Goncalves, Councilman Manny Grova Jr., and Councilman Tony Monteiro—for all their contributions to the project. Special thanks and congratulations go out to Nelson Goncalves, past Governor of the Lion's District 16–E, who has just been appointed as New Jersey State Chairman for the Lions. These selfless individuals will be on hand, along with members of the Union County Board of Chosen Freeholders, to celebrate this gala event.

RECOGNIZING THE ACHIEVEMENTS OF RIVERBANK ARMY AMMUNITION PLANT

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. CONDIT. Mr. Speaker, I rise today to recognize the achievements of Riverbank Army Ammunition Plant, the Army's only producer of cold drawn casings for mortar rounds, for its receiving of the Secretary of the Army 1997 Environmental Award for Installation Environmental Cleanup during a ceremony held on Monday, April 27, 1998.

The Army awards panel selected Riverbank AAP for its efforts in putting together a string of environmental accomplishments while cleaning up groundwater contamination on and around the installation.

The Army industrial installation, located near Riverbank, CA in the 18th Congressional District is on schedule to complete its cleanup program nearly 20 years early, saving the government millions of dollars.

Riverbank AAP achieved a number of environmental firsts during their cleanup program. It was the first federal NPL facility to complete a final record of decision marking the end of all environmental investigations and the start of final cleanup.

It was also the first federal facility to earn an installation-wide construction complete status from the EPA signifying that all remedial actions were in place and the program could move into long-term monitoring and operations phase.

Riverbank AAP continues to push for deletion from the NPL, saying there is no longer a threat to human health from the groundwater contamination that initiated the cleanup efforts.

"If the EPA looked at Riverbank today, there would be no risk to human health," said Jim Gansel, the Commander's representative at Riverbank AAP. Gansel credits the installation's environmental successes to a strong community relations program. "Our relationship with the community of Riverbank is the basis of everything we have accomplished here," he said.

Each year, the Secretary of the Army's environmental awards recognize, installation, team or individual efforts in Environmental Quality, Pollution Prevention, Pollution Prevention Weapons Acquisition, Recycling, Environmental Cleanup, Natural Resources Conservation and Cultural Resources Management. A total of 15 awards—10 installation, one team and four individual—are presented.

I consider it an honor and a privilege to represent Riverbank AAP.

150TH ANNIVERSARY OF THE WESTERN PENNSYLVANIA HOSPITAL FOUNDATION

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. COYNE. Mr. Speaker, I rise today to mark an important anniversary. This year, the Western Pennsylvania Hospital is celebrating its 150th year of providing quality health care to the people of southwestern Pennsylvania.

Founded in 1848, Western Pennsylvania Hospital was the first chartered hospital west of the Allegheny Mountains. The Hospital has grown and evolved over the years, but it has always been known for its quality of care and its commitment to the community. Today, the Hospital is a 542-bed tertiary-care medical center with a staff of 620 dedicated health care professionals. The Hospital provides a full range of health care services, including treatment for cancer, high-risk pregnancies, diabetes, cardiovascular disease and burns. The Hospital supports an active medical research program and operates a school of nursing that has graduated over 3,500 students.

The Western Pennsylvania Hospital is known especially for its treatment of brain tumors. In fact, the Hospital is one of only 13 hospitals in the world using the Peacock System to treat such tumors. The Peacock System utilizes detailed computerized mapping of the brain to target radiation precisely at brain tumors—which prevents damage to the surrounding healthy brain tissue.

Western Pennsylvania Hospital is also well known for its work in treating burn victims. Not only does the Hospital operate a Burn Trauma Center to treat burn victims; it also operates a summer camp for burned children and a Back to School Program for children with burns.

The Western Pennsylvania Hospital is an outstanding institution of healing and learning which has served the people of western Pennsylvania with professionalism and compassion for the last 150 years. I commend the employees and volunteers of the Western Pennsylvania Hospital for all of their good works, and I wish them well as they continue to provide high-quality health care services to the communities of western Pennsylvania in the coming years.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION REAUTHORIZATION ACT OF 1998

SPEECH OF

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1998

Mr. SENSENBRENNER. Mr. Speaker, I rise today in support of an important provision in H.R. 2691, the National Highway Traffic Safety Administration (NHTSA) Reauthorization Act, which prohibits NHTSA from lobbying at the state or local level. The provision is consistent with current federal law which prohibits federal agencies from lobbying Congress. In legislation considered by the House Committee on Science last year, I included similar anti-lobbying language to prohibit the Department of Transportation from lobbying state and local elected officials. I am pleased H.R. 2691 includes the anti-lobbying provision.

In 1996, Congress voted to repeal a provision of the Intermodal Surface Transportation Efficiency Act (ISTEA) that penalized states without mandatory motorcycle helmet laws. By repealing the helmet penalty provisions of ISTEA, Congress determined that the issue of motorcycle safety was best determined by each individual state without a one-size-fits-all mandate from the federal government. Since that time, however, the U.S. General Accounting Office has determined that NHTSA has engaged in an active lobbying campaign to persuade states to enact laws mandating that motorcycle riders wear helmets. I strongly supported repealing the coercive and unfair helmet law penalties on states in 1996 and I further support the provisions of H.R. 2691 prohibiting the use of federal funds to lobby at the state and local level. I do not believe lobbying by any federal agency at the federal, state or local level is an appropriate use of tax-payer dollars.

TRIBUTE TO THE HILLSIDE COMMUNITY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. PAYNE. Mr. Speaker, I would like to take a moment to pay tribute to a special community and township in my District. On Wednesday, April 29, 1998 the Township of Hillside will celebrate its 85th anniversary. This vibrant municipality was officially founded on April 3, 1913. Lengthy debate over secession from Union Township preceded the official signing of the Bill, by then Governor James F. Fielder, which would establish its boundaries.

Nestled between Newark and Elizabeth, Hillside initially offered a passage route between these port cities. A railroad system proved to be an important link to transport items delivered through the port of Newark and Elizabeth, as well as residential commuters. This link through the suburban industrial town attracted many companies, including Bristol Meyers, which chose to by-pass larger urban centers.

Hillside is a diverse Township which is reflective of our nation's unique ethnic and cultural blend. During the late 19th century immigrants from Italy, Poland, the Ukraine, Germany and many other countries established themselves in the area. Many of these immigrants entered the United States through historic Ellis Island. Later, more African Americans and Hispanics settled in the Township. Ultimately there would be at least 25 different ethnic groups residing in Hillside.

These diverse cultures have produced a rich amalgamation of religion and tradition. Each has contributed to the growth and progress of the township. Of course, this is a source of tremendous pride for me.

Hillside has and continues to move with pride toward the future and I would like to acknowledge and congratulate all of the citizens of the Township of Hillside on this very special 85th Anniversary Celebration.

A.M. ROSENTHAL ON TARGET AGAIN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. GILMAN. Mr. Speaker, I want to take this opportunity to share with my colleagues yet another insightful opinion piece written by veteran New York Times journalist, A.M. Rosenthal. Today, our House of Representatives will consider legislation that expresses the sense of the Congress on the occasion of the 50th anniversary of the founding of the modern State of Israel, reaffirming the bonds of friendship and cooperation between the United States and Israel.

Mr. Rosenthal's article, however, skillfully describes some of the left-handed compliments that are coming Israel's way from too many media outlets. Yet what Israel has accomplished in the past five decades, in the face of hostility on its every border, is nothing short of miraculous.

Accordingly, Mr. Speaker, because Mr. Rosenthal's remarks are so timely and deserving of special attention, I would like to share them with my colleagues. Accordingly, I am inserting the Rosenthal article into the CONGRESSIONAL RECORD.

[From the New York Times, April 28, 1998]

GIFTS FOR ISRAEL

(By A.M. Rosenthal)

On Israel's 50th anniversary, its friends can give the country certain gifts of importance. They can recognize Israel's achievements and take joy from then. And they can accept without denial or flinching the fact that after a half-century Israel's neighbors still want it dead.

So far, Israel has not received many gifts from my crowd—journalists. Much of the magazine, newspaper and TV coverage and assessment of Israel—not all, but too much—has ranged from delightedly doleful to dolefully despairing.

Israel's economic, societal and scientific successes have been mentioned. But not often is it pointed out that they were attained in the face of decades of hatred and attack from Arab nations and movements.

The contrary—almost always Israel's problems are now being presented if they are entirely self-inflicted. Arabs are presented as if they are always simply reacting to Israel refusal to accept their reasonable demands that the Jews just clear out of more territory because it does not really belong to them.

American public support for Israel rises and for Yasir Arafat declines. But U.S. and European journalism is increasingly sympathetic to the Palestinians and unpleasant about Israel.

To each his own vision. To my eyes, and to those of the majority of Americans, Israel is one of history's soaring proclamations of mankind's worth to itself and its Creator.

These days it is not said much anymore, which is a pity, but Israel did indeed begin with nothing much more than sand, hope and belief. And yes, 50 years later it is indeed the Mideast's only democracy, a growing center of science, technology, art, music.

Israel is not a dirge—but a country; how happy the thought.

And I find emotion entirely permissible about Israel's ability to maintain life and progress though its neighbors have imposed an absence of peace for a half-century.

But about dangers to Israeli survival, cool is best. And stepping back coolly we see the realities.

One is that Israel may work out agreement with Palestinians—if they want it enough to agree to conditions that will give Israel security of borders and the end of terrorism. The agreement would bring respite that could grow into a peace of some years.

But another reality is that agreement on Palestine would not bring permanent peace. Ask ourselves, would Mideast rulers, the worker-merchant "street" and religious and intellectual establishments accept an Israel forever growing in skills and strength—or in their dreams and desires want Israel extinguished, and work toward the day?

Run them through the mind: Syria, Libya, Egypt, Saudi Arabia, the gulf sheikdoms, the Sudan, Algeria, Iraq, Iran.

The hatred against Israel these countries receive, accept and pass on as heritage and religious obligation—would it vanish with an independent Palestine or would it continue in them, and in Palestine too?

If Iran and Iraq develop chemical, nuclear and biological weapons, will they strike against Israel? Would other Arabs extend sympathy to Israel—or dance on rooftops and scream their passion to kill Jews? Would the West take the risk of world war to rescue Israel?

We know the answers. Permanent peace in the Mideast will not come until sufficient Arab peoples replace dictatorship—fundamentalist, religious, military or terrorist—with democratic religious and political freedoms.

Then perhaps the Muslim governments will end the feuds among themselves that are the central cause of Mideast wars. Then perhaps they will even try to end the hatred of Israeli existence that infests the Mideast with the threat of war against Israel.

Freedom may happen in the Mideast, as in so many other places. But it will come slowly, fitfully.

Meantime, will Israel stand strong at arms, maintaining military power not for victory over another country but for defense?

Will the U.S. remain a friend or become a harassment? Will some foreign and Israeli Jews push their religious and political hostility against Israeli governments so long and hard that they sap Israel's strength, will power and self-belief, as Israel awaits Arab conversion to democracy?

From friends of Israel, cool questions in themselves are gifts to Israel—and to one another.

JOHN E. BARRIERE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. FRANK of Massachusetts. Mr. Speaker, one of the most important and under appreciated aspects of the workings of our democracy is the extraordinarily dedicated and able work done by the professional staffs who serve those of us who have been elected to Congress. While it is popular to mock people who work in the political and legislative system, in fact their contribution represents one of the great bargains the American people receive. Our work is enormously helped by the large number of extremely talented and dedicated people who put in extremely long hours helping us make public policy, at far less compensation than most of them would receive in almost any other occupation.

I thought of that recently Mr. Speaker when I learned of the death of an extremely dedicated creative individual who is one of those who helped set the model for the kind of professional policy advisor on whom we are now so dependent. His name is John Barriere, and he came to Washington 50 years ago. Sadly, John Barriere died last week at the age of 78, and he left behind him a legacy of extraordinary service to democracy. I was recently reminded by Gerry McMurray, a former Chief of Staff of the Housing Subcommittee of the House Banking Committee, that Mr. Barriere was the first man to be a professional staff member of that subcommittee, having helped bring it into existence 43 years ago, and serving as its Staff Director until 1964. Because of the great ability he showed in that position, he was chosen by Speaker John McCormack in 1964 to be the first policy staff advisor to the Speaker, and he was the Executive Director—and heart and soul—of the Democratic Steering and Policy Committee until 1978. Among the pieces of legislation that he played an indispensable role in bringing to passage were the Civil Rights Act of 1964, the Voting Rights Act of 1965 and the Civil Rights Act of 1968—that extraordinarily important set of bills that helped break the back of legal racism in America.

He worked closely with Richard Bolling during his chairmanship of the Rules Committee in bringing forward the Congressional Reform Act of 1974 and 1976, and the Budget Act of 1974.

Indeed, along with John McCormack, Richard Bolling, Harry Truman and Senator Robert Wagner recognized John's great ability and put him to work. In other words Mr. Speaker he was a man whose great ability and equally great willingness to serve proved to be an important asset for a series of leaders in our governing processes.

I was pleased myself to meet him more than 30 years ago, when in the service of the gubernatorial campaign of the late Edward

McCormack, a nephew of the Speaker, I came to Washington to do some research on federal issues. I was then a young graduate student in political science, and meeting John Barriere, and listening to him describe the interaction of the legislative process, politics, and substantive policy was an extraordinary education which I never forgot.

Many years later, when my domestic partner, Herb Moses, went to work at FannieMae, I was delighted to learn that one of his co-workers was Laura Barriere, the daughter of John, and vicariously through Laura I was able to renew that acquaintance. I was saddened by news of his death, and Herb and I send our condolences to Laura, and the rest of the family. And I wanted to note here the passing of this man who quietly, but very effectively, did so much to set a pattern of professional service in the House from which we continue to benefit.

SALUTE TO RUSS MUELLER ON HIS 25TH ANNIVERSARY WITH HOUSE

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. GOODLING. Mr. Speaker, I am pleased to recognize and honor a member of the staff of the Committee on Education and Workforce, Mr. Russ Mueller, on his 25th anniversary with the Committee.

Russ came to the Committee staff in the middle of the Congressional debate on the legislation that was subsequently passed and became known as ERISA—the Employee Retirement Income Security Act. Since then, for many of us, Russ and ERISA have become almost synonymous. John Erlenborn and Al Quie, the Ranking Members of the full committee and subcommittee at the time, wanted a staff member who understood the intricacies of pension financing and other employee benefits. So they brought in Russ, who was, and is, a certified actuary. Twenty five years later Russ is still setting Members of Congress straight on the intricacies of employee benefits.

Along the way Russ has worked on a lot of major legislation. I suspect that some of his prouder accomplishments have been in helping to stop a lot of bad ideas—like the Clinton health care proposal a few years ago, on which he worked day and night for weeks on end to point out the foreseen and unforeseen consequences of that government take over of health care.

All of us who have worked with Russ know of his knowledge in the employee benefits area and of his commitment to legislative craftsmanship. He truly is one of our experts in these complex issues and has worked untiringly on behalf of our voluntary, employment based health care and benefits system. Along the way he has found time to be an avid golfer and fisherman, and dedicated father. I am pleased to recognize and salute Russ for his 25 years of service to the Committee, the Congress and to our country. I wish him many more years of good health and continued good service.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. KIND. Mr. Speaker, over the past week the debate on campaign finance reform has shifted, from when we will get a vote to what kind of reform will we actually see. The leadership has chosen the Bipartisan Campaign Integrity Act, H.R. 2183, as the base bill that will be considered on the floor. I applaud that choice. This bill was drafted after a fifteen month process of bipartisan give and take among freshmen members of Congress. I am pleased to have been an original member of that task force.

The Bipartisan Campaign Integrity Act is the only bill that was drafted as a truly bipartisan effort to take the big money out of the political system. H.R. 2183 does not contain any poison pills and does not unfairly impact one political party over the other. This legislation does not go as far in changing the system as most members of the task force wanted, however, we all recognized that this was the only way campaign finance legislation could pass this year. This bill takes the biggest influences of money in the system out of our campaigns. Passage of H.R. 2183 will be a significant step forward in returning our elections back to the people whom we are sworn to represent.

Mr. Speaker, I commend you for giving in to the pressure of the public and allowing a vote on campaign finance reform. I hope my colleagues will join me in supporting H.R. 2183, the Bipartisan Campaign Integrity Act.

WE SHOULD PASS THE AFRICA TRADE BILL

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. McDERMOTT. Mr. Speaker, "We Should Pass the Africa Bill," an editorial written by Senator RICHARD LUGAR of Indiana was printed in the Wednesday, April 22, 1998, edition of the Washington Post. In the article Mr. LUGAR describes the broad support for the Africa Growth and Opportunity Act, which included: House leadership, the Clinton administration, the business community and the African diplomatic corps, and led to the passage of this historic legislation by the House of Representatives on March 11, 1998. Mr. Speaker, I am entering for the RECORD the editorial written by Senator RICHARD LUGAR of Indiana.

WE SHOULD PASS THE AFRICA BILL

(By Richard Lugar)

Last month the House of Representatives approved the African Growth and Opportunity Act on a bipartisan vote of 233 to 186. The bill commanded support from the House leadership, the Clinton administration, the business community, the African diplomatic corps and representatives from all sides of the political spectrum. Action on the bill now shifts to the Senate, where the Finance Committee has jurisdiction. Enactment of this bill will signal a dramatic and constructive turning point in U.S.-African relations and mark a historic moment in our ties with the states of sub-Saharan Africa.

Last year I introduced S. 778, the Senate version of the original House bill. I took that initiative because I believed the United States must seize the opportunity presented by the end of the Cold War and the fundamental changes already underway in Africa. We should reinforce efforts to promote economic growth and stability and to provide new opportunities for American investors and trade.

The bill seeks to promote economic growth in Africa through enhanced private-sector activity and trade incentives for countries making serious and verifiable economic and political reforms. It seeks to reorient U.S. Africa policy from being based largely on foreign assistance to being based on increased trade, investment, self-help and serious engagement. It is a modest bill that requires no new public appropriations, but it could provide substantial economic opportunities for the United States and African societies.

Two years ago, as I campaigned in the Republican presidential primaries, I spoke on the need for a positive and coherent American policy toward Africa. These remarks came as surprise to many; some responded with bewilderment. They asked why a Republican presidential candidate would talk about Africa. The answer lies, in part, with the underlying rationale behind the African Growth and Opportunity Act, namely that the United States should elevate its policy toward Africa to a level commensurate with Africa's growing importance.

Sub-Saharan Africa can be a new frontier for American trade, investment and economic development. It can be a frontier for the expansion of democracy and market-based economies. It can be a frontier for cooperation in dealing with strategic global problems relating to narcotics, international crime, terrorism, infectious diseases and the environment. Success on each of these foreign policy priorities is important to the United States and to African societies, and it can best be achieved in an Africa that is economically open and politically more accountable and transparent. But this will not happen soon or without tremendous cooperative effort.

Beyond the promise of more prosperity and more stability on the continent, the Africa bill encourages African countries to undertake fundamental political and economic reforms in order to qualify for the trade and investment incentives. It places the burden on African leaders to take initiatives to help themselves. Many have already done so. Those countries that engage in gross violations of human rights, fail to eliminate trade and investment barriers or to improve fiscal policies, or that reject good governance and rule-of-law standards, would not be eligible for duty-free treatment of products under the Generalized System of Preferences, participation in debt reduction programs, projects managed by the Overseas Private Investment Corp., or other trade and investment programs in the bill.

No one can argue that this legislation will transform Africa overnight. But as Africa develops economically, we will benefit by assisting in that growth as new markets develop and mature. Indeed, U.S. exports to sub-Saharan Africa have increased by some 14 percent over the past two years, and bilateral trade now exceeds trade with all the states of the former Soviet Union.

The Africa bill is one of those rare pieces of legislation that has not been inspired by dire crisis, imminent threat or strong domestic pressure. It emerged from the realization that Africa has long been a neglected region of the world and that this neglect does not serve U.S. interests. The bill is visionary in that it acknowledges that Africa is changing, that the United States wants to be a partner in that change, and that we wish to share in Africa's better future. If the United States is a major player in Africa's economic and political transition, we will also be a major beneficiary.

FROM DIPLOMA TO DOCTORATE: 100 YEARS IN THE EVOLUTION OF THE UNIVERSITY OF TENNESSEE, MEMPHIS COLLEGE OF NURSING

HON. ED BRYANT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. BRYANT. Mr. Speaker, I would like to recognize the special annivesary of the Univ. of Tennessee Memphis School of Nursing.

Memphis City Hospital and its school of nursing, identified as the Memphis City Hospital School of Nursing, opened in 1989. Lena Angevine Warner was appointed as Superintendent of Nurses and Director of the School. She is identified as the founder of the School of Nursing that later became part of the University of Tennessee. She resigned in 1900 to serve as an Army contract nurse in Cuba and later served with the Walter Reed Commission that studied yellow fever.

The first class of eight graduated in June, 1900 from the Memphis City Hospital School of Nursing. A 3-year curriculum was implemented in 1913.

By contract with the City of Memphis signed July 22, 1926, "The School of Nursing has been launched on a University basis." The Memphis General Hospital furnished space and equipment and the University of Tennessee provided two nursing faculty members and instruction from its medical college faculty. Miss Winifred Atkinson, director of nursing for the hospital and the school from 1923–1926 was instrumental in bringing about this relationship with the University.

John Gaston Hospital replaced the old General Hospital in 1936. WWII brought practice blackouts and a shortage of nursing faculty and students. UT participated in the U.S. Cadet Nurse Program. Two graduates of the UT School of Nursing—Lts. Imogene Kennedy and Inez McDonald—were captured by the Japanese on with the surrender of U.S. Troops on Corregidor, Philippines. They were prisoners of war from 1942 until early 1945. Miss Ruth Neil Murry became Educational Director of the School in 1944 and Director in 1946.

A 4-year program leading to the BSN began in 1950 and the diploma program phased out in 1954. Under the leadership of Ruth Neil Murry, the school became autonomous in 1949. Murry, the first Dean, served until December 1977.

The City Hospital contract was amended in 1958 and major curriculum change occurred. National accreditation was awarded in 1960. The school achieved College status in February 1961.

The master's program in nursing admitted its first students in Summer, 1973. Family nurse practitioner and psychiatric-mental health were the initial offerings.

Dr. Michael Carter became Dean late in 1982 and continues in that role. Faculty and Dean Michael Carter placed increasing emphasis on research and practice in the mid 1980s. The college moved into a new building. In 1988 the Doctor of Philosophy with a major in Nursing began. The first PhD in Nursing was awarded in 1992 to June Hansen Larabee.

Over 4,500 nurses have been educated by The University of Tennessee, Memphis College of Nursing.

TRIBUTE TO DON BYE

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. OBERSTAR. Mr. Speaker, I rise today to pay tribute to Don Bye of Duluth, Minnesota.

Don has rendered long, distinguished, and dedicated service to the City of Duluth, Minnesota's 8th Congressional District, and all of Northern Minnesota. For more than a quarter century, he has served Northern Minnesota in numerous ways through his multifaceted political and community activism.

In particular, I wish to note that Don Bye has completed over a quarter century of service as Chairman of the 8th Congressional District's Democratic-Farmer-Labor (DEL) party and is now entering his 27th year in that capacity. That makes him the longest continuously serving Chairman of any of Minnesota's eight Congressional District DFL committees. I know I am joined by DLFers throughout our district in saying a heartfelt thanks to Don for his tireless, selfless service. Don Bye's greatest contribution has been to show people how to work together. He has brought together individuals with diverse and sometimes contentions positions through his dedication, hard work, and diplomacy. In large part because of his efforts, the 8th District DFL Party has a cohesiveness that is envied by other political groups in the State of Minnesota.

When redistricting was completed following the 1990 census, Don moved quickly to contact county unit chairs from the newly added sections of Minnesota's 8th Congressional District. He made sure that people from Sheburne and Benton counties felt welcome in their new Congressional District and included them early on in activities of the 8th District unit, including important leadership positions.

Don Bye has been a practicing attorney for more than 30 years. He assisted numerous clients in the areas of labor and employment law, public sector labor law, employment discrimination and personal injury law. He was a Member of the Minnesota State Board of Governors from 1989–1992.

Don Bye was instrumental in starting two programs that affected thousands of people in Duluth: the Share Food Drive and Kids Voting USA. In 1982, Don has an idea for a citywide effort to benefit those less fortunate, known as the Share Food Drive. Don recruited a staff person to organize the new program, and enlisted volunteers from the Duluth area. One weekend a year, boy scouts, union members, and other volunteers go door-to-door collecting food items and cash from Duluth residents. Local trucking companies donate the use of trucks, union members volunteer to drive the trucks, and church organizations offer the use of buildings to assist in the effort. The Share Food Drive generates 20,000 to 40,000 pounds of food a year for the Duluth Food Shelf.

Don Bye knows the future of our country lies in the hands of America's youth, which inspired him to initiate the Kids Voting USA project in Duluth—the first community in Minnesota to participate in Kids Voting USA. Don also served on the original organizing committee. Don and his fellow volunteers, by donating their time and money, made Duluth's Kids Voting USA project a model for the nation. He brought people together and got them excited about the idea of giving school children the chance to participate in the electoral process on Election Day. Under this project, children can pick up a ballot at the polls and vote at their own booth at the same time that the parents are casting their official ballots. Local schools also participate by exposing students to the political process in their social studies and civics classes.

Six thousands school children in Duluth participated in Kids Voting USA in 1994, the first year of the program. By 1996, 31,000 children in ten communities in Northern Minnesota had joined in exercising the privilege enjoyed by millions of American citizens—casting a ballot for candidates for elective public office. Democracy will benefit in the years to come from young people inspired so early in their lives by this unique opportunity to participate in the election process.

I am proud and honored to share with my colleagues this brief, but deserved tribute to Don Bye, who has given so much of himself to enrich the lives of others and to serve his community.

HONORING COSMOPOLITAN CLUB OF ELGIN'S DISTINGUISHED SERVICE AWARD RECIPIENT

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. HASTERT. Mr. Speaker, I rise today to honor Ms. Susan Rakow, the recipient of this year's Cosmopolitan Club of Elgin's Distinguished Service Award.

The Award is sponsored by the Cosmopolitan Club of the City of Elgin, Illinois, and Ms. Rakow is truly worthy of this honor. She has spent countless hours serving the community of Elgin in a variety of roles, and her contributions have been many.

Honored by the Altrusa International Club of Elgin with its Woman of the Year Award in 1997, and by the YWCA with its Marjorie

Leonard Community Service Award in 1988, Ms. Rakow has served on the boards of the Jayne Shover Easter Seal Center, the Elgin Symphony, and the Sherman Hospital Auxiliary. She has also been active with Elgin U-46 public schools, serving both as a substitute teacher and as a member of the Instructional Council, has served as President of the Elgin Enrichment Series for several years and has been active in her local church.

Mr. Speaker, I congratulate the Cosmopolitan Club of Elgin, Illinois in my district on their selection, and urge you and my colleagues to join me in honoring Ms. Susan Rakow for her years of service to her community and for her selection as this year's recipient of the Cosmopolitan Club of Elgin's Distinguished Service Award.

TRIBUTE TO HUBERT "DUDER" DUDERSTADT

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to Hubert "Duder" Duderstadt.

Duder was a child immigrant from Germany. He came to this country with almost nothing and was a classic example of the success immigrants represent to this nation and what they have added to the culture we all enjoy today.

Duder was an example of what hard work and clean living will do.

Married to the same woman, Alberta, for 56 years, raising three successful children and achieving ownership of his own farm were measures of such success.

He clearly fulfilled the Will Rogers comment "I never met a man I didn't like," and it was always a pleasure to run into Duder. He was an accomplished farmer and wine maker and greatly appreciated by the community.

Always ready to do his part for the community, civic club, school, church, or profession, he never failed to pitch in.

He demonstrated by example what it means to be a Christian, good citizen, successful farmer, husband, and father.

He will be remembered, as we say in Gillett, Arkansas, as "a good man."

A TRIBUTE TO THE COMMUNITY COALITION PROJECT

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and dedication of a group of outstanding teachers, staff, and other individuals to the students of San Bernardino County, California. On May 12th, the San Bernardino County Superintendent of Schools will honor some of the finest teachers in California at a Celebration of Excellence, a dinner and recognition program honoring the work of the Community Coalition project.

The Community Coalition is a countywide partnership project established to respond to the needs of public education through collaborative partnerships. As a result of this effort, successful programs have been put in place for San Bernardino County students in the areas of literacy, technology, school safety and career preparation. Clearly, the success of this project is tied directly to the teachers, staff and other partners who have worked diligently on this effort within the last three years.

The teachers who will be honored for their work with early literacy include Diane Harlan, Celeste Danjou, Dawn Fletcher, Sue Rhoades, Mary Gee, Terry Rogers, Audrey Howard, Tine Pelletier, Donna Libutti, Luanne Rhodes, Patty Dipaolo, Audrey Folden, Helen Rockett, Hester Turpin, Ava Gonick, Susan Birrell, Vickie Holman, Aleen Massey, Liz Fragua, Cathy Richardson, Joan Carey, Sue Cornell, Lynne Merryfield, Arlene Mistretta, Janie Pierson, Darwin Ruhle, Iris Tramp, Denie Cates-Darnell, Caroleen Cosand, Jean Fenn, Carol Besser, Londa Carter, Denise Dugger, Cynthia Freymueller, Rachael Emery, Judy Lowrie, Marge Ruffalo, Laura Chapman, Luis Ibarra, Chris Richards, and Melody Davidsmeier.

Being recognized for their work in technology education are Jim Roller, Steve Bailey, Cindy Robinson, Ruthetta Brandt, Leandra Pearson, Kathy Gilbert, Jim Evans, Noelle Kreider, Alexis Carlson, John Patten, Bob Watson, and Linda Jungwirth. Those praised for their work on the focus on the future include Judith Pratt, Michelle Beutler, Dr. Bill Clark, Carrie Childress, Jeff Drozd, Patricia Merriam, Skip Brown, Laura Brundige, Jerry Bennett, Geri Kubanek-York, Jere Lloyd, Leslie Rodden, and Pam Stockard.

In addition, the following individuals will be recognized for their work with school safety; Norma Ashworth, Robert Martinez, David Mann, Beth Henry, Sally Foster, Marc Divine, Cathy Magana, Tim Kelleghan, Tina Maeda, Jimmie Jimenez, Rich Laabs, Michael Vance, Debbie Fairfax, and Joe Kaempher.

Mr. Speaker, I ask you to join me and our colleagues in recognizing the fine work of these individuals. Barry Pulliam, the County Superintendent of Schools is also worthy of praise for his outstanding leadership on the Community Coalition project. Efforts to educate our students and prepare them for the future are certainly worthy of our recognition and it is only fitting that the House pay tribute to these fine citizens today.

REMEMBERING REV. CLAUDE HEITHAUS—"A CIVIL RIGHTS TRAILBLAZER"

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. CLAY. Mr. Speaker. Trailblazers are people who take chances and stand up for what's right, even when the status quo tells them the time is "not right". Trailblazers change the course of history, as Rev. Claude Heithaus did at Saint Louis University on a day in February 1944 when he delivered a sermon that led to integration in higher education in the city of St. Louis. As a proud alumnus of Saint Louis University and beneficiary of Rev. Heithaus' courageous actions, I commend to our colleagues the April 14, 1998 St. Louis Post Dispatch article, titled "Priest led the fight for university integration", which tells of the great sacrifice Rev. Heithaus made for the benefit of racial harmony. It is my hope that our colleagues in the struggle for racial equality and justice will find strength in this story.

PRIEST LED FIGHT FOR UNIVERSITY INTEGRATION

(By Paul Shore)

St. Louis is rich in history, and we honor those who have contributed to its history in a number of ways: by naming parks, streets, hospitals and schools after them, or by keeping their memory alive by dedicating a civic project or program to them. Yet an important figure in the history of our city continues to go largely unacknowledged. His name was Claude Heithaus, and this spring marks the 100th anniversary of his birth.

Before Brown vs. the Board of Education had made its way to the Supreme Court in 1954, before the Archdiocese of St. Louis had integrated its schools, when St. Louis was an entirely segregated city, the Rev. Claude Heithaus, a Jesuit priest, took it upon himself to preach a sermon in the St. Frances Xavier (College) Church of St. Louis University, where he was a faculty member. In this sermon, which he delivered on the morning of Feb. 11, 1944, he called upon his listeners to repudiate racism and welcome people of color to the university. His words were uncompromising as he called upon the community to face its prejudice and hypocrisy:

"Do you want us to slam our doors in the face of Catholics, because their complexion happens to be brown or black? It (the claim that white students would refuse to attend classes with people of color) is a lie. I see that you repudiate it with indignation. You scorn it all the more because some of the very people who disseminate this lie have themselves sent their sons to Harvard and Yale, where they were glad to sit in the same classrooms with Negroes."

Heithaus' call to justice, which he couched in religious as well as moral terms, did not go unnoticed. Within the year, St. Louis University became the first institution of higher learning in a former slave state to admit African-Americans, and the city of St. Louis thereby became the scene of one of the most important breakthroughs in racial integration.

Heithaus soon departed from St. Louis. Because he had preached the sermon without the permission or support of his Jesuit superior and had continued to call attention to the problems of racism, he was banished, first to Kansas and then to Milwaukee.

Late in life he was allowed to return to the St. Louis area, where he lived quietly, never speaking publicly again on the topic of race relations. He died in 1976.

In the story of Heithaus' courage and determination there is much that St. Louis can be proud of. He risked—and lost—a great deal in order to further a process of acceptance, toleration and integration that remains unfinished in our community.

Although the first part of his story is fairly well known, the price he paid is less well known, and neither the university nor the community has ever formally recognized his accomplishments and sacrifices.

After his speech and his subsequent refusal to drop the issue of race relations, his career as a teacher was severely curtailed. A valuable collection of antiquities that he had acquired on his travels was lost or destroyed. His work as a trainer of young journalists (a quarter century earlier he had founded St. Louis University's University News) came to an end as well.

Even after the policies that Heithaus had called for became an accepted reality, he was never publicly thanked or even acknowledged by this community for his role in their realization, although the Father General of the Jesuits and the French government eventually recognized his accomplishments.

While much of the responsibility for this acknowledgement lies with the school where I work, St. Louis University, some of it ultimately lies with the community that also benefited from his vision and persistence. His commitment and his ideals should not be forgotten.

I call upon St. Louis University to mark the hundredth anniversary of Claude Heithaus' birth with some gesture worthy of his beliefs. I also call upon the greater St. Louis community to reflect on the actions of someone, who, when it was still politically incorrect, sought to widen educational opportunities for people of color. Surely there is a place in our city for some remembrance of him, a way to call attention to his ideals.

Heithaus is of course not the only unsung hero of St. Louis history. In the past 200 years, many men and women in this community have stood for worthy but unpopular causes and paid high prices for their beliefs. We should give each one recognition, not only out of respect for what they did, but also for what their lives can offer all of us as models of courage and vision. And by honoring Claude Heithaus, we would be making a very good start.

IN HONOR OF MISSION SAN JOSE ROTARY CLUB FOR ITS 15 YEARS OF SERVICE TO THE 13TH CONGRESSIONAL DISTRICT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. STARK. Mr. Speaker, I would like to take this opportunity to recognize the Mission San Jose Rotary Club for its extensive contributions to the quality of life in the Fremont community.

Over the last fifteen years, Mission San Jose Rotary has been actively involved in the community through more than 45 projects benefiting the Mission San Jose, Serra Center, Ardenwood Park, Fremont Senior Center, Mission San Jose Museum, and many other worthy recipients.

In addition, in 1986 Mission San Jose Rotary became one of the first clubs to champion the admission of women members, well before Rotary International recognized full participation by females. The club has sponsored two new Rotary clubs, sponsored four foreign exchange students, and counts more than 60% Paul Harris Fellows among its members. Mission San Jose Rotary has also contributed substantially to the Polio Plus Campaign and the Mission San Jose restoration.

I also commend Mission San Jose Rotary for having prepared and served many thousands of meals at the Centerville Free Dining Room, and for their internationally acclaimed chili and famous linguica burgers, which have raised nearly $300,000 for charity.

Throughout its existence, Mission San Jose Rotary has been acclaimed many times for its excellent service. On May 1, 1998, the Mission San Jose Rotary Club will celebrate the 15th Anniversary of its founding, and I would like to express my sincere appreciation for the dedicated efforts that have produced so many civic achievements. Congratulations, and I look forward to another fifteen years of exceptional service.

IN HONOR OF LT. COL. MICHAEL PRUSAK

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. FAZIO of California. Mr. Speaker, I rise today to honor Lt. Col. Michael Prusak, Director of Logistics for the Sacramento Air Logistics Center, McClellan Air Force Base, California. He is a Command Navigator, with more than 2,500 hours in the FB–111 and the T–43 aircraft. Lieutenant Colonel Prusak will be retiring on 1 August 1998, after a distinguished career highlighted by many challenging assignments.

As Director of Logistics, Lieutenant Colonel Prusak manages the supply and transportation support for the Air Logistics Center and the 77th Air Base Wing. He oversees more than 250 military and civilian personnel, with an annual budget of nearly $1 million.

Lieutenant Colonel Prusak was born in Germany, in December 1947. He grew up in Boston, Massachusetts, and graduated from Boston Technical High School. He attended and graduated from Lowell Technological Institute in 1973 with a degree in Industrial Engineering. In 1981, he graduated from the University of Southern California with a Masters in Systems Management.

After flight training at Reese Air Force Base, Texas, in 1974, Lieutenant Colonel Prusak was assigned to the 380th Bombardment Wing at Plattsburgh Air Force Base, New York. At Reese Air Force Base he flew the Strategic Air Command's FB–111, and became one of the first 1st Lieutenant instructors of the aircraft. In 1980, he was assigned to Mather Air Force Base, California, as an Undergraduate Navigator Training instructor. While there, he became a flight commander and helped develop the curriculum for the dual track navigator training system, which is still in use today.

In 1985, Lieutenant Colonel Prusak was assigned to the 509th Bombardment Wing at Pease Air Force Base, New Hampshire, and requalified in the FB–111. While there, he became the assistant air operations officer, and chief of aircrew scheduling and training for the 393d Bombardment Squadron—the same squadron that dropped atomic bombs on Hiroshima and Nagasaki during the final days of World War II. In January 1988, he became the Deputy Commander for Resource Management for the 509th, where he helped manage the Wing Supply and Transportation Squadrons, along with Wing Mobility, Base Contracts, and Base Comptroller divisions.

Lieutenant Colonel Prusak was assigned in 1989 to the Sacramento Air Logistics Center as assistant program manager for the F–111 Digital Flight Control Modification Program. He went on to become the Program Manager for the F–111 Stores Management Upgrade modification program in 1990, followed by the position of Branch Chief for all F–111 modifications. In January 1993, Lieutenant Colonel Prusak attended the Defense Systems Management College at Ft. Belvoir, Virginia. Upon his return to McClellan, he became the Assistant F–111 System Program Director, ultimately, becoming the Director of Logistics in March 1995.

Lieutenant Colonel Prusak also gave much of himself to the citizens of California. He has been, and continues to be, an extremely active volunteer pilot for the Civil Air Patrol—having flown more than 100 training and search and rescue missions in northern California. Many of these life saving missions involve flying low level sorties in the valleys of the Sierra Nevada Mountain Range, placing him in great personal danger. Following his retirement from the United States Air Force, his role will expand as he assumes the position of the California Wing Liaison Officer of the Civil Air Patrol, at McClellan Air Force Base.

Lieutenant Colonel Prusak is the recipient of many awards, including the Meritorious Service Medal with one oak leaf cluster, the Air Force Commendation Medal with one oak leaf cluster, the Air Force Outstanding Unit Award, the Air Force Organizational Excellence Award, the Combat Readiness Medal, the National Defense Service Medal, and the Southwest Asia Service Medal.

I join my colleagues today in honoring Lieutenant Colonel Prusak for his 24 years of dedicated and distinguished service to the United States Air Force, the state of California, and our nation. We send best wishes to him, his wife Linda, and their children Jennifer, Erica, and Gabriel and wish him continued success at his new position with the Civil Air Patrol.

IN RECOGNITION OF THE FOUNDING OF THE TEXAS CENTER FOR SUPERCONDUCTIVITY AT THE UNIVERSITY OF HOUSTON

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in recognition and gratitude for the outstanding work done by Dr. Paul Chu and his colleagues at the Texas Center for Superconductivity on the problem of High Temperature Superconductivity. As a member of the House Science Committee, I often hear references made for the excellent work of Dr. Paul Chu and the Texas Center for Superconductivity located at the University of Houston. I have also taken great pleasure in working with Dr. Chu on legislative and administrative matters in Washington related to the support of the center.

From the Center's beginnings in 1987 with the endorsement of the 70th Legislature of the

State of Texas your efforts to find solutions to fundamental and practical questions in High Temperature Superconductivity have been noteworthy. Beginning with a staff of seven, the Texas Center for Superconductivity at the University of Houston is now the largest and most comprehensive Center of its type in the nation. Your great achievements serve as a testament to the past decade of hard work and progress in the new scientific and technological field of High Temperature Superconductivity.

With the multiple mission of basic and applied research, technology development and transfer, and providing advanced training and education, the Texas Center for Superconductivity at the University of Houston's researchers and students continue to search for solutions to fundamental and practical questions in High Temperature Superconductivity.

There efforts on behalf of science have enabled this important research program to expand into the world's leading Center for bulk high temperature superconductivity and related materials. We in Texas feel that their presence in the City of Houston has lead to this prominent position in this highly technical field of study.

On behalf of the residents of the 18th Congressional District, I offer Dr. Chu and his colleagues congratulations and best wishes for continued success in the area of High Temperature Superconductivity.

IN HONOR OF DR. STANLEY NUSSBAUM

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. SCHUMER. Mr. Speaker, I am pleased to have the opportunity today to recognize Dr. Stanley Nussbaum, who is being honored by the Herbert Tenzer Five Towns Democratic Club at its annual brunch on May 3. Dr. Nussbaum has been an outstanding member of his community and his personal commitments both civic and religious have bettered the lives of his neighbors on Long Island.

Dr. Nussbaum's devotion has led him to contribute to the Jewish community in many ways. He sits on the boards of the Conference of Jewish Organizations of Nassau County and the American Committee for Israeli MIA's in addition to being a trustee of Temple Beth El of Cedarhurst and a former trustee of the American Jewish Committee. He is also a past president of the Five Towns Jewish Council.

Civic duty has also played a major role in Stan's life, leading him into an active role in the Democratic party. He serves as Leader in the 20th Assembly District and has been a member of the Nassau Democratic County Committee for twenty-five years. He was the zone leader of Lawrence-Cedarhurst and served as President of the Five Towns Democratic Club from 1978–1980 and 1984–1990. Dr. Nussbaum was a Clinton delegate for the 1992 Democratic National Convention and was elected as a New York State Committeeman in 1994.

Dr. Nussbaum has also been successful in both his professional and private life and is a life member of the American Dental Society. He and his wife Toby are the proud parents of three children, Felice, Hillary and Larry, and of two grandchildren, Ananda and Sierra.

Dr. Stanley Nussbaum has made great contributions to society as a professional, a leader, a religious man, and a father. His community, indeed all of Long Island, have been improved by his efforts.

HONORING PRESIDENT K.R. NARAYANAN WITH THE STATESMAN OF THE YEAR AWARD

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. ACKERMAN. Mr. Speaker, I rise today with my colleagues to honor an extraordinary man, the President of India, Mr. K.R. Narayanan. Tonight he is receiving the Appeal of Conscience "Statesman of the Year" award, and it is hard to find someone who is more deserving of this honor.

Mr. Speaker, President Narayanan has had a distinguished career in public service for almost half a century. He served with distinction in the Indian Foreign Service for over 30 years, eventually serving as India's Ambassador to the United States from 1980 to 1984. It was after his tenure in Washington that he then entered the realm of politics, and served as a Member of Parliament from the district in which he was born from 1985 to 1992, at which time he was elected to serve as India's Vice President. In July of 1997, Mr. Narayanan, I am proud to say, assumed the office of the President of India. He has also, over the course of his career, become an accomplished author of several books and articles on social, political and international theory.

During his tenure, President Narayanan has shown a great respect for human rights in general, the rights of minorities in particular, and the rule of law. As the leader of the largest democracy in the world, he has done a remarkable job in continuing to move India in the direction of economic liberalization and ever greater political freedom. India's most recent parliamentary elections demonstrate the stability of this nation and the leadership that President Narayanan has provided in stewarding the country through a fairly tumultuous year in domestic politics.

In international affairs, President Narayanan has shown an innate ability to get along with leaders of all stripes, and work for the common good, not merely for India's interests, as we continue to navigate through the uncertainties of the post-Cold War era. He is a diplomat, a public servant, an educator, and an author, but more importantly, he is a concerned human being and citizen of the world, who is dedicated to ensuring that those who can't care for themselves are cared for. Most of all he is unswerving in the notion that all people, no matter their origin, race or other distinction, deserve peace, happiness and security in life. On the occasion of the nations of India and Israel celebrating their 50th year in existence, I think it is important to point out that these were the basic principles upon which they were both founded, and the same ones which my good friend President Narayanan sincerely and honestly espouses.

That is why the "Appeal of Conscience" Statesman of the Year award so befits President Narayanan.

BOB ETHERIDGE HONORING CAPT. FULTON PERSHING LANIER

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. ETHERIDGE. Mr. Speaker, I rise to honor the life of Captain Fulton Pershing Lanier of Buies Creek, North Carolina, for his service to the people of the United States of America. Captain Fulton served honorably in the United States Army Air Corps from 1941 to 1944.

United States service men and women place themselves in harm's way to protect the freedoms we hold dear in America. Many of these brave individuals return home to build and lead their communities. Tragically, Fulton Lanier did not have such an opportunity.

On January 31, 1944, then 1st Lieutenant Lanier, along with 1st Lieutenant Frank M. Ramos, Corporal Joseph Petrella, Private First Class Eugene E. Beebe, and Private First Class Bartholomew R. Giacalone, boarded his C–87 Liberator and piloted what would be his final mission. These five men perished in service to humanity, supplying food, medical and other supplies to Allied forces of China.

Fulton Lanier's legacy may have been greater than even he could have imagined. His service and sacrifice for our country has been permanently instilled in the hearts and minds of his family and all who knew him. Fulton Pershing Lanier is an American hero.

Fifty-four years later, the Lanier family received notice that wreckage from this fateful flight was recovered. Upon notification, the Lanier family has embarked on a mission of studying and sharing the story and example of this young man from Buies Creek.

Fulton Lanier paid the ultimate sacrifice in service to the United States of America, serving his family, community, state, and nation. His burial with full military honors at Arlington National Cemetery on January 23, 1998, was only a small way his nation can acknowledge the debt owed to Fulton Lanier and his family that can never be repaid.

I am honored to report to the House on the heroism of Captain Fulton Pershing Lanier. May God bless him in his place of resting.

SENATE—*Wednesday, April 29, 1998*

The Senate met at 11:45 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of this Nation and personal Lord of our lives, we praise You for our accountability to You. You are a God of judgment as well as grace. If you did not care, life would have no meaning. We thank You for giving us the basis on which we will be judged each hour and at the end of each day. You want us to know what is required of us so we can pass Your daily examination with flying colors.

Your Commandments are in force as much now as when You gave them to Moses. You require us to do justly, love mercy, and walk humbly with You. You call for integrity, honesty, and faithfulness. Absolute trust in You is the secret for personal peace and the basis for leading a Nation. Help us to live our Nation's motto, "In God We Trust," and judge us by the extent we have put our trust in You for guidance.

Gracious God, as we receive Your judgment, we also seek Your forgiveness and a new beginning. May Your forgiveness give us the courage to seek first Your rule and righteousness.

Today we thank You for Eileen R. Connor, the Supervisor of Expert Transcribers from the Office of Official Reporters of Debates. Tomorrow will be the last day for Eileen after 25 years of dedicated service to the Senate. In Your Holy Name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator SMITH of New Hampshire, is recognized.

Mr. SMITH of New Hampshire. I thank the Chair.

Mr. WELLSTONE. Could I ask my colleague for 2 seconds?

Mr. SMITH of New Hampshire. I yield to the Senator.

PRIVILEGE OF THE FLOOR—VOTE ON EXECUTIVE AMENDMENT NO. 2314

Mr. WELLSTONE. I ask unanimous consent that Scott Muschett, an intern in my office, be allowed to be on the floor during this vote.

The PRESIDING OFFICER (Mr. HUTCHINSON). Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

SCHEDULE

Mr. SMITH of New Hampshire. Mr. President, on behalf of the majority leader, I announce this morning the Senate will resume consideration of the Senator Smith of New Hampshire and the Senator Hutchison of Texas amendment No. 2314, pending to the NATO enlargement treaty. Under the previous order, there will be 2 minutes of debate equally divided between Senator SMITH and Senator HUTCHISON, followed by a rollcall vote on or in relation to the amendment. Following that vote, it is hoped that Members with amendments to the NATO enlargement treaty will come to the floor to offer and debate those amendments.

The majority leader has indicated to me it is his hope the Senate will be able to complete action on the NATO treaty hopefully by the close of business today or by Thursday evening at the latest. So I thank my colleagues for their attention to this matter.

Mr. President, I believe under the previous order, there are 2 minutes equally divided between Senator HUTCHISON and myself.

EXECUTIVE SESSION

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND THE CZECH REPUBLIC

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and resume consideration of Executive Calendar No. 16, which the clerk will report.

The assistant legislative clerk read as follows:

Treaty Document No. 105–36, Protocols to the North Atlantic Treaty of 1949 on Accession of Poland, Hungary and the Czech Republic.

The Senate resumed consideration of the treaty.

Pending:

Smith (New Hampshire)/Hutchison amendment No. 2314, to express a condition requiring full cooperation from Poland, Hungary, and the Czech Republic with United States efforts to obtain the fullest possible accounting of captured and missing United States personnel from past military conflicts or Cold War incidents.

EXECUTIVE AMENDMENT NO. 2314

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the Smith-Hutchison amendment No. 2314. There are 2 minutes of debate reserved prior to the vote.

Mr. SMITH of New Hampshire. Mr. President I yield myself 1 minute.

This is a straightforward, simple amendment which I am confident has a strong bipartisan support of this Chamber. It is based on the debate yesterday, with myself, Senator HUTCHISON and Senator BIDEN. I don't expect any opposition.

The amendment expresses a condition with full regard to NATO expansion requiring full cooperation from the Czech Republic, Hungary and Poland concerning unaccounted for MIAs and POWs, and it is supported by all POW and MIA families and certainly many of the national veterans organizations.

I want to stress that I personally received pledges of cooperation from the leaders of the three countries involved here. This amendment is designed to ensure that there is serious follow-up not only with the individuals who may have accessed information but also access to the archives.

I want to thank Senator HUTCHISON of Texas for her support on this humanitarian issue, and I yield to her 1 minute.

Mrs. HUTCHISON. Mr. President, I want to thank Senator SMITH for working with me on this amendment. We must never pass an opportunity to continue to give hope to those whose loved ones are missing because they served our country.

This amendment says to them we will never forget and if there is ever a shred of hope that we could learn more about how even one service man or woman died or became missing, it is worth every effort that we would make. That is what this amendment does.

I urge its passage.

Mr. SMITH of New Hampshire. I yield the remainder to the Senator from Minnesota.

Mr. WELLSTONE. I ask unanimous consent after the vote I be recognized to speak on NATO expansion for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment 2314, offered by the Senator from New Hampshire. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. BOND) is necessarily absent.

Mr. FORD. I announce that the Senator from Illinois (Ms. MOSELEY-BRAUN) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Ms. MOSELEY-BRAUN) would vote "aye."

The PRESIDING OFFICER (Mr. BURNS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 108 Ex.]

YEAS—97

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—3

Bond
Moseley-Braun
Rockefeller

The executive amendment (No. 2314) was agreed to.

Mr. SMITH of New Hampshire. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, Senator WELLSTONE of Minnesota is recognized for 30 minutes.

Mr. WELLSTONE. Mr. President, my colleague from Idaho approached me and said he needed to take 5 minutes for an amendment that he wants to lay down. Is that correct?

Mr. President, I ask unanimous consent that my colleague, Senator CRAIG, be allowed up to 5 minutes to offer his amendment and speak on his amendment, after which I then would retain the floor and be able to speak for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, let me first of all thank Senator WELLSTONE for his courtesy.

EXECUTIVE AMENDMENT NO. 2316

(Purpose: To condition United States ratification of the protocols on specific statutory authorization for the continued deployment of United States Armed Forces in Bosnia and Herzegovina as part of the NATO mission)

Mr. CRAIG. Mr. President, I have an amendment at the desk that I call up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho (Mr. CRAIG), for himself, and Mrs. HUTCHISON, and Mr. SMITH of New Hampshire, proposes an executive amendment numbered 2316.

Mr. CRAIG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

( ) STATUTORY AUTHORITY FOR DEPLOYMENTS IN BOSNIA AND HERZEGOVINA.—Prior to the deposit of the United States instrument of ratification, there must be enacted a law containing specific authorization for the continued deployment of the United States Armed Forces in Bosnia and Herzegovina as part of the NATO mission in that country.

Mr. CRAIG. Mr. President, again thanking my colleague, Senator WELLSTONE, for his courtesy, I will be brief. It is a very direct and simple amendment but I think a most powerful amendment. Let me read it.

Statutory Authorization for Deployments in Bosnia and Herzegovina—Prior to the deposit of the United States instrument of ratification, there must be enacted a law containing specific authorization for the continued deployment of the United States Armed Forces in Bosnia and Herzegovina as part of the NATO mission in that country.

That is the substance of the amendment. This amendment would require that before the President can deposit the instruments of ratification, he must receive authorization from this Congress for the mission in Bosnia.

Last May, President Clinton publicly embraced the idea of a new NATO mission. It is my concern that the President's vision of a new NATO will signal the end of NATO as a defense alliance and the beginning of a new role as a regional peacekeeping organization. The President declared, "We are building a new NATO. We will remain the strongest alliance in history, with smaller, more flexible forces prepared for our defense but also trained for peacekeeping. It will be an alliance directed no longer against a hostile block of nations but instead designed to advance the security of every democracy in Europe—NATO's old members, now members and nonmembers alike."

I cannot support the President's call for a new NATO to be a de facto peacekeeping organization worldwide.

Mr. President, President Clinton's peacekeeping operation in Bosnia has been going on now for more than 2 years without authorization from Congress, with costs mounting far beyond any estimate, with the mission's end date repeatedly broken. The mission in Bosnia is now what we were promised it would not be, an unauthorized, open-ended, nation-building deployment with no withdrawal criteria.

As costs for NATO's mission in Bosnia continue to add up, the President seems eager to take on new peacekeeping operations. Make no mistake; the U.S. is paying the lion's share of the peacekeeping in Bosnia. We all know these costs are high for the Defense Department. The Defense Department is forced to come to Congress for supplemental funds. We are now meeting in a conference of the Appropriations Committee to deal with those very issues for the Defense Department.

In 1995, the President vowed that U.S. troop deployment in Bosnia should and will take about 1 year and cost about $1 billion. Three years and $8 billion later, the administration now admits we do not propose a fixed end date for the deployment.

Let me be clear. My amendment is not a war powers resolution. It does not say the President cannot continue the deployment in Bosnia without authorization, nor does it cut off funds for Bosnia, nor does it set an end date for the mission, nor does it establish a withdrawal criteria. It does, however, require the President to cooperate with Congress to set reasonable parameters for that mission before the President gets a blank check in the form of a new NATO for more of other area missions. The commitment of U.S. troops to Bosnia is a commitment of U.S. blood, and expansion of NATO is an expansion of this commitment. The decision to place U.S. troops in harm's way is a commitment that none of us take lightly. We owe it to our troops to obtain authorization for peacekeeping missions. That is what my amendment sets forth.

Mr. BIDEN. Mr. President, will the Senator yield 1 minute, 60 seconds?

Mr. WELLSTONE. Mr. President, I say to my colleague, I would be pleased to yield him 5 minutes.

Mr. BIDEN. There is no need for that.

Mr. WELLSTONE. I yield my colleague 1 minute after which I will retain the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, the Senator from Idaho and I are going to have a chance to debate this issue later this afternoon. But I would just say to those who heard what he had to say in the introduction, consider the following: This is a treaty. This is not a conference report. This is not a piece of legislation. This is a treaty. And we should not be effectively legislating on a treaty. This treaty is going to go back to every other nation to sign, and we are going to say, by the way, there is a paragraph in here that says, "The Senate authorization committee," and they are going to think they are reading Greek. It has nothing to do with the treaty.

I do not in any way belittle his concern; it is worthy of debate, but it should not be on a treaty. I will make that point more forcefully when we get into the debate.

I thank my colleague for yielding.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 30 minutes.

Mr. WELLSTONE. Mr. President, I rise to speak in opposition to NATO expansion. NATO expansion has been described by the distinguished foreign policy expert, Professor Ronald Steel, "as a bad idea whose time has come." My fervent hope is that he's only half right in that it will turn out to be "a bad idea whose time hasn't come."

Why do I oppose the expansion of NATO? Two fundamental reasons. First because I've yet to hear a plausible case made for expanding NATO, which makes me think we are talking about a policy still in search of a justification. And second, because I believe it will sour our relations with Russia, promote internal changes within Russia harmful to U.S. interests, and may even imperil our own security and that of our allies.

Since the two basic reasons for my opposition tend to be intertwined, I'll deal with them together rather than separately.

Mr. President, I've yet to hear an explanation of why we should be expanding the NATO miliary alliance toward Russia's borders when there is no Russian military threat. The Russian military has collapsed. If there was any doubt about this, it should have been erased by the Russian army's inability to quell tiny, rag-tag Chechnyan forces. Even Polish sources have questioned Russia's capability to threaten its former Eastern Bloc allies in the foreseeable future.

Moreover, arms control agreements signed between 1987 and 1993, pushed through by Presidents Reagan and Bush working with President Gorbachev, have helped to establish a new security structure that makes a surprise attack in Central Europe virtually impossible. The security situation in Central Europe is more stable than it has been at any time in this century. There is peace between states in Europe for the first time in centuries.

Under these circumstances, why in heaven's name are we rushing to expand a military alliance into Central Europe?

Secretary Albright has claimed that expanding NATO will produce an "undivided" Europe. I believe the Secretary is mistaken. What it will do is re-create a dividing line in Europe, only farther east than the original Cold War dividing line. President Clinton himself, before he decided to back NATO expansion, said that it would "draw a new line through Europe, just a little farther east." He was right then and I am right now.

Mr. President, since a Europe without dividing lines is vital if the continent is to be peaceful, prosperous and secure, why are we now considering a step that is sure to re-divide Europe?

What would a re-divided Europe mean? Well, for one thing, the U.S. is committed to bringing the Baltic states into NATO if expansion proceeds. In my view this could have devastating consequences for world peace. In this connection, I recently read an outstanding piece entitled "NATO Expansion and the Baltic Iceberg" by Michael Mandelbaum, Professor of American Foreign Policy at the Paul H. Nitze School of Advanced International Studies of the Johns Hopkins University and Director of the Project on East-West Relations of the Council on Foreign Relations. I have had the good fortune to meet with Professor Mandelbaum and I found him to be a perceptive critic of NATO expansion who views the issue through the lens of history. He succinctly describes the dilemma that would be created by the commitment to expanding NATO to the Baltic states.

Professor Mandelbaum outlines three options:

> . . . the American government might try to expand NATO to the Baltic countries but fail because of Western European objections. . . . If on the other hand Washington did somehow prevail on the Western Europeans to admit the Balts, or failing that, offered them a unilateral alliance like the Japanese-American Security Treaty, the United States would be obliged to provide for their defense. This option surely require re-creating in some form the military deployments of the Cold War. American troops and American nuclear weapons would have to be stationed within the borders of the three countries. . . . Lithuania, Latvia and Estonia might well turn out to be defensible only with nuclear weapons, as West Berlin was during the Cold War, in which case NATO expansion would return the world to the hair trigger nuclear standoff of the 1950's and 1960's.
>
> Because of the determined opposition to Baltic membership the Western Europeans will mount, and the huge risks including the Balts will entail, the likeliest option for the United States is the third: Having agreed to defend three countries in Central Europe that are not remotely threatened, the United States will renege on its commitment to defend the Balts precisely because they might be threatened. This option would enshrine in the foreign policy of the United States the principle that American security guarantees are available only to those who don't need them . . . It would break a promise the Balts have received from the United States. . . .
>
> The damage to American interests that each of the three options would inflict would be infinitely greater than whatever modest embarrassment rejecting the NATO expansion that is now before the Senate would cause. And rejecting the plan is the only sure way to avoid the damage. Rejection, that is, is the only way to steer the American ship of state clear of the large menacing iceberg toward which the Clinton administration is now guiding it.

I couldn't agree more.

Mr. President, I ask unanimous consent that the text of Professor Mandelbaum's article be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

NATO EXPANSION AND THE BALTIC ICEBERG

(By Michael Mandelbaum)

NATO expansion is the Titanic of American foreign policy, and the iceberg on which it is doomed to founder is Baltic membership in the Atlantic Alliance.

The problem of NATO membership for Lithuania, Latvia, and Estonia is one that, if the proposal to admit Poland, Hungary, and the Czech Republic is ratified by the Senate, the United States will be able neither to avoid nor to solve. The only way to steer clear of this geopolitical iceberg is to reject the plan for expansion that the Clinton administration has placed before the Senate.

If expansion proceeds, the United States is committed to bringing the Balts into the Alliance. That commitment has been expressed in many places and in many forms: at the Madrid Summit last summer at which formal invitations to join NATO were issued to the three Central European countries; in the Baltic-American Charter signed by President Clinton in January; in the resolution of ratification the Senate Foreign Relations Committee has reported; in numerous statements by American officials, such as Madeleine Albright's assertion that no European democracy will be denied admission to NATO "because of where it sits on the map"; and by assurances given to officials of the Baltic countries and representatives of Baltic-American groups.

Moreover, if Poland, Hungary, and the Czech Republic are, as the Clinton administration says, "entitled" to NATO membership, then so, too, are the Balts. Lithuania, Latvia, and Estonia are just as democratic, just as pro-Western, just as much in need of the stability that NATO membership allegedly confers, and suffered just as much under Communism as the three Central European countries whose candidacies the administration has chosen to favor. Thus, even if there were no commitment to the Balts, logic and justice would prohibit excluding them while including the Poles, Hungarians, and Czechs. But there is a commitment, which ratifying membership for the Central European countries would trigger.

All politically relevant Russians, however, including Boris Yeltsin, have said, repeatedly and emphatically, that Baltic membership in NATO, which would bring the Western military alliance, from which they are excluded, to their borders, is entirely unacceptable to them. The Russians have said that Baltic membership would cast into doubt all existing agreements between Russia and the West, including the historic treaties reducing nuclear and non-nuclear weapons. They have made it clear that they would regard Baltic membership NATO as a provocation, to which they would respond.

The admission of Poland, Hungary, and the Czech Republic to the Atlantic Alliance would therefore confront the United States with three—and only three—options, all of them bad.

First, the American government might try to expand NATO to the Baltic countries but fail because of Western European objections. Such objections are all but certain on the part of countries that have already made it clear that they are going along with the first round of expansion largely to humor the Americans and that they will contribute nothing to its costs. Because of Russian opposition, Western Europeans are privately negative, sometimes adamantly so, about Baltic membership. If the United States pressed the issue, as it would be bound to do given the commitment the Clinton administration has made, the result would be a serious crisis at the core of the Alliance, with charges of bad faith and recklessness echoing back and forth across the Atlantic, that could end by destroying NATO itself.

If, on the other hand, Washington did somehow prevail on the Western Europeans to admit the Balts, or, failing that, offered them a unilateral alliance like the Japanese-American Security Treaty, the United States would be obliged to provide for their defense. This second option would surely require recreating in some form the military deployments of the Cold War. American troops and American nuclear weapons would have to be stationed within the borders of the three countries. This would not be cheap, which is one reason, although hardly the only one, that the Clinton administration's estimate of the price of expansion, which does not include cost of fulfilling the American commitment to the Balts, is ludicrously low.

Lithuania, Latvia and Estonia might well turn out to be defensible only with nuclear weapons, as West Berlin was during the Cold War, in which case NATO expansion would return the world to the hair-trigger nuclear standoff of the 1950s and 1960s. That is why Senator Daniel Patrick Moynihan's warning that NATO expansion could, unintentionally, "raise the prospect of nuclear war to the most intense point it has reached since the beginning of the Nuclear Age" is not hyperbole. It is, rather, a reasonable assessment of the consequences of policies to which, if Poland, Hungary, and the Czech Republic join NATO, the United States and Russia are already committed.

Because of the determined opposition to Baltic membership the Western Europeans will mount, and the huge risks that including the Balts would entail, the likeliest option for the United States is the third: Having agreed to defend three countries in Central Europe that are not remotely threatened, the United States will renege on its commitment to defend the Balts precisely because they might be threatened. This option would enshrine in the foreign policy of the United States the principle that American security guarantees are available only to those who do not need them. It would also accomplish exactly what its champions claim NATO expansion is designed to avoid: It would draw a new line of division in Europe and consign friendly democracies to the wrong side of it. It would break a promise the Balts have received from the United States. It would give the Russians what the Clinton administration has sworn it will never permit: a veto on the question of which countries belong to NATO.

Moreover, it would fortify the Communists and nationalists in Russia, who would be able to say to their pro-Western, democratic political opponents: "We tried your preferred policy, cooperation with the West, and what was the result? NATO expanded to Poland, Hungary and the Czech Republic without consulting us, against our wishes, and in flagrant violation of the promise not to do so given to Mikhail Gorbachev and Eduard Shevardnadze at the time of German unification in 1990. Then Russia adopted our tactics: standing firm, drawing a line, and making threats. And what is the result? NATO expansion has stopped in its tracks. Our way of dealing with the West has been vindicated." This is hardly a lesson that it is in the interest of the United States to teach Russia. The fact that it is the lesson that Russia is all too likely to learn is one reason that, according to Alexei Arbatov, a member of the unimpeachably democratic Yabloko faction in the Russian State Duma and the leader in the effort to persuade the Duma to ratify the START II arms reduction treaty, Russians—who have advocated cooperation with the West—feel betrayed by NATO expansion.

Since no American president will ever be able to say, definitely and absolutely, that the Baltic countries will never join NATO, however, even this third option will not put an end to the matter. Russians will always have to believe that NATO might expand to the Baltic countries, and this prospect will therefore poison Russian-American relations far into the future.

The damage to American interests that each of the three options would inflict would be infinitely greater than whatever modest embarrassment rejecting the plan for NATO expansion that is now before the Senate would cause. And rejecting the plan is the only sure way to avoid the damage. Rejection, that is, is the only way to steer the American ship of state clear of the large, menacing iceberg toward which the Clinton administration is now guiding it.

Mr. WELLSTONE. Mr. President, the administration often claims its aim in expanding NATO is to foster democracy, stability, and economic reform in Central Europe. But there already is democracy, stability and economic reform in the Czech Republic, Hungary, and Poland. Besides, if this was our aim wouldn't the European Union, whose fundamental purpose is to spur growth and stability through integration, be a better vehicle for accomplishing these goals than NATO, which is after all a military alliance? If our goal is to expand markets and democracy, why don't we use our leverage to promote the expansion of the European Union?

Central European states covet membership in the European Union for the economic benefits they believe it would confer. Wouldn't it be better for the United States to exert our leadership, our great influence, to promote expansion of the European Union which threatens no one rather than expand a military alliance that threatens the one country on which European security depends most?

What worries me most though, Mr. President, is that NATO expansion, needlessly risks poisoning Russia's relations with the U.S. for years to come and increases the odds that Russian ultra-nationalists and anti-U.S. forces will gain power in the post-Yeltsin Period. NATO expansion threatens to turn the clock back to the worst days of the Cold War, something that few Americans and few Europeans want.

Former Russian officials say and some former American officials confirm that by seeking to expand NATO, the U.S. is violating a commitment made when Moscow agreed to Germany's reunification and remaining in NATO, withdrawing Russian troops from Germany, and disbanding the Warsaw Pact. While there is some disagreement over what commitment was actually made to Gorbachev, there is no question that Russian officials say they had firm U.S. assurances that NATO would not be expanded. The Russian perception that we are reneging on our word can only erode trust and poison future relations.

On this point, I will quote Susan Eisenhower, Chairman, The Center for Political and Strategic Studies, testifying before the Senate Armed Services Committee, March 19, 1998:

> It is Russian democrats who feel betrayed by NATO expansion—not the hard liners who are benefitting from it. Gorbachev says that we were verbally assured that NATO would not expand if the Soviet Union agreed to German unification and its place in NATO. Under the war-time Four Powers Act, Moscow had a legal right to refuse such an arrangement, and would have if the Soviets had imagined that less than a decade later some and eventually all of their former allies would be gazing at them from the other side of a military alliance. Russian hard liners, always deeply skeptical of Western intentions, say this "betrayal" is par for the course, and they mock the Russian democrats for trusting the West too much.

Eisenhower, who met Gorbachev on a recent trip to Moscow, reported that Gorbachev was deeply disturbed by NATO Expansion's impact on those who promoted cooperation with the West, adding:

> "Russia has been swindled," he asserted, and it is feeding into the wild ideas of those who hold "conspiracy theories" that the West is intent not only on the Soviet Union's demise but also Russia's. "NATO expansion has poisoned the atmosphere of trust," he said.

Mr. President, it is worth pointing out that the sense of betrayal isn't confined to former President Gorbachev, but is shared by our natural allies in today's Russia, political leaders who are committed both to democracy and U.S.-Russia cooperation. For example, there is Dr. Alexei Arbatov, deputy chairman of the Defense Committee of the Duma. Dr. Arbatov is a member of the leadership of Yabloko, Russia's largest unimpeachably democratic party, a strong advocate of U.S.-Russia cooperation, and a leader in the effort to ratify the START–II Treaty in the Duma. He was involved in the START–I negotiations in Geneva, and later served as a consultant on all the major Soviet-American and Russian-American arms control issues, including the START–II and CFE treaties.

Here are Dr. Arbatov's thoughts on NATO expansion in light of Russia's agreement to German reunification and other concessions:

> . . . Nobody took the trouble to warn Russian that as a result of all these concessions

> and sacrifices, NATO—the most powerful military alliance in the world—would start moving towards Russian borders. To the contrary, Moscow was repeatedly told by the West that it would be accepted as an equal and genuine partner and that no major decision on international security would be made without it. Well the NATO summit in Madrid came as a clear manifestation that such decisions may and will be made and Russia's opinion really matters only so long as it is in line with the Western position . . . At best, NATO expansion to the East is regarded in Russia as a mistaken policy. . . . At worst it is regarded as the consummation of a 'grand design' to encircle and isolate Russia, establishing strategic superiority and finally destroying Russia, ending once and for all Russia's role as a European power.

If this is how a democrat and advocate of U.S.-Russian amity sees it, imagine how more conservative, more nationalist forces who could come to power in the future see it.

Mr. President, am I missing something? Is there some compelling, overriding reason that makes NATO expansion so vital to U.S. interests that we must imperil our relations with Russia for years to come and revive Russian mistrust and paranoia? If this is so, I would appreciate it if one of my colleagues or the Administration could tell me, and more important the American people, what that compelling, over-riding reason is.

There is no question in my mind that colleagues who support NATO expansion do so because they believe it would be in the interests of the United States and think it would be the right thing to do. I question no colleague on that. But I am troubled by the fact that U.S. arms makers have played a major role in lobbying for NATO expansion. And this lobbying has been confined just to the United States. As difficult as it may be to believe, McDonnell Douglas helped the Hungarian Government win public support in a referendum on joining NATO by financing a CD-ROM game called "Natopoly" that was distributed free to libraries throughout Hungary. The Washington Post described it as a "piece of slick, unabashedly pro-NATO software."

Mr. President, U.S. arms makers seem to equate expanding NATO with expanding profits. To explain what I mean, let me quote from a June 29, 1997 New York Times article entitled, "Arms Makers See Bonanza in Selling NATO Expansion":

> At night, Bruce L. Jackson is president of the U.S. Committee to Expand NATO, giving intimate dinners for Senators and foreign officials. By day, he is director of strategic planning for Lockheed Martin Corporation.
>
> Mr. Jackson says he keeps his two identities separate, but his company and his lobbying group are fighting the same battle. Defense contractors are acting like globe-hopping diplomats to encourage the expansion of NATO, which will create a huge market for their wares.
>
> . . . "The stakes are high" for arms makers, said Joel L. Johnson, vice president for international affairs at the Aerospace Industries Association. . . . "Whoever gets in first will have a lock for the next quarter century." The potential market for jets alone is $10 billion, he said. . . . "Then there's transport aircraft, utility helicopters, attack helicopters," Mr. Johnson said—not to mention military communications systems, computers, radar, radios, and other tools of a modern fighting force. "Add these together, and we're talking real money," he said.

And the real "real money" he's talking about is more likely to come from the U.S. taxpayers than from new NATO members. In fact, it appears as if funds are already coming from the U.S. taxpayer to subsidize arms purchases by potential NATO members.

Let me also draw from a study by William D. Hartung, the author of the report which is entitled Welfare for Weapons Dealers 1998: The Hidden Costs of NATO Expansion.

I will read the summary of his key findings. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 13 minutes 36 seconds.

Mr. WELLSTONE. I thank the Chair.

Mr. Hartung wrote:

> Potential new members of NATO are the largest recipients of subsidized military loans from the U.S. Government: Allocations for potential NATO members now dominate the Pentagon's FMF loan program, representing 44.8 percent of the $540.1 million in FMF loans for fiscal year 1997 and 61.2 percent of the $647.5 million for fiscal year 1998.
>
> NATO expansion is good news for Boeing and Lockheed Martin, but is a potential disaster for U.S. taxpayers: Lockheed Martin has been promising "100 percent economic cooperation and up to 100 percent financing" for countries that buy F–16 fighters. Lockheed Martin, Boeing and Textron all have deals in the works to produce U.S.-designed weapons in East and Central Europe as an inducement to get officials there to "buy American". . .The questionable terms on U.S. military loans to the region could leave U.S. taxpayers to pick up the tab for hundreds of millions or even billions of dollars in potential defaults. The likely result of all this furious marketing activity would be a U.S.-subsidized re-arming of East and Central Europe that will fatten the bottom line of U.S. weapon makers at the expense of U.S. taxpayers.

Mr. President, if Mr. Hartung is right, and I think there is a good chance he is, NATO expansion will be a double whammy for U.S. taxpayers. They will wind up subsidizing U.S. arms merchants in a venture that will bring them less, not more, security.

I now want to mention Senator Nunn, who I join in opposing NATO expansion. He deserves a great deal of credit for being the first Senator, to my knowledge, to raise fundamental questions about the wisdom of NATO expansion. Because of my enormous respect for Senator Nunn's knowledge of national security and defense issues, his concerns about NATO expansion influenced my own thinking.

Senator Nunn delivered one of the most incisive statements I have ever heard on the issue when he appeared on the Jim Lehrer Newshour show in March of 1997. He addressed both the possible impact of NATO expansion on our national security and on Russia domestically.

Here is what Senator Sam Nunn had to say:

> I'll start with the question, what are the greatest threats to the United States? Clearly, the No. 1 threat to the United States today is the proliferation of weapons of mass destruction, whether chemical or biological or nuclear.

I agree with Senator Nunn, that should be the foundation of our foreign policy, our No. 1 concern.

> Then my question would be: Does NATO expansion help in the fight against proliferation of these weapons going to the third world rogue countries or terrorist groups? And my answer to that is no, it makes the cooperation that we have underway with Russia more difficult, perhaps not impossible, but more difficult.
>
> The second question I ask is about nuclear threats. Does NATO expansion help us in terms of easing the nuclear trigger, while Russia still has thousands and thousands of nuclear weapons, or is it harmful? And I think the answer to that is it makes it more difficult because it puts enormous pressure on the Russian military. They're extremely weak, conventionally now. They're not a threat to countries we're taking in, but their reaction is likely to be a reliance, a heavy reliance on nuclear weapons. So the answer that I have to both of those key questions relating to the threat is that it makes it—NATO expansion makes our security problems more difficult.
>
> The third question is the question of Russia itself. The greatest change we've had in the threat to the United States has been the breakup of the Warsaw Pact and movement towards democracy and market reform in Russia. That has a long way to go. But the question I ask, is NATO expansion going to make reform more likely in Russia or less likely? I think it makes it more difficult because it puts pressure on our friends, the democrats in Russia, and it gives a great political issue to the demagogues there and the people on the extreme left and the extreme right.

I think my colleague, Senator Nunn, is absolutely right. It works at cross-purposes to stopping the proliferation of weapons of mass destruction. I think it makes the nuclear threat more real, as Senator Nunn suggested, and it absolutely plays into the hands of the worst forces in Russia and to the disadvantage of democrats in Russia.

Mr. President, the push for a larger NATO has already hurt our relations with Russia, as shown by the stalling of the START II agreements in the Duma, troubling frictions with Russia recently on issues ranging from U.S. policy toward Iraq, to proliferation issues, to the management of Russia's nuclear material.

My colleague, Senator MOYNIHAN, has had a distinguished career in diplomacy and international relations, and he was recently quoted as warning that extending the NATO alliance toward the frontier of Russia risks "the catastrophe of nuclear war." I cannot honestly say whether I think his analysis is right or wrong, but I have to ask myself is there any compelling reason for the U.S. rush to expand NATO if there is the slightest chance that it could trigger a nuclear war down the road. Why are we taking such a chance?

Dr. Arbatov, while in Washington last month to attend meetings at the Center for Political and Strategic Studies, took issue with those in the West who contend that Russians don't really care about NATO expansion. The following is a summary from his remarks that Arbatov approved:

> Contrary to what is being said by many Western proponents of NATO, Russians do care about NATO expansion, and they are almost unanimously opposed. It is true that most Russians, like most Americans, are primarily concerned about everyday things and making ends meet. But almost everyone who has any interest in foreign affairs is very concerned. Millions of pensioners who remember World War II, all the military, workers in defense industries, intellectuals, government and political elites care very deeply about this issue. And nearly the full spectrum of Russian politicians is opposed to the expansion of NATO.

I want to conclude this way. Susan Eisenhower points out that not only are Russia's progressive forces being put under enormous pressure by NATO expansion, but there are signs Russian conservatives are already using it to their own advantage. Eisenhower stresses:

> There is already tangible evidence that NATO expansion has given conservative forces—

Which has a different meaning, I say to my conservative colleagues here, than conservativism in America.

> a platform. On January 23, the Duma overwhelmingly passed a resolution stating that NATO expansion is the "most serious military threat to our country since 1945." It also said that Baltic membership in NATO would be incompatible with the NATO-Russian Founding Act . . . The resolution requested that the Yeltsin government devise a program to counteract NATO expansion.

In pursuing NATO expansion, why is the administration disregarding the warnings of Russian democrats, George Kennan and other distinguished Russian scholars, that NATO expansion is likely to sow the seeds for the reemergence of antidemocratic and chauvinist trends in Russia? That is a serious threat, I say to my colleagues, to our lives, our children's lives, and our grandchildren's lives.

I am especially puzzled by this since it must be evident to both supporters and foes of NATO expansion that European security and stability is greatly dependent on Russia's transition to democracy. A democratic Russia is unlikely to ever threaten its neighbors.

Why then are we considering a step that will weaken Russia's democrats and strengthen ultra-nationalists who oppose democracy? George Kennan has said—George Kennan who wrote the famous Mr. X article in Foreign Affairs; George Kennan, perhaps the most prominent thinker about Russia in our country—George Kennan with the most distinguished career possible has said that expanding NATO "may be expected to inflame nationalistic, anti-Western and militaristic tendencies in Russian opinion [and] to have an adverse effect on the development of Russian democracy. * * *"

Let me repeat that quote. George Kennan has said that expanding NATO "may be expected to inflame nationalistic, anti-Western and militaristic tendencies in Russian opinion [and] to have an adverse effect on the development of Russian democracy * * *"

I urge my colleagues to carefully consider George Kennan's wise words, the heartfelt words of Russian democrats, and the prophetic words of Senator Sam Nunn and join me in opposing ratification of NATO expansion.

Mr. President, I ask how much time I have left.

The PRESIDING OFFICER. The Senator has 3 minutes left.

Mr. WELLSTONE. I thank the Chair.

THE MURDER OF BISHOP JUAN GERARDI CONEDERA

Mr. WELLSTONE. Mr. President, in the 2 minutes I have remaining, I just want to bring to the attention of my colleagues that wonderful bishop in Guatemala, Juan Gerardi—a man of justice—who was assassinated on Sunday. He was the director and founder of the Human Rights Office of the Archdiocese of Guatemala. It has been absolutely devastating to the forces for democracy in Guatemala and to the forces for human rights.

On the floor of the Senate today, I just want to say that I believe, as a Senator, that our Government should make it crystal clear to the Government in Guatemala that we want a full accounting. I urge the U.S. Ambassador to Guatemala to ask the Guatemalan government to swiftly investigate this crime; it is a terrible setback to the effort to shine a light into the dark corners of our hemisphere's history.

What we know so far is that on Sunday, April 26, Bishop Gerardi was assaulted and killed as he entered his home. His attacker, whose identity is unknown, smashed the Bishop's head with such brutality that his features were obliterated and his body could only be identified by his ring. Nothing was stolen from Bishop Gerardi's body or his house, nor was his car stolen.

When you have a courageous Catholic bishop who has been such a strong advocate for human rights murdered, we need to know—the people in Guatemala need to know—what happened. There needs to be accountability.

Mr. President, this vicious crime is all the more terrible because of the context in which it occurred. On Friday, Bishop Gerardi had released the Archdiocese's report on past human rights violations in Guatemala entitled "Guatemala: Never Again." He directed the Catholic Church's effort to gather information on the long, tragic history of massacres, killings, and torture in that country. These efforts are an important part of the people of Guatemala's efforts to come to terms with their past, through a full and accurate accounting of past human rights abuses.

I do not prejudge this. I do not know who committed this brutal assassination. But like the Catholic Church in our country and like people all across the world who care so much about democracy and human rights, as a Senator, I do call on the Government of Guatemala to launch an immediate investigation into the murder of Bishop Gerardi, and to make sure that they bring this to closure and we find out who was responsible for this barbaric act. Whether or not this was a crime against a man who was merely in the wrong place at the wrong time or a carefully calculated attack against the Bishop and his work, the truth must be brought to light. Adding another mystery to the labyrinth of deaths, disappearances, and shattered lives in Guatemala would compound the tragedy of the loss of one of Latin America's great human rights leaders.

Mr. President, I ask unanimous consent that the statement from the Human Rights Office of the Archbishop of Guatemala, as well as a copy of my letter to the U.S. Ambassador to Guatemala, be printed in the RECORD.

I thank my colleagues for their courtesy. I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF HUMAN RIGHTS,
ARCHBISHOP OF GUATEMALA.

In the Face of the Abominable Assassination of Monseñor Juan José Gerardi Conedera, The Human Rights Office of the Archbishopric of Guatemala Announces:

1. Its profound pain and indignation for the cowardly and brutal assassination of Monseñor Gerardi, the founder and General Coordinator of this office.

2. On Sunday, April 26 at around 10:00 pm, when he was entering his house after doing a routine family visit, Monseñor Gerardi was attacked by an individual who was not identified. The assassin first hit Mons. Gerardi on the back of the head with a piece of cement, and later delivered blows to the bishop's face, disfiguring it. The individual returned to a site near the crime ten minutes later, having changed his clothes since they had been soaked with the bishop's blood. No object of value was stolen from the house, nor was his vehicle taken (which he was getting out of when attacked), nor was any personal item touched by the assassin.

3. Forty-eight hours earlier, Monseñor Gerardi had presided at the Metropolitan Cathedral, along with other bishops from the Guatemalan Episcopal Conference, for the public presentation of the report entitled, "Guatemala: Nunca Más." The report documents and analyzes tens of thousands of

cases of human rights violations that occurred during the armed conflict. Mons. Gerardi was the coordinating bishop for the Interdiocesan Project "The Recuperation of Historic Memory" which produced the report.

4. Mons. Gerardi was Auxiliary Bishop of the Archdiocese of Guatemala since 1984. From 1967 to 1976 he was bishop of Las Verapaces, where he laid the groundwork for the Indigenous Pastoral. Later he was named bishop of El Quiché, where he had to confront the time of the worst violence against the population. The assassination of various priests and catechists and the harassment of the Church by the military obliged him to close down the diocese of El Quiché in June of 1980. Weeks before that, Mons. Gerardi had escaped an ambush. When he was president of the Episcopal Conference, the authorities denied him entry into his own country and he was forced to remain in exile for two years until he was able to return in 1984.

5. The assassination of Monseñor Gerardi is a ruthless aggression against the Church of Guatemala—which for the first time has lost a bishop in a violent manner—and against the Catholic people, and represents a heavy blow to the peace process.

6. We demand that the authorities clarify this tragedy within a period of time not to exceed 72 hours, because if impunity is allowed to extend to this case it will bring grave cost to the Republic of Guatemala.

7. To the people of Guatemala and the international community we ask your resolute support and solidarity in this difficult moment for the Catholic Church. This treacherous crime has shocked everyone, but in this time of trial we should remain firm and united in order to keep the violence and terror that the Guatemala people have suffered from taking possession of Guatamala and make us lose the political space which has been won at such great sacrifice.

As Monseñor Gerardi said, in his April 24th address at the presentation of the REHMI report, "We want to contribute to the building of a country different than the one we have now. For that reason we are recovering the memory of our people. This path has been and continues to be full of risks, but the construction of the Reign of God has risks and can only be built by those that have the strength to confront those risks."

U.S. SENATE,
Washington, DC, April 29, 1998.

Hon. DONALD PLANTY,
U.S. Ambassador to Guatemala, Embassy of the United States, Guatemala City, Guatemala.

DEAR AMBASSADOR PLANTY: I was profoundly shocked and saddened when I received the news of the murder of Bishop Juan Gerardi, Coordinator of the Human Rights Office of the Archbishop of Guatemala.

The circumstances, as I understand it, still remain unclear. However, a spokesman for the Archdiocese of Guatemala City suggested that this murder could be related to the public release of the REHMI Report on Friday, April 24th, just 48 hours before this deplorable killing.

It appears that many believe that this case does not fall into the category of "common crime." Former President Ramiro de Leon Carpio, U.N. Secretary General Kofi Annan, and others have voiced their concerns about the possible political nature of this incident and I am sure this question is on the mind of many other Guatemalans.

I urge you, Ambassador Planty, to let the officials of the Guatemalan government know that Members of Congress anticipate a full and thorough investigation of this tragic event. We hope to learn not only who the perpetrators were, but whatever other factors and motivations, if any, were involved in this terrible crime.

Thank you for your attention to my concerns.

Sincerely,

PAUL WELLSTONE,
U.S. Senator.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. I ask unanimous consent that I be allowed to speak for up to 5 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. I also ask unanimous consent that the Senator from Georgia, Senator CLELAND, be allowed to speak following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Thank you very much.

(The remarks of Mr. GRAMS pertaining to the introduction of S. 2004 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRAMS. I yield the floor.

Mr. CLELAND addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CLELAND. I thank the Senator from Minnesota.

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND THE CZECH REPUBLIC

The Senate continued with the consideration of the treaty.

Mr. CLELAND. Mr. President, I am honored to have the opportunity to engage in this debate over the proposed expansion of the NATO treaty. It is an important occasion for this body, for our country, and for the shape of the post-cold war world. To quote Emerson, who had in turn been quoted by the great American statesman Dean Acheson about the dawning of the post-World War II era, "we are present at the sowing of the seed of creation."

It is a debate which has properly engaged the best minds in American foreign and national security policy. George Kennan, the architect of the successful "containment" strategy with which NATO won the cold war, has said,

> Expanding NATO would be the most fateful error of American policy in the entire post-Cold War era. Such a decision may be expected to inflame the nationalistic, anti-Western and militaristic tendencies in Russian opinion; to have an adverse effect on the development of Russian democracy; to restore the atmosphere of the Cold War to East-West relations; and to impel Russian foreign policy in directions decidedly not to our liking.

That is the quote of Mr. Kennan. My predecessor, and someone whose views on national security matters I most value, former Senator Sam Nunn, has said, "NATO expansion makes our security problems more difficult," and Senator Nunn cowrote a recent magazine article with former Senator Howard Baker, Alton Frye and Brent Scowcroft which states that, "by premature action on new members, the Senate could condemn a vital alliance to creeping impotence."

On the other hand, the architect of America's detente strategy, Henry Kissinger, testified to our Senate Armed Services Committee that,

> Failure to expand NATO is likely to prove irrevocable. Russian opposition is bound to grow as its economy gains strength; the nations of Central Europe may drift out of their association with Europe. The end result would be the vacuum between Germany and Russia that has tempted so many previous conflicts. When NATO recoils from defining the only limits that make strategic sense, it is opting for progressive irrelevance.

And Zbigniew Brzezinski, with whom I served in the Carter Administration, has testified that,

> NATO enlargement has global significance—it is central to the step-by-step construction of a secure international system in which the Euroatlantic alliance plays the major role in ensuring that a peaceful and democratic Europe is America's principal partner.

Mr. President, these are strong and important words from some of our country's premier experts on international relations, and of course they point the Senate in diametrically opposite directions in the current debate. However, and I will return to this point later, in my view they all raise the right questions and ultimately can help point us in the right direction as we take up the critical questions of whether NATO and whether Europe will remain with us regardless of what we do on the pending resolution of ratification. Though I certainly acknowledge the importance of the impending decision, I would counsel that we not engage in exaggeration or hyperbole about the consequences of this single choice. It is but the first, and in my opinion probably not the most important, question we must answer as we feel our way in this unknown "new world order," and no one, and certainly not this Senator, knows for certain how the future will unfold in Russia, or in the rest of Europe, for that matter.

So I welcome and I appreciate the thoughtful commentary which has been submitted on both sides of this issue. I have benefited from it, and I certainly believe that neither side has a corner on wisdom or concern for our future security. In this same spirit, I would like to thank the distinguished Majority Leader for responding to two requests I made, one in a letter I cosigned with a number of other Senators on March 3, and the other in a personal note I sent to him on March 25, that he delay final Senate action on the resolution of ratification to allow for more debate, and for more information to be obtained on several important policy questions. While I thought, and think, that for a variety of reasons, it would be better to delay this vote until the beginning of June, I appreciate the postponement he did arrange because it allowed me to make my own "inspection tour" of Europe to assess the situation there in person on the ground.

I have just completed a twelve day, 12,000 mile tour of Europe. My travels took me to London, Camp Robertson, V Corps Headquarters and Ramstein Air Force Base in Germany, and NATO Headquarters in Belgium. They also took me to Eagle Base in Bosnia-Herzegovina. On my trip, I tried to get a realistic look at our Western alliance as we approach the end of the 20th Century. Our relations with our European allies, particularly through NATO, are of special importance to the United States. As I have already indicated, the issue of NATO expansion to nations formerly a part of the Warsaw Pact, especially the pending proposal to include Poland, Hungary and the Czech Republic in NATO, is of paramount importance as we consider the crucial matter of the future of the Western alliance in this body.

During my journey, I also attempted to get a feel for the disposition and readiness of our military forces in Europe, and the attitude and morale of our troops deployed on our expeditionary mission to Bosnia.

Any attempt at gaging the temperature of our NATO alliance must begin with a sense of European history. President Kennedy once said that the thing that he cherished most in the White House was "a sense of history," and the thing he feared most was "human miscalculation." I had the same feeling as I toured Europe. In order for us to not miscalculate in terms of our diplomatic and military policy in these areas, we must have a sense of history of the region. Winston Churchill once observed about the value of history that, "One can not know where one is going unless one knows where one has been." This is certainly true in Europe.

To illustrate the lessons of history, I have in mind a trip I took to the Waterloo battlefield in Belgium made famous by Napoleon's encounter with the Duke of Wellington there in 1815. In addition to some fascinating lessons regarding battlefield tactics which created 48,000 casualties in one afternoon, I gained some other valuable insights which I think are instructive as we approach the NATO expansion debate.

One lesson that I learned was that although Napoleon had great loyalty from his band of seasoned veterans who had marched with him through the various Napoleonic wars which had plagued Europe until 1815, by the time of Waterloo he was actually outnumbered 3 to 1. Europe had finally coalesced against him. At a crucial moment in the battle, it was a Prussian commander who brought his forces from as far away as Austria and Germany to come decisively to the aid of Wellington. The Prussian commander massed his forces to help Wellington defeat Napoleon's Grand Armée and the Napoleonic Guards. The lesson for me is clear. Europe has been swept over by one conqueror or another ever since Roman Times. But, when European nations form a strong alliance, they can defeat any enemy.

I think this is an important lesson in history to apply to our present day understanding of Europe, particularly in terms of our NATO alliance. In this century from time to time, Germany, then Russia, has tried to dominate Western and Eastern Europe. Each time, alliances were formed against the hostile force. NATO, the most successful European alliance in history, will celebrate its fiftieth anniversary next year. It is not surprising to me that Western Europe, primarily because of NATO, has seen its longest extended peace in centuries.

Another lesson of history I learned on this trip was the importance of American leadership in helping Europe form alliances that protect it from invasion without and turmoil within. It was after all a British leader across the channel, Wellington, who acted as a catalyst to lead the disparate nations of continental Europe to defeat Napoleon. That was in the last century. This century, it has been an ally across the Atlantic, America, who has led the disparate nations of Europe in an alliance to defeat those who would conquer it. Beginning in World War I, throughout World War II, during the Berlin Airlift, and, finally, through to the conclusion of the Cold War, America has been a catalyst in bringing European nations together to defend and protect our shared interests. American leadership and American guarantees of security with commitment of our forces on the ground in Europe has provided what one French diplomat called an "insurance policy" that if things go wrong on the continent "America will come."

As America approaches the close of this century and the dawn of the next, our nation finds itself fully engaged, committed and involved in the life of Europe. Our diplomats, politicians and military forces are stretched over the continent. They provide a level of diplomatic clout and military force projection second to none. America in this part of the world is looked upon as an honest broker in dealing with age-old European factional disputes. The security and stability in Europe since WWII principally guaranteed by NATO is the prime reason Europe is the number one trading and investment partner of the United States today. Increasingly, as the European Union develops, forms its own currency and expands its influence into Eastern European countries, it will become the largest economic trader and investment block on the planet. As America enters into the 21st Century, we will have an opportunity to expand our trans-Atlantic trading and investment partnerships to an extent hitherto unknown to us.

Make no mistake about it, this opportunity for record economic growth, and the opportunity to spread the gospel of free market economics and the benefits of trade, travel and commerce, has come about because European states, and especially newly independent Eastern European nations, now perceive themselves at the dawn of a new era of peace and stability. They are, indeed, "present at the sowing of the seed of creation."

Russia has imploded. The Soviet Empire is no more. Where Russia goes from here is anybody's guess. Churchill once described Russia as "a riddle wrapped in a mystery inside an enigma." The mystery of where Russia is headed is still with us. We in this country and our European allies wish our Russian friends well. Through the Partnership for Peace, the Founding Act and other entities, we as a matter of policy want to pursue a future based on cooperation rather than conflict. As a democracy ourselves, we in the United States wish the Democratic movements in Russia Godspeed. As a market economy, we believe our type of economic freedom, which brings with it the blessings of growth and opportunity, will sooner or later take hold in Russia as it has in other parts of the world. Democratic notions such as the rule of law, civilian control of the military and human rights now penetrate the thickest of barriers and the strongest of curtains. We know, too, it will take time for these principles to grow naturally in Russia. Many of us feel strongly that Russia will sooner or later make it through this very difficult transitional period. No one knows, however, how long that will take.

Whatever the future of Russia, the future of Eastern Europe is more and more clear. One of the most powerful messages I received on my trip is that there is a new era of hope and opportunity dawning in Eastern Europe. Long denied by the Cold War, a host of Eastern European countries now see an opportunity for their moment in the sun. This is particularly the case for the states who have been invited to join NATO—Poland, Hungary and the Czech Republic. A short time ago, the Parliament in the Czech Republic overwhelmingly voted to join NATO. As the vote was declared, the entire body stood up and applauded. As the great 19th Century French writer Victor Hugo observed, "An invasion of armies can be resisted, but not an idea whose time has come." The nations of Eastern Europe are emerging into the light after fifty years of the Cold War. The notion that they and their people can enjoy the stability and prosperity experienced by Western Europe is an idea whose time has come.

Certainly, one of the great challenges currently facing NATO is the issue of Bosnia. On my recent trip, I had the marvelous opportunity to fly on a helicopter to an American outpost—Camp Bedrock—in Bosnia on Easter Sunday.

It was near Tuzla in Northeast Bosnia. While flying over the countryside, it seemed I was watching a colorized version of a World War II documentary about war-torn Europe. I saw portions of villages burned to the ground. I had not seen such devastation since I was in Vietnam thirty years ago. On my visit, I got a chance to visit American forces in Bosnia. I found them surprisingly cheerful and confident in their mission of peace-keeping in that war-weary countryside. I'm very proud of our forces. They are paying a personal price every day in risking their lives on our behalf.

When I returned from my trip, I received an e-mail from one of the servicemen I spent Easter Sunday with in Bosnia. He wrote:

> My name is First Lieutenant Brian Brandt. We met today and shook hands in the mess hall here on Eagle Base, Bosnia. I would like to thank you for visiting and sharing in our Easter Mass . . . The greatest burden on today's soldiers is being asked to do more with less and our frequent deployments away from home. I am an OCS graduate and have 14 years of service. In this time I have seen many good and bad things within our services. As we move into the next century I hope we don't find ourselves short. No amount of peace or technology can make up for an Army of over tasked and under trained soldiers. Please carry this message with you to Congress.

A few days after I visited Camp Bedrock, I was in Brussels. An American businessman approached me and asked me if I had "hope" about Bosnia. I had to reply, "Yes." I have hope because I believe Europe has learned some painful lessons over the last two centuries. One of those lessons is that alliances—whether against Napoleon, Hitler or Stalin—can win. Secondly, I have hope because Americans have learned some lessons about European history as well. Particularly, I think we've learned one of the lessons about American involvement on the European continent. The lesson is this: "Pay me now, or pay me later." In other words, we as a nation are involved in Europe—militarily, economically, culturally. Better to get in on the takeoff before it turns into a "crash landing!" Better to work through the European Alliance, in particular through NATO, to prevent a conflict than to risk that conflict turning into a greater confrontation or, even worse, war itself.

The European community proved incapable of reaching the necessary consensus to act decisively in Bosnia. The U.N. tried to control the tensions but was neither trained nor equipped for the task, even though a limited number of European nations were supportive. Finally, under American leadership NATO stepped in. With its command and control systems well established, with its alliance relationships previously worked out over the years, it was able to field a stabilization force which has succeeded beyond the wildest expectations for it. In Bosnia, the NATO alliance now works with non NATO members, including Russia for a combined alliance of 37 nations.

That's why the killing has stopped.

That's why troops and tanks have been disarmed.

That's why minefields are being dismantled.

That's why refugees are returning.

That's why elections are being held.

That's why war criminals are being identified and hauled before an international tribunal. That's why further excesses of any warring party—as in Kosovo—bring immediate international outrage.

That's why those who perpetrated war are now hunted down and discredited.

That's why political moderates are coming to the fore and condemning the extremists.

The effort in Bosnia involves the largest alliance of nations ever to coalesce against a common enemy on the continent of Europe. Maybe we've learned and acquired a sense of history after all.

I applaud all the members of the alliance for their contributions to peace and stability in Bosnia, particularly the NATO members, and especially the Russians, for coming together in a unified effort to prevent further bloodshed, enhance stability and pave a pathway for peace. I hope it is a harbinger of good things to come in the next century in terms of enhanced cooperation and communications among our countries for the betterment of mankind.

I especially want to applaud our American servicemen and women and their American military commanders who are working to bring peace and stability in Bosnia. They are working in a tasking and demanding environment filled with diplomatic and military minefields. Special thanks go to General Hugh Shelton, Chairman of the Joint Chiefs of Staff, who came with his wife and joined me for Easter Sunday services with the troops in Tuzla. He joined me and Congressman PATRICK KENNEDY, a respected member of the U.S. House National Security Committee, for a very special Easter Mass in a Catholic Chapel. A particular responsibility rests on the shoulders of U.S. General Wes Clark, the top NATO Commander. His diplomatic and military skills have been tested to the maximum, and have been put in full play to hold the NATO Alliance together militarily in a challenging environment in the Balkans. A dear friend and a great Georgian, LTG Jay Hendrix, commands the U.S. Army V Corps out of Germany. He faces the daunting challenge of deploying and replacing the troops in the Bosnian expedition. General Eric Shinseki is the overall commander of all military forces on the ground in Bosnia. He has a tough task in Sarajevo. Major General Larry Ellis is the "muddy boots general" on the ground in Tuzla who musters the morale of all of his forces, and is doing a great job in the American sector. All of the men and women involved in this effort are a credit to the United States, the European Alliance and the cause of human dignity and freedom in the Balkans. I am proud of them all. I will support continued funding of their efforts to bring peace and stability to this troubled part of our world.

A proper consideration of the issue of NATO expansion requires consideration of American, as well as European, history. As I discussed earlier, the leading voices on American foreign policy currently offer divided counsel on this issue. It is obvious that no clear consensus has yet formed as to America's post-Cold War strategy.

This lies in stark contrast to previous eras in our history when our approach to the world has generally been guided by a unifying vision. In our earliest days, we were galvanized by seeking to gain our independence. Then Manifest Destiny took hold as we boldly expanded westward into frontier country. During the same time, the Monroe Doctrine guided our relations with Europe and Latin America. This period was interrupted by the Civil War and the painful Reconstruction Era. As the United States entered the 20th Century and Americans turned toward commerce, the industrial revolution made its biggest impact on American economic development. This Gilded Age saw the rise of the Labor movement, the Depression and set the foundation for the New Deal.

Throughout all of this time, it would be fair to sum up our general philosophy on foreign policy as an attempt to continue to follow President Washington's recommended approach, contained in his Farewell Address of September 17, 1796:

> Observe good faith and justice toward all nations. Cultivate peace and harmony with all . . . The Nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest . . . Steer clear of permanent alliances, with any portion of the foreign world . . . There can be no greater error than to expect or calculate upon real favors from nation to nation.

That approach changed when, following the two great 20th Century world wars and alternating cycles of isolationism and engagement, America emerged as the major global economic and military power. We then became united around the fight against Communism which, in the form of the Soviet Union, posed the only grave threat to our physical survival we have ever faced. The Cold War guided our thinking, and NATO was the main military expression of that strategic vision.

Now we are in a new era. No one has quite coined the term for it. Some call it the "New World Order," but I prefer to call it The Age of Democracy. What I find different and indeed magical about this new era is the fact that while it brings with it the spread of democracy and democratic principles around the world to places that have been burdened by tyranny, it is doing so not through the threat of force, but through the promise of peace. However, thus far we are not in consensus on how we shape our national security policies to meet the challenges of the new era.

I believe the critics of the proposed expansion of NATO are right when they focus on the need for policies which draw Russia into cooperation rather than confrontation with the United States and the West. From the control of nuclear, chemical and biological weapons proliferation to containment of Saddam Hussein, to the termination of the Cold War legacy of Mutual and Assured Destruction, the participation and cooperation of Russia is of vital importance in securing this peaceful Age of Democracy which we are entering.

I also believe the critics are right that we are going to have to be extremely careful in when and how we approach consideration of inclusion of the Baltic states and former Soviet Republics in NATO or any other unified military command structure.

And, over the long-term, I believe the critics are right that it is the expansion of the European Union, and its ultimate promise of what Churchill called a "United States of Europe," which offers the strongest foundation for Eastern European economic and political development, and for Europe at long last being able to be fully responsible for its own security.

However, after much reflection and after having seen the "ground truth" on my recent trip, I have concluded that supporters of NATO expansion are absolutely correct that other than NATO there is no entity at present which is able to step up to the plate and fill the security void that currently exists in Central Europe. The European Union is currently considering the proposed admission of six nations, including Poland, Hungary and the Czech Republic, plus Slovenia, Cyprus and Estonia, but that process is likely to take until 2003, at the earliest. Furthermore, the Union has a number of important questions, such as its decision-making process and the division of sovereignty between it and its component nations, which must be worked out before it can offer an effective voice on foreign and defense policies.

As for Russia, I believe we must make every effort to seek cooperative and mutually beneficial relations. Regardless of how the Senate votes with respect to the pending treaty, I believe supporters of NATO enlargement are correct that we and the Russians will have the same set of mutual interests to work for; namely, the non-proliferation of weapons of mass destruction, and stability around Russia's borders in Europe, the Middle East and Asia. We should see what the future brings in Russia, with the European Union, and with all of the former members of the Warsaw Pact before we decide the next steps with respect to NATO, including both its membership and mission.

It is in this context that I as a member of this body consider the issue before the Senate of expanding the NATO treaty to include the nations of Poland, Hungary and the Czech Republic. For a long time I have asked myself the question, "Can we afford it?" As a member of the Senate Armed Services Committee, I've heard witness after witness question the wisdom of expanding NATO, particularly at this time and especially in terms of the painful transition going on in Russia today. I have also heard NATO enlargement questioned from a budgetary point of view in terms of its cost to American taxpayers. In the wake of what I've learned on my trip, however, I now ask myself, "Can we afford not to do it?"

I've concluded that Russia will do whatever it is going to do. We can encourage cooperation. We can support democratic principles and human rights. We can move forward with arms control agreements, especially Start II and move on to Start III. These are critical items on the American agenda, and critical items on the Russian agenda as well. We must move forcefully in expanding consultation and cooperation on all these fronts.

But, we in this country must heed the call of the Eastern European nations for help in fulfilling their destiny. Their destiny is with the West, as is Russia's destiny one day. In my view, the expansion into the Eastern European community by the Western European community through the expansion of NATO, and a gesture of cooperation to the Russians through the Partnership for Peace and the Founding Act is a plus, not a minus, for our national security. The good news is that so many people in Eastern Europe and Russia want to identify with the West. They want the peace and prosperity offered by Western European ideas and values and Western European organizations. It is for this reason that I intend to vote for NATO expansion. I believe, as Prime Minister Tony Blair said in going to Northern Ireland after I had a brief meeting with him, "I feel the hand of history on my shoulders. I have hope. I have faith. I don't know how it will work out, but I must try."

No one can know for certain how NATO expansion will work out, and I certainly believe we must make our future decisions based on what experience teaches, but in this current decision I think the hand of history is on our shoulders. I think we must work in faith and hope. I think we must try. I don't know how the future of Russia will unfold, but I think it is important for the Western community of nations led by the United States, in the spirit of friendship and cooperation, to reach out in faith and hope to the Eastern European nations, and try to help them create a new future for themselves.

On my recent trip, I visited an American battlefield cemetery. The place was the famous Flanders Fields Cemetery in Belgium. It was a Canadian, Colonel John McCrae, who wrote the famous poem about World War I, "In Flanders Fields." Colonel McCrae was later killed in that war. But he challenged all of us for the rest of this century to live up to the hope that the soldiers in that war had that their sacrifice in bringing peace and stability in Europe would not be in vain. As I laid a wreath at the cemetery, I thought of all those in this century since World War I who have given their lives for peace and prosperity in Europe. I support the pending NATO enlargement as a further expansion of a peace process that began with American involvement in World War I at Flanders Fields, and continues until this day. Surely we have learned some lessons of history this century that will keep us from miscalculating. Surely we do not want to repeat the mistakes of this century in the next.

Mr. President, I learned many lessons on this trip. The most important lesson I learned, however, is that American men and women deployed in Western Europe, Eastern Europe and the Balkans are making a positive difference in the lives of millions of people in those parts of the world. Our American diplomats, soldiers, sailors, marines, airmen, guardsmen are our greatest asset. They spread American values and ideals wherever they go because they treat people with dignity. They talk the talk. They also walk the walk.

More than anything I learned on my trip, Mr. President, is that the legacy of American involvement in Western and Eastern Europe in this century has been a courageous and positive one. It is because of our people who have given their lives and risked their reputations this century in the cause of peace, stability, freedom, human rights, the rule of law, civilian control of the military, economic justice and democratic ideals that America plays such a strong hand in diplomatic and military missions throughout Europe. That story is not lost on nations further East, including Russia and the newly independent states of the former Soviet Union.

I returned from my trip to Europe and Bosnia even more proud of my country and our ideals than when I left. As a new century dawns, I'm sure Americans will learn from history and not miscalculate. At this moment in history, we are the key players in the progress of a European Alliance, especially NATO, and we should be a key player when the Alliance expands into Poland, Hungary and the Czech Republic. While I believe we must constantly seek emerging answers on such key questions as the security situation in the Baltic States, the evolution of the European Union, the political situation in Russia, and the impact on the readiness of American military forces, and should be prepared to guide our future policy choices based on those answers, I support the proposed first round of NATO expansion. As the only currently available alternative, I also support funding for a follow-on-force in Bosnia. As our troops and diplomats do their duty, they can count on support from this Senator.

Mr. President, I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I ask unanimous consent to be recognized as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, first let me thank my colleague from Georgia, Senator CLELAND, for that excellent statement. I have listened to a lot of the debate on NATO enlargement. He gave a tour de force by covering not only the nations of Europe but the history of Europe. I congratulate him on an excellent statement. I fully endorse his conclusion.

HEALTH CARE

Mr. DURBIN. Mr. President, I come to speak in morning business on an issue that I believe is of great importance to many families across the United States. It is the question of health care.

Many people watch the U.S. Senate and House of Representatives and wonder what this debate in the operations of this body have to do with their lives. They look at the bills and wonder who has written them and how it can affect them, and many times just write it all off as politics. But the issue I am about to speak to and the issue which I believe should be part of our legislative agenda is the issue of health care.

Mr. President, we are in a state of crisis in this country, a crisis of confidence over America's health care system. A majority of the American people no longer believe their insurance companies are providing them with the quality of service or choice of doctors they were promised when they paid their premiums. Eighty percent of American consumers believe that insurance plans often compromise the quality of care to save money. Ninety percent of Americans say a patient protection act to regulate health insurance plans is needed. Such an act has been introduced, and we are hoping that we can bring it to the floor for consideration before we adjourn, because we have precious few days left this year to consider important legislation.

Unfortunately in America some health insurers have put cost savings before life savings. Such cost-cutting practices are only inviting tragedy.

I brought to the floor today a photograph of a couple from the Chicago area, the Garvey family. I would like to tell you the story of this typical American family and what happened to Mrs. Garvey on a vacation to Hawaii. Barbara Garvey, a wife and mother of seven from Chicago, suffered from severe arthritis. During a once-in-a-lifetime vacation with friends to Hawaii, Mrs. Garvey discovered some bruises on her body. She was worried. She was immediately sent to the hospital and examined. After examination, there was a diagnosis that she was suffering from aplastic anemia.

There she was in Hawaii, thousands of miles from home, with a friend, with this terrible diagnosis. Doctors in Hawaii decided the only option was to perform an emergency bone-marrow transplant. Both Mrs. Garvey's HMO doctor in Chicago and the attending physician in Hawaii agreed that with no immune system and no ability to clot, a commercial flight back home to Chicago to receive treatment would put her at great risk for infection and stroke.

Imagine, there you are, thousands of miles away from home, told that you have to face this emergency bone-marrow transplant and you can't move; you have to do it now. And if you do not, you could have serious consequences.

They advised Mrs. Garvey to receive this emergency treatment as quickly as possible in Hawaii. Her insurance policy covered it. It wasn't a matter of debating that. But when she called the HMO that managed the policy, they refused to accept any treatment in Hawaii. The clerk at the HMO said to Mrs. Garvey she had to travel back from Hawaii to Illinois for this treatment. They wouldn't pay for it unless she did. And it is very expensive. She didn't have the ability to pay for the expensive treatment.

So she made the only decision she could. She got back on the airplane to come back to Chicago. On the plane, as predicted by her treating physician, Mrs. Garvey suffered a stroke that left her paralyzed on her right side, robbing her of her ability to speak. She was left too weak and unstable to even undergo the bone-marrow transplant. She developed an infection and after 9 days at a Chicago Hospital, Barbara Garvey died of a cerebral hemorrhage and complications.

She was 55 years old, on a Hawaiian vacation, in need of emergency medical treatment, but the decision by an HMO clerk cost her her life. She left behind her husband Dave, seven children, and numerous grandchildren.

I might say to my colleagues in the Senate and those listening, this should not happen in America. Health insurers should not make decisions that are best left to doctors and trained health professionals.

Mr. President, we should take up and pass meaningful patient protection this year in Congress. We have a bill, S. 1890, the patient's bill of rights, that would prevent tragedies like this from happening. The bill would allow for both an independent appeals process and for legal accountability for medical decisions made by health insurers. Without such accountability, insurers have no incentive to provide necessary and timely care to people such as Barbara Garvey when they need it the most.

It may surprise some people to learn that many HMO plans across the country, if your doctor says he wants you to receive treatment, require you to call the insurance company. If the insurance company says no, no, we don't cover that treatment or we won't give it the way the doctor wants it, and you go ahead and follow the insurance company's lead and something bad occurs, guess who is held accountable. Guess who is liable in court. The insurance company? In many instances, no. The doctor, the doctor who really wanted to do it differently, who thought it was best for you and your family to receive a different treatment, ends up the person holding the bag,

That is not fair. We should each be accountable for our conduct, and in this situation no doctor should be held accountable for a decision that was made by the insurance company. The insurance company should stand on its own feet.

Now, we only have a few days remaining in the session. It is hard to believe that in April we are talking about leaving, but it is going to be an abbreviated session for reasons that are beyond me. The political leaders have decided it is time for us to get out of town. They think we have about 60 days to act and don't have much time to consider many issues. I hope that we don't leave town without thinking a little bit about this issue, an issue which most Americans are seriously concerned about, the quality of health care and the accountability of HMO's. Whatever we are going to do will not alleviate the pain the Garveys have endured, but we can fix the system. We can save families the pain of losing a loved one because some insurance companies put business before wellness.

Mr. President, I yield back the remainder of my time.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I commend our colleague from Illinois, Mr. DURBIN, for standing up for the rights of patients in health maintenance organizations. This is an issue of enormous importance, and I think it is clear the Senate ought to be spending time talking about how real patients are suffering as they try to make their way through the health care system. I wish to tell the Senator that I very much appreciate his addressing this issue today.

SECRET WORLD TRADE ORGANIZATION DECISIONS

Mr. WYDEN. Mr. President and colleagues, the poster that is next to me today is a photograph of one of the most important doors in the world. It is an entry to the World Trade Organization, an organization where decisions are made on an ongoing basis that affect the lives of millions of Americans and billions of citizens around the world, decisions that are directly related to their ability to have good-paying jobs, decisions related to their health, their safety and their well-being.

Mr. President, these are decisions, as our colleagues can see from this photograph next to me that recently appeared in the New York Times, that the World Trade Organization makes behind closed doors. In fact, they seem to think it is so important to do their business in secret that the World Trade Organization has posted it in five languages—five languages—just to make it clear that the public, not just the public in the United States, but citizens around the world, are barred from learning of the deliberations that go on behind those doors at the World Trade Organization.

I do not come to this floor as a protectionist. In fact, I have voted for every market-opening trade agreement that has come before the Senate and, during my years in the other body. Trade, open and expanded trade, is the lifeblood of the Pacific Northwest. In my home State of Oregon, one out of every five jobs depends on international trade.

But I am concerned because the World Trade Organization's decisions have enormous implications for the daily lives of our citizens, and I do not think it is right that those decisions are made behind closed doors. I do not think that a new focus by the World Trade Organization on openness is inconsistent with the principles of expanded and free trade.

If the World Trade Organization had open meetings and could hear evidence from outside experts, it is possible some of their decisions would have turned out differently. Take, for example, the recent case the United States lost involving shrimp imports. The World Trade Organization overturned a U.S. ban on imported shrimp caught without turtle excluder devices. If expert witnesses had been allowed to demonstrate the effectiveness of these devices in protecting an endangered species, I expect that the World Trade Organization would have upheld U.S. law. But experts were shut out of those proceedings. Environmental groups, just as so many business groups have done, condemned that ruling saying, "Three unaccountable trade bureaucrats sitting behind closed doors in Geneva should not have the power to make up rules that sabotage global environmental protection." The World Trade Organization holds more than 150 scheduled meetings a year, and hundreds of others. According to World Trade Organization rules, the Ministerial Meeting, which is to be held at least once every 2 years, shall ordinarily be held in private. The meetings of the General Council are also held in private. All other World Trade Organization meetings follow the same rules. In fact, one observer noted the World Trade Organization carries out all its activities in strict confidentiality in meetings closed to the public, including the press and nongovernmental organizations.

Next month, the world's major trading nations will meet in Geneva for the second ministerial conference. They will also be celebrating the 50th anniversary of the world trading system. I urge the President of the United States, if he chooses to go to Geneva, to use that opportunity to call for an end to the closed meetings of the World Trade Organization.

A few weeks ago, with the bipartisan support of our colleagues, the Senate adopted my amendment to the supplemental appropriations bill that simply tells the President to instruct the U.S. Representatives to the World Trade Organization to open the organization's doors to the world's public.

Today I am joined by several of my colleagues in a letter to the President urging that he attach a top priority to opening up the World Trade Organization. On a bipartisan basis, Senators ABRAHAM, KERREY, CONNIE MACK, D'AMATO, and ROCKEFELLER have joined me in urging that the United States not accept closed markets overseas, but also not accept closed doors in Geneva.

Eliminating the secrecy of meetings takes on a greater sense of urgency in light of the growing power of the World Trade Organization. Just this year, the World Trade Organization is working behind closed doors on new rules on trade in agriculture, financial services, information technology, government procurement, and many other areas.

As the World Trade Organization becomes more enmeshed in global standard-setting and multinational regulations, the agency's secrecy becomes even more disturbing. For example, an important industry group, the American Insurance Association, has publicly criticized the closed-door nature of the road to Geneva.

The type of secrecy that is employed at the World Trade Organization would not be tolerated here in the United States. In our country, when a Federal agency proposes a new rule or regulation, it must seek public comment. We hold hearings. There is debate in the press.

But that fundamental openness is missing in Geneva. The World Trade Organization doesn't have to seek public comment on its actions. It doesn't have to allow the public to watch its deliberations. And this is wrong. The World Trade Organization ought to be held accountable for its decisions and actions. They should not be allowed to withhold from the public information about their activities in meetings.

The press has a special place in the gallery here in the U.S. Senate. In Geneva, the delegates vote by secret ballot about whether to release a statement after the meeting is over.

The President of the United States, to his great credit, has called for greater openness in the World Trade Organization's dispute settlement process. This was listed as a principal U.S. trade negotiating objective in the fast track legislation of last year. In recent testimony before a House committee, senior U.S. officials said that the United States will seek greater transparency in the settlement process in the World Trade Organization. And Mickey Kantor, President Clinton's first trade negotiator, has said, "These are very important issues. But it is like they are being dealt with somewhere in a closet and no one is watching."

Agricultural trade is just one area where private decisionmaking at the World Trade Organization has enormous public implications. Since the 1980s, food imports to the United States have doubled. At the same time, while most imported food is wholesome, public health scientists are saying they are seeing more outbreaks of disease linked to imported food—raspberries from Guatemala; carrots from Peru; strawberries, scallions, and cantaloupes from Mexico—the list goes on and on, and some point to the illnesses from this produce as an unintended byproduct of the fact that the safety issues are not debated in the open at the World Trade Organization.

So, our message is simple. The decisions of the World Trade Organization on food safety or other key standards should not be made behind closed doors. The World Trade Organization has the regulatory power to decide whether an Oregon wheat farmer can sell his wheat overseas and whether an Oregon cattle rancher can sell his beef in Europe. A November 28, 1997, WTO report on relations with nongovernmental organizations found that the World Trade Organization restricts the availability of documents on these and many other important issues for our constituents.

The World Trade Organization's dispute settlement process is binding. Last November, an opinion piece in the Journal of Commerce stated:

> World Trade Organization dispute settlement process operates largely in the dark with confidential briefs, closed hearings, unsigned opinions and non-transparent, ad hoc panel appointments. Clearly defined rules on procedure, conflicts of interest and other ethical issues for litigants and judges are not established.

Opening dispute settlement to public view, as the President has called for and as our bipartisan group of Senators calls for today, is essential to maintaining the integrity of the process.

Last December, 129 Members of the Swiss Parliament criticized the World Trade Organization for its lack of democracy, calling for greater transparency. The Swiss should know. They have a front row seat on the proceedings in Geneva, and even they believe that it is difficult, if not impossible, to come up with information about these important proceedings.

I close with this last comment. The call for openness at the World Trade Organization is a pro-trade position. It will strengthen this organization. Sunshine will be beneficial to the cause of free and expanded trade, a cause that I have consistently voted for in my years in the U.S. Congress. But if there is a continued lack of accountability, if there is a continued obsession with secrecy, I believe that is going to undermine the cause of expanded trade in the world. I am very hopeful that as we look to bring more openness to the World Trade Organization, we will see the importance of doing the public's business in public all through the world.

Mr. President, many of our colleagues are aware that I am trying to bring more openness to the U.S. Senate, with Senator GRASSLEY, by barring the right of a Senator to put a secret hold or objection on business here in the U.S. Senate. So I am very hopeful that this year will see changes, changes in the rules in the U.S. Senate, that will bring more openness to the way decisions are made here, changes at the World Trade Organization so there is more openness and more accountability in the way decisions are made there.

I hope I will be able to come back to this floor in the months ahead without this poster, and say the World Trade Organization has taken down the "private" signs and shown the public how it is making its decisions and why. Doing the public's business in public is more likely to generate confidence in the important decisions that are made at the World Trade Organization and here in the U.S. Senate.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I ask unanimous consent that I may speak for about 7 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank my friend.

ALASKA LANDS BILL

Mr. MURKOWSKI. Mr. President, I rise to speak on behalf of S. 660, known as the University of Alaska lands bill.

Alaska entered the Union in 1959 as the largest State with about 360 million to 365 million acres of land, an area one-fifth the size of the United States. As part of our Statehood Compact, we were to be treated like other States and, from the standpoint of land provided for our land grant education system, namely the University of Alaska, we were to be accorded a reasonable amount of land for our land grant college.

Today, Alaska ranks 48th out of 50 States in the federal land granted for higher education. We have approximately 112,000 acres. It is important that I put this in perspective, because the State of New Mexico has 1.3 million acres; Oklahoma has 1,050,000 acres; Indiana has 436,000 acres; New York, 990,000 acres. And here sits Alaska, 48th, with 112,000 acres.

Something is lacking with regard to the issue of equity. We are the only federal land grant college in the country without the federal land. We received less than one-half of the Federal land that was promised. There is only one other State that has less land in its land grant system, and that is the State of Delaware with approximately 90,000 acres. Here is Alaska with 360 million acres receiving 112,000; New Mexico and Oklahoma over 1 million acres.

This bill I have offered provides the university with land to support itself financially and to continue, obviously, to act as a responsible steward of the land for the education of our greatest resource, our children.

Specifically, this bill would grant the university 250,000 acres of Federal land within our State. I might add that the Federal Government has approximately two-thirds of the landmass of our State, which is somewhere in the area of 200 million acres. So we are not talking about transferring very much. We are talking about 250,000 acres out of 200 million, or thereabouts.

In addition to this initial grant, if the State of Alaska chooses to grant the University land, we propose an acre for acre match, up to 250,000 additional federal acres. This option would be solely at the option of the State.

Again, the bill would provide 250,000 acres to be transferred to the State of Alaska, specifically for its university land grant system, and then if the State provides additional acres, there would be a provision for up to another 250,000 acres of matching Federal land.

There are areas that the university cannot select land from within the Federal domain. They cannot select land within conservation units; they cannot select land within the LUD II areas designated in the Tongass National Forest. They cannot select land conveyed to the State or Alaskan Native Claims Settlement Act Corporation land. They cannot select land with connection to any Federal military institution.

This legislation also provides for what we think is a legitimate exchange, because the university does hold some rather sensitive land. They have land on the Alaska Peninsula in the Maritime National Wildlife Refuge. The university has land in the Kenai Fjords National Park. The university has lands in the Wrangell-St. Elias National Park and Preserve and the Denali Park and Preserve. The University would be required to relinquish these lands under this legislation.

To give you some idea of some of the inholdings the university has, many, many years ago there was a major discovery in Glacier Bay National Park by the Newmont Mining Company, and that was a large nickel reserve. It has never been mined, but it was patented. The patent was turned over to the university. They are willing to give some very sensitive environmental lands back to the Federal Government in exchange for a fulfillment of their federal land grant.

It is not without equity, Mr. President. I know of no other State that has given lands back to the federal government in exchange for lands given to it for its higher educational system.

S. 660 allows the State the option to participate in the process, as I indicated. I think it is time the Federal Government lived up to its commitment to the State of Alaska, as it has to the other States, by allowing Alaska to participate in a realistic Federal land grant for the education of the young people of our State.

Let me advise the Presiding Officer how this process would basically be addressed. The University of Alaska, like most universities, has a board of regents. In our case, the board of regents is appointed by the Governor. They bear the responsibility of responding not only to the legislature and the Governor but the people of Alaska on how they utilize the land.

Clearly, some of the land would be for development to help fund the university and would set up an endowment. We often look with envy to our sister State, the State of Washington to the south, where the University of Washington has large landholdings in the downtown Seattle area. From those leases which the university holds, there has been significant real estate development. The funding from the lease payments goes to the university, an endowment of sorts, and funds the university's needs.

Some have expressed the concern that this land may be developed and there will not be the careful consideration given relative to the balance associated with how the land is used. But that is a legitimate responsibility of the board of regents. My answer is, if you cannot trust the board of regents, appointed people who are accountable to other Alaskans, as well as our Governor and the legislature, who can you trust?

So I think what we have here, Mr. President, is an issue that begs the question of why Alaska should be treated any differently than any other State. We should have a reasonable amount of land for our land-grant college.

We are faced with a situation where we have an institution somewhat in crisis because it does not have the ability to have funding from an endowment, and, as a consequence, its entire operational budget must be met annually by the State legislature, which has resulted in a decline in maintenance and other normal types of expenditures that most land grant university systems enjoy from the endowment that is generated from the landholdings that they have. But that is not the case with Alaska, and that is why we feel it is so important to rectify this situation.

I conclude by indicating that some of America's environmental groups are in opposition to this. They are fearful that the university will make Federal land selections and develop that land. My answer to that is, what is wrong with responsible development? It provides jobs, it provides a tax base, and it would provide a regular source of funding for the university. To suggest that we cannot develop certain areas within strict accordance with environmental considerations I think is really selling Alaska and America's can-do technology short. We can responsibly develop these areas if given the opportunity.

In the interest of equity and fairness, I encourage my colleagues to reflect on the merits of treating Alaska in the same manner in which other States were treated when they came into the Union by adequately funding their land-grant holdings so that they can meet the needs of the higher education system; namely, the University of Alaska.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND THE CZECH REPUBLIC

The Senate continued with consideration of the treaty.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I know we have a pending amendment. I would like to speak on the whole issue of NATO enlargement at this time because I was not able to make my opening statement yesterday at the appointed time because we had the other amendment of which I was cosponsor with Senator SMITH.

I believe this Senate will not vote on a more important matter than the one before the Senate this week. The advocates of unfettered enlargement of NATO argue that we are expanding the frontiers of freedom in Europe. It is true that freedom won the cold war. But the spirit of that freedom was the American commitment to defend Europe against the Soviet Union.

Therefore, at the heart of this debate is a simple question: Is the United States prepared to add countries to the list of those that we pledge to defend as we would our own shores? In answering that question, the Senate should look to the future. Instead, many supporters of the resolution have been talking about the past.

They have argued, not without merit, that expanding NATO is necessary to correct the map of Europe that was drawn incorrectly at the end of World War II. And many argue that it is right and just that these three countries before us today become part of the West, since the West turned its back on them at Yalta more than half a century ago.

I think the Senate should be looking to the future to decide if this idea is the right one at this time. What are the future threats to Transatlantic security? Is expanding the alliance the best means of addressing those threats? Must the United States continue to be the glue that holds Europe together, as was necessary during the cold war?

This is an interesting time to consider expanding our military obligations. Today, the President has said the United States will have an open-ended commitment of thousands of U.S. troops in Bosnia. This mission has already cost the United States $8 billion. That is in addition to our NATO requirement, our commitment, our allotment. It appears likely that a major conflict will break out in the Serb province of Kosovo, raising the question whether U.S. troops will be drawn deeper into the morass.

We have also learned just this week that the chief U.N. weapons inspector has declared that Iraq's Saddam Hussein has not complied with U.N. resolutions to destroy his biological and chemical weapons, so the allies may have to take military action to force him to comply. Again, that will mean a disproportionate burden for the United States.

While we are adding new commitments, our military readiness is in decline. Last year, the military had its worst recruiting year since 1979. The Army failed to meet its objective to recruit infantry soldiers, the single most important specialty of the Army. At the National Training Center, where our troops go for advanced training, units rotating in typically come with a 60-percent shortage in mechanics and a 50-percent shortage in infantry. These are often due to the fact that these personnel are deployed abroad for missions such as Bosnia, so advance training is suffering.

This year, more than 350 Air Force pilots have turned down the $60,000 bonuses they would have received to remain in the cockpit another 5 years. A 29-percent acceptance rate for the bonus compares with 59 percent last year and 81 percent in 1995.

Recently, a lack of critical parts for F-16 aircraft forced two fighter squadrons in Italy to cannibalize grounded aircraft to ensure they can continue to conduct the NATO peace enforcement mission over Bosnia.

Mr. President, these are just some of the indicators that show our military is being stretched too thin. The fact is, these defense cuts that we have made over the last few years of almost 50 percent have put our security at risk. This has been made worse by the diversion of U.S. resources and readiness in Bosnia and elsewhere.

In the midst of all this, the President presents the Senate with a proposal to expand NATO to include three new countries without first answering such questions as what is the mission of a post-cold war NATO? The Senate has been put in a dilemma. On one side, we have colleagues who strongly support the resolution of ratification and oppose conditions and reservations that any of us may wish to add.

Throughout this debate, I have heard supporters say that the proposal to add these new members is moral and just and needs no further thought. We have been told that the United States owes these countries membership in NATO, and it has been implied that to question this assumption is to question the very merits of the cold war and NATO's role in winning that role.

Many of us who have reservations about this proposal are the strongest supporters of NATO—I certainly am—and our American leadership in the alliance is also very important. I think NATO is the best defense alliance that has ever been put together in the history of the world. I want to make sure we preserve it, which is why I am questioning some of the assumptions about enlargement that are not based on any facts that we have seen and which have been brought up at the North Atlantic Council or in the U.S. Senate.

There are many other places in the world where only the United States can and will lead. I cherish the role that NATO played in winning the cold war, and it is because of that commitment to support NATO that I take the ramifications of enlargement so seriously.

Many of us with reservations want to see the United States take its fair place in the world and assume its fair share of the responsibility. But we do not think we should be involved in every regional conflict, dissipating our strength and endangering our role as a superpower, a superpower capable of responding where no one else can or will. This doctrine was set in this country as far back as John Quincy Adams, who said to the American people that we will be tempted to go out and right every wrong, but if we do, we will dissipate our strength and we will no longer be effective.

On the other side of the dilemma is the failure of the President to negotiate conditions that address U.S. costs and the heavy burden for European security that we already bear. He promised the three countries under consideration—all of whom are worthy countries—that their admission into the alliance was a fait accompli.

But too many issues remain open, and it has been left to the full Senate the responsibility, a responsibility unsuited to a legislative body, I might add, to address the mission of NATO and what the criteria for new membership should be. I, for one, believe it may even be premature for the Senate to be considering the question. While the Senate Foreign Relations Committee has held a number of hearings on NATO enlargement during this Congress, several matters have not been yet thoroughly aired. For example, we still await a strategic rationale for an expanded NATO from the President. What will NATO's future mission be? What will be the role in executing that mission?

The resolution before the Senate requires the President to report on these matters within 6 months of our approval of NATO enlargement. I can think of no better example of putting the cart before the horse. If we approve that sequence, the Senate is, in effect, saying it agrees with the President that we need to expand NATO, but we haven't decided why. It seems to me the Foreign Relations Committee, the Armed Services Committee, and even the Intelligence Committee, should have the rationale from the administration now, not in 6 months.

There are other issues that need further discussion. On January 16 of this year, the Clinton administration signed a security charter with Lithuania, Latvia, and Estonia that raises important questions: What are we committed to do in this charter? Have we given these countries a security guarantee? Why have no other NATO members signed the Baltic charter? I just think we need to discuss this in the context of where we are going with NATO over the long-term.

The Senator from Virginia has introduced an amendment to take a 3-year time-out after this first phase of enlargement so that we can begin to consider these important issues without the pressure of additional countries that would be waiting on the doorstep with admission promised to them. This would permit us to discuss additional membership on the merits, rather than because of personalities.

A new development since the last Foreign Relations Committee on NATO enlargement is the violence in the southern province of Kosovo. It is very important that we consider the impact this could have on the U.S. and her allies. I think these issues need to be addressed if we are going to look at what NATO is and what everyone in NATO will agree it should be.

There are other issues. How much will it cost? I will speak in greater detail later, because there will be an amendment on cost. But no one knows how much it is going to cost. Estimates that vary from a few million to $125 billion are not credible. It is impossible to say that we know what the cost to the United States will be. A range of a few million to $125 billion cannot be taken seriously.

I am also concerned about the chances we have of importing into the alliance ethnic, border, and religious disputes that have riven Europe for centuries. I will have an amendment in that regard.

After looking at the underlying resolution and the Kyl amendment that was passed yesterday, which could be interpreted—I hope it isn't—as drawing us into one of those ethnic conflicts, my amendment will say that we want NATO to determine a border and ethnic dispute resolution process before we have to make a decision on what our role will be, so that there will be no question of what process will be followed to make peace, and so that it will not rise to the level of common defense necessities for the United States.

The American people cannot believe that this U.S. Senate would act on a resolution that would draw U.S. troops into harm's way for an ethnic conflict that has been boiling in Europe for a hundred years if there is not a U.S. security interest involved.

Opponents of my proposal will say that that will weaken U.S. influence in NATO, but I don't understand that concern. We should certainly be confident enough in our leadership that we would be able to discuss candidly with our allies the limits of our involvement in a parochial dispute.

Mr. President, the resolution before us is far from a finished project. Many of us who do not serve on the Foreign Relations Committee, and would like to support the resolution, particularly as it applies to the three countries, good countries, that are doing the right thing toward democracy and a free market. But we do believe too much has been left out. It is not right to say that this resolution cannot be improved. There are several good proposals that will be introduced in the Senate, which we will have a chance to debate and vote on, which would make this resolution one that all of us can support in good conscience.

I urge my colleagues to consider each amendment on its merits and not based on a preconceived notion that this resolution needs no refinement and that any change would somehow be a bad change. The Senate has a constitutional responsibility to express its will on international treaties. That is a double responsibility when we are talking about the potential of U.S. troops going into a conflict in which they could lose their lives.

The Senate's responsibility in the Constitution is to advise and consent, not just consent. Mr. President, our responsibility in the Constitution is every bit as important and clear as is the President's responsibility. The signers of our Declaration of Independence and the writers of our Constitution came from a historical point in which they had a king who declared war and also executed that war. They specifically rejected the idea of one person having all the power. They dispersed the power because they wanted it to be a well-debated and difficult decision to send U.S. troops into harm's way.

Mr. President, our founders were right. It is the Senate's responsibility to meet their test of advice and consent when our troops and our American security is at stake. I hope we can make this resolution one that all of us can proudly support, one that has conditions that are responsible in the stewardship of the security of the United States. That is our responsibility under the Constitution, and that is what we must do.

Mr. President, I yield the floor.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, I ask unanimous consent to be allowed to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

INS REFORM

Mr. ABRAHAM. Mr. President, I will discuss today the Senate Immigration Subcommittee's plans for a series of hearings on reform of the Immigration and Naturalization Service.

At the beginning of this Congress, I outlined my agenda as the incoming chairman of the Subcommittee on Immigration. During that discussion, I noted that the time had perhaps come to consider fundamental reform of the INS. In particular, I raised the question as to whether an agency charged with both policing our borders and providing services to those seeking to come here legally and become citizens could perform either mission well.

Nothing I have observed since that time has persuaded me that these concerns were misplaced. To the contrary, the problems I have observed with the Service's functioning leave me persuaded that the current structure simply does not work. I also remain of the view that splitting responsibility for INS's different missions is an important part of the solution.

In my view, Mr. President, we must take a hard look at all aspects of the current INS structure. Right now, for example, the distribution of policymaking authority between headquarters and field offices seems haphazard, at best. There also seems to be almost no mechanism for implementing priorities and holding workers responsible for failing to do so. INS's bureaucratic culture appears to tolerate and almost expect failure on too many occasions.

I want to spend a few minutes setting forth some examples of these rather serious problems.

Most people are, by now, familiar with the story of "Citizenship U.S.A.," how what began as a laudable effort to reduce the backlog of legal immigrants waiting to become Americans ended up sacrificing the integrity of the naturalization process, leaving a bitter aftertaste to what should have been the joyous experience of becoming a citizen of this great country. In the course of that effort, thousands of criminal background checks were not completed, leading to the naturalization of people who had committed disqualifying crimes.

As a result of the program's deficiencies, INS is already working to revoke the citizenship of 369 immigrants and is considering action on almost 6,000 other cases.

Revocation of citizenship, however, is properly an onerous procedure, considerably more difficult than denying it in the first place to those the law says should not receive it.

This particular episode has already received considerable attention, and I will not go through the details again.

What has received less attention, however, and is in some ways even more worrisome, is what this episode revealed about serious deficiencies in all aspects of INS operations.

To begin with, many of the flaws that produced improper naturalizations in Citizenship U.S.A. had been identified years before, but gone unaddressed.

A 1994 report of the inspector general's office identified two major problems with INS's background check process.

First, it found that the INS did not verify that fingerprints submitted with applications actually belonged to the applicant.

Second, the INS failed to ensure that background checks were completed by the FBI.

A General Accounting Office study conducted the same year confirmed these findings. Yet the problems went unaddressed for two years.

In November of 1996, after several front page stories reported on improper naturalizations, the INS Commissioner finally ordered that no naturalizations go forward without a completed FBI background check and unless new, more careful procedures for processing background checks had been followed.

In an audit completed five months after that directive was issued, however, Peat Marwick found that only 1 out of 23 INS offices was actually complying with this policy. 7 offices were only marginally compliant, and 15 were not complying with the new procedures at all. It was only a few months ago that KPMG and INS were finally able to say that the new procedures were being followed.

Allegations of fraud in testing also predate Citizenship U.S.A..

Indictments were handed down against 20 defendants in California this past January. But investigations into these allegations have been ongoing for several years and the INS received complaints as early as 1992 that should have alerted the agency to the potential for serious criminal fraud.

Criminal cases may take considerable time to develop and I am not criticizing anyone for taking the time necessary before bringing these particular prosecutions.

My point, however, is that INS took no separate action to close the serious loopholes these allegations pointed toward until this year, the day before I chaired a hearing to look into the issue.

Mr. President, Peat Marwick also conducted a separate audit of all naturalizations done between August 1995 and September 1996. It concluded that we can be confident that naturalization was proper in only 8.6% of the 1 million cases naturalized during that period.

The other 91.4% of cases either contained insufficient documentation to support a proper decision or (in 3.7% of the cases) involved an outright improper grant of citizenship.

Thus, in addition to the 3.7% of cases improperly naturalized, we simply do not know whether almost 90% of those granted citizenship during that period met the requirements for naturalization.

It may well be that the vast majority of cases with insufficient documentation were decided properly.

But the American people deserve to know that citizenship is being conferred only on deserving people, just as the vast majority of legal immigrants who come here to play by the rules and make a contribution deserve to gain citizenship without a cloud of doubt hanging over its propriety.

Unfortunately, these audits indicate that INS simply does not keep complete and accurate naturalization files and cannot even locate many files that should be in its possession.

I have also heard numerous tales of fingerprints being taken and lost repeatedly, of inconsistent accounts being given about the status of people's files, and of an inability to get resolution on the simple question of a person's status.

Under these circumstances, Mr. President, it comes as no surprise that the backlogs Citizenship U.S.A. was designed to address are now back with a vengeance. As many as 1.8 million people are caught up in the nation's naturalization backlog and in some places the wait for citizenship can last up to two years.

Press reports suggest that INS officials have been attributing this slowdown to new procedures put in place in response to Congressional pressure. But when the subcommittee ranking member and I asked whether the new fingerprinting process might cause delays, the INS official in charge of developing them assured us that they would not.

Unfortunately, naturalization is only one area where the INS has not performed either its enforcement or its service mission adequately.

For example, INS does not seem able to figure out how to deport criminal aliens directly after they have finished serving their sentences, and hence claims it cannot detain all of them pending deportation.

At the same time, INS seems to detain many people with strong asylum claims in the same cells as hardened criminals. Who is detained, who is not, and for how long seems to depend less on the person's particular equities as the district in which he or she is found.

When I first raised the issue of fundamental INS restructuring and a split of its missions, I was not sure the idea would be seriously considered. But, as more problems have come to light, people increasingly seem agreed that reform is needed.

The key issue is rapidly becoming not whether there will be a restructuring but what form it should take in order to solve INS problems.

The latest adherent of this view is the Administration. A few weeks ago, I received a letter from Attorney General Janet Reno, Assistant to the President for Domestic Policy Bruce Reed and Director of Management and Budget Franklin Raines, laying out the Administration's proposals on the matter.

This letter acknowledges INS problems and their seriousness. The Administration also recognizes that one major source of these problems is INS' dual role as enforcer of our immigration laws and provider of immigration and citizenship services.

Whether the Administration's proposed remedy is adequate to the task, however, remains to be seen.

The Administration proposes to retain the current INS and have it perform all its current functions. Its plan would then untangle INS' overlapping and confusing organizational structure, replacing it with two clear chains of command, one for enforcement and the other for service provision.

I will study this proposal closely. But I also will look at alternatives.

In particular, while separating lines of authority into enforcement and service is a good start, I am not convinced that it will suffice to allow officials to pursue each mission with sufficient enthusiasm and energy.

I also worry that, by retaining the current agency, even with significant restructuring, we may end up retaining the bureaucratic culture of toleration for failure that we must end.

Finally, I think everyone, including the Administration, understands that no reform plan could command the support necessary to carry the day without careful scrutiny of all relevant problems, the means the plan would use to address them, and the manner in which the plan would work in practice.

These are issues I intend to address through the series of oversight hearings I will launch shortly after the next recess.

Because I believe this is a serious issue, I do not think it is necessarily one that can be resolved this Congress.

But I hope these hearings will help us formulate legislation this session that can serve as a starting point for further discussions. I look forward to working with all interested parties in this important endeavor.

I yield the floor.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SECURITY

Mr. BREAUX. Mr. President, it is always interesting in the morning to start your day by reading the newspapers. I did that as well this morning. I think that most of the things that we read are pretty accurate and pretty correct. But every now and then I think what we read, while it may be accurate and correct, doesn't tell the entire story. I think this morning, if you look at the papers around the city, most of the headlines that I saw were accurate in the sense that they talked about Social Security and the condition of Social Security. The stories in the press this morning dealt with that. That was all based on the recent Social Security report.

It talked about the good news dealing with Social Security. I look at the headlines in the Washington Post, "Forecast Brightens for Social Security." The Wall Street Journal headline was "Economy gives Social Security a Reprieve." A New York Times article, "Surging Economy is Lifting Social Security, U.S. finds." The headline in the USA Today was "Social Security Wins Three-Year Reprieve."

All of that is very accurate. All of it is very, very true. All of it is based on the Social Security trustees' annual report that they give to Congress and to the American people and to the President of the United States.

If you just read those headlines, you will say, "Well, things are really good in the area of Social Security." The good news, I think, was based on the fact that the trustees' report pointed out that the payroll tax that we pay every month will be able to cover Social Security benefits through the year 2013 as opposed to the early projections that the payroll tax is only going to be enough to pay for benefits through the year 2012. They say that when you combine the payroll tax and the interest paid on the reserves that are in the Social Security trust fund, that would be enough money to cover the benefits to retirees through the year 2021 instead of just through the year 2019.

They further point out that it is good news that the Social Security trust fund, when you add everything up, will not be depleted until the year 2032 instead of the year 2029. All of that is good news. The President correctly spoke about the fact that we added 3 more years to the Social Security program because of the strength of the economy basically. But the reason I take the floor today is to point out "the rest of the story," as the words go, in other areas, because there is another part of the story that didn't seem to get the attention that I think it should have gotten from the press, because the stories don't highlight the other trust fund that I think is equally important and was also released yesterday by the trustees' report. The other trust fund that I am referring to is the Medicare trust fund, the Medicare part A trust fund, which basically pays the expense of 38 million Americans going to the hospital to receive health care.

But the story that is only sort of mentioned as a footnote is that not only have we not run a surplus in the Medicare trust fund since 1995, including deficit spending of $9.3 billion last year, they did not point out that the part A trust fund is going broke 2 years earlier than we had anticipated just this past January.

What the report says is that instead of going broke in the year 2010, it is going to be depleted in the year 2008. And the numbers I just cited for Social Security, talking about 2032 and 2013, those are dates that are at least a little bit further out. But the report said that we are going to be going broke in the Medicare trust fund 2 years earlier than they had in January. I think that is incredibly significant.

Prior to the balanced budget bill that we passed last year, the hospital insurance fund, which pays for Medicare hospital coverage, was estimated to become insolvent in the year 2001, just around the corner. So last Congress we struggled and did what I call the "SOS" approach, "same old, same old," by essentially reducing reimbursements to doctors and hospitals. And particularly in addition to that, what we did to sort of save the program in Medicare was to transfer home health care from part A to part B, at least we transferred part of it. We transferred about 60 percent of it, which amounts to about $174 billion over the next 10 years. We just took it out of this column, which was having a lot of trouble being paid for by the payroll tax and moved it over to part B, which is 25 percent paid for by a premium, and then the 75 percent is paid for by the General Treasury of the country out of general revenues.

So what we did, we put a Band-Aid on Medicare. We tried to save it from going busted in the year 2001 and we extended it out to the year 2008.

It is interesting that the Congressional Budget Office earlier this year had said, well, we thought the trust fund was going to be solvent until the year 2010. But now we have this new report just out yesterday, brand new, overlooked generally by the press, in my opinion, that said the Medicare trust fund was going to be insolvent not in the year 2010, but that the trust fund will be depleted in the year 2008. So unlike Social Security, where people are saying it is getting better than we first thought, Medicare is getting worse, and it is getting worse more quickly than was originally anticipated even in January of this year.

We look at the year 2021 as the key year in Social Security because that is the year when you add taxes and the interest in the trust fund. It will no longer be enough to cover Social Security benefits. That is the year we all talk about Social Security, that we are not going to have enough money to pay benefits—when you add money coming in plus the interest on that money, we are not going to have enough to pay the benefits in the year 2002.

I want to tell my colleagues that we passed that point in Medicare a long time ago. Medicare is already passed the point where the money coming in and the interest on the money coming in is not enough to pay for the benefits. We passed that in 1995 when the accumulated taxes and interest in Medicare were no longer enough to pay the benefits of Medicare. So we are not talking the year 2021 as in Social Security. We are talking about we already passed that point when it comes to Medicare. That is how much more difficulty the Medicare system is in than the Social Security system. We have been running a deficit in the program since 1995. Last year, it was $8.3 billion more in benefits than we had in money coming in and the interest in the trust fund. It is obvious we cannot continue that.

I would like to quote a couple of the other highlights from the report which I think are significant. The trustees' report says that to bring the health insurance Medicare part A trust fund into balance over the next 25 years under their intermediate assumptions would require either that outlays be further reduced by 18 percent, or that taxes be increased by 22 percent or some combination of the two over that period. That is, they say, "the current HI payroll tax of 1.54 percent would have to be immediately raised to about 1.81 percent or the benefits reduced by a comparable amount."

I haven't heard anyone in my State of Louisiana that I have the privilege of representing telling me to raise their payroll tax by 22 percent, and I have not heard a single person come in and say, "Senator, would you please cut my benefits by 18 percent." More of what I hear is, "Don't increase my taxes and don't decrease my benefits."

But I will say to all of our colleagues that that is not an option. That is not an option. The report further says that prior to the Balanced Budget Act of last year, the part A expenditures were estimated to grow at an average rate of about 8 percent a year in Medicare. From 1998 to the year 2002, what we did last year in the balanced budget amendment reduces annual growth to an estimated average of 3 percent. Thereafter, however, expenditure growth is expected to return to the level of about 7-percent increases every year in Medicare costs.

The report further says that "the balanced budget provisions are estimated to substantially reduce the gap between income and expenditures over the next 5 years, but with a return to steadily increasing deficits in the year 2003 and later. After 2002, the gap between income and expenditures will widen steadily so that by the year 2007 there would be a $26 billion shortfall in that year alone."

Those are very sobering statistics. Unfortunately, I think they are very accurate. I have long been very concerned that we in the Congress and the public have this sort of false sense of security that because every year I get my Medicare benefits and I still get the coverage I need, there really is not a problem; that the people who are talking about a problem are sort of like Chicken Little who ran around the country saying, "The sky is falling. The sky is falling." It never fell, and they didn't believe Chicken Little any longer. I think people don't believe Congress anymore. If you look at the headlines I talked about, I think they miss the point about Medicare which is much more immediate. It is around the corner, good news and bad news. Good news that Social Security is in pretty decent shape. We made 3 more years extra out of the program. But the bad news and the very legitimate concern we should have is that Medicare is predicted to go insolvent even earlier than before, 2 years earlier than we had previously predicted.

So I hope that more people will take a look at the trustees' report. It is a good report. It is a sobering report and one that every American, whether they are on Medicare or whether their parents are on Medicare or their grandparents are on Medicare, should take a look at and know that there must be a growing awareness among all people in our country that if we are going to continue to have the greatest system of health care for America's seniors, we have to start making decisions now and recommendations now if we are going to prevent what this report says is going to happen in the not too distant future.

The trustees' report noted—I will conclude with this:

> More far-reaching measures will be needed to prevent the trust fund's depletion as the baby boom generation starts reaching age 65 and starts receiving their benefits. . . . In this regard, the work of the Bipartisan Commission will be of critical importance to the Administration, the Congress and the American public.

I could not agree more. I commend this very sobering report to all Americans, because it, indeed, is a wake-up call as to what this Congress needs to be seriously considering in the very short period of time we have left.

I yield the floor.

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND THE CZECH REPUBLIC

The Senate continued with the consideration of the treaty.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE AMENDMENT NO. 2317

(Purpose: To establish a formal process within the North Atlantic Treaty Organization for the resolution of disputes among members and between members and non-members)

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an executive amendment numbered 2317.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the resolution, insert the following:

NEGOTIATION WITH ALLIES REGARDING THE ESTABLISHMENT OF A PROCESS TO RESOLVE DISPUTES AMONG OR BETWEEN ALLIES.

(A) Prior to the first deposit of any of the United States instruments of ratification of any of the Protocols, the United States representative at the North Atlantic Council will introduce at the NAC a proposal for consideration by all allies and aimed at establishing a process for dispute resolution among allies. The proposal shall be limited to addressing those disputes—

(i) between or among allies that are within the collective security purview of the NATO alliance and address territorial or other such disputes within the alliance's area of operations and responsibility, and;

(ii) in response to which at least one disputant has credibly threatened the use of military force.

Mrs. HUTCHISON. Mr. President, my amendment is very simple. It requires the U.S. Representative to NATO to make a proposal to our allies regarding the resolution of disputes that fall short of article V conflicts.

Before discussing what my amendment does, I would like to say what it does not do. It does not require that NATO adopt a dispute resolution process, although I think it should. It does not tell the President what his ambassador to NATO should propose, although I hope the administration will take the opportunity to provide meaningful leadership in this area. It does not treat new members of NATO any differently from current members. In fact, that is the premise of the amendment, that there be a dispute resolution process that applies to all members, current and prospective, so there are no surprises should a dispute arise.

I think it would show strong leadership to anticipate that there might be disputes in Europe where we have seen disputes of varying kinds over the course of history. But to have a dispute resolution process that is not looking at two particular countries and individual personalities, but rather to have a dispute resolution process so everyone knows what the ground rules are and everyone would comply with those, having had a say in the way they are drawn up.

Why is this needed? Simply put, because the history of the 20th century demonstrates clearly that great conflicts can arise from small disputes. If we are going to expand NATO to include an ever-growing number of new countries, it is simply folly to pretend that no such disputes will ever occur within the alliance, or that they would not affect the alliance in its ability to stay together.

According to the Congressional Research Service assessment of a number of sources, there are at least 11 ongoing disputes in Europe that have a moderate or high potential for violence or escalation. Some of those are listed behind me.

For example, three involve Albania. While Albania is not being considered for membership in NATO today, many have said that it should be considered in the next wave of new members. So I think if we set something in place now, we are not saying that it would apply just to Albania; we are not making it personal. But what we are saying is "let's recognize the obvious. NATO currently has no process to peacefully resolve disputes, which will only grow in number as the alliance enlarges." We have had a conflict involving Greece and Turkey for most of the history of the alliance.

Opponents to my amendment would say that this proves that we don't need a dispute resolution process, because we can handle future conflicts the way we have handled the Greece-Turkey conflict. Mr. President, we have not handled the Greece-Turkey conflict. We have avoided handling it. In 1974, these two supposed NATO allies almost went to war over the island of Cyprus. That conflict continues today. Each country regularly threatens the other with war over sea and airspace violations, weapons proliferation, and the treatment of each other's compatriots in Cyprus.

If the best that my opponents can say of my amendment is to point to Greece and Turkey as proof that we don't need it, then there really can be no opposition to it at all. The fact is, the cold war imposed a discipline on the alliance that probably did keep such conflicts in check. That discipline is no longer in place. If we do not at least discuss a process by which NATO can peaceably resolve disputes, then the alliance will lose credibility as we turn a blind eye to a growing number of disputes similar to that of Greece and Turkey. Such a process might even have ended that conflict, permitting both of those countries to move on and focus on their own strengths and their own economies.

In a letter to the President last summer, I joined with nearly two dozen Senate colleagues to raise this and a number of other questions regarding NATO enlargement. We asked the President about the importance of border-dispute resolutions and should we not be anticipating this so we could resolve them, not in the heat of a dispute, but in a vacuum of such disputes so we would be able to go forward in an objective way.

In his response to us, the President said, in effect, that NATO doesn't need a dispute resolution process because the European countries have themselves established a number of bilateral treaties regarding their borders. But we are changing the makeup of NATO. We can certainly anticipate what more members—many with long-standing disputes, ethnic disputes, border disputes—will do to the alliance. We must go in with our eyes wide open and prepare for some potential escalation of conflicts or new conflicts to arise as we add new and diverse members.

My amendment simply requires that before NATO expansion goes into effect, the U.S. Representative at NATO should open discussion about dispute resolution. My amendment restricts the issues that should be considered in such a proposal, and it certainly restricts it to territorial and security matters so as not to permit an agricultural crisis, for example, to trigger a NATO process.

My amendment further requires that any U.S. proposal be aimed at disputes in which at least one of the parties has threatened the use of military force. That is it. There is no reason to be concerned that this proposal is going to do something drastic. It is not directing any outcome, but it is saying we must raise this question. Let's talk about it when there is not the heat of a crisis.

Opponents to it, though, say that it will dilute U.S. influence in NATO. How could U.S. leadership be weakened by our representative in NATO raising a topic that the European countries themselves believe is so important that they have signed 12 treaties on the matter already? It is because of our leadership in NATO that this could happen in a way that I think would provide stability in the alliance, and I don't know why it would even be resisted.

Why would we be thinking of adding new members to this alliance if we didn't have enough confidence in our leadership to know that we could open for discussion such an issue and that it would be good for everyone to address? It seems to me that the argument about U.S. leadership being diluted is much more relevant to the question of whether there should be new members, rather than whether all members should acknowledge their potential border problems.

I have had conversations with foreign ministers and ambassadors from each of the three prospective NATO members. They have told me that as long as any dispute resolution process applies to all members evenly, then they support the idea.

I also spoke with former U.S. representatives to NATO and to other European capitals. They, too, have told me that NATO should discuss this matter. Former NATO Ambassador Bob Hunter has said that he thought this was a positive approach. President Reagan's Ambassador to the U.S.S.R., Jack Matlock, said—and he is, I would say, a leading authority on European security—that, "NATO has no policy on how to deal with ethnic unrest, and they need it badly." This is a quote directly from Ambassador Matlock, who is a seasoned and career diplomat.

(Ms. COLLINS assumed the Chair.)

Mrs. HUTCHISON. Yesterday, we adopted an amendment that could be interpreted to endorse NATO's role in responding to ethnic or religious disputes. If it is legitimate that NATO be involved in ethnic or religious disputes, why would it not be equally legitimate that NATO discuss a process to avoid or resolve such disputes?

My amendment would initiate that discussion. I had much stronger language in an earlier amendment that I was considering, but I have talked to many Members of the other side, I have talked to many Ambassadors and people who have dealt with the security of Europe for a longer time than I have, and they felt that it was too strong to give directions. So I have pulled back that language. But I think to open the discussion, to open our eyes to the fact that any time we add members to an alliance, we should certainly expect that there would then be more potential for disagreements, I think that will be a responsible approach to our responsibility in the Senate.

I hope my colleagues will accept this amendment. It is one of the amendments that I think would strengthen the responsible role we play, it would strengthen U.S. leadership, and, most of all, Madam President, it would strengthen the NATO alliance to anticipate problems and have a process by which we could address them. What could be more responsible and more reasonable than that?

I do hope we can adopt this amendment. It will be one of the amendments that I think would help me be able to vote in good conscience for this resolution that is before us today.

Thank you, Madam President. I yield the floor.

Mr. SMITH of Oregon. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH of Oregon. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT

Mr. SMITH of Oregon. Madam President, I ask unanimous consent that with respect to the Moynihan amendment regarding the EU, the Senate proceed to that amendment at 12 noon on Thursday and there be 1 hour for debate equally divided; that following the conclusion or yielding back of time, the amendment be laid aside and Senator WARNER be recognized to offer an amendment relating to a 3-year pause on which there will be 2 hours for debate equally divided; that following the conclusion or yielding back of time, the Senate proceed to a vote on, or in relation to, the Moynihan amendment, to be followed by a vote on, or in relation to, the Warner amendment, following 2 minutes of debate equally divided in the usual form prior to each vote.

Madam President, I point out that this has the consent of the Democratic leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE AMENDMENT NO. 2317

Mr. SMITH of Oregon. Madam President, while my colleague from the Democratic side is getting prepared to respond to the Hutchison amendment, I will simply say that it is painful to me to not be on her side of an issue. I am one of Senator HUTCHISON's greatest fans, but I simply must oppose her amendment simply because NATO has for so long been a place where contending European countries have come together in a common purpose and not pursuing national agendas for their common defense. There are many places, many forums, in which dispute resolutions currently take place, and to turn NATO into something that is no longer a place for common defense but a place for nationalistic resolution I think would do a grave disservice, even an undoing of NATO, and dissipate its strength.

I plead with my colleagues, as appealing as this amendment sounds on the surface, I think it would be very hurtful to the future of Europe. I point out that whether or not you can point to Greece and Turkey, I suggest that NATO membership of those two countries has caused them not to come to greater blows in the recent past and I hope will yet be an influence for them not to come to blows in the future.

I think, clearly, NATO has served a historic purpose, in its informal way, of contributing to Prussian-French rapprochement and healing. The same can be said as between Britain and Spain, between Spain and Portugal. Many of the boundary disputes that have raged in Europe for centuries have begun to dissipate, in large part, because of NATO and because it brings all of these countries together in a common purpose and for the good of all of Europe.

Madam President, I thank you for the time and yield the floor to my colleague.

Mrs. HUTCHISON. Will the Senator yield for a colloquy?

Mr. SMITH of Oregon. I will.

Mrs. HUTCHISON. I wonder if the Senator from Oregon is aware that all we are doing is asking our NATO Ambassador to bring this up for discussion.

Isn't it a responsible thing to at least bring it up, start talking about what would be in a border dispute resolution? And then if there was not a consensus, of course, it could be rejected. What could be wrong with just asking that it be brought up for discussion among our allies?

Mr. SMITH of Oregon. To my friend from Texas, I do not suppose in the abstract there is anything wrong with anything being discussed in NATO. But I would simply fear that we are changing its complexion, turning its focus away from a collective alliance for security and into a place for dispute resolutions.

I think, those European countries, as I have discussed this issue with them, they have said to me, well, this is the place we come together, not the place where we come to divide again. And I think they would quickly say, let us leave this to the United Nations, let us leave this to the European Union, let us leave it to other bodies where these kinds of resolutions can be sought.

Mrs. HUTCHISON. I just say to my friend from Oregon, we left Bosnia to the United Nations. My friend from Oregon, we left Bosnia to the United Nations. If we had the ability to have something in place by which we could have had a process long before Dayton to discuss these issues and perhaps bring them to the table together for a resolution, I do not think we would be in a potentially unending commitment in Bosnia.

I just ask if a border dispute resolution process would not be part of collective security, if it would not help us prevent conflict rather than always reacting when things are already exploding before our eyes?

Mr. SMITH of Oregon. It is a point to be debated. I think it would be duplicative at best and at worst could be very harmful to the unity that NATO by its dynamics currently creates.

I thank the Chair.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. I find myself once again in an uncomfortable position. I admire and like my friend from Texas. And maybe she is not, but I am looking for something to agree with her on, but this is not the one.

She has been, as she always is, persistent and effective in making her case. She and I have been sort of at this dispute about dispute resolutions privately and also in our official capacity of attending the observer group meetings. And so here it is on the floor.

I just rise today to strongly oppose the amendment because its prescription, I think, is both unnecessary for NATO as an organization and, quite frankly, harmful—harmful—to continued U.S. leadership to the alliance. Let me explain what I mean by that. And none of this will come as any surprise to my friend. I do not expect to change her mind at all, but I do want to make the case why I think this is a bad idea.

It is unnecessary because the North Atlantic Council, which is now known as the NAC, the principal political organ of NATO, is by its very nature already a dispute resolution mechanism. That is the place we make decisions in NATO. All actions in the NAC—all of them—are taken by consensus, which comes, in almost every circumstance, after very lengthy formal and informal discussions among the 16 nations who are members of the NAC.

For example, all delegations to NATO are housed in the same headquarters building in Brussels. Every working day there is a wide variety of meetings among delegates and member countries. Some are briefings; some are informal group meetings; and some are one-on-ones. Every Tuesday, NATO ambassadors or so-called perm representatives meet in an informal luncheon, which is strictly an off-the-record luncheon. A lot is resolved there as well. The purpose of these luncheons is to work out tough questions out of the glare of the press and publicity and to be able to be brutally candid with one another.

In addition, the North Atlantic Council holds a weekly formal meeting which is on the record. By that time, issues in dispute, in almost every circumstance, have already been settled. As the alliance grew from 12 in 1949 to 16 in 1982, it has expanded its areas of common endeavor rather than retreated due to the inability of each to reach consensus decisions. Even during the divisive Bosnia debate, which has been referenced here, when one ally favored the Serb position and another the Muslim, the alliance still agreed to the largest historic commitment leading to the Dayton peace implementation force.

This amendment notes that the North Atlantic Treaty does not provide for a dispute resolution process by which members can resolve differences among themselves. As true as that statement is, it is also equally irrelevant. NATO has a remarkably good track record in resolving disputes among its members, or at least in previewing them and then preventing them from escalating into open conflict.

In fact, I think we ought to declare it the sense of the Congress that NATO is to be congratulated for having aided immeasurably in helping two of its members, France and Germany, to resolve their age-old antagonisms that caused two world wars in this century alone. That did not need a formal dispute mechanism. That was a consequence of the way the NATO negotiations take place now among its members.

I think it should be the sense of the Congress that NATO is to be congratulated, notwithstanding the comments of my friend from Texas, for having prevented two members, Greece and Turkey, from going to war on more than one occasion.

I am told my friend has indicated that that may have been the case in the past, but no longer. The truth of the matter is, NATO is still deeply involved in preventing the disagreement over Cyprus and the Aegean, certain islands, the transfer of weapons. It is the real place where most of the resolution takes place, because those Greek generals and those Turkish generals and the Greek perm representative and the Turk perm representative, they pass each other in the corridor every day. They meet every day. They probably talk every day.

More recently, we ought to congratulate NATO for having integrated Germany so well with its neighbors so that the rest of Europe is now comfortable with a larger united Germany. Up until 12 years ago, there were as many people in the West as the East who were concerned about a united Germany. There was as much talk among parliamentarians in the East as the West about a united Germany—not a prospect in 1948, 1955, 1965, 1975, and I would argue even 1985 that anyone was rushing to embrace on the continent.

Why did it go off so smoothly? NATO. NATO. More importantly, we ought to congratulate NATO, under American leadership, for having resolved all these disputes while assembling the most awesome defensive military alliance in history, one that no foe has dared to attack for 49 years.

The only change to the NAC as a result of the enlargement that is about to take place with the addition of three new countries, the only change will be the addition of their three perm representatives, of their generals, of their people in the same building at the same meetings interfacing on the same questions.

Some may worry that they will carry their own hostilities with neighbors into the NAC. I would argue that not only is that not likely to happen, if past is prologue, they have put away those hostilities in order to be able to get into NATO.

NATO—just the prospect of membership to NATO has caused each of those countries, in varying degrees with varying degrees of disputes outstanding, to settle those border disputes, to settle those ethnic rivalries. I mentioned half a dozen times on the floor I doubt whether anyone on this floor would have predicted 2 years ago, let alone 20 years ago, that Romania would be accommodating a Hungarian minority or that Poland would have settled all of its border disputes.

A President whom I personally admire and politically disagreed with but my friend from Texas, I expect, politically and personally admired, Ronald Reagan, used to say, "if it ain't broke, don't fix it." This "ain't" broke. Trying to fix something that "ain't" broke is likely to damage it, in my opinion.

Each of the three candidate countries has recently concluded a bilateral agreement with its neighbors resolving any outstanding issues that may lead to conflict, Poland with Germany, Poland with Ukraine, Poland with Lithuania, Hungary with Slovakia, Hungary with Slovenia, Hungary with Romania, the Czech Republic with Germany, and now that they will be sitting at the same table, making the same profound decisions, dealing with the same issues, again, if past is prologue, there is little to no possibility that concerns of my friend are likely to come to fruition.

Maybe most importantly, in my view, it would be extremely hard for the U.S. leadership of the alliance to create a binding dispute resolution mechanism separate from the NAC, because that would mean relinquishing what I thought was of concern to my friend from Texas, as well as my friend from Virginia and my friend from New Hampshire, and all those who oppose enlargement.

What do they keep talking about? We are basically going to get ourselves entangled with more people. We will get involved in a more unwieldy operation. We are going to be in a position where actions are taken. The mere action of bringing them in will negatively impact their relationships with Russia. This is going to cause friction within Europe because now some countries are left out and some countries are left in, and it goes on and on and on. I respect their concerns.

But if you have those concerns, why would you now want to change the organization of which we are a member, where we can now veto anything NATO wants to do—anyone, anything. All we have to do in the NAC is say, "Sorry, no; we vote no, no," and it is done, finished, over. We lead the alliance.

Now I admit, we lead the alliance as a consequence of the size of our military, the nature of our equipment, our command and control, and our phenomenal economic power. I acknowledge that. But we politically lead the alliance, as well, not only for those reasons but because we have the ability to stop anything we want.

Now, I ask my friends in this body, why would we, a noncontinental power who is, in fact, a European power, why do we want now to sign up as we enlarge NATO—and I respectfully predict that we are going to enlarge NATO. The vote will be overwhelming. We will enlarge NATO, in my humble opinion. Now, why are we now going to say, look, we are going to have a new mechanism, a new mechanism, the equivalent of unilaterally giving up our most potent weapon politically; that is, this new mechanism will say, hey, you know, if most of the European countries want to do something we think is foolhardy and against our interests, we have to submit to a binding resolution. And if, in fact, the binding resolution results in a decision different from the one we have taken, then we have one of two choices. We either go along and consider it to be bad policy or we leave NATO—as I understand the resolution.

I think this would be the political equivalent to unilateral disarmament, robbing ourselves of the final protection against any mischief, should it arise. I think this would inevitably erode American support for NATO itself as it comes to be perceived as a forum where America does not lead but where America's influence has been self-restrained.

Sandy Vershbow, our current U.S. Ambassador to NATO, recognizing this threat, called me from Brussels a couple weeks ago to express his strong opposition and fervent prayer, wanting me to assure him—which I could not do—don't worry, this will not pass. He thinks, our present Ambassador to NATO, any such mechanism would be totally counterproductive to American interests in NATO.

In remarks on this floor last month, the Senator from Texas likened her NATO dispute resolution mechanism to the National Labor Relations Board. Mr. President, NATO is not the NLRB. I know she didn't mean it is. She was making a comparison of how the mechanism would function. But NATO is an alliance that has protected the free world for 49 years. It has worked well the way it is presently constructed. The United States is a leader of that alliance, and it would be totally irrational, in my view, to squander that leadership by tampering with the North Atlantic Council.

We heard yesterday from Senator KYL, and from me, mainly from Senator KYL, about the strategic doctrine of NATO and what it would be in the future and what we were insisting on in this body. We can insist all we want. We can instruct the President to vote any way, tell our NATO Ambassador to vote any way he wanted, and if, in fact, we are outvoted, it wouldn't matter, like it does now. We vote no now, it ends—done, finished, over, no action. But if we submit to binding arbitration, what we say in this floor is diluted. So this also, in my view, dilutes our power, our responsibility as the body that is given the constitutional responsibility to, as was stated by Professor Corwin in another context, to struggle for the right to conduct American foreign policy.

I say to my friends who are worried about dispute resolutions and border disputes, right now I see my friend from Virginia is on the floor again. Amazing how we attract one another to the floor these days. My friend from Virginia, who knows a lot about NATO and the Armed Services Committee, has expressed concern about what NATO may get involved in in the future. I think he would be strongly opposed to this because right now if NATO countries decided to get involved in a border dispute in Europe that we did not want to be involved in, under this operation being suggested, we would have to go or leave NATO. We would not be given a choice. If we lose in binding arbitration, we participate in an operation we disagree with or practically leave NATO. That is a practical matter. The Senator knows he can only work by consensus.

I realize this is extremely well-intended, but I used to go to a Catholic grade school, as well as a Catholic high school, but the distinction was in the Catholic grade school the nuns taught me. I know this will come as a shock to all my colleagues. Occasionally, I would be kept after school for disciplinary reasons, and it wasn't because I spoke too much then, because I used to stutter very badly so I hardly spoke at all. Maybe that is why I speak as much now.

All kidding aside, I used to have to stay after school. I say to my friend from California, if you were a bad boy or a bad girl, in fifth, sixth, seventh, or eighth grade, you would have to write something on the board 500 times.

And the one that I used to have to write the most, that Sister Michael Mary would most often choose for me to write—God rest her soul, as my mother would say—particularly because she would say I always had some rational excuses as to why I did what I did, she always used to make me write the following phrase 500 times on the blackboard: "The road to hell is paved with good intentions."

Well, this will not take us to hell, but this is a road to disaster that is paved with very good intentions. It is unnecessary, it is counterproductive.

One other thing. While I was off the floor temporarily, I am told by staff that the distinguished Senator from Texas said that when we had a meeting with the foreign ministers—"we" being Senators ROTH, BIDEN, the Senator from Texas, and I don't know how many other Senators attended that meeting right downstairs in the room of the Appropriations Committee, their Capitol meeting room. We met with them at length, all of them that were here. The distinguished Senator asked them whether or not they thought a dispute resolution mechanism was a worthwhile thing. They all said yes, initially. And I said, "Please, will everybody hold up for just a moment." I said, "Let me explain to you"—and I ask the Senator, if she disagrees with the explanation, to say so—"what my distinguished friend from Texas means. That is a resolution mechanism, different than the NAC, that would be binding arbitration. Do you still agree?" Every single one of them said, "No; we do not agree." They said that with all of us present.

Mr. WARNER. Madam President, on that point, will the Senator yield?

Mr. BIDEN. I am delighted to.

Mr. WARNER. Essentially, all the distinguished Senator from Texas is asking is that we lay down the proposal, and if the NAC repeats the position that you just recited, that is the end of the purpose of the amendment. Therefore, I am wondering why we would preclude a simple act of a proposal being put before the NAC by the U.S. representative, not instructing the NAC as to what to do but simply to say, take it into consideration. It is a very simple, straightforward amendment.

Mr. BIDEN. Will the Senator pardon me for a moment to ask my staff a question?

Mr. WARNER. Sure.

Mr. BIDEN. Madam President, I say to my friend that, to be honest with you, initially I was under the impression that this was to provide for this dispute resolution mechanism.

Mr. WARNER. I have clarified that point.

Mr. BIDEN. You have. Secondly, I was reminded by my staff that our present NATO Ambassador called me personally, and maybe others, asking that he not be put into a position of even having to introduce it, because he thought it was such a serious mistake to even raise that specter.

Now, it seems to me that if I were a member of the NAC presently, if I were France, I might like this dispute resolution mechanism. They have been trying very hard to take over your fleet, without supplying a ship. They have been trying very hard to take titular leadership of NATO—I will get a lot of letters on this. I see Senator ROTH's senior staff saying: There he goes again with the French.

Mr. WARNER. He is a Francophile of some stature.

Mr. BIDEN. Yes, and I am a quarter French heritage.

But my point is this. I think it is dangerous to even introduce this into the NAC. Why would we possibly say to anyone in NATO, now, that we want you to consider us being able to give up our right to dictate the outcome of any decision made by NATO that is in a positive sense? Why would we even want to do that? That would be a question to my friend from Virginia, other than responding to my other colleague. Why would we want to do that?

Mr. WARNER. First, I want to add a fact. I consulted with the distinguished Senator from Texas, and she said that she, in turn, has consulted with Ambassador Hunter, who preceded the Ambassador you just referred to, the incumbent—and, by the way, the incumbent, we all know, was associated with the Senate and was a staffer at one time. He has risen through the ranks and has now gotten due recognition and was given that very important post. He carries with him an extraordinary corporate knowledge of this institution and the general subject of NATO. So I think the appointment is a good one.

But Ambassador Hunter gave some technical advice in the preparation of the amendment. I read the language in paragraph 1 down there, "between and among allies . . ." and so on. I sought clarification of one or two words, and I was advised Ambassador Hunter was the source of some of that language. I am not suggesting that Hunter said this is the right thing to do, but at least he gave some technical advice.

The amendment is so straightforward. It simply says we will take—and many of us have grave concerns about the missions of NATO as they are now being formulated—and they, regrettably, will not be made known until a year hence, at the very time we are asked to vote. I have dwelled on that point and will continue tomorrow.

The point is that I think the Senator is entitled to ask for the support of her colleagues, not to simply table it. If the NAC turns it down, so be it, because as this new definition of missions comes out, there could well be provisions—and I will not prejudge it—that deal with the ever-increasing number of ethnic, religious, and border disputes. Speaking for myself, I want NATO's participation, at the very minimum, in trying to resolve certainly by force of arms. So this seeks to have maybe some tribunal within NAC that listens to the parties and hears them out.

Madam President, as the wise Senator from Delaware knows, Greece and Turkey have had some very fundamental disagreements for many years. As a matter of fact, one person whom I respect, with a corporate knowledge, told me that the reason they were given NATO membership was to avoid a conflict between the two of them. I am not suggesting the credibility of that statement, but it was made. And NATO has, in many ways, arbitrated through the years, and continues to arbitrate in some measure, this longstanding dispute as it relates to Cyprus.

The point is, in that sense, NATO is arbitrating the very types of disputes that the Senator from Texas had in mind. I think it is within the purview of this very important deliberation we are having now to simply ask Senators to allow the amendment to be passed for the sole purpose of laying down a proposal.

Mr. BIDEN. Madam President, the Senator doesn't often confuse me. We very often agree, and when we disagree, I usually understand clearly why we disagree. Let me explain my confusion, and if the Senator wishes to respond, I would appreciate it. If not, I understand.

The Senator has been the most vocal and articulate opponent of NATO and/or the United States alone getting involved in what he believes to be intractable civil conflicts, border disputes, that have hundreds of years of history that precede them.

Mr. WARNER. Madam President, the Senator is correct. I remain of that view.

Mr. BIDEN. And I respect that. But what confuses me is, with the Senator's grave concern, why would he even want to give the NAC, or NATO, a possibility of taking away his power to influence those outcomes? He says that he is worried about—and I know him to be—the next strategic doctrine NATO may come out with.

Right now the way NATO is constructed organizationally is if they come out with a doctrine that we sign off on, or intend to sign off on, the distinguished Senator from Virginia can come to this floor, pass a resolution and/or an amendment to a piece of legislation instructing the President not to sign on, and he can make that prevail depending on the number of votes available. If this were to be put before NATO, which would, by the way, imply at a minimum that the United States supported it, and the President doesn't, we do not support it. We wouldn't table something we don't support. People do not go around tabling things and asking for consideration that by implication they don't support. This administration does not support that. The last administration, to the best of my knowledge, does not support that.

But why would this Senator even put in play the possibility that his influence over whether or not we are involved in a border dispute is rendered null and void? For if this were tabled, and if NATO adopted this, we would be in the position of taking exception to getting involved in a border dispute quite possibly, and if the dispute mechanism resolution requiring binding arbitration were in effect, the Senator would have no, no, no impact over whether or not that occurred, other than passing a resolution suggesting we would throw off from NATO.

I don't understand, even though that is not likely to happen, why the Senator would even want to put himself in that possible position. The higher one is concerned with being involved in border disputes seems to me to increase in direct proportion the need for opposition to this amendment. Those who are willing to get involved in every border dispute, who think we should be the policeman for all of Europe, central Europe, the former Soviet Union, that we should do whatever our European friends think should be done, they should be for this because it doesn't matter. It may very well be that we have a President who doesn't want to get involved in those disputes. But a majority of the members of NATO do, and they think that is good foreign policy.

But I am perplexed. The more one is concerned about border disputes, the less they should be willing to give an absolute veto power that we now have—absolute. There is no need to discuss it. There is no need to do anything. The President of the United States picks up the phone, the Secretary of State picks up the phone and says to our Ambassador to NATO, "Vote no." Done, over, gone, finished, no troops, no NATO. Why would you want to give up that lock? It is beyond me.

Mrs. HUTCHISON. Will the Senator yield?

Mr. BIDEN. Yes. I yield the floor.

Mrs. HUTCHISON. I would like to try to answer that because what we are trying to do is not have it come up to NAC but to have border disputes and a process that everyone has agreed to, and if anyone doesn't agree, including us, it wouldn't go into effect.

The Senator from Delaware quoted from my statement, but he forgot to say that I laid out the labor arbitration as just an example of what it could look like. I was only trying to provide one option, one thought. The purpose is not to have border dispute resolutions come to NAC. It is to have an agreed-upon procedure at the lowest level so that every country would know what the ground rules are so that they could handle it at the lowest level and there wouldn't be an eruption at the highest level.

I say to the Senator from Delaware, who I admire very much, that all the United States Ambassador has to do is say, "I don't think this is a good idea," when he does start talking to the allies. It will go nowhere. Why would anyone be afraid to talk about this in anticipation of problems that could occur? There are 11 potential border disputes that have been identified by the Congressional Research Office as having a medium to high probability of escalation. It is, I think, an opportunity to keep a Bosnia from rising to the level it has. If we had a mechanism in place with the Croats, the Serbs and the Moslems could have gone to an arbitration process, or could have agreed on a process early on how they would like to settle the dispute in the former Yugoslavia.

All we are talking about is putting the idea on the table. We are not talking about a result. I don't know why we should fear a discussion. Why should we fear bringing this up just to see what our allies would like to do about potential border conflicts? NATO is not going to be the same. When you add new members, regardless of who they are, you have to anticipate that there may be a change in the alliance. When West Germany became a member it changed the alliance. When Spain became a member it changed the alliance. When France decided not to be a part of the military operation, it changed the alliance.

What I am trying to do with this amendment is provide leadership. If we have the veto, as the Senator from Delaware has said, we can veto. But why not bring it to the table for discussion?

Mr. BIDEN. I see my friend is rising to speak. Let me respond to the questions directed to me very briefly.

I recall my friend from Virginia—I keep referring to my friend from Virginia because he is on the Armed Services Committee. We have been here a long time. We have been back and forth to Brussels zillions of times. So I don't mean that to suggest he agrees with me.

Mr. WARNER. Madam President, it is a term of endearment and it rests equally on both sides. I just regret that the Senator is of the wrong party. Other than that, he is doing good.

Mr. BIDEN. As my friend will remember, a man named Werner was a very dynamic leader of NATO, a German who was made the number one man in NATO. I recall being in Brussels. Don't hold me to the year. I think it was somewhere around 6 over 8 years ago. There was a lot of saber rattling going on relative to Greece and Turkey.

I remember asking Werner about what this all meant. We were about to have a meeting. He was having a luncheon for me, as they do for any Senator who will go over and pay attention, and with the permanent reps and some of the military. He said to his assistant general so and so, and general so and so, one a Turk and one a Greek, "Call them in the office." They called them in the office. He basically said, "What is going on, fellows? What is the deal?"

The Turkish and Greek military representatives of NATO sat there and in the privacy of that room discussed the politics in their own country; why they didn't see there was much of a problem, but you have to understand it is going nowhere.

If any formal mechanism is put in place, the ability of that Greek general and that Turkish general to walk into a room and totally off the record say, "We think this, we think that," and talk about it in front of a German, and an American, all members of NATO, that would evaporate. Now we will have set up a bureaucratic deal, no matter what it is, no matter how tenuous it is, now it is posture.

One of the things that we get done—and it will come as a shock to some people, but in the Chamber it will not come as a shock—is how do we most often on this floor resolve the disputes when we really get down to it at the last minute in a crunch on any important issue.

We go back to one of those two rooms. There is no press. There is no floor. There is no record. And I say, "OK, what's the deal? If I change this, can you do that?" Isn't that how we do it? That is how NATO does it. Now, if we were required by law, by our governments, by our parties, that the only time we could meet is if we say, "I will meet you at 3:30; we will meet in room S. 107, and we will have two people there, and I will formally table my concern," that is what worries me.

Mr. SMITH of Oregon. Will the Senator yield?

Mr. BIDEN. I know that is not what the Senator intends. What I am suggesting after 25 years of watching this thing, I think that is what will happen.

I will be happy to yield to my friend from Oregon.

Mr. SMITH of Oregon. If I can answer the Senator's——

Mrs. HUTCHISON. Madam President, could I just respond to the Senator from Delaware quickly—and, of course, I would like to have the Senator from Oregon respond also—if I could just say that nothing that the Senator from Delaware has said would be prevented from happening. People could certainly go into a room and settle a dispute. What we are trying to do——

Mr. BIDEN. What is broken?

Mrs. HUTCHISON. I have an option that they would be able to go way below the level of the North Atlantic Council, where they could go into a dispute resolution process, something that would be devised by the council, and if somebody on the council didn't like it, it would never see the light of day.

What is the problem with opening the discussion?

Mr. BIDEN. Madam President, it is done that way now. That is exactly what is done now. On Bosnia, what did we do?

Mrs. HUTCHISON. On Bosnia, what we did is take it to the whole council, and everybody got involved.

Mr. BIDEN. With all due respect, Madam President——

Mrs. HUTCHISON. That is why we are funding the commitment in Bosnia today, because in the United Nations——

Mr. BIDEN. With all due respect, what happened, whether the Senator agrees with the policy or not, the Secretary of State, the National Security Adviser, and their designees got on a plane, and they flew to Paris, and they flew to London, and they flew to Madrid, and they flew to Bonn, and they flew to Berlin, and they flew all over, and they met individually with the governments, not in Brussels.

Mrs. HUTCHISON. But now the United States of America is paying the lion's share and our troops are in harm's way in Bosnia, if the President has his way, in perpetuity. Is that the answer you want for every ethnic dispute that can occur for the next century in Europe?

Mr. BIDEN. Madam President, if I may be recognized, with all due respect——

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Whether or not—and we disagree in the policy. I have been on this floor for 4 years saying we should be involved. But whether or not we should, NATO has nothing to do with that. NATO troops ended up there, but not because the American President went to a NAC meeting or our Ambassador to NATO at a NAC meeting raised this issue. It is because there was a policy decision made by a President, supported by this Senator—he didn't do it because of me, but supported by this Senator—to try to persuade NATO to do that. Whether or not there was a dispute resolution mechanism in place in NATO that was formal or informal is irrelevant to that question. The President of the United States first picked up the phone and called Tony Blair. Then he called Chirac. Then he called—and the list went on. Then they ended up in NATO.

So I understand what the Senator is trying to deal with. To use an old expression, she in a sense is trying to fight the last war. We fought that war about Bosnia in the Chamber here. My team won; her team lost. But NATO enlargement and a dispute resolution mechanism have nothing to do with that decision.

I yield the floor.

Mr. SMITH of Oregon. If the Senator will yield, as I understood the Senator from Texas, her original idea was that we should say to the American Ambassador to NATO to raise it with the NAC and to present this idea, that they discuss a dispute resolution. And in that, I think you said it is even OK for the Ambassador to say, "I think that's a bad idea; I think we need to settle that right now. If this is a bad idea, let's say so." And I would hate to begin a debate with our European allies by saying we want to discuss what we think is a bad idea even though the Senate somehow thinks it is a good idea. It is either a good idea or it is a bad idea. That is why I would say no.

Mrs. HUTCHISON. Let me just say to the Senator from Oregon —

Mr. WARNER. Mr. President, let me say, if I could address that response very briefly—

Mrs. HUTCHISON. I hope he wouldn't put forth an idea that he thought was a bad idea.

What I hope is that he would lay out the issue for discussion, and if the result is not something that the United States thinks is the best result, after everyone has had a say in what kind of process it would be, of course, we would not lose our veto power. But I would certainly hope that he would not go in and say, "I am putting forward an idea that I think is a bad idea."

Mr. SMITH of Oregon. I apologize. I thought I heard the Senator from Texas say that.

Mrs. HUTCHISON. It is a valid question.

Mr. WARNER. Madam President, if I could join this distinguished group and respond to everybody, the Senator from Texas is asking for a very simple procedural act. And I agree with my colleague from Delaware; when an ambassador goes in with a proposal, it has to have the force and effect of not a bad idea but that we conscientiously think is correct.

Now, I remember Manfred Werner; we all do. What a magnificent person. He was NATO, and no one in this Chamber, particularly John Tower, the late John Tower, could express higher regard for Werner than yourself, myself, and others. But the point is, we don't know what NATO is going to look like after we accept 12 nations, going from 16 to 28, and bringing in a realm of geography.

We understand the Cyprus dispute. It is age old. We understand how two senior military officers assigned to NATO could come into Manfred Werner's office and sit down and informally discuss it. But I look upon a proliferation of problems of unknown—of unknown description, and it seems to me that perhaps we should address the potential for far more problems than ever envisioned as we begin to access country after country after country.

Therefore, I think it would be advisable to explore the possibility of having some procedure by which, hopefully, the use of arms could be avoided, or if arms were being used in a dispute, that somehow NATO, with a wrestful and forceful hand, could put it to rest.

Mrs. HUTCHISON. Madam President, let me just say that I agree with my friend, the Senator from Virginia, that why wouldn't we put out every possible effort with every potential idea that could keep us from having an escalation that would require arms conflict, or would allow for armed conflict? Precisely for the reason that the Senator from Delaware has stated: Perhaps we do need another step in the process.

What if the two generals in the back room can't agree? Why not have a safety valve that would give another option when all else has failed? Why not go the extra mile? We are not trying to guarantee the result with my amendment; we are only trying to guarantee that there will be an effort, that we will try to come forward with a process that everyone would agree is a good process. If the United States thinks the end result is not a good one, it has the final ability to veto, as the Senator from Delaware has pointed out.

Why not try? What are we afraid of? That we would not be able to put this on the table for discussion, to see if a process can be agreed upon by all of our allies in a consensus, and, if so, have the opportunity for another layer at the very lowest levels before it escalates into a situation as we see in Bosnia today?

Mr. BIDEN. Madam President, I don't want to get anyone's hopes up or cause fear on anyone's part. I am not following in a recent line of departure from the Democratic side to the Republican side, but having reached the advanced age of 55, I cannot see from over there this chart, and that is why I am walking over.

Mrs. HUTCHISON. At the advanced age of 55, you are now sitting in STROM THURMOND's chair.

Mr. BIDEN. I think the Senator's point is very well made. I hope it brings me luck. He is one of my closest friends in the Senate. And as he pointed out in a Roll Call article he got framed for me and signed—it was an article featuring him and his aides—I am the only person in the Senate who could beat STROM THURMOND's record if I served in the Senate until I reached age 73, which I am sure my constituents will not let happen.

Mrs. HUTCHISON. The Senator is warming the chair.

Mr. BIDEN. I am not really warming the chair. I am serious. I could not see it. If I may beg the indulgence of my Republican colleagues, let me answer, because I think at least anything useful that could be said on my part has been said, with one exception, and I will say this and cease and desist.

As I read the amendment, on line 5 it says, "establishing a process of dispute resolution among allies."

Now, the Senator from Texas has pointed out—and she has been a very, very, very forceful leader in opposition to our present policy in Bosnia. I wish she were not as effective, because she and I disagree. But she raised Bosnia again. I don't know how this dispute resolution mechanism of any nature would involve Bosnia at all. Serbia is not an ally, Bosnia is not an ally, Herzegovina is not an ally, Croatia is not an ally, Moldavia is not an ally.

Looking over here, Romania—Romania is listed in the potential border disputes, ethnic Romanians in Moldavia versus Russia. None of those parties, Moldavia, Russia or Romania, are our allies. Bulgaria-Serbia, Estonia-Russia, Latvia-Russia, Estonia-Russia, Croatia-Serbia, Macedonia-Albania, Moldavia-Russia, Yugoslavia Serb-Bosnia, Serb-Croats, Serbs-Kosovo, Serbs-Macedonia, Albanians-Serbs, Hungarians—possibly; Serbs—Albanians-Kosovoans, Greeks-Albanians, Albanians-Macedonians.

None of those concerns, not a single solitary one, involves allies. They would not be covered by even the unstated illusory mechanism that might be created if we don't table this. My reason for being opposed to this is a little bit like what Senator John Pastore from the State of Rhode Island told me in 1973. I said, "I'm not sure about this, Senator"—a vote. And he said, "Let me give you a piece of advice, JOE." He talked with a gravelly voice. He said, "When in doubt, vote no."

I am in grave doubt, at a minimum. I cannot possibly see how what the Senator is suggesting in any way—I don't fully understand it. She is not proposing a particular mechanism. But I can't envision any mechanism that would have any impact on any of the things that are listed on that chart. Not a single one. Not a single one would fall within the definition of her resolution.

Bosnia would not fall within the definition of her resolution.

I know, ever since Ross Perot, all of us have gotten chart mania. You know, me, too. I have my charts back there. Maybe the chart was just wheeled out by mistake. But it, the chart, has no relevance to the resolution, none at all. I say as a Democrat on this side of the aisle now—I guess I should not be so flip about it. I do not mean to be. But all kidding aside, I really, truly, as they say—I don't get it. The examples the Senator from Virginia and Texas are worried about would not fall within the purview of this resolution even if such a dispute mechanism were arrived at. Nothing on the chart would fall within the purview of this resolution. I don't know what would that is not already working. And I don't know what is broken. I can't think of a single example—I would like to hear one—where NATO was unable to come up with a dispute resolution within the present structure. So that is why I oppose this. I will oppose it.

I have great respect for my friend from Texas. I mean that sincerely. But I strongly disagree with this and I will urge my colleagues to vote "No." I thank her for her indulgence.

I have been asked to yield to Senator CRAIG for a consent request, unanimous consent request. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Idaho is recognized.

Mr. CRAIG. Let me thank my colleagues. I would like to offer up a unanimous-consent request for the good of the order and the remainder of the afternoon.

I ask unanimous consent that the time between now and 5 p.m. be equally divided between the majority and the minority. I further ask unanimous consent that at the hour of 5 p.m., the Senate proceed to a vote on or in relation to the Hutchison amendment No. 2317, to be followed by a vote on or in relation to the Craig amendment No. 2316.

I finally ask consent that there be 2 minutes of debate equally divided in the usual form prior to the second vote.

The PRESIDING OFFICER. Is there objection?

Several Senators addressed the Chair.

Mr. BIDEN. Reserving the right to object, and I'm not sure I will object, I want to be certain that would mean the Senator from Delaware would—or one of us, the Senator from North Carolina—would control, I guess we would control 27 minutes, 27½ minutes, is that right, each? Is that correct? That is a question, parliamentary inquiry.

The PRESIDING OFFICER. The Senator is correct.

Mr. CRAIG. I apologize to the Senator. Would he repeat that?

Mr. BIDEN. As I understand it, if we agree to this unanimous consent order, then there is 27 minutes on a side to dispose of the debate on the amendment of the Senator from Texas and the amendment of the Senator from Idaho.

Mr. CRAIG. That is correct.

Mr. BIDEN. I don't believe that will leave enough time. The Senator from California has been patiently waiting here. She wants 15 minutes. You and I have not even engaged your amendment yet. Senator LEVIN wants 5 minutes. So I would, for the moment, object. But I am sure we can work something out.

The PRESIDING OFFICER. An objection is heard.

The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I would like to suggest that I take 3 minutes to finish on my amendment and then everything else could be on Senator CRAIG's amendment for the rest of the afternoon.

Mrs. BOXER. I object to that because I wish to speak on the Hutchison amendment and I wish to have 15 minutes of time. I have been waiting around for hours. I might be able to get it down to 10 minutes.

Mrs. HUTCHISON. That's fine. I did not realize the Senator was on my amendment. She certainly should have that right, after which then I will want to have some time reserved. So whatever can be worked out that gives her her time, and then I could close on my amendment at the appropriate time.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I am willing to extend to 5:10, the time at which we would start the votes. I will say to the Senator from California, I certainly respect her right and her need to debate. I can't say how long the Senator from Delaware plans to speak on my amendment. I have said about all there is to say on my amendment, and within a few minutes I could say the bulk of it. I know the Senator from Missouri also wished to lay down an amendment, I believe. That would take a minimal amount of time. But it is important. We have Senators who have obligations by 5:20, and that is what we are trying to meet.

Mrs. BOXER. I say to my friend, believe me, I was trying to get this time earlier in the day. In the interests of comity I will take 10 minutes and speak fast. I must do that.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BIDEN. Mr. President, we have enough time within this time to debate and finish the amendment of the Senator from Texas. But the Senator from Idaho has a very, very important amendment. If I agree to this request, it leaves me a total of 4 minutes to respond to his amendment, and nothing has been said in opposition to his amendment yet. If the Senator from Missouri speaks, it will leave less time.

So I assume it's the leader's desire to have two votes by 5:10 or thereabouts. I don't know how we can do that.

Mr. CRAIG. Mr. President, let me withdraw the unanimous consent request at this time. We are wasting valuable debate time. The debate can go forward. We will see if we can come up with an agreement a few minutes from now. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas has the time.

Mrs. HUTCHISON. Mr. President, let me just propose a unanimous consent that the Senator from California be allowed 10 minutes on my amendment, after which I would have a maximum of 5 minutes and we would close my amendment, and then everything else could be negotiated on the amendment of Senator CRAIG.

The PRESIDING OFFICER. Is there objection? Hearing none, without objection, it is so ordered.

The distinguished Senator from California is finally recognized.

Mrs. BOXER. I thank you. Did the Senator want her 3 minutes at this time, or does she wish to take it after my remarks?

Mrs. HUTCHISON. After the Senator from California has finished her remarks, I will close on my amendment and then they can determine what they want to do with the rest of the time.

Mrs. BOXER. I thank the Senator from Texas.

Mr. President, I have listened carefully to this debate, and I think what the Hutchison amendment really gets to is what NATO is all about. Perhaps it comes down to how each of us sees NATO. Frankly, I see NATO as a military alliance that has been extremely successful, that has worked very well, and I don't want to see anything happen to NATO that would change the focus of what it really is.

As I listened to my friend, and I know she, in her heart wants to have a mechanism to resolve the disputes that may erupt and are currently erupting, I understand her intention, but as I look at the amendment, I think what will happen is there will be a procedure set up for every group that has a gripe about another ethnic group to come to a forum, to present their case, and perhaps some of them will bring propaganda, that it could turn NATO into a little sideshow, into a world sideshow, a propaganda stage. I am very concerned about that. Again, I think the reason I am concerned is that I support NATO enlargement. I have been waiting to get some time to talk about why. I think this amendment would, in fact, take us off course of what we are trying to do.

It is important to say that just at the prospect of a country joining NATO there have been 10 major accords that have occurred. In other words, the fact that principles that we have laid down, and some of them are called Perry principles, named after William Perry, we said that if you want to join NATO, you have to have a commitment to democratic reform, you have to have a commitment to a free-market economy, you have to have good, neighborly relations—good, neighborly relations. And because NATO is going to be open to countries that follow these reforms, and others, it seems to me that is one of the best ways we have for resolving problems.

The agreement has been made between Poland and Lithuania, Poland and the Ukraine, Hungary and Romania, Italy and Slovenia, and Germany and the Czech Republic. So while we come up with charts and ways to show the disputes, we also should celebrate the fact that because we have opened up NATO to countries, assuming they make certain reforms, among them good, neighborly relations, that that has been an incentive.

Mr. President, everyone approaches this issue from his or her own experiences. I am very strong on this NATO expansion, because I remember well back when I was a teenager watching the television reports of the Hungarian revolution being cut short by Soviet tanks. I think back to those years in 1956 watching freedom crushed and watching people's dreams crushed and thinking to myself, oh, my God, I wish we could do something but we really can't do anything because of the Iron Curtain, because of what was going on in the world. I remember feeling so powerless.

I feel so proud that all these many years later I can do something positive, to say to that country and to other countries, "You will never have to go through that again." I feel good about that.

I don't want to see us get off our course, to change what the role of NATO is, to turn it into maybe a mini United Nations, to set up false hopes because, indeed, the Senator herself said it may well be that nothing comes of all of this. If nothing comes of all of this, why do we have to set up a whole new elaborate procedure? I think it is setting up false hopes. I think it is setting up a world stage for propaganda. I think it is setting up a situation where we are getting off what our mission in NATO ought to be about. To me, it is very, very, very serious.

I believe that expanding the NATO alliance to include Poland, Hungary, and the Czech Republic, and focusing on that and holding out hope for other nations to join and not changing the focus to these hot spots, if we stick to what NATO is, we are going to see greater peace and security throughout Eastern Europe, the same peace and security that we were able to provide Western Europe for the past 49 years.

It is important to note that no American soldier has had to fire a shot to defend one NATO ally, nor has a NATO member ever had to wage war to fulfill its security guarantees. This is an incredible record. NATO is a military alliance. It works. If you turn it into something else, you are playing a game with it, and the stakes are far too great, because a peaceful, secure Europe is necessary for a peaceful, secure America. We are inextricably linked. In two World Wars, American troops have fought and died.

The bottom line is, if we do believe that NATO has worked on the world stage—and the proof is there, never was a shot fired by this alliance—then we should not get off course and adopt amendments that are going to take us away from that goal.

I know some of my colleagues worry about the situation with Russia, but I do feel we are handling that. We have set up a way to have a dialog with Russia. I really believe whether you listen to our Secretary of State or former majority leader Senator Bob Dole, or Colin Powell, or veterans groups, they are all saying we should stick to our mission in that part of the world, which means a military alliance, not some dispute resolution organization that invites everybody onto a world stage.

Whether it is Henry Kissinger or Secretary Baker or Madeleine Albright, they all are saying the same things. And the President himself: "A new NATO can extend the blessings of freedom and security in the new century, we can bring Europe together not by the force of arms but by possibilities of peace, that is the promise of the moment and we must seize it."

I am worried this amendment, though extremely well intended, will take our eye off what we need to do in Europe, which is, yes, to add countries to the alliance that are willing to undertake free-market economy reforms, that are willing to reach out to their neighbors and solve disputes, that are willing to become truly democratic nations, that are willing to have civilian control over their military. These are the reforms.

If we turn away from the very simple goals of NATO and expand the mission and change the mission, it looks to me like, again, we are setting up a mini United Nations or something here.

What is it going to cost? Already there are complaints about the costs. What is it going to cost to do all this, and what are the procedures going to be? If it is a sham, if it is not going to come to anything, if, as the Senator from Texas says, our Ambassador could just call someone up and say, "Forget it, we're not interested"—imagine the news on that, imagine the press conferences held around the world by every ethnic group that says, "The U.S. stopped us from having a dispute resolution."

I worry about this amendment because I am such a strong supporter of NATO enlargement, and I want us to keep focused on what we have to do and think we are on the path. And as well intended as it may be, I think this takes us off the path.

Thank you very much. I thank the Senator from Texas for her generosity in giving me these 10 minutes.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. For purposes of unanimous consent, Mr. President, let me try this again so we can notify our Members of a vote at 5 o'clock. I ask unanimous consent that the time between now and 5 o'clock be equally divided between the majority and minority. I further ask unanimous consent that at 5 p.m. the Senate proceed to vote on or in relation to the Hutchison amendment No. 2317. I further ask unanimous consent that at 4:25 Senator ASHCROFT be recognized to lay aside the pending amendment and he call up an amendment, for debate only, until 4:55, and at such time there be 5 minutes equally divided for closing remarks on the Hutchison amendment.

Mr. LEVIN. Reserving the right to object, I would like to inquire of the Senator from Delaware whether he heard this unanimous consent agreement.

Mr. BIDEN. Mr. President, I have. And it is my understanding—the reason I am not objecting is that there are no other Democrats looking to speak on the Hutchison amendment, and I wanted to reserve at the end of the time for purposes of explanation, our respective explanations, of the Hutchison amendment of at least a couple minutes.

Mr. LEVIN. May I get 5 minutes out of that?

Mr. BIDEN. Reserving the right to object, I ask it be amended that we take 5 more minutes out so we have a total of—

Mr. LEVIN. For the Craig amendment.

Mr. BIDEN. Oh, no.

Mr. CRAIG. The Craig amendment will not be debated until tomorrow.

Mr. BIDEN. We are only talking about a Hutchison amendment. I have no objection, as long as I understood it correctly. And I apologize. I was in the back of the room.

The PRESIDING OFFICER. Is there further objection? Does the Senator from Missouri have an objection?

Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I will close on my amendment then, except for the last reserved 2 minutes that Senator BIDEN will take, after which I will close.

Mr. President, I have now heard from the Senator from Delaware and the Senator from California that the 11 disputes which have been put together by the Congressional Research Service have no relation to what we are doing today. And yet the countries mentioned for inclusion in the next wave of NATO expansion are Slovenia, Latvia, Lithuania, Estonia, and Romania. And Albania has also been mentioned.

It is relevant that we have ongoing disputes within the area that we will be considering for inclusion in NATO. Mr. President, it is a matter of preparing for the future. We are changing NATO. Every time a new member is included, it changes the alliance. We hope it will strengthen the alliance. We must look to what the future potential conflicts in the alliance would be. And the more you expand it, the more potentials for conflict there are.

Let me read to you the amendment that we passed yesterday. It defines "common threats" in NATO to include "conflict in the North Atlantic area stemming from ethnic and religious enmity, the revival of historic disputes or the actions of undemocratic leaders." That is the definition of "common threats."

In the paragraph following the next paragraph, the capacity to respond to common threats is addressed. "NATO's continued success requires a credible military capability to deter and respond to common threats."

So, Mr. President, it could be that we are opening NATO and changing its very nature by the amendment that was passed yesterday. It could be that we are looking at involvement in ethnic and religious enmity and revival of historic disputes or the actions of undemocratic leaders in a future mission for NATO.

If we are going to change the nature of NATO in this way, my amendment is even more important. Why are we afraid to lead? Why are we afraid to put on the table a border dispute resolution process which everyone would have to agree to so that we will know what the process is before there is an eruption that goes beyond our ability to contain it without military force?

The PRESIDING OFFICER. The time requested by the distinguished Senator has expired.

Mr. ASHCROFT. I will yield.

Mrs. HUTCHISON. Thank you, Mr. President. I will finish my comments in the last 5 minutes. I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Missouri is recognized.

EXECUTIVE AMENDMENT NO. 2318

(Purpose: To require a Presidential certification that NATO is and will remain a defensive military alliance, and for other purposes)

Mr. ASHCROFT. Mr. President, thank you for this opportunity to comment on an important aspect of this great Nation's efforts to defend freedom generally, and in this specific instance, through the North Atlantic Treaty Organization.

The Senate is being asked to give its stamp of approval to a new NATO, not only changing in membership, but changing in its scope and purpose. The focus of the change in NATO upon which we are being given this opportunity to vote is the expansion of the membership of NATO.

But I would submit that there is something far more important than simply this change in the numerics of NATO, simply this change in the number of nations that are members of the alliance. There is an alteration of NATO more profound than the expansion of its membership, and the Senate should not overlook this crucial aspect of the debate.

Let me just say that I believe NATO has been one of the most successful defense organizations in the history of mankind. NATO has been an agency to preserve the peace and has done that so successfully that we have not had to offer American lives on European soil in the second half of the 20th century. That is in stark contrast to the first half of the 20th century where hundreds of thousands of American soldiers fought for freedom and hundreds of thousands gave their last full measure of devotion in liberty's defense.

I think the success of NATO, though, is something that should be respected by preserving NATO and not changing the character of the alliance. And, to be frank, since the threat of the Soviet Union no longer exists, a number of officials associated with NATO have come to the conclusion that this laudable organization, this most successful of all alliances, should be devoted to new ends and new objectives.

I submit that if we allow, in this vote, the devotion of NATO's resources to new objectives and to new ideas, we will be undermining the very success and purpose for which NATO was constituted 50 years ago.

Let us just look at some of the statements of administration officials as they convey what they propose for the scope and mission of NATO in the future. Here is William Perry, the immediate past former U.S. Secretary of Defense, who left office recently and was replaced in that office by one of our own, former Senator Cohen, now Secretary Cohen.

This is testimony before the Senate Armed Services Committee, March 19, 1998. Of course, it was Secretary Perry who was a part of negotiating this expansion of NATO, which we will vote on in the Senate. Here is what Secretary Perry says:

> The original mission of NATO—deterring an attack from the Soviet Union—is obviously no longer relevant. The original geographical area of NATO responsibility is no longer sufficient. The original military structure of NATO is no longer appropriate. . .the new missions—

This is important language—

> new missions of NATO should be preventive defense—creating the conditions for peace in Europe. . .the geographical area of NATO interests should be anywhere in the world—

This is operative language here.

> The geographic area of NATO should no longer be confined to the North Atlantic area.

If you will read article VI of the treaty, we get into a very clear specification of territory, and it is exacting. It talks about latitudes and longitudes and the like.

Here Secretary Perry reveals what the real agenda is, that we would create a new geographic area for NATO and it would be "anywhere in the world where aggression can threaten the security of NATO members. . ."

Secretary Albright has also urged that "an expanding North Atlantic Treaty Organization must extend its geographic reach beyond the European continent and evolve"—key word, evolve— "into a force for peace from the Middle East to central Africa."

We are changing the mission of NATO from a mission which was designed to protect the territory of the member nations to being some kind of international policing operation.

With that in mind, it is my intention to send to the desk an amendment which would require that the President certify that actions by NATO are in keeping with the terms of the treaty itself. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Missouri [Mr. ASHCROFT], for himself, Mr. ROBERTS, Mr. HELMS, Mr. WARNER, Mr. HUTCHINSON, Mr. FAIRCLOTH, and Mr. BOND, proposes an executive amendment numbered 2318.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> In section 3(1), strike "(A) THE FUNDAMENTAL IMPORTANCE OF COLLECTIVE DEFENSE.—" and all that follows through "interests of NATO members." at the end of paragraph (1)(A) and insert in lieu thereof the following new condition:
>
> (2) THE FUNDAMENTAL IMPORTANCE OF COLLECTIVE SELF-DEFENSE.—
>
> (A) PRESIDENTIAL CERTIFICATION.—Prior to the deposit of the United States instrument of ratification, the President shall certify to the Senate that—
>
> (i) NATO is and will remain a defensive military alliance, and that Article 5 of the North Atlantic Treaty, which provides for the collective self-defense of NATO members against armed attack, continues to constitute the heart of that treaty; and
>
> (ii) the United States will only support a military operation under the North Atlantic Treaty that is commenced on or after the date of adoption of this resolution of ratification—
>
> (I) if the operation is intended for the purpose of collective self-defense in response to an armed attack on the territory of a NATO member; or
>
> (II) in response to a threat to the territorial integrity, political independence, or security of a NATO member.
>
> (B) CONSTRUCTION.—The Senate declares that nothing in the North Atlantic Treaty, the Strategic Concept of NATO, or any other document setting forth the fundamental purposes, objectives, or missions of NATO shall be construed as altering the constitutional authority of the Congress or the President.
>
> (C) EXCLUSIONS FROM MEANING OF "NATO MILITARY OPERATION".—The term "NATO military operation" does not include any NATO training mission or exercise.
>
> (3) ADDITIONAL REQUIREMENTS REGARDING THE STRATEGIC CONCEPT OF NATO.—

Mr. ASHCROFT. I thank a number of individuals for their willingness to cosponsor the amendment, not the least of which is the individual inhabiting the Chair at this time, the Senator from Kansas, Senators ROBERTS, HELMS, WARNER, HUTCHINSON, FAIRCLOTH, and BOND. I am pleased they would support this effort.

I indicate that this amendment, which is to reinforce the original intent of the treaty to protect the security, the political independence, and territorial integrity of these treaty nations, is what has been and will continue to be a part of our commitment in NATO, and that is reflected in the amendment.

We have the former Secretary of Defense, William Perry, saying there should be a global mission for NATO. We have Secretary Albright saying we should expand the North Atlantic Treaty Organization into a "force for peace from the Middle East to central Africa."

We have witnessed what happens when our soldiers are involved in so-called peacekeeping organizations and operations in Africa. Not too long ago in Somalia, 18 Americans died in a peacekeeping effort. Frankly, the tragedy in Somalia disrupted our foreign policy in Africa for years, and we lost 18 Americans in the process. We have little to show for it. As we noted just 2 weeks ago, one American, a part of a humanitarian team to Somalia, was taken hostage within this last month. We withdrew from Somalia, the warlords are back in business there, and we have not made the kind of progress we ought to make.

I think the first thing to say is that there was a purpose for NATO. It was manifestly successful, the most successful military alliance ever, and it saved Americans from having to spend their lives in Europe in defense of freedom. The success of NATO is incontrovertible.

The second point I make, those now asking for an amendment to the treaty are asking to change it from what it was, a treaty to defend the territory of NATO nations, into a "global organization," according to William Perry and to become "a force for peace from the Middle East to central Africa," according to Secretary of State Albright.

Now, just to make it clear that these proposals are a dramatic change from the intention and character of NATO, let me just quote Tom Connally, chairman of the Senate Foreign Relations Committee, at the time of NATO's establishment. "Let us not forget that this treaty is limited in scope." Doesn't sound very global. "Its main purpose is to maintain the peace and security of the North Atlantic area." Doesn't sound much like Middle East and central Africa. "We do not propose to stretch its terms to cover the entire globe."

Now it is not impossible to change a treaty, but if this treaty is to be changed it ought to be changed through the appropriate constitutional processes in which the Senate plays a central role in offering its advice and consent.

Tragically, the focus of all our attention is on three countries to be added to the NATO alliance. But it has not been on this new mission. It has not been on this attempt, this aspiration, to convert the treaty from one which defends the territory of NATO nations to a treaty which would, in fact, attempt to be a force for peace across the Middle East and into central Africa. This responsibility and this problem has not gone unnoticed.

In last week's New York Times, an editorial reads as follows: "The White House has provided no military rationale for expanding NATO eastward while Europe is at peace and democracy and free markets are taking root in Russia. Instead, the ratification resolution promiscuously opens the door to NATO military actions almost anywhere in the world. That startling expansion of NATO's license to conduct military operations demands extensive debate."

That is the New York Times recognizing what so many in the Senate have failed to recognize, that we are not just dealing with this treaty in terms of three additional members. We are dealing with an intended expansion that would take NATO from a limited treaty designed to protect a specific territory into a global organization; if you will, a United Nations called NATO, with a standing army subject to deployment at the authorization of the NATO council around the world.

I think that deserves debate. I think it deserves our inspection. I think there are reasons why we should have real reservations with regard to the transformation of a treaty before our eyes.

Now, some have argued that my amendment will impose new constraints on NATO not contained in the treaty. Let me make it clear that the amendment which I have sent to the desk merely asks that the President certify that any action taken under the treaty is in strict conformance with the limitations and language of the treaty itself.

Those who oppose this treaty are those who are opposed to living by the rules of the treaty. Let those who are willing to live within the limits of the treaty sign the rules and play the game. Let those who do not want to play by the rules object to this amendment and say we want the President to have latitude to go beyond the limits of this treaty, to send American forces, in conjunction with NATO forces, into central Africa, to send them into the Middle East in operations outside the scope of the treaty, to deploy American lives in settings where it is an international policing operation, in settings where it is not relevant or essential to the security interests of NATO.

Given the level of international trade that exists, it is pretty easy to understand that there would be those who would suggest that any country, anywhere, could be an interest of another country. If we are going to convert this treaty to a defense-of-interest treaty instead of a defense-of-territory treaty, we are fundamentally altering the scope of NATO.

Now, the parameters of the treaty have long been understood. I have just indicated that Senator Tom Connally understood the alliance was limited in scope. A focused and limited NATO was the alliance that was ratified. This expanded scope of NATO has never been subject to the Senate's advice and consent. Truman's Secretary of State Dean Acheson also defined the limits of the NATO treaty in a letter transmitting the treaty to President Truman, a great Missourian. Secretary Acheson acknowledges the parameters of the treaty and stated flatly that the North Atlantic Council will have "No powers other than to consider matters within the purview of the treaty."

If Acheson viewed the treaty as limitless in scope, why would he testify about the careful limits in various articles? The Foreign Relations Committee, in its report on the treaty, took pains to show that NATO was not an old-fashioned military alliance. The report states, "In both intent and language it is purely defensive in nature. It comes into operation only against the Nation which by its own action has proved itself an international criminal by attacking a party to the treaty. If it can be called an alliance, it is an alliance only against war itself."

This was the intention. I don't think we are going to find central African states attacking NATO. I don't think we will find countries from central Africa launching a war machine against the North Atlantic nations. But the Secretary of State wants to be able to deploy NATO forces there in her concept of a force for peace, and I translate that into deploying American troops. The President has sought and asserted his right to deploy American forces as Commander in Chief. This amendment does not seek to infringe on that right. It has to do with protecting American interests by maintaining the scope and integrity of NATO. I don't think we should try to convert the NATO alliance into something it was never intended to be.

With that in mind, there is a real contrast in terms of what the NATO concept of defense was in the past and what we are currently being told NATO ought to be. In NATO's strategic concepts of the past, collective defense was of paramount importance, a priority.

> NATO defense planning is limited to the defense of the treaty area. . .
>
> NATO military authorities have no responsibilities or authority except with respect to incidents which are covered by articles 5 and 6 of the North Atlantic Treaty. . .

Article VI specifies the territory rather directly and comprehensively and tells you what we are really looking at when we are talking about NATO. Here is article VI of the treaty. This is how definite and specific it is:

> For the purpose of article 5, an armed attack on one or more of the Parties is deemed to include an armed attack on the territory of any of the Parties in Europe or North America, on the Algerian departments of France, on the territory of Turkey, or on the islands under the jurisdiction of any of the Parties in the North Atlantic area north of the Tropic of Cancer. . .

That doesn't sound like central Africa to me. It has the specificity and particularity of a carefully drafted treaty that was designed to protect territories, not to be another mini-U.N. with a standing army, the forces of which can be deployed anywhere around the world. The lives of Americans and the treasure of America should not be directed into international policing operations through a transformed NATO never approved by the American people. We should remain true to the North Atlantic Treaty.

The article goes on:

> On the forces, vessels, or aircraft of any of the Parties, when in or over these territories, or any other area in Europe in which occupation forces of any of the Parties were stationed on the date when the treaty entered into force, or the Mediterranean Sea, or the North Atlantic area north of the Tropic of Cancer.

Article VI clearly specifies that NATO is a defensive instrument, an alliance designed to protect the territory. To convert it into something else more or less than that is to involve ourselves in what I would have to say is "treaty creep." We have heard of "mission creep." We know what happened in Somalia as the mission expanded, which threatened the lives and safety of our soldiers. We lost lives because we undermined our preparedness; we hadn't planned or designed the operation for that into which it evolved.

I suggest that if we allow NATO to creep into a wide variety of international policing operations that it wasn't designed for, it will undermine and hollow out NATO. We have seen what international deployments have done to our own military in terms of our preparedness, our maintenance, and our ability to have the fighting force ready that we need. I think it would be perilous indeed if we were to change the nature of this important defensive alliance and amend it in a way that would make it a global police operation instead of the defense of territory that it was designed to be.

So, Mr. President, I have submitted this amendment. I am delighted to have as a cosponsor of this amendment the Senator from Kansas, and I know he wants to make remarks. I have about 10 minutes remaining in my time.

Senator GRAMS would like to be listed also as an original cosponsor of this amendment. I am delighted, and I know the Senator from Kansas will welcome his cosponsorship as well. I thank the Senator from Kansas. I look forward to his remarks, which will exhaust the last 10 minutes of the time to which I have been allotted.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Kansas.

Mr. ROBERTS. Mr. President, can I inquire as to precisely the amount of time available?

The PRESIDING OFFICER. Ten minutes.

Mr. ROBERTS. Mr. President, I join my colleague from Missouri, Senator ASHCROFT; the Senator from Virginia, Senator WARNER; the Senator from North Carolina, Senator HELMS, and others, in calling for the adoption of our amendment to the resolution of ratification as reported by the Foreign Relations Committee and as amended by the Senate.

As the Senator pointed out, we seek to replace the broad language still in the resolution that expands the scope of NATO's purpose. We add in the amendment what we consider to be clarifying language that upholds, as the Senator has pointed out, NATO's fundamental military mission as explained in article V of the North Atlantic Treaty of 1949. We seek to ensure, particularly in light of the passage of the Kyl amendment, that NATO's purpose is still fundamentally one of collective self-defense.

Our amendment does not strike any of the Kyl amendment as passed by the Senate. Nor does our amendment restrict or alter the basic authority of the President to dispatch American forces whenever and wherever a genuine threat to America's national security does emerge. I will repeat that. Our amendment does not restrict or alter the basic authority of the President to dispatch American forces whenever and wherever a genuine threat to America's vital national security does emerge.

I think that the debate we are having today on NATO has vast implications in regard to the future.

Will NATO continue to operate, as it has for more than 50 years, as a military organization for the collective self-defense of its members? Or will its mission be changed so that it becomes, as the Senator has pointed out, a multinational military police organization?

To transform NATO into what could be described as a "nuclear supercop" with authority to operate in all corners of the globe is unnecessary, and, quite frankly, I think it is dangerous.

As we enter the 21st century, it is critical that the original scope of the North Atlantic Treaty be preserved, for several reasons, all relating to America's vital national security and national defense. Now, NATO was established as a defensive military alliance whose strategic position today is, yes, significantly altered by the dissolution of the Soviet empire—we all know that—but whose fundamental military capability remains essential to deter military aggression stemming from regional, nationalist and totalitarian tendencies.

The Ashcroft-Roberts-Warner-Helms-and-others amendment seeks to prevent the decline of NATO into another outlet for "nation building" and "peacekeeping" deployments. There is nothing wrong with those deployments, except that many times they have no end game, no clear end purpose in terms of time, and they put American lives at risk for no vital U.S. national interest. I don't think NATO should be a mechanism of convenience through which any President can commit the United States to resolving long-time ethnic, religious, economic, and political conflicts worldwide. That is what the President said in Warsaw and in Bucharest in speeches—military matters no longer matter, and he mentioned these various concerns—ethnic, religious, economic, and political conflicts. It was never intended, nor is it designed and maintained, to be primarily a peacekeeping and humanitarian organization. Other organizations can do this; it is fine work, but it is not for NATO. The Senate needs to discourage any transformation of the most successful defensive military alliance in history into an international police force. Mr. President, I hope that the Senate has not hastened this regression with the adoption of any previous amendments. There is some disagreement on that.

A second valid reason for adopting our amendment is to define a definitive and consistent course for the future of American military involvement in Europe. Let me emphasize and stress that it is in our interests, and the world's vital interests, for the United States to remain constructively engaged in Europe.

However, as a member of the Armed Services Committee, it has been made painfully clear to me that we cannot have additional military responsibilities internationally without funding them. To be perfectly frank, the current administration defense budgets, plainly put, are not adequate to meet the basic needs of modernization, maintenance, quality of life, and training needs. Yet, the administration ordered American forces to more than 100 countries worldwide. We already hear the report of a hollow military.

Should we vastly change the scope of NATO's military requirements and, by implication, our commitment to it at a time when our forces are strained by lack of resources? I don't think so. To do so, I fear, will further weaken our own force structure and place in danger the lives of our military men and women who are already being asked to do a tough job without the proper tools.

The Ashcroft-Roberts-Warner-Helms amendment provides a commonsense declaration of NATO's primary purpose that does not—I want to emphasize this does not—preclude the President of the United States from dispatching U.S. troops, equipment, or aid anywhere that he believes is necessary. It simply precludes the President from saying "We're doing these things as a member of NATO" if it is not in response to threats as described in article V of the North Atlantic Treaty.

I know there is going to be opposition to this amendment by claiming we are imposing limits on NATO military operations and also decisionmaking. That is not the case. Our amendment seeks to preserve the military nature of the alliance. Steering NATO away from missions not defensive or military in nature is not limiting military decisionmaking—rather it is upholding the original mission.

It also may be argued that the North Atlantic Treaty has worked well for 50 years and has appropriately never been changed or reinterpreted, and, I think the line goes, "We shouldn't open that Pandora's box now." I could not agree more.

Unfortunately, the Senate is being asked to pass a ratification resolution that does open Pandora's box. The New York Times, in a recent editorial, said this: ". . . the ratification resolution promiscuously opens the door to NATO military actions almost anywhere in the world."

Some may claim that the Ashcroft-Roberts-Warner-Helms amendment takes away U.S. flexibility—the U.S. advantage in the NATO alliance in regard to convincing our allies to bear more of the burden of Europe's overall security. Further, some may claim that some allies could use this amendment as an excuse to abstain from missions where we want them involved.

I respectfully disagree on both accounts.

The first claim assumes our European allies cannot see for themselves their own legitimate security interests. The second assertion ignores recent history. What was the greatest military contingency the United States faced in the last 25 years? What was the greatest immediate threat to our interests and those of our allies? I am talking about vital interests. It was the invasion of Kuwait by Iraq and the subsequent war in the gulf.

The remarkable coalition of nations and forces put together by President Bush and Secretary Baker was completely out of NATO's purview. Yet, our allies joined the fight. Why? Because the threat was real, the threat was clear, and events overtook subtle differences. It is the nature of threat that determines the behavior of our allies, not the existence of provisions they may construe as loopholes in multilateral security agreements. Beside, if the mission is pursuant to the North Atlantic Treaty, allied participation is assured. If it is not, why should NATO be leading the charge?

Mr. President, the Ashcroft-Roberts-Warner-Helms amendment is an important effort to preserve the limited responsibility of a military alliance in which we have a tremendous stake, a tremendous stake historically and financially, and, most importantly, in terms of American lives. I ask my colleagues for their support.

I yield the floor.

EXECUTIVE AMENDMENT NO. 2317

The PRESIDING OFFICER. The question recurs on the HUTCHISON amendment. There are now 5 minutes equally divided on the amendment.

Who yields time?

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

Mrs. HUTCHISON. Mr. President, I would appreciate the opportunity to close on my amendment. Whatever the opposition would like to say, I would like to yield and then be able to close.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, I rise to encourage my colleagues to vote against the HUTCHISON amendment. I do it with reluctance because of my admiration of the Senator from Texas. But I believe her amendment, though much different than her original proposal, nevertheless remains a bad idea, because it essentially changes NATO from a system of collective defense to a dispute resolution. There are other forums for such resolutions, such as the OSCE. And these things should be resolved anyplace but NATO.

Second, I believe this amendment would undermine the authority of the North Atlantic Council. Its mission needs to remain on defense.

Third, NATO would become a catalyst, even a magnet, for alliance tensions and border disputes. It must not become that.

Finally, we should keep the focus on NATO on what unites Europe in NATO; and that is common defense, not on what divides Europe, which are border disputes and ethnic hostilities.

With great respect for my colleague from Texas, I nevertheless rise in opposition to her amendment and ask my colleagues to oppose it.

Mr. ROTH. Mr. President, while I have great respect for the distinguished Senator from Texas, I strongly oppose this amendment and I urge my colleagues to oppose it.

Last month, when we first addressed this amendment, I stated the reasons for my opposition. In the intervening time, nothing has changed my perspectives. Indeed, my opposition has only hardened.

This opposition is based on four very clear and simple points:

First, the establishment of a formal dispute resolution mechanism within the Alliance would undercut the authority of the North Atlantic Council, the Alliance's supreme decision-making body.

Second, the proposal would change the focus of the Alliance from collective defense to dispute resolution. That would fundamentally transform the very culture of the Alliance, one that is now primarily derived from its mission of collective defense.

Third, the establishment of a dispute resolution mechanism would introduce into NATO a dangerous catalyst for inter-Alliance tensions. It would serve as a magnet for disputes that exacerbate tensions within the Alliance.

And fourth, by inviting and exacerbating tensions and disputes into the Alliance, this proposal would weaken the Alliance's ability to fulfill its core mission of collective defense.

When it comes to formal dispute resolution, we should look toward the United Nations or the OSCE—an international organization in Europe dedicated to preventing, mediating and bringing an end to disputes between countries. But, I don't think that we want to transform NATO, the most successful military alliance in history, into another OSCE.

I fear that this proposal implies that the NAC—and the Alliance—has failed in fostering cohesion among its European members over the last fifty years. I do not believe any of us would say that is true.

Let us not forget that in its current form, NATO has proven itself to be a remarkable forum through which differences between Allies have been mitigated and managed. The clearest example of this influence is the alliance's positive contributions to relations between Turkey and Greece. This success is very much due to the trust this fostered through the Alliance's focus on war-fighting. We must be careful to not undercut this success.

Yet that is exactly what this proposal would do. If the Alliance were to follow through on this proposal articulated by the good Senator from Texas, it would establish a new body possibly independent from the NAC. That is a major change to the Alliance. It will create a process that in no small way will distract members of the Alliance from the core mission of collective defense. It will serve as an incentive for them to use the Alliance as a means to pursue a laundry list of other matters—many of a strictly national, and not Allied, concern.

That's how this proposal would invite tensions within the Alliance. That's how it would undercut its mission of collective defense. That mission requires cohesion and it requires focus. This amendment portends to undercut both.

Moreover, offering this amendment implies that the United States regards Poland, Hungary, and the Czech Republic as unstable and more contentious than other members. I do not believe that is the sense of the Senate.

As well intentioned this amendment may be, it contradicts its own objectives and would severely damage the vital interests of the Alliance.

Therefore, I urge my colleagues to oppose this amendment.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, is the time that is equally divided now finished?

The PRESIDING OFFICER. The Senator from Oregon still has 1 minute.

Mr. SMITH of Oregon. I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Texas is recognized for 2½ minutes.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, it was said by the distinguished Senator from Oregon, for whom I also have great respect and I think he is doing a fine job in the Senate, but he said that we have other mechanisms for dispute resolutions. My problem with that is that the OSCE not only is a very different kind of organization in which we are 1 vote out of 50, but if a dispute resolution is not passed in the OSCE, we aren't pledging military involvement by the United States. The OSCE is a good organization, and I hope we can use it. What I am trying to do is to recognize that we are changing NATO as we add new members. When we added West Germany, it changed. We want NATO to be strengthened by the new members, and we know that new members are coming down the pike. In fact, members that are in dispute right now have been mentioned as potential new members of NATO. Why would we be afraid?

As my amendment says, to introduce to the North Atlantic Council a proposal for consideration by all allies aimed at establishing a process for dispute resolution—to keep our alliance strong, we must have a mechanism where disputes that we know are pending today by potential future members, or things we have not even thought might occur, if they do, why not have a process that everyone has agreed is the way to hold this to a low level rather than raising to the high level of the North Atlantic Council?

Mr. President, we have seen border disputes in Europe erupt. We want to do everything. We want to go the extra mile to make sure we can resolve small things at a low level because small things can become big things. Then we would have troops at stake. Our security could be at stake. We want to lower the rhetoric.

That is what this amendment does. It does not guarantee the outcome of our proposal. It says we will lead. The

United States will lead to try to make sure that we have a process before we need it, before personalities are involved where we can solve problems.

I hold up the New York Times of today: "Greek Cypriots To Get Missiles from Russians." "Turkey has warned that it may take military action to block the sale of S–300 missiles" going into that part of the world.

If we had talked about a process where we could be helpful in resolving disputes like this, wouldn't we be better off? Why would we fear talking and having a forum that would allow us to solve these problems before they escalate and our troops could be called in to military action? It is our responsibility to lead, and I am asking my colleagues to make sure we do.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. HUTCHISON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the Hutchison amendment No. 2317. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from South Carolina (Mr. HOLLINGS) is necessarily absent.

The PRESIDING OFFICER (Mr. ABRAHAM). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 37, nays 62, as follows:

[Rollcall Vote No. 109 Ex.]

YEAS—37

Allard
Ashcroft
Bennett
Bond
Bumpers
Burns
Campbell
Coats
Conrad
Craig
Dorgan
Enzi
Faircloth
Gramm
Gregg
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
McCain
Moynihan
Nickles
Roberts
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thomas
Thurmond
Warner
Wyden

NAYS—62

Abraham
Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Brownback
Bryan
Byrd
Chafee
Cleland
Cochran
Collins
Coverdell
D'Amato
Daschle
DeWine
Dodd
Domenici
Durbin
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grams
Grassley
Hagel
Harkin
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McConnell
Mikulski
Moseley-Braun
Murkowski
Murray
Reed
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Smith (OR)
Thompson
Torricelli
Wellstone

NOT VOTING—1

Hollings

The executive amendment (No. 2317) was rejected.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent to proceed for up to 5 minutes as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. COCHRAN. I thank the Chair.

(The remarks of Mr. COCHRAN pertaining to the introduction of S. 2007 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SMITH of Oregon addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

EXECUTIVE AMENDMENT NO. 2319

(Purpose: To set forth managers' amendments to the resolution of ratification)

Mr. SMITH of Oregon. I ask unanimous consent that it be in order at this time to offer a managers' amendment on behalf of Senators HELMS and BIDEN. I further ask unanimous consent that the amendment be considered agreed to and the motion to reconsider to be laid upon the table. I announce again that these are a series of amendments that have been cleared on both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report the amendment by number.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. SMITH] for Mr. HELMS, for himself, and Mr. BIDEN, proposes an executive amendment numbered 2319.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. The managers' amendment which the Senator from Oregon has just offered addresses several of the amendments which have been offered by our colleagues. Let me very briefly highlight a few of them.

First, we have an amendment proposed by Senator BINGAMAN affirming the importance of the Partnership for Peace program.

Second, there is a provision offered by Senator HUTCHISON of Texas related to the strategic importance of NATO.

Third, there is an amendment offered by Senator SPECTER related to payments owed to the victims of Nazi Germany oppression.

Fourth, there is a requirement for a report on future rounds of enlargement. This amendment is a combination of amendments offered by our colleagues, Senators BINGAMAN, HARKIN, and JEFFORDS.

This is a very useful amendment, in my view, because it will require the executive branch to submit a detailed analysis related to the possible new members of NATO, including cost and military readiness issues before—before—a nation is invited to begin accession talks. This will, I hope, allow the Senate to have a better understanding of the ramifications of admitting new members in the future and thereby enable the Senate to fulfill its constitutional function of providing advice to the President in the negotiation of treaties.

Finally, Mr. President, there is an amendment related to intelligence issues which was proposed by the chairman and vice chairman of the Intelligence Committee, Senator SHELBY and Senator KERREY of Nebraska.

I appreciate very much the cooperation of all our colleagues and urge the approval of the managers' amendment.

The PRESIDING OFFICER. Under the previous agreement, the amendment is agreed to.

The executive amendment (No. 2319) was agreed to.

Mr. BIDEN. Mr. President, I realize there is no unanimous consent agreement, but our colleague, Senator REED, has been here on the floor seeking to speak on NATO, and I yield for that purpose. I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Thank you, Mr. President.

For the last several days, this Senate has been considering the expansion of NATO, which is a complicated issue that has profound consequences for the world we live in and for the future and security of the United States.

This decision which will shape the security structure of not just Europe, but the entire globe, for decades to come. It will also determine in large part whether new emerging democracies and free markets coming out of the shadow of totalitarianism will perish or flourish. It is not a decision that is without controversy, but it is a decision that I believe we must make in the affirmative, and I will support the expansion of NATO, the underlying legislation that we are debating today.

NATO was originally created because unstable conditions in Europe threatened not only the peace of Europe but the security of the United States. In the late 1940s, Europe was still in shambles after World War II. Economies were crumbling, political systems had endured great pressure, and factions arose. There was a very real threat, in fact, that many countries would succumb to the blandishments of communism.

The possibility of a Communist victory in Europe was all too real. Communiques between the Soviet Union and the West had broken down. Berlin had been blockaded. Tension was at an all-time high. Communists were battling for control in Greece, France, and Italy; a Communist coup had already taken place in Czechoslovakia.

So when 12 countries came together to sign the North Atlantic Treaty Organization protocols, their goal was to protect the peace and stability of Europe and, indeed, the peace and stability of the world. The parties affirmed among themselves that their goal and their commitment was to ensure a peaceful and stable Europe, because within the context of that peace and stability they could begin to rebuild their economies and their democracies, and the strength of those democracies and those economies would truly preserve the peace.

As the Foreign Relations Committee stated in its report to the Senate in 1949, NATO would, "free the minds of men in many nations from a haunting sense of insecurity, and enable them to work and plan with that confidence in the future which is essential to economic recovery and progress."

In the last 50 years, the signatories' handiwork has borne itself out nobly, effectively, and efficiently. This assurance of peace and security was—and it is important to note—not limited to the original signatories to this treaty. In fact, Article X of the treaty allows for the admittance of new members to NATO. And since it was signed in 1949, NATO has expanded to include Turkey, Greece, Germany, and Spain.

In the 50 years since its inception, 50 years of progress and peace and stability in Europe, we have seen a remarkable revival in Western Europe. Their countries have been rebuilt. Their economies are thriving. Historical tensions between France and Germany have been channeled from hostility to cooperation. Although tensions still exist between some NATO partners, such as Greece and Turkey, NATO provides a forum and a place in which they can peacefully and amicably settle these disputes. It has been a resounding success. More importantly, NATO has stemmed the march of communism and contributed significantly to its collapse.

Because the true goal of NATO is for European peace and security—because it was not narrowly focused as any specific set of countries to the exclusion of others at its inception—I think it is appropriate that we consider the applications of those countries who are emerging from the shadow of the Soviet Union. I think it is, in fact, appropriate that we consider the countries of Poland, Hungary, and the Czech Republic because they, too, need that sense of confidence, that sense of stability, that sense of peace that will allow them to build their economies and, perhaps more importantly, build their democracies, so that they, too, can participate in the free assembly of nations in one of the proudest forums, NATO. NATO membership will also help these countries modernize their militaries and better defend themselves.

Now, I think most people would concede that this is an appropriate step in terms of the benefits I have listed. However, there are those who question this expansion, question it in terms of NATO having been conceived at a particular moment in history when a particular threat confronted Europe, the threat of an expansionist Soviet Union. Today, that has changed. The Soviet Union has collapsed, and, rightfully, people ask, "Where is the threat that would motivate and suggest the enlargement of NATO?"

Well, there are still threats to peace, still threats to Europe, still threats to the world community of free nations. In 1991, NATO recognized these changing conditions and authored a new strategic concept. This concept places more emphasis on crisis management, on peacekeeping, and peace enforcement. And it is appropriate and significant to know that these countries who seek admission today—Poland, the Czech Republic, and Hungary—are already participating with NATO in this new strategic approach.

These countries have contributed approximately 1,500 soldiers to our peacekeeping operations in Bosnia through the Partnership for Peace program. The U.S. offices have been very impressed with the cooperation, the professionalism, and skill of the Hungarians in their operations at our base in Taszar, one of the major marshalling and staging points for our operations in Bosnia. All of these indicate that these countries are cooperating already, are seeking involvement, are seeking engagement, and I believe can benefit from association, integration, and participation in NATO.

Also, the expansion of NATO would help to quell the tensions that exist, the historical rivalries that exist, among these new areas emerging from Communist domination. As Secretary Cohen stated, we would "dampen nationalism and ethnic tensions by bringing new member states into NATO's security framework. The re-nationalization of defense, with a country obtaining weapons of mass destruction, 'arming itself against an enemy, real or perceived,' could be averted by enlargement."

This is an extremely valuable goal and objective. If we leave these countries to their own devices, they very well may feel threatened enough to rearm themselves, to begin an arms race within that region, that sensitive region between the old NATO boundary line and the lines of the Commonwealth of Independent States. That, I think, would be a real mistake.

There are signs already that the prospect of membership in NATO are beginning to provide very, very positive movements to resolve ancient and long-held tensions. For example, Hungary has entered into agreements with Slovakia and Romania, in 1995 and 1996 respectively, guaranteeing the rights of ethnic minorities. This is evidence that the prospect of NATO membership is already producing positive effects within these countries.

Again, of great significance is the fact that NATO membership for these countries would, I hope and believe, eliminate the need for them to build up arms independently against perceived threats. If we don't act to accept these countries, they very well could start an arms race in the area that would be detrimental to the peace not only of Europe, but of the world, and add to the tensions in the areas that are sensitive, those areas around the borders of Russia.

Having said all this, and having talked about the benefits that are, I think, obtainable through expansion of NATO, it would be, I think, incomplete to suggest that there are not factors which weigh on the other side. There are possible consequences that must be carefully watched with respect to the management of the enlargement of NATO.

There are, in fact, valid reservations that have been made with respect to this expansion. One of the major issues that has consistently been brought forward and presented to us is the possible adverse reaction of Russia. Russia is sensitive to the growth of NATO. They have seen for centuries the progress of military forces invading Russia through the plains of Poland. They are sensitive to this. Their sensitivity has been manifested in many different ways.

For example, the chairman of the upper House of Russia's Duma has said that START II won't be approved if NATO expands. In October 1996, the Duma, in fact, passed a resolution opposing enlargement by a vote of 307–0.

Russian officials contend that the "Two plus Four" treaty which united Germany in 1991 prohibits the expansion of NATO. Although the treaty does not contain such language, there is suggestion by some of our diplomats that, in fact, there was a verbal commitment not to expand NATO.

All of these things manifest an opposition to NATO, but there are other signs indicating that Russia is prepared to accept this expansion, they are prepared to accept the integration of Poland, Hungary, and the Czech Republic. For example, in May of 1997, in Paris, NATO allies and Russia signed a "Founding Act on Mutual Relations, Cooperation and Security Between NATO and the Russian Federation." This Founding Act outlines the nature of the military presence in Eastern Europe upon expansion of NATO, and it also establishes a Permanent Joint Council between NATO and Russia to undertake consultations on matters of mutual interest.

Russia also continues to perform under the agreement, START I. In fact, they are taking out and dismantling their nuclear platforms ahead of schedule under START I.

Although we must be concerned with the reaction of Russia, I believe with respect to these three countries, Russia is prepared to accept expansion will not undermine our cooperative efforts to disarm the world and also be a force for cooperative peace in the world between the West and Russia.

Now, there are signposts ahead which we must be very careful of. The rapid integration, for example, of the Baltic States would send a profound sense of shock to Russia. Any further expansion beyond these three countries must be watched terribly carefully. I think we must be careful as we move forward not to rapidly and precipitously increase membership in NATO. To do so would, I think, undercut the benefits which we are obtaining through this limited expansion to these three countries.

Now, there is another issue which has been raised and which is also vitally important, and that is the cost of this expansion. We understand that numbers sometimes are in the eye of the beholder, and the cost figures that have been suggested for NATO expansion range across a very broad spectrum, from $19 billion over 15 years to a mere $1.5 billion over 10 years. Now, the CBO estimates are the most pessimistic. Their numbers for expansion would see total costs over 15 years for all of NATO expansion as roughly $61 billion to $125 billion, with our share about $5 billion to $19 billion.

The Rand Corporation has weighed in. They have estimated over 15 years a total cost of $14 billion to $110 billion. The administration's costs also show a wide variability. Again, NATO itself has projected probably the lowest cost, $1.3 billion to $1.5 billion.

All of this suggests that the issue of costs—and, more importantly, who pays for it—is vitally important to our considerations and is an issue we must continually watch and be very careful about. The bulk of these costs belong to those nations who are joining, but I think we have to question whether they have the economies to sustain such costs despite their best indications and willingness to do so.

Our allies also must be a source of burden sharing as we go forward, but many of their comments suggest that they have an unwillingness to do more than what they are obligated to do. President Chirac has stated that, "France has no intention of increasing its contribution to cover NATO enlargement." Even though all of the NATO countries accepted their NATO cost estimate, we recognize that estimate is most optimistic in terms of cost.

We must be very concerned about this. But at this juncture, I think that will be a factor that, in and of itself, should not prevent the expansion from going forward. We have to assume that costs will be incurred. We have to vigorously, through our efforts, ensure that they are fairly borne by all parties. We have to also do that in the context of our own national defense priorities and an increasingly tight defense budget. But I believe we can work through these issues and we can, in fact, ensure that the costs are not excessive and, in fact, they are fairly borne.

There is another set of issues that we face and that we should consider today, and that is the challenges of interoperability. The quality of NATO must be maintained. It is, today, the preeminent coalition force in the world. We have demonstrated that in Bosnia. But we are finding in these new entrants—Poland, the Czech Republic, and Hungary—armies that have aging Soviet equipment, armies that are heavy with high-ranking military officers without well-trained and, in many cases, noncommissioned officers.

Another factor is that these countries' pilots will typically fly only 40 to 60 hours in a year, whereas NATO requires at least 180. Communications is an issue. The language of NATO is English, yet reports are that many countries have not yet provided the kind of training and upgrading that is necessary so that their officers can speak English fluently and can participate effectively in NATO.

I think these obstacles can be overcome. NATO, in the past, has reached out and embraced new countries, many times embracing those countries that have equipment problems, that have different cultural and language bases than those in Western Europe. I think we can do it today. But, once again, we have to be very careful that when we do this, that we do it appropriately.

Let me just, once again, emphasize a point that is very important. Today's expansion—the acceptance and integration of Poland, Hungary, and the Czech Republic—I hope does not set off a rush to judgment with respect to other countries. These three countries have a history that is very closely related to Western Europe. These three countries have already shown their commitment to democracy, to free market economies. These three countries have much in common with the culture of Western Europe, which is at the core of the NATO experience.

So I strongly suggest that whatever we do with respect to expansion today, we do not presume to rush into further expansion tomorrow. Quick entry of more members will compound all of the problems I talked about—problems of costs, interoperability, the north-south relationship within NATO. Today I will support the integration of Poland, the Czech Republic, and Hungary, but I would be very wary of the integration of other countries into NATO.

In conclusion, I want to say that we have had a very thoughtful and principled debate on this issue. This is not an easy decision; it is a very important decision. Back in 1949, when the United States first joined NATO, it was also a momentous occasion, one that was noted in the biography of President Harry Truman by David McCullough. Back then, he wrote that joining NATO "marked a radical departure with tradition—the first peacetime military alliance since the signing of the Constitution—but had such an agreement existed in 1914 and 1939, Truman was convinced, the world would have been spared two terrible wars."

The past 50 years have proven President Truman right. NATO has allowed democracy and free markets to thrive, has allowed peace to be maintained within Europe, and that peace has inspired others within the former Soviet Union. Today we have another opportunity. I hope that the expansion of NATO, the entry of these three new countries into NATO, will provide the same stability, the same peace, well into the 21st century.

Today, if we do in fact move forward and vote for the expansion, we take on a very solemn and important obligation, and that is to make this expansion work for peace and stability of the world, to ensure that we have not only the plan but the resources to ensure that NATO continues to be a force for peace in Europe and around the world. I believe we can do that. I believe we must do that.

I yield the floor.

Mr. McCONNELL. Mr. President, when I gave thought to what I wanted to say today, the words and deeds of two great Americans came to my mind—the words belong to Abraham Lincoln—the deeds were my father's.

In many respects, this debate was launched a half century ago in Europe. There, on the battlefields in Germany and France, Italy and Belgium, American soldiers fought and died to secure our future—our freedom. My father was one of those men. Standing shoulder to shoulder with friends, with fellow countrymen, he saw many fall in combat—never to rise again—never to return to their families—never to worship in their churches—to play an afternoon game of baseball with their sons and daughters.

My dad was proud to serve his country as a platoon guide—he was proud of the soldiers who became life-long friends, bound together over time by their common mission.

Decades before Staff Sergeant McConnell shipped out to the Rhineland, American heroism was memorialized in Lincoln's Address at Gettysburg. President Lincoln's words echoed across Europe's plains of courage and glory.

> We cannot dedicate—we cannot consecrate—we cannot hallow this ground. The

> brave men, living and dead, who struggled here have consecrated it, far above our poor power to add or detract. The world will little note, nor long remember, what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us . . . a new birth of freedom.

Freedom.

That is the purpose President Lincoln defined for our nation—the noble calling my father served—the mission we must finish here today.

The debate this week centers on the wisdom of America, once again, expanding her horizons—adding to her security family—advancing freedom.

To reach this point, the Senate and Administration have struggled, often in open conflict, to redefine the terms of our relationship with Europe, and more particularly, Russia. These deliberations are as much about American responsibilities and interests, as they are about Russia's role and ambitions.

The commitment of my father and his fellow soldiers laid the moral foundation of this debate. The politics of Europe's future followed later and, to me, seemed joined in 1993. The Wall had fallen yet more thousands of Russian troops occupied the Baltic nations. Ever sensitive to Russian concerns, the Administration was reluctant to press Moscow to withdraw. Understandably, the Baltic nations were deeply concerned that they would never be free from Russia's imperial grasp. Against strong Administration opposition, the Senate voted 89–8 to condition aid to Russia on achieving an agreement for a withdrawal timetable. Remarkably, within weeks, negotiators produced a concrete plan for action.

This was my first direct experience with Russia's approach to the region. I think it is fair to say I learned a lesson Henry Kissinger sums up well—"It is, in fact, ambiguity about dividing lines not their existence, and ambivalence about Western reactions, not their certainty that tempt nationalists and militarists."

Sadly, fuzzy thinking, grey-beige lines and Moscow myopia continued to dog the Administration's European policy throughout 1993, 1994, and into 1995. No where was this mistaken course more apparent that the Administration's firm and abiding opposition to establishing a road map or criteria for admission to NATO. Senior officials engaged in a simple shell game arguing Eastern and Central European nations were not qualified to meet the standards to join NATO's ranks, yet they refused to define those standards. I recall a particularly frustrating session when Secretary Christopher appeared before the Foreign Operations Subcommittee, and I questioned him on this point. I asked him what exactly an applicant must do to join NATO? He claimed it was all spelled out in the NATO charter. "Where?" I pressed. "Right there," he demurred.

Of course, there were no specific terms for admission nor had any been imposed on other recent entrants. This game, which bent to Russian demands not to expand NATO, continued, eventually taking on new shape with the introduction of the Partnership for Peace. Dismissed by leaders in Poland as "treachery" and a "second Yalta," the Partnership drew no admissions distinction between the historical victims of Russian aggression and the aggressor—everyone was welcome to join!

The President's team explained that this approach avoided establishing new blocs in Europe and would erase all dividing lines. What it erased was any sense of comfort in Central Europe about U.S. resolve, responsibility or commitment to stand up an ever ambitious Kremlin as it widened control over what Moscow deemed its "sphere of influence".

Administration briefers and papers systematically dodged the serious security issues related to expanding NATO. In preparing for a 1994 Treaty summit, Administration talking points declared, "We do not believe the summit should set a specific timetable or criteria for membership (in NATO) or identify preferred candidates . . . The (Partnership for Peace) will not give the Poles, Czechs or Hungarians all they want, but we think they will recognize it is an important step forward on NATO's part. At the same time it should not create problems in Russia."

The explanation was dismissed by a characteristically blunt Lech Walesa as "a tragedy".

July of 1994 was the real low point in the drive to expand NATO. It is marked in my mind by two events: the Senate defeated 53–44 an amendment I offered on admissions standards and the President traveled to Europe.

The amendment hardly seemed controversial—it was a reporting requirement asking the President to define specific military, political and economic standards for admission to NATO and then provide an assessment of what it would take to guarantee that Poland, Hungary, the Czech Republic and Baltic nations were capable of fulfilling military interoperability and other NATO responsibilities.

The Administration's overwhelming opposition was given a voice by the Chairman of the Foreign Relations Committee, Senator Pell, who warned that this reporting requirement singled out certain countries and "draws dangerous new lines in Europe."

Just about this time, President Clinton left for Poland. Ever eloquent, he tried to reassure the Polish Assembly that the U.S. "would not allow the Iron Curtain to be replaced by the veil of indifference." His comments prompted the Chairman of their Foreign Affairs Committee to observe his speech was "beautiful, but did little to satisfy our security expectations." Walesa publicly lamented the fact that the Administration did not seem to understand Poland's "history and geography cautioned not to take this moment for granted."

What turned this debate around? When exactly did the Administration stop taking Central European security for granted?

I can pinpoint the moment—the month—when I saw and heard the change.

On February 9, 1995, Deputy Secretary Talbott appeared before the Foreign Operations Subcommittee and spoke in vague generalities about American "hopes and expectations" for European security. I asked point blank, "Is it correct that there is no timetable and no criteria" for admission to NATO? His response was simple, "That is correct."

In March, with the arrival of Richard Holbrooke as the new Assistant Secretary for European Affairs, the policy changed. In a little noticed appearance before the Subcommittee, Holbrooke announced a major departure in American policy. He said, "Expanding NATO eastward is our highest priority . . . if NATO is a 16 car train, with a car for each member, the U.S. is clearly the engine."

This was the clearest definition of American purpose and leadership I had heard since President Clinton's election, and then Secretary Holbrooke went further. During the hearing, I asked and he answered six questions bearing on the standards for NATO eligibility including the relevance of democratic institutions, civilian control of the military, the size and NATO compatability of the armed forces, and a nation's financial and infrastructure requirements. Getting straightforward answers was ground breaking!

From that moment forward, I found cooperation and support for funding and program initiatives which strengthened the military capabilities of potential entrants. In 1996, 1997, and 1998 the Subcommittee was able to set aside funds for Poland, Hungary, the Czech Republic and then Lithuania, Estonia and Latvia to improve military training, equipment and capabilities with a view to accelerating their timetable for admission.

Mr. President, I could argue that Mr. Holbrooke's assignment to the European Bureau marked a key transition point in the NATO debate. However, there were many other factors which contributed to turning the tide. A shift in control of the Senate, our disastrous policy in Bosnia, Russia's role in destabilizing Georgia and abominable conduct in Chechnya—among many factors focused attention on the urgent need to revitalize U.S. leadership in a stronger Atlantic security alliance.

1995 marked the point when the Administration seemed to grasp a very basic concept articulated by Henry Kissinger—"an alliance depends on drawing lines around a specified territory that members undertake to defend. Basing European and Atlantic security on a no-man's land between Germany and Russia runs counter to historical experience, especially that of the interwar period."

This Treaty reflects the fact that we have finally reached a point, with bipartisan agreement, where we draw new, bright lines in Europe. The vote this week affirms our commitment to protect our partners and our principles with an iron clad military guarantee.

Now is not the time for ambiguity. Today, is not the occasion to equivocate, qualify or confuse the message we send to friends, allies and potential foe. Expanding our horizons and enlarging NATO safeguards our interests as it strengthens the sense of security in Poland, Hungary, the Czech Republic and the next class of entrants.

Shortly before the Madrid summit, leaders across Europe were asked about the importance and implications of expansion. Their answers offer a commanding vision of American interests in NATO's future.

Czech President Vaclav Havel offered a compelling view:

> Membership is the best tool for a collective European defense, and for the defense of democratic values of states under the rule of law . . . Members will now work together to face a spectrum of threats, including local and regional conflicts.

The Chairman of Lithuania's Parliament strengthens the case for expansion:

> NATO's declared open door policy . . . and firm stand on the principle that the Baltic countries have an unrestricted sovereign right to their own choice will only aid the emerging new Russia in living up to its obligations of normal European behavior.

Romania's President's goes further:

> The process for preparing for NATO enlargement has led in less than four years to a broad and profound stability and solidarity in Central Europe.

Both he and Mr. Havel acknowledge that the enlargement process stimulated resolution of age-old border and ethnic policy disputes.

Poland's President's made a final point:

> Enjoying traditionally close ties with the United States and being at the same time a profoundly Europe oriented society, Poland will contribute to the alliance's cohesion. As for the military dimension, the alliance will gain reliable and modernizing armed forces. We shall continue our active policy aimed at ensuring Central Europe remains a zone of stable and harmonious relations.

Central Europe's leaders have summed up with clarity and conviction the strategic political, economic, and security justification both for NATO and its expansion. They make clear that the importance of our decision this week will only increase over time.

While I am convinced of the arguments in favor of expansion, there is one concern raised by some of my colleagues which I wish to address—that is the doubt about providing security guarantees to new members.

I know there are Senators who would prefer to narrowly define the terms of participation of new members or limit our contribution or commitment to their defense. Unfortunately, such determinations would create a caste system—dismissing new or future members to second class citizen status. This would be a terrible mistake and undermine an alliance forged and strengthened by its tradition of common purpose, common defense, in short, a commitment to equality.

NATO's strength and credibility would be compromised by any decision to qualify new members with ambiguous standing. There should be no side-deals, doubts or questions raised about the deployment of weapons or troops on a new member's soil. This Treaty must be implemented with the firm understanding that new members are full partners entitled to full protection and expected to bear full responsibility. We cannot create damaging divisions within the alliance by imposing restrictions on the nature of participation.

Only instability and uncertainty would result from creating such a double standard for defense. Only Democracy's opponents would gain ground. Only those who have long maligned closing the gap between East and West—who yearn for the days of despots and communists kings—would win.

We should not cast votes which serve to encourage Zhirinovsky's storm troopers. Our call is to stand by the champions of free market principles—to stand up for the voices which appeal for democracy's day.

I'm sure there may still be a Senator or two unconvinced that American lives should be laid down to defend Budapest or Prague. Let me remind those colleagues of remarks made by Margaret Thatcher when she called Great Britain to the defense of the Falklands. She said, "To those—not many—who speak lightly of a few islanders beyond the seas and who ask the question, 'Are they worth fighting for?' Let me say this: right and wrong are not measured by a head count of those to whom that wrong has been done. That would not be principle but expediency. The Falklanders are not strangers. They are our own people."

With more than 23 million Americans of Central and East European descent, Prime Minister Thatcher's insight and the analogy reach across our nation into every community.

NATO exists to defend principle not expediency.

I know some of my colleagues feel we are rushing to judgment. For those friends and colleagues, I call attention to the fact that I believe this debate has gone on at least five years—it has taken a long time and much effort to bring the Administration to this important decision.

The cause is important—the reasoning sound. Our vote to expand NATO's European frontier strengthens the pillars of democracy and free market principles, stimulates dispute resolution, balances and restrains Russian ambitions, reduces military tensions, and adds new security capabilities.

In short, we take one step closer to finishing the mission President Lincoln called upon our nation to faithfully serve.

Freedom.

I know my father and his friends would have been proud to defend our choice, our invitation to Poland, to Hungary and the Czech Republic to join NATO.

Mrs. BOXER. Mr. President, every one of us has memories of historical events that stay with us forever. Those times in history that are so momentous, they strike at our heart and leave a lasting imprint for all our years.

I think back to the fall of 1956, when the people of Hungary bravely renounced the shackles of tyranny, only to have their dreams of freedom and democracy brutally suppressed. I will never forget sitting around the television with my family, watching the TV footage of this major challenge to Soviet rule be crushed by tanks. Those were dark days for Hungary, as they were for Poland, the Czech Republic, and all nations behind the Iron Curtain.

The memory of those times makes me appreciate to my core how wonderful it is that the countries of the former Soviet Union are now free and that three of them have the opportunity to join the peaceful community of nations that make up the North Atlantic Treaty Organization. To me, the post-Cold War Era will be truly over when all the nations of Europe—west and east—join in an alliance that will in and of itself indicate a Europe at peace.

Mr. President, I support NATO expansion, and do so for one primary reason: I truly believe that expanding the NATO alliance to include Poland, Hungary and the Czech Republic will lead to greater peace and security throughout Eastern Europe—the same peace and security that American leadership was able to provide Western Europe for the past 49 years. In that time, no American soldier has had to fire a shot to defend a NATO ally, nor has NATO ever had to wage war to fulfill its security guarantees.

A peaceful, secure Europe is necessary for a peaceful, secure America. We are inextricably linked. In two World Wars, American troops have fought and died as a result of instability in Europe. Through collective defense, an enlarged NATO will help reduce the chance of another major European conflict.

The formation of NATO in 1949 has enabled Europe to flourish into the prosperous region it is today. I believe history will show that the transformation of a war-ravaged Europe in the first half of the twentieth century to the safe and secure Europe we have seen in the second half of the century is among the most remarkable achievements of our time. I believe NATO can bring that same stability to the former Warsaw Pact nations.

What is also remarkable are the recent achievements of Poland, Hungary and the Czech Republic. These nations have made great strides to reform their economic and political systems to conform with international norms and to provide greater freedom for its citizens. These nations have placed their armed forces under civilian control and have resolved historical disputes that have threatened the region. In all, ten major accords have settled ethnic and border disputes throughout Eastern Europe. These include agreements between Poland and Lithuania, Poland and the Ukraine, Hungary and Romania, Italy and Slovenia, Germany and the Czech Republic.

During the Senate Foreign Relations Committee's thorough debate on the NATO issue, Colonel Herbert Harman, the National Commander of the Reserve Officers Association, stated that, "over time, the defensive nature of NATO will become clear to all parties, and with it, the realization that NATO threatens no one." I agree. NATO is strictly a defensive alliance. It does not aim to pose a military threat to Russia or any other nation. I know some of my colleagues do not see it this way, but Russia is making moves toward democracy and those have been recognized by the NATO-Russia Founding Act. The Founding Act, signed in May 1997, created the Permanent Joint Council, a useful forum where NATO and Russia can consult on security issues of mutual interest. This will help facilitate a trusting and constructive relationship between NATO and Russia. Last fall, Ambassador Thomas Pickering put it best when he said, "it is in the security interest of the United States, NATO, and the States of Central Europe to have constructive relations with Moscow, and to integrate a peaceful Russia into the world community." I would also point out that NATO has an open door policy to other nations wishing to join NATO, including Russia, as long as NATO members determine it would promote European security and the strategic interests of the Alliance.

Mr. President, there is a long list of high-ranking officials and organizations who support NATO expansion. These include every living former Secretary of State, the former Majority Leader Senator Dole, former National Security Adviser Colin Powell, several veterans groups—including the American Legion—and many, many others. Let us hear the thoughts of some of these distinguished people on NATO expansion.

Secretary Henry Kissinger says that NATO enlargement "represents above all an overriding American political interest." Secretary James Baker claims, "The Cold War's legacy of great power confrontation in Europe will be truly ended only when it is replaced by a collaborative structure between former antagonists. The expansion of NATO should be seen in this light." Our current Secretary of State, Madeleine Albright, states that Poland, Hungary and the Czech Republic, "will not just be consumers of security by the United States but producers of a more secure Europe; and also because the United States has interests in Europe, producers of security for the United States." Senator Dole maintains, "The enlargement of NATO will strengthen security, freedom, and peace in Europe. It will secure the gains of democracy in Central Europe."

Once again, I support expanding NATO to include the nations of Poland, Hungary and the Czech Republic and want to thank both the Chairman and Ranking Member of the Senate Foreign Relations Committee for all their hard work on this historic issue. Let me end with the words of President Clinton, who said, "A new NATO can extend the blessings of freedom and security in a new century . . . we can bring Europe together—not by force of arms, but by possibilities of peace. That is the promise of this moment. And we must seize it."

UNANIMOUS CONSENT AGREEMENT

Mr. WARNER. Mr. President, I ask unanimous consent, on behalf of the leader, that the following amendments, declarations, and conditions be the only remaining in order, other than the pending amendment, and following the disposition of the listed issues, the Senate proceed to vote on the committee reported amendment, as amended, to be followed by adoption of the resolution of ratification, all without further action or debate, following 90 minutes of debate equally divided.

The list of amendments, declarations and conditions is as follows: An amendment by Senators WARNER and MOYNIHAN mandating a 3-year moratorium, under a 2-hour agreement, with an up-or-down vote; Senator MOYNIHAN's amendment that defers membership until members of EU, under a 1-hour agreement; Senator STEVENS' amendment on cost; Senator STEVENS' amendment on caps; Senator INHOFE's amendment on submission of the Kyoto Protocol; Senator ROBERT SMITH's amendment on Bosnia; Senator CONRAD, tactical nuclear weapons; Senator NICKLES, strategic concept of NATO; Senator BINGAMAN, Baltics; Senator BINGAMAN, strategic concepts; Senator HARKIN, costs; Senator HARKIN, arms control; Senator BIDEN, relevant amendment; and Senator HELMS, relevant amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, after extensive study, discussions, and deliberation, I have decided to vote against ratifying the treaty to expand NATO. Since my college days, when I wrote my senior thesis on U.S.-U.S.S.R. relations, I have supported a strong U.S. role in international affairs. I oppose NATO expansion now because it does not fulfill NATO's basic purpose in countering the U.S.S.R. military threat that existed from 1945 to 1991 but, instead, creates a new potential threat from Russia.

As a frequent participant in the North Atlantic Assembly meetings since the spring 1981 session in Venice, I have always felt that the United States consistently paid more than its fair share of the NATO burden. Our national interests were so substantial in countering the Soviet threat in Western Europe that it was worthwhile not to withdraw because other nations did not do their part in burden sharing.

As noted in my votes and previous floor statements, I do not believe our vital national interests justify the extent of our contribution in Bosnia. In my judgment, that is a matter where European nations should have taken charge. It is always hard to say when century-old hostilities in the Balkans may threaten the peace, but the issue is sufficiently a European obligation that I do not think the United States should again be pulling the "laboring oar"—that is, doing more than our share.

The inclusion in NATO of Poland, the Czech Republic, and Hungary is the unmistakable start of bringing in more nations than the United States should be obligated to defend. It is getting us deeper into potential quicksand, like Bosnia. Perhaps even more important, including those countries poses more of a risk of a Russian military action against them than assurances of their national security. There is the obvious risk that Russia, with a deteriorating army, may choose to use its enormous nuclear arsenal.

The representations that Russian President Boris Yeltsin does not object to NATO enlargement do not answer the threat that Russia might retaliate under a new leader. President Yeltsin's government is unstable. His health may be even worse. Radical Russian elements have already used NATO expansion as a potential argument to take over the Russian Presidency. Final action on expansion of NATO may give them the political weapon to succeed. So instead of strengthening NATO, the expansion may subject NATO to attack with the possible focus on its newest members.

In 1949, the United States and its allies in Europe literally joined forces to define the post-World War II world. The North Atlantic Treaty Organization was established with a clear mission: collective defense of its members. NATO became the centerpiece of the U.S. policy of collective security and defined our military commitment to our allies in Europe. Throughout the Cold War, NATO protected U.S. interests and U.S. allies in Europe by providing a framework through which to overcome the political instabilities in post war Europe. NATO started out as a military alliance of 12 members and eventually expanded to a military alliance of 16 members. Turkey and Greece have been members since 1952, Germany since 1955, and Spain since 1982.

Then, in 1989, the political landscape in Europe changed. The Berlin Wall fell. The Cold War was over. The Warsaw Pact disbanded. In 1990, the Union of Soviet Socialist Republics disintegrated. In its stead, across central and eastern Europe and in Russia itself, fledgling governments began the transition to democracy and market-oriented economies. The original goal of NATO had been fulfilled.

Immediately after the fall of communism, NATO began to reevaluate its role and purpose. NATO has redefined its organization to focus not only on collective defense, but also on "promoting stability throughout Europe through cooperation and by developing the means for collective crisis management and peacekeeping." Furthermore, what started out as a military organization of first 12 then 16 nations is now holding out the possibility of membership for at least 12 new members and even more if the Administration's rhetoric comes to fruition.

My former colleagues Senator Howard Baker and Senator Sam Nunn, along with former national security advisor Brent Scowcroft and Alton Frye from the Council on Foreign Relations wrote in February that the Administration's premise that NATO should be open to many additional members "is a prescription for destroying the alliance" which will antagonize Russia. In their words, NATO expansion is "an ill-defined invitation for new members unrelated to either military threats or military capabilities."

I agree with their interpretation that an expanded NATO is unrelated to current military threats and capabilities. I question U.S. participation in an organization increasingly devoted to "crisis management and peacekeeping." While NATO was originally designed to counter the threat of communism, it will increasingly be called upon to counter new threats facing the region: particularly civil unrest and ethnic conflict in Eastern and Central Europe. Membership in NATO involves a serious commitment to defend other members if attacked. As NATO expands, the United States may well be obligating itself to become involved in a potentially great number of conflicts that are strictly European in nature and not a direct threat to vital U.S. national security interests. I do not believe the United States should commit to involvement in ethnic and civil hotspots throughout Europe, but should reserve the option to decide on such involvement on a case by case basis.

Furthermore, NATO reports from the July 1997 NATO summit in Madrid state that the end of the Cold War has provided the opportunity to "build an improved security architecture in the whole of the Euro-Atlantic area without recreating dividing lines." This line of reasoning is unsound. If NATO is in fact to remain a primarily military alliance, how can including new members not recreate dividing lines? It is likely that the new dividing lines will antagonize Russia.

Last year, in an open letter to the President, 50 former Senators, cabinet secretaries and ambassadors, as well as arms control advisors and foreign policy experts, called for postponement of NATO expansion until other security options are explored. In their letter, they expressed concerns about drawing "a new line of division in Europe, between the 'ins' and the 'outs' of NATO," which would actually work to increase regional instability and decrease the security of those not included.

George Kennan, most noted for the policy of containment of Russian expansive tendencies, who later disclaimed the view that containment meant stationing military forces around Soviet borders, wrote in the New York Times last year that "expanding NATO would be the most fateful error of American policy in the entire post-Cold War era." He went on to ask:

> Why, with all the hopeful possibilities engendered by the end of the cold war, should East-West relations become centered on the question of who would be allied with whom and, by implication, against whom in some fanciful, totally unforeseeable and most improbable future military conflict?

Kennan pointed out that the Russians are not impressed with American assurances that NATO expansion does not reflect hostile intentions. In fact, he notes, the Russians "would continue to regard it as a rebuff by the West and would likely look elsewhere for guarantees of a secure future." What comes to mind is forcing Russia to move even closer to China or Iran.

Michael Brown, then senior fellow at the Center for Science and International Affairs at Harvard, cautioned early on in 1994, when NATO was first addressing the question of new members, that "NATO expansion should be tied to strategic circumstances: If Russia takes steps to threaten Central Europe militarily, NATO should offer membership to as many states in the region as possible." Otherwise, Brown pointed out, correctly I think, that "Russian aggression would be encouraged, not discouraged by NATO expansion."

Potential Russian presidential candidates are already preparing themselves for the next Russian presidential election in 2000 and NATO expansion is already on the platform. Alexander Lebed, a likely top contender for the Russian presidency, wrote in an opinion piece last year that NATO expansion is drawing Russia into "a process of mutual provocations." He cautioned that "a reversion to old ways threatens the system of agreements which until recently had provided stability in Europe."

One year later, the Russians remain quite clear on how they view NATO expansion. Russia's ambassador to the United States, Yuli Vorontsov, commented in the March 10, 1998 Washington Post on what he calls the "authentic Russian view" of NATO expansion.

In his article, Ambassador Vorontsov advises that "Russia's attitude toward NATO enlargement has been and remains unequivocally negative. The signing of the Russia-NATO Founding Act does not alter that attitude in any manner." He goes on to say, "If enlargement goes forward, there are no guarantees that everything positive we have developed in the relationship between Russia and leading Western countries will not be put in severe jeopardy."

The most telling Russian reaction to date has been the Russian Duma's delayed vote on ratification of the START II treaty. Lebed contends that the Conventional Forces in Europe Treaty and other arms control treaties could all be reconsidered.

In my college senior thesis, I was very much impressed by the famous words of Winston Churchill, which he gave in a 1939 London radio broadcast when he was first lord of the admiralty. Commenting on his inability to forecast the action of Russia, Churchill described Russia as "* * * a riddle wrapped in a mystery inside an enigma." But perhaps more telling is the oft-forgotten phrase following. Churchill went on to say that "* * * perhaps there is a key. That key is Russian national interest." NATO expansion is clearly not in the Russian national interest, and the West can expect Russia to react accordingly.

I believe that the United States and Russia must maintain a real balance of power if we are going to coexist as peaceful nations. Clearly, if NATO is to remain a strictly military alliance, expanding NATO to the east means tilting the balance of power toward the west. If the desire is to create greater economic and political cooperation among Western and Central European nations, there are already existing organizations such as the European Union, the Organization for Security and Cooperation in Europe and others to take up this task.

Many claim that there is now a security vacuum in Central Europe that NATO expansion can address. On the contrary, I believe NATO expansion is creating just such a vacuum. It is implausible to think that Russia would send conventional troops into Central Europe any time soon.

While it is probable that there are lingering fears of Russian aggression in the countries of Central Europe, Russia's current Army capabilities make such an advance next to impossible. Furthermore, the West would never tolerate a repeat of past Russian aggression in these countries.

On the other hand, it is plausible to think that Russia will revisit the status of its relations with the Baltic nations, Ukraine and Belarus. Oddly enough, these may be the countries most likely to be adversely affected by NATO expansion and the very nations not to be included in the first round of new members. We must also not forget Russian military involvement in Georgia and in the Armenia-Azerbaijan conflict. How will NATO expansion influence Russian military action in the Caucasus?

In 1992, I presented remarks at the North Atlantic Assembly meeting in the Netherlands while I was part of a Senate delegation visiting the Assembly, commenting then that there was an unease among the American people over the cost of U.S. foreign relations obligations. That is not to say that the predominant U.S. view would ever return to the isolationist ideology of the 1930s, but the question I posed then was: What is fair and equitable? As a longtime member of the Foreign Operations Subcommittee of the Senate Appropriations Committee, I believe many Americans still feel the same unease when it comes to U.S. contributions to areas clearly outside our vital national interests.

Again in 1993, after returning from the next North Atlantic Assembly meeting, in remarks on the Senate floor, I commented on the debate under way in NATO at the time on inviting new members to join the alliance. There were signs at the time that NATO and the North Atlantic Assembly were looking more toward economic matters than defense matters. Furthermore, when we talked to the Director of the Center for Strategic Stability, he made the point that the Russians were very concerned about an expanding alliance. The concern then was what would happen with respect to Russia being isolated. I do not believe this question has been adequately addressed.

Last January, I made remarks on the Senate floor concerning my participation in the 1996 North Atlantic Assembly meeting. I noted that NATO has been perhaps the most successful international collective security arrangement in the world's history, ultimately achieving its once thought unattainable goal of containing and outlasting the empire of the former Soviet Union through a vigilant deterrence rather than actual conflict. It was this successful because it was more than a mutual defense pact. It is the coming together, across the Atlantic, of the power of the ideas of freedom and democracy. However, I pointed out that NATO's very success in achieving its original aim is the basis of the present quandary of the alliance. I asked then, and I repeat now: In the wake of the dissolution of the Soviet Union there are many reasons—including our responsibility to wisely spend American taxpayers' dollars—why we must ask what is NATO for now, what countries should be a part of the Alliance, and what roles and burdens should be played and borne by the different members of the North Atlantic community?

In the year since I gave these remarks, there has been much discussion and debate on NATO expansion, here in the Senate and in the media. I believe the situation now in Bosnia gives us reason to pause and reflect on these questions before we commit the United States to even more security obligations in Eastern and Central Europe.

During my visit last December to Bosnia, I asked our troops to estimate how long we would need to stay there to avoid the resumption of bloodshed which would happen if they left on Congress' schedule. The answer was a "generation," given the intensity and longevity of the religious and ethnic tensions in the region. There is no doubt about the dire consequences if fighting resumes among the Muslims, Serbs and Croats. The entire region would be destabilized. Certainly, the current situation in Kosovo is cause for great alarm. Russia has come out on the side of the Serbs against the United States and Europe. In the short term, the ability of the West to work with Russia will aid in the resolution of this issue. This picture changes in the long-term. Albania, Kosovo's neighbor to the south, is on the long list of countries proposed for NATO membership.

There is significant question as to how far can U.S. military resources be stretched on the current $268 billion defense budget. The top military brass in Bosnia had no answer to my question on priorities in deciding how to spend among Bosnia, Korea, Iran, Iraq and the world's other hot spots.

Now we add to this the additional costs of NATO expansion. Although the Administration says the total cost of expansion will be $27 to $35 billion—the U.S. portion being $1.5–$2 billion over 10 years—other estimates for the cost of NATO expansion range as high as $125 billion. There are many unanswered questions about the cost of NATO expansion.

We have good reason to conclude that the estimates of the administration as usual, are deceptively low.

If we use Bosnia as an example, how much more are we willing to spend in Europe than the Europeans themselves? Doing our part does not mean doing more than other major European nations. This is not the Cold War where the United States squared off against the U.S.S.R. and our dominant role in NATO protected our vital national interests. Obviously, Bosnian stability is of much greater concern to the European nations than it is to the U.S. although you wouldn't know it from the contributions in Bosnia today. This also does not mean that the United States cannot play an important strategic role in the region, for the United States has played a successful leading role in the War Crimes Tribunal for the Former Yugoslavia.

The United States will always play a role in peace and security in Europe. We all applaud the great success of the new countries of Eastern and Central Europe on their transition to democracy and free-market economies. However, as we move into the 21st century, I believe this is not the time for NATO expansion.

We would be moving away from the basic premise that NATO was expanded to protect Western Europe from Soviet attack. We would be looking at a Russia now, after the disintegration of the Soviet Union, which is not stable. We are trying to build up our relationships with Russia. Certainly this would be very counterproductive.

As I noted earlier, I recall very well in my studies at the University of Pennsylvania noting in my college thesis on United States-U.S.S.R. relations the description of Winston Churchill that Russian foreign policy was a riddle wrapped in a mystery inside an enigma. It is puzzling as to what the Russians will do next. They are enigmatic.

While we are on the path which has a reasonable possibility of leading to peace and stability, the inclusion of new NATO members I do believe would be counterproductive.

For these reasons, I oppose the expansion of NATO at this time.

I intend to vote against the ratification of this treaty.

I thank the Chair.

I yield the floor.

Mr. BUMPERS. Mr. President, first of all, let me say that I have listened rather attentively to the debate the past 3 days. It has all been heartfelt. A lot of it has been very thoughtful. I think it has been instructive for the Senate to hear this debate.

I spent a lot of time reading a lot of articles, doing a lot of research and trying to reach a conclusion that I felt not only was correct, but one that I would feel very comfortable with not just today but in future years.

I have heard a lot of people say the average man on the street in Russia does not really care about NATO expansion. I agree with that. He or she doesn't care about it right now, just as the American people are not zeroed in on partial-birth abortion right now. But you wait until October and November comes and all those 30-second spots start appearing on television, and those awful, barbaric films are shown just before the election, and you will find that virtually everybody in America cares about that issue. And when the election in Russia is held in the year 2000, you can rest assured the hard-liners are going to have a picnic.

Mr. President, I have read a number of times that we should not let the Russian hard-liners dictate our foreign policy. I agree with that. By the same token, I do not think we ought to gratuitously allow the Russian hard-liners to dictate internal policy in Russia as well as foreign policy to come.

I am one who believes that peace on the Eurasian Continent and probably in the world is dependent on our engaging Russia over the next several years. I do not denigrate any of the arguments for ratification. I think a lot of the arguments are very compelling for expanding NATO. But when I weigh what I believe will be the cost sometime in the future compared to the benefits, I believe the cost is likely to far outweigh the benefits.

What do we get out of it? Not NATO but the United States. How are we enriched? How is our security aided by taking in these three countries? If, as I believe at some point the hard-liners in Russia are going to have a field day with this, just as there are people in this body and in the United States who cannot give up on the cold war, I think we are going to pay a heavy price.

Nobody should cling to the naive belief that a lot of this expansion is not dictated by the hard-liners in this country. We have our own. We have people who after 50 years of fearing the great Russian bear and communism and the Soviet Union have a very difficult time turning loose that philosophy.

I hear it said that we gave our word to Poland, the Czech Republic, and Hungary, and we must follow through on our word. I hear it said that they have suffered enough. And God knows, we can all relate to that. We all know what Eastern Europe endured under the foot of communism and the U.S.S.R. for 45 years after World War II. Not only are we sympathetic, in my opinion, without the expansion of NATO, the United States and our allies in Europe would come to the rescue of any of these countries if they were threatened. But we should bear in mind also in that connection that it was not Russia, it was not the Soviet Union that invaded Czechoslovakia, that invaded Poland and Hungary.

We hear all of these soothing assurances from proponents of enlargement that NATO is a defensive alliance; we have no aggressive intentions. I believe that. Of course, that is true. But I am not Russia. I ask the Members of this body, if the shoe were on the other foot how would they feel? Incidentally, I might say that one of the most powerful speeches I have ever heard made on the Senate floor was about 30 seconds long during the Panama Canal Treaty debate. That was by far the most volatile political issue to confront this body since I have been in the Senate. Everybody that was going to vote for it—and it had 67 votes—was trying to cleanse their skirts with their constituents back home. And Henry Bellmon, a wonderful Republican Senator from Oklahoma, stood at his desk at about where the Senator from Indiana is seated right now and said: "I have agonized about this for 6 weeks. The President's called me. The Secretary of State's called me, and people on the other side have called me. Mr. President, I have decided that I think we ought to treat the Panamanians the way we would want to be treated, and therefore I am going to vote for the treaties." He shortly thereafter announced he would not run again because he knew he could not possibly be reelected in Oklahoma with that vote. You talk about a profile in courage. That is probably the most dramatic illustration of it I have seen since I have been in the Senate.

And so I ask you this: If this treaty were being executed by Russia, Mexico and Canada, and Russia was saying not to worry, don't worry about us lining up with Mexico and Canada on your border, we have no aggressive intentions, how would that go over?

Mr. President, we cannot deny what this treaty is all about. It is to hem Russia in. The Russians are not stupid.

Look at some of the declarations in the resolution itself. Paragraph (2)(A)(i). It says:

> Notwithstanding the collapse of communism in most of Europe and the dissolution of the Soviet Union, the United States and its NATO allies face threats to their stability and territorial integrity including [listen to this] the potential for the emergence of a hegemonic power in Europe.

That is No. 1. "The potential for the emergence of a hegemonic power in Europe."

Now, the Russians would never guess who we were referring to with that. Further:

> The invasion of Poland, Hungary, or the Czech Republic, or their destabilization arising from external subversion, would threaten the stability of Europe and jeopardize vital United States national security interests.

Who would invade Poland, Hungary or the Czech Republic? The Russians would never guess who we were referring to in this resolution.

Listen to this:

> Extending NATO membership to Poland, Hungary, and the Czech Republic will strengthen NATO, enhance security and stability in Central Europe, deter potential aggressors, and thereby advance the interests of the United States and its NATO allies.

Question: Who do you think the potential aggressor is?

Or, perhaps the Russians will never see or know about a letter I received in my office last week from Mr. Bruce Jackson, president of the United States Committee to Expand NATO. Here is what he said:

> Dear Senator:
>
> I am forwarding a copy of Charles Krauthammer's opinion piece which appeared on April 17 in the Washington Post while the Senate was in recess. While I cannot say that every member of the U.S. Committee to Expand NATO shares Dr. Krauthammer's views on Russia, we are in complete agreement with his conclusion:
>
> NATO expansion is simply a return to—a ratification of normality . . . It is the easiest U.S. foreign policy call of the decade.
>
> If you need any additional information, call me.

This is the Committee to Expand NATO, saying we agree with virtually everything Dr. Krauthammer said in his article in the Washington Post. And what did Dr. Krauthammer say? Listen to this headline. This is the headline of the Krauthammer article that that committee says they agree with totally. "Is NATO expansion directed against Russia? Of course it is."

What would our response be if we were in Russia's shoes? Their conventional forces are in shambles, their economy is a basket case, their people are demoralized and they are experiencing the fifth consecutive year of economic negative growth. The most dangerous thing in the world is for a bully to jump on somebody who is weak. You know what I have always said? I think government has a role in our lives. I think government has a role in protecting the weak from the bully. I am not saying the United States is a bully. But I am saying, when we expand NATO at a time when Russia is on their hunkers and everybody knows it—mostly the Russians—what would our response be? We have assured Russia orally we will not put nuclear weapons in Poland, Hungary, and the Czech Republic. But we have refused to put that in writing. You think of that.

Again, I am going to come back to the broken promise of all broken promises in just a moment. But here we are telling Russia that we will not put nuclear weapons in the three countries that we are taking into NATO, "So you have nothing to fear." But we don't want to put it in writing. And yesterday the U.S. Senate, by a vote of 90 to 9, said the very foundation of NATO requires a nuclear presence in Europe and those three countries were not excluded in that amendment.

The Russians would have to be naive beyond all imagination to believe that Dr. Krauthammer wasn't saying it exactly right. NATO enlargement is designed to hem Russia in.

Mr. President, the last time Russia took our word for something was in 1990. It was in a meeting during a meeting between Secretary of State Baker and Mikhail Gorbachev, and the promise was very simple, according to Jack Matlock, who was our Ambassador to Russia at the time. When the Soviet empire was falling apart and the Germans were clamoring to reunify the west and east, we promised Mikhail Gorbachev that if he would not interfere with the reunification of Germany, we would never move NATO 1 foot further east toward Russia. I have no documentation to prove that, but I called Jack Matlock, who knows what happened, and asked him. He assured me in roughly a 30-minute conversation, over and over and over, that not only did the United States promise Russia we would not move any further—wouldn't move NATO any further east toward Russia, Helmut Kohl later joined in the promise. I am not saying that Gorbachev had that much option. I am saying we made the promise. Again, an oral promise.

Let me go back to the rationale some people use for saying we have to go through with this. It is because we promised the Czech Republic, Poland, and Hungary that we would do it. How about our promises to Russia that we would not?

So, what are we doing to Russia? We are forcing them to rely more and more heavily on nuclear weapons. And the more you rely on nuclear weapons, the lower the hair trigger for nuclear war. Why are they depending on nuclear weapons? It is cheaper. They can maintain a nuclear force at a fraction of the cost of maintaining a conventional force in case NATO did attack them.

Are we safer with the Russians depending on nuclear weapons? Of course we are not. That is another big negative to this whole thing. And the Duma says they are not going to ratify START II. Maybe they will. I hear arguments on both sides of that. But I can tell you this, START II is extremely important to the security of the world and it is extremely important to the security of the United States. But the Duma has not ratified it. They have talked about it for almost 2 years now and they have not ratified it.

So, what does that mean? It means we have to maintain our nuclear forces on a high state of readiness, at an extra cost of several billion dollars a year. There has been a lot of talk about who is going to pay for all of the new weaponry for Poland, Hungary, and the Czech Republic. Nobody has mentioned the fact that instead of destroying weapons, as we would under START II, we may very well not only keep them but keep them on a high state of readiness, and it is already costing us several billion dollars a year to maintain the extra nuclear forces.

What are our friends in Russia saying? Mr. President, I feel this may be the most salient point I can make in the debate on why I do not intend to vote for the expansion of NATO. What are our friends—who we are depending on to democratize and bring sanity to the Soviet Union and bring that poor, bedraggled nation into the 20th century—what are they saying?

Victor Chernomyrdin, everybody thought he was a rational, moderate person. Vice President GORE is genuinely fond of him and met with him many times. What does he think about this? Here is what he said:

> We will never agree that the expansion of NATO is needed now, since its doctrine of confrontation with the Warsaw Pact, the Soviet Union and Russia, has not essentially changed.

That is one of our good friends. Then: The Russian Federation National Security Blueprint which was signed by Boris Yeltsin:

> The prospect of NATO expansion to the east is unacceptable to Russia since it represents a threat to its national security.

What did the State Duma, the principal legislative body in Russia, say 3 months ago? This wasn't way back in the past, it was January 23 this year. They passed a resolution saying:

> Given the weakening of Russia's defense capacity, NATO enlargement means the appearance of the most serious military threat to our country since 1954.

And here is Yuli Vorontsov, Ambassador to the United States:

> I would say that movement of NATO forces close to the Russian borders is generally being considered by all political forces in Russia as a threat. You can ask anybody there. Do not just ask Communists; we know what they will say. Ask liberals, ask democrats, ask young and ask old. Nobody in Russia is applauding this move, because everybody is afraid it is going to be a military threat.

That is what our friends in Russia say. What they say is, "You're cutting our legs off right under us. We want to be friends. We want Russia to move into the 21st century, and we want peace on the Eurasian continent. So what in the name of God are you doing threatening us with this expansion?"

Bill Clinton made one of the most poignant statements he has ever made in his life back in 1992 when he was running for President. April 1992—listen to this beautiful statement:

> What does a democratic Russia mean to Americans? Lower defense spending, a reduced nuclear threat, a diminished risk of environmental disasters, fewer arms exports and less proliferation, access to Russia's vast resources through peaceful commerce, and the creation of a major new market for American goods and services.

That is what President Clinton said in a beautiful statement in 1992 when he was candidate Clinton.

What does Admiral Bill Crowe say? And Admiral Crowe, incidentally, favors the expansion of NATO, but he wrote some beautiful words about it. Listen to it. I think everybody in this body and everybody whoever knew him has a profound respect for Bill Crowe, Chairman of the Joint Chiefs of Staff, recently Ambassador to the Court of St. James. He said:

> Put bluntly, the outcome of events in Russia can directly affect the future of the free world. The epic journey of that great nation is far from over . . . If the Russian people ultimately return to some form of autocracy, it would be a genuine disaster, not only for them but for us as well. In essence, I would judge that Russia is our number one foreign policy challenge, and it would be folly to treat it otherwise.

Yet we are engaging in precisely what he said—folly. What did Jack Matlock, who was our Ambassador to the Soviet Union at the time, say?

> In making a major effort to bring more members into NATO when countries who wish to join face no military threat, the administration undermines its ability to protect the United States and its allies from potential nuclear leakage from Russia.

He goes on to say:

> Russia may have no choice other than to accept an enlarged NATO, but in the ensuing atmosphere of political estrangement, close cooperation in nuclear matters, never easy, will become even more difficult. It will also be much harder to maintain the momentum of weapons destruction if it appears to Russian military planners that they must maintain a nuclear option in order to balance an expanding NATO.

Mr. President, did you know that we have spent billions of dollars in Russia helping them dismantle their nuclear weapons? That is what we call Nunn-Lugar money around here. It is the best money we have ever spent. I promise you, Mr. President, I promise you that the Russians are going to ultimately say, "Get out. We thought you were serious about dismantling our nuclear weapons and dismantling yours, but if you are going to treat us this way and show this kind of bad faith toward our good faith in dismantling our nuclear weapons and letting you do it, it is over."

Our former colleague Sam Nunn who was the most revered person on military matters I ever served with—and believe you me, Sam Nunn and I had plenty of disagreements—is opposed to NATO expansion. Here is what Sam Nunn said:

> I believe it is essential for the Clinton administration and our allies to start laying the groundwork now for a "soft landing" for U.S.-Russian relations in the wake of NATO enlargement. Unless this is accomplished

> soon, there will be a significant deterioration in U.S.-Russian and allied-Russian relations, and a political climate may emerge in Russia which erodes the ability and the willingness of Russian leaders to make rational decisions on critical foreign policy matters.
>
> Even those Russians who are most inclined to seek compromise and who see no military threat in the admission of Poland, Hungary and the Czech Republic into NATO would find the expansion of NATO into the geopolitical space claimed by the former Soviet Union intolerable.

Of course they find it intolerable.

Mr. President, I do not speak out of fear of Russia. I do not speak out of denigration of my colleagues who think this is absolutely the right thing to do. It is no secret that President Clinton and I have been close friends for 25 years, and I have, I think, the best record in the Senate of supporting his legislation. Maybe one other Senator has a better record than I have. But I think he would be the first person to understand my strong feelings that this is a mistake.

When I about this subject, I think of all throughout history, from Napoleon to Hitler, who have underestimated Russia. And I can tell you we are underestimating Russia, we are assuming that she is always going to be an economic basket case, that she will never be able to build her conventional forces and that she will always accept our soothing assurances that our intentions are defensive and not offensive.

One of the best books I ever read in my life, Mr. President, is called "The March of Folly: From Troy to Vietnam," by Barbara Tuchman. No young person should be allowed to graduate from high school and certainly not from college without reading Barbara Tuchman's "The March of Folly."

Bill Lind, who most of the people in this body know, an expert on military affairs of some note, widely respected, wrote an article about NATO enlargement not long ago, and he refers to this magnificent book, "The March of Folly." He said:

> It is folly to humiliate a Great Power during an historical moment of weakness. It is folly to reignite a cold war within the West—and Russia is rightfully part of the West—as the world moves into an era of conflicts among cultures. It is folly to risk pushing a weak Russian government further toward loss of legitimacy, when its replacement may be a variety of non-state entities ranging from mafias through religious groupings, some of which would inevitably possess remnants of the Soviet nuclear arsenal.

Bill Lind goes on to say:

> In her glorious book, "The March of Folly," Barbara Tuchman writes: "A phenomenon noticeable throughout history regardless of place or period is the pursuit by governments of policies contrary to their own interests. Mankind, it seems, makes a poorer performance of government than of almost any other human activity. In this sphere, wisdom, which may be defined as the exercise of judgment acting on experience, common sense and available information, is less operative and more frustrated than it should be. Why do holders of high office so often act contrary to the way reason points and enlightened self-interest suggests?"

Mr. President, Barbara Tuchman's definition of "the march of folly" was when nations take action, and there is a small minority of people saying, "If you do this, you're going to be sorry," and it turns out the warning was not heeded. Nations went ahead headlong, and the march of folly continued to the considerable detriment of the nation that did not listen.

Admiral Yamamoto told the Japanese warlords, "I've been to the United States. I will participate in the attack on Pearl Harbor. I will serve my Emperor and do the best I can. But you are foolish if you think you're going to conquer the United States. I've been there. I've seen their industrial might."

In World War I, the commander of all the German U-boats said, "I cannot sink the amount of shipping you tell me I have to sink in order to defeat the United States." Yet they went headlong and paid no attention to him.

Even when the Greeks attacked the Trojan fortress, and placed the Trojan horse outside the gates, one person, Laocoon said, "Don't let that horse in here. What have the Greeks ever done for us? It is a trick" But he was a solitary voice, so the Trojans brought the wooden horse into the city. The rest is history. Fifty-five of the best Greek soldiers piled out of the horse and took the Trojan fortress.

There are not too many dissenters in this debate. I am one of them and I hope to God I am wrong. I can tell you that in my opinion we are going against our enlightened self-interest and continuing the march of folly.

Mr. President, I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, there has been significant, considerable debate on this issue over the past several days, and then several days before that before the Easter recess. Many of the arguments have been made, discussions have been had, and debate has been engaged in regarding the merits and demerits of NATO expansion.

I think it is important to put a little bit of historical perspective to this and then I would also like to bring a little bit of perspective as a member of the Senate Armed Services Committee, because, after all, NATO is a military alliance. It is designed for military purposes primarily. And it is important that we look at the military capacity and capability of the three nations that are being discussed as potential members of NATO.

So I would like to bring that portion of the discussion to the debate so that Members are aware of some of the facts and considerations relative to that portion of the NATO debate.

First, the historical perspective.

This June will mark the 50th anniversary of the start of the Berlin Blockade. Fifty years ago, the United States had passed the Vandenberg Resolution which laid the groundwork for U.S. participation in regional and other cooperative defense alliances. This resolution served to show American support for the commitment European nations had undertaken in the Brussels treaty the previous year to defend against external threats. The resolution marked a formal recognition that the United States had to become constructively engaged in European and world affairs if it were to be successful in influencing and supporting the broader adoption of democratic principles in the world-market economy.

We had, with tragic consequences, retreated from world affairs earlier in this century, only to pay considerable costs in terms of not only monetary costs but, more importantly, in terms of lives because we were drawn into those affairs as a matter of necessity.

Two successive World Wars demonstrated unequivocally Europe's importance to our own national interests, and the Members of this body, in 1948, were determined that the United States not be forced to catch up to world events again.

Growing concern at the time about the intentions of the Soviet Union were, of course, pivotal to the debate regarding the formation of the alliance. After World War II, Soviet troops remained in Germany and the other Central/Eastern European countries that the Soviets occupied during the war.

During the course of the Berlin Blockade, in the midst of that not inconsiderable crisis, the United States engaged Canada and the Brussels treaty powers in discussions that culminated in the establishment of NATO in 1949. Interestingly enough, Mr. President, the reaction then in this body, and in other corridors that were discussing the feasibility of this reaction to both the Vandenberg Resolution and the North Atlantic talks, was decidedly vociferous.

Eminent scholars and statesmen—George Kennan among them—decried the U.S. decision to pursue this alliance with Britain, Canada, France, and other nations. Kennan, who was the original advocate of containment, described the proposed alliance as provocative and potentially destabilizing. Interestingly enough, that is what much of the debate about the addition of three formerly Soviet Warsaw Pact nations, now Central European nations that have gained independence—much of the debate is centered on that very issue.

Then, as now, the debate covered a broad spectrum of other issues, including policy, proposed missions, membership, political as well as military aims, and U.S. military aid to Europe. The resultant treaty signed in Washington, DC, on April 4, 1949, committed the parties to: peaceful resolution of disputes; the active promotion of stability and well-being; continuous military vigilance; joint consultation; and devotion to the common defense.

During the Senate consideration of the treaty, two major issues were discussed: The meaning of the article V commitment, that is, the mutual assistance portion of the treaty; and specific military aid proposed by the administration to assist Europe.

It is interesting to note that treaty mentions no specific external threat which the alliance was being formed to counter, just as this resolution mentions no specific external threat.

In testimony before the Senate Foreign Relations Committee, Secretary of State, Dean Acheson affirmed that the treaty was not aimed at any country but was proposed to prevent aggression. "If we want peace," he said, "we must be prepared to wage peace, with all of our thought, energy, and courage." At the time, the Senate Foreign Relations Committee was careful to assert that the treaty's article V commitment would not remove the constitutional power of Congress to declare war. The Senate subsequently approved the Washington treaty by a vote of 87–8.

It is interesting to note, that while some say, "All right. That was fine for the time being, but why expand?" there have been three membership extensions to four other nations over subsequent years—in 1952 to Greece and Turkey, in 1955 to Germany, and in 1982 to Spain.

Today, after nearly 50 years of outstanding success, NATO no longer seems controversial in and of itself. It is widely viewed as the most successful military alliance in history. It was successful in its goal of deterring aggression in Europe. And through a robust commitment to military strength, NATO's existence also brought enhanced stability to Europe, enabling its members to prosper economically.

Today's debate centers on the addition of three former Eastern bloc nations to NATO and whether somehow this will dilute NATO and its collective commitment to the principles outlined in the treaty. It also talks about whether or not such inclusion and addition of nations will be provocative to Russia and will be destabilizing.

There are many issues that have and need to be discussed before we vote on NATO and its future. But we must keep in mind that while this debate over what type of missions NATO undertakes in the future is important, it is not, in my opinion, the central consideration of adding new members.

Poland, the Czech Republic, and Hungary were on the forefront of Soviet hegemony during the cold war. For almost 50 years, their people lived under the totalitarianism of a Communist regime. With the fall of the Soviet Union, freedom came at last. They moved forward quickly to transform their economies to the free-market system, to hold democratic elections, and establish the rule of law. There is a compelling reason, moral reason I would submit, to extend NATO membership to these countries. But it is more than that. Because we must remember that NATO is first and foremost a military alliance.

These nations are able and willing to contribute to the common defense of Europe as they desire the security link of being a part of NATO. That is essential to our consideration— the answer to that question, Are these nations able, are they willing, to contribute to the common defense of Europe, and do they desire to be part of a 50-year established security link? The 1949 European nations themselves must answer this question.

Though an expansion of the Soviet Union played a key role in NATO's origins, it was the history of warfare in Europe which spurred the North Atlantic nations to action. Again, as Dean Acheson testified in 1949, "NATO is not to counter any particular threat but rather all aggression. The treaty itself states its purpose as safeguarding freedom, common heritage, and civilization of their people, founded on the principles of democracy, individual liberty, and rule of law. NATO is designed and said to promote stability and well-being in the North Atlantic area, and a collective defense allowance to preserve peace and security."

"The treaty itself," he said, "invites any other European states in a position to further the principles of this treaty and contribute to the security of the North Atlantic area to accede to the treaty." Let me repeat that: "The treaty itself invites any other European states in a position to further the principles of this treaty and contribute to the security of the North Atlantic area"—invites them to become part of the alliance.

These nations, which have been under the suppression and oppression of communism nearly 50 years now, are simply asking us to comply with the terms of the treaty by allowing them, since they are now capable of becoming part of this mutual security alliance and this stabilizing future. It is, in effect, an open-door policy to other nations of Europe who share the goal of defense and are willing to contribute to the security environment.

Poland, Hungary, and the Czech Republic, for 50 years under the domination of the Soviet Union, have made the long journey to freedom and the beginnings of prosperity. These nations, always a part of Europe, have been artificially separated from their historic and cultural roots behind an Iron Curtain that had no place in Europe yet divided European nations for nearly 50 years. They now have an opportunity to once again become an integral part of Europe. How can we now deny them the right to belong to a European security alliance? It seems to me a fairly strong imperative that the nations that were previously divided from the rest of Europe now be invited to become a part of an organization dedicated to the survival of Europe.

Why these three countries? They each have a clear case to demonstrate their commitment to the goals of NATO. In addition, their recent history shows the strength of their new democracies and the openness which generally follows free elections, civilian oversight of the military intelligence, rule of law, market economies—most important, since NATO was never intended to be a free ride. These nations are willing and able to contribute to their own self-defense. Already they have begun the restructuring required to make their militaries compatible with NATO's.

Continued commitment to this goal will be needed, obviously, over the next decade or more, but for now they are moving substantially in the right direction. The principle of immediate changes—reducing the size of their armies, modernizing their forces, achieving interoperability as it relates to NATO command, control, and communications—is well under way. Poland has already presented a 15-year plan to reduce its forces overhauling the officer corps structure and introducing professional noncommissioned officers. Airfields, ports, and depots are being readied to conduct operations with NATO, and they have conducted many joint operations under the Partnership for Peace program and other programs.

Poland has established a national military center for language education. It spends, interestingly enough, 2.4 percent of its gross domestic product on defense and intends to maintain this level or increase this level of support. Interestingly enough, Mr. President, that is more than half what the current NATO nations spend as a percentage of GDP. Belgium spends 1.7 percent; Britain, 3.1; Germany, 2.0; the United States, 3.1; as examples of the commitment of nations that spend either less than, equal to, or substantially more than Poland, but clearly they are in the top 50 percent.

The Czech Republic has begun modernizing its forces. They plan to increase their defense spending by one-tenth of 1 percent of GDP a year for 3 years, bringing spending to $1.2 billion for defense in 2001.

Hungary is committed to increase defense spending by one-tenth of 1 percent of GDP over 5 years, a substantial amount of money, bringing it from the current 1.4 to 1.8 percent. They have already succeeded in reducing the number of troops from 100,000 to 489,000 and set up a joint peacekeeping battalion in Romania.

I recently was made aware of testimony given by Assistant Secretary of Defense for International Security Affairs Franklin Kramer before the Senate Committee on Foreign Relations. Some of his testimony has been classified, some of it unclassified. I am going to quote from the unclassified portion of his testimony in which he concludes, "I am fully confident that with the reforms and strategies currently being implemented in all three countries, Poland, Hungary and the Czech Republic will both be reliable allies and net producers of security to the North Atlantic alliance." Net producers.

In analyzing their contributions, Mr. Kramer details a whole number of categories in which these commitments have been made. He talks about the interoperability through Partnership for Peace and cites in 1997 alone Poland participated in 22 Partnership for Peace exercises in which the United States also took part. The highlight of these events was "Brave Eagle," one of the most complex exercises to date, which Poland hosted. Poland also participated in hundreds of bilateral and multilateral exercises, seminars, and other activities with other partners and NATO allies, all of which have contributed to increase their interoperability. The Poles have emphasized military training and tactical exercises in their Partnership for Peace participation.

I met with members of the Defense Establishment and the Intelligence Establishment recently in my office. Much of what was presented was classified. I can confidently speak to the fact that very significant activity has taken place within these three nations. Poland, in particular, has very significant contributions to make to the NATO alliance on an immediate basis, and Hungary and the Czech Republic also have significant contributions to make. Hungary has participated in 17 multilateral Partnership for Peace exercises just in the last year. The Czechs have participated in 18 of those exercises.

In addition to that, all three countries have participated in the Partnership for Peace planning and review process in which NATO has established 41 specific interoperability objectives. These include C3/SAR, ground refuelings of aircraft, commonality of airfield procedures, use of NATO communications procedures and terminology, aircraft IFF systems, logistic support, interoperability of communications equipment and of air navigation aids. Poland committed to obtain all 41 of these interoperabilities by 1999, Hungary pledged to reach 38, and the Czech Republic promised to meet 31—a very significant commitment.

A number of other areas were analyzed, including military reforms and modernization. Each of these nations has ambitious plans in place to bring about reforms in command, control, communications, air defense, traffic control, logistics, infrastructure, personnel reform, reduction in forces, increase in quality of training. I could detail those, but those were provided and I think they are significant.

Their core capabilities and increase operability plans for personnel, for training and NATO doctrine, and for interoperability have all been significant.

Mr. President, there is good reason to believe that the three countries that we are discussing, in terms of inclusion in NATO, have already made substantial progress and have committed to further substantial progress in the necessary areas of bringing together the fit that will make their inclusion in NATO significant.

Mr. President, let me examine some of the issues that have been raised in opposition to adding new members to NATO.

Several academicians and former diplomats have raised the specter of the United States and its NATO allies bogged down in some internal or ethnic dispute involving one or more of the new members. In doing so, they ignore the experience of 50 years in which NATO members, some of whom have experienced their own civil unrest, and some of whom have experienced conflicts with their own NATO partners, have ignored the fact these relations have improved their respective democratic institutions, and that they have grown steadily more stable and more productive. NATO, rather than fostering instability, has provided a forum for the resolution of conflicts among its members. Turkey and Greece are probably the prime example. The prospect of NATO membership has hastened the resolution of disputes between Hungary and Romania and the Czech Republic and Germany. There are numerous examples of reconciliations and resolutions of conflict that have taken place just in the anticipation of becoming part of NATO.

A second objection has been directed toward the NATO directive to collectively and individually develop and maintain the capacity to resist an armed attack; that is, that the costs connected with admitting new members are uncertain and could be substantially more than NATO's estimate of $1.5 billion over 10 years as the U.S. share. Detractors using this argument tend to follow it in virtually the same breath with the statement that the principal threat has gone away. On the one hand, they say the threat has gone away, and they are saying, therefore, we don't need to be concerned about future security arrangements; and on the other hand, they say they are concerned about the potential of future conflict, and, therefore, that will drive the costs up.

Well, let's accept the premise for a moment that there is no specific threat. The NATO common costs of accepting these new members is dependent upon that threat—if the threat is substantial, then the costs will likely be substantial as well. In contrast, a reduced threat will almost certainly mean a minimal expenditure. Current plans call for the latter. Prospective members are expected to obtain compatible command and control systems, maintain air defense and ground forces appropriate to their nation's security needs, and maintain one squadron of modern tactical aircraft. In addition, they are to provide sufficient facilities infrastructure to support the rapid deployment of NATO forces into their respective nations in the event of a crisis. Obviously, if a substantive threat should arise, then the number and mix of required forces could increase, and maybe substantially. But just as clear is that we would want to meet those increased requirements to counter the increased threat, and we would want to be ahead of the game by having built the communications and air defense infrastructures during a time of relative peace and stability.

Having said that, the anticipation is that the threat will be decreased, that more stability will result and, therefore, lower costs.

I am also troubled by those who raise the specter of the article V commitment. We have all heard this said in many different ways, most unfortunately as, "Who wants to die for Poland?" "Who wants to die for Hungary or the Czech Republic?" This is particularly offensive when you consider Hitler's and Stalin's largely unopposed subjugation of Central Europe—including Czechoslovakia, Poland, and Hungary—particularly Czechoslovakia—in the early days of World War II. The fact is that I have no doubt of the resolve of America and her NATO allies to take appropriate steps if any NATO member is under attack; nor do I doubt the serious and earnest intent of the three nations seeking to join us in NATO to do the same.

As for the supposed difficulty in obtaining consensus, it is hard to see that this could be the case. How can U.S. leadership be sufficient to acquire consensus on vital issues when the members total 16 but not sufficient when the members total 19? From my perspective, the difficulty will vary according to the circumstance, not the absolute number of members. I think an agreement that gives one nation—who is not a member of NATO—the opportunity to bully and threaten NATO members in NATO headquarters ought to be of far greater concern.

Finally, there is the consideration of others' attitudes about NATO expansion and the potential influence upon other matters of importance to the United States. As many of my colleagues are aware, many well-regarded scholars and celebrities have raised concerns over Russia's reaction to expansion. They insist that Russia's good will is imperative and should come before other considerations, particularly the expansion of NATO membership. An oft-cited example is the Russian Duma's failure to ratify START II, allegedly because of NATO expansion. Frankly, the Duma has been dragging its feet on START II for 3 years, not because of the NATO expansion question, but primarily due to the cost of implementing the treaty rather than NATO itself. The same argument, used in relation to the Chemical Weapons Convention, was put to rest when the Duma moved forward and ratified it, after individuals said, "If we ratify this treaty, the Russians will walk away." That does not seem to support a clear connection between the decision on NATO expansion and START II ratification.

Let's be frank, Mr. President, Russia is going to pursue activities that benefit her national interest as she perceives them, just as the United States pursues those interests that benefit our national interest as we perceive them, and this treaty is not going to change that fact.

Fifty years ago a similar debate was taking place as it relates to Russia and the creation of NATO. Stalin blockaded Berlin both to express displeasure at an attempt to roll back the Marshall Plan and related initiatives, as well as to convince the United States that its role in Europe was ill-advised. The United States and its allies held to their position and signed the Washington treaty in April of 1949. One month later, the Soviet Union lifted the blockade. We must do what we think is right, independent of what the debate is in the Russian Duma. That is not to say that we are uninterested in Russia and what Russian leaders think and its citizens think. Quite the contrary. It is essential that we remain engaged with Russia—politically, economically, and in relation to security concerns. We must work to achieve our mutual interests but continue to support the transformation of this nation to a strong and healthy democratic system. Our relationship with Russia, however, does not mean ignoring the desires of Central and Eastern European nations simply because we find some Russian resistance. NATO is a defensive alliance, not an offensive alliance. We must state that. That is its history. Russia knows that. We know that. NATO knows that. This has been reaffirmed—this fundamental aspect of the treaty. Russia has nothing to fear from NATO as it currently exists, nor from NATO with its new members. We must continue to reassure them, to work with them and bring them fully into the West's orbit. It is important that both the United States and Russia realize that both can benefit from this new relationship.

NATO remains in America's strategic interests as long as Europe remains in our interest. Likewise, the addition of new members to this treaty is also in our interest. When we expand membership to like-minded nations, we extend the security of Europe and the stabilizing influence of the alliance itself. We may not have any one single threat at this time, but the world remains an insecure and unstable place. The continuity of an expanded NATO will assure that this successful military alliance will continue to play a stabilizing role in Europe and help ensure our preparedness to take on future threats. I believe that the American people are deserving of a temperate and deliberate debate on the merits of the accession of the Czech Republic, Hungary, and Poland. This has been a worthwhile discussion, a necessary debate, one of the critical functions of the U.S. Senate.

As many of you now know, I have supported these countries' accession to NATO, not out of an interest of righting wrongs but in recognition of their geopolitical importance and their progress as democratic states determined to join with other NATO members in preserving the peace that NATO has won in Europe. This debate, this vote, will affirm the importance of these nations to NATO's continued mission.

Mr. President, I look forward to a successful vote and to a formal accession in Washington next spring.

MORNING BUSINESS

Mr. COATS. Mr. President, I ask unanimous consent that there now be a period of morning business for 5 minutes to allow the Senate to consider a few items that have been cleared by both sides. I further ask that following my closing remarks, the Senate then resume consideration of the NATO treaty to allow Senator CONRAD to offer an amendment.

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

FIRST ANNIVERSARY OF THE ENTRY INTO FORCE OF THE CHEMICAL WEAPONS CONVENTION

Mr. BIDEN. Mr. President, today marks the first anniversary of the entry into force of the Chemical Weapons Convention, which bans the development, production, stockpiling, and use of poison gas. The achievement of that Convention and of U.S. ratification were signal accomplishments of the Bush and Clinton Administrations.

I am pleased to report that, after a year in force, the Chemical Weapons Convention has begun to pay significant dividends for our national security. Those dividends would be even greater if both Houses of Congress would pass legislation to implement the Convention, so that the United States could come into compliance with it.

When the United States finally ratified the Chemical Weapons Convention, just days before it entered into force, we joined roughly 90 other states. In the days and months that followed, several important countries followed our lead. Among the 107 countries that now have joined the Convention are Russia, China, India, Pakistan, and Iran. Over 60 more nations have signed the Convention, and some of those are in the final stages of ratification.

I want to emphasize those five particular countries that have ratified the Chemical Weapons Convention since we did. Many opponents of ratification said that Russia and China would never join, that we would be limiting our own options while other major powers refrained from the obligation to do without chemical weapons. Both Russia and China have joined, however, and China has admitted—for the first time—that it has had a chemical weapons program.

India and Pakistan have also ratified the Chemical Weapons Convention, and that is something of a triumph. South Asia is probably the area where the risk of nuclear war is highest today. Both countries are generally assessed as nuclear-capable. Pakistan recently tested a missile that could target nearly any site in India, and India is talking about reviving a missile that could strike all of Pakistan. Yet both those countries ratified the Chemical Weapons Convention, and India admitted—again, for the first time—to having a chemical weapons program.

Before the Convention entered into force, the United States and Russia were the only two admitted chemical weapons possessors. To date, however, six more countries—including South Korea, as well as China and India—have complied with the Convention's requirements to declare their chemical weapons and existing or former chemical weapons facilities.

The chemical weapons that India has declared will be destroyed. The chemical weapons facilities that China, South Korea and other countries have declared will be destroyed, unless the Council of States Parties approves conversion of those facilities under stringent safeguards. These are achievements that we could not guarantee a year and four days ago, when Senate consent to ratification was debated and approved. But we have them today, and I hope there will be more such admissions, declarations, and destruction of chemical weapons and chemical weapons facilities in the years to come.

In the past year, the Technical Secretariat of the Organization for the Prevention of Chemical Warfare (the international inspectorate for the Convention) has conducted nearly 200 inspections. Roughly three-fourths of those inspections—including 25 in Russia—have been at chemical weapons production, storage, and destruction facilities.

About a third of the inspections have been in the United States—with no problems in protecting sensitive U.S. information. The United States is the only country currently destroying its chemical weapons, and the Technical Secretariat must monitor these facilities continually during destruction operations. As other countries begin to destroy their chemical weapons stocks, their inspection numbers will increase accordingly.

Few among the treaty's critics or proponents expected this much progress so soon. There is still a long way to go. But in just one year, the Convention has clearly begun to prove its utility as a tool to reduce the threat of chemical weapons.

What remains to be done? One crucial step is for the United States to come into compliance with the Convention. We have yet to enact implementing legislation pursuant to the Convention. Until we do so, our country will remain a violator of the Convention.

Why is that? The Convention requires us to make violations of it a crime; we have yet to do that. The Convention also requires declarations regarding certain chemical production. We have submitted that declaration only regarding government facilities, because we lack legislation to require commercial reporting and to protect the confidential information in those reports from disclosure through the Freedom of Information Act. Finally, we still need a regime to govern international inspections of private U.S. facilities.

Aside from the dishonor that we bring upon ourselves by failing to comply with a treaty that we have ratified, why should we care? We should care because our failure to enact implementing legislation harms the national security. It makes it difficult to encourage compliance by other countries, or to request a challenge inspection if another country's declarations omit a suspected chemical weapons facility.

In addition, other countries are using our delay to draw attention away from their own misdeeds. Last month, a Russian general was interviewed by Izvestiya. The general made an utterly specious claim that the Sverdlovsk anthrax disaster was due to natural causes—a claim that even Russian officials have long since abandoned—and he even recycled the old lie that the United States invented AIDS. But how did the article end? Why, with a recital of the U.S. failure to enact implementing legislation! That's truly outrageous, but that will continue until we come into compliance.

The fault does not lie with this body, Mr. President. The Senate passed S. 610 on May 23 of last year. It then languished in the House for six months, before being attached to an unrelated measure. One way or another, we must enact this legislation.

The implementing legislation is not perfect. I noted last year that it harms U.S. interests if we bar the analysis of U.S. samples outside this country or give the President the right to invoke a national security exemption from inspections. The immediate need, however, is to enact a bill and bring our country into compliance with this important and useful Convention.

We have come far with the Chemical Weapons Convention. It is already proving its worth. But there is still this overdue work to accomplish—not for the sake of others, but to further our own national security. We can do it, and we should do it now.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, April 28, 1998, the federal debt stood at $5,512,793,625,127.26 (Five trillion, five hundred twelve billion, seven hundred ninety-three million, six hundred twenty-five thousand, one hundred twenty-seven dollars and twenty-six cents).

One year ago, April 28, 1997, the federal debt stood at $5,347,125,000,000 (Five trillion, three hundred forty-seven billion, one hundred twenty-five million).

Five years ago, April 28, 1993, the federal debt stood at $4,238,574,000,000 (Four trillion, two hundred thirty-eight billion, five hundred seventy-four million).

Ten years ago, April 28, 1988, the federal debt stood at $2,499,676,000,000 (Two trillion, four hundred ninety-nine billion, six hundred seventy-six million).

Fifteen years ago, April 28, 1983, the federal debt stood at $1,246,126,000,000 (One trillion, two hundred forty-six billion, one hundred twenty-six million) which reflects a debt increase of more than $4 trillion—$4,266,667,625,127.26 (Four trillion, two hundred sixty-six billion, six hundred sixty-seven million, six hundred twenty-five thousand, one hundred twenty-seven dollars and twenty-six cents) during the past 15 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:02 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2807. An act to amend the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, importation, and exportation of products labeled as containing substances derived from rhinoceros or tiger.

H.J. Res. 102. Joint resolution expressing the sense of the Congress on the occasion of the 50th anniversary of the founding of the modern State of Israel and reaffirming the bonds of friendship and cooperation between the United States and Israel.

The message also announced that the House agrees to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 215. Concurrent resolution congratulating the people of the Co-operative Republic of Guyana for holding multiparty elections.

H. Con. Res. 218. Concurrent resolution concerning the urgent need to establish a cease fire in Afghanistan and begin the transition toward a broad-based multiethnic government that observes international norms of behavior.

H. Con. Res. 222. Concurrent resolution expressing the sense of Congress, congratulating the former International Support and Verification Commission of the Organization of American States (OAS–CIAV) for successfully aiding in the transition of Nicaragua from war-ridden state into a newly formed democracy and providing continued support through the recently created Technical Cooperation Mission (OAS–TCM) which is responsible for helping to stabilize Nicaraguan democracy by supplementing institution building.

The message further announced that the House had agreed to the following concurrent resolution, without amendment:

S. Con. Res. 37. Concurrent resolution expressing the sense of Congress that the Little League Baseball Incorporated was established to support and develop Little League baseball worldwide and that its international character and activities should be recognized.

MEASURES REFERRED

The following concurrent resolutions were read and referred as indicated:

H. Con. Res. 215. Concurrent resolution congratulating the people of the Co-operative Republic of Guyana for holding multiparty elections; to the Committee on Foreign Relations.

H. Con. Res. 218. Concurrent resolution concerning the urgent need to establish a cease fire in Afghanistan and begin the transition toward a broad-based multiethnic government that observes international norms of behavior; to the Committee on Foreign Relations.

H. Con. Res. 222. Concurrent resolution expressing the sense of Congress, congratulating the former International Support and Verification Commission of the Organization of American States (OAS–CIAV) for successfully aiding in the transition of Nicaragua from war-ridden state into a newly formed democracy and providing continued support through the recently created Technical Cooperation Mission (OAS–TCM) which is responsible for helping to stabilize Nicaraguan democracy by supplemehting institution building; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 633. A bill to amend the Petroglyph National Monument Establishment Act of 1990 to adjust the boundary of the monument, and for other purposes (Rept. No. 105–176).

S. 1069. A bill entitled the "National Discovery Trails Act of 1997." (Rept. No. 105–177).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 1132. A bill to modify the boundaries of the Bandelier National Monument to include the lands within the headwaters of the Upper Alamo Watershed which drain into the Monument and which are not currently within the jurisdiction of a federal land management agency, to authorize purchase or donation of those lands, and for other purposes (Rept. No. 105–178).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs:

Donna Tanoue, of Hawaii, to be Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation for a term of five years.

Donna Tanoue, of Hawaii, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for the remainder of the term expiring October 3, 2000.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BENNETT:

S. 2000. A bill to ensure that businesses, financial markets, and the Federal Government are taking adequate steps to resolve the year 2000 computer problem; to the Committee on Governmental Affairs.

By Mr. MURKOWSKI (for himself, Mr. Lott, and Mr. Baucus):

S. 2001. A bill to amend the Indian Health Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations; to the Committee on Indian Affairs.

By Mr. BREAUX (by request):

S. 2002. A bill to modify the marking of certain silk products and their containers; to the Committee on Finance.

By Mr. REID:

S. 2003. A bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over four years totalling $5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977, and for other purposes; to the Committee on Finance.

By Mr. GRAMS (for himself, Mr. Coverdell, Mr. Frist, Mr. McCain, Mr. Hutchinson, Mr. Smith of Oregon, Mr. Graham, and Mr. D'Amato):

S. 2004. A bill to amend the Internal Revenue Code of 1986 to authorize the Secretary of the Treasury to abate the accrual of interest on income tax underpayments by taxpayers located in Presidentially declared disaster areas if the Secretary extends the time for filing returns and payment of tax for such taxpayers; to the Committee on Finance.

By Mr. McCONNELL:

S. 2005. A bill to amend the Federal Power Act to ensure that certain Federal power customers are provided protection by the Federal Energy Regulatory Commission, and for other purposes; to the Committee on Environment and Public Works.

By Mr. ABRAHAM (by request):

S. 2006. A bill to amend the Act establishing the Keweenaw National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COCHRAN (for himself and Mr. Hollings):

S. 2007. A bill to amend the false claims provisions of chapter 37 of title 31, United States Code; to the Committee on the Judiciary.

By Mr. COVERDELL (for himself, Mr. Ashcroft, Mr. Shelby, Mr. Frist, Mr. Cochran, Mr. Hagel, Mr. Inhofe, and Mr. McCain):

S. 2008. A bill to amend the Internal Revenue Code of 1986 to prohibit the use of random audits, and for other purposes; to the Committee on Finance.

By Mr. LOTT (for himself, Mr. Daschle, Mr. McConnell, Mr. Lieberman, Mr. Helms, Mr. Biden, Mr. Brownback, Mr. Robb, Mr. Mack, Mr. Akaka, Mr. D'Amato, Mr. Baucus, Mr. McCain, Mr. Smith of Oregon, Mr. Bingaman, Mr. Warner, Mrs. Boxer, Mr. Allard, Mr. Breaux, Mr. Coverdell, Mr. Bryan, Mr. Campbell, Mr. Bumpers, Mr. Hatch, Mr. Burns, Mr. Byrd, Mr. Jeffords, Mr. Cleland, Mr. Coats, Mr. Conrad, Mr. DeWine, Mr. Dodd, Mrs. Hutchison, Mr. Dorgan, Mr. Kyl, Mr. Durbin, Mr. Thompson, Mr. Feingold, Mr. Hagel, Mrs. Feinstein, Mr. Chafee, Mr. Glenn, Ms. Collins, Mr. Graham, Mr. Frist, Mr. Harkin, Ms. Snowe, Mr. Abraham, Mr. Inouye, Mr. Ashcroft, Mr. Johnson, Mr. Bennett, Mr. Kennedy, Mr. Bond, Mr. Kerrey, Mr. Craig, Mr. Kerry, Mr. Domenici, Mr. Kohl, Mr. Enzi, Ms. Landrieu, Mr. Faircloth, Mr. Ford, Mr. Gorton, Mr. Lautenberg, Mr. Gramm, Mr. Leahy, Mr. Grams, Mr. Levin, Mr. Grassley, Mr. Gregg, Mr. Hollings, Mr. Hutchinson, Ms. Mikulski, Mr. Inhofe, Ms. Moseley-Braun, Mr. Kempthorne, Mr. Moynihan, Mr. Lugar, Mrs. Murray, Mr. Murkowski, Mr. Reed, Mr. Nickles, Mr. Reid, Mr. Roberts, Mr. Roth, Mr. Rockefeller, Mr. Santorum, Mr. Sarbanes, Mr. Sessions, Mr. Torricelli, Mr. Shelby, Mr. Smith of New Hampshire, Mr. Wellstone, Mr. Specter, Mr. Wyden, Mr. Stevens, Mr. Thomas, and Mr. Thurmond):

S.J. Res. 46. A joint resolution expressing the sense of the Congress on the occasion of the 50th anniversary of the founding of the modern State of Israel and reaffirming the bonds of friendship and cooperation between the United States and Israel; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MACK (for himself and Mr. Daschle):

S. Res. 219. A resolution to authorize printing of the minutes of the Senate Republican and Democratic Party Conferences; considered and agreed to.

By Mr. TORRICELLI (for himself and Mr. D'Amato):

S. Con. Res. 92. A concurrent resolution expressing the sense of Congrss with respect to the collection of demographic, social, and economic data as part of the 2000 decennial census of population; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENNETT:

S. 2000. A bill to ensure that businesses, financial markets, and the Federal Government are taking adequate steps to resolve the year 2000 computer problem; to the Committee on Governmental Affairs.

YEAR 2000 COMPUTER PROBLEM LEGISLATION

Mr. BENNETT. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FIDUCIARIES OF EMPLOYEE BENEFIT PLANS MUST CONSIDER YEAR 2000 COMPUTER PROBLEMS IN MAKING INVESTMENT DECISIONS.

(a) In General.—Section 404(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104(a)) is amended by adding at the end the following new paragraph:

"(3) A fiduciary shall not be treated as meeting the requirements of paragraph (1)(B) unless—

"(A) the fiduciary determines that—

"(i) the issuer of any security in which the fiduciary seeks to invest the assets of the plan has, or is taking, steps to substantially eliminate any year 2000 computer problem faced by the issuer, and

"(ii) such security is traded on a market that is prepared to operate without any interruption due to the year 2000 computer problem, or

"(B) in any case where such assets are invested by an insurance carrier, bank, or similar institution, the fiduciary determines that such institution makes the determinations described in subparagraph (A) with respect to the investment of such assets."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to investments made by a fiduciary, and contracts to invest plan assets entered into with insurance carriers, banks, and similar institutions, on or after the date of the enactment of this Act.

SEC. 2. STEPS TO ENSURE THE FEDERAL GOVERNMENT ADDRESSES YEAR 2000 COMPUTER PROBLEM.

(a) PRESIDENT'S COUNCIL ON YEAR 2000 CONVERSION.—

(1) IN GENERAL.—The President shall establish the President's Council on Year 2000 Conversion (the "Council") which shall be chaired, at the President's discretion, by an Assistant to the President.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Council shall be composed of 1 representative from each of the executive departments and from such other Federal agencies as the Chair shall designate.

(B) VICE CHAIR; OTHER PERSONNEL.—The Chair shall appoint a Vice Chair and shall assign other responsibilities to members of the Council as the Chair determines necessary.

(3) FUNCTIONS.—The Chair shall—

(A) oversee the activities of executive departments and other Federal agencies to assure that their computer systems operate smoothly through the year 2000,

(B) provide policy direction to, and receive reports and data from, executive departments and other Federal agencies, as is necessary to ensure progress and compliance with Federal standards for remediation of the year 2000 computer problem,

(C) allocate resources for correcting critical year 2000 computer problems among executive departments and other Federal agencies in order to meet critical deadlines, and

(D) utilize any existing authorities granted to the executive branch, or recommend to the Congress other appropriate plans, for the retention of critical personnel needed to address the Federal Government's year 2000 computer problem in a timely manner.

(4) COOPERATION.—The head of each executive department and any other Federal agency shall cooperate to the fullest extent with the Council.

(b) REPORT.—The Director of the Office of Management and Budget shall report quarterly to the Congress on the progress made by the Federal Government—

(1) in achieving year 2000 compliance, and

(2) in obtaining and retaining the resources and personnel necessary to achieve an orderly conversion to year 2000 compliance.

By Mr. MURKOWSKI (for himself, Mr. LOTT, and Mr. BAUCUS):

S. 2001. A bill to amend the Indian Health Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations; to the Committee on Indian Affairs.

THE ALASKA NATIVE AND AMERICAN INDIAN DIRECT REIMBURSEMENT ACT OF 1998

Mr. MURKOWSKI. Mr. President, today I rise on behalf of myself and Majority Leader LOTT, Senator BAUCUS, and Senator CAMPBELL, to introduce legislation which would permanently authorize and expand the Medicare and Medicaid direct collections demonstration program under section 405 of the Indian Health Care Improvement Act.

This act will end much of the redtape and bureaucracy for IHS facilities involved with Medicare and Medicaid reimbursement, and will mean more Medicaid and Medicare dollars to Native health facilities to use for improving health care.

Our bill will allow Native hospitals to collect Medicare and Medicaid funds directly from the Health Care Financing Administration instead of having to go through the maze of regulations mandated by HIS.

This bill is an expansion of a current demonstration project that includes Bristol Bay Health Corporation of Dillingham, Alaska; the Southeast Alaska Regional Health Corporation of Sitka, Alaska; the Mississippi Choctaw Health Center of Philadelphia, Mississippi; and the Choctaw Tribe of Durant, Oklahoma. All of the participants in the demonstration program—as well as the Department of Health and Human Service and the Indian Health Services—report that the program is a great success. In fact, the program has:

Dramatically increased collections for Medicare and Medicaid services, which in turn has provided badly-needed revenues for Indian and Alaska Native health care; significantly reduced the turn-around time between billing and the receipt of payment for Medicare and Medicaid services; and increased the administrative efficiency of the participating facilities by empowering them to track their own Medicare and Medicaid billings and collections.

In 1996, when the demonstration program was about to expire, Congress extended it through FY 1998. This extension has allowed the participants to continue their direct billing and collection efforts and has provided Congress with additional time to consider whether to permanently authorize the program.

Because the demonstration program is again set to expire at the end of FY 98, it is time to recognize the benefits of the demonstration program by enacting legislation that would permanently authorize it and expand it to other eligible tribal participants.

I hope that my colleagues will support this important legislation.

By Mr. REID:

S. 2003. A bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over four years totalling $5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977, and for other purposes; to the Committee on Finance.

NOTCH FAIRNESS ACT OF 1998

Mr. REID. Mr. President, I rise today to introduce legislation that would correct a problem which plagues a special group of older Americans. I am speaking on behalf of those affected by the Social Security notch.

For my colleagues who may not be aware, the Social Security notch causes 11 million Americans born between the years 1917–1926 to receive less in Social Security benefits than Americans born outside the notch years due to changes made in the 1977 Social Security benefit formula.

I have felt compelled over the years to speak out about this issue and the injustice it imposes on millions of Americans. The notch issue has been debated and debated, studied and studied, yet to date, no solution to it has been found. Because of this, many older Americans born during this period must scrimp to afford the most basic of necessities.

Mr. President, I am the first to acknowledge that with any projected budget surplus we must save Social Security. In many ways, my legislation does just this. It restores confidence to the many notch victims around the country and will show them that we in Congress will accept responsibility for any error that was made. We should not ask them to accept less as a result of our mistake. While we must save Social Security for the future, we have an obligation to those, who through no fault of their own, receive less than those that were fortunate enough to be born just days before or after the notch period.

I believe we owe a debt to notch babies. Like any American family, we must first pay the bills before we invest in the future. With a surplus projected for this fiscal year, we have the resources to make good on our debt to notch babies. We should come forward and honor our commitment.

Mr. President, the "notch" situation had its origins in 1972, when Congress decided to create automatic cost-of-living adjustments to help Social Security benefits keep pace with inflation. Previously, each adjustment had to await legislation, causing beneficiaries' monthly payments to lag behind inflation. When Congress took this action, it was acting under the best of intentions.

Unfortunately, this new benefit adjustment method was flawed. To function properly, it required that the economy behave in much the same fashion that it had in the 1950s and 1960s, with annual wage increases outpacing prices, and inflation remaining relatively low. As we all know, that did not happen. The rapid inflation and high unemployment of the 1970s generated increases in benefits. In an effort to end this problem, in 1977 Congress revised the way that benefits were computed. In making its revisions, Congress decided that it was not proper to reduce benefits for persons already receiving them; it did, however, decide that benefits for all future retirees should be reduced. As a result, those born after January 1, 1917 would, by design, receive benefits that were, in many cases, far less. In an attempt to ease the transition to the new, lower benefit levels, Congress designed a special "transitional computation method" for use by beneficiaries born between 1917 and 1921.

Mr. President, we have an obligation to convey to our constituents that Social Security is a fair system. In town hall meetings back home in Nevada, I have a hard time trying to tell that to a notch victim. They feel slighted by their government and if I were in their situation I would too. Through no fault of their own, they receive less, sometimes as much as $200 less, than their neighbors.

The legislation I am offering today is my proposal to right the wrong. I propose using any projected budget surplus to pay the lump sum benefit to notch babies. While we have a surplus, let's fix the notch problem once and for all and restore the confidence of the ten million notch babies across this land.

Government has an obligation to be fair. I don't think we have been in the case of notch babies. My support of notch babies is longstanding. I introduced the only notch amendment in April 1991 that ever passed in Congress as part of the fiscal year 1992 Budget Resolution. Unfortunately, it did not become the law of the land as it was dropped in Conference with the House of Representatives. I have cosponsored numerous pieces of legislation over the years to address this issue. With this legislation, my effort continues.

Mr. President, it is unfortunate that these measures have not seen the light of day. Many who have written to me think Congress is waiting for notch babies to die rather than honor this debt. I must tell you it concerns me when our constituents have this perception of their elected representatives. Unfortunately, the truth is that today a number of notch babies will die. We will not have to worry about those notch babies, or honor our debt to them. This is the wrong approach.

Each day a grave injustice is perpetrated when these people pass away. We have to do something to make sure Americans believe that Social Security is a fair system. Passage of my legislation provides us that chance. I invite members to join me in cosponsoring this important legislation.

I acknowledge that the battle for notch reform suffered a major setback when on December 31, 1994, the Commission on the Social Security "Notch" issue released its final report. It concluded that the "benefits paid to those in the 'Notch' years are equitable, and no remedial legislation is in order." The National Committee to Preserve Social Security and Medicare strongly disagreed with the Committee's methodology and conclusions. Although they have stopped advocating for this issue due to the political and fiscal climate, their disagreement with the outcome is nonetheless significant.

The Commission's report also stated "in retrospect" Congress "Probably should have" limited the benefits of those who were grandfathered, but that it is too late now to do so given their advanced age. Since we did not do the right thing then, I propose that we do the right thing now. Let's show we have the courage to correct a mistake when we have made one. The Commission report provided political cover for those who were opposed to notch reform legislation. I have long opposed "political" solutions to problems such as this.

My legislation is intended to make good on what this government should have done long ago. I propose that workers who attain the age of 65 after 1981 and before 1992 be allowed to choose either lump sum payment over four years totaling $5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977.

As of December 1996, there were 11,637,390 recipients born between 1917 and 1926 who were receiving Social Security retirement benefits. By providing each with a $5,000 lump sum payment or an improved benefit computation formula, maximum costs would be $60 billion spread over four years or $15 billion annually.

There are some who would say there are "bigger fish to fry" such as Social Security solvency and Medicare's long term solvency. While I am in full agreement that these are very important issues that I intend to work on, we should include in our discussion concerning uses of any budget surplus, to repair the damage that has been done as a result of notch. Living on a fixed income is not easy. Many notch babies have difficulty making ends meet. This one time lump sum payment would provide much needed financial support for some of this nation's most needy citizens.

Mr. President, it is time to return these dollars to the hands of those who earned them. It is time to show our support for notch reform. All of our offices have staff to help us answer the mail. We tell our constituents what bills have been offered and that we will lend our support if their issue comes to a vote.

Well, here is our change. I am introducing this legislation because actions speak louder than words. The "Notch Fairness Act of 1998" that I am introducing on behalf of notch victims today, is intended to put my words into action. I ask all my colleagues to join me in support of this important and long overdue legislation.

By Mr. McCONNELL:

S. 2005. A bill to amend the Federal Power Act to ensure that certain Federal power customers are provided protection by the Federal Energy Regulatory Commission, and for other purposes; to the Committee on Environment and Public Works.

TVA CUSTOMER PROTECTION ACT OF 1998

Mr. McCONNELL. Mr. President, I have come to the Senate floor today to introduce a bill that is long overdue. Known as the TVA Customer Protection Act, this legislation will implement a number of consumer reforms to make TVA accountable to ratepayers and better prepare TVA to compete in a restructured electricity market.

The bill I am introducing provides Tennessee Valley ratepayers a number of consumer protections against unchecked and unjustified increases in their power rates. This bill will put an end to TVA's ability to compete unfairly with its regional distributors. This bill will prohibit TVA from sticking ratepayers with the bill for TVA's international forays that have no relevance to TVA's responsibility to provide low cost power to the Tennessee Valley. Finally, this bill also codifies an agreement between TVA and several industry associations to limit TVA's authority as a government entity to compete with small businesses in nonelectric services.

Mr. President, TVA is a federal corporation that was first formed in 1933, to tame the Tennessee River, our nation's fifth largest river, and to bring economic development to this once poverty stricken region. Over the years as the Valley has developed, TVA has evolved in their role as a river steward to become the largest power producer in the nation. Today, TVA provides power to all of Tennessee and to parts of six other states covering over 80,000 square miles and serving eight million consumers. The bulk of TVA's power sales are made through municipal and cooperative distributors, which in turn are responsible for delivering that power to every home, office and farm in the Valley. TVA has exclusive power contracts with its distributors and the three member TVA board sets the retail rates offered by distributors. TVA also has the authority to compete directly with distributors to make retail sales to large industrial customers.

Mr. President, over the past 65 years, TVA has accumulated an enormous debt of nearly $28 billion, despite being a monopoly power provider. TVA is also carrying $6.3 billion in deferred assets that will eventually force electricity rates higher in the future. By deferring these charges, TVA's financing costs will continue to mount. I have real concerns about how this debt load will affect rates as well as the overall economic health of the region.

In 1997, GAO found that TVA paid over 35 percent of its power revenue to servicing its debt. In other words, TVA pays an astronomical 35 cents of every $1 earned to interest. Compare that to a public utility which paid a mere 7 percent in finance costs. In a 1994 study, GAO found that 69 percent of TVA's total debt is tied to the nuclear facilities, yet they generated only 14 percent of TVA's total power production in 1994. This study concluded that TVA's financial condition "threatens its long-term viability and places the federal government at risk."

Only through years of unaccountability and fiscal irresponsibility could a power company have ever reached this level of debt despite the fact that TVA is a monopoly provider of electricity. Therefore, I have come to the conclusion that TVA needs to be made more accountable for their actions. Not more accountable to Congress or the President, but the people they were charged to serve—the TVA customers.

Mr. President, it is my desire to provide TVA customers with a clear picture of TVA's financial situation including TVA's rates, charges and costs. The Federal Energy Regulatory Commission (FERC) is authorized under the Federal Power Act with regulating electric utilities.

FERC provides regulatory oversight to over 200 utilities for wholesale and transmission power rates to ensure that their electric rates and charges are "just and reasonable and not unduly discriminatory or preferential." At present, TVA is entirely exempt from these necessary regulations allowing it to operate as a self-regulating monopoly, with no such mandate for openness fairness or oversight.

Requiring TVA to comply with FERC regulations will serve two purposes. First, it will allow customers to accurately evaluate TVA's wholesale and transmission pricing and terms to ensure the rates charged are "just and reasonable" and to provide customers with a forum for challenging future rate increases just as every other regulated utility does.

Second, this information will provide FERC with a better understanding of the stranded costs TVA has accumulated. Understanding the full scope of these costs will be critical in an open transmission and wholesale market. It will also have a significant impact in determining how competitive TVA will be in the future.

Last year, former FERC Chair Elizabeth Moler testified before the Senate Energy Committee regarding nationwide open access in the transmission and wholesale markets. She stated that, "like Swiss cheese, nationwide open access has some holes. Federal legislation is necessary to fill in these holes." It was her belief that TVA's large transmission system must be included within FERC's open access program.

Recently, I read an article written by Carlos Smith, the General Counsel to TVPPA, an association which represents TVA distributors. Mr. Smith made the case that investor-owned utilities should be regulated, "because only in this way can the captive ratepayers learn the underlying basis for the retail utility rates and require justification for the charges made for services."

Mr. President, I wholeheartedly concur with Mr. Smith's conclusion that ratepayers, including the distributors Mr. Smith represents, should know what their rates are based on and have a justification for such rates. Further, ratepayers should be able to challenge, through FERC, any rate increase they find unreasonable.

Mr. President, let me point out one very important provision in this legislation. I have included a provision that makes it explicitly clear that nothing in this bill would change the law applying to TVA distributors. Unlike TVA, distributors are directly accountable to the customers they serve. Cooperatives, for example, are operated by a board elected by the customers to represent their own member interests. I don't believe we need to change this policy, except to make TVA more accountable to the people they serve.

Mr. President, I expect TVA to complain that this legislation somehow treats them unfairly. They will attempt to blame me for unfairly burdening them with new accountability standards and claim that a rate increase will be a direct result.

Mr. President, I don't believe Valley residents will be fooled by TVA's rhetoric when they recall TVA's track record. It's hard to argue that the TVA Board has kept ratepayers' interests foremost in mind as they ran up $28 billion in debt, while serving a captive customer base. It's hard to argue it was in the ratepayers' interest to try to hide million dollar bonuses to a select cadre of high level staff. It is hard to argue that it was in the ratepayers' interest to zero out all federal appropriations, which could add millions to TVA's annual operating costs.

Mr. President, I have carefully compared the rates of regulated utilities in Kentucky against TVA's rates to determine if applying these regulations would drive rates higher. Much to my surprise, I have found that not only are regulated utilities rates very competitive, but lower than rates offered by TVA. This confirms my assumption that the underlying financial health of TVA—and its $28 billion debt—has a far greater impact on its electric rates than any other factor.

Mr. President, since 1988, wholesale power rates of regulated utilities in Kentucky have steadily fallen, while TVA has maintained the same level, until last year when TVA raised rates by 7 percent. It is appearent to me that due to TVA's past financial mismanagement, thousands of Kentucky resident are not able to take advantage of the declining rates. Mr. President, I ask that this chart be printed in the record at this point.

Mr. President, in addition to applying FERC regulation to TVA I have included a number of other important customer reforms. As I mentioned earlier, this bill prohibits TVA from continuing to subsidize their foreign endeavors at ratepayers expense. Quarter million dollar conferences in China and other points on the globe are not consistent with either TVA's deficit reduction goals or its mission to be a low cost power provider to the valley.

Another provision that I have included is a measure proposed by the TVA distributors. Section Five in the bill protects distributors from unfair competition by ending TVA's ability to directly serve large industrial customers. In the past, TVA has been able to directly serve some of the valley's largest industrial customers. Through this loophole, TVA is able to use its considerable market power to unfairly compete with distributors. This provision also facilitates the transition from TVA to FERC regulation. To protect the sanctity of the existing contracts, FERC is directed to accept the terms and conditions of those contracts without initial review.

Section Seven of this bill will increase TVA's level of accountability by applying all federal antitrust laws and penalties. I have included this provision in response to heavy-handed tactics used by TVA to punish the City of Bristol, Virginia for signing a contract with another energy provider. Last year, Bristol Virginia Utilities Board signed an agreement with Cinergy Corporation to provide its wholesale power, which yielded a savings of $70 million for Bristol after fulfilling the terms of the contract with TVA. What Bristol didn't expect was the backlash from TVA and effort to punish Bristol for leaving the TVA family.

In testimony before the Senate Energy Committee, the Chairman of the Bristol Utility Board, David Fletcher, outlined the anti-competitive practices employed by TVA to undermine Bristol's new contract. TVA applied scare tactics by predicting unreliable electricity services as a discouragement to leaving. TVA also sought to recover tens of millions invested by TVA to provide power to Bristol, despite the fact that Bristol had fulfilled the terms of their contract. Finally, TVA attempted to steal Bristol's industrial customers by offering direct-serve power contracts at 2 percent below any rate offered by Bristol. I find these predatory practices to be entirely unacceptable, especially for an entity of the federal government. It is my belief that since TVA's activities were performed in a commercial endeavor, they should be held to the same standards as any other corporation under the antitrust laws.

Recently, I was informed that TVA willing to subject themselves to the federal antitrust laws, so long as they weren't subject to any penalties.

Mr. President, I have some advice for TVA. If you can't pay the fine, don't do the crime.

My bill's final provision regards TVA's ability to branch out into other businesses beyond power generation and transmission. TVA's has attempted to diversify into equipment leasing as well as engineering and other contracting services in direct competition with other valley businesses.

Mr. President, I hope these reforms will offer TVA customers—both distributors and individuals alike—the means to make TVA more accountable. I am very concerned, however, that these reforms may be too late to avert a gradual increase in power rates within the TVA region. Last year, for the first time in 10 years, TVA raised rates on households and business by over 7 percent in order to prepare for a more open electricity market. This can be contrasted with a 15 percent decline in rates over the past ten years in Kentucky—outside the TVA fence.

I remain hopeful that with these reforms, TVA's Board will be more accountable to ratepayers and will help ensure that the economic potential of the Tennessee Valley, which was mortgaged by years of fiscal unaccountability, will not be diminished.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2005

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "TVA Customer Protection Act of 1998".

SEC. 2. INCLUSION IN DEFINITION OF PUBLIC UTILITY.

(a) IN GENERAL.—Section 201(e) of the Federal Power Act (16 U.S.C. 824(e)) is amended by inserting before the period at the end the following: ", and includes the Tennessee Valley Authority".

(b) CONFORMING AMENDMENT.—Section 201(f) of the Federal Power Act (16 U.S.C. 824(f)) is amended by striking "foregoing, or any corporation" and inserting "foregoing (other than the Tennessee Valley Authority) or any corporation".

SEC. 3. DISPOSITION OF PROPERTY.

Section 203 of the Federal Power Act (16 U.S.C. 824b) is amended by adding at the end the following:

"(c) TVA EXCEPTION.—This section does not apply to a disposition of the whole or any part of the facilities of the Tennessee Valley Authority if—

"(1) the Tennessee Valley Authority discloses to the Commission (on a form, and to the extent, that the Commission shall prescribe by regulation) the sale, lease, or other disposition of any part of its facilities that—

"(A) is subject to the jurisdiction of the Commission under this Part; and

"(B) has a value of more than $50,000; and

"(2) all proceeds of the sale, lease, or other disposition under paragraph (1) are applied by the Tennessee Valley Authority to the reduction of debt of the Tennessee Valley Authority.".

SEC. 4. FOREIGN OPERATIONS; PROTECTIONS.

Section 208 of the Federal Power Act (16 U.S.C. 824g) is amended by adding at the end the following:

"(c) TENNESSEE VALLEY AUTHORITY.—

"(1) LIMIT ON CHARGES.—

"(A) NO AUTHORIZATION OR PERMIT.—The Commission shall issue no order under this Act that has the effect of authorizing or permitting the Tennessee Valley Authority to make, demand, or receive any rate or charge, or impose any rule or regulation pertaining to a rate or charge, that includes any costs incurred by or for the Tennessee Valley Authority in the conduct of any activities or operations outside the United States.

"(B) UNLAWFUL RATE.—

"(i) IN GENERAL.—Any rate, charge, rule, or regulation described in subparagraph (A) shall be deemed for the purposes of this Act to be unjust, unreasonable, and unlawful.

"(ii) NO LIMITATION ON AUTHORITY.—Clause (i) does not limit the authority of the Commission under any other provision of law to regulate and establish just and reasonable rates and charges for the Tennessee Valley Authority.

"(2) ANNUAL REPORT.—The Tennessee Valley Authority shall annually—

"(A) prepare and file with the Commission, in a form that the Commission shall prescribe by regulation, a report setting forth in detail any activities or operations engaged in outside the United States by or on behalf of the Tennessee Valley Authority; and

"(B) certify to the Commission that the Tennessee Valley Authority has neither recovered nor sought to recover the costs of activities or operations engaged in outside the United States by or on behalf of the Tennessee Valley Authority in any rate, charge, rule, or regulation on file with the Commission.".

SEC. 5. TVA POWER SALES.

(a) IN GENERAL.—Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

"SEC. 215. TVA POWER SALES.

"(a) IN GENERAL.—The Tennessee Valley Authority shall not sell electric power to a retail customer that will consume the power within the area that, on the date of enactment of this section, is assigned by law as the distributor service area, unless—

"(1) the customer (or predecessor in interest to the customer) was purchasing electric power directly from the Tennessee Valley Authority as a retail customer on that date;

"(2) the distributor is purchasing firm power from the Tennessee Valley Authority in an amount that is equal to not more than 50 percent of the total retail sales of the distributor; or

"(3) the distributor agrees that the Tennessee Valley Authority may sell power to the customer.

"(b) RETAIL SALES.—Notwithstanding any other provision of law, the rates, terms, and conditions of retail sales of electric power by the Tennessee Valley Authority that are not prohibited by this section shall be subject to regulation under State law applicable to public utilities in the manner and to the extent that a State commission or other regulatory authority determines appropriate.".

(b) TRANSITION.—

(1) FILING REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Tennessee Valley Authority shall file all rates and charges for the transmission or sale of electric energy and the classifications, practices, and regulations affecting those rates and charges, together with all contracts that in any manner affect or relate to contracts that are required to be filed under Part II of the Federal Power Act (16 U.S.C. 824 et seq.), as amended by subsection (a), and that are in effect as of the date of enactment of this Act.

(2) NO INITIAL REVIEW.—A filing under this section that is timely made under subsection (a) shall be accepted for filing without initial review by the Federal Energy Regulatory Commission.

SEC. 6. FILING AND FULL DISCLOSURE OF TVA DOCUMENTS.

Part III of the Federal Power Act (16 U.S.C. 825 et seq.) is amended—

(1) by redesignating sections 319 through 321 as sections 320 through 322, respectively; and

(2) by inserting after section 318 the following:

"SEC. 319. FILING AND FULL DISCLOSURE OF TVA DOCUMENTS.

"(a) IN GENERAL.—The Tennessee Valley Authority shall file and disclose the same documents and other information that other public utilities are required to file under this Act, as the Commission shall require by regulation.

"(b) REGULATION.—

"(1) TIMING.—The regulation under subsection (a) shall be promulgated not later than 1 year after the date of enactment of this section.

"(2) CONSIDERATIONS.—In promulgating the regulation under subsection (a), the Commission shall take into consideration the practices of the Commission with respect to public utilities other than the Tennessee Valley Authority.".

SEC. 7. APPLICABILITY OF THE ANTITRUST LAWS.

The Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.) is amended by inserting after section 16 the following:

"SEC. 17. APPLICABILITY OF THE ANTITRUST LAWS.

"(a) DEFINITION OF ANTITRUST LAWS.—In this section, the term 'antitrust laws' means—

"(1) an antitrust law (within the meaning of section (1) of the Clayton Act (15 U.S.C. 12));

"(2) the Act of June 19, 1936 (commonly known as the 'Robinson Patman Act') (49 Stat. 1526, chapter 323; 15 U.S.C. 13 et seq.); and

"(3) section 5 of the Federal Trade Commission Act (15 U.S.C. 45), to the extent that the section relates to unfair methods of competition.

"(b) APPLICABILITY.—Nothing in this Act modifies, impairs, or supersedes the antitrust laws.

"(c) ANTITRUST LAWS.—

"(1) TVA DEEMED A PERSON.—The Tennessee Valley Authority shall be deemed to be a person, and not government, for purposes of the antitrust laws.

"(2) APPLICABILITY.—Notwithstanding any other provision of law, the antitrust laws (including the availability of any remedy for a violation of an antitrust law) shall apply to the Tennessee Valley Authority notwithstanding any determination that the Tennessee Valley Authority is a corporate agency or instrumentality of the United States or is otherwise engaged in governmental functions.".

SEC. 8. SAVINGS PROVISION.

(a) DEFINITION OF TVA DISTRIBUTOR.—In this section, the term "TVA distributor" means a cooperative organization or publicly owned electric power system that, on January 2, 1998, purchased electric power at wholesale from the Tennessee Valley Authority under an all-requirements power contract.

(b) EFFECT OF ACT.—Nothing in this Act or any amendment made by this Act—

(1) subjects any TVA distributor to regulation by the Federal Energy Regulatory Commission; or

(2) abrogates or affects any law in effect on the date of enactment of this Act that applies to a TVA distributor.

SEC. 9. PROVISION OF CONSTRUCTION EQUIPMENT, CONTRACTING, AND ENGINEERING SERVICES.

Section 4 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831c) is amended by adding at the end the following:

"(m) PROVISION OF CONSTRUCTION EQUIPMENT, CONTRACTING, AND ENGINEERING SERVICES.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act, except as provided in this subsection, the Corporation shall not have power to—

"(A) rent or sell construction equipment;

"(B) provide a construction equipment maintenance or repair service;

"(C) perform contract construction work; or

"(D) provide a construction engineering service;

to any private or public entity.

"(2) ELECTRICAL CONTRACTORS.—The Corporation may provide equipment or a service described in subparagraph (1) to a private contractor that is engaged in electrical utility work on an electrical utility project of the Corporation.

"(3) CUSTOMERS, DISTRIBUTORS, AND GOVERNMENTAL ENTITIES.—The Corporation may provide equipment or a service described in subparagraph (1) to—

"(A) a power customer served directly by the Corporation;

"(B) a distributor of Corporation power; or

"(C) a Federal, State, or local government entity;

that is engaged in work specifically related to an electrical utility project of the Corporation.

"(4) USED CONSTRUCTION EQUIPMENT.—

"(A) DEFINITION OF USED CONSTRUCTION EQUIPMENT.—In this paragraph, the term 'used construction equipment' means construction equipment that has been in service for more than 2,500 hours.

"(B) IN GENERAL.—The Corporation may dispose of used construction equipment by means of a public auction conducted by a private entity that is independent of the Corporation.

"(C) DEBT REDUCTION.—The Corporation shall apply all proceeds of a disposition of used construction equipment under subparagraph (B) to the reduction of debt of the Corporation.".

By Mr. GRAMS (for himself, Mr. COVERDELL, Mr. FRIST, Mr. MCCAIN, Mr. HUTCHINSON, Mr. SMITH of Oregon, Mr. GRAHAM, and Mr. D'AMATO):

S. 2004. A bill to amend the Internal Revenue Code of 1986 to authorize the Secretary of the Treasury to abate the accrual of interest on income tax underpayments by taxpayers located in Presidentially declared disaster areas if the Secretary extends the time for filing returns and payment of tax for such taxpayers; to the Committee on Finance.

THE DISASTER VICTIM TAX EXTENSION ACT

Mr. GRAMS. Mr. President, I rise today to introduce legislation that would permanently exempt the interest payments owed by disaster victims to the Internal Revenue Service.

Each year, our country is hit by a variety of natural disasters such as hurricanes, tornadoes, earthquakes, floods, and ice storms, all causing extreme hardship for hundreds of thousands of Americans.

This year, 15 States have already been hit by deadly disasters.

Starting on March 7, severe storms and flooding struck the State of Alabama, damaging nearly 1,200 homes, and the city of Elba in Coffee County was evacuated as a result of a levee failure. Three deaths were attributed to the floods and one person was reported missing.

On February 9, 27 California counties were wracked by severe storms.

During the period of January 28 through February 6, a series of severe winter storms hit communities in Sussex County of Delaware.

Also in February, three southern Florida counties were victimized by tornadoes and other violent weather.

In February, six counties in Georgia were struck by tornadoes. On March 20, amid flood recovery efforts, tornadoes and windstorms tore through northeast Georgia, adding to the overall devastation. Tornadoes again touched down in west Georgia, metro Atlanta, and southeast Georgia on April 9.

In February, Atlantic and Cape May counties in southern New Jersey were hit by the coastal storm that lashed the area.

On April 16, six Tennessee counties were ravaged by deadly tornadoes and other violent weather.

And, Mr. President, on March 29, seven counties in my own State of Minnesota were hit by the deadly tornadoes, damaging thousands of homes and businesses along a 62-mile path carved through the communities of St. Peter, Comfrey, and Le Center. The storms claimed two lives.

The estimated total dollar value of insured losses caused by the south-central Minnesota tornadoes has reached $175 million, exceeding insured losses incurred in my state during the floods of one year ago.

The list goes on and on. But my point is: deadly natural disasters occur every year. Lives are lost, homes are demolished, property is destroyed, businesses are ruined, and crops are wiped out. The survivors of these disasters need our help to get their feet back on the ground.

Federal disaster assistance has been effective. In fact, almost all of the major disaster sites have been subsequently designated as Presidentially declared disaster areas and are eligible to receive federal disaster assistance.

However, there is one hurdle Congress still must remove. Residents in Presidentially declared disaster areas can often get an extension to file their income tax returns.

However, interest owed cannot be exempted by the IRS. That requires Congressional action.

In other words, we give them time, an extension to file their taxes, but at the same time we are saying, because you cannot because of circumstances beyond your control file, we are going to charge you interest on it. That is adding insult to injury.

So many States, like Minnesota, immediately have granted exemptions for interest payments on State taxes when disaster areas are declared.

Although Congress has granted such Federal waivers in the past, they must be done legislatively each time a disaster occurs, and appropriate vehicles are not always available. This creates one more uncertainty for victims of disaster.

The legislation I am here to introduce today along with Senators COVERDELL, FRIST, MCCAIN, HUTCHINSON, and SMITH of Oregon, the bill called the Disaster Victim Tax Extension Act, would once and for all remove this barrier and it would give residents of Presidentially declared disaster areas an interest payment exemption on any Federal taxes owed.

By the way, Mr. President, our legislation would be effective retroactively to tax year 1997.

Mr. President, this may seem like a small matter, but for disaster survivors, every dollar counts. I urge my colleagues to support this legislation.

By Mr. ABRAHAM (by request):

S. 2006. A bill to amend the Act establishing the Keweenaw National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

KEWEENAW NATIONAL HISTORICAL PARK

Mr. ABRAHAM. Mr. President, on behalf of the administration, I rise today to introduce legislation to amend the Act establishing the Keweenaw National Historical Park, and for other purposes. I ask unanimous consent that the administration's letter of transmittal, the bill, and a section-by-section analysis of the legislation be printed in the RECORD for the information of my colleagues.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 2006

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That section 9(c) of the Act to establish the Keweenaw National Historical Park (Public Law 102-543, approved October 27, 1992), is amended as follows:

(1) In paragraph (A), by striking "from nominees" and inserting "after consideration of nominees".

(2) In paragraph (B), by striking "from nominees" and inserting "after consideration of nominees".

(3) In paragraph (C), by striking "from nominees" and inserting "after consideration of nominees".

(4) In paragraph (D), by striking "from nominees" and inserting "after consideration of nominees".

SECTION-BY-SECTION ANALYSIS—KEWEENAW NATIONAL HISTORICAL PARK AMENDMENTS

This bill would amend the enabling legislation for the Keweenaw National Historical Park in Michigan to correct the language of the membership section for the Keweenaw National Historical Park Advisory Commission. The new language will alleviate constitutional concerns about the appointment process for the commission.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, February 23, 1998.

Hon. ALBERT GORE, JR.,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft bill, "To amend the Act establishing the Keweenaw National Historical Park, and for other purposes."

We recommend the bill be introduced, referred to the appropriate committee for consideration, and enacted.

This bill will facilitate the appointment of the Keweenaw National Historical Park Advisory Commission for this Michigan park. The existing statute raises constitutional concerns by directing the Secretary of the Interior to appoint to the Commission persons nominated by state and local officials. The Department of Justice has opined that this procedure does not satisfy the requirements imposed by the Appointments Clause (U.S. Const. Art. II, Sec. 2, cl. 2) for appointments of federal officers. Accordingly, former President Bush signed the existing law on the express understanding that the commission would serve only in an advisory capacity and would not exercise executive authority. The proposed amendments will eliminate the need for this limiting construction of the commission's duties.

The Office of Management and Budget has advised that there is no objection to the enactment of the enclosed draft legislation from the standpoint of the Administration's program.

Sincerely,

DONALD BARRY,
Acting Assistant Secretary for Fish and Wildlife and Parks.

Enclosures.

By Mr. COCHRAN (for himself and Mr. HOLLINGS):

S. 2007. A bill to amend the false claims provisions of chapter 37 of title 31, United States Code; to the Committee on the Judiciary.

THE HEALTH CARE CLAIMS GUIDANCE ACT

Mr. COCHRAN. Mr. President, today I am introducing the Health Care Claims Guidance Act. I am pleased to have the distinguished Senator from South Carolina (Mr. HOLLINGS), join with me as an original co-sponsor of the bill. This measure addresses a very serious concern: the government's misuse of the False Claims Act and the need to distinguish Medicare fraud from unavoidable billing errors.

Health care fraud has no place in health care practice. Health care fraud costs taxpayers many millions of dollars that should be spent on patient care. In addition, government agencies must be able to use all of the tools at their disposal to prosecute aggressively those who willfully engage in fraudulent practices.

It is equally important, however, that government resources be used to go after genuine wrongdoers, rather than health care providers who may have overbilled the government for Medicare services through innocent clerical errors or interpretive mistakes.

Recently, the Department of Justice has embarked on a program to utilize the False Claims Act to prosecute provider billing errors. Until 1994, government agencies, hospitals, and physicians acted together, cooperating in most instances, to make sure all parties were treated fairly in Medicare billing disputes. Sometimes providers were underpaid, sometimes they were overpaid. Either way, they and the government would review and settle claims at the end of each quarter or each year. But, the government has abandoned this practice with doctors and hospitals and has begun a campaign to coerce and extract money improperly from the providers.

In the State of Mississippi, and across the Nation, health care providers have received "demand" letters from U.S. Attorneys' offices, many not even from their own State, asserting that the doctors and hospitals may be guilty of fraudulent billing. These letters threaten the imposition of treble damages plus fines of $5,000 to $10,000 per claim unless a quick settlement is reached, often within fourteen days of the letter. In some cases, the demand letters have been sent based on alleged overbilling of minuscule amounts.

Providers should certainly do all they can to minimize errors, and when discrepancies are discovered, the correct amounts should be paid to the Government with interest.

But, with the filing of large numbers of claims each year, and the volume of Government rules, regulations, and directives—some of which are conflicting—that providers must follow, it is impossible to be error-free. Hospitals and health systems submit nearly 200,000 Medicare claims a day. To ensure the accuracy of those claims, they must comply with the 1,800 pages of law, 1,300 pages of regulations interpreting the law and thousands of additional pages of instructions. In addition, they are required to work with 41 intermediaries—mostly insurance companies—that have their own procedures that hospitals must follow as part of the billing process. The same level of law, procedures, and instructions also apply to physicians.

The current practice of the Department of Justice, using the False Claims Act, assumes that hospitals, health systems, and doctors are guilty of intentionally filing erroneous claims when errors are made. This, in my view, is simply not right.

The Health Care Claims Guidance Act we are introducing would amend the False Claims Act to distinguish between fraud and mere mistakes. It would apply only to claims under federally funded health care programs, and would have no effect on other False Claims Act prosecutions.

The legislation does not change the criminal portions of the False Claims Act. Neither does it change the *qui tam*, or "whistle blower" provisions of the law. And it in no way would impede the Department of Justice or any other Government agency from zeroing in on true fraud and prosecuting those who commit fraud. No other Federal laws would be affected, including changes made by Congress in 1996 in the Health Insurance Portability and Accountability Act. The changes would apply only to health care claims for Federally funded programs such as Medicare and CHAMPUS. This legislation would not prevent the Government from receiving any money that is rightfully due. In all cases, overpayments would be reimbursed with interest.

What this legislation does is to distinguish Medicare billing fraud from honest billing mistakes. The bill does these four things:

It imposes a "de minimis" standard. Under the standard, as defined by the American Institute of Certified Public Accountants, Medicare overpayments to providers of less than a specified percentage would result in penalties of no more than the amount of the claim plus interest.

It establishes a "safe harbor" for health care providers that submit a claim based on advice given by fiscal intermediaries and carriers. Such hospitals would be subject to fines limited to actual damages and interest, not treble damages plus $5,000 to $10,000 per claim.

It raises the burden of proof required under the act from a "preponderance of the evidence" standard to a "clear and convincing evidence" standard.

And lastly, it establishes a "safe harbor" for health care providers that have adopted effective, good-faith compliance plans in which they are, if found to be in violation of the False Claims Act, subject only to actual damages plus interest, rather than treble damages plus $5,000 to $10,000 per claim.

Mr. President, although Congress 2 years ago gave Federal agencies additional tools to go after health care fraud—such as expanded authority under the Health Insurance Portability and Accountability Act—the Department of Justice has nonetheless decided that the use of the False Claims Act guarantees "easy money."

The Health Care Claims Guidance Act stops this abuse of the law and provides a clear and simple way of distinguishing between those claims that are fraudulent and those claims that result from human error. I urge Senators to support this bill.

I ask unanimous consent that a copy of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2007

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Care Claims Guidance Act".

SEC. 2. RULES FOR ACTIONS UNDER FALSE CLAIMS PROVISIONS BASED ON CLAIMS SUBMITTED UNDER CERTAIN HEALTH CARE PROGRAMS.

(a) In General.—Subchapter III of chapter 37 of title 31, United States Code, is amended by adding at the end the following:

"§ 3734. Rules for certain actions based on health care claims

"(a) In General.—In the case of any action that is brought under this subchapter based on a claim submitted with respect to a federally funded health care program, the preceding provisions of this subchapter shall apply only to the extent that such provisions are consistent with the provisions of this section.

"(b) Actions if Amount of Damages Are Material Amount.—Notwithstanding the preceding sections of this subchapter, no action may be brought under this subchapter based on a claim that is submitted under a federally funded health care program unless the amount of damages alleged to have been sustained by the United States Government with respect to such claim is a material amount.

"(c) Actions for Claims Submitted in Reliance on Official Guidance.—Notwithstanding the preceding sections of this subchapter, no action may be brought under this subchapter based on a claim submitted—

"(1) in reliance on (and correctly using) erroneous information supplied by a Federal agency (or an agent thereof) about matters of fact at issue; or

"(2) in reliance on (and correctly applying) written statements of Federal policy which affects such claim provided by a Federal agency (or an agent thereof).

"(d) Action for Claims Submitted by Persons in Substantial Compliance With Model Compliance Plan.—Notwithstanding the preceding sections of this subchapter, no action may be brought under this subchapter based on a claim submitted by a person that is in substantial compliance with a model compliance plan issued by the Secretary of Health and Human Services (in consultation with the Secretary of Defense).

"(e) Standard of Proof.—In any action brought under this subchapter with respect to a claim submitted to a federally funded health care program, section 3731(c) shall be applied by substituting 'clear and convincing evidence' for 'a preponderance of the evidence'.

"(f) Rule of Construction.—Nothing in this section shall be construed as limiting the authority of the Government of the United States to recoup or otherwise recover damages with respect to a claim submitted to a federally funded health care program under provisions of law other than this subchapter.

"(g) Definitions; Related Rules.—For purposes of this section—

"(1) the term 'claim' means a claim (as defined in section 3729(c)) made with respect to a federally funded health care program;

"(2) the term 'damages' means the amount of any overpayment made by the United States Government with respect to a claim;

"(3) the term 'federally funded health care program' means a program that provides health benefits, whether directly, through the purchase of insurance, or otherwise, that is established under—

"(A) title XVIII, XIX, or XXI of the Social Security Act, or

"(B) title 10, United States Code;

"(4) the amount of damages alleged to have been sustained by the United States Government with respect to a claim submitted by (or on behalf of) a person shall be treated as a 'material amount' only if such amount exceeds a proportion (specified in regulations promulgated by the Secretary of Health and Human Services in consultation with the Secretary of Defense) of the total of the amounts for which claims were submitted by (or on behalf of) such person—

"(A) to the same federally funded health care program, and

"(B) for the same calendar year, as the claim upon which an action under this subchapter is based;

"(5) the regulations specifying the proportion referred to in paragraph (4) shall be based on the definition of the term 'material' used by the American Institute of Certified Public Accountants as of the date of the enactment of this section; and

"(6) in determining whether an amount of damages is a 'material amount' under paragraph (4), with respect to a person—

"(A) the amount of damages for more than 1 claim may be aggregated only if the acts or omissions resulting in such damages were part of a pattern of related acts or omissions by such person, and

"(B) if damages for more than 1 claim are aggregated in accordance with subparagraph (A), the proportion referred to in such paragraph shall be determined by comparing the amount of such aggregate damages to the total of the amounts for which claims were submitted by (or on behalf of) such person to the same federally funded health care program for each of the calendar years for which any claim upon which such aggregate damages were based was submitted.".

(b) Technical and Conforming Amendment.—The table of sections for chapter 37 of title 31, United States Code, is amended by adding after the item relating to section 3733 the following:

"3734. Rules for certain actions based on health care claims.".

(c) Effective Date.—The amendment made by subsection (a) shall apply to actions brought under subchapter III of chapter 37 of title 31, United States Code, with respect to claims submitted before, on, and after the date of the enactment of this Act.

Mr. HOLLINGS. Mr. President, I am delighted to join my colleague Senator Cochran in introducing legislation that helps define the rules of the game for health care providers and allows investigators to focus on ferreting out and prosecuting real fraud in Federal health programs.

The Health Care Claims Guidance Act of 1998 that we introduce today is made necessary by conflicting, extremely complex regulations covering Medicare, Medicaid, CHAMPUS and other Federally funded programs. Ironically, most of these exist as a result of Congressional efforts to reduce fraud and abuse—to establish a system for billing and claims processing that assures these programs are paying reasonable costs for medically necessary services actually provided to eligible individuals. Not achieving our goal of ending fraud, we just stack on more rules that require honest providers to take more and more time from patient care to do paperwork while the crooks ignore us or accept as a challenge getting around the rules. There is no end in sight. This is a classic example of the road to hell being paved with good intentions. We have created a nightmare, and we have a responsibility to begin straightening out some of the confusion so honest health care providers can take care of patients and we can concentrate on prosecuting those who willfully violate the law.

It is absolutely imperative that we accept nothing less than zero tolerance for real fraud and that the Government use all the tools at its disposal to prosecute willful violations of the law. It is equally imperative that we play fair with our partners who provide the health care we pay for with Federal funds. When a participating hospital receives directions from its fiscal intermediary, the hospital should know it can follow those directions without fear of being accused of fraud. Using the False Claims Act, the Justice Department is notifying hospitals that they are under investigation for alleged billing fraud, offering minimal time to respond or face prosecution. Hospitals are capitulating to these demands even when they know no fraud has been committed simply because they cannot afford to pay the accountants and lawyers to take on the Department of Justice. Others believe diverting these funds from patient care would be an irresponsible waste of tax dollars and not in the best interests of Medicare beneficiaries. I certainly agree.

Respected physicians in my State, some personal friends of forty years, have received letters recently from the "Medicare Fraud Unit" demanding that they pay up immediately or face prosecution. They are confused and annoyed about the complexity of Medicare rules and coding, but they are outraged that they are being accused of fraud with no basis whatsoever. I submit, Mr. President, that they deserve to be enraged. And it doesn't get any better once they enter negotiations and are virtually unable to practice medicine because of the auditors consume most of the work day and office space. Then they wait for months to see if the ax will fall.

The Health Care Claims Guidance Act of 1998 would take a small but important step in the right direction. It would amend the False Claims Act to create special rules for claims in all Federally funded health care programs. No criminal provisions are amended. The bill's provisions apply only to health care claims limited to civil actions.

First, no action can be brought if the provider has relied on and correctly applied information supplied by a Federal agency or an agent thereof. Second, no action may be brought unless the amount of damages is material. Third, it establishes a safe harbor for hospitals with an effective compliance plan under the General Hospital Compliance Guidelines. And, fourth, it raises the burden of proof from a "preponderance of the evidence" to a "clear and convincing evidence" standard.

Mr. President, let me make it clear once again, this bill in no way limits the authority of the Government to recoup or otherwise recover damages with respect to claims under any other provisions of law and does not apply to criminal provisions. It allows us to begin restoring the partnership between the Federal Government and those who provide health care under Federal programs and encourages the Government to use its resources to prosecute those who violate that partnership. I urge my colleagues to assist us in its early passage.

By Mr. COVERDELL (for himself, Mr. ASHCROFT, Mr. SHELBY, Mr. FRIST, Mr. COCHRAN, Mr. HAGEL, Mr. INHOFE, and Mr. MCCAIN):

S. 2008. A bill to amend the Internal Revenue Code of 1986 to prohibit the use of random audits, and for other purposes; to the Committee on Finance.

THE INTERNAL REVENUE SERVICE RANDOM AUDIT PROHIBITION ACT

Mr. COVERDELL. Mr. President, I rise today to introduce the Internal Revenue Service Random Audit Prohibition Act. I wanted to take this opportunity to alert my colleagues of the Senate that the IRS has identified a new enemy: innocent taxpayers.

Over the past several years, all of us have seen news accounts of regular, average citizens who have become the targets of grueling IRS audits. These individuals were neither wealthy nor powerful; in fact, they were most often ordinary, law-abiding taxpayers who earned a modest wage, ran a small business, or operated a family farm. Some struggled just to make ends meet, and many were understandably confused about what they had committed to justify the scrutiny of the IRS.

The truth is they committed no wrong. They were simply unfortunate victims of an IRS practice called "random audits," where the IRS simply picks people out of a hat in the hope it can uncover some wrongdoing.

A recent report produced by the General Accounting Office (GAO) at my request confirms that the IRS has been targeting thousands of poor taxpayers and small businesses for random audits. In fact, almost 95 percent of all random audits of individual taxpayers performed between 1994 and 1996 were conducted on taxpayers who earned less than $25,000 each year.

Last Fall, hearings held by the Senate Finance Committee brought the IRS's abuse of taxpayers to the attention of the entire Nation. One witness, Jennifer Long, who is a current field agent with the IRS, remarked, "As of late, we seem to be auditing only the poor people. The current IRS Management does not believe anyone in this country can possibly live on less than $20,000 per year, insisting anyone below that level must be cheating by understating their true income." The IRS' belief that low-income families are more likely to cheat than others services as a disturbing sign of how far it has strayed from the principles of American justice.

The GAO report also indicates that the IRS has been specifically targeting my home state of Georgia for random audits. Nearly twice as many random audits took place in Georgia between 1994 and 1996 than in all the New England states combined and Georgians are three-times more likely to be randomly audited than their California counterparts. Furthermore, the GAO warns that we can expect that number of rise dramatically in Georgia over the next several years because the IRS believes small businesses in Georgia are more likely than other so-called "subpopulations" to engage in tax fraud. I do not understand why the IRS believes that Georgia small business are more likely to cheat than their counterparts elsewhere in the Nation. I still have not received an adequate reply from the IRS regarding any of these developments.

Most of us understand the need to ensure tax code compliance through reasonable mechanisms. Where there is some indication that wrongdoing has occurred, an audit may be appropriate. But Americans will not accept the IRS's assertion that enforcement requires them to go after innocent, low-income taxpayers by using random audits that make no distinction between the guilty and the innocent. Honest citizens deserve better.

The legislation I introduce today, along with a number of my colleagues, would remove random audits as a tool available to the IRS in its examination process. Victims of random audits would be entitled to damages of $5,000 after filing civil action, and the cost of litigation would also be recoverable. In addition, my proposal would require the IRS to identify the basis for audit in any notice to the affected taxpayer of such an examination. Finally, the effective date for these changes are set to the date of introduction. This puts the IRS on notice that Congress is deadly serious about the need to end random audits.

I hope my colleagues will support my effort to stop the IRS from targeting innocent taxpayers. With passage of the IRS Random Audit Prohibition Act, honest, hardworking taxpayers can be assured they will be protected from unwarranted audits. They deserve no less.

ADDITIONAL COSPONSORS

S. 89

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 89, a bill to prohibit discrimination against individuals and their family members on the basis of genetic information, or a request for genetic services.

S. 659

At the request of Mr. GLENN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 659, a bill to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Restoration Study Report.

S. 852

At the request of Mr. LOTT, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 981

At the request of Mr. THOMPSON, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 981, a bill to provide for analysis of major rules.

S. 1089

At the request of Mr. SPECTER, the names of the Senator from South Dakota (Mr. DASCHLE), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1089, a bill to terminate the effectiveness of certain amendments to the foreign repair station rules of the Federal Aviation Administration, and for other purposes.

S. 1145

At the request of Mr. GRAMS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1145, a bill to amend the Social Security Act to provide simplified and accurate information on the social security trust funds, and personal earnings and benefit estimates to eligible individuals.

S. 1325

At the request of Mr. FRIST, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 1325, a bill to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 1998 and 1999, and for other purposes.

S. 1365

At the request of Ms. MIKULSKI, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1365, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 1392

At the request of Mr. BROWNBACK, the names of the Senator from Minnesota (Mr. GRAMS), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1392, a bill to provide for offsetting tax cuts whenever there is an elimination of a discretionary spending program.

S. 1649

At the request of Mr. FORD, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1649, a bill to exempt disabled individuals from being required to enroll with a managed care entity under the medicaid program.

S. 1862

At the request of Mr. DEWINE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1862, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 1879

At the request of Mr. BURNS, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Georgia (Mr. COVERDELL), the Senator from North Dakota (Mr. CONRAD), the Senator from Iowa (Mr. GRASSLEY), the Senator from Missouri (Mr. BOND), the Senator from California (Mrs. FEINSTEIN), the Senator from Idaho (Mr. CRAIG), the Senator from Minnesota (Mr. GRAMS), the Senator from South Dakota (Mr. DASCHLE), and the Senator from Illinois (Ms. MOSELEY-BRAUN) were added as cosponsors of S. 1879, a bill to provide for the permanent extension of income averaging for farmers.

S. 1882

At the request of Mr. JEFFORDS, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1882, a bill to reauthorize the Higher Education Act of 1965, and for other purposes.

S. 1900

At the request of Mr. D'AMATO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1900, a bill to establish a commission to examine issues pertaining to the disposition of Holocaust-era assets in the United States before, during, and after World War II, and to make recommendations to the President on further action, and for other purposes.

S. 1919

At the request of Mr. MURKOWSKI, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1919, a bill to provide for the energy security of the Nation through encouraging the production of domestic oil and gas resources from stripper wells on federal lands, and for other purposes.

S. 1920

At the request of Mr. MURKOWSKI, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1920, a bill to improve the administration of oil and gas leases on Federal lands, and for other purposes.

S. 1930

At the request of Mr. NICKLES, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1930, a bill to provide certainty for, reduce administrative and compliance burdens associated with, and streamline and improve the collection of royalties from Federal and outer continental shelf oil and gas leases, and for other purposes.

S. 1985

At the request of Mr. HATCH, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1985, a bill to amend Part L of the Omnibus Crime Control and Safe Streets Act of 1968.

S. 1992

At the request of Mrs. HUTCHISON, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1992, A bill to amend the Internal Revenue Code of 1986 to provide that the $500,000 exclusion of a gain on the sale of a principal residence shall apply to certain sales by a surviving spouse.

S. 1995

At the request of Mr. ABRAHAM, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1995, A bill to amend the Internal Revenue Code of 1986 to allow the designation of renewal communities, and for other purposes.

SENATE RESOLUTION 175

At the request of Mr. ROBB, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of Senate Resolution 175, a bill to designate the week of May 3, 1998 as "National Correctional Officers and Employees Week."

SENATE RESOLUTION 201

At the request of Mr. KEMPTHORNE, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of Senate Resolution 201, A resolution to commemorate and acknowledge the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

SENATE CONCURRENT RESOLUTION 92—EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO THE COLLECTION OF DATA AS A PART OF THE 2000 DECENNIAL CENSUS

Mr. TORRICELLI (for himself and Mr. D'AMATO) submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 92

Whereas the decennial census of population is the only source of accurate, reliable, and comparable information on the demographic, social, and economic characteristics of the people of the United States and the communities in which they live, for all geographic levels, including rural areas and census tracts;

Whereas the Bureau of the Census, in response to a mandate from Congress to reduce the reporting burden on the residents of the United States, has proposed to include on the long-form census questionnaire only those subjects that have specific Federal legislative justification;

Whereas the demographic and socioeconomic data collected in the decennial census helps policymakers assess population changes, housing conditions, ancestry, and other patterns of mobility and achievement for different regions and governmental jurisdictions, as well as for different population subgroups;

Whereas independent analysis by a panel convened by the National Academy of Sciences determined that there are essential public needs for information gathered by the long form and that the extra cost of the census long form, once the census has been designed to collect limited data for every resident, is relatively low;

Whereas the National Academy of Sciences has concluded that the long form does not significantly affect the overall mail response rate to the census;

Whereas independent analyses of the decennial census have found that the long form does not increase the undercount in the census or the differential undercount of racial, ethnic, and low-income populations to any significant extent;

Whereas administering a traditional long form at a later point in time, instead of as part of the 2000 decennial census of population, would substantially increase the cost of collecting the data, place the quality of the data at risk, and jeopardize the availability of reliable and timely data for rural and small geographic areas;

Whereas the General Accounting Office has found that over $170,000,000,000 in Federal program funds are distributed each year to State and local governments on the basis of data collected in the census, including data available only from the long form; and

Whereas the collection of demographic, socioeconomic, housing, and transportation data on the long form in the 2000 decennial census of population is supported by Federal, State, and local government officials and agencies, service providers, researchers, and other social scientists who help chart the direction of the United States, private sector decisionmakers, and many other census stakeholders, as well as by a panel convened by the National Academy of Sciences at the direction of Congress: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF CONGRESS.

It is the sense of Congress that the Secretary of Commerce should ensure that—

(1) the 2000 decennial census of population include the administration of a long-form census questionnaire;

(2) the content of the long-form census questionnaire include, at a minimum, the subjects sent to Congress by the Bureau of the Census on March 31, 1997, in accordance with section 141(f)(1) of title 13, United States Code; and

(3) a sufficient number of households received the long-form census questionnaire to ensure the availability of reliable data for small geographic areas, including rural communities.

SEC. 2. TRANSMISSION TO THE SECRETARY OF COMMERCE.

The Secretary of the Senate shall transmit a copy of this concurrent resolution to the Secretary of Commerce.

SENATE RESOLUTION 219—AUTHORIZING PRINTING OF THE MINUTES OF THE SENATE REPUBLICAN AND DEMOCRATIC PARTY CONFERENCES

Mr. MACK (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to.

S. RES. 219

Whereas the Senate Republican and Democratic Conferences have maintained minutes of their meetings since the earliest years of this century;

Whereas the Advisory Committee on the Records of Congress recommends that the portions of those minutes at least 30 years old be published; and

Whereas the minutes of the Senate Party Conferences offer rich documentation of the Senate's institutional development during the first two-thirds of the 20th century: Now, therefore, be it

Resolved,

SECTION 1. PRINTING OF THE MINUTES OF THE REPUBLICAN CONFERENCE, 1911–1964.

(a) IN GENERAL.—There shall be printed as a Senate document the book entitled "Minutes of the Senate Republican Conference, 1911–1964", prepared by the Senate Historical Office under the supervision of the Secretary of the Senate, with the concurrence of the United States Senate Republican Conference.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

(c) NUMBER OF COPIES.—In addition to the usual number of copies, there shall be printed with suitable binding the lesser of—

(1) 1,000 copies for use of the Senate, to be allocated as determined by the Secretary of the Senate; or

(2) a number of copies that does not have a total production and printing cost of more than $1,200.

SEC. 2. PRINTING OF THE MINUTES OF THE DEMOCRATIC CONFERENCE, 1903–1964.

(a) IN GENERAL.—There shall be printed as a Senate document the book entitled "Minutes of the Senate Democratic Conference, 1903–1964", prepared by the Senate Historical Office under the supervision of the Secretary of the Senate, with the concurrence of the United States Senate Democratic Conference.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the Joint Committee On Printing after consultation with the Secretary of the Senate.

(c) NUMBER OF COPIES.—In addition to the usual number of copies, there shall be printed with suitable binding the lesser of—

(1) 1,000 copies for the use of the Senate, to be allocated as determined by the Secretary of the Senate; or

(2) a number of copies that does not have a total production and printing cost of more than $1,200.

AMENDMENTS SUBMITTED

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND CZECH REPUBLIC

CRAIG (AND OTHERS) EXECUTIVE AMENDMENT NO. 2316

Mr. CRAIG (for himself, Mrs. HUTCHISON, and Mr. SMITH of New Hampshire) proposed an amendment to the resolution of ratification for the treaty (Treaty Doc. No. 105–36) protocols to the North Atlantic Treaty of 1949 on the accession of Poland, Hungary, and the Czech Republic. These protocols were opened for signature at Brussels on December 16, 1997, and signed on behalf of the United States of America and other parties to the North Atlantic Treaty; as follows:

At the appropriate place, insert the following:

( ) STATUTORY AUTHORIZATION FOR DEPLOYMENTS IN BOSNIA AND HERZEGOVINA.—Prior to the deposit of the United States instrument of ratification, there must be enacted a law containing specific authorization for the continued deployment of the United States Armed Forces in Bosnia and Herzegovina as part of the NATO mission in that country.

HUTCHISON EXECUTIVE AMENDMENT NO. 2317

Mrs. HUTCHISON proposed an amendment to the resolution of ratification for the treaty (Treaty Doc. No. 105–36) protocols to the North Atlantic Treaty of 1949 on the accession of Poland, Hungary, and the Czech Republic. These protocols were opened for signature at Brussels on December 16, 1997, and signed on behalf of the United States of America and other parties to the North Atlantic Treaty; as follows:

At the appropriate place in the resolution, insert the following:

NEGOTIATION WITH ALLIES REGARDING THE ESTABLISHMENT OF A PROCESS TO RESOLVE DISPUTES AMONG OR BETWEEN ALLIES.

(A) Prior to the first deposit of any of the United States instruments of ratification of any of the Protocols, the United States representative at the North Atlantic Council will introduce at the NAC a proposal for consideration by all allies and aimed at establishing a process for dispute resolution among allies. The proposal shall be limited to addressing those disputes—

(i) between or among allies that are within the collective security purview of the NATO alliance and address territorial or other such disputes within the alliance's area of operations and responsibility, and;

(ii) in response to which at least one disputant has credibly threatened the use of military force.

ASHCROFT (AND OTHERS) EXECUTIVE AMENDMENT NO. 2318

Mr. ASHCROFT (for himself, Mr. ROBERTS, Mr. HELMS, Mr. WARNER, Mr. HUTCHINSON, Mr. FAIRCLOTH, Mr. BOND, and Mr. GRAMS) proposed an amendment to the resolution of ratification for the treaty (Treaty Doc. No. 105–36) protocols to the North Atlantic Treaty of 1949 on the accession of Poland, Hungary, and the Czech Republic. These protocols were opened for signature at Brussels on December 16, 1997, and signed on behalf of the United States of America and other parties to the North Atlantic Treaty; as follows:

In section 3(1), strike "(A) THE FUNDAMENTAL IMPORTANCE OF COLLECTIVE DEFENSE.—" and all that follows through "interests of NATO members." at the end of paragraph (1)(A) and insert in lieu thereof the following new condition:

(2) THE FUNDAMENTAL IMPORTANCE OF COLLECTIVE SELF-DEFENSE.—

(A) PRESIDENTIAL CERTIFICATION.—Prior to the deposit of the United States instrument of ratification, the President shall certify to the Senate that—

(i) NATO is and will remain a defensive military alliance, and that Article 5 of the North Atlantic Treaty, which provides for the collective self-defense of NATO members against armed attack, continues to constitute the heart of that treaty; and

(ii) the United States will only support a military operation under the North Atlantic

Treaty that is commenced on or after the date of adoption of this resolution of ratification—

(I) if the operation is intended for the purpose of collective self-defense in response to an armed attack on the territory of a NATO member; or

(II) in response to a threat to the territorial integrity, political independence, or security of a NATO member.

(B) CONSTRUCTION.—The Senate declares that nothing in the North Atlantic Treaty, the Strategic Concept of NATO, or any other document setting forth the fundamental purposes, objectives, or missions of NATO shall be construed as altering the constitutional authority of the Congress or the President.

(C) EXCLUSIONS FROM MEANING OF "NATO MILITARY OPERATION".—The term "NATO military operation" does not include any NATO training mission or exercise.

(3) ADDITIONAL REQUIREMENTS REGARDING THE STRATEGIC CONCEPT OF NATO.—

HELMS (AND BIDEN) EXECUTIVE AMENDMENT NO. 2319

Mr. SMITH of Oregon (for Mr. HELMS, for himself and Mr. BIDEN) proposed an amendment to the resolution of ratification for the treaty (Treaty Doc. No. 105–36) protocols to the North Atlantic Treaty of 1949 on the accession of Poland, Hungary, and the Czech Republic. These protocols were opened for signature at Brussels on December 16, 1997, and signed on behalf of the United States of America and other parties to the North Atlantic Treaty; as follows:

In section 1, insert "(as defined in section 4(7))" after "Czech Republic".

In section 1, strike "as defined in section 4(6),".

In section 2(1)(D), strike "evenly" and insert "equitably".

In section 2(2)(A), strike "including—" and all that follows through "members;" and insert "including those common threats described in section 3(1)(A)(v);".

In section 2(7)(A)(iii), insert ", or committed to invite," after "consented to invite".

In section 2(7)(A)(iv), strike "admission of, or the invitation for admission of, any new NATO member" and insert "accession to the North Atlantic Treaty of, or the invitation to begin accession talks with, any European state (other than Poland, Hungary, or the Czech Republic),".

At the end of section 2, add the following new paragraphs:

(8) PARTNERSHIP FOR PEACE.—The Senate declares that—

(i) the Partnership for Peace between NATO members and the Partnership for Peace countries is an important and enduring complement to NATO in maintaining and enhancing regional security;

(ii) the Partnership for Peace serves a critical role in promoting common objectives of NATO members and the Partnership for Peace countries, including—

(I) increased transparency in the national defense planning and budgeting processes;

(II) ensuring democratic control of defense forces;

(III) maintaining the capability and readiness of Partnership for Peace countries to contribute to operations of the United Nations and the Organization for Security and Cooperation in Europe;

(IV) developing cooperative military relations with NATO; and

(V) enhancing the interoperability between forces of the Partnership for Peace countries and forces of NATO members;

(iii) NATO has undertaken new initiatives to further strengthen the Partnership for Peace with the objectives of—

(I) strengthening the political consultation mechanism in the Partnership for Peace through the Euro-Atlantic Partnership Council;

(II) enhancing the operational role of the Partnership for Peace; and

(III) providing for expanded involvement of members of the Partnership for Peace in decision-making and planning within the Partnership;

(iv) enhancement of the Partnership for Peace promotes the security of the United States by strengthening stability and security throughout the North Atlantic area;

(v) the accession to the North Atlantic Treaty of new NATO members in the future must not undermine the ability of NATO and the Partnership for Peace countries to achieve the objectives of the Partnership for Peace; and

(vi) membership in the Partnership for Peace does not in any way prejudice application or consideration for accession to the North Atlantic Treaty.

(9) REGARDING PAYMENTS OWED BY EUROPEAN COUNTRIES TO VICTIMS OF THE NAZIS

(A) DECLARATION.—The Senate declares that in future meetings and correspondence with European governments, the Secretary of State should—

(i) raise the issue of insurance benefits owed to victims of the Nazis (and their beneficiaries and heirs) by these countries as a result of the actions taken by any communist predecessor regimes in nationalizing foreign insurance companies and confiscating their assets in the aftermath of World War II;

(ii) seek to secure a commitment from the governments of these countries to provide a full accounting of the total value of insurance company assets that were seized by any communist predecessors and to share all documents relevant to unpaid insurance claims that are in their possession; and

(iii) seek to secure a commitment from the governments of these countries to contribute to the payment of these unpaid insurance claims in an amount that reflects the present value of the assets seized by any communist governments (and for which no compensation had previously been paid).

(B) DEFINITION.—As used in this paragraph, the term "victims of the Nazis" means persons persecuted during the period beginning on March 23, 1933 and ending on May 8, 1945, by, under the direction of, on behalf of, or under authority granted by the Nazi government of Germany or any country allied with that government.

In section 3(1)(C)(i), before the semicolon at the end thereof, insert the following: ", including the broader strategic rationale of NATO".

In section 3(1)(D), strike "Committee on Foreign Relations" and insert "appropriate congressional committees".

In section 3(2)(B), strike

"ANNUAL REPORTS.—

(i) REQUIREMENTS.—"

and insert

"ANNUAL REPORTS.—".

In section 3(2)(B), redesignate subclauses (I), (II), (III), and (IV) as clauses (i), (ii), (iii), and (iv), respectively.

At the end of section 3(2)(B), add the following new clause:

(v) The status of discussions concerning NATO membership for countries participating in the Partnership for Peace.

Strike clause (ii) of section 3(2)(B).

At the end of section 3(2), insert the following new subparagraphs:

(C) REPORTS ON FUTURE ENLARGEMENT OF NATO.—

(i) REPORTS PRIOR TO COMMENCEMENT OF ACCESSION TALKS.—Prior to any decision by the North Atlantic Council to invite any country (other than Poland, Hungary, or the Czech Republic) to begin accession talks with NATO, the President shall submit to the appropriate congressional committees a detailed report regarding each country being actively considered for NATO membership, including—

(I) an evaluation of how that country will further the principles of the North Atlantic Treaty and contribute to the security of the North Atlantic area;

(II) an evaluation of the eligibility of that country for membership based on the principles and criteria identified by NATO and the United States, including the military readiness of that country;

(III) an explanation of how an invitation to that country would affect the national security interests of the United States;

(IV) an up-to-date United States Government analysis of the common-funded military requirements and costs associated with integrating that country, and an analysis of the shares of those costs to be borne by NATO members, including the United States; and

(V) a preliminary analysis of the implications for the United States defense budget and other United States budgets of integrating that country into NATO.

(ii) UPDATED REPORTS PRIOR TO SIGNING PROTOCOLS OF ACCESSION.—Prior to the signing of any protocol to the North Atlantic Treaty on the accession of any country, the President shall submit to the appropriate congressional committees a report, in classified and unclassified forms—

(I) updating the information contained in the report required under clause (i) with respect to that country; and

(II) including an analysis of that country's ability to meet the full range of the financial burdens of NATO membership, and the likely impact upon the military effectiveness of NATO of the country invited for accession talks, if the country were to be admitted to NATO.

(D) REVIEW AND REPORTS BY THE GENERAL ACCOUNTING OFFICE.—The Comptroller General of the United States shall conduct a review and assessment of the evaluations and analyses contained in all reports submitted under subparagraph (C) and, not later than 90 days after the date of submission of any report under subparagraph (C)(ii), shall submit a report to the appropriate congressional committees setting forth the assessment resulting from that review.

In section 3, redesignate paragraph (4) as paragraph (5).

In section 3, insert after paragraph (3) the following new paragraph:

(4) REPORTS ON INTELLIGENCE MATTERS.—

(A) PROGRESS REPORT.—Not later than January 1, 1999, the President shall submit a report to the congressional intelligence committees on the progress of Poland, Hungary, and the Czech Republic in satisfying the security requirements for membership in NATO.

(B) REPORTS REGARDING PROTECTION OF INTELLIGENCE SOURCES AND METHODS.—Not later than January 1, 1999, and again not later than the date that is 90 days after the date of accession to the North Atlantic Treaty by Poland, Hungary, and the Czech Republic, the Director of Central Intelligence shall submit a detailed report to the congressional intelligence committees—

(i) identifying the latest procedures and requirements established by Poland, Hungary, and the Czech Republic for the protection of intelligence sources and methods; and

(ii) including an assessment of how the overall procedures and requirements of Poland, Hungary, and the Czech Republic for the protection of intelligence sources and methods compare with the procedures and requirements of other NATO members for the protection of intelligence sources and methods.

(C) DEFINITIONS.—In this paragraph:

(i) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term "congressional intelligence committees" means the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(ii) DATE OF ACCESSION TO THE NORTH ATLANTIC TREATY BY POLAND, HUNGARY, AND THE CZECH REPUBLIC.—The term "date of accession to the North Atlantic Treaty by Poland, Hungary, and the Czech Republic" means the latest of the following dates:

(I) The date on which Poland accedes to the North Atlantic Treaty.

(II) The date on which Hungary accedes to the North Atlantic Treaty.

(III) The date on which the Czech Republic accedes to the North Atlantic Treaty.

In section 4, redesignate paragraphs (1) through (7) as paragraphs (2) through (8), respectively.

In section 4, insert after "In this resolution:" the following new paragraph:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate and the Committee on International Relations, the Committee on National Security, and the Committee on Appropriations of the House of Representatives.

CONRAD (AND BINGAMAN) EXECUTIVE AMENDMENT NO. 2320

Mr. CONRAD (for himself and Mr. BINGAMAN) proposed an amendment to the resolution of ratification for the treaty (Treaty Doc. No. 105-36) protocols to the North Atlantic Treaty of 1949 on the accession of Poland, Hungary, and the Czech Republic. These protocols were opened for signature at Brussels on December 16, 1997, and signed on behalf of the United States of America and other parties to the North Atlantic Treaty; as follows:

At the appropriate place in section 3 of the resolution, insert the following:

( ) NON-STRATEGIC NUCLEAR WEAPONS.—

(A) FINDINGS.—The Senate finds that—

(i) the United States Strategic Command has estimated that the Russian Federation has between 7,000 and 12,000 non-strategic nuclear warheads, weapons that—unlike strategic systems—are not covered by any arms control accord;

(ii) the thousands of tactical nuclear warheads inside Russia present the greatest threat of sale or theft of a nuclear weapon in the world today;

(iii) with the number of deployed strategic warheads in the Russian and United States arsenals likely to be reduced to around 2,250 warheads under a START III accord, Russia's vast superiority in tactical nuclear warheads becomes a strategic concern;

(iv) the Commander in Chief of the United States Strategic Command has stated that future nuclear arms control agreements should address tactical nuclear weapons;

(v) statements from Russian officials that NATO enlargement would force Russia to rely more heavily on its nuclear arsenal have caused concern that NATO expansion could be an impediment to progress on tactical nuclear arms control; and,

(vi) the danger of theft or sale of a tactical nuclear warhead, and the destabilizing strategic implications of Russia's enormous lead in tactical nuclear weapons creates an urgent need for progress on increasing the security of Russia's tactical nuclear arsenal and working toward conclusion of a US-Russian agreement on tactical nuclear arms in Europe.

(B) SENSE OF THE SENATE.—It is the Sense of the Senate that—

(i) it would be advisable for future nuclear arms control agreements with the Russian Federation to address non-strategic nuclear weapons in Europe; and,

(ii) the Administration should work with the Russian Federation to increase transparency, exchange data, increase warhead security, and facilitate weapon dismantlement.

(C) CERTIFICATION.—Prior to the deposit of the instruments of ratification, the Administration shall certify to the Senate that with regard to non-strategic nuclear weapons—

(i) it is the policy of the United States to work with the Russian Federation to increase transparency, exchange data, increase warhead security, and facilitate weapon dismantlement; and

(ii) that discussions toward these ends have been initiated with the Russian Federation.

(D) REPORT.—Not later than 180 days after the deposit of the instruments of ratification, the President shall submit a report to the Senate on the Russian Federation's non-strategic nuclear arsenal. This report shall include—

(i) current data and estimates regarding the current numbers, types, yields, and locations of Russia's non-strategic nuclear weapons;

(ii) an assessment of the extent of the current threat of theft, sale, or unauthorized use of such warheads;

(iii) a plan to work with the Russian Federation to increase transparency, exchange data, increase warhead security, and facilitate weapon dismantlement; and,

(iv) an assessment of the strategic implications of the Russian Federation's non-strategic arsenal.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet in executive session during the session of the Senate on Wednesday, April 29, 1998, to conduct a mark-up of S. 1260, the "Securities Litigation Uniform Standards Act of 1997," and of the nomination of Donna Tanoue, of Hawaii, to be a member and chairperson of the board of directors of the Federal Deposit Insurance Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SMITH of Oregon. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, April 29, 1988 beginning at 9:00 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on 'Wednesday, April 29, 1998 at 2:00 p.m. in room 215 of the Senate Dirksen Office Building to hold a hearing on "Judicial Nominations."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Assistive Technology Act during the session of the Senate on Wednesday, April 29, 1998, at 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, April 29 and Thursday, April 30, 1998 at 2:30 p.m. to hold closed hearings on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, April 29, 1998, at 10:00 a.m. on Satellite Reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CONGRATULATING CENTRAL FALLS HIGH SCHOOL FOR ITS FIRST PLACE FINISH IN THE "WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION" STATE COMPETITION

• Mr. CHAFEE. Mr. President, on May 2nd, twenty outstanding students from Central Falls High School in Rhode Island will visit Washington to compete in the national finals of the "We The People . . . The Citizen And The Constitution" program. In fact, this is the second time that the Central Falls

High School team has won the statewide competition!

For those of my colleagues who are not familiar with it, the "We The People . . . The Citizen And The Constitution" program is among the most extensive educational programs in the country focusing on citizenship. The program was developed specifically to ensure that young people understand the history and philosophy of the Constitution and the Bill of Rights. The three-day national competition simulates a congressional hearing in which students are given the opportunity to demonstrate their knowledge while they evaluate, take, and defend positions on historical and contemporary constitutional issues.

Administered by the Center for Civic Education, the "We The People . . . The Citizen And The Constitution" program provides an excellent opportunity for students to gain an informed perspective on the significance of the U.S. Constitution and its place in our history. It is heartwarming to see young Rhode Islanders taking such an active and participatory interest in public affairs.

I am very proud of Rodolfo Alvarez, Paula Arango, Viviana Blandon, Liana Breton, Angela Cano, Elizabeth Carmona, Jessica Carmona, Nicole Duguay, Arabella Garzon, Jennifer Kelley, Suzanne Krupka, Kathleen Lopes, Gina Matuszek, Nicole Mercado, Richard Oliveira, Patricia Pina, Shelly Rua, Amanda Ryfa, Giovann Restrepo, Melisa Sylvestre, and Melissa Weber for making it to the national finals. I applaud this terrific group of young men and women for their hard work and perseverance. Also, Mr. President, I want to congratulate Bert Brousseau, a fine teacher who deserves so much credit for guiding the Central Falls High School team to the national finals.

On Tuesday, April 7th I was pleased to visit the Central Falls winners. I couldn't resist giving them a spontaneous oral quiz. I am happy to report that they responded to my questions superbly! Congratulations to Mr. Brousseau and his students for what they have already achieved, and best of luck in the final competition. These students, with the guidance of Mr. Brousseau, have learned what our Nation is all about and what countless men and women have fought and died to protect. No matter what the outcome of the contest is, they have each earned the greatest prize of all: Knowledge.●

ST. ANTHONY'S PARISH CELEBRATES THE BEGINNING OF ITS SEVENTY-FIFTH YEAR IN SERVICE TO GOD AND COMMUNITY

● Mr. BIDEN. Mr. President, on a hill in the western section of my hometown of Wilmington, Delaware, stands St. Anthony's Roman Catholic Church, a beautiful and imposing masterpiece of architecture and a testimonial to the power of faith that dominates the skyline. Founded in 1924, St. Anthony's Parish has been a major force in the religious, social, and cultural life in Wilmington for four generations. In addition to the magnificent church, the parish has built St. Anthony's Grade School, an elementary school, and Padua Academy, a fine high school for young women. In addition, there is Fournier Hall, a center for the social and recreational needs of the community; The Antonian—an apartment complex built to ensure that the neighborhood's senior citizens have access to quality, affordable housing; and the Father Roberto Balducelli Community Center, which provides day care for the community's children and daily activities for their grandparents and great-grandparents. And every June, St. Anthony's Festival draws tens of thousands of Delawareans and people from across the country for a week of good food, good fun, and a celebration of God's blessings. For three-quarters of a century, the good people of St. Anthony's Parish—both clergy and parishioners—have looked to the needs of the entire community, and joined together to meet those needs. The entire Greater Wilmington area has benefited from their efforts. They truly have earned a special place in our lives and the life of our city.

As St. Anthony's Parish begins the year-long celebration of its seventy-fifth year, they have chosen to kick off that celebration Thursday evening, April 30, with a dinner and Mass of Thanksgiving, in which they will honor three of the pillars of the parish, three individuals who have labored long and hard over many years to build St. Anthony's into the vital part of community life that it has become; Father Mario Bugliosi, Brother Michael Rosenello, and Father Roberto Balducelli.

Father Mario came to Wilmington for the first time in 1954, as a teacher at Salesianum High School, a premier Catholic high school. After spending five years at Salesianum and a year at a high school in Philadelphia, Father Mario returned to Wilmington in 1960 as an Associate Pastor at St. Anthony's and, except for a two-year hiatus in his native Italy, has been doing the Lord's work among us ever since. His kind, gentle manner and complete decency—always there with a supportive word for everyone—has made him the parish's chief "Confessor"—the man you go to in times of crisis (spiritual or otherwise), at times when you are in need of advice and counsel, and at times when you simply need someone to listen. He personifies the notion that "to minister" need not refer only to great and glorious words from the pulpit, but to a quiet moment over a cup of coffee, a shared walk along the street, or to a visit to the home of someone in spiritual need.

Brother Mike—there are folks in the parish who refer to him as "Mr. Padua" for his yeoman like work at the school—also first came to St. Anthony's in 1954 as a Pastoral Assistant and the Director of Youth Ministry. After a short absence in the 1960's, he returned to the parish in 1966 as the Director of Parish Maintenance, where he has overseen virtually every aspect of life at the school, starting with the construction of the new school building beginning in 1967. He developed the girls' athletic programs at the school and coached basketball himself for many years. He has organized and directed many of St. Anthony's most successful social events over the years and decorated the church for all of its major feasts and celebrations. And perhaps most importantly to the students at Padua, he has overseen the operations of the school's cafeteria, ensuring that lunch time is both delicious and nutritious as well as a time for catching up with friends. He is one of those fellows who is always there when the parish or the parishioners need a fresh idea, an organizer, or a pair of hands used to hard work.

For fifty-two years, first as a teacher and Associate Pastor, then for twenty-nine years as pastor, and for the past ten years as the parish's "Senior Statesman", Father Roberto Balducelli—"Father Robert" to everyone in Wilmington—has been the man who makes things happen. He is responsible for the building of St. Anthony's Grammar School, the Parish House and Rectory, the Padua Academy, and the Antonian. He was the founder of the community center which now bears his name, and initiated the St. Anthony's festival, which has become one of the premier social events for families of all faiths in the Wilmington area. He is a living legend, known and respected by Delawareans who have never set foot in his church but who share his love for our city and its people, and yet for all of his success in working with the leaders of Delaware industry, commerce, and government, he has never left the working-class community to which he came from Italy a half-century ago. Twenty years ago, he was chosen by Delaware's largest newspaper, The News Journal as one of ten outstanding Delawareans—and he has been building upon that legacy for two decades since. Since his "retirement" in 1988, he has continued his efforts to develop recreational facilities for young people bringing youngsters from the city out into the country to enjoy the outdoors and share in the spirituality and enjoyment of God's natural creations. Those efforts would tax the energy of a dozen people half his age, but for Father Robert, it is simply a continuation of his tireless energy on behalf of his flock. He is truly one of Delaware's living treasures.

These three individuals, plus the thousands of parishioners and staff who have worked so hard with them over the years, epitomize the old idea that a church is a vital part of the community, not just on Sundays, but every day in many ways to everyone in the community. Their spirit is the spirit that has sustained St. Anthony's parish for seventy-five years, and hopefully will sustain the parish and its parishioners for many years to come.

I am honored to have the opportunity to salute that spirit and commend St. Anthony's Parish as they embark upon their seventy-fifth year doing God's work in Wilmington.•

POISON CONTROL CENTERS

• Mr. ABRAHAM. Mr. President, I rise today in support of S. 1862, the "Poison Control Center Enhancement and Awareness Act." I believe this legislation is crucial to our effort to protect Americans, and American children in particular, from the tragic effects of accidental poisoning, and I commend my colleague, Senator DEWINE, for his leadership on this issue.

Mr. President, more than 2 million times a year, poison control centers in the United States receive a report of a poisoning. On average that's almost 5,500 every day, over 225 every hour, and about 4 calls each and every minute. More than 90 percent of these poisonings happen in homes in Michigan and around the country, and over half of the poisoning victims are children under the age of 6.

The conveniences most of us take for granted can be dangerous for our children. The household cleaner we use to keep our counters and floors clean, the fertilizer that keeps our lawns green, the products we use to keep our yards and homes free of vermin, all can bring tragedy if they fall into the hands of an innocent child.

People in my own state of Michigan are lucky to have a regional poison control center conveniently located in Grand Rapids. There clearly is a need for this office, which handles approximately 50,000 calls a year and has taken over 800,000 calls since opening its doors in 1977. Like other poison control centers, the one in Grand Rapids deals mostly with accidents involving children under age 6.

As the parents of three children, all of them under age 6, my wife Jane and I have become deeply disturbed about these sky-high poisoning statistics. Because of this concern, we have gotten involved in an effort to strengthen existing and future poison control centers and to set up a 1-800 toll-free hotline. We also want to help establish a national media campaign to make people aware of the availability of poison control resources in their communities.

That is why I am proud to be cosponsoring the "Poison Control Center Enhancement and Awareness Act." This legislation would: establish a toll-free number to make sure that all Americans have access to poison control services; implement a nationwide media campaign to educate the public and health care providers about poison prevention and to advertise the new, nationwide toll-free number; and establish a grant program to help certified poison control centers prevent and provide treatment recommendations for poisonings. The total amount of grant funds available will be $25 million each year from 1999 to 2001. These funds can be used to supplement other Federal, State, local or private funds.

Mr. President, too many of our children stumble across dangerous chemicals right in their own homes. Too many of them suffer often tragic consequences when they unknowingly ingest these poisons. I believe we should do everything we can to see to it that our children do not suffer in this way. At very small cost, the "Poison Control Center Enhancement and Awareness Act" will provide increased access to poison control centers and help people who are trying to prevent and treat poisoning.

I urge my colleagues to support this important legislation.•

THE DAIRY REFORM ACT OF 1998

• Mr. FEINGOLD. Mr. President, today I rise in support of S. 1982, the Dairy Reform Act of 1998, introduced by my colleague from Minnesota, Senator ROD GRAMS. The Federal Dairy Program was developed in the 1930's, when the Upper Midwest was seen as the primary reserve for additional supplies of milk. The idea was to encourage the development of local supplies of fluid milk in areas of the country that had not produced enough to meet local needs. Six decades ago, the poor condition of the American transportation infrastructure and the lack of portable refrigeration technology prevented Upper Midwest producers from shipping fresh fluid milk to other parts of the country. Therefore, the only way to ensure consumers a fresh local supply of fluid milk was to provide dairy farmers in those distant regions with a boost in milk price large enough to encourage local production—that higher price referred to as the Class I differential. Mr. President, the system worked well—too well. Wisconsin is no longer this country's largest milk producer. This program has outlived its necessity and is now working only to shortchange the Upper Midwest, and in particular, Wisconsin dairy farmers.

The Dairy Reform Act of 1998 is very simple. It establishes that the minimum Class I price differential will be the same, $1.80/hundredweight, for each marketing order. As many of you know, the price for fluid milk increases at a rate of approximately 21 cents per 100 miles from Eau Claire, WI. Fluid milk prices, as a result, are nearly $3 higher in Florida than in Wisconsin, more than $2 higher in New England, and more than $1 higher in Texas. This bill ensures that the Class I differentials will no longer vary according to an arbitrary geographic measure—like the distance from Eau Claire, Wisconsin. No longer will the system penalize producers in the Upper Midwest with an archaic program that outlived its purpose years ago. This legislation identifies one of the most unfair and unjustly punitive provisions in the current system, and corrects it. There is no substantive, equitable justification to support non-uniform Class I differentials in present day policy.

USDA's Federal Milk Marketing Order reform proposal is currently being considered. It is long past the time to set aside regional bickering and address the problems in both options presented under the proposed rule. The Dairy Reform Act of 1998 will not adversely affect the modest reform of Option 1B as offered by Secretary Glickman. It will take Option 1B a step further and lead the dairy industry into a more market oriented program. Also producers will still be able to receive payment for transportation costs and over-order premiums. This measure would finally bring fairness to an unfair system. With this bill we will send a clear message to USDA and to Congress that Upper-Midwest dairy farmers will never stop fighting this patently unfair federal milk marketing order system. After over 60 years of struggling under this burden of inequality, Wisconsin's dairy industry deserves more; it deserves a fair price.•

TRIBUTE TO ROBERT T. STAFFORD ON HIS WORK FOR THE VERMONT RED CROSS

• Mr. JEFFORDS. Mr. President, I rise today to pay tribute to retired U.S. Senator Bob T. Stafford. The Central Vermont-New Hampshire Valley Chapter of the American Red Cross is honoring Bob with its most prestigious award at a dinner to be held at the Capitol Plaza Hotel in Montpelier, Vermont on May 7, 1998. He will receive the Chapter's Volunteer of the Year Award, in recognition for his six years of service on the Board of Directors and his sterling leadership of the its capital campaign, "Building for the 21st Century."

Bob was elected to the Board of Directors in 1992, and has served on a number of committees, including financial development and the executive committees, as well as chair of the capital campaign committee. He led the last committee by identifying and acquiring major lead gift pledges for the $1 million campaign, initiated in 1997.

Before joining the Red Cross Chapter's Board, he provided leadership for several significant disaster fund-raising campaigns, including the effort to raise funds to support recovery operations during the 1992 flood that ravaged downtown Montpelier. He was also honorary chair of several special events to raise funds to support the operating expenses of the Chapter.

In addition to these honors, the Chapter is hosting the dinner as a celebration and recognition of the longtime service of the state of Vermont. Bob has served the state of Vermont as Attorney General, Lieutenant Governor, Governor, U.S. Representative and U.S. Senator. His name is now revered by college students throughout the country for his development and support of legislation creating student loans and his leadership in efforts to preserve the environment. His support of vocational education is memorialized in his home town of Rutland, where the Stafford Technical Center serves the needs of hundreds of Rutland County students.

His name is also affixed to the Robert T. Stafford Disaster Relief Act, which allows various federal agencies to make preliminary advance preparations in response to disasters before their official declarations.

I am pleased that my friend and former colleague is being recognized for this longstanding efforts in support of the community. Bob represents the best of Vermont and has set the example we should all strive to emulate.•

IN APPRECIATION OF SERVICE

• Mr. ASHCROFT. Mr. President, I rise today to extend appreciation to Anne Feygina for her service as an intern in my office during the Spring of 1998.

Since I was elected in 1994, my staff and I have made a pledge of service, commitment, and dedication. We dedicate ourselves to principled public policy. We believe that Americans are endowed by their Creator with certain unalienable Rights, and among these are life, liberty, and the pursuit of happiness. The power we exercise is granted by Missourians and the American people; we serve to secure their rights. We also dedicate ourselves to quality service. America's future will be determined by the character and productivity of our people. In this respect, we seek to lead by our example. We strive to lead with humility and honesty. We will work with energy and spirit. We will represent the American people with loyalty and integrity. Our standard of productivity is accuracy, courtesy, efficiency, integrity, validity, and timeliness.

It is with much appreciation that I recognize Anne's contribution to our effort to fulfill this pledge and to serve all people by whose consent we govern.•

IN APPRECIATION OF SERVICE

• Mr. ASHCROFT. Mr. President, I rise today to extend appreciation to Neil Kulkarni for his service as an intern in my office during the Spring of 1998.

Since I was elected in 1994, my staff and I have made a pledge of service, commitment, and dedication. We dedicate ourselves to principled public policy. We believe that Americans are endowed by their Creator with certain unalienable Rights, and among these are life, liberty, and the pursuit of happiness. The power we exercise is granted by Missourians and the American people; we serve to secure their rights. We also dedicate ourselves to quality service. America's future will be determined by the character and productivity of our people. In this respect, we seek to lead by our example. We strive to lead with humility and honesty. We will work with energy and spirit. We will represent the American people with loyalty and integrity. Our standard of productivity is accuracy, courtesy, efficiency, integrity, validity, and timeliness.

It is with much appreciation that I recognize Neil's contribution to our effort to fulfill this pledge and to serve all people by whose consent we govern.•

IN APPRECIATION OF SERVICE

• Mr. ASHCROFT. Mr. President, I rise today to extend appreciation to Scott Borger for his service as an intern in my office during the Spring of 1998.

Since I was elected in 1994, my staff and I have made a pledge of service, commitment, and dedication. We dedicate ourselves to principled public policy. We believe that Americans are endowed by their Creator with certain unalienable Rights, and among these are life, liberty, and the pursuit of happiness. The power we exercise is granted by Missourians and the American people; we serve to secure their rights. We also dedicate ourselves to quality service. America's future will be determined by the character and productivity of our people. In this respect, we seek to lead by our example. We strive to lead with humility and honesty. We will work with energy and spirit. We will represent the American people with loyalty and integrity. Our standard of productivity is accuracy, courtesy, efficiency, integrity, validity, and timeliness.

It is with much appreciation that I recognize Scott's contribution to our effort to fulfill this pledge and to serve all people by whose consent we govern.•

IN APPRECIATION OF SERVICE

• Mr. ASHCROFT. Mr. President, I rise today to extend appreciation to Nikhil Patel for his service as an intern in my office during the Spring of 1998.

Since I was elected in 1994, my staff and I have made a pledge of service, commitment, and dedication. We dedicate ourselves to principled public policy. We believe that Americans are endowed by their Creator with certain unalienable Rights, and among these are life, liberty, and the pursuit of happiness. The power we exercise is granted by Missourians and the American people; we serve to secure their rights. We also dedicate ourselves to quality service. America's future will be determined by the character and productivity of our people. In this respect, we seek to lead by our example. We strive to lead with humility and honesty. We will work with energy and spirit. We will represent the American people with loyalty and integrity. Our standard of productivity is accuracy, courtesy, efficiency, integrity, validity, and timeliness.

It is with much appreciation that I recognize Nikhil's contribution to our effort to fulfill this pledge and to serve all people by whose consent we govern.•

IN APPRECIATION OF SERVICE

• Mr. ASHCROFT. Mr. President, I rise today to extend appreciation to Mandy Piper for her service as an intern in my office during the Spring of 1998.

Since I was elected in 1994, my staff and I have made a pledge of service, commitment, and dedication. We dedicate ourselves to principled public policy. We believe that Americans are endowed by their Creator with certain unalienable Rights, and among these are life, liberty, and the pursuit of happiness. The power we exercise is granted by Missourians and the American people; we serve to secure their rights. We also dedicate ourselves to quality service. America's future will be determined by the character and productivity of our people. In this respect, we seek to lead by our example. We strive to lead with humility and honesty. We will work with energy and spirit. We will represent the American people with loyalty and integrity. Our standard of productivity is accuracy, courtesy, efficiency, integrity, validity, and timeliness.

It is with much appreciation that I recognize Mandy's contribution to our effort to fulfill this pledge and to serve all people by whose consent we govern.•

IN APPRECIATION OF SERVICE

• Mr. ASHCROFT. Mr. President, I rise today to extend appreciation to Bethany Cooper for her service as an intern in my office during the Spring of 1998.

Since I was elected in 1994, my staff and I have made a pledge of service, commitment, and dedication. We dedicate ourselves to principled public policy. We believe that Americans are endowed by their Creator with certain unalienable Rights, and among these are life, liberty, and the pursuit of happiness. The power we exercise is granted by Missourians and the American people; we serve to secure their rights. We also dedicate ourselves to quality service. America's future will be determined by the character and productivity of our people. In this respect, we seek to lead by our example. We strive to lead with humility and honesty. We will work with energy and spirit. We will represent the American people with loyalty and integrity. Our standard of productivity is accuracy, courtesy, efficiency, integrity, validity, and timeliness.

It is with much appreciation that I recognize Bethany's contribution to our effort to fulfill this pledge and to serve all people by whose consent we govern.●

IN APPRECIATION OF SERVICE

● Mr. ASHCROFT. Mr. President, I rise today to extend appreciation to Gavin Gilmore for his service as an intern in my office during the Spring of 1998.

Since I was elected in 1994, my staff and I have made a pledge of service, commitment, and dedication. We dedicate ourselves to principled public policy. We believe that Americans are endowed by their Creator with certain unalienable Rights, and among these are life, liberty, and the pursuit of happiness. The power we exercise is granted by Missourians and the American people; we serve to secure their rights. We also dedicate ourselves to quality service. America's future will be determined by the character and productivity of our people. In this respect, we seek to lead by our example. We strive to lead with humility and honesty. We will work with energy and spirit. We will represent the American people with loyalty and integrity. Our standard of productivity is accuracy, courtesy, efficiency, integrity, validity, and timeliness.

It is with much appreciation that I recognize Gavin's contribution to our effort to fulfill this pledge and to serve all people by whose consent we govern.●

IN APPRECIATION OF SERVICE

● Mr. ASHCROFT. Mr. President, I rise today to extend appreciation to Joshua Summers for his service as an intern in my office during the Spring of 1998.

Since I was elected in 1994, my staff and I have made a pledge of service, commitment, and dedication. We dedicate ourselves to principled public policy. We believe that Americans are endowed by their Creator with certain unalienable Rights, and among these are life, liberty, and the pursuit of happiness. The power we exercise is granted by Missourians and the American people; we serve to secure their rights. We also dedicate ourselves to quality service. America's future will be determined by the character and productivity of our people. In this respect, we seek to lead by our example. We strive to lead with humility and honesty. We will work with energy and spirit. We will represent the American people with loyalty and integrity. Our standard of productivity is accuracy, courtesy, efficiency, integrity, validity, and timeliness.

It is with much appreciation that I recognize Joshua's contribution to our effort to fulfill this pledge and to serve all people by whose consent we govern.●

IN APPRECIATION OF SERVICE

● Mr. ASHCROFT. Mr. President, I rise today to extend appreciation to Jenny Behm for her service as an intern in my office during the Spring of 1998.

Since I was elected in 1994, my staff and I have made a pledge of service, commitment, and dedication. We dedicate ourselves to principled public policy. We believe that Americans are endowed by their Creator with certain unalienable Rights, and among these are life, liberty, and the pursuit of happiness. The power we exercise is granted by Missourians and the American people; we serve to secure their rights. We also dedicate ourselves to quality service. America's future will be determined by the character and productivity of our people. In this respect, we seek to lead by our example. We strive to lead with humility and honesty. We will work with energy and spirit. We will represent the American people with loyalty and integrity. Our standard of productivity is accuracy, courtesy, efficiency, integrity, validity, and timeliness.

It is with much appreciation that I recognize Jenny's contribution to our effort to fulfill this pledge and to serve all people by whose consent we govern.●

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appoints the Senator from Rhode Island (Mr. REED), At Large, to the Board of Visitors of the U.S. Military Academy.

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appoints the following Senators to the Board of Visitors of the U.S. Naval Academy:

The Senator from Maryland (Ms. MIKULSKI), from the Committee on Appropriations, and the Senator from Maryland (Mr. SARBANES), At Large.

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appoints the following Senators to the Board of Visitors of the U.S. Air Force Academy:

The Senator from South Carolina (Mr. HOLLINGS), from the Committee on Appropriations, and the Senator from Georgia (Mr. CLELAND), At Large.

AUTHORIZING THE PRINTING OF MINUTES OF PARTY CONFERENCES

Mr. COATS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 219, submitted earlier today by Senators MACK and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 219) authorizing the printing of the minutes of the Senate Republican and Democratic Party conferences.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. COATS. Mr. President, I ask unanimous consent that the resolution be agreed to, that the preamble be agreed to, and that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 219) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 219), with its preamble, reads as follows:

S. RES. 219

Whereas the Senate Republican and Democratic Conferences have maintained minutes of their meetings since the earliest years of this century;

Whereas the Advisory Committee on the Records of Congress recommends that the portions of those minutes at least 30 years old be published; and

Whereas the minutes of the Senate Party Conferences offer rich documentation of the Senate's institutional development during the first two-thirds of the 20th century: Now, therefore, be it

Resolved,

SECTION 1. PRINTING OF THE MINUTES OF THE REPUBLICAN CONFERENCE, 1911-1964.

(a) IN GENERAL.—There shall be printed as a Senate document the book entitled "Minutes of the Senate Republican Conference, 1911-1964", prepared by the Senate Historical Office under the supervision of the Secretary of the Senate, with the concurrence of the United States Senate Republican Conference.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the Joint

Committee on Printing after consultation with the Secretary of the Senate.

(c) NUMBER OF COPIES.—In addition to the usual number of copies, there shall be printed with suitable binding the lesser of—

(1) 1,000 copies for use of the Senate, to be allocated as determined by the Secretary of the Senate; or

(2) a number of copies that does not have a total production and printing cost of more than $1,200.

SEC. 2. PRINTING OF THE MINUTES OF THE DEMOCRATIC CONFERENCE, 1903–1964.

(a) IN GENERAL.—There shall be printed as a Senate document the book entitled "Minutes of the Senate Democratic Conference, 1903–1964", prepared by the Senate Historical Office under the supervision of the Secretary of the Senate, with the concurrence of the United States Senate Democratic Conference.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the Joint Committee On Printing after consultation with the Secretary of the Senate.

(c) NUMBER OF COPIES.—In addition to the usual number of copies, there shall be printed with suitable binding the lesser of—

(1) 1,000 copies for the use of the Senate, to be allocated as determined by the Secretary of the Senate; or

(2) a number of copies that does not have a total production and printing cost of more than $1,200.

THE 50TH ANNIVERSARY OF THE FOUNDING OF ISRAEL

Mr. COATS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 102, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A joint resolution (H. J. Res. 102) expressing the sense of the Congress on the occasion of the 50th anniversary of the founding of the modern State of Israel and reaffirming the bonds of friendship and cooperation between the U.S. and Israel.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BIDEN. Mr. President, I would like to recount a little history—a history I'm sure many are familiar with. One hundred years ago last August, the first World Zionist Congress convened in the Swiss city of Basel. Although the gathering attracted little attention at the time, what transpired then would forever change the course of Jewish history, and indeed world history.

What later came to be known as the Basel Program stated quite simply that the aim of Zionism was "To create for the Jewish people a home in Palestine secured by public law."

With that simple proposition, the delegates at the first Congress formally set into motion the Jewish national liberation movement. It would mean the fulfillment of a spiritual yearning that had remained unrealized for over two millennia.

At the conclusion of the conference, Theodor Herzl recorded a prescient entry in his diary:

> In Basel, I founded the Jewish state. If I were to say this aloud I would meet with laughter; but in another five years, and certainly in another fifty years, everyone will be convinced of this.

From the distance of a hundred years, I can say we are convinced.

Of course, it took fifty years of sacrifice—and a world shamed by the Holocaust—before Herzl's dream of a Jewish homeland became a reality. But it happened, and tomorrow we celebrate fifty years of Israeli independence.

In that short span of time, Israel has become the beacon of hope for Jews the world over. It has successfully absorbed wave after wave of immigrants from every corner of the globe. It has built a thriving economy larger than the economies of all its immediate neighbors combined. It is the sole democracy in a region where dictatorships and monarchies are the norm. It excels in science, technology, and culture far out of proportion to its small population.

In short, the Jewish people have, after long tribulation, taken their rightful place among nations. And Israel has become a symbol to all of us.

The very fact that Israel exists means that Jews will never again be at someone else's mercy. They are masters of their destiny. Israel is the tangible expression of the solemn vow we made after the Holocaust—"Never Again."

Never again will Jews be powerless. Never again will they have to rely upon the mercy and goodwill of an overlord. Never again will they have to watch helplessly as nearly half of their people is exterminated. Put simply, Israel symbolizes the restoration of Jewish independence and dignity.

Nearly a quarter century ago as a junior Senator on the Foreign Relations Committee, in my first official trip overseas, I made a formative journey to Israel. It was just after the Yom Kippur war—a war that vividly brought home Israel's vulnerability as well as the absolute necessity of an intimate U.S.-Israel relationship.

The lessons I learned on that journey have remained with me ever since. In the past twenty-five years, I have worked with six different Israeli Prime Ministers and six different American Presidents. I have been twice in the majority party in the Senate and I am now in the minority for the second time.

But through it all, the United States relationship with Israel has remained a constant feature. It transcends individual leaders and political parties. It is not subject to the vagaries of international events. The bond between Israel and the United States is unbreakable.

This strategic and moral partnership between Israel and the United States has made possible the peace agreements between Israel and three former adversaries.

As Israel's enemies have seen that they cannot drive a wedge between our two countries, so they have come to recognize slowly but surely that Israel is here to stay.

I know that I speak for many of my colleagues when I say that the American commitment to Israel over the next 50 years will be just as reliable as it has been in Israel's first 50 years.

I urge my colleagues to support this joint resolution and I yield the floor.

Mr. DASCHLE. Mr. President, I am very pleased to join with Senator LOTT in sponsoring this resolution honoring the 50th anniversary of Israel's founding.

I had the privilege of speaking last week at the U.S. Holocaust Memorial Founders Reunion in Washington. In my remarks, I quoted from one of the sages of the Torah, who told us more than 200 years ago that God could have created plants that would grow into loaves of bread. Instead, He created wheat for us to grow and mill and transform into bread.

Why?

Because He wanted us to be able to take part in the miracle of creation.

And, just as the founders of the Holocaust Museum can take pride in their contribution to the creation of that memorial, so too can Israelis take great pride in their contributions to the creation of the modern State of Israel.

In my remarks to the Holocaust Museum founders, I also cited Elie Wiesel's view that: "Survivors are understood by survivors only. They speak in code. All outsiders could do was come close to the gates."

That is what the Holocaust Memorial Museum allows us to do: to come close to the gates; to see; to grieve; and, finally, to learn, so that we can pass the knowledge on, from generation to generation, about what can happen when intolerance and hatred are allowed to spread unchecked.

One of the greatest benefits of the Holocaust Museum is that it helps its millions of visitors understand why there must be an Israel. The Holocaust Museum is evidence of the fact that out of the unspeakable horror of the Holocaust has come the miracle of the creation of the State of Israel to provide a homeland for Jews around the world. Out of this tragedy has come the modern-day State of Israel, the 20th century version of the 3,000-year old historic Kingdom of Israel.

We are introducing this resolution today to celebrate and commemorate the 50th anniversary of Israel's founding and to offer the Senate's congratulations on reaching this important landmark.

Mr. President, fifty years is not considered long relative to the lifespan of an England, a China or an India. In the case of Israel, however, it is an eternity when we factor in the obstacles it has faced during these fifty years.

Throughout its existence, Israel has faced an array of enemies dedicated to its destruction. It has been forced to fight six wars, battle against countless terrorist acts, survive economically in the face of widespread economic boycotts, and make its way in the world despite international criticism against it.

This resolution commemorates not only Israel's ability to survive these odds, but also its ability to thrive and prosper in the face of these constraints and to maintain its adherence to democracy and the rule of law. Israel today is a dynamic, vibrant society committed to the same values and principles as the United States.

Another important reason we are offering this resolution is to reiterate the strength of the partnership between the U.S. and Israel—a partnership based on shared values, interests and goals. Israel is a trusted ally and an important strategic partner.

I would like to make the resolution's four resolved clauses part of my statement offering my best wishes to Israel on this important occasion.

The measure resolves that the United States recognizes the historic significance of the fiftieth anniversary of the re-establishment of the sovereign and independent modern State of Israel.

It commends the people of Israel for their remarkable achievements in building a new state and a pluralistic democratic society in the Middle East in the face of terrorism, hostility and belligerence by many of her neighbors.

It reaffirms the bonds of friendship and cooperation which have existed between the United States and Israel for the past half-century and which have been significant for both countries.

And it extends the warmest congratulations and best wishes to the State of Israel and her people for a peaceful and prosperous and successful future.

Mr. President, I urge all Senators to join me in sending our congratulations to Israel on this noteworthy day.

Mr. KERREY. Mr. President, I rise today to offer my congratulations on the upcoming 50th Anniversary of the founding of the state of Israel. Throughout Israel and the United States, people will gather together to commemorate this anniversary, to reflect upon the accomplishments of the Israeli people, and to look forward to the new millennium.

Not unlike the founding of our own nation, a small group of leaders gathered in the Tel Aviv Museum at 4:00 on May 14, 1948 to realize a dream by formally declaring the creation of the state of Israel. Few Americans may be aware that within 11 minutes of that declaration, President Harry Truman had taken the necessary steps to offer formal diplomatic recognition to this new nation, making the United States the first nation to recognize Israel as a sovereign state. From that point, the United States and Israel cemented a friendship based on our common bonds: from cultural and religious ties to a mutual belief in the power of democracy to the assurance of a peaceful, prosperous future.

Each time I have visited Israel, I have been impressed with the hope for the future expressed by her people. This hope exists despite the challenges Israel has faced from the moment of its creation. In many ways, I believe these challenges have helped the Israeli people create a society that serves as an example to all nations.

It is a society based on democracy. In a region where the seeds of democracy have not fully taken root, Israel has a vibrant democracy with strong public participation. It is a prosperous society. Despite a wide variety of economic challenges, Israel's economy has grown to the point where per capita income rivals that of most Western nations. Finally, it is a society based on opportunity. Like our own country, Israel is a nation of immigrants. It is a nation that has gathered people from around the world with the promise of political and religious freedom.

Today, Israel continues to face challenges as it prepares to move into the 21st Century. As the people of Israel seek to achieve economic independence, ensure their security, and create a lasting peace with their neighbors, they do so with the assurance of the continued strong relationship with the United States.

Mr. President, the words Prime Minister David Ben-Gurion delivered in his address to a new nation still ring true today:

> Whatever we have achieved is the result of the efforts of earlier generations no less than our own. It is also the result of unwavering fidelity to our precious heritage, the heritage of a small nation that has suffered much, but at the same time has won for itself a special place in the history of mankind because of its spirit, faith, and vision.

Mr. President, again, I offer my congratulations to the people of Israel on this 50th Anniversary. We share with them the bond of democracy and the hope of a peaceful and prosperous future.

Mr. COATS. Mr. President, I ask unanimous consent that the joint resolution be considered as read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The preamble was agreed to.

The joint resolution (H.J. Res. 102) was passed.

ORDERS FOR THURSDAY, APRIL 30, 1998

Mr. COATS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. on Thursday, April 30. I further ask that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then resume consideration of the Craig amendment numbered 2316 to the NATO enlargement treatment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Mr. President, I further ask that the time following the prayer until 12 noon be equally divided for debate on the Craig amendment; further, that at 12 noon the Craig amendment be temporarily set aside and the votes on or in relation to the amendment follow the two stacked rollcall votes previously ordered to occur at approximately 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COATS. Mr. President, for the information of all Senators, tomorrow morning at 11 a.m. the Senate will resume consideration of the Craig amendment numbered 2316 to the NATO enlargement treaty.

Under the previous order, at noon Senator MOYNIHAN will be recognized to offer an amendment under a 1-hour time agreement.

Following the debate on the Moynihan amendment, Senator WARNER will be recognized to offer an amendment under a 2-hour time agreement.

Following the debate on the Warner amendment, at approximately 3 p.m., at the conclusion of that debate, the Senate will proceed to three stacked rollcall votes.

The first vote will be on or in relation to the Moynihan amendment, followed by a vote on or in relation to the Warner amendment, followed then by a vote on or in relation to the Craig amendment.

As a reminder, a unanimous consent agreement was reached which limits the amendments to the NATO treaty. It is hoped that any Senator still intending to offer an amendment under the consent agreement will do so early tomorrow to allow the Senate to complete action on this important document by early tomorrow evening.

Also, if available, the Senate may consider the conference report to accompany the supplemental appropriations bill.

Therefore, Senators should expect rollcall votes throughout the Thursday session of the Senate.

Mr. President, that is an ambitious schedule. Senators are urged to be timely. Senators are urged, those who may have additional amendments to the NATO enlargement treaty, to make those amendments known to leadership, and hopefully reasonable time requests can be entered into. A number of Senators are making very important official business commitments for the weakend, and the more definite the plans can be about the schedule tomorrow, the more expeditiously those commitments can be undertaken.

ORDER FOR ADJOURNMENT

Mr. COATS. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order, following the remarks of Senator CONRAD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. CONRAD. I thank the Chair. I thank my colleague from Indiana as well.

EXECUTIVE SESSION

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND THE CZECH REPUBLIC

The Senate continued with the consideration of the treaty.

Mr. CONRAD. Mr. President, I rise in opposition to the resolution of ratification for NATO enlargement.

In my view, there are four questions that must be answered in the affirmative in order to support NATO expansion.

No. 1, are the risks to relations with Russia and arms control acceptable?

No. 2, are we sure what NATO expansion will cost and who will pay for it?

No. 3, has a compelling argument been made as to why expansion is necessary?

No. 4, are we certain that enlargement will not have perverse consequences, fostering instability in Eastern Europe and perpetuating the danger from Russia's tactical nuclear arsenal?

I am convinced, after thorough review, that the answers to these questions are all no.

I start with the observation of Mr. George Kennan, perhaps the foremost observer of U.S.-Russian relations. Mr. Kennan, who was, after all, the architect of the containment policy that proved so effective, said in a Newsday editorial on March 15 that, "Expanding NATO would be the most fateful error of American policy in the entire post-world war era."

Mr. President and colleagues, let me repeat. George Kennan, the architect of containment, said as recently as March 15 that, "Expanding NATO would be the most fateful error of American policy in the entire post-world war era."

That is a pretty serious statement by someone who has great credibility based on his record. He is not alone in that assessment. Former Senator Nunn, who enjoyed enormous respect on both sides of the aisle in this Chamber, has discussed a dangerous contradiction at the center of the argument for expansion, saying that while enlargement is intended to protect former Soviet satellites, nothing else is as likely to remilitarize Russia and endanger those very countries as NATO enlargement.

Senator Nunn is not alone. We are hearing from leaders in Russia their warnings to us not to proceed. I recently met—with a group of Senators and Members of the House of Representatives—with Alexi Arbatov, who is deputy chairman of the Duma's defense committee. He told us, "If you proceed with NATO enlargement, you are handing a powerful issue to the radicals in Russia. You are energizing the extreme nationalists in Russia, and you are weakening the forces for democracy."

Mr. President, we should not lightly dismiss the warnings of committed democrats in Russia like Alexi Arbatov and others who have given us similar warnings. I think it says a great deal that the primary architects of American strategy during the cold war, George Kennan and Paul Nitze, have cautioned the Senate against ratification and NATO expansion.

Nearly 50 years ago, as successive heads of the State Department's policy planning staff during the Truman Administration, Kennan and Nitze understood that containment of the Soviet Union was critically important to the free world. Today, they have told us that NATO expansion is a mistake.

I believe the stakes are very high. Remilitarization in Russia is a serious threat. Avoiding this outcome should be our priority, not enlarging NATO.

The first casualty of our expansion of NATO may very well be progress on arms control. I know that many of my colleagues do not like to be in a position where it seems the Senate's decisions about foreign policy are dependent on reaction in Russia. It smacks of blackmail. The problem with this thinking is that it assumes that something we need is being held hostage.

As I have discussed, there simply is no compelling argument for why we must expand NATO. Therefore, to risk relations with Russia and arms control are not acceptable. The Duma's expeditious ratification of START II should be our priority. In pursuing our national interest we are in no way giving in to Russian blackmail.

I might add it is not just a question of START II ratification, but it is also clearly in our national interest to make a priority of reducing the threat from the tactical nuclear weapons that are in the Russian arsenal.

By rejecting NATO enlargement, we would simply be choosing not to embark on a dangerous and unjustified course of enlarging NATO and would avoid making a terrible mistake in the course of U.S.-Russian relations.

The second point I think needs to be made is that NATO enlargement brings unknown costs. The case for enlargement becomes increasingly suspect when we look at questions related to the costs and who will bear them.

I direct the attention of my colleagues to a chart on the various estimates that have been issued with respect to the cost of NATO enlargement. The Congressional Budget Office issued an estimate of $21 billion to $125 billion. The Rand Corporation said the cost would be $10 billion to $110 billion. The first Clinton administration estimate was $27 billion to $35 billion. NATO itself has put a price tag of $1.5 billion on expansion. And the second Clinton administration estimate was $1.5 billion.

You talk about a wide-ranging estimate. We have anywhere from $1.5 billion to $125 billion. I do not know where the truth lies. I am a member of the Budget Committee, as is the distinguished occupant of the Chair. I think it is fair to say that none of us has a truly credible estimate with respect to the cost of NATO enlargement.

This takes me to another key question. Who is going to pay this tab? I think all of us know these estimates are probably far off the mark. They probably understate in a very serious way the potential costs of NATO enlargement.

The third main point that must be made with regard to NATO enlargement is that no compelling argument for expansion has been made. What is the military threat that we are encountering? After all, NATO is a military alliance. What threat are we defending against by expanding NATO? I see no immediate Russian threat to the Czech Republic, Hungary, or Poland.

We must remember that article V of the North Atlantic Charter states clearly that an attack on any one member nation is to be considered an attack on all. The test for extension of such a guarantee ought to be simple and clear. We must be convinced that the safety of the American people is directly tied to the security of the country in question, and therefore we must defend that country as we would our own. That must be the test.

Clearly, Western Europe's freedom from Soviet domination was central to the survival of our country and of the free world. Article V deterred Moscow by sending an unmistakable message that a Soviet move against Bonn, West Germany, would have been resisted as would an attack on Bismarck, North Dakota. But nearly 10 years after the fall of the Berlin Wall, the Russian army weakened and greatly reduced, and warning times dramatically expanded, I fail to understand why it is immediately imperative that we provide that same guarantee to Budapest, Hungary.

Mr. President, what is our national interest? That is the question before this body. I believe the overarching priority is to further reduce nuclear weapons that are in the Russian arsenal. And the question before the Senate is whether NATO enlargement will slow down the progress towards arms control or will speed it up.

I don't think there is any question that there exists in expanding NATO a clear risk to this true priority. The overwhelming likelihood is that the U.S. vital interest, which is in reducing the threat from the Russian nuclear arsenal, will be harmed. Expanding NATO is not in our interest.

Mr. President, concern about possible instability in Eastern Europe does not justify expansion of NATO. NATO is not the only vehicle for stability in Europe. Other options that deserve review include expansion of the European Union, or reworking the Partnership for Peace or the Organization for Security and Cooperation in Europe. Expansion of a military alliance is not our only option. In fact, it appears to this Senator that it is the worst option. I think the New York Times put it very well when it stated in a recent editorial: "There is simply no compelling security justification for NATO enlargement."

Fourth point: NATO expansion may have perverse consequences, increasing instability in Eastern Europe and perpetuating the danger from Russia's tactical nuclear arsenal. The impact of expansion on Eastern Europe and proliferation are perhaps the least studied of all aspects of this issue. But these are some of the most important concerns. After all, stability in Eastern Europe and the safety of our country is why we are debating NATO enlargement on the Senate floor tonight.

I am very concerned that NATO enlargement could actually increase the danger in Eastern Europe. As former Senator Nunn has indicated, expansion could create the very danger from Russia that it is intended to prevent. Expanding NATO to foster stability could have the perverse result of increasing the danger to the former Soviet satellites that we decide not to include. By not including some countries while welcoming others, Russia might well conclude that some countries in Eastern Europe are less important to us than others, and therefore easier to intimidate. Let us not draw new lines in Eastern Europe without serious thought about their consequences.

NATO expansion may additionally drive remilitarization and arms buildups. We are asking Poland, Hungary and the Czech Republic to significantly increase their defense budgets. How can we expect their neighbors to respond? How can we expect Russia to respond? Just as the Russian extreme nationalists are predicting, it would appear that NATO expansion would have the effect of tipping the conventional balance in Europe even further against Russia.

This is what the Russian forces for democracy are warning us against. They are saying: "Don't you understand that if you proceed with NATO enlargement, those who are the most radical elements in Russia, those who are the extreme nationalists, will seize on this and they will look to the capability of this expanded military alliance and they will say the capability of NATO is to put tanks on our border?"

We will answer, in the United States: "But NATO is not an offensive military alliance; it is defensive in nature."

And those who are the extreme nationalists and the radicals in Russia will respond: "NATO says it is a defensive alliance, but why are they putting tanks on our border? We don't know what the long-term intentions of NATO are," they will argue, "but we do know NATO's capability—and that capability is to put tanks on our border."

How will that be used politically in Russia? How will that be used in a post-Yeltsin era? Will it strengthen the hardliners and those who argue for remilitarization? Or will it strengthen the forces for democracy and a market economy? I do not think it takes any great analysis to figure out the result in Russia or how it will be used politically. Those in Russia who argue for democracy, who argue for arms control and arms reductions, who argue for a market economy, they are warning us that we are weakening them, and that we are strengthening the forces for remilitarization.

Mr. President, I also believe NATO enlargement could perpetuate the danger from Russia's tactical nuclear arsenal. According to General Habiger, the Commander of U.S. Strategic Command, Russia has 7,000 to 12,000 tactical nuclear weapons. That bears repeating: Russia has 7,000 to 12,000 tactical nuclear weapons. The United States today has approximately 1,600. What is going to happen with Russia's tactical nuclear stockpile if NATO expansion goes forward? What will Russia's decisionmaking be about their huge advantage in tactical nuclear weapons?

I am concerned that NATO expansion will hurt the prospect of an agreement on tactical nuclear arms because it will increase Russia's reliance on those very weapons. Russia already sees itself conventionally outmatched by NATO. It has abandoned its nuclear policy of no first use. NATO enlargement will simply increase their insecurity, making them less willing to part with their tactical nuclear weapons. This will mean it will be harder to reduce the threat of theft, sale, or unauthorized use of these weapons.

I will be addressing this issue with an amendment. But first, let me conclude on the question of NATO enlargement.

Mr. President, NATO expansion fails on the four tests that I outlined at the outset of my remarks, leading me to the following conclusions. First, the risks to relations with Russia and arms control are unacceptable. Second, we are not certain what NATO expansion will cost or who will pay for it. Third, there is no compelling argument for why expanding NATO is necessary, especially when there are other alternatives. And, fourth, there is ample reason to conclude that enlargement will have perverse consequences, increasing instability in Eastern Europe and perpetuating the danger from the Russian tactical nuclear arsenal.

Fortunately, it is not too late. Columnist Jim Hoagland in a column in the Washington Post last month said: "The Senate needs an extended debate, not an immediate vote."

Jim Hoagland has it right. We do need an extended debate. There should not be a rush to judgment. There are serious questions that should be answered.

The Senate, in my judgment, should not give in to the Cold War argument about American credibility being on the line. How many times have we seen that argument called up in this Chamber? When the arguments are weak on behalf of a decision that is already moving forward, we have colleagues who rush to the floor and say, "Oh, it might not be such a good idea, but America's credibility is on the line. Our President has made this commitment, and therefore we must go along to maintain American credibility."

I remember that argument being made in the Vietnam era. It wasn't a good argument then, and it is not a good argument now.

The better course, rather than moving to expand NATO, is to tell the administration we should, first, investigate alternatives to NATO enlargement, such as expansion of the European Union. Second, we should have a new round of hearings when the results of the studies that are required by this resolution are available. That, after all, was the recommendation of former Senators Sam Nunn and Howard Baker. And third, we ought to pursue arms control as our top priority.

As Professor Michael Mandelbaum of Johns Hopkins University has advised us: NATO expansion is at best a distraction from, and at worst a hindrance to, making progress on these issues.

Mr. President, I believe we ought to take Professor Mandelbaum's sound advice. Before we rush headlong into expanding NATO, we ought to think carefully about what is truly in our country's interests.

EXECUTIVE AMENDMENT NO. 2320

(Purpose: To encourage progress on reducing the threat posed by Russia's non-strategic nuclear arsenal)

Mr. CONRAD. Mr. President, on a related matter, I would like to at this point lay down my amendment, as provided for in the unanimous consent agreement.

Mr. President, as I have considered NATO enlargement, it seems to me to be clear we need to put the Senate on record during the NATO debate supporting cooperative efforts with the Russians to reduce the threat from Russia's tactical nuclear arsenal.

At the outset, allow me to emphasize that recent years have seen important progress on arms control. Reduced tensions with Moscow have allowed important treaties to be negotiated that have made the world a far safer place. One of the great successes has been the Intermediate-range Nuclear Forces Treaty. That agreement has eliminated an entire class of nuclear weapons, including the Pershing missiles that this body debated so intensely. The Conventional Forces in Europe treaty has markedly reduced tanks and artillery and armored vehicles in Europe. Two START accords have been negotiated, deeply cutting strategic nuclear forces.

Unfortunately, there have been no arms control treaties on tactical nuclear weapons.

Mr. President, this chart demonstrates the record on arms control. On conventional forces, the red bar shows eastern forces, which during the Cold War were part of the Warsaw Pact. The blue bar shows NATO forces. We can see on conventional forces sharp reductions in the treaty limited equipment of both the old Warsaw Pact and NATO. The same is true under the START accords—dramatic reductions on both sides in strategic systems.

But on tactical forces there has been no treaty. We don't know with any precision what has happened in the former Soviet Union. We don't know what their inventory is.

In 1991 the United States had more than 3,500 tactical weapons in Europe. The U.S.S.R. is estimated to have had around 15,000. In 1991, Presidents Bush and Gorbachev unilaterally pledged to withdraw most tactical nuclear weapons from Europe and begin dismantlement.

Since that time, this country has withdrawn all but around 400 tactical nuclear weapons from Europe, and dismantled all but about 1,600 of our tactical nuclear weapons in total.

The story on the Russian side has been very different. With the collapse of the Soviet empire and a 70 percent reduction in military spending, weapon dismantlement has slowed to a crawl. All former Soviet tactical nuclear weapons have been withdrawn to Russia and placed in storage, but today we don't know how many of those weapons Russia has.

The excellent Nunn-Lugar Program has helped the Russians round up and account for many of these weapons. The fact is, however, we don't know how many they retain.

That arsenal of tactical nuclear weapons is clearly a threat. Because there is not any arms control regime covering tactical nuclear weapons, we are not allowed to inspect, to assess the security of those tactical warheads, and determine their number.

Let's go to the second chart to highlight this point.

In 1991, it is estimated that the U.S.S.R. had 15,000 tactical nuclear weapons—15,000. We had in the range of 3,500 deployed in Europe. Today, we have just over 400 in Europe. But the Russians retain, according to the head of the U.S. Strategic Command, General Habiger, 7,000 to 12,000 tactical nuclear weapons. And yet, arms control agreements do not cover this category of weapons.

On strategic systems, we have come down on both sides, and have come down sharply. The same is true with regard to conventional forces in Europe. But regarding tactical nuclear weapons, there is an enormous disparity. Russia has in the range of 7,000 to 12,000 tactical nuclear weapons. We are down in the range of 400 tactical warheads in Europe, and approximately 1,600 in all.

The lack of a treaty means we have no guarantee that Russia's numbers will come down. The 7,000 to 12,000 tactical nuclear warheads inside Russia present the greatest threat of theft or sale of nuclear warheads in the world today. These constitute the greatest so-called "loose nuke" threat. We have reason to believe that the danger with those tactical warheads is greater than with strategic warheads because tactical weapons are not subject to the START accords. They are largely in storage, not deployed on missiles, bombers, and submarines where they are likely to be better protected.

A recent story in the Jerusalem Post indicated that Iran may have been able to purchase up to four former Soviet nuclear warheads earlier this decade. This report highlights an important danger. Terrorist use of one of these weapons would be devastating. A nuclear blast would make the Oklahoma City fertilizer bomb look like a firecracker. Today, many tactical nuclear warheads have yields that dwarf the device that destroyed Hiroshima in 1945.

Mr. President, this chart tells us something about terrorist use of a tactical nuclear warhead. It tells us how devastating it would be. The fertilizer bomb detonated in Oklahoma City two years ago had a destructive yield in the range of two one-thousandths of a kiloton. The so-called "fat man" atomic bomb that was dropped on Hiroshima, 13 kilotons. Smaller tactical weapons of today can be in the range of 10 kilotons. Some tactical nuclear weapons have been reported to be as small as a suitcase. Some larger tactical nuclear weapons can have a yield of more than 300 kilotons. And remember—Russia has 7,000 to 12,000 tactical nuclear warheads, devices that are not included in any arms control regime. We don't have an accounting. We don't have the accountability that comes with a formal inspection regime.

The threat from Russia's tactical nuclear arsenal is where we ought to be directing our attention. This is what ought to be our top priority. We endanger progress by moving to enlarge NATO at this time.

The other threat is one that has been highlighted by the United States Strategic Command. Strategic warhead levels would likely decline to around 2,250 under a START III accord. An 8-to-1 Russian advantage in tactical warheads becomes a major strategic concern in this environment. Let me direct the Senate's attention to this chart.

The strategic breakout danger has been referenced by some of our top military leaders. The United States, under a START III accord, would likely have 2,250 deployed strategic nuclear warheads. Russia would presumably have the same number. But look what happens on the tactical side. With tactical nuclear weapons, our arsenal would stand at around 1,500. Russia could still be at 7,000 to 12,000 tactical warheads, an enormous disparity. And that leads to a concern about strategic instability.

This is especially true in light of the fact that the distinction between tactical and strategic weapons has been disappearing. During the early years of the Cold War, large nuclear weapons with yields in the tens of megatons were needed. At that time, our ICBMs and other delivery systems were inaccurate enough that a massive bomb was needed to destroy a target. But as the accuracy of missiles increased, many large multimegaton bombs were replaced with strategic weapons with much smaller yields. Today, for example, the warheads on the MX—or Peacekeeper—have a yield of 350 kilotons.

As the next chart notes, this is in the range of many tactical nuclear weapons today.

During the cold war, many strategic weapons were in the range of 500 kilotons to 10 megatons. Today, tactical weapons can range from 10 kilotons to around 400 kilotons or more. Many of today's strategic weapons are in the range of 300 kilotons to 1 megaton.

So the difference in yield between strategic systems and tactical nuclear systems has been altered dramatically over time. There is much less of a distinction between the yield of strategic warheads and tactical warheads than in the past.

The implication is clear and disturbing. The 7,000 to 12,000 tactical warheads that General Habiger has said the Russians could have are taking on a strategic relevance. I think my colleagues would agree that a massive Russian superiority could be destabilizing.

My amendment would send a clear signal of Senate support for progress on reducing the threat from Russia's tactical nuclear arsenal. It supports the recommendation of General Habiger, the general charged with America's nuclear security, that future arms control initiatives should include tactical warheads.

Let's listen to America's nuclear commander. He says: "The Russians have anywhere from 7,000 to more than 12,000 of these nonstrategic nuclear weapons, and we need to bring them into the equation." This from General Eugene Habiger, Commander of the U.S. Strategic Command.

My amendment is simple and deserves the support of every Senator. Its purpose is to put the Senate on record in the context of the NATO debate as being concerned about the danger of "loose nukes." The strategic implications of Russia's arsenal are also critically important. We should continue to work cooperatively with the Russians to reduce this threat. I believe the dangers in this area require an increased emphasis if we are to be serious about arms control.

I am pleased to be joined by Senator BINGAMAN, the ranking member on the Strategic Forces Subcommittee of the Armed Services Committee, in offering this amendment.

Briefly, my amendment expresses the sense of the Senate that it would be advisable for future nuclear arms control agreements with the Russian Federation to address tactical nuclear weapons in Europe.

And second, the administration should work with the Russian Federation to increase transparency, exchange data, increase warhead security and facilitate weapons dismantlement.

My amendment contains a simple but important certification. Prior to deposit of the instruments of ratification, the administration shall certify to the Senate that, one, with regard to tactical nuclear weapons it is the policy of the United States to work with the Russian Federation to increase transparency, exchange data, increase warhead security and facilitate weapons dismantlement; and that two, discussions toward this end are underway with the Russian Federation.

The administration should be able to meet this certification with little difficulty based on current staff level discussions. Nevertheless, this provision puts the Senate on record and the administration on notice that the Senate is interested and concerned.

Finally, my amendment requires a report within 180 days after deposit of the instruments of ratification on the status of the Russian tactical nuclear arsenal, the threats associated with it, and plans to continue to work cooperatively with the Russian Federation on increasing transparency, exchanging data, increasing warhead security and facilitating weapons dismantlement.

These, Mr. President, ought to be our clear goals.

I also believe this amendment is timely and we need this statement now.

As Senator MOYNIHAN has discussed, Russian officials have said that in the face of an expanding NATO and dwindling Russian conventional forces, they will have to place greater reliance on nuclear weapons. That is a valid concern. Rushing to enlarge NATO could reduce Russia's willingness to cooperate on tactical nuclear arms. NATO expansion could perpetuate the risk of sale or theft of a "loose nuke" and Russia's massive lead over the United States in tactical warheads.

Even if the Senate approves NATO enlargement, we need to keep our eye on the ball. That ball is arms control. My amendment sends a clear and compelling signal to Moscow that we want to continue to work with them to reduce the threat in this area.

Mr. President, I believe there is nothing in this amendment that is a hazard to NATO enlargement. Although I personally oppose enlargement, I believe it would be a serious mistake for the Senate not to pass this amendment. I believe it should be approved.

Mr. President, I thank the Chair and I thank the staff for their patience. I thank my colleagues for this opportunity, and I hope they will support this amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for himself and Mr. BINGAMAN, proposes an executive amendment numbered 2320.

Mr. CONRAD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in section 3 of the resolution, insert the following:

( ) NON-STRATEGIC NUCLEAR WEAPONS—

(A) FINDINGS.—The Senate finds that

(i) the United States Strategic Command has estimated that the Russian Federation has between 7,000 and 12,000 non-strategic nuclear warheads, weapons that—unlike strategic systems—are not covered by any arms control accord;

(ii) the thousands of tactical nuclear warheads inside Russia present the greatest threat of sale or theft of a nuclear weapon in the world today;

(iii) with the number of deployed strategic warheads in the Russian and United States arsenals likely to be reduced to around 2,250 warheads under a START III accord, Russia's vast superiority in tactical nuclear warheads becomes a strategic concern;

(iv) the Commander in Chief of the United States Strategic Command has stated that future nuclear arms control agreements should address tactical nuclear weapons;

(v) statements from Russian officials that NATO enlargement would force Russia to rely more heavily on its nuclear arsenal have caused concern that NATO expansion could be an impediment to progress on tactical nuclear arms control; and,

(vi) the danger of theft or sale of a tactical nuclear warhead, and the destabilizing strategic implications of Russia's enormous lead in tactical nuclear weapons creates an urgent need for progress on increasing the security of Russia's tactical nuclear arsenal and working toward conclusion of a US-Russian agreement on tactical nuclear arms in Europe.

(B) SENSE OF THE SENATE.—It is the Sense of the Senate that

(i) it would be advisable for future nuclear arms control agreements with the Russian Federation to address non-strategic nuclear weapons in Europe; and,

(ii) the Administration should work with the Russian Federation to increase transparency, exchange data, increase warhead security, and facilitate weapon dismantlement.

(C) CERTIFICATION.—Prior to the deposit of the instruments of ratification, the Administration shall certify to the Senate that with regard to non-strategic nuclear weapons

(i) it is the policy of the United States to work with the Russian Federation to increase transparency, exchange data, increase warhead security, and facilitate weapon dismantlement; and,

(ii) that discussions toward these ends have been initiated with the Russian Federation.

(D) REPORT.—Not later than 180 days after the deposit of the instruments of ratification, the President shall submit a report to the Senate on the Russian Federation's non-strategic nuclear arsenal. This report shall include

(i) current data and estimates regarding the current numbers, types, yields, and locations of Russia's nonstrategic nuclear weapons;

(ii) an assessment of the extent of the current threat of theft, sale, or unauthorized use of such warheads;

(iii) a plan to work with the Russian Federation to increase transparency, exchange data, increase warhead security, and facilitate weapon dismantlement; and,

(iv) an assessment of the strategic implications of the Russian Federation's non-strategic arsenal.

Mr. CONRAD. I yield the floor.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in adjournment until 11 a.m., Thursday, April 30, 1998.

Thereupon, the Senate, at 7:52 p.m., adjourned until Thursday, April 30, 1998, at 11 a.m.

NOMINATIONS

EXECUTIVE NOMINATIONS RECEIVED BY THE SENATE APRIL 29, 1998:

DEPARTMENT OF STATE

MICHAEL CRAIG LEMMON, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ARMENIA.

RUDOLF VILEM PERINA, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MOLDOVA.

THE JUDICIARY

LYNETTE NORTON, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA VICE MAURICE B. COHILL, JR., RETIRED.

JEFFREY G. STARK, OF NEW YORK, TO BE A JUDGE OF THE UNITED STATES COURT OF INTERNATIONAL TRADE, VICE R. KENTON MUSGRAVE, RETIRED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ARCHIE J. BERBERIAN II, 4968

THE FOLLOWING NAMED RESERVE OFFICER FOR APPOINTMENT AS CHIEF OF THE AIR FORCE RESERVE UNDER TITLE 10, U.S.C., SECTION 8038:

To be chief of the air force reserve, united states air force

MAJ. GEN. JAMES E. SHERRARD III, 6641

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. RICHARD W. MIES, 4623

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF CHAPLAINS AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5142:

To be rear admiral

REAR ADM. (LH) ANDERSON B. HOLDERBY, JR., 9991

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT IN THE ARMY NURSE CORPS, MEDICAL SERVICE CORPS, ARMY MEDICAL SPECIALIST CORPS, AND VETERINARY CORPS (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C. SECTION 624, 531 AND 3064:

To be lieutenant colonel

EUGENE N. ACOSTA, 1003
*JULIA A. ADAMS, 2052
JAMES R. ALARCON, 9037
DONALD T ALBEE, JR., 4081
WANDA K. ALLENHUBERT, 9077
FRIDA G. ATWOOD, 7546
PAUL T. BARTONE, 7894
TIMOTHY E. BATEMAN, 7498
GASTON P. BATHALON, 7704
MICHAEL K. BAYLES, 2417
STEPHEN G. BEARDSLEY III, 9155
EDWARD B. BERNARD, 8781
JOHN A. BIRRER, 8470
DOUGLAS A. BOOM, 0720
CYNTHIA F. BROWN, 7649
MARK R. BRUINS, 2892
SCOTT A. BURGESS, 1254
JOYCE W. BURNS, 4265
HOWARD L. BURTNETT, 5595
VICKY CAMPBELLHEMMING, 6206
JAMES W. CARTWRIGHT, JR., 1424
PATRICE E. CHANDLER, 6742
*CATHY J. CHESS, 1132
MARK A. CHIN, 3251
MICHAEL S. CHURCH, 4654
ALLISON P. CLARK III, 7032
WAYNE W. CLARK, 6688
BRENDA C. CONWAY, 1777
KAYLENE M. CURTIS, 8360
*MARK K. DAVIS, 1581
PATRICK O. DEAN, 0943
JOHN B. DEVITA, 9287
BRIAN J. DICIANCIA, 7420
*HAROLD C. DICKENS, 1539
DENNIS D. DOYLE, 9034
THEODORE ECKERT III, 2118
JENNIFER M. ECTOR, 9871
CAROLYN A. EDDINGS, 0932
*CAROL L. EISENHAUER, 0327
ELEANOR M. FENNELL, 3985
HUBERT M. FISCHER, 0559
JOHN B. FOLEY, 1950
ELLEN E. FORSTER, 0905
DAVID E. FULBRIGHT, 1506
JOHN A. GIDDENS, 3984
PATRICIA L. GOGGINS, 2848
*DONALD L. GOODE, 0794
*PATRICIA A. GUSTAFSON, 5562
HOGSTON S. HAGA, 0136
*JIMAL B. HALES, 1041
JAMES R. HALLIBURTON, 6894
RONALD A. HAMILTON, 5014
DAN E. HARMS, 5922
CHRISTOPHER J. HARRINGTON, 2224
PATRICIA A. HARRINGTON, 7770
MARGARET A. HAWTHORNE, 9613
MARK W. HEGERLE, 2899
TERRENCE J. HEIDENREITER, 1932
JAMES R. HICKEY, 8472
ELIZABETH J. HIGGINS, 7417
MARK D. HINES, 5110
SHEILA A. HOBBS, 6811
ANN K. HOCHHAUSEN, 8206
*JOYCE A. HOHNER, 2675
RAY E. HORN, JR., 9074
STEVEN D. HUNTE, 3839
JEREMY P. HUTTON, 4538
NICHOLAS H. INMAN, 1543
ANNA R. IUNGERICH, 4173
LILLIAN L. JENNINGS, 7788
CAROLYN J. JOHNSON, 1614
ELIZABETH A. JOHNSON, 1307
ALAN E. JONES, 1015
TEMPSIE L. JONES, 7749
HYACINTH J. JOSEPH, 9220
RONALD S. KEEN, 0051
*DEBORAH J. KENNY, 0145
JULIA M. KIRK, 6859
CORNEL L. KITTELL, 6560
CAROL A. KORODY, 3788
TIMOTHY E. LAMB, 0756
VERGEL C. LAYAO, 9879
FRANCINE M. LEDOUX, 8010
*ROBERT J. LEE, 3240
CASSANDRA L. LEWIS, 3356
VASEAL M. LEWIS, 7515
STEPHEN W. LOMAX, 3942
ANGEL L. LUGO, 1735
GEORGE J. MAGNON, 3004
ROGER B. MARCIL, 0245
PAMLEA J. MARTIN, 0472
WENDY L. MARTINSON, 9921
MARK R. MASON, 2871
JILL E. MCCOY, 6318
*CLEM D. MC DUFFIE, 4317
JOANNE E. MC GOVERN, 1975
GREGORY A. MC KEE, 5900
FUJIO MC PHERSON, 6435
AWILDA MEEKS, 0447
ZIA A. MEHR, 3042
MARK G. MENSE, 8268
WILLIAM J. MIKLOSEY, JR., 2004
JAMES T. MILLER, 2405
SHIRLEY M. MILLER, 2593
CONSTANCE J. MOORE, 4825
MICHAEL L. MOORE, 4229
JOHN H. MORSE, 5712
OPHELIA MUNN, 2312
ULMONT C. NANTON, JR., 8482
WILLIAM F. NAUSCHUETZ, 0300
TIMOTHY A. NEWCOMER, 4768
DEBORAH M. NEWSOME, 4233
RICHARD A. NICHOLS, 9941
*RONNIE L. NYE, 3468
JEREMY L. OLSON, 3609
MARILYN E. OSBORNE, 6634
MARILOU D. OVERLA, 2724
*PATTI L. PALMER, 3740
WILLIAM R. PARLETT, JR., 4392
*ROSS H. PASTEL, 6741
ANGELA PEREIRA, 8134
MARK J. PERRY, 1827
DOUGLAS S. PHELPS, 1792
PEARL R. POPE, 9044
MARSHA A. PRINCE, 6354
PRISCILLA E. QUACKENBUSH, 1593
ANTONIO F. REYES, 3082
JAMES S. RICE, 3825
SALLY ROBERTSON, 3161
FRANKLIN D. ROWLAND, JR., 1818
RODGER J. RUDOLPH, 6604
*MICHAEL L. RUSSELL, 0469
PAULA J. RUTAN, 0787
DIANA L. RUZICKA, 3654
*PAUL W. SCHMIDT, 8659
*DEBRA D. SCHNELLE, 1098
EDWARD R. SCHOWALTER III, 7549
SUSAN M. SCHRETENTHALER, 9469
PETER J. SCHULTHEISS, 3211
*PATRICK G. SESTO, 9915
LAWRENCE E. SHAW, 1514
KEITH E. SICKAFOOSE II, 2173
ARLENE SIMMONS, 3512
JOHN C. SLATTERY, 6151
MARY E. SMITH, 9076
MICHAEL L. SMITH, 7614
STANLEY E. SMITH, 4892
*JAIME E. SORIA, 9211
*JEFFERY C. SPRINGER, 0857
FATEMEH T. STRITMATTER, 9673
VICKY L. THOMAS, 8898
SHERYL A. TOYER, 4340
DALE G. VANDERHAMM, 5043
DEBBIE J. VASUT, 9116
*MINNIE R. WALLER, 5303
ROBERT V. WARD, 6767
MARY A. WARREN, 1425
DIANE M. WEINBAUM, 1736
RANDY W. WEISHAAR, 3867
DAVID F. WEST, 8048
ANDREW C. WHELEN, 3243
JONI L. WILLIAMS, 5379
PATRICK O. WILSON, 5869
*JAMES E. YAFFE, 9881
CURTIS L. YEAGER, 3603

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

GARY F. BAUMANN, 3285

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MICHAEL L. ANDREWS, 4445
EVERETT J. BOUDREAU, 8661
ARNOLD J. COPOSKY, 9646
ROY V. DANIELS, 4396
RONALD W. ELLINGER, 1667
GARY E. ENGELKING, 5443
JAMES B. EUSSE, 7923
GEORGE E. FOLTA, 6953
WILLIAM H. HAGUE, 8360
WILLIAM L. HENSLEE, 3036
SCOTTY W. MONTAGUE, 8078
STEPHEN H. NEGAHNQUET, 3376
MILTON L. PETERSON, 6900
RAYMOND O. THOMAS, 8713
ROBERT C. WITTENBERG, 0125

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JAMES N. ADAMS, 1123
BRIAN T. ALEXANDER, 2600
KELLY P. ALEXANDER, 7264
JEFFREY S. ALLEN, 5008
CHRISTOPHER J. ALPERT, 2945
GINO P. AMOROSO, 2094
WALTER T. ANDERSON, 5156
BRIAN P. ANNICHIARICO, 6103
PAUL E. ANSLOW, 3198
CHRISTOPHER A. ARANTZ, 8880
JAMES L. ARMSTRONG, 3670
THOMAS E. ARNOLD JR., 5739
SOREN P. ASHMALL, 7606
FINLEY M. ASMUS, 2285
WALTER W. AUDSLEY, 8070
EUGENE M. AUGUSTINE, JR., 8289
MARY A. AUGUSTITUS, 3425
CURTIS D. AVERY, 2338
DAVID D. BADGER, 4123
BRIAN F. BAKER, 3998
FRANCISCO M. BALL, 7314
CRAIG P. BARDEN, 7671
BRUCE W. BARNHILL, 0163
MICHAEL R. BARRETT, 4107
BRIAN S. BARTHOLF, 4865
JAMES G. BARTOLOTTO, 4770
MATTHEW C. BAUGHER, 4596
PETER B. BAUMGARTEN, 1534
TERRANCE A. BEATTY, 0786
JAMES D. BELSON, 3682
JESSE C. BENTON, 2282
MICHAEL J. BERGERUD, 9310
PAUL F. BERTHOLF, 2546
LLOYD J. BIGGS, 0792
JOHN A. BINGER, JR., 5692
MICHAEL W. BINNEY, 6759
ELIZABETH S. BIRCH, 1837
DAVID J. BLIGH, 2182
ROY M. BLIZZARD III, 6548
KERRY J. BLOCK, 3049
HAROLD W BLOT, JR., 5819
THURMAN L. BOBBETT, 1845
MICHAEL S. BODKIN, 9686
KARL J. BOHN, 2893
RICHARD L. BOMHOLD, JR., 8594
CRAIG D. BOURASSA, 2828
EDMUND J. BOWEN, 9635
RICHARD T. BOYER, 5474
MICHAEL L. BRAMBLE, 6597
GREGORY A. BRANIGAN, 7347
JAMES C. BRENNAN, 4613
KEVIN A. BROOKS, 2333
ALLEN D. BROUGHTON, 9163
DANIEL A. BROWN, 8333
GREGORY R. BROWN, 2978
KEVIN W. BROWN, 1258
MICHAEL H. BROWN, 4053
WILLIAM M. BROWN, JR., 1447
ERIC F. BUER, 6835
KIMBALL S. BULLARD III, 1223
TIMOTHY P. BULMAN, 2843

SCOTT A. BURK, 4721
DAN E. BURTON, 1046
DAVE W. BURTON, 9373
THOMAS L. BURTON, JR., 7762
MARK A. BUTLER, 1269
RAYMOND D. BUTLER, 1861
DWAYNE K. CANNION, 0104
RICHARD L. CAPUTO, JR., 6786
JAMES K. CARBERRY, 1862
CHRISTOPHER C. CAROLAN, 4233
MICHAEL L. CARTER, 1737
AUGUSTO G. CATA, 2909
ROBERT A. CECCHINI, 4239
STEVEN E. CEDRUN, 8055
JOHN H. CELIGOY, 3777
JOHN M. CHADWICK, 0683
PHILLIP W. CHANDLER, 3900
BYRON V. CHAPMAN, 9559
ALEXANDER A. CHATMAN, JR., 9147
KEVIN M. CHENAIL, 4189
JEFFREY R. CHESSANI, 0792
JEFFREY W. CHLEBOWSKI, 8939
ALAN B. CLARK, 6468
DAVID H. CLEARY, 2497
THOMAS M. CLEARY, 8354
BRADLEY C. CLOSE, 8863
CHRISTINE A. COETZEE, 6166
DAVID L. COGGINS, 9152
CHRISTOPHER P. COKE, 2176
STEVEN K. COKER, 8220
STEVEN J. COLCOMBE, 8420
MICHAEL G. COLEMAN, 7093
ANTONIO COLMENARES, 7411
COET D. CONLEY, 7946
DANIEL B. CONLEY, 1269
SEAN P. CONLEY, 4639
JAMES S. CONNELLY, 4644
KEVIN M. CONSOLE, 8261
NATHAN S. COOK, 2201
MICHAEL A. COOLICAN, 0393
ROBERT W. COOPER, 7434
BENJAMIN W. COPELAND, 0548
MICHAEL E. CORDERO, 3704
ROBERT L. COULOMBE, 0208
JAMES L. COX, 0715
DEAN E. CRAFT, 1312
GREGORY K. CRAMER, 2462
ANTHONY C. CRUZ, 8224
ROBERT E. CURRAN, 9273
TRACY A. DALY, 9905
THOMAS A. DAMISCH, 7494
JOHN M. DANTIC, 4859
JOEL J. DAVIS, 2488
DAVID J. DEEP, 3648
STEVE A. DELACRUZ, 5998
JAMES M. DELANI, JR., 3388
MATTHEW C. DENNEY, 0360
DARRIN DENNY, 2511
JAMES F. DESY, 7148
KENNETH M. DETREUX, 3433
PETER J. DEVINE, 1556
TIMOTHY J. DEVLIN, 6316
ANTHONY P. DIBENEDETTO, JR., 0437
THOMAS D. DICKEN III, 2803
DAVID G. DIEUGENIO JR., 0805
MICHAEL W. DINARDO, 8985
ANDREW J. DINGEE, 6194
ANTONIO R. DOMINGUEZ, 4697
JAMES E. DONNELLAN, 3271
FRANCIS L. DONOVAN, 7769
FRITZ V. DORAN, 6639
JONATHAN S. DORANTICH, 0822
CHRISTOPHER S. DOWLING, 1251
STEVE M. DUNKIN, 5930
WILLIAM R. DUNN II, 6620
JOHN E. EANS, 2369
MICHAEL W. EATON, 7539
CHARLES C. EGERTON, 3801
ROBERT M. EHNOW, 6822
AARON W. ELSHAUG, 3401
TODD R. EMO, 7546
KENNETH E. ENNEY, JR., 5145
RUSSELL E. ETHERIDGE, JR., 7147
CURTIS J. EVERETT, 4545
DAVID C. FADDEN, SR., 5065
BRIAN FAGAN, 3730
JOHN K. FAIRCLOTH, JR., 7767
MICHAEL FARACE III, 1820
MICHAEL FARRELL, 6753
LY T. FECTEAU, 8876
STEPHEN A. FEGARD, 5547
STEPHAN J. FERNANDEZ, 2652
WILLIAM H. FERRELL III, 4852
DAMON E. FIELDS, 2673
MICHAEL FINLEY, 3291
DONALD R. FINN, 2507
STEPHEN J. FLYNN, 2907
JEFFREY E. FORTE, 2657
PAUL A. FORTUNATO, 6568
SCOTT G. FOSDAL, 6040
KEVIN R. FOSTER, 4491
BENJAMIN C. FULCHER III, 9571
JONATHAN O. GACKLE, 6853
JOHN C. GALE, 4206
MAX A. GALEAI, 5366
ROBIN A. GALLANT, 7106
WILLIAM K. GEISSLER, 4852
DOUGLAS K. GELBACH, 0995
MICHAEL W. GEORGE, 0802
PATRICK G. GIBBONS, 2267
CHRIS A. GIBSON, 5341
ERIC P. GIFFORD, 2365
ANDREW J. GILMORE, 4172
JOHN M. GIRNIUS, 4556
DAVID S. GLASSMAN, 0624
JONATHAN C. GOFF, 8859
JOHN A. GONZALES, 1090
MICHAEL W. GRADY, 3157
HAROLD W. GRAEF, 4713
JOSEPH M. GRANT, 9481
DOMINIC A. GRASSO, 7717
MATTHEW H. GREEN, 1098
STEPHEN J. GREENE, 4584
ALAN M. GREENWOOD, 0816
RONALD A. GRIDLEY, 3602
SEAN D. GRIFFIN, 7392
MARTIN T. GRIFFITH, 0291
MARK L. GRISSOM, 3895
CHRIS M. GROOMS, 4564
JESSE L. GRUTER, 1858
CHARLES J. GUMMOW, 3592
DANIEL J. HAAS, 2575
KARL J. HACKBARTH, 7438
JEFFREY A. HAGAN, 7600
BRADLEY R. HALL, 2147
RICHARD D. HALL, 9857
WILLIAM D. HALLAHAN, 5068
CHRISTOPHER N. HAMILTON, 4168
KYLE E. HARDMAN, 4323
SCOTT W. HARRIS, 9658
DAWN L. HARRISON, 9166
LYLE M. HARRISON, 5532
ERIC C. HASTINGS, 1157
JAMES D. HAWKINS II, 4751
KEVIN A. HAWLEY, 3502
SHAWN D. HEALY, 5730
THOMAS W. HEASLEY, 0559
KARSTEN S. HECKL, 9198
ROBERT D. HEIN, 3441
ANDREW J. HEINO, 0370
STUART B. HELGESON, 8862
KONSTANTIN D. HEMMERLY, 8365
CHARLES R. HENDERSON, 2405
DIMITRI HENRY, 1423
JOHN M. HENRY, 3533
JAMES A. HERZBERG, 7441
JOHN P. HESFORD, JR., 6231
RICHARD K. HILBERER, 6850
DAVID M. HITCHCOCK, 0059
WILLIAM R. HITTINGER, 9065
FRANK L. HODGES, 7827
JOHN S. HOGAN, 7499
MARK R. HOLLAHAN, 9694
CHARLES M. HOLLER, 4062
MICHAEL J. HOOD, 0169
BRIAN C. HORMBERG, 0419
MICHAEL A. HUNTER, 4861
DOUGLAS G. HURLEY, 7182
VINCENT M. HUTCHERSON, 1182
MARK J. HUTNAN, 6992
HENRY M. HYAMS III, 0820
THOMAS D. IGNELZI, 1239
JAY A. INGWELL, 4363
CHRISTIA A. ISHAM, 2901
NANCY L. ISNER, 2380
BRIAN L. JACKSON, 5970
JOSEPH R. JAMES, JR., 9721
MARK K. JAMISON, 5530
RUDOLPH M. JANICZEK, 1414
TIMOTHY L. JARDINE, 8196
OLIVER G. JENKINS, 0008
KARLA M. JESSUP, 9162
RICHARD G. JETHON, 6557
BRANDON F. JOHNSON, 4944
CLAXTON R. JOHNSON, JR., 3997
JAMES C. JOHNSON, JR., 9363
MARK D. JOHNSON, 3887
MARK T. JOHNSON, 4641
THOMAS V. JOHNSON, 8404
GARY S. JOHNSTON, 2889
DAVID M. JONES, 3590
JOHN H. JUDY, 3768
WILLIAM M. JURNEY, 9136
JOHN M. KASUDA, 8021
TIMOTHY P. KEEFE, 0482
JEROME T. KEENEY III, 0898
WILLIAM H. KEIRNAN, 1077
DAVIN M. KEITH, 3264
PATRICK N. KELLEHER, 4307
MICHAEL W. KELLY, 3560
SCOTT A. KERR, 4167
TRACY W. KING, 2843
JOSEPH J. KLOCEK, JR., 3169
GROVER B. KNOWLES, 6836
MARK D. KNUTH, 5226
JEFFREY G. KOFFEL, 8695
EDWARD W. KOSTRZEBSKI, 2061
CRAIG S. KOZENIESKY, 9248
DANIEL G. KREILEY, 3957
DAVID P. KRIZOV, 6052
MICHEL W. KUDSIN, 0157
JOSEPH P. KUGEL, 8663
MICHAEL L. KUHN, 8619
CHRIS K. KYLER, 9210
WILLIAM K. LACEY, 9534
MARK A. LAMCZYK, 5515
LANCE K. LANDECHE, 3522
CHRIS D. LANDRY, 2500
PAUL C. LANDRY, 5116
KENNETH M. LASURE, 5298
GREGORY L. LEMONS, 9533
FREDERICK H. LENGERKE, 1091
STEPHEN B. LEWALLEN, JR., 5695
COLT W. LEWIS, 3917
JAMES P. LIBERACE, 7680
JOSEPH P. LISIECKI III, 2533
ERIC L. LITCHFIELD, 7533
JORGE E. LIZARRALDE, 4256
CHARLES W. LOCHARD, JR., 5565
GREGORY C. LOFTESNES, 4895
ROD LONG, 7455
CURTIS L. LOVINS, 3323
JAMES D. LUNDQUIST, 5389
BRIAN R. LYNCH, 1872
LOUIS J. MAIDA, 0509
KENNETH P. MANEY, 9618
JEFFREY L. MANNING, 7050
JOHN F. MARCHILDON, 5253
JOHN M. MARES, 4098
DAREN K. MARGOLIN, 9677
DANIEL R. MARQUISE, 7172
JEFFERY D. MARSH, 0658
RENE C. MARTINEZ, 8816
REY Q. MASINSIN, 2276
DAVID W. MAXWELL, 0506
TIMOTHY A. MAXWELL, 9759
THOMAS O. MAYBERRY, 8371
MICHAEL A. MCCARTHY, 8397
THOMAS R. MCCARTHY, JR, 6449
MICHAEL G. MCCOY, 0736
KEVIN F. MCCRAY, 6480
RALPH V. MCCREARY II, 3155
THOMAS A. MCDANIELS, 2742
JAMES F. MCGRATH, 9859
TIMOTHY P. MCGUIRE, 6187
DAVID W. MCMORRIES, 6942
BRIAN F. MCNAMARA, 2933
DANIEL J. MEDRANO, 9808
BRENT E. MEEKER, 1230
MARY K. MERASHOFF, 1751
LUIS A. MERCADO, 7835
REID K. MERRILL, 3671
CHRISTOPHER J. MICHELSEN, 0349
EDWIN E. MIDDLEBROOK, 0506
CRAIG M. MILLER, 2358
MICHAEL S. MILLER, 7515
BONNIE J. MITCHELL, 3505
HARRY MONROE IV, 9239
EDWARD M. MONTGOMERY, 0929
JAY B. MONTGOMERY, 8732
JAMES D. MOORE, 0484
SEAN T. MOORE, 5122
PAUL H. MORGAN, 6163
ROBERT C. MORRIS III, 5965
RONALD M. MORRIS, 0196
ADRIAEN M. MORSE, JR., 5423
LOUIS J. MORSE, JR., 5702
PAUL L. MULLER, 0052
DAVID J. MURPHY, 9968
MICHAEL J. MURPHY, 0697
STEPHEN M. MURRAY, 8412
RICHARD J. MUSSER, 6884
RICHARD E. MYRICK, 2775
RANDY A. NASH, 6111
JACQUES C. NAVIAUX II, 5658
STEPHEN M. NEARY, 1829
TROY L. NELSON, 7021
STEPHEN C. NEWMAN, 7217
VAN Q. NGUYEN, 5619
JOHN H. NOLAN, 3249
CHARLES A. NORFLEET, 0981
DAVID E. O'BRIEN, 6831
TERRENCE A. O'CONNELL, 7241
JOHN F. O'CONNOR, JR., 3487
KEVIN S. O'CONNOR, 5605
JACK E. O'DONNEL, JR., 3651
ROBERT E. OGLE, 9057
MICHAEL J. ONDA, 9155
CARL L. OROS, 7303
MICHAEL R. ORR, 0885
JOSEPH T. PARDUE, 4228
RANDEL W. PARKER, 6278
JOSEPH F. PASCHALL, 4988
DOUGLAS W. PASNIK, 9842
PAUL D. PATTERSON, JR., 3756
ROY D. PAUL, 6764
BRIAN J. PAYNE, 2371
THOMAS R. PECK, JR., 0580
JOSEPH R. PERLAK, 9428
ROBERT A. PESCATORE, 9432
ROBERT B. PETERMAN, 7730
SCOTT T. PETERSON, 5912
DAVID P. PFISTERER, 5702
WILLIAM B. PITMAN, 7315
DAVID L. POHLMAN, 3999
CHRISTOPHER R. POLLARD, 6224
MICHAEL P. POMATTO, 6457
PETER D. PONTE, 9483
ERIC V. PORTER, 2507
SERGIO POSADAS, 2040
PAUL G. POWER, 8035
MARK PRICE, 2824
ROBERT D. PRIDGEN, 7711
JOHN M. PUSKAR, 4141
WARD V. QUINN III, 5165
EDWARD F. RAMSEY, 8151
WILLIAM C. RANDALL, 8720
HENRY A. RATLIFF, 2035
DAVID A. RATTE, 7420
LINDSEY B. READING, 8347
JEFFREY M. REAGAN, 4652
GAVIN J. REARDON, 7677
JAMES E. RECTOR, 2138
GERALD R. REID, 2600
PHILLIP J. REIMAN, 8986
AUSTIN E. RENFORTH, 2157

JAMES P. RETHWISCH, 5864
MICHAEL B. RICHARDSON, 2308
GEORGE W. RIGGS, 6642
PATRICIA S. RIM, 9995
ROD D. ROBISON, 5536
PAUL J. ROCK, JR., 3432
ERIC C. ROSA, 9275
GREGORY W. ROUILLARD, 6346
ROBERT A. ROWLETTE, 0298
STANLEY K. RUSSELL, 1472
JAIME M. RUVALCABA, 2655
TIMOTHY M. SALMON, 1106
NOEL B. SANDLIN, 7674
MICHAEL L. SCALISE, 3867
CRAIG W. SCHEIDEGGER, 6132
DAVID A. SCHLICHTING, 8357
DWIGHT C. SCHMIDT, 9288
PATRICK H. SCHOLES, 1858
DOUGLAS R. SCHUELER, 2950
MARK E. SEILHAMER, 9672
CHRISTOPHER C. SEYMOUR, 7673
JOHN R. SHAFER, 8177
DEREK W. SHAFFER, 1866
THOMAS E. SHARP, 6272
ANDREW L. SHAW, 2020
JON E. SHEARER, 6465
MICHAEL C. SHENBERGER, 8853
PHILIP G. SHEVIS, 2778
SUZETTE A. SHIJE, 6415
GREGORY R. SHIMP, 9505
ANDREW G. SHORTER, 3092
SCOTT C. SHUSTER, 2908
JAMES L. SIGMON III, 4756
DENNIS S. SIMMONS, 6893
KENT D. SIMON, 2476
WAYNE A. SINCLAIR, 5943
JOHN A. SISSON, 0331
BRUCE K. SIZEMORE, 6334
SCOTT R. SIZEMORE, 6041
ROBERT B. SKANKEY, 5926
STEPHEN D. SKLENKA, 2688
WILLIAM N. SLAVIK, 9747
HORACE W. SMITH, 6499
LARRY E. SMITH II, 8525
STEPHANIE C. SMITH, 9559
CHRISTOPHER B. SNYDER, 0725
FRANK A. SNYDER, 2600
BRUCE W. SODERBERG, 8966
MARIO C. SOLIS, 4307
THOMAS A. SPARKS, 9444
GREGORY K. STANKEWICZ, 2942
CHRISTOPHER C. STARLING, 4299
RONALD F. STARTZEL, JR., 8451
CRAIG E. STEPHENS, 6119
DENNIS R. STEPHENS, 3702
ROSS L. STEPHENSON, JR., 5283
DONALD G. STERLING, 8966
JAMES C. STEWART, 9115
RICHARDO C. STEWART, 1029
CHARLES D. STOUT, 3248
CURTIS A. STRADER, 3871
BLAISE R. STRANDQUIST, 4059
ROBERT W. STRONG, 8512
SAMUEL T. STUDDARD, 0140
MARK A. SUHRIE, 8822
JACQUELINE R. SUTTON, 1798
MICHAEL M. SWEENEY, 5398
TRACY J. TAFOLLA, 6684
JOHN .P TALNAGI IV, 9695
JONATHAN C. TAYLOR, 5365
TRAVIS A. TEBBE, 5452
ROBERT J. TERSELIC, 8736
JOHN J. THOMAS, 4855
BRUCE J. THOMSEN, 9760
BRIAN E. TIEFERT, 2674
THOMAS B. TIMBERLAKE, 1449
ROBERT T. TOBIN III, 7420
PHILIP A. TORETTI, 8430
PATRICK J. TOWEY, 4331
MATTHEW E. TRAVIS, 9346
KEITH H. TREADWAY, 6059
JOHN D. TROUTMAN, 5990
THOMAS E. TURNER, 9385
GREGORY P. UTLEY, 7811
DARIO W. VALLI, 5950
WILLIAM T. VAN ATTEN, 1478
RICHARD J. VANDAMME, JR., 9355
SCOTT W. VANZANDBERGEN, 2227
ERIC M. VEIT, 8891
DALE S. VESELY, 0379
DAVID E. VILLARREAL, 7423
WILLIAM C. VINYARD, 5307
WILLIAM A. VISTED, 6144
JAMES A. VOHR, 6333
THOMAS F. WALSH III, 1985
HOWARD S. WALTON, 7130
JOHN J. WANAT, 5929
KENNETH M. WARBURTON, 9891
ANDREW J. WAREHAM, 1997
VINCENT P. WAWRZYNSKI, 8681
MICHAEL E. WEAVER, 4729
BRADLEY E. WEISZ, 4091
DAVID P. WELLS, 1789
JAMES F. WERTH, 6756
SCOTT C. WERTZ, 1164
JOSEPH S. WHITAKER, 4658
KENNETH S. WHITE, 6821
ROBERT E. WHITE, JR., 4969
JAMES W. WIECKING, 4269
RONALD J. WIELSMA, 1409
ANDREW G. WILCOX, 4396
LUCINDA B. WILKS, 7361
ANTHONY C. WILLIAMS, 7689
DELANEY C. WILLIAMS, 6795
JOHN .P WILLIAMS, 0436
STEVEN R. WILLIAMS, 9632
BLAKE M. WILSON, 2197
DANIEL H. WILSON, 2568
STEPHEN M. WILSON, 2206
MARK E. WINN, 3066
WILLIAM P. WITZIG, 3380
KENNETH P. WOLF, JR., 1166
EDWIN A. WOLFE, 2561
RICHARD T. WOLFE, JR., 6093
STEVEN J. WOOD, 2556
PATRICIA L. WOODS, 1665
JOHN R. WOODWORTH, 9260
PHILLIP W. WOODY, 2285
ANTHONE R. WRIGHT, 3971
ROBERT A. WUNDERLICH, JR., 3142
JOHN T. YANVARY, 4993
MICHAEL H. YAROMA, JR., 7198
NICKEY F. YATES, 4468
SCOTT E. YOST, 2018
BERNARD J. YOSTEN, 1505
ROBERT C. YOUNG, 1874
WILLIAM J. ZALMAN, 7841
KENNETH ZIELECK, 3659
THOMAS J. ZOHLEN, 6564

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

LOUIS R. ABRAHAM, 8580
SCOTT R. ADAMS, 7646
MARTIN S. ALMQUIST, 7627
PAUL M. ANDRUS, 5120
LYLE O. ARMEL III, 8317
LAURENT O. BAKER, 2330
STEPHEN C. BAKER, 8413
STEVE J. BAKER, 7535
JEFFREY J. BARE, 6312
DAVID H. BERGER, 6017
MICHAEL A. BERMUDEZ, 8808
DAVID A. BETHEL, 8647
KENNETH L. BEUTEL, 2127
WILLIAM D. BEYDLER, 9312
MARK C. BLAYDES, 2886
MICHAEL S. BOHN, 8715
TERRY P. BOSTON, 6581
CHRISTOPHER M. BOURNE, 6522
JOHN H. BOWER, JR., 8113
JAMES R. BRADEN, 3849
THOMAS C. BRADEN, 4214
DONALD S. BRUCE, 1291
RONALD J. BUIKEMA, 0871
ROBERT S. BURAN, 9082
NEIL K. CADWALLADER, 2752
JAMES E. CALLAWAY, 6593
STEPHEN J. CAMERON, 9958
BOYD W. CAMPBELL, 9742
MARK E. CANTRELL, 8186
JEREMIAH D. CANTY, 4700
THOMAS P. CARMODY, 3629
ROBERT H. CHASE, JR., 3806
DANIEL J. CHOIKE, 5018
MARK G. CIANCIOLO, 2940
MARK A. CLARK, 7557
FRANCIS C. COBLE, 9902
JAMES M. CODDING, 4709
RAYMOND E. COIA, 4123
TODD COKER, 0379
PETER B. COLLINS, 3472
THOMAS N. COLLINS, 0919
JAMES T. CONKLIN, 2419
MARSHALL I. CONSIDINE, 9886
SCOTT C. COTTRELL, 6965
ANN L. CRITTENDEN, 3345
KENNETH E. CROSBY, JR., 9359
WILLIAM B. CROWE, 0433
MARK R. CYR, 9045
MICHAEL G. DANA, 1185
JAMES T. DAULTON, JR., 2044
JOSEPH D. DAUPLAISE, 1452
NORMAN C. DAVIS, 6454
ENRICO G. DEGUXMAN, 6422
PETER H. DEVLIN, 3842
JOHN P. DIFFLEY, 4150
JAMES A. DIXON, 2810
RICHARD E. DOBBINS, JR., 4805
DEREK J. DONOVAN, 1206
MICHAEL J. DONOVAN, 9578
SUSAN G. DOOLEY, 3167
STEVEN W. DOWLING, 8528
GARY C. DOWNEY, 4972
MARK A. DUNGAN, 2162
CHRISTOPHER M. EKMAN, 6821
ANTHONY C. ELLIOTT, 8054
OWEN W. ENGLANDER, 9042
LEO A. FALCAM, JR., 9324
DOUGLAS O. FEGENBUSH, JR., 7268
PETER J. FERRARO, 7354
JOHN J. FITZGERALD, JR., 8460
JAMES N. FLOWERS, 5823
STEPHEN A. FOGLIO, 6334
STEVEN A. FOLSOM, 8765
CARL J. FOSNAUGH III, 4866
PIERRE C. GARANT, 6550
GERALD H. GASKINS, 0192
STEVEN L. GAUDREAU, 9840
GLENN E. GEARHARD, 3402
BART R. GENTRY, 3480
GREGG L. GEORGE, 2073
STEVEN J. GOTTLIEB, 5957
WILLIAM R. GRACE, 9416
JACOB L. GRAHAM, 3306
SCOTT A. GRAHAM, 1721
DAVID S. GREENBURG, 8039
PATRICK J. GREENE, 9746
CURTIS E. HABERBOSCH, 9063
KEVIN J. HAGENBUCH, 0302
CHARLES M. HAMILTON, 1335
SCOTT P. HANEY, 2949
DONALD K. HANSEN, 9146
STEPHEN G. HARRIS, 2890
KATHLEEN V. HARRISON, 6348
KIP J. HASKELL, 7063
JEFFREY W. HAWLEY, 2153
DALE B. HAYWARD, 2563
DAVID J. HEAD, 8799
BRIAN J. HEARNSBERGER, 9978
STEPHEN K. HEYWOOD, 1446
RANDALL A. HODGE, 5517
ADELE E. HODGES, 1663
EVERETT S. HOFFMAN, 2481
DEBRA L. HOFSTETTER, 4696
JOLENE L. HOLLINGSHEAD, 8897
STEVEN E. HOLMES, 1420
DAVID K. HOUGH, 2879
JERRY D. HOWELL, 8388
TIMOTHY H. HUETE, 7918
DAVID W. HUNT, 8733
KEVIN A. JACKSON, 8393
OSAMAH A. JAMMAL, 9227
MITCHELL A. JAURENA, 3726
WILLIAM S. JESSON, 2681
TIMOTHY P. JONAS, 7433
CAROL K. JOYCE, 1628
FRANCIS P. JOYCE III, 7873
STANLEY J. JOZWIAK, 5286
PATRICK J. KANEWSKE, 7857
BILLY D. KASNEY, 3023
JAMES R. KASSELMANN, 4467
JONATHAN L. KATZ, 8613
JAMES A. KAZIN, 9006
MICHAEL R. KENNEDY, 4572
TIMOTHY J. KIBBEN, 9420
DOUGLAS M. KING, 9946
DAVID M. KLUEGEL, 7718
RICHARD W. KOENEKE, 5407
JOHN A. KOENIG, 9729
GARY A. LAMBERTSEN, 2234
BRUCE D. LANDRUM, 7419
JOHN B. LANG, 6301
JAMES K. LAVINE, 9455
RAYMOND J. LEACH, 9937
STEPHEN G. LEBLANC, 3256
DANIEL E. LIDDELL, 9729
BRADLEY C. LINBERG, 2855
STEPHEN J. LINDER, 6214
GREGORY E. LOCKE, 5295
PETER J. LOUGHLIN, 0728
BRUCE D. MACLACHLAN, 2112
MICHAEL J. MANUCHE, 9757
NICHOLAS J. MARSHALL, 4486
ROBERT A. MARTINEZ, 9862
DAVID H. MATTHEWS, 9923
JAMES C. MATTIE, 5985
CAROL A. MC BRIDE, 9620
FRANKLIN F. MC CALLISTER, 7644
RONALD S. MC CLAIN, 5710
MICHAEL J. MC CUSKER, 1862
MICHAEL W. MC ERLEAN, 2536
JEFFREY T. MC FARLAND, 2616
RONALD E. MC GEE, 6795
ROBERT H. MC KENZIE III, 4318
PETER B. MC MURRAN, 7142
JEFFREY G. MEEKS, 2359
RICK J. MESSER, 4768
PATRICK E. MILLER, 4033
TIMOTHY L. MILLER, 8901
DAVID L. MITCHELL, 4491
JAMES G. MITCHELL, JR., 9165
JOHN E. MITCHELL, JR., 1431
MARK L. MOLITOR, 1469
JOSEPH MOLOFSKY, 6999
ARCHIBALD MORRISON VI, 2145
DENIS P. MULLER, 5370
KELLY B. MULLINS, 2612
MARK S. MURPHY, 5989
DAVID C. MYERS, 2670
MICHAEL G. NAYLOR, 6895
WALTER L. NIBLOCK, 6728
JAMES D. ODWYER, 8592
JAMES A. OGERSHOK, 4338
ALLEN S. OLSON, 8614
ISMAEL ORTIZ, JR., 0013
JOSEPH L. OSTERMAN, 6835
JOHN M. OWENS, 6254
KURT S. OWERMOHLE, 4369
CALVIN D. PETERS, 7145
STEVEN R. PETERS, 7555
ILDEFONSO PILLOTOLIVE, 0971
JAMES J. POLETO, JR., 0801
RICHARD S. POMARICO, 6268
ALBERT F. POTWIN, 9807
CHRISTOPHER N. PROUDFOOT, 4918
JOSEPH D. PROVENZANO III, 2851
TIMOTHY E. QUAGGE, 0520
JOHN P. RAYDER, 6781
JON W. REBHOLZ, 2042
TIMOTHY J. REEVES, 9578
RAYMOND G. REGNER, JR., 6745

SHAUGNESSY A. REYNOLDS, 8667
JEFFREY S. RINGHOFFER, 2129
HERBERT M. ROBBINS, 6252
DAVID M. ROBINSON, 8249
MICHAEL J. RODERICK, 4448
DANIEL S. ROGERS, 8259
MARTIN G. ROLLINGER, 4060
ROBERT G. SALESSES, 5018
DAVID W. SAMPLES, 6718
JAMES T. SANNY, SR., 0374
RICHARD W. SCHMIDT, JR., 3782
ALAN D. SCHROEDER, 1861
DANIEL J. SCHUSTER, 8259
MARK E. SCHWAN, 3186
MARK C. SEMPF, 9913
JOE M. SHEHAN, 7895
JOHN E. SHOOK, 6549
MICHAEL A. SHUPP, 7014
GREGORY P. SIESEL, 5281
PAUL D. SIMONEAU, 7097
MARK A. SINGLETON, 2402
JAMES R. SINNOTT, 6152
PAUL F. SKOPOWSKI, 8541
GARY E. SLYMAN, 6198
JAMES C. SMITH, 3823
DENNIS A. SPIDAL, 7046
GLEN T. STARNES, 0588
THOMAS N. STENT, 6309
MICHAEL K. STEPHENS, 6248
VINCENT R. STEWART, 0528
JOHN P. STIMSON, 8041
ARNOLD E. STOCKHAM, 1893
JAY A. STOUT, 0813
CALVIN F. SWAIN, JR., 7221
ELIZABETH A. SWEATT, 6458
DAVID L. SYKES, 7119
JAMES J. TABAK, 1847
NATHAN C. TABBERT, 1112
LLOYD G. TETRAULT, 7618
MICHAEL D. THYRRING, 2306
PHILLIP C. TISSUE, 8519
JAMES R. TRAHAN, 1873
GREGORY S. TYSON, 2196
ANDREW L. VONADA, 9745
DONALD A. WALTER, 6051
ERIC M. WALTERS, 9898
JOHN R. WASSINK, 6663
LEAH B. WATSON, 9303
NATHAN O. WEBSTER, 7387
DAVID H. WESSNER, 2582
JOHN R. WEST, 8622
MARK A. WESTERBECK, 9747
GARY D. WIEST, 2586
JOHN N. WILLIAMS, JR., 7645
JOHN C. WRIGHT, 5091
KEN YOKOSE, 4649
PAUL R. YORIO, 1518
FRANCIS S. ZABOROWSKI, 3259
DONALD W. ZAUTCKE, 6991
PAUL C. ZIEGENFUSS, JR., 1853
MARK G. ZIMMERMAN, 5977

IN THE MARINE CORPS

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

RUBEN BERNAL, 1445
JOHN T. BROWER, 5896
GREGORY D. BUTLER, 0291
JOHN J. CAMPBELL, 1052
MARK A. CLESTER, 9448
SAMUEL L. COLEMAN, 6369
RONALD C. CONSTANCE, 5451
JEROME CORE, 2354
ROGER N. CROSS, 2743
SCOTT E. DAVIS, 0735
MICHAEL W. DONHAM, 4711
RONALD R. DUGAS, 1881
DONALD L. ERICKSON, 7858
LESTER H. EVANS, JR., 0503
JOHN J. FAHEY, 3483
GREGORY G. FRICH, 8199
MICHAEL H. GAMBLE, 4821
TIBURTIUS GERHART, JR., 4412
RANDY L. GIEDT, 4710
LEONARD HALIK III, 3862
TIMOTHY M. HATHAWAY, 3186
BRIAN K. HERBERT, 7958
JAMES G. HERRING, 5518
DOUGLAS J. HIBBARD, 2018
ERNEST R. HINES, 0282
LEONARD L. HOFFMAN, 1163
JAMES R. JOHNSON, 6184
A.D. KING, JR., 4839
JOHNATHAN D. LAWSON, 7735
PETER M. LAWSON, 1870
MICHAEL F. LEWIS, 4906
TIMOTHY S. LOVE, 3827
ROBERT J. MAGERS, 5066
ARTHUR D. MARTIN, 6663
FRANKLIN MC LAIN, 1387
GEORGE C. MC LAIN, 5610
MARK O. MEEHAN, 6400
EUGENE C. MENDIOLA, 6317
RUSSELL E. MILLER, JR., 3315
PAUL J. MINER, 3790
CLENNON W. MURRAY, 1446
KEVIN C. O'HERAN, 6175
ROBERT J. OSBORN II, 2006
DANIEL J. PETERLICK, 4157
SANFORD P. PIKE, 4056
RICHARD A. RATLIFF, 9635
LIGE ROSS, JR., 3740
DONALD C. SCOTT, 6184
WILLIAM S. SEINER, 2429
ROBERT E. SEVERSON, 7321
GARY M. SNYDER, 9063
RANDELL TACKETT, 5220
ROBERT P. VENEMA, 3644
JAMES WERDANN, 4444

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DANIEL A. ACTION, 9900
KEITH F. AMACKER, 9801
JAMES C. ANDERSEN, 9900
DAVID O. ANDERSON, 4824
DOUGLAS J. ANDERSON, 8554
STEVEN M. ANDY, 8336
STEPHEN B. ANTLE, 2606
APRAHAMIAN, GEORGE 2908
EDWARD D. ARMBRUSTER, 0081
HOWARD B. ASCHWASLD, JR., 0931
BRETT D. AYOTTE, 0902
JOSEPH R. BADICK, 8278
THOMAS E. BARTON, 8509
DEAN H. BAUDER, 6502
MOLLY R. BAUMGARDNER, 3371
LARRY L. BAXA, 2647
GEORGE T. BEATTIE, JR., 8805
VINCENT A. BELLEZZA, 7589
ROBERT D. BELLING, 2038
JOE C. BLAKE, 3163
THOMAS H. BLAKE, 9118
EUGENE BOJARSKI, 0972
JAMES R. BOMA, 5191
GERALD L. BONNETT, 6092
BOSARGE, MORRIS R. 4231
MICHAEL F. BOYER, 8911
TERRY A. BRAGG, 7317
MICHAEL B. BRANDS, 6259
ROBERT C. BRANTLEY, 9939
MARK K. BRAZIER, 3702
THOMAS P. BREYER, 3865
ERIC D. BRIES, 7954
CLAYTON J. BRYSON, 5492
KENNARD M. BUDDENBOHN, 2819
BARTON BUECHNER, 5178
JEFFREY D. BUEHRLE, 2234
FREDERICK M. BUESSER, 7779
CYNTHIA K. BURGUNDER, 2415
MARTIN E. BUSHIKA, 8786
WILLIAM C. BUSKIRK, 7603
JAMES L. BUTLER, 4203
SUSAN H. BUTLER, 4914
JULIUS S. CAESAR, 5106
GARY W. CAILLE, 7382
ERIC R. CALDWELL, 3346
KENNETH W. CAMPBELL, 6253
NICHOLAS J. CAPRON, 2420
WENDI B. CARPENTER, 4980
BARBARA J. CARTER, 1998
CHARLES H. CHASSOT, JR., 1403
JOHN P. COFFEY, 3832
ROBERT D. CONWAY, 4249
DANIEL M. CORPMAN, 6088
CHRISTOPHER M. CORRIGAN, 7329
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PETER E. COVELL, 2627
RICHARD S. CRAMER, 6040
ROBERT K. CRIM, 1280
ANDREW J. CUCA, 7717
GERALD R. DAVIS, 1312
WILLIAM R. DAZE, 6906
JAY A. DELOACH, 5045
JAMES DEUSER, 1040
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LESLIE A. DOTSON, 7006
LINDA L. B. DUBOIS, 6986
JOSEPH M. EAGAN, 9164
ANGELIKA M. EVANGELIST, 6884
ROBIN FELIX, 1842
MARY E. FETHERSTON, 5126
KEVIN W. FLEMING, 8933
DENIS W. FLOOD, 6892
JOSEPH M. FOSTER, 1691 *
ROBERT E. GALBRAITH II, 3752
STEPHEN M. GANN, 6312
LEE A. GARD, 6246
STEPHEN GATES, JR., 6130
JOHN E. GAULT, 1485
PETER F. GAZDA, 0035
JAMES H. GENTILE, 3972
ANTHONY W. GILES, 9112
ROBERT M. GILL, 5133
JAMES I. GILLESPIE, 0749
MARY F. GLEASON, 1292
EUGENE M. GOLDA, 6924
ROBERT A. GOODRUM, 1886
TIMOTHY E. GOODWIN, 6617
ROBERT L. GOULD, 7434
RICHARD F. GOWARD, JR., 4992
JOHN C. GRACE, 6547
MARK. D. GRAY, 0162
KENNETH E. GREEN, 2710
DAVID E. GUZA, 1841
SEBASTIAN C. HAFER, 0743
PAUL R. HALEY, 4293
JUERGEN G. HALF, 2952
DON P. HAMBLEN, 5915
MELINDA O. HASEN, 2747
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WILLIAM E. HART, 9982
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JEFFREY A. HEDGES, 2150
ROBERT J. HEISTER, JR., 4574
CHARLES L. HEWELL, 2301
GORDON J. HILL, 9774
JAMES D. HOFFMAN, JR., 7981
ROBERT L. HOGAN, 9453
ROBERT L. HOWARD, 4812
RICHARD P. HUBBARD, 0359
ROBERT K. HUDGENS, 4246
RICHARD J. HUMENUCK, 7581
JOHN M. HURST, 7747
JOHN E. JAYNES, 2211
JAMES J. JEFFERIES, 6299
CHRISTOPHER H. JENSEN, 3776
DIANNE H. JOHNSON, 5962
GREGORY C. JOHNSON, 4757
BRADLEY W. JONES, 0673
MICHAEL P. JONES, 8283
JAMES L. KANTNER, 1086
JOHN J. KEARNEY, 4518
RICHARD P. KELLY, 9633
MARVIN E. KING, 0931
LAWRENCE P. KIRWAN, 4034
JOHN L. KITTLER, 5338
PATRICIA A. KLUAER, 2345
ROBERT M. KNIGHT, 6948
BRIAN E. KONSUGAR, 5572
CHRIS R. KOURY, 1875
CRAIG E. KRAUSS, 2349
FRANCIS J.J. KULICK, 6279
THEODORE F. LAGERGREN, 2994
DEAN B. LAHREN, 1135
EDWIN G. LANDAUER, 5478
RHONDA S. LANDERS, 0579
CHARLES R. LASKO, 9863
GRANVILLE D. LASSETER II, 8982
KENNETH M. LAW, 2268
CHARLES H. LEACH III, 6734
CAROLYN D. LEEF, 5769
GEORGE E. LEWIS III, 2303
STEPHEN A. LEWIS, 0947
WILLIAM T. LILES, 9030
WALTER B. LINCOLN, JR., 6443
RONALD E. LIS, 6311
TIMOTHY J. LOCKHART, 5552
LAWRENCE E. LUCK, 0363
STENVEN J. LUCKS, 8870
MARIANNE M. LYNCH, 2995
MICHAEL J. MAKOWICZ, 9596
WILLIAM A. MALEHORN, 0894
JOHN E. MANIGO, 0249
GREGORY A. MANKEY, 4066
LARRY K. MARSKE, 4818
BRUCE C. MARTIN, 8226
ANN L. MATHEWS, 5827
ROBERT A. MCANINCH, 6878
ROBERT L. MC CABE, 2825
JOHN J. MC GARRY, 8990
ROBERTA L. MC INTYRE, 9579
JOHN W. MELEAR, 0609
PETER MENIO, JR., 8957
ARCHIE MITCHELL, JR., 9170
COREY S. MOORE, 2011
JOHN L. MORRIS, 4962
DAVID A. MORSE, 4907
MARK A. MUNSON, 8304
JOHN S. MURDOCK, 6580
EDWARD J. NANARTOWICH, 8448
JEFFERY A. NAUS, 2928
JOHN J. NEEDHAM, 5086
SCOTT T. NEIDHOLD, 7818
ELMER J. NELSON, 1597
MICHAEL E. NERUDA, 6182
GREGORY F. NEUSCHAFER, 2083
KENNETH R. NEWTON, 4853
SHERRY R. NEWTON, 9193
BRENT J. O'BENOUR, 8053
KEVIN B. O'CONNELL, 1299
JOHN H. O'DONNELL II, 9031
HENRY J. OLDFIELD, 5209
WILLIAM A. OTT, 2541
TIMOTHY J. PARMENTIER, 2979
MICHAEL J. PELLOTH, 9775
SHELLEY PENNINGTON, 8303
JOHN R. PHIPPS, JR., 7622
RENALDO P. PILI, 2408
RANDALL L. PINETTI, 2445
PAUL D. PITZER, 0709
THOMAS M. PLANTENBERG, 6665
LOREN R. PLISCO, 6366
ROBERT H. PORTER, 0080
CAROL M. POTTENGER, 3454
ANDREW N. POULOS, 2855
JAMES H. PUCKETT, 7289
MICHAEL C. PURCELL, 6093
JOHN R. PYRON, JR., 5142
BRUCE A. RASMUSSEN, 7997
STEVEN M. REYNOLDS, 2780
MICHAEL T. RIBBLE, 1011
JOHN S. ROBERTSON, 4454
RICHARD E. ROBEY, 9922
MARGARET J. RONZIO, 1954
THOMAS K. ROSE, 5673

PAUL P. ROSS, 8871
MICHAEL L. RUNALS, 8252
CHRISTOPHER J. RYAN, 9668
DOUGLAS J. SAHRBECK, 4655
KATHERINE L. SANFORD, 2745
RICHARD S. SAUNDERS, 0571
MARK D. SAVIGNAC, 4504
MICHAEL A. SCHALL, 1347
RICHARD E. SCHIEFEN, 2583
RUSSELL C. SCHLOTE, JR., 5733
ROBERT J. SCHOLES, 4116
RONALD R. SCHOWE, 0254
RONALD H. SCHWARTZ, 4888
JOHN D. SCOTT, 6969
MICHAEL L. SCOTT, 6047
ROBBIE D. SCRUGGS, 7505
CONSTANCE M. SENKOWSKI, 4124
KARL R. SETTE, 4546
THOMAS P. SHARKEY, 4689
KENNETH W. SHEETS, JR., 2150
ROBERT SHEPPARD, 4184
MICHAEL SHINEGO, 4247
KEVIN R. SKJEI, 0752
RICHARD P. SKRZAT, 1728
DAVID L. SMITH, 3267
JAMES F. SMITH, 6524
STANLEY A. SOWINSKI, 8198
KENNETH G. SPENCER, 9424
CHARLES J. STEINBAUGH, 2340
ARTHUR L. STEPHENS, 6226
JOHN R. STEPHENS, 3578
MICHELE V. STICKNEY, 7798
LAURA D. STUBBS, 4048
KEVIN J. SULLIVAN, 5846
WILLIAM J. SUMNER, 8779
STEPHEN D. SWAZEE, 7133
SHEILA S. SWEETSER, 0680
CHARLES C. SWENSEN, JR., 7225
DAVID A. SWINGLE, 5916
JOHN M. THOMPSON, 8952
KENNETH N. THOMPSON, 1326
STEVEN M. THRAILKILL, 1692
WILLIAM E. TILLERSON, JR., 2617
LEE A. TIMRECK, 5549
MICHAEL D. TSCHILTZ, 5337
DIANNA M. TURMAN, 9682
PATRICK A. TUZZOLO, 2531
JAMES R. UNDERWOOD, 4942
RICHARD R. VANTHOF, 3560
JOHN R. VERBRYCKE, 5798
DAVID C. WAGNER, 8918
DALE W. WAINWRIGHT, 9631
CHARLES D. WALTERS, 8690
ALAN F. WARE, 3411
DONALD C. WARREN, JR., 5373
STEWART T. WARREN, 3729
JOSEPH WASEK, JR., 4756
MICHAEL N. WATSON, 9334
JOHN S. WEBB, 1973
MILTON B. WHITFIELD, 6164
THOMAS H. WILLIAMS, 5605
ELDON J. WILSON, 8359
ARNETT J. WISE, 8216
TERRAY E. WOOD, 0873
GARLAND P. WRIGHT, 7679
THOMAS A. YEAGER, 3721
MICHAEL J. YURINA, 2970
JAMES M. ZAHORNACKY, 1746
CAROL J. ZINK, 6228
ERIC R. ZUMWALT, 9929

HOUSE OF REPRESENTATIVES—*Wednesday, April 29, 1998*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BLUNT).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

> WASHINGTON, DC,
> *April 29, 1998.*
>
> I hereby designate the Honorable ROY BLUNT to act as Speaker pro tempore on this day.
>
> NEWT GINGRICH,
> *Speaker of the House of Representatives.*

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

Our prayer, gracious God, is that Your mercy will be overwhelming and Your grace sufficient for our every need. With our humble petitions and with sincere hearts, we open our very souls to Your spirit and ask that we be filled with Your gifts of truth, honor, joy, perseverance and patience. We admit that when we become too involved in the details of the day, our eyes do not always see the width and breadth and height of our responsibility, a responsibility to express the unity and the wholeness of Your creation. From Your hand, O God, we have been created, and we pray that we will express that unity now and evermore. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Mrs. CAPPS) come forward and lead the House in the Pledge of Allegiance.

Mrs. CAPPS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 one-minutes from each side.

VOUCHERS FOR D.C. SCHOOL CHILDREN

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, tomorrow we will take up a bill on this floor that would allow $7 million worth of new money introduced in the D.C. school system for the purpose of providing scholarships to 2,000 low-income families for their children, 2,000 opportunities for a better education for the children of D.C. Today there will be the selection of 1,000 youngsters through a fair and impartial process through private funding sources for these scholarships.

When the people of Washington, D.C. found out the announcement of the availability of these scholarships, almost 8,000 people, families, mothers and fathers, applied for these scholarships, because they wanted something better for their children. By the time we finish this awarding today, there will still be almost 7,000 children and their families that will have had that opportunity unrealized. On Thursday, we could make available another 2,000.

What distresses me is the tone of the debate in the people who oppose this opportunity for these children. They call it a cruel hoax. They say it is a cruel hoax for us to fight for this opportunity for 2,000 children because the President has already said he would veto it. The hoax is not in fighting for the children. The hoax is in making a big deal about putting people first and then pledging to veto the opportunity for the children out of consideration for the teachers union.

There is a cruel hoax going on, ladies and gentlemen, but it is not in the children, it is not in their parents, it is not in all those kind, generous people that have provided private funding for these little boys and girls. It is in those people who pretend they are for the kids, wrap their politics of greed in the language of love, and then betray the kids with a veto pen.

RECOGNIZING INNOVATIVE CHILD CARE PROGRAMS

(Mrs. TAUSCHER asked and was given permission to address the House for 1 minute.)

Mrs. TAUSCHER. Mr. Speaker, I rise today to draw attention to three innovative child care programs in the 10th Congressional District of California.

Kimballs Kids Club, in partnership with the Antioch School District, serves over 100 families in East Contra Costa County. They believe that parental involvement is invaluable, so they hold monthly parent education meetings and have established a Parent Advisory Board to guide programs at Kimballs Kids Club.

Kid's Country, located in Danville, offers parents a safe option for after-school child care. Because Kid's Country uses existing school ground facilities, they do not need to put resources into building costs. This enables them to lower child care costs.

Finally, Child Care Links, located in the southern part of my district, supports providers through orientation and training programs. They also furnish parents with information on child care options and they act as a consultant to employers to help them plan their child care programs.

Please join me in recognizing these three outstanding programs. They are true leaders in the field of child care and I am honored that they are part of my constituency.

ONGOING WHITE HOUSE INVESTIGATION

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, is there not a single Democrat in this House that is offended by the fact that the White House has hired private investigators to look into the private lives of Federal investigators and smear their political enemies?

Is there not a single Democrat in this House that is even bothered that the Independent Counsel is being publicly smeared and vilified by the White House attack team in open violation of the law?

Is there not a single Democrat in this House that does not find repugnant the tactics used by the White House spin machine to attack its accusers using tactics that would have made Joe McCarthy proud?

Is there not a single Democrat that has had enough of the lies and

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

stonewalling and routine destruction of lives and reputations of any and all who dare to investigate what Attorney General Reno herself has said requires investigation?

It was discovered that the White House was illegally in possession of 900 FBI files, all just happen to be Republican, and no one knows anything?

Is there not someone on the other side who will speak up about all the abuse by the White House?

NEIGHBORHOOD SCHOOLS MUST BE STRENGTHENED

(Mrs. CAPPS asked and was given permission to address the House for 1 minute.)

Mrs. CAPPS. Mr. Speaker, I rise today on behalf of the families of the Central Coast of California, and I believe the families of this Nation, who send their children to school each day trusting that they will learn and also that they will be safe and healthy. The school day is often a long one with before and after school care, rec programs, tutorials, sports and other activities.

I speak from 20 years of experience as a school nurse in my community. In the health office, we bandage scraped knees, but we do a lot more. We assess and refer child abuse, family violence, drug use, suicide attempts, and, sadly more and more, violence at school. We teach healthy lifestyles, prevention skills, and the values families care about. Neighborhood schools must be strengthened as safe and healthy centers for learning in each of our communities.

IN OPPOSITION TO NEEDLE EXCHANGE PROGRAM

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the scourge of illegal drug use in this country has reached epidemic proportions. Countless hours and lives have been lost fighting to free our communities from the grasp of these drugs.

Given the severity of the situation, how does the Clinton Administration plan to continue the fight? They want to give out free needles to drug addicts.

Shoot me up, Mr. Speaker. What next? Free drugs?

This cannot be his brilliant battle plan to win the war on drugs. If it is, Mr. Speaker, I shudder to think of the President's plan for the rest of society's ills. Are we going to give out free pornography to sex offenders? Heaven forbid the United States should in any way inconvenience those who are breaking the law.

It is discouraging to see the White House embrace such a defeatist policy. It goes against the values upon which this great country was founded.

I urge my colleagues to join me in opposing this free needle policy.

PUT PRAYER BACK IN THE PUBLIC SCHOOL

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, after the Arkansas tragedy where four students and a teacher were killed by two youngsters, the shooting death of Pennsylvania teacher John Gillette has shocked America. Experts are confused and, they say, searching for answers. The irony is these same experts, with all their degrees, have one thing in common: most of them oppose school prayer. In fact, time and time again, they have employed constitutional mumbo jumbo to kill school prayer.

They just do not get it. A school without God is a school without education. A school without God is a school without discipline. A school without God is a school without values, ladies and gentlemen. Maybe experts will finally get the message that a school without God is a playground for the demon. The Congress should allow school prayer.

I yield back any common sense left in Washington.

ELIMINATION OF ETHANOL PROGRAM A DEVASTATING BODY BLOW TO FARMERS

(Mr. MINGE asked and was given permission to address the House for 1 minute.)

Mr. MINGE. Mr. Speaker, the spring of 1998 finds tens of thousands of American family farmers facing financial crisis. Agriculture is virtually the only sector of the economy to suffer a loss in 1997. The Republican farm bill has exacerbated this financial crisis.

Now the House Republican transportation bill would eliminate our Nation's ethanol program. This is another devastating body blow to farmers. This will depress prices paid for corn and other feed grains and ruin the 20 plus farmer-owned ethanol producing cooperatives. It will also rob our country of the environmental and national security benefits of ethanol.

Who benefits? Railroads get a tax break at the expense of farmers, the very railroads that provided atrocious service in 1997 and caused devastating losses to farmers and many other sectors of the economy. Who else? Big oil. They dispatch competition from a domestically produced renewable fuel. This is an unconscionable program.

IMMUNITY FOR KEY WITNESSES IN CAMPAIGN FINANCE OVERSIGHT INVESTIGATION

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, Congress has run into a wall, a massive stonewall in its attempts to carry out its constitutional oversight responsibility. This stonewall is unprecedented and absolutely breathtaking in its audacity.

The Committee on Government Reform and Oversight has worked closely with the Justice Department on the issue of granting immunity so that key witnesses will testify. I have here in my hand four letters from the Justice Department stating that the Justice Department has no opposition to the committee's granting of immunity to four key witnesses in the campaign finance oversight investigations.

Mr. Speaker, the Democrats on the committee have refused to grant immunity to these witnesses. I have heard of stonewalling before. The Democrats on the committee have been stonewalling investigators for over 2 years, but now they are stonewalling their own Justice Department. They got away with it before, so maybe they figure they can stonewall all they want and no one will hold them accountable.

Let us grant these witnesses immunity and get to the truth. I think it is the best way to get to the truth, and I think Americans deserve the truth.

DEMOCRATS NOT INTERESTED IN DISCOVERING THE TRUTH

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I am holding in my hand four letters from the Clinton Justice Department.

Now these letters state that the Justice Department does not oppose granting of immunity to four key witnesses to the House Committee on Government Reform and Oversight's investigation into illegal campaign contributions in the President's 1996 campaign.

Again, these letters are from the Justice Department, and they state that the Justice Department does not oppose the immunization of four witnesses so their testimony may be heard, and yet the Democrats on the committee refuse to grant immunity to these four witnesses in opposition to their own Justice Department.

Now we have the mother of all stonewalls. Democrats on the committee are now stonewalling even the Clinton Justice Department. American fatigue over the endless scandals and investigations is exceeded only by the fatigue of the investigators who meet with stonewalling, delay tactics, evasion, convenient memory losses, document shredding and total noncooperation everywhere they turn.

Mr. Speaker, the truth is there for all to see. The Democrats are simply not interested in discovering the truth.

ONLY IN INVESTIGATIONS OF ORGANIZED CRIME HAVE SO MANY WITNESSES FLED THE COUNTRY

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, obeying the law should be the first tenet of campaign finance reform. The White House insists time and time again that they are cooperating fully with the various investigators charged with finding the truth about illegal campaign contributions in the 1996 elections. However, the facts show otherwise.

Ninety-two witnesses, that is 92 witnesses, either have fled the country or have taken the fifth amendment or refused to testify. If there is nothing to hide, why would 92 witnesses flee the country or refuse to testify?

Fifty-four House and Senate witnesses have asserted their fifth amendment rights, and 38 witnesses have fled the country. In fact, so many witnesses who have fled the country are taking the fifth that FBI Director Louis Freeh was asked last year if he had ever seen so many, and he said often he has seen this kind of activity only in investigations of organized crime.

Mr. Speaker, the White House says it is cooperating fully, but no one is cooperating. And then the same White House turns around and asks why the investigators are taking so long. If the American citizens are becoming cynical about their government, House investigators are becoming even more cynical about this White House.

SUPPORT THE HIGHER EDUCATION AMENDMENTS

(Mr. CALVERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALVERT. Mr. Speaker, early this year several news organizations in the southern California area conducted a poll to identify issues of concern to the citizens of that region. Improving the education system was far and away the highest priority among those polled. A staggering 80 percent of respondents supported requiring that teachers take competency tests on a regular basis. The survey clearly illustrated that most Americans want training for teachers so they are better equipped for the classroom.

This week in the House we will be considering H.R. 6, the Higher Education Amendments, which establishes a competitive grant system designed to improve the quality of teacher training in colleges and universities. The bill would hold institutions of higher education accountable for preparing teachers in the subjects in which they plan to teach.

Mr. Speaker, today's youths are tomorrow's leaders. We must give them every opportunity to succeed. I urge all of my colleagues to support education reform and support H.R. 6.

TOBACCO COMPANIES ARE THE LARGEST CORPORATE CONTRIBUTORS TO THE REPUBLICAN PARTY

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the Republican leadership is playing politics with their refusal to act on one of the most addictive drugs around: nicotine.

The truth is that, according to the Center for Disease Control, teens who smoke are three times more likely than nonsmokers to use alcohol, eight times more likely to use marijuana, and 22 times more likely to use cocaine. Yet the Republican leadership refuses to bring legislation to the floor of this House that could drastically reduce teen smoking, perhaps because the tobacco companies are the single largest corporate contributors to the Republican Party. Every day the Republican leadership fails to schedule debate on the tobacco issue, 3,000 more American kids will pick up this deadly habit, and 1,000 of them will eventually die of a tobacco-related illness.

Mr. Speaker, if the Republican leadership truly wants to save lives, they should schedule a vote on comprehensive tobacco legislation today.

SCHOOL CHOICE IS ABOUT SAVING THE CHILDREN FIRST

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, how can Congress and the President stand by and consign yet another generation of poor children to failed schools and limited futures in our nation's capital, Washington, D.C.? What do the American people want Congress to do about education? Let me quote from a letter from Mrs. Jan Horan of Westminster, Maryland, and I quote:

> Enough is enough, and the American people have had enough. When is the Congress of this country going to realize that the government is the problem and not the solution?
>
> For years, the Congress has continued to throw money at what they perceive to be the problem. The government at all levels has thrown money at education, and our educational system continues to deteriorate.

And I continue to quote:

> When are you, the elected officials, going do wake up and come out of your glass bubble and see what you are doing to this Nation?

Mrs. Horan, I could not agree more, and I hope everyone in Congress will listen and support the District of Columbia Student Opportunity Scholarship Act. Instead of throwing money at the education bureaucracy as liberals want, it will assure that families at all income levels have the opportunity to secure a quality education for their children. School choice will give all of our children the chance for a better future that a good education can provide. We must save the children first.

THE TRUTH ABOUT STOPPING TEENAGE SMOKING

(Mr. WATTS of Oklahoma asked and was given permission to address the House for 1 minute.)

Mr. WATTS of Oklahoma. Mr. Speaker, some people say their primary reason for supporting new tobacco taxes is protecting children, but these same people have constantly dropped the ball when it comes to protecting children in other areas. So I get a little suspicious when I am asked to support a cigarette tax as a way to save the children.

Consider this. Many folks who say they support a cigarette tax as a way of protecting teenagers are all too happy to allow my 13-year-old daughter to go to a Title 10 clinic and be counseled on having an abortion without my or her mother's consent. So much for protecting children from dangerous influences. So much for saving children.

Furthermore, many people who support a cigarette tax as a way to stop teenage smoking will not lift a finger to stop some public schools from giving my daughters free condoms without my permission. So much for protecting children from dangerous influences.

Also, Mr. Speaker, some people who say they are working to prevent teenagers from smoking will not lift a finger to prevent kids from getting access to free drug needles. So much for protecting children from dangerous influences.

Furthermore, some who say they are in favor of a cigarette tax as a means to protect children are not in favor of allowing kids to organize prayer in school. Thanks to these people, groups of kids cannot organize prayer and talk about protection today.

Think about it, America. Is a cigarette tax a plan to save our children from smoking cigarettes or is it really a plan about helping Washington, D.C., helping itself to more power and more money to fund more government bureaucracy?

ATTORNEY GENERAL RENO SHOULD DEMAND THE WHITE HOUSE STOP INTERFERING WITH JUDGE STARR'S INVESTIGATION

(Mr. BRADY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRADY. Mr. Speaker, what is happening right now to Judge Kenneth Starr is just shameful. Attorney General Janet Reno, the President's own appointment, chose Judge Starr to investigate solid allegations of perjury and obstruction of justice. Judge Starr was appointed by the Attorney General because he has a track record of very distinguished and honorable service. In fact, many of those who attack him today on the Democratic side praised him for his honesty and his fairness and his balance.

Mr. Speaker, if Judge Starr has acted improperly in any manner, he should be removed immediately as independent counsel. If he has shown himself to be conducting in an unfair, partisan manner the investigation, he must be removed.

But if he is not acting, if he has not done anything wrong or improper, Attorney General Reno should make a statement now demanding that friends of the White House stop interfering with his investigation and stop the campaign to destroy him. Because how else will we ever get to the truth?

THOSE WHO BROKE THE LAW NEED TO BE BROUGHT TO JUSTICE

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, the frustration level on my committee is very high. We know that millions of dollars in illegal campaign contributions have come in from foreign sources from places like Communist China, Macao and Taiwan and South America. We do not know what these people who contributed this money got for their money. Did it affect our foreign policy? Did it alter our defense strategies? Did it endanger in some way the United States of America down the road?

Mr. Speaker, we need to know these things, and those who broke the law need to be brought to justice.

Now we have been trying to get people to testify. Ninety-two people have fled the country or taken the fifth amendment, 92. Can my colleagues imagine that many people, 92, fleeing the country or taking the fifth amendment, many very close friends of the President who worked in the administration? They would not talk.

Now we have four people who are willing to talk, and they want immunity in order to talk, and the Justice Department has said they have no objection to immunity, and yet 19 of the Democrats on my committee, every single Democrat, voted against immunity. They have erected a stone wall against the facts so the American people will not know what is going on.

The American people have a right to know whether our foreign policy was altered or sold by anybody in the administration.

REPUBLICANS EITHER DEFENDING THE TOBACCO INDUSTRY OR ATTACKING DEMOCRATS ON THE CAMPAIGN FINANCE INVESTIGATION

(Mr. WAXMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAXMAN. Mr. Speaker, there is an interesting intersection today very visible in the comments on the Republican side of the aisle. They are talking about two issues. They are either defending the tobacco industry or they are trying to attack Democrats on the campaign finance investigation.

Mr. Speaker, they want to speak for the tobacco industry because they have received millions of dollars in campaign contributions from that industry and refuse to investigate the corrupting influence of that industry on some of the official actions of their own leadership.

□ 1030

They are criticizing Democrats for not participating in what has clearly been a reckless, partisan investigation in which the gentleman from Indiana (Mr. BURTON), the chairman of the committee, has abused his powers. These are not just my words. These are the words of The Hill newspaper today which declares we have "A Chairman Out of Control."

I am pleased Speaker GINGRICH is now focusing attention on the Burton committee. He did not respond to our letters asking for a joint investigation. He ought to now debate these issues, and I challenge him to come forward and debate whether this investigation and his role in tobacco deserves further scrutiny.

A QUESTION OF PRIORITY

(Mr. DELAY asked and was given permission to address the House for 1 minute.)

Mr. DELAY. Mr. Speaker, hypocrisy is a very tough word, so I will not use it in the context of the President's stance on tobacco. But let me just say that the President has his priorities wrong when it comes to his policies regarding children's health.

While he spends much of his time bashing tobacco, he has turned a blind eye to the skyrocketing problem of drug abuse in this country. Over 20,000 children a year die as a result of illegal drugs in this country, but the President's response has been to throw in the towel when it comes to the war on drugs. In fact, last week he not only condoned, but endorsed the free distribution of needles to heroin addicts. While the President is taking a cigarette from a teenager, he is giving them a condom and a needle to shoot up with heroin.

I think the President needs to get his priorities straight, Mr. Speaker. We should stop children from smoking, but first, we need to stop children from using illegal drugs.

GIVE CHOICE A CHANCE

(Mr. RIGGS asked and was given permission to address the House for 1 minute.)

Mr. RIGGS. Mr. Speaker, I just want to alert my colleagues that tomorrow the House will vote on a bill that represents the best chance that thousands of District of Columbia parents will have all year to see real hope in their lives.

The bill, which will be offered by majority leader DICK ARMEY is the D.C. Student Opportunity Scholarship Act, which the Senate has already passed. This is very modest legislation, but it would give low-income parents a scholarship up to $3,200 so that they could select the school and the education that is most appropriate and best suited for their children. It would give D.C. parents an option of sending their children to a school where real learning takes place, where standards of discipline are enforced and their kids will be safe.

But the liberal Democrats who say they care passionately about public education are adamantly opposed to this bill and ironic it is that these liberals who would not accept for one second having their own children in these dangerous, dysfunctional schools stand in the way of District of Columbia parents having the choice to send their children to a school that performs and is safe.

This is hypocrisy at its worst, and the Washington, D.C. parents who desperately want to give their kids a real chance in life know it. It is time to give choice a chance, because when parents have the choice, their children have a chance.

PROHIBITING THE EXPENDITURE OF FEDERAL FUNDS FOR DISTRIBUTION OF NEEDLES OR SYRINGES FOR HYPODERMIC INJECTION OF ILLEGAL DRUGS

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 409 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 409

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3717) to prohibit the expenditure of Federal funds for the distribution of needles or syringes for the hypodermic injection of illegal drugs. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) two hours of debate on the bill equally divided and controlled by Representative Wicker of Mississippi or his designee and a Member opposed to the bill; and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. BLUNT). The gentleman from New York (Mr. SOLOMON) is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, I would ask for every Member to turn on and watch this debate, because it affects every child in this country and every future child in the next generations to come.

Mr. Speaker, for the purposes of debate only, I yield half of our time to the gentlewoman from Rochester, New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, Mr. Speaker, all time yielded is for the purposes of debate only.

Mr. Speaker, I mentioned just a few minutes ago that I would wish that every Member would either come to the floor or would listen to this debate that is about to take place, because it does affect all of my children, my grandchildren, all of your children, your grandchildren, and future generations to come.

Mr. Speaker, this bill provides for consideration of H.R. 3717. It is a bill to prohibit the expenditure of Federal funds for the distribution of needles or syringes for the hypodermic injection of illegal drugs under a closed rule. The rule provides 2 hours of debate in the House, equally divided and controlled by the gentleman from Mississippi (Mr. WICKER) and an opponent; and finally, the rule provides one motion to recommit.

Now, Mr. Speaker, I say to my colleagues, this bill was introduced on April 23 by myself, by the gentleman from Mississippi (Mr. WICKER), the gentleman from Illinois (Mr. HASTERT), the gentleman from Georgia (Mr. BARR), and our majority whip, the gentleman from Texas (Mr. DELAY). This legislation initiative and its counterpart in the Senate is a proactive response to recent disturbing events in the Clinton administration with respect to the needle exchange policy of the United States.

In recent weeks, it was reported that the Department of Health and Human Services Secretary Donna Shalala was going to ask the use of Federal funds in a needle exchange program as an effort to halt the spread of AIDS.

Now, Mr. Speaker, last Monday President Clinton, after I had contacted Erskine Bowles, the Chief of Staff of the President, President Clinton did not go along with that policy and changed his mind. He endorsed the use of needle exchange programs while refusing to allow Federal funds to be spent to subsidize it, and that is what this bill does here today.

Mr. Speaker, the point is, illegal drug use in this country is of critical importance to the health and to the safety of our entire Nation, but especially our children. The Clinton administration's endorsement of needle exchange programs is part of an intolerable message to our Nation's children sent by the White House that drug use is a way of life. Mr. Speaker, we cannot let that happen. This legislation says once and for all that there is no way that this government will take taxpayers' money and spend one penny of it to support a deadly drug habit.

We have heard a lot of rhetoric recently about saving lives and treating drug addiction by handing out free needles. Well, it is time for this Congress to stand up once again and to deliver a resounding message that drug use kills, and that the best way to deal with the addiction is to never use drugs in the first place, just like Nancy Reagan used to say when she was here, just say no. That is the message we ought to be sending, not handing out needles to these people. Hundreds of our children are falling prey to these killer drugs every single day, and thousands of them are killing themselves.

According to studies by the President's own, this is President Clinton's own Office of National Drug Control Policy, listen to this: 352 new young people try heroin every day, 352 more children, these are children, not adults; with more than 4,000 deaths attributed to overdoses every year. My gosh, what are we doing here?

Other studies have shown that drug use, and this is something I think that all of my colleagues ought to listen to, drug use is the common denominator in 75 percent of violent crime against women and children. That means that 75 percent of all of the crime against our children and our wives are drug-related.

Mr. Speaker, the bottom line is that needle exchange programs increase illegal drug use, and that is what we have to pay attention to in this debate. The evidence is absolutely clear. In 1986, in Switzerland, the Swiss began experimenting with needle exchange programs in an attempt to counter their drug problem. Within months, I say to my colleagues, the distribution stations turned into chaos centers. Needle exchanges grew to 15,000 per day in the major city in Switzerland. One park opened for needle distribution became a war zone between rival drug-dealing gangs, and that is true up in Montreal, it is true in Vancouver, it is true in Amsterdam, Holland, and it is true in the United States where there are needle programs.

Furthermore, the largest supporters of the Swiss needle exchange program are vocal proponents, that means they are supporters of, a nationwide heroin distribution program in Switzerland. In other words, this is giving away free heroin. And what has this great experiment given to this once wonderful country of Switzerland? Switzerland now has the highest heroin addiction rate and the second highest HIV infection rate in all of Europe.

And just across our border, as I just mentioned a minute ago, Vancouver, Canada has one of the largest needle exchange programs in the world. It has distributed over 1 million needles annually for the last 10 years, 1 million needles annually.

According to a study by the Office of National Drug Control Policy earlier this month, and this again is the President's own drug control policy, the HIV rates among participants in this program are higher than the HIV rates among injected drug users who do not participate in the programs. There is proof positive if we are going to give away these needles, we are going to increase heroin drug use. The death rate due to illegal drugs in Vancouver has skyrocketed since 1988 when this policy was first instituted, and during the month of March, the death rate in Vancouver was averaging 10 deaths due to drugs per week, 10 a week, deaths of a human being.

Furthermore, and this is, I think, so important, too, because some people will probably come to this floor and say that they want to help their neighborhoods by establishing these programs. Listen to this: The highest rate of property crime in Vancouver are within two blocks of these needle exchange distribution centers. In other words, they attract the drug sellers, they attract the criminals. As the number of needles exchanges grow, drug use rises, violent crime increases, and more people died in Vancouver. These are absolute facts.

Mr. Speaker, needle exchange programs do not save lives, they destroy lives. They destroy hope, they destroy opportunity, they ruin families, and they ruin communities, and in some cases they are actually destroying a Nation, like the Netherlands and like Switzerland. We cannot let that happen in this country.

I urge all of my colleagues to stand with General Barry McCaffrey, the President's drug czar, even though the President does not agree, the Director of the Office of National Drug Control Policy is, in his opposition to these needle exchange programs, says it would be a disaster.

Mr. Speaker, what is even worse is the President, even though he took our advice and said no Federal funds, but still supports the program, he is opposing this bill simply by having Mrs.

Donna Shalala out here right now. I will bet that there are Members that are receiving phone calls from her; even worse, they are receiving phone calls from the Surgeon General Satcher, and he is making calls rights today in Members' offices asking them to oppose this bill. Now, which way is it? Is the President supporting our bill, or is he not, because of the people that have worked for him who are out here trying to defeat him.

I urge all of my colleagues to reject the culture of heroin, which brings only despair and destruction, and embrace hope and opportunity. As elected officials we have a crucial responsibility right here in this House to tell our children that drugs are not hip, they are not cool, and I told my granddaughter that up at Saint Lawrence University up on the Canadian border where they are subject to so many drugs coming across that border every day now, it is turning into another Mexico with drugs coming across.

We need to provide leadership on this issue where the White House is missing. Drugs and crime kill and destroy families. Needle exchange programs exacerbate these problems, and we can prevent that by supporting this rule today which will bring to this floor the bill which, when signed into law by the President, will prevent Federal funds from funding these programs that are going to kill our children.

Mr. Speaker, I would ask Members who are interested in this debate to come over to this floor. It is vital to our children.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from New York for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I want to talk about process this morning, because I think it is important. During my tenure here as a Member of the House of Representatives, I chaired an organization called the Organization on Study and Review, which set the rules of the House. And since the beginning, the inception of this Republic, this House has followed the rules. We set up the committee process because we wanted a full and thorough airing of every bill that came to the floor.

As the gentleman from New York (Mr. SOLOMON) has said, this bill was filed last Friday. It has had no process at all. It has simply gone to the Committee on Rules and directly to the floor, and, Mr. Speaker, it is going on a closed rule. No hearings have been held. As I mentioned, no committee action has been taken.

□ 1045

Now, the unfortunate thing here is that the Committee on Rules ignored the committee of jurisdiction. The ranking members of the committee and the subcommittee of jurisdiction asked for an opportunity to review, to amend, and to state their views on the legislation through hearings, markup, and committee reports; the process, Mr. Speaker, by which we operate. They were not allowed to have their wishes heard.

Mr. Speaker, one may ask what new, unanticipated crisis has caused the House to abandon its usual legislative process. Why do we have to deal with this immediately without the opportunity for the Committee on Commerce to examine the scientific and epidemiological facts that would enable the House to make an informed decision? It may simply be that, as usual, the House has nothing else to do. But in any case, these questions remain unanswered.

This bill would merely continue the existing administration policy. The rule is unusual in several other ways as well. The vast majority, almost all of our rules allow for only one hour of general debate which is controlled by the Chair and the ranking member of the committee or subcommittee of jurisdiction. That is our process, again.

This rule allows two hours of debate controlled for the majority by a Member who is not even on the committee of jurisdiction. The control of the minority time is left to a Member "opposed to the bill." The lack of due process, the closed rule, its unusual provisions, and the haste simply to confirm what is already current policy might lead a cynic to believe that this debate is not designed to help Members make a difficult choice about the best public health policy. No, this process and this rule do not foster deliberation, but are more conducive to a 2-hour campaign sound bite designed to label political opponents as less than vigorous in opposing illegal drug abuse.

Mr. Speaker, the Committee on Commerce and the full House should be thoroughly considering how best to stop the spread of HIV infection, not reaffirming a circumstance that already exists. The spread of HIV continues to rise in this Nation.

But in addition to opposing this procedure, I have concerns about the bill made in order by this rule. H.R. 3717 would place a permanent ban on the use of Federal funding for needle exchange programs.

Last week, Health and Human Services Secretary Donna Shalala announced that the administration would not, would not use Federal funds for these programs. This decision was made in spite of the fact that studies have demonstrated conclusively that needle exchange programs reduce AIDS transmission and do not, do not encourage illegal drug use.

This bill, Mr. Speaker, is a solution in search of a problem. The Secretary has stated in no uncertain terms that the administration will not use Federal funds for needle exchange programs, but here we are today on the House floor taking up a bill that offers a "me too" response an already announced decision. With our budget resolution already 2 weeks overdue, the House of Representatives should be using Members' valuable time to consider pressing new business, rather than reaffirming the status quo.

Mr. Speaker, I oppose this closed rule because it circumvents thoughtful consideration on an important public health issue.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, I rise to oppose the rule and to express my strong opposition to the manner in which this legislation was reported to the floor of the House for today's vote.

This legislation was referred to the Committee on Commerce. The members of this committee, the Committee on Commerce, are entitled to review, to amend, to express their views on legislation referred to the committee through hearings, through markup, and through committee reports. Unfortunately, the Committee on Commerce members, Republicans and Democrats alike, Committee on Commerce members on both sides of the aisle were denied this opportunity.

As the ranking member of the Subcommittee on Health and Environment of the Committee on Commerce, I believe rushing this complicated and controversial legislation to the House floor without proper review is clearly at odds with the best interests of the House and ultimately the American people. This body does not produce the best public policy in the best interests of this Nation when we rush legislation to the floor in this manner.

Mr. Speaker, the issue of needle exchange programs and whether they help control the spread of HIV and AIDS or promote illegal drug use is highly controversial. Experts from across the country are deeply divided over this issue. Historically, needle exchange programs have been the subject of deliberations by the Committee on Commerce and the Subcommittee on Health and Environment.

In the 105th Congress, Mr. Speaker, neither H.R. 3717 nor comparable legislation has been subject to any such review. For these reasons I urge my colleagues, Republicans and Democrats alike, because Republicans and Democrats alike were denied the opportunity to discuss and amend and to talk about this legislation. I urge my colleagues to oppose this rule and respect the regular order of the House of Representatives.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say to the gentleman from Ohio (Mr. BROWN), the previous speaker for whom I have a great deal of respect, he is a fine Member, but I do not think anybody knows more about the regular rules of the House than this Member who has been here for 20 years. I can almost recite this Bible, and perhaps some time the gentleman would like to sit down and talk about it.

But let me tell the gentleman what regular rules are. This bill was brought to the floor under regular rules. But what is even more important is that the bill must be on the floor today because tomorrow another life might be lost. Another life might be lost.

As far as public hearings on this, as far as the committee jurisdiction is concerned, this bill was debated last year at length with all kinds of hearings. A vote came on this floor and it passed 266 to 158. This is not a new issue coming to this floor. This is the same issue. And over the last year we have had more and more children ages 12 and 13 who have now taken up a drug habit; 12 and 13 years old, and there are even those that are 10 and 11 years old. And when we go a little bit higher in the 14 and 15-year-olds, I urge Members to go into their schools. Have they not done that? Do they not see what is happening?

Mr. Speaker, I had a very prominent businessman come to me, and he traveled a lot. He is a CEO of a company. Has a daughter who is an eleventh grader, and now she is hooked and he did not even know it. And we want to stand here and let needles be passed out to that girl? She will not live another 6 months.

Mr. Speaker, that is what this debate is all about.

Mr. Speaker, I reserve the balance of my time, before I say some things I should not, which I can do once in a while.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume, just to ask the gentleman from New York (Mr. SOLOMON), my friend, what part of his book and Bible over there says we file them on Friday and go to the floor on Wednesday. I would like to see it, if the gentleman could cite that for me.

Mr. Speaker, I yield 3½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, for the very reason that the gentleman from New York (Mr. SOLOMON), my good friend, rises to the floor, I likewise rise in opposition both to the rule and the complete unreal proposition that this legislation offers. I also apologize to the American people for 3 hours of political infighting that this legislation suggests.

Mr. Speaker, I agree with both of my friends who have spoken before me that, one, this is a bad rule, and in fact it is a bad rule because it has not had a public hearing, it has not been considered before any committee in the House, and it is being rushed to the floor under a procedure which completely shuts out any amendments. That we can say is true. It is a closed rule for a very vital and crucial discussion.

I think it is important when we discuss issues of importance to the American people that we tell the truth as to what they want. I think the American people want a Patient's Bill of Rights. They want the ability to select their own physician, and yet that legislation is far from coming to the floor of the House. They want, most of all, for us to do a job that responds to their concerns.

Republicans and Democrats alike abhor the illegal use of drugs. All of us have come to the floor of the House and regularly voted or offered legislation to stem the tide of the devastation of drug use. We cry with our constituents, we attend funerals we would like not to attend, and we hope to God that some day we will be victorious.

This legislation is a travesty and a blight upon true medical science, and it plays into the hands of those who would use the lives of our children and those addicted for political purposes.

Mr. Speaker, this needle exchange program is not a program directed toward children using drugs. It is directed toward known addicted heroin addicts who through their use of dirty needles perpetrate, pass on the devastation of HIV.

These programs are programs that are orderly and conducted under medical precisions and medical procedures. These programs are combined with telling and teaching these heroin addicts about stopping and finding other ways and being treated. These programs are combined with intervention and prevention. These programs are combined with health care.

What are we saying to the HIV community? That we can pass funds on one hand to say that we support the Ryan White bill, but we cannot face reality? The Clinton administration's policy is a policy that I may not agree with, but it is a policy that allows for existing and viable programs to continue.

Mr. Speaker, this is legislation that is unneeded, redundant, repetitious, political. It is not about saving lives. It is wrongly here on the floor of the House. It is here without hearings. It is here without assessment of the medical science.

Mr. Speaker, this is a bad rule. This is a bad piece of legislation. I am going to err on the side of supporting saving lives, adult lives who engage in this terrible dastardly use of illegal drugs. Support the idea of using clean needles with supportive programs as well as funding, but most importantly, let us vote down this devastating piece of legislation that does nothing but kill Americans.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me respond to the previous speaker. The gentlewoman from Texas (Ms. JACKSON-LEE) is one of the most respected Members of this body on the other side of the aisle. Certainly I know she speaks from the heart, and reasonable people can disagree.

Mr. Speaker, the gentlewoman from the District of Columbia (Ms. NORTON) came to me and said, "JERRY, I am going to have to oppose you and I am going to be very, very emphatic about it." But she feels just as the gentlewoman from Texas does, and I respect those feelings.

But let me just say that I do not believe we should be pitting one constituency against another. I know we are all sincere in trying to do something about this terrible, terrible problem. And let me give an example of even why my constituency is at fault, a lot of them.

I mentioned before that 75 percent of all the crime against women and children is drug-related. But what props up the price and what makes this so terrible is that 75 percent of all the drug use in America today does not come from the inner cities, it does not come from the constituency of the gentlewoman from Texas. It comes from suburbia.

I am so ashamed to say that the upper middle-class people who use drugs recreationally on the weekend, this is where 75 percent of the drug use is. They are what causes these territories to be developed in the inner cities, because they drive their Pontiac Firebirds that cost more money than I can afford into the inner cities and buy these drugs, and take them back out and say it is okay to sniff a little cocaine on the weekend. We do not do it all the time, so we are not addicted. We are going to smoke a little marijuana. So my constituency is at fault the same as that of the gentlewoman from Texas, and maybe mine even more so.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, first of all I know that I have already acknowledged my sadness in the exciting retirement announcement made by the gentleman from New York (Mr. SOLOMON) yesterday. We have worked together, and I do appreciate the point that the gentleman made about pitting constituencies against each other.

I will just close with this. We have both, Republicans and Democrats, risen at any different time to fight against illegal drugs.

Mr. SOLOMON. Yes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would raise the concern, the gentleman mentioned cocaine and marijuana. The needle exchange specifically focuses on the dastardly use of heroin by addicted persons. My concern is on this legislation, that I have, and maybe also in suburbia, many individuals who, and let me just say in the inner city, who would benefit from the program. We are specifically talking about a clean needle which ultimately may result in the passage or the transmitting of HIV.

Mr. Speaker, I do welcome the gentleman's point about not pitting constituencies against each other. I hope we do not. And I look forward to working with the gentleman.

□ 1100

Mr. SOLOMON. Mr. Speaker, I thank the gentlewoman. Again I have great respect for her.

Mr. Speaker, I am using up all of our time over here, but let me yield such time as he might consume, and I hope it is not more than 4 or 5 minutes, to one of the outstanding orators of this body, the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I thank the chairman for yielding to me. And I, too, as the gentlewoman from Texas (Ms. JACKSON-LEE) has stated, am sad to hear about the gentleman from New York leaving us and shocked a little bit.

America is overrun with narcotics, and I am trying to figure Congress out. I was a sheriff, and I ran the drug treatment program for 11 years. So help me, God, if there is any common sense left, I cannot find it.

Well, 70 percent of our narcotics, heroin, cocaine, come across the Mexican border, and Congress allows the Mexican border to be technically wide open. And out of frustration to stop all of this, now there are those that want free needles to stop the spread of AIDS. Unbelievable.

Every study shows that free needles produce and perpetuate more dependence, more overdose, more violence, more despair, but out of frustration, Congress is willing to try anything but some common sense. Tons and tons of heroin and cocaine are coming across the border, and we are debating free needles.

But it takes me back to something else here. Over the years, if anybody is watching this debate or really cares, and they do, we allow Communists to work in our defense factories. The Constitution, they say, ensures that mass murderers shall have law libraries, free condoms to protect us from all this elicit sex, and now free needles to combat this great problem.

But after all of this, many people say the Constitution says no school prayer is allowed. Condoms, drugs, needles, Communists, that is all okay when stretched under some code of the Constitution, but school prayer is not. Is it any wonder we are so screwed up in America and we are so overrun with narcotics?

I believe we have so many do-gooders around here that they have abused the Constitution to the point where our country is limping into the next century, literally. I believe these do-gooders mean well, but, in my opinion, they have no common sense, and they are so dumb, if they throw themselves on the ground, they will miss the floor.

I say America would be better off with school prayer and without condoms and needles. And if we do not get back to a little common sense, I do not know what is left. But if we want more addiction, more violence, more dependence, then go ahead with free needles, because those addicts that are out there now will not even be responsible to return the needles they are using now. They will continue to irresponsibly share needles provided by the government.

I do not normally support closed rules, but I support the rule. I support the bill. I would like to stand up for a little bit of common sense if there is anything left under such guise in our country.

Ms. SLAUGHTER. Mr. Speaker, I want to comfort my friend, the gentleman from Ohio (Mr. TRAFICANT), to remind him that there will be no Federal money being used for needle exchange. What we are doing this morning is simply restating the obvious.

Mr. Speaker, I yield 5 minutes to the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN).

Ms. CHRISTIAN-GREEN. Mr. Speaker, I would like to thank the gentlewoman from New York for yielding me this time.

Mr. Speaker, I rise to oppose the rule and bill, H.R. 3717. I consider it a privilege to be a Member of this august body, as I represent the Virgin Islands. It is truly a pleasure to serve with you and my colleagues.

I must admit, however, to one recurring frustration, and that is that too often research findings, even scientific or social, do not dictate or influence our policies or our legislation.

Mr. Speaker, this is unacceptable, which brings me to H.R. 3717. The time has come to stop fighting the war against AIDS on the altar of political correctness and treat this disease as the public health crisis that it is. The reality is that our people are dying, and they are dying in epidemic numbers.

Among women and children with AIDS, African Americans and Hispanics have especially been affected, representing approximately 75 percent of cases reported among women and more than 80 percent of cases reported in children. And 63 percent of all AIDS cases among women are related to sharing needles and syringes for the injection of drugs or through sex with an intravenous drug user.

Mr. Speaker, we know that needle exchange programs can reduce HIV infection by more than 30 percent, and that making available clean needles is an important part of a broader-based strategy to reduce HIV infection and deaths from AIDS. Other important factors which also must be addressed are improved and effective prevention strategies and increased access to treatment.

While it has never been shown that providing clean needles encourages drug abuse, what we do know is that drug addicts or drug-addicted individuals who are not under treatment will not stop using drugs just because sterile needles are unavailable. They will simply continue to use contaminated and often infected needles, continuing to infect innocent women and children.

In 1995, the cost of treating the 25,000 cases of needle- or syringe-sharing related AIDS cases was more than $3 billion. Hundreds of millions of dollars are spent on mindless ads against drugs and AIDS, which will be ineffective, while, by comparison, a fraction of those dollars will support a program that has been unequivocally proven effective at preventing HIV/AIDS transmission.

Mr. Speaker, we represent all of the American people and are sent here to protect and serve their best interest. We have an obligation to do what we know can save lives when we know that those women and children are at risk.

As a physician and former public health official, I am compelled to support the use of Federal programs for needle exchange, and I would urge all of us to do so. But if we do not fully understand the issue or have concerns about these programs, or even if we disagree, there is one thing we should all be able to agree on, and that is amending the Public Health Service Act is a serious matter and must not be done hastily without having been given due consideration by the committee of jurisdiction.

My colleagues, I plead with you to be guided by sound scientific research and the thinking of our best public health minds, not politics. Let us value the lives of all Americans, oppose the rule, and vote no on H.R. 3717.

Ms. SLAUGHTER. Mr. Speaker, I yield 5½ minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, first let me join those who regretted to hear the leaving of this battlefield from one of our great warriors, someone that speaks his mind and has very strong convictions.

Mr. Speaker, I was interested in identifying to the gentlewoman from Texas (Ms. JACKSON-LEE) where we are finding so much abuse in the white middle-class suburban area. I remember, over 35 years ago, I was trying to convince people in America that drugs would not be confined to the inner city, that we cannot just identify a minority group because they are poor and hopeless and think that the profiteer people would not enlarge their market.

For those who want to say that this Nation has not done enough to deal with this devastating problem, which I think is a threat to our national security, I am certainly prepared to join hands with those Republicans and Democrats to do just that.

We cannot go into this next century having a million and a half people locked up in jail where 80 percent are there because it is a drug-related crime. I think I share in the sentiments of most people to believe that we have to resort to the distribution of sterile needles to deal with a health crisis that we have in this country.

The gentleman from New York (Mr. SOLOMON) and I may agree that we are not tackling this problem the way that we should, but just saying no, just saying no is not even looking for a solution to this problem. If we wanted to find out whether or not the support of Federal-supported needle exchange is going to increase the problem, if we wanted to find out does it really decrease the spread of HIV, if we want to find out whether lives could be saved, whether Federal dollars could be saved, whether this terrible and tragic disease could be held back, we do not do this with a resolution, we do these things with hearings. We search for the truth. We do not ask Members just to say no.

There are a lot of answers that we are searching for, but to ask Members to come to this floor just to direct that our Federal Government defy all scientific evidence before we have had an opportunity to weigh it, and when we know that we are talking about the saving of lives, if we are wrong, how many lives will be lost? They are doing this anyway. Our soul would not be any more cleansed if this thing passes than if we waited to see what the results are going to be.

But what I am afraid is happening is that this is not a legislative body that we are dealing with anymore. This is a campaign committee. It is how many issues can we vote on to determine how we stand on something.

One of the major issues that we are facing today is getting rid of the IRS, pulling up the Code by its roots. But when it comes to legislation, what we vote on is a supermajority in order to increase taxes.

One of the major issues we have today is whether or not the Social Security system is going to be strong enough for our children and our children's children. What are we voting on today? To have some horse and pony show run around the country and discuss the issue.

One of the serious issues we have today is whether or not drug addiction is going to expand, whether or not we can control AIDS, whether or not people can live, whether or not people can die, and whether or not the distribution of needles can save lives. Are we going to study this? Are we going to have hearings? Are we going to have the experts in? Are we going to have the scientists in? Or do we just say no?

I wish this issue had not come before this floor in this present body, because what we are saying is that we do not trust the United States Congress. We do not trust Democrats. We do not trust Republicans. We do not trust committees. We do not trust subcommittees. Why? Because the Committee on Rules knows best.

Did the Committee on Rules have hearings? Did the Committee on Rules bring in experts? Did the Committee on Rules know that we are not talking politics? The people that have taken to this floor trained in medicine are talking about lives and not talking about drug policy.

We say we do not want to divide groups. The only way that we can avoid this, and I believe the gentleman from New York is sincere, is that we say that the appropriate committees study this issue and report back to the House of Representatives. With all due respect to the Committee on Rules, it is not a legislative body. It has not had hearings. This issue is too serious just for us to say no.

Mr. SOLOMON. Mr. Speaker, would you identify the amount of time remaining for each side.

The SPEAKER pro tempore (Mr. BLUNT). The gentleman from New York (Mr. SOLOMON) has 12 minutes remaining. The gentlewoman from New York (Ms. SLAUGHTER) has 11 minutes remaining.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I do say to my good friend, the gentleman from New York City, New York (Mr. RANGEL), I mentioned earlier that I have great respect for the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentlewoman from the District of Columbia (Ms. NORTON). If it is possible, I have even greater respect for that gentleman. The gentleman from New York knows it.

The gentleman from New York and I disagree on many things, but we listen to each other. I listened to him back in 1990 when I read the USA Today on November 8 when my good friend the gentleman from New York (Mr. RANGEL) said our goals should be to eliminate drug abuse, not to find a cleaner, safer way to do it.

□ 1115

Sure, IV drug abusers put themselves at risk of AIDS through sharing needles, and certainly we want to slow its spread, but there are better ways than giving addicts needles to do their drugs.

And the gentleman, I know times change and I know he still feels that way, but, again, there are probably reasons why he might feel a little differently today. But he is absolutely right. We cannot just say no. That does not accomplish it all. We still have to have a Federal policy of interdiction to stop these drugs from coming across the borders wherever, and he has been a leader on this, Mr. Speaker. We have to have an education program, and we have to have a treatment program.

So it is not, just say no. The gentleman is so right. It takes a lot. But at least we ought to be focusing and setting the example here in this Congress and not using the Federal dollars, as he stated back in 1990.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Athens, Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the chairman of the Committee on Rules, the gentleman from New York (Mr. SOLOMON) for yielding me this time; and I rise in support of the rule.

I really and truly believe that needle exchange programs are an unintended, very cruel thing to do to addicts. I believe it is the equivalent of giving an anvil to a drowning man and saying, well, here is something to stand on; maybe you can get your head above the water.

I think the Democrats basically feel this way, despite the rhetoric we hear today. Because they really do not want to fund needle exchange programs. And, as they know, President Clinton does not want to either. So to say that needle exchange programs have a consensus among the Democrats is probably wrong, too.

There is a lot to be discussed here. Let us look at the Vancouver case. Now, the Vancouver needle exchange program started 10 years ago. They have given out, since that time, millions and millions of needles, in fact, two-and-a-half million needles last year alone. During that period of time, HIV, among participants, is higher than the HIV rate of those who do not participate. The death rate has skyrocketed.

In 1988, in Vancouver, there were about 18 drug-related deaths. In 1993, there were 200 drug-related deaths. In terms of property crime, in the two-block area around the needle exchange program, Vancouver has the highest property crime rate in the whole city.

Does it work? I would say, well, maybe we cannot just prove everything because of the dismal Vancouver results, but the fact is that surely this scares people and gives us cause for alarm.

The administration is very obsessed with tobacco. There are a lot of good ways, and there is the bill of the gentleman from Georgia (Mr. SANFORD BISHOP) that I think would greatly reduce teen tobacco usage. But the administration and the Democrats are not talking about the Bishop Democrat bill because it does not raise money.

What the tobacco debate still seems to be about is putting a tax on America's working poor and creating 17 new Federal Government agencies with hundreds of Washington bureaucrats who can run our lives. That is why the Democrats seem to be obsessed with tobacco.

And while I am very concerned about it and while I think the Bishop bill has a lot to offer and I do plan to support it to crack down on teen smoking, what is interesting is that the Democrats really are not interested in that. They are just interested in growing the government and raising taxes, and because of that they have ignored the drug problem.

During the Clinton administration, albeit teen smoking rates have gone up, drug usage rates have gone up a lot more. During that period of time, convictions have gone down. We need, as we crack down on the drug use and get active in the drug war, we need more convictions, we need more interdiction, and we need more treatment.

Let me close with this sentence from the head of the Vancouver-Richmond Health Board who said, "I can have all the needles I want, but they won't give me a single drug treatment bed." If we want to help people who are addicted to these horrible drugs, we need to give them treatment, not free needles.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume to add to the litany of things mentioned by the gentleman from New York (Mr. RANGEL) that we wish we were doing on the floor of the House.

I have a piece of legislation to protect every American from loss or exorbitant costs of health insurance because of their genetic makeup. It has almost 200 sponsors in this House, bipartisan, over 100 outside groups that collectively represent a third of the American population, yet I cannot even get an answer from the committee chair to give us a hearing. But, nonetheless, the process has gone by the way; and today we are doing what we are doing.

Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I rise in opposition to the rule and to the Solomon bill which would permanently prohibit Federal funding for needle exchange programs.

First, let me say that I am deeply disappointed with the administration's recent decision not to restore Federal funding for the program, and I hope in the future the administration will listen to the scientific community, the public health experts that have spoken so eloquently because of the studies that have clearly demonstrated that lives are being saved and more lives can be saved by funding the program.

This legislation that we are debating today would end any hope that this decision could ever be corrected. As the AIDS epidemic continues, we have to continue to support efforts by local authorities. There has been so much talk in this Congress that we should pay attention to what is going on in the States and in local government. Well, they have demonstrated by the implementation of the needle exchange programs that they use all the prevention methods that are available and that this is prevention. It helps to prevent the spread of this dreaded disease and save lives.

Numerous scientific studies demonstrate that needle exchange is effective in preventing HIV infection amongst drug users, their spouses and their children. And this group today now represents nearly 50 percent of new HIV infections. In more than 50 cities, needle exchange programs operate on shoestring budgets, and many are run by volunteers. Despite these difficulties, the programs have been largely effective in reducing the spread of AIDS.

Now, what has not happened, what has not happened, and I think this is very important for us to state this, because it has been documented, it has not demonstrated a use of more drugs. That is not the case. Very easy to come to this floor and use inflammatory language and say that this is going to increase the use of drugs. It is not what has been demonstrated at all.

But there are those that would come to the floor under the guise of being tough on drugs and crime and state that that is the case. It is not.

The studies demonstrate that needle exchange does not lead to increased drug use among participants in the programs, does not increase crime, and does not encourage first-time drug use.

One of my colleagues came to the floor and said that all common sense has been lost. I was taught that the most uncommon of the senses is common sense. It is very easy to come here and rail. It is another thing to have read the studies by some of the leading scientific experts in our country.

So I come to the floor today, really, on an issue that I know can be used against some Members of Congress that would have the courage to come here and say that needle exchange does work. We can indeed save lives. It is the right thing to do.

Do not allow politics to come before science. I ask my colleagues to vote against the rule and the bill.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume to note that the gentlewoman from California's comment that the Solomon bill prohibiting Federal funds being used for needle exchange programs is permanent is true. It sends the very strongest message that we can that we do not want to encourage the use of drugs.

However, any law is only as permanent as this Congress wants it to be. Day after tomorrow, this Congress could change its mind and pass another law making it legal. So I wanted to make that point.

Mr. Speaker, I yield 3 minutes to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Speaker, I want to thank the chairman of the Committee on Rules for bringing this bill to the House floor and particularly for this rule, because I think it is important that we have an opportunity to debate one of the leading causes of crime in America today and that is the use of illegal drugs. We have seldom an opportunity to debate this, and I am delighted that the gentleman has this measure on the floor today.

I find it ironic that the Clinton administration and many on the other side of the aisle spend most of their time talking about reducing teenage smoking, and that is very important, but that is not the immediate threat to young people today as is the use of illegal drugs.

As far as scientific studies and experts, I would just like to read an article from the New York Times which is quoting Dr. James Curtis, a professor of psychiatry at Columbia University's medical school, relating to needle exchange, which many people on the other side of the aisle want to advocate.

He says,

> For the past 10 years, as a black psychiatrist specializing in addiction, I have warned about the dangers of needle-exchange policies, which hurt not only individual addicts but also poor and minority communities. There is no evidence that such programs work. An addict is enrolled anonymously, without being given an HIV test to determine whether he or she is already infected. The addict is given a coded identification card exempting him or her from arrest for carrying drug paraphernalia. There is no strict accounting of how many needles are given out or returned. And the studies found that those addicts who took part in such exchanges were two or three times more likely to become infected with HIV than those who did not participate.

So I would send a challenge to this administration and our friends on the other side of the aisle. Let us get serious about the real problem facing the youth of today. It is not so much teenage smoking as it is the use of illegal drugs.

Once again, I commend the chairman for bringing this issue to the floor.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, as I listen to the debate, I wondered why do we have this bill up at this moment? There is no urgency, except for the fact that we read last week that the number of HIV infections is going up, even as more people with AIDS are living longer because of drug therapy. Today, we are not spending Federal dollars for needle exchange programs, although some people think it might be a good public health strategy to reduce the spread of AIDS.

Ordinarily, when we get people saying a policy is worthwhile and others saying it is not, we would hold hearings and we try to find out the truth. But this bill is being brought up without the committee that has jurisdiction holding any hearings, without hearing from the Surgeon General, the American Medical Association, and the public health community to learn the truth. This bill is being brought up now, it seems to me, for political reasons.

What would be the political reasons involved? Well, it is always great politics for someone to say they are against drug addiction. We can all say that. We are all against drug addiction. But there is another political reason. It seems to me that if I were part of the Republican leadership and my party had received millions of dollars from the tobacco companies, I would want to change the subject. I would want to talk about drugs. It is an important issue, but it is not being handled in a responsible way that an important issue should be handled.

I would want to talk about how the Administration is trying to go after kids and tobacco and also want to talk about drug abuse. Of course, today's debate is not about drug abuse and kids. This is about HIV and drug abuse prevention programs that work, not with Federal funds but at the local level.

So I think that the American people ought to understand what is going on here today. If I were going to try to take people's minds off the fact that over 450,000 people die each year in this country from smoking-related diseases, while only a fraction of that number of people die from illicit drug use. Tobacco is such an enormous problem, that I would try to minimize that problem by trying to change the subject.

If we are going to do a scientific evaluation of needle exchange, we ought to ask the people who know about it to give us some guidance. The Secretary of Health and Human Services has done that, and she concluded that needle exchange programs lead IV drug users into drug treatment programs to rid themselves of drug addiction.

□ 1130

This is a very worthwhile result. But she also said that the National Institutes of Health that have looked at needle exchange and determined that it has reduced not only the incidence of illicit drug use, but reduced the spread of HIV infection.

Congress wrote a law that was responsible for this evaluation. We said we do not want any Federal funds to be used for needle exchange programs unless we can be clear that it is not only a good strategy to stop the spread of HIV, but it is also going to discourage, or at least not encourage, the use of illegal drugs. And if there were a positive finding on both of those areas, Federal funds could be then available. The Secretary made a finding that both circumstances apply to these needle exchange programs; yet the administration's position is no Federal funds still would be permitted.

So why do we have this bill up today? This bill says no matter what we learn from experiments, we will never allow federal funding of needle exchange programs. Why should we take that kind of position? Why should we determine forever what the policy will be, especially in the face of so much evidence that is extremely effective in stopping the spread of HIV and also in discouraging people from using illegal drugs?

The regular order of Congress should be to permit the committees that have jurisdiction and Members that have knowledge, to hold hearings and evaluate these issues. What we are being told today is to pass a rule, to take it away from the committee, to have no hearings, to not think about the issue beyond a few slogans and cliches, and to immediately pass a bill so we can go home and claim we have done something, when in fact no real-world result will come from our efforts.

The SPEAKER pro tempore (Mr. BLUNT). The gentlewoman from New York (Ms. SLAUGHTER) has 2½ minutes remaining, and the gentleman from New York (Mr. SOLOMON) has 5 minutes remaining.

Mr. SOLOMON. Mr. Speaker, before I yield, let me just say to my good friend, the gentleman from California (Mr. WAXMAN) that I have great respect for him. I am surprised, though, that he brought the politics into the debate. We have tried to keep this on the highest plane, and I commend all the Members for having done so.

Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from New Jersey (Mr. PAPPAS), a new Member of this body.

Mr. PAPPAS. Mr. Speaker, I thank my friend the gentleman from New York for yielding me the time.

My colleagues, America is watching. This debate is probably one of the most significant debates that we will be having, because the future of our young people are so dependent upon the drug culture in our country.

Members of this body meet with children. I do. Just as I was walking into this building just a few moments ago, there were four or five Members speaking with young people from their districts. When I interact with the young people from my district, I ask them a question: "What are the issues that you are most concerned about?"

Nine out of ten speak to me about their concern for drugs and the drug culture that they are facing and that we all are exposed to of the illegal drugs. They talk about how quickly they can purchase it if they choose to. They talk about how they do not understand how the system does not seem to support efforts to cut down on drug usage and to punish those that are using drugs. They are frustrated that their teachers and school administrators do not seem to have the support of the system, as they put it, to discipline those young people who are undertaking drug usage and dealing with it.

Today there are 10 young people who are members of the 4-H program from my district that I am going to have lunch with in just less than half an hour, and I am going to speak to them about this debate and encourage them to be a part of it, as so many young people are.

Mr. Speaker, this is a mixed message that we are sending to our country, and I applaud the efforts of my colleagues in this House to bring this resolution forward. We owe it to our young people.

Ms. SLAUGHTER. Mr. Speaker, I yield 1¼ minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, the issue here today is whether or not we are going to make decisions on the basis of science, or are we going to have the politics of gesture.

Now, there is clear evidence that the program that has been operating in the Northwest for the last few years has been very effective. And, in fact, the article by the authors from British Columbia that is widely quoted as saying the needle exchange does not work contains the sentence that says, "The authors must point out that the officials who have used this information have misrepresented our research."

The fact is that in the Northwest, it is operating in nine counties. The AIDS infection rate in Seattle and Tacoma is 3 percent among drug addicts; whereas, in the South and in the East, in New York City and in other places, it is between 20 and 30 percent. There is clear evidence that this is effective in reducing the infection rate.

Mr. Speaker, I include for the RECORD the following article that appeared in the New York Times today called "The Politics of Needles and AIDS" and also an article in the Seattle Post Intelligencer by the Superintendent of Public Instruction, Judith Billings:

[From the New York Times, Apr. 9, 1998]

THE POLITICS OF NEEDLES AND AIDS

(By Julie Bruneau and Martin T. Schechter)

Debate has started up again in Washington about whether the Government should renew its ban on subsidies for needle-exchange programs, which advocates say can help stop the spread of AIDS. In a letter to Congress, Barry McCaffrey, who is in charge of national drug policy, cited two Canadian studies to show that needle-exchange plans have failed to reduce the spread of H.I.V., the virus that causes AIDS, and may even have worsened the problem. Congressional leaders have cited these studies to make the same argument.

As the authors of the Canadian studies, we must point out that these officials have misinterpreted our research. True, we found that addicts who took part in needle exchange programs in Vancouver and Montreal had higher H.I.V. infection rates than addicts who did not. That's not surprising. Because these programs are in inner-city neighborhoods, they serve users who are at greatest risk of infection. Those who didn't accept free needles often didn't need them since they could afford to buy syringes in drugstores. They also were less likely to engage in the riskiest activities.

Also, needle-exchange programs must be tailored to local conditions. For example, in Montreal and Vancouver, cocaine injection is a major source of H.I.V. transmission. Some users inject the drug up to 40 times a day. At that rate, we have calculated that the two cities we studied would each need 10 million clean needles a year to prevent the re-use of syringes. Currently, the Vancouver program exchanges two million syringes annually, and Montreal, half a million.

A study conducted last year and published in The Lancet, the British medical journal, found that in 29 cities worldwide where programs are in place, H.I.V. infection dropped by an average of 5.8 percent a year among drug users. In 51 cities that had no needle-exchange plans, drug-related infection rose by 5.9 percent a year. Clearly these efforts can work.

But clean needles are only part of the solution. A comprehensive approach that includes needle exchange, health care, treatment, social support and counseling is also needed. In Canada, local governments acted on our research by expanding needle exchanges and adding related services. We hope the Clinton Administration and Congress will provide the same kind of leadership in the United States.

[From the Seattle Post-Intelligencer]

NEEDLE EXCHANGES HELP STEM FLOW OF AIDS/HIV

(By Judith A. Billings)

As a woman living with AIDS, I am angry that our government's silence on needle exchange programs has led to new HIV infections and needless human suffering. I am angry because politics, not sound public policy, continue to block needle exchange programs that could save thousands of lives.

The statistics are too grim to ignore. Every day, 33 Americans contract HIV through injection drug use. More than half of all new HIV infections occur among injection drug users, their partners and their children. According to the Centers for Disease Control, an estimated 85 percent of new AIDS cases among heterosexuals, and 66 percent of the cases among women, were linked to injection drug use. The overwhelming majority of children born with HIV infection have a parent who injected drugs.

Across the nation, communities of color bear an overwhelming share of the burden, with injection drug use representing nearly half of all new HIV infections among African Americans and Latinos. We cannot allow that to continue.

As a member of the President's Advisory Council on HIV/AIDS and as chairwoman of our state's Governor's Advisory Council on HIV/AIDS, I join other advocates in calling for the removal of federal restrictions on funding for needle exchange programs. Scientific evidence, backed by the American Medical Association and the American Public Health Association, demonstrates that needle exchange programs prevent the spread of HIV without contributing to drug use.

President Clinton and Health and Human Services Secretary Donna Shalala have the ability to advance the policy debate by publicly supporting needle exchange programs. Shalala should exercise her authority to declare that the programs meet congressional eligibility requirements for federal funding: Needle exchange helps prevent HIV infections and does not increase drug use. Five federally funded studies have recommended removing the ban on federal funding for needle exchange programs. The scientific evidence mandates such a move.

Yet the Clinton administration is divided from within on the issue. A public battle has developed, pitting two of Clinton's respected advisers. Sandra Thurman, the White House director of national AIDS policy, is the first person in her position to publicly call for the removal of the ban on federal funding for all needle exchange programs. She knows that thousand of injection drug users, their partners and their children have died unnecessarily as a result of current policy.

On the other side, Gen. Barry McCaffrey, director of national drug policy, maintains that needle exchange programs send a message of tolerance to young people and are contrary to our nation's war on drugs. That is refuted by a National Institutes of Health research panel, convened at the request of Shalala, who found that needle exchange programs do not increase and may, in fact, decrease drug use. The misguided belief that exchanging sterile needles for contaminated ones will encourage young people to use drugs continues to drive the spread of HIV.

Needle exchange also reduces the financial cost of the AIDS epidemic. Health officials estimate that by preventing just one HIV infection, a needle exchange program saves taxpayers $119,000 in medical costs. The programs saves lives and financial resources. But needle exchange programs are not available everywhere, with the consequence of placing thousands at risk for HIV infection.

Washington state has led by example. Our state is home to the first needle exchange program in North America. Local public health authorities, working with community-based organizations, embraced needle exchange programs as one tool in a comprehensive HIV-prevention strategy. Needle exchange programs now operate in eight Washington counties, serving most metropolitan areas. The programs are credited with keeping the percentage of HIV-positive injection drug users in Washington lower than in regions that waited to establish needle exchange programs. In Seattle and Tacoma, less than 3 percent of injection drug users are estimated to be HIV-positive, compared to 20 percent to 30 percent in some East Coast and Southern cities.

I applaud local public health authorities and community-based organizations for allowing science, rather than political rhetoric to dictate policy on needle exchange. Our state has saved thousands of lives and has helped hundreds of addicts seek drug treatment. Given this success, our state's congressional delegation should lead the effort to ensure a full federal-state partnership in the fight against AIDS.

Other states and communities deserve the opportunity to prevent new infections through needle exchange programs. Our communities need to send one clear message to Congress and the Clinton administration: Immediately remove federal restrictions on funding for local needle exchange programs.

Today, 33 of our friends, neighbors, coworkers and children will wish we had done so earlier.

Ms. SLAUGHTER. Mr. Speaker, I yield 1¼ minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentlewoman for yielding me the time.

I ask fervently for the defeat of this provision based on its wording: "Directly or indirectly," it says. That is a virtual death sentence, especially for black and Hispanic men, women, and children, who, in hugely disproportionate numbers, are dying of AIDS, and the science tells us now that this is needless.

A third of all AIDS cases come through needles. We are setting a terribly dangerous precedent here. The Committee on Appropriations said, let us not do something dumb. Let us ask the world-class scientific investigators.

Now they have asked, and they have heard the answers. Three criteria we said had to be met: No spread of drugs, no spread of AIDS, and save lives. They tell us, dramatic saving of lives. NIH, NAS, GAO. And the most that Mr. McCaffrey, who should resign, can think to do is try to pick off members of the Black Caucus, who rise, almost all of us, to say that indeed this disease which is spreading (and it is the leading killer in our community) can, in fact, be eradicated if we can get to the hard-core addicts, clean needle for dirty needle, until we finally lure them into treatment.

Do not vote for death in our communities. Vote for the science. Do not say, look, give us the facts, and then say, we do not want to be confused by the facts, we choose death.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) has 3 minutes remaining.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time.

Again, the gentlewoman from the District of Columbia (Ms. NORTON) was not on the floor when I heaped praise on her and told the body how much I thought of her; and I really do.

But Mr. Speaker, Members have come to this floor, I guess, all from that side of the aisle, and I do not try to play politics in saying that, but like Mr. WAXMAN before, he has asked for a delay of this bill, and he asked what is the urgency; and my colleagues, the urgency is that one more child should not be hooked on drugs. It is so, so pathetic.

Let me just read the bill. It is a one-paragraph, simple bill. It does not require a lot of hearings. Everyone knows how they are going to vote on this bill. It says, "Notwithstanding any other provision of law, none of the amounts made available under any Federal law for any fiscal year may be expended directly or indirectly to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug."

Mr. Speaker, first of all, it is a fact, the exchange needle programs increase drug use. Go with me to any city, any area in any city in the United States or in this world, in Amsterdam, in Switzerland, in Montreal just above my district.

This Federal Government should be doing everything that it possibly can, not to just say no, but we need to, in fact, direct all of our attention to interdiction to try to keep these drugs out of the hands of our children. We ought to do all we can to treat those that are unfortunate enough to have already been taken over by these illegal drugs. And then we should do all that we can to educate our children. It is their lives we are talking about. And by creating a program that is encouraging the use of illegal drugs, we just cannot do it.

Ms. NORTON. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. Mr. Speaker, I do not have any time, or I would. But there is going to be 2 hours of general debate coming up, and I will be glad to enter into a colloquy with the gentlewoman.

But I just hope that Members come over here and vote for the rule, and then let us have the dialogue between us. Let us talk about the problems. But let us try to keep the politics out of it because we are not talking politics. We are talking about the lives of our children, and that means so much to all of us. I urge support of the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid upon the table.

Mr. WICKER. Mr. Speaker, pursuant to House Resolution 409, I call up the bill (H.R. 3717) to prohibit the expenditure of Federal funds for the distribution of needles or syringes for the hypodermic injection of illegal drugs, and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H.R. 3717

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION REGARDING ILLEGAL DRUGS AND DISTRIBUTION OF HYPODERMIC NEEDLES.

Part B of title II of the Public Health Service Act (42 U.S.C. 238 et seq.) is amended by adding at the end the following section:

"PROHIBITION REGARDING ILLEGAL DRUGS AND DISTRIBUTION OF HYPODERMIC NEEDLES

"SEC. 247. Notwithstanding any other provision of law, none of the amounts made available under any Federal law for any fiscal year may be expended, directly or indirectly, to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.".

SEC. 2. CONFORMING AMENDMENT.

Section 506 of Public Law 105–78 is repealed.

The SPEAKER pro tempore. Pursuant to House Resolution 409, the gentleman from Mississippi (Mr. WICKER) and the gentlewoman from California (Ms. PELOSI) each will control 1 hour.

The Chair recognizes the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first take this opportunity to commend and thank the gentleman from New York (Mr. SOLOMON) for the legislation which is before us today. Although my colleague still has several more months remaining in this Congress and a lot more work to do, let me be among the many to express my gratitude to him for his service to his community, to the military, to this institution, and to his State and Nation.

I also at this point want to note the leadership and tireless efforts of the gentleman from Georgia (Mr. GINGRICH) in leading the war on drugs and the significant contribution of the gentleman from Illinois (Mr. HASTERT), chairman of the Task Force for a Drug-Free America, who is working with Members of Congress and communities across the country in an effort to stem the tide of illegal drug use.

I rise today in strong support of this legislation, which has at its center a very simple premise: The Federal Government should not be in the business of supplying IV needles or syringes to drug addicts.

Let me point to this graphic. Mr. Speaker, this photograph very vividly points out the sad, regrettable, dangerous, and even deadly issue that we are talking about today.

□ 1145

Under a needle exchange program, an individual such as the one depicted here uses a hypodermic needle to inject an illegal and harmful and deadly drug, such as cocaine or heroin, then hands over that contaminated needle at a facility in exchange for a clean needle which can then be used in further illegal activity. In many cases, the illegal drug user will be given a permission slip which would authorize him or her to carry the otherwise illegal drug paraphernalia. A needle exchange program facilitates an act which is in fact illegal, which is in fact a felony in most of the United States of America.

The festering disease of illegal drugs is eating away at our society. We have witnessed a dramatic rise in drug use during the last several years, particularly among our young people. The failure of our country to have a coherent drug policy which emphasizes education, prevention and a strong anti-use theme is having a disastrous effect.

This very day, more than 8,000 young people across America will use an illegal drug for the first time. Illegal drug use is tearing at our social fabric, ripping apart families and corrupting our children. Fifty-four percent of high school children have used illegal drugs. The use of heroin, a drug which is almost exclusively injected intravenously, has quadrupled, has increased fourfold, just since 1994. According to a University of California study last year, the social cost of drug abuse amounts to $67 billion per year.

Clearly we must act. It is our duty, our obligation to society and to our children to act promptly, to act responsibly and to eliminate the scourge of illegal drugs. The government does indeed have an important role in winning the war on drugs in America. But using tax dollars to hand out free needles to drug addicts is not the right way to go about addressing the crisis of drugs in our communities. In fact, it is exactly the wrong way.

To begin winning the war on drugs, we should instead be emphasizing an approach which gets tough on the supply side of illegal drugs by dramatically stepping up interdiction. Then on the demand side we must concentrate our efforts on education and prevention to fight the devastating effects illegal drugs have on our society.

Unfortunately, last week, President Clinton announced to the American people that his administration endorses the use of needle exchange programs for drug users. But he stopped short of funding such programs. In effect, the President tried to have it both ways. This headline is devastating: "Clinton Supports Needle Exchanges But Not Funding." That is the message which the President of the United States, the highest elected official in our land, sent out across this land to the young people, that needle exchange programs are a good thing.

Mr. Speaker, the President could hardly have sent a more destructive and harmful and confusing message to the American people. The President argues forcefully that we must protect our children from tobacco, and I agree. But in his next breath, he endorses needle exchange programs, the exchange of one piece of illegal drug paraphernalia for the other.

Thankfully the administration's own national drug policy adviser, General Barry McCaffrey, courageously took the opposite view and stated just last week, and I quote General McCaffrey, "Needle exchange programs are magnets for social ills, pulling in crime, violence, addicts, prostitution, dealers and gangs and driving out hope and opportunity."

If the President will not listen to his own drug czar, who will he listen to? Perhaps he will listen to this body. It is time for this body once again to stand up for what is right. We have debated this issue on the floor before. Last September a bipartisan majority of this House said "No" to Federal funding for needle exchanges during the Labor-HHS appropriation bill for FY 1998. The moratorium which banned funding for these programs has now expired and it is time for us to put into place a permanent ban on funding for needle exchanges.

Mr. Speaker, the underlying assumption of a needle exchange program is that we can somehow encourage "responsible drug users." That is an oxymoron if ever I have heard one. Advocates of needle exchange programs hope that drug users will not share their needles with other drug users. But let's consider the kind of clientele that we are hoping will act "responsibly." We are talking about drug addicts who often commit violent crime to support their habits, who often sell their own bodies just to get high or to sustain their drug habits. Do we really believe that individuals engaged in this type of harmful, illegal and even deadly activity are going to be worried about whether their needles are clean?

On the floor today we will hear, as we have already heard, proponents of needle exchanges talk about the alleged benefits of these programs in reducing the spread of HIV and AIDS. But there are no reliable scientific studies to back up that charge. In fact, the opposite is true.

The 1996 Montreal Study demonstrated that intravenous drug addicts who used needle exchange programs were more than twice as likely to become infected with HIV as addicts who did not take part in exchange programs. Needle exchange programs are simply based on a flawed theory, and they will not work to solve the problem of AIDS.

I wish we could find a cure for AIDS. I hope that we will. This Congress is funding research to do just that. But I am opposed to spending more taxpayer dollars on programs that do not work and which send the wrong message to the children of America.

H.R. 3717 will prevent the administration from moving ahead on a risky program of handing out free needles. This bill is brief and goes straight to the point by amending title II of the Public Health Service Act to prevent any funds from being expended, either directly or indirectly, to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

Mr. Speaker, I urge my colleagues to join me in supporting this straightforward bill to ban Federal funding for needle exchange programs. In so doing, we will be sending the right message to America's young people, that the Federal Government does not condone and will not be a party to illegal drug use in any form.

Mr. Speaker, I reserve the balance of my time.

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume. I too want to join my colleagues in commending the distinguished gentleman from New York (Mr. SOLOMON) for his fine service in this House of Representatives. I consider him a friend and I have fought with him on his side on many battles in this Congress. He will be sorely missed by all of us. I thank the gentleman from New York for his service. He has served his constituents well. I know they are very proud of him.

So it is with great regret that I rise today to oppose the Solomon amendment. But I do so, Mr. Speaker, with the confidence that in standing here I stand with the great scientists of our country in stating that needle exchange programs help reduce the spread of HIV and AIDS and do not contribute to increasing substance abuse, indeed in many instances reduce substance abuse. There are many issues that will be raised during this debate on this bill, but there is one clear message that is irrefutable now and will be equally irrefutable at the close of business. That message is, the leading scientists in this country have examined the evidence and determined that needle exchange programs, again, help stop the spread of HIV infection and do not encourage drug use.

We give the National Institutes of Health, we appropriate for FY 1998, the year we are in, $13.6 billion. What does this Congress want to do? Ignore the recommendations of the NIH. There are special orders and Dear Colleagues around here to double the funding in 5 years for the National Institutes of Health. But what does this body want to do today? Ignore the findings of the National Institutes of Health. Mr. Speaker, I want to not have my colleagues take my word for it but listen to the words of the scientists themselves:

> After reviewing all of the research, we have unanimously agreed that there is conclusive scientific evidence that needle exchange programs, as part of a comprehensive HIV prevention strategy, are an effective public health intervention that reduces the transmission of HIV and does not encourage the use of illegal drugs.

Signed, Dr. Harold Varmus, Director, National Institutes of Health, and I might add, a winner of the Nobel prize himself; Dr. Anthony Fauci, Director, National Institute of Allergy and Infectious Diseases, the institute that does the research on HIV and AIDS; Dr. Alan Leshner, Director, National Institute on Drug Abuse; and Dr. David Satcher, the Surgeon General. This memorandum is dated April 1998. That is the determination of the Nation's leading scientists.

In 2 hours we will see how this House of Representatives will side with the scientists or side with the politics. I would not think of asking my colleagues in this body to vote for an item that would increase drug abuse in this country.

I have heard others on the other side of this issue question the motivation of those of us who support the needle exchange program. I do not question their motivation. I say that every single person in this body is fully committed to ridding our country of this terrible scourge of substance abuse, and also of the spread of HIV and AIDS.

H.R. 3717 would impose a permanent ban on Federal funding for needle exchange programs, a position which contradicts the enormous body of scientific research. For that reason, I urge my colleagues to vote "no" on the bill.

It is cruelly ironic, as I said earlier, in a year when there seems to be consensus to increase the funding at NIH, that we are at this time considering throwing out the science and basing public policy on politics. I will speak to the science and the role of needle exchange in fighting the AIDS epidemic. I have said what the scientists have said, and I will say that this statement by Dr. Varmus and others clearly states what the facts are.

I would say to the gentleman from Ohio who said a word about common sense, is it common sense to ignore the opinion of the leading scientists in the country? Is that common sense, when we ourselves fund their scientific research? Something is not right here.

The NIH panel also concluded that individuals in areas with needle exchange programs have increased likelihood of entering drug treatment programs. In the fight to reduce drug abuse, we need to understand that needle exchange is a valuable opportunity to help drug abusers into treatment.

Leading private organizations see the value of needle exchange as well. They include the American Medical Association, the American Public Health Association, the National Academy of Sciences, American Nurses Association, the American Academy of Pediatrics, the U.S. Conference of Mayors, and the American Bar Association.

Something is wrong with this picture. When I hear this debate in this body that the science is so conclusive, one would think we were having a meeting of the Flat Earth Society. How can we turn our back to the science?

In making our decision on needle exchange, we need to ask, who is affected negatively if we use political expediency rather than science to fight a public health emergency? The answer to that question is also clear. Among women of childbearing age, more than 70 percent of HIV infections are related either directly or indirectly to injection drug use. Of babies diagnosed with HIV infection, more than 75 percent were infected as a direct or indirect result of injection drug use by a parent.

☐ 1200

When we fail to fund needle exchange, we are foregoing a proven intervention that can save the lives of women and children. We are giving up the opportunities to help the drug users get treatment.

I have more to say on this subject, Mr. Speaker, but my colleagues are very eager to get into this debate. I will just close by saying by ignoring the science, that ignoring, that ignorance, is not bliss. That ignorance equals death. And I say without any fear of contradiction to my colleagues that a vote against the Solomon amendment, which I am requesting of them, is a vote to save lives.

Mr. Speaker, I reserve the balance of my time.

Mr. WICKER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Speaker, I appreciate my friend yielding this time to me.

Let me just say here I do not think there is a wrong and right on this issue. I think there are two competing public policy objectives. One objective just focuses on the AIDS epidemic, on getting people who are using bad needles good needles so they can continue their habit, but at the same time at least have them use a needle that will not infect them with a virus. And I understand that. And under this amendment State and local governments in the private sector who already fund these programs can continue to do that. We are not wiping that out.

But the other policy objective, and I think we have to look at this, each day over 8,000 young people are going to try an illegal drug for the first time. Heroin use rates are up among youth. And while perhaps eight persons contract HIV directly or indirectly from dirty needles, 352 start using heroin each day, and more than 4,000 die each year from heroin- and morphine-related causes.

We send a wrong signal when we tell people it is illegal but we are going to give out a clean needle for people to pursue this illegal habit, and I think it looks terrible from a public policy objective to have the government really funding these programs and encouraging the use of illegal drugs.

Mr. Speaker, I think that is where we get into the mix on this. And although if our only objective were AIDS, that would be fine, but we have the competing objective here of getting people, the government is saying it is all right to use it, and here is a clean needle by the way. And we are going to fund this even though, if they are a veteran in a VA hospital, they may have, or someone who is in a hospital on Medicare, they may have to pay for their own needles, and we may charge them for it.

That is how this gets so ridiculous, and that is why I support the Wicker amendment. Even assuming the needle exchange programs can further accelerate the declining rate of HIV transmission, I think the risks of these programs encourage a high ratio of heroin, and they outweigh the potential benefits. So that is where I come down on this, with all due respect to folks who I think are very narrowly focused and I think admirably so on the other side.

The President's own drug czar has spoken very eloquently on this. He knows that the use of taxpayer dollars could, in fact, be better diverted in areas of drug prevention.

Ms. PELOSI. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT) who is also a doctor.

Mr. MCDERMOTT. Mr. Speaker, the reason we are having this debate is clearly because the Republicans cannot get a budget together. We have not had one single minute of debate in the Committee on the Budget on a budget for this country and not a single minute out here on the budget, but we have 2 hours on this issue, which is basically a matter of science.

Now, there is very clear and convincing evidence that this is a matter of saving lives through a program that some people want to make it, people are either for needle exchange and therefore they are soft on drugs or people are against needle exchange and they are strong against drugs.

There could not be anything further from the truth. The fact is, these programs have been used in the Northwest. They have reduced the infection rate from 30 percent in New York and the South to 3 percent in the Northwest among HIV-infected people.

Now people say it encourages drug use. The Secretary of HHS, Donna Shalala, convened a panel of experts at the National Institutes of Health. They came back with the fact that needle exchange programs do not increase and, in fact, may decrease the use of drugs.

The fact is, if we just want to be money-wise, one case of prevented HIV infection is estimated to save $119,000.

Now how do these programs work? In Tacoma and Seattle, they have a table where somebody sits and somebody has to bring a needle and they get a clean needle. Now I do not know how that is going to encourage the use of drugs. Are my colleagues suggesting that high school kids are going to come and say, well, I got a needle; give me a clean one so I can go find some drugs to use?

We are talking about a population that is infecting 33 people per day in this country with HIV, and 85 percent of the new cases in this country are among heterosexual people, and 66 percent of the cases among women are linked to drug use. Every single case of a child today being infected by HIV is linked to drugs and drug usage.

Now if my colleagues want to prevent those cases, if they are worried about kids, if they are worried about women getting the disease, then they want to have the needle exchange program. It has worked in the Northwest for a bill like the one that the gentleman from New York (Mr. SOLOMON) has put out here on the floor that has a broad, sweeping nature to it. Any direct or indirect; does that mean that Seattle and Tacoma cannot have their program? Do we have to continue a program or discontinue a program because of that?

I say that is wrong. My colleagues ought to vote against this bill.

Mr. WICKER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Speaker, I rise in support of this legislation. It makes no sense to pay somebody, pay for free needles to do something that is currently illegal. It is very questionable whether it will do any good.

As a physician, I would have to agree with the opposition that a clean needle certainly is better than a dirty needle. I do not think there is a question about that. But I do believe that there is a message sent that if we provide free needles to do something that we are condoning or encouraging it. But there is also a strong moral as well as an economic argument against this.

What we are talking about here is lowering costs of risky behavior. We are saying that we will pay for the needles to perform this risky behavior. But there is another much larger element that has not been discussed so far, and that has to do with the concept that all risky behavior be socialized; that is, through the medical system, it is assumed that those who do not participate in risky behavior must pay for the costs of the risky behavior, whether it has to do with cigarettes or whether it has to do with drugs or whether it has to do with any kind of safety.

So, therefore, the argument is that we have to save money in medical care costs by providing free needles. But there is another position, and that is that we might suggest that we do not pay for free needles and we might even challenge the concept that we should not be paying people and taking care of them for risky behavior, whether it is risky sexual behavior or risky behavior with drugs.

I think this is very clearly the problem, and I do not believe we should be socializing this behavior because, if we do, we actually increase it. If we lower the cost of anything, we increase the incidence of its use. So if the responsibility does not fall on the individual performing dangerous behavior, they are more likely to, and this is just part of it, the idea that we would give them a free needle.

But there is a moral argument against this as well. Why should people who do not use drugs or do not participate in dangerous sexual procedures and activities have to pay for those who do? And this is really the question, and there is no correct moral argument for this. And the economic argument is very powerful. It says that if we lower the cost, we will increase this behavior.

But this is not only true when we are dealing with drugs. It has to do with cigarettes. I mean, the whole tobacco argument is dealing with the same issue, that we have to pay for the costs of people who get sick from dangerous behavior with cigarettes and, therefore, we have to come in and regulate the tobacco companies and nobody can assume responsibility for themselves.

Same thing with alcohol and safety. This is the reason we have so much government regulation dealing with helmet laws and seat belts and buzzers and beepers and air bags. So this concept has to be dealt with if we are ever to get to the bottom of this.

So, Mr. Speaker, I strongly support this legislation.

Ms. PELOSI. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. STOKES) the distinguished ranking member on the Subcommittee on VA, HUD and Independent Agencies of the Committee on Appropriations, who also is leaving the Congress after a very, very distinguished career.

Mr. STOKES. Mr. Speaker, I thank the distinguished gentlewoman from California (Ms. PELOSI) for yielding this time to me. I also want to thank her for her outstanding and steadfast leadership in legislation and funding which has helped to fight the spread of HIV/AIDS.

Mr. Speaker, I rise in opposition to H.R. 3717. This bill would prohibit the expenditure of Federal funds for needle exchange programs. More specifically, the measure would help to ensure the continuing spread of the deadly HIV/AIDS virus.

Extensive scientific evidence and the Nation's leading health experts, including the National Institutes of Health, Centers For Disease Control, the American Medical Association, the American Public Health Association, National Academy of Sciences, the American Nurses Association, the American Academy of Pediatrics, all unanimously agree that there is conclusive scientific evidence that needle exchange programs as a part of a comprehensive HIV/AIDS prevention strategy that makes needles available on a replacement basis only and that refers participants to drug counseling and treatment and other medical services are effective in public health intervention in reducing the transmission of HIV/AIDS and that it does not encourage the use of illegal drugs.

Mr. Speaker, over the years, the House has provided enhanced Federal spending for AIDS treatment and outreach services and for the biomedical which continues further advances in the development of effective treatment for AIDS. Now we must also do what is necessary to help further reduce the spread of this epidemic.

Since AIDS was first identified, it has been known that injection drug use plays an increasing role in the spread of this disease. These two deadly health epidemics, AIDS and substance abuse, devastate families all across this Nation and from all walks of life.

Mr. Speaker, prohibition and silence on the use of Federal funds for needle exchange programs to prevent and control the spread of HIV/AIDS are no longer options. Nationwide, IV drug use accounts for more than 60 percent of the AIDS cases, more than 70 percent of the HIV infections among women of child-bearing age and more than 75 percent of babies diagnosed with HIV/AIDS. These babies, through no fault of their own, were injected as a direct or indirect result of IV drug use by a parent.

And while I am encouraged by the decline in AIDS deaths in the general population, I am extremely discouraged by the devastating situation in the African American community where AIDS is now the leading cause of death among those that are 25 to 44 years of age. According to the Centers For Disease Control, the rate of HIV/AIDS in the African American community is seven times that of the general population. Seventy-two people that are African American are infected every day. This is a state of emergency. We must do what is necessary to address the Nation's devastating public health problem in HIV/AIDS.

The fact that the greatest number of AIDS cases are due to intravenous drug use forces the Congress to have to carefully, seriously consider the value of needle exchange programs in the control and prevention of this deadly disease.

The National Institutes of Health March, 1997, consensus development statement on interventions to prevent HIV risk behaviors reported that needle exchange programs have shown a reduction in risk behaviors as high as 80 percent in injecting drug users, with estimates of 30 percent or greater reduction of HIV.

We must not continue to ignore solid scientific evidence. Now is the time to support Federal funding, and I urge the defeat of this bill.

□ 1215

Mr. WICKER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, I would first like to address the gentlewoman from California (Ms. PELOSI) and say I admire her efforts in HIV prevention and the work that she has put forward in trying to solve this epidemic.

I probably find myself in a unique category because I have read all the studies on needle exchange; I have actually read the studies, and I find it ironic that the report that was issued, even though we have a statement from April of 1998, the NIH consensus statement was made prior to the release of the Montreal data.

I want to quote from the Montreal study, and I also want to educate the Members a little bit on the studies, because there have only been two studies done on all needle exchange programs that have the same group of individuals in the beginning of the study as they had at the end of the study. All of the others had unidentified needle users and unidentified needle users at the end and took averages of numbers, which scientifically is meaningless when we want to try to show something as a cause and effect or a reduction of risk.

The Montreal study and the Vancouver study were both excellent studies. They had the same people looked at when they began the study as when they ended the study. I want to read to my colleagues the conclusion as printed in the American Journal of Epidemiology by Doctors Bruneau and others as to what their conclusion is. They were not anticipating the debate in the U.S. Congress when they wrote this conclusion: "In summary, Montreal needle exchange program users have a higher HIV seroconversion rate than needle exchange program nonusers." What does that say? That says that if one is in their program and one is getting free needles, one is more likely to get HIV than if one is not in their program using needles.

Now, we can distort that, but that is the science of the two studies, and the Vancouver study supports the same claim.

We should be concerned about drug injection in this country. We should be concerned about drug addiction. The way to solve that is mandatory treatment programs for people who are addicted.

I will pledge to those on the other side of the aisle who differ with me on this issue that I will support any program that comes forward for funding for mandatory drug treatment centers and promotion of lifestyle change to decrease the risk associated with this horrendous infection. Remember, we are not just talking about HIV. We are talking about hepatitis B now that is a major epidemic in this group of people;

we are talking about hepatitis C, we are talking about probably hepatitis D as well. So there are large areas besides HIV that these people are subjected to.

Mr. Speaker, I think that we can have disagreements, and we know the scientific community has disagreements. There is no question. But we cannot ignore the two largest studies that have ever been done on this, both of which come to the same conclusion, that if one is in a needle exchange program, one is more likely to seroconvert than less likely. That is completely opposite of what we have heard here so far today. I would recommend that everybody read the study so that they actually know what the scientists have said in terms of their conclusions.

Finally, there are other things that are associated with needle exchange programs that we ought to be concerned about. There is multiple reports that the needle traffickers there, what they do is they draw drug traffickers to the needle exchange program; that the crime rates in the areas where we have needle exchange programs actually go up, they do not go down. So there are all of these other consequences associated with needle exchange programs that have, in fact, not been addressed by any argument today. We have a problem with drug addiction, injection drug addiction in this country. This is fixing the wrong problem. We need to be fixing drug addiction, not enabling drug addicters and drug-addicted people to more easily use their illegal drug.

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume to respond to the gentleman.

I appreciate his offer of supporting mandated treatment programs, and I do believe that treatment on demand is the answer to reducing substance abuse in our country. But he spent a good deal of his time talking about the Montreal study, and Julie Bruneau and others who worked on that. I want to call to the attention of my colleagues the op-ed by Julie Bruneau and Martin Schechter, her colleague in making the Montreal study. In this op-ed, in their own words, they say,

> As the author of the study, we must point out that these officials have misinterpreted our results. A study conducted last year and published in the Lancet, the British medical journal, found that 29 cities worldwide where programs were in place, HIV infection dropped by an average of 5.8 percent a year among drug users. In 51 cities that had no needle exchange plans, where they had no exchange programs, 5.9 percent a year was the increase in HIV spread.

In Canada, as a result of these studies, the same study that our colleague is citing in opposition to our position, the authors of the study he cites, the Montreal study says, in Canada, local governments acted on our research by expanding needle exchanges and adding related services.

So I say to my colleagues that this Montreal study, which the gentleman is correct, it did come since our vote last year, but it does not support the argument. The fact is, it supports the fact that needle exchange programs reduce the spread of HIV.

Mr. COBURN. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. Mr. Speaker, the gentleman has plenty of time on that side, and I am pleased to answer any questions the gentleman has on his own time.

Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. KENNEDY), a leader in this fight to reduce substance abuse and stop the spread of HIV in this country.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I would like to thank the gentlewoman for yielding, and I want to commend her for the good work that she is doing to save lives in this country.

That is what we should be about in this debate, saving lives. And the idea that we are going to talk about a moral argument here, that we should somehow not support needle exchanges because it helps promote risky behavior, is just absurd. I cannot even believe I am hearing this said, because the people who are making this argument must not know that AIDS is not a disease that talks about people who have risky behavior. When we look at the fact that 40 percent of cases of those with AIDS are babies, do my colleagues mean to tell me those infants are having risky behavior?

I would like everyone to keep in mind here, we are talking about children, children in this country who have HIV. Let me remind everyone that dying of AIDS is a slow and painful death, and if we pass this legislation, we will be sentencing children in this country to a slow and painful death that could otherwise have been prevented. How could it have been prevented? Because we would have cut back on the incidences of AIDS because we would have allowed those people who do insist to use drugs the opportunity to use clean needles so that they are not spreading this deadly disease.

Let me repeat for my colleagues, the needle exchange program reduces HIV. After reviewing all of the available evidence and science, the Directors of the National Institutes of Health are saying conclusively that the needle exchange programs reduce HIV. I think it is a moral obligation for our colleagues to vote against this legislation, because if we save any lives, that will be our job here in this Congress.

We cannot, I repeat, we cannot ignore the scientific evidence for political expediency purposes. I know it is easy for my colleagues to go back to their districts and say, hey, I do not want to support these needles. That is an easy cop-out. That is a cop-out when we have the science that says we are preventing AIDS from being spread; we ought to follow our evidence. I thought that is the reason we came to the Congress is because we know the evidence, we have been up here, we have been studying the facts.

The Congress has been advised by the National Institutes of Health, which advised the Congress what to do in the public's health interest to say needle exchange programs reduce the incidences of AIDS. I do not think there is any debate about this whatsoever. Let us do what the scientists tell us to do. Let us reduce AIDS, let us support needle exchange programs, let us oppose this bill.

Mr. WICKER. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Illinois (Mr. HASTERT), the leader of the Speaker's Task Force For a Drug-Free America.

Mr. HASTERT. Mr. Speaker, I thank the gentleman for yielding me this time.

First of all, I want to acknowledge the gentlewoman from California (Ms. PELOSI) in her earnestness in this fight. We have stood and debated issues and like issues many times, and I certainly believe that she is sincere in her efforts. I also commend my colleague from Baltimore in the State of Maryland. I know he is sincere in what his views are and what he is trying to do, and we have had testimony in committee on what he is trying to do. But I listened to the speech of the gentleman, the previous gentleman, and I am amazed.

First of all, we are talking about drug use in this country, and we are talking about trying to stop drug use in this country. I will tell my colleagues, I feel sorry for the 40 percent of the AIDS victims who are children, but those 40 percent of the victims who are children are not using needles, so the whole needle issue does not affect those folks at all.

Mr. KENNEDY of Rhode Island. Mr. Speaker, will the gentleman yield?

Mr. HASTERT. Mr. Speaker, I did not interrupt the gentleman, and I would appreciate it if he would not interrupt me.

What we are talking about are 20,000 people who die on our street corners every year. They are dying in our emergency rooms, OD-ing, they are dying in the darkest parts of our cities, and they are also dying in the wealthiest of our suburbs. They are young people. Most of those 20,000 folks are children. Some of us know members of our family or friends who have had drug problems, who have had very, very serious situations with drugs.

What we are saying, if drugs are illegal in this country, if it is illegal to use cocaine or heroin or anything that is injectable, then we should not be handing out free utensils to be able to inject that substance in our arms. I think that is a common-sense proposal.

Mr. Speaker, we wave around a lot of studies, and we talk about the Montreal study, and we talk about the Vancouver study, we talk about the Chicago study, and we go back and forth on what somebody said. I understand, I read the op-ed that the two folks that did the Canadian studies talked about. Mr. Speaker, the reality is the study did not prove what they believed. They do not like the results of the science. The science did not prove their theory.

Now, that is too bad. We talk about unintended consequences around here, but I will tell my colleagues, the unintended consequences of handing out free needles in our cities and in our suburbs and on our street corners is that in the study in Montreal we found, and in Vancouver, we found out that we had more kids using drugs when we handed out free needles. We found out that the incidence of exchanging needles, trading needles around when we handed out free needles, was 39 percent. Thirty-nine percent more people or people still traded needles. Do my colleagues know what the percentage was when we did not have free needles? It was 38 percent. So the problem of exchanging and trading needles, this is just a false argument. It does not exist.

So the whole issue here is—excuse me, sir. I did not mean to interrupt the gentleman.

So the whole issue here is we are talking about something in passing out needles in HIV that exacerbates the problem, it does not solve the problem. I do not care what the arguments are on the other side. That is what the facts prove. It also proves, and I have talked to people who work in these areas, but quite frankly, a person who gets a buy of heroin or a buy of cocaine—

The SPEAKER pro tempore (Mr. BLUNT). The gentleman will suspend.

The gentleman will be reminded that the rules prohibit passing in front of the member speaking.

Mr. KINGSTON. Mr. Speaker, regular order. There is a chart up.

The SPEAKER pro tempore. Would the minority please remove the chart? Would the gentlewoman from California please assure that this chart be removed since it is not currently being utilized in debate?

Ms. PELOSI. Mr. Speaker, is someone objecting to the chart, the list of scientists that are the head of the National Institutes of Health?

Mr. KINGSTON. Regular order, Mr. Speaker. Regular order.

Ms. PELOSI. Are we to ignore the list of scientists at the National Institutes of Health?

Mr. HASTERT. Mr. Speaker, the chart is not being used.

Ms. PELOSI. The Flat Earth Society lives.

Mr. HASTERT. Mr. Speaker, I am sorry for the comments of the gentlewoman from California and the interruptions that we have seen in here, but I think everybody ought to be heard on this, and I think everybody ought to have the opportunity to make their arguments.

□ 1230

What we have seen when somebody gets a buy of cocaine or heroin to be able to inject, they really do not care. They need that narcotic. They do not care whether they are going to go out and be able to buy a needle or trade a needle or steal a needle. They are going to get a needle to get their fix, and that is the consequences.

So when we really get back to what we are talking about in the use of drugs, I think the first premise is we should not be handing out a utensil or tool to allow people to break a law. That is pretty simple.

The second issue is commitment. If we are talking about trying to show that we are going to reduce demand in this country on drug use, and we are going to try and also persuade countries south of our border to stop and try to reduce the supply, we have to be honest and genuine about trying to stop demand.

I think it certainly is a wrong message to say that, oh, by the way, we are going to try to stop demand in our country, but here we are handing out free needles to drug users. What happens when you hand out free needles to drug users, the incidence of drug use goes up. It was proved in the Montreal study and proved in the Vancouver study. It was also proved in the Chicago study.

As a matter of fact, the Chicago study showed that HIV increased 8.4 percent per 100 people when there are free needles, and there was a drop without free needles of 71 percent of HIV in that community when there were no free needles.

Mr. Speaker, we need to have a commitment to stopping drugs in this country. Giving away free needles is not part of that. We also have to have local solutions to national problems. And the best way to start those local solutions is to help people clean up their neighborhoods. Handing away free needles or giving away free needles in people's neighborhoods does not stop the drug problem, it exacerbates the drug problem.

Mr. Speaker, this is a good piece of legislation and a needed piece of legislation. It is a piece of legislation that we debated last year and was passed overwhelmingly in the House, and it is a shame that we have to retread this argument and go over it again.

Ms. PELOSI. Mr. Speaker, I agree with the gentleman from Illinois (Mr. HASTERT), this resolution is a shame.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATERS), a champion in the fight against drug abuse in our country.

Ms. WATERS. Mr. Speaker, if passed, H.R. 3717 would needlessly impose a permanent ban on the use of Federal funds for needle exchange programs even though they are scientifically proven to save lives and do not increase drug use.

The research speaks for itself. Three comprehensive reviews of the scientific literature done by the United States General Accounting Office, the National Research Council, the Institute of Medicine and the University of California at San Francisco all found that needle exchange programs are an effective component of comprehensive community-based HIV prevention programs.

In March 1997 the National Institutes of Health published a report which concluded that needle exchange programs did not cause an increase in drug use. In fact, needle exchange programs linked to drug treatment and other services actually led to a decrease in drug use.

Mr. Speaker, we have got to get our heads out of the sand. The statistics speak for themselves. Thirty-three Americans are infected each day with HIV because of injection drug use. Nationwide, IV drug use accounts for more than 60 percent of the AIDS cases, over 70 percent of HIV infections among women of childbearing age, and more than 75 percent of babies diagnosed with HIV/AIDS. Every hour seven Americans are infected with HIV. Three of these seven are African-American.

As many of us know, minorities are disproportionately affected by HIV/AIDS. While overall AIDS deaths have declined, AIDS is still the number one killer of African-Americans and Latinos between the ages of 25 and 44. The Congressional Black Caucus is committed to fighting the scourge of HIV/AIDS and drugs. We absolutely see no contradiction between supporting needle exchange and working to rid drugs from our communities.

Let me say to my Republican friends, the Congressional Black Caucus made the fight of illegal drugs the number one priority for the 105th session. We have not been joined by those who claim they care about this issue. They better get on board and do something about the deaths that are occurring in this Nation. They ought to be ashamed of themselves.

Ms. PELOSI. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader of the House who has made fighting substance abuse a hallmark of his service in the Congress.

Mr. GEPHARDT. Mr. Speaker, this is, to put it simply, a public health issue. If we are to fight against drugs and drug use and against further cases of HIV, we have to ask local governments and scientists to help us with the best way to bring about the prevention of both of those occurrences. And what the best scientists have told us and what some local and private agencies tell us, is that this kind of program gives us the best chance to both prevent further cases of HIV and to prevent further drug use.

What we know from experience in many local jurisdictions is that if people are brought into a drug prevention and drug treatment program, they can be gotten off of their addiction. We know that drug use is an addictive disease and the way to get people to not be addicted is to get them into drug treatment, and we know that these programs are the way in many, many cases we can get people into drug treatment.

Mr. Speaker, this is a doubleheader victory. We can prevent drug use, stop drug use, and prevent HIV, both of which have huge costs for our society. This is a matter of common sense and good judgment.

Mr. Speaker, I say to the Members today, why should the Federal Government be telling local governments and jurisdictions and private agencies that they should not do something that they feel is working? This is a case where we might even use good Republican arguments that the Federal Government should not be dictating to local jurisdictions, we ought to be following their good judgment and practice and experience.

Mr. Speaker, I say to Members: Vote against this bill. Let us prevent drug use. Let us stop drug use. Let us prevent HIV. Let us follow the science, follow the facts and do the right thing for the American people. I urge Members to vote against this bill.

Mr. WICKER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. SOUDER) who has been a leader in the fight against drugs.

Mr. SOUDER. Mr. Speaker, the problem with the science that is being argued on the other side is that it is just not there. The fact is that at the very best, at the very best, there are mixed studies.

It is clear that in Vancouver, that in spite of providing 2 million needles a year, they now have the highest incidence of AIDS and it is increasing. Vancouver has the highest heroin death rate in North America and is referred in The Washington Post as the "drugs and crime capital of Canada."

In Montreal we have seen the HIV-positive at twice the rate of addicts not in the program. Nearly 1,600 injection drug users found that those participating in the needle exchange programs had a 33 percent cumulative probability of HIV seroconversion compared to 13 percent of injection drug users who had not participated in the program.

In the British medical journal "The Lancet" they said that injection drug users who participated in the Montreal needle exchange programs were two times more, not less, likely. The science at best is mixed here, and we need more research. But what is clear is that heroin is illegal, and we do not need the Government of the United States and the taxpayers of the United States to become needle traffickers in this country.

Mr. Speaker, what kind of message are we trying to send when we are trying to work together on the drug war? Do we really want this to happen? A woman gets raped in the street by a heroin addict. What are we going to tell her when she finds out that the needle that enabled that addict to get heroin and then get him on the street to rape her came from her tax dollars and the tax dollars of America? When we have a heroin addict, a father, go home to his house and he beats his little child and the child, sobbing, asks his mom, "How does daddy get this stuff?" And the taxpayers are providing the needles for the heroin addict. What kind of debate are we having here?

I know that there is a deep concern about HIV. But we cannot enable, we cannot become a Dr. Kevorkian because we think the cause is right to violate the law and enable people to violate the law, when that is also leading to death and murder and rape and pillaging and the abuse of children.

Just because giving low-tar cigarettes to people who smoke would reduce the incidence of cancer does not mean that we should start distributing in our schools low-tar cigarettes. Hey, the kids are going to smoke anyway. Why do we not make it a little less risky for them? Why do we not make it so that the secondhand smoke does not damage the other kids as much, so let us give them free low-tar cigarettes to reduce the incidence. We cannot get rid of the problem anyway, so let us enable this bad habit to continue because maybe we can save a few people.

And what about the violence in the streets, where little kids are gunning down other people on the streets with machine guns? If we made sure that they had safety locks on those, a few people where there are accidental deaths would be saved. We cannot get rid of those guns anyway. Why not get the government in the business of giving new guns to these kids, new machine guns with safety locks on them, because a few lives would be saved? We would be enabling the deaths to continue. We would be giving the sanction of the government for an illegal behavior and trafficking in guns in this case ourselves, but at least we would save a few lives.

Mr. Speaker, we have to have a clear moral message coming out of this Congress that drugs are wrong.

Ms. PELOSI. Mr. Speaker, I yield 3½ minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a former prosecutor and a fighter against substance abuse in our country.

Mr. DELAHUNT. Mr. Speaker, I rise in opposition to the bill. I am really surprised to hear that the science is divided, because everything that I have read and examined indicates that the science is rather clear.

I just cannot imagine if the science was divided that the American Medical Association would give support to needle exchange programs. I cannot imagine the American Public Health Association would give support to needle exchange programs. I cannot imagine that the American Nurses Association would give support to needle exchange programs. I cannot imagine that the American Academy of Pediatrics would give support to needle exchange programs if there was not clear and convincing proof, clear and convincing proof that these programs work.

And they do work, Mr. Speaker. And I hear many here talk about their experience as fighters in the war on drugs. Well, let me assure my colleagues, I stand second to none when it comes to that war. I dare say that I put more people in jail for drug distribution and narcotic abuse than all of the Members in this body combined.

But also let me tell my colleagues this. This program works. I heard the minority leader speak to the issue of local option. I know it works because it works in Massachusetts. It has worked in Massachusetts. It has prevented clearly the spread of HIV. There is no doubt about that whatsoever.

And, again, according to the study that was just released, it does encourage the addict to seek treatment. And guess what that translates into?

□ 1245

That translates into a reduction of people on the streets dealing in drugs. Massachusetts has once more proven they are right. We had a debate on juvenile justice here, and I kept advocating that that approach was wrong and looked to Massachusetts. The statistics were there then, and they are there now.

If we believe in States' rights, if we believe in States' rights, and I know Members on the other side advocate constantly for States rights, leave this local option available because it does work. I am not surprised by the results of the HHS study. I could have told my colleagues what it was going to show, because it has been my experience.

Let me just conclude by saying the minority leader was absolutely right. This is a win/win. It is a win against the spread of HIV, and it also is a win against the war against drugs. Defeat this bill, I implore everybody, all my colleagues on both sides of the aisle.

Mr. WICKER. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from Georgia (Mr. KINGSTON), a gentleman who is not only a leader on the Committee on Appropriations but one of the great leaders in the drug task force.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, since Clinton has become President, the use of tobacco and drugs in our country has skyrocketed. I wanted to get this straight with my Democrat friends: What they want to do is penalize tobacco users by making them pay more for tobacco, but they want to subsidize drug users by having my middle-class taxpayers pay for their syringes.

Think about this a minute. The hardworking folks back in Savannah, Georgia that I represent and all coastal Georgia wake up every morning at 5, 6 o'clock in the morning, bust their tail getting ready to get to work, kiss their kids good-bye, take them to school. The mom, the dad, they go back to their own offices. Meanwhile, back in Vancouver or other places outside of America, the Canadian taxpayers, their counterparts, are having to pay for drugs and syringes. Is this not great?

Let us think about this for a minute. The days of moonshine, would we have fought moonshine by giving out clean and sterile jugs for moonshiners to put their products in? And what would Elliot Ness have said to Al Capone? "We are going to bust you, but do it with clean jugs."

Then what about gamblers? Should we start giving them clean playing cards, because certainly compulsive gamblers are subjected to germs on cards. What about compulsive eaters? Should we give them free but low-fat French fries?

What has all this needle exchange done for people? Two and a half million needles were given out in Vancouver last year. What did it do? The HIV rate among participants is higher than those who do not participate. The death rate in the 10 years that the program has been in effect has skyrocketed. In 1988 there were 18 deaths that were drug related. In 1993, 200. What else happens? The highest crime rate in Vancouver is within the 2-block area of the needle exchange program.

What did the drug czar, General McCaffrey, say? He said no needle exchange programs are going to be located in exclusive neighborhoods. I ask the Democrats, how many of them want a needle exchange program in their backyard? Is this really something that they want to say to their taxpayers? "Look, right next door to my office is a needle exchange program, and this is good for you."

Do my colleagues really want these things being handed out right next to them? No. We know they are going to go to some inner city area where disadvantaged people are already living in crime-infested, drug-infested areas. All this does is make the problem worse.

I say it is a cruel joke. It is like giving a drowning man an anvil and saying, "Here, stand on this. Maybe you could get your head above water."

Ms. PELOSI. Mr. Speaker, I yield myself 30 seconds to say to the gentleman, if he really believes what he says, and I trust that he does, that he ought not to support the next appropriations for the National Institutes of Health, which has scientifically conclusive evidence that needle exchange programs work.

I do have a needle exchange program right next to my office. In answering the gentleman's question about his own constituents and their tax dollar, this syringe costs 10 cents. Taking care of a person for HIV/AIDS costs $130,000. I do not understand why our colleagues do not want to spend a dime to save a life.

Mr. Speaker, I yield 1½ minutes to the distinguished gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Speaker, I rise in strong opposition to H.R. 3717. If my colleagues are serious about stopping the spread of AIDS, they will oppose this bill.

The fact is the needle exchange programs save lives. Since 1993, universities, the National Commission on AIDS, the CDC, and even the General Accounting Office have determined that these programs work.

These programs can reduce HIV infections by at least one-third and reduce risk behavior by as much as 80 percent. Furthermore, they provide a unique opportunity for those currently using drugs to access health care services, including drug treatment.

There are three publicly funded needle exchange programs in my district in New York. Their services are helping to reduce the number of new AIDS cases and providing intravenous drug users with rehabilitation. As a result, Medicaid costs are reduced. More important, lives have been saved.

My colleagues, needle exchange programs prevent the spread of AIDS and help turn people's lives around. This bill is a tragic step in the wrong direction, and I urge all of my colleagues to vote "no".

Mr. WICKER. Mr. Speaker, I yield 2½ minutes to the gentleman from Washington (Mr. NETHERCUTT), not only a leader in the fight against drugs but also a leader in the effort to fund research for the disease of diabetes.

Mr. NETHERCUTT. Mr. Speaker, I thank the gentleman from Mississippi for the yielding me this time and for the introduction.

It has been interesting to listen to this debate today and hear the advocacy on the left, and people who are opposing this legislation today advocating so strenuously for people who use needles and drugs illegally. I want to submit to my colleagues that there is a moral outrage that is misplaced there; that we do not hear any moral outrage asked for and stressed by the other side for people who are the only legitimate users, one of the only legitimate groups of users in the country of needles legally and for health purposes, and that is the diabetics in our society.

Sixteen million people in our country have diabetes. A million children have diabetes. It requires that they inject themselves with a lifesaving product called insulin three times, four times a day, legitimately, at a great cost to them. But we do not hear that.

We do not hear our friends who are opposing this legislation advocating strenuously for the diabetic, for people who are, through no fault of their own, through no illegal activity, through no misbehavior in their life-style, contracting this disease. So where is that moral outrage?

I think we have to look at this as a cost-benefit analysis. Diabetes consumes billions of dollars a year; 27 cents out of every Medicare dollar goes to the cost of consequences of diabetes. We do not hear anybody saying give free needles or have a needle exchange for diabetics.

Where is the moral outrage? The moral outrage is in favor of the drug user. In my judgment, I think it is clear that this needle exchange program, although some may work well in some communities for some purposes, they perpetuate illegal drug use, not drug use of insulin injections or diabetes prevention but illegal drug use.

I suggest to my friends, if we are going to have the moral outrage that I question here in favor of people who are drug users, drug abusers and injectors of illegal substances that cause tremendous pain in our society, stand up and fight for the diabetic, the people who use needles, who use needles legally to live. Do not have this perpetual constituency that my colleagues seem to want to defend time and time again. I support this measure and I hope the House will pass it.

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if the gentleman cares to know, I am a member of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations, as is the gentlewoman from New York (Mrs. LOWEY), and all of us fight for funding for diabetes. So it may be good news to the gentleman from Washington, or maybe he chooses not to know.

Mr. NETHERCUTT. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. The gentleman has plenty of time. I will answer any questions he wants on his time.

Mr. NETHERCUTT. Great.

Ms. PELOSI. I object to the gentleman saying that we do not fight for funding for diabetes. He does not know what he is talking about.

Mr. NETHERCUTT. Not needle exchange programs.

Ms. PELOSI. Mr. Speaker, I yield 2½ minutes to the gentlewoman from New York (Mrs. LOWEY), a champion in the fight against substance abuse and funding for diabetes.

Mrs. LOWEY. Mr. Speaker, I thank my colleague, the gentlewoman from California, for yielding to me.

I would also like to add before making some other comments, that I hope the gentleman and all the Members on that side would join us in doubling the investment at the National Institutes of Health for those of us who care passionately about diabetes and cancer and the whole range of illnesses that cause such pain in our society. I hope my colleagues will join us.

I want to proceed in making comments.

Mr. Speaker, drug use is one of the fastest growing causes of HIV infection and AIDS. Nearly three-quarters of all AIDS cases in women are related to IV drug use. This is the tragic and unfortunate reality of the AIDS epidemic.

Let me be very clear that those of us that oppose this amendment do not condone the use of illegal drugs. In fact, I believe we have to do more on the war on drugs. But this amendment is part of a phony war. Instead, we need to spend more on prevention, treatment programs, and we need to get much tougher on drug pushers.

If I thought that needle exchange programs promoted drug use, I would support this amendment. But the fact is that since 1991, six federally funded studies have reported that needle exchange programs reduce HIV transmission but do not increase drug use, and that is the fact.

After reviewing the research, an NIH panel concluded that needle exchange programs will not increase the number of drug users or the amount of drugs used by addicts. In fact, individuals with access to needle exchange programs are more likely to enter drug treatment.

A study conducted in New York found that HIV infections decreased by two-thirds among participants in needle exchange programs. It is estimated that needle exchange could save between 5,000 to 11,000 lives over the next few years alone. That is why the AMA, the National Academy of Sciences, the Nurses Association, the American Public Health Association, and many other mainstream medical and scientific groups support needle exchange. This is why the U.S. Conference of Mayors also supports needle exchange as part of a comprehensive AIDS-fighting effort.

Let us be clear, this amendment is not fighting drug use. It is about partisan politics, pure and simple. Let us listen to our Nation's health experts instead of playing politics with people's lives. Let us not oppose a proven method of preventing the spread of the deadly AIDS epidemic.

Mr. WICKER. Mr. Speaker, might I inquire about the time remaining?

The SPEAKER pro tempore (Mr. BLUNT). The gentleman from Mississippi (Mr. WICKER) has 26 minutes remaining. The gentlewoman from California (Ms. PELOSI) has 9 minutes remaining.

Ms. PELOSI. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO), who is a member of the Subcommittee on Labor, Health and Human Services, and Education, and a fighter for increased funding at the NIH for all of the diseases that challenge the health of American people.

Ms. DELAURO. Mr. Speaker, I believe that public health policy ought to be driven by science, by concern by human life, not by ideology and politics. Extensive studies of needle exchange programs, such as the one in the City of New Haven which I represent, have documented that needle exchange programs do not increase drug use. They do save lives.

Do not take my word for it. Yale University's study of the New Haven needle exchange program found that it reduced transmission of HIV per capita by 33 percent each year. In fact, New Haven Chief of Police Melvin Waring and New Haven Mayor John DeStefano believe that the needle exchange program has made New Haven, Connecticut a safer community.

I have a letter from the chief of police and from the mayor which I will include in the RECORD, where they write, "Needle exchange has contributed greatly to public health and public safety. Our police officers are grateful for the needle exchange programs."

I understand the concerns of many here in the House. We should never condone drugs. Needle exchange programs have a clear purpose, to save lives.

The text of the letter referred to is as follows:

OFFICE OF THE MAYOR,
New Haven, CT, March 3, 1998.

The President,
The White House
Washington, DC.

DEAR PRESIDENT CLINTON: As the Mayor and Chief of Police, we write to convey our strong support for needle exchange programs operating in the City of New Haven. We urge your Administration's leadership on HIV prevention by supporting the local communities who use needle exchange as an effective HIV/AIDS prevention tactic by allowing federal resources to be allocated for this purpose in a community deems it appropriate.

Our programs have served as a national model for innovative approaches to the twin epidemics of HIV and substance abuse since 1990. We are proud of the success that our program has had. In fact, a landmark study by Yale University shows a reduction of HIV transmission annually per capita of 33 percent in New Haven. We are proud of our innovative efforts to reduce HIV infection and stand ready to continue to strengthen and maintain our program locally.

Working in partnership, the Mayor's Office, the health department and the police department have been able to develop a needle exchange program that works for New Haven. The primary goal of our program is to prevent the spread of HIV among our drug using population keeping them safe from this deadly disease. Our programs also offer referrals to medical care drug treatment and other social services, such as food, housing and support groups.

Needle exchange has contributed greatly to public health and public safety. Our police officers are grateful for the exchange programs because the risk of accidental needle sticks is reduced due to regular capping of needles. Needle exchange itself encourages users to discard of needles properly through the exchange sites and not to leave those needles on the streets. New Haven is a safer place today because of the community partnership developed through the use of needle exchange.

We know that this compensive approach to HIV prevention is effective and hope that your Administration will support our lifesaving methods by allowing federal resources to be used in New Haven and nationally for needle exchange. We urge you to act quickly because lives hang in the balance. A strong public health message supporting needle exchange and the necessary resources will demonstrate the courageous, strong commitment that this Administration has for public health and public safety and for its most vulnerable citizens.

Many thanks for your consideration of this matter.

Very truly yours,
John DESTEFANO, Jr.,
Mayor.
MELVIN H. WEARING,
Chief of Police.

Mr. WICKER. Mr. Speaker, I yield 2¼ minutes to the distinguished gentleman from New York (Mr. FOSSELLA).

(Mr. FOSSELLA asked and was given permission to revise and extend his remarks.)

Mr. FOSSELLA. Mr. Speaker, let me acknowledge at the outset that we all share, I think, the goal of stopping the spread of AIDS and sexually transmitted diseases, as well as diabetes and cancer, and clearly acknowledge that the intention of those who oppose this legislation is not controverted by our position and our goal to stop the spread of AIDS.

□ 1300

But I think it is appropriate as well to apply a little useful distinction here.

Let me just put a human face on this. Needle giveaway programs should not be supported with taxpayer dollars. The people back home in Staten Island and Brooklyn, who get up every morning for work, who go to work and see a big chunk of their paycheck taken out and given to the Federal Government, should not expect to see the Federal Government, in turn, buying needles and giving them away to drug addicts on our streets and our communities.

Indeed, as we speak here today, there is a group on Staten Island that is seeking a waiver to start a needle giveaway program. At the outset, what they wanted to do was to open up a storefront and provide needle exchanges. Well, the community went a little nuts, as well they should, because these people invest their life savings in their American dream, having their children walking around the streets, and why should they be confronted with looking at a needle giveaway program with drug addicts coming into their neighborhoods? Because that is all that is going to happen, with these needle giveaway centers becoming drug hubs, drug magnets for drug addicts.

So, instead, this group said, well, instead of having the storefront in one location, we will have a van. We will have a van drive around the streets of Staten Island dispensing free needles.

Well, what kind of message are we sending to children? Is that the Good Humor van coming down the block? No, that is the needle giveaway van coming down the block. They are going to give needles away to drug addicts.

And, colleagues, let me just point to one needle program in New York City on the lower east side of Manhattan, not necessarily, I would argue, the conservative bastion of politics, whereby a local resident became a little concerned.

Clearly, what is going to happen here on moral grounds, if anything, is to support this measure. To do anything else would be morally wrong. And maybe politically right for some, but politically right and morally wrong just does not fly in this country.

Ms. PELOSI. Mr. Speaker, I wish to inquire about the time.

The SPEAKER pro tempore (Mr. BLUNT). The gentlewoman from California (Ms. PELOSI) has 28 minutes, and the gentleman from Mississippi (Mr. WICKER) has 24¾ minutes.

Ms. PELOSI. Mr. Speaker, I yield myself 30 seconds.

I wanted to make a statement following the gentleman who just spoke and welcome him to the Congress, our new Member, as well as the gentlewoman from Connecticut (Ms. DELAURO), who talked about the experiences in their own communities.

I want to call to the attention of my colleagues a motion to recommit which I intend to offer which says that there would be a ban on Federal funds on needle exchange unless the governor, State health officer, or local municipal health authority determines that the use of Federal funds for such a program would reduce the rate of transmission of HIV and would not encourage the use of illegal drugs and is acceptable to the State, city or other unit of local government or community.

I think this fits well within the objections that my colleagues have put forth, and I hope they could support the motion to recommit.

Mr. Speaker, I yield 1 minute to the gentleman from Guam (Mr. UNDERWOOD), who has been a leader in the fight against drug abuse in that country.

Mr. UNDERWOOD. Mr. Speaker, the current epidemiology of HIV/AIDS is clear. Women, children and minorities are affected disproportionately by heterosexuals' HIV infection associated with transmission from injectable drug users.

Understand this: We are not just talking about drug users but those of whom they come into contact with. Certainly, minority communities are disproportionately affected by AIDS injection drug use.

In 1996, of the Latinos diagnosed with AIDS, injection drug use accounted for 39 percent of the total cases in men and 51 percent of the total cases in women. Of particular concern is the fact that nearly 50 percent of new HIV infections can be attributed to injecting drug use, which disproportionately affects minority communities.

We are not reducing drug use through this legislation. We are talking about denying protection to families, women and children who come into contact with drug users, compounding their misery and risking their lives for an empty political symbol. The war on drug use is not the same as a war on drug users nor a war on their families.

Mr. WICKER. Mr. Speaker, I yield myself 30 seconds.

I appreciate the gentlewoman from California telling us what the motion to recommit with instructions will be about. I think Members on both sides of the aisle are smiling about my friends on the left and their new-found dedication to States' rights and local decision-making.

The fact is, this is Federal money. This Congress has a stewardship over the use of funds paid into the Federal Treasury by the taxpayers, and we have a right to make sure they are not used for a counterproductive purpose.

Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding me this time; and I also want to commend him and the gentleman from New York (Mr. SOLOMON) for introducing this important legislation; and I rise in strong support of H.R. 3717, which would prohibit the Federal Government from subsidizing the distribution of hypodermic needles or syringes for the injection of illegal drugs.

The argument behind needle exchange programs is fundamentally flawed. Needle exchanges facilitate and even encourage illegal activity. Is this really what we want our Federal Government to stand for?

While some in the administration may be able to tell our children, "Don't do drugs" on one hand, while giving our other children clean needles to shoot up with in the other hand, Mr. Speaker, I cannot do that.

Not only are needle exchange programs inconsistent with Federal law, the results of community-based needle exchange programs have been disastrous. Needle exchange programs have resulted in communities with higher crime, communities that are littered with used drug paraphernalia and communities that are magnets for drug addicts and the high-risk behavior that accompany them.

David Murray, Director of Research for the nonpartisan, nonprofit Statistical Assessment Service here in Washington, has pointed out the weakness in the methodology of many of the studies cited by the other side and pointed out the strong evidence in two Canadian studies in Montreal and Vancouver.

In the Vancouver study, where two-and-a-half million clean needles were handed out last year, death caused by illegal drug skyrocketed.

Needle exchange programs result in higher drug use. They result in communities that have serious criminal problems. And the answer to this problem is twofold: combined strict enforcement of our anti-drug laws with education of our young people about the dangers of illegal drug use. And there we have seen real reduction in communities that have followed that approach.

I urge my colleagues to support this legislation, oppose the use of needle exchange programs, and make sure that we continue the fight on drugs in a sensible way by cracking down on drug traffickers and educating people in this country about the dangers of using illegal drugs.

Ms. PELOSI. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), who has been a leader on this issue of needle exchange, not needle giveaway, needle exchange, to reduce the number of contaminated needles in circulation.

Ms. WOOLSEY. Mr. Speaker, I thank my colleague, the gentlewoman from California (Ms. PELOSI), for her leadership in this effort.

When we talk about AIDS, we are talking about an epidemic, not someone's narrow-minded cultural war. Maintaining the ban will not help save our children or anyone else. In fact, the ban on needle exchange actually threatens lives.

More than half of all children with AIDS contracted the virus from mothers who are injection drug users or the partners of injection drug users. That is right. We are talking about our children. Do not forget that.

In 1995, needle exchange programs were found to reduce the spread of AIDS and not to lead to increased drug use.

I want to at this point note that my district, Marin and Sonoma Counties in California, not the inner cities that my colleague, the gentleman from New York (Mr. KING), referred to, provides free needles through the public health system. This is not just a problem for poor inner city districts. This is a problem, AIDS is a problem for every single district in this country.

This bill would ignore the science by denying public health experts a tool in the fight against AIDS, a tool that has been proven to slow the spread of this deadly disease. And those of my colleagues who are worried that free needles increase drug usage have to stop and think. We have to be reassured that knowing that the positive step by a drug user to choose clean needles is actually a first step in a very positive way towards their recovery. Just think about it. This is an opportunity to begin the healing process.

I urge my colleagues to vote against this flawed piece of legislation. Support needle exchange and stop the spread of AIDS.

Mr. WICKER. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Speaker, I thank the gentleman for yielding me this time, and I just wanted to make a couple of points.

I serve on the Speaker's drug task force. Anyone who has looked for a moment about drug usage with children and how they start, there are two key components: Number one, the risk, the risk of what is going to happen to them. They are going to get sick or it is going to kill them. Number two is the peer pressure or the moral authority that drug use is wrong.

Now, if we, as a Federal Government, use taxpayer dollars to say to kids it is okay if they use drugs as long as they use a clean needle and we are going to pay for it, what message does that send to our kids who are facing very difficult decisions today? If we tell kids that, hey, it might not be good, mom and dad do not like it, but the peer pressure is not there because the Federal Government says it is okay, we are going to subsidize their drug use, it is wrong. And I support this bill 100 percent.

Ms. PELOSI. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan (Mr. DINGELL), the ranking member on the Committee on Commerce and a strong leader in this House with unquestioned credentials in the fight against drugs.

Mr. DINGELL. Mr. Speaker, what happened to the regular order around here? What is the reason for bypassing the committee? What is the reason we are putting this bill on the floor without ever having it considered by the Committee on Commerce?

This is an authorization bill. It is put on the floor by the Committee on Rules. No consultation with the Committee on Commerce, which has jurisdiction over these matters.

I do not intend to talk about the substance. I intend to talk about outrageous procedure. Without any consideration of the views of the Committee on Commerce, all of a sudden this legislation is on the floor; introduced and moved here with blinding speed. A majority which is incapable of moving ordinary legislation at even ordinary speed is not capable of withholding from themselves the opportunity to move with blinding haste on a piece of legislation which is unnecessary. The Secretary has already said we are not going to have needle exchanges.

If we are going to have a debate on it, let us have an intelligent debate. Let us let the committees work on these matters, as they properly should.

Woodrow Wilson, over a half a century ago, observed that the Congress works in its committees. Let the committees function. Let this body work its will in an ordinary and intelligent way.

There is no reason for this unseemly haste. If the House needs to work its will on this and if we should pass this legislation, let us do it, but in the ordinary, intelligent way, after allowing the committees to do their work.

There are public health experts who have strong feelings on this. They know vastly more about the public health aspects of this than do we. Let us hear from them. If there are theologians or experts on crime or narcotics use or control of narcotics, let us hear from them.

Let us not have this matter laid upon our lap by the Committee on Rules without the slightest consideration of public interest questions that should be considered in the ordinary fashion.

Vote this matter down.

CONGRESS OF THE UNITED STATES,
Washington, DC, April 28, 1998.

Hon. GERALD B.H. SOLOMON,
Committee on Rules, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN SOLOMON: We are writing to object to the highly irregular and unfortunate effort to force House consideration of H.R. 3717, a bill to prohibit Federal funding of needle exchange programs, without any consideration by the Commerce Committee, the committee of jurisdiction.

H.R. 3717 has been referred to the Commerce Committee. Its members are fully entitled to an opportunity to review, amend, and state their views on the legislation through hearings, markup, and committee reports. Allowing H.R. 3717 or any comparable legislation to reach the House floor without adequate research and reflection is inconsistent with the best interests of the House.

In past Congresses, needle exchange programs have been the subject of deliberations by the Commerce Committee and the Subcommittee on Health and the Environment. In the 105th Congress, neither H.R. 3717 nor comparable legislation has been subject to any such review. Consequently, we urge you to ensure that the regular order is observed and an opportunity for appropriate scrutiny of the legislation is made available to the Commerce Committee.

Sincerely,

JOHN D. DINGELL,
Ranking Member, Committee on Commerce.
SHERROD BROWN,
Ranking Member, Subcommittee on Health and Environment.
HENRY A. WAXMAN,
Ranking Member, Committee on Government Reform and Oversight.

Mr. WICKER. Mr. Speaker, I yield 3½ minutes to the gentleman from Florida (Mr. WELDON), a physician in his own right and a passionate advocate on behalf of drug control.

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Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me the time.

I am a physician. I did my internship and residency in San Francisco in the early 1980s. I remember when I got there as a young intern being told that there were people coming in with strange conditions. And I remember the first article that was published in the New England Journal of Medicine and came out of the Veterans' Administration Hospital in Los Angeles that initially described AIDS.

After serving some time with the Army in Georgia, I went into private practice in Florida, and I did indeed practice infectious disease with the only infectious disease specialist in the county, a county of about 400,000 people, who saw AIDS patients. I had the opportunity to treat lots of AIDS patients and get up in the middle of the night, go into the emergency room, admit them to the hospital. And I have to say, I had the sad experience of seeing a lot of young people in the prime of their life die from complications of AIDS. So, needless to say, I am very interested in any effort that we can pursue to help control the spread of AIDS.

Now, there have been a lot of studies that have been quoted by a lot people that assert that needle exchange programs cut down on the transmission of infectious disease, and there have been quite a few studies quoted by people on our side of the aisle that there are other studies that confound that. So we have a situation where we have some studies that contend that there is a benefit from needle exchange, and then there are some studies that show that needle exchange programs do not work or indeed may actually make matters worse.

I can quote from some of those studies, but I believe some of my colleagues who have preceded me have already quoted from some of those studies, so I choose not to do so again, but to simply point out that one of the confounding problems with some of the studies that contend that there is a benefit is that they frequently do not control for other aspects that go along with the needle exchange program, like counseling, like education that is incorporated into the needle exchange program. And indeed there are studies that actually suggest that those things, when we actually go into a community and engage in counseling and intervention with the drug abuse community exclusive of needle exchange, we can actually see a dramatic reduction in the instance of AIDS.

I am specifically thinking about a study that came out of Chicago which showed the seroconversion rate, that is when people convert from being without AIDS to having AIDS in their bloodstream, amongst the IV drug-abusing community fell from 8.4 percent to 2.4 percent. That is the conversion rate, a dramatic 71 percent reduction.

So, in conclusion, I think this is a very controversial issue, and I think it is extremely appropriate that the Federal Government not get involved in promoting this. And if they want to have one in Hartford or other places, I think certainly we should not prohibit them from doing that. But this is good legislation. It keeps the Federal Government out of an issue that I think on a scientific basis is very controversial.

Ms. PELOSI. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CUMMINGS), who has been a leader on this issue in the State Legislature of Maryland and in the Congress of the United States and he is an authority on the needle exchange programs as a means of reducing substance abuse.

Mr. CUMMINGS. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker and my colleagues, as I listened to all of the discussions, I must say that I became a bit upset. I live in a drug-infested area. I live about 45 miles away from here. And we have a needle exchange program.

A few years ago, when the Maryland Legislature considered needle exchange, we had a lot of people who were very much opposed to it, but it passed for Baltimore City. And 4 years later, after working with the needle exchange program, our legislature came back and, by a wide margin, approved it again.

The reason why they have approved it was several reasons. Number one: Johns Hopkins University conducted a study of our needle exchange program and found that there was indeed a reduction in AIDS cases, and they also found that there was no increase in crime. They found that there was a reduction in crime, as a matter of fact; and they also found that there was no increase in drug addiction. And that is very, very significant. As a matter of fact, in Baltimore communities are asking that needle exchange come to their communities because of the fact that they have noted that there has been a reduction in crime.

I do not know how many Members of this House have ever seen anyone dying from AIDS. It is a very, very painful disease, and it is a slow and debilitating disease. The fact still remains that the science is on this side. And so, it is very important that we address this issue and not go for this particular piece of legislation. This piece of legislation stops the Federal Government from preventing AIDS.

So I say to my colleagues, I ask the Members of this House to look at Baltimore City. They do not have to go to Vancouver. Baltimore is 45 miles away. The number one research institution in the world has already studied this issue and says that needle exchange works.

Mr. WICKER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. MICA), one of the most tireless warriors in the fight against drugs.

Mr. MICA. Mr. Speaker, this administration averted a disaster last week. Even after an avalanche of opposition from Congress and opposition from our national drug czar General McCaffrey did President Clinton weigh in to prevent Federal funding for drug needle exchange.

Today, the House of Representatives, with this resolution, will make clear that this Congress does not intend to pay for free needles for drug addicts. This message needs to be heard by our Health and Human Services Secretary Shalala.

This message needs to be heard by President Clinton's new Surgeon General Satcher. How inconceivable it is that our new Surgeon General, as his first and premier action in that position, has recommended and promoted this free drug needle exchange. We as a Nation have not yet recovered from the damage of President Clinton's former Surgeon General Jocelyn Elders. Remember, if you will, her advocacy of a drug use policy that said to this Nation and our children, just say maybe. That policy was combined with our President's statement to our youth that, "If I had it to do all over again, I'd inhale."

Between the former Surgeon General and the President, drug use among our teens has soared through the ceiling since 1993. I am pleased that Congress today is cutting off this new Surgeon General at the pass. His proposal to give free needles to drug addicts with taxpayer dollars is absurd. It is like providing free cigarette holders to our schoolchildren.

I am saddened that the Congressional Black Caucus has called for the resignation of our national drug czar, who has sided with us on this issue. He only gave his opinion. The President reversed the other decision. Why are they not calling on the President to resign? How tragic that those Representatives whose constituents have been slaughtered in incredible numbers would support Federal funds for more drug abuse.

Where is the most dramatic increase taking place with heroin which will be used by these needles? By our teens. So this program will get those needles right where they need to be, to our teens. "Long Out of Sight, Heroin is Back Killing Our Teens." This is the headline from my local paper. This is absurd. This is crazy.

I challenge Members to come with me and ask my constituents if they want their tax dollars to pay to supply free needles for drug addicts in my district, and I guarantee them the answer will be no.

Ms. PELOSI. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD), who came to Congress to challenge each of our Members to lead their constituents not down the easy path, but the real path to reduce substance abuse in our communities.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise today in opposition to H.R. 3717.

As a Member of this House, representing a region of this country with an astronomical high rate of HIV transmission and AIDS, I cannot support this bill. I cannot support legislation that is brashly written to resolve hot tempers and not to resolve the real problems here.

HIV and AIDS continue to plague this country. We have not and will not see the rate of HIV transmission fall if we continue to let politics rule the legislative process. We have conclusive scientific evidence that needle exchange programs mitigate the spread of HIV and are an essential catalyst in getting people off the streets and into the life-saving substance abuse programs.

Nationwide, injection drug use accounts for more than 60 percent of the AIDS cases, more than 70 percent of the HIV infections among women of child-bearing age, and more than 75 percent of babies diagnosed with HIV AIDS.

Among African Americans, 48 percent of AIDS cases are related to injection drug use. The rate of HIV AIDS transmission in the African American community is 7 times that of the general population, and AIDS continues to be the number one killer of African American women age 25 to 44 years.

Needle exchange programs have shown a reduction in risk behavior as high as 80 percent in injecting drug users, with estimates of 30 percent of greater reduction of HIV. Perhaps the most critical of all, these needle exchange programs help individuals stabilize their health and gain more control over the dangerous environment in which they live so that they can benefit from HIV medications and drug treatment.

The needle exchange programs that have been implemented in inner cities throughout the country are playing a critical role in reducing HIV transmission, assisting HIV-positive drug users in obtaining necessary care and drug treatment, and providing essential information on AIDS. This is critical not only for those who are IV drug users, but for the hundreds of thousands of adults who do not know that their partners are using drugs and for the innocent children who are born with this fatal disease.

The American Medical Association, the American Public Health Association, American Academy of Pediatrics, and many more national health organizations support needle exchange programs. I encourage my colleagues to join me in voting against this bill, which is full of politics and void of reason.

Mr. WICKER. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, I thank the gentleman from Mississippi for yielding.

As I listen to this debate, I find one particular part of it rather fascinating. I heard a colleague early on in the debate say clearly that the evidence was all on one side; that, in fact, there was clear and convincing evidence that these programs indisputably work, that they lower HIV conversion, and that they do not increase drug abuse. And he said, I cannot believe that that is not true. It is absolutely true. And speaker after speaker has come to this floor and cited scientific studies.

But do my colleagues know what? There are studies on both sides of the aisle. Quite frankly, one thing is very obvious from this debate. The science is, in fact, divided on this issue. No one can maintain that it is absolutely clear.

I want to cite James L. Curtis, a medical doctor and a clinical professor of psychiatry at Harlem Hospital Center, a black American himself. He says point blank, "There is no evidence that such programs work." He says, citing the Montreal and Vancouver studies, that they show that those addicts who took part in the program were two to three times more likely to become infected with AIDS than those who did not. And he also found that almost half the addicts frequently shared their needles.

I also want to cite Dr. Janet D. Lapey, M.D., president of Drug Watch International. She cites the same two studies, but she points out another important fact that is being ignored. She points out that in Montreal, deaths from overdose have increased over fivefold since the program started. That is an historic increase. And Vancouver has now the highest heroin death rate in all of North America.

One thing we have to conclude from this is that science is divided, but practicality is not. Let me give my colleagues a real-life situation.

A woman appeared before our subcommittee and testified on this issue. Her name was Nancy Sossman. We heard my colleague on the other side. She said that she made a personal visit. We heard my colleague say this is an exchange program. In the real world, it is not an exchange program. Without presenting a single needle, she was given 40 clean needles. Asked if she had to return them, she was told no, she did not have to return them, she simply had to dispose of them in an opaque container. In the practical world this program spreads needles among people who need them the least and will do the most damage. As for cleaning up the problem, she specifically told them that she had only been using drugs for 6 months in hopes that they would encourage her to get treatment. They did not do that.

Across America, there is no debate about this issue. If we want to win the fight against drugs, if we care about our children as much as we care about HIV, we cannot send the mixed signal of handing out free needles, encouraging people to break the law, encouraging them to engage in destructive conduct that will destroy their lives. In the real world, this program is simply dumb. It encourages people to break the law, destroy their lives, and it at best under the science does not work.

Ms. PELOSI. Mr. Speaker, I agree with the gentleman that the program that he described is not one that fits the standards set by the Committee on Appropriations which is a needle exchange program, not as described by him. I would agree with him that that is not appropriate.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE), a very strong advocate against substance abuse in our country.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the gentlewoman is right. Because of the fact that children do not use needles and this is a lifesaving legislation that helps prevent the transmission of HIV, I am rising to oppose this legislation because I want to save lives.

Mr. Speaker, I rise today to urge my colleagues to vote no on H.R. 3717, which will prohibit Federal funds for needle distribution programs.

Extensive scientific evidence shows that the needle exchange program reduces the spread of HIV and AIDS and does not increase drug use.

What the needle exchange program does, is saves lives. And if we can save one life, that makes the needle exchange program a resounding success.

I applaud President Clinton's steadfast leadership in the Nation's fight against HIV/AIDS. But the combination of AIDS and substance abuse remain a complex public health epidemic that must be dealt with in the most effective manner.

Nationwide, IV-Drug use accounts for about 60 percent of the AIDS cases and more than 70 percent of the HIV infections among women of child bearing age. And more than 75 percent of babies diagnosed with HIV/AIDS were infected as a result of IV-drug use by one of their parents.

The numbers in the African-American community are even more shocking. A recent study shows that AIDS is the leading death of African-American men between 25 and 44 years of age.

The fact that the largest number of AIDS cases in the general population and in the African American community are due to intravenous drug use clearly illustrates the necessity of the needle exchange program in the control and prevention of HIV/AIDS.

According to a recent study, the number of HIV infections that could have been prevented between 1987 and 1995 if the needle exchange programs were established is between 4,400 and 9,700. In addition, up to a half billion dollars in health care expenditures could have been avoided.

We can not continue to ignore solid evidence that needle exchange programs that make needles available on a replacement basis only, is extremely effective in controlling and preventing the spread of HIV/AIDS, and it helps to reduces drug use through effective referrals to drug treatment and counseling.

Federal funds must be used to support effective needle exchange programs. We must put politics aside and support the needle exchange program, for the sake of our children and the young men and women who are contracting HIV/AIDS through intravenous drug use.

Clean needles are only a part of the solution, but it is an important part. I urge my colleagues to vote no on H.R. 3717 and help me to save a life today.

Ms. PELOSI. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LEE), one of the newest Members of the House of Representatives, a champion in the State legislature in the fight against substance abuse and now in the Congress.

Ms. LEE. Mr. Speaker, I thank the gentlewoman from California for yielding time and for her leadership in this effort to save lives.

Mr. Speaker, for years I have been supportive of needle exchange funding legislation as a member of the California legislature. Studies conclusively show that needle exchange programs, while dramatically reducing the spread of HIV, do not encourage drug use. On the contrary. Needle exchange programs can provide a bridge to treatment. They have been shown to have a positive impact on identifying intravenous drug users, a very hard to reach population, and bringing these individuals out of crime and into medical care treatment and prevention programs. IV drug use accounts for 75 percent of all new HIV infections among women and children, and for 40 percent of new HIV infections overall. The passage of this bill would be dramatically damaging to people of color and communities which I represent. The disproportionate number of African-American and Latino individuals who are infected with HIV is astounding: Minorities make up 64% of HIV infections. Even more shocking, while African-Americans make up 16% of the U.S. population, they comprise 45% of those infected with HIV. These statistics demonstrate a state of emergency for people of color.

Two-thirds of Americans support needle exchange programs, which are a lifesaving event in the right direction. I urge a "no" vote on H.R. 3717.

Ms. PELOSI. Mr. Speaker, I yield 1¾ minutes to the gentleman from New York (Mr. NADLER), an expert on the subject of reducing substance abuse in our country and stopping the spread of HIV.

Mr. NADLER. Mr. Speaker, I represent New York City, the epicenter of the AIDS epidemic in this country. We have seen dramatic reductions in the rate of transmission of AIDS in those areas where we have needle exchange programs. Our experience has changed the minds of many former opponents as a result of what they have seen.

This bill we have today is a death sentence for many people in this country. The evidence is clear and convincing and irrefutable, needle exchange programs save lives. The Federal Government's top scientists at the National Academy of Sciences, the National Commission on AIDS, the American Medical Association, the National Institutes of Health, the General Accounting Office all tell us there is conclusive proof that needle exchange programs save lives, prevent the spread of AIDS and do not encourage drug use. With scientific proof in hand that needle exchange saves lives, the question before us today is does this House wish to cause people to suffer and die rather than to let science and medicine slow the spread of this deadly disease?

The numbers are shocking. Every day 33 people, including drug users, their sex partners and their children, become infected with the AIDS virus because of intravenous drug use. Forty percent of all new infections in the U.S. result from the use of contaminated needles. For women and children, 75 percent. But needle exchange programs prevent the spread and without any increase in IV drug use. In fact, studies show that IV drug use declines as a result of needle exchange because needle exchange programs encourage drug users to seek treatment.

If we have the ability to help those who want and need this assistance, why would we not? Because it sends a message? Dead and dying children send a worse message. Defeat this deadly, deadly bill.

Mr. Speaker, I represent N.Y.C., the epicenter of the AIDS epidemic in this country. We have seen dramatic reductions in the rate of transmission of AIDS in those areas where we have needle exchange programs. Our experience has changed the minds of many former opponents, of needle exchange programs.

Mr. Speaker, this bill is a death sentence for many people, in this country. The evidence is clear and convincing, needle exchange programs save lives!

The federal government's top scientists, as well as the National Academy of Sciences, the National Commission on AIDS, AMA, Nat'l Acad. of Sciences, the National Institutes of Health, and the General Accounting Office, all tell us there is conclusive proof that needle exchange programs prevent the spread of AIDS, and do not encourage drug use. With scientific *proof* in hand that needle exchange saves lives—the question before us is does this House wish to cause people to suffer and die rather than to let science and medicine slow down the spread of this deadly disease.

Mr. Speaker, the numbers are shocking. Every day, 33 people—including drug users, their sex partners and their children—children become infected with the AIDS virus as a result of intravenous drug use. Forty percent of all new infections in the U.S. result from the use of contaminated needles; for women and children, that figure is 75 percent.

But needle exchange programs prevent this spread—and without any increase in IV drug use. In fact, studies show that IV drug use *declines* as a result of needle exchange, because needle exchange programs encourage drug users to seek treatment.

If we have the ability and resources to help those who want and need assistance and save them and their children from a slow and painful death then why not do so? Because it sends a message? Dead and dying children send a worse message.

Mr. Speaker, I do not believe that any member of this House would wish greater spread of the AIDS epidemic. There is no real controversy here—it is a *fact* that needle exchange saves lives. To ban federal funds for these programs would bring certain death to thousands.

Mr. Speaker, we have to face reality. People are using drugs intravenously already. If by providing clean needles, we reduce their use of infected needles, then we reduce the transmission of AIDS. We know this. Study after study shows this.

I urge my colleagues to choose life! Choose life over death! Choose life over demagoguery! Reject this deadly bill.

Ms. PELOSI. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. WAXMAN), a champion in this House in the effort to stop the spread of HIV and AIDS and an expert on the issue of substance abuse.

Mr. WAXMAN. Mr. Speaker, I thank the gentlewoman very much for yielding time to me. I want to give a reality check for this institution. There is no Federal funding of the needle exchange program anywhere in this country. There is no mandate or requirement that a State, city or community use needle exchange. This bill is simply unnecessary. Today States and localities are free to determine with their best scientific judgment whether needle exchange makes sense for their own citizens. They can fund them themselves. But this bill would slam the door now and forever on any possibility of getting Federal funding provided in the future. Even if the State of California wanted to do it, a city like Boston or New York thought it was appropriate, they would, even in the best interest of their citizens, be blocked from using Federal funds. The cold, hard reality is that all of the science shows that needle exchange programs prevent AIDS and save lives. This is a fact. This is the conclusion of the Surgeon General. That is the conclusion of the National Academy of Sciences. That is the conclusion of the National Institutes of Health. If that is not enough for you, it is also the conclusion of the American Medical Association, the American Public Health Association, the American Nurses Association and the American Academy of Pediatrics.

It is not, however, the conclusion of the Republican leadership. Needle exchange programs prevent AIDS and save lives. Period. The proof is overwhelming.

Mr. Speaker, I want to emphasize the real purpose of this legislation. Earlier this morning I pointed out that the Committee on Rules had caved in to orders from the leadership to bypass the committee of jurisdiction, the Committee on Commerce. The only reason this bill is on the floor today without any committee deliberation whatsoever is because the Republican leadership wanted to avoid any critical scrutiny of the bill. They wanted to turn this public health issue into a political football.

There have been some pretty ludicrous claims made about needle exchange programs. One would think that we were about to install them in vending machines next to Coke machines around the country.

Here is another reality check. Needle exchange programs not only save lives by stopping the spread of AIDS but they can reduce drug use and bring IV drug users into the health care system. People who normally shun contact with the public and authorities get referrals to health care, drug rehabilitation and treatment. In fact, the NIH found that IV drug users in needle exchange programs are more likely to get drug treatment because they are already in the program.

Needle exchange programs send a simple message. If you use IV drugs, you can get AIDS and you can spread it. If you need treatment, there is a place where you can get it.

Mr. Speaker, I include the following material for the RECORD:

[From the Washington Post, April 23, 1998]

CLEAN NEEDLES, NO MONEY

President Clinton's latest policy response to a national epidemic—the spread of AIDS among intravenous drug users—is little more than a political fix. In one breath, the administration is declaring that needle-exchange programs do help curb the spread of AIDS—but that no federal funds should be spent on this approach. This half-and-half solution, intended to resolve internal policy disagreements among the president's advisers, puts politics ahead of public health.

The administration says the announcement does send out an important message: that even without federal subsidies, the decision that needle exchanges have scientific merit should assist state and local programs in securing financial backing. Secretary of Health and Human Services Donna E. Shalala reportedly would have preferred to begin allowing certain programs to qualify for federal aid—a reasonable introduction. But those in the administration who argued that lifting the ban on federal funding would send a bad message found reinforcements among congressional leaders who said the votes to uphold needle-exchange funding weren't there—that pressing a fight could result in legislation taking other federal money away from groups or governments that provide free needles.

Secretary Shalala has argued since the announcement that the administration's endorsement of the approach will include educational efforts to underscore the findings of all major leading research groups, public as well as private, that needle exchanges are scientifically sound. The federal government should have a clear and important role in this attack on AIDS. Needle exchanges are but part of a broader effort, including improved drug-abuse prevention and treatment. But study after study shows that the exchanges do not promote greater use of illegal drugs. In any event, drug addicts who are not under treatment don't stop their drug use just because clean needles are unavailable. They will go to infected needles. The National Institutes of Health reports that needle exchange has brought about an estimated 30 percent or greater reduction of HIV in injection users of illegal drugs. In terms of money, these programs are a fraction of the lifetime cost of treating a person with HIV/AIDS. Full support, not White House lip service, should be a priority.

[From the Los Angeles Times, Apr. 22, 1998]

Cop-Out on Needle Exchanges

Clinton administration officials would have us believe they took a sensible middle road on Monday, producing incontrovertible evidence that needle exchange programs save lives but not going so far as to lift a prohibition on the use of federal funds for the controversial programs. Health and Human Services Secretary Donna Shalala, administration officials argued, would never have been able to gain approval for needle exchange programs from a skeptical Congress.

In fact, what the Clinton administration presented as moderation was really evasion, for Shalala's department has not needed congressional approval since 1990, when Congress granted it authority to lift a ban on needle funding provided it could demonstrate just what Shalala announced Monday: that needle exchange programs lower the spread of HIV and do not increase substance abuse.

The administration's decision to maintain the funding ban will surely cost lives, for injection drug users compose the group in which AIDS is spreading most rampantly. According to Surgeon General David Satcher, tainted needles account for 75% of all new AIDS infections among women and children and for 40% of all new AIDS infections overall.

Generous funding for needle exchange programs already exists. About $630 million is doled out yearly by the Centers for Disease Control for regional AIDS programs, and civic groups like the U.S. Conference of Mayors have asked Shalala to let them spend some of that money on needle exchange programs.

Some legislators understandably object to the notion of the federal government handing out needles to substance abusers. The programs, however, don't stop at handing out needles; their primary aim is attracting and then treating the sort of substance abusers whom public health officials would otherwise have difficulty finding, and an abuser untreated is a threat to others.

Ideally, substance abusers would flock to treatment without any incentives. But this is the real world: Thirty-three Americans are infected each day with AIDS because of injection drug use. Needle exchange programs could change those sad numbers.

[From the New York Times, Apr. 9, 1998]

The Politics of Needles and AIDS

(By Julie Bruneau and Martin T. Schechter)

Debate has started up again in Washington about whether the Government should renew its ban on subsidies for needle-exchange programs, which advocates say can help stop the spread of AIDS. In a letter to Congress, Barry McCaffrey, who is in charge of national drug policy, cited two Canadian studies to show that needle-exchange plans have failed to reduce the spread of H.I.V., the virus that causes AIDS, and may even have worsened the problem. Congressional leaders have cited these studies to make the same argument.

As the authors of the Canadian studies, we must point out that these officials have misinterpreted our research. True, we found that addicts who took part in needle exchange programs in Vancouver and Montreal had higher H.I.V. infection rates than addicts who did not. That's not surprising. Because these programs are in inner-city neighborhoods, they serve users who are at greatest risk of infection. Those who didn't accept free needles often didn't need them since they could afford to buy syringes in drugstores. They also were less likely to engage in the riskiest activities.

Also, needle-exchange programs must be tailored to local conditions. For example, in Montreal and Vancouver, cocaine injection is a major source of H.I.V. transmission. Some users inject the drug up to 40 times a day. At that rate, we have calculated that the two cities we studied would each need 10 million clean needles a year to prevent the re-use of syringes. Currently, the Vancouver program exchanges two million syringes annually, and Montreal, half a million.

A study conducted last year and published in The Lancat, the British medical journal, found that in 29 cities worldwide where programs are in place, H.I.V. infection dropped by an average of 5.8 percent a year among drug users. In 51 cities that had no needle-exchange plans, drug-related infection rose by 5.9 percent a year. Clearly these efforts can work.

But clean needles are only part of the solution. A comprehensive approach that includes needle exchange, health care, treatment, social support and counseling is also needed. In Canada, local governments acted on our research by expanding needle exchanges and adding related services. We hope the Clinton Administration and Congress will provide the same kind of leadership in the United States.

[From the New York Times, Feb. 22, 1997]

Federal Funds for Clean Needles

Health and Human Services Secretary Donna Shalala says in a new report to the Senate that needle-exchange programs are an effective way to combat the spread of H.I.V., the virus that causes AIDS. But the Secretary does not go far enough. It is time the Clinton Administration lifted the ban on Federal funding for needle-exchange programs.

Such programs now exist in more than 50 American cities, including New York. They provide intravenous-drug users with sterile needles, thus reducing the likelihood that addicts will share needles contaminated with H.I.V. The programs typically have very small budgets, often are run by volunteers and are plagued with unstable funding from year to year. Yet even these modest programs have been effective.

Secretary Shalala's report reviews the research on the issue. Earlier studies done by the National Academy of Sciences, the General Accounting Office, the Centers for Disease Control and the University of California at Berkeley found that providing addicts with sterile needles could help slow the spread of the virus. Equally important, those studies found no evidence that needle-exchange programs increase the amount of drug use by addicts or attracted new users.

More recent studies done for the Massachusetts Department of Public Health and in Baltimore by the Johns Hopkins School of Public Health confirmed those observations. Federally funded studies conducted by the National Institute on Drug Abuse also report no increase in the frequency of drug injection associated with needle-exchange programs. A conference of scientists convened by the National Institutes of Health on AIDS prevention stated unequivocally last week that there is no doubt that needle-exchange programs work.

The consistency of these findings justifies Federal support to help pay for needle-exchange programs in communities that need and want them. Unfortunately, the debate continues to focus on politics and morality rather than public health needs. Opponents argue that providing addicts with needles implies approval of drug abuse. They forget that addicts can infect their spouses and offspring who do not abuse drugs and yet must live with the consequences of dirty needles.

Congress imposed the ban on Federal funding for needle exchanges in 1992. But the Administration can lift the ban if the Surgeon General declares that the programs can reduce H.I.V. spread and do not increase drug use. Secretary Shalala's report offers ample evidence that both requirements have been met. The Administration no doubt wants to avoid giving its opponents any reason to bash President Clinton for being soft on drugs. But lives can be saved with needle-exchange programs. The President should show some courage on this issue.

[From the Wall Street Journal, July 10, 1996]

Needle-Swap Programs Spark Life-and-Death Debates

(By Amanda Bennett)

Optimism about life-prolonging drug therapy for AIDS patients is running high at the International Conference on AIDS in Vancouver. But two researchers, yesterday delivered a sobering message: If needle-exchange programs aren't widely adopted and publicly funded, they said, more than 11,000 new HIV infections that could be prevented will occur before the end of the decade.

"People's lives are at stake," says one of the researchers, Peter Lurie of the Center for AIDS Prevention Studies at the University of California at San Francisco.

Needle-exchange programs allow drug addicts to swap used needles for clean ones. But needle distribution without prescription is illegal in at least nine states, and nearly all the states have laws prohibiting carrying drug paraphernalia. What's more, under an amendment sponsored in 1988 by North Carolina's Republican Sen. Jesse Helms, such programs are barred from federal funding.

Against that backdrop, Dr. Lurie and his colleague, Ernest Drucker of Albert Einstein College of Medicine in New York, estimate that as many as 10,000 infections could have been prevented between 1987 and 1995 had programs that supply clean needles to addicts been generally available. The researchers reached their conclusion by mathematically combining the results of previous studies of the effectiveness of needle-exchange programs and of the numbers of people expected to use them if they were available.

While other researchers have estimated the impact of needle-exchange programs in individual locations, this is the first attempt to calculate the national effect. "It's unique," says David Purchase, director of the North American Syringe Exchange Network in Tacoma, Wash., a service organization for syringe-exchange programs. Other researchers applauded the effort, even while noting that they believed the figures Drs. Lurie and Drucker obtained—reductions of infections of between 15% and 33%—were low.

"It's a very good start, but I think it seriously underestimates the potential effectiveness of syringe exchanges," says Don Des Jarlais, director of research of the Chemical Dependency Institute of Beth Israel Medical Center in New York.

Dr. Des Jarlais himself is presenting a paper at the conference that he says shows syringe exchanges in New York (where they are legal) are "working much better than anyone expected." Since 1992, the doctor says, the programs he studied showed a decrease in HIV infections of more than 50%.

The analysis underscores the battle that continues to rage between politics and science, more than 15 years into the epidemic. This past Monday, President Clinton's own Advisory Council on HIV/AIDS criticized him for failing to support needle-exchange programs. In a report, the panel said that absence of support is "not consistent with current knowledge regarding the impact of such programs on HIV infection." (The Clinton administration has the power to lift the ban on federal funding of needle-exchange programs if scientific evidence shows that is warranted.)

Some who oppose needle-exchange programs believe that they tacitly encourage the use of illegal drugs. Others, such as Democratic Rep. Charles Rangel of New York, who represents a largely minority community in New York City, support needle-exchange programs only if they don't divert resources from drug treatment.

The conflicting nature of the various arguments is evident in the experience of Herbert J. Kleber, a Columbia University professor who was a member of a National Research Council panel that found needle-exchange programs effective in reducing HIV transmission. Dr. Kleber said several months ago that he nonetheless had doubts about the programs, noting that participants in one of them, in Montreal, actually had a higher rate of HIV and of new HIV infections. (An analysis of the Montreal program is also being presented at Vancouver; one of the investigators called the findings "worrisome" and "paradoxical," and said that additional studies were being planned.)

The competing political forces create other complications. In California, Attorney General Dan Lundgren has been aggressively fighting needle-exchange programs, but local officials, like San Francisco Mayor Willie Brown, support them. In Oakland, three exchange sites give out about 50,000 clean needles a month; one part of the program, which offers drug counseling and outreach, is funded by federal and state money, says spokeswoman Camille Anacabe, but the syringe-exchange part of the program is funded by a private foundation.

Nationwide, the number of needle-exchange programs continues to grow, some operating either illegally or on the edge of the law. Dr. Lurie of the Center for AIDS Prevention Studies estimates that there are 88 in operation today, compared with 68 in 1994 and 37 in 1993.

Still, Dr. Des Jarlais says his study demonstrates that the reach of such programs can be greatly extended following legalization. He says after the programs he studied were legalized in 1992, the number of needles distributed increased 25-fold.

The study by Drs. Lurie and Drucker assumes that needle-exchange programs could have grown from zero in 1987 until they served 50% of all needle users in 1994—the percentage served in Australia, which implemented such programs early in the epidemic. The study further assumes that preventing infections in drug users also prevents other infections. About 12% of the infections they estimate to have been preventable are among drug users' sex partners and newly born children. However, the study's authors also figure that some infections that appear to be due to intravenous drug use are actually due to sexual transmission and so wouldn't be affected by exchange programs.

Drs. Lurie and Drucker figure that the U.S. could have avoided up to $538 million in treatment costs by preventing new infections through needle exchanges. Dr. Des Jarlais notes, however, that the study doesn't take into account potential infections averted by legalizing pharmacy sales of syringes to drug users, which is another method favored by the prevention community.

Jon Stuen-Parker, an ex-addict and a long-time AIDS activist, doesn't deal in abstracts: He spends much of his time giving out clean hypodermic needles to injection drug users. "Nothing is more urgent than stemming the spread of the virus" among addicts, he says. Last month, Mr. Stuen-Parker was given an 18-month suspended jail sentence in New Hampshire, where it is illegal to possess a syringe without a prescription.

AMERICAN PUBLIC
HEALTH ASSOCIATION,
Washington, DC, April 28, 1998.

DEAR MEMBER OF CONGRESS: The American Public Health Association (APHA), consisting of more than 50,000 public health professionals dedicated to advancing the nation's health, strongly urges you to vote against HR 3717 when it comes before the full House tomorrow for consideration. HR 3717 would prohibit the use of Federal funds for the distribution of needles or syringes for the hypodermic injection of illegal drugs. APHA opposes this bill and any legislation that would enact a permanent federal ban on the use of federal funds for needle exchange programs.

Since 1994, APHA specifically has advocated the development, implementation, evaluation, and funding of needle exchange programs to help prevent HIV infection. All APHA public policy is passed by the Association Governing Council and is required to meet strict scientific criteria. APHA policy on needle exchange is no different—an enormous body of published research, including more than seven federally sponsored reports, demonstrates that needle exchange programs reduce the spread of HIV while not increasing drug use by program participants or others in the community where the program is conducted. Secretary of Health and Human Services Donna Shalala recently has confirmed these findings in a statement issued on Monday, April 20, 1998.

The current epidemiology of HIV/AIDS is clear—women and children are affected disproportionately by heterosexual HIV infection associated either directly or indirectly with transmission from injectable drug users. These new cases of HIV/AIDS that are linked to injectable drug use largely can be prevented through the provision of sterile needles to drug users coupled with other public health tools including health education and condom distribution.

Needle exchange programs increase the contact that health professionals have with injectable drug users, thereby increasing opportunities to conduct health education and disease prevention activities, including drug treatment and counseling. Federal funding for needle exchange programs is essential to protecting the public's health. The efficacy of these programs is proven and the Federal government has a responsibility to provide the leadership and the funding to allow these programs to be developed in those communities that determine they need this important public health intervention. Public health and saving lives must take precedence over politics and rhetoric.

Congress should be taking action now to release Federal funding for needle exchange programs rather than enacting a ban on such support. Your opposition to HR 3717 is critical to protecting public health.

Thank you for your consideration of our views and your attention to this critical public health matter.

Sincerely,
MOHAMMAD N. AKHTER, MD, MPH,
Executive Director.

AMERICAN BAR ASSOCIATION,
GOVERNMENTAL AFFAIRS OFFICE,
Washington, DC, April 28, 1998.

Hon. THOMAS J. BLILEY, Jr.,
Chairman, Committee on Commerce, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: We understand that H.R. 3717, legislation to permanently ban federal funding for needle exchange programs for drug addicts, is scheduled to be marked up by your committee this week. We are writing to urge you to oppose H.R. 3717 because it is unnecessary and counterproductive, and removes a critical medical and public health decision from the province of public health officials.

Last year, the American Bar Association adopted the following policy on the subject of needle exchange programs:

Resolved. That in order to further scientifically based public health objectives to reduce HIV infection and other blood-borne diseases, and in support of our long-standing opposition to substance abuse, the American Bar Association supports the removal of legal barriers to the establishment and operation of approved needle exchange programs that include a component of drug counseling and drug treatment referrals.

This legislation was introduced on Monday, April 27, and is moving on an exceptionally fast track, even though the Administration has announced that it is not going to lift the restriction on federal funding despite the fact that HHS Secretary Donna E. Shalala has now determined that the criteria for federal funding mandated by Congress in 1989 have been met, i.e., such programs are effective in preventing the spread of HIV and do not promote drug use. Rather than authorizing federal funding, the Administration is encouraging communities to continue to use their own funds to develop or enhance needle exchange programs and to share their experiences so that other communities can construct the most successful programs.

Permanently prohibiting federal funding of needle exchange programs will not advance this nation's efforts to combat drug abuse. It may in fact inhibit current efforts since needle exchange programs have been shown to increase the opportunity for counseling drug addicts and encouraging their participation in appropriate drug treatment programs. Secretary Shalala said that a meticulous scientific review has now proven that needle exchange programs can reduce the transmission of HIV and save lives without losing ground in the battle against illegal drugs, and that, in fact successful needle exchange programs refer participants to drug counseling and treatment as well as necessary medical services.

Likewise, enacting a permanent ban on federal funding of needle exchange programs will prevent public health officials from using a proven tool to reduce the transmission rate of HIV among a high risk population that is contracting HIV at alarming rates. Surgeon General David Satcher has stated that 40% of new AIDS infections in the United States are either directly or indirectly attributed to infection with contaminated needles; among women and children, the figure is 75%.

Since there is no cure for HIV and no vaccine to protect against HIV, it is essential that public health officials have the ability to use all reasonable methods to protect the uninfected public and to counsel and provide treatment to infected intravenous drug users. This proposed legislation would remove the decision to use a potentially powerful method of reducing HIV transmission and intravenous drug abuse from the province of public health officials.

For all the above reasons, the American Bar Association urges you not to support H.R. 3717.

Sincerely,

ROBERT D. EVANS

COUNCIL OF STATE AND
TERRITORIAL EPIDEMIOLOGISTS,
Albany, NY, April 28, 1998.

DEAR MEMBER OF CONGRESS: The Council of State and Territorial Epidemiologists (CSTE), an association of 450 state and local public health epidemiologists, urges you to vote against H.R. 3717, which is expected to be considered by the full House tomorrow, April 29th. H.R. 3717 would place a permanent ban on use of federal funds for needle exchange programs designed to prevent the spread of AIDS.

Injection drug use continues to be a major source of HIV transmission in the United States. It is imperative that public health officials develop effective prevention strategies aimed at reducing the risk of transmission among drug users. Currently available data strongly suggest that improving access to sterile syringes and needles may be an important strategy in curtailing the spread of the HIV epidemic.

These facts led CSTE to adopt, at our 1997 annual meeting, a position statement supporting increased access to sterile syringes and needles among injecting drug users. A number of states already support syringe exchange programs with their own funds. CSTE strongly supports state-based efforts to reduce barriers involving access to sterile syringes and needles and believes that these activities are likely to have important implications for the long term prevention of death and disability caused by HIV in this country. States should have the flexibility to administer federal funds according to local need. CSTE also believes that if Members of Congress were provided a full opportunity to evaluate the evidence of the effectiveness of needle exchange programs in reducing HIV infection rates without incurring additional illegal drug use, they would not support a permanent ban on use of federal funds for needle exchange programs.

Sincerely,

GUTHRIE S. BIRKHEAD, MD, MPH,
President.

April 28, 1998.

COUNTY AND CITY HEALTH OFFICIALS OPPOSE PERMANENT BAN ON FEDERAL FUNDING FOR NEEDLE EXCHANGE PROGRAMS TO PREVENT HIV

The National Association of County and City Health Officials (NACCHO) urges the House of Representatives not to pass HR 3717, a measure that would prohibit permanently the use of any federal funds to assist localities in making available sterile needles through needle exchange programs. Local needle exchange programs have been shown convincingly to reduce the transmission of HIV and other blood-borne pathogens through the use of unsterile injection drug equipment, and there is no evidence whatever that such programs encourage greater use of illegal drugs. The research supporting these conclusions has withstood the scrutiny of repeated reviews, including those commissioned by the Centers for Disease Control and Prevention, the General Accounting Office, and a rigorous analysis by the National Academy of Science.

HIV infection rates continue unabated and the rates of infection from injection drug use have been increasing. Needle exchange programs are public health interventions that have been demonstrated to be effective in reducing HIV transmission. They also can work in concert with drug abuse prevention programs to help identify and refer drug abusers to treatment. We can ill afford to handicap localities that choose to implement effective prevention strategies in their own communities by restricting the uses of federal funds that are important resources in battling the AIDS epidemic. The persons who ultimately suffer are not only HIV-infected drug abusers, but also their spouses, sexual partners, and babies who become infected during pregnancy.

NACCHO understands that the Administration currently prohibits such funding, while encouraging localities that choose to use needle exchange programs as part of a comprehensive prevention strategy to do so using non-federal sources of funding. However, the twin public health threats of HIV and abuse of illegal drugs present great challenges to local public health officials, and NACCHO continues to urge that local communities be given maximum flexibility to address them according to local needs and conditions. H.R. 3717 would permanently thwart local efforts to expand the use of a proven public health intervention.

NACCHO is the national organization representing the nearly 3,000 local public health departments in the United States. Local health departments work daily on the front lines in protecting the health of their communities

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HUMAN RIGHTS CAMPAIGN,
Washington, DC, April 28, 1998.

DEAR MEMBER OF CONGRESS: On behalf of the Human Rights Campaign, I am writing to ask you to oppose H.R. 3717, a bill which would permanently ban the use of any federal funds for needle exchange programs. The bill is scheduled to be considered by the House on Wednesday. As you know, on Monday, April 20, Secretary Shalala announced that there is unequivocal support from the scientific literature that needle exchange programs reduce HIV infection and do not contribute to illegal drug use. Nevertheless, the Administration clearly stated its commitment to maintain the current prohibition on federal funding for needle exchange programs. H.R. 3717 is redundant and unnecessary, given the Administration's clear position.

As the attached articile reports, AIDS deaths have declined significantly in the last two years primarily due to the success of new drug treatments which help keep people with HIV disease alive and healthy for longer periods of time. New HIV infections, however, continue to occur at an unacceptable rate. The article highlights that injection drug use is increasingly fueling this epidemic. In fact, over 50% of new HIV infections can be attributed to injection drug use and recent data indicate that 74% of all AIDS cases among women and over 50% of all AIDS cases among children are connected directly or indirectly to injection drug use. In the African American community, 48% of AIDS cases are related to injection drug use.

As the HIV epidemic continues to grow, it is vital that public health considerations drive the debate on funding and policy decisions. Instead of legislating a ban on federal funding for needle exchange programs, Congress should be taking affirmative and bold actions to reduce the numbers of new infections by increasing HIV prevention funding and expanding the operations communities have to address their growing infection rates. Legislation banning federal funding for needle exchange programs would only serve to further politicize an issue that should appropriately be addressed by scientists and state and local public health officials.

Please do not politicize HIV prevention and take public health determinations out of the hands of scientists and public health experts. Amending the Public Health Service Act is a serious matter and should not be done hastily on the House floor without careful consideration from the Committee with jurisdiction. Please vote no on the rule and return this issue to Committee for the appropriate attention it deserves and vote no on H.R. 3717. Thank you for you attention to this urgent matter.

Sincerely,

WINNIE STACHELBERG,
Political Director.

[From the Washington Post, April 28, 1998]

HIV'S SPREAD IS UNCHECKED

(By Rick Weiss)

Although the number of new AIDS cases in the United States has declined substantially in recent years, HIV continues to spread through the population essentially unabated, according to data released yesterday by the Centers for Disease Control and Prevention.

The first direct assessment of HIV infection trends shows that the recent decline in U.S. AIDS cases is not due to a notable drop in new infections. Rather, improved medical treatments are allowing infected people to stay healthy longer before coming down with AIDS, overshadowing the reality of an increasingly infected populace.

"The findings of this report give us a very strong message, that mortality may be going down—therapy is working—but HIV continues its relentless march into and through our population," said Thomas C. Quinn, an AIDS specialist at the National Institute of Allergy and Infectious Diseases. "These data tell us we have a lot of work to do."

The findings also confirm previously identified trends showing that women and minorities are increasingly at risk. Especially worrisome, officials said, is that the annual number of new infections in young men and women 13 to 24 years old—a group that has been heavily targeted for prevention efforts—is virtually unchanged in recent years.

"It certainly documents that we have ongoing new infections in young people," said Patricia L. Fleming, chief of HIV/AIDS reporting and analysis at the CDC in Atlanta.

The report also shows continuing high numbers of new infections among intravenous drug users, a population that has recently been the focus of a political debate over the value of needle exchange programs that offer drug users clean syringes to prevent the spread of HIV, the virus that causes AIDS. [International financier George Soros yesterday offered $1 million in matching funds to support needle exchange programs around the country, the Associated Press reported.]

CDC officials would not comment directly on President Clinton's decision this week to extend a ban on federal funding of needle exchanges. But both Fleming and Quinn said that AIDS prevention programs in this population need to be improved.

"It's clear that something stronger is needed to slow this epidemic," Quinn said.

The new figures, in today's issue of the CDC's Morbidity and Mortality Weekly Report, are based on HIV test results compiled by 25 states from January 1994 to June 1997. They indicate that the number of new infections during that period remained "stable," with just a "slight" decline of 2 percent from 1995 to 1996, the most recently full year included in the new analysis. By contrast, deaths from AIDS declined 21 percent in 1996 and dropped an additional 44 percent in the first six months of last year.

From 1995 to 1996, the number of HIV infections increased by 3 percent among women. And it jumped 10 percent among Hispanics, although officials said that figure was imprecise. Infections declined by 2 percent in the white and 3 percent in the African American populations.

All told, the study tallied 72,905 infections during the survey period. The number nationwide is much higher, since participating states account for only about 25 percent of U.S. infections.

The single biggest risk category was men having sex with other men, but heterosexual transmission continued its steady increase. Most of those cases involved women contracting the virus through sex with male drug users, Fleming said.

The survey is the first to track infection trends by looking directly at HIV test results in people coming to clinics and other health outlets. That's a major change from the previous system, in which officials simply estimated the number of new infections by counting the number of people newly diagnosed with AIDS.

The old "back calculation" method worked fine during the first 15 years of the epidemic, when HIV infection progress predictably to disease over a period that averaged about 10 years. With drug therapies now slowing disease progression, however, the number of new AIDS cases no longer reflects the number of new infections, and public health officials were becoming uncertain about how they were doing in prevention efforts.

The new reporting system, now spreading to other states has helped officials regain those bearings, Fleming said. And although everyone wishes the numbers were more encouraging, she said, at least officials now have a clearer picture of the task at hand.

NATIONAL ALLIANCE OF STATE AND
TERRITORIAL AIDS DIRECTORS
Washington, DC, April 29, 1998.

DEAR MEMBER OF CONGRESS: The National Alliance of State and Territorial AIDS Directors, an alliance of the nation's state and territorial health department HIV/AIDS program managers, strongly urges a no vote on H.R. 3717, legislation which would strike a devastating blow to our nation's efforts to reduce the spread of HIV in vulnerable, underserved communities across the country.

Injection drug use continues to be a major source of new HIV infections in the United States. To address this serious public health problem, it is critical that public health officials and communities have the most effective prevention strategies and interventions possible for addressing the alarming spread of HIV, particularly in African-American and Latino communities. Needle exchange programs have proven time and time again to be effective intervention—one that many state and local jurisdictions have chosen to include in their comprehensive programs to address HIV prevention among injection drug users.

By placing a permanent ban on the use of federal funds for needle exchange programs, H.R. 3717 poses a serious threat to our nation's ability to end the HIV epidemic.

NASTAD strongly urges the Congress to follow the science and advice of the nation's leading public health experts. Vote no on H.R. 3717. The lives of thousands of Americans are at stake.

Sincerely,

JULIE M. SCOFIELD,
Executive Director.

THE UNITED STATES
CONFERENCE OF MAYORS,
Washington, DC, April 28, 1998.

We have just been informed that House Rules Committee Chairman Gerald Solomon (NY) will bring to the House floor tomorrow, April 29, a bill designed to permanently prohibit the use of any funds made available under any Federal law to be, "expended, directly or indirectly, to carry out any programs of distributing sterile needles or syringes for the hypodermic injection of any illegal drug."

As you know, the Administration recently decided that it would not provide funding for "needle exchanges," but acknowledged the value of such programs. The Solomon bill, which is going to be brought directly to the House floor—bypassing committee—would permanently impose this ban.

In addition, we have been informed that the Solomon language—which again has not been debated in standard committee action—could possibly be interpreted at a later date to limit the use of state or local funds for needle exchange programs.

The U.S. Conference of Mayors has adopted policy which supports the lifting of the prohibition against federal funding of needle exchange programs. The Solomon bill goes directly against that policy, and could have even broader consequences.

I have attached a copy of the bill, a copy of our policy adopted in June of 1997, and a letter from Detroit Mayor Dennis Archer on the issue of federal funding for needle exchanges.

J. THOMAS COCHRAN,
Research Director.

Mr. WICKER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida (Mr. SHAW).

Mr. SHAW. I thank the gentleman for yielding me this time.

Mr. Speaker, this debate is not about AIDS. This debate is about drug abuse. Let us not lose sight of that fact. We have heard an awful lot coming from the White House. We know that this debate is going on at the White House and did go on at the White House. Much to the President's credit, he came down on the right side and yesterday announced that he would not use existing funding to hand out needles. But that debate is still raging. General McCaffrey came out with a very strong condemnation of using the needle exchange program, and the President in the final analysis agreed with him.

But I would disagree with the last speaker when he just said that there is no funding for needle exchange. There is funding out there that can be used for needle exchange. This debate that is going on within the administration has sent out mixed signals, and it is up to the Congress now to set the record straight. The record simply says that there will be no Federal funds used for a needle exchange program that is designed for the injection of illegal drugs.

We have heard a lot about Joe Camel. We have heard a lot about cigarette advertising and the effect that that has on our kids. The government has not condoned smoking. But what kind of signals are we going to be sending out if your Federal Government, the government we all love and pledge allegiance to every day in this Chamber, what kind of message are we going to send out if we say, "You're not supposed to use illegal drugs, but if you do, we'll give you the needles"? That is crazy. That makes absolutely no sense.

Tomorrow at 2 o'clock, there is going to be a rally on the steps of this Capitol. There is a bipartisan invitation that has gone out to invite the Members to get together and sign a pledge of not only to continuing the war on drugs but to win the war on drugs. We cannot win the war on drugs by sending out mixed signals. There is one signal that should come out of this House, there is one signal that should come out of this Congress, there is one signal that should come out from our government, and that is illegal drugs kill, they destroy your future, they destroy your neighborhoods, they corrupt this population.

Let us get together, let us come out with a single message, and let us not get that message garbled. This vote is about drug abuse. Vote yes on this most important resolution to condemn and to prevent by law the expenditure of Federal funds on a needle exchange program.

Ms. PELOSI. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. BECERRA), the chair of the Hispanic Caucus.

Mr. BECERRA. I thank the gentlewoman for yielding me this time.

Mr. Speaker, today something tragic is about to happen. Again. Like so many debates before this House, we are about to allow the politics of fear to trump policies of reason. Logic tells us that if you have a problem and you can identify a sensible solution, your problem is on the way to being resolved. Here is the problem. Injection drug use is responsible for nearly 50 percent of all the new cases of HIV, the virus that causes AIDS. It is responsible for 44 percent of all the cases reported for African-Americans, 44 percent of all the cases reported for Latinos, and 61 percent of all the cases reported for women. A sensible approach to a devastating problem as AIDS/HIV is, is needle exchange programs. It is one of the weapons we can use in an arsenal. HIV transmission is reduced when injection drug users are furnished with clean needles in exchange for dirty, potentially infected used ones.

This is where the politics of fear comes into play. Those on the other side of this debate will tell you that needle exchange programs encourage illegal drug use and our streets will be overrun with drug addicts, and that is because we are offering them free needles. First of all, as we have already heard, the science does not bear that out. As we have been told, the General Accounting Office, the University of California, the National Institutes of Health have all conducted studies which show the efficacy of needle exchange programs. Second, more is involved in a person's decision to use illegal drugs than the provision of a free needle. To suggest that Americans are so weak-willed and feeble-minded that they would begin using illegal drugs solely because of the provision of clean needles is insulting.

Mr. Speaker, I implore my colleagues in this House to allow reason to trump fear. Needle exchange programs work. Let us defeat this bill and let us save lives.

□ 1345

Mr. WICKER. Mr. Speaker, I yield myself 30 seconds.

We have heard some strong verbiage today from our friends on the other side of this issue. We have heard just now "the politics of fear." We heard earlier discussion about "narrow-mindedness."

I would remind my colleagues that when they use terminology such as that they are speaking about people like General Barry McCaffrey, the administration's own drug czar, the man tasked with fighting drugs in this Nation. He has looked at the science, do not think he has not, but he has also looked at the big picture, and he has said needle exchange programs are wrong.

Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. PORTMAN) a very distinguished leader in some programs to fight drug abuse that are actually working.

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for yielding this time to me, and I was just down here actually on something else and started listening to this debate, and I want to make two quick statements.

One is the science is not conclusive. Whether we listen to Dr. James Curtis of Columbia University and Harlem Hospital or whether we look at the Vancouver study or the Montreal study, one cannot say the science in this is conclusive.

I will tell my colleagues one thing we know which is conclusive which is that the message counts. If we learned anything in the last 30 years in this country, it is that the message does matter. We reduced drug substance abuse in this country from 1979 to 1991 by over 70 percent by sending a clear and consistent message that drug use is wrong and that it is dangerous.

This sends the wrong message. That is why this legislation is necessary.

I think General McCaffrey got it right. I think if we are really serious about reducing drug abuse in this country, and remember teenage drug abuse has doubled in the last 5 years, it has doubled and continues to go up, it has got to be our top public health priority, it has got to be our top crime reduction priority, it has got to be our top education priority if we are going to turn the corner, if we are going to make a difference in this, and unfortunately needle exchange does not fit in that.

Ms. PELOSI. Mr. Speaker, I yield 1 minute to the gentlewoman from the District of Columbia (Ms. ELEANOR HOLMES NORTON) who has fought in the trenches against substance abuse in the District and is a leader on this issue.

Ms. NORTON. Mr. Speaker, I thank the gentlewoman for yielding this time to me.

We failed for decades to control addiction. At least it was contained with addicts. Now, with AIDS, needles have taken a deadly disease into the community itself. Now it is not addicts and not even those who are addicts, when they become criminals, prey upon. It is women. It is children. Two-thirds of AIDS in women comes for needles. Fifty percent of AIDS in children comes from needles.

The Congress asked the scientists for the answer. Because the scientists gave them back an answer they did not want to hear, they want to ignore the science, and it is unmixed.

Race looms larger and larger in this issue. We are stabilizing AIDS among white homosexuals. It is spreading like an epidemic among blacks and hispanics, and the reason is unsafe needles. One-third of AIDS deaths today come from needles.

Mr. Speaker, when my colleagues cast their vote they should remember who they are voting for life, and who they are voting for death.

Ms. PELOSI. Mr. Speaker, I yield 1 minute to the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN) who is a health professional as well as being a Member of Congress.

Ms. CHRISTIAN-GREEN. Mr. Speaker, I come here today as a member of the Congressional Black Caucus committed to ridding the country of this scourge of drugs and as a physician who counts among my patients many wonderful men and women with AIDS. Almost all of them contracted this disease because of IV drug use. They are now leading clean and productive lives with their children and other family members but are condemned to death because of AIDS.

Mr. Speaker, apparently it is correct what the NIH panel said, that the greatest threat to public health are legislative bodies. This bill, unfortunately, supports that opinion. Because we know that needle exchange programs do not cause increased drug use, they decrease drug use. They make it more likely that addicts will enter treatment. We know that it saves lives.

Mr. Speaker, I urge my colleagues to vote no on H.R. 1317. Let us choose life, my colleagues. Vote no on this bill.

Ms. PELOSI. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia (Mr. LEWIS) one of the deputy whips of the House and a great leader in this Congress.

Mr. LEWIS of Georgia. Mr. Speaker, the scientific evidence is clear. Needle transfer programs can reduce HIV infection and save lives. Needle exchange programs do not increase drug use.

Last week, the Secretary of HHS announced that Federal funds would not, I repeat, would not fund needle exchange programs. Local governments can decide whether or not they want to fund these programs.

AIDS is a devastating disease. It is a devastating sickness. It is heartbreaking to know someone who is suffering with AIDS. Half of the new AIDS infections come from injection of drugs. We must do everything in our power, must use every resource at our command to reduce the spread of AIDS. We must fund research, we must provide health care, and we must let local governments make their own decisions.

If local governments choose to fund needle exchange programs, programs that reduce the spread of AIDS, we should not stand in their way. Leave it up to the City of Atlanta, to the City of New York, to the City of Birmingham to decide. Leave it to the doctors and the scientists. Leave it to the women and men of medicine. This is a matter of public health.

I, for one, will not stand in the way of local governments who want to save lives and reduce the spread of AIDS. Stop playing politics with the lives of our people who are living and suffering with HIV and AIDS.

I urge my colleagues vote no on this bill.

Ms. PELOSI. Mr. Speaker, I yield 1 minute to the gentlewoman from Oregon (Ms. FURSE) who knows firsthand of what she speaks on this subject.

Ms. FURSE. Mr. Speaker, as cochair and cofounder of the Diabetes Caucus, I rise today to oppose H.R. 3717. I believe this bill has absolutely nothing to do with public health but everything to do with election year politics.

Now if we want to reduce drug use, let us get drug addicts into drug treatment programs. And in Tacoma, Washington, 43 percent of the new recruits into a methadone treatment program were referred from a needle exchange program.

If we are in a drug war, let us not get rid of one of the weapons in that war. The State of Oregon uses needle exchange programs as just one part of the State's drug prevention program.

We have heard a lot about AIDS. Well, let me tell my colleagues that, while needle exchange programs may seem unpleasant to some Members in this House, the fact remains that it is one of the most effective strategies to reduce the rate of HIV infection amongst a population that is high in risk.

Let us do what is right for the people, not what is right for our elections. Let us vote against H.R. 3717.

Ms. PELOSI. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. Mr. Speaker, if I thought for one minute that a drug exchange, needle exchange program for drug addicts would increase the likelihood of teenagers in America using drugs, I would not support it. But common sense dictates that there will not be a single 16-year-old teenager in America who says, oh, now I can go get a needle exchange, rather than going to the corner drugstore and buy one for five cents or ten cents, and now I am going to get addicted to heroin and ha, ha, ha.

Having nothing to do with common sense, it tells us the way in which we prevent people from getting AIDS, the way in which we prevent people from spreading AIDS to people who are innocent is to make certain the needles they are using are clean.

The question is not whether we are for or against drug abuse. We are all against it. The question is simple. Should drug addicts be using clean needles or should they be using AIDS-infected needles? And the taxpayers of America are better off if the needles are clean rather than AIDS infected, and all Americans who do not use drugs are better off if we make certain that those who do are not infected with AIDS needles.

Ms. PELOSI. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ENGEL) who has been a leader in this House and also in the assembly before he came to the State legislature as the chairman of the Committee on Alcohol and Drug Abuse.

Mr. ENGEL. Mr. Speaker, I rise in strong opposition to this legislation.

Before I came to Congress 10 years ago, I was chairman of the New York State Assembly Committee on Alcoholism and Drug Abuse, and I can tell my colleagues that needle exchange programs work, they save lives.

I am as opposed to drugs as the next person, but I also live in the real world. I represent an area of New York City, the Bronx, where AIDS has just gone sky high, and we need to use every available resource that we have to try to combat the scourge of AIDS.

As has been said by my colleagues, needle exchange programs are used to get addicts into drug treatment programs. Why would we not want to use every tool that we have? We do not have the luxury of being ostriches and sticking our heads in the sand. We do not have the luxury of feel-good legislation. We do not have the luxury of platitudes. We live in the real world, those of us that represent inner cities, and we want to make sure that AIDS is not spread.

This did not come before the Committee on Commerce of which I am a member. I wish it had because we could have had some hearings and we could have made some good points. But this legislation does not make sense.

Please, choose life over death. Defeat this legislation.

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am sorry, but if my other speaker arrives, I will yield to the other speaker.

But one thing I am glad about, about this resolution coming to the floor, it gives us another opportunity to say to our colleagues and to the American people just what the science is on this subject of needle exchange programs.

My colleagues, as a mother of five and a grandmother of two, I join with everyone in this body, and I know I speak for every single person here saying one of our top priorities here is to eliminate drug abuse from our country and from this earth. Let us stipulate to that, that we all recognize the good intentions of everyone here to do that.

Having said that, we must use new approaches to this as well, because I do not think anyone can say that the approach that has been taken to date has been a complete success.

When we talk about the subject of needle exchange programs, I share the concern of some of my colleagues when I hear their remarks. They just do not understand it. Because, clearly, they do not know what a needle exchange program is. And for many people, when they hear about it, at first blush they say, why would I support that? What message does that send? How often we have heard that today.

Well, one message it sends is that we will be courageous enough to take the steps that will save lives and will reduce substance abuse and drug abuse in our country.

We have heard people try to blur the science on this, but the science is, we go hand in hand with the science as we ask our colleagues to vote down this resolution. This is a difficult decision because most of our constituents, many of them may not be aware of the benefits of a needle exchange program. But because it is a difficult decision does not mean we should take the easy way out. We must demonstrate that making difficult decisions is not above the pay grade of Members of Congress and that we are willing to lead and indeed to teach our constituents.

They do not need to learn much though. Our constituents, the American people, say that the needle exchange program, 61 percent of the American people favor changing federal laws to allow State and local governments to decide for themselves whether to use their Federal funds for needle exchange programs.

That is why I have in my motion to recommit, which will be discussed later, the provision that needle exchange programs could not use Federal funds unless the Governor, State health officer, local/municipal health authority determines that the use of Federal funds for such a program would reduce the rate of transmission of HIV and would not encourage the use of illegal drugs and is acceptable to the affected State, city and other units of local governments or communities.

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I listened to my colleagues, and I hope to address their concerns in this motion to recommit, and I hope that whatever position people take on the Solomon resolution, that they will support the motion to recommit.

My colleagues, as they make their decisions, as we are sent here to review the facts and to vote, the facts are these: This is the poster, by the way, that a Republican colleague did not want to have on display in the House, and it says, April 1998, needle exchange reduces the spread of HIV/AIDS. After reviewing all of the research, we have unanimously agreed that there is conclusive scientific evidence that needle exchange programs, as part of a comprehensive HIV prevention strategy, are an effective public health intervention that reduces the transmission of

HIV and does not, and does not encourage the use of illegal drugs.

Dr. Harold Varmus, winner of the Nobel Prize, Director of the National Institutes of Health; Dr. Anthony Fauci, Director of the National Institutes of Allergy and Infectious Diseases; Dr. Alan Leshner, Director of the National Institute on Drug Abuse; and Dr. David Satcher, Surgeon General. Please make a vote to save lives. Have the courage to make that vote. Vote "no" on the Solomon resolution.

Mr. WICKER. Mr. Speaker, it is my privilege to yield the balance of my time to the distinguished majority whip, the gentleman from Texas (Mr. DELAY) to close the debate on this legislation today.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Texas (Mr. DELAY) is recognized for 5½ minutes.

Mr. DELAY. Mr. Speaker, I rise in support of this legislation, and I want to commend my colleagues, the gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules; my chief deputy whip, the gentleman from Illinois (Mr. HASTERT); and most importantly, the gentleman from Mississippi (Mr. WICKER) for showing leadership, for showing leadership when it comes to the war on drugs.

I have the utmost respect for the gentlewoman from California (Ms. PELOSI) and her position, and I do tend to understand her position, but it has been said so many times here on this floor during this debate. I just feel very strongly that the best science is on our side and refutes the science that the gentlewoman is putting forward.

I also understand because she is a beautiful mother and a loving mother and a grandmother, although she does not look like a grandmother, the gentlewoman from California understands what "enabling" means. Enabling your children to do bad things by bailing them out, say, if they got in trouble at school and one goes and beats up on the principal and makes sure there are no consequences, or enabling an alcoholic by giving them a drink does not free them from alcoholism. Enabling a drug addict by giving them a clean needle, it enables that drug user to continue their habit.

So I just say, if we are really, really serious about the war on drugs, and everybody seems to be for it, then I would urge that side of the aisle to join us tomorrow in a major show of rededicating this Congress and this House and this government to a real war on drugs. But I have to tell my colleagues, we understand that there is an effort going to pull the Democrats away from this bipartisan effort to rededicate ourselves.

The lack of leadership here is really frightening. Clearly, this Nation needs leadership in the war on drugs. Sadly, the President has already given up on that fight. By condoning and embracing the concept of giving free needles to drug addicts, President Clinton has raised the white flag of surrender. He is sending the wrong message to the youth of this country. He is saying that we cannot end drug abuse in this country, so we might as well mend it.

Well, Mr. Speaker, that is the wrong approach. Drug abuse continues to be the top concern of parents across this Nation. Mothers and fathers are rightfully worried that the ravages of drug abuse may victimize their children. Over 20,000 young people die as a result of illegal drug trade in this country every year, and thousands more are victimized by drugs in countless other ways.

Illegal drug use really is not a laughing matter, and the President and the President's press secretary can make all the jokes they want about their own drug use, but their casual attitude encourages a new generation of drug abusers in this country. It is no coincidence that teenaged drug use has skyrocketed, skyrocketed during the Clinton Presidency. The Nation expects leadership from its President when it comes to an issue like drug abuse. Instead of leadership, we get a dead-head President who supports a program that gives free needles to drug addicts.

Well, Mr. Speaker, let us send a message to this President. Let us vote for this legislation, and let the American people know that this Congress still wants to fight the war on drugs.

Mr. LANTOS. Mr. Speaker, I first want to thank my colleague and friend Congresswoman Nancy Pelosi for her leadership on the issue of needle exchange.

Mr. Speaker, there is confusion and misconception coming from the opponents of needle exchange. The Republican leadership is under the impression that the American people do not care about ending the AIDS epidemic that is ravaging our country. They are under the impression that the American people will choose to believe rhetoric over scientific statements of fact from our nation's most trusted scientific experts. They are also under the impression that American citizens prefer more of the politics of division and empty symbolism, rather than sound public health practices. Mr. Speaker, the Republican leadership is mistaken.

I rise in strong opposition to this ill-conceived and unnecessary piece of legislation, H.R. 3717. The bill purports to ban permanently all federal support for needle exchange programs. However, not one single federal mandate currently requires states to administer needle exchange programs.

The decision to fund needle exchange programs should be left to the states. Local governments and the American people do not want to close the door on a proven method of combating HIV transmission. Over 60 percent of Americans want their communities to make the decision on needle exchange programs. This legislation is blatant hypocrisy. Those in this Chamber who have been the most outspoken and vociferous in raising the cry of "states rights" and urging that the Congress stop imposing Federal mandates upon the state governments are the very same ones who are leading the charge today to prohibit states from making independent decisions about what is in the public health interest of their own citizens.

Mr. Speaker, the American people don't want to play political games with the AIDS epidemic. The proponents of this legislation are trying to pit the AIDS epidemic against the war on drugs. This strategy will backfire. Americans understand that needle exchange programs reduce the transmission of HIV, and Americans understand what scientific studies have established—needle exchange programs do not encourage the use of illegal drugs.

The proponents of this legislation are ignoring the intelligence of the American people. They are ignoring the conclusions of countless scientific experts who support needle exchange programs—Dr. David Satcher, United States Surgeon General; Dr. Harold Varmus, Director of the National Institute of Allergy and Infectious Diseases; Dr. Anthony Fauci, Director of the National Institute of Allergy and Infectious Diseases; Dr. Alan Leshner, Director of the National Institute of Drug Abuse; and Dr. Claire Broome, Acting Director of the Centers for Disease Control. All of these leading public health experts agree that needle exchange programs are an effective AIDS prevention method that does not cause increased use of illegal drugs. The National Institutes of Health, our own federally-sponsored health care research organization which we are supporting with over $3.5 billion this year, supports needle exchange programs.

Thousands of other medical experts and healthcare organizations, including the American Medical Association and the American Academy of Pediatrics, in the United States and around the world have stated that needle exchange programs are necessary in the fight against AIDS. These respected organizations tell us that needle exchange programs do not promote the use of illegal drugs. The proponents of this legislation are ignoring this overwhelming and unanimous evidence.

Needle exchange does not promote drug use. In fact, the opposite is true. Needle exchange programs encourage injection drug users to seek drug treatment. Needle exchange programs are an integral component of drug treatment networks in terms of health care, counseling, psychosocial services, and outreach strategy. Needle exchange programs keep people alive, keep people safe from the HIV infection, and can help in encouraging people to take the first critical steps to begin a drug-free life.

Mr. Speaker, I strongly oppose illegal drug use. But we must not confuse the fight against drug abuse with the fight against AIDS. Those who support H.R. 3717 are arguing for legislation that would effectively declare the life of any person who has used drugs or is using drugs, as well as the lives of their spouses and children, to be worth less than the ten cents it would cost to save them from AIDS. I cannot share that position.

Mr. Speaker, injection drug users can pass on HIV infection to their partners, to their children, and to other drug users. Over 50 percent of all new HIV infections are due to injection drug use. I am appalled that anyone in this Congress could have a higher priority than saving the lives of these innocent victims. Millions of women and children's lives can be saved indirectly through needle exchange programs. Some 74 percent of all AIDS cases among women are connected directly or indirectly to injection drug use. The rate of infection in women is steadily climbing. More than 50% of AIDS cases in children are also connected to drug use. Minorities suffer disproportionately from this disease. All these lives are worth saving, and there is a simple method to save them—needle exchange.

Mr. Speaker, the choice to be made is between exchanging needles and losing millions of lives to AIDS—to say nothing of the horrendous health care costs that these AIDS cases will create. Needle exchange is a cost-effective public health measure to combat HIV transmission and infection. Those who support this legislation are denying our communities the right to choose for themselves one of the best and most effective methods of fighting new HIV infections. This legislation goes against common sense, against science, and against our own values.

Mr. Speaker, we must not be put aside by short-sighted political maneuvers. The American people are too smart to let anyone pull the wool over their eyes. They are too smart to accept ignorance and bigotry in place of scientific knowledge. The American people know better. H.R. 3717 is a vote against the judgment of state and local health officials, a vote against the rights of local communities to make thoughtful decisions, a vote against scientific evidence, a vote against the judgment of the American people, and a vote against countless lives which could be saved by needle exchange programs.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I have listened to this debate and I have listened to the arguments made by the other side.

The supporters of this bill to ban Federal funding for needle exchange programs say that it sends the wrong message to our kids—And that it encourages drug use.

Let me make it clear that this debate is not about illegal drug use, it is about saving lives.

Secretary Shalala for the first time acknowledged the enormous body of scientific evidence proving that needle-exchange programs reduce HIV and save lives without increasing drug use.

To not reach out to the communities that are struggling with this epidemic is like discovering the world is round and not launching the ships to explore it.

Clean needles are only part of the solution. A comprehensive approach that includes needle exchange, health care, treatment, social support and counseling is also needed.

Since the other side is worrying about sending mixed messages, how do we explain to our kids that we know how to slow a lethal epidemic—we know one way to help prevent the spread of HIV from drug addicts to partner to child—But we are not going to help!

I urge my colleagues to vote against this bill.

Mr. LEVIN. Mr. Speaker, last year Congress approved a conference report on a bi-partisan basis that prohibited the use of federal funds for any needle exchange programs until the Secretary of Health and Human Services determines that based on scientific evidence these programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

The Secretary has not decided to continue the ban on federal funding, and leave it to state and local units to finance needle exchange programs, which the scientific review requested by the Secretary found useful in saving lives without increasing drug use if part of a comprehensive anti-drug program.

I support the administration's decision.

As the Administration has stated regarding this matter, it ". . . concurs in the long-standing position of the Congress that the Secretary of Health and Human Services should have the authority to determine the scientific and public health merit of needle exchange programs as they affect rates of HIV transmission and injection drug use. The Administration believes, as Congress has to this point, that the top public health leadership of the federal government remains the appropriate place for this determination, and that the decision on which HIV prevention strategies to use should rest with State and local officials."

The bill before us would try to make this ban permanent, regardless of what might be scientific findings at a future date and regardless of the experience in and results from programs now underway in a substantial number of communities.

Ms. KILPATRICK. Mr. Speaker, I rise today in strong opposition to H.R. 3717, legislation that would permanently ban federal funding for needle exchange programs. Needle exchange programs reduce new human immunodisease virus (HIV) and Hepatitis B infection among intravenous drug users, do not lead to more drug use, are cost effective and are supported by a wide array of scientific and medical experts and organizations. In the light of President Clinton's opposition to the funding of needle exchange programs, it makes absolutely no sense to adopt this legislation.

Before I continue, let me add that I vehemently oppose the use of illegal drugs. Democrats, Republicans and Independents need to remember who, and what, is the real enemy here. The real enemy is our collective inertia, inaction, and inability to practically do anything that will reduce illegal drug use. Drug abuse is not a Democratic, Republican or Independent problem—it is an American problem. All Americans concerned about the deterioration of the future of our country—our children—should unite to protect our children, break the cycle of illegal drugs and crime, provide treatment for drug abuse, strengthen our laws on money laundering, and reduce the supply of drugs to our cities, suburbs, and rural areas.

According to a recent Detroit Free Press article, about 33,000 heroin users live in the city of Detroit. I recently had the honor of meeting Mr. Harry Simpson, Executive Director of Life Points. Life Points is a non-profit organization dedicated to the reduction and eradication of illegal drug use among the citizens of the City of Detroit. On December 1, 1997, the city's first licensed needle-exchange program began. Mr. Simpson realizes that we need a two-pronged attack against the abuse of drugs: prevention and treatment. In a recent *Associated Press* article, Mr. Simpson said, "We're not sitting on the porch handing out syringes to everyone who passes. It isn't about distributing needles, promoting drug use or promoting illegal behavior. I just don't think people need to die just because they use drugs."

I am opposed to this legislation for four reasons:

Needle exchange programs reduce the risk of HIV and Hepatitis B infection. The National Research Council and Institute of Medicine's report titled, "Needle Exchange Programs Reduce HIV Transmission Among People Who Inject Illegal Drugs," makes this point abundantly clear. In this report, panel chair Lincoln E. Moses, professor of statistics emeritus at Standford University, said, "The activities of needle exchange and bleach distribution programs go beyond just providing sterile injection equipment and bottles of bleach. These programs often result in more referrals to drug abuse treatment. Although not all communities may choose to implement them, needle exchange and bleach distribution programs can be important parts of comprehensive approaches to reduce drug use and the spread of AIDS. Needle sharing is a primary route of HIV transmission among people who inject illegal drugs."

Needle exchange programs do not lead to increased drug use. The National Institutes of health, one of the preeminent health research facilities in the nation, published the Consensus Development Statement on Interventions to Prevent HIV Risk Behaviors. This report concluded that needle exchange programs "show a reduction in risk behaviors as high as 80% in injecting drug users, with estimates of a 30% or greater reduction of HIV." The report also concluded that the majority of evidence shows either a decrease in injection drug use among participants or no changes in their current levels of drug use.

Needle exchange programs are cost effective. According to the National Association of Persons with AIDS, needle exchange programs could prevent HIV infection among drug users, their sexual partners, and their children at a cost of about $9,400 per prevented infection. This pales in the cost of more than $100,000 per lifetime of treating a person with AIDS.

Needle exchange programs are supported by many non-partisan, respected, scientific organizations and boards of review. The Congressional Office of Technology Assessment; the National Institutes of Health, the U.S. General Accounting Office, and the American Medical Association support needle exchange programs.

My vehement opposition to illegal drugs has not clouded my desire to protect women or children. It is my desire that the wisdom of Congress prevails in defeating this legislation, and that Congress collectively take measures that will eliminate the use of illegal drugs in our country.

Ms. CHRISTIAN-GREEN. Mr. Speaker, I come to the floor today as a member of the Congressional Black Caucus which has as its highest priority, the ridding this country of the scourge of drugs, and as a family physician who counts among my patients, many men and women with AIDS. Almost all of them contracted this disease because of IV drug use, but today they are "clean" and leading productive lives, with their children and other family members, but are condemned to death because of AIDS.

Mr. Speaker, the NIH panel was apparently correct last year when it said that the greatest threat to the public health are legislative bodies. This misguided bill, certainly supports that opinion.

We know, because the evidence is clear, that needle exchange programs do not cause increased drug use. On the contrary, they decrease drug use and further increase the likelihood that an addicted person will enter drug treatment. It is incumbent upon us to provide the funding to make those treatment programs available on demand.

We have heard much today about the Canadian studies. The researchers whose work is being misrepresented by our Republican colleagues are on record in saying that the data has been misinterpreted, and that their findings indeed support the use of needle exchange programs in conjunction with strong prevention and treatment.

We also know, without a doubt that these programs greatly reduce the transmission of HIV, and in doing so saves the lives of countless people—especially women and children.

Who among us could possibly be against saving lives?

I plead with you my colleagues, not to put politics before the lives of the people we are here to serve. Do not ignore the facts which have been placed before us by researchers and public health experts. Let us not misinterpret and misrepresent their findings to the people who depend on us for the truth.

Mr. Speaker, my colleagues, choose life. Vote no on H.R. 3717.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to oppose this bill for several reasons. First, this bill contradicts all the scientific data from experts that suggests needle exchange programs reduce HIV infection and do not increase drug use. While AIDS deaths are down, clearly HIV infection continues to increase especially in inner city areas where injection drug use is prevalent.

The bill ignores the fact that needle exchange does not increase drug use, rather it encourages a society that would have fewer individuals infected with HIV. These programs make needles available on a replacement basis only, and refer participants to drug counseling and treatment. The National Institutes of Health's March 1997 study concluded that needle exchange programs have shown a reduction in risk behaviors as high as 80 percent in injecting drug users, with estimates of 30 percent or greater reduction of HIV.

In addition, I oppose this bill because it is politically driven, rather than scientifically based. This bill whips on the poorest of the poor. This bill puts at risk millions of Americans who might be married or committed to someone who they may not know is an intravenous drug user. More importantly, this bill puts children at risk. The Centers for Disease Control reported that the rate of HIV/AIDS in the African American community is 7 times that of the general population.

Make no mistake about it this is not just a African American problem this is a American problem. This is a public health issue and the Surgeon General, and the Secretary of Health and Human Services both support needle exchange programs. When we help save American lives—America is stronger. The Federal Government must provide leadership on this critical issue and therefore, I urge my colleagues to oppose this bill.

Mr. DELAHUNT. Mr. Speaker, I rise in opposition to the bill.

Since coming to the Congress I have been asked to vote on legislation on a variety of subjects which I considered ill-conceived or even foolish. But I have never seen as silly a piece of legislation as the bill before us today.

One might have expected opponents of needle exchange programs to mount an effort to prohibit federal funding for such programs—if the Administration had taken steps to authorize the release of funds.

But Secretary Shalala announced just 10 days ago that the Administration does not intend to release the funds.

This must be one of the few occasions in Congressional history in which members are attempting to deny the Administration the authority to make a decision they agree with.

Personally, I do not agree with the Administration's decision, and I therefore regard this legislation as not only unnecessary, but unwise in the extreme.

In 1989, Congress barred the use of federal funds for needle exchange programs unless the Secretary of Health and Human Services could determine both that such programs are effective in preventing the spread of HIV and that they do not encourage the use of illegal drugs.

In enacting this provision, Congress sought to ensure that the decision as to whether such programs merit federal support would be made by public health experts acting on the basis of sound science, rather than by politicians re-acting on the basis of uninformed opinion.

Pursuant to that mandate, the Secretary conducted an exhaustive review of the scientific literature. Her investigation yielded an impressive body of evidence that properly administered needle exchange programs are an effective weapon in preventing HIV transmission, and that, far from encouraging drug use, they can actually play a role in encouraging injection drug abusers to enter treatment.

In my own State of Massachusetts, these programs are doing precisely that.

Last week, the Secretary reached the only conclusion the data would support, and issued the long-awaited determination that the Congressionally-mandated criteria had been met for federal funding of these programs.

Yet instead of announcing that federal funds would be made available, the Secretary announced a continuation of the status quo.

It's hard to see how the status quo could have provoked this kind of reaction. It's as though the proponents of the bill were so eagerly anticipating a different decision that, when it didn't come, they decided to offer their bill anyway.

It goes without saying that no hearings have taken place, and the committee of jurisdiction took no action on the bill.

As a former prosecutor and a member of the Judiciary Committee, I take very seriously the epidemic of drug addiction in our society. But we cannot make responsible public policy on fear and ignorance.

Yesterday, I received a Dear Colleague letter from proponents of the bill citing a Canadian study published in the American Journal of Epidemiology in support of their claim that drug addicts who participate in needle exchange programs are more likely to contract HIV than those who do not participate.

What they failed to tell you is that the authors of the study have stated categorically that this claim is a mischaracterization of their research. Writing in the New York Times on April 9, Professors Julie Bruneau and Martin Schechter said that the reason the addicts who took part in needle exchange programs in Vancouver and Montreal had higher HIV infection rates than those who did not is that these programs are in inner-city neighborhoods where they serve those who are most at risk of infection.

Having misstated the conclusions of this study, the supporters of the bill ignore the numerous other studies conducted and compiled by such agencies as the National Research Council, the Centers for Disease Control and Prevention, and the National Institutes of Health.

This voluminous research has persuaded such respected organizations as the American Medical Association, the American Public Health Association, the Association of State and Territorial Health Officers, the American Nurses Association, the American Academy of Pediatrics, the U.S. Conference of Mayors, and the American Bar Association, to give their support to needle exchange.

It is time for Congress and the Administration to follow suit. Indeed, it is long past time. While we wait, the epidemic continues to decimate our cities and towns. Like the mad emperor of the ancient world, Congress fiddles while Rome burns.

Mr. TOWNS. Mr. Speaker, I rise in strong opposition to H.R. 3717, which would implement a permanent ban on federal funding for needle exchange programs.

According to the National Organization responding to AIDS, an estimated 1 to 2 million Americans inject illegal drugs and the sharing of needles among injecting drug users is a leading cause of HIV transmission. Furthermore, since 1988, when this program ceased, an estimated 20–25,000 people have contracted AIDS as a direct result of contact with an intravenous drug user. Needle exchange programs would involve the swap of dirty needles for clean needles. Since one can only obtain a clean needle in exchange for a dirty needle, there is an incentive to collect and turn in the needle.

In an age where HIV and AIDS are spreading at enormous rates, needle exchange programs not only reduce HIV infections but also have the potential to act as a bridge to drug treatment. AIDS is the leading cause of death amongst African Americans that are between 25–44 years of age. The Center For Disease Control reported that the rate of HIV/AIDS in the African American community is 7 times that of the general population. This means that 72 African Americans are infected every day. By supplying clean syringes, we simply assure that death is not a certainty.

The National Commission on AIDS, National Academy of Sciences and the National Institutes of Health are just a few organizations that, through extensive sound scientific research, have concluded that needle exchange programs are effective and can significantly reduce the number of new HIV and AIDS cases. The American Academy of Pediatrics, the American Medical Association and the National Association of City and County Health Officials, among many others, are leading world organizations that have endorsed federal funding of needle exchange programs. In fact, research has shown, there is no evidence that needle exchange programs lead to increased drug use by exchange clients.

From a financial standpoint, needle exchange programs are surprisingly cost effective. One model estimates that over a period of five years, needle exchange programs could prevent HIV infections among clients, their sexual partners and their children at a cost of approximately $9,400 per infected person. Compare this with the lifetime cost of treating an individual with AIDS, which exceeds $100,000.

I urge my colleagues to vote against H.R. 3717 which bans federal funding for needle exchange programs. Needle exchange programs have proven to be effective in reducing the transmission of HIV and AIDS and through this program, communities would be safer from the health hazards associated with dirty needles littering the streets. No one ever built a reputation on what they were going to do. We've seen what banning federal funding for needle exchange programs can do. Let's establish a solid reputation by funding needle exchange programs that would reduce the transmission of HIV and other diseases and more importantly, save lives.

Mrs. MORELLA. Mr. Speaker, I rise in opposition to H.R. 3717, legislation to impose a permanent ban on federal funding for needle exchange programs.

This bill is particularly unnecessary given the fact that the Clinton Administration announced that it will not lift the ban on federal funding, despite its conclusion that the science has demonstrated that needle exchange programs reduce HIV transmission and do not encourage the use of illegal drugs.

This bill would remove the authority of the Secretary of Health and Human Services to manage public health threats—and would, in effect, substitute political expediency for sound science and public health policy. Since 1990, we have given the Secretary this authority in annual appropriations bills.

The American Medical Association, the American Bar Association, the American Public Health Association, the Association of State and Territorial Health Officials, the National Academy of Sciences, the American Academy of Pediatrics, the American Nurses Association, the National Black Caucus of State Legislators, and the United States Conference of Mayors all have expressed their support for needle exchange, as part of a comprehensive HIV prevention program. A number of federally funded studies have reached the same conclusion and have found that needle exchange programs do not increase drug use—including a consensus conference convened by the National Institutes of Health last year. According to the NIH Consensus Statement, "A preponderance of evidence shows either no change or decreased drug use . . . Individuals in areas with needle exchange programs have increased likelihood of entering drug treatment programs."

The American Bar Association, in a letter dated April 28, 1998, stated: "Permanently prohibiting federal funding of needle exchange programs will not advance this nation's efforts to combat drug abuse. It may in fact inhibit current efforts since needle exchange programs have been shown to increase the opportunity for counseling drug addicts and encouraging their participation in appropriate drug treatment programs . . . Likewise, enacting a permanent ban on federal funding of needle exchange programs will prevent public health officials from using a proven tool to reduce the transmission rate of HIV among a high risk population that is contracting HIV at alarming rates."

In my own State of Maryland, injection drug use is the major mode of transmission for HIV/AIDS. Baltimore City's needle exchange program has been associated with a 40% reduction in new cases of HIV among participants, and evaluation of the program has demonstrated that needle exchange did not increase drug use. In fact, a bill was approved to continue the program by an overwhelming vote in the Maryland State Legislature last year—it passed by a vote of 113–23 in the House of Delegates and by a vote of 30–17 in the State Senate. And, earlier this month, the Maryland State Legislature voted to allow Prince George's County to establish a needle exchange program.

Nationally, 66% of all AIDS cases among women and more than half of AIDS cases in children are related to injection drug use. It is important to note that if the Secretary had decided to lift the ban, federal funding for needle exchange programs would not mean that local communities would have to implement them. Only those communities that believe such a program would be effective in their HIV prevention strategy would do so—thereby leaving the decisionmaking to the local communities. Community-based solutions have always been the most effective prevention programs, and are consistent with our attempts in this House to prevent the federal government from interfering with local decisionmaking.

I urge my colleagues to act in the best interests of our nation's public health. Public health decisions should be made by public health officials . . . science should dictate such decisions, not politics. Vote NO on H.R. 3717.

Mr. PACKARD. Mr. Speaker, I am appalled by the increase in drug-use in this nation. Day after day, we are confronted with statistics demonstrating that our children are at risk. We've all heard the facts: marijuana use among 4th to 6th graders has risen 71 percent and overall drug use has jumped to 78 percent since 1992. We can quote the numbers, but the real issue is what are we going to do about it?

Recently, the Clinton Administration aired its decision to lift a ban that prohibits the distribution of hypodermic needles to drug addicts at Government expense. Condoning needle-exchange programs ultimately sends the message that it's okay for our children to use drugs. As a parent who raised 7 children. I know the war on drugs must be fought from our homes and communities. But as elected leader, we are still obligated to help our neighborhoods attack this problem. Distributing needles encourages drug use, and I will not stand for it.

Today we will vote on H.R. 3717, the Needle Ban-Plus Bill. This legislation prohibits the Federal Government from subsidizing the distribution of hypodermic needles or syringes for the injection of illegal drugs. Mr. Speaker, let's demonstrate our commitment to winning this battle. I invite my colleagues to join me in supporting H.R. 3717.

The SPEAKER pro tempore. All time has expired.

The bill is considered read for amendment.

Pursuant to House Resolution 409, the previous question is ordered.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MS. PELOSI

Ms. PELOSI. Mr. Speaker, I offer a motion to recommit

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. PELOSI. Yes, I am opposed to the bill.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Ms. PELOSI moves to recommit the bill, H.R. 3717, to the Committee on Commerce with instructions to report the same back to the House with the following amendment: Page 2, line 8, insert before the period the following: ", unless the Governor, State health officer, or local municipal health authority determines that the use of Federal funds for such a program would reduce the rate of transmission of the human immunodeficiency virus (commonly know as HIV), would not encourage the use of illegal drugs, and is acceptable to the affected State, city or other unit of local government, or community".

The SPEAKER pro tempore. The gentlewoman from California (Ms. PELOSI) is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, as I said earlier in my remarks, I was going to offer this motion to recommit because I think that it sincerely attempts to address the concerns that have been expressed in the course of the debate on this issue. Not only that, it is consistent with the language of the appropriations bill that brings us here today, actually.

Frankly, I was quite disappointed in the actions taken by some of my Republican colleagues, because I thought we had come to a deal on the needle exchange program. When the appropriations bill was passed, it was agreed that the Secretary of Health and Human Services could not lift the ban on the needle exchange programs until March 31, 1998, unless the Congress acted beforehand to prevent her from lifting the ban. It established criteria for the Secretary to lift the ban, and that criteria was that the projects are effective in preventing the spread of HIV and do not encourage the use of illegal drugs. I think that the scientific information and evidence that we have presented demonstrates conclusively that that is the case.

In addition, the Secretary was expected to make a determination based on the review of the relevant science, and the additional science that has come forth in the last 6 months demonstrates even more clearly the strong scientific basis, without which we would never ask our colleagues to make this vote. And it also provides, the legislative language also provides the referrals for treatment of drug abuse and other appropriate health and social services.

So with that, we went forward with the idea that if the science came forward, as it has, that the Secretary would be able to lift the ban. Now, the administration has not lifted the ban, but this body wants to act forevermore, flying in the face of the science, in defiance of the effectiveness of the needle exchange programs.

I want to call to the attention of my colleagues some of the organizations that support the needle exchange programs. The American Medical Association, the American Public Health Association, the National Academy of Sciences, the American Nurses Association, the American Academy of Pediatrics, the U.S. Conference of Mayors, the American Bar Association. Why would the U.S. Conference of Mayors support the needle exchange program if they thought it would increase crime, as our colleagues have contended?

So I say to my colleagues, in addition to that, I want to call two other endorsements to the attention of my colleagues. Some of those on the other side of this issue have spoken on the epidemiology of substance abuse and HIV/AIDS. That means how it is spread in our population. The Council of State and Territorial Epidemiologists have written to Congress to reject H.R. 3717, the bill before us, and the county and city health officials, the National Association of County and City Health Officials, oppose it as well.

So I say to my colleagues, listen to the motion to recommit. The motion to recommit sends this bill to the Committee on Commerce, which is the appropriate route for this bill to take, with the following amendment: That unless the Governor, State health officer, or local municipal health authority determines that the use of Federal funds for such a program would reduce the rate of transmission of HIV and would not discourage the use of illegal drugs, and is acceptable to the affected State, city or other unit of local government or community. No Federal funds unless it meets that test: Reduce the rate of transmission of HIV, would not encourage the use of illegal drugs, and is acceptable to the affected State, city or unit of local government or community.

Mr. Speaker, we are having this education of our colleagues, this transfer of information between each other, among each other today because we have not really gone through the regular order, the hearing process. I heard my colleague say last week, how on earth could we vote on the IMF because we have not had hearings? Well, how on earth can we vote on this matter of life and death bypassing the committee structure where we could conclusively review the scientific evidence to remove all doubt in anyone's mind what is self-evident to the National Institutes of Health?

I say once again that if we are funding NIH to the tune of $13.6 billion for this year, and many of us are calling for the doubling of the NIH budget over the next 5 years, why on earth would we ignore their scientific findings? Not only NIH, the Administrator himself, but the various institutes that work to this end.

Mr. Speaker, I really do not like saying things about Congress that are not complimentary, but ignoring the science really is the Flat Earth Society mentality, and if we want to put our head in the sand, we do not get any more room to do it on a flat earth. I urge my colleagues to think seriously about the science, vote to save lives; support the motion to recommit.

Mr. WICKER. Mr. Speaker, tomorrow the gentleman from Georgia (Mr. GINGRICH), the Speaker of the House, will lead what I hope is a bipartisan delegation of Members of this body to announce a renewed war against illegal drugs in this country, and I am pleased at this point to yield him the balance of our time in opposition to the motion to recommit.

The SPEAKER pro tempore. Is the gentleman from Georgia in opposition to the motion?

Mr. GINGRICH. I am, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGRICH) is recognized for 5 minutes.

Mr. GINGRICH. Mr. Speaker, let me just say that I really believe this is a very important turning point for the United States. And I believe this motion to recommit is a perfect symbol of why, for the last 6 years, we have been losing the war on drugs, a totally unnecessary defeat, something that had been avoidable and something which has cost lives.

The fact is there are some 14,000 Americans a year who die directly from drugs, and another 6,000 who die from secondary effects, including violence. Every year. Imagine if we were losing 20,000 Americans in Bosnia or 20,000 Americans in Iraq, or 20,000 Americans anywhere else in the world. That is higher than the death rate of the Vietnam War, and yet our friends seem confused about what has happened.

Under Ronald Reagan and George Bush, there was a simple, clear policy: Drug use is bad, do not do drugs. If one is a drug addict, get off drugs. Come in, get help, get detoxed, get rehabilitation, but do not be confused, drug use is bad.

Many of our more liberal friends laughed when Nancy Reagan said, just say no. But guess what? By saying just say no and meaning it, drug use under Reagan and Bush came down by two-thirds. Thousands of young people were saved from addiction. Thousands of young people were saved from dying. This is a real problem.

A member of my staff had a sister who went out on a date 3 years ago, was given a designer drug, overdosed, went into a coma. She was 19.

□ 1415

She has celebrated her 20th and 21st birthdays in a nursing home in a coma and she will never recover.

In Plano, Texas, we have been reading about suicides and overdoses. This is very serious business for America.

Tomorrow, the gentleman from Illinois (Mr. HASTERT) the chairman of our task force on the drug war, will be launching what we hope will be a truly bipartisan effort where we hope Democrats will feel comfortable joining us in being together as Americans saying: Do not do drugs.

What is the debate about today? Giving away needles for drug addicts? Saying to somebody who is injecting heroin into their body that we have a public health policy, we want them to use a clean needle so they will be a healthy heroin addict? I just want to suggest to my friends, it is not possible to be a healthy heroin addict. The act of injecting heroin into the veins makes a person unhealthy.

The job of the United States Government is to reach out to every addict and say to them, "Please come into a hospital, please get off drugs, please let us help you rebuild your life." And when the government says, "Drop by for some free needles," we are clearly saying something.

Mr. Speaker, my colleagues do not have to believe me. I realize I am a conservative Republican and I realize some people might say that is a partisan message. So let me cite General Barry McCaffrey, President Clinton's choice as the drug czar. This is what General McCaffrey said: "Supporting needle exchange programs will send the wrong message to our children. Government provision of needles may encourage drug use."

So I am going to rely on General McCaffrey's advice. Everyone in this Chamber who feels comfortable overruling General McCaffrey and willing to give away free needles to heroin addicts, come and vote "yes." But they should not kid themselves. The drug czar of President Clinton says that may well lead to increased drug use. That may well say to our children it is okay to become a heroin addict or a cocaine addict, and pure cocaine is now often injected.

But those Members who, like me, are frightened of drugs, believe drugs can kill, believe addiction is terrible, those who want to send a clear signal to the children of America, those who are prepared to say it is time to take a stand in favor of our children, vote "no" on this motion to recommit, which is frankly an "any needle, anytime, anywhere, for any addict" provision.

Mr. Speaker, people who could certify getting drugs here, the governor, State health officer or local municipal health authority, we know what this means. This means in some of our biggest cities we are going to finance giving away needles. Let us be honest about it. This means the U.S. taxpayer will be giving away needles. That is what this motion to recommit means.

Let us be clear. If we want to win the war on drugs, if we want to save children from drugs, if we want to lower the addiction rate, join General McCaffrey and let us have a bipartisan vote "no" on the motion to recommit. Then let us vote for our children to live in a drug-free America and an America with less violence. Let us vote "yes" on this bill and send the signal: No free needles. Help the addicts get off drugs. Do not help the addicts have clean needles.

The SPEAKER pro tempore (Mr. FOLEY). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. PELOSI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage.

The vote was taken by electronic device, and there were—ayes 149, noes 277, not voting 7, as follows:

[Roll No. 113]

AYES—149

Abercrombie
Ackerman
Allen
Baldacci
Barrett (WI)
Becerra
Berman
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Frank (MA)
Furse
Gejdenson
Gephardt
Greenwood
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Klink
Kolbe
Kucinich
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Moran (VA)
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Stabenow
Stark
Stokes
Stupak
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn
Yates

NOES—277

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boucher
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (WI)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Luther
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Barr
Bateman
Cook
Dixon
Gonzalez
Sandlin
Smith (OR)

□ 1440

Messrs. ENGLISH of Pennsylvania, THOMAS, LAMPSON and MOLLOHAN changed their vote from "aye" to "no."

Messrs. BLAGOJEVICH, PALLONE and DEUTSCH changed their vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. COMBEST). The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WICKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 287, noes 140, not voting 6, as follows:

[Roll No. 114]

AYES—287

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell

Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fawell
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (WI)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Luther
Manzullo
Mascara
McCarthy (MO)
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanchez
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)

NOES—140

Abercrombie
Ackerman
Allen
Barrett (WI)
Becerra
Berman
Blumenauer
Boehlert
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Cooksey
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Foley
Frank (MA)
Furse
Ganske
Gejdenson
Gephardt
Greenwood
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kolbe
Kucinich
Lantos
Lee
Levin
Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Moran (VA)
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pastor
Payne
Pelosi
Rangel
Rivers
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Stabenow
Stark
Stokes
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn
Yates

NOT VOTING—6

Barr
Bateman
Dixon
Gonzalez
Sandlin
Smith (OR)

☐ 1450

Mr. BERRY changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL DIALOGUE ON SOCIAL SECURITY ACT OF 1998

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 410 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 410

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3546) to provide for a national dialogue on Social Security and to establish the Bipartisan Panel to Design Long-Range Social Security Reform. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Ways and Means now printed in the bill, modified by the amendments printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) three hours of debate on the bill, as amended, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) a further amendment printed in the Congressional Record pursuant to clause 6 of rule XXIII, if offered by Representative Rangel of New York or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the distinguished gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 410 is a modified closed rule providing for the consideration in the House of H.R. 3546, the National Dialogue on Social Security Act of 1998. The purpose of this legislation is to provide for a national dialogue on Social Security and to establish a very important bipartisan panel to design a long-range solution for Social Security.

The rule provides for 3 hours of debate equally divided and controlled by the chairman and the ranking minority member of the Committee on Ways and Means. The rule also provides for the consideration of an amendment printed in the CONGRESSIONAL RECORD, if offered by the ranking member of the Committee on Ways and Means, which shall be considered as read and debatable for 1 hour equally divided and controlled by the proponent and an opponent.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, I welcome this discussion on Social Security. I think it is an issue of vital importance not only to America's seniors but to all Americans. Social Security is not only a cherished program, it is perhaps the most popularly supported as well as vital of government programs.

I wish to remind my colleagues that we are debating legislation to create a national dialogue on this issue, but we are not at this time proposing actual changes in the Social Security system. Because of this, I am of the belief that 3 hours of debate on the bill, plus 1 hour on this rule, in other words, 4 hours of debate on this issue, is more than enough time to debate this important issue.

This is not a controversial piece of legislation. If the minority wishes to amend this bill, they will have two opportunities to do so, as I have stated, with an amendment which is printed in the CONGRESSIONAL RECORD already. And, additionally, they could attempt to do so with a motion to recommit with instructions.

We were given, Mr. Speaker, some good news with Tuesday's annual report of the board of trustees of the Social Security program: The board's projection that we will have 3 more years than originally anticipated before Social Security pays out more in benefits than it receives in payroll taxes. That is encouraging data. However, I think that it drives home the point that we need to work together as a Nation on a bipartisan basis, putting aside partisan politics, to create a stable, a long-term, thoughtful and effective solution to the retirement security system in the United States.

In conclusion, Mr. Speaker, I wholeheartedly support H.R. 3546, the National Dialogue on Social Security Act of 1998. I congratulate the chairman of the Committee on Ways and Means, the gentleman from Texas (Mr. ARCHER), for his hard work on this legislation and urge my colleagues to support the rule.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from Florida for yielding me the customary 30 minutes.

Ms. SLAUGHTER. Mr. Speaker, this is a modified closed rule and has 3 hours of general debate but only one amendment; and that amendment is only allowed if it is printed in the CONGRESSIONAL RECORD.

Now, I think it is ironic that a bill that is going to begin an inclusive national discussion on changes to a core government program should itself be discussed under a closed exclusive rule.

□ 1500

Now, some say that Ways and Means bills are always considered under closed rules, but this bill does not amend the Tax Code, trade policy, Medicare, or even Social Security itself. It just sets up a procedure for discussion.

Apparently its proponents believe that this procedure is so perfect and so delicate that to allow debate on any alternatives would endanger its goals and its very survival. That rigidity does not bode too well for the process that hopes to build a national consensus.

Now, this bill is going to establish a national dialogue on Social Security. It is going to be led by two facilitators, advised by a dialogue council composed of 36 members. The facilitators will conduct the dialogue through the regional meetings, through the Internet, communications, and other methods. Now, after the two facilitators and the 36 members get through, then there will be an eight-member bipartisan panel coming from somewhere recommending long-term changes.

Now, I am perplexed as to why we are taking this up because this dialogue is already under way. It is not in such a bureaucratic form. And one of the things that I do not know, as a member of the Committee on Rules that presented this rule on the floor, is what kind of budget all these facilitators and other people, dialogue coordinators, are going to require. And it seems a shame to do it because the American Association of Retired Persons and the Concord Coalition are already doing it. They are conducting a series of forums around the Nation to accomplish this very goal of a national dialogue. And the President is participating in these forums, as are Americans in all walks of life. So what we are doing is duplicating what is already being done with government money.

So there we are. To insist that the Congress establish a parallel process seems to be a case of simply not wanting to play in the President's sandbox. I have to agree with the administration that this national dialogue process is duplicative and unnecessary.

Mr. Speaker, I oppose this bill, this rule. This bill should be considered under an open rule with the House able to freely amend the legislation to keep the portions that it considers useful and to scrap those that are not. The Congress of the United States has been described, as long as I have been alive, as the greatest deliberative body on earth, and yet the two rules that we have put forth today have literally no deliberation of any sort. They are simply put out for an up or down vote.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Washington (Mr. WHITE) from our side had asked for time to speak. I do not see him here at this time. I saw previously the chairman from the Committee on Ways and Means. We are more than ready to commence when the other side wishes the 3 hours of general debate that we have incorporated into the rule provided by the rule on this issue.

And as I have stated, the distinguished gentleman from Texas (Mr. ARCHER), the chairman of the Committee on Ways and Means, will be here throughout that entire period to answer any questions on the legislation that distinguished Members from the other side of the aisle may have.

Mr. RANGEL. Mr. Speaker, will the gentleman yield?

Mr. DIAZ-BALART. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Speaker, since we have 3 hours debate, and it appears as though my colleague does not have anyone to engage in it, maybe I can ask him some questions about the rule, and we could notify the Members through television.

Does this resolution that sets up this committee, does it provide anything about the solvency of Social Security? Are they given directions as relates to that?

Mr. DIAZ-BALART. Mr. Speaker, reclaiming my time, as the gentleman knows, that is not a question on the rule, that is a question on the Commission set up by the legislation that is brought to the floor on the rule.

If the gentleman says he has a question on the rule, I will be glad to answer it.

Mr. RANGEL. Mr. Speaker, if the gentleman would yield further, I am just asking does the rule give any direction at all to the Commissioners being set up in terms of the Social Security system?

Mr. DIAZ-BALART. No, the rule does not.

Mr. RANGEL. There is no direction as to what they study?

Mr. DIAZ-BALART. Not under the rule, no.

Mr. RANGEL. Let me ask my colleague, what does the rule state? What does the rule have to do with this Commission?

Mr. DIAZ-BALART. The rule brings this legislation to the floor.

Mr. RANGEL. I had really thought that my colleagues that sit on the Committee on Rules understood substantively what would be in the bill so that when they bring it to the floor, the people have a better understanding as to whether they want the bill to come out in the first place.

So I am asking, can my colleague discuss the bill that my colleagues are asking us to rule on at all?

Mr. DIAZ-BALART. Yes, we can certainly attempt to discuss the substantive legislation that that rule is bringing forward.

Mr. RANGEL. Good.

Mr. DIAZ-BALART. But I would not attempt to even pretend that I am as expert on the substantive legislation as the chairman of the Committee on Ways and Means, who will be in control of the 3 hours of debating time that we provide under the rule for the House on the substantive legislation.

Mr. RANGEL. I am only talking about this 1 hour.

Mr. DIAZ-BALART. And for the gentleman to understand the rule that is bringing this legislation to the floor, we have 1 hour.

Mr. RANGEL. But the legislation that is coming to the floor, does it allow for Members of Congress to be appointed to the Commission?

Mr. DIAZ-BALART. There is certainly input from Members of Congress to be in the process of the appointment of the Commission. But I may say, if the gentleman would permit, that the Commission and this process, this process that is created by the substantive legislation was worked on for significant number of time with much effort by many members of this committee of this House, especially members of the committee that the distinguished gentleman from New York is a member of, the Committee on Ways and Means.

Mr. RANGEL. So is my colleague saying that Members of Congress should be appointed to this Commission?

Mr. DIAZ-BALART. This Commission provides for input from the Congress.

Mr. RANGEL. But, I mean, could a Member serve on the Commission at all?

Mr. DIAZ-BALART. Members of Congress may be appointed to the Commission. But as I say, I would not dare to even pretend that I am as expert on the process of the Commission itself as the distinguished chairman of the Committee on Ways and Means or, quite frankly, of anyone who, as a member of the Committee on Ways and Means, has been working for a long period of time on the substantive legislation that we bring to the floor today.

I do know that we bring it to the floor with an hour of debate on the rule and with 3 hours of debate on the substantive legislation. And even though I am more than confident that the distinguished gentleman from New York is very well aware of the details of the legislation, if the gentleman has any questions, I know that I know the gentleman knows by working day in and day out with the chairman of the Committee on Ways and Means that the questions would be answered within the 3 hours.

Mr. RANGEL. Well, if the distinguished chairman of the Committee on Ways and Means is on the floor, there is no question he will be able to answer the questions that have been discussed and debated in the full Committee on Ways and Means.

I had thought, though, that this exchange might encourage people to vote for or against the rule. But since the gentleman would rather yield to the chairman of the committee, then I would thank the gentleman for this exchange.

Mr. DIAZ-BALART. Certainly. And any other questions, I would be willing to attempt to answer them. But the chairman is here, and the 3 hours will be controlled by the chairman on the substantive measure that we brought to the floor today.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DeFAZIO. Mr. Speaker, I thank the gentlewoman from New York for yielding.

Make no mistake, there is no substantive legislation before the House of Representatives on the issue of Social Security today. This is our regular biennial election year dodge of a tough issue.

We had a Commission on Social Security. They were deeply divided, but they came up with reams of data and alternatives and voted among themselves.

Any Member of Congress who sits here today who cannot go home to his or her constituents and tell them what they think should be done to make Social Security as a viable program for the next century does not deserve to sit in this body.

What we are trying to do, or what the majority is trying to do here today is hide their real opinions, the radical breakup of Social Security, which we never wanted, and privatize the proposals to make Wall Street rich, turn it into 200 million IRAs, and let people rise or fall with the stock market. God, think of the billions of dollars in commission that could be made under that proposal.

Well, I think that is wrong. I support a much more modest proposal. Take the money we are stealing from Social Security on an annual basis. Social Security will collect $80 billion more this year than it needs to pay benefits. That money is supposed to go in a Trust Fund. It does not. It is being borrowed and replaced by IOUs.

Take that money and invest it in real assets like a number of other retirement programs do around the country. Do not let Congress spend it. Do not replace it with IOUs. Do not let them give it away in a tax cut for the wealthy. Put that money in real investments to begin to take care of the baby boom in the next century. That is only one alternative, and it was one that was put forward by the last Commission.

We do not need another Commission. But, truthfully, the White House is dodging, too. They have got this staged debate going on between the Concord Coalition and AARP around the country. Who anointed those groups as the gurus or the seers to get us to a very difficult solution on Social Security?

It is up to this body, the United States House of Representatives, to put forward some solutions. Stop dodging. Yeah, this is a tough issue, but make our views known. Go home and campaign on them. If they really believe Americans want to destroy Social Security and set up 200 million IRAs and roll the dice, then go home and campaign on that. And I do not think I will see them next year.

But if they have other solutions, let those be known to their constituents. Sponsor legislation. Introduce legislation. Go home and make their views known to their constituents. Do not hide behind another phoney commission so just after the election they can try and jam through an unpopular proposal which destroys the integrity of Social Security under the guise of saying, "Hey, it was not my idea. The Commission told us we had to do this," and it is all we have got before us.

This is a bad bill. It is a limited bill. It is amazing to me that we are having a debate with so little interest about a program so vital on the floor of the House of Representatives.

Mr. DIAZ-BALART. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 5½ minutes to the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Speaker, the other side of the aisle today will present this bill for debate to assure the public that this Congress is working in the spirit of our limited floor schedule on long-term policies such as saving Social Security for our children.

I rather suspect that the children they talk about preserving Social Security for are being used as a shield in this debate because of a frontal assault that Republicans have been using on so many will not work.

It is a good idea to have a dialogue. I think we should start opening the dialogue with the majority leader's remarks, and I quote the majority leader's remarks, in saying that Social Security "should be phased out. Eventually we will be able to phase the government programs out and phase private programs in."

The Speaker's think tank, the Progressive and Freedom Foundation, that preserves I do not know what for all Americans, says, "There is an even more important moral question raised by the government's role as chief provider in old age. It sends an un-American message that it is not your responsibility to take care of yourself." Basically, the Speaker is suggesting that Social Security is un-American.

That is a good place to start this dialogue. It is time for the public, quotes the Speaker's think tank, to take back from government responsibility for their futures, including their retirements.

What will we do about the hard-working Americans who happen to become disabled or those who die early leaving their children with no means of support? And what about the 30 percent of Social Security beneficiaries who are elderly women whose wages never were at a livable level and never enabled them to save for their retirement years? Let us enter into a dialogue with that and see what my Republican colleagues would do.

It is a long-range problem. It could be solved with a 1 percent increase in taxes for all time. I applaud efforts to work on long-term solutions that would really apply and benefit our children, but I am cynical that this Republican leadership will do the right thing on Social Security, even for kids.

Look at their track record. They have repeatedly failed to face the tough issues that threaten our children because of their refusal to ruffle the feathers of the rich political constituencies that they serve.

Where is the Republican leadership on providing managed care safeguards that our children will get the health care from HMOs that their parents have paid for, except denial for reasonable claims? Where is the Republican leadership when they have realized that 230 Members of this House support the managed care reform bill, but the leadership fails to bring it to this body? Are they going to appoint a commission for that?

What about global warming? That is a long-range problem. We have not heard a peep out of the Republicans on that. Protecting our world environment is as crucial an effort for our children as saving Social Security. There may not be an environment for these children to live in.

□ 1515

What about rules to assure that Congress is no longer tainted by illegal campaign contributions? The Republicans have amongst them a criminal, a convicted criminal who has been sentenced to serve in this House in the Republican Party. Now, that is creative judicial sentencing. It may be the worst sentence that anybody has ever been dealt in the history of the Federal judiciary.

But what are the Republicans doing to clean up the criminals in their own ranks and lead us to an improved campaign finance reform? Nothing. Is that not a long-range problem that we ought to be concerned about? The leadership says they want to preserve all kinds of things for the future, but they ignore them. Is this just one more issue of benign neglect?

Are they for cutting funds, as we sit here, for housing the poor? Yes, they are in a proposed supplemental. Are they refusing food stamps for legal immigrants? Yes, they are. Are they refusing to provide the funds necessary to enforce the Kennedy-Kassebaum health insurance bill? They are indeed. If there was ever an industry that needs oversight, it is the insurance industry.

And what are they doing to look at Prudential's $3 billion of restitution to its customers for fraudulent sales practices? Is it that same Prudential that they want to take over and manage Social Security under privatization? I certainly hope not.

I surmise the leadership is up to more of the same pattern. Their attempts to preserve Social Security are merely an attempt to dissuade the public from our facing the tough issues of the future. Has the responsibility and self-reliance mantra erased any trace of human kindness and of responsibility for the less fortunate in our society? I think that the opening dialogue of the Republicans says that that is their position.

I challenge the Republicans to face up to all the issues that affect our children, including Social Security, and let us work to resolve them. Let us see this Congress produce some legislation that does some good for the Americans instead of deflecting the real true issues by referring them to a commission.

My colleagues on the other side of the aisle present this bill today for debate to assure the public that this Congress is working—in spite of our limited floor schedule this year—on long-term problems such as saving Social Security for our children.

Are the children being used as a shield in this debate because a frontal assault on Social Security won't work?

As you all remember, the Speaker's comments on Medicare didn't go over very well. Who could forget the Speaker's comments that Medicare should wither on the vine? And the Majority Leader's remarks that Medicare was "a program he would have no part of in a free world."

Let's just hope that Americans do become involved in the Social Security debate because, left to this leadership, there would be no Social Security program left.

The Majority Leader's position on Social Security is clear. He's been consistent since his first campaign for the House in 1984 in the position that Social Security "should be phased out . . . eventually we would be able to phase the government programs out and phase the private programs in."

The Speaker's think tank, the Progressive and Freedom Foundation, also promotes some unequivocal views on Social Security. According to a February, 1995 newsletter, the Speaker's foundation is advocating for the complete and immediate elimination of Social Security on moral grounds that it is un-American:

> There is an even more important moral question raised by the government's role as chief provider in old-age. It sends the un-American message that is not your responsibility to take care of yourself.
>
> It is time for the public to take back from government responsibility for their futures, including their retirements. And public policy should encourage the historic American virtues of hard work and frugality. Now, not in several decades, is the time to make this change.

What of those hard-working Americans who happen to become disabled, or those who die early leaving their children with no means of support?

What about the elderly women whose wages never were at a livable rate to enable them to save for their retirement years?

What would become of them under the leadership's plan to privatize Social Security?

The leadership would have the public believe that Social Security is in perilous condition and in need of being totally redesigned. We know better. Social Security will be solvent through the year 2032. A payroll tax increase of 1% could alleviate the demographic strain that we predict for that time. But rather than talk about this or any other option to strengthen the program, we debate today another commission to do the work of this Congress. And the leadership claims it promotes this bill for the children.

I applaud all efforts to work on long-term solutions that would really benefit our children. But I am cynical that this leadership will do the right thing on Social Security, even for the kids. Just look at their track record. They have repeatedly failed to face the tough issues that threaten our children because of their refusal to ruffle the feathers of their political constituencies to get the job done.

For example, where has this leadership done to provide healthcare for all children. What better example of a current need with long-term implications for both individuals and our economy than finding a way to cover the 45 million Americans—many millions of them children—who have no insurance and are not receiving the care they need. Millions of kids have no preventive healthcare or treatment of small problems, like ear infections, before they grow to major problems, like hearing loss.

Is this House leadership willing to face their NFIB supporters and the insurance industry on that one—for the kids?

Where is this leadership on providing managed care safeguards so that our children will get the healthcare from HMOs that their parents have paid for instead of denial after denial for reasonable claims made? The leadership is aware that 230 Members of this House support the lead managed care reform bill but the leadership fails to bring the measure up for a vote because of objections from business and the insurance lobbyists. Kids matter, but not as much as campaign contributions.

How about global warming? Protecting our world environment is a critical concern for today's children and their children but is this House leadership willing to buck their major corporate supporters to do the right thing on the environment? Experience tells us they won't—not even for our children.

What about this leadership taking action on rules to assure this Congress is not totally tainted by money? Isn't preserving a clean U.S. Congress key to assuring a "government of the people by the people for the people" for our children? Yet this House leadership has made a mockery of House consideration of campaign finance reform and has not even censured their colleague who plead guilty to criminal campaign violations. His sentence requires that he stay in Washington so that he can vote instead of serving time in a federal penitentiary. What message does this send to our kids about public service in Washington, DC?

The leadership says they want to take this bill up today to preserve Social Security for our kids but they ignore our children's need for quality education. This leadership's action is not just benign neglect—they are promoting policies right now that will hurt our children in our emergency supplemental: cutting funds to provide housing for poor families; refusing to provide food stamp benefits to legal immigrants families; refusing to provide the funds needed to enforce Kennedy-Kassebaum health insurance bill which passed this House by vote of 421 to 2. If ever there is an industry that needs oversight, it is the insurance industry. Prudential's $3 billion restitution to its customers for fraudulent sales practices is proof of that!

This leadership won't even provide the funds to pay our UN debt to work for world peace for all children.

In light of this pattern, I surmise that what the leadership is up to is more of the same pattern. Their attempts to "preserve" Social Security by establishing individual accounts are nothing more than a gift of hundreds of billions of dollars in business to Wall Street. That even tops the $50 billion tax break for the tobacco companies that the leadership attempted last year.

Just as the public wouldn't let them get away with the tobacco tax break, I'm counting on the public to see through their rhetoric this time because the facts on Social Security are clear: it's been a resounding success.

Although privatization of Social Security is the topic de jour in America, we have an example of an safety net that has worked—and worked well—for over 60 years. We should focus on maintaining it's solvency past 2032, not dismantling the program.

Social Security replaces about 40 percent of pre-retirement wages for average earner, 57 percent for low-earner and 27 percent for a high-earner. By design, it cushions those who have fewer resources to save. In 1996, Social Security lifted 11.7 million elderly people out of poverty.

Two-thirds of elderly receive most of their income from Social Security. Without Social Security, one-half of older Americans would live in poverty.

In addition to the elderly, 3.5 million non-elderly adults and 800,000 children were lifted out of poverty by Social Security in 1996.

Its mandatory nature assures that all workers start their retirement nest egg with their first paycheck and increase their savings amounts automatically as their wages increase. Its social insurance component shields families from a wage earner's untimely death or disability, and subsidizes the lowest paid wage earners with the earnings of others.

Social Security works because it is more than a savings account for individuals—it is a commitment that our society make to its members that there will be a safety net for workers and their families in the event of their disability or death during wage earnings years.

Individual accounts take care of those who are sophisticated enough to invest their funds well; they leave the low wage folks, the unsophisticated, the disabled, the widows with young children out in the cold. Is that what America is about?

Has the "responsibility and self-reliance" mantra erased any trace of collective responsibility for the less fortunate in our society? I think not.

I challenge the leadership to face up to all the issues that effect our children, including Social Security, and to work to resolve these issues.

Mr. DIAZ-BALART. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, I want to thank the gentleman from Florida for yielding me this time. I am here to talk about Social Security today. I want to rise in support of the rule as well as this legislation, H.R. 3546, legislation which will create a national dialogue on Social Security, an important effort and frankly what should be a bipartisan effort.

Over the last 3 years that I have had the privilege of representing the south side of Chicago and the south suburbs, clearly one of the most diverse districts in Illinois, city, suburbs and country, I have heard a pretty clear message from the folks back home when it comes to Social Security. One of the most clear messages that I have heard is that as we work to solve the long-term challenges of Social Security, we need to work in a bipartisan way.

We also need to work to honor the contract of Social Security, not just for today's seniors but for every generation, the children and grandchildren of those who are currently collecting Social Security, frankly people like my mom and dad, my Aunt Mary, my Aunt Eileen, my Uncle Jack, my Uncle Bob, their wives and families. Social Security is pretty important. Frankly, it is going to require a team effort and a bipartisan effort.

Just a few weeks ago, a few of us participated in a national dialogue with President Clinton in a bipartisan effort to solve the challenges facing Social Security. The President hosted a town meeting in Kansas City and he asked five of us to participate in a satellite hookup with town meetings back in our own districts.

There was a very clear message at the South Holland home for retirees in South Holland, Illinois, in the south suburbs of Chicago. Three hundred seniors were gathered there. They were thrilled that they were going to have an opportunity to communicate directly with the President of the United States, even though he was not there personally, it was via a satellite hookup. But they had a pretty clear message when it came to Social Security.

They said, "Number one is, Mr. President, let's keep the politics out of Social Security. If we're going to solve Social Security's challenges, Republicans and Democrats need to work together. For those who wish to demagogue and those who wish to play politics, just tell them to be quiet and work together and to work in a bipartisan way. Because Social Security is not a Democrat program, it is not a Republican program. Social Security belongs to the folks back home, the people who pay the bills and work hard. We want Social Security solved in a bipartisan way."

One other very clear point that the seniors at the Holland home in South Holland, Illinois also made when we communicated with the President in our bipartisan dialogue on the future of Social Security is that the seniors refuse to support a tax increase on their children and grandchildren to save Social Security. Clearly that was a loud message: No more taxes on their children, no more taxes on working Americans to fix Social Security. Let us do a better job of managing the program, because there is a lot out there, and we can do a better job.

That is why this legislation is so important. We are putting in place in the statutes a mechanism, a bipartisan commission made up equally of Republicans, equally of Democrats, which will help solve the problem.

In closing, I just want to say this legislation is so important because this legislation to establish a national dialogue on Social Security lays out the basic rules: Solving Social Security must be a bipartisan effort. Republicans and Democrats should work together.

Every American should be part of this dialogue. Every American has so much at stake. Every American should be part of the process. Let us keep the politics out of Social Security. Let us pass this rule. Let us pass this legislation.

Let me close by saluting the gentleman from Texas (Mr. ARCHER) and the gentleman from Kentucky (Mr. BUNNING) for their good work in keeping this a bipartisan effort.

Ms. SLAUGHTER. Mr. Speaker, if I could just take a second to talk about taking politics out. Only two of these eight Members are going to be appointed by Democrats.

Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, let me begin by saying I agree with a great deal of what the gentleman from Illinois just said, particularly that we need a bipartisan approach as we tackle this most important of issues to the people we represent across the country.

That is why I am forced to rise against the rule. In fact, having a closed rule that shuts out the minority, or for that matter Members of the majority, from offering an amendment that might make the process even better than proposed is itself a partisan majority heavy-handed tactic that unfortunately has this debate unfold today in perhaps a less constructive way than might otherwise have been the course.

We are already in a national debate on Social Security. I think already we have clearly identified the core commitments in the program that have to be continued no matter what: The survivor benefit, so that in the untimely death of a breadwinner there continues to be Social Security support for the spouse and children. The disability benefit, so that if you get incapacitated and cannot work, you will have income, you will be able to live. And, thirdly, the retirement benefit that will pay on an absolutely guaranteed dependable basis just as long as you may live. Those core assurances are in the program, are what make this program our greatest program, and they must remain no matter what.

The President, I think, has done us a lot of good in kicking off this national period of discussion on Social Security.

He has had the first meeting, as was mentioned, in Kansas City just a few weeks ago.

One amendment that I would have offered to the bill regarding the commission advanced by the chairman of the Committee on Ways and Means is its report date. It reports in February of 1999. It slows up the ability of the next Congress, in my opinion, to get at the Social Security issue in a constructive, bipartisan way. I wish we could debate that date, that reporting date this afternoon. Under the closed rule, we will not be able to.

One thing that will come out late in the debate on the bill that I think will add significant value to this legislation is offered in the motion to recommit opportunity that I will be offering. This motion to recommit will ensure that every penny of surplus is held until comprehensive resolution of the Social Security reforms is completed. The President said it first and he said it best when he said save Social Security first relative to the surplus. I think it is imperative that the House, every Member of the House, goes on record this afternoon in pledging their commitment that all of the surplus is held to save Social Security first. That will be the motion to recommit I will be offering later.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume. Just a point of clarification based on the statement made by the distinguished gentlewoman from New York when she pointed out, she stated that there was a difference in amounts of Republicans and Democrats on this panel.

If we look at section 203 of the legislation, it states four shall be appointed by the Speaker of the House and the majority leader of the Senate, two by the President and two by the minority in the House and in the Senate. So it is four and four. I just wanted to point that out.

Mr. Speaker, I yield 7 minutes to the distinguished gentleman from Ohio (Mr. KASICH).

Mr. KASICH. Mr. Speaker, I have not had an opportunity to hear all of the debate, but for those who think that we are on the verge of being able to deal meaningfully with Social Security, I think some of the comments that have been made down here on the House floor by a couple of folks who were being very partisan really brings to mind, for the people in this House who are watching this debate, the difficulty in at the end of the day being able to solve some of the biggest problems we have with Social Security.

The purpose of this commission which the gentleman from Kentucky (Mr. BUNNING), and I want to praise him for his leadership, he has been working on this a long time, the gentleman from Texas (Mr. ARCHER) who obviously has great interest in Social Security and addressed it as long as, I think, 10 or 15 years ago, back when he was young, and I want to thank the two of them for allowing me to be part of this effort to create this commission, it is designed to do one thing, and that is to inform the public about what the circumstances are on Social Security.

My wife and I were on vacation, I guess it was about 2 weeks ago. We were down in Naples, Florida, and I picked up a newspaper. We had had all this talk about all the different plans that had been laid out on Social Security, and the poll that was in the newspaper in Naples, Florida, indicated only about 15 percent of our senior citizens knew that there was even any discussion about Social Security. I think it is very positive that a number of Members of both the House and the Senate have agreed to discuss this issue, but that is like discussing it in a vacuum until we are able to engage the entire country.

Now, the young people of this country are very sensitive about us getting something done. I would urge them for the 500 millionth time to go to the polls and vote, so that when you have an opinion, someone will pay attention to you. I would say to the gentleman from Texas (Mr. ARCHER), there has been some constant mantra of which I have been part that says there are more young people who believe in seeing a UFO than a Social Security check. I said, "That's right, but there are probably more Martians who will land on Earth than young people who will vote." That is why young people much of the time are not listened to.

I want to praise the gentleman from Kentucky (Mr. BUNNING) and the gentleman from Texas (Mr. ARCHER) and all the people who have engaged in this discussion on behalf of the younger generation who believe that they will not get anything.

In terms of our senior citizens, we have to recognize the fact that there are many senior citizens who have come to depend on Social Security as necessary for their well-being, and the message we want to deliver to our seniors today is, "We are going to live up to our word, you will be protected," and those closest to Social Security will be.

But if we get to the nub of the problem, it is actually fairly simple. We have a lot of people who are getting benefits and who are about to get benefits, but we have even more people who are working in order to pay those benefits. Some people argue that what we ought to do is to allow people to take some of their payments off the table.

The issue is, if the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) decides to take his money off the table and put it in a savings account for himself, how does his mother get her payments? See, that is the trick. The trick is how do you do the transition to making sure that Mom and Dad get their benefits and those who are close to getting their benefits get theirs, while at the same time making sure that the gentleman from Florida is going to be able to have his benefits?

Now, here is the other rub. Lincoln needs to get his benefits, and there are a lot of Lincolns. I am in his category. I am a baby boomer. I am going to retire, Lincoln is going to retire, all the baby boomers up here; the gentleman from Wisconsin (Mr. NEUMANN) is going to retire. There are a whole heck of a lot of us but there are not as many young people to be able to support us.

So the answer is, we have got to figure out a way so the gentleman from Florida and the gentleman from Wisconsin and the gentleman from Ohio (Mr. KASICH) can get their benefits by earning more on our payments, on our investments. We have got to be able to earn more, because we cannot tell our kids to work around the clock to give us our program.

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So we are going to have to change Social Security, not privatize it. We do not want anybody going their own way. There is going to be some basic program, but we clearly want to give people more control over their own resources.

Now I have a program that we can get started this year, and it would divide up the surplus so that every American who currently pays Social Security taxes would get a piece of that surplus and that we could invest it the same way Federal employees do. It would be separate, it would be removed from Social Security but will do a couple of things: would make us comfortable with the notion that being able to be in investments like Federal employees are means we will be able to have higher earnings; secondly, it will make us more comfortable with this change; thirdly, it will protect our senior citizens; and, fourthly, really it will keep the politicians from spending the surplus. We ought to do this now, but in light of all the controversy we got to be talking across America. Everybody has to understand what is at stake.

Mr. Speaker, do my colleagues know the wonderful thing about the public? And this is not rhetoric, I believe it. The people of our country are the most selfless people on the face of the earth, and once they understand the challenge they are willing to dig in and confront whatever concerns they have and resolve things for the best interests of America.

And no one generation wants to take from another. In fact, in this debate we could have a win-win-win. If the budget surplus can continue to grow, if the economy can continue to be strong, to a large degree we may be able to solve that transition problem without any root canal. We do not know yet.

So that is why we need, however, to enter into discussions. We need to enter into discussions with all Americans so that every single American who breathes air, who is at one time or another in their life going to be either paying into Social Security or getting out of Social Security, understands exactly what the deal is so that we as a Nation can move together.

Social Security is very unique. It is like the flag. It is like apple pie. It is a piece and part of America. We need to move it into the 21st century by giving people more control but, at the same time, reassuring everyone that the system will be there, that it will be sound and that we will have the courage to make the long-term update to improve it, to enhance it so that every American can be secure in their senior years.

Mr. Speaker, I think this is a great piece of legislation to pass. It should not be a Republican-Democrat fight. It is an effort to try to move all America forward together.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from West Virginia (Mr. WISE).

Mr. WISE. Mr. Speaker, I am not sure how I feel about this dialogue commission, to be honest with my colleagues. We want a dialogue that will be great, will network, will interact, all the other buzz words. Clearly, it is important to have discussions taking place about Social Security.

The first premise ought to be Social Security and Medicare are to be protected at all costs and that we are going to guarantee that Social Security is going to continue to be there. Certainly a program where two-thirds of the beneficiaries report that it is their bulk of their retirement income is vital to this country.

But this discussion also is important, yes, for senior citizens who are covered by Social Security, and, yes, for the workers who are paying into Social Security so that Social Security will be there when they in turn retire, but it is important for young people as well. Because Social Security is how young people keep their independence because they do not have to take care of their parents and their grandparents like they did 75 and 100 years ago. Social Security and Medicare do that.

So I hope that this looks at all the options, but I hope in this 3-hour discussion we are about to have that some of my colleagues in the Republican leadership could answer some questions for me. Because the commission is important, but, as I recall, the commission has a report date of some time in 1999, and yet I just heard the chairman of the Committee on the Budget, a very powerful person in the leadership, talk about bringing a bill. He would like to bring something to the floor this year. And I have heard others in the Republican leadership talk about bringing proposals to the floor this year.

Well, certainly in a program that is as vital as Social Security I would hope that we are going to truly study this, rather than rush something through in a session that is to last 40 days and will greatly impact millions of beneficiaries both today and in the future.

I look at the privatization proposals. Sounds attractive. I love to be able to make sure that we could continue investing in equities and have it grow at the present rate.

But look at what the Social Security Commission previously reported. One of these proposals will cost $2 trillion, $2 trillion to cover transition costs as we pay off present beneficiaries, as we guarantee benefits will be there at some scales, some level for future beneficiaries, $2 trillion added to the deficit at a time we have a surplus.

That is why I happen to believe that certainly during the lifetime of this dialogue commission that what we have got going is that we support what President Clinton said, put the budget surplus into Social Security and we save Social Security first.

I do hope that some will come to the floor and ease my mind on what the legislative schedule is going to be on Social Security this year. All of us want to work on Social Security in a responsible way, but I do not want to be seeing this Congress trying to pass something, particularly trying to pass something before its own commission that it created comes back. What is the purpose? What is the point?

So, Mr. Speaker, that is something I think we ought to be looking at.

In terms of privatization, there are a number of questions that have to be asked. Hopefully, this can begin that process.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I think this is a healthy dialogue that we have here today.

As my colleagues know, the very first time I heard of Social Security problems was when I first came in Congress. A group came to me and said, "Hey, Duke, do you know anything about the notch?" And everybody that is in this body knows about the notch babies and the problems that it has precluded for most of us.

Also, I do not believe that Social Security was ever meant to be a retirement system, but for many people, and not so many in my district as we have in other districts, but many of them, especially in our lower income, Social Security is all they have, and I think it would be healthy to look at a dialogue in which we enable people to have more than Social Security.

I thought it was wrong in 1993 when the President increased the tax on Social Security because I think we do things backward in this country. I think we tax annuities for savings. I think we ought to give an incentive for taxing annuities, for, excuse me, for saving for our chronologically gifted years and one's time.

We tax work. I think we should not tax work, but we ought to give incentive to work.

But if we look, we ought to have a national dialogue in which we can allow people to plan not only for retirement, to protect the Social Security. And the first thing we did is say, "Keep your hands off the Social Security Trust Fund. Because any time you run in a deficit, then you have to put an IOU into that account and draw it back. And the only way you can ever replace it is when you have a surplus like we may have coming up, which really isn't a surplus because we use those accounts to balance the budget," and that is wrong, too, I think.

But, yes, we ought to save Social Security and protect it as it is, but the dialog should be, how can we make it better?

With the gift of compound interest, instead of ending up with one's investment of, say, like $175,000, one can end up with almost a million dollars. They can draw $60,000 a year just on the interest. I mean, that is worth. And I am not saying that is the way to do it, but is that not worth a dialogue with our chronologically gifted folks, with the baby boomers and with the pre-baby boomers to see if we can give them more than just what we have given? It is not enough, and too many people are on a fixed income.

I thank my colleagues for engaging in the dialogue and on the issue.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from North Carolina (Mr. HEFNER).

Mr. HEFNER. Mr. Speaker, as one that is going to leave this place shortly, I certainly hope that we find some way to shore up Social Security. But I would like to not correct one thing but make a comment about what my colleague from California said, about in 1993 when we passed a budget and we added some tax we counted 85 percent of Social Security, but it was just for a certain group. And I would remind the gentleman it was Ronald Reagan who had it at 50 percent, so that everybody has a little bit culpability there. But I think we ought to be very careful when we start talking about Social Security.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. HEFNER. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Speaker, I think it is wrong for either President to increase, and my whole point is let us not tax annuities in savings, let us give incentive.

Mr. HEFNER. Okay. Is that all?

Mr. CUNNINGHAM. Yes.

Mr. HEFNER. Mr. Speaker, we better be very careful in Social Security. Now we are talking about people's Social Security being taxed.

Now the people in my district, the majority of them that count on Social Security are not people that pay any tax. These are people that worked in textile mills for 40 or 50 years and their husband and wife worked for 40 years and retired on $18 a month pension from their jobs. So they have to count, absolutely count, on Social Security and Medicare for their survival. That is the reason they get so upset.

Now I do not have any problems with talking about something to make, where people can make an investment in a private account of whatever, but we do not talk about Social Security as it really is. And at my age I have people in my district and relatives that when their families had a catastrophe in their early lives and they had small children and one of the spouses had no skills, could not work, Social Security comes in and they get some benefits until these kids finish school. That is an insurance policy.

Nobody ever talks much about the benefits of Social Security, and people could not go out and buy that protection for what they pay into Social Security, and that is what it was set up for.

So before we start fiddling too much in privatization of Social Security, we better be sure what we are doing. Because there is an awful lot of people, some 40 million people out there, senior citizens, that enjoy some independence because of Social Security and Medicare, and it would be an absolute travesty for us to do anything that causes them any more turmoil in their life.

I think Social Security was one of the greatest things that we have ever established in this country. And the Chairman of the Committee on the Budget talked about a budget surplus, and I would just remind the House that in 1993 we passed, without a single Republican vote, a package adding such people as Mr. Greenspan, certainly not a liberal economist, and people have given credit for that, for this economy staying on track for all these years and for interest rates to be low, that enable us to get to this balanced budget and to have a surplus.

But, in my view, when we owe $2 or $3 or $4 trillion, we do not have a surplus, and it does not take but just a small downturn in this economy for this so-called surplus to turn into a real deficit again.

So we best be very careful what we do and how we proceed on Social Security, because it is so violent to all of our forefathers.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman for yielding this time to me.

I hope everybody might be as excited as I am about moving ahead with a solution to Social Security. I introduced my first Social Security bill when I arrived in 1993 and then three years ago in the 104th session and again last year I introduced H.R. 3082 and H.R. 3560, the only bills, by the way, that have been scored by the Social Security Administration to keep Social Security solvent for the next 75 years.

It seems to me that, as we develop a national dialogue, as we inform the American people of what the situation is, there are about four or five things that we need as our guidelines: number one, the solution needs to be bipartisan; number two, we keep every possible solution on the table so that we can evaluate all of them. No. 3, that we do not reduce the benefit for current or near term retirees. Four, that any proposal for investment contain a "safety net" of guaranteed minimum benefits. And finally, that we do not play politics with this important issue. The danger that I see in an election year is the demagoguing of particular solution.

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I will fight the demagoguing of solutions by Republicans or Democrats. Let us keep everything on the table as we develop this national dialogue over the next ten months.

Mr. Speaker, I have given over 200 speeches in my district, around the State of Michigan and around the country on Social Security. I still find many people that believe if Congress would keep their hands out of the Social Security Trust Fund, that everything would be okay.

In that Trust Fund is about $600 billion; $600 billion in relation to what we spend every year on Social Security would last about a year and 7 months. Even so, we have to make sure that we pay it back; and we stop using the extra money coming in to the Trust Fund to mask the deficit.

Let us save all the unified budget surplus for Social Security. But again the actuaries at Social Security today estimated that using all of the surpluses for the next eighteen years would solve less than 20 percent of the problem. Social Security solvency is a very serious problem with an estimated actuarial debt or unfunded mandate of $3 trillion.

Mr. Speaker, I am excited about the fact that we are going to bring this issue to light talking about facts not fiction. Current and future retirees deserve our honesty.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, each time we return to our respective districts, I think there is one consistent question that is raised by young and old alike, and that is, what is going on with Social Security. In fact, at a recent meeting with my retired teachers, they not only asked what is going on with Social Security, but because they are peculiarly in a State like Texas, they were concerned about not getting Social Security because of the unique teacher retirement system.

They also asked about PSAs, personal savings accounts, and I frankly told them that the one thing that I would be concerned about any sort of program that would siphon off dollars is for those seniors who depend solely upon Social Security. I think this particular chart that says Social Security is the most important source of income from the elderly shows that of any other source, 40 percent of the elderly's income, our moms and dads, is from Social Security.

So certainly today's discussion is important. I do not think, however, a closed rule is the right direction to go, because yes, we have 3 hours, but I do not think we have the openness for opportunity for different approaches to this particular legislation.

It is clearly true that the board of trustees for Social Security has projected that on an average over the next 75 years, its expenditure will exceed income by 17 percent. However, we have just gotten a bit of good news because we now know that it will be solvent until 2032. But Social Security is important, and although the President has already gone forward with the beginnings of a dialogue that he announced in Kansas City, I think it is important that Congress join it.

But let it be said that the President has already started this process of dialogue. It is important, however, that we not use this legislation to bicker and to generate confusion, because what we need most of all is the coming together of a variety of points. The previous speaker already indicated how many legislative initiatives he has offered. How many other Members can rise on the floor of the House and talk about efforts that they have engaged in to save Social Security? There will come a point where we will not have to or cannot stand any more making efforts to save Social Security, we will actually have to start saving Social Security. When we hit a crisis and 40 percent of our senior citizen population no longer has the income to survive, then we will realize that talk was truly cheap.

On the personal savings account, I do not think we should start fixing Social Security until we know what the problems are with Social Security, other than the fact that it is moving toward insolvency. I do not know if PSAs are the way. Certainly many are inquiring about PSAs, but if it cripples the Social Security system, then that is not the way to go.

The Social Security system, when it started, was a curious vehicle. We have found, however, that it has been the saving source of keeping many of our senior citizens away from the brink of poverty. Therefore, we must look at it as the sacredness that it is. I believe that these discussions can go forward if they go forward collaboratively and cooperatively, because all of us will be challenged to save Social Security for America.

Mr. Speaker, I rise to make comment on H.R. 3546, a bill that would begin a National Dialogue on Social Security. The need for a dialogue is evidenced by the fact that the Board of Trustees for the Social Security has projected that on average over the next 75 years its expenditures will exceed its income by 17 percent and that by 2032 its trust funds will be depleted.

Because of this projected shortfall it is important that this Congress and this Administration does all that they can to prepare this government to meet the challenge of providing retirement benefits to seniors in the next century.

We know that the projected income rates for the Old Age, Survivors and Disability Insurance Social Security "trust funds" will be 13.33 percent with a projected cost to the Social Security Trust Funds of 15.52 percent leaving a 2.19 percent shortfall over the next 75 years.

This bill creates an eight-member bipartisan panel to recommend long-range changes to keep Social Security from going bankrupt, and directs the president and Congress to convene a national dialogue on the future of Social Security with help from members of private public interest groups.

There are those who say that there is no need to face the issue now, given the uncertainty of long-range forecasting. While others believe that the longer corrective action is delayed, the more drastic it will need to be. Although the 1996 Social Security Advisory Council, which issued a report on how to deal with the problem, was unable to agree on a specific plan, one of the issues its members did agree upon was that the sooner action was taken the better.

There are some concerns with the approach in this bill. This bill has the potential of duplicating the current national discussion about the future of Social Security which the President began in Kansas City and will continue through the end of 1998. This puts the process set up in the bill in competition with the process already underway.

What we do today may aid in the long term solvency of Social Security, but we must act in a timely and thoughtful manner. The bill directs that the House Speaker and the Senate Majority Leader would appoint four members of the commission while two will be appointed by the president, and two by the House and Senate Minority Leaders. The bill requires the commission to report its legislative and administrative recommendations to Congress and the White House by February 1, 1999.

This bill has the potential of involving each Congressional District represented in this body. The bill requires each member of the Congress, "to the extent practicable," to develop, with grassroots organizations and other constituency groups within the member's district, ongoing systems of communication through the Internet and other electronic capabilities to assure the widest possible degree of receipt of public opinion.

I look forward to our continuing this dialogue on Social Security.

Mr. DIAZ-BALART. Mr. Speaker, I would inquire as to the time remaining on both sides of the aisle.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Florida (Mr. DIAZ-BALART) has 5½ minutes remaining, and the gentlewoman from New York (Ms. SLAUGHTER) has 6 minutes remaining.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Washington (Mr. WHITE).

Mr. WHITE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, it was not too long ago that those of us here in this House were laboring under what I would like to say was a little bit of an illusion. There was a time when we thought it was really our job to solve all of the problems that were facing our Nation. Perhaps even worse, we thought we knew how to solve all the problems facing our Nation, and that if we just came up with the solution and got the votes for it, all of those problems will be solved. And I dare say, there are some people in this House who still believe that today.

But the fact is what this bill is about is a totally different approach, because what this bill is designed to do is to create the largest public debate in our Nation's history about how we should handle a particular problem. It is not designed for Washington, D.C., to teach everybody else what to do, it is designed for Washington, D.C., to learn in as many ways as we can what the people around the country think and what solutions they might have in mind for us for ways to fix this problem. It is a much different approach, it is a much better approach, and if we take it seriously, we will come up with a much better solution to our country's problems.

One of the things I am particularly pleased about in this bill is that it uses some new tools that we have not had in the past that are now at our disposal to find out what people think and what people know about some of these problems. Let me just go through a few of these, because I think probably even some of our fellow Members are not aware of them.

Number one, we are going to create a national Web site for every citizen with access to a computer can then hook into this Web site and learn a lot of different things. One of the things that they will be able to do is to put their Social Security number or some financial information in a little interactive program and find out what their own personal retirement situation will look like under various proposals that we are adopting. They would be able to figure out how much they would have under the current Social Security system. They would be able to figure out how much they would have under competing proposals, about how different things would work. They will be able to gain a much better understanding about the issues that we are talking about than they would in any other way. I think that is a positive thing.

A couple of the other tools that we are going to have available at our disposal, we will have the ability to have moderated chat rooms so people can participate by computer in discussions of these issues. We will have a national town hall meeting on one or more occasions where people can tie in by modem and have a discussion of the issues. We will have an ability for them to go through an exercise on their computer so they can see what the impact on the Federal budget would be of taking one approach or another. So I think there are lots of things that we are going to learn from this process.

Personally, Mr. Speaker, I am very pleased at the process that this bill proposes. I think if we take it seriously, if we are open to it, if we really do listen to what the American people tell us about this process, we will come up with a much better solution than we otherwise would have had.

So I congratulate the authors of this bill on putting this together, and I urge the House to pass it, and the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, Social Security is such a critically important program to every American that it ought to be examined from time to time, and we periodically ought to do whatever may be necessary to strengthen it to make sure that it continues to last.

This Democratic program, the invention of Franklin Roosevelt, has served several generations of Americans extremely well, and it will continue to do so, so long as we nourish the economic conditions that are necessary to sustain it.

We learned something very important about Social Security just today. We learned that Social Security is directly tied to the national economy. When the economy is growing and doing well, when it is growing at a rate of 2½ percent or greater, Social Security does well. When we tighten up the economy in the ways that the Federal Reserve Board has attempted to do, for example, in some recent years, then we threaten Social Security as we threaten other public programs and threaten the economic health of all Americans as well.

So the first lesson that we ought to dictate to any commission that ought to be examining Social Security, and parenthetically let me say I am a little bit wary about these Social Security Commissions because the last one we had headed up by the now Chairman of the Federal Reserve did not do very much to save Social Security, and in some ways it weakened it. But that aside, when we examine Social Security, we ought to do so in a way that recognizes the symbiotic relationship between Social Security and the national economy. Having an economy that is based upon low interest rates, interest rates now are too high, the Federal Reserve should lower them, is not a good thing. A national economy that is growing at 2.5 to 3 percent will be an economy that has a strong Social Security system.

There are people here in this House who from time to time have raised issues that would not have strengthened Social Security, but would have, in fact, weakened it. We know that there have been discussions by the leadership on the other side to phase out Social Security, to raise the level of retirement age, to reduce the level of benefits as inflation increases over the years. Those things ought to be avoided.

Social Security is a strong system. What it needs is a strong economy. We need to be investing appropriately in the right kind of education for the next generation to make sure that they are capable of holding the kinds of jobs that provide the right kinds of salaries that will allow the economy to continue to grow.

So the first thing that we have to recognize is what we were told in the news that was released today. A strong economy is essential to the maintenance of the Social Security system. If we want the Social Security system to remain strong, it will do so, and we need to make sure that the economy is strong, and with a strong economy, Social Security will remain strong as well.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. Nadler).

Mr. NADLER. Mr. Speaker, I rise to oppose this legislation because it is unnecessary, costly, and may be designed to lead the Congress to take more radical steps than are necessary to fix the relatively small and manageable problem facing Social Security.

Yesterday, the Social Security trustees revised their economic projections to show that Social Security is actually in better shape than they thought. The Trust Fund will be solvent through the year 2029. The trustees pushed back the projected insolvency date by 3 years and included other corrections to their extremely low projections of the past. In fact, the trustees yesterday admitted that there would be almost $1 trillion more money in the system in 2020 than they said there would be last year, and they admitted that the long-term shortfall in the system is less than 2.2 percent of taxable payroll.

These revisions, however, are still overly pessimistic because they do not include the latest adjustments to the Consumer Price Index. They assume a long-term growth rate of only 1.3 percent, despite recent growth rates averaging 3 and 3.8 percent last year, and they assume that unemployment can never be below 6 percent, even though it has been about 4.5 percent for the last couple of years.

So not only is the problem facing Social Security small and manageable, but it is even smaller and more manageable than the trustees admit. It appears that the shortfall can be dealt with without raising the retirement age, without cutting benefits, and without radically changing the system with risky privatization schemes.

While I respect the desire to create a bipartisan body to help devise a comprehensive solution, I do not think we need a new blue ribbon commission to come between the American people and its elected representatives, after the last one we had 2 years ago. A national dialogue is already under way. We should let the system work, have the appropriate hearings and markups, and listen to our constituents, not some artificial panel of experts.

I also have more than a little suspicion that the unstated purpose of this resolution is to create a commission that will give an official blessing to the real and, I believe, pernicious and destructive goal of the exercise: Privatizing the Social Security system and shifting all of the risk from the government's budget to the shoulders of individuals, again risking abject poverty in old age.

□ 1600

I hope that this is not the case. I hope that what is coming here is not a step to whipping up hysteria based on the false notion that the Social Security system is in imminent crisis, that it is going bankrupt, then hiding behind a commission and coming out with a radical scheme to destabilize the whole system.

Mr. Speaker, we should have faith that the ongoing debate will yield the information we need to forge sound legislation to enable Social Security to meet the challenges of the next century. We should also take steps to ensure the debate starts with a sound assessment of the problems facing Social Security, a small, manageable problem; a problem of less than 2.2 percent of taxable payroll; a problem that can be solved without shifting the risks from the budget of the Government of the United States to the shoulders of individuals and can be solved without increasing the retirement age, without reducing COLAs and without reducing benefits. It can be solved in fairly easy ways that we do not see in the public debate. I distrust the composition of the commission.

One final thing: It is an outrage, when we are facing a shortfall in the Social Security system, this bill calls for financing the commission by taking money away from the trust fund and giving it to the commission. Leave the money in the trust fund for the beneficiaries.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Kentucky (Mrs. Northup).

Mrs. NORTHUP. Mr. Speaker, I rise to speak in favor of the rule and in favor of House Resolution 3546.

Yesterday the board of trustees of the Social Security program issued a report stating that the Social Security Trust Fund will be exhausted by the year 2032. Mr. Speaker, we have heard all sorts of anecdotes that younger Americans believe they have less of a chance of cashing a Social Security check than they do of seeing aliens land on earth. These stories are somewhat humorous, but they foreshadow an impending crisis that is anything but funny.

We as a Congress can no longer afford to sit on our hands. We owe it to this generation and the next to secure our Social Security system and enhance retirement opportunities. Further, Americans must be encouraged to save and invest in their own retirement. That is why Congress should continue taking steps to provide individuals with more savings and investment opportunities.

In the meantime, Americans want to discuss the flaws within the current Social Security system and the options that exist for maintaining its solvency. House Resolution 3546 is vital to ensuring that all Americans have a voice in the upcoming debate.

In the midst of this national discussion, Congress will be expected to make exciting decisions to strengthen Social Security. The ideas of our constituents, both young and old, will help us make the right decisions for all of us.

Therefore, I urge my colleagues to vote in favor of the rule and House Resolution 3546.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I find it somewhat ironic that some Members on the other side of the aisle have questioned the fairness of the rule with which we bring forth this legislation, when an amendment was authorized by the rule as long as it was preprinted in the Record, an amendment was authorized by the gentleman from New York (Mr. Rangel) or his designee, and no such amendment appears in the Congressional Record. I think that speaks for itself.

Mr. Speaker, it is a fair rule. The underlying legislation is important to the country.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. ARCHER. Mr. Speaker, pursuant to House Resolution 410, I call up the bill (H.R. 3546) to provide for a national dialogue on Social Security and to establish the Bipartisan Panel to Design Long-Range Social Security Reform, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LATOURETTE). The bill is considered read for amendment.

The text of H.R. 3546 is as follows:

H.R. 3546

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Dialogue on Social Security Act of 1998".

TITLE I—NATIONAL DIALOGUE ON SOCIAL SECURITY

SEC. 101. ESTABLISHMENT OF NATIONAL DIALOGUE.

As soon as practicable after the date of the enactment of this Act, the President, the Speaker of the House of Representatives, and the Majority Leader of the Senate shall jointly convene a National Dialogue on the old-age, survivors, and disability insurance program under title II of the Social Security Act. The purpose of the National Dialogue shall be to engage, by means of regional conferences and national Internet exchanges, the American public in understanding the current program, the problems it faces, and the need to find solutions that will be workable for all generations and to generate comments, suggestions, and recommendations from the citizens for social security reform.

SEC. 102. FACILITATORS.

The National Dialogue conducted pursuant to section 101 shall operate under the administration and coordination of two Facilitators, one of whom shall be appointed by the President and one of whom shall be appointed jointly by the Speaker of the House of Representatives and the Majority Leader of the Senate. The Facilitators shall be appointed within 30 days after the date of the enactment of this Act. The Facilitators shall be appointed from among individuals known for their integrity, impartiality, and good judgment, who are, by reason of their education, experience, and attainments, exceptionally qualified to perform the duties of such office. The Facilitators may serve until termination of the National Dialogue under section 108.

SEC. 103. PLANS FOR NATIONAL DIALOGUE.

After consultation with the President, the Speaker of the House of Representatives, and the Majority Leader of the Senate, the Facilitators shall transmit the final plans for the development and operations of the National Dialogue to the President and each House of the Congress not later than 60 days after the date of the enactment of this Act.

SEC. 104. DIALOGUE COUNCIL.

(a) ESTABLISHMENT AND DUTIES.—There is established a Dialogue Council. It shall be the duty of the Dialogue Council to advise the Facilitators in the development and operations of the National Dialogue.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Dialogue Council shall be composed of 36 of the individuals nominated pursuant to paragraph (2), of whom—

(A) 9 shall be appointed by the Speaker of the House of Representatives,

(B) 9 shall be appointed by the Majority Leader of the Senate, and

(C) 18 shall be appointed by the President.

To the extent practicable, the members shall include both men and women and shall be selected so as to ensure that individuals born before 1946, individuals born in or after 1946 and before 1961, and individuals born in or after 1961 are equally represented within the membership.

(2) NOMINATIONS.—Individuals shall be appointed under paragraph (1) from a group of 54 individuals, consisting of individuals nominated in sets of 3 each, respectively, by each of the following 18 private organizations:

(A) the American Association of Retired Persons;

(B) the United Seniors Association;

(C) the AFL–CIO;

(D) the National Hispanic Council on Aging;

(E) the Older Women's League;

(F) the Association of Private Pension and Welfare Plans;

(G) the Cato Institute;

(H) the Employee Benefit Research Institute;

(I) Americans Discuss Social Security;

(J) the Third Millennium;

(K) the U.S. Junior Chamber of Commerce;

(L) Americans for Hope, Growth, and Opportunity;

(M) the National Federation of Independent Businesses;

(N) the Concord Coalition;

(O) the National Caucus and Center on Black Aged;

(P) the Campaign for America's Future;

(Q) the Heritage Foundation; and

(R) the Brookings Institution.

(c) ADMINISTRATION.—The Dialogue Council shall meet at the call of the Facilitators. The Dialogue Council shall not be subject to the Federal Advisory Committee Act. Members of the Council shall receive no pay, allowances, or benefits by reason of their service on the Council (other than any private funding of costs pursuant to section 105).

(d) TERMINATION.—The Dialogue Council shall terminate upon the termination of the National Dialogue under section 108.

SEC. 105. PRIVATE SPONSORSHIP AND OTHER REQUIREMENTS.

The National Dialogue conducted pursuant to section 101 shall operate by means of sponsorship by private, nonpartisan organizations of conferences which shall be convened in localities across the Nation, which shall be geographically representative of the Nation as a whole, and which shall provide for participation which is representative of all age groups in the population. The Facilitators shall encourage and coordinate the sponsorship by such organizations of the National Dialogue and shall ensure that all costs relating to the functions of the Facilitators and the Dialogue Council under sections 104 and 107 and not referred to in section 109 are borne by such organizations or, as appropriate, by other private contributions.

SEC. 106. CONSTITUENCY INPUT.

(a) IN GENERAL.—In order to assure that the widest possible degree of opinion is received by Members of Congress regarding the future of the old-age, survivors, and disability insurance program under title II of the Social Security Act, each Member shall, to the extent practicable, and as soon as possible after the date of the enactment of this Act, develop with grassroots organizations and other constituency groups within the Member's district ongoing systems of communication through the use of the Internet and other available electronic capabilities. Such groups shall include, but not be limited to, key opinion leaders, journalists, business representatives, union members, and students of all age groups.

(b) INTERNET DIALOGUE COORDINATION.—

(1) INTERNET DIALOGUE COORDINATOR.—The Facilitators shall appoint an Internet Dialogue Coordinator who shall assist Members of Congress in establishing systems of communication in their Congressional districts as required under subsection (a). In carrying out the Coordinator's duties, the Coordinator shall—

(A) assist Members' offices in establishing local websites, moderated chat rooms, and threaded newsgroups,

(B) assist Members in coordinating a national electronic town hall meeting on the future of social security,

(C) advise Members regarding the most effective technological means for reaching out to constituent groups for purposes of this section, and

(D) work with other Internet-oriented groups to broaden the reach of Internet capability for purposes of this section.

(2) INTERNET ADVISORY BOARD.—

(A) ESTABLISHMENT.—There is established an Internet Advisory Board. It shall be the duty of the Board to advise the Internet Dialogue Coordinator in the most appropriate and effective means of employing the Internet under this section.

(B) MEMBERSHIP.—The Board shall consist of 3 members appointed by the Facilitators from among individuals recognized for their expertise relating to the Internet.

(C) ADMINISTRATION.—The Board shall meet at the call of the Internet Dialogue Coordinator. The Board shall not be subject to the Federal Advisory Committee Act. Members of the Board shall receive no pay, allowances, or benefits by reason of their service on the Board, except that any member of the Board who is not otherwise an officer or employee of the Federal Government shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

(D) TERMINATION.—The Board shall terminate upon the termination of the National Dialogue under section 108.

(c) REPORTS.—The Internet Dialogue Coordinator shall periodically report in writing to the Facilitators the results of the systems of communication established pursuant to this section.

SEC. 107. REPORTS.

From time to time during the National Dialogue, the Facilitators shall catalog, summarize, and submit in writing to the Bipartisan Panel to Design Long-Range Social Security Reform the comments, suggestions, and recommendations generated by the participants in conferences conducted and constituent input received from Members' offices under the National Dialogue.

SEC. 108. TERMINATION.

The National Dialogue conducted pursuant to section 101 shall terminate January 1, 1999.

SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated, from amounts otherwise available in the general fund of the Treasury, such sums as are necessary to provide for the compensation of the Facilitators and to carry out the provisions of section 106.

TITLE II—BIPARTISAN PANEL TO DESIGN LONG-RANGE SOCIAL SECURITY REFORM

SEC. 201. ESTABLISHMENT OF PANEL.

There is established a panel to be known as the Bipartisan Panel to Design Long-Range Social Security Reform (in this title referred to as the "Panel").

SEC. 202. DUTIES OF PANEL.

The Panel shall design a single set of legislative and administrative recommendations for long-range reforms for restoring the solvency of the social security system and maintaining retirement income security in the United States.

SEC. 203. MEMBERSHIP OF THE PANEL.

(a) NUMBER AND APPOINTMENT.—The Panel shall be composed of eight members, of whom—

(1) four shall be appointed jointly by the Speaker of the House of Representatives and the Majority Leader of the Senate,

(2) two shall be appointed by the President, and

(3) two shall be appointed jointly by the Minority Leader of the House of Representatives and the Minority Leader of the Senate.

The members of the Panel shall consist of individuals who are of recognized standing and distinction, who can represent the multiple generations who have a stake in the viability of the system, and who possess a demonstrated capacity to discharge the duties imposed on the Panel. At least one of the members shall be appointed from individuals representing the interests of employees, and at least one of the members shall be appointed from individuals representing the interests of employers.

(b) CO-CHAIRS.—The officials referred to in paragraphs (1) through (3) of subsection (a) shall designate two of the members of the Panel to serve as Co-Chairs of the Panel, who shall jointly chair the Panel, determine its duties, and supervise its staff.

(c) TERMS OF APPOINTMENT.—The members of the Panel shall serve for the life of the Panel.

(d) VACANCIES.—A vacancy in the Panel shall not affect the power of the remaining members to execute the duties of the Panel, but any such vacancy shall be filled in the same manner in which the original appointment was made.

SEC. 204. PROCEDURES.

(a) MEETINGS.—The Panel shall meet at the call of its Co-Chairs or a majority of its members.

(b) QUORUM.—A quorum shall consist of 5 members of the Panel, except that a lesser number may conduct a hearing under subsection (c).

(c) HEARINGS AND OTHER ACTIVITIES.—For the purpose of carrying out its duties, the Panel may hold such hearings and undertake such other activities as the Panel determines to be necessary to carry out its duties. Meetings held in order to conduct fact finding, as determined by the Co-Chairs, shall be open to the public. Meetings held in order to develop policy, as determined by the Co-Chairs, may be held in executive session, notwithstanding the Federal Advisory Committee Act and any other provision of law.

(d) OBTAINING INFORMATION.—Upon request of the Panel, the Commissioner of Social Security and the head of any other agency or instrumentality of the Federal Government shall furnish information deemed necessary by the Panel to enable it to carry out its duties.

SEC. 205. ADMINISTRATION.

(a) COMPENSATION.—Except as provided in subsection (b), members of the Panel shall receive no additional pay, allowances, or benefits by reason of their service on the Panel.

(b) TRAVEL EXPENSES AND PER DIEM.—Each member of the Panel who is not a present Member of the Congress and who is not otherwise an officer or employee of the Federal Government shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) STAFF AND SUPPORT SERVICES.—

(1) STAFF DIRECTOR.—

(A) APPOINTMENT.—The Panel shall appoint a staff director of the Panel.

(B) COMPENSATION.—The staff director shall be paid at a rate not to exceed the rate established for level III of the Executive Schedule.

(2) STAFF.—The Panel shall appoint such additional personnel as the Panel determines to be necessary.

(3) APPLICABILITY OF CIVIL SERVICE LAWS.—The staff director and other members of the staff of the Panel shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(4) EXPERTS AND CONSULTANTS.—With the approval of the Panel, the staff director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) CONTRACT AUTHORITY.—The Panel may contract with and compensate government and private agencies or persons for items and services, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(e) PHYSICAL FACILITIES.—The Architect of the Capitol, in consultation with the appropriate entities in the legislative branch, shall locate and provide suitable office space for the operation of the Panel on a reimbursable basis. The facilities shall serve as the headquarters of the Panel and shall include all necessary equipment and incidentals required for the proper functioning of the Panel.

(f) DETAIL OF FEDERAL EMPLOYEES.—Upon the request of the Panel, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Panel to assist the Panel in carrying out its duties.

(g) USE OF MAILS.—The Panel may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

(h) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Panel, the Architect of the Capitol shall provide to the Panel on a reimbursable basis such administrative support services as the Panel may request.

(i) PRINTING.—For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Panel shall be deemed to be a committee of the Congress.

SEC. 206. REPORT.

Not later than February 1, 1999, the Panel shall submit to the President, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate a report which shall contain a detailed statement of the findings and conclusions of the Panel, including the set of recommendations required under section 202. The report shall include only those recommendations of the Panel that receive the approval of at least 6 members of the Panel, including both Co-Chairs.

SEC. 207. TERMINATION.

The Panel shall terminate March 31, 1999.

SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated from the Federal Old-Age and Survivors Insurance Trust Fund such sums as are necessary to carry out the purposes of this title, but not to exceed $2,000,000.

The SPEAKER pro tempore. Pursuant to House Resolution 410, the committee amendment in the nature of a substitute printed in the bill, modified by the amendments printed in House Report 105–498, is adopted.

The text of the committee amendment in the nature of a substitute, modified by the amendments printed in House Report 105–498, is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Dialogue on Social Security Act of 1998".

TITLE I—NATIONAL DIALOGUE ON SOCIAL SECURITY

SEC. 101. ESTABLISHMENT OF NATIONAL DIALOGUE.

As soon as practicable after the date of the enactment of this Act, the President, the Speaker of the House of Representatives, and the Majority Leader of the Senate shall jointly convene a National Dialogue on the old-age, survivors, and disability insurance program under title II of the Social Security Act. The purpose of the National Dialogue shall be to engage, by means of regional conferences and national Internet exchanges, the American public in understanding the current program, the problems it faces, and the need to find solutions that will be workable for all generations and to generate comments, suggestions, and recommendations from the citizens for social security reform.

SEC. 102. FACILITATORS.

The National Dialogue conducted pursuant to section 101 shall operate under the administration and coordination of two Facilitators, one of whom shall be appointed by the President, in consultation with the Minority Leader of the House of Representatives and the Minority Leader of the Senate, and one of whom shall be appointed jointly by the Speaker of the House of Representatives and the Majority Leader of the Senate. The Facilitators shall be appointed within 30 days after the date of the enactment of this Act. The Facilitators shall be appointed from among individuals known for their integrity, impartiality, and good judgment, who are, by reason of their education, experience, and attainments, exceptionally qualified to perform the duties of such office. The Facilitators may serve until termination of the National Dialogue under section 108.

SEC. 103. PLANS FOR NATIONAL DIALOGUE.

After consultation with the President, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate, the Facilitators shall transmit the final plans for the development and operations of the National Dialogue to the President and each House of the Congress not later than 60 days after the date of the enactment of this Act.

SEC. 104. DIALOGUE COUNCIL.

(a) ESTABLISHMENT AND DUTIES.—There is established a Dialogue Council. It shall be the duty of the Dialogue Council to advise the Facilitators in the development and operations of, and to promote nationwide participation in the National Dialogue.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Dialogue Council shall be composed of 36 of the individuals nominated pursuant to paragraph (2), of whom—

(A) 9 shall be appointed by the Speaker of the House of Representatives,

(B) 4 shall be appointed by the Minority Leader of the House of Representatives,

(C) 9 shall be appointed by the Majority Leader of the Senate,

(D) 4 shall be appointed by the Minority Leader of the Senate, and

(E) 10 shall be appointed by the President.

To the extent practicable, the members shall include both men and women and shall be selected so as to ensure that individuals born before 1946, individuals born in or after 1946 and before 1961, and individuals born in or after 1961 are equally represented within the membership.

(2) NOMINATIONS.—Individuals shall be appointed under paragraph (1) from a group of 54 individuals, consisting of individuals nominated in sets of 2 each, respectively, by each of the following 27 private organizations:

(A) American Association of Retired Persons;

(B) United Seniors Association;

(C) American Federation of Labor and Congress of Industrial Organizations;

(D) The National Hispanic Council on Aging;

(E) The Older Women's League;

(F) Association of Private Pension and Welfare Plans;

(G) Cato Institute;

(H) Employee Benefit Research Institute;

(I) Americans Discuss Social Security;

(J) Third Millennium;

(K) The U.S. Junior Chamber of Commerce;

(L) Americans for Hope, Growth, and Opportunity;

(M) National Federation of Independent Businesses;

(N) The Concord Coalition;

(O) National Caucus and Center on Black Aged;

(P) Campaign for America's Future;

(Q) The Heritage Foundation;

(R) The Brookings Institution;

(S) The 2030 Center;

(T) National Council of Senior Citizens;

(U) Center on Budget and Policy Priorities;

(V) National Committee to Preserve Social Security and Medicare;

(W) United States Chamber of Commerce;

(X) Pension Rights Center;

(Y) Consortium for Citizens with Disabilities and

(Z) National Association of Manufacturers; and

(AA) National Association for the Self-Employed.

(c) ADMINISTRATION.—The Dialogue Council shall meet at the call of the Facilitators. The Dialogue Council shall be subject to the Federal Advisory Committee Act. Members of the Council shall receive no pay, allowances, or benefits by reason of their service on the Council (other than any private funding of costs pursuant to section 105).

(d) TERMINATION.—The Dialogue Council shall terminate upon the termination of the National Dialogue under section 108.

SEC. 105. PRIVATE SPONSORSHIP AND OTHER REQUIREMENTS.

The National Dialogue conducted pursuant to section 101 shall operate by means of sponsorship by private, nonpartisan organizations of conferences which shall be convened in localities across the Nation, which shall be geographically representative of the Nation as a whole, and which shall provide for participation which is representative of all age groups in the population. The Facilitators shall encourage and coordinate the sponsorship by such organizations of the National Dialogue and shall ensure that all costs relating to the functions of the Facilitators and the Dialogue Council under sections 104 and 107 and not referred to in section 109 are borne by such organizations or, as appropriate, by other private contributions. The source and amounts of contributions made pursuant to this section shall be made available to the public.

SEC. 106. CONSTITUENCY INPUT.

(a) IN GENERAL.—In order to assure that the widest possible degree of opinion is received by Members of Congress regarding the future of the old-age, survivors, and disability insurance program under title II of the Social Security Act, each Member may, in connection with the National Dialogue, develop with grassroots organizations and other constituency groups within the Member's district ongoing systems of communication through the use of the Internet and other available electronic capabilities. Such groups include, but are not limited to, key opinion leaders, journalists, business representatives, union members, and students of all age groups.

(b) INTERNET DIALOGUE COORDINATION.—

(1) INTERNET DIALOGUE COORDINATOR.—The Facilitators shall appoint an Internet Dialogue Coordinator who shall assist Members of Congress in establishing systems of communication as described in subsection (a). In carrying out the Coordinator's duties, the Coordinator shall—

(A) establish a national dialogue web site,

(B) assist Members' offices in establishing connections to the national dialogue web site, which may include, but is not limited to, personal financial planning, Federal budget impact exercises, ongoing public opinion tallies regarding legislative proposals, moderated chat rooms, and threaded newsgroups.

(C) assist Members in coordinating a national electronic town hall meeting on the future of social security,

(D) advise Members regarding the most effective technological means for reaching out to constituent groups for purposes of this section, and

(E) work with other Internet-oriented groups to broaden the reach of Internet capability for purposes of this section.

(2) INTERNET ADVISORY BOARD.—

(A) ESTABLISHMENT.—There is established an Internet Advisory Board. It shall be the duty of the Board to advise the Internet Dialogue Coordinator in the most appropriate and effective means of employing the Internet under this section.

(B) MEMBERSHIP.—The Board shall consist of 3 members appointed by the Facilitators from among individuals recognized for their expertise relating to the Internet.

(C) ADMINISTRATION.—The Board shall meet at the call of the Internet Dialogue Coordinator. The Board shall be subject to the Federal Advisory Committee Act. Members of the Board shall receive no pay, allowances, or benefits by reason of their service on the Board, except that any member of the Board who is not otherwise an officer or employee of the Federal Government shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) REPORTS.—The Internet Dialogue Coordinator shall periodically report in writing to the Facilitators the results of the systems of communication established pursuant to this section.

(d) TERMINATION.—The provisions of this section shall terminate upon the termination of the National Dialogue under section 108.

SEC. 107. REPORTS.

From time to time during the National Dialogue, the Facilitators shall catalog, summarize, and submit in writing to the Bipartisan Panel to Design Long-Range Social Security Reform the comments, suggestions, and recommendations generated by the participants in conferences conducted and constituent input received from Members' offices under the National Dialogue.

SEC. 108. TERMINATION.

The National Dialogue conducted pursuant to section 101 shall terminate January 1, 1999.

SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated, from amounts otherwise available in the general fund of the Treasury, such sums as are necessary to provide for the compensation of the Facilitators and to carry out the provisions of section 106.

TITLE II—BIPARTISAN PANEL TO DESIGN LONG-RANGE SOCIAL SECURITY REFORM

SEC. 201. ESTABLISHMENT OF PANEL.

There is established a panel to be known as the Bipartisan Panel to Design Long-Range Social Security Reform (in this title referred to as the "Panel").

SEC. 202. DUTIES OF PANEL.

The Panel shall design a single set of legislative and administrative recommendations for long-range reforms for restoring the solvency of the social security system and maintaining retirement income security in the United States.

SEC. 203. MEMBERSHIP OF THE PANEL.

(a) NUMBER AND APPOINTMENT.—The Panel shall be composed of eight members, of whom—

(1) four shall be appointed jointly by the Speaker of the House of Representatives and the Majority Leader of the Senate,

(2) two shall be appointed by the President, and

(3) two shall be appointed jointly by the Minority Leader of the House of Representatives and the Minority Leader of the Senate.

The members of the Panel shall consist of individuals who are of recognized standing and distinction, who can represent the multiple generations who have a stake in the viability of the system, and who possess a demonstrated capacity to discharge the duties imposed on the Panel. At least one of the members shall be appointed from individuals representing the interests of employees, and at least one of the members shall be appointed from individuals representing the interests of employers.

(b) CO-CHAIRS.—The officials referred to in paragraphs (1) through (3) of subsection (a) shall designate two of the members of the Panel to serve as Co-Chairs of the Panel, who shall jointly chair the Panel, determine its duties, and supervise its staff.

(c) TERMS OF APPOINTMENT.—The members of the Panel shall serve for the life of the Panel.

(d) VACANCIES.—A vacancy in the Panel shall not affect the power of the remaining members to execute the duties of the Panel, but any such vacancy shall be filled in the same manner in which the original appointment was made.

SEC. 204. PROCEDURES.

(a) MEETINGS.—The Panel shall meet at the call of its Co-Chairs or a majority of its members.

(b) QUORUM.—A quorum shall consist of 5 members of the Panel, except that a lesser number may conduct a hearing under subsection (c).

(c) HEARINGS AND OTHER ACTIVITIES.—For the purpose of carrying out its duties, the Panel may hold such hearings and undertake such other activities as the Panel determines to be necessary to carry out its duties. Meetings held by the Panel shall be conducted in accordance with the Federal Advisory Committee Act.

(d) OBTAINING INFORMATION.—Upon request of the Panel, the Commissioner of Social Security and the head of any other agency or instrumentality of the Federal Government shall furnish information deemed necessary by the Panel to enable it to carry out its duties.

SEC. 205. ADMINISTRATION.

(a) COMPENSATION.—Except as provided in subsection (b), members of the Panel shall receive no additional pay, allowances, or benefits by reason of their service on the Panel.

(b) TRAVEL EXPENSES AND PER DIEM.—Each member of the Panel who is not a present Member of the Congress and who is not otherwise an officer or employee of the Federal Government shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) STAFF AND SUPPORT SERVICES.—

(1) STAFF DIRECTOR.—

(A) APPOINTMENT.—The Panel shall appoint a staff director of the Panel.

(B) COMPENSATION.—The staff director shall be paid at a rate not to exceed the rate established for level III of the Executive Schedule.

(2) STAFF.—The Panel shall appoint such additional personnel as the Panel determines to be necessary.

(3) APPLICABILITY OF CIVIL SERVICE LAWS.—The staff director and other members of the staff of the Panel shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(4) EXPERTS AND CONSULTANTS.—With the approval of the Panel, the staff director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) CONTRACT AUTHORITY.—The Panel may contract with and compensate government and private agencies or persons for items and services, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(e) PHYSICAL FACILITIES.—The Architect of the Capitol, in consultation with the appropriate entities in the legislative branch, shall locate and provide suitable office space for the operation of the Panel on a reimbursable basis. The facilities shall serve as the headquarters of the Panel and shall include all necessary equipment and incidentals required for the proper functioning of the Panel.

(f) DETAIL OF FEDERAL EMPLOYEES.—Upon the request of the Panel, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Panel to assist the Panel in carrying out its duties.

(g) USE OF MAILS.—The Panel may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

(h) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Panel, the Architect of the Capitol shall provide to the Panel on a reimbursable basis such administrative support services as the Panel may request.

(i) PRINTING.—For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Panel shall be deemed to be a committee of the Congress.

SEC. 206. REPORT.

(a) IN GENERAL.—Not later than February 1, 1999, the Panel shall submit to the President, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate a report which shall contain a detailed statement of the findings and conclusions of the Panel, including the set of recommendations required under section 202. The report shall include only those recommendations of the Panel that receive the approval of at least 6 members of the Panel, including both Co-Chairs.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that, pending the report of the Panel under subsection (a), the Federal unified budget surplus should be dedicated to reducing the Federal debt held by the public, increasing the retirement income security of individuals and insuring the solvency of the social security system.

SEC. 207. TERMINATION.

The Panel shall terminate March 31, 1999.

SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated from the Federal Old-Age and Survivors Insurance Trust Fund such sums as are necessary to carry out the purposes of this title, but not to exceed $2,000,000.

The SPEAKER pro tempore. Under the rule, the gentleman from Texas (Mr. ARCHER) and the gentlewoman from Connecticut (MRS. KENNELLY) each will control 1 hour and 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 3546, and to include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARCHER. Mr. Speaker, it is my intention to yield back 30 minutes of my time, but before I do so I would like to inquire of the gentlewoman from Connecticut (Mrs. KENNELLY) whether the minority would do the same thing.

Mrs. KENNELLY of Connecticut. Yes, Mr. Speaker, we will yield back 30 minutes of our time.

Mr. ARCHER. Mr. Speaker, I yield back 30 minutes of my time.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for tens of millions of Americans, Social Security has been a wonderful success. It has been for my father and for my mother. Written in 1935, Social Security has protected our seniors, has reduced poverty and strengthened our families. If ever there was a Depression-era program we can be proud of, Social Security is it.

But Social Security faces a long-term crisis. To solve it, politicians in Washington must begin now to work together and we must put partisanship aside. We are all in this together, from the 117-year-old Sara Knauss of Allentown, Pennsylvania, reportedly the oldest living American, to little Chase Amanda Brockman who was born today at 12:30 p.m. in Hermann Hospital in Houston, Texas.

As we proceed, we must do two things. We must honor our commitments to today's seniors and we must protect young people so that Social Security works for them as well.

The Congressional Research Service has analyzed for retirees this year the amount of time it takes to recover the value of their taxes paid plus interest. The information demonstrates that Social Security has been a fabulous program for those who have retired to date.

But for baby boomers and for everyone younger, Social Security is no longer a fair deal. For average earners who retired in 1980, they got back their retirement portion of their Social Security taxes and their employer's share of the taxes plus interest compounded during their work life when they turned 68, and that has got to be a good deal. Three years and they had recovered everything that had been paid in plus interest.

But what is it today? Today, a retiree at 65 years of age, making $25,000 a year, will have to live until they are 80 years old before they get their money back. For most people, that is still not a bad deal.

But I am afraid the good deal ends right around this year. For tens of millions of working people younger than 65, Social Security's problems have already begun. Average earning 48-year-olds will have to live to 89 years of age to get their money back. Average 38-year-olds will have to make it to 91.

If Americans are younger than that, Social Security's message seems to be, "Be sure to eat well and get plenty of exercise, because you will have to live into your hundreds to get a fair return on your Social Security money that has been taken out of your paycheck."

Mr. Speaker, we cannot raise taxes to solve this problem because someone making more than $65,000 a year can really forget about it. 48-year-olds making $65,000, the maximum taxable wage base, will have to reach 104 years old to get their money back, and 38-year-olds will have to live to 117 years of age.

Now there is more to Social Security than money. There is family security, family protection and peace of mind. However, each generation must be treated fairly and that is the challenge that we face. That is why today I urge the House to pass my plan to create a bipartisan panel to save Social Security.

The time has come to rise above partisan politics and put the needs of the Nation first. Without a commission, I am absolutely certain that politicians will once again start fighting over Social Security as has always been the case in the past, and we will not get the job done. We must remove politics from Social Security, and that is what my plan does.

Mr. Speaker, my plan creates an eight-member panel comprised of four Democrats and four Republicans. It is small and its timetable is short. Its recommendations are due back to the Congress by February 1, 1999. My plan also creates a bipartisan national dialogue to engage the American people as we listen to their ideas on how to save this vital program.

Saving Social Security is too important for any one party or any one branch of government to use it as a forum for gaining political advantage. The American people have never retreated from a crisis, and we must not do so in this issue. Our task is to solve this problem so that when little Chase Amanda grows up and starts working, she will never even know Social Security was in crisis.

When it comes to Social Security, I suspect the American people are well ahead of us. We now must catch up with the people and do it in a bipartisan spirit, remembering that young people have grandparents they love and senior citizens have grandchildren that they adore. I know because I have 13 of them myself. Mr. Speaker, we are in this together.

Let me add one more point. This week we received letters from both the American Association of Retired Persons, AARP, and the Concord Coalition, strongly endorsing this bill. They are very much at the front line on this issue.

Mr. Speaker, I submit these letters for the RECORD:

AARP,
Washington, DC, April 28, 1998.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means,
House of Representatives, Washington, DC.

DEAR CHAIRMAN ARCHER: AARP believes that a national dialogue on Social Security is essential to building consensus around changes to address the program's long-term financial challenge. As the national dialogue on Social Security proceeds, the American people need to understand how Social Security fits into an overall framework of income security, what the solvency options are, and how these options will affect them and their families.

Accordingly, AARP is very pleased that the Committee on Ways and Means has reported H.R. 3546, the National Dialogue on Social Security Act. This legislation can help the American people work through the necessary tradeoffs that can enhance economic security and restore the Social Security program's long-term solvency.

While our elected officials engage in a dialogue with the American people, the Bipartisan Panel to Design Long-Range Social Security Reform called for under H.R. 3546 can evaluate options and suggest a course of action. Of course, whatever the panel proposes must still be debated and approved by Congress and the President. This would allow policy makers and interested parties an opportunity to evaluate and respond to the panel's recommendations. In the final analysis, elected officials, not a commission, must bear the ultimate responsibility.

AARP believes dialogue, debate, and a comprehensive analysis of Social Security solvency proposals are necessary components of good public policy-making for this important family protection program. If we act sooner, rather than later, the changes we adopt will be more moderate and those affected will have more time to adjust their plans. AARP looks forward to working with you and other members of Congress on a bipartisan basis to promote this national dialogue.

Sincerely,

HORACE B. DEETS.

THE CONCORD COALITION
CITIZENS' COUNCIL,
Washington, DC, April 28, 1998.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means,
House of Representatives, Washington, DC.

DEAR CHAIRMAN ARCHER: The Concord Coalition strongly supports the bill, H.R. 3546, the National Dialogue on Social Security Act of 1998, that your Committee reported favorably last week.

The Social Security program, as currently structured, faces serious problems when the baby boom generation begins retiring only a decade from now. It is urgent that solutions be put in place as soon as possible to address these problems, rather than postponing action. The earlier we act, the more gradually changes can be phased in and the more advance warning will be given to people who are working today so that they can understand the impact of these changes and plan for their own retirement security. Retired citizens, working age Americans and today's youth all will be better off if action is taken soon.

Based on our experience hosting meetings around the nation on this issue, we are convinced that if the American people are armed with the facts and given the opportunity for honest dialogue, they will reach decisions that are fair to people of all ages and income groups. Your bill to stimulate such honest dialogue and engage a broad range of citizens across the nation is the right step at the right time. In order to prepare our nation's citizens for the kind of changes required to put Social Security on a sound footing through the next century, they need to hear what the issues are and the pros and cons of various options. We applaud your bill for advancing such a balanced, bipartisan dialogue.

We are pleased that your bill recognizes that next year, 1999, is the idea window of opportunity for enacting Social Security reforms. Your bill offers a framework for moving toward a legislative consensus on what these reforms should be.

The Concord Coalition looks forward to working with you to implement the provisions of H.R. 3546.

Sincerely,

MARTHA PHILLIPS,
Executive Director.

Mr. Speaker, let me tell my colleagues what this is not about. This is not about the ultimate plan to save Social Security. This is not about how we can get partisan political advantage by launching into a debate amongst ourselves, as has happened so often in the past.

This is how we chart a course that gives us the best chance to rise above politics and to be able to truly save Social Security. We will hear many, many other comments made today that have nothing to do with this bill because people want to make one comment or another comment about their view on Social Security.

We should come together today to establish a vehicle that gives this country the best hope, the best chance to rise above partisan politics and to save Social Security. I would dare say that those of my colleagues who have, I think sincerely and genuinely, said we should dig into this ourselves, we do not need another commission, where is their plan? Has any one of them introduced a comprehensive plan to save Social Security? I will tell my colleagues they have not because they understand the politics. I would hope that they would not attempt to gain some type of political advantage out of this debate rather than joining in today and giving us our best hope.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The Chair would inquire, was the gentleman from New York (Mr. RANGEL) going to yield back 30 minutes as the majority has?

Mr. RANGEL. Yes, I will.

The SPEAKER pro tempore. The gentleman from New York yields back 30 minutes.

The Chair recognizes the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I say, "Shame, Mr. Chairman, to think that politics would be brought into this debate." Why, I am just shocked and overwhelmed that the majority would even mention politics in the dialogue on such a sensitive subject.

Mr. Speaker, there is no question that we could not even begin to deal with the question of Social Security unless it is done in a bipartisan way, no more than we can deal with the question of our complex income tax system unless it is done in a bipartisan way. The problem that we are facing is that the Republicans are operating like a parliamentary body and we do not talk to each other and discuss how we can resolve some of these very sensitive issues.

Let us take this dialogue that we are talking about today. Members of the minority only asked the question that before we do anything, can we say that our first commitment with the surplus is to use it to make the Social Security solvent? Why, that is as bipartisan as it can get. All of America wants to make certain that before we explore different ways in order to assure people pensions, that at least this system is solvent.

Of course, that brings about a lot of partisan debate and we try to overcome that.

□ 1615

But certainly, even though many of us in the minority did not truly believe that there was need for another group to have dialogue since the President already had established a biparty commission, in the interest of bipartisanship, I would like to join with the chairman of the committee, and let us have another commission, and let us expand the dialogue.

But to suggest that it is possible to bring politics into the debate, why, my God, we almost resolved the question of income tax increases the other day in a request from the majority to ask for a supermajority in order to increase taxes. Why just today we tackled the serious drug problem that we had by saying that we were banning funding for needles. I mean, that is substantive, and we are moving the ball forward.

When this year has ended, the majority will be asked: What did you do on Social Security? I am certain that the majority would be able to say, we started dialogue.

I just hope one thing before we attempt to even talk as though we are partisan is that, when they ask, what have you done with the tax system, the one that we are pulling up by the roots, the one that we are sunsetting, the one that we are bringing in the postal card substitute, when we ask this bipartisan Congress, what are we doing about taxes, we will be able to say, we are establishing dialogue, because that is going to be my answer.

I have been in the minority for 3 years. I know how the chairman feels so strongly about this complex system that was compounded in the last tax bill. The gentleman and I know we have to get rid of it.

We have had 3 years of dialogue, 3 years of the majority of the Republicans, 3 years that they have the votes in the committee, 3 years that they have the votes in the House, 3 years that they have the votes on the Senate Committee on Finance, 3 years as they have the votes on the Senate floor to improve this tax system.

If Members feel nearly as strongly about this Social Security mess as the majority has about the Nation's tax system, my God, the gentleman from Texas and I both will be retired by the time we deal with it. You are only going to stay for another couple of years, and I do not know how long I will be here as chairman, but regardless of what the politics of this are going to be, it would seem that we ought to start now in a bipartisan way and say that we do not want this dialogue to go on as long as we have had for the tax bill.

Let the dialogue begin, but let us put a timetable so Americans would know that this Congress, in a bipartisan way, is going to tackle the serious problem. Before we go to Las Vegas or Wall Street or wherever we think where we can get a high return on the investment, let us make certain that the idea of Franklin Roosevelt is protected; and that is, we have a sound Social Security system, and we are going to use the surplus to do that.

Now, if that is not done, then the surplus is going to be used for an income tax cut, or they are going to just raise tobacco tax on this industry that has done very little to anybody and just raise their taxes for another income tax cut. The gentleman and I do not like that because we are both against tax increases.

So here is another way we can be bipartisan, to give up how we raise the revenue and how we use them. I do not know how my colleagues want to use the surplus. I know the Committee on the Budget chairman does not want to use it for a tax cut.

The gentleman from Ohio (Mr. KASICH) is a man after my own heart. When he says a tax cut, he means $150 billion. That is no slice of bologna. That is big time. When he says, where are we going to get the money, he is not going to the surplus, he is going to spending programs so that we all will know, that those who get the cut will know where the cut came from. That is the way we do business in a bipartisan way.

Here we are with Social Security, and we have a surplus. The President said, let us not get partisan with this. Take the surplus, attach it to Social Security, and then let us get on and see how we can do the rest of the people's work.

Let me join with the chairman of the distinguished Committee on Ways and Means. Let this be the first shot toward bipartisanism. Let us all say openly that the surplus is going to be used to shore up this system. Let us tell this Commission this is what we expect them to do. Let us give them a date to report back.

I wish we could do it before the election, but this is too serious a thing, I think, to be involved with elections. We will wait until after the elections. But let us put a timetable on this Commission, because we do not know who is going to be appointed, and we want them to be as nonpartisan as my colleagues and I in their deliberation.

I thank the gentleman from Texas for raising the question, for taking politics out of that, and give me the opportunity to join with him.

Mr. Speaker, I yield the balance of my time to the gentlewoman from Connecticut (Ms. KENNELLY).

The SPEAKER pro tempore (Mr. LATOURETTE). The gentlewoman of Connecticut (Mrs. KENNELLY) will control the balance of the time.

Mr. ARCHER. Mr. Speaker, I yield 5 minutes to the gentleman from Kentucky (Mr. BUNNING), the respected chairman of the Subcommittee on Social Security of the Committee on Ways and Means.

Mr. BUNNING. Mr. Speaker, since its inception, Social Security has been a real success story, providing retirement income security for seniors and desperately needed survivor and disability benefits for those who have been stricken by the death of a loved one or smitten by an incapacitating illness or accident.

However, as the board of trustees reminded us yesterday, the future is not so bright for this vital program. We know Social Security faces real challenges over the long run. It has been told before, but by the year 2013, the program outlays will exceed its income, and Social Security will have to rely on the rest of the government to make good on their promise to secure Social Security trust funds.

By the year 2032, the surplus will be gone, and the program will only be able to pay about 75 percent of the benefits committed. We cannot allow that to happen.

During this Congress, the Subcommittee on Social Security, which I chair, is conducting a series of hearings on the future of Social Security for this generation and the next. We have had many hearings and will hold many more throughout the year. We are working on a bipartisan basis to explore all sides and all options for Social Security reform.

Fixing this vital program is not going to be easy. Social Security programs are complex and far-reaching. Even minor changes will have major intended and unintended effects over time. It will not be an easy issue to resolve.

I am glad that the President has brought Social Security to the forefront. His leadership on this issue is of vital importance. But when it comes time, it is going to be the Congress of the United States, starting with the Committee on Ways and Means, that will have to do the heavy lifting and actually begin the work of the American people.

In the meantime, when it comes right down to it, we have to get this conversation started. We all need to be talking about what the future of Social Security is, what is going to take place, and what it is going to look like.

The legislation we are considering today gets people talking through a national dialogue on Social Security. That is a very good beginning. At the same time, we need a panel of experts to help us reconcile what Americans want to see done and what can be done to fix Social Security once and for all.

Election years often see more than their fair share of partisan bickering. Social Security is far too important to get tied up in partisan politics. We must act now. We must work together. This legislation is a way to do it. Make no mistake about it, we have a golden opportunity this year to do something. The alligators are not snapping at our ankles right now. We have a balanced budget for the first time in 30 years, and we have budget surpluses instead of nagging deficits. Medicare is at least safe for 13 more years. Welfare has been reformed, and it seems to be working.

Right now, we have a golden opportunity to focus on Social Security and get the train rolling, get Congress firmly on the track for reform before we face a crisis. Let us do it in the next 5 to 7 years when we have the opportunity with growing surpluses. This is the bill to do it.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, this bill proposes good ideas, but they are postscript for what is already happening. For example, the legislation calls for a national dialogue on Social Security, but there are already several reputable organizations convening nonpartisan meetings across the country to discuss the future of Social Security. The President, Members of Congress from both parties, and thousands of American citizens have already attended some of these informative sessions.

Let me give just one example. The Pew Charitable Trusts are spending $12.5 million to establish a nationwide nonpartisan grassroots discussion of the future of Social Security. To date, more than 3,000 Americans in 15 States have participated in their seminars.

The other purpose of this bill is to establish a commission to develop suggestions on maintaining Social Security solvency. But, again, Congress has already received three recommendations for Social Security reform from the last Commission that was appointed.

If we really want to do something to protect Social Security's long-range solvency, we should do what the President has asked us to do, save the budget surplus for Social Security. Saving the budget surplus will ensure that we have the necessary resources to protect a retirement program that millions of Americans depend upon.

Some have suggested we should use the budget surplus instead for a new system of private accounts. My response to that is we should keep an old promise before we make new ones. The bill before us today takes at least a half a step towards acknowledging that principle by expressing the sense of Congress that the budget surplus should be dedicated to ensuring the solvency of the Social Security system, increasing retirement income security, and paying down the Federal debt. We should strengthen that language so that there is absolutely no doubt on what we intend to do with the budget surplus of Social Security.

I know that some have expressed confusion over what this means when we talk about saving Social Security. The concept is actually very simple. If we allocate current and future budget surpluses for other purposes, those resources will not be there for Social Security. The President has, therefore, asked us to save the budget surplus today so we can save Social Security in the future.

What happens to the budget surplus before we agree on a plan to protect Social Security, we might then ask? The answer is easy: It will help pay down the Federal debt.

Let me remind my colleagues that reducing the Federal debt will have a direct and positive impact on our ability to meet our obligations of Social Security. Paying down the debt will, not only spur economic growth, but it will reduce the amount the government pays in interest, which is now 15 percent of all government spending, last year totaling $244 billion.

In fact, the Congressional Budget Office estimates that $1 billion decrease in the debt today could reduce the government interest payments over the next 10 years by $773 million. This statistic clearly illustrates that paying today's debt will help us meet our obligations of tomorrow's retirees. So once again, I urge my colleagues to support the President's pledge, save Social Security first.

Mr. BUNNING. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I rise in very strong support for H.R. 3546, the National Dialogue on Social Security Act of 1998.

This bill would initiate the national dialogue on the future of Social Security by way of face-to-face discussion and electronic means, including town hall meetings, Internet chat rooms. In addition to nationwide suggestions, H.R. 3546 would also establish a bipartisan panel of eight members appointed by Congress and the President, and these would be equally divided between the two political parties.

□ 1630

After a year of study, the panel would present a singular set of recommendations to the Congress and the President, and this would have to be done by February of 1999. Inclusion of ideas from average citizens, seasoned experts and lawmakers makes this truly a national dialogue.

It is time for both sides of the aisle, Democrats and Republicans, to unite in an effort to save this most important retirement system: Social Security. The economic well-being of our Nation's seniors has been politicized for far too long. Everyone agrees on the importance of finding a long-term solution to the question of Social Security's solvency, and H.R. 3546 is a critical step towards developing this solution. To engage in a national discussion of the possible solutions for Social Security is to put the national interest above political interest.

Mr. Speaker, we need to tackle this monumental issue before it is too late. When the Social Security System was first initiated in 1935, there were 16 workers per retiree. Today, that number has dropped sharply to only 3.3 workers per retiree. By the year 2040, fewer than 2 workers will be supporting each retiree. Congress has the obligation to secure the future of Social Security, not just for the present senior but also for our children, our grandchildren and their grandchildren. It is time to put aside political differences and work together for the future of America.

Mr. Speaker, I urge my colleagues to join me and the majority of us in both parties in supporting this important legislation, and I congratulate the gentleman from Texas (Mr. ARCHER), the gentleman from Kentucky (Mr. BUNNING), as well as the gentlewoman from Connecticut (Mrs. KENNELLY) and the gentleman from New York (Mr. RANGEL) for working together to bring this legislation to the floor.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, I thank my colleague from Connecticut for yielding me this time.

Mr. Speaker, a national dialogue on Social Security is definitely in the best interest of the people of this country. I congratulate President Clinton for his leadership in bringing this issue to the forefront of the American people.

It is also important that we operate in a bipartisan manner. This resolution forwards that bipartisan effort, and I support it. However, I am disappointed there was not more bipartisanship in the creation of this resolution and closer working with the White House.

The dialogue has already begun. In Kansas City on April the 7th, we had a national dialogue started by President Clinton on the future of Social Security and ensuring its long-term solvency. I was pleased that I was able to have a hookup with that national dialogue in the Third Congressional District of Maryland, in Columbia, Maryland. It was a good discussion. Let me share with my colleagues some of the facts that came out as a result of that town hall meeting.

The surplus we are enjoying in our budget, we would not have a surplus but for the fact the Social Security System has a cash surplus. That has produced the surplus in our budget. It would be irresponsible for us to use that surplus for anything other than ensuring the long-term solvency of Social Security.

There are some who are suggesting that we use that to set up individual savings accounts, taking the money outside the Social Security System. That would do nothing to protect and improve the long-term solvency of the Social Security System.

There are others who are suggesting we should use it for tax cuts. Again, that would not improve the long-term solvency of the Social Security System.

The President is right. We should all make a commitment that the surplus be reserved for Social Security solvency.

Yes, there are dramatic demographic changes in this Nation. We are getting older. But the Social Security System is safe today. The recent trustee report indicates that the solvency is now even 3 years longer than we thought, to the year 2032. So there is no panic within the Social Security System.

We do have a problem in the savings ratios of this Nation. Of the big industrial seven nations, we have the lowest private savings ratios; and we need to do something about that. So the objective, I would hope, of any proposal to deal with Social Security would be, first, to protect the Social Security recipients, those that are retired or near retirement. They cannot change their security issues. They need the Social Security System and the full benefits under that system.

But we also need to increase private savings. After all, there are three legs to retirement security, Social Security, private retirement and savings; and we need to do a better job on private savings and retirement. Along with the gentleman from Ohio (Mr. PORTMAN), I have authored legislation that has been enacted into law that will encourage private savings, and we will be authoring legislation again in this Congress to try to improve private savings and retirement. That is important. We are considering that on a bipartisan basis, and I urge my colleagues to support us in that effort.

We also must ensure the long-term solvency of the Social Security System. If we follow those objectives, we will be serving in the best interest of the people of this Nation, and I hope that the dialogue will begin and protect the Social Security System.

Mr. BUNNING. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for yielding me this time, the chairman of the Subcommittee on Social Security, and I rise to strongly support his legislation and that endorsed by the gentleman from Texas (Mr. ARCHER).

I also want to say that I strongly agree with the comments of the gentleman from Maryland (Mr. CARDIN), who preceded me, regarding the need to increase private savings of both the IRA-type savings, private savings of individuals, and savings through the employer, through pension plans, profit-sharing plans, 401(k)s and so on.

Social Security is a little more controversial than the two legs, and that is why this commission is so important. But they all work together. Commissions are not always the best way to handle policy dilemmas, Mr. Speaker, and sometimes the Congress uses them too often. There are plenty of commission reports that are collecting dust somewhere in this Capitol.

But I have to tell my colleagues, if the commission structure, goals and membership are clearly thought out, which is the case here, both with the national dialogue and the commission, then on very tough political issues, commissions can work and work well.

I speak from personal experience. Until about a year ago, I was cochairman of the National Commission on Restructuring the IRS. We approached this on not just a bipartisan but a nonpartisan basis. We brought in outside expertise, which I think is key. The other cochairman was Senator BOB KERREY, a Democrat from Nebraska. CHARLES GRASSLEY, a Republican, and BILL COYNE, a Democrat, also served on the panel.

Congress created the IRS commission basically to get at the vexing problems of the IRS and try to do it in a nonpolitical context. Another issue like Social Security, IRS can be quite political. We also wanted to bring in outside expertise, which I think is key, and we did so.

In our case, commission members included information technology executives. It included small business advocates, taxpayer advocates, former commissioners, State tax administrators and so on.

We rolled up our sleeves and we spent about 15 months really looking into the problems in a nonpartisan way. We finished on time, under budget and produced a solid report that then became legislation; and, within 4 months of our report, the legislation had passed the House on a strong, bipartisan basis.

I think it is a pretty good model, and I see that same model being replicated here because of the way this commission and dialogue has been structured.

The key is to rise above politics and solve a very tough problem. Again, commissions are not always the best solutions for every big issue that faces this Congress, but I think in this case this commission is properly structured to take a hard look at it with outside expertise in a balanced and bipartisan manner.

And I think on this politically explosive issue, Social Security, it is not only the best way to go, I think, frankly, it is the only way to go. It is the only way we will solve the problem for future generations.

I have my 6-year-old with me today. He asked what we were debating about a little while ago. I said, we are debating about your future and whether when you are retired you will have something there for you. And that is so important, that it is necessary for us to take this step in order to take it out of politics, in order to get with a time frame the kind of consensus we need to move forward on a bipartisan basis on this program.

So I stand today to again urge support on both sides of the aisle on this process. The tough questions are still in front of us, but we need to get started on it, and this is the important big step.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentlewoman from Connecticut (Mrs. KENNELLY) for yielding me this time.

In this Chamber there is a tendency to toss around mind-numbing statistics, and in the best of debates that occur here we attempt oftentimes to convince each other through the use of abstraction. But the truth is that there is one point that must be emphasized today above all else, and that has been the success of Mr. Roosevelt's experiment offered to the American people in 1935.

There are millions of people watching right now, at this very moment across this country, this debate, who enjoy the benefits of Social Security. We should fully acknowledge that Social Security fundamentally changed the way seniors across this Nation have lived out some of the best years of their lives.

So it was not an abstraction, Mr. Speaker, when President Clinton almost exactly 3 months ago walked into this Chamber and in his State of the Union address said, "Let's fix Social Security first."

Now, I know there is a tendency to think that that is some catchy political slogan, but I must disagree. Because saving Social Security first is a generational promise that must be continued into the next century. Fortunately, due to the President's budget in 1993 and the Taxpayer Relief Act of 1997, we are showing a surplus for the first time in many years. But we should use that surplus to buy down the debt and to save Social Security first. Social Security remains the lifeline of support for many Americans as they grow older, and our obligation is to strengthen that lifeline.

Now, I know there is talk in this Chamber about offering personal savings accounts. Let us examine that. There can be no harm from a thorough examination. But let us not forget the goal of community that Social Security offers and generational obligation that it compels from all of us.

President Clinton had it right: Let us have a dialogue. And the dialogue, indeed, has already started. Even yesterday, as we reviewed new numbers, we know that there will have to be fundamental examinations of Social Security in the coming years.

But, most importantly, let us point out that retirement savings is a three-legged stool and the three legs are private savings, pension and Social Security, understanding that almost 40 percent of retirement income for most Americans comes from Social Security. We want to encourage people certainly to take more responsibility for their retirement but again not to forget the essential element of Social Security, and that is the interlocking notion of community.

Our society has changed in the workplace dramatically, and I know it is common for individuals to change jobs many times over. That makes it more important now than ever to address the issue of pension portability. Social Security should be addressed this year, and pension portability should be enacted this year.

Mr. Speaker, I thank the gentlewoman from Connecticut (Mrs. KENNELLY) for taking up this debate once again.

Mr. BUNNING. I yield 3 minutes to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding me this time.

In my district in western Pennsylvania, most working families and retirees depend on Social Security as the keystone of their retirement security. These families are clearly at risk because of the grim shadow of looming bankruptcy that has fallen on Social Security, casting doubt on its long-term viability.

The collapse of Social Security is not immediate, but it is inevitable without major changes in the program, changes that will become more draconian the longer they are postponed. We in Congress have a fundamental responsibility to move quickly and decisively, free of cant and partisanship, to place Social Security on a sound financial footing.

Mr. Speaker, I rise in strong support of H.R. 3546, legislation to establish a national dialogue on Social Security and a bipartisan panel to design long-term Social Security reform.

Under this legislation, a national dialogue would be convened to engage the American public through regional conferences and through national internet exchanges in understanding the current program, the problems it faces and the need to find solutions that will be workable for all generations.

In addition, a bipartisan panel would be created to design a single package of long-range Social Security reforms to restore the solvency of the system and maintain retirement income security.

The process of Social Security reform created in this bill is the best hope to yield, through engagement of the American public, a solution which restores the long-term viability of the Social Security retirement system in a manner beneficial to every generation and every class.

I urge my colleagues to pass this bill as the first step on the path of fulfilling our obligation as trustees and custodians of a system that has literally transformed the face of poverty among older Americans.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. LEWIS).

□ 1645

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and colleague the gentlewoman from Connecticut (Mrs. KENNELLY) for yielding.

Mr. Speaker, 60 years ago, Franklin Roosevelt, a Democratic President, worked with a Democratic Congress to create a Democratic program to help retired workers, Social Security. For 60 years, the Social Security system that Democrats created has provided retirement security to hundreds of millions of Americans.

Social Security is founded on a simple principle: Every worker contributes to and is part of a common system. We all pay into this system together; and when we retire, we all receive benefits together. For 60 years, Social Security has provided peace of mind to millions of workers and retirees. We must not destroy this peace of mind. We must not destroy the sense of common good created by Social Security.

Providing a privatized Social Security system would destroy this trust. It would take security out of Social Security. Do not believe the fearmongers who tell us that Social Security would not be there for us. They want to end Social Security as we know it. The enemies of Social Security will have us believe that the problems are too big. But the sky is not falling. We can fix Social Security without destroying our covenant with the American people.

Mr. Speaker, I will vote for this bill because I believe we must first save Social Security, but I would not support efforts to privatize Social Security. I will not support efforts to destroy the peace of mind Social Security provides millions of retirees and millions of our workers.

As a Democrat, I will remain true to the Democratic legacy of Social Security, the legacy of people coming together as one to provide a basic livable pension for every American no matter how rich, how poor, how young, or how old. I will fight efforts to divide the rich from the poor and parents from their children.

Mr. Speaker, Democrats will fight to save Social Security first because Social Security is a sacred trust with the American people, and we must never, ever betray this trust with the American people. Protect Social Security first.

Mr. BUNNING. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington (Mrs. LINDA SMITH).

Mrs. LINDA SMITH of Washington. Mr. Speaker, I thank the gentleman for yielding.

John Milton wrote, "Time is a subtle thief of youth." Well, we are running out of time on devising a plan to save Social Security, and the failure to salvage a broken system is robbing our youth of hope. Whether one is a recent college graduate or a baby boomer, like me, all Americans are caught in the system of retirement with few choices, and it is not a healthy future.

Working Americans are paying into Social Security monthly to a total of $484 billion for this year alone. The cost in paying benefits to retirees right now totals $382 billion. This leaves $102 billion to put away for the retirement of the baby boomers and generation X. This money should be managed like a retirement account or personal trust fund. People expect Social Security to be a national retirement savings account. That is the way it should be. Save for the retirement of those paying into the system.

We have to reject the President's plan to spend all but a handful of that, call it the surplus, and say he is going to take 8 to $10 billion and invest it in saving Social Security.

The Treasury said today that there might be 3 more years in the life of Social Security. Three years? Well, this sounds very, very good for those on Social Security now, and maybe even a few of us older baby boomers. But we have three generations of Americans, my children, my grandchildren, who have put money into that account, and they expect to have something for their future.

Where are the leaders that are going to stand up and say, we have a surplus of $100 billion a year, money that should go to the future? Where are the leaders that are going to say, this surplus is really enough to stabilize for the next two generations of Social Security accounts? Where are the leaders?

I hope that this Commission will recommend that this Congress stop taking $100 billion a year out of Social Security and that they will invest all this in the future of retirement.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield 3½ minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. I have been listening to the debate, Mr. Speaker, with interest. And it is clear that we have to move ahead with Social Security.

In a sense, the horse is already out of the barn. This bill calls for a national dialogue, and that is already started. The President and the Vice President started it on a bipartisan basis. There has been a very effective meeting already, and others are being held under the auspices of a foundation. So that dialogue is under way. No one should think that it has not started.

But I will vote for this bill because it will keep the conversation going. For those of us who have been working so hard these years to secure Social Security, I do not think we need to have another vote that says we care. That is so clear. Maybe some want that vote and will join them. But for those of us who have been fighting all these years to make sure Social Security is secure, we say, whatever needs to be fixed, fix it. Do not break the system. Look to the future, but do not forget what is true today and what has been true in the past.

And what is true today is that the Social Security system is essentially the economic foundation for a majority of the people who are retired, as has been discussed. But I think this has to be very much remembered. In this country, close to 70 percent of seniors have incomes of less than $25,000 a year, and 46 percent have incomes of less than $15,000. In Michigan, that figure is even higher. One estimate is that 85 percent have incomes of $25,000 or less, and 70 percent have incomes of $15,000 or less. So they are asking us, look to the future, but do not ruin the present.

Those of us who work for fiscal responsibility should be proud of that. We have a surplus. If it had not been for our vote, there would not be this. This surplus would not exist, though, without the inflow from Social Security. And the lesson from those two points is this: Now we have time to fix Social Security for the long term because of the surplus, but let us use those funds because the surplus is in large measure because of Social Security, so use it for that purpose. And any other programs, whether they are tax cuts or other programs, should not be financed out of this surplus. Save and ensure Social Security first.

So let us move ahead. I am in favor of flexibility, of looking at new alternatives, at looking at new ways to finance the retirement of people. As we do it, let us remember our sacred obligation. We have an obligation for the future. We also have an obligation to those who are paying in that we not undermine Social Security as they near retirement.

Mr. BUNNING. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS of Oklahoma. Mr. Speaker, I rise today in support of H.R. 3546, the National Dialogue on Social Security Act.

In 1949, when my father entered the work force, people could look at their paychecks, see their Social Security taxes withheld, and feel sure that the money would be waiting for them when they turned 65.

When my daughter Jessica signs up for her first job in a year at age 16, and I can assure my colleagues her mother and I will help her find a part-time job, the amount that she sees deducted from her paycheck from Social Security will not only be higher than 1949, but it will not necessarily be waiting for her in about 50 years. In fact, for those of us under the age of 50, we may not be receiving anything until the age 67 or older.

Now some say that we have, basically, three options: Raise taxes, cut benefits, or reform the system. One of the causes of our present problems is that high taxes do not allow individuals to save and supplement their pensions and Social Security savings as was originally meant to be done.

There has been talk of adjusting the CPI, the Consumer Price Index, so as not to overstate inflation. This would make Social Security COLAs smaller. However, it is unfair to reduce benefits to current retirees.

Personally, I am partial to the idea of supplementing, let me repeat that, supplementing our Social Security benefits by allowing individuals to invest for themselves. We should create individual savings accounts that allow individuals to increase retirement incomes by investing a portion of their payroll taxes in the market. These would be a mandatory savings account that could not be drawn on until retirement.

A good first step in finding a solution like a personal Social Security account would be to pass this legislation, establish a bipartisan panel to study long-term Social Security reform, and report their findings to Congress no later than February 1, 1999.

We should put aside our bipartisan politics and do what is right for the American people. We must make sure that Social Security is there.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I rise in support of the efforts to ensure Social Security remains viable for the next generation, for our children, and for our grandchildren.

I have met with various constituents, and they agree that we need to make some tough decisions that are before us to assure the viability of Social Security for future generations. I support the creation of a bipartisan commission, but I would caution those efforts in terms of privatization, and I would caution my colleagues and remind them in terms of the S&L scandals that occurred during the 1980s, where their pension funds could be depleted.

I would urge the House leadership to also work closely with President Clinton on ongoing initiatives on Social Security. And I commend the President for his leadership on moving forward in ensuring the security of Social Security. With all the past borrowing from the Social Security Trust Fund, we need to ensure that our baby boomers and subsequent generations are assured access to Social Security.

I would ask that, as the Commission moves, that we look first, number one, to the existing senior citizens that are there now to make sure that they receive what they deserve; secondly, that as we move beyond the year 2012, and the baby boomers start reaching that area, that we assure that generation that they will have also access to Social Security. And thirdly, for the youngsters that are now beginning to pay, those that are 20, 30 years old, we need to assure with that piece of legislation that would become in terms of the recommendations that they also will have access as they move forward in the next generation.

Future generations rightfully worry that they will not be able to have fair returns on their Social Security, so it is up to us to make sure that we take those populations into consideration. We can help assure that Social Security be ensured for the next few generations.

We also need to remember and recognize the fact that Social Security is there for the disabled and the blind, and we need to remember that and be cautious with that, because that has also helped half of our senior citizens out of poverty because of Social Security.

So I want to urge my colleagues to vote for the motion to recommit this bill so we can add firm language that would reserve any surplus to also help fix Social Security.

□ 1700

Mr. BUNNING. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Speaker, I rise in support of this bill because it makes sense, and it is an idea that simply grows and expands and fertilizes a debate on saving Social Security that is already taking place in this House.

I would suggest that that is a bipartisan debate that is beginning to take place. If we look at, for instance, what JOHN KERRY, Democrat on the Senate side, has said about maybe we ought to look at ways of updating Social Security and taking that 10 percent and making sure that that 10 percent tax goes into something that actually builds wealth, versus what the gentleman from Kentucky (Mr. BUNNING) pointed out earlier which is the case for a young 40-year-old, you have to live until you are 89 to get all your Social Security benefits back, or if you are a 30-year-old you have to live until you are 91 to get all those benefits back, that is the beginning of a bipartisan debate.

Another thing that says to me this is a bipartisan debate is that PAT MOYNIHAN, a great guardian of Social Security over the years, has said why do we not look at the possibility of letting individuals redirect 2 percent of their payroll tax and put it into their own personal savings account that again begins to build wealth.

On the Republican side we look at what the gentleman from Ohio (Mr. KASICH) has said, "Why don't we look at the surplus and make sure that Washington can't spend the money by rebating that surplus back to FICA taxpayers so that they could begin their own personal savings account."

Or we have a bill that says why do we not give people below the age of 65 simply the option of redirecting a large portion of their payroll tax into their own personal savings account. Or what NICK SMITH or RICK SANTORUM or JUDD GREGG or ROD GRAMS, a whole long list of Republicans have out there.

What this bill does is put those ideas in a bag and allows people to shake those ideas around for a year and then see which ideas make sense as we go forward in this debate. I would say most of all this debate is simply a debate about the American dream, because the American dream is tied to ending a lifetime of work with something other than just memories to show for it. Yet in our system, based on what the trustees have said, is that if we do nothing to address this problem, people will be paying 10 percent of what they earn every day and every week and every month into a system that does not build wealth for them.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, I first want to thank the gentlewoman from Connecticut (Mrs. KENNELLY) for her leadership and her work as the ranking member on the Subcommittee on Social Security. She has done a great job with this and has worked very hard. We should all thank her for the time that she has spent on this.

Mr. Speaker, I am going to support this bill, not because I think that we need more commissions, because we do not, and not because there is an immediate Social Security crisis, because there is not. But I do support the concept of a dialogue on Social Security.

However, we need to remember that the current debate stands in stark contrast to the debate which led to the 1983 Social Security amendments when the trust funds could finance benefits for only a short time. If we are going to begin a national dialogue, it needs to start on a solid base of information about Social Security and its financial condition.

I have been troubled that there are various groups and some Members that have been scaring some seniors and spreading inaccurate horror stories on the solvency of the Social Security Trust Fund. I would like to state for the record there is no immediate crisis. In fact, I would like to quote a headline in today's St. Pete Times, Outlook for Social Security Brightens. Let us face it, it is because we have a strong economy and people are working and inflation is at the lowest level in decades.

We do, however, need to address the Social Security Trust Fund shortfall which is expected to occur in 2032, three years later than previously expected, and even at that the trust fund will still cover nearly 75 percent of the benefits. In the Committee on Ways and Means hearing on the measure, Senator Bob Dole agreed that we now have time to do this in a deliberative way and get it done in a bipartisan manner. I could not agree more.

I am going to support this bill because I believe it is important to try to reach out to all interested parties and bring them into the discussion. Many often forgot that Social Security also provides disability protection. The bill as previously written failed to take into account the views of the more than 4 million disabled workers and their 1.7 million dependents receiving Social Security.

That is why during the committee markup of this measure I introduced an amendment to add to the dialogue council the Consortium for Citizens with Disabilities, bringing the total number of groups to 25. I would like at this time to thank the gentleman from Texas (Mr. ARCHER) and the gentleman from New York (Mr. RANGEL) for their support of this amendment.

I would like to stress, however, that the legislation duplicates many of the efforts that are already under way. We all know that groups have already been meeting throughout the country to address the future of Social Security. I look forward to the continued dialogue.

Mr. BUNNING. Mr. Speaker, I yield 2 minutes to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. I thank the distinguished gentleman for yielding me this time.

Mr. Speaker, I too want to speak in support of this because, as was noted earlier, this is not a Republican issue, this is not a Democrat issue, this is an American issue. This is a problem that we have to deal with.

It is one in my State of South Dakota that is particularly important because we have probably as high of an over-65 population as any State in the country. It also includes my mother and father who depend very heavily upon this important program, and it is one in which I think we agree we have to look at how we can save this program and also improve it for the next generation.

Frankly, I credit the committee with launching this debate because in fact it does say something about Washington actually dealing with a long-term issue. Rather than waiting until the horse is out of the barn, which is the way that this city oftentimes addresses issues, we are looking down the road at what we can do at this particular point in time to address what is going to be a long-term challenge in this country. In doing that, I think there are a couple of parameters I hope we have as we begin this debate.

The first is that no retiree today or someone who is going to retire should have to worry about their Social Security benefits being touched. We need to come up with a system that protects for now and forever those who have paid in, those who are relying on that very important program. I think that is a principle upon which this debate should be based. But, secondly, we also have to look at how we can improve this system for young people today who are paying in so that we can dramatically increase their retirement income, and when the time comes they will be able to supplement what Social Security provides.

And so in having this debate, as we lay out those parameters, I think it is important that everybody be at the table. This bill contemplates involving in a bipartisan way all the organizations who have a stake in this issue and all the various generational groups, starting with generation X and baby boomers and current retirees. But it is a debate that we need to have.

I want to credit again the committee for taking action to begin the debate now before the crisis hits later. It is something that I very much support. I look forward to entering into this debate.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. I thank the gentlewoman from Connecticut for yielding time.

Mr. Speaker, I stand in support of the legislation before us, H.R. 3546. It is a commission. It is made up of a council. Hopefully we are going to get the brightest and the best minds to come up with some resolve to a problem which is not pending today, it is off 30-something years from now, but I think it is wise that Congress develop a fix to the problem now when we have the luxury of time, when we have the luxury of an elongated debate.

I am not from the school that thinks this is just another commission. I say to you if in fact we have another idea for another commission in the summer composed of 24 different members of a council, let us also pass that, because the problem before us is probably the weightiest that this Congress is going to address in a very, very long time.

We have been told repeatedly during the debate that we have to take the politics out of this issue. It seems to me that that admonition is being directed to the Democrats. Let me just indicate to my colleagues that there is legislation pending in the House which would give those seniors born between the year 1917 and 1926 a $5,000 lump payment. That would cost the Social Security Trust Fund, which is already in fiscal peril, some $40 billion to $50 billion. That also is playing politics.

To make the situation even worse, seniors in my district and around the country are getting a mailing today by a group called a special project of TREA, Senior Citizen League, asking the seniors to send in this registration form to get on the Wisconsin Register of Notch Victims. It also asks them to send in $15, $20 as a special gift. That is cruel. That is cruel, because we know in this body that bill will never pass. We do not have the $50 billion.

So I say let us take politics out of the debate, but that goes to both sides of the aisle, not only in this reform legislation that we are talking about but also other bills that are introduced. I am disturbed that there is talk in this body about a person who is 45 today would have to live to 85 to collect all their money. My friends, this is a pension plan and not a deferred savings plan.

Our family had the unfortunate event of losing not only my sister but my brother-in-law some 13 months ago. They had worked all their lives and paid into Social Security. Never once did their four children come to me, my nieces and nephews, saying, "That's unfair. Give us the money back." Why? Because my father had the good fortune of living to 82. He clearly collected more than he put in. A few weeks ago we went to Chicago to celebrate Auntie Marie Ducha's 90th birthday. She is getting more than her and Uncle John paid in. That is the system.

If we devise a reform plan and bring it to this floor that gives everyone their money back in total, we are going to put at peril the 40 to 50 million people currently receiving benefits because we are going to cut off that revenue stream.

We all have preconditions as we enter this debate. Mine is very simple: Do not tamper with the revenue stream now that pays those benefits for those who are currently on the system. If you want to take politics out of this debate, vote for the motion later today that would reserve this surplus, because this reform bill will have some enormous costs connected with it.

Mr. Speaker, I rise today to support H.R. 3546, the National Dialogue on Social Security Act. Social Security reform is one of the most talked-about issues around Capitol Hill tables and kitchen tables across the Nation. As with any issue of this magnitude, everyone has a different solution and method of reforming the Social Security system.

Some people want the program to remain exactly as it is, while others call for total or partial privatizing, or an increase in the retirement age, or tax incentives like Individual Retirement Accounts.

One condition for reform, however, is that we guarantee a sufficient revenue stream to make good on our promise of benefits to those who are retired or planning their retirement around the current system.

In order to achieve this, we need to have a constructive and comprehensive national discussion about the future of Social Security, which annually pays benefits to nearly 50 million retired and disabled workers and their dependents and survivors.

The bill on the floor today will foster such a dialogue. It creates an 8-member commission to develop reform recommendations and solicit feedback from the American people, partly through the Internet.

The President and both Democratic and Republic Members of Congress will then use these recommendations to design a single package of long-range reforms to strengthen the Social Security trust fund. The deadline for presenting suggestions to Congress is February 1, 1999. This gives us sufficient time to draft a comprehensive and fair plan.

The proposed commission complements bipartisan forums being held around the nation, such as the one held by the President, the American Association of Retired Persons, and the Concord Coalition in early April. That meeting also sought to solicit ideas from the American public and inform them of many reform options.

Other private sector groups, such as Americans Discuss Social Security, are also hosting town hall meetings across the country and on the Internet. Again, these meetings are facilitating a nationwide debate about the future of Social Security and providing a framework for restructuring the Social Security system.

I am pleased these forums are including the opinions and ideas of people across the country. A healthy dialogue will now ensure that Congress passes a meaningful and equitable product to ensure the solvency of this program. I look forward to hearing from my constituents as they take part in this national debate about the best ways to preserve Social Security for our children, grandchildren, and beyond.

I urge support of the bill before us so we will be armed with all suggestions and solutions as Congress goes about the task of major reform of this most important national program.

Mr. BUNNING. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. GINGRICH).

Mr. GINGRICH. Mr. Speaker, let me thank the gentleman from Kentucky for yielding me the time and also recognize the extraordinary leadership he has shown as the chairman of the subcommittee which has worked so hard to save Social Security and to make sure that Social Security will be there for our parents and that it will be there for the baby boomers and their children. I think nobody in this House has done more to really try to develop the database, to hold the hearings, to do the investigations, to lay the framework for saving Social Security than the gentleman from Kentucky.

I simply wanted to rise in strong support of this opportunity to engage the American people and to make the point that this is different than past efforts. To the best of my knowledge, this is the first commission developed with an inherent Internet base to it that will allow every American to have an opportunity to find out what all the different proposals will do for them, which proposals for the future are best for all Americans.

I think it is very important for people in Washington to realize that in the information age we need to share information and share opportunities to participate with all of our citizens. When we talk about something as important and as personal as Social Security, we have a particular need to truly be in a position to have everybody feel comfortable that they know what is being proposed, they know how to deal with it, they know how it will affect their lives and they have had a chance to have input and to offer advice.

In addition, this commission is designed so that the age breakout, with one-third baby boomers, one-third older than baby boomers and one-third younger, is designed to create a generational dialogue rather than generational warfare. It is designed to bring Americans together rather than to separate Americans, to have Americans, grandparents and grandchildren, children and parents, all talking together about how we save Social Security and how we create a better future.

Finally, this commission, I think, offers us a tremendous opportunity for every Member to participate. I have talked with the American Association of Retired Persons, for example. They are very eager on a nonpartisan basis to work with every single Member, to have meetings where everything is laid out, no preconditions, but look at all the different options that have been created, all the different possibilities, have a dialogue with the entire community.

I hope that we will be able next year, in 1999, to take major steps towards creating a 21st century information age Social Security system that is sounder, stronger and better than the current system. I want to make sure that my mother and my mother-in-law who are currently on Social Security get every penny of their cost-of-living increase, that they get the money they should get from the system that they have depended on, I want to make sure that the baby boomers have a fair chance to have an even better future with a system that will not collapse when they retire, and I want to make sure that my two daughters, who are younger than the baby boomers, have an opportunity to have an even better system and do not have to fear that they are simply throwing their money away.

□ 1715

This commission is a key step towards rebuilding faith with America's young people when we learn that, pollsters tell us, that people under 30, more of them believe in unidentified flying objects than believe that they will get Social Security.

We know that we have a problem in cynicism and a problem in people simply not believing that they have been considered. I think we have a chance by creating this commission to create a dialogue where everybody has a better future, everybody has a better opportunity to know that their savings are going to go to a system that they will have a chance to survive with, and I think that is very, very important. This is a step towards saving Social Security for the baby boomers and their children and saving it by making it more modern and even better.

And I thank my friend again for the leadership he has shown in really being a pioneer at recognizing that saving our parents for our generation and saving our children, while making sure we also survive, is a tricky, complicated business, but if we talk together as Americans, we can do it.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield 2½ minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the gentlewoman for yielding this time to me, and I commend the chairman, the gentleman from Kentucky (Mr. BUNNING) and the ranking member, the gentlewoman from Connecticut (Mrs. KENNELLY) for their wonderful work on Social Security.

I could come to the floor this afternoon with charts and graphs and statistics to underscore the critical nature of Social Security to the people of this country. But instead, in the next minute or so, let me just tell my colleagues what this program has meant for me.

My father died years before he ever received one retirement benefit under Social Security. But because my brother and I were minors at the time, we received vitally needed survivors' benefits under Social Security. Frankly, that allowed us to continue to get our college education and get on with life.

I have a very good friend who is incapacitated with mental illness and cannot work. He receives and lives entirely on his Social Security benefit.

My mother, now age 77, lives independently, would simply not be able to but for her Social Security check; and whether she lives to be 87, 97, 107, with that guarantee of the Social Security check, as long as her health holds out, she can continue to live independently.

Now I am absolutely determined to make certain that these core assurances, survivors benefits, disability benefits, a retirement benefit that is there as long as one may live, continue to be part of any Social Security program on into the future, and I have some plans in terms of how we get that accomplished.

I am forced to vote against this commission idea today, however, because it omits one critical facet, and that is the one thing this House can do today that really has bearing on taking a positive step forward in Social Security, committing that we do not touch the surplus until we have this Social Security reform idea all figured out.

Mr. Speaker, the President said it first, and he said it best. We must save Social Security first.

The Speaker, testifying to the Committee on Ways and Means, says he wants to take that surplus and put it in individual accounts this year. That would be exactly the wrong thing to do. We have to have the constructive national bipartisan debate the majority and minority have been talking about today. We must lock up this surplus until we have figured out Social Security reform.

And I will be offering a motion to recommit later that will make one change to the proposal before us but a vitally needed one. It will direct that the surplus is held absolutely until Social Security reform is completed.

Mr. BUNNING. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding this time to me.

I want to echo the words that the Speaker said a few minutes ago in congratulating the gentleman from Kentucky, others on his subcommittee and the full committee for the work that has been done in this area. There can be no more important thing for us to talk about today, tomorrow, this year or next year than preserving Social Security and making sure it works for those who get it now and those who will need it in the future.

This is not the first time we have had to deal with the troubled Social Security program, and no one is going to argue that it has been one of the, if not the most, successful social programs that we have today. It is one of the reasons that poverty among the elderly has declined as dramatically as it has.

But, like many nations around the world, all nations, we are embarking on a major, unprecedented demographic transformation which threatens the promise of Social Security in the future.

Most experts agree that a long-range deficit in the Social Security program needs to be addressed in the near future so that we can change it for the future. We really cannot delay reform.

Now the legislation that is before us today would create a national dialogue on Social Security, and I believe that is the key to having a successful reform and change of it. It is imperative that Americans must be engaged in this discussion, understand the parameters of what we are talking about and to develop a national consensus for change. We need to hear what people are saying, to really listen to them.

I like to think that the gentleman from Texas (Mr. STENHOLM) and I began this process 3 years ago when we created the House Public Pension Reform Caucus, which includes now more than 70 Members of Congress from both sides of the aisle. It began the process here in the House of educating the Members of Congress, providing a forum to discuss, to research, examine the problems that plague Social Security.

Additionally, I have recently convened a group of my own in Tucson, 30 people, called my own task force on retirement savings to encourage a dialogue with constituents. They represent their own constituents' groups. The idea is for them to go back, have a dialogue with their individuals, their members, and bring it to my own task force. Again, this is part of reaching out that I think is necessary, that we must do on a national basis.

Now this legislation also creates a bipartisan panel to design a long-range Social Security preservation plan, and I strongly agree with my colleagues that Social Security reform must be bipartisan if it is going to receive the confidence of the American people or the needed support in Congress. But I would like to mention there have been a lot of commissions and panels that have diagnosed the problems that are facing Social Security and offered countless options for ways in which we could improve it or fix it.

One commission which I am pleased that I have had the opportunity to participate in is the CSIS National Commission on Retirement Policy. Along with my colleague, the gentleman from Texas (Mr. STENHOLM) and with Senators GREGG and BREAUX, this commission has helped to bridge the gap between House and Senate, private and public sectors. Next month, this commission, after more than a year of work, will unveil its bipartisan, bicameral public service sector reform proposal.

Mr. Speaker, we have grappled with the difficult decisions necessary to advance a bipartisan Social Security reform, such as the long-term solvency of the system, national savings, equity of benefits across income, across generations and income levels, designing the individual retirement accounts to supplement Social Security, the administrative feasibility of accounts, the management and regulation of accounts and the distribution of those funds upon retirement.

I absolutely agree that this bipartisan panel that is created by this legislation needs to look at all of these different proposals that are out there, and I believe if we do that not starting from ground zero we can accomplish this next year, which I believe is the critical year for us to do so.

Mr. Speaker, I support this legislation.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, thanks to the gentlewoman from Connecticut (Mrs. KENNELLY) for yielding this time to me.

Mr. Speaker, this bill for dialogue is something I really support and agree with. As a matter of fact, I have already had a public dialogue. But this bill is worded so that the surplus could be spent to create private retirement accounts, and that is favored by the gentleman from Georgia (Speaker GINGRICH) and the Chairman of the Committee on the Budget, the gentleman from Ohio (Mr. KASICH). What they do not tell us is that they intend for these private accounts to replace Social Security benefits.

In the State of the Union speech this year, President Clinton lost a national debate with the American people about what they want Social Security to look like in the 21st century. The President pledged to enter into negotiations with Congress by early next year on Social Security reform legislation.

Now I do not believe that we should preempt the American people by spending the budget surplus on private retirement accounts before we decide how and if private accounts fit into a comprehensive Social Security reform package. There are inherent dangers in relying on the stock market on something as important as Social Security that really must be discussed and people must be clear on that.

Everyone's retirement income would depend on the ups and downs of the market. Benefits for widows and children of deceased workers would be jeopardized, people would have to buy private disability insurance if they could find one to sell it to them for a policy that would be comparable to Social Security disability benefit at a price that they could afford.

The fiscally responsible thing for Congress to do is to guarantee that all of any present and future budget surpluses be used for Social Security reform in whatever form it might take after we complete the year of dialogue. Saving this money will reduce the Federal debt as well as shore up the Social Security Trust Fund. Such action is a much more effective means of assuring future retirement security for future generations than spending the budget surplus to establish these private funds. I do not believe we ought to leave the people at the whims of the stock market.

Mr. BUNNING of Kentucky. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Kentucky, the chairman of the Subcommittee on Social Security on which I am privileged to serve.

Mr. Speaker, my dear friend from Texas offers a picture-perfect example of why we need to have a national dialogue on Social Security, because perhaps she misunderstands the intent of what many people have talked about here. Indeed, Mr. Speaker, I would welcome the gentlewoman joining with the chairman of the Subcommittee on Social Security in sponsoring H.R. 3351 if, in fact, she is afraid that somehow Social Security will be taken from today's seniors.

Let me humbly suggest, Mr. Speaker, that nothing could be further from the truth, and those who offer that argument, no matter how well modulated and how reasonably stated, are sadly succumbing to the temptation of rhetorical terrorism. Let us state clearly and unequivocally from both sections, from both aisles, that the challenge for us remains, first and foremost, to keep Social Security intact for today's seniors. But, at the same time, we should welcome a national dialogue on something this vitally important.

I listened with great interest, Mr. Speaker, to my colleague from Arizona. Because I, too, have formed a citizen's committee on retirement. I, too, invited not only current retirees but baby boomers and members of the next generation to join in a dialogue. That is the key to dealing with this problem. That is what this modest proposal suggests.

Indeed, a look back at recent history would suggest that Washington gets into trouble when Washington experts listen to each other, when they are walled off from the rest of the people, when they fail to take into account the concerns of average American citizens, most notably today's Social Security recipients.

So this legislation, which I am pleased to support, says that we will set up a dialogue not as Democrats or as Republicans but as Americans, not to succumb to the temptations of rhetorical terrorism but, instead, to offer sound, sensible solutions. Because the stakes are too high, the stakes are too high to succumb to the temptation of sloganeering for campaigns just a few months away.

□ 1730

Please support the legislation.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentlewoman from Connecticut for yielding me this time.

Mr. Speaker, if I might, let me broaden this discussion a little bit and put it into a somewhat different context.

Mr. Speaker, the United States has by far the most unfair distribution of wealth and income in the industrialized world and the greatest gap between the rich and the poor. In recent years in this country, we have seen a proliferation of millionaires and billionaires, while at the same time about half of the senior citizens in this country are trying to survive on incomes of $15,000 a year or less, and 12 percent of the seniors live in poverty.

Many senior citizens today cannot afford their prescription drugs. In my State seniors make a choice between heating their homes in the winter and buying the food they need and the prescriptions drugs they need. That is a crisis which we should be dealing with.

What is not a crisis is the fact that Social Security today will pay out every benefit owed to every eligible American for the next 33 years. Now, what other program do we have that is going to pay out all of their benefits for the next 33 years? How many businesses in America today can say, gee, if I do not do anything, things are going to continue to go okay for 33 years?

Should we begin to address the fact that as our population ages and we have fewer workers, that we are going to have a problem? Of course. Should we discuss it today? Yes, we should. But let us not fool the American people and talk about a crisis and the bankruptcy of the Social Security system which is going to have an $80 billion surplus.

Mr. BUNNING. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I rise today in strong support of H.R. 3546, the National Dialogue on Social Security Act. According to the trustees of the Social Security Trust Fund, the system is going broke. By the year 2013, the Trust Fund will be paying out more in benefits than it takes in through payroll taxes. By the year 2032, the Social Security Trust Fund will be completely bankrupt.

Saving Social Security must be our Nation's most important priority, and we must all work together to move this process forward. Social Security is much too vital a program to have just one party or one branch of a government push for reform. Saving Social Security should not be a Republican versus Democrat issue; it should not be a conservative versus liberal issue, and it should not be a Congress versus the President issue. It should be an issue where we all stand together, placing the interests of our Nation first.

Mr. Speaker, the legislation before us today puts us on that road to reform. The proposal has two parts. First, it seeks to engage the public on the future of Social Security. Earlier this month I held town hall meetings in each of the 10 counties that make up my congressional district in northern California. At these forums, literally hundreds of citizens of all ages shared with me their ideas and suggestions about how to improve the health of the Social Security system. This legislation will make sure that the voices of the American people continue to be heard throughout the reform process.

Second, this proposal establishes a bipartisan intergenerational panel to design a single package of long-range reforms. I believe that this panel represents our Nation's best hope for securing the broad bipartisan, intergenerational support we must have to tackle this monumental task.

Mr. Speaker, I urge all of my colleagues on both sides of the aisle to support this very important legislation.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, I support this bill. I think it is important we have an open and honest debate about how we assure the solvency of the Social Security Trust Fund. I think it is terribly important we work off the same set of facts as we debate that.

But our first order of business has to be to use the proposed surplus to repay the massive Federal debt, starting with that portion of the debt that is owed to the Social Security Trust Fund. Well, how do we do that? We do that by exercising discipline in our spending habits. We resist the temptation to use the surplus to pay for new Federal programs or tax cuts at the expense of the Social Security Trust Fund. If we are going to increase spending and programs or reduce taxes, find the money in the existing Federal budget, but do not use the surplus.

And how do we go about doing that? Well, the first step is we need to take up and pass a House budget resolution. We are running almost 2 months behind in doing that for no valid reason whatsoever. The budget resolution is our road map, it is our spending plan in which we limit ourselves as to where we are going to spend money, how we are going to pay for tax cuts, how we are going to pay for existing programs and new programs, and most importantly of all, how we are going to protect that surplus and use that money to begin paying back the Social Security Trust Fund.

Without passing that budget resolution, we are in serious danger of passing spending bills in the House of Representatives without appreciating how we are going to pay for them, and with potentially spending the surplus; and, perhaps worst of all, Mr. Speaker, we are in serious danger without passing this House budget resolution of passing spending bills on the floor of the House, spending the surplus without admitting to it ourselves or to the American public.

So what we do is far more important than what we say. We need to have a national dialogue, but we need to take up and pass the House budget resolution, and we need to protect the surplus in the budget resolution.

Mr. BUNNING. Mr. Speaker, I yield myself 30 seconds.

I would suggest to the gentleman from Florida that he look at H.R. 3351. It is a bill that will do just exactly what the gentleman says. It is a bill that will wall off the surplus, and until we have a settlement on Social Security, no one can touch it. It will buy the debt down until that time, and I suggest that the gentleman look at H.R. 3351, which I am the principal sponsor of.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman for yielding me this time.

Very quickly, in terms of whether it is bankrupt or not, if we just kept increasing taxes on the American workers, there would always be tax revenues coming in. But just to caution everybody on the danger of tax increases, that is how we solved the problem in the 1970s, that is how we solved the problem in 1983. In fact, we have increased the Social Security tax 36 times since 1971. More often than once a year we have put additional tax on American workers. I would just suggest that it is very dangerous if we continue to rely on tax increases to solve this problem.

Today, the American working families pay more, 75 percent of American working families pay more in the FICA tax, Social Security tax, than they do in the income tax. So I would hope, even though I suggest we keep everything on the table, let us at least consider the imposition of increased taxes.

I would plead with my colleagues not to use as an excuse the fact that if the government pays back everything that it has borrowed from the Social Security Trust Fund, that we will continue to have enough money until the year 2032.

Just look at this chart a minute. The little blue blip up here on the left is the additional money that is coming in from current taxes that is over and above paying out the existing benefits. That runs out, in the new estimate, in 2013. But look at this year, for example. And the rest of the chart in red is how much money the general fund is going to have to come up with to pay back what has been borrowed.

In the year 2032, for example, somehow the general fund is going to have to come up with $200 billion, and we either do that by cutting other spending, by increasing taxes or by more public borrowing, but again, it is not all that easy to pay back what has already been used up and is now in the Trust Fund.

Some people suggest that using the surplus is a way to start solving the problem. I agree, let us do it. I just got the actuary's report today, though. Based on using all of the projected surplus up until the year 2016, it would only solve less than 20 percent of the Social Security problem.

Some people have suggested if government would just simply stop borrowing from the Social Security Trust Fund, it would be okay. I agree again. Let us stop that. Let us at least make that borrowing marketable certificates so the trustees at any time can go around the corner to the local bank when they need additional benefits and cash that in to pay those benefits. But as we see from this chart, we are now spending the surplus, which is approximately $72 billion this year, $84 billion next year, $100 billion the year after that, and then we start going downhill with less and less of a surplus going to the Trust Fund. Let us not put off this very serious problem. Let us deal with it. The longer we put it off, the more drastic the solution.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I thank the gentlewoman from Connecticut for yielding me this time.

Mr. Speaker, saving Social Security is absolutely critical. Social Security is one of the cornerstones that has made our country great. It was 50 years ago, or more than 50 years ago, when it took great courage on the part of FDR to stand up and say that too many older Americans were living in poverty and that we needed to do something about it, just as it takes great courage on the part of this President to stand up and say, we cannot let the Social Security program become unglued at this time.

It is time to ensure that Social Security will exist for generations to come. Today I want to thank the Members on the other side of the aisle who have followed the President's lead and said that our budget surplus must be reserved for saving Social Security first. I look forward to working with leaders from both parties to develop solutions that will ensure the continued success of Social Security without putting the retirement benefits of current and future citizens at risk.

Mr. BUNNING. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Speaker, today I rise in strong support of the bipartisan Commission on Social Security. I represent the congressional district in Florida that has more seniors than any other district in the Nation, so the solvency of Social Security, like Medicare, is very important to me and my constituents.

But I am concerned about Social Security, not only for today's seniors, but also for their children and grandchildren. We have all heard that the Social Security Trust Fund will go broke by the year 2032. I know that may seem like a long way off, but when baby boomers begin retiring and become eligible for Social Security, it will be very difficult to make changes. We need time to transition to a new system and give Americans time to prepare for their retirement.

That is why we must have the courage to reform Social Security now, before we enter a crisis mode. Good public policy is not achieved in crisis.

The Commission would take this debate out of partisan politics while the American people learn the facts and constructively discuss the options for reform.

What are the facts? The first fact: America is getting older and living longer. In the 21st century we will witness big demographic changes. As the baby boomers cross into retirement and life expectancy increases, the number of Americans on Social Security will also rapidly increase. Meanwhile, the number of workers paying taxes to support the elderly will decrease. Simply put, we will have more seniors living longer and fewer workers to support them. As good as it has been, Social Security is unsustainable in its current form.

The second fact: Americans need more information. Americans, young and old, know there is a problem, but they are not sure why it exists or how to solve it. The Commission's national dialogue would help dispel the myths about Social Security and allow for complete discussion of reform options among seniors, baby boomers and young people, because any reform proposal must have trigenerational support. Social Security reform must be a win/win/win.

Why is the Commission critical? At first, I was skeptical that a commission was the right answer. I feared it would take too long and offer too many solutions. But this Commission would only offer one recommendation by February 1999.

□ 1745

In other words, the commission would take swift and decisive action. This commission would provide a solid basis for enacting broad, bipartisan changes to Social Security, changes that will ensure a secure retirement for all generations.

Mr. Speaker, I strongly urge my colleagues to support the bipartisan commission. It is the right time and a prudent measure.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, there are people who say they want a dialogue on Social Security. I suggest such a dialogue would be like a cat having a dialogue with a mouse, or maybe a crocodile having a dialogue with a frog, or perhaps a shark having a dialogue with a tuna.

Because Wall Street having a dialogue over Social Security with senior citizens is just as predatory, because they do not really want a dialogue. They already know what they want to do with Social Security, I would say to Mr. and Mrs. America. They want to take benefits from them and use those benefits to fuel growth in the stock market.

Mr. Speaker, it is really about privatization. That is what they mean when they say, "Let us have a dialogue." A dialogue with Wall Street is about how to grab Americans' retirement funds through privatization.

Mr. Speaker, there is no crisis. The current tax and benefit rates remaining constant, Social Security will pay 100 percent of the benefits of future recipients until 2032 without any change whatsoever. In today's Cleveland Plain Dealer, my hometown, it says, "Social Security's health is improving."

A problem that could develop in 35 years is not a crisis, it is a projection. The privatization dialogue would dismantle a hugely popular and successful government program and deliver a hugely profitable kitty for Wall Street investors to charge fees on.

Privatizing Social Security is a radical, extreme measure. It would guarantee that there would be retirees who would go poor because their private investments failed. For every winner in the stock market, there will be a loser. Wall Street goes up, 9,000 points, and Wall Street will come down. And then where will retirees be when they need their monthly check?

Privatizing Social Security will endanger one of its greatest accomplishments, that it has saved millions of seniors from the despair of poverty because it guarantees benefits. Mr. Speaker, I urge Members to reject this bill.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Ms. STABENOW).

Ms. STABENOW. Mr. Speaker, I rise to support a 60-year success story called Social Security. Almost half of our senior citizens were in poverty before its enactment, and now literally millions of seniors have been able to live and have a good quality of life because of that safety net called Social Security.

I also rise to ask my colleagues, in addition to voting for this resolution, to vote for what I believe is the most significant vote that will be in front of us today, and that is the motion to recommit offered by the gentleman from North Dakota (Mr. POMEROY), my good friend, who will be offering to us the opportunity to truly put Social Security first by indicating that every single penny of any surplus that we have now would be put aside and held until we solve the Social Security situation.

Mr. Speaker, we have time to do it right. We in fact know that as of yesterday, we now hear that it will be 2032 before Social Security runs out. That gives us time to do small steps in order to solve the problems in a big way, and I would urge us to do it quickly, to preserve and protect Social Security.

Mr. Speaker, I would also urge my colleagues then to do the additional things that we need to do to make sure that our citizens have retirement security, expanding savings opportunities. First we have Social Security. We need to protect it and preserve it. Secondly, we need to expand those kinds of things that we did in the Taxpayer Relief bill last year where we expanded IRA options and make sure we have other options to encourage savings.

Third, I would urge my colleagues to focus on pensions for small businesses. I have a bill, as do others of my colleagues have important legislation, that would give future opportunities for the 42 million people who work for small businesses, work hard every day, or who own their own small business and need a pension. All three of those things together will help us to guarantee every American retirement security for the future.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I have no particular problem with the creation of a another commission to study the needs of the Social Security program, so long as it is balanced and without agendas other than the true need to preserve the safety net for America's workers.

But equally important is that we begin this debate with a clear understanding of what Social Security is and why it was created before we begin proposing radical solutions. And also we must be careful not to confuse the issues while trying to solve the problem.

First and foremost, we must remember that Social Security is a safety net below which no American will fall. It is a retirement security program, it is a disability insurance program, and it is a survivor insurance program. It is not a 401(k) or an individual retirement account. Any reform must not destroy the safety net or it will destroy the essence of the program.

Second, we must not confuse solvency with return on investment. The foremost issue is the preservation of the existing Social Security system through and beyond the baby boom retirement period. Since it is a pay-as-you-go social insurance program, as the ratio of workers to retirees contracts, annual benefit costs will exceed revenues and eventually reserves. To maintain the current benefit structure is a solvency question addressed more by structural issues than return on investment.

Third, most so-called privatization proposals do not address either the safety net or solvency, but rather return on investment. This is not a panacea and we should be cautious. Replacing the existing Social Security system with private retirement accounts may well increase the return on investment over the current system for some, but it could also eliminate the safety net without a huge government subsidy costing trillions of dollars. And even in the era of the bull market and the 9,000-point Dow, we must remember that with yield comes risk. Seven times in the 1970s and the 1980s the real value of the S&P 500 was 40 percent below what it has been in the previous 10 years. If investors missed the market, it could cost them.

Fourth, the bill we should be debating is the budget resolution and what to do with the surplus. Included in the $5.4 trillion debt is $600 billion of Treasury bonds owned by the Social Security Trust Fund. We should give some serious thought to begin paying down the debt, growing national income, and making Social Security solvent for the baby boom generation.

Mr. BUNNING. Mr. Speaker, could I inquire of the Chair how much time is remaining on either side?

The SPEAKER pro tempore (Mr. SNOWBARGER). The gentleman from Kentucky (Mr. BUNNING) has 11½ minutes remaining, and the gentlewoman from Connecticut (Mrs. KENNELLY) has 14 minutes remaining.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I have a great deal of respect for the work of the gentleman from Texas (Chairman ARCHER) and the Committee on Ways and Means on this legislation. However, I respectfully disagree with the assessment that the solution to Social Security reform is establishment of another commission.

Mr. Speaker, there have been numerous commissions, panels, et cetera, that have diagnosed the problems facing Social Security. They have offered countless options to address these problems. We do not have a shortage of proposals for reforming the Social Security system.

Next month the gentleman from Arizona (Mr. KOLBE) and I will join Senators JUDD GREGG and JOHN BREAUX in introducing legislation incorporating the recommendations of the National Commission on Retirement Policy organized by the Center for Strategic and International Studies. This proposal will address the issue of retirement savings in general, in addition to the future of Social Security.

It reflects several months of work of a bipartisan commission composed of a diverse group of experts as well as Members of Congress. I doubt that an external commission will know what is politically viable. Only Members of Congress, the people's elected representatives, are qualified to decide what are forms the American public is willing to support in a program as important as Social Security.

Members of Congress are elected to provide leadership on issues facing our Nation. Our constituents expect and deserve to have their elected representatives make the tough choices necessary to ensure that the Social Security program is strengthened and preserved.

Expert commissions are useful in bringing new ideas into the debate and helping Congress understand the issues. We are past that point on this issue. There are more than enough expert reports that identify the problems and offer ideas for solutions. Now is the time for elected officials to begin doing our job of taking these proposals and putting together a politically viable proposal that the public will support.

Earlier this year, the gentleman from Arizona (Mr. KOLBE) and I introduced legislation establishing a special bipartisan bicameral committee of Congress so that those of us elected to make tough decisions would be able to work through the regular legislative process to take all the proposals that have been developed and put together bipartisan Social Security reform legislation that can be voted into law. We submitted an amendment to the Committee on Rules yesterday that attempted to incorporate some of the ideas from our super committee proposal into the commission, but were not able to offer that amendment today.

There is no question that legislation of this magnitude cannot receive the confidence of the American public or Congress unless it is bipartisan from the beginning. The failure of health care reform in 1994 made this crystal clear.

I am pleased that the President has learned this lesson by allowing a bipartisan discussion to go forward on Social Security instead of unilaterally offering a proposal of his own. While I agree very strongly that we must maintain bipartisanship in the Social Security debate, I do not believe that a commission is necessary. The President is demonstrating the presidential leadership that will be essential to maintaining bipartisanship. Speaker GINGRICH, Majority Leader LOTT and other Republican leaders have all expressed a commitment to Social Security reform. And I am committed to doing my part to speak out against those who attempt to politicize this debate from left or right.

Also, I want to speak briefly in support of the motion to recommit stating that the entire budget surplus be reserved until we enact Social Security reform. Reserving the budget surplus for Social Security is not a substitute for structural reforms of Social Security but it will give us a running start towards structural Social Security reform. Reserving the surplus for Social Security reform will make it easier to enact policies which provide a strong Social Security system for future retirees.

Proposals to use the surplus for any other reasons, including the proposals to create individual savings accounts to supplement Social Security reform now, will make our task much more difficult, that task of comprehensive Social Security reform. While I strongly support the concept of individual savings accounts within the context of comprehensive legislation, we should not enact individual accounts on a piecemeal basis without knowing how they will fit within a comprehensive reform.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN. Mr. Speaker, I thank the gentlewoman from Connecticut (Mrs. KENNELLY) for yielding me this time. Mr. Speaker, we have a "threefer" here from Texas.

Social Security represents one of the most successful programs ever enacted by our U.S. Government. It along with Medicare are the crown jewels, as we call them, of Democratic legislative accomplishments from Franklin Roosevelt to Lyndon JOHNSON.

Today I will vote to establish a national dialogue on Social Security. It is important that we start this process immediately, so that we have ample time to consider a variety of proposals and have time to develop the best way to save Social Security for the future generations. As Members of Congress, this is one of our greatest responsibilities.

Congress created this program to raise the income level of senior citizens above the poverty line. It has been so successful in the 63 years, and I hope that my Republican colleagues have learned how important Social Security and Medicare is to all Americans. We do not need to gamble with Social Security funds and invest them in fly-by-night schemes. We need to make sure they are there not just for the generation that is enjoying the benefits now, but for the next generation and the next generation, to make sure we do not slip back into poverty for our senior citizens.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. KLINK).

□ 1800

Mr. KLINK. Mr. Speaker, this is a great debate for us to have. Many people may not realize it, but my home State of Pennsylvania has one of the highest populations of rural elderly, and I cannot tell my colleagues how important Social Security is to them and to their families.

For many people of my district, the Social Security system is the only protection that they and their families have from being totally impoverished. Without Social Security, half of our most vulnerable seniors and disabled citizens would be living in poverty.

We are all concerned about Social Security. Created by a Democratic President, Social Security has kept millions of American seniors out of poverty. It is a sacred covenant between the American people and their government which the Democrats are dedicated to preserving.

A national dialogue on the future of Social Security is a good idea. Bipartisan panels on Social Security are a good idea. A White House conference is a good idea. All of these things are good.

But my main concern is we sit here in Washington, make ourselves look good by really setting up a panel and opportunity to talk about Social Security, but then, Mr. Speaker, none of this is going to amount to anything more than a lot of hot air unless we all commit ourselves right here and now to make sure that the budget surplus does not get spent on tax cuts or government programs, but is held in reserve until we have ensured the future of the solvency of Social Security.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in support of the National Dialogue on Social Security Act. Social Security is one of our greatest success stories. For over 60 years, since its creation by President Franklin Roosevelt, it has been an independent provider of financial security to hard-working men and women in their retirement years.

When we consider its success, prior to Social Security's enactment, retirement meant insecurity and poverty for too many of our senior citizens. Today the program has become a safety net for millions of seniors and their families. It is estimated that without Social Security, over half of the elderly would be living in poverty.

We are all aware of the demographic shifts that threaten the solvency of the Social Security system in the next 30 years. It is our responsibility as Members of Congress to unite Americans in the effort to reform and preserve Social Security. It must be there, not just for our generation, but for our children and our grandchildren, too.

I caution my colleagues, however, any change must be thoughtfully debated and carefully considered. Any reform must strengthen Social Security's future while maintaining the underlying philosophy which is the foundation of its success, a guarantee of financial stability for the elderly.

Contrary to what some of my Republican colleagues believe, we cannot play fast and loose with Social Security. It must not become just another investment vehicle subject to the uncertainty and the fickleness of the market. That is not a guarantee. It also should not be sacrificed for tax cuts or experiments with personal retirement accounts. Social Security must come first. The guarantee of a secure retirement must come first.

I support recommitting this bill for amendment to save the budget surplus until Congress takes real action on Social Security. The time for reform is now, but it must be real reform. We must guarantee that American men and women who work hard, pay their taxes, and play by the rules will not have to struggle in their golden years. I look forward to the coming discussion of how we, in fact, preserve Social Security, support real reform, support future generations, support the dialogue.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 3546, the National Dialogue on Social Security Act, and urge my colleagues to support this worthy piece of legislation.

The intent of this legislation is to initiate a national dialogue on the future of the Social Security Program. Such a dialogue is a necessary component of any future reforms that are needed to ensure the long-term stability of the system.

While Social Security has been an unparalleled success over the past sixty years, its future is being driven by negative demographic trends. The baby boomer generation is nearing retirement and subsequent generations are not large enough to subsidize the boomers' projected demands on the Social Security system.

Current estimates disclose that the Social Security system will start paying out more benefits than it receives in contributions around the year 2013. This incoming/outgoing ration will gradually worsen until the program reaches insolvency in 2032.

The problems facing Social Security are not immediate. However, the longer we wait to make reforms, the more painful those reforms will be.

The President has already initiated a dialogue on Social Security reform. I am pleased that this bill will allow Congress to join this discussion. It is important to address this subject while our window of opportunity remains open. Furthermore, Congress needs to do this in a manner that is above politics. The subject of Social Security reform is far too important to be influenced by partisan politics. This bill provides for this through the creation of a bipartisan panel to examine all of the various proposals that have been advanced over the past year.

Mr. Speaker, Social Security has played a vital role in our Nation's success and prosperity this century. Accordingly, I urge my colleagues to support this worthy legislation to ensure that it continues to do so long into the future.

Mrs. LOWEY. Mr. Speaker, I am pleased that the nation is now engaging in a dialogue about the future of Social Security, our most important government program. President Clinton deserves credit for fueling this discussion. Without a doubt, we must take steps to preserve Social Security for today's seniors—and tomorrow's. But as part of this effort, we must also address the current inequities facing women of retirement age across America.

Let me share a few facts. Women live seven years longer than men on average—so they have an increased need for economic security in their later years. Women move in and out of the workforce more than men to raise children and care for elderly relatives so their earnings can change dramatically from year to year. And, women are still paid less than men—about 70 cents less on the dollar and three quarters of women earn less than $25,000 per year.

As a result, women have far less retirement income than men. Less than a third of all female retirees have pensions. And of those women with pensions, the average benefit is 40 percent less than men's. Equally troubling, women's average monthly Social Security checks are 25 percent smaller than men's.

Given these disturbing figures, is it any surprise that fully one-quarter of women over 65 live in poverty, that women make up three quarters of the elderly poor?

The good news is that there are ways to make Social Security fairer to women. I am working on a package of Social Security measures to improve the system for women. For example, one bill would improve Social Security benefits for those who take time out of the workforce to provide child care or elder care.

Unfortunately, it does not appear that these issues are getting the attention they deserve. As economist Kathleen Feldstein recently noted in the New York Times, some reform proposals currently on the table would perpetuate or even exacerbate the problems facing women in retirement.

Mr. Speaker, I am not passing judgment on any reform plan today. I would simply urge that as my colleagues, the Administration, and the citizens of this nation work together to preserve Social Security, we pay close attention to the unique circumstances which affect women's retirement. We must use this crucial debate to improve the economic security of older women and future generations.

Ms. KILPATRICK. Mr. Speaker, I rise today to reluctantly speak out against H.R. 3546, the National Dialogue on Social Security Act of 1998. This bill will do injustice and harm to the effort to resolve the problems facing the Social Security system. The odd adage "if it aint broke, don't fix it" applies to this bill. Our bipartisan task force is working hard toward resolving the problems of the historic "third rail" of American politics. We do not need another task force to undermine the hard work and difficult decisions that need to be made.

As a member of the Social Security task force, I must commend the collegial bipartisan manner in which the task force has conducted its business and I take this moment to recognize Congressmen ROY BLUNT, R-Mo. and BILL DELAHUNT, D-Ma. for their leadership.

I am, however, mystified at Republican efforts to implement this legislation. In my opinion, H.R. 3546 duplicates the current bipartisan process instituted to resolve the problems facing Social Security. This is a tremendous waste of taxpayer dollars and the energy and effort of members of Congress.

Social Security, created by a Democratic President, and used by Democrats, Republicans, and Independents has kept millions of seniors out of poverty. For a majority of minorities who are elderly, Social Security is their major source of income. While I applaud my colleagues efforts to begin another discussion to save Social Security, the fact that the members of the "Dialogue Council" and "Panel" will be chosen by the majority leadership is surprising. Such a nonpartisan issue should not be drawn into the maelstrom of politics.

I find it more than a coincidence that this bill sounds a lot like the current national discussion about the future of Social Security which the President began in Kansas City. The mandates of this legislation directly compete with the process currently underway. I maintain that this legislation, put forth by the republican leadership, is simply an effort to confuse an issue vital to the well being of the nation. Unfortunately, this legislation reeks of an election year attempt by the Republicans to appear concerned about an issue that the people have mandated important.

I am further concerned that because the bill appoints a Council and Panel so clearly skewed to favor the majority, it will not foster the bipartisan debate needed and desired by most in the House. This bill will allow the Republican leadership in the House and Senate to stack the Dialogue Council and Panel with members who clearly support the privatization of the Social Security system.

As a member of the Social Security Task Force, I am objectively analyzing the pros and cons of privatizing social security. Any conclusion on this issue must be made after Congress and the nation has had the opportunity to examine all options as to what is clearly demonstrated to be in the best interest of the American people. The actions we take today on Social Security will affect our parents and the lives of our children. The actions we take today will affect the course of America in the coming decades. It is my charge, as a member of the Task Force, to make the tough decisions and recommendations to preserve this vital program. I only hope the American people see this bill for what it is, and recognize that this is an election year attempt to appear to address this critical issue.

Ms. McCARTHY of Missouri. Mr. Speaker, I rise in support of a national dialogue on Social Security. I was honored that the Concord Coalition and the American Association of Retired Persons chose to host the first town hall meeting on Social Security reform in my district, the Fifth Congressional District of Missouri. The President's participation in this bipartisan forum and numerous others around the nation, ensures that a thoughtful and inclusive national dialogue will enable all Americans to express their views as to the future of Social Security well into the 21st century.

The President is encouraging Congress to reserve the anticipated budget surplus for bolstering Social Security and reducing the national debt. Congress must take steps to implement the President's call for action. I urge my colleagues to resist any delays in action which would result in the anticipated surplus being dedicated to other programs. We must preserve the integrity of Social Security to afford all citizens of this country that this successful safety net will be there for them when they retire, as it has been since President Roosevelt initiated it in 1935.

Mr. COYNE. Mr. Speaker, President Clinton recently initiated a national dialogue on the future of Social Security, which will enable Americans of all ages to participate in any decisions that are made about Social Security's future. By introducing H.R. 3546, the National Dialogue on Social Security Act of 1998, the Republican leadership has shown that they, too, believe it is critical to have a thoughtful discussion about Social Security before taking action.

Fortunately, we have time to have that discussion. Yesterday, Social Security's trustees reported that the trust fund will be fully solvent until 2032 under current policies. This does not mean we should ignore Social Security's long-term problems. But it does mean we can take time for a thorough and thoughtful discussion of all the issues involved.

We do not yet know what the short-term cost of fixing Social Security will be. That is why it is critical that we save all of the budget surplus until we know what the Social Security program needs and how much it will cost.

Some people would like to spend the surplus now. Their suggestions range from tax cuts to new government programs to small individual retirement accounts. But it would be fiscally irresponsible to spend the surplus. By saving it, we guarantee that the money will be there if we need it for Social Security and we reduce the public debt, fueling economic expansion and a higher standard of living for future workers and retirees.

Social Security is one of the most successful programs ever—without it, over half of the elderly would be extremely poor. Thirty-eight million elderly people depend on Social Security to pay for the most basic necessities of life. We owe it to them and to the next generation of retirees to save all of the surplus for Social Security while we have a careful and thoughtful discussion about how to protect the program over the long term.

I strongly support the amendment to H.R. 3546 which Representatives RANGEL and KENNELLY offered in the Ways and Means Committee. It would have guaranteed that the surplus was saved for Social Security. By contrast, the much weaker amendment that was adopted would allow the surplus to be spent before we have discussed all the options for Social Security. I would urge my colleagues to support the motion to recommit, which would amend the bill to prevent the surplus from being spent for any purpose until we decide how to solve Social Security's long-term problems.

Mr. HULSHOF. Mr. Speaker, we face—all of us—a daunting challenge. To solve it, we must begin our work now and put partisan differences aside.

As we proceed, we must do two things: First and foremost, we must honor our commitment to today's seniors and those who will retire soon. The green checks the Social Security Administration mails each month to one in six Americans are the backbone of retirement income for the nation. Secondly, we must also protect younger Americans so that Social Security works for them as well.

Today is a good time to reaffirm that Social Security was originally intended to supplement retirement. It is just one leg of what is referred to as a 3-legged stool with the other two legs being private pensions and personal savings. On the latter point, Congress continues to look for ways to encourage personal savings so that thriftiness is rewarded not punished.

This discussion today is about the extent to which future retirement should be a public responsibility and how much it would be a private one. If we delay reform, we shorten the time needed by the American people to accumulate savings and adjust their plans for retirement. Long-term changes must be made while the "baby boomer" generation is still in the work force and has time to make adjustments.

While the solvency of Social Security is a slow-motion crisis, to America's workers in their 20's and 30's, there is an immediate crisis—a crisis of confidence. Instead of taking advantage of the tried and true power of compound interest, taxpayers are faced to put retirement savings in a Washington program that earns much less than a traditional savings account.

We are standing on the threshold of a great new opportunity: the first federal surplus in a generation. Ladies and Gentlemen, the American people have never retreated from a crisis and we must not do so on this issue.

Former President Gerald Ford, in a speech a year ago, pointed out that the Founders of our country designed a government in which it is easier to do nothing than to do a great deal all at once. But they also counted on the will and wisdom of Americans to conceive and implement reforms where necessary. Our conscience demands what our children deserve. God willing we will disappoint neither.

Mr. CRANE. Mr. Speaker, I rise today in support of H.R. 3546, the National Dialogue on Social Security Act. This legislation could not be more timely with the announcement yesterday that in the year 2032, the Social Security Fund will be exhausted. We must take action to address the long-term needs of the Social Security system and it must be done so that Americans are confident they will have a reliable source of income during their retirement years.

The intent of this bill is to create a bipartisan, eight-member panel which will report its recommendations on long-term changes to Congress by February 1, 1999. The other important component of H.R. 3546 is to initiate and coordinate a truly inclusive national dialogue which will also issue a report. The national dialogue will allow representatives of all Americans, from the children of the Great Depression to the children of the third millenium, to participate in a process affecting their future. It is my strong belief that proposals to incorporate the private sector and promoting options can be developed that will, at the same time, ensure that the current beneficiaries continue to receive the benefits they have been promised. In any event, I look forward to receiving the panel's recommendations at the appropriate time.

Mr. PORTER. Mr. Speaker, I rise in support of this legislation to create an expert panel to study Social Security reform. I agree that we need to accelerate a national dialogue about how the Social Security system should prepare for the challenges it will face when the baby boom generation begins to retire, and that a bipartisan panel to design long-range Social Security reform would serve a necessary role in evaluating potential reforms.

The time is now for Social Security reform. We are on the verge of balancing the federal budget for the first time since 1969 and I believe that it would be a clear abdication of our responsibilities if we do not seize this historic moment to implement a lasting reform of Social Security.

The best way to save Social Security is to take politics out of the equation.

As you know, I have been working on Social Security reform since the 1980's. In this Congress, I have introduced H.R. 2929, the most recent version of my Individual Social Security Retirement Account (ISSRA) Act legislation.

This bill, developed with noted economist Peter Ferrara, would create a new retirement option for all Americans and fully address the impending shortcomings of our Social Security system. Rather than using my time here today to advocate any specific legislation, I would like to illustrate my beliefs about how our existing Social Security system should be reformed, and highlight some issues that the proposed expert panel will have to address.

My legislation adheres to three fundamental principles that must be present in any reform to our existing Social Security system. First, existing benefits must be guaranteed without reductions for all current retirees. Second, workers must have the option of staying in existing Social Security, or choose to start an individual account. Finally, we simply cannot levy new taxes to further extend the Ponzi scheme that is our current Social Security system. In contrast, we must consider an eventual tax cut for individual account participants.

The individual accounts created by my ISSTA legislation are not only fiscally sound, but also necessary to any reform that will ensure the survival of our national retirement system. For example, under my plan the Social Security taxes (currently 6.2% of wages paid by both worker and employer, or a total of 12.4%) of those workers who choose to create an ISSRA would be redistributed. Workers and employers would each contribute 5% of wages to an ISSRA (10% total), and workers could make additional contributions of up to 20% of gross income. The remaining 2.4% of the payroll tax would continue to help fund the ongoing obligations of Social Security but could be eliminated 10 years into the transitional period, thus providing a 20% tax cut. Current workers who opt out of traditional Social Security would also receive "recognition bonds" from the government that would pay a portion of their retirement benefit based on the proportion of taxes they had already paid into the current system.

These individually owned and managed accounts should be governed by the same rules currently utilized for IRA accounts, with the exception of the right to withdrawal. All workers choosing to form an individual account could choose from among approved private investment managers. This safeguard would make the system easy to use, and protect unsophisticated investors from potential fraud and abuse.

Like the current system, employee contributions to ISSRA accounts would not be tax deductible, while employer contributions would remain deductible. Investment returns over the years would be tax free until withdrawal, in a manner identical to today's IRAs. During retirement, only half of the benefits would be included in taxable income.

Benefits at retirement would be based on what the individual's ISSRA account could support. The worker could choose to purchase an annuity or make periodic withdrawals in such a manner that the account would not become exhausted within the beneficiary's lifetime. Retirement age for individuals choosing to utilize an ISSRA would be variable after age 59 and one-half, based on funds available in their account.

As a safeguard, a minimum benefit would be guaranteed for all individuals assuring that no worker would fall below the minimum necessary for a dignified retirement. This benefit would supplement an individual's shortfall in private benefits and would be financed from general revenues and the eventual surplus in the Social Security Trust Fund.

Under my ISSRA plan, and similar reform plans utilizing individual accounts, benefits for retirees would grow enormously. Of particular importance to me is the plight of the working poor, who would receive increased benefits under my plan as opposed to their level of benefits under Social Security. Indeed, the working poor would experience the largest gains in retirement benefits under my plan. For example, an individual working for a minimum wage would receive more than three times the benefits promised by our current system. In addition, these financially vulnerable individuals would also have substantial funds to leave their heirs thereby breaking the cycle of poverty.

Up until now, the costs associated with the implementation of a Social Security reform like my ISSRA plan were thought to be too severe to be addressed through reasonable measures. However, projections of the fiscal impact of this plan have demonstrated that the transition costs can be financed without new taxes or any benefit cuts for current retirees. According to a recently published analysis by Peter Ferrara, transition deficits under my ISSRA plan would disappear within only 14 years.

Indeed, in any reform plan using individual accounts, transition costs can be accommodated through a number of reform measures designed to strengthen the Social Security Trust Fund. The first would be the displacement of Social Security benefits as workers choose the private system. Although starting slowly, these savings will grow substantially over time. Immediate savings would be realized by transferring responsibility for the disability and pre-retirement benefits of all individuals who opt out to private disability and life insurance carriers. Rather than using Social Security funds, these benefits would be accommodated by the private marketplace through Treasury Department approved ISSRA fund managers.

Further savings would result from the waiver of past tax payments. Recognition bonds will be waived for individuals under the age of 30 who choose to utilize the new ISSRAs, and the Social Security Trust Fund will not be expended for their retirement benefits.

Several sources of revenue would also be available to finance the transition. The continuing payroll tax of 2.4% for workers opting out of traditional Social Security would be credited to the Trust Fund for a period of ten years. This revenue, when combined with revenues resulting from the sale of a new issue of "Social Security Trust Fund Bonds" would finance the majority of transition costs.

The net effect of these measures would be a Social Security Trust Fund with net revenues in 14 and a large positive balance after 22 years. Eventually these surpluses would grow large enough to cover losses in revenue from a 20% payroll tax cut and reduce the national debt.

Not directly accounted for in my plan, but substantially aiding the federal government in meeting transition costs would be the generation of substantial new revenues as a result of new savings and investment in a reformed Social Security system. The net increased savings resulting from the implementation of my ISSRA plan or another plan utilizing individual accounts would also lead to significant economic growth, and increases in productivity, wages and jobs.

Clearly, support is growing among the American people for Social Security reform. A recent CATO Institute poll indicated that 69 percent of respondents favor reforms that would allow them to invest privately the amount they pay into Social Security; 74 percent support a plan that gives people a choice of staying in traditional Social Security or moving to a new system; and 77 percent want a system that allows individuals to control investment of their retirement funds. My ISSRA plan includes all of these desirable features, as should any serious Social Security reform proposal. Clearly reform involving optional individual accounts is a comprehensive way to protect the benefits of current retirees, preserve the integrity of the system for future generations, and help sustain the long-term health of our economy.

Our efforts must result in a return to integrity and solvency in a reformed Social Security system that gives every American worker control over his or her retirement destiny.

In closing, I commend Chairman ARCHER for his efforts in moving forward with a national debate about the future of Social Security, and I fully support this critical legislation.

As America ages, we must work together to create new solutions that go beyond Washington's typical quick fixes—and without raising taxes.

Mr. GEPHARDT. Mr. Speaker, I support this bipartisan effort to further a national dialogue on Social Security.

Social Security is the towering achievement of our democracy in the twentieth century. It has bestowed on millions of Americans a measure of financial security and freedom from fear of spending their retirement in impoverishment.

It has taken us decades to build a program that has worked so well to keep retirees out of poverty.

That has been so successful in supplying survival income for widows and their children when their loved one dies unexpectedly. And that has given so many disabled people income when they were unable to work.

It would be a national disgrace if we damage a program that has done so much good for so many people. We shouldn't take any steps that would drastically change the nature of Social Security. And we should make no changes without engaging in an intense dialogue with the American people who overwhelmingly support and fund it.

We are hearing a lot about Social Security from people who want to divert the stream of Social Security payments from the trust fund into equity markets. Who want to change the whole nature of the Social Security system, from one where there is a sacred bond between Americans and their government, to one where there this bond is eliminated.

Many advocates of radical reform want to change Social Security from a safe and secure source of income into a bet on the performance of the stock market.

They want to transform the system from one where Social Security payments are guaranteed, to one where the level of payments will fluctuate based on the volatility of the market.

In their rush to revolutionize, they have forgotten one thing. For most beneficiaries, their Social Security check is not money to put aside, or a source of extra income. For many Americans, their Social Security check is all that stands between them and poverty—it is their only source of income.

To accomplish the drastic changes which they ultimately want, proponents of radical reform are trying to create a panic among all Americans who have a stake in Social Security. From their comments over the last several months, you would be convinced that the entire system was in risk of imminent collapse. That the best bet would be for Americans to take their money and head for the hills, or at least for Wall Street.

This is irresponsible and just plain wrong. As yesterday's trustee's report made clear, there is absolutely no risk of imminent or long-term collapse of the system.

We should be open to all reforms that work to protect the health of Social Security into the second half of the next century, but the basic structure of Social Security must endure.The system must continue to serve retirees, survivors, and people with disabilities. Benefit levels must remain adequate to allow beneficiaries to live a life of dignity. And the payments must be guaranteed to all participants in the system.

The President has told the American people that all budget surpluses should be dedicated to the Social Security trust fund until long-term reform is accomplished.

If we are serious about protecting Social Security for the next century, for all present and future beneficiaries, it is critical that we earmark these funds. This is the best use of this unexpected bonus, not for short-term election-year fixes.

I urge my colleagues to support the motion to recommit that will reiterate the intention of the Congress to dedicate budget surpluses to Social Security. This is the best way to begin our dialogue with the American people—kicking off the process with a real sign of our commitment to the system.

I know when I go door to door in St. Louis, there is no groundswell or razing the system or privatizing the process. Seniors and younger workers are all concerned about the ability of the system to pay out in the future. But no one I have talked to wants to dispose of the system which so many have relied on for so long.

I agree with Bob Dole's recent remarks—that "this is an issue which is easy to demagogue, but where we have an obligation to tread carefully." We need to move forward without destroying the system which has taken so long to achieve.

Mr. STARK. Mr. Speaker, most Americans living today were born well after the Great Depression. They are not marked by the fear of economic loss because—as a society—they have not experienced it.

It may well be that those who have not lived through the Depression do not appreciate the need for a social safety net. Today's adults almost assume that a good economy will last forever.

In such a climate, more people may be less appreciative of safety nets, like Social Security, and more convinced that self-reliance will suffice.

But economic self-reliance is only workable for those who are reasonably well off and who understand the value of savings. Nobel prize winning economist Modigliani, my economics professor at Massachusetts Institute of Technology, taught me this lesson: people save only when they have money to save and perceive the need to save. With our national savings rate at an all time low of 3.8% of disposable income. I cannot help but conclude that Americans today do not perceive the need to save for the future.

Self-reliance also assumes a certain level of sophistication to ensure that invested savings will grow. That requires knowledge about how to balance investment opportunities and risks. Americans have a ways to go in this regard as well.

Social Security was never intended to meet all the requirement needs of Americans. The three-legged stool of secure retirement also requires worker pensions and private savings.

We have a voluntary, employment-based pension system. Sadly, only about half of all Americans have an employer-based pension; small businesses tend not to cover workers at all.

The erosion of pension security in the United States has been dramatic. Thirty years ago, most large employers structured pensions to look like our Social Security system with an employer and employee contribution and a guaranteed benefit payment related to the workers wages.

More and more today, Americans have voluntary savings plans with a percentage of salary saved with each paycheck. These savings plans allow us to see how much workers are saving in voluntary, tax-subsidized plans, how sophisticated they are about their retirement investments, and whether workers actually use their retirement savings for other purposes.

Early results are troubling. Workers often withdraw their persion funds when they leave a job and do not redeposit their pension into another savings plan. And some withdraw their pension funds even though they do not change their place of work.

1996 data on pension withdrawals show 60% of the distributions (in terms of the number of withdrawals, not dollars) from pension plans were not redeposited into another retirement savings plan. 79% of all the dollars distributed from pensions were redeposited in a pension savings plan.

Overall, affluent people with large pensions tended to redeposit their pension funds; lower-income people with smaller pensions often withdrew pension funds for consumption.

Put another way, 95% of the distributions over $100,000 were redeposited into a new pension savings plan.

Only 20% of the distributions under $2,500 were redeposited into a new pension savings plan.

In addition to size of the pension, age and sex are factors in whether pensions will be reserved for retirement needs: young workers and women tend to withdraw all their pension funds more often than other workers.

A recent General Accounting Office (GAO) report studies the implications for women in particular, should the United States move toward a privatized retirement system. The report points out that women's Social Security benefits are lower than men's benefits, due to their lower earning levels.

Proponents of privatization argue that individuals might take on more risk in the management of individual accounts to achieve a higher rate of return. But privatization could exacerbate the gender differences now found in retirement income for men and women.

Men's pensions funds, on average, are twice the size of women's pension funds.

Women make more conservative investments than men when they direct their retirement savings investments themselves, according to GAO and other economic studies.

The GAO found that women ages 51 to 61 had a lower percentage of their total assets in stocks, mutual funds, and investment trusts than men did. These assets are riskier, but have higher yields than others, such as certificates of deposits, savings accounts, or government bonds. With very conservative investments, the investment return may not be adequate to see many women through their retirement years.

Before we enter down the path of privatization, we should be mindful the current savings rates and practices of Americans. We should not assume that voluntary private savings will ever replace the benefits of Social Security.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield back the remainder of our time.

Mr. BUNNING. Mr. Speaker, I yield back the balance of my time and call for the previous question.

The SPEAKER pro tempore. Pursuant to House Resolution 410, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. POMEROY

Mr. POMEROY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. SNOWBARGER). Is the gentleman opposed to the bill?

Mr. POMEROY. Mr. Speaker, I do oppose the bill in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. POMEROY moves to recommit the bill H.R. 3546 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

Add at the end the following:

TITLE III—SAVE SOCIAL SECURITY FIRST

SEC. 301. SAVING THE UNIFIED BUDGET SURPLUS UNTIL COMPREHENSIVE ACTION HAS BEEN UNDERTAKEN TO SAVE SOCIAL SECURITY.

The unified budget surplus should be reserved until—

(1) the Congress has undertaken comprehensive action to save social security for current and future generations, and

(2) the Bipartisan Panel to Design Long-Range Social Security Reform has reported its recommendations.

SEC. 302. EFFECTIVE DATE.

The provisions of this title shall be effective through March 31, 1999.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Dakota (Mr. POMEROY) is recognized for 5 minutes in support of his motion.

Mr. POMEROY. Mr. Speaker, I yield to the gentlewoman from Connecticut (Mrs. KENNELLY), who has been such a strong and constant leader on Social Security.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I support this motion to recommit because it says in no uncertain terms we intend to save Social Security first. By that I mean we intend to save the budget surplus for protecting Social Security's long-term solvency.

The bill before us has a statement that begins in that direction but leaves some room for doubt. This motion makes clear that we should act to maintain Social Security solvency before we establish any new programs, including private retirement accounts.

I should not have to remind my colleagues that two-thirds of retired Americans count on Social Security for more than one-half their income. This is a system that has worked. It will continue to work if we dedicate ourselves to that purpose. Again, let us keep the old promises before we make any new ones.

Mr. POMEROY. Mr. Speaker, this commission by its very design is about analysis and discussion now, leading to legislative action later, hopefully in 1999. Now, the motion to recommit will put present meaning to a bill that is otherwise merely about future action. Let us agree, and let us agree across this partisan aisle that today we make the commitment jointly that the surplus will be preserved for Social Security.

What a wonderful opportunity this surplus presents to us to show the country how seriously we hold Social Security and our resolve to do something meaningful for the long-term security of this vital program. Protect the surplus. Dedicate the surplus. Hold the surplus for Social Security.

Let us face it, the great majority of us in this body have never seen a surplus. The first one we have had since 1969 and, oh, the things we would love to do with it, the investments we would like to make in highways and other things, the tax cuts, the many ways we could devote this surplus. Some would even like to begin to move to individual accounts on Social Security this year with the surplus. But let us forestall those plans.

In direct accord with the bill introduced by Chairman BUNNING and cosponsored by seven Republican Members, this motion to recommit takes the Archer bill and makes only one change to it, an addition; that addition, committing this Congress to holding the surplus for the future of Social Security.

I do not think there is a more important step we can take, in addition to what the bill of the gentleman from Texas represents, than to add to that bill what this motion would achieve, and that is the commitment right here, right now that the surplus will be held for Social Security.

It was only 3 months ago when the President challenged us from that pulpit, save Social Security first. This is our first opportunity in this forum to cast a vote on that commitment, save Social Security first.

Mr. Speaker, this is not a partisan issue. This is an issue of commitment and accord between this body and the American people. We will address Social Security. We will address Social Security in a bipartisan and responsible way to preserve it through the 21st Century. But let us begin today by committing that surplus to this.

The SPEAKER pro tempore. Is the gentleman from Kentucky opposed to the motion?

Mr. BUNNING. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. BUNNING) is recognized for 5 minutes.

Mr. BUNNING. Mr. Speaker, I would like to ask the gentleman from North Dakota if he has looked at H.R. 3351. It was a bill that I put in in March. It is a bill that does exactly what the gentleman's motion to recommit does, only it does it separately from this commission bill. It walls off any surplus that we get in the year 1998 and says that none of this money can be recycled out in debt, and all of it is dedicated to when we have a settlement in the Social Security system.

We debated this issue at length in the Committee on Ways and Means. We worked very hard to get a consensus on language that is in the bill in section 206 of the report language. And it says a Sense of The Congress: It is the sense of Congress that, pending the report of the panel under subsection (a), which is the panel the gentleman spoke about, the Federal unified budget surplus should be dedicated to reducing the Federal debt by the public, which is what my bill would do, increasing the retirement income security of individuals and ensuring the solvency of the Social Security system.

It is my contention that the gentleman's motion is unnecessary and duplicates language already in the bill. We think that it is totally appropriate that the agreement that was reached in the Committee on Ways and Means and is in the language of the bill should be voted on without consideration of the gentleman's motion to recommit.

Mr. Speaker, I yield to the gentleman from North Dakota (Mr. POMEROY) for a question.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding. I want to tell the gentleman that I have been relieved to have a leader of his stature and with his jurisdiction on Social Security advocating capturing the surplus for Social Security and exclusively for Social Security as he has done and does in his legislation.

I therefore believe that we might be in accord on this motion to recommit, which essentially takes the gentleman's legislation and would enact it today. If I had a bill and the gentleman had a motion to recommit that essentially passed my bill today, I would probably think that was a good thing.

Mr. BUNNING. We already debated this in the Committee on Ways and Means, and the bill that we passed out has consensus language that has three issues involved. One is to reduce the debt held by the public, which my bill would definitely touch upon. The other is increasing the retirement income of individuals, which is what we want to do with the salvage of Social Security. The other was to ensure the solvency of the Social Security system, which is exactly why we have formed the commission.

Mr. POMEROY. Mr. Speaker, will the gentleman continue to yield?

Mr. BUNNING. I am glad to yield to the gentleman from North Dakota.

Mr. POMEROY. Mr. Speaker, those provisions do not begin to have the clarity the motion to recommit offers. While the gentleman does talk about some consensus effort within the committee, in fact there was a protracted debate in the committee and a voice vote where there was a clear divide against including language that spelled out surplus——

Mr. BUNNING. Mr. Speaker, I would like to reclaim my time and be able to close at least.

I sincerely believe that this is a totally unnecessary and duplicative motion to recommit. I urge defeat of the motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. POMEROY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage.

The vote was taken by electronic device, and there were—yeas 197, nays 223, not voting 12, as follows:

[Roll No. 115]

YEAS—197

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn
Yates

NAYS—223

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Barr
Bateman
Brown (CA)
DeLauro
Dixon
Gephardt
Gonzalez
Meek (FL)
Sandlin
Schumer
Smith (OR)
Wise

☐ 1835

Mr. BOEHNER and Mr. HOEKSTRA changed their vote from “yea” to “nay.”

Mr. HOYER changed his vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SNOWBARGER). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BUNNING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 8, not voting 11, as follows:

[Roll No. 116]

YEAS—413

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey

Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—8

Conyers
Frank (MA)
Kucinich
Martinez
Nadler
Oberstar
Paul
Sanders

NOT VOTING—11

Barr
Bateman
Brown (CA)
Dixon
Gephardt
Gonzalez
Meek (FL)
Sandlin
Schumer
Smith (OR)
Wise

□ 1848

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WISE. Mr. Speaker, because I was picking my children up from school I was unable to get back to the capitol to vote on H.R. 3546, the National Dialogue on Social Security Act.

I ask that the RECORD reflect that had I been here I would have supported the motion to recommit. I also ask that the RECORD reflect that had I been here I would have supported final passage of this measure and voted "aye."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3605

Mr. BASS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3605.

The SPEAKER pro tempore (Mr. SNOWBARGER). Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3605

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3605.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON BANKING AND FINANCIAL SERVICES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Banking and Financial Services:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 29, 1998.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives.

DEAR MR. SPEAKER: I am writing to inform you that I am resigning from the Committee on Banking and Financial Services.

Sincerely,

ESTEBAN E. TORRES,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FAZIO of California. Mr. Speaker, at the direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 412) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 412

Resolved, That the following named Member be, and is hereby, elected to the following standing committees of the House of Representatives:

To the Committee on Banking and Financial Services: BARBARA LEE of California.

To the Committee on Science: BARBARA LEE of California.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 1502, DISTRICT OF COLUMBIA STUDENT OPPORTUNITY SCHOLARSHIP ACT OF 1997

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 105–501) on the resolution (H. Res. 413) providing for consideration of the Senate bill (S. 1502) entitled the "District of Columbia Student Opportunity Scholarship Act of 1997", which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 105–502) on the resolution (H. Res. 414) waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

HIGHER EDUCATION AMENDMENTS OF 1998

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 411 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 411

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 6) to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill, modified by the amendments printed in part 1 of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. Before consideration of any other amendment it shall be in order to consider the amendment printed in part 2 of the report of the Committee on Rules, if offered by Representative Goodling or his designee. That amendment shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against that amendment are waived. If that amendment is adopted, the provisions of the amendment in the nature of a substitute as then perfected shall be considered as original text for the purpose of further amendment. No other amendment to the amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Printed amendments shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business: *Provided*, That the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute ultimately considered as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, H.Res. 411 is a modified open rule waiving all points of order against consideration of the bill. The bill provides 1 hour of general debate to be divided equally between the chairman and ranking minority member of the Committee on Education and the Workforce.

The rule also provides that the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill, as modified by the amendments printed in part 1 of the report of the Committee on Rules, shall be considered as an original bill for the purpose of amendment.

Furthermore, Mr. Speaker, the rule provides that the amendment in the nature of a substitute shall be considered by title and that each title shall be considered as read. All points of order are waived against the amendment in the nature of a substitute.

The rule provides that before consideration of any other amendment, it shall be in order to consider the manager's amendment printed in part 2 of the report of the Committee on Rules, if offered by the gentleman from Pennsylvania (Mr. GOODLING) or his designee.

All points of order against that amendment are also waived, it shall be considered as read, and shall be debatable for 20 minutes equally divided and controlled by the proponent and an opponent. It shall not be subject to amendment and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

If that amendment is adopted, the provisions of that amendment in the nature of a substitute as then perfected shall be considered as original text for the purpose of further amendment.

Mr. Speaker, H.Res. 411 provides that no other amendment to the amendment in the nature of a substitute shall be in order except those printed in the CONGRESSIONAL RECORD.

The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce votes to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 6, the Higher Education Amendments of 1998, reauthorizes existing programs that provide Federal aid to students. It is designed to help to make college more affordable, simplify the student aid system and improve academic quality. Most importantly, Mr. Speaker, this legislation will ensure that all Americans wishing to pursue a higher education will continue to have that opportunity.

First and foremost, H.R. 6 safeguards the student loan program by ensuring that student loans will remain available for all students and that students will receive the lowest interest rates in 17 years.

Moreover, once this bill is enacted into law, deserving students from disadvantaged backgrounds will have more Federal support to attend college than ever before. H.R. 6 improves campus-based aid programs such as Work Study, Supplemental Educational Opportunity Grants, and Perkins Loans. It also expands flexibility in the Pell Grant program that provides vouchers to needy students, by permitting a larger portion of the grant to be used for purposes other than tuition, such as child care for parents attending classes.

Mr. Speaker, encouraging students and their parents to work and save for educational expenses is a priority in this Congress. Accordingly, H.R. 6 increases the amount of income students may earn before it impacts their eligibility for financial aid. The bill also exempts veterans' benefits from being counted against students when they apply for financial aid.

Incredibly, Mr. Speaker, the current financial aid formula treats the assets of students and their parents differently and separately, as though they are not part of the same family. H.R. 6 changes this provision by combining the assets of the student and his or her parents when calculating the total ability of the family to contribute towards college expenses.

Finally, this legislation contains a number of administrative changes designed to streamline aid to education and eliminate bureaucratic red tape. In that regard, H.R. 6 can truly be described as a good deal for taxpayers as well as a good deal for students.

I commend the Committee on Education and the Workforce, and in particular the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from California (Mr. MCKEON), the gentleman from Missouri (Mr. CLAY) and the gentleman from Michigan (Mr. KILDEE) for their efforts in bringing this important legislation to the floor. The rule before the House today is designed to provide full and fair consideration of the committee's work product, while limiting the opportunity for Members desiring merely to score political points with this bipartisan legislation.

Mr. Speaker, the quality of our higher education system in the United States has long been the envy of the entire world. At the same time, access to higher education for all deserving young people has been one of the driving forces behind two centuries of innovation and economic growth.

I urge my colleagues to continue this tradition by putting America's students and their education first and adopting both this rule and H.R. 6, the Higher Education Amendments of 1998.

Mr. Speaker, I reserve the balance of my time.

□ 1900

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my colleague from Washington (Mr. HASTINGS) for yielding me the time.

This is a modified open rule. It will allow debate on H.R. 6, which is the Higher Education Amendment of 1998. As my colleague has described, this rule provides 1 hour of general debate to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Education and the Workforce.

The rule makes in order only those amendments that have been preprinted in the CONGRESSIONAL RECORD. These amendments will be permitted under the 5-minute rule, the normal amending process in the House. The rule does permit germane amendments to those preprinted amendments.

The bill continues and revises Federal student loans, Pell grants and other higher education programs. Federal grants, loans and college work study awards have made the dream of higher education a reality for millions of young people. These programs are essential to bring the opportunity for higher education to all Americans. This bill makes a number of important changes to the programs intended to make college affordable, simplify the student aid system and promote academic quality.

Mr. Speaker, It is a bipartisan bill. It has strong support from both sides of the aisle. The Committee on Education and the Workforce reported the bill with all Democrats who were present supporting it.

During testimony last night before the Committee on Rules, the gentleman from Missouri (Mr. CLAY) the ranking minority member of the committee, and the gentleman from Michigan (Mr. KILDEE) the ranking minority member of the subcommittee, requested a full and open rule. The Committee on Rules denied the request, instead requiring all floor amendments to be preprinted in the CONGRESSIONAL RECORD. Even though the minority's request was not fully granted, the rule will provide opportunity for Members to amend the bill on the House floor. Moreover, the bill is the result of a bipartisan process.

Mr. Speaker, the Committee on Rules approved this modified open rule by a voice vote, and I would urge adoption of the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 4 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I rise in support of the rule and for the underlying bill, H.R. 6, which this rule brings to the floor, the Higher Education Amendments of 1998.

I especially want to thank my good friend, the gentleman from Washington (Mr. HASTINGS) for yielding me this time; and also I would like to thank the chairman, the gentleman from Pennsylvania (Mr. GOODLING) for including provisions in the bill in H.R. 6 which are similar to my bill, H.R. 715, the Accuracy in Campus Crime Reporting Act.

I would briefly like to discuss H.R. 715, much of which has been incorporated into H.R. 6.

This legislation, H.R. 715, currently has 71 cosponsors almost equally split between both parties. H.R. 715 is a genuinely bipartisan bill. No college or university that has a safe campus should have any problems with the campus security provisions in H.R. 6, but for those institutions that do have crime problems, students and their parents should have a right to know about these dangers before they enroll.

I became concerned about this issue after meeting with several families whose children had been murdered on college campuses. These families never dreamed that they should have to worry about the physical safety of their children on college campuses.

The issue of campus crime last attracted the interest of many in the national media in the past year. Both CBS and ABC have devoted extensive time to this problem. Several leading publications have also covered this story. In fact, both the New Republic and USA Today have favorably written about my legislation, H.R. 715.

After reading many of these articles and hearing these reports, it became painfully obvious to me that many colleges are doing a poor job in giving students and their parents an accurate picture of the dangers that lurk on some college campuses.

On February 9, USA Today strongly endorsed H.R. 715 by stating, quote, in 1990, Congress passed a law requiring colleges to collect annual campus crime statistics, but the Education Department blocked the law's full implementation by threatening to withhold Federal funds from colleges opening their police logs.

USA Today then hit the nail on the head by concluding, quote, it is a sad state of affairs when an act of Congress is necessary for the Education Department to protect student safety.

I think, Mr. Speaker, that most of us look fondly on our college days, from the appealing image of ivy-lined brick buildings, the excitement of interacting with professors and, of course, making new friends who last for a lifetime. At least, that is what my colleagues and I probably remember.

However, in the 1990s, unfortunately, the reality is far different. On many campuses, rapes, robberies and even murders are becoming far too common. Students now have reason to fear for their safety on some campuses.

Mr. Speaker, I am very pleased that H.R. 6 contains campus security provisions that are modeled on H.R. 715. The campus security provisions of H.R. 6 require colleges and universities to maintain a daily log of all crimes committed and make those logs available for public inspection within 48 hours.

Many States already require colleges and universities to make their police logs public. These provisions in H.R. 6 are a matter of fairness to those institutions which are making good-faith efforts to inform the public of the dangers on their campuses. The need for accurate police logs is crucial so that accurate crime statistics can be compiled. The public must be able to make informed decisions about where to attend college.

While I would have liked to have seen more provisions from H.R. 715 included in H.R. 6, I believe that the provisions that are included will go a long way in improving the public's awareness of the dangers that, unfortunately, lurk on some of our college campuses. I appreciate the cooperation of the gentleman from Pennsylvania (Mr. GOODLING) in this regard, and I urge support for H.R. 6.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I support student loans, and I support the kind of compromise that has been reached in this bill, but as the ranking democrat on the Committee on the Budget I have to raise concerns about this bill because I do not think it complies with the Budget Act, and I think those concerns should be expressed.

For the first time in 30 years, we have got a balanced budget this year, and we have got a balanced budget in part because of disciplines and budget process changes we made in the Budget Summit Agreement of 1990, the Omnibus Budget Reconciliation Act of 1993 and the Balanced Budget Act last year, 1997.

One of those rules which we established in 1990 and have carried forward in each of those years was the so-called pay-go rule, which simply provides that any time anyone wants to liberalize or add to an entitlement the cost of it must be paid for either by identifying a revenue stream to pay for it or by reducing an entitlement somewhere else in the budget.

When the rule was read, the gentleman noted that all points of order are raised. The reason all points of order have to be raised as to the Budget Act is that this particular bill increases direct spending for student loans by $2.8 billion, according to the Office of Management and Budget, over and above what was provided in the balanced budget agreement last year.

In effect, what we have done here is lower the rates the students will pay, and that is good, I am for that, and raise to some extent what the banks will realize for these loans. We have increased the spread over and above what was anticipated for the next 5 years, and the cost is $2.8 billion, according to OMB.

Now what does this mean? We have waived points of order. The bill cannot be withheld. I know the calamity it would cause if it were withheld because students are making decisions about how they will pay for college right now.

But what this means is that we will have an entry on something called the pay-go score card. There is about $700 million in scored offsets to this bill so the entry will be $2.8 billion minus $700 million equals $2.1 billion. And if as of September 30 of this year we have not cleared that from the score card, it will trigger sequestration. It will mean across-the-board cuts in a host of programs, including educational programs, voc rehab. Ironically, it will increase student loan origination fees.

Now I am not criticizing the group here that put this together. I am criticizing the way the House is run. We should have had well before now a budget resolution. We have a process by which these decisions are not made one by one, piecemeal. They are made in a comprehensive context where we have to identify the offsets, identify the tradeoffs. When we want to increase one thing, we have got to decrease something else. We have not done that.

The most egregious violation of it was the BESTEA bill, the transportation bill that we had on the floor just a few weeks ago. That particular bill will increase spending by $35 billion over and above what we provided in the BBA. This is just another illustration of what happens when we do not have a budget agreement, when we do not have a budget resolution.

The proper procedure would be to send this bill back to the committee and require maybe not this group but some group to identify the offsets better than the offsets that have been identified here. I know that is not going to happen.

When the bill comes up, I am going to vote for it myself. But I could not let the bill come to the floor, could not let it be considered in this manner, could not let this routine incantation that all points of order are waived be made without raising the concern of the Committee on the Budget, my own personal concern that we are deviating from the disciplines that have brought us to a balanced budget for the first time in 30 years, and we are going to have a real pileup in September unless we get under way with the budget resolution in the process that we duly adopted.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. GOODLING) the chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding the time to me.

First, I would like to say that I wish the previous speaker would have been sitting on our committee when we were marking up. I sure could have used him. Because we had amendment after amendment after amendment, and every time I asked where is the offset, they said there was not any. Now, fortunately, we were able to defeat them in a bipartisan way, but, otherwise, we had a serious problem.

I think it is important to point out that we have asked the lending institutions to reduce yields by 30 basis points that they would normally expect to receive, so it is not a situation where somebody came and gave them more. We asked them to reduce yields by 30 points, and we did that to bring about an agreement with the students. And for the gentleman from California (Mr. McKEON) and the gentleman from Michigan (Mr. KILDEE) I will not be so informal. They worked for a year and a half to bring about this agreement between the students and the lending institutions.

The scoring has been a problem. There is no question about it. At one point, they were told that we have about $4 billion to $6 billion in savings. We were really swimming in good water. We had all sorts of money to spend. Next time they scored it, they used a different scoring method, and all of a sudden we are a billion dollars short.

I would also tell the previous gentleman we have come up with at least half of that, and I believe that the Committee on the Budget is able to come up with the other half.

So, again, it has been a very difficult thing, but we know that we must have it on the President's desk by May 15, unless my colleagues want to have total, a total disaster. We will have parents, we will have students, we will have schools sitting out there wondering are their loans? When will we find out?

So we just positively have to move the legislation, and I cannot give the two Congressmen I mentioned enough credit for the amount of hours that they have spent and the staffs have spent to bring together the students and the lending institutions.

Above all, the students do not want to see their opportunity taken away from them simply because we in the Congress cannot come up with an agreement that will save the private sector as far as their ability to provide 70 percent of all Federal student loans. So I would hope that we can eliminate an awful lot of the amendments that are coming up because that could really drive us up the wall and then we will really have a scoring problem and, at the same time, get this legislation to the President quickly.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding this time to me, my friend from Ohio.

Mr. Speaker, I rise today in support of this rule and in support of this bill. However, I must say that I share the views of the gentleman from South Carolina (Mr. SPRATT), the ranking member of the Committee on the Budget. I think his concerns are absolutely accurate; but, like him, I will vote for this bill and hope that we can work out some of the problems as it goes through.

I am pleased that the committee was able to work together in a bipartisan fashion to draft this bill. However, Mr. Speaker, I am extremely concerned that the authorization for the National Board for Professional Teaching Standards was eliminated during markup of the bill.

□ 1915

I have talked to some of the staff of the committee on our side, and that was not our intent, and my understanding is we are not supportive of that, although it is a small component of a large bill.

As education is one of our Nation's highest priorities, Mr. Speaker, we need to focus on improving the quality of the teachers in our schools. National board certification is, in my opinion, an important way to achieve this goal. Both the President and a bipartisan group of our Nation's Governors support the good work that the national board is doing to improve the quality of our teachers.

Recently, Mr. Speaker, the Maryland Legislature passed a bill creating a pilot program to encourage up to 45 teachers to seek national board certification. In the city of Bowie, Maryland, just down the road, the City Council approved a $20,000 set-aside in its 1997–1998 budget for initiatives to enhance the teaching skills and instructional environment in Bowie schools, including national board certification.

Mr. Speaker, as President Clinton said last Friday, and I quote, now is no time to walk away from our commitment to public education. The National Board for Professional Teaching Standards, the President said, should not be a partisan issue, it should not be an ideological issue, it ought to be purely and simply what we can do to help you do what is best for our children and their future, close quote.

Mr. Speaker, as I said, I will support this bill, but I am very, very hopeful that the National Board for Professional Teaching Standards is included in the Senate bill and will be included in the conference. I will be talking to my good friend, the gentleman from Missouri (Mr. CLAY), the chairman-in-exile of this committee, and the gentleman from Pennsylvania (Mr. GOODLING), chairman of this committee, in working toward that end.

I think this is a critical component of our overall effort to upgrade the status of teaching, and, therefore, the quality of education in our schools. I would hope that we could come to an agreement between the two bodies on this, and I look forward to working toward that end.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in support of this rule. It is obviously a very fair rule because I am allowed to offer an amendment later on, so I am pleased to be able to vote for this rule. I have an amendment that I am going to offer in Title I which will be designated so that the Social Security number cannot be used for the electronic personal identifier for any of the programs in this educational bill.

The American people have become very worried about how often the Social Security number is being used as a national identification number, and we are working quickly toward a time where we have a national identification card. We certainly have abused the Social Security number as being the number. It was never intended that way. That is not what was intended when the Social Security was started that this number would be a universal number for everything.

In 1974, it was stated rather explicitly that the Social Security number should not be used for programs like this, and I would like to just quote the Privacy Act of 1974: "It shall be unlawful for any Federal, State or local government agency to deny any individual any right, benefit or privilege provided by law because of such individual's refusal to disclose his Social Security number."

I think this is a good idea, because today we are very much aware of the fact that if a company, if a loaning company, or if one is going into a store to buy something, and they get one's name and one's Social Security number, one knows that they can call up more information about somebody than they know about themselves. I think this is a serious threat to the privacy of every American citizen, and we should be cautious about using the Social Security number. It is being used all the time.

Mr. Speaker, prior to coming to this Congress, I was an obstetrician delivering babies, and babies cannot leave the hospital these days without a Social Security number. So they are born, get a Social Security number, they do not leave the hospital without it, and do my colleagues know that one cannot have a death certificate without a Social Security number? They are everyplace. It is an intrusion on our privacy. We do not need to use a Social Security number.

When I was in the Air Force, we used to have an identification number, but now, today, it is the Social Security number. Not too many years ago a law was passed here in the Congress that mandates that each State licensing agent for our automobile says that one has to have a Social Security number. So now they will be cross-checking with Social Security number and all of our driver's license numbers.

We are losing our privacy in this country. The American people know it. We do not need this number to be used in this program for it to be successful, and we should move very cautiously, and I hope I can get support for this amendment so that we do not use the Social Security number as the electronic personal identifier.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to offer my strong support for this rule and the bipartisan amendments to the Higher Education Act. Education is society's great equalizer. It enables Americans to participate in democracy and pursue the American dream.

We all recognize that a college education is as necessary today as a high school education was just a generation ago. In 1982, a worker with a college degree earned 40 percent more than a worker without one. Today, college graduates earn 75 percent more.

A recent national survey showed that 9 in 10 Americans believe every interested qualified student should have the opportunity to attend college. My colleagues, that is a clear mandate for a strong higher education bill, and I believe such a measure is before us today.

Just briefly, it increases Pell Grants by 50 percent next year and provides additional increases in the future. It preserves the Perkins Loan, the State Student Incentive Grant, the Supplemental Education Opportunity Grant programs, all important sources of financial aid. It will encourage more disadvantaged students to pursue higher education by strengthening TRIO, continuing my National Early Intervention Scholarships, and establishing a new High Hopes program that will work with low-income middle schools and community organizations.

The new campus-based child care program will help young mothers attend college and become self-sufficient. The new loan forgiveness program will help fill America's growing need for qualified teachers. The bill will also help make college campuses safer and provide students and their families with the information they need and deserve about crime on campus.

Of course, this bill is not perfect. It ends Federal support for the fine work of the National Board of Professional Teaching Standards and fails to include, as the Senate bill does, a Fair Play Act to encourage colleges to satisfy the interests and needs of young female athletes.

However, despite some deficiencies, this is a strong bipartisan bill, and I urge my colleagues to support it.

Mr. HASTINGS of Washington. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentleman from Washington (Mr. HASTINGS) has 14½ minutes, and the gentleman from Ohio (Mr. HALL) has 18½ minutes.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in strong support of this rule and the bill H.R. 6, the Higher Education Amendments. First I would like to thank the gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules, for his help in crafting this rule. Through his efforts and those on the committee, we have been able to bring this bill to the floor in a timely and expeditious manner. He definitely will be missed when he retires.

This rule will govern floor consideration of H.R. 6, which is one of the most important education bills that this Congress will consider this year. As many of my colleagues know, we are facing a July 1 deadline that creates a crisis in the student loan program. H.R. 6 contains a bipartisan compromise that fixes the problem, maintains the viability of the private loan program, and provides students with the lowest interest rate in 17 years.

So through the swift adoption of this rule and passage of H.R. 6, we will move one step closer to meeting that deadline. Therefore, I urge all of my colleagues to support the rule and vote in favor of H.R. 6, the Higher Education Amendments of 1998.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Speaker, I thank my friend from Ohio for yielding me this time.

I rise in support of the rule on H.R. 6. I know that many of the members of this committee have worked hard on producing a bill which will increase the affordability for our institutions of higher education and advance social mobility in our country. As a retired educator and higher education administrator, we know that institutions of higher education advance knowledge, provide community service, and serve as the basis for social and economic mobility for millions of our young people who come from backgrounds with few social advantages and economic resources.

Higher education institutions in our country are marked by their capacity to provide this opportunity which is vastly different than institutions in other countries. Higher education is the strength of our society and the engine of progress and opportunity, and this bill, as written, continues and ratifies this understanding of postsecondary institutions and deserves our support.

Mr. Speaker, I would like to draw attention to the especially unique provisions that it has on Hispanic-serving institutions and the work of the gentleman from Texas (Mr. HINOJOSA) in that regard. I would also like to draw attention to a provision which allows higher education institutions in the territories to compete for grants with a little bit more flexibility. I would like to really draw attention to the fact that it is making higher education affordable for millions of young people around the country, and the increase in Pell Grants. I know there is a problem with the Pell Grant provision, and I have spoken with the leadership on this issue.

The bill, as currently written, says that students from the Micronesian Islands, the Republic of the Marshall Islands, and the Republic of Palau and the Federated States of Micronesia are not eligible for Pell Grants except if they go to institutions in those areas and Guam only. I feel very strongly that this is a violation of the compacts of free association and will attempt to limit educational opportunities for these people.

The FAS territories of the Pacific islands was an American-administered area of the Pacific under which some compacts were arranged in order to help to facilitate the growth of these areas, and for one reason or another, H.R. 6 does not take this into account. I trust that we can work towards a version of the bill on this particular provision which will restore the benefits of Pell Grants for the Micronesian students not only in Guam, and not only on their own home islands, but throughout the 50 States.

Again, Mr. Speaker, this bill deserves our support. It is a good bill, and it is a bill that is the work of very strong bipartisan support and a good and healthy understanding of the role of postsecondary institutions in our society.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of both the rule and the bill. I think this bill is one of the most significant bills that we will probably pass in this Congress, and these are the issues that count with the American people, without a doubt.

To be competitive in the global economy, we need to provide our youth with the means to better their education. This is the essence of the American dream.

Now, I know that there are going to be amendments during this process, and I do believe that there will be constructive colloquies and constructive dialogue and debates on those amendments, but this bill is fundamentally a very strong bill.

I do want to point out that one of the issues that has been questioned is the resolution here of the potential crisis of the interest rate issue on this bill. The proposal in this legislation, I believe, is the best that we could have come up with, and it will help students while saving the program for higher education through the private banking system.

Now, I am one of the longtime members of the Subcommittee on Postsecondary Education, Training and Life-Long Learning, but I have another hat. I am the chairwoman of the Subcommittee on Financial Institutions and Consumer Credit, and perhaps from that point of view I understand both sides of this issue.

This legislative fix, so to speak, is necessary, absolutely necessary, not only to protect the loans for the students at reasonable low interest rates, but also to ensure that the banks will not be forced to leave the market.

□ 1930

I think this is the best possible compromise that we could have reached. It works for the students and their families and it works for the private sector, the banks who provide the loans at low interest rates.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank the gentleman from Ohio (Mr. HALL) for yielding me this time.

Mr. Speaker, I rise in support of the rule, and at a time when the people who cover politics are obsessed with what is scandalous and divisive, we have before us tonight something that is solid and unifying.

Mr. Speaker, I want to commend the leaders of our committee, the gentleman from Pennsylvania (Chairman GOODLING), the gentleman from California (Chairman MCKEON), the gentleman from Missouri (Mr. CLAY) and the gentleman from Michigan (Mr. KILDEE) for all the time and effort they have put into this bill and all the very fine work that they have done.

I also want to commend the Committee on Rules for putting before us a rule that lets anyone with any idea have the right to come to the floor and express his or her idea. That is why I support the rule.

Mr. Speaker, I do want to associate myself, however, with the remarks of the gentleman from South Carolina (Mr. SPRATT), the ranking Democratic member of the Committee on the Budget, with respect to the cost and payment mechanism for the interest rate compromise that has been referred to earlier.

First of all, we do not really know what the cost is. We have an estimate from the Office of Management and Budget that tells us it will be net in excess of $2 billion. We have another estimate from the Congressional Budget Office which tells us that even with the offsets that have been identified, it is in the neighborhood of half a billion dollars.

It is a very serious consideration that we are moving forward on this bill without identifying where the money is going to come from. It is sort of the check-is-in-the-mail theory of budgeting that got us into this mess in the first place.

I agree with those who say that we should move forward this evening, and I will vote with them to do so. But I also want to sound a note of caution that as we move this bill out of the House of Representatives and into the conference committee, I think it is imperative that we lay before the Members of this body and our constituents, the American people, the specifics of how much this compromise will cost the taxpayers and where the money is going to come from to pay for it.

I believe it would be a disaster to fatten the profits of the banking industry at the expense of other student aid programs or other mandatory programs. We should be watching that as the time goes on.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I have no more speakers. I would urge a "yes" vote on the rule, and I will not be calling for a vote. I think it is a good bipartisan rule, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to urge my colleagues to support this rule, and the underlying bill. This is clearly a product that is bipartisan in nature and that is something I think we can be proud of.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 411 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 6.

□ 1934

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6) to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes, with Mr. GUTKNECHT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise today in support of H.R. 6, the Higher Education Amendments of 1998. Considering H.R. 6 today, the House will complete a bipartisan process that began in the subcommittee chaired by the gentleman from California (Mr. MCKEON) well over a year ago.

This legislation will benefit millions of students across the country in their pursuit of a higher education. The bill will improve programs such as Work-Study, Pell grant, TRIO, and student loans that help millions of students pay for college.

We will do a number of important things here today. However, none may be as important as our efforts to keep student loans available for all students. As all of my colleagues know, we have been struggling for the past year with the student loan interest rate issue that is the direct result of the Student Loan Reform Act of 1993. That act changed the index for establishing interest rates on these loans.

Prior to the Student Loan Reform Act, interest rates had always been tied to 91-day Treasury bills. However, as part of the changes associated with the creation of the Federal Direct Student Loan program, the index for establishing interest rates changed to one based on the 10-year Treasury bond. This scheduled rate change is serious and has the potential to disrupt the Federal Family Education Loan Program which provides nearly 70 percent of this country's Federal student loans.

As a parent I am keenly aware of the burden being placed on our youth by student loan debt. I am personally committed to ensuring that the interest rate on Federal student loans is kept as low as possible. However, I also realize that there is a point at which the lenders will get out of the program. That point is reached when their return on making these loans falls short of the return they could make by investing elsewhere.

Under the bill we are considering today, students will receive historically low interest rates, the lowest in 17 years. The rates students pay on new loans will drop from the current rate of 8.25 down to 7.43 during the repayment period. At the same time, the amount the lenders are paid will be reduced by 30 basis points which will, I believe, ensure uninterrupted access to private capital for our Nation's students.

The chairman of the Subcommittee on Postsecondary Education, Training and Life-Long Learning, the gentleman from California (Mr. MCKEON) and the ranking member of that subcommittee, the gentleman from Michigan (Mr. KILDEE) have worked very hard to find a solution to the crisis. That solution is contained in this legislation.

Throughout this difficult process, the gentleman from California (Chairman MCKEON) and the gentleman from Michigan (Mr. KILDEE) never forgot the interests of the students. They never gave up when negotiations broke down. I know that the ranking member of the committee, the gentleman from Missouri (Mr. CLAY) and the rest of the members of the committee are grateful for their efforts in resolving the issue.

Mr. Chairman, I especially want to thank the Speaker of the House, the gentleman from Georgia (Mr. GINGRICH), the gentleman from Texas (Mr. ARMEY), the majority leader, as well as the gentleman from Ohio (Mr. KASICH) chairman of the Committee on the Budget. Without their help, this solution would not have been possible. All three contributed to ensuring that we could pay for this provision which is now budget neutral without passing any of the costs on to students.

Many in the higher education community support the proposal and have joined me in praising the gentleman from California (Chairman MCKEON) and the gentleman from Michigan (Mr. KILDEE) for their leadership. The major student groups have described the proposal as, and I quote, "A realistic, fair, and even-handed compromise that protects students' need for lower borrower rates." The American Council on Education and 10 other major higher education groups representing over 3,600 colleges and universities praised the fact that the proposal "ensures the continued availability of capital in the guaranteed student loan program."

Mr. Chairman, for the people back home, I hope they would notice that I am not quoting anything that the lending institutions or the lending organizations have had to say about this. Obviously, they are not nearly as pleased.

I continue to welcome the help of everyone who is willing to work in good faith to get the problem solved. I thank those who have already shown a willingness to seek common ground in order to ensure that student loans remain both inexpensive and available.

But, Mr. Chairman, I am sorry to say that despite the bipartisan example set by the leaders on both sides of this committee, there are those who would continue to play politics with this issue. A high-ranking official at the Department of Education recently put out a press release about our bipartisan solution stressing that it recognizes the "need to protect students from banks."

Now, if there is anything that students need to be protected from, it is the high cost of getting an education and the quality of service they get from the bureaucracy at the Department. This bill scores high on both counts: It helps make college more affordable and it simplifies the student aid delivery system.

The committee is proud of the accomplishments made to date in making college affordable for all students. Since we have been in charge, for example, Pell grants and College Work-Study are funded at all-time highs, while provisions in the Taxpayer Relief Act created education IRAs and other tax credits to help low- and middle-income students obtain a postsecondary education. The legislation we are considering today will build on these important achievements by continuing the important programs that serve students well and by reforming burdensome requirements to best meet the needs of students, families, and colleges across the country.

Mr. Chairman, I do want to caution all of my colleagues to please be very, very careful about their ambition to add all sorts of things to this legislation, because they could kill the wonderful work that the subcommittee and then eventually the full committee has done.

Mr. Chairman, we have also made significant changes to the current need analysis formula in order to address concerns raised by many students and families about the need to encourage students to work and save for their education. The bill increases the amount of money that students may earn before it impacts their eligibility for financial aid. By doing this, we are encouraging students to work and save for college.

It also combines the assets of a student and his or her parents when calculating the ability of the family to contribute towards college. The current formula treats the assets of parents and students differently and separately as though they are not part of the same family. We are changing this provisions so the formula truly considers the ability of the family to pay for college.

The legislation we will consider today will also improve service to students. It addresses the need to reduce the administrative costs associated with the processing, delivery, and monitoring of the Federal financial aid programs. It gives the Secretary of Education the tools he needs to bring the Department into the 21st Century.

Specifically, the Department will be required to put in place a Performance-Based Organization (PBO) to run the day-to-day operations of the student financial aid delivery system. Chairman MCKEON and Representative KILDEE introduced the PBO bill last fall with the full support of the students and the rest of the higher education community. I am glad to see that it has been included in our final bill.

A more stable and more efficient delivery system coupled with regulatory reform should result in reduced administrative costs for the Department as well as for schools, lenders, guaranty agencies, and other program participants who must interact with the Department's delivery system. This is particularly important since we are forcing lenders and guaranty agencies to operate with less revenue and we expect colleges to keep their costs down for students. The Department needs to contribute to these efforts by operating more efficiently so others can do the same.

I'd also like to note some provisions of H.R. 6 that were offered in Committee by Representatives MCKEON and CASTLE to make college affordable. The McKeon-Castle amendment will implement a number of the recommendations of the Commission on the Cost of Higher Education. This is important, because if we are truly interested in making sure that all Americans can afford a quality postsecondary education, and if we are truly interested in reducing the debt burden placed on our students, then the single most important thing we can do is to get colleges to lower their prices. These provisions are a needed first step in that direction.

In addition to making college more affordable and simplifying the delivery system, we have fulfilled our promise to improve the quality of higher education. H.R. 6 will help create safer campuses where our nation's students can learn. It improves the information made available to students and families about crimes occurring on college campuses. And although no one can guarantee safety, we are making sure that students have the information they need to protect themselves from becoming victims of crime. We are also ensuring families have accurate information about crime on college campuses so they can make informed choices when selecting a college for their children.

H.R. 6 also provides strong incentives for students to stay off drugs. An amendment offered by the gentleman from Indiana, Mr. SOUDER, and accepted in Committee will eliminate student aid eligibility for students convicted of drug offenses. This provision is based on an amendment offered by Mr. SOLOMON in 1992, which was accepted by the House. Unfortunately, the Solomon amendment was later dropped in conference. If we want to ensure safety on our Nation's campuses, it is vital to keep them drug-free.

H.R. 6 also focuses on improving teacher quality so that students will have high quality teachers trained in the subject areas in which they teach. It is alarming to find that nearly one-third of all high school math teachers and over one fifth of all high school English teachers in this country have neither majored nor minored in the subjects in which they teach. Given this fact, it should come as no surprise that American twelfth graders recently scored so low on the TIMMS international math and science test.

Under this legislation, States will be encouraged to undertake a wide variety of efforts to improve the quality and ability of classroom teachers—beginning with the reform of institutions at which many of these teachers are prepared.

Specifically, this bill amends the Higher Education Act by replacing 16 unfunded teacher preparation programs with a single competitive block grant, which I'm pleased to mention, was developed through a bipartisan process within our Committee.

Using funds from this competitive block grant, Governors will have significant flexibility in which activities to carry out. Specifically, such efforts may include strengthening State teacher certification procedures to better reflect current and future teacher's academic knowledge of the subjects they teach; reforming schools of education and holding them accountable for producing quality teachers; creating and/or expanding programs which provide alternative routes to teacher certification; undertaking teacher recruitment efforts; and implementing initiatives to expeditiously remove incompetent or unqualified teachers.

To ensure that States receiving these funds are making progress to improve teacher quality, this legislation also makes future grants to States contingent upon meeting specific goals such as being able to demonstrate an increased percentage of teachers teaching in subject areas and an increase in "first-time" certification and licensure rates among education school graduates.

I would like to especially highlight several provisions that were worked out in a bipartisan fashion which are now part of the manager's package of amendments.

They include: an increased emphasis on partnerships consisting of the Governor of a participating State, exemplary schools of education and local educational agencies; an increased focus, with respect to the teacher recruitment provisions, on schools most in need of quality teachers, such as in poor urban and rural areas; and a clarification that the Governor shall be the grant recipient except in those cases where State law or constitution dictates that another individual is responsible for education.

I look forward to the support of my colleagues for this compromise so that we can help States really reform teacher preparation programs and provide high quality teachers to our students.

I would also like to thank Representative GRAHAM for his efforts in working with Representative KILDEE, in crafting a truly bipartisan initiative under this legislation which provides loan forgiveness for prospective teachers who agree to teach in high poverty urban or rural schools.

In addition to the improvements we will make in the preparation of teachers, there are a host of other changes that will improve educational quality and opportunities far beyond the college campus. Today, the House will increase opportunities for all Americans to get the education they need through the expanded use of distance learning techniques and new technologies. Today we will also encourage students to become involved in their communities and to help children learn to read by ensuring that colleges use more of the Work-Study dollars to fund these initiatives.

Finally, let me just say that that the legislation before us today is one of the most important things that we in the 105th Congress will do this year. It will ensure that every American has access to a quality postsecondary education at an affordable price. This is a bipartisan bill that makes much needed reforms to help students, parents, and schools. I urge all of my colleagues to support it, and I urge a "yes" vote on final passage.

Mr. CLAY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I want to commend the gentleman from Michigan (Mr. KILDEE) and the gentleman from California (Mr. MCKEON) for their great bipartisan teamwork on this very important higher education initiative. They worked for better than a year to fashion legislation that I believe strengthens our country's commitment to higher education.

I also want to commend the gentleman from Pennsylvania (Chairman GOODLING) and all the committee members who made valuable contributions to the higher education reauthorization effort. I am pleased to give my enthusiastic support for this bill.

The bill strengthens student aid financing by significantly reducing student loan interest rates, increasing Pell Grants and improving the calculations of benefits for independent and dependent students. The bill adopts a number of measures that enhance support for minority and disadvantaged students by strengthening the TRIO program and other programs supporting historically black colleges and universities, Hispanic-serving institutions and tribally controlled colleges.

Mr. Chairman, I am also pleased that the committee adopted President Clinton's High Hopes program. And I commend the gentleman from Pennsylvania (Mr. FATTAH) for his successful advocacy of this important initiative.

Mr. Chairman, the bill also includes a number of provisions aimed at improving services to students on campus such as enhanced campus crime reporting, a new campus-based child care program and streamlining financial aid procedures.

I am also pleased that teacher education and recruitment received a boost in this bill by the adoption of a loan forgiveness program for new teachers and strong teaching training partnerships. As we continue to work on this bipartisan bill, I hope that we can continue our efforts to resolve issues regarding loan consolidation interest rates, guarantee agencies, and the National Board for Teacher Certification.

Finally, Mr. Chairman, I would like to express my hope that we will unanimously reject attempts to undermine this bipartisan bill through the introduction of a divisive anti-affirmative action amendment. The Riggs amendment has received universal condemnation among all those who care deeply about expanding educational opportunities for all Americans. Students, colleges, civil rights groups, editorial boards and women's groups across this country have urged us to reject this giant leap backwards.

Last night, Secretary Riley and Attorney General Reno sent an urgent message to Congress expressing their strongest possible opposition to this very dangerous amendment. They would urge the President to veto H.R. 6 if the Riggs amendment is adopted. I hope that all Members will reject this reckless amendment that is designed to torpedo passage of the Higher Education Reauthorization Act.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. MCKEON), the subcommittee chairman who did such a great job in putting this legislation together.

Mr. MCKEON. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. GOODLING) for yielding me this time.

Mr. Chairman, I rise today in support of H.R. 6, the Higher Education Amendments of 1998. Today we are assembled to consider the reauthorization of the Higher Education Act of 1965. I want to thank my fellow members of the Committee on Education and the Workforce for the bipartisan way in which they have worked to get us to this point. I especially want to thank the gentleman from Pennsylvania (Mr. GOODLING), chairman of the committee, for his support and leadership on this important legislation.

Mr. Chairman, throughout the process he has kept us focused on the goal of improving our financial aid system for students and parents. Whenever a particularly difficult problem would arise he would not give up. To the contrary, he would confront it head on and forge a consensus.

□ 1945

The gentleman from Missouri (Mr. CLAY), the ranking member of the committee, and the gentleman from Michigan (Mr. KILDEE), the ranking member of the subcommittee, also deserve a great deal of thanks for all of their dedication and hard work. For more than a year, we have worked closely together gathering representations from around the country to improve the way we provide support for higher education. The result is the legislation before us today.

I want to begin by noting that this legislation, including the interest rate fix that is contained in it, is paid for. In fact, without the interest rate fix, H.R. 6 saves roughly $70 million in mandatory spending. However, due to the emergency nature of the interest rate problem, it became clear that an immediate fix is needed and that any fix would cost money.

Under H.R. 6, the interest rate fix was paid for in a plan developed by the leadership which required half of the savings to come from the committee and the rest to be made up in offsets supplied by the Committee on the Budget.

I want to personally thank Speaker GINGRICH, the gentleman from Texas (Mr. ARMEY), the majority leader, and the gentleman from Ohio (Mr. KASICH), chairman of the Committee on the Budget for their hard work and support for making this solution possible.

The legislation we are considering will be one of the most important things Congress will do for students and families this year. It will bring us closer to my goal of ensuring that every American who wants a quality education at an affordable price will be able to get it.

As my colleagues know, the committee began this process with no predetermined changes in mind. We requested and received recommendations for change from individuals across the country and from more than 70 organizations representing schools, students, and other participants in our financial aid programs. We spent the better part of last year traveling around the country, holding hearings to fully understand what changes are needed to better serve our Nation's college students.

We have developed this legislation through open and bipartisan discussions with the higher education community, students, parents, and our colleagues in the 105th Congress.

Throughout this process, three compelling principles have guided us: making college affordable, simplifying the student aid system, and stressing academic quality for students.

We have kept true to these three principles throughout the process. If we continue to do so as we move forward, the end result will be a new and improved Higher Education Act establishing quality Federal student aid policy for the years ahead.

I want to focus my remarks today on a few very important areas. First, the legislation before us today will simplify the student aid system. H.R. 6 will eliminate 45 unfunded programs, including the State Postsecondary Review Entities, or SPREs, and terminate 11 studies and commissions.

It will bring our student financial aid delivery system into the next century. It will create a performance-based organization within the Department of Education focused on providing quality service to students and parents.

For the first time, the day-to-day management of our student aid programs will be in the hands of someone with real-world experience and financial services. This individual will be given the hiring and contracting flexibility necessary to get results and will be paid based on performance.

For the first time, the Department's student financial aid systems will be run like a business, adopting the best practices from the private sector and focusing on bottom-line results. This performance-based organization will manage the Department's computer systems and ensure that the Department of Education does not waste money due to poor contract management or duplication.

The chief operating officer hired to manage this organization will simplify the process of applying for financial aid for students and their families and integrate student financial aid systems to improve efficiency, save money, and prevent fraud and abuse in the programs.

This bill also requires the Secretary to work with the higher education community to adopt common and open electronic data standards for important parts of the delivery system. By adopting these common standards, we can greatly simplify the student aid system by eliminating paper forms and unnecessary steps in the process.

Students and their families deserve a modern student aid system that meets their needs. This legislation will give the Secretary the tools he needs to provide it.

Additionally, the legislation before us rationalizes the guaranty agency system and makes important changes to the incentives we give guaranty agencies. It will change the guaranty agency financing structure to give these entities the flexibility they need if we expect them to use the largest private sector business practices, operate more efficiently, and ensure program integrity.

These changes will increase guaranty agencies incentives to become more efficient in their operations by designating payments for services as the property of the guaranty agency; increase their financial risk with respect to defaults in order to encourage stronger default prevention efforts; restructure the payments made to guaranty agencies in order to maintain a strong guaranteed loan program; and, most importantly, provide real savings to the Federal Government.

Some will say that we should have gone further in our restructuring initiative. These are the same individuals who would have us dismantle the guaranty agencies and turn them into contractors for the Federal Government. It is clear to me that this would be a mistake.

Throughout the history of the FFEL program, guaranty agencies have played a vital role in protecting the Federal fiscal interest while ensuring that billions of dollars in private capital remained available to needy students.

Given the shortfalls we have seen in the Department's contracting abilities, shortfalls which have caused unacceptable delays in the processing of student financial aid forms and a complete shutdown of the direct loan consolidation process, it is clear that the approach taken in H.R. 6 is the right one.

Second, this legislation continues and strengthens those programs that have served students well, making college more affordable.

One of the biggest challenges we faced during this process was saving the student loan program. As my colleagues know, the scheduled change in the interest rate for student loans jeopardized access to private capital for students.

Committee members faced the challenge of finding a solution that would ensure that student loans remain available to all students and their families, while also ensuring that students receive a real reduction in their interest rates. This was no easy task.

After working extensively with all parties involved, the student groups, the higher education and lending communities and Republican and Democratic members of the committee, it became clear that there was a consensus in three key areas.

First, everyone agreed that tying the interest rate to a long-term instrument like the 10-year Treasury bond would not work. Second, no one had any faith that the direct loan program could provide a viable alternative in the event that private loan capital became unavailable. Third, as our subcommittee hearing on March 5 showed, the interest rates for lenders proposed by the administration were too low to ensure lender participation.

In the end, we found a solution that I hope fixes the interest rate problem. The solution contained in this legislation will ensure that student loans will remain available for all students and that students will receive the lowest interest rates in 17 years. While no one may be completely happy with this solution, I believe it will ensure that every student will continue to have access to student loans at the most affordable rate possible.

Finally, H.R. 6 contains provisions offered in the committee by myself and the gentleman from Delaware (Mr. CASTLE) that implements a number of the recommendations of the National Commission on the Cost of Higher Education.

Specifically, this legislation will provide students and parents with better information to keep colleges accountable and higher education affordable by requiring the Secretary of Education to work with institutions to develop a clear set of standards for reporting college costs and prices.

Under our bill, the Secretary of Education will redesign the collection of Federal base information on college costs and prices to make it more useful and timely to the public.

This legislation will allow students to make more informed choices about the level of education they pursue by requiring the Secretary of Education to collect separate data on the cost and price of both undergraduate and graduate education.

It will help parents and students make informed decisions about the school they choose by requiring the Secretary of Education to make available for all schools on a yearly basis information on tuition, price, and the relationship between tuition increases and increases in institutional costs.

It will also allow us to keep track of any progress made in reducing tuitions by requiring the United States General Accounting Office to issue a yearly report on college cost and tuition increases.

H.R. 6 will reduce the costs imposed on colleges through unnecessary or overly burdensome Federal regulation by requiring the Secretary of Education to undertake a thorough review of regulations regarding student financial assistance every 2 years and, where possible, repeal, consolidate or simplify those regulations.

The Secretary will also report to Congress any recommendations he has with regard to legislative changes which would allow increased regulatory simplification. This legislation will require the General Accounting Office to report to Congress on the extent to which unnecessary costs are being imposed on colleges and universities as a result of holding them to the same Federal regulations that are applied in industrial settings. I expect colleges and universities to pass on these savings to students.

H.R. 6 will stress our commitment to keeping college affordable by strengthening our support for innovative projects addressing issues of productivity, efficiency, quality improvement, and cost control at postsecondary institutions.

In addition, H.R. 6 allows colleges and universities to offer voluntary early retirement incentives to tenured professors. This will allow professors, at their choosing, to receive additional retirement benefits beyond what they otherwise would have, while allowing colleges to approve their academic programs while reducing costs. I urge my colleagues to support these provisions as well.

Mr. Chairman, ensuring that a quality postsecondary education remains affordable is one of the most important things we can do for our children and for American families everywhere. If we are truly interested in making sure that all Americans can afford a quality postsecondary education and if we are truly interested in reducing the debt burden placed on our students, then the single most important thing we can do is to get colleges to lower their prices. These provisions will be a needed first step in that direction.

Once again, I want to thank my colleagues for the bipartisan way in which we have been able to work, and I look forward to our continued efforts to improve the Nation's higher education programs. I urge my colleagues to support H.R. 6 and to vote yes on final passage.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Without objection, the gentleman from Michigan (Mr. KILDEE) will control the balance of the time for the minority.

There was no objection.

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, well over a year ago, the gentleman from California (Mr. MCKEON), the Chairman of the Subcommittee on Postsecondary Education, Training, and Life-Long Learning, and I set out to produce a higher education reauthorization bill that would enjoy widespread bipartisan support. From the outset, the gentleman and I have worked very closely together on this.

We began with the understanding that this bill was too important to be bogged down by bipartisan differences, and we have held to that understanding very well. It has not always been easy, and I would be the first to admit that both of us have had to give ground and compromise.

The result, however, is a strong piece of legislation worthy of support by Democrats and Republicans alike. The heart and soul of this bill are in its student aid provisions. They make up more than 90 percent of this legislation, and they constitute 75 percent of all student aid available to help deserving Americans pay for a college education. Without them, a college education would simply be beyond the financial reach of millions of Americans. With them, and with a heavy dose of hard work, students can truly make the dream of a college education come true.

I am extremely proud of the fact that we have protected and even strengthened important student aid programs. Next year, the authorization level for the maximum Pell Grant will be $4,500, a strong signal that, in Federal student aid, there should be a stronger reliance upon grant aid and less dependence upon loans.

We have doubled the allowance for child care from $750 to $1,500. We have increased the income protection for dependent students from $2,250 to $3,000, from $4,250 to $5,500 for single independent students, and from $6,000 to $8,500 for married independent students.

We extend to the students the saving protection allowances that reward parents who save for their children's college education. The combined savings of students and their families would be protected up to $70,000.

We believe there is an appropriate way to reward those who have saved without penalizing those who could not. We make sure that the free application for Federal student assistance remains free, whether in paper or electronic form.

We also authorize this use as the application form for a loan. And, perhaps most important, need analysis will remain focused first upon serving those with the greatest need.

We strengthen the Trio Programs, protect the emphasis of the Supplemental Grant Program, expand college work study to include a new focus on family literacy, simplify the Perkins Loan Program, give the SSIG Program a new structure and purpose, and establish a new High Hopes Program to help young people complete a high school education and go on to college.

For the millions who must borrow to help pay for college, we have sought to keep the cost of borrowing down. We have accepted the administration's proposal to set the student interest rate at the 91-day T-bill plus 1.7 percent while the student is in school and 2.3 percent while the student is in repayment, with an overall cap of 8.25 percent. For students, this will mean the lowest interest rates in over 17 years.

We reduce the special allowance paid to lenders from T-bills plus 2½ percent to 2.2 percent while the student is in school, and from 3.1 percent to 2.8 percent while the student is in repayment.

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I am very encouraged that we have been able to include a limited loan forgiveness program in this legislation. An individual who enters teaching, remains in the profession, and teaches in a high-poverty school now has the chance to have up to $17,750 of their Stafford Loans forgiven.

I am also very pleased we have managed to reach an agreement that keeps both direct lending and FFEL programs in place. In and of itself, this is a major accomplishment that many said could not be done.

As important as the student aid provisions are, there are other provisions of H.R. 6 that also merit our support.

In Title I we have forged a single definition of an institution of higher education.

Prior to this, there has been one general definition and another more specific definition for the purposes of Title IV.

We will now have one consolidated definition.

We also propose to establish within the Department of Education a performance-based organization, which we believe will give the Secretary the tools he needs to make sure that our student air programs are managed in an effective and efficient manner and that, first and foremost, they serve the students they are designed to help.

In Title II we continue the small, but effective urban community grant program.

This has been an extremely important program in forging stronger linkages between my home community and the University of Michigan in Flint.

I am also encouraged that passage of the manager's amendment will mean a significant improvement in the Title II teacher quality enhancement provisions. This will mean authorization of a significant program to improve the recruitment, training and professional development of our Nation's teachers.

I am disappointed, however, that this legislation contains a prohibition on funding for the National Board of Professional Teaching Standards. I have long supported the excellent work done by the board. It has undertaken the difficult and painstaking task of establishing a set of voluntary standards for classroom teachers who want to demonstrate high proficiency and knowledge in their chosen field. We should be continuing our support for the board and not curtailing its important work.

I am extremely pleased with the compromise we were able to reach in committee to establish a new Title V to aid Hispanic-serving institutions.

I believe the agreement we reached in this area is a solid one that deserves the strong support of Members on both sides of the aisle.

As co-chair of the Native American Caucus, I strongly support the tribal college provisions that are part of this legislation.

I am proud of the fact that we will have a newly authorized Title III program specifically designed to help these institutions, and that we will continue all currently authorized Native American higher education programs in part B of Title IX of these amendments.

Mr. Chairman, enactment of H.R. 6 is essential if our critically important student aid programs are not to be interrupted. Passage of this bill is an important step to ensure the continuation of these programs and the aid they provide to literally millions of Americans who rely upon our Federal student aid programs to help put them through college.

And while there are areas and provisions where we disagree, this bill was reported out of committee by a vote of 38 to 3 with no Democrats in opposition. As we debate H.R. 6 on the House floor, I would hope that we might avoid action that would risk the widespread bipartisan support this bill now merits and enjoys.

Mr. Chairman, I look forward to a lively, productive debate and passage of a bill which we can all be proud of.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. PETRI), a member of the committee.

Mr. PETRI. Mr. Chairman, I thank the distinguished chairman of the committee for yielding me this time.

Mr. Chairman, the Higher Education Act is one of the supremely important laws which comes before this House. It has wide ramifications for our society and for our economy. I want to commend my full and my subcommittee chairmen and my colleagues on the Committee on Education and the Workforce who have worked so diligently on this reauthorization, even as I comment on one disturbing aspect of it.

In the history of guaranteed student loans, what the students paid has always been what the banks received, with the exception of in-school interest on subsidized loans and interest above a capped amount, which have been paid to the banks by the government. That has been true until now.

Under this bill, H.R. 6, for the first time this link will be broken. The banks will receive one-half percent more interest than the student borrowers pay, with the taxpayer paying the extra one-half point to the banks on every loan for as long as that loan is outstanding. That is an administrative monster as well as a huge cost increaser.

Why are we doing this? Because the banks swear on a stack of Bibles that they will lose money if we cut them further. They will drop out of the program and students will not get loans. Mr. Chairman, I have heard that particular Chicken Little before.

When I first became a member of the committee 19 years ago, the banks got 3½ percent over T-bills on these loans, and they swore then on a stack of Bibles that if we cut them, they would drop out. So we cut them to 3.1 percent. Guess what? Nobody dropped out. Since then, it has been the same story every time we bring up this act. They swear on a stack of Bibles, we cut them a little bit anyway, and nobody drops out. Does anybody see a problem here?

This whole process is fundamentally flawed. We are setting prices for private parties in a political negotiation. Congress should not be setting prices. We need a market process to do that. We have that in direct lending, where all private services are procured through competitive bidding. We do not have that in guaranteed lending.

That is why the gentleman from New Jersey (Mr. ANDREWS) and I are proposing a loan rights auction process to determine how much the banks are paid and to get rid of the continuing extra half point bank subsidy now in the bill.

Mr. KILDEE. Mr. Chairman, I yield 2½ minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, first of all, I want to associate myself with the bipartisan spirit and nature of this bill and commend my ranking member, the gentleman from Missouri (Mr. CLAY), and my ranking member of the subcommittee, the gentleman from Michigan (Mr. KILDEE), and also give accolades to the gentleman from California (Mr. McKEON) and the gentleman from Pennsylvania (Mr. GOODLING) for bringing Republicans and Democrats together on such an important issue to all Americans across the board.

One of my constituents was kiddingly saying to me the other day, he said, "Tim, the American dream used to be to own your home. Now it is to get your children out of the home and into an affordable school." Well, this bill will help our Nation's parents get their children into affordable schools.

When parents want to send their children to Indiana University or Purdue, it can be $13,000 a year, and if there are three children, it can cost those parents $156,000 through the course of those tuition payments. For affordability reasons, we have the lowest interest rate in 17 years in this bill. That is a tax cut for every individual with children in schools across America with the passage of this bill.

In terms of accessibility, that complements the affordability. Children with no hope, we have now passed a program with high hopes, to give children the hope of getting into college. For simplification, students will be able to apply for financial aid with one single application for both loan programs. For quality, I have included an amendment for alternative certification for teachers to get certified so that we can bring in people from different professions, including the military, to teach in schools.

I do, Mr. Chairman, have one concern about a new regulation for reporting requirements on colleges and universities and intend to offer an amendment during consideration of this bill to strike that particular provision.

Mr. Chairman, I thank the distinguished Member, the gentleman from Michigan (Mr. KILDEE), who has done such a great job on this bill, and conclude by saying that Thomas Jefferson, who founded the very first public institution in this country, the University of Virginia, once said, and I quote, "The less wealthy people would be qualified to understand their rights, to maintain them, and to exercise with intelligence their parts in self-government."

Thomas Jefferson, I think today, would be very proud of the higher education system in this Nation that is the best in the world. This bipartisan bill complements that outstanding university system.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank my friend from Michigan for yielding me this time, and I again want to say to the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from California (Mr. MCKEON), our chair people, and to the gentleman from Missouri (Mr. CLAY) and the gentleman from Michigan (Mr. KILDEE), our ranking members, that I am proud to be associated with their accomplishment that they have worked so hard on.

This bill is the second installment in a two-part process that began last year to make higher education more affordable for more Americans. Last year, as part of the historic balanced budget agreement, this Congress gave people a tax cut to help people pay for college tuition. This Congress made it easier for people to save some money in IRA-type accounts for college and career school tuition.

We finish that job or continue that job with this bill. This bill dramatically increases Pell Grants to a level of about $4,500 at the beginning. This bill makes more loans more affordable to more students and, in response to legislation I have introduced, makes those loans more affordable and more repayable. This bill expands work study programs and makes it more fair and reasonable as to how we calculate what a family must contribute to the education of a person in that family.

What is most important about this bill, however, is why it does what it does. This bill is about honoring a commitment to the people of this country that says if they are willing to work hard and make sacrifices that they can go as high and as far as their ability and desire will take them.

I am proud, Mr. Chairman, to stand before you tonight as the son of a father who did not graduate from high school, as the son of a mother who graduated from high school but had no further opportunities.

Education has been very important in our family. My father-in-law was a lifelong career educator, my mother-in-law is someone who cares deeply about education, and I am just so proud to be a part of an effort that says to all of America's children and all of America's adults that the promise of a higher education is much closer to being a reality once we enact this legislation. I urge my colleagues to support it.

Mr. GOODLING. Mr. Chairman, I yield 2½ minutes to the gentleman from South Carolina (Mr. GRAHAM), an important member of our committee.

Mr. GRAHAM. Mr. Chairman, to take up where my colleague left off about families and about doing better and about hopes and dreams, this bill has a lot of that in it.

I am the first person in my family to ever go to college because my parents worked hard. They died fairly early on in my life, and I helped put my sister through, and we got student loans and grants, and it really helped.

But one of the debates about education is to provide quality. And, quite frankly, one of the problems we are facing in this country is a shortage of qualified teachers. In this bill, the higher education bill that we are about to, hopefully, pass here, there is a provision that I think the American public needs to know about that is a very good, common-sense step to solving that problem.

About 30 percent of the teachers in our K through 12 schooling systems have been in teaching over 20 years and are going to retire, and we are going to have a tremendous teacher shortage in the first part of the 21st century. The number of emergency certificates being issued to get people into the teaching profession, like in New York City alone, is about 18 percent, is at an all-time high.

We are having a hard time getting people into the teaching profession, especially in urban poor and rural poor districts. In this bill we have a program, thanks to the gentleman from Michigan (Mr. KILDEE), the gentleman from California (Mr. GEORGE MILLER), and the people on our side of the aisle. We have come together in very much a bipartisan fashion to address the teacher shortage facing this country.

The loan forgiveness program goes as follows: If individuals graduate from college and are willing to go into the teaching profession and keep their certifications up, because we want quality, not just bodies, and they will go to a Title I school where 30 percent of the students are at the poverty level or below and they will stay in that school system and teach for 3 years and keep their certification levels current, in the fourth year of their teaching career we will start forgiving the student loan at 30 percent, and by the sixth year of their teaching careers we will forgive the student loans entirely, up to $17,750.

We on this committee believe that it is a small step forward to addressing the teaching shortage in this country, and I cannot tell my colleagues the response I have gotten in South Carolina. I have a lot of Title I schools with 30 percent poverty level or below. The educators are excited. This will help us get the best and brightest as an incentive to go into teaching, to go into the schools that have a hard time recruiting.

And this amount of money is $218 million, and it comes out of the bill itself. There is no new spending. I think it is Congress at its best, and I want to thank the people on the other side of the aisle, the gentleman from Michigan (Mr. KILDEE) and the gentleman from California (Mr. MILLER), for helping in this endeavor. A lot of lives are going to be changed very positively as a result of this, and I just think it is a good day for Congress, and I hope other Members will tell the folks back home about this new program.

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Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, as a member of the Subcommittee on Post-secondary Education, Training and Life-Long Learning, which crafted this bill, I am truly proud to rise in support of H.R. 6, the Higher Education Act. This is a good bipartisan bill. It makes higher education more available and more affordable for all students.

H.R. 6 also makes higher education safer, particularly for women on college campuses, because H.R. 6 includes grants to combat violent crimes against women on campuses. Currently, 20 percent of college women will be victims of sexual assault at some time during their college years. These are our daughters, our sisters, even our mothers. College is hard enough. Women should not have that added worry of sexual assault. These grants will be used for education, for prevention, for collaboration with local public safety departments to reduce violent crimes against women on college campuses.

I want to thank the gentleman from Pennsylvania (Mr. GOODLING) and I want to thank the gentleman from Missouri (Mr. CLAY), and I want to thank them both for their willingness to work with me to include these grants in this bill. And at the same time, we should all be thanking the gentleman from California (Mr.

MCKEON) and the gentleman from Michigan (Mr. KILDEE) for their leadership on this bill. Good job, my colleagues.

On the other hand, I urge my colleagues to reject any amendment that will jeopardize final passage of this bill and to join the members of the Committee on Education and Workforce from both sides of the aisle and vote for a bill that puts the best interest of students and parents first.

The CHAIRMAN. The Chair would advise that the gentleman from Michigan (Mr. KILDEE) has 14 minutes remaining, and the gentleman from Pennsylvania (Mr. GOODLING) has 8 minutes remaining.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding.

I want to join my colleagues in again congratulating our chairman the gentleman from Pennsylvania (Mr. GOODLING) and the subcommittee chairman the gentleman from California (Mr. MCKEON) and the gentleman from Missouri (Mr. CLAY) and the gentleman from Michigan (Mr. KILDEE) for all of the work here.

This is one of the more unusual bipartisan coalitions we have put together in the last couple of years, but we have done it because I think everybody on the committee recognizes the importance of this legislation to America's families with children who are pursuing higher education and pursuing education for the purposes of taking their place in our economic system.

This legislation is an important vehicle, and it opens the doors of opportunity for those families. I think as we look through this legislation, to my colleagues who are not part of the committee, they will start to see that the hearings in this committee made a difference, that this committee was willing to listen to people who were constructive critics of the current system and have made a series of changes that I think are terribly important.

We provided loan forgiveness, as the gentleman from South Carolina (Mr. GRAHAM) pointed out, to teachers to go to high-poverty schools, but we also said that those teachers have to be qualified. No longer should poor children have to suffer poor teachers. We have provided grants to States for upgrading the State teacher preparation and certification system. We created partnerships between colleges and school districts to provide new teachers intensive professional development and mentoring programs and better information to parents about the qualifications of the teachers of their children, the teachers who are spending many hours a day with their children.

I think it is important for our colleagues to understand that we listen to these critics, we try and shape and mold this program, we try to reduce the cost of higher education to young people and to their families; and I think we successfully did so.

Finally, I would just like to make one remark that was pointed out by our colleague the gentleman from Guam (Mr. UNDERWOOD). I am disappointed that the legislation, as currently written, will result in students from the Freely Associated States being denied access to Pell Grants. I think it is important that we try to honor our commitment to these people from the Federated States of Micronesia, Marshall Islands and Palau to make sure that they do have access to institutions of higher education here on the mainland; and I look forward to working with the committee on that matter.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Chairman, I rise in strong support of H.R. 6. I want to commend the gentleman from California (Mr. MCKEON) and the gentleman from Michigan (Mr. KILDEE) for making this a truly bipartisan effort.

H.R. 6 will give millions of Americans educational opportunities well into the next century. I am pleased that H.R. 6 includes the provisions of my bill, the American Teachers Preparation Improvement Act. H.R. 6 will help new teachers by establishing partnerships between colleges and schools.

I am also pleased that H.R. 6 includes legislation that the gentleman from New York (Mr. ENGEL) and I introduced to protect consumers. Our bill requires the Department of Education to put up-to-date information about financial aid and scholarships on its Web site.

This bill does many great things to increase access to education, but we can do more. I am concerned that provisions which block schools from financial aid programs if their default rates are high end up denying access to education to many low-income students.

However, earlier this month GAO reported that default behavior is primarily influenced by the characteristics of the borrower rather than that of the school. We need to hold schools accountable, but we need to look very closely at the measurements we use. Many good schools risk being kicked out of Federal aid programs simply because they serve low-income students.

Again, I want to commend the chairman and ranking member for their work, and I urge my colleagues to support H.R. 6. And again, through our educational committee, we have worked well together, and I appreciate that, because, in the end, we are serving our children, and I appreciate that very much.

Mr. MCKEON. Mr. Chairman, I yield 2½ minutes to the gentleman from Nebraska (Mr. BARRETT), an important gentleman on the committee.

Mr. BARRETT of Nebraska. Mr. Chairman, I thank the gentleman for yielding this time.

Mr. Chairman, I guess let me begin by expressing a certain disappointment this evening over the rule we passed earlier this evening. I was assured throughout committee consideration that the $1 billion in extra money that we were looking for would be resolved prior to coming to the floor with the bill. In fact, I even cosponsored the bill with that assurance. Now, of course, we find in the rule that we waived the budget rule so that no one could raise a point of order against the bill for violating the Balanced Budget Act that we all agreed to about 8 months ago.

I know, Mr. Chairman, that this is much needed legislation if we are going to have student loans available to the millions of needy students out there. But to make the student loans available today, the House apparently is willing to add another unpaid bill to tomorrow's generation of students, and I am very disappointed over this action.

However, in the limited time that I do have before me, let me highlight just a few provisions that I do support in the bill. The bill, first of all, would create a student loan forgiveness program for teachers in low-income schools. Some teachers could have some or all of their student loans forgiven if they are teaching in their core area.

H.R. 6 would also modify the needs analysis formula to permit people to keep more of what they earn and still qualify for Federal student financial assistance. If people are to move from welfare to work, or if young families are to afford to have one or both parents in school, then we must allow them to earn just a little bit more and still qualify for student aid.

Finally, Mr. Chairman, the bill does embark on what may become a very complex issue in the next reauthorization. For example, how can Federal student aid programs be adapted to the new and emerging technologies and the methods of instruction used in distance learning programs? H.R. 6 permits the Secretary to approve distance learning programs that are currently exempt from statutory or regulatory limitations. This could very well provide more flexibility and more oversight for emerging distance learning programs.

Unfortunately, in my opinion, Mr. Chairman, some of these good provisions and many others are scarred by the budget-busting nature of the bill.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chairman, I rise in support of House bill H.R. 6. This is a strong bill giving students opportunities to access higher education for the next 5 years.

First, I want to acknowledge the excellent work accomplished by the gentleman from Pennsylvania (Mr. GOODLING). I applaud the leadership shown by the gentleman from California (Mr. MCKEON), chair of the Subcommittee on Postsecondary Education, Training and Life-Long Learning; likewise, the gentleman from Missouri (Mr. CLAY) and the gentleman from Michigan (Mr. KILDEE), the ranking member of the Subcommittee on Postsecondary Education, Training and Life-Long Learning, have contributed greatly towards the education bill before us today. It is amazing that we forged an excellent bipartisan consensus agreement.

Secondly, I want to express my appreciation to Secretary Riley and President Clinton for supporting our legislative and resource allocation concerns in regard to expanding opportunities for Hispanic students. I also want to acknowledge the personal contributions offered to us by the gentleman from Missouri (Mr. GEPHARDT), the minority leader, and his staff.

Thirdly, a special mention is directed to all of the presidents of HSIs who rallied on our behalf. And last, but not least, thanks to the Hispanic Education Coalition, which provided us with very valuable insights and consistent support during this Congress.

In September of last year, on behalf of the Congressional Hispanic Caucus, I introduced H.R. 2495. This bill contained a number of provisions intended to amend what is now H.R. 6. With the help and cooperation of our committee leadership, a number of these provisions have been incorporated.

For example, in regards to Hispanic-serving institutions, we have reduced eligibility barriers, legislatively strengthened these institutions, increased the authorization levels, and provided for graduate and professional opportunity.

Other provisions incorporated in H.R. 6 include support within title III for tribally-controlled colleges and universities, support for high school equivalency programs and college assistance migrant programs, Frank Tejeda Scholarship program, funding priorities in the Fund for the Improvement of Postsecondary Education, which emphasizes community colleges.

All of the foregoing provisions are especially important to us on the Education Task Force of the Congressional Hispanic Caucus. They are of much greater importance to all the students impacted. The students are the winners with H.R. 6. This includes 1.2 million students and the 166 Hispanic-serving institutions across nine States and Puerto Rico.

In closing, Mr. Chairman, I urge all my colleagues to vote in support of H.R. 6.

The CHAIRMAN. The Chair would advise that the gentleman from Michigan (Mr. KILDEE) has 7½ minutes remaining, and the gentleman from Pennsylvania (Mr. GOODLING) has 5½ minutes remaining.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Chairman, I join my colleagues today in supporting H.R. 6.

I would first like to commend my committee colleagues for arriving at a bipartisan piece of legislation that we can stand behind and of which we can be proud. This is one of the most important bills that Congress will vote on for students and for families. It will enable every American who would like to do so to attend higher education.

As America moves into a knowledge-intensive world of the future, the focus is turning to higher education. It used to be that a high school education was important, but today one really needs a college education. When I was in school, we could get away with typing skills, but future students will have to be prepared to access computers and be able to navigate the information highway.

I believe that that bill accomplishes the goal of expanding educational opportunity, particularly for low-income individuals, and it increases the affordability of colleges for many families. It offers a better future for approximately 1 million students who attend Hispanic-serving institutions and tribally-controlled colleges in approximately 200 institutions across the Nation.

I have an SAI in my congressional district, Santa Ana College, which serves 3,000 students, and this bill will give Santa Ana College, other institutions around the country, increased funding, support, and recognition that they need to serve all of their students.

We also included funding to expand and modernize active school programs, such as TRIO, but we did not stop at that.

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We also created the High Hopes program which will do early intervention in middle schools across the country.

I came to Congress to make sure that every child in my district had the same opportunities for education that I had. Passing this legislation will ensure that I will carry out that mission. H.R. 6 gives struggling students the opportunity to excel and to take full advantage of their education. A "yes" vote on this bill is a vote for students and families and the future.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE), another gentleman from the committee.

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding me the time and for his erstwhile and good work on this bill, as well as a lot of other Members who worked so hard on this. I, too, as I have heard everybody else tonight, rise in support of H.R. 6.

There are a number of good reasons to support this bill but, since I only have a few minutes, I will focus on provisions to make college more affordable. While the bill includes a new low student loan interest rate and increases assistance to disadvantaged students, these provisions will not be of much help if tuition rates continue to increase, thus requiring students to take on more debt or minimizing the value of grant aid. By the way, tuition has increased more than any other commodity in this country in the last 20 years or so.

To bring some subtle downward pressure on tuition rates, this bill includes an amendment offered by the gentleman from California (Mr. MCKEON) and myself based on the recommendations of the National Commission on the Cost of Higher Education. The bill includes provisions requiring the Department of Education to review regulations regarding student financial assistance every 2 years and where possible repeal, consolidate or simplify those regulations.

It also provides Federal support for innovative projects addressing issues of productivity, efficiency, quality, improvement and cost control. And it requires GAO to issue a yearly report to Congress on various college cost factors and tuition increases.

But one of the most important provisions requires the Secretary of Education to work with colleges to develop a clear set of standards for reporting college costs and prices. Right now terms mean different things in different places, and it is not possible to compare costs at one school to costs at another.

For example, what is encompassed under the term "research"? What is encompassed under the term "building and facilities"? Everyone needs to be on the same page before institutions can voluntarily report on their costs in a meaningful way.

Once this occurs, then families will be able to make comparisons. They will have a clear sense of what their college tuition buys them, what schools spend their money on, what their financial priorities are. This valuable information could guide consumer choices and, more importantly, could guide institutions' spending choices.

For this reason as well as the others mentioned by my colleagues, I urge Members to give this legislation their hearty support.

Mr. KILDEE. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. ROYBAL-ALLARD).

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in support of H.R. 6.

Our commitment to making education a national priority must be reaffirmed. We must help our youth develop their talents and the skills they need to compete in today's highly technical and competitive global economy.

If we do not, our businesses will not have a skilled workforce, our economy will suffer, and even worse, we will rob our youth of the opportunity to lead meaningful and productive lives.

Mr. Chairman, H.R. 6 will help to end the tragic loss of our youth's talents, energies and abilities and prepare our country for the challenges of the 21st century. For example, H.R. 6 includes President Clinton's new High Hopes initiative which will make available outreach, mentoring and tutoring assistance for low-income students, providing the help and encouragement that many of our young people need to stay in school.

Mr. Chairman, H.R. 6 is a good bill that will help our collective effort to ensure that higher education is accessible to all our children.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Chairman, I too rise in support of H.R. 6. I want to congratulate all of those who made it possible.

We are grateful for the fact that there are no extremist and radical proposals in this bill, no radical proposals to roll back the Federal role in education of the kind we had in the 104th Congress, so we are grateful for that. We are grateful for the good housekeeping that has tidied up certain parts of the Higher Education Assistance Act. We are grateful for the important administrative changes that have been made. It is all good. We have some incremental increases, also, that we are grateful for.

However, I want to voice my dissent in terms of what is not here. We have missed a great window of opportunity that will not be open again until 2003. We only reauthorize this act once every 5 years, so we are going into the 21st century and we have a status quo bill that we have polished up, it is great, but at a time when the economy is booming and the information technology revolution is underway in industry, we have neglected our duty to set priorities and make projections and target to meet critical needs.

Two critical need areas we have neglected, one is we have neglected to address the information technology worker crisis. Right now there is a shortage, 300,000 vacancies across the country, and it is going to get worse. Only the Committee on the Judiciary is addressing the problem. They are going to bring in more foreign professionals to fill the gap. Instead of training our own, we are going to bring in foreign professionals.

The other critical need is in the area of more opportunity needs to be provided. We have a very complex society that we are in already and it is going to become more complex. We need more Americans to go to college, more Americans to be in college. Fifteen million is not enough. Fifteen million may seem like a lot when you consider the junior colleges and the senior colleges, but 15 million is less than 10 percent of the total population. In the complex world that we are looking at, we need more.

We need to address this problem and provide more opportunities. Instead of quarreling about affirmative action, we need to open up the gates and let more people in. That is an affirmative way to proceed to provide the kind of human capital that we need for the future.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. BOB SCHAFFER), a very faithful and important member of the committee.

Mr. BOB SCHAFFER of Colorado. Mr. Chairman, I thank the gentleman for yielding me this time, the chairman of the committee and the distinguished Member from the State of Pennsylvania whose leadership on this issue has been exemplary.

The government quite frankly can do more to reduce the default rate where student loans are concerned. I would submit this is an important thing for us to consider and for us to pursue, because the high default rate that we are experiencing presently essentially robs resources from other worthy students who have a right to an opportunity to achieve higher education in America. That is true with public resources as well as private resources.

The reason this occurs, however, and the area where we ought to look to find a remedy is right in the Federal statute as it exists today. There is a definition in the Higher Education Act for what constitutes due diligence with respect to collecting these loans. The Department of Education unfortunately applies that standard differently under different circumstances.

I had offered an amendment in committee which would have proposed to apply this definition of due diligence evenly throughout the law in a way that would cause greater efforts to collect delinquent loans and lower the delinquency rate. That amendment was withdrawn under my direction at the request of the chairman, and it was his belief and promise that he would work with me and the sponsor of the bill in directing the Department of Education to increase its efforts at collecting loans that are in default in a way that will effectively lower the default rate.

I am proud to say, Mr. Chairman, that the Department of Education to this point has been receptive. Just raising the level of discussion, not only in committee but right here on the floor, has done quite a lot to make progress in this regard. It is one of those examples where I think we are going to be able to resolve this problem and move in a positive direction without the necessity of additional statutes and additional regulatory law.

With that in mind, Mr. Chairman, I just want to thank the gentleman from Pennsylvania for agreeing with me and the sponsor of the bill that we will continue to press privately with the Department of Education to resolve the problem of loan defaults.

Mr. KILDEE. Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania (Mr. FATTAH).

The CHAIRMAN. The gentleman from Pennsylvania (Mr. FATTAH) is recognized for 2 minutes.

Mr. FATTAH. Mr. Chairman, let me first thank the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY), and also the gentleman from California (Mr. MCKEON) and the gentleman from Michigan (Mr. KILDEE) for the excellent work product that has been produced.

I too rise in support of favorable consideration of H.R. 6. I, however, want to add to what has been said by others about an important part of this bill which is the High Hopes Program, the fact that not only has it been embraced by the Clinton administration, but this is a proposal that has been bipartisan since its inception. That is, it has enjoyed the support of Members on both sides of this aisle, both in the committee and in the full House. I want the record to fully reflect that this is a bipartisan initiative.

I would also like to thank the staff who have worked so hard on this product, for Sally Stroup and also David Evans for their hard work. There are millions of American families who are going to benefit not just by the initiative that I referenced, but throughout this bill there are programs and projects that will appropriately intersect with the interests and aspirations of American families for their next generations to receive the highest possible opportunities to reach their academic potential.

Finally, I want to say that I think it says a great deal about the 105th Congress, at the same time that when we make it clear to young people that there are consequences when they act inappropriately, we are now through the High Hopes 21st century initiative making it clear when they do the right thing that there will be rewards and that we indeed expect of them the highest in terms of their achievements. Many of us will not be around in the next century when these sixth graders are going to college, but today we are not thinking about the next election, we are thinking about the next generation.

Mr. GOODLING. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 1½ minutes.

Mr. GOODLING. Mr. Chairman, I just want to make two observations. First of all, I want to again repeat that we cut the lenders yields by 30 basis points. The students are happy. The colleges and universities are happy. The lenders are not. But it was a compromise and I think a good compromise for students and parents.

Then I do want to mention something about the National Board of Professional Teaching Standards. It was my belief that if we had 40 percent of the students that are not reading well by the end of third grade, one of the things we should be looking at is teacher training, teacher preparation. I felt we should be looking at the other end, where these teachers are beginning to start to become teachers, so that as a matter of fact we would not have that problem later on.

And so we had to find $18 million to have an offset in order to better prepare our teachers who are beginning to teach, and our teachers who are teaching who need remedial work. That is where we got that $18 million. We have to understand in 1992 when they came and asked for some money, they asked for a little bit of seed money. They said, "That's all we want, a little bit of seed money, and then it will pay for itself." Since 1992, they have spent $100 million, they have certified 914 teachers, that is $100,000 apiece, none of which got into rural America and center city America where they are truly needed.

Mr. RODRIGUEZ. Mr. Chairman, I rise to discuss an issue of importance to the families of my district and to our Nation as a whole—access to higher education for all children.

While I agree with many aspects of the legislation, I want to focus on significant sections of H.R. 6 that need improvement—teacher training and diversity on our college campuses.

Let me first say that I applaud the bill's inclusion of the Frank Tejeda Scholarship Program—appropriately named after a Member of this Chamber who fought to advance the education of some of our neediest students. The initiative would help bilingual individuals pay for their college education in exchange for service in schools with large limited-English proficient student populations.

While I applaud this effort we must first look at programs that will address some key problem areas such as teacher recruitment, retention and scarcity.

The current proposal would put all teacher training funds into block grants to the States. This is unacceptable. It does not ensure that we will hire, train and keep the very best teachers for our students. And it will not ensure that smaller school districts receive necessary funds to pilot professional development programs. As a former State representative, I value local input and state control. But the Federal Government has a positive, affirmative role to play—and it is more than simply transferring money.

Students not only need well trained teachers, they also need rich learning environments. We know that college students learn as much from each other as from the formal education they receive.

Therefore, we have a duty here today to ensure that we keep our colleges as a place where diversity is welcomed and respected.

My colleagues on the other side say they want a "color-blind society". The reality is that we don't have one and that equal opportunity does not exist for minority students. Because there is not equitable access to education we must use what we know works—affirmative action.

In my home State of Texas, overall Hispanic and African-American enrollment dropped sharply at the larger institutions of higher education as a result of he Hopwood decision, and we can't allow the trend to continue.

I oppose the Riggs amendment. It would overturn the 1978 Supreme Court decision recognizing the value of affirmative action and would deny the substantial advances that have been made through affirmative action by women and minorities. Don't be fooled into believing that you are voting for equality. Voting to end affirmative action is a vote to perpetuate inequality.

Mr. Chairman, protecting and ensuring our children's access to a good education is a most important goal. I applaud the efforts of my colleagues and the administration in bringing this important bill to the Floor, and I look forward to our collective work on this crucial issue.

Mr. CASTLE. Mr. Chairman, I have concerns about a provision included in H.R. 6 which eliminates all Federal funding for the National Board for Professional Teaching Standards.

I've been aware of the Board's efforts for many years. I was Governor of Delaware when the National Governors Association called for the Board's creation in the late 1980's. I've worked with representatives of major Delaware corporations such as DuPont, who strongly support the Board's mission. And the State of Delaware, like many other States, is actively supporting the Board's objectives by providing funds to help teachers sit for Board certification, and by providing merit pay to teachers who achieve certification.

There is broad and bipartisan support for the mission and the work of NBPTS from major stakeholders in education policy; the governors, business, the school boards, principals, and teachers. I submit for the RECORD a letter in support of Federal funding for NBPTS, signed by several Republican and Democrat governors.

While questions have been raised about Federal funding for the National Board, I believe it is possible to achieve a compromise that sets a time limit on Federal funding, but allows the important work on teacher certification to be completed. I intend to work to resolve this issue in conference.

April 21, 1998.

Hon. WILLIAM F. GOODLING,
Chairman, House Committee on Education and the Workforce, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: We are writing you today to tell you of our support for the important work of the National Board for Professional Teaching Standards. As Governors, each of us believes that one of our highest priorities is to make our system of education the very best it can be and that a vitally important factor in achieving this is to improve the quality of the teaching that takes place in our classrooms. We support the voluntary process of National Board Certification because it provides us with a tool for achieving this goal. Each of us has crafted a plan to use the high and rigorous standards and assessments of the National Board in our states and we look forward to soon having the full system available to all of our teachers.

We applaud the United States Congress for providing resources for the research that launched and continues to support full development of the voluntary National Board system. For a little over six years, this research and development program has proceeded with the help of federal dollars and with accountability to the Congress.

We look to you for continued support of the federal funding for the National Board for Professional Teaching Standards at the level requested by the President for FY 1999.

Sincerely,
James B. Hunt, Jr.;
Gary Locke;
Lawton Chiles;
Thomas R. Carper;
George V. Voinovich;
Marc Racicot;
Terry E. Branstad; and
Tommy G. Thompson.

Mrs. MORELLA. Mr. Chairman, I rise in praise of Congressmen GOODLING, MCKEON, KILDEE and CLAY and all of the Members of the Committee on Education and the Workforce for their hard work and their leadership in bringing H.R. 6, the Higher Education Amendments of 1998 to the House floor in a timely manner. You deserve great credit for this thoughtful and carefully-crafted bill that will increase access to a higher education for millions of Americans.

For most Americans, student loans are the primary source of education funding. From the G.I. Bill to Pell Grants and the Stafford Loan Program, financial aid has enabled millions of working class families to send their children to college. College graduates earn, on average, 50 percent more than those with only a high school diploma.

This legislation will provide college students with the lowest interest rates for academic loans in 17 years.

The bill expands the Pell Grant Program which helps youngsters from disadvantaged backgrounds, and improves campus-based aid programs like Supplemental Education Opportunity Grants, Work Study, and Perkins Loans.

The process of applying for student loans has been simplified, and there has been an effort to reduce the regulatory burden on most colleges and universities.

Students will have more timely access to crime statistics and information that will allow them to have an accurate picture of campus safety. In addition, the bill gives the Secretary of Education the unprecedented authority to study distance learning techniques that will expand student access to a higher education.

I am particularly pleased that Congresswoman MARGE ROUKEMA offered legislation that I introduced as an amendment during the mark-up of H.R. 6. My legislation, College Access Means Parents in School (CAMPUS) Act, has been incorporated into H.R. 6 and will enable more low-income women to get a college education by providing campus-based child care centers. Often, finding affordable quality child care can be an insurmountable barrier for students who have children. The CAMPUS Act will tear down this barrier by providing financial incentives for colleges and universities to establish campus-based child care centers.

The good news is that students who have access to campus-based child care centers are more likely to stay in school and graduate than the average college student. Peace of mind that their children are being well cared for enables most of these students to achieve a higher grade point average and to complete their college education in less time than the norm.

Again, I want to commend the members of the Education and Workforce Committee for their excellent endeavors and I urge all of my colleagues to support this bill.

Mr. FAWELL. Mr. Chairman, I am very pleased to announce that the Higher Education Amendments Act of 1998, H.R. 6, which will be passed by the House today, includes compromise language permitting colleges and universities to offer voluntary age-based early retirement incentives to tenured faculty. Title X of H.R. 6 reflects compromise language acceptable to all interested parties, including Democrat and Republican leaders of the Education and Workforce Committee, the Administration, the higher education community, the American Association of University Professors (AAUP)—the well known faculty union, and other groups. This language still accomplishes the basic purposes of the bipartisan bill H.R. 3473, which I introduced on March 17, 1998 (and which was incorporated in the version of H.R. 6 reported by the Committee).

This legislation would amend the Age Discrimination in Employment Act of 1967 (ADEA) to provide a "safe harbor" for certain age-based voluntary early retirement incentive plans (VERIPs) offered by colleges and universities to tenured faculty. The new Title X clarifies the scope of that safe harbor in several respects from the Committee-reported version.

I support the principles of the ADEA and believe that the unique nature of faculty tenure justifies this amendment. Moreover, the ADEA already recognized the unique nature of faculty tenure. In 1986, when Congress amended the ADEA to abolish the mandatory retirement age, it included a seven year exemption for tenured faculty. When the exemption expired in December 1993, a National Academy of Sciences report raised concerns that the tenure system and diminished faculty turnover—particularly at research universities—could increase costs and limit institutional flexibility in responding to changing academic needs, particularly with regard to necessary hires in new and expanding fields and disciplines. It thus predicated its recommendation for ending mandatory retirement on the enactment of several proposals, including this legislation.

This legislation has been endorsed by the AAUP, the widely recognized union that represents university faculty. According to the AAUP, voluntary early retirement incentives are beneficial for both the faculty members who choose to retire and the institutions that need to encourage turnover to make necessary hires. Further, the voluntary nature of the proposed incentives and the double protections available to tenured faculty—the age discrimination laws and the tenure system—insure that this "safe harbor" cannot be used to penalize faculty members who choose not to retire. The AAUP has written to the Committee that it supports the legislation because "the retirement incentives under discussion are offered on a voluntary basis . . . [and] the legislation would permit an offer of additional benefits. It would not permit institutions to reduce or eliminate retirement benefits that would otherwise have been available to faculty after a certain age."

The Older Workers' Benefit Protection Act (OWBPA) did allow for two very limited age-based early retirement subsidies. When the OWBPA was enacted, the authors did discuss in detail the need for a safe harbor in defined benefit plans and noted that any plans (i.e., defined contribution plans, the plans used primarily by colleges and universities, and defined benefit plans) could utilize other early retirement incentive plans. The Committee has now decided that another very limited age-based early retirement subsidy should be permissible. This exception will be available only for faculty members with tenure at an institution of higher education. I believe that the unique nature of the tenure system and the extra protections it affords over and above the age discrimination laws justifies the creation of this exception solely for higher education institutions.

Moreover, this past January, the bipartisan National Commission on the Cost of Higher Education included this legislative initiative in its recommendations to check the skyrocketing cost of a college education. The Commission recommended that "Congress enact a clarification to the Age Discrimination in Employment Act to ensure that institutions offering defined contribution retirement programs are able to offer early retirement incentives to tenured faculty members. The Commission endorses pending Senate Bill 153, which would accomplish this purpose."

Title X is similar to S. 153, introduced by Senators Moynihan and Ashcroft. However, unlike the Senate version, this provision assures that no professor is denied an opportunity to receive the retirement incentive because the professor is too old. The provision requires that each otherwise eligible faculty member will have one opportunity of at least 180 days to elect to retire and receive the maximum benefit that could then be elected if the faculty member were younger. The provision clarifies that this 180-day opportunity must be afforded not only to faculty members who have attained the minimum age and satisfied the other eligibility requirements at the time the plan is established, but also to faculty members who satisfy these eligibility requirements at some later time while the plan remains in effect. The provision also requires that faculty members be given at least 180 days to plan for retirement after making their election.

The compromise language for Title X also clarifies that the "safe harbor" applies only to VERIPs that offer supplemental benefits, and would not apply where an institution implements any age-based reduction or cessation of benefits that would otherwise have been available to tenured faculty. The new Title X clarifies that an institution may not cease offering a retirement or severance benefit that has been generally available to tenured faculty and, within 365 days thereafter, begin offering that benefit solely to faculty members who retire under the VERIP. The provision would not, however, preclude an institution from discontinuing benefits under an existing early retirement or exit incentive plan and substituting a VERIP within 365 days.

Finally, the new Title X clarifies that the enactment of this safe harbor is not intended to effect the application of the ADEA to any other plans or employers.

It is my hope that this legislation will contribute to containing the costs of higher education, and will be beneficial both to colleges and universities and to their faculty members who choose to retire. In the words of the AAUP, the legislation will "provide greater flexibility in faculty retirement planning, offer a substantial retirement benefit to those professors who choose to retire under the terms of an incentive plan, and leave other professors whole in their choice to continue their careers."

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of the Higher Education Act that we have before us today.

This bill is one of the biggest bills we will complete this Congress. These are the issues that count for the American people.

To be competitive in the global economy, we need to provide our country's youth with the means to better their education.

Mr. Speaker, we should be calling this bill "the American Act!" This is the legislation that will enable young people across this Nation to obtain the education they need to develop their skills so that they may get the good job at good wages. In this exchange, our students get the job they want, the roof over their head and America gets hard-working, productive members of our society.

Among the many important provisions of this bill, are that this bill saves the student loan program, encourages the provision of campus-based child care, cuts down on scam schools and works on the training of our teachers.

It is a good bill that makes sense for today's students!

PELL GRANT

Clearly, one of the biggest problems facing students today is the cost of higher education. While we must do everything we can to put higher education within reach of every student, we also must do everything we can to ensure to protect our scarce resources—to ensure that they are not misused or wasted or squandered.

With this in mind I (along with Representative BART GORDON of Tennessee) introduced the "Pell Grant Student/Taxpayer Protection Act" that is now a part of this Higher Education Act package.

This provision prevents a postsecondary school from participating in the Pell Grant program if that school is already ineligible to participate in the federally guaranteed student loan program.

This is a critical time for our country. Congress is trying to save taxpayer dollars while improving the quality of post-secondary education for all Americans. We took strong steps toward that goal when we last reauthorized the Higher Education Act and implemented nearly 100 sorely needed reforms that were good for students and good for taxpayers.

One of those reforms was to make schools ineligible for guaranteed student loans if their loan default rates were above 25 percent 3 years in a row. Today's reauthorization goes further by also taking Pell Grant eligibility away from schools with high default rates. This will recover millions of dollars currently being squandered and instead put that money to work with hard-working students at legitimate schools.

Reforms such as the 3-year 25 percent default criteria were intended to put an end to risk-free federal subsidies for unscrupulous, for-profit trade schools who promise students a good education that leads to a good job and then fail to deliver on that promise—at the expense of both students and the taxpayer. If these schools violate these rules, then they would be bounced from the program.

We have already determined that schools with unacceptably high student loan default rates should not be permitted to participate in the federally guaranteed student loan program. I submit that if a school is deemed ineligible to participate in the student loan program, then it should not be permitted to participate in the Pell Grant program.

I should note that when we temporarily put this restriction on abuse of Pell Grant money into effect for one year by making it a part of the Omnibus Consolidated Rescissions and Appropriations Act of 1996, we redistributed approximately $8 million to responsible schools. Since it was a part of an appropriations act, that accomplishment was only temporary. Today's action will make this provision permanently a part of the law.

This is an opportunity to stretch our Pell Grant funds by disqualifying those schools that we have already disqualified from the federally guaranteed student loan program. This allows us to make the most of our limited federal dollars!

STUDENT LOAN INTEREST RATE ISSUE

But there is another aspect of finding funds for access to college that I believe we have resolved here—the federal student loan interest rate issue. The proposal in this legislation will help save access to higher education, while helping students save on the cost of higher education.

On July 1, a change in the student loan interest rate is scheduled to take place that is believed by many independent organizations, including CRS and GAO, to possibly drive many private lenders from the student loan market.

I recognize that the change would have reduced the rate for students paying back their loans. However it would have made the loans virtually unprofitable for the banks—leading many banks to leave the market.

I am speaking today wearing two hats. One—as a longtime Member of the Postsecondary Education Subcommittee. The other hat—I serve as Chairwoman of the House Subcommittee on Financial Institutions of the House Banking Committee.

So I know this program from both sides—so to speak.

Currently, 70% of all student loans are originated by private lenders, such as the banks. Further, about 5000 banks participate in the student loan market today. If the market becomes virtually unprofitable, then many of these banks will leave the market, and leave many students without the means to a loan.

The result—student and their families being shut out of the federal student loan program and unable to obtain funds for college—is unacceptable.

Which is why we believe we have devised a plan which would retain these private lenders in the student loan program. And it is included as part of today's Higher Education Act Amendments.

This compromise provides students with a cut in the interest rate by 80 bases points, while providing banks a different interest rate, with the difference being paid by the Federal Government.

To students this means savings of over $1,000 per student for a $20,000 loan. But just as importantly, this means access! By providing banks with this small profit margin, they will remain in the guaranteed lending program, and will continue to make it possible for students to further their education!

TEACHER TRAINING

Another strong proposal in this Higher Education Act deals with the issue of teacher training. As we talk about raising standards for students, we should also talk about raising standards for teachers. To help our Nation's students, we need to help our nation's teachers.

This bill will focus on strengthening State teacher certification requirements to improve the academic knowledge of teachers in the subject areas in which they are certified to teach. Teachers who teach math should have knowledge in math, and teachers who teach science should have knowledge in science.

This bill provides competitive grants to the Governors. It will help raise the State academic standards required to enter the teaching profession.

In some states it is harder to graduate from high school than to become a certified teacher. Something is wrong here!

According to a U.S. Department of Education report, 39.5% of science teachers had not studied science as a major or minor, 34% of mathematics teachers and 25% of English teachers were similarly teaching "out of field."

How can our Nation's students learn science or math when their teachers do not know it?

Every classroom should have a well-educated, knowledgeable teacher.

CHILD CARE

This bill includes an amendment I offered at Committee to help society with today's child care problems. It is a sad reality that today's headlines are filled with stories that spring from the everyday struggle of families to secure safe and dependable child care. This problem is especially great for men and women who want to further their education to make a better life for them and their family.

The trends in society and the American workforce show a necessity for education beyond high school. Market demands require a higher level of educational achievement than high school. This is near impossible to achieve when reliable, quality child care is not available.

This bill includes this proposal to encourage a new public-private partnership between institutions and businesses to develop solutions to meet students' child care needs. This initiative is in the form of competitive grants to higher education institutions that would go directly to the institution to assist them in providing campus-based child care service to low-income students.

This legislation does not mandate a Federal program for child care that imposes some Washington-based requirements on local communities. In fact, this bill combines the concept of state and local control of education with the time-tested concept of the public-private partnership. This bill makes it possible for local institutions and businesses to work together to create their own program that meets the needs of their own community, whatever they may be.

We need to help students solve the child care problem. And we need to give institutions the means to put their proposals to the test. This bill helps us do that!

CONCLUSION

For all of these reasons, and many others that I do not have time to discuss today, this legislation is critical to all students.

Let's pass this legislation.

Thank you.

Mr. STUMP. Mr. Chairman, I rise today to express my appreciation for the provisions in H.R. 6 that put Montgomery GI Bill education benefits on an equal footing with benefits provided under other programs.

Unfortunately, veterans are penalized when they apply for other Federal education assistance benefits like Pell Grants.

Under current law, veterans education benefits are counted against the amount of assistance a veteran may receive from other Federal education benefit programs.

On the other hand, AmeriCorps education benefits don't reduce assistance from other Federal education assistance programs.

Thus, veterans who serve their Nation in often-hostile environments and at great risk to their lives are denied benefits solely due to their military service, and that is not right.

This bill corrects that inequity.

Mr. Chairman, I congratulate Chairman GOODLING, Subcommittee Chairman MCKEON, and their respective ranking Members, Mr. CLAY and Mr. KILDEE, for the way they have responded to this problem.

I know they have dedicated a significant amount of scarce resources to our veterans.

What they are doing will make a measurable difference in the lives of veterans pursuing an education.

Mr. Chairman, I strongly urge my colleagues to support H.R. 6.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill, modified by the amendments printed in part 1 of House Report 105–499, shall be considered as an original bill for the purpose of amendment under the 5-minute rule by title, and each title shall be considered read.

Before consideration of any other amendment, it shall be in order to consider the amendment printed in part 2 of the report if offered by the gentleman from Pennsylvania (Mr. GOODLING) or his designee. That amendment shall be considered read, shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

If that amendment is adopted, the bill, as amended, shall be considered as an original bill for the purpose of further amendment.

No other amendment to the committee amendment in the nature of a substitute is in order unless printed in the CONGRESSIONAL RECORD. Those amendments shall be considered read.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

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AMENDMENT NO. 1 OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, pursuant to the rule, I offer an amendment printed in Part 2 of the report.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 2 amendment printed in House Report 105–499 offered by Mr. GOODLING:

Page 8, line 5, strike "is redesignated" and insert "is amended by striking subsection (a), and by redesignating subsection (b)".

Page 23, line 21, insert "or veterinary" after "medical"; and on lines 23 and 24, strike "a graduate medical school" and insert "such school".

Page 24, strike lines 22 through 24 and insert the following:

"(II) the institution has a clinical training program that was approved by a State as of January 1, 1992, or the institution's students complete their clinical training at an approved veterinary school located in the United States.

Page 33, line 7, strike "105(b)" and insert "105".

Page 58, beginning on line 21, strike part E through page 68, line 11, and insert the following:

"PART E—TEACHER QUALITY ENHANCEMENT GRANTS

"SEC. 271. PURPOSE.

"The purposes of this part are—

"(1) to provide competitive grants to States for assistance in strengthening the quality of the teaching force by improving the academic knowledge of teachers in the subject areas in which they teach;

"(2) to hold institutions of higher education with teacher preparation programs accountable for preparing teachers who are highly competent in the academic content areas in which they plan to teach, including training in the effective uses of technologies in the classroom; and

"(3) to recruit high quality individuals, including individuals from other occupations, into the teaching force.

"SEC. 272. ELIGIBILITY.

"(a) DEFINITIONS.—For purposes of this part:

"(1) ELIGIBLE GRANT RECIPIENT.—The term 'eligible grant recipient' means—

"(A) other than for the purpose of section 273(b), a Governor of a State, except that if, pursuant to the law or constitution of such State, another individual, entity, or agency in a State that is responsible for the teacher certification and preparation activities contained in the application, such term means that individual, entity, or agency; and

"(B) for the purpose of section 273(b), an eligible partnership.

"(2) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means an entity consisting of an exemplary private independent or State-supported public institution of higher education which prepares teachers, and a local educational agency, and which may also consist of the eligible grant recipient, other institutions of higher education, public charter schools, public and private nonprofit elementary and secondary schools, or other public and private nonprofit agencies or organizations.

"(b) APPLICATIONS.—To be eligible to receive a grant under this part, an eligible grant recipient shall, at the time of the initial grant application, submit an application to the Secretary that meets the requirements of this part.

"(c) CONTENTS OF APPLICATION.—Such application shall include a description of how the eligible grant recipient intends to use funds provided under this part and such other information and assurances as the Secretary may require.

"SEC. 273. USE OF FUNDS.

"(a) GENERAL ACTIVITIES.—The eligible grant recipient of a State that receives a grant under this subpart shall use a portion of such grant to carry out 1 or more of the following activities:

"(1) Reforming State teacher certification requirements to ensure that current and future teachers possess the necessary academic content knowledge in the subject areas in which they are certified and assigned to teach.

"(2) Providing prospective teachers alternatives to schools of education through programs at colleges of arts and sciences or at nonprofit organizations.

"(3) Funding programs which establish or expand alternative routes to State certification for highly qualified individuals, including mid-career professionals from other occupations, paraprofessionals, and former military personnel.

"(4) Implementing reforms which hold institutions of higher education with teacher preparation programs accountable for preparing teachers who are highly competent in the academic content areas in which they plan to teach.

"(5) Developing and implementing effective mechanisms to expeditiously remove incompetent or unqualified teachers.

"(6) Recruiting minorities, and others, into the teaching and counseling professions, including education paraprofessionals, former military personnel, and mid-career professionals, by providing financial and other assistance related to instruction, induction, mentoring, and support services that include pre-service and in-service components, to serve within schools which have—

"(A) a high percentage of children in poverty;

"(B) low retention rates for teachers; or

"(C) a high percentage of teachers teaching subjects for which they are not qualified to teach.

"(b) PARTNERSHIP ACTIVITIES.—An eligible partnership that receives a grant under this subpart shall use such funds to carry out 1 or more of the following activities:

"(1) Implementing reforms which hold institutions of higher education with teacher preparation programs accountable for preparing teachers who are highly competent in the academic content areas in which they plan to teach;

"(2) Creating opportunities for enhanced and ongoing professional development which improves the academic content knowledge of teachers in the subject areas in which they are certified to teach or in which they are working toward certification to teach.

"(3) Providing programs designed to implement the successful integration of technology into teaching and learning.

"(4) Recruiting minorities, and others, into the teaching and counseling professions, including education paraprofessionals, former military personnel, and mid-career professionals, by providing financial and other assistance related to instruction, induction, mentoring, and support services that include pre-service and in-service components, to serve within schools which have—

"(A) a high percentage of children in poverty;

"(B) low retention rates for teachers; or

"(C) a high percentage of teachers teaching subjects for which they are not qualified to teach.

"SEC. 274. COMPETITIVE AWARDS.

"(a) COMPETITIVE GRANTS.—

"(1) APPLICABILITY.—The Secretary shall make grants in accordance with the requirements of this subsection for any fiscal year for which the amount appropriated under section 276 does not equal or exceed $250,000,000.

"(2) COMPETITIVE BASIS FOR AWARDS.—The Secretary shall make annual grants under this subsection on a competitive basis.

"(3) PEER REVIEW PANEL.—The Secretary shall provide the applications submitted by eligible grant recipients under section 272 to a peer review panel for evaluation. With respect to each application, the peer review panel shall initially recommend the application for funding or for disapproval.

"(4) PRIORITY.—In recommending applications to the Secretary, the panel shall give priority to—

"(A) applications from States with proposals which promise initiatives to reform State teacher certification requirements which are designed to ensure that current and future teachers possess the necessary academic content knowledge in the subject areas in which they are certified to teach or which include innovative reforms to hold institutions of higher education with teacher preparation programs accountable for preparing teachers who are highly competent in the academic content areas in which they plan to teach; and

"(B) eligible partnership applications which—

"(i) include the eligible grant recipient and demonstrate a high degree of collaboration with the State agency responsible for teacher certification and preparation; and

"(ii) include a local educational agency which includes a school with—

"(I) a high percentage of children in poverty;

“(II) low retention rates for teachers; or

“(III) a high percentage of teachers teaching subjects for which they are not qualified to teach.

“(5) Ranking of applications.—With respect to each application recommended for funding, the panel shall assign the application a rank, relative to other recommended applications, based on the priority described in subsection (c), the extent to which the application furthers the purposes of this part, and the overall quality of the application, based on the quality and scope of State-supported strategies to improve quality of teacher preparation and their teaching force.

“(6) Recommendation of amount.—With respect to each application recommended for funding, the panel shall make a recommendation to the Secretary with respect to the amount of the grant that should be made. The Secretary shall use ⅓ of the funds made available under this part to fund applications submitted by eligible partnerships.

“(7) Secretarial selection.—

“(A) In general.—Subject to subparagraph (B), the Secretary shall determine, based on the peer review panel's recommendations, which applications shall receive funding and the amounts of such grants. In determining grant amounts, the Secretary shall take into account the total amount of funds available for all grants under this part and the types of activities proposed to be carried out.

“(B) Effect of ranking by panel.—In making grants under this part, the Secretary shall select applications according to the ranking of the applications by the peer review panel, except in cases where the Secretary determines, for good cause, that a variation from that order is appropriate.

“(b) Formula Grants.—

“(1) Allotment.—For any fiscal year for which the amount appropriated to carry out this part exceeds $250,000,000, the Secretary shall make allotments to the eligible grant recipient of each State, pursuant to the formula described in paragraph (2), to enable the eligible grant recipient to carry out the activities under this part, including the funding of eligible partnerships to carry out activities described in section 273(b).

“(2) Allotment formula.—For any such fiscal year, an eligible grant recipient from each State that submits an application under section 272(a) shall receive an allotment under this part in an amount that bears the same ratio to the amount appropriated as the school age population ages 5 through 17 of the State bears to the school age population ages 5 through 17 of all the States, except that no State shall receive less than an amount equal to ¼ of 1 percent of the total amount.

“(c) Additional Requirements.—

“(1) Matching requirement.—Each State receiving funds under this part shall provide, from non-Federal sources, an amount equal to ½ of the amount of the grant in cash or in kind to carry out the activities supported by the grant.

“(2) Limitation on administrative expenses.—An eligible recipient that receives a grant under this part may use not more than 2 percent of the grant funds for administrative costs.

“(3) Reporting.—

“(A) In general.—An eligible grant recipient that receives a grant under this section shall submit an accountability report to the Secretary and the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate. Such reports shall include a description of the degree to which substantial progress has been made in meeting the following goals:

“(i) Raising the State academic standards required to enter the teaching profession.

“(ii) Increasing the percentage of classes taught in core academic subject areas by teachers fully certified by the State to teach in those subject areas.

“(iii) Decreasing shortages of qualified teachers in poor urban and rural areas.

“(iv) Increasing opportunities for enhanced and ongoing professional development which improves the academic content knowledge of teachers in the subject areas in which they are certified to teach or in which they are working toward certification to teach.

“(B) Accountability of state institution of higher education.—Prior to receiving funds under this part, an eligible grant recipient shall demonstrate that at least 80 percent of graduates of each of the exemplary institutions of higher education in any eligible partnership described in section 273(a)(2) who enter the field of teaching pass all applicable State qualification assessments of new teachers, which must include assessments of each prospective teacher's subject matter knowledge in the content area or areas in which the teacher provides instruction. Prior to each subsequent receipt of funds under this part, such State shall demonstrate that 70 percent of the graduates of each institution of higher education in the State have met such goal and continue to progress to exceed such goal. Such assessment shall be at least as rigorous as those in place on the date of enactment of this Act and shall have qualifying scores no lower than those in place on the date of enactment of this Act.

“(C) Provision to peer review panel.—The Secretary shall provide the reports submitted under subparagraph (A) to the peer review panel convened under subsection (a)(3). The panel shall use such accountability report in recommending applications for subsequent funding under this section.

“(4) Teachers qualifications provided to parent upon request.—Any local educational agency that participates as an eligible recipient or partner under this part shall make available, upon request and in an understandable and uniform format, to any parent of a student attending any school in the local educational agency, information regarding the qualifications of the student's classroom teacher, both generally and with regard to the subject matter in which the teacher provides instruction.

“SEC. 275. LIMITATIONS.

“(a) Federal Control Prohibited.—Nothing in this part shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to bar private, religious, or home schools from participation in programs or services under this part.

“(b) No Change in State Control Encouraged or Required.—Nothing in this part shall be construed to encourage or require any change in a State's treatment of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law.

“(c) National System of Teacher Certification Prohibited.—Nothing in this part shall be construed to permit, allow, encourage, or authorize any national system of teacher certification.

“SEC. 276. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part such sums as may be necessary for each of the fiscal years 1999 through 2003.”.

Page 68, after line 11, insert the following new sections (and redesignate the succeeding section and conform the table of contents accordingly):

SEC. 206. CAMPUS SAFETY.

(a) Grants to Combat Violent Crimes Against Women on Campuses.—Title II is further amended by adding at the end the following new part:

“PART F—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN ON CAMPUSES

“SEC. 281. GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN ON CAMPUSES.

“(a) Grants Authorized.—

“(1) In general.—The Secretary is authorized to make grants to institutions of higher education for use to provide training to administrators, security personnel, and campus personnel and student organizations for the purpose of developing and strengthening effective security and investigation strategies to combat violent crimes against women on campuses, and to develop and strengthen victim services in cases involving violent crimes against women on campuses, which may include partnerships with local criminal justice authorities and community-based victims services agencies.

“(2) Award basis.—The Secretary shall award grants and contracts under this section on a competitive basis.

“(3) Equitable participation.—The Secretary shall make every effort to ensure the equitable participation of private and public institutions of higher education and to ensure the equitable geographic participation of such institutions in the activities assisted under this part.

“(4) Priority.—In the award of grants and contracts under this section, the Secretary shall give priority to institutions of higher education or consortia of such institutions that show the greatest need for the sums requested.

“(b) Use of Grant Funds.—Funds provided under this part may be used for the following purposes:

“(1) To provide training for campus security and college personnel, including campus disciplinary or judicial boards, that address the issues of sexual assaults, stalking, and domestic violence.

“(2) To implement and operate education programs for the prevention of violent crimes against women.

“(3) To develop, enlarge, or strengthen support services programs including medical or psychological counseling for victims of sexual offense crimes.

“(4) To create, disseminate, or otherwise provide assistance and information about victims' options on and off campus to bring disciplinary or other legal action.

“(5) To train campus administrators and campus security personnel to more effectively identify and respond to violent crimes against women on campus, including the crimes of sexual assault, stalking, and domestic violence.

“(6) To develop and implement more effective campus policies, protocols, orders, and services specifically devoted to prevent, identify, and respond to violent crimes against women on campus, including the crimes of sexual assault, stalking, and domestic violence.

“(7) To develop, enlarge, or strengthen victim services programs for local campuses and to improve delivery of victim services on campuses.

"(8) To provide capital improvements (including improved lighting and communications facilities but not including the construction of buildings) on campuses to address violent crimes against women on campus, including the crimes of sexual assault, stalking, and domestic violence.

"(9) To support improved coordination between campus administrators, campus security personnel, and local law enforcement to reduce violent crimes against women on campus.

"(c) APPLICATIONS.—

"(1) IN GENERAL.—In order to be eligible to be awarded a grant under this section for any fiscal year, an institution of higher education shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe.

"(2) CONTENTS.—Each application submitted under paragraph (1) shall—

"(A) describe the need for grant funds and the plan for implementation for any of the purposes described in subsection (b);

"(B) describe how the campus authorities shall consult and coordinate with nonprofit and other victim services programs, including sexual assault and domestic violence victim services programs;

"(C) provide measurable goals and expected results from the use of the grants funds;

"(D) provide assurances that the Federal funds made available under this section shall be used to supplement and, to the extent practical, increase the level of funds that would, in the absence of Federal funds, be made available by the applicant for the purpose described in this part; and

"(E) include such other information and assurances as the Secretary reasonably determines to be necessary.

"(3) COMPLIANCE WITH CAMPUS CRIME REPORTING REQUIRED.—No institution of higher education shall be eligible for a grant under this section unless such institution is in compliance with the requirements of section 485(f) of this Act.

"(d) REPORTING.—Not later than 180 days after the end of the fiscal year for which grants are made under this part, the Secretary shall submit to the committees of the House of Representatives and the Senate responsible for issues relating to higher education and crime, a report that includes—

"(1) the number of grants and funds distributed under this part;

"(2) a summary of the purposes for which these grants were provided and an evaluation of their progress;

"(3) a statistical summary of the persons served, detailing the nature of victimization, and providing data on age, sex, race, ethnicity, disability, relationship to offender, geographic distribution, and type of campus; and

"(4) an evaluation of the effectiveness of programs funded under this part, including an evaluation based on the reduction observed in crimes reported pursuant to section 485(f).

"(f) GRANTEE REPORTING.—Upon completion of the grant or contract period under this section, the grantee institution or consortium of such institutions shall file a performance report with the Secretary explaining the activities carried out together with an assessment of the effectiveness of those activities in achieving the purposes of this section. The Secretary shall suspend funding for an approved application if an applicant fails to submit an annual performance report.

"(g) DEFINITIONS.—In this part—

"(1) the term 'domestic violence' includes acts or threats of violence, not including acts of self-defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction;

"(2) the term 'sexual assault' means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim; and

"(3) the term 'victim services' means a nonprofit, nongovernmental organization that assists domestic violence or sexual assault victims, including campus women's centers, rape crisis centers, battered women's shelters, and other sexual assault or domestic violence programs including campus counseling support and victim advocate organizations with domestic violence, stalking, and sexual assault programs, whether or not organized and staffed by students.

"(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated $10,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

Page 108, line 19, insert "State agencies," after "such as".

Page 132, line 15, strike "computer-related careers" and insert "careers in information technology".

Page 135, line 12, strike "September 30, 2001" and insert "the earlier of the date of enactment of the Higher Education Amendments of 1998 or October 1, 1998".

Page 141, beginning on line 22, strike paragraph (5) through page 142, line 4, and insert the following:

"(5) interest earned on the Federal Fund during the first 3 years after the date of enactment of this section by a limited number of guaranty agencies (not to exceed 10) that demonstrate to the Secretary the potential for a negative cash flow in the Operating Fund during the restructuring of their operations in accordance with the requirements of this section and section 422A.

Page 144, line 23, strike "$30,000,000" and insert "$43,000,000".

Page 145, line 16, strike "$150,000,000" and insert "$215,000,000".

Page 145, line 21, insert "agency" after "guaranty".

Page 148, strike lines 10 through 17 and insert the following:

(3) GUARANTY AGENCY RESERVE LEVEL.—Section 428(c)(9) is amended—

(A) in subparagraph (A), by striking ".5 percent" and inserting "0.25 percent"; and

(B) in subparagraph (C)—

(i) by striking "80 percent pursuant to section 428(c)(1)(B)(ii)" and inserting "85 percent pursuant to paragraph (1)(B)(i) of this subsection"; and

(ii) by striking "30 working days" and inserting "45 working days".

Page 149, beginning on line 23, strike "presented that the guaranty agency successfully brings" and insert "paid as a result of the loan being brought".

Page 150, beginning on line 8, strike "the borrower" and all that follows through the period on line 10 and insert the following: "at least 12 months has elapsed between the date the borrower became current in his or her payments and the date the lender filed a subsequent default aversion assistance request.".

Page 153, strike lines 5 through 12 and insert the following:

"(3) PLUS LOANS.—With respect to any loan under section 428B for which the first disbursement is made on or after July 1, 1998, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to the lesser of—

"(A)(i) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

"(ii) 3.1 percent; or

"(B) 9.0 percent.

"(4) CONSOLIDATION LOANS.—With respect to any consolidation loan under section 428C for which the application is received by an eligible lender on or after October 1, 1998, the applicable rate of interest shall be at an annual rate on the unpaid principal balance of the loan that is equal to the lesser of—

"(A) the weighted average of the interest rates on the loans consolidated, rounded to the nearest higher one-eighth of one percent; or

"(B) 8.25 percent.

Page 154, line 8, after "paragraph," insert "and except as provided in subparagraph (B),".

Page 155, line 10, strike "clause (iv)" and insert "clause (v)".

Page 155, strike lines 12 through 23 and insert the following:

"(iv) CONSOLIDATION LOANS.—In the case of any consolidation loan for which the application is received by an eligible lender on or after October 1, 1998, and for which the applicable interest rate is determined under section 427A(a)(4), clause (i)(III) of this subparagraph shall be applied by substituting '3.1 percent' for '2.8 percent', subject to clause (v) of this subparagraph.

"(v) LIMITATION ON SPECIAL ALLOWANCES FOR PLUS AND CONSOLIDATION LOANS.—In the case of PLUS loans made under section 428B and disbursed on or after July 1, 1998, for which the interest rate is determined under 427A(a)(3), a special allowance shall not be paid for such loan unless the rate determined under subparagraph (A) of such section (without regard to subparagraph (B) of such section) exceeds 9.0 percent. In the case of consolidation loans made under section 428C for which the application is received by an eligible lender on or after October 1, 1998, and for which the applicable interest rate is determined under section 427A(a)(4), a special allowance shall not be paid for such loan unless the rate determined under subparagraph (A) of such section (without regard to subparagraph (B) of such section) exceeds 8.25 percent.".

(2) CONSOLIDATION LOANS.—Section 428C(c)(1) (20 U.S.C. 1078–3) is amended—

(A) by striking everything preceding subparagraph (D) and inserting the following:

"(1) INTEREST RATE.—(A) Except as provided in subparagraph (B), with respect to any loan made under this section for which the application is received by an eligible lender on or after October 1, 1998, the applicable interest rate shall be determined under section 427A(a)(4)."; and

(B) by redesignating subparagraph (D) as subparagraph (B).

(3) CONFORMING AMENDMENT.—Section 438(b)(2)(C)(ii) is amended by striking "In the

case" and inserting "Subject to subparagraph (F), in the case".

Page 156, strike line 21 and all that follows through page 157, line 5, and insert the following:

that sets forth a schedule for disbursement of the proceeds of the loan in installments, consistent with the requirements of section 428G.

Page 157, line 6, strike "clause (ii) of".

Page 164, strike lines 21 and 22 and insert the following:

"(2) LIMITATIONS ON BLANKET CERTIFICATE OF GUARANTY.—(A) An eligible lender may not make a loan to a borrower under this section after such lender receives a notification from the guaranty agency that the borrower is not an eligible borrower.

"(B) A guaranty agency and eligible lender

Page 171, strike line 23 and all that follows through page 172, line 6, and insert the following:

statement that sets forth a schedule for disbursement of the proceeds of the loan in installments, consistent with the requirements of section 428G.".

Page 172, after line 22, insert the following new subsection (and redesignate the succeeding subsections accordingly):

(c) CAPITALIZATION OF INTEREST.—Section 428H(e)(2) is amended to read as follows:

"(2) CAPITALIZATION OF INTEREST.—Interest on loans made under this section for which payments of principal are not required during the in-school and grace periods or for which payments are deferred under sections 427(a)(2)(C) and 428(b)(1)(M) shall, if agreed upon by the borrower and the lender—

"(A) be paid monthly or quarterly; or

"(B) be added to the principal amount of the loan by the lender only—

"(i) when the loan enters repayment;

"(ii) at the expiration of a grace period, in the case of a loan that qualifies for a grace period;

"(iii) at the expiration of a period of deferment; and

"(iv) when the borrower defaults.

Such capitalization of interest shall not be deemed to exceed the annual insurable limit on account of the student.".

Page 176, line 5, insert "in accordance" after "note".

Page 184, after line 16, insert the following new subsections:

(d) DEFINITION OF DEFAULT.—

(1) AMENDMENT.—Section 435(*l*) is amended—

(A) by striking "180 days" and inserting "270 days"; and

(B) by striking "240 days" and inserting "330 days".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to loans for which the first day of delinquency occurs on or after the date of enactment of this Act.

(e) COHORT DEFAULT RATE: REHABILITATION.—Section 435(m)(2)(C) is amended by adding at the end the following new sentences: "Within 2 years after the date of enactment of the Higher Education Amendments of 1998, the Secretary shall, by regulation, require guaranty agencies to collect data with respect to defaulted loans in a manner that will permit the identification of any defaulted loan for which (i) the borrower is currently making payments and has made not less than 6 consecutive on-time payments by the end of such following fiscal year, and (ii) a guaranty agency has renewed the borrower's title IV eligibility as provided in section 428F(b). Upon a determination by the Secretary that such data is available, the Secretary shall, by regulation, prescribe the extent to which any such defaulted loan may be excluded from the calculation of the cohort default rate under this subsection.".

Page 184, beginning on line 18, strike subsection (a) through line 22 (and redesignate the succeeding subsections accordingly).

Page 184, line 23, strike "(b) DISCHARGE.—".

Page 203, after line 2, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

"(4) CONSOLIDATION LOANS.—Any Federal Direct Consolidation loan for which the application is received on or after October 1, 1998, shall bear interest at an annual rate on the unpaid principal balance of the loan that is equal to the lesser of—

"(i) the weighted average of the interest rates on the loans consolidated, rounded to the nearest higher one-eighth of one percent; or

"(ii) 8.25 percent.

Page 203, line 23, strike "The amendments" and insert "Except as otherwise provided therein, the amendments".

Page 220, line 14, strike "and" and after line 14 insert the following new subparagraph (and redesignate the succeeding subparagraph accordingly):

(F) in paragraph (3)(A)(i), by striking "(H), or (I)" and inserting "(H), (I), (J), or (K)"; and

Page 224, strike lines 15 though 21 and insert the following:

"(6) ALLOWANCE FOR PARENTS' NEGATIVE ADJUSTED AVAILABLE INCOME.—The allowance for parents' negative adjusted available income is the amount, if any, by which the sum of the amounts deducted under subparagraphs (A) through (F) of paragraph (2) exceeds the sum of the parents' total income (as defined in section 480) and the family contribution from assets (as determined in accordance with subsection (c).".

Page 227, line 17, strike "1997–1998" and insert "1999–2000".

Page 227, line 25, strike "1996" and insert "1998".

Page 228, after line 2, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

SEC. 452. SIMPLIFIED NEEDS TEST; ZERO EXPECTED FAMILY CONTRIBUTION.

Section 479 is amended—

(1) in subsection (b)(3)—

(A) in the matter preceding subparagraph (A), by striking "this paragraph" and inserting "this subsection, or subsection (c), as the case may be,";

(B) in subparagraph (A), by striking "or" at the end thereof;

(C) by redesignating subparagraph (B) as subparagraph (C); and

(D) by inserting after subparagraph (A) the following new subparagraph:

"(B) a form 1040 (including any prepared or electronic version of such form) required pursuant to the Internal Revenue Code of 1986, except that such form shall be considered a qualifying form only if the student or family files such form in order to take a tax credit under section 25A of the Internal Revenue Code of 1986, and would otherwise be eligible to file a form described in subparagraph(A); or";

(2) in subsection (c)—

(A) by amending paragraph (1)(A) to read as follows:

"(A) the student's parents file, or are eligible to file, a form described in subsection (b)(3), or certify that they are not required to file an income tax return and the student files, or is eligible to file, such a form, or certifies that the student is not required to file an income tax return; and"; and

(B) by amending paragraph (2)(A) to read as follows:

"(A) the student (and the student's spouse, if any) files, or is eligible to file, a form described in subsection (b)(3), or certifies that the student (and the student's spouse, if any) is not required to file an income tax return; and".

Page 231, line 15, strike "and", and after such line insert the following new subparagraph (and redesignate the succeeding subparagraph accordingly):

(C) by striking the second sentence and inserting the following: "The Secretary shall include on the form developed under this subsection such data items as the Secretary determines are appropriate for inclusion, selected in consultation with States to assist in the awarding of State financial assistance, except that in no case shall the number of such data items be less than the number included on the form on the date of enactment of the Higher Education Amendments of 1998."; and

Page 232, line 12, strike "graph" and insert "graphs".

Page 233, strike lines 6 through 18, and on line 19, strike "No fee shall" and insert the following:

"(C) No fee shall

Page 234, line 17, strike the close quotation marks and following period and after such line insert the following new paragraph:

"(6) SUPPORT TO THIRD PARTY SERVICERS AND PRIVATE SOFTWARE PROVIDERS.—The Secretary shall support private organizations and consortia thereof in the development of software used by eligible institutions for the administration of funds under this title. The Secretary shall provide in a timely manner to such organizations and consortia all necessary specifications that data and software developed, produced, and distributed (including any diskette, modem, or network communications) must meet. These specifications shall contain record layouts for required data and test cases that such organizations or consortia may use to test the accuracy of its software. The Secretary shall develop in advance of each processing cycle an annual schedule for providing such specifications. The Secretary shall, to the extent practicable, use means of providing such support, including conferences and other meetings, outreach, and technical support mechanisms (including telephone support, training and printed reference materials). The Secretary shall, from time to time, solicit from such organizations and consortia means of improving the support provided by the Secretary.".

Page 235, line 12, strike "and"; on line 17, strike the period and insert "; and"; and after line 17 insert the following new paragraph:

(3) in paragraph (5), by striking "Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau".

Page 235, strike lines 18 through 20 and insert the following:

(b) TERMINATION OF ELIGIBILITY.—Section 484(j) is amended to read as follows:

"(j) ASSISTANCE UNDER SUBPARTS 1 AND 3, OF PART A, AND PART C.—Notwithstanding any other provision of law, a student shall be eligible until September 30, 2001, if otherwise qualified, for assistance under subparts 1 and 3 of part A, and part C, of this title, if the student is otherwise qualified and—

"(1) is a citizen of the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau, and attends an institution of higher education in Guam or a public or nonprofit private institution of higher education in the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau; or

"(2) meets the requirements of subsection (a)(5) and attends a public or nonprofit private institution of higher education in the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau.".

Page 236, line 2, after "income," insert "Federal income taxes paid,".

Page 245, line 17, strike the close quotation marks and following period and after such line insert the following:

"(10) Nothing in this section shall require the reporting or disclosure of privileged information.".

Page 252, line 16, after the period insert the following:

Each application shall include—

"(1) a description of the institution or consortium's consultation with a recognized accrediting agency or association with respect to quality assurances for the distance education programs to be offered;

"(2) a description of the statutory and regulatory requirements described in subsection (b)(2) for which a waiver is sought and the reasons for which the waiver is sought;

"(3) a description of the distance education programs to be offered;

"(4) a description of the students to whom distance education programs will be offered;

"(5) an assurance that the institution or consortium will offer full cooperation with the ongoing evaluations of the demonstration program provided for in this section; and

"(6) such other information as the Secretary may require.

Page 252, line 18, insert "of" after "sample".

Page 253, strike lines 9 and 10 and insert the following:

"(A) the extent to which the institution or consortia of institutions has met the goals set forth in its application to the Secretary, including the measures of program quality assurance;

Page 262, line 15, insert "and" after the semicolon, and strike lines 16 through 20 and insert the following:

(I) by striking "(J), and (L)" and inserting "and (K)";

Page 306, strike line 14, and insert the following: "this part for".

Page 335, after line 15, insert the following new section (and conform the table of contents accordingly):

SEC. 808. PROCEDURES FOR CANCELLATIONS AND DEFERMENTS FOR ELIGIBLE DISABLED VETERANS.

The Secretary shall, in consultation with the Secretary of Veterans Affairs, develop and implement a procedure under which Department of Veterans Affairs physicians shall provide the certification and affidavits needed to enable eligible disabled veterans to document their eligibility for deferments and cancellations of student loans made, insured, or guaranteed under this title. Not later than 6 months after the date of the enactment of this Act, the Secretaries of Education and Veterans Affairs shall jointly report to Congress on the progress made in developing and implementing this procedure.

Page 345, beginning on line 9, strike subsection (c) (and redesignate the succeeding subsections accordingly).

Page 347, beginning on line 1, strike title X and insert the following:

TITLE X—FACULTY RETIREMENT PROVISIONS

SEC. 1001. VOLUNTARY RETIREMENT INCENTIVE PLANS.

(a) IN GENERAL.—Section 4 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623) is amended by adding at the end the following:

"(m) Notwithstanding subsection (f)(2)(B), it shall not be a violation of subsection (a), (b), (c), or (e) solely because a plan of an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))) offers employees who are serving under a contract of unlimited tenure (or similar arrangement providing for unlimited tenure) supplemental benefits upon voluntary retirement that are reduced or eliminated on the basis of age, if—

"(1) such institution does not implement with respect to such employees any age-based reduction or cessation of benefits that are not such supplemental benefits, except as permitted by other provisions of this Act;

"(2) such supplemental benefits are in addition to any retirement or severance benefits which have been offered generally to employees serving under a contract of unlimited tenure (or similar arrangement providing for unlimited tenure), independent of any early retirement or exit-incentive plan, within the preceding 365 days; and

"(3) any employee who attains the minimum age and satisfies all non-age-based conditions for receiving a benefit under the plan has an opportunity lasting not less than 180 days to elect to retire and to receive the maximum benefit that could then be elected by a younger but otherwise similarly situated employee, and the plan does not require retirement to occur sooner than 180 days after such election.".

(b) PLANS PERMITTED.—Section 4(l)(6) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(l)(6)) is amended by adding after the word "accruals" the following: "or it is a plan permitted by subsection (m)."

(c) CONSTRUCTION.—Nothing in the amendment made by subsection (a) shall affect the application of section 4 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623) with respect to—

(1) any plan described in subsection (m) of section 4 of such Act (as added by subsection (a)), for any period prior to enactment of such Act;

(2) any plan not described in subsection (m) of section 4 of such Act (as added by subsection (a)); or

(3) any employer other than an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965).

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—This section shall take effect on the date of enactment of this Act.

(2) EFFECT ON CAUSES OF ACTION EXISTING BEFORE DATE OF ENACTMENT.—The amendment made by subsection (a) shall not apply with respect to any cause of action arising under the Age Discrimination in Employment Act of 1967 prior to the date of enactment of this Act.

The CHAIRMAN. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the manager's amendment makes several significant changes to H.R. 6 as reported by the committee. We did not stop working after we voted this out of committee. We continued working to try to iron out some differences that had arisen during the markup.

The amendment reflects a bipartisan agreement with respect to an issue in which Members on both sides of the aisle have expressed much concern, the quality of our Nation's teachers. It is alarming to find that nearly one-third of all high school math teachers and over one-fifth of all high school English teachers in this country have neither majored nor minored in those subjects. It is our intent to provide support to efforts that many States have begun to undertake to improve the quality and ability of classroom teachers, beginning with the institution at which many of these teachers are prepared.

Provisions that were worked out in a bipartisan manner which are now part of this amendment include: an increased emphasis on partnerships consisting of a Governor of a participating State, exemplary schools of education and local educational agencies; focusing the teacher recruitment provisions on those schools most in need of quality teachers, such as in poor urban and rural areas; and including a trigger to change this program from a competitive to a formula grant program if appropriations are over $250 million.

I look forward to the support of my colleagues for this compromise so that we can help States really reform teacher preparation programs and provide high-quality teachers for all of our States.

This amendment also includes a program to provide grants to combat violent crimes against women on college campuses, which was discussed by the committee during the markup. The program authorizes the Secretary of Education to provide grant assistance to institutions of higher education for use in providing training to administrators, security personnel, campus personnel and student organizations in order to strengthen security measures and improve victim services for women who are victims of violent crimes. However, institutions that fail to comply with the current campus crime reporting requirements found in the Higher Education Act will not be eligible for any assistance under this program.

We have made modifications to the development of the Free Application for Federal Student Aid that were requested by States in order to ensure that data items necessary to assist States in the awarding of State financial assistance are included on the form.

We have established interest rates for consolidation loans made on or after

October 1, 1998, that will provide borrowers with an interest rate based on the weighted average of their loans consolidated, capped at a maximum rate of 8.25 percent. This new rate will afford students additional interest rate relief, particularly for those students who borrow Stafford loans at the new rate of 91-day Treasury bill plus 2.3 percent and consolidate those with other loans at higher interest rates.

The amendment establishes clear application requirements for institutions of higher education that wish to offer expanded distance education programs to students. The application requirements are designed to ensure that students are being provided quality education through distance education program.

Finally, the amendment includes offsets from the Committee on Education and the Workforce jurisdiction needed in order to bring H.R. 6 to the floor and provide Members with an assurance the bill will be budget neutral.

I want to thank the gentleman from Georgia (Mr. GINGRICH), the gentleman from Texas (Mr. ARMEY) and the gentleman from Ohio (Mr. KASICH) for their cooperation in this effort. Without their assistance, it would have been impossible for us to be here today talking about a bill to provide students the lowest interest rates in 17 years.

There are many more technical changes and corrections that I will not review in detail. I want to thank my colleagues on the other side of the aisle for their hard work and cooperation in putting this package of amendments together, and I urge its adoption.

Mr. Chairman, I reserve the balance of my time.

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to urge my colleagues to join me in supporting the manager's amendment that is now before us.

Mr. Chairman, this amendment makes several changes that significantly improve the bill as it was reported out of committee. The changes in the Teacher Quality Enhancement Grants are especially important.

The overall authorization of such sums and the provision that the program will become a State grant when appropriations reach $250 million mean that the authorizers intend that this be a major teacher initiative. The provision that partnerships involving institutions of higher education and local education agencies receive one-third of the funds means that we will have a "ground up" reform not only of teaching but also in the recruitment of teachers.

The emphasis on serving school districts with a high level of poverty, low teacher retention rates or a high percentage of teachers teaching outside their specialization means we will be focusing funds on those areas most in need.

The new grant program to combat violent crimes against women in college campuses is a very important provision. I commend the gentlewoman from California (Ms. WOOLSEY) for her deep commitment to this issue and for her persistence in seeing it through to a most successful conclusion.

The loan consolidation provision will give students the ability to consolidate their outstanding loans at a weighted interest rate not to exceed 8.25 percent. While these provisions could be improved, they undoubtedly represent a considerable improvement over current law.

We have also significantly improved the faculty retirement provisions. They now enjoy the support of both the college community and organizations representing retired persons. These provisions have required a considerable amount of work and give and take, and I am exceptionally pleased at the result.

Mr. Chairman, I urge the passage of the manager's amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield back the balance of my time.

Mr. KILDEE. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I would like to thank my friend from Michigan for yielding this time to me, and I want to express my thanks to the chairman and ranking members of the full committee and subcommittee for agreeing to include in the manager's amendment an amendment I offered during full committee consideration. This amendment will help improve the accuracy and reliability of student loan data and further reduce the rate of student loan defaults.

Many schools have made progress in decreasing the rate of loan defaults. My amendment will encourage more vigorous efforts by schools and the lending community to bring defaulters back into repayment status through a process called loan rehabilitation. The result will be that more schools will be able to participate in the loan program and more students will be able to achieve their dreams by attending college.

Mr. Chairman, I want to thank our committee leadership for accommodating this request and working with me to ensure that this amendment was incorporated in H.R. 6 through the manager's amendment.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I would like to thank the ranking member for yielding this time to me, and I rise in support of the manager's amendment.

I would like to thank the chairman and the subcommittee chairman and the ranking members for their cooperation in solving what I believe is a significant problem with respect to the age discrimination law by including in the manager's amendment an excellent provision which will permit institutions around the country to offer early retirement incentive packages to members of the faculty at those universities.

I think this is an excellent piece of legislation that accomplishes three important objectives.

First of all, it is very fair and balanced and treats the members of the faculty in a very fair and evenhanded way. It is very important to note that everyone under this plan will receive full health benefits, and it is purely voluntary with respect to participation.

Second, this is an important cost-saving mechanism for universities and institutions around the country. I believe it is a very solid first step toward the goal of the gentleman from California (Mr. MCKEON) of trying to make college more affordable by addressing the issue of college cost inflation.

Third, I believe that this is an important mechanism for the recruitment of new young faculty. Particularly, I believe this will open the tenure track to many women and minority faculty who have not had the opportunity to advance up through the ranks in prior years.

In summation, Mr. Chairman, I would like to thank those who have worked with us on making this provision a reality, and I urge support of this amendment in its entirety.

Mr. KILDEE. Mr. Chairman, I urge a yes vote, and I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. GOODLING).

The amendment was agreed to.

The CHAIRMAN. The Chair announces that there are four sections preceding title I.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Higher Education Amendments of 1998".

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
Sec. 4. General effective date.

TITLE I—GENERAL PROVISIONS

PART A—EXTENSION AND REVISION OF GENERAL PROVISIONS

Sec. 101. Redesignation and transfer of provisions.

Sec. 102. Definitions.
Sec. 103. Regulatory reform.

PART B—PERFORMANCE-BASED ORGANIZATION FOR THE DELIVERY OF FEDERAL STUDENT FINANCIAL ASSISTANCE.

Sec. 111. Performance-based organization for the delivery of Federal student financial assistance.

TITLE II—POSTSECONDARY EDUCATION IMPROVEMENT PROGRAMS

Sec. 201. Urban community service.
Sec. 202. Fund for the Improvement of Postsecondary Education.
Sec. 203. Grants to States for workplace and community transition training for incarcerated youth offenders.
Sec. 204. Advanced placement fee payment program.
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Sec. 601. International and foreign language studies.
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TITLE VIII—ADDITIONAL PROVISIONS

Sec. 801. Study of transfer of credits.
Sec. 802. Study of market mechanisms in Federal student loan programs.
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TITLE IX—AMENDMENTS TO OTHER LAWS

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SUBPART 1—GALLAUDET UNIVERSITY

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Sec. 921. Definitions.
Sec. 922. Audits.
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PART B—EXTENSION AND REVISION OF INDIAN HIGHER EDUCATION PROGRAMS

Sec. 951. Tribally controlled colleges and universities.
Sec. 952. Reauthorization of provisions from Higher Education Amendments of 1992.
Sec. 953. Reauthorization of Navajo Community College Act.

TITLE X—FACULTY RETIREMENT PROVISIONS

Sec. 1001. Voluntary retirement incentive plans.

The CHAIRMAN. Are there any amendments to section 2?

If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

The CHAIRMAN. Are there any amendments to section 3?

If not, the Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. GENERAL EFFECTIVE DATE.

Except as otherwise provided in this Act or the amendments made by this Act, the amendments made by this Act shall take effect on October 1, 1998.

The CHAIRMAN. Are there any amendments to section 4?

If not, the Clerk will designate title I.

The text of title I is as follows:

TITLE I—GENERAL PROVISIONS

PART A—EXTENSION AND REVISION OF GENERAL PROVISIONS

SEC. 101. REDESIGNATION AND TRANSFER OF PROVISIONS.

(a) IN GENERAL.—

(1) REPEAL OF TITLE I.—Title I (20 U.S.C. 1001 et seq.) is repealed.

(2) REPEAL OF TITLE XII PROVISIONS.—The following sections of title XII are repealed: sections 1206, 1211, and 1212 (20 U.S.C. 1145a, 1145e, 1145f).

(3) REDESIGNATIONS.—

(A) Title XII is redesignated as title I.

(B) Sections 1201, 1202, and 1203 (20 U.S.C. 1141, 1142, 1143) are redesignated as sections 101, 102, and 103, respectively.

(C) Section 1204(b), as redesignated by section 251 of the Higher Education Amendments of 1968 (20 U.S.C. 1144(b); 82 Stat. 1042), is redesignated as section 104.

(D) Section 1204, as added by section 1201 of the Education Amendments of 1980 (20 U.S.C.

1144a; 94 Stat. 1495), is redesignated as section 105.

(E) Sections 1205, 1207, 1208, 1209, 1210, and 1213 (20 U.S.C. 1145, 1145b, 1145c, 1145d, 1145d-1, and 1145g) are redesignated as sections 106 through 111, respectively.

(4) TRANSFER.—Title I (including sections 101 through 111), as redesignated by paragraph (3), is transferred to immediately follow the short title of the Higher Education Act of 1965 (20 U.S.C. 1001 note).

(b) INTERNAL CROSS-REFERENCES.—The Higher Education Act of 1965 is amended—

(1) in section 106 (as redesignated by subsection (a)(3)), by striking "481(a)" and inserting "101(a)";

(2) in section 485(f)(1)(I), by striking "section 1213" and inserting "section 111";

(3) in section 498(j)(2), by striking "section 1201(a)(2)" and inserting "section 101(a)(2)";

(4) in section 591(d)(2), by striking "section 1201(a)" and inserting "section 101(a)(1)"; and

(5) in section 631(a)(8), by striking "section 1201(a)" each place it appears and inserting "section 101(a)(1)".

(c) CONFORMING AMENDMENTS.—

(1) TITLE 10, UNITED STATES CODE.—Sections 2193(c)(1) and 2199(2) of title 10, United States Code, are each amended by striking "1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))" and inserting "101(a)(1) of the Higher Education Act of 1965".

(2) TITLE 18, UNITED STATES CODE.—Section 207(j)(2)(B) of title 18, United States Code, is amended by striking "1201(a)" and inserting "101(a)(1)".

(3) TITLE 39, UNITED STATES CODE.—Section 3626(b)(3) of title 39, United States Code, is amended by striking "1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))" and inserting "101(a)(1) of the Higher Education Act of 1965".

(4) ANTI-DRUG ABUSE ACT OF 1988.—Section 3601(7) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11851(7)) is amended by striking "1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))" and inserting "101(a)(1) of the Higher Education Act of 1965".

(5) CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT.—Section 457(9) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899f(9)) is amended by striking "1201(a)" and inserting "101(a)(1)".

(6) DEPARTMENT OF STATE AUTHORIZATION ACT, FISCAL YEARS 1984 AND 1985.—Section 803(1) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 4502(1)) is amended by striking "1201(a)" and inserting "101(a)(1)".

(7) EDUCATION FOR ECONOMIC SECURITY ACT.—Section 3(6) of the Education for Economic Security Act (20 U.S.C. 3902(6)) is amended by striking "1201(a)" and inserting "101(a)(1)".

(8) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—The Elementary and Secondary Education Act of 1965 is amended—

(A) in section 7501(4) (20 U.S.C. 7601(4)) by striking "1201(a)" and inserting "101(a)(1)"; and

(B) in section 14101(17) (20 U.S.C. 8801(17)), by striking "1201(a)" and inserting "101(a)(1)".

(9) FEDERAL AGRICULTURE IMPROVEMENT AND REFORM ACT OF 1996.—Section 922 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2279c) is amended in subsections (a)(1)(B) and (b)(1) by striking "1201 of the Higher Education Act of 1965 (20 U.S.C. 1141)" and inserting "101(a)(1) of the Higher Education Act of 1965".

(10) FOLLOW THROUGH ACT.—Section 670G(5) of the Follow Through Act (42 U.S.C. 9877(5)) is amended by striking "1201 of the Higher Education Act of 1965" and inserting "101(a)(1) of the Higher Education Act of 1965".

(11) FOOD AND AGRICULTURE ACT OF 1977.—Section 1417(h)(1)(A) of the Food and Agriculture Act of 1977 (7 U.S.C. 3152(h)(1)(A)) is amended by striking "1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))" and inserting "101(a)(1) of the Higher Education Act of 1965".

(12) FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1986 AND 1987.—Section 603(d) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (20 U.S.C. 4703(d)) is amended by striking "1201(a)" and inserting "101(a)(1)".

(13) GENERAL EDUCATION PROVISIONS ACT.—Section 429(d)(2)(B)(ii) of the General Education Provisions Act (20 U.S.C. 1228c(d)(2)(B)(ii)) is amended by striking "1201(a)" and inserting "101(a)(1)".

(14) HARRY S TRUMAN MEMORIAL SCHOLARSHIP ACT.—Section 3(4) of the Harry S Truman Memorial Scholarship Act (20 U.S.C. 2002(4)) is amended by striking "1201(a)" and inserting "101(a)(1)".

(15) HEAD START ACT.—Section 649(c)(3) of the Head Start Act (42 U.S.C. 9844(c)(3)) is amended by striking "1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))" and inserting "101(a)(1) of the Higher Education Act of 1965".

(16) HIGHER EDUCATION AMENDMENTS OF 1992.—Section 1371(a)(1)(B) of the Higher Education Amendments of 1992 (25 U.S.C. 3371(a)(1)(B)) is amended by striking "1201(a)" and inserting "101(a)(1)".

(17) INTELLIGENCE AUTHORIZATION ACT, FISCAL YEAR 1992.—Section 808(3) of the Intelligence Authorization Act, Fiscal Year 1992 (20 U.S.C. 1908(3)) is amended by striking "1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))" and inserting "101(a)(1) of the Higher Education Act of 1965".

(18) JOB TRAINING PARTNERSHIP ACT.—The Job Training Partnership Act is amended—

(A) in section 4(12) (29 U.S.C. 1503(12)), by striking "1201(a)" and inserting "101(a)(1)"; and

(B) in section 141(d)(3)(B) (29 U.S.C. 1551(d)(3)(B)), by striking "1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))" and inserting "101(a)(1) of the Higher Education Act of 1965".

(19) JUSTICE SYSTEM IMPROVEMENT ACT OF 1979.—Section 901(a)(17) of the Justice System Improvement Act of 1979 (42 U.S.C. 3791(a)(17)) is amended by striking "1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))" and inserting "101(a)(1) of the Higher Education Act of 1965".

(20) MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961.—Section 112(a)(8) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(a)(8)) is amended by striking "1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))" and inserting "101(a)(1) of the Higher Education Act of 1965".

(21) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—Sections 101(13) and 166(6) of the National and Community Service Act of 1990 (42 U.S.C. 12511(13); 12626(6)) are each amended by striking "1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))" and inserting "101 of the Higher Education Act of 1965".

(22) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1987.—Section 1403(4) of the National Defense Authorization Act for Fiscal Year 1987 (20 U.S.C. 4702(4)) is amended by striking "1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))" and inserting "101(a)(1) of the Higher Education Act of 1965".

(23) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—The National Defense Authorization Act for Fiscal Year 1993 is amended in section 4451(b)(1) (10 U.S.C. 2701 note) by striking "1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))" and inserting "101(a)(1) of the Higher Education Act of 1965".

(24) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1992 AND 1993.—Section 3132(b)(1) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 7274e(b)(1)) is amended by striking "1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))" and inserting "101(a)(1) of the Higher Education Act of 1965".

(25) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994.—The National Defense Authorization Act for Fiscal Year 1994 is amended—

(A) in section 841(c)(2) (10 U.S.C. 2324(2) note), by striking "1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))" and inserting "101(a)(1) of the Higher Education Act of 1965";

(B) in section 1333(i)(3) (10 U.S.C. 2701 note), by striking "1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))" and inserting "101(a)(1) of the Higher Education Act of 1965"; and

(C) in section 1334(k)(3) (10 U.S.C. 2701 note), by striking "1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))" and inserting "101(a)(1) of the Higher Education Act of 1965".

(26) NATIONAL EDUCATION STATISTICS ACT OF 1994.—Section 402(c)(3) of the National Education Statistics Act of 1994 (20 U.S.C. 9001(c)(3)) is amended by striking "1201(a)" and inserting "101(a)(1)".

(27) OLDER AMERICANS ACT OF 1965.—Section 102(32) of the Older Americans Act of 1965 (42 U.S.C. 3002(32)) is amended by striking "1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))" and inserting "101(a)(1) of the Higher Education Act of 1965".

(28) OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996.—Section 1007(c)(5) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 698u–5) is amended by striking "1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))" and inserting "101(a)(1) of the Higher Education Act of 1965".

(29) PUBLIC LAW 85 OF THE 67TH CONGRESS.—Public Law 85 of the 67th Congress (42 Stat. 208; 25 U.S.C. 13), popularly referred to as the Snyder Act, is amended by striking "1201" and inserting "101(a)(1)".

(30) COMMUNICATION ACT OF 1934.—Section 223(h)(4) of the Communication Act of 1934 (47 U.S.C. 223(h)(4)) is amended by striking "1201 of the Higher Education Act of 1965 (20 U.S.C. 1141)" and inserting "101(a)(1) of the Higher Education Act of 1965".

(31) FEDERAL WATER POLLUTION CONTROL ACT.—Section 112(a)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1262(a)(1)) is amended by striking "1201" and inserting "101(a)(1)".

(32) CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT.—Section 347(2)(A) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2394(2)(A)) is amended by striking "1201(a)" and inserting "101(a)(1)".

(33) ENERGY POLICY AND CONSERVATION ACT.—Section 362(f)(5)(A) of the Energy Policy and Conservation Act (42 U.S.C. 6322(f)(5)(A)) is amended by striking "1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))" and inserting "101(a)(1) of the Higher Education Act of 1965".

(34) JAMES MADISON MEMORIAL FELLOWSHIP ACT.—Section 815 of the James Madison Memorial Fellowship Act (20 U.S.C. 4514) is amended—

(A) in paragraph (3), by striking "1201(a)" and inserting "101(a)(1)"; and

(B) in paragraph (4), by striking "1201(d)" and inserting "101(a)(1)".

(35) REHABILITATION ACT OF 1973.—Sections 7(32) and 101(a)(7)(A)(iv)(II) of the Rehabilitation Act of 1973 (29 U.S.C. 706(32); 29 U.S.C.

721(a)(7)(A)(iv)(II)) are each amended by striking “1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))” and inserting “101(a)(1) of the Higher Education Act of 1965”.

(36) TECHNOLOGY RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES ACT OF 1988.—Section 3(8) of the Technology Related Assistance for Individuals with Disabilities Act of 1988 (29 U.S.C. 2202(8)) is amended by striking “1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))” and inserting “101(a)(1) of the Higher Education Act of 1965”.

(37) TRIBALLY CONTROLLED COMMUNITY COLLEGE ASSISTANCE ACT OF 1978.—The Tribally Controlled Community College Assistance Act of 1978 is amended—

(A) in section 2(a)(5) (25 U.S.C. 1801(a)(5)), by striking “1201(a)” and inserting “101(a)(1)”; and

(B) in section 113(b)(2) (25 U.S.C. 1813(b)(2)), by striking “1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))” and inserting “101(a)(1) of the Higher Education Act of 1965”.

(38) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—The Violent Crime Control and Law Enforcement Act of 1994 is amended—

(A) in sections 200103 and 200202 (42 U.S.C. 14092; 14111), by striking “1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))” and inserting “101(a)(1) of the Higher Education Act of 1965”; and

(B) in section 30401(b) (42 U.S.C. 13791(b)), by striking “a public” through “that Act” and inserting “an elementary school as defined in section 14101(14) of the Elementary and Secondary Education Act of 1965, and a secondary school as defined by section 14101(25) of such Act, which are public institutions”.

(39) SCHOOL-TO-WORK OPPORTUNITIES ACT OF 1994.—Section 4 of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6103) is amended—

(A) in paragraph (11)(B)(viii), by striking “section 481(b)” and inserting “section 101(a)(3)”; and

(B) in paragraph (12), by striking “section 481” and inserting “section 101(a)(2)”.

(40) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—Section 148(g) of the National and Community Service Act of 1990 (42 U.S.C. 12604(g)) is amended by striking “section 481(a) of the Higher Education Act of 1965 (20 U.S.C. 1088(a))” and inserting “section 101(a)(2) of the Higher Education Act of 1965”.

SEC. 102. DEFINITIONS.

(a) INSTITUTION OF HIGHER EDUCATION.—Section 101 (as redesignated by section 101(a)(3) of this Act) is amended by striking subsections (a) and (b) and inserting the following:

“(a) INSTITUTION OF HIGHER EDUCATION.—

“(1) IN GENERAL.—Subject to paragraphs (2) through (4) of this subsection:

“(A) PRINCIPAL CRITERIA.—The term ‘institution of higher education’ means an educational institution in any State that—

“(i) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate;

“(ii) is legally authorized within such State to provide a program of education beyond secondary education;

“(iii) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program that is acceptable for full credit toward such a degree;

“(iv) is a public or other nonprofit institution; and

“(v) is accredited by a nationally recognized accrediting agency or association, or if not so accredited, is an institution that has been granted preaccreditation status by such an agency or association that has been recognized by the Secretary for the granting of preaccreditation status, and the Secretary has determined that there is satisfactory assurance that the institution will meet the accreditation standards of such an agency or association within a reasonable time.

“(B) ADDITIONAL INSTITUTIONS INCLUDED.—The term ‘institution of higher education’ also includes—

“(i) any school that provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and that meets the provision of clauses (i), (ii), (iv), and (v) of subparagraph (A); and

“(ii) a public or nonprofit private educational institution in any State that, in lieu of the requirement in subparagraph (A)(i), admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located.

“(C) LIST OF ACCREDITING AGENCIES.—For purposes of this subsection, the Secretary shall publish a list of nationally recognized accrediting agencies or associations that he determines, pursuant to subpart 2 of part H of title IV of this Act, to be reliable authority as to the quality of the education or training offered.

“(2) DEFINITION FOR PURPOSES OF TITLE IV PROGRAMS.—

“(A) INCLUSION OF ADDITIONAL INSTITUTIONS.—Subject to subparagraphs (B) through (D) of this paragraph, the term ‘institution of higher education’ for purposes of title IV of this Act includes, in addition to the institutions covered by the definition in paragraph (1) of this subsection—

“(i) a proprietary institution of higher education;

“(ii) a postsecondary vocational institution; and

“(iii) only for the purposes of part B of title IV, an institution outside the United States that is comparable to an institution of higher education as defined in paragraph (1) of this subsection and that has been approved by the Secretary for the purpose of part B of title IV.

“(B) INSTITUTIONS OUTSIDE THE UNITED STATES.—

“(i) For the purpose of qualifying as an institution under subparagraph (A)(iii) of this paragraph, the Secretary shall establish criteria by regulation for the approval of institutions outside the United States and for the determination that such institutions are comparable to an institution of higher education as defined in paragraph (1) of this subsection. In the case of a graduate medical school outside the United States, such criteria shall include a requirement that a student attending a graduate medical school outside the United States is ineligible for loans made, insured, or guaranteed under part B of this title unless—

“(I)(aa) at least 60 percent of those enrolled and at least 60 percent of the graduates of the graduate medical school outside the United States were not persons described in section 484(a)(5) in the year preceding the year for which a student is seeking a loan under part B of title IV; and

“(bb) at least 60 percent of the individuals who were students or graduates of the graduate medical school outside the United States (both nationals of the United States and others) taking the examinations administered by the Educational Commission for Foreign Medical Graduates received a passing score in the year preceding the year for which a student is seeking a loan under part B of title IV; or

“(II) the institution's clinical training program was approved by a State as of January 1, 1992.

“(ii) For the purpose of qualifying as an institution under subparagraph (A)(iii) of this paragraph, the Secretary shall establish an advisory panel of medical experts that shall—

“(I) evaluate the standards of accreditation applied to applicant foreign medical schools; and

“(II) determine the comparability of those standards to standards for accreditation applied to United States medical schools.

If such accreditation standards are determined not to be comparable, the foreign medical school shall be required to meet the requirements of paragraph (1) of this subsection.

“(iii) The failure of an institution outside the United States to provide, release, or authorize release to the Secretary of such information as may be required by clause (i) of this subparagraph shall render such institution ineligible for the purpose of part B of title IV.

“(iv) If, pursuant to this subparagraph, an institution loses eligibility to participate in the programs under title IV, then a student enrolled at such institution may, notwithstanding such loss of eligibility, continue to be eligible to receive a loan under part B while attending such institution for the academic year succeeding the academic year in which such loss of eligibility occurred.

“(C) LIMITATIONS BASED ON COURSE OF STUDY OR ENROLLMENT.—An institution shall not be considered to meet the definition of an institution of higher education in subparagraph (A) of this paragraph if such institution—

“(i) offers more than 50 percent of such institution's courses by correspondence, unless the institution is an institution that meets the definition in section 521(4)(C) of the Carl D. Perkins Vocational and Applied Technology Education Act;

“(ii) enrolls 50 percent or more of its students in correspondence courses, unless the institution is an institution that meets the definition in such section, except that the Secretary, at the request of such institution, may waive the applicability of this clause to such institution for good cause, as determined by the Secretary in the case of an institution of higher education that provides a 2-year or 4-year program of instruction for which the institution awards an associate or baccalaureate degree;

“(iii) has a student enrollment in which more than 25 percent of the students are incarcerated, except that the Secretary may waive the prohibition of this clause for a nonprofit institution that provides a 4-year or a 2-year program of instruction (or both) for which it awards a bachelor's or associate's degree or diploma, respectively; or

“(iv) has a student enrollment in which more than 50 percent of the students do not have a high school diploma or its recognized equivalent and does not provide a 4-year or a 2-year program of instruction (or both) for which it awards a bachelor's or associate's degree, respectively, except that the Secretary may waive the limitation contained in this clause if a nonprofit institution demonstrates to the satisfaction of the Secretary that it exceeds such limitation because it serves, through contracts with Federal, State, or local government agencies, significant numbers of students who do not have a high school diploma or its recognized equivalent.

“(D) LIMITATIONS BASED ON MANAGEMENT.—An institution shall not be considered to meet the definition of an institution of higher education in subparagraph (A) of this paragraph if—

“(i) the institution, or an affiliate of the institution that has the power, by contract or ownership interest, to direct or cause the direction of the management or policies of the institution, has filed for bankruptcy; or

“(ii) the institution, its owner, or its chief executive officer has been convicted of, or has pled nolo contendere or guilty to, a crime involving the acquisition, use, or expenditure of funds

under title IV, or has been judicially determined to have committed fraud involving funds under title IV.

"(E) CERTIFICATION.—The Secretary shall certify an institution's qualification as an institution of higher education in accordance with the requirements of subpart 2 of part H.

"(F) LOSS OF ELIGIBILITY.—An institution of higher education shall not be considered to meet the definition of an institution of higher education in subparagraph (A) of this paragraph if such institution is removed from eligibility for funds under title IV as a result of an action pursuant to part H of title IV.

"(3) PROPRIETARY INSTITUTION OF HIGHER EDUCATION.—

"(A) PRINCIPAL CRITERIA.—For the purpose of this subsection, the term 'proprietary institution of higher education' means a school that—

"(i) provides an eligible program of training to prepare students for gainful employment in a recognized occupation;

"(ii) meets the requirements of clauses (i) and (ii) of paragraph (1)(A) of this subsection;

"(iii) does not meet the requirement of clause (iv) of paragraph (1)(A) of this subsection;

"(iv) is accredited by a nationally recognized accrediting agency or association approved by the Secretary pursuant to part H of title IV;

"(v) has been in existence for at least 2 years; and

"(vi) has at least 15 percent of its revenues from sources that are not derived from funds provided under title IV, as determined in accordance with regulations prescribed by the Secretary.

In determining such 15 percent of revenues for purposes of clause (vi), funds from programs of education and training that do not meet the definition of an eligible program in section 481(b), but are provided on a contractual basis under Federal, State, or local training programs, or under specialized business and industry training requests, shall be counted.

"(B) ADDITIONAL INSTITUTIONS.—The term 'proprietary institution of higher education' also includes a proprietary educational institution in any State that, in lieu of the requirement in clause (i) of paragraph (1)(A) of this subsection, admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located.

"(4) POSTSECONDARY VOCATIONAL INSTITUTION.—

"(A) PRINCIPAL CRITERIA.—For the purpose of this subsection, the term 'postsecondary vocational institution' means a school that—

"(i) provides an eligible program of training to prepare students for gainful employment in a recognized occupation;

"(ii) meets the requirements of clauses (i), (ii), (iv), and (v) of paragraph (1)(A) of this subsection; and

"(iii) has been in existence for at least 2 years.

"(B) ADDITIONAL INSTITUTIONS.—The term 'postsecondary vocational institution also includes an educational institution in any State that, in lieu of the requirement in clause (i) of paragraph (1)(A) of this subsection, admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located.

"(b) STATE; FREELY ASSOCIATED STATES.—

"(1) STATE.—The term 'State' includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States.

"(2) FREELY ASSOCIATED STATES.—The term 'Freely Associated States' means the Republic of the Marshall Islands, the Republic of Palau, and the Federated States of Micronesia.".

(b) CONFORMING AMENDMENTS.—

(1) Section 481 (20 U.S.C. 1088) is amended—

(A) by striking subsections (a), (b), and (c); and

(B) by redesignating subsections (d) through (f) as subsections (a) through (c), respectively.

(2) Each of the following provisions are amended by striking "section 481" and inserting "section 101(a)(2)": sections 435(a)(1), 487(d), and 496(j) and (k).

(3) Section 498(i) (20 U.S.C. 1099c) is amended by striking "section 481 (other than the requirements in subsections (b)(5) and (c)(3))" and inserting "section 101(a) (other than the requirements in paragraphs (3)(A)(v) and (4)(A)(iii))".

(4) Section 498(j) is amended by striking "sections 481(b)(5) and 481(c)(3)" and inserting "paragraphs (3)(A)(v) and (4)(A)(iii) of section 101(a)".

(5) Section 105(b) (as redesignated by section 101(a)(3)(D)) is amended by adding at the end the following new sentence: "This subsection shall cease to be effective on October 1, 2001.".

SEC. 103. REGULATORY REFORM.

Title I is amended by adding at the end the following new section:

"SEC. 112. REGULATORY REFORM.

"(a) BIENNIAL REVIEW OF REGULATIONS.—In every even-numbered year (beginning with 1998), the Secretary—

"(1) shall review all regulations issued under title IV of the Higher Education Act of 1965 in effect at the time of the review that apply to the operations or activities of any participant in those programs; and

"(2) shall determine whether any such regulation is no longer necessary in the public interest.

"(b) EFFECT OF DETERMINATION.—The Secretary shall repeal, consolidate, simplify, or otherwise modify any regulation the Secretary determines to be no longer necessary in the public interest.

"(c) REPORT TO CONGRESS.—The Secretary shall report to the Congress any legislative changes necessary to permit regulatory simplification under this section.".

PART B—PERFORMANCE-BASED ORGANIZATION FOR THE DELIVERY OF FEDERAL STUDENT FINANCIAL ASSISTANCE

SEC. 111. PERFORMANCE-BASED ORGANIZATION FOR THE DELIVERY OF FEDERAL STUDENT FINANCIAL ASSISTANCE.

Title I (as amended by part A of this title) is amended—

(1) by striking the heading of such title and inserting the following:

"TITLE I—GENERAL AND ADMINISTRATIVE PROVISIONS

"PART A—GENERAL PROVISIONS";

and

(2) by adding at the end the following new part:

"PART B—ADMINISTRATIVE PROVISIONS FOR DELIVERY OF STUDENT FINANCIAL ASSISTANCE

"SEC. 131. PERFORMANCE-BASED ORGANIZATION FOR THE DELIVERY OF FEDERAL STUDENT FINANCIAL ASSISTANCE.

"(a) ESTABLISHMENT AND PURPOSE.—

"(1) ESTABLISHMENT.—There is established in the Department a Performance-Based Organization (hereafter referred to as the 'PBO') which shall be a discrete management unit responsible for managing the information systems supporting the programs authorized under title IV of this Act, as specified in subsection (b).

"(2) PURPOSES.—The purposes of the PBO are—

"(A) to improve the level of service to students and participants in the programs;

"(B) to reduce the costs of administering the Federal student financial assistance programs authorized under title IV;

"(C) to increase the accountability of the officials responsible for administering the operational aspects of these programs;

"(D) to provide greater flexibility in the management of the operational functions of the Federal student financial assistance programs;

"(E) to integrate the information systems supporting the Federal student financial assistance programs; and

"(F) to implement an open, common, integrated system for the delivery of student financial assistance under title IV.

"(b) AUTHORITY.—

"(1) AUTHORITY OF SECRETARY.— Notwithstanding any other provision of this Act, the Secretary shall maintain responsibility for the development and promulgation of policy relating to the programs of student financial assistance under title IV. In the exercise of its functions, the PBO shall be subject to the direction of the Secretary. The Secretary shall—

"(A) request the advice of, and work in cooperation with, the Chief Operating Officer in developing regulations, policies, administrative guidance, or procedures affecting the information systems administered by the PBO, and other functions performed by the PBO;

"(B) request cost estimates from the Chief Operating Officer for system changes required by specific policies proposed by the Secretary;

"(C) consider the Chief Operating Officer's comments and estimates prior to finalizing such regulations, policies, administrative guidance, or procedures;

"(D) assist the Chief Operating Officer in identifying goals for the administration and modernization of the delivery system for student financial assistance under title IV; and

"(E) if necessary, arrange for additional funding to ensure that the PBO can efficiently perform its functions.

"(2) FUNCTIONS.—The PBO shall carry out the following functions:

"(A) All aspects of contracting for the data and information systems supporting student financial assistance under title IV, including the operational administration of the William D. Ford Federal Direct Loan Program, but not including the development of policy relating to such programs.

"(B) The administrative, accounting, and financial management functions of the delivery system for Federal student assistance, including—

"(i) the collection, processing and transmission of applicant data to students, institutions and authorized third parties, as provided for in section 483;

"(ii) technical specifications for software development and systems supporting the delivery of student financial assistance under title IV;

"(iii) information technology and systems infrastructure related to the delivery and management of student financial assistance under title IV;

"(iv) all software and hardware acquisitions and all information technology contracts related to the delivery and management of student financial assistance under title IV; and

"(v) all customer service, training and user support related to the functions described in clauses (i) through (iv).

"(C) Annual development of a budget for the operations and services of the PBO, in consultation with the Secretary, and for consideration and inclusion in the Department's annual budget submission.

"(D) Annual development of goals, in consultation with the Secretary, for the administration and modernization of the system for delivery of student financial assistance under title IV.

"(E) Other functions proposed by the Secretary, and agreed to by the Chief Operating

Officer as are not inconsistent with the functions of the PBO.

"(3) INDEPENDENCE.—In carrying out its functions, the PBO shall exercise independent control of its budget allocations and expenditures, personnel decisions and processes, procurements, and other administrative and management functions.

"(4) REVIEW OF PBO.—The PBO shall be subject to the usual and customary Federal audit procedures, and be subject to review by the Inspector General of the Department.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of funding the administrative costs incurred by the PBO in administering systems supporting programs under this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 1999 and each of the 4 succeeding fiscal years, except that funds authorized under section 458 shall be made available to the PBO by the Secretary for administrative costs authorized to be funded under that section.

"(d) ORGANIZATIONAL REPORTS.—

"(1) PERFORMANCE PLAN.—Within 6 months of the hiring of the Chief Operating Officer, and every 12 months thereafter, the Secretary and the Chief Operating Officer of the Department shall develop a performance plan for the PBO that establishes measurable goals and objectives for the organization. In developing this performance plan, the Secretary and the Chief Operating Officer shall consult with the Committee on Education and the Workforce of the House of Representatives, the Committee on Labor and Human Resources of the Senate, and the Advisory Committee on Student Financial Assistance. The performance plan shall include a concise statement of goals for a modernized system for the delivery of student financial assistance under title IV and identify action steps necessary to achieve such goals. Such goals shall be used in evaluating the performance of the Chief Operating Officer and the PBO pursuant to paragraph (2).

"(2) ANNUAL ACCOUNTABILITY REPORT.—The Chief Operating Officer shall prepare and submit an annual accountability report to the Secretary and the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate. The accountability report shall include—

"(A) an independent financial audit of the expenditures of both the PBO and programs administered by it;

"(B) financial and performance requirements applicable to the PBO under the Chief Financial Officer Act of 1990 and the Government Performance and Results Act of 1993;

"(C) the results achieved by the PBO during the year relative to the goals established in the organization's performance plan;

"(D) the results of the evaluations of performance of the Chief Operating Officer and senior managers under subsections (e)(2) and (f)(2), including the amounts of bonus compensation awarded to these individuals;

"(E) a discussion of the effectiveness of coordination between the PBO and the Secretary;

"(F) recommendations for legislative and regulatory changes to improve service to students and their families, and to improve program efficiency and integrity; and

"(G) other such information as the Director of the Office of Management and Budget shall prescribe for performance based organizations.

"(e) CHIEF OPERATING OFFICER.—

"(1) IN GENERAL.—The management of the PBO shall be vested in a Chief Operating Officer who shall be appointed by the Secretary to a 5-year term and compensated without regard to chapters 33, 51, and 53 of title 5, United States Code. The Secretary shall appoint the Chief Operating Officer within 6 months of the date of enactment of this part. The Secretary shall consult with the Chairmen of the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate prior to making an appointment. The appointment shall be made on the basis of demonstrated management ability and expertise in information technology, including extensive experience in the financial services industry, and without regard to political affiliation or activity. The Secretary may reappoint the Chief Operating Officer to subsequent terms so long as the performance of the Chief Operating Officer, as set forth in the performance agreement, is satisfactory or better. The Chief Operating Officer may be removed by—

"(A) the President; or

"(B) the Secretary, for misconduct or failure to meet performance goals set forth in the performance agreement in paragraph (2).

The President or Secretary shall communicate the reasons for any such removal to the appropriate committees of Congress.

"(2) PERFORMANCE AGREEMENT.—The Secretary and the Chief Operating Officer shall enter into an annual performance agreement which shall set forth measurable organization and individual goals for the Chief Operating Officer in key operational areas. The agreement shall be subject to review and renegotiation at the end of each term. The final agreement shall be transmitted to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, and made publicly available.

"(3) COMPENSATION.—The Chief Operating Officer is authorized to be paid at an annual rate of basic pay not to exceed the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(B) of such title 5. In addition, the Chief Operating Officer may receive a bonus in an amount up to, but not in excess of, 50 percent of such annual rate of basic pay, based upon the Secretary's evaluation of the Chief Operating Officer's performance in relation to the performance goals set forth in the performance agreement described in paragraph (2). Payment of a bonus under this paragraph may be made to the Chief Operating Officer only to the extent that such payment does not cause the Chief Operating Officer's total aggregate compensation in a calendar year to equal or exceed the amount of the President's salary under section 102 of title 3, United States Code.

"(f) SENIOR MANAGEMENT.—

"(1) IN GENERAL.—The Chief Operating Officer may appoint up to 5 senior managers as may be necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and who may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(2) PERFORMANCE AGREEMENT.—The Chief Operating Officer shall enter into an annual performance agreement with each senior manager appointed under this subsection which shall set forth measurable organization and individual goals in key operational areas. The agreement shall be subject to review and renegotiation at the end of each term.

"(3) COMPENSATION.—The Chief Operating Officer is authorized to pay senior managers at an annual rate of basic pay not to exceed 75 percent of the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of such title 5. In addition, a senior manager may receive a bonus in an amount up to, but not in excess of, 50 percent of such annual rate of basic pay, based upon the Chief Operating Officer's evaluation of the manager's performance in relation to the performance goals set forth in the performance agreement described in paragraph (2).

"(g) PERSONNEL FLEXIBILITY.—

"(1) PERSONNEL CEILINGS.—The PBO shall not be subject to any ceiling relating to the number or grade of employees.

"(2) ADMINISTRATIVE FLEXIBILITY.—The Chief Operating Officer shall work with the Office of Personnel Management to develop and implement personnel flexibilities in staffing, classification, and pay that meet the needs of the PBO, subject to compliance with title 5, United States Code.

"(h) ESTABLISHMENT OF A FAIR AND EQUITABLE SYSTEM FOR MEASURING STAFF PERFORMANCE.—The PBO shall establish an annual performance management system, subject to compliance with title 5, United States Code and consistent with applicable provisions of law and regulations, which strengthens the organizational effectiveness of the PBO by providing for establishing goals or objectives for individual, group, or organizational performance (or any combination thereof), consistent with the performance plan of the PBO and its performance planning procedures, including those established under the Government Performance and Results Act of 1993, and communicating such goals or objectives to employees.

"(i) PROCUREMENT FLEXIBILITY.—

"(1) IN GENERAL.—Except as provided in this subsection, the PBO shall abide by all applicable Federal procurement laws and regulations when procuring property and services. The PBO shall—

"(A) enter into contracts for information systems supporting the programs authorized under title IV to carry out the functions set forth in subsection (b)(2); and

"(B) obtain the services of experts and consultants without regard to section 3109 of title 5, United States Code and set pay in accordance with such section.

"(2) PERFORMANCE BASED SERVICING CONTRACTS.—The Chief Operating Officer shall, to the extent practicable, maximize the use of performance based servicing contracts, consistent with guidelines for such contracts published by the Office of Federal Procurement Policy, to achieve cost savings and improve service.

"(3) FEE FOR SERVICE ARRANGEMENTS.—The Chief Operating Officer shall, to the extent practicable and consistent with the purpose of the PBO, utilize services available outside of the Federal Government in the delivery of Federal student financial assistance. To achieve this purpose, the PBO is authorized to pay fees to an organization that are equivalent to those paid by other entities for such services, if the Chief Operating Officer determines that such organization currently provides an information system or service that meets the requirements of the PBO.

"(j) FOCUS GROUPS.—To facilitate information sharing and customer involvement, the Chief Operating Officer may establish focus groups composed of students, institutions, and other participants in the programs authorized by title IV to provide advice on student aid delivery matters.

"SEC. 132. ADMINISTRATIVE SIMPLIFICATION OF STUDENT AID DELIVERY.

"(a) IN GENERAL.—The Secretary, and the Chief Operating Officer shall improve the efficiency and effectiveness of the student aid delivery system by encouraging and participating in *the establishment of voluntary consensus standards and requirements for the electronic transmission of information necessary for the administration of programs under title IV.*

"(b) ADOPTION OF VOLUNTARY CONSENSUS STANDARDS.—Except with respect to the common financial reporting form under section 483(a), the Secretary shall adopt voluntary consensus standards for transactions required under title IV, and common data elements for such transactions, to enable information to be exchanged electronically between systems administered by the Department and among participants in the Federal student aid delivery system.

"(c) REQUIREMENTS FOR ADOPTION OF VOLUNTARY CONSENSUS STANDARDS.—Any voluntary consensus standard adopted under this section shall—

"(1) be a standard that has been developed, adopted, or modified by a standard setting organization that is open to the participation of the various entities engaged in the delivery of Federal student financial assistance; and

"(2) be consistent with the objective of reducing the administrative costs of delivering student financial assistance under title IV.

"(d) PARTICIPATION IN STANDARD SETTING ORGANIZATIONS.—

"(1) The Chief Operating Officer shall participate in the activities of standard setting organizations in carrying out the provisions of this section.

"(2) The Chief Operating Officer shall encourage higher education groups seeking to develop common forms, standards, and procedures in support of the delivery of Federal student financial assistance to conduct these activities within a standard setting organization.

"(3) The Chief Operating Officer may pay necessary dues and fees associated with participating in standard setting organizations pursuant to this subsection from funds available under subsection (j).

"(e) PROCEDURES FOR ADOPTION AND IMPLEMENTATION OF VOLUNTARY CONSENSUS STANDARDS.—In adopting voluntary consensus standards and implementation timetables under this section, including modifications of existing standards, the Secretary shall follow the procedures for negotiated rulemaking in section 492.

"(f) INITIAL VOLUNTARY CONSENSUS STANDARDS TO BE ADOPTED.—Through coordinated participation between the Chief Operating Officer and standard setting organizations, the initial standards adopted by the Secretary shall include the following:

"(1) ELECTRONIC PERSONAL IDENTIFIER NUMBER.—The Secretary shall adopt standards for a single electronic personal identifier number for students receiving assistance under title IV.

"(2) ELECTRONIC SIGNATURE.—The Secretary, in coordination with the Secretary of Commerce, shall adopt standards specifying procedures for the electronic transmission and authentication of signatures with respect to transactions requiring a signature under title IV.

"(3) SINGLE INSTITUTIONAL IDENTIFIER.—The Secretary shall adopt standards for a single identifier for eligible institutions under title IV.

"(g) USE OF CLEARINGHOUSES.—Nothing in this section shall restrict the ability of participating institutions and lenders from using a clearinghouse to comply with the standards for the exchange of information established under this section.

"(h) APPLICABILITY TO CURRENT SYSTEMS.—

"(1) GENERAL RULE.—Except as provided in paragraph (2) and (3), this section shall apply to all Department of Education information systems supporting the delivery of programs under title IV no later than 12 months from the date of enactment of this part.

"(2) NATIONAL STUDENT LOAN DATA SYSTEM.—This section shall apply to sections 485B(e) and (f) no later than 18 months after the date of enactment of this part.

"(3) INTEGRATED POSTSECONDARY EDUCATION DATA SYSTEM.—The Secretary shall coordinate the adoption of voluntary consensus standards under this section to ensure that standards are compatible with the integrated postsecondary education data system (IPEDS).

"(i) DATA SECURITY.—Any entity that maintains or transmits information under a transaction covered by this section shall maintain reasonable and appropriate administrative, technical, and physical safeguards—

"(1) to ensure the integrity and confidentiality of the information; and

"(2) to protect against any reasonably anticipated security threats, or unauthorized uses or disclosures of the information.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated in any fiscal year or made available from funds appropriated to carry out activities in this section in any fiscal year such sums as may be necessary to carry out the provisions of this section, except that if no funds are appropriated pursuant to this subsection, the Secretary shall make funds available to carry out this section from amounts appropriated for the operations and expenses of the Department of Education.

"(k) DEFINITIONS.—For purposes of this section:

"(1) The term 'voluntary consensus standard' means a standard developed or used by a standard setting organization accredited by the American National Standards Institute.

"(2) The term 'standard setting organization' means a standard setting organization accredited by the American National Standards Institute that develops standards for information transactions, data elements, or any other standard that is necessary to, or will facilitate, the implementation of this section.

"(3) For purposes of this section, the term 'clearinghouse' means a public or private entity that processes or facilitates the processing of nonstandard data elements into data elements conforming to standards adopted under this section.".

The CHAIRMAN. Are there any amendments to title 1?

AMENDMENT NO. 3 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. PAUL:

Page 50, line 13, at the end of paragraph (1) add the following new sentence: "The Secretary shall not use the social security account numbers issued under title II of the Social Security Act as the electronic personal identifier, and shall not use any identifier used in any other Federal program as the electronic personal identifier.".

Mr. PAUL. Mr. Chairman, this amendment is not a complex amendment. It merely states that Social Security numbers cannot be used to identify the individuals who will be participating in this program.

This is a common practice, obviously, today. The Social Security number is used just for about everything. As a matter of fact, many Americans think way too often.

There are 40 Federal programs now where the Social Security number is required. Not only that, the Federal Government now has been mandating the uses of the Social Security number for similar purposes even on State programs such as obtaining our driver's license.

The concern that I have and that many Americans have is that government is too intrusive, wants too many records and knows too much about everybody. The government and nongovernment people can get our names and they can get our Social Security numbers and find out more about us than we know about ourselves, and that is not the intent of our Constitution. It certainly is not the intent of the Privacy Act.

The Privacy Act concerns were expressed through this legislation in 1974 stating that, yes, we have overstepped our bounds, there is too much intrusiveness, and we are moving in the direction of a national identification card, something that is unknown and should be unheard of in a free society.

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We should not have an identity card to carry our papers to get jobs, open bank accounts, move about the country, but we are moving rapidly in that direction. This is a token effort to make this point and require the government to use some other identification method for this program. It can be done. There is nothing sacred about the Social Security number. The program can be run without the use of Social Security.

I would like to just read very briefly some passages from the Privacy Act of 1974 to make my colleagues stop and think about what we are doing.

"It shall be unlawful for any Federal, State or local government agency to deny any individual any right, benefit or privilege provided by law because of such individual's refusal to disclose his Social Security number."

If one does not give his Social Security number, one is in big trouble in this country. One cannot even get out of the hospital if one is born without a Social Security number, and one cannot open up a savings account for a child if one does not have a Social Security number. One is not even allowed to die at this time without a Social Security number, because one needs a Social Security number on one's death certificate. Talk about cradle to grave.

"Any Federal, State or local government agency which requests an individual disclose his Social Security number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority the number is listed and what uses will be made of it." We do not have that happening. Numbers are just demanded, and too many people have complied with it, and we go along with it, but more and more Americans are getting upset with this monitoring of everything that we do through the Social Security number.

Every single government program is now requiring it. Like I said, there are 40, 40 programs. Immigration, think about how the immigration programs are monitored through Social Security numbers. There have been attempts to use the Social Security number to monitor people in their voting. We do not need this. We do not need more government surveillance in promoting this kind of a program. The program can survive, can work.

Some would argue, well, possibly, just possibly, the efficiency of the program may be diminished. That will be the argument that I will probably hear. The efficiency of the program will be diminished. Well, if this is the argument, then we are saying that we are here to protect the efficiency of the State. I see an important role for us to be here is to protect the privacy and the civil liberties of the citizen. So we are in conflict. Which should our role be, to protect privacy and civil liberties, or is it to protect the efficiency of the State?

Well, it is not difficult for me to figure that out, and it is not like I am saying this program would not exist, it is just saying that we will put a small amount of surveillance on this where the government is not so casual in expanding its role for the Social Security number.

In the Privacy Act of 1974, in the findings, they made a comment which I think is very important, and this is in 1974 when it was not really bad. "The Congress finds the opportunities for an individual to secure employment, insurance and credit and his right to due process and other legal protections are endangered by the misuse of certain information systems."

I ask my colleagues to support this amendment. This is a positive amendment; this is an amendment to protect civil liberties of every American.

Mr. McKEON. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. Chairman, I agree with many of the things that the gentleman from Texas (Mr. PAUL) has said, and I agree that we have to be alert and vigilant in seeing how the government can impose itself in our lives, but this use of a Social Security number is not new, it has been used for identifying student loan applications since the inception of the program.

I would like to make just a couple of points as to why it is important to have it. It is good to know who we are giving the money out to, especially when we want to collect on the loans. Information provided by students and families in order to receive Federal aid is based on income information which is verified against IRS records to prevent fraud and abuse in the student aid programs.

I think while there are concerns about the intrusiveness of government, there are also a great many concerns as to fraud in programs. It is important that we protect against fraud and abuse in these programs. This is very important to use the Social Security number to do that.

Applications are also matched with the Social Security records to make sure the person applying for aid has a valid Social Security number. I know the gentleman has made point of the fact that we put a Social Security number on death certificates. That is so that when people die, we make sure that they do not apply for student aid. I think that is an important thing to do.

This check is also done to ensure that the correct person is using his or her correct Social Security number and not a fraudulent number.

Social Security numbers are also used for skip tracing in tracking down the current addresses of student who are delinquent or who default on their loans so that they can be contacted to repay the debt. This practice saves taxpayers millions of dollars. I think it is incumbent upon us to be very diligent in the use of taxpayer dollars.

The safeguards afforded the student loan program and the taxpayer by allowing the use of Social Security numbers should not be done away with until such time as another viable alternative exists for matching records and verifying information, which is critical to preventing fraud and abuse in the Federal student aid programs.

While I agree with some of the gentleman's concerns, I think it is very important that we defeat his amendment and use the Social Security number to make this program viable.

Mr. KILDEE. Mr. Chairman, I move to strike the last word.

I know the gentleman from Texas (Mr. PAUL) is very sincere on this; I have talked to him, and I know the issues. But really, the purpose of using the Social Security number in these instances is really to prevent fraud and abuse.

We have millions and millions of dollars involved in these programs to assist students to go to college, and I think that the taxpayers certainly are willing to have a person use their Social Security number to make sure that there is no fraud and abuse in this program. I think it is very important. I just filled out my income tax a few weeks ago, and put my Social Security number on the income tax and did not feel threatened by that. So I would oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PAUL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 411, further proceedings on the amendment offered by the gentleman from Texas (Mr. PAUL) will be postponed.

Are there further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—POSTSECONDARY EDUCATION IMPROVEMENT PROGRAMS

SEC. 201. URBAN COMMUNITY SERVICE.

(a) Designation of Title.—The Higher Education Act of 1965 is amended by inserting at the end of title I (20 U.S.C. 1001 et seq.) the following:

"TITLE II—POSTSECONDARY EDUCATION IMPROVEMENT PROGRAMS".

(b) Redesignation and Transfer of Urban Community Service Program.—

(1) Internal cross-references.—Part A of title XI is amended—

(A) in section 1102(b), by striking "section 1104" and inserting "section 204";

(B) in section 1104(12), by striking "section 1103(a)(2)(B)" and inserting "section 203(a)(2)(B)"; and

(C) in section 1108(1), by striking "section 1103" and inserting "section 203".

(2) Redesignation.—Part A of title XI (20 U.S.C. 1136 et seq.) is redesignated as part A of title II, and sections 1101 through 1109 are redesignated as sections 201 through 209.

(3) Transfer.—Part A of title II (including sections 201 through 209), as redesignated by paragraph (2), is transferred to immediately follow the heading inserted by subsection (a) of this section.

(4) Repeal.—Part B of title XI (20 U.S.C. 1137 et seq.) and the heading of title XI are repealed.

(c) Allowable Activities.—Section 204 (as redesignated by subsection (b)(2)) is amended by adding at the end the following new paragraph:

"(14) Improving access to technology in local communities.".

(d) Designation of Urban Grant Institutions.—Section 207 (as redesignated by subsection (b)(2)) is amended by adding at the end the following new sentence: "The information developed as a result of this section shall be made available to Urban Grant Institutions and to any other interested institution of higher education by any appropriate means, including the Internet.".

(e) Authorization of Appropriations.—Section 209 (as redesignated by subsection (b)(2)) is amended by striking "1993" and inserting "1999".

SEC. 202. FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION.

(a) Redesignation and Transfer of Programs.—

(1) Redesignation.—Part A of title X (20 U.S.C. 1135 et seq.) is redesignated as part B of title II (as amended by section 201) and—

(A) sections 1001 through 1003 (20 U.S.C. 1135 et seq.) are redesignated as sections 221 through 223; and

(B) section 1011 (20 U.S.C. 1135a–11) is redesignated as section 224.

(2) Transfer.—Part B of title II (including sections 221 through 224), as redesignated by paragraph (1), is transferred to follow part A of title II.

(3) Repeal.—Section 1004 and parts B, C, and D of title X (20 U.S.C. 1135a–3, 1135e et seq.) and the heading of title X are repealed.

(b) Endowment Grants.—Section 221(a) (as redesignated by subsection (a)(2)) is amended—

(1) by striking "and" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(9) awarding an endowment grant, on a competitive basis, to a national organization to enable such organization to support the establishment or ongoing work of area program centers that foster the development of local affiliated chapters in high-poverty areas to improve graduation rates and postsecondary attendance through the provision of academic support services and scholarship assistance for the pursuit of postsecondary education.".

(c) SPECIAL PROJECTS.—Section 224 (as redesignated by subsection (a)(2)(B)) is amended—

(1) by striking paragraphs (1), (2), and (3) of subsection (c) and inserting the following:

"(1) institutional restructuring to improve learning and promote productivity, efficiency, quality improvement, and cost and price control;

"(2) articulation agreements between two-year and four-year institutions;

"(3) evaluation and dissemination of model programs; and

"(4) international cooperation and student exchange among postsecondary educational institutions."; and

(2) by striking subsection (d).

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) COMBINATION OF SUBPARTS.—Part B of title II (as redesignated by subsection (a)) is amended by striking the subpart designations and headings.

(2) AUTHORIZATION.—Part B of title II (as so redesignated) is amended by adding at the end the following:

"SEC. 225. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $30,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

SEC. 203. GRANTS TO STATES FOR WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

(a) REDESIGNATION AND TRANSFER OF PROGRAMS.—

(1) REDESIGNATION.—Part E of title X (20 U.S.C. 1135g) is redesignated as part C of title II and section 1091 is redesignated as section 231.

(2) TRANSFER.—Part C of title II (including section 231), as redesignated by paragraph (1), is transferred to follow part B of title II (as amended by section 202 of this Act).

(b) REAUTHORIZATION.—Section 231(j) (as so redesignated) is amended to read as follows:

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 1999 and such sums as may be necessary for each of the four succeeding fiscal years.".

SEC. 204. ADVANCED PLACEMENT FEE PAYMENT PROGRAM.

(a) REDESIGNATION AND TRANSFER OF PROGRAMS.—

(1) REDESIGNATION.—Part G of title XV of the Higher Education Amendments of 1992 (20 U.S.C. 1170) is redesignated as part D of title II and section 1545 of such Act is redesignated as section 241.

(2) TRANSFER.—Part D of title II (including section 241), as redesignated by paragraph (1), is transferred to follow part C of title II (as amended by section 203 of this Act).

(b) REAUTHORIZATION.—Section 241(f) (as so redesignated) is amended by striking "1993" and inserting "1999".

SEC. 205. TEACHER QUALITY ENHANCEMENT GRANTS.

Title II is further amended by adding at the end the following new part:

"PART E—TEACHER QUALITY ENHANCEMENT GRANTS

"SEC. 271. PURPOSE.

"The purposes of this part are—

"(1) to provide competitive grants to States for assistance in strengthening the quality of the teaching force by improving the academic knowledge of teachers in the subject areas in which they teach;

"(2) to hold institutions of higher education with teacher preparation programs accountable for preparing teachers who are highly competent in the academic content areas in which they plan to teach, including training in the effective uses of technologies in the classroom; and

"(3) to recruit high quality individuals, including individuals from other occupations, into the teaching force.

"SEC. 272. ELIGIBILITY.

"(a) APPLICATIONS.—To be eligible to receive a grant under this part, a Governor shall, at the time of the initial grant application, submit an application to the Secretary that meets the requirements of this part.

"(b) CONTENTS OF APPLICATION.—Such application shall include a description of how the State intends to use funds provided under this part and such other information and assurances as the Secretary may require.

"(c) STATE AUTHORITY.—Nothing under this part shall be construed to negate or supersede the legal authority, under State law of any State agency, State entity, or State public official over programs that are under the jurisdiction of the agency, entity, or official.

"SEC. 273. USE OF FUNDS.

"The Governor of a State that receives a grant under this subpart shall—

"(1) use a portion of such grant to carry out one or more of the following activities:

"(A) reforming State teacher certification requirements to ensure that current and future teachers possess the necessary academic content knowledge in the subject areas in which they are certified and assigned to teach;

"(B) providing prospective teachers alternatives to schools of education through programs at colleges of arts and sciences or at nonprofit organizations;

"(C) funding programs which establish or expand alternative routes to State certification for highly qualified individuals from other occupations;

"(D) developing and implementing effective mechanisms to expeditiously remove incompetent or unqualified teachers; and

"(E) implementing reforms which hold institutions of higher education with teacher preparation programs accountable for preparing teachers who are highly competent in the academic content areas in which they plan to teach; and

"(2) use a portion of such grant to establish a lighthouse partnership consisting of the Governor, an exemplary institution of higher education which prepares teachers, and a local educational agency and which may also consist of other institutions of higher education, public charter schools, and public and private nonprofit elementary and secondary schools, for the purpose of carrying out one or more of the following activities:

"(A) creating opportunities for enhancement and ongoing professional development which improves the academic content knowledge of teachers in the subject areas in which they are certified to teach or in which they are working toward certification to teach;

"(B) providing programs designed to implement the successful integration of technology into teaching and learning;

"(C) implementing reforms which hold institutions of higher education with teacher preparation programs accountable for preparing teachers who are highly competent in the academic content areas in which they plan to teach;

"(D) reforming State certification requirements to ensure that current and future teachers possess the necessary academic content knowledge in the subject areas in which they are certified to teach; and

"(E) recruiting minorities, and others, into the teaching and counseling profession, including education paraprofessionals, former military personnel, and mid-career professionals, by providing financial and other assistance related to instruction, induction, mentoring and support services.

"SEC. 274. COMPETITIVE AWARDS.

"(a) COMPETITIVE BASIS FOR AWARDS.—The Secretary shall make annual grants under this part on a competitive basis.

"(b) PEER REVIEW PANEL.—The Secretary shall provide the applications submitted by Governors under section 272 to a peer review panel for evaluation. With respect to each application, the peer review panel shall initially recommend the application for funding or for disapproval.

"(c) PRIORITY.—In recommending applications to the Secretary, the panel shall give priority to applications from States with proposals which promise initiatives to reform State teacher certification requirements which are designed to ensure that current and future teachers possess the necessary academic content knowledge in the subject areas in which they are certified to teach or which include innovative reforms to hold institutions of higher education with teacher preparation programs accountable for preparing teachers who are highly competent in the academic content areas in which they plan to teach.

"(d) RANKING OF APPLICATIONS.—With respect to each application recommended for funding, the panel shall assign the application a rank, relative to other recommended applications, based on the priority described in subsection (c), the extent to which the application furthers the purposes of this part, and the overall quality of the application, based on the quality and scope of State-supported strategies to improve quality of teacher preparation and their teaching force.

"(e) RECOMMENDATION OF AMOUNT.—With respect to each application recommended for funding, the panel shall make a recommendation to the Secretary with respect to the amount of the grant that should be made.

"(f) SECRETARIAL SELECTION.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall determine, based on the peer review panel's recommendations, which applications shall receive funding and the amounts of such grants. In determining grant amounts, the Secretary shall take into account the total amount of funds available for all grants under this part and the types of activities proposed to be carried out.

"(2) EFFECT OF RANKING BY PANEL.—In making grants under this part, the Secretary shall select applications according to the ranking of the applications by the peer review panel, except in cases where the Secretary determines, for good cause, that a variation from that order is appropriate.

"(g) MATCHING REQUIREMENT.—Each State receiving funds under this part shall provide, from non-Federal sources, an amount equal to 1/2 of the amount of the grant in cash or in kind to carry out the activities supported by the grant.

"(h) LIMITATION ON ADMINISTRATIVE EXPENSES.—A State that receives a grant under this part may use not more than 2 percent of the grant funds for administrative costs.

"(i) REPORTING.—

"(1) IN GENERAL.—A Governor that receives a grant under this section shall submit an accountability report to the Secretary and the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate. Such reports shall include a description of the degree to which the State, in using these funds,

has made substantial progress in meeting the following goals:

"(A) Raising the State academic standards required to enter the teaching profession.

"(B) Increasing the percentage of classes taught in core academic subject areas by teachers fully certified by the State to teach in those subject areas.

"(C) Decreasing shortages of qualified teachers in poor urban and rural areas.

"(D) Increasing opportunities for enhanced and ongoing professional development which improves the academic content knowledge of teachers in the subject areas in which they are certified to teach or in which they are working toward certification to teach.

"(2) ACCOUNTABILITY OF STATE INSTITUTION OF HIGHER EDUCATION.—Prior to receiving funds under this part, a State shall demonstrate that at least 80 percent of graduates of each of the exemplary institutions of higher education in any partnership described in section 273(a)(2) who enter the field of teaching pass all applicable State qualification assessments of new teachers, which must include assessments of each prospective teacher's subject matter knowledge in the content area or areas in which the teacher provides instruction. Prior to each subsequent receipt of funds under this part, such State shall demonstrate that 70 percent of the graduates of each institution of higher education in the State have met such goal and continue to progress to exceed such goal. Such assessment shall be at least as rigorous as those in place on the date of enactment of this Act and shall have qualifying scores no lower than those in place on date of enactment of this Act.

"(3) PROVISION TO PEER REVIEW PANEL.—The Secretary shall provide the reports submitted under paragraph (1) to the peer review panel convened under subsection (b). The panel shall use such accountability report in recommending applications for subsequent funding under this section.

"(j) TEACHERS QUALIFICATIONS PROVIDED TO PARENT UPON REQUEST.—Any local educational agency that participates as an eligible applicant or partner under this part shall make available, upon request and in an understandable and uniform format, to any parent of a student attending any school in the local educational agency, information regarding the qualifications of the student's classroom teacher, both generally and with regard to the subject matter in which the teacher provides instruction.

"SEC. 275. LIMITATIONS.

"(a) FEDERAL CONTROL PROHIBITED.—Nothing in this part shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to bar private, religious, or home schools from participation in programs or services under this part.

"(b) NO CHANGE IN STATE CONTROL ENCOURAGED OR REQUIRED.—Nothing in this part shall be construed to encourage or require any change in a State's treatment of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law.

"(c) NATIONAL SYSTEM OF TEACHER CERTIFICATION PROHIBITED.—Nothing in this part shall be construed to permit, allow, encourage, or authorize any national system of teacher certification.

"SEC. 276. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this part, $18,500,000 for fiscal years 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) TRANSITION.—Notwithstanding any other provision of law, the Secretary may use funds appropriated under subsection (a) to complete awards under the original grant period for projects that were funded under subpart 2 of part E of title V of this Act, as in effect prior to enactment of the Higher Education Amendments of 1998.".

SEC. 206. ADDITIONAL REPEAL.

Title VIII (20 U.S.C. 1133 et seq.), relating to cooperative education, is repealed.

The CHAIRMAN. Are there amendments to title II?

AMENDMENT NO. 55 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 55 offered by Mr. SANDERS:

Page 56, after line 18, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

"(5) cooperation between institutions to encourage cost saving initiatives through joint purchase of goods and services, and shared use of facilities and faculty resources."

Mr. SANDERS. Mr. Chairman, I will be very brief, and I want to thank both the majority and the minority for accepting this amendment.

Mr. Chairman, as we attempt to make higher education more affordable and more accessible for the middle-income and working families of our country, we need, in fact, to do a much better job in controlling the escalating cost of a college education.

The cost of a college degree from many institutions in this country today is truly shocking. According to the National Commission on the Cost of Higher Education, and I quote, "In the 20 years between 1976 and 1996, the average tuition at public universities increased from $642 to $3,151, and the average tuition at private universities increased from $2,881 to $15,581."

Tuitions at public 2-year colleges, the least expensive of all types of institutions, they have increased 5 times over. So it seems to me while we do all that we can to increase Federal aid for those middle-income and working families that need a college education, we are doing relatively little, I think, to hold down the costs of college. In fact, the number 1 recommendation of the National Commission on the Cost of Higher Education is to strengthen institutional cost control. That is their number 1 recommendation.

Mr. Chairman, the very simple amendment that I am offering would help institutions in some ways to reduce their costs and hopefully allow them to use those savings to lower the cost of tuition and college fees. In the State of Vermont, where my wife has served as provost of a small college and has been involved in this area, and in many other regions of the country, colleges are beginning to come together to form partnerships or consortia that enables them to share resources and reduce their collective costs.

For example, in some cases, significant cost savings can be realized by joint purchasing of goods and services when schools come together to purchase things like fuel, and in the State of Vermont fuel is an expensive cost, or insurance; if they pool their resources, they can save money and use those savings to lower the cost of tuition. The problem right now, however, is that many hard-pressed schools, many of the smaller schools, simply do not have the resources or the available technical expertise to figure out how they can do those things and how they can work with other colleges to reduce costs.

This amendment, which would add no additional costs to any of the higher education programs, would instead give the Fund for the Improvement of Postsecondary Education, which administers a competitive grant program for higher education institutions, a broader mission and allow them to make competitive grants available to institutions which seek to cooperate and reduce costs through the joint purchase of goods and services.

Mr. Chairman, this amendment is consistent with the National Commission on the Cost of Higher Education which recommends: "Greater institutional and regional cooperation in using existing facilities and institutions of higher education," and that is what this amendment does.

I thank both the majority and the minority for accepting this amendment.

Mr. MCKEON. Mr. Chairman, I rise in support of the amendment. We thank the gentleman from Vermont (Mr. SANDERS) for his efforts to improve the bill, and we gladly accept his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment was agreed to.

The CHAIRMAN. Are there any further amendments to title II?

AMENDMENT NO. 20 OFFERED BY MR. FARR OF CALIFORNIA

Mr. FARR of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. FARR of California:

Insert at the end of section 271(1) of the Higher Education Act of 1965 as amended by the manager's amendment offered by the Gentleman from Pennsylvania the following: ", such as math, science, English, foreign languages, history, economics, art, and civics".

Mr. FARR of California. Mr. Chairman, I just want to say that I really enjoy seeing this wonderful bipartisan support for education here on the House floor. I cannot think of any issue that is more of interest to the people in this country now than education, and it is wonderful that we are at a time when education has become our most important product, and I would like to acknowledge and compliment the leadership on both sides of the aisle, the gentleman from Pennsylvania (Mr. GOODLING) for his great leadership and the gentleman from Michigan (Mr. KILDEE).

I have a quick amendment. This amendment is to Part E of the Teacher Quality Enforcement Enhancement Grants, which is section 271(i). This section is the one that consolidates 17 existing higher education programs into a new competitive grant program to improve teacher training.

Section 271(i) provides competitive grants to the States to strengthen the quality of teaching force in the core subject areas. My language would merely list those core subject areas as math, science, English, foreign languages, history, economics, art and civics.

MODIFICATION TO AMENDMENT NO. 20 OFFERED BY MR. FARR OF CALIFORNIA

Mr. FARR of California. Mr. Chairman, I also discovered there was a drafting error that omitted government and geography from the list, so I would ask unanimous consent to modify my amendment to add government and geography.

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The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. FARR of California:

In the matter proposed to be inserted strike out "and", and insert before the closing quotation mark "government and geography".

The CHAIRMAN. Is there objection to the modification to the amendment offered by the gentleman from California (Mr. FARR)?

There was no objection.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from California (Mr. FARR).

The amendment, as modified, was agreed to.

The CHAIRMAN. Are there any further amendments?

AMENDMENT NO. 51 OFFERED BY MR. OWENS

Mr. OWENS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 51 offered by Mr. OWENS:

Page 68, after line 11, insert the following new section (and redesignate the succeeding section accordingly):

SEC. 206. POSTSECONDARY INFORMATION TECHNOLOGY EDUCATION RECRUITMENT

(a) FINDINGS.—The Congress finds the following:

(1) There are more than 200,000 to 400,000 vacancies in various categories of information technology jobs.

(2) From 1996 to 2005, more than 1,300,000 new computer scientists, engineers, and systems analysts will be required in the United States to fill vacant jobs, which equals 136,800 new workers per year.

(3) Systems analysts will experience the largest job growth, accounting for a 103 percent increase in the number of new positions from 1996 (506,000) to 2005 (1,025,000).

(4) The shortage of information technology workers transcends industries, affecting the manufacturing, service, transportation, health care, education, and government sectors. Within each sector, vacancies exist at all levels from aides and mechanics to programmers and designers.

(5) The information technology worker shortage is having an adverse effect on the viability of businesses in the United States and on the Nation's competitiveness. Industry surveys report that half of industry executives cite the lack of workers skilled in technology as the number one obstacle to their company's growth. An additional 20 percent of industry executives identify the lack of information technology workers as a major obstacle to their company's growth.

(6) A major factor affecting the short supply of information technology workers is the mismatch between what universities teach and what industry needs.

(7) It is in the national interest to promote special initiatives which effectively educate and train our domestic workforce to keep pace with these expanding job opportunities.

(8) Institutions of higher education have the capacity and resources to provide a role of oversight and technical assistance to a wide range of local entities, including community-based organizations, participating in a comprehensive education and training program for potential technology workers.

(9) Higher education institutions must be responsive to the digital environment and expand both their outreach efforts and on-campus activities to train and certify individuals to close the information technology worker gap.

(b) AMENDMENT.—Title II is amended by adding at the end the following:

"PART G—INFORMATION TECHNOLOGY EDUCATION RECRUITMENT

"SEC. 281. PARTNERSHIPS FOR POSTSECONDARY INFORMATION TECHNOLOGY EDUCATION RECRUITMENT

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Secretary may make grants under this section, in accordance with competitive criteria established by the Secretary, to institutions of higher education, in order to establish, oversee the operation of, and provide technical assistance to, projects described in paragraph (2).

"(2) PROJECTS.—Projects under this section shall be projects implemented by a community-based organization described in subsection (b), or by the institution of higher education receiving the grant, to provide postsecondary information technology education and employment procurement assistance to eligible individuals described in subsection (c).

"(3) RESTRICTIONS.—An institution of higher education shall be eligible to receive only one grant under this section, but may, subject to the requirements of this section, use the grant to enter into contracts with more than one community-based organization. A community-based organization shall not be eligible to enter into a contract under this section with more than one institution of higher education.

"(4) PERIOD OF GRANT.—The provision of payments under a grant under this section shall not exceed 5 fiscal years and shall be subject to the annual approval of the Secretary and subject to the availability of appropriations for each fiscal year involved.

"(b) COMMUNITY-BASED ORGANIZATIONS.—

"(1) IN GENERAL.—Subject to paragraph (2), a community-based organization described in this subsection is an entity that, at the time the entity enters into a contract with an institution of higher education for a project under this section, and throughout the duration of that contract—

"(A) is—

"(i) a governmental agency; or

"(ii) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

"(B) is one of the following:

"(i) A local partnership (as defined in section 4 of the School-to-Work Opportunities Act of 1994) receiving a grant under section 302 of such Act.

"(ii) An entity organized and operated for religious purposes.

"(iii) An entity furnishing school-age child care services after school.

"(iv) A community-based college computer recruitment center.

"(v) An entity furnishing adult education.

"(vi) A library.

"(vii) A museum.

"(viii) Any other entity organized and operated for cultural, literary, or educational purposes.

"(2) LIMITATION.—An entity shall not be considered a community-based organization described in this subsection unless, at the time the entity enters into a contract with an institution of higher education for a project under this section, it has demonstrated to the satisfaction of the Secretary that—

"(A) it has the capacity successfully to recruit eligible individuals described in subsection (c) for participation in a project described in subsection (a), consistent with the enrollment requirements in subsection (d)(2)(E);

"(B) it is providing an educational service, social service, or employment procurement service; and

"(C) in the case of an entity that independently manages its own finances, it has been in existence 2 years or more.

"(c) ELIGIBLE INDIVIDUALS.—An eligible individual described in this subsection is an individual who—

"(1) has submitted a satisfactory application to receive postsecondary information technology education recruitment assistance through a project under this section; and

"(2) has a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate.

"(d) DUTIES.—

"(1) INSTITUTIONS OF HIGHER EDUCATION.—An institution of higher education receiving a grant under this section shall use the funds provided under the grant to carry out the following duties:

"(A) Final selection of community-based organizations described in subsection (b) desiring to provide, at one or more sites, in accordance with a contract with the institution of higher education and this section, postsecondary information technology education and employment procurement assistance to eligible individuals described in subsection (c).

"(B) Entering into a contract with each community-based organization selected under subparagraph (A) under which the institution and the organization agree to carry out the duties respectively required of them under this section with respect to each site described in subparagraph (A).

"(C) With respect to each site described in subparagraph (A)—

"(i) design of a process for the recruitment of students from site to enroll in college courses or matriculate in college programs;

"(ii) provision of such funding for the establishment and initial operation of the site as was specified in the grant application submitted by the institution to the Secretary;

"(iii) approval of final site selection and preparation;

"(iv) initial orientation and training of personnel employed to manage and operate the site;

"(v) design and certification of the instructional and academic programs, and oversight of the implementation of the programs;

"(vi) oversight of equipment purchases and contracts for equipment maintenance; and

"(vii) selection of an outside contractor for periodic evaluation of the management and operation of the site.

"(2) COMMUNITY-BASED ORGANIZATIONS.—

"(A) IN GENERAL.—A community-based organization implementing a project under this section with an institution of higher education, at one or more sites, shall carry out the duties described in this paragraph, with respect to each such site, subject to the oversight and guidance of the institution.

"(B) GENERAL DUTIES.—The organization—

"(i) shall undertake final site selection and preparation;

"(ii) shall recruit and hire a site director;

"(iii) shall carry out any supplementary instructional, academic, or educational activities specified in the contract with the institution of higher education that are not described in subparagraph (D);

"(iv) shall assemble an advisory committee composed of individuals residing in the community in which the site is located, as well as industry representatives, who desire to assist the organization in ensuring that the goals of the organization are consistent with the goals and needs of the community population;

"(v) shall provide to the institution other evidence of volunteer support from among individuals residing in the community in which the site is located and industry representatives;

"(vi) shall recruit eligible individuals for enrollment, subject to subparagraph (E);

"(vii) shall maintain waiting lists of eligible individuals desiring to enroll in the project's programs;

"(C) SITE REQUIREMENTS.—The organization shall ensure that each site—

"(i) has a minimum of 20 fully functioning computers with sufficient capacity to perform all of the computer operations that are the subject of the curriculum specified in subparagraph (D);

"(ii) in addition to the space for the computers described in clause (i), has—

"(I) a classroom space with the capacity for seating a minimum of 30 students;

"(II) a separate office for the site director;

"(iii) is real property subject to the control of the organization or the institution, through a lease or other legal instrument, for a period of not less than 5 years;

"(iv) is open to enrolled individuals not less than 12 hours per day; and

"(v) is located within walking distance of public transportation.

"(D) INFORMATION TECHNOLOGY CURRICULUM.—

"(i) IN GENERAL.—The organization shall ensure that each site offers enrollees a curriculum that includes a broad range of course work in information technology.

"(ii) COURSES LEADING TO CERTIFICATION.—Such curriculum shall include course work leading to a certification of competence in areas of information technology recognized by the National Skill Standards Board established under the National Skill Standards Act of 1994.

"(iii) SPECIFIC COURSES.—The computer training offered shall include courses in basic computer competence, on-the-job upgrade assistance, and advanced computer competence.

"(E) ENROLLMENT REQUIREMENTS.—The organization shall ensure that its enrollment of eligible individuals at each site is consistent with the following:

"(i) Not less than 50 percent of the eligible individuals shall be, at the time of enrollment, individuals—

"(I) to whom a credit was allowed under section 32 of the Internal Revenue Code of 1986 for the preceding taxable year;

"(II) who are recipients of assistance under a State program funded under part A of title IV of the Social Security Act;

"(III) who are a member of a household participating in the food stamp program; or

"(IV) who are considered low-income pursuant to regulations promulgated by the Secretary under this section.

"(ii) Not less than 50 percent of the eligible individuals shall be, at the time of enrollment, under 25 years of age.

"(iii) No prerequisite relating to net worth, income, or assets may be applied to any eligible individual who, at the time of enrollment, is over 50 years of age, except that this requirement shall not be construed to supersede clause (i).

"(e) IMPLEMENTATION OF PROJECTS SOLELY BY INSTITUTIONS.—The Secretary may make a grant under this section to an institution of higher education that desires to implement a project under this section without the participation of a community-based organization described in subsection (b), if the institution agrees to carry out all of the duties required of such an organization under this section, in addition to the duties otherwise required of an institution of higher education. The Secretary shall, in awarding grants under this section, give priority to institutions of higher education whose grant application includes an assurance that the institution will contract with one or more community-based organizations in accordance with this section.

"(f) APPLICATIONS.—To apply for a grant under this section for any fiscal year, an institution of higher education shall submit an application to the Secretary in accordance with the procedures established by the Secretary. The application shall specify the institution's preliminary selections for the community-based organizations (if any) with which the institution proposes to contract, and shall include information with respect to preliminary site selections.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $100,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(h) DEFINITIONS.—For purposes of this section:

"(1) ADULT EDUCATION.—The term 'adult education' has the meaning given such term in section 312 of the Adult Education Act.

"(2) COMMUNITY-BASED COLLEGE COMPUTER RECRUITMENT CENTER.—The term 'community-based computer center' means a computer center—

"(A) funded by both the Federal Government and at least one private sector entity;

"(B) located in a low-income community (as determined by the Secretary); and

"(C) organized and operated for the purpose of providing families with access to computer resources that otherwise would not be available to them.

"(3) FOOD STAMP PROGRAM.—The term 'food stamp program' has the meaning given such term in section 3(h) of the Food Stamp Act of 1977.

"(4) LIBRARY.—The term 'library' has the meaning given such term in section 213 of the Library Services and Technology Act.

"(5) MUSEUM.—The term 'museum' has the meaning given such term in section 272 of the Museum and Library Services Act.".

Mr. OWENS. Mr. Chairman, this amendment seeks to deal with the omission which I cited earlier. There is a problem, there is a crisis, there is a great need for more information technology workers. There is a crisis that will be met with legislation from this House of Representatives in the 105th Congress. There are a number of different committees looking at the problem, and this committee should do its duty and address the problem.

Government analyses, industry reports, media headlines, and lobbying activities from businesses point to a crisis in the American education system and the workplace. There are not enough workers to fill 200,000 to 400,000 current vacancies in various categories of information technology jobs.

It has been reported that "a major factor affecting the short supply of information technology workers is a mismatch between what universities teach and what industry needs." One industry executive likened the current situation to "running out of iron ore in the middle of the industrial revolution."

While I commend the chairmen and ranking members of both the committee and the subcommittee for fashioning a palatable bill, H.R. 6 does not comprehensively address the anchor role that our higher education institutions could play in eliminating America's newest deficit of high skilled technology workers. The Information Technology Partnership Amendment which I am offering here would correct this gross oversight in H.R. 6.

This amendment would authorize a competitive grant program for colleges and universities to establish and oversee information technology education recruitment projects. Higher education institutions would be expected to expand existing resources to establish computer training centers off campus. Priority would be given to those colleges and universities that enter into partnerships with community-based organizations such as after-school centers and nonprofit cultural and educational organizations and even churches.

Many of my colleagues in Congress understand the severity of the shortage of workers with the necessary education to compete in this new millennium. Several reports have documented this crisis: The Commerce Department report entitled "America's New Deficit"; reports from the Bureau of Labor Statistics; another Commerce report entitled "The Emerging Digital Economy"; and a report from an industry trade association called "Help Wanted: A Call for Deliberative Action for the New Millennium." These analyses draw a dramatic conclusion about the gross shortages that will exist now and into the year 2005.

Because of the crisis, the Information Technology Association of America has pledged its support for this amendment. As the trade association that represents information technology workers and businesses, ITAA documents how businesses are themselves complaining for assistance.

Mr. Chairman, I submit a letter from ITAA which supports this amendment:

ITAA,
Arlington, VA, April 28, 1998.

Hon. MAJOR R. OWENS,
U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN OWENS: I understand that you are soon to introduce a bill, the "Workforce Investment Partnership Act." Based on a review of your draft legislation, it appears it addresses the information technology (IT) training needs that are critical to the growth of American industry. As the industry association with leadership on growing the domestic IT workforce, the Information Technology Association of America (ITAA) is pleased to see the way you are attempting to deal with creatively the workforce shortage.

ITAA's recently released a study conducted by Virginia Polytechnic Institute and State University (VA Tech), Help Wanted 1998: A call for Collaborative Action for the New Millennium. This study found that there are currently 346,000 vacant IT positions in American companies. These vacancies exist both at high tech companies and in other industry sectors, including banking, retail, insurance, and hospitality. Every region of the country is impacted by this lack of IT talent. The IT skills gap represents thousands of missed opportunities for American workers, because these high paying, high growth jobs remain vacant.

ITAA supports partnerships among stakeholders in business, academia, and government which create opportunities for Americans to pursue IT jobs. ITAA is especially supportive of those partnerships that leverage existing resources (such as college faculties and community-based organizations) for new types of training programs, as your legislation suggest. ITAA looks forward to working with you and your staff to develop this project and include industry leaders in the process.

Thank you for your leadership on this critical issue. If you have any questions or comments please feel free to contact me at hmiller@itaa.org or 703-284-5340, or contact Lauren Brownstein, ITAA's Workforce Education Program Manager, at lbrownstein@itaa.org or 703-284-5318.

Sincerely,

HARRIS N. MILLER,
President.

ITAA MEMBER COMPANIES

3Com Corporation; A.I.H. Systems Group, Inc.; ABT Corporation; Accelr8 Technology Corporation; Adobe Systems, Inc. Federal Systems Division; Advanced Information Network Systems; Advanced Technology Systems Corporation; Affiliated Computer Services, Inc.; AH&T Technology Brokers; AITECH Research, Inc.; Albers & Company; ALIT Inc.; Altenbern, Douglas Honorary ITAA Member; Ambassador Capital Corporation; Amdahl Corporation; America Online, Inc.; ANATEC; Andersen Consulting LLP; ANSTEC, Inc.; ARKSYS; Arter & Hadden; AT&T; Atkinson & Associates, Inc.; Atlantic Data Services, Inc.; AVATAR Solutions, Inc.;

BDM International, Inc.; BEA Systems; Beach, Stephen H. Honorary ITTA Member; Bellcore; Best Computer Consultants, Inc.; Billennium L.P.; Bob Lejeune, Honorary Member; Boeing; Boston Technology, Inc.; BrightStar Information Technology Group, Inc.; Brookline Technologies Inc.; BTG, Inc.; Business Representation Inc.

CACI International Inc.; Caine Farber and Gordon, Inc.; Caliber Learning Network, Inc.; Cap Gemini America; Capital Technology Information Services; Capricorn Systems, Inc.; Carpenter Associates; Carr, Ambrose A., Jr. Honorary ITAA Member; CCD Online Systems, Inc.; Center For Innovative Technology; Century for Innovative Technology; Century Staffing Consultants; Chuck Wheeler Associates, Inc.; CIBER 2000, Inc.; Claremont Technology Group, Inc.; Class Solutions Ltd.; Cognos Corporation; COLMAR Corporation; Complete Business Solutions, Inc.; Computec International Resources Inc.; Computer Associates International, Inc.; Computer Generated Solutions, Inc.; Computer Horizons Corporation; Computer People Inc.; Computer Sciences Corporation; Computer Task Group, Inc. (CTG); COMSYS Technical Services, Inc.; Consist International, Inc.; Contract Solutions, Inc.; Coopers & Lybrand L.L.P.; Corporate Executive Computing, Inc.; Cotelligent Group, Inc.; CROSS ACCESS Corporation; CrossRoute Software, Inc.; Crowell & Moring; CTA Incorporated; CyberCash, Inc.; Cyborg Systems, Inc.

Data Dimensions, Inc.; Data General Corporation; Data Processing & Accounting Services; Data Processing Resources Corporation; Data Systems Analysts, Inc.; Dataccount Corporation; De Bellas & Co.; Doloitte & Touche LLP; DemoNet Inc.; Dickstein, Shapiro & Morin, LLP; Digital Commerce Corp.; Digital Equipment Corporation; Distributed Software Development, Inc.; DSQ Software Corporation; DynCorp.

Edge Information Group; EDS Corporation; Emerald Solutions, Inc.; Envision, Inc.; Epsilon Software Development Company; Ernst & Young.

Fargo Provisioning; Federal Data Corporation; Federal Sources, Inc.; First Floor Software; Forecross Corporation; Foursight Seminars, Inc.; Fujitsu Limited; Fundamental Software.

G2R; Galland, Kharasch & Garfinkle, P.C.; GE Information Services; Geac Computer Systems, Inc.; General Dynamics Information Systems; Global Data Solutions; GMR Technologies International; GMRTI; Goel & Associates, P.C.; Goetz Associates Honorary ITAA Member; Golder, Thoma, Cressey, Rauner, Inc.; Government Strategy Advisors; Government Technology Services, Inc.; Grant Thornton LLP; Great Lakes Technologies Group; Greenbrier & Russel, Inc.; GTE Internetworking; GTE Technology and Systems.

Hanover & Associates, Ltd.; Hazel & Thomas, PC; Highmark Blue Cross Blue Shield; Hinton Industries, Inc.; Hogan & Hartson; Holland & Knight LLP; Howard Systems International, Inc.

IBM Corporation; IBM Global Services; IBS Conversions, Inc.; IDC Governments, Inc.; IMI Systems, Inc.; Immigration Law Group, LLP; Information Management Resources, Inc.; Information Systems Resources, Inc.; INPUT; Intermetrics, Inc.; INTERSOLV, Inc.; Intertec Communications, Inc.; Into 2000 Inc.; Introspect Corporation; IONA Technologies.

J.G. Van Dyke Associates, Inc.; James Martin Government Consulting, Inc.; James, Luanne Honorary ITAA Member; Jerger Associates.

Keane, Inc.; Kearney & Company; Keith Bates & Associates, Inc.; Kirkpatrick & Lockhart LLP; Knautz, Allan Honorary ITAA Member; KPMG Peat Marwick LLP.

Landmark Systems Corporation; Levi, Ray & Shoup, Inc.; LexiBridge Corporation; Litton PRC; Locate In Kent; Lockheed Martin Federal Systems; Lyons & Associates, Inc.

Manley, Robert Honorary ITAA Member; MAPSYS; Marimba, Inc.; Market* Access International; Martec Computer Services Company; MASTECH Corporation; MatchPoint Systems, Inc.; MAXIMUS, Inc.; Maxxion Systems Inc.; McCabe & Associates, Inc.; McGuire, Woods, Battle & Booth; MCI Inc.; McKenna & Cuneo, L.L.P.; Mercer Computer Systems, Inc.; Merrill Lynch; Micro Focus, Inc.; Microsoft Corporation; Millennia III; Millennium Dynamics, Inc.; MCL Group, Inc.; modis.

Napersoft, Inc.; National Comprehensive Services Corp.; NBS Systems, Inc.; NeoMedia Technologies, Inc.; NEPS Inc.; NETCOM On-Line Communication Services, Inc.; Netscape Communications Corp.; New Art Technologies, Inc.; Next Millennium Consulting, Inc.; NIIT (USA) Inc.; Northrop Grumman Corp—Data Systems & Serv. Div.; Novadyne Computer Systems, Inc.

O'Grady-Peyton International; Olympic Staffing Services; Onstad, Phillip C. Honorary ITAA Member; Open Market, Inc.; Oracle Corporation; Oracle Corporation.

Paragon Computer Professionals, Inc.; Pentamation Enterprises, Inc.; Peopleware Technical Resources, Inc.; Performance Technology Group; Phil Butler & Associates, Ltd.; Phoenix Software International; Pierre Audoin Conseil; Piscopo, J.A. Honorary ITAA Member; PLATINUM Technology, Inc.; Price Waterhouse LLP; PRINCE Software, Inc.; Princeton Information Ltd.; Prodigy Services Corporation; PSDI.

Quality Engineering Software Automation (QES).

Rapasky, John R. Honorary ITAA Member; Rational Software Corp.; RCG Information Technology, Inc.; Reasoning, Inc.; Renaissance Solutions, Inc.; Renaissance Worldwide; Robbins-Gioia, Inc.; Robert Half International, Inc.; Rollins, Arthur Honorary ITAA Member.

Sachs, Spector, Glasser & Waxman, P.C.; Sam Albert Associates; SCB Computer Technology, Inc.; Schoenberg, Lawrence ITAA Honorary Member; Science Applications International Corporation (SAIC); SCO; Secure Computing Corp.; Government Division; Sentry Technology Group; Sequent Computer Systems, Inc. (Federal Division); SERENA Software International; Serendipity Consulting; Seyfarth, Shaw, Fairweather & Geraldson; Shaw Pittman Potts & Trowbridge; Signet Bank; Silicon Graphics, Inc.; Silverline Industries, Inc.; Softech International; Software AG Americas; Software Productivity Consortium;

Software Services Corporation; Software Synergy, Inc.; SOFTWORKS, Inc.; Solomon Software; Southbridge Financial Corporation; Southwestern Business Resources; Specifics, Inc.; SPR Inc.; Sprint; Spyglass, Inc.; SRA International, Inc.; SRI Consulting; STA America; Standard Data Corporation; Stanford Consulting Group; Sterling Commerce, Inc.; Sterling Software, Inc.; Strategia Corporation; Sun Microsystems/Gov't Software Group; SunGard Data Systems Inc.; Superlative Technologies, Inc.; SVI America Corporation; Sybase Federal; Symantec Federal Region; Syntel, Inc.; System One Technical, Inc.; Systems & Computer Technology Corporation.

TCG Software, Inc.; TechnoPraxis Group Inc.; Techquest, Inc.; The Comdyn Group; The Dun & Bradstreet Corporation; The Jefferson Group; The Software Factory; The Updata Group, Inc.; Thinking Tools, Inc.; Tone Software Corporation; Tracor Enterprise Solutions, Inc.; Transition Software Corporation; Transportation Consulting Group, Inc.; Triad Data Inc.; TRW; TSI International Software, Ltd.

Ultim—IT Solutions Inc.; Ultradata Corporation; Ultradata Systems Inc.; Ulysses Group Associates, Inc.; Unisys Federal Systems Division; USF&G Corporation.

Vanstar Corp., Gov't Systems Group; Vector Consulting; VentureTech 2000, Inc.; Veronex Technologies, Inc.; Vertex Inc.; Veson, Inc.; VIASOFT, Inc.; Village Information Solutions, L.L.C.; Virtual Consulting.

Wang Federal; Wang, Inc.; Waterfield Technology Group, Inc.; Wellinger & Associates, Inc.; Welsh, Carson, Anderson & Stowe; Wheat International Communications Corp.; William M. Mercer, Inc.

Y2K Solutions Group, Inc.; Y2Kplus, Inc.; Year 2000 Inventory Management Ltd.; Zitel Corporation; Zmax Corporation.

Mr. Chairman, I might add also that there is another solution being proposed by the Committee on the Judiciary. The Committee on the Judiciary proposes to meet this crisis by importing, or by changing the visa quota by increasing it from 60,000 to 115,000 and bringing in professionals from foreign countries, trained professionals in this area from foreign countries. They will solve the problem that way instead of addressing the need to prepare more of our own citizens for this very important set of jobs.

Mr. Chairman, these jobs will be around for a long time. There is a stratification. It is not only the people at the very top who are designers and the engineers for computers and for software. It is not only the computer programmers, but also technicians and technologists.

All of the estimates of the vacancies so far have not taken into consideration the needs outside of business. They are only looking at business needs. They have not looked at the needs of the schools and the colleges where there is a shortage of people who can deal with educational information technology. Education technology will require more teachers and teachers will have to have technology assistants and technicians.

Just as we have an automobile culture in this country that has built up over many decades of the automobile existing, we are going to have a culture of the computer and a culture of information technology which will have people at all strata and we should prepare for that now.

This amendment recognizes that higher education institutions have the capacity and the resources to provide the major role for a comprehensive information technology education recruitment program. The Information Technology Partnerships Amendment offers an incentive for colleges and universities to leverage their existing resources, enter into partnerships with community groups and obtain input from industry groups to help educate and prepare American citizens for these vast job opportunities.

Colleges and universities would be expected to recruit the participants who will be trained at the computer education centers. Those recruits would go on for college study. This amendment would encourage colleges to recruit actively those individuals who would normally not be exposed to such computer training and to the college environment.

In low-income communities, as has been documented by several articles in The Washington Post and the New York Times, the exposure to computers is not there. Students cannot learn this field or get involved in it unless they have the opportunity to practice on computers.

So I urge that this amendment be adopted, that we go into the 21st century with the participation of this committee on this particular piece of legislation to place us in the bargaining process that is going to take place among all the committees to solve this problem.

Mr. McKEON. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. Chairman, the gentleman's heart is in the right place, he is trying to do what is right, and I think has some very good things that he is trying to do in this amendment. This is a bipartisan bill and we worked together on a lot of these areas, but it was one amendment that we were not able to accept.

Mr. Chairman, we just cannot do everything with a Federal program. According to the Department of Education, more than 550,000 students were enrolled in computer science programs in the 1995–96 academic year. The current student aid program provides millions of individuals with the opportunity to pursue any field they choose as workforce demands change for different occupations. Students can choose programs as short as 6 months or as long as a Ph.D.

States that have shortages in finding employees to fill technical jobs can use funds they match under the State Student Incentive Program which is currently authorized and appropriated for providing student financial aid programs targeted to those fields.

Or, as a last resort, we can do it without the Federal Government. We can do a program like is being done in my district. We have a community college that joined with a city that joined with several industries and put together a program on their own to train employees.

I agree wholeheartedly with the gentleman from New York (Mr. OWENS) that we should not be importing employees. We should be doing a better job of training them. I think that there are just better ways to do it than in this new amendment, and I would urge a "no" vote on the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. OWENS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. OWENS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 411, further proceedings on the amendment offered by the gentleman from New York (Mr. OWENS) will be postponed.

The point of no quorum is considered withdrawn.

Are there any further amendments to title II?

AMENDMENT NO. 19 OFFERED BY MR. EDWARDS

Mr. EDWARDS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 Offered by Mr. EDWARDS:

In section 271 of the Higher Education Act of 1965, as amended by the manager's amendment offered by the gentleman from Pennsylvania, strike "and" at the end of paragraph (2), strike the period at the end of paragraph (3) and insert "; and", and after such paragraph (3) insert the following new paragraph:

"(4) to provide competitive grants to States for assistance in improving the managerial skills of school principals and superintendents.

In section 273(a) of the Higher Education Act of 1965, as amended by the manager's amendment offered by the gentleman from Pennsylvania, add at the end the following new paragraphs:

"(7) Developing and implementing effective mechanisms to provide principals and superintendents with advanced managerial skills.

"(8) Creating opportunities for school principals and superintendents to further their professional development by providing advanced managerial skills training.

MODIFICATION TO AMENDMENT NO. 19 OFFERED BY MR. EDWARDS

Mr. EDWARDS. Mr. Chairman, I ask unanimous consent that the amendment be modified in the new form at the desk, which I believe is acceptable to the committee chairman, subcommittee chairman and full committee ranking member.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 19 offered by Mr. EDWARDS:

In section 273(a) of the Higher Education Act of 1965, as amended by the manager's amendment offered by the gentleman from Pennsylvania, add at the end the following new paragraphs:

"(7) Developing and implementing effective mechanisms to provide principals and superintendents with advanced managerial skills.

"(8) Creating opportunities for school principals and superintendents to further their professional development by providing advanced managerial skills training.

The CHAIRMAN. Is there objection to the modification to the amendment offered by the gentleman from Texas (Mr. EDWARDS)?

There was no objection.

Mr. EDWARDS. Mr. Chairman, this bill wisely brings together State and local officials in a commitment to improving the quality of training for our Nation's teachers. I strongly support that effort.

My amendment would expand the focus of job development grants to include management training for school superintendents and principals.

I believe it is critical for the future of our children that we provide better management training to our school principals and superintendents, because they play a very significant role in the lives of our students, they play a vital role in our public school system in America.

Mr. Chairman it is interesting if we look at dozens and dozens of cases of school turnarounds around the country where a school district had essentially the same amount of funds, the same students, the same teachers, and yet from one year to the next over a period of 2 years there was a significant turnaround and improvement of morale and student achievement. The one common bond we find in all of those cases is that there was a strong leader as a principal or as a superintendent that came into that school or district and used all of the many management skills necessary to lead an educational institution.

It is no coincidence that corporations provide millions of dollars for management training for their mid-level and upper-level management personnel. And yet historically our Nation has provided but a pittance for management training of those principals and superintendents who oversee products, our children, far more important than a product of any corporation in this country.

Providing professional development opportunities and management training will allow school administrators to improve their skills. Improved management at both the school and district level will have a positive effect on students, teachers and parents.

Students will learn more effectively in a positive environment and teachers, like all employees anywhere, are happier and more effective under good leadership and strong management. Better trained administrators will improve the overall quality of our Nation's education system.

I believe it makes sense to focus on management training in business, and I believe in this bill it will make sense to focus a small amount of resources on management training of our Nation's school superintendents and principals.

For that reason, I urge the passage of this amendment.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I thank the gentleman from Texas (Mr. EDWARDS) for yielding.

Mr. Chairman, I want to salute my good friend and classmate from the State of Texas for coming up with this idea on this amendment. I support this amendment for three reasons: First of all because it expands the quality management to the very top level. It does not make any sense for us in business to say that the middle managers are going to get trained but then it is CEOs are not going to be eligible for that training.

Secondly, I am going to support this amendment because I believe sharing this expertise is one of the most critical functions in professional development. We have an award where we have a local teacher who just won it, the Christa McAuliffe award. She came back from spending several days in California with fellow teachers and came back to school in South Bend, Indiana, and never had the time to share the knowledge and the good things that she gleaned from the other teachers with her fellow teachers in South Bend. We need to provide more opportunities for this quality enhancement in management.

And lastly, because the world is changing so quickly, we have technology and software that many teachers who have been teaching for 20 years are not keeping up with this technology and software improvement. We need to be able to get into the classrooms, whether they be principals or whether they be teachers, all of the people together working on professional development and enhancing the quality of teaching in our schools.

So I salute the gentleman. I applaud him for this good amendment, and I encourage my colleagues to vote for it.

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Mr. MCKEON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to commend the gentleman from Texas. He is not a member of the committee, but he has great appreciation for education, and he has put a lot of thought in this amendment, and I think it really strengthens the bill. I would be happy to accept it.

Mr. EDWARDS. Mr. Chairman, if the gentleman will yield, I thank the Chairman and full committee chairman and the ranking member for their support and help and leadership on this issue.

The CHAIRMAN. Is there further discussion on the amendment?

The question is on the amendment, as modified, offered by the gentleman from Texas (Mr. EDWARDS).

The amendment, as modified, was agreed to.

AMENDMENT NO. 49 OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 49 offered by Mr. MILLER of California:

Page 68, line 12, redesignate section 206 as section 207, and before such line insert the following new section (and conform the table of contents accordingly):

SEC. 206. ACCOUNTABILITY FOR INSTITUTIONS OF HIGHER EDUCATION THAT PREPARE TEACHERS.

Title II is further amended by adding at the end the following new part:

"PART F—ACCOUNTABILITY FOR INSTITUTIONS OF HIGHER EDUCATION THAT PREPARE TEACHERS

"SEC. 281. DATA COLLECTION.

"(a) DATA REQUIRED.—Within one year after the date of enactment of the Higher Education Amendments of 1998, and annually thereafter, the Secretary shall collect from each State receiving funds under this Act and publish the following information:

"(1) A description of the teacher licensing and credentialing assessments used by each State, including any and all assessments required in the subject matter area or areas in which a teacher provides instruction.

"(2) The standards and criteria established by each State that teachers or prospective teachers must meet in order to receive a passing score on such assessments, including information on the extent to which passing such examinations is required in order for an individual to be a classroom teacher.

"(3) Information on the extent to which teachers or prospective teachers in each State are required to take examinations or other assessments of their subject matter knowledge in the area or areas in which they provide instruction, the standards established for passing any such assessments, and the extent to which teachers or prospective teachers are required to receive a passing score on such assessments in order to teach in specific subject areas or grade levels.

"(4) Information on the extent to which each State waives teacher credentialing and licensing requirements, including the proportion of all teachers or prospective teachers in the State for whom such licensing and credentialing requirements have been waived and the distribution of such individuals across high- and low-poverty schools and across grade levels and subject areas.

"(5) The pass rate, for the preceding year, on all teacher licensing and credentialing assessments for all individuals in the State who took such assessments, disaggregated by the institution of higher education from which the teacher received his or her most recent degree.

"(b) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher licensing or credentialing assessments in a State other than the State in which the individual received his or her most recent degree.

"(c) USE OF LOCAL AGENCIES.—For each State in which there are no State licensing or credentialing assessments, the Secretary shall, to the extent practicable, collect data comparable to the data described in paragraphs (1) through (5) of subsection (a) from local educational agencies, colleges and universities, or other entities that administer such assessments to teachers or prospective teachers.

"SEC. 282. DATA DISSEMINATION.

"(a) EFFECTIVE DATE OF REQUIREMENTS.—The data required to be distributed under this section shall be distributed beginning within 3 years after the date of enactment of the Higher Education Amendments of 1998 and annually thereafter.

"(b) PASSING RATES.—Each institution of higher education that has a course of study that prepares elementary and secondary school teachers and receives Federal funds will report and distribute widely, including through prominent publications such as catalogs and promotional materials sent to potential applicants, high school guidance counselors, and the employers of graduates of such institutions, their pass rate for graduates of the institution on each of the State's initial teacher certification and licensing assessments for the most recent year for which data are available at the time of publication of such materials.

"(c) IDENTIFICATION OF INSTITUTIONS WITH PASSING RATES BELOW 70 PERCENT.—Each State shall submit to the Secretary a list of institutions of higher education that prepare teachers and receive Federal funds under this Act for which, for the preceding year, less than 70 percent of graduates who took any of the State's initial teacher licensing and credentialing assessments failed to receive a passing score on any such assessment. For each assessment, data shall be disaggregated by the institution of higher education from which the student received his or her most recent degree, unless such degree was granted more than 3 years prior to the date such assessment was administered.

"SEC. 283. STATE FUNCTIONS.

"(a) STATE ASSESSMENT.—In order to receive funds under this Act, a State shall, no later than one year after the date of enactment of the Higher Education Amendments of 1998, have in place a procedure to identify low performing programs of teacher preparation within institutions of higher education. Such levels of performance shall be determined solely by the State and may include criteria based upon information collected pursuant to this part. Such assessment shall be described in the report under section 281.

"(b) TERMINATION OF ELIGIBILITY.—Any institution of higher education that offers a program of teacher preparation in which the State has withdrawn its approval or terminated its financial support due to the low performance of its teacher preparation program based upon the State assessment described in section (a)—

"(1) shall be ineligible for any funding for professional development activities awarded by the Department of Education; and

"(2) shall not be permitted to accept or enroll any student that receives aid under title IV of this Act in its teacher preparation program.

"SEC. 284. NEGOTIATED RULEMAKING.

"If the Secretary develops any regulations implementing section 283(b)(2), the Secretary shall submit such proposed regulations to a negotiated rulemaking process which shall include representatives of States and institutions of higher education for their review and comment.

Mr. MILLER of California. Mr. Chairman, teacher preparation is the foundation of our entire educational system. All across the Nation, States and local school districts are raising the standards for what students should know and be able to do. If we are truly serious about helping all of these students meet these new standards, we must ensure that the teachers of the future have the requisite knowledge and skills to get them there.

One important step in meeting that goal is to strengthen the quality of programs that prepare our prospective teachers. While many colleges and universities do a fine job of preparing teachers, others fall short, sometimes far short, in providing the prospective teachers with the education and training that they need. This bill presents an opportunity.

In the committee, I offered an amendment which would have cut off funding for teacher colleges that did not meet a certain test. That amendment was not accepted. Since that time, I have been spending time with the minority and other members of the committee to work on this amendment to see whether or not we can get it acceptable. I want to thank the gentleman from Pennsylvania (Mr. GOODLING), the chairman, and the gentleman from California (Mr. MCKEON), the subcommittee chairman, for all of their help and support on this amendment. I want to thank the gentleman from Tennessee (Mr. FORD) for all of his help with this amendment.

We offer this amendment to try to encourage States and to increase, one, the information about their schools of education and how they are doing, and to make sure that that information is disseminated to prospective candidates to those schools so that they will understand when they go to that school what is the passage rate at that school; and also to disseminate to the policymakers within that State exactly what is the status of that school.

I think this is very important because the Federal Government provides about $1.8 billion in Federal support to schools of education, that is grants, loans, and work studies, in 1995 and 1996 alone and does not count other Federal monies that flows to these schools.

I think it is important that we know and the prospective students in these schools know what it is that they will get when they enroll in these schools. What my amendment would do, after much conversation and consultation with the minority and others, it would see to it that the schools of education would try and prepare the students who want to become teachers of the future to meet the quality standards set by those States; not quality standards set by the Federal Government, but quality standards set by those States.

It is intended to spur the schools of education to undertake reforms that will upgrade the quality of the teacher preparation programs. It is designed to send a message to schools and to colleges and universities that they should raise the status of teacher education to a level similar to the programs of other professionals.

We very often hear that we do not pay teachers enough or we do not treat them like professionals. But until such time as we have the quality standards to gain the confidence of the American public, it is likely that we will continue to underpay our teachers. I think that that is most unfortunate.

This amendment is also designed to provide greater accountability for the money that the Federal Government spends. Why do we do this? We do this because teacher quality is important.

Earlier this evening, I talked about how our committee held hearings and listened to constructive critics of the current system of higher education and teaching and education and all that went with it, and we heard a lot of evidence.

One of the things we heard over and over and over, we heard it from conservatives and from liberals, from professionals in the field and from critics in the field, the teacher quality is arguably the most important factor outside of family affecting student achievement.

I believe that this amendment directs both information to people who want to become teachers and that hold teacher colleges accountable should those States decide to do it.

We ought to understand that teacher quality accounts, according to information given to our committee, for 43 percent of the variance in student achievement scores. Other information from the University of Tennessee indicates that poor teachers in early grades have serious and long-lasting effects on the achievement of our students.

That is what this amendment is designed to remedy. It does it in a far different fashion than I offered it in committee. I think it is consistent with the concerns the minority had that the States be able to continue to keep control of these systems. It does it in a consistent way with actions that were seen taken in States like New York, Florida, Texas, California, Pennsylvania, and others that are all moving in this direction.

It augments, I think, some very important steps that have already been taken in this legislation to increase the ability of this legislation to address teacher quality through student loan forgiveness for qualified teachers who teach in high-priority schools, grants to States for upgrading student teacher preparation, and certification systems and partnerships between colleges and school districts to provide intensive professional development program.

The CHAIRMAN. The time of the gentleman from California (Mr. MILLER) has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 1 additional minute.)

Mr. MILLER of California. Mr. Chairman, I do this because we have got to make sure that, for the quality education that we know our economy and American society and the world economy are going to demand of our children and the children, future graduates, of our systems of higher education, that we have got to provide them with quality education.

No longer can we have a situation where barely a quarter of the applicants in New York who were seeking a teaching position on Long Island could pass the high school graduation English test. We can no longer accept that.

Teachers deserve to have professional status. They deserve to have professional pay. I believe this goes a long way toward helping that situation out and providing some accountability for schools where taxpayers invest billions of dollars.

Again, I want to thank the gentleman from California (Mr. MCKEON), the subcommittee chairman, and the gentleman from Pennsylvania (Mr. GOODLING), chairman, for all of their help and their effort and their counsel in coming to an agreement on this amendment.

Mr. GOODLING. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to point out that the initial amendment that the gentleman from California (Mr. MILLER) had offered I had considerable problems with. It has been dramatically modified, and I would like to explain that.

I want to highlight what I believe represents a significant difference between this amendment and the earlier versions that were offered by the gentleman from California (Mr. MILLER) during the full committee of this legislation.

Specifically, this amendment does not include a minimum Federal pass rate standard. Under that proposal, institutions of higher education failing to meet this Federal standard would have automatically lost access to title IV student loan funding.

I had several problems with that approach, because I do not support placing a Federal standard on States and institutions that would dictate when Federal funds would be terminated. I do not believe that Washington should set such a standard.

Second, I thought the approach was too arbitrary given that nearly all States have different tests which they require for teacher licensure, and those that have similar tests often score them very differently. I believe that this approach would have, in effect, penalized those States with the hardest tests while at the same time provide a disincentive to States which, under our block grants, we have encouraged to strengthen our exams and focus more on content knowledge.

I was concerned about terminating title IV student aid to an institution based on this arbitrary Federal standard. Under the new amendment, there is no Federal pass rate standard. Instead, States will implement procedures to identify low-performing teacher preparation programs based upon performance determined solely by the State.

In the event a State ends financial assistance or approval for a low-performing teacher preparation program, this amendment would also ensure that such institution would not be eligible for any Federal professional development funds from the U.S. Department of Education, nor would such programs be permitted to accept or enroll students in its teacher preparation program.

The bottom line is that the Federal Government should not fund the teacher preparation program which the State itself does not support due to its poor quality and in which the State has terminated State funds.

Let me make a point with respect to the information which States will have to collect and disseminate. It is my understanding that this information, such as pass rates for teacher license exams, is already collected by many States and institutions. However, this information is rarely provided to prospective students who are trying to make informed decisions regarding which program or institution to attend. By ensuring this information is made available, I believe there will be more competition between these programs resulting in better programs.

With the modifications and with the changes, we accept the amendment offered by the gentleman from California (Mr. MILLER).

Mr. KILDEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is certainly a better amendment than was offered in committee, but it does add elaborate and costly new comprehensive reporting requirements for States.

Some States, under this amendment, would be required to provide information they do not currently collect. It also adds new substantial and costly reporting requirements for higher education institutions.

This information, as it is required to be reported under the amendment, gives potentially misleading information about the performance of education programs and should not become the basis for terminating Federal or State support alone.

Finally, the amendment appears to condition future eligibility for Federal student loans and grants for education programs based solely on the level of State financial support.

The full effect of this amendment is not really known; however, it could have an adverse effect upon certain institutions such as historically black colleges and universities as well as others.

It is also reminiscent, Mr. Chairman, of the State postsecondary review entities which H.R. 6 repeals. I recently received a letter from the American Council on Education which urges our vigorous opposition to this, quote, heavy-handed Federal intrusion.

I certainly would like to work with the sponsor of this amendment, the gentleman from California (Mr. MILLER), in conference to address his goal of improving the quality of teacher instruction, but I feel this is a defective device to achieve that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. MILLER).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title II?

The Clerk will designate title III.

The text of title III is as follows:

TITLE III—INSTITUTIONAL AID

SEC. 301. STRENGTHENING INSTITUTIONS.

(a) PROGRAM PURPOSE; USE OF FUNDS.—Section 311 (20 U.S.C. 1057) is amended—

(1) in subsection (b)(2), by striking "or" at the end of subparagraph (A) and inserting "and";

(2) by amending paragraph (3) of subsection (b) to read as follows:

"(3) Special consideration shall be given to applications which propose, pursuant to the institution's plan, the use of funds for integrating computer technology into institutional facilities to create smart buildings."; and

(3) by adding at the end the following new subsections:

"(c) AUTHORIZED ACTIVITIES.—Grants awarded under this section shall be used for one or more of the following activities:

"(1) purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;

"(2) construction, maintenance, renovation, and improvement in classrooms, libraries, laboratories, and other instructional facilities;

"(3) support of faculty exchanges, faculty development, and faculty fellowships to assist in attaining advanced degrees in their field of instruction;

"(4) purchase of library books, periodicals, and other educational materials, including telecommunications program material;

"(5) tutoring, counseling, and student service programs designed to improve academic success;

"(6) funds management, administrative management, and acquisition of equipment for use in strengthening funds management;

"(7) joint use of facilities, such as laboratories and libraries;

"(8) establishing or improving a development office to strengthen or improve contributions from alumni and the private sector;

"(9) establishing or improving an endowment fund;

"(10) creating or improving facilities for Internet or other distance learning academic instruction capabilities, including purchase or rental of telecommunications technology equipment or services; and

"(11) other activities proposed in the application submitted pursuant to subsection (c) that—

"(A) contribute to carrying out the purposes of this section; and

"(B) are approved by the Secretary as part of the review and acceptance of such application.

"(d) ENDOWMENT FUND LIMITATIONS.—

"(1) PORTION OF GRANT.—An institution may not use more than 20 percent of its grant under this part for any fiscal year for establishing or improving an endowment fund.

"(2) MATCHING REQUIRED.—An institution that uses any portion of its grant under this part for any fiscal year for establishing or improving an endowment fund shall provide an equal or greater amount for such purposes from non-Federal funds.

"(3) REGULATIONS.—The Secretary shall publish rules and regulations specifically governing the use of funds for establishing or improving an endowment fund.".

(b) ENDOWMENT FUND DEFINITION.—Section 312 (20 U.S.C. 1058) is amended by adding at the end the following new subsection:

"(g) ENDOWMENT FUND.—For the purpose of this part, the term 'endowment fund' means a fund that—

"(1) is established by State law, by an institution of higher education, or by a foundation that is exempt from Federal income taxation;

"(2) is maintained for the purpose of generating income for the support of the institution; and

"(3) does not include real estate.".

(c) DURATION OF GRANT.—Section 313 (20 U.S.C. 1059) is amended—

(1) in subsection (a), by inserting before the period at the end the following: ", except that no institution shall be eligible to secure a subsequent 5-year grant award under this part until two calendar years have elapsed since the expiration of its most recent 5-year grant award"; and

(2) in subsection (b), by inserting "subsection (c) and a grant under" before "section 354(a)(1)".

(d) APPLICATIONS.—Title III is amended by striking section 314 (20 U.S.C. 1059a) and inserting the following:

"SEC. 314. APPLICATIONS.

"Each eligible institution desiring to receive assistance under this part shall submit an application in accordance with the requirements of section 351.".

(e) PROGRAM FOR TRIBALLY CONTROLLED COLLEGES AND UNIVERSITIES.—Section 316 (20 U.S.C. 1059c) is amended to read as follows:

"SEC. 316. AMERICAN INDIAN TRIBALLY CONTROLLED COLLEGES AND UNIVERSITIES.

"(a) PROGRAM AUTHORIZED.—The Secretary shall provide grants and related assistance to American Indian Tribal Colleges and Universities to enable such institutions to improve and expand their capacity to serve Indian students.

"(b) DEFINITIONS.—For the purposes of this section:

"(1) The term 'Indian' has the same meaning as in section 2 of the Tribally Controlled Community Colleges Act of 1978.

"(2) The term 'Indian tribe' has the same meaning as in section 2 of such Act.

"(3) The term 'Tribal College or University' has the meaning given the term 'tribally controlled college or university' in section 2 of such Act, and includes an institution listed in the Equity in Educational Land Grant Status Act of 1994.

"(4) The term 'institution of higher education' means an institution of higher education as defined by section 101(a)(1) of this Act, except that subparagraph (A)(ii) of such section shall not be applicable.

"(c) AUTHORIZED ACTIVITIES.—Grants awarded under this section shall be used by Tribal Colleges or Universities to assist such institutions to plan, develop, undertake, and carry out authorized activities. Such authorized activities may include—

"(1) purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;

"(2) construction, maintenance, renovation, and improvement in classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services;

"(3) support of faculty exchanges, faculty development, and faculty fellowships to assist in attaining advanced degrees in their field of instruction;

"(4) academic instruction in disciplines in which American Indians are underrepresented;

"(5) purchase of library books, periodicals, and other educational materials, including telecommunications program material;

"(6) tutoring, counseling, and student service programs designed to improve academic success;

"(7) funds management, administrative management, and acquisition of equipment for use in strengthening funds management;

"(8) joint use of facilities, such as laboratories and libraries;

"(9) establishing or improving a development office to strengthen or improve contributions from alumni and the private sector;

"(10) establishing or enhancing a program of teacher education designed to qualify students to teach in elementary or secondary schools, with a particular emphasis on teaching American Indian children and youth, that shall include, as part of such program, preparation for teacher certification;

"(11) establishing community outreach programs which will encourage American Indian elementary and secondary students to develop the academic skills and the interest to pursue postsecondary education;

"(12) establishing or improving an endowment fund; and

"(13) other activities proposed in the application submitted pursuant to this subsection that—

"(A) contribute to carrying out the purposes of this section; and

"(B) are approved by the Secretary as part of the review and acceptance of such application.

"(d) APPLICATION PROCESS.—

"(1) INSTITUTIONAL ELIGIBILITY.—To be eligible to receive assistance under this section, an institution shall be an institution which—

"(A) is an eligible institution under section 312(b);

"(B) is eligible to receive assistance under the Tribally Controlled Community College Assistance Act of 1978 (Public Law 95–471); or

"(C) is eligible to receive funds under the Equity in Educational Land Grant Status Act of 1994.

"(2) APPLICATION.—Any institution desiring to receive assistance under this section shall submit an application to the Secretary at such time, and in such manner, as the Secretary may by regulation reasonably require. Each such application shall include—

"(A) a 5-year plan for improving the assistance provided by the Tribal College or university to Indian students, increasing the rates at which Indian high school students enroll in higher education, and increasing overall postsecondary retention rates for Indian students; and

"(B) such enrollment data and other information and assurances as the Secretary may require to demonstrate compliance with subparagraphs (A) and (B) of paragraph (1).

"(3) SPECIAL RULE.—For the purposes of this part, no Tribal College or University which is eligible for and receives funds under this section may concurrently receive other funds under this part or part B.".

SEC. 302. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.

(a) USES OF FUNDS.—Section 323(a) (20 U.S.C. 1062(a)) is amended—

(1) by redesignating paragraph (12) as paragraph (13); and

(2) by inserting after paragraph (11) the following new paragraph:

"(12) Establishing or improving an endowment fund.".

(b) LIMITATIONS.—Section 323(b) is amended by striking paragraph (3) and inserting the following:

"(3)(A) An institution may not use more than 20 percent of its grant under this part for any fiscal year for establishing or improving an endowment fund.

"(B) An institution that uses any portion of its grant under this part for any fiscal year for establishing or improving an endowment fund shall provide an equal or greater amount for such purposes from non-Federal funds.

"(C) The Secretary shall publish rules and regulations specifically governing the use of funds for establishing or improving an endowment fund.".

(c) PROFESSIONAL OR GRADUATE INSTITUTIONS.—

(1) GENERAL AUTHORIZATION.—Section 326(a) (20 U.S.C. 1063b(a)) is amended—

(A) in paragraph (1), by inserting "in mathematics or the physical or natural sciences" after "graduate education opportunities"; and

(B) in paragraph (2), by striking "except that" and all that follows and inserting the following: ", except that no institution shall be required to match any portion of the first $500,000 of its award from the Secretary. After allocations are made to each eligible institution under the funding rules provided in subsection (f), the Secretary shall reallocate, on a pro rata basis, any amounts which remain unallocated (by reason of the failure of an institution to comply with the matching requirements of this paragraph) among the institutions that have complied with such matching requirement.".

(2) USE OF FUNDS.—Section 326(c) (20 U.S.C. 1063b(c)) is amended by striking paragraphs (1) through (3) and inserting the following:

"(1) purchase, rental or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;

"(2) construction, maintenance, renovation, and improvement in classroom, library, laboratory, and other instructional facilities used exclusively for the purposes of this section, including purchase or rental of telecommunications technology equipment or services;

"(3) purchase of library books, periodicals, technical and other scientific journals, microfilm, microfiche, and other educational materials, including telecommunications program materials;

"(4) scholarships, fellowships, and other financial assistance for needy graduate and professional students to permit their enrollment in and completion of the doctoral degree in medicine, dentistry, pharmacy, veterinary medicine, law, and the doctorate degree in the physical or natural sciences, engineering, mathematics, or other scientific disciplines in which African Americans are underrepresented;

“(5) establish or improve a development office to strengthen and increase contributions from alumni and the private sector;

“(6) assist in the establishment or maintenance of an institutional endowment to facilitate financial independence pursuant to section 331 of this title; and

“(7) funds and administrative management, and the acquisition of equipment, including software, for use in strengthening funds management and management information systems.”.

(3) ELIGIBILITY.—Section 326(e) (20 U.S.C. 1063b(e)) is amended—

(A) in paragraph (1)

(i) by striking “include—” and inserting “are the following:”;

(ii) by inserting “and other qualified graduate programs” before the semicolon at the end of subparagraphs (F) through (J);

(iii) by striking “and” at the end of subparagraph (O);

(iv) by inserting “University” after “Jackson State” in subparagraph (P);

(v) by striking the period at the end of such subparagraph and inserting a semicolon; and

(vi) by inserting after such subparagraph the following new subparagraphs:

“(Q) Norfolk State University qualified graduate program; and

“(R) Tennessee State University qualified graduate program.”; and

(B) by striking paragraphs (2) and (3) and inserting the following:

“(2) QUALIFIED GRADUATE PROGRAM.—For the purposes of this section, the term ‘qualified graduate program’ means a graduate or professional program that provides an accredited program of instruction in the physical or natural sciences, engineering, mathematics, or other scientific discipline in which African Americans are underrepresented and has students enrolled in such program at the time of application for a grant under this section.

“(3) SPECIAL RULE.—Institutions that were awarded grants under this section prior to October 1, 1998, shall continue to receive such grants, subject to the availability of appropriated funds, regardless of the eligibility of the institutions described in subparagraphs (Q) and (R) of paragraph (1).”; and

(C) in paragraph (4), by inserting before the period at the end the following: “, except that the president or chancellor of the institution may decide which graduate or professional school or qualified graduate program will receive funds under the grant in any one fiscal year”.

(4) FUNDING RULE.—Section 326(f) (20 U.S.C. 1063b(f)) is amended—

(A) by striking “Of the amount appropriated” and inserting “Subject to subsection (g), of the amount appropriated”;

(B) in paragraph (1)—

(i) by striking “$12,000,000” and inserting “$26,000,000”; and

(ii) by striking “(A) through (E)” and inserting “(A) through (P)”.

(C) by striking paragraph (2) and inserting the following:

“(2) the next $1,000,000 in excess of $26,000,000 shall be available for the purpose of making grants to institutions or programs identified in subparagraphs (Q) and (R) of subsection (e)(1); and

“(3) if the amount appropriated exceeds $27,000,000, the Secretary shall develop a formula for making allotments of such excess to each of the institutions or programs identified in subparagraphs (A) through (R) using the following elements:

“(A) the number of students enrolled in the eligible institution’s professional or graduate school, or qualified graduate program which received funding under this section in the previous year;

“(B) the average cost of education per student for all full-time graduate or professional students (or the equivalent) enrolled in the eligible professional school, graduate school or doctoral students in the qualified graduate program; and

“(C) the number of students who received their first professional or doctoral degree at the professional or graduate school or the qualified graduate program in the preceding year for which the institution received funding under this section.”.

(5) HOLD HARMLESS RULE.—Section 326 is further amended by adding at the end the following new subsection:

“(g) HOLD HARMLESS RULE.—Notwithstanding paragraphs (2) and (3) of subsection (f), no institution or qualified program identified in subsection (e)(1) that received a grant for fiscal year 1998 and that is eligible to receive a grant in a subsequent fiscal year shall receive a grant amount in any such subsequent fiscal year that is less than the grant amount received for fiscal year 1998, unless the amount appropriated is not sufficient to provide such grant amounts to all such institutions and programs.”.

SEC. 303. MINORITY SCIENCE AND ENGINEERING IMPROVEMENT PROGRAM.

(a) AMENDMENT.—Title III (20 U.S.C. 1051) is amended—

(1) by redesignating part D as part E; and

(2) by inserting after part C the following new part:

“PART D—MINORITY SCIENCE AND ENGINEERING IMPROVEMENT PROGRAM

“SEC. 341. PROGRAM AUTHORIZED.

“The Secretary shall, in accordance with the provisions of this part, carry out a program of making grants to institutions of higher education that are designed to effect long-range improvements in science and engineering education, and improve support programs for minority students enrolled in science and engineering programs at predominantly minority institutions.

“SEC. 342. USE OF FUNDS.

“Funds appropriated for the purpose of this subpart may be made available for—

“(1) providing needed services to groups of minority institutions or providing training for scientists and engineers from eligible minority institutions;

“(2) providing needed services to groups of institutions serving significant numbers of minority students or providing training for scientists and engineers from such institutions to improve their ability to train minority students in science or engineering;

“(3) assisting minority institutions to improve the quality of preparation of their students for graduate work or careers in science, mathematics, and technology;

“(4) improving access of undergraduate students at minority institutions to careers in the sciences, mathematics, and engineering;

“(5) improving access of minority students, particularly minority women, to careers in the sciences, mathematics, and engineering;

“(6) improving access for pre-college minority students to careers in science, mathematics, and engineering through community outreach programs conducted through colleges and universities eligible for support through the Minority Science and Engineering Improvement Programs;

“(7) disseminating activities, information, and educational materials designed to address specific barriers to the entry of minorities into science and technology, and conducting activities and studies concerning the flow of underrepresented ethnic minorities into scientific careers;

“(8) supporting curriculum models to encourage minority student participation in research careers in science, mathematics, and technology; and

“(9) improving the capability of minority institutions for self-assessment, management, and evaluation of their science, mathematics, and engineering programs and dissemination of their results.

“SEC. 343. ELIGIBILITY FOR GRANTS.

“The Secretary may make grants under this part to minority institutions (as defined in section 347), organizations, and entities to enable them to carry out programs and activities authorized by this part:

“(1)(A) institutions of higher education granting baccalaureate degrees; and

“(B) institutions of higher education granting associate degrees which—

“(i) have a curriculum including science or engineering subjects;

“(ii) apply jointly with institutions described in subparagraph (A); and

“(iii) have an articulation agreement with institutions described in subparagraph (A) for its science or engineering students; and

“(2) consortia of—

“(A) institutions which have a curriculum in science or engineering;

“(B) graduate institutions which have a curriculum in science or engineering;

“(C) Federal Education Research Centers;

“(D) research laboratories of, or under contract with, the Department of Energy;

“(E) private organizations which have science or engineering facilities; or

“(F) quasi-governmental entities which have a significant scientific or engineering mission;

to enable such institutions and consortia to carry programs and activities authorized by this part.

“SEC. 344. GRANT APPLICATION.

“(a) SUBMISSION AND CONTENTS OF APPLICATIONS.—An eligible applicant (as determined under section 343) that desires to receive a grant under this part shall submit to the Secretary an application therefor at such time or times, in such manner, and containing such information as the Secretary may prescribe by regulation. Such application shall set forth—

“(1) a program of activities for carrying out one or more of the purposes described in section 342 in such detail as will enable the Secretary to determine the degree to which such program will accomplish such purpose or purposes; and

“(2) such other policies, procedures, and assurances as the Secretary may require by regulation.

“(b) APPROVAL BASED ON LIKELIHOOD OF PROGRESS.—The Secretary shall approve an application only if the Secretary determines that the application sets forth a program of activities which are likely to make substantial progress toward achieving the purposes of this part.

“SEC. 345. CROSS PROGRAM AND CROSS AGENCY COOPERATION.

“The Minority Science and Engineering Improvement Programs shall cooperate and consult with other programs within the Department and within Federal, State, and private agencies which carry out programs to improve the quality of science, mathematics, and engineering education.

“SEC. 346. ADMINISTRATIVE PROVISIONS.

“(a) TECHNICAL STAFF.—The Secretary shall appoint, without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service, not less than one technical employees with appropriate scientific and educational background to administer the programs under this part who may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

“(b) PROCEDURES FOR GRANT REVIEW.—The Secretary shall establish procedures for reviewing and evaluating grants and contracts made or entered into under such programs. Procedures for reviewing grant applications, based on the peer review system, or contracts for financial assistance under this title may not be subject to any review outside of officials responsible for the administration of the Minority Science and Engineering Improvement Program.

“SEC. 347. DEFINITIONS.

“For the purpose of this part—

“(1) The term ‘minority institution’ means an institution of higher education whose enrollment of a single minority or a combination of minorities (as defined in paragraph (2)) exceeds 50 percent of the total enrollment. The Secretary shall verify this information from the data on enrollments in the higher education general information surveys (HEGIS) furnished by the institution to the Office for Civil Rights, Department of Education.

“(2) The term ‘minority’ means American Indian, Alaskan Native, Black (not of Hispanic origin), Hispanic (including persons of Mexican, Puerto Rican, Cuban, and Central or South American origin), Pacific Islander or other ethnic group underrepresented in science and engineering.

“(3) The term ‘science’ means, for the purpose of this program, the biological, engineering, mathematical, physical, behavioral, and social sciences, and history and philosophy of science; also included are interdisciplinary fields which are comprised of overlapping areas among two or more sciences.”.

SEC. 304. GENERAL PROVISIONS.

(a) APPLICATIONS FOR ASSISTANCE.—Section 351(a) (20 U.S.C. 1066(a)) is amended to read as follows:

“(a) APPLICATIONS.—

“(1) APPLICATIONS REQUIRED.—Any institution which is eligible for assistance under this title shall submit to the Secretary an application for assistance at such time, in such form, and containing such information, as may be necessary to enable the Secretary to evaluate its need for assistance. Subject to the availability of appropriations to carry out this title, the Secretary may approve an application for a grant under this title only if the Secretary determines that—

“(A) the application meets the requirements of subsection (b);

“(B) the applicant is eligible for assistance in accordance with the part of this title under which the assistance is sought; and

“(C) the applicant's performance goals are sufficiently rigorous as to meet the purposes of this title and the performance objectives and indicators for this title established by the Secretary pursuant to the Government Performance and Results Act.

“(2) PRELIMINARY APPLICATIONS.—In carrying out paragraph (1), the Secretary shall develop a preliminary application for use by eligible institutions applying under part A prior to the submission of the principal application.”.

(b) CONTENTS OF APPLICATIONS.—Section 351(b) is amended—

(1) in paragraph (5)(A), by inserting “and the Government Performance and Results Act” after “under this title”; and

(2) in paragraph (6), by inserting before the semicolon the following: “, except that for purposes of section 316, paragraphs (2) and (3) shall not apply”.

(c) WAIVERS.—Section 352(a) (20 U.S.C. 1067(a)) is amended—

(1) by striking “or” at the end of paragraph (5);

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5) the following new paragraph:

“(6) that is a tribally controlled community college as defined in the Tribally Controlled Community College Act of 1978; or”.

(d) APPLICATION REVIEW PROCESS.—Section 353(a) (20 U.S.C. 1068(a)) is amended—

(1) in paragraph (2), by striking “Native American colleges and universities” and inserting “Tribal Colleges and Universities”; and

(2) in paragraph (3)—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(e) CONTINUATION AWARDS.—Part D of title III is amended by inserting after section 354 (20 U.S.C. 1069) the following new section:

“SEC. 355. CONTINUATION AWARDS.

“The Secretary shall make continuation awards under this title for the second and succeeding years of a grant only after determining that the recipient is making satisfactory progress in carrying out the grant.”.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 360 (20 U.S.C. 1069f) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) AUTHORIZATIONS.—

“(1) PART A.—(A) There are authorized to be appropriated to carry out part A (other that sections 316), $135,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years.

“(B) There are authorized to be appropriated to carry out section 316, $10,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years.

“(2) PART B.—(A) There are authorized to be appropriated to carry out part B (other than section 326), $135,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years.

“(B) There are authorized to be appropriated to carry out section 326, $35,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years.

“(3) PART C.—There are authorized to be appropriated to carry out part C, $10,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years.

“(4) PART D.—There are authorized to be appropriated to carry out Part D, $10,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years.”; and

(2) by striking subsections (c), (d) and (e).

The CHAIRMAN. Are there any amendments to title III.

If not, the Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—STUDENT ASSISTANCE

PART A—GRANTS TO STUDENTS

SEC. 401. PELL GRANTS.

(a) EXTENSION OF AUTHORITY.—Section 401(a) (20 U.S.C. 1070a(a)) is amended—

(1) in paragraph (1)—

(A) by striking “September 30, 1998” and inserting “September 30, 2004”; and

(B) by striking the second sentence; and

(2) in paragraph (2), by striking “the disbursement system required by paragraph (1)” and inserting “the disbursement of Federal Pell Grants”.

(b) AMOUNT OF GRANT.—Section 401(b)(2)(A) is amended to read as follows:

“(2)(A) The amount of the Federal Pell Grant for a student eligible under this part shall be—

“(i) $4,500 for academic year 1999–2000,

“(ii) $4,700 for academic year 2000–2001,

“(iii) $4,900 for academic year 2001–2002,

“(iv) $5,100 for academic year 2002–2003, and

“(v) $5,300 for academic year 2003–2004,

less an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.”.

(c) RELATION OF MAXIMUM GRANT TO TUITION AND EXPENSES.—Section 401(b)(3) is amended—

(1) by striking “$2,400” each place it appears and inserting “$3,000”; and

(2) by adding at the end the following new subparagraph:

“(C) An institution that charged only fees in lieu of tuition as of January 31, 1997, may include in its determination of tuition charged, fees that would normally constitute tuition.”.

(d) DEPENDENT CARE AND DISABILITY RELATED EXPENSES.—Section 401(b)(3)(B) is amended by striking “$750” and inserting “$1,500”.

(e) INSTITUTIONAL INELIGIBILITY BASED ON DEFAULT RATES.—Section 401 is amended by adding at the end the following new subsection:

“(j) INSTITUTIONAL INELIGIBILITY BASED ON DEFAULT RATES.—

“(1) IN GENERAL.—No institution of higher education shall be an eligible institution for purposes of this section if such institution of higher education is ineligible to participate in a loan program under this title as a result of a final default rate determination made by the Secretary under part B or D of this title, or both, after the final publication of fiscal year 1996 cohort default rates.

“(2) SANCTIONS SUBJECT TO APPEAL OPPORTUNITY.—No institution may be subject to the terms of this subsection unless it has had the opportunity to appeal its default rate determination under regulations issued by the Secretary for the Federal Family Education Loan or Federal Direct Loan Program, as applicable. This subsection shall not apply to an institution that was not participating in the loan programs authorized under part B or D of this title on the date of enactment of the Higher Education Amendments of 1998, unless the institution subsequently participates in the loan programs.”.

(f) CONFORMING AMENDMENTS.—

(1) Section 400(a)(1) (20 U.S.C. 1070(a)(1)) is amended by striking “basic educational opportunity grants” and inserting “Federal Pell Grants”.

(2) The heading of subpart 1 of part A of title IV is amended to read as follows:

“Subpart 1—Federal Pell Grants”.

(3) Section 401 is amended—

*(A) in the heading of the section, by striking “**basic educational opportunity**” and inserting “**federal pell**”;*

(B) in subsection (a)(3), by striking “Basic grants” and inserting “Grants”;

(C) by striking “basic grant” each place it appears and inserting “Federal Pell Grant”; and

(D) by striking “basic grants” each place it appears and inserting “Federal Pell Grants”.

(4) Section 401(f)(3) is amended by striking “Education and Labor” and inserting “Education and the Workforce”.

(5) Section 452(c) (20 U.S.C. 1087b(c)) is amended by striking “basic grants” and inserting “Federal Pell Grants”.

(6) Subsections (j)(2) and (k)(3) of section 455 (20 U.S.C. 1087e) are each amended by striking “basic grants” and inserting “Federal Pell Grants”.

SEC. 402. FEDERAL TRIO PROGRAMS.

(a) PROGRAM AUTHORITY; AUTHORIZATION OF APPROPRIATIONS.—

(1) DURATION OF GRANTS.—Section 402A(b)(2) (20 U.S.C. 1070a–11(b)(2)) is amended—

(A) by striking subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting “; and”;

(C) by redesignating subparagraph (B) as subparagraph (A); and

(D) by adding at the end the following new subparagraph:

“(B) grants under section 402H shall be awarded for a period determined by the Secretary.”.

(2) MINIMUM GRANTS.—Section 402A(b)(3) is amended to read as follows:

"(3) MINIMUM GRANTS.—Unless the institution or agency requests a smaller amount, individual grants under this chapter shall be no less than—

"(A) $170,000 for programs authorized by sections 402D and 402G;

"(B) $180,000 for programs authorized by sections 402B and 402F; and

"(C) $190,000 for programs authorized by sections 402C and 402E.".

(3) PROCEDURES FOR AWARDING GRANTS AND CONTRACTS.—Subsection (c) of section 402A is amended to read as follows:

"(c) PROCEDURES FOR AWARDING GRANTS AND CONTRACTS.—

"(1) APPLICATION REQUIREMENTS.—An eligible entity that desires to receive a grant or contract under this chapter shall submit an application to the Secretary in such manner and form, and containing such information and assurances, as the Secretary may reasonably require.

"(2) PRIOR EXPERIENCE.—In making grants under this chapter, the Secretary shall consider each applicant's prior experience of service delivery under the particular program for which funds are sought. The level of consideration given the factor of prior experience shall not vary from the level of consideration given such factor during fiscal years 1994 through 1997, except that grants made under section 402H shall not be given prior experience consideration.

"(3) ORDER OF AWARDS; PROGRAM FRAUD.—(A) Except with respect to grants made under sections 402G and 402H and as provided in subparagraph (B), the Secretary shall award grants and contracts under this chapter in the order of the scores received by the application for such grant or contract in the peer review process required under section 110 and adjusted for prior experience in accordance with paragraph (2) of this subsection.

"(B) The Secretary is not required to provide assistance to a program otherwise eligible for assistance under this chapter, if the Secretary has determined that such program has involved the fraudulent use of funds under this chapter.

"(4) PEER REVIEW PROCESS.—(A) The Secretary shall assure that, to the extent practicable, members of groups underrepresented in higher education, including African Americans, Hispanics, Native Americans, Alaska Natives, Asian Americans, Native American Pacific Islanders (including Native Hawaiians), are represented as readers of applications submitted under this chapter. The Secretary shall also assure that persons from urban and rural backgrounds are represented as readers.

"(B) The Secretary shall ensure that each application submitted under this chapter is read by at least 3 readers who are not employees of the Federal Government (other than as readers of applications).

"(5) NUMBER OF APPLICATIONS FOR GRANTS AND CONTRACTS.—The Secretary shall not limit the number of applications submitted by an entity under any program authorized under this chapter if the additional applications describe programs serving different populations or campuses.

"(6) COORDINATION WITH OTHER PROGRAMS FOR DISADVANTAGED STUDENTS.—The Secretary shall encourage coordination of programs assisted under this chapter with other programs for disadvantaged students operated by the sponsoring institution or agency, regardless of the funding source of such programs. The Secretary shall not limit an entity's eligibility to receive funds under this chapter because such entity sponsors a program similar to the program to be assisted under this chapter, regardless of the funding source of such program. The Secretary shall permit the Director of a program receiving funds under this chapter to administer one or more additional programs for disadvantaged students operated by the sponsoring institution or agency, regardless of the funding sources of such programs.

"(7) APPLICATION STATUS.—The Secretary shall inform each entity operating programs under this chapter regarding the status of their application for continued funding at least 8 months prior to the expiration of the grant or contract. The Secretary, in the case of an entity that is continuing to operate a successful program under this chapter, shall ensure that the startup date for a new grant or contract for such program immediately follows the termination of preceding grant or contract so that no interruption of funding occurs for such successful reapplicants. The Secretary shall inform each entity requesting assistance under this chapter for a new program regarding the status of their application at least 8 months prior to the proposed startup date of such program.".

(4) AUTHORIZATION OF APPROPRIATIONS.—Section 402A(f) is amended—

(A) by striking "$650,000,000 for fiscal year 1993" and inserting "$800,000,000 for fiscal year 1999"; and

(B) by striking everything after the first sentence.

(b) TALENT SEARCH.—Section 402B(b) (20 U.S.C. 1070a–12(b)) is amended—

(1) by striking paragraph (4) and inserting the following:

"(4) guidance on and assistance in secondary school reentry, entry to general educational development (GED) programs, other alternative education programs for secondary school dropouts, or postsecondary education;"; and

(2) in paragraph (8), by striking "parents" and inserting "families".

(c) UPWARD BOUND.—Section 402C (20 U.S.C. 1070a–13) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking "personal counseling" and inserting "counseling and workshops";

(B) in paragraph (6)—

(i) by inserting "work-study and other" before "activities"; and

(ii) by inserting before the semicolon at the end the following: ", including careers requiring a postsecondary degree";

(C) in paragraph (9), by striking "and" at the end;

(D) in paragraph (10), by striking "through (9)" and inserting "through (10)"; and

(E) by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

"(10) special services to enable veterans to make the transition to postsecondary education; and"; and

(2) in subsection (c), by inserting ", other than a project a majority of the participants in which are veterans," after "this chapter".

(d) STUDENT SUPPORT SERVICES.—Section 402D(c)(6) (20 U.S.C. 1070a–14(c)(6)) is amended by inserting before the period at the end the following: "and minimize the student's loan burden".

(e) POSTBACCALAUREATE ACHIEVEMENT PROGRAM.—Section 402E (20 U.S.C. 1070a–15) is amended—

(1) in subsection (c)(3), by inserting "or accepted in a graduate program" after "degree program"; and

(2) in subsection (e)(1), by striking "$2,400" and inserting "$3,200".

(f) STAFF DEVELOPMENT ACTIVITIES.—Section 402G(b) (20 U.S.C. 1070a–17(b)) is amended by inserting after paragraph (3) the following new paragraph:

"(4) The use of appropriate educational technology in the operation of projects assisted under this chapter.".

(g) EVALUATION FOR PROJECT IMPROVEMENT.—Section 402H(b) (20 U.S.C. 1070a–18(b)) is amended by adding at the end the following new sentence: "Such evaluations shall also investigate the effectiveness of alternative and innovative methods within Federal TRIO programs of increasing access to, and retention of, students in postsecondary education.".

SEC. 403. NATIONAL EARLY INTERVENTION AND PARTNERSHIP PROGRAM.

Section 404G (20 U.S.C. 1070a–27) is amended by striking "1993" and inserting "1999".

SEC. 404. REPEALS.

(a) REPEALS OF SUBPART 2 PROVISIONS.—The following provisions of subpart 2 of part A of title IV are repealed:

(1) Chapter 3 (20 U.S.C. 1070a–31 et seq.).

(2) Chapter 4 (20 U.S.C. 1070a–41 et seq.).

(3) Chapter 5 (20 U.S.C. 1070a–51 et seq.).

(4) Chapter 6 (20 U.S.C. 1070a–61 et seq.).

(5) Chapter 7 (20 U.S.C. 1070a–71 et seq.).

(6) Chapter 8 (20 U.S.C. 1070a–81 et seq.).

(b) SUBPART 8.—Subpart 8 of part A of title IV (20 U.S.C. 1070f) is repealed.

(c) CONFORMING AMENDMENT.—Section 400(b) (20 U.S.C. 1070(b)) is amended by striking "subparts 1 through 8" and inserting "subparts 1 through 6".

SEC. 405. ESTABLISHMENT OF NEW PROGRAMS.

Subpart 2 of part A of title IV is amended by inserting after chapter 2 (20 U.S.C. 1070a–81) the following new chapters:

"CHAPTER 3—HIGH HOPES FOR COLLEGE

"Subchapter A—21st Century Scholar Certificates

"SEC. 406A. 21ST CENTURY SCHOLAR CERTIFICATES.

"(a) FINDINGS.—The Congress makes the following findings:

"(1) Among low-income students who, despite high test scores, are not planning on attending college, nearly 60 percent cite an inability to afford school as the reason.

"(2) About 80 percent of our 12th graders who are interested in continuing their education after high school go on to college if their parents read materials about financial aid, compared to only 55 percent of such students if their parents do not read this material.

"(3) In 1996, the American Council on Education found that the public overestimated the tuition of public 2-year colleges by about 3 times the actual average tuition, of public 4-year colleges by over twice the actual average tuition, and of private 4-year universities by almost one-third more than the actual average tuition.

"(4) There is a need for, and a significant benefit from, providing students, and through them their parents, with information about the variety of Federal student financial assistance programs, such as Pell grants, Federal work-study and loans, and the AmeriCorps Education Awards that make college more affordable than ever before.

"(b) AUTHORITY.—

"(1) The Secretary, using funds appropriated under section 407H(a) of this Act—

"(A) shall ensure that certificates, to be known as 21st Century Scholar Certificates, are provided to all students participating in projects under chapter 2; and

"(B) may, as practicable, ensure that such certificates are provided to all students in grades 6 through 12 who attend schools at which at least 50 percent of the students enrolled are eligible for free or reduced-price lunch.

"(2) A 21st Century Scholar Certificate shall be personalized for each student and indicate the amount of Federal financial aid for college for which a student may be eligible.

"Subchapter B—High Hopes Partnerships

"SEC. 407A. PURPOSE.

"It is the purpose of this chapter to encourage and prepare students in low-income communities, beginning not later than the 7th grade, to prepare for, enter, and successfully complete college by assisting college-school-community partnerships to—

"(1) provide in-school and on-campus early college awareness activities to these students and their parents;

"(2) ensure ongoing adult guidance and other support to these students;

"(3) provide useful, early information to these students and their parents on the need for, options related to, and financing (including the availability of financial assistance) of a college education; and

"(4) help ensure that these students have access to rigorous core courses, such as algebra and geometry, that prepare them for college.

"SEC. 407B. GRANTS.

"(a) Grants Authorized.—From funds appropriated under section 407H(a), the Secretary shall make grants to college-school-community partnerships for activities under section 407D.

"(b) Eligible Partnership.—For purposes of this chapter, an eligible partnership shall include—

"(1) one or more local educational agencies acting on behalf of—

"(A) one or more participating schools; and

"(B) the public secondary schools that students from these schools would normally attend;

"(2) one or more degree granting institutions of higher education; and

"(3) at least two community organizations or entities, such as businesses, professional associations, community-based organizations, or other public or private agencies or organizations.

"(c) Definitions.—For the purpose of this chapter—

"(1) 'participating school' means a public school in which—

"(A) there is a 7th grade;

"(B) one or more cohorts of students receive services under this chapter; and

"(C) at least 50 percent of the students enrolled are eligible for free or reduced-price lunch; and

"(2) 'cohort of students' means—

"(A) an entire grade level of students in a participating school; or

"(B) if the partnership determines that it would promote the effectiveness of a project, an entire grade level of students, beginning not later than the 7th grade, who reside in public housing as defined in section 3(b)(1) of the United States Housing Act of 1937.

"(d) Duration.—Each grant awarded under this chapter shall be for a 6-year period.

"(e) Cost Sharing.—

"(1) Federal funds shall provide no more than 80 percent of the cost of the project in the first year, 70 percent of the cost in the second year, 60 percent of the cost in the third year, 50 percent of the cost in the fourth year, 40 percent of the cost in the fifth year, and 30 percent of the cost in the sixth year.

"(2) The non-Federal share of grants awarded under this chapter may—

"(A) be in cash or in kind, fairly evaluated, including services, supplies, or equipment; and

"(B) include the non-Federal share of work-study grants under part C of title IV of this Act awarded to students who serve as tutors or mentors in projects under this chapter.

"(3) The Secretary may waive the cost sharing requirement described in paragraph (1) for any eligible partnership that demonstrates to the satisfaction of the Secretary an extraordinary hardship that prevents compliance with that requirement.

"(f) Equitable Geographic Distribution.—To the extent possible, the Secretary shall award grants under this chapter in a manner that achieves an equitable geographic distribution of those grants.

"(g) Priority Awards Under Chapter 2.—Before making grants under this chapter for fiscal year 1999, the Secretary shall, as appropriate, make awards to recipients eligible for continuation awards under chapter 2 of subpart 2 of this title as it was in effect prior to the enactment of the Higher Education Amendments of 1998.

"SEC. 407C. GRANT APPLICATION; PREFERENCES.

"(a) Application Required.—An eligible partnership desiring to receive a grant under this chapter shall submit an application to the Secretary, in such form and containing such information, as the Secretary may require.

"(b) Application Contents.—Each application shall include—

"(1) the name of each partner and a description of its responsibilities, including the designation of either an institution of higher education or a local educational agency as the fiscal agent for the partnership;

"(2) a description of the need for the project, including a description of how the project will build on existing services and activities, if any;

"(3) a listing of the human, financial (other than funds under this chapter), and other resources that each member of the partnership will contribute to the partnership, and a description of the efforts each member of the partnership will make in seeking additional resources;

"(4) a description of how the project will operate, including how grant funds will be used to meet the purpose of this chapter;

"(5) a description of how services will be coordinated with, and will complement and enhance, services received by participating schools and students under other related Federal and non-Federal programs, including programs under title I, part A of title VII, and part 1 of title X of the Elementary and Secondary Education Act of 1965, the School-to-Work Opportunities Act of 1994, section 402 of this Act, and the Individuals with Disabilities Education Act;

"(6) a description of how the partnership will support and continue the services under this chapter after the grant has expired;

"(7) an assurance from each local educational agency using funds under this chapter that—

"(A) at least 50 percent of the students enrolled in each participating school are eligible for free or reduced-price lunch;

"(B) its aggregate expenditures per student for activities described in this chapter will not be reduced from the level of such expenditures in the year prior to the grant; and

"(C) someone at each participating school will be designated as the primary point of contact for the partnership;

"(8) an assurance that participating students will have access to rigorous core academic courses that reflect challenging State or local academic standards; and

"(9) an assurance that members will provide the performance information required by the Secretary, which would be used to base continuation of the grant.

"(c) Preferences.—In reviewing applications under this chapter, the Secretary shall give preference to projects that—

"(1) will serve participating schools in which at least 75 percent of the students enrolled are eligible for free or reduced-price lunch;

"(2) provide a commitment from non-Federal sources to pay all or part of the cost of college, through tuition assistance or guarantees (not already available), such as 'last-dollar grants', for participating students; and

"(3) hold participating students responsible for school or community service and high academic performance.

"SEC. 407D. PROGRAM REQUIREMENTS; USES OF FUNDS.

"(a) Program Requirements.—Projects under this chapter shall—

"(1) have a program coordinator who is either full-time or whose primary responsibility is the project under this chapter;

"(2) provide services to at least one cohort of students, beginning not later than the 7th grade;

"(3) ensure that the services authorized under this chapter are provided through the 12th grade to students in the cohort, including students who attend another participating school or a secondary school identified under section 407B(b)(1)(B);

"(4) include activities and information that foster and improve parent involvement in promoting postsecondary education for their children, including the provision of useful early information on the advantages of a college education, academic admissions requirements, and the need to take core courses, admissions and achievement tests, application procedures, college costs and options, and the availability of student financial aid;

"(5) include academic counseling, career awareness, and tutoring or mentoring from trained personnel, as well as other student support services that enable students to succeed academically and apply for, enter, and complete college;

"(6) include training in promoting early college awareness for classroom teachers, guidance counselors, and staff of the schools involved in the project; faculty and program personnel in participating institutions of higher education; and participating mentors and tutors;

"(7) include activities on college campuses and enrichment activities associated with postsecondary education; and

"(8) include arrangements that ensure that all participating students have access to rigorous core courses that reflect challenging State or local academic standards and that prepare them for college.

"(b) Use of Funds.—In addition to the activities described in subsection (a), a recipient of funds under this chapter may use them—

"(1) where necessary and appropriate to ensure active participation, to pay stipends to participating students and their mentors;

"(2) where necessary and appropriate to ensure active participation, to pay transportation costs for participants to attend project-sponsored activities;

"(3) to provide out-of-school and summer activities related to the project;

"(4) for project evaluation; and

"(5) to recognize the responsibility and achievement of participating students through ceremonies, awards, and other means.

"SEC. 407E. SERVICES FOR STUDENTS ATTENDING PRIVATE SCHOOLS.

"A local educational agency that participates in an eligible partnership shall provide services supported with Federal funds under this chapter on an equitable basis, consistent with section 14503 of Elementary and Secondary Education Act of 1965, to students in private schools that—

"(1) have a 7th grade;

"(2) have students at least 50 percent of whom are eligible for free or reduced-price lunch; and

"(3) are located in the normal attendance area of a participating school.

"SEC. 407F. EVALUATION.

"In order to improve the operation of the program assisted under this chapter, the Secretary shall, with funds appropriated under section 407H(a), make grants to, and enter into contracts and cooperative agreements with, institutions of higher education and other public and private institutions and organizations to evaluate the effectiveness of the program assisted

under this chapter and, as appropriate, disseminate such results.

"SEC. 407G. PEER REVIEW.

"The Secretary shall use a peer review process to review applications under this chapter and make recommendations for funding to the Secretary.

"SEC. 407H. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated $140,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 5 succeeding fiscal years to carry out this chapter.

"(b) RESERVATION FOR TECHNICAL ASSISTANCE AND PEER REVIEW.—From the amount appropriated under subsection (a) for any fiscal year, the Secretary may reserve up 0.5 percent of that amount to obtain additional qualified readers and additional staff to review applications, to increase the level of oversight monitoring, to support impact studies, program assessments and reviews, and to provide technical assistance to potential applicants and current grantees.

"CHAPTER 4—FRANK TEJEDA SCHOLARSHIP PROGRAM

"SEC. 408A. STATEMENT OF PURPOSE.

"It is the purpose of this chapter to establish a Frank Tejeda Scholarship Program to recruit and train teachers who are proficient in both Spanish and English and who show promise of academic achievement.

"SEC. 408B. SCHOLARSHIPS AUTHORIZED.

"(a) PROGRAM AUTHORITY.—The Secretary is authorized, in accordance with the provisions of this chapter, to award scholarships to individuals consistent with the purposes of this chapter.

"(b) TEJEDA SCHOLARS.—Individuals awarded scholarships under this chapter shall be known as 'Tejeda Scholars'.

"SEC. 408C. ALLOCATION AMONG STATES.

"(a) ALLOCATION FORMULA.—From the sums appropriated pursuant to the authority of section 408H for any fiscal year, the Secretary shall allocate to each State an amount equal to $5,000 multiplied by the number of scholarships determined by the Secretary to be available to such State in accordance with subsection (b).

"(b) NUMBER OF SCHOLARSHIPS AVAILABLE.—The number of scholarships to be made available in a State for any fiscal year shall bear the same ratio to the number of scholarships made available to all States as the State's population ages 5 through 17 bears to the population ages 5 through 17 in all the States, except that not less than 10 scholarships shall be made available to any State.

"(c) USE OF CENSUS DATA.—For the purpose of this section, the population ages 5 through 17 in a State and in all the States shall be determined by the most recently available data, satisfactory to the Secretary, from the Bureau of the Census. The Bureau of the Census shall produce and publish intercensal data for Puerto Rico and the other territories.

"SEC. 408D. ELIGIBILITY OF SCHOLARS.

"(a) HIGH SCHOOL GRADUATION OR EQUIVALENT AND ADMISSION TO INSTITUTION REQUIRED.—Each student awarded a scholarship under this chapter shall—

"(1) be—

"(A) a low-income individual, as that term is defined in section 402A(g)(2) of this title; or

"(B) an individual who is eligible for a Pell Grant under subpart 1 of this part;

"(2) be a citizen of the United States;

"(3) be a resident of the State in which he or she applies;

"(4) be enrolled or accepted for enrollment on a full- or part-time basis, at a graduate or undergraduate level, in an institution of higher education that has an accredited teacher preparation program;

"(5) have demonstrated proficiency in the English and Spanish languages, as certified by the applicant's academic institution; and

"(6) have agreed, upon graduation from such program—

"(A) to serve no less than one year for each year of scholarship assistance, but no fewer than two years of service in total, as a teacher in a public elementary or secondary school in which there is a demonstrated need for Spanish-speaking teachers and professionals, as determined by the Secretary;

"(B) to complete such service within 6 years of graduation; and

"(C) that if the student is unable to complete such service, the student will, except as provided in subsection (c), repay the Secretary the total amount, or a pro rata amount of the scholarship received under this chapter in proportion to the amount of service completed, plus interest and collection costs in the same manner as repayment of a student loan made under part D of this title.

"(b) SELECTION BASED ON PROMISE OF ACADEMIC ACHIEVEMENT.—Each student awarded a scholarship under this chapter must demonstrate outstanding academic achievement and show promise of continued academic achievement, as certified by the student's academic institution.

"(c) EXCEPTION TO REPAYMENT OBLIGATION.—

"(1) DEFERRAL DURING CERTAIN PERIODS.—A recipient shall not be considered in violation of the agreement entered into pursuant to subsection (a)(4)(C) during any period in which the recipient—

"(A) is pursuing a full-time course of study related to the field of teaching at an eligible institution;

"(B) is serving, not in excess of 3 years, as a member of the armed services of the United States;

"(C) is temporarily totally disabled for a period of time not to exceed 3 years as established by sworn affidavit of a qualified physician;

"(D) is unable to secure employment for a period not to exceed 12 months by reason of having to care for a spouse, child, parent, or immediate family member who is disabled;

"(E) is seeking and unable to find full-time employment for a single period not to exceed 12 months;

"(F) is seeking and unable to find full-time employment as a teacher in a public or private nonprofit preschool, elementary or secondary school, or education program for a single period not to exceed 27 months; or

"(G) satisfies the provisions of additional repayment exceptions that may be prescribed by the Secretary in regulations issued pursuant to this subpart.

"(2) FORGIVENESS IF PERMANENTLY TOTALLY DISABLED.—A recipient shall be excused from repayment of any scholarship assistance received under this chapter if the recipient becomes permanently totally disabled as established by sworn affidavit of a qualified physician.

"SEC. 408E. SELECTION OF SCHOLARS.

"(a) ESTABLISHMENT OF CRITERIA.—The Secretary shall establish criteria for the selection of scholars under this chapter that meet the requirements of section 408D.

"(b) TIMING OF SELECTION.—The selection process shall be completed, and the awards made, no later than May 1 of the academic year preceding the academic year for which the award will be used.

"SEC. 408F. STIPENDS AND SCHOLARSHIP CONDITIONS.

"(a) AMOUNT OF AWARD.—Each student awarded a scholarship under this chapter shall receive a stipend of $5,000 for the academic year of study for which the scholarship is awarded, except that in no case shall the total amount of financial aid awarded to such student exceed such student's total cost-of-attendance.

"(b) USE OF AWARD.—The State educational agency shall establish procedures to assure that a scholar awarded a scholarship under this chapter pursues a course of study at an institution of higher education.

"SEC. 408G. CONSTRUCTION OF NEEDS PROVISIONS.

"Notwithstanding section 471, nothing in this chapter, or any other Act, shall be construed to permit the receipt of a scholarship under this chapter to be counted for any needs test in connection with the awarding of any grant or the making of any loan under this Act or any other provision of Federal law relating to educational assistance.

"SEC. 408H. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated for this chapter $5,000,000 for fiscal year 1998 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"CHAPTER 5—CAMPUS-BASED CHILD CARE

"SEC. 410A. CAMPUS-BASED CHILD CARE.

"(a) PROGRAM AUTHORIZED.—

"(1) AUTHORITY.—The Secretary may award grants to institutions of higher education to assist the institutions in providing campus-based child care services to low-income students.

"(2) AMOUNT OF GRANTS.—

"(A) IN GENERAL.—The amount of a grant awarded to an institution of higher education under this section for a fiscal year shall not exceed 1 percent of the total amount of all Federal Pell Grant funds awarded to students enrolled at the institution of higher education for the preceding fiscal year.

"(B) MINIMUM.—A grant under this section shall be awarded in an amount that is not less than $10,000.

"(3) DURATION AND PAYMENTS.—

"(A) DURATION.—The Secretary shall award a grant under this section for a period of 3 years.

"(B) PAYMENTS.—Subject to paragraph (2), the Secretary shall make annual grant payments under this section.

"(4) ELIGIBLE INSTITUTIONS.—An institution of higher education shall be eligible to receive a grant under this section for a fiscal year if the total amount of all Federal Pell Grant funds awarded to students enrolled at the institution of higher education for the preceding fiscal year equals or exceeds $350,000.

"(5) USE OF FUNDS.—Grant funds under this section shall be used by an institution of higher education to support or establish a campus-based child care program serving the needs of low-income students enrolled at the institution of higher education.

"(6) DEFINITION OF LOW-INCOME STUDENT.—For the purpose of this section, the term 'low-income student' means a student who is eligible to receive a Federal Pell Grant for the fiscal year for which the determination is made.

"(b) APPLICATIONS.—An institution of higher education desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall—

"(1) demonstrate that the institution is an eligible institution described in subsection (a)(4);

"(2) specify the amount of funds requested;

"(3) demonstrate the need of low-income students at the institution for campus-based child care services by including in the application student demographics and other relevant data;

"(4) identify the resources the institution will draw upon to support the child care program and the participation of low-income students in the program, such as accessing social services funding, using student activity fees to help pay the costs of child care, using resources obtained by meeting the needs of parents who are not low-income students, accessing foundation, corporate, or other institutional support, and demonstrating that the use of the resources will not result in increases in student tuition;

"(5) contain an assurance that the institution will meet the child care needs of low-income students through the provision of services, or through a contract for the provision of services;

"(6) provide a timeline, covering the period from receipt of the grant through the provision of the child care services, delineating the specific steps the institution will take to achieve the goal of providing low-income students with child care services;

"(7) specify any measures the institution will take to assist low-income students with child care during the period before the institution provides child care services;

"(8) include a plan for identifying resources needed for the child care services, including space in which to provide child care services, and technical assistance if necessary;

"(9) contain an assurance that any child care facility assisted under this section will meet the applicable State or local government licensing, certification, approval, or registration requirements; and

"(10) contain a plan for any child care facility assisted under this section to become accredited within 3 years of the date the institution first receives assistance under this section.

"(c) Reporting Requirements; Continuing Eligibility.—

"(1) Reporting requirements.—

"(A) Reports.—Each institution of higher education receiving a grant under this section shall report to the Secretary 18 months and 36 months after receiving the first grant payment under this section.

"(B) Contents.—The report shall include—

"(i) data on the population served under this section;

"(ii) information on campus and community resources and funding used to help low-income students access child care services;

"(iii) information on progress made toward accreditation of any child care facility; and

"(iv) information on the impact of the grant on the quality, availability, and affordability of campus-based child care services.

"(2) Continuing eligibility.—The Secretary shall make the third annual grant payment under this section to an institution of higher education only if the Secretary determines, on the basis of the 18-month report submitted under paragraph (1), that the institution is making a good faith effort to ensure that low-income students at the institution have access to affordable, quality child care services.

"(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $30,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

SEC. 406. FEDERAL SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS.

(a) Extension of Authority.—Section 413A(b)(1) (20 U.S.C. 1070b(b)(1)) is amended by striking "1993" and inserting "1999".

(b) Use of Funds for Less-Than-Full-Time Students.—Subsection (d) of section 413C (20 U.S.C. 1070b–2(d)) is amended by striking "and if the total financial need" and all that follows and inserting the following: ", then grant funds shall be made available to such independent and less-than-full-time students.".

(c) Allocation of Funds.—Section 413D (20 U.S.C. 1070b-3) is amended—

(1) by striking subsection (b); and

(2) in subsection (c)(1), by striking "three-quarters of the remainder" and inserting "the remainder";

(3) in subsection (c)(2)(A)(i), by striking "subsection (d)" and inserting "subsection (c)";

(4) by redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively; and

(5) by inserting after subsection (e) (as so redesignated) the following new subsection:

"(f) Carry-Over/Carry-Back Authority.—

"(1) Carry-over authority.—

"(A) Carry-over up to 10 percent.—Of the sums granted to an eligible institution under this subpart for any fiscal year, 10 percent may, at the discretion of the institution, remain available for expenditure during the succeeding fiscal year to carry out the program under this subpart.

"(B) Reallocation of excess.—Any of the sums so granted to an institution for a fiscal year which are not needed by that institution to operate programs under this subpart during that fiscal year, and which it does not wish to use during the next fiscal year as authorized in the preceding sentence, shall remain available to the Secretary for making grants under section 413B to other institutions in the same State until the close of the second fiscal year next succeeding the fiscal year for which such funds were appropriated.

"(2) Carry-back authority.—

"(A) Carry-back up to 10 percent.—Up to 10 percent of the sums the Secretary determines an eligible institution may receive from funds which have been appropriated for a fiscal year may be used by the institution for expenditure during the fiscal year preceding the fiscal year for which the sums were appropriated.

"(B) Use of carried-back funds.—An eligible institution may make grants to students after the end of the academic year, but prior to the beginning of the succeeding fiscal year, from such succeeding fiscal year's appropriations.".

SEC. 407. GRANTS TO STATES FOR STATE STUDENT INCENTIVES.

(a) Authorization of Appropriations.—Section 415A(b) of the Higher Education Act of 1965 (20 U.S.C. 1070c(b)) is amended—

(1) in paragraph (1), by striking "1993" and inserting "1999";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

"(2) Reservation.—For any fiscal year for which the amount appropriated under paragraph (1) exceeds $25,000,000, the excess shall be available to carry out section 415E.".

(b) Special Leveraging Educational Assistance Partnership Program.—Subpart 4 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.) is amended—

(1) by redesignating section 415E as section 415F; and

(2) by inserting after section 415D the following:

"SEC. 415E. SPECIAL LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM.

"(a) In General.—From amounts reserved under section 415A(b)(2) for each fiscal year, the Secretary shall—

"(1) make allotments among States in the same manner as the Secretary makes allotments among States under section 415B; and

"(2) award grants to States, from allotments under paragraph (1), to enable the States to pay the Federal share of the cost of the authorized activities described in subsection (c).

"(b) Authorized Activities.—Each State receiving a grant under this section may use the grant funds for—

"(1) increasing the dollar amount of grants awarded under section 415B to eligible students who demonstrate financial need;

"(2) carrying out transition programs from secondary school to postsecondary education for eligible students who demonstrate financial need;

"(3) carrying out a financial aid program for eligible students who demonstrate financial need and wish to enter teaching or computer-related careers, or other fields of study determined by the State to be critical to the State's workforce needs;

"(4) carrying out early intervention programs, mentoring programs, and career education programs for eligible students who demonstrate financial need; and

"(5) awarding merit or academic scholarships to eligible students who demonstrate financial need.

"(c) Maintenance of Effort Requirement.—Each State receiving a grant under this section for a fiscal year shall provide the Secretary an assurance that the aggregate amount expended per student or the aggregate expenditures by the State, from funds derived from non-Federal sources, for the authorized activities described in subsection (b) for the preceding fiscal year were not less than the amount expended per student or the aggregate expenditures by the State for the activities for the second preceding fiscal year. The Secretary may waive this subsection for good cause, as determined by the Secretary.

"(d) Federal Share.—The Federal share of the cost of the authorized activities described in subsection (b) for any fiscal year shall be 25 percent.".

(c) Technical and Conforming Amendments.—

(1) Purpose.—Subsection (a) of section 415A of the Higher Education Act of 1965 (20 U.S.C. 1070c(a)) is amended to read as follows:

"(a) Purpose of Subpart.—It is the purpose of this subpart to make incentive grants available to States to assist States in—

"(1) providing grants to—

"(A) eligible students attending institutions of higher education or participating in programs of study abroad that are approved for credit by institutions of higher education at which such students are enrolled; and

"(B) eligible students for campus-based community service work-study; and

"(2) carrying out the activities described in section 415F.".

(2) Allotment.—Section 415B(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1070c–1(a)(1)) is amended by inserting "and not reserved under section 415A(b)(2)" after "415A(b)(1)".

SEC. 408. SPECIAL PROGRAMS FOR STUDENTS WHOSE FAMILIES ARE ENGAGED IN MIGRANT AND SEASONAL FARMWORK.

(a) Coordination.—Section 418A(d) (20 U.S.C. 1070d–2(d)) is amended by inserting after "contains assurances" the following: "that the grant recipient will coordinate its project, to the extent feasible, with other local, State, and Federal programs to maximize the resources available for migrant students, and".

(b) Extension of Authority.—Section 418A(g) is amended by striking "1993" each place it appears and inserting "1999".

(c) Data Collection.—Section 418A is amended by adding at the end the following new subsection:

"(h) Data Collection.—The National Center for Education Statistics shall collect postsecondary education data on migrant students.".

(d) Technical Amendments.—Section 418A(e) is amended by striking "authorized by subpart 4 of this part in accordance with section 417A(b)(2)" and inserting "in accordance with section 402A(c)(1)".

SEC. 409. BYRD SCHOLARSHIPS.

(a) Eligibility.—Section 419G (20 U.S.C. 1070d–37) is amended by adding at the end the following new subsection:

"(e) Termination of Eligibility.—The eligibility of students from the Federated States of

Micronesia, the Republic of the Marshall Islands, and Palau shall expire on September 30, 2001.".

(b) Authorization of Appropriations.—Section 419K (20 U.S.C. 1070d–41) is amended by striking "$10,000,000 for fiscal year 1993" and inserting "$40,000,000 for fiscal year 1999".

PART B—FEDERAL FAMILY EDUCATION LOAN PROGRAM

SEC. 411. LIMITATION REPEALED.

Section 421 (20 U.S.C. 1071) is amended by striking subsection (d).

SEC. 412. ADVANCES TO RESERVE FUNDS.

Section 422 (20 U.S.C. 1072) is amended—

(1) in subsection (a)(2), by striking "428(c)(10)(E)" and inserting "428(c)(9)(E)";

(2) in subsection (c)(6)(B)(i), by striking "handle written" and inserting "handle written, electronic,";

(3) in subsection (c)(7)

(A) by striking "to a guaranty agency—" and everything that follows through "(B) if the Secretary" and inserting "to a guaranty agency, if the Secretary";

(B) by striking "428(c)(10)(F)(v)" and inserting "428(c)(9)(F)(v)";

(C) by inserting "and" after "cash needs,"; and

(D) by striking "or ensure" and everything that follows and inserting a period; and

(4) in the first and second sentences of subsection (g)(1), by striking "or the program authorized by part D of this title" each place it appears.

SEC. 413. GUARANTY AGENCY REFORMS.

(a) Federal Student Loan Reserve Fund.—Part B of title IV is amended by inserting after section 422 (20 U.S.C. 1072) the following new section:

"SEC. 422A. FEDERAL STUDENT LOAN RESERVE FUND.

"(a) Establishment.—Each guaranty agency shall, not later than 60 days after the date of enactment of this section, deposit all funds, securities, and other liquid assets contained in the reserve fund established pursuant to section 422 of this part into a Federal Student Loan Reserve Fund (in this section and section 422B referred to as the 'Federal Fund') which shall be an account of a type selected by the agency, with the approval of the Secretary.

"(b) Investment of Funds.—Funds maintained in the Federal Fund shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities selected by the guaranty agency.

"(c) Additional Deposits.—After the establishment of the Federal Fund, a guaranty agency shall deposit into the Federal Fund—

"(1) all amounts received from the Secretary as payment of reinsurance on loans pursuant to section 428(c)(1);

"(2) from amounts collected on behalf of the obligation of a defaulted borrower, a percentage amount equal to the complement of the reinsurance percentage in effect when payment under the guaranty agreement was made with respect to the defaulted loan pursuant to sections 428(c)(6)(A) and 428F(a)(1)(B); and

"(3) insurance premiums collected from borrowers pursuant to sections 428(b)(1)(H) and 428H(h).

"(d) Uses of Funds.—Subject to subsection (f), the Federal Fund may only be used by a guaranty agency—

"(1) to pay lender claims pursuant to section 428(b)(1)(G), section 428(j), section 437, and section 439(q); and

"(2) to pay into the Agency Operating Fund established pursuant to section 422B a default prevention fee in accordance with section 428(l).

"(e) Ownership of Federal Fund.—

"(1) In general.—The Federal Fund of the guaranty agency, and any assets purchased or developed with funds from the Federal Fund or any other funds considered reserve funds on the date of enactment of this section, regardless of who holds or controls the reserves or assets, shall be considered to be the property of the United States to be used in the operation of the program authorized by this part, as provided in subsection (d) of this section.

"(2) Nonliquid reserve fund and other assets.—Notwithstanding any other provision of law, nonliquid reserve fund assets, such as buildings and equipment purchased or developed by the guaranty agency with funds from the Federal Fund, or any other funds considered reserve funds on the date of enactment of this section shall—

"(A) remain the property of the United States;

"(B) be used only for such purposes as the Secretary determines are appropriate; and

"(C) be subject to such restrictions on the disposition of such assets (which may include a requirement that any sale of such assets be at not less than fair market value) as the Secretary determines are appropriate.

"(f) Transition.—

"(1) In general.—In order to establish the Agency Operating Fund authorized by section 422B, each guaranty agency may transfer up to 180 days cash expenses for normal operating expenses, as a working capital reserve as defined in Office of Management and budget circular A–87 (Cost Accounting Standards) from the Federal Fund for deposit into the Agency Operating Fund for use in the performance of its duties under this part. Such transfers may occur during the first three years following the establishment of the Operating Fund. However, no agency may transfer in excess of 50 percent of the Federal Fund balance to its Operating Fund during any fiscal year. In determining the transfer amount, the agency shall insure that sufficient funds remain in the Federal Fund to pay lender claims within the required time periods and to meet the reserve recall requirements of the Balanced Budget Act of 1997.

"(2) Repayment provisions.—Each guaranty agency shall begin repayment of sums transferred pursuant to this subsection no later than the start of the fourth year after the establishment of the Agency Operating Fund, and shall repay all amounts transferred no later than 5 years from the date of the establishment of the Agency Operating Fund. Each guaranty agency shall provide to the Secretary, on an annual basis, a financial analysis demonstrating its ability to repay all outstanding amounts while any transferred amounts are owned to the Federal Fund.

"(3) Special rule.—In applying the minimum reserve level required by section 428(c)(9)(A), the Secretary shall include all amounts owed to the Federal Fund by the agency due to transfers allowed under paragraph (1) in the calculation.".

(b) Agency Operating Fund Established.—Part B of title IV is further amended by inserting after section 422A (as added by subsection (a)) the following new section:

"SEC. 422B. AGENCY OPERATING FUND.

"(a) Establishment.—Each guaranty agency shall, not later than 60 days after the date of enactment of this section, establish a fund designated as the Agency Operating Fund (hereinafter referred to as the 'Operating Fund').

"(b) Investment of Funds.—Funds deposited into the Operating Fund shall be invested at the discretion of the guaranty agency in accordance with prudent investor standards.

"(c) Additional Deposits.—After the establishment of the Operating Fund, the guaranty agency shall deposit into the Operating Fund—

"(1) the loan processing and issuance fee paid by the Secretary pursuant to section 428(f);

"(2) the portfolio maintenance fee paid by the Secretary pursuant to section 458;

"(3) the default prevention fee paid in accordance with section 428(l);

"(4) amounts retained by the guaranty agency pursuant to section 428(c)(6)(B) from collection on defaulted loans held by the agency, after payment of the Secretary's equitable share, excluding amounts deposited in the Federal Fund pursuant to section 422A(c)(2); and

"(5) interest earned on the Federal Fund during the first 3 years after the date of enactment of this section, but only to the extent permitted by regulations prescribed by the Secretary to permit a limited number of guaranty agencies (not to exceed 10) essential resources to maintain sufficient operating funds and to restructure their operations in accordance with the requirements of this section and section 422A.

"(d) Uses of Funds.—

"(1) In general.—Funds in the Operating Fund shall be used for activities related to student financial aid, including application processing, loan disbursement, enrollment and repayment status management, default prevention activities, default collection activities, school and lender training, financial awareness and outreach activities, compliance monitoring, other loan program related activities in support of postsecondary education and other student financial aid related activities as determined by the guaranty agency.

"(2) Special rule.—The guaranty agency may, in its discretion, transfer funds from the Operating Fund to the Federal Student Loan Reserve Fund for use in accordance with section 422A. Such transfer shall be irrevocable, and any funds so transferred shall become the property of the United States.

"(3) Definitions.—For purposes of this subsection:

"(A) The term 'default collection activities' means activities of a guaranty agency which are directly related to the collection of the loan on which a default claim has been paid to the participating lender, including the due diligence activities required pursuant to regulations of the Secretary.

"(B) The term 'default prevention activities' means activities of a guaranty agency which are directly related to providing collection assistance to the lender on a delinquent loan, prior to the loan's being legally in a default status, including due diligence activities required pursuant to regulations of the Secretary.

"(C) The term 'enrollment and repayment status management' means activities of a guaranty agency which are directly related to ascertaining the student's enrollment status, including prompt notification to the lender of such status, an audit of the note or written agreement to determine if the provisions of that note or agreement are consistent with the records of the guaranty agency as to the principal amount of the loan guaranteed, and an examination of the note or agreement to assure that the repayment provisions are consistent with the provisions of this part.

"(e) Ownership of Operating Fund.—The Operating Fund of the guaranty agency shall be considered to be the property of the guaranty agency. The Secretary may regulate the uses or expenditure of moneys in the Operating Fund with respect to activities required under guaranty agency agreements under subsections (b) and (c) of section 428 until such time as a guaranty agency has repaid to the Federal Fund all reserve funds transferred under section 422A(f). During any period in which funds are owed to the Federal Fund as a result of a transfer under 422A(f), moneys in the Operating Fund may only be used for expenses related to the student loan programs authorized under this part. The Secretary may require such necessary reports and audits as provided in section 428(b)(2).".

(c) Additional Recall of Reserves.—Section 422 (as amended by section 412) is further

amended by adding at the end the following new subsection:

"(i) ADDITIONAL RECALL OF RESERVES.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall recall $30,000,000 for each of the fiscal years 1999, 2000, 2001, 2002, and 2003 from the reserve funds held by guaranty agencies.

"(2) DEPOSIT.—Funds recalled by the Secretary under this subsection shall be deposited in the Treasury.

"(3) REQUIRED SHARE.—The Secretary shall require each guaranty agency to return annually reserve funds under paragraph (1) based on one-fifth of the agency's required share. For purposes of this paragraph, a guaranty agency's required share shall be determined as follows:

"(A) The Secretary shall impose on each guaranty agency an equal percentage reduction in the amount of the agency's reserve funds held as of September 30, 1996.

"(B) The equal percentage reduction shall be the percentage obtained by dividing—

"(i) $150,000,000 by

"(ii) the total amount of all such agencies' reserve funds held as of September 30, 1996.

"(4) OFFSET OF REQUIRED SHARES.—If any guaranty returns to the Secretary any reserves in excess of the amount required under this subsection or subsection (h), the total amount required to be returned under paragraph (1) shall be reduced by the amount of such additional reserve return.

"(5) DEFINITION OF RESERVE FUNDS.—The term 'reserve funds' when used with respect to a guaranty agency—

"(A) includes any reserve funds in cash or liquid assets held by the guaranty agency, or held by, or under the control of, any other entity; and

"(B) does not include building, equipment, or other nonliquid assets.".

(d) CONFORMING AMENDMENTS.—

(1) REINSURANCE PAYMENTS.—

(A) AMENDMENTS.—Section 428(c)(1) (20 U.S.C. 1078(c)(1)) is amended—

(i) in subparagraph (A), by striking "98 percent" and inserting "95 percent";

(ii) in subparagraph (B)(i), by striking "88 percent" and inserting "85 percent"; and

(iii) in subparagraph (B)(ii), by striking "78 percent" and inserting "75 percent";

(iv) in subparagraph (E)—

(I) by striking "for '98 percent';" and inserting "for '95 percent';";

(II) by striking "for '88 percent';" and inserting "for '85 percent';"; and

(III) by striking "for '78 percent'." and inserting "for '75 percent'.";

(v) in subparagraph (F)—

(I) by striking "for '98 percent';" and inserting "for '95 percent';";

(II) by striking "for '88 percent';" and inserting "for '85 percent';"; and

(III) by striking "for '78 percent'." and inserting "for '75 percent'.";

(vi) by striking subparagraph (D) and redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively.

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) of this paragraph apply to loans for which the first disbursement is made on or after October 1, 1998.

(2) EQUITABLE SHARE.—Section 428(c)(6) is amended—

(A) in subparagraph (A)—

(i) by striking "(A) For the purpose" and inserting "For the purpose"; and

(ii) by striking clause (ii) and inserting the following:

"(ii) an amount equal to 24 percent of such payments for use in accordance with section 422B.";

(B) by striking subparagraphs (B) and (C); and

(C) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B).

(3) GUARANTY AGENCY RESERVE LEVEL.—Section 428(c)(9)(C) is amended—

(A) by striking "80 percent pursuant to section 428(c)(1)(B)(ii)" and inserting "85 percent pursuant to paragraph (1)(B)(i) of this subsection"; and

(B) by striking "30 working days" and inserting "45 working days".

(4) PAYMENT OF CERTAIN COSTS.—Section 428(f) is amended—

(A) by striking paragraph (1)(A) and inserting the following:

"(1) PAYMENT FOR CERTAIN ACTIVITIES.—(A) The Secretary shall, in accordance with the provisions of this paragraph, pay to each guaranty agency for each fiscal year a loan processing and issuance fee equal to 0.65 percent of the total principal amount of the loans on which insurance was issued under this part during such fiscal year by such agency."; and

(B) in paragraph (1)(B), by striking the first sentence and inserting the following: "The payment required by subparagraph (A) shall be paid on a quarterly basis.".

(5) DEFAULT AVERSION ASSISTANCE.—Section 428(l) is amended to read as follows:

"(l) DEFAULT AVERSION ASSISTANCE.—

"(1) ASSISTANCE REQUIRED.—Upon receipt of a proper request from a lender received not earlier than the 60th day of delinquency, a guaranty agency having an agreement with the Secretary under subsection (c) of this section shall engage in default aversion activities designed to prevent the default by a borrower on a loan covered by such agreement.

"(2) REIMBURSEMENT.—(A) A guaranty agency may, in accordance with the provisions of this paragraph, transfer from the Federal Student Loan Reserve Account to the Operating Account a default aversion fee. Such fee shall be paid for any loan on which a claim for default has not been presented that the guaranty agency successfully brings into current repayment status on or before the 210th day after the loan becomes 60 days delinquent.

"(B) The default aversion fee shall be equal to 1 percent of the total unpaid principal and accrued interest on the loan at the time the request is submitted by the lender. Such fee shall not be paid more than once on any loan for which the guaranty agency averts the default unless the borrower remained current in payments for at least 12 months prior to the subsequent delinquency. A guaranty agency may transfer such fees earned under this subsection no more frequently than monthly.

"(C) For the purpose of earning the default aversion fee, the term 'current repayment status' means that the borrower is not delinquent in the payment of any principal or interest on the loan.".

SEC. 414. SCOPE AND DURATION OF PROGRAM.

Section 424(a) (20 U.S.C. 1074(a)) is amended—

(1) by striking "October 1, 2002" and inserting "October 1, 2004"; and

(2) by striking "September 30, 2006" and inserting "September 30, 2008".

SEC. 415. LIMITATIONS ON INDIVIDUAL FEDERALLY INSURED LOANS AND FEDERAL LOAN INSURANCE.

Section 425(a)(1)(A) (20 U.S.C. 1075(a)(1)(A)) is amended—

(1) in clause (i)—

(A) by inserting "and" after the semicolon at the end of subclause (I); and

(B) by striking subclauses (II) and (III) and inserting the following:

"(II) if such student is enrolled in a program of undergraduate education which is less than one academic year, the maximum annual loan amount that such student may receive may not exceed the amount that bears the same ratio to the amount specified in subclause (I) as the length of such program measured in semester, trimester, quarter, or clock hours bears to one academic year;"; and

(2) by inserting "and" after the semicolon at the end of clause (iii).

SEC. 416. APPLICABLE INTEREST RATES.

(a) APPLICABLE INTEREST RATES.—

(1) AMENDMENT.—Section 427A (20 U.S.C. 1077a) is amended to read as follows:

"SEC. 427A. APPLICABLE INTEREST RATES.

"(a) INTEREST RATES FOR NEW LOANS ON OR AFTER JULY 1, 1998.—

"(1) IN GENERAL.—Subject to paragraph (2), with respect to any loan made, insured, or guaranteed under this part (other than a loan made pursuant to section 428B or 428C) for which the first disbursement is made on or after July 1, 1998, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

"(A) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

"(B) 2.3 percent,

except that such rate shall not exceed 8.25 percent.

"(2) IN SCHOOL AND GRACE PERIOD RULES.—With respect to any loan under this part (other than a loan made pursuant to section 428B or 428C) for which the first disbursement is made on or after July 1, 1998, the applicable rate of interest for interest which accrues—

"(A) prior to the beginning of the repayment period of the loan; or

"(B) during the period in which principal need not be paid (whether or not such principal is in fact paid) by reason of a provision described in section 428(b)(1)(M) or 427(a)(2)(C),

shall be determined under paragraph (1) by substituting '1.7 percent' for '2.3 percent'.

"(3) PLUS LOANS.—With respect to any loan under section 428B for which the first disbursement is made on or after July 1, 1998, the applicable rate of interest shall be determined under paragraph (1)—

"(A) by substituting '3.1 percent' for '2.3 percent'; and

"(B) by substituting '9.0 percent' for '8.25 percent'.

"(b) LESSER RATES PERMITTED.—Nothing in this section or section 428C shall be construed to prohibit a lender from charging a borrower interest at a rate less than the rate which is applicable under this part.

"(c) CONSULTATION.—The Secretary shall determine the applicable rate of interest under this section after consultation with the Secretary of the Treasury and shall publish such rate in the Federal Register as soon as practicable after the date of determination.".

(2) CONFORMING AMENDMENT.—Section 428B(d)(4) (20 U.S.C. 1078–2(d)(4)) is amended by striking "section 427A(c)" and inserting "section 427A(a)(3)".

(b) SPECIAL ALLOWANCES.—

(1) AMENDMENT.—Section 438(b)(2)(F) (20 U.S.C. 1087–1(b)(2)(F)) is amended to read as follows:

"(F) LOANS DISBURSED AFTER JULY 1, 1998.—

"(i) IN GENERAL.—Subject to paragraph (4) and clauses (ii), (iii), and (iv) of this subparagraph, the special allowance paid pursuant to this subsection on loans for which the first disbursement is made on or after July 1, 1998, shall be computed—

"(I) by determining the average of the bond equivalent rates of 91-day Treasury bills auctioned for such 3-month period;

"(II) by subtracting the applicable interest rates on such loans from such average bond equivalent rate;

"(III) by adding 2.8 percent to the resultant percent; and

"(IV) by dividing the resultant percent by 4.

"(ii) IN SCHOOL AND GRACE PERIOD.—In the case of any loan for which the first disbursement is made on or after July 1, 1998, and for which the applicable rate of interest is described in section 427A(a)(2), clause (i)(III) of this subparagraph shall be applied by substituting '2.2 percent' for '2.8 percent'.

"(iii) PLUS LOANS.—In the case of any loan for which the first disbursement is made on or after July 1, 1998, and for which the applicable rate of interest is described in section 427A(a)(3), clause (i)(III) of this subparagraph shall be applied by substituting '3.1 percent' for '2.8 percent', subject to clause (iv) of this subparagraph.

"(iv) LIMITATION ON SPECIAL ALLOWANCES FOR PLUS LOANS.—In the case of loans disbursed on or after July 1, 1998, for which the interest rate is determined under 427A(a)(3), a special allowance shall not be paid for a loan made under section 428B unless the rate determined for any 12-month period under section 427A(a)(3) exceeds 9 percent.".

(2) CONFORMING AMENDMENT.—Section 438(b)(2)(C)(ii) is amended by striking "In the case" and inserting "Subject to subparagraph (F), in the case".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 for which the first disbursement is made on or after July 1, 1998.

SEC. 417. FEDERALLY GUARANTEED STUDENT LOANS.

(a) REQUIREMENTS FOR FEDERAL INTEREST SUBSIDIES.—Section 428(a)(2) (20 U.S.C. 1078(a)(2)) is amended by striking everything preceding subparagraph (D) and inserting the following:

"(2) ADDITIONAL REQUIREMENTS TO RECEIVE SUBSIDY.—(A) Each student qualifying for a portion of an interest payment under paragraph (1) shall provide to the lender a statement from the eligible institution, at which the student has been accepted for enrollment, or at which the student is in attendance, which certifies the eligibility of the student to receive a loan under this part and the amount of the loan for which such student is eligible.

"(B) A student shall qualify for a portion of an interest payment under paragraph (1) if the eligible institution has provided the lender with a statement that—

"(i) at the lender's request, sets forth such student's estimated cost of attendance (as determined under section 472);

"(ii) sets forth such student's estimated financial assistance; and

"(iii) sets forth a schedule for disbursement of the proceeds of the loan in installments, consistent with the requirements of section 428G.

"(C) For the purpose of clause (ii) of subparagraph (B), a student shall qualify for a portion of an interest payment under paragraph (1) if the eligible institution has provided the lender with a statement evidencing a determination of need for a loan (as determined under part F of this title) and the amount of such need, subject to the provisions of subparagraph (D).".

(b) DURATION OF AUTHORITY.—Section 428(a)(5) is amended—

(1) by striking "September 30, 2002" and inserting "September 30, 2004"; and

(2) by striking "September 30, 2006" and inserting "September 30, 2008".

(c) ANNUAL LOAN LIMITS.—Section 428(b)(1)(A) is amended—

(1) in clause (i)—

(A) by inserting "and" after the semicolon at the end of subclause (I); and

(B) by striking subclauses (II) and (III) and inserting the following:

"(II) if such student is enrolled in a program of undergraduate education which is less than one academic year, the maximum annual loan amount that such student may receive may not exceed the amount that bears the same ratio to the amount specified in subclause (I) as the length of such program measured in semester, trimester, quarter, or clock hours bears to one academic year;"; and

(2) by inserting "and" after the semicolon at the end of clause (iii).

(d) SELECTION OF REPAYMENT PLANS.—Section 428(b)(1)(D) is amended by striking "and (iii)" and inserting the following: "(iii) the student borrower may annually change the selection of a repayment plan under this part, and (iv)".

(e) COINSURANCE.—Section 428(b)(1)(G) is amended by striking "not less than".

(f) DEFERMENTS.—Section 428(b)(1)(M) is amended—

(1) in clause (i)(I), by inserting before the semicolon the following: ", except that no borrower, notwithstanding the provisions of the promissory note, shall be required to borrow an additional loan under this title in order to be eligible to receive a deferment under this clause"; and

(2) in clause (ii), by inserting before the semicolon the following: ", except that no borrower who qualifies for unemployment benefits shall be required to provide any additional paperwork for a deferment under this clause".

(g) LIMITATION, SUSPENSION, AND TERMINATION.—Section 428(b)(1)(U) is amended—

(1) by striking "emergency action,," each place it appears and inserting "emergency action,"; and

(2) by striking "a compliance audit of each lender" and inserting the following: "in the case of any lender that originates or holds more than $5,000,000 in loans made under this title during an annual audit period, a compliance audit of such lender".

(h) ADDITIONAL INSURANCE PROGRAM REQUIREMENTS.—Section 428(b)(1) is further amended—

(1) by striking "and" at the end of subparagraph (W);

(2) in subparagraph (X)—

(A) by striking "428(c)(10)" and inserting "428(c)(9)"; and

(B) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(Y) provides that the lender shall determine the eligibility of a borrower for a deferment described in subparagraph (M)(i) based on receipt of (i) a request for deferment from the borrower, (ii) a newly completed loan application that documents the borrower's eligibility for a deferment, or (iii) student status information received by the lender that the borrower is enrolled on at least a half-time basis.".

(i) RESTRICTIONS ON INDUCEMENTS.—Section 428(b)(3) is amended—

(1) by striking subparagraph (C) and inserting the following:

"(C) conduct unsolicited mailings of student loan application forms to students enrolled in secondary school or a postsecondary institution, or to parents of such students, except that applications may be mailed to students who have previously received loans guaranteed under this part by the guaranty agency; or"; and

(2) by adding at the end the following new sentence:

"It shall not be a violation of this paragraph for a guaranty agency to provide assistance to institutions of higher education comparable to the kinds of assistance provided to institutions of higher education by the Department of Education.".

(j) GUARANTY AGENCY INFORMATION TO ELIGIBLE INSTITUTIONS.—Section 428(c)(2)(H)(ii) is amended to read as follows:

"(ii) the guaranty agency shall not require the payment from the institution of any fee for such information; and".

(k) FORBEARANCE.—Section 428(c)(3) is amended—

(1) in subparagraph (A)(i), by striking "written";

(2) in subparagraph (B), by inserting before the semicolon the following: ", including forbearance granted after consideration of a borrower's total debt burden"; and

(3) in the last sentence—

(A) by striking "and (ii)" and inserting "(ii)"; and

(B) by inserting before the period at the end the following: ", and (iii) forbearance for periods not to exceed 60 days if the lender reasonably determines that such suspensions are necessary to research or process information relative to such loan or to collect appropriate documentation relating to the borrower's request for a deferment or forbearance".

(l) ASSIGNMENT.—Section 428(c)(8) is amended—

(1) by striking "(A)"; and

(2) by striking subparagraph (B).

(m) AGENCY TERMINATION.—Section 428(c)(9) is amended—

(1) in subparagraph (E)—

(A) by inserting "or" at the end of clause (iv);

(B) by striking "; or" at the end of clause (v) and inserting a period; and

(C) by striking clause (vi);

(2) in subparagraph (F)(vii), by striking "to avoid disruption" and everything that follows and inserting "and to avoid disruption of the student loan program.";

(3) in subparagraph (I), by inserting "on the record" after "for a hearing"; and

(4) in subparagraph (K)—

(A) by striking "and Labor" and inserting "and the Workforce"; and

(B) by striking everything after "guaranty agency system" and inserting a period.

(n) LENDER REFERRAL.—Section 428(e) is amended—

(1) in paragraph (1)(B)(ii), by striking "during the transition" and everything that follows through "part D of this title"; and

(2) in paragraph (3), by striking "for costs of transition".

(o) ACTION ON AGREEMENTS.—Section 428(g) is amended by striking "and Labor" and inserting "and the Workforce".

(p) LENDERS-OF-LAST RESORT.—Section 428(j) is amended by striking paragraph (3).

(q) INCOME CONTINGENT REPAYMENT.—Section 428(m) is amended by striking "shall require at least 10 percent of the borrowers" and inserting "may require borrowers".

(r) STATE SHARE OF DEFAULT COSTS.—Subsection (n) of section 428 is repealed.

(s) BLANKET CERTIFICATE OF GUARANTY.—Section 428 of the Act is amended by adding at the end the following new subsection:

"(n) BLANKET CERTIFICATE OF LOAN GUARANTY.—

"(1) IN GENERAL.—Any guaranty agency that has or enters into any insurance program agreement with the Secretary under this part may—

"(A) offer eligible lenders participating in the agency's guaranty program blanket certificates of loan guaranty that permit the lender to make loans without receiving prior approval from the guaranty agency of individual loans for eligible borrowers enrolled in eligible programs at eligible institutions; and

"(B) provide eligible lenders with the ability to transmit electronically data to the agency concerning loans the lender has elected to make under the agency's insurance program via

standard reporting formats, such reporting to occur at reasonable, mutually acceptable intervals.

"(2) LIMITATIONS ON BLANKET CERTIFICATE OF GUARANTY.—A guaranty agency and eligible lender may establish by mutual agreement limitations or restrictions on the number or volume of loans issued by a lender under the blanket certificate of guaranty.".

SEC. 418. VOLUNTARY AGREEMENTS WITH GUARANTY AGENCIES.

Part B of title IV is amended by inserting after section 428 (20 U.S.C. 1078) the following new section:

"SEC. 428A. VOLUNTARY FLEXIBLE AGREEMENTS WITH GUARANTY AGENCIES.

"(a) VOLUNTARY AGREEMENTS.—

"(1) AUTHORITY.—Notwithstanding any other provision of law, the Secretary may enter into a voluntary, flexible agreement with not more than 6 guaranty agencies under this section, in lieu of agreements with a guaranty agency under subsections (b) and (c) of section 428, under which the Secretary may waive or modify any requirement under this title applicable to the responsibilities of the Secretary and a guaranty agency.

"(2) ELIGIBILITY.—Any guaranty agency that had one or more agreements with the Secretary under subsections (b) and (c) of section 428 as of the day before the date of enactment of this section may enter into an agreement with the Secretary under this subsection.

"(b) TERMS OF AGREEMENT.—An agreement between the Secretary and a guaranty agency under this section—

"(1) shall be developed by the Secretary, in consultation with the guaranty agency;

"(2) shall be for a period not to exceed five years, and may be renewed upon the agreement of the parties;

"(3) may include provisions—

"(A) specifying the responsibilities of the guaranty agency under the agreement, such as—

"(i) administering the issuance of insurance on loans made under this part on behalf of the Secretary;

"(ii) monitoring insurance commitments made under this part;

"(iii) default prevention activities;

"(iv) review of default claims made by lenders;

"(v) payment of default claims;

"(vi) collection of defaulted loans;

"(vii) adoption of internal systems of accounting and auditing that are acceptable to the Secretary, and reporting the result thereof to the Secretary on a timely, accurate, and auditable basis;

"(viii) timely and accurate collection and reporting of such other data as the Secretary may require to carry out the purposes of the programs under this title;

"(ix) monitoring of institutions and lenders participating in the program under this part; and

"(x) the performance of other program functions by the guaranty agency.

"(B) regarding the fees the Secretary shall pay, in lieu of revenues that the guaranty agency may otherwise receive under this part, to the guaranty agency under the agreement, and other funds that the guaranty agency may receive or retain under the agreement, except that in no case may the cost to the Secretary of the agreement, as reasonably projected by the Secretary, exceed the cost to the Secretary, as similarly projected, in the absence of the agreement;

"(C) regarding the use of net revenues, as described in the agreement under this section, for such other activities in support of postsecondary education as may be agreed to by the Secretary and the guaranty agency;

"(D) regarding the standards by which the guaranty agency's performance of its responsibilities under the agreement will be assessed, and the consequences for a guaranty agency's failure to achieve a specified level of performance on 1 or more performance standards;

"(E) regarding the circumstances in which a guaranty agency's agreement under this section may be ended in advance of its expiration date;

"(F) regarding such other businesses, previously purchased or developed with reserve funds, that relate to the program under this part and in which the Secretary permits the guaranty agency to engage; and

"(G) such other provisions as the Secretary may determine to be necessary to protect the United States from the risk of unreasonable loss and to promote the purposes of this part; and

"(4) shall provide for uniform lender participation with the guaranty agency under the terms of the agreement.

"(c) TERMINATION.—At the expiration or early termination of an agreement under this section, the Secretary shall reinstate the guaranty agency's prior agreements under subsections (b) and (c) of section 428, subject only to such additional requirements as the Secretary determines to be necessary in order to ensure the efficient transfer of responsibilities between the agreement under this section and the agreements under subsections (b) and (c) of section 428, including the guaranty agency's compliance with reserve requirements under sections 422 and 428.".

SEC. 419. FEDERAL CONSOLIDATION LOANS.

(a) AGREEMENTS WITH LENDERS.—Section 428C(a) (20 U.S.C. 1078–3(a)) is amended—

(1) by striking subclause (II) of paragraph (3)(B)(i) and inserting the following:

"(II) that loans received during the 180-day period following the making of the consolidation loan may be added to the consolidation loan."; and

(2) by striking subparagraph (C) of paragraph (4) and inserting the following:

"(C) made under part D of this title;".

(b) CONTENTS OF AGREEMENTS.—Section 428C(b) is amended—

(1) in paragraph (1)(A), by striking "under this section and (i)" and everything that follows and inserting "under this section;";

(2) in paragraph (4)(C)(ii)—

(A) by redesignating subclause (III) as subclause (IV);

(B) by inserting after subclause (II) the following new clause:

"(III) by the Secretary, in the case of a consolidation loan for which the application is received by an eligible lender on or after October 1, 1998, except that the Secretary shall pay such interest only on that portion of the loan that repays Federal Stafford Loans for which the student borrower received an interest subsidy under section 428 or Federal Direct Stafford Loans for which the borrower received an interest subsidy under section 455; or"; and

(C) in subclause (IV) (as redesignated), by striking "subclause (I) or (II)" and inserting "subclause (I), (II), or (III)"; and

(3) in paragraph (6)(A), by inserting before the semicolon at the end the following: "except that (i) a lender is not required to consolidate loans described in subparagraph (D) or (E) of subsection (a)(4); and (ii) a lender is not prohibited from establishing a minimum loan balance for which it will process a consolidation loan application".

(c) EXTENSION OF AUTHORITY.—Section 428C(e) is amended by striking "September 30, 2002" and inserting "September 30, 2004".

SEC. 420. DISBURSEMENT.

(a) REQUIREMENTS.—Section 428G(a)(1) (20 U.S.C. 1078–7(a)(1)) is amended by inserting "greater than one semester, one trimester, one quarter, or four months" after "period of enrollment".

(b) DISBURSEMENT.—Section 428G(b)(1) is amended by adding at the end the following new sentence: "An institution whose cohort default rate (as determined under section 435(a)) for each of the three most recent fiscal years for which data are available is less than 10 percent shall be exempt from the requirements of this paragraph.".

(c) WITHHOLDING OF SECOND DISBURSEMENT.—Section 428G(d)(2) is amended by inserting "by more than $300" after "under this title".

SEC. 421. UNSUBSIDIZED STAFFORD LOANS.

(a) ELIGIBLE BORROWERS.—Section 428H(b) (20 U.S.C. 1078–8(b)) is amended by striking "which—" and everything that follows and inserting the following:

"which certifies the eligibility of the student to receive a loan under this part and the amount of the loan for which such student is eligible. A student shall qualify for a loan if the eligible institution has provided the lender with a statement that—

"(1) at the lender's request, sets forth such student's estimated cost of attendance (as determined under section 472);

"(2) sets forth such student's estimated financial assistance, including a loan which qualifies for subsidy payments under section 428; and

"(3) sets forth a schedule for disbursement of the proceeds of the loan in installments, consistent with the requirements of section 428G.".

(b) LOAN LIMITS.—Section 428H(d)(2)(A) is amended—

(1) by inserting "and" after the semicolon at the end of clause (i); and

(2) by striking clauses (ii) and (iii) and inserting the following:

"(ii) if such student is enrolled in a program of undergraduate education which is less than one academic year, the maximum annual loan amount that such student may receive may not exceed the amount that bears the same ratio to the amount specified in clause (i) as the length of such program measured in semester, trimester, quarter, or clock hours bears to one academic year;".

(c) QUALIFICATION.—Section 428H(e) is amended by adding at the end the following new paragraph:

"(7) QUALIFICATION FOR FORBEARANCE, DEFERMENT, AND INCOME-SENSITIVE REPAYMENT.—A borrower of a loan made under this section may qualify for a forbearance or deferment, or an income-sensitive repayment plan for which the borrower is eligible, immediately upon receipt by the lender or holder of a request from the borrower. Any necessary supporting documentation shall be secured by the lender or holder within 30 days of the request in order to continue the forbearance, deferment, or income-sensitive repayment plan.".

(d) REPEAL.—Section 428H(f) is repealed.

SEC. 422. REPEAL OF LOAN FORGIVENESS.

Section 428J (20 U.S.C. 1078–10) is repealed.

SEC. 423. LEGAL POWERS AND RESPONSIBILITIES.

(a) GENERAL POWERS.—Section 432(a)(2) (20 U.S.C. 1082(a)(2)) is amended by inserting "except that this section shall not be deemed to limit court review under chapter 7 of title 5, United States Code" after "Secretary's control".

(b) AUDIT OF FINANCIAL TRANSACTIONS.—Section 432(f)(1) is amended—

(1) in subparagraph (B), by striking "section 435(d)(1) (D), (F), or (H);" and inserting "section 435(d)(1); and";

(2) in subparagraph (C)—

(A) by striking "and Labor" and inserting "and the Workforce"; and

(B) by striking "; and" and inserting a period; and

(3) by striking subparagraph (D).

(c) PROGRAM OF ASSISTANCE.—Section 432(k)(3) is amended by striking "Within 1

year" and everything that follows through "1992, the" and inserting "The".

(d) COMMON FORMS AND FORMATS.—Section 432(m) is amended—

(1) in paragraph (1)(A), by striking "The Secretary" and inserting "Subject to paragraph (2), the Secretary";

(2) by striking subparagraph (C) of paragraph (1);

(3) in subparagraph (D), by striking "Nothing" and inserting "Subject to paragraph (2), nothing";

(4) by redesignating subparagraph (D) of such paragraph as subparagraph (C);

(5) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(6) by inserting after paragraph (1) the following new paragraph:

"(2) FREE APPLICATION FOR FEDERAL STUDENT AID.—For academic year 1999–2000 and thereafter, the Secretary shall prescribe the Free Application for Federal Student Aid as the application form under this part (other than sections 428B and 428C)."; and

(7) by adding at the end the following new paragraph:

"(5) MASTER PROMISSORY NOTE.—

"(A) DEVELOPMENT AND APPROVAL.—Within 180 days of enactment of this Act, the Secretary, in cooperation with representatives of guaranty agencies, eligible lenders, institutions, students, and organizations involved in student financial assistance, shall develop and approve a master promissory note that will allow for a multiyear line of credit. Such note shall address the needs of participants in the programs under this part. The Secretary shall also develop and approve a corresponding master promissory note for use under part D of this title that addresses the needs of participants in the programs under such part.

"(B) SALE AND ASSIGNMENT; ENFORCEMENT.—Notwithstanding the preceding provisions of this section, each loan made under a master promissory note providing for a line of credit may be sold and assigned independently of any other loan made under the same promissory note, and each such loan shall be separately enforceable in all State and Federal courts on the basis of an original or copy of the master promissory note with its terms.".

(e) DEFAULT REDUCTION MANAGEMENT.—Section 432(n) is amended—

(1) in paragraph (1), by striking "1993" and inserting "1999"; and

(2) in paragraph (3), by striking "and Labor" and inserting "and the Workforce".

(f) REPORTING REQUIREMENT.—Section 432(p) is amended by striking "State postsecondary reviewing entities designated under subpart 1 of part H,".

SEC. 424. STUDENT LOAN INFORMATION.

Section 433 (20 U.S.C. 1083) is amended—

(1) in the first sentence of subsection (a), by inserting "in simple and understandable terms" after "to the borrower"; and

(2) in the first sentence of subsection (b), by inserting "in simple and understandable terms" after "under this subsection".

SEC. 425. DEFINITIONS.

(a) COHORT DEFAULT RATE.—Section 435(a) (20 U.S.C. 1085(a)) is amended—

(1) in subparagraph (A) of paragraph (2)—

(A) by striking "or" at the end of clause (i); and

(B) by striking clause (ii) and inserting the following:

"(ii) there are exceptional mitigating circumstances within the meaning of paragraph (4); or

"(iii) there are, in the judgment of the Secretary, other exceptional mitigating circumstances that would make the application of this paragraph inequitable.";

(2) in subparagraph (C) of paragraph (2), by striking "July 1, 1998," and inserting "July 1, 1999,";

(3) in paragraph (3), by inserting "or, at the request of the institution, a complete copy of the records for loans made under this part or of the direct loan servicer for loans made under part D" after "and loan servicers"; and

(4) by adding at the end the following new paragraphs:

"(4) DEFINITION OF MITIGATING CIRCUMSTANCES.—For purposes of paragraph (2), an institution shall be treated as having exceptional mitigating circumstances that make application of that paragraph inequitable if such institution is certified by a certified public accountant to meet each of the following criteria:

"(A) at least two-thirds of the students enrolled on at least a half-time basis at the institution—

"(i) are eligible to receive a Federal Pell Grant award that is at least equal to one-half the maximum Federal Pell Grant award for which the student would be eligible based on his or her enrollment status; or

"(ii) have an adjusted gross income of the student, and his or her parents (unless the student is an independent student), of less than the poverty level, as determined under criteria established by the Department of Health and Human Services;

"(B) at least two-thirds of the students enrolled on a full-time basis at the institution in any 12-month period ending not more than six months prior to the date the institution submits its appeal, and who remain enrolled beyond the point at which the student would be entitled to a tuition refund of 100 percent—

"(i) complete the educational program in which they are enrolled within the time normally required to complete that program, as specified in the institution's enrollment contract, catalog, or other materials; or

"(ii) continue to be enrolled and are making satisfactory academic progress toward completion of their program; or

"(iii) have entered active duty in the armed forces of the United States; and

"(C) at least two-thirds of the students enrolled on a full-time basis at the institution who complete the educational program in which they are enrolled within any 12-month period ending not more than six months prior to the date the institution submits its appeal are placed for at least 13 weeks in an employment position for which they have been trained, or are enrolled for at least 13 weeks in higher level education program for which the educational program of the institution provided substantial preparation, or have entered active duty in the armed forces of the United States.

"(5) REDUCTION OF DEFAULT RATES AT CERTAIN MINORITY INSTITUTIONS.—

"(A) BENEFICIARIES OF EXCEPTION REQUIRED TO ESTABLISH MANAGEMENT PLAN.—After July 1, 1998, any institution that has a cohort default rate that equals or exceeds 25 percent for each of the three most recent fiscal years for which data are available and that relies on the exception in paragraph (2)(C) of this subsection to continue to be an eligible institution shall—

"(i) submit to the Secretary a default management plan which the Secretary, in his discretion, after consideration of the institution's history, resources, dollars in default, and targets for default reduction, determines is acceptable and provides reasonable assurance that the institution will, by July 1, 2001, have a cohort default rate that is less than 25 percent;

"(ii) engage an independent third party (which may be paid with funds received under part B of title III) to provide technical assistance in implementing such default management plan; and

"(iii) provide to the Secretary, on an annual basis or at such other intervals as the Secretary may require, evidence of cohort default rate improvement and successful implementation of such default management plan.

"(B) DISCRETIONARY ELIGIBILITY CONDITIONED ON IMPROVEMENT.—Notwithstanding the expiration of the exception in paragraph (2)(C), the Secretary may, in his discretion, continue to treat an institution described in subparagraph (A) of this paragraph as an eligible institution for each of the one-year periods beginning on July 1, 1999, and July 1, 2000, only if the institution submits by the beginning of such period evidence satisfactory to the Secretary that—

"(i) such institution has complied and is continuing to comply with the requirements of subparagraph (A); and

"(ii) such institution has made substantial improvement, during each of the preceding one-year periods, in its cohort default rate.

"(6) SPECIAL RULE BASED ON PARTICIPATION RATE INDICES.—(A) An institution that demonstrates to the Secretary that its participation rate index (as defined in regulations in effect on July 1, 1996) is equal to or less than .0375 for any of the three most recent fiscal years for which data are available shall not be subject to paragraph (2).

"(B) An institution shall provide the Secretary with sufficient data to determine its participation rate index within 30 days after receiving an initial notification of its draft cohort default rate.

"(C) Prior to publication of a final cohort default rate for an institution that provides the data under subparagraph (B), the Secretary shall notify the institution of its compliance or noncompliance with subparagraph (A).".

(b) ELIGIBLE LENDER.—Section 435(d) is amended—

(1) in paragraph (1)(A)(ii)—

(A) by striking "or" at the end of subclause (I); and

(B) by inserting before the semicolon at the end of subclause (II) the following: ", or (III) it is a bank that is a wholly owned subsidiary of a nonprofit foundation, the foundation is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code and has been participating in the program authorized by this part for three years as of the date of enactment of the Higher Education Amendments of 1998 and only makes loans to undergraduate students who are 22 years of age or younger and has a portfolio of not more than $10,000,000; and in determining whether the making or holding of loans to students and parents under this part is the primary consumer credit function of the eligible lender, all loans (including student loans and other consumer loans) made or held as trustee or in a trust capacity for the benefit of a third party shall be considered";

(2) in paragraph (1)—

(A) by striking "and" at the end of subparagraph (I);

(B) by striking the period at the end of subparagraph (J) and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(K) a wholly owned subsidiary of a publicly held holding company which, for the three years preceding the date of enactment of this subparagraph, through one or more subsidiaries (i) acts as a finance company, and (ii) participates in the program authorized by this part pursuant to subparagraph (C)."; and

(3) in paragraph (5), by adding at the end the following new sentence:

"It shall not be a violation of this paragraph for a lender to provide assistance to institutions of higher education comparable to the kinds of assistance provided to institutions of higher education by the Department of Education.".

(c) Line of Credit.—Section 435(e) is amended to read as follows:

"(e) Line of Credit.—The term 'line of credit' means an agreement between the lender and the borrower pursuant to a master promissory note under which the lender may make and disburse, in addition to the initial loan, additional loans in subsequent years.".

SEC. 426. DISCHARGE.

(a) Documentation.—Section 437(a) (20 U.S.C. 1087(a)) is amended by adding at the end the following: "A certification of permanent and total disability from a Veteran's Hospital shall be acceptable documentation for discharge under this subsection.".

(b) Discharge.—Section 437(c)(1) is amended—

(1) by inserting after "falsely certified by the eligible institution," the following: "or if the institution failed to make a refund of loan proceeds which it owed to such student's lender,"; and

(2) by adding at the end the following new sentences: "In the case of a discharge based upon a failure to refund, the amount of the discharge shall not exceed that portion of the loan which should have been refunded. The Secretary shall report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate annually as to the dollar amount of loan discharges attributable to failures to make refunds.".

SEC. 427. CANCELLATION OF LOANS FOR CERTAIN PUBLIC SERVICE.

Section 437 is further amended—

*(1) in the section heading, by striking out the period at the end thereof and inserting in lieu thereof a semicolon and "**loan forgiveness for teaching.**";*

(2) by amending the heading for subsection (c) to read as follows: "Discharge Related to School Closure or False Certification.—"; and

(3) by adding at the end thereof the following new subsection:

"(e) Cancellation of Loans for Teaching.—

"(1) Functions of secretary.—The Secretary shall discharge the liability of a borrower of a qualifying loan by repaying the amount owed on the loan, to the extent specified in paragraph (4), for service described in paragraph (3).

"(2) Qualifying loans.—

"(A) In general.—For purposes of this subsection, a loan is a qualifying loan if—

"(i) the loan was made under section 428 on or after the date of enactment of the Higher Education Amendments of 1998 to a borrower who, on the date of entering into the note or other written evidence of the loan, had no outstanding balance of principal or interest on any loan made before such date; and

"(ii) the loan was obtained to cover the cost of instruction for an academic year after the first and second year of undergraduate education.

"(B) Limitation.—The Secretary may not repay loans described in subparagraph (A) to cover the costs of instruction for more than two academic years, or three academic years in the case of a program of instruction normally requiring five years.

"(C) Treatment of consolidation loans.—A loan made under section 428C may be a qualifying loan for the purposes of this subsection only to the extent that such loan was used to repay a loan or loans that meet the requirements of subparagraphs (A) and (B), as determined in accordance with regulations prescribed by the Secretary.

"(3) Qualifying service.—A loan shall be discharged under paragraph (1) for service by the borrower as a full-time teacher for each complete academic year of service, after completion of the second academic year of service, in a public or other nonprofit private elementary or secondary school—

"(A) which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965; and

"(B) which for the purpose of this paragraph and for that year has been determined by the State educational agency of the State in which the school is located to be a school in which the enrollment of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 exceeds 30 percent of the total enrollment of that school.

"(4) Rate of discharge.—(A) Loans shall be discharged under this subsection at the rate of—

"(i) 30 percent for the first or second complete academic year of qualifying service as described in paragraph (3) (after completion of two years of service); and

"(ii) 40 percent for the third complete year of such qualifying service.

"(B) The total amount that may be discharged under this subsection for any borrower shall not exceed $17,750.

"(C) If a portion of a loan is discharged under subparagraph (A) for any year, the entire amount of interest on that loan that accrues for that year shall also be discharged by the Secretary.

"(D) Nothing in this section shall be construed to authorize refunding of any repayment of a loan.

"(5) Limitation on teacher eligibility.—

"(A) Secondary school teachers.—A borrower may not receive assistance under this subsection by virtue of teaching in a secondary school unless such borrower majored in the subject area in which they are teaching.

"(B) Elementary school teachers.—A borrower may not receive assistance under this subsection by virtue of teaching in a elementary school unless such borrower demonstrates, in accordance with State teacher certification or licensing requirements, subject matter knowledge and teaching skills in reading, writing, mathematics, and other subjects taught in elementary schools.

"(6) Prevention of double benefits.—No borrower may, for the same service, receive a benefit under both this subsection and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.).

"(7) Method of payment.—The Secretary shall specify in regulations the manner in which lenders shall be reimbursed for loans made under this part, or portions thereof, that are discharged under this subsection.

"(8) List.—If the list of schools in which a teacher may perform service pursuant to paragraph (3) is not available before May 1 of any year, the Secretary may use the list for the year preceding the year for which the determination is made to make such service determination.

"(9) Continuing eligibility.—Any teacher who performs service in a school which—

"(A) meets the requirements of paragraph (3) in any year during such service; and

"(B) in a subsequent year fails to meet the requirements of such subsection,

may continue to teach in such school and shall be eligible for loan cancellation pursuant to this subsection with respect to such subsequent years.".

SEC. 428. DEBT MANAGEMENT OPTIONS.

Section 437A (20 U.S.C. 1087–O) is repealed.

SEC. 429. SPECIAL ALLOWANCES.

(a) Computation.—Section 438(b)(2) (20 U.S.C. 1087–1(b)(2)) is amended—

(1) in subparagraph (A), by striking "(E), and (F)" and inserting "and (E)"; and

(2) in subparagraph (B)(iv), by striking ", (E), or (F)" and inserting "or (E)".

(b) Origination Fees.—Section 438(c) is amended—

(1) in paragraph (2)—

(A) by striking "(other than" and inserting "(including loans made under section 428H, but excluding"; and

(B) by adding at the end the following new sentence: "Except as provided in paragraph (8), a lender is not authorized to assess an origination fee under this paragraph unless the lender assesses the same fee to all student borrowers."; and

(2) by adding at the end the following new paragraph:

"(8) Exception.—Notwithstanding paragraph (2), a lender may assess a lesser origination fee for a borrower demonstrating greater financial need as determined by such borrower's adjusted gross family income.".

(c) Lending From Proceeds of Tax Exempt Obligations.—Section 438 is amended—

(1) by striking subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(d) Study.—Section 438 is amended by adding at the end the following new subsection:

"(f) Study.—The Comptroller General shall conduct a statistical analysis of the subsidized and unsubsidized student loan programs under part B to gather data on lenders' policies on charging origination fees and to determine if there are any anomalies that would indicate any institutional, programmatic, or socioeconomic discrimination in the assessing or waiving of such fees. The Comptroller General shall report to the appropriate committees of Congress within two years after the date of enactment of the Higher Education Amendments of 1998.".

PART C—FEDERAL WORK-STUDY PROGRAMS

SEC. 435. AMENDMENTS TO PART C.

(a) Extension of Authority; Definition.—

(1) Eligible students.—Section 441(a) (20 U.S.C. 2751(a)) is amended by inserting after "professional students" the following: ", including students participating in an internship or practicum, or as a research assistant, as determined by the Secretary,".

(2) Extension of authority.—Section 441(b) is amended by striking "$800,000,000 for fiscal year 1993" and inserting "$1,000,000,000 for fiscal year 1999".

(3) Definition of community service.—Section 441(c) is amended by striking "which are" and inserting "that are performed off-campus or on-campus and that are".

(b) Allocation of Funds.—Section 442 (42 U.S.C. 2752) is amended—

(1) by striking subsection (b);

(2) in subsection (c)(1), by striking "three-quarters of the remainder" and inserting "the remainder";

(3) in subsection (c)(2)(A)(i), by striking "subsection (d)" and inserting "subsection (c)";

(4) in subsection (e)(1), by striking "subsection (c)" and inserting "subsection (b)"; and

(5) by redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively.

(c) Tutoring and Literacy Activities.—

Section 443 of the Higher Education Act of 1965 (42 U.S.C. 2753) is amended—

(1) in subsection (b)(2)—

(A) by striking "and" at the end of subparagraph (A);

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph:

"(B) in academic year 1999 and succeeding academic years, an institution shall use at least

2 percent of the total amount of funds granted to such institution under this section for such academic year in accordance with subsection (d); and"; and

(2) by adding at the end the following new subsection:

"(d) Tutoring and Literacy Activities.—

"(1) Use of funds.—In any academic year to which subsection (b)(2)(B) applies, an institution shall use the amount required to be used in accordance with this subsection to compensate (including compensation for time spent in directly related training and travel) students—

"(A) employed as a reading tutor for children who are in preschool through elementary school; or

"(B) employed in family literacy projects.

"(2) Priority for schools.—An institution shall—

"(A) give priority, in using such funds, to the employment of students in the provision of tutoring services in schools that—

"(i) are identified for school improvement under section 1116(c) of the Elementary and Secondary Education Act of 1965; or

"(ii) are selected by a local educational agency under section 15104(a)(2) of such Act; and

"(B) ensure that any student compensated with such funds who is employed in a school selected under section 15104(a)(2) of the Elementary and Secondary Education Act of 1965 is trained in the instructional practices based on reliable, replicable research on reading used by the school pursuant to such section 15104.

"(3) Federal share.—The Federal share of the compensation of work study students compensated under this subsection may exceed 75 percent.

"(4) Waiver.—The Secretary may waive the requirements of this subsection if the Secretary determines that enforcing such requirements would cause a hardship for students at the institution.

"(5) Return of funds.—Any institution that does not use the amount required under this subsection, and that does not request and receive a waiver from the Secretary under paragraph (4), shall return to the Secretary, at such time as the Secretary may require for reallocation under paragraph (6), any balance of such amount that is not used as so required.

"(6) Reallocation.—The Secretary shall reallot any amounts returned pursuant to paragraph (5) among institutions that used at least 4 percent of the total amount of funds granted to such institution under this section to compensate students employed in tutoring and literacy activities in the preceding academic year. Such funds shall be reallotted among such institutions on the same basis as excess eligible amounts are allocated to institutions pursuant to section 442(c). Funds received by institutions pursuant to this paragraph shall be used in the same manner as amounts required to be used in accordance with this subsection.".

(d) Grant Requirements.—

(1) Community service.—Section 443(b)(2)(A) (42 U.S.C. 2753(b)(2)(A)) is amended—

(A) by striking "in fiscal year 1994 and succeeding fiscal years,"; and

(B) by inserting "(including time spent in travel or training, or both, directly related to such community service)" after "community service".

(2) Use of funds for independent and less-than-full-time students.—Section 443(b)(3) (42 U.S.C. 2753(b)(3)) is amended to read as follows:

"(3) provide that in the selection of students for employment under such work-study program, only students, who demonstrate financial need in accordance with part F of this title, and who meet the requirements of section 484 will be assisted, except that if the institution's grant under this part is directly or indirectly based in part on the financial need demonstrated by students who are (A) attending the institution less than full time, or (B) independent students, then grant funds shall be made available to such less than full-time and independent students;".

(3) Availability of employment.—Section 443(b)(6) is amended by striking everything after "in need thereof" and inserting a semicolon.

(4) Academic relevance.—Section 443(c)(4) is amended by inserting before the semicolon at the end the following: ", to the maximum extent practicable".

(e) Flexible Use of Funds.—Section 445(b) (42 U.S.C. 2755(b)) is amended by adding at the end the following new paragraph:

"(3) An eligible institution may, with the permission of a student, make payments to the student under this part by crediting the student's account at the institution or by making a direct deposit to the student's account at a depository institution. An eligible institution may only credit the student's account at the institution for (A) tuition and fees, (B) in the case of institutionally owned housing, room and board, and (C) other institutionally provided goods and services.".

(f) Job Location and Development Programs.—Section 446 (42 U.S.C. 2756) is amended—

(1) in subsection (a)(1)—

(A) by striking "$50,000" and inserting "$60,000"; and

(B) by striking "community service jobs, for currently enrolled students" and inserting "community service jobs and cooperative education jobs, for currently enrolled students, including students participating in work-study programs under this part"; and

(2) in subsection (b)—

(A) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7); and

(B) by inserting after paragraph (3) the following new paragraph:

"(4) provide that the institution will notify the Secretary if the institution will use funds under this section to develop cooperative education jobs and will provide assurances that—

"(A) the funds provided under this paragraph will supplement and not supplant any cooperative education funds available to the institution;

"(B) in the case of 2-year programs, funds will be used to develop and expand cooperative education, jobs for associate degree or certificate students only;

"(C) the work portion of a cooperative education job developed or expanded under this paragraph will be related to a student's academic program; and

"(D) the institution will furnish the Secretary a report on cooperative education jobs expanded and developed under this paragraph, including—

"(i) how the funds were used;

"(ii) a list of employers and whether the employer is a for-profit or not-for-profit entity; and

"(iii) the employers' role in the cooperative education job.".

(g) Work Colleges Extension of Authority.—Section 448(f) (42 U.S.C. 2756b(f)) is amended by striking "1993" and inserting "1999".

PART D—WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM

SEC. 436. SELECTION OF INSTITUTIONS.

(a) General Authority.—Section 453(a) (20 U.S.C. 1087c(a)) is amended—

(1) by striking "Phase-In" and everything that follows through "General authority.—" and inserting "General Authority.—"; and

(2) by striking paragraphs (2), (3), and (4).

(b) Selection Criteria.—Section 453(b)(2) is amended by striking "prescribe," and everything that follows through the end of subparagraph (B) and inserting "prescribe.".

(c) Origination.—Section 453(c) is amended—

(1) in paragraph (2)—

(A) in the heading, by striking "Transition selection criteria" and inserting "Selection criteria";

(B) by striking "For academic year 1994–1995, the Secretary" and inserting "The Secretary";

(C) by striking subparagraph (A); and

(D) in subparagraph (E), by striking everything after "deficiencies" and inserting a semicolon; and

(E) by redesignating subparagraphs (B) through (H) as subparagraphs (A) through (G); and

(2) in paragraph (3)—

(A) in the heading, by striking "after transition"; and

(B) by striking "For academic year 1995–1996 and subsequent academic years, the Secretary" and inserting "The Secretary".

SEC. 437. TERMS AND CONDITIONS.

(a) Interest Rates.—

(1) Amendment.—Section 455(b) (20 U.S.C. 1087e(b)) is amended to read as follows:

"(b) Interest Rate.—

"(1) Rates for FDSL and FDUSL.—For Federal Direct Stafford Loans and Federal Direct Unsubsidized Stafford Loans for which the first disbursement is made on or after July 1, 1998, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

"(A) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

"(B) 2.3 percent,

except that such rate shall not exceed 8.25 percent.

"(2) In school and grace period rules.—With respect to any Federal Direct Stafford Loan or Federal Direct Unsubsidized Stafford Loan for which the first disbursement is made on or after July 1, 1995, the applicable rate of interest for interest which accrues—

"(A) prior to the beginning of the repayment period of the loan; or

"(B) during the period in which principal need not be paid (whether or not such principal is in fact paid) by reason of a provision described in section 428(b)(1)(M) or 427(a)(2)(C),

shall be determined under paragraph (1) by substituting '1.7 percent' for '2.3 percent'.

"(3) PLUS loans.—With respect to Federal Direct PLUS Loan for which the first disbursement is made on or after July 1, 1998, the applicable rate of interest shall be determined under paragraph (1)—

"(A) by substituting '3.1 percent' for '2.3 percent'; and

"(B) by substituting '9.0 percent' for '8.25 percent'.

"(4) Repayment incentives.—Notwithstanding any other provision of this part, the Secretary is authorized to prescribe in regulation such reductions in the interest rate paid by a borrower of a loan made under this part as the Secretary determines appropriate to encourage on-time repayment. Such reductions may be offered only if the Secretary determines they are both cost neutral and in the best financial interest of the Federal Government. Any increase in subsidy costs resulting from such reductions must be completely offset by corresponding savings in funds available for the Direct Loan Program in that fiscal year from section 458 and other administrative accounts.

"(5) Publication.—The Secretary shall determine the applicable rates of interest under this subsection after consultation with the Secretary of the Treasury and shall publish such rate in the Federal Register as soon as practicable after the date of determination.".

(2) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any loan made under part D of title IV of the Higher Education Act of 1965 for which the first disbursement is made on or after July 1, 1998.

(b) CONSOLIDATION LOANS.—The first sentence of section 455(g) is amended by striking everything after "section 428C(a)(4)" and inserting a period.

SEC. 438. CONTRACTS.

Section 456(b) (20 U.S.C. 1087f(b)) is amended—

(1) by inserting "and" after the semicolon at the end of paragraph (3);

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 439. FUNDS FOR ADMINISTRATIVE EXPENSES.

Section 458 (20 U.S.C. 1087h) is amended—

(1) in subsection (a)(1), by striking subparagraph (B) and everything that follows and inserting the following:

"(B) account maintenance fees payable to guaranty agencies under part B and calculated in accordance with paragraph (2),

not to exceed (from such funds not otherwise appropriated) $626,000,000 in fiscal year 1999, $726,000,000 in fiscal year 2000, $770,000,000 in fiscal year 2001, $780,000,000 in fiscal year 2002, and $795,000,000 in fiscal year 2003. Account maintenance fees under subparagraph (B) of this paragraph shall be paid quarterly and deposited in the Operating Fund established under 422B. The Secretary may carry over funds available under this section to a subsequent fiscal year.";

(2) by striking paragraph (2) of subsection (a) and inserting the following:

"(2) CALCULATION BASIS.—Account maintenance fees payable to guaranty agencies under paragraph (1)(B) shall be calculated for fiscal year 1999 and fiscal year 2000, on the basis of 0.12 percent of the original principal amount of outstanding loans on which insurance was issued under part B, and for fiscal years 2001 and succeeding fiscal years, shall be calculated on the basis of 0.10 percent of the original principal amount of outstanding loans on which insurance was issued under part B."; and

(3) by striking subsection (d).

SEC. 440. AUTHORITY TO SELL LOANS.

Part D of title IV (20 U.S.C. 1087a et seq.) is amended by adding at the end the following new section:

"SEC. 459. AUTHORITY TO SELL LOANS.

"The Secretary, in consultation with the Secretary of the Treasury, is authorized to sell loans made under this part on such terms as the Secretary determines are in the best interest of the United States, except that any such sale shall not result in any cost to the Federal Government. Notwithstanding any other provision of law, the proceeds of any such sale may be used by the Secretary to offer reductions in the interest rate paid by a borrower of a loan made under this part as the Secretary determines appropriate to encourage on-time repayment. Such reductions may be offered only if the Secretary determines they are in the best financial interests of the Federal Government.".

SEC. 441. CANCELLATION OF LOANS FOR CERTAIN PUBLIC SERVICE.

Part D of title IV is amended by inserting after section 459, as added by section 440, the following new section:

"SEC. 459A. CANCELLATION OF LOANS FOR CERTAIN PUBLIC SERVICE.

"(a) CANCELLATION OF PERCENTAGE OF DEBT BASED ON YEARS OF QUALIFYING SERVICE.—

"(1) FUNCTIONS OF SECRETARY.—The percent specified in paragraph (4) of the total amount of any qualifying loan shall be canceled for each complete year of service by the borrower described in paragraph (3).

"(2) QUALIFYING LOANS.—

"(A) IN GENERAL.—For purposes of this subsection, a loan is a qualifying loan if—

"(i) the loan was a Federal Direct Stafford Loan made on or after the date of enactment of the Higher Education Amendments of 1998 to a borrower who, on the date of entering into the note or other written evidence of the loan, had no outstanding balance of principal or interest on any loan made before such date; and

"(ii) the loan was obtained to cover the cost of instruction for an academic year after the first and second year of undergraduate education.

"(B) LIMITATION.—The Secretary may not repay loans described in subparagraph (A) to cover the costs of instruction for more than two academic years, or three academic years in the case of a program of instruction normally requiring five years.

"(C) TREATMENT OF CONSOLIDATION LOANS.—A Federal Direct Consolidation Loan may be a qualifying loan for the purposes of this subsection only to the extent that such loan was used to repay a loan or loans that meet the requirements of subparagraphs (A) and (B), as determined in accordance with regulations prescribed by the Secretary.

"(3) QUALIFYING SERVICE.—A loan shall be cancelled under paragraph (1) for service by the borrower as a full-time teacher for each complete academic year of service, after completion of the second academic year of service, in a public or other nonprofit private elementary or secondary school—

"(A) which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965; and

"(B) which for the purpose of this paragraph and for that year has been determined by the State educational agency of the State in which the school is located to be a school in which the enrollment of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 exceeds 30 percent of the total enrollment of that school.

"(4) PERCENTAGE OF CANCELLATION.—(A) The percent of a loan which shall be canceled under paragraph (1) of this subsection is at the rate of—

"(i) 30 percent for the first or second complete academic year of qualifying service as described in paragraph (3) (after completion of two years of service); and

"(ii) 40 percent for the third complete year of such qualifying service.

"(B) The total amount that may be canceled under this subsection for any borrower shall not exceed $17,750.

"(C) If a portion of a loan is canceled under this subsection for any year, the entire amount of interest on such loan which accrues for such year shall be canceled.

"(D) Nothing in this section shall be construed to authorize refunding of any repayment of a loan.

"(5) LIMITATION ON TEACHER ELIGIBILITY.—

"(A) SECONDARY SCHOOL TEACHERS.—A borrower may not receive assistance under this subsection by virtue of teaching in a secondary school unless such borrower majored in the subject area in which they are teaching.

"(B) ELEMENTARY SCHOOL TEACHERS.—A borrower may not receive assistance under this subsection by virtue of teaching in a elementary school unless such borrower demonstrates, in accordance with State teacher certification or licensing requirements, subject matter knowledge and teaching skills in reading, writing, mathematics, and other subjects taught in elementary schools.

"(6) DEFINITION.—For the purpose of this section, the term 'year' where applied to service as a teacher means an academic year as defined by the Secretary.

"(7) PREVENTION OF DOUBLE BENEFITS.—No borrower may, for the same volunteer service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.).

"(b) SPECIAL RULES.—

"(1) LIST.—If the list of schools in which a teacher may perform service pursuant to subsection (a)(3) is not available before May 1 of any year, the Secretary may use the list for the year preceding the year for which the determination is made to make such service determination.

"(2) CONTINUING ELIGIBILITY.—Any teacher who performs service in a school which—

"(A) meets the requirements of subsection (a)(3) in any year during such service; and

"(B) in a subsequent year fails to meet the requirements of such subsection,

may continue to teach in such school and shall be eligible for loan cancellation pursuant to subsection (a)(1) with respect to such subsequent years.".

PART E—FEDERAL PERKINS LOANS

SEC. 445. AMENDMENTS TO PART E.

(a) EXTENSION OF AUTHORITY.—Section 461(b) (20 U.S.C. 1087aa(b)) is amended—

(1) in paragraph (1), by striking "1993" and inserting "1999"; and

(2) in paragraph (2), by striking "1997" each place it appears and inserting "2003".

(b) ALLOCATION OF FUNDS.—Section 462 (20 U.S.C. 1087bb) is amended—

(1) by striking subsection (b);

(2) in subsection (c)(1), by striking "three-quarters of the remainder" and inserting "the remainder";

(3) in subsection (c)(2), by striking "subsection (g)" and inserting "subsection (f)";

(4) in subsection (c)(3)—

(A) by striking "subsection (d)" and inserting "subsection (c)";

(B) by striking "subsection (f)" and inserting "subsection (e)"; and

(C) by striking "subsection (g)" and inserting "subsection (f)";

(5) in subsection (f)(1), by striking "subsection (g)" and inserting "subsection (f)";

(6) in subsection (j)(2)—

(A) by striking "subsection (c)" and inserting "subsection (b)"; and

(B) by striking "subsection (c) of section 462" and inserting "subsection (b)"; and

(7) by redesignating subsections (c) through (j) as subsections (b) through (i), respectively.

(c) DEFAULT REDUCTION PENALTIES.—Section 462(e)(2)(A) (as redesignated by subsection (b)(7) of this section) is amended by inserting before the semicolon at the end the following: ", except that a plan shall not be required with respect to any such institution that has a default rate of less than 20 percent and has less than 100 students who have loans under this part in any academic year".

(d) DEFINITIONS FOR DEFAULT RATE CALCULATIONS.—Section 462(g) (as redesignated by subsection (b)(7) of this section) is amended by adding at the end the following new paragraph:

"(5) For the purpose of this subsection, the term 'satisfactory arrangements to resume payment' includes—

"(A) receipt of voluntary monthly payments for three consecutive months after the time periods specified in paragraph (4);

"(B) receipt of voluntary payments sufficient to bring the loan current prior to the calculation being made for any award year under paragraph (3);

"(C) obtaining any deferment, postponement, rehabilitation, forbearance, or cancellation of

the loan after the time periods specified in paragraph (4), but prior to the calculation being made for any award year under paragraph (3);

"(D) receipt of the full amount due on the loan after the time periods specified in paragraph (4), but prior to the calculation being made for any award year under paragraph (3); or

"(E) any other arrangements to resume payment which the Secretary determines to be satisfactory.".

(e) REPORTS TO CREDIT BUREAUS OF PAYMENT RESUMPTIONS.—Section 463(c) (20 U.S.C. 1087cc(c)) is amended by adding at the end the following new paragraph:

"(5) Each institution of higher education shall notify the appropriate credit bureau organizations whenever a borrower of a loan that is made and held by the institution and that is in default makes 12 consecutive monthly payments on such loan, for the purpose of encouraging such organizations to update the status of information maintained with respect to that borrower.".

(f) INCENTIVE REPAYMENT PROGRAMS.—Section 463 is amended by adding at the end the following new subsection:

"(f) INCENTIVE REPAYMENT PROGRAMS.—

"(1) PROGRAM AUTHORIZED.—Any institution of higher education participating in the program under this part may establish, with the approval of the Secretary, an incentive repayment program designed to reduce defaults on loans under this part and to assist in replenishing the student loan fund established under this part.

"(2) CONTENTS OF PROGRAM.—An incentive repayment program under this part may contain provisions that—

"(A) offer a reduction in the interest rate on a loan on which the borrower has made 48 consecutive monthly payments, but in no event may the interest rate be reduced by more than one percent;

"(B) provide for a discount on the balance owed on a loan on which the borrower pays the principal and interest in full prior to the end of the applicable repayment period, but in no event shall such discount exceed 5 percent of the unpaid principal balance due on the loan at the time the early repayment is made; and

"(C) include such other incentive repayment options as the institution determines, with the approval of the Secretary, will carry out the objectives of this subsection.

"(3) NO NET COST TO THE GOVERNMENT.—No incentive option contained in a program authorized by this subsection may be charged to the Federal Government.".

(g) TERMS OF LOANS.—

(1) AGGREGATE AMOUNT.—Section 464(a)(2)(B) (20 U.S.C. 1087dd(a)(2)(B)) is amended by striking "the aggregate of the loans for all years" and inserting "the aggregate unpaid principal amount for all loans".

(2) ALLOCATION TO LESS-THAN-FULL-TIME STUDENTS.—Section 464(b) is amended—

(A) by striking "(1)"; and

(B) by striking paragraph (2).

(3) QUALIFICATION FOR DEFERMENTS.—Section 464(c)(2) is amended by adding at the end the following new subparagraph:

"(C) An individual with an outstanding loan balance who meets the eligibility criteria for a deferment described in subparagraph (A) as in effect on the date of enactment of this subparagraph shall be eligible for deferment under this paragraph notwithstanding any contrary provision of the promissory note under which the loan or loans were made, and notwithstanding any amendment (or effective date provision relating to any amendment) to this section made prior to the date of such deferment.".

(4) CLERICAL AMENDMENT.—The matter following clause (iv) of section 464(c)(2)(A) is amended by striking "subparagraph (B)" and inserting "subparagraph (A) of paragraph (1)".

(h) REHABILITATION AND DISCHARGE OF LOANS.—Section 464 is further amended by adding at the end the following new subsections:

"(g) REHABILITATION OF LOANS.—(1)(A) If the borrower of a loan made under this part who has defaulted on the loan makes 12 on-time, consecutive, monthly payments of amounts owed on the loan, the loan shall be considered rehabilitated, and the institution that made the loan (or the Secretary, in the case of a loan held by the Secretary) shall instruct any credit reporting organization to which the default was reported to remove the default from the borrower's credit history.

"(B) As long as the borrower continues to make scheduled repayments on a loan rehabilitated under this paragraph, the rehabilitated loan shall be subject to the same terms and conditions, and qualify for the same benefits and privileges, as other loans made under this part.

"(C) The borrower of a rehabilitated loan shall not be precluded by section 484 from receiving additional grant, loan, or work assistance under this title (for which he or she is otherwise eligible) on the basis of defaulting on the loan prior to such rehabilitation.

"(D) A borrower may obtain the benefit of this paragraph with respect to rehabilitating the loan only once.

"(2) If the borrower of loan made under this part who has defaulted on that loan makes 6 on-time, consecutive, monthly payments of amounts owed on such loan, the borrower's eligibility for grant, loan, or work assistance under this title shall be restored. A borrower may obtain the benefit of this paragraph with respect to restored eligibility only once.

"(h) DISCHARGE.—

"(1) IN GENERAL.—If a student borrower who received a loan made under this part on or after January 1, 1986, is unable to complete the program in which such student is enrolled due to the closure of the institution, then the Secretary shall discharge the borrower's liability on the loan (including interest and collection fees) by repaying the amount owed on the loan and shall subsequently pursue any claim available to such borrower against the institution and its affiliates and principals, or settle the loan obligation.

"(2) ASSIGNMENT.—A borrower whose loan has been discharged pursuant to this subsection shall be deemed to have assigned to the United States the right to a loan refund up to the amount discharged against the institution and its affiliates and principals.

"(3) ELIGIBILITY FOR ADDITIONAL ASSISTANCE.—The period of a student's assistance at an institution at which the student was unable to complete a course of study due to the closing of the institution shall not be considered for purposes of calculating the student's period of eligibility for additional assistance under this title.

"(4) SPECIAL RULE.—A borrower whose loan has been discharged pursuant to this subsection shall not be precluded, because of that discharge, from receiving additional grant, loan, or work assistance under this title for which the borrower would be otherwise eligible (but for the default on the discharged loan). The amount discharged under this subsection shall be treated the same as loans under section 465(a)(5).

"(5) REPORTING.—The Secretary or institution, as the case may be, shall report to credit bureaus with respect to loans that have been discharged pursuant to this subsection.".

(i) CANCELLATION.—Section 465 (20 U.S.C. 1087ee) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(C), by striking "section 676(b)(9)" and inserting "section 635(a)(10)";

(B) by striking subparagraph (H) of paragraph (2) and inserting the following:

"(H) as a full-time nurse or medical technician providing health care services;";

(C) by striking the period at the end of subparagraph (I) of such paragraph and inserting a semicolon;

(D) by adding at the end of such paragraph the following new subparagraphs:

"(J) as a member of the Commissioned Corps of the Public Health Service of the United States; or

"(K) as a non-physician mental health professional providing health care services in a health professional shortage area designated under section 332 of the Public Health Service Act.";

(E) in the last sentence of paragraph (2), by striking "section 602(a)(1)" and inserting "section 602(3)"; and

(F) by adding at the end the following new paragraph:

"(7) An individual with an outstanding loan obligation who performs service of any type that is described in paragraph (2) as in effect on the date of enactment of this paragraph shall be eligible for cancellation under this section for such service notwithstanding any contrary provision of the promissory note under which the loan or loans were made, and notwithstanding any amendment (or effective date provision relating to any amendment) to this section made prior to the date of such service."; and

(2) in subsection (b), by adding at the end the following new sentence: "To the extent feasible, the Secretary shall pay the amounts for which any institution qualifies under this subsection no later than three months after the institution files an institutional application for campus-based funds.".

(j) DISTRIBUTION OF ASSETS.—Section 466 (20 U.S.C. 1087ff) is amended—

(1) by striking "1996" each place it appears and inserting "2003"; and

(2) by striking "1997" each place it appears and inserting "2004".

(k) COLLECTION OF DEFAULTED LOANS.—

(1) REPEAL.—Subsection (c) of section 467 (20 U.S.C. 1087gg(c)) is repealed.

(2) DEPOSIT.—Any funds in the Perkins Revolving Loan Fund on the date of enactment of this Act shall be deposited in the general fund of the Treasury.

(l) STATUS CONFIRMATION REPORTS.—Section 468 (20 U.S.C. 1087hh) is amended—

(1) by inserting "(a) IN GENERAL.—" before "In carrying out"; and

(2) by adding at the end the following new subsection:

"(b) STUDENT STATUS CONFIRMATION REPORTS.—The Secretary shall ensure that borrowers under this part are included in the student status confirmation report required by the Secretary in the same manner as borrowers under parts B and D of this title.".

PART F—NEED ANALYSIS

SEC. 446. COST OF ATTENDANCE.

Section 472 (20 U.S.C. 1087ll) is amended—

(1) in paragraph (2), by inserting after "personal expenses" the following: ", including a reasonable allowance for the rental or purchase of a personal computer,"; and

(2) in paragraph (10), by striking everything after "determining costs" and inserting a semicolon.

SEC. 447. DATA ELEMENTS.

Section 474(b)(3) (20 U.S.C. 1087nn(b)(3)) is amended by inserting ", excluding the student's parents," after "family of the student".

SEC. 448. FAMILY CONTRIBUTION FOR DEPENDENT STUDENTS.

(a) PARENTS' CONTRIBUTION FROM ADJUSTED AVAILABLE INCOME.—Section 475(b)(3) (20 U.S.C. 1087oo(b)(3)) is amended by inserting ",

excluding the student's parents," after "number of the family members".

(b) FAMILY CONTRIBUTION FROM ASSETS.—Section 475 is amended—

(1) in subsection (b)(1)(B), by striking "parents' contribution" and inserting "family contribution";

(2) in the heading of subsection (d), by striking "PARENTS' CONTRIBUTION" and inserting "FAMILY CONTRIBUTION";

(3) in subsection (d)(1)—

(A) by striking "parents' contribution" and inserting "family contribution"; and

(B) by striking "parental net worth" in subparagraph (A) and inserting "family net worth";

(4) in subsection (d)(2)—

(A) by striking "PARENTAL" in the heading and inserting "FAMILY";

(B) by striking "parental net worth" and inserting "family net worth"; and

(C) by inserting ", for both the parents and the dependent student" after "by adding";

(5) by striking subsection (h); and

(6) by redesignating subsection (i) as subsection (h).

(c) STUDENT CONTRIBUTION FROM AVAILABLE INCOME.—Section 475(g) is amended—

(1) in paragraph (2)—

(A) in subparagraph (D), by striking "$1,750; and" and inserting "$3,000, or a successor amount prescribed by the Secretary under section 478;";

(B) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(C) by inserting after subparagraph (E) the following new subparagraph:

"(F) an allowance for parents' negative available income, determined in accordance with paragraph (6)."; and

(2) by adding at the end the following new paragraph:

"(6) ALLOWANCE FOR PARENTS' NEGATIVE AVAILABLE INCOME.—The allowance for parents' negative available income is the amount, if any, by which the sum of the amounts deducted under subparagraphs (A) through (F) of paragraph (2) exceeds the parents' total income (as defined in section 480).".

(e) ADJUSTMENTS TO STUDENTS CONTRIBUTION FOR ENROLLMENT PERIODS OTHER THAN NINE MONTHS.—Section 475 is amended by adding at the end the following new subsection:

"(i) ADJUSTMENTS TO STUDENTS CONTRIBUTION FOR ENROLLMENT PERIODS OF LESS THAN NINE MONTHS.—For periods of enrollment of less than nine months, the student's contribution from adjusted available income (as determined under subsection (g)) is determined, for purposes other than subpart 2 of part A, by dividing amount determined under such subsection by nine, and multiplying the result by the number of months in the period of enrollment.".

SEC. 449. FAMILY CONTRIBUTION FOR INDEPENDENT STUDENTS WITHOUT DEPENDENTS OTHER THAN A SPOUSE.

(a) ADJUSTMENTS FOR ENROLLMENT PERIODS OTHER THAN NINE MONTHS.—Section 476(a) (20 U.S.C. 1087pp(a)) is amended—

(1) by striking "and" at the end of paragraph (1)(B);

(2) by inserting "and" after the semicolon at the end of paragraph (2); and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) for periods of enrollment of other than 9 months, for purposes other than subpart 2 of part A—

"(A) dividing the quotient resulting under paragraph (2) by nine; and

"(B) multiplying the result by the number of months in the period of enrollment;".

(b) CONTRIBUTION FROM AVAILABLE INCOME.—Section 476(b)(1)(A)(iv) is amended—

(1) by striking "allowance of—" and inserting "allowance of the following amount (or a successor amount prescribed by the Secretary under section 478)—";

(2) by striking "$3,000" each place it appears in subclauses (I) and (II) and inserting "$5,500"; and

(3) by striking "$6,000" in subclause (III) and inserting "$8,500".

SEC. 450. FAMILY CONTRIBUTION FOR INDEPENDENT STUDENTS WITH DEPENDENTS OTHER THAN A SPOUSE.

Section 477(a) (20 U.S.C. 1087qq(a)) is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by inserting "and" after the semicolon at the end of paragraph (3); and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) for periods of enrollment of other than 9 months, for purposes other than subpart 2 of part A—

"(A) dividing the quotient resulting under paragraph (3) by nine; and

"(B) multiplying the result by the number of months in the period of enrollment;".

SEC. 451. REGULATIONS; UPDATED TABLES AND AMOUNTS.

Section 478(b) (20 U.S.C. 1087rr(b)) is amended—

(1) by striking "For each academic year" and inserting the following:

"(1) REVISED TABLES.—For each academic year"; and

(2) by adding at the end the following new paragraph:

"(2) REVISED AMOUNTS.—For each academic year after academic year 1997–1998, the Secretary shall publish in the Federal Register revised income protection allowances for the purpose of sections 475(g)(2)(D) and 476(b)(1)(A)(iv). Such revised allowances shall be developed by increasing each of the dollar amounts contained in such section by a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary) between December 1996 and the December next preceding the beginning of such academic year, and rounding the result to the nearest $10.".

SEC. 452. DISCRETION OF STUDENT FINANCIAL AID ADMINISTRATORS.

(a) SPECIAL CIRCUMSTANCES.—Section 479A(a) (20 U.S.C. 1087tt(a)) is amended—

(1) in the first sentence, by inserting after "(or both)" the following: "or, in extraordinary circumstances, the amount of the expected family contribution,"; and

(2) by inserting after the second sentence the following new sentence: "Special circumstances may include tuition expenses at an elementary or secondary school, medical or dental expenses not covered by insurance, unusually high child care costs, recent unemployment of a family member, or other changes in a family's income or assets or a student's status. Extraordinary circumstances shall be defined by the Secretary by regulation.".

(b) REFUSAL OR ADJUSTMENT OF LOAN CERTIFICATIONS.—Section 479A is amended by striking subsection (c) and inserting the following:

"(c) REFUSAL OR ADJUSTMENT OF LOAN CERTIFICATIONS.—On a case-by-case basis, an eligible institution may refuse to certify a statement which permits a student to receive a loan under part B, or refuse to make a loan under part D, or may certify a loan amount or make a loan that is less than the student's determination of need (as determined under this part), if the reason for the action is documented and provided in written form to the student and the student is afforded an opportunity to appeal the action in a timely fashion. No eligible institution shall discriminate against any borrower or applicant in obtaining a loan on the basis of race, national origin, religion, sex, marital status, age, or handicapped status.".

SEC. 453. TREATMENT OF OTHER FINANCIAL ASSISTANCE.

Section 480(j)(3) (20 U.S.C. 1087vv(j)(3)) is amended by inserting after "paragraph (1)," the following: "a post-service benefit under chapter 30 of title 38, United States Code, or".

PART G—GENERAL PROVISIONS

SEC. 461. DEFINITIONS.

Section 481 (20 U.S.C. 1088), as amended by section 102(b), is further amended by adding at the end the following new subsection:

"(d) DISTANCE LEARNING.—For the purpose of any program under this title, the term 'distance learning' means an educational process that is characterized by the separation, in time or place, between instructor and student. Distance learning may include courses offered principally through the use of—

"(1) television, audio, or computer transmission, such as open broadcast, closed circuit, cable, microwave, or satellite transmission;

"(2) audio or computer conferencing;

"(3) video cassettes or discs; or

"(4) correspondence.".

SEC. 462. MASTER CALENDAR.

(a) REQUIRED SCHEDULE.—Section 482(a) (20 U.S.C. 1089(a)) is amended by adding at the end the following new paragraphs:

"(3) The Secretary shall, to the extent practicable, notify eligible institutions, guaranty agencies, lenders, interested software providers, and, upon request, other interested parties, by December 1 prior to the start of an award year of minimal hardware and software requirements necessary to administer programs under this title.

"(4) The Secretary shall attempt to conduct training activities for financial aid administrators and others in an expeditious and timely manner prior to the start of such award year in order to ensure that all participants are informed of all administrative requirements.".

(b) DELAY OF EFFECTIVE DATE.—Section 482(c) is amended by striking the second sentence and inserting the following: "The Secretary shall provide a period for public comment of not less than 60 days after publication of any notice of proposed rulemaking affecting programs under this title.".

SEC. 463. FORMS AND REGULATIONS.

(a) COMMON FINANCIAL AID FORM.—Section 483(a) (20 U.S.C. 1090(a)) is amended—

(1) in paragraph (1)—

(A) by striking "A, C, D, and E" and inserting "A through E";

(B) by striking "and to determine the need of a student for the purpose of part B of this title"; and

(C) by striking the last sentence and inserting the following: "The Secretary shall include, on the first page of the form, a prominently displayed notice to students and parents advising them to check with the college financial aid office in the event that they have unusual circumstances which may affect their eligibility for financial aid.";

(2) in paragraph (2)—

(A) by striking "A, C, D, and E" each place it appears and inserting "A through E";

(B) by striking "and the need of a student for the purpose of part B of this title,"; and

(C) by striking "or have the student's need established for the purpose of part B of this title";

(3) in the first sentence of paragraph (3), by inserting "processing loan applications and" after "for the purposes of"; and

(4) by adding at the end the following new paragraph:

"(5) ELECTRONIC FORMS.—(A) The Secretary, in cooperation with representatives of agencies

and organizations involved in student financial assistance, including private computer software providers, shall develop an electronic version of the form described in paragraph (1). Such an electronic version shall not require a signature to be collected at the time such version is submitted, as permitted by the Secretary. The Secretary shall prescribe such version no later than 120 days after the date of enactment of the Higher Education Amendments of 1998.

"(B) Nothing in this section shall prohibit the use of the version of the form developed by the Secretary pursuant to subparagraph (A) by an eligible institution, eligible lender, guaranty agency, State grant agency, private computer software providers, a consortium thereof, or such other entities as the Secretary may designate.

"(C) The Secretary shall provide to such organization or consortium necessary specifications that software developed, produced, distributed (including any diskette, modem or network communications, or otherwise) must meet. Included in the specifications shall be test cases that such organization or consortia must use to prove accuracy of its cases to the Secretary. If the results of the test cases are inconsistent with the provisions of this part, the Secretary shall notify the submitting organizations or consortium of his objection within 30 days of such submission. In the absence of such an objection the organization or consortium may use the electronic form as submitted. No fee shall be charged to students in connection with the use of the electronic form, or of any other electronic forms used in conjunction with such form in applying for Federal or State student financial assistance.

"(D) The Secretary shall ensure that data collection complies with section 552a of title 5, United States Code, and that any entity using the version of the form developed by the Secretary pursuant to subparagraph (A) shall maintain reasonable and appropriate administrative, technical, and physical safeguards to ensure the integrity and confidentiality of the information, and to protect against security threats, or unauthorized uses or disclosures of the information provided on the version of the form. Data collected by such version of the form shall be used only for the application, award, and administration of aid awarded under this title, State aid, or aid awarded by eligible institutions or such entities as the Secretary may designate. No data collected by such version of the form shall be used for making final aid awards under this title until such data have been processed by the Secretary or a contractor or designee of the Secretary.".

(b) Streamlined Reapplication Process.—Section 483(b)(1) is amended by striking ", within 240 days" and everything that follows through "of 1992,".

(c) Information to Committees.—Section 483(c) is amended by striking "and Labor" and inserting "and the Workforce".

(d) Toll-Free Information.—Section 483(d) is amended by striking "section 633(c)" and inserting "section 685(d)(2)(C)".

(e) Repeal.—Subsection (f) of section 483 is repealed.

SEC. 464. STUDENT ELIGIBILITY.

(a) In General.—Section 484(a) (20 U.S.C. 1091(a))—

(1) in paragraph (4), by striking "the institution" and everything that follows through "lender), a document" and inserting "the Federal Government, as part of the original financial aid application process, a certification"; and

(2) in paragraph (4)(B), by inserting after "social security number," the following: "and if a dependent student, the social security number of any parent of such student whose income information is required to be included on the form,".

(b) Termination of Eligibility.—Section 484(j) is amended by inserting "until September 30, 2001" after "a student shall be eligible".

(c) Verification of Income Data.—Section 484 is amended by adding at the end the following new subsection:

"(q) Verification of Income Data.—

"(1) Confirmation with IRS.—The Secretary of Education, in cooperation with the Secretary of the Treasury, is authorized to confirm with the Internal Revenue Service the adjusted gross income, filing status, and exemptions reported by applicants (including parents) under this title on their Federal income tax returns for the purpose of verifying the information reported by applicants on student financial aid applications.

"(2) Notification.—The Secretary shall establish procedures under which an applicant is notified that the Internal Revenue Service will disclose to the Secretary tax return information as authorized under section 6103(l)(13) of the Internal Revenue Code of 1986.".

(d) Suspension of Eligibility for Drug-Related Offenses.—

(1) Amendment.—Section 484 is further amended by adding at the end thereof the following new subsection:

"(r) Suspension of Eligibility for Drug-Related Offenses.—

"(1) In general.—An individual student who has been convicted of any offense under any Federal or State law involving the possession or sale of a controlled substance shall not be eligible to receive any grant, loan, or work assistance under this title during the period beginning on the date of such conviction and ending after the interval specified in the following table:

"If convicted of an offense involving:	
The possession of a controlled substance:	Ineligibility period is:
First offense	1 year
Second offense ...	2 years
Third offense	indefinite
The sale of a controlled substance:	
First offense	2 years
Second offense ...	indefinite

"(2) Rehabilitation.—A student whose eligibility has been suspended under paragraph (1) may resume eligibility before the end of the period determined under such paragraph if the student satisfactorily completes a drug rehabilitation program that complies with such criteria as the Secretary shall prescribe for purposes of this paragraph.

"(3) Definitions.—As used in this subsection, the term 'controlled substance' has the meaning given in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).".

(2) Effective date.—The amendment made by paragraph (1) shall apply with respect to financial assistance to cover the costs of attendance for periods of enrollment beginning after the date of enactment of this Act.

SEC. 465. STATE COURT JUDGMENTS.

Section 484A (20 U.S.C. 1091a) is amended by adding at the end the following new subsection:

"(c) State Court Judgments.—A judgment of a State court for the recovery of money provided as grant, loan, or work assistance under this title that has been assigned or transferred to the Secretary under this title may be registered in any district court by filing a certified copy of the judgment and the assignment or other transfer to the Secretary. A judgment so registered shall have the same force and effect, and may be enforced in the same manner, as a judgment of the district court of the district in which the judgment is registered.".

SEC. 466. INFORMATION FOR STUDENTS.

(a) Information Dissemination.—Section 485(a) (20 U.S.C. 1092(a)) is amended—

(1) in paragraph (1), by striking the second sentence and inserting the following: "The information required by this section shall be produced and be made readily available upon request, through appropriate publications, mailings, and electronic media to all current students and to any prospective student. Each eligible institution shall, on an annual basis, provide to all enrolled students a list of the information that is required to be provided by institutions to students by this Act and section 444 of the General Education Provisions Act (also referred to as the Family Educational Rights and Privacy Act of 1974), together with a statement of the procedures required to obtain such information.";

(2) in paragraph (3)—

(A) in the first sentence, by striking ", or enrolled in any program of an eligible institution for which the prior program provides substantial preparation"; and

(B) by striking subparagraph (A) and inserting the following:

"(A) shall be made available by July 1 each year to current and prospective students prior to enrolling or entering into any financial obligation; and"; and

(3) by adding at the end the following new paragraph:

"(6) Each institution may, but is not required to, provide supplemental information to enrolled and prospective students showing the completion or graduation rate for students transferring into the institution or information showing the rate at which students transfer out of the institution.".

(b) Departmental Publications.—Section 485(d) is amended—

(1) by striking "(1) assist" and inserting "(A) assist";

(2) by striking "(2) assist" and inserting "(B) assist";

(3) by inserting "(1)" before "The Secretary" the first place it appears; and

(4) by adding at the end the following new paragraphs:

"(2) The Secretary shall, to the extent such information is available, compile information describing State prepaid tuition programs and disseminate such information to States, eligible institutions, students, and parents in departmental publications.

"(3) The Secretary shall, to the extent practicable, update the Department's Internet site to include direct links to databases which contain information on public and private financial assistance programs. The Secretary shall only provide direct links to databases which can be accessed without charge and shall verify with appropriate parties that the databases included in the direct link are not in any way providing fraudulent information. The Secretary shall prominently display adjacent to the direct link a disclaimer indicating that a direct link to a database does not constitute an endorsement or recommendation of the database or its provider or any services or products of such provider. The Secretary shall provide additional direct links to information resources from which students may obtain information about fraudulent and deceptive practices in the provision of services related to student financial aid.".

(c) Disclosures.—Section 485(e) is amended—

(1) in paragraph (2)—

(A) by striking "his parents, his guidance" and inserting "the student's parents, guidance"; and

(B) by adding at the end the following new sentence: "If the institution is a member of a national collegiate athletic association that compiles graduation rate data on behalf of its member institutions that the Secretary determines is substantially comparable to the information described in paragraph (1), the distribution of the compilation of such data to all secondary schools in the United States shall fulfill the responsibility of the institution to provide information to a prospective student athlete's guidance counselor and coach.";

(2) in paragraph (4), by striking "when such completion or graduation rate includes students transferring into and out of such institution" and inserting "for students transferring into the institution or information showing the rate at which students transfer out of the institution"; and

(3) by striking paragraph (9) and inserting the following:

"(9) The reports required by this subsection shall be due on each July 1 and shall cover the 1-year period ending August 31 of the preceding year.".

(d) CAMPUS CRIME REPORTING AND DISCLOSURE.—Section 485(f) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (F) and inserting the following:

"(F) Statistics concerning the occurrence on campus, during the most recent calendar year, and during the 2 preceding calendar years, of the following criminal offenses or arrests reported to campus security authorities, campus officials who have direct administrative responsibility for student or campus activities, disciplinary officers and other officials responsible for resolving student disciplinary matters, athletic department officials, or local police agencies (including offenses handled through the campus disciplinary system):

"(i) murder;

"(ii) sex offenses, forcible or nonforcible;

"(iii) robbery;

"(iv) aggravated assault;

"(v) burglary;

"(vi) motor vehicle theft;

"(vii) manslaughter;

"(viii) larceny;

"(ix) arson; and

"(x) arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons possession.";

(B) by striking subparagraph (H); and

(C) by redesignating subparagraph (I) as subparagraph (H);

(2) in paragraph (4)—

(A) by striking "Upon request of the Secretary, each" and inserting "On an annual basis, each";

(B) by striking "paragraphs (1)(F) and (1)(H)" and inserting "paragraph (1)(F)";

(C) by striking "and Labor" and inserting "and the Workforce";

(D) by striking "1995" and inserting "2000";

(E) by striking "and" at the end of subparagraph (A);

(F) by redesignating subparagraph (B) as subparagraph (C); and

(G) by inserting after subparagraph (A) the following new subparagraph:

"(B) make copies of the statistics submitted to the Secretary available to the public; and";

(3) in paragraph (6)—

(A) by striking "paragraphs (1)(F) and (1)(H)" and inserting "paragraph (1)(F)"; and

(B) by adding at the end the following new sentence: "Such statistics shall not identify victims of crimes or persons accused of crimes."; and

(4) by adding at the end the following new paragraphs:

"(8)(A) Each institution participating in any program under this title that maintains either a police or security department of any kind shall make, keep, and maintain a daily log, written in a form that can be easily understood, recording in chronological order all crimes reported to such police or security department, including the nature, date, time, and general location of each crime and the disposition of the complaint, if known.

"(B) All entries that are required by this paragraph shall be open to public inspection during normal business hours within two business days of the initial report being made to the department, unless—

"(i) disclosure of such information is prohibited by law; or

"(ii) the release of such information is likely to jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence.

Any information withheld under clause (ii) shall be open to public inspection as soon as the damage that is the basis for such withholding is no longer likely to occur.

"(9) The Secretary shall provide technical assistance in complying with the provisions of this section to an institution of higher education who requests such assistance.".

(e) DATA REQUIRED.—Section 485(g) is amended—

(1) in paragraph (1), by adding at the end the following new subparagraphs:

"(I)(i) The total revenues, and the revenues from football, men's basketball, women's basketball, all other men's sports combined and all other women's sports combined, derived by the institution from its intercollegiate athletics activities.

"(ii) For the purpose of clause (i), revenues from intercollegiate athletics activities allocable to a sport shall include (without limitation) gate receipts, broadcast revenues, appearance guarantees and options, concessions, and advertising, but revenues such as student activities fees or alumni contributions not so allocable shall be included in the calculation of total revenues only.

"(J)(i) The total expenses, and the expenses attributable to football, men's basketball, women's basketball, all other men's sports combined, and all other women's sports combined, made by the institution for its intercollegiate athletics activities.

"(ii) For the purpose of clause (i) expenses for intercollegiate athletics activities allocable to a sport shall include (without limitation) grants-in-aid, salaries, travel, equipment, and supplies, but expenses such as general and administrative overhead not so allocable shall be included in the calculation of total expenses only.

"(K) A statement of any reduction that may or is likely to occur during the ensuing 4 academic years in the number of athletes that will be permitted to participate in any collegiate sport, or in the financial resources that the institution will make available to any such sport, and the reasons for any such reduction."; and

(2) by striking paragraph (5).

SEC. 467. NATIONAL STUDENT LOAN DATA SYSTEM.

Section 485B(a) (20 U.S.C. 1092b(a)) is amended by inserting before the period at the end of the third sentence the following: "no later than one year after the date of enactment of the Higher Education Amendments of 1997".

SEC. 468. PROGRAM PARTICIPATION AGREEMENTS.

(a) REQUIRED CONTENT.—Section 487(a) (20 U.S.C. 1094(a)) is amended—

(1) in the first sentence, by striking ", except with respect to a program under subpart 4 of part A,";

(2) in paragraph (3), by striking subparagraph (B) and inserting the following:

"(B) the appropriate State agency;";

(3) in paragraph (4), by striking "subsection (b)" and inserting "subsection (c)";

(4) in paragraph (15), by striking "State review entities under subpart 1 of part H" and inserting "appropriate State agencies";

(5) by striking paragraph (18) and inserting the following:

"(18) The institution will meet the requirements established pursuant to section 485(g)."; and

(6) by striking paragraph (21) and inserting the following:

"(21) The institution will meet the requirements established by the Secretary, appropriate State agencies, and accrediting agencies, pursuant to part H of this title.".

(b) AUDITS; FINANCIAL RESPONSIBILITY.—Section 487(c) is amended—

(1) in paragraph (1)(A)(i), by striking "State agencies" and everything that follows through the semicolon and inserting "and appropriate State agencies;";

(2) in paragraph (2), by striking "subpart 3" and inserting "subpart 2";

(3) in paragraph (4), by striking ", after consultation" and everything that follows through "part H,"; and

(4) in paragraph (5), by striking "State review" and everything that follows through "part H" and inserting "appropriate State agencies".

SEC. 469. QUALITY ASSURANCE AND REGULATORY SIMPLIFICATION.

Section 487A (20 U.S.C. 1094a) is amended to read as follows:

"SEC. 487A. QUALITY ASSURANCE AND REGULATORY SIMPLIFICATION PROGRAM.

"(a) IN GENERAL.—The Secretary is authorized to select institutions for voluntary participation in a Regulatory Simplification Program that provides participating institutions with the opportunity to develop and implement an alternative management program that—

"(1) shall allow alternative methods of complying with regulations issued with respect to parts A through E and G of this title;

"(2) shall not modify or waive the application of any requirement or other provision of this Act; and

"(3) may include a Quality Assurance Program through which individual schools develop and implement their own comprehensive systems to verify student financial aid application data, thereby enhancing program integrity within the student aid delivery system.

"(b) SELECTION CRITERIA.—The criteria for selecting institutions for participation in the Regulatory Simplification Program shall be based on criteria that include demonstrated institutional performance, as determined by the Secretary, and shall take into consideration regulatory simplification goals, as determined by the Secretary. The selection criteria shall ensure the participation of representatives of institutions of higher education according to size, mission, and geographical distribution.

"(c) REMOVAL FROM THE PROGRAM.—The Secretary is authorized to determine—

"(1) when an institution that is unable to administer the Regulatory Simplification Program must be removed from such program, and

"(2) when institutions desiring to cease participation in such Program will be required to complete the current award year under the requirements of the Program.

"(d) EXPERIMENTAL SITES.—The Secretary is authorized to designate institutions selected for participation in the Regulatory Simplification Program as Experimental Sites.

"(e) DEFINITIONS.—For purposes of this section, the term 'current award year' means the award year during which the participating institution indicates its intention to cease participation.".

SEC. 470. DISTANCE EDUCATION DEMONSTRATION PROGRAMS.

Part G of title IV is amended—

(1) by redesignating section 487B (20 U.S.C. 1094b) as section 487C; and

(2) by inserting after section 487A (as amended by section 469) the following new section:

"SEC. 487B. DISTANCE EDUCATION DEMONSTRATION PROGRAMS.

"(a) Purpose.—It is the purpose of this section—

"(1) to allow demonstration programs that are strictly monitored by the Department of Education to test the quality and viability of expanded distance education programs currently restricted under this Act;

"(2) to provide for increased student access to higher education through distance education programs;

"(3) to help determine the most effective means of delivering quality education via distance education course offerings; and

"(4) to help determine the appropriate level of Federal assistance for students enrolled in distance education programs.

"(b) Demonstration Programs Authorized.—

"(1) In general.—The Secretary is authorized to select institutions or a consortia of institutions for voluntary participation in a Distance Education Demonstration Program that provides participating institutions with the ability to offer distance education programs without regard to the current restrictions in part F or G of this title or part A of title I.

"(2) Exemptions.—The Secretary is authorized to exempt any institution or consortia participating in a Distance Education Demonstration Program from any of the requirements of parts F or G of this title, or part A of title I, or the regulations prescribed under such parts.

"(c) Application.—Each institution or consortia of institutions desiring to participate in a demonstration program under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

"(d) Selection.—To the extent feasible, the Secretary shall select a representative sample institutions for participation in the demonstration program authorized under this section. In selecting institutions for participation, the Secretary shall take into consideration the institution's financial and administrative capability and the type of program or programs being offered via distance education course offerings. The Secretary shall, in the exercise of his discretion, determine the number of demonstration programs to be allowed based on the number and quality of applications received and the Department's capacity to oversee and monitor each demonstration program.

"(e) Evaluation and Report.—

"(1) Evaluation.—The Secretary shall, on an annual basis, evaluate the demonstration programs authorized under this section. Such evaluations shall specifically review—

"(A) the quality of the programs being offered;

"(B) issues related to student financial assistance for distance education; and

"(C) effective technologies for delivering distance education course offerings.

"(2) Policy analysis.—In addition, the Secretary shall review current policies and identify those policies which present impediments to the development and use of distance learning and other nontraditional methods of expanding access to education.

"(3) Report.—The Secretary shall report to the appropriate committees of Congress with respect to—

"(A) the evaluations of the demonstration programs authorized under this section; and

"(B) any proposed legislative changes designed to enhance the use of distance education.".

SEC. 471. GARNISHMENT REQUIREMENTS.

(a) Maximum Percentage.—Section 488A(a)(1) (20 U.S.C. 1095a(a)(1)) is amended by striking "10 percent" and inserting "15 percent".

(b) No Attachment of Student Assistance.—Section 488A is further amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d) No Attachment of Student Assistance.—Except as authorized in this section, notwithstanding any other provision of Federal or State law, no grant, loan, or work assistance awarded under this title, or property traceable to such assistance, shall be subject to garnishment or attachment in order to satisfy any debt owed by the student awarded such assistance, other than a debt owed to the Secretary and arising under this title.".

SEC. 472. ADMINISTRATIVE SUBPOENA AUTHORITY.

Part G of title IV of the Act is further amended by inserting immediately after section 490 (20 U.S.C. 1097) the following new section:

"SEC. 490A. ADMINISTRATIVE SUBPOENAS.

"(a) Authority.—To assist the Secretary in the conduct of investigations of possible violations of the provisions of this title, the Secretary is authorized to require by subpoena the production of information, documents, reports, answers, records, accounts, papers, and other documentary evidence pertaining to participation in any program under this title. The production of any such records may be required from any place in a State.

"(b) Enforcement.—In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Secretary may request the Attorney General to invoke the aid of any court of the United States where such person resides or transacts business for a court order for the enforcement of this section.".

SEC. 473. ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE.

Section 491 (20 U.S.C. 1098) is amended—

(1) in subsection (b)—

(A) by inserting "staffing levels," after "allocations and expenditures," the first place it appears; and

(B) by striking the fourth and fifth sentences and inserting the following: "Reports, publications, and other documents, including documents in electronic form, shall not be subject to review by the Secretary.";

(2) in subsection (c)(1)—

(A) by striking "11 members" and inserting "15 members"; and

(B) by striking "3 members" each place it appears in subparagraphs (A) and (B) and inserting "5 members";

(3) in subsection (c)(2), by striking "7 members" and inserting "11 members";

(4) in subsection (e)—

(A) by striking everything after "except that," in paragraph (1) and inserting the following:

"within 90 days after the date of enactment of the Higher Education Amendments of 1998, 2 additional members shall be appointed by the President pro tempore of the Senate (one upon the recommendation of the Majority Leader and one upon the recommendation of the Minority Leader) and 2 additional members shall be appointed by the Speaker of the House (one upon the recommendation of the Majority Leader and one upon the recommendation of the Minority Leader). Of the additional members—

"(A) 2 shall be appointed for a term of 1 year;

"(B) 1 shall be appointed for a term of 2 years; and

"(C) 1 shall be appointed for a term of 3 years.";

(B) by striking "Six members" in paragraph (4) and inserting "Eight members"; and

(C) by adding at the end the following new paragraph:

"(6) No officer or full-time employee of the United States shall serve as members of the Advisory Committee.";

(5) by striking subsection (g) and inserting the following:

"(g) Compensation and Expenses.—Members of the Advisory Committee may each receive reimbursement for travel expenses incident to attending Advisory Committee meetings, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.";

(6) in subsection (h)(1), by striking "may be necessary by the Chairman without regard to" and inserting "may be deemed necessary by the Chairman without regard to personnel ceilings or";

(7) in subsection (i), by striking "$750,000" and inserting "$850,000";

(8) by striking subsection (j) and inserting the following:

"(j) Special Analyses and Activities.—The committee shall—

"(1) monitor and evaluate the modernization of student financial aid systems and delivery processes;

"(2) monitor and evaluate the implementation of a performance-based organization within the Department of Education and report to Congress, on not less than an annual basis, including recommendations for improvements; and

"(3) assess the adequacy of current methods for disseminating information about programs under this title and recommend improvements, as appropriate, regarding early needs assessment and information for first-year high school students.";

(9) in subsection (k), by striking "1998" and inserting "2004"; and

(10) by striking subsection (l).

SEC. 474. MEETINGS AND NEGOTIATED RULEMAKING.

Section 492 (20 U.S.C. 1098a) is amended to read as follows:

"SEC. 492. NEGOTIATED RULEMAKING.

"(a) In General.—

"(1) Regulation development.—In developing regulations and revisions thereof under this title, the Secretary shall obtain the advice and recommendations of individuals and representatives of the groups involved in student financial assistance programs under this title, such as students, legal assistance organizations that represent students, institutions of higher education, guaranty agencies, lenders, secondary markets, loan servicers, guaranty agency servicers, and collection agencies.

"(2) Input.—Such advice and recommendations may be obtained through such mechanisms as national meetings and electronic exchanges of information.

"(b) Proposed Regulations.—After obtaining such advice and recommendations, and prior to publishing any proposed regulations and revisions thereof under this title in the Federal Register, the Secretary shall prepare draft regulations and submit such regulations to a negotiated rulemaking process. In establishing the negotiated rulemaking process under this section, the Secretary shall—

"(1) follow the procedural requirements used in implementing section 1601(b) of the Elementary and Secondary Education Act of 1965;

"(2) select participants in the negotiations process from individuals and groups participating in the exchanges described in subsection (a)(1), including both representatives of such groups from the District of Columbia, and industry participants, and to the extent possible, the Secretary shall select individuals reflecting the diversity in the industry, representing both large and small participants, as well as individuals serving local areas and national markets;

"(3) conduct the negotiations process in a timely manner in order that final regulations may be issued by the Secretary within the 240-

day period described in section 431(g) of the General Education Provisions Act, and any subsequent revisions to regulations under this title may be issued in accordance with the master calendar provisions of section 482 of this title; and

"(4) prepare a transcript of the negotiated rulemaking proceedings that shall be available to the public prior to the issuance of any final regulations.

"(c) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act shall not apply to activities carried out under this section.".

PART H—PROGRAM INTEGRITY

SEC. 476. STATE POSTSECONDARY REVIEW PROGRAM.

(a) AMENDMENTS.—Part H of title IV is amended—

*(1) in the heading of the part, by striking "**TRIAD**";*

(2) by striking subpart 1 (20 U.S.C. 1099a through 1099a–3); and

(3) by redesignating subparts 2 and 3 as subparts 1 and 2, respectively.

(b) CONFORMING AMENDMENTS.—Section 496 (20 U.S.C. 1099b) is amended by striking "subpart 3" each place it appears in subsections (j) and (k) and inserting "subpart 2".

SEC. 477. ACCREDITING AGENCY RECOGNITION.

(a) RECOGNITION.—

*(1) The heading of subpart 1 of part H (as redesignated by section 476(a)(3)) is amended by striking "**APPROVAL**" and inserting "**RECOGNITION**".*

*(2) The heading of section 496 is amended by striking "**APPROVAL**" and inserting "**RECOGNITION**".*

(b) STANDARDS.—Section 496(a) is amended—

(1) by striking "STANDARDS" and inserting "CRITERIA";

(2) by striking "standards" each place it appears and inserting "criteria";

(3) in paragraph (5)—

(A) by striking "of accreditation" and inserting "for accreditation";

(B) by inserting "the quality (including the quality of distance learning programs or courses) of" before "the institution's";

(C) in subparagraph (G), by striking "program length and tuition and fees in relation to the subject matters taught" and inserting "measures of program length";

(D) by striking subparagraph (J);

(E) in subparagraph (L), by inserting "the most recent student loan default rate data provided by the Secretary and" after "including";

(F) by striking "and" at the end of subparagraph (K);

(G) by inserting "and" after the semicolon at the end of subparagraph (L);

(H) by redesignating subparagraphs (K) and (L) as subparagraphs (J) and (K), respectively;

(I) by inserting after subparagraph (K) (as so redesignated) the following new subparagraph:

"(L) refund policy;"; and

(J) by striking "(J), and (L)" and inserting "(K) and (L)";

(4) in paragraph (7), by striking "State postsecondary review entity" and inserting "State licensing or authorizing agency"; and

(5) in paragraph (8), by striking "State postsecondary" and everything that follows through "is located" and inserting "State licensing or authorizing agency".

(c) OPERATING PROCEDURES.—Section 496(c) is amended—

(1) by striking "approved by the Secretary" and inserting "recognized by the Secretary";

(2) in paragraph (1), by striking "(at least" and everything that follows through "unannounced)," and inserting "(which may include unannounced site visits)"; and

(3) in paragraph (3), by inserting before the semicolon at the end the following: ", except that new sites offered through telecommunications for programs previously included in the scope of accreditation approval need not be subject to such on-site visits".

(d) CONFORMING AMENDMENTS.—Section 496 is further amended—

(1) in subsection (d)—

(A) by striking "APPROVAL" in the heading of such subsection and inserting "RECOGNITION"; and

(B) by striking "approved" and inserting "recognized";

(2) in subsection (f), by striking "approved" and inserting "recognized";

(3) in subsection (g)—

(A) by striking "STANDARDS" and inserting "CRITERIA"; and

(B) by striking "standards" and inserting "criteria";

(4) in subsection (k)(2), by striking "standards" and inserting "criteria";

(5) in subsection (l)—

(A) by striking "APPROVAL" in the heading of such subsection and inserting "RECOGNITION";

(B) by striking "the standards" each place it appears and inserting "its standards"; and

(C) by striking "approval" and inserting "recognition"; and

(6) in subsection (n)—

(A) by striking "standards" each place it appears and inserting "criteria";

(B) in paragraph (3)—

(i) by striking "approval or disapproval" and inserting "recognition or denial of recognition"; and

(ii) by striking "approval process" and inserting "recognition process"; and

(C) by striking paragraph (4) and inserting the following:

"(4) The Secretary shall maintain sufficient documentation to support the conclusions reached in the recognition process, and, if the Secretary does not recognize any accreditation agency or association, shall make publicly available the reason for denying recognition, including reference to the specific criteria under this section which have not been fulfilled.".

SEC. 478. ELIGIBILITY AND CERTIFICATION PROCEDURES.

(a) SINGLE APPLICATION FORM.—Section 498(b)(1) (20 U.S.C. 1099c(b)(1)) is amended by striking "accreditation, and capability" and inserting "accreditation, financial responsibility, and administrative capacity".

(b) FINANCIAL RESPONSIBILITY STANDARDS.—Section 498(c) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking "is able" and inserting "has sufficient resources to ensure against the precipitous closure of the institution and is able";

(2) in paragraph (2)—

(A) in the first sentence, by striking "operating losses, net worth, asset-to-liabilities ratios, or operating fund deficits" and inserting "to ratios that demonstrate financial responsibility,";

(B) in the second sentence, by inserting ", public," after "for profit"; and

(C) by inserting before the period at the end the following: ", and develop an appropriate and cost effective process under this subpart that does not duplicate other reporting requirements for assessing and reviewing financial responsibility"; and

(3) in paragraph (4)—

(A) in the first sentence, by striking "ratio of current assets to current liabilities" and inserting "criteria"; and

(B) in subparagraph (C), by striking "current operating ratio requirement" and inserting "criteria imposed by the Secretary pursuant to paragraph (2)".

(c) ADMINISTRATIVE CAPACITY.—Section 498(d)(1) is amended—

(1) in subparagraph (A), by striking "student aid programs; and" and inserting "student financial assistance under this title;";

(2) by redesignating subparagraph (B) as subparagraph (D); and

(3) by inserting after subparagraph (A) the following new subparagraphs:

"(B) written procedures for, or written information relating to, each office with respect to, the approval, disbursement, and delivery of student financial assistance under this title;

"(C)(i) a division of functions for authorizing payments of student financial assistance under this title and the disbursement or delivery of such assistance, so that no office at the institution has responsibility for both functions; and

"(ii) an adequate system of checks and balances for internal control at the institution with respect to student financial assistance under this title; and".

(d) ACTIONS ON APPLICATIONS.—Section 498(f) is amended—

(1) by striking "shall conduct" and inserting "may conduct";

(2) by striking "may establish" and inserting "shall establish";

(3) by striking "may coordinate" and inserting "shall, to the extent practicable, coordinate"; and

(4) by adding at the end the following new sentence: "The Secretary may exempt from the site visit requirement any institution that is participating in the Quality Assurance Program established under section 487A at the time such site visit would be required under this subsection.".

(e) TIME LIMITATIONS.—Section 498(g) is amended to read as follows:

"(g) TIME LIMITATIONS.—(1) After the expiration of the certification of any institution or upon request for initial certification from an institution not previously certified, the Secretary may certify the eligibility for the purposes of any program authorized under this title of each such institution for a period not to exceed 6 years.

"(2) The Secretary shall notify each institution of the expiration of its eligibility no later than six months prior to such expiration.".

(f) CONFORMING AMENDMENT.—Section 498(h)(2) is amended by striking "approval" and inserting "recognition".

(g) PROVISIONAL CERTIFICATION.—Section 498(i) is amended by adding at the end the following new paragraph:

"(4)(A) The Secretary may provisionally certify an institution seeking approval of a change in ownership based on the preliminary review by the Secretary of a materially complete application that is received by the Secretary within 10 business days of the transaction for which the approval is sought.

"(B) A provisional certification under this paragraph shall expire no later than the end of the month following the month in which the transaction occurred, except that if the Secretary has not issued a decision on the application for the change of ownership within that period, the Secretary may continue such provisional certification on a month-to-month basis until such decision has been issued.".

SEC. 479. PROGRAM REVIEW AND DATA.

(a) GENERAL AUTHORITY.—Section 498A(a) (20 U.S.C. 1099c–1(a)) is amended—

(1) in paragraph (2)—

(A) by striking "may give" and inserting "shall give";

(B) by inserting before the semicolon at the end of subparagraph (C) the following: ", that are not accounted for by changes in those programs";

(C) in subparagraph (D), by striking "the appropriate" and everything that follows through "of this part" and inserting "the State licensing or authorizing agency";

(D) by striking subparagraph (F); and

(E) by redesignating subparagraph (G) as subparagraph (F); and

(2) in paragraph (3)(A), by inserting "relevant" after "all".

(b) SPECIAL ADMINISTRATIVE RULES.—Section 498A(b) is amended to read as follows:

"(b) SPECIAL ADMINISTRATIVE RULES.—(1) In carrying out paragraphs (1) and (2) of subsection (a), the Secretary shall—

"(A) establish guidelines designed to ensure uniformity of practice in the conduct of program reviews of institutions; and

"(B) inform the appropriate State agency and accrediting agency or association whenever taking action against an institution under this section, section 498, or section 432.

"(2) The Secretary shall review the regulations of the Department and the application of such regulations to ensure the uniformity of interpretation and application of the regulations. In conducting such review, the Secretary shall consult with relevant representatives of institutions participating in the programs authorized by this title.".

The CHAIRMAN. Are there amendments to title IV?

AMENDMENT NO. 53 OFFERED BY MR. PETRI

Mr. PETRI. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 53 offered by Mr. PETRI:

Page 192, after line 10, insert the following new section (and conform the table of contents accordingly):

SEC. 430. MARKET-BASED DETERMINATIONS OF INTEREST SUBSIDIES.

(a) AMENDMENT.—Section 438 (20 U.S.C. 1087-1) is amended by adding at the end the following new subsection:

"(g) MARKET-BASED DETERMINATIONS OF INTEREST SUBSIDIES.—

"(1) APPLICABILITY.—Notwithstanding the preceding provisions of this section, no special allowance or other payment shall be paid under this section with respect to any loan disbursed on or after July 1, 1999, except as provided pursuant to this subsection.

"(2) USE OF AUCTIONS TO APPORTION LENDING AUTHORITY.—

"(A) AUCTIONS REQUIRED.—The Secretary shall conduct an auction in accordance with paragraph (3) to allocate the authority to make loans under this part among eligible lenders for any academic year. The Secretary shall estimate the amount of lending authority that will be required by eligible students for such an academic year, and shall by auction allocate such amount, plus a reasonable margin for unexpected loan demand.

"(B) LENDING AUTHORITY REQUIRED.—A lender may not make a loan under this part that is disbursed on or after July 1, 1999, except pursuant to an allocation of lending authority pursuant to this paragraph.

"(C) TRANSFERABILITY OF LENDING AUTHORITY.—An eligible lender may transfer any lending authority acquired pursuant to this subsection to another eligible lender upon such terms as may be agreed upon between such lenders, except that the acquiring lender may not extend loans pursuant to such authority except after notice to the Secretary in such form and manner as the Secretary may require by regulation.

"(D) EXERCISE OF LENDING AUTHORITY.—The Secretary shall, by regulation, provide for verification that a lender is not making loans under this part in excess of the amounts of lending authority obtained in accordance with this paragraph. Such regulations shall provide that any lender who acquires, directly or pursuant to subparagraph (C), lending authority that was obtained at auction pursuant to two or more bids of different amounts shall be deemed to exercise such authority in descending order based on the amounts of such bids.

"(3) CONDUCT OF AUCTION.—

"(A) IN GENERAL.—The Secretary shall allocate the amount of lending authority determined under paragraph (2)(A) among eligible lenders submitting bids in descending order by the unit price bid, but permitting each bidding lender to acquire such authority at the unit price bid by the next lower ranking bid, except that the Secretary may establish by regulation a different procedure for the conduct of the auction if the Secretary determines that such procedure will secure more receipts for the United States. The Secretary shall not permit any lender to acquire more than one-third of the amount of the lending authority offered at any auction conducted under this subsection, but a lender shall not be prohibited from acquiring more than such amount pursuant to paragraph (2)(C).

"(B) BIDS GREATER THAN ZERO.—Any lender whose bid is accepted pursuant to subparagraph (A) shall, if such bid is made at a unit price exceeding zero, promptly pay to the Secretary an amount equal to (i) the unit price, multiplied by (ii) the amount of lending authority allocated to such lender. A lender making such a payment shall have no claim to a refund or remuneration based on the lender making loans in an amount that is less than the amount of lending authority obtained.

"(C) BIDS LESS THAN ZERO.—The Secretary shall pay to any lender whose bid is accepted pursuant to subparagraph (A), if such bid is made at a unit price that is less than zero, an amount equal to—

"(i) the amount by which the unit price is less than zero, multiplied by

"(ii) the amount of lending authority that the lender demonstrates, in accordance with regulations prescribed by the Secretary, has exercised by making and disbursing loans under this part.

"(D) CONTRACTUAL RIGHT OF HOLDERS TO SPECIAL ALLOWANCE.—Any lender whose bid is accepted pursuant to subparagraph (A), if such bid is made at a unit price that is less than zero, shall be deemed to have a contractual right against the United States, to receive the payment required by subparagraph (C). Such payment shall be made promptly and without administrative delay after receipt of an accurate and complete request for payment, pursuant to procedures established by regulations promulgated under this subsection.

"(E) PENALTY FOR LATE PAYMENT.—If a payment required by subparagraphs (C) and (D) has not been made within 30 days after the Secretary has received an accurate, timely, and complete request for payment thereof, the amount payable to such lender shall be increased by an amount equal to the daily interest accruing on the payments due the lender. For such purpose, the daily interest shall be the daily equivalent of the applicable rate of interest determined under section 427A(a)(1).

"(4) MEASURES TO FACILITATE EXERCISE OF LENDING AUTHORITY.—

"(A) INFORMATION.—The Secretary shall provide for the establishment of facilities for the communication of information that permits eligible borrowers to be informed of the identity of, and means to contact, lenders holding unexercised lending authority pursuant to this subsection.

"(B) COORDINATION.—The Secretary shall, by regulation, coordinate the availability of loans pursuant to section 428(j) to the extent necessary—

"(i) to permit lenders to exercise the lending authority secured pursuant to this subsection; and

"(ii) to ensure that eligible borrowers obtain loans under this part.

"(5) AUTHORITY TO PREPARE FOR PROGRAM.—Notwithstanding paragraph (1), the Secretary may, before July 1, 1999—

"(A) prescribe regulations to carry out this subsection; and

"(B) expend funds appropriated pursuant to this part to carry out activities necessary to the implementation of the programs authorized by this subsection.".

(b) CONFORMING AMENDMENT.—Section 428(j)(1) (20 U.S.C. 1078(j)(1)) is amended by adding at the end the following new sentence: "The availability of loans under this subsection shall be coordinated in accordance with regulations prescribed by the Secretary under section 438(g)(5).".

Mr. PETRI. Mr. Chairman, this amendment which I am offering along with the gentleman from New Jersey (Mr. ANDREWS) would institute an auction process to allocate to private lenders the rights to make federally-guaranteed student loans.

Under our amendment, private lenders would submit bids to the Secretary in a yearly auction somewhat similar to the auctions of Treasury securities. In this way, a market mechanism would be used to determine the payments required by banks to provide the Nation's students with loans at reasonable interest rates.

The amendment would end the recurring battle between student groups and lenders over the industry on student loans, which results in the price of private sector services being set by political negotiation without regard to the actual cost of the services.

The amendment also has the potential to save the American taxpayers billions of dollars through competition for this profitable business. Up to now, with the exceptions of in-school interest and the overall interest cap, the banks have always received the same interest the students paid on student loans.

This bill breaks that link for the first time. Under this bill, the banks will receive one-half percent more interest than the borrowers pay, with the American taxpayers picking up the difference on every loan for as long as it is outstanding. That will be an administrative monster as well as a drain on the Treasury.

Our amendment would keep the students' interest rates the same as they are in the bill. However, the banks, depending on whether winning bids were positive or negative, would either make a one-time payment for the right to make blocks of loans on those terms or would receive a one-time payment from the government to make it worth their while to make these loans.

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In either case, the process would be simpler and use a market-based price discovery mechanism.

If the banks are right that these loans are unprofitable even under the terms provided by the bill, this process provides them an opportunity to get better terms. I personally do not believe for a minute that that would happen, however. I am convinced that the competition produced by this approach will drive down by a substantial amount the cost of these loans to the U.S. Government.

I urge all my colleagues to support this amendment.

Mr. MCKEON. Mr. Chairman, will the gentleman yield?

Mr. PETRI. I yield to the gentleman from California.

Mr. MCKEON. Mr. Chairman, I know the gentleman from Wisconsin has worked very hard for many years in efforts to improve the student loan program. I commend him for his effort on his amendment. In fact, I agree with its general thrust.

The gentleman is correct that up to now we have tried to figure out how much to pay the lenders for providing student loans in a political negotiation and we in Congress really have no way of knowing what the right price is. It would be much better if we had market process to determine that.

I am interested in working in that direction. That is why we have a provision in the bill to study this whole issue. In fact, I understand there also is interest in this subject in the other body, and it could even come up in the conference on this bill.

However, I believe that the gentleman's amendment is simply too much, too fast. It was not offered in committee, and we simply are not ready at this point to adopt one particular full-blown market process from among the many alternatives in the manner the gentleman's amendment provides.

Therefore, I would urge the gentleman to withdraw his amendment, and I will be happy to work with him to move toward incorporating a market mechanism in this program in the future.

Mr. KILDEE. Mr. Chairman, will the gentleman yield?

Mr. PETRI. I yield to the gentleman from Michigan.

Mr. KILDEE. Mr. Chairman, I share the views of the chairman, the gentleman from California (Mr. MCKEON). I would be very happy to work with the gentleman to see if we can resolve this in conference, and if the gentleman would withdraw, the three of us could work together to see if we can resolve this.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. PETRI. I yield to the gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, I thank the gentleman; and I was proud to coauthor this amendment with my friend from Wisconsin, who I would like to acknowledge as, I think, the most knowledgeable person in the House on the issue of student loans.

I am also pleased that the subcommittee chairman and the ranking member have agreed they will continue to discuss with us and negotiate with us this issue beyond conference and up through conference. I happen to think that the debate of the last number of months proves the validity of the underlying idea here.

Some of us believe that the subsidy of the guaranteed student loan program is too high. Others believe it is too low. I think that what this amendment says is that it is not a judgment that we should make in this body as to whether the subsidy rate is too high or too low. Instead, we should turn to the marketplace and let interested lenders step forward and bid for the right to receive these government guaranteed franchises.

This is not a new idea. It is an idea that, frankly, works in the FHA mortgage context in much larger quantities of dollars with great success.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. PETRI) has expired.

(On request of Mr. ANDREWS, and by unanimous consent, Mr. PETRI was allowed to proceed for 1 additional minute.)

Mr. ANDREWS. If the gentleman will continue to yield, Mr. Chairman, I would like to commend my coauthor of this amendment. I also commend the subcommittee chairman and ranking member for their willingness to work together with us on this.

I believe that the right answer to this conundrum, as to whether it is too much or too little, is to turn to the marketplace and let the marketplace answer that question for us.

Mr. PETRI. Reclaiming my time, Mr. Chairman, I thank my colleague. And in light of the interest from Senator KENNEDY and others in the other body, and in light of the interest on both sides of the aisle in this body in pursuing this approach and the study that is in the bill.

Mr. Chairman, I would ask unanimous consent to withdraw my amendment at this time.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Are there further amendments to title IV?

AMENDMENT NO. 54 OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer Amendment No. 54.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 54 offered by Mr. ROEMER:

Page 172, after line 22, insert the following new subsection (and redesignate the succeeding subsections accordingly):

(c) ADDITIONAL ANNUAL LOAN LIMIT FLEXIBILITY.

(1) IN GENERAL.—Section 428H(d)(2) is amended—

(A) by striking subparagraph (C); and

(B) by inserting after subparagraph (B) the following new subparagraphs:

"(C) notwithstanding subparagraph (A) and (B), in the case of such a student who is pursuing a program of study at an eligible institution leading to the baccalaureate degree—

"(i) $7,200 if such student is enrolled in a program whose length is at least 1 academic year (as determined under section 481);

"(ii) $4,500 if such student is enrolled in a program whose length is less than 1 academic year, but at least ⅔ of such an academic year; and

"(iii) $2,700 if such student is enrolled in a program whose length is less than ⅔, but at least ⅓, of such an academic year;

"(D) in the case of such a student who is a graduate or professional student enrolled at an eligible institution, an amount not to exceed the student's estimated cost of attendance (as determined under section 472), less the sum of—

"(i) any loan for which the student is eligible under section 428; and

"(ii) an estimate of any financial assistance reasonably available to such student.".

(2) DEPENDENT STUDENTS AMENDMENT.—Section 428H(d) is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following new paragraph:

"(3) ANNUAL LIMITS FOR DEPENDENT STUDENTS.—Notwithstanding paragraph (2), in the case of a dependent student who is enrolled in a program leading to the baccalaureate degree whose length is at least 1 academic year (as determined under section 481), the maximum annual amount of loans under this section such a student may borrow in any academic year or its equivalent or in any period of 7 consecutive months, whichever is longer, shall be the amount determined under paragraph (1) plus $1,500."

Mr. ROEMER. Mr. Chairman, as we moved into hearings on this very important bipartisan higher education bill, what we heard both in Washington, D.C., and in field hearings in Indiana and across the country was the resounding call for more flexibility, not more mandates upon our institutions of higher education, and trying to do things to reduce the cost and the debt to students as they come out of college.

This amendment, the loan flexibility amendment, achieves both of those objectives. It tries to provide more flexibility to our schools and to our students. It also enhances the ability to combine the loan programs and give the students a reduced rate. This amendment would retain the aggregate loan limits while giving students greater borrowing flexibility under the Federal student loan programs.

In the subsidized loan program, student lending has both aggregate and annual loan limits. The annual loan limit forces many students into the more expensive private loan market.

This amendment would apply only to unsubsidized loans for students at 4 year degree granting institutions and would not change the total amount students may borrow in the Federal programs under current law. Therefore, students will not be incurring additional debt.

We have tried to work an agreement out with the Democrat and Republican side on this amendment from the full committee.

This amendment would retain the aggregate loan limits, while giving students greater borrowing flexibility under the federal student loan programs.

In the subsidized loan program, student lending has both aggregate and annual loan limits. The annual loan limits force many students into the more expensive private loan market.

This amendment would apply only to unsubsidized loans for students at four-year, degree-granting institutions, and would not change the total amount students may borrow in the federal programs under current law—therefore, students will not be incurring additional debt.

The amendment has three parts, which apply respectively to dependent undergraduate students, independent undergraduates, and graduate students.

Dependent Undergraduates—Currently dependent undergraduates may borrow unsubsidized loans only under limited circumstances, forcing them into private loan programs with uncapped interest rates. This amendment would permit full-time dependent undergraduates to borrow up to $1500 a year in unsubsidized loans in addition to the subsidized loans they may borrow under current law—but the combined total of subsidized and unsubsidized borrowing could not exceed the existing undergraduate maximum of $2300.

Independent Undergraduates—Currently independent undergraduates are limited to $4000 in unsubsidized maximums for their freshman and sophomore years, and $5000 for their junior and senior years, forcing them into private loan programs to make up the difference. Independent undergraduates would be permitted to borrow up to $7200 per year in unsubsidized loans, which again keeps total borrowing under the existing cumulative limits.

Graduate Students—Under current law, graduate students may borrow $8500 in subsidized loans and $10,000 in unsubsidized loans per year, meaning that amounts over those limits must be borrowed from private programs. Graduate students would be permitted to borrow unsubsidized loans up to the cost of attendance minus subsidized loans and other aid, provided that there is no change to the cumulative amounts graduate students are permitted to borrow under current law.

Mr. GOODLING. Mr. Chairman, I move to strike the last word.

We are willing to accept the amendment with the understanding that we will have a rollcall vote on it; and so if we find out tomorrow that it does cost money, then, of course, we would have to have that vote. But we would accept it tonight with the understanding that I will call for a rollcall vote.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I wish to, first of all, I want to compliment the chairman on his willingness when I offered this amendment in committee to continue to work with me and my staff to try to perfect this amendment, to make sure that we attain the goals of flexibility and reduce costs to the students and, therefore, reduced debt to the students. We have worked with the gentleman, and I want to compliment the gentleman and his staff for working through those issues.

We are hopeful that this will not be costed by CBO. We are also hopeful that we will not have a vote on this and that the gentleman will accept it and that we may not have a rollcall vote.

We also would prefer, if we could, in the morning, once we get CBO to score it, if in fact there is a way that we can continue to have the gentleman support this amendment and further perfect it in conference, we would maintain that flexibility as well.

Mr. GOODLING. Mr. Chairman, reclaiming my time, we would be happy to continue to work as we go into conference. It is just, I think, necessary to say that we would have a rollcall vote even though we would accept it, to see whether or not there is a cost involved.

Mr. ROEMER. Mr. Chairman, if the gentleman will continue to yield, we would be happy to work with the chairman. We appreciate all his expertise and help up to this point, and I am happy with the Chairman's acceptance of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. ROEMER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. GOODLING. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 411, further proceedings on the amendment offered by the gentleman from Indiana (Mr. ROEMER) will be postponed.

Are there further amendments to title IV?

AMENDMENT NO. 33, AS MODIFIED, OFFERED BY MRS. KELLY

Mrs. KELLY. Mr. Chairman, I offer Amendment No. 33, and I ask unanimous consent that the amendment I have submitted at the desk be considered as a substitute to the amendment I had preprinted in the CONGRESSIONAL RECORD.

The text of Amendment No. 33 is as follows:

Page 128, line 12, strike the close quotation marks and following period and after such line insert the following new chapter:

“CHAPTER 6—PUBLIC SAFETY OFFICER MEMORIAL SCHOLARSHIPS.

“SEC. 411A. SCHOLARSHIPS AUTHORIZED.

“(a) IN GENERAL.—

“(1) SCHOLARSHIP AWARDS.—The Secretary is authorized to award a scholarship to any eligible applicant who is enrolled, or has been accepted for enrollment, in an eligible institution as a full-time or part-time postsecondary level student.

“(2) APPLICATION.—To receive a scholarship award under this chapter, each eligible applicant shall submit an application to the Secretary in such time and manner as may be determined appropriate by the Secretary, accompanied by a certification from the head of the agency that employed the public safety officer to whom the applicant was married (in the case of a surviving spouse), or with whom the applicant was living or from whom the applicant was receiving support contributions (in the case of a dependent child), stating that such officer died as a result of the performance of the officer's official duties.

“(b) MAXIMUM AWARD.—For any academic year, the maximum amount of a scholarship award under this section for a postsecondary student may equal, but not exceed, the lesser of the following:

“(1) The average cost of attendance (as defined in section 472), at a State university in the State in which the student resides, for a State resident carrying the same academic workload as the student, with the same number of dependents as the student, and residing in the same type of housing as the student.

“(2) The actual cost of attendance (as defined in section 472) of such student.

“(c) AWARD PERIOD.—The duration of each award under this chapter for a postsecondary student, shall be the lesser of—

“(1) the time actually required by the student to complete a course of study and obtain a diploma; and

“(2) 6 years in the case of a student engaged in undergraduate studies and 3 years in the case of a student engaged in postgraduate studies.

“(d) NOTIFICATION.—The Secretary shall notify the recipient and the eligible institution of the applicant's selection for receipt of an award under this chapter, the conditions pertaining to award eligibility and continuance.

“(e) FISCAL AGENT.—The Secretary shall, if practicable, use the eligible institution as fiscal agent for payment of an award.

“SEC. 411B. ADDITIONAL AWARD REQUIREMENTS.

“A student awarded a scholarship grant under this chapter, as a condition for initial receipt of such award and periodically thereafter as a condition for its continuation, shall demonstrate to the satisfaction of the Secretary that the student is—

“(1) maintaining satisfactory progress in the course of study the student is pursuing consistent with section 484(c);

“(2) committed to remaining drug-free; and

“(3) attending class on a regular basis as to not interfere with normal course of studies except for excused absence for vacation, illness, military service and such other periods deemed good cause by the eligible institution or the Secretary.

“SEC. 411C. AGREEMENTS WITH ELIGIBLE INSTITUTIONS.

“For the purposes of this chapter, the Secretary is authorized to enter into agreements with eligible institutions in which any student receiving a scholarship award under this chapter has enrolled or has been accepted for enrollment. Each such agreement shall—

"(1) provide that an eligible institution will cooperate with the Secretary in carrying out the provisions of this chapter, including the provision of information necessary for a student to satisfy the requirements in section 411B;

"(2) provide that the institution will conduct a periodic review to determine whether students enrolled and receiving scholarship awards continue to be entitled to payments under this chapter and will notify the Secretary of the results of such reviews; and

"(3) provide for control and accounting procedures as may be necessary to assure proper disbursements and accounting of funds paid under to the institution under section 411A(e).

"SEC. 411D. DEFINITIONS.

"In this chapter:

"(1) DEPENDENT CHILD.—The term 'dependent child' means a child who is either living with or receiving regular support contributions from a public safety officer at the time of the officer's death, including a stepchild or an adopted child.

"(2) ELIGIBLE APPLICANT.—The term 'eligible applicant' means a person residing in a State who is—

"(A) a surviving spouse; or

"(B) a dependent child.

"(3) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an eligible institution as defined in section 435(a) that—

"(A) is located in a State; and

"(B) complies with the antidiscrimination provisions of section 601 of the Civil Rights Act of 1964 and does not discriminate on the basis of race.

"(4) PUBLIC SAFETY OFFICER.—The term 'public safety officer' means a person serving a public agency of a State or of a unit of general local government, with or without compensation, as—

"(A) a law enforcement officer, including a corrections or a court officer engaged in—

"(i) apprehending or attempting to apprehend of any person—

"(I) for the commission of a criminal act; or

"(II) who at the time was sought as a material witness in a criminal proceeding; or

"(ii) protecting or guarding a person held for the commission of a criminal act, or held as a material witness in connection with a criminal act; or

"(iii) lawfully preventing of, or lawfully attempting to prevent the commission of, a criminal act or an apparent criminal act in the performance of his official duty; or

"(B) a firefighter.

"(5) SURVIVING SPOUSE.—The term 'surviving spouse' means the legally married husband or wife of a public safety officer at the time of the officer's death.

"(6) UNIT OF GENERAL LOCAL GOVERNMENT.—The term 'unit of general local government' means any city, county, township, town, borough, parish, village, or any other general purpose subdivision of a State, or any Indian tribe which the Secretary of the Interior determines performs law enforcement functions."

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Amendment No. 33, as modified, offered by Mrs. KELLY:

Page 128, line 12, strike the close quotation marks and following period and after such line insert the following new chapter:

"CHAPTER 6—PUBLIC SAFETY OFFICER MEMORIAL SCHOLARSHIPS.

"SEC. 411A.. SCHOLARSHIPS AUTHORIZED.

"(a) IN GENERAL.—

"(1) SCHOLARSHIP AWARDS.—The Secretary is authorized to award a scholarship to any eligible applicant who is enrolled, or has been accepted for enrollment, in an eligible institution as a full-time or part-time postsecondary level student.

"(2) APPLICATION.—To receive a scholarship award under this chapter, each eligible applicant shall submit an application to the Secretary in such time and manner as may be determined appropriate by the Secretary—

"(A) accompanied by a certification from the head of the agency that employed the public safety officer to whom the applicant was married (in the case of a surviving spouse), or with whom the applicant was living or from whom the applicant was receiving support contributions (in the case of a dependent child), stating that such officer died as a result of the performance of the officer's official duties; and

"(B) demonstrating the applicant's need for financial aid under part F of this title, determined without regard to any assets derived from death benefits for such officer, to pursue a program of postsecondary education.

"(b) MAXIMUM AWARD.—For any academic year, the maximum amount of a scholarship award under this section for a postsecondary student may equal, but not exceed, the lesser of the following:

"(1) The average cost of attendance (as defined in section 472), at a State university in the State in which the student resides, for a State resident carrying the same academic workload as the student, with the same number of dependents as the student, and residing in the same type of housing as the student.

"(2) The actual cost of attendance (as defined in section 472) of such student.

"(c) AWARD PERIOD.—The duration of each award under this chapter for a postsecondary student, shall be the lesser of—

"(1) the time actually required by the student to complete a course of study and obtain a diploma; and

"(2) 6 years in the case of a student engaged in undergraduate studies and 3 years in the case of a student engaged in postgraduate studies.

"(d) NOTIFICATION.—The Secretary shall notify the recipient and the eligible institution of the applicant's selection for receipt of an award under this chapter, the conditions pertaining to award eligibility and continuance.

"(e) FISCAL AGENT.—The Secretary shall, if practicable, use the eligible institution as fiscal agent for payment of an award.

"SEC. 411B. ADDITIONAL AWARD REQUIREMENTS.

"A student awarded a scholarship grant under this chapter, as a condition for initial receipt of such award and periodically thereafter as a condition for its continuation, shall demonstrate to the satisfaction of the Secretary that the student is—

"(1) maintaining satisfactory progress in the course of study the student is pursuing consistent with section 484(c);

"(2) committed to remaining drug-free; and

"(3) attending class on a regular basis as to not interfere with normal course of studies except for excused absence for vacation, illness, military service and such other periods deemed good cause by the eligible institution or the Secretary.

"SEC. 411C. AGREEMENTS WITH ELIGIBLE INSTITUTIONS.

"For the purposes of this chapter, the Secretary is authorized to enter into agreements with eligible institutions in which any student receiving a scholarship award under this chapter has enrolled or has been accepted for enrollment. Each such agreement shall—

"(1) provide that an eligible institution will cooperate with the Secretary in carrying out the provisions of this chapter, including the provision of information necessary for a student to satisfy the requirements in section 411B;

"(2) provide that the institution will conduct a periodic review to determine whether students enrolled and receiving scholarship awards continue to be entitled to payments under this chapter and will notify the Secretary of the results of such reviews; and

"(3) provide for control and accounting procedures as may be necessary to assure proper disbursements and accounting of funds paid under to the institution under section 411A(e).

"SEC. 411D. DEFINITIONS.

"In this chapter:

"(1) DEPENDENT CHILD.—The term 'dependent child" means a child who is either living with or receiving regular support contributions from a public safety officer at the time of the officer's death, including a stepchild or an adopted child.

"(2) ELIGIBLE APPLICANT.—The term 'eligible applicant" means a person residing in a State who is—

"(A) a surviving spouse; or

"(B) a dependent child.

"(3) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an eligible institution as defined in section 435(a) that—

"(A) is located in a State; and

"(B) complies with the antidiscrimination provisions of section 601 of the Civil Rights Act of 1964 and does not discriminate on the basis of race.

"(4) PUBLIC SAFETY OFFICER.—The term 'public safety officer" means a person serving a public agency of a State or of a unit of general local government, with or without compensation, as—

"(A) a law enforcement officer, including a corrections or a court officer engaged in—

"(i) apprehending or attempting to apprehend of any person—

"(I) for the commission of a criminal act; or

"(II) who at the time was sought as a material witness in a criminal proceeding; or

"(ii) protecting or guarding a person held for the commission of a criminal act, or held as a material witness in connection with a criminal act; or

"(iii) lawfully preventing of, or lawfully attempting to prevent the commission of, a criminal act or an apparent criminal act in the performance of his official duty; or

"(B) a firefighter.

"(5) SURVIVING SPOUSE.—The term 'surviving spouse" means the legally married husband or wife of a public safety officer at the time of the officer's death.

"(6) UNIT OF GENERAL LOCAL GOVERNMENT.—The term 'unit of general local government" means any city, county, township, town, borough, parish, village, or any other general purpose subdivision of a State, or any Indian tribe which the Secretary of the Interior determines performs law enforcement functions.".

Mrs. KELLY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The CHAIRMAN. Is there objection to the modification offered by the gentlewoman from New York?

There was no objection.

The CHAIRMAN. The modification is accepted.

Mrs. KELLY. Mr. Chairman, I rise today to introduce an amendment that provides needed assistance to the family members of public safety officers who are killed in the line of duty.

Police officers and firefighters lay their lives on the lines on a daily basis, Mr. Chairman, and, sadly, all too often they make the ultimate sacrifice in their service of their communities.

This tragic fact was illustrated most recently in my district in New York when a volunteer firefighter, Michael Neuner, who was also a police officer, was killed last summer while fighting a fire in the town of Southeast.

This unfortunate story is repeated around the country, Mr. Chairman. These are our friends, our neighbors, our loved ones, and they leave behind families who must continue on. The death of a father or mother takes an obvious emotional toll, but it has an impact on the financial security of the family, particularly when it comes to meeting educational expenses.

Oftentimes, for the sake of putting food on the table and a roof over their family's heads, a single parent who has lost their spouse will forsake providing for their children's education for the sake of survival. We can prevent this phenomenon by passing the amendment before us today.

This amendment seeks to address this particular problem. Specifically, the bill authorizes the Secretary of Education to award education scholarships to the spouse or dependent child of a public safety officer, police, firefighter or corrections officer who is killed in the line of duty. These scholarships may be used to cover education expenses to attend a postsecondary institution as a full-time or part-time student.

This version of my amendment differs from the original preprinted version because it makes these scholarships need-based and extracts from the calculation of that need any death benefits received by the family on account of the officer's death.

The last Congress adopted similar legislation to award education assistance to family members of Federal law enforcement officers killed in the line of duty. I was pleased to support that legislation, which passed both the House and the Senate by voice votes and was signed into law by President Clinton. I am proud to introduce this amendment, which takes the next logical step and extends this benefit to the families of all public safety officers who are killed while serving their communities.

Crime is a reality in our Nation, and we should acknowledge those brave and dedicated people who devote their careers to fighting crime in our neighborhoods. Our public safety officers deserve our respect, gratitude and support. I urge my colleagues to join me in support of this important amendment.

Mr. FOX of Pennsylvania. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I join the gentlewoman from New York (Mrs. KELLY) in this outstanding amendment. We have an outstanding bill here, but this amendment also makes it better.

To establish a memorial scholarship program, to assist families of State and local public safety officials, law enforcement officers and firefighters who are killed in the line of duty with educational assistance is certainly an all-American ideal and an all-American idea.

I worked with the gentlewoman from New York last year on the bill for the Federal officers along with Senator SPECTER of Pennsylvania. That was inspired, of course, by the Federal officer, Marshal Degan, who died at Ruby Ridge, as well as an officer in my district, Chuck Reed, who was the first Federal officer at the FBI ever killed out of the Philadelphia office.

The fact is, these people do put their lives on the line everyday. When they leave their family, they do not know whether they will come back. And the fact is, their families have to go on, hopefully as well as they can to try to make a whole life while knowing that their spouse has sacrificed greatly to keep our communities safe, free of crime and also free of the fire tragedies that can occur.

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And so, by establishing this memorial scholarship, the gentlewoman from New York (Mrs. KELLY) is leading the fight for us across America in making sure that our communities, while they remain safe, will also make sure we remember the families.

So I rise, Mr. Speaker, and other Members of the House on both sides of the aisle, this is a truly a bipartisan idea for a bipartisan bill, and I look for unanimous adoption here in the House and an eventual adoption into law.

Mr. McKEON. Mr. Chairman, I move to strike the requisite number of words.

I want to congratulate the gentlewoman from New York (Mrs. KELLY) for her amendment. It is very commendable to want to provide assistance to the sons and daughters of public safety officers who died as a result of the performance of their official duties.

The awards made under this program will be need-based, so the money will be going to a student who has financial need as determined under the Higher Education Act. I would support this amendment.

Mr. KILDEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as one who has seen too many police and firefighters and correction officers in my own district killed in the line of duty, I commend the gentlewoman from New York (Mrs. KELLY) for her amendment. I think it is a very good amendment, and we accept it on this side.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. KELLY), as modified.

The amendment, as modified, was agreed to.

The CHAIRMAN. Are there other amendments to title IV?

AMENDMENT NO. 11 OFFERED BY MR. ALLEN

Mr. ALLEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 Offered by Mr. ALLEN:

Page 267, after line 11, insert the following new subsection (and redesignate the succeeding subsections accordingly):

(d) FINANCIAL RESPONSIBILITY FOR REFUNDS AND DURING PROVISIONAL CERTIFICATION.—

(1) AMENDMENT.—Section 498(e) is amended by adding at the end the following new paragraphs:

"(6) Notwithstanding any other provision of law, any person required to pay, on behalf of a student or borrower, a refund of unearned institutional charges to a lender, or the Secretary, who willfully fails to pay such refund or willfully attempts in any manner to evade payment of such refund, shall, in addition to other penalties provided by law, be liable to the Secretary for the amount of the refund not paid, to the same extent with respect to such refund that such an individual would be liable as a responsible person for a penalty under section 6672(a) of title 26, United States Code, with respect to the nonpayment of taxes.

"(7) Notwithstanding any other provision of law, a proprietary institution of higher education, as defined in section 481(b), may be provisionally certified under subsection (h) only if it provides the Secretary with financial guarantees from one or more individuals whom the Secretary determines, in accordance with subsection (e)(2), exercise substantial control over such institution. Such financial guarantees shall be in addition to any financial guarantees otherwise required from the institution and shall be in an amount determined by the Secretary to be sufficient to satisfy the institution's potential liability to the Federal Government, student assistance recipients, and other program participants for funds under this title during the period of provisional certification.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) relating to responsibility for unpaid refunds, shall be effective with respect to any unpaid refunds that were first required to be paid to a lender or to the Secretary on or after 90 days after the date of enactment of this Act;

(B) relating to financial guarantees required for provisional certification, shall be effective with respect to any proprietary institution of higher education provisionally certified by the Secretary on or after the date of enactment of this Act.

Page 269, after line 4, insert the following new subsection:

(i) CHANGE IN STATUS.—

(1) AMENDMENT.—Section 498(i)(2) is amended by striking subparagraph (E) and inserting the following new subparagraph:

"(E) the change in tax filing status of an institution from for-profit to non-profit; or".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective on the date of the enactment of this Act.

MODIFICATION TO AMENDMENT NO. 11 OFFERED BY MR. ALLEN

Mr. ALLEN. Mr. Chairman, I ask unanimous consent that the amendment be modified in the form at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Amendment No. 11, as modified, offered by Mr. ALLEN:

Page 267, after line 11, insert the following new subsection (and redesignate the succeeding subsections accordingly):

(d) FINANCIAL RESPONSIBILITY FOR REFUNDS AND DURING PROVISIONAL CERTIFICATION.—

(1) AMENDMENT.—Section 498(e) is amended by adding at the end the following new paragraph:

"(6) Notwithstanding any other provision of law, any person required to pay, on behalf of a student or borrower, a refund of unearned institutional charges to a lender, or the Secretary, who willfully fails to pay such refund or willfully attempts in any manner to evade payment of such refund, shall, in addition to other penalties provided by law, be liable to the Secretary for the amount of the refund not paid, to the same extent with respect to such refund that such an individual would be liable as a responsible person for a penalty under section 6672(a) of title 26, United States Code, with respect to the nonpayment of taxes.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall be effective with respect to any unpaid refunds that were first required to be paid to a lender or to the Secretary on or after 90 days after the date of enactment of this Act.

Mr. ALLEN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maine?

There was no objection.

The CHAIRMAN. Without objection, the modification is agreed to.

There was no objection.

The CHAIRMAN. The gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Mr. Chairman, I wanted to thank the chairman and ranking member of the subcommittee and chairman and ranking member of the full committee and say that the modified version of my amendment removes the requirement of financial guarantees from prospective owners of for-profit educational institutions during provisional certification.

The modified amendment maintains the provisions which ensure that owners of higher education institutions may be held liable for repayment of funds that taxpayers intended for eligible students.

In Maine, students and families are owed hundreds of thousands of dollars in refunds by owners of for-profit institutions which have been closed down due to mismanagement. An owner of one such institution has been able to move his business to another State and continue to draw Federal financial aid dollars.

This situation is not peculiar to Maine. Students and families all over the country are owed money by owners of schools that have failed. I have been told by the Inspector General's Office that between 85 and 95 percent of their open cases concerning for-profit institutions involve student loan refund problems.

Students should be able to attend an educational institution and trust that their tuition and financial aid dollars are being handled properly. When this is not the case, the Secretary should have the power to impose appropriate sanctions not only against the institution involved, but also against the owner of the institution.

My amendment will solidify the Secretary's power to hold the institution of a proprietary higher education institution liable for financial losses to the Federal Government and student loan recipients. Presently, the Secretary has only been able to seek recourse from institutions, not their owners; however, many such institutions are bankrupt, so no money is recovered.

My amendment provides the Secretary with a mechanism to collect the funds. It does so by holding the owner liable in the same way that an individual would be responsible for penalties for the nonpayment of taxes. Taxpayer dollars must be protected to ensure the continued availability and viability of student financial aid programs.

I urge my colleagues to accept this amendment, support this amendment.

Mr. MCKEON. Mr. Chairman, I move to strike the last word.

Again, the gentleman from Maine (Mr. ALLEN) is not a member of the committee, but has added a good, thoughtful amendment, and I would support that amendment.

Mr. ANDREWS. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the amendment of the gentleman from Maine. I would like to make a couple comments about it. First of all, I thank him for his modification. I think it is very important that we continue the custom and tradition in this bill of treating all schools on a level playing field, not singling out any category of higher education for special favored or disfavored treatment. I think the gentleman has remained consistent with that tradition by making the modification to this amendment. I appreciate that.

I would like to point out one concern that I have, for the RECORD, which I would hope that we would address at conference with the gentleman's participation; and that is clearing up any ambiguity about the definition of the word "person" in what is subparagraph 6 of his amendment, where it says, "Any person required to pay, on behalf of a student or borrower, a refund shall, in addition to other penalties provided by law, be liable to the Secretary for the amount of the refund not paid."

I think it is very important that we be clear as to who the person is, for the following reasons: If the institution that is on the hook for this is a community college, let us say we want to be very clear that the comptroller of the community college will not be personally liable for this obligation unless he or she committed some kind of crime.

I am sure that is not the intent of the gentleman. The same would be true of a for-profit school if an individual is not financially involved, but the corporation for which the individual is. And I would hope that we would have the cooperation of the gentleman in resolving those matters as we proceed.

Mr. ALLEN. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from Maine.

Mr. ALLEN. Mr. Chairman, I am happy to work through those issues with my colleague. It is certainly not our intent to hold the comptroller of any institution liable. We have felt that this amendment would apply only to for-profit institutions and not to any public universities or nonprofits. But if it is written in a way to apply to everyone, it should only apply to those who are owners in the sense that they own stock in the institution. That is the intention.

Mr. ANDREWS. Reclaiming my time, I again understand that this is designed to keep the same level playing field we have always had on that basis, and with that reservation, I will be happy to support the amendment of the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maine (Mr. ALLEN), as modified.

The amendment, as modified, was agreed to.

The CHAIRMAN. Are there further amendments to title IV?

AMENDMENT NO. 7 OFFERED BY MR. LAZIO OF NEW YORK

Mr. LAZIO of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. LAZIO of New York:

Page 192, after line 10, insert the following new section (and conform the table of contents accordingly):

SEC. 430. LOAN FORGIVENESS FOR CHILD CARE PROVIDERS.

(a) PURPOSE.—It is the purpose of this section—

(1) to bring more highly trained individuals into the early child care profession; and

(2) to keep more highly trained child care providers in the early child care field for longer periods of time.

(b) LOAN FORGIVENESS FOR CHILD CARE PROVIDERS.—Part B (20 U.S.C. 1071 et seq.) is amended by inserting after section 428J (as added by section 432) (20 U.S.C. 1078–10) the following:

"SEC. 428K. LOAN FORGIVENESS FOR CHILD CARE PROVIDERS.

"(a) DEFINITIONS.—In this section:

"(1) CHILD CARE FACILITY.—The term 'child care facility' means a facility, including a home, that—

"(A) provides child care services; and

"(B) meets applicable State or local government licensing, certification, approval, or registration requirements, if any.

"(2) CHILD CARE SERVICES.—The term 'child care services' means activities and services provided for the education and care of children from birth through age 5 by an individual who has a degree in early childhood education.

"(3) DEGREE.—The term 'degree' means an associate's or bachelor's degree awarded by an institution of higher education.

"(4) EARLY CHILDHOOD EDUCATION.—The term 'early childhood education' means education in the areas of early child education, child care, or any other educational area related to child care that the Secretary determines appropriate.

"(b) DEMONSTRATION PROGRAM.—

"(1) IN GENERAL.—The Secretary may carry out a demonstration program of assuming the obligation to repay, pursuant to subsection (c), a loan made, insured or guaranteed under this part or part D (excluding loans made under sections 428B and 428C) for any new borrower after the date of enactment of the Higher Education Amendments of 1998, who—

"(A) completes a degree in early childhood education; and

"(B) obtains employment in a child care facility.

"(2) AWARD BASIS; PRIORITY.—

"(A) AWARD BASIS.—Subject to subparagraph (B), loan repayment under this section shall be on a first-come, first-served basis and subject to the availability of appropriations.

"(B) PRIORITY.—The Secretary shall give priority in providing loan repayment under this section for a fiscal year to student borrowers who received loan repayment under this section for the preceding fiscal year.

"(3) REGULATIONS.—The Secretary is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

"(c) LOAN REPAYMENT.—

"(1) IN GENERAL.—The Secretary shall assume the obligation to repay—

"(A) after the second year of employment described in subparagraphs (B) and (C) of subsection (b)(1), 20 percent of the total amount of all loans made after date of enactment of the Higher Education Amendments of 1998, to a student under this part or part D;

"(B) after the third year of such employment, 20 percent of the total amount of all such loans; and

"(C) after each of the fourth and fifth years of such employment, 30 percent of the total amount of all such loans.

"(2) CONSTRUCTION.—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan made under this part or part D.

"(3) INTEREST.—If a portion of a loan is repaid by the Secretary under this section for any year, the proportionate amount of interest on such loan which accrues for such year shall be repaid by the Secretary.

"(4) SPECIAL RULE.—In the case where a student borrower who is not participating in loan repayment pursuant to this section returns to an institution of higher education after graduation from an institution of higher education for the purpose of obtaining a degree in early childhood education, the Secretary is authorized to assume the obligation to repay the total amount of loans made under this part or part D incurred for a maximum of two academic years in returning to an institution of higher education for the purpose of obtaining a degree in early childhood education. Such loans shall only be repaid for borrowers who qualify for loan repayment pursuant to the provisions of this section, and shall be repaid in accordance with the provisions of paragraph (1).

"(5) INELIGIBILITY OF NATIONAL SERVICE AWARD RECIPIENTS.—No student borrower may, for the same volunteer service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).

"(d) REPAYMENT TO ELIGIBLE LENDERS.—The Secretary shall pay to each eligible lender or holder for each fiscal year an amount equal to the aggregate amount of loans which are subject to repayment pursuant to this section for such year.

"(e) APPLICATION FOR REPAYMENT.—

"(1) IN GENERAL.—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(2) CONDITIONS.—An eligible individual may apply for loan repayment under this section after completing each year of qualifying employment. The borrower shall receive forbearance while engaged in qualifying employment unless the borrower is in deferment while so engaged.

"(f) EVALUATION.—

"(1) IN GENERAL.—The Secretary shall conduct, by grant or contract, an independent national evaluation of the impact of the demonstration program assisted under this section on the field of early childhood education.

"(2) COMPETITIVE BASIS.—The grant or contract described in subsection (a) shall be awarded on a competitive basis.

"(3) CONTENTS.—The evaluation described in this subsection shall—

"(A) determine the number of individuals who were encouraged by the demonstration program assisted under this section to pursue early childhood education;

"(B) determine the number of individuals who remain employed in a child care facility as a result of participation in the program;

"(C) identify the barriers to the effectiveness of the program;

"(D) assess the cost-effectiveness of the program in improving the quality of—

"(i) early childhood education; and

"(ii) child care services;

"(E) identify the reasons why participants in the program have chosen to take part in the program;

"(F) identify the number of individuals participating in the program who received an associate's degree and the number of such individuals who received a bachelor's degree; and

"(G) identify the number of years each individual participates in the program.

"(4) INTERIM AND FINAL EVALUATION REPORTS.—The Secretary shall prepare and submit to the President and the Congress such interim reports regarding the evaluation described in this subsection as the Secretary deems appropriate, and shall prepare and so submit a final report regarding the evaluation by January 1, 2002.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years.".

Mr. LAZIO of New York. Mr. Speaker, the Lazio-Gilman-Tauscher amendment will address a matter of dire importance to American families, the need for high-quality child care.

As a parent of two, I know how difficult it is to leave our children in the care of others. While most of us agree that a parent would provide the best care for a young child, many of our young families simply do not have the option of doing so. Today in America, more and more parents work outside the home. In fact, 62 percent of moms with children under 6 are in the work force. While we fight to reduce the tax burden that forces families into this economic situation, we need to assure the parents who must work that their children will be taken care of by qualified, competent individuals.

We know that parents want the best for their children. They want to know that if their children cannot be at home, they are in a healthy and nurturing environment. Today, 13 million children under the age of 6 are in child care programs. For these children the care and attention that they receive from child care staff is critical. When children have stable and caring educators, they feel secure and are ready to learn.

A study by the National Institutes of Health shows that staff-child ratio and teacher education contribute to the quality of a child care program. Children in quality facilities have fewer behavioral problems, stronger language ability, and a higher level of school readiness. Unfortunately, because of high staff turnover and low staff salary, quality is something many child care programs lack.

The NIH report shows that a low staff-child care ratio clearly benefits children. In fact, an article from Monday's New York Times highlights this very issue at a child care center in Houston. According to the article, workers at facilities with fewer adults see their role more as managing children than in interacting with them. Staff in these Houston centers do not have the time to engage the children who are playing or attend to babies unless they need immediate attention. Despite these findings, we have seen the average ratio of children to caregivers increase considerably from 6.8 to

8.5 children per worker between 1976 and 1990.

Mr. Speaker, as more parents return to work, we can expect the number of children in child care to increase. In order to provide our children with quality care, we must have more caregivers per child. Bringing more well-educated, dedicated early child care graduates into the field would help alleviate the problem.

Most students who choose a child care career want the best for children and value the care and education they can provide for each child. However, child care professionals are paid on average about $6.90 per hour and receive few, if any, benefits. For students graduating with $12,000 to $15,000 in college loans, and many more than that, there is very little incentive to stay in the profession.

As a result, Mr. Speaker, many of the country's best qualified early education graduates either do not enter or do not remain in the field. In fact, the turnover rate for child care workers is four times higher than for their counterparts in the public schools.

As large numbers of the early childhood work force consider leaving their positions, we have the opportunity to offer a modest yet meaningful incentive to the most qualified staff members who stay in the field, loan forgiveness. Our amendment would offer student loan forgiveness to individuals who earn a degree in early child education and work in a licensed child care facility, including a home-based child care center.

In order to maintain stability in the industry, my amendment would provide an incentive to enter and remain in the child care field. After the second and third year of service, a child care worker would be eligible to receive 20 percent loan forgiveness. After the fourth and fifth years, the child care provider would qualify for 30 percent loan forgiveness.

In order to ensure efficiency at the end of this 5-year demonstration program, the Secretary of Education would publish a report on the initiative. Rather than create an enormous mandatory spending program to address the need for quality child care, this amendment offers a focused, reasonable approach to resolving the problem.

By offering loan forgiveness to child care staff, we can begin to recruit and maintain a more qualified work force. An early child care work force composed of staff with specialized knowledge about young children and how they learn and grow will significantly increase the quality of care in this country. We can expect these graduates to be effective teachers who provide meaningful learning experiences during the most critical period of a child's development.

Of course, parents carry the major responsibility for their children. Part of this responsibility for parents who must work is finding dependable child care professionals to provide responsible care for their children. Without the availability of stable care, employers find that their employees are apt to miss work or in some cases leave their jobs altogether.

As we try to move forward individuals from welfare to the work force, we must provide families with the support of a highly trained and reliable child care work force.

Mr. Chairman, as long as our current economic climate forces parents to work outside the home, we must provide some assurance that their children are properly cared for by encouraging bright and qualified early child care graduates to enter and stay with the profession. This amendment will help give more families access to quality child care. I urge my colleagues to adopt it.

Mrs. TAUSCHER. Mr. Chairman, I move to strike the last word.

Mr. Speaker, I rise in support of the Lazio-Gilman-Tauscher amendment and urge my colleagues to support this important provision. This amendment is based on a measure recently introduced by the gentleman from New York (Mr. LAZIO) and was included as part the Senate-based Higher Education Act.

This amendment would authorize funding for a demonstration project that would forgive Federal student loans for individuals who have an associate or bachelor's degree in early childhood education and who work in a licensed child care facility for 5 years.

I believe it is imperative that we as a Nation do more to provide stability in the lives of our young children. Part of that stability comes from them having the same providers teaching them and taking care of them every day. However, trained individuals who want to work for child care centers often cannot enter this field because they are unable to find a job that gives them adequate financial footing to pay back their student loans.

On average, the cost of a 2-year degree at a private college is about $12,500. And, unfortunately, child care teaching staff earn on average less than $8 per hour, or only $13,000 per year, for the very valuable work that they do.

□ 2215

They earn these low wages despite the fact that they are better educated than the general population.

The average salary for child care providers in center-based care is only about $4500 higher than the Federal poverty guidelines for a single adult and is nowhere near the $16,000 per year salary which is considered to be a livable wage for a single adult.

It is no wonder, then, that 31 percent of all child care teachers leave their jobs each year for other employment. They simply cannot afford to simultaneously pay back any student loans that they may have and financially support themselves.

The Lazio-Gilman-Tauscher amendment would help lower this astronomically high attrition rate among qualified child care providers by providing loan forgiveness for student loans, thus making it financially feasible for knowledgeable providers to actually stay and work in the field for which they were trained. The language in this amendment is based on the Lazio bill, H.R. 3727, a similar provision is in my bill, H.R. 3686, the Model States Child Care Enhancement Act which I introduced a month ago with the gentleman from Maine (Mr. ALLEN) and the gentleman from Virginia (Mr. MORAN). Although slightly different in design, the intent is the same.

We must do more to help qualified child care providers make ends meet, and we must do more to provide our kids with that level of security in their lives that they require. We must not underestimate the effect this stability has on our Nation's children.

Quality is a function of experience. Nationwide, only 32 percent of child care teachers have been employed in their centers for at least 5 years. When teachers have the dual benefit of education and experience, then we as parents can be assured that our children are receiving the highest quality in child care. Let us help those people who have made the educational commitment to caring for children stay in the field and get that valuable experience.

I am pleased to work so closely with the gentleman from New York (Mr. LAZIO) and the gentleman from New York (Mr. GILMAN) and I urge acceptance of this bipartisan, bicameral amendment.

Mr. FOX of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words. I would like to thank the gentleman from New York (Mr. LAZIO), the gentleman from New York (Mr. GILMAN) and the gentlewoman from California (Mrs. TAUSCHER) for offering this important amendment to the Higher Education Amendments.

Child care is an issue that concerns all families. Making sure that American families have access to quality child care should be one of our top priorities in the Congress. As Members may know, an average child care worker earns less than $7 per hour. It is easy to see that this does not provide enormous incentive for young graduates to enter the child care profession.

Moreover, the best child care is provided by educated workers. We all know the majority of students graduating from college are burdened with thousands of dollars of student loan debt. This is a further disincentive to entering the child care field.

The aim of this amendment is to provide an incentive for students to enter into child care professions. This amendment would forgive a percentage of the debt owed by graduates that choose to enter the child care field.

The challenge here is that while students may strongly desire to work in child care and teach young children, they know that their income will be so modest that there will be no way possible that they could ever realistically repay their student loans. This amendment provides a much-needed incentive for students to choose this vitally important career path. The amendment would also seek to retain these workers in the child care field by increasing the percentage of loan forgiveness the longer they work.

It is very difficult for parents to, of course, leave their children in the care of others. Unfortunately this is necessary because of our current economic climate, with many parents working more than one job and both parents working. Although most parents would prefer to stay home with their children, about 75 percent of married couples with children work outside the home. This amendment will go a long way towards ensuring that our children are left in qualified, well-trained hands. It will also provide parents important peace of mind.

Again, I would like to thank the gentleman from New York (Mr. LAZIO) for his leadership on this issue. I urge my colleagues to vote for this important initiative.

Mrs. CLAYTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I also want to rise to support the Lazio-Gilman-Tauscher amendment. I want to speak about the importance of providing quality child care and doing all that we can to increase the supply of well-trained individuals to provide for our precious children.

A tragic story most poignantly pointed out the need of providing child care. Recently in the Washington Post we all heard about a police officer who found that she had to choose between having child care and taking care of her children. Since she had no child care, she had only one day job. You heard the story. On her first day of being jobless and with her children at her side, she held her colleagues who came to her home at bay with a gun.

While none of us condone her action, we all have to recognize the pressure, the agony and the desperation she must have felt in trying to keep her job and to care for her children as well.

We understand that this Nation's future, millions of our babies, children and youth, spend large quantities of their time in the child care environment. Therefore, it is understandable that we need to provide the best-trained individuals to make sure that they are taken care of.

This modest amendment will have a major impact, because it will help produce more competent child care workers. These child care providers are crucial to the health and the welfare of our children. They are crucial to the parents who must support their families. I urge that this amendment be adopted so that we can provide the necessary care.

Mr. KILDEE. Mr. Chairman, I move to strike the requisite number of words. I rise to support the amendment.

I introduced the first child care bill in this House since Richard Nixon had proposed child care many years ago. Richard Nixon did some good things, among them his child care bill. In analyzing and studying child care at the time, I discovered that the workers at our Nation's zoos, who earn every penny that they earn, they certainly earn it all, but they make more than child care workers. I have always felt that those who take care of children should at least be making the amount of money as those who would take care of the animals at our Nation's zoos.

We have had a desperate situation in child care and the remuneration to our workers there. I think that the amendment that the gentleman from New York (Mr. LAZIO) is offering will help alleviate that to a great degree. I support the amendment.

Mr. ANDREWS. Mr. Chairman, I move to strike the requisite number of words. I also rise in support of the amendment offered by the gentleman from New York (Mr. LAZIO), the gentleman from New York (Mr. GILMAN) and the gentlewoman from California (Mrs. TAUSCHER).

I think it is important that we understand how much of a sacrifice people make when they go to work in the child care field. The gentleman from New York (Mr. LAZIO) and the gentlewoman from California (Mrs. TAUSCHER) have spoken very clearly and eloquently about that, but I think there are some numbers that were in the newspaper, in the New York Times today, which dramatically illustrate the economic priority we put on taking care of our children as opposed to the rhetoric that we talk about taking care of our children.

There was a study done which indicates that the median hourly wage of animal caretakers, people who take care of our pets, is $6.90 an hour; the median hourly wage of parking lot attendants, people who watch our cars, is $6.38 an hour; and the median wage of child care workers, who care for and watch our children, was $6.12 an hour. So we literally pay people more to watch our pets and our cars than we do our children.

One of the ways that we begin to redress that grievance, and it is a grievance, is this proposal which suggests that a limited number of child care workers will be able to finance their education by working in quality, affordable child care.

This is an example, and I know that both the gentlewoman from California (Mrs. TAUSCHER) and the gentleman from New York (Mr. LAZIO) are the parents of young children, as am I, so they know this issue very personally. It is an example of how the two sides of the aisle can come together on a very practical idea. I commend the authors and heartily support the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, we do appreciate very much this very forthright and forward thinking legislation.

Another number I would like to share with my colleagues is that the average salary of a child care worker may be barely $12,000. It is very important that we provide the opportunities for professionalism, for training, for incentives, for learning creative techniques and styles of teaching our very young children.

As Mrs. Clinton has indicated in her emphasis on the zero to 3 development, early development, it is so very important the kind of exposure our children have, safe and secure environment, and the kind of caretaker who not only cares and loves them but also has a professional attitude and an ability to train them.

I want to add my accolades but as well my support enthusiastically to the kind of legislation that will provide opportunities for professional child care providers, making this the kind of system that we can be proud of. I think this will particularly help our mothers moving from welfare to work. I thank the gentleman for yielding.

Mr. MCKEON. Mr. Chairman, I move to strike the requisite number of words. I want to commend the gentleman from New York (Mr. LAZIO), classmate, subcommittee chairman on another committee, for a well thought out and good amendment. I want to support his amendment.

This program was patterned after the loan forgiveness for teachers already included in H.R. 6. Students cannot receive loan forgiveness until after they have completed their second year of employment, at which time 20 percent of their loans may be forgiven, 20 percent after the third year, and 30 percent after the fourth and fifth years of employment, which guarantees that people will continue to work in the program for a period of time, which is very beneficial. Loan forgiveness programs structured in this manner serve as good incentives to attract and retain qualified teachers, especially in low paying professions or areas. I urge a "yes" vote on the amendment.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words. I rise to bring reality to the discussion. We are making each other feel good. The last amendment was a good amendment. This is a good amendment.

Where is the gentleman from South Carolina (Mr. SPRATT) when I need him? Obviously we know very well that if any of these amendments get funded, money must be taken from some other place. I do not know where that will be, but it might be one of your other favorite programs or, even worse, it might be one of my favorite programs.

I just want to have a little reality check here and make sure everybody understands. We are feeling good. But if they take money from us in order to fund these programs, we will not be feeling so good.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. LAZIO).

The amendment was agreed to.

AMENDMENT NO. 29 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 29 offered by Ms. JACKSON-LEE of Texas:

Page 182, line 14, strike the close quotation marks and following period and after such line insert the following new paragraph:

"(7) AUTHORITY OF THE SECRETARY TO ASSIST DISTRESSED INSTITUTION.—The Secretary is authorized to provide administrative, fiscal, management, strategic planning and technical assistance through a qualified third-party consultant identified by the institution or an organization representing such institutions. Institutions eligible for such assistance include those institutions which qualify for the exemption in paragraph (2)(C)(i), (ii), and (iii) of this subsection, or which have submitted a default management plan under paragraph (5) which has been accepted by the Secretary.

MODIFICATION TO AMENDMENT NO. 29 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent that my amendment be modified with the modification at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Amendment No. 29 offered Ms. JACKSON-LEE of Texas, as modified:

Page 182, line 14, strike the close quotation marks and following period and after such line insert the following new paragraph:

"(7) AUTHORITY OF THE SECRETARY TO ASSIST DISTRESSED INSTITUTIONS.—The Secretary is authorized pursuant to section 326(c)(7) to provide administrative, fiscal, management, strategic planning, and technical assistance through a qualified third-party consultant identified by the institution or an organization representing such institutions. Institutions eligible for such assistance include those institutions which qualify for the exemption in paragraph (2)(C)(i), (ii), and (iii) of this subsection, or which have submitted a default management plan under paragraph (5) which has been accepted by the Secretary.

Ms. JACKSON-LEE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The CHAIRMAN. Without objection, the modification is accepted.

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, particularly I would like to thank the leadership of this committee which includes, of course, the gentleman from Missouri (Mr. CLAY), the gentleman from Michigan (Mr. KILDEE), certainly the gentleman from Pennsylvania (Mr. GOODLING) and various other subcommittee chairs for really the cooperative effort and spirit of this legislation.

It is important for the American people to see that all of the Congress supports education. This bill I think will help us, Mr. Chairman, do something that we would really like to see occur, and that is to see our student loans repaid. This amendment requests a study of default rates. It will make the lenders happy, it will make the students happy, it will make the government happy, because it will provide us with the kind of analysis that will help us determine why there may be a high default rate, what are the approaches we are using or not using.

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I would hope that the Micro Computer Technology Institute located in the city of Houston, which provides technology education to the residents of the Eighteenth Congressional District, would benefit from this. Eighty-seven students from my congressional district were included in the cohort for fiscal year 1993. Of that number, 54 were adversely effected by what appeared to be improper servicing of their loans.

There are many issues, Mr. Chairman, that impact why loans are defaulted. I believe in student loans. I had student loans. I paid back student loans. I want to see student loans being a viable element of our higher education. It helps so many of our constituents.

So I would offer this amendment so that we can get, if my colleagues will, to the bottom of it, provide the kind of information and possibly avoid the kind of default rates that we have had and the criticism of our very viable loan programs.

Mr. GOODLING. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I want to make sure that we have this clear. We are accepting her amendment, but she said she was offering 29, but she talked about 27. But we are going to accept 29 and 27, but her discussion was on 27 rather than on 29.

Ms. JACKSON-LEE of Texas. Mr. Chairman, the gentleman may be right. Because I have had them both here, and the gentleman is absolutely right. One was on distressed institutions.

Mr. GOODLING. We are going to accept both of them.

Ms. JACKSON-LEE of Texas. Great. Then I will not add anything to it other than to say the one I was speaking about originally was 29, and that was distressed institutions, and that is the opportunity to use a third party consultant. Is that the gentleman's understanding?

Mr. GOODLING. Mr. Chairman, the gentlewoman had said 29, but her discussion was on 27.

Ms. JACKSON-LEE of Texas. Right.

Mr. GOODLING. And we are going to accept both 27 and 29.

Ms. JACKSON-LEE of Texas. And 29 was on distressed institutions that had to do with using a third party consultant.

Mr. GOODLING. Yes.

Ms. JACKSON-LEE of Texas. And the gentleman will accept that one and 27.

Mr. GOODLING. Right.

Ms. JACKSON-LEE of Texas. All right, Mr. Chairman. I thank the gentleman.

Mr. Chairman, I rise today in support of my amendment to H.R. 6, the Higher Education Amendments of 1998, which would allow distressed institutions that are already provided for in the text of this bill, the opportunity to utilize a third party consultant, if they so desire, to conduct their administrative, fiscal and technical assistance. This addition is not simply about the fact that a third party consultant, specifically trained and prepared to offer this kind of assistance, will generally provide a higher level of quality and performance than an advisor assigned by a federal agency to consult an institution of higher education, but there are serious ethical issues at play here as well.

A Department of Education official that is assigned to consult a college or university about possible improvements in their administrative or fiscal management procedures is not only charged to improve the quality of the college's or university's procedures, but as well, they are required to report any violations of federal law or regulations conducted by the college/university that they observe. It is one thing for our larger colleges and universities with seemingly unlimited resources to hold to this high standard of review, but it is highly unlikely that a Harvard or Yale or a University of Texas, even, would ever need fiscal, administrative or technical assistance from the Department of Education.

No, it will be our smaller colleges and universities that will be requesting help from the government, and they often make mistakes in their procedures and policies that they need not be penalized for by the very group that they are requesting help from. But the Department of Education's officials have an ethical mandate to report any infractions that they observe whether they are done by omission or by commission. On the other hand, however, a valid technical argument can be made by our smaller colleges and universities against Department of Education consultation. Essentially, why should a college or university be forced to take into counsel a representative from a group that has an oversight relationship with them? It makes no sense. Our small colleges and universities should be able to have impartial consultation about their administrative or fiscal needs without facing consequences for previous actions from the federal government.

The only logical solution to this ethical dilemma for both the Department of Education and our small colleges and universities, is to allow a third-party consultant to advise the institution about its needs and concerns, if they so desire. This way, a college or university can begin steps to correct any procedural mistakes they may be making, without experiencing the unfair possibility of facing future Department of Education penalties. We must not punish those who sincerely need our help, but encourage them to make their institution the very best that it can be. So I urge you to support this amendment to level the playing field for our many distressed institutions of higher learning in need of comprehensive assistance.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 27 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 27 offered by Ms. JACKSON-LEE of Texas:

Page 136, line 19 add the following new section:

TITLE IV—GUARANTY AGENCY REFORMS

SEC. 413. GUARANTY AGENCY REFORMS.

Directs the Secretary to conduct a study to investigate to what extent the actions of the lenders and the guarantors impact upon the default rates of student borrowers as it relates to the servicing of the loans or the due diligence of the loan.

Ms. JACKSON-LEE of Texas. Mr. Chairman, because of the kindness of the gentleman from Pennsylvania (Mr. GOODLING) the gentleman from Michigan (Mr. KILDEE) the gentleman from Missouri (Mr. CLAY) and others, I will be brief on this.

This, again, has to do with guarantee agency reforms which is to allow the Secretary of Education to conduct a study to determine if the actions and guarantors of student loans impact default rates. Simply, this provides us with information; and, as I said earlier in my comments, this helps to avoid some of the dilemma that we face with default rates. Let us find out why, let us try to improve it, and let us insure that student loans remains a viable part of our educational process.

With that, Mr. Chairman, I ask my colleagues to support this amendment that can only help to enhance our educational system for higher education.

Mr. Chairman, I rise to offer the following amendment to H.R. 6, the Higher Education Amendment of 1998.

This amendment would result in a study to determine to what extent the actions of the lenders and the guarantors impact upon the default rates of student borrowers as it relates to the servicing of the loans or the due diligence of the loan. The goal of this study will be to determine the source of default rates of student loans.

The Microcomputer Technology Institute located in the City of Houston provides technology educations to residents of the 18th Congressional District which I represent. Eighty-seven students from my Congressional district were included in the Cohort for Fiscal year 1993. Of that number, 54 were adversely affected by what appeared to be improper servicing of their loans by one of the lender/guarantor units used by the Microcomputer Technology Institute during that period. The remaining 33 students did much better, their loans having been serviced by a different lender/guarantor combination, which resulted in a cohort default rate approximately one-third that of the first group.

It is evident that the way and manner that loans are serviced can and will affect certain students ability to pay back the loans as well as the resultant cohort default rate assigned to an institution.

If Microcomputer Technology Institute had placed all of its students loans with the first lender that had a high default rate then its potential default rate could have been greater than 40%—defining Microcomputer Technology Institute as a bad school for the purpose of Department of Education approval of Federal Student Loans.

Currently, under the Department of Education rule, if the borrower made even a single payment on the loan, the default can not be due to improper servicing, no matter how deficient the servicing has been.

Lending institutions and guarantors may accomplish servicing in a wide variety of ways from those which do an excellent job of providing payment coupons, and reminder calls to those which rely on a letter serving notice that repayment of a loan is due.

I would contend that the level of repayment is directly related to the due diligence of the loan, because the effort put into generating payments once a student has concluded their education is of vital importance in securing repayment.

I believe that we should not let this issue continue without study because the results of high loan default rates are penalties to the educationally institution.

There are many factors that may contribute to student loan default rates, but without this study there will be no way to determine if more should or could be done to reduce the number of loan defaults.

Congress recognized the responsibility of lenders and guaranty agencies when the Higher Education Amendments of 1992 amended the Higher Education Act of 1965 to require the Department to calculate and publish cohort default rates for original lenders, current holders, and guaranty agencies.

Congress should pursue its interest in student loan defaults with a study to learn what if any thing could be done to improve student repayment rates. In Fiscal Year 1995 of the 7,644 schools reviewed with a total of 1,918,453 borrowers there were a total of 199,346 defaults.

I ask my colleagues to join me in support of this important amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT NO. 30 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 30 offered by Ms. JACKSON-LEE:

Page 270, after line 16, insert the following new section:

SEC. 480. RELIEF FROM OBLIGATION.

To the extent authorized in advance in an appropriation Act, the Secretary may, in settlement of claims found or arising under audits and program reviews under title IV of the Higher Education Act of 1965, forgive the obligations to pay such claims of Texas Southern University relating to the administration of programs under such title, subject to such terms and conditions as Secretary may require with respect to conduct of programs under such title on and after the date of enactment of this Act.

Ms. JACKSON-LEE of Texas. Mr. Chairman, simply, my amendment deals specifically with concerns of an institution that has a great history in our community. Texas Southern University was a State or is a State institution founded in 1948. It was founded on the basis of students in Texas, African Americans, not being allowed to go to the white institutions in Texas out of segregation. And over the years Texas Southern University has educated a high degrees of our pharmacists, our lawyers, our educators. In fact, Texas Southern University has educated most of the teachers in the State of Texas.

It particularly serves a significant number of low-income minority students in Texas. It trains a significant percentage of the State's legal and pharmaceutical students as well as it trains a huge number of our Hispanic attorneys in the State of Texas.

Texas Southern University has historically been underfunded by the State of Texas. That is something that we are trying to work on. However, this has resulted in its reduced ability to marginize many of its internal systems, some of them so very important to keeping the appropriate or the kinds of records necessary in this fast-paced economy. As a result of this historical underfunding, it has not been able to maintain sufficient staff to provide total administrational support that is necessary.

Problems created by prior inadequate funding have been identified and are in the process of being resolved, currently negotiating with the Department of Education to resolve its prior deficiencies and to identify such deficiencies and result in a settlement.

My amendment acknowledges the historical role that Texas Southern University has and would ask that we would, if my colleagues will, forgive any settlement that might come about so that Texas Southern University might move forward, establishing a more proper procedure and as well to survive in this particular competitive climate.

I would hope that the point made about Texas Southern University is that it is trying to correct its deficiencies, that it is a valuable institution and that, hopefully, we would be able to agree with the fact that an institution such as Texas Southern University needs to be preserved.

Mr. Chairman, I ask the gentleman from Pennsylvania, as he responds to me, I may want to have this amendment withdrawn, and I would like to have enough time to be able to speak on that point.

Mr. GOODLING. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I was under the impression that the gentlewoman was going to withdraw this amendment.

Ms. JACKSON-LEE of Texas. And I am, Mr. Chairman.

Mr. GOODLING. Of course, the major reason is we have already had four requests similar, and we have a pay-go problem, and so they will have to deal with the secretaries to try to get it all straightened out.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I will take the gentleman's remarks as a positive. They will have to deal with the secretary. It certainly does not speak against the historical nature of Texas Southern University, but we are in the process of doing that. We hope that we will have positive results, and I was hoping to get relief here on the floor of the House, and I respect the chairman.

Mr. Chairman, I rise today in support of my amendment to forgive the debt obligation of Texas Southern University to the United States Department of Education incurred as a result of difficulties that arose in the Administration of their Title IX Student Financial Aid program. This amendment, Mr. Chairman, seeks only to give the same protections to some of our smaller institutions of higher learning, which desperately need financial and technical assistance from the Department of Education, that the Department of Commerce and the Small Business Administration currently give to our small and disadvantaged businesses. Essentially, the relationship is no different.

Our small colleges and universities in this country are a valuable resource in giving certain people an opportunity to receive an undergraduate education that might not otherwise be able to do so. A prime example of one of these colleges and universities is Texas Southern University in Houston, Texas. Texas Southern University, or TSU as it is popularly called, was founded as a compromise in the settlement of a lawsuit between a man named Herman Sweatt and the University of Texas. Sweatt, the plaintiff in the famous 1950 Supreme Court case of *Sweatt* v. *Painter*, was fighting the Texas Constitutional provision which mandated separate treatment of Blacks and Whites, so that he might be able to attend the University of Texas Law School. In the midst of Sweatt's four year long protracted legal battle, state officials thought he might be pacified by the creation of a "Negro" university that was also funded by the State. So in 1947, the Texas State University for Negroes was created, and in 1951, after Sweatt's victory in the Supreme Court, the university's name was changed to Texas Southern University.

And even though Texas Southern's mandate from the State was to provide "courses equivalent" to those provided by other state-supported universities, over the last 4 decades, the University has been consistently underfunded. This open secret culminated in 1981 when the Office of Civil Rights found that the State of Texas was operating "a dual and unequal system of higher education". The bottomline is that for too long, our small colleges and universities have been treated like "unwanted stepchildren" by our state funding agencies. Despite all of this, TSU has become an institution that enrolls students of all racial, religious, cultural, and ethnic backgrounds from Texas, the nation, and the world. It is more than just a collection of students, it is a conduit between cultures, races and lifestyles; truly a constant source of viable political, civic, and business leaders for the Greater Houston community. So why not help our small colleges and universities like TSU?

These institutions need our technical assistance and long-term financial support in order to encourage greater institutional stability, a trademark of our larger colleges and universities. Today, I ask for only Texas Southern University, because I recognize that this forgiveness from financial obligation must not be abused. But as special and worthwhile cases may arise, like this one, we should not, we can not, we must not, shrink from our responsibility to help those institutions of higher learning that need us most. We are not forgiving the debt of a "fat cat", multinational corporation; quite to the contrary, we are setting forth an honorable act of absolution to an institution that genuinely needs our help. Simply stated, we are allowing tens of thousands of children the opportunity to maximize the potential; to someday realize their dreams. For this reason, above all, I ask all of my colleagues to support this amendment, and preserve the sacred gift of education.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT NO. 59 OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 59 offered by Mr. SOUDER:

Page 237, strike lines 4 through 10 and insert the following:

"(2) REHABILITATION.—A student whose eligibility has been suspended under paragraph (1) may resume eligibility before the end of the period determined under such paragraph if the student satisfactorily completes a drug rehabilitation program that complies with such criteria as the Secretary shall prescribe for purposes of this paragraph and that includes two unannounced drug tests.

Mr. SOUDER. Mr. Chairman, my amendment is very simple. On page 237 it strikes lines 4 through 10 and inserts the following: Under rehabilitation, a student whose eligibility has been suspended under paragraph 1 may resume eligibility before the end of the period determined under such paragraph if the student satisfactorily completes a drug rehabilitation program that complies with such criteria as the Secretary shall prescribe for purposes of this paragraph and that includes two unannounced drug tests.

The addition to the underlying bill is that it includes 2 unannounced drug tests.

This amendment has no estimated drug spending, unless, of course, somebody would fail the drug test and then, while that is not our goal, it would actually save money. But our goal is to make sure that, actually, the students are clean when they come back.

Now let me go through the history of how this got in the main bill and then discuss particularly my change which I hope will be considered a friendly amendment and can be supported. It is not general drug testing. It is not testing of anyone other than people who have been convicted of drug use and are now under this bill going through drug rehab and making sure they are actually clean.

But I want to go through the actual epidemic that we are facing. We have a major crisis in this country, and the question is are we serious about it or not. And this bill has an important first step, and I would like to just refine this a little bit more. It is easy for us to criticize Mexico; it is easy for us to criticize Columbia. The question is, are we really committed in this country?

The Chronicle of Higher Education, March 21, 1997, states that crime data from 489 of the largest colleges and universities in this country indicate that drug arrests on college campuses jumped by close to 18 percent in 1995 when they have the data in the fourth consecutive year with a double digit increase. By comparison, all other crimes, including murder, robbery, aggravated assault, burglary, vehicle theft and violations of weapons laws declined. So it is clear in our universities we have had drug use as an increasing problem. This 18 percent jump is even more troubling when you consider that those are the kids that get caught.

According to this same article, researchers at the University of Michigan found that 33.5 percent of the college students surveyed in 1995 had used illegal drugs within that year up 2.1 percent from 1994 and up even further from an earlier survey.

I have recently seen the survey study, and it included 17-year-olds who are just about to head to college. They are seniors in high school, and in there two-thirds said that they knew where they could get marijuana within a day, and 44 percent within an hour or less, that our schools are, in fact, not drug-free even in high school. Thirty-seven percent of the principles said they were drug-free; 46 percent of the teachers. But 76 percent of the students said that their school was not drug-free. They understand they are at risk when they were asked, 17-year-olds, what they thought their greatest problem was. Drugs were not seen as much of a problem, as their major problem, as all the other issues combined.

Now this suggests that our children know they are at risk, and we need to take some steps to make sure they are not in danger.

This amendment, to go through some of the history, has been in our bill before coming through the House, the full underlying amendment that came through committee before this adjustment, and my colleague and friend, the gentleman from New York (Mr. SOLOMON) has been the pioneer and the leader with this. He is a great American, and I am going to miss him, and many others are. He has been a crusader for the values that made this country great.

He had this in the Higher Ed Reauthorization bill in 1992. We lost it in conference, and we are coming back again with the underlying treatment amendment in the beginning, and let me explain what the underlying amendment does:

One loses their taxpayer subsidized loan for 1 year for first offense, 2 years for their second offense and indefinitely for the third. If they sell drugs, they get suspended for 2 years for a first offense and indefinitely on a second offense.

The point here is not to get people out of college. That is why we have the treatment program and then they come back in. We want to get people rehabbed so they can learn. But the problem here is we need to make sure not just that they are going through treatment programs and insurance companies can make a lot of money and treatment programs can make a lot of money, but that, in fact, people are cured.

This can be done, quite frankly, faster than the suspension period. If they successfully complete a rehab program and they get through a drug test that is clean, they are back in school.

I have no desire to eliminate anybody's opportunity to climb out of the situation they are in to advance their career, but the best way to do that is to make sure one is clean of drugs. And I believe that this amendment will actually make the underlying amendment that we had in committee even stronger and put teeth in that, and I hope that it can be supported by all sides. Because, once again, I want to say it is not a general testing amendment; it is only for people who have been convicted and lost their student loan.

Mr. GOODLING. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Indiana.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title IV?

AMENDMENT NO. 18 OFFERED BY MRS. CLAYTON

Mrs. Clayton. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mrs. CLAYTON:

Page 248, line 4, strike "and"; on line 10, strike the second period and insert "; and", and after line 10 insert the following:

(7) by adding at the end the following new paragraph:

"(23) The institution will distribute to each student, during registration for enrollment in its instructional program, the mail voter registration application form described in section 9(a)(2) of the National Voter Registration Act of 1993, unless the student, in writing, declines to receive such form.".

Mrs. CLAYTON. Mr. Chairman, this is an amendment to allow that college students, as they begin their career as college students, to have the opportunity to begin their careers also as citizens participating in our great democracy. As my colleagues well know, the ages between 18 and 24 happened to be the lowest rate of participation. All Americans really should be ashamed at the rate we are participating but, simply put, this allows a simple access to a college student coming to register to also be able to register to vote.

□ 2245

To our knowledge, this does not require any Federal funds, so it should not be a question about the funding of this.

This amendment simply addresses access and opportunity. Currently, the Motor Voter registration allows for anyone to register at a library. It simply means that the Board of Elections of those particular cities will send this information or registration form to the colleges.

This is not a partisan amendment; this does not have added costs. This is simply a way for college students to participate in the democracy.

Mr. Chairman, with that, I will yield to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I am going to say the same thing that the gentleman from California (Mr. MCKEON) was told to say, which is the same thing that he mentioned.

We are accepting this amendment this evening with the understanding that if it creates too much heartburn, we will discuss it in conference.

Mrs. CLAYTON. Mr. Chairman, reclaiming my time, we appreciate the gentleman's willingness to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from North Carolina (Mrs. CLAYTON).

The amendment was agreed to.

AMENDMENT NO. 16 OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I offer an amendment numbered 16.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. ANDREWS:

Page 164, after line 25, insert the following new subsection:

(t) NOTICE OF AVAILABILITY OF INCOME-SENSITIVE REPAYMENT OPTION.—

(1) AMENDMENT.—Section 428 is further amended by adding at the end the following new subsection:

"(o) NOTICE OF AVAILABILITY OF INCOME-SENSITIVE REPAYMENT OPTION.—At the time of offering a borrower a loan under this part, and at the time of offering the borrower the option of repaying a loan in accordance with this subsection, the lender shall provide the borrower with a notice that informs the borrower, in a form prescribed by the Secretary by regulation—

"(1) that all borrowers are eligible for income-sensitive repayment through loan consolidation under section 428C;

"(2) the procedures by which the borrower may elect income-sensitive repayment; and

"(3) where and how the borrower may obtain additional information concerning income-sensitive repayment.".

(2) CONFORMING AMENDMENTS.—

(A) Section 428(b)(1)(E)(i) is amended by inserting before the semicolon the following: "or of repaying the loan in accordance with an income-sensitive repayment schedule offered pursuant to section 428C".

(B) Section 485(b)(1)(A) is amended—

(i) by striking "and" at the end of clause (i);

(ii) by striking the period at the end of clause (ii) and inserting "; and"; and

(iii) by adding at the end the following new clause:

"(iii) the information required to be disclosed by lenders pursuant to section 428(o).".

Mr. ANDREWS. Mr. Chairman, the purpose of this amendment is to help deal with the very real problem of people who graduate from school with a significant student loan debt. I think we widely agree that the best solution is to try to find a way to moderate the cost of higher education. I think there are many things we have in this bill that begin to do that. The second best solution is more scholarship aid so more people are able to earn and win scholarships, whether based on merit or need.

We are still faced with the reality, though, that many students are required to borrow in order to finance their education. I believe that it is therefore imperative that we try to find ways that make that borrowing easier for students and their families to deal with.

One such way is to encourage the use of income-contingent or income-sensitive loans. In short, this concept means that one's obligation to pay one's loan back is based in large part upon their income, upon their ability to pay. So the less one makes, the less of an obligation one has to pay, but as their income rises, so does their obligation to pay.

This is the first of 2 amendments I am going to offer on this subject. This one makes it clear that whether students are under the direct loan program or the bank-based guarantee loan program, they are fully aware of their right to have all of their loans consolidated into the Department of Education and then converted through the income-sensitive option.

What this means is that a young man or a young woman who graduates with a significant debt, with a $20,000 or $30,000 or $40,000 debt, who chooses to go into a job or profession, or must go into a job or profession that earns a lower salary will have the opportunity to make that choice, will not be compelled to choose between pursuing the highest and best education they can get or accepting a job that they do not wish to pursue.

I think this is a sensible amendment. I believe it will encourage people to borrow prudently, but give them an opportunity to repay their loan on a fair and reasonable basis. It is a way to deal with the burgeoning problem of too much debt upon graduation.

Mr. Chairman, I yield to my friend, the gentleman from New Jersey (Mr. PASCRELL), who has proposed legislation that is very similar in concept to this. He accomplishes this goal by extending the period of time that people can pay back their loans, and I believe it is very much in sync with this idea.

Mr. PASCRELL. Mr. Chairman, I believe that the amendment of the gentleman is right on target. One of the largest and most severe problems facing college students is an ever-mounting debt. When I look at the students in my own State and how that debt has increased over the past several years, moving up to close to $13,000 on the average, and by another 2 years, that debt will increase to perhaps a little bit more than $20,000. I think that the indirect loan program to those students who are not taking advantage of the direct loans, 10 years is certainly questionable at this time.

I am not offering an amendment, Mr. Chairman. What I would like to do is in conference, if it is possible with the leadership, to consider the possibility of extending from 10 to 25 years those indirect loans. If we do not, then I think that we are in jeopardy for those students who graduate who want to take on some noble service like teaching or social work or joining the Peace Corps, that becomes impossible if one has to pay that loan off, that debt in 10 years. I hope we could extend it to 25 years. We have looked at the numbers on it and I think it is very doable. This will allow students more flexibility in their repayment schedules and make it easier for them to both adjust to the working world and take low-paying, public service-oriented jobs.

I have asked the students in my district about this, Mr. Chairman. They support this idea and I believe it is best for them, best for education, and best for America.

Mr. ANDREWS. Mr. Chairman, reclaiming my time, I yield to the gentleman from California (Mr. MCKEON), the chairman of the subcommittee on this issue.

Mr. McKEON. Mr. Chairman, I want to thank the gentleman from New Jersey, Mr. ANDREWS, for this amendment. I think it does strengthen the bill, as others do, and I would be happy to support it.

Mr. ANDREWS. Mr. Chairman, I thank the gentleman.

Mr. FOX of Pennsylvania. Mr. Chairman, I move to strike the last word, and I rise in support of the Andrews amendment.

I believe this is certainly a key issue for this Congress. When I speak to people from my district, they always talk about how can we help assist students in need who want to have college loans and grants. Students frankly across America want to make sure they achieve the American dream by community service, by helping their country. If they cannot get the college loan or grant, then they may be foreclosed from higher education just because we in Congress did not take advantage of the Andrews amendment.

By seizing the moment here tonight in a bipartisan fashion, we are able to work with the gentleman from New Jersey (Mr. ANDREWS) and others to make sure that the vision that we have for America, to make sure our young people have the chance, through this flexible system, to be able to have more college loans and grants available, and that is certainly the idea of why people sent us to Congress.

So I ask my colleagues to unanimously support it.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. FOX of Pennsylvania. I yield to the gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, I would like to thank my friend from Pennsylvania for his support. I also wanted to make special note of the cosponsorship of the gentleman from Wisconsin (Mr. PETRI) of this amendment and thank him for his help on it.

Mr. FOX of Pennsylvania. Mr. Chairman, reclaiming my time, the fact is that this kind of amendment is what the American vision has been working on where it is bipartisan, where it shows that across the aisle when it comes to our children, we can work together for education and for opportunity.

I ask again that my colleagues support this wholeheartedly.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS).

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I offer an amendment No. 15.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. ANDREWS:

Page 163, strike out lines 16 and 17 and insert in lieu thereof the following:

(p) LENDERS-OF-LAST-RESORT.—Section 428(j)(3) is amended—

(1) in subparagraph (A)—

(A) in the heading thereof, by striking "DURING TRANSITION TO DIRECT LENDING";

(B) by striking out "during the transition from the Federal Family Education Loan Program under this part to the Federal Direct Student Loan Program under part D of the title," and inserting a comma;

(C) by inserting "designated for a State" immediately after "a guaranty agency"; and

(D) by inserting "subparagraph (C) and immediately before "section 422(c)(7),"; and

(2) by adding at the end thereof the following new subparagraph:

"(C) The Secretary shall exercise the authority described in subparagraph (A) only if the Secretary determines that eligible borrowers are seeking and are unable to obtain loans under this part, and that the guaranty agency designated for that State has the capability to provide lender-of-last-resort loans in a timely manner, in accordance with its obligations under paragraph (1), but cannot do so without advances provided by the Secretary under this paragraph. If the Secretary makes the determinations described in the preceding sentence and determines that it would be cost-effective to do so, the Secretary may provide advances under this paragraph to that guaranty agency. If the Secretary determines that guaranty agency does not have such capability, or will not provide such loans in a timely fashion, the Secretary may provide such advances to enable another guaranty agency, that the Secretary determines to have such capability, to make lender-of-last-resort loans to eligible borrowers in that State who are experiencing loan access problems.".

Mr. ANDREWS. Mr. Chairman, this amendment is an important priority of the Department of Education and the administration, and I believe all of us on both sides of the aisle want to clarify the status of the Lender of Last Resort program.

I would like to first of all thank the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the committee, and the gentleman from California (Mr. MCKEON) and their staffs for their cooperation, and of course the gentleman from Missouri (Mr. CLAY), and the gentleman from Michigan (Mr. KILDEE) and their staffs for their cooperation.

The purpose of this amendment is to make it clear that under the law, when a student is unable to secure a bank-based loan or does not attend a direct lending institution, that that student has the right under law and under this bill to go to a guarantee agency or other credit facilitators named in the bill as a lender of last resort.

Put simply, this is the safety net when all of the other mechanisms fail to students not at a direct lending school. If there is a problem obtaining a bank loan, this is the safety net that assures that man or woman that a student loan is available under the terms and conditions of this law.

It is my understanding that both sides of the aisle are in accord with this objective, and I would be happy to yield to the gentleman from California (Mr. MCKEON), the subcommittee chairman at this time.

Mr. MCKEON. Mr. Chairman, I want to thank the gentleman again for his amendment. We have been working hard to avoid a disaster, and I am hopeful that our bill will be passed and signed into law before we hit the wall. But I think this makes good sense to make sure that in the event that there is a disaster, we do have this money there available for these lenders of last resort. So I am happy to support the amendment.

Mr. ANDREWS. Mr. Chairman, I thank the gentleman for his cooperation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS).

The amendment was agreed to.

AMENDMENT NO. 44 OFFERED BY MR. MCGOVERN

Mr. MCGOVERN. Mr. Chairman, I offer amendment No. 44.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 44 offered by Mr. MCGOVERN:

Page 96, after line 7, insert the following new subsection (and redesignate the succeeding subsections accordingly):

(f) PELL GRANT INCENTIVES.—Subpart 1 of part A of title IV of the Higher Education Act of 1965 is amended by inserting after section 401 (20 U.S.C. 1070a) the following new section:

"SEC. 401A. PELL GRANT INCENTIVES.

"(a) PROGRAM AUTHORITY.—From the amounts appropriated pursuant to subsection (d), the Secretary shall establish a program to increase the Pell grant awards under section 401 during their first two academic years of undergraduate education to students who graduate after May 1, 1998, in the top 10 percent of their high school graduating class.

"(b) AMOUNT OF INCREASE.—The additional amount of Pell grant that shall be awarded under this section to any student who qualifies under this section shall be an amount equal to the amount for which the student is eligible under section 401 (determined without regard to the provisions of this section), except that if the amount appropriated pursuant to subsection (d) is less than the amount required to award such additional amounts to all such students, the additional amount awarded to each such student under this section shall be ratably reduced.

"(c) DETERMINATIONS OF ELIGIBILITY.—

"(1) PROCEDURES ESTABLISHED BY REGULATION.—The Secretary shall establish by regulation procedures for the determination of eligibility of students for increased Pell grant awards under this section. Such procedures shall include measures to prevent any secondary school from certifying more than 10 percent of it's students for eligibility under this section.

"(2) COORDINATION WITH NEED ANALYSIS.—In prescribing procedures under paragraph (1), the Secretary shall ensure that the determination of eligibility and the amount of the increase in the Pell grant award is determined in a timely manner consistent with the requirements of section 482 and the submission of the financial aid form required by section 483. For such purposes, the Secretary may provide that, for the first of a student's two academic years of eligibility under this section, class rank may be determined prior to graduation, at such time and in such manner as the Secretary may specify in the regulations prescribed under this subsection.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to award increased Pell grants under this section $240,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

Mr. MCGOVERN. Mr. Chairman, the amendment I offer today provides both an incentive and a reward for Pell-eligible students who pursue and achieve academic excellence by graduating in the top 10 percent of their high school class. Too often we exhort parents and students, teachers and communities to do more, to do better, to do it all, but we offer few incentives and even fewer rewards.

This amendment that I am offering today will provide those Pell-eligible students who, against all odds, graduate in the top 10 percent of their high school class, an achievement benefit for their first two years of postsecondary education. The amount of that achievement benefit will match the amount of the Pell Grant awarded to that individual.

For example, Bill Smith graduates in the top 10 percent of his high school class and receives a $900 Pell Grant. The achievement benefit that matches that award is an additional $900 grant. So Bill Smith receives Federal assistance of $1,800 for years 1 and 2 of his college education, and his Pell Grant continues at $900 for years 3 and 4.

According to the Congressional Research Service, over 84,000 young men and women nationwide would benefit from this achievement award. This amendment will increase the affordability of a higher education without increasing the debt of students and their families. But everyone in this Chamber recognizes that we need to increase grant assistance for higher education, not just at the Federal level, but at the State and local level; not just in the public sector, but from the private sector as well. My amendment is just one modest proposal to do just that, while encouraging students to achieve the very highest academic level.

This amendment increases the accessibility of a higher education and expands the options of college choice available to students and their families. This amendment will not alter the Pell Grant formula or program. Let me emphasize that again. This amendment will not affect the Pell Grant program or its funding. It will not penalize those Pell-eligible students who do not graduate in the top 10 percent of their class. Instead, it provides a matching grant, if you will, that would double the amount of a student's Pell Grant award should the achievement benefit become fully funded.

This amendment is endorsed by the American Council on Education, the Association of Jesuit Colleges and Universities, and many others.

Regarding this amendment the Association of Jesuit Colleges and Universities has stated that this program would send the encouraging message to students struggling to achieve under difficult circumstances that their hard work and perseverance will be well rewarded.

The American Council on Education has said that early information about the availability of increased grant assistance could have a profoundly positive impact on students' academic performance and aspirations.

No one knows better than low-income, college-bound students that the cost of an education is often perceived as a major barrier to the fulfillment of their dreams. We need to do all that we can to encourage these students, especially those with exceptional ability and determination, to strive for their ultimate potential in higher education and beyond.

This amendment will require a separate appropriation, and in order to be sensitive to the budget constraints in which we are all working, the amendment includes a provision to rateably reduce the achievement benefit based on the appropriations. What this means is that if the full amount to carry out this provision is appropriated, then the achievement benefit we will match will be 100 percent, dollar for dollar.

□ 2300

However if the appropriations were only half the amount needed, then the achievement benefit would be equal to half the amount of the student's Pell Grant, and so on.

Mr. Chairman I recognize and support current funding priorities in higher education, to resolve the question of student loan interest rates, to increase overall funding for Pell Grants, to establish the High Hopes program and so on. But there will not be another opportunity for 6 years to authorize the establishment of this grant benefit.

It is my hope over the next few years, we might explore this type of achievement incentive. And if in fiscal year 2000 or 2001, we as a Congress decide to fund such an achievement award, then we need to create its authorization in this bill.

Mr. Chairman, this amendment is wholly subject to an appropriation. It breaks no budget authority or spending caps. No one has been more supportive of Pell Grants or grant assistance than the gentleman from Pennsylvania (Chairman GOODLING), the gentleman from Missouri (Mr. CLAY), or the gentleman from California (Mr. MCKEON), or the gentleman from Michigan (Mr. KILDEE), and I want to thank them for their leadership and persistence on this issue.

Mr. Chairman, this amendment will reduce student debt, increase the affordability and accessibility of a college education, motivate young people to strive for academic excellence, and reassure families that a college education is not out of financial reach for their determined, hard-working daughter or son.

I hope that my House colleagues will support this amendment overwhelmingly and establish this achievement benefit.

Mr. Chairman, I submit the following for the RECORD:

AMERICAN COUNCIL ON EDUCATION,
Washington, DC, February 17, 1998.
Hon. JAMES P. MCGOVERN,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MCGOVERN: I write to express my interest in and appreciation for the bill you are sponsoring, the "Incentives for Achievement Through Pell Grants Act," which will establish a program to increase Pell Grant awards to students who graduate in the top 10 percent of their high school class. This bill is clear evidence of your commitment to providing greater access to higher education for students from low- and middle-income families.

Your proposal to provide an incentive to students with early information about the availability of an increased Pell Grant could have a profoundly positive impact on students' academic performances and aspirations. This will help to mitigate students' concern that resources necessary to fund a postsecondary education are beyond their financial reach, and will instead motivate them to achieve greater academic success.

I congratulate you for introducing this innovative legislation. I look forward to working with you as reauthorization of the Higher Education Act progresses.

Sincerely,
TERRY W. HARTLE,
Senior Vice President.

ASSOCIATION OF
JESUIT COLLEGES AND UNIVERSITIES,
Washington, DC, February 17, 1998.
Hon. JAMES P. MCGOVERN,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN MCGOVERN: On behalf of the Association of Jesuit Colleges and Universities, I want to commend and support your initiative in introducing the "Incentives for Achievement Through Pell Grants Act," for needy students who have demonstrated special achievement.

The doubling of the Pell Grant for recipients who graduate in the top 10% of their high school class can provide both an incentive and a reward for those students. This program would send the encouraging message to students struggling to achieve under difficult circumstances that their hard work and perseverance will be rewarded.

The new Hope Tax Scholarship Credit and Life-Long Learning Tax Credit assist middle income families in providing an education for their children. Your program addresses the needs of lower income families.

Pell Grants have long been a critical component of federal student financial aid programs on our campuses. Our association has consistently worked diligently to preserve these and all campus-based programs at the same time we have significantly increased our own institutional commitment to financial aid for our students. Your new program very importantly supplements these efforts, rather than replacing them.

Our special thanks to you for this latest example of your leadership, this time in support of deserving and needy students who will help create our nation's future.

Sincerely and gratefully,
CHARLES L. CURRIE, S.J.,
President.

ASSUMPTION COLLEGE NEWS . . . DR. CHARLES L. FLYNN, JR. ENDORSES PELL GRANT LEGISLATION

WORCESTER.—Dr. Charles L. Flynn Jr., acting president and provost of Assumption College, spoke in support of Congressman James J. McGovern's Pell Grant legislation today.

Dr. Flynn remarked, "On behalf of Assumption College, it is my pleasure to commend Congressman MCGOVERN for leading the effort to increase Pell Grants. Pell is the federal government's largest, most important program of need-based financial aid. More than any other federal program, it targets low and middle-income students.

"Congressman McGovern's proposal to create a 'Double' Pell Grant for students of high academic achievement is particularly impressive. This proposal simultaneously addresses two important national needs. First is the need to make educational opportunity available to all citizens without regard to family wealth. Second is the importance of encouraging outstanding student achievement. Congressman McGovern's legislation will help to keep the doors of higher education open to students who need financial assistance; it will also reward high school students who strive hard, learn more, and earn better grades.

"Last year, 16 percent of Assumption students who applied for financial aid were eligible to receive Pell Grants. The average award to these students was $1,500. Those Pell Grants were supplemented by other federal and state loans and grants. And by far, the largest amount of financial aid came to students and their families from the College itself. The system I am describing, therefore, is a partnership of colleges, state government, and the federal government. This partnership is essential if we are to continue to be a nation of true opportunity.

"Congressman MCGOVERN, you are playing a vital role in the Congress of the United States. At Assumption, we share your view that Congress should do more to ensure opportunity for low and middle-income students. I hope that everyone here today will send a message to our congressional leadership that the McGovern Bill is important, not only to Central Massachusetts, but also to higher education nationally.

"Higher education serves several purposes. As chief academic officer of this liberal arts college, I am particularly aware of the humanizing role of a college education. At Assumption, in reason and in faith, we prepare citizens. We prepare students for the good use of their talents, the responsible exercise of their rights, and the fulfillment of their obligations to others. That is true for our graduates at work, at home, and in the public square. In that way, too, I am keenly aware of the importance of higher education to the future of Central Massachusetts. If we are to have a community of hope and economic opportunity, we must have a highly skilled workforce. The McGovern Bill promises to keep the doors of higher education wide open, and thus to further both the noble and practical ends of our colleges and universities."

STATEMENT OF PAUL J. LYNSKEY, DIRECTOR OF EDCENTRAL, COLLEGES OF WORCESTER CONSORTIUM

"Those of us who work with low income college bound students know that the cost of an education is often perceived as a major barrier. We need to do all that we can to encourage these students especially those with exceptional ability, to strive for their ultimate potential in higher education and beyond."

Mr. GOODLING. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman is correct when he says it would not take from one low-income student and give to another student because it does call for a separate authorization. However, if it got the second authorization, then the money would have to come from somewhere if they were going to appropriate it.

This is the problem we get into. The Presidential Access Scholarship Program in 1992 was designed to do just this. Now, it has never been funded. It has never been funded simply because every time we raise a Pell Grant by $100, it costs $300 million. So I rise in opposition to this amendment for that reason.

The second reason that I would bring to the House's attention is the fact that an A student here may be a B student in another school. There is no question about that. And, therefore, we could be rewarding someone who really is not doing all that well if they were in this school. But they are in this school so they are doing quite well.

And so I would rise in opposition for those two reasons and remind everyone again, if we get a separate authorization, which this would do, and then the appropriators would happen to say, "Gee, this does not sound too bad," and they would appropriate, they would then have to find money elsewhere in order to do that. And so I rise in opposition to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. McGOVERN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. McGOVERN. Mr. Speaker, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 411, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. McGOVERN) will be postponed.

Are there further amendments to title IV?

AMENDMENT NO. 25 OFFERED BY MR. GORDON

Mr. GORDON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. GORDON:

Page 154, beginning on line 5, strike subparagraph (F) through page 155, line 19, and insert the following:

"(F) Subject to paragraph (4), the special allowances paid pursuant to this subsection on loans made on or after July 1, 1998 for which the applicable interest rate is determined under section 427A(a) shall be computed—

"(i) by determining the bond equivalent rate of the average of the quotes as reported by the Federal Reserve of the 3-month commercial paper (financial) rate in effect for each of the days in the quarter for which the rate is being determined;

"(ii) by subtracting the applicable interest rate on such loan from such applicable bond equivalent rate;

"(iii)(I) for Stafford loans during any period in which principal need not be paid (whether or not such principal is in fact paid) by reason of provision described in section 428(b)(1)(M) or 427(a)(2)(C), by adding 1.8 percent to the resultant percent, (II) for Stafford loans during any other periods, by adding 2.39 percent to the resultant percent, or (III) or PLUS loans, by adding 3.1 percent to the resultant percent; and

"(iv) by dividing the resultant percent by 4.".

Mr. GORDON. Mr. Chairman, there have been a number of accolades, well-deserved accolades given to the gentleman from Pennsylvania (Chairman GOODLING), the gentleman from Missouri (Mr. CLAY), the gentleman from California (Chairman McKEON), and the gentleman from Michigan (Mr. KILDEE). As I say, those are well-deserved and I just have to say that it is just a pleasant experience tonight to see a constructive committee working on an important issue and their leadership I think is making the whole committee and the House work together. It is just hopefully a model that we can follow some more in this body. I hope we could do that in the future.

The amendment that the gentleman from Pennsylvania (Mr. KANJORSKI) and I have offered tonight will add greater efficiency to the compromise that was reached by the Committee on Education and the Workforce to address the 1998 interest rate problem. If nothing is done, the change that is set to go into effect on July 1 would destabilize the student loan program that has provided $240 billion to students over the past 30 years resulting in a $25 billion increase in the annual volume of loans for the Department of Education, which I fear such a shift to the Department could create a complete collapse of the student loan system. Then no student would be able to get a loan. And if a student could not get a loan, the interest rate does not matter.

I have concerns about the increasing volatility of the current and proposed mechanism for determining the loan interest rates, the 91-day T bill. As we all know, the budget is becoming balanced and we are looking ahead to a surplus. This has caused a reduction in the issuance of the 91-day T bill by the Treasury. In fact, the amount of 91-day T bills auctioned weekly has declined 56 percent over the past year. This volatility creates tremendous financial risk.

Mr. Chairman, this amendment would change the basis for the student loan interest rates from the 91-day T bill to an index which is a large and growing source of short-term financing, 3-month commercial paper. And though we would make this change, the rate paid by the students and returned to the lenders would be equal to the committee solution in this bill. Let me repeat, the interest rate and the rate of return would stay the same as they are in this bill.

This proposal does not hurt anyone, not students nor the government. All it will do is provide a more efficient way for lenders to finance the loans they are making. Commercial paper is a widely used index which many U.S. corporations use for short-term financing. There has been concern about this proposal incurring an additional Federal cost. I have addressed these concerns and will tell the House that the proposal actually saves money.

Mr. Chairman, for the last 8 years I have been working hard to eliminate wasteful spending in the student loan programs making them more efficient and effective. The change to commercial paper will allow lenders to use a more efficient means for financing these loans. This is a common sense proposal to ensure the longevity of our student loan program.

I have had a number of conversations with the gentleman from California (Mr. McKEON), our committee chairman, as well as our ranking member, and I would like to take just a moment to address the gentleman and ask for his view on the commercial paper amendment.

Mr. McKEON. Mr. Chairman, will the gentleman yield?

Mr. GORDON. I yield to the gentleman from California.

Mr. McKEON. Mr. Chairman, I appreciate the opportunity to engage in this colloquy, and I was thinking back many months ago when the gentleman from Tennessee (Mr. GORDON) and the gentleman from Michigan (Mr. KILDEE) and I drew many of these people together to begin the process on this. Does the gentleman remember that meeting?

Mr. GORDON. Yes, sir.

Mr. McKEON. Mr. Chairman, it has been an interesting process and it is good to be together on this part of it as we are moving this far along on the issue. And it has been a real pleasure working with the gentleman from Tennessee.

I want to thank the gentleman for his efforts to find the most efficient index for student loan interest rates. I think it is clear to everyone that indexing interest rates for these loans to the 10- or 20-year bond rate just does not work. I believe we need to ensure access to loans while reducing interest rates to students basing those loans on the most efficient index.

As we move towards conference, I am committed to working towards the inclusion of the most efficient index and examining commercial paper within that context as part of the conference report.

Mr. KILDEE. Mr. Chairman, will the gentleman yield?

Mr. GORDON. I yield to the gentleman from Michigan.

Mr. KILDEE. Mr. Chairman, I too am interested in looking at commercial paper as a possible index for student loan interest rates. Unfortunately, the committee has not had enough time to thoroughly assess the gentleman's proposal. The interest rate compromise is a delicate one and any changes will have to be carefully studied.

I, along with the gentleman from California (Chairman McKEON), will use the time between now and conference with the other body to assess the option of using commercial paper as the index.

Mr. GORDON. Mr. Chairman, reclaiming my time, I thank the gentleman from Michigan and the gentleman from California. With those encouraging words, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. Are there further amendments to title IV.

AMENDMENT NO. 41 OFFERED BY MR. MCKEON

Mr. MCKEON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MCKEON:

Page 161, after line 9, insert the following new subsection (and redesignate the succeeding subsections accordingly):

(j) DELAY IN COMMENCEMENT OF REPAYMENT PERIOD.—Section 428(b(7) is amended by inserting after subparagraph (C) the following new subparagraph:

"(D) There shall be excluded from the 6 months determined under subparagraph (A)(i) any period during which the student was called or ordered to active duty in a reserve component of the Armed Forces of the United States.".

Mr. MCKEON. Mr. Chairman, currently a student must begin repayment of his or her student loan six months after he or she ceases to take classes on at least a half-time basis. But a college student serving as a reservist may be called to active duty for more than six months, forcing him or her to begin repayment.

Mr. Chairman, it does not seem fair that a student called to serve his or her country should be forced to begin repayment, especially when they did not leave school by choice. This goes against the whole purpose of the repayment and of the six-month grace period.

The amendment which I offer, along with the gentleman from Wisconsin (Mr. KLUG) would allow those student reservists to forgo prepayment while serving on active duty. I urge all Members to support this amendment.

Mr. KILDEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as the father of two sons in the military, I find this a very attractive amendment and I support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. MCKEON).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title IV?

AMENDMENT NO. 14 OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. ANDREWS:

Page 156, after line 3, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

SEC. 417. INCOME CONTINGENT REPAYMENT UNDER THE FFEL PROGRAM.

Part B of title IV is amended by inserting after section 427A (20 U.S.C. 1077a) the following new section:

"SEC. 427B. INCOME CONTINGENT REPAYMENT OPTION

"(a) AVAILABILITY OF OPTION.—

"(1) INDIVIDUAL LOANS.—An individual who has only one loan outstanding under this part shall, not more than 6 months prior to the date on which the borrower's first payment is due, be offered by the lender the option of repaying the loan in accordance with this section.

"(2) MULTIPLE LOANS.—An individual who has two or more loans outstanding under this part may obtain a consolidation loan under section 428C for the purposes of obtaining the option of repaying the loan in accordance with this section.

"(3) DIRECT LOANS.—An individual who has one or more loans under part D of this title may obtain income contingent repayment pursuant to section 455(e).

"(4) RESTRICTION OF OPTION TO NEW BORROWERS.—Notwithstanding paragraphs (1) through (3), the option of repaying a loan in accordance with this section shall be available only to borrowers who, on the date of enactment of this section, do not have any outstanding balance of principal or interest on any loan made under this part or part D.

"(b) TERMS OF REPAYMENT UNDER OPTION.—

"(1) LOAN OBLIGATIONS UNDER OPTION.—A loan that is subject to repayment under this section shall be repaid in installments that—

"(A) are determined in accordance with paragraph (2) for each one year period beginning on July 1; and

"(B) notwithstanding the note or other written evidence of the loan and subparagraphs (D) and (E) of section 428(b)(1), shall continue to be paid until—

"(i) the borrower has repaid the principal and any accrued or capitalized interest on the loan; or

"(ii) the remaining obligations of the borrower are discharged under subsection (c).

"(2) CALCULATION OF INSTALLMENTS.—

"(A) INSTALLMENT AMOUNTS.—The total amount that a borrower shall be required to pay as installments on a loan of such borrower that is subject to repayment under this section is equal to—

"(i) one-fourth of the annual amount determined under subparagraph (B), in the case of a loan that is repaid in quarterly installments; or

"(ii) one-twelfth of such annual amount, in the case of a loan that is repaid in monthly installments.

"(B) ANNUAL AMOUNT.—The annual amount for a loan that is subject to repayment under this section is determined for each one year period beginning on July 1 of each calendar year. The annual amount is determined by reference to the taxable income of the borrower for the taxable year ending in the calendar year preceding the calendar year in which the determination is made. The annual amount is determined in accordance with the following table:

Annual limit

If the taxable income of the borrower is—	Then the annual amount is—
Less than $20,000	3% of taxable income
$20,001–$40,000	5% of taxable income
$40,001–$60,000	7% of taxable income
$60,001–$90,000	10% of taxable income
$90,001–$120,000	15% of taxable income
$120,001 or more	20% of taxable income

"(C) SPECIAL RULE FOR JOINT RETURNS.—If an individual who is a borrower of a loan that is subject to repayment under this section files a joint return for the taxable year on which the annual amount is based, then the annual amount for such individual is determined under subparagraph (B) by treating the taxable income of such individual as equal to one-half the taxable income indicated on such joint return.

"(3) CAPITALIZATION OF UNPAID INTEREST.—If the amount that any borrower pays as an installment under paragraph (2) on a loan that is subject to repayment under this section is less than the interest that has accrued since the preceding installment, then the remaining unpaid interest shall be added, not more frequently than quarterly, to the principal amount of the loan. Such capitalization of interest shall not be deemed to exceed the annual insurable limit on the account of the borrower.

"(c) DISCHARGE OF OBLIGATION.—

"(1) UNPAID BALANCE REMAINING AFTER 25 YEARS.—If the unpaid balance on a loan that is subject to repayment under this section has not been repaid in full at the end of 25 years of repayment, then—

"(A) the Secretary shall repay the holder of such loan such unpaid balance and the holder of the loans shall be deemed to have a contractual right, as against the United States, to receive from the Secretary such unpaid balance without administrative delay after the receipt by the Secretary of an accurate and complete request for payment; and

"(B) such payment by the Secretary shall be applied to discharge the borrower from any remaining obligation with respect to the loan.

"(2) UNPAID BALANCE.—For the purposes of paragraph (1), the unpaid balance of a loan is the sum of unpaid principal and unpaid accrued and capitalized interest, and any fees, such as late charges, assessed on such loan in accordance with the requirements of this part and the regulations thereunder.

"(e) INFORMATION NEEDED FOR COLLECTION.—

"(1) ACCESS TO TAXPAYER INFORMATION.—The Secretary may obtain such information as is reasonably necessary regarding the taxable income of a borrower (and the borrower's spouse, if applicable) of a loan that is subject to repayment under this section for the purpose of determining the installment caps under subsection (b)(2). Returns and return information (as defined in section 6103 of the Internal Revenue Code of 1986) may be obtained under the preceding sentence only to the extent authorized by section 6103(l)(13) of such Code.

"(2) ADDITIONAL DOCUMENTS.—A borrower of a loan that is subject to repayment under this section and for whom taxable income is unavailable or does not reasonably reflect the borrower's current income, shall provide to the Secretary other documentation of income satisfactory to the Secretary.

"(3) TRANSMISSION OF DATA TO LENDERS.—The Secretary shall, by regulation, establish procedures for the transmission of data gathered under (1) and (2) to the lender or holder of a loan that is subject to repayment under this section.

"(4) NOTIFICATION TO BORROWERS.—The Secretary shall establish procedures under which a borrower of a loan that is subject to repayment under this section is notified of the terms and conditions of such loan, including notification of such borrower—

"(A) that the Internal Revenue Service will disclose to the Secretary tax return information as authorized under section 6103(l)(13) of the Internal Revenue Code of 1986; and

"(B) that if a borrower considers that special circumstances, such as a loss of employment by the borrower or the borrower's spouse, warrant an adjustment in the borrower's loan repayment as determined using the information described in subparagraph (A), or the alternative documentation described in paragraph (2), the borrower may contact the Secretary, who shall determine whether such adjustment is appropriate, in accordance with criteria established by the Secretary.

"(f) DEFINITIONS.—For purposes of this section:

"(1) TAXABLE INCOME.—The taxable income of a borrower is determined in the manner provided in section 63 of the Internal Revenue Code of 1986.

"(2) TAXABLE YEAR.—The term 'taxable year' means the taxable year of a taxpayer for purposes of subtitle A of such Code.".

Page 204, after line 5, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

SEC. 438. INCOME CONTINGENT REPAYMENT UNDER THE FEDERAL DIRECT LOAN PROGRAM.

Section 455(e) of the Higher Education Act of 1965 (20 U.S.C. 1087e(e)) is amended to read as follows:

"(e) PARALLEL INCOME CONTINGENT REPAYMENT.—

"(1) IN GENERAL.—The Secretary shall offer borrowers under this part the option of repaying their loans in the same manner as loans that are subject to repayment in accordance with section 427B.

"(2) EXCEPTIONS.—The Secretary shall prescribe any regulations necessary to implement the requirements of paragraph (1).".

Mr. ANDREWS. Mr. Chairman, this is the second amendment I am offering on the issue of income-contingent or income-sensitive loans. Let me say at the outset, and pursuant to my discussion with the subcommittee staff of the gentleman from California (Mr. MCKEON), I intend to simply explain the concept and ask for unanimous consent to withdraw it, based upon the assumption we can continue talking about this basic idea.

First, I wish to reiterate my appreciation for the acceptance of the first amendment on this subject. I think it gives us an excellent base on which to build. The purpose of this second amendment is to build on that base by specifying two things. One is that I believe that loans under the FFEL program should also have the income-contingent loan feature without consolidation, as this bill would now call for. And second, I believe in a different structure of income-sensitive repayment. I think there should be a specific gradation where the student's income is then tied to a percentage repayment.

My proposal calls for students making a taxable income of $20,000 or less to pay 3 percent of their income as their repayment. Students making $40,000 or less and down to $20,000, to pay 5 percent, and have similar gradations beyond that.

I believe that when this issue is fully scored by the Congressional Budget Office, it will show a very, very nominal cost, and yet have a great benefit for students as it will permit them to repay their loans in rising payments as their incomes rise. I believe another benefit of this proposal will be a substantial reduction in loan defaults. This is because the obligation of the student to pay will be more closely tied to the ability of the student to pay.

Mr. Chairman, I am aware of the fact that there are jurisdictional and budgetary issues that need to be discussed. I also know there are some substantive disagreements, but I did want to get on the record my adherence to this principle. Again, I express my appreciation for the adoption of the basic idea and amendment in No. 16.

Mr. MCKEON. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from California.

Mr. MCKEON. Mr. Chairman, I want to thank the gentleman for presenting his amendment, and withdrawing it, and we will continue to work on that issue.

Mr. ANDREWS. Mr. Chairman, reclaiming my time, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. Are there further amendments to title IV?

AMENDMENT NO. 39 OFFERED BY MR. KLINK

Mr. KLINK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 39 offered by Mr. KLINK:

Page 164, after line 25, insert the following new subsections:

(t) NOTICE TO INSTITUTIONS OF DEFAULTS.—

(1) ADMINISTRATIVE AND FISCAL PROCEDURES.—Section 428(c)(2)(A) is amended by striking "proof that reasonable attempts were made" and inserting "proof that the institution and the State licensing board were contacted and other reasonable attempts were made"

(2) REIMBURSEMENT.—Section 428(c)(2)(G) (20 U.S.C. 1078(c)(2)(G)) is amended by striking "certifies to the Secretary that diligent attempts have been made" and inserting "demonstrates to the Secretary that diligent attempts, including direct contact with the institution and the State licensing board, have been made.".

(3) NOTICE TO SECRETARY AND PAYMENT OF LOSS.—The third sentence of section 430(a) (20 U.S.C. 1080(a)) is amended by inserting "the institution and the State licensing board were contacted and other" after "submit proof that".

MODIFICATION TO AMENDMENT NO. 39 OFFERED BY MR. KLINK

Mr. KLINK. Mr. Chairman, I ask unanimous consent that the modifications that we have at the desk be included in my amendment.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 39 offered by Mr. KLINK:

Page 164, after line 25, insert the following new subsection:

(t) NOTICE TO INSTITUTIONS OF DEFAULTS.—

(1) ADMINISTRATIVE AND FISCAL PROCEDURES.—Section 428(c)(2)(A) is amended by striking "proof that reasonable attempts were made" and inserting "proof that the institution was contacted and other reasonable attempts were made".

(2) REIMBURSEMENT.—Section 428(c)(2)(G) (20 U.S.C. 1078(c)(2)(G)) is amended by striking "certifies to the Secretary that diligent attempts have been made" and inserting "demonstrates to the Secretary that diligent attempts, including direct contact with the institution have been made.".

(3) NOTICE TO SECRETARY AND PAYMENT OF LOSS.—The third sentence of section 430(a) (20 U.S.C. 1080(a)) is amended by inserting "the institution was contacted and other" after "submit proof that".

Mr. KLINK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. Is there objection to the modification to the amendment offered by the gentleman from Pennsylvania?

There was no objection.

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Mr. KLINK. Mr. Chairman, for my friend, we have taken out the line about the State licensing boards. That was the agreement that we had on the amendment. This is simply to say that before the loan goes into default that we should have some communications, that the school should be notified by the guaranty agency.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. KLINK. I yield to my friend, the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, we accept the amendment.

Mr. KLINK. Mr. Chairman, I thank the gentleman. I always learned that when the jury starts nodding their heads, you stop talking.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. KLINK).

The amendment was agreed to.

AMENDMENT NO. 40 OFFERED BY MR. KLINK

Mr. KLINK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 40 offered by Mr. KLINK:

Page 177, after line 1, insert the following new subparagraph (and redesignate the succeeding subparagraph accordingly):

(A) by striking "for the fiscal year for which the determination is made and for the two succeeding fiscal years" and inserting "for the period determined under subparagraph (D);

Page 177, after line 14, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

(3) by adding at the end of paragraph (2) the following new subparagraph:

"(D) An institution that is ineligible to participate pursuant to a determination under paragraph (A) shall be ineligible for a period beginning with the fiscal year for which the determination is made and ending on the earlier of—

"(1) the expiration of the two succeeding fiscal years; or

"(1) the date on which the final cohort default rates published with respect to such institution are less than the threshold percentage specified in subparagraph (B) for any two of the three most recent fiscal years for which data are available.";

Mr. KLINK. Again, I really want to commend both chairmen for the wonderful work that they have done, and the ranking members, too.

This is another common sense, I think a good government reform amendment to the student loan program. I think it will save money. I think it will reduce student loan defaults and help maintain student access to educational resources.

This amendment is a little more complex. Currently, an institution of higher education would become ineligible for participation in the student loan program if it has three consecutive annual default rates over 25 percent. That is very good. There really has to be some accountability for the schools that cannot manage their default rates. They should be held accountable.

An institution currently can regain its eligibility after 2 years if it has one default rate under 25 percent during that period. I do not think that is really enough incentive for schools to really make a commitment to default management.

This amendment would offer another path for those schools to regain their eligibility. If an ineligible institution can post two default rates under 25 percent, it would then regain its eligibility regardless of the time it has been ineligible. I want emphasis put on the rates, not on the time served. We really want to bring the rates down.

The CBO has scored this amendment as having a very minimal cost. Let me say this for the budget conscious: We think that providing an incentive for schools to lower their default rate would mean better management and fewer defaults, which would mean savings, I believe. This amendment will, in fact, save money in the long run, and I would urge my colleagues to support it.

I understand that the majority, if we would withdraw this amendment, would work with us on this in conference. If that is the case, I would yield to the gentleman from Pennsylvania (Mr. GOODLING), the chairman, to see if that is the agreement we have. If we could work with the gentleman in conference on this, I would then withdraw the amendment.

Mr. GOODLING. Mr. Chairman, if the gentleman will yield, we would be very happy to work with the gentleman on this.

Mr. KLINK. Mr. Chairman, I thank the gentleman. He is a gentleman, a scholar, and a great friend from Pennsylvania, and I am happy to work with him.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT NO. 13 OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. ANDREWS:

Page 154, line 18 strike "2.8 percent" and insert "2.3 percent".

Page 155, strike lines 2 and 3 and insert the following:

paragraph shall be applied by substituting '1.7 percent' for '2.3 percent.'

In clause (iv) as amended by the Manager's amendment to page 155, lines 12 though 23, relating to consolidation loans, strike "for 2.8 percent', subject" and insert "for 2.3 percent', subject".

Mr. ANDREWS. Mr. Chairman, this Congress, working with President Clinton and Vice-President GORE and Secretary Riley and the Department of Education, I think has built a laudable record of achievement in higher education. The Hope Scholarship tax credits that were enacted last year are a matter that is benefiting millions of families across the country. Virtually every family in my district has the opportunity to benefit from it in one way or the other.

Working with this committee and this Congress, Pell grants are at their highest level ever. More students are benefiting from Pell grants, and those students who benefit are benefiting at a higher level.

We have been able to enact and improve work-study programs and national service and many, many other areas. The administration and the Congress, I believe, have an exemplary record also in the area of student loans. Loan default costs have fallen precipitously.

I think Members of both parties and this committee deserve a lot of credit for that, working with the Department of Education. It is with that context in mind that I think the administration's proposal on the interest rate issue merits some consideration.

I realize that the gentleman from California (Mr. MCKEON) and the gentleman from Michigan (Mr. KILDEE) and the gentleman from Pennsylvania (Mr. GOODLING) and other leaders of this committee have worked to construct a very delicate balance on this compromise. For that reason, it is not my intention to press this matter for a vote at this time. It is, in fact, my intention to ask for unanimous consent to withdraw the amendment at the conclusion of these remarks.

But I do believe, and I think that belief is shared by many others in this body, that the administration's proposal of the subsidy number, which is the 91-day T-bill rate plus 1.7 percent for in-school interest and 2.3 percent for out-of-school interest, is a better number. That truly represents the level at which this program could operate efficiently for the lenders, profitably for the lenders, at a lower cost for the students, and perhaps most importantly, at a lower cost for the taxpayer.

I would repeat an admonition that the gentleman from South Carolina (Mr. SPRATT) made earlier this evening, that some of us have also embraced, that there is a lingering question as to how this compromise would be paid for.

I fully respect and appreciate the long-standing effort that the leadership of this committee has made to construct this compromise. It is not my desire to upset it or to be unduly critical of it.

I do wish to go on record, though, that I believe the administration position is the right one. As we proceed in negotiations with the other body and the administration, I would hope that we continue to have an open mind about this. With the intention of withdrawing the amendment, I would yield to either the full or subcommittee chairman at this point.

Mr. MCKEON. Mr. Chairman, if the gentleman will yield, I would be happy to discuss this just shortly with the gentleman from New Jersey. I wish we had the wisdom of Solomon.

Mr. ANDREWS. Does the gentleman mean the chairman of the Committee on Rules?

Mr. MCKEON. Yes, that is exactly who I was speaking about.

Mr. Chairman, I wish I could say this is a perfect number, but we talk about banks and we talk about lending institutions, and each of them has a different profit margin. Some of them this will drive out. Some of them will be able to stay in. Some we could go to a lower number and still keep some in and drive some out.

I think what we really need to look at is where is the risk. I guess the driving pitfall for me has been we need to protect the students. My concern is, as we drive banks out of the system, the ones that will get hurt first will be the students that need the help the most.

I looked at weighing the risk. If you put the risk here, if we put the number a little bit too high, the risk is that some banks will make a little bit extra profit and pay a little bit more taxes; whereas if we put the number too low and drive banks out, some of those students that rely heavily on this, that are maybe not the 18- or 19-year-old students, but there are some that come back that have been out in the workplace and now come back, they are going to community colleges or going to proprietary schools or going to night school, they really need that loan or they really need that help. They are the ones I am most concerned about in this process.

Mr. ANDREWS. Mr. Chairman, reclaiming my time, I freely acknowledge and commend both the gentleman from Pennsylvania (Mr. GOODLING), the committee chairman, and the gentleman from California (Mr. MCKEON), the subcommittee chairman, for making significant reductions in payments to both lenders and guaranty agencies in this and prior bills.

They certainly recognize the ability to have efficiencies. We may disagree about where that efficiency lies, but I certainly respect the effort and appreciate the time.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

The CHAIRMAN. Are there further amendments to title IV?

AMENDMENT NO. 12 OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I offer one more amendment listed as No. 12.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. ANDREWS:

Page 153, before line 13, insert the following new subsection (and redesignate the succeeding subsections accordingly):

"(b) CONSOLIDATION LOANS.—Notwithstanding any provision of subsection (a), with respect to any consolidation loan made under section 428C for which the first disbursement is made on or after July 1, 1998, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

"(1) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

"(2) 2.3 percent, except that such rate shall not exceed 8.25 percent.

Mr. ANDREWS. Mr. Chairman, there is an issue here as to the interest rate that students pay when they consolidate their loans, when they consolidate their direct loans in this case. The question is whether or not the students should pay a blended rate, which is to say the rate of all of the loans that he or she is consolidating, averaged and blended in as a weighted average, or whether the students should pay the interest rate paid on newly issued direct loans.

I believe that the students should pay the interest rate on newly issued direct loans. I do not believe there is a significant cost consideration here. I think that this is effectively a benefit to students in this way.

If interest rates in the long term continue to moderate or even drop, as we have been fortunate to see in the last 3 or 4 years, I think students should get the benefit of that. I think if rates dropped, then students who consolidate their loan should get the same kind of benefit that homeowners get when they refinance their home mortgage.

I understand that there are some issues of parity between the FFEL Program and the direct loan program. I frankly would like to see those issues resolved by giving persons who consolidate an FFEL loan the same low rate that students who consolidate direct loans get. I think this parity matter should be resolved in favor of the students rather than the lenders or the government.

Having said that, I understand there are issues respecting the pay-as-you-go rules here. I also understand the desire to promote the continuing parity between the direct loan and guaranty loan programs.

With the understanding that this also is an issue that is open to continued discussion among those of us in this House, the Senate, the Department of Education and the administration, it would be my intention to withdraw this amendment.

Mr. Chairman, I am happy to yield to the subcommittee chairman or full committee chairman at this time.

Mr. McKEON. Mr. Chairman, I gave my speech last time, and I would just like to thank the gentleman for his presentation and for withdrawing his amendment.

Mr. ANDREWS. Would the gentleman like to accept the amendment?

Mr. McKEON. My colleague heard me. I thank the gentleman for withdrawing the amendment.

Mr. ANDREWS. I appreciate the gentleman's indulgence.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Are there further amendments to title IV?

The Clerk will designate title V.

The text of title V is as follows:

TITLE V—DEVELOPING INSTITUTIONS

SEC. 501. ESTABLISHMENT OF NEW TITLE V.

Title V is amended to read as follows:

"TITLE V—DEVELOPING INSTITUTIONS

"PART A—HISPANIC-SERVING INSTITUTIONS

"SEC. 501. PROGRAM AUTHORIZED.

"The Secretary shall provide grants and related assistance to Hispanic-serving institutions to enable such institutions to improve and expand their capacity to serve Hispanic and other low-income students.

"SEC. 502. ELIGIBILITY; DEFINITIONS.

"(a) DEFINITIONS.—For the purpose of this part:

"(1) HISPANIC-SERVING INSTITUTION.—The term 'Hispanic-serving institution' means an institution of higher education which—

"(A) is an eligible institution;

"(B) at the time of application, has an enrollment of undergraduate full-time equivalent students that is at least 25 percent Hispanic students; and

"(C) provides assurances that not less than 50 percent of its Hispanic students are low-income individuals.

"(2) ELIGIBLE INSTITUTION.—The term 'eligible institution' means—

"(A) an institution of higher education—

"(i) which has an enrollment of needy students as required by subsection (b) of this section;

"(ii) except as provided in section 522(b), the average educational and general expenditures of which are low, per full-time equivalent undergraduate student, in comparison with the average educational and general expenditures per full-time equivalent undergraduate student of institutions that offer similar instruction;

"(iii) which is—

"(I) legally authorized to provide, and provides within the State, an educational program for which such institution awards a bachelor's degree; or

"(II) a junior or community college;

"(iv) which is accredited by a nationally recognized accrediting agency or association determined by the Secretary to be reliable authority as to the quality of training offered or which is, according to such an agency or association, making reasonable progress toward accreditation;

"(v) which meets such other requirements as the Secretary may prescribe; and

"(vi) which is located in a State; and

"(B) any branch of any institution of higher education described under subparagraph (A) which by itself satisfies the requirements contained in clauses (i) and (ii) of such subparagraph.

For purposes of the determination of whether an institution is an eligible institution under this paragraph, the factor described under subparagraph (A)(i) shall be given twice the weight of the factor described under subparagraph (A)(ii).

"(3) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' means an individual from a family whose taxable income for the preceding year did not exceed 150 percent of an amount equal to the poverty level determined by using criteria of poverty established by the Bureau of the Census.

"(4) FULL-TIME EQUIVALENT STUDENTS.—The term 'full-time equivalent students' means the sum of the number of students enrolled full time at an institution, plus the full-time equivalent of the number of students enrolled part time (determined on the basis of the quotient of the sum of the credit hours of all part-time students divided by 12) at such institution.

"(5) JUNIOR OR COMMUNITY COLLEGE.—The term 'junior or community college' means an institution of higher education—

"(A) that admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located and who have the ability to benefit from the training offered by the institution;

"(B) that does not provide an educational program for which it awards a bachelor's degree (or an equivalent degree); and

"(C) that—

"(i) provides an educational program of not less than 2 years that is acceptable for full credit toward such a degree, or

"(ii) offers a 2-year program in engineering, mathematics, or the physical or biological sciences, designed to prepare a student to work as a technician or at the semiprofessional level

in engineering, scientific, or other technological fields requiring the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.

“(6) Educational and General Expenditures.—For the purpose of this part, the term ‘educational and general expenditures’ means the total amount expended by an institution of higher education for instruction, research, public service, academic support (including library expenditures), student services, institutional support, scholarships and fellowships, operation and maintenance expenditures for the physical plant, and any mandatory transfers which the institution is required to pay by law.

“(7) Endowment fund.—For the purpose of this part, the term ‘endowment fund’ means a fund that—

“(A) is established by State law, by an institution of higher education, or by a foundation that is exempt from Federal income taxation;

“(B) is maintained for the purpose of generating income for the support of the institution; and

“(C) does not include real estate.

“(b) Enrollment of Needy Students.—For the purpose of this part, the term ‘enrollment of needy students’ means an enrollment at an institution of higher education or a junior or community college which includes—

“(1) at least 50 percent of the degree students so enrolled who are receiving need-based assistance under title IV of this Act in the second fiscal year preceding the fiscal year for which the determination is being made (other than loans for which an interest subsidy is paid pursuant to section 428), or

“(2) a substantial percentage of students receiving Pell Grants in the second fiscal year preceding the fiscal year for which determination is being made, in comparison with the percentage of students receiving Pell Grants at all such institutions in the second fiscal year preceding the fiscal year for which the determination is made, unless the requirement of this subdivision is waived under section 522(a).

“SEC. 503. AUTHORIZED ACTIVITIES.

“(a) Types of Activities Authorized.—Grants awarded under this part shall be used by Hispanic-serving institutions of higher education to assist such institutions to plan, develop, undertake, and carry out programs.

“(b) Authorized Activities.—Grants awarded under this section shall be used for one or more of the following activities:

“(1) purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;

“(2) construction, maintenance, renovation, and improvement in classrooms, libraries, laboratories, and other instructional facilities;

“(3) support of faculty exchanges, faculty development, curriculum development, academic instruction, and faculty fellowships to assist in attaining advanced degrees in their field of instruction;

“(4) purchase of library books, periodicals, and other educational materials, including telecommunications program material;

“(5) tutoring, counseling, and student service programs designed to improve academic success;

“(6) funds management, administrative management, and acquisition of equipment for use in strengthening funds management;

“(7) joint use of facilities, such as laboratories and libraries;

“(8) establishing or improving a development office to strengthen or improve contributions from alumni and the private sector;

“(9) establishing or improving an endowment fund;

“(10) creating or improving facilities for Internet or other distance learning academic instruction capabilities, including purchase or rental of telecommunications technology equipment or services;

“(11) establishing or enhancing a program of teacher education designed to qualify students to teach in public elementary and secondary schools;

“(12) establishing community outreach programs which will encourage elementary and secondary school students to develop academic skills and the interest to pursue postsecondary education;

“(13) improving and expanding graduate and professional opportunities for Hispanic students; and

“(14) other activities proposed in the application submitted pursuant to section 504 that—

“(A) contribute to carrying out the purposes of this section; and

“(B) are approved by the Secretary as part of the review and acceptance of such application.

“(c) Endowment Fund Limitations.—

“(1) Portion of grant.—An institution may not use more than 20 percent of its grant under this part for any fiscal year for establishing or improving an endowment fund.

“(2) Matching required.—An institution that uses any portion of its grant under this part for any fiscal year for establishing or improving an endowment fund shall provide an equal or greater amount for such purposes from non-Federal funds.

“(3) Regulations.—The Secretary shall publish rules and regulations specifically governing the use of funds for establishing or improving an endowment fund.

“SEC. 504. APPLICATION PROCESS.

“(a) Institutional Eligibility.—Each Hispanic-serving institution desiring to receive assistance under this part shall submit to the Secretary such enrollment data as may be necessary to demonstrate that it is a Hispanic-serving institution, along with such other information and data as the Secretary may by regulation require.

“(b) Applications.—Any institution which is determined by the Secretary to be a Hispanic-serving institution (on the basis of the information and data submitted under subsection (a)) may submit an application for assistance under this section to the Secretary. Such application shall include—

“(1) a 5-year plan for improving the assistance provided by the Hispanic-serving institution to Hispanic and other low-income students; and

“(2) such other information and assurance as the Secretary may require.

“(c) Priority.—The Secretary shall give priority to applications that contain satisfactory evidence that such institution has entered into or will enter into a collaborative arrangement with at least one local educational agency or community-based organization having demonstrated effectiveness to provide such agency with assistance (from funds other than funds provided under this part) in reducing Hispanic dropout rates, improving Hispanic rates of academic achievement, and increasing the rates at which Hispanic high school graduates enroll in higher education.

“(d) Special Rule.—For the purposes of this part, no Hispanic-serving college or university which is eligible for and receives funds under this part may concurrently receive other funds under title III.

“SEC. 505. DURATION OF GRANT.

“(a) Award Period.—The Secretary may award a grant to an eligible institution under this part for 5 years, except that no institution shall be eligible to secure a subsequent 5-year grant award under this part until two years have elapsed since the expiration of its most recent 5-year grant award.

“(b) Limitations.—In awarding grants under this part the Secretary shall give priority to applicants who are not already receiving a grant under this part, except that for the purpose of this subsection a grant under section 524(a)(1) shall not be considered a grant under this part.

“(c) Planning Grants.—Notwithstanding subsection (a), the Secretary may award a grant to an eligible institution under this part for a period of one year for the purpose of preparation of plans and applications for a grant under this part.

“PART B—GENERAL PROVISIONS

“SEC. 521. APPLICATIONS FOR ASSISTANCE.

“(a) Applications.—

“(1) Applications Required.—Any institution which is eligible for assistance under this title shall submit to the Secretary an application for assistance at such time, in such form, and containing such information, as may be necessary to enable the Secretary to evaluate its need for assistance. Subject to the availability of appropriations to carry out this title, the Secretary may approve an application for a grant under this title only if the Secretary determines that—

“(A) the application meets the requirements of subsection (b);

“(B) the applicant is eligible for assistance in accordance with the part of this title under which the assistance is sought; and

“(C) the applicant's performance goals are sufficiently rigorous as to meet the purposes of this title and the performance objectives and indicators for this title established by the Secretary pursuant to the Government Performance and Results Act.

“(2) Preliminary applications.—In carrying out paragraph (1), the Secretary shall develop a preliminary application for use by eligible institutions applying under part A prior to the submission of the principal application.

“(b) Contents.—An institution, in its application for a grant, shall—

“(1) set forth, or describe how the institution will develop, a comprehensive development plan to strengthen the institution's academic quality and institutional management, and otherwise provide for institutional self-sufficiency and growth (including measurable objectives for the institution and the Secretary to use in monitoring the effectiveness of activities under this title);

“(2) set forth policies and procedures to ensure that Federal funds made available under this title for any fiscal year will be used to supplement and, to the extent practical, increase the funds that would otherwise be made available for the purposes of section 503, and in no case supplant those funds;

“(3) set forth policies and procedures for evaluating the effectiveness in accomplishing the purpose of the activities for which a grant is sought under this title;

“(4) provide for such fiscal control and fund accounting procedures as may be necessary to ensure proper disbursement of and accounting for funds made available to the applicant under this title;

“(5) provide (A) for making such reports, in such form and containing such information, as the Secretary may require to carry out the functions under this title and the Government Performance and Results Act, including not less than one report annually setting forth the institution's progress toward achieving the objectives for which the funds were awarded, and (B) for keeping such records and affording such access thereto, as the Secretary may find necessary to assure the correctness and verification of such reports;

“(6) provide that the institution will comply with the limitations set forth in section 526;

“(7) describe in a comprehensive manner any proposed project for which funds are sought under the application and include—

"(A) a description of the various components of the proposed project, including the estimated time required to complete each such component;

"(B) in the case of any development project which consists of several components (as described by the applicant pursuant to subparagraph (A)), a statement identifying those components which, if separately funded, would be sound investments of Federal funds and those components which would be sound investments of Federal funds only if funded under this title in conjunction with other parts of the development project (as specified by the applicant);

"(C) an evaluation by the applicant of the priority given any proposed project for which funds are sought in relation to any other projects for which funds are sought by the applicant under this title, and a similar evaluation regarding priorities among the components of any single proposed project (as described by the applicant pursuant to subparagraph (A));

"(D) a detailed budget showing the manner in which funds for any proposed project would be spent by the applicant; and

"(E) a detailed description of any activity which involves the expenditure of more than $25,000, as identified in the budget referred to in subparagraph (D); and

"(8) include such other information as the Secretary may prescribe.

"(c) PRIORITY CRITERIA PUBLICATION REQUIRED.—The Secretary shall publish in the Federal Register, pursuant to chapter 5 of title 5, United States Code, all policies and procedures required to exercise the authority set forth in subsection (a). No other criteria, policies, or procedures shall apply.

"(d) ELIGIBILITY DATA.—The Secretary shall use the most recent and relevant data concerning the number and percentage of students receiving need-based assistance under title IV of this Act in making eligibility determinations and shall advance the base-year forward following each annual grant cycle.

"SEC. 522. WAIVER AUTHORITY AND REPORTING REQUIREMENT.

"(a) WAIVER REQUIREMENTS; NEED-BASED ASSISTANCE STUDENTS.—The Secretary may waive the requirements set forth in section 502(a)(2)(A)(i) in the case of an institution—

"(1) which is extensively subsidized by the State in which it is located and charges low or no tuition;

"(2) which serves a substantial number of low-income students as a percentage of its total student population;

"(3) which is contributing substantially to increasing higher education opportunities for educationally disadvantaged, underrepresented, or minority students, who are low-income individuals;

"(4) which is substantially increasing higher educational opportunities for individuals in rural or other isolated areas which are unserved by postsecondary institutions; or

"(5) wherever located, if the Secretary determines that the waiver will substantially increase higher education opportunities appropriate to the needs of Hispanic Americans.

"(b) WAIVER DETERMINATIONS; EXPENDITURES.—(1) The Secretary may waive the requirements set forth in section 502(a)(2)(A)(ii) if the Secretary determines, based on persuasive evidence submitted by the institution, that the institution's failure to meet that criterion is due to factors which, when used in the determination of compliance with such criterion, distort such determination, and that the institution's designation as an eligible institution under part A is otherwise consistent with the purposes of such part.

"(2) The Secretary shall submit to the Congress every other year a report concerning the institutions which, although not satisfying the criterion contained in section 502(a)(2)(A)(ii), have been determined to be eligible institutions under part A institutions which enroll significant numbers of Black American, Hispanic, Native American, Asian American, or Native Hawaiian students under part A, as the case may be. Such report shall—

"(A) identify the factors referred to in paragraph (1) which were considered by the Secretary as factors that distorted the determination of compliance with section 502(a)(2)(A)(ii); and

"(B) contain a list of each institution determined to be an eligible institution under part A including a statement of the reasons for each such determination.

"SEC. 523. APPLICATION REVIEW PROCESS.

"(a) REVIEW PANEL.—All applications submitted under this title by institutions of higher education shall be read by a panel of readers composed of individuals selected by the Secretary. The Secretary shall assure that no individual assigned under this section to review any application has any conflict of interest with regard to the application which might impair the impartiality with which the individual conducts the review under this section.

"(2) All readers selected by the Secretary shall receive thorough instruction from the Secretary regarding the evaluation process for applications submitted under this title and consistent with the provisions of this title, including—

"(A) an enumeration of the factors to be used to determine the quality of applications submitted under this title; and

"(B) an enumeration of the factors to be used to determine whether a grant should be awarded for a project under this title, the amount of any such grant, and the duration of any such grant.

"(b) RECOMMENDATIONS OF PANEL.—In awarding grants under this title, the Secretary shall take into consideration the recommendations of the panel made under subsection (a).

"(c) NOTIFICATION.—Not later than June 30 of each year, the Secretary shall notify each institution of higher education making an application under this title of—

"(1) the scores given the applicant by the panel pursuant to this section;

"(2) the recommendations of the panel with respect to such application; and

"(3) the reasons for the decision of the Secretary in awarding or refusing to award a grant under this title, and any modifications, if any, in the recommendations of the panel made by the Secretary.

"SEC. 524. COOPERATIVE ARRANGEMENTS.

"(a) GENERAL AUTHORITY.—The Secretary may make grants to encourage cooperative arrangements with funds available to carry out part A, between institutions eligible for assistance under part A and between such institutions and institutions not receiving assistance under this title for the activities described in section 503 so that the resources of the cooperating institutions might be combined and shared to achieve the purposes of such part and avoid costly duplicative efforts and to enhance the development of part A eligible institutions.

"(b) PRIORITY.—The Secretary shall give priority to grants for the purposes described under subsection (a) whenever the Secretary determines that the cooperative arrangement is geographically and economically sound or will benefit the applicant institution.

"(c) DURATION.—Grants to institutions having a cooperative arrangement may be made under this section for a period as determined under section 505.

"SEC. 525. ASSISTANCE TO INSTITUTIONS UNDER OTHER PROGRAMS.

"(a) ASSISTANCE ELIGIBILITY.—Each institution which the Secretary determines to be an institution eligible under part A may be eligible for waivers in accordance with subsection (b).

"(b) WAIVER APPLICABILITY.—(1) Subject to, and in accordance with, regulations promulgated for the purpose of this section, in the case of any application by an institution referred to in subsection (a) for assistance under any programs specified in paragraph (2), the Secretary is authorized, if such application is otherwise approvable, to waive any requirement for a non-Federal share of the cost of the program or project, or, to the extent not inconsistent with other law, to give, or require to be given, priority consideration of the application in relation to applications from other institutions.

"(2) The provisions of this section shall apply to any program authorized by title IV or VII of this Act.

"(c) LIMITATION.—The Secretary shall not waive, under subsection (b), the non-Federal share requirement for any program for applications which, if approved, would require the expenditure of more than 10 percent of the appropriations for the program for any fiscal year.

"SEC. 526. LIMITATIONS.

The funds appropriated under section 528 may not be used—

"(1) for a school or department of divinity or any religious worship or sectarian activity;

"(2) for an activity that is inconsistent with a State plan for desegregation of higher education applicable to such institution;

"(3) for an activity that is inconsistent with a State plan of higher education applicable to such institution; or

"(4) for purposes other than the purposes set forth in the approved application under which the funds were made available to the institution.

"SEC. 527. PENALTIES.

Whoever, being an officer, director, agent, or employee of, or connected in any capacity with, any recipient of Federal financial assistance or grant pursuant to this title embezzles, willfully misapplies, steals, or obtains by fraud any of the funds which are the subject of such grant or assistance, shall be fined not more than $10,000 or imprisoned for not more than 2 years, or both.

"SEC. 528. AUTHORIZATIONS OF APPROPRIATIONS.

"(a) AUTHORIZATIONS.—There are authorized to be appropriated to carry out part A, $80,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) USE OF MULTIPLE YEAR AWARDS.—In the event of a multiple year award to any institution under this title, the Secretary shall make funds available for such award from funds appropriated for this title for the fiscal year in which such funds are to be used by the recipient.".

The CHAIRMAN. Are there amendments to title V?

AMENDMENT NO. 57 OFFERED BY MR. CLAY

Mr. CLAY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 57 offered by Mr. CLAY:

Page 271, strike line 14 and insert the following:

"(A)(i) is an eligible institution; or

"(ii) is an institution of higher education (as such term is defined in section 101(a)(2)) that provides a 4-year baccalaureate program, is regionally accredited, and serves at least 1,500 Hispanic students;

Mr. CLAY. Mr. Chairman, this is an amendment offered by the gentleman from New York (Mr. SERRANO) which would expand the definition of Hispanic serving institutions. I understand that the majority is willing to accept the amendment, so I will leave it at that.

Mr. GOODLING. Mr. Chairman, will the gentleman yield to me?

Mr. CLAY. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. CLAY).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title V?

The Clerk will designate title VI.

The text of title VI is as follows:

TITLE VI—INTERNATIONAL AND GRADUATE EDUCATION PROGRAMS

SEC. 601. INTERNATIONAL AND FOREIGN LANGUAGE STUDIES.

(a) STATUTORY STRUCTURE.—Title VI is amended—

(1) by striking

"PART A—INTERNATIONAL AND FOREIGN LANGUAGE STUDIES"

and inserting the following:

"PART A—INTERNATIONAL EDUCATION

"Subpart 1—International and Foreign Language Studies";

(2) by striking

"PART B—BUSINESS AND INTERNATIONAL EDUCATION PROGRAMS"

and inserting the following:

"Subpart 2—Business and International Education Programs";

(3) by striking

"PART C—INSTITUTE FOR INTERNATIONAL PUBLIC POLICY"

and inserting the following:

"Subpart 3—Institute for International Public Policy"; and

(4) by striking

"PART D—GENERAL PROVISIONS"

and inserting the following:

"Subpart 4—General Provisions".

(b) FINDINGS AND PURPOSES.—Section 601 (20 U.S.C. 1121) is amended to read as follows:

"SEC. 601. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds as follows:

"(1) The security, stability, and economic vitality of the United States in a complex global era depend upon American experts in and citizens knowledgeable about world regions, foreign languages and international affairs, as well as on a strong research base in these areas.

"(2) Advances in communications technology and the growth of regional and global problems make knowledge of other countries and the ability to communicate in other languages more essential to the promotion of mutual understanding and cooperation among nations and their peoples.

"(3) Dramatic post-Cold War changes in the world's geopolitical and economic landscapes are creating needs for American expertise and knowledge about a greater diversity of less commonly taught foreign languages and nations of the world.

"(4) Systematic efforts are necessary to enhance the capacity of institutions of higher education in the United States and to encourage a broader cross-section of institutions of higher education to develop and expand programs for producing graduates with international and foreign language expertise and knowledge, and research on such areas, in a variety of disciplines and at all levels of graduate and undergraduate education.

"(5) Cooperative efforts among the Federal Government, institutions of higher education, and the private sector are necessary to promote the generation and dissemination of information about world regions, foreign languages, and international affairs throughout education, government, business, civic, and nonprofit sectors in the United States.

"(b) PURPOSES.—The purposes of this part are—

"(1)(A) to support centers, programs and fellowships in institutions of higher education in the United States for producing increased numbers of trained personnel and research in foreign languages, area and other international studies;

"(B) to develop a pool of international experts to meet national needs;

"(C) to develop and validate specialized materials and techniques for foreign language acquisition and fluency, emphasizing (but not limited to) the less commonly taught languages;

"(D) to promote access to research and training overseas; and

"(E) to advance the internationalization of a variety of disciplines throughout undergraduate and graduate education;

"(2) to support cooperative efforts promoting access to and the dissemination of international and foreign language knowledge, teaching materials and research throughout education, government, business, civic and nonprofit sectors in the United States through the use of advanced technologies; and

"(3) to coordinate the programs of the Federal Government in the areas of foreign language, area and other international studies, including professional international affairs education and research.".

(c) GRADUATE AND UNDERGRADUATE NATIONAL RESOURCE CENTERS.—

(1) NATIONAL RESOURCE CENTERS.—Section 602(a) (20 U.S.C. 1122(a)) is amended—

(A) in the heading, by striking "NATIONAL LANGUAGE AND AREA CENTERS AUTHORIZED" and inserting "NATIONAL RESOURCE CENTERS FOR FOREIGN LANGUAGE AND AREA OR INTERNATIONAL STUDIES AUTHORIZED";

(B) in paragraph (1)(A), by striking "comprehensive language and area centers" and inserting "comprehensive foreign language and area or international studies centers";

(C) in paragraph (1)(B), by striking "language and area centers" and inserting "foreign language and area or international studies centers"; and

(D) by striking paragraph (2) and inserting the following:

"(2) AUTHORIZED ACTIVITIES.—

"(A) IN GENERAL.—Any grant made under paragraph (1) may be used to pay all or part of the cost of establishing or operating a center or program, in accordance with this subsection.

"(B) MANDATORY ACTIVITIES.—Activities to be conducted by centers assisted under this subsection shall include—

"(i) support for the instruction of foreign languages and the offering of courses in a variety of nonlanguage disciplines that cover the center's subject area or topic, and the incorporation of such instruction in baccalaureate and graduate programs of study in a variety of disciplinary, interdisciplinary, or professional fields;

"(ii) support for teaching and research materials, including library acquisitions, in the center's subject area or topic;

"(iii) programs of outreach or linkage with State and local educational agencies, postsecondary education institutions at all levels, professional schools, government, business, media, or the general public; and

"(iv) program coordination and development, curriculum planning and development, and student advisement.

"(C) PERMISSIBLE ACTIVITIES.—Activities to be conducted by centers assisted under this subsection may include—

"(i) support for the creation of faculty positions in disciplines that are underrepresented in the center's instructional program;

"(ii) establishment and maintenance of linkages with overseas institutions of higher education for the purpose of contributing to the teaching and research of the center;

"(iii) support for bringing visiting scholars and faculty to the center to teach or conduct research;

"(iv) professional development of the center's faculty and staff;

"(v) projects conducted in cooperation with other National Resource Centers addressing themes of world regional, cross-regional, international, or global importance;

"(vi) summer institutes in the United States or abroad designed to provide language and area training in the center's field or topic; and

"(vii) support for faculty, staff, and student travel in foreign areas, regions, or countries, and for the development and support of educational programs abroad for students.".

(2) GRADUATE FELLOWSHIPS; EXPENSE LIMITATIONS.—Section 602 is further amended by striking subsections (b) and (c) and inserting the following:

"(b) GRADUATE FELLOWSHIPS FOR FOREIGN LANGUAGE AND AREA OR INTERNATIONAL STUDIES.—

"(1) AUTHORITY.—The Secretary is authorized to make grants to institutions of higher education or combinations of such institutions for the purpose of paying fellowships to individuals undergoing advanced training in any center or program approved by the Secretary under this part.

"(2) ELIGIBLE STUDENTS.—Students receiving fellowships described in paragraph (1) shall be individuals who are engaged in an instructional program with stated performance goals for functional foreign language use or in a program developing such performance goals, in combination with area studies, international studies, or the international aspects of a professional studies program, including predissertation level studies, preparation for dissertation research, dissertation research abroad, and dissertation writing.

"(c) RULES WITH RESPECT TO EXPENSES.—

"(1) UNDERGRADUATE TRAVEL.—No funds may be expended under this part for undergraduate travel except in accordance with rules prescribed by the Secretary setting forth policies and procedures to assure that Federal funds made available for such travel are expended as part of a formal program of supervised study.

"(2) GRADUATE DEPENDENT AND TRAVEL EXPENSES.—Fellowships awarded to graduate level recipients may include allowances for dependents and for travel for research and study in the United States and abroad.".

(d) LANGUAGE RESOURCE CENTERS.—Section 603(a) (20 U.S.C. 1123(a)) is amended—

(1) by striking paragraph (5) and inserting the following:

"(5) a significant focus on the teaching and learning needs of the less commonly taught languages, including an assessment of the strategic needs, the determination of ways to meet those needs nationally, and the publication and dissemination of instructional materials in the less commonly taught languages;";

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by inserting after paragraph (6) the following new paragraph:

"(7) the operation of intensive summer language institutes to train advanced foreign language students, provide professional development, and improve language instruction through preservice and inservice language training for teachers.".

(e) UNDERGRADUATE INTERNATIONAL STUDIES AND FOREIGN LANGUAGE PROGRAMS.—Section 604 (20 U.S.C. 1124) is amended—

(1) in the heading of subsection (a), by striking "INCENTIVES" and all that follows through "PROGRAMS" and inserting "PROGRAM INCENTIVES";

(2) in subsection (a)(1)—

(A) by striking "or combinations of such institutions" in the first sentence and inserting ", combinations of such institutions, or partnerships between nonprofit educational organizations and such institutions,";

(B) by striking "a program" and inserting "programs"; and

(C) by striking the second sentence and inserting the following: "Such grants shall be awarded for the purpose of seeking to create new programs or to strengthen existing programs in undergraduate area studies, foreign languages, and other international fields.";

(3) by striking paragraphs (2) and (3) and inserting the following:

"(2) USE OF FUNDS.—Grants made under this section may be used for Federal share of the cost of projects and activities which are an integral part of such a program, such as—

"(A) planning for the development and expansion of programs in undergraduate international studies, and foreign languages and the internationalization of undergraduate education;

"(B) teaching, research, curriculum development, and other related activities;

"(C) training of faculty members in foreign countries;

"(D) expansion of existing and development of new opportunities for learning foreign languages, including the less commonly taught languages;

"(E) programs under which foreign teachers and scholars may visit institutions as visiting faculty;

"(F) international education programs designed to develop or enhance linkages between two- and four-year institutions of higher education, or baccalaureate and postbaccalaureate programs or institutions;

"(G) the development of an international dimension in preservice and inservice teacher training;

"(H) the development of undergraduate educational programs in locations abroad where such opportunities are not otherwise available or which serve students for whom such opportunities are not otherwise available and which provide courses that are closely related to on-campus foreign language and international curricula;

"(I) the integration of new and continuing education abroad opportunities for undergraduate students into curricula of specific degree programs;

"(J) the development of model programs to enrich or enhance the effectiveness of educational programs abroad, including predeparture and postreturn programs, and the integration of educational programs abroad into the curriculum of the home institution;

"(K) the expansion of library and teaching resources;

"(L) the development of programs designed to integrate professional and technical education with area studies, foreign languages, and other international fields;

"(M) the establishment of linkages overseas with institutions of higher education and organizations that contribute to the educational objectives of this subsection;

"(N) the conduct of summer institutes in foreign area and other international fields to provide faculty and curriculum development, including the integration of professional and technical education with foreign area and other international studies, and to provide foreign area and other international knowledge or skills to government personnel or private sector professionals in international activities;

"(O) the development of partnerships between institutions of higher education and the private sector, government, and elementary and secondary education institutions to enhance international knowledge and skills; and

"(P) the use of innovative technology to increase access to international education programs.

"(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of the programs assisted under this subsection may be provided in cash from the private sector corporations or foundations in an amount equal to one-third of the total requested grant amount, or may be provided as in-cash or in-kind contribution from institutional and noninstitutional funds, including State and private sector corporation or foundation contributions, equal to one-half of the total requested grant amount.";

(4) by adding at the end of subsection (a) the following new paragraphs:

"(5) SPECIAL RULE.—The Secretary may waive or reduce the required non-Federal share for title III-eligible institutions which have submitted a grant application under this section.

"(6) EVALUATION CRITERIA AND REPORT.—As a condition for the award of any grant under this subsection, the Secretary may establish criteria for evaluating programs and require an annual report which evaluates the progress and performance of students in such programs.".

(5) by striking subsection (b);

(6) by redesignating subsection (c) as subsection (b); and

(7) by adding at the end the following new subsection:

"(c) FUNDING SUPPORT.—The Secretary may use no more than 10 percent of the total amount appropriated for this title, other than amounts appropriated for part D, for carrying out the purposes of this section.".

(f) INTENSIVE SUMMER LANGUAGE INSTITUTES.—Section 605 (20 U.S.C. 1124a) is repealed.

(g) RESEARCH; STUDIES; ANNUAL REPORT.—Section 606(a) (20 U.S.C. 1125(a)) is amended—

(1) in paragraph (4), by inserting before the semicolon at the end the following: ", area studies, or other international fields";

(2) by striking "and" at the end of paragraph (5);

(3) by striking the period at the end of paragraph (6) and inserting "; and"; and

(4) by inserting after paragraph (6) the following new paragraph:

"(7) studies and surveys of the uses of technology in foreign language, area and international studies programs.".

(h) PERIODICALS.—Section 607 (20 U.S.C. 1125a) is amended to read as follows:

"SEC. 607. TECHNOLOGICAL INNOVATION AND COOPERATION FOR FOREIGN INFORMATION ACCESS.

"(a) AUTHORITY.—The Secretary is authorized to make grants to institutions of higher education, public or nonprofit private library institutions, or consortia of such institutions, to develop innovative techniques or programs using new electronic technologies to collect, organize, preserve and widely disseminate information on world regions and countries other than the United States that address the nation's teaching and research needs in international education and foreign languages.

"(b) AUTHORIZED ACTIVITIES.—Grants under this section may be used—

"(1) to facilitate access to or preserve foreign information resources in print or electronic forms;

"(2) to develop new means of immediate, full-text document delivery for information and scholarship from abroad;

"(3) to develop new means of shared electronic access to international data;

"(4) to support collaborative projects of indexing, cataloging, and other means of bibliographic access for scholars to important research materials published or distributed outside the United States;

"(5) to develop methods for the wide dissemination of resources written in non-Roman language alphabets;

"(6) to assist teachers of less commonly taught languages in acquiring, via electronic and other means, materials suitable for classroom use; and

"(7) to promote collaborative technology based projects in foreign languages, area and international studies among grant recipients under this title.

"(c) APPLICATION.—Each institution or consortium desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information and assurances as the Secretary may reasonably require.

"(d) MATCH REQUIRED.—The Federal share of the total cost of carrying out a program supported by a grant under this section shall not be more than 66⅔ percent. The non-Federal share of such cost may be provided either in-kind or in cash, and may include contributions from private sector corporations or foundations.".

(i) DEVELOPMENT GRANTS.—Section 610 (20 U.S.C. 1127) is amended by adding at the end the following new subsection:

"(d) DEVELOPMENT GRANTS AUTHORIZED.—The Secretary is encouraged to consider the establishment of new centers, and may use at least 10 percent of the funds available for this section to make grants for the establishment of such new centers.".

(j) AUTHORIZATION OF APPROPRIATIONS.—Section 610A (20 U.S.C. 1128) is amended by striking "1993" and inserting "1999".

(k) CONFORMING AMENDMENT.—Title VI is further amended by redesignating sections 606, 607, 608, 609, 610, and 610A as sections 605 through 610, respectively.

SEC. 602. BUSINESS AND INTERNATIONAL EDUCATION PROGRAMS.

(a) CENTERS FOR INTERNATIONAL BUSINESS EDUCATION.—Section 612 (20 U.S.C. 1130–1) is amended—

(1) in subsection (c)(1)(B), by striking "advanced";

(2) in subsection (c)(1)(C), by striking "evening or summer programs," and inserting "programs"; and

(3) in subsection (d)(2)(G), by inserting before the period at the end the following: ", such as a representative of a community college in the region served by the center".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 614 (20 U.S.C. 1130b) is amended by striking "1993" each place it appears and inserting "1999".

(c) TECHNICAL AMENDMENT.—The heading of section 611 (20 U.S.C. 1130) is amended to read as follows:

"SEC. 611. FINDINGS AND PURPOSES.".

SEC. 603. INSTITUTE FOR INTERNATIONAL PUBLIC POLICY.

(a) MINORITY FOREIGN SERVICE PROFESSIONAL DEVELOPMENT PROGRAM.—Section 621(e) (20 U.S.C. 1131(e)) is amended by striking "one-fourth" and inserting "one-half".

(b) JUNIOR YEAR AND SUMMER ABROAD PROGRAM.—Section 622 (20 U.S.C: 1131a) is amended—

*(1) in the heading of such section, by inserting "**AND SUMMER**" after "**YEAR**";*

(2) in subsection (a)—

(A) by striking "shall conduct" and inserting "is authorized to conduct";

(B) by inserting "and summer" after "junior year" each place it appears in the first and second sentences;

(C) by inserting "in a junior year abroad program" after "Each student" in the last sentence;

(3) in subsection (b)(2), by inserting "or summer" after "junior year"; and

(4) in subsection (c)—

(A) by inserting "or summer abroad program" after "junior year abroad program" each place it appears; and

(B) by striking "abroad or internship" and inserting "abroad, summer abroad, or internship".

(c) Internships.—Section 624 (20 U.S.C. 1132c) is amended—

(1) by striking "The Institute" and inserting "(a) In General.—The Institute"; and

(2) by adding at the end the following new subsection:

"(b) Postbaccalaureate Internships.—The Institute shall enter into agreements with institutions of higher education described in the first sentence of subsection (a) to conduct internships in Washington, DC, for students who have completed study for the baccalaureate degree. The Internship program authorized by this subsection shall—

"(1) be designated to assist the students to prepare for a master's degree program;

"(2) be carried out with the assistance of the Woodrow Wilson Fellowship program;

"(3) contain work experience for the students designated to contribute to the objectives set forth in paragraph (1); and

"(4) contain such other elements as the Institute determines will carry out the objectives of this subsection.".

(d) New Programs.—Title VI is further amended—

(1) by redesignating sections 625 through 627 (20 U.S.C. 1131d–1131f) as sections 627 through 629; and

(2) by inserting after section 624 the following new sections:

"SEC. 625. INSTITUTIONAL DEVELOPMENT.

"(a) In General.—The Institute shall make grants, from amounts available to it in each fiscal year, to Historically Black Colleges and Universities, Hispanic-serving Institutions, Tribally Controlled Indian Community Colleges, and minority institutions, to enable such colleges, universities, and institutions to strengthen international affairs programs.

"(b) Application.—No grant may be made by the Institute under this section unless an application is made by the college, university, or institution at such time, in such manner, and accompanied by such information as the Institute may require.

"(c) Definitions.—As used in this section—

"(1) the term 'Historically Black College and University' has the same meaning given the term by section 322(2) of this Act;

"(2) the term 'Hispanic-serving Institution' has the same meaning given the term by section 316(b)(1) of this Act;

"(3) the term 'Tribally controlled Indian community college' has the same meaning given that term by the Tribally Controlled Community College Assistance Act of 1978; and

"(4) the term 'minority institution' has the same meaning given that term in section 347 of this Act.

"SEC. 626. INTERAGENCY COMMITTEE ON MINORITY CAREERS IN INTERNATIONAL AFFAIRS.

"(a) Establishment.—There is established in the executive branch of the Federal Government an Interagency Committee on Minority Careers in International Affairs composed of 7 members. The members of the Committee shall be—

"(1) the Undersecretary for International Affairs and Commodity Programs of the Department of Agriculture, appointed by the Secretary of Agriculture;

"(2) the Assistant Secretary and Director General, the Commercial Service of the Department of Commerce, appointed by the Secretary of Commerce;

"(3) the Undersecretary of Defense for Personnel and Readiness of the Department of Defense, appointed by the Secretary of Defense;

"(4) the Assistant Secretary for Postsecondary Education in the Department of Education, appointed by the Secretary of Education;

"(5) the Director General of the Foreign Service of the Department of State, appointed by the Secretary of State;

"(6) the General Counsel of the Agency for International Development, appointed by the Administrator; and

"(7) the Associate Director for Educational and Cultural Affairs of the United States Information Agency, appointed by the Director.

"(b) Functions.—The Interagency Committee established by this section shall—

"(1) advise the Secretary and the Institute with respect to programs authorized by this part; and

"(2) promote policies in each department and agency participating on the Committee that are designed to carry out the objectives of this part.".

(e) Authorization.—Section 629 (20 U.S.C. 1131f) (as redesignated by subsection (d)) is amended by striking "1993" and inserting "1999".

SEC. 604. GENERAL PROVISIONS.

(a) Definitions.—Section 631(a) (20 U.S.C. 1132(a)) is amended—

(1) by striking "and" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting "; and"; and

(3) by inserting after paragraph (8) the following new paragraphs:

"(9) the term 'internationalization of undergraduate education' means the incorporation of foreign languages and area and international studies perspectives in any undergraduate course or curriculum in order to provide international content for that course of study; and

"(10) the term 'educational programs abroad' means programs of study, internships, or service learning outside the United States which are part of a foreign language or other international curriculum at the undergraduate or graduate education levels.".

(b) Repeal.—Section 632 (20 U.S.C. 1132–1) is repealed.

SEC. 605. TRANSFER AND REAUTHORIZATION OF GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED PROGRAM.

(a) Amendment.—Title VI is amended by adding at the end the following new part:

"PART B—GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED

"SEC. 651. PURPOSE.

"In order to sustain and enhance the capacity for graduate education in areas of national need, it is the purpose of this part to provide, through academic departments and programs of institutions of higher education, a fellowship program to assist graduate students of superior ability who demonstrate financial need.

"SEC. 652. GRANTS TO ACADEMIC DEPARTMENTS AND PROGRAMS OF INSTITUTIONS.

"(a) Grant Authority.—

"(1) In general.—The Secretary shall make grants to academic departments and programs and other academic units of institutions of higher education that provide courses of study leading to a graduate degree in order to enable such institutions to provide assistance to graduate students in accordance with this part. The Secretary shall coordinate the administration and regulation of programs under this part with other Federal programs providing graduate assistance to minimize duplication and improve efficiency.

"(2) Additional grants.—The Secretary may also make grants to such departments and programs and to other units of institutions of higher education granting graduate degrees which submit joint proposals involving nondegree granting institutions which have formal arrangements for the support of doctoral dissertation research with degree-granting institutions. Nondegree granting institutions eligible for awards as part of such joint proposals include any organization which—

"(A) is described in section 501(c)(3) of the Internal Revenue Code of 1986, and is exempt from tax under section 501(a) of such Code;

"(B) is organized and operated substantially to conduct scientific and cultural research and graduate training programs;

"(C) is not a private foundation;

"(D) has academic personnel for instruction and counseling who meet the standards of the institution of higher education in which the students are enrolled; and

"(E) has necessary research resources not otherwise readily available in such institutions to such students.

"(b) Award and Duration of Grants.—

"(1) Awards.—The principal criterion for the allocation of awards shall be the relative quality of the graduate programs presented in competing applications. Consistent with an allocation of awards based on quality of competing applications, the Secretary shall, in making such grants, promote an equitable geographic distribution among eligible public and private institutions of higher education.

"(2) Duration.—The Secretary shall approve a grant recipient under this part for a 3-year period. From the sums appropriated under this part for any fiscal year, the Secretary shall not make a grant to any academic department or program of an institution of higher education of less than $125,000 or greater than $750,000 per fiscal year.

"(3) Reallotment.—Whenever the Secretary determines that an academic department or program of an institution of higher education is unable to use all of the amounts available to it under this part, the Secretary shall, on such dates during each fiscal year as the Secretary may fix, reallot the amounts not needed to academic departments and programs of institutions which can use the grants authorized by this part.

"SEC. 653. INSTITUTIONAL ELIGIBILITY.

"(a) Eligibility Criteria.—Any academic department or program of an institution of higher education that offers a program of postbaccalaureate study leading to a graduate degree in an area of national need (as designated under subsection (b)) may apply for a grant under this part. No department or program shall be eligible for a grant unless the program of postbaccalaureate study has been in existence for at least 4 years at the time of application for assistance under this part.

"(b) Designation of Areas of National Need.—After consultation with appropriate Federal and nonprofit agencies and organizations, the Secretary shall designate areas of national need. In making such designations, the Secretary shall take into account the extent to which the interest is compelling, the extent to which other Federal programs support postbaccalaureate study in the area concerned, and an assessment of how the program could achieve the most significant impact with available resources.

"SEC. 654. CRITERIA FOR APPLICATIONS.

"(a) SELECTION OF APPLICATIONS.—The Secretary shall make grants to academic departments and programs of institutions of higher education on the basis of applications submitted in accordance with subsection (b). Applications shall be ranked on program quality by review panels of nationally recognized scholars and evaluated on the quality and effectiveness of the academic program and the achievement and promise of the students to be served. To the extent possible (consistent with other provisions of this section), the Secretary shall make awards that are consistent with recommendations of the review panels.

"(b) CONTENTS OF APPLICATIONS.—An academic department or program of an institution of higher education, in its application for a grant, shall—

"(1) describe the current academic program of the applicant for which the grant is sought;

"(2) provide assurances that the applicant will provide, from other non-Federal funds, for the purposes of the fellowship program under this part an amount equal to at least 25 percent of the amount of the grant received under this part, which contribution may be in cash or in kind fairly valued;

"(3) describe the number, types, and amounts of the fellowships that the applicant intends to offer under the grant;

"(4) set forth policies and procedures to assure that, in making fellowship awards under this part, the institution will make awards to individuals who—

"(A) have financial need, as determined under part F of title IV;

"(B) have excellent academic records in their previous programs of study; and

"(C) plan to pursue the highest possible degree available in their course of study;

"(5) set forth policies and procedures to ensure that Federal funds made available under this part for any fiscal year will be used to supplement and, to the extent practical, increase the funds that would otherwise be made available for the purpose of this part and in no case to supplant those funds;

"(6) provide assurances that, in the event that funds made available to the academic department or program under this part are insufficient to provide the assistance due a student under the commitment entered into between the academic department or program and the student, the academic department or program will, from any funds available to it, fulfill the commitment to the student;

"(7) provide that the applicant will comply with the limitations set forth in section 655;

"(8) provide assurances that the academic department will provide at least 1 year of supervised training in instruction for students; and

"(9) include such other information as the Secretary may prescribe.

"SEC. 655. AWARDS TO GRADUATE STUDENTS.

"(a) COMMITMENTS TO GRADUATE STUDENTS.—

"(1) IN GENERAL.—An academic department or program of an institution of higher education shall make commitments to eligible graduate students as defined in section 484 (including students pursuing a doctoral degree after having completed a master's degree program at an institution of higher education) at any point in their graduate study to provide stipends for the length of time necessary for a student to complete the course of graduate study, but in no case longer than 3 years.

"(2) SPECIAL RULE.—No such commitments shall be made to students under this part unless the academic department or program has determined adequate funds are available to fulfill the commitment either from funds received or anticipated under this part, or from institutional funds.

"(b) AMOUNT OF STIPENDS.—The Secretary shall make payments to institutions of higher education for the purpose of paying stipends to individuals who are awarded fellowships under this part. The stipends the Secretary establishes shall reflect the purpose of this program to encourage highly talented students to undertake graduate study as described in this part. In the case of an individual who receives such individual's first stipend under this part in academic year 1999–2000 or any succeeding academic year, such stipend shall be set at a level of support equal to that provided by the National Science Foundation graduate fellowships, except such amount shall be adjusted as necessary so as not to exceed the fellow's demonstrated level of need as determined under part F of title IV.

"(c) TREATMENT OF INSTITUTIONAL PAYMENTS.—An institution of higher education that makes institutional payments for tuition and fees on behalf of individuals supported by fellowships under this part in amounts that exceed the institutional payments made by the Secretary pursuant to section 656(a) may count the excess of such payments toward the amounts the institution is required to provide pursuant to section 654(b)(2).

"(d) ACADEMIC PROGRESS REQUIRED.—Notwithstanding the provisions of subsection (a), no student shall receive an award—

"(1) except during periods in which such student is maintaining satisfactory progress in, and devoting essentially full time to, study or research in the field in which such fellowship was awarded, or

"(2) if the student is engaging in gainful employment other than part-time employment involved in teaching, research, or similar activities determined by the institution to be in support of the student's progress towards a degree.

"SEC. 656. ADDITIONAL ASSISTANCE FOR COST OF EDUCATION.

"(a) INSTITUTIONAL PAYMENTS.—(1) The Secretary shall (in addition to stipends paid to individuals under this part) pay to the institution of higher education, for each individual awarded a fellowship under this part at such institution, an institutional allowance. Except as provided in paragraph (2), such allowance shall be—

"(A) $10,000 annually with respect to individuals who first received fellowships under this part prior to academic year 1999–2000; and

"(B) with respect to individuals who first receive fellowships during or after academic year 1999–2000—

"(i) $10,000 for the academic year 1999–2000; and

"(ii) for succeeding academic years, $10,000 adjusted annually thereafter in accordance with inflation as determined by the Department of Labor's Consumer Price Index for the previous calendar year.

"(2) The institutional allowance paid under paragraph (1) shall be reduced by the amount the institution charges and collects from a fellowship recipient for tuition and other expenses as part of the recipient's instructional program.

"(b) USE FOR OVERHEAD PROHIBITED.—Funds made available pursuant to this part may not be used for the general operational overhead of the academic department or program.

"SEC. 657. CONTINUATION AWARDS.

"Before making new awards under this part for any fiscal year, the Secretary shall, as appropriate, making continuation awards to recipients of awards under parts B, C, and D of title IX as in effect prior to the enactment of the Higher Education Amendments of 1998.

"SEC. 658. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $40,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years to carry out this part.".

(b) REPEAL.—Title IX (20 U.S.C. 1134 et seq.) is repealed.

The CHAIRMAN. Are there any amendments to title VI?

AMENDMENT NO. 21 OFFERED BY MR. KILDEE

Mr. KILDEE. Mr. Chairman, I offer an amendment on behalf of the gentleman from California (Mr. FARR).

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. KILDEE:

Page 310, strike line 3 and insert the following (and redesignate the succeeding paragraph accordingly):

(3) in subsection (c)(2)—

(A) by striking "and" at the end of subparagraph (E);

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E) the following new subparagraph:

"(F) professional graduate degrees in translation and interpretation; and"; and

Mr. KILDEE. Mr. Chairman, I will be very brief. This provides funds under section F for professional graduate degrees in translation and interpretation. It adds those being eligible for funds.

Mr. GOODLING. Mr. Chairman, will the gentleman yield to me?

Mr. KILDEE. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, we accept the amendment.

Mr. KILDEE. Mr. Chairman, I thank the gentleman for accepting the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. KILDEE).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title VI?

The Clerk will designate title VII.

The text of title VII is as follows:

TITLE VII—CONSTRUCTION, RECONSTRUCTION, AND RENOVATION OF ACADEMIC FACILITIES

SEC. 701. EXTENSION OF PRIOR RIGHTS AND OBLIGATIONS.

Section 702(a) (20 U.S.C. 1132a–1(a)) is amended by striking "fiscal year 1993" and inserting "fiscal year 1999".

SEC. 702. REPEAL OF PART A.

(a) REPEAL.—Part A of title VII (20 U.S.C. 1132b et seq.) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 701(b) (20 U.S.C. 1132a(b)) is amended by striking "part A or B" and inserting "part B".

(2) Part B of title VII is amended by striking section 726 (20 U.S.C. 1132c–5).

(3) Section 781 (20 U.S.C. 1132i) is amended by striking "part A of this title, or" each place it appears.

SEC. 703. EXTENSION OF AUTHORIZATION OF PART B.

Section 727(c) (20 U.S.C. 1132c–6(c)) is amended by striking "fiscal year 1993" and inserting "fiscal year 1999".

SEC. 704. EXTENSION OF AUTHORIZATION OF PART C.

Section 735 (20 U.S.C. 1132d–4) is amended by striking "fiscal year 1993" and inserting "fiscal year 1999".

Mr. GOODLING. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. RIGGS) having assumed the chair, Mr. GUTKNECHT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6) to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes, had come to no resolution thereon.

UNFAIRNESS IN TAX CODE: MARRIAGE TAX PENALTY

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. WELLER. Mr. Speaker, some ask why is it so important we pass the Marriage Tax Elimination Act. Clearly I think three questions best answer that big question.

Do Americans feel that it is fair that a working married couple pays higher taxes just because they are married?

Do Americans feel that it is fair that 21 million married working couples pay on average $1,400 more in taxes than an identical couple living together outside of marriage?

Do Americans feel that it is right that our Tax Code actually provides an incentive to get divorced?

Of course not. Americans recognize that the marriage tax is wrong and it is time to do something about it. If you think about it, 21 million Americans paying $1,400 more just because they are married, that is real money for real people. The south side of Chicago, the south suburbs that I have the privilege of representing, $1,400 is one year's tuition at a local community college, three months of day care at a local child care center, several months worth of car payments.

The Marriage Tax Elimination Act is gaining momentum. Let us eliminate the marriage tax. Let us eliminate it now.

Mr. Speaker, I rise today to highlight what is arguably the most unfair provision in the U.S. Tax code: the marriage tax penalty. I want to thank you for your long term interest in bringing parity to the tax burden imposed on working married couples compared to a couple living together outside of marriage.

In January, President Clinton gave his State of the Union Address outlining many of the things he wants to do with the budget surplus.

A surplus provided by the bipartisan budget agreement which: cut waste, put America's fiscal house in order, and held Washington's feet to the fire to balance the budget.

While President Clinton paraded a long list of new spending totaling at least $46–$48 billion in new programs—we believe that a top priority should be returning the budget surplus to America's families as additional middle-class tax relief.

This Congress has given more tax relief to the middle class and working poor than any Congress of the last half century.

I think the issue of the marriage penalty can best be framed by asking these questions: Do Americans feel its fair that our tax code imposes a higher tax penalty on marriage? Do Americans feel its fair that the average married working couple pays almost $1,400 more in taxes than a couple with almost identical income living together outside of marriage? Is it right that our tax code provides an incentive to get divorced?

In fact, today the only form one can file to avoid the marriage tax penalty is paperwork for divorce. And that is just wrong!

Since 1969, our tax laws have punished married couples when both spouses work. For no other reason than the decision to be joined in holy matrimony, more than 21 million couples a year are penalized. They pay more in taxes than they would if they were single. Not only is the marriage penalty unfair, it's wrong that our tax code punishes society's most basic institution. The marriage tax penalty exacts a disproportionate toll on working women and lower income couples with children. In many cases it is a working women's issue.

Let me give you an example of how the marriage tax penalty unfairly affects middle class married working couples.

For example, a machinist, at a Caterpillar manufacturing plant in my home district of Joliet, makes $30,500 a year in salary. His wife is a tenured elementary school teacher, also bringing home $30,500 a year in salary. If they would both file their taxes as singles, as individuals, they would pay 15%.

MARRIAGE PENALTY EXAMPLE IN THE SOUTH SUBURBS

Adjusted gross income	Machinist $30,500	School Teacher $30,500	Couple $61,000
Less personal exemption and standard deduction	$6,550	$6,550	$11,800
Taxable income	$23,950	$23,950	$49,200
Tax liability	$3592.5	$3592.5	$8563
Marriage penalty			$1378

But if they chose to live their lives in holy matrimony, and now file jointly, their combined income of $61,000 pushes them into a higher tax bracket of 28 percent, producing a tax penalty of $1400 in higher taxes.

On average, America's married working couples pay $1,400 more a year in taxes than individuals with the same incomes. That's serious money. Everyday we get closer to April 15th more married couples will be realizing that they are suffering the marriage tax penalty.

Particularly if you think of it in terms of: a down payment on a house or a car, one years tuition at a local community college, or several months worth of quality child care at a local day care center.

To that end, Congressman DAVID MCINTOSH and I have authored the Marriage Tax Elimination Act.

It would allow married couples a choice in filing their income taxes, either jointly or as individuals—which ever way lets them keep more of their own money.

Our bill already has the bipartisan cosponsorship of 232 Members of the House and a similar bill in the Senate also enjoys widespread support.

It isn't enough for President Clinton to suggest tax breaks for child care. The President's child care proposal would help a working couple afford, on average, three weeks of day care. Elimination of the marriage tax penalty would give the same couple the choice of paying for three months of child care—or addressing other family priorities. After all, parents know better than Washington what their family needs.

We fondly remember the 1996 State of the Union address when the President declared emphatically that, quote "the era of big government is over."

We must stick to our guns, and stay the course.

There never was an American appetite for big government.

But there certainly is for reforming the existing way government does business.

And what better way to show the American people that our government will continue along the path to reform and prosperity than by eliminating the marriage tax penalty.

Ladies and Gentlemen, we are on the verge of running a surplus. It's basic math.

It means Americans are already paying more than is needed for government to do the job we expect of it.

What better way to give back than to begin with mom and dad and the American family—the backbone of our society.

We ask that President Clinton join with Congress and make elimination of the marriage tax penalty * * * a bipartisan priority.

Of all the challenges married couples face in providing home and hearth to America's children, the U.S. tax code should not be one of them.

Let's eliminate The Marriage Tax Penalty and do it now!

WHICH IS BETTER, 3 WEEKS OR 3 MONTHS?

NOTE: The President's Proposal to expand the child care tax credit will pay for only 2 to 3 weeks of child care. The *Weller-McIntosh Marriage Tax Elimination Act H.R. 2456*, will allow married couples to pay for 3 months of child care.

CHILD CARE OPTIONS UNDER THE MARRIAGE TAX ELIMINATION ACT

	Average tax relief	Average weekly day care cost	Weeks day care
Marraige tax elimination act	$1,400	$127	11
President's child care tax credit	$358	$127	2.8

LET US NOT PLAY POLITICS ON SUBJECT OF LEGAL AND ILLEGAL DRUG USE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I hope this morning we can start afresh and not play politics with illegal drug use. My Republican friends know full well that both Democrats and Republicans have been strong against the illegal use of drugs. We understand that along with talking about being against illegal use of drugs comes prevention and intervention.

The needle exchange program has nothing to do with supporting the illegal use of drugs. It is plain common sense, folks. People who use drugs are addicted, they are sick, they need intervention, they need prevention, they need treatment.

The use of clean needles saves lives, it prevents the spread of HIV, it keeps from killing our children, wives, husbands, family members, Americans, and we need to get off this politics on the illegal use of drugs and comparing that to clean needle exchange.

Mr. Speaker, I hope my colleagues will stop playing politics with tobacco and help prevent the use of tobacco with our young people, and I hope they will stop fooling around with a life-and-death matter of clean needles to save lives for Americans. Let us get down to the business of doing what the American people want us to do.

Mr. Speaker, I rise today to urge my colleagues to move swiftly on tobacco legislation.

A new report by the surgeon general shows that teen smoking rose dramatically among African-Americans and Hispanics. For example, smoking among African-American high school students was up by a startling 80 percent. The report shows that smoking is also a major cause of death and disease among all minority and ethnic groups. And African-American men bear the greatest health burdens from lung cancer. Mr. Speaker these numbers are disturbing and it underscores the need for comprehensive tobacco legislation. Smoking is devastating to our children, especially because of its addictive nature. We need to focus on early intervention so our kids can kick the habit before they get hooked.

I urge my colleagues to make tobacco legislation a top priority, so our kids will lead healthy lives.

WHY DO DEMOCRATS WANT TO BLOCK INVESTIGATION?

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, last week 19 House Democrats on the Committee on Government Reform and Oversight voted in lock step to block immunity to four essential witnesses. Over 90 people in this investigation have taken the fifth amendment or fled the country, and the only way the Americans can get to the truth of it is to give immunity to some of the witnesses who have not fled the country. So why have the Democrats voted against it? Why do they want to block the investigation?

Here is the letter from the Justice Department saying they had no problems given Irene Wu, Nancy Lee and Larry Wong immunity if they testify, but 19 House Democrats have blocked it. Why are they trying to obstruct justice? Maybe because of this.

The President's own attorney general has appointed six independent counsels on this particular administration, and these independent counsels have brought results: the Whitewater investigation, eleven guilty pleas, three convictions, two indictments pending; the Espy investigation, six guilty pleas, six convictions, three indictments pending; the Cisneros investigation, one guilty plea, six indictments pending.

Maybe that is why the 19 House Democrats voted lock step to keep the truth from the American people and obstruct justice in their own partisan way.

DEPARTMENT OF JUSTICE,
Washington, DC., April 16, 1998.

Mr. RICHARD D. BENNETT,
Chief Counsel, Committee on Government Reform and Oversight, Rayburn House Office Building, Washington, DC.

DEAR MR. BENNETT: I am writing in response to your letter of April 7, 1998, requesting the Department of Justice's position on the granting of immunity to Larry Wong. The Department of Justice has no opposition to the Committee granting immunity to Mr. Wong. We appreciate greatly your coordinating with us on this matter.

Sincerely,

MARK M. RICHARD,
Acting Assistant Attorney General.

DEPARTMENT OF JUSTICE,
Washington, DC., April 16, 1998.

Mr. RICHARD D. BENNETT,
Chief Counsel, Committee on Government Reform and Oversight, Rayburn House Office Building, Washington, DC.

DEAR MR. BENNETT: I am writing in response to your letter of April 7, 1998, requesting the Department of Justice's position on the granting of immunity to Nancy Lee. The Department of Justice has no opposition to the Committee granting immunity to Ms. Lee. We appreciate greatly your coordinating with us on this matter.

Sincerely,

MARK M. RICHARD,
Acting Assistant Attorney General.

DEPARTMENT OF JUSTICE,
Washington, DC., April 16, 1998.

Mr. RICHARD D. BENNETT,
Chief Counsel, Committee on Government Reform and Oversight, Rayburn House Office Building, Washington, DC.

DEAR MR. BENNETT: I am writing in response to your letter of April 7, 1998, requesting the Department of Justice's position on the granting of immunity to Irene Wu. The Department of Justice has no opposition to the Committee granting immunity to Ms. Wu. We appreciate greatly your coordinating with us on this matter.

Sincerely,

MARK M. RICHARD,
Acting Assistant Attorney General.

□ 2330

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. RIGGS). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING STATUS OF THE FISCAL YEAR 1998 CONGRESSIONAL BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, to facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 1998 and for the 5-year period fiscal year 1998 through fiscal year 2002.

The term "current level" refers to the amount of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature as of April 21, 1998.

The first table in the report compares the current level of total budget authority, outlays, and revenues with the aggregate levels set by H. Con. Res. 84, the concurrent resolution on the budget for fiscal year 1998 as adjusted pursuant to 314(b) of the Budget Act. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 1998 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority, outlays, and new entitlement authority of each direct spending committee with the "section 302(a)" allocations for discretionary action made under H. Con. Res. 84 for fiscal year 1998 and for fiscal years 1998 through 2002. "Discretionary action" refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 1998 with the revised "section 302(b)" sub-allocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, because the point of order under that section also applies to measures that would breach the applicable section 302(b) sub-allocation. The revised section 302(b) sub-allocations were filed by the Appropriations Committee on March 31, 1998.

The fourth table compares discretionary appropriations to the levels provided by section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985. Section 251 requires that if at the end of a session the discretionary spending, in any category, exceeds the limits set forth in section 251(c) as adjusted pursuant to provisions of section 251(b), there shall be a sequestration of funds within that category to bring spending within the established limits. This table is provided for information purposes only. Determination of the need for a sequestration is based on the report of the President required by section 254.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET: STATUS OF THE FISCAL YEAR 1998 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 84 (Reflecting Action Completed as of March 31, 1998)

[On-budget amounts, in millions of dollars]

	Fiscl year—	
	1998	1998–2002
Appropriate Level (as amended by P. L. 105–116):		
Budget Authority	1,405,449	7,386,233
Outlays	1,372,522	7,282,253
Revenues	1,199,000	6,477,552
Current Level:		
Budget Authority	1,389,663	NA
Outlays	1,374,198	NA
Revenues	1,197,381	6,459,901
Current Level over (+)/under (-) Appropriate Level:		
Budget Authority	– 15,786	NA
Outlays	1,676	NA
Revenues	– 1,619	– 17,651

NA=Not applicable because annual appropriations Acts for Fiscal Years 1998 through 2002 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of any measure providing new budget authority for FY 1998 in excess of $15,786 million (if not already included in the current level estimate) would cause FY 1998 budget authority to exceed the appropriate level set by H. Con. Res. 84.

OUTLAYS

Enactment of any measure providing new outlays for FY 1998 (if not already included in the current level estimate) would cause FY 1998 outlays to exceed the appropriate level set by H. Con. Res. 84.

REVENUES

Enactment of any measure that would result in any revenue loss for FY 1998 (if not already included in the current level estimate) or for FY 1998 through 2002 (if not already included in the current level) would cause revenues to fall further below the appropriate level set by H. Con. Res. 84.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 21, 1998.

Hon. JOHN KASICH,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1998. These estimates are compared to the appropriate levels for those items contained in the 1998 Concurrent Resolution on the Budget (H. Con. Res. 84) and are current through April 1, 1998. A summary of this tabulation, my first for the second session of the 105th Congress, follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 84)	Current level +/- resolution
Budget Authority	1,389,663	1,405,449	– 15,786
Outlays	1,374,198	1,372,522	+1,676
Revenues:			
1998	1,197,381	1,199,000	– 1,619
1998–2002	6,459,901	6,477,552	– 17,651

Since my last report, dated November 6, 1997, nine authorization bills (Public Laws 105–85, 105–89, 105–92, 105–114, 104–124, 105–130, 105–135, 105–144, and 105–150) and six appropriation bills (Public Laws 105–78, 105–83, 105–86, 105–100, 105–118, and 105–119) have been enacted. These actions changed the current level of budget authority, outlays, and revenues. Detail is shown on the enclosed table.

In addition, the budget authority and outlay totals established in H. Con. Res. 84 have been revised to reflect additional appropriations that were enacted for payment of international arrearages, for the cost of continuing disability reviews, and for the dollar equivalent of Special Drawing Rights for the International Monetary Fund. These revisions increased the total budget authority allocation by $18,266 million and the total outlay allocation by $61 million.

Sincerely,

JUNE E. O'NEILL,
Director.

Enclosure.

PARLIAMENTARIAN STATUS REPORT: 105TH CONGRESS, 2ND SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1998 AS OF CLOSE OF BUSINESS APRIL 1, 1998

[In millions of dollars]

	Budget authority	Outlays	Revenues
Previously Enacted			
Revenues	....	....	1,197,381
Permanents and other spending legislation	908,725	864,750	....
Appropriation legislation	752,279	781,902	....
Offsetting receipts	– 283,340	– 283,340	....
Total previously enacted	1,377,664	1,363,312	1,197,381
Entitlements and Mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	11,999	10,886	....
Total Current Level	1,389,663	1,374,198	1,197,381
Total Budget Resolution	1,405,449	1,372,522	1,199,000
Amount remaining:			
Under Budget Resolution	15,786	....	1,619
Over Budget Resolution	....	1,676	....
Addendum			
Emergencies	271	2,286	....
Contingent Emergencies	300	75	....
Total	571	2,361	....
Total Current Level Including Emergencies	1,390,234	1,376,559	1,197,381

Source: Congressional Budget Office.

Notes: Amounts shown under "emergencies" represent funding for programs that have been deemed emergency requirements by the President and the Congress. Amounts shown under "contingent emergencies" represent funding designated as an emergency only by the Congress that is not available for obligation until it is required by the President and the full amount requested is designated as an emergency requirement.

Current level estimates include $390 million in budget authority and $298 million in outlays for projects that were canceled by the President pursuant to the Line Item Veto Act, Public Law 104–130.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a) REFLECTING ACTION COMPLETED AS OF SEPT. 9, 1997

[By fiscal years, in millions of dollars]

	1998			1998–2002		
	BA	Outlays	NEA	BA	Outlays	NEA
HOUSE COMMITTEE						
Agriculture:						
Allocation	....	....	....	....	....	....
Current Level	....	....	....	(2)	(2)	....
Difference	....	....	....	(2)	(2)	....
National Security:						
Allocation	....	....	....	....	....	....
Current Level	(159)	(159)	9	(127)	(127)	101
Difference	(159)	(159)	9	(127)	(127)	101
Banking, Finance and Urban Affairs:						
Allocation	(136)	(136)	....	(666)	(1,590)	....
Current Level	(135)	(135)	....	(861)	(1,785)	....
Difference	1	1	....	(195)	(195)	....
Education and the Workforce:						
Allocation	(248)	(242)	1,726	(1,798)	(1,792)	12,867
Current Level	(462)	(239)	(456)	(1,834)	(1,791)	(1,801)
Difference	(214)	3	(2,182)	(36)	1	(14,668)
Commerce:						
Allocation	....	....	2,463	(26,313)	(26,313)	2,375
Current Level	4,275	4,275	4,405	(1,163)	(1,163)	9,891
Difference	4,275	4,275	1,942	25,150	25,150	7,516
International Relations:						
Allocation	....	....	....	....	....	....
Current Level	....	....	....	....	....	....
Difference	....	....	....	....	....	....
Government Reform & Oversight:						
Allocation	(604)	(632)	....	(3,096)	(3,096)	....
Current Level	(604)	(604)	....	(2,874)	(2,874)	....
Difference	....	28	....	222	222	....
House Oversight:						
Allocation	....	....	....	....	....	....
Current Level	5	3	....	5	5	....
Difference	5	3	....	5	5	....
Resources:						
Allocation	....	....	....	....	....	....
Current Level	14	3	....	19	19	....
Difference	14	3	....	19	19	....

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a) REFLECTING ACTION COMPLETED AS OF SEPT. 9, 1997—Continued

[By fiscal years, in millions of dollars]

	BA	1998 Outlays	NEA	BA	1998–2002 Outlays	NEA
Judiciary:						
Allocation	146	177		908	1,063	
Current Level				5	5	5
Difference	(146)	(177)		(903)	(1,058)	5
Transportation and Infrastructure:						
Allocation	29,695	65		156,356	1,209	
Current Level	29,586	70		28,850	(167)	
Difference	(109)	5		(127,506)	(1,376)	
Science:						
Allocation						
Current Level						
Difference						
Small Business:						
Allocation						
Current Level		2		22	16	
Difference		2		22	16	
Veterans; Affairs:						
Allocation	(224)	(224)	327	(1,665)	(1,665)	5,773
Current Level	(115)	(207)	(41)	(638)	(728)	(2,050)
Difference	109	17	(368)	1,027	937	(7,823)
Ways and Means:						
Allocation	(5,918)	(5,918)	400	(113,146)	(113,149)	1,603
Current Level	(1,755)	(2,881)	500	(109,756)	(110,118)	2,030
Difference	4,163	3,037	100	3,390	3,031	427
Select Committee on Intelligence:						
Allocation						
Current Level						
Difference						
Total Authorized:						
Allocation	22,711	(6,910)	4,916	10,580	(145,333)	22,618
Current Level	30.650	128	4,417	(88,354)	(118,710)	8,176
Difference	7,939	7,038	(499)	(98,934)	26,623	(14,442)

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1998—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 302(b)

[In millions of dollars]

	Revised 302(b) suballocations (March 3, 1998)				Current level reflecting action completed as of April 21, 1998				Difference			
	Discretionary		Mandatory		Discretionary		Mandatory		Discretionary		Mandatory	
	BA	O	BA	O	BA	O	BA	O	BA	O	BA	O
Agriculture, Rural Development	13,757	14,000	35,048	35,205	13,751	13,997	35,048	35,205	−6	−3	0	0
Commerce, Justice, State	31,280	25,555	522	532	31,280	28,955	522	532	0	3,400	0	0
District of Columbia	855	554	0	0	855	554	0	0	0	0	0	0
Energy and Water Development	20,732	20,879	0	0	20,732	20,880	0	0	0	1	0	0
Foreign Operations	31,008	13,079	44	44	13,147	13,079	44	44	−17,861	0	0	0
Interior	13,797	13,707	55	50	13,799	13,707	55	50	2	0	0	0
Labor, HHS & Education	80,328	76,123	206,611	209,167	80,547	76,202	206,611	209,167	219	79	0	0
Legislative Branch	2,279	2,251	92	92	2,251	2,251	92	92	−28	0	0	0
Military Construction	9,183	9,862	0	0	9,183	9,862	0	0	0	0	0	0
National Defense	247,512	244,199	197	197	247,512	244,198	197	197	0	−1	0	0
Transportation	11,772	37,179	698	665	12,711	37,204	698	665	939	25	0	0
Treasury-Postal Service	12,735	12,502	12,713	12,712	12,866	12,613	12,713	12,712	131	111	0	0
VA-HUD-Independent Agencies	66,395	79,977	21,332	20,061	68,703	80,089	21,332	20,061	2,308	112	0	0
Reserve/Offsets	2,953	470	0	0	0	0	0	0	−2,953	−470	0	0
Grand total	544,586	550,337	277,312	278,725	527,337	553,591	277,312	278,725	−17,249	3,254	0	0

BEA—COMPARISON OF CURRENT LEVEL TO DISCRETIONARY SPENDING LEVELS SET FORTH IN SEC. 251(c) OF THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985

[In millions of dollars]

	Defense		Nondefense		Violent crime trust fund	
	BA	A	BA	A	BA	A
Statuory Casps[1]	269,000	267,124	253,506	285,686	5,500	4,833
Current Level	268,934	266,694	252,903	283,614	5,500	3,583
Difference	−66	−430	−603	−2,072	0	−1,250

[1] As adjusted pursuant to sec 251(b) of the BBEDCA.

H–1B VISAS: THE STEALTH WAY OF TAKING U.S. JOBS FROM WORKERS PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. KLINK) is recognized for 5 minutes.

Mr. KLINK. Mr. Speaker, I rise tonight, I understand the hour is late, but I think this is a very important issue.

We have a program which many Members of Congress are not familiar with. It is called the H–1B visa program. This program allows industries from this Nation to bring over mostly high-tech workers from other countries, 65,000 workers a year right now, for temporary jobs. They can stay here for 6 years.

This was a program that was established back in 1990 because we were being told that we had an anticipated shortage of scientists and of engineers. By the time this program was in place, the Berlin Wall had fallen and we did not have as much of a need in the defense industry for this kind of technical expertise.

But what ended up happening was many countries found out that they could go overseas, they could bring over computer programmers or reprogrammers rather than train American workers, and we have seen throughout this country a propensity of what I would refer to as job shops, that is companies that are providing computer programmers to our industries. And our industries are laying off unbelievable numbers of American workers, and they are being replaced by these temporary foreign workers.

I think we are really headed down a tragic highway in this country. I would just want to point out to the Members of the House that, as the technical and high-tech industry is beating the drum saying we have need to import workers, that we have really thousands upon thousands of students that are graduating from college every year, and we are just debating here on the floor of the House how we deal with the student loan program.

These students are graduating from college. They have large amounts of student loans to pay back and, in many instances, they find themselves waiting on tables because they cannot get jobs. They could be trained to take these jobs. They could be trained to do computer programming.

And, at the same time, we are hearing from the computer industry and many others that they have this high-tech labor shortage. The headlines across the Nation in our papers are telling a different story.

Let me just read something from the Wall Street Journal that just said, a steady drumbeat of layoff announcements in industry sectors that until recently have complained about personnel shortages. In the Silicon Valley, layoffs have occurred at Seagate Technology Inc., Silicon Graphics, Netscape Communications Corp., Apple Computer Inc., Sybase Inc. and others. Some firms have cut hiring plans; help wanted advertising has slumped since the start of the year. Elsewhere, high-tech giants are shedding staff.

Last week, again, according to the Wall Street Journal, Xerox Corp. announced the layoff of 9,000 people. Yet we want to import up to 95,000 workers a year from other countries and give them these jobs.

Something is wrong in America today. We have not had a debate as to the need for this.

The other difficulty is that here is a high-tech industry which prides itself on identifying and quantifying problems, yet they have not proven, according to the GAO, that, in fact, there is a shortage. The gentleman from Michigan (Mr. DINGELL) and myself asked the GAO to look into these claims, and we found out that the material that they are using to justify this claim is faulty.

Also, last week in the San Francisco Examiner, they ran an unprecedented series of letters from readers that are concerned about the alleged shortage of information technology workers. Their conclusion is that we are seeing age discrimination that is pushing into this high-tech sector, pushing many qualified American workers out of the marketplace. The employers want cheaper, more exploitable foreign workers.

And I would like to quote at length from some of these letters, because I think we here in Congress are too busy as we rush through our legislative schedule and we have not heard from these workers.

An older computer consultant has said, "At job fairs, many older people, including myself, are rudely treated by young recruiters from human resources. In one blatant case, I saw a recruiter from a major local computer manufacturer and software firm refuse to talk to anyone who looked like they were over 35. Résumés from older people were tossed in one pile, résumés from younger people were put on another pile with attached notes from a mini interview."

I would also like to talk about one worker who said he was being brought back to his former employer to do what he called really retroactive—he actually called it mentoring a foreign engineer who now does his job. So they laid him off, brought over foreign workers, and he had to train them to do his job.

There is a problem in America, Mr. Speaker, and we in Congress have to address it.

Mr. Speaker, I am also providing for the RECORD more detailed information regarding the H–1B program, which follows herewith:

H–1B PROGRAM

Origin of H–1B Program: It was established in 1990 to alleviate an anticipated shortage of scientists and engineers, particularly at the Ph.D. level. By the time it was in place, however, the Berlin Wall had fallen, there was an economic downturn, and downsizing was rampant in defense and other industries using these people. The main proponents of the program were the universities, the National Science Foundation and some industry groups.

Supposed to be a Temporary Program: The program is a high-tech guestworker program. It allows 65,000 persons in "specialty" occupations to enter the U.S. for three years with one renewal for a total of six years to respond to "temporary" shortages. Then they are supposed to return home. Many, many H–1Bs are used by foreign students trying to stay in the country. Their employers use H–1Bs as a way to see if they want to sponsor the person permanently. So a large, large number of these people never go back home.

Approval is Quick and Easy: The employer certifies to the Labor Department that it needs a worker in a certain occupation (names are not required) and will pay the prevailing wage. There is no requirement to show that there is an actual shortage in that occupation. After the certification is received, a person's name is attached and INS and the State Department process the visa. Three years ago, this entire process could be done in about a month so employers loved it.

Misuse of H–1B: While in the H–1B status, however, they are indentured servants to their employers. The job they hold is for an occupation, not a certain person. They can be underpaid, forced to work seven days a week, etc., until they can obtain their green card or have to go back home.

Layoffs: In the meantime, another sub-industry of temporary workers developed in the information technology industry. Numerous temporary employment companies appeared which hired almost exclusively H–1Bs from India, Taiwan and the Philippines, paid them less than American workers and used them to replace American workers, particularly computer programmers. Three years ago, the Senate Judiciary Committee held hearings at which laid-off U.S. programmers appeared. Most had lost their jobs to foreign H–1Bs.

65,000 Limit: Until last year, the 65,000 limit was never reached. Then, suddenly, last year, it was reached at the end of August, and the cries of pain from the high-tech industry for raising the cap. There has been no analysis of why this happened.

"SHORTAGE" OF INFORMATION TECHNOLOGY WORKERS

There is no universally accepted definition of information technology (IT) workers or what training is required for the jobs. So industry defined IT worker broadly when trying to demonstrate a demand for IT workers and defined the training required very narrowly.

Demand for IT Workers: The Information Technology Association of America (ITAA) and Commerce reports found that between 1996–2006 the US will require 1.3 million job openings because of growth and net replacements (1.1 million of which is for growth alone). That is a 14.5% increase.

"Shortage:" ITAA and Commerce defined the pool of qualified IT workers as those who have obtained a Bachelor's degree in computer and information science. They did not consider degrees and certifications in computer and information science other than a B.A., degrees in other areas, or workers who could be retrained. In 1993, only 25% of those employed in IT actually had a B.A. in computer and information science. Other workers had degrees in business, social sciences, math, engineering, psychology, economics, and education.

Basis for ITAA's and Commerce's Conclusions and Response: (1) Wages for IT workers are going up, but no more than in any other professional field (the labor supply always tightens in a good economy), (2) there are unfilled jobs, but a response of only 14% of those surveyed is not sufficient to conclude that this is a nationwide problem (need at least 75% response to be credible), and (3) there is offshore recruiting occurring, but no information as to the extent or magnitude.

Response to survey: ITAA sent out a random sample of 2,000 large-sized, mid-sized, and non-IT companies, but only heard from 271 (14%). A 75% response is required to make credible extrapolations, or nationwide generalizations. Also, there is no information on these reported vacancies such as how long the jobs were open, wage being offered, and how the company is attempting to fill them.

Decrease in computer Science B.A. Candidates: There has been a decline since 1986 but that was the peak year. There had been a steady increase from 1970s and it has remained stable in the 1990s.

H–1–B VISAS: THE STEALTH WAY OF TAKING U.S. JOBS FROM U.S. WORKERS

Do you remember when we were promised that by passing NAFTA and GATT, Americans might lose low-wage jobs, but would definitely gain high-wage jobs? Well, they are changing their story . . . again.

The high technology industry is telling us that there is a shortage of information technology workers in the U.S. and an inability to ever meet the demand. The High Tech Industry wants to open the doors to temporary foreign professional workers by issuing something called H–1–B visas. Currently we issue up to 65,000 H–1–B visas per year. Increasing the number of these visas issued could quickly result in surplus labor and rapidly dropping wages.

A little over two years ago this same industry was laying off U.S. computer programmers by the hundreds and replacing them with cheaper foreign workers. Their story was Americans got paid too much and temporary foreign workers should be used to keep down wages or else the work would go abroad. Some jobs did go abroad, but the high technology industry is still unsatisfied. Our country's most highly skilled, sought-after, domestic technology workers have realized how valuable their knowledge is and have started shopping around for the best available wage packages. The industry, unwilling to pay the going wage for U.S. workers, has declared a labor shortage and is demanding more H-1-B visas to keep wages down.

High-Tech Corporate America would be the winner: it could make more money and continue to treat its workers with disdain, dumping them in every temporary downturn in the economy and refusing to invest in job training. The losers will be our young people who are looking for jobs in technology, older workers who may need retraining, and taxpayers who will pay to train U.S. workers only to have them become surplus labor.

There may be a lot of posturing and panic, but there is no evidence of a shortage. Though industry and the Commerce Department have produced studies claiming there is a shortage, the General Accounting Office found that "serious analytical and methodological weaknesses" undermine the Commerce report's credibility. Every year, this country produces approximately 650,000 bachelor's degrees in science and engineering; 120,000 master's degrees; and 40,000 doctorates for a total of 810,000. Any one of these degrees could be used to develop a career in information technology. However, a degree is not absolutely necessary to succeed in this field. After all, Bill Gates dropped out of college and then created Microsoft.

Furthermore, an employer does not have to look for a U.S. worker before applying for an H-1-B worker. So even if there are hundreds of talented U.S. workers available, an employer can apply to hire a temporary foreign worker without any negative consequences.

It is too risky to raise temporary foreign worker quotas before anyone has clearly defined and quantified a problem. Once H-1-B visas are increased, it will be very hard to bring the number back down again. These temporary programs quickly become permanent ones that send negative signals to our own workers. They say—you can train, but we will still import our workers.

The technology industry appears to be booming and has been posting record earnings for several years. Let's allow America's most skilled workers to "boom" with it.

INFO TECH WORKER SHORTAGE? WHERE'S THE EVIDENCE?

DEAR COLLEAGUE: For months we have been bombarded with stories from the information technology industry about a terrible shortage of skilled professionals. They argue that Congress must expand the temporary foreign worker program to meet their needs. Three studies have been cited to prove the case—one by the Commerce Department and two by the Information Technology Association of America. Based on these reports, legislation to increase the number of foreign technical workers has already been introduced in the Senate and is expected soon in the House.

The problem is the reports are wrong.

Claim #1: The Commerce Department found a shortage of information technology workers based on the (flawed) ITAA studies and its own back-of-the-envelope calculation that there will be 95,000 new jobs created annually in industry with only 25,000 new computer science college graduates each year.

Response: The General Accounting Office noted that "serious analytical and methodological weaknesses" undermine the Commerce report's credibility. Only 29% of IT workers have come from computer science with graduates in math, science, social science, education and business filling the remaining positions.

Claim #2: In 1997, ITAA claimed 190,000 unfilled IT jobs. In January, ITAA claimed 346,000 unfilled jobs based on another survey—a claim that also got widespread press attention.

Response: GAO states that "to make sound generalizations, the effective response rate should usually be at least 75 percent." Because the first ITAA survey had only a 14 percent response rate, GAO found it "is inadequate to form a basis for a nationwide estimate of unfilled IT jobs." This second survey was done by a self-described marketing researcher with no experience in labor studies. Further, ITAA has never released the study so we can't evaluate the methodology. However, we know that the newest ITAA study had a response rate of 36%—far too low for accurate projections.

Claim #3: The demand for IT workers will double in the next 10 years and there will not be enough of a supply of U.S. workers to meet it.

Response: Who says we can't meet it? The demand for IT workers doubled over the last 10 years and it was satisfied right here in the U.S. by people from a wide variety of educational backgrounds. At least half of the jobs require a two-year college degree or less. Let the demand double again. With well-planned policies of training and education and the natural market response of Americans looking for good jobs that pay well, we will meet that demand again.

What is the ITAA's excuse for these bad numbers? Their only response is to stop "arguing over methodology" so we can fix a problem that they can't even document. Could it be that foreign workers are cheaper, and they are trying to pull one over on Congress so they can cut their costs?

Before we invite thousands of foreign workers in to take American jobs, the industry owes us some straight answers.

RON KLINK.

THE PAYCHECK PROTECTION ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Colorado (Mr. BOB SCHAFFER) is recognized for half the time between now and midnight, approximately 12½ minutes, as the designee of the majority leader.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise tonight on the occasion of this special order to speak about one of the most basic components of campaign finance reform that we have to deal with here in the present Congress and certainly throughout the country as well.

There has been a lot of talk, Mr. Speaker, about various ways and strategies to reinstitute a sense of fairness and confidence in our election laws among the American people. But while the discussions about limited campaign funds, about reporting requirements, about various strategies to disclose the campaign contributions and expenditures of candidates seems to be occupying the center of political debate on campaign finance reform, I believe there is a much more fundamental issue that we need to deal with, and that is known as the Paycheck Protection Act.

What happens today in a strategy to raise funds for various campaigns is that we have a number of organizations that have found creative ways to withdraw the wages of hard-working Americans and siphon those dollars off for political causes of various sorts. Now, this often occurs without the consent or even the knowledge of the wage earner, who is working hard to earn the cash to make all this possible.

It occurs in many different settings, but most generally the biggest culprit seems to be labor unions. Labor unions persuade prospective employees to join their organizations for a variety of very attractive causes. One would be agency representation and collective bargaining, for example. And while those are legitimate functions of labor unions, functions that I think most people would support and agree with, few people would agree that it is also a good idea to siphon a portion of a worker's wages associated with union dues or agency fees and divert those dollars toward political campaigns of various sorts, often campaigns that the union worker themselves, the wage earner themselves, do not support.

I want to offer a couple of examples that I think Members ought to consider. If we read today's headlines, for example, "Ex-Teamsters Official Indicted". This deals with just one labor union. There are several. And there are several that are very honorable and worthwhile organizations.

I am focusing on the one in yesterday's headline, being the Teamsters Union. This is in the Washington Times. "A Federal Grand Jury indicted the Teamsters former political director yesterday on charges of giving $1.1 million in union funds to the Democratic Party, the AFL–CIO and liberal advocacy groups so they would launder portions into the reelection campaign of Teamsters President Ron Carey.

Now, the Committee on Education and the Workforce is investigating this particular scandal, particularly the Oversight and Investigations Subcommittee therein under the leadership of the gentleman from Michigan (Mr. HOEKSTRA). And what we are uncovering in that committee is just disclosure after disclosure after disclosure and additional revelations about money laundering schemes through the Teamsters Union.

Now, here we have an example of union dues that are being used and misused and laundered to benefit certain political campaigns.

There are some people, no doubt within these organizations, that support these particular political activities and political causes. And for them this money laundering scheme is certainly to their advantage and to their benefit. But the vast majority of union members and certainly Teamsters Union members do not approve of money laundering. They do not approve of having pension funds and other funds diverted toward political causes of various sorts without their knowledge and without their consent.

Now, these are matters of a very different nature than the general campaigns that myself or other Members of this Congress engage in, or at the State legislative level or county commissioners level, at a local level back home, or on an issue advocacy basis.

But those second kinds of campaigns that I mentioned are also the kinds of campaigns that receive political funds from union dues and from the wages of hard-working Americans without the consent or knowledge of the wage earner.

It does not seem to be too difficult a question to ask nor to answer in America as follows: Should anyone be forced or compelled to contribute their hard-earned wages to a political campaign they do not support? I think the answer is clearly no. It is hard to believe that there is anyone in America who would answer in the affirmative when given such a question.

The most recent national polls on the subject, and I am referring to this chart here on my right which shows where public opinion registers on this particular topic. A recent poll by John McLaughlin and Associates asked Americans across the country whether they approved or disapprove of a new Federal law that would protect workers paychecks. In other words, a law that would prevent any organization, corporations or labor organizations from siphoning off a portion of a wage earner's paycheck and directing it toward politics without the consent of the wage earner. Would Americans support a Federal law that would protect paychecks and protect them from such a travesty?

Among all voters, 80 percent of the American people have told us that they support a law to that effect. Looking way over here on the chart, only 16 percent of the American voters believe that labor unions and other political groups ought to be able to siphon cash out of wage earners' paychecks without their consent.

Interestingly enough, those numbers are identical to what we find in union households. In fact, this poll oversampled union households throughout America, and we found that the very members of the labor organizations who have abused their trust, 80 percent of union households also agree that there ought to be a law protecting the paychecks of wage earners.

Once again, only 16 percent of union households, looking at the bar here, 16 percent of union households believe that the law ought to continue as it is today and allow unions and other political organizations to, in fact, steal cash out of the wages and paychecks of honest, hard-working Americans.

When we survey the teachers' union, just to be more specific about unions, 84 percent of teachers' unions' members support the notion of paycheck protection, and 80 percent of all other nonunion families throughout the country support paycheck protection as well.

This is a significant number and a significant illustration of where the American people are on such a basic issue of fairness. Again, it is hard to believe that there are those anywhere in the country who support the notion of confiscating the wealth of the people who earn it and directing it toward the political causes of some political insider's choice, but, as we can see on the chart, there are a handful of folks in America that agree.

□ 2345

The question is who is in charge. Well, when this question was posed to this Congress just 1 month ago in these very terms, we relied on the judgment of these individuals, those who are supporting laws to protect paychecks. The judgments of the individuals who constitute the majority of Americans believe paychecks ought to be protected, and we proposed a bill on that basis.

Well, this Congress, believe it or not, Mr. Speaker, sided not with the 80 percent of the American taxpayers who believe that paychecks ought to be protected, this Congress sided with the 16 percent of the individuals who believe that it is acceptable and just to have labor unions and political insiders take cash out of workers' paychecks without their consent.

Now, there is a number of reasons for that. Obviously, there is something that is causing the Congress to listen to these people down here in the minority of instances and to ignore the voices of those who are in the majority category, speaking of 80 percent and 84 percent strengths. The only thing I can attribute that to is politics in general. Those dollars that make their way toward various political campaigns, it is quite possible that those dollars may have made their way to Congress on occasion.

The President of the United States, Bill Clinton, promised to veto the legislation should it ever make his desk. That, again, is a promise that was made, I believe, with full consultation of the labor unions who raise political dollars by confiscating it from the paychecks of hard-working Americans. And that may also, I suspect, be the case with a number of Members of Congress, as well.

The political pressure that month was pretty intense, I have to admit. We could see a number of folks who constitute the 16 percent minority that I mentioned lobbying around the Capitol here. They were wearing their buttons, asking Members to vote against paycheck protection. And while those organizations may have scored a temporary victory here in the Congress and in the House of Representatives, I believe that they will not prevail when it comes to winning this battle on the street. And that battle is one that is going to take place, I assure my colleagues, Mr. Speaker, not here in Washington, D.C., perhaps, but in the great State of California, in the great State of Colorado, in the great State of Nevada.

This is a battle that has already been won, in the great State of Washington. It is a battle that has already been won at the legislative level in the great State of Michigan. It is a battle that is being pondered and considered in places like Ohio, and Maryland, and Florida, and South Dakota and several other States where workers are telling us with great consistency that they are fed up with a law that allows labor unions and other political organizations to actually reach into the pockets of hard-working Americans and siphon off a portion of their wages and divert it toward political campaigns without the consent of the wage-earner.

Well, I mentioned those States and the battles that are about to ensue in those States because those States have seen fit to either propose or begin to propose ballot initiatives to put these questions on the ballot for their constituents to consider come election time, come November, or, in the case of California, even earlier.

When given that choice, it seems to be pretty clear and the direction of these initiatives right now seems to suggest that the voice of the people, the voice of the families that I mentioned earlier, that 80 percent in the majority who want paycheck protection, will in the end speak louder than the minority of individuals who find comfort and value in using those resources for their own political gain and political advantage.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. RIGGS). If the gentleman from California (Mr. BOB SCHAFFER) would yield for a moment, the Chair would inform the gentleman that he may claim the remainder of the time between now and midnight and may proceed.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, the use of compulsory union dues for political purposes violates the basic principle of voluntary political participation embodied in our Nation's Constitution.

In 1994, by way of example, 40 percent of union members voted for Republicans, for my party. Yet in 1996, less than 10 percent of labor PAC dollars went to Republican candidates. Now, think about that. Forty percent of union members are voting for one particular party, yet 10 percent of those unions' political PAC contributions are going to the same party.

That means about 30 percent of the members who are working hard, paying the bills, and making all this political gamesmanship possible are not represented. Their hard-earned cash is siphoned off away from their paychecks and spent on political campaigns that they do not, in fact, support.

In Washington State, where 72 percent of the voters approved a paycheck protection initiative in 1992, over 40,000 union workers had the shackles of involuntary political participation broken. In other words, the people of Washington State enacted a paycheck protection mechanism that protected the paychecks of wage-earners that essentially said that union dues are off limits, that wages are off limits for political purposes unless you have the consent of the wage-earner.

Well, here is what happened in the State of Washington. Originally there were 48,000 members of the Washington Education Association, and they were forced to fund political activities against their will until this initiative passed, and again with the backing of 72 percent of the voters in the State of Washington. Well, the interesting answer to a very obvious question is, what happened? The answer is that after passage, only 8,000 people voluntarily succumbed to the union's political activities.

Let me go back and restate those numbers. Before the paycheck protection act in the State of Washington was enacted, 48,000 union members were forced, not just one union, this is the Washington Education Association, were forced to contribute to political activities against their will. After passage, only 8,000 voluntarily paid for unions' political activities.

Well, Congress can send that same message to these labor bosses that are reminiscent to the messages sent by the colonists to King George, "No taxes without representation."

Now, I characterize this activity as taxes for the following reason, because labor unions have been given a tremendous amount of authority under Federal and State laws to organize on union sites and on work sites and to go forward on collective bargaining and agency representation. And that is fine. That is a good thing. Those of us who support paycheck protection are not opposed to unions organizing. We are not opposed to unions being engaged in collective bargaining. We are not opposed to unions providing agency representation to people who work on a particular work site. In fact, we are not even opposed to labor unions being involved in political activities.

I think a union's political action committee, political expenditures are fine. Under the first amendment and the whole concept of free speech and industrial democracy, union activity in politics is a good and healthy thing.

□ 2355

I wish to encourage that, not discourage that. But the real fundamental question comes down to how those dollars are raised. When you have these organizations that raise funds without the consent of those who are paying, I believe that it constitutes the full definition of a criminal activity, an activity that ought to be ended.

The debate really is not over here in Congress. As many of us know and have followed, the efforts to move campaign finance reform to the floor again for the second time are being met and warmly received by our Speaker and others in our leadership. There will be another attempt at trying to pass meaningful campaign finance reform in a few months. When that bill comes to the floor, we ought to insist and demand that paycheck protection be a part of those debates and those discussions. Fortunately for the 80 percent of the individuals who support paycheck protection, we are receiving very favorable indications from our leadership that that will be the case, that we will have an open floor scenario where amendments by Members will be able to be offered, including the Paycheck Protection Act, that the Paycheck Protection Act may in fact be folded into the base bill that comes to the floor for campaign finance reform. But more importantly, I think it is important for this Congress to utilize its opportunity for national leadership to speak out to the American people and to talk about the real travesty that exists and takes place every single day.

Mr. Speaker, most people really do not believe or do not understand that it is possible in America to have a portion of an individual's wages being siphoned off and spent on political causes without their knowledge and without their consent. If we can say that over and over and over again and allow people to understand really how sick politics has become at this particular level, I think that will give us the added impetus and the added incentive here in Washington to put the voice of the people ahead of the voices of those small special interests who use these political funds to their political advantage.

Oh, and it pays off. There is no question about that. Once again, I refer my colleagues to this chart. When you have 80 percent of the American people in every column, again, average voters in this column, union households in this column, 84 percent of teacher union households, 80 percent of nonunion households, when you have those kinds of numbers of individuals who tell us that they want paycheck protection and yet the 16 percent of voters, the 16 percent of union members, the 13 percent of teacher union members and the 16 percent of nonunion members who tell us that they do not want paycheck protection, and you realize that it is the small minority who wins the day here in Congress.

We can see very clearly that the political dollars that are spent to advance the causes of labor unions is paying off for labor unions. It is paying off for the 16 percent. But I am confident that throughout the country as more and more States begin to evaluate the question of labor union dues and paycheck protection, that we will see State after State after State siding on behalf of rank and file families, rank and file workers and union members in the end who would rather have their union dollars going toward union activities that are legitimate and on the work site, perhaps toward supporting their pensions.

If you are a member of the Teamsters Union, you realize that you are going to have to raise more money for your pension funds because of the theft that took place and the money laundering that took place to, in fact, drain the pension plan of the Teamsters Union at the national level, again which has resulted in the indictment of many high-ranking Teamsters officials and in the end resulted in past Teamsters President Ron Carey being invalidated and prohibited from seeking reelection to the post, essentially clearing the way for James Hoffa, Jr. to become President of the Teamsters Union.

When you see these kinds of scandals, if you are a member of the Teamsters Union, you realize that maybe you would rather have a greater portion of your union dues going toward repaying many of the expenses and costs associated with these internal crimes rather than seeing them going toward subsidizing campaigns and political organizations that they may not support.

Let me tell you about one of the individuals who testified before the Subcommittee on Employer and Employee Relations just last year, a man named Kerry Gipe, a union member who testified. He said, quote, I was told that joining the union was a mandatory part of working for the company and absolutely no money was allowed to be used from our union dues for political purposes.

Unfortunately for Mr. Gipe and millions of other American workers, labor bosses continue to use compulsory dues for political purposes. According to some estimates, unions spent as much as $200 million in the 1996 election. All that the Paycheck Protection Act that was proposed here in Congress did was empower the individual worker. It was, in all candor, at the expense of the small number of union bosses who benefit from the funds of their members. Employees would decide under such a piece of legislation whether and to whom they contribute their hard-earned wages and that they could revoke that authorization at any time.

Mr. Speaker, this is a topic that we will discuss again and bring to the floor at other occasions over the course of the next several months. It is a topic that will be discussed across the country in various States that are considering paycheck protection. Once again I am convinced that once we just lay out the very basic facts of this particular political scandal and evidence of corruption that exists in the country, that eventually we are going to answer properly and correctly and those 80 percent of individuals will finally have their voices heard.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. KLINK) to revise and extend their remarks and include extraneous material:

Mr. COYNE, today, for 5 minutes.
Ms. MILLENDER-MCDONALD, today, for 5 minutes.
Mr. KLINK, today, for 5 minutes.
Ms. JACKSON-LEE of Texas, today, for 5 minutes.

The following Members (at the request of Mr. MCKEON) to revise and extend their remarks and include extraneous material:

Mr. SESSIONS, today and April 30, for 5 minutes each.
Mr. HORN, today, for 5 minutes.
Mr. SAXTON, today, for 5 minutes.
Mr. RIGGS, today, for 5 minutes.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members (at the request of Mr. KLINK) and to include extraneous matter:

Mr. KIND.
Mr. COYNE.
Mr. DICKS.
Mr. HOYER.
Mr. LANTOS.
Ms. KAPTUR.
Mr. DOYLE.
Mr. HAMILTON.
Ms. DELAURO.
Mr. TORRES.
Mr. BONIOR.
Mr. FRANK of Massachusetts.
Mr. TOWNS.
Ms. FURSE.
Ms. NORTON.
Mrs. MALONEY of New York.
Mr. SKELTON.
Mr. VENTO.
Mr. DAVIS of Illinois.
Mrs. KENNELLY of Connecticut.
Mr. BENTSEN.
Mr. CARDIN.
Mr. STARK.
Mr. BROWN of California.
Mr. KLECZKA.
Ms. JACKSON-LEE of Texas.
Mr. KENNEDY of Massachusetts.
Mr. LEVIN.
Mr. MALONEY of Connecticut.

The following Members (at the request of Mr. MCKEON) and to include extraneous matter:

Mr. FAWELL.
Mr. DAVIS of Virginia.
Mrs. EMERSON.
Mr. RADANOVICH.
Mr. BILIRAKIS.
Mr. DELAY.
Mr. HORN.
Mr. SMITH of Michigan.
Mr. FORBES.
Mr. GILMAN.
Mr. MANZULLO.
Mr. NUSSLE.
Mr. HYDE.
Mr. BOB SCHAFFER of Colorado.
Mr. NETHERCUTT.
Mr. PORTER.
Mr. PITTS.

ADJOURNMENT

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 midnight), the House adjourned until today, Thursday, April 30, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

8778. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clopyralid; Extension of Tolerance for Emergency Exemptions [OPP-300645; FRL 5786-9] (RIN: 2070-AB78) received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8779. A letter from the Director, Office of Regulatory Management Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebufenozide; Tolerance Extension for Emergency Exemptions [OPP-300641; FRL5784-7] (RIN: 2070-AB78) received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8780. A letter from the Director, Test, Systems Engineering and Evaluation, Department of Defense, transmitting a report to notify Congress of the intent to obligate funds for FY 1998 Foreign Comparative Testing projects, pursuant to 10 U.S.C. 2350a(g); to the Committee on National Security.

8781. A letter from the Director, Congressional Budget Office, transmitting a report on participation agreements between the Uniformed Services Treatment Facilities (USTFs) and the Department of Defense, pursuant to Public Law 103—160; to the Committee on National Security.

8782. A letter from the Director, Office of Small and Disadvantaged Business Utilization, Department of Defense, transmitting a report on the progress of the Department of Defense toward the achievement of the goal to award five percent of DOD contracts and subcontracts to small disadvantaged business, historically Black colleges and universities and minority institutions, pursuant to 10 U.S.C. 2323 (i); to the Committee on National Security.

8783. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a description of property to be transferred to the Republic of Panama through the end of calendar year 1999, pursuant to Public Law 96—70; to the Committee on National Security.

8784. A letter from the Secretary of Defense, transmitting a report entitled "Actions To Accelerate the Movement To The New Workforce Vision," pursuant to Public Law 105—85, section 912 (e); to the Committee on National Security.

8785. A letter from the Secretary of Defense, transmitting a report on defense reform by the Defense Science Board Sub-Task Force on the Acquisition Workforce, pursuant to Public Law 105—85; to the Committee on National Security.

8786. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Home Equity Conversion Mortgage Insurance; Right of First Refusal Permitted for Condominium Associations [Docket No. FR-4267-I-01] (RIN: 2502-AG93) received April 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8787. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the 1997 Annual Report to Congress by the Division of Compliance and Consumer Affairs of the Federal Deposit Insurance Corporation, pursuant to 15 U.S.C. 57a(f)(6); to the Committee on Banking and Financial Services.

8788. A letter from the Director, Office of Management and Budget, transmitting a report on the OMB Cost Estimate for Pay-As-You-Go Calculations, pursuant to Public Law 105—167; to the Committee on the Budget.

8789. A letter from the Senior Deputy Chairman, National Council on the Arts and the Humanities, transmitting the Federal Council on the Arts and the Humanities' twenty-second annual report on the Arts and Artifacts Indemnity Program for Fiscal Year 1996, pursuant to 20 U.S.C. 959(c); to the Committee on Education and the Workforce.

8790. A letter from the Director, Office of Rulemaking Coordination, Department of Energy, transmitting the Department's final rule—Facility Safety [DOE O 420.1] received April 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8791. A letter from the Director, Office of Rulemaking Coordination, Department of Energy, transmitting the Department's final rule—Occurrence Reporting And Processing Of Operations Information [DOE O 232.1A] received April 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8792. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to

State Primacy Requirements to Implement Safe Drinking Water Act Amendments [FRL–6003–5] (RIN: 2040–AD00) received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8793. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Final Authorization and Incorporation By Reference of State Hazardous Waste Management Program [FRL–5988–2] received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8794. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Organobromine Production Wastes; Identification and Listing of Hazardous Waste; Land Disposal Restrictions; Listing of CERCLA Hazardous Substances, Reportable Quantities [FRL–5999–9] (RIN: 2050–AD79) received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8795. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Pentwater and Walhalla, Michigan) [MM Docket No. 97–118, RM–9061] received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8796. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ironton, Malden and Salem, Missouri) [MM Docket No. 97–136, RM–9083, RM–9136] received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8797. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Banks, Redmond, Sunriver and Corvallis, Oregon) [MM Docket No. 96–7, RM–8732 RM–8845]; FM Broadcast Stations (The Dalles and Corvallis, Oregon) [MM Docket No. 96–12, RM–8741] received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8798. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Switzerland (Transmittal No. DTC–49–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8799. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Japan (Transmittal No. DTC–24–98), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8800. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to the United Kingdom (Transmittal No. DTC–47–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8801. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Spain (Transmittal No. DTC–27–98), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8802. A communication from the President of the United States, transmitting a report on the activities of United States Government departments and agencies relating to the prevention of nuclear proliferation during January 1, 1997 through December 31, 1997, pursuant to 22 U.S.C. 3281; to the Committee on International Relations.

8803. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Finland (Transmittal No. DTC–63–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8804. A letter from the Director, Bureau of Economic Analysis, Economics and Statistics Administration, transmitting the Administration's final rule—Direct Investment Surveys: Raising Exemption Level for Two Surveys of Foreign Direct Investment in the United States (RIN: 0691–AA31) received April 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8805. A letter from the Director, U.S. Trade and Development Agency, transmitting a copy of the Agency's annual audit, pursuant to 22 U.S.C. 2421 (e) (2); to the Committee on International Relations.

8806. A letter from the Director, Procurement and Property Management, Department of Agriculture, transmitting the Department's final rule—Miscellaneous Amendments [AGAR Case 96–03] (RIN: 0599–AA00) received April 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

8807. A letter from the Under Secretary for Oceans and Atmosphere, Department of Commerce, transmitting the Annual Report of the Coastal Zone Management Fund for fiscal year 1997, pursuant to 16 U.S.C. 1456; to the Committee on Resources.

8808. A letter from the General Counsel, Department of Commerce, transmitting a draft of proposed legislation providing the Commissioner of Patents and Trademarks with the authority to assess fees under section 41 of title 35, United States Code, in amounts sufficient to match the level of fees assessed in fiscal year 1998 under that fee authority and the surcharge assessed pursuant to section 10101 of the Omnibus Budget Reconciliation Act of 1990, as amended, (35 U.S.C. 41 note); to the Committee on the Judiciary.

8809. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting a report of the Bureau of Justice Assistance entitled, "Fiscal Year 1996 Annual Report to Congress," pursuant to 42 U.S.C. 3711; to the Committee on the Judiciary.

8810. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes [Docket No. 97–CE–46–AD; Amendment 39–10475; AD 98–08–26] (RIN: 2120–AA64) received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8811. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Helicopter Systems Model 369(YOH–6A), 369A (OH–6A), 369D, 369E, 369F, 369FF, 369H, 369HE, 369HM, 369HS, and 500N Helicopters [Docket No. 97–SW–52–AD; Amendment 39–10481; AD 98–09–02] (RIN: 2120–AA64) received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8812. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Alexander Schleicher Segelflugzeugbau Model ASK 21 Sailplanes [Docket No. 97–CE–108–AD; Amendment 39–10478; AD 98–08–29] (RIN: 2120–AA64) received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8813. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Model PC–12 Airplanes [Docket No. 97–CE–98–AD; Amendment 39–10367; AD 98–05–06] (RIN: 2120–AA64) received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8814. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Porterville, CA [Airspace Docket No. 98–AWP–2] received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8815. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Delano, CA [Airspace Docket No. 98–AWP–5] received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8816. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone; Santa Barbara Channel, CA [COTP Los Angeles-Long Beach, CA; 98–002] (RIN: 2115–AA97) received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8817. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: Fleet Week 1998 Parade of Ships, Port of New York and New Jersey [CGD01–98–026] (RIN: 2115–AA97) received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8818. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone; Los Angeles Harbor; San Pedro Bay, CA [COTP Los Angeles-Long Beach, 97–007] (RIN: 2115–AA97) received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8819. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone; Atlantic Ocean, Vicinity of Cape Henlopen State Park, DE [CGD 05–98–008] (RIN: 2115–AA97) received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8820. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Pilot, Flight Instructor, Ground Instructor, and Pilot School Certification Rules; Clarifying amendments and other editorial changes [Docket No. 25910; Amendment Nos. 61–104 and 141–10] (RIN: 2120–AE71) received April

23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8821. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Disaster Assistance; Public Assistance Program Appeals; Hazard Mitigation Grant Program Appeals (RIN: 3067–AC67) received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8822. A letter from the Secretary of Transportation, transmitting the Department's fourth annual report on the activities of the Department regarding the guarantee of obligations issued to finance the construction, reconstruction, or reconditioning of eligible export vessels, pursuant to section 1111 (b)(4) of the Merchant Marine Act of 1936, as amended; to the Committee on Transportation and Infrastructure.

8823. A letter from the Secretary of Energy, transmitting a detailed progress review of the research and development authorized under the Act, pursuant to Public Law 101—425, section 10 (104 Stat. 919); to the Committee on Science.

8824. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Establishment of the Yorkville Highlands Viticultural Area and Realignment of the Southern Boundary of the Mendocino Viticultural Area [T.D. ATF–397; RE: Notice No. 854] (RIN: 1512–AA07) received April 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8825. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Application of tax on sales of special motor fuel for use in motor vehicles and motorboats [Revenue Ruling 98–24] received April 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8826. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a determination that Israel is not being denied its right to participate in the activities of the International Atomic Energy Agency; jointly to the Committees on International Relations and Appropriations.

8827. A letter from the Secretary of Housing and Urban Development, transmitting a report on the status of Departmental efforts to disseminate building technology research to the HUD program grantees; jointly to the Committees on Transportation and Infrastructure and Appropriations.

8828. A letter from the Under Secretary for Export Administration, National Institute of Standards and Technology, transmitting the Institute's final rule—Procedures For Implementation Of The Fastener Quality Act [Docket Number: 970724177–8057–02] (RIN: 0693–AB43) received April 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Science and Commerce.

8829. A letter from the Secretary of Health and Human Services, transmitting the Service's final rule—Medicare Program; Definition of Provider-Sponsored Organization and Related Requirements [HCFA–1027–IFC] (RIN: 0938–AI60) received April 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

8830. A letter from the Secretary of Health and Human Services, transmitting the Service's "Major" final rule—Medicare Program; Schedule of Per-Beneficiary Limitations on Home Health Agency Costs for Cost Reporting Periods [Docket No. HCFA–1905–FC] (RIN: 0938–AI84) received April 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1739. A bill to amend the Act designating the Boundary Waters Canoe Area Wilderness to clarify certain provisions of law regarding activities authorized within the wilderness area, and for other purposes; with an amendment (Rept. 105–500). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 413. Resolution providing for consideration of the bill (S. 1502) entitled the "District of Columbia Student Opportunity Scholarship Act of 1997" (Rept. 105–501). Referred to the House Calendar.

Mr. McINNIS: Committee on Rules. House Resolution 414. Resolution waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 105–502). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. SENSENBRENNER: Committee on Science. H.R. 860. A bill to authorize appropriations to the Department of Transportation for surface transportation research and development, and for other purposes; with an amendment; referred to the Committees on Commerce, and Transportation and Infrastructure for a period ending not later than June 2, 1998 for consideration of such provisions of the bill and amendment reported from the Committee on Science as fall within their jurisdiction pursuant to clause 1(e) and (q) of rule X, respectively (Rept. 105–503, Pt. 1).

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MENENDEZ (for himself, Mr. Deutsch, Mr. Ackerman, Mr. Wexler, Mr. Sherman, Mr. Andrews, Mr. King of New York, Mr. Maloney of Connecticut, Mr. Schumer, Mr. Frost, Mr. Rohrabacher, Mr. Wynn, Mr. Clyburn, Mr. Towns, Mr. Metcalf, Ms. Ros-Lehtinen, Mr. Pascrell, Mr. Kennedy of Rhode Island, Mr. McGovern, Mr. Watts of Oklahoma, Mr. Ensign, Mr. Rothman, Mr. Waxman, and Mr. Goode):

H.R. 3743. A bill to withhold voluntary proportional assistance for programs and projects of the International Atomic Energy Agency relating to the development and completion of the Bushehr nuclear power plant in Iran, and for other purposes; to the Committee on International Relations.

By Mr. NETHERCUTT:

H.R. 3744. A bill to amend the Agricultural Trade Development and Assistance Act of 1954 (commonly called P.L. 480) to provide protections to suppliers of commodities provided under that Act; to the Committee on Agriculture, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOLLUM (for himself, Mr. Schumer, Mr. Hastert, Mr. Portman, Mr. Goss, and Mr. Solomon):

H.R. 3745. A bill to prevent money laundering; to the Committee on the Judiciary.

By Mr. WELDON of Pennsylvania (for himself, Mr. Pitts, Mr. Fox of Pennsylvania, and Mr. McHale):

H.R. 3746. A bill to authorize the addition of the Paoli Battlefield site in Malvern, Pennsylvania, to the Valley Forge National Historical Park, and for other purposes; to the Committee on Resources.

By Mrs. KELLY (for herself, Mr. Royce, Mrs. Johnson of Connecticut, Mr. Cunningham, Mr. Largent, Mrs. Myrick, Mr. Greenwood, Mr. Hansen, Mr. Rogers, Mr. Hefley, Mr. Hastert, Mr. Forbes, Mr. Dreier, Mr. Ganske, Ms. Pryce of Ohio, Mrs. Cubin, Mr. Franks of New Jersey, Mr. Hobson, Mr. Sessions, Mr. Shays, Mr. Frelinghuysen, Mr. Gilman, Mr. Fox of Pennsylvania, Mrs. Roukema, Mr. Burton of Indiana, Mr. Ewing, Mr. Weller, Mr. Boehlert, Mr. Houghton, Mr. Regula, Mrs. Fowler, Mr. Horn, Mr. Bilbray, Mr. Gillmor, Mrs. Morella, Mr. Ehlers, Mr. Boehner, and Mr. Lazio of New York):

H.R. 3747. A bill to amend title 18, United States Code, to expand the prohibition on stalking, and for other purposes; to the Committee on the Judiciary.

By Mr. THOMAS:

H.R. 3748. A bill to amend the Federal Election Campaign Act of 1971 to authorize appropriations for the Federal Election Commission for fiscal year 1999, and for other purposes; to the Committee on House Oversight.

By Mr. BASS (for himself and Mr. Goodlatte):

H.R. 3749. A bill to amend the Communications Act of 1934 to improve the protection of consumers against "slamming" by telecommunications carriers, and for other purposes; to the Committee on Commerce.

By Mr. DAVIS of Illinois:

H.R. 3750. A bill to amend section 203 of the National Housing Act to require properties that are subject to mortgages insured under the FHA single family housing mortgage insurance program to be inspected and determined to comply with the minimum property standards established by the Secretary of Housing and Urban Development; to the Committee on Banking and Financial Services.

By Mr. FAWELL (for himself, Mr. Goode, Mr. Stenholm, Mr. Pickett, Mr. Hall of Texas, and Mr. Peterson of Pennsylvania):

H.R. 3751. A bill to amend the Family and Medical Leave Act of 1993; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform and Oversight, and House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GUTIERREZ (for himself, Mr. EVANS, Mr. FILNER, Ms. CARSON, Mr. KENNEDY of Massachusetts, Mr. REYES, Ms. BROWN of Florida, and Mr. RODRIGUEZ):

H.R. 3752. A bill to amend title 38, United States Code, to repeal the provision of law requiring termination of the Advisory Committee on Minority Veterans as of December 31, 1999; to the Committee on Veterans' Affairs.

By Mr. MCCOLLUM (for himself, Mr. HYDE, Mr. CONYERS, and Mr. SCHUMER):

H.R. 3753. A bill to amend chapter 119 of title 18, United States Code, with respect to authority for the interception of communications; to the Committee on the Judiciary.

By Mr. MCNULTY:

H.R. 3754. A bill to amend title 49, United States Code, to grant the State of New York authority to allow tandem trailers to use Interstate Route 787 between the New York State Thruway and Church Street in Albany, New York; to the Committee on Transportation and Infrastructure.

By Mr. MILLER of California (for himself, Mr. GEPHARDT, Mr. SMITH of New Jersey, Mr. BONIOR, Mr. CLAY, Mr. FRANK of Massachusetts, Mr. SANDERS, Mr. SCHUMER, and Mr. KENNEDY of Massachusetts):

H.R. 3755. A bill to express the Sense of Congress that American universities and colleges should adopt rigorous educational merchandise licensing codes of conduct against sweatshop and child labor for merchandise licensed under their names or insignias; to the Committee on Education and the Workforce.

By Mr. NADLER (for himself, Mr. HINCHEY, Ms. WOOLSEY, Mr. STARK, Mr. KLECZKA, Mr. VENTO, Mr. SHERMAN, and Mr. GUTIERREZ):

H.R. 3756. A bill to restrict the disclosure of prescription information by pharmacy owners, pharmacists, and other pharmacy employees; to the Committee on Commerce.

By Mr. ROMERO-BARCELO:

H.R. 3757. A bill to amend the National Housing Act to provide for adequate insurance of mortgages on property in Puerto Rico; to the Committee on Banking and Financial Services.

By Mr. SANDERS (for himself, Mr. CAMPBELL, Mr. KENNEDY of Rhode Island, Mr. ROHRABACHER, Mr. WAXMAN, Mr. STARK, Mr. BERRY, Ms. WOOLSEY, Mr. DEFAZIO, Mr. KUCINICH, Mr. FALEOMAVAEGA, and Mr. BOUCHER):

H.R. 3758. A bill to require persons who undertake federally funded research and development of drugs to enter into reasonable pricing agreements with the Secretary of Health and Human Services, and for other purposes; to the Committee on Commerce.

By Mr. SCHUMER:

H.R. 3759. A bill to amend the Higher Education Act of 1965 to require institutions of higher education to widely distribute information describing their procedures for receiving and responding to complaints concerning harassment; to the Committee on Education and the Workforce.

By Ms. WATERS (for herself, Mr. HINCHEY, Mr. SANDERS, Mr. THOMPSON, Mr. RUSH, and Mr. DAVIS of Illinois):

H.R. 3760. A bill to amend the Bank Holding Company Act of 1956 to require the Board of Governors of the Federal Reserve System to include money laundering activities in the consideration of applications under section 3 of the Bank Holding Company Act of 1956; to the Committee on Banking and Financial Services.

By Mr. SHUSTER (for himself and Mr. OBERSTAR):

H. Con. Res. 265. Concurrent resolution authorizing the use of the East Front of the Capitol Grounds for performances sponsored by the John F. KENNEDY Center for the Performing Arts; to the Committee on Transportation and Infrastructure.

By Mr. STRICKLAND (for himself and Mr. LOBIONDO):

H. Con. Res. 266. Concurrent resolution expressing the sense of Congress that the Department of Defense should continue to buy goods and services made domestically and not deviate from the domestic source and manufacturing restrictions on procurements as established by law; to the Committee on National Security.

By Mr. WELDON of Florida (for himself, Mr. MCKEON, Mr. BOYD, Mr. GORDON, Mr. KUCINICH, Mr. LAMPSON, Mr. DAVIS of Virginia, and Mr. ADERHOLT):

H. Con. Res. 267. Concurrent resolution declaring a national commitment to the exploration, development, and use of space; to the Committee on Science, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FAZIO of California:

H. Res. 412. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. ROYCE (for himself, Mr. MENENDEZ, and Mr. SMITH of New Jersey):

H. Res. 415. A resolution to promote independent radio broadcasting in Africa; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

300. The SPEAKER presented a memorial of the Legislature of the State of Minnesota, relative to Resolution 8 memorializing the United States government to resolve certain differences between the Province of Ontario and the State of Minnesota; jointly to the Committees on International Relations and Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. BOEHLERT.

H.R. 107: Mr. COYNE and Mr. JENKINS.

H.R. 219: Mr. CUNNINGHAM, Mr. ANDREWS, and Mr. SHERMAN.

H.R. 457: Mr. BEREUTER.

H.R. 538: Mr. MCNULTY.

H.R. 563: Ms. CARSON.

H.R. 590: Mr. PASCRELL.

H.R. 678: Mr. BUNNING of Kentucky, Mr. NETHERCUTT, Mr. METCALF, Mr. THOMAS, Mr. SKEEN, Mr. KINGSTON, Mr. BLUNT, and Ms. DUNN of Washington.

H.R. 715: Mr. PAPPAS and Mr. CALVERT.

H.R. 814: Ms. KILPATRICK and Mr. WEXLER.

H.R. 815: Mr. NUSSLE and Mr. KENNEDY of Massachusetts.

H.R. 1005: Mr. NETHERCUTT.

H.R. 1018: Mr. THOMPSON.

H.R. 1023: Mr. REGULA.

H.R. 1142: Mr. WYNN.

H.R. 1231: Mr. SAWYER.

H.R. 1283: Mr. ACKERMAN and Mr. KNOLLENBERG.

H.R. 1329: Mr. THOMPSON.

H.R. 1362: Mr. BOEHLERT.

H.R. 1656: Mr. ENGLISH of Pennsylvania.

H.R. 1715: Mr. PICKERING.

H.R. 1891: Mr. SNYDER and Mr. NUSSLE.

H.R. 1951: Mr. JOHN, Mr. MEEKS of New York, Mrs. CAPPS, and Ms. STABENOW.

H.R. 1972: Mr. BARR of Georgia.

H.R. 2112: Mrs. CAPPS.

H.R. 2174: Mrs. CAPPS, Mr. DIXON, Mr. HOUGHTON, Mr. MILLER of California, and Mr. SANDERS.

H.R. 2183: Mr. GOSS.

H.R. 2396: Mr. LANTOS and Mr. FROST.

H.R. 2454: Ms. HOOLEY of Oregon and Ms. BROWN of Florida.

H.R. 2457: Ms. HOOLEY of Oregon, Mr. LUTHER, and Ms. BROWN of Florida.

H.R. 2509: Mr. CAMPBELL, Mr. KANJORSKI, Mr. LATOURETTE, Mr. BOYD, Mr. POMBO, Ms. ROS-LEHTINEN, and Mr. WELDON of Florida.

H.R. 2523: Mr. TRAFICANT.

H.R. 2549: Mr. MANTON.

H.R. 2914: Ms. KILPATRICK.

H.R. 2938: Mr. OXLEY.

H.R. 2949: Mr. CHRISTENSEN.

H.R. 2991: Mr. ADAM SMITH of Washington, Mr. DOOLEY of California, Mr. KIND of Washington, and Ms. STABENOW.

H.R. 3008: Mr. ENSIGN and Mr. MCINTOSH.

H.R. 3014: Mr. MATSUI.

H.R. 3043: Mr. ADAM SMITH of Washington.

H.R. 3050: Mr. HOLDEN.

H.R. 3086: Mr. WATT of North Carolina.

H.R. 3099: Mr. KUCINICH.

H.R. 3104: Mr. SOUDER, Mr. CHRISTENSEN, and Mr. HASTINGS of Washington.

H.R. 3131: Mr. DEFAZIO.

H.R. 3162: Mr. SHAW, Mr. COMBEST, and Mr. CRAPO.

H.R. 3178: Mr. FATTAH.

H.R. 3181: Mr. MCHUGH and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3185: Mr. LAMPSON, Mr. JENKINS, Mr. BLUNT, Mr. COBURN, Mr. RODRIGUEZ, and Mr. HUTCHINSON.

H.R. 3304: Mr. MINGE, Mr. CAMPBELL, Mr. SAM JOHNSON, and Mr. CARDIN.

H.R. 3320: Mr. DEUTSCH, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. TOWNS, Mr. GORDON, Mr. THOMPSON, Mr. BROWN of California, Mr. HINOJOSA, Mr. HOYER, Mrs. MEEK of Florida, Mr. SCOTT, Mr. DAVIS of Florida, and Ms. ROYBAL-ALLARD.

H.R. 3331: Mr. CRANE.

H.R. 3404: Mr. WELLER.

H.R. 3466: Mr. BONIOR.

H.R. 3474: Mr. HASTINGS of Florida, Mr. TORRES, Mr. EVANS, and Mr. SCHUMER.

H.R. 3494: Mrs. KELLY.

H.R. 3514: Mr. MENENDEZ, Mr. PASCRELL, Mr. OBERSTAR, and Mr. OLVER.

H.R. 3523: Mr. SUNUNU, Mr. DOOLEY of California, Mr. MCHUGH, and Mr. ACKERMAN.

H.R. 3534: Mr. BARRETT of Nebraska, Ms. DANNER, Mr. BOYD, Mr. SNOWBARGER, Mr. HALL of Texas, Mr. WATTS of Oklahoma, Mr. PETERSON of Minnesota, Mr. BAESLER, and Mr. TANNER.

H.R. 3567: Mr. NETHERCUTT, Ms. SLAUGHTER, Mr. FRELINGHUYSEN, and Mr. LEVIN.

H.R. 3572: Mr. PALLONE and Mr. CAMPBELL.

H.R. 3602: Mrs. NORTHUP.

H.R. 3605: Ms. LEE, Mr. CONYERS, Mr. BASS, Mr. DICKS, Mr. FORBES, Mr. GILCHREST, Mr. GRAHAM, Mr. HORN, Mr. LATOURETTE, Mr. LEACH, and Mr. GANSKE.

H.R. 3610: Ms. DELAURO, Mr. PICKETT, and Mr. SAXTON.

H.R. 3634: Mr. FROST, Mr. BALDACCI, Mr. DREIER, Mr. MCCRERY, Mr. JONES, Mr. TURNER, Mr. DICKEY, Mr. EDWARDS, Mr. ADERHOLT, and Mr. BRADY.

H.R. 3635: Mr. RAMSTAD, Mrs. JOHNSON of Connecticut, and Mr. PAYNE.

H.R. 3654: Mr. BARRETT of Nebraska, Mr. MCHUGH, Mr. SMITH of Michigan, Mr. POSHARD, Mr. TOWNS, and Mr. NETHERCUTT.

H.R. 3659: Mr. GEKAS, Mr. BEREUTER, Mr. SANDLIN, Mr. BARCIA of Michigan, Mr. WHITFIELD, and Mr. BURTON of Indiana.

H.R. 3688: Mr. WATTS of Oklahoma and Mr. MCCRERY.

H.R. 3709: Mr. GINGRICH.

H.R. 3720: Mr. COX of California, Mr. BLUNT, and Mr. TRAFICANT.

H.R. 3734: Mr. FOSSELLA, Mr. CANNON, Mr. RADANOVICH, Mr. BACHUS, Mr. SHIMKUS, Mr. MCCOLLUM, Mr. GIBBONS, and Mr. SAXTON.

H.J. Res. 99: Mr. STUMP.

H. Con. Res. 154: Mr. LANTOS.

H. Con. Res. 208: Mr. ENSIGN, Mrs. THURMAN, Mr. CRAMER, Mr. SANDLIN, Mr. FARR of California, Mr. DEUTSCH, Mrs. JOHNSON of Connecticut, Mr. YOUNG of Alaska, Mr. QUINN, Mr. SKEEN, Mr. KLUG, Mr. FORD, Mr. HUNTER, Mr. BISHOP, Mr. GOODE, Mr. BLUMENAUER, Mr. NEUMANN, Mr. BOSWELL, Mr. TORRES, Mr. SHIMKUS, Mr. WAMP, Ms. ROS-LEHTINEN, Mr. HAYWORTH, Mr. BARCIA of Michigan, Mr. MORAN of Virginia, Ms. CHRISTIAN-GREEN, Mr. KILDEE, Ms. LOFGREN, Mr. TRAFICANT, Mr. SNYDER, Mr. PAYNE, Mr. CLEMENT, Mr. LATOURETTE, Mr. FALEOMAVAEGA, Mr. MANTON, Mr. SHERMAN, Mr. ETHERIDGE, Mr. PICKETT, Mr. WHITFIELD, and Mr. CUNNINGHAM.

H. Con. Res. 214: Mr. HILLEARY.

H. Con. Res. 219: Mr. GALLEGLY, Mr. HALL of Texas, Mr. BILBRAY, Mr. COBURN, Mr. MORAN of Virginia, Mr. BURTON of Indiana, Ms. PRYCE of Ohio, Mr. GOODE, Mr. RAHALL, Mr. KING of New York, and Mr. JEFFERSON.

H. Con. Res. 229: Mr. DAVIS of Virginia and Mr. JACKSON.

H. Con. Res. 254: Mr. CALVERT, Mr. METCALF, Mr. CUNNINGHAM, Mr. BURTON of Indiana, and Mr. SAXTON.

H. Con. Res. 258: Mr. HALL of Ohio, Mr. ROHRABACHER, Mr. OLVER, Mr. ABERCROMBIE, Mr. MORAN of Virginia, Mr. FRANK of Massachusetts, Mr. TOWNS, Mr. MCGOVERN, Mr. PASCRELL, Mr. KLUG, Mr. WOLF, Mr. BLAGOJEVICH, Mr. KENNEDY of Rhode Island, Mr. YATES, Mr. MOAKLEY, Mr. WAXMAN, Mr. MILLER of California, Ms. DELAURO, and Ms. WOOLSEY.

H. Res. 37: Mr. LEVIN, Mrs. CAPPS, Mr. BEREUTER, and Mr. MEEKS of New York.

H. Res. 333: Mr. ROTHMAN.

H. Res. 404: Mr. ACKERMAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3605: Mr. BASS and Mr. GILCHREST.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6

OFFERED BY: MS. BROWN OF FLORIDA

AMENDMENT NO. 60: Page 270, after line 16, insert the following new section:

SEC. 480. RELIEF FROM OBLIGATION.

To the extent authorized in advance in an appropriation Act, the Secretary may, in settlement of claims found or arising under audits and program reviews under title IV of the Higher Education Act of 1965, forgive the obligations to pay such claims of Edward Waters College of Jacksonville, Florida, relating to the administration of programs prior to academic year 1997–1998 under such title, subject to such terms and conditions as Secretary may require with respect to conduct of programs under such title on and after the date of enactment of this Act.

H.R. 6

OFFERED BY: MR. CAMPBELL OF CALIFORNIA

AMENDMENT NO. 61: Page 83, beginning on line 16 strike section 303 through page 89, line 23.

H.R. 6

OFFERED BY: MR. GORDON

AMENDMENT NO. 62: Page 154, beginning on line 5, strike subparagraph (F) through page 155, line 19, and insert the following:

"(F) Subject to paragraph (4), the special allowances paid pursuant to this subsection on loans made on or after July 1, 1998 for which the applicable interest rate is determined under section 427(a) shall be computed—

"(i) by determining the bond equivalent rate of the average of the quotes as reported by the Federal Reserve of the 3-month commercial paper (financial) rate in effect for each of the days in the quarter for which the rate is being determined;

"(ii) by subtracting the applicable interest rate on such loan from such applicable bond equivalent rate;

"(iii)(I) for Stafford loans during any period in which principal need not be paid (whether or not such principal is in fact paid) by reason of provision described in section 428(b)(1)(M) or 427(a)(2)(C), by adding 1.8 percent to the resultant percent, (II) for Stafford loans during any other periods, by adding 2.39 percent to the resultant percent, or (III) for PLUS loans, by adding 2.7 percent to the resultant percent, to be reset quarterly; and

"(iv) by dividing the resultant percent by 4."

H.R. 6

OFFERED BY: MR. HALL OF TEXAS

AMENDMENT NO. 63: At the appropriate place in the bill in Title VIII insert the following new section:

SEC. . TEXAS COLLEGE PROVISION.

The Secretary may not consider audit deficiencies relating to record keeping with respect to qualifying students for financial aid at Texas College, located in Tyler, Texas, for academic years prior to and including academic year 1994–1995 in determining whether Texas College complies with the financial responsibility and administrative capacity standards under Section 498 of the Higher Education Act of 1965, if Texas College has filed an affidavit with the Department of Education stating that it has made a good faith effort to furnish records to the Department with respect to such audits.

H.R. 6

OFFERED BY: MR. LIVINGSTON

AMENDMENT NO. 64: Add at the end the following new title (and conform the table of contents accordingly):

TITLE XI—PROTECTION OF STUDENT SPEECH AND ASSOCIATION RIGHTS

SEC. 1101. PROTECTION OF STUDENT SPEECH AND ASSOCIATION RIGHTS.

(a) PROTECTION OF RIGHTS.—It is the sense of the House of Representatives that no student attending an institution of higher education on a full- or part-time basis should, on the basis of protected speech and association, be excluded from participation in, be denied the benefits of, or be subjected to discrimination or official sanction under any education program, activity, or division directly or indirectly receiving financial assistance under the Higher Education Act of 1965, whether or not such program, activity, or division is sponsored or officially sanctioned by the institution.

(b) SANCTIONS FOR DISRUPTION PERMITTED.—Nothing in this section shall be construed to discourage the imposition of an official sanction on a student that has willfully participated in the disruption or attempted disruption of a lecture, class, speech, presentation, or performance made or scheduled to be made under the auspices of the institution of higher education.

(c) DEFINITIONS.—For the purposes of this section:

(1) PROTECTED SPEECH.—The term "protected speech" means speech that is protected under the 1st and 14th amendments to the United States Constitution, or would be so protected if the institution of higher education were subjected to those amendments.

(2) PROTECTED ASSOCIATION.—The term "protected association" means the right to join, assemble, and reside with others that is protected under the 1st and 14th amendments to the United States Constitution, or would be protected if the institution of higher education were subject to those amendments.

(3) OFFICIAL SANCTION.—The term "official sanction"—

(A) means expulsion, suspension, probation, censure, condemnation, reprimand, or any other disciplinary, coercive, or adverse action taken by an institution of higher education or administrative unit of the institution; and

(B) includes an oral or written warning made by an official of an institution of higher education acting in the official capacity of the official.

H.R. 6

OFFERED BY: MR. MCINTOSH

AMENDMENT NO. 65: Page 204, strike line 18 and all that follows through line 5 on page 205 and insert the following:

"(B) account maintenance fees payable to guaranty agencies under part B and calculated in accordance with paragraph (2), not to exceed (from such funds not otherwise appropriated)—

"(i) $598,000,000 in fiscal year 1999 such funds shall be expended in the following manner—

"(I) $180,000,000 for account maintenance fees payable to guaranty agencies;

"(II) $208,000,000 for origination and servicing of Direct Loans; and

"(III) $210,000,000 for Direct Loan administration;

"(ii) $636,000,000 in fiscal year 2000, such funds shall be expended in the following manner—

"(I) $191,000,000 for account maintenance fees payable to guaranty agencies;

"(II) $235,000,000 for origination and servicing of Direct Loans; and

"(III) $210,000,000 for Direct Loan administration;

"(iii) $632,000,000 in fiscal year 2001 such funds shall be expended in the following manner—

"(I) $201,000,000 for account maintenance fees payable to guaranty agencies;

"(II) $261,000,000 for origination and servicing of Direct Loans; and

"(III) $210,000,000 for Direct Loan administration;

"(iv) $646,000,000 in fiscal year 2002 such funds shall be expended in the following manner—

"(I) $214,000,000 for account maintenance fees payable to guaranty agencies;

"(II) $272,000,000 for origination and servicing of Direct Loans; and

"(III) $210,000,000 for Direct Loan administration;

"(v) $685,000,000 in fiscal year 2003 such funds shall be expended in the following manner—

"(I) $225,000,000 for account maintenance fees payable to guaranty agencies;

"(II) $300,000,000 for origination and servicing of Direct Loans; and

"(III) $210,000,000 for Direct Loan administration.

Account maintenance fees under subparagraph (B) of this paragraph shall be paid quarterly and deposited in the Operating Fund established under section 422B. The Secretary may not carry over funds available under this section to a subsequent fiscal year.".

Page 205, after line 18, insert the following new subsection:

(b) Section 428F(a) of the Higher Education Act of 1965 is amended—

(1) by striking "and" at the end of paragraph (1)(B)(I);

(2) by striking the period at the end of paragraph (1)(B)(ii);

(3) by inserting after paragraph (1)(B)(ii) the following clause:

"(iii) for a maximum repayment of 15 years (notwithstanding section 428(b)(1)(E)), with the 12 monthly payments made under subparagraph (A) to count towards the 15 year period."; and

(4) in paragraph (2)(4), by striking "A" after the word "APPLICABILITY OF GENERAL LOAN CONDITIONS.—" and inserting "Except as provided for in this section, a".

H.R. 6

OFFERED BY: MS. MILLENDER-MCDONALD

AMENDEMENT NO. 66: Page 68, after line 11, insert the following new section (and redesignate the succeeding section accordingly):

SEC. 206. TEACHER EXCELLENCE IN AMERICA CHALLENGE.

Title II is further amended by adding at the end the following new part:

"PART F—TEACHER EXCELLENCE IN AMERICA CHALLENGE

"SEC. 281A. SHORT TITLE.

"This part may be cited as the 'Teacher Excellence in America Challenge Act of 1998'.

"SEC. 281B. PURPOSE.

"The purpose of this part is to improve the preparation and professional development of teachers and the academic achievement of students by encouraging partnerships among institutions of higher education, elementary schools or secondary schools, local educational agencies, State educational agencies, teacher organizations, and nonprofit organizations.

"SEC. 281C. GOALS.

"The goals of this part are as follows:

"(1) To support and improve the education of students and the achievement of higher academic standards by students, through the enhanced professional development of teachers.

"(2) To ensure a strong and steady supply of new teachers who are qualified, well-trained, and knowledgeable and experienced in effective means of instruction, and who represent the diversity of the American people, in order to meet the challenges of working with students by strengthening preservice education and induction of individuals into the teaching profession.

"(3) To provide for the continuing development and professional growth of veteran teachers.

"(4) To provide a research-based context for reinventing schools, teacher preparation programs, and professional development programs, for the purpose of building and sustaining best educational practices and raising student academic achievement.

"SEC. 281D. DEFINITIONS.

"In this part:

"(1) ELEMENTARY SCHOOL.—The term 'elementary school' means a public elementary school.

"(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means an institution of higher education that—

"(A) has a school, college, or department of education that is accredited by an agency recognized by the Secretary for that purpose; or

"(B) the Secretary determines has a school, college, or department of education of a quality equal to or exceeding the quality of schools, colleges, or departments so accredited.

"(3) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

"(4) PROFESSIONAL DEVELOPMENT PARTNERSHIP.—The term 'professional development partnership' means a partnership among 1 or more institutions of higher education, 1 or more elementary schools or secondary schools, and 1 or more local educational agency based on a mutual commitment to improve teaching and learning. The partnership may include a State educational agency, a teacher organization, or a nonprofit organization whose primary purpose is education research and development.

"(5) PROFESSIONAL DEVELOPMENT SCHOOL.—The term 'professional development school' means an elementary school or secondary school that collaborates with an institution of higher education for the purpose of—

"(A) providing high quality instruction to students and educating students to higher academic standards;

"(B) providing high quality student teaching and internship experiences at the school for prospective and beginning teachers; and

"(C) supporting and enabling the professional development of veteran teachers at the school, and of faculty at the institution of higher education.

"(6) SECONDARY SCHOOL.—The term 'secondary school' means a public secondary school.

"(7) TEACHER.—The term 'teacher' means an elementary school or secondary school teacher."

"SEC. 281E. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—From the amount appropriated under section 281K and not reserved under section 281I for a fiscal year, the Secretary may award grants, on a competitive basis, to professional development partnerships to enable the partnerships to pay the Federal share of the cost of providing teacher preparation, induction, classroom experience, and professional development opportunities to prospective, beginning, and veteran teachers while improving the education of students in the classroom.

"(b) DURATION; PLANNING.—The Secretary shall award grants under this part for a period of 5 years, the first year of which may be used for planning to conduct the activities described in section 281F.

"(c) PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.—

"(1) PAYMENTS.—The Secretary shall make annual payments pursuant to a grant awarded under this part.

"(2) FEDERAL SHARE.—The Federal share of the costs described in subsection (a)(1) shall be 80 percent.

"(3) NON-FEDERAL SHARE.—The non-Federal share of the costs described in subsection (a)(1) may be in cash or in-kind, fairly evaluated.

"(d) CONTINUING ELIGIBILITY.—

"(1) 2D AND 3D YEARS.—The Secretary may make a grant payment under this section for each of the 2 fiscal years after the first fiscal year a professional development partnership receives such a payment, only if the Secretary determines that the partnership, through the activities assisted under this part, has made reasonable progress toward meeting the criteria described in paragraph (3).

"(2) 4TH AND 5TH YEARS.—The Secretary may make a grant payment under this section for each of the 2 fiscal years after the third fiscal year a professional development partnership receives such a payment, only if the Secretary determines that the partnership, through the activities assisted under this part, has met the criteria described in paragraph (3).

"(3) CRITERIA.—The criteria referred to in paragraphs (1) and (2) are as follows:

"(A) Increased student achievement as determined by increased graduation rates, decreased dropout rates, or higher scores on local, State, or national assessments for a year compared to student achievement as determined by the rates or scores, as the case may be, for the year prior to the year for which a grant under this part is received.

"(B) Improved teacher preparation and development programs, and student educational programs.

"(C) Increased opportunities for enhanced and ongoing professional development of teachers.

"(D) An increased number of well-prepared individuals graduating from a school, college, or department of education within an institution of higher education and entering the teaching profession.

"(E) Increased recruitment to, and graduation from, a school, college, or department of education within an institution of higher education with respect to minority individuals.

"(F) Increased placement of qualified and well-prepared teachers in elementary schools or secondary schools, and increased assignment of such teachers to teach the subject matter in which the teachers received a degree or specialized training.

"(G) Increased dissemination of teaching strategies and best practices by teachers associated with the professional development school and faculty at the institution of higher education.

"(e) PRIORITY.—In awarding grants under this part, the Secretary shall give priority to professional development partnerships serving elementary schools, secondary schools, or local educational agencies, that serve high percentages of children from families below the poverty line.

"SEC. 281F. AUTHORIZED ACTIVITIES.

"(a) IN GENERAL.—Each professional development partnership receiving a grant under this part shall use the grant funds for—

"(1) creating, restructuring, or supporting professional development schools;

"(2) enhancing and restructuring the teacher preparation program at the school, college, or department of education within the institution of higher education, including—

"(A) coordinating with, and obtaining the participation of, schools, colleges, or departments of arts and science;

"(B) preparing teachers to work with diverse student populations; and

"(C) preparing teachers to implement research-based, demonstrably successful, and replicable, instructional programs and practices that increase student achievement;

"(3) incorporating clinical learning in the coursework for prospective teachers, and in the induction activities for beginning teachers;

"(4) mentoring of prospective and beginning teachers by veteran teachers in instructional skills, classroom management skills, and strategies to effectively assess student progress and achievement;

"(5) providing high quality professional development to veteran teachers, including the rotation, for varying periods of time, of veteran teachers—

"(A) who are associated with the partnership to elementary schools or secondary schools not associated with the partnership in order to enable such veteran teachers to act as a resource for all teachers in the local educational agency or State; and

"(B) who are not associated with the partnership to elementary schools or secondary schools associated with the partnership in order to enable such veteran teachers to observe how teaching and professional development occurs in professional development schools;

"(6) preparation time for teachers in the professional development school and faculty of the institution of higher education to jointly design and implement the teacher preparation curriculum, classroom experiences, and ongoing professional development opportunities;

"(7) preparing teachers to use technology to teach students to high academic standards;

"(8) developing and instituting ongoing performance-based review procedures to assist and support teachers' learning;

"(9) activities designed to involve parents in the partnership;

"(10) research to improve teaching and learning by teachers in the professional development school and faculty at the institution of higher education; and

"(11) activities designed to disseminate information, regarding the teaching strategies and best practices implemented by the professional development school, to—

"(A) teachers in elementary schools or secondary schools, which are served by the local educational agency or located in the State, that are not associated with the professional development partnership; and

"(B) institutions of higher education in the State.

"(b) Construction Prohibited.—No grant funds provided under this part may be used for the construction, renovation, or repair of any school or facility.

"SEC. 281G. APPLICATIONS.

"Each professional development partnership desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

"(1) describe the composition of the partnership;

"(2) describe how the partnership will include the participation of the schools, colleges, or departments of arts and sciences within the institution of higher education to ensure the integration of pedagogy and content in teacher preparation;

"(3) identify how the goals described in section 281C will be met and the criteria that will be used to evaluate and measure whether the partnership is meeting the goals;

"(4) describe how the partnership will restructure and improve teaching, teacher preparation, and development programs at the institution of higher education and the professional development school, and how such systemic changes will contribute to increased student achievement;

"(5) describe how the partnership will prepare teachers to implement research-based, demonstrably successful, and replicable, instructional programs and practices that increase student achievement;

"(6) describe how the teacher preparation program in the institution of higher education, and the induction activities and ongoing professional development opportunities in the professional development school, incorporate—

"(A) an understanding of core concepts, structure, and tools of inquiry as a foundation for subject matter pedagogy; and

"(B) knowledge of curriculum and assessment design as a basis for analyzing and responding to student learning;

"(7) describe how the partnership will prepare teachers to work with diverse student populations, including minority individuals and individuals with disabilities;

"(8) describe how the partnership will prepare teachers to use technology to teach students to high academic standards;

"(9) describe how the research and knowledge generated by the partnership will be disseminated to and implemented in—

"(A) elementary schools or secondary schools served by the local educational agency or located in the State; and

"(B) institutions of higher education in the State;

"(10)(A) describe how the partnership will coordinate the activities assisted under this part with other professional development activities for teachers, including activities assisted under titles I and II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq., 6601 et seq.), the Goals 2000: Educate America Act (20 U.S.C. 5801 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.); and

"(B) describe how the activities assisted under this part are consistent with Federal and State educational reform activities that promote student achievement of higher academic standards;

"(11) describe which member of the partnership will act as the fiscal agent for the partnership and be responsible for the receipt and disbursement of grant funds under this part;

"(12) describe how the grant funds will be divided among the institution of higher education, the elementary school or secondary school, the local educational agency, and any other members of the partnership to support activities described in section 281F;

"(13) provide a description of the commitment of the resources of the partnership to the activities assisted under this part, including financial support, faculty participation, and time commitments; and

"(14) describe the commitment of the partnership to continue the activities assisted under this part without grant funds provided under this part.

"SEC. 281H. ASSURANCES.

"Each application submitted under this part shall contain an assurance that the professional development partnership—

"(1) will enter into an agreement that commits the members of the partnership to the support of students' learning, the preparation of prospective and beginning teachers, the continuing professional development of veteran teachers, the periodic review of teachers, standards-based teaching and learning, practice-based inquiry, and collaboration among members of the partnership;

"(2) will use teachers of excellence, who have mastered teaching techniques and subject areas, including teachers certified by the National Board for Professional Teaching Standards, to assist prospective and beginning teachers;

"(3) will provide for adequate preparation time to be made available to teachers in the professional development school and faculty at the institution of higher education to allow the teachers and faculty time to jointly develop programs and curricula for prospective and beginning teachers, ongoing professional development opportunities, and the other authorized activities described in section 281F; and

"(4) will develop organizational structures that allow principals and key administrators to devote sufficient time to adequately participate in the professional development of their staffs, including frequent observation and critique of classroom instruction.

"SEC. 281I. NATIONAL ACTIVITIES.

"(a) In General.—The Secretary shall reserve a total of not more than 10 percent of the amount appropriated under section 281K for each fiscal year for evaluation activities under subsection (b), and the dissemination of information under subsection (c).

"(b) National Evaluation.—The Secretary, by grant or contract, shall provide for an annual, independent, national evaluation of the activities of the professional development partnerships assisted under this part. The evaluation shall be conducted not later than 3 years after the date of enactment of the Teacher Excellence in America Challenge Act of 1997 and each succeeding year thereafter. The Secretary shall report to Congress and the public the results of such evaluation. The evaluation, at a minimum, shall assess the short-term and long-term impacts and outcomes of the activities assisted under this part, including—

"(1) the extent to which professional development partnerships enhance student achievement;

"(2) how, and the extent to which, professional development partnerships lead to improvements in the quality of teachers;

"(3) the extent to which professional development partnerships improve recruitment and retention rates among beginning teachers, including beginning minority teachers; and

"(4) the extent to which professional development partnerships lead to the assignment of beginning teachers to public elementary or secondary schools that have a shortage of teachers who teach the subject matter in which the teacher received a degree or specialized training.

"(c) Dissemination of Information.—The Secretary shall disseminate information (including creating and maintaining a national database) regarding outstanding professional development schools, practices, and programs.

"SEC. 281J. SUPPLEMENT NOT SUPPLANT.

"Funds appropriated under section 281K shall be used to supplement and not supplant other Federal, State, and local public funds expended for the professional development of elementary school and secondary school teachers.

"SEC. 281K. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this part $100,000,000 for fiscal year 1999, and such sums as may be necessary for each of the fiscal years 2000 through 2003.".

H.R. 6

Offered By: Ms. Millender-McDonald

Amendment No. 67: Page 94, strike lines 12 through 16 and insert the following:

"(i) $5,500 for academic year 1999–2000,

"(ii) $5,875 for academic year 2000–2001,

"(iii) $6,250 for academic year 2001–2002,

"(iv) $6,625 for academic year 2002–2003,

"(v) $7,000 for academic year 2003–2004,

H.R. 6

Offered By: Ms. Millender-McDonald

Amendment No. 68: Page 95, after line 7, insert the following new subsection (and redesignate the succeeding subsections accordingly):

(c) Maximum Grants.—Section 401(b) is mended by adding at the end the following new paragraph:

"(7) Notwithstanding the preceding provisions of this subsection, any student shall be eligible for the maximum Federal Pell Grant if such student is enrolled in a public institution of higher education that offers admission to no less than the top 5 percent of the graduating class at each high school in the State in which such institution is located.".

H.R. 6

Offered By: Mr. Miller of California

Amendment No. 69: Page 334, after line 19, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

SEC. 806. EDUCATIONAL MERCHANDISE LICENSING CODES OF CONDUCT.

(a) Findings.—The Congress finds that American colleges and universities should take into account the following in managing the licensing of merchandise bearing the names or insignia of educational institutions:

(1) American workers have the right to a fair and safe workplace and to reasonable compensation under the law, such as under the Fair Labor Standards Act, the National Labor Relations Act, and the Occupational Safety and Health Act.

(2) Despite United States workplace laws, sweatshops and other forms of labor exploitation persist domestically. The Department of Labor has recovered $23,100,000 in illegally held back wages for over 45,000 garment workers since 1993, including $2,900,000 in back wages in 1997 alone. In 1997, 63 percent of the New York City garment shops investigated by the Department of Labor were found in violation of the minimum wage and overtime provisions of the Fair Labor Standards Act. And, a recent study commissioned by the Associated Press found that 13,000 children work in sweatshops in the United States.

(3) The use of sweatshop and child labor abroad for goods imported to the United States remains a problem, particularly in the apparel and sporting goods sectors, including the use of subminimum wages, bonded and indentured labor, and unhealthy working conditions. The International Labor Organization estimated there are 250,000,000 underage children working worldwide, in all sectors of the economy, such as agriculture, services and manufacturing for domestically consumed and exported items.

(4) Federal law, including the Trade Act of 1930, bans the importation of products made with indentured servitude, forced or slave labor into the United States.

(5) Codes of Conduct are voluntary steps taken by the private sector.

(6) Rigorous codes of conduct are an important component of a larger set of tools to reduce sweatshop and child labor.

(7) The Apparel Industry Partnership, comprised of major retail companies, human rights groups and labor unions, is seeking agreement on a code of conduct to reduce the use of sweatshops and child labor.

(8) American consumers have repeatedly expressed an interest in buying goods not made with exploited labor.

(9) American consumers frequently have no ability to know whether a product has been made with exploited labor.

(10) Informed consumer choices can be a powerful tool in the reduction of sweatshops and exploited labor.

(11) The market for college and university licensed merchandise such as caps, t-shirts, sweat pants, and other items is valued at over $2,000,000,000 a year, with 80 percent of the market coming from apparel products.

(12) Several universities have adopted codes of conduct specifically requiring companies that manufacture products bearing those universities' names to adhere to minimum labor standards both domestically and abroad, but few universities and colleges, and none of those with the largest volume of merchandise sales, have labor codes of conduct regarding sweatshop and child labor covering companies that market their merchandise.

(13) The Association of Collegiate Licensing Administrators is expected to discuss licensing codes of conduct at its annual meeting beginning on May 13.

(b) Sense of the Congress.—It is the sense of the Congress that all American colleges and universities should adopt rigorous educational merchandise licensing codes of conduct to assure that university and college licensed merchandise is not made by sweatshop and exploited adult or child labor either domestically or abroad and that such codes should include at least the following:

(1) public reporting of the code and the companies adhering to it;

(2) independent monitoring of the companies adhering to the code by entities not limited to major international accounting firms;

(3) an explicit prohibition on the use of child labor;

(4) an explicit requirement that companies pay workers at least the governing minimum wage and applicable overtime;

(5) an explicit requirement that companies allow workers the right to organize without retribution; and

(6) an explicit requirement that companies maintain a safe and healthy workplace.

H.R. 6

Offered By: Mr. Miller of California

Amendment No. 70: Page 334, after line 19, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

SEC. 806. EDUCATIONAL MERCHANDISE LICENSING CODES OF CONDUCT.

It is the sense of the Congress that all American colleges and universities should adopt rigorous educational merchandise licensing codes of conduct to assure that university and college licensed merchandise is not made by sweatshop and exploited adult or child labor either domestically or abroad and that such codes should include at least the following:

(1) public reporting of the code and the companies adhering to it;

(2) independent monitoring of the companies adhering to the code by entities not limited to major international accounting firms;

(3) an explicit prohibition on the use of child labor;

(4) an explicit requirement that companies pay workers at least the governing minimum wage and applicable overtime;

(5) an explicit requirement that companies allow workers the right to organize without retribution; and

(6) an explicit requirement that companies maintain a safe and healthy workplace.

H.R. 6

Offered By: Mr. Miller of California

Amendment No. 71: At the end of the bill add the following new title:

TITLE XI—MERCHANDISE LICENSING CODES

SEC. 1101. EDUCATIONAL MERCHANDISE LICENSING CODES OF CONDUCT.

(a) Findings.—The Congress finds that American colleges and universities should take into account the following in managing the licensing of merchandise bearing the names or insignia of educational institutions:

(1) American workers have the right to a fair and safe workplace and to reasonable compensation under the law, such as under the Fair Labor Standards Act, the National Labor Relations Act, and the Occupational Safety and Health Act.

(2) Despite United States workplace laws, sweatshops and other forms of labor exploitation persist domestically. The Department of Labor has recovered $23,100,000 in illegally held back wages for over 45,000 garment workers since 1993, including $2,900,000 in back wages in 1997 alone. In 1997, 63 percent of the New York City garment shops investigated by the Department of Labor were found in violation of the minimum wage and overtime provisions of the Fair Labor Standards Act. And, a recent study commissioned by the Associated Press found that 13,000 children work in sweatshops in the United States.

(3) The use of sweatshop and child labor abroad for goods imported to the United States remains a problem, particularly in the apparel and sporting goods sectors, including the use of subminimum wages, bonded and indentured labor, and unhealthy working conditions. The International Labor Organization estimated there are 250,000,000 underage children working worldwide, in all sectors of the economy, such as agriculture, services and manufacturing for domestically consumed and exported items.

(4) Federal law, including the Trade Act of 1930, bans the importation of products made with indentured servitude, forced or slave labor into the United States.

(5) Codes of Conduct are voluntary steps taken by the private sector.

(6) Rigorous codes of conduct are an important component of a larger set of tools to reduce sweatshop and child labor.

(7) The Apparel Industry Partnership, comprised of major retail companies, human rights groups and labor unions, is seeking agreement on a code of conduct to reduce the use of sweatshops and child labor.

(8) American consumers have repeatedly expressed an interest in buying goods not made with exploited labor.

(9) American consumers frequently have no ability to know whether a product has been made with exploited labor.

(10) Informed consumer choices can be a powerful tool in the reduction of sweatshops and exploited labor.

(11) The market for college and university licensed merchandise such as caps, t-shirts, sweat pants, and other items is valued at over $2,000,000,000 a year, with 80 percent of the market coming from apparel products.

(12) Several universities have adopted codes of conduct specifically requiring companies that manufacture products bearing those universities' names to adhere to minimum labor standards both domestically and abroad, but few universities and colleges, and none of those with the largest volume of merchandise sales, have labor codes of conduct regarding sweatshop and child labor covering companies that market their merchandise.

(13) The Association of Collegiate Licensing Administrators is expected to discuss licensing codes of conduct at its annual meeting beginning on May 13.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that all American colleges and universities should adopt rigorous educational merchandise licensing codes of conduct to assure that university and college licensed merchandise is not made by sweatshop and exploited adult or child labor either domestically or abroad and that such codes should include at least the following:

(1) public reporting of the code and the companies adhering to it;

(2) independent monitoring of the companies adhering to the code by entities not limited to major international accounting firms;

(3) an explicit prohibition on the use of child labor;

(4) an explicit requirement that companies pay workers at least the governing minimum wage and applicable overtime;

(5) an explicit requirement that companies allow workers the right to organize without retribution; and

(6) an explicit requirement that companies maintain a safe and healthy workplace.

H.R. 6

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 72: At the end of the bill add the following new title:

TITLE XI—MERCHANDISE LICENSING CODES

SEC. 1101. EDUCATIONAL MERCHANDISE LICENSING CODES OF CONDUCT.

It is the sense of the Congress that all American colleges and universities should adopt rigorous educational merchandise licensing codes of conduct to assure that university and college licensed merchandise is not made by sweatshop and exploited adult or child labor either domestically or abroad and that such codes should include at least the following:

(1) public reporting of the code and the companies adhering to it;

(2) independent monitoring of the companies adhering to the code by entities not limited to major international accounting firms;

(3) an explicit prohibition on the use of child labor;

(4) an explicit requirement that companies pay workers at least the governing minimum wage and applicable overtime;

(5) an explicit requirement that companies allow workers the right to organize without retribution; and

(6) an explicit requirement that companies maintain a safe and healthy workplace.

H.R. 6

OFFERED BY: MR. RIGGS

AMENDMENT NO. 73: Add at the end the following new title (and conform the table of contents accordingly):

TITLE XI—DISCRIMINATION AND PREFERENTIAL TREATMENT

SEC. 1101. PROHIBITION AGAINST DISCRIMINATION AND PREFERENTIAL TREATMENT.

(a) PROHIBITION.—No public institution of higher education that participates in any program authorized under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) shall, in connection with admission to such institution, discriminate against, or grant preferential treatment to, any person or group based in whole or in part on the race, sex, color, ethnicity, or national origin of such person or group.

(b) EXCEPTION.—This section does not prohibit preferential treatment in admissions granted on the basis of affiliation with an Indian tribe by any tribally controlled college or university that has a policy of granting preferential treatment on the basis of such affiliation.

(c) AFFIRMATIVE ACTION ENCOURAGED.—It is the policy of the United States—

(1) to expand the applicant pool for college admissions;

(2) to encourage college applications by women and minority students;

(3) to recruit qualified women and minorities into the applicant pool for college admissions; and

(4) to encourage colleges—

(A) to solicit applications from women and minority students, and

(B) to include qualified women and minority students into an applicant pool for admissions,

so long as such expansion, encouragement, recruitment, request, or inclusion does not involve granting a preference, based in whole or in part on race, color, national origin, or sex, in selecting any person for admission.

(d) DEFINITION.—As used in this section, the term "public institution of higher education" means any college, university, or postsecondary technical or vocational school operated in whole or in part by any governmental agency, instrumentality, or entity.

H.R. 6

OFFERED BY: MR. ROEMER

AMENDMENT NO. 74: Page 246, line 23, after the period insert close quotation marks and "; and", and strike line 24 and all that follows through line 5 on page 247.

H.R. 6

OFFERED BY: MR. ROEMER

AMENDMENT NO. 75: At the end of the bill add the following new title:

TITLE XI—SPECIAL PROVISION

SEC. 1101. TERMINATION OF EFFECTIVENESS.

Notwithstanding section 4 of this Act, subparagraph (K) of section 485(g)(1) of the Higher Education Act of 1965, as amended by this Act, shall cease to be effective on October 1, 1998.

EXTENSIONS OF REMARKS

DEA'S EXCESSIVE FINES

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. DELAY. Mr. Speaker, just before adjournment last year, Congress passed the Commerce, Justice, State Appropriations Conference Report directing the Drug Enforcement Administration (DEA) to "exercise appropriate discretion" and "not impose unreasonable monetary penalties for minor, unintentional violations" of record keeping requirements.

Unfortunately, in January of this year, the DEA either failed to take that directive seriously, or they have a serious problem interpreting the definition of the words "appropriate discretion", "unreasonable penalties", and "minor, unintentional violations." In Wichita Falls, Texas, twenty-five pharmacies received letters from the DEA asking them to pay fines up to $400,000 for record keeping mistakes that were not even their fault.

Mr. Speaker, it appears we may have another federal agency out of control. I only hope we don't have another IRS-type fiasco on our hands. At the very least, we have a flawed statute if it allows any federal agency to fine a business $25,000 per paperwork mistake. If the shoe was on the other foot, and taxpayers were able to deduct a sum of that size from their taxes for unintentional errors generated by bureaucrats in federal agencies, the government would be dead broke.

Mr. Speaker, we should not take lightly or tolerate a federal agency's disregard or neglect of a very clear directive by the Congress. I plan to pursue this matter further and will solicit the support of my colleagues to come up with an appropriate solution.

TRIBUTE TO THE LOYOLA KNIGHTS BASKETBALL TEAM

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to the Loyola School Basketball team, the Knights, on their 1998 Independent School Athletic League championship win. This triumph is an important milestone in the school's history: the team's first championship in 18 years.

The young men on this basketball team have an outstanding record: 12–0 undefeated in the League, a 21–6 overall record and an impressive 17 game winning streak.

I must also pay tribute to the values instilled in these young athletes by the Loyola School itself. The exceptional teamwork and athleticism demonstrated by the Loyola Knights is merely an extension of the spirit of the Loyola School.

The Loyola School, the only co-educational Jesuit high school in the tri-state area, was founded in 1900. Its mission is to challenge its young men and women to become intellectually fulfilled, open to growth, religious, loving, and committed to doing justice.

As a college preparatory school, Loyola is dedicated to challenging its students academically. The school places emphasis on personal study, reflection and leadership to help students expand their knowledge, to develop their skills, to grown as individuals and as members of a community.

The Loyola Knight's successes this year on the basketball court are a testament to the success of the Loyola School's efforts to develop the diverse and unique talents of each student.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to the Loyola School Knights. These young men have worked very hard towards their goal. I am proud to have the Loyola School and its outstanding student body in my district.

TRIBUTE TO CHUCK MONGES AND THE LEGION OF VALOR MUSEUM

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Chuck Monges and the Legion of Valor Museum. Chuck Monges, a World War II war veteran, founded the Legion of Valor Museum in 1991. Chuck Monges has committed himself to the museum and is very deserving of this recognition.

The Legion of Valor is an association of those whose valor has been recognized by award of our nation's two highest decorations. These high medals of decoration are the Medal of Honor of the Navy, Army or Air Force; and the Army Distinguished Service Cross, Navy Cross, or Air Force Cross.

Organized on April 23, 1890, The Legion of Valor is the nation's senior organization of veterans. It was chartered by public law 224, an act of Congress, and approved by the president on August 4, 1955. The principles of the Legion of Valor are patriotic allegiance to the United States of America, fidelity to its constitution and laws, the security of civil liberties, and the perpetuation of free institutions.

The museum was the dream of Chuck Monges, a retired Major of the United States Army. Major Monges was a recipient of the Navy Cross while serving as a U.S. Marine at the Battle of Saipan during World War II. Major Monges started his project in 1991 with his wife, Anita, working at his side. Major Monges received permission from the City Council of the City of Fresno to rehabilitate an abandoned storeroom of the theater in the Fresno Memorial Auditorium. What started as an impossible pile of junk has developed into the most unique and inspiring military museum in the United States.

The museum staff currently consists of 25 volunteer docents. There is no paid staff. The 10,000 square feet of space is filled with uniforms, equipment, weapons and memorabilia representing all wars from the Civil War through Dessert Storm. Included are numerous fighting plane and fighting ship models. All items on display have been donated to the museum.

The museum lobby contains large replicas of the Medals of Honor, Service Crosses, Silver Star, and Bronze and Purple Heart with the names of Fresno County recipients on brass plaques under the medals. In front of the building are flagpoles with the flags of the Armed Services and Veterans Organizations.

Mr. Speaker, it is with great honor that I pay tribute to Chuck Monges and The Legion of Valor Museum. It is the leadership and dedication exhibited by Chuck Monges that should serve as a model for service men and women the world over. I ask my colleagues to join me in wishing Chuck Monges and the Legion of Valor many years of continued success.

IN HONOR OF CHAUNCEY A. ALEXANDER, ACSW, CAE, CSWM

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. TORRES. Mr. Speaker, I rise today to honor an exceptional man for his contribution to society. Chauncey Alexander continues his life-style of professional and community service following his second retirement after 12 years as half-time instructor for Social Policy and Management courses, Department of Social Work, California State University Long Beach. He first retired in 1982 after 13 years as National Executive Director of the National Association of Social Workers.

Founder of the Orange County Health Care Council, now a 100 organization coalition, he continues as an active Executive Committee member. As President of the non-profit First Amendment Foundation, he heads a Board of Directors of nationally prominent civil liberties leaders, and is an active leader in the Democratic Party.

As a WWII veteran, Alexander's career includes: Associate Director for Health Planning, Regional Medical Programs, UCLA School of Medicine (2 years); Executive Director, Los Angeles County Heart Association (13 years); Southern California Society for Mental Hygiene (4 years); Los Angeles Veterans Service

Centers (3 years); and many years as a psychiatric social worker, community organizer and educator.

Author of more than 80 professional publications and numerous studies, reports and special articles, Alexander has given leadership to the unification of the social work profession, practice analysis, and political and community organization to improve health and social services. He is the recipient of numerous individual awards for volunteer contributions to community, health and social services.

Alexander has been accorded international recognition governmental officials and social work leaders of 52 countries during his decade in office and as president of the International Federation of Social Workers (IFSW). Concomitantly, he authored the official International Code of Ethics for Professional Social Workers, the International Policy on Human Rights and other policy documents.

After graduating with a degree in psychology from the University of California at Los Angeles, he earned a Master's degree in Social Work at the University of Southern California. He completed his academic work and examinations for a doctoral degree.

Alexander, age 82, and his wife, Sally, age 84, have five children, eight grandchildren and seven great-grandchildren.

Mr. Speaker, it is with great pride that I recognize Chauncey Alexander. I thank him for his years of dedicated service and I wish him continued success in his professional outreach to our community.

BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1998

SPEECH OF

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2400) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes:

Mr. CHAMBLISS. Mr. Chairman, I rise today to applaud H.R. 2400, Building Efficient Surface Transportation and Equity Act (BESTEA), and specifically the section that streamlines the environmental review process for highway construction projects.

The National Environmental Protection Act of 1969 (NEPA) requires that an Environmental Impact Statement (EIS) be prepared for any major federal undertaking that affects the environment. As various factors are considered, additional federal agencies become involved and additional reviews are proposed. Each review takes significant amounts of time, requires lengthy studies, and delays projects even further. While I support regulations which protect our environment, we must streamline the process to avoid the costly and timely delays that have affected so many projects. This bill will help keep projects in my district on track, streamlining this cumbersome approach and allow them to be completed in a timely, efficient manner.

Since the 1970's, local, state, and federal officials have been working in my Congressional District to provide an additional crossing of the Ocmulgee River for the city of Macon, Georgia. While the environmental process has yet to determine the route for this project, this much-needed fifth crossing would relieve the current traffic congestion that exists on the four bridges currently in Macon. In addition to easing Macon's traffic problems, the crossing could be used to link up middle Georgia with a statewide corridor which would connect Macon with the cities of Augusta and Columbus.

The bill before us today take great strides to remedy the bureaucratic problems we have encountered in my district and many others. This bill requires all involved federal agencies to be clearly identified at the outset and a reasonable time-line to be established and followed. All environmental reviews are then conducted concurrently rather than sequentially, moving the process along in an expedient manner without reinventing the wheel over or compromising important concerns. This legislative provision will help streamline one of the most exhaustive and burdensome processes in the country and I applaud its inclusion in BESTEA.

PERSONAL EXPLANATION

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. RYUN. Mr. Speaker, yesterday, April 28, 1998, I was unavoidably detained and missed roll call vote 110, 111, 112. If I had been here, I would have voted yes on roll call 110, 111, and 112.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. KIND. Mr. Speaker, over the next several weeks the House of Representatives will finally be given the opportunity to vote on campaign finance reform. Having delivered a daily statement on the floor of the House of Representatives advocating for an open and honest debate, I am pleased to hear that we will soon be given that opportunity. I hope that our colleagues in the Senate will be given the same opportunity.

Earlier this year the Senate failed to pass campaign finance reform legislation in spite of the support of a majority of the members. Likewise, last month the House of Representatives attempted to push through sham legislation that they claimed was campaign finance reform. Luckily a majority of the members refused to fall for that trick. In fact, Mr. Speaker, the attempts by the leadership to kill campaign finance has backfired and forced this House to finally deal directly with this important issue. I hope that the leadership in the Senate will see that the will of the majority cannot be denied and they will allow a fair vote on campaign finance reform.

Mr. Speaker this issue is too important to the people of this nation to deny the will of the majority. Now is the time for both houses of Congress to act to change our out of control campaign finance system. The people of my district will not accept "no" for an answer.

"MY VOICE IN OUR DEMOCRACY"

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. McINNIS. Mr. Speaker, I insert the following for the CONGRESSIONAL RECORD.

MY VOICE IN OUR DEMOCRACY

1997–98 VFW VOICE OF DEMOCRACY SCHOLARSHIP COMPETITION COLORADO WINNER

(By Neil Rhodes)

A few years ago, when I was about eleven years old, I was profoundly affected by the chronicle of a young Jewish girl during the second world war: a girl who, while hiding out from the Nazis, wrote in the red-checkered diary she had received for her thirteenth birthday; a martyr who was eventually discovered and sent to her death in a concentration camp; a visionary whose diary writings encompassed the plight of millions around the world. That little girl was Anne Frank.

One of the final entries in Anne's red-checkered diary proclaimed the desperation of a nation without democracy. It read: "ideals, dreams, and cherished hopes rise within us only to meet the horrible truth and be shattered . * * *"

At the young age I was, this was the first real connection I had ever experienced with the evils of tyranny. Since then I've encountered a multitude of other stories and situations that have increased my awareness of democracy.

Like the time I visited a small holocaust museum and spoke with Mr. Kelen—a survivor of the holocaust himself, or the time I traveled just across the Mexican border, and witnessed first-hand the crippling poverty caused by government corruption; the time I sat glued to the television, my eyes locked on the image of a young Chinese boy facing certain death as he stood in the path of an oncoming military tank.

Every new experience helped shape my thoughts, mold my perspective, and strengthen my voice as an American citizen. I have come to realize just how fortunate I am—how fortunate we all are—to possess the light of democracy.

I've learned that democracy is priceless and powerful. Priceless, because our basic rights are stained with the blood of millions who fought to gain them. Democracy also has boundless power: quite simply, the power to shatter the chains of bondage forever.

But as we live our lives in freedom we must remember the horrible truth that Anne Frank wrote about. The horrible truth is that there are still millions of people living in the darkness of oppression. For those not yet experiencing liberty, we must continue the battle. If we believe in our own sovereignty, that is our duty. The Declaration of Independence does not say "All Americans are created equal" but that "All men"—all around the world—"are created equal." Thus, we cannot simply work to continue our own democratic system; we must bring that system to the rest of the world. Only then will the visions of our forefathers be completed.

In the social and political arena every American has a voice—a platform from which to speak. In many parts of the globe that could not be farther from the truth. Anne Frank never had a voice. I, however, do. I stand before you now, and I speak on behalf of those who couldn't and those who still cannot.

My voice in our democracy is the reflection of a free person; my voice pays tribute to the thousands who died for the cause of liberty; my voice cries out an urging for the respect of our nation and an offering of hope for the future.

Yes, even in the midst of the cruelest oppression, hope is one thing that can never be destroyed. Because, you see, I never finished the quotation by Anne Frank that I gave earlier. Here is the quote in its entirety: "ideals, dreams, and cherished hopes rise within us only to meet the horrible truth and be shattered * * * yet in spite of everything I still believe that people really are good at heart."

Anne Frank's devotion to the human spirit should serve as an example to all of us, and especially to Americans. Progress in the world must begin with you and me. I would hope that one day all Americans would understand that with strength, compassion, diligence, and the fortitude of our voices, we have the ability to change democracy from an ideal, a dream, and a cherished hope * * * into a powerful and permeating reality.

CONGRESSMAN JERRY COSTELLO CONGRATULATES SPARTA HIGH SCHOOL MATH TEAM

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. COSTELLO. Mr. Speaker, I rise in recognition of the new Illinois state champions on the Sparta High School Math Team. This victory marks the sixth consecutive time students from Sparta High School have won the state title in the small school division of the Illinois Council of Teachers of Mathematics state competition.

The students serve as highly successful ambassadors for their school and the community of Sparta. Sparta High School students have won the state title in twelve of the past 18 years of competition. This Sparta team won this year's competition with a total score of 754 points.

Team members compete in twelve different areas of team and individual competition. Events include Algebra I, Geometry, Algebra II, Precalculus, Eight Person Team, Calculator Team, Two Person, Relay, and an Oral Competition focusing on mathematics in medicine.

Coach and Sparta teacher Eric Hoflich encourages team members to take on some of the teaching responsibilities as another way for them to learn. Older students help younger ones, and the element of competition encourages students to improve their performance compared to other teams and to their own previous performance.

The Town of Sparta has proclaimed this week "Sparta High School State Champion Math Team Week" in honor of the team's first place finish. Team members sharing in this victory are: T.J. Joiner, Vanessa Salarda, Jeff Russell, Jonathan King, Curt Holland, Brittany Godwin, Betsey Berry, Josh Holder, Jared Cox, Trevor Coop, Brad Ashley, Jimmy Conn, Patrick Zweigart, Brett Matzenbacher, Ryan Pigford, Rachel Shaw, J.R. Blind, Jennifer Ebers, Matt King, Angela Hess, Ryan Pillers, Reid Holland, Kendra Holder, Nathan Pigford, Nikki Joiner, Jamie Sparks, Erik Perks, Brett Lessley, Rachel Dickey, Sahra Kloth, Rachel Stephens, Cory Husemann, Erica Salarda, Erin Tolliver, Elizabeth King, Brandy Hagene, Kendra McConachie, Laurie Juenger, and Alicia Barrowes. Mr. Speaker, I ask my colleagues to join me in recognizing these talented and accomplished students.

HONORING THE BEST OF RESTON AWARD WINNERS FOR 1998

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. DAVIS of Virginia. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to this year's winner of the Best of Reston Community Service Awards. These awards are made annually by the Reston Chamber of Commerce and Reston Interfaith to honor businesses and individuals who have provided extraordinary service to others in the community.

This year's winners are:

Appalachian Spring for community outreach and leadership as a small business. Manager Gina Cocomello and her staff have made enormous contributions to the community by conducting food and supply drives for the Embry Rucker Community Shelter, selling tickets to Reston Interfaith events, and supporting South Lakes High School and the Northern Virginia Fine Arts Festival. They are also active in the Chamber's Small Business Counsel. Appalachian Spring has generously provided community support wherever needed.

Atlantic Realty Companies for commitment to the belief that developers must help meet the needs of the communities in which they build and that a safety net of social services is important for the entire community. Atlantic Realty's contributions include supplying space for child care benefiting low-income families, a freshly mulched playground for homeless children, and a Village Center where senior Fellowship House residents can safely and conveniently shop. By joining their professional mission with the original vision of Reston, Atlantic Realty has improved the quality of life for those that work, live, and play in Reston.

David M. Haas for continuous service and outstanding leadership as a civic leader and arts supporter. As a member of the Reston Association Board of Directors, the Reston Community Center Board of Governors, and the Greater Reston Chamber of Commerce, David has exercised intelligence, compassion, and fairness in balancing economic needs with good planning and community stewardship. His artistic contributions have been highlighted in his work with GRACE, the Arts Alliance of Reston, and the Reston Community Players. David has offered a wealth of enjoyment to the community through his artistic vision.

Calvin Larson for advocating the legal rights of AIDS victims and for thirty years of service to the Reston Community. Cal has provided pro bono legal advice to the Whitman Walker Clinic in Northern Virginia, treating clients and their cases with compassion and sensitivity. He has served in leadership positions on the Reston Community Association Board, RA Pathways, RA Elections committees and the Save Lake Anna Committee. As a member of Friends of the Community Center, he started the Venture Mentoring Program, Cal has helped shape Reston through his service and generosity to others.

Lynn Lilienthal for her lifetime of tireless work as a children's advocate and for her leadership in the Greater Reston Community. Lynn served on the Reston Interfaith Board for twelve years, including five years as President. She is co-owner and Executive Director of PALS Early Learning Center, and is chairperson of the Embry Rucker Community Shelter Citizens Support Committee. Her three decades of community service have touched thousands of lives in the community.

Susan Spencer for recognizing the needs of under-privileged children in our community and for finding creative solutions to help the children and parents at Forest Edge Elementary School. A physical education teacher and technology specialist, Susan established the Community Service Club, to help students obtain holiday gifts for their families and friends. Sensing the need for students to be computer literate, she spent evenings, weekends, and holidays installing computer equipment and setting up computer labs. She donated her own money for equipment, then taught herself how to install it, bringing the Internet into the classroom. Susan's dedication to Forest Edge Elementary School has encouraged the hopes and dreams of its students and parents.

Charles Veatch for his dedication to preserving Reston's past and improving Reston's future. Chuck's contributions include starting Ethics Day at South Lakes High School, creating an archival record at George Mason University detailing the Development of Reston, serving on the board of Reston Historic Trust for Community Revitalization, and donating the use of a large storage facility to the Embry Rucker Community Shelter for collecting food and supplies for those in need. Chuck has helped thousands in the community develop a sense of the past and of the success that the future may hold.

Richard Williams for kindly and quietly supporting the less fortunate in the Greater Reston Community through an endless number of volunteer activities. Since retiring from the government, Richard dedicates his time to his family, his community, and those most in need. His efforts include donating food to a single parent undergoing chemotherapy, building a house with Habitat to Humanity, shopping for swimsuits for homeless children attending Laurel Learning Center, cooking dinner for Reston Interfaith-sponsored parenting classes, and providing rides for those needing transportation. Nicknamed "Saint Richard" by staff and children at Laurel Learning Center, Richard unassumingly touches the lives of hundreds of the community.

Mr. Speaker, I know my colleagues join me in commending the Best of Reston Award winners for all of their hard work and dedication in making their community an outstanding place to live and work.

GREAT MILLS HIGH SCHOOL EXCELLENCE IN EDUCATION

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. HOYER. Mr. Speaker, I rise today to recognize one of the outstanding high schools in the great State of Maryland. Since 1927, Great Mills High School has set an example in Southern Maryland and across the State for its dedication to educating tomorrow's leaders. For more than 70 years, Great Mills has been a partner with the local community, providing students valuable opportunities both inside and outside of the classroom.

As we celebrate the success of Great Mills High School, we must not forget the partnerships the school has forged with the community. Through a joint initiative called "Partnerships for Success", students have had the opportunity to become involved in all aspects of the St. Mary's County community. Whether taking advantage of after school tutoring by personnel at nearby Patuxent River Naval Air Station, working in a cooperative program with a local business, taking classes at St. Mary's College through the Charlotte Hall Fellowship Program, or volunteering with the Special Olympics, Great Mills students are an important and vital resource to the County.

Today, Great Mills offers a richly diverse student body the same valuable opportunities in education and extracurricular activities, as it did seventy years ago. Whether students choose to go on to pursue a bachelors degree, join the workforce, or serve our country in the Armed Services, all of them possess a solid high school education and a firm foundation for succeeding in life.

While the surrounding region has transformed, the quality of the Great Mills graduate has not. Thanks to a hard working faculty, a strong network of parent volunteers, a student body of academic achievers and a caring community, graduates continue to excel. Their academic success can be measured in their career choices—championship coaches, test pilots, doctors, Congressmen, olympians and teachers. All of them have gained their educational foundation in the classrooms of Great Mills High School.

In the coming years, the list of outstanding graduates is certain to grow. Great Mills is poised and ready to give its students a quality education as we approach the new millennium. While the Southern Maryland region continues to lead the State in growth, the $14 million dollar expansion and renovations of the school are sure to ease the pressures of a growing student body. With a first rate faculty, new computer and science labs, superior athletic facilities and expanded capacity, students have all of the tools necessary for the future. The dedication of the new and expanded Great Mills High School represents a true Celebration of Community. Congratulations and best wishes to the students, faculty, staff and to each and every one of the individuals dedicated to the future of Great Mills High School.

A TRIBUTE TO ROBERT BRAEGER 1998 LANCE SIJAN AWARD WINNER

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. KLECZKA. Mr. Speaker, I rise today during Armed Forces Week to recognize a truly outstanding member of my district, Mr. Robert W. Braeger, whose dedication in both his military and civilian careers has led to his being named this year's recipient of the Lance Sijan Award from the Fraternal Order of Eagles.

Enlisting in the US Army Air Corps in 1942, Mr. Braeger flew 29 missions over France and Germany including 2 anti-personnel missions over Normandy on D-Day. The remarkable contributions of his military career were noted by several prestigious awards. These include the Air Medal with 4 Oak Leaf Clusters, European theater ribbon with 2 major battle stars, a Presidential Citation awarded to the 34th Bomb Group for an outstanding raid over Hanover, Germany, and the Normandy Freedom medal.

Mr. Braeger's distinction in service continues to be recognized after the war by such awards as the Department of the Army, Commander's Award for Public Service as well as a Citation for Public Service from the Veterans of Foreign Wars 1994.

Currently Civilian Chairman of the Milwaukee Armed Services, Bob's leadership transcends his military career and carries into his community involvement. In addition to his integral involvement in Milwaukee Boys & Girls Club and the Boys & Girls Club of America, Mr. Braeger has been a trustee for both the Milwaukee Lutheran Hospital and the War Memorial Corporation Board.

Bob's professional career exhibits remarkable examples of dedication and leadership. As chairman of the Braeger Company of Wisconsin, he has received such prestigious awards as the Time Magazine Quality Dealer Award as well as the Wisconsin Dealer of the Year in 1993.

A heartfelt congratulations to Robert Braeger as the 1998 recipient of the Lance Sijan Award, presented to him on May 14, 1998.

IN SUPPORT OF NIH

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Ms. DELAURO. Mr. Speaker, last night Members from both sides of the aisle stood together in their commitment to doubling our nation's investment in biomedical research at the National Institutes of Health. I wasn't able to join them last night but want to add my voice to theirs in support increasing support for the NIH.

Disease is not a Democratic or a Republican issue. It is a human issue. Bad health can strike any one—man or woman, old or young, rich or poor, of any religion or race or background.

We know that scientists are on the cusp of extraordinary breakthroughs to treat and cure deadly diseases like cancer which kill hundreds of thousands of people a year—a very real plague on our society. With just a little more time and research funding, we can make huge strides into treating—and preventing—debilitating conditions like diabetes, asthma and Parkinson's. With enough scientific research, we can make Alzheimer's disease a plague of the past and improve the quality of life for millions of senior citizens and the families who love and care for them.

But all of this promising, life-saving research costs money. We can't just sit back and hope that treatments and cures fall into our hands. They won't. If we want to cure, and prevent, deadly diseases, we need to make a long-term investment into biomedical research.

That begs an important question: where will the money come from to cure cancer, to solve the mysteries of Parkinson's and Alzheimer's disease, to end diabetes?

And increasing our knowledge of basic science does us no good if we don't put it to use in hospitals, in doctor's offices—and in programs to prevent disease in the first place. Right now we spend only one percent of a trillion dollar health care budget on prevention. But again—prevention programs do us no good if people do not have access to health care. And today, 44 million Americans, many of them working full time, still can not afford access to quality health care.

I strongly believe that we should use funds from tobacco legislation to pay for health research.

For years, the tobacco industry lied to the American people—and people around the world—about the addictiveness and health consequences of smoking. Tobacco companies paid for biased research that concluded smoking doesn't cause cancer. Tobacco executives pressured scientists to suppress important new findings about the negative health consequences of smoking—and even worse, buried research showing how to avoid those health problems.

In 1993 alone, Americans spent more than $50 billion to treat health problems associated with smoking. It is only right that a portion of the funds from any tobacco settlement goes to improve health care and cure the diseases that cigarettes caused.

The Smoke-Free and Healthy Children Act, which I introduced in the House and which Senator KENNEDY introduced in the other body, is the only piece of legislation right now which increases funding for the NIH and provides a source of revenue for those funds. By raising the price of cigarettes by $1.50 a pack, we will not only put smoking further out of the reach of children—which is our overriding goal with any piece of tobacco legislation—but we will raise $10 billion a year for NIH research.

At a time when we are operating under enormous budget constraints, and working to continue our investment in health research without busting the budget agreement, the Smoke-Free and Healthy Children Act presents us with the perfect solution. Raise money for health care while reducing teen smoking. It makes perfect sense.

I thank my colleagues again for organizing this special order to give us the opportunity to speak about the importance of doubling our investment in finding treatments and cures for disease. I urge my colleagues to support increased funding for the National Institutes of Health by supporting the Smoke-Free and Healthy Children Act.

TRIBUTE IN MEMORY OF CLAYTON HUNTER HUEY

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mrs. EMERSON. Mr. Speaker, I rise today to pay tribute in memory of Clayton Hunter Huey. Clayton was born on December 27, 1989 to Lisa and Chuck Huey. According to Lisa, Clayton was a "bouncy, very active baby boy with beautiful brown eyes and a heart of gold." Early on in Clayton's life, his parents noticed that he acted differently than did his two brothers. At about three years of age, Clayton was diagnosed with Attention Deficit Hyperactivity Disorder and at the age of four, was put on antidepressant medication. However, over the next two years of changing medications, treatments and numerous therapy sessions, Lisa came to understand that Clayton was Manic/Depressive.

Despite Clayton's personal challenges, he was a very cheerful and loving child who worked very hard to express himself positively during his down-swings. Even when Clayton was at his very lowest, he was always more concerned about how it affected others in his life than how it affected him personally. Clayton often said to his mother, "Mom, it's my job to keep everyone happy." In recognition of his selfless struggle with his mental challenges, on May 2, 1996, Clayton was chosen by the Missouri Statewide Parent Advisory Network (MO–SPAN) and the Missouri Department of Mental Health as "Missouri Child of the Year." Exactly one year later to the day, Clayton's life came to an end. As eloquently stated by Clayton's mother, "he lived out his reign as Child of the Year and then, as if to say my job is done, he walked out of our lives."

As Clayton's mother shared his life story, it became clear that Clayton was a wonderful and very brave young boy who was certainly wise beyond his years. She shared Clayton's story with the hope that it would help erase the stigma our society often associates with mental illness.

I am now sharing Clayton's story for the record with the hope of furthering the Huey family's efforts to honor Clayton's memory. By doing so, I hope we can accomplish three things. First, to let other families know that they are not alone in their daily struggle to care for mentally challenged children. Second, to make it known that there are family support groups such as MO–SPAN, which offer tremendous support services. And finally, to provide some comfort and understanding to others during this difficult time.

This Saturday, May 2, 1998, the Huey's and MO–SPAN will be sponsoring a benefit walkathon in Cape Girardeau, Missouri, in memory of Clayton. All funds raised in this walkathon will go to the Clayton Hunter Huey Memorial Fund. The fund will provide scholarships for parents of Seriously Emotionally Disturbed (SED) children so that they can obtain training on how to handle the stress related to caring for SED children and on how to advocate on behalf of their SED children.

Mr. Speaker, Clayton is very fortunate to have had such a caring and attentive family, and I want to commend the Huey's—parents Lisa and Chuck, and brothers Trae and Burton—for having the strength and courage to reach out to other families. On this day, my thoughts are with Clayton and his family, as well as with all the other families in Missouri and across the nation who are and have been faced with similar circumstances.

TRIBUTE TO BAND DIRECTOR EDWARD FULTON

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in honoring Mr. Edward Fulton, a dedicated teacher in O'Fallon, Illinois in my Congressional district.

Mr. Fulton serves as the band director and music instructor at Marie Schaefer Junior High School. He and his wife, Karen, live in O'Fallon, where they raised their daughters. For twenty-seven years Mr. Fulton has been a dedicated teacher, helping hundreds of students appreciate music, learn their scales, and have confidence in themselves.

Over the past two decades, Mr. Fulton has earned many honors. At the beginning of his teaching career, his skill with children was already apparent which is why the O'Fallon Jaycees named him "Outstanding Young Educator." Over the years, he has been named as an outstanding community leader, and an outstanding educator in his county and the southern portion of Illinois. He served as an officer on the Board of Directors for the Illinois Music Educators Association and has served as a conductor and judge for numerous band and music festivals. It is apparent that Mr. Fulton is active in his community.

What is most obvious about Mr. Fulton is his love of teaching and his commitment to his students. As O'Fallon prepares to name a junior high school after Mr. Fulton, I want to join the community in thanking Mr. Fulton for his dedication and for sharing his gifts with the many children who filled his classroom.

Mr. Speaker, I ask my colleagues to join me in recognizing Edward Fulton for the example he has set for us all.

TRIBUTE TO HON. JUSTICE ALICE ROBIE RESNICK

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Ms. KAPTUR. Mr. Speaker, I rise today to honor a very special constituent and friend of mine, Ohio Supreme Court Justice Alice Robie Resnick, on the occasion of the Ohio Women's Bar Association's creation of its highest award for professional excellence in her name. It gives me great pleasure to wish Justice Resnick my warmest congratulations on this truly special occasion.

Alice Robie Resnick was the fourth woman to be elected to statewide office in Ohio when elected to the Supreme Court of Ohio in 1988. She has been extremely dedicated to improving the legal profession, the judiciary and assisting the status of women in Ohio during her thirty year career as a lawyer and judge.

In December, 1991, Justice Resnick, along with U.S. Magistrate Judge Patricia Hemann and Cleveland attorney Pamela Hultin, initiated the formation of the Ohio Women's Bar Association. The Ohio Women' Bar Association is the only statewide bar association within Ohio solely dedicated toward advancing the interests of women attorneys while encouraging the networking and creation of a statewide mentor program for women attorneys.

In recognition for Justice Resnick's education, professional endeavors and commitment as a leader in the legal field in Ohio, and award in her name. This award will be bestowed upon a deserving attorney for each year to follow.

On May 8, 1998, Ohio Women's Bar Association President Kirsti S. Talikka will be presenting Justice Resnick with the Ohio Women's Bar Association's Justice Alice Robie Resnick Award of Distinction, at its annual meeting in Dayton, Ohio.

It gives me great pleasure to rise today, Mr. Speaker, and join the OWBA in congratulating Justice Resnick and wishing her continued success.

NLRB THRESHOLD LEGISLATION; THE MOST IMPORTANT LEGISLATIVE INITIATIVE IN I.E.C.'S 40-YEAR HISTORY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, last week, a delegation of the Independent Electrical Contractors visited my congressional office in Washington. They presented several issues they are tracking in Congress. IEC is a national trade association representing more than 3,100 independent electrical contracting companies in 74 chapters across the nation. IEC members are engaged in the installation and maintenance of electrical wiring and devices for homes, schools, stores, highways, industrial plants and other projects.

The delegation of IEC members I met with were all from Colorado and represent the best electrical workers the industry has to offer.

Mr. Speaker, the Colorado IEC delegation presented me with an executive summary of the association's position and concern regarding the National Labor Relations Board Threshold Legislation, which I hereby submit for the RECORD.

NLRB THRESHOLD LEGISLATION: THE MOST IMPORTANT LEGISLATIVE INITIATIVE IN I.E.C.'S 40 YEAR HISTORY

EXECUTIVE SUMMARY

In 1959, the National Labor Relations Act set the jurisdiction of the NLRB over small businesses by the amount of interstate commerce in one year. Interstate commerce is defined as "trade between states". When a business receives revenue from out of state or purchases materials which originate from out of state, that business affects this trade. For example, the small electrical contractor affects this trade by the materials purchased from a local supply house. Almost all of the materials purchased can be shown to have originated from out of state.

During Mr. Borman's research, he discovered that the monetary value used to reflect a businesses affect on interstate commerce and used to establish NLRB jurisdiction has not changed in over 38 years! The value set in 1959 ($50,000) is still the same in 1998. One of the causes of the threshold remaining at its original level is the creation of a "bracket creep". This "bracket creep" has allowed the NLRB to take new cases involving smaller and smaller businesses each year. In turn, the NLRB uses the "bracket creep" to justify to Congress the need for additional funding. In 1959, the NLRB had jurisdiction over small businesses with 15 or more employees. Now it has jurisdiction over businesses with only one employee. Almost 40% of the NLRB caseload involves businesses with 15 employees or less. The idea behind the legislation is to simply raise the threshold to $300,000. This would have an immediate impact on the current jurisdiction of the NLRB and reduce their caseload significantly, thus ending the current "bracket creep" on small businesses, and effectively ending the NLRB's justification for additional manpower and funding each fiscal year.

Mr. Borman and IEC National have worked with Rep. Istook (R–OK) and Rep. Hostettler (R–IN) on this issue. Rep. Hostettler introduced A. 64 during the appropriations debate and it was defeated by the House in a close vote (235–176). This past January, the IEC Legislative Committee voted unanimously to put 100% of IEC's government relations resources behind this proposal. IEC is currently working to pursue a Chief Sponsor for the proposal and have it introduced as a single piece of legislation during the 2nd Session of the 105th Congress.

If you have any questions regarding IEC's proposal, please call Anthony Bedell, Director of Government & Public Relations at the IEC National Headquarters in Alexandria, Virginia.

Mr. Speaker, I fully commend this issue for Members' consideration and express my deepest appreciation to IEC for their vigilance and dedication to free markets and professional service.

HONORING JOSEPH DUNNWALD

HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. NUSSLE. Mr. Speaker, I am proud to submit the essay written by high school senior Joseph Dunnwald which won third place honors in the Veterans of Foreigns Wars of the United States Script Writing Contest. Joseph is from Waverly, Iowa. Joseph received a $10,000 scholarship in the contest which more than 93,000 secondary school students entered. The theme for this essay contest was "My Voice in Our Democracy." Joseph was sponsored by the VFW Post 1623 and its Ladies Auxiliary in Waterloo, Iowa.

I am pleased to see young Iowans taking an interest in their government. I also want to thank the VFW for sponsoring this contest to make this opportunity possible for people such as Joseph.

1997–98 VFW VOICE OF DEMOCRACY SCHOLARSHIP COMPETITION, "MY VOICE IN OUR DEMOCRACY"

(By Joseph Dunnwald, Iowa Winner)

"Well, it sounds crazy," my uncle told me, "I guess maybe there was only one thing I thought of when I got wounded. I didn't know whether I was gonna die or not, but I thought I might, but all I could think of? I finally get to sleep between clean sheets, and get warm, and stay warm." The 60 acre farm had been his whole world. He was a boy that hadn't been so far from home that he couldn't see the smoke from his chimney. The postcard he received read, "your friends and neighbors have selected you for one year of military service." Before he would come home again, four and a half years later, he would see five invasions, two in Africa, Italy, Sicily, Southern France and the Battle of the Bulge. He doesn't regret one minute of his sacrifice, and he still tears up when he hears the National Anthem.

Newly wed, the early 50's held more promise for my grandparents than at any other time before them. The young couple however, would have to wait to begin their new life together, as his country called my grandfather to serve in the embattled country of Korea. No one could know what would lie ahead for the handsome soldier, but to this day, he doesn't watch war movies, he'll never sleep in another tent and he never never talks about his bronze star.

The whole generation before him cursed the war, and chanted to make love instead, but my father saw an opportunity to get out of the home town factory, and maybe a better life with a college education. He speaks with pride about helping with the evacuation of Lebanon, and his memories of bringing in the astronauts from Skylab always puts a gleam in his eye and a yearning to go the stars someday. As I look at the photo albumns and touch his ribbons, I ask "why don't you put this one with your others Dad?" "That's the Viet Nam service ribbon. I never had to fight. They gave it to me because I enlisted during the war, but I don't deserve it. That honor goes to those who were there and fought."

My father, my grandfather and my great uncle. Not a day goes by that I don't wear my pride for them like the medals they earned making a better life for me. This is my heritage, but how do I repay them? How can I use my voice in our government to make things better for them and for others?

I look at the sacrifices they've made, and realize that what they did for my country, I will probably never be asked to do. I appreciate what these brave men and women have done, and contemplate how to give them something back, to keep their efforts alive. True, they have their freedom, something that many of us take for granted, but is that enough? My voice could help others realize how precious their gift of freedom truly is.

Just one voice can turn into many, giving us all the chance to be involved in our community, to work for improvements, to share opinions that will bring the changes that will make our country a better place. To carry the message of the opportunity we all have, to do and to be whatever we want to be. So that, people of all races and creeds can work in peace, side by side for one vision.

One voice, my voice, can echo their passion for the freedom to make our own choices. To decide who is going to lead us, by exercising our right to vote. I am not yet old enough to vote, but I just cannot understand how people can pass up the opportunity to control their own lives? The very thing that these men and women fought for. Our right to vote guarantees the same rights to every citizen. The right to work, the right to get an education, the right to religious freedom, and the right to be an American. We must be informed on the issues, to find out the true intents of all of our leaders, and pick them, not solely on the basis of political party, or on how much they promise to give us, but on their person as a whole. We must find that true person. I know that I will try my hardest not to abuse this freedom, and to be wise in my choice of leaders.

I also know that in twenty years, when I have my own home, and am well educated, married, with a good job, and am happy. I'll roll out of bed after sleeping late on a Saturday morning, I'll pour myself a cup of coffee, and step onto the front porch to absorb the beauty of the day, I will think back to the brave people that made all of this possible. My heritage, my country, my democracy.

IN HONOR OF THE SPECIALIZED TREATMENT PROGRAM FOR HOLOCAUST SURVIVORS AND THEIR FAMILIES

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to the Specialized Treatment Program for Holocaust Survivors and Their Families, begun by Dr. Rachel Yehuda, which celebrated its fifth anniversary on April 27, 1998, in connection with Yom Hoshoah, Holocaust Memorial Day.

Established in 1993, the Specialized Treatment Program for Holocaust Survivors is the leading program of its kind in the world. The program was created to study and treat Holocaust survivors suffering from Posttraumatic Stress Disorder. It is the only treatment program which offers comprehensive psychotherapeutic services to survivors and their families.

Dr. Yehuda's work has illuminated the field of traumatic stress research. She has found, for example, that there is a demonstrated neurobiologic difference between trauma survivors and individuals exhibiting other kinds of stress. She has shown that these variations are found in Holocaust survivors, rape victims, and combat veterans, among others.

In addition to these findings, Dr. Yehuda's work has enabled her to recommend improvements in current methods of treating traumatized individuals. Not only have her findings provided a "biological blueprint" for Posttraumatic Stress Disorder, they explain why more traditional psychiatric treatments for trauma survivors have failed.

One especially noteworthy aspect of her work has been the potential genetic links. Adult children of Holocaust survivors demonstrate similar biological alterations to those of their parents, and also exhibit symptoms of Posttraumatic Stress.

Dr. Yehuda's efforts have played an important role in helping Holocaust survivors receive long overdue reparations from the German Government. Germany has often denied survivors reparations claiming the survivor has not been able to demonstrate to the government's satisfaction that a particular illness or medical condition is a direct result of Nazi atrocities in ghettos and concentration camps. Biological proof of suffering in Holocaust survivors determined by Dr. Yehuda has prompted the German Government to pay reparations in several cases.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to Dr. Rachel Yehuda and the Specialized Treatment Program for Holocaust Survivors, a program whose research is pivotal in the treatment of traumatized individuals. I am proud that such an effort is taking place in my district.

TRIBUTE TO OPERATION GANG RESCUE

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to the law enforcement officials and central California valley youth who have contributed to the 3rd annual community service "Operation Gang Rescue." Fresno, Madera, Merced, and Los Banos communities, local officials, and the Central Valley Dermatology and Laser Medical Center have joined together in support of the community Gang Intervention program and gang related tattoo removal for Valley youth. I applaud their efforts and dedication.

"Operation Gang Rescue" is a community service program in cooperation with "Gang Intervention Units" of the police departments of local communities from Fresno, Madera, and Merced Counties. Men and women in the law enforcement organizations serve as mentors, providing direction and encouragement to the youth involved in the program. The participation of the law enforcement organizations, which includes the Fresno County Probation Department, Madera Probation Department, Merced Police Department, and Los Banos Police Department, is commendable.

The objective of the program is to establish a long term community service program where the Central Valley Dermatology and Laser Medical Center contributes its time, facility, and laser equipment to provide treatment sessions and removal of "gang related tattoos" free of charge. The participation of Dr. Syed Pervaiz and the Central Valley Dermatology and Laser Center has been instrumental to the program for the past three years. Dr. Pervaiz is credited with being a community leader and exemplary citizen. He and his staff are a credit to the community.

The youngsters that participate in this program are selected by the Fresno County Probation Department, Madera Probation Department, Merced Police Department South Station, and Los Banos Police Department. They are all deserving of this recognition.

For all of their hard work and dedication I would like to recognize Probation Officers Phillip Fuentes, Kristine Kelly, and Gerald Sandoval from the Fresno County Probation Department, Juvenile Division. I would also like to recognize youths Dawn Dervisian, Joe Madrid, and Jonathan Franco who were selected for the program by the Fresno County Probation Department.

I would like to congratulate Naomi Saldivar-Wyatt and Daniel Nunez from the Madera Probation Department. Additionally, I recognize Obed Reyes, Timothy Edwards, Angel Ortega, and Michael Ramon for actively participating in this program under the guidance of the Madera Probation Department officers.

I would like to recognize Commander Wally Broughton, D.A. Penn, and Richard Morgan from the Merced Police Department South Station. Under their guidance, Erick Smith, Mimi Mojica, Khou Moua, Daniel Aguilar, John Stephens, and John Vang all actively participated.

From the Los Banos Police Department, Chief Mike Hughes and Wayne Small oversaw youths Ernie Alvarez and Celina Basch. These devoted individuals have made concerted effort to make a difference in the San Joaquin Valley.

It is through the community efforts displayed by these individuals that we can reach a higher level of tranquillity in our respective communities. The program is a multi-agency effort to give "at risk" youth a chance to lead productive lives. Additionally, the program offers young people the opportunity to rid themselves of gang tattoos free of charge.

Mr. Speaker, it is with great honor that I pay tribute to the law enforcement officials and central California valley youth who have contributed to the 3rd annual community service "Operation Gang Rescue." I commend Dr. Pervaiz and his staff for facilitating the services and procedures to give these young citizens an opportunity for a brighter future. The efforts of the law enforcement officers of Fresno, Madera, Merced, and Los Banos bring unmeasurable rewards for the youths participating in the "Operation Gang Rescue" program. I ask my colleagues to join me in wishing "Operation Gang Rescue" many more years of success.

HONORING MIKE NYE

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. SMITH of Michigan. Mr. Speaker, I rise to join the citizens of Hillsdale and Branch Counties to pay special tribute to our representative in the Michigan legislature.

So many people talk about the kind of leader they want to represent them in government and Mike Nye fits that definition by every measure.

This week, my friends in Hillsdale County will honor Mike Nye for his sixteen years of dedicated leadership in Lansing. They know, as I do, that few people have accomplished more in that time for the people of Michigan.

Mike Nye's retirement from the state legislature is a great loss. As a member of the House, he fought for commonsense legal reform and worked to provide better health care to poor children and was the innovator of reforms that have resulted in a better education system for Michigan. Mike Nye's improvements in court reform, school reform, tort reform, and juvenile justice reform will be a continuing legacy of his knowledge, ability and leadership in the Michigan legislature.

In an era of overheated rhetoric and blatant partisanship, Mike Nye stands out as a conciliator—a legislator who brought people together. Mike Nye was often the man people turned to when they needed a leader to finalize and pass legislation.

Mr. Speaker, my colleagues and I here in Washington can learn a lot from the service of Mike Nye. His contributions to public policy are equaled by his and his wife, Marcie's, dedication to their community. Marcie's leadership in working in the prison system with her Kids Need Moms program is a great example of their commitment to help people.

I know Mike's future contributions will be just as worthwhile to all of us, regardless of what path he may take. God bless you, Mike, and good luck.

THE PAOLI BATTLEFIELD PRESERVATION ACT OF 1998

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. WELDON of Pennsylvania. Mr. Speaker, the Seventh District of Pennsylvania which I represent is exceptionally rich in historical sites which serve to remind us of our colonial and early-American heritage. As we commit resources to allow our school children to revisit history via virtual reality, I feel it's important that we preserve the true reality of significant historical sites such as the Paoli Battlefield in Malvern, Pennsylvania.

This land was the site of the "Paoli Massacre" in which British troops led by Major General Grey attacked the American Army of Pennsylvania Regiments on the wooded hillside and two fields between what is now Sugartown Road and Warren Avenue. The ensuing battle resulted in at least 52 American deaths and 7 British fatalities. The British night-time bayonet charge was aided by the fact that Americans were silhouetted against the light of their campfires. Some American troops panicked and fled and general disorder spread throughout the American line. British dragoons, arriving on the field, shattered the American column and pursued retreating Americans as far as Sugartown Road. Only the more disciplined American soldiers escaped the original onslaught unscathed, but a following British assault, conducted by the Royal Highland Regiment, completed the rout.

The Paoli Massacre was part of the military conflict between British and Americans forces during the Revolutionary War's Philadelphia Campaign, a chapter of the war that witnessed the occupation of Philadelphia and the famed American encampment at Valley Forge in the winter of 1777–78. The first two American attempts to stop the British invasion that Fall were the Battle of Brandywine, September 11, 1777, and the unsuccessful Battle of the Clouds, September 16, 1777. The Paoli Massacre was part of the third effort to contain British General Sir William Howe's advance on Philadelphia.

The Paoli Battlefield Site and Parade Grounds, containing 62 acres, is situated in the Borough of Malvern, Chester County and consists of two adjoining parcels. In 1777, these parcels represented the northern portions of two farms and were the location of the heaviest action of the battle. The eastern parcel, identified as the Battlefield Site, is approximately 40 acres and consists of a forested ravine and slope rising to a plateau containing a plowed field and surrounding woods. The western parcel is the 22 acre Parade Grounds, established in 1822, where the local militia drilled and the community used as a commemorative property focusing on honoring all veterans. Monuments honoring World War I and II veterans can be found there, as well as the mass graves of the slain soldiers of the American Revolution, where a fieldstone wall surrounds a mound and obelisk monument. The tremendous historical value of this land is without question and should be preserved for future generations to appreciate.

The Battlefield Site is presently owned by the Malvern Preparatory School. The School's Board of Trustees recently voted to sell the Battlefield for $2.5 million but have resisted placing the land on the open real estate market to provide the local community the opportunity to raise the funds necessary to purchase the land. To date, the Paoli Battlefield Preservation Fund has raised in excess of $1 million. The purpose of the Paoli Battelfield Preservation Act of 1998 is to authorize the addition of the Paoli Battlefield site to the Valley Forge National Historical Park and to authorize the appropriation necessary to complement local funds raised to ensure the purchase of the site for preservation purposes.

Having recently been listed on the National Register of Historic Places, the National Park Service recognized the Paoli Battlefield citing its importance "in the area of American military history as a Revolutionary War battle and for honoring the commemorative efforts of the local community to preserve this important site." Patrick McGuigan, retired Command Sergeant Major of the U.S. Army and President of the Paoli Battlefield Preservation Fund, has put succinctly describes the importance of this bill: "This community of 2,944 people possesses a part of American history in our own backyard, a memorial to the highest price Americans have paid—laying down their lives for our freedoms. We are trying to purchase the site for all Americans, and the Chester County Historical Society wants to hook this up with their education program involving local battlefields. Individually, saving this site is a good thing, but collectively, in conjunction with American history, it's a great thing."

The Battle was a true massacre, henceforth inspiring American Revolutionary troops to cry "Remember Paoli!" This legislation merely seeks to facilitate local efforts to preserve this invaluable land—the site of a massacre that henceforth inspired American Revolutionary troops, and now us today, to cry, "Remember Paoli!"

BLOOMFIELD CITIZENS COUNCIL AWARDS

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. COYNE. Mr. Speaker, I rise today to pay tribute to a number of Pittsburgh residents who will be honored on May 1 with Bloomfield Citizens Council Awards. Every year, the Bloomfield Citizens Council makes these awards as a way of recognizing members of the community who have made a significant contribution to the quality of life in Bloomfield. I would like to take this opportunity to mention the 1998 award winners and commend them for their efforts to make Bloomfield a better place to live.

For their work with Operation Charlie, which ministers to the needs of needy children and senior citizens, Donna and Dennis Ramallo have been selected as the 1998 recipients of the Mary Cercone Outstanding Citizen Award. This award is given to individuals who demonstrate "an unselfish commitment to others and a deep love for the community of Bloomfield. Through Operation Charlie, the Ramallos have provided gifts of clothing, toys, personal items, and school supplies to needy local residents. They have also made contributions to local food pantries, and they have college scholarships to deserving high school students.

A Community Commitment Award will go to Rose Larus, who has volunteered her time and energy in the community for more than 13 years. Over that period of time, she has organized events to educate and screen residents for a host of health-related problems, established the non-profit organization Senior Friends, helped with the annual Senior Festival, co-chaired the Immaculate Conception/St. Joseph blood drives, raised money for Meals on Wheels and local food banks, worked with the Catholic Youth Organization, and volunteered for many worthy causes. She volunteers an average of 100 hours per month.

A Public Safety Award will be bestowed upon Officer Mildred Johnson, who has worked for a number of years out of Zone Five Station to prevent crime and keep young people from using drugs.

The Bloomfield Citizens Council is presenting a number of Youth Dedication Awards this year. One recipient of the Youth Dedication Award this year will be Dan Brannigan, who has been actively involved with the Bloomfield Catholic basketball team, composed of high-school-age boys, for the last four years. Another Youth Dedication Award will go to Lundo DiMarco, who was actively involved in putting together the Tri-Ward Baseball League, which consists of more than 200 boys from the ages of 5 to 17. Lawrence Camerota will also receive a Youth Dedication Award for his many efforts to teach young people the joys of athletic competition. Mr. Camerota coached Little League Baseball with the Bloomfield Youth Athletic Association for more than 30 years. He coached the Immaculate Conception football team for a number of years, and he recently helped to organize the Tri-Ward Baseball League. Dominic Piccola will get a Youth Dedication Award for coaching young people in Little League, the Tri-Ward Baseball League, and the Bloomfield Street Hockey League. Marlene Hennigan and Barbara Zielmanski—also known as "the Thompson Sisters"—will share a Youth Dedication Award for their more than 20 years of work with the Bloomfield Girls Athletic Association. Finally, Vinessa Gentile Turpin will receive a Youth Dedication Award for more than 25 years of teaching at Immaculate Conception School and Peabody High School, as well as her many after-school volunteer activities, which included the National Junior Honor Society, school yearbooks and newspapers, science fairs, spelling bees, debate leagues, Upward Bound, as well as stints as tennis coach, soccer coach, and basketball coach.

The Bloomfield Citizens Council will also present a host of awards for Christmas decorations again this year. Nancy Goldberg will receive the Most Festive Award for her Christmas light display in memory of her husband Sam Goldberg. John and Nancy Greegus will receive the Most Artistic Design Award for the decorations adorning their home. Mike and Ortenza Magliocco will receive the Best Use of Frontage Award. John and Norma Feigel will receive the Keeping Christ in Christmas Award for their decorations with a religious theme. Nick and Dolores DiGiacomo will receive the Most Outstanding and Completely Decorated Home Award this year, their third award in as many. And finally, Phyliss Kutosky and Lucille Tortorea—a mother-and-daughter team—will receive the Most Elaborate Property Decoration Award for decorating the property they share.

The individuals receiving 1998 Bloomfield Citizens Council awards have all helped to improve the quality of life in Bloomfield. I commend them for their efforts.

HONORING THE KIT CARSON WOODWIND ENSEMBLE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to honor the Kit Carson Woodwind Ensemble from Kit Carson School for representing the state of Colorado at the National Festival of the States in Washington, D.C.

The National Music Festival honors all American music, focusing on patriotic music as our country continues to salute an era of veterans and civilians who served their country, paying the highest price for Liberty.

The Kit Carson Woodwind Ensemble consists of twenty students, ranging from elementary to high school. These students are from a small town, with a population of 300, in the middle of Colorado's most productive farming and ranching community.

Kit Carson is a town of achievers and civic-minded people who realize that nothing comes free. This special community raised more than $25,000 in two months to send every child in the Wind Ensemble to Washington, D.C. The students and parents recycled aluminum, held spaghetti feeds and washed cars until their hands were raw. I am very proud of these young citizens and their parents for their hard work and dedication to making this trip possible.

Mr. Speaker, I ask my colleagues to join me in welcoming band members Sarah Wolff, Michelle Wolff, Bethany Schallenberger, Adrienne Steiner, Latisha Robinson, Jennifer Johnson, Helyna Bledsoe, Jessica Kent, Andrea Johnson, Melissa Kliensen, Cheryl Steiner, Matthew Maxcy, Samuel Maxcy, Aaron Perdue, Scott Oswald, Joshua Schnable, David Thatcher, Kent Lewis, Nathan Maxcy and band instructors Brian Edgar and Dan Parmentier to Washington.

TRIBUTE TO BOB LENT

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. BONIOR. Mr. Speaker, I take great pride in rising to recognize Bob Lent, UAW Region 1 Director, who will be retiring at the end of June. On May 5, 1998, Bob Lent will celebrate his retirement with his friends and colleagues at Penna's in Sterling Heights.

Through the years, Bob Lent has been a fighter. His tireless efforts have improved the lives of the working families throughout Southeastern Michigan. Bob is a man who has dedicated his life to securing dignity and respect for all people. He has been a champion of civil rights and civil liberties, and has helped create a stronger, more united community.

In 1949, Bob Lent began a career with the UAW that has spanned forty-nine years. He started as a spray painter at the Dodge Main plant of Local 3 in Hamtramck, Michigan. After serving his country as an Army paratrooper from 1951 to 1953, Bob returned to Michigan to become a millwright apprentice and a skilled tradesman at the Chrysler 9-mile Road Press Plant, Local 869.

While at UAW Local 869, Bob's strong leadership and vision were recognized and he was chosen by his colleagues to serve in a distinguished list of appointed and elected positions. He was an alternate chief steward, trustee chairman, vice president, president, education representative, and assistant director. His vast knowledge and experience made him a logical choice for director.

Bob was first elected to the UAW Executive Board as a regional director at the UAW's 27th Constitutional Convention in May, 1983, at Dallas, Texas. After his re-election to a third term, Bob was elected director of UAW Region 1 which covers Detroit's east side, Pontiac, Macomb and St. Clair Counties and part of the thumb area of Southeastern Michigan, and Canada.

Bob is not only an active union leader, but a community leader as well. He served on the Labor Advisory Committee at both Oakland and Wayne State University. He has been a Democratic precinct delegate. He is a lifetime member of the NAACP. He also serves on the Board of Directors of the United Way of Pontiac-Oakland County and Detroit Area United Foundation.

Few people have given to their community with the vision and commitment that Bob Lent has given to his. He is a person who has inspired the admiration of many. I am honored to call him a friend. I would like to congratulate Bob on his very distinguished career and I wish him and his family all of the best.

MY VOICE IN OUR DEMOCRACY

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. BILIRAKIS. Mr. Speaker, each year the Veterans of Foreign Wars (VFW) and its Ladies Auxiliary conduct the Voice of Democracy contest. This year more than 93,000 secondary school students participated in the contest competing for the 56 national scholarships which were distributed among the 54 national winners. The contest theme this year was "My Voice in our Democracy."

Hillary Anne Underwood is this year's Latin America/Caribbean winner. She is the recipient of a $1,000 Roy Chandler VFW Post 762 and its Ladies Auxiliary Scholarship Award.

I want to congratulate Hillary on her accomplishments and her scholarship award. I would also like to share Hillary's award winning script with my colleagues.

1997–98 VFW VOICE OF DEMOCRACY SCHOLARSHIP COMPETITION, "MY VOICE IN OUR DEMOCRACY"

(Hillary Anne Underwood, Latin America/Caribbean Winner)

Welcome! I'd like to thank each of you for attending choir tryouts. "Democracy" is the theme song for today.

Let's being rehearsal by reciting the first of three verses.

FREEDOM. Isn't it amazing how just one word can hold so much? We live in a democracy, and HERE people are free to say what they please, ask what they may, and be whomever they want to be.

Our forefathers fought endlessly for freedom through the American Revolution and the Civil War. Through these two very significant wars, the government of the United States separated itself from the threshold of the church, developed the sovereignty of the people that still lives today, wrote the constitution, and have offered insights that have aided other countries in their quests for democracy.

Today, my voice for democracy can be heard through my greatest freedom . . . the right to vote.

Freedom is the core of democracy. Without the freedom of speech . . . press . . . and religion . . . Our society would sound like this: ------------ Perfectly silent. No opinions, No thoughts, No voices, . . . ALL of our voices would be mute.

My Voice, Your Voice
We are the voices of freedom,
We are the Chorus of Democracy.

Excuse me, before we continue, you two, in the back, . . . tyranny and prejudice . . . I am going to have to ask you BOTH to leave. There is absolutely no room for you in a democracy.

Now, Let us continue with the second verse . . . EQUALITY.

In our Declaration of Independence and in Lincoln's Gettysburg Address, "All men are created equal."

Some people are still struggling in their never ending fight for equality; where women are regarded as inferior. They are not acknowledged as equal human beings.

If you listen carefully, you can hear the desperate cries for help from the heart-broken little girls in orphanages, abandoned by their families.

Can you imagine living in a society like that . . . Where you are practically non-existent because of your gender or race? I consider myself fortunate, we've never had to experience a situation of this kind . . . Because we . . . live in a democracy. There is only ONE single race . . . HUMANITY.

My Voice, Your Voice
We are the voices of Equality,
We are the Chorus of Democracy.

Congratulations, you are all doing a wonderful job, and are all strong candidates for the choir. Now, let us continue with the final verse . . . JUSTICE. This . . . is the foundation of a government.

Thomas Jefferson stated: "Democracy is the only form of government which is not externally at open or secret war with the rights of mankind."

This is Justice. This is what people risk their lives everyday in search of . . . democracy, where "No person shall be deprived of life, liberty, or property without due process of law"; where we are "innocent until proven guilty"; where we are guaranteed "the right to a fair trial."

Imagine yourself, your children, your family, being used as an object. A human shield used to protect weapons, people, and their power. You are a pawn with no individual liberties, where a single person has taken your fate into their own hands. This is not justice.

My Voice, Your Voice
We are the voices of Justice,
We are the Chorus of Democracy.

Democracy is defined as a government in which the supreme power rests in its people. But in defining the word democracy, we are encompassing an endless wilderness of ideas within a tiny barrier of words. The Freedom, Equality, and Justice in a democracy are enjoyed by all of us today.

This concludes our tryouts. All candidates have had an equal opportunity to become part of a democratic choir. The finalists have been chosen, and they are . . . ALL of us. Each of us is important to the choir, just as every citizen plays an important role in America.

We must always remember that Our America is unified and free. So raise your voices! Sing out America! Let our voices be heard! Let our song echo throughout generations, as we harmonize in the words of Gerald Lee . . .

"America is a single tune, and it must be sung together."

WELFARE REFORM JUST ENDS WELFARE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. STARK. Mr. Speaker, today's Washington Post article about Arkansas Governor Huckabee's flight from a group of welfare protesters confirms my greatest fear about the 1996 welfare law—welfare reform was about cutting caseloads, not about helping ex-welfare recipients become self-sufficient. In the first 13 months after welfare reform was signed into law in August 1996, welfare caseloads dropped 19 percent nationwide. Almost 2.4 million fewer people received welfare assistance in September 1997 than in August 1996. The rate of welfare recipiency in the United States has reached its lowest level since 1969.

What's happening to these families and children? Olivia Golden, the Health and Human Services Assistant Secretary responsible for implementing the welfare reform law, told the Ways and Means Committee last month that "one of the challenges we face is to get better information about what is happening to families who are leaving assistance." The protesters in Little Rock complained that they haven't been able to find jobs. Ms. Golden confirmed that, when she reported that research from several states suggests that 50 to 60 percent of families leaving welfare are employed at follow-up. That means 40 to 50 percent were not employed.

The Manpower Demonstration Research Corporation recently released an interim report on its multi-year evaluation of Florida's Family Transition Program, one of the first programs to include a time limit on the receipt of cash assistance. Although claiming that longer-term follow-up is needed to track how people fare in the aftermath of reaching the time limits, MDRC found that only 52 percent of the FTP group were employed two years after entering the study despite an unusually generous array of support services and financial incentives. Nonetheless, almost everyone who reached the time limit had their benefits entirely canceled.

In the almost two years since passage of the Republican welfare reform law, a period of sustained economic growth and low unemployment, we have learned two things about the effects of the law—nearly one million families are no longer receiving welfare assistance and only about one-half of the families who have left welfare are working. Unfortunately, my dire predictions about the impact of welfare reform are being borne out—imposing time limits and ending assistance to needy families leaves them out in the cold whether or not jobs are available.

The article is as follows:

HUCKABEE FLEES FORUM AFTER WELFARE PROTEST

LITTLE ROCK, April 28.—Angry demonstrators pounded their fists on Gov. Mike Huckabee's vehicle today after he fled a conference that they crashed.

About 250 protesters, complaining that ex-welfare recipients haven't been able to find jobs, stormed the hall where Huckabee was scheduled to talk, but the governor left the Southwest Regional Civil Rights Conference rather than speak with them.

"I'm disappointed for the people that came from other places and I would have loved to have been part of the conference, but that's life," Huckabee said.

The protesters charge that former welfare recipients haven't been able to find jobs since being dropped from the rolls. The number of welfare recipients in Arkansas has fallen from more than 21,000 last June to fewer than 14,000 last month.

The protest was organized by the Association of Community Organizations for Reform Now. Huckabee left the hotel as protesters called on him to speak on the welfare issue.

Huckabee's office called the protest an insult to the civil rights workers at the conference. About 900 people from Arkansas, Louisiana, New Mexico, Oklahoma and Texas attended.

A MEMORIAL TO THE HONORABLE RALPH HEDRICK

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. SKELTON. Mr. Speaker, today I wish to pay tribute to a fine Missouri legislator, former State Representative Ralph Hedrick, who recently passed away at the age of 72.

Born in Sedalia, MO, on May 9, 1925, Ralph Hedrick spent his life contributing to the State of Missouri as a public servant and to our nation as a sailor in the Navy. Mr. Hedrick attended schools in Sedalia and Appleton City, MO, before serving in the United States Navy in World War II. During the war, he served on the U.S.S. Virginia, seeing active duty in the Pacific. For his honorable service, he was awarded the Pacific Area Campaign Medal (4 stars), the Philippine Liberation Medal (2 stars), the World War II Victory Medal, and the American Area Campaign Medal.

Ralph Hedrick began his public service career as the Southern District Judge of the Bates County Court. However, his political career started much earlier, when he passed out campaign cards for Harry S. Truman's senatorial race in 1933. Ralph was elected to the Missouri House of Representatives in 1970 and served a total of 18 years. During his tenure, he represented districts 111, 116, and 123. Ralph Hedrick enjoyed working for and with people, and as a State Representative, he became very popular because of his respectfulness and honesty.

Mr. Speaker, I am certain that the Members of the House will join me in paying tribute to Ralph Hedrick, an outstanding Missourian.

A TRIBUTE TO THE WESTHAMPTON BEACH HIGH SCHOOL BOYS BASKETBALL TEAM

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. FORBES. Mr. Speaker, it is with great pride and emotion that I rise today in the House of Representatives to pay tribute to the boys high school basketball team at my alma mater, Westhampton Beach High School, on Long Island. This past weekend, the Hurricanes came home with the school's first ever New York State high school basketball championship trophy.

Steeped in a proud athletic history, the Hurricanes of Westhampton Beach had to climb a steep mountain to attain this landmark championship. In the six years previous to winning the 1998 title, coach Rich Wrase led his team to six straight league titles, three Suffolk County championships and a trip to the state Final Four championship round. Their quest culminated last weekend when the Hurricanes rolled over defending state champion Syracuse-Westhill to win the New York State public school title, then whipped New York City powerhouse Wadleigh High School to win the state Federation Class B championship.

So much credit for Westhampton Beach's 28–0 season success lies in the contributions of its leaders on and off the court. Coach Rick Wrase's disciplined leadership kept these young men focused on winning a state title. On the court, senior point guard Dale Menendez proved himself a team leader by scoring 19 points, adding 5 rebounds and 4 steals in the win over Syracuse-Westhill to earn the Most Valuable Player honors for the Class B Tournament. Senior classmate Jermain Hollman also came up big for the Hurricanes, contributing 22 points, 8 rebounds and 4 assists to earn the Most Valuable Player award in the Federation title game.

As impressive as Menendez' and Hollman's offensive contributions are, Westhampton Beach earned its championship with impenetrable team defense. Utilizing an aggressive, trapping attack, the Hurricanes dogged opponents mercilessly, holding Syracuse-Westhill to just 36 points. Up by just two points at halftime of the Federation title game, the Hurricane defense stepped up and held previously undefeated Wadleigh to just 19 second half points.

The work ethic and close-knit feel of this high school basketball team is a true reflection of my hometown, Westhampton Beach. The entire community is filled with pride for these young men, who have worked hard and sacrificed together to reach their goal. So I ask my colleagues in the U.S. House of Representatives to join me and all my neighbors in saluting the Westhampton Beach Hurricanes, the 1998 New York State high school basketball champions.

HONORING CHRIS LYNCH

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. CARDIN. Mr. Speaker, during my service here in the House, I have had many advantages that have helped me in serving the people of Maryland's Third Congressional District. None has been more valuable than the services of my Legislative Director, Chris Lynch.

Unfortunately, Mr. Speaker, I rise today in sadness but also with great pride and satisfaction to recognize Chris's outstanding work on the eve of his departure from my office. After nearly twelve years on my legislative staff, including ten as Legislative Director, Chris has decided to return to Baltimore.

He has accepted a position at the University of Maryland hospital. Fortunately, he will not serve on the medical staff there. Instead, he will work on Community Development and Community Relations, where he will no doubt continue the outstanding contributions he has made to the people of Baltimore.

Chris joined my staff before I even won election to the House. During my first campaign, in 1986, Chris served as Policy Director, researcher, driver, and all-purpose volunteer. In addition to knowledge of issues and the local community, Chris brought a great natural inquisitiveness and an unfailingly cheerful manner. His commitment to that campaign was a vote of confidence in my candidacy, and his contributions helped make the confidence seem well-placed.

After we won, Chris joined my House staff as a legislative assistant. His experience in environmental policy issues and economic development and transportation issues in the metropolitan Baltimore area made him a natural to handle my work on the Committee on Public Works and Transportation.

When I moved to the Ways and Means Committee, Chris took on the challenge of handling trade and welfare issues. He demonstrated his versatility and range of expertise by mastering the intricacies of both issues. Through the historic debates on NAFTA, GATT, fast track, and welfare reform, he provided invaluable assistance. His program knowledge, tactical savvy, and legislative creativity were tremendous assets throughout these battles.

Beyond his Ways and Means responsibilities, Chris supervises the other members of my legislative staff, and handles issues of local importance. From the reauthorization of the Chesapeake Bay clean-up legislation to the construction of local mass transit lines, Chris had had an impact that benefits all the people of central Maryland.

Now he will spend more time in Baltimore. He will, he promises, get home for dinner more often with his wife, Maggie, his daughters, Cricket and Charlotte, and his new baby, who will be born in August. He may even have time for walks with his family along the greenways in Baltimore that he has worked so hard to bring to reality.

So, thank you, Chris, for your public service. It has been a great pleasure working with you, and we all wish you the best of success in your new job.

HONORING THE CONNECTICUT OLYMPIC ATHLETES

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mrs. KENNELLY of Connectiicut. Mr. Speaker, I rise today to express my congratulations for the achievements of five world-class athletes from Connecticut. I am impressed with the remarkable showing of Connecticut's athletes in the 1998 Olympic Games. It is an accomplishment for such a small state to be home to five such gifted competitors. These young people embody not only incredible talent, but also a strong sense of sportsmanship. Connecticut is home to Sue Merz and Gretchen Ulion of the Women's Hockey Team, Beth Calcaterra-McMahon of the Luge Team, Chip Knight, an Alpine Skier, and Stacy Blumer, a Freestyle Skier. All five of these athletes are incredibly gifted and should be recognized and applauded.

The efforts of Olympic and Paralympic teams is awe-inspiring. The athletes symbolize the motto of the Olympic games: "swifter, higher, stronger." They are the strongest and the fastest. They are the best in the world. Olympians are leaders and role-models who play for the love of their sport. All athletes who have the opportunity to participate in the Olympics has proved themselves both dedicated and successful. These athletes should be commended for their commitment to enhance and develop their abilities. Their training is rigorous and the choice to pursue an Olympic medal is praiseworthy.

I would like to thank these athletes for proving themselves such honorable ambassadors of the United States. Their sportsmanship and dedication is unyielding. I am proud to stand and congratulate not only the five athletes from Connecticut but every member of both the 1998 USA Olympic and Paralympic teams.

23D ANNUAL CAPITAL PRIDE FESTIVAL MAY 30–JUNE 7, 1998

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. NORTON. Mr. Speaker, I rise today to pay tribute to 23d Annual Capital Pride Festival, a celebration of and for the National Capital Area's lesbian, gay, bisexual, and transsexual communities and their friends.

Since its 1975 inception, the Capital Pride Festival has grown from a small block party into a nine-day series of events which culminate in a parade and a Pennsylvania Avenue street fair on June 7th. Last year, nearly 200 contingents marched in the parade. Hundreds of exhibitors participated in the street fair. More than 120,000 people attended this celebration.

This year its organizers and sponsors, the Whitman-Walker Clinic and One-In-Ten have selected "Diversity+Unity=Strength" for the Festival's theme.

Mr. Speaker, I ask the House to join me in saluting the 23d Annual Capital Pride Festival, its organizers, and the volunteers who make it possible.

EARTH DAY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 29, 1998 into the CONGRESSIONAL RECORD.

EARTH DAY 1998: THE STATE OF OUR ENVIRONMENT

Twenty eight years ago, on the very first Earth Day, I stood on the lawn of the Indiana University commons and talked with students about a wide variety of environmental issues, from pulling tires out of rivers to marching in Washington for a better environment. Those of us who celebrated the first Earth Day were convinced of two things: the environment was a mess, and a lot of work was needed to do something about it.

What began as a teach-in in Bloomington and other communities has grown into a national event involving tens of millions of people across the country. The environmental movement has transformed our environment and our national politics. Environmental issues come up all the time in my work with constituents—from students talking about global warming and the future of the planet to public officials talking about upgrading water and sewer facilities in their communities. Environmentalism has firmly taken root in our political system.

On this, the 28th anniversary of Earth Day, we can take great pride in the advances that have been made in environmental protection. We have succeeded in reducing the levels of lead and other dangerous pollutants from the air. Lakes and rivers, once so contaminated they could catch on fire, now support large fish populations. Forests are rebounding. Endangered species, like the eagle and the buffalo, have been saved from extinction and are now thriving.

Hoosiers strongly support cleaning up our air, water, and land, and they want to leave the environment safe and clean for the next generation. They do not want to cut back on our environmental investment. Hoosiers do not say to me that we have too many parks, or that the air and water are too clean. They recognize, however, that we face new environmental challenges as we head into the 21st Century and need to adopt new strategies to build on our successes.

THE ENVIRONMENTAL RECORD

This country has achieved substantial gains in environmental protection over the last three decades. The Clean Air Act, passed in 1970, has dramatically reduced air pollution levels even though we drive twice as many cars twice as many miles. In the last decade, emissions of lead declined by 89%, particulates by 20%, sulfur dioxides by 26%, and carbon monoxide by 37%. Congress revised this law in 1990 to strengthen the ability of the Environmental Protection Agency, states and the private sector to work cooperatively to improve air quality, particularly in cities with significant pollution problems. The new law also aims to reduce pollutants which cause acid rain and contribute to global environmental problems, including ozone depletion and global warming.

We have also made gains in water quality. The Clean Water and Safe Drinking Water Acts have succeeded in sharply reducing pollution in our rivers, lakes and streams while improving the quality of drinking water. Since 1972 the number of people served by modern sewage treatment facilities has almost doubled and the level of pollution discharged by municipal treatment plants has declined by 36%.

Our record on conserving critical lands and wildlife habitat is noteworthy. Many of our forested areas have been expanding, not contracting. The national forest system encompasses about 192 million acres, including the Hoosier National Forest in southern Indiana. We have also protected endangered species from extinction, and have largely curbed the dumping of hazardous materials.

CHALLENGES

Despite our achievements, we face daunting environmental challenges. First, a growing population and expanding economy continue to put stresses on our environment. Species continue to disappear; the tall-growth forests in the Northwest continue to decline; fishery stocks in our rivers and coastal areas are shrinking; and the list goes on. The challenge will be to continue our economic gains without jeopardizing the environment and public health.

Second, the environmental challenges are more complicated. For example, controlling the run-off of chemicals from thousands of farms and city streets, which is necessary to improve water quality, is difficult. Furthermore, many environmental problems, like global warming, ozone depletion, and threats to our fisheries, are global in nature, but achieving global consensus on any issue is not easy.

Third, our environmental laws need updating. Most environmental programs are of a "command and control" variety. The federal government sets regulations which the public and private sectors must follow. This approach made sense when we needed to make substantial gains in environmental quality. Now that we have achieved those improvements, the question is whether we should stay with the current system, which can be costly and cumbersome, or take a more flexible approach.

NEW APPROACH

I believe we need to rethink how we regulate the environment. This does not mean repealing current standards. The American public firmly rejected efforts in Congress a few years ago to weaken key environmental laws. Rather, they want a sensible role for government, one which includes less regulation while improving environmental protection.

I believe the following principles should, where appropriate, guide future policy on environmental regulation with the objective of making such regulation more flexible, less costly and less complex:

First, we should find market-based solutions to environmental problems. Such an approach might entail providing incentives to private business or local governments to meet or exceed environmental standards; or it might involve creating a system of marketable pollution permits. Second, we should encourage cooperation between the federal government and the regulated community. Environmental regulation will always involve some tension between the two, but the federal government can take steps to minimize such conflict by working cooperatively with businesses, land-owners and other private interests to find solutions.

Third, we should give more discretion to state and local governments in managing environmental problems because they are often closer to the problems, and may have better ideas about solving them in innovative, cost-effective ways. Fourth, we should allocate federal resources to the most pressing environmental problems, particularly in an era of tight federal budgets. Too many federal dollars are wasted on programs of marginal social or economic benefit. Federal agencies should conduct risk assessment, based on scientific evidence, and cost-benefit analysis before implementing new regulations.

TRIBUTE TO MING PAO DAILY NEWS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. TOWNS. Mr. Speaker, I rise today to recognize Ming Pao Daily News. Ming Pao Daily News celebrated their first anniversary on April 8, 1998.

Since Ming Pao Daily News' entry into the northeast market last year, it has quickly grown to become one of the most widely circulated daily publications within the tri-state area. Ming Pao Daily News' circulation in Hong Kong, Canada, and now the United States, has made it one of the most influential Chinese newspapers internationally.

For the past year, Ming Pao Daily News has reached out to New York's Asian community and forged a positive and hopefully long lasting relationship. Ming Pao Daily News has hosted various charity fundraisers, events, and activities that not only benefitted the Asian community, but all of New York City.

It is the media's responsibility to accurately, objectively, and timely report international, national, and/or local news to their audience and I encourage Ming Pao Daily News to continue with that role. It is that valuable service that their readers have come to rely upon.

It is my pleasure to recognize Ming Pao Daily News on the auspicious occasion of their first anniversary and their contributions this past year.

RECOGNIZING "HIRE A VETERAN WEEK" IN THE STATE OF CALIFORNIA

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. BROWN of California. Mr. Speaker, I rise today to bring the attention of the Nation to the cause of improving the employment opportunities of our military veterans and to the commendable efforts of the State of California during its upcoming "Hire A Veteran Week" of May 3–9.

One of the commitments we make to the men and women who serve our Nation in the military is to provide them assistance in finding employment when they re-enter the civilian economy. Most of our military service members develop skills and personal attributes that will serve them well in the civilian economy. But even in the best of economic conditions it can sometimes take a long time to find a job, and as a Nation we should help shorten that time for our military service members.

I have sponsored efforts in Congress to improve veterans' employment prospects, and I have admired the efforts made on behalf of veterans in these areas day-in and day-out by service organizations and by employment specialists with federal and state agencies. The State of California is continuing a strong tradition of assistance to veterans' employment prospects by sponsoring "Hire A Veteran Week" this first full week of May 1998.

I commend California for this effort, and I commend the men and women of California's public-and-private-sectors who will take part in promoting veterans' employment this coming week and year-round.

MINNESOTA AMERICA READS PROGRAM

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. VENTO. Mr. Speaker, I rise today to commend the work of Minnesota volunteers participating in the America Reads program. There is perhaps no issue more important to the future of this nation than education. The volunteers I speak of have shown a true dedication to the welfare of our youth by ensuring that children in Minnesota elementary schools get the attention and assistance they need to improve their reading skills.

Twenty-three Minnesota colleges and universities are currently involved in the America Reads program, which was started by President Clinton in 1996. The goal is to ensure that every child can read well and independently by the end of third grade. We all know of the links between literacy and future success. However, according to the National Assessment of Educational Progress, 40 percent of America's fourth graders aren't reading at basic levels. The America reads program reaches out to children and gives them the individual attention necessary to make sure they don't fall through the cracks of the system.

If children lose interest in reading early, their chance of being successful later in life is difficult. Quoting an educator who recently visited with me, "In the first three grades, children learn to read. The rest of their lives, they read to learn". Volunteers help students realize that reading is not only fundamental, but fun. The time spent with tutors enables children to relax and enjoy books, which is something that can't always be done in the classroom.

I have attached an article from the Saint Paul Pioneer Press for my colleagues' review. It describes the America Reads program in Minnesota, and highlights just one of the many success stories this initiative has produced. I applaud the efforts of these volunteers, and wish to thank them for their dedication to the education of our youth.

I am especially pleased to note and thank some familiar names and friends who are highlighted in these reports—our former colleague Senator Harris Wofford, Saint Paul's former Mayor James Scheibel, and his spouse Mary Pat Lee. Their willingness to share their time, talent and energy is an extraordinary example of public service, and I wish them continued success in their endeavors; helping students learn to read so that they might read to learn!

[From the Pioneer Press/Pioneer Planet, April 20, 1998]

VOLUNTEERS REAP THE REWARDS OF TEACHING YOUNGSTERS TO READ

(By THOMAS J. COLLINS)

No tear-welling crescendo or awe-inspiring fireworks marked the encounter last week between a middle-aged Minneapolis bar owner and a bubbly St. Paul first-grader.

Life-changing moments rarely are showy. If you see them at all, they are reflected briefly in a gleam of an eye or a confidently raised chin—unspoken signals between David Arone and Kiara Renfroe as they read together in a Daytons Bluff Elementary School classroom.

Yet it is partly as a result of this encounter that the 44-year-old Arone, whose family has owned Arones Bar in Minneapolis since 1935, has decided to pursue a new career by becoming an elementary school teacher.

For Kiara, 7, the encounter also has been a transforming experience, giving her the help she needs to continue to teach her brothers to read.

Scratch the political pronouncements and doomsday warnings about the decline of America's public schools and you'll find enclaves, like this one created by Arone and Kiara, where just the reverse seems to be true.

He is a volunteer in Metropolitan State University's America Reads programs and spends 15 hours a week helping first- through third-grade students at Daytons Bluff improve their reading.

She is a first-grader on a mission to make something of herself despite challenges that define her inner-city elementary school—high poverty and student mobility as well as many students who do not speak English. And, of course, looming in her future is a deadline: National research shows that if she doesn't learn to read by the end of third grade, she'll be more prone to a lifetime of ignorance and poverty.

On this particular day, Arone is leaning over Kiara as they read a book about fishing bears. Together they sound out difficult words, "shh . . . shh . . . shake." She glides over words she recognizes. "Good job!" he says, as she masters each page.

Later, he bends close to Kiara and whispers in her ear: "Some day you will write a book."

MINNESOTANS HEED THE CALL

It is not only Kiara's life that has been changed, thanks to President Clinton's plan to mobilize 100,000 work-study students and other volunteers under the America Reads program. Arone's life has taken a new turn as well.

"From my experience here at Daytons Bluff, I've decided to change careers and go into teaching," he says, with a hint of shyness in his voice. "This is going to sound corny, but I knew this is where I needed to be. I love this atmosphere. I love kids. And I've loved being here."

Clinton's call to improve reading for young students seems to have been embraced with particular enthusiasm in Minnesota.

Metropolitan State in St. Paul was the first Minnesota college or university to join more than 70 colleges and universities nationwide that joined the reading program in 1996, its inaugural year. The school, long involved in community partnerships to help educate children and their parents, also developed a college course to better prepare its student tutors for their often challenging urban K–12 students.

Twenty-two other Minnesota colleges and universities now have developed programs of their own to buoy educational and community partnerships and training provided by the 45 members of the Minnesota Campus Compact. The wide-ranging programs include reading to at-risk children and a study of ways to strengthen the housing stock and economy of the Daytons Bluff neighborhood.

The campus compact takes seriously its goal of changing lives and communities, says Mark Langseth, executive director of the compact.

"There has been much too much effort elsewhere on the romantic and recreational notions of volunteerism," he said, noting that his coalition is in the second year of a 10-year focus on early- and family-literacy programs, of which America Reads is part.

To that end, Harris Wofford, a key player in the America Reads program nationally, will address the Youth Service Leadership Conference later this morning at the Minneapolis Convention Center.

The campus compact also is co-sponsoring a gathering Tuesday in Minneapolis of 20 college and university presidents, 20 superintendents of Minnesota public schools and various corporate and foundation leaders. The meeting is expected to result in stronger campus community and school partnerships throughout the state, Langseth said.

NEW APPROACHES

The compact's interest in America Reads and other literacy programs was piqued by a startling statistic: Four of every 10 fourth-grade students failed to attain the basic level of reading on the National Assessment of Education Progress in 1994.

The resulting trend was equally alarming: Students who fail to read well by fourth grade have higher dropout rates and often have much more difficulty learning to read later in life, explains Catherine Korda, the compact's VISTA literacy coordinator.

However, she noted that national research shows "sustained, individualized attention and tutoring after school and during the summer, when combined with parental involvement and quality school instruction, can raise reading levels."

Armed with the knowledge, Clinton called for college presidents to increase their work-study allocations to finance 100,000 America Reads tutors. As of Feb. 23, more than 900 colleges and universities nationally have accepted the challenge.

Congress allocated $52 million to improve and expand existing programs that support children's and literacy programs as well as training teachers to run them. The Corporation for National Service got an extra $24 million for VISTA programs, $25 million for AmeriCorps, and $19 million for the National Senior Service Corps. programs to aid in that effort.

Beginning in July, 14 VISTA workers will be assigned to Minnesota college and university campuses to organize literacy programs like America Reads in elementary schools. In a break from the past, college students no longer will have to be eligible for federal work-study programs to participate in America Reads.

"This is such a natural fit for college and university students to tutor other students," said Jim Scheibel, senior adviser to Wofford and a former St. Paul mayor. "You can't sit with these kids and become part of their lives and not be committed to paying attention to the kinds of schools we have for young people."

Scheibel understands the process all too well. For the past four years, he has served as a mentor/tutor for Antonio Murden, a poor Washington, D.C., public school student.

Scheibel and his wife, Mary Pat Lee, successfully sued the district school system to help Murden, now 17, get the education he needed in a private school for special needs students. (The Pioneer Press profiled Scheibel's efforts to help Murden two years ago.)

"We've seen great improvement in Antonio," Scheibel said. "He recently went up another level in school. His spelling is terrific, and I've seen his whole self-image greatly improve as he's learned to read.

"We have to do this just like that—one student at a time, one school at a time, one neighborhood at a time. Just look at the work Metro State has done in St. Paul."

AN INCREDIBLE OPPORTUNITY

Metropolitan State's tutors and volunteers in the America Reads program this year have served more than 200 students at Daytons Bluff and the Richard R. Green Central Park School in Minneapolis, said Susan Giguere, director of the university's Center for Community-Based Learning.

All told, the university and its community partners provided child and family literacy services to 420 people during the academic quarter ending March 31.

"It's hard to judge from (standardized) testing whether we are making a difference because many of the students you test today will be going tomorrow," Giguere said. "But I can see progress in the eyes of these students. They are reading more now. Even their parents are excited about reading."

Maureen Sauve, 35, a single mother of 2-year-old Hannah, is such a believer in the program that she will begin work on a master's degree in education at the University of Minnesota this summer. Like Arone, she hopes someday to be a licensed teacher.

"This has been an incredible opportunity for me," she said. "At first I was really distracted. The kids have so much energy. But I can see the progress these children are making. All of a sudden, reading clicks for them."

The former legal secretary returned to school after the birth of her daughter to fulfill a lifelong dream of being a teacher. She's getting a taste of that dream on a federal work-study grant through Metropolitan State.

FOUR BOOKS, NO DOUBTS

Arone didn't qualify for a work-study grant because he makes too much money. But he, too, was hooked by volunteering in Metropolitan State's after-school and family-literacy programs at Daytons Bluff.

He decided to return to school two years ago at the suggestion of his wife, Debra, after working in a smoke-filled bar began to irritate his asthma.

Now he gets to work in a smoke-free environment and has the incalculable pleasure of seeing a young mind bloom with the joy of reading.

His reading session this day with Kiara ends on a positive note. She has read four books, her progress marked by tiny footprint-shaped stickers that eventually will earn her a free book.

Kiara, like her mentor, has no doubt she will achieve her goal.

"I was the first one to learn to read in my family. So I will be able to do more things when I grow up," she volunteers before breaking into a broad smile. "I'm the most responsible one. I do the chores around the house. I also taught my little brother and biggest brother to read."

Arone sits nearby with a big smile of his own, acknowledging later that by fitting him into her busy schedule, Kiara has changed his life as well.

MAY 3—POLISH CONSTITUTION DAY

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is Spring, and we live in a glorious time of rebirth and renewal. We meet to celebrate Polish Constitution Day. And how appropriate it is that we celebrate as well the Senate vote approving NATO expansion.

In 1791, enormous challenges faced Polish reformers. Prussia, Russia and Austria, aggressive, imperial states, threatened the Polish Lithuanian Commonwealth. In 1772, they partioned the Commonwealth, and were threatening to repeat the disgraceful deed. The Commonwealth was but a Russian satelite, and its once powerful parliamentary democracy weakened by political corruption. The moment was now to transform Poland into a new nation, with the full benefits of liberty, equality, and fratenity available to every citizen.

The reformers gathered in Warsaw on May 3, 1791, met the challenge. Motivated by a deep desire for freedom, they set about to liberate themselves "from the disgraceful shackles of foreign influence." "Prizing more than life and every personal consideration, political existence, external independence, and internal liberty of the nation," they adopted a constitution for "future generations, for the sake of the public good, for scurring our liberty, and maintaining our kingdom and our possessions."[1]

The new constitution electrified Europe. Shunning the violence of the French Revolution, the Polish reformers revolutionized their government and their society. The King, Stanislaus August, was now a constitutional monarch. The political devices which had opened the way for the corruption of the Commonwealth—the liberum veto (free veto) and the confederation—were abolished forever. Religious freedom was proclaimed. The burgers acquired political rights. The new constitution also implied a radical improvement for the peasant serfs, the largest social class.

Poland's rebirth threatened her feudal neighbors. In 1793 and 1795 they partioned the Commonwealth twice more. For 123 years, until the end of World War I, Poland was missing from Europe's map. President Woodrow Wilson supported Poland's rebirth, and independence came again, but it was brief. In 1939, Nazi Germany and Soviet Russia repeated the crimes of their 18th century predecessors; they invaded and partitioned Poland. And at the war's end, Churchill and Roosevelt conceded Eastern Europe to Soviet control.

The memories of May 3, of 19th century insurrections against Russia, and of heroism and martyrdom during the Holocaust of World War II, sustained the Polish people during the long-night of Soviet occupation. Poles objected to being cut off from Europe and confined to an alien empire. In 1956, 1968, 1970, and 1976, Poles protested.

Inspired by Pope John II, Poles underwent a modern rebirth. Solidarity and Lech Walcsa challenged the false Soviet ideology. The weapons were not guns and tanks, but the truth, human dignity and civil rights, and the eternal insistence upon individual freedom. The West hailed the Polish workers' heoric, non-violent struggle. In 1983 Lech Walesa received the Nobel Peace Prize.

The patient struggle finally bore fruit in 1989. The countries of Eastern Europe regained their sovereignty, and the civil empire distingrated.

The Soviet Empire collapsed because of internal pressures, but also because of Western resolve. Since 1949, NATO, a system of collective security based on shared democratic values, kept the peace and kept the Soviets in check. NATO is history's most successful alliance.

Now is the moment to consolidate the western victory in the Cold War, and to take into NATO the new democracies of Eastern Europe. NATO expansion will enhance Europe's political stability. It will strengthen the new democracies. These countries can no longer be the target of Russian or other imperial ambitions.

Since 1989, the countries of Eastern Europe have undergone a remarkable rebirth. the reconstruction of democracy and of democratic societies is underway. Free elections are a hallmark of new political cultures. The East Europeans have also begun to integrate themselves into Western economic institutions. They are on the way back to Europe.

Membership in NATO is a culminating moment in Eastern Europe's political and economic rebirth. Today we gather here to celebrate Poland's constitution of May 3rd, 1791 and her rebirth in the 18th century. At the same time, we celebrate and recognize her modern rebirth. We welcome Poland, the Czech Republic, and Hungary as America's newest NATO allies. With a Europe renewed and re-invigorated, we move forward with confidence into the next millenium. In securing north Atlantic collective security, we secure and pass on to the next generation our common democratic values.

TRIBUTE TO DICK FEENEY, PUBLIC SERVANT

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Ms. FURSE. Mr. Speaker, I rise today to pay tribute to a dedicated public servant. When I was elected to Congress in 1992, one of my top priorities was securing the funding to guarantee that the important Westside Light Rail project would open on time and on budget. While I have had the opportunity to work with many good people at Tri-Met throughout my six years in Congress, Dick Feeney has been a constant source of good counsel and support. I would not have had as much success without his steadying influence.

Dick's contributions to Oregon are not limited to his work with our local transit agency, Tri-Met, where he has worked for twenty years. Dick began his distinguished career in 1966 as a Legislative Assistant to Congresswoman Edith Green, and later worked for the Multnomah County Chairman. He was an instructor at Portland State University and served as Director of the Institute of policy Studies. He has been President of the Oregon Transit Association, and is currently a member of the Archdiocesan Board of Catholic Charities and the disciplinary panel of the Oregon State Bar. I also know that Dick can carry an Irish tune with the best of them.

Dick Feeney is one of those people who effectively and consistently serve the public, day in and day out, and never ask for any recognition. Today, on behalf of Portland and all my constituents, I would like to give him the credit he deserves. Happy Birthday, Dick.

RETIREMENT OF FREDERICK P. HITZ, INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. DICKS. Mr. Speaker, on April 30, Fred Hitz will complete seven and one-half years in office as the Central Intelligence Agency's inspector general, and a career in the federal government which exceeds twenty years.

In addition to service at the CIA before his confirmation as Inspector General, Mr. Hitz served in Republican and Democratic administrations in a variety of demanding positions at the Departments of State, Defense, and Energy. His tenure in each of these posts was characterized by uncommon dedication and exceptional performance. Mr. Hitz' experience in government, his first-hand knowledge of the unique aspects of working in the CIA, and the high regard in which he was held on Capitol Hill, made him an excellent choice in 1990 to be the CIA's first presidentially appointed inspector general.

Inspectors general with independence guaranteed by the fact that they are appointed by, and serve at the pleasure of, the President are essential to the effective operation of executive agencies, and to the maintenance of the public's confidence that officials at these agencies will be held accountable for their actions. I suspect that only by serving in one of these posts could someone fully appreciate how difficult it is to function simultaneously as a senior manager, and an independent critic, of the same agency. As challenging as service as an inspector general must be at most agencies, it is even more so at the CIA where the need to compartment activities for security purposes makes it hard to trace the path of certain decisions, and where the inclination is not to volunteer information, especially to those not perceived to be part of "the team."

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[1] "New Constitution of the Government of Poland established by the Revolution of The Third of May, 1791." (London: J. Debrett, 2nd edition, 1791), 4.

Fred Hitz has worked tirelessly to create and sustain an inspector general's process which was supported both inside and outside of the CIA. That he has succeeded is a testament to his great ability and unquestionable integrity. The reputation which the Office of the Inspector General enjoys for conducting audits, inspections, and investigations which are thorough and follow the facts wherever they might lead, and for making tough recommendations for improvement regardless of their popularity, is a reflection of Mr. Hitz' leadership abilities. He will be sorely missed at the CIA, but his most important legacy may be the degree to which he has institutionalized in the inspector general's office his commitment to uncovering the truth.

A graduate of Princeton University, Mr. Hitz will be returning to his alma mater, this time as a member of the faculty. Anyone who has heard or read Fred's views on subjects like the organization of the intelligence community, or the community's role in the post-Cold War world, knows him to be a person who gives important issues great thought and who expresses himself on them with clarity and care. He will be an excellent teacher from whom students at Princeton will learn a great deal.

Mr. Hitz has served the country with great distinction. I want to wish him, and his wife, Mary Buford, only the best in the years to come. I hope that he will not mind an occasional call for advice from those of us who have come to rely on his counsel.

BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1998

SPEECH OF

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2400) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes:

Mr. HOYER. Mr. Chairman, I rise today to state my disappointment that this legislation contains no legislative language authorizing Congestion Mitigation and Air Quality Program (CMAQ) funds to be utilized for the operation and construction of telecommuting centers.

In 1991 ISTEA broke new ground by allowing CMAQ funding to be used to study the benefits of telecommuting centers. These centers are presently funded by the General Services Administration and allow federal employees to use an alternative workplace in lieu of traveling to their main offices several times a month. This concept, which has been tested in Calvert, Charles, and St. Mary's counties, has been very successful.

I remember vividly speaking to a young woman about the impact of telecommuting about a year ago. She was the mother of two small children who lived about an hour and a half outside of Washington. Every morning she got up before 5 a.m. in order to get her children to daycare and still be at work by 8 a.m. On a good day, her morning commute was about 90 minutes. However, if there was an accident or bad weather it could take her two or more hours to get to work. After getting two sleepy children ready for the day and fighting traffic she told me that she often felt exhausted before she even started her job as a computer programmer.

Mr. Speaker, there is a telecommuting center located not far from her home in Lexington Park. A few times a month she works out of the telecommuting center instead of driving up to Washington. What is the impact? For starters there is one less car on the highway. One less car equals less congestion on the crowded Washington metropolitan corridor and a decrease in air pollution. She is also more productive at her job as a programmer because she is better rested and less stressed, she gets to spend more time with her children, and she saves money, gas, and wear and tear on her car with a shorter commute.

Mr. Speaker, telecommuting makes a real difference in the lives of constituents in my district. There is a need for additional centers in Maryland and the rest of the country and I hope that H.R. 2400 will be amended in Conference to allow CMAQ funds to be used for the design, construction, and operation of telecommuting centers.

HAMPTON HIGH SCHOOL WINS STATE CHAMPIONSHIP

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. COYNE. Mr. Speaker, on May 2–4, more than 1200 students from across the United States will be in Washington, DC to compete in the national finals of We the People . . . The Citizen and the Constitution program. I would especially like to congratulate the Hampton High School State Championship team from Allison Park, Pennsylvania, which will represent the state of Pennsylvania in the competition. After months of studying constitutional issues to prepare for the competition, the students in Mrs. Tara O'Brien's sixth period political science class won the state competition, entitling them to participate in the national competition.

The We the People . . . The Citizen and the Constitution program provides curricular materials at upper elementary, middle, and high school levels for more than 75,000 teachers and 24 million students nationwide. The three-day national competition simulates a congressional hearing. Students demonstrate their knowledge by defending positions on historical and contemporary constitutional issues. Entire classes participate together, so students learn team skills in addition to civics.

The following are the students who will represent Hampton High and the state of Pennsylvania in the national finals: Angela Ambrose, Rebecca Amrhein, Aren Bierkan, Christine Brady, Heather Gahagan, Emily Huie, Jessica Kiefer, Lauren Klemens, Jessica Lin, Rina Mansukhani, Lauren Montgomery, Laura Ostapenko, Andrew Scharff, Christian Spearline, Countney Vetter, and Katrina Werger.

Again, I would like to congratulate these student son their accomplishments and wish them the best of luck in next week's competition. I am proud to represent such accomplished young people, and I look forward to meeting them when they visit Capitol Hill.

IN RECOGNITION OF CLARA BARTSCH

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. PORTER. Mr. Speaker, I rise today to recognize the exemplary work of Ms. Clara Bartsch, who for many years has served as Illinois' Congressional Liaison for Medicare. Because Clara's employer, Blue Cross/Blue Shield, will not be retaining its contact with the Health Care Finance Administration, she will be leaving her position. Together with all members of the Illinois Congressional Delegation, I want to let Clara know how much we appreciate her dedication and her tremendous work on behalf of Medicare recipients throughout our state.

Every member of this body understands the vital role our offices fulfill in assisting constituents overcome difficulties in dealing with federal government agencies. As caseworkers endeavor to explain and interpret the often confusing maze of federal rules, guidelines and regulations, they depend heavily upon liaison personnel. As all the caseworkers in my office and other offices in our delegation will attest, Clara Bartsch is among the very best liaisons in the business.

Clara's commitment to the people we all serve is second to no one. She consistently goes above and beyond the call of duty—making sure that all congressional inquiries are handled expeditiously and professionally. The caseworkers who have relied upon Clara will tell you that her responsiveness and outreach efforts are nothing short of outstanding. In particular, her annual Medicare Seminars have been invaluable to all of our offices, helping us stay on top of changes in the Medicare program and providing in-depth information on the latest developments.

In short, Mr. Speaker, Clara Bartsch leaves a legacy of outstanding service in her role as Medicare Liaison and has helped the entire Illinois delegation better serve the people we are privileged to represent. For her tremendous contributions, she has the gratitude of every member of our delegation and our very best wishes for her future success and happiness.

INTRODUCTION OF H.R. 3744 LEGISLATION AMENDING THE FOOD FOR PEACE PROGRAM

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. NETHERCUTT. Mr. Speaker, today I introduced a bill designed to help farmers participating in the PL 480 Food for Peace Program who have experienced trouble moving their product by rail to U.S. ports.

Under PL 480, the Department of Agriculture invites farmers and processors to sell their product (e.g. grain, peas, lentils, barley) to the federal government. At the time they advertise their tender, the Department also specifies where and when the product has to be delivered. Farmers and processors are able to calculate their bids based on the cost to produce, the cost associated with rail shipment, the time normally required to get empty rail cars, and the time needed to have the railroad move cars to the port specified by the Department. Successful bidders sign a contract with the Department prior to shipping their product, but they don't receive payment from the government until after it is delivered to the port.

This arrangement has generally worked well over the years, but last summer and fall a large number of farmers and processors—through no fault of their own—experienced tremendous difficulty abiding by the terms of their contracts with the Department. Rail congestion in the midwest and west caused many shipments to arrive late, thus missing sailing dates and generating expensive damage claims against farmers and processors. My bill would hold farmers and processors harmless against these kinds of damages.

It is unreasonable for the government to hold farmers and processors liable for damages in instances where they make a good faith effort to load and transport their product on a timely basis. Farmers and processors surrender their product to a railroad for shipment to a port, but they have no ability to control its delivery and, under current program rules, they pay damages for late arrival.

As an aside, I am aware that the Department of Agriculture has relieved some PL 480 participants from damages arising from last summer's rail service difficulties in the midwest, but I don't think it prudent to leave the issue of future damages to the discretion of the Department. Farmers and processors need the certainty of knowing that they will not be liable for transportation problems beyond their control.

I ask all Members to cosponsor this legislation. The PL 480 Food for Peace Program is an important market for many farmers and processors, but under the current rules, it presents a whole host of unknowns that jeopardize future participation, especially in light of ongoing rail service problems.

SENSE OF CONGRESS ON 50TH ANNIVERSARY OF FOUNDING OF MODERN STATE OF ISRAEL

SPEECH OF

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Ms. McCARTHY of Missouri. Mr. Speaker, in commemorating the 50th Anniversary of the creation of the State of Israel, I rise to pay tribute to the pioneers and visionaries who survived the holocaust and who built this magnificent nation. Fifty years after its creation, Israel is still the lone beacon of democracy in the Middle East, and our most stalwart ally.

At midnight on May 14, 1948, the State of Israel was established as the British mandate over Palestine ended. The moment that Israel declared itself a free state, U.S. President Harry S. Truman of Independence, Missouri declared our country's support for this fledgling nation. President Truman's words still ring true. He said, "I had faith in Israel before it was established, I have faith in it now. I believe it has a glorious future before it—not just another sovereign nation, but as an embodiment of the great ideals of our civilization." On May 15, the day after President Truman recognized the state of Israel, the surrounding nations invaded to crush this newly free society.

Mr. Speaker, in 1993 I visited Israel to study their culture, their laws and their government, and I was impressed by the accomplishments of the citizens who built a thriving economy and ability to manage its diversity. Throughout all of challenges that this nation has faced, its citizens remain positive about the future and secure in their belief in democracy and personal liberty.

In 1998, 50 years after President Truman's prescient remarks, Israel is a vibrant democracy experiencing strong economic growth and a period of relative peace. As we congratulate the people of Israel on their 50th anniversary, we must not forget the mutual support and the strong ties that exist between us. As the Congressperson who represents President Truman's home, I feel a special connection to the people of Israel, and on this day I would like to congratulate them and wish them success as they decide on a common purpose that will unify the country.

PROSPECT CONGREGATIONAL CHURCH

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. MALONEY of Connecticut. Mr. Speaker, I bring to the attention of the American public and the U.S. House of Representatives an upcoming celebration in Connecticut's 5th Congressional District that commemorates the 200th anniversary of the Prospect Congregational Church in Prospect, Connecticut. The event will be during May 16th and 17th, 1998.

The Prospect Congregational Church typifies the image that most would have of churches in the New England region of our country. It is a white clapboard style structure that sits on a town green. It serves a congregation of 336, mostly from the Prospect, Waterbury and Cheshire areas, and is a member of the Connecticut Conference of the United Church of Christ, which traces its history to the Connecticut Missionary Society, founded in May, 1798. The church was organized officially on May 14th, 1798 by sixteen local residents on land owned and donated by John Lewis for the purpose of building a religious structure. The first pastor was the Rev. Oliver Hitchcock. Some fifty years later, his grandson, Rev. Joseph Payne arrived and brought new vitality to the church. Rev. Payne was related to Lyman Beecher and Harriet Beecher Stowe and through his leadership, a strong anti-slavery influence was felt in the church and throughout the community.

During the course of the past two hundred years, the Prospect Congregational Church has been housed in four different structures. These structures were necessary due to both growth of the congregation as well as to the occurrence of two fires—one on November 17, 1906 and a second one on November 29, 1941. The current structure was dedicated on July 15, 1951.

There have been 44 different pastors in the Chruch's history, including one woman, from 1957 to 1966. The current pastor, the Rev. Howard L. Hinman, has served the church since 1988.

Mr. Speaker, the Prospect Congregational Church has served as a mainstay not only for its congregation, but for the community as a whole. It has been a source of strength to individuals for two centuries and will continue to add to the civic and religious foundation that has long served the Prospect community. On behalf of the 5th Congressional District and the House of Representatives. I congratulate all members, past and present, of the Prospect Congregational Church and send best wishes for a very successful celebration of this historic event.

CONGRATULATING ISRAEL'S ANNIVERSARY

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. YATES. Mr. Speaker, my time in Congress is almost the same as Israel's birth and growth. I was elected to the House for the first time in November 1948. Israel became a Nation in May 1948. I have known all of its leaders and Ambassadors to the United States, including Yitzhak Rabin, Ben Gurion, Levi Eshkal, Golda Meir, Moshe Dayan, and the other stalwarts in a long line of patriots who have developed Israel into the splendid nation it is today.

Today, Addie and I would like to extend our profound congratulations to Israel, whose courage and dignity have been an inspiration to the world.

Happy Anniversary Israel.

FAMILY AND MEDICAL LEAVE CLARIFICATION ACT

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. FAWELL. Mr. Speaker, I rise today to introduce a bill which would make reasonable, and much needed, changes to the Family and Medical Leave Act of 1993. The Family and Medical Leave Clarification Act will help the FMLA be implemented and enforced in a manner Congress originally intended when it passed the Act in 1993.

I do not think anyone would dispute that the FMLA has done some good for those with serious family and medical crises. However, some of the troublesome results are difficult to ignore. The fact of the matter is there is compelling evidence of problems with the implementation and enforcement of the FMLA—problems which affect both employers and employees. The FMLA is still a relatively young law. In fact, the final rule implementing the Act was not published until 1995. As with any new law, there are some growing pains that need to be sorted out.

As became evident during an extensive hearing last year in the Committee on Education and the Workforce, there is evidence of myriad problems in the workplace caused by the FMLA's intermittent leave provisions, of additional burdens from overly broad and confusing regulations of the FMLA—not the least of which is the Department of Labor's ever-expanding definition of "serious health condition", of inequities stemming from employers with generous leave policies being in effect penalized under the FMLA for having those policies, and of often incomplete FMLA medical certifications filed under the Act.

Mr. Speaker, the FMLA created a Commission on Leave, which was charged with reporting the FMLA's impact. Upon release of the Commission's report in April 1996, we were told that all was well with the FMLA. But contrary to these assertions, the report was not a complete picture. In fact, the Family and Medical Leave Act Commission admitted its report was only an "initial assessment." Its 2-year study began in November of 1993, just three months after the Act even applied to most employers and more than a year before the release of final FMLA regulations in January of 1995. Simply put, the Commission's report was based on old and incomplete data, looked at long before employers or employees could have been fully aware of the FMLA's many requirements and responsibilities.

Mr. Speaker, the first area the FMLA Clarification Act addresses is the Department of Labor's overly broad interpretation of the term "serious health condition." In passing the FMLA, Congress stated that the term "serious health condition" was not intended to cover short-term conditions for which treatment and recovery were very brief, recognizing specifically in Committee report language that "it is expected that such conditions will fall within the most modest sick leave policies."

Despite Congressional intent, the Department of Labor's current regulations are extremely expansive, defining the term "serious health condition" as including, among other things, any absence of more than three days in which the employee sees any health care provider and receives any type of continuing treatment (including a second doctor's visit, or a prescription, or a referral to a physical therapist). Such a broad definition potentially mandates FMLA leave where an employee sees a health care provider once, receives a prescription drug, and is instructed to call the health care provider back if the symptoms do not improve.

Most of the leave taken under the FMLA has been for employee's own illnesses most of which were previously covered under sick leave policies. The FMLA has become a national sick leave program—contrary to the strong assertions of the bill's original supporters. Furthermore, the Department of Labor has been inconsistent and vague in its opinion letters, leaving employers guessing as to what the DOL and the Courts will deem to be "serious."

The FMLA Clarification Act reflects Congress' original intent for the meaning of the term "serious health condition',' by taking word-for-word from the Democrats' Committee report, and adding to the statute, the then-Majority's explanation of what types of conditions it intended the Act to cover. It also repeals the DOL's current regulations on the issue and directs the agency to go back to the drawing board and issue regulations consistent with the new definition.

My bill also minimizes tracking and administrative burdens while maintaining the original intent of the law, by permitting employers to require employees to take "intermittent'leave—FMLA leave taken in separate blocks of time due to a single qualifying reason—in increments of up to one-half of a work day.

Congress drafted the FMLA to allow employees to take leave in less than full-day increments. The intent was to address situations when an employee may need to take leave for intermittent treatments, e.g., for chemotherapy or radiation treatments, or other medical appointments. Granting leave for these conditions has not been a significant problem. However, the regulations provide that an employer "may limit leave increments to the shortest period of time that the employer's payroll system uses to account for absences or use of leave, provided it is one hour or less." 825.203(d). Since some employers track in increments of as small as six or eight minutes, the regulations have resulted in a host of problems related to tracking the leave and in maintaining attendance control policies. In many situations, it is difficult to know when the employee will be at work, and in many positions, an employee who has frequent, unpredictable absences can play havoc with the productivity and scheduling of an entire department when employers do not know if certain employees will be at work. Allowing an employer to require an employee to take intermittent leave in increments of up to one-half of a work day would ease the burden significantly for employers, both in terms of necessary paperwork and with respect to being able to cover efficiently for absent employees.

Where the employer does not exercise its right to require the employee to substitute other employer-provided leave under the FMLA, the FMLA Clarification Act shifts to the employee the need to request leave be designated as FMLA leave, and requires the employee to provide written application within five working days of providing notice to the employer for foreseeable leave, and within a time period extended as necessary for unforeseeable leave, if the employee is physically or mentally incapable of providing notice or submitting the application.

Requiring the employee to request that leave be designated as FMLA leave eliminates the need for the employer to question the employee and pry into the employee's and the employee's family's private matters, as required under current law, and helps eliminate personal liability for employer supervisors who should not be expected to be experts in the vague and complex regulations which even attorneys have a difficult time understanding.

With respect to leave taken because of the employee's own serious health condition, the FMLA Clarification Act permits an employer to require the employee to choose between taking unpaid leave provided by the FMLA or paid absence under an employer's collective bargaining agreement or other sick leave, sick pay, or disability plan, program, or policy of the employer. This change provides incentive for employers to continue their generous sick leave policies while providing a disincentive to employers considering getting rid of such employee-friendly plans, including those negotiated by the employer and the employee's union representative. Paid leave would be subject to the employer's normal work rules and procedures for taking such leave, including work rules and procedures dealing with attendance requirements.

Despite the common belief that leave under the FMLA is necessarily unpaid, employers having generous sick leave policies, or who have worked out employee-friendly sick leave programs with unions in collective bargaining agreements, are being penalized by the FMLA. In fact, for many companies, most FMLA leave has become paid leave because the regulations state that an employer must observe any employment benefit program or plan than provides greater rights than the FMLA. Furthermore, because employers cannot use the taking of FMLA leave as a negative factor in employment actions, such as hiring, promotions or disciplinary actions, nor can they count FMLA leave under "no fault" attendance policies, the regulations prohibit employers from using disciplinary attendance policies to manage employees' absences, even though employers are required to pay for the absences under their short-term disability programs if either the employee or the employer elects to substitute paid leave.

My bill also addresses some of the problems employers often face in determining the validity of an employee's FMLA certification, by clarifying that sufficient certification under the FMLA must include "the appropriate medical facts, which must be documented by objective medical findings."

Health care providers are accustomed to responding to telephone inquiries from employers' health care providers and the information they provide on the FMLA certification form is often internally inconsistent or does not support a finding of incapacity. The bill would require the employee's health care provider to document on the form the objective medical findings supporting the finding of incapacity. Due to the limits imposed by the Department of Labor's regulations, the employer's health care provider cannot even call the employee's health care provider if the employee declines to give permission. Nor can the employer's health care provider obtain the usual documentary support for a disability. These limitations either lead the employer to deny FMLA coverage due to lack of sufficient certification, or to grant FMLA coverage despite the lack of sufficient factual support just to avoid a dispute. This clarification would simply give the employer more information upon which to determine whether or not a leave request qualifies under the FMLA.

SINGING LANCERS—A SOURCE OF PRIDE FOR THE SPRINGFIELD COMMUNITY

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. HYDE. Mr. Speaker, the choirs of Lee High School in Springfield, Va. drew words of praise from faculty and community residents following their participation in the competitive April 17 Boston Music Festival.

Every year the group competes in Music Festivals representing Lee High School and the community's finest youth. Under the direction of Mr. G. Lindsey Florence, the Singing Lancers, known for their high standards of music excellence, returned from the April 17 competition holding their silver and bronze trophies high with pride. The Madrigals and Ladies Chamber Choir carried the Silver and the Concert and Lee Freshmen Choirs held the Bronze. This is an exceptional honor because the four choirs' performance were adjudicated on a college and professional level by a panel of three judges.

Their achievement deserves recognition, and it gives me great pleasure to acknowledge each of these fine young men and women. Congratulations to: Matt Aberant, Denise Absher, Karen Albers, Jessica Alonzo, Amanda Anderson, Kristine Antiporda, Mary Assad, Hyun Bae, Lena Berdecia, Katie Brado, Kelly Brehm, Lauren Buchanan, Ashley Bush, Nicki Clark, Rachel Cooper, Liz Cego, LIndsay Cronin, Rachel Cully, Jeni Davis, Abigail Dosh, Kelly Dreier, Mary Fitzgerald, Ashley Flanders, Heather Flemming, Kristine Foulkes, Kyle Freesland, Chris Fritz, Reagan Goodman, Brian Gresham, Rachel Griffin, Kristen Hampton, Chipp Hewitt, Dan Hinson, April Holloman, Michelle Hudgens, Brandy Hume, J.P. Javier-Wong, Tim Jeffers, Erlend Johnson, Dan Kim, Tasha Kulenguski, Peter Laver, Danielle Lawson, Mike Lazear, Darice Lee, Natalie Lent, Amanda Lindberg, Jennifer Little, Madeline Mace, Candace Mallon, Courtney Mallon, Chris Marfori, Maggie Martin, Tara McCabe, Heather McKay, Darin McMillen, Dave McMullin, Meg Meyer, Abby Meyer, Carrie Moore, Jason Morgan, Shaun Newman, Jared Orton, John Oudomsouk, Tim Parsons, Alicia Perretti, Jessica Piansky, Rachel Plowman, Michelle Poling, Jason Potts, Leslie Potts, Alicia Powell, Lindsay Powers, Anna Ramedo, Davis Reynolds, Ian Richmond, Brook Rubeor, Amy Simpson, Julie Saholsky, Jenny Sellers, Liz Shwaery, Sara Sikorra, Leslie Simpson, Beth Sivola, Justin Smallwood, Kirstin Stamper, Julie Stoops, Stacey Stratton, Dawn Thompson, Christal Wells, Mellissa Wilkerson, Sarah Wills, Eric Womac, Kelsey Wright, and Christina Yip.

PALCARE—MODEL CHILD CARE CENTER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. LANTOS. Mr. Speaker, last week President Clinton delivered an important address in the Rose Garden about the critical need for quality, affordable child care in our country. The President reviewed several ideas and proposals designed to meet this demand, contending that we have "to act on the overwhelming weight of the evidence about the importance of the earliest years in the child's life."

I wholeheartedly agree with President Clinton, and I believe that I can point him to an outstanding example of what can and should be done. Palcare in Burlingame, California, is an exceptional, nonprofit child care center designed to address the most serious concern that dual-income and single-parent families in the Bay Area are forced to confront—the need to ensure a safe, nurturing environment for their children. I visited Palcare last month and came away with an immense appreciation for its educational excellence, its devoted staff, and, most of all, its invaluable assistance to mothers and fathers from across the Peninsula.

I am delighted to congratulate Palcare on the fifth anniversary of its opening and on its exceptional record of community service in San Mateo County.

As our country has shifted from an industrial to a service-based structure, the traditional one-income family has become more the exception than the rule, and 9-to-5 work days are increasingly becoming a rarity. Many single parents hold three or more jobs, struggling to create a positive environment for their children while fighting to earn the financial resources to feed them, clothe them, and educate them.

Palcare responds to their social dilemma described by former U.S. Secretary of Labor Robert Reich during a visit to the child care center in 1995: "Finding good child care is a challenge for everyone, but it's compounded by nonstandard hours. Our service-based economy is increasingly running 24 hours. Parents are required to work early in the morning, nights and on weekends."

Mr. Speaker, this excellent child care center provides the highest quality service night and day, seven days per week, for over two hundred families. It enhances the work force by enabling parents to take jobs they would otherwise be unable to accept; it gives our youngest citizens a constructive educational milieu in which to grow; and, perhaps most important, Palcare allows mothers and fathers employed at the San Francisco International Airport and its surrounding communities to work without fear for the safety and well-being of their sons and daughters.

Palcare's origins reflect the diverse coalition of Bay Area organizations that rely on its vital work. Corporations and labor unions, public interest groups and private foundations, county and local governments alike joined together during the late 1980's and early 1990's with the goal of reducing pressure on working parents. These disparate elements disagreed on many political and economic issues, but they were united in their vision of the benefits which hard-working mothers and fathers were entitled to receive.

They wanted a top-notch, secure facility with the space and comfort to serve as a cocoon for the intellectual, social, and physical development of young children; an educated and motivated staff with an Early Childhood Educator devoted to each and every boy and girl; a level of flexibility to accommodate the complex and hectic work schedules of single parents and multiple-income families, and a measure of affordability that would allow mothers and fathers to avoid painful choices between important parenting priorities. These ideals guided the creation of Palcare and formed a combination of values which has resulted in Palcare's extraordinary success over the past five years.

Mr. Speaker, to give credit to all of the individuals and organizations that have contributed to Palcare's growth and acclaim would require a book, but I want to mention some of the key ones. Its Founding Partners, the varied array of interests determined to develop a solution for the area's child care crisis, deserve special recognition: United Airlines, the San Francisco International Airport, the Airport Labor Coalition, San Mateo Country government, the City and County of San Francisco, Mills Peninsula Health Services, The Child Care Coordinating Council, the San Mateo Central Labor Council, and The United Way. This partnership has been bolstered by many large and small employers from throughout the Bay Area who have contributed generously to Palcare's scholarship fund to dilute the financial burden on working parents, and who have donated valued supplies and services to the center. Recent benefactors have included The Gap Foundation, PG &E, Xerox Corporation, and the Visa Corporation.

The organization has also been blessed by the sincere efforts of Palcare Parents, several of whom sit on the 21-person Board of Directors and many of whom formed an active Parent Advisory Committee to suggest improvements to the center. Above all, Palcare is the product of its talented and nourishing staff under the leadership of Executive Director Nirmala Dillman. Mr. Speaker, these fine individuals and bodies stand proudly as a model for child care providers and community leaders across America.

I am joined in my appreciation of Palcare by many impressive entities. The center has been recognized by the Women's Bureau of the Departmental of Labor, the Association of Work/Life Professionals and the California Association for the Education of Young Children as an example for others to emulate. These experts are exceeded in the degree to which they cherish Palcare only by the mothers and fathers who draw comfort and security from its services. Art Pulaski, a good friend of mine who is Executive Secretary-Treasurer of the California Labor Federation, AFL–CIO, and a Palcare Parents, said: "The thing I think about most is my kids—that they're safe, well cared for, and happy. It's important to me that they are prepared for school, academically as well as socially."

For the sake of Art's son, Luke, and for all of the other Bay Area families that value its services, it is a privilege and honor for me to congratulate Palcare on five years of invaluable contributions, and to express my hope that every parent in America will eventually have access to the type of care which Palcare so ably provides for our community.

IN CELEBRATION FOR THE 200TH ANNIVERSARY OF THE FIRST PRESBYTERIAN CHURCH OF CHESTER, NEW YORK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to call attention to the 200th anniversary of the First Presbyterian Church of Chester, NY.

For two hundred years the First Presbyterian Church has served the community of Chester, bringing neighbors, friends and the community as a whole together. The church has been instrumental in the development of Chester, helping to educate and fill the spiritual needs of residents and families throughout the region.

The First Presbyterian Church is truly a remarkable organization, built in 1798 the church has been an active part of Chester's community. Beyond its normal church activities the church provides: a nursery school, a food pantry and also sponsors a local boy scout troop.

Mr. Speaker, I would like to extend my congratulations to Rev. Karen Patricia to her church councils, and her congregation for the 200th anniversary of their important and noteworthy church. I would also like to take this opportunity to invite my colleagues to join with me in recognizing the great contributions of the First Presbyterian Church in Chester, NY.

HONORING OUTSTANDING HISPANIC BAYTONIANS

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. BENTSEN. Mr. Speaker, I rise to honor 50 outstanding hispanic individuals and organizations who will be recognized May 1, 1998 in special programs at Exxon, Lee college, and San Jacinto Mall in Baytown, TX. These individuals and organizations are historical pioneers who have helped pave the way for Baytown's growing and vibrant community. As the citizens of Baytown and Texas celebrate the first 50 years of this great Texas city, we also honor the following hispanic Baytonians for their leadership and commitment to the future of the Baytown Hispanic community:

Mayor Pete Alfaro, Antonio Bañuelos, Bañuelos Boys Band, Baytown Mexican School, Baytown Mexican War Heroes killed in action, (Don) Fermin Beltran-Juarez, The Honorable Eva Benavides, The Honorable Tony Campos, U.S. Marshall Art Contreras, Amelia deHoyos, Guadalupe Aleman deHoyos, Ruben deHoyos, Councilman Manuel Escontrias. Manuel Espinoza, Jr., Gilberto Garcia, Frank Gonzalez, Sr., Luciano and Manuela Gonzalez, Regina Gonzalez-Martinez, Hispanic Chamber of Commerce of Greater Baytown, Humble 997 Baseball Team, Ladies Auxillary—Sociedad Mutualista, La Tipica Orchestra Fem., Las Guadalupanas, Mexican American Graduating Seniors (M.A.G.S.), Pioneer Mexican Laborers, Jose and Virginia Moreno, Marta Moreno, Willie Moreno, Alfonso Nava, Vicente Nieto, Aurora Porter, Ignacio Ramirez, Sr., Eugenia Renteria, Pablo Reyna, Ambrose Rios, Jr., Eugenia Renteria-Rios, Feliciano Rios, M.D., Freddy Rios, Geneva Renteria-Rios, Janie Salinas-Bricker, Rufo Sanchez, Hilda Sandoval-Pena, Eugenio Santana, Sr., Sociedad Mutualista, Rudolph Torres, Eloy Valdes, Lucas Vegas, Jr., Elena R. Vergara, George Zamora, Mercedes Zamora.

I congratulate these outstanding citizens and organizations and commend them on their many contributions to the City of Baytown and the Hispanic community.

HAPPY 100TH BIRTHDAY TO MRS. REGINA HIEBEL

HON. JAY W. JOHNSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. JOHNSON of Wisconsin. Mr. Speaker, today, it is my great honor and pleasure to wish a very happy birthday to Mrs. Regina Hiebel of Appleton, Wisconsin on the occasion of her 100th birthday. Mrs. Hiebel will reach the century mark on May 8 of this year, an incredible milestone.

She has lived to enjoy what Cicero called "the crown of life." She is blessed by many years, and all who spend time with her are blessed by her company. Mrs. Hiebel's friends know her to be kind and fascinating and courageous. I am even told that she elected to have surgery at the tender age of 92, a brave decision indeed.

Mrs. Hiebel continues to lead a vibrant life. Even in her most recent years, she has traveled the country, and her friends tell me she still has meals with friends every day and has her hair done every week.

I know all of Appleton and the people of Northeast Wisconsin join me in wishing Regina Hiebel a happy, happy 100th birthday.

GRAND JURY REPORT ON THE 1993 SPECIAL ELECTION FOR THE SECOND SENATORIAL DISTRICT SEAT

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. PITTS. Mr. Speaker, today I would like to submit into the record the findings of the Ninth Statewide Investigating Grand Jury's Report relating to the 1993 Special election for the Second Senatorial District Seat in Pennsylvania.

This election case serves as a grotesque example of the potential for voter fraud and abuse in our election system. This Grand Jury has taken an indepth look at voter fraud in Pennsylvania and its report should compel us to review voting practices and affirm voter protection and fairness across the country.

As the attached information discloses, voter fraud can have broad abuses in the areas of PAC activities, false voter registration, absentee ballot irregularities, election certification processes, and candidate activities at the polling place.

Mr. Speaker, in every elective office of the United States, from President to Township Supervisor, we must maintain the integrity of the voting booth. If the voting booths cannot be a place of integrity and if Americans cannot cast their ballots knowing that the winner will ultimately be one who has garnered the most votes in a fair competition, then our democracy is in danger.

HOUSE OF REPRESENTATIVES,
COMMONWEALTH OF PENNSYLVANIA,
Harrisburg, April 6, 1995.

SUBJECT: Public Hearing on the Ninth Investigating Grand Jury's Report Relating to the 1993 Special Election for the Second Senatorial District

TO: Members of the House State Government Committee

FROM: The Hon. Paul I. Clymer, Chairman, House State Government Committee

The following is an overview of the Ninth Investigating Grand Jury's report relating to the 1993 special election for the Second Senatorial District seat. This overview includes a summary of the major issues reviewed by the Grand Jury, as well as findings and recommendations for legislative, executive and administrative action. You may want to pay particular attention to the recommendations. I've also enclosed a copy of the original text of the grand jury's recommendations.

As you know, the grand jury's report is the subject of the State Government Committee's April 10 hearing, scheduled for 10 a.m. in Room 140 of the Main Capitol Building. Please bring this information to the hearing with you. If you have any questions in the meantime, do not hesitate to contact Susan Boyle at 772–3465 (2–3465).

THE NINTH STATEWIDE INVESTIGATING GRAND JURY'S REPORT NO. 2 RELATING TO THE 1993 SPECIAL ELECTION FOR THE SECOND SENATORIAL DISTRICT SEAT

INTRODUCTION

In December 1993 the Ninth Statewide Investigating Grand Jury began its investigation of allegations of criminal activity with regard to the special election for the Second

Senatorial District seat held on November 1, 1993. The investigation began with an inquiry into reports and complaints of allegedly widespread illegalities in absentee voting. Those allegations involved: 1) improper distribution of absentee ballots where no application for such ballot had been made; 2) the distribution of absentee ballots to individuals not entitled to them; 3) use by these individuals of these ballots; and 4) forgery of absentee ballot related documents.

During the course of the investigation, other matters of concern came to light. They included: 1) allegations of questionable political action committee (PAC) activities; 2) allegations that WAM grant checks were provided to one of the candidates for distribution during campaign appearances; and 3) allegations that arrangements were made to have one of the candidates travel to Harrisburg to be sworn in before the election board even certified his victory.

The grand jury investigated each of these matters. In some instances, where the grand jury found criminal conduct and was able to identify the persons responsible, it recommended the initiation of criminal proceedings. In other instances, the grand jury recommended legislative, executive or administrative action to correct certain problems or perceived problems.

FINDINGS—THE STINSON CAMPAIGN AND ABSENTEE BALLOTS

The grand jury found that the campaign of candidate William Stinson made a concerted effort to generate absentee ballots. The campaign's strategy involved the extensive handling of both absentee ballot applications and ballot packages by campaign staff and volunteers. The ultimate goal was to generate a large number of ballot applications and submit them to the Philadelphia Board of Elections immediately prior to the deadline so that the Bruce Marks campaign would not have time to mount its own absentee ballot effort.

Individuals, many of whom were in dire need of money, were recruited by campaign staff and volunteers to go door to door and solicit ballot applications. They were paid $1.00 per application generated. Many voters were told that, in filling out the applications, they were signing up for a "new way to vote." A number of the applications generated through this drive were not filled out properly and thus were rejected by the Board of Elections. Because of the sheer volume of absentee ballot applications generated and the fact that most of them were submitted either on or very close to the application deadline, many applicants were never made aware that their applications were rejected by the Board of Elections and thus were disenfranchised. Even more startling, is the fact that Stinson volunteers also rejected absentee ballot applications that were improperly completed.

Stinson campaign workers also obtained absentee ballot packages for delivery to applicants. Despite a 1978 memo from then-DA Ed Rendell to City Commissioner Marge Tartaglione indicating that such a practice violates the Election Code, all of the City Commissioners and many of their staff confirmed that the hand delivery of absentee ballots to applicants was a common practice.

FINDINGS—OTHER ABSENTEE BALLOT IRREGULARITIES

The grand jury found that lies and misrepresentations were used by Stinson campaign volunteers, as well as by others who were not affiliated with the campaign, to entice voters to sign absentee voter applications. Many voters who signed applications were not even told why they were doing so. Others were not even asked if they met the qualified absentee elector criteria set forth in the Election Code. Some voters allowed campaign workers to fill out portions of their absentee ballot and/or declaration envelope. In fact, some campaign workers went so far as to tell voters how to vote. Even more disturbing, a number of registered voters indicated that their signatures—on either the absentee ballot applications or the ballots themselves (or both)—had been forged.

FINDINGS—FALSE VOTER REGISTRATION

The grand jury found instances in which individuals who did not live in the Second Senatorial District were registered to vote there. In a number of cases, these voters used the registration address of the home of the judge of elections or committee person.

FINDINGS—EFFECTS OF FRAUDULENT ACTIVITY ON THE VOTING PROCESS

The above-referenced fraudulent activities had a significant impact on the electoral process, according to the grand jury. The most egregious effects include:

* voters were, at best, mislead, at worst, disenfranchised;

* fraudulent votes were cast and counted;

* by personally delivering ballots to voters, campaign workers were able to accompany the absentee voter into his personal voting space.

FINDINGS—ELECTION CERTIFICATION PROCESS

The grand jury found that, although the Philadelphia City Commissioners and the State Senate did not violate criminal law in their certification and swearing in of candidate Stinson, the handling of these processes was rather "unusual." Candidate Marks' absentee ballot challengers were not permitted to testify before the City Commissioners during their certification meeting. The challenges, said Commissioner Talmadge, should have been made by poll watchers at the polling place, as required by the Election Code.

The Commissioners apparently certified Stinson first, after hearing only one witness. In the meantime, Stinson had been instructed to go to Harrisburg the night before so that he would be readily available to be sworn in. In fact, Marks was in the process of appealing the Commissioners' ruling when Stinson was sworn in. The grand jury suggested that this chain of events might lead one to believe that everything was prearranged and that the various decisions made in the certification process were based on partisan politics.

FINDINGS—POLITICAL ACTION COMMITTEES

The grand jury examined the activities of both the FDR Federation PAC and the Committee of 17 PAC. The FDR Federation PAC put out a brochure which was targeted to Jewish voters in the Second Senatorial District and which featured a number of Jewish candidates, including Bruce Marks. Witnesses involved with this PAC admitted that it was established specifically for the purpose of putting out the brochure. The PAC had two members, neither of whom played an active role in making policy decisions relating to the brochure. Decisions relating to the PAC and the brochure were made by Senate Republican campaign staff. The grand jury did not consider the FDR Federation PAC a true PAC as defined in the Election Code. Rather, its members agreed, the PAC served as a front for the Senate Republican Campaign Committee.

The Committee of 17 PAC was created by William Stinson. Not only did the PAC's officers fail to register the PAC and file campaign expense reports in accordance with law, but Stinson's wife forged a number of checks by signing the PAC treasurer's name. The grand jury compared this PAC to the FDR Federation PAC, in that no one associated with the PAC had any idea what its purpose was and that it was controlled by a third party; in this case William Stinson.

FINDINGS—CANDIDATES' ACTIVITIES AT THE POLLING PLACE

The grand jury learned that candidate Stinson was involved in a number of questionable activities on election day. Not only did he open and close voting machines for his mother, who is the judge of elections for the 33rd Ward, 13th Division, but he allegedly opened and read a number of absentee ballots. The grand jury asserted that these activities are prohibited by the Election Code and, thus, recommended that Stinson be charged with certain violations of the Code. He was subsequently tried and found not guilty.

RECOMMENDATIONS FOR LEGISLATIVE, EXECUTIVE AND ADMINISTRATIVE ACTION

The following is a list of recommendations for legislative, executive and/or administrative action made by the grand jury. The recommendations are based on the findings summarized above.

1. The Office of Attorney General should continue to investigate the allegations brought to light in the grand jury report.

2. The Election Code should be amended to specifically prohibit the payment of monetary incentives to individuals who solicit absentee ballot applications and/or distribute absentee ballots.

3. The elected office of City Commissioner of the City of Philadelphia should be abolished. The "ministerial acts" of registering voters, approving applications for absentee ballots and counting votes should be performed by civil service employees, not partisan politicians.

4. The Election Code specifically provides that any elector whose absentee ballot application is rejected by notified immediately of such action. To the extent that there is any ambiguity in the language of this section of the Code, the grand jury recommends that the Election Code be amended to require that this notification be made directly to the elector.

5. The Election Code should be amended to prohibit anyone other than employees of the City Commissioners' office from delivering absentee ballots to voters and delivering completed ballots to the Board of Elections.

6. The Election Code should be amended to establish a procedure whereby an absentee elector could designate an "agent" to deliver his or her absentee ballot application, obtain the absentee ballot from election officials, return it to the elector and/or return the completed ballot to election officials upon its completion.

7. The General Assembly should review existing classes of absentee voters and determine if additional classes of voters should be permitted to vote by absentee ballot.

8. The General Assembly should review the laws relating to challenges to absentee ballots and consider establishing a procedure for dealing with allegations of massive or organized absentee ballot fraud. Present law provides adequately for individual challenges but not for allegations of mass fraud.

9. The grand jury asserts that, under no circumstances should a candidate or members of his or her immediate family be involved in the opening/closing of polls or the

canvassing of votes, and recommends that the General Assembly amend the Election Code to specifically criminalize such activities.

10. The General Assembly should amend the Election Code to "better define" the terms "political committee" and "political action committee" and to make it a crime to use one political committee or PAC to hide the activities of another political committee or PAC.

11. The General Assembly should be amended to more clearly provide for the duties and responsibilities of PAC officers, particularly the chairman and treasurer. In particular, the Election Code should identify the officer responsible for registering political committees and for filing all of the reports required of such committees.

12. The General Assembly should enact legislation prohibiting governmental officials or employees from requesting that their subordinates engage in political activity.

13. The four caucuses of the General Assembly which distribute WAM grants should take steps to prohibit the distribution of such monies by non-incumbent candidates for public office for political purposes.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 30, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 1

9:00 a.m.
Finance
To continue oversight hearings to examine the operation of the Internal Revenue Service.
SH-216

MAY 4

4:00 p.m.
Armed Services
Personnel Subcommittee
Closed business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for Fiscal Year 1999.
SR-222

MAY 5

9:30 a.m.
Armed Services
Airland Forces Subcommittee
Closed business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for Fiscal Year 1999.
SR-232A

Commerce, Science, and Transportation
To hold hearings on the nomination of Deborah K. Kilmer, of Idaho, to be an Assistant Secretary of Commerce.
SR-253

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To resume hearings on S. 1253, to provide to the Federal land management agencies the authority and capability to manage effectively the federal lands in accordance with the principles of multiple use and sustained yield.
SD-366

10:00 a.m.
Labor and Human Resources
To hold hearings on the sucess of the SAFE KIDS Campaign after its 10 years of implementation.
SD-430

Joint Economic
To hold hearings on the International Monetary Fund (IMF) and international economic policy.
Room to be announced

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs.
Room to be announced

11:00 a.m.
Armed Services
SeaPower Subcommittee
Closed business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for Fiscal Year 1999.
SR-222

2:00 p.m.
Labor and Human Resources
Children and Families Subcommittee
To hold hearings to examine proposals to expand opportunities for community and neighborhood parntherships through the Community Services Block Grant program.
SD-430

2:30 p.m.
Armed Services
Readiness Subcommittee
Closed business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for Fiscal Year 1999.
SR-222

3:15 p.m.
Armed Services
Acquisition and Technology Subcommittee
Closed business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for Fiscal Year 1999.
SR-232A

6:00 p.m.
Armed Services
Strategic Forces Subcommittee
Closed business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for Fiscal Year 1999.
SR-232A

MAY 6

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold oversight hearings on the Common Carrier Bureau of the Federal Communications Commission.
SR-253

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the U.S. Pacific Command.
SD-192

Armed Services
Closed business meeting, to mark up a proposed National Defense Authorization Act for Fiscal Year 1999.
SR-222

Indian Affairs
To resume hearings to examine the status of tribal sovereign immunity and the role its plays to preserve the Federal Government's protection of tribal self-government, and its impact on Indian economic development, commercial dealings, and taxation, focusing on S. 1691, to provide for for Indian legal reform.
Room to be announced

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 94 and H.R. 449, bills to provide for the orderly disposal of Federal lands in Nevada, and for the acquisition of certain environmentally sensitive lands in Nevada.
SD-366

MAY 7

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine agricultural trade policies.
SR-332

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Science Foundation, and the Office of Science and Technology.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Executive Office of the President.
SD-192

10:00 a.m.
Armed Services
Closed business meeting, to continue to mark up a proposed National Defense Authorization Act for Fiscal Year 1999.
SR-222

2:00 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on S. 1089, to terminate the effectiveness of certain amendments to the foreign repair station

rules of the Federal Aviation Administration, focusing on a recent GAO report regarding aviation repair stations.
SR-253

Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on titles VI, VII, VIII, and XI of S. 1693, to renew, reform, reinvigorate, and protect the National Park System.
SD-366

MAY 8

9:30 a.m.
Joint Economic
To hold hearings to examine the employment-unemployment situation for April.
1334 Longworth Building

MAY 11

2:00 p.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD-192

MAY 12

9:30 a.m.
Indian Affairs
To hold hearings on proposed legislation to revise the Indian Gaming Regulatory Act of 1988, focusing on lands into trust for purposes of gaming.
Room to be announced

2:00 p.m.
Foreign Relations
To hold hearings on S. 1868, to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted for their faith worldwide, to authorize United States actions in response to religious persecution worldwide, to establish an Ambassador at Large on International Religious Freedom within the Department of State, a Commission on International Religious Persecution, and a Special Adviser on International Religious Freedom within the National Security Council.
SD-419

MAY 13

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD-192

MAY 14

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on the Department of Agriculture's Year 2000 compliance.
SR-332

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on titles IX and X of S. 1693, to renew, reform, reinvigorate, and protect the National Park System, and S. 1614, to require a permit for the making of motion picture, television program, or other forms of commercial visual depiction in a unit of the National Park System or National Wildlife Refuge System.
SD-366

MAY 20

10:00 a.m.
Indian Affairs
Business meeting, to mark up S. 1691, to provide for Indian legal reform.
SR-485

MAY 21

2:00 p.m.
Energy and Natural Resources
Energy Research and Development, Production and Regulation Subcommittee
To hold hearings on S. 1141, to amend the Energy Policy Act of 1992 to take into account newly developed renewable energy-based fuels and to equalize alternative fuel vehicle acquisition incentives to increase the flexibility of controlled fleet owners and operators, and S. 1418, to promote the research, identification, assessment, exploration, and development of methane hydrate resources.
SD-366

OCTOBER 6

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs on the legislative recommendations of the American Legion.
345 Cannon Building

POSTPONEMENTS

APRIL 30

2:00 p.m.
Judiciary
To hold hearings on S. 1645, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions.
SD-226

HOUSE OF REPRESENTATIVES—*Thursday, April 30, 1998*

The House met at 10 a.m.

The Reverend Thomas Kuhn, Church of the Incarnation, Centerville, OH, offered the following prayer:

Father, as we look around us, we see signs of the love that You have for this great Nation of ours. But as we look at the many blessings we have, we know that You are also calling on us to share those blessings with others.

You made us the most powerful Nation on earth so that we could be a kind and gentle people, ready to help and protect those who are unable to protect themselves.

You made us strong so that we could guarantee that all people enjoy the rights and freedoms that You gave them. May we work that no one is enslaved to prejudice and hatred.

You gave us this great power so that we might prosper and grow. May we share our blessings with those who are homeless and poor and hungry and be always ready to help those who need us the most.

You gave us great strength so that we may never tire in the search for peace in the world. In a world where there seems to be a never ending source of conflict between nations, may we have the strength to persevere in the search for that peace.

Watch over and strengthen this House of Representatives that they may always work for the common good of our Nation and the world. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

> H.J. Res. 102. Joint resolution expressing the sense of the Congress on the occasion of the 50th anniversary of the founding of the modern State of Israel and reaffirming the bonds of friendship and cooperation between the United States and Israel.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 2646. An act to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2646) "An Act to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ROTH, Mr. MACK, Mr. COATS, Mr. GORTON, Mr. COVERDELL, Mr. MOYNIHAN, Ms. MOSELEY-BRAUN, Mr. KENNEDY, and Mr. BINGAMAN, to be the conferees on the part of the Senate.

The message also announced that pursuant to section 4355(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the United States Military Academy:

The Senator from Indiana (Mr. COATS), from the Committee on Armed Services, and the Senator from Texas (Mrs. HUTCHISON), from the Committee on Appropriations.

The message also announced that pursuant to section 4355(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the Senator from Rhode Island (Mr. REED), At Large, to the Board of Visitors of the United States Military Academy.

The message also announced that pursuant to section 6968(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the United States Naval Academy:

The Senator from Arizona (Mr. MCCAIN), from the Committee on Armed Services, and the Senator from Mississippi (Mr. COCHRAN), from the Committee on Appropriations.

The message also announced that pursuant to section 6968(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the United States Naval Academy:

The Senator from Maryland (Ms. MIKULSKI), from the Committee on Appropriations, and the Senator from Maryland (Mr. SARBANES), At Large.

The message also announced that pursuant to section 9355(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the United States Air Force Academy:

The Senator from Idaho (Mr. KEMPTHORNE), from the Committee on Armed Services, and the Senator from Montana (Mr. BURNS), from the Committee on Appropriations.

The message also announced that pursuant to section 9355(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the United States Air Force Academy:

The Senator from South Carolina (Mr. HOLLINGS), from the Committee on Appropriations, and the Senator from Georgia (Mr. CLELAND), At Large.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HULSHOF). The Chair will recognize 5 one-minutes on each side.

A RIGHT TO KNOW

(Mr. DELAY asked and was given permission to address the House for 1 minute.)

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. DELAY. Mr. Speaker, it was Theodore Roosevelt who said in his third State of the Union address:

> No man is above the law and no man is below it; nor do we ask any man's permission when we require him to obey it. Obedience to the law is demanded as a right, not asked as a favor.

President Clinton should have kept that quote in mind before he invoked executive privilege. When Janet Reno appointed Ken Starr to investigate the various scandals that have beset the administration, he promised to follow the rule of law. He has done so despite the best efforts of the President's attack dogs to discredit him.

The American people have a right to know the truth about the actions of the President and all the President's men. They have a right to know that the rule of law is still being followed in the White House.

No man is above the law, no matter how often the President invokes executive privilege.

CONCERNING REMARKS OF SPEAKER GINGRICH IN MONDAY SPEECH

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, ideally we are able to put aside our partisan interests and consider the people's business, if not with a blank slate, at least with an open mind. The Speaker of the House has an even greater duty. He not only represents his district and his party but he represents the integrity of the House of Representatives for all Members.

This Monday the Speaker delivered a speech in which he accused unnamed presidential advisers of being unpatriotic, accused Members of the Committee on Government Reform and Oversight for voting for a cover-up, urged the President and unnamed members of our party to quit undermining the law in the United States, and declared that in the last 2½ years we have lived through the most systematic, deliberate obstruction of justice, cover-up and effort to avoid the truth we have ever seen in American history. These remarks, which demean the office which he is privileged to hold, were repeated in the well of the House.

The Speaker noted in the same speech that America is a Nation under the rule of law and that no person is above the law. I fully agree with his comments. But speeches are empty sentiments unless they are practiced through our public behavior. There is more to the rule of law than after-dinner rhetoric. The rule of law requires impartial and competent investigations. It assumes the Speaker will not prejudge the results of these investigations. It requires, if not charity towards all, at least an absence of malice.

The Speaker's remarks have shown that he falls far short of this standard. I have sent him a letter and asked him here today to recuse himself from all further actions connected with this investigation. We must restore a sense of fairness to this process and integrity to this House.

RECOGNIZING FIRST UNITED PRESBYTERIAN CHURCH OF COLLINSVILLE, ILLINOIS, ON ITS 175TH BIRTHDAY

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize an event that will occur in my hometown of Collinsville, Illinois. On May 3 of this year, the First United Presbyterian Church of Collinsville will celebrate its 175th birthday. It is the oldest church in continuous existence in Madison County. Informal worship services began in 1818, the year Illinois became the 21st State.

To honor this celebration, the church is having at least one special program a month from February through July. Each month a different group within the church will lead services. The first program in February was a reenactment of a Society Meeting in the style which was held in the 1800s. Many members of the congregation dressed for the occasion in period pieces, including the pastor and members of the choir.

Besides a special service on May 3, the actual date of the organization of the congregation, there will be programs to honor the church-related Glenwood Cemetery, established in 1822, on May 16 and 17. These celebrations are geared so that members of the congregation will have the opportunity to share with the community and rejoice in the blessings that God has given them.

SHAME IN THE MAKING

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, and now I mean Speaker GINGRICH, you have begun personal attacks on the President. Mr. Speaker, you have told your Republican cash cow GOPAC that the President is obstructing justice. By stating your attacks on the President in a partisan manner, before a partisan group, you have shown that you cannot lead the House in a fair and impartial manner in any review of any inquiry. In fact, it appears that you have already reviewed the alleged facts and you have prejudged and you have made yourself judge and jury.

Mr. Speaker, let us stick to the facts, not by GOPAC but just the facts. But instead, Mr. Speaker, even a Roll Call editorial calls your actions "Shame In The Making." Let us not bring shame to this House. You have a responsibility to lead, not mislead. You should be a statesman without prejudging any inquiry.

Instead you have become a lightning rod of partisanship. Just over a year ago, we had to reprimand you and fine you over $300,000 for bringing shame and disrespect to this House. Do we have to go down that shameful road again? Do not bring shame and disrespect to this House, Mr. Speaker, by your personal attacks.

AMERICAN PEOPLE HAVE A RIGHT TO KNOW WHY FOREIGN FUND-RAISING INVESTIGATION IS BEING BLOCKED

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, with regard to the House investigation on the use of illegal foreign money in the last election by the DNC, over 90 people involved with the fund-raising have either taken the fifth amendment or fled the country to avoid testifying. This fact alone points to extensive illegal activity.

The only way the American people are going to get to the truth is if we grant immunity to some of these witnesses who know firsthand what happened. Why do some Members want to block a full investigation? The Justice Department agreed to immunity for every witness on whom we voted. The Justice Department had no objection.

The only reason to vote against immunity is to keep those witnesses from telling the American people what happened. Why would some Members want to be involved in covering up that? The Members should stop voting to block immunity and stop putting up roadblocks so we can get to the truth. The American people deserve the truth. The American people have the right to know what happened and who was responsible.

DOES OUR CHINESE FOREIGN POLICY MAKE ANY SENSE?

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, when it comes to China, the wheel is turning but the hamster is dead. Check this out. China rips us off for $60 billion a year. Then they steal our nuclear and missile technology. Then they sell that technology and those missiles to our enemies. Then the White House, they panic, and they spend billions of dollars to protect America from Chinese missiles pointed at us by our enemies, missiles that were financed by American dollars.

□ 1015

Unbelievable.

Some of these foreign policy gurus must have fallen into the gene pool when the lifeguard was not looking, my colleagues.

If this is a policy, I am a fashion leader.

I want to say one last thing: I want to yield back any national security we have left, and if this policy with China makes any sense, then we all need a lobotomy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HULSHOF). The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

DEMOCRATS STONEWALLING THEIR OWN JUSTICE DEPARTMENT

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, the House Committee on Government Reform and Oversight would like to grant immunity to Nancy Lee, Larry Wong, Irene Wu and Kent La and get their testimony so that Congress can learn the facts about illegal campaign contributions in the 1996 presidential election. The Justice Department does not oppose the granting of immunity to these four key witnesses, but the Democrats on the committee refuse, refuse to grant immunity to these four witnesses.

How can this be defended? It cannot. This is the same people who cry partisanship whenever any investigation into the allegations of wrongdoing are investigated and the same people who are not only defending the White House stonewalling but now stonewalling their own Justice Department.

I must grant the Democrats this, they really do know how to play hardball, but this is the same people who have tried to destroy the reputations of Judge Robert Bork and Judge Clarence Thomas and now Judge Ken Starr are now the same people who stand silent and motionless in the face of massive evidence of White House stonewalling and round-the-clock spin.

Stop the stalling and stop the spin so the American people can get to the truth.

LISTEN TO THE VOTERS OF THE DISTRICT OF COLUMBIA

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am very glad to be here with my daughter for a day, Demika, who is a student at Brown Middle School; and I am here this morning because I wanted us to have a reasonable debate, Mr. Speaker, on this very important question of vouchers in schools.

Mr. Speaker, I think it is extremely important that we are reasonable because, if we are not reasonable, then we do not help those young people who, in fact, need to be educated. When one of our colleagues across the aisle compares public school education to communism, then we are unreasonable.

When the schools in D.C., private schools, cost on an average $12,000, a $2,000 voucher is not going to happen and not going to help children. In fact, it is $3,200. Only 2,000 children are going to be able to be helped. This drains money from our public school system.

Mr. Speaker, the District of Columbia has already voted against vouchers; and if I was to ask those in the District of Columbia, I would imagine, Mr. Speaker, they would ask us to help them educate their children, help them support public schools. I would ask that we listen to the voters of the District of Columbia and not vote for D.C. vouchers.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members of the House are reminded it is a violation of House rules to call attention in debate to any guests of the House in the Chamber.

WHY ARE THE DEMOCRATS STONEWALLING THEIR OWN JUSTICE DEPARTMENT?

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, as my colleagues know, Democrats are saying the American people are tired of talking about White House scandals. Well, congressional investigators are even more tired of the stonewalling, lack of cooperation and extraordinary memory loss that seems to afflict Harvard and Yale Law School graduates whenever they are called to testify. I believe the American people are stunned by the evasions, the retractions, the utter devotion to spin over truth coming out of this White House.

Mr. Speaker, it is Democrats on the House Committee on Government Reform and Oversight who are doing the stonewalling. Letters from the Justice Department say, and it has been said already, that Justice does not oppose granting immunity to four key witnesses in the campaign finance investigations, and I will just repeat that. The Justice Department does not oppose immunity, and yet the Democrats on the committee refuse to grant immunity.

I ask the American people to be the judge. Why would the Democrats be stonewalling their own Justice Department?

SHAMEFUL CIRCUMSTANCE WHICH NEEDS TO BE ADDRESSED

(Mr. HINCHEY asked and was given permission to address the House for 1 minute.)

Mr. HINCHEY. Mr. Speaker, in the last several days, the Speaker of this House has launched an intemperate prejudicial attack on the President of the United States, demeaning himself and the office he holds by prejudging issues that may, in fact, come before this House. One can only conclude by these intemperate actions that the Speaker's basic intention is to draw attention away from the failure, his failure and the failure of the Republican leadership to address important issues that are of deep concern to the American people.

Yesterday, we learned that the Speaker personally made it impossible to reach a bipartisan agreement on a broad-based tobacco bill. He, in effect, told the chairman of the Committee on Commerce that he could no longer cooperate with Democrats to put together a bill that would make it difficult for children to become addicted to tobacco, demonstrating once again how deeply into the pockets of tobacco this Speaker actually is.

It is a shameful circumstance and one that needs addressing. We need to get on to the business of this House.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3584

Mr. FROST. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from H.R. 3584.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PROVIDING FOR CONSIDERATION OF S. 1502, DISTRICT OF COLUMBIA STUDENT OPPORTUNITY SCHOLARSHIP ACT OF 1997

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 413 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 413

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (S. 1502) entitled the "District of Columbia Student Opportunity Scholarship Act of 1997". The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) two hours of debate on the bill equally divided and controlled by the Majority Leader or his designee and a Member opposed to the bill; and (2) one motion to commit.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST) pending which I yield myself such time as I may consume. During consideration of this resolution all time yielded is for the purpose of debate only.

Mr. Speaker, yesterday the Committee on Rules met and granted a closed rule for S. 1502 which provides for 2 hours of debate equally divided between the majority leader or his designee and an opponent of the bill. The rule also provides for one motion to commit.

Mr. Speaker, let us make no mistake about it. The intent of this bill is to provide a better education for the children of Washington, D.C. The bill allows the most needy families of this city to choose what school is best for their child, and it provides them the resources to do it. In short, the bill empowers the families of Washington, D.C., who now have no choice but to send their child to an often inadequate local school.

At the same time, though, this bill will help the children who remain in the District's public school system. It provides Federal funding to help local public school students pay for private tutors. In addition, as some students begin to choose scholarships, spending per pupil in District public schools may go up, while class sizes go down.

Our intent is not to drain Federal funds from public schools. Instead, we are striving to help out accountability back into the public school system. A parent who notices that a neighbor's child has blossomed under the scholarship program will have the same opportunity for their child.

The scholarship funds in this bill are in addition to the more than $568 million that Congress provides every year to the District of Columbia public schools, a school system that spends more money per pupil than almost any other school system in the country, approximately $10,000 per pupil.

Mr. Speaker, the D.C. Student Scholarship Act helps the children of this city. I strongly support this legislation because I firmly believe that it enables parents to send their children to a more structured, more disciplined environment. It is their choice. At the same time, the bill allows the local public schools to focus on the children who remain and allows each school to spend more money for each child.

I urge my colleagues to support this rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Republican leadership just does not get it. We do not get better public schools by shifting public money to private and parochial schools; and that is, in the end, what the Republican leadership wants to do. They just want to start this grand social experiment in the District of Columbia and use the bill before us to do it.

Mr. Speaker, no one denies that there is a need for vast improvement in the schools of the District. But providing vouchers for 2,000 students just will not get it done.

And, Mr. Speaker, to make matters worse, this rule shuts out any debate on this matter. This closed rule prohibits the delegate from the District of Columbia (Ms. NORTON) from offering an amendment to a bill that ostensibly affects only her constituents.

This rule is unconscionable and deserves to be defeated.

Mr. Speaker, the Republican leadership will use words and phrases like school choice, accountability, object lesson to promote school vouchers. The Republican leadership will say that, first and foremost, school vouchers are about the children. Mr. Speaker, if that is, in fact, the case, why have not we seen legislation to provide schools districts with the funds they need to hire more teachers so that we can reduce class size and more readily promote structure and discipline in the classrooms across this country?

(Mr. CONYERS asked and was given permission to speak out of order for 1 minute.)

CIRCUMVENTION OF COMMITTEE ON THE JUDICIARY'S JURISDICTION

Mr. CONYERS. Mr. Speaker, I have sent the Speaker, the gentleman from Georgia (Mr. NEWT GINGRICH) a letter that I want to put in the RECORD which deals with the fact that he has asked for a special committee to review any reports submitted by the independent counsel, Kenneth Starr. In my view, I say to him any such circumvention of the Committee on the Judiciary's historic duty would set a poor precedent and clearly indicate an intent to politicize this matter, rather than give it any sober and objective scrutiny.

Coming several months before the midterm elections, I believe the American public would also see the abandonment of regular order as signaling a partisan witch-hunt. This is especially important in light of the bias that you, you being the gentleman from Georgia (Mr. GINGRICH), have demonstrated in your recent public comments.

The letter referred to is as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, April 29, 1998.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: During the course of the past several months, news reports have repeatedly quoted you and your office as contemplating the circumvention of the House Judiciary Committee and the formation of a special committee to review any report submitted by Independent Counsel Kenneth Starr pursuant to 28 U.S.C. 595(c).

In my view, any such circumvention of the Judiciary Committee's historic jurisdiction would set a poor precedent and clearly indicate an intent to intensely politicize this matter rather than give it any sober and objective scrutiny. Coming several months before the midterm elections, I believe the American public would also see the abandonment of regular order as signaling a partisan witch hunt. This is especially important in light of the clear bias you have demonstrated in your recent public comments concluding the existence of illegal conduct prior to your even reading or considering the report to the House.

In fact, if one looks closely at this matter, it is hard to see how one could contemplate any other venue than the House Judiciary Committee, which clearly has both the expertise and experience to handle any such report.

The Independent Counsel Statute itself (the Ethics in Government Act, 28 U.S.C. 591, *et seq.*) is the legislative product of the House Judiciary Committee. The Committee continues to be engaged in oversight of the Act, has conducted hearings on the Act, and shortly will be responsible for reauthorization of the Act.

Discussion of any underlying criminal statutes that may be contained in the report are under the jurisdiction of the Committee, and again, are subject to continuing scrutiny.

The House Judiciary Committee is the one Committee with the experience of handling grand jury materials, the secrecy of which both federal law and House precedents require.

As you know, I have repeatedly questioned Kenneth Starr both because of the tactics he employs and due to the numerous conflicts of interest that have beset his investigation from the start. If this matter is to be transferred to the House, it would be most unfortunate to taint any process from the outset with partisanship or political gamesmanship. Such a process would be widely viewed as a kangaroo court which illegitimately forms conclusions prior to hearing facts, and whose sole objective is the politicization of allegations to influence the fall Congressional elections.

Thank you for your attention to this matter.

Sincerely,

JOHN CONYERS, Jr.,
Ranking Democrat.

□ 1030

Mr. FROST. Mr. Speaker, if it is about the well-being of children, why have we not seen legislation that promotes the best possible public education we can provide in this rich and affluent Nation of ours?

Mr. Speaker, I can only guess that the Republican leadership believes that Democratic opposition to school vouchers is a good campaign issue. But I will state unequivocally that the education of the children of this country is not something that should be used to serve a political agenda. Public education is the cornerstone of this great country of ours, and I stand second to no one in my support and commitment to public education.

The congressional Republican leadership can politicize the education of the boys and girls of this country all they want, but Democrats, as well as a good many Republicans, know that public education is good for our children and good for our country. This does not mean, Mr. Speaker, that there are not problems that all of us from the Congress to our Governors, school boards and every parent needs to face squarely, but this proposal does not address any of the problems we find in our public schools.

In fact, the National Alliance of Black School Educators has said that this proposal constitutes an abandonment of the real issues that affect quality teaching and learning in the worst of our public schools. If the District of Columbia represents some of the worst of our public schools, then how can this Congress turn its back on its children?

I would suggest that instead of using the $7 million for a school voucher program, that it would be far better to use half of that money, as the gentlewoman from the District of Columbia (Ms. NORTON) proposes, for reading tutors for the 73 poorest-performing schools in the city.

I am not standing here as an apologist for the administration of the school system in this city, but I am standing here as someone who is committed, as are my constituents, to strong and effective public education. I fear that this proposal of the Republican leadership is just a first step in the dismantling of public education.

Mr. Speaker, this closed rule is unfair to the people of the District of Columbia because their elected Representative of this body has been precluded from offering an alternative to legislation which affects only them, and this bill is unfair to public education throughout this country. I urge the defeat of the rule and the defeat of the bill

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 4 minutes to the gentleman from Staten Island, New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Speaker, I urge the adoption of this rule and also the underlying legislation. Let me just point out why.

While we are all in favor of improving education, let us just look to the status and the state of the Washington, D.C. school system. In a report in the Washington Post, they claim that the system is a well-financed failure. Despite spending $9,000 per student, more than half of the tenth-graders test below basic in reading, and fully 89 percent of the tenth-graders test below basic in math.

Mr. Speaker, there is the old fairy tale about Peter Pan leading the children into Never Never Land, and I would submit that that is exactly, unfortunately, what has been happening in the Washington, D.C. school system. We have been leading these children into Never Never Land, never having them to become productive members of society.

When we think what it would be like back in our hometown, whether it is Staten Island or anywhere across America, to have 89 percent of the tenth-graders test below average in math and to some extent reading, I think we would call for a rapid change. To me, it is not a fairy tale, it has become a Shakespearean tragedy, it is a rotten weed, and we must root it out.

I think that is what we are talking about here, because when we think about the system, two words come to mind, and that is, what we hear today, awful, to describe the system, and opportunity, to describe how we can help these children escape the abyss, the trap that they will be in for the rest of their lives.

Let us put a face on it. Beginning in September, there will be a 5-year-old boy or girl who will begin kindergarten. That 5-year-old will soon become a 7-year-old, a 10-year-old, a 12-year-old, and that person, that little boy or girl, will not have the same opportunity or hope that we should provide. We talk about, well, we know what is best.

There was recently a private scholarship fund funded by a man named Ted Forstmann, a good American who saw that common sense would prevail; that if parents were given a choice to send their children to a different school, a better school, they would do so. And indeed, 1,000 scholarships were made available to the parents of the city school system; 7,500 applied. If that does not tell us that there are parents out there who care about their children, who care about sending their children to quality schools, I do not know what does.

Well, perhaps this will. In New York City, there are similar types of scholarships we have tried with raising private funds. Again, in the last couple of years, 1,300 children have received scholarships; more than 22,000 parents have applied to bring their kids and put them into schools that will provide them with the best education possible.

We talk about the entrenched bureaucrats and the special interests who put themselves first. Let us put the children and families first of this country when it comes to education. Let us provide them with the hope and opportunity they rightfully deserve and expect.

There was a famous battle at the beginning of World War I where the French general said, "They shall not pass," as referred to the German troops. Well, they did. But in the meantime during that battle we lost over a million lives, and I suggest strongly that if we allow the status quo and the defenders of the status quo to win this argument, we will see them not pass, that being the children, but we will lose too many lives in the meantime.

Let me just close, Mr. Speaker, with one last thing. Again, we have argued that for years, we even heard the acknowledgment by those who oppose this rule and oppose this legislation that there are problems. Well, I would say strongly that everybody else, the special interests, the bureaucrats, those who like the status quo, have had their chance. I say, give the people and the children of the Washington, D.C. school system a chance for once. Put them first.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in strong opposition to this closed rule and this misguided bill. As we move into the 21st century, Congress must work to ensure the success, not just of individual students, but of all of our young people.

My mother worked in a sweatshop earning 2 cents for each collar she stitched onto a shirt. She never dreamed that one day her child would be a member of the United States Congress. But education is a great equalizer in this Nation. It affords the child of a garment worker the same opportunities as the children of university professors and business leaders.

Our public school system needs help, but siphoning Federal money, public money from our public schools will not solve the problems. We must improve public schools for all of our children, not to provide an out for a select few which will further degrade the educational quality for those who remain. We need to reduce class size. We need to create an environment where children will learn, put computers in the classroom, enacting high standards to make sure that our kids are learning, and create that environment, as I have said. And when we reduce that class size, when we put more reading teachers in the classroom, we give our kids a greater opportunity.

But that is not what the Republican leadership in this House is talking about. They have no interest in improving public education in this country. Instead, they would take money from the public schools, give it to private schools. They would provide vouchers for just 2,000 students in the District of Columbia, 3 percent of the kids who go to school here. This is an experiment which they want to carry across the country.

Vouchers have been voted down in State referendums, declared unconstitutional by our State courts, even declared a failure in towns where the experiment has been tried. In Cleveland, test scores for students who moved to private schools with vouchers did not improve. Even more disturbing, an audit found that the biggest beneficiaries in the Cleveland area to this experiment were the taxi drivers, because they were taking these children to schools, private schools, by taxi.

Vouchers will not solve the problems in our public schools, they will just create new ones. If our goal is truly to improve public education in this country, vouchers just do not make the grade. Let us abandon this experiment, an experiment on our children. We do not need any more experiments on our children in this country. We need to make sure that they get the finest education. Let us improve our public schools. Let us cut down the class size. Let us make more reading teachers available. Let us make sure they are wired up to computers and the Internet. That is where the future of our children lie, not in the voucher experiment on the kids of this country.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HULSHOF). Again, the Chair must remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the Rules of the House.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. BOB SCHAFFER).

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, the Constitution gives the Congress the direct authority to play a managerial role in only one school district in the entire country, and that is the District of Columbia. Only the District of Columbia is designated by the Constitution again as a place where this Congress has direct authority to deal with the matters at the classroom level of public education.

Now, that authority has been decentralized quite a bit. It has been decentralized to a large unionized government and bureaucracy that is failing children and stranding them, denying them any kind of hope or opportunity for achieving the American dream and getting ahead through academic progress and academic proficiency.

Mr. Speaker, I find it remarkable that anyone would come here and try to defend the comparative record of the District of Columbia public school system when compared with the rest of the country. If we are willing to do that on an intellectually honest level, one will find very clearly and directly that the children in the District of Columbia schools are at a decided disadvantage over children throughout the rest of the country.

Now, the left wing of the Democrat party, as established and enshrined here in the District of Columbia, is one that remarkably favors bureaucracy and institutions rather than children. This debate here today and the rule before us is about whether we are going to get serious about putting children first, putting children ahead of bureaucrats, making sure that the comfort of children and engaging in economic competitiveness and prosperity is more important than the economic comfort of the bureaucrats who run the worst school system in the entire country.

I would suggest the following, Mr. Speaker, that our goal and objective here in Washington with respect to the District of Columbia ought to be to treat parents like real customers, to treat teachers like real professionals, to, in fact, liberate the education system here in the District of Columbia, to focus on the freedom to teach and the liberty to learn. That is what we are offering through this scholarship program, to empower parents to make the educational decisions for their children, not the bureaucrats who have left them behind for so long.

Mr. FROST. Mr. Speaker, I yield 7 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding. Let me begin by making a point that I hope everyone who comes to the floor understands.

The Member who just spoke indicated a prerogative he thinks he has in the District of Columbia that he does not have in anyone else's district. May I say to him that he has no prerogative to manage anybody who is not accountable to him at the ballot box, and neither he nor any Member of this House manages anything in the District of Columbia; and under the Constitution of the United States, no Member should ever claim to manage any people who cannot vote for him. The gentleman has no prerogatives, and I will accept none, nor will I accept pejorative language with respect to our schools. Let me just start this debate with that understanding to Members who want to come to the floor that way.

The District of Columbia public schools are poor, very, very poor. But they are no better and they are no worse than every big-city school system in the United States of America. So if my colleagues want to help the youngsters of the District of Columbia, help them. But they are tired of hearing Members of this body, who have not compared my school system to theirs or any others, describe it as the worst in the United States, and I will not have it on this floor today.

I oppose this rule, and I oppose it because the real needs of the children in my district are too serious to engage in a political exercise. I recognize that that is not the intent of every Member who favors vouchers, but whether intended or not, that is exactly what we will engage in this morning.

The reason that I call this a political exercise is that the voucher bill before us is exactly like the vouchers that have already been declared unconstitutional in two States; two courts, one in Ohio, another in Wisconsin, in the only court tests of publicly funded vouchers have held them unconstitutional as recently as last year.

□ 1045

President Clinton will veto this bill because it will drain funds from the public schools to parochial and private schools. I have his statement of administration policy before me as I speak. Let me quote from it.

> S. 1502 would create a program of federally funded vouchers that would divert critical resources, that should be devoted to our public education priorities, to private schools with little or no public accountability for how funds are used. Moreover, the bill is apparently designed to ensure that receipt of these vouchers, unlike other Federal funds, would not require schools to comply with Federal civil rights laws that protect students from discrimination on the basis of race, color, national origin, sex, or disability.

Mr. Speaker, I sought to convert the interest of Members in the school system of the District into legislation which could be signed. To that end, because of the almost certain constitutional demise of this bill coupled with the assured presidential veto, I went to the Committee on Rules yesterday feeling that we had an obligation to come forward with a substitute all could support if we seriously meant to help these kids.

My substitute would have directed the $7 million into objectively approved reforms in the D.C. public schools, chosen because they would have the greatest impact on the largest number of students. Specifically, I asked for $3.5 million to be given to the D.C. Control Board to be passed on for reading tutors in the District's 73 lowest performing schools. I then asked that the other half be provided to the Secretary of Education to fund proven reforms that fit the District's 70 lowest performing schools.

I drew that section of my substitute from the Porter-Obey bill that we passed last year on school reform demonstration projects. Beyond the quality controls now being implemented by the District's impressive new superintendent, Arlene Ackerman, the Porter-Obey program requires approval by the Department of Education, and thus I thought that that kind of substitute would guarantee precisely the kind of controls and the kind of outcomes, and the substitute met all the issues that I believe Republicans and Democrats say mean most to them; the emphasis on devolution for Republicans that has been thrown over to the side, as if the people of the District of Columbia were wards of this body, or colonists before the Declaration of Independence. Mr. Speaker, I am here this morning to warn every Member that this Member will not be treated as if she represents colonials.

The substitute would also, of course, not only have satisfied devolution concerns but the concerns of Democrats to reach the majority of the kids in the D.C. public schools.

Now, the substitute was not made in order, nor was an amendment by the gentleman from Virginia (Mr. SCOTT) made in order that would apply the civil rights enforcement mechanism to these vouchers.

What the majority has done is to create a fiction, saying that public funds in these 100 percent Federal funded vouchers are not State aid for purposes of civil rights enforcement. Thus, if there has been a violation of civil rights under these vouchers, the only recourse would be to file a suit in Federal court, which of course, would be impossible for the low-income residents to whom these vouchers are directed.

Mr. Speaker, I ask Members to oppose this rule, whether Democrats or Republicans. I ask them to respect the people of the District of Columbia who have voted in a percentage of 89 percent against vouchers.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me this time.

Mr. Speaker, first of all let me say to the gentlewoman from the District of Columbia (Ms. NORTON) that this is not and should not be seen as a Washington, D.C. bashing bill. The delegate from Washington, D.C. is very passionate in representing her area and does a great job.

I served on the Committee on Appropriations Subcommittee on the District of Columbia. We worked with the Control Board, we worked with Marion Barry, we worked with a lot of people in the years I was on that committee and tried to be as sensitive as possible. And I believe that the gentlewoman would agree that there were lots and lots of rhetorical charges about what the big bad Republicans were going to do, and yet in the final analysis, much of what she pushed for was actually put into law on all aspects of the District.

So I think it is very important to say that we have worked on a bipartisan basis and on a slow basis in terms of any reform effect in Washington, D.C. because, as one of the appropriators said, it is a free vote for us to the degree that nobody is going to answer to the people in Washington, D.C. except for the delegate. But I think rather than abusing that, the Republican Congress has taken all kinds of extra steps so, though, that we can be fair and so forth. This is not and is not designed to bash Washington, D.C. schools.

However, let me say this. As the son of an educator, as the brother of an educator, as the brother-in-law of an educator, I come from a family of educators. And I believe one thing that I have learned around the family dinner table is that education should be dynamic. We should focus not on the system always, not on the teachers always, not on the structure, certainly not on the politics, but we should focus on the classroom, the child and the teacher, and that relationship.

As we focus on it, we should ask, will this legislation or will this matter help that child out there achieve a better education so that he or she can go on to compete with children from Miami to New York to San Francisco to Stockholm to Tokyo? And I believe that if we ask those questions and put the children first, we can see that this is a reasonable approach.

Mr. Speaker, this is not a hard ball approach. This is a choice. Think about it on a small business basis. If we said one particular type of small business would have the monopoly, there would be no more pet stores except for the ones that were in existence. There would be no more barber shops except for the ones in existence. There would be no more restaurants except for the ones that are in existence. People would say, "What are you doing? That is going to kill the quality of the product," and I would agree with them.

Why is education so special that we are afraid to put in that same element that drives the American economy of small businesses? Why is education above a little competition? I believe education is sacred enough that competition will enhance it. I think it is very important.

Last night I had the occasion to go to a dinner for Gulfstream Aerospace, which Ted Forstmann is the Chairman of the Board, and they were receiving the Collier Award for Excellence in Aviation, and he talked about competition and he talked about being an American and, yes, the subject of the D.C. Scholarship Fund came up, which he is the author of.

Mr. Speaker, I have and I will submit for the record testimony of one woman, and I am going to quote directly a Mrs. Jones, because she competed as one of the 8,000 people who wanted the 1,000 scholarships and she did not make it and she was crying. And then Mr. Forstmann called her later on and said instead of giving out a thousand scholarships, he was going to give out 1001 scholarships. Here is what she said: "And when they tell me that I won, I was screaming and yelling and acting like a fool. You do not know how I prayed for that scholarship."

That is what this is about. It is about this woman and her child.

The question of constitutionality has come up. Let me say this, and I will submit this for the RECORD, Mr. Speaker, but the scholarship program fully satisfies the constitutional requirements under the first amendment. The Supreme Court has held that assistance such as the scholarships provided in this bill is permissible if, one, the choice where to use the assistance is made by the parents of the students, not the government; number two, the program does not create a financial incentive to choose private schools; and, number three, it does not involve the government in the schools' affairs. This, like the GI Bill, Pell Grants, and Federal day care assistance is a choice of funds where the choice is made by the recipients and not by the government.

I will also submit a letter to the gentleman from Texas (Mr. ARMEY) Majority Leader, from Clint Bolick, the vice president of the Institute for Justice, where he cites five different cases, and I will submit this for the RECORD, Mr. Speaker:

Myth: The voucher program violates the separation of church and state and is unconstitutional.

FACT

The scholarship program fully satisfies the constitutional requirements under the First Amendment. The Supreme Court has held that assistance such as the scholarship provided for in the bill is permissible if: (1) the choice where to use assistance is made by the parents of students, not the government; (2) the program does not create a financial incentive to choose private schools; and (3) it does not involve the government in the school's affairs.

The D.C. scholarship program fulfills these criteria. Like the G.I. Bill, Pell Grants and federal day care assistance, the choice of where the funds are expended is made not by the government but by the scholarship recipients. Because the amount of the scholarship is equal to or less than the cost of tuition, the program does not create a financial incentive to choose private schools. Scholarships are also made available under this legislation to pay costs of supplemental services for public school students, who already receive a free education. Moreover, the program involves only those regulations necessary to ensure that reasonable educational objectives are met, and does not create entanglement between the government and religious schools. The scholarship program does not impermissibly establish religion, but instead serves to expand educational opportunities for children who desperately need them.

INSTITUTE FOR JUSTICE,
October 3, 1997.

Hon. RICHARD K. ARMEY,
U.S. House of Representatives, Cannon House Office Building, Washington, DC.

Re constitutionality of District of Columbia Student Opportunity Scholarship Act of 1997.

DEAR MR. ARMEY: Thanks and congratulations to you and your colleagues for sponsoring legislation that would create unprecedented educational opportunities for economically disadvantaged children in the District of Columbia. Having defended parental choice programs in Milwaukee and Cleveland, I can attest to their enormous contribution toward the goal of equal educational opportunities.

Critics of parental choice have raised the red herring of constitutionality. They contend that the moment a dollar of public funds passes the threshold of a religious school, it violates the constitutional prohibition against religious establishment—a position repeatedly rejected by the U.S. Supreme Court. Of course, such reasoning also would invalidate the G.I. Bill, Pell Grants, daycare vouchers, and the Individuals with Disabilities Education Act, all of which allow the use of public funds in religious schools. It is true that state courts have divided over the constitutionality of parental choice, usually ruling on state rather than federal constitutional grounds. The Cleveland program, which was upheld by the state trial court but struck down by the court of appeals on First Amendment grounds, has been allowed to continue—including religious schools—by the Ohio Supreme Court pending review.

For our purposes, only the First Amendment is relevant. In an unbroken line of cases since 1983, the U.S. Supreme Court has held that programs that allow the use of public funds in religious schools or religiously-sponsored activities are permissible so long as (1) the decision where to use the funds is made not by the government, but by parents or students; and (2) religious schools are only one among a range of options, and no financial incentive is created to choose private schools.

The following U.S. Supreme Court decisions have developed these principles:

Mueller v. *Allen* (1983): The Court upheld a state income tax deduction for educational expenses, even though the vast majority (roughly 96 percent) of the deductions were used for religious school expenses. The Court noted that the deduction was available for expenses incurred either in public or private schools, and that public funds are transmitted to religious schools "only as a result of numerous choices of individual parents of school-age children." The independent choices of third parties render the aid "indirect," as opposed to direct subsidies of religious schools.

Witters v. *Washington Department of Services for the Blind* (1986): The Court unanimously upheld the use of college benefits by a blind student to study for the ministry at a divinity school. The state transmitted funds directly to the school at the student's direction. Again, the Court found that "[a]ny aid provided by Washington's program that ultimately flows to religious institutions does so only as the result of the genuinely independent and private choices of aid recipients," and that the program "creates no financial incentive for students to undertake sectarian education."

Zobrest v. *Catalina Foothills School District* (1993): The Court upheld the use of a publicly funded interpreter by a deaf student in a Catholic high school. The interpreter translated religious as well as secular lessons. "By according the parents freedom to select a school of their choice," the Court reasoned, "the statute ensures that a government-paid interpreter will be present in a sectarian school only as a result of the private decision of individual parents."

Rosenberger v. *Rector and Visitors of University of Virginia* (1995): The Court approved the direct funding of a religious student publication because other non-religious activities were funded as well. "A central lesson of our decisions," the Court declared, "is that a significant factor in upholding governmental programs in the face of Establishment Clause attack is their neutrality toward religion."

Agostini v. *Felton* (1997): The Court overturned previous adverse Supreme Court precedents and allowed the use of public schoolteachers to provide remedial instruction inside religious schools. Again, the decision relied heavily on the program's neutrality between religious and secular schools.

The District of Columbia scholarship bill was carefully drafted to meet the applicable constitutional standards. Just like Pell Grants and other current federal programs, it places funds at the disposal of beneficiaries, who may use them in public, private, or religious schools. The program does not create an incentive to choose religious schools; in fact, all except the poorest families receiving scholarships will have to contribute to tuition if they choose private schools. Unquestionably, the primary effect of the scholarship program is not to establish religion, but to expand educational opportunities to children who desperately need them.

I hope these comments are helpful to you and your colleagues as you proceed toward passage of this program. It is an essential part of the effort to empower parents and improve public education in our nation's capital.

Very sincerely,

CLINT BOLICK,
Vice President and Director of Litigation.

Mr. FROST. Mr. Speaker, I yield 30 seconds to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I would just like the record to show that the quotation just cited did not apply to vouchers but to tax schemes, not vouchers to parents. But the decisions from which I quoted, where vouchers were found unconstitutional, applied directly to vouchers of precisely the kind at issue here.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for yielding me this time.

Mr. Speaker, I believe it was Socrates that said the living are to the dead as the educated are to the uneducated. In our society today, an education is a person's future and their future extends from cradle to grave, and we all will be learning our entire lifetime in this next millennium.

I have to agree with the gentlewoman from the District of Columbia (Ms. NORTON) when she said that D.C. has some of the finest schools in the country, and D.C. has, just as every other school system in our country has, some schools that are in dire need of help.

I have visited D.C. schools and met with Vera White, a principal at Jefferson Junior High School. She knows every single name of every single student and knows where they live and keeps them after school for homework. They have a space lab in the basement. They have honor roll students and people clamoring to get into that public school. It is a great school.

They have the charter school, the Options charter school in D.C. that may be the best charter school that I have been in in the country.

But we also have problem schools in D.C., and in Chicago, and in L.A., and in New York, and in Indiana. And we can get up on the floor and point fingers and say we have got a better solution than our opponents, just as we did with the budget and we said it was President Reagan's fault or it was the Democratic Congress' fault.

Mr. Speaker, it is time for us to work together on the issue that the American people are the most keenly interested in and come up with bipartisan solutions to solve this Nation's problems.

Mr. Speaker, this bill does not do it. It does not give our party anything but a motion to recommit. I strongly urge our side and the Republican side to vote for the motion to recommit to be offered by the gentlewoman from the District of Columbia, for full, whole school reform and for more reading tutors in our schools.

My problem with the vouchers is twofold. We have heard the Republicans accuse the Democrats, and sometimes rightly so, of trying to redistribute wealth in our country through the tax system. That is exactly what this bill does. It takes $7 million that is going to go to the public education system and diverts it to private schools.

If we want to raise $50 million like they are doing in San Antonio, Texas in the private sector, that is great. I support those programs, but do not redistribute money from public schools that is intended to go to public schools and have it go to private schools.

Secondly, when we have said we want to work in a bipartisan way to fix the IRS, we do not say we are going to fix it for 2,000 people and leave the rest of the people on their own. That is what the voucher program does today. This bill says we have got a problem with 78,000 schoolchildren and we are going to fix it for 2,000 of those 78,000.

The Democratic Party, or I guess I am speaking for myself from Indiana, we are not happy with the status quo. That is why we passed charter school reform. That is why later today in the higher ed bill I have included an amendment in the bill that is for alternative teacher certification, so that new teachers can come through the system that have military experience, that have experience in the private sector.

I am for closing down poorly performing schools, reconstituting schools.

□ 1100

I am for new ideas in our schools, but the voucher program is not big enough to help our Nation's schools. It is experimental only on D.C. school children and 2,000 of them.

I encourage my Republican colleagues, let us work together, as we did on balancing the budget, on education. Let us work together on what the American people think is the key issue out there, providing good quality, affordable education to children in D.C., Indiana, and California.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2½ minutes to the gentleman from Wisconsin (Mr. NEUMANN).

Mr. NEUMANN. Mr. Speaker, I would like to make a couple of very specific points here. What this is really all about, what we are talking about today is allowing poor and moderate income families to make the same and have the same choices in where they send their kids to school as middle and upper income families.

My friend, the gentleman from Indiana, who I agree with on so many different things, on the other side of the aisle, I do agree with him that this idea of fixing it for 2,000 is not the right solution.

I think what we should be doing here today is taking the education dollars that are already being spent and empowering parents all across America to be making the decision for where they send their kids to school.

I would like to make a second point, because we have heard a lot about how this is transferring public education dollars to private schools and somehow this is a new idea in America. That is just plain not right.

We have a system for higher education in America today called a Pell Grant system. Pell Grants are college scholarships that are literally given to students that go to teacher and pastor training schools, all sorts of different religious schools all across the United States of America.

These Pell Grants are not given with strings attached that the government is telling these teacher and pastor training schools for religious institutions across America what or how to teach; they simply give them the Pell Grant. Those are Federal tax dollars that are already being handled in this manner. This is not even a new idea that we are talking about here today. It already goes on all across America.

I think the number one social problem facing America today is education. The fact that our kids rate somewhere in the twenties in the world is just plain unacceptable. We need to as a Congress, we need to as a Nation retarget our ideas that our kids become, again, the best educated kids in the entire world.

To do that, one idea is more Washington involvement, more Washington tax dollars, and more strings from here; and that is wrong. It does not work. The right idea to solve the education problems facing America today is to empower our parents to once again be actively involved in the decisions on what our kids are taught, where it is taught and how it is taught.

The way we empower our parents to be able to make those decisions, in wealthy families they can make those decisions already, but in poor and moderate income families the way to do this is to empower and have this sort of voucher system.

Mr. Speaker, I want to take 30 seconds to point out that if we are successful at empowering our parents to be actively involved in the choice of where their kids go to school, what they are taught and how it is taught, there is a very interesting side benefit. Studies show, of 12,000 teenagers that were looked at, if parents were more involved in these teenagers' lives, the immediate impact is less crime, fewer drugs are used, fewer teen pregnancies, and teen smoking goes down immediately.

As we are solving the problem of education by allowing our parents to be more involved in what their kids are learning, where it is taught and how it is taught, we expect side benefits in other areas that will benefit this Nation greatly.

Mr. FROST. Mr. Speaker, I would inquire the time remaining on each side.

The SPEAKER pro tempore (Mr. HULSHOF). The gentleman from Texas (Mr. FROST) has 11½ minutes remaining. The gentleman from Washington (Mr. HASTINGS) has 14 minutes remaining.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to very strongly oppose this rule and also this very misguided bill. My colleagues on the Republican side come up and they tell us this is a noble experiment. Folks, this is not an experiment. This is a plan masquerading as a policy.

The gentleman who preceded me made a very cogent point. This bill only helps 2,000 students in the District of Columbia. That leaves 75,000 students in the District of Columbia who get no help whatsoever. This bill only appropriates money for one year, so at the end of this year it is very uncertain as to whether this noble experiment will even be able to continue. More importantly, this so-called noble experiment has been rejected already by 20 States. In fact, three States in public referenda rejected this idea twice.

This is a very poorly thought out idea. Here is why: We did a study and looked at some of the private schools in the District of Columbia. What we found out was that approximately 90 percent of the private schools in the District of Columbia charged tuition far in excess of what is being provided.

So this notion that there is going to be this great choice for families is really a mistake. It is really a fraud. They are not going to have the choice to go to the Sidwell Friends or the St. Albans and the great private schools.

Let us be candid. Sure, if we gave someone the money to go to the best private school in America, would they get a good education? Yes. The fact of the matter is the Republicans cannot do that and are not planning to do it. It is not practical. The money does not exist.

What they are basically doing is patronizing the citizens of the District of Columbia by saying we know what is best for them, and we are going to take money away from their school system and put it into this experiment. But no, no, it is not their money; it is new money.

Look, here is the reality. The District of Columbia needs money for discipline programs, for reading tutors, for aftercare programs. If we want to fundamentally improve education in the District of Columbia or if we want to fundamentally improve education in America, what we need to do is invest in public schools. If there is new money, do not experiment, put it into the school system where it can really be used.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3½ minutes to the gentleman from Missouri (Mr. TALENT).

Mr. TALENT. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I want to begin my comments here today by quoting something Lyndon Johnson said, but before that, the Bible said it. He said: "Let us reason together." That is what I hope we can do in this debate.

I do not want to bash the District of Columbia schools. I think we owe these kids and their parents who care so much about this debate the truth. I think we should be candid. I think we should reason, then, about the truth.

The truth of the matter is that the District of Columbia schools are not safe, and the kids are not learning, and everybody knows it. The longer they stay in the District of Columbia schools, the less they learn. The longer high school students stay in the D.C. schools, the more their test scores drop below the national average. Thirty-three percent of the third graders in the D.C. public schools score below basic levels in reading and math, and 80 percent of the fourth graders score below basic levels in reading and math.

For kids who come from these neighborhoods and have as few options as these kids have, if they are not learning how to read, it means they are ending up in gangs or on drugs or many of them dead. That is what it means to these kids. Those are facts that annihilate all these other facts and the rest of this debate. Let us tell the truth about the situation these kids are in. If we cannot give them anything else, let us give them the truth.

The second point, Mr. Speaker, this bill will help at least these kids. Do not show disrespect to their parents, who are lining up by the thousands for these scholarships, by saying it is not going to help them. They know it is going to help them. It is exactly what any of us would do. That is the reason they wanted the scholarships. So we know the schools are failing. We know we can help these kids.

Then the other argument, which I respect because we have got to do something about the public schools, is what about the other kids? What about the rest of the public schools? This is not the way to help them.

Mr. Speaker, this may be the only way to help them. This kind of choice program is operating in other schools, and that is what they are telling us. This is what the former superintendent of Milwaukee public schools says:

> So what I am arguing is that we have got to support the changes that will make the difference for kids both inside and outside the existing system. But it is the existence of an option outside that will help you fight, make the improvements inside, because no matter what people say rhetoric-wise, I can tell you, you can stand up and talk all you want about what needs to be done, but if people know this is the only game in town, there is absolutely nothing you can do other than run your mouth off about what needs to happen. It is not going to happen for the majority of kids.

This is exactly the kind of leverage that will support the reformers and give them the opportunity to change a system that is bogged down in bureaucracy and entrenched interest. The District of Columbia schools have three times as many administrators per teachers as other city schools around the country.

What else can we do if we do not do this? I will just close by saying this: We appointed a general as the czar of the District of Columbia public schools, and he tried for a year, and he quit.

This is a program that addresses a need we all know exists. It will help the kids who get these scholarships, and it is going to help the kids who remain. Let us do something for these kids. Let us reason together about this process, and then send this bill to the President.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, I rise in opposition of this so-called District of Columbia Opportunity Scholarship Act.

This piece of legislation would put our educational system at risk. Supporters of this bill argue a chance for a better education; however, 93 percent of the students in our Nation's Capital will not benefit from this $45 million bill.

There is no evidence that vouchers are an effective way to improve education. In fact, it leaves those students who cannot benefit from this voucher system worse off.

Every child in the District of Columbia and across the Nation deserves our assistance for a quality education. I urge my colleagues to listen to the people of our Nation's Capital who want to build their community and not dismantle a public education system of which many of us have been beneficiaries. Make no mistake about it. The Republicans want to dismantle public education in this country and not work to strengthen it.

Mr. HASTINGS of Washington. Mr. Speaker, how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) has 10½ minutes remaining. The gentleman from Texas (Mr. FROST) has 8¼ minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2½ minutes to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Speaker, I very much respect the gentlewoman from the District of Columbia (Ms. NORTON), and I know how hard she works to face the problems that are in the District, which everybody acknowledges. So I do want to say that this bill is in no way an attack on the D.C. school system. This bill is a way to look for solutions to help and to solve some of the problems.

Most of the people will agree, and I think it has been well documented in the press, that there are a lot of problems in this school system. There are problems, yes, in school systems all over the country. It seems to be the number one issue that parents say they are concerned about, is the education of their children.

What we are looking at doing with this bill is providing some choice for those parents. This bill would give those parents in D.C. the same opportunity as parents in other communities across the country have.

Last fall when the private scholarship fund, the Washington Scholarship Fund was announced, this was only for 1,000 scholarships that would be paid for privately. There were 7,573 children who applied. That is one out of every six eligible children in the District applied.

I think that sends a very strong message that there are parents in the D.C. school system who would like and appreciate their child to have that choice. This does not take any money away from the school system. This is additional money, additional dollars that are going into this program.

Competition is what has driven America. Competition works with students. Students thrive on competition. Business thrives on competition. There is no reason our school system could not thrive on competition. It is very healthy in America, and it makes things run.

I would also like to just say for the record that my understanding is that the constitutional issue was a State constitutional issue in both of those cases. This is not something Federal.

Mr. FROST. Mr. Speaker, I yield 30 seconds to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, let me correct the gentlewoman from North Carolina on both of the decisions, both the Wisconsin and the Ohio decisions. The courts looked both to their State constitution and specifically, specifically grounded their decisions on the Constitution of the United States of America as well.

☐ 1115

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I rise in opposition to the rule and the bill. Quite frankly, the District of Columbia, in my judgment, is a city in trouble, with deep problems. We have individuals in trouble, families in trouble, and reduced population. Families are, in fact, moving out.

I think some of the initiatives that have been made to try to invest in the public schools in terms of reading and some of the other voluntary efforts are good but not nearly enough considering what we really have to accomplish.

This bill, frankly, indicts the D.C. public schools. The D.C. public schools are not the problem. They are the solution. The problem is in the broader community. And by taking dollars away and not facing up to this and suggesting we are going to abandon those schools, we are sending the wrong message.

One of the messages was to let a military general run it. Well, after a year he quit. It is a tough job. He could not handle any more of this task. I appreciate that. I understand it. I taught for about 10 years myself, and I do not know I want to go back into the St. Paul Minneapolis, schools today and try to teach much less administrate the whole district.

But the fact is, we have to invest in these kids. We have to invest in this community. The old paradigm of getting by that worked when I was in school or when I was teaching does not work.

Look at what is happening in Chicago. Seven in the morning till seven at night. We talk about kids entering school, and they actually go backwards. The fact is, if you try to plot those kids in some of these schools, we will find the population of students in September is practically 100 percent different in May. There is no continuity. How can anyone teach under those circumstance?.

These are the types of problems we face as they come through the door. Does anyone in this Chamber or in this country seriously believe that the people that have devoted their lives to public education are somehow not interested in kids? That is fundamentally what these statements on the floor of Congress are saying.

We have public education for democracy to educate the people in this country, to bring them forward. But the type of students we are getting, the kids we are getting, have more problems, and we have to meet those needs.

It is a big investment. It may mean choosing between weapon systems and investment in people, but Congress has not been willing to do that. We are trying to buy off on the cheap with these vouchers. I think these kids are worth a decent investment not a gimmick which only offers cosmetic pseudo solutions.

There is perhaps no issue more important to the future of this country than education. As an educator, it has always been a priority of mine to ensure that our children are given the chance to partake in a quality learning environment. While I understand that confidence in our public school system has eroded, the solutions proposed don't address the problem. A voucher program is not a reasonable or adequate solution to current challenges and problems in the public schools of D.C. and our Nation.

All Americans have a stake in our public schools. Public schools were established to provide equality of the most basic and important opportunity—the opportunity to learn. However, voucher programs would make schools more inequitable than they already are and widen the gap between some privileged and the vast majority underprivileged students.

Proponents of the school voucher initiatives maintain that this system would bring healthy competition into the educational system. This is an unfair assumption, however, because public schools have greater limitations and restrictions than their private counterparts. For example, private schools are allowed to pick and choose and exclude students, while public schools must accept every student, regardless of past academic achievements. Also, it is unclear that physically and mentally disabled students would be considered in such plans. Currently, private schools are not required to include special services for these students.

Make no mistake, a voucher program redirects public funds from public schools to private schools. This shift leaves public schools—which far outnumber private schools—with less sufficient resources. Expanding educational choice for some students should not come at the expense of others. Rather than siphoning students away from public schools, and the abandonment of the D.C. public schools, we should be focusing our efforts on the important mission of improving such schools and the schooling within. This legislation provides a select few students with vouchers, while providing no answers for the 76,000 students left behind in the D.C. public schools.

Accept the implicit statement that Congress has given up on D.C. schools. The same money spent on vouchers could be better used for teacher training, smaller classes, expanded support systems and a host of other important improvements. Instead of this political solution, we ought to help all 78,000 children improve their skills with the same money that would provide just 2,000 children with private school educations. Vouchers anticipated under this act help only 3 percent of the children in D.C. schools.

The consideration of choice options will no doubt be influenced by many factors. However, let's keep in mind that children are our Nation's most precious resource—all of our future. Rather than voting for a program that will only benefit a select number of students, we must ensure that all of our children are provided with the best possible opportunity to learn so that they are prepared for the challenges of the new millennium. Let's can the new B–2 bombers or the missile defense system and put students first. Let's invest to make every child in D.C. a winner.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. FORBES).

Mr. FORBES. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of the District of Columbia Student Opportunity Scholarship Act. If ever there was a national priority to do something about the state of education in this country, K through 12, it is now. That is why I rise in support of this initiative as well as supporting the initiative laid out by President Clinton.

I am a product of the public school systems. I went to a public college. I do not indict the public school system; in fact, I revere it. But there are problems.

And in the District of Columbia, where this is supposed to be the shining beacon of opportunity, of democracy, we have a serious problem. We are saying it is okay for children of people who work in the administration, whether it be the Democrat administration or the Republican administration before it, it is okay for the children of Members of Congress all to go to private schools, because we can do something about it, but let us trap in a failing public school those kids who come from families who do not have the means to escape a failing system.

Now, that is not an indictment of all public schools, but here in the District of Columbia, that shining beacon of democracy, we cannot get our hands around the problem. So we say to these parents, sorry, your kids must go to these failing schools, but I, as a Member of Congress, will send my kids to private schools. I, as a member of the Clinton administration, will send my kid to private schools.

Why do we not embrace, all of us, Republicans and Democrats alike, the vast initiatives that will put this Nation on record as making a priority over the next 25 years of improving the excellence of public schools across this country?

Let us go for voluntary testing standards. Let us go for 100,000 more teachers in the classroom to reduce the size. Let us put subject matter back in the Ed schools, not just method. Let us go for teacher training and do the kinds of things that will build success and assure that the United States of America remains number one in the global economy for our children and our grandchildren to come and that we do not rest on the laurels of success of the last 100 years and think that everything will be all right.

We have serious problems in our education system K through 12, and we have an obligation as a Nation to deal with those problems. Keep decision-making local, keep control in our States, but let us put the Federal Government on record as wanting to do something about deteriorating schools and overcrowded schools and crowded classrooms.

If we care about our children, we will put this initiative forward. We will pass this initiative to give some choice to kids who are trapped in a failing system.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

The preceding speaker may be speaking for Republican Members of Congress, but my three children graduated from public schools, and I know many Members on my side of the aisle whose children attend public schools.

Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELAZQUEZ. Mr. Speaker, I rise in strong opposition to this bill.

Mr. Speaker, look at this little girl, one of nine children. Her father was a sugar cane cutter. Her mother sold food to the sugar cane workers in the sugar cane plantations to help make ends meet. This little girl would have never gone to college if we had turned our backs on public schools. This little girl would certainly never have become a Member of Congress if we had turned our backs on public schools.

My colleagues, do not be fooled. This bill is an abandonment of our Nation's commitment to public schools and public education. This bill tells that little girl and millions and millions of children like her that we are giving up hope on providing them with a quality education.

The Republican leadership wants to take $45 million away from public education to provide 3 percent of D.C.

schoolchildren with vouchers that they do not want and will not be able to use. That is so shameful. That is not the way that we strengthen public schools in our Nation. We strengthen public schools and public education by investing more resources, not taking it away from them.

What sense does that make? It makes sense if we want to kill public education. That is what the Republicans intend to do under this bill, kill public education. Vote "no" on this terrible bill.

Mr. FROST. Mr. Speaker, I yield myself the balance of my time.

This is a terrible rule. This is a terrible bill. This is a closed rule. We have been denied the opportunity for the one representative from the District of Columbia to even be heard on this matter, to offer an amendment.

I urge this rule be rejected and this bill be rejected.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield the balance of my time to the gentleman from Oklahoma (Mr. WATTS).

Mr. WATTS of Oklahoma. Mr. Speaker, I have heard several statements made this morning and I want to make an effort, hopefully, to correct the record and set the record straight.

One of the things that I heard earlier in argument concerning this rule was that this legislation would only help so many students, about 2,000 students, and that this is an experiment for D.C. public schools. And the essence of the comments were that why just do it here in D.C.? If we are not going to do it elsewhere, then it is a bad experiment.

Well, I would like to note for the record that our former colleague, Floyd Flake, a Democrat from New York, and the gentleman from Missouri (Mr. JIM TALENT) and myself, all three of us offered a scholarship program about, I guess, last October. That was defeated. And that scholarship program would have been nationwide. We were proposing to do the same thing in all 50 States that we are proposing doing here in the District of Columbia this morning. And just for the record, about 90 percent of Republicans supported that and about 95 percent of Democrats voted against it.

But there are several other things that I would like to make note for the record. The question was asked, does the scholarship bill not drain D.C. public schools of the resources they desperately need?

And the answer to that is an emphatic no. The legislation would not take one dime away from D.C. public schools. It is over and above what money goes to D.C. public schools. The funding for this proposal would not come out of the district school budget. In fact, under the bill, per-student spending for public schools would increase, because the budget will remain the same, but there will be 2,000 fewer students in the public school system.

Another question is, is the amount of the scholarship not too small for the parents to afford to send their children to all but a handful of schools?

Well, there are 88 private schools inside the Washington Beltway that cost less than $4,000 per student, including 60 that cost less than $3,200. These schools include Catholic, Protestant, Muslim and private nonsectarian schools.

Another question that has been raised this morning is, will private schools not just cherrypick the brightest students and leave the public schools with the students who need the most help?

Well, the scholarships do not go to the schools. They are awarded to parents. The parents decide where the children go. So the parents, if there is any cherrypicking, the parents will be the ones doing the cherrypicking. They will pick the best schools. The parents will. Not the teachers, not the school system, not the government, but the parents will determine where their children go to school.

There is another question under the bill, is will schools not be able to discriminate against children, African American children, or against any other group of children that the legislation does not protect?

Section 7 of this bill specifically prohibits discrimination. It reads, "An eligible institution participating in the scholarship program under this subtitle shall not engage in any practice that discriminates on the basis of race, color, national origin or sex."

It also specifically states in section 8 that nothing in the bill shall affect the rights of students or the obligations of the District of Columbia public schools under the Individuals With Disabilities Act. Nothing in the bill waives any current Federal, State or local statute protecting civil rights. In fact, private and religious schools in the District today are already subject to D.C. civil rights laws, one of the most expansive in the country.

Mr. Speaker, I say to my colleagues, good public schools should not be threatened by this legislation. We talk about how money is going, that we are taking money from public schools and putting it into the private school system. We fail to overlook that the money from this program is over and above the D.C. public school funding.

And we talk about how we are taking money from public schools. Let me tell my colleagues, when I went to Congressman Flake's district and looked at his school system up there, and I have traveled around the country and looked at different private school programs and what they are doing and what the Catholics in New York are doing, and we talk about cherrypicking, there are private schools in America today where they take the lowest on the totem poll.

□ 1130

Say, give us the most challenging student that they have. We will take them. We will prepare school just for them. But we talk about cherry-picking, we talk about where the money is going and how we are taking money from public schools.

And I heard Floyd Flake. Floyd Flake reminded me of something very important that I think we all should note and all should remember. He said this. He said, we are talking about taking money from public schools. He said, our prison system is what is taking money from public schools, because rather than spending the money on our kids to read, write, and do the arithmetic, putting them in quality venues, we end up spending $25,000 or $30,000 a year because they cannot read, write, or do the arithmetic but put them in prison.

So I support my colleagues on the Democratic side and Republican side as well to say, let us support this rule. Let us support this legislation. This is good public policy.

Mr. GOSS. Mr. Speaker, I rise in support of the rule. As this legislation is the result of a negotiated compromise and the work of both Houses, I do believe that a closed rule is appropriate.

No one can deny the children of our Capitol City are in trouble. Almost every measurable statistic proves that the D.C. school system is failing these children. One in particular, though, is staggering—85 percent of D.C. public school graduates who enter the University of District Columbia need remedial coursework before beginning their college studies! But our focus should be on children and families, not statistics. These families should not be forced to tolerate failure—they should be empowered with choice so that their kids can succeed.

Given the dismal state of the D.C. school system and the common sense approach this legislation takes, it is difficult to understand why some of my colleagues are so opposed to this bill. S. 1502 is straightforward—it adds $7 million of new money so that 2,000 kids can receive scholarships to attend the school of their choice and an equal number of students may receive tutorial assistance. That means more money per pupil, not less. This is not about taking away from public education, it is about returning accountability to public education!

Mr. Speaker, school choice is working in my district because it returns accountability to parents and families, rather than education bureaucrats. Low-income D.C. residents support scholarships by a 59 to 17 margin. The demand is there, the need has been proven beyond question and today we are acting. I commend Mr. ARMEY, Mr. LIPINSKI, and others for their bipartisan leadership on this issue.

Mr. HASTINGS of Washington. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. HULSHOF). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 224, nays 199, not voting 9, as follows:

[Roll No. 117]

YEAS—224

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—199

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—9

Bateman
Dixon
Gonzalez
Hall (TX)
Jefferson
Kennelly
Meek (FL)
Sandlin
Smith (OR)

□ 1152

Ms. WATERS changed her vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the rule just adopted.

The SPEAKER pro tempore (Mr. HULSHOF). Is there objection to the request of the gentleman from Washington?

There was no objection.

DISTRICT OF COLUMBIA STUDENT OPPORTUNITY SCHOLARSHIP ACT OF 1997

Mr. ARMEY. Mr. Speaker, pursuant to House Resolution 413, I call up the Senate bill (S. 1502) entitled the "District of Columbia Student Opportunity Scholarship Act of 1997", and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The text of S. 1502 is as follows:

S. 1502

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE; FINDINGS; PRECEDENTS.

(a) SHORT TITLE.—This Act may be cited as the "District of Columbia Student Opportunity Scholarship Act of 1997".

(b) FINDINGS.—Congress makes the following findings:

(1) Public education in the District of Columbia is in a crisis, as evidenced by the following:

(A) The District of Columbia schools have the lowest average of any school system in the Nation on the National Assessment of Education Progress.

(B) 72 percent of fourth graders in the District of Columbia tested below basic proficiency on the National Assessment of Education Progress in 1994.

(C) Since 1991, there has been a net decline in the reading skills of District of Columbia students as measured in scores on the standardized Comprehensive Test of Basic Skills.

(D) At least 40 percent of District of Columbia students drop out of or leave the school system before graduation.

(E) The National Education Goals Panel reported in 1996 that both students and teachers in District of Columbia schools are subjected to levels of violence that are twice the national average.

(F) Nearly two-thirds of District of Columbia teachers reported that violent student behavior is a serious impediment to teaching.

(G) Many of the District of Columbia's 152 schools are in a state of terrible disrepair, including leaking roofs, bitterly cold classrooms, and numerous fire code violations.

(2) Significant improvements in the education of educationally deprived children in the District of Columbia can be accomplished by—

(A) increasing educational opportunities for the children by expanding the range of educational choices that best meet the needs of the children;

(B) fostering diversity and competition among school programs for the children;

(C) providing the families of the children more of the educational choices already available to affluent families; and

(D) enhancing the overall quality of education in the District of Columbia by increasing parental involvement in the direction of the education of the children.

(3) The 350 private schools in the District of Columbia and the surrounding area offer a more safe and stable learning environment than many of the public schools.

(4) Costs are often much lower in private schools than corresponding costs in public schools.

(5) Not all children are alike and therefore there is no one school or program that fits the needs of all children.

(6) The formation of sound values and moral character is crucial to helping young people escape from lives of poverty, family break-up, drug abuse, crime, and school failure.

(7) In addition to offering knowledge and skills, education should contribute positively to the formation of the internal norms and values which are vital to a child's success in life and to the well-being of society.

(8) Schools should help to provide young people with a sound moral foundation which is consistent with the values of their parents. To find such a school, parents need a full range of choice to determine where their children can best be educated.

(c) PRECEDENTS.—The United States Supreme Court has determined that programs giving parents choice and increased input in their children's education, including the choice of a religious education, do not violate the Constitution. The Supreme Court has held that as long as the beneficiary decides where education funds will be spent on such individual's behalf, public funds can be used for education in a religious institution because the public entity has neither advanced nor hindered a particular religion and therefore has not violated the establishment clause of the first amendment to the Constitution. Supreme Court precedents include—

(1) Wisconsin v. Yoder, 406 U.S. 205 (1972); Pierce v. Society of Sisters, 268 U.S. 510 (1925); and Meyer v. Nebraska, 262 U.S. 390 (1923) which held that parents have the primary role in and are the primary decision makers in all areas regarding the education and upbringing of their children;

(2) Mueller v. Allen, 463 U.S. 388 (1983) which declared a Minnesota tax deduction program that provided State income tax benefits for educational expenditures by parents, including tuition in religiously affiliated schools, does not violate the Constitution;

(3) Witters v. Department of Services for the Blind, 474 U.S. 481 (1986) in which the Supreme Court ruled unanimously that public funds for the vocational training of the blind could be used at a Bible college for ministry training; and

(4) Zobrest v. Catalina Foothills School District, 509 U.S. 1 (1993) which held that a deaf child could receive an interpreter, paid for by the public, in a private religiously affiliated school under the Individual with Disabilities Education Act (20 U.S.C. 1400 et seq.). The case held that providing an interpreter in a religiously affiliated school did not violate the establishment clause of the first amendment of the Constitution.

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term "Board" means the Board of Directors of the Corporation established under section 3(b)(1);

(2) the term "Corporation" means the District of Columbia Scholarship Corporation established under section 3(a);

(3) the term "eligible institution"—

(A) in the case of an eligible institution serving a student who receives a tuition scholarship under section 4(c)(1), means a public, private, or independent elementary or secondary school; and

(B) in the case of an eligible institution serving a student who receives an enhanced achievement scholarship under section 4(c)(2), means an elementary or secondary school, or an entity that provides services to a student enrolled in an elementary or secondary school to enhance such student's achievement through instruction described in section 4(c)(2);

(4) the term "parent" includes a legal guardian or other person standing in loco parentis; and

(5) the term "poverty line" means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

SEC. 3. DISTRICT OF COLUMBIA SCHOLARSHIP CORPORATION.

(a) GENERAL REQUIREMENTS.—

(1) IN GENERAL.—There is authorized to be established a private, nonprofit corporation, to be known as the "District of Columbia Scholarship Corporation", which is neither an agency nor establishment of the United States Government or the District of Columbia Government.

(2) DUTIES.—The Corporation shall have the responsibility and authority to administer, publicize, and evaluate the scholarship program in accordance with this Act, and to determine student and school eligibility for participation in such program.

(3) CONSULTATION.—The Corporation shall exercise its authority—

(A) in a manner consistent with maximizing educational opportunities for the maximum number of interested families; and

(B) in consultation with the District of Columbia Board of Education or entity exercising administrative jurisdiction over the District of Columbia Public Schools, the Superintendent of the District of Columbia Public Schools, and other school scholarship programs in the District of Columbia.

(4) APPLICATION OF PROVISIONS.—The Corporation shall be subject to the provisions of this Act, and, to the extent consistent with this Act, to the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29-501 et seq.).

(5) RESIDENCE.—The Corporation shall have its place of business in the District of Columbia and shall be considered, for purposes of venue in civil actions, to be a resident of the District of Columbia.

(6) FUND.—There is established in the Treasury a fund that shall be known as the District of Columbia Scholarship Fund, to be administered by the Secretary of the Treasury.

(7) DISBURSEMENT.—The Secretary of the Treasury shall make available and disburse to the Corporation, before October 15 of each fiscal year or not later than 15 days after the date of enactment of an Act making appropriations for the District of Columbia for such year, whichever occurs later, such funds as have been appropriated to the District of Columbia Scholarship Fund for the fiscal year in which such disbursement is made.

(8) AVAILABILITY.—Funds authorized to be appropriated under this Act shall remain available until expended.

(9) USES.—Funds authorized to be appropriated under this Act shall be used by the Corporation in a prudent and financially responsible manner, solely for scholarships, contracts, and administrative costs.

(10) AUTHORIZATION.—

(A) IN GENERAL.—There are authorized to be appropriated to the District of Columbia Scholarship Fund—

(i) $7,000,000 for fiscal year 1998;

(ii) $8,000,000 for fiscal year 1999; and

(iii) $10,000,000 for each of fiscal years 2000 through 2002.

(B) LIMITATION.—Not more than 7.5 percent of the amount appropriated to carry out this Act for any fiscal year may be used by the Corporation for salaries and administrative costs.

(b) ORGANIZATION AND MANAGEMENT; BOARD OF DIRECTORS.—

(1) BOARD OF DIRECTORS; MEMBERSHIP.—

(A) IN GENERAL.—The Corporation shall have a Board of Directors (referred to in this Act as the "Board"), comprised of 7 members with 6 members of the Board appointed by the President not later than 30 days after receipt of nominations from the Speaker of the House of Representatives and the Majority Leader of the Senate.

(B) HOUSE NOMINATIONS.—The President shall appoint 3 of the members from a list of 9 individuals nominated by the Speaker of the House of Representatives in consultation with the Minority Leader of the House of Representatives.

(C) SENATE NOMINATIONS.—The President shall appoint 3 members from a list of 9 individuals nominated by the Majority Leader of the Senate in consultation with the Minority Leader of the Senate.

(D) DEADLINE.—The Speaker of the House of Representatives and Majority Leader of the Senate shall submit their nominations to the President not later than 30 days after the date of the enactment of this Act.

(E) APPOINTEE OF MAYOR.—The Mayor shall appoint 1 member of the Board not later than 60 days after the date of the enactment of this Act.

(F) POSSIBLE INTERIM MEMBERS.—If the President does not appoint the 6 members of the Board in the 30-day period described in subparagraph (A), then the Speaker of the House of Representatives and the Majority Leader of the Senate shall each appoint 2 members of the Board, and the Minority Leader of the House of Representatives and the Minority Leader of the Senate shall each appoint 1 member of the Board, from among the individuals nominated pursuant to subparagraphs (A) and (B), as the case may be. The appointees under the preceding sentence together with the appointee of the Mayor, shall serve as an interim Board with all the powers and other duties of the Board described in this Act, until the President makes the appointments as described in this subsection.

(2) POWERS.—All powers of the Corporation shall vest in and be exercised under the authority of the Board.

(3) ELECTIONS.—Members of the Board annually shall elect 1 of the members of the Board to be the Chairperson of the Board.

(4) RESIDENCY.—All members appointed to the Board shall be residents of the District of Columbia at the time of appointment and while serving on the Board.

(5) NONEMPLOYEE.—No member of the Board may be an employee of the United States Government or the District of Columbia Government when appointed to or during tenure on the Board, unless the individual is on a leave of absence from such a position while serving on the Board.

(6) INCORPORATION.—The members of the initial Board shall serve as incorporators and

shall take whatever steps are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29-501 et seq.).

(7) GENERAL TERM.—The term of office of each member of the Board shall be 5 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term.

(8) CONSECUTIVE TERM.—No member of the Board shall be eligible to serve in excess of 2 consecutive terms of 5 years each. A partial term shall be considered as 1 full term. Any vacancy on the Board shall not affect the Board's power, but shall be filled in a manner consistent with this Act.

(9) NO BENEFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any Director, officer, or employee of the Corporation, except as salary or reasonable compensation for services.

(10) POLITICAL ACTIVITY.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(11) NO OFFICERS OR EMPLOYEES.—The members of the Board shall not, by reason of such membership, be considered to be officers or employees of the United States Government or of the District of Columbia Government.

(12) STIPENDS.—The members of the Board, while attending meetings of the Board or while engaged in duties related to such meetings or other activities of the Board pursuant to this Act, shall be provided a stipend. Such stipend shall be at the rate of $150 per day for which the member of the Board is officially recorded as having worked, except that no member may be paid a total stipend amount in any calendar year in excess of $5,000.

(c) OFFICERS AND STAFF.—

(1) EXECUTIVE DIRECTOR.—The Corporation shall have an Executive Director, and such other staff, as may be appointed by the Board for terms and at rates of compensation, not to exceed level EG–16 of the Educational Service of the District of Columbia, to be fixed by the Board.

(2) STAFF.—With the approval of the Board, the Executive Director may appoint and fix the salary of such additional personnel as the Executive Director considers appropriate.

(3) ANNUAL RATE.—No staff of the Corporation may be compensated by the Corporation at an annual rate of pay greater than the annual rate of pay of the Executive Director.

(4) SERVICE.—All officers and employees of the Corporation shall serve at the pleasure of the Board.

(5) QUALIFICATION.—No political test or qualification may be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(d) POWERS OF THE CORPORATION.—

(1) GENERALLY.—The Corporation is authorized to obtain grants from, and make contracts with, individuals and with private, State, and Federal agencies, organizations, and institutions.

(2) HIRING AUTHORITY.—The Corporation may hire, or accept the voluntary services of, consultants, experts, advisory boards, and panels to aid the Corporation in carrying out this Act.

(e) FINANCIAL MANAGEMENT AND RECORDS.—

(1) AUDITS.—The financial statements of the Corporation shall be—

(A) maintained in accordance with generally accepted accounting principles for nonprofit corporations; and

(B) audited annually by independent certified public accountants.

(2) REPORT.—The report for each such audit shall be included in the annual report to Congress required by section 11(c).

(f) ADMINISTRATIVE RESPONSIBILITIES.—

(1) SCHOLARSHIP APPLICATION SCHEDULE AND PROCEDURES.—Not later than 30 days after the initial Board is appointed and the first Executive Director of the Corporation is hired under this Act, the Corporation shall implement a schedule and procedures for processing applications for, and awarding, student scholarships under this Act. The schedule and procedures shall include establishing a list of certified eligible institutions, distributing scholarship information to parents and the general public (including through a newspaper of general circulation), and establishing deadlines for steps in the scholarship application and award process.

(2) INSTITUTIONAL APPLICATIONS AND ELIGIBILITY.—

(A) IN GENERAL.—An eligible institution that desires to participate in the scholarship program under this Act shall file an application with the Corporation for certification for participation in the scholarship program under this Act that shall—

(i) demonstrate that the eligible institution has operated with not less than 25 students during the 3 years preceding the year for which the determination is made unless the eligible institution is applying for certification as a new eligible institution under subparagraph (C);

(ii) contain an assurance that the eligible institution will comply with all applicable requirements of this Act;

(iii) contain an annual statement of the eligible institution's budget; and

(iv) describe the eligible institution's proposed program, including personnel qualifications and fees.

(B) CERTIFICATION.—

(i) IN GENERAL.—Except as provided in subparagraph (C), not later than 60 days after receipt of an application in accordance with subparagraph (A), the Corporation shall certify an eligible institution to participate in the scholarship program under this Act.

(ii) CONTINUATION.—An eligible institution's certification to participate in the scholarship program shall continue unless such eligible institution's certification is revoked in accordance with subparagraph (D).

(C) NEW ELIGIBLE INSTITUTION.—

(i) IN GENERAL.—An eligible institution that did not operate with at least 25 students in the 3 years preceding the year for which the determination is made may apply for a 1-year provisional certification to participate in the scholarship program under this Act for a single year by providing to the Corporation not later than July 1 of the year preceding the year for which the determination is made—

(I) a list of the eligible institution's board of directors;

(II) letters of support from not less than 10 members of the community served by such eligible institution;

(III) a business plan;

(IV) an intended course of study;

(V) assurances that the eligible institution will begin operations with not less than 25 students;

(VI) assurances that the eligible institution will comply with all applicable requirements of this Act; and

(VII) a statement that satisfies the requirements of clauses (ii) and (iv) of subparagraph (A).

(ii) CERTIFICATION.—Not later than 60 days after the date of receipt of an application described in clause (i), the Corporation shall certify in writing the eligible institution's provisional certification to participate in the scholarship program under this Act unless the Corporation determines that good cause exists to deny certification.

(iii) RENEWAL OF PROVISIONAL CERTIFICATION.—After receipt of an application under clause (i) from an eligible institution that includes a statement of the eligible institution's budget completed not earlier than 12 months before the date such application is filed, the Corporation shall renew an eligible institution's provisional certification for the second and third years of the school's participation in the scholarship program under this Act unless the Corporation finds—

(I) good cause to deny the renewal, including a finding of a pattern of violation of requirements described in paragraph (3)(A); or

(II) consistent failure of 25 percent or more of the students receiving scholarships under this Act and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

(iv) DENIAL OF CERTIFICATION.—If provisional certification or renewal of provisional certification under this subsection is denied, then the Corporation shall provide a written explanation to the eligible institution of the reasons for such denial.

(D) REVOCATION OF ELIGIBILITY.—

(i) IN GENERAL.—The Corporation, after notice and hearing, may revoke an eligible institution's certification to participate in the scholarship program under this Act for a year succeeding the year for which the determination is made for—

(I) good cause, including a finding of a pattern of violation of program requirements described in paragraph (3)(A); or

(II) consistent failure of 25 percent or more of the students receiving scholarships under this Act and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

(ii) EXPLANATION.—If the certification of an eligible institution is revoked, the Corporation shall provide a written explanation of the Corporation's decision to such eligible institution and require a pro rata refund of the proceeds of the scholarship funds received under this Act.

(3) PARTICIPATION REQUIREMENTS FOR ELIGIBLE INSTITUTIONS.—

(A) REQUIREMENTS.—Each eligible institution participating in the scholarship program under this Act shall—

(i) provide to the Corporation not later than June 30 of each year the most recent annual statement of the eligible institution's budget; and

(ii) charge a student that receives a scholarship under this Act not more than the cost of tuition and mandatory fees for, and transportation to attend, such eligible institution as other students who are residents of the District of Columbia and enrolled in such eligible institution.

(B) COMPLIANCE.—The Corporation may require documentation of compliance with the requirements of subparagraph (A), but neither the Corporation nor any governmental entity may impose requirements upon an eligible institution as a condition for participation in the scholarship program under this Act, other than requirements established under this Act.

SEC. 4. SCHOLARSHIPS AUTHORIZED.

(a) ELIGIBLE STUDENTS.—The Corporation is authorized to award tuition scholarships under subsection (c)(1) and enhanced achievement scholarships under subsection (c)(2) to students in kindergarten through grade 12—

(1) who are residents of the District of Columbia; and

(2) whose family income does not exceed 185 percent of the poverty line.

(b) Scholarship Priority.—

(1) First.—The Corporation first shall award scholarships to students described in subsection (a) who—

(A) are enrolled in a District of Columbia public school or preparing to enter a District of Columbia public kindergarten, except that this subparagraph shall apply only for academic years 1997–1998, 1998–1999, and 1999–2000; or

(B) have received a scholarship from the Corporation for the academic year preceding the academic year for which the scholarship is awarded.

(2) Second.—If funds remain for a fiscal year for awarding scholarships after awarding scholarships under paragraph (1), the Corporation shall award scholarships to students who are described in subsection (a), not described in paragraph (1), and otherwise eligible for a scholarship under this Act.

(3) Lottery selection.—The Corporation shall award scholarships to students under this subsection using a lottery selection process whenever the amount made available to carry out this Act for a fiscal year is insufficient to award a scholarship to each student who is eligible to receive a scholarship under this Act for the fiscal year.

(c) Use of Scholarship.—

(1) Tuition scholarships.—A tuition scholarship may be used for the payment of the cost of the tuition and mandatory fees for, and transportation to attend, an eligible institution located within the geographic boundaries of the District of Columbia; Montgomery County, Maryland; Prince Georges County, Maryland; Arlington County, Virginia; Alexandria City, Virginia; Falls Church City, Virginia; Fairfax City, Virginia; or Fairfax County, Virginia.

(2) Enhanced achievement scholarship.—An enhanced achievement scholarship may be used only for the payment of the costs of tuition and mandatory fees for, and transportation to attend, a program of instruction provided by an eligible institution which enhances student achievement of the core curriculum and is operated outside of regular school hours to supplement the regular school program.

(e) Not School Aid.—A scholarship under this Act shall be considered assistance to the student and shall not be considered assistance to an eligible institution.

SEC. 5. SCHOLARSHIP AWARDS.

(a) Awards.—From the funds made available under this Act, the Corporation shall award a scholarship to a student and make scholarship payments in accordance with section 6.

(b) Notification.—Each eligible institution that receives the proceeds of a scholarship payment under subsection (a) shall notify the Corporation not later than 10 days after—

(1) the date that a student receiving a scholarship under this Act is enrolled, of the name, address, and grade level of such student;

(2) the date of the withdrawal or expulsion of any student receiving a scholarship under this Act, of the withdrawal or expulsion; and

(3) the date that a student receiving a scholarship under this Act is refused admission, of the reasons for such a refusal.

(c) Tuition Scholarship.—

(1) Equal to or below poverty line.—For a student whose family income is equal to or below the poverty line, a tuition scholarship may not exceed the lesser of—

(A) the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

(B) $3,200 for fiscal year 1998, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1999 through 2002.

(2) Above poverty line.—For a student whose family income is greater than the poverty line, but not more than 185 percent of the poverty line, a tuition scholarship may not exceed the lesser of—

(A) 75 percent of the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

(B) $2,400 for fiscal year 1998, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1999 through 2002.

(d) Enhanced Achievement Scholarship.—An enhanced achievement scholarship may not exceed the lesser of—

(1) the costs of tuition and mandatory fees for, and transportation to attend, a program of instruction at an eligible institution; or

(2) $500 for 1998, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1999 through 2002.

SEC. 6. SCHOLARSHIP PAYMENTS.

(a) Payments.—The Corporation shall make scholarship payments to the parent of a student awarded a scholarship under this Act.

(b) Distribution of Scholarship Funds.—Scholarship funds may be distributed by check, or another form of disbursement, issued by the Corporation and made payable directly to a parent of a student awarded a scholarship under this Act. The parent may use the scholarship funds only for payment of tuition, mandatory fees, and transportation costs as described in this Act.

(c) Pro Rata Amounts for Student Withdrawal.—If a student receiving a scholarship under this Act withdraws or is expelled from an eligible institution after the proceeds of a scholarship is paid to the eligible institution, then the eligible institution shall refund to the Corporation on a pro rata basis the proportion of any such proceeds received for the remaining days of the school year. Such refund shall occur not later than 30 days after the date of the withdrawal or expulsion of the student.

SEC. 7. CIVIL RIGHTS.

(a) In General.—An eligible institution participating in the scholarship program under this Act shall not discriminate on the basis of race, color, national origin, or sex in carrying out the provisions of this Act.

(b) Applicability and Construction With Respect to Discrimination on the Basis of Sex.—

(1) Applicability.—With respect to discrimination on the basis of sex, subsection (a) shall not apply to an eligible institution that is controlled by a religious organization if the application of subsection (a) is inconsistent with the religious tenets of the eligible institution.

(2) Construction.—With respect to discrimination on the basis of sex, nothing in subsection (a) shall be construed to require any person, or public or private entity to provide or pay, or to prohibit any such person or entity from providing or paying, for any benefit or service, including the use of facilities, related to an abortion. Nothing in the preceding sentence shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion.

(3) Single-sex schools, classes, or activities.—With respect to discrimination on the basis of sex, nothing in subsection (a) shall be construed to prevent a parent from choosing, or an eligible institution from offering, a single-sex school, class, or activity.

(c) Revocation.—Notwithstanding section 3(f)(2)(D), if the Corporation determines that an eligible institution participating in the scholarship program under this Act is in violation of subsection (a), then the Corporation shall revoke such eligible institution's certification to participate in the program.

SEC. 8. CHILDREN WITH DISABILITIES.

Nothing in this Act shall affect the rights of students, or the obligations of the District of Columbia public schools, under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

SEC. 9. RULE OF CONSTRUCTION.

(a) In General.—Nothing in this Act shall be construed to prevent any eligible institution which is operated by, supervised by, controlled by, or connected to, a religious organization from employing, admitting, or giving preference to, persons of the same religion to the extent determined by such institution to promote the religious purpose for which the eligible institution is established or maintained.

(b) Sectarian Purposes.—Nothing in this Act shall be construed to prohibit the use of funds made available under this Act for sectarian educational purposes, or to require an eligible institution to remove religious art, icons, scripture, or other symbols.

SEC. 10. REPORTING REQUIREMENTS.

(a) In General.—An eligible institution participating in the scholarship program under this Act shall report to the Corporation not later than July 30 of each year in a manner prescribed by the Corporation, the following data:

(1) Student achievement in the eligible institution's programs.

(2) Grade advancement for scholarship students.

(3) Disciplinary actions taken with respect to scholarship students.

(4) Graduation, college admission test scores, and college admission rates, if applicable for scholarship students.

(5) Types and amounts of parental involvement required for all families of scholarship students.

(6) Student attendance for scholarship and nonscholarship students.

(7) General information on curriculum, programs, facilities, credentials of personnel, and disciplinary rules at the eligible institution.

(8) Number of scholarship students enrolled.

(9) Such other information as may be required by the Corporation for program appraisal.

(b) Confidentiality.—No personal identifiers may be used in such report, except that the Corporation may request such personal identifiers solely for the purpose of verification.

SEC. 11. PROGRAM APPRAISAL.

(a) Study.—Not later than 4 years after the date of enactment of this Act, the Comptroller General shall enter into a contract, with an evaluating agency that has demonstrated experience in conducting evaluations, for an independent evaluation of the scholarship program under this Act, including—

(1) a comparison of test scores between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the students' academic achievement at the time of the award of their scholarships and the students' family income level;

(2) a comparison of graduation rates between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the students' academic achievement at the time of the award of their scholarships and the students' family income level;

(3) the satisfaction of parents of scholarship students with the scholarship program; and

(4) the impact of the scholarship program on the District of Columbia public schools, including changes in the public school enrollment, and any improvement in the academic performance of the public schools.

(b) PUBLIC REVIEW OF DATA.—All data gathered in the course of the study described in subsection (a) shall be made available to the public upon request except that no personal identifiers shall be made public.

(c) REPORT TO CONGRESS.—Not later than September 1 of each year, the Corporation shall submit a progress report on the scholarship program to the appropriate committees of Congress. Such report shall include a review of how scholarship funds were expended, including the initial academic achievement levels of students who have participated in the scholarship program.

(d) AUTHORIZATION.—There are authorized to be appropriated for the study described in subsection (a), $250,000, which shall remain available until expended.

SEC. 12. JUDICIAL REVIEW.

(a) JURISDICTION.—

(1) IN GENERAL.—The United States District Court for the District of Columbia shall have jurisdiction in any action challenging the constitutionality of the scholarship program under this Act and shall provide expedited review.

(2) STANDING.—The parent of any student eligible to receive a scholarship under this Act shall have standing in an action challenging the constitutionality of the scholarship program under this Act.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States.

SEC. 13. APPROPRIATION OF INITIAL FEDERAL CONTRIBUTION TO FUND.

There are hereby appropriated, out of any money in the Treasury not otherwise appropriated, $7,000,000 for the District of Columbia Scholarship Fund.

SEC. 14. EFFECTIVE DATE.

This Act shall be effective for each of the fiscal years 1998 through 2002.

The SPEAKER pro tempore. Pursuant to House Resolution 413, the gentleman from Texas (Mr. ARMEY) and a Member opposed, the gentlewoman from the District of Columbia (Ms. NORTON), each will control 1 hour.

The Chair recognizes the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1502 represents a legislative effort that was first introduced in this body in 1995 by former Representative Steve Gunderson from Wisconsin. We have continued to introduce this bill and consider it off and on, most recently in this body as an amendment to the D.C. appropriations bill last year. The bill was passed in the other body at the close of last year's session and has been available to the House for consideration at the desk since that time.

Mr. Speaker, what this legislation does is provide $7 million worth of additional funding to the Washington, D.C. School District specifically for the assistance of low-income families in the District, that they might have greater ability within their own family to provide educational opportunities for their children.

In the first half of the bill, we make available for 2,000 Washington, D.C. families scholarships for up to $3,200 available by random selection to low-income families in D.C. It is important that we emphasize that these scholarships are available only to lower income families of D.C., so that they may be able with those scholarships to exercise the same choice and discretion over the education of their children as is done regularly in this city by wealthy families.

D.C., as my colleagues know, is an interesting city in that while it has some outstanding schools, it has other schools that are in fact tragic failures for the children. All too often those children that are left in these difficult schools are the children of the very poorest citizens of the District. D.C. is a city where you have a contrast of affluence as over and against low-income families, where the higher income families all too often exercise the prerogatives made available to them by their higher incomes to take their children to nonpublic educational facilities and to move their children around. We think that that opportunity should not be an opportunity that exists only in the hands of wealthy people but should be made available to each child. We believe that each and every child is God's child and should have as much opportunity.

We have also had an opportunity by working with families through the efforts of the privately funded Washington Scholarship Fund and other efforts such as my own effort in Tools for Tomorrow to meet with the children and to meet with their parents. We see the frustration, we see the concern, we see the hope for these. Indeed, the Washington Scholarship Fund just a few months ago announced in D.C. without fanfare and without any marketing effort that there would be an additional 1,000 scholarships available to low-income families.

□ 1200

By word of mouth this information passed through the neighborhoods, and before long they had almost 8,000 applicants. Yesterday, the 1,000 scholarships were announced as they were selected randomly, and 1,000 of these almost 8,000 families had a great joy in their lives that is reported in the morning's paper. So that we ask initially in this bill to make that opportunity available to an additional 2,000 families.

Second part of this bill makes possible for an additional 2,000 families to use scholarship resources from this special fund of new money for the purposes of hiring tutors and mentors for their children and for the purposes of acquiring educational facilities for their children to supplement the almost frightening deficiencies that we all too often find in the schools.

This is a situation where the need is clearly demonstrated, the desire to do better is clearly demonstrated on the part of a large number of families. The children are there, and the children are anxiously awaiting the opportunity that we can make to them, and the educational slots in the over 80 schools are there and available to the children. Since this is new money added to the D.C. education budget, it is inconceivable to me that anybody could oppose the Congress of the United States with its unique jurisdictional relationship to this city making this opportunity available to these children.

In closing my remarks, let me say very emphatically, Madam Speaker, as emphatically as I may, this legislative effort, this $7 million, these 2,000 scholarships, these 2,000 attendant scholarships are not about politics, they are not about my party, they are not about their party, they are certainly not about me, for I will never be hunting a vote in this city. They are about the children and, quite frankly, only about the children.

And I guess the question that I would put before this body in my opening remarks is, are we willing to put other things second to the children? Can we rise to the occasion of simply looking at the children, seeing their beautiful little faces, with their hope and their optimism, and say there is no consideration that we can weigh against that?

Nothing can be as great as the needs of these children and our commitment to them.

Madam Speaker, I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me begin by briefly explaining what S. 1502, the D.C. Voucher Bill before us this morning, would do. The bill would divert $7 million from the Federal Treasury in fiscal year 1998 and $45 million over 5 years and funnel these resources to religious and private schools. The bill not only diverts funds from the Treasury, where they might be available for public schools, S. 1502 also potentially diverts money from the District of Columbia. Under the bill, religious and private schools in Virginia and Maryland could receive students with tuition paid by D.C. vouchers.

S. 1502 also would create a new unheard of, unprecedented layer of bureaucracy. Instead of delegating the task of administering this voucher program to an existing institution or to a pro bono organization, an entirely new bureaucracy costing $500,000 annually is required by the bill. A corporation, consisting entirely of political appointees not responsible to D.C. residents or even to the parents involved, would be responsible for administering the voucher program and disbursing the federal funds.

Despite the fact that these are local schools, almost none of these appointments would be made by a local official. Of the seven appointees, only one would be appointed by a D.C. official. The remaining six would be appointed by the President of the United States, but even he would have to make his appointments from lists submitted by the Speaker of the House and the Majority Leader of the Senate, none of whom have been elected by any parent or any resident in the District of Columbia.

Since these appointees are simply distributing vouchers, it is not clear why it is appropriate for the task to be done by political appointees at all.

Although home rule has been regularly violated ever since its inception in 1974, total Federal control over the mere administration of such a local program is without precedent and is completely at odds with principles of devolution espoused by the Republican majority.

Astonishingly, these appointees would each be paid up to $5,000, although the vouchers they would be distributing range from only $3,200 for tuition to $500 for tutoring. At best, the bill would allow only 3 percent of D.C. public school students, 2,000 out of nearly 80,000, to apply for vouchers to attend religious and private schools. There is no requirement that these schools take these students and no requirement that these schools make any effort to retain these students or work to eliminate any problems they may have instead of expelling them, as is required of the public schools. Choice, therefore, would not rest with the parents but with the religious and private schools that will apply their own standards for admission and retention of each child.

The bill erodes antidiscrimination laws such as title VI, title IX and the Age Discrimination Act by providing that, despite the Federal subsidies to the schools, vouchers are not State aid for purposes of the bill. Although the bill contains an antidiscrimination provision, a person who suffers discrimination would be deprived of the Federal enforcement mechanism available to public school students and would be without any administrative mechanism to enforce her civil rights. Her only recourse would be to file a costly civil suit in Federal court, a remedy virtually unavailable to the low-income families to whom these vouchers are directed.

In addition, the bill expressly permits tax dollars to support sex discrimination by funding single sex programs. There are no safeguards in the bill to prevent a cottage industry of new and untested religious and private schools from competing for and receiving these federally funded vouchers. There is no provision for accountability for the funds to the Federal Government which grants them or accountability to anyone else.

The sponsors of S. 1502 identify the Cleveland voucher program as a model for their bill. That program is almost identical. It had 2,000 students, and the amounts were roughly comparable, $2,500 vouchers for tuition and $260 tutoring vouchers per student. An evaluation commission by the State of Ohio found, and I am quoting, If the background and demographic factors, including previous achievement, are accounted for, there are no significant differences in third grade achievement between the scholarship students and their Cleveland school peers, end quote.

In no academic subject, reading, mathematics, social studies or science, did the voucher students do any better than their public school peers. Central to the Cleveland program was a feature that its framers hoped would save its constitutionality. As with the D.C. vouchers, the funds would go to the parent, not the religious school. However, in 1997, the Court of Appeals of Ohio, relying both on the State constitution and the Constitution of the United States, ruled that publicly funded vouchers were unconstitutional because they violate the first amendment requirement that State funds and actions not be entangled with the operations of religiously sponsored programs.

The Ohio court held, and I am quoting, Because the scholarship program provides direct and substantial nonneutral government aid to sectarian schools, we hold that it has the primary effect of advancing religion in violation of the establishment clause, end quote.

The only other court to rule on vouchers, the Wisconsin Court of Appeals, reached the same conclusion and went even further. That court noted that even though, quote, some parents of students participating in the program may have their children exempted from religious activities at sectarian schools, that does not alter the fact that money drawn from the State treasury would underwrite precisely those activities for other program students, end quote.

The Ohio court was unanimous, and the Wisconsin court decision was four to one, both striking down publicly funded vouchers like those before us on constitutional grounds.

These decisions protect religion as much as the government in order to assure that complete freedom from government regulation, oversight and accountability is always the case for religious institutions in our country. Moreover, ever since President Clinton has been in office, he has consistently opposed vouchers on the principle that public funds should go to public schools. Because this bill represents an attempt to gain a foothold in the federal budget and begin a drain of Federal resources to religious and private schools, S. 1502 will be vetoed. The statement of policy delivered this morning said, and I quote, If this bill were presented to the President, the President's senior advisers would recommend that the bill be vetoed, end quote.

Thus, the bill before us has little chance of becoming law, because virtually identical bills have been found unconstitutional and because the President of the United States has promised a veto. Unfortunately, the D.C. students who applied were not told of these impediments and have had their hopes raised. This is at least the third attempt by the Republican majority to impose vouchers on the District of Columbia, a jurisdiction powerless to stop them because the District has no representation in the Senate and because the vote on the House floor that I won square and fair and that the federal courts said was entirely constitutional in the 103rd Congress was taken from me when the Republicans assumed the majority in the 104th Congress.

District residents, like their Congresswoman, have been very critical of their public schools, but our residents identify strongly with their public schools and are determined to strengthen them. In 1996, the Control Board took drastic action in ousting the elected school board and imposing an entirely new regime precisely for the purpose of forging a top-to-bottom reform of the public school system.

A new superintendent from Seattle, Washington, Arlene Ackerman, has just initiated a dramatic revitalization designed to rapidly raise student achievements. For example, D.C. students are to read 25 books or the equivalent next year. I challenge every Member of the House to see to it that every child in their districts reads even half that many books next year.

□ 1215

The Summer Stars program (Students and Teachers Achieving Results), will make D.C. one of the very first jurisdictions in the United States to eliminate social promotion by putting in its place a program not only to remediate as many as 20,000 children this summer, but also to catch others before failure sets in. To their credit, President Clinton and the Department of Education have funded half of the $10 million required to fund this innovative program. Although this is just the kind of radical change Congress has been calling for, no congressional funds have been offered to fund any part of this effort. Suggestions that congressional support would greatly assist this program have fallen on deaf ears.

District of Columbia residents, like the residents who participated in all the 19 other statewide referenda, have rejected public subsidies for religious and private schools. The other jurisdictions are, Alaska, California, Colorado, Idaho, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New York, Oregon, Utah, and Washington State. In five States where two referenda were held, California, Maryland, Massachusetts, Oregon and Washington, voucher proponents lost worse on the second vote than they did on the first. In all, there have been 20 statewide referenda and 20 resounding defeats.

In the District of Columbia, public subsidies for private and religious schools lost by the largest margin, 9 to 1, and yet this Member, over her objection, is faced with this bill, this afternoon.

As many as 7,500 low-income families have applied for scholarships in the District. This response is entirely natural and predictable. There are few low-income, or, for that matter, middle-income families in cities or suburbs today who would not come forward if they saw full-page advertisements in the newspapers and TV commercials calling for people to come and get free scholarships to go to private or religious schools. Private schools, whether in city or suburb today, usually have a better reputation than corresponding public schools.

The District of Columbia schools are in very poor condition, and I challenge any Member of this body to have the knowledge of how poor, to have been more critical or to have tried harder to raise them. But these schools mirror the condition of virtually every big-city school system in the country, no better and no worse. In fact, the $7,000 per pupil expenditure in the District is the second lowest in the region. In this region, for example, the city of Alexandria, I say to the gentleman from Virginia (Mr. MORAN), has a per pupil expenditure of $9,000, while my schools have $7,000.

As the District is showing, there are ways to rapidly accelerate reform of schools, but there are also ways to rescue children today while D.C. schools are being fixed. Just yesterday, two philanthropists contributed $6 million in private funds for scholarships for District kids like those who have applied for these vouchers, which every Member in this body knows will not be available. I stand ready to work with the majority, not only on District school reform, as I did on the D.C. charter bill in 1996, and the Riggs-Roemer charter bill last year; I stand ready to work with the majority again, and I welcome their assistance in selecting any approach that must have their agreement as much as mine.

The reading teachers for the lowest performing schools and the Porter-Obey program that I attempted to offer as a substitute for this voucher bill is but one example. I will go further. I am prepared to help raise private funds for private school students. In short, I am prepared to work with my colleagues in a collegial and bipartisan approach to improve schools in my district. I ask them to remember and to respect that it may be your capital of the United States, but it is my district. In the spirit of devolution, of local control, and the deference routinely afforded other Members, I ask that in seeking to help the families I represent, you work through me and with me. You will find me a willing and amiable partner.

Madam Speaker, I reserve the balance of my time.

Mr. ARMEY. Madam Speaker, I yield 1 minute to the gentleman from Florida (Mr. MILLER), a distinguished educator.

Mr. MILLER of Florida. Madam Speaker, I rise today in strong support of the gentleman from Texas (Mr. ARMEY)'s bill to save the D.C. schoolchildren. D.C. schoolchildren deserve a chance to succeed. No one debates that simple fact. However, it takes courage to overcome the obstacles that stand in the way of so many children in the District.

Some argue that by just giving more money, we can solve the problems, but if money was the answer, the D.C. school system should be among America's best. The sad truth is that the D.C. schools are among America's worst.

The D.C. youngsters attend schools of despair where they are more likely to encounter drugs or violence than an opportunity to succeed. We have the power to change that, but it takes courage to vote with one's heart and not the politically easy vote. The cynics sitting there wringing their hands and promising to reform the system from within are not helping any children. All they are doing is helping the teachers' union continue the downward spiral of education in this Nation's capital.

Today, we must all show the courage to save the children by taking on the status quo. We must vote to save the kids. Support the bill.

Ms. NORTON. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. STOKES).

Mr. STOKES. Madam Speaker, I thank the gentlewoman from the District of Columbia for yielding me this time. I want to take a moment just to congratulate her for the extraordinary leadership she has been giving to all of us on this issue.

Madam Speaker, I know from experience that school voucher programs are expensive, they do not work, and as the Ohio Court of Appeals determined, they are unconstitutional. A State-supported voucher initiative in my district which the Republicans have heralded as a success has been little benefit to the low-income students it was intended to reach. In fact, a recently released independent audit and evaluation of the Cleveland school program brought to light several critical facts about the program that should be considered in this debate.

The audit found a flood of management flaws, including problems that ranged from the widespread and very costly use of taxis to transport kids to and from school, to the failure to verify financial eligibility, to inadequate measures to monitor student attendance.

The audit shows a 41 percent cost overrun in the Cleveland voucher program that has resulted in this school year's costs being pushed from $7.1 million to $10 million. The cause of this misspending of State tax dollars includes the fact that approximately 36 percent of the nearly 3,000 voucher students used taxis to get to their private schools, costing $18 to $15 a day and totaling nearly $1.5 million. In addition, taxi companies charged the State even when students were absent if the parents did not notify the companies in advance.

Madam Speaker, I am a product of the Cleveland public schools. I walked 3 miles to school every day. That education I got in the Cleveland public school system enables me to be able to stand here in the well of the House of Representatives today. The results of the evaluation of the Cleveland voucher program show that this program has attracted better achieving students; I urge a no vote on this bill.

Mr. ARMEY. Madam Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM), an ace fighter pilot and dedicated public schoolteacher.

Mr. CUNNINGHAM. Madam Speaker, I would add my wife is a public school teacher as well with a doctorate degree.

Madam Speaker, I had a high regard for General Julius Becton who led D.C. in an almost impossible task, and have worked with Arlene Ackerman who is going to take his place. But I want to say, Bishop McKinney came, an African American from San Diego, that has a school of at-risk black children in the school system, at-risk children that over 90 percent of them go on to school, and they work with special vouchers in the program.

I live in Washington, D.C., and I have met some good teachers, and I have met where they work to have good schools. That is true in any city, and we can find bad schools in any city. But I want to tell my colleagues, per capita, the schools in D.C. are worse. Sixty years old, the average. They have not done a very good job of managing their own city. Roofs that they had to close down the systems, and I get sick and tired of saying we are going to take money away from public education when we could have saved 35 percent for school construction out of public education by waiving Davis-Bacon to repair and build schools, but would they do it? No, because the unions did not want it. Thirty-five percent saving of money, but they would not even do it. They would not even vote to have the NEA pay its fair share of taxes in D.C. so that that money would go to the school, because, quote, that was a union.

But I want to tell my colleagues, they are behind the power curve. I lived up by the train station. My car was broken into twice. Someone died and was shot right outside the driveway. Two ladies were mugged going into the area. A large portion of the students graduating from D.C. are functionally illiterate, and that is not what we want. We want to give them an opportunity.

Madam Speaker, the wealthy do have a choice. The President, the Vice President, and guess what, the delegate to D.C. have their children in private schools. Give the students that are trapped the same opportunity.

CONFERENCE REPORT ON H.R. 3579, 1998

Mr. LIVINGSTON submitted the following conference report and statement on the bill (H.R. 3579) making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes.

CONFERENCE REPORT (H. REPT. 105–504)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3579) "making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes" having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, and for other purposes, namely:

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $184,000,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $22,300,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $5,100,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $10,900,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $4,100,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $1,886,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $48,100,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $27,400,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Defense-Wide", $1,390,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for "Operation and Maintenance, Defense-Wide", $125,528,000, for emergency expenses resulting from natural disasters in the United States: Provided, That the Secretary of Defense may transfer these funds to current applicable operation and maintenance and working capital funds appropriations, to be merged with and available for the same purposes and for the same time period as the appropriation to which transferred: Provided further, That the transfer authority provided in this provision is in addition to any transfer authority available to the Department of Defense: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $125,528,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $650,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $229,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $175,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Overseas Contingency Operations Transfer Fund", $1,814,100,000, to remain available until expended: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the Secretary of Defense may transfer these funds to fiscal year 1998 appropriations for operation and maintenance, working capital funds, the Defense Health Program, procurement, and research, development, test and evaluation: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred, except that funds made available for or transferred to classified programs shall remain available until September 30, 1999: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained in Public Law 105–56.

REVOLVING AND MANAGEMENT FUNDS

NAVY WORKING CAPITAL FUND

For an additional amount for "Navy Working Capital Fund", $23,017,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEFENSE-WIDE WORKING CAPITAL FUND

For an additional amount for "Defense-Wide Working Capital Fund", $1,000,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $1,900,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SECTION 1. In addition to the amounts provided in Public Law 105–56, $36,500,000 is appropriated under the heading "Overseas Humanitarian, Disaster, and Civic Aid": Provided, That from the funds made available under that heading, the Secretary of Defense shall make a grant in the amount of $16,500,000 to the American Red Cross for Armed Forces emergency services: Provided further, That from the funds made available under that heading, the Secretary of Defense shall make a grant in the amount of $20,000,000 to the American Red Cross for reimbursement for disaster relief and recovery expenditures at overseas locations: Provided further, That the entire amount shall be available only to the extent that an official budget request for $36,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 2. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 3. In addition to the amounts appropriated to the Department of Defense under Public Law 105–56, there is hereby appropriated $47,000,000 for the "Reserve Mobilization Income Insurance Fund", to remain available until expended: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $47,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 4. The President is urged to encourage other nations who are allies and friends of the United States to contribute to the burden being borne by the United States in preventing the government of Iraq from using Weapons of Mass Destruction, which pose a threat to the world community. The President is also urged to seek financial, in-kind and other contributions to help defray the costs being incurred by the United States in this operation. For this purpose, a special account shall be established in the Treasury which will accept such financial contributions, and from which funds will be subject to obligation through the normal appropriations process. The Secretary of Defense, after consultation with the Secretary of State, shall provide a report to the Congress within 60 days after enactment as to the status of this effort, and shall make a comprehensive account of the efforts made and results obtained to share the burden of the common defense. The Director of the Office of Management and Budget shall report to the Congress within 30 days as to the establishment of such burden-sharing account in the Department of the Treasury.

(INCLUDING TRANSFER OF FUNDS)

SEC. 5. (a) QUALITY ASSURANCE REPORT ON MILITARY HEALTH CARE.—The Secretary of Defense shall appoint an independent panel of experts to evaluate recent measures taken by the Acting Assistant Secretary of Defense for Health Affairs and the Surgeons General of the Army, Navy and Air Force to improve the quality of care provided by the Military Health Services System.

(b) MEMBERSHIP.—(1) The panel shall be composed of nine members appointed by the Secretary of Defense. At least five of those members shall be persons who are highly qualified in the medical arts, have experience in setting health care standards, and possess a demonstrated understanding of the military health care system and its unique mission requirements. The remaining members shall be persons who are current beneficiaries of the Military Health Services System.

(2) The Secretary shall designate one member to serve as chairperson of the panel.

(3) The Secretary shall appoint the members of this panel not later than 45 days after enactment of this Act.

(c) FUNCTIONS OF THE PANEL.—The panel shall review the Department of Defense Access and Quality Improvement Initiative announced in early 1998 (together with other related quality improvement actions) to assess whether all reasonable measures have been taken to ensure that the Military Health Services System delivers health care services in accordance with consistently high professional standards. The panel shall specifically assess actions of the Department to accomplish the following objectives of that initiative and related management actions:

(1) Upgrade professional education and training requirements for military physicians and other health care providers;

(2) Establish "Centers of Excellence" for complicated surgical procedures;

(3) Make timely and complete reports to the National Practitioner Data Bank and eliminate associated reporting backlogs;

(4) Assure that Military Health Services System providers are properly licensed and have appropriate credentials;

(5) Reestablish the Quality Management Report to aid in early identification of compliance problems;

(6) Improve communications with beneficiaries to provide comprehensive and objective information on the quality of care being provided;

(7) Strengthen the National Quality Management Program;

(8) Ensure that all laboratory work meets professional standards; and

(9) Ensure the accuracy of patient data and information.

(d) REPORT.—Not later than six months after the date on which the panel is established, the panel shall submit to the Secretary a report setting forth its findings and conclusions, and the reasons therefor, and such recommendations it deems appropriate. The Secretary shall forward the report of the panel to Congress not later than 15 days after the date on which the Secretary receives it, together with the Secretary's comments on the report.

(e) PANEL ADMINISTRATION.—(1) The members of the panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized by law for employees of agencies while away from their homes or regular places of business in the performance of services for the panel.

(2) Upon request of the chairperson of the panel, the Secretary of Defense may detail to the panel, on a nonreimbursable basis, personnel of the Department of Defense to assist the panel in carrying out its duties. The Secretary of Defense shall furnish to the panel such administrative and support services as may be requested by the chairman of the panel.

(f) PANEL FINANCING.—Of the funds appropriated in Public Law 105–56 for "Research, Development, Test and Evaluation, Navy", $4,700,000 shall be transferred to "Defense Health Program", to be available through fiscal year 1999, only for administrative costs of this panel and for the express purpose of initiating or accelerating any activity identified by the panel that will improve the quality of health care provided by the Military Health Services System.

(TRANSFER OF FUNDS)

SEC. 6. Of the funds appropriated in Public Law 105–56, under the heading "Chemical Agents and Munitions Destruction, Defense" for Operation and maintenance, $40,000,000 shall be transferred to "Operation and Maintenance, Defense-Wide".

SEC. 7. (a) Congress urges the President to seek concurrence among the members of the North Atlantic Treaty Organization (NATO) on arrangements that set forth—

(1) the benchmarks for achieving a sustainable peace process that are detailed in the report accompanying the certification that was made by the President to Congress on March 3, 1998;

(2) estimated target dates for achieving the benchmarks; and

(3) a process for NATO to review progress toward achieving the benchmarks.

(b) The President shall submit to Congress—

(1) not later than June 30, 1998, a report on efforts to gain agreement on arrangements described in subsection (a), and such report should include an explanation of the Administration's view of whether it would promote United States interests to adopt firm schedules or deadlines for achieving such benchmarks; and

(2) semiannually after that report, so long as United States ground combat forces continue to participate in the Stabilization Force for Bosnia (SFOR), a report on the progress made toward achieving the benchmarks referred to in subsection (a)(1), including any developments which may affect the ability of the relevant parties to achieve the benchmarks in a timely manner.

(c) The Congress urges the President to ensure that efforts to meet the estimated target dates described in this section do not jeopardize the safety of United States Armed Forces in Bosnia.

(d) The enactment of this section does not reflect approval or disapproval of the benchmarks submitted by the President in the certification to Congress transmitted on March 3, 1998.

SEC. 8. Notwithstanding any other provision of law, in the case of a person who is selected for training in a State program conducted under the National Guard Challenge Program and who obtains a general education diploma in connection with such training, the general education diploma shall be treated as equivalent to a high school diploma for purposes of determining the eligibility of the person for enlistment in the Armed Forces.

SEC. 9. In addition to the amounts provided in Public Law 105–56, $179,000,000 is appropriated under the heading "Research, Development, Test and Evaluation, Defense-Wide": Provided, That the additional amount shall be made available for enhancements to selected theater missile defense programs to counter enhanced ballistic missile threats: Provided further, That of the additional amount appropriated, $45,000,000 shall be made available only for the purpose of adjusting the cost-share of the parties under the Agreement between the Department of Defense and the Ministry of Defence of Israel for the Arrow Deployability Program: Provided further, That of the additional amount appropriated, $38,000,000 shall be made available only for the Sea-Based Wide Area Defense (Navy Upper-Tier) Program: Provided further, That the entire amount shall be available only to the extent that an official budget request for $179,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 10. (a)(1) The Secretary of Defense may enter into a lease or acquire any other interest in the parcels of land described in paragraph (2). The parcels consist in aggregate of approximately 90 acres.

(2) The parcels of land referred to in paragraph (1) are the following land used for the commercial production of cranberries:

(A) The parcels known as the Mashpee bogs, located on the Quashnet River adjacent to the Massachusetts Military Reservation, Massachusetts.

(B) The parcels known as the Falmouth bogs, located on the Coonamessett River adjacent to the Massachusetts Military Reservation, Massachusetts.

(3) The term of any lease or other interest acquired under paragraph (1) may not exceed two years.

(4) Any lease or other real property interest acquired under paragraph (1) shall be subject to such other terms and conditions as are agreed upon jointly by the Secretary and the person or entity entering into the lease or extending the interest.

(b) Of the amounts appropriated or otherwise made available for the Department of Defense for fiscal year 1998, up to $2,000,000 may be available to acquire interest under subsection (a).

SEC. 11. In addition to the amounts provided in Public Law 105-56, $272,500,000 is appropriated under the heading "Aircraft Procurement, Navy": Provided, That the additional amount shall be made available only for the procurement of eight F/A-18 aircraft for the United States Marine Corps: Provided further, That the entire amount shall be available only to the extent that an official budget request for $272,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 12. Funds appropriated in fiscal year 1997, 1998 and hereafter for the Pacific Disaster Center may be obligated to carry out such missions as the Secretary of Defense may specify for disaster information management supporting mitigation, preparedness, response and recovery from this federal facility and assuring critical infrastructure availability and humanitarian assistance at the federal, state, local and regional levels in the geographic area of responsibility of the Commander in Chief, Pacific and beyond in support of the Global Disaster Information Network as appropriate.

(INCLUDING TRANSFER OF FUNDS)

SEC. 13. Of the funds provided in Public Law 105-56 for "Research, Development, Test and Evaluation, Navy", $300,000 shall be transferred to "Operation and Maintenance, Defense-Wide": Provided, That the Secretary of Defense shall make grants from the "Operation and Maintenance, Defense-Wide" account in the total amount of not to exceed $300,000 to the Outdoor Odyssey at Roaring Run to initiate a youth development and leadership program.

SEC. 14. Notwithstanding section 7306 of title 10 United States Code, and any other provision of law, of the funds made available to the Department of the Navy by Public Law 105-56, $3,000,000 may be used only for disposal of residual fuel contained on the U.S.S. Alabama.

SEC. 15. Notwithstanding any other provision of law, funds appropriated for the Defense Health Program for fiscal year 1998 may be used to provide health benefits under section 1086 of title 10, United States Code, to a person who is described in paragraph (1) of subsection (d) of such section, would be eligible for health benefits under such section in the absence of such paragraph (1), and satisfies the requirements of subparagraphs (A) and (B) of paragraph (2) of such subsection (d), if the Secretary of Defense considers that the provision of health benefits under such section is appropriate to ensure health care coverage for such a person who may have been unaware of the termination of the person's eligibility for such health benefits.

(INCLUDING TRANSFER OF FUNDS)

SEC. 16. In addition to the amounts provided in Public Law 105-56, $28,000,000, to remain available until expended, is appropriated and shall be available for deposit in the International Trust Fund of the Republic of Slovenia, Mine Clearance, and Assistance to Mine Victims in Bosnia and Herzegovina (the "Fund") and other land mine-affected countries in the region: Provided, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes a designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted to the Congress by the President: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act: Provided further, That the amount designated as an emergency shall be transferred to the Department of State for administration: Provided further, That such amount may be deposited in the Fund in two equal annual installments, upon emergency designation, only if the President certifies annually to the Congress of the United States that such amounts could be used effectively and for objectives consistent with ongoing efforts to carry out humanitarian demining activities in and around Bosnia: Provided further, That such amount may be deposited in the Fund only to the extent of deposits of matching amounts in that Fund by other governments, entities, or persons.

SEC. 17. It is the sense of the Congress that none of the funds appropriated or otherwise made available by this Act may be made available for the conduct of offensive operations by United States Armed Forces against Iraq for the purpose of obtaining compliance by Iraq with United Nations Security Council Resolutions relating to inspection and destruction of weapons of mass destruction in Iraq unless such operations are specifically authorized by a law enacted after the date of the enactment of this Act.

SEC. 18. CAVALESE, ITALY AIR TRAGEDY.—The United States Congress expresses regret and extends its deepest sympathies to the families of the victims for the tragic incident involving Marine Corps aircraft near Cavalese, Italy on February 3, 1998. The Secretary of Defense shall make available on a timely basis all legal and other technical assistance necessary to facilitate the expeditious processing and resolution of legitimate claims for wrongful death, loss of business and profits, and property damage under the procedures set forth under the NATO Status of Forces Agreement. The Secretary of Defense shall ensure that any claim to replace the destroyed funicular system before the upcoming winter tourist season be considered on a priority basis.

CHAPTER 2

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for "Military Construction, Army National Guard" to cover costs arising from storm related damage, $3,700,000, to be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FAMILY HOUSING, NAVY AND MARINE CORPS

For an additional amount for "Family Housing, Navy and Marine Corps" to cover costs arising from Typhoon Paka related damage, $15,600,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for "Family Housing, Navy and Marine Corps" to cover costs arising from El Niño related damage, $2,500,000, to be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FAMILY HOUSING, AIR FORCE

For an additional amount for "Family Housing, Air Force" to cover costs arising from Typhoon Paka related damage, $1,500,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for "Family Housing, Air Force" to cover costs arising from El Niño related damage, $900,000, to be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

For an additional amount for "Base Realignment and Closure Account, Part III" to cover costs arising from El Niño related damage,

$1,020,000, to be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISION—THIS CHAPTER

SEC. 20. Notwithstanding any other provision of law, using amounts appropriated in Public Law 104-196 for "Military Construction, Navy", for the military construction project for North Island Naval Air Station, California, and contributions (if any) provided by the State of California and local governments to support that project, the Secretary of the Navy, in cooperation with local governments, shall carry out beach replenishment in connection with that project using sand obtained from any location. The contributions (if any) provided by the State of California and local governments shall be available only for beach replenishment activities performed after the date of the enactment of this Act.

TITLE II—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For additional gross obligations for the principal amount of emergency insured loans authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, for losses in fiscal year 1998 resulting from natural disasters, $87,400,000.

For the additional cost of emergency insured loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $21,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent that an official budget request for $21,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

EMERGENCY CONSERVATION PROGRAM

For an additional amount for the "Emergency Conservation Program" for expenses resulting from natural disasters, $30,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent that an official budget request for $30,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

For an additional amount for the "Emergency Conservation Program" to provide cost-sharing assistance to maple producers to replace taps and tubing that were damaged by ice storms in northeastern States in 1998, $4,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent that an official budget request for $4,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

TREE ASSISTANCE PROGRAM

An amount of $14,000,000 is provided for assistance to replace or rehabilitate trees, excluding trees used for pulp and/or timber, and vineyards damaged by natural disasters: Provided, That the entire amount shall be available only to the extent that an official budget request for $14,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

COMMODITY CREDIT CORPORATION FUND

LIVESTOCK DISASTER ASSISTANCE PROGRAM

Effective only for losses incurred beginning on November 27, 1997, through the date of enactment of this Act, $4,000,000 to implement a livestock indemnity program to compensate producers for losses of livestock (including ratites) due to natural disasters designated pursuant to a Presidential or Secretarial declaration requested during such a period in a manner similar to catastrophic loss coverage available for other commodities under 7 U.S.C. 1508(b): Provided, That the entire amount shall be available only to the extent that an official budget request for $4,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

DAIRY PRODUCTION DISASTER ASSISTANCE PROGRAM

Effective only for natural disasters beginning on November 27, 1997, through the date of enactment of this Act, $6,800,000 to implement a dairy production indemnity program to compensate producers at a payment rate of $4.00 per hundredweight for losses of milk that had been produced but not marketed or for diminished production (including diminished future production due to mastitis) due to natural disasters designated pursuant to a Presidential or Secretarial declaration requested during such period: Provided, That payments for diminished production shall be determined on a per head basis derived from a comparison to a like production period from the previous year, the disaster period is 180 days starting with the date of the disasters and the payment rate shall be $4.00 per hundredweight of milk: Provided further, That the entire amount shall be available only to the extent that an official budget request for $6,800,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations" to repair damages to the waterways and watersheds resulting from natural disasters, $80,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent that an official budget request for $80,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

CHAPTER 2

UNITED STATES INFORMATION AGENCY

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations", $5,000,000, to remain available until September 30, 1999, for a grant to Radio Free Europe/Radio Liberty for surrogate radio broadcasting to the Iraqi people: Provided, That such broadcasting shall be designated "Radio Free Iraq": Provided further, That within 30 days of enactment into law of this Act the Broadcasting Board of Governors shall submit a detailed report to the appropriate committees of Congress on plans to establish a surrogate broadcasting service to Iraq: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATION AND MAINTENANCE, GENERAL

For emergency repairs due to flooding and other natural disasters, $105,185,000, to remain available until expended, of which such amounts for eligible navigation projects which may be derived from the Harbor Maintenance Trust Fund pursuant to Public Law 99–662, shall be derived from that Fund: Provided, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for "Water and Related Resources" to repair damage caused by floods and other natural disasters, $4,520,000, to remain available until expended, which shall be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided, That the entire amount is designated by Congress as an *emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

CHAPTER 4

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

CONSTRUCTION

For an additional amount for "Construction", $1,837,000, to remain available until expended, to repair damage caused by floods and other natural disasters: Provided, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for "Construction", $32,818,000, to remain available until expended, to repair damage caused by floods and other natural disasters: Provided, That of such amount, $29,130,000 shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction" to repair damage caused by floods and other natural disasters, $9,506,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research" for emergency expenses resulting from floods and other natural disasters, $1,198,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

BUREAU OF INDIAN AFFAIRS

CONSTRUCTION

For an additional amount for "Construction", $1,065,000, to remain available until expended, of which $700,000 is to repair damage caused by floods and other natural disasters, and $365,000 is for replacement of fixtures and testing for and remediation of Polylchlorinated biphenyls (PCBs) in Bureau of Indian Affairs schools and administrative facilities: Provided, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

For an additional amount for "State and Private Forestry" for emergency expenses resulting from damages from ice storms, tornadoes and other natural disasters, $48,000,000, to remain available until expended: Provided, That of such amount, $28,000,000 shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL FOREST SYSTEM

For an additional amount for the "National Forest System" for emergency expenses resulting from damages from ice storms, tornadoes and other natural disasters, $10,461,000, to remain available until expended: Provided, That of such amount, $5,461,000 shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

WILDLAND FIRE MANAGEMENT

For an additional amount for "Wildland Fire Management" for emergency expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned-over National Forest System lands, in response to damages caused by windstorms in Texas, $2,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF ENERGY

STRATEGIC PETROLEUM RESERVE

The paragraph under this head in Public Law 105–83 is amended by inserting before the period, ": Provided further, That the drawdown and sale of oil from the Strategic Petroleum Reserve shall be prohibited to the extent that such actions are determined by the President to be imprudent in light of current market conditions and that an official budget request for a prohibition of the drawdown and sale of oil from the Strategic Petroleum Reserve and including a designation of the entire request and the $207,500,000 of revenue foregone as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act".

CHAPTER 5

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For an additional amount for the Emergency Relief Program for emergency expenses resulting from floods and other natural disasters, as authorized by 23 U.S.C. 125, $259,000,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That of such amount, $35,000,000 shall be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress: Provided further, That any obligations for the Emergency Relief Program shall not be subject to the prohibition against obligations in section 2(e)(3)(A) and (D) of the Surface Transportation Extension Act of 1997: Provided further, That 23 U.S.C. 125(b)(1) shall not apply to projects resulting from flooding during the fall of 1997 through the winter of 1998 in California: Provided further, That if sufficient carryover balances for the necessary expenses for administration and operation (including motor carrier safety program operations) of the Federal Highway Administration, the National Highway Traffic Safety Administration, and the Bureau of Transportation Statistics are not available, and pending the reauthorization of the Federal-aid highways program, the Secretary of Transportation may borrow such sums as may be necessary for such expenses from the unobligated balances of discretionary allocations for the Federal-aid highways program made available by this Act.

FEDERAL RAILROAD ADMINISTRATION

EMERGENCY RAILROAD REHABILITATION AND REPAIR

For necessary expenses to repair and rebuild freight rail lines of regional and short line railroads or a State entity damaged by floods that occurred between and including September 1996 and March 1998, $9,800,000, to be awarded to the States subject to the discretion of the Secretary on a case-by-case basis: Provided, That funds provided under this head shall be available for rehabilitation of railroad rights-of-way, bridges, and other facilities which are part of the general railroad system of transportation, and primarily used by railroads to move freight traffic: Provided further, That railroad rights-of-way, bridges, and other facilities owned by class I railroads are not eligible for funding under this head unless the rights-of-way, bridges, or other facilities are under contract lease to a class II or class III railroad under which the lessee is responsible for all maintenance costs of the line: Provided further, That railroad rights-of-way, bridges, and other facilities owned by passenger railroads, or by tourist, scenic, or historic railroads are not eligible for funding under this head: Provided further, That these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That all funds made available under this head are to remain available until September 30, 1998.

CHAPTER 6

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS

For an additional amount for "Community development block grants", as authorized under title I of the Housing and Community Development Act of 1974, $130,000,000, which shall remain available until September 30, 2001, for use only for disaster relief, long-term recovery, and mitigation in communities affected by Presidentially declared natural disasters designated during fiscal year 1998, except for those activities reimbursable by or for which funds are made available by the Federal Emergency Management Agency, the Small Business Administration, or the Army Corps of Engineers: Provided, That in administering these amounts and except as provided in the next proviso, the Secretary of Housing and Urban Development (the Secretary) may waive or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds, except for statutory requirements related to civil rights, fair housing and nondiscrimination, the environment, and labor standards, upon a finding that such waiver is required to facilitate the use of such funds and would not be inconsistent with the overall purpose of the statute: Provided further, That the Secretary may waive the requirements that activities benefit persons of low and moderate income, except that at least 50 percent of the funds under this head must benefit primarily persons of low and moderate income unless the Secretary makes a finding of compelling need: Provided further, That all funds under this head shall be allocated by the Secretary to States to be administered by each State in conjunction with its Federal Emergency Management Agency program or its community development block grants program or by the entity designated by its Chief Executive Officer to administer the HOME Investment Partnerships Program: Provided further, That each State shall provide not less than 25 percent in non-federal public matching funds or its equivalent value (other than administrative costs) for any funds allocated to the State under this head: Provided further, That, in conjunction with the Director of the Federal Emergency Management Agency, the Secretary shall allocate funds based on the unmet needs identified by the Director as those which have not or will not be addressed by other Federal disaster assistance programs: Provided further, That, in conjunction with the Director, the Secretary shall utilize annual disaster cost estimates in order that the funds under this head shall be available, to the maximum extent feasible, to assist States with all Presidentially declared disasters designated during this fiscal year: Provided further, That the Secretary shall publish a notice in the Federal Register governing the allocation and use of the community development block grants funds made available under this head for disaster areas: Provided further, That 10 days prior to distribution of funds, the Secretary and the Director shall submit a list to the House and Senate Appropriations Subcommittees on VA, HUD and Independent Agencies, setting forth the proposed uses of funds and the most recent estimates of unmet needs (including all uses of waivers and the reasons therefore): Provided further, That the Secretary and the Director shall submit quarterly reports to the Subcommittees regarding the actual projects, localities and needs for which funds have been provided: Provided further, That these reports shall be based upon quarterly reports submitted to HUD and the Director by each State receiving funds under this head: Provided further, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INDEPENDENT AGENCY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster relief", $1,600,000,000, to remain available until expended: Provided, That these funds shall be available only to the extent that an official budget request for a specific amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That the entire amount appropriated herein is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 7

RESCISSIONS

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the unobligated balances authorized under 49 U.S.C. 48103 as amended, $241,000,000 are rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

SECTION 8 RESERVE PRESERVATION ACCOUNT

(RESCISSION)

Of the amounts recaptured under this heading during fiscal year 1998 and prior years, $2,347,190,000 are rescinded.

TITLE III—SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

During fiscal year 1998, not to exceed $543,000 from funds available to the Secretary of Agriculture to provide compensation to agriculture producers and other persons under section 105(b) of the Federal Plant Pest Act (7 U.S.C. 150dd(b)) may be available for payments to any person who had wheat stored in a storage facility that was subject to an emergency action notice issued by the Secretary relating to the presence or presumed presence of Karnal bunt to compensate the person for economic losses incurred as a result of the effect of the notice on the operation of the storage facility (including wheat plowed under in calendar year 1996) after issuance of an emergency action notice due to Karnal bunt. The determination by the Secretary of the amount of any compensation to be paid under this section shall be final.

DEPARTMENTAL ADMINISTRATION

For an additional amount for "Departmental Administration", $2,000,000.

OFFICE OF THE GENERAL COUNSEL

For an additional amount for the "Office of the General Counsel", $235,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

INSPECTION AND WEIGHING SERVICES

For expenses necessary to recapitalize the revolving fund established under section 7(j)(1) of the United States Grain Standards Act (7 U.S.C. 79(j)(1)), $1,500,000.

FARM SERVICE AGENCY

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For additional gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $43,320,000, of which $25,000,000 shall be available for guaranteed loans; operating loans, $105,000,000, of which $35,000,000 shall be for subsidized guaranteed loans; and for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, $18,814,000.

For the additional cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $3,356,000, of which $967,000 shall be for guaranteed loans; operating loans, $7,973,000, of which $3,374,000 shall be for subsidized guaranteed loans; and for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, $222,000.

FOOD STAMP PROGRAM

Of the amounts made available under this head in Public Law 105–86, funds for employment and training shall remain available until expended as authorized by section 16(h)(1) of the Food Stamp Act.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" from fees collected pursuant to section 736 of the Federal Food, Drug, and Cosmetic Act, not to exceed $25,918,000, to remain available until expended: Provided, That fees derived from applications received during fiscal year 1998 shall be credited to the appropriation current in the year in which fees are collected and subject to the fiscal year 1998 limitation.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1001. Notwithstanding any other provision of law, permanent employees of county committees employed during fiscal year 1998 pursuant to 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be considered as having Federal Civil Service status only for the purpose of applying for United States Department of Agriculture Civil Service vacancies.

SEC. 1002. Notwithstanding any other provision of law regarding a competitive research, education, or extension grant program of the Department of Agriculture, the Secretary may use grant program funds, as necessary, to supplement funds otherwise available for program administration, to pay for the costs associated with peer review of grant proposals under the program.

CHAPTER 2

DEPARTMENT OF ENERGY

DEPARTMENTAL ADMINISTRATION

Such additional amounts as necessary, not to exceed $5,408,000, to cover increases in the estimated amount of cost of Work For Others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of Work For Others are offset by revenue increases of the same or greater amount derived from fees authorized by sections 31 and 33 of the Atomic Energy Act of 1954 (42 U.S.C. 2051 and 2053), to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2001. Notwithstanding any other provisions of law, no fully allocated funding policy shall be applied to projects for which funds were identified in the Conference Report (House Report 105–271) accompanying the Energy and Water Development Appropriations Act, 1998, Public Law 105–62 (111 Stat. 1320, et seq.), under the Construction, General; Operation and Maintenance, General; and Flood Control, Mississippi River and Tributaries, appropriation accounts: Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake these projects using continuing contracts, as authorized in section 10 of the Rivers and Harbors Act of September 22, 1922 (33 U.S.C. 621).

SEC. 2002. The Secretary of the Army, acting through the Chief of Engineers, is directed to use available funds, up to the maximum amount authorized per project under Section 205 of the Flood Control Act of 1948, as amended, to provide a level of enhanced flood protection at Elba, Alabama.

SEC. 2003. Section 2 of the Emergency Drought Relief Act of 1996 (Public Law 104–318; 110 Stat. 3862) is amended by adding at the end the following new section:

"(c) EXTENSION OF PERIODS FOR REPAYMENT.—Notwithstanding any provision of the Reclamation Project Act of 1939 (43 U.S.C. 485 et seq.), the Secretary of the Interior—

"(1) shall extend the period for repayment by the City of Corpus Christi, Texas, and the Nueces River Authority under contract No. 6–07–01–x0675, relating to the Nueces River reclamation project, Texas, until—

"(A) August 1, 2029 for repayment pursuant to the municipal and industrial water supply benefits portion of the contract; and

"(B) until August 1, 2044 for repayment pursuant to the fish and wildlife and recreation benefits portion of the contract, and

"(2) shall extend the period for repayment by the Canadian River Municipal Water Authority under contract No. 14–06–500–485 relating to the Canadian River reclamation project, Texas, until October 1, 2021.".

SEC. 2004. Section 303 of the Energy and Water Development Appropriations Act, 1998 (Public Law 105–62), does not apply to the worker transition plan for the Pinellas Plant site.

CHAPTER 3

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the National Park System", $340,000, to remain available until expended, to provide for public access at Katmai National Park and Preserve and for litigation costs related to the disposition of an allotment within the Park.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For an additional amount for "Royalty and Offshore Minerals Management" to meet increased demand and workload requirements stemming from higher than anticipated leasing activity in the Gulf of Mexico, $6,675,000, to remain available until expended, to be derived from increased receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

ABANDONED MINE RECLAMATION FUND

(TRANSFER OF FUNDS)

For an additional amount for the "Abandoned Mine Reclamation Fund", $3,163,000, to be derived by transfer from amounts available in Public Law 105–83 under the heading, "Regulation and Technology", and to be subject to the same terms and conditions of the account to which transferred.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian Programs", $1,050,000, to remain available until expended, for the cost of document collection and production, including electronic imaging, required to support litigation involving individual Indian trust fund accounts.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For an additional amount for "Federal Trust Programs", $4,650,000, to remain available until expended, for the cost of document collection and production, including electronic imaging, required to support litigation involving individual Indian trust fund accounts.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For an additional amount for "Indian Health Services", $100,000, to remain available until expended, for suicide prevention counseling.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3001. Section 330C(c) of subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.), as amended by section 4922 of Public Law 105–33, is further amended by inserting ", to remain available until expended," after the words "fiscal years 1998 through 2002, $30,000,000".

SEC. 3002. Construction of the Trappers Loop connector road, and any related actions, by any Federal or state agency or other entity are deemed to be non-discretionary actions authorized and directed by Congress under title III, section 304(e)(3) of the Omnibus Parks and Public Lands Management Act of 1996 (110 Stat. 4093).

SEC. 3003. Neither the issuance by the United States of an easement on and across National Forest lands for the Boulder City Pipeline (also known as Lakewood Pipeline) nor the acceptance of such easement by the City of Boulder, Colorado, nor the relocation of such pipeline on such easement, shall cause, be construed as, or result in the abandonment, termination, relinquishment, revocation, limitation, or diminution of any rights claimed by such city pursuant to or as a result of any prior grant, including the Act of July 26, 1866 (43 U.S.C. 661) and the Acts authorizing the conveyance of such city of the Silver Lake Watershed. The alignment of the relocated pipeline shall be considered neither more nor less within the scope of any prior grants than the alignment of the pipeline existing prior to the issuance of such easement.

SEC. 3004. Notwithstanding any other provision of law, the Secretary of the Interior, through the Bureau of Indian Affairs, may hereafter directly transfer to Indian tribes in North and South Dakota portable housing units at the Grand Forks Air Force Base in North Dakota that have been declared excess by the Department of Defense and requested for transfer by the Department of the Interior: Provided, That the Department of the Interior shall not be responsible for rehabilitation of the portable housing units or remediation of any potentially hazardous substances.

SEC. 3005. PETROGLYPH NATIONAL MONUMENT. (a) SHORT TITLE.—This section may be cited as the "Petroglyph National Monument Boundary Adjustment Act".

(b) FINDINGS.—Congress finds that—

(1) the purposes for which Petroglyph National Monument (referred to in this section as "the monument") was established continue to be valid;

(2) it is of mutual benefit to the trustee institutions of the New Mexico State Trust lands and the National Park Service for land exchange negotiations to be completed with all due diligence, resulting in the transfer of all State Trust lands within the boundaries of the monument to the United States in accordance with State and Federal law;

(3) because the city of Albuquerque, New Mexico, has acquired substantial acreage within the monument boundaries, purchased with State and municipal funds, the consolidation of land ownership and jurisdiction under the National Park Service will require the consent of the city of Albuquerque, and options for National Park Service acquisition that are not currently available;

(4) corridors for the development of Paseo del Norte and Unser Boulevard are depicted on the map referred to in section 102(a) of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101–313; 16 U.S.C. 431 note), and the alignment of the roadways was anticipated by Congress before the date of enactment of the Act;

(5) it was the expectation of the principal proponents of the monument, including the cities of Albuquerque and Rio Rancho, New Mexico, and the National Park Service, that passage of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101–313; 16 U.S.C. 431 note) would allow the city of Albuquerque—

(A) to utilize the Paseo del Norte and Unser Boulevard corridors through the monument; and

(B) to design and construct infrastructure within the corridors with the cultural and natural resources of the monument in mind;

(6) the city of Albuquerque has not provided for the establishment of rights-of-way for the Paseo del Norte and Unser Boulevard corridors under the Joint Powers Agreement (JPANO 78–521.81–277A), which expanded the boundary of the monument to include the Piedras Marcadas and Boca Negra units, pursuant to section 104 of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101–313; 16 U.S.C. 431 note);

(7) the National Park Service has identified the realignment of Unser Boulevard, depicted on the map referred to in section 102(a) of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101–313; 16 U.S.C. 431 note), as serving a park purpose in the General Management Plan/Development Concept Plan for Petroglyph National Monument;

(8) the establishment of a citizens' advisory committee prior to construction of the Unser Boulevard South project, which runs along the eastern boundary of the Atrisco Unit of the monument, allowed the citizens of Albuquerque and the National Park Service to provide significant and meaningful input into the parkway

design of the road, and that similar proceedings should occur prior to construction within the Paseo del Norte corridor;

(9) parkway standards approved by the city of Albuquerque for the construction of Unser Boulevard South along the eastern boundary of the Atrisco Unit of the monument would be appropriate for a road passing through the Paseo del Norte corridor;

(10) adequate planning and cooperation between the city of Albuquerque and the National Park Service is essential to avoid resource degradation within the monument resulting from storm water runoff, and drainage conveyances through the monument should be designed and located to provide sufficient capacity for effective runoff management; and

(11) the monument will best be managed for the benefit and enjoyment of present and future generations with cooperation between the city of Albuquerque, the State of New Mexico, and the National Park Service.

(c) PLANNING AUTHORITY.—

(1) STORM WATER DRAINAGE.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the National Park Service (referred to in this section as the "Secretary"), and the city of Albuquerque, New Mexico, shall enter into negotiations to provide for the management of storm water runoff and drainage within the monument, including the design and construction of any storm water corridors, conveyances, and easements within the monument boundaries.

(2) ROAD DESIGN.—

(A) If the city of Albuquerque decides to proceed with the construction of a roadway within the area excluded from the monument by the amendment made by subsection (d), the design criteria shall be similar to those provided for the Unser Boulevard South project along the eastern boundary of the Atrisco Unit, taking into account topographic differences and the lane, speed and noise requirements of the heavier traffic load that is anticipated for Paseo del Norte, as referenced in section A–2 of the Unser Middle Transportation Corridor Record of Decision prepared by the city of Albuquerque dated December 1993.

(B) At least 180 days before the initiation of any road construction within the area excluded from the monument by the amendment made by subsection (d), the city of Albuquerque shall notify the Direct of the National Park Service (hereinafter "the Director"), who may submit suggested modifications to the design specifications of the road construction project within the area excluded from the monument by the amendment made by subsection (d).

(C) If after 180 days, an agreement on the design specifications is not reached by the city of Albuquerque and the Director, the city may contract with the head of the Department of Civil Engineering at the University of New Mexico, to design a road to meet the design criteria referred to in subparagraph (A). The design specifications developed by the Department of Civil Engineering shall be deemed to have met the requirements of this paragraph, and the city may proceed with the construction project, in accordance with those design specifications.

(d) ACQUISITION AUTHORITY; BOUNDARY ADJUSTMENT; ADMINISTRATION AND MANAGEMENT OF THE MONUMENT.—

(1) ACQUISITION AUTHORITY.—Section 103(a) of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101–313, 16 U.S.C. 431 note) is amended—

(A) by striking "(a) The Secretary" and inserting the following:

"(a) AUTHORITY.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary";

(B) by striking ", except that lands or interests therein owned by the State or a political subdivision thereof may be acquired only by donation or exchange"; and

(C) by adding at the end the following:

"(2) LAND OWNED BY THE STATE OR A POLITICAL SUBDIVISION.—No land or interest in land owned by the State or a political subdivision of the State may be acquired by purchase before—

"(A) the State or political subdivision holding title to the land or interest in land identifies the land or interest in land for disposal; and

"(B)(i) all private land within the monument boundary for which there is a willing seller is acquired; or

"(ii) 2 years have elapsed after the date on which the Secretary has made a final offer (for which funds are available) to acquire all remaining private land at fair market value.".

(2) BOUNDARY ADJUSTMENT.—Section 104(a) of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101–313; 16 U.S.C. 431 note) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(B) by inserting "(1)" after "(a)"; and

(C) by adding at the end the following:

"(2)(A) Notwithstanding paragraph (1), effective as of the date of enactment of this subparagraph—

"(i) the boundary of the monument is adjusted to exclude the Paseo Del Norte corridor in the Piedras Marcadas Unit described in Exhibit B of the document described in subparagraph (B); and

"(ii) the inclusion of the Paseo Del Norte corridor within the boundary of the monument before the date of enactment of this paragraph shall have no effect on any future ownership, use, or management of the corridor.

"(B) The document described in this subparagraph is the document entitled 'Petroglyph National Monument Roadway/Utility Corridors', dated October 30, 1997, on file with the Secretary of the Interior and the mayor of the city of Albuquerque, New Mexico.".

(e) ADMINISTRATION AND MANAGEMENT OF THE MONUMENT.—Section 105 of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101–313, 16 U.S.C. 431 note) is amended by adding at the end the following:

"(f) BOCA NEGRA AND PIEDRAS MARCADAS UNITS.—If the binding agreement providing for the expansion of the monument pursuant to section 104 is amended, in accordance with the terms of the agreement, to transfer to the National Park Service responsibility for operation, maintenance, and repair of any or all property within the Boca Negra or Piedras Marcadas unit of the monument, the Secretary may employ, at a comparable grade and salary within the National Park Service, any willing employees of the city assigned to the unit.".

(f) DOUBLE EAGLE II AIRPORT ACCESS ROAD.—The Administrator of the Federal Aviation Administration shall allow the use of the access road to the Double Eagle II Airport in existence on the date of enactment of this Act for visitor access to the monument.

SEC. 3006. COUNTY PAYMENT MITIGATION—TRANSPORTATION SYSTEM MORATORIUM. (a)(1) This section provides compensation for loss of revenues that would have been provided to counties if no road moratorium, as described in subsection (a)(2), were implemented or no substitute sales offered as described in subsection (b)(1). This section does not endorse or prohibit the road building moratorium nor does it affect the applicability of existing law to any moratorium.

(2) The Chief of the Forest Service, Department of Agriculture, in his sole discretion, may offer any timber sales that were scheduled October 1, 1997, or thereafter, to be offered in fiscal year 1998 or fiscal year 1999 even if such sales would have been delayed or halted as a result of any moratorium (resulting from the Federal Register proposal of January 28, 1998, pages 4351–4354) on construction of roads in roadless areas within the National Forest System adopted as policy or by regulation that would otherwise be applicable to such sales.

(3) Any sales offered pursuant to subsection (a)(2) shall—

(A) comply with all applicable laws and regulations and be consistent with applicable land and resource management plans, except any regulations or plan amendments which establish or implement the moratorium referred to in subsection (a)(2); and

(B) be subject to administrative appeals pursuant to part 215 of title 36 of the Code of Federal Regulations and to judicial review.

(b)(1) For any previously scheduled sales that are not offered pursuant to subsection (a)(2), the Chief may, to the extent practicable, offer substitute sales within the same State in fiscal year 1998 or fiscal year 1999. Such substitute sales shall be subject to the requirements of subsection (a)(3).

(2)(A) The Chief shall pay as soon as practicable after fiscal year 1998 and fiscal year 1999 to any State in which sales previously scheduled to be offered that are referred to in, but not offered pursuant to, subsection (a)(2) would have occurred, 25 percentum of any anticipated receipts from such sales that—

(i) were scheduled from fiscal year 1998 or fiscal year 1999 sales in the absence of any moratorium referred to in subsection (a)(2); and

(ii) are not offset by revenues received in such fiscal years from substitute projects authorized pursuant to subsection (b)(1).

(B) After reporting the amount of funds required to make any payments required by subsection (b)(2)(A), and the source from which such funds are to be derived, to the Committees on Appropriations of the House of Representatives and the Senate, the Chief shall make any payments required by subsection (b)(2)(A) from any funds available to the Forest Service in fiscal year 1998 or fiscal year 1999, subject to approval of the Committees on Appropriations of the House of Representatives and Senate, that are not specifically earmarked for another purpose by the applicable appropriation Act or a committee or conference report thereon.

(C) Any State which receives payments required by subsection (b)(2)(A) shall expend such funds only in the manner, and for the purposes, prescribed in section 500 of title 16 of the United States Code.

(c)(1) During the term of the moratorium referred to in subsection (a)(2), the Chief shall prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on each of the following—

(A) a study of whether standards and guidelines in existing land and resource management plans compel or encourage entry into roadless areas within the National Forest System for the purpose of constructing roads or undertaking any other ground-disturbing activities;

(B) an inventory of all roads within the National Forest System and the uses which they serve, in a format that will inform and facilitate the development of a long-term Forest Service transportation policy; and

(C) a comprehensive and detailed analysis of the economic and social effects of the moratorium referred to in subsection (a)(2) on county, State, and regional levels.

SEC. 3007. PROVISION OF CERTAIN HEALTH CARE SERVICES FOR ALASKA NATIVES. Section 203(a) of the Michigan Indian Land Claims Settlement Act (Public Law 105–143; 111 Stat. 2666) is amended—

(1) by inserting "other than community based alcohol services," after "Ketchikan Gateway Borough,"; and

(2) by inserting at the end the following new sentence: "Notwithstanding any other provision of law, such contract or compact shall provide services to all Indian and Alaska Native beneficiaries of the Indian Health Service in the Ketchikan Gateway Borough without the need for resolutions of support from any Indian tribe as defined in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).".

SEC. 3008. Section 326(a) of the Act making Appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998 and for other purposes (Public Law 105–83; 111 Stat. 1543) is amended by striking "with any Alaska Native village or Alaska Native village corporation" and inserting "to any Indian tribe as defined in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))".

SEC. 3009. None of the funds in this or any other Act shall be used to issue a notice of final rulemaking prior to October 1, 1998 with respect to the valuation of crude oil for royalty purposes, including without limitation a rulemaking derived from proposed rules published in 63 Federal Register 6113 (1998), 62 Federal Register 36030, and 62 Federal Register 3742 (1997).

CHAPTER 4

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

For an additional amount for the Centers for Disease Control and Prevention, "disease control, research, and training", $9,000,000.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

For an additional amount for "Program management", $2,200,000.

Title II of Public Law 105–78 is amended under this heading by striking the fourth proviso and inserting the following new proviso: "Provided further, That $20,000,000 appropriated under this heading for the transition to a single Part A and Part B processing system and $20,000,000 to be used only to the extent needed for Year 2000 century date change conversion requirements of external contractor systems shall remain available until expended:".

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

Of the funds appropriated under the heading "general departmental management" in Public Law 105–78 to carry out title XX of the Public Health Service Act, $10,831,000 shall be for activities specified under section 2003(b)(2), of which $9,131,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX.

DEPARTMENT OF EDUCATION

SPECIAL EDUCATION

Public Law 105–78, under the heading "special education" is amended by inserting before the period the following: ": Provided further, That $600,000 of the funds provided under section 672 of the Act shall be for the Early Childhood Development Project of the National Easter Seal Society for the Mississippi Delta Region, which funds shall be used to provide training, technical support, services, and equipment to address personnel and other needs".

GENERAL PROVISIONS—THIS CHAPTER

SEC. 4001. (a) If a State child health plan under title XXI of the Social Security Act is approved on or after October 1, 1998, and before October 1, 1999, for purposes of such title (including allotments under section 2104(b) of such title) the plan shall be treated as having been approved with respect to amounts allotted under such title for fiscal year 1998, as well as for fiscal year 1999.

(b) The appropriation in section 2104(a)(1) of such title for fiscal year 1998 shall remain available to be obligated through September 30, 1999.

SEC. 4002. Notwithstanding any other provision of law, the Department of Health and Human Services shall permit the submission of public comments until August 31, 1998, on the final rule entitled "Organ Procurement and Transplantation Network" published by the Department in the Federal Register on April 2, 1998 (63 Fed. Reg. 16295 et seq.), and such rule shall not become effective before October 1, 1998, after the end of such comment period.

CHAPTER 5

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Lois G. Capps, widow of Walter H. Capps, late a Representative of the State of California, $133,600.

For payment to Mary Bono, widow of Sonny Bono, late a Representative of the State of California, $136,700.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

SALARIES AND EXPENSES

For an additional amount for "Capitol Buildings Salaries and Expenses", $7,500,000, to remain available until expended, to begin repairs and rehabilitation of the Capitol dome: Provided, That this additional amount shall be available for obligation without regard to section 3709 of the Revised Statutes, as amended.

CAPITOL GROUNDS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the design, installation and maintenance of the Capitol Square perimeter security plan, $20,000,000 (of which not to exceed $4,000,000 shall be transferred upon request of the Capitol Police Board to the Capitol Police Board, "Capitol Police", "General Expenses" for physical security measures associated with the Capitol Square perimeter security plan) to remain available until expended, subject to the review and approval by the appropriate House and Senate authorities: Provided, That this additional amount shall be available for obligation without regard to section 3709 of the Revised Statutes, as amended.

CHAPTER 6

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

AMTRAK REFORM COUNCIL

For necessary expenses of the Amtrak Reform Council, including the independent assessment of Amtrak, authorized under sections 202, 203, and 409 of Public Law 105–134, $2,450,000, to remain available until September 30, 1999: Provided, That not to exceed $400,000 shall be transferred to the Department of Transportation Inspector General for the new responsibilities associated with section 409(c) of Public Law 105–134.

FEDERAL AVIATION ADMINISTRATION

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for Facilities and Equipment for expenses relating to Year 2000 computer hardware and software problems, $25,000,000, to remain available until September 30, 1999.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For an additional amount for Emergency Transportation activities, $1,000,000, to remain available until expended: Provided, That of these funds, $400,000 shall be available only for costs associated with construction and establishment of an emergency transportation response center in Arab, Alabama; $550,000 shall be available only for costs associated with purchase and establishment of a mobile emergency response system to be administered jointly by the Alabama Department of Transportation and the Alabama Emergency Management Agency; and $50,000 shall be for Research and Special Programs Administration administrative costs associated with these projects.

RELATED AGENCY

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for necessary expenses resulting from the crash of TWA Flight 800, $5,400,000: Provided, That the entire amount is available only for costs associated with rental of the facility in Calverton, New York, of which not to exceed $500,000 is for security expenses: Provided further, That no funds or unobligated balances are available to provide for or permit flight operations at the Calverton airfield.

GENERAL PROVISION—THIS CHAPTER

SEC. 6001. Of the balances available to the Federal Transit Administration from previous appropriations Acts, $1,000,000 shall be made available for a comprehensive transportation investment analysis of the primary urban corridor from Ewa to east Honolulu, Hawaii: Provided, That these funds shall remain available until September 30, 2001.

CHAPTER 7

DEPARTMENT OF THE TREASURY

AUTOMATION ENHANCEMENT

YEAR 2000 CENTURY DATE CHANGE CONVERSION

For necessary expenses of the Department of the Treasury for Year 2000 century date change conversion requirements, $35,500,000, to remain available until September 30, 2000.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", for Year 2000 century date change conversion requirements, $5,300,000, to remain available until September 30, 2000.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 7001. FEDERAL EMPLOYEE VOLUNTARY EARLY RETIREMENT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Effective for purposes of the period beginning on the date of enactment of this Act and ending on September 30, 1999, paragraph (2) of section 8336(d) of title 5, United States Code, shall be applied as if it had been amended to read as follows:

"(2)(A) has been employed continuously, by the agency in which the employee is serving, for at least the 31-day period ending on the date on which such agency requests the determination referred to in subparagraph (D);

"(B) is serving under an appointment that is not time limited;

"(C) has not been duly notified that such employee is to be involuntarily separated for misconduct or unacceptable performance;

"(D) is separated from the service voluntarily during a period in which, as determined by the Office of Personnel Management (upon request of the agency) under regulations prescribed by the Office—

"(i) such agency (or, if applicable, the component in which the employee is serving) is undergoing a major reorganization, a major reduction in force, or a major transfer of function; and

"(ii) a significant percentage of the employees serving in such agency (or component) will be separated or subject to an immediate reduction in the rate of basic pay (without regard to subchapter VI of chapter 53, or comparable provisions); and

"(E) as determined by the agency under regulations prescribed by the Office, is within the scope of the offer of voluntary early retirement, which may be made on the basis of—

"(i) one or more organizational units;

"(ii) one or more occupational series or levels;

"(iii) one or more geographical locations;

"(iv) other similar nonpersonal factors the Office determines appropriate; or

"(v) any appropriate combination of such factors;".

(b) Federal Employees' Retirement System.—Effective for purposes of the period beginning on the date of enactment of this Act and ending on September 30, 1999, subparagraph (B) of section 8414(b)(1) of title 5, United States Code, shall be applied as if it had been amended to read as follows:

"(B)(i) has been employed continuously, by the agency in which the employee is serving, for at least the 31-day period ending on the date on which such agency requests the determination referred to in clause (iv);

"(ii) is serving under an appointment that is not time limited;

"(iii) has not been duly notified that such employee is to be involuntarily separated for misconduct or unacceptable performance;

"(iv) is separated from the service voluntarily during a period in which, as determined by the Office of Personnel Management (upon request of the agency) under regulations prescribed by the Office—

"(I) such agency (or, if applicable, the component in which the employee is serving) is undergoing a major reorganization, a major reduction in force, or a major transfer of function; and

"(II) a significant percentage of the employees serving in such agency (or component) will be separated or subject to an immediate reduction in the rate of basic pay (without regard to subchapter VI of chapter 53, or comparable provisions); and

"(v) as determined by the agency under regulations prescribed by the Office, is within the scope of the offer of voluntary early retirement, which may be made on the basis of—

"(I) one or more organizational units;

"(II) one or more occupational series or levels;

"(III) one or more geographical locations;

"(IV) other similar nonpersonal factors the Office determines appropriate; or

"(V) any appropriate combination of such factors;".

Sec. 7002. Notwithstanding section 2164 of title 10, United States Code, the Department of Defense shall permit the two dependent children of deceased United States Customs Senior Special Agent Manuel Zurita attending the Antilles Consolidated School System at Fort Buchanan, Puerto Rico, to complete their primary and secondary education at this school system without cost to such children or any parent, relative, or guardian of such children. The United States Customs Service shall reimburse the Department of Defense for reasonable educational expenses to cover these costs.

CHAPTER 8

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", $550,000,000, to remain available until expended.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

STATE AND TRIBAL ASSISTANCE GRANTS

Notwithstanding any other provision of law, eligible recipients of the funds appropriated to the Environmental Protection Agency in the State and Tribal Assistance Grants account since fiscal year 1997 and hereafter for multimedia or single media grants, other than Performance Partnership Grants authorized pursuant to Public Law 104–134 and Public Law 105–65, for pollution prevention, control, and abatement and related activities have been and shall be those entities eligible for grants under the Agency's organic statutes.

ADMINISTRATIVE PROVISION

No requirements set forth in any carbon monoxide Federal implementation plan (FIP) that are based on the Clean Air Act as in effect prior to the 1990 amendments to such Act may be imposed in the State of Arizona.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

(TRANSFER OF FUNDS)

The Administrator of the National Aeronautics and Space Administration shall transfer from amounts made available for NASA in Public Law 105–65 under the heading, "Mission support", $53,000,000 to "Human space flight" for Space Station activities, to be merged with and to be available for the same purposes of such account: Provided, That the total amount available for Space Station activities in fiscal year 1998 shall be up to $2,441,300,000.

GENERAL PROVISIONS—THIS CHAPTER

Sec. 8001. Section 206 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 (Pub. L. 105–65; October 27, 1997) is amended by inserting the following before the final period: ", and for loans and grants for economic development in and around 18th and Vine".

Sec. 8002. Housing Opportunities for Persons with Aids. (a) Notwithstanding any other provision of law, with respect to the amount allocated for fiscal year 1998, and the amounts that would otherwise be allocated for fiscal year 1999, to the City of Philadelphia, Pennsylvania on behalf of the Philadelphia, PA–NJ Primary Metropolitan Statistical Area (in this section referred to as the "metropolitan area"), under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development shall adjust such amounts by allocating to the State of New Jersey the proportion of the metropolitan area's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area that is located in New Jersey.

(b) The State of New Jersey shall use amounts allocated to the State under this section to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan area that is located in New Jersey.

Sec. 8003. Ratification of Internet Intellectual Infrastructure Fee. (a) The 30 percent portion of the fee charged by Network Solutions, Inc. between September 14, 1995 and March 31, 1998 for registration or renewal of an Internet second-level domain name, which portion was to be expended for the preservation and enhancement of the intellectual infrastructure of the Internet under a cooperative agreement with the National Science Foundation, and which portion was held to have been collected without authority in William Thomas et al. v. Network Solutions, Inc. and National Science Foundation, Civ. No. 97–2412, is hereby legalized and ratified and confirmed as fully to all intents and purposes as if the same had, by prior act of Congress, been specifically authorized and directed.

(b) The National Science Foundation is authorized and directed to deposit all money remaining in the Internet Intellectual Infrastructure Fund into the Treasury and credit that amount to its Fiscal Year 1998 Research and Related Activities appropriation to be available until expended for the support of networking activities, including the Next Generation Internet.

CHAPTER 9

RESCISSIONS AND OFFSET

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 105–86, $223,000 are rescinded.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 105–86, $350,000 are rescinded.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 105–86, $25,000 are rescinded.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 105–86, $38,000 are rescinded.

FOOD SAFETY AND INSPECTION SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 105–86, $502,000 are rescinded.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 105–86, $1,080,000 are rescinded.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available for the cost of the unsubsidized guaranteed operating loans under this heading in Public Law 105–86, $8,273,000 are rescinded.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 105–86, $378,000 are rescinded.

RURAL HOUSING SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 105–86, $846,000 are rescinded.

FOOD PROGRAM ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 105–86, $114,000 are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $1,188,000 are rescinded.

OREGON AND CALIFORNIA GRANT LANDS

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $2,500,000 are rescinded.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 105–18, $250,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $1,188,000 are rescinded.

NATIONAL PARK SERVICE

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $1,638,000 are rescinded.

BUREAU OF MINES

MINES AND MINERALS

(RESCISSION)

The following amounts, totaling $1,605,000, are rescinded from funds made available under this heading: in Public Law 103–332, $1,255,000; in Public Law 103–138, $60,000; in Public Law 102–381, $173,000; and in Public Law 102–154, $117,000.

BUREAU OF INDIAN AFFAIRS

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $837,000 are rescinded.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

(RESCISSION)

Of the funds made available under this heading in Public Law 105–83, $148,000 are rescinded.

STATE AND PRIVATE FORESTRY

(RESCISSION)

Of the funds made available under this heading in Public Law 105–83, $59,000 are rescinded.

NATIONAL FOREST SYSTEM

(RESCISSION)

Of the funds made available under this heading in Public Law 105–83, $1,094,000 are rescinded.

WILDLAND FIRE MANAGEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 105–83, $148,000 are rescinded.

RECONSTRUCTION AND CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 105–83, $30,000 are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH PROFESSIONS EDUCATION FUND

(RESCISSION)

Of the funds made available under the Health Professions Education Fund appropriation account, $11,200,000 are rescinded.

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

PAYMENTS TO AIR CARRIERS

(RESCISSION)

Of the funds made available under this heading in Public Law 101–516 and subsequently obligated, $2,500,000 shall be deobligated and are hereby rescinded.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the budgetary resources provided for "Small Community Air Service" by Public Law 101–508 for fiscal years prior to fiscal year 1998, $3,000,000 are rescinded.

FEDERAL AVIATION ADMINISTRATION

FACILITIES, ENGINEERING, AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in previous appropriations Acts, $500,000 are rescinded.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the unobligated balances authorized under 49 U.S.C. 48103 as amended, $54,000,000 are rescinded.

FEDERAL RAILROAD ADMINISTRATION

CONRAIL LABOR PROTECTION

(RESCISSION)

Of the funds made available under this heading in previous appropriations Acts, $508,234 are rescinded.

DEPARTMENT OF THE TREASURY

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, as amended by Public Law 105–18, $6,000,000 are rescinded.

OPERATIONS AND MAINTENANCE, CUSTOMS P–3 DRUG INTERDICTION PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 102–393, $4,470,000 are rescinded.

INTERNAL REVENUE SERVICE

INFORMATION TECHNOLOGY INVESTMENTS

(RESCISSION)

Of the funds made available under this heading in Public Law 105–61, $30,330,000 are rescinded.

GENERAL PROVISION—THIS CHAPTER

SEC. 9001. None of the funds appropriated or otherwise made available in Public Law 105–86 shall be used to pay the salaries and expenses of personnel to carry out a conservation farm option program as authorized by section 335 of Public Law 104–127 in excess of $11,000,000.

GENERAL PROVISIONS—THIS TITLE

SEC. 10001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 10002. None of the funds appropriated or otherwise made available in this or any prior Act may be obligated or expended by the Patent and Trademark Office to plan for the lease of new facilities until 30 days after the submission of a report, to be delivered not later than May 15, 1998, to the Committees on Appropriations, on the space plans and detailed cost estimate for the build-out of the new facilities: Provided, That such funds shall be made available only in accordance with section 605 of Public Law 105–119.

SEC. 10003. Section 203 of the National Sea Grant College Program Act (33 U.S.C. 1122) is amended by—

(1) striking paragraph (5) and redesignating paragraphs (6) through (17) as paragraphs (5) through (16);

(2) redesignating subparagraphs (C) through (F) of paragraph (7), as redesignated, as subparagraphs (D) through (G); and

(3) inserting after subparagraph (B) of paragraph (7), as redesignated, the following:

"(C) Lake Champlain (to the extent that such resources have hydrological, biological, physical, or geological characteristics and problems similar or related to those of the Great Lakes);".

SEC. 10004. (a) Any agency listed in section 404(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, Public Law 105–119, may transfer any amount to the Department of State, subject to the limitations of subsection (b) of this section, for the purpose of making technical adjustments to the amounts transferred by section 404 of such Act.

(b) Funds transferred pursuant to subsection (a) shall not exceed $12,000,000, of which not to exceed $3,500,000 may be transferred from the United States Information Agency, of which not to exceed $3,600,000 may be transferred from the Defense Intelligence Agency, of which not to exceed $1,600,000 may be transferred from the Defense Security Assistance Agency, of which not to exceed $900,000 may be transferred from the Peace Corps, and of which not to exceed $500,000 may be transferred from any other single agency listed in section 404(b) of Public Law 105–119.

(c) A transfer of funds pursuant to this section shall not require any notification or certification to Congress or any committee of Congress, notwithstanding any other provision of law.

SEC. 10005. Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–171) is amended—

(1) in subsection (a)—

(A) by striking "For purposes" and inserting "Notwithstanding any other provision of law, for purposes"; and

(B) by striking "fiscal year 1997" and inserting "fiscal years 1998 and 1999"; and

(2) by amending subsection (b) to read as follows:

"(b) ALIENS COVERED.—

"(1) IN GENERAL.— An alien described in this subsection is an alien who—

"(A) is the son or daughter of a qualified national;

"(B) is 21 years of age or older; and

"(C) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program.

"(2) QUALIFIED NATIONAL.—For purposes of paragraph (1), the term 'qualified national' means a national of Vietnam who—

"(A)(i) was formerly interned in a reeducation camp in Vietnam by the Government of the Socialist Republic of Vietnam; or

"(ii) is the widow or widower of an individual described in clause (i); and

"(B)(i) qualified for refugee processing under the reeducation camp internees subprogram of the Orderly Departure Program; and

"(ii) on or after April 1, 1995, is accepted—

"(I) for resettlement as a refugee; or

"(II) for admission as an immigrant under the Orderly Departure Program.".

SEC. 10006. The President shall instruct the United States Representatives to the World Trade Organization to seek the adoption of procedures that will ensure broader application of the principles of transparency and openness in the activities of the organization, including by urging the World Trade Organization General Council to—

(1) permit appropriate meetings of the Council, the Ministerial Conference, dispute settlement panels, and the Appellate Body to be made open to the public; and

(2) provide for timely public summaries of the matters discussed and decisions made in any closed meeting of the Conference or Council.

DISTRICT OF COLUMBIA CHIEF OF POLICE

SEC. 10007. (a) EMPLOYMENT CONTRACT.—Paragraph 2 of section 1 of the Act entitled "An Act relating to the Metropolitan police of the District of Columbia", approved February 28, 1901 (DC Code, sec. 4–104), and any other provision of law affecting the employment of the Chief of the Metropolitan Police Department of the District of Columbia shall not apply to the Chief of the Department to the extent that such paragraph or provision is inconsistent with the terms of an employment agreement entered into between the Chief, the Mayor of the District of Columbia, and the District of Columbia Financial Responsibility and Management Assistance Authority.

(b) Appointment and Removal During Control Year.—

(1) Appointment.—During a control year, the Chief of the Metropolitan Police Department of the District of Columbia shall be appointed by the Mayor of the District of Columbia as follows:

(A) Prior to appointment, the District of Columbia Financial Responsibility and Management Assistance Authority (hereafter in this subsection referred to as the "Authority") may submit recommendations for the appointment to the Mayor.

(B) In consultation with the Authority and the Council of the District of Columbia, the Mayor shall nominate an individual for appointment and notify the Council of the nomination.

(C) After the expiration of the 7-day period which begins on the date the Mayor notifies the Council of the nomination under subparagraph (B), the Mayor shall notify the Authority of the nomination.

(D) The nomination shall be effective subject to approval by a majority vote of the Authority.

(2) Removal.—During a control year, the Chief of the Metropolitan Police Department of the District of Columbia may be removed by the Authority or by the Mayor with the approval of the Authority.

(3) Control year defined.—In this subsection, the term "control year" has the meaning given such term in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(c) Effective Date.—This section shall be effective as of April 21, 1998.

Sec. 10008. Support for Democratic Opposition in Iraq. Notwithstanding any other provision of law, of the funds made available under the heading "Economic Support Fund" in Public Law 105-118, $5,000,000 shall be made available for assistance to the Iraqi democratic opposition for such activities as organization, training, communication and dissemination of information, developing and implementing agreements among opposition groups, compiling information to support the indictment of Iraqi officials for war crimes, and for related purposes: Provided, That within 30 days of enactment into law of this Act the Secretary of State shall submit a detailed report to the appropriate committees of Congress on plans to establish a program to support the democratic opposition in Iraq.

This Act may be cited as the "1998 Supplemental Appropriations and Rescissions Act".

And the Senate agree to the same.

Bob Livingston,
Joseph M. McDade,
Bill Young,
Ralph Regula,
Jerry Lewis,
John Edward Porter,
Harold Rogers,
Joe Skeen,
Frank R. Wolf,
Jim Kolbe,
Ron Packard,
Sonny Callahan,
James T. Walsh,
John P. Murtha
(except for IMF and section 8 housing rescission),
Managers on the Part of the House.

Ted Stevens,
Thad Cochran,
Arlen Specter,
Pete V. Domenici,
C.S. Bond,
Slade Gorton,
Mitch McConnell,
Conrad Burns,
Richard C. Shelby,
Judd Gregg,
R.F. Bennett,
Ben Nighthorse Campbell,
Larry Craig,
Lauch Faircloth,
Kay Bailey Hutchison,
Robert C. Byrd,
D.K. Inouye,
Ernest F. Hollings,
Patrick J. Leahy,
Dale Bumpers,
Frank R. Lautenberg,
Tom Harkin,
Barbara A. Mikulski,
Harry Reid,
Byron L. Dorgan,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3579) making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying report.

Report language included by the House in the report accompanying H.R. 3579 (H. Rept. 105–469) which is not changed by the report accompanying S. 1768 (S. Rept. 105–168), and Senate report language not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE

CHAPTER 1

Department of Defense—Military

Chapter 1 of the conference agreement recommends a total of $2,834,775,000 in new budget authority for the Department of Defense, for costs resulting from ongoing contingency operations in Southwest Asia and Bosnia, storm damage at defense facilities, and other urgent requirements. Chapter 2 of this conference agreement contains additional emergency appropriations associated with military construction.

Of the funds provided in this Chapter, the conferees recommend $2,040,500,000 in emergency supplemental appropriations for finance personnel and operations and maintenance costs associated with contingency operations in Southwest Asia and Bosnia. In addition, the conferees recommend a total of $231,275,000 for the repair of defense facilities damaged by natural disasters. Of this amount, $125,528,000 is designated as contingent emergency appropriations, to be made available upon the President's submission of a subsequent budget request designating the entire amount as an emergency requirement.

The following table provides details of the emergency supplemental appropriations in this Chapter for contingency operations and natural disasters.

SUPPLEMENTAL APPROPRIATIONS, DEPARTMENT OF DEFENSE

[In thousands of dollars]

	Budget request	House	Senate	Conference
Contingency operations—Military personnel:				
Army	184,000	184,000	184,000	184,000
Navy	22,300	22,300	22,300	22,300
Marine Corps	5,100	5,100	5,100	5,100
Air Force	10,900	10,900	10,900	10,900
Navy Reserve	4,100	4,100	4,100	4,100
Total	226,400	226,400	226,400	226,400
Overseas Contingency Operations Transfer Fund	1,621,900	1,829,900	1,556,000	1,814,100
Total, contingency operations	1,848,300	2,056,300	1,782,400	2,040,500
Natural disasters:				
Operation and maintenance:				
Army	1,886	2,586	1,886	1,886
Navy	48,100	53,800	33,272	48,100
Marine Corps	0	26,810	0	0
Air Force	27,400	49,200	21,509	27,400
Defense-Wide	1,390	1,390	1,390	1,390
Defense-Wide (El Nino, Ft Stewart)	50,000	0	44,000	125,528
Army Reserve	650	650	650	650
Air Force Reserve	229	229	229	229
Army National Guard	175	5,925	175	175
Air National Guard	0	975	0	0
Total	129,830	141,565	103,111	205,358
Working capital funds:				
Navy Working Capital Fund	23,017	30,467	23,017	23,017
Defense-Wide Working Capital Fund	1,000	1,000	1,000	1,000

SUPPLEMENTAL APPROPRIATIONS, DEPARTMENT OF DEFENSE—Continued

[In thousands of dollars]

	Budget request	House	Senate	Conference
Total	24,017	31,467	24,017	24,017
Defense Health Program	1,900	1,900	1,900	1,900
Total, Natural Disaster Relief	155,747	174,932	129,028	231,275

CONTINGENCY OPERATIONS FUNDING

The conferees agree to reduce the Department of Defense budget request for contingency operations in Southwest Asia by $50,000,000 for drawdown authority that will not be required in support of U.S. operations. The conferees also agree to reduce the budget request for operations in Bosnia by $7,900,000 for excessive infrastructure development costs.

DISASTER RELIEF TRANSFER ACCOUNT

Under the heading "Operation and Maintenance, Defense-Wide", the conference agreement includes $125,528,000, which is available for transfer to the applicable appropriations accounts, to cover the cost of storm damage at military facilities. This amount reflects updated storm damage costs provided by the Department of Defense. The following table displays the revised estimates of the storm damage caused by El Nino and tornadoes at Fort Stewart, Georgia. The conferees recognize that more complete damage assessments may require the Department to adjust the priority for funding between these accounts.

[In thousands of dollars]

	El Nino	Ft. Stewart	Total
Operation and maintenance, Army	700	40,300	41,000
Operation and maintenance, Navy	6,861	....	6,861
Operation and maintenance, Marine Corps	27,185	....	27,185
Operation and maintenance, Air Force	21,800	....	21,800
Operation and maintenance, Army National Guard	5,750	3,200	8,950
Operation and maintenance, Air National Guard	975	....	975
Navy Working Capital Fund	18,757	....	18,757
Total	82,028	43,500	125,528

EMERGENCY USE OF FUNDS FOR INFRASTRUCTURE PROJECTS

The conferees direct that funds provided to the Overseas Contingency Operations Transfer Fund may not be used to construct or modify any facility or project where the costs exceed $2,000,000. Funds for such military construction projects in the Southwest Asia or Bosnia theaters of operations shall be requested by the Department of Defense and approved through the usual authorization and appropriation process.

LOGCAP

The conferees are aware that the Army recently has entered into a Logistics Civil Augmentation Program (LOGCAP) contract with a new contractor to provide various world-wide logistics services. The conferees understand that despite this new contract, the previous LOGCAP provider was allowed to continue providing services in the Bosnia theater of operations due to the possibility that U.S. forces could be withdrawn within a matter of months. Given the President's decision to extend the Bosnia mission indefinitely, the conferees direct the Army to carefully reassess the costs and benefits of its decision to retain the old LOGCAP contractor in Bosnia and to take action to change its Bosnia contractor if appropriate. The Secretary of Defense shall report to the congressional defense committees by June 1, 1998, on the results of this review.

CLASSIFIED PROGRAMS

The conference agreement concerning classified activities requested by the Administration is contained in a classified annex to this statement of the managers.

RESERVE MOBILIZATION INCOME INSURANCE FUND

In section 3 of the General Provisions, the conferees recommend $47,000,000 for the Reserve Mobilization Income Insurance Fund instead of $37,000,000 as proposed by the House. The Senate did not address this issue. The Department of Defense has recently advised the conferees that $47,000,000 is required to cover all remaining obligations for pending and future member appeals for this program. The conferees believe that this additional funding will resolve the outstanding financial obligations for those Reservists who participated in this program.

ENHANCEMENTS TO SELECTED THEATER MISSILE DEFENSE PROGRAMS

In section 9 of the General Provisions, the conferees agree to provide $179,000,000 for selected theater missile defense programs. The conferees direct that the following amounts shall be made available only for the following purposes: $35,000,000 for Patriot/Aegis/GBR integration; $15,000,000 for Patriot Remote Launch; $40,000,000 for PAC–3 and Navy Area Demonstration; $6,000,000 for Enhanced Early Warning; $38,000,000 for Navy Theater Wide Missile Defense (Navy Upper-Tier); and $45,000,000 for the Arrow Deployability Program. The additional investment in the Arrow Deployability Program is made available for the purpose of purchasing components for a third Arrow battery.

YOUTH DEVELOPMENT AND LEADERSHIP PROGRAM

In section 13 of the General Provisions, the conferees agree to provide $300,000 for the Office of the Assistant Secretary of Defense (Reserve Affairs) to initiate the Outdoor Odyssey Youth Development and Leadership program. These funds are to be derived by transfer from the fiscal year 1998 Navy research, development, test and evaluation account (surface combatant combat system engineering, TBMD/UYQ–70). Funds are to assist a non-profit corporation to acquire suitable property and facilities and to initiate operation of a youth training program patterned after successful Marine Corps and Army National Guard methods and procedures. Special emphasis is expected to be given towards educating and recruiting qualified youth for possible duty in the armed forces. The conferees direct that funds for property acquisition be obligated within thirty days of enactment.

DISABLED HEALTH CARE

The conferees are aware that many CHAMPUS beneficiaries under the age of 65, who are entitled to Medicare on the basis of disability, do not know they must purchase Medicare Part B in order to have CHAMPUS as a secondary payer to Medicare. The Department has recently identified these beneficiaries and notified them of their ineligibility for CHAMPUS. However, notices were sent out on March 20, 1998, just prior to the Medicare enrollment closing date of March 31, 1998. The conferees believe this may not have provided beneficiaries sufficient time to enroll in Part B. In addition, for those who have enrolled, there will be a gap in coverage before the Part B policy takes effect. Therefore, the conferees have included section 15 in the General Provisions that will permit the use of fiscal year 1998 Defense Health Program funds to cover this potential temporary gap in health care for the disabled until they are covered or enrolled in Medicare Part B.

BOSNIA DEMINING

In section 16 of the General Provisions, the conferees agree to provide $28,000,000 to be deposited in the International Trust Fund of the Republic of Slovenia for Demining, Mine Clearance, and Assistance to Mine Victims in Bosnia and Herzegovina. The United States program and amounts appropriated will be administered by the State Department. Funding shall be deposited in two equal installments to the extent others have contributed matching amounts. It is the conferees' intent that the amounts deposited and interest earned may be expended by the Republic of Slovenia only in consultation with the United States Government and with the concurrence of the Fund's Board of Advisors. Any submission to the United States government for reimbursement of funds appropriated in this act must be made utilizing an internationally recognized accounting method in compliance with accepted United States government accounting standards and principals. The conferees recommend that the President nominate, after consultation with the United States Congress, at least two citizens of the United States for membership on the Fund's Board of Advisors, and that membership on the Board shall be proportionate to the percentage of the United States government's contribution to the Fund.

The conferees agree that in the use of these funds, all economically feasible and commercially available equipment may be considered for demining activities. Some portion of these funds is directed for the flail method of demining. This method includes a robotically-controlled, skid-steer mobile unit with a flail attachment that detonates mines without human risk. Funds may be used to procure this type of equipment. To provide necessary support facilities, the conferees direct that funds also be made available for the Ultimate Building Machine system currently used by the armed forces to rapidly construct low cost, durable, semi-permanent structures.

BIOENVIRONMENTAL RESEARCH

The fiscal year 1998 Defense Appropriations Act provided $5,000,000 to the Defense Special Weapons Agency for bioenvironmental research. The conferees direct that this funding be used only for continuation of the Agency's core five year, integrated bioenvironmental hazards research program that focuses primarily on the development of biosensors and biomarkers of exposure for human and ecological bioenvironmental problems relevant to DoD.

AIR BATTLE CAPTAIN PROGRAM

The conferees are concerned that the Army is not complying with directives of the conferees on the fiscal year 1998 Defense Appropriations Act and those of the Senate on this bill regarding the Air Battle Captain program. The conferees are disturbed with the apparent decision not to comply with these directives. The conferees reiterate their strongly held view that the Army shall obligate funds to cover the ongoing program and to initiate the recruitment of new students for the fall 1998 program.

WHITE SANDS MISSILE RANGE

The conferees understand that the White Sands Missile Range is the progress of completing civilian personnel drawdowns to reach personnel levels assumed in the fiscal year 1999 Department of Defense budget. The conferees direct that the Army take no actions to implement any personnel reductions below the levels assumed in the fiscal year 1999 Department of Defense budget without notifying the congressional defense committees 45 days prior to taking any such action.

GENERAL PROVISIONS—THIS CHAPTER

The conferees agree to delete language, as proposed by the House, which limits the availability of funds provided in this chapter to the current fiscal year unless otherwise specified.

The conferees agree to retain section 1, as proposed by the Senate, which provides funds to "Overseas Humanitarian, Disaster, and Civic Aid" for a grant to the American Red Cross for Armed Forces emergency services and for reimbursement for disaster relief at overseas locations.

The conferees agree to restore section 2, as proposed by the House, which provides technical language regarding obligation of funds in this Act for intelligence-related programs.

The conferees agree to delete language, as proposed by the Senate, which requires the Secretary of the Army to comply with a 1991 Memorandum of Agreement with the Washington State Parks and Recreation Commission concerning the Yakima Training Center.

The conferees agree to restore and amend section 3, as proposed by the House, to provide $47,000,000 for the Reserve Mobilization Income Insurance Fund.

The conferees agree to retain section 4, as proposed by the Senate, which urges the president to seek burdensharing contributions from other nations to help defray the cost of United States deployments in the Gulf region.

The conferees agree to restore and amend section 5, as proposed by the House, which establishes an independent panel to evaluate the quality of health care initiatives begun by the Department of Defense.

The conferees agree to retain section 6, as proposed by the Senate, which transfers funds from "Chemical Agents and Munitions Destruction, Defense" to "Operation and Maintenance, Defense-Wide" for civil military programs.

The conferees agree to delete language, as proposed by the Senate, which prohibits the Army from proceeding with civilian personnel reductions at all Army Test Ranges.

The conferees agree to retain and amend section 7, as proposed by the Senate, which urges the President to enter into an agreement with NATO regarding a schedule for achieving benchmarks for a continued United States force presence in Bosnia.

The conferees agree to retain section 8, as proposed by the Senate, which concerns participants of the National Guard Youth Challenge Program and their eligibility for enlistment in the military.

The conferees agree to retain and amend section 9, as proposed by the Senate, which provides funds for selected theater missile defense programs.

The conferees agree to retain section 10, as proposed by the Senate, which allows the Secretary of Defense to lease land near the Massachusetts Military Reservation.

The conferees agree to delete language, as proposed by the Senate, concerning the termination date of the National Defense Panel.

The conferees agree to retain section 11, as proposed by the Senate, which provides funds for "Aircraft Procurement, Navy" for eight F/A-18 aircraft for the Marine Corps.

The conferees agree to include section 12 concerning obligation of funds for disaster information management.

The conferees agree to include section 13 concerning a youth development and leadership program.

The conferees agree to include section 14 which allows the Department of Defense to dispose of residual fuel.

The conferees agree to include section 15 concerning CHAMPUS beneficiaries, under the age of 65, who are entitled to Medicare on the basis of disability.

The conferees agree to retain and amend section 16, as proposed by the Senate, which provides funds for demining, mine clearance, and assistance to mine victims in Bosnia and Herzegovina.

The conferees agree to restore and amend section 17, as proposed by the House, which expresses the sense of the Congress that the conduct of offensive operations by United States forces against Iraq should be specifically authorized by law.

The conferees agree to include section 18 which directs the Department of Defense to expeditiously process claims as a result of the air tragedy in Italy.

CHAPTER 2

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

The conferees provide a total of $25,220,000, of which $17,100,000 is designated as an emergency, for damage related to Typhoon Paka, and $8,120,000 is provided as a contingent emergency for storm damage, as follows:

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

The conferees provide $3,700,000 as a contingent emergency appropriation in order to demolish and replace buildings destroyed by storm damage at Fort Stewart, Georgia.

FAMILY HOUSING, NAVY AND MARINE CORPS

The conferees recommend $15,600,000, as requested, for repair of family housing units, fences, damaged landscaping, and debris removal at Naval Station Marianas, Guam, as a result of Typhoon Paka. In addition, the conferees recommend $2,500,000 as a contingent emergency, for repair of foundation slabs, pipes, erosion, and family housing units in California, associated with damages from El Niño.

FAMILY HOUSING, AIR FORCE

The conferees recommend $1,500,000, as requested, for the repair of family housing units, debris removal, and replacement of furnishings at Andersen AFB, Guam, as a result of Typhoon Paka. In addition, the conferees recommend $900,000 for repair of family housing at Vandenberg AFB, California, associated with damages from El Niño. This funding was requested under "Operation and Maintenance, Defense-wide", as a contingent emergency.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

The conferees recommend $1,020,000 for repairs to an ongoing project to provide an Aircraft Parking Apron at Camp Pendleton Marine Corps Air Station, California, for replacement of a protective berm surrounding the fuel farm facility, which was damaged as a result of El Niño. This funding was requested under "Operation and Maintenance, Defense-wide", as a contingent emergency.

FAMILY HOUSING IMPROVEMENT FUND

The Department of Defense is delaying the execution of family housing construction projects for which funds have been appropriated, for possible transfer into the Family Housing Improvement Fund. Funds that were appropriated for specific construction projects should be executed as justified to the Congress. The conferees support the Department's privatization efforts through the authorities that reside in the Fund, but intend that previously approved construction projects proceed in order to improve the quality of life for service members and their families at the earliest possible date.

The President's Budget for fiscal year 1999 indicates that the Family Housing Improvement Fund had an unobligated balance of $28,000,000 available at the beginning of fiscal year 1998, and that no further funds would be transferred into the Fund during fiscal year 1998. Thus, based on the Administration's budget, this balance is sufficient to carry out planned activities throughout fiscal year 1998, and the execution of previously approved construction projects will cause no delays in privatization efforts. The conferees intend to review the operation of the Fund in detail in action on the budget request for fiscal year 1999.

The conferees note that, on April 22, 1998, the Department of the Army cancelled the proposed award of the whole-installation capital venture initiative project at Fort Carson, Colorado. This contact would have been the first exercise of the authority sought by the Department of Defense and enacted in the National Defense Authorization Act for fiscal year 1996 on February 10, 1996 (section 2801 of Public Law 104-106, 10 U.S.C. 2871). The Army's decision was based upon litigation in the U.S. Court of Federal Claims, and has resulted in re-examination of the acquisition process. The Army is now studying corrective action alternatives including a return to best and final offers and resolicitation. The conferees are concerned about this development, and will follow further events closely in order to review the operation of this program and the Department of Defense's management of Service activities.

CAMP PENDLETON MARINE CORPS BASE, CALIFORNIA

The conferees direct that not later than 30 days after enactment, the Secretary of the Navy provide a report detailing the cost of the 1993 flood, any corrective actions taken subsequent to the flood, the cost of the corrective actions, and the impact of the current flooding on the bridge replacement and river flood control, Santa Margarita construction projects as authorized and appropriated in fiscal year 1998.

PICATINNY ARSENAL, NEW JERSEY

In fiscal year 1998, $1,300,000 was provided for design of the Armament Software Engineering Center (ASEC) at Picatinny Arsenal. The conferees urge the Department of the Army to release this funding without delay.

GENERAL PROVISION

Sec. 20. The conferees have included a provision relating to a project at North Island

Naval Air Station, California, for which funds were appropriated in Public Law 104-196.

TITLE II—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

EMERGENCY INSURED LOANS

The conference agreement provides a subsidy of $21,000,000 for emergency insured loans as proposed by both the House and Senate. The subsidy will support an estimated loan level of $87,400,000. The conference agreement deletes supplemental appropriations of $5,400,000 for subsidized guaranteed operating loans and $3,200,000 for direct farm operating loans as proposed by the Senate.

EMERGENCY CONSERVATION PROGRAM

The conference agreement provides $30,000,000 for the emergency conservation program instead of $20,000,000 as proposed by the House and $60,000,000 as proposed by the Senate. The conference agreement also includes $4,000,000 for maple producers to replace taps and tubing damaged by ice storms in the northeast instead of $4,480,000 as proposed by the Senate. The House bill had no similar provision.

TREE ASSISTANCE PROGRAM

The conference agreement provides $14,000,000 for the tree assistance program instead of $4,700,000 as proposed by the House and $8,700,000 as proposed by the Senate.

The conference agreement also adds bill language to exclude producers from receiving assistance for trees used for pulp and/or timber.

COMMODITY CREDIT CORPORATION FUND

LIVESTOCK DISASTER ASSISTANCE PROGRAM

The conference agreement provides $4,000,000 for livestock disaster assistance as proposed by both the House and Senate.

The conference agreement also makes producers of ratites eligible for compensation under this program as proposed by the House.

DAIRY PRODUCTION DISASTER ASSISTANCE PROGRAM

The conference agreement provides $6,800,000 for dairy production disaster assistance as proposed by the House instead of $10,000,000 as proposed by the Senate.

The conference agreement contains bill language to permit not more than $4.00 per hundredweight as compensation for diminished production or for milk produced but not marketed.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

The conference agreement provides $80,000,000 for watershed and flood prevention operations instead of $65,000,000 as proposed by the House and $100,000,000 as proposed by the Senate.

CHAPTER 2

UNITED STATES INFORMATION AGENCY

INTERNATIONAL BROADCASTING OPERATIONS

The conference agreement includes an additional $5,000,000, as proposed in the Senate bill, for the "International Broadcasting Operations" account of the United States Information Agency, to remain available until September 30, 1999, for the establishment of surrogate radio broadcasting to the Iraqi people by Radio Free Europe/Radio Liberty, which shall be designated "Radio Free Iraq". The House bill had no similar provision. The conferees agree that this funding shall provide for the total costs of such a broadcast service in fiscal years 1998 and 1999, including start-up costs, RFE/RL operational costs, and engineering and transmission costs incurred by the International Broadcasting Bureau. The conference agreement also requires the Broadcasting Board of Governors to submit a detailed report to the Congress, within 30 days of enactment, containing plans for the establishment and operation of such a broadcast service within the amount provided. The conference agreement designates this amount as an emergency requirement, and provides that the entire amount shall be available only to the extent that the President transmits to the Congress an official budget request, designating the request as an emergency requirement.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

The conference agreement deletes language proposed by the Senate appropriating: $8,000,000 for Archusa Dam in Mississippi; $25,000,000 for levee and waterway repairs at Elba and Geneva, Alabama; $2,500,000 for river and shoreline repairs along the Missouri River in South Dakota; $1,100,000 for levee repairs at Suisun Marsh, California; $1,400,000 for maintenance dredging at Apra Harbor, Guam; and $500,000 for repair of Mackville Dam in Vermont. The conferees note that supplemental funding for the Suisun Marsh project is provided to the Bureau of Reclamation in this chapter under the paragraph entitled "Water and Related Resources." The conferees do not intend to preclude the Corps from undertaking emergency repair work where appropriate, to the extent authorized by law.

OPERATION AND MAINTENANCE, GENERAL

The conference agreement appropriates $105,185,000 instead of $84,457,000 as recommended by the House and $30,000,000 as recommended by the Senate. The agreement deletes language proposed by the Senate providing for a transfer from the Flood Control and Coastal Emergencies account to the Operation and Maintenance, General account.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

The conference agreement appropriates $4,520,000 as recommended by the House to repair damage caused by floods and other natural disasters.

CHAPTER 4

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

The managers understand that the estimates, which form the basis for many of these emergency appropriations, are based on preliminary damage determinations. Refinements and re-estimates, possibly resulting in allocations different from preliminary projections, may be necessary. The managers expect funds to be provided consistent with established priorities. Before proceeding with final allocations to the field, the managers expect the agencies to provide a report that identifies all of the projects considered for funding, including any changes from earlier estimates.

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

CONSTRUCTION

The managers have provided $1,837,000 for construction, contingent on a Presidential declaration of emergency, as proposed by the Senate. The House proposed no funds for this purpose.

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

The managers have provided $32,818,000 for construction as proposed by the Senate instead of $28,938,000 as proposed by the House. Of that amount, $29,130,000 is contingent on a Presidential declaration of emergency. The allocation of these funds should be based on the most recent estimates and agency priorities, in accordance with the direction at the beginning of this chapter.

NATIONAL PARK SERVICE

CONSTRUCTION

The managers have provided $9,506,000 for construction as proposed by the Senate instead of $8,500,000 as proposed by the House. These funds are contingent on a Presidential declaration of emergency.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

The managers have provided $1,198,000 for surveys, investigations, and research as proposed by the Senate instead of $1,000,000 as proposed by the House. These funds are contingent on a Presidential declaration of emergency.

BUREAU OF INDIAN AFFAIRS

CONSTRUCTION

The managers have provided $1,065,000 for construction, continent on a Presidential declaration of emergency, as proposed by the Senate. The House proposed no funds for this purpose.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

The managers have provided $48,000,000 for State and private forestry as proposed by both the House and the Senate. Of that amount $28,000,000 is contingent on a Presidential declaration of emergency.

NATIONAL FOREST SYSTEM

The managers have provided $10,461,000 for the National forest system as proposed by both the House instead of $10,000,000 as proposed by the Senate. Of that amount $5,461,000 is contingent on a Presidential declaration of emergency.

The managers have not included $2,000,000 in non-emergency payments to States as proposed by the Senate. The House had no similar provision. This issue is discussed in more detail in section 3006 under General Provisions for Chapter 3 in Title III.

WILDLAND FIRE MANAGEMENT

The managers have provided $2,000,000 for wildlife fire management, contingent on a Presidential declaration of emergency, as proposed by the Senate. The House proposed no funds for this purpose. A technical correction has also been made to the appropriations language.

DEPARTMENT OF ENERGY

STRATEGIC PETROLEUM RESERVE

The managers have included language which, upon a Presidential declaration of emergency, would negate the sale of Strategic Petroleum Reserve oil to pay for Reserve operations in fiscal year 1998. The language modifies a provision included by the Senate. The House had no similar provision.

CHAPTER 4A

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH AND TRAINING

The conference agreement deletes a provision in the Senate bill that provided $9,000,000 for polio eradication activities in Africa. The Senate bill declared the full amount of the appropriation an emergency for the purposes of the Budget Act and made obligation of the funds contingent upon a formal designation of the funds by the President as an emergency for the purposes of the Budget Act. The House bill contained no similar provision. Chapter 4 of Title III of the conference agreement provides a regular appropriation of $9,000,000 for polio eradication activities in Africa. These funds are not designated as an emergency for the purposes of the Budget Act.

CHAPTER 5

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

The conference agreement provides $259,000,000 in emergency appropriations for the emergency relief program to repair highway damage resulting from recent natural disasters nationwide. Of the amount provided, $224,000,000 has been designated by the President as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. The conference agreement provides that the remaining $35,000,000 is available only if designated by the President as an emergency requirement.

The conference agreement deletes language proposed by the Senate that provides that no announcement of allocation of emergency relief funds shall be made prior to 15 days after notification to the House and Senate Transportation Appropriations Subcommittees, the Senate Environment and Public Works Committee, and the House Transportation and Infrastructure Committee. The House bill contained no similar provision.

The conference agreement includes a provision that permits the Secretary of Transportation to borrow, pending the reauthorization of the Intermodal Surface Transportation Efficiency Act of 1991, such sums as may be necessary for administrative expenses of the Federal Highway Administration, the National Highway Traffic Safety Administration, and the Bureau of Transportation Statistics from the unobligated balances of discretionary allocations for the federal-aid highways program made available by this Act. The conferees further expect the Federal Highway Administration to proceed with highway research and development programs and projects to the extent to which funding is available after consultation with the House and Senate Committees on Appropriations.

The conference agreement waives the per-state per-disaster limitation for projects resulting from the fall of 1997 through the winter of 1998 flooding in California, as proposed by the House. The Senate bill proposed to waive the limitation to projects resulting from the fall of 1997 and winter of 1998 flooding in the western states.

FEDERAL RAILROAD ADMINISTRATION

EMERGENCY RAILROAD REHABILITATION AND REPAIR

The conference agreement provides $9,800,000 for emergency railroad rehabilitation and repair. These funds are available for flood and storm-related damages incurred by class II and III railroads from September 1, 1996 through March 31, 1998. The House bill provided $9,000,000, of which $2,650,000 was for flood damages in the Northern Plains states in March and April 1997, and $6,350,000 was for El Nino related damages in the fall of 1997 and winter of 1998. The Senate bill provided $10,600,000, of which $5,250,000 was for flood damages in California, West Virginia, and the Northern Plains states, and $5,350,000 was for storm damages in the fall of 1997 through the winter of 1998.

The conferees believe that, to the maximum extent possible, insurance should provide for damages incurred by railroads from floods and other natural disasters. Generally, the Department of Transportation should not be responsible for reimbursing privately owned railroads for these damages. A long-term approach on how to handle these damages should be developed. As such, the conferees direct the Secretary of Transportation to report to the House and Senate Appropriations Committees not later than December 31, 1998 on how future emergency railroad repair costs should be borne by the railroad industry and their underwriters. The Senate included this provision in bill language.

CHAPTER 6

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS

Appropriates $130,000,000 for Community Development Block Grants to be used for disaster relief, long term recovery and mitigation in communities designated as Presidentially declared natural disasters during fiscal year 1998. The House had proposed $20,000,000 and the Senate had proposed $260,000,000. The House limited assistance to states affected by the January 1998 Northeast ice storm.

HUD is provided broad waiver authority, including the authority to waive statutory requirements that activities benefit persons of low and moderate income. States are required to provide a 25 percent match in non-federal public funds, to administer the funds for unmet needs in conjunction with its FEMA program or its community development block grant program and to use annual disaster cost estimates. HUD must notify the VA, HUD and Independent Agencies Subcommittees on Appropriations 10 days prior to distribution of funds regarding how these funds are to be utilized and the most recent estimate of unmet needs. Additionally, HUD and FEMA must submit quarterly reports regarding the actual uses of the funds. These reports are to be based on quarterly reports submitted to HUD by the States that received funds.

The conferees have serious misgivings about providing CDBG funds for disaster mitigation, particularly given the waiver authority and the possibility that the majority of the funds will be spent to cover the repair costs of investor-owned utility companies.

In an attempt to deal with this concern, language is included by the conferees to require HUD to submit to the VA/HUD subcommittees a list of the amounts of funds provided and the locality to which the funds are provided. HUD is directed, however, to allocate the funds in a fair manner to each jurisdiction that is eligible to receive them.

INDEPENDENT AGENCY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

Appropriates $1,600,000,000 for disaster relief as proposed by the Senate. The House had provided no funding for disaster relief. The amount provided is available only to the extent that an official budget request for a specific amount, which includes designation of the entire amount of the request as an emergency, is transmitted by the President to Congress.

The conferees are concerned about the problems of providing emergency temporary housing to migrant farm workers in California and urge FEMA to take into account the special needs of migrant farm worker disaster victims.

Finally, the conferees urge FEMA to approve expeditiously state requests under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for buyout relocations designed to reduce overall disaster costs in future years.

CHAPTER 7

RESCISSIONS

DEPARTMENT OF EDUCATION

BILINGUAL AND IMMIGRANT EDUCATION

The conference agreement does not include a rescission of $75,200,000 as included in the House bill. The Senate bill included no similar provision.

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

The conference agreement rescinds $241,000,000 in contract authority under title II. When combined with the rescission included under title III, the total rescission of contract authority in this bill is $295,000,000.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

SECTION 8 RESERVE PRESERVATION ACCOUNT

(RESCISSION)

Rescinds $2,347,190,000 from the Section 8 Reserve Preservation Account. The House proposed rescinding $2,193,600,000 from this account. The Senate did not include a similar rescission.

These funds represent excess section 8 reserves that are unnecessary during the remaining portion of the current fiscal year. In fiscal year 1999, however, section 8 renewal needs are $10,800,000,000. As proposed by the President, the excess reserves could be used to reduce the fiscal year 1999 request, and thereby reduce the total appropriation for fiscal year 1999. Clearly, the conferees understand that the section 8 renewal account must be fully funded in order to protect the homes of those families who rely on the assistance.

INDEPENDENT AGENCY

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

(RESCISSION)

Deletes language proposed by the House and stricken by the Senate rescinding $250,000,000 of fiscal year 1998 funds for National and Community Service Programs Operating Expenses.

TITLE III—SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

The conference agreement provides $543,000 to compensate wheat producers for economic losses associated with the presence or presumed presence of Karnal bunt instead of up to $5,000,000 as proposed in the House-reported bill, H.R. 3580. The Senate bill had no similar provision.

DEPARTMENTAL ADMINISTRATION

The conference agreement provides $2,000,000 for Departmental Administration as proposed by the Senate instead of $4,300,000 as proposed in the House-reported bill, H.R. 3580.

OFFICE OF THE GENERAL COUNSEL

The conference agreement provides $235,000 for the Office of the General Counsel as proposed in the House-reported bill, H.R. 3580, and by the Senate.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

INSPECTION AND WEIGHING SERVICES

The conference agreement provides $1,500,000 to recapitalize the revolving fund of the Grain Inspection, Packers and Stockyards Administration to accommodate losses in fiscal year 1998 and ensure the reserve has sufficient funds to carry out the provisions of the U.S. Grain Standards and Agricultural Marketing Acts. The House and Senate bills contained no similar provision.

FARM SERVICE AGENCY

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

The conference agreement provides a subsidy of $2,389,000 for direct farm ownership loans instead of $2,608,000 as proposed by the Senate and $5,144,000 as proposed in the House reported bill, H.R. 3580. The subsidy will support an estimated loan level of $18,320,000.

The conference agreement provides a subsidy of $967,000 for guaranteed farm ownership loans as proposed in the House-reported bill, H.R. 3580, instead of $966,197 as proposed by the Senate. The subsidy will support an estimated loan level of $25,000,000.

The conference agreement provides a subsidy of $222,000 for boll weevil eradication loans as proposed in the House-reported bill, H.R. 3580, and by the Senate. The subsidy will support an estimated loan level of $18,814,000.

The conference agreement provides a subsidy of $4,599,000 for direct farm operating loans instead of $3,162,000 as proposed by the Senate and $626,000 as proposed in the House-reported bill, H.R. 3580. The subsidy will support an estimated loan level of $70,000,000.

The conference agreement provides a subsidy of $3,374,000 for guaranteed subsidized farm operating loans as proposed in the House-reported bill, H.R. 3580. The Senate proposed a contingent emergency appropriation of $5,400,000. The subsidy will support an estimated loan level of $35,000,000.

The Secretary of Agriculture is directed to revise the emergency loan program regulations to allow applicants who have suffered through natural disasters over the last several years and/or have a majority of the crops grown on leased land to be eligible to receive an emergency loan in fiscal year 1998 with reduced or waived security requirements. The conferees further expect the Secretary and congressional committees of jurisdiction to correct any unfair requirement of borrower ineligibility due to a lawful exercise of rights provided by the Agricultural Credit Act of 1987.

The conferees are concerned about reports that county-loss restrictions or other restrictions in the Non-insured Assistance Program (NAP) have worked against providing such last-resort disaster assistance to farmers in areas of high value specialty crop production. The Department is directed to report by July 1, 1998, NAP expenditures by state during the last two fiscal years, the degree to which program restrictions have affected the distribution of funds to any state, and to make recommendations to the Committee for program changes that would prevent such inequities in the distribution of funds.

FOOD STAMP PROGRAM

The conference agreement deletes the words "as amended" which were included in the House-reported bill, H.R. 3580.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement provides language to allow the Food and Drug Administration to collect and spend an additional $25,918,000 in prescription drug user fees in fiscal year 1998 as proposed by the Senate instead of $15,596,000 as proposed in the House-reported bill, H.R. 3580.

The conference agreement also provides that fees derived from applications received during fiscal year 1998 shall be credited to the appropriation current in the year in which fees are collected and subject to the fiscal year 1998 limitation as proposed by the House.

GENERAL PROVISIONS—THIS CHAPTER

The conference agreement provides that permanent employees of county committees employed during fiscal year 1998 shall be considered as having Federal Civil Service status only for the purpose of applying for United States Department of Agriculture Civil Service vacancies as proposed by the Senate. The House bill contained no similar provision.

The conference agreement provides bill language to permit funds for the Cooperative State Research, Education, and Extension Service competitively-awarded grants program to be used to pay for peer panel and review costs associated with that program. The House and Senate bills contained no similar provision.

CHAPTER 2

DEPARTMENT OF ENERGY

DEPARTMENTAL ADMINISTRATION

The conference agreement includes language proposed by the Senate to provide the Department of Energy the authority to increase the cost of work for other programs within the Department Administration account by $5,408,000, provided that the increased costs are offset by revenue increases of the same or greater amount.

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

The conference agreement deletes the language proposed by the Senate to provide $4,000,000 for the development and demonstration of dielectric wall accelerator technology.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

The conferees direct the Department of Energy to find additional funding to accelerate the transfer of materials from the waste tanks at the Hanford site in Washington, and submit expeditiously a reprogramming request for this activity. Funding for this reprogramming is to be derived from within available balances in the defense environmental management accounts of the Department.

GENERAL PROVISIONS—THIS CHAPTER

Section 2001. The conference agreement includes language vitiating OMB guidance prohibiting the award of continuing contracts for construction projects identified in the Conference Report accompanying the Energy and Water Development Appropriations Act, 1998. An explanation of this provision is included at page 5 of House Report 105–470.

Section 2002. The conference agreement includes language directing the Secretary of the Army to use up to the maximum amount authorized per project under the Section 205 continuing authorities program of the Corps of Engineers to provide a level of enhanced flood protection at Elba, Alabama. Given the urgent situation, the conferees direct the Secretary to incorporate as part of any cost-sharing agreement for flood damage prevention a provision which permits the non-Federal sponsor to use other available Federal funding sources to satisfy the non-Federal share.

Section 2003. The conference report includes language recommended by the Senate making a technical correction to legislation extending the periods of repayments of the Nueces River and Canadian River reclamation project in Texas.

Section 2004. The conference agreement includes language proposed by the Senate exempting the worker transition plan for Federal employees at the Pinellas Plant in Florida from section 303 of Public Law 105–62, the Energy and Water Development Appropriations Act, 1998. The work force restructuring plan to support the accelerated closure of the plant was developed prior to enactment of the fiscal year 1998 appropriation.

Provision not included in the conference agreement. The conference agreement deletes language recommended by the House and Senate prohibiting the Corps of Engineers from performing certain work at the Kennewick Man discovery site. The conferees understand that the work has already been completed.

CHAPTER 2A

INTERNATIONAL MONETARY FUND

The Senate amendment provided appropriations of $14,500,000,000 for an increase in the United States quota at the International Monetary Fund and $3,400,000,000 for the proposed New Arrangements to Borrow, as requested by the President. The House bill did not address these matters.

The House Appropriations Committee has reported H.R. 3580, a non-emergency supplemental appropriations bill that includes amounts for the International Monetary Fund and the New Arrangements to Borrow that are identical with the appropriations in the Senate amendment.

The managers have deferred consideration of these matters without prejudice until later in the 105th Congress, with the understanding that the House will first consider both the quota increase for the International Monetary Fund and the request for the New Arrangements to Borrow.

CHAPTER 3

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

The managers have provided $340,000 for operation of the National park system to be used to lease lands in Katmai National Park and Preserve. The managers note that a Federal district court recently upheld an application for an allotment of key lands in Katmai National Park and Preserve, and are advised that the location of the private lands will create a major disruption to park visitors in the upcoming season. The managers therefore have provided $340,000 to enable the Park Service to lease the inholdings, depicted in United States Survey 7623, in order to provide full public access, and to cover costs related to the recent litigation.

To prevent the need to provide these lease moneys on an annual basis, the managers direct the Secretary of the Interior to begin immediate negotiations to secure permanent full public access through acquisition of the inholding depicted in United States Survey 7623, permanent conservation and access easements on the inholdings, land exchange, or a combination thereof. By July 1, 1998 the Secretary should report to the House and Senate Committees on Appropriations on progress toward such an acquisition arrangement and inform the Committees whether a Declaration of Taking is necessary and would lead to a timely acquisition for the 1999 visitor season. If no agreement has been signed by July 15, 1998, the Secretary should advise the Committees of all other alternatives and any additional authority necessary for the Park Service or any other land management agency.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

The managers have provided $6,675,000 for royalty and offshore minerals management as proposed by both the House and the Senate. These funds are to be derived from increased receipts.

The managers are aware of the success of the past four lease sales in the Gulf of Mexico and understand that, since enactment of the Deep Water Royalty Relief Act, revenues from lease sales in the deep water have been more than $1.2 billion in excess of estimates. Furthermore, the managers expect that existing financial terms will be maintained for lease sales in the remaining incentive period, including minimum bids and royalty rates.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

ABANDONED MINE RECLAMATION FUND

(TRANSFER OF FUNDS)

The managers have provided $3,163,000 for the abandoned mine reclamation fund as proposed by both the House and the Senate. These funds are to be derived by transfer from the regulation and technology account.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

The managers have provided $1,050,000 for operation of Indian programs as proposed by both the House and the Senate.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

The managers have provided $4,650,000 for Federal trust programs as proposed by both the House and the Senate.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICES

The managers have provided $100,000 for Indian health services as proposed by the Senate. The House proposed no funds for this purpose.

The managers are concerned about the alarming rate of suicide attempts in Indian country, especially among youth and young adults. The managers intend to address this problem more fully in the context of the fiscal year 1999 appropriation. The $100,000 provided in this supplemental appropriation is intended to allow the Indian Health Service to begin to target especially troubling situations on an emergency basis. One example is the situation on the Standing Rock Sioux Reservation. The managers expect the Service to report to the House and Senate Committees on Appropriations, within 30 days of enactment of this Act, on what is being done to address the problem at Standing Rock and similar problems on other reservations.

GENERAL PROVISIONS—THIS CHAPTER

Section 3001.—The managers have included language as proposed by the House making certain Indian Health Service diabetes funding available until expended. The Senate had no similar provision.

Section 3002.—The managers have included language as proposed by the Senate dealing with construction of the Trappers Loop connector road. The House had no similar provision.

Section 3003.—The managers have included language as proposed by the Senate dealing with an easement across National Forest lands for the Boulder City Pipeline. The House had no similar provision.

Section 3004.—The managers have included language which modifies a provision proposed by the Senate dealing with the transfer of portable housing units at the Grand Forks Air Force Base in North Dakota to Indian tribes in North and South Dakota. The House had no similar provision. The modification adds language stipulating that the Department of the Interior is not responsible for rehabilitating the units for remediation of hazardous substances.

Section 3005.—The managers have included language as proposed by the Senate to adjust the boundaries of the Petroglyph National Monument to allow for construction of a road. The House had no similar provision.

Section 3006.—The managers have included language which modifies a provision proposed by the Senate regarding county payment mitigation for revenue that may be lost due to a proposed Forest Service moratorium on building roads in roadless areas. The House had no similar provision.

The managers disagree with the Forest Service's proposed moratorium on road building in roadless areas. The managers consider such a moratorium to be in conflict with orderly project planning which results from land management planning activities. Despite this disagreement with the Administration's actions, nothing in this section prohibits or delays the Forest Service from implementing the moratorium subject to whatever legal challenges which may occur pursuant to existing law.

The managers have made several modifications to the bill language proposed by the Senate. The managers have inserted new language clarifying that the provision neither endorses nor prohibits any road building moratorium resulting from the Forest Service proposal of January 28, 1998, and that the provision does not affect the applicability of existing law to any moratorium. The managers also have inserted new language which clarifies that previously scheduled timber sales to be considered for compensation or substitution should be those which were scheduled as of October 1, 1997, or thereafter. The managers have not provided an appropriation of $2,000,000, as was proposed by the Senate, to cover part of the cost of compensating States for lost timber-receipt revenue caused by a road building moratorium. Instead, the managers have provided authority to the Chief of the Forest Service to make the State payments using any funds available to the Forest Service in fiscal years 1998 or 1999, subject to the advance approval of the House of Senate Committees on Appropriations. The managers have maintained the language proposed by the Senate to accomplish three reports. The managers have not stipulated, as proposed by the Senate, that funds for the study, inventory and analysis required for the three reports should come from funds appropriated for Forest Research. The managers allow the Chief to use existing funds at his discretion to complete these three reports, subject to normal reprogramming procedures.

Section 3007.—The managers have included language as proposed by the Senate making a technical correction to a provision of law dealing with certain health care services for Alaska Natives. The House had no similar provision. The language amends Title II of the Michigan Indian Land Claims Settlement Act to clarify the terms under which the Indian Health Service awards a contract or compact in the Ketchikan Gateway Borough and to identify the Alaska Native groups affected by the title.

Section 3008.—The managers have included language as proposed by the Senate making a technical correction to a provision in the fiscal year 1998 Interior and Related Agencies Appropriations Act dealing with self-determination contracts and compacts for health care services to Alaska Natives. The House had no similar provision.

The managers have not included bill language as proposed by the Senate regarding Floyd Bennett Field in New York City. The managers are aware, however, of ongoing discussions among the City of New York, the Department of Transportation and the Department of the Interior regarding the New York Police Department's proposed use for air and sea rescue and public safety purposes of the facility at Floyd Bennett Field that is to be decommissioned by the U.S. Coast Guard on May 22, 1998. The managers encourage all parties involved to continue these discussions, and direct the Secretaries of Transportation and the Interior to report to the House and Senate Committees on Appropriations and the Senate Committee on Commerce, Science and Transportation and the House Committee on Transportation and Infrastructure on the status of these discussions no later than May 15, 1998.

The managers have not included language proposed by the Senate prohibiting the promulgation and issuance of certain Indian gaming regulations. The House had no similar provision.

Section 3009.—The managers have included language placing a moratorium on the issuance of final regulations by the Minerals Management Service on the valuation of crude oil for royalty purposes. This moratorium will remain in effect until October 1, 1998. The managers expect the Service to report to the House and Senate Committees on Appropriations as soon as possible on the proposed regulations, including a description of the comments the Service has received and how those comments have been addressed.

The managers considered, but did not adopt, language that would adjust the boundaries of the Coastal Barrier Resources System in Florida. These adjustments were enacted into law in 1996 but were not implemented because the maps needed to make the adjustments were not received by the Fish and Wildlife Service in a timely manner. Evidently, these maps were lost in the mail and therefore were not on file at the time the legislation was enacted. The managers intend to look into this matter further and work with the legislative committees of jurisdiction to determine if a legislative remedy can be identified in the context of the fiscal year 1999 appropriations bill for the Department of the Interior and Related Agencies or some other legislative vehicle.

CHAPTER 4

Department of Health and Human Services

Centers for Disease Control and Prevention

DISEASE CONTROL, RESEARCH, AND TRAINING

The conference agreement includes $9,000,000 for polio eradication activities in Africa. The Senate bill provided the same amount, declared the funding as an emergency for the purposes of the Budget Act, and conditioned the obligation of such funding on the submissions by the President of a request designating the full amount as an emergency for the purposes of the Budget Act. The House bill contained no similar provision.

Health Care Financing Administration

PROGRAM MANAGEMENT

The conference agreement includes $2,200,000 for the Health Care Financing Administration (HCFA) for program administration. The House included $16,000,000 for this account in H.R. 3580 as reported from the House Committee. The Senate bill included no similar provision.

The conferees are very concerned that Medicare contractors will not be able to address their Year 2000 computer requirements in time for the century change. Failure to meet these requirements could seriously disrupt the Medicare program which finances health care for over 30 million of our most vulnerable citizens. The conference agreement modifies language included in Public Law 105–78, the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, 1998, to allow $20,000,000 to be used to supplement contractor budgets to meet these obligations.

The conferees also understand that most, if not all, contractors refused to sign contract amendments assuring HCFA that the necessary software changes would be made. The conferees direct HCFA to report to the Committees on Appropriations on a regular basis during the rest of this fiscal year and during fiscal year 1999 on the progress that contractors are making to comply with the necessary Year 2000 fixes by the Department's imposed deadline of December 31, 1998. If the progress is not satisfactory, the Committees intend to provide additional enforcement tools to the Department to assure compliance in the fiscal year 1999 appropriations bill.

The conferees note that there has been considerable controversy about the accuracy of data originally used by HCFA in developing Medicare physician practice expense regulations. Concerns have been expressed that reductions in Medicare reimbursements for certain specialists, based on these data, could affect physician willingness to provide services to Medicare and therefore reduce beneficiaries' access to care. During the fiscal year 1999 appropriations process, it may be necessary to consider the use or collection of additional data to give a more accurate picture of physician practice expense costs.

Office of the Secretary

GENERAL DEPARTMENTAL MANAGEMENT

The conference agreement includes language proposed in H.R. 3580 as reported from the House Committee to ensure that funds appropriated in Public Law 105–78, the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, 1998, for the Adolescent Family Life program are allocated in a manner consistent with Congressional intent. The Senate bill included similar language.

Department of Education

Special Education

The conference agreement includes language proposed in H.R. 3580 as reported from the House Committee modified to ensure that $600,000 is spent in fiscal year 1998 for the Early Childhood Development Project of the National Easter Seal Society for the Mississippi Delta Region. This project was specifically identified for funding in the conference report on the FY 1998 appropriations bill, as it had been also in the House and Senate committee reports. The modified language provides that the funds are to be derived from funds available for research and innovation under section 672 of the Individuals with Disabilities Education Act and that they shall be used to provide training, technical support, services and equipment to address personnel and other needs. The Senate bill included no similar provision.

General Provisions—This Chapter

The conference agreement includes language proposed in H.R. 3580 as reported from the House Committee which allows a State's "State Children's Health Insurance Program" plan under title XXI of the Social Security Act to be approved up until September 30, 1999 and enable the State still to be eligible for its FY 1998 allotment. The language would also postpone to the end of FY 1999 the Administration's statutory obligation to reapportion to other States any unused FY 1998 funds. The Senate bill included no similar provision.

The conference agreement includes language that was not contained in either the House or Senate bills that would extend the comment period on the final rule entitled "Organ Procurement and Transplantation Network" until August 31, 1998. The agreement also prohibits such rule from becoming effective before October 1, 1998.

The conference agreement does not include an authorization, included in the Senate bill, for the Safe Schools Security Act. This provision would have authorized up to $2,250,000 to establish a School Security Center, administered by the Attorney General, to provide technical assistance to improve school security. The provision would also have authorized up to $10,000,000 for competitive grants to Local Education Agencies to assist them in acquiring school security technology and carry out programs to improve school security. The House bill contained no similar provision.

The conferees are concerned with the recent outbreaks of school violence as exemplified by the tragedies in Edinboro, PA; Pearl, MS; West Paducah, KY; and Jonesboro, AR. While the conferees recognize the complexity of the problem, they understand that no single approach, by itself, will prevent such tragedies. However, the conferees are aware that new technology is available to address school crime and violence.

The conferees encourage the Department of Education to utilize funds within the Safe and Drug Free Schools and Communities Act to support grants to districts that exhibit the most serious crime problems. Such funds could be used to acquire security technology, support security assessments, and other assistance aimed at improving school security through the use of technology.

CHAPTER 5

Legislative Branch

CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

Payments to Widows and Heirs of Deceased Members of Congress

The conferees have agreed to provide funds for the customary death gratuity for the widow of Walter Capps, late a Representative of the State of California, and for the widow of Sonny Bono, late a Representative of the State of California. The amounts provided reflect the annual salary of Mr. Capps and Mr. Bono at the time of their deaths.

Architect of the Capitol

Capitol Buildings and Ground

CAPITOL BUILDINGS

SALARIES AND EXPENSES

The conference agreement appropriates $7,500,000 for repairs and rehabilitation of the U.S. Capitol dome, as proposed in the Senate amendment. The conferees agree that this work must proceed without delay due to the extent of deterioration of the structural elements of the interstitial space in the dome. There is urgent need to evaluate the integrity of these structural elements through a lengthy process of paint removal, inspection, and reapplication of paint. This phase of the project will provide basic information upon which the balance of the dome rehabilitation project will be planned.

CAPITOL GROUNDS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $20,000,000 for implementation of the Capitol Square perimeter security plan, including a transfer of not to exceed $4,000,000 to the Capitol Police Board upon request of the Board. The remaining funds, $16,000,000, shall be available to the Architect of the Capitol for the non-electronic components of the plan. The expenditure of these funds is subject to the review and approval by the appropriate House and Senate authorities, including the Committees on Appropriations of the House and Senate, the Speaker of the House, the Committee on House Oversight, and the Senate Committee on Rules and Administration. These funds will provide urgently needed improvements to the existing perimeter security that protects the Capitol grounds and buildings, including replacement of deteriorating planters and concrete barriers with more effective metallic bollards, and more effective vehicle entry/exit security. The conference agreement authorizes up to $4,000,000 to be transferred to the Capitol Police Board, upon the request of that body, for the electronic components of the perimeter security plan. It may be that the Architect of the Capitol and the Capitol Police Board will consolidate this project into one or more centrally administered contract(s). In that event, the language of the bill is sufficiently flexible to allow a single source of funds to be used. On the other hand, if the Police Board and Architect decide that separately administered contracts are more desirable or cost-effective, the bill language authorizes that up to $4,000,000 may be transferred to the Police Board for those purposes. That transfer will be at the discretion of the Capitol Police Board. Unspent savings from these funds by either the Capitol Police Board or the Architect of the Capitol are subject to normal reprogramming procedures.

CHAPTER 6

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

The conferees direct the Secretary of Transportation to notify the House and Senate Committees on Appropriations not less than 3 business days before any discretionary grant award or letter of intent in excess of $2,000,000 is announced or made by the Department or its modal administrations from: (1) any discretionary program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) the transit planning and research and discretionary grants programs of the Federal Transit Administration.

TRANSPORTATION PLANNING, RESEARCH AND DEVELOPMENT

The conference agreement deletes the appropriation proposed by the Senate of $6,900,000 for transportation planning, research and development. No similar appropriation was provided by the House. The conferees have agreed to provide resources for the Amtrak Reform Council and the independent assessment of Amtrak under a separate heading as proposed by the House. The conferees are aware that the Department has allocated $400,000 from resources provided in the fiscal year 1998 Department of Transportation and Related Agencies Appropriations Act for transportation planning assistance for the 2002 Winter Olympics in Salt Lake City, Utah, and $50,000 for initiation of a multimodal transportation study for Albuquerque and Santa Fe, New Mexico.

AMTRAK REFORM COUNCIL

The conference agreement provides $2,450,000 for the Amtrak Reform Council and an independent assessment of Amtrak authorized by the Amtrak Reform and Accountability Act of 1997. Funds provided under this heading are available until September 30, 1999. The conference agreement also includes a provision that not to exceed $400,000 of the funds provided under this heading shall be transferred to the Department of Transportation Inspector General to cover costs associated with the independent assessment.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND

The conference agreement deletes the appropriation of $47,200,000 proposed by the Senate for additional funding to address Year 2000 computer problems. The House bill contained no similar appropriation. However, the agreement does include funding of $25,000,000 under "Facilities and equipment" for this purpose.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND

The conference agreement includes $25,000,000 for "Facilities and equipment" instead of $108,800,000 as proposed by the Senate and zero as proposed by the House. As specified in the Senate bill, these funds are specifically provided to address Year 2000 computer hardware and software problems. Although these funds were not requested by the administration, the conferees believe that additional funding is needed now to ensure the success of this critical activity. Since submission of the fiscal year 1999 budget, the FAA has agreed to accelerate the timetable for the Year 2000 effort by five months. Although the cost of this has not yet been estimated by the FAA, the conferees believe that additional funding may be required. The conference agreement makes these funds available for obligation until September 30, 1999. The conferees agree that these funds may also be used for the Host repair and replacement program, to the extent necessary to address Year 2000 concerns and risks.

The conferees agree with reporting requirements proposed by the Senate for monthly status reports and for compliance with the Inspector General's February 4, 1998 recommendations regarding the Year 2000 program. The House proposed no similar reports.

In addition, the conferees give final approval to reprogramming requests of the Department of Transportation which provide additional fiscal year 1998 funding of $12,710,000 for Year 2000 remediation efforts and $63,400,000 for replacement of the Host, Oceanic Display and Planning System (ODAPS), and Off-Shore Flight Data Processing System (OFDPS). The conferees agree that the following sources are to be used to finance these reprogrammings:

[In thousands of dollars]

Source program name	Fiscal year—		
	1996	1997	1998
NEXRAD	....	....	1,000
ARTCC modemization	....	....	8,000
Voice switching and control system	....	....	16,700
BUEC replacement	2,500	....	....
Low density RCL	....	2,097	13,840
Chicago tracon	....	1,350	....
Non-directional beacon	....	....	700
Aeronautical center training facilities	....	....	3,000
Aviation safety analysis system	....	....	1,000
Atlanta metroplex	....	....	1,000
Critical telecommunications support	....	....	1,000
DASI	....	....	1,600
Distance learning	....	1,400	3,000
DoD base closure	....	....	1,006
ERSDS	....	....	2,850
Long range radar improvements	....	....	2,200
SETA	....	....	1,000
Technical services support contract	....	....	4,800
Voice recorder replacement program	....	....	1,000
Program support leases	258	947	565
NAS infrastructure management system	....	....	1,285
FAA corporate systems architecture	1,195	....	....
Environmental compliance/OSHA	....	....	500
Oceanic automation build 1.5	....	....	317
Total	1,453	5,794	68,863

These sources were all submitted by the Department of Transportation to finance the reprogramming requests.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

The conference agreement provides $1,000,000 for emergency transportation activities of the Research and Special Programs Administration. These funds shall be utilized to increase the emergency preparedness of the State of Alabama in responding to natural disasters and other emergencies. On April 8, 1998, tornadoes swept through central Alabama, killing 33 persons, injuring more than 265 persons, and destroying at least $125,000,000 in residential and commercial property. Improved command and control emergency response capability would speed the dispatch of rescue teams, provide quicker clearance of road blockages, and aid in coordinating the many on-scene federal and state response teams. Of the funds provided, $400,000 shall be for construction and establishment of an emergency transportation response center in Arab, Alabama, to be administered by the Alabama Emergency Management Agency, for emergency communication and response services in the northern part of Alabama. The State will provide necessary matching funds for construction of this facility. The Department of Transportation will provide no ongoing consulting or other services after the establishment of the center. In addition, $550,000 is provided for a mobile emergency response system (MERS) vehicle, to be jointly operated by the Alabama Department of Transportation and the Alabama Emergency Management Agency, which will enable on-scene command and control response coordination. In addition, $50,000 is provided for departmental administrative costs associated with this program.

RELATED AGENCY

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

The conference agreement provides $5,400,000 for the National Transportation Safety Board for expenses resulting from the crash of TWA Flight 800, as proposed by both the House and the Senate. Technical changes have been made to the bill language relating to the location and designation of the facility, as proposed by the House.

GENERAL PROVISIONS—CHAPTER 6

The conference agreement includes a provision (sec. 6001) that provides $1,000,000, to be derived from balances available to the Administrator of the Federal Transit Administration from previous appropriations Acts, to conduct transit investment analysis from Ewa to east Honolulu, Hawaii. Funds shall remain available until September 30, 2001.

The conference agreement deletes the provision proposed by the Senate which related to administrative handling of exemption requests for air service to slot-controlled airports. The conferees are concerned by the Department's lack of timeliness in the consideration and disposition of exemption requests for air service to slot-controlled airports, and by the lack of responsiveness to inquiries from interested members of Congress.

CHAPTER 7

DEPARTMENT OF THE TREASURY

YEAR 2000 CENTURY DATE CHANGE CONVERSION

The Administration requested transfer authority, subject to advance notice being transmitted to the Appropriations Committee, of up to $250,000,000 from any funds available to the Department to any other Department account in order to fund essential Year 2000 century date change conversion requirements. The conferees are committed to providing the resources the Department needs to successfully complete Year 2000 conversion activities; however, the conferees have denied the Administration's request for Department-wide transfer authority.

The conference agreement provides, through direct appropriations ($40,800,000) and through the approval of reprogramming actions ($133,100,000), the total additional amount currently estimated by the Department of the Treasury to be required for Year 2000 conversion activities in fiscal year 1998 at the Internal Revenue Service ($63,200,000), the Financial Management Service ($7,400,000), the United States Customs Service ($37,300,000), and for the Department-wide communications system ($66,000,000).

The conferees agree with the language in House Report 105–470 regarding the accountability for Year 2000 expenditures.

The conferees have also recommended the rescission of previously appropriated funds to offset amounts provided in this Act. The specific actions taken by the conferees in this bill are described below.

AUTOMATION ENHANCEMENT

The conference agreement provides $35,500,000 for Automation Enhancement instead of $28,110,000 as proposed in H.R. 3580, as reported by the House Committee on Appropriations, and $39,410,000 as proposed by the Senate. This appropriation, combined with the approval of a reprogramming action, will provide a total of $66,000,000 for Year 2000 activities associated with the Treasury Communications System. Funds are made available until September 30, 2000.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

The conference agreement provides $5,300,000 for the Financial Management Service as proposed in H.R. 3580, as reported by the House Committee on Appropriations, and as proposed by the Senate. This appropriation, combined with the approval of a reprogramming action, will provide a total of $7,400,000 for Year 2000 work at the Financial Management Service. Funds are made available until September 30, 2000.

UNITED STATES CUSTOMS SERVICE

CUSTOMS FACILITIES, CONSTRUCTION, IMPROVEMENTS

The conference agreement provides no funds for the Customs Facilities, Construction, Improvements account, instead of $5,512,000 as proposed by the Senate.

INDEPENDENT AGENCIES

FEDERAL ELECTION COMMISSION

INDEPENDENT AUDIT AND MANAGEMENT REVIEW

Public Law 105–61 provided $750,000 for an independent technological and performance audit and management review of the Federal Election Commission. These funds were provided to the General Accounting Office (GAO) for the sole purpose of entering into a contract with an independent entity for the purpose of completing this review. The fiscal year 1998 conference agreement (House Report 105–284) further required the GAO to consult with the Committees on Appropriations and the House Oversight Committee on the parameters of the review. GAO has consulted with the Committees, as required. The conferees direct GAO to proceed no later than 15 days after enactment of this bill with implementation of the statement of work agreed to by the Committees on Appropriations and the House Oversight Committee on April 28, 1998, absent additional changes agreed to by all parties.

GENERAL PROVISIONS—THIS CHAPTER

FEDERAL EMPLOYEE RETIREMENT OPEN ENROLLMENT

The conferees have taken no action in response to the Administration's proposal to repeal section 642 of the Treasury and General Government Appropriations Act, 1998, the Federal Employees' Retirement System Open Enrollment Act of 1997.

FEDERAL EMPLOYEE VOLUNTARY EARLY RETIREMENT

The conferees have included a new provision providing temporary government-wide authority for agencies to offer targeted early retirement. This authority expires on September 30, 1999. The conference agreement does not affect the existing statutory requirement in section 8336(d)(2) and section 8414(b)(1)(B) of title 5, United States Code, that, in order to be eligible for voluntary early retirement, an individual must have completed 25 years of service or have reached age 50 and completed 20 years of service.

EDUCATIONAL EXPENSES FOR CHILDREN OF MANUEL ZURITA

The conferees have included a new provision permitting the two dependent children of deceased Customs Service Senior Special Agent Manuel Zurita to complete their primary and secondary education at the Antilles Consolidated School System at Fort Buchanan, Puerto Rico at no cost to the children or their family. The Customs Service shall reimburse the Department of Defense for all reasonable educational expenses.

CHAPTER 8

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

Inserts language proposed by the Senate appropriating $550,000,000 for compensation and pensions. The House, in H.R. 3580, proposed language appropriating $550,000,000 for compensation and pensions.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

STATE AND TRIBAL ASSISTANCE GRANTS

The conferees have included bill language as proposed by the House which clarifies that recipients for grant funds under the "State and Tribal Assistance Grants" account shall be those entities which were made eligible for such grants under the Agency's various organic statutes. This action will correct the inadvertent result of language included in the fiscal year 1998 Appropriations Act limiting the eligibility for such grants.

ADMINISTRATIVE PROVISION

The conferees have included bill language as proposed by the House which stipulates that no requirements of any carbon monoxide Federal Implementation Plan (FIP) which are based on the Clean Air Act prior to the adoption of the Clean Air Act Amendments of 1990 may be imposed in the State of Arizona. The conferees understand that the State of Arizona and the Environmental Protection Agency have worked diligently to produce a carbon monoxide State Implementation Plan (SIP), and encourage the parties to complete this work and approve a new SIP at the earliest possible date.

FEDERAL EMERGENCY MANAGEMENT AGENCY

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

The conferees are concerned about the economic disruption that may take place in Sacramento and Los Angeles based on the Flood Insurance Rate Maps that were issued January 5, 1998 and are aware of the vigorous efforts by these cities to increase their level of flood protection. The Federal Emergency Management Agency is directed to work closely with the Army Corps of Engineers to determine whether the flood control work underway and planned will provide sufficient protection in Sacramento and Los Angeles to satisfy requirements for designation as an A99 zone.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

(TRANSFER OF FUNDS)

The conferees have provided an additional $53,000,000 by transfer for Space Station activities in fiscal year 1998. The House had provided for a transfer of $173,000,000 and the Senate had provided for no additional funds. The transfer is from the Mission Support account and is to be combined with $37,000,000 which NASA may reallocate from within the Human Space Flight account. The total funding for Space Station activities in fiscal year 1998 will be up to $2,441,300,000 after this transfer and reallocation.

The amount transferred from Mission Support consists of $15,000,000 from space communications, $15,000,000 from salaries, $11,000,000 from research operations support, and $12,000,000 from construction of facilities. At a minimum, the conferees agree that NASA should reallocate to the International Space Station, within the Human Space Flight account, the following amounts: $5,000,000 from the shuttle program, $10,000,000 from payload processing, and $12,000,000 from advanced projects.

The conferees are in receipt of the report recently released by the Cost Assessment and Validation Task Force which concludes that the fiscal year 1999 budget request for the International Space Station program is not adequate to execute the baseline program, cover normal program growth, and address the known critical risks. As such, the conferees therefore remain deeply concerned that NASA not force reductions in current and future outyear projections for space science, earth science, aeronautics and advanced space transportation because of the need to accommodate overruns in the space station budget. The conferees call upon the Administration to submit a credible plan for responding to the recommendations contained in the report by June 15, 1998, with corresponding budget proposals that provide for necessary additional resources for fiscal year 1999 and beyond.

GENERAL PROVISIONS

Section 8001. Amends section 206 of the Fiscal Year 1998 VA, HUD and Independent Agencies Appropriations Act to redefine an area of economic development in Kansas City, Missouri, as proposed by the Senate. The House did not include a similar provision.

Section 8002. Requires HUD to allocate directly to New Jersey a portion of HOPWA funds designated for the Philadelphia, PA-NJ Primary Metropolitan Statistical Area as proposed by the Senate. The House did not include a similar provision.

The conferees agree to include this provision until the end of fiscal year 1999 for the purpose of providing HUD sufficient time to review the delivery process, particularly as it relates to metropolitan statistical areas with multiple jurisdictions that cross state lines, and to make appropriate recommendations.

Section 8003. The conferees have included a new section under "General Provisions" which would serve to ratify and confirm Congressional intent with respect to the collection and use of funds by the National Science Foundation (NSF). The explosive growth of the commercial segment of the Internet resulted in the collection of program fees in excess of the amount projected. These were in turn held in an "Intellectual Infrastructure Fund" until the Congress, as part of the fiscal year 1998 Appropriations Act, determined to use these funds for NSF's work on "Next Generation Internet" activities. This action by the Congress has since been held up by proceedings in the federal court system, and the language included in this new section will statutorily correct the lack of authority perceived by the court. The conferees would not in this regard that the federal judge in this case literally invited this action by the Congress, which would do nothing more than permit the NSF to proceed with the use of these funds as intended by Public Law 105–65.

CHAPTER 9

RESCISSIONS AND OFFSET

DEPARTMENT OF AGRICULTURE

The following table reflects the conference agreement on rescissions.

	House-reported (H.R. 3580)	Senate	Conference
Agricultural Research Service	$223,000		$223,000
Animal and Plant Health Inspection Service, salaries and expenses	350,000		350,000
Agricultural Marketing Service, marketing services	25,000		25,000
Grain Inspection, Packers and Stockyards Administration, salaries and expenses	38,000		38,000
Food Safety and Inspection Service	502,000	502,000	502,000
Farm Service Agency, salaries and expenses	1,080,000		1,080,000
Agricultural Credit Insurance Fund Program Account	6,737,000	6,736,197	8,273,000
Natural Resources Conservation Service, conservation operations	378,000		378,000
Rural Housing Service, salaries and expenses	846,000	846,000	846,000
Food and Nutrition Service, food program administration	114,000		114,000

The conferees direct that the rescission from the Animal and Plant Health Inspection Service affect only the agency's contingency fund.

The Department of Agriculture indicates that the proposed rescission of funds appropriated for Farm Service Agency salaries and expenses should not result in staff reductions beyond those expected in fiscal year 1998. The conference directs that the funding rescission be applied only to the non-salary portion of the Farm Service Agency budget.

General Provision—This Chapter

The conference report includes a general provision prohibiting funds in P.L. 105–86 to be used to pay personnel who carry out a conservation farm option program in excess of $11,000,000 as proposed in the House-reported bill, H.R. 3580. The Senate bill contained no similar provision.

Department of the Interior

Bureau of Land Management

MANAGEMENT OF LANDS AND RESOURCES

(RESCISSION)

The managers have agreed to the rescission of $1,188,000 from management of lands and resources as proposed by both the House and the Senate.

OREGON AND CALIFORNIA GRANT LANDS

(RESCISSION)

The managers have agreed to the rescission of $2,500,000 from Oregon and California grant lands as proposed by both the House and the Senate.

United States Fish and Wildlife Service

RESOURCE MANAGEMENT

(RESCISSION)

The managers have agreed to the rescission of $250,000 from resource management as proposed by both the House and the Senate.

CONSTRUCTION

(RESCISSION)

The managers have agreed to the rescission of $1,188,000 from construction as proposed by both the House and the Senate

National Park Service

CONSTRUCTION

(RESCISSION)

The managers have agreed to the rescission of $1,638,000 from construction as proposed by both the House and Senate.

Bureau of Mines

MINES AND MINERALS

(RESCISSION)

The managers have agreed to the rescission of $1,605,000 from minerals as proposed by both the House and Senate.

Bureau of Indian Affairs

CONSTRUCTION

(RESCISSION)

The managers have agreed to the rescission of $837,000 from construction as proposed by the Senate instead of a rescission of $737,000 as proposed by the House.

Department of Agriculture

Forest Service

FOREST AND RANGELAND RESEARCH

(RESCISSION)

The managers have agreed to the rescission of $148,000 from forest and range land research as proposed by the House. The Senate did not propose a rescission from this account.

STATE AND PRIVATE FORESTRY

(RESCISSION)

The managers have agreed to the rescission of $59,000 from State and private forestry as proposed by the House. The Senate did not propose a rescission from this account.

NATIONAL FOREST SYSTEM

(RESCISSION)

The managers have agreed to the rescission of $1,094,000 from the National forest system as proposed by the House. The Senate did not propose a rescission from this account.

WILDLAND FIRE MANAGEMENT

(RESCISSION)

The managers have agreed to the rescission of $148,000 from wildland fire management as proposed by the House. The Senate did not propose a rescission from this account.

RECONSTRUCTION AND CONSTRUCTION

(RESCISSION)

The managers have agreed to the rescission of $30,000 from reconstruction and construction as proposed by the House. The Senate did not propose a rescission from this account.

Department of Health and Human Services

Health Resources and Services Administration

HEALTH PROFESSIONS EDUCATION FUND

(RESCISSION)

The conference agreement includes a rescission of $11,200,000 from unobligated balances of the Health Professions Education Fund.

Department of Transportation

Office of the Secretary

PAYMENTS TO AIR CARRIERS

(RESCISSION)

The conference agreement rescinds $2,500,000 in general fund authority from the payments to air carriers program as proposed by the House instead of $2,499,000 as proposed by the Senate.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

The conference agreement rescinds $3,000,000 in contract authority provided for "Small community air service" by Public Law 101–508 for fiscal years prior to fiscal year 1998, as proposed by both the House and Senate.

Federal Aviation Administration

FACILITIES, ENGINEERING, AND DEVELOPMENT

(RESCISSION)

The conference agreement rescinds $500,000 in unobligated balances from "Facilities, engineering, and development". The FAA has no plans for using these funds, which have remained unobligated for many years.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

The conference agreement rescinds $54,000,000 in contract authority in this title of the bill. These funds are in excess of the annual obligation limitation placed on the program by the fiscal year 1998 Department of Transportation and Related Agencies Appropriations Act and are therefore not available for obligation in fiscal year 1998.

(LIMITATION ON OBLIGATIONS)

The conference agreement restores the reduction of $31,400,000 in the obligation limitation for "Grants-in-aid for airports" proposed by the House. The Senate bill contained no similar reduction. The conference action results in a funding level of $1,700,000,000 for this program, which was the original level enacted in the Department of Transportation and Related Agencies Appropriations Act, 1998.

Federal Railroad Administration

CONRAIL LABOR PROTECTION

(RESCISSION)

The conference agreement rescinds $508,234 for Conrail labor protection activities from unobligated balances under this heading, as proposed by the House, instead of from resources provided by direct appropriations by transfer as proposed by the Senate.

Department of the Treasury

United States Customs Service

SALARIES AND EXPENSES

(RESCISSION)

The conference agreement rescinds $6,000,000 from funds appropriated in fiscal year 1997 for the Automated Targeting System (ATS), as proposed in H.R. 3580, as reported by the House Committee on Appropriations, and as proposed by the Senate. ATS was scaled back to a voluntary pilot program in fiscal year 1998, thereby realizing significant savings. The conference agreement does not rescind $5,300,000 in Customs Service's unobligated balances, as proposed by the Senate.

United States Customs Service

OPERATIONS AND MAINTENANCE, CUSTOMS P–3 DRUG INTERDICTION PROGRAM

(RESCISSION)

The conference agreement rescinds $4,470,000 from funds previously appropriated for the Customs P–3 Drug Interdiction Program, instead of $5,511,754, as proposed by the Senate. The conference agreement makes a technical correction to the Senate bill, rescinding funds from the Operations and Maintenance, Customs P–3 Drug Interdiction

Program instead of the Customs Facilities, Construction, Improvements account.

Internal Revenue Service

INFORMATION TECHNOLOGY INVESTMENTS

(RESCISSION)

The conference agreement rescinds $30,330,000 from funds appropriated in fiscal year 1998 for the Internal Revenue Service's Information Technology Investments program, instead of $27,410,000 as proposed in H.R. 3580, as reported by the House Committee on Appropriations, and $33,410,000 as proposed by the Senate. The conferees wish to make it clear that they fully support the program to modernize the Internal Revenue Service's information systems and only take this action in response to the Department's need to address urgent Year 2000 century date change conversion requirements.

General Provisions—This Title

Sec. 10002.—The conferees are aware of concerns regarding the Patent and Trademark Office's (PTO) lack of progress in its space planning activities for its new facilities which may result in unnecessary cost growth. In addition, the conferees are aware that questions have been raised regarding the justification for, and costs associated with, build-out of the new facilities. Therefore, language has been included requiring the PTO to submit a report to the Committees on Appropriations no later than May 15, 1998 detailing its space plans and associated build-out costs for the new facility, and making funds for the build-out available only in accordance with standard reprogramming procedures. The conferees do not intend for this provision to prevent the move to new facilities to meet the PTO's space requirements. The Senate bill included language prohibiting expenditure of funds until submission of a report on the cost-benefit analysis of PTO's relocation to a new facility versus other alternatives to meet its space requirements. The House bill contained no provision on this matter.

Sec. 10003.—The conference agreement includes language, as proposed in the Senate bill, to repeal a provision included in the National Sea Grant College Program Reauthorization Act of 1998 which designated Lake Champlain as one of the Great Lakes, and instead includes new language to make the study of Lake Champlain an allowable purpose for funding under the National Sea Grant College Program. The House bill included no similar provision.

Sec. 10004.—The conference agreement includes a provision, as proposed in the Senate bill, to permit the transfer back to the State Department of up to $12,000,000 that was transferred out of the State Department to other agencies pursuant to section 404 of the fiscal year 1998 Commerce, Justice, State Appropriations Act. Section 404 provided funds for the implementation of the initial year of operation of the International Cooperative Administrative Support Services program. The transfer permitted under this provision is based upon a re-estimate of the allocation of costs among participating agencies. The conferees intend that the funds transferred back to the State Department pursuant to the provision shall only be used for State Department ICASS costs. The House bill did not include a provision on this matter.

Sec. 10005.—The conference agreement includes a provision, as proposed in the Senate bill, which continues a refugee program for the unmarried sons and daughters over 21 years of age of Vietnamese reeducation camp detainees who were previously admitted to the United States pursuant to the Orderly Departure Program. This section extends the original provision, included in the Foreign Operations Appropriations Act for fiscal year 1997, through fiscal years 1998 and 1999. The House bill included no similar provision.

Sec. 10006.—The conference agreement includes a provision, as proposed in the Senate bill, requiring the United States Representatives to the World Trade Organization (WTO) to seek changes in certain WTO procedures to promote greater openness and transparency in its activities. The House bill included no similar provision.

In addition, the conferees expect the National Oceanic and Atmospheric Administration to move promptly with the award of funds provided in the fiscal year 1998 Appropriations Act to the Institute for the Study of Earth, Oceans, and Space to undertake a ground-based demonstration of the collection of wind data.

The conference agreement does not include Section 2004 of the Senate bill. This in no way can be considered as expressing the approval of the Congress of the action of the Federal Communications Commission (FCC) in establishing one or more corporations to administer Section 254(h) of the Communications Act of 1934. However, the conferees expect that the FCC will comply with the reporting requirement in the Senate bill, respond to inquiries regarding the universal service contribution mechanisms, access charges and cost data, and propose a new structure for the implementation of universal service programs. The conferees concur with the provisions of the Senate bill relating to compensation for employees administering these programs. In carrying out the reporting requirement, the conferees believe that any proposed administrative structure should take into account the distinct mission of providing universal service to rural health care providers, and include recommendations as necessary to assure the successful implementation of this program.

The conference agreement does not include section 2008 of the Senate bill, waiving a matching funds requirement for a Small Business Development Center pilot project on Internet commerce in Vermont.

The conference agreement does not include section 2010 of the Senate bill, setting forth the sense of the Senate relating to United States contributions in support of United Nations peacekeeping missions.

The managers considered, but did not adopt, language that would create a Trade Deficit Review Commission, as proposed by the Senate. The conferees agree that serious concerns exist regarding continuing trade deficits and intend to work with the legislative committees of jurisdiction to establish such a Commission, including in the context of the fiscal year 1999 appropriations process.

Sec. 10007.—The conference agreement inserts a new section 10007 as a technical amendment which provides that provisions of the District of Columbia Code affecting the employment of the Chief of the Metropolitan Police Department of the District of Columbia shall not apply to the Police Chief to the extent the provisions are inconsistent with the terms of an employment agreement between the Police Chief, the Mayor and the District of Columbia Financial Responsibility and Management Assistance Authority. The section further includes language making the procedure for the appointment and removal of the Chief during a control year consistent with procedures for the Chief Financial Officer and certain department heads as set forth in the District of Columbia Financial Responsibility and Management Assistance Act of 1995 and the District of Columbia Management Reform Act of 1997.

Sec. 10008.—Support for Democratic opposition in Iraq.

The conference agreement includes a general provision providing that, notwithstanding any other provision of law, $5,000,000 of the funds previously appropriated for the "Economic Support Fund" in Public Law 105-118 (Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998) be made available for support for the democratic opposition in Iraq. The funds are to be used for such activities as organization, training, communication, dissemination of information, developing and implementing agreements among opposition groups, compiling information to support the indictment of Iraqi officials for war crimes, and for related purposes. The provision also requires a report from the Secretary of State to the appropriate committees of Congress within 30 days of enactment into law of this Act on plans to establish a program to support the democratic opposition in Iraq.

The Senate amendment contained similar language, but included a supplemental appropriation of $5,000,000 for these activities. It also designated these funds as an emergency requirement under the terms of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and further provided that the entire amount would be made available only to the extent that an official budget request for a specific dollar amount, that included designation of the entire amount of the request as an emergency requirement, was transmitted by the President to Congress. The House bill did not address this matter.

The managers expect that a significant portion of the support for the democratic opposition should go to the Iraqi National Congress, a group that has demonstrated the capacity to effectively challenge the Saddam Hussein regime with representation from Sunni, Shia, and Kurdish elements of Iraq.

Offsetting Emergency Supplemental Appropriations

The conference agreement deletes a sense of the House provision contained in the House bill that stated that all emergency supplemental appropriations considered in the 105th Congress should be offset. The Senate did not include such a provision.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1998 recommended by the Committee of Conference, with comparisons to the fiscal year 1998 budget estimates, and the House and Senate bills for 1998 follow:

Budget estimates of new (obligational) authority, fiscal year 1998	22,597,439,000
House bill, fiscal year 1998	551,430,066
Senate bill, fiscal year 1998	23,859,654,012
Conference agreement, fiscal year 1998	3,409,562,066
Conference agreement compared with:	
Budget estimates of new (obligational) authority, fiscal year 1998	−19,187,876,934
House bill, fiscal year 1998	+2,858,132,000
Senate bill, fiscal year 1998	−20,450,091,946

Bob Livingston,
Joseph M. McDade,
Bill Young,
Ralph Regula,

JERRY LEWIS,
JOHN EDWARD PORTER,
HAROLD ROGERS,
JOE SKEEN,
FRANK R. WOLF,
JIM KOLBE,
RON PACKARD,
SONNY CALLAHAN,
JAMES T. WALSH,
JOHN P. MURTHA
(except for IMF and section 8 housing recission),
Managers on the Part of the House.

TED STEVENS,
THAD COCHRAN,
ARLEN SPECTER,
PETE V. DOMENICI,
C.S. BOND,
SLADE GORTON,
MITCH MCCONNELL,
CONRAD BURNS,
RICHARD C. SHELBY,
JUDD GREGG,
R.F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
LARRY CRAIG,
LAUCH FAIRCLOTH,
KAY BAILEY HUTCHISON,
ROBERT C. BYRD,
D.K. INOUYE,
ERNEST F. HOLLINGS,
PATRICK J. LEAHY,
DALE BUMPERS,
FRANK R. LAUTENBERG,
TOM HARKIN,
BARBARA A. MIKULSKI,
HARRY REID,
BYRON L. DORGAN,
Managers on the Part of the Senate.

DISTRICT OF COLUMBIA STUDENT OPPORTUNITY SCHOLARSHIP ACT OF 1997

Ms. NORTON. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. LEWIS), the deputy chief whip.

Mr. LEWIS of Georgia. Madam Speaker, it has been 3 years since a GAO report found that 1 out of every 3 of our Nation's schools are in need of major reconstruction and repair. Public school buildings are crumbling. Our schoolteachers are dealing with overcrowded classrooms. Many of our schools are fighting a war on drugs and violence.

Parents and teachers in my own district tell me about these problems and the lack of resources in the public schools in Atlanta. The GAO report shows that these problems exist nationwide, because overcrowded students attend classes in closets, hallways and even bathrooms. Yet, in 3 years, the Republican leadership has done nothing to address these devastating problems.

Nine out of 10 children in America attend public schools. The bill before us does nothing to address the problems that they face.

In fact, this bill is nothing new. It is just the latest assault on public schools by the opponents of public education.

□ 1230

In the last three years, my Republican colleagues have proposed abolishing the Department of Education, cutting the school lunch program, cutting funding for safe and drug-free schools, for teacher training, and for Head Start. The Republican record is clear. It is anti-public education.

And now they have the audacity to propose draining $45 million from the Federal Treasury to send just 3 percent of D.C. students to private and religious schools. The vast majority of students in D.C. public schools, 76,000, will be left out and left behind.

Now, the Republicans will have us believe that they care about D.C. public schools and their students. Do not be fooled. Education is a great equalizer in our Nation. For $45 million, we could set up computer labs for every school in the District of Columbia. We could hire teachers, reading teachers for all of the public schools in the District. With adequate funding, with public education as our top priority, we could truly make a difference for the majority of our schoolchildren in this city and nationwide.

Madam Speaker, the Democrats have a plan that will rebuild and repair 50,000 of our Nation's schools, put 100,000 more teachers in our Nation's classrooms, reduce the class size to 18 students and strengthen teacher training.

It is time for us to take action and move forward to improve American public schools. This legislation is a step backward. It is a step in the wrong direction. Oppose the Republican D.C. voucher scheme and invest in public education for all of our children, so no child will be left behind in the District of Columbia or any place in America.

Mr. ARMEY. Madam Speaker, I yield 4½ minutes to the distinguished gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. Madam Speaker, an ancient Greek philosopher once said that only the educated are truly free. To a remarkable extent, that is still true today. The state of our education system pounds that point home. In many of our communities our children get the best education in the world. They are free to become lawyers, doctors, astronauts, engineers or whatever they want. They are free to live the American dream.

But in other communities, those communities that are not so well off, those communities that are ravaged by crime and drugs, the schools very often fail the children. They fail to give the children the necessary tools so they can realize their dreams. They fail to provide the children the safe and secure environment where they can learn. They fail to provide teachers who have the knowledge and the ability to teach. They fail to use their resources wisely to ensure that money is spent on teaching children, not on padding the wallets of bureaucrats.

And as a result of these failures, the children in these communities are trapped. They are not free to live their dreams. They are trapped in a system that ensures mediocrity, that inspires despair, that instills failure.

The District of Columbia has many examples of failure in its education system. It has amongst the highest illiteracy rates of any school system in the country. It spends more money per student than most schools. The question today is pretty simple: Do we take the steps that will instill accountability and responsibility and quality into the school system, or do we let the status quo continue unabated?

Well, in my view we need to shake this system up, and I cannot think of a better way to do that than to establish scholarships for children who want to break out of a failing system. I have heard most of the opponents today; and a lot of opponents in Washington, D.C., including half the teachers in the school system, send their children to schools other than the government school system. I have heard many complaints from those people who oppose the proposal offered by the gentleman from Texas (Mr. ARMEY) to establish this scholarship program. They say it means that we are abandoning the public school system. Nothing could be further from the truth.

If we wanted to abandon the public school system we would offer legislation that would give every student in the D.C. system a scholarship, every student a scholarship to the private or public school system somewhere else. And my guess is that that proposal would be a cheaper alternative than the current system and wildly popular with most of the residents in the District of Columbia.

But the majority leader is offering his proposal to inspire a rebirth in the D.C. school system. There is nothing like a little competition to get a system to change for the better, and we know that in business and we know it in life.

So some teachers' unions are fighting this proposal and other school choice proposals, and half of them send their kids to private schools, and they fight them with every ounce of energy that they can muster. Apparently the unions are scared of the concept of accountability and responsibility and quality.

I know many teachers who are as frustrated with the current system as we are. They want the best for these students. But the bureaucrats and the union leaders want the best for the bureaucracy and the union and not for students. And what is best for the bureaucracy and for the union is often the worst for the student and the parents.

Giving families the opportunity to choose where their children will attend school is an innovative way to inspire competition and improve our public school system. Many low-income families cannot afford to send their children to private school or even the means to take them to another public school in a better area.

The D.C. Scholarship Opportunity Act would give a low-income family in the District a choice, a chance, the power to provide their children with a better education. The D.C. Scholarship Opportunity Act is an important way to begin to affect our communities, to show them that we in Washington are committed to improving the educational system.

So, Madam Speaker, I applaud the majority leader for his commitment. Improving this system will help more children to realize the American dream.

Ms. NORTON. Madam Speaker, I yield 30 seconds to the distinguished gentleman from Missouri (Mr. CLAY), the ranking member of the Committee on Education and the Workforce.

Mr. CLAY. Madam Speaker, I thank the gentlewoman from the District of Columbia (Ms. NORTON) for yielding me this time.

Madam Speaker, I rise in opposition to this voucher bill because it will do absolutely nothing to improve the quality of educational opportunities available in the District of Columbia. What this bill will do, however, is create false hope in the minds of schoolchildren and their parents and allow the Republicans to trumpet a lot of their baseless partisan political themes.

Let me say to my Republican colleagues and the District residents that federally funded school vouchers will not be made available here or anywhere else in America during the 105th Congress.

Madam Speaker, this is the third time that Republicans have trotted out this misguided D.C. voucher proposal for consideration in the House. Twice before they unsuccessfully attempted to attach it to the D.C. Appropriations bill. Now, the proposal finally stands alone to be judged on its own. It has never gone through the committee process for deliberate consideration. If it had, it would not have seen the light of day.

Just, last November, a bipartisan majority of this body soundly rejected legislation to offer federally funded vouchers nationwide. Why? Because Members recognized that vouchers simply channel taxpayer dollars to private and religious schools—something ridiculous to do when budget pressure makes it difficult to properly fund public schools. Members also recognized that the bill would erode protections afforded through our civil rights laws. The voucher proposal before us today suffers from the very same fatal flaws. What's more, the D.C. voucher bill would be vetoed if it were sent to the President.

Madam Speaker, we should not undermine the efforts of those local officials who are principally responsible for the education of District students by forcing upon them the failed and unconstitutional voucher experiment. Rather, what we should do is support the Norton substitute to provide the D.C. public schools with $7 million to implement comprehensive reforms and hire additional reading tutors. Both initiatives would target the lowest performing schools. This approach would ensure all D.C. students the promise of a quality education from what would soon become an exemplary public school system.

Mr. ARMEY. Madam Speaker, I yield 4 minutes and 10 seconds to the distinguished gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Madam Speaker, it is with an abiding respect and great reluctance that I oppose the gentlewoman from the District of Columbia (Ms. NORTON), my friend and colleague, but I support this legislation.

I think a few things need to be said. First, this is not taking one cent from the public schools in the District of Columbia, which have the highest spending rate per pupil in the Washington region right now. And I will join the gentlewoman in making sure they have the money to continue to build a quality public school system.

But we have tried through a presidentially appointed control board to make the system better, and it is clear it is more than a one-year ordeal. It is going to take several years. We recognize and we have to recognize the current failures of the public school system that the Washington Post this morning labeled "troubled."

The dropout rate is the highest in the region. Test scores the lowest almost in the country. Opened four years in a row late. It is just not operating. It is so bad that no Member of Congress sends their kids through the District of Columbia public school system today. The President and the Vice President, offered those opportunities, did as most of us and declined and opted for private schools, and I do not blame them or fault them in any way because the school system today is not something that we could be proud of.

Madam Speaker, I want to work to make it better. This is a scholarship. This bill allows not just the opportunity for some of the poorest of the poor to send their kids to private schools. It allows the option for dollars for tutoring and dollars for teacher training and the like.

What has happened in this city over the last 20 years is that the middle class and the upper class have responded by sending their kids to private schools or moving out of the city where there are school systems that are delivering an educational quality. What we are trying to offer here is a scholarship opportunity for the poorest of the poor in the city to give their children the same opportunity that Members of Congress have to send their kids to quality schools.

Opponents have said we are imposing this on the city. We are not imposing anything on the city. There is an article in the Washington Post today that talks about the Ted Forstmann scholarships for the city. Seven thousand poor families applied for this $1,700 grant, and they have to put up $500 of their own, when they could take a free public school system, and they are still overwhelmed with responses. I predict that we will get more responses to this program should this become law.

One lady, Karen Leach, said "I prayed every day. I just prayed every day," that she would be able to get the additional scholarships to send her kids where they could get a quality education. I think this bill will answer the prayers of a few thousand other parents in the city as well.

As I said, it is not imposing vouchers. We are not imposing these scholarships on anybody. If parents do not want them, then they should not apply and should not take them. But please do not tell single mothers like Karen Leach that because they are poor, working poor, working two jobs in some cases to give their kids a better life, that they cannot have access to these educational scholarships just because their political leaders are afraid to admit that perhaps the school system is not working and is not functional in some cases, it has not opened on time for four years, and some of the other things we have discussed. It should not mean that the poor students cannot live and have the American dream like the rest of us.

I agree with my colleagues on the other side of the aisle. Let us fix the system. Let us give the public schools more dollars to do the job. We increased spending in the classroom last year. But even the presidentially appointed control board is not going to fix the schools overnight.

For Christopher Leach, who is mentioned in the Post article today, which I will submit for the RECORD, and others who are going to be in the third grade next year, the schools they will be going to are not functional, are not at an acceptable level for any of us to send our kids. They will never have another chance at the third grade while we are busy fixing the system. Next year is it for them.

What we are trying to offer a few thousand kids the opportunity to have a system with the educational quality that the rest of us enjoy. And while we all know their schools do not meet the standards we want for our kids, why would we relegate them and not give them the kind of choices the rest of us have? But because we are richer, because we can send our kids to private school or we can move to wealthy suburban areas where they have different school systems, we deny them the opportunities that we have.

Madam Speaker, with the gap between rich and poor growing greater in

America and in this region every day, we cannot afford to relegate these poor students to a dysfunctional school system. They deserve these opportunity scholarships. I support the legislation.

Madam Speaker, the Washington Post article which I previously referred to follows:

[From the Washington Post, Apr. 30, 1998]

1,001 D.C. STUDENTS WIN SCHOLARSHIPS

(By Debbi Wilgoren)

Hundreds of low-income District parents are receiving calls and letters this week telling them that they have won scholarships to help them take their children out of the city's troubled public school system and enroll them in private schools.

They are the winners in a computerized lottery, held Monday and Tuesday, that awarded privately funded scholarships of as much as $1,700 each to 1,001 children to cover 30 to 60 percent of private school tuition. The money will go to about 750 families, who will receive separate scholarships for each of their children.

"I prayed every day. I just prayed every day," said Karen Leach, a single mother who works nights as a security guard and won scholarships for her sons, Christopher, 8, and Christian, 5. "I just want my kids to have the best that I can get for them."

Leach said she will use the money to put her children back in Catholic school. Her older son attended Assumption School in Southeast Washington from nursery school through second grade, but he and his 5-year-old brother enrolled at Leckie Elementary School in far Southwest last fall because Leach could no longer afford tuition.

The two children have done fairly well in public school this year, but Leach said she believes they will get a better education and more individualized attention in Catholic school because classes will be smaller and the other children will be better behaved.

At Leckie, she said, "some of the kids are just out of control."

The number of scholarships, which are being provided by the five-year-old Washington Scholarship Fund, has more than doubled this year, thanks to the largess of Wall Street tycoon Theodore J. Forstmann and John Walton, heir to the Wal-Mart fortune. They donated a total of $6 million to the effort last fall.

At a news conference yesterday announcing the 1,001 winners—chosen from more than 7,500 low-income applicants—Forstmann said he intends to launch similar funds soon in as many as 30 U.S. cities, including Los Angeles. That would greatly expand a new type of philanthropy that already is helping to pay the private school costs of 14,000 children across the country.

The effort coincides with growing national concern about the quality of public education provided in mostly poor, urban school districts. It comes as publicly funded, privately operated charter schools are opening in the city and many states, and as Republican leaders in Congress are pushing for taxpayer-funded private school vouchers for poor students in the District and elsewhere.

The House is expected today to pass legislation, already approved by the Senate, that would set up a D.C. voucher program despite strong opposition from Education Secretary Richard W. Riley, Del. Eleanor Holmes Norton (D-D.C.), local officials and parent groups.

President Clinton, however, has promised to veto the bill, and congressional leaders say they lack the two-thirds majority needed to override his veto. Opponents of voucher programs say the government should use its resources to improve public schools. They also complain that such programs unfairly favor parochial schools, where tuition is much lower than at most secular private schools.

Forstmann refused to take a position yesterday on the issue of taxpayer-funded vouchers. But he dismissed suggestions that he and other donors should give money to public schools, saying many public school systems are so dysfunctional that donating to them does not help children.

"It's a little like putting money into the former Soviet Union," he said. "If the system worked, we wouldn't have to be here."

Forstmann said he believes public schools will work better if they are forced to compete more directly with private schools for students. He appealed to others to give money so more poor children can choose between public and private school.

Yesterday, he met with Leach and a few other parents, then telephoned several additional winners. Fund Executive Director Douglas D. Dewey said all scholarship recipients will be notified by telephone and mail this week. Those who were not selected will receive letters by Monday or Tuesday.

The organization originally planned to award 1,000 scholarships. But at the last minute, it decided to include an applicant who was not selected in the lottery but whose academic struggle—he has repeated third grade twice—was featured in a Washington Times article Monday.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, correcting the record for the gentleman from Virginia, the District has the second lowest per pupil spending on students in the region. His district, Fairfax County, is $7,650. Mine is only $7,000 and Alexandria is $9,000.

Madam Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. WATERS) chair of the Congressional Black Caucus.

Ms. WATERS. Madam Speaker, firstly, I am appalled at the disrespect that is being shown to the gentlewoman from the District of Columbia (Ms. NORTON). It is an unwritten rule in this body to allow the leadership of the district to go to that person who represents that district. Not only is she being disrespected, but after she gives us the facts and the figures, then we have Members on the other side get up and talk about she is wrong and give other facts and figures.

I am appalled at what you are doing, and I do not think for one minute that you care more about this district than the gentlewoman from the District of Columbia. And let me say this, the gentlewoman is smarter than the gentleman from Texas (Mr. ARMEY), than the gentleman from Virginia (Mr. MORAN) and all the rest of them put together. How dare you question her ability to lead this District?

Madam Speaker, everybody knows this has been a political ploy. Not only do we not believe you care more about these children than the gentlewoman from the District of Columbia, we do not believe that, but do you expect to buy their education on the cheap?

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We heard what education costs in all of these districts and the surrounding ones. But you want to come with a mere $3,200 a year for 3 percent of the students and then say that the $7 million will not take away from the other students in the district. It is outrageous.

I would ask the gentleman from Virginia (Mr. MORAN) and the gentleman from Texas (Mr. ARMEY), those who believe in this so much, try it in your own district, try it in your own district.

Even though I do not support this kind of thing, this kind of subsidy to private schools and to religious schools, if they want it so badly, I will support it for their districts.

I would ask my Members, please do not run over the gentlewoman from the District of Columbia (Ms. NORTON). Do not disrespect this district. Do not be bullies on this issue. We know that you are stepping on the District in every way that you can. They are down. It is difficult to fight. They do not have the power to stop you. You have the numbers. You can step on their backs. You can step on their necks.

I would ask you to have a little decency. Give the right of representation to the gentlewoman from the District of Columbia (Ms. NORTON). Follow her lead and discontinue this madness.

PARLIAMENTARY INQUIRY

Mr. RIGGS. Madam Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from California will state his parliamentary inquiry.

Mr. RIGGS. Madam Speaker, is referring to Members of Congress as bullies and imputing the intellect of Members of Congress in order with House procedures and rules?

The SPEAKER pro tempore. Members should refrain from engaging in personalities during debate.

Mr. ARMEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, if I might just take a moment, since my intellect, my motives, and my character have just been called into question, let me just make the observation that I made at the outset, Madam Speaker. This is not about me, and, in all due respect, it is not about the gentlewoman from the District of Columbia. It is about the children.

Quite frankly, we have 8,000 of those children and their parents that have said this is a good deal. We want it. You can read about them in today's paper.

Madam Speaker, I yield 2 minutes to the distinguished gentlewoman from Kentucky (Mrs. NORTHUP).

Mrs. NORTHUP. Madam Speaker, I and all other moms know what it is like to worry every day about how your child is doing in school. It is terrible if your child is trapped in a school that is unsafe and unworkable. Your daughter's sleepless nights become your own sleepless nights.

Most parents with children in the D.C. public schools live under these intolerable conditions. D.C. schools have received national attention. In spite of funding per student that ranks among one of the highest in the Nation, education in the District has reached crisis proportions.

Decrepit school buildings are literally falling apart. The local news here is filled with stories of fire code violations, violence in schools, and failing test scores.

The problem in the D.C. public schools right now is the entire system is broken. It is not just a bad teacher or disorganized principal or a leaky roof or an unrestrained bully in the fourth grade. It is all of these problems and more. A parent cannot just change their child's teacher or their class or their school. There is no place to escape, and so the children are simply trapped.

Hopefully, the District will begin the long process of improvement. In the meantime, the children in these schools cannot wait. Too many lives have already been ruined. A child only gets to be in first grade once. He or she only gets to be a child one time. We need to make sure that each child has at least a chance to spend that year, that childhood in a safe school with an opportunity to learn.

School choice will offer parents the opportunity to give their children a chance to learn, thus enabling them to lay the foundation for future success. The key to ending the cycle of public assistance dependence is in opening doors for children to receive a quality education.

School choice is popular in this community. A recent poll found that low-income parents support scholarships. Among families earning less than $25,000, 59 percent support the program. We should, too.

Ms. NORTON. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. SAWYER).

Mr. SAWYER. Madam Speaker, while there are a lot of good reasons to be skeptical about the bill before us, I think that the most important is sometimes glossed over, and that is the need for a full and effective evaluation of the program.

Evaluation is critical if we are to avoid monumental failure. Parental satisfaction and other subjective measures are important but wholly insufficient to measure the efficacy of this kind of funding scheme and its educational consequences.

A bill that is serious about a voucher experiment I believe should include statutory requirements for:

The random sampling of the students who are measured in the course of their experience with this;

Baseline data to benchmark evaluation including parental data, their prior school experiences, relevant educational values, and reasons for making or not making a choice; student data on prior achievement, behavior, and special needs;

Appropriate control groups, including sibling nonparticipants;

Data from within and across all sites;

Comparable testing across all sites;

Data on transportation problems and solutions such as we experience in Ohio; and

Effects on all students, beyond standardized testing, including changing patterns of school enrollment by school type and demographic characteristics; the enhancement of geographic mobility among students; how school choices expand or contract; the kind of students who are accepted and rejected and retained by "choice schools"; and effects on racial and class integration.

In section 11 of the bill, there is an evaluation component that comes close to addressing some of these requirements but hardly even a majority of them. However, the evaluation component's very language assumes the success of the program. This is a large and costly experiment in the lives of real children, both the ones in the program and those who are not. We owe it to them to include a serious effort to measure the costs and benefits and measurable change in student performance.

Whether or not the politicians on this floor or across this country agree about vouchers, no one can say we know for sure how well they will work. The students cannot afford for us to proceed without a mechanism for knowing if we are wrong.

Mr. ARMEY. Madam Speaker, may I inquire as to how much time is remaining for each side.

The SPEAKER pro tempore. The gentleman from Texas (Mr. ARMEY) has 39 minutes remaining. The gentlewoman from the District of Columbia (Ms. NORTON) has 33 minutes remaining.

Mr. ARMEY. Madam Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Madam Speaker, I will not take issue with my colleague from California. I do not want to speak for the gentleman from Texas (Mr. ARMEY), but there is no question in my mind that I am not as smart as the gentlewoman from the District of Columbia (Ms. NORTON). I would never try to compete with the gentlewoman from the District of Columbia on any kind of an intellectual or even a rhetorical basis.

I am going to, though, plead with my colleagues on the Democratic side, where the opposition to this bill lies, to set aside the suspect political motivation behind this bill and to put aside all that kind of lofty ideological rhetoric that partisanship can inspire. I do not necessarily disagree with all that rhetoric in principle. But I am going to ask you to strip away the esoteric and political issues that normally accompany this issue and look at the essence of what this bill does. Because all it is is an additional $7 million that can only go to poor families, only poor families. If it is not spent, it will not go to DC, nor to any other educational effort of merit. It will be lost. A lost opportunity.

What does it do that is so threatening? It lets parents pick where their kids will go to school. Those parents can choose the school my children go to, only a couple of miles away from the District of Columbia. It is in an almost entirely minority neighborhood, a public elementary school, with an African American principal, and an African American administration. Almost the entire student body is minority. But it is safe. The children that go to this school get the basic education they need, and they are going to get to go to college if they have the will and make the effort. It is a credit to the public school system as so many thousands of schools in this Nation are a credit to our investment in public education.

I am also going to ask you to let me make this a little more personal. A few months ago, my daughter broke out crying at the dinner table. She said, "Mommy, Daddy, I cannot keep up with the other kids in my class. I cannot think as fast as them. I am the worst in the class."

We comforted her and explained to her, "Honey, the radiation that killed the cancer cells in your brain also killed the brain cells, but we are going to send you to a tutor," which we do, "and we are going to make sure you can keep up." Expensive? Very. All out-of-pocket. Worth it? Of course.

But what about the dozens of other kids in the same condition at D.C. Children's Hospital, almost all of them minority, low-income families? Why should they be doomed because of the accident of their birth? Their parents do not have any possibility of enabling their kids to keep pace, of realizing their potential, of ever going to college. This bill gives them a faint, dim glimmer of hope because it can be used for tutoring that they could not otherwise afford.

Madam Speaker 85 percent of the children in Ward 3, the wealthiest ward in this city, have a choice of schools, and they choose to send their kids to private schools. Why should the parents in other wards of the city not have the same choice? Why should their kids suffer so because of the accident of their birth?

We spend more on D.C. public schools and get less out of them than any other school state system in the country. Three-fourths of their 8th grade students flunk basic math. Forty percent drop out. A minority of high school graduates are able to qualify for a college education. On average they're at least 2 years behind their peers in other school systems.

Why should we condemn all of these children to continue to suffer such inequity because we want to uphold our lofty principles and our traditional politics? Of course we believe in public schools. But we also believe in the intrinsic worth of every one of those children born in the District of Columbia. They have the same right anyone else has.

Why are you denying that right to even 2,000 children who could break out of the bonds of a failed school system? Because you want to maintain the status quo? Because you do not want to admit that the current failed condition is the reality of this failed school system? It is not fair to deny hope to even 2,000 children. What is fair is to support this bill.

Ms. NORTON. Madam Speaker, I invite the gentleman to exercise some of that passion for vouchers for the children of Alexandria.

Madam Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Madam Speaker, last year, within our balanced budget bill, Congress gave American families a $400 tax credit for every child under the age of 17 in the household. This year, it will be $500 per child. American families can use all of those monies for private or religious school tuition. That is their choice.

This year, some in Congress want to bust the Nation's first balanced budget in 30 years by subsidizing private and religious school education, a subsidy that would ultimately affect funds available for the public schools.

If this voucher bill passes, the other real consequence would be higher property taxes for America's families to make up the difference. In New Jersey, our property taxes are already too high.

Besides, what is next? If someone does not like the books in their public library, should the government give that person a money voucher to buy books so that they can start their own private library? If somebody does not like the people who go into the public parks, should the government give money vouchers to that person so they can buy their own swing set and build their own private park? I do not think so.

America is still a country that believes in the common good and to achieve the opportunity for success and the opportunity to achieve the American dream.

Let us fix our public schools. Let us encourage competition by supporting chartered public school, but let us not pillage the public school systems in America. Hurting public schools in America will not be good for America.

Mr. ARMEY. Madam Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. GOODLING), chairman of the Committee on Education and the Workforce, and, in my estimation, this government's number one expert on the subject of education by virtue of understanding and concern.

Mr. GOODLING. Madam Speaker, I thank the gentleman for yielding to me.

Madam Speaker, what I really want to talk about right now is, I get fed up when I hear the other side keep talking about pupil/teacher ratio, keep talking about building buildings, repairing building. For 20 years, 20 years, they had an opportunity to send 40 percent of the excess cost for special education to that school district and to every school district. They sent 6. If they would send 20, 40 percent, if they would send 40 percent of excess cost to special education to Washington, D.C., do they know what they would send them? Another $12 million.

Put your money where your mandate was. You mandated 100 percent special ed. You do not send them the 40 percent. You were sending them 6 percent. We got it up to 9. That is a long, long way away.

If they had an additional $11 million because you put your money where your mouth was for 20 years when you mandated special ed, they would have all the money in the world they need to deal with pupil/teacher ratio, to improve the school buildings, to build new school buildings.

So do not come here now 20 years later and somehow blame it on somebody else. It was you that passed the 100 percent mandate, and it was you that did not fund it. Now put your money where your mouth is.

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Ms. NORTON. Madam Speaker, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN), a member of the Subcommittee of the District of Columbia of the Committee on Government Reform and Oversight.

Mr. ALLEN. Madam Speaker, I rise in opposition to the bill before us today because I believe that vouchers are the wrong way to improve our public schools.

Taxpayer dollars should be spent to improve our public schools for all children, not on a $45 million unproven program that will reach only a small minority of D.C. students. This bill will cost over $7 million a year, and I believe that money could be used to help all of the 78,000 students in the District's public schools, rather than the 2,000 or so who may benefit from vouchers.

I believe that what we are seeing here is an effort to try out in the District of Columbia an idea that Members would like to bring and would be more appropriately dealt with around the country in other States.

I serve as a member of the Committee on Government Reform and Oversight's Subcommittee on the District of Columbia, and our subcommittee has held hearings on the state of the District's public schools. They are hurting. Serious action is essential to give the students of the District the education they want and deserve.

The District is moving ahead with an academic plan to improve student achievement, develop qualified teachers and strengthen its infrastructure.

One example is the District's new summer STARS, Students and Teachers Achieving Results and Success, program. STARS is intended to end social promotion and give students an intensive, highly-structured opportunity to gain important math and reading skills. It shows how committed the District is to improving student achievement.

Our goal is to improve the District's public schools for all children, not to weaken them for the benefit of a chosen few; and despite all of the emotion and argument around this issue, I believe this is the right course. I urge my colleagues to vote against this bill.

Mr. ARMEY. Madam Speaker, I yield 4 minutes to the gentleman from California (Mr. RIGGS), the chairman of the Subcommittee on Early Childhood, Youth and Families of the Committee on Education and the Workforce that deals with elementary and secondary education.

Mr. RIGGS. Madam Speaker, I thank the majority leader for yielding me this time and for his leadership on this very important issue.

It occurs to me, as I have listened to the debate for the better part of this hour, that this has, unfortunately, become one of those "he said, she said" debates, where we talk right by one another with only an occasional ad hominem attack by one Member against other Members to liven things up.

But I was very moved by what the gentleman from Virginia (Mr. MORAN) had to say, and I do not think anybody can question that gentleman's commitment to the District of Columbia. I wish I would have heard a better response to his concerns from the delegate for the District of Columbia than to simply say, try parental choice in the City of Alexandria public schools.

It so happens that the City of Alexandria, Virginia, public school system is top-notch. But, by comparison, the District of Columbia public schools are in crisis, a crisis of catastrophic proportions. So why do those people on this side of the aisle, with the exception of the gentleman from Virginia

(Mr. MORAN) and maybe a handful of other Democratic Members of the House, continue to stand in the way of school choice? Why?

We need it in the District of Columbia. It is the last best hope for many District of Columbia families.

And I am struck. I saw a poll conducted by the Joint Center of Political and Economic Studies last year that found that 57 percent of African Americans support giving parents vouchers which they can use to pick the best schools, the best and most appropriate education for their children, and that number soars to 80 percent, 80 percent, colleagues, for black parents with younger children.

So we have to choose. Where are we going to stand? Are we going to stand with our fellow Americans, our constituents who are demanding parental choice in education?

It reminds me of the saying, "When the people leave, perhaps the leaders will follow." Or are we going to remain absolutely beholden to the teachers' unions, a special-interest lobby that happens to be the core constituency of the national Democratic Party.

Show some political courage. The time and place is here and now in the District of Columbia.

This is a very modest bill, a very modest bill. It does not go nearly far enough, in my opinion, because it would only give a small number of parents versus the number of parents who have applied for these tuition scholarships, a small number of parents a scholarship up to $3,200 so that their children may attend the public, private or parochial school of their choice. That means the decision rests not with the government, not with the public school system but with the parent. And who better to make that decision?

We heard a lot of misinformation about this bill. The facts are very straightforward. The gentleman from Virginia (Mr. DAVIS) spoke to some of the concerns. Will the scholarship bill drain the D.C. public school resources that the school system desperately needs? No. Not one dime of this money, not one dime of the money for scholarships, would come from the District of Columbia school budget.

Is $3,200 not too little to cover tuition costs at private or parochial schools? Answer: emphatically no.

We had hearings in my subcommittee. We heard that at least 60 private schools inside the Beltway cost less than $3,200 per student, and more than two dozen others cost less than $4,000. These include religious and private schools and 14 schools in southeast, the quadrant of the District where the District's poorest families live.

Is the scholarship program not a violation of home rule? No. Because, as the gentleman from Virginia (Mr. DAVIS) said, the scholarships are not imposed on anyone, and no one is forced to participate. These schools already, the private schools, already accept minorities and children with disabilities, and this legislation is not unconstitutional. It is not a violation of the separation between church and State, because, as with the GI bill and early childhood educations and day care assistance, the recipient, that is the parent, makes the choice, not the government.

It is time to give those children a chance by giving those parents a choice.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume to clarify that my response to the gentleman from Virginia (Mr. MORAN) was based on the fact his district spends $2,000 more per pupil than mine; that his minority children are low achieving; and that no Member should try to put on my district what he has not already put on his own.

Madam Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), who is a member of the Committee on Education and the Workforce as well a member of the Committee on the Judiciary.

Mr. SCOTT. Madam Speaker, I rise in strong opposition to S. 1502, the D.C. voucher bill.

Madam Speaker, there are a number of reasons to vote against the bill, and let me just focus on two.

First, the bill ignores 97 percent of the students and offers just a jackpot for the privileged few. But there are not enough seats available in private schools in the Washington, D.C., area to accommodate those privileged few who might win the lottery.

A recent Washington Post article looked into the number of available seats and found that, "D.C. students would find the costs high and the openings scarce."

Furthermore, Madam Speaker, we must remember that the bill, should it pass, would be subject to an immediate court challenge over the use of taxpayer funds to go to private religious schools. Private religious schools make up 80 percent of the private schools in the Washington, D.C., area. So of those seats purported to be available by the proponents of the legislation, at least 80 percent of them may well not be available because of court challenges that would prevent their participation in the voucher program.

Madam Speaker, perhaps the most disturbing part of the bill is the provision which guts civil rights protections for the students. Although through legislative trickery the bill declares that the vouchers are not Federal aid to the school, such declaration has no purpose other than to exempt the schools from Federal enforcement of civil rights. Tragically, the bill clearly allows for discrimination against the disabled.

So while this legislation is framed as an educational bill to help disadvantaged D.C. students, in reality it is a flagrant assault by the majority on civil rights laws.

Madam Speaker, although this bill will provide no assistance to 97 percent of the students in Washington, D.C., a $7 million federally funded education program ought to at least have full Federal civil rights protections for the privileged few it purports to help. The fact that that protection is not contained in the bill is another reason to vote "no".

Madam Speaker, we need to vote "no" and defeat the bill.

Mr. ARMEY. Madam Speaker, I yield myself such time as I may consume to set the record straight.

Section 7 of the bill specifically prohibits discrimination. It reads, "An eligible institution participating in the scholarship program under this subtitle shall not engage in any practice that discriminates on the basis of race, color, national origin or sex."

It also specifically states in section 8 that nothing in the bill shall affect the rights of students or the obligations of the District of Columbia public schools under the Individuals with Disabilities Act. Nothing in the bill waives any current Federal, State or local statute protecting civil rights. In fact, private and religious schools in the District are already subject to D.C. civil rights law, among the most expansive in the country.

I am sure, Madam Speaker, that I will not have to address fallacy number seven in the book of complaints again.

Madam Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Madam Speaker, I rise in strong support of this bill. Probably none of my colleagues here send their kids to the District of Columbia schools. None of my colleagues here have probably ever taught in the District of Columbia schools.

My daughter, for 5 years, worked at 14th and Belmont, in the community of Hope, up there where most of the kids are not getting a decent education. She then taught in the District of Columbia schools for a year.

We are talking about real people's lives. I commend the gentleman from Virginia (Mr. MORAN) for what he said. I know of a young boy who left the District of Columbia schools where he was failing and then went out to the Fairfax County schools and is now getting Bs.

My colleagues say, stay with the schools. None of my colleagues would allow their children to go to the District of Columbia schools. My colleagues would take two jobs, three jobs, they would do anything they could to get their kids into another school, and now they want to deny the opportunity for parents to have that opportunity.

If I lived in the District of Columbia, I would be a revolutionary because of the way these schools are. The Armey proposal for scholarships is good. It is going to help real people to make a real difference, and I urge all the Members, all the Members to vote for this bill. Because, when it passes, and, hopefully, it will be signed, it will save lives because it will give a young man and a young woman the opportunity to go on and do things that all of us, everybody in this body, wants for their own children.

Ms. NORTON. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Mr. SCOTT. Madam Speaker, will the gentlewoman yield?

Ms. WOOLSEY. I yield to the gentleman from Virginia.

Mr. SCOTT. Madam Speaker, I wish to respond to the comments of the majority leader.

The fact that it is designated as not aid to the school eliminates the Federal enforcement, and there are a lot of things that can be done under Federal enforcement that are exempt because of that language.

I had an amendment in the Committee on Rules that was denied to allow that language to come out so that we could have full participation and full enforcement of civil rights. That is not in the bill because of that language.

Ms. WOOLSEY. Madam Speaker, reclaiming my time, I say to all my colleagues that public education is the backbone of our country. Let us not forget that. It is why we are a great Nation. Public education is available to all. It does not discriminate, and it must be strengthened, not weakened. Yet this bill before us today will do just that. It profoundly harms our public schools.

This bill makes it easier for a chosen few, and the word is few, to go to private schools, schools that self-select their student body, schools that have no responsibility to special education and no concern for students with unique educational needs.

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This is not acceptable. I am proud to speak for public education in America. Sure, it is not perfect, but the solution to any problems of our public school system will not be solved by providing vouchers to a few chosen children. The solution is to fix our public schools so that all families would choose public education unless they choose to go to a religious school that they would pay the tuition from their family.

S. 1502 hurts our kids, hurts our schools and our country, and it must be defeated.

Mr. ARMEY. Madam Speaker, I yield 1 minute to the distinguished gentleman from Colorado (Mr. BOB SCHAFFER).

Mr. BOB SCHAFFER of Colorado. Madam Speaker, the Constitution of the United States in article 1, section 8, gives Congress the authority to exercise exclusive legislation in all cases whatsoever over such district as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States.

And there are other sections in the Constitution as well that give the Congress the authority and, in fact, the obligation to be concerned about the children of the District of Columbia public schools.

But it is more than just a constitutional authority. We have a moral obligation to treat these children like real Americans. It is interesting when we read the newspapers here in Washington about how voucher opponents send their own children to private schools. Now, these are people over here who understand the difference between bondage and liberty.

John Milton, British poet, in the poem "Samson Agonistes," said, "But what more often nations grown corrupt than to love bondage more than liberty, bondage with ease than strenuous liberty."

Some people understand the difference between bondage and liberty and send their children to the schools of their choice. Let us treat children in the District of Columbia like real Americans as well, so they might one day learn the difference between bondage and liberty.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

This Member reminds the Member that I represent people who ask that they be treated like real Americans, that their home rule and self-government be respected, and that the vote which this Member won on the House floor, as a real American, not be taken from my taxpaying residents.

Madam Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Madam Speaker, I rise in strong opposition to this legislation.

My colleagues, there are several important educational initiatives before this Congress that would benefit millions of students across our Nation, not just the chosen few. There is the President's proposal to help schools hire 100,000 new teachers to reduce class size in the lower grades. There is also the President's school modernization and repair initiative. I introduced one version last year, the Rebuild America's Schools Act, that has attracted nearly 120 cosponsors. And a new proposal introduced by the gentleman from New York (Mr. RANGEL), myself, and others would offer tax credits to help local schools eliminate overcrowding, finance roof and window repair, and invest in computers and technology. These measures have the support of the American people. But are they being considered by the House? No.

Madam Speaker, Democrats believe the Government should work to strengthen public schools, not undermine them. Unfortunately, that is exactly what this proposal is designed to do. Of course, there are problems, serious problems, with the schools in this district and other districts. One problem that I find particularly serious with this proposal is funding religious schools. I believe in government-church separation, and providing public vouchers for religious school costs would clearly violate this important constitutional principle.

A potential lack of accountability to the taxpayer is another problem.

Madam Speaker, the bill before us authorizes enough money next year to provide vouchers to roughly 7 percent of D.C. children. What about the rest? What message does this educational sweepstakes send to our youth? It says, "Your future is based on the luck of the draw, not your effort and ambition, and not equal opportunity for all."

Madam Speaker, D.C. public schools are in trouble. We need to invest in them. The Republicans want to tear them down brick by brick. The answer is not a limited voucher program that will weaken our public schools. It is tougher academic standards, safer school buildings, smaller classes, more teacher training. We have to invest in our public schools and make sure that every youngster has the opportunity to get an outstanding education.

Mr. ARMEY. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Madam Speaker, I want to thank the majority leader for his efforts in this and leading the way to give opportunity to those who may not have it.

As I have, basically, understood much of the debate today, I am sure there were some survivors on the Titanic who were glad that the minority Members were not making the decisions on whether to use the lifeboats, because the decision would have been, since everybody cannot be in the lifeboat, nobody should be in the lifeboat.

I am glad that the Members of the minority party who have spoken out here are not in charge of IDEA, because apparently the rule would be if we cannot fully fund IDEA, nobody should get the money.

The question here is should those who are reaching out get some opportunity. But the underlying fundamental question here, and I want to make it clear on the RECORD here, because I have taken some criticism because I supported the High Hopes initiative in the committee, because I think we need to reach out in multiple ways, in public schools, in private schools, in charter schools, every way possible to increase the opportunities for all minorities, whether they be Hispanic, African American, Asian, rural white. We need to make sure that everybody has the opportunity to succeed in America.

One of the things that this bill does is it empowers parents and children to vote with their feet. We keep hearing the word "lottery" like it is some kind of a gambling thing when, in fact, it is not. Maybe only 2,000 will get in, but many more will want to get in. Those who do not get in will still have the incentive to push in their schools, because their schools, in order to keep them from applying, presumably will start to listen to parents, presumably will start to respond.

In fact, if what the people want, because they are clearly spending more dollars in the public schools than they are in these private schools, if what the people want is discipline, if what the people want is better basic education, if what the people want is to get the things that they are getting out of the private schools, the public schools where they have choice start to respond.

We have an excellent public school in Southeast Washington and Anacostia, the Thomas Jefferson School, that does not have the crime problems, where they have more excellence going on. And we need to encourage those public schools that are reaching out and doing that; and one way to do that is to give the parents the ability to say, "If you do not respond to us, if you do not listen to us, we will vote with our feet." And that is what we are doing here is empowering the poor like the rich are.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

I want to put this civil rights issue that the gentleman from Virginia (Mr. Scott) raised to rest by asking unanimous consent that the response of the Leadership Conference on Civil Rights, the coalition of the Nation's civil rights organizations, be admitted into the Record. The Leadership Conference opposes the bill.

The SPEAKER pro tempore (Ms. Emerson). Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Madam Speaker, I yield 1 minute to the gentleman from Illinois (Mr. Davis).

Mr. DAVIS of Illinois. Madam Speaker, I rise today in opposition to this bill, for three reasons. First of all, it is undemocratic in that it ignores the will of the people of the District of Columbia. They have already spoken and overwhelmingly rejected vouchers in a recent referendum.

Secondly, I oppose it because it is simply another attempt to dismantle public education in America. Public education has been the cornerstone of democracy and must remain so. This bill would divert $7 million from private schools to public schools to help only a few students. And we are not even sure that vouchers will improve achievements anyway. Evidence suggests that it need not necessarily do so.

Finally, I oppose this bill because we should focus on putting our resources where they are really needed. We should use the money to fix up the crumbling schools, wire schools for the Internet, provide textbooks and other learning aids for students to learn.

So I urge my colleagues, let us not do the political thing, let us do the real thing, let us do the meaningful thing, let us support public education and vote this bill down.

Mr. ARMEY. Madam Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. Pitts).

Mr. PITTS. Madam Speaker, I rise to urge my colleagues to support the D.C. Opportunities Scholarship Act.

We have a moral responsibility to put children first in education, including inner-city children in D.C. All children should have the opportunity to attend school where they are safe, in a classroom where their teacher is qualified, and where their parents are involved in their education.

According to a Washington Post article I recently read, about 40 percent of second- and third-graders tested in D.C. public schools last spring read too poorly to meet the new proposed standard for promotion to the next grade. This would mean about 5,000 of Washington's 13,000 second- and third-graders might have to repeat their grade for some reason. Five thousand Washington D.C. kids are simply not being taught basic reading skills. I wonder how many of these students will slip through the cracks and graduate in high schools without ever being able to read a newspaper.

Right now, many of their parents are helpless to take action and provide a good education for their children. Let us give them a choice to respond to the educational needs of their children. Let us support this D.C. Opportunity Scholarship Act.

Ms. NORTON. Madam Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore. The gentlewoman from the District of Columbia (Ms. Norton) has 22 minutes remaining. The gentleman from Texas (Mr. Armey) has 23½ minutes remaining.

Ms. NORTON. Madam Speaker, I yield 1½ minutes to the distinguished gentlewoman from Colorado (Ms. DeGette).

Ms. DEGETTE. Madam Speaker, I thank the gentlewoman from the District of Columbia for yielding and also for her inspired leadership on this issue.

Last night we began debating a higher education bill that will significantly help students who go on to get a postsecondary education. As I stand here today, I think, what good is that bill, what good is this bill if we cannot even give an elementary or a secondary education to a kid? What good is legislation for postsecondary education if we sabotage the public school system in this country and if we undermine the future of millions of kids in this country?

And this legislation is just the first step. Public schools in Washington and all over the United States face very real and serious problems. But we do not solve them by funneling money away from them. If we begin instituting voucher systems, we might as well just say, let us walk away from our public schools. And none of us are ready to do that.

Let us talk about this lifeboat analogy we heard about. Imagine there is a ship that is about to sink. We know the ship is going down. We have the chance to do something about it. The Republican response is, let us make sure that we have lifeboats for 3 percent of the passengers on the ship. The rest of the passengers, let us hope they can swim.

What we need to do to effectively address the problems that our public schools face is to fix our crumbling inner-city schools, reduce our classroom size, train qualified teachers, modernize our classroom, and connect our kids to the Internet. Let us look at competition, but within the public schools.

Mr. ARMEY. Madam Speaker, I yield 2 minutes to my friend, the distinguished gentleman from Florida (Mr. Weldon).

Mr. WELDON of Florida. Madam Speaker, I am a product of the public school system. I went to primary and secondary, as well as college and medical school, through public schools. Indeed, my mother was a public school teacher. But yet, I support this bill, and I think this bill is a very good bill. And, frankly, I am appalled at the kind of language that people are using to describe this concept.

I mean, this is a very, very limited, small scholarship program; and to use this kind of language that I think incites fear in people, frankly, I just do not understand it.

We have a very serious problem in the D.C. public school system. Sixty-five percent of D.C. public schoolchildren test below their grade level, this despite spending about $7,500 per student.

The Washington Post, not exactly a Republican newspaper, reported that 85 percent of the D.C. public school graduates who enter a university need remedial education. Forty percent of the high school students either drop out or they shift over to a private school.

Now let me tell my colleagues something: Rich people have school choice in the city of Washington. Indeed, the

President, the Vice President, how many Members of this body send their children to the D.C. public schools? We are talking about giving a limited number of students a scholarship and to see how well it goes over, to see if the families like it, to see if the children like it. And they use this language like we want to destroy public education all across America.

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In my opinion it is an outrage to use these kind of terms to describe a simple, very limited scholarship program. I think what you fear most is that this is going to be a success and the parents in the Washington D.C. area will ask for more of it. That is what you really fear.

In my opinion, this piece of legislation is something that everybody should support, particularly those who are really interested in education. Let us put the issue to rest. If this is such a bad idea, will we not find out with this scholarship program? You will be able to stand up and say, "I told you so."

Ms. NORTON. Madam Speaker, I yield 1½ minutes to the gentlewoman from Michigan (Ms. STABENOW).

Ms. STABENOW. Madam Speaker, I come to the floor today as a parent of two children who have gone through an urban public school, a good public school in Lansing, Michigan, who I am very proud of. We have had our challenges. Contrary to what this bill suggests, we have rolled up our sleeves and this year alone we have been able to recruit 1,100 new volunteers to work one-on-one with our students. We have through NetDay been able to bring together business and labor to wire 29 schools without taxpayers' expense, to be able to improve opportunity for technology and the Internet for every child in the Lansing public schools.

What this bill does, it talks about a legitimate concern for children in Washington, D.C. and proposes exactly the wrong solution. It proposes taking $7 million out of a precious budget where there is not enough money and saying that 2,000 children will have the opportunity for a voucher, 76,000 children will be left with a system that does not have the investments it needs. Those 76,000 children could have in fact 65 schools wired for the Internet, 460,000 new textbooks in those schools, if instead of this bill we would in fact invest that $7 million to affect every child in Washington, D.C.

Last fall literally the roofs were falling in on D.C. children. The response of the other side was to say 2,000 of the children could go to a different school and leave 76,000 children I suppose with buckets to catch the water. Our response is fix the schools, modernize them, improve them, and invest in every single American child in this country.

Mr. ARMEY. Madam Speaker, I yield 1 minute to the gentleman from Indiana (Mr. MCINTOSH).

Mr. MCINTOSH. Madam Speaker, I rise in full support of this legislation. I think it is a wonderful opportunity to truly serve those who are most needy, the young in this country.

I am reminded of a student in Indianapolis, Alphonso Harrell, whom I met. He was from a disadvantaged family and trapped in a public school that was not serving him, he was not doing well, and on his way to possibly a career of crime and terrible life. He had the advantage of a privately funded scholarship that allowed him to go to a local high school run by the Catholic religion. Alphonso has turned around. He now is a very good student, on the student government, captain of the football team and on his way to college, because of that opportunity.

This legislation makes those opportunities available for the least advantaged here in the District of Columbia. I applaud it wholeheartedly.

Unfortunately, many of the outside groups who are opposing this legislation are special interests who want to see the monopoly of the public school system maintained in the District of Columbia even when it does not serve the students. I rise in full support of this legislation and urge my colleagues to vote for it.

I strongly support this bill.

The fact is scholarship programs like this literally change lives of nation's youth. I was moved by the story of young Alphonso Harrell of Indianapolis, Indiana.

Alphonso has turned his life around dramatically since enrolling at Cathedral High School. Beforehand, he was underachieving in public school, and could easily have ended up in jail or worse.

However, a privately funded scholarship program changed all that. Alphonso had a chance to escape a terrible school.

Now, Alphonso is an honor student, captain of the football team, on student govt, and will be attending college soon.

Opponents of D.C. Scholarships represent a narrow, selfish special interest who want to keep the monopoly of failed public school systems. They would have you believe that Private Schools are not a viable option for the poor and downtrodden of the District of Columbia.

While many of the opponents, themselves, send their children to private and parochial bastions of privilege, they would deny even the most modestly priced private education to the children of hard working residents of the District.

Mr. President and my fellow Members, I beseech you to set these children free. Set them free of the uncaring bureaucrats and special interests who rule their lives.

Why should families of limited means be reduced to the edges of financial ruin in order to provide their children with a $2500 private school education, when at the same time the District of Columbia is spending an average of $9000 per student annually and providing, as far as the parents are concerned, virtually nothing in return?

It is heartless for opponents of this bill to rob the children of the District of Columbia of a good education.

Parents know best what is good for their children, and deserve the right to choose where to educate their children.

My fellow members of the House, I urge you to vote with parents and vote in favor of the D.C. Scholarship Bill.

Ms. NORTON. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Madam Speaker, I rise in opposition to the so-called Student Opportunity Scholarship Act, another voucher proposal. Vouchers are not the answer to the many problems that confront our schools. It is seen as a panacea but it is a scapegoat to our existing situation. Yes, it might help some of the youngsters that are out there and it might be beneficial, but it is going to be at the expense of all the other youngsters that are out there. In fact, the vouchers take away tax dollars from public schools where our children have the greatest need.

If we are going to commit to helping, we ought to be out there providing the resources that are needed. At this present time there is a press conference out there because there are being cuts right now at teacher training, there are some cuts that are being put out in terms of not allowing sufficient resources to be able to build our classrooms. There are also some proposed cuts that would not allow for construction of schools. There are some cuts that will also have some direct impact in terms of wiring our classrooms. We should be adding additional resources instead of taking existing resources from the youngsters that are now out there, instead of coming up with this program that is only going to be responsible for only impacting a few at the expense of all the rest.

Let us not be fooled into believing that this bill is for the benefit of our students and for our parents. In fact, most parents will not have a say-so in terms of who will be able to get in there. In fact, one of the difficulties about the voucher system is that it does not allow the opportunity for youngsters to participate. If you have any type of difficulties, any kind of handicap, those youngsters will not be included. So yes, it is very exclusive. It is only for those individuals that will be able to get in there, again at the expense of all the others.

Public policy should respect the parental choice but the choice of benefit of all the students, not at the expense of the rest. Let us not abandon our public schools. I would ask and look at what has happened. There is a direct correlation between the proposals and the individuals supporting this proposal and the lack of commitment to fund our particular classrooms out there, lack of commitment to support public education as a whole. That is where it is needed.

Mr. ARMEY. Madam Speaker, I should just like to observe that it is generally advisable when one speaks of a direct correlation to offer empirical data rather than bias and opinion.

Madam Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Madam Speaker, I thank the gentleman from Texas for yielding time. As the previous Member may have talked about, there is a direct correlation that when you send money to Washington, it does not make it back to the child and it does not make it back to the classroom. This current system gobbles up money and it hurts kids and it hurts our public schools and it hurts our children. We have taken a look at it: 760 programs, 39 agencies, $100 billion. It does not work. You send a dollar to Washington for education, maybe 60 to 70 cents actually makes it back to a child in a classroom. Yes, we do not support that kind of a system.

We have gone to 17 States, we have taken a look at what works in education. We have gone to lots of great schools. When you empower parents, when you focus on basic academics, when you get dollars back into the classroom, it works. We are not in the process or the need to focus on a particular system. We need to start taking a look at the kids.

We have been in Cleveland, we have been in Milwaukee, we have been in all the places where education is progressing and where change is taking place. And every place where education is improving, it is moving power to parents and it is moving it to the local level and not moving more of it back to Washington.

This is not the answer to all of the problems we face in education, but it is definitely a step in the right direction. It is a step that we ought to take. And it is a step we ought to take here in Washington, D.C. because it is not an issue of money. We spend roughly $10,000 per child in Washington and we get some of the lowest results of any public school in the country. It is not fair to those kids.

Another few million dollars to improve these schools is not going to make the difference. We need radical change. We need to help the 7,573 students who tried to apply to get these scholarships who are not going to have that opportunity.

Ms. NORTON. Madam Speaker, I yield 1½ minutes to the distinguished gentleman from Texas (Mr. GREEN).

Mr. GREEN. Madam Speaker, I thank the gentlewoman from the District of Columbia for yielding me this time to speak in opposition to this bill. Let me quote some of my colleagues from the other side.

The gentleman from Florida (Mr. WELDON) said that rhetoric and the destroying of public education is not the intent. I sat on this floor and heard one of my colleagues a few months ago say that public education is a legacy of the Communist revolution. And so maybe that is not the intent of this bill, but it sure gives that intent when you hear some of the rhetoric from the other side.

My colleague from Indiana talked about the Titanic, that nobody would get on the lifeboat. Those of us who saw the Titanic will remember how those gates were closed for those people in steerage. Those 7,500 children may be able to get out and get that lifeboat, but we are leaving thousands and tens of thousands still in steerage with the gates closed and without the opportunity that fixing public education really needs to be done.

Public education is available for everyone. It is irresponsible to have a voucher bill that takes scarce public funds and uses it for private schools, to only educate those few who maybe will make it out of steerage and maybe break down that gate or sneak around that gate, but not break the whole gate down so everyone can have that opportunity. That is what public education is about.

The tuition costs in private schools in the D.C. area is far greater than the value of the vouchers. So we are only going to be able to help those few students, Madam Speaker, who will be able to have their parents to match that, because the tuition is going to be so much more. Again, we are throwing up barriers. We really ought to fix the D.C. schools, and not only fix it for 10 percent of the students.

Madam Speaker, I hope this bill will be defeated.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. EMERSON). The Chair would like to ask those in the gallery to refrain from any audible conversation.

Mr. ARMEY. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, I have here a book that I prepared in anticipation of this discussion. I have in this book the 20 fallacies that are argued in opposition to the provision of these scholarship opportunities for these children.

Let me begin by extending my compliments to the opposition. Already, before the debate is over, I believe you have covered all 20. There are a few in particular that I want to call attention to for just a moment.

One, I can predicate my remarks by the observation that there is an old adage in psychology that says, "You always get more of what it is you really don't want." Generally that is a sort of a self-inflicted unintentional consequence that just comes from our neurosis.

In this case we have the most fascinating case. There is a test of constitutionality that does in fact also cover civil rights law that was established by the Supreme Court. It is called the lemon test. This bill was carefully written so that it meets the lemon test. That came as a big, big disappointment to the opposition of the bill that were counting on being able to attack the bill on the lemon test, on constitutionality.

The lemon test is three-part. It says if the choice where to use assistance is made by the parents of the students, then it passes the test if that choice is made by the parents of the students, not the government. We pass the test if the program does not create a financial incentive to choose private schools. And we pass the test if it does not involve the government in the school's affairs.

There is a specific provision in the bill on page 25 that says Not School Aid: "A scholarship under this Act shall be considered assistance to the student and shall not be considered assistance to an eligible institution." The gentleman from Virginia (Mr. SCOTT) appeared before the Committee on Rules yesterday and asked for a rule that would allow him to amend the bill to drop that. When queried by the gentleman from Massachusetts (Mr. MOAKLEY) as to why he would want to do such a thing, which would of course make it subject to unconstitutionality under the test, his response was, and I quote, that his provision would offer an additional attack on the constitutionality because it would be essentially funding parochial schools.

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I appreciate the dedication of the opposition, and I appreciate the Committee on Rules that quite wisely did not allow the amendment to be put in order for no reason other than to afford the opportunity to realize their worst dreams so they could kill the opportunity for the children.

As my colleagues know, I do not mind being dedicated, but I do think they ought to be more creative and a little less transparent in that we passed the constitutionality test.

Madam Speaker, I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I would like to refer the gentleman from Texas to the Wisconsin decision and to the Ohio decision. In both of those decisions the court said they were applying the lemon test, and in both of those decisions the court said the publicly funded vouchers of the precise kind at issue here did not meet the lemon test.

Madam Speaker, I yield 2 minutes to the distinguished gentleman from New York City (Mr. MEEKS) specifically from Queens, New York.

Mr. MEEKS of New York. Madam Speaker, I thank the gentlewoman from the District of Columbia for yielding this time to me.

As indicated, I represent the Sixth Congressional District in Queens, New York, and I succeeded a man who I respect, who is my friend, who I think has done a great deal, the Reverend Floyd Flake. However, on this issue he was incorrect. On this issue dealing with school vouchers, the individuals that I represent in the Sixth Congressional District overwhelmingly believe in public education and are against school vouchers.

Madam Speaker, I think the reason that that occurs is, I can testify to, because of the fact that I am a product of public education, I have two daughters who are now attending public schools, that, in fact, all children can learn. And I think from the debate that I have heard here today I have not heard anyone say that only a few children can learn, but they are talking about children and their ability to learn so that we can have a better tomorrow. And if, in fact, we concede that all children can learn, then it seems to me it should be our responsibility to make sure that they all have that opportunity, and in order to do that the answer is very easy.

We must make sure that public schools are there to educate all and that those, whether it is religious purposes or et cetera, want their kids to go to a different school, they are going to a different school not because they do not have the ability to learn in a public school but because they choose to go to a religious or private school.

So, therefore, I think it is our task and our mission and our jobs to make sure that everybody in public education has an opportunity to learn, not just a few. We should not have just a few good public high schools or a few good public junior high schools or a few good public elementary schools; every one should be. We should set a standard so we can make sure that all of the public schools reach that standard, and that standard is this.

It seems simple that we found that where there are smaller class sizes, where we have educated teachers, where we made sure that there is opportunities for the young people to enhance their environment, for example, junior varsity sports and all, math and science courses and all, we then improve the educations of our children.

Madam Speaker, I am against and I oppose this bill, S. 1502; and I thank the gentlewoman for having yielded me the time.

Mr. ARMEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, one quick note, again, on this constitutionality issue that is very intriguing. Of course, when this bill is signed into law, if it is tested in the courts it will be in the Federal courts and go under the jurisdiction of the Supreme Court. And the good news is their bad news. It will not be tested before the Wisconsin State Supreme Court.

Madam Speaker, I yield 3 minutes to the distinguished gentleman from Connecticut (Mr. SHAYS) my good friend.

Mr. SHAYS. Madam Speaker, I have only one reluctance in speaking, and that is to disagree with the gentlewoman from the District of Columbia (Ms. NORTON) who I consider one of the most capable, talented, passionate, intelligent and effective Members in Congress. And so that is my only reluctance because I believe passionately in the D.C. Student Opportunities Scholarship Program. I believe passionately that, as a Member of Congress in charge of and having responsibilities for the District of Columbia, we need to do something to stir it up a little bit to start to see how we can make positive changes.

A few years ago, I opposed school vouchers, and I remember having changed my decision because I began to realize that was a false position. And I came back to my office where the NEA was meeting with my staff, and they were very serious. And my staff was very serious. And I asked, "What's going on?"

One of the individuals from the NEA and some members from the CEA in Connecticut said, "Well, we came by to tell your staff member that we can no longer support you for Congress because of your decision to support vouchers."

My response to that individual was I know that is the case, and that is why it took me 3 years longer than it should have to do the right thing and make up my mind that we need a demonstration voucher program.

I view this more as a scholarship program in D.C. It is only impacting 2,000 students, who are randomly chosen. It is going to give students the opportunity and parents the opportunity to apply for a grant of $3,200 to send their child to another school if they want. We are going to see how parents react and what parents want in D.C. Then we will know how to redesign the public school system and provide the extra resources which D.C. will need in order to improve its system.

So I congratulate the gentleman from Texas (Mr. ARMEY) on this bill. It is a modest bill, which offers a demonstration program. As a pilot program it only goes to a few, but the students are chosen randomly. It is not taking the best and the brightest out of the system.

Madam Speaker, I just hope dearly that this legislation passes. I am happy the Senate passed it, and I hope the President has the good sense to try this demonstration scholarship program.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

Replying to the distinguished majority leader's view of who would decide this matter and what might be decided, I quote first from the Wisconsin court:

> Nonetheless, we accept the State's premise that, in reviewing the program, we may and perhaps must consult the United States Supreme Court cases applying the primary effect test. This test is the second of three parts of the lemon test.

Quoting also the Ohio court:

> While it is clear that Section 7, Article I of the Ohio Constitution provides a source of protection against State funding of sectarian schools independent of the Establishment Cause, the case law construing this section indicates that its protection against State funding of sectarian institutions is essentially coextensive with that afforded by the Establishment Clause.

Madam Speaker, I yield 1 minute to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the gentlewoman from the District of Columbia for her leadership and, hoping that if my time goes over she will yield me an additional 30 seconds, I rise in opposition to this legislation.

I was hoping my good friend from Texas was holding up, rather than the 20 fallacies of the D.C. voucher bill, I was wishing he was holding up the Bible that says, "Do unto thy neighbors like you would have your neighbor do unto you." Or the 23rd Psalm in the book that we read frequently that says, the Lord is my shepherd; I shall not want. He is making the schoolchildren of the District of Columbia want.

This is a misguided proposition dealing with school vouchers. It is to suggest that school vouchers equal excellence in education. If the schoolchildren in Washington, D.C., are really our concern, we should fund math and science and reading programs to provide them with the kinds of tools they need. Vouchers say that private school buildings are better than public school buildings. That is all it is about.

The tomfoolery of thinking that the private voucher is going to educate a child is absolutely wrong. Four years of vouchers in Milwaukee suggests that vouchers do nothing more than public schools. In fact, there is no evidence that vouchers will help educate a child. It takes $12,000 to educate a child in a private school here in Washington, D.C. The vouchers are for $33,200. The number of children that can participate is 2,000. In fact, we have 77,000 children in the District of Columbia, 77,000 children.

Do my colleagues know what that means? Two thousand children are spending $45 million of the American tax dollars.

This is clearly tomfoolery, and I believe that we should go to the heart of the matter, create an atmosphere for all children in America to live and to learn. And if our opposition says that public schools are equal to communism, then we know we are going the wrong direction.

I believe the American public wants good education for their children. The

D.C. voucher system is an unfair system pointed at people that cannot help themselves. Let us do the right thing and vote for public school education so that all of the children of America can rise high in the sun.

Madam Speaker, I hope we read the Bible. The Lord is my shepherd; I shall not want.

Mr. ARMEY. Madam Speaker, I yield 1 additional minute to the gentleman from California (Mr. RIGGS) my good friend.

Mr. RIGGS. Madam Speaker, I certainly am not asserting that continuation of our public schools is equivalent to maintaining a Communist authoritarian system of government. I will say that the District of Columbia public schools has too many individuals involved in the operation of those schools who are neglectful, and there is just simply too much malfeasance and even corruption in the District of Columbia government, and every Member serving in this body knows that.

Second, with respect to the argument that there is not enough funding here to provide enough scholarships, the fact of the matter is that we now have a lottery conducted yesterday that would grant over a thousand privately funded scholarships. This legislation would fund another 2,000 some odd scholarships a year. So, all of a sudden, we can take that argument and stand it on its ear.

I mean, are they actually arguing that, because we cannot serve all, we should not serve some? Would they support a program that would allow every low-income family in the District of Columbia to have a scholarship for their children?

I also want to bring up special education here in a moment, but I need to confer with the majority leader if I can do that.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I will not abide reckless charges on the floor, and the thing I want to say is that there is no corruption in the D.C. Public schools or anywhere else. I think there is, and we have asked for investigations. But when the gentleman rises on the floor to allege what everybody knows, I challenge him to cite me an instance, and if he cannot, then I tell him, and he did not yield to me, and so I shall not yield to him, but I tell him this much:

This Member will not accept his reckless charges on this floor or his stereotypes, and until he is willing to turn over to this Member an example of such charges I ask him to keep his charges to himself.

Madam Speaker, I yield 1 minute to the gentlewoman from California (Ms. MILLENDER-McDonald).

Ms. MILLENDER-McDONALD. Madam Speaker, I thank the leader of this great debate, the gentlewoman from the District of Columbia (Ms. NORTON) for her leadership on this issue.

I urge my colleagues to oppose S. 1502, the so-called D.C. Opportunities Scholarship. Scholarships are generally awarded to one on the premise of their merits and their deeds. This is not a scholarship bill, it is a voucher; and a voucher is a voucher is a voucher, despite attempts to put a pretty face on a bad bill.

I really do not have to stand and speak for the people of California, my State, because they have already spoken and they have said no to vouchers, and so have many other States. School vouchers drain taxpayers' dollars from public schools into private and religious schools. This hurts the vast majority of children who are left behind in public schools.

Americans oppose transferring taxpayer dollars from public to private education by a 54 to 39 percent margin. We need to provide more resources for options that are making a positive difference in public schools like charter schools which is showing great promise in my State of California.

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Democrats believe that we should improve public schools. Vouchers are not the solution to improve public education. This Congress should be passing legislation that affirms that quality public education should be the inalienable right of every child in America. Vote "no" on this private voucher; vote "no" on this bill.

Madam Speaker, I urge my colleagues to oppose S. 1502, the "so-called" D.C. Opportunity Scholarship Act. Scholarships are generally awarded on one's own merits and deeds. This is not a scholarship bill. It's a voucher, AND a voucher IS a voucher, IS a voucher—despite attempts to put a pretty name on a bad bill.

I really don't have to stand and speak for California, MY STATE, because the people of California have already spoken—no to vouchers! And so have many other states.

School vouchers drain taxpayers dollars from public schools into private and religious schools. This hurts the vast majority of children, who are left behind in the public schools.

Americans oppose transferring taxpayer dollars from public into private education by a 54–39% margin.

We need to provide more resources for options that are making a positive difference in public schools, like charter schools—which are showing great promise in my state of California.

Democrats believe that we should be improving public schools. How are we improving public schools when you leave 76,000 students behind.

This DC voucher plan provides only a few DC public school students (2,000) with vouchers—while providing no answers for 76,000 students.

The DC public schools need to be improved—not abandoned.

Yet Republicans now want to use Washington, DC as a laboratory for their "social experiments" with a concept that has been resoundingly rejected by voters all over the country.

Vouchers are not the solution to improve public school education. This Congress should be passing legislation that affirms that quality public school education should be the inalienable right of every child in America.

Vote "no" on private vouchers—Vote "no" on this bill .

Mr. ARMEY. Madam Speaker, it is my great pleasure to yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Madam Speaker, I thank the distinguished majority leader for yielding me this time.

There is a simple realization that confronts us today in this chamber, and that is, despite the very concerted efforts of some very dedicated people, the schools of the District of Columbia, this Nation's seat of government, for which this body bears ultimate constitutional responsibility, those schools are in crisis. And for the parents of the District of Columbia and for their children, this simple notion should reign supreme.

In this land of the free, those parents should have the freedom to choose which school they believe to be best for their children, and this tool of scholarships is something needed in terms of educational triage for a system that sadly has failed the citizens of the District of Columbia, has failed the students of the District of Columbia. That is why we stand here today in the well of this House to reaffirm the notion of freedom and choice.

Imagine if your child had to go to a school daily where there were unsafe conditions, where someone could not learn; and it is for the children we make this pledge and we make this vote, and that is why I am pleased to support the legislation of the gentleman from Texas.

Ms. NORTON. Madam Speaker, I yield 1 minute to the distinguished gentleman from Massachusetts (Mr. TIERNEY), who is also a member of the Committee on Education and the Workforce.

Mr. TIERNEY. Madam Speaker, I thank the gentlewoman for yielding me the time. Madam Speaker, public funds are entrusted basically for the use of the greatest, broadest public good, not for selected use or discrimination or to put forward for 3 percent of the people. That seems to make a second privileged class, those that are already fortunate enough and wealthy enough to be able to afford a private education, and now 3 percent of other formerly public school children are going to have the privilege of going where others are not.

It does not address the issue; it does not address the issue that was just spoken to by our good friend from Arizona, schools that may not be as good as the good public schools that we do have, and we do have good public schools. The answer is to make sure that all of our public schools are as good as they can be, as good as those that are already good; to fix those broken schools to make sure the curriculum works, to make sure that every child that attends public school has good teachers; to make sure that we measure their progress, and to make sure that everybody has the opportunity to move up the economic ladder in this country and have hope and have a good life.

Vouchers do not improve schools. They draw away the source of money that could improve schools. They are not fair. They do not provide an opportunity for every student that wants to move to a private school. They target some and give them an opportunity to move, possibly, but there are not enough private schools to deal with having this be a fair program, and there are not enough dollars being put in to let every child go to the private school that he or she may want to go to.

There is no way that I could foresee the majority appropriating enough money to give $3,200 to each of the 50 million plus public school children to have this be a fair program. If we want to fix the public schools, and that is what the majority wants to do, why do we not see some evidence of that? Every opportunity that we have to fix the public schools, and there is no Federal role in the public school system in the local communities.

Mr. ARMEY. Madam Speaker, it is my great pleasure to yield 1 minute to my good friend, the gentleman from from California (Mr. ROGAN).

Mr. ROGAN. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, in northern California some time ago, a young boy was sent to a high school, Gompers High School. He was the son of a convicted felon and an alcoholic. On his first day of school he was told by the assistant dean, All you need to do is show up for homeroom. We do not care if you show up the rest of the day. He was confused. He asked at the end of the meeting why that was so important, and he was told, Because at homeroom is where we take attendance, and that is where our money comes from, and as long as we get our money, we do not care if you show up the rest of the day.

I know that story well, Madam Speaker, because that young boy was me.

There are many children who are going into buildings just like Gompers Continuation School. These buildings have the word "school" on top of them, but they are not giving an education. We are condemning the poorest people in the poorest neighborhoods to a lifetime of pain instead of the promise of education.

Let us give the children of Washington, D.C. who are least able to afford to have a decent education and have a chance for a real future the opportunity to have what every single child of a Member of Congress has: a good education for a good future.

Ms. NORTON. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. FARR), the State whose voters rejected vouchers twice.

Mr. FARR of California. Madam Speaker, I thank the gentlewoman for yielding me this time.

Madam Speaker, one thing we all have in common in our districts is we all have roads, and we all have schools. If people been watching the debate on the floor, they would know that we committed ourselves to fixing the roads in America. We did that just a couple of weeks ago by passing BESTEA: $219 billion we are going to put into the road system in America. But when it comes to fixing schools, we put zero, zip, none, no money into fixing schools, not a drop of Federal dollars. We have educational programs, but far less spent on that than we do on roads. So if we want to fix schools like we fix roads, we need to spend some more money.

Now, my colleagues do not suggest that in the road problem that we give vouchers for fixing the roads, but that is what my colleagues are suggesting here. It will not fix our educational system without a commitment of funds. If we were to give the same commitment to education that we just gave to roads, we would appropriate this year $219 billion. That is how we fix education.

Mr. ARMEY. Madam Speaker, could I inquire as to how much time is remaining?

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Texas (Mr. ARMEY) has 9 minutes remaining. The gentlewoman from the District of Columbia (Ms. NORTON) has 7 minutes remaining.

Mr. ARMEY. Madam Speaker, I wonder if I might inquire of the gentlewoman from the District of Columbia how many speakers she has remaining?

Ms. NORTON. Madam Speaker, at this time it looks like around three.

Mr. ARMEY. Madam Speaker, I believe I have the right to close debate?

The SPEAKER pro tempore. The gentleman is correct.

Mr. ARMEY. That being the case, since I have two speakers, three at the most, perhaps it would be advisable if the gentlewoman from the District of Columbia might want to go ahead and yield to one of her speakers.

Ms. NORTON. Madam Speaker, I am pleased to yield 1 minute to the distinguished gentleman from New Jersey (Mr. PAYNE), a member of the Committee on Education and the Workforce.

Mr. PAYNE. Madam Speaker, the discussion here during this floor debate today may be focused on a proposal of private school vouchers in the District of Columbia, but it has larger ramifications throughout the country.

For example, in my home State of New Jersey, Governor Whitman has proposed implementing a private school voucher program in our State. Of course, this proposal has drawn considerable criticism from both Republicans and Democrats in the New Jersey State Legislature. Therefore, it is not clear if Governor Whitman will go ahead with her plan. But what we do here sends a message to the rest of the country, and we hope that we do not send the wrong message.

On a larger level, it disturbs me that proposals of vouchers have been used as an attempt to gain support in low-income communities. Basically, they have billed vouchers as a way to level the playing field for poor students who cannot afford private school, and they believe that they will win points in urban districts. However, they do not tell parents and students that the funds will be taken out of the public school system, therefore making a bad system even worse. They fail to inform them that students will not be protected by civil rights laws because they do not apply to private schools. While touting these vouchers as a saving grace for urban students, they do not provide the assurance that special education laws are adhered to in the schools.

So I ask that we defeat this proposal, and let us support and strengthen the public school system in this country.

Mr. ARMEY. Madam Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. COX), the Chairman of the Republican Policy Committee.

Mr. COX of California. Madam Speaker, I thank the majority leader for yielding me this time and thank him for bringing this to the floor for the kids. That is what this is about. It is not about legality, it is not about technicality, it is about whether these kids are going to get a chance.

The truth is, they need a chance. Last year for the first time District students, for which Congress is responsible, we are not responsible as the mayor of any city in the country, but we are responsible for D.C., and the kids for which we are responsible, in this Chamber right here, took the Stanford 9 achievement test for the first time. This test is used across the country, has been since 1923. Millions of kids have taken it, but the District schools never took it before, and here is what we found out.

In reading, 15 percent of the first-graders tested ranked below basic. That means that they did not have even the minimum skills necessary to go to the second grade. That was not all that far off the national average; it was a few points ahead of the national average, but that was for first-graders.

What we found is that the longer these kids stayed in the D.C. system, the worse it got for them, who are just like the other kids around the rest of the country. Forty-one percent of the second-graders tested below basic, compared to 15 percent the year before. By the time they were in tenth grade, 53 percent were below basic. That means they could not go on to the next grade because they could not read. The same thing happened in math. By the tenth grade, 89 percent of D.C. kids are below basic in math.

We already spend over $9,000 per pupil. That is the fourth highest in the Nation. Money is not the problem; the system is the problem. Let us not put the system ahead of the kids, let us put the kids first. This is our chance to do it. If we turn our backs on these kids now, it is their future, but we can do something to help them, and this is our opportunity to help them. I thank the majority leader for giving us this opportunity on the floor. Now, let us just do it.

Madam Speaker, I include the following for the RECORD.

HOW D.C.'S SCHOOLS CAN LEAD THE NATION

(By Rep. Christopher Cox)

Every parent knows that early education is essential to a child's future. But new reading and math achievement tests in the District of Columbia show that D.C.'s public schools are failing an entire generation of students. D.C. students have the same potential as every American child, yet the more time they spend in D.C. schools, the more poorly they do compared to other American children.

Today, just as the District of Columbia is poised to reap the benefits of tremendous economic growth, its young people may not be able to take advantage of unprecedented opportunities. Good jobs are plentiful, and the unemployment rate in the region is one of the lowest in the nation. It is imperative that children growing up in the Nation's capital receive the kind of education that will permit them to take advantage of these opportunities.

Congress is constitutionally responsible for the District of Columbia. If a national education policy is ever to be taken seriously, then Congress must first show it can achieve results in this modestly-sized city by the Potomac.

D.C. IN THE 1990S: AWASH WITH OPPORTUNITY FOR NEW GRADUATES

The District of Columbia is one of the wealthiest regions in the nation. Despite a population of only 500,000, the District has a gross economic product of almost $50 billion, with nearly two-thirds coming from non-governmental sources such as services, finance, insurance and real estate, and transportation and utilities. According to the Bureau of Economic Analysis, District residents' per capita personal income was $34,129 in 1996—higher than any state in the union, and almost $10,000 above the national average. The District also compares favorably to other metropolitan areas. D.C. metropolitan-area average annual pay is ninth in the country, behind such lucrative locales as New York, San Francisco, and the wealthy suburbs of New Jersey. Furthermore, the District is expected to remain wealthy area for the foreseeable future: its gross economic product is projected to increase at least 20% by 2025.

Today's students will benefit from these job opportunities only if they learn the skills employers will need in the years to come. Already, the region suffers from a shortage of skilled workers. The unemployment rate in the D.C. metropolitan area was only 3.9% in 1996, significantly below the so-called "natural" unemployment rate of 5.5%. The District itself, however, suffers from unemployment well above the natural rate, indicating that District residents, many of them products of the D.C. schools, are unable to satisfy employers—even in one of the nation's best markets for job seekers.

In the 21st century, the D.C. economy will be even more dependent on knowledge-based workers. Unfortunately, knowledge-based workers will need two basic skills—reading and math—that D.C. schools are failing to provide to their students.

RECENT TEST RESULTS FROM D.C. SCHOOLS

Last year, for the first time, District students took the Stanford 9 math and reading achievement tests—the nation's best-known achievement test. The Stanford 9 is a privately owned and operated test used by school systems across the country. It is the ninth version of the exam, which millions of American schoolchildren have taken since it was created in 1923. Stanford takes great care to ensure that the test is not biased in any way, including having a panel of prominent minority-group educators review the test. The results show that D.C. students' scores, upon entering the D.C. public schools, are roughly comparable to average student scores nationwide. The longer students remain in District public schools, however, the more their scores fall below both their initial levels of achievement and the national average. In fact, in the highest grades tested, the number of D.C. students who lack basic skills was twice the national average in reading, and one and a half times the national average in math.

Reading

Fifteen percent of the first-graders tested ranked "below basic" for reading on the Stanford 9 test. This means they had little or no mastery of the skills needed to enter second grade. This figure is roughly comparable to the national average of 12%. But the number of students "below basic" grew dramatically as children continued in the D.C. schools: 41% of the second graders tested ranked "below basic," and 53% of tenth graders tested were "below basic."

Math

Thirty-seven percent of the third graders tested (the youngest students to take the math test) ranked "below basic" in math. The next level tested in math, the sixth grade, showed 55% "below basic"—an increase of 33% after three years in D.C. public schools. By the tenth grade, a staggering 89% were "below basic" in math. Another 8% ranked as "basic"—possessing only partial mastery of the most rudimentary math skills. Only three percent of District tenth graders were either proficient or advanced in math.

Many of the individual schools are far worse than even these dismal overall scores. At no less than 22 D.C. public schools, over 90% of the students rank "below basic" in math. At three of these schools, 100% of the students tested ranked "below basic." Not one student at any of these schools showed any of the math skills needed for their grades.

Worse, as the Washington Post reported on January 8, 1998, these results do not include "almost 4,000 tests that could not be scored because so few answers were filled out." This is 10% of the reading tests that were scored, and a quarter of the math tests that were scored. In other words, 4,000 D.C. students lacked the skills needed to fail the test. They were all below zero.

THE SOLUTION: EDUCATIONAL CHOICE, FOR THE KIDS

The D.C. public schools must change if their graduates are to succeed in life. And Congress—which bears the constitutional responsibility for the governance of the District—must help.

Already, Congress and the American people have been generous with tax dollars: according to the most recent Department of Education figures, the District spends $9,335 per pupil, the fourth highest in the nation. This year, it will cost more than one-half billion dollars to run the District's public education system. Clearly, money alone is not enough.

Instead, both Houses of Congress have separately passed the District of Columbia Student Opportunity Scholarship Act of 1997. This measure, which passed the House as part of the 1997 D.C. appropriations package, has already been introduced as freestanding legislation by Majority Leader Dick Armey (H.R. 1797). The bill will provide tuition scholarships to about 2,000 low-income students in the District of Columbia to enable them to attend the school of their choice, as well as providing extra tutoring assistance for 2,000 public-school students.

D.C. parents clearly want better opportunities for their children than the D.C. public schools provide. The non-profit Washington Scholarship Fund announced that it would provide 1,000 new scholarships to enable low-income District children to attend the private or religious school of their parents' choice. As of the January 31, 1998 application deadline, 7,573 children had applied for the 1,000 scholarships. According to House Majority Leader Dick Armey, "This response is the strongest evidence yet that parents are frustrated by their lack of access to the best possible education for their children."[1]

Research from school systems that offer educational choice demonstrates that giving parents the opportunity to choose their children's schools improves learning, and test scores, for children throughout the entire system. Data from Milwaukee, for example, show clear increases in reading and math scores—so much so that, according to a recent study, "If similar success could be achieved for all minority students nationwide, it could close the gap separating white and minority test scores by somewhere between one-third and one-half." And parental choice provides competition that can help reduce costs in public and private schools alike, resulting in better deduction that is also more affordable. New York City's Catholic schools, for example, educate students at approximately one-third the cost of the city's public schools.

According to Samuel Stanley, Vice President for Research of the Buckeye Institute for Public Policy Solutions, "Several studies of public school competition with other public and private schools have found competition improves public school performance. We need to create similar markets for students within school districts to provide the right incentives for using current resources productively and efficiently."[2]

Brian Bennett, Director of School Operations for the School Futures Research Foundation, agrees: "The most striking example of the competitive change that can result is no doubt found in Albany, New York,

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Footnotes at end of article.

where a most generous philanthropist, Virginia Gilder, offered a $2,000 scholarship to every child in one of the city's lowest performing schools—and one-sixth of the student body left. Changes then instituted by the local board were dramatic—the principal of the old school was ousted, nine new teachers where brought in, two assistant principals were added, and the school received investments in books, equipment, and teacher training that had been neglected for years. Competition works to improve the education of all children."[3] As Peter M. Flanigan, the investment banker who founded the Student/Sponsor Partnership in New York, put it, "The alternative to a crushing monopoly is competition. When a monopoly faces real competition it always reacts by improving itself."[4]

The D.C. Student Opportunities Scholarship Act will enable D.C. students to succeed in the expanding economy in which they live. While President Clinton promised to veto the Opportunity Scholarship Act, even if it meant killing all funding for the District, these latest D.C. test scores show the status quo is unacceptable. We can no longer trap thousands of students in schools that fail to prepare them for the marvelous opportunities at their very doorstep. Mr. Clinton owes it to the children of America's capital city to sign the D.C. Opportunity Scholarship Act the moment it reaches his desk.

The following are the results of Washington D.C. students' spring 1997 Stanford 9 Achievement Test in reading and math. (Excerpt from The Washington Post, October 30, 1997)

Grade level	DC public schools below basic (percent)	National average (percent)
Reading:		
1	15	12
2	41	25
3	41	25
4	45	24
5	36	22
6	31	21
8	34	22
10	53	26
Math:		
3	37	11
6	55	43
8	72	42
10	89	61
11	53	36

Note: The reading test covers areas such as sounds and letters, word reading, reading vocabulary, sentence reading, and reading comprehension depending on the students' grade level. The mathematics portion of the test focuses on problem solving and math procedures.

The test was given for the first time to D.C. school students in May 1997. It was not administered to children in all grade levels because it was a part of a pilot program administered by the school district. This year, every D.C. student in grades 1–11 will take both the mathematics and reading portions of this exam.

FOOTNOTES

[1] The evidence in other cities is just as stark. In New York City, 23,000 families applied for 1,000 private scholarships for grades 1–5 at private schools of their choice. Peter Flanigan, Founder, Student/Sponsor Partnerships, Testimony before the House Education and the Workplace Oversight and Investigations Subcommittee, Education at a Crossroads Field Hearing, May 5, 1997.

[2] Samuel Staley, Testimony before the House Education and the Workforce Oversight and Investigations Committee, Federal Education Programs Evaluation—Field Hearing on Public School Choice, May 27, 1997.

[3] Brian Bennett, Testimony before the House Education and the Workforce Committee Early Childhood, Youth and Families Subcommittee on School Choice in D.C., March 12, 1998.

[4] Flanigan Testimony.

Ms. NORTON. Madam Speaker, I am pleased to yield 1 minute to the distinguished gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Madam Speaker, I thank the gentlewoman for yielding me this time.

I do not think any one of us could say that the public school system in the United States in many areas of the country is not in serious trouble. I do not think many of us would disagree that whatever happens, the public school system in the United States has to be helped and made better.

It is somewhat tragic to me when I hear this debate, because I know that everybody is well-meaning, and I really believe that all of the Members of this Congress want to do the best they can for the children of the United States. But the fact of the matter is that at a cost of a voucher of $3,200, it seems to me that what you are doing is dangling out to poor parents by telling them that their public school is no good is sort of a pie-in-the-sky idea, because I don't know of any private schools, many of them, that would be able to pay the tuition of $3,200.

How much better it would be for every child in the country if the public school system was brought up to standard. We have an obligation for that.

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When this country was settled, the first thing the settlers did in every community was to build a church and build a school, understanding that it was their personal obligation to educate their children. We need to dedicate ourselves today not to ways to getting around the public school system, but to dedicating ourselves to making it be what it ought to be.

If we are going to be able to compete in the next century, every child in this country needs the best education it can get. No child should be left behind. Instead of offering out the notion that somehow they are all going to go to some exclusive school for $3,200, let us pledge ourselves to see what we have to do to rebuild these schools, to rededicate ourselves to the idea that the public school system is the backbone of our democracy.

Mr. ARMEY. Madam Speaker, I yield 45 seconds to the gentleman from California (Mr. RIGGS).

Mr. RIGGS. Madam Speaker, I thank the gentleman from Texas (Mr. ARMEY), the majority leader, for yielding me this time.

Madam Speaker, I just want to point out how absurd the arguments are in opposition to this, because the District of Columbia is already relying extensively on private schools. This is the Washington Post, April 28, and I quote, "The District of Columbia, which is under court order to test and place students with special needs, is spending more than $40,000 a pupil," you heard me right, $40,000 a kid in some cases, "to pay tuition, transportation and other costs of private schools because the city lacks a sound special education program. More and more parents are insisting that their children be classified as having special needs because it is a way out of the District of Columbia public schools."

Madam Speaker, I would say to the gentlewoman from the District of Columbia (Ms. NORTON) that the ongoing audit of the District of Columbia public schools recently found that the District of Columbia had failed to pay the private schooling costs of thousands of children with learning disabilities and special needs, amounting to hundreds of thousands of dollars in unpaid bills. I submit that that is concrete evidence of neglect, incompetence and mismanagement.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would remind the gentleman that the District of Columbia is under a Control Board because of its dire financial condition, and the Congress of the United States bears a heavy responsibility for that.

May I also indicate to the gentleman that we love our private schools. We love our religious schools. Because of them, many residents who would otherwise move out stay here. If, in fact, the competition from private schools was sufficient to help bring up public schools, then the District of Columbia would be among the most excellent in the world.

Let me be clear, I am not now and never shall be an apologist for the public schools of the District of Columbia, although I attended these same schools and got a good education during the years when the Congress of the United States required that they be segregated under law.

At the same time, I shall not abandon these schools. Nor will I require or expect that any parent or any child remain in the D.C. public schools until they are brought up to par. I renew my challenge to the majority to let us raise private money for private schools together, particularly because most of these schools will necessarily be religious schools that cannot be publicly funded under the Constitution of the United States.

Madam Speaker, Christ said, "Render under Caesar the things which are Caesar's and unto God the things that are God's." Public money belongs in public schools.

Madam Speaker, I reserve the balance of my time.

Mr. ARMEY. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, at the beginning of this debate, I said there were two great beneficiaries of school choice. The first institutional beneficiary is public schools, because it is because of school choice that public schools find the incentive to improve themselves.

We know that works. We saw it work in Albany, New York, when Virginia

Gilder, the philanthropist, found the worst school in the city, offered $2,000 scholarships to the parents of each child to move their child to a school of their choice. One-sixth of the parents took that offer up. They moved their children.

It so startled the school district that, as The Washington Post reported, the school board ousted the principal, brought in nine new teachers, added two assistant principals, invested in books, equipment, and teacher training after years of neglect.

Madam Speaker, competition works. We all agreed we should break up AT&T because if there were a monopoly on the block it would not be innovative or responsive, it would not meet the needs of the consumers. Why would Members think a public monopoly is any more benevolent than a private monopoly? We are breaking up the monopoly so they can have the incentive to compete.

But that is not where the heart lies. The heart lies with the children. And let me tell my colleagues, I know these kids, I spend time with these kids. This is not an abstraction with me.

I think of poor little David, 9 years old. His mother is on drugs. His father only shows up once and a while to use the little guy. He found himself with an opportunity to attend one of these schools by a scholarship through the Washington Scholarship Fund, and he gets his own little 9-year-old self up out of bed every day and gets himself to school because at school he is loved and he learns.

David was not the cream of the crop. He tested below grade level, and the school reached out and took him, as they did five children in Anacostia that we know. All tested below grade level. But the schools took them, nurtured them, taught them, and they are all doing just fine now.

We have got little William who is now a freshman who has turned his entire life around. This boy was headed for big trouble. But he got out of the school in which he felt trapped, that expected so little of him that he gave so little to himself, and now he has turned his little life around.

And then there is Kenny. Kenny had a bad start of it. He got an opportunity. Kenny will now go to high school at the best school in D.C. based on the merit of his work.

I said at the beginning we are dedicated to improving the schools. We cannot improve the schools if we keep giving the schools everything they ask for and never make demands on them and never hold them accountable.

City government in D.C. cannot hold these schools accountable. It cannot hold itself accountable. The Federal Government cannot hold it accountable. If the parents hold the schools accountable, the schools will improve for the children. This is about the children. Let me just say: Have a heart.

Ms. NORTON. Madam Speaker, I yield the balance of my time to the distinguished gentleman from Missouri (Mr. GEPHARDT) the minority leader.

Mr. GEPHARDT. Madam Speaker, I deeply appreciate the comments that the gentleman from Texas (Mr. ARMEY), the Majority Leader, just made. I take very seriously the idea that he says that Republican Members of the House are concerned about the children and concerned about education. I accept that completely.

I believe Members, all Members of this House want to improve the education and the upbringing of all of our children. That is a very important beginning agreement. We have a disagreement, obviously, about the role of vouchers and whether or not to take some of the money that we are spending on public education to give to vouchers that can be used in private and other schools. But we ought to build on our agreement rather than suffering from this ongoing disagreement.

All of us want the children of the District of Columbia and every other jurisdiction in the country to succeed, to learn, to have proper values, to be productive, healthy citizens. That must be our number one goal. We believe that vouchers do not advance us toward that goal. Our concern, which is sincere and heartfelt, is that the children that are left behind will do worse, worse as a result of this legislation. Seventy-six thousand youngsters will not have the benefit of the vouchers. The 7,000 who get them may do better; they may not do better. But the 76,000 that are left behind will be hurt.

Madam Speaker, what we should be talking about today are the kinds of things that the gentlewoman from the District of Columbia has brought forward, creative ideas to improve public education. And I take seriously what the majority leader has said about accountability. We should be for accountability.

I put in legislation I call "Reward for Results." It says that Federal aid, at least part of Federal aid, ought to be conditioned upon a school achieving results. We should be able to find out if children can read, write and compute at certain ages. And we should, in my view, be willing to condition part of Federal aid on them being able to achieve those conclusions.

What I would hope we could have here is a discussion between the parties on creative ideas to fix the public schools that do not work; to realize that most of the public schools do work and do a very good job, but the ones that do not, we cannot afford that result.

So, I hope Members will vote against this idea of vouchers. I hope we will meet again and talk about creative ideas to fix the public schools, to make them accountable, to get the results that we need, to make sure that every child is a productive citizen.

I am heartened by what the Majority Leader has said today. I think we can find an agreement. I do not think this is it. I urge Members to vote against this bill. I wish the gentlewoman from the District of Columbia had the ability to bring her motion to recommit today, and I hope that if we could defeat this bill we could come back with a bipartisan agreement on education that would move us in the right direction.

Mr. ARMEY. Madam Speaker, I thank the gentleman from Missouri (Mr. GEPHARDT) for his comments. I always appreciate his participation in the debate.

Madam Speaker, I yield the balance of my time to the distinguished gentleman from Georgia (Mr. GINGRICH), Speaker of the House.

The SPEAKER pro tempore (Mrs. EMERSON). The Speaker of the House is recognized for 3½ minutes.

Mr. GINGRICH. Madam Speaker, I thank the gentleman from Texas (Mr. ARMEY), my friend, for yielding me this time, and I thank the gentleman from Missouri (Mr. GEPHARDT), the minority leader, for his comments.

Let me say first, I would be very excited to help establish a bipartisan task force on reforming public education. I would be very excited to establish a special task force on public education for D.C. I would be very willing to establish a bipartisan task force to look at military dependent schools, which I am a product of. I would be very willing to work on a bipartisan basis to help Indian schools achieve national levels.

Those are the three school systems, by the way, that are specifically Federal: military dependent schools, Indian schools, and the District of Columbia. We have the relationship to D.C. that a State legislature would have to local schools.

Madam Speaker, I am very willing as a product of public schools, as somebody whose children went to public school, I have actually lived my career in a public school. I used to teach in a public high school. I am committed to public education and I will be glad to work on reform.

But that is not what is here today. And it is interesting how whatever is here is not what is right, because what is right is not here, so Members have to vote "no" today because today it actually helps somebody; but if they vote "no" today, later they can vote "yes," as long as they do not vote "yes" today.

What is here today is real simple. And I must say to all of my friends on the left, I do not understand how they can walk the streets, look the children in the eye and cheat them. I do not understand how they can meet with the parents and tell them no.

We met yesterday with Ted Forstmann, who does not live in D.C. Ted Forstmann is a very successful American who loves this country, so he has taken his own personal money and he created a thousand scholarships because he despaired of this Congress. And he offered a thousand children a scholarship out of the goodness of his own heart in D.C. alone.

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But he had a condition. These are not free scholarships. You have to come up with $500 for your child to get that scholarship. There are 8,000 applications in the District of Columbia. You can talk about home rule, but the children who are trapped in the failed system spoke with their application; 8,000 children applied.

That meant that welfare mothers and mothers at minimum wage, families in public housing were saying, we love our child so much, and we are so frightened for our child's future that we will scrape together our $500 so that our child has an alternative. Without any effort, 8,000 applied. They believe that, next year, there will be 25,000 applications.

We are seeing the same thing in New York. We are seeing it in Cleveland. But we are not the State Legislature of New York. We are not the State Legislature of Ohio. We are the U.S. Congress, and this is the national capital.

If you have it in your heart to turn to that child, those other 7,000, and say to them, no, I know your parents think your life may be destroyed, I know you may end up not learning how to read, I know you may end up a drug addict, I know you may end up a victim of violence, but, no, I want to take care of the teachers' union, and stay where you are, if you can live with yourself and vote no, fine; but then, later on, when you see one of those children and there is another accidental death, there is another accidental drug overdose, there is another statistic on welfare, do not look to this side of the aisle and say, oh, why does that child not have an education.

Some of you say 7,000 is not enough. Fine. We are prepared to move 70,000. We will move 70,000 vouchers if you want to give every child in this District a chance.

You say to us, well, we are taking money from public education. Every one of you knows that is not true. Every one of you knows that is just plain not accurate. This system actually leaves $4,000 more back behind so that, on a per capita basis, there is actually more money for the children who stay in public schools.

This is designed by Mr. ARMEY so the public school child who stays in public school has more resources because he only offers $3,200 maximum; whereas, the current system pays somewhere between $7,800 and $10,000, depending on whether or not you believe any of the records.

So more money for the current child who stays in public school is a yes vote for the Armey motion. Direct, immediate help for several thousand children is a yes vote. But if you can live with saying no when 7,000 additional children have spoken by applying, when their parents have spoken, when they are crying out to this Congress, save our child from drugs, save our child from violence, save our child from illiteracy, save our child from ignorance, then let the burden of conscience be on those who take care of the teachers' unions but cheat the children. Vote yes for this bill.

Ms. KILPATRICK. Madam Speaker, as a former public school teacher, concerned citizen, parent and Member of Congress, I am fully aware of the value of a quality education. One of the first speeches that I made on the floor of the House emphasized the importance of education in preventing crime and providing a skilled and capable work force. Therefore, it troubles me deeply to discover that there is a real, enthusiastic, and empirical effort to denigrate and erode the federal commitment to the public schools of our nation via school vouchers. I am emphatically opposed to school vouchers based on the fact that vouchers do not work, only benefit those students who receive vouchers, and is often taxpayer support of private or religious institutions.

Initial results from Milwaukee, Wisconsin, the showcase city for the voucher program, has been marginal, at best. In these fiscally conservative times, taxpayers deserve to get the most for their tax dollars as possible. Marginal programs will not suffice. Also, these voucher schools, more often than not, do not accept children with physical challenges or remedial needs, and get to pick and choose among the best and the brightest to attend their institutions. Our public schools accept all children, regardless of previous educational success or failure, financial standing, or physical ability.

I am also distressed by the fact that the D.C. voucher bill provides a select group of students (2,000) with vouchers, while leaving the other 76,000 students in under-funded public schools. No one would argue that there is no room for improvement in D.C. public schools. However, the implementation of vouchers constitutes the abandonment of D.C. schools and abandonment is not the answer. Congress needs to be encouraging efforts all across the city to make schools safer, improve teaching, raise educational standards and provide more teachers in D.C. classrooms.

Finally, I am leery of this legislation's potential to encroach upon our First Amendment freedoms. Our Constitution was forged based on the clear principle providing for the separation of church and state. This legislation, which would allow the use of taxpayer funds to support private and religious institutions, is clearly the entanglement of federal funds in religious matters.

Excellence in education begins with our public schools. School vouchers would take vitally-needed funds from our public schools to private and parochial institutions. Of course, our public schools need reform. The price of reform should not be borne on the backs of our poor children and families, who cannot afford the high price of vouchers. We need to get serious about reforming and supporting public schools, not abandoning them in favor of a plan that does not work—school vouchers.

Mrs. CLAYTON. Madam Speaker, I rise in opposition to this poorly conceived proposal for school vouchers. The test of who you are and where you stand is what you do, not what you say.

The Republicans say that they are for public education for all, but what do they do? They propose a plan that will only benefit a few, and the few are not the students. The few are those who would put profits in their pockets through a voucher system for private schools that are not likely to open their doors to all.

A private school by definition is "exclusive," "inaccessible," "restricted," "off limits" to most, available only to some. How, then, can we appropriately use public funds to finance the education of some at the expense of most?

They say the plan promotes choice. But, what they do is provide a choice for only 2,000 students, and do nothing for the remaining 76,000 students. Is that choice?

They say they are for competition. They say that this voucher plan will give poor students the same access to good schools that wealthy students have. But, what they do is provide a maximum voucher of a mere $3,200. That won't get any poor student into any private school in Washington, D.C.

They say they want to help the D.C. school system. But, what they are really doing is trying to go through the back door and establish a school voucher program nationwide, something they could not do through the front door. A nationwide voucher program will hurt students from the rural communities I represent.

Draining public funds from rural public schools, expecting those students to go to private schools usually located great distances way is not only a myth, it is a total deception.

Madam Speaker, there are ways to help our public schools, and they do need help.

This week, Democrats unveiled an agenda for "first class" public schools. That agenda includes making sure that all of our students have an early start and an even start, achieving the basics by age six. In includes producing well trained teachers and relief from crumbling and overcrowded school, while adequately equipping classrooms.

That agenda includes support for local plans to renew neighborhood, public schools and the adoption of rigorous standards of performance. And, it includes real parental choice for public schools.

Madam Speaker, there is no right to public education. That is what the courts have said. But, the courts have also said, when you provide education to some, you must provide it to all.

In America, for many, many years, we have had, as a national policy, the promise of providing public education, not just for the few, but for the many. This voucher plan does not provide education for all.

Vote no, and send this plan back where it belongs.

Mr. BURTON of Indiana. Madam Speaker, I find it disheartening that President Clinton, and others opposing this legislation, would rather protect a public education system that is failing to educate the District's children, than do what is best for the families of our nation's capitol.

I read Monday in Congressional Quarterly's Daily Monitor that one of the bill's opponents has called the voucher plan, quote, "an election-year charade" which is, quote, "irrelevant * * * to the pressing needs of District schoolkids."

Let me remind my colleagues that this proposal was introduced in a non-election year (last June) as a bi-partisan, bi-cameral bill. This is not an election year "charade", and it is not a Republican or conservative issue. If it were, we would not have the support of leading liberals in the Democratic party such as Senators JOSEPH LIEBERMAN, MARY LANDRIEU, BOB KERREY, and former Representative Floyd Flake.

That this legislation is "irrelevant" to the pressing needs of District schoolkids could not be further from reality. It is because the "pressing" needs of District schoolkids have continued to go ill-addressed, and the city's children continue to fall behind, that the need for this legislation is so desperately needed now.

Two years ago, in 1996, the Financial Control Board reported that, "The deplorable record of the District's public schools * * * has left one of the city's most important public responsibilities in a state of crisis, creating an emergency which can no longer be ignored or excused."

That was two years ago! How many more years must District families wait out this state of "emergency"? How many more years must children fall behind in school, increasing their risks of failure in adulthood because of a substandard education?

So many District families cannot afford anything but the current poor quality of education in the cities' public school system. Vouchers would give these families a chance to choose a school which can provide a better education—without taking a single dime from the existing public school budget—while reforms in the public school system are being implemented.

Studies show that similar voucher efforts in Cleveland and Milwaukee are having dramatic positive effects on reading and math skills. This legislation could be part of the answer to this week's devastating news about the low reading and math scores of this city's schoolchildren. Again, it is only part of the solution. We must at the same time show leadership and support for efforts to improve the infrastructure and quality of education in the public school system of our nation's capitol.

We all know that there is no magic bullet. Most reform efforts will take time. However, this voucher program could provide some immediate relief to families who do not have a choice with regard to their child's education.

I urge my colleagues on both sides of the aisle—please join me in support of this important legislation. Your vote for this bill is a vote to put DC's parents immediately on the road to providing a better education for their children, thus a better and brighter future for their children.

Mr. COSTELLO. Madam Speaker, I rise today in strong opposition to S. 1502, the District of Columbia Student Opportunity Scholarship Act. The passage of this bill will not correct the problems we have in our education system. Taking money from our public school system will only further hurt our school children.

This legislation is another attempt by the Republican-led Congress to undermine the integrity of our public school system. S. 1502 diverts limited tax dollars to nonpublic education. We already spend too little on our children's future. I cannot in good conscience support a bill that will further erode millions of children's opportunities for a quality education.

Madam Speaker, there are approximately 46 million children in our nation's public schools. By the year 2006, a projected 3 million more students will be enrolled in public schools. In sharp contrast, only 11 percent of children attend private schools. It is bad public policy to abandon our federal commitment to public education. What will happen to students left behind in public schools when their resources are given away?

Is this really the best use of federal dollars? Instead of siphoning money into private and parochial schools, I believe we should focus on fixing the problems in our public schools so that all school children will benefit. We should rebuild our educational foundation to make our public schools a safe haven for learning. It is shameful that today we debate ways to put more children in private schools rather than working on improving our public schools. A free public school education for all Americans is one of the basic tenets of our nation. We must not abandon this principle.

Studies have indicated that the controversial Cleveland voucher program produces no academic gains for voucher students compared to their peers in public schools in any academic subject—reading, math, social studies or science. Moreover, serious accountability problems have been found in many areas including verifying the voucher recipients' income level, residence or eligibility. An independent audit discovered $1.9 million worth of misspent Ohio tax dollars. We don't want these same problems in the District of Columbia and we don't want them in our states.

I urge my colleagues to oppose this legislation.

Mrs. MORELLA. Madam Speaker, I rise in opposition to the District of Columbia Student Opportunity Scholarship Act.

I have always been a staunch believer that matters of education policy should be decided by the local school board and local elected officials. Consequently, on matters regarding school vouchers, Congress should allow the District to make up its own mind, . . . just as every other locality in the country is able to choose for itself. The people of the District of Columbia should be deciding themselves whether or not they want vouchers. Vouchers should not be imposed upon the citizens of D.C. by members who are elected from other jurisdictions throughout the United States.

I am opposed to allowing public funds to be used for private and parochial schools. Such funding has been successfully challenged as violating the Constitutional mandate calling for the separation of Church and State. Moreover, there is little evidence that voucher plans increase student achievement, and the schools that are left behind are weakened by the loss of the most committed parents and students.

On September 30th of last year, a front page Washington Post story found that there are not even 2,000 spaces available in private schools in the local region. In addition, the majority of private schools in the area charge much more than $3,200.

This is a bad bill if we are concerned about high standards for all of the children in the District of Columbia public schools. It's just a "quick-fix" solution to address the needs of underserved children in the District. Moreover, official studies of the Milwaukee and Cleveland voucher programs have said that voucher students have not made academic gains. The 1998 study of the Cleveland program, by the Ohio State Department of Education, found no achievement gains for voucher students in the Cleveland public schools.

There are better ways to spend the $7 million Congress would use to allow but a few children in the District to attend public and parochial schools. The D.C. public schools could use $1 million to buy new textbooks for every 3rd, 4th and 5th grader. The District could use $3.5 million for 70 after-school programs based in public schools, to help 7,000 children who would otherwise be "home alone" when school ends each day.

Madam Speaker, this bill would divert scarce tax dollars from D.C.'s public schools and shift taxpayer dollars into schools that are not accountable to the community. I am opposed to imposing school vouchers on the citizens of the District of Columbia, and I urge my colleagues to vote "No" on the District of Columbia Student Opportunity Scholarship Act.

Mr. MARTINEZ. Madam Speaker, I rise to express my strong and unequivocable opposition to the bill which is before us today. Vouchers are not only bad policy but in this instance have clearly become the political tool of the Republican leadership to bash the public school system of the District of Columbia and this country to play on the fears of our nation's parents.

Vouchers have received a significant amount of attention over the past few weeks as we have seen a major push by the Republican leadership to politically capitalize on the education of our children. We have heard our Republican colleagues use words like "scholarships" instead of vouchers to portray the message which their pollsters have said is so vital. I am pleased to see so much effort being put into ensuring that this message is not being lost.

I have never been one to craft my views or modify my position just because the latest questionable accurate poll has produced certain conclusions. Instead, we should be concentrating on proposals and ideas that will increase the quality of education in this country rather than destroy it.

Regardless, as I am sure it does not come as a surprise to any which have followed this issue, I am adamantly opposed to any use of public tax dollars for any voucher-like proposal, including the provisions included in this bill authorizing vouchers to be used in the District of Columbia. Not only do these provisions raise some very serious constitutional questions, but they will do little to help only a few students while greatly benefiting those whose interests are entrenched in private schools.

In fact, Representative ARMY himself has admitted that this bill will provide vouchers for only 2000 D.C. children. Last time I checked this would not come close to helping the more than 80,000 school age children which reside in the District. We cannot and should not ignore the problems of today's educational system while attempting to capitalize on political rhetoric. We should give time to the District's new chief academic officer, Arlene Ackerman, who has led positive reforms in Seattle, Washington schools, and can and will do the same in the District.

The Republicans have sought to use D.C. vouchers as the answers to our Capital City's problems in its school system. This is wrong. Any proposal which invites the idea of providing private school vouchers dismantles an educational system which guarantees access for all by leaving "choice" in the hands of private school admissions officers.

In addition to the destruction of equality in the most basic opportunity—the opportunity to learn—there is not one research study, despite what some of our witnesses may say today, which accurately provides evidence that vouchers improve student learning. Because of this lack of evidence, I see little reason to establish any type of Federal voucher program, including one in the District of Columbia.

We have seen the existing voucher programs in Milwaukee and Cleveland provide no improvement in student achievement levels despite the fact that they have been in operation, at least in the case of Milwaukee, for over six years. In addition to the complete lack of a policy basis for enacting any type of private school voucher proposal, the American people have spoken repeatedly that they have no interest in such programs. Over 20 States, including the District of Columbia, have held referenda on this issue and the citizens of all 20 States have rejected voucher programs.

Our goal as public policy makers should be to construct broad policy which will improve the educational results of all of our children—not a select few. One of the most deeply rooted values in this country has been that all children are guaranteed access to an education. The public school system has been the institution in this country which has provided this opportunity. Yes, there are problems in our public schools, problems which deserve and need our attention. All of us in Congress realize that the District has a great share of problems in its public school system.

However, we should not look for quick fixes to a situation which deserves careful consideration. As I said at a recent hearing in the Education and Workforce Committee on this subject, those who support vouchers want to abandon our public schools and the vast majority of children who would remain in what is already an underfunded system. Those of us in Congress need to show leadership in combating the problems that face us as elected leaders—not run away from them.

Only by working within the public school system, both in the District and throughout the Nation, can we build upon the successes and learn from our failures in our attempts to educate our Nation's children.

In closing, I would urge members not to support this ill-conceived and politically motivated bill. Now is not the time to go back on our educational commitments to our children.

Ms. CHRISTIAN-GREEN. Madam Speaker, I rise today in strong opposition to S. 1502, the District of Columbia School Vouchers Act—yet another attempt by the majority to drain resources from the already needy DC School system in order to pay for an already rejected experiment.

Madam Speaker, there is no question that DC public schools have problems. This isn't some new startling revelation; there isn't a public school system in the country that doesn't have problems. It is true that there are schools in DC which, for whatever reason, are not adequately serving the students attending them. But, my colleagues, the answer to this problem and the problems plaguing public schools in New York, Chicago or Los Angeles is assuredly not vouchers. Providing a $3,200 subsidy to private and parochial schools would do nothing but drain $45 million dollars in federal funds that would otherwise be available for public schools nationwide.

My colleagues on the other side of the aisle say that they are justified in proposing this bill by pointing to the fact that DC parents would welcome this kind of assistance. This also isn't news. What poor family, which have to send their children to an unsafe, run-down, decrepid school, that doesn't have enough teachers or books, wouldn't welcome assistance to send their children to a clean safe well-run private school. But, the cruel political irony of this and other school voucher proposals is that it would provide help to a small number of public school students and do nothing for the majority of students that do not get vouchers and have to remain in their poor run down schools. What does my Republican colleagues propose to help them?

Madam Speaker, we all know that vouchers isn't the answer. We must find solutions that will fix the problems in DC and all public schools. We must build new schools, repair run-down buildings, provide funding for more teachers so that class sizes can be reduced and funds for computers and other needed resources. Allowing only 2,000 out of over 80,000 DC students to get a better education will do more harm than good. Vote no on S. 1502. We must not allow the majority to experiment on the children of DC while doing further harm to an already desperate public school system.

Ms. PELOSI. Madam Speaker, I rise in opposition to the District of Columbia school voucher legislation. This is not the way to improve public education.

Not one of us is going to contest the assertion that the D.C. public schools need help. but the way to do this is through comprehensive school reform, by engaging parents, teachers and the community in creating and maintaining high performance centers of learning with challenging academic standards.

Diverting public money to private schools is not a way to improve education. It is, however, an experiment that is doomed to fail leaving this city's school children as the casualties. This legislation may benefit 2,000 D.C. students but abandon 76,000 others. Quality education for all students, not for a select few, should be our priority.

Creating a voucher system does not solve the problem, it shifts the responsibility elsewhere. It also does not guarantee that students from low-performing schools will meet the admission standards of private institutions, or that the voucher would even cover the expense of many private schools.

Public school choice, magnet schools, charter schools and comprehensive school reform efforts provide effective alternatives to passing our problems off on private schools.

Our federal responsibility in education is to support States and local school districts in their efforts to make better public schools and better learners. It is not an acceptable solution to engage in misguided social engineering in the District by draining funds that would be used to improve the public schools. The Democrats of this House have a plan, a good plan that raises the prospects for all of America's public school children, not just a select few at the expense of all the rest.

The SPEAKER pro tempore (Mrs. EMERSON). All time for debate has expired.

The Senate bill is considered read for amendment.

Pursuant to House Resolution 413, the previous question is ordered.

The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

MOTION TO COMMIT OFFERED BY MS. NORTON

Ms. NORTON. Madam Speaker, I offer a motion to commit the Senate bill to the Committee on Government Reform and Oversight.

The SPEAKER pro tempore. Is the gentlewoman opposed to the Senate bill?

Ms. NORTON. Yes, Madam Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to commit.

The Clerk read as follows:

> Ms. NORTON moves to commit the bill S. 1502 to the Committee on Government Reform and Oversight.

The SPEAKER pro tempore. The motion is not debatable.

Without objection, the previous question is ordered on the motion to commit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to commit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. NORTON. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule XV, the Chair announces that she will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the Senate bill.

The vote was taken by electronic device, and there were—ayes 198, noes 224, not voting 11, as follows:

[Roll No. 118]

AYES—198

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Poshard
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—224

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Moran (VA)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NOT VOTING—11

Bateman
Bunning
Dixon
Gonzalez
Kennelly
McHugh
Meek (FL)
Parker
Sandlin
Smith (MI)
Young (AK)

□ 1453

The Clerk announced the following pairs:

On this vote:

Mrs. Kennelly of Connecticut for, with Mr. Young of Alaska against.

Mrs. Meeks of Florida for, with Mr. Smith of Michigan against.

Mrs. CHENOWETH changed her vote from “aye” to “no.”

Mr. VENTO and Mr. ANDREWS changed their vote from “no” to “aye.”

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the passage of the Senate bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. NORTON. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 214, noes 206, answered “present” 1, not voting 12, as follows:

[Roll No. 119]

AYES—214

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Bonilla
Bono
Boyd
Brady
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lucas
Manzullo
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Moran (VA)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NOES—206

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crapo
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle

Edwards
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates
Young (AK)

ANSWERED “PRESENT”—1

Paul

NOT VOTING—12

Bateman
Boehner
Brown (CA)
Bunning
Dixon
Gonzalez
Hall (TX)
Kennelly
Meek (FL)
Parker
Sandlin
Smith (MI)

☐ 1504

The Clerk announced the following pairs:

On this vote:

Mr. Bunning for, with Mrs. Kennelly of Connecticut against.

Mr. Smith of Michigan for, with Mrs. Meek of Florida against.

Mr. YOUNG of Alaska changed his vote from “aye” to “no.”

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BOEHNER. Mr. Speaker, unfortunately, I missed the vote on final passage of S. 1502, The District of Columbia Opportunity Scholarship Act. As a strong supporter of this much-needed legislation to improve the quality of education for thousands of school children in the District of Columbia, I would have voted “yes” on final passage.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3579, 1998 SUPPLEMENTAL APPROPRIATIONS AND RECESSIONS ACT

Mr. McINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–505) on the resolution (H. Res. 416) waiving points of order against the conference report to accompany the bill (H.R. 3579) making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WAIVING REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. McINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution (H. Res. 414) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 414

Resolved, That the requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported from that committee before May 1, 1998, providing for consideration or disposition of the bill (H.R. 3579) making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes, an amendment thereto, a conference report thereon, or an amendment reported in disagreement from a conference thereon.

The SPEAKER pro tempore. The gentleman from Colorado (Mr. McINNIS) is recognized for 1 hour.

Mr. McINNIS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself several such time as I may consume. During the consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 414 is a simple resolution. The proposed rule merely waives the requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House for resolutions reported from the Committee before May 1, 1998, under certain circumstances.

This narrow, short-term waiver only applies to special rules providing for the consideration or disposition of H.R. 3579, making emergency supplemental appropriations for the fiscal year ending September 30, 1998, amendments thereto, a conference report thereon, or items in disagreement from a conference for H.R. 3579.

Mr. Speaker, H. Res. 414 is straightforward, and it was reported by the Committee on Rules with a voice vote. The Committee recognizes the need for expedited procedures to bring these emergency supplemental appropriations forward as soon as possible.

Mr. Speaker, the timeliness of some of these emergency appropriations cannot be understated. There are many areas within the country that have been hit by significant natural disasters which need relief as well as critical funding for military operations. Therefore, we must move promptly.

I urge my colleagues to support House Resolution 414.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I thank my colleague the gentleman from Colorado (Mr. McINNIS) for yielding me the time. As he has described, this rule will permit the House to consider the conference report on the emergency supplemental appropriation bill the same day the Committee on Rules reports a rule for the bill.

Mr. Speaker, under this procedure, Members will have little or no opportunity to examine the conference report before they vote on it. Generally, important and complex bills should not be taken up in this manner. Moreover, I am opposed to provisions in the bill itself, including cuts in the program which funds housing for poor people and the failure to include funding for the International Monetary Fund.

Though I understand the need for moving quickly to pass the emergency spending bill, because of the reasons I have already mentioned, I oppose this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. McINNIS. Mr. Speaker, I yield myself such time as I may consume to inquire of my good friend the gentleman from Ohio (Mr. HALL) if he has any further testimony or any further discussion on his side?

The SPEAKER pro tempore. Does the gentleman from Ohio have any further speakers?

Mr. HALL of Ohio. Mr. Speaker, it appears that I have nobody here ready to speak on this particular rule. Therefore, I yield back the balance of my time.

Mr. McINNIS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this question are postponed until later today.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 14 minutes p.m.), the House stood in recess subject to the call of the Chair. The bells will be rung 15 minutes prior to reconvening.

☐ 1602

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HULSHOF) at 4 o'clock and 2 minutes p.m.

WAIVING REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS

The SPEAKER pro tempore. The pending business is the question of agreeing to the resolution, House Resolution 414, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 211, nays 196, not voting 25, as follows:

[Roll No. 120]

YEAS—211

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaffer, Bob
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—196

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meeks (NY)
Menendez
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—25

Bateman
Bliley
Bunning
Crapo
DeFazio
Dixon
Dunn
Fawell
Gonzalez
Greenwood
Hall (TX)
Johnson, Sam
Kaptur
Kennelly
Meehan
Meek (FL)
Miller (CA)
Parker
Radanovich
Sandlin
Schaefer, Dan
Sensenbrenner
Smith (MI)
Smith (OR)
Weldon (PA)

☐ 1624

Mr. RANGEL changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT REGARDING AMENDMENTS TO H.R. 1872, COMMUNICATIONS SATELLITE COMPETITION AND PRIVATIZATION ACT

Mr. SOLOMON. Mr. Speaker, I want to make a very important statement which will concern airplanes taking off this evening, if we can get some quiet.

Mr. Speaker, I have three announcements to make. The first is, we are about to take up the rule on the supplemental. We realize that Members are trying to catch planes and to leave, and there is not a vote expected on the rule. It is mandatory that there be a vote on the supplemental under the Rules of the House.

If we can shorten the debate on the rule and then go directly, without a vote, to the supplemental, we should be out of here so that most Members will be accommodated.

Mr. Speaker, the Committee on Rules will meet next Tuesday, May 5, to grant a rule which will limit the amendments to be offered to H.R. 1872, the Communications Satellite Competition and Privatization Act.

The rule may include a provision requiring amendments to be preprinted in the amendment section of the CONGRESSIONAL RECORD.

Mr. Speaker, the Committee on Rules is also planning to meet during the week of May 4 to grant a rule for consideration of H.R. 3694, and that is the Intelligence Authorization bill for Fiscal Year 1999.

The Chairman of the Permanent Select Committee on Intelligence has requested a rule which would require that amendments be preprinted in the CONGRESSIONAL RECORD. If this request is granted, amendments to be preprinted would need to be signed by the Member and submitted at the Speaker's table. The amendments would still need to be consistent with House rules but would be given no special protection by being printed.

Mr. GOSS. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am glad to yield to the gentleman from Florida, chairman of the Permanent Select Committee on Intelligence.

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from New York for yielding. As chairman of the Permanent Select Committee on Intelligence, I would like to advise all Members that we hope that the authorization bill which has now been marked up will be brought forward next week, subject to a rule.

I would like to advise Members that there is a procedure for any Member who would like to look at the material in that legislation to contact the House Permanent Select Committee on Intelligence staff, and arrangements can be made for Members to review classified material.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3579, 1998 SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 416 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 416

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3579) making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), my good friend, pending which I yield myself such time as I might consume. During the consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, this resolution is a customary rule for the consideration of conference reports. The rule waives all points of order against the conference report to accompany H.R. 3579, which makes emergency supplemental appropriations for fiscal year 1998, and against its consideration. The rule also provides that the conference report would be considered as read.

Mr. Speaker, passage of this rule would provide much-needed funding to thousands of disaster areas around this Nation as well as crucial funding for our Nation's defense. The conference report responsibly provides resources for our military operations in Southwest Asia and in Bosnia to ensure that our men and women in uniform have the best equipment and resources that money can buy.

Furthermore, the conference report also provides for $179 million for the Ballistic Missile Defense Program.

The conference report also includes crucial paid-for funds for the disaster areas in the northeast who were burdened by heavy ice storms earlier this year, for the Southeast and Plains States devastated by tornados, floods, and other natural disasters, and also for the Southwestern and Western States that were hit by El Nino weather disasters.

□ 1630

Mr. Speaker, in my part of the country, up in upper State New York, we were hit hard by an ice storm that literally wiped out power and energy to residents for as long as 2 and even 3 weeks. Passage of this bill today will ensure that all of these areas will receive this much-needed relief.

Finally, Mr. Speaker, this conference report provides much-needed increases for veterans' compensation and pensions to prevent any expected shortfalls in this important account.

Mr. Speaker, I would like to say that the gentleman from Louisiana (Mr. LIVINGSTON), the chairman of the Committee on Appropriations, and the members of the Committee on Appropriations certainly are to be commended for their vigorous defense of the House's position that this supplemental not include funding for the IMF or the United Nations and that the nondefense disaster-related funding be offset. These Members also did yeomen work in protecting our Defense Department from any further cuts.

Our Nation has endured 14 straight years of inflation-adjusted cuts in defense spending. That is a 40 percent real decline in defense dollars, and it is beginning to hurt everywhere in our military.

Mr. Speaker, this is a fiscally responsible and much-needed measure before the House this afternoon; and I would urge all my colleagues to support the conference report and support this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume, and I want to thank the chairman of the Committee on Rules (Mr. SOLOMON) for yielding me this time.

As the gentleman from New York has described, this is a rule that waives all points of order against the conference report on H.R. 3579. The report makes emergency appropriations for U.S. military operations in Bosnia, peacekeeping operations in Iraq, and domestic disaster relief. It also makes nonemergency appropriations.

The conference agreement contains many improvements from the House bill. In particular, I am pleased that the conferees dropped a provision which would have shut down the AmeriCorps program.

However, the bill actually deepens the cuts in the reserves for the Section 8 program, which helps make housing affordable to low-income people and the elderly. Once again, we are reducing aid to the people who can least protect themselves from these cuts.

The bill fails to include funding for the International Monetary Fund. I believe that we should fund the IMF for humanitarian reasons because it will help bolster the economies of nations not as well off as we are. It is also in our Nation's self-interest to support the IMF to maintain international economic stability.

The emergency funding in this bill is desperately needed by our troops abroad. The emergency disaster assistance is also important. However, we do not have to make these cuts in programs to help the poor and needy.

The Committee on Rules reported this bill on a recorded vote with all Democrats opposed.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in opposition to this supplemental.

Thanks to the diligent efforts of the appropriators, this bill now includes a provision that continues to throw money at one of this administration's better-known foreign policy fiascoes, our partnership with Russia to build the International Space Station.

I am chairman of the Subcommittee on Space and Aeronautics that oversees this effort, and that provision that we are talking about was not in either House or Senate bill but was inserted over the strong objection of the Subcommittee on Space and Aeronautics and the Committee on Science chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER).

This bill contains and continues to give money to pay for Russia's failures; and by covering up those failures, the President and the Vice President can continue to pretend that everything is fine in this grand partnership with Boris Yeltsin. In other words, this bill spends tens of millions of dollars to hide the administration's mistakes.

The space station is now estimated to be $7 billion over budget and another 2 to 4 years late. NASA's own independent analysts suggest that Russia's defaults are the biggest problem. The Committee on Science has worked on a bipartisan basis to get the administration to focus on this problem. Instead, the administration keeps dancing away from the tough decisions, and now the appropriators are letting them off the hook by giving them this extra money.

Specifically, this supplemental provides $63 million in directed transfer, totaling $90 million in Band-aids for a patient that needs surgery. We need to focus on these problems with Russia or they will continue to drain money and continue to bring the space station down. That is not what this supplemental does.

Secondly, I oppose the supplemental because it again represents the shoveling of money at an enduring quagmire that drains our resources and makes us weaker and does not face the decisions that are necessary to get our country unstuck from this situation. I am, of course, referring to almost a half billion dollars in this bill to keep our troops in Bosnia.

I had strong reservations about the Bosnian mission to begin with. We were told it would last 1 year and cost $2 billion. Now our troops have been there almost 3 years, and it has already cost between $8 and $10 billion. The mission has escalated from a 1-year mission to now what appears to be an open-ended commitment with no end in sight.

The huge financial drain that this represents is coming right out of our taxpayers' hide but also the hides of our defenders who are finding they cannot even maintain their airplanes and ships and ground weaponry because money is being drained away from them for these foolish missions that have nothing to do with our national security, like Bosnia.

By passing supplementals like this, what we are doing is permitting the government and this administration to ignore these fundamental problems and not make the decisions that are necessary to do things like ending the Bosnian situation that goes on and on, or correcting the problem with Russia that is putting us behind the eight ball when it comes to the International Space Station. That is why this supplemental should be defeated.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in opposition to the supplemental appropriations rule for a number of reasons, but for the moment I would like to talk about one special interest rider that was added in conference at the last minute that its supporters should be ashamed of. It is an amendment that allows big oil companies to pay lower royalties for oil extracted from federally-owned, taxpayer-owned land at the expense of our Nation's schoolchildren.

Oil companies should pay royalties to the Federal Government based on the market price, but they are not doing that. They have been paying to the Federal Government based on what they call posted price. Of course, that is a lower price than what they pay each other for this same oil. What they are doing is keeping two sets of books, one to record their profits for what they pay each other and one to profit off the American people and the American taxpayer by paying a lower price for oil extracted from taxpayer-owned land.

Oil royalties help pay for our children's education. Each year, big oil is taking $100 million out of our classrooms and putting it into their own pockets. The Washington Post and Rollcall both report that the companies are putting plenty of money into certain congressional campaigns. I guess it is paying off.

This is poor policy. We should vote against the supplemental. The President should veto it on just this rip-off that was added at the last minute alone.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise in strong opposition to this bill for the simple reason that it cuts over $2.3 billion from the housing budget.

It is remarkable that the leadership would bring forth a bill which slashes housing funding just 2 days after the HUD issued a major study documenting a record number of low-income households with severe housing problems. HUD's worst-case housing report concludes that there are 12.5 million Americans living in low-income households; including 4.5 million children, 1.5 million elderly people, and 1.1 million disabled people who are without affordable housing. They have been untouched by the economic boom.

When the Republicans took over the Congress in 1995, they slashed the housing budget by 25 percent without a hearing. They then took it upon themselves to cut the homeless budget by 26 percent. What this budget does, and I think many people, including many people on the Republican side, will give great credit to some of the reforms that have taken place at HUD over the course of these last couple of years.

I was very delighted to see that the gentleman from Louisiana (Mr. LIVINGSTON) mentioned in his press release today the fact that the money, this $2.3 billion that is being cut, is going to be vitally necessary to fund housing problems that we face in the future. The way the government accounts for housing money requires us every once in a while to put a lump sum figure in the budget authority requirements of the government's budget. That lump sum figure is coming up this coming year. We are cutting this money within the very year that we are going to need the dollars.

The chairman, I hope, will commit himself to making certain that the funding will continue next year, despite the fact that he has had to grab this money this year.

I see the chairman has just walked on to the House floor, and I would very much appreciate it if he would consider making a commitment to funding that housing need into the future.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I heard the gentleman's statement, and I would be happy to tell the gentleman that in fiscal year 1999 we are certainly going to address this. Matter of fact, I have made the commitment to the gentleman from California (Mr. LEWIS) that many of these funds are going to have to be replenished. But for the balance of fiscal year 1998, these are excess funds and will not be needed.

Mr. KENNEDY of Massachusetts. Mr. Speaker, reclaiming my time, I very much appreciate the Chairman's commitment, and I hope he means he was not going to be cutting those funds from other parts of the HUD budget. And I very much appreciate his clarification.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I rise in opposition to this rule and opposition to this supplemental appropriation.

This concern is that certainly we need to deal with disaster assistance and the other funds requested here. Of course, we are not dealing with the important money for the International Monetary Fund because of the, I think, the misrepresentations and the lack of responsibility that was demonstrated last week on the floor in discussing or addressing that particular topic.

But with regards to the main issue in terms of what we are voting here for, what we are voting for is to take money with one hand and distribute it to those with the disaster assistance and the other domestic needs, and with the other hand we are taking it away from the communities with regard to the housing assistance that is necessary.

This bill, in and of itself, does not provide the type of help. This action is the wrong action. We ought to be addressing this problem right now. The fact is that commitments had been made, good intentions before, which in fact took $3.6 billion out of this particular fund, this permanent fund for assisted housing in 1997, with commitments that they were going to place that entire money back into the budget. It is still not there. And the fact is that putting this off until tomorrow, with the assurances, does not, in fact, put the money in place.

It is very likely, based on the type of performance that has gone on with regards to assisted housing, is that we have continually rolled these contracts over for 1 year, not making the commitment in the budget process to assure the type of stability that is necessary for low-income persons that live in this housing.

□ 1645

This is nothing more than a pea and shell game that is going on with regards to assisted housing, and the end result is going to be that many elderly, disabled, and low-income persons, families with children, are going to be denied the type of assistance and supports that they need.

The fact is that that $2.3 billion translates into taking support away from 440,000 to 450,000 families that receive assisted housing support with this particular vote. That is what this vote will do. Yes, it will do some good in terms of the disaster assistance that we need in the Northwest and in the Pacific and with regards to the Northeast types of problems, but it, nevertheless, takes that money away from many communities across this country that need the money in terms of housing.

We are not facing up to it. No budget resolution this year, no issue, no blueprint is in place. And the fact is good intentions are fine to have, but they are not going to meet the tangible needs that we have with regards to housing. The fact is that we should not take this vote on a supplemental appropriation denying the types of funds that are necessary for the permanent assisted housing fund. I urge my colleagues to vote "no."

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I rise in opposition to the rule and in opposition to the bill, H.R. 3579, the emergency supplemental bill.

I, in particular, want to speak to my concerns about the $2.3 billion in offsets for emergency funding for section 8 housing. There are people across this country who depend on section 8 housing for the roof over their heads; and when they learn that Congress would take action to take money away from that program next year, this will have a destabilizing effect on many households, because people rely on our good sense and our goodwill and our humanity to sustain them.

I also want to express my concern that we would have on one hand the offsets put in there and at the same time put in there the money for Bosnia. It is really giving people a cruel choice. We know the suffering and the inhumanity that has been expressed in Bosnia and how people have heroically tried to come back from it, and at the same time we are being told to make a choice between that, helping them and people who live in section 8 housing in this country.

I, regretfully, am going to have to vote against this bill, but I think that when similar bills come to this House, we ought not use it as a moment to prey on the disadvantaged, to destabilize their household, and to tell them even for a minute that America does not care about their concerns.

Mr. HALL of Ohio. Mr. Speaker, I have no request for time, and I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me just say that I mentioned early on where I heaped praise on the gentleman from Louisiana (Mr. LIVINGSTON) chairman of the Committee on Appropriations, the gentleman from Wisconsin (Mr. OBEY).

And, incidentally, the gentleman from Louisiana (Mr. LIVINGSTON) is sitting next to me here; and for all my colleagues who may not know, today is his birthday. And I told him earlier that when I grow up, I want to be just like him.

But seriously, this measure before us has disaster in it. I have been here for 20 years, and we in the north country of New York State do not have to ask for aid like this very often. We do not have tornadoes. We do not have hurricanes. We do not have earthquakes. Sometimes we have some floods, we have terrible snowstorms, but we are geared up to handle those.

We have always welcomed the opportunity to help people in other parts of the country. So today they are helping us in the north country; and believe me, our people really appreciate it.

I hope everybody votes on the rule and the bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

CONFERENCE REPORT ON H.R. 3579, SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

Mr. LIVINGSTON. Mr. Speaker, pursuant to the rule, I call up the conference report on the bill (H.R. 3579) making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 416, the conference report is considered as having been read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. LIVINGSTON) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. LIVINGSTON).

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany H.R. 3579 and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring to the floor the conference report on the Fiscal Year 1998 Emergency Supplemental Appropriations Bill (H.R. 3579). This conference report includes $2.859 billion in emergency defense supplemental appropriations to provide for the peacekeeping missions in Bosnia and Iraq and provide additional support for intelligence activities. It also provides $2.588 billion in emergency supplemental appropriations for recovery from natural disasters that have occurred this winter and spring all over the country. There is also $142 million in non-emergency supplemental appropriations mostly to help in fixing the "year 2000" computer problem in some of our agencies. Finally, there is a $550 million appropriation for Veterans Compensation and Pensions in this bill as well.

Mr. Speaker, it is very important that this conference report get passed today. The Secretary of Defense will be forced to issue furlough notices to some DOD employees if this bill does not reach the President's desk tomorrow. The extraordinary number of recent severe weather episodes is causing emergency accounts to be exhausted. Farmers, dairymen, road repairs, park repairs, flood control facility repairs, reforestation, utility repairs, and people who have had their place of residence damaged all are in dire need of these emergency supplemental appropriations.

I would like to point out that the emergency supplemental appropriations for recovery from national disasters and the non-emergency supplemental appropriations are, and I stress, are fully offset. We will hear concern expressed today about one of the rescissions used to pay for this emergency spending. This is the excess section 8 housing reserve rescission, as was mentioned on the floor previously during consideration of the rule.

The excess section 8 housing reserves that will be rescinded are unnecessary, stress "unnecessary," during the remaining portion of the current fiscal year. Currently, there are $3.6 billion in excess section 8 housing reserve funds that will not be needed this year. The General Accounting Office identified excess funds when it reviewed the

Department of Housing and Urban Development's various section 8 housing accounts at the request of the Committee on Appropriations.

Since 1997, HUD and GAO have found more than $9.9 billion in excess section 8 housing funds. Of that amount, $2.2 billion is being utilized for contingencies, and Congress has already rescinded $4.2 billion. Subtracting these amounts from $9.9 billion leaves a current balance of $3.6 billion in excess, stress "excess," section 8 housing reserves.

There are sufficient funds available to pay for any section 8 housing contracts that expire during the rest of fiscal year 1998. Rescinding and redirecting these funds to pay for disaster relief will not harm any family that currently depends on section 8 housing assistance.

In fiscal year 1999, section 8 housing renewal needs are $10.8 billion. In the Fiscal Year 1999 Budget, the President proposed using $3.6 billion of excess reserves to offset the total cost of renewals for that year. Clearly, the Committee on Appropriations understands that the section 8 housing renewal account must be fully funded in order to protect the homes of those families who rely on this assistance. We will address that problem at a later date, but it does not impact anyone today. Not a single person will be adversely impacted by taking these rescissions today.

Mr. Speaker, this bill should be supported for what is included in it and not disregarded for what may have been left out. Members will hear concern about the lack of funding for the International Monetary Fund, for crop insurance, for student loans, for United Nations arrearages, and various other activities. I want to assure Members that these issues will get addressed, but it will not be today.

There is no immediate impact on not addressing funding for these issues at this time. This is a "pure" emergency supplemental appropriations bill, and it needs to move today. It is paid for except for the defense funding, which would create an unacceptable impact on our national security.

The fact is that we have, in the past, paid for supplemental emergency appropriations in the defense area by rescinding existing defense appropriations, and we have unfortunately, on too frequent occasions, have been taking from the nondeployed forces to keep the forward-deployed forces going. That is a practice we can no longer sustain because our troops all around the world are feeling an adverse impact.

All Members should vote "yes" on this conference report and help get it to the President's desk tomorrow. I hope that, if we do, that the President will sign it expeditiously, and our troops in Bosnia and Iraq and in all other corners of the world will know that our Congress is in support of them, and that the victims of disasters around this country will know that their elected representatives have rallied in their defense.

At this point in the RECORD I would like to insert a table reflecting the details of the conference report.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1998 (H.R. 3579)

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	TITLE I - EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE						
	CHAPTER 1						
	DEPARTMENT OF DEFENSE - MILITARY						
	Military Personnel						
105-220	Military personnel, Army (emergency appropriations)	184,000,000	184,000,000	184,000,000	184,000,000		
105-220	Military personnel, Navy (emergency appropriations)	22,300,000	22,300,000	22,300,000	22,300,000		
105-220	Military personnel, Marine Corps (emergency appropriations)	5,100,000	5,100,000	5,100,000	5,100,000		
105-220	Military personnel, Air Force (emergency appropriations)	10,900,000	10,900,000	10,900,000	10,900,000		
105-220	Reserve personnel, Navy (emergency appropriations)	4,100,000	4,100,000	4,100,000	4,100,000		
	Total, Military personnel	226,400,000	226,400,000	226,400,000	226,400,000		
	Operation and Maintenance						
105-220	Operation and maintenance, Army (emergency appropriations)	1,886,000	1,886,000	1,886,000	1,886,000		
	Contingent emergency appropriations		700,000			-700,000	
105-220	Operation and maintenance, Navy (emergency appropriations)	48,100,000	48,100,000	33,272,000	48,100,000		+14,828,000
	Contingent emergency appropriations		5,700,000			-5,700,000	
	Operation and maintenance, Marine Corps (contingent emergency appropriations)		26,810,000			-26,810,000	
105-220	Operation and maintenance, Air Force (emergency appropriations)	27,400,000	27,400,000	21,509,000	27,400,000		+5,891,000
	Contingent emergency appropriations		21,800,000			-21,800,000	
105-220	Operation and maintenance, Defense-wide (emergency appropriations)	1,390,000	1,390,000	1,390,000	1,390,000		
105-220	Contingent emergency appropriations	50,000,000		44,000,000	125,528,000	+125,528,000	+81,528,000
105-220	Operation and maintenance, Army Reserve (emergency appropriations)	650,000	650,000	650,000	650,000		
105-220	Operation and maintenance, Air Force Reserve (emergency appropriations)	229,000	229,000	229,000	229,000		
105-220	Operation and maintenance, Army National Guard (emergency appropriations)	175,000	175,000	175,000	175,000		
	Contingent emergency appropriations		5,750,000			-5,750,000	
	Operations and maintenance, Air National Guard (contingent emergency appropriations)		975,000			-975,000	
105-220	Overseas contingency operations transfer fund (emergency appropriations)	1,621,900,000	1,829,900,000	1,556,000,000	1,814,100,000	-15,800,000	+258,100,000
	Total, Operation and maintenance	1,751,730,000	1,971,465,000	1,659,111,000	2,019,458,000	+47,993,000	+360,347,000
	Emergency appropriations	(1,701,730,000)	(1,909,730,000)	(1,615,111,000)	(1,893,930,000)	(-15,800,000)	(+278,819,000)
	Contingent emergency appropriations	(50,000,000)	(61,735,000)	(44,000,000)	(125,528,000)	(+63,793,000)	(+81,528,000)
	Revolving and Management Funds						
105-220	Navy working capital fund (emergency appropriations)	23,017,000	23,017,000	23,017,000	23,017,000		
	Contingent emergency appropriations		7,450,000			-7,450,000	
105-220	Defense-wide working capital fund (emergency appropriations)	1,000,000	1,000,000	1,000,000	1,000,000		
	Total, Revolving and management funds	24,017,000	31,467,000	24,017,000	24,017,000	-7,450,000	
	Other Department of Defense Programs						
	Defense Health Program:						
105-220	Operation and maintenance (emergency appropriations)	1,900,000	1,900,000	1,900,000	1,900,000		
	(By transfer) (sec. 5(f))		(5,000,000)		(4,700,000)	(-300,000)	(+4,700,000)
	General Provisions						
	Reserve mobilization income insurance fund (contingent emergency appropriations) (sec. 3)		37,000,000		47,000,000	+10,000,000	+47,000,000
	Overseas humanitarian, disaster and civic aid (contingent emergency appropriations) (sec. 1)			36,500,000	36,500,000	+36,500,000	
	Operation and maintenance, Defense-wide (by transfer)(secs. 6 & 13)			(40,000,000)	(40,300,000)	(+40,300,000)	(+300,000)
	Research, development, test and evaluation, Defense-wide (contingent emergency appropriations)(sec. 9)			151,000,000	179,000,000	+179,000,000	+28,000,000
	Aircraft procurement, Navy (contingent emergency appropriations) (sec. 11)			272,500,000	272,500,000	+272,500,000	

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1998 (H.R. 3579)— continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
....	Nonproliferation, antiterrorism, demining and related programs (contingent emergency appropriations) (sec. 16)	....	....	35,000,000	28,000,000	+28,000,000	-7,000,000
	Total, Chapter 1:						
	New budget (obligational) authority	2,004,047,000	2,268,232,000	2,406,428,000	2,834,775,000	+566,543,000	+428,347,000
	Emergency appropriations	(1,954,047,000)	(2,162,047,000)	(1,867,428,000)	(2,146,247,000)	(-15,800,000)	(+278,819,000)
	Contingent emergency appropriations	(50,000,000)	(106,185,000)	(539,000,000)	(688,528,000)	(+582,343,000)	(+149,528,000)
	(By transfer)	....	(5,000,000)	(40,000,000)	(45,000,000)	(+40,000,000)	(+5,000,000)
	CHAPTER 2						
	DEPARTMENT OF DEFENSE - MILITARY						
....	Military construction, Navy (contingent emergency appropriations)	....	....	17,428,000	....	....	-17,428,000
....	Military construction, Air Force (contingent emergency appropriations)	....	....	5,891,000	....	....	-5,891,000
....	Military construction, Army National Guard (contingent emergency appropriations)	....	....	....	3,700,000	+3,700,000	+3,700,000
	Total, Military construction	....	....	23,319,000	3,700,000	+3,700,000	-19,619,000
	Family Housing						
105-220	Family housing, Navy and Marine Corps (emergency appropriations)	15,600,000	15,600,000	....	15,600,000	....	+15,600,000
....	Contingent emergency appropriations	....	1,000,000	18,100,000	2,500,000	+1,500,000	-15,600,000
105-220	Family housing, Air Force (emergency appropriations)	1,500,000	1,500,000	....	1,500,000	....	+1,500,000
....	Contingent emergency appropriations	....	900,000	2,400,000	900,000	....	-1,500,000
	Total, Family housing	17,100,000	19,000,000	20,500,000	20,500,000	+1,500,000	....
....	Base realignment and closure account, Part III (contingent emergency appropriations)	....	1,020,000	....	1,020,000	....	+1,020,000
	Total, Chapter 2:						
	New budget (obligational) authority	17,100,000	20,020,000	43,819,000	25,220,000	+5,200,000	-18,599,000
	Emergency appropriations	(17,100,000)	(17,100,000)	....	(17,100,000)	....	(+17,100,000)
	Contingent emergency appropriations	....	(2,920,000)	(43,819,000)	(8,120,000)	(+5,200,000)	(-35,699,000)
	Total, title I;						
	New budget (obligational) authority	2,021,147,000	2,288,252,000	2,450,247,000	2,859,995,000	+571,743,000	+409,748,000
	Emergency appropriations	(1,971,147,000)	(2,179,147,000)	(1,867,428,000)	(2,163,347,000)	(-15,800,000)	(+295,919,000)
	Contingent emergency appropriations)	(50,000,000)	(109,105,000)	(582,819,000)	(696,648,000)	(+587,543,000)	(+113,829,000)
	(By transfer)	....	(5,000,000)	(40,000,000)	(45,000,000)	(+40,000,000)	(+5,000,000)
	TITLE II - EMERGENCY SUPPLEMENTAL APPROPRIATIONS						
	CHAPTER 1						
	DEPARTMENT OF AGRICULTURE						
	Farm Service Agency						
105-220	Emergency conservation program (contingent emergency appropriations)	20,000,000	20,000,000	64,480,000	34,000,000	+14,000,000	-30,480,000
....	Tree assistance program (contingent emergency appropriations)	....	4,700,000	8,700,000	14,000,000	+9,300,000	+5,300,000
	Agricultural Credit Insurance Fund Program Account:						
	Loan authorizations:						
	Farm operating loans:						
....	Direct	....	....	(48,700,000)	....	....	(-48,700,000)
....	Guaranteed subsidized loans	....	....	(56,000,000)	....	....	(-56,000,000)
	Subtotal	....	....	(104,700,000)	....	....	(-104,700,000)
105-220	Emergency insured loans	(87,000,000)	(87,000,000)	(87,400,000)	(87,400,000)	(+400,000)	....
	Total, loan authorizations	(87,000,000)	(87,000,000)	(192,100,000)	(87,400,000)	(+400,000)	(-104,700,000)
	Loan subsidies:						
	Farm operating loans:						
....	Direct (contingent emergency appropriations).	....	....	3,200,000	....	....	-3,200,000
....	Guaranteed subsidized loans (contingent emergency appropriations)	....	....	5,400,000	....	....	-5,400,000
	Subtotal	....	....	8,600,000	....	....	-8,600,000

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1998 (H.R. 3579) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
105-220	Emergency insured loans (emergency appropriations)	6,000,000	....	....	....	....	....
105-220	Contingent emergency appropriations	15,000,000	21,000,000	21,000,000	21,000,000	....	....
	Total, Agricultural Credit Insurance Fund Program Account	21,000,000	21,000,000	29,600,000	21,000,000	....	-8,600,000
	Total, Farm Service Agency	41,000,000	45,700,000	102,780,000	69,000,000	+23,300,000	-33,780,000
	Commodity Credit Corporation Fund						
105-220	Dairy and livestock disaster assistance program (emergency appropriations)	4,000,000	....	....	....	....	....
....	Livestock disaster assistance fund (contingent emergency appropriations)	....	4,000,000	4,000,000	4,000,000	....	....
....	Dairy production indemnity assistance program (contingent emergency appropriations)	....	6,800,000	10,000,000	6,800,000	....	-3,200,000
	Total, Commodity Credit Corporation	4,000,000	10,800,000	14,000,000	10,800,000	....	-3,200,000
	Natural Resources Conservation Service						
105-220	Watershed and flood prevention operations (emergency appropriations)	5,000,000	....	....	....	....	....
105-220	Contingent emergency appropriations	35,000,000	65,000,000	100,000,000	80,000,000	+15,000,000	-20,000,000
	Total, Natural Resources Conservation Service	40,000,000	65,000,000	100,000,000	80,000,000	+15,000,000	-20,000,000
	Total, Chapter 1:						
	New budget (obligational) authority	85,000,000	121,500,000	216,780,000	159,800,000	+38,300,000	-56,980,000
	Emergency appropriations	(15,000,000)	....	....	....	....	....
	Contingent emergency appropriations	(70,000,000)	(121,500,000)	(216,780,000)	(159,800,000)	(+38,300,000)	(-56,980,000)
	(Loan authorization)	(87,000,000)	(87,000,000)	(192,100,000)	(87,400,000)	(+400,000)	(-104,700,000)
	CHAPTER 2						
	RELATED AGENCY						
	United States Information Agency						
....	International broadcasting operations (contingent emergency appropriations)	....	....	5,000,000	5,000,000	+5,000,000	....
	CHAPTER 3						
	DEPARTMENT OF DEFENSE - CIVIL						
	DEPARTMENT OF THE ARMY						
	Corps of Engineers - Civil						
....	Construction, general (contingent emergency appropriations)	....	....	38,500,000	....	....	-38,500,000
105-220	Operation and maintenance, general (contingent emergency appropriations)	25,000,000	84,457,000	25,000,000	105,185,000	+20,728,000	+80,185,000
105-220	(By transfer) (contingent emergency appropriations)	(5,000,000)	....	(5,000,000)	....	....	(-5,000,000)
	Total, Corps of Engineers - Civil	25,000,000	84,457,000	63,500,000	105,185,000	+20,728,000	+41,685,000
	DEPARTMENT OF THE INTERIOR						
	Bureau of Reclamation						
105-220	Water and related resources (contingent emergency appropriations)	2,340,000	4,520,000	....	4,520,000	....	+4,520,000
	Total, Chapter 3:						
	New budget (obligational) authority	27,340,000	88,977,000	63,500,000	109,705,000	+20,728,000	+46,205,000
	(By transfer) (contingent emergency appropriations)	(5,000,000)	....	(5,000,000)	....	....	(-5,000,000)
	CHAPTER 4						
	DEPARTMENT OF THE INTERIOR						
	Bureau of Land Management						
....	Construction (contingent emergency appropriations)	....	....	1,837,000	1,837,000	+1,837,000	....
	United States Fish and Wildlife Service						
105-216	Construction (emergency appropriations)	3,688,000	3,938,000	....	3,688,000	-250,000	+3,688,000
105-220	Contingent emergency appropriations	25,000,000	25,000,000	32,818,000	29,130,000	+4,130,000	-3,688,000

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1998 (H.R. 3579)— continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	National Park Service						
105-220	Construction (contingent emergency appropriations).	8,500,000	8,500,000	9,506,000	9,506,000	+1,006,000	
	United States Geological Service						
105-220	Surveys, investigations, and research (contingent emergency appropriations)	1,000,000	1,000,000	1,198,000	1,198,000	+198,000	
	Bureau of Indian Affairs						
	Construction (contingent emergency appropriations).			1,065,000	1,065,000	+1,065,000	
	Total, Department of the Interior	38,188,000	38,438,000	46,424,000	46,424,000	+7,986,000	
	DEPARTMENT OF AGRICULTURE						
	Forest Service						
105-220	State and private forestry (emergency appropriations)	20,000,000	20,000,000		20,000,000		+20,000,000
105-220	Contingent emergency appropriations	28,000,000	28,000,000	48,000,000	28,000,000		-20,000,000
105-220	National forest system (emergency appropriations)	5,000,000	5,000,000		5,000,000		+5,000,000
105-220	Contingent emergency appropriations	5,000,000	5,461,000	10,000,000	5,461,000		-4,539,000
	Wildland fire management (contingent emergency appropriations)			2,000,000	2,000,000	+2,000,000	
	Total, Forest Service	58,000,000	58,461,000	60,000,000	60,461,000	+2,000,000	+461,000
	DEPARTMENT OF ENERGY						
	Strategic petroleum reserve (contingent emergency appropriations)			207,500,000			-207,500,000
	Prohibition of sale (contingent emergency appropriations)			208,000,000	208,000,000	+208,000,000	
	Total, Chapter 4:						
	New budget (obligational) authority	96,188,000	96,899,000	521,924,000	314,885,000	+217,986,000	-207,039,000
	Emergency appropriations	(28,688,000)	(28,938,000)		(28,688,000)	(-250,000)	(+28,688,000)
	Contingent emergency appropriations	(67,500,000)	(67,961,000)	(521,924,000)	(286,197,000)	(+218,236,000)	(-235,727,000)
	CHAPTER 4A						
	DEPARTMENT OF HEALTH AND HUMAN SERVICES						
	Centers for Disease Control and Prevention						
	Disease control, research, and training (contingent emergency appropriations)			9,000,000			-9,000,000
	CHAPTER 5						
	DEPARTMENT OF TRANSPORTATION						
	Federal Highway Administration						
	Federal-aid highways (Highway Trust Fund):						
105-220	Emergency relief program (emergency appropriations)	224,000,000	224,000,000		224,000,000		+224,000,000
105-220	Contingent emergency appropriations	35,000,000	35,000,000	259,000,000	35,000,000		-224,000,000
	Total, Federal Highway Administration	259,000,000	259,000,000	259,000,000	259,000,000		
	Federal Railroad Administration						
	Emergency railroad rehabilitation and repair (contingent emergency appropriations)		9,000,000	10,600,000	9,800,000	+800,000	-800,000
	Total, Chapter 5:						
	New budget (obligational) authority	259,000,000	268,000,000	269,600,000	268,800,000	+800,000	-800,000
	Emergency appropriations	(224,000,000)	(224,000,000)		(224,000,000)		(+224,000,000)
	Contingent emergency appropriations	(35,000,000)	(44,000,000)	(269,600,000)	(44,800,000)	(+800,000)	(-224,800,000)
	CHAPTER 6						
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
	Community Planning and Development						
	Community development block grants (contingent emergency appropriations)		20,000,000	260,000,000	130,000,000	+110,000,000	-130,000,000

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1998 (H.R. 3579) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	INDEPENDENT AGENCY						
	Federal Emergency Management Agency						
105-234	Disaster relief (contingent emergency appropriations)	1,632,189,000		1,600,000,000	1,600,000,000	+1,600,000,000	
	Total, Chapter 6:						
	New budget (obligational) authority	1,632,189,000	20,000,000	1,860,000,000	1,730,000,000	+1,710,000,000	-130,000,000
	CHAPTER 7						
	DEPARTMENT OF EDUCATION						
	Bilingual and immigrant education (rescission)		-75,000,000			+75,000,000	
	DEPARTMENT TRANSPORTATION						
	Federal Aviation Administration						
	Grants-in-aid for airports (Airport and Airway Trust Fund): Rescission of contract authorization		-366,400,000		-241,000,000	+125,400,000	-241,000,000
	(Limitation on obligations)		(1,668,600,000)			(-1,668,600,000)	
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
	Public and Indian Housing						
	Section 8 reserve preservation account (rescission)		-2,193,600,000		-2,347,190,000	-153,590,000	-2,347,190,000
	INDEPENDENT AGENCY						
	Corporation for National and Community Service						
	National and community service programs operating expenses (rescission)		-250,000,000			+250,000,000	
	Total, Chapter 7:						
	New budget (obligational) authority		-2,885,000,000		-2,588,190,000	+296,810,000	-2,588,190,000
	Rescissions		(-2,518,600,000)		(-2,347,190,000)	(+171,410,000)	(-2,347,190,000)
	Rescission of contract authorization		(-366,400,000)		(-241,000,000)	(+125,400,000)	(-241,000,000)
	(Limitation on obligations)		(1,668,600,000)			(-1,668,600,000)	
	GENERAL PROVISIONS						
	Economic Support fund (contingent emergency appropriations) (sec. 10008)			5,000,000			-5,000,000
	Total, title II:						
	New budget (obligational) authority	2,099,717,000	-2,289,624,000	2,950,804,000		+2,289,624,000	-2,950,804,000
	Emergency appropriations	(267,688,000)	(252,938,000)		(252,688,000)	(-250,000)	(+252,688,000)
	Contingent emergency appropriations	(1,832,029,000)	(342,438,000)	(2,950,804,000)	(2,335,502,000)	(+1,993,064,000)	(-615,302,000)
	Rescissions		(-2,518,600,000)		(-2,347,190,000)	(+171,410,000)	(-2,347,190,000)
	Rescission of contract authorization		(-366,400,000)		(-241,000,000)	(+125,400,000)	(-241,000,000)
	(By transfer) (contingent emergency appropriations)	(5,000,000)		(5,000,000)			(-5,000,000)
	(Limitation on obligations)		(1,668,600,000)			(-1,668,600,000)	
	(Loan authorization)	(87,000,000)	(87,000,000)	(192,100,000)	(87,400,000)	(+400,000)	(-104,700,000)
	TITLE III - SUPPLEMENTAL APPROPRIATIONS 1/						
	CHAPTER 1						
	DEPARTMENT OF AGRICULTURE						
	Office of the Secretary		5,000,000		543,000	-4,457,000	+543,000
105-216	Departmental administration	4,800,000	4,300,000	2,000,000	2,000,000	-2,300,000	
105-216	Office of the General Counsel	235,000	235,000	235,000	235,000		
	Grain Inspection, Packers and Stockyards Administration				1,500,000	+1,500,000	+1,500,000
	Farm Service Agency						
	Agricultural Credit Insurance Fund Program Account:						
	Loan authorizations:						
	Farm ownership loans:						
105-228	Direct	(39,448,000)	(39,448,000)	(20,000,000)	(18,320,000)	(-21,128,000)	(-1,680,000)
105-228	Guaranteed	(25,000,000)	(25,000,000)	(25,000,000)	(25,000,000)		
	Subtotal	(64,448,000)	(64,448,000)	(45,000,000)	(43,320,000)	(-21,128,000)	(-1,680,000)
	Farm operating loans:						
105-228	Direct	(9,528,000)	(9,528,000)	(48,100,000)	(70,000,000)	(+60,472,000)	(+21,900,000)
	Guaranteed subsidized		(40,000,000)		(35,000,000)	(-5,000,000)	(+35,000,000)
	Subtotal	(9,528,000)	(49,528,000)	(48,100,000)	(105,000,000)	(+55,472,000)	(+56,900,000)
	Boll weevil eradication loans		(18,814,000)	(18,800,000)	(18,814,000)		(+14,000)
	Total, Loan authorizations	(73,976,000)	(132,790,000)	(111,900,000)	(167,134,000)	(+34,344,000)	(+55,234,000)

1/ House column for Title III reflects H.R. 3580 as reported by the House.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1998 (H.R. 3579)—continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	Loan subsidies:						
	Farm ownership loans:						
105-228	Direct	5,144,000	5,144,000	2,608,000	2,389,000	-2,755,000	-219,000
105-228	Guaranteed	967,000	967,000	966,197	967,000	....	+803
	Subtotal	6,111,000	6,111,000	3,574,197	3,356,000	-2,755,000	-218,197
	Farm operating loans:						
105-228	Direct	626,000	626,000	3,162,000	4,599,000	+3,973,000	+1,437,000
....	Guaranteed subsidized	....	3,374,000	....	3,374,000	....	+3,374,000
	Subtotal	626,000	4,000,000	3,162,000	7,973,000	+3,973,000	+4,811,000
....	Boll weevil eradication loans	....	222,000	222,000	222,000	....	....
	Total, Farm Service Agency	6,737,000	10,333,000	6,958,197	11,551,000	+1,218,000	+4,592,803
	Total, Department of Agriculture	11,772,000	19,868,000	9,193,197	15,829,000	-4,039,000	+6,635,803
	DEPARTMENT OF HEALTH AND HUMAN SERVICES						
	Food and Drug Administration						
105-177	Prescription drug user fee act	(26,000,000)	(15,596,000)	(25,918,000)	(25,918,000)	(+10,322,000)	....
	Total, Chapter 1:						
	New budget (obligational) authority	11,772,000	19,868,000	9,193,197	15,829,000	-4,039,000	+6,635,803
	(Loan authorizations)	(73,976,000)	(132,790,000)	(111,900,000)	(167,134,000)	(+34,344,000)	(+55,234,000)
	CHAPTER 2						
	DEPARTMENT OF ENERGY						
105-216	Departmental administration	5,408,000	5,408,000	5,408,000	5,408,000	....	....
105-216	Miscellaneous revenues	-5,408,000	-5,408,000	-5,408,000	-5,408,000	....	....
	Atomic Energy Defense Activities						
....	Weapons activities (by transfer)	....	....	(4,000,000)	....	....	(-4,000,000)
105-216	Defense environmental restoration and waste management (by transfer)	(12,000,000)	....	....	....	....	....
	CHAPTER 2A						
	MULTILATERAL ECONOMIC ASSISTANCE						
	Funds Appropriated to the President						
	International Monetary Fund						
105-213	United States quota, International Monetary Fund	14,500,000,000	....	14,500,000,000	....	....	-14,500,000,000
105-213	Loans to International Monetary Fund	3,400,000,000	....	3,400,000,000	....	....	-3,400,000,000
	Total, Chapter 2A:						
	New budget (obligational) authority	17,900,000,000	....	17,900,000,000	....	....	-17,900,000,000
	CHAPTER 3						
	DEPARTMENT OF THE INTERIOR						
	National Park Service						
....	Operation of the national park system	....	....	....	340,000	+340,000	+340,000
	Minerals Management Service						
105-216	Royalty and offshore minerals management	6,675,000	6,675,000	6,675,000	6,675,000	....	....
	Office of Surface Mining Reclamation and Enforcement						
105-216	Abandoned mine reclamation fund (by transfer)	(3,163,000)	(3,163,000)	(3,163,000)	(3,163,000)	....	....
	Bureau of Indian Affairs						
105-216	Operation of Indian programs	1,050,000	1,050,000	1,050,000	1,050,000	....	....
	Departmental Offices						
105-216	Office of Special Trustee for American Indians	4,650,000	4,650,000	4,650,000	4,650,000	....	....
	Total, Department of the Interior	12,375,000	12,375,000	12,375,000	12,715,000	+340,000	+340,000
	DEPARTMENT OF AGRICULTURE						
	Forest Service						
....	National forest system	....	....	2,000,000	....	....	-2,000,000

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1998 (H.R. 3579) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	DEPARTMENT OF HEALTH AND HUMAN SERVICES						
	Indian Health Service						
....	Indian health services	....	....	100,000	100,000	+100,000	....
	Total, Chapter 3:						
	New budget (obligational) authority	12,375,000	12,375,000	14,475,000	12,815,000	+440,000	-1,660,000
	(By transfer)	(3,163,000)	(3,163,000)	(3,163,000)	(3,163,000)	....	....
	CHAPTER 4						
	DEPARTMENT OF HEALTH AND HUMAN SERVICES						
	Centers for Disease Control and Prevention						
....	Disease control, research, and training	....	....	....	9,000,000	+9,000,000	+9,000,000
	Health Care Financing Administration						
105-220	Program management	16,000,000	16,000,000	....	2,200,000	-13,800,000	+2,200,000
	Total, Chapter 4:						
	New budget (obligational) authority	16,000,000	16,000,000	....	11,200,000	-4,800,000	+11,200,000
	CHAPTER 5						
	CONGRESSIONAL OPERATIONS						
	HOUSE OF REPRESENTATIVES						
	Payments to Widows and Heirs of Deceased Members of Congress						
....	Gratuities, deceased Members	....	270,300	....	270,300	....	+270,300
	JOINT ITEMS						
	Capitol Police Board						
	Capitol Police						
....	General expenses (by transfer)	....	(4,000,000)	(4,000,000)	(4,000,000)	....	....
	ARCHITECT OF THE CAPITOL						
	Capitol Buildings and Grounds						
105-177	Capitol buildings, salaries and expenses 2/	7,500,000	7,500,000	7,500,000	7,500,000	....	....
105-177	Capitol grounds 2/	20,000,000	20,000,000	20,000,000	20,000,000	....	....
	Total, Architect of the Capitol	27,500,000	27,500,000	27,500,000	27,500,000	....	....
	Total, Chapter 5:						
	New budget (obligational) authority	27,500,000	27,770,300	27,500,000	27,770,300	....	+270,300
	(By transfer)	....	(4,000,000)	(4,000,000)	(4,000,000)	....	....
	CHAPTER 6						
	DEPARTMENT OF TRANSPORTATION						
	Office of the Secretary						
....	Transportation planning, research, and development.	....	....	6,900,000	....	....	-6,900,000
....	Amtrak Reform Council	....	2,450,000	....	2,450,000	....	+2,450,000
	Federal Aviation Administration						
....	Operations	....	....	47,200,000	....	....	-47,200,000
....	Facilities and equipment (Airport and Airway Trust Fund)	....	....	108,800,000	25,000,000	+25,000,000	-83,800,000
	Total, Federal Aviation Administration	....	....	156,000,000	25,000,000	+25,000,000	-131,000,000
	Research and Special Programs Administration						
	Research and special programs:						
....	Emergency transportation	....	....	....	1,000,000	+1,000,000	+1,000,000
	Total, Department of Transportation	....	2,450,000	162,900,000	28,450,000	+26,000,000	-134,450,000
	RELATED AGENCY						
	National Transportation Safety Board						
105-216	Salaries and expenses	5,400,000	5,400,000	5,400,000	5,400,000	....	....
	Total, Chapter 6:						
	New budget (obligational) authority	5,400,000	7,850,000	168,300,000	33,850,000	+26,000,000	-134,450,000

2/ FY 1999 request.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1998 (H.R. 3579)— continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	CHAPTER 7						
	DEPARTMENT OF THE TREASURY						
	Automation enhancement		28,110,000	39,410,000	35,500,000	+7,390,000	-3,910,000
	Treasury building and annex repair and restoration		17,000,000			-17,000,000	
	Financial Management Service		5,300,000	5,300,000	5,300,000		
	United States Customs Service:						
	Customs facilities, construction, improvements			5,512,000			-5,512,000
	Total, Department of the Treasury		50,410,000	50,222,000	40,800,000	-9,610,000	-9,422,000
	General Provisions						
105-216	Year 2000 century date change conversion (by transfer)	(250,000,000)					
	Total, Chapter 7:						
	New budget (obligational) authority		50,410,000	50,222,000	40,800,000	-9,610,000	-9,422,000
	(By transfer)	(250,000,000)					
	CHAPTER 8						
	DEPARTMENT OF VETERANS AFFAIRS						
	Veterans Benefits Administration						
105-177	Compensation and pensions	550,000,000	550,000,000	550,000,000	550,000,000		
	INDEPENDENT AGENCY						
	National Aeronautics and Space Administration						
105-216	Human space flight (by transfer)	(173,000,000)	(173,000,000)		(53,000,000)	(-120,000,000)	(+53,000,000)
	CHAPTER 9						
	DEPARTMENT OF AGRICULTURE						
105-215	Agricultural Research Service (rescission)	-223,000	-223,000		-223,000		-223,000
	Animal and Plant Health Inspection Service						
105-215	Salaries and expenses (rescission)	-350,000	-350,000		-350,000		-350,000
	Agricultural Marketing Service						
105-215	Marketing services (rescission)	-25,000	-25,000		-25,000		-25,000
105-215	Grain Inspection, Packers and Stockyards Administration (rescission)	-38,000	-38,000		-38,000		-38,000
105-215	Food Safety and Inspection Service (rescission)	-502,000	-502,000	-502,000	-502,000		
	Farm Service Agency						
105-215	Salaries and expenses (rescission)	-1,080,000	-1,080,000		-1,080,000		-1,080,000
	Agricultural Credit Insurance Fund Program Account:						
	Farm operating loans:						
105-228	Guaranteed unsubsidized (rescission)	-6,737,000	-6,737,000	-6,736,197	-8,273,000	-1,536,000	-1,536,803
	Total, Farm Service Agency	-7,817,000	-7,817,000	-6,736,197	-9,353,000	-1,536,000	-2,616,803
	Natural Resources Conservation Service						
105-215	Conservation operations (rescission)	-378,000	-378,000		-378,000		-378,000
	Rural Housing Service						
105-215	Salaries and expenses (rescission)	-846,000	-846,000	-846,000	-846,000		
	Food and Nutrition Service						
105-215	Child nutrition programs (rescission)	-114,000					
	Food program administration (rescission)		-114,000		-114,000		-114,000
	Total, Department of Agriculture	-10,293,000	-10,293,000	-8,084,197	-11,829,000	-1,536,000	-3,744,803
	DEPARTMENT OF TRANSPORTATION						
	Maritime Administration						
105-215	Maritime Guaranteed Loan (Title XI) Program Account: Guaranteed loans subsidy (rescission)	-2,138,000					
	DEPARTMENT OF THE INTERIOR						
	Bureau of Reclamation						
105-215	Water and related resources (rescission)	-532,000					
	DEPARTMENT OF THE INTERIOR						
	Bureau of Land Management						
105-215	Management of lands and resources (rescission)	-1,188,000	-1,188,000	-1,188,000	-1,188,000		
105-215	Oregon and California grant lands (rescission)	-2,500,000	-2,500,000	-2,500,000	-2,500,000		
	Total, Bureau of Land Management	-3,688,000	-3,688,000	-3,688,000	-3,688,000		

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1998 (H.R. 3579) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	United States Fish and Wildlife Service						
	Resource management (rescission)		-250,000	-250,000	-250,000		
105-215	Construction (rescission)	-1,188,000	-1,188,000	-1,188,000	-1,188,000		
	Total, United States Fish and Wildlife Service	-1,188,000	-1,438,000	-1,438,000	-1,438,000		
	National Park Service						
105-215	Construction (rescission)	-1,638,000	-1,638,000	-1,638,000	-1,638,000		
	Minerals Management Service						
105-216	Royalty and offshore minerals management (offset)	-3,675,000	-3,675,000	-3,675,000	-3,675,000		
	Bureau of Mines						
105-215	Mines and minerals (rescission)	-1,605,000	-1,605,000	-1,605,000	-1,605,000		
	Bureau of Indian Affairs						
105-215	Construction (rescission)	-737,000	-737,000	-837,000	-837,000	-100,000	
	Total, Department of the Interior	-12,531,000	-12,781,000	-12,881,000	-12,881,000	-100,000	
	DEPARTMENT OF AGRICULTURE						
	Forest Service						
105-215	Forest and rangeland research (rescission)	-148,000	-148,000		-148,000		-148,000
105-215	State and private forestry (rescission)	-59,000	-59,000		-59,000		-59,000
105-215	National forest system (rescission)	-1,094,000	-1,094,000		-1,094,000		-1,094,000
105-215	Wildland fire management (rescission)	-148,000	-148,000		-148,000		-148,000
105-215	Reconstruction and construction (rescission)	-30,000	-30,000		-30,000		-30,000
	Total, Forest Service	-1,479,000	-1,479,000		-1,479,000		-1,479,000
	DEPARTMENT OF HEALTH AND HUMAN SERVICES						
	Health Resources and Services Administration						
	Health professions education fund (rescission)				-11,200,000	-11,200,000	-11,200,000
	Health Care Financing Administration						
105-220	Peer review organizations (offset)	-16,000,000	-16,000,000			+16,000,000	
	DEPARTMENT OF TRANSPORTATION						
	Office of the Secretary						
105-215	Payments to air carriers (rescission)	-2,499,000	-2,500,000	-2,499,000	-2,500,000		-1,000
105-215	Payments to air carriers (Airport and Airway Trust Fund) (rescission of contract authorization)	-1,000,000	-3,000,000	-3,000,000	-3,000,000		
	Total, Office of the Secretary	-3,499,000	-5,500,000	-5,499,000	-5,500,000		-1,000
	Federal Aviation Administration						
	Facilities, engineering, and development (rescission).		-500,000		-500,000		-500,000
	Grants-in-aid for airports (Airport and Airway Trust Fund) (rescission of contract authorization)		-30,000,000	-185,893,000	-54,000,000	-24,000,000	+131,893,000
	Total, Federal Aviation Administration		-30,500,000	-185,893,000	-54,500,000	-24,000,000	+131,393,000
	Federal Railroad Administration						
	Conrail labor protection (rescission)		-508,234	-508,234	-508,234		
	Total, Department of Transportation	-3,499,000	-36,508,234	-191,900,234	-60,508,234	-24,000,000	+131,392,000
	DEPARTMENT OF THE TREASURY						
	Treasury building and annex repair and restoration (rescission)		-17,000,000			+17,000,000	
	United States Customs Service:						
	Salaries and expenses (rescission)		-6,000,000	-11,300,000	-6,000,000		+5,300,000
	Operations and maintenance, customs P-3 drug interdiction program (rescission)			-5,511,754	-4,470,000	-4,470,000	+1,041,754
	Internal Revenue Service:						
	Information technology investments (rescission)		-27,410,000	-33,410,000	-30,330,000	-2,920,000	+3,080,000
	Total, Department of the Treasury		-50,410,000	-50,221,754	-40,800,000	+9,610,000	+9,421,754

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1998 (H.R. 3579)— continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	GENERAL PROVISIONS						
	Conservation farm option program (offset)		-4,000,000		-4,000,000		-4,000,000
	Total, Chapter 9:						
	New budget (obligational) authority	-46,472,000	-131,471,234	-263,087,185	-142,697,234	-11,226,000	+120,389,951
	Rescissions	(-25,797,000)	(-74,796,234)	(-70,519,185)	(-78,022,234)	(-3,226,000)	(-7,503,049)
	Rescissions of contract authorization	(-1,000,000)	(-33,000,000)	(-188,893,000)	(-57,000,000)	(-24,000,000)	(+131,893,000)
	Offsets	(-19,675,000)	(-23,675,000)	(-3,675,000)	(-7,675,000)	(+16,000,000)	(-4,000,000)
	GENERAL PROVISIONS						
	Emergency Trade Deficit Review Commission Act			2,000,000			-2,000,000
	Total, title III:						
	New budget (obligational) authority (net)	18,476,575,000	552,802,066	18,458,603,012	549,567,066	-3,235,000	-17,909,035,946
	Appropriations	(18,523,047,000)	(684,273,300)	(18,721,690,197)	(692,264,300)	(+7,991,000)	(-18,029,425,897)
	Rescissions	(-25,797,000)	(-74,796,234)	(-70,519,185)	(-78,022,234)	(-3,226,000)	(-7,503,049)
	Rescissions of contract authorization	(-1,000,000)	(-33,000,000)	(-188,893,000)	(-57,000,000)	(-24,000,000)	(+131,893,000)
	Offsets	(-19,675,000)	(-23,675,000)	(-3,675,000)	(-7,675,000)	(+16,000,000)	(-4,000,000)
	(By transfer)	(438,163,000)	(180,163,000)	(11,163,000)	(60,163,000)	(-120,000,000)	(+49,000,000)
	(Loan authorizations)	(73,976,000)	(132,790,000)	(111,900,000)	(167,134,000)	(+34,344,000)	(+55,234,000)
	Grand total, all titles:						
	New budget (obligational) authority (net)	22,597,439,000	551,430,066	23,859,654,012	3,409,562,066	+2,858,132,000	-20,450,091,946
	Appropriations	(18,523,047,000)	(684,273,300)	(18,721,690,197)	(692,264,300)	(+7,991,000)	(-18,029,425,897)
	Emergency appropriations	(2,238,835,000)	(2,432,085,000)	(1,867,428,000)	(2,416,035,000)	(-16,050,000)	(+548,607,000)
	Contingent emergency appropriations	(1,882,029,000)	(451,543,000)	(3,533,623,000)	(3,032,150,000)	(+2,580,607,000)	(-501,473,000)
	Rescissions	(-25,797,000)	(-2,593,396,234)	(-70,519,185)	(-2,425,212,234)	(+168,184,000)	(-2,354,693,049)
	Rescissions of contract authorization	(-1,000,000)	(-399,400,000)	(-188,893,000)	(-298,000,000)	(+101,400,000)	(-109,107,000)
	Offsets	(-19,675,000)	(-23,675,000)	(-3,675,000)	(-7,675,000)	(+16,000,000)	(-4,000,000)
	(By transfer)	(438,163,000)	(185,163,000)	(51,163,000)	(105,163,000)	(-80,000,000)	(+54,000,000)
	(By transfer) (contingent emergency appropriations)	(5,000,000)		(5,000,000)			(-5,000,000)
	(Limitation on obligations)		(1,668,600,000)			(-1,668,600,000)	
	(Loan authorizations)	(160,976,000)	(219,790,000)	(304,000,000)	(254,534,000)	(+34,744,000)	(-49,466,000)
	DISCRETIONARY SPENDING RECAP						
	Title I:						
	Defense	2,021,147,000	2,288,252,000	2,450,247,000	2,859,995,000	+571,743,000	+409,748,000
	Title II:						
	Emergency	2,099,717,000	595,376,000	2,950,804,000	2,588,190,000	+1,992,814,000	-362,614,000
	Offset		-2,885,000,000		-2,588,190,000	+296,810,000	-2,588,190,000
	Total	2,099,717,000	-2,289,624,000	2,955,804,000		+2,289,624,000	-2,950,804,000
	Title III:						
	Non-emergency	17,973,047,000	134,003,000	18,171,690,197	141,994,000	+7,991,000	-18,029,696,197
	Rescissions	-46,358,000	-131,471,234	-263,087,185	-142,697,234	-11,226,000	+120,389,951
	Total	17,926,689,000	2,531,766	17,908,603,012	-703,234	-3,235,000	-17,909,306,246

1/ House column for Title III reflects H.R. 3580 as reported by the House.

2/ FY 1999 request.

Mr. LIVINGSTON. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I think, in fairness to Members of the House, they should understand that the White House has apparently decided that the President will sign this bill. And I understand why he feels he has to do that given some of the funding in the bill. But I think there are many problems with the bill that will lead me to vote "no." I will be explaining them at a later moment in the debate.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Pennsylvania (Mr. MURTHA), ranking member on the Subcommittee on National Security.

Mr. MURTHA. Mr. Speaker, I want to compliment the chairman of the full committee because I stood here several weeks ago and I told him what might happen, and he took it to heart and he got the bill done, and I know it was not an easy bill to pass. So my compliments to everybody that was involved.

I am delighted to see in defense nothing is offset. And it is so important because we have such a problem with O&M and readiness and defense. I could not have voted for this bill if it were offset even domestically for defense. So the compromise was exactly the right compromise.

I am disappointed that IMF is not in this bill. We have assurances it will be brought up sometime in the near future. I hope it will be. I have a concern about section 8 housing. I hope it is not a ploy where the Committee on Appropriations next year suffers because we have to find the money to pay for it. I hope they do raise the caps, as they said they are going to do.

But I believe this is important that we vote for it because the money has been spent for defense. It takes care of a very important shortfall in defense. And I would urge all the Members to vote for this supplemental, which was worked out so carefully, and so many things that were kept from being put in the bill which would have made it impossible for us to vote for it.

□ 1700

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. FAZIO), the distinguished ranking member of the Subcommittee on Energy and Water Development.

Mr. FAZIO of California. Mr. Speaker, sometimes these bills are known for what they do and sometimes for what they do not do. I think that most of us today are pleased that we are beginning to attend to the problems created by the disasters that have befallen this country over the last number of months. But the sad reality is that this bill will be known for what it does not do, and that is, deal with the U.N. arrearage and with the funding of the International Monetary Fund.

We are on the verge of a potential loss of hundreds of thousands of American jobs because of the sickness in the economies of a number of nations in Southeast Asia, potentially South Korea, exacerbated by problems in Japan of a very different nature, but all of which need to be addressed by an international agency we helped create and we lead called the IMF. Their funding has been held up. While we may have some vague assurances that it will come before us, we do not know when, in what form or whether or not it will be adequate or timely to meet the needs that we as Americans have in the economic sphere.

Yes, we are booming in our country. Our economy is producing at a rate unheard of in post-World War II America. All of the indices are in positive territory. But leadership requires us to look to the future, to see on the horizon the iceberg that could well bring us down.

Our failure to fund the IMF in this bill at this time could well be a monumental mistake that we cannot even fully understand and appreciate at this time. Certainly our efforts to bring the U.N. behind us in Iraq have been deterred by our unwillingness to provide money we agree we owe that international agency.

As a result of our failure to include those funds in this bill because of another separate debate on international family planning which continues year in, year out in this institution, I think we are showing an inability, frankly, to take the leadership role that has been given to this Nation at this point in our history. I regret that despite, I think, the inclination of many Members on both sides of the aisle on this committee and an overwhelming majority of Members of the other body, despite that unanimity of thinking, because of the majority leadership in this institution, we have been prevented from taking up these two most important issues. I hope we do not rue the day. I fear we will.

It is for that reason that I think this bill comes up short of the responsibilities that we should have taken. I think for that reason many Members will vote "no".

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. I want to thank the gentleman for yielding me this time.

Mr. Speaker, I am always pleased when we can reach compromise or when there is any kind of compromise reached. It means that the body is working well. But it frightens me when I hear compromise reached talking about excess Section 8 housing.

It is very difficult to convince the thousands of homeless people throughout America that there is some excess housing. It is difficult to convince the people who live in my congressional district in the City of Chicago that there is excess Section 8 housing. I would hope that this is not a trend. And I would hope that even if we reach a compromise where this legislation is passed, that we do not find ourselves back talking about reducing Section 8 housing because there might have been some resources that were not used at this time.

For this reason, I think it comes up short, and I certainly would hope that there would be Members who feel the same way and would vote against this compromise.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Illinois. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, I certainly agree with the statement made by the distinguished gentleman from Illinois. My district also will suffer from the lack of Section 8 housing. As the gentleman said so eloquently, there is no shortage in the need for Section 8 housing.

The gentleman from Louisiana, the chairman of the committee, said that these funds that were deleted were excess. The gentleman from Illinois is right. There is no excess. The $2 billion that were taken from the program in this bill are not going to be put back in the next budget because there will be a $7 billion shortfall in Section 8 housing in that budget. And so the $2 billion that are out, I fear are out for the balance.

Mr. OBEY. Mr. Speaker, I yield myself 9 minutes.

Mr. Speaker, I understand why some Members of the House who have had disasters in their area will want to vote for this bill, but I am profoundly disturbed by the way this bill has developed. I will certainly be casting a "no" vote, and I think I owe the House an explanation.

Some of the items in this bill were requested by the administration more than a year ago. This bill originally was supposed to do basically five major things and a few minor things. It was supposed to provide disaster relief; it was supposed to provide funding for the cost of the troops' operating in Bosnia and in Kuwait. The administration also asked the Congress to provide replenishment funding for the International Monetary Fund to help them protect the U.S. economy from further currency crunches. It also asked the Congress to provide the arrearages that we have had for many years so that we could more effectively shape the direction of the United Nations. And it had some other items, including a $16 million request to actually make Kennedy-Kassebaum work, providing the Federal assistance necessary to see to it that persons who did lose their health coverage when they changed jobs could actually get the help that they were promised in that legislation.

This bill is very different now. It has a laundry list of items that should not be in the bill. And there are major items which should be in the bill which are sadly missing.

Here is a sampling of some of the riders in the bill: A six-lane highway through the Petroglyph National Monument in New Mexico, a sacred burial ground for the Indian tribes. That is there despite the opposition of the local mayor and many other officials. A second item, a $66 million gift to the oil companies by blocking collection of full royalty payments from oil companies who operate on American lands that are owned by the taxpayer. Third, as I said, the missing $14 million to make Kennedy-Kassebaum a reality.

That bill passed with only two dissenting votes, I believe, in this House last year. There was not a politician in Washington who did not break his or her neck running to a microphone or running to a television interview to brag about how much they were doing to help people who were losing their health insurance when they changed jobs and had preexisting conditions, and so therefore could not get new coverage. The money that was needed in this bill to make that a reality for thousands and thousands of Americans is denied because of a strong lobbying job. I think that is enough to give hypocrisy a bad name.

The offsets provided in the bill. There are no offsets for the defense expenditures in the bill. But as the gentleman from Illinois just indicated, there are $2.3 billion in additional cuts in Section 8 housing to pay for disaster assistance expenses. In plain English, much of that housing goes, one-third of it goes to low-income seniors whose average income is $7,500 a year.

Now, it is said, "Oh, we don't need that money this year." It is true that for technical reasons, that money is not needed in this existing fiscal year. But we will be marking up the bills for the next fiscal year in about a month, and we are told by the General Accounting Office that there is already an existing $4.6 billion gap in that program over a period of time. In other words, we will have to put $4.6 billion of additional resources into that program that are not presently available. This action by the Congress today digs that hole $2.3 billion deeper. So we will have to provide $7 billion in additional money that we do not have.

Now, we are told by some on the majority side, "Well, don't worry, these cuts will never take place." If that is the case, then these are phony cuts, and I would ask, if you do not plan to take it out of here long-term, if this is a one-month shell game, then who are the real people who are going to get socked with that $2.3 billion reduction? The fact is, right now, we do not know.

There are two other major problems with this bill. The United States leadership on a bipartisan basis at the end of World War II created the United Nations so that we would have an instrument, an international instrument to try to deal with international issues in ways that were consistent with the needs of the United States. For almost a generation, that organization has many times driven me and many other Americans nuts because it has been a Tower of Babel, it has been often the center of demagoguery and irresponsibility and cronyism. But the fact is that now that the Soviet Union has collapsed, we have an opportunity to finally reorganize that organization and make it a more effective instrument that will be consistent with American foreign policy.

Yet we are denying our representatives in the U.N. the money that is needed to make our hand more effective in dealing with that reorganization and in shaping their policies on issues ranging from Iraq to you name it in ways which will serve U.S. interests. I think it is a tragedy that that item is being held hostage to an extraneous matter that is not even in this bill.

Then we have the case of the International Monetary Fund. In September, the Speaker of this House sent a letter to the administration indicating that the administration was correct to seek that funding. And then in that same letter the Speaker indicated that IMF funding was going to be held hostage to the same extraneous family planning issue that is not even in this bill.

Last week, the Speaker took this microphone and told the House that there were so many things wrong with the IMF that he was dubious that we should provide any funding for it at all. That was switch number one.

Then today I was amazed to see an article in the Washington Post headlined, Gingrich Threatens White House on IMF. It went on to say the following: "The Speaker warned that the failure of the White House to cooperate with investigations jeopardized the administration's legislative priorities." It then went on to indicate that the Speaker indicated that unless he was happy with the cooperation he was getting from the administration on that front, that they were going to withhold funding for the International Monetary Fund, and then suggested that the President had no moral standing to ask for that money.

□ 1715

Let me simply say that I think that that threat takes us back to the good old days 2 years ago when the Speaker indicated that one of the reasons that he helped to shut down the government was because he got a bad seat on Air Force One.

I would point out that what comments like that do is to turn what we do in this House into an argument about what we do to each other in Washington, and that is not what this House is supposed to be all about. What we do in this House is not supposed to be about what we do to each other. It is supposed to be about what we do together on behalf of the people who sent us here in the first place, and I would urge the Speaker to remember that and all other Members as well.

I would also say that if the Speaker decides to continue to hold the IMF hostage, in the end that is not going to hurt Bill Clinton. This is not Bill Clinton's economy. This is the economy of every single American. If we have another currency crisis, the jobs that will be lost will not be Mr. Clinton's or the gentleman from Georgia's (Mr. GINGRICH) or any of ours, though perhaps they should be. Instead, it will be hard-working U.S. workers or hard-working U.S. farmers who lose export markets and lose their jobs because of it.

I would like to read to my colleagues what another Republican said about this issue in a very different time when I was leading the fight for his request for IMF funding. Ronald Reagan said the following in 1983: "My administration is committed to do what is legitimately needed to help ensure that the IMF continues as the cornerstone of the international financial system."

"Let me make something very plain." Mr. Reagan said, "I have an unbreakable commitment to increase funding for the IMF, but the U.S. Congress so far has failed to act to pass the enabling legislation. I urge the Congress to be mindful of its responsibility and to meet the pledge of our government."

Leonard Silk in the New York Times wrote about Mr. Reagan in September of that same year, saying: "Mr. Reagan went about as far in his speech yesterday as he could to end the dispute by scolding members of his own party as well as the Democrats for playing politics. He said he did not appreciate the partisan wrangling and political posturing over the issue and urged members of both parties to lay aside their differences, to abandon harsh rhetoric and unreasonable demands and to get on with the task in the spirit of true bipartisanship."

I would say those words were true then, and they are most certainly true now.

So I would simply say I intend to vote no on this bill today for the reasons that I have listed. I believe that this House is engaging in irresponsible and needlessly reckless conduct which is putting at risk the national interests of the United States and is in the process of bringing the actions of this House into considerable disrepute.

I thought last year we had gotten over the partisanship and we were going to be able to deal together on appropriation bills in a constructive way, the way I thought we did for most of last year. I regret that we seem to be regressing into an "election year, anything goes" mode. That may suit the needs of some people in this body, it does not suit the needs of the people who sent us here. And if this House continues to withhold these items, it should be ashamed of the political way in which it is acting.

Mr. LIVINGSTON. Mr. Speaker, I yield such time as he may consume to the very distinguished gentleman from Florida (Mr. SCARBOROUGH), a member of the Committee on National Security, for purposes of a colloquy only.

Mr. SCARBOROUGH. Mr. Speaker, first of all, I want to thank the gentleman from Louisiana (Mr. LIVINGSTON) and the other conferees for inserting language into the conference report addressing a serious situation with respect to implementation in section 220 of Public Law 104-333.

As the gentleman is aware, the gentlewoman from Florida (Mrs. FOWLER), Senators MACK and GRAMM and the entire Florida delegation and I have been fighting this battle to implement this law that Congress passed and President Clinton signed over 2 years ago. While I am certain it was not the intention of the conferees, the actual report language may mistake the situation with regard to the problem.

While the report language states that the maps were not received by the Fish and Wildlife Service in a timely manner and that these maps were lost in the mail, those facts are in dispute, and that portion of the report language is a cause for concern. In fact, the Committee on Resources will hold hearings on this issue in the near future.

Therefore, is it the gentleman's understanding that the conferees did not intend to state as a matter of fact whether or not Fish and Wildlife received the maps in a timely manner or whether or not the maps were lost in the mail?

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. SCARBOROUGH. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, the gentleman is fundamentally correct. It was not the intent of the committee to interpret the facts of the situation but rather to highlight the problem for future action.

Mr. SCARBOROUGH. I thank the gentleman. I appreciate his willingness to work with the gentlewoman from Florida (Mrs. FOWLER) and myself and the entire Florida delegation to address this lingering serious problem with the fiscal year 1999 Interior appropriations bill, another legislative vehicle as soon as possible, and we all certainly look forward to working with the gentleman and the gentleman from Ohio (Mr. REGULA).

Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman for his concern and compliment him on trying to solve a very serious problem that affects the people of his State.

Mr. Speaker, I yield such time as he might consume to the very distinguished gentleman from Florida (Mr. YOUNG) the chairman of the Subcommittee on National Security.

Mr. YOUNG of Florida. Mr. Speaker, first, I would like to compliment the gentleman from Louisiana (Mr. LIVINGSTON) and the gentleman from Wisconsin (Mr. OBEY) the ranking member on the Committee on Appropriations for having, in a very short time, conferenced this bill that, as we have noticed from debate, did have some very strong difference of opinions. But the Members on both sides worked hard together to come up with a solution, and I think we have come up with a pretty good conference report.

Is it exactly the way I wanted it? No, there were a few things I wanted in this bill that we were not able to do, and there was some other things put in the bill that I would prefer we had not. But that is the way that a conference works, and I compliment all the Members who played a role there.

As we discuss the defense part of this bill, I would like to say that the gentleman from Pennsylvania (Mr. MURTHA) who was the ranking member and the former chairman and I have worked together, extremely close and extremely hard, determined to keep anything relative to the security of our Nation free of partisan politics; and I compliment Mr. MURTHA for that and all the members of our subcommittee. And we have done that.

There are no partisan politics in the defense part of this bill. There may be some different opinions, but that is not unusual when there is a body of 435 independently elected men and women and a hundred in the other body.

I would like to talk just a few minutes about the defense part of this bill and mention that most of the defense funding in this bill goes to pay for deployments that have already been made and that are already under way. We have soldiers and sailors, marines and airmen scattered all over the world in numerous deployments, some of which are essential, some of which are very questionable, which some of us support, which some of us did not support.

But, nonetheless, they are there, and it is up to us to guarantee that they have whatever it is they need to accomplish their mission and to give themselves some protection at the same time they are doing this.

Now while they are doing this they are performing a lot of missions for the United Nations, a lot of missions that we do not get credit for on the accounting ledger at the U.N., and I think we ought to get credit for that. For those who want to talk about us being in arrears, let us get some real accounting and get credit for the moneys that we spend on those United Nations type deployments.

But let me say this, that since I have been chairman of this subcommittee and we have been the majority party, we have offset every penny for these deployments in that 3½ year period. Over $12 billion we have offset, which means we took it from the already appropriated accounts for the Army, the Navy, the Marine Corps and the United States Air Force. We took it out of moneys they were planning for training, for readiness, for quality of life, $12 billion we had already offset.

Now we cannot afford to continue to do that. If my colleagues had been able to be at a meeting with me at the Pentagon on Monday that the gentleman from Missouri (Mr. SKELTON) and I attended, they would have heard some very sad stories from the Secretary of Defense and the chairmen of the Joint Chiefs, and I think it is a shame to hear the stories that they are telling about what is happening to the military while the deployed forces were working hard to keep them ready and keep them well-equipped. The nondeployed forces back home are running out of equipment, running out of training money.

Let us pass this bill. Let us avoid the political implications. Let us remember that we are talking about providing funding for our American troops in uniform who have been sent around the world, and that is what this bill does.

Ms. PELOSI. Mr. Speaker, as a conferee, I rise today in opposition to the Emergency Supplemental Appropriations bill and to express serious concerns about this bill before us today. The conference report on H.R. 3579 is a flawed product, calling non-emergency spending and riders emergencies, while ignoring real emergencies. It is flawed both because of what is in it, and because of what is not in it.

I understand the real needs of people in this country who have suffered from natural disasters and believe that we must provide funding for this disaster assistance. We all support pitching in to help families and communities rebuild after forces beyond their control have wreaked havoc on their lives. I also join many of my colleagues in supporting the needed funding to maintain our troops in Bosnia and the Persian Gulf.

I object, however, to the unfair and capricious way in which decisions about what spending to off-set were made. It is no small mystery how the majority could decide that defense spending in this bill, including over $200 million in non-emergency projects, would not be offset, but that domestic disaster assistance would be. This means that important social or domestic programs are cut, but defense programs are not.

I am particularly troubled by the actions of this Congress to ransack the Section 8 housing reserves once again, in order to provide the off-set funding. This bill rescinds $2.347

billion in Section 8 reserves, placing 450,000 households in serious jeopardy of losing their homes. For my colleagues who may not be fully aware of the Section 8 program, they should know that almost one-third of Section 8-assisted households are elderly, another twelve percent are disabled, and most of the rest are families with children. The median income of Section 8-assisted households is just over $7,500. In order to prevent these people from becoming homeless, Congress will have to come up with the funding which we are now using for other purposes. We are essentially robbing Peter to pay Paul and the bill will come due soon.

The inequity in funding issues is not the only troubling aspect of this supplemental appropriations bill. The bill contains several controversial legislative riders which are opposed by many in this Congress. They represent the majority's bad habit of putting anti-environmental, special interest and anti-consumer legislation on appropriations bills in order to get them signed into law by the President.

My colleagues should be aware that the supplemental appropriations bill before us provides an on-going windfall for major oil companies by prohibiting the Department of the Interior from publishing a final rule to ensure that the American taxpayer receives market value for oil resources on national lands. Each year, these major oil companies underpay royalties to the Federal Treasury by $100 million for oil they produce on federal public lands. Much of this money goes directly for funding public schools, so, because of a non-emergency legislative provision included in this bill, we are feeding oil companies vast profits at the expense of our children. In addition, delaying the implementation of this rule could jeopardize a legal case brought by the Department of Justice against the very same oil companies which are pushing for the delay. The companies have been charged with shortchanging the government on oil revenues—in other words, cheating the taxpayer out of billions of dollars in royalties. This legislative rider is not right—and it certainly does not belong in an emergency supplemental appropriations bill—unless you buy the argument that the emergency is one experienced by the oil companies and that Congress should be helping them out.

I am also opposed to the legislative provision in this spending bill which would allow for the construction of a six-lane highway through Petroglyph National Monument in New Mexico. The purpose of National Monuments is to preserve for future generations sites of national significance and interest. In this particular case, Petroglyph National Monument is not only important for its historical significance, preserving important examples of Native American rock art, but also for its religious and cultural significance for Indian communities in the Southwest. The controversy over Petroglyph Park has been on-going in the Albuquerque area, where the Mayor does not want the road, and Congress should not intrude. It certainly does not rise to the level of an emergency which Congress must include in this bill.

I join my colleagues, too, in expressing my concern that this bill does not address several real emergencies—the need for funding for the International Monetary Fund (IMF) and for our unpaid debt to the United Nations. Both of these matters have reached the urgent stage and Congressional inaction on them in hindering the Administration's ability to conduct the nation's foreign policy.

We are undermining our own economic stability by not providing needed funding for the IMF. I would be one of the first to argue that the IMF needs reforms. The House Banking Committee passed, by a vote of 40 to 9, a framework for those reforms. Unfortunately, the bill before us today does not include that framework or the funding, taking real risks with our economic future and undermining the Administration's ability to negotiate much-needed reforms.

Our national security interests are also undermined by the continuing dead-beat status of the U.S. at the United Nations. Congressional inaction on funding U.N. arrears—what we owe to the U.N.—is undermining the very reforms which some in this body advocate so vociferously. It is ironic that while we are considering emergency spending legislation today, we are not considering funding for two very real emergencies with consequences for all Americans—IMF funding and U.N. arrears.

This Congress can and must do better. We should be able to work together to develop legislation to meet true emergencies—including alleviating the suffering of Americans who have been the victims of natural disasters—without harming the most vulnerable in our society. I urge my colleagues to oppose this conference report.

Mr. MILLER of California. Mr. Speaker, I rise against this misnamed emergency supplemental bill. Many Members will debate provisions in this bill that are very troublesome and that have been well publicized. I want to take a few moments to alert Members to a few provisions that certainly do not qualify as "emergency", and that have no reason to be in this legislation except to shower additional taxpayer dollars on special interests.

Just yesterday, during the Conference meeting on this bill, the conferees added language at the behest of the Senator from Texas, Mrs. HUTCHISON, that will allow oil companies to avoid paying taxpayers a fair royalty for oil and gas produced from public lands. Now, this provision was not in the House bill. It was not in the Senate bill. But we all know what happened: the oil industry saw an opportunity to make millions of dollars off the taxpayers, who own the oil and gas, by getting a rider in an emergency spending bill.

So the oil industry went to a friendly Senator and suddenly, a multi-million dollar gift falls into the industry's lap, and the taxpayers once again are left shortchanged. I am told that the lead lobbyist from the American Petroleum Institute, which was advocating this maneuver, was actually seen sitting at the Conference table, presumably helping the proponents craft the rider in just the right way to maximize profits for the oil industry at the expense of the taxpayer. How convenient.

Members should understand that we are now aware that the taxpayers have been shortchanged hundreds of millions of dollars by energy companies operating on the public lands. That is well documented. And the Administration rightly has taken legal action to recover those millions of dollars for the taxpayers. But this amendment—drafted by the oil industry—would stop the Interior Department from doing what it is legally charged with doing: assuring a fair return to the public from the production of its own oil and gas!

But the conferees didn't stop there. No, they have lots more expensive gifts for the oil industry—paid for by the unwitting taxpayer.

A few years ago, Congress very unwisely created a "royalty holiday" for the oil industry in the supposed deep water of the Gulf of Mexico. Companies willing to drill in these supposedly perilous depths were given leases that included millions of barrels of oil on which they would not have to pay the standard 12.5% royalty; in fact, they wouldn't have to pay any royalty on tens of millions of barrels of oil.

Of course, we knew oil companies would pay more for these royalty-free leases; why not, since they knew they wouldn't have to pay out royalties. But Congress still insisted that the Secretary of the Interior should have the flexibility to modify royalty rates (when they finally do kick in) to assure that taxpayers receive fair market value. That was the deal the oil companies signed off on when they endorsed the royalty "holiday" bill.

Now, everyone knows oil exploration and production in the Gulf is at fever pitch. In fact, deep water development was proceeding at an unprecedented rate even before we unwisely enacted the "royalty holiday." But apparently the incentives weren't high enough, because stuck in the Statement of Managers for this so-called "emergency" bill is a provision that prevents the Interior Department from using authority granted in the "holiday" law to increase future royalty rates if, as we predicted, it might be needed to compensate for the excessive "holiday" giveaway.

The oil industry, which so happily embraced the royalty "holiday" in 1995 now wants even more; having benefitted from the "holiday" law for the past two years, now it wants more profits at taxpayer expense. And the conferees are going along with the deception.

Mr. Speaker, the oil industry does not need these provisions in this so-called "emergency" bill. Well completions were up in 1997; production in the lower 48 was up for the first time in 6 years in 1997. If restricting the authority of federal officials to ensure that the taxpayers are properly compensated is so important, then let the Resources Committee bring legislation to the floor of the House, not sneak it into legislation intended to provide urgent assistance to our citizens.

Mr. LIVINGSTON. Mr. Speaker, I have no further requests for time, and if the gentleman is prepared to yield back the balance of his time, so am I.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

Mr. LIVINGSTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLATTE). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 242, nays 163, answered "present" 2, not voting 25, as follows:

[Roll No. 121]

YEAS—242

Aderholt
Allen
Archer
Armey
Bachus
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Borski
Boyd
Brady
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Doyle
Dreier
Edwards
Ehrlich
Emerson
English
Ensign
Etheridge
Evans
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Gutknecht
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Mica
Miller (FL)
Minge
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Ortiz
Oxley
Packard
Pappas
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Rogan
Rogers
Ros-Lehtinen
Roukema
Ryun
Salmon
Sánchez
Saxton
Scarborough
Schaffer, Bob
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Towns
Traficant
Turner
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Woolsey
Young (AK)
Young (FL)

NAYS—163

Abercrombie
Ackerman
Andrews
Baesler
Barcia
Barrett (WI)
Becerra
Bentsen
Berry
Bilbray
Blagojevich
Blumenauer
Bonior
Boswell
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Camp
Campbell
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Coble
Conyers
Costello
Coyne
Crapo
Cummings
Danner
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Duncan
Ehlers
Engel
Eshoo
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Goode
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hoekstra
Hooley
Hoyer
Inglis
Jackson (IL)
Jackson-Lee (TX)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McNulty
Meeks (NY)
Menendez
Millender-McDonald
Mink
Moakley
Morella
Nadler
Neal
Neumann
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Poshard
Price (NC)
Rahall
Rangel
Rivers
Roemer
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sanford
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Souder
Spratt
Stabenow
Stark
Stokes
Stupak
Tierney
Torres
Upton
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Wynn
Yates

ANSWERED "PRESENT"—2

Bono
Capps

NOT VOTING—25

Baker
Bateman
Berman
Bliley
Bunning
DeFazio
Dixon
Dunn
Gonzalez
Green
Greenwood
Hall (TX)
Kennelly
Maloney (NY)
Meehan
Meek (FL)
Metcalf
Miller (CA)
Parker
Paxon
Sandlin
Schaefer, Dan
Sensenbrenner
Smith (MI)
Thompson

□ 1750

The Clerk announced the following pairs:

On this vote:

Mr. Bunning for, with Mr. Green against.

Mr. Bliley for, with Mr. DeFazio against.

Mr. INGLIS of South Carolina and Mr. EHLERS changed their vote from "yea" to "nay."

Mr. TOWNS, Mr. EDWARDS and Ms. McKINNEY changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY CHAIRMAN OF COMMITTEE ON RULES REGARDING CONSIDERATION OF AMENDMENTS TO H.R. 10, FINANCIAL SERVICES MODERNIZATION ACT OF 1998

Mr. SOLOMON. Mr. Speaker, the Committee on Rules is expected to meet during the week of May 4 to grant a rule which may restrict amendments to be offered to H.R. 10. H.R. 10 is the Financial Services Modernization Act.

Any Member who wishes to offer an amendment should submit 55 copies and a brief explanation of the amendment by Tuesday, May 5 at 5 p.m. to the Committee on Rules in room H-312 upstairs.

Amendments should be drafted to the text of the amendment in the nature of a substitute submitted by the chairman of the Committee on Banking and Financial Services and the Committee on Commerce and printed in the CONGRESSIONAL RECORD today, April 30.

This amendment in the nature of a substitute consists of the base text which was made in order by the Committee on Rules on March 30, which is contained in House report 105–474, except the credit union title, title V, which passed the House April 1 under suspension of the rules. That is removed from the bill.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and they should check with the Office of the Parliamentarian to ensure that their amendments comply with the rules of the House.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 375

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of House Resolution 375.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION FOR PERMANENT SELECT COMMITTEE ON INTELLIGENCE TO HAVE UNTIL MIDNIGHT, MAY 4, 1998, TO FILE REPORT ON H.R. 3694, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1999

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the Permanent Select Committee on Intelligence have until midnight, May 4, 1998, to file its report on the bill, H.R. 3694.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

INTELLIGENCE AUTHORIZATION ACT OF FISCAL YEAR 1999

(Mr. GOSS asked and was given permission to address the House for 1 minute.)

Mr. GOSS. Mr. Speaker, as I indicated earlier today, I wish to announce to all Members of the House that the Permanent Select Committee on Intelligence ordered H.R. 3694, which is the "Intelligence Authorization Act for Fiscal Year 1999," reported favorably to the House. That report will be filed on Monday, May 4, pursuant to the unanimous consent request just granted.

I would also like to announce that the classified annex and the classified schedule of authorizations accompanying H.R. 3694 will be available for review by Members at the offices of the Permanent Select Committee on Intelligence in room H–405 of the Capitol beginning after the bill is filed on Monday.

The committee office will be open during regular business hours for the convenience of any Member who wishes to review this material prior to its consideration by the House. I anticipate that H.R. 3694 will be considered on the floor next week, possibly Friday, May 8, or perhaps sooner.

I would recommend that Members wishing to review the classified annex contact the committee's chief of security to arrange a time and a date for that viewing. This will assure the availability of committee staff to assist Members who desire that assistance during their review of these classified materials.

Mr. Speaker, I urge Members to take some time to review these classified documents before the bill is brought to the floor in order to better understand the recommendations of the committee. The classified annex to the committee's report contains the Permanent Select Committee on Intelligence's recommendations on the intelligence budget for fiscal year 1999 and related classified information that may not be publicly disclosed.

It is important that Members keep in mind the requirements of clause 13 of rule 43 of the House adopted at beginning of the 104th Congress. That rule, as Members will recall, only permits access to the classified information by those Members of the House who have signed the oath set out in Rule 43.

Obviously, the committee will assist any Member who wishes to sign such an oath, and there are other details of the procedure that Members can find out by calling the committee.

I very much encourage Members to take advantage of this, because obviously there are some things we cannot discuss publicly here and I want to make sure all Members are comfortable with all aspects of what we are doing in our committee.

JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

LEGISLATIVE PROGRAM

(Mr. FAZIO of California asked and was given permission to address the House for 1 minute.)

Mr. FAZIO of California. Mr. Speaker, I take this time so that so I may yield to the majority whip to outline the schedule for next week.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I thank the distinguished gentleman from California (Mr. FAZIO), chairman of the Democratic Caucus, for yielding.

Mr. Speaker, I am pleased to announce that we have concluded legislative business for the week and that the House will next meet on Monday, May 4, at 2 p.m. for pro forma session. There will be no legislative business and no votes that day.

On Tuesday, May 5, the House will meet at 12:30 p.m. for morning hour and at 2 p.m. for legislative business.

On Tuesday we will consider a number of bills under suspension of the rules, a list of which will be distributed to the Members' offices. But Members should know that we do not expect any recorded votes before 5 o'clock on May 5.

On Wednesday, May 6, and the balance of the week, the House will meet at 10 a.m. for legislative business.

On Tuesday evening we could resume H.R. 6, or we could pick it up again on Wednesday, but we do hope to continue consideration of H.R. 6, the Higher Education Amendments of 1998.

Also on Wednesday and throughout the balance of the week the House will consider the following legislation: H.R. 1872, the Communications Satellite Competition and Privatization Act of 1997; H.R. 10, the Financial Services Competition Act of 1997; and H.R. 3694, the Intelligence Authorization Act for Fiscal Year 1999.

Mr. Speaker, we hope to conclude legislative business for the week by 2 p.m. on Friday, May 8.

Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. FAZIO of California. Mr. Speaker, reclaiming my time, I have a few questions I would like to pose to the majority whip. First of all, does the gentleman really anticipate any late nights next week? I am happy to yield for a response.

Mr. DELAY. Mr. Speaker, Wednesday and Thursday could be late nights. But we do not like late nights, so we are going to discourage them as much as we can.

Mr. FAZIO of California. Mr. Speaker, again reclaiming my time and then I will yield further, in reference to the Higher Education bill, can we anticipate that the Riggs amendment, which has been so hotly debated, will take place on Wednesday so Members who wish to participate and vote on that can be assured that it will not occur on Tuesday night?

Mr. DELAY. Mr. Speaker, I appreciate the gentleman again yielding, I just want to say that we are trying to work that out with the gentleman's side of the aisle. Certainly, we will come to some sort of agreement before we move on the Riggs amendment. We want to cooperate with everyone and make sure that everyone has an opportunity to debate that bill.

As soon as we know what the gentleman's side wants and what we agree to, then we will announce it to the membership.

Mr. FAZIO of California. Mr. Speaker, I think it does appear at end of the bill so it would be very likely to be the last debate prior to final passage, I would assume.

Mr. DELAY. I hope we can work it out.

Mr. FAZIO of California. Mr. Speaker, I thank the gentleman for that assurance. Let me also ask, given the fact that we have Mother's Day weekend coming, I know that the gentleman from Texas would be sensitive to the issue of Friday votes. Is it possible that votes on Friday may not occur, or is this just simply a reservation to assure that we would accomplish the main goals of the week?

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding again and would say that if we have the kind of cooperation we got today from his side, we possibly may not have votes on Friday. But I think Members should anticipate that we could have votes on Friday. We are going to work as hard as we can to avoid that, but we cannot guarantee that that will not happen.

Right now we are telling Members that we will have votes on Friday up until about 2 p.m.

Mr. FAZIO of California. Mr. Speaker, I appreciate that. Let me ask one further question, Mr. Speaker, and I would be happy to yield to the gentleman for an answer.

Where are we on working out the details under which we will take up campaign finance reform on the floor? How close are we, and what kind of a rule are we going to be dealing with? Obviously, there is a great deal of interest on our side in this regard.

□ 1800

Mr. DELAY. We want to make sure that this is an open and honest process, an honest debate. So your side will be consulted, even before we go to rules.

The Committee on Rules chairman has been charged by the Speaker to write an open rule so that every Member, both Democrat and Republican, will have an opportunity to address the issues that are important to them. We want to make sure that the gentleman's side is as happy with the rule as we are, and that we have an open rule.

Mr. FAZIO of California. I appreciate that. And I see the gentleman from upstate New York (Mr. SOLOMON), my friend, shaking his head. He is committed, and we look forward to working that out with the majority.

ADJOURNMENT TO MONDAY, MAY 4, 1998

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TUESDAY, MAY 5, 1998

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, May 4, 1998, it adjourn to meet at 12:30 p.m. on Tuesday, May 5, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CERTIFICATION IN CONNECTION WITH EFFECTIVENESS OF AUSTRALIAN GROUP REGARDING EXPORT OF CHEMICAL AND BIOLOGICAL WEAPONS-RELATED MATERIALS AND TECHNOLOGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–246)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

In accordance with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997, I hereby certify in connection with Condition (7)(C)(i), Effectiveness of Australia Group, that;

Australia Group members continue to maintain an equally effective or more comprehensive control over the export of toxic chemicals and their precursors, dual-use processing equipment, human, animal and plant pathogens and toxins with potential biological weapons application, and dual-use biological equipment, as that afforded by the Australia Group as of April 25, 1997; and

The Australia Group remains a viable mechanism for limiting the spread of chemical and biological weapons-related materials and technology, and that the effectiveness of the Australia Group has not been undermined by changes in membership, lack of compliance with common export controls and nonproliferation measures, or the weakening of common controls and nonproliferation measures, in force as of April 25, 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 29, 1998.*

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HIGHER EDUCATION ACT REAUTHORIZATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Speaker, it is important that the House move quickly next week to reauthorize the Higher Education Act. As an educator for nearly 20 years, I know the importance of ensuring that a college education is within reach for all of our people.

I represent a district that has a tremendous stake in the Higher Education Act. That was made clear in an all-day forum that I convened in Raleigh on September 22 of last year. We received recommendations from the presidents of our institutions of higher education, from a number of students and financial aid administrators and business leaders. I am pleased that the bill reported by the Committee on Education and the Workforce reflects many of these concerns.

For example, the committee saw fit to include the highly successful State Student Incentive Grant program in this year's reauthorization. This is the only student aid program that maintains the Federal partnership with the States and encourages them to do their part to help needy students attend college.

The cornerstone of the higher education is the Pell Grant program. But more funds are desperately needed to be authorized, and I am extremely pleased that the Higher Education Act included a dramatic increase to a maximum grant level of $4,500.

As an original cosponsor of the Campus-Based Child Care bill of the gentlewoman from Maryland (Mrs. MORELLA), I was pleased to see its inclusion in the Higher Education Act.

More and more young mothers are pursuing college degrees. For some, it is a matter of making the transition from welfare to work. The Campus-Based Child Care provision is one of the most forward-thinking aspects of this bill.

I am also pleased that adjustments were made that would allow historically black colleges and universities more flexibility in funding and expanding graduate programs. Title 3 funding must remain a high priority as we implement the Higher Education Act.

Mr. Speaker, this is not a perfect bill, and I particularly regret that this year's reauthorization does not more effectively target money to train teachers in the use of new technology. That is a need that I have heard repeatedly about in my district. I am hopeful that education leaders in the States will give this need high priority as they allocate the bill's block grant funds.

Mr. Speaker, the Higher Education Act is landmark legislation critical to the needs of students and their families and to our Nation's commitment to educational opportunity and excellence.

We face new challenges ranging from accommodating growing numbers of nontraditional and mid-career students, to training students for an increasingly sophisticated workplace, to orienting education to the international marketplace.

The Higher Education Act will be of great importance as we meet these challenges, and I urge my colleagues to pass it enthusiastically with a large bipartisan majority next week.

EXCHANGE OF SPECIAL ORDER TIME

Mr. DELAY. Mr. Speaker, I ask unanimous consent to trade my 5-minute Special Order time with the gentleman from Texas (Mr. SESSIONS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

RESPONSE TO ATTACK BY MINORITY LEADER ON SPEAKER GINGRICH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DELAY) is recognized for 5 minutes.

Mr. DELAY. Mr. Speaker, I rise today to respond to a partisan attack launched by the minority leader on the Speaker of the House this morning. Once again, instead of focusing on the issues at hand, the minority leader has sought to change the subject.

The Speaker has made two very important points regarding the White House and its continued ethics problems. First, the Speaker has stressed that no man is above the law. Second, he has pointed out that the American people deserve to know the truth about the activities in the White House.

The minority leader has decided to divert attention from those very basic points. It is the hope of the White House and of the minority that this diversion will keep attention away from the very real ethical problems of this administration. I tell you, Mr. Speaker, the truth will come out. It may be sooner, and it may be later, but, someday, the truth will come out.

I urge the President to preserve the dignity of the office that he holds by coming forward about the facts. The longer that these allegations fester, the more damage is done to the presidency.

Unfortunately, the White House has rejected that advice. Rather than being candid with the American people, the White House hides behind executive privilege. In fact, the Clinton/Gore administration has invoked executive privilege 12 times. They have used executive privilege almost as often as they have used the veto pen.

Throughout their administration, they have vetoed only 20 bills. They have employed executive privilege for campaign scandals, for travel office scandals, for memos regarding drug policy, for Filegate, and for other scandals.

That is a very troubling precedent, a precedent that should trouble the Democrat Party. But an eerie silence has emanated from the Democrat minority.

When it comes to the President's use of executive privilege, the Democrats hear no evil, see no evil, and speak no evil. I have yet to hear one member of the minority leadership admit that they are troubled by the White House scandals. Where is the outrage from the Democrats about these allegations?

The one time that the minority leader has spoken out on this issue has been to condemn the Speaker of the House, the one time. The Nation has been preoccupied by White House scandals all year, and the minority leader's only response has been to blame the Speaker. That fits in very nicely with the White House strategy of spin, the whole spin, and nothing but the spin.

Clearly, they are testing the proposition that you cannot fool all the people all the time. Mr. Speaker, you cannot fool all the people all the time. And the American people have grown very weary of this White House's efforts to distract them from the truth.

We are all damaged by the White House efforts to delay this investigation, to destroy the investigator, and to deny everything to the media.

The minority leader said in his speech today, and I quote, "Ideally, we are able to put aside our partisan interests and consider 'the people's business,' if not with a blank slate, at least with an open mind."

Can the leader really believe that he has approached these issues with an open mind when the only person he blames in the very White House scandals is the Speaker of the House?

I urge the minority leader to join us in finding out the truth. He should be calling for the truth. Let us put this partisanship aside and look soberly at the very serious allegations that have beset this White House. No man is above the law, and the American people deserve to know the truth.

ORDER OF BUSINESS

Mr. STUPAK. Mr. Speaker, I ask unanimous consent to proceed out of order with my 5-minute Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PARTIES BECOME LIGHTNING ROD OF PARTISANSHIP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, I thank the gentleman for letting me proceed at this time, because I did want to address what the gentleman from Texas (Mr. DELAY) was speaking of, because, earlier today, I came down to the House floor and I spoke of the Speaker, the gentleman from Georgia (Mr. GINGRICH), and his remarks before GOPAC, and I hope to do it in a way that does not bring any disservice to the House or any personal malice toward anyone.

Look at what is going on here because of comments on both sides. We have all become a lightning rod of partisanship around here. It seems to me, about a week ago, it was the gentleman from Georgia (Mr. GINGRICH) who began the personal attacks on the President. While I am a Democrat, a member of on the minority party, I think every member of this country should be outraged. You have an ongoing investigation. So let us let the investigation proceed.

It seems to me the Speaker some time ago said we should all hold our breath and step backward and let this thing play out. But when we got before a GOPAC dinner, the cash cow of the Republican Party, we just could not seem to leave it go. The claim was that the President is obstructing justice.

We can get up here all night and say all kinds of things about the President and this administration, but let us put forth the evidence; and, by evidence, I mean credible evidence.

By stating or by starting attacks on the President in a partisan manner before a partisan group like GOPAC, I am afraid the Speaker has shown that he cannot lead the House in a fair and impartial review of any inquiry that may take place.

I do not know what the President's guilt or innocence is or whatever it may be in this matter, but what I do know is that, if we stick to the facts and let it properly proceed, and if we rely on, as our constitutional oath requires us to do, credible evidence, credibly submitted to a trier of fact, then maybe we can get to the bottom of this.

Unfortunately, it appears that the Speaker has already reviewed the alleged facts. If he has reviewed the alleged facts, he obviously has made a prejudgment, and he has made himself a judge and jury.

So then I must ask, where is this evidence? Where are these alleged facts? Bring them forth. If he has a report, if the report has been filed with the Speaker's office, bring them forth so all of us in the House have an opportunity to see it. Make it available to at least the Committee on the Judiciary who, by law, has a right to review any inquiry.

Mr. Speaker, I wish we would just stick to the facts of the case and not what GOPAC wants to hear but to the facts of the case. But, instead, the Speaker and, as even Roll Call, I mean it is supposed to be a nonpartisan paper, even Roll Call says, "Shame in the Making."

That is exactly what we have when we have investigations and Members coming up here and, if I can use the majority leader's words, put spin on what is going on. Let us not bring shame to the House, but let us have the responsibility to lead and not mislead the House or this country.

The Speaker of the House should be a statesman without prejudging any type of inquiry which may or may not even occur. Instead, I am afraid we have become a lightning rod.

I hate to remind the House, but just over a year ago we had to reprimand the Speaker and fine him approximately $300,000 for bringing shame and disrespect to this House. Five out of eight ethics charges he was found responsible for by our own Committee on Ethics. Do we really want to go down this shameful road once again?

I ask that we not bring shame and disrespect to the House by personal attacks. I would hope the Speaker would recuse himself from any participation in any House inquiry.

I have been there. I have done investigation of political people. But you have to do it in an objective manner and not necessarily before the press. You can, and we should, do an investigation, and let the investigation proceed.

But, I mean, even, where have we gone with this whole thing? Even the Committee on Government Reform and Oversight underneath the leadership of the majority party, we have a Privacy Act in this country that the Members of Congress are exempt from. Yet, when given tapes of a personal conversation of a witness who refused to appear, the Privacy Act suddenly did not apply, and the tapes were leaked to the news media, and the personal conversations of this individual were released to the news media.

Is that not abuse of office? Have we not used that office, at least that chairman did, to release tapes of private conversations? Maybe not in violation of the Privacy Act because he was a Member of Congress, but certainly in violation of the spirit and intent of the law. That is what we are doing here with these investigations certainly.

Then when the tapes were given to the oversight committee, they were warned in a letter not to release the tapes. There was sensitive private information. Yet, we still do that, and we hide behind the office of which we hold, a great honor given to us by the American people but, yet, we use it for our benefit.

I would hope that any investigations proceed in a professional manner and stick to the facts.

CAMPAIGN FINANCE REFORM INVESTIGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. SESSIONS) is recognized for 5 minutes.

Mr. SESSIONS. Mr. Speaker, I came here tonight to speak about what we had accomplished today over in the Cannon Building where we were talking to the American public about how we, the Republican majority, are going to talk about and have a discussion with the American public on drugs. But I am compelled now to change that topic and to speak on the comments that were just made by Members of the Democratic Party.

I want you to know I serve on the Committee on Government Reform and Oversight, and for the last 15 months we have seen a charade that is taking place where Members of the Democratic Party have not only ignored every opportunity to be bipartisan in their attempts to work with us in the majority on dealing with the abuses of the White House in campaign finance, but we have also seen that what they will do is not only not tell the truth but what they will do is to obstruct justice.

□ 1815

Just last week we had a vote whereby we were going to have four people who we were attempting to grant immunity to. These four people are individuals who are involved in the campaign finance scandal of foreign money influence upon the White House.

And what happened is that we very carefully laid out a case by which these four people, they are not high level and they are not involved in a big way, but to where we wanted to talk to these four people and to grant them full immunity from prosecution. We had worked directly with the Department of Justice, and they had indicated that they had no problem with us issuing this immunity.

Yet on a 19-to-nothing vote we were not able to grant these four people immunity because it requires a two-thirds vote of the committee. Not one Democrat wanted to issue immunity because they did not want these four people to tell the truth and to tell their story.

This White House, and I can tell my colleagues that this Democrat Congress and the Members of the Democrat Congress who are Members of the Committee on Government Reform and Oversight repeatedly have attempted to block every single request that we have made that is reasonable and normal.

And I tell my colleagues that back in 1974, when Richard Nixon was involved in not only illegalities but constitutional questions, it was the Republican Party that stood up with Senator Howard Baker and asked the tough questions. It was Senator Howard Baker who made sure that not only were the tough questions asked but that he made sure that this President did not escape telling the truth and the whole truth.

Mr. SUNUNU. Mr. Speaker, will the gentleman yield?

Mr. SESSIONS. I will be happy to yield.

Mr. SUNUNU. I think it is interesting that the gentleman mentioned the circumstances in 1974, because the previous speaker made the point that somehow the call for the President to be forthcoming, the emphasis that no one is above the law, seemed to be unprecedented. Not only were the speaker's comments fair, I think they stand in stark contrast to the comments of the Speaker of the House in January of 1974, when the Speaker of this body called for the resignation of President Nixon months in advance of any bipartisan investigation.

So at that time there was not only a willingness to move forward without any thought of a bipartisan discussion of the issues but the Speaker of the House was calling for a resignation before that impartial investigation could even move forward.

I would finally like to note that in the gentleman's discussion of the obstruction that the committee has run into, not only were those four immunity requests, that had been approved by the Justice Department, voted down by all 19 Democrat members of the committee, there have been, to date, 92 individuals that have either taken the fifth amendment or fled the country or refused to talk to authorities that have obstructed the progress of the committee's investigation.

And, Mr. Speaker, I include for the RECORD a list of all 92 individuals that have obstructed the investigation in that way.

WITNESSES WHO HAVE FLED OR PLEAD THE 5TH

(Full Committee Hearing—December 9, 1997)

Mr. BURTON. Have you ever experienced so many unavailable witnesses in any matter in which you have prosecuted or on which you have been involved?

FBI Director FREEH. I spent about 16 years doing organized crime cases in New York City, and many people were frequently unavailable.

53 HOUSE & SENATE WITNESSES ASSERTING FIFTH AMENDMENT

John Huang, Gene Lum, Gin F. J. Chen, Mark Middleton, Nolanda Hill, Jane Huang, Duangnet Kronenberg, Maria L. Hsia, Webster Hubbell, Yogesh Ghandi, Steven Hwang, Gilbert Colon, Irene Wu, Mike Lin, Zie Pan Huang,* Michael Brown, Simon Chen, Kent La, Johnny Chung, David Wang,* Siuw Moi Lian,* Seow Fong Ooi, Bin Yueh Jeng, Hsiu Chu Lin, Jen Chin Hsueh, Chi Rung Wang, Jou Sheng, Judy Hsu, Jane Dewi Tahir, Maria Mapili, Jie Su Hsiao, Hsiu Luan Tseng, Mark Jimenez, Woody Hwang, Sioeng Fei Man, Terri Bradley, Man Ya Shih,* Keshi Zhan,* Yi Chu,* Joseph Landon,* Nora Lum, Larry Wong, Na-chi "Nancy" Lee, Hueutsan Huang,* Yue Chu,* Man Ho,* Manlin Foung,* Yumei Yang, Arapaho/Cheyenne Indians, Hsin Chen Shih, Shu Jen Wu,* Charles Intriago, and Jessica Elinitiarta.

21 WITNESSES HAVE LEFT THE COUNTRY

Charlie Trie (has returned to United States), Antonio Pan, Arief Wiriandinata, Subandi Tanuwidjaja, Susanto Tanuwidjaja, Yanti Ardi, Laureen Elnitiarta, Pauline Kanchanalak, John H.K. Lee, Ted Sioeng, Soraya Wiriadinata, Suryanti Tanuwidjaja, Nanny Nitiarta, Sandra Elnitiarta, Ming Chen, Agus Setiawan, Dewi Tirto, Felix Ma, Subandi Tanuwidjaja, Yopie Elnitiarta, and Sundari Elnitiarta.

18 FOREIGN WITNESSES HAVE REFUSED TO BE INTERVIEWED BY INVESTIGATIVE BODIES

Ng Lap Seng, Ken Hsui, Eugene Wu, Suma Ching Hai, Ambrose Hsuing, Bruce Cheung, Stephen Riady, John Muncy, Mochtar Riady, James Riady, Lay Kweek Wie, Wang Jun, Roy Tirtadji, James Lin, Stanley Ho, Daniel Wu, Li Kwai Fai, and Hogen Fukunaga.

Mr. SESSIONS. Reclaiming my time, Mr. Speaker, the facts speak for themselves. We are attempting to run a fair and open bipartisan investigation of the wrongdoings of the Clinton White House. It will require a minimum of one Democrat asking to seek to have the truth.

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*Granted Immunity after plead 5th Amendment.

The bottom line is, in 1974, Senator Howard Baker stepped forth and insisted. We ask for that same resolve today.

CONGRATULATIONS TO ISRAEL ON ITS 50TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, we have heard some contentious discussion of our partisan divisions. I rise for a task that I think is far more joyful and one as to which this entire body is united, and that is I rise to congratulate the people of Israel on the 50th anniversary of their rebirth and independence.

Today represents the 50th anniversary of Israel, as determined by the Jewish lunar calendar. And it is with great joy that I point out that House Joint Resolution 102 was adopted by this House 2 days ago by a vote of 402 to nothing, demonstrating the united and bipartisan support that the State of Israel and the close U.S.-Israel relationship enjoyed in this House.

We should reflect that in August of 1897, a century ago, the first Zionist Congress affirmed its aspiration to form a Jewish homeland in the historic State of Israel. After the horrors of the Holocaust, in which one-third of the Jewish population of the world lost their lives, the Jewish people returned to their ancient homeland and established the State of Israel.

Since the Nation's founding, over a million Jews from throughout the world have sought refuge in Israel. Israel has, over the last 50 years, rebuilt a nation, maintained a pluralist democracy, the only one in the Middle East, and based that democracy on freedoms and the rule of law. It has developed a thriving economy and a society, transforming the desert into a land of milk and honey.

On this 50th anniversary we have a chance to reflect on the courage and leadership of President Harry Truman who, against the advice of experts in the State Department, et cetera, stood with the people of Israel and recognized their declaration of independence.

Over the last 50 years, governments of the United States, both Democrat and Republican, have supported the people and the State of Israel. Likewise, governments of Israel, Likud and Labor, have supported the people and the government of the United States. We have a friendship that transcends party; and whichever policies may rule the day in Jerusalem or here in the United States, that bond stands.

We should note that Jerusalem has been the eternal and indivisible capital of Israel, both 3,000 years ago and for the last 50 years. The United States Congress passed the Jerusalem Embassy Act calling for the American Embassy to Israel to be moved to Jerusalem in 1999. What better way for us to celebrate the rebirth of the State of Israel than for the State Department to announce today that they will abide by, rather than seek waivers from, the Jerusalem Embassy Act.

But because the State Department may decide to try to waive that act, I will be introducing, hopefully with substantial support, a bill that states to the Department of State that, before they open a new embassy in another formerly divided city, Berlin, they must open at least a temporary embassy, and, hopefully, a permanent embassy, in the indivisible and eternal capital of Israel: Jerusalem.

I rise today to congratulate the people of Israel on their 50th anniversary of the new State, and I rise today to say that when it comes to America's embassy to Israel: next year in Jerusalem.

MAIL FRAUD AND TELEMARKETING SCAMS TARGETING SENIOR CITIZENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. ABERCROMBIE) is recognized for 5 minutes.

Mr. ABERCROMBIE. Mr. Speaker, I rise today to call my colleagues' attention to a serious crime being perpetrated against some of our most vulnerable citizens: mail fraud and telemarketing scams targeting senior citizens. In my own district, one gentleman pleaded with me, "The mail is still coming. I don't have the money to send."

Some companies peddling questionable products or promoting unwinnable contests make a living out of targeting senior citizens. It is estimated that telemarketing fraud robs Americans of at least $40 billion a year.

The actual number may be much higher, as telemarketing fraud has always been a part of our Nation's underground economy. Not all losses have been clearly documented. Some consumers are too embarrassed to report that they have been defrauded or they do not recognize the extent of the fraud that has been perpetrated upon them.

Mr. Speaker, I held a meeting on this issue in my district recently; and I was appalled at the number of people in the audience who came up to me after a discussion led by members of the FBI, led by members of the Post Office, the Postal Inspector Section, after the recitation of statistics and perspective by myself, and yet asked me afterwards if I could give them my personal assistance in contacting some of the fraudulent companies to see if it was not possible for them to perhaps receive their prizes or be acknowledged for the funds that they had been sending.

□ 1830

Mr. Speaker, I can assure my colleagues that this is a heart-wrenching situation. It is taking place all over the country, and it prompts me to rise today to extend these remarks to my colleague and to the other Members.

Older Americans, Mr. Speaker, are the target of many fraudulent telemarketers because they are generally at home more often than younger persons, they may be more trusting. That is certainly the case with those that I spoke with recently in Honolulu, Mr. Speaker, and may look upon a smooth-talking telemarketer as a trusted friend rather than someone preying upon their life savings. These fraudulent activities are a disgrace, and we should do all we can to stop them.

On April 8, 1998, as I indicated, I sponsored a mail and telemarketing fraud briefing for senior citizens in my district in Honolulu, Hawaii. This education national briefing was designed to give vulnerable senior citizens a fighting chance against an industry designed to victimize them.

John Gillis, a supervisory special agent for the Federal Bureau of Investigation in Honolulu, and Byron Dare, a postal inspector for the United States Postal Service in Honolulu, presented testimony on their agencies' efforts to combat mail and telemarketing fraud and educated seniors on how to avoid becoming victims of such schemes.

Mr. Speaker, I most sincerely urge my colleague and other Members to take advantage of FBI offices in our districts, as well as postal service inspectors in our district, to hold similar briefings for senior citizens in our areas. Senior citizens need to be protected from these scam artists, and one of the best ways to do this is educate them on how fraudulent information is presented.

I am preparing legislation on this issue. I am already a cosponsor of the Protection against Scams on Seniors Act, H.R. 3134. This bill authorizes the Administration on Aging to conduct an outreach program to educate seniors on telemarketing fraud. I plan to continue my outreach efforts to reach Hawaii's elderly population from falling prey to these unscrupulous mail and telemarketers.

I also support the efforts of Federal agencies and private organizations who have been actively involved in this issue. The American Association of Retired Persons, the AARP, has created a profile of telemarketing and mail fraud victims. The profile shows the average victim is not only an older American, but relatively affluent, well-educated, well-informed, and socially active in his or her community.

AARP's research indicates that the critical difference between victims and nonvictims is their ability to recognize that telemarketing fraud is a crime. Mr. Speaker, I want to emphasize that.

The key here, the critical difference between being a victim and a nonvictim is their ability to recognize that telemarketing fraud is a crime.

Many people find themselves the victim of fraud and do not recognize that it is, in fact, criminal activity, and there is something they can do about it. AARP has produced educational materials in English and Spanish. If seniors would contact the AARP in their area, they will be happy to provide them with materials, telephone numbers, et cetera, which will aid them.

The AARP has produced educational materials in English and Spanish that inform recipients of telemarketing calls about ways to distinguish between legitimate and fraudulent calls; how to respond safely to calls without becoming a victim; and how to report suspicious calls. I am making sure this material is available in all the senior centers in Honolulu.

In Hawaii, state laws on telemarketing require specific disclosures by the telemarketer regarding prize and gift promotions. Our state law also provides consumers with a right to sue for damages and obtain relief on his or her own initiative, aside from any state action. Maximum penalties for a violation of Hawaii's telemarketing laws are set at $10,000.

Uncovering these schemes, returning money owed to its victims, and educating seniors are worthwhile efforts I will continue to pursue. I am happy to have the support and knowledge of many organizations who also promote these goals. I will continue to educate senior citizens in my district of this $40 billion rip-off. I hope my fellow Members of Congress will do the same. With a concerted effort, we can protect our senior citizens and put mail and telemarketing con-artists out of business.

BANKRUPTCY REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GEKAS) is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, very soon now the Chamber will be witnessing the great debate possibly of this year, namely, that which will be conducted on proposals for bankruptcy reform. Everyone in the country knows that a strange thing is occurring out in the economic world. While all the figures and all the reports as to the economy seem to be favorable with an expanding economy, more jobs, inflation kept under wraps, interest rates being held constant, all these excellent factors are occurring, while at the same time, Mr. Speaker, an astounding number of bankruptcies have been filed.

In 1997 alone, 1,400,000 new bankruptcies were filed. That is a monumental increase from the year before and even a greater disparity from that which has occurred in the last several years. What does it mean? If indeed the economy is improving and yet we have these bankruptcies, something is wrong.

We have witnessed now efforts to meet that crisis head on. And the bankruptcy reform bill which we have created and which is making its way through the Committee on the Judiciary even now and will reach the floor, as I said, shortly for our full debate on the floor carries two vital principles with it, which principles are at this core of what we are attempting to do.

One is that we will make certain that every individual American who becomes so overwhelmed with debt that he and his family cannot survive if he has to meet those obligations that he has incurred, we want to accommodate that individual and make sure that the family will have a fresh start. That is one principle, the fresh start.

On the other hand, the other principle is that in those cases where an ability to repay some of the debt is demonstrated, we must make every effort to produce a plan and to accommodate that individual in a way that some of that debt can be repaid.

Those are the two principles: A fresh start for those who need it and an accommodation for repayment of some of the debt where the possibility of repayment is sound.

What has happened, though, is that we hear rumors and innuendos about what we are attempting to do. But I must tell my colleagues that the cost of individual bankruptcies to the American public is something that has to be laid on the record. We are not simply talking about the loss to the lenders or the creditors who will not be repaid when someone goes bankrupt. That in itself is a loss. But when we interpolate that as to what it means to the consumers, we will recognize that when someone does not pay his debts, and the supermarket with which we are so familiar has bad debt on its books and is not repaid, what happens? The prices for consumer goods have to increase, so the rest of us are picking up the cost by increased prices of what has happened in that bankruptcy.

Number 2, the interest rates that are so correlated with the lending and the credit establishment of our country are hurt when people file bankruptcy, especially in these record numbers. And so, we will see that those of us who require credit and want to seek a bona fide lender for a mortgage or an automobile will find that the interest rates are hurt by the fact that they were not able to retrieve bad debt in previous bankruptcies.

Moreover, we lose as taxpayers. We learned during the testimony that we have conducted in several hearings in the last month that when taxing authorities like States and municipalities are themselves named in a bankruptcy and do not have the ability to recover, then they have a shortfall in the revenues in their municipality, in their neighborhood, in the county courthouse, and in the State coffers, meaning that the rest of us have to make up the difference with increased tax payments and revenues. So we pay all the way around.

But what I want to emphasize in our plans for our reform measure is that we are going to do everything we can to help small businesses, to help the family, to make sure that support payments that are forthcoming from a breadwinner are not dischargeable in bankruptcy. That is, we want to make sure that the families that receiving support payments will continue to receive those support payments whether or not the individual goes bankrupt. And the entire country will be better off once we reform the bankruptcy system.

THE LOUDEST VOICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, I want to begin by talking and taking a moment to talk about two groups that are not widely discussed on the floor. The first is Mother Jones, and the second is USA Engage.

Mother Jones, or "MoJo," is a national magazine of investigative journalism focusing on political reporting. Ken Silverstein wrote an article in the June 1998 issue of Mother Jones detailing the creation of USA Engage. This group hired Washington lobbyist Anne Wexler to try to make sure nothing gets in the way of promoting international trade with countries around the world whose governments are renown for brutal fear-biased repression of their own people. The human rights records of those countries are made more dismal by widespread torture, terror, imprisonment, persecution and killing of those that do not walk the line.

According to MoJo, some of America's largest businesses have given their proxy to USA Engage to deal with these countries having a history of repressing their own people. I know these companies are run by good and decent people who are probably not aware of the range of activities in which the Wexler Group is intensely involved on behalf of USA Engage. I am sure that their stockholders and customers are not aware of them and would be shocked and angered if they were.

According to the magazine, Anne Wexler has assembled a daunting army for her assault on Washington that includes a former U.S. Trade Representative, former Members of Congress, a former close staffer of the President, the former law firm of the State Department official who heads up the committee charged with reviewing proposed sanctions, and others. And look at what they have accomplished: Instant access to Congress and the ear of the State Department officials charged with assessing human rights violations; pro-trade studies from pricey and prestigious think tanks; the matching-up and contact of religious groups and leaders interested in human rights around the world by business reps thought to have special influence or sway.

MoJo quotes human rights advocate Simon Billenness, talking about the important role economic sanctions played in ending South Africa's apartheid regime. "If USA Engage had succeeded with these tactics during these apartheid years, Nelson Mandela might still be in prison." I recognize these companies can hire whomever they choose, but there are consequences.

Look at what they are doing. Look at the real issue. We are talking about countries that are committing the very worst atrocities on their own people simply for believing in God. In Sudan, starvation is the weapon of choice, spiced with high-altitude bombing, mass murder, and selling their own people into slavery. In Sudan, over the past decade, about 1.1 million people have been killed or allowed to starve, and I have been in the south and I have seen it.

In China, Catholic bishops and priests and Protestant lay ministers and Buddhist monks and nuns as well as many Muslims are jailed for years and years. And their jails are not patterned after those in this country. Starvation, torture, filth, and darkness are the steady diet. The fate of the prisoner is up to the whim of the guard. Brutal working conditions and brutal hours are the norm. Sometimes death is the only friend they can hope for.

Tibet is in danger of losing its religion, its culture, its language, even its identity. It has already lost thousands of Buddhist monasteries and too many monks and nuns. And I have been to Tibet and have seen this.

In Iraq, the Kurds have been used for target practice and guinea pigs for toxic killing. And MoJo talks about the track record of Burma and Nigeria. The victims of these outrages and more are Anne Wexler's targets. When they and her other well-connected friends are successful in changing a legislative clause here and writing the Dear Colleague letter, do they think about the Catholic bishop starting his third decade in a brutal Chinese prison? Do they think of the young boys on the slave block in southern Sudan?

I know these are harsh thoughts, but we are dealing with harsh dictators and regimes. What we do here matters. And the content of legislation has real impact around the world. Please think about this. Did these companies mean to give Anne Wexler this much power? If one is a government official working on these matters, does he think what his actions mean to those who have no one looking out for them? And if one is a Member of Congress, does he remember when Anne Wexler and company stops by that no one is speaking for those on the other end, those in Sudan, those in prison, those in slavery, those in Iraq, those Catholic bishops in prison, those evangelical pastors in prison in China, and the monks and Buddhist nuns in prison in Tibet?

□ 1845

Anne Wexler is the only voice. But she should not be the loudest voice.

Perhaps the worst thing they have done with their access is to deliberately misstate the moderate nature of the Freedom from Religious Persecution bill. At its root it calls for withdrawal of non-humanitarian taxpayer subsidies to hardcore persecuting countries and gives the president total discretion to maintain the subsidies.

In the end, however, Members will read the bill and understand its moderate character and people in the pews will hear that this bipartisan effort gives the persecuted people of the world a voice.

ILLEGAL DRUGS

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentleman from Florida (Mr. MICA) is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, this is probably one of the biggest signs in the history of the House to be used in a special order, but I think it addresses one of the biggest problems that we as a Nation and we as a Congress face today. The theme of this sign that we have here today is Drugs Destroy Lives.

This particular sign is actually part of a billboard and a message that we developed in my central Florida area. We have 20 of these billboards up right now in central Florida. We have more going up, to let our young people know that indeed drugs destroy lives, to let our citizens know that drug abuse will affect their lives and destroy their lives.

We have a tremendous problem in not only my district but throughout the United States. That is why we are trying to create public awareness again among all of our population, particularly our young, to do something about that. That is why we in Congress today, and many Members from our side of the aisle and some from the other side of the aisle have joined together under the leadership of our Speaker to make drug abuse and illegal narcotics a number one priority of this Congress and of this Nation and our communities.

You may say, why? Let me just tell you a little bit of why I am here with this message and why we are here with this billboard and we are going to spread this message across our land.

Since 1992, and these are incredible statistics, drug use among teens has skyrocketed by 70 percent. I heard the Speaker of the House say today as we launched our major congressional initiative that in the 1980s under President Reagan and then under President Bush, drug abuse and misuse dropped and dropped and dropped because we had a public awareness, we had a Just Say No, we had a commitment and a leadership from Washington and from every level, a focus on doing away with the narcotics problem and illegal drugs in our society, and it worked.

But since 1992, 1993, and some of the actions of this administration, we have seen that trend turn around and now skyrocket with drug use among teens increasing by some 70 percent. The latest statistics show that half of the high school seniors think it is easy to obtain cocaine and LSD. These are the most recent statistics. Eighth grade use of drugs has increased 150 percent since 1992. Again a dramatic figure. Today the latest figures are that 25 percent of our high school seniors are current users of illegal drugs.

This is a scourge across our whole land. We have a tremendous problem. Some of it is a result, quite frankly, of policy of this administration. I do not want to get into all the details of what took place in the past, but one of President Clinton's first actions on taking office was to gut the Office of National Drug Control Policy, our Drug Czar's office. The statistics and the facts are these. He cut the staff from 146 individuals, staff positions, to 25.

In his first year, President Clinton cut $200 million from drug interdiction efforts in the Caribbean and another $200 million from alternative crop production and crop eradication. That means he took the bulk of money out of the programs that were the most cost-effective in stopping drugs at their source, in stopping drugs where they only cost a few cents, a few dollars.

I serve on a committee that overviews this national drug policy, and we have seen that the most effective dollars can be spent where drugs are produced and grown in their source countries. We know that all of the cocaine and the heroin and some of these other products are coming both through Colombia, the cocaine, 100 percent of it is coming from Peru, Bolivia and Colombia, so why not target the source?

We here in Congress are launching a program this week and today to stop drugs at their source. We are also launching a program that we think will help everyone by again bringing attention to this problem; not only bringing Federal resources such as we have done in central Florida, creating a high intensity drug traffic area, bringing every law enforcement mechanism together in central Florida and other communities, but across this whole land we are going to ask for accountability, responsibility, tough enforcement.

We have started in my local community with this theme. We have a high intensity drug traffic area from Daytona Beach all the way through Orlando and over to Tampa. We have organized State, local and Federal forces. We are going to today launch a real war on drugs. We are sending this message that in fact drugs can destroy lives.

CHINA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROHRABACHER. Mr. Speaker, I would like to commend the gentleman from Florida for his presentation. I just came back from Southeast Asia where heroin is being grown, actually it is opium and turned into heroin, especially in Burma and in Afghanistan, and I was informed by the DEA agents there that we know exactly where the fields are that produce about 90 percent of the heroin, and with leadership from the White House we could attack those fields without hurting anybody before they ever got beyond those countries.

But like the gentleman stated, since 1992 we have not had leadership from the White House in the area, in that type of interdiction, plus we have not had the moral leadership that Ronald Reagan provided during the 1980s which made the use of illegal drugs something that was socially unacceptable. It was just something that people did not find it acceptable to have that in their presence because it was something that was regarded as insulting and degrading and immoral.

Instead, that attitude has now unfortunately changed again without that type of rejection from the leadership in the White House. Unfortunately, we see the trends in heroin use by young people is up. It is just a terrible trend.

Mr. MICA. If the gentleman will yield, I want to thank him for his leadership on this issue, in trying to call to the attention of the American people this drug problem and other problems relating to our national security that he has so eloquently presented on the floor.

He also mentioned the heroin production out of Asia. I serve on the national security subcommittee. We have found now 50 percent of the heroin, and heroin was not even really coming in any quantities out of Colombia, is now coming out of Colombia, mostly because of the policy of this administration.

We asked that waivers be granted because Colombia was decertified as not cooperating. Time and time again over the past 2½ years we have asked for equipment, resources, materials to fight the war on drugs in that country and to stop the production of heroin. This is all new just in the course of this administration that heroin is being grown in incredible quantities, poppy fields.

That is coming into Florida, it is coming into California, the gentleman's State, it is coming into the Nation. We see the results. The results are, I have heroin deaths in central Florida that equal our largest metropolitan areas in the United States. Not only the poor children in Detroit and New York and Los Angeles, but in Orlando and other suburbs across this country, are dying in the streets, in our community, now reaching 20,000 deaths, more than any war.

I thank the gentleman again for his great leadership, and also for his taking time with a special order to bring this and other matters to the attention of the Congress and the American people.

Mr. ROHRABACHER. This does fit into my special order which is focused on China because one of the things this administration is totally ignoring is the Chinese relationship to the drug lords in Burma. China has become a major distributer of heroin as it takes the heroin from Burma by providing weapons to the Burmese dictatorship, then takes the heroin or the opium out of Burma and takes it down through Vietnam and Cambodia and then out to distribution points in the United States and elsewhere.

Tonight I would like to discuss China policy. But before I do, I would like to say that I understand why the American people probably are a little bit frustrated right now when they turn on their TV, as I have over these last few months, and heard more about the sex life of our President than any of us want to know.

Yes, there may be a situation where a person was told to lie on a legal deposition, which is somewhat of a serious matter. But I for one, however, have been disappointed with the zeal of our news media in digging ever deeper into the lurid details of this ongoing circus, not to shed light on legal issues but instead to sell newspapers and to boost ratings. Accomplishing this, boosting their ratings or selling newspapers, has meant appealing not to the public sense of justice or even offering a better understanding of the legal issues that underlie this spectacle. No, the exhaustive attention paid to the Monica Lewinsky-Paula Jones maneuverings has nothing to do with the public interest and has everything to do with appealing to the public's purient interest.

For those who claim there is nothing else to cover of such a magnitude, of something that could attract the attention of the people, I rise tonight to say nay. We are living in times where decisions are being made that will determine the fundamental safety and prosperity of our people for decades to come. In a way, our President should be grateful that the media has focused on the trivial yet nevertheless inexcusable decisions that he has made in his personal conduct, rather than on some of the horrendous decisions he has made that have mind-boggling implications for our future.

Tonight I would like to discuss for the record an issue that has yet to fully make itself present to the American people. It is not now part of the public consciousness but will, I predict, once the public is aware of what is going on, result in widespread rage and ultimately an equally widespread sense of betrayal by our people. Whether purposely or as a result of well intentioned but unforgivably wrong policies, our country has been put in serious jeopardy.

First let me say that in my first 10 years that I have been here in the House of Representatives, I have suffered great frustration over our country's China policy, both Republicans and Democrats in charge of the White House. When Clinton was elected in 1992, in fact, I expected at least I would be able to work with our new President from Arkansas on the issues concerning China. After all, candidate Clinton attacked President Bush for kowtowing to the Chinese despots, and when asked in an interview a few weeks before the election, candidate Clinton pledged that he would not support most-favored-nation status for China and that he was appalled by the human rights abuses of the Communist regime in Beijing.

But once elected and sworn in as President, Bill Clinton's tune changed. He was different from President Bush, all right. Instead of not being tough enough on the Communist Chinese regime, he decided not to be tough at all. Instead of revoking most-favored-nation status for Communist China as he pledged during his campaign, President Clinton waited till Congress was out of town on a break and then announced that his administration was decoupling Chinese trade issues from any discussion of human rights. In one single stroke, Bill Clinton earned an infamous place in history.

□ 1900

In the years since he has done nothing to rectify or correct this horrendous violation of our trust. This act was the worst setback for the cause of human rights at least since the time that I have served in Congress.

Not only did we step off the high ground in our relations with the Communist Chinese regime, but we have been wading in the muck with them ever since. The tough guys in Beijing now know darn well that anything this administration says or does about human rights is meant for internal consumption in the United States only. In other words, we are being played for suckers.

Every time a pronouncement is made by Bill Clinton's White House about Tibet or the savagery against religious people in China, the regime in Beijing laughs. I mean, Madeleine Albright is over there now, and it was reported that she said something really tough on human rights, and you know she was taken very seriously by, you know, the gangsters in Beijing.

Any talk of liberty or justice by the President of the United States or any member of this administration is seen as a joke by Third World despots and Chinese dictators. This has been a tremendous disservice to our country as well as to the oppressed peoples of the world to whom the United States is their only real hope of ever living in freedom and in dignity.

So why is this situation? Well, first and foremost, the gangsters who run China cannot help but notice that, while leaders may make noises like Madeleine Albright has just done, little noises, they are still raking in the $50 billion annually from their trade surplus with the United States, and we are not doing anything to stop that. So they are going to listen to our noises while we are giving them a situation where they get $50 billion out of our pockets.

Give me a break. We still let them get away with charging 30 to 40 percent tariffs on our goods that are being exported to China, even while we let their products that flood into the United States come here with only 3 or 4 percent tariffs. How can we possibly treat our people, let our people be treated in such an unfair way and just not even go after it, not even try?

The trade relationship is so skewed that we let them get away with outrageous demands. For example, when we want to sell some of our products to China, like airplanes, for example, we must build airplane manufacturing parts over there in China. That means that after 10 years from now they will have technology for a modern aerospace industry in order to put our people out of work in order to sell our airplanes today, and we let them get away with those kind of demands, and we even finance the airplane deals.

We even use, as I say, taxpayer dollars to subsidize or guarantee the building of manufacturing operations in China and elsewhere in the Third World where dictators reign.

I can understand the sale that, you know, subsidizing or in some way trying to subsidize and help along a sale of a product that is just a transfer of a good made here so that they can afford the credit or something over there, but, by and large, that is not what is happening. What is happening is that Most Favored Nation status is really about not the selling of our products but what it is really about is the Federal Government taxing you and me. Then through the Export-Import Bank and other financial institutions supported by our tax dollars they use those dollars to facilitate the building of factories in China and other dictatorships that will be used not just to supply goods for the Chinese market but then it will be turned around and used to provide goods and manufacture goods that will be exported to the United States to put our people out of work who are the ones paying for the taxes that subsidized the deal in the first place.

This is the worst violation, the worst violation of trust that I have seen, and this body continually refuses to come to grips with it. Whenever there is a debate on this issue, the issue is skirted, and they talk about selling our goods over there when the real complaint is we are building factories over there that will put our people out of work. And the people on the other side, the Export-Import Bank and these other issues, continually refuse to come to grips with that answer.

Then we signed international agreements like the Global Warming Treaty which exempts China from the strict controls we put on ourselves and knowing full well that that will mean that more and more investment into machinery and technology, and plants will go into China, and they will build manufacturing units in China that will outpace our own production in the United States. In other words, we are laying the groundwork for a huge transfer of wealth from the United States to China and other Third World countries.

And what are the Communist Chinese bosses doing with this technology? Well, number one, they are not paying any attention to our words that we are concerned that they do not believe in human rights, but what they are doing with it is they are taking that and building a modern military force, a modern Army, Navy, Air Force and missile force to threaten anyone who gets in their way.

Has there been any liberalization in the meantime? Any change of thinking? Are there any nicer guys up there in Beijing? Well, to think well of Bill Clinton and the corporate power brokers who are groveling to these Chinese Communist thugs and downplaying their overflow, I might add, we must believe that this strategy of engagement will result in a modification of the behavior by Communist Chinese.

These are the same Communist Chinese who now hold their fellow countrymen in a grip of repression and terror. In fact, they are the world's largest and most grandiose human rights abusers.

This coddle-a-Nazi-and-he-will-become-a-liberal strategy is as wrongheaded an attitude as the American industrials and bankers had towards Hitler's Germany and Hirohito's Japan in the 1930s. It did not work with those thugs, and it is not going to work with these thugs. As we know, that did not foster peace then but led to war and unfathomable suffering and death in the 1940s.

If we do not use our heads and act in strength and insure that we have the strength, we could, with all the best of intentions, stumble into this same type of murderous conflagration as happened in the third and fourth decade of this century; and things will not get better, they will get worse.

Well, 10 years ago there was, you know, has it gotten better since we have really been bending over backwards for this last decade to try to work with these people, to engage the Chinese regime? Well, 10 years ago there was an active populist reform movement in China, and now there is none.

Although some internal debate is tolerated among the party elite who seek a means of laying out public steam without endangering the party's monopoly of power, by and large the good guys, meaning the non-Communist opposition, have either fled or been murdered or sentenced to prison. So instead of evolving into a freer society, China is going in the opposite direction.

Yes, it is more prosperous, but those buildings and those cars and that technology does not mean they are any less dictatorial or repressive or immoral.

When you blur the distinctions between right and wrong, between good and evil, which is what our administration and those people who want to deal with the Chinese on an equal basis do, do not be surprised if you find yourself going in the wrong direction.

Bill Clinton and the corporate elite who are pushing this Chinese policy on America are, if we trust their words, trying to gradually turn China from a militaristic dictatorship to a hard-driving yet benevolent player in the world economy. They claim to believe that China will evolve. Of course, they are making a lot of money, a lot of money in the process; and, as I pointed out, these people making a lot of money are doing so by being subsidized and protected by the American taxpayer.

Let me say that those businessmen who go into China without a government subsidy, without a guarantee, without political insurance provided by the American taxpayer, that is okay, good luck. Good luck, you were taking the risks, and I am not talking about you tonight because you will be paying for the consequences if you were wrong just as you will reap the rewards if China does become the vast market that drives the dreams of so many, and the China dream is what it is all about.

You know they said that China is the great market of the future, and it always will be. Well, China has its own national interests and its totalitarian leaders have their own unchallenged personal power that holds western concepts of democracy and the rules of law and equitable political and business relationships in contempt.

Tonight I feel compelled to express my skepticism about those who loudly advocate the evolutionary engagement theory of the 50 or so American business leaders who have sat in my office and told me about doing business on the mainland of China and how it is going to make these people more liberal and how they will get some values from us.

Not one has ever spoken to a Chinese official near or around his place of business in China about human rights, not one. Many of them have even admitted that they would permit Communist officials to arrest their own employees if that employee belonged to an unrecognized Christian church.

This is a pitiful reality. It is a disgrace that any American, it is a total disgrace that any American would stand by as a Christian or a person of any religious faith was dragged out of their offices kicking and screaming by some Gestapo, whether it was a Communist, Nazi or Fascist or whatever type of Gestapo it was.

I guess it comes down to this. Just because you are free to do business in a dictatorship like China does not mean you are free from the responsibility of being an American and standing up for our ideals of freedom, and at the very least you are not expected to participate in activities that threaten the security of our country just because you are making money.

Tonight I wanted to discuss the inane policies of our government and the activities of some of our corporate citizens that are both deplorable and alarming. Tonight I want to discuss for the record for the first time the possibility that this administration and some powerful high-technology companies may well have put our country in grave danger, perhaps putting in harm's way millions of our citizens. If accurate, the information I have been examining describes one of the worst betrayals of America's security interests since the Rosenbergs.

I will go right to the heart of the issue. It appears that several high-tech corporations doing business with the Communist Chinese may have gone not only over the line of propriety but over the line of loyalty to the security interests of our country. These aerospace and technology companies, many have provided the Communist Chinese regime with the technology and know-how to perfect rockets and intercontinental missiles.

Because of this assistance from American citizens, the Chinese now have the capability of delivering nuclear weapons to the United States. This puts millions of Americans in danger of nuclear incineration should we ever again confront the Chinese Communists about their belligerent actions or aggressive behavior.

Making matters worse, the Clinton administration appears to have been a willing accomplice to this crime against our people; and the President himself may have been involved in actions aimed at preventing legal action by the Justice Department from being taken against the perpetrators of these outrageous impossible crimes.

What I am saying is as serious as anything that I have ever said in the 10 years that I have been a Member of Congress. As chairman of the House Space and Aeronautics Subcommittee, it is my responsibility to oversee NASA and America's space effort. Because of this, I have a certain degree of knowledge about missiles and rockets. This expertise allowed me to understand the horrific implications of the cooperation between American companies and the Chinese in the improvement of the Chinese aerospace launch systems which I first heard about several months ago.

The story probably began several years ago when I was asked to support an effort then being made by Hughes Electronics to assist in their sales of communication satellites to China. Some countries like China were insisting on launching purchased satellites, satellites that had been purchased from Hughes on their own rockets.

It made sense to me that setting up a telecommunication system for China was a good idea. Launching these satellites up there, putting the satellites up so they could have a telephone system and they make long distance calls and such, that was a good idea, would connect them to the rest of the world. It would link them to the world, and our folks would make a profit in doing it, so why not give them permission? It was a good idea.

Was it a good idea for our U.S. firms to launch satellites on foreign rockets? Well, yes, they could do so if they were willing to do it at their own risk.

I supported the request. But at no time did I or anyone else in Congress support the idea that any American company or any American citizen should be upgrading Chinese rockets to launch those satellites; and that, my friends, looks like what has happened. Americans and American companies using their skill and their technology, some of it developed by American tax dollars during the Cold War, being used to upgrade the capabilities of Chinese rockets and missiles.

The Chinese Communist regime who was unable to hit us with rockets and missiles 5 years ago, I am very sad to say, now has the capability of landing nuclear weapons transported by rockets landing those nuclear weapons in the United States, and we are the ones who perfected their rockets.

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In a nutshell, until last year, the Chinese Long March Rocket had a shaky history of misfires, explosions and unreliability. It took three or four Long March Rocket launches to complete one successful mission. That is why it was a shock to learn a few months ago that the Long March now is more reliable. It has, it seems, been perfected.

This became evident when I heard that two satellites from Motorola's iridium project were launched into orbit, and it only took two Long March Rockets to do it. Two out of two successful shots. How could this be, I asked myself? And then I got a sinking feeling in my stomach that I knew the answer.

I will tell my colleagues how it could be. After the blow-up of a Long March Rocket, a team of American engineers working for an American firm sat down and rolled up their sleeves in what they treated as nothing more than an engineering project. They thought that what they were doing was just engineering. And when it was all over, the Red Chinese had the ability to reliably put into orbit commercial satellites. That alone was a betrayal of American aerospace workers who built competitive launch systems like the Delta Rocket. And by the way, the Delta Rocket just happens to be built in my congressional district. So for us to upgrade their rocket capability using our technology, that was a betrayal in and of itself of the economic responsibility we have to watch out for our own people.

But putting their fellow American aerospace workers out of jobs is not all these companies did by helping the Chinese upgrade their missiles. They put all of us in the crosshairs of a Communist Government, which, thanks to this assistance, now has the ability not just to put satellites into space, but to deliver nuclear weapons to a majority of American cities.

When this realization first hit me, it knocked the wind right out of my lungs. I could hardly breathe. And when I queried an executive from one of the corporations who were involved in upgrading this Chinese missile capability, he quickly stated that I should not worry, because he understood that his company was operating with a national security waiver signed by the President of the United States. He did not say that he had seen this waiver personally.

The engineering achievement this gentleman talked about was Rocket Stage Separation technology and Multiple Independent Reentry Vehicle technology. If my colleagues cannot understand it, the first one is the stage technology that permits the stages of the rockets to separate; the last one I talked about is called MIRV technology.

But before these technologies were given to the Chinese, the Long March would often blow up, and they would blow up when the stages tried to separate, and if it survived the stages' separation and made it into space, there was often a problem with the satellite dispenser. That is where the MIRV technology comes in.

So the American companies proceeded to provide stage separation technology as well as technology that enabled the rocket to spit out satellites, or nuclear warheads, whichever the Communist Chinese might want to use on any particular day.

About the same time, and perhaps as part of the same team, even perhaps as part of the same effort, two other aerospace firms were involved in a project to upgrade and perfect the Long March Rocket's flight control and guidance systems. Apparently an electrical flaw had caused a malfunction which blew up a Long March Rocket attempting to launch a satellite by Loral Space and Communications of Manhattan. Again, the American technological cavalry came to the rescue.

Engineers from Loral, assisted by engineers from Hughes Electronics, and at the direction of their superiors, charged forward to correct the problems in the Long March. It seems what happened was a sterile, coldly calculated decision to fix these problems with no consideration of the national security implications to the United States.

One must hope that no consideration was given to our security, because if there was consideration given to our security, it means these company officials said to themselves, to hell with the safety of every man, woman and child in the United States; this is a lucrative contract and we are not going to lose it. Well, where the hell do they think they are going to go home to once the contract is over?

A few years ago it was unlikely that the Chinese Communists could threaten us with a nuclear strike. Confronting their misdeeds then could be accomplished with limited risk. Our leaders have tremendous leverage to prevent aggression and to keep the lid on volatile situations. Now, all of that has changed, much of it due perhaps to the assistance to the Chinese Communists by American citizens and American companies.

In a recent report by the U.S. National Air Force Intelligence Center, that report indicates that China now has a new three-stage intercontinental ballistic missile that can reach every State in our country, except southern Florida. The report states that these missiles carry only a single warhead. But the Communists are close to producing a new system with multiple independent reentry vehicles, MIRVs. The security of our country will never be the same.

The young people who are watching on their televisions or are here with us tonight, their lives will be far less secure than it ever would have been had we not permitted this to happen. The security that people expected that we would take into consideration was not part of the equation. Unfortunately, the young people of our country now will have to live under a cloud that they could be pulverized by nuclear weapons sent from mainland China on a rocket that American technology helped build for our adversaries.

In May 1997, the Pentagon produced a classified report on missile expertise transferred to China which concluded that the United States national security was probably damaged by the Loral-Hughes technology transfers I have just described. This was followed by an investigation into the deal by the U.S. Justice Department. Then, only a few weeks ago it was revealed by the press that a Federal grand jury was investigating Loral and Hughes for possible violations of law in this outrageous transfer of weapons know-how to the Communist Chinese.

Now comes the kicker of this story. President Clinton and his administration have been doing everything they can to quash the investigation of this possible violation of law, this betrayal of our country. According to press accounts, Justice Department officials claim that 2 months ago, their investigation was seriously undermined when President Clinton quietly approved the export to China of similar rocketry expertise by Loral. Our President cut the legs out right from under the law enforcement agencies trying to investigate this matter, a matter which is obviously of great importance to our national security.

This move reflects a horrifyingly cavalier attitude toward the safety of our people from the nuclear weapons capabilities of the Communist Chinese, or it could be even worse. Worse? Yes, worse than a cavalier attitude about the Chinese Communists being able to hit us with nuclear weapons. What is worse than that? An attitude that is not cavalier, but it was a conscious decision.

The CEO of Loral is Bernard Schwartz. This gentleman also has the distinction of being one of the largest single contributors to President Clinton's reelection campaign; and unlike other aerospace companies, would strive to have a balanced portfolio of campaign contributions. This company obviously had its man, and his name was Bill Clinton.

Mr. Schwartz was the largest individual contributor to the Democratic Party in 1997, and in 1996, together with Loral and Hughes Companies, contributed $2.5 million to the Democratic Party that we know about, almost triple their contributions that they gave to the Republican Party.

We are also aware of the likelihood that the Communist Chinese had contributions of their own that made their way into President Clinton's campaign coffers. The total dollar figure is unknown because, it is unknown because those who have that information are currently on the lam. They are hiding so they will not have to testify as to Chinese Communist money going into President Clinton's campaign. Many of them have left the country, and those who have come back are looking for immunity to testify before Congress, but they are now in the process of having their immunity denied by Democrat Members of this body who are part of the investigating committee. They will not grant them immunity, because they do not want that information coming out.

What, if any, have these Chinese Communist donations purchased? Direct evidence is sketchy, but we do know that since President Clinton was elected in November 1992, China has violated its nonproliferation commitments no less than 20 times according to the Congressional Research Service.

In response, the administration has only twice imposed sanctions in accordance with U.S. law, and in one of these cases, the sanctions were waived in one of these cases after only 1 year. In addition, China has repeatedly transferred or discussed transferring weapons of mass destruction to rogue nations such as Iran and Libya, after assuring our country that all such actions had ceased.

Today, it is Israel's 50th anniversary. Fifty years, Israel has been in conflict for 50 years. One of the greatest threats to Israel is what? Rockets that can hit their targets fired at them from extremist countries and terrorist countries like Iran. And yet, President Clinton seems to have undercut the investigations and greased the skids for providing the Communist Chinese technology that, even after the Chinese have repeatedly provided technology to people like the Iranians and others who are enemies not only of the United States, but enemies of Israel.

In giving the Iranians guidance system technology for rockets, this is quite a birthday present for Israel, and quite a birthday present for anybody in the Western world who sides with the United States and sides with the Western democracies.

And of course now, the administration claims, we are going to reach out again and accept the Chinese Communist word again that they will not do it anymore, they will not give any more information, and in exchange for that agreement not to give any more information, we are going to give them all the rest of our technological secrets. We are going to extend the cooperation with the Communist Chinese to a greater extent than it has ever been. That is a proposal right now going on that the President is preparing to offer when he goes to China next month. This is a travesty, it is a travesty.

In this atmosphere, President Clinton will go to China next month, and the papers suggest that he is going to offer the Communist Chinese to share with them our space technology if they just agree not to transfer it to others. This, of course, is nonsense on the face of it. We are going to share our technology with someone who has already given it to our enemies, somebody who themselves are a Communist dictatorship and one of the worst violators of human rights on this planet? People who are torturing Christians and other believers, we are going to give our space technology to them?

Well, I suggest that this is nonsense on the face of it, and that is not what this is all about. This proposal by the President, I believe, is trying to do something that he did before when he undercut the investigation into Loral and Hughes. What this is is trying to offer a mask, this new policy the administration is offering, is doing nothing more than trying to give a mask to deeds that have already been done, just as the move in granting Loral approval to transfer rocket technology undercut the investigation into the wrongdoing that they have already done.

So in other words, this grandiose plan that we have read about in the newspapers may well be nothing more than a cover for misdeeds that have already taken place because the President knows that this information is going to come out about American technology being used by Chinese Communists to build their rockets which are aimed in our direction. The President knows how volatile that is, and the story has been coming out slowly but surely, and this speech tonight I think will even accelerate the information about this terrible betrayal of America's interests.

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What seems to have happened is that instead of civilizing the Communist Chinese, our engagement with that government has corrupted our democracy. Instead of providing us wealth, it has undercut our domestic production and has transferred our technology to our adversaries. Instead of promoting peace, it has massively extended the raw destructive power of a regime that remains one of this world's worst human rights offenders and a country that threatens the peace and stability of the planet.

A recent confirmation of that expanded destructive power comes from General Haber, a commander of the U.S. Strategic Command. General Haber recently stated, and I quote,

> The Chinese do have the deployment of an intercontinental missile that can reach most of the United States, except for southern Florida.

Because of this new threat from communist China, because it is so overwhelming, this speech is going to be only the first of many I will make on the subject. But let me add one point here.

Here we have a President and an administration that is willing to undercut investigations into these companies and he may well, for all we know, by his own attitude have fostered an idea among these companies that they could get away with this type of betrayal of America's interests. Perhaps they saw the President and his dealings with China and how he makes a joke out of human rights, and they thought why should they consider America's national security interests.

But this is the same group of people, the President of the United States and his administration, who because of what they have done, now that the Communist Chinese have the ability to hit our country with nuclear weapons, this is the same President that has gone out of his way to prevent us from developing a defense system that would defend us against an attack, a missile attack. This is the same administration that has done everything they can to prevent the Republicans from developing a missile defense system for the United States of America and for our allies. The standard is incredible. It is overwhelming. It still almost takes the air out of my lungs when I think about this.

I mean, just where is the interest of the American people? Who is concerned about it? Who is protecting us? It certainly is not people who would permit the technology that was developed during the cold war for our own weapons systems to be handed over to the Communist Chinese even before they have had any liberalization of their system.

Once the American people realize what has happened, I predict a wave of outrage will sweep across our country, even to Florida, even though they are the only ones who have not been made vulnerable by this. Though the Floridians cannot be hit by land-based missiles, the folks down there understand that being an American is more important that the almighty dollar and they understand that being an American is something special and they would never betray the interests of their country.

It seems like some of our citizens, including some prominent individuals, may have forgotten that and may be operating at a much lower level of value than that.

Perhaps President Clinton really was converted to the theory and convinced that these gangsters who now control the mainland of China could be civilized by luring them into economic dependency and technological dependency. If we make them economically dependent and so technologically dependent by giving them technology and building their economy up, that that will make things better. Maybe he really believes that.

Maybe he believes that once that happens and they have prosperity, that their iron fist can be unclenched because we will have proven to them our sincere desire for peace and, therefore, the insecurity and the vulnerability that the Chinese have, that will be satisfied and they can disarm and they will longer be this monstrous totalitarian regime that they are.

Let us give the President the benefit of the doubt. Maybe that is what he believes. That is the most foolish thing that I have ever heard, but I have heard it expressed so many times that we are going to have to give people good motives. But whether they have good motives or not, let us look at what is happening here. These are the same type of assurances and feeling that Neville Chamberlain gave the people of England about the Nazi regime shortly before the bombings of London that caused World War II. World War II was brought on by people trying to prove their sincerity to Hitler. Let him take the Rhineland back. Let us prove to him that he can take these territories. Where there is any question at all, always give him the benefit of the doubt. And our businessmen did business with Hitler and Hirohito up until the day that World War II started.

Mr. Speaker, these things did not make Hitler and the dictators in Japan and Italy any less aggressive or less likely to cause war. These things actually are foolishness and nonsense, and trying to prove that we were not a threat did just the opposite to these bosses.

We must never forget that the real reason for the Communist Chinese and their monstrously bad human rights record, and for their continued military buildup, and for the unrelenting repression in China of Christians and Muslims and Buddhists, and for the continued genocide that is going on in Tibet, the main reason this is happening is the fundamental nature of the communist regime, the vile nature of their own political system. It is meant to be a Communist dictatorship. They have never stepped back one inch from the idea that they will control their society with an iron fist.

Just the other day we read about what? It came out in the paper, I guess it was today in fact, a rock and roll singer was arrested in Hong Kong. And why? The rock and roll figure was arrested and put into prison because he is a threat to that country's national security. A rock and roll singer. Yes.

And Christians, and Muslims, and Buddhists, and the Dalai Lama's followers and anyone else who would speak up against this system. Any artist who would dare to show their work without permission. Anyone who would say anything against the regime outside of the Communist Party structure.

The solution that we need to have is not to try to prove our sincerity to the Communist Chinese. We need to work with the people of China to overthrow and eliminate this corrupt, this vile, this tyrannical system and kick out these people who oppress them. The younger people in China do not believe in this, just like the younger people in Russia did not. Our goal should not be trying to give legitimacy and trying to make them not feel threatened by giving them our technology. That will only result in America being placed in jeopardy. It will only result in our people living less prosperous lives and now our people living under a cloud, under a threat of nuclear attack when five years ago they were not.

The solution, of course, is ending their system and bringing them in and demanding, demanding, yes demanding that there be real changes for us to have any closer relationships with them.

Finally, let me just summarize what we have talked about tonight, what I have talked about tonight. Tonight, we have opened a discussion which I believe will continue and intensify in the weeks ahead. I have given details about a transfer of American technology by American companies to the Communist Chinese. This transfer of American technology has perfected Communist Chinese rocket systems which now enables these Communist Chinese rockets to reach targets in the United States of America.

When Bill Clinton was elected President of the United States, the Communist Chinese could not launch with a rocket from the mainland of China on a nuclear attack of the United States. They are now capable of that. The MIRV technology which our companies transferred to them also permits these same rockets not to carry a single warhead but to have several warheads. The same technology that spits out a satellite can be used to spit out nuclear warheads.

There was an investigation into this transfer of technology, an investigation by government officials who were convinced that America's national security had been put in jeopardy and that the law had been violated. President Clinton took actions that undermined and undercut that investigation.

At least one of the heads of the U.S. companies that were providing this technology to the Communist Chinese is one of President Clinton's biggest campaign contributors and indeed the biggest campaign contributor to the Democratic Party in 1996. We do not know about the campaign contributions from the Communist Chinese to President Clinton's campaign in the last presidential reelection campaign because the witnesses are on the lam, and the Democratic Party Members in the investigating committee are refusing to grant them immunity so that they can tell their story to the American people.

I do not like to come to the floor of the House to talk about something so horrendous as this. This has implications about the safety of every one of our families. I hope that everyone who is reading this in the CONGRESSIONAL RECORD and I hope that everyone who is seeing this on C-SPAN will make sure they contact their Member of Congress and make it clear that we should get to the bottom of this. And I assure my colleagues that this is one Member of Congress that will not stop until we get all of the information about this horrendous transfer of weapons and technology that has put us in jeopardy.

Speaker GINGRICH and others now are in the process of requesting the information, and if this administration does not cooperate there will be hearings on this subject.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BLILEY of Virginia (at the request of Mr. ARMEY) for today after 3 p.m. on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. STUPAK) to revise and extend their remarks and include extraneous material:

Mr. PRICE of North Carolina, today, for 5 minutes.

Mr. SHERMAN, today, for 5 minutes.

Ms. MILLENDER-MCDONALD, today, for 5 minutes.

Mr. SNYDER, today, for 5 minutes.

Mr. ALLEN, today, for 5 minutes.

Mr. ABERCROMBIE, today, for 5 minutes.

Mr. STUPAK, today, for 5 minutes.

Ms. JACKSON-LEE of Texas, today, for 5 minutes.

The following Members (at the request of Mr. SESSIONS) to revise and extend their remarks and include extraneous material:

Mr. DELAY, today, for 5 minutes.

Mr. BURTON of Indiana, today, for 5 minutes.

Mr. GEKAS, today, for 5 minutes.

Mr. HUTCHINSON, today, for 5 minutes.

Mr. WOLF, today, for 5 minutes.

Mr. MICA, today, for 5 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members (at the request of Mr. STUPAK) and to include extraneous matter:

Mr. KIND.
Mr. MENENDEZ.
Mr. DOYLE.
Mr. FRANK of Massachusetts.
Mr. VENTO.
Mrs. MEEK of Florida.
Mr. KLECZKA.
Mr. KLINK.
Ms. SÁNCHEZ.
Mr. SKELTON.
Mr. GEJDENSON.
Mr. COSTELLO.
Mr. DEUTSCH.
Mr. SHERMAN.
Mr. KUCINICH.
Ms. DELAURO.
Mr. SCHUMER.
Mrs. MALONEY of New York.
Mr. KILDEE.
Mr. FORD.
Mr. NEAL.
Mr. BERMAN.
Mr. ALLEN.
Mr. DINGELL.
Mr. PASCRELL.
Mr. CARDIN.
Mr. KANJORSKI.
Mr. GORDON.
Ms. CHRISTIAN-GREEN.
Mr. ACKERMAN.
Ms. CARSON.
Mr. HINOJOSA.

The following Members (at the request of Mr. SESSIONS) and to include extraneous matter:

Mr. BALLENGER.
Mr. BEREUTER.
Mr. PETERSON of Pennsylvania.
Mr. MANZULLO.
Mr. HORN.
Mr. WALSH.
Ms. GRANGER.

The following Members (at the request of Mr. Rohrabacher) and to include extraneous matter:

Mr. GINGRICH.
Mr. HORN.
Mr. BLUNT.
Mr. SMITH of Oregon.
Mr. LARGENT.
Mr. PACKARD.
Mr. PAPPAS.
Ms. HARMAN.
Ms. SÁNCHEZ.
Mr. FRANK of Massachusetts.

ENROLLED JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 102. Joint resolution expressing the sense of the Congress on the occasion of the 50th anniversary of the founding of the modern State of Israel and reaffirming the bonds of friendship and cooperation between the United States and Israel.

ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 42 minutes p.m.), under its previous order, the House adjourned until Monday, May 4, 1998, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

8831. A letter from the Under Secretary for Acquisition and Technology, Department of Defense, transmitting a report on the Commercial Operations and Support Savings Initiative (COSSI), pursuant to Public Law 105—85; to the Committee on National Security.

8832. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the semiannual report on the activities of the Affordable Housing Disposition Program covering the period from July 1, 1997 through December 31, 1997, pursuant to Public Law 102—233, section 616 (105 Stat. 1787); to the Committee on Banking and Financial Services.

8833. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's annual report on international terrorism entitled "Patterns of Global Terrorism: 1997," pursuant to 22 U.S.C. 2656f; to the Committee on International Relations.

8834. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification that the Republic of Armenia, the Azerbaijani Republic, the Republic of Georgia, the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Moldova, the Russian Federation, Turkmenistan, Ukraine and the Republic of Uzbekistan are committed to the courses of action described in Section 1203(d) of the Cooperative Threat Reduction Act of 1993, Section 1412(d) of the Former Soviet Union Demilitarization Act of 1992, and Section 502 of the FREEDOM Support Act; to the Committee on International Relations.

8835. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting a report detailing the previous 10-year period the catches and exports to the United States of highly migratory species from Nations fishing on Atlantic stocks of such species that are subject to management by the International Commission for the Conservation of Atlantic Tunas, pursuant to Public Law 94—70, 16 U.S.C. 971; to the Committee on Resources.

8836. A letter from the the Board of Trustees, Federal Hospital Insurance Trust Fund, transmitting the 1998 Annual Report of the Board of Trustees of the Federal Hospital Insurance Trust Fund, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), and 1395t(b)(2); (H. Doc. No. 105—245); to the Committee on Ways and Means and ordered to be printed.

8837. A letter from the the Board of Trustees, Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds, transmitting the 1998 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), and 1395t(b)(2); (H. Doc. No. 105—243); to the Committee on Ways and Means and ordered to be printed.

8838. A letter from the the Board of Trustees, Federal Supplementary Medical Insurance Trust Fund, transmitting the 1998 Annual Report of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), and 1395t(b)(2); (H. Doc. No. 105—244); jointly to the Committees on Ways and Means and Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LIVINGSTON: Committee of Conference. Conference report on H.R. 3579. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105-504). Ordered to be printed.

Mr. SOLOMON: Committee on Rules. House Resolution 416. Resolution waiving points of order against the conference report on accompany the bill (H.R. 3579) making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105-505). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1704. Referral to the Committees on Government Reform and Oversight and House Oversight extended for a period ending not later than May 15, 1998.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WELDON of Pennsylvania (for himself, Mr. HOYER, Mr. ANDREWS, Mr. PAPPAS, Mrs. CAPPS, Mr. REYES, Mr. PITTS, Mr. ENGLISH of Pennsylvania, Mr. MCNULTY, Mr. FOX of Pennsylvania, and Mr. CASTLE):

H.R. 3764. A bill to establish a Commission to assess weapons of mass destruction domestic response capabilities; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of Oregon:

H.R. 3765. A bill to gradually increase the fees paid by current holders of Forest Service special use permits that authorize the construction and occupancy of private recreation houses or cabins; to the Committee on Agriculture.

By Mr. CANADY of Florida:

H.R. 3766. A bill to streamline, modernize, and enhance the authority of the Secretary of Agriculture relating to plant protection and quarantine, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on the Judiciary, Resources, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARRETT of Wisconsin (for himself and Mr. KLECZKA):

H.R. 3767. A bill to nullify a certain regulation regarding the operation of the Organ Procurement and Transplantation Network; to the Committee on Commerce.

By Mr. ALLEN (for himself and Mr. SNYDER):

H.R. 3768. A bill to increase the availability, affordability, and quality of school-based child care programs for children aged 0 through 6 years; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAESLER (for himself and Ms. SLAUGHTER):

H.R. 3769. A bill to amend the Fair Labor Standards Act of 1938 to allow compensatory and punitive damages for violations of the anti-discrimination provision of such Act and to provide additional resources to the Secretary of Labor to do studies and outreach on pay disparities; to the Committee on Education and the Workforce.

By Mr. BROWN of California (for himself and Mr. LEWIS of California):

H.R. 3770. A bill to amend the Act of June 15, 1938, to extend the authority of the Secretary of Agriculture to purchase lands within the boundaries of certain National Forests in the State of California to include the Angeles National Forest and to expand the purposes for which such purchases may be made; to the Committee on Resources.

By Mr. DEUTSCH (for himself and Mr. FOLEY):

H.R. 3771. A bill to prohibit the Secretary of Agriculture from implementing a rule that would allow the importation of papayas that are the product of Brazil into the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States until certain conditions are met, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. HOUGHTON, and Mrs. THURMAN):

H.R. 3772. A bill to amend the Internal Revenue Code of 1986 to allow the work opportunity credit against the alternative minimum tax; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. COYNE, and Mr. HOUGHTON):

H.R. 3773. A bill to make permanent certain authority relating to self-employment assistance programs; to the Committee on Ways and Means.

By Mr. HAYWORTH (for himself, Mr. KILDEE, Mr. MCDERMOTT, Ms. FURSE, Mr. TOWNS, Mr. FALEOMAVAEGA, Mr. KENNEDY of Rhode Island, and Mr. BROWN of California):

H.R. 3774. A bill to amend the Internal Revenue Code of 1986 to provide that housing assistance provided under the Native American Housing Assistance and Self-Determination Act of 1996 shall be treated for purposes of the low-income housing credit in the same manner as comparable assistance; to the Committee on Ways and Means.

By Mr. HOBSON (for himself, Mr. YOUNG of Florida, Mr. MURTHA, Mr. MCDADE, Mr. DICKS, Mr. SKEEN, Mr. HEFNER, Mr. BONILLA, Mr. SABO, Mr.

Nethercutt, Mr. Dixon, and Mr. Visclosky):

H.R. 3775. A bill to amend title 10, United States Code, to require that military physicians possess unrestricted licenses, and to require the establishment of a system for monitoring completion by military physicians of applicable Continuing Medical Education requirements; to the Committee on National Security.

By Mr. HOEKSTRA (for himself, Mr. Sessions, Mr. Cunningham, Mr. Petri, Mr. Kolbe, and Mr. Sanford):

H.R. 3776. A bill to require the Federal government to disclose to Federal employees on each paycheck the government's share of taxes for old-age, survivors, and disability insurance and for hospital insurance of the employee, and the government's total payroll allocation for the employee; to the Committee on Government Reform and Oversight.

By Mr. HOEKSTRA (for himself, Mr. Gingrich, Mr. Sessions, Mr. Cunningham, Mr. Kolbe, Mr. Sanford, and Mr. Coburn):

H.R. 3777. A bill to amend the Internal Revenue Code of 1986 to require that each employer show on the W-2 form of each employee the employer's share of taxes for old-age, survivors, and disability insurance and for hospital insurance for the employee as well as the total amount of such taxes for such employee; to the Committee on Ways and Means.

By Ms. KAPTUR (for herself and Mr. Meehan):

H.R. 3778. A bill to amend the Public Health Service Act to revise the filing deadline for certain claims under the National Vaccine Injury Compensation Program; to the Committee on Commerce.

By Mr. LAZIO of New York (for himself and Mrs. Kennelly of Connecticut):

H.R. 3779. A bill to amend title XIX of the Social Security Act to provide medical assistance for breast and cervical cancer-related treatment services to certain women screened and found to have breast or cervical cancer under a Federally funded screening program; to the Committee on Commerce.

By Mr. MCCRERY (for himself and Mr. Cardin):

H.R. 3780. A bill to amend title XVIII of the Social Security Act to provide for a prospective payment system for services furnished by psychiatric hospitals under the Medicare Program; to the Committee on Ways and Means.

By Mr. MCDADE:

H.R. 3781. A bill to establish the Lackawanna Valley Heritage Area; to the Committee on Resources.

By Mr. MILLER of California (by request):

H.R. 3782. A bill to compensate certain Indian tribes for known errors in their tribal trust fund accounts, to establish a process for settling other disputes regarding tribal trust fund accounts, and for other purposes; to the Committee on Resources.

By Mr. OXLEY (for himself, Mr. Greenwood, Mr. Manton, Mr. Gillmor, Mr. Deal of Georgia, Mr. Whitfield, Mr. Norwood, Mrs. Cubin, Mr. Burr of North Carolina, and Mr. Upton):

H.R. 3783. A bill to amend section 223 of the Communications Act of 1934 to require persons who are engaged in the business of selling or transferring, by means of the World Wide Web, material that is harmful to minors to restrict access to such material by minors, and for other purposes; to the Committee on Commerce.

By Mr. PALLONE:

H.R. 3784. A bill to provide health benefits for workers and their families; to the Committee on Education and the Workforce, and in addition to the Committees on Commerce, Ways and Means, Government Reform and Oversight, and National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROYCE (for himself, Mr. Armey, Mr. Paxon, Mr. Campbell, Mr. Metcalf, Mr. Herger, Mr. Sessions, Mr. Nethercutt, Mr. Rogan, and Mr. Sanford):

H.R. 3785. A bill to amend the Bretton Woods Agreements Act to direct the Secretary of the Treasury to instruct the United States Director of the International Monetary Fund to present to the Fund's Executive Board a proposal to amend the Fund's bylaws to eliminate the Fund's policy of providing de facto tax-free salaries to certain Fund employees; to the Committee on Banking and Financial Services.

By Mr. SHERMAN (for himself, Mrs. Maloney of New York, and Ms. Slaughter):

H.R. 3786. A bill to restrict the sale of cigarettes in packages of less than 15 cigarettes; to the Committee on Commerce.

By Mr. MCCOLLUM (for himself, Mr. Hastert, Mr. Portman, Mr. Coble, Mr. Buyer, Mr. Chabot, Mr. Barr of Georgia, Mr. Hutchinson, and Mr. Gekas):

H.J. Res. 117. A joint resolution expressing the sense of Congress that marijuana is a dangerous and addictive drug and should not be legalized for medicinal use; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HARMAN:

H. Con. Res. 268. Concurrent resolution honoring the international corps of volunteers, known as Machal, who served Israel in its War of Independence; to the Committee on International Relations.

By Ms. SÁNCHEZ:

H. Con. Res. 269. Concurrent resolution expressing the sense of the Congress regarding the heroism, sacrifice, and service of former South Vietnamese commandos in connection with United States armed forces during the Vietnam conflict; to the Committee on National Security.

By Mr. SOLOMON (for himself, Mr. Rohrabacher, and Mr. Cox of California):

H. Con. Res. 270. Concurrent resolution acknowledging the positive role of Taiwan in the current Asian financial crisis and affirming the support of the American people for peace and stability on the Taiwan Strait and security for Taiwan's democracy; to the Committee on International Relations.

By Mr. PITTS (for himself, Mr. Turner, Mr. Rogan, Mr. McIntyre, Mr. Gingrich, Mr. Armey, Mr. DeLay, Mr. Boehner, Mr. Gephardt, and Mr. Bonior):

H. Res. 417. A resolution regarding the importance of fathers in the raising and development of their children; to the Committee on Education and the Workforce.

By Mr. STUPAK (for himself, Mr. Dingell, Mr. Barrett of Wisconsin, Mr. Brown of Ohio, Mr. Johnson of Wisconsin, Mr. Strickland, Mr. Oberstar, Mr. Kucinich, Ms. Rivers, and Mr. Quinn):

H. Res. 418. A resolution expressing the sense of House of Representatives that the President and the Senate should take the necessary actions to prohibit the sale or diversion of Great Lakes water to foreign countries, businesses, corporations, and individuals; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

301. The SPEAKER presented a memorial of the House of Representatives of the State of Oklahoma, relative to House Concurrent Resolution No. 1066 memorializing Congress to enact federal laws and regulations to ensure that contract swine and poultry growers are given freedom to form cooperative associations and organizations, and that protection is given to those growers who join growers associations from the hardships caused by unfair, deceptive, and unethical bargaining and trade practices; to the Committee on Agriculture.

302. Also, a memorial of the Legislature of the State of Oklahoma, relative to Senate Concurrent Resolution No. 50 memorializing the United States Congress to prepare and submit to the several states an amendment to the United States Constitution providing that no court shall have the power to levy or increase taxes; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. JOHNSON of Connecticut:

H.R. 3761. A bill to provide for the liquidation or reliquidation of certain customs entries of nuclear fuel assemblies; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut:

H.R. 3762. A bill to provide for the liquidation or reliquidation of a customs entry of nuclear fuel assemblies; to the Committee on Ways and Means.

By Mrs. KENNELLY of Connecticut:

H.R. 3763. A bill to provide for the liquidation or reliquidation of certain customs entries of nuclear fuel assemblies; to the Committee on Ways and Means.

By Mr. KING of New York:

H.R. 3787. A bill for the relief of Rear Admiral Thomas T. Matteson, United States Maritime Service, of Kings Point, New York; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. Cook.

H.R. 165: Mr. Smith of New Jersey and Mr. Watts of Oklahoma.

H.R. 453: Ms. Woolsey and Mr. Jackson of Illinois.

H.R. 586: Mr. Meeks of New York.

H.R. 611: Mr. Johnson of Wisconsin and Mr. Hilliard.

H.R. 754: Ms. Ros-Lehtinen and Mr. Pascrell.

H.R. 790: Mr. Towns.

H.R. 815: Ms. DeGette, Mr. Mollohan, and Mr. Jefferson.

H.R. 902: Ms. Ros-Lehtinen.

H.R. 934: Mr. Goode.

H.R. 979: Mr. Ackerman, Mr. Becerra, Ms. Lee, and Mr. Walsh.

H.R. 1054: Mr. Thomas and Mr. Kennedy of Rhode Island.

H.R. 1126: Mr. Weldon of Pennsylvania, Mr. Sanders, and Mr. Ortiz.

H.R. 1215: Mr. Sherman and Mr. Dixon.

H.R. 1241: Mr. Dixon and Mr. Smith of Oregon.

H.R. 1856: Ms. Millender-McDonald and Ms. Danner.

H.R. 1401: Mr. Kleczka and Mrs. Meek of Florida.

H.R. 1531: Mrs. Mink of Hawaii and Mr. Dixon.

H.R. 1573: Mr. Luther.

H.R. 1766: Mrs. Chenoweth, Mr. Diaz-Balart, Mr. Hulshof, Mr. Kolbe, Mr. Neal of Massachusetts, Mr. Petri, Mr. Redmond, Mr. Rogan, Ms. Ros-Lehtinen, Mr. Bob Schaffer, Mr. Shadegg, Mr. Smith of Oregon, Mr. Strickland, Mr. Sununu, Ms. Velázquez, and Mr. Watkins.

H.R. 1788: Mr. Pascrell.

H.R. 1951: Mr. Minge, Mr. Stupak, Mr. Cramer, Mr. Condit, and Mr. Taylor of Mississippi.

H.R. 2019: Mr. John, Mr. Watts of Oklahoma, and Mr. English of Pennsylvania.

H.R. 2020: Mr. Campbell, Mr. McNulty, Mr. Price of North Carolina, and Mr. Bachus.

H.R. 2023: Mr. Baesler.

H.R. 2090: Mr. Wexler.

H.R. 2094: Mr. Pappas.

H.R. 2183: Mr. Graham.

H.R. 2224: Mrs. Lowey.

H.R. 2250: Mr. Largent and Mr. Everett.

H.R. 2263: Mr. Frelinghuysen.

H.R. 2408: Mr. Baesler.

H.R. 2409: Mr. Johnson of Wisconsin; Mr. Foley, and Mr. Torres.

H.R. 2523: Mr. Towns.

H.R. 2526: Ms. Lofgren, Mr. Nadler, and Mr. Gordon.

H.R. 2568: Mr. Hostettler.

H.R. 2593: Mr. Linder and Ms. Granger.

H.R. 2670: Mr. Ehlers.

H.R. 2701: Mr. Holden, Mr. Doyle, and Mr. McGovern.

H.R. 2714: Ms. Furse.

H.R. 2752: Mr. Gallegly, Mr. McKeon, Mr. Doolittle, Mr. Herger, Mrs. Bono, Mr. Cox of California, Mr. Rohrabacher, Mr. Rogan, and Mr. Royce.

H.R. 2801: Mr. McGovern, Mr. Campbell, and Ms. Stabenow.

H.R. 2819: Mr. Fattah and Mr. Becerra.

H.R. 2828: Mr. McIntyre.

H.R. 2849: Mr. Davis of Illinois, Mrs. Capps, Mr. Allen, Mr. Moran of Kansas, Mr. Cook, Mr. Frost, Ms. Woolsey, Mr. Lewis of Georgia, Mr. Clyburn, Mr. Bartlett of Maryland, Mr. Thompson, and Mr. Engel.

H.R. 2854: Mr. Allen and Mr. Gordon.

H.R. 2888: Mr. Goode, Ms. Stabenow, Mrs. Johnson of Connecticut, and Mr. Pappas.

H.R. 2923: Mr. Lewis of Georgia, Mr. McNulty, and Mr. Berman.

H.R. 2942: Mr. Canady of Florida, Ms. Eddie Bernice Johnson of Texas, Mr. Stump, Mr. Klug, Mr. Ramstad, Mr. Traficant, Mr. Sessions, Mr. Ney, Mr. Turner, Mr. Sisisky, Mr. Burton of Indiana, Mr. Gibbons, Mr. Sanford, Mr. Graham, Mr. Upton, Mr. Oxley, Mr. Hill, Mr. Smith of Oregon, Mr. Taylor of North Carolina, Mr. Hoekstra, Mr. Cunningham, Mr. Skelton, and Mr. Collins.

H.R. 2955: Mr. Knollenberg and Mr. Hill.

H.R. 2973: Mrs. Clayton.

H.R. 3052: Mr. Pascrell.

H.R. 3054: Mr. Payne and Mr. Pastor.

H.R. 3055: Mr. Foley and Mr. Scarborough.

H.R. 3099: Ms. Slaughter.

H.R. 3107: Mr. Pickett.

H.R. 3140: Mr. Cramer, Mr. Jefferson, Mr. Hunter, Mr. Barr of Georgia, Mr. Watkins, and Mr. Clement.

H.R. 3156: Mr. Chambliss.

H.R. 3181: Ms. Roybal-Allard.

H.R. 3205: Ms. Slaughter.

H.R. 3217: Mr. Sam Johnson, Mr. Coyne, Mr. Jefferson, and Ms. Christian-Green.

H.R. 3240: Mrs. Clayton.

H.R. 3279: Mr. Metcalf and Mr. Ackerman.

H.R. 3281: Mr. Hyde and Mr. Evans.

H.R. 3284: Mr. Lewis of Georgia and Mr. DeFazio.

H.R. 3290: Ms. Dunn of Washington, Mr. Becerra, Mr. Hinchey, Ms. Roybal-Allard, Mr. Ballenger, and Mr. Scott.

H.R. 3292: Mr. Miller of California, Mr. Torres, and Mr. Levin.

H.R. 3318: Mr. Davis of Illinois, Mr. Bonior, Mr. Smith of Oregon, Mr. Peterson of Pennsylvania, and Mr. Manton.

H.R. 3331: Mr. Hunter, Mr. Bilbray, and Mr. Herger.

H.R. 3382: Mr. Hastings of Washington and Mr. Stenholm.

H.R. 3396: Mr. Davis of Illinois, Mr. Wicker, Mr. Packard, Mr. Bilbray, Mr. Dicks, Mr. Stump, Mr. Bonilla, Mr. Gilman, Mr. Pitts, Mr. LaHood, Mr. Lipinski, Mr. Coburn, and Mr. Moran of Virginia.

H.R. 3400: Mr. Filner.

H.R. 3435: Mr. Calvert, Mr. Cunningham, Mr. Davis of Illinois, and Mr. Cook.

H.R. 3438: Mr. Weller.

H.R. 3456: Mr. Doolittle.

H.R. 3469: Mr. Jefferson.

H.R. 3494: Mr. Nethercutt.

H.R. 3497: Mr. Jefferson.

H.R. 3503: Mr. Goode, Mrs. Lowey, and Mr. Bentsen.

H.R. 3506: Ms. Granger, Mr. Rangel, Mr. Ford, Mr. Gingrich, Mr. Dan Schaefer of Colorado, Mr. Boswell, Mr. Porter, Mr. Thomas, Mr. Shays, Mr. Weldon of Pennsylvania, Mr. Crane, Mr. Fossella, Mr. Manzullo, Mr. White, Mr. Cardin, and Mr. Reyes.

H.R. 3510: Ms. Lee.

H.R. 3514: Mr. Romero-Barcelo.

H.R. 3523: Mr. Doyle, Mr. Baesler, Mr. Hastings of Washington, Mr. Torres, Mrs. Mink of Hawaii, Ms. Hooley of Oregon, and Mr. Peterson of Pennsylvania.

H.R. 3534: Mr. Kasich, Mr. Duncan, Mr. Hoekstra, and Mr. Bachus.

H.R. 3538: Mr. Gonzalez.

H.R. 3551: Mr. Gutierrez, Mr. Martinez, and Mr. Gonzalez.

H.R. 3553: Mr. Thompson, Mr. Davis of Illinois, and Mr. Miller of California.

H.R. 3555: Mr. Castle.

H.R. 3567: Mr. Menendez, Mr. Adam Smith of Washington, Mr. Mascara, Mr. Baldacci, and Mr. Ney.

H.R. 3571: Mr. Underwood, Mr. Maloney of Connecticut, and Ms. Rivers.

H.R. 3584: Mr. Green and Mrs. Thurman.

H.R. 3605: Mr. McNulty, Mr. Faleomavaega, Mr. Murtha, Mr. Kucinich, and Mr. Bonior.

H.R. 3610: Mr. Burr of North Carolina and Mr. Menendez.

H.R. 3613: Mr. Graham.

H.R. 3636: Ms. Rivers, Mr. Metcalf, and Mr. Dixon.

H.R. 3641: Mr. Neal of Massachusetts.

H.R. 3648: Mr. Paxon.

H.R. 3650: Mr. McIntosh, Mr. Sessions, and Mr. Frost.

H.R. 3651: Mr. McNulty, Mr. Hastings of Florida, Ms. Slaughter, Mr. Adam Smith of Washington, Mr. McDermott, and Mr. Manton.

H.R. 3667: Ms. Christian-Green, Mr. Watkins, and Mr. Lewis of Georgia.

H.R. 3682: Mr. LoBiondo and Mr. LaTourette.

H.R. 3696: Mr. Rogan.

H.R. 3702: Mr. Bonior.

H.R. 3734: Mr. Bilbray, Mrs. Roukema, and Mr. Davis of Virginia.

H.R. 3743: Mr. Pallone, Mr. Burton of Indiana, Mr. Saxton, Mrs. Tauscher, and Mr. Gutierrez.

H.R. 3747: Ms. Eshoo and Mr. LoBiondo.

H. Con. Res. 13: Mr. Jenkins.

H. Con. Res. 114: Mr. Poshard.

H. Con. Res. 126: Mr. Talent and Mr. Hall of Texas.

H. Con. Res. 211: Mr. Pappas.

H. Con. Res. 220: Mr. Saxton.

H. Con. Res. 224: Ms. Ros-Lehtinen, Mr. Etheridge, and Mr. Calvert.

H. Con. Res. 246: Mr. Sabo, Mr. Wynn, and Mr. Rush.

H. Con. Res. 252: Ms. Woolsey, Mr. Lazio of New York, and Mr. Rothman.

H. Con. Res. 264: Mr. Ensign, Mr. Turner, Mr. Moran of Virginia, and Mr. Weldon of Florida.

H. Res. 392: Mr. Paxon and Mr. Doolittle.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3584: Mr. Frost.

H. Res. 375: Mr. Gilman.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

60. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 73 petitioning the United States Congress to re-authorize the Intermodal Surface Transportation Efficiency Act; to the Committee on Transportation and Infrastructure.

61. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 71 petitioning the Congress of the United States and New York State to enact legislation to hold Health Maintenance Organizations and Health Care Organizations liable and responsible for their decisions regarding the provision or denial of health care services to patients or the provision or denial of payment for said services; jointly to the Committees on Commerce, Ways and Means, and Education and the Workforce.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members' names were withdrawn from the following discharge petition:

Petition 3 by Mr. BAESLER on House Resolution 259: Virgil H. Goode and Collin C. Peterson.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6

Offered By: Mr. Campbell of California

Amendment No. 76: At the end of the bill add the following new title:

TITLE XI—NONDISCRIMINATION PROVISION

SEC. 1101. SCIENCE AND ENGINEERING PROGRAM NONDISCRIMINATION.

(a) Prohibition.—No individual shall be excluded from, or have a diminished chance of acceptance to, any program authorized by part D of title III of the Higher Education Act of 1965, as added by section 303 of this Act, because of that applicant's race, color, religion, or national origin.

(b) Rule of Construction.—Nothing in subsection (a) shall be construed to preclude or discourage any of the following factors from being taken into account in admitting students to participation in the program described in subsection (a): the applicants income; parental education and income; need to master a second language; and instances of discrimination actually experienced by that student.

H.R. 6

Offered By: Mrs. Meek of Florida

Amendment No. 77: Page 349, after line 9, insert the following:

TITLE XI—EQUAL OPPORTUNITY FOR INDIVIDUALS WITH LEARNING DISABILITIES

SEC. 1101. DEMONSTRATION PROJECTS ENSURING EQUAL OPPORTUNITY FOR INDIVIDUALS WITH LEARNING DISABILITIES.

Subpart 2 of part A of title IV, as amended by section 405, is further amended by adding at the end the following:

"CHAPTER 6—DEMONSTRATION PROJECTS ENSURING EQUAL OPPORTUNITY FOR INDIVIDUALS WITH LEARNING DISABILITIES

"SEC. 412A. PROGRAM AUTHORITY.

"(a) In General.—The Secretary may award grants to, and enter into contracts and cooperative agreements with, not more than 5 institutions of higher education that are described in section 412B for demonstration projects to develop, test, and disseminate, in accordance with section 412C, methods, techniques, and procedures for ensuring equal educational opportunity for individuals with learning disabilities in postsecondary education.

"(b) Award Basis.—Grants, contracts, and cooperative agreements shall be awarded on a competitive basis.

"(c) Award Period.—Grants, contracts, and cooperative agreements shall be awarded for a period of 3 years.

"SEC. 412B. ELIGIBLE ENTITIES.

"Entities eligible to apply for a grant, contract, or cooperative agreement under this chapter are institutions of higher education with demonstrated prior experience in meeting the postsecondary educational needs of individuals with learning disabilities.

"SEC. 412C. REQUIRED ACTIVITIES.

"A recipient of a grant, contract, or cooperative agreement under this chapter shall use the funds received under this chapter to carry out each of the following activities:

"(1) Developing or identifying innovative, effective, and efficient approaches, strategies, supports, modifications, adaptations, and accommodations that enable individuals with learning disabilities to fully participate in postsecondary education.

"(2) Synthesizing research and other information related to the provision of services to individuals with learning disabilities in postsecondary education.

"(3) Conducting training sessions for personnel from other institutions of higher education to enable them to meet the special needs of postsecondary students with learning disabilities.

"(4) Preparing and disseminating products based upon the activities described in paragraphs (1) through (3).

"(5) Coordinating findings and products from the activities described in paragraphs (1) through (4) with other similar products and findings through participation in conferences, groups, and professional networks involved in the dissemination of technical assistance and information on postsecondary education.

"SEC. 412D. PRIORITY.

"The Secretary shall ensure that, to the extent feasible, there is a national geographic distribution of grants, contracts, and cooperative agreements awarded under this chapter throughout the States, except that the Secretary may give priority, with respect to one of the grants to be awarded, to a historically Black college or university that satisfies the requirements of section 412B.

"SEC. 412E. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this chapter $10,000,000 for each of the fiscal years 1999 through 2001.".

H.R. 10

Offered By: Mr. Leach

(Amendment in the Nature of a Substitute to H.R. 10)

Amendment No. 3: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; PURPOSES; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Financial Services Act of 1998".

(b) Purposes.—The purposes of this Act are as follows:

(1) To enhance competition in the financial services industry, in order to foster innovation and efficiency.

(2) To ensure the continued safety and soundness of depository institutions.

(3) To provide necessary and appropriate protections for investors and ensure fair and honest markets in the delivery of financial services.

(4) To provide for appropriate functional regulation of insurance activities.

(5) To reduce and, to the maximum extent practicable, to eliminate the legal barriers preventing affiliation among depository institutions, securities firms, insurance companies, and other financial service providers and to provide a prudential framework for achieving that result.

(6) To enhance the availability of financial services to citizens of all economic circumstances and in all geographic areas.

(7) To enhance the competitiveness of United States financial service providers internationally.

(8) To ensure compliance by depository institutions with the provisions of the Community Reinvestment Act of 1977 and enhance the ability of depository institutions to meet the capital and credit needs of all citizens and communities, including underserved communities and populations.

(c) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; purposes; table of contents.

TITLE I—FACILITATING AFFILIATION AMONG SECURITIES FIRMS, INSURANCE COMPANIES, AND DEPOSITORY INSTITUTIONS

Subtitle A—Affiliations

Sec. 101. Glass-Steagall Act reformed.
Sec. 102. Activity restrictions applicable to bank holding companies which are not financial holding companies.
Sec. 103. Financial holding companies.
Sec. 104. Certain State laws preempted.
Sec. 105. Mutual bank holding companies authorized.
Sec. 106. Prohibition on deposit production offices.
Sec. 107. Clarification of branch closure requirements.
Sec. 108. Amendments relating to limited purpose banks.

Subtitle B—Streamlining Supervision of Financial Holding Companies

Sec. 111. Streamlining financial holding company supervision.
Sec. 112. Elimination of application requirement for financial holding companies.
Sec. 113. Authority of State insurance regulator and Securities and Exchange Commission.
Sec. 114. Prudential safeguards.
Sec. 115. Examination of investment companies.
Sec. 116. Limitation on rulemaking, prudential, supervisory, and enforcement authority of the Board.

Subtitle C—Subsidiaries of National Banks

Sec. 121. Permissible activities for subsidiaries of national banks.
Sec. 122. Misrepresentations regarding depository institution liability for obligations of affiliates.
Sec. 123. Repeal of stock loan limit in Federal reserve act.

Subtitle D—Wholesale Financial Holding Companies; Wholesale Financial Institutions

Chapter 1—Wholesale Financial Holding Companies

Sec. 131. Wholesale financial holding companies established.
Sec. 132. Authorization to release reports.
Sec. 133. Conforming amendments.

Chapter 2—Wholesale Financial Institutions

Sec. 136. Wholesale financial institutions.

Subtitle E—Streamlining Antitrust Review of Bank Acquisitions and Mergers

Sec. 141. Amendments to the Bank Holding Company Act of 1956.
Sec. 142. Amendments to the Federal Deposit Insurance Act to vest in the Attorney General sole responsibility for antitrust review of depository institution mergers.
Sec. 143. Information filed by depository institutions; interagency data sharing.
Sec. 144. Applicability of antitrust laws.
Sec. 145. Clarification of status of subsidiaries and affiliates.
Sec. 146. Effective date.

Subtitle F—Applying the Principles of National Treatment and Equality of Competitive Opportunity to Foreign Banks and Foreign Financial Institutions

Sec. 151. Applying the principles of national treatment and equality of competitive opportunity to foreign banks that are financial holding companies.

Sec. 152. Applying the principles of national treatment and equality of competitive opportunity to foreign banks and foreign financial institutions that are wholesale financial institutions.

Subtitle G—Federal Home Loan Bank System

Sec. 161. Federal home loan banks.
Sec. 162. Membership and collateral.
Sec. 163. The Office of Finance.
Sec. 164. Management of banks.
Sec. 165. Advances to nonmember borrowers.
Sec. 166. Powers and duties of banks.
Sec. 167. Mergers and consolidations of Federal home loan banks.
Sec. 168. Technical amendments.
Sec. 169. Definitions.
Sec. 170. Resolution funding corporation.
Sec. 171. Capital structure of the Federal home loan banks.
Sec. 172. Investments.
Sec. 173. Federal Housing Finance Board.

Subtitle H—Direct Activities of Banks

Sec. 181. Authority of national banks to underwrite certain municipal bonds

Subtitle I—Effective Date of Title

Sec. 191. Effective date.

TITLE II—FUNCTIONAL REGULATION

Subtitle A—Brokers and Dealers

Sec. 201. Definition of broker.
Sec. 202. Definition of dealer.
Sec. 203. Registration for sales of private securities offerings.
Sec. 204. Sales practices and complaint procedures.
Sec. 205. Information sharing.
Sec. 206. Definition and treatment of banking products.
Sec. 207. Derivative instrument and qualified investor defined.
Sec. 208. Government securities defined.
Sec. 209. Effective date.

Subtitle B—Bank Investment Company Activities

Sec. 211. Custody of investment company assets by affiliated bank.
Sec. 212. Lending to an affiliated investment company.
Sec. 213. Independent directors.
Sec. 214. Additional SEC disclosure authority.
Sec. 215. Definition of broker under the Investment Company Act of 1940.
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TITLE I—FACILITATING AFFILIATION AMONG SECURITIES FIRMS, INSURANCE COMPANIES, AND DEPOSITORY INSTITUTIONS

Subtitle A—Affiliations

SEC. 101. GLASS-STEAGALL ACT REFORMED.

(a) SECTION 20 REPEALED.—Section 20 (12 U.S.C. 377) of the Banking Act of 1933 (commonly referred to as the "Glass-Steagall Act") is repealed.

(b) SECTION 32 REPEALED.—Section 32 (12 U.S.C. 78) of the Banking Act of 1933 is repealed.

SEC. 102. ACTIVITY RESTRICTIONS APPLICABLE TO BANK HOLDING COMPANIES WHICH ARE NOT FINANCIAL HOLDING COMPANIES.

(a) IN GENERAL.—Section 4(c)(8) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)(8)) is amended to read as follows:

"(8) shares of any company the activities of which had been determined by the Board by regulation under this paragraph as of the day before the date of the enactment of the Financial Services Act of 1998, to be so closely related to banking as to be a proper incident thereto (subject to such terms and conditions contained in such regulation, unless modified by the Board);".

(b) CONFORMING CHANGES TO OTHER STATUTES.—

(1) AMENDMENT TO THE BANK HOLDING COMPANY ACT AMENDMENTS OF 1970.—Section 105 of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1850) is amended by striking ", to engage directly or indirectly in a nonbanking activity pursuant to section 4 of such Act,".

(2) AMENDMENT TO THE BANK SERVICE COMPANY ACT.—Section 4(f) of the Bank Service Company Act (12 U.S.C. 1864(f)) is amended by striking the period and adding at the end the following:

"as of the day before the date of enactment of the Financial Services Act of 1998.".

SEC. 103. FINANCIAL HOLDING COMPANIES.

(a) IN GENERAL.—The Bank Holding Company Act of 1956 is amended by inserting after section 5 (12 U.S.C. 1844) the following new section:

"SEC. 6. FINANCIAL HOLDING COMPANIES.

"(a) FINANCIAL HOLDING COMPANY DEFINED.—For purposes of this section, the term 'financial holding company' means a bank holding company which meets the requirements of subsection (b).

"(b) ELIGIBILITY REQUIREMENTS FOR FINANCIAL HOLDING COMPANIES.—

"(1) IN GENERAL.—No bank holding company may engage in any activity or directly or indirectly acquire or retain shares of any company under this section unless the bank holding company meets the following requirements:

"(A) All of the subsidiary depository institutions of the bank holding company are well capitalized.

"(B) All of the subsidiary depository institutions of the bank holding company are well managed.

"(C) All of the subsidiary depository institutions of the bank holding company have achieved a rating of 'satisfactory record of meeting community credit needs', or better, at the most recent examination of each such institution under the Community Reinvestment Act of 1977.

"(D) All of the subsidiary insured depository institutions of the bank holding company (other than any such depository institution which does not, in the ordinary course of the business of the depository institution, offer consumer transaction accounts to the general public) offer and maintain low-cost basic banking accounts.

"(E) The company has filed with the Board a declaration that the company elects to be a financial holding company and certifying that the company meets the requirements of subparagraphs (A) through (D).

"(2) FOREIGN BANKS AND COMPANIES.—For purposes of paragraph (1), the Board shall establish and apply comparable capital standards to a foreign bank that operates a branch or agency or owns or controls a bank or commercial lending company in the United States, and any company that owns or controls such foreign bank, giving due regard to the principle of national treatment and equality of competitive opportunity.

"(3) LIMITED EXCLUSIONS FROM COMMUNITY NEEDS REQUIREMENTS FOR NEWLY ACQUIRED DEPOSITORY INSTITUTIONS.—

"(A) IN GENERAL.—If the requirements of subparagraph (B) are met, any depository institution acquired by a bank holding company during the 24-month period preceding the submission of a declaration under paragraph (1)(E) and any depository institution acquired after the submission of such declaration may be excluded for purposes of paragraph (1)(C) until the later of—

"(i) the end of the 24-month period beginning on the date the acquisition of the depository institution by such company is consummated; or

"(ii) the date of completion of the 1st examination of such depository institution under the Community Reinvestment Act of 1977 which is conducted after the date of the acquisition of the depository institution.

"(B) REQUIREMENTS.—The requirements of this subparagraph are met with respect to any bank holding company referred to in subparagraph (A) if—

"(i) the bank holding company has submitted an affirmative plan to the appropriate Federal banking agency to take such action as may be necessary in order for such institution to achieve a rating of 'satisfactory record of meeting community credit needs', or better, at the next examination of the institution under the Community Reinvestment Act of 1977; and

"(ii) the plan has been approved by such agency.

"(c) ENGAGING IN ACTIVITIES FINANCIAL IN NATURE.—

"(1) IN GENERAL.—Notwithstanding section 4(a), a financial holding company and a wholesale financial holding company may engage in any activity, and acquire and retain the shares of any company engaged in any activity, which the Board has determined (by regulation or order) to be financial in nature or incidental to such financial activities.

"(2) FACTORS TO BE CONSIDERED.—In determining whether an activity is financial in nature or incidental to financial activities, the Board shall take into account—

"(A) the purposes of this Act and the Financial Services Act of 1998;

"(B) changes or reasonably expected changes in the marketplace in which bank holding companies compete;

"(C) changes or reasonably expected changes in the technology for delivering financial services; and

"(D) whether such activity is necessary or appropriate to allow a bank holding company and the affiliates of a bank holding company to—

"(i) compete effectively with any company seeking to provide financial services in the United States;

"(ii) use any available or emerging technological means, including any application necessary to protect the security or efficacy of systems for the transmission of data or financial transactions, in providing financial services; and

"(iii) offer customers any available or emerging technological means for using financial services.

"(3) ACTIVITIES THAT ARE FINANCIAL IN NATURE.—The following activities shall be considered to be financial in nature:

"(A) Lending, exchanging, transferring, investing for others, or safeguarding money or securities.

"(B) Insuring, guaranteeing, or indemnifying against loss, harm, damage, illness, disability, or death, or providing and issuing annuities, and acting as principal, agent, or broker for purposes of the foregoing.

"(C) Providing financial, investment, or economic advisory services, including advising an investment company (as defined in section 3 of the Investment Company Act of 1940).

"(D) Issuing or selling instruments representing interests in pools of assets permissible for a bank to hold directly.

"(E) Underwriting, dealing in, or making a market in securities.

"(F) Engaging in any activity that the Board has determined, by order or regulation that is in effect on the date of enactment of the Financial Services Act of 1998, to be so closely related to banking or managing or controlling banks as to be a proper incident thereto (subject to the same terms and conditions contained in such order or regulation, unless modified by the Board).

"(G) Engaging, in the United States, in any activity that—

"(i) a bank holding company may engage in outside the United States; and

"(ii) the Board has determined, under regulations issued pursuant to section 4(c)(13) of this Act (as in effect on the day before the date of enactment of the Financial Services Act of 1998) to be usual in connection with the transaction of banking or other financial operations abroad.

"(H) Directly or indirectly acquiring or controlling, whether as principal, on behalf of 1 or more entities (including entities, other than a depository institution or subsidiary of a depository institution, that the bank holding company controls) or otherwise, shares, assets, or ownership interests (including without limitation debt or equity securities, partnership interests, trust certificates or other instruments representing ownership) of a company or other entity, whether or not constituting control of such company or entity, engaged in any activity not authorized pursuant to this section if—

"(i) the shares, assets, or ownership interests are not acquired or held by a depository institution or subsidiary of a depository institution;

"(ii) such shares, assets, or ownership interests are acquired and held by a securities affiliate or an affiliate thereof as part of a bona fide underwriting or merchant banking activity, including investment activities engaged in for the purpose of appreciation and ultimate resale or disposition of the investment;

"(iii) such shares, assets, or ownership interests, are held only for such a period of time as will permit the sale or disposition thereof on a reasonable basis consistent with the nature of the activities described in clause (ii); and

"(iv) during the period such shares, assets, or ownership interests are held, the bank holding company does not actively participate in the day to day management or operation of such company or entity, except insofar as necessary to achieve the objectives of clause (ii).

"(I) Directly or indirectly acquiring or controlling, whether as principal, on behalf of 1 or more entities (including entities, other than a depository institution or subsidiary of a depository institution, that the bank holding company controls) or otherwise, shares, assets, or ownership interests (including without limitation debt or equity securities, partnership interests, trust certificates or other instruments representing ownership) of a company or other entity, whether or not constituting control of such company or entity, engaged in any activity not authorized pursuant to this section if—

"(i) the shares, assets, or ownership interests are not acquired or held by a depository institution or a subsidiary of a depository institution;

"(ii) such shares, assets, or ownership interests are acquired and held by an insurance company that is predominantly engaged in underwriting life, accident and health, or property and casualty insurance (other than credit-related insurance);

"(iii) such shares, assets, or ownership interests represent an investment made in the ordinary course of business of such insurance company in accordance with relevant State law governing such investments; and

"(iv) during the period such shares, assets, or ownership interests are held, the bank holding company does not directly or indirectly participate in the day-to-day management or operation of the company or entity except insofar as necessary to achieve the objectives of clauses (ii) and (iii).

"(4) ACTIONS REQUIRED.—The Board shall, by regulation or order, define, consistent with the purposes of this Act, the following activities as, and the extent to which such activities are, financial in nature or incidental to activities which are financial in nature:

"(A) Lending, exchanging, transferring, investing for others, or safeguarding financial assets other than money or securities.

"(B) Providing any device or other instrumentality for transferring money or other financial assets;

"(C) Arranging, effecting, or facilitating financial transactions for the account of third parties.

"(5) POST CONSUMMATION NOTIFICATION.—

"(A) IN GENERAL.—A financial holding company and a wholesale financial holding company that acquires any company, or commences any activity, pursuant to this subsection shall provide written notice to the Board describing the activity commenced or conducted by the company acquired no later than 30 calendar days after commencing the activity or consummating the acquisition.

"(B) APPROVAL NOT REQUIRED FOR CERTAIN FINANCIAL ACTIVITIES.—Except as provided in section 4(j) with regard to the acquisition of a savings association, a financial holding company and a wholesale financial holding company may commence any activity, or acquire any company, pursuant to paragraph (3) or any regulation prescribed or order issued under paragraph (4), without prior approval of the Board.

"(d) PROVISIONS APPLICABLE TO FINANCIAL HOLDING COMPANIES THAT FAIL TO MEET REQUIREMENTS.—

"(1) IN GENERAL.—If the Board finds that a financial holding company is not in compliance with the requirements of subparagraph (A), (B), or (C) of subsection (b)(1), the Board shall give notice of such finding to the company.

"(2) AGREEMENT TO CORRECT CONDITIONS REQUIRED.—Within 45 days of receipt by a financial holding company of a notice given under paragraph (1) (or such additional period as the Board may permit), the company shall execute an agreement acceptable to the Board to comply with the requirements applicable to a financial holding company.

"(3) BOARD MAY IMPOSE LIMITATIONS.—Until the conditions described in a notice to a financial holding company under paragraph (1) are corrected, the Board may impose such limitations on the conduct or activities of the company or any affiliate of the company as the Board determines to be appropriate under the circumstances.

"(4) Failure to correct.—If, after receiving a notice under paragraph (1), a financial holding company does not—

"(A) execute and implement an agreement in accordance with paragraph (2);

"(B) comply with any limitations imposed under paragraph (3);

"(C) in the case of a notice of failure to comply with subsection (b)(1)(A), restore each depository institution subsidiary to well capitalized status before the end of the 180-day period beginning on the date such notice is received by the company (or such other period permitted by the Board); or

"(D) in the case of a notice of failure to comply with subparagraph (B) or (C) of subsection (b)(1), restore compliance with any such subparagraph by the date the next examination of the depository institution subsidiary is completed or by the end of such other period as the Board determines to be appropriate,

the Board may require such company, under such terms and conditions as may be imposed by the Board and subject to such extension of time as may be granted in the Board's discretion, to divest control of any depository institution subsidiary or, at the election of the financial holding company, instead to cease to engage in any activity conducted by such company or its subsidiaries pursuant to this section.

"(5) Consultation.—In taking any action under this subsection, the Board shall consult with all relevant Federal and State regulatory agencies.

"(e) Safeguards for Bank Subsidiaries.—A financial holding company shall assure that—

"(1) the procedures of the holding company for identifying and managing financial and operational risks within the company, and the subsidiaries of such company, adequately protect the subsidiaries of such company which are insured depository institutions from such risks;

"(2) the holding company has reasonable policies and procedures to preserve the separate corporate identity and limited liability of such company and the subsidiaries of such company, for the protection of the company's subsidiary insured depository institutions; and

"(3) the holding company complies with this section.

"(f) Nonfinancial Activities.—

"(1) In general.—Notwithstanding section 4(a), a financial holding company may engage in activities which are not (or have not been determined to be) financial in nature or incidental to activities which are financial in nature, or acquire and retain ownership and control of the shares of a company engaged in such activities, if—

"(A) the aggregate annual gross revenues derived from all such activities and all such companies does not exceed the lesser of—

"(i) 5 percent of the consolidated annual gross revenues of the financial holding company; or

"(ii) $500,000,000;

"(B) the consolidated total assets of any company the shares of which are acquired by the financial holding company pursuant to this paragraph are less than $750,000,000 at the time the shares are acquired by the holding company; and

"(C) the holding company provides notice to the Board within 30 days of commencing the activity or acquiring the ownership or control.

"(2) Inclusion of grandfathered activities.—For purposes of determining the limits contained in paragraph (1)(A), the gross revenues derived from all activities conducted, and companies the shares of which are held, under subsection (g) shall be considered to be derived or held under this subsection.

"(3) Foreign banks.—In lieu of the limitation contained in paragraph (1)(A) in the case of a foreign bank or a company that owns or controls a foreign bank which engages in any activity or acquires or retains ownership or control of shares of any company pursuant to paragraph (1), the aggregate annual gross revenues derived from all such activities and all such companies in the United States shall not exceed the lesser of—

"(A) 5 percent of the consolidated annual gross revenues of the foreign bank or company in the United States derived from any branch, agency, commercial lending company, or depository institution controlled by the foreign bank or company and any subsidiary engaged in the United States in activities permissible under section 4 or 6; or

"(B) $500,000,000.

"(4) Indexing revenue test.—After December 31, 1998, the Board shall annually adjust the dollar amount contained in paragraphs (1)(A) and (3) by the annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers published by the Bureau of Labor Statistics.

"(5) Nonapplicability of other exemption.—Any foreign bank or company that owns or controls a foreign bank which engages in any activity or acquires or retains ownership or control of shares of any company pursuant to this subsection shall not be eligible for any exception described in section 2(h).

"(g) Authority To Retain Limited Nonfinancial Activities and Affiliations.—

"(1) In general.—Notwithstanding subsection (f)(1) and section 4(a), a company that is not a bank holding company or a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978) and becomes a financial holding company after the date of the enactment of the Financial Services Act of 1998 may continue to engage in any activity and retain direct or indirect ownership or control of shares of a company engaged in any activity if—

"(A) the holding company lawfully was engaged in the activity or held the shares of such company on September 30, 1997;

"(B) the holding company is predominantly engaged in financial activities as defined in paragraph (2); and

"(C) the company engaged in such activity continues to engage only in the same activities that such company conducted on September 30, 1997, and other activities permissible under this Act.

"(2) Predominantly financial.—For purposes of this subsection, a company is predominantly engaged in financial activities if, as of the day before the company becomes a financial holding company, the annual gross revenues derived by the holding company and all subsidiaries of the holding company, on a consolidated basis, from engaging in activities that are financial in nature or are incidental to activities that are financial in nature under subsection (c) represent at least 85 percent of the consolidated annual gross revenues of the company.

"(3) No expansion of grandfathered commercial activities through merger or consolidation.—A financial holding company that engages in activities or holds shares pursuant to this subsection, or a subsidiary of such financial holding company, may not acquire, in any merger, consolidation, or other type of business combination, assets of any other company which is engaged in any activity which the Board has not determined to be financial in nature or incidental to activities that are financial in nature under subsection (c).

"(4) Continuing revenue limitation on grandfathered commercial activities.—Notwithstanding any other provision of this subsection, a financial holding company may continue to engage in activities or hold shares in companies pursuant to this subsection only to the extent that the aggregate annual gross revenues derived from all such activities and all such companies does not exceed 15 percent of the consolidated annual gross revenues of the financial holding company.

"(5) Cross marketing restrictions applicable to commercial activities.—A depository institution controlled by a financial holding company shall not—

"(A) offer or market, directly or through any arrangement, any product or service of a company whose activities are conducted or whose shares are owned or controlled by the financial holding company pursuant to this subsection, subsection (f), or subparagraph (H) or (I) of subsection (c)(3); or

"(B) permit any of its products or services to be offered or marketed, directly or through any arrangement, by or through any company described in subparagraph (A).

"(6) Transactions with nonfinancial affiliates.—An insured depository institution controlled by a financial holding company may not engage in a covered transaction (as defined by section 23A(b)(7) of the Federal Reserve Act) with any affiliate controlled by the company pursuant to this subsection, subsection (f), or subparagraph (H) or (I) of subsection (c)(3).

"(h) Developing Activities.—A financial holding company and a wholesale financial holding company may engage directly or indirectly, or acquire shares of any company engaged, in any activity that the Board has not determined to be financial in nature or incidental to financial activities under subsection (c) if—

"(1) the holding company reasonably concludes that the activity is financial in nature or incidental to financial activities;

"(2) the gross revenues from all activities conducted under this subsection represent less than 5 percent of the consolidated gross revenues of the holding company;

"(3) the aggregate total assets of all companies the shares of which are held under this subsection do not exceed 5 percent of the holding company's consolidated total assets;

"(4) the total capital invested in activities conducted under this subsection represents less than 5 percent of the consolidated total capital of the holding company;

"(5) the Board has not determined that the activity is not financial in nature or incidental to financial activities under subsection (c); and

"(6) the holding company provides written notification to the Board describing the activity commenced or conducted by the company acquired no later than 10 business days after commencing the activity or consummating the acquisition.".

SEC. 104. CERTAIN STATE LAWS PREEMPTED.

(a) Affiliations.—No State may by statute, regulation, order, interpretation, or otherwise, prevent or restrict an insured depository institution or a wholesale financial institution from being affiliated with an entity (including an entity engaged in insurance activities) as authorized by this Act or any other provision of Federal law.

(b) ACTIVITIES.

(1) Except as provided in paragraphs (2) and (3) and subject to section 18(c) of the Securities Act of 1933, no State may by statute, regulation, order, interpretation, or otherwise, prevent or restrict an insured depository institution or a wholesale financial institution from engaging, directly or indirectly or in conjunction with an affiliate, in any activity authorized under this Act or any other provision of Federal law.

(2) As stated by the United States Supreme Court in *Barnett Bank of Marion County, N.A.* v. *Nelson*, 116 S.Ct. 1103 (1996), no State may, by statute, regulation, order, interpretation, or otherwise, prevent or significantly interfere with the ability of an insured depository institution or wholesale financial institution to engage, directly or indirectly, or in conjunction with an affiliate, in any insurance sales or solicitation activity, except that—

(A) State statutes and regulations governing insurance sales and solicitations which are no more restrictive than provisions in the Illinois "Act Authorizing and Regulating the Sale of Insurance by Financial Institutions, Public Act 90-41" (215 ILCS 5/1400-1416), as in effect on October 1, 1997, shall not be deemed to prevent or significantly interfere with the ability of an insured depository institution or wholesale financial institution to engage, directly or indirectly, or in conjunction with an affiliate, in any insurance sales or solicitation activity; and

(B) subparagraph (A) shall not create any inference regarding State statutes, and regulations governing insurance sales and solicitations which are more restrictive than any provision in the Illinois "Act Authorizing and Regulating the Sale of Insurance by Financial Institutions", (Public Act 90-41; 215 ILCS 5/1400-1416), as in effect on October 1, 1997.

(3) State statutes, regulations, orders, and interpretations which are applicable to and are applied in the same manner with respect to insurance underwriting activities of an affiliate of an insured depository institution or a wholesale financial institution as they are applicable to and are applied to an insurance underwriter which is not affiliated with an insured depository institution or a wholesale financial institution shall not be preempted under paragraph (1).

SEC. 105. MUTUAL BANK HOLDING COMPANIES AUTHORIZED.

(a) IN GENERAL.—Section 3(g)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(g)(2)) is amended to read as follows:

"(2) REGULATIONS.—A bank holding company organized as a mutual holding company shall be regulated on terms, and shall be subject to limitations, comparable to those applicable to any other bank holding company.".

SEC. 106. PROHIBITION ON DEPOSIT PRODUCTION OFFICES.

(a) IN GENERAL.—Section 109(d) of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 (12 U.S.C. 1835a(d)) is amended—

(1) by inserting ", the Financial Services Act of 1998," after "pursuant to this title"; and

(2) by inserting "or such Act" after "made by this title".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 109(e)(4) of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 (12 U.S.C. 1835a(e)(4)) is amended by inserting "and any branch of a bank controlled by an out-of-State bank holding company (as defined in section 2(o)(7) of the Bank Holding Company Act of 1956)" before the period.

SEC. 107. CLARIFICATION OF BRANCH CLOSURE REQUIREMENTS.

Section 42(d)(4)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1831r-1(d)(4)(A)) is amended by inserting "and any bank controlled by an out-of-State bank holding company (as defined in section 2(o)(7) of the Bank Holding Company Act of 1956)" before the period.

SEC. 108. AMENDMENTS RELATING TO LIMITED PURPOSE BANKS.

Section 4(f) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(f)) is amended—

(1) in paragraph (2)(A)(ii)—

(A) by striking "and" at the end of subclause (IX);

(B) by inserting "and" after the semicolon at the end of subclause (X); and

(C) by inserting after subclause (X) the following new subclause:

"(XI) assets that are derived from, or are incidental to, activities in which institutions described in section 2(c)(2)(F) are permitted to engage,";

(2) in paragraph (2), by striking subparagraph (B) and inserting the following new subparagraphs:

"(B) any bank subsidiary of such company engages in any activity in which the bank was not lawfully engaged as of March 5, 1987, unless the bank is well managed and well capitalized;

"(C) any bank subsidiary of such company both—

"(i) accepts demand deposits or deposits that the depositor may withdraw by check or similar means for payment to third parties; and

"(ii) engages in the business of making commercial loans (and, for purposes of this clause, loans made in the ordinary course of a credit card operation shall not be treated as commercial loans); or

"(D) after the date of the enactment of the Competitive Equality Amendments of 1987, any bank subsidiary of such company permits any overdraft (including any intraday overdraft), or incurs any such overdraft in such bank's account at a Federal reserve bank, on behalf of an affiliate, other than an overdraft described in paragraph (3)."; and

(3) by striking paragraphs (3) and (4) and inserting the following new paragraphs:

"(3) PERMISSIBLE OVERDRAFTS DESCRIBED.—For purposes of paragraph (2)(D), an overdraft is described in this paragraph if—

"(A) such overdraft results from an inadvertent computer or accounting error that is beyond the control of both the bank and the affiliate; or

"(B) such overdraft—

"(i) is permitted or incurred on behalf of an affiliate which is monitored by, reports to, and is recognized as a primary dealer by the Federal Reserve Bank of New York; and

"(ii) is fully secured, as required by the Board, by bonds, notes, or other obligations which are direct obligations of the United States or on which the principal and interest are fully guaranteed by the United States or by securities and obligations eligible for settlement on the Federal Reserve book entry system.

"(4) DIVESTITURE IN CASE OF LOSS OF EXEMPTION.—If any company described in paragraph (1) fails to qualify for the exemption provided under such paragraph by operation of paragraph (2), such exemption shall cease to apply to such company and such company shall divest control of each bank it controls before the end of the 180-day period beginning on the date that the company receives notice from the Board that the company has failed to continue to qualify for such exemption, unless before the end of such 180-day period, the company has—

"(A) corrected the condition or ceased the activity that caused the company to fail to continue to qualify for the exemption; and

"(B) implemented procedures that are reasonably adapted to avoid the reoccurrence of such condition or activity.".

Subtitle B—Streamlining Supervision of Financial Holding Companies

SEC. 111. STREAMLINING FINANCIAL HOLDING COMPANY SUPERVISION.

Section 5(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844(c)) is amended to read as follows:

"(c) REPORTS AND EXAMINATIONS.—

"(1) REPORTS.—

"(A) IN GENERAL.—The Board from time to time may require any bank holding company and any subsidiary of such company to submit reports under oath to keep the Board informed as to—

"(i) its financial condition, systems for monitoring and controlling financial and operating risks, and transactions with depository institution subsidiaries of the holding company; and

"(ii) compliance by the company or subsidiary with applicable provisions of this Act.

"(B) USE OF EXISTING REPORTS.—

"(i) IN GENERAL.—The Board shall, to the fullest extent possible, accept reports in fulfillment of the Board's reporting requirements under this paragraph that a bank holding company or any subsidiary of such company has provided or been required to provide to other Federal and State supervisors or to appropriate self-regulatory organizations.

"(ii) AVAILABILITY.—A bank holding company or a subsidiary of such company shall provide to the Board, at the request of the Board, a report referred to in clause (i).

"(iii) REQUIRED USE OF PUBLICLY REPORTED INFORMATION.—The Board shall, to the fullest extent possible, accept in fulfillment of any reporting or recordkeeping requirements under this Act information that is otherwise required to be reported publicly and externally audited financial statements.

"(iv) REPORTS FILED WITH OTHER AGENCIES.—In the event the Board requires a report from a functionally regulated nondepository institution subsidiary of a bank holding company of a kind that is not required by another Federal or State regulator or appropriate self-regulatory organization, the Board shall request that the appropriate regulator or self-regulatory organization obtain such report. If the report is not made available to the Board, and the report is necessary to assess a material risk to the bank holding company or its subsidiary depository institution or compliance with this Act, the Board may require such subsidiary to provide such a report to the Board.

"(C) DEFINITION.—For purposes of this subsection, the term 'functionally regulated nondepository institution' means—

"(i) a broker or dealer registered under the Securities Exchange Act of 1934;

"(ii) an investment adviser registered under the Investment Advisers Act of 1940, with respect to the investment advisory activities of such investment adviser and activities incidental to such investment advisory activities;

"(iii) an insurance company subject to supervision by a State insurance commission, agency, or similar authority; and "(iv) an entity subject to regulation by the Commodity Futures Trading Commission, with respect to the commodities activities of such entity and activities incidental to such commodities activities.

"(2) EXAMINATIONS.—

"(A) EXAMINATION AUTHORITY.—

"(i) IN GENERAL.—The Board may make examinations of each bank holding company and each subsidiary of a bank holding company.

"(ii) FUNCTIONALLY REGULATED NONDEPOSITORY INSTITUTION SUBSIDIARIES.—Notwithstanding clause (i), the Board may make examinations of a functionally regulated nondepository institution subsidiary of a bank holding company only if—

"(I) the Board has reasonable cause to believe that such subsidiary is engaged in activities that pose a material risk to an affiliated depository institution, or

"(II) based on reports and other available information, the Board has reasonable cause to believe that a subsidiary is not in compliance with this Act or with provisions relating to transactions with an affiliated depository institution and the Board cannot make such determination through examination of the affiliated depository institution or bank holding company.

"(B) LIMITATIONS ON EXAMINATION AUTHORITY FOR BANK HOLDING COMPANIES AND SUBSIDIARIES.—Subject to subparagraph (A)(ii), the Board may make examinations under subparagraph (A)(i) of each bank holding company and each subsidiary of such holding company in order to—

"(i) inform the Board of the nature of the operations and financial condition of the holding company and such subsidiaries;

"(ii) inform the Board of—

"(I) the financial and operational risks within the holding company system that may pose a threat to the safety and soundness of any subsidiary depository institution of such holding company; and

"(II) the systems for monitoring and controlling such risks; and

"(iii) monitor compliance with the provisions of this Act and those governing transactions and relationships between any subsidiary depository institution and its affiliates.

"(C) RESTRICTED FOCUS OF EXAMINATIONS.—The Board shall, to the fullest extent possible, limit the focus and scope of any examination of a bank holding company to—

"(i) the bank holding company; and

"(ii) any subsidiary of the holding company that, because of—

"(I) the size, condition, or activities of the subsidiary;

"(II) the nature or size of transactions between such subsidiary and any depository institution which is also a subsidiary of such holding company; or

"(III) the centralization of functions within the holding company system,

could have a materially adverse effect on the safety and soundness of any depository institution affiliate of the holding company.

"(D) DEFERENCE TO BANK EXAMINATIONS.—The Board shall, to the fullest extent possible, use, for the purposes of this paragraph, the reports of examinations of depository institutions made by the appropriate Federal and State depository institution supervisory authority.

"(E) DEFERENCE TO OTHER EXAMINATIONS.—The Board shall, to the fullest extent possible, address the circumstances which might otherwise permit or require an examination by the Board by forgoing an examination and instead reviewing the reports of examination made of—

"(i) any registered broker or dealer or registered investment adviser by or on behalf of the Securities and Exchange Commission;

"(ii) any licensed insurance company by or on behalf of any state regulatory authority responsible for the supervision of insurance companies; and

"(iii) any other subsidiary that the Board finds to be comprehensively supervised by a Federal or State authority.

"(3) CAPITAL.—

"(A) IN GENERAL.—The Board shall not, by regulation, guideline, order or otherwise, prescribe or impose any capital or capital adequacy rules, guidelines, standards, or requirements on any subsidiary of a financial holding company that is not a depository institution and—

"(i) is in compliance with applicable capital requirements of another Federal regulatory authority (including the Securities and Exchange Commission) or State insurance authority; or

"(ii) is registered as an investment adviser under the Investment Advisers Act of 1940.

"(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as preventing the Board from imposing capital or capital adequacy rules, guidelines, standards, or requirements with respect to activities of a registered investment adviser other than investment advisory activities or activities incidental to investment advisory activities.

"(4) TRANSFER OF BOARD AUTHORITY TO APPROPRIATE FEDERAL BANKING AGENCY.—

"(A) IN GENERAL.—In the case of any bank holding company which is not significantly engaged in nonbanking activities, the Board, in consultation with the appropriate Federal banking agency, may designate the appropriate Federal banking agency of the lead insured depository institution subsidiary of such holding company as the appropriate Federal banking agency for the bank holding company.

"(B) AUTHORITY TRANSFERRED.—An agency designated by the Board under subparagraph (A) shall have the same authority as the Board under this Act to—

"(i) examine and require reports from the bank holding company and any affiliate of such company (other than a depository institution) under section 5;

"(ii) approve or disapprove applications or transactions under section 3;

"(iii) take actions and impose penalties under subsections (e) and (f) of section 5 and section 8; and

"(iv) take actions regarding the holding company, any affiliate of the holding company (other than a depository institution), or any institution-affiliated party of such company or affiliate under the Federal Deposit Insurance Act and any other statute which the Board may designate.

"(C) AGENCY ORDERS.—Section 9 (of this Act) and section 105 of the Bank Holding Company Act Amendments of 1970 shall apply to orders issued by an agency designated under subparagraph (A) in the same manner such sections apply to orders issued by the Board.

"(5) FUNCTIONAL REGULATION OF SECURITIES AND INSURANCE ACTIVITIES.—The Board shall defer to—

"(A) the Securities and Exchange Commission with regard to all interpretations of, and the enforcement of, applicable Federal securities laws relating to the activities, conduct, and operations of registered brokers, dealers, investment advisers, and investment companies; and

"(B) the relevant State insurance authorities with regard to all interpretations of, and the enforcement of, applicable State insurance laws relating to the activities, conduct, and operations of insurance companies and insurance agents.".

SEC. 112. ELIMINATION OF APPLICATION REQUIREMENT FOR FINANCIAL HOLDING COMPANIES.

(a) PREVENTION OF DUPLICATIVE FILINGS.—Section 5(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844(a)) is amended by adding the following new sentence at the end: "A declaration filed in accordance with section 6(b)(1)(E) shall satisfy the requirements of this subsection with regard to the registration of a bank holding company but not any requirement to file an application to acquire a bank pursuant to section 3.".

(b) DIVESTITURE PROCEDURES.—Section 5(e)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844(e)(1)) is amended—

(1) by striking "Financial Institutions Supervisory Act of 1966, order" and inserting "Financial Institutions Supervisory Act of 1966, at the election of the bank holding company—

"(A) order"; and

(2) by striking "shareholders of the bank holding company. Such distribution" and inserting "shareholders of the bank holding company; or

"(B) order the bank holding company, after due notice and opportunity for hearing, and after consultation with the bank's primary supervisor, which shall be the Comptroller of the Currency in the case of a national bank, and the Federal Deposit Insurance Corporation and the appropriate State supervisor in the case of an insured nonmember bank, to terminate (within 120 days or such longer period as the Board may direct) the ownership or control of any such bank by such company.

"The distribution referred to in subparagraph (A)".

SEC. 113. AUTHORITY OF STATE INSURANCE REGULATOR AND SECURITIES AND EXCHANGE COMMISSION.

Section 5 of the Bank Holding Company Act of 1956 (12 U.S.C. 1844) is amended by adding at the end the following new subsection:

"(g) AUTHORITY OF STATE INSURANCE REGULATOR AND THE SECURITIES AND EXCHANGE COMMISSION.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, any regulation, order, or other action of the Board which requires a bank holding company to provide funds or other assets to a subsidiary insured depository institution shall not be effective nor enforceable if—

"(A) such funds or assets are to be provided by—

"(i) a bank holding company that is an insurance company or is a broker or dealer registered under the Securities Exchange Act of 1934; or

"(ii) an affiliate of the depository institution which is an insurance company or a broker or dealer registered under such Act; and

"(B) the State insurance authority for the insurance company or the Securities and Exchange Commission for the registered broker or dealer, as the case may be, determines in writing sent to the holding company and the Board that the holding company shall not provide such funds or assets because such action would have a material adverse effect on the financial condition of the insurance company or the broker or dealer, as the case may be.

"(2) NOTICE TO STATE INSURANCE AUTHORITY OR SEC REQUIRED.—If the Board requires a bank holding company, or an affiliate of a bank holding company, which is an insurance company or a broker or dealer described in paragraph (1)(A) to provide funds or assets to an insured depository institution subsidiary of the holding company pursuant to any regulation, order, or other action of the Board referred to in paragraph (1), the Board shall promptly notify the State insurance authority for the insurance company or the Securities and Exchange Commission, as the case may be, of such requirement.

"(3) DIVESTITURE IN LIEU OF OTHER ACTION.—If the Board receives a notice described in paragraph (1)(B) from a State insurance authority or the Securities and Exchange Commission with regard to a bank holding company or affiliate referred to in such paragraph, the Board may order the bank holding company to divest the insured depository institution within 180 days of receiving notice or such longer period as the Board determines consistent with the safe and sound operation of the insured depository institution.

"(4) CONDITIONS BEFORE DIVESTITURE.—During the period beginning on the date an order to divest is issued by the Board under paragraph (3) to a bank holding company and ending on the date the divestiture is completed, the Board may impose any conditions or restrictions on the holding company's ownership or operation of the insured depository institution, including restricting or prohibiting transactions between the insured depository institution and any affiliate of the institution, as are appropriate under the circumstances.".

SEC. 114. PRUDENTIAL SAFEGUARDS.

Section 5 of the Bank Holding Company Act of 1956 (12 U.S.C. 1844) is amended by inserting after subsection (g) (as added by section 113 of this subtitle) the following new subsection:

"(h) PRUDENTIAL SAFEGUARDS.—

"(1) IN GENERAL.—The Board may, by regulation or order, impose restrictions or requirements on relationships or transactions between a depository institution subsidiary of a bank holding company and any affiliate of such depository institution (other than a subsidiary of such institution) which the Board finds is consistent with the public interest, the purposes of this Act, the Financial Services Act of 1998, the Federal Reserve Act, and other Federal law applicable to depository institution subsidiaries of bank holding companies and the standards in paragraph (2).

"(2) STANDARDS.—The Board may exercise authority under paragraph (1) if the Board finds that such action will have any of the following effects:

"(A) Avoid any significant risk to the safety and soundness of depository institutions or any Federal deposit insurance fund.

"(B) Enhance the financial stability of bank holding companies.

"(C) Avoid conflicts of interest or other abuses.

"(D) Enhance the privacy of customers of depository institutions.

"(E) Promote the application of national treatment and equality of competitive opportunity between nonbank affiliates owned or controlled by domestic bank holding companies and nonbank affiliates owned or controlled by foreign banks operating in the United States.

"(3) REVIEW.—The Board shall regularly—

"(A) review all restrictions or requirements established pursuant to paragraph (1) to determine whether there is a continuing need for any such restriction or requirement to carry out the purposes of the Act, including any purpose described in paragraph (2); and

"(B) modify or eliminate any restriction or requirement the Board finds is no longer required for such purposes.".

SEC. 115. EXAMINATION OF INVESTMENT COMPANIES.

(a) EXCLUSIVE COMMISSION AUTHORITY.—

(1) IN GENERAL.—The Commission shall be the sole Federal agency with authority to inspect and examine any registered investment company that is not a bank holding company.

(2) PROHIBITION ON BANKING AGENCIES.—A Federal banking agency may not inspect or examine any registered investment company that is not a bank holding company.

(b) EXAMINATION RESULTS AND OTHER INFORMATION.—The Commission shall provide to any Federal banking agency, upon request, the results of any examination, reports, records, or other information with respect to any registered investment company to the extent necessary for the agency to carry out its statutory responsibilities.

(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) BANK HOLDING COMPANY.—The term "bank holding company" has the meaning given to such term in section 2 of the Bank Holding Company Act of 1956.

(2) COMMISSION.—The term "Commission" means the Securities and Exchange Commission.

(3) FEDERAL BANKING AGENCY.—The term "Federal banking agency" has the meaning given to such term in section 3(z) of the Federal Deposit Insurance Act.

(4) REGISTERED INVESTMENT COMPANY.—The term "registered investment company" means an investment company which is registered with the Commission under the Investment Company Act of 1940.

SEC. 116. LIMITATION ON RULEMAKING, PRUDENTIAL, SUPERVISORY, AND ENFORCEMENT AUTHORITY OF THE BOARD.

The Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) is amended by inserting after section 10 the following new section:

"SEC. 10A. LIMITATION ON RULEMAKING, PRUDENTIAL, SUPERVISORY, AND ENFORCEMENT AUTHORITY OF THE BOARD.

"(a) LIMITATION ON DIRECT ACTION.—

"(1) IN GENERAL.—The Board may not prescribe regulations, issue or seek entry of orders, impose restraints, restrictions, guidelines, requirements, safeguards, or standards, or otherwise take any action under or pursuant to any provision of this Act or section 8 of the Federal Deposit Insurance Act against or with respect to a regulated subsidiary of a bank holding company unless the action is necessary to prevent or redress an unsafe or unsound practice or breach of fiduciary duty by such subsidiary that poses a material risk to—

"(A) the financial safety, soundness, or stability of an affiliated depository institution; or

"(B) the domestic or international payment system.

"(2) CRITERIA FOR BOARD ACTION.—The Board shall not take action otherwise permitted under paragraph (1) unless the Board finds that it is not reasonably possible to effectively protect against the material risk at issue through action directed at or against the affiliated depository institution or against depository institutions generally.

"(b) LIMITATION ON INDIRECT ACTION.—The Board may not prescribe regulations, issue or seek entry of orders, impose restraints, restrictions, guidelines, requirements, safeguards, or standards, or otherwise take any action under or pursuant to any provision of this Act or section 8 of the Federal Deposit Insurance Act against or with respect to a financial holding company or a wholesale financial holding company where the purpose or effect of doing so would be to take action indirectly against or with respect to a regulated subsidiary that may not be taken directly against or with respect to such subsidiary in accordance with subsection (a).

"(c) ACTIONS SPECIFICALLY AUTHORIZED.—Notwithstanding subsection (a), the Board may take action under this Act or section 8 of the Federal Deposit Insurance Act to enforce compliance by a regulated subsidiary with Federal law that the Board has specific jurisdiction to enforce against such subsidiary.

"(d) REGULATED SUBSIDIARY DEFINED.—For purposes of this section, the term 'regulated subsidiary' means any company that is not a bank holding company and is—

"(1) a broker or dealer registered under the Securities Exchange Act of 1934;

"(2) an investment adviser registered under the Investment Advisers Act of 1940, with respect to the investment advisory activities of such investment adviser and activities incidental to such investment advisory activities;

"(3) an investment company registered under the Investment Company Act of 1940;

"(4) an insurance company or an insurance agency subject to supervision by a State insurance commission, agency, or similar authority; or

"(5) an entity subject to regulation by the Commodity Futures Trading Commission, with respect to the commodities activities of such entity and activities incidental to such commodities activities.".

Subtitle C—Subsidiaries of National Banks

SEC. 121. PERMISSIBLE ACTIVITIES FOR SUBSIDIARIES OF NATIONAL BANKS.

(a) FINANCIAL SUBSIDIARIES OF NATIONAL BANKS.—Chapter one of title LXII of the Revised Statutes of United States (12 U.S.C. 21 et seq.) is amended—

(1) by redesignating section 5136A as section 5136C; and

(2) by inserting after section 5136 (12 U.S.C. 24) the following new section:

"SEC. 5136A. SUBSIDIARIES OF NATIONAL BANKS.

"(a) SUBSIDIARIES OF NATIONAL BANKS AUTHORIZED TO ENGAGE IN FINANCIAL ACTIVITIES.—

"(1) EXCLUSIVE AUTHORITY.—No provision of section 5136 or any other provision of this title LXII of the Revised Statutes shall be construed as authorizing a subsidiary of a national bank to engage in, or own any share of or any other interest in any company engaged in, any activity that—

"(A) is not permissible for a national bank to engage in directly; or

"(B) is conducted under terms or conditions other than those that would govern the conduct of such activity by a national bank,

unless a national bank is specifically authorized by the express terms of a Federal statute and not by implication or interpretation to acquire shares of or an interest in, or to control, such subsidiary, such as by paragraph (2) of this subsection and section 25A of the Federal Reserve Act.

"(2) SPECIFIC AUTHORIZATION TO CONDUCT AGENCY ACTIVITIES WHICH ARE FINANCIAL IN NATURE.—A national bank may control a company that engages in agency activities that have been determined to be financial in nature or incidental to such financial activities pursuant to and in accordance with section 6(c) of the Bank Holding Company Act of 1956 if—

"(A) the company engages in such activities solely as agent and not directly or indirectly as principal,

"(B) the national bank is well capitalized and well managed, and has achieved a rating of satisfactory or better at the most recent examination of the bank under the Community Reinvestment Act of 1977;

"(C) all depository institution affiliates of the national bank are well capitalized and well managed, and have achieved a rating of satisfactory or better at the most recent examination of each such depository institution under the Community Reinvestment Act of 1977; and

"(D) the bank has received the approval of the Comptroller of the Currency.

"(3) DEFINITIONS.—

"(A) COMPANY; CONTROL; SUBSIDIARY.—The terms 'company', 'control', and 'subsidiary' have the meanings given to such terms in section 2 of the Bank Holding Company Act of 1956.

"(B) WELL CAPITALIZED.—The term 'well capitalized' has the same meaning as in section 38 of the Federal Deposit Insurance Act and, for purposes of this section, the Comptroller shall have exclusive jurisdiction to determine whether a national bank is well capitalized.

"(C) WELL MANAGED.—The term 'well managed' means—

"(i) in the case of a bank that has been examined, unless otherwise determined in writing by the Comptroller—

"(I) the achievement of a composite rating of 1 or 2 under the Uniform Financial Institutions Rating System (or an equivalent rating under an equivalent rating system) in connection with the most recent examination or subsequent review of the bank; and

"(II) at least a rating of 2 for management, if that rating is given; or

"(ii) in the case of any national bank that has not been examined, the existence and use of managerial resources that the Comptroller determines are satisfactory.

"(b) LIMITED EXCLUSIONS FROM COMMUNITY NEEDS REQUIREMENTS FOR NEWLY ACQUIRED DEPOSITORY INSTITUTIONS.—Any depository institution which becomes affiliated with a national bank during the 24-month period preceding the submission of an application to acquire a subsidiary under subsection (a)(2), and any depository institution which becomes so affiliated after the approval of such application, may be excluded for purposes of subsection (a)(2)(B) during the 24-month period beginning on the date of such acquisition if—

"(1) the depository institution has submitted an affirmative plan to the appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act) to take such action as may be necessary in order for such institution to achieve a 'satisfactory record of meeting community credit needs', or better, at the next examination of the institution under the Community Reinvestment Act of 1977; and

"(2) the plan has been approved by the appropriate Federal banking agency.".

(b) LIMITATION ON CERTAIN ACTIVITIES IN SUBSIDIARIES.—Section 21(a)(1) of the Banking Act of 1933 (12 U.S.C. 378(a)(1)) is amended—

(1) by inserting ", or to be a subsidiary of any person, firm, corporation, association, business trust, or similar organization engaged (unless such subsidiary (A) was engaged in such securities activities as of September 15, 1997, or (B) is a nondepository subsidiary of a foreign bank and is not also a subsidiary of a domestic depository institution)," after "to engage at the same time"; and

(2) by inserting "or any subsidiary of such bank, company, or institution" after "or private bankers".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) ANTITYING.—Section 106(a) of the Bank Holding Company Act Amendments of 1970 is amended by adding at the end the following new sentence: "For purposes of this section, a subsidiary of a national bank which engages in activities as an agent pursuant to section 5136A(a)(2) shall be deemed to be a subsidiary of a bank holding company, and not a subsidiary of a bank.".

(2) SECTION 23B.—Section 23B(a) of the Federal Reserve Act (12 U.S.C. 371c–1(a)) is amended by adding at the end the following new paragraph:

"(4) SUBSIDIARY OF NATIONAL BANK.—For purposes of this section, a subsidiary of a national bank which engages in activities as an agent pursuant to section 5136A(a)(2) shall be deemed to be an affiliate of the national bank and not a subsidiary of the bank."

(d) CLERICAL AMENDMENT.—The table of sections for chapter one of title LXII of the Revised Statutes of the United States is amended—

(1) by redesignating the item relating to section 5136A as section 5136C; and

(2) by inserting after the item relating to section 5136 the following new item:

"5136A. Financial subsidiaries of national banks.".

SEC. 122. MISREPRESENTATIONS REGARDING DEPOSITORY INSTITUTION LIABILITY FOR OBLIGATIONS OF AFFILIATES.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1007 the following new section:

"§ 1008. Misrepresentations regarding financial institution liability for obligations of affiliates

"(a) IN GENERAL.—No institution-affiliated party of an insured depository institution or institution-affiliated party of a subsidiary or affiliate of an insured depository institution shall fraudulently represent that the institution is or will be liable for any obligation of a subsidiary or other affiliate of the institution.

"(b) CRIMINAL PENALTY.—Whoever violates subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.

"(c) INSTITUTION-AFFILIATED PARTY DEFINED.—For purposes of this section, the term 'institution-affiliated party' with respect to a subsidiary or affiliate has the same meaning as in section 3 except references to an insured depository institution shall be deemed to be references to a subsidiary or affiliate of an insured depository institution.

"(d) OTHER DEFINITIONS.—For purposes of this section, the terms 'affiliate', 'insured depository institution', and 'subsidiary' have same meanings as in section 3 of the Federal Deposit Insurance Act.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1007 the following new item:

"1008. Misrepresentations regarding financial institution liability for obligations of affiliates.".

SEC. 123. REPEAL OF STOCK LOAN LIMIT IN FEDERAL RESERVE ACT.

Section 11 of the Federal Reserve Act (12 U.S.C. 248) is amended by striking the paragraph designated as "(m)" and inserting "(m) [Repealed]".

Subtitle D—Wholesale Financial Holding Companies; Wholesale Financial Institutions

CHAPTER 1—WHOLESALE FINANCIAL HOLDING COMPANIES

SEC. 131. WHOLESALE FINANCIAL HOLDING COMPANIES ESTABLISHED.

(a) DEFINITION AND SUPERVISION.—Section 10 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) is amended to read as follows:

"SEC. 10. WHOLESALE FINANCIAL HOLDING COMPANIES.

"(a) COMPANIES THAT CONTROL WHOLESALE FINANCIAL INSTITUTIONS.—

"(1) WHOLESALE FINANCIAL HOLDING COMPANY DEFINED.—The term 'wholesale financial holding company' means any company that—

"(A) is registered as a bank holding company;

"(B) is predominantly engaged in financial activities as defined in section 6(g)(2);

"(C) controls 1 or more wholesale financial institutions;

"(D) does not control—

"(i) a bank other than a wholesale financial institution;

"(ii) an insured bank other than an institution permitted under subparagraph (D), (F), or (G) of section 2(c)(2); or

"(iii) a savings association; and

"(E) is not a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978).

"(2) SAVINGS ASSOCIATION TRANSITION PERIOD.—Notwithstanding paragraph (1)(C)(iii), the Board may permit a company that controls a savings association and that otherwise meets the requirements of paragraph (1) to become supervised under paragraph (1), if the company divests control of any such savings association within such period not to exceed 5 years after becoming supervised under paragraph (1) as permitted by the Board.

"(b) SUPERVISION BY THE BOARD.—

"(1) IN GENERAL.—The provisions of this section shall govern the reporting, examination, and capital requirements of wholesale financial holding companies.

"(2) REPORTS.—

"(A) IN GENERAL.—The Board from time to time may require any wholesale financial holding company and any subsidiary of such company to submit reports under oath to keep the Board informed as to—

"(i) the company's or subsidiary's activities, financial condition, policies, systems for monitoring and controlling financial and operational risks, and transactions with depository institution subsidiaries of the holding company; and

"(ii) the extent to which the company or subsidiary has complied with the provisions of this Act and regulations prescribed and orders issued under this Act.

"(B) USE OF EXISTING REPORTS.—

"(i) IN GENERAL.—The Board shall, to the fullest extent possible, accept reports in fulfillment of the Board's reporting requirements under this paragraph that the wholesale financial holding company or any subsidiary of such company has provided or been required to provide to other Federal and State supervisors or to appropriate self-regulatory organizations.

"(ii) AVAILABILITY.—A wholesale financial holding company or a subsidiary of such company shall provide to the Board, at the request of the Board, a report referred to in clause (i).

"(C) EXEMPTIONS FROM REPORTING REQUIREMENTS.—

"(i) IN GENERAL.—The Board may, by regulation or order, exempt any company or class of companies, under such terms and conditions and for such periods as the Board shall provide in such regulation or order, from the provisions of this paragraph and any regulation prescribed under this paragraph.

"(ii) CRITERIA FOR CONSIDERATION.—In making any determination under clause (i) with regard to any exemption under such clause, the Board shall consider, among such other factors as the Board may determine to be appropriate, the following factors:

"(I) Whether information of the type required under this paragraph is available from a supervisory agency (as defined in section 1101(7) of the Right to Financial Privacy Act of 1978) or a foreign regulatory authority of a similar type.

"(II) The primary business of the company.

"(III) The nature and extent of the domestic and foreign regulation of the activities of the company.

"(3) EXAMINATIONS.—

"(A) LIMITED USE OF EXAMINATION AUTHORITY.—The Board may make examinations of each wholesale financial holding company and each subsidiary of such company in order to—

"(i) inform the Board regarding the nature of the operations and financial condition of the wholesale financial holding company and its subsidiaries;

"(ii) inform the Board regarding—

"(I) the financial and operational risks within the wholesale financial holding company system that may affect any depository institution owned by such holding company; and

"(II) the systems of the holding company and its subsidiaries for monitoring and controlling those risks; and

"(iii) monitor compliance with the provisions of this Act and those governing transactions and relationships between any depository institution controlled by the wholesale financial holding company and any of the company's other subsidiaries.

"(B) RESTRICTED FOCUS OF EXAMINATIONS.—The Board shall, to the fullest extent possible, limit the focus and scope of any examination of a wholesale financial holding company under this paragraph to—

"(i) the holding company; and

"(ii) any subsidiary (other than an insured depository institution subsidiary) of the holding company that, because of the size, condition, or activities of the subsidiary, the nature or size of transactions between such subsidiary and any affiliated depository institution, or the centralization of functions within the holding company system, could have a materially adverse effect on the safety and soundness of any depository institution affiliate of the holding company.

"(C) DEFERENCE TO BANK EXAMINATIONS.—The Board shall, to the fullest extent possible, use the reports of examination of depository institutions made by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Director of the Office of Thrift Supervision or the appropriate State depository institution supervisory authority for the purposes of this section.

"(D) DEFERENCE TO OTHER EXAMINATIONS.—The Board shall, to the fullest extent possible, address the circumstances which might otherwise permit or require an examination by the Board by forgoing an examination and by instead reviewing the reports of examination made of—

"(i) any registered broker or dealer or any registered investment adviser by or on behalf of the Commission; and

"(ii) any licensed insurance company by or on behalf of any State government insurance agency responsible for the supervision of the insurance company.

"(E) CONFIDENTIALITY OF REPORTED INFORMATION.—

"(i) IN GENERAL.—Notwithstanding any other provision of law, the Board shall not be compelled to disclose any nonpublic information required to be reported under this paragraph, or any information supplied to the Board by any domestic or foreign regulatory agency, that relates to the financial or operational condition of any wholesale financial holding company or any subsidiary of such company.

"(ii) COMPLIANCE WITH REQUESTS FOR INFORMATION.—No provision of this subparagraph shall be construed as authorizing the Board to withhold information from the Congress, or preventing the Board from complying with a request for information from any other Federal department or agency for purposes within the scope of such department's or agency's jurisdiction, or from complying with any order of a court of competent jurisdiction in an action brought by the United States or the Board.

"(iii) COORDINATION WITH OTHER LAW.—For purposes of section 552 of title 5, United States Code, this subparagraph shall be considered to be a statute described in subsection (b)(3)(B) of such section.

"(iv) DESIGNATION OF CONFIDENTIAL INFORMATION.—In prescribing regulations to carry out the requirements of this subsection, the Board shall designate information described in or obtained pursuant to this paragraph as confidential information.

"(F) COSTS.—The cost of any examination conducted by the Board under this section may be assessed against, and made payable by, the wholesale financial holding company.

"(4) CAPITAL ADEQUACY GUIDELINES.—

"(A) CAPITAL ADEQUACY PROVISIONS.—Subject to the requirements of, and solely in accordance with, the terms of this paragraph, the Board may adopt capital adequacy rules or guidelines for wholesale financial holding companies.

"(B) METHOD OF CALCULATION.—In developing rules or guidelines under this paragraph, the following provisions shall apply:

"(i) FOCUS ON DOUBLE LEVERAGE.—The Board shall focus on the use by wholesale financial holding companies of debt and other liabilities to fund capital investments in subsidiaries.

"(ii) NO UNWEIGHTED CAPITAL RATIO.—The Board shall not, by regulation, guideline, order, or otherwise, impose under this section a capital ratio that is not based on appropriate risk-weighting considerations.

"(iii) NO CAPITAL REQUIREMENT ON REGULATED ENTITIES.—The Board shall not, by regulation, guideline, order or otherwise, prescribe or impose any capital or capital adequacy rules, standards, guidelines, or requirements upon any subsidiary that—

"(I) is not a depository institution; and

"(II) is in compliance with applicable capital requirements of another Federal regulatory authority (including the Securities and Exchange Commission) or State insurance authority.

"(iv) LIMITATION.—The Board shall not, by regulation, guideline, order or otherwise, prescribe or impose any capital or capital adequacy rules, standards, guidelines, or requirements upon any subsidiary that is not a depository institution and that is registered as an investment adviser under the Investment Advisers Act of 1940, except that this clause shall not be construed as preventing the Board from imposing capital or capital adequacy rules, guidelines, standards, or requirements with respect to activities of a registered investment adviser other than investment advisory activities or activities incidental to investment advisory activities.

"(v) APPROPRIATE EXCLUSIONS.—The Board shall take full account of—

"(I) the capital requirements made applicable to any subsidiary that is not a depository institution by another Federal regulatory authority or State insurance authority; and

"(II) industry norms for capitalization of a company's unregulated subsidiaries and activities.

"(vi) INTERNAL RISK MANAGEMENT MODELS.—The Board may incorporate internal risk management models of wholesale financial holding companies into its capital adequacy guidelines or rules and may take account of the extent to which resources of a subsidiary depository institution may be used to service the debt or other liabilities of the wholesale financial holding company.

"(c) NONFINANCIAL ACTIVITIES AND INVESTMENTS.—

"(1) AUTHORITY FOR LIMITED AMOUNTS OF NEW ACTIVITIES AND INVESTMENTS.—

"(A) IN GENERAL.—Notwithstanding section 4(a), a wholesale financial holding company may engage in activities which are not (or have not been determined to be) financial in nature or incidental to activities which are financial in nature, or acquire and retain ownership and control of the shares of a company engaged in such activities if—

"(i) the aggregate annual gross revenues derived from all such activities and of all such companies does not exceed 5 percent of the consolidated annual gross revenues of the wholesale financial holding company or, in the case of a foreign bank or any company that owns or controls a foreign bank, the aggregate annual gross revenues derived from any such activities in the United States does not exceed 5 percent of the consolidated annual gross revenues of the foreign bank or company in the United States derived from any branch, agency, commercial lending company, or depository institution controlled by the foreign bank or company and any subsidiary engaged in the United States in activities permissible under section 4 or 6 or this subsection;

"(ii) the consolidated total assets of any company the shares of which are acquired pursuant to this subsection are less than $750,000,000 at the time the shares are acquired by the wholesale financial holding company; and

"(iii) such company provides notice to the Board within 30 days of commencing the activity or acquiring the ownership or control.

"(B) INCLUSION OF GRANDFATHERED ACTIVITIES.—For purposes of determining compliance with the limits contained in subparagraph (A), the gross revenues derived from all activities conducted and companies the shares of which are held under paragraph (2) shall be considered to be derived or held under this paragraph.

"(C) REPORT.—No later than 5 years after the date of enactment of the Financial Services Act of 1998, the Board shall submit to the Congress a report regarding the activities conducted and companies held pursuant to this paragraph and the effect, if any, that affiliations permitted under this paragraph have had on affiliated depository institutions. The report shall include recommendations regarding the appropriateness of retaining, increasing, or decreasing the limits contained in those provisions.

"(2) GRANDFATHERED ACTIVITIES.—

"(A) IN GENERAL.—Notwithstanding paragraph (1)(A) and section 4(a), a company that becomes a wholesale financial holding company may continue to engage, directly or indirectly, in any activity and may retain ownership and control of shares of a company engaged in any activity if—

"(i) on the date of the enactment of the Financial Services Act of 1998, such wholesale financial holding company was lawfully engaged in that nonfinancial activity, held the shares of such company, or had entered into a contract to acquire shares of any company engaged in such activity; and

"(ii) the company engaged in such activity continues to engage only in the same activities that such company conducted on the date of the enactment of the Financial Services Act of 1998, and other activities permissible under this Act.

"(B) NO EXPANSION OF GRANDFATHERED COMMERCIAL ACTIVITIES THROUGH MERGER OR CONSOLIDATION.—A wholesale financial holding company that engages in activities or holds shares pursuant to this paragraph, or a subsidiary of such wholesale financial holding company, may not acquire, in any merger, consolidation, or other type of business combination, assets of any other company which is engaged in any activity which the Board has not determined to be financial in nature or incidental to activities that are financial in nature under section 6(c).

"(C) LIMITATION TO SINGLE EXEMPTION.—No company that engages in any activity or controls any shares under subsection (f) or (g) of section 6 may engage in any activity or own any shares pursuant to this paragraph or paragraph (1).

"(3) COMMODITIES.—

"(A) IN GENERAL.—Notwithstanding section 4(a), a wholesale financial holding company which was predominately engaged as of January 1, 1997, in financial activities in the United States (or any successor to any such company) may engage in, or directly or indirectly own or control shares of a company engaged in, activities related to the trading, sale, or investment in commodities and underlying physical properties that were not permissible for bank holding companies to conduct in the United States as of January 1, 1997, if such wholesale financial holding company, or any subsidiary of such holding company, was engaged directly, indirectly, or through any such company in any of such activities as of January 1, 1997, in the United States.

"(B) LIMITATION.—Notwithstanding paragraph (1)(A)(i), the attributed aggregate consolidated assets of a wholesale financial holding company held under the authority granted under this paragraph and not otherwise permitted to be held by all wholesale financial holding companies under this section may not exceed 5 percent of the total consolidated assets of the wholesale financial holding company, except that the Board may increase such percentage of total consolidated assets by such amounts and under such circumstances as the Board considers appropriate, consistent with the purposes of this Act.

"(4) CROSS MARKETING RESTRICTIONS.—A wholesale financial holding company shall not permit—

"(A) any company whose shares it owns or controls pursuant to paragraph (1), (2), or (3) to offer or market any product or service of an affiliated wholesale financial institution; or

"(B) any affiliated wholesale financial institution to offer or market any product or service of any company whose shares are owned or controlled by such wholesale financial holding company pursuant to such paragraphs.

"(d) QUALIFICATION OF FOREIGN BANK AS WHOLESALE FINANCIAL HOLDING COMPANY.—

"(1) IN GENERAL.—Any foreign bank, or any company that owns or controls a foreign bank, that—

"(A) operates a branch, agency, or commercial lending company in the United States, including a foreign bank or company that owns or controls a wholesale financial institution; and

"(B) owns, controls, or is affiliated with a security affiliate that engages in underwriting corporate equity securities,

may request a determination from the Board that such bank or company be treated as a wholesale financial holding company for purposes of subsection (c).

"(2) CONDITIONS FOR TREATMENT AS A WHOLESALE FINANCIAL HOLDING COMPANY.—A foreign bank and a company that owns or controls a foreign bank may not be treated as a wholesale financial holding company unless the bank and company meet and continue to meet the following criteria:

"(A) NO INSURED DEPOSITS.—No deposits held directly by a foreign bank or through an affiliate (other than an institution described in subparagraph (D) or (F) of section 2(c)(2)) are insured under the Federal Deposit Insurance Act.

"(B) CAPITAL STANDARDS.—The foreign bank meets risk-based capital standards comparable to the capital standards required for a wholesale financial institution, giving due regard to the principle of national treatment and equality of competitive opportunity.

"(C) TRANSACTION WITH AFFILIATES.—Transactions between a branch, agency, or commercial lending company subsidiary of the foreign bank in the United States, and any securities affiliate or company in which the foreign bank (or any company that owns or controls such foreign bank) has invested pursuant to subsection (d) comply with the provisions of sections 23A and 23B of the Federal Reserve Act in the same manner and to the same extent as such transactions would be required to comply with such sections if the bank were a member bank.

"(3) TREATMENT AS A WHOLESALE FINANCIAL INSTITUTION.—Any foreign bank which is, or is affiliated with a company which is, treated as a wholesale financial holding company under this subsection shall be treated as a wholesale financial institution for purposes of subsection (c)(4) of this section and subsections (c)(1)(C) and (c)(3) of section 9B of the Federal Reserve Act, and any such foreign bank or company shall be subject to paragraphs (3), (4), and (5) of section 9B(d) of the Federal Reserve Act, except that the Board may adopt such modifications, conditions, or exemptions as the Board deems appropriate, giving due regard to the principle of national treatment and equality of competitive opportunity.

"(4) NONAPPLICABILITY OF OTHER EXEMPTION.—Any foreign bank or company which is treated as a wholesale financial holding company under this subsection shall not be eligible for any exception described in section 2(h).

"(5) SUPERVISION OF FOREIGN BANK WHICH MAINTAINS NO BANKING PRESENCE OTHER THAN CONTROL OF A WHOLESALE FINANCIAL INSTITUTION.—A foreign bank that owns or controls a wholesale financial institution but does not operate a branch, agency, or commercial lending company in the United States (and any company that owns or controls such foreign bank) may request a determination from the Board that such bank or company be treated as a wholesale financial holding company for purposes of subsection (c), except that such bank or company shall be subject to the restrictions of paragraphs (2)(A), (3), and (4) of this subsection.

"(6) NO EFFECT ON OTHER PROVISIONS.—This section shall not be construed as limiting the authority of the Board under the International Banking Act of 1978 with respect to the regulation, supervision, or examination of foreign banks and their offices and affiliates in the United States.

"(7) APPLICABILITY OF COMMUNITY REINVESTMENT ACT OF 1977.—The branches in the United States of a foreign bank that is, or is affiliated with a company that is, treated as a wholesale financial holding company shall be subject to section 9B(b)(11) of the Federal Reserve Act as if the foreign bank were a wholesale financial institution under such section. The Board and the Comptroller of the Currency shall apply the provisions of sections 803(2), 804, and 807(1) of the Community Reinvestment Act of 1977 to branches of foreign banks which receive only such deposits as are permissible for receipt by a corporation organized under section 25A of the Federal Reserve Act, in the same manner and to the same extent such sections apply to such a corporation.".

(b) UNINSURED STATE BANKS.—Section 9 of the Federal Reserve Act (12 U.S.C. 321 et seq.) is amended by adding at the end the following new paragraph:

"(24) ENFORCEMENT AUTHORITY OVER UNINSURED STATE MEMBER BANKS.—Section 3(u) of the Federal Deposit Insurance Act, subsections (j) and (k) of section 7 of such Act, and subsections (b) through (n), (s), (u), and (v) of section 8 of such Act shall apply to an uninsured State member bank in the same manner and to the same extent such provisions apply to an insured State member bank and any reference in any such provision to 'insured depository institution' shall be deemed to be a reference to 'uninsured State member bank' for purposes of this paragraph.".

SEC. 132. AUTHORIZATION TO RELEASE REPORTS.

(a) FEDERAL RESERVE ACT.—The last sentence of the 8th undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 326) is amended to read as follows: "The Board of Governors of the Federal Reserve System, at its discretion, may furnish reports of examination or other confidential supervisory information concerning State member banks or any other entities examined under any other authority of the Board to any Federal or State authorities with supervisory or regulatory authority over the examined entity, to officers, directors, or receivers of the examined entity, and to any other person that the Board determines to be proper.".

(b) COMMODITY FUTURES TRADING COMMISSION.—

(1) Section 1101(7) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401(7)) is amended—

(A) by redesignating subparagraphs (G) and (H) as subparagraphs (H) and (I), respectively; and

(B) by inserting after subparagraph (F) the following new subparagraph:

"(G) the Commodity Futures Trading Commission; or" and

(2) Section 1112(e) of the Right to Financial Privacy Act (12 U.S.C. 3412(e)) is amended by striking "and the Securities and Exchange Commission" and inserting ", the Securities and Exchange Commission, and the Commodity Futures Trading Commission".

SEC. 133. CONFORMING AMENDMENTS.

(a) BANK HOLDING COMPANY ACT OF 1956.—

(1) DEFINITIONS.—Section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) is amended by adding at the end the following new subsections:

"(p) WHOLESALE FINANCIAL INSTITUTION.—The term 'wholesale financial institution' means a wholesale financial institution subject to section 9B of the Federal Reserve Act.

"(q) COMMISSION.—The term 'Commission' means the Securities and Exchange Commission.

"(r) DEPOSITORY INSTITUTION.—The term 'depository institution'—

"(1) has the meaning given to such term in section 3 of the Federal Deposit Insurance Act; and

"(2) includes a wholesale financial institution.".

(2) DEFINITION OF BANK INCLUDES WHOLESALE FINANCIAL INSTITUTION.—Section 2(c)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(1)) is amended by adding at the end the following new subparagraph:

"(C) A wholesale financial institution.".

(3) INCORPORATED DEFINITIONS.—Section 2(n) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(n)) is amended by inserting "'insured bank'," after "'in danger of default',".

(4) EXCEPTION TO DEPOSIT INSURANCE REQUIREMENT.—Section 3(e) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(e)) is amended by adding at the end the following: "This subsection shall not apply to a wholesale financial institution."

(b) FEDERAL DEPOSIT INSURANCE ACT.—Section 3(q)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)(2)(A)) is amended to read as follows:

"(A) any State member insured bank (except a District bank) and any wholesale financial institution as authorized pursuant to section 9B of the Federal Reserve Act;".

CHAPTER 2—WHOLESALE FINANCIAL INSTITUTIONS

SEC. 136. WHOLESALE FINANCIAL INSTITUTIONS.

(a) NATIONAL WHOLESALE FINANCIAL INSTITUTIONS.—

(1) IN GENERAL.—Chapter one of title LXII of the Revised Statutes of the United States (12 U.S.C. 21 et seq.) is amended by inserting after section 5136A (as added by section 121(a) of this title) the following new section:

"SEC. 5136B. NATIONAL WHOLESALE FINANCIAL INSTITUTIONS.

"(a) AUTHORIZATION OF THE COMPTROLLER REQUIRED.—A national bank may apply to the Comptroller on such forms and in accordance with such regulations as the Comptroller may prescribe, for permission to operate as a national wholesale financial institution.

"(b) REGULATION.—A national wholesale financial institution may exercise, in accordance with such institution's articles of incorporation and regulations issued by the Comptroller, all the powers and privileges of a national bank formed in accordance with section 5133 of the Revised Statutes of the United States, subject to section 9B of the Federal Reserve Act and the limitations and restrictions contained therein.

"(c) COMMUNITY REINVESTMENT ACT OF 1977.—A national wholesale financial institution shall be subject to the Community Reinvestment Act of 1977.

"(d) EXAMINATION REPORTS.—The Comptroller of the Currency shall, to the fullest extent possible, use the report of examinations made by the Board of Governors of the Federal Reserve System of a wholesale financial institution.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter one of title LXII of the Revised Statutes of the United States is amended by inserting after the item relating to section 5136A (as added by section 121(d) of this title) the following new item:

"5136B. National wholesale financial institutions.".

(b) STATE WHOLESALE FINANCIAL INSTITUTIONS.—The Federal Reserve Act (12 U.S.C. 221 et seq.) is amended by inserting after section 9A the following new section:

"SEC. 9B. WHOLESALE FINANCIAL INSTITUTIONS.

"(a) APPLICATION FOR MEMBERSHIP AS WHOLESALE FINANCIAL INSTITUTION.—

"(1) APPLICATION REQUIRED.—

"(A) IN GENERAL.—Any bank may apply to the Board of Governors of the Federal Reserve System to become a wholesale financial institution and, as a wholesale financial institution, to subscribe to the stock of the Federal reserve bank organized within the district where the applying bank is located.

"(B) TREATMENT AS MEMBER BANK.—Any application under subparagraph (A) shall be treated as an application under, and shall be subject to the provisions of, section 9.

"(2) INSURANCE TERMINATION.—No bank the deposits of which are insured under the Federal Deposit Insurance Act may become a wholesale financial institution unless it has met all requirements under that Act for voluntary termination of deposit insurance.

"(b) GENERAL REQUIREMENTS APPLICABLE TO WHOLESALE FINANCIAL INSTITUTIONS.—

"(1) FEDERAL RESERVE ACT.—Except as otherwise provided in this section, wholesale financial institutions shall be member banks and shall be subject to the provisions of this Act that apply to member banks to the same extent and in the same manner as State member insured banks, except that a wholesale financial institution may terminate membership under this Act only with the prior written approval of the Board and on terms and conditions that the Board determines are appropriate to carry out the purposes of this Act.

"(2) PROMPT CORRECTIVE ACTION.—A wholesale financial institution shall be deemed to be an insured depository institution for purposes of section 38 of the Federal Deposit Insurance Act except that—

"(A) the relevant capital levels and capital measures for each capital category shall be the levels specified by the Board for wholesale financial institutions; and

"(B) all references to the appropriate Federal banking agency or to the Corporation in that section shall be deemed to be references to the Board.

"(3) ENFORCEMENT AUTHORITY.—Subsections (j) and (k) of section 7, subsections (b) through (n), (s), and (v) of section 8, and section 19 of the Federal Deposit Insurance Act shall apply to a wholesale financial institution in the same manner and to the same extent as such provisions apply to State member insured banks and any reference in such sections to an insured depository institution shall be deemed to include a reference to a wholesale financial institution.

"(4) CERTAIN OTHER STATUTES APPLICABLE.—A wholesale financial institution shall be deemed to be a banking institution, and the Board shall be the appropriate Federal banking agency for such bank and all such bank's affiliates, for purposes of the International Lending Supervision Act.

"(5) BANK MERGER ACT.—A wholesale financial institution shall be subject to sections 18(c) and 44 of the Federal Deposit Insurance Act in the same manner and to the same extent the wholesale financial institution would be subject to such sections if the institution were a State member insured bank.

"(6) BRANCHING.—Notwithstanding any other provision of law, a wholesale financial institution may establish and operate a branch at any location on such terms and conditions as established by the Board and, in the case of a State-chartered wholesale financial institution, with the approval of the Board, and, in the case of a national bank wholesale financial institution, with the approval of the Comptroller of the Currency.

"(7) ACTIVITIES OF OUT-OF-STATE BRANCHES OF WHOLESALE FINANCIAL INSTITUTIONS.—

"(A) GENERAL.—A State-chartered wholesale financial institution shall be deemed a State bank and an insured State bank and a national wholesale financial institution shall be deemed a national bank for purposes of paragraphs (1), (2), and (3) of section 24(j) of the Federal Deposit Insurance Act.

"(B) DEFINITIONS.—The following definitions shall apply solely for purposes of applying paragraph (1):

"(i) HOME STATE.—The term 'home State' means—

"(I) with respect to a national wholesale financial institution, the State in which the main office of the institution is located; and

"(II) with respect to a State-chartered wholesale financial institution, the State by which the institution is chartered.

"(ii) HOST STATE.—The term 'host State' means a State, other than the home State of the wholesale financial institution, in which the institution maintains, or seeks to establish and maintain, a branch.

"(iii) OUT-OF-STATE BANK.—The term 'out-of-State bank' means, with respect to any State, a wholesale financial institution whose home State is another State.

"(8) DISCRIMINATION REGARDING INTEREST RATES.—Section 27 of the Federal Deposit Insurance Act shall apply to State-chartered wholesale financial institutions in the same manner and to the same extent as such provisions apply to State member insured banks and any reference in such section to a State-chartered insured depository institution shall be deemed to include a reference to a State-chartered wholesale financial institution.

"(9) PREEMPTION OF STATE LAWS REQUIRING DEPOSIT INSURANCE FOR WHOLESALE FINANCIAL INSTITUTIONS.—The appropriate State banking authority may grant a charter to a wholesale financial institution notwithstanding any State constitution or statute requiring that the institution obtain insurance of its deposits and any such State constitution or statute is hereby preempted solely for purposes of this paragraph.

"(10) PARITY FOR WHOLESALE FINANCIAL INSTITUTIONS.—A State bank that is a wholesale financial institution under this section shall have all of the rights, powers, privileges, and immunities (including those derived from status as a federally chartered institution) of and as if it were a national bank, subject to such terms and conditions as established by the Board.

"(11) COMMUNITY REINVESTMENT ACT OF 1977.—A State wholesale financial institution shall be subject to the Community Reinvestment Act of 1977.

“(c) Specific Requirements Applicable to Wholesale Financial Institutions.—

“(1) Limitations on deposits.—

“(A) Minimum amount.—

“(i) In general.—No wholesale financial institution may receive initial deposits of $100,000 or less, other than on an incidental and occasional basis.

“(ii) Limitation on deposits of less than $100,000.—No wholesale financial institution may receive initial deposits of $100,000 or less if such deposits constitute more than 5 percent of the institution's total deposits.

“(B) No deposit insurance.—No deposits held by a wholesale financial institution shall be insured deposits under the Federal Deposit Insurance Act.

“(C) Advertising and disclosure.—The Board shall prescribe regulations pertaining to advertising and disclosure by wholesale financial institutions to ensure that each depositor is notified that deposits at the wholesale financial institution are not federally insured or otherwise guaranteed by the United States Government.

“(2) Minimum capital levels applicable to wholesale financial institutions.—The Board shall, by regulation, adopt capital requirements for wholesale financial institutions—

“(A) to account for the status of wholesale financial institutions as institutions that accept deposits that are not insured under the Federal Deposit Insurance Act; and

“(B) to provide for the safe and sound operation of the wholesale financial institution without undue risk to creditors or other persons, including Federal reserve banks, engaged in transactions with the bank.

“(3) Additional requirements applicable to wholesale financial institutions.—In addition to any requirement otherwise applicable to State member insured banks or applicable, under this section, to wholesale financial institutions, the Board may impose, by regulation or order, upon wholesale financial institutions—

“(A) limitations on transactions, direct or indirect, with affiliates to prevent—

“(i) the transfer of risk to the deposit insurance funds; or

“(ii) an affiliate from gaining access to, or the benefits of, credit from a Federal reserve bank, including overdrafts at a Federal reserve bank;

“(B) special clearing balance requirements; and

“(C) any additional requirements that the Board determines to be appropriate or necessary to—

“(i) promote the safety and soundness of the wholesale financial institution or any insured depository institution affiliate of the wholesale financial institution;

“(ii) prevent the transfer of risk to the deposit insurance funds; or

“(iii) protect creditors and other persons, including Federal reserve banks, engaged in transactions with the wholesale financial institution.

“(4) Exemptions for wholesale financial institutions.—The Board may, by regulation or order, exempt any wholesale financial institution from any provision applicable to a member bank that is not a wholesale financial institution, if the Board finds that such exemption is not inconsistent with—

“(A) the promotion of the safety and soundness of the wholesale financial institution or any insured depository institution affiliate of the wholesale financial institution;

“(B) the protection of the deposit insurance funds; and

“(C) the protection of creditors and other persons, including Federal reserve banks, engaged in transactions with the wholesale financial institution.

“(5) Limitation on transactions between a wholesale financial institution and an insured bank.—For purposes of section 23A(d)(1) of the Federal Reserve Act, a wholesale financial institution that is affiliated with an insured bank shall not be a bank.

“(6) No effect on other provisions.—This section shall not be construed as limiting the Board's authority over member banks under any other provision of law, or to create any obligation for any Federal reserve bank to make, increase, renew, or extend any advance or discount under this Act to any member bank or other depository institution.

“(d) Capital and Managerial Requirements.—

“(1) In general.—A wholesale financial institution shall be well capitalized and well managed.

“(2) Notice to company.—The Board shall promptly provide notice to a company that controls a wholesale financial institution whenever such wholesale financial institution is not well capitalized or well managed.

“(3) Agreement to restore institution.—Within 45 days of receipt of a notice under paragraph (2) (or such additional period not to exceed 90 days as the Board may permit), the company shall execute an agreement acceptable to the Board to restore the wholesale financial institution to compliance with all of the requirements of paragraph (1).

“(4) Limitations until institution restored.—Until the wholesale financial institution is restored to compliance with all of the requirements of paragraph (1), the Board may impose such limitations on the conduct or activities of the company or any affiliate of the company as the Board determines to be appropriate under the circumstances.

“(5) Failure to restore.—If the company does not execute and implement an agreement in accordance with paragraph (3), comply with any limitation imposed under paragraph (4), restore the wholesale financial institution to well capitalized status within 180 days after receipt by the company of the notice described in paragraph (2), or restore the wholesale financial institution to well managed status within such period as the Board may permit, the company shall, under such terms and conditions as may be imposed by the Board and subject to such extension of time as may be granted in the Board's discretion, divest control of its subsidiary depository institutions.

“(6) Well managed defined.—For purposes of this subsection, the term ‘well managed’ has the same meaning as in section 2 of the Bank Holding Company Act of 1956.

“(e) Conservatorship Authority.—

“(1) In general.—The Board may appoint a conservator to take possession and control of a wholesale financial institution to the same extent and in the same manner as the Comptroller of the Currency may appoint a conservator for a national bank under section 203 of the Bank Conservation Act, and the conservator shall exercise the same powers, functions, and duties, subject to the same limitations, as are provided under such Act for conservators of national banks.

“(2) Board authority.—The Board shall have the same authority with respect to any conservator appointed under paragraph (1) and the wholesale financial institution for which such conservator has been appointed as the Comptroller of the Currency has under the Bank Conservation Act with respect to a conservator appointed under such Act and a national bank for which the conservator has been appointed.

“(f) Exclusive Jurisdiction.—Subsections (c) and (e) of section 43 of the Federal Deposit Insurance Act shall not apply to any wholesale financial institution.”.

(c) Voluntary Termination of Insured Status by Certain Institutions.—

(1) Section 8 designations.—Section 8(a) of the Federal Deposit Insurance Act (12 U.S.C. 1818(a)) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (10) as paragraphs (1) through (9), respectively.

(2) Voluntary termination of insured status.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by inserting after section 8 the following new section:

“SEC. 8A. VOLUNTARY TERMINATION OF STATUS AS INSURED DEPOSITORY INSTITUTION.

“(a) In General.—Except as provided in subsection (b), an insured State bank or a national bank may voluntarily terminate such bank's status as an insured depository institution in accordance with regulations of the Corporation if—

“(1) the bank provides written notice of the bank's intent to terminate such insured status—

“(A) to the Corporation and the Board of Governors of the Federal Reserve System not less than 6 months before the effective date of such termination; and

“(B) to all depositors at such bank, not less than 6 months before the effective date of the termination of such status; and

“(2) either—

“(A) the deposit insurance fund of which such bank is a member equals or exceeds the fund's designated reserve ratio as of the date the bank provides a written notice under paragraph (1) and the Corporation determines that the fund will equal or exceed the applicable designated reserve ratio for the 2 semiannual assessment periods immediately following such date; or

“(B) the Corporation and the Board of Governors of the Federal Reserve System approved the termination of the bank's insured status and the bank pays an exit fee in accordance with subsection (e).

“(b) Exception.—Subsection (a) shall not apply with respect to—

“(1) an insured savings association; or

“(2) an insured branch that is required to be insured under subsection (a) or (b) of section 6 of the International Banking Act of 1978.

“(c) Eligibility for Insurance Terminated.—Any bank that voluntarily elects to terminate the bank's insured status under subsection (a) shall not be eligible for insurance on any deposits or any assistance authorized under this Act after the period specified in subsection (f)(1).

“(d) Institution Must Become Wholesale Financial Institution or Terminate Deposit-Taking Activities.—Any depository institution which voluntarily terminates such institution's status as an insured depository institution under this section may not, upon termination of insurance, accept any deposits unless the institution is a wholesale financial institution subject to section 9B of the Federal Reserve Act.

“(e) Exit Fees.—

“(1) In general.—Any bank that voluntarily terminates such bank's status as an insured depository institution under this section shall pay an exit fee in an amount that the Corporation determines is sufficient to account for the institution's pro rata share of the amount (if any) which would be required to restore the relevant deposit insurance fund to the fund's designated reserve ratio as of the date the bank provides a written notice under subsection (a)(1).

"(2) PROCEDURES.—The Corporation shall prescribe, by regulation, procedures for assessing any exit fee under this subsection.

"(f) TEMPORARY INSURANCE OF DEPOSITS INSURED AS OF TERMINATION.—

"(1) TRANSITION PERIOD.—The insured deposits of each depositor in a State bank or a national bank on the effective date of the voluntary termination of the bank's insured status, less all subsequent withdrawals from any deposits of such depositor, shall continue to be insured for a period of not less than 6 months and not more than 2 years, as determined by the Corporation. During such period, no additions to any such deposits, and no new deposits in the depository institution made after the effective date of such termination shall be insured by the Corporation.

"(2) TEMPORARY ASSESSMENTS; OBLIGATIONS AND DUTIES.—During the period specified in paragraph (1) with respect to any bank, the bank shall continue to pay assessments under section 7 as if the bank were an insured depository institution. The bank shall, in all other respects, be subject to the authority of the Corporation and the duties and obligations of an insured depository institution under this Act during such period, and in the event that the bank is closed due to an inability to meet the demands of the bank's depositors during such period, the Corporation shall have the same powers and rights with respect to such bank as in the case of an insured depository institution.

"(g) ADVERTISEMENTS.—

"(1) IN GENERAL.—A bank that voluntarily terminates the bank's insured status under this section shall not advertise or hold itself out as having insured deposits, except that the bank may advertise the temporary insurance of deposits under subsection (f) if, in connection with any such advertisement, the advertisement also states with equal prominence that additions to deposits and new deposits made after the effective date of the termination are not insured.

"(2) CERTIFICATES OF DEPOSIT, OBLIGATIONS, AND SECURITIES.—Any certificate of deposit or other obligation or security issued by a State bank or a national bank after the effective date of the voluntary termination of the bank's insured status under this section shall be accompanied by a conspicuous, prominently displayed notice that such certificate of deposit or other obligation or security is not insured under this Act.

"(h) NOTICE REQUIREMENTS.—

"(1) NOTICE TO THE CORPORATION.—The notice required under subsection (a)(1)(A) shall be in such form as the Corporation may require.

"(2) NOTICE TO DEPOSITORS.—The notice required under subsection (a)(1)(B) shall be—

"(A) sent to each depositor's last address of record with the bank; and

"(B) in such manner and form as the Corporation finds to be necessary and appropriate for the protection of depositors.".

(3) DEFINITION.—Section 19(b)(1)(A)(i) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)(i)) is amended by inserting ", or any wholesale financial institution subject to section 9B of this Act" after "such Act".

Subtitle E—Streamlining Antitrust Review of Bank Acquisitions and Mergers

SEC. 141. AMENDMENTS TO THE BANK HOLDING COMPANY ACT OF 1956.

(a) AMENDMENTS TO SECTION 3 TO REQUIRE FILING OF APPLICATION COPIES WITH ANTITRUST AGENCIES.—Section 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) is amended—

(1) in subsection (b) by inserting after paragraph (2) the following new paragraph:

"(3) REQUIREMENT TO FILE INFORMATION WITH ANTITRUST AGENCIES.—Any applicant seeking prior approval of the Board to engage in an acquisition transaction under this section must file simultaneously with the Attorney General and, if the transaction also involves an acquisition under section 4 or 6, the Federal Trade Commission copies of any documents regarding the proposed transaction required by the Board."; and

(2) in subsection (c)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively.

(b) AMENDMENTS TO SECTION 11 TO MODIFY JUSTICE DEPARTMENT NOTIFICATION AND POST-APPROVAL WAITING PERIOD FOR SECTION 3 TRANSACTIONS.—Section 11 of the Bank Holding Company Act of 1956 (12 U.S.C. 1849) is amended—

(1) in subsection (b)(1)—

(A) by striking ", if the Board has not received any adverse comment from the Attorney General of the United States relating to competitive factors,";

(B) by striking "as may be prescribed by the Board with the concurrence of the Attorney General, but in no event less than 15 calendar days after the date of approval." and inserting "as may be prescribed by the appropriate antitrust agency."; and

(C) by striking the 3d to last sentence and the penultimate sentence; and

(2) by striking subsections (c) and (e) and redesignating subsections (d) and (f) as subsections (c) and (d), respectively.

(c) DEFINITIONS.—Section 2(o) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(o)) is amended by adding at the end the following new paragraphs:

"(8) ANTITRUST AGENCIES.—The term 'antitrust agencies' means the Attorney General and the Federal Trade Commission.

"(9) APPROPRIATE ANTITRUST AGENCY.—With respect to a particular transaction, the term 'appropriate antitrust agency' means the antitrust agency engaged in reviewing the competitive effects of such transaction.".

SEC. 142. AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT TO VEST IN THE ATTORNEY GENERAL SOLE RESPONSIBILITY FOR ANTITRUST REVIEW OF DEPOSITORY INSTITUTION MERGERS.

Section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended—

(1) in paragraph (3)(C) by striking "during a period at least as long as the period allowed for furnishing reports under paragraph (4) of this subsection";

(2) by striking paragraph (4) and inserting the following new paragraph:

"(4) FACTORS TO BE CONSIDERED.—In determining whether to approve a transaction, the responsible agency shall in every case take into consideration the financial and managerial resources and future prospects of the existing and proposed institutions, and the convenience and needs of the community to be served.";

(3) by striking paragraph (5) and inserting the following new paragraph:

"(5) NOTICE TO ATTORNEY GENERAL.—The responsible agency shall immediately notify the Attorney General of any approval by it pursuant to this subsection of a proposed merger transaction. If the responsible agency has found that it must act immediately in order to prevent the probable failure of one of the banks involved, the transaction may be consummated immediately upon approval by the agency. If the responsible agency has notified the other Federal banking agencies referred to in this section of the existence of an emergency requiring expeditious action and has required the submission of views and recommendations within 10 days, the transaction may not be consummated before the 5th calendar day after the date of approval of the responsible agency. In all other cases, the transaction may not be consummated before the 30th calendar day after the date of approval by the agency, or such shorter period of time as may be prescribed by the Attorney General.";

(4) by striking paragraph (6) and redesignating paragraphs (7) through (11) as paragraphs (6) through (10), respectively;

(5) in subparagraph (A) of paragraph (6) (as so redesignated by paragraph (4) of this section)—

(A) by striking "(5)" and inserting "(4)"; and

(B) by striking "(6)" and inserting "(5)";

(C) by striking "In any such action, the court shall review de novo the issues presented.";

(6) in paragraph (6) (as so redesignated by paragraph (4) of this section)—

(A) by striking subparagraphs (B) and (D); and

(B) by redesignating subparagraph (C) as subparagraph (B);

(7) in paragraph (8) (as so redesignated by paragraph (4) of this section)—

(A) by inserting "and" after the semicolon at the end of subparagraph (A);

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B); and

(8) by inserting after paragraph (10) (as so redesignated by paragraph (4) of this section) the following new paragraph:

"(11) REQUIREMENT TO FILE INFORMATION WITH ATTORNEY GENERAL.—Any applicant seeking prior written approval of the responsible Federal banking agency to engage in a merger transaction under this subsection shall file simultaneously with the Attorney General copies of any documents regarding the proposed transaction required by the Federal banking agency.".

SEC. 143. INFORMATION FILED BY DEPOSITORY INSTITUTIONS; INTERAGENCY DATA SHARING.

(a) FORMAT OF NOTICE.—

(1) IN GENERAL.—Notice of any proposed transaction for which approval is required under section 3 of the Bank Holding Company Act of 1956 or section 18(c) of the Federal Deposit Insurance Act shall be in a format designated and required by the appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act) and shall contain a section on the likely competitive effects of the proposed transaction.

(2) DESIGNATION BY AGENCY.—The appropriate Federal banking agency, with the concurrence of the antitrust agencies, shall designate and require the form and content of the competitive effects section.

(3) NOTICE OF SUSPENSION.—Upon notification by the appropriate antitrust agency that the competitive effects section of an application is incomplete, the appropriate Federal banking agency shall notify the applicant that the agency will suspend processing of the application until the appropriate antitrust agency notifies the agency that the application is complete.

(4) EMERGENCY ACTION.—This provision shall not affect the appropriate Federal

banking agency's authority to act immediately—

(A) to prevent the probable failure of 1 of the banks involved; or

(B) to reduce or eliminate a post approval waiting period in case of an emergency requiring expeditious action.

(5) EXEMPTION FOR CERTAIN FILINGS.—With the concurrence of the antitrust agencies, the appropriate Federal banking agency may exempt classes of persons, acquisitions, or transactions that are not likely to violate the antitrust laws from the requirement that applicants file a competitive effects section.

(b) INTERAGENCY DATA SHARING REQUIREMENT.—

(1) IN GENERAL.—To the extent not prohibited by other law, the Federal banking agencies shall make available to the antitrust agencies any data in their possession that the antitrust agencies deem necessary for antitrust reviews of transactions requiring approval under section 3 of the Bank Holding Company Act of 1956 or section 18(c) of the Federal Deposit Insurance Act.

(2) CONTINUATION OF DATA COLLECTION AND ANALYSIS.—The Federal banking agencies shall continue to provide market analysis, deposit share information, and other relevant information for determining market competition as needed by the Attorney General in the same manner such agencies provided analysis and information under section 18(c) of the Federal Deposit Insurance Act and 3(c) of the Bank Holding Company Act of 1956 (as such sections were in effect on the day before the date of the enactment of this Act) and shall continue to collect information necessary or useful for such analysis.

(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) ANTITRUST AGENCIES.—The term "antitrust agencies" means the Attorney General and the Federal Trade Commission.

(2) APPROPRIATE ANTITRUST AGENCY.—With respect to a particular transaction, the term "appropriate antitrust agency" means the antitrust agency engaged in reviewing the competitive effects of such transaction.

SEC. 144. APPLICABILITY OF ANTITRUST LAWS.

No provision of this subtitle shall be construed as affecting—

(1) the applicability of antitrust laws (as defined in section 11(d) of the Bank Holding Company Act of 1956; as so redesignated pursuant to this subtitle); or

(2) the applicability, if any, of any State law which is similar to the antitrust laws.

SEC. 145. CLARIFICATION OF STATUS OF SUBSIDIARIES AND AFFILIATES.

(a) CLARIFICATION OF FEDERAL TRADE COMMISSION JURISDICTION.—Any person which directly or indirectly controls, is controlled directly or indirectly by, or is directly or indirectly under common control with, any bank or savings association (as such terms are defined in section 3 of the Federal Deposit Insurance Act) and is not itself a bank or savings association shall not be deemed to be a bank or savings association for purposes of the Federal Trade Commission Act or any other law enforced by the Federal Trade Commission.

(b) SAVINGS PROVISION.—No provision of this section shall be construed as restricting the authority of any Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act) under any Federal banking law, including section 8 of the Federal Deposit Insurance Act.

SEC. 146. EFFECTIVE DATE.

This subtitle shall take effect 6 months after the date of enactment of this Act.

Subtitle F—Applying the Principles of National Treatment and Equality of Competitive Opportunity to Foreign Banks and Foreign Financial Institutions

SEC. 151. APPLYING THE PRINCIPLES OF NATIONAL TREATMENT AND EQUALITY OF COMPETITIVE OPPORTUNITY TO FOREIGN BANKS THAT ARE FINANCIAL HOLDING COMPANIES.

Section 8(c) of the International Banking Act of 1978 (12 U.S.C. 3106(c)) is amended by adding at the end the following new paragraph:

"(3) TERMINATION OF GRANDFATHERED RIGHTS.—

"(A) IN GENERAL.—If any foreign bank or foreign company files a declaration under section 6(b)(1)(E) or which receives a determination under section 10(d)(1) of the Bank Holding Company Act of 1956, any authority conferred by this subsection on any foreign bank or company to engage in any activity which the Board has determined to be permissible for financial holding companies under section 6 of such Act shall terminate immediately.

"(B) RESTRICTIONS AND REQUIREMENTS AUTHORIZED.—If a foreign bank or company that engages, directly or through an affiliate pursuant to paragraph (1), in an activity which the Board has determined to be permissible for financial holding companies under section 6 of the Bank Holding Company Act of 1956 has not filed a declaration with the Board of its status as a financial holding company under such section or received a determination under section 10(d)(1) by the end of the 2-year period beginning on the date of enactment of the Financial Services Act of 1998, the Board, giving due regard to the principle of national treatment and equality of competitive opportunity, may impose such restrictions and requirements on the conduct of such activities by such foreign bank or company as are comparable to those imposed on a financial holding company organized under the laws of the United States, including a requirement to conduct such activities in compliance with any prudential safeguards established under section 5(h) of the Bank Holding Company Act of 1956.".

SEC. 152. APPLYING THE PRINCIPLES OF NATIONAL TREATMENT AND EQUALITY OF COMPETITIVE OPPORTUNITY TO FOREIGN BANKS AND FOREIGN FINANCIAL INSTITUTIONS THAT ARE WHOLESALE FINANCIAL INSTITUTIONS.

Section 8A of the Federal Deposit Insurance Act (as added by section 136(c)(2) of this Act) is amended by adding at the end the following new subsection:

"(i) VOLUNTARY TERMINATION OF DEPOSIT INSURANCE.—The provisions on voluntary termination of insurance in this section shall apply to an insured branch of a foreign bank (including a Federal branch) in the same manner and to the same extent as they apply to an insured State bank or a national bank.".

Subtitle G—Federal Home Loan Bank System

SEC. 161. FEDERAL HOME LOAN BANKS.

The 1st sentence of section 3 of the Federal Home Loan Bank Act (12 U.S.C. 1423) is amended—

(1) by striking "the continental United States" and all that follows through the "eight"; and

(2) by inserting "the States into not less than 1" before "nor".

SEC. 162. MEMBERSHIP AND COLLATERAL.

(a) Subsection (f) of section 5 of the Home Owners' Loan Act (12 U.S.C. 1464) is amended to read as follows:

"(f) FEDERAL HOME LOAN BANK MEMBERSHIP.—A Federal savings association may become a member, of the Federal Home Loan Bank System, and shall qualify for such membership in the manner provided by the Federal Home Loan Bank Act, beginning January 1, 1999.".

(b) Section 10(a)(5) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)(5)) is amended—

(1) in the 2d sentence, by striking "and the Board"; and

(2) in the 3d sentence, by striking "Board" and inserting "Bank".

(c) Section 10(a) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)) is amended—

(1) in the 2d sentence, by striking "All long-term advances" and inserting "Except as provided in the succeeding sentence, all long-term advances";

(2) by inserting after the 2d sentence, the following sentence: "Notwithstanding the preceding sentence, long-term advances may be made to members insured by the Federal Deposit Insurance Corporation which have less than $500,000,000 in total assets for the purpose of funding small businesses, agriculture, rural development, or low-income community development (as defined by the Board)."; and

(3) by redesignating paragraph (5) as paragraph (6) and inserting after paragraph (4) the following new paragraph:

"(5) In the case of any member insured by the Federal Deposit Insurance Corporation which has total assets of less than $500,000,000, secured loans for small business, agriculture, rural development, or low-income community development, or securities representing a whole interest in such secured loans.".

(d) Section 4(a) of the Federal Home Loan Bank Act (12 U.S.C. 1424(a)) is amended by adding at the end the following new paragraph:

"(3) ELIGIBILITY REQUIREMENTS FOR COMMUNITY FINANCIAL INSTITUTIONS.—The requirements of paragraph (2) (other than subparagraph (B) of such paragraph) shall not apply to any insured depository institution which has total assets of less than $500,000,000.

(e) Section 10 of the Federal Home Loan Bank Act (12 U.S.C. 1430) is amended by striking the 1st of the 2 subsections designated as subsection (e) (relating to qualified thrift lender status).

SEC. 163. THE OFFICE OF FINANCE.

The Federal Home Loan Bank Act (12 U.S.C. 1421) is amended by inserting after section 4 the following new section:

"SEC. 5. THE OFFICE OF FINANCE.

"(a) OPERATION.—The Federal home loan banks shall operate jointly an office of finance (hereafter in this section referred to as the 'Office') to issue the notes, bonds, and debentures of the Federal home loan banks in accordance with this Act.

"(b) POWERS.—Subject to the other provisions of this Act and such safety and soundness regulations as the Finance Board may prescribe, the Office shall be authorized by the Federal home loan banks to act as the agent of such banks to issue Federal home loan bank notes, bonds and debentures pursuant to section 11 of this Act on behalf of the banks.

"(c) CENTRAL BOARD OF DIRECTORS.—

"(1) ESTABLISHMENT.—The Federal home loan banks shall establish a central board of directors of the Office to administer the affairs of the Office in accordance with the provisions of this Act.

"(2) COMPOSITION OF BOARD.—Each Federal home loan bank shall annually select 1 individual who, as of the time of the election, is an officer or director of such bank to serve as a member of the central board of directors of the Office.

"(d) STATUS.—Except to the extent expressly provided in this Act, the Office shall be treated as a Federal home loan bank for purposes of any law.".

SEC. 164. MANAGEMENT OF BANKS.

(a) Subsections (a) and (b) of section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427(a) and (b)) are amended to read as follows:

"(a) The management of each Federal home loan bank shall be vested in a board of 15 directors, 9 of whom shall be elected by the members in accordance with this section, 6 of whom shall be appointed by the Board referred to in section 2A, and all of whom shall be citizens of the United States and bona fide residents of the district in which such bank is located. At least 2 of the Federal home loan bank directors who are appointed by the Board shall be representatives chosen from organizations with more than a 2-year history of representing consumer or community interests on banking services, credit needs, housing, or financial consumer protections. No Federal home loan bank director who is appointed pursuant to this subsection may, during such bank director's term of office, serve as an officer of any Federal home loan bank or a director or officer of any member of a bank, or hold shares, or any other financial interest in, any member of a bank.

"(b) The elective directors shall be divided into three classes, designated as classes A, B, and C, as nearly equal in number as possible. Each directorship shall be filled by a person who is an officer or director of a member located in that bank's district. Each class shall represent members of similar asset size, and the Board shall, to the maximum extent possible, seek to achieve geographic diversity. The Finance Board shall establish the minimum and maximum asset size for each class. Any member shall be entitled to nominate and elect eligible persons for its class of directorship; such offices shall be filled from such nominees by a plurality of the votes which members of each class may cast for nominees in their corresponding class of directors in an election held for the purpose of filling such offices. Each member shall be permitted to cast one vote for each share of Federal home loan bank stock owned by that member. No person who is an officer or director of a member that fails to meet any applicable capital requirement is eligible to hold the office of Federal Home Loan Bank director. As used in this subsection, the term "member" means a member of a Federal home loan bank which was a member of such Bank as of a record date established by the Bank.".

(b) Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) is amended—

(1) by striking subsections (c) and (h); and

(2) by redesignating subsections (d), (e), (f), (g), (i), (j), and (k) as subsections (c), (d), (e), (f), (g), (h), and (i), respectively.

(c) Subsection (c) of section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427(d)) (as so redesignated by subsection (b) of this section) is amended by striking the 1st and 2d sentences and inserting the following 2 new sentences: "The term of each position of director shall be 3 years. No director serving for 3 consecutive terms, nor any other officer, director or that member or any affiliated depository institution, shall be eligible for another term earlier than 3 years after the expiration of the last expiring of said 3-year terms. 3 elected directors of different classes as specified by the Finance Board shall be elected by ballot annually.".

(d) Subsection (d) of section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427(e)) (as so redesignated by subsection (b) of this section) is amended to read as follows:

"(d) TRANSITION PROVISION.—In the 1st election after the date of the enactment of the Financial Services Act of 1998, 3 directors shall be elected in each of the 3 classes of elective directorship. The Finance Board may, in the 1st election after such date of enactment, designate the terms of each elected director in each class, not to exceed 3 years, to assure that, in each subsequent election, 3 directors from different classes of elective directorships are elected each year.".

(e) Subsection (g) of section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427(i)) (as so redesignated by subsection (b) of this section) is amended by striking "subject to the approval of the board".

SEC. 165. ADVANCES TO NONMEMBER BORROWERS.

Section 10b of the Federal Home Loan Bank Act (12 U.S.C. 1430b) is amended—

(1) in subsection (a), by striking "(a) IN GENERAL.—";

(2) by striking the 4th sentence of subsection (a), and inserting "Notwithstanding the preceding sentence, if an advance is made for the purpose of facilitating mortgage lending that benefits individuals and families that meet the income requirements set forth in section 142(d) or 143(f) of the Internal Revenue Code of 1986, the advance may be collateralized as provided in section 10(a) of this Act."; and

(3) by striking subsection (b).

SEC. 166. POWERS AND DUTIES OF BANKS.

(a) Subsection (a) of section 11 of the Federal Home Loan Bank Act (12 U.S.C. 1431(a)) is amended—

(1) by inserting "through the Office of Finance" after "to issue";

(2) by striking "Board" after "upon such terms and conditions as the" and inserting "board of directors of the bank".

(b) Subsection (b) of section 11 of the Federal Home Loan Bank Act (12 U.S.C. 1431(b)) is amended to read as follows:

"(b) ISSUANCE OF FEDERAL HOME LOAN BANK CONSOLIDATED BONDS.—

"(1) IN GENERAL.— The Office of Finance may issue consolidated Federal home loan bank bonds and other consolidated obligations on behalf of the banks.

"(2) JOINT AND SEVERAL OBLIGATION; TERMS AND CONDITIONS.—Consolidated obligations issued by the Office of Finance under paragraph (1) shall—

"(A) be the joint and several obligations of all the Federal home loan banks; and

"(B) shall be issued upon such terms and conditions as shall be established by the Office of Finance subject to such rules and regulations as the Finance Board may prescribe.".

(c) Section 11(f) of the Federal Home Loan Bank Act (12 U.S.C. 1430(f) (as designated before the redesignation by subsection (e) of this section) is amended by striking both commas immediately following "permit" and inserting "or".

(d) Subsection (i) of section 11 of the Federal Home Loan Bank Act (12 U.S.C. 1431(i)) is amended by striking the 2d undesignated paragraph.

(e) Section 11 of the Federal Home Loan Bank Act (12 U.S.C. 1431) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) through (k) as subsections (c) through (j), respectively.

SEC. 167. MERGERS AND CONSOLIDATIONS OF FEDERAL HOME LOAN BANKS.

Section 26 of the Federal Home Loan Bank Act (12 U.S.C. 1446) is amended by designating the current paragraph as "(a)" and adding the following new sections:

"(b) Nothing in this section shall preclude voluntary mergers, combinations or consolidation by or among the Federal home loan banks pursuant to such regulations as the Finance Board may prescribe.

"(c) NUMBER OF ELECTED DIRECTORS OF RESULTING BANK.— Subject to section 7 of this Act, any bank resulting from a merger, combination, or consolidation pursuant to this section may have a number of elected directors equal to or less than the total number of elected directors of all the banks which participated in such transaction (as determined immediately before such transaction).

"(d) NUMBER OF APPOINTED DIRECTORS OF RESULTING BANK.—The number of appointed directors of any bank resulting from a merger, combination, or consolidation pursuant to this section shall be a number that is three less than the number of elected directors.

"(e) ADJUSTMENT OF DISTRICT BOUNDARIES.—After consummation of any merger, combination, or consolidation of 2 or more Federal home loan banks, the Finance Board shall adjust the districts established in section 3 of this Act to reflect such merger, combination, or consolidation.".

SEC. 168. TECHNICAL AMENDMENTS.

(a) REPEAL OF SECTIONS 22A AND 27.—The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.) is amended by striking sections 22A (12 U.S.C. 1442a) and 27 (12 U.S.C. 1447).

(b) SECTION 12.—

(1) Section 12(a) of the Federal Home Loan Bank Act (12 U.S.C. 1432(a)) is amended—

(A) by striking "subject to the approval of the Board" immediately following "transaction of its business"; and

(B) by striking "and, by its Board of directors, to prescribe, amend, and repeal by-laws, rules, and regulations governing the manner in which its affairs may be administered; and the powers granted to it by law may be exercised and enjoyed subject to the approval of the Board. The president of a Federal Home Loan Bank may also be a member of the Board of directors thereof, but no other officer, employee, attorney, or agent of such bank," and inserting "and, by the board of directors of the bank, to prescribe, amend, and repeal by-laws governing the manner in which its affairs may be administered, consistent with applicable statute and regulation, as administered by the Finance Board. No officer, employee, attorney, or agent of a Federal home loan bank".

(2) Section 12 of the Federal Home Loan Bank Act (12 U.S.C. 1432) is amended by inserting after subsection (b) the following new subsection:

"(c) PROHIBITION ON EXCESSIVE COMPENSATION.—

"(1) IN GENERAL.—The Finance Board shall prohibit the Federal home loan banks from providing compensation to any officer, director, or employee that is not reasonable and comparable with the compensation for employment in other similar businesses involving similar duties and responsibilities. However, the Finance Board may not prescribe or set a specific level or range of compensation for any officer, director, or employee.

"(2) REGULATIONS.—The Finance Board, by regulation, may provide for the requirements of paragraph (1) to be phased-in over a period not to exceed 3 years.

"(3) EXCEPTION FOR EXISTING CONTRACTS.—Paragraph (1) shall not apply to any contract entered into before June 1, 1997.".

(c) Powers and Duties of Federal Housing Finance Board.—

(1) Subsection (a)(1) of section 2B of the Federal Home Loan Bank Act (12 U.S.C. 1422b(a)(1)) is amended by striking the period at the end of the sentence and inserting "; and to have the same powers, rights, and duties to enforce this Act with respect to the Federal home loan banks and the senior officers and directors of such banks as the Office of Federal Housing Enterprise Oversight has over the Federal housing enterprises and the senior officers and directors of such enterprises under the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.".

(2) Subsection (b) of section 2B of the Federal Home Loan Bank Act (12 U.S.C. 1422b(b)) is amended—

(A) by striking "(1) Board staff.—";

(B) by striking "function to any employee, administrative unit" and inserting "function to any employee or administrative unit";

(C) by striking the 2d sentence in paragraph (1); and

(D) by striking paragraph (2).

(3) Section 111 of Public Law 93-495 (12 U.S.C. 250) is amended by striking "Federal Home Loan Bank Board" and inserting "Federal Housing Finance Board".

(d) Eligibility to Secure Advances.—

(1) Section 9.—Section 9 of the Federal Home Loan Bank Act (12 U.S.C. 1429) is amended—

(A) in the second sentence, by striking "with the approval of the Board"; and

(B) in the third sentence, by striking ", subject to the approval of the Board,".

(2) Section 10.—

(A) Subsection (a) of section 10 of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)) is amended in paragraph (3), by striking "Deposits" and inserting "Cash or deposits".

(B) Subsection (c) of section 10 of the Federal Home Loan Bank Act (12 U.S.C. 1430(c)) is amended—

(i) in the 1st sentence by striking "Board" and inserting "Federal home loan bank"; and

(ii) by striking the 2d sentence.

(C) Subsection (d) of section 10 of the Federal Home Loan Bank Act (12 U.S.C. 1430(d)) is amended—

(i) in the 1st sentence, by striking "and the approval of the Board";

(ii) in the last sentence, by striking "Subject to the approval of the Board, any" and inserting "Any".

(D) Section 10(j) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)) is amended—

(i) in the 1st sentence of paragraph (1) by striking "to subsidize the interest rate on advances" and inserting "to provide subsidies, including subsidized interest rates on advances";

(ii) in paragraphs (2), (3), (4), (5), (9), (11), and (12) by striking "advances" and "subsidized advances" each place such terms appear and inserting "subsidies, including subsidized advances";

(iii) in paragraph (1), by inserting "(A)" before the 1st sentence, and inserting the following at the end of the paragraph:

"(B) Subject to such regulations as the Finance Board may prescribe, the board of directors of each Federal home loan bank may approve or disapprove requests from members for Affordable Housing Program subsidies, and may not delegate such authority.";

(iv) in paragraph (2), by striking subparagraph (B) and inserting the following new subparagraph:

"(B) finance the purchase, construction or rehabilitation of rental housing if, for a period of at least 15 years, either 20 percent or more of the units in such housing are occupied by and affordable for households whose income is 50 percent or less of area median income (as determined by the Secretary of Housing and Urban Development, and as adjusted for family size); or 40 percent or more of the units in such housing are occupied by and affordable for households whose income is 60 percent or less of area median income (as determined by the Secretary of Housing and Urban Development, and as adjusted for family size).";

(v) in paragraph (5)—

(I) by striking the colon after "Affordable Housing Program";

(II) by striking subparagraphs (A) and (B); and

(III) by striking "(C) In 1995, and subsequent years,";

(vi) in paragraph (11)—

(I) by inserting ", pursuant to a nomination process that is as broad and as participatory as possible, and giving consideration to the size of the District and the diversity of low- and moderate-income housing needs and activities within the District," after "Advisory Council of 7 to 15 persons";

(II) by inserting "a diverse range of" before "community and nonprofit organizations"; and

(III) by inserting after the 1st sentence, the following new sentence: "Representatives of no one group shall constitute an undue proportion of the membership of the Advisory Council."; and

(vii) in paragraph (13), by striking subparagraph (D) and inserting the following new subparagraph:

"(D) Affordable.—For purposes of paragraph (2)(B), the term "affordable" means that the rent with respect to a unit shall not exceed 30 percent of the income limitation under paragraph (2)(B) applicable to occupants of such unit.".

(e) Section 16.—Subsection (a) of section 16 of the Federal Home Loan Bank Act (12 U.S.C. 1436) is amended in the 3d sentence by striking "net earnings" and inserting "previously retained earnings or current net earnings"; by striking ", and then only with the approval of the Federal Housing Finance Board"; and by striking the 4th sentence.

(f) Section 18.—Subsection (b) of section 18 of the Federal Home Loan Bank Act (12 U.S.C. 1438) is amended by striking paragraph (4).

(g) Section 11.—Section 11 of the Federal Home Loan Bank Act (12 U.S.C. 1431) is amended by inserting after subsection (j) (as so redesignated by section 166(e) of this subtitle) the following subsection:

"(k) Prohibition on Other Activities.—

"(1) A Federal home loan bank may not engage in any activity other than the activities authorized under this Act and activities incidental to such authorized activities.

"(2) All activities specified in paragraph (1) are subject to Finance Board approval.".

SEC. 169. DEFINITIONS.

Paragraph (3) of section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422(3)) is amended to read as follows:

"(3) The term "State" in addition to the states of the United States, includes the District of Columbia, Guam, Puerto Rico, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands."

SEC. 170. RESOLUTION FUNDING CORPORATION

(a) In General.—Section 21B(f)(2)(C) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(f)(2)(C)) is amended to read as follows:

"(C) Payments by federal home loan banks.—To the extent the amounts available pursuant to subparagraphs (A) and (B) are insufficient to cover the amount of interest payments, each Federal home loan bank shall pay to the Funding Corporation each calendar year 20.75 percent of the net earnings of such bank (after deducting expenses relating to subsection (j) of section 10 and operating expenses).".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on January 1, 1999.

SEC. 171. CAPITAL STRUCTURE OF THE FEDERAL HOME LOAN BANKS.

(a) In General.—Section 6 of the Federal Home Loan Bank Act (12 U.S.C. 1426) is amended to read as follows:

"SEC. 6. CAPITAL STRUCTURE OF FEDERAL HOME LOAN BANKS.

"(a) Capital Structure Plan.—On or before January 1, 1999, the board of directors of each Federal home loan bank shall submit for Finance Board approval a plan establishing and implementing a capital structure for such bank which—

"(1) the board of directors determines is the best suited for the condition and operation of the bank and the interests of the shareholders of the bank;

"(2) meets the requirements of subsection (b); and

"(3) meets the minimum capital standards and requirements established under subsection (c) and any regulations prescribed by the Finance Board pursuant to such subsection.

"(b) Contents of Plan.—The capital structure plan of each Federal home loan bank shall meet the following requirements:

"(1) Stock purchase requirements.—

"(A) In general.—Each capital structure plan of a Federal home loan bank shall require the shareholders of the bank to maintain an investment in the stock of the bank in amount not less than—

"(i) a minimum percentage of the total assets of the shareholder; and

"(ii) a minimum percentage of the outstanding advances from the bank to the shareholder.

"(B) Minimum percentage levels.—The minimum percentages established pursuant to subparagraph (A) shall be set at levels sufficient to meet the bank's minimum capital requirements established by the Finance Board under subsection (c).

"(C) Maximum asset based capital requirement.—The asset-based capital requirement applicable to any shareholder of a Federal home loan bank in any year shall not exceed the lesser of—

"(i) 0.6 percent of a shareholder's total assets at the close of the preceding year; or

"(ii) $300,000,000.

"(D) Maximum advance-based requirement.—The advance-based capital requirement applicable to any shareholder of a Federal home loan bank shall not exceed 6 percent of the total outstanding advances from the bank to the shareholder.

"(E) Minimum stock purchase requirement authorized.—A capital structure plan may establish a minimum dollar amount of stock of a Federal home loan bank in which a shareholder shall be required to invest.

"(2) Adjustments to stock purchase requirements.—The capital structure plan adopted by each Federal home loan bank shall impose a continuing obligation on the board of directors of the bank to review and adjust as necessary member stock purchase requirements in order to ensure that the bank remains in compliance with applicable minimum capital levels established by the Finance Board.

"(3) TRANSITION RULE FOR STOCK PURCHASE REQUIREMENTS.—

"(A) IN GENERAL.—A capital structure plan may allow shareholders who were members of a Federal home loan bank on the date of the enactment of the Financial Services Act of 1998 to come into compliance with the asset-based stock purchase requirement established under paragraph (1) during a transition period established under the plan of not more than 3 years, if such requirement exceeds the asset-based stock purchase requirement in effect on such date of enactment.

"(B) INTERIM PURCHASE REQUIREMENTS.—A capital structure plan may establish interim asset-based stock purchase requirements applicable to members referred to in subparagraph (A) during a transition period established under subparagraph (A).

"(4) CLASSES OF STOCK.—

"(A) IN GENERAL.—Each capital structure plan shall afford each shareholder of a Federal home loan bank the option of meeting the shareholder's stock purchase requirements through the purchase of any combination of Class A or Class B stock.

"(B) CLASS A STOCK.—Class A stock shall be stock of a Federal home loan bank that shall be redeemed in cash and at par by the bank no later than 12 months following submission of a written notice by a shareholder of the shareholder's intention to divest all shares of stock in the bank.

"(C) CLASS B STOCK.—Class B stock shall be stock of a Federal home loan bank that shall be redeemed in cash and at par by the bank no later than 5 years following submission of a written notice by a shareholder of the shareholder's intention to divest all shares of stock in the bank.

"(D) RIGHTS REQUIREMENT.—The Class B stock of a Federal home loan bank may receive a dividend premium over that paid on Class A stock, and may have preferential voting rights in the election of Federal home loan bank directors.

"(E) LOWER STOCK PURCHASE REQUIREMENTS FOR CLASS B STOCK.—A capital structure plan may provide for lower stock purchase requirements with respect to those shareholder's that elect to purchase Class B stock in a manner that is consistent with meeting the bank's own minimum capital requirements as established by the Finance Board.

"(F) NO OTHER CLASSES OF STOCK PERMITTED.—No class of stock other than the Class A and Class B stock described in subparagraphs (B) and (C) may be issued by a Federal home loan bank.

"(5) LIMITED TRANSFERABILITY OF STOCK.—Each capital structure plan shall provide that any equity securities issued by the bank shall be available only to, held only by, and tradable only among shareholders of the bank.

"(c) CAPITAL STANDARDS.—

"(1) IN GENERAL.—The Finance Board shall prescribe, by regulation, uniform capital standards applicable to each Federal home loan bank which shall include—

"(A) a leverage limit in accordance with paragraph (2); and

"(B) a risk-based capital requirement in accordance with paragraph (3).

"(2) MINIMUM LEVERAGE LIMIT.—The leverage limit established by the Finance Board shall require each Federal home loan bank to maintain total capital in an amount not less than 5 percent of the total assets of the bank. In determining compliance with the minimum leverage ratio, the amount of retained earnings and the paid-in value of Class B stock, if any, shall be multiplied by 1.5 and such higher amount shall be deemed to be capital for purposes of meeting the 5 percent minimum leverage ratio.

"(3) RISK-BASED CAPITAL STANDARD.—The risk-based capital requirement shall be composed of the following components:

"(A) Capital sufficient to meet the credit risk to which a Federal home loan bank is subject, based on an amount which is not less than the amount of tier 1, risk-based capital required by regulations prescribed, or guidelines issued under section 38 of the Federal Deposit Insurance Act for a well capitalized insured depository institution.

"(B) Capital sufficient to meet the interest rate risk to which a Federal home loan bank is subject, based on an interest rate stress test applied by the Finance Board that rigorously tests for changes in interest rates, rate volatility, and changes in the shape of the yield curve.

"(d) REDEMPTION OF CAPITAL.—

"(1) IN GENERAL.—Any shareholder of a Federal home loan bank shall have the right to withdraw the shareholder's membership from a Federal home loan bank and to redeem the shareholder's stock in accordance with the redemption rights associated with the class of stock the shareholder holds, if—

"(A) such shareholder has filed a written notice of an intention to redeem all such shares; and

"(B) the shareholder has no outstanding advances from any Federal home loan bank at the time of such redemption.

"(2) PARTIAL REDEMPTION.—A shareholder who files notice of intention to redeem all shares of stock in a Federal home loan bank may redeem not more than 1/2 of all such shares, in cash and at par, 6 months before the date by which the bank is required to redeem such stock pursuant to subparagraph (B) or (C) of subsection (b)(4).

"(3) DIVESTITURE.—The board of directors of any Federal home loan bank may, after a hearing, order the divestiture by any shareholder of all ownership interests of such shareholder in the bank, if—

"(A) in the opinion of the board of directors, such shareholder has failed to comply with a provision of this Act or any regulation prescribed under this Act; or

"(B) the shareholder has been determined to be insolvent, or otherwise subject to the appointment of a conservator, receiver, or other legal custodian, by a State or Federal authority with regulatory and supervisory responsibility for such shareholder.

"(4) RETIREMENT OF EXCESS STOCK.—Any shareholder may—

"(A) retire shares of Class A stock or, at the option of the shareholder, shares of Class B stock, or any combination of Class A and Class B stock, that are excess to the minimum stock purchase requirements applicable to the shareholder; and

"(B) receive from the Federal home loan bank a prompt payment in cash equal to the par value of such stock.

"(5) IMPAIRMENT OF CAPITAL.—If the Finance Board or the board of directors of a Federal home loan bank determines that the paid-in capital of the bank is, or is likely to be, impaired as a result of losses in or depreciation of the assets of the bank, the Federal home loan bank shall withhold that portion of the amount due any shareholder with respect to any redemption or retirement of any class of stock which bears the same ratio to the total of such amount as the amount of the impaired capital bears to the total amount of capital allocable to such class of stock.

"(6) POLICIES.—Subject to the requirements of this section, the board of directors of each Federal home loan bank shall promptly establish policies, consistent with this Act, governing the capital stock of such bank and other provisions of this section.".

SEC. 172. INVESTMENTS.

Subsection (j) of section 11 of the Federal Home Loan Bank Act (12 U.S.C. 1431) (as so redesignated by section 166(e) of this subtitle) is amended to read as follows:

"(j) INVESTMENTS.—Each bank shall reduce its investments to those necessary for liquidity purposes, for safe and sound operation of the banks, or for housing finance, as administered by the Finance Board.".

SEC. 173. FEDERAL HOUSING FINANCE BOARD.

Section 2A(b)(1) of the Federal Home Loan Bank Act (12 U.S.C. 1422(b)(1)) is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(2) by inserting before subparagraph (B) (as so redesignated by paragraph (1) of this section) the following new subparagraph:

"(A) The Secretary of the Treasury (or the Secretary of the Treasury's designee), who shall serve without additional compensation."; and

(3) in subparagraph (C) (as so redesignated by paragraph (1) of this section) by striking "Four" and inserting "3".

Subtitle H—Direct Activities of Banks

SEC. 181. AUTHORITY OF NATIONAL BANKS TO UNDERWRITE CERTAIN MUNICIPAL BONDS

The paragraph designated the Seventh of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24(7)) is amended by adding at the end the following new sentence: "In addition to the provisions in this paragraph for dealing in, underwriting or purchasing securities, the limitations and restrictions contained in this paragraph as to dealing in, underwriting, and purchasing investment securities for the national bank's own account shall not apply to obligations (including limited obligation bonds, revenue bonds, and obligations that satisfy the requirements of section 142(b)(1) of the Internal Revenue Code of 1986) issued by or on behalf of any state or political subdivision of a state, including any municipal corporate instrumentality of 1 or more states, or any public agency or authority of any state or political subdivision of a state, if the national banking association is well capitalized (as defined in section 38 of the Federal Deposit Insurance Act).".

Subtitle I—Effective Date of Title

SEC. 191. EFFECTIVE DATE.

Except with regard to any subtitle or other provision of this title for which a specific effective date is provided, this title and the amendments made by this title shall take effect at the end of the 270-day period beginning on the date of the enactment of this Act.

TITLE II—FUNCTIONAL REGULATION

Subtitle A—Brokers and Dealers

SEC. 201. DEFINITION OF BROKER.

Section 3(a)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(4)) is amended to read as follows:

"(4) BROKER.—

"(A) IN GENERAL.—The term 'broker' means any person engaged in the business of effecting transactions in securities for the account of others.

"(B) EXCEPTION FOR CERTAIN BANK ACTIVITIES.—A bank shall not be considered to be a broker because the bank engages in any of the following activities under the conditions described:

"(i) THIRD PARTY BROKERAGE ARRANGEMENTS.—The bank enters into a contractual or other arrangement with a broker or dealer registered under this title under which the broker or dealer offers brokerage services on or off the premises of the bank if—

"(I) such broker or dealer is clearly identified as the person performing the brokerage services;

"(II) the broker or dealer performs brokerage services in an area that is clearly marked and, to the extent practicable, physically separate from the routine deposit-taking activities of the bank;

"(III) any materials used by the bank to advertise or promote generally the availability of brokerage services under the contractual or other arrangement clearly indicate that the brokerage services are being provided by the broker or dealer and not by the bank;

"(IV) any materials used by the bank to advertise or promote generally the availability of brokerage services under the contractual or other arrangement are in compliance with the Federal securities laws before distribution;

"(V) bank employees (other than associated persons of a broker or dealer who are qualified pursuant to the rules of a self-regulatory organization) perform only clerical or ministerial functions in connection with brokerage transactions including scheduling appointments with the associated persons of a broker or dealer, except that bank employees may forward customer funds or securities and may describe in general terms the range of investment vehicles available from the bank and the broker or dealer under the contractual or other arrangement;

"(VI) bank employees do not directly receive incentive compensation for any brokerage transaction unless such employees are associated persons of a broker or dealer and are qualified pursuant to the rules of a self-regulatory organization, except that the bank employees may receive compensation for the referral of any customer if the compensation is a nominal one-time cash fee of a fixed dollar amount and the payment of the fee is not contingent on whether the referral results in a transaction;

"(VII) such services are provided by the broker or dealer on a basis in which all customers which receive any services are fully disclosed to the broker or dealer;

"(VIII) the bank does not carry a securities account of the customer except in a customary custodian or trustee capacity; and

"(IX) the bank, broker, or dealer informs each customer that the brokerage services are provided by the broker or dealer and not by the bank and that the securities are not deposits or other obligations of the bank, are not guaranteed by the bank, and are not insured by the Federal Deposit Insurance Corporation.

"(ii) TRUST ACTIVITIES.—The bank—

"(I) effects transactions in a trustee capacity and is primarily compensated based on an annual fee (payable on a monthly, quarterly, or other basis) or percentage of assets under management, or both; or

"(II) effects transactions in a fiduciary capacity in its trust department or other department that is regularly examined by bank examiners for compliance with fiduciary principles and standards and—

"(aa) is primarily compensated on the basis of either an annual fee (payable on a monthly, quarterly, or other basis), a percentage of assets under management, or both, and does not receive brokerage commissions or other similar remuneration based on effecting transactions in securities, other than the cost incurred by the bank in connection with executing securities transactions for fiduciary customers; and

"(bb) does not publicly solicit brokerage business, other than by advertising that it effects transactions in securities in conjunction with advertising its other trust activities.

"(iii) PERMISSIBLE SECURITIES TRANSACTIONS.—The bank effects transactions in—

"(I) commercial paper, bankers acceptances, or commercial bills;

"(II) exempted securities;

"(III) qualified Canadian government obligations as defined in section 5136 of the Revised Statutes, in conformity with section 15C of this title and the rules and regulations thereunder, or obligations of the North American Development Bank; or

"(IV) any standardized, credit enhanced debt security issued by a foreign government pursuant to the March 1989 plan of then Secretary of the Treasury Brady, used by such foreign government to retire outstanding commercial bank loans.

"(iv) CERTAIN STOCK PURCHASE PLANS.—

"(I) IN GENERAL.—The bank effects transactions, as part of its transfer agency activities, in—

"(aa) the securities of an issuer as part of any pension, retirement, profit-sharing, bonus, thrift, savings, incentive, or other similar benefit plan for the employees of that issuer or its subsidiaries, if the bank does not solicit transactions or provide investment advice with respect to the purchase or sale of securities in connection with the plan;

"(bb) the securities of an issuer as part of that issuer's dividend reinvestment plan, if the bank does not—

"(AA) solicit transactions or provide investment advice with respect to the purchase or sale of securities in connection with the plan;

"(BB) net shareholders' buy and sell orders, other than for programs for odd-lot holders or plans registered with the Commission; or

"(cc) the securities of an issuer as part of a plan or program for the purchase or sale of that issuer's shares, if—

"(AA) the bank does not solicit transactions or provide investment advice with respect to the purchase or sale of securities in connection with the plan or program;

"(BB) the bank does not net shareholders' buy and sell orders, other than for programs for odd-lot holders or plans registered with the Commission; and

"(CC) the bank's compensation for such plan or program consists of administration fees, or flat or capped per order processing fees, or both, plus the cost incurred by the bank in connection with executing securities transactions resulting from such plan or program.

"(II) PERMISSIBLE DELIVERY OF MATERIALS.—The exception to being considered a broker for a bank engaged in activities described in subclause (I) will not be affected by a bank's delivery of written or electronic plan materials to employees of the issuer, shareholders of the issuer, or members of affinity groups of the issuer, so long as such materials are—

"(aa) comparable in scope or nature to that permitted by the Commission as of the date of the enactment of the Financial Services Act of 1998; or

"(bb) otherwise permitted by the Commission.

"(v) SWEEP ACCOUNTS.—The bank effects transactions as part of a program for the investment or reinvestment of bank deposit funds into any no-load, open-end management investment company registered under the Investment Company Act of 1940 that holds itself out as a money market fund.

"(vi) AFFILIATE TRANSACTIONS.—The bank effects transactions for the account of any affiliate of the bank (as defined in section 2 of the Bank Holding Company Act of 1956) other than—

"(I) a registered broker or dealer; or

"(II) an affiliate that is engaged in merchant banking, as described in section 6(c)(3)(H) of the Bank Holding company Act of 1956.

"(vii) PRIVATE SECURITIES OFFERINGS.—The bank—

"(I) effects sales as part of a primary offering of securities not involving a public offering, pursuant to section 3(b), 4(2), or 4(6) of the Securities Act of 1933 or the rules and regulations issued thereunder;

"(II) at any time after one year after the date of enactment of the Financial Services Act of 1998, is not affiliated with a broker or dealer that has been registered for more than one year; and

"(III) effects transactions exclusively with qualified investors.

"(viii) SAFEKEEPING AND CUSTODY ACTIVITIES.—

"(I) IN GENERAL.—The bank, as part of customary banking activities—

"(aa) provides safekeeping or custody services with respect to securities, including the exercise of warrants and other rights on behalf of customers;

"(bb) facilitates the transfer of funds or securities, as a custodian or a clearing agency, in connection with the clearance and settlement of its customers' transactions in securities;

"(cc) effects securities lending or borrowing transactions with or on behalf of customers as part of services provided to customers pursuant to division (aa) or (bb) or invests cash collateral pledged in connection with such transactions; or

"(dd) holds securities pledged by a customer to another person or securities subject to purchase or resale agreements involving a customer, or facilitates the pledging or transfer of such securities by book entry or as otherwise provided under applicable law.

"(II) EXCEPTION FOR CARRYING BROKER ACTIVITIES.—The exception to being considered a broker for a bank engaged in activities described in subclause (I) shall not apply if the bank, in connection with such activities, acts in the United States as a carrying broker (as such term, and different formulations thereof, are used in section 15(c)(3) and the rules and regulations thereunder) for any broker or dealer, unless such carrying broker activities are engaged in with respect to government securities (as defined in paragraph (42) of this subsection).

"(ix) BANKING PRODUCTS.—The bank effects transactions in traditional banking products, as defined in section 206(a) of the Financial Services Act of 1998.

"(x) DE MINIMIS EXCEPTION.—The bank effects, other than in transactions referred to in clauses (i) through (ix), not more than 500 transactions in securities in any calendar year, and such transactions are not effected by an employee of the bank who is also an employee of a broker or dealer.

"(C) BROKER DEALER EXECUTION.—The exception to being considered a broker for a bank engaged in activities described in clauses (ii), (iv), and (viii) of subparagraph (B) shall not apply if the activities described in such provisions result in the trade in the

United States of any security that is a publicly traded security in the United States, unless—

"(i) the bank directs such trade to a registered or broker dealer for execution;

"(ii) the trade is a cross trade or other substantially similar trade of a security that—

"(I) is made by the bank or between the bank and an affiliated fiduciary; and

"(II) is not in contravention of fiduciary principles established under applicable Federal or State law; or

"(iii) the trade is conducted in some other manner permitted under rules, regulations, or orders as the Commission may prescribe or issue.

"(D) No effect of bank exemptions on other commission authority.—The exception to being considered a broker for a bank engaged in activities described in subparagraphs (B) and (C) shall not affect the commission's authority under any other provision of this Act or any other securities law.

"(E) Fiduciary capacity.—For purposes of subparagraph (B)(ii), the term 'fiduciary capacity' means—

"(i) in the capacity as trustee, executor, administrator, registrar of stocks and bonds, transfer agent, guardian, assignee, receiver, or custodian under a uniform gift to minor act, or as an investment adviser if the bank receives a fee for its investment advice;

"(ii) in any capacity in which the bank possesses investment discretion on behalf of another; or

"(iii) in any other similar capacity.

"(F) Exception for entities subject to section 15(e).—The term 'broker' does not include a bank that—

"(i) was, immediately prior to the enactment of the Financial Services Act of 1998, subject to section 15(e); and

"(ii) is subject to such restrictions and requirements as the Commission considers appropriate.".

SEC. 202. DEFINITION OF DEALER.

Section 3(a)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(5)) is amended to read as follows:

"(5) Dealer.—

"(A) In general.—The term 'dealer' means any person engaged in the business of buying and selling securities for such person's own account through a broker or otherwise.

"(B) Exception for person not engaged in the business of dealing.—The term 'dealer' does not include a person that buys or sells securities for such person's own account, either individually or in a fiduciary capacity, but not as a part of a regular business.

"(C) Exception for certain bank activities.—A bank shall not be considered to be a dealer because the bank engages in any of the following activities under the conditions described:

"(i) Permissible securities transactions.—The bank buys or sells—

"(I) commercial paper, bankers acceptances, or commercial bills;

"(II) exempted securities;

"(III) qualified Canadian government obligations as defined in section 5136 of the Revised Statutes of the United States, in conformity with section 15C of this title and the rules and regulations thereunder, or obligations of the North American Development Bank; or

"(IV) any standardized, credit enhanced debt security issued by a foreign government pursuant to the March 1989 plan of then Secretary of the Treasury Brady, used by such foreign government to retire outstanding commercial bank loans.

"(ii) Investment, trustee, and fiduciary transactions.—The bank buys or sells securities for investment purposes—

"(I) for the bank; or

"(II) for accounts for which the bank acts as a trustee or fiduciary.

"(iii) Asset-backed transactions.—The bank engages in the issuance or sale to qualified investors, through a grantor trust or otherwise, of securities backed by or representing an interest in notes, drafts, acceptances, loans, leases, receivables, other obligations, or pools of any such obligations predominantly originated by the bank, or a syndicate of banks of which the bank is a member, or an affiliate of any such bank other than a broker or dealer.

"(iv) Banking products.—The bank buys or sells traditional banking products, as defined in section 206(a) of the Financial Services Act of 1998.

"(v) Derivative instruments.—The bank issues, buys, or sells any derivative instrument to which the bank is a party—

"(I) to or from a corporation, limited liability company, or partnership that owns and invests on a discretionary basis, not less than $10,000,000 in investments, or to or from a qualified investor, except that if the instrument provides for the delivery of one or more securities (other than a derivative instrument or government security), the transaction shall be effected with or through a registered broker or dealer; or

"(II) to or from other persons, except that if the derivative instrument provides for the delivery of one or more securities (other than a derivative instrument or government security), or is a security (other than a government security), the transaction shall be effected with or through a registered broker or dealer; or

"(III) to or from any person if the instrument is neither a security nor provides for the delivery of one or more securities (other than a derivative instrument).".

SEC. 203. REGISTRATION FOR SALES OF PRIVATE SECURITIES OFFERINGS.

Section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78*o*–3) is amended by inserting after subsection (i) the following new subsection:

"(j) Registration for Sales of Private Securities Offerings.—A registered securities association shall create a limited qualification category for any associated person of a member who effects sales as part of a primary offering of securities not involving a public offering, pursuant to section 3(b), 4(2), or 4(6) of the Securities Act of 1933 and the rules and regulations thereunder, and shall deem qualified in such limited qualification category, without testing, any bank employee who, in the six month period preceding the date of enactment of this Act, engaged in effecting such sales.".

SEC. 204. SALES PRACTICES AND COMPLAINT PROCEDURES.

Section 18 of the Federal Deposit Insurance Act is amended by adding at the end the following new subsection:

"(s) Sales Practices and Complaint Procedures With Respect to Bank Securities Activities.—

"(1) Regulations Required.—Each Federal banking agency shall prescribe and publish in final form, not later than 6 months after the date of enactment of the Financial Services Act of 1998, regulations which apply to retail transactions, solicitations, advertising, or offers of any security by any insured depository institution or any affiliate thereof other than a registered broker or dealer or an individual acting on behalf of such a broker or dealer who is an associated person of such broker or dealer. Such regulations shall include—

"(A) requirements that sales practices comply with just and equitable principles of trade that are substantially similar to the Rules of Fair Practice of the National Association of Securities Dealers; and

"(B) requirements prohibiting (i) conditioning an extension of credit on the purchase or sale of a security; and (ii) any conduct leading a customer to believe that an extension of credit is conditioned upon the purchase or sale of a security.

"(2) Procedures required.—The appropriate Federal banking agencies shall jointly establish procedures and facilities for receiving and expeditiously processing complaints against any bank or employee of a bank arising in connection with the purchase or sale of a security by a customer, including a complaint alleging a violation of the regulations prescribed under paragraph (1), but excluding a complaint involving an individual acting on behalf of such a broker or dealer who is an associated person of such broker or dealer. The use of any such procedures and facilities by such a customer shall be at the election of the customer. Such procedures shall include provisions to refer a complaint alleging fraud to the Securities and Exchange Commission and appropriate State securities commissions.

"(3) Required actions.—The actions required by the Federal banking agencies under paragraph (2) shall include the following:

"(A) establishing a group, unit, or bureau within each such agency to receive such complaints;

"(B) developing and establishing procedures for investigating, and permitting customers to investigate, such complaints;

"(C) developing and establishing procedures for informing customers of the rights they may have in connection with such complaints;

"(D) developing and establishing procedures that allow customers a period of at least 6 years to make complaints and that do not require customers to pay the costs of the proceeding; and

"(E) developing and establishing procedures for resolving such complaints, including procedures for the recovery of losses to the extent appropriate.

"(4) Consultation and joint regulations.—The Federal banking agencies shall consult with each other and prescribe joint regulations pursuant to paragraphs (1) and (2), after consultation with the Securities and Exchange Commission.

"(5) Procedures in addition to other remedies.—The procedures and remedies provided under this subsection shall be in addition to, and not in lieu of, any other remedies available under law.

"(6) Definition.—As used in this subsection—

"(A) the term 'security' has the meaning provided in section 3(a)(10) of the Securities Exchange Act of 1934;

"(B) the term 'registered broker or dealer' has the meaning provided in section 3(a)(48) of such Act; and

"(C) the term 'associated person' has the meaning provided in section 3(a)(18) of such Act.".

SEC. 205. INFORMATION SHARING.

Section 18 of the Federal Deposit Insurance Act is amended by adding at the end the following new subsection:

"(t) Recordkeeping Requirements.—

"(1) Requirements.—Each appropriate Federal banking agency, after consultation with and consideration of the views of the Commission, shall establish recordkeeping requirements for banks relying on exceptions contained in paragraphs (4) and (5) of section 3(a) of the Securities Exchange Act of 1934. Such recordkeeping requirements shall be sufficient to demonstrate compliance with the terms of such exceptions and be designed to facilitate compliance with such exceptions. Each appropriate Federal banking agency shall make any such information available to the Commission upon request.

"(2) Definitions.—As used in this subsection the term 'Commission' means the Securities and Exchange Commission.".

SEC. 206. DEFINITION AND TREATMENT OF BANKING PRODUCTS.

(a) Definition of Traditional Banking Product.—

(1) In general.—For purposes of paragraphs (4) and (5) of section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(4), (5)), the term 'traditional banking product' means—

(A) a deposit account, savings account, certificate of deposit, or other deposit instrument issued by a bank;

(B) a banker's acceptance;

(C) a letter of credit issued or loan made by a bank;

(D) a debit account at a bank arising from a credit card or similar arrangement;

(E) a participation in a loan which the bank or an affiliate of the bank (other than a broker or dealer) funds, participates in, or owns that is sold—

(i) to qualified investors; or

(ii) to other persons that—

"(I) have the opportunity to review and assess any material information, including information regarding the borrower's creditworthiness; and

"(II) based on such factors as financial sophistication, net worth, and knowledge and experience in financial matters, have the capability to evaluate the information available, as determined under generally applicable banking standards or guidelines; or

(F) any derivative instrument, whether or not individually negotiated, involving or relating to—

(i) foreign currencies, except options on foreign currencies that trade on a national securities exchange;

(ii) interest rates, except interest rate derivative instruments (I) that are based on a security; or (II) that provide for the delivery of one or more securities; or

(iii) commodities, other rates, indices, or other assets, except derivative instruments that are securities or that provide for the delivery of one or more securities.

(2) Classification limited.—Classification of a particular product as a traditional banking product pursuant to this subsection shall not be construed as finding or implying that such product is or is not a security for any purpose under the securities laws, or is or is not an account, agreement, contract, or transaction for any purpose under the Commodity Exchange Act.

(3) Definitions.—For purposes of this subsection—

(A) the term "bank" has the meaning provided in section 3(a)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(6);

(B) the term "qualified investor" has the meaning provided in section 3(a)(55) of such Act; and

(C) the term "Federal banking agency" has the meaning provided in section 3(z) of the Federal Deposit Insurance Act (12 U.S.C. 1813(z)).

(b) Treatment of New Banking Products for Purposes of Broker/Dealer Requirements.—Section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) is amended by adding at the end the following new subsection:

"(i) Rulemaking to Extend Requirements to New Banking Products.—

"(1) Limitation.—The Commission shall not—

"(A) require a bank to register as a broker or dealer under this section because the bank engages in any transaction in, or buys or sells, a new banking product; or

"(B) bring an action against a bank for a failure to comply with a requirement described in subparagraph (A);

unless the Commission has imposed such requirement by rule or regulation issued in accordance with this section.

"(2) Criteria for rulemaking.—The Commission shall not impose a requirement under paragraph (1) of this subsection with respect to any new banking product unless the Commission determines that—

"(A) the new banking product is a security; and

"(B) imposing such requirement is necessary or appropriate in the public interest and for the protection of investors, consistent with the requirements of section 3(f).

"(3) New banking product.—For purposes of this subsection, the term 'new banking product' means a product that—

"(A) was not subjected to regulation by the Commission as a security prior to the date of enactment of this subsection; and

"(B) is not a traditional banking product, as such term is defined in section 206(a) of the Financial Services Act of 1998.

"(4) Consultation.—In promulgating rules under this subsection, the Commission shall consult with and consider the views of the appropriate regulatory agencies concerning the proposed rule and the impact on the banking industry.".

SEC. 207. DERIVATIVE INSTRUMENT AND QUALIFIED INVESTOR DEFINED.

Section 3(a) of the Securities Exchange Act of 1934 is amended by adding at the end the following new paragraphs:

"(54) Derivative instrument.—

"(A) Definition.—The term 'derivative instrument' means any individually negotiated contract, agreement, warrant, note, or option that is based, in whole or in part, on the value of, any interest in, or any quantitative measure or the occurrence of any event relating to, one or more commodities, securities, currencies; interest or other rates, indices, or other assets, but does not include a traditional banking product, as defined in section 206(a) of the Financial Services Act of 1998.

"(B) Classification limited.— Classification of a particular contract as a derivative instrument pursuant to this paragraph shall not be construed as finding or implying that such instrument is or is not a security for any purpose under the securities laws, or is or is not an account, agreement, contract, or transaction for any purpose under the Commodity Exchange Act.

"(55) Qualified investor.—

"(A) Definition.—For purposes of this title and section 206(a)(1)(E) of the Financial Services Act of 1998, the term 'qualified investor' means—

"(i) any investment company registered with the Commission under section 8 of the Investment Company Act of 1940;

"(ii) any issuer eligible for an exclusion from the definition of investment company pursuant to section 3(c)(7) of the Investment Company Act of 1940;

"(iii) any bank (as defined in paragraph (6) of this subsection), savings and loan association (as defined in section 3(b) of the Federal Deposit Insurance Act), broker, dealer, insurance company (as defined in section 2(a)(13) of the Securities Act of 1933), or business development company (as defined in section 2(a)(48) of the Investment Company Act of 1940);

"(iv) any small business investment company licensed by the United States Small Business Administration under section 301 (c) or (d) of the Small Business Investment Act of 1958;

"(v) any State sponsored employee benefit plan, or any other employee benefit plan, within the meaning of the Employee Retirement Income Security Act of 1974, other than an individual retirement account, if the investment decisions are made by a plan fiduciary, as defined in section 3(21) of that Act, which is either a bank, savings and loan association, insurance company, or registered investment adviser;

"(vi) any trust whose purchases of securities are directed by a person described in clauses (i) through (v) of this subparagraph;

"(vii) any market intermediary exempt under section 3(c)(2) of the Investment Company Act of 1940;

"(viii) any associated person of a broker or dealer other than a natural person; or

"(ix) any foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978).

"(B) Additional qualifications defined.—For purposes of paragraphs (4)(B)(vii) and (5)(C)(iii) of this subsection, and section 206(a)(1)(E) of the Financial Services Act of 1998, the term 'qualified investor' also means—

"(i) any corporation, company, or partnership that owns and invests on a discretionary basis, not less than $10,000,000 in investments;

"(ii) any natural person who owns and invests on a discretionary basis, not less than $10,000,000 in investments;

"(iii) any government or political subdivision, agency, or instrumentality of a government who owns and invests on a discretionary basis not less than $50,000,000 in investments; or

"(iv) any multinational or supranational entity or any agency or instrumentality thereof.

"(C) Additional authority.—The Commission may, by rule or order, define a 'qualified investor' as any other person, other than a natural person, taking into consideration such factors as the person's financial sophistication, net worth, and knowledge and experience in financial matters.".

SEC. 208. GOVERNMENT SECURITIES DEFINED.

Section 3(a)(42) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(42)) is amended—

(1) by striking "or" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(E) for purposes of section 15C as applied to a bank, a qualified Canadian government obligation as defined in section 5136 of the Revised Statutes.".

SEC. 209. EFFECTIVE DATE.

This subtitle shall take effect at the end of the 270-day period beginning on the date of the enactment of this Act.

Subtitle B—Bank Investment Company Activities

SEC. 211. CUSTODY OF INVESTMENT COMPANY ASSETS BY AFFILIATED BANK.

(a) Management Companies.—Section 17(f) of the Investment Company Act of 1940 (15 U.S.C. 80a–17(f)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by striking "(f) Every registered" and inserting the following:

"(f) Custody of Securities.—

"(1) Every registered";

(3) by redesignating the 2d, 3d, 4th, and 5th sentences of such subsection as paragraphs (2) through (5), respectively, and indenting the left margin of such paragraphs appropriately; and

(4) by adding at the end the following new paragraph:

"(6) The Commission may adopt rules and regulations, and issue orders, consistent with the protection of investors, prescribing the conditions under which a bank, or an affiliated person of a bank, either of which is an affiliated person, promoter, organizer, or sponsor of, or principal underwriter for, a registered management company may serve as custodian of that registered management company.".

(b) Unit Investment Trusts.—Section 26 of the Investment Company Act of 1940 (15 U.S.C. 80a–26) is amended—

(1) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively; and

(2) by inserting after subsection (a) the following new subsection:

"(b) The Commission may adopt rules and regulations, and issue orders, consistent with the protection of investors, prescribing the conditions under which a bank, or an affiliated person of a bank, either of which is an affiliated person of a principal underwriter for, or depositor of, a registered unit investment trust, may serve as trustee or custodian under subsection (a)(1).".

(c) Fiduciary Duty of Custodian.—Section 36(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–35(a)) is amended—

(1) in paragraph (1), by striking "or" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; or"; and

(3) by inserting after paragraph (2) the following:

"(3) as custodian.".

SEC. 212. LENDING TO AN AFFILIATED INVESTMENT COMPANY.

Section 17(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–17(a)) is amended—

(1) by striking "or" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(4) to loan money or other property to such registered company, or to any company controlled by such registered company, in contravention of such rules, regulations, or orders as the Commission may prescribe or issue consistent with the protection of investors.".

SEC. 213. INDEPENDENT DIRECTORS.

(a) In General.—Section 2(a)(19)(A) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(19)(A)) is amended—

(1) by striking clause (v) and inserting the following new clause:

"(v) any person or any affiliated person of a person (other than a registered investment company) that, at any time during the 6-month period preceding the date of the determination of whether that person or affiliated person is an interested person, has executed any portfolio transactions for, engaged in any principal transactions with, or distributed shares for—

"(I) the investment company,

"(II) any other investment company having the same investment adviser as such investment company or holding itself out to investors as a related company for purposes of investment or investor services, or

"(III) any account over which the investment company's investment adviser has brokerage placement discretion,";

(2) by redesignating clause (vi) as clause (vii); and

(3) by inserting after clause (v) the following new clause:

"(vi) any person or any affiliated person of a person (other than a registered investment company) that, at any time during the 6-month period preceding the date of the determination of whether that person or affiliated person is an interested person, has loaned money or other property to—

"(I) the investment company,

"(II) any other investment company having the same investment adviser as such investment company or holding itself out to investors as a related company for purposes of investment or investor services, or

"(III) any account for which the investment company's investment adviser has borrowing authority,".

(b) Conforming Amendment.—Section 2(a)(19)(B) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(19)(B)) is amended—

(1) by striking clause (v) and inserting the following new clause:

"(v) any person or any affiliated person of a person (other than a registered investment company) that, at any time during the 6-month period preceding the date of the determination of whether that person or affiliated person is an interested person, has executed any portfolio transactions for, engaged in any principal transactions with, or distributed shares for—

"(I) any investment company for which the investment adviser or principal underwriter serves as such,

"(II) any investment company holding itself out to investors, for purposes of investment or investor services, as a company related to any investment company for which the investment adviser or principal underwriter serves as such, or

"(III) any account over which the investment adviser has brokerage placement discretion,";

(2) by redesignating clause (vi) as clause (vii); and

(3) by inserting after clause (v) the following new clause:

"(vi) any person or any affiliated person of a person (other than a registered investment company) that, at any time during the 6-month period preceding the date of the determination of whether that person or affiliated person is an interested person, has loaned money or other property to—

"(I) any investment company for which the investment adviser or principal underwriter serves as such,

"(II) any investment company holding itself out to investors, for purposes of investment or investor services, as a company related to any investment company for which the investment adviser or principal underwriter serves as such, or

"(III) any account for which the investment adviser has borrowing authority,".

(c) Affiliation of Directors.—Section 10(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–10(c)) is amended by striking "bank, except" and inserting "bank (together with its affiliates and subsidiaries) or any one bank holding company (together with its affiliates and subsidiaries) (as such terms are defined in section 2 of the Bank Holding Company Act of 1956), except".

(d) Effective Date.—The amendments made by this section shall take effect at the end of the 1-year period beginning on the date of enactment of this subtitle.

SEC. 214. ADDITIONAL SEC DISCLOSURE AUTHORITY.

Section 35(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–34(a)) is amended to read as follows:

"(a) Misrepresentation of Guarantees.—

"(1) In general.—It shall be unlawful for any person, issuing or selling any security of which a registered investment company is the issuer, to represent or imply in any manner whatsoever that such security or company—

"(A) has been guaranteed, sponsored, recommended, or approved by the United States, or any agency, instrumentality or officer of the United States;

"(B) has been insured by the Federal Deposit Insurance Corporation; or

"(C) is guaranteed by or is otherwise an obligation of any bank or insured depository institution.

"(2) Disclosures.—Any person issuing or selling the securities of a registered investment company that is advised by, or sold through, a bank shall prominently disclose that an investment in the company is not insured by the Federal Deposit Insurance Corporation or any other government agency. The Commission may adopt rules and regulations, and issue orders, consistent with the protection of investors, prescribing the manner in which the disclosure under this paragraph shall be provided.

"(3) Definitions.—The terms 'insured depository institution' and 'appropriate Federal banking agency' have the meaning given to such terms in section 3 of the Federal Deposit Insurance Act.".

SEC. 215. DEFINITION OF BROKER UNDER THE INVESTMENT COMPANY ACT OF 1940.

Section 2(a)(6) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(6)) is amended to read as follows:

"(6) The term 'broker' has the same meaning as in the Securities Exchange Act of 1934, except that such term does not include any person solely by reason of the fact that such person is an underwriter for one or more investment companies.".

SEC. 216. DEFINITION OF DEALER UNDER THE INVESTMENT COMPANY ACT OF 1940.

Section 2(a)(11) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(11)) is amended to read as follows:

"(11) The term 'dealer' has the same meaning as in the Securities Exchange Act of 1934, but does not include an insurance company or investment company.".

SEC. 217. REMOVAL OF THE EXCLUSION FROM THE DEFINITION OF INVESTMENT ADVISER FOR BANKS THAT ADVISE INVESTMENT COMPANIES.

(a) Investment Adviser.—Section 202(a)(11) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(11)) is amended in subparagraph (A), by striking "investment company" and inserting "investment company, except that the term 'investment adviser' includes any bank or bank holding company to the extent that such bank or bank holding company serves or acts as an investment adviser to a registered investment company, but if, in the case of a bank, such services or actions are performed through a separately identifiable department or division, the department or division, and not the bank itself, shall be deemed to be the investment adviser".

(b) SEPARATELY IDENTIFIABLE DEPARTMENT OR DIVISION.—Section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)) is amended by adding at the end the following:

"(26) The term 'separately identifiable department or division' of a bank means a unit—

"(A) that is under the direct supervision of an officer or officers designated by the board of directors of the bank as responsible for the day-to-day conduct of the bank's investment adviser activities for one or more investment companies, including the supervision of all bank employees engaged in the performance of such activities; and

"(B) for which all of the records relating to its investment adviser activities are separately maintained in or extractable from such unit's own facilities or the facilities of the bank, and such records are so maintained or otherwise accessible as to permit independent examination and enforcement by the Commission of this Act or the Investment Company Act of 1940 and rules and regulations promulgated under this Act or the Investment Company Act of 1940.".

SEC. 218. DEFINITION OF BROKER UNDER THE INVESTMENT ADVISERS ACT OF 1940.

Section 202(a)(3) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(3)) is amended to read as follows:

"(3) The term 'broker' has the same meaning as in the Securities Exchange Act of 1934.".

SEC. 219. DEFINITION OF DEALER UNDER THE INVESTMENT ADVISERS ACT OF 1940.

Section 202(a)(7) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(7)) is amended to read as follows:

"(7) The term 'dealer' has the same meaning as in the Securities Exchange Act of 1934, but does not include an insurance company or investment company.".

SEC. 220. INTERAGENCY CONSULTATION.

The Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) is amended by inserting after section 210 the following new section:

"SEC. 210A. CONSULTATION.

"(a) EXAMINATION RESULTS AND OTHER INFORMATION.—

"(1) The appropriate Federal banking agency shall provide the Commission upon request the results of any examination, reports, records, or other information to which such agency may have access with respect to the investment advisory activities—

"(A) of any—

"(i) bank holding company,

"(ii) bank, or

"(iii) separately identifiable department or division of a bank,

that is registered under section 203 of this title; and

"(B) in the case of a bank holding company or bank that has a subsidiary or a separately identifiable department or division registered under that section, of such bank or bank holding company.

"(2) The Commission shall provide to the appropriate Federal banking agency upon request the results of any examination, reports, records, or other information with respect to the investment advisory activities of any bank holding company, bank, or separately identifiable department or division of a bank, any of which is registered under section 203 of this title.

"(b) EFFECT ON OTHER AUTHORITY.—Nothing in this section shall limit in any respect the authority of the appropriate Federal banking agency with respect to such bank holding company, bank, or department or division under any provision of law.

"(c) DEFINITION.—For purposes of this section, the term 'appropriate Federal banking agency' shall have the same meaning as in section 3 of the Federal Deposit Insurance Act.".

SEC. 221. TREATMENT OF BANK COMMON TRUST FUNDS.

(a) SECURITIES ACT OF 1933.—Section 3(a)(2) of the Securities Act of 1933 (15 U.S.C. 77c(a)(2)) is amended by striking "or any interest or participation in any common trust fund or similar fund maintained by a bank exclusively for the collective investment and reinvestment of assets contributed thereto by such bank in its capacity as trustee, executor, administrator, or guardian" and inserting "or any interest or participation in any common trust fund or similar fund that is excluded from the definition of the term 'investment company' under section 3(c)(3) of the Investment Company Act of 1940".

(b) SECURITIES EXCHANGE ACT OF 1934.—Section 3(a)(12)(A)(iii) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)(A)(iii)) is amended to read as follows:

"(iii) any interest or participation in any common trust fund or similar fund that is excluded from the definition of the term 'investment company' under section 3(c)(3) of the Investment Company Act of 1940;".

(c) INVESTMENT COMPANY ACT OF 1940.—Section 3(c)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(c)(3)) is amended by inserting before the period the following: ", if—

"(A) such fund is employed by the bank solely as an aid to the administration of trusts, estates, or other accounts created and maintained for a fiduciary purpose;

"(B) except in connection with the ordinary advertising of the bank's fiduciary services, interests in such fund are not—

"(i) advertised; or

"(ii) offered for sale to the general public; and

"(C) fees and expenses charged by such fund are not in contravention of fiduciary principles established under applicable Federal or State law".

SEC. 222. INVESTMENT ADVISERS PROHIBITED FROM HAVING CONTROLLING INTEREST IN REGISTERED INVESTMENT COMPANY.

Section 15 of the Investment Company Act of 1940 (15 U.S.C. 80a-15) is amended by adding at the end the following new subsection:

"(g) CONTROLLING INTEREST IN INVESTMENT COMPANY PROHIBITED.—

"(1) IN GENERAL.—If an investment adviser to a registered investment company, or an affiliated person of that investment adviser, holds a controlling interest in that registered investment company in a trustee or fiduciary capacity, such person shall—

"(A) if it holds the shares in a trustee or fiduciary capacity with respect to any employee benefit plan subject to the Employee Retirement Income Security Act of 1974, transfer the power to vote the shares of the investment company through to another person acting in a fiduciary capacity with respect to the plan who is not an affiliated person of that investment adviser or any affiliated person thereof; or

"(B) if it holds the shares in a trustee or fiduciary capacity with respect to any person or entity other than an employee benefit plan subject to the Employee Retirement Income Security Act of 1974—

"(i) transfer the power to vote the shares of the investment company through to—

"(I) the beneficial owners of the shares;

"(II) another person acting in a fiduciary capacity who is not an affiliated person of that investment adviser or any affiliated person thereof; or

"(III) any person authorized to receive statements and information with respect to the trust who is not an affiliated person of that investment adviser or any affiliated person thereof;

"(ii) vote the shares of the investment company held by it in the same proportion as shares held by all other shareholders of the investment company; or

"(iii) vote the shares of the investment company as otherwise permitted under such rules, regulations, or orders as the Commission may prescribe or issue consistent with the protection of investors.

"(2) EXEMPTION.—Paragraph (1) shall not apply to any investment adviser to a registered investment company, or any affiliated person of that investment adviser, that holds shares of the investment company in a trustee or fiduciary capacity if that registered investment company consists solely of assets held in such capacities.

"(3) SAFE HARBOR.—No investment adviser to a registered investment company or any affiliated person of such investment adviser shall be deemed to have acted unlawfully or to have breached a fiduciary duty under State or Federal law solely by reason of acting in accordance with clause (i), (ii), or (iii) of paragraph (1)(B).".

SEC. 223. CONFORMING CHANGE IN DEFINITION.

Section 2(a)(5) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(5)) is amended by striking "(A) a banking institution organized under the laws of the United States" and inserting "(A) a depository institution (as defined in section 3 of the Federal Deposit Insurance Act) or a branch or agency of a foreign bank (as such terms are defined in section 1(b) of the International Banking Act of 1978)".

SEC. 224. CONFORMING AMENDMENT.

Section 202 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2) is amended by adding at the end the following new subsection:

"(c) CONSIDERATION OF PROMOTION OF EFFICIENCY, COMPETITION, AND CAPITAL FORMATION.—Whenever pursuant to this title the Commission is engaged in rulemaking and is required to consider or determine whether an action is necessary or appropriate in the public interest, the Commission shall also consider, in addition to the protection of investors, whether the action will promote efficiency, competition, and capital formation.".

SEC. 225. EFFECTIVE DATE.

This subtitle shall take effect 90 days after the date of the enactment of this Act.

Subtitle C—Securities and Exchange Commission Supervision of Investment Bank Holding Companies

SEC. 231. SUPERVISION OF INVESTMENT BANK HOLDING COMPANIES BY THE SECURITIES AND EXCHANGE COMMISSION.

(a) AMENDMENT.—Section 17 of the Securities Exchange Act of 1934 (15 U.S.C. 78q) is amended—

(1) by redesignating subsection (i) as subsection (l); and

(2) by inserting after subsection (h) the following new subsections:

"(i) INVESTMENT BANK HOLDING COMPANIES.—

"(1) ELECTIVE SUPERVISION OF AN INVESTMENT BANK HOLDING COMPANY NOT HAVING A BANK OR SAVINGS ASSOCIATION AFFILIATE.—

"(A) IN GENERAL.—An investment bank holding company that is not—

"(i) an affiliate of a wholesale financial institution, an insured bank (other than an institution described in subparagraph (D), (F), or (G) of section 2(c)(2), or held under section 4(f), of the Bank Holding Company Act of 1956), or a savings association,

"(ii) a foreign bank, foreign company, or company that is described in section 8(a) of the International Banking Act of 1978, or

"(iii) a foreign bank that controls, directly or indirectly, a corporation chartered under section 25A of the Federal Reserve Act,

may elect to become supervised by filing with the Commission a notice of intention to become supervised, pursuant to subparagraph (B) of this paragraph. Any investment bank holding company filing such a notice shall be supervised in accordance with this section and comply with the rules promulgated by the Commission applicable to supervised investment bank holding companies.

"(B) NOTIFICATION OF STATUS AS A SUPERVISED INVESTMENT BANK HOLDING COMPANY.—An investment bank holding company that elects under subparagraph (A) to become supervised by the Commission shall file with the Commission a written notice of intention to become supervised by the Commission in such form and containing such information and documents concerning such investment bank holding company as the Commission, by rule, may prescribe as necessary or appropriate in furtherance of the purposes of this section. Unless the Commission finds that such supervision is not necessary or appropriate in furtherance of the purposes of this section, such supervision shall become effective 45 days after receipt of such written notice by the Commission or within such shorter time period as the Commission, by rule or order, may determine.

"(2) ELECTION NOT TO BE SUPERVISED BY THE COMMISSION AS AN INVESTMENT BANK HOLDING COMPANY.—

"(A) VOLUNTARY WITHDRAWAL.—A supervised investment bank holding company that is supervised pursuant to paragraph (1) may, upon such terms and conditions as the Commission deems necessary or appropriate, elect not to be supervised by the Commission by filing a written notice of withdrawal from Commission supervision. Such notice shall not become effective until one year after receipt by the Commission, or such shorter or longer period as the Commission deems necessary or appropriate to ensure effective supervision of the material risks to the supervised investment bank holding company and to the affiliated broker or dealer, or to prevent evasion of the purposes of this section.

"(B) DISCONTINUATION OF COMMISSION SUPERVISION.—If the Commission finds that any supervised investment bank holding company that is supervised pursuant to paragraph (1) is no longer in existence or has ceased to be an investment bank holding company, or if the Commission finds that continued supervision of such a supervised investment bank holding company is not consistent with the purposes of this section, the Commission may discontinue the supervision pursuant to a rule or order, if any, promulgated by the Commission under this section.

"(3) SUPERVISION OF INVESTMENT BANK HOLDING COMPANIES.—

"(A) RECORDKEEPING AND REPORTING.—

"(i) IN GENERAL.—Every supervised investment bank holding company and each affiliate thereof shall make and keep for prescribed periods such records, furnish copies thereof, and make such reports, as the Commission may require by rule, in order to keep the Commission informed as to—

"(I) the company's or affiliate's activities, financial condition, policies, systems for monitoring and controlling financial and operational risks, and transactions and relationships between any broker or dealer affiliate of the supervised investment bank holding company; and

"(II) the extent to which the company or affiliate has complied with the provisions of this Act and regulations prescribed and orders issued under this Act.

"(ii) FORM AND CONTENTS.—Such records and reports shall be prepared in such form and according to such specifications (including certification by an independent public accountant), as the Commission may require and shall be provided promptly at any time upon request by the Commission. Such records and reports may include—

"(I) a balance sheet and income statement;

"(II) an assessment of the consolidated capital of the supervised investment bank holding company;

"(III) an independent auditor's report attesting to the supervised investment bank holding company's compliance with its internal risk management and internal control objectives; and

"(IV) reports concerning the extent to which the company or affiliate has complied with the provisions of this title and any regulations prescribed and orders issued under this title.

"(B) USE OF EXISTING REPORTS.—

"(i) IN GENERAL.—The Commission shall, to the fullest extent possible, accept reports in fulfillment of the requirements under this paragraph that the supervised investment bank holding company or its affiliates have been required to provide to another appropriate regulatory agency or self-regulatory organization.

"(ii) AVAILABILITY.—A supervised investment bank holding company or an affiliate of such company shall provide to the Commission, at the request of the Commission, any report referred to in clause (i).

"(C) EXAMINATION AUTHORITY.—

"(i) FOCUS OF EXAMINATION AUTHORITY.—The Commission may make examinations of any supervised investment bank holding company and any affiliate of such company in order to—

"(I) inform the Commission regarding—

"(aa) the nature of the operations and financial condition of the supervised investment bank holding company and its affiliates;

"(bb) the financial and operational risks within the supervised investment bank holding company that may affect any broker or dealer controlled by such supervised investment bank holding company; and

"(cc) the systems of the supervised investment bank holding company and its affiliates for monitoring and controlling those risks; and

"(II) monitor compliance with the provisions of this subsection, provisions governing transactions and relationships between any broker or dealer affiliated with the supervised investment bank holding company and any of the company's other affiliates, and applicable provisions of subchapter II of chapter 53, title 31, United States Code (commonly referred to as the 'Bank Secrecy Act') and regulations thereunder.

"(ii) RESTRICTED FOCUS OF EXAMINATIONS.—The Commission shall limit the focus and scope of any examination of a supervised investment bank holding company to—

"(I) the company; and

"(II) any affiliate of the company that, because of its size, condition, or activities, the nature or size of the transactions between such affiliate and any affiliated broker or dealer, or the centralization of functions within the holding company system, could, in the discretion of the Commission, have a materially adverse effect on the operational or financial condition of the broker or dealer.

"(iii) DEFERENCE TO OTHER EXAMINATIONS.—For purposes of this subparagraph, the Commission shall, to the fullest extent possible, use the reports of examination of an institution described in subparagraph (D), (F), or (G) of section 2(c)(2), or held under section 4(f), of the Bank Holding Company Act of 1956 made by the appropriate regulatory agency, or of a licensed insurance company made by the appropriate State insurance regulator.

"(4) HOLDING COMPANY CAPITAL.—

"(A) AUTHORITY.—If the Commission finds that it is necessary to adequately supervise investment bank holding companies and their broker or dealer affiliates consistent with the purposes of this subsection, the Commission may adopt capital adequacy rules for supervised investment bank holding companies.

"(B) METHOD OF CALCULATION.—In developing rules under this paragraph:

"(i) DOUBLE LEVERAGE.—The Commission shall consider the use by the supervised investment bank holding company of debt and other liabilities to fund capital investments in affiliates.

"(ii) NO UNWEIGHTED CAPITAL RATIO.—The Commission shall not impose under this section a capital ratio that is not based on appropriate risk-weighting considerations.

"(iii) NO CAPITAL REQUIREMENT ON REGULATED ENTITIES.—The Commission shall not, by rule, regulation, guideline, order or otherwise, impose any capital adequacy provision on a nonbanking affiliate (other than a broker or dealer) that is in compliance with applicable capital requirements of another Federal regulatory authority or State insurance authority.

"(iv) APPROPRIATE EXCLUSIONS.—The Commission shall take full account of the applicable capital requirements of another Federal regulatory authority or State insurance regulator.

"(C) INTERNAL RISK MANAGEMENT MODELS.—The Commission may incorporate internal risk management models into its capital adequacy rules for supervised investment bank holding companies.

"(5) FUNCTIONAL REGULATION OF BANKING AND INSURANCE ACTIVITIES OF SUPERVISED INVESTMENT BANK HOLDING COMPANIES.—The Commission shall defer to—

"(A) the appropriate regulatory agency with regard to all interpretations of, and the enforcement of, applicable banking laws relating to the activities, conduct, ownership, and operations of banks, and institutions described in subparagraph (D), (F), and (G) of section 2(c)(2), or held under section 4(f), of the Bank Holding Company Act of 1956; and

"(B) the appropriate State insurance regulators with regard to all interpretations of, and the enforcement of, applicable State insurance laws relating to the activities, conduct, and operations of insurance companies and insurance agents.

"(6) DEFINITIONS.—For purposes of this subsection—

"(A) The term 'investment bank holding company' means—

"(i) any person other than a natural person that owns or controls one or more brokers or dealers; and

"(ii) the associated persons of the investment bank holding company.

"(B) The term 'supervised investment bank holding company' means any investment bank holding company that is supervised by the Commission pursuant to this subsection.

"(C) The terms 'affiliate', 'bank', 'bank holding company', 'company', 'control', and 'savings association' have the meanings given to those terms in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841).

"(D) The term 'insured bank' has the meaning given to that term in section 3 of the Federal Deposit Insurance Act.

"(E) The term 'foreign bank' has the meaning given to that term in section 1(b)(7) of the International Banking Act of 1978.

"(F) The terms "person associated with an investment bank holding company' and "associated person of an investment bank holding company' means any person directly or indirectly controlling, controlled by, or under common control with, an investment bank holding company.

"(j) AUTHORITY TO LIMIT DISCLOSURE OF INFORMATION.—Notwithstanding any other provision of law, the Commission shall not be compelled to disclose any information required to be reported under subsection (h) or (i) or any information supplied to the Commission by any domestic or foreign regulatory agency that relates to the financial or operational condition of any associated person of a broker or dealer, investment bank holding company, or any affiliate of an investment bank holding company. Nothing in this subsection shall authorize the Commission to withhold information from Congress, or prevent the Commission from complying with a request for information from any other Federal department or agency or any self-regulatory organization requesting the information for purposes within the scope of its jurisdiction, or complying with an order of a court of the United States in an action brought by the United States or the Commission. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552. In prescribing regulations to carry out the requirements of this subsection, the Commission shall designate information described in or obtained pursuant to subparagraphs (A), (B), and (C) of subsection (i)(5) as confidential information for purposes of section 24(b)(2) of this title.".

(b) CONFORMING AMENDMENTS.—

(1) Section 3(a)(34) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(34)) is amended by adding at the end the following new subparagraphs:

"(H) When used with respect to an institution described in subparagraph (D), (F), or (G) of section 2(c)(2), or held under section 4(f), of the Bank Holding Company Act of 1956—

"(i) the Comptroller of the Currency, in the case of a national bank or a bank in the District of Columbia examined by the Comptroller of the Currency;

"(ii) the Board of Governors of the Federal Reserve System, in the case of a State member bank of the Federal Reserve System or any corporation chartered under section 25A of the Federal Reserve Act;

"(iii) the Federal Deposit Insurance Corporation, in the case of any other bank the deposits of which are insured in accordance with the Federal Deposit Insurance Act; or

"(iv) the Commission in the case of all other such institutions.".

(2) Section 1112(e) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3412(e)) is amended—

(A) by striking "this title" and inserting "law"; and

(B) by inserting ", examination reports" after "financial records".

Subtitle D—Study

SEC. 241. STUDY OF METHODS TO INFORM INVESTORS AND CONSUMERS OF UNINSURED PRODUCTS.

Within one year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress regarding the efficacy, costs, and benefits of requiring that any depository institution that accepts federally insured deposits and that, directly or through a contractual or other arrangement with a broker, dealer, or agent, buys from, sells to, or effects transactions for retail investors in securities or consumers of insurance to inform such investors and consumers through the use of a logo or seal that the security or insurance is not insured by the Federal Deposit Insurance Corporation.

TITLE III—INSURANCE

Subtitle A—State Regulation of Insurance

SEC. 301. STATE REGULATION OF THE BUSINESS OF INSURANCE.

The Act entitled "An Act to express the intent of the Congress with reference to the regulation of the business of insurance" and approved March 9, 1945 (15 U.S.C. 1011 et seq.), commonly referred to as the "McCarran—Ferguson Act") remains the law of the United States.

SEC. 302. MANDATORY INSURANCE LICENSING REQUIREMENTS.

No person or entity shall provide insurance in a State as principal or agent unless such person or entity is licensed as required by the appropriate insurance regulator of such State in accordance with the relevant State insurance law, subject to section 104 of this Act.

SEC. 303. FUNCTIONAL REGULATION OF INSURANCE.

The insurance sales activity of any person or entity shall be functionally regulated by the States, subject to section 104 of this Act.

SEC. 304. INSURANCE UNDERWRITING IN NATIONAL BANKS.

(a) IN GENERAL.—Except as provided in section 306, a national bank and the subsidiaries of a national bank may not provide insurance in a State as principal except that this prohibition shall not apply to authorized products.

(b) AUTHORIZED PRODUCTS.—For the purposes of this section, a product is authorized if—

(1) as of January 1, 1997, the Comptroller of the Currency had determined in writing that national banks may provide such product as principal, or national banks were in fact lawfully providing such product as principal;

(2) no court of relevant jurisdiction had, by final judgment, overturned a determination of the Comptroller of the Currency that national banks may provide such product as principal; and

(3) the product is not title insurance, or an annuity contract the income of which is subject to tax treatment under section 72 of the Internal Revenue Code of 1986.

(c) DEFINITION.—For purposes of this section, the term "insurance" means—

(1) any product regulated as insurance as of January 1, 1997, in accordance with the relevant State insurance law, in the State in which the product is provided;

(2) any product first offered after January 1, 1997, which—

(A) a State insurance regulator determines shall be regulated as insurance in the State in which the product is provided because the product insures, guarantees, or indemnifies against liability, loss of life, loss of health, or loss through damage to or destruction of property, including, but not limited to, surety bonds, life insurance, health insurance, title insurance, and property and casualty insurance (such as private passenger or commercial automobile, homeowners, mortgage, commercial multiperil, general liability, professional liability, workers' compensation, fire and allied lines, farm owners multiperil, aircraft, fidelity, surety, medical malpractice, ocean marine, inland marine, and boiler and machinery insurance); and

(B) is not a product or service of a bank that is—

(i) a deposit product;

(ii) a loan, discount, letter of credit, or other extension of credit;

(iii) a trust or other fiduciary service;

(iv) a qualified financial contract (as defined in or determined pursuant to section 11(e)(8)(D)(i) of the Federal Deposit Insurance Act); or

(v) a financial guaranty, except that this subparagraph (B) shall not apply to a product that includes an insurance component such that if the product is offered or proposed to be offered by the bank as principal—

(I) it would be treated as a life insurance contract under section 7702 of the Internal Revenue Code of 1986, as amended; or

(II) in the event that the product is not a letter of credit or other similar extension of credit, a qualified financial contract, or a financial guaranty, it would qualify for treatment for losses incurred with respect to such product under section 832(b)(5) of the Internal Revenue Code of 1986, as amended, if the bank were subject to tax as an insurance company under section 831 of such Code; or

(3) any annuity contract the income on which is subject to tax treatment under section 72 of the Internal Revenue Code of 1986, as amended.

SEC. 305. NEW BANK AGENCY ACTIVITIES ONLY THROUGH ACQUISITION OF EXISTING LICENSED AGENTS.

If a national bank or a subsidiary of a national bank is not providing insurance as agent in a State as of the date of the enactment of this Act, the national bank and the subsidiary of the national bank may provide insurance (which such bank or subsidiary is otherwise authorized to provide) as agent in such State after such date only by acquiring a company which has been licensed by the appropriate State regulator to provide insurance as agent in such State for not less than 2 years before such acquisition.

SEC. 306. TITLE INSURANCE ACTIVITIES OF NATIONAL BANKS AND THEIR AFFILIATES.

(a) AUTHORITY.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act or any other law, no national bank, and no subsidiary of a national bank, may engage in any activity involving the underwriting or sale of title insurance other than title insurance activities in which such national bank or subsidiary was actively and lawfully engaged before the date of the enactment of this Act.

(2) INSURANCE AFFILIATE.—In the case of a national bank which has an affiliate which provides insurance as principal and is not a subsidiary of the bank, the national bank and any subsidiary of the national bank may

not engage in any activity involving the underwriting or sale of title insurance pursuant to paragraph (1).

(3) INSURANCE SUBSIDIARY.—In the case of a national bank which has a subsidiary which provides insurance as principal and has no affiliate which provides insurance as principal and is not a subsidiary, the national bank may not engage in any activity involving the underwriting or sale of title insurance pursuant to paragraph (1).

(4) AFFILIATE AND SUBSIDIARY DEFINED.—For purposes of this section, the terms "affiliate" and "subsidiary" have the meaning given such terms in section 2 of the Bank Holding Company Act of 1956.

(b) PARITY EXCEPTION.—Notwithstanding subsection (a), in the case of any State in which banks organized under the laws of such State were authorized to sell title insurance as agent as of January 1, 1997, a national bank and a subsidiary of a national bank may sell title insurance as agent in such State in the same manner and to the same extent such State banks are authorized to sell title insurance as agent in such State.

SEC. 307. EXPEDITED AND EQUALIZED DISPUTE RESOLUTION FOR FINANCIAL REGULATORS.

(a) FILING IN COURT OF APPEAL.—In the case of a regulatory conflict between a State insurance regulator and a Federal regulator as to whether any product is or is not insurance as defined in section 304(c) of this Act, or whether a State statute, regulation, order, or interpretation regarding any insurance sales or solicitation activity is properly treated as preempted under Federal law, either regulator may seek expedited judicial review of such determination by the United States Court of Appeals for the circuit in which the State is located or in the United States Court of Appeals for the District of Columbia Circuit by filing a petition for review in such court.

(b) EXPEDITED REVIEW.—The United States court of appeals in which a petition for review is filed in accordance with paragraph (1) shall complete all action on such petition, including rendering a judgment, before the end of the 60-day period beginning on the date such petition is filed, unless all parties to such proceeding agree to any extension of such period.

(c) SUPREME COURT REVIEW.—Any request for certiori to the Supreme Court of the United States of any judgment of a United States court of appeals with respect to a petition for review under this section shall be filed with the United States Supreme Court as soon as practicable after such judgment is issued.

(d) STATUTE OF LIMITATION.—No action may be filed under this section challenging an order, ruling, determination, or other action of a Federal financial regulator or State insurance regulator after the later of—

(1) the end of the 12-month period beginning on the date the first public notice is made of such order, ruling, or determination in its final form; or

(2) the end of the 6-month period beginning on the date such order, ruling, or determination takes effect.

(e) STANDARD OF REVIEW.—The court shall decide an action filed under this section based on its review on the merits of all questions presented under State and Federal law, including the nature of the product or activity and the history and purpose of its regulation under State and Federal law, without unequal deference.

SEC. 308. CONSUMER PROTECTION REGULATIONS.

(a) REGULATIONS REQUIRED.—

(1) IN GENERAL.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following new section:

SEC. 45. CONSUMER PROTECTION REGULATIONS.

"(a) REGULATIONS REQUIRED.—

"(1) IN GENERAL.—The Federal banking agencies shall prescribe and publish in final form, before the end of the 1-year period beginning on the date of the enactment of this Act, consumer protection regulations (which the agencies jointly determine to be appropriate) that—

"(A) apply to retail sales, solicitations, advertising, or offers of any insurance product by any insured depository institution or wholesale financial institution or any person who is engaged in such activities at an office of the institution or on behalf of the institution; and

"(B) are consistent with the requirements of this Act and provide such additional protections for consumers to whom such sales, solicitations, advertising, or offers are directed as the agency determines to be appropriate.

"(2) APPLICABILITY TO SUBSIDIARIES.—The regulations prescribed pursuant to paragraph (1) shall extend such protections to any subsidiaries of an insured depository institution, as deemed appropriate by the regulators referred to in paragraph (3), where such extension is determined to be necessary to ensure the consumer protections provided by this section.

"(3) CONSULTATION AND JOINT REGULATIONS.—The Federal banking agencies shall consult with each other and prescribe joint regulations pursuant to paragraph (1), after consultation with the State insurance regulators, as appropriate.

"(b) SALES PRACTICES.—The regulations prescribed pursuant to subsection (a) shall include anticoercion rules applicable to the sale of insurance products which prohibit an insured depository institution from engaging in any practice that would lead a consumer to believe an extension of credit, in violation of section 106(b) of the Bank Holding Company Act Amendments of 1970, is conditional upon—

"(1) the purchase of an insurance product from the institution or any of its affiliates or subsidiaries; or

"(2) an agreement by the consumer not to obtain, or a prohibition on the consumer from obtaining, an insurance product from an unaffiliated entity.

"(c) DISCLOSURES AND ADVERTISING.—The regulations prescribed pursuant to subsection (a) shall include the following provisions relating to disclosures and advertising in connection with the initial purchase of an insurance product:

"(1) DISCLOSURES.—

"(A) IN GENERAL.—Requirements that the following disclosures be made orally and in writing before the completion of the initial sale and, in the case of clause (iv), at the time of application for an extension of credit:

"(i) UNINSURED STATUS.—As appropriate, the product is not insured by the Federal Deposit Insurance Corporation, the United States Government, or the insured depository institution.

"(ii) INVESTMENT RISK.—In the case of a variable annuity or other insurance product which involves an investment risk, that there is an investment risk associated with the product, including possible loss of value.

"(iv) COERCION.—The approval of an extension of credit may not be conditioned on—

"(I) the purchase of an insurance product from the institution in which the application for credit is pending or any of its affiliates or subsidiaries; or

"(II) an agreement by the consumer not to obtain, or a prohibition on the consumer from obtaining, an insurance product from an unaffiliated entity.

"(B) MAKING DISCLOSURE READILY UNDERSTANDABLE.—Regulations prescribed under subparagraph (A) shall encourage the use of disclosure that is conspicuous, simple, direct, and readily understandable, such as the following:

"(i) 'NOT FDIC–INSURED'.

"(ii) 'NOT GUARANTEED BY THE BANK'.

"(iii) 'MAY GO DOWN IN VALUE'.

"(C) ADJUSTMENTS FOR ALTERNATIVE METHODS OF PURCHASE.—In prescribing the requirements under subparagraphs (A) and (D), necessary adjustments shall be made for purchase in person, by telephone, or by electronic media to provide for the most appropriate and complete form of disclosure and acknowledgments.

"(D) CONSUMER ACKNOWLEDGMENT.—A requirement that an insured depository institution shall require any person selling an insurance product at any office of, or on behalf of, the institution to obtain, at the time a consumer receives the disclosures required under this paragraph or at the time of the initial purchase by the consumer of such product, an acknowledgment by such consumer of the receipt of the disclosure required under this subsection with respect to such product.

"(2) PROHIBITION ON MISREPRESENTATIONS.—A prohibition on any practice, or any advertising, at any office of, or on behalf of, the insured depository institution, or any subsidiary as appropriate, which could mislead any person or otherwise cause a reasonable person to reach an erroneous belief with respect to—

"(A) the uninsured nature of any insurance product sold, or offered for sale, by the institution or any subsidiary of the institution; or

"(B) in the case of a variable annuity or other insurance product that involves an investment risk, the investment risk associated with any such product.

"(d) SEPARATION OF BANKING AND NONBANKING ACTIVITIES.—

"(1) REGULATIONS REQUIRED.—The regulations prescribed pursuant to subsection (a) shall include such provisions as the Federal banking agencies consider appropriate to ensure that the routine acceptance of deposits and the making of loans is kept, to the extent practicable, physically segregated from insurance product activity.

"(2) REQUIREMENTS.—Regulations prescribed pursuant to paragraph (1) shall include the following requirements:

"(A) SEPARATE SETTING.—A clear delineation of the setting in which, and the circumstances under which, transactions involving insurance products should be conducted in a location physically segregated from an area where retail deposits are routinely accepted.

"(B) REFERRALS.—Standards which permit any person accepting deposits from, or making loans to, the public in an area where such transactions are routinely conducted in an insured depository institution to refer a customer who seeks to purchase any insurance product to a qualified person who sells such product, only if the person making the referral receives no more than a one-time nominal fee of a fixed dollar amount for each referral that does not depend on whether the referral results in a transaction.

"(C) QUALIFICATION AND LICENSING REQUIREMENTS.—Standards prohibiting any insured depository institution from permitting any person to sell or offer for sale any insurance product in any part of any office of the institution, or on behalf of the institution, unless such person is appropriately qualified and licensed.

“(e) Domestic Violence Discrimination Prohibition.—

“(1) In general.—In the case of an applicant for, or an insured under, any insurance product described in paragraph (2), the status of the applicant or insured as a victim of domestic violence, or as a provider of services to victims of domestic violence, shall not be considered as a criterion in any decision with regard to insurance underwriting, pricing, renewal, or scope of coverage of insurance policies, or payment of insurance claims, except as required or expressly permitted under State law.

“(2) Scope of application.—The prohibition contained in paragraph (1) shall apply to any insurance product which is sold or offered for sale, as principal, agent, or broker, by any insured depository institution or any person who is engaged in such activities at an office of the institution or on behalf of the institution.

“(3) Sense of the congress.—It is the sense of the Congress that, by the end of the 30-month period beginning on the date of the enactment of this Act, the States should enact prohibitions against discrimination with respect to insurance products that are at least as strict as the prohibitions contained in paragraph (1).

“(4) Domestic violence defined.—For purposes of this subsection, the term ‘domestic violence’ means the occurrence of 1 or more of the following acts by a current or former family member, household member, intimate partner, or caretaker:

“(A) Attempting to cause or causing or threatening another person physical harm, severe emotional distress, psychological trauma, rape, or sexual assault.

“(B) Engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority, under circumstances that place the person in reasonable fear of bodily injury or physical harm.

“(C) Subjecting another person to false imprisonment.

“(D) Attempting to cause or cause damage to property so as to intimidate or attempt to control the behavior of another person.

“(f) Consumer Grievance Process.—The Federal banking agencies shall jointly establish a consumer complaint mechanism, for receiving and expeditiously addressing consumer complaints alleging a violation of regulations issued under the section, which shall—

“(1) establish a group within each regulatory agency to receive such complaints;

“(2) develop procedures for investigating such complaints;

“(3) develop procedures for informing consumers of rights they may have in connection with such complaints; and

“(4) develop procedures for addressing concerns raised by such complaints, as appropriate, including procedures for the recovery of losses to the extent appropriate.

“(g) Effect on Other Authority.—

“(1) No provision of this section shall be construed as granting, limiting, or otherwise affecting—

“(A) any authority of the Securities and Exchange Commission, any self-regulatory organization, the Municipal Securities Rulemaking Board, or the Secretary of the Treasury under any Federal securities law; or

“(B) any authority of any State insurance commissioner or other State authority under any State law.

“(2) Regulations prescribed by a Federal banking agency under this section shall not apply to retail sales, solicitations, advertising, or offers of any insurance product by any insured depository institution or wholesale financial institution or to any person who is engaged in such activities at an office of such institution or on behalf of the institution, in a State where the State has in effect statutes, regulations, orders, or interpretations, that are inconsistent with or contrary to the regulations prescribed by the Federal banking agencies.

“(h) Insurance Product Defined.—For purposes of this section, the term ‘insurance product’ includes an annuity contract the income of which is subject to tax treatment under section 72 of the Internal Revenue Code of 1986.”.

SEC. 309. CERTAIN STATE AFFILIATION LAWS PREEMPTED FOR INSURANCE COMPANIES AND AFFILIATES.

No State may, by law, regulation, order, interpretation, or otherwise—

(1) prevent or restrict any insurer, or any affiliate of an insurer (whether such affiliate is organized as a stock company, mutual holding company, or otherwise), from becoming a financial holding company or acquiring control of an insured depository institution;

(2) limit the amount of an insurer's assets that may be invested in the voting securities of an insured depository institution (or any company which controls such institution), except that the laws of an insurer's State of domicile may limit the amount of such investment to an amount that is not less than 5 percent of the insurer's admitted assets; or

(3) prevent, restrict, or have the authority to review, approve, or disapprove a plan of reorganization by which an insurer proposes to reorganize from mutual form to become a stock insurer (whether as a direct or indirect subsidiary of a mutual holding company or otherwise) unless such State is the State of domicile of the insurer.

Subtitle B—Redomestication of Mutual Insurers

SEC. 311. GENERAL APPLICATION.

This subtitle shall only apply to a mutual insurance company in a State which has not enacted a law which expressly establishes reasonable terms and conditions for a mutual insurance company domiciled in such State to reorganize into a mutual holding company.

SEC. 312. REDOMESTICATION OF MUTUAL INSURERS.

(a) Redomestication.—A mutual insurer organized under the laws of any State may transfer its domicile to a transferee domicile as a step in a reorganization in which, pursuant to the laws of the transferee domicile and consistent with the standards in subsection (f), the mutual insurer becomes a stock insurer that is a direct or indirect subsidiary of a mutual holding company.

(b) Resulting Domicile.—Upon complying with the applicable law of the transferee domicile governing transfers of domicile and completion of a transfer pursuant to this section, the mutual insurer shall cease to be a domestic insurer in the transferor domicile and, as a continuation of its corporate existence, shall be a domestic insurer of the transferee domicile.

(c) Licenses Preserved.—The certificate of authority, agents' appointments and licenses, rates, approvals and other items that a licensed State allows and that are in existence immediately prior to the date that a redomesticating insurer transfers its domicile pursuant to this subtitle shall continue in full force and effect upon transfer, if the insurer remains duly qualified to transact the business of insurance in such licensed State.

(d) Effectiveness of Outstanding Policies and Contracts.—

(1) In general.—All outstanding insurance policies and annuities contracts of a redomesticating insurer shall remain in full force and effect and need not be endorsed as to the new domicile of the insurer, unless so ordered by the State insurance regulator of a licensed State, and then only in the case of outstanding policies and contracts whose owners reside in such licensed State.

(2) Forms.—

(A) Applicable State law may require a redomesticating insurer to file new policy forms with the State insurance regulator of a licensed State on or before the effective date of the transfer.

(B) Notwithstanding subparagraph (A), a redomesticating insurer may use existing policy forms with appropriate endorsements to reflect the new domicile of the redomesticating insurer until the new policy forms are approved for use by the State insurance regulator of such licensed State.

(e) Notice.—A redomesticating insurer shall give notice of the proposed transfer to the State insurance regulator of each licensed State and shall file promptly any resulting amendments to corporate documents required to be filed by a foreign licensed mutual insurer with the insurance regulator of each such licensed State.

(f) Procedural Requirements.—No mutual insurer may redomesticate to another State and reorganize into a mutual holding company pursuant to this section unless the State insurance regulator of the transferee domicile determines that the plan of reorganization of the insurer includes the following requirements:

(1) Approval by board of directors and policyholders.—The reorganization is approved by at least a majority of the board of directors of the mutual insurer and at least a majority of the policyholders who vote after notice, disclosure of the reorganization and the effects of the transaction on policyholder contractual rights, and reasonable opportunity to vote, in accordance with such notice, disclosure, and voting procedures as are approved by the State insurance regulator of the transferee domicile.

(2) Continued voting control by policyholders; review of public stock offering.—After the consummation of a reorganization, the policyholders of the reorganized insurer shall have the same voting rights with respect to the mutual holding company as they had before the reorganization with respect to the mutual insurer. With respect to an initial public offering of stock, the offering shall be conducted in compliance with applicable securities laws and in a manner approved by the State insurance regulator of the transferee domicile.

(3) Award of stock or grant of options to officers and directors.—For a period of 6 months after completion of an initial public offering, neither a stock holding company nor the converted insurer shall award any stock options or stock grants to persons who are elected officers or directors of the mutual holding company, the stock holding company, or the converted insurer, except with respect to any such awards or options to which a person is entitled as a policyholder and as approved by the State insurance regulator of the transferee domicile.

(4) Contractual rights.—Upon reorganization into a mutual holding company, the

contractual rights of the policyholders are preserved.

(5) FAIR AND EQUITABLE TREATMENT OF POLICYHOLDERS.—The reorganization is approved as fair and equitable to the policyholders by the insurance regulator of the transferee domicile.

SEC. 313. EFFECT ON STATE LAWS RESTRICTING REDOMESTICATION.

(a) IN GENERAL.—Unless otherwise permitted by this subtitle, State laws of any transferor domicile that conflict with the purposes and intent of this subtitle are preempted, including but not limited to—

(1) any law that has the purpose or effect of impeding the activities of, taking any action against, or applying any provision of law or regulation to, any insurer or an affiliate of such insurer because that insurer or any affiliate plans to redomesticate, or has redomesticated, pursuant to this subtitle;

(2) any law that has the purpose or effect of impeding the activities of, taking action against, or applying any provision of law or regulation to, any insured or any insurance licensee or other intermediary because such person or entity has procured insurance from or placed insurance with any insurer or affiliate of such insurer that plans to redomesticate, or has redomesticated, pursuant to this subtitle, but only to the extent that such law would treat such insured licensee or other intermediary differently than if the person or entity procured insurance from, or placed insurance with, an insured licensee or other intermediary which had not redomesticated;

(3) any law that has the purpose or effect of terminating, because of the redomestication of a mutual insurer pursuant to this subtitle, any certificate of authority, agent appointment or license, rate approval, or other approval, of any State insurance regulator or other State authority in existence immediately prior to the redomestication in any State other than the transferee domicile.

(b) DIFFERENTIAL TREATMENT PROHIBITED.—No State law, regulation, interpretation, or functional equivalent thereof, of a State other than a transferee domicile may treat a redomesticating or redomesticated insurer or any affiliate thereof any differently than an insurer operating in that State that is not a redomesticating or redomesticated insurer.

(c) LAWS PROHIBITING OPERATIONS.—If any licensed State fails to issue, delays the issuance of, or seeks to revoke an original or renewal certificate of authority of a redomesticated insurer immediately following redomestication, except on grounds and in a manner consistent with its past practices regarding the issuance of certificates of authority to foreign insurers that are not redomesticating, then the redomesticating insurer shall be exempt from any State law of the licensed State to the extent that such State law or the operation of such State law would make unlawful, or regulate, directly or indirectly, the operation of the redomesticated insurer, except that such licensed State may require the redomesticated insurer to—

(1) comply with the unfair claim settlement practices law of the licensed State;

(2) pay, on a nondiscriminatory basis, applicable premium and other taxes which are levied on licensed insurers or policyholders under the laws of the licensed State;

(3) register with and designate the State insurance regulator as its agent solely for the purpose of receiving service of legal documents or process;

(4) submit to an examination by the State insurance regulator in any licensed state in which the redomesticated insurer is doing business to determine the insurer's financial condition, if—

(A) the State insurance regulator of the transferee domicile has not begun an examination of the redomesticated insurer and has not scheduled such an examination to begin before the end of the 1-year period beginning on the date of the redomestication; and

(B) any such examination is coordinated to avoid unjustified duplication and repetition;

(5) comply with a lawful order issued in—

(A) a delinquency proceeding commenced by the State insurance regulator of any licensed State if there has been a judicial finding of financial impairment under paragraph (7); or

(B) a voluntary dissolution proceeding;

(6) comply with any State law regarding deceptive, false, or fraudulent acts or practices, except that if the licensed State seeks an injunction regarding the conduct described in this paragraph, such injunction must be obtained from a court of competent jurisdiction as provided in section 314(a);

(7) comply with an injunction issued by a court of competent jurisdiction, upon a petition by the State insurance regulator alleging that the redomesticating insurer is in hazardous financial condition or is financially impaired;

(8) participate in any insurance insolvency guaranty association on the same basis as any other insurer licensed in the licensed State; and

(9) require a person acting, or offering to act, as an insurance licensee for a redomesticated insurer in the licensed State to obtain a license from that State, except that such State may not impose any qualification or requirement that discriminates against a nonresident insurance licensee.

SEC. 314. OTHER PROVISIONS.

(a) JUDICIAL REVIEW.—The appropriate United States district court shall have exclusive jurisdiction over litigation arising under this section involving any redomesticating or redomesticated insurer.

(b) SEVERABILITY.—If any provision of this section, or the application thereof to any person or circumstances, is held invalid, the remainder of the section, and the application of such provision to other persons or circumstances, shall not be affected thereby.

SEC. 315. DEFINITIONS.

For purposes of this subtitle, the following definitions shall apply:

(1) COURT OF COMPETENT JURISDICTION.—The term "court of competent jurisdiction" means a court authorized pursuant to section 314(a) to adjudicate litigation arising under this subtitle.

(2) DOMICILE.—The term "domicile" means the State in which an insurer is incorporated, chartered, or organized.

(3) INSURANCE LICENSEE.—The term "insurance licensee" means any person holding a license under State law to act as insurance agent, subagent, broker, or consultant.

(4) INSTITUTION.—The term "institution" means a corporation, joint stock company, limited liability company, limited liability partnership, association, trust, partnership, or any similar entity.

(5) LICENSED STATE.—The term "licensed State" means any State, the District of Columbia, American Samoa, Guam, Puerto Rico, or the United States Virgin Islands in which the redomesticating insurer has a certificate of authority in effect immediately prior to the redomestication.

(6) MUTUAL INSURER.—The term "mutual insurer" means a mutual insurer organized under the laws of any State.

(7) PERSON.—The term "person" means an individual, institution, government or governmental agency, State or political subdivision of a State, public corporation, board, association, estate, trustee, or fiduciary, or other similar entity.

(8) POLICYHOLDER.—The term "policyholder" means the owner of a policy issued by a mutual insurer, except that, with respect to voting rights, the term means a member of a mutual insurer or mutual holding company granted the right to vote, as determined under applicable State law.

(9) REDOMESTICATED INSURER.—The term "redomesticated insurer" means a mutual insurer that has redomesticated pursuant to this subtitle.

(10) REDOMESTICATING INSURER.—The term "redomesticating insurer" means a mutual insurer that is redomesticating pursuant to this subtitle.

(11) REDOMESTICATION OR TRANSFER.—The terms "redomestication" and "transfer" mean the transfer of the domicile of a mutual insurer from one State to another State pursuant to this subtitle.

(12) STATE INSURANCE REGULATOR.—The term "State insurance regulator" means the principal insurance regulatory authority of a State, the District of Columbia, American Samoa, Guam, Puerto Rico, or the United States Virgin Islands.

(13) STATE LAW.—The term "State law" means the statutes of any State, the District of Columbia, American Samoa, Guam, Puerto Rico, or the United States Virgin Islands and any regulation, order, or requirement prescribed pursuant to any such statute.

(14) TRANSFEREE DOMICILE.—The term "transferee domicile" means the State to which a mutual insurer is redomesticating pursuant to this subtitle.

(15) TRANSFEROR DOMICILE.—The term "transferor domicile" means the State from which a mutual insurer is redomesticating pursuant to this subtitle.

SEC. 316. EFFECTIVE DATE.

This subtitle shall take effect on the date of enactment of this Act.

Subtitle C—National Association of Registered Agents and Brokers

SEC. 321. STATE FLEXIBILITY IN MULTISTATE LICENSING REFORMS.

(a) IN GENERAL.—The provisions of this subtitle shall take effect unless by the end of the 3-year period beginning on the date of the enactment of this Act at least a majority of the States—

(1) have enacted uniform laws and regulations governing the licensure of individuals and entities authorized to sell and solicit the purchase of insurance within the State; or

(2) have enacted reciprocity laws and regulations governing the licensure of nonresident individuals and entities authorized to sell and solicit insurance within those States.

(b) UNIFORMITY REQUIRED.—States shall be deemed to have established the uniformity necessary to satisfy subsection (a)(1) if the States—

(1) establish uniform criteria regarding the integrity, personal qualifications, education, training, and experience of licensed insurance producers, including the qualification and training of sales personnel in ascertaining the appropriateness of a particular insurance product for a prospective customer;

(2) establish uniform continuing education requirements for licensed insurance producers;

(3) establish uniform ethics course requirements for licensed insurance producers in conjunction with the continuing education requirements under paragraph (2);

(4) establish uniform criteria to ensure that an insurance product, including any annuity contract, sold to a consumer is suitable and appropriate for the consumer based on financial information disclosed by the consumer; and

(5) do not impose any requirement upon any insurance producer to be licensed or otherwise qualified to do business as a nonresident that has the effect of limiting or conditioning that producer's activities because of its residence or place of operations, except that counter-signature requirements imposed on nonresident producers shall not be deemed to have the effect of limiting or conditioning a producer's activities because of its residence or place of operations under this section.

(c) RECIPROCITY REQUIRED.—States shall be deemed to have established the reciprocity required to satisfy subsection (a)(2) if the following conditions are met:

(1) ADMINISTRATIVE LICENSING PROCEDURES.—At least a majority of the States permit a producer that has a resident license for selling or soliciting the purchase of insurance in its home State to receive a license to sell or solicit the purchase of insurance in such majority of States as a nonresident to the same extent such producer is permitted to sell or solicit the purchase of insurance in its State, without satisfying any additional requirements other than submitting—

(A) a request for licensure;

(B) the application for licensure that the producer submitted to its home State;

(C) proof that the producer is licensed and in good standing in its home State; and

(D) the payment of any requisite fee to the appropriate authority,

if the producer's home State also awards such licenses on such a reciprocal basis.

(2) CONTINUING EDUCATION REQUIREMENTS.—A majority of the States accept an insurance producer's satisfaction of its home State's continuing education requirements for licensed insurance producers to satisfy the States' own continuing education requirements if the producer's home State also recognizes the satisfaction of continuing education requirements on such a reciprocal basis.

(3) NO LIMITING NONRESIDENT REQUIREMENTS.—A majority of the States do not impose any requirement upon any insurance producer to be licensed or otherwise qualified to do business as a nonresident that has the effect of limiting or conditioning that producer's activities because of its residence or place of operations, except that countersignature requirements imposed on nonresident producers shall not be deemed to have the effect of limiting or conditioning a producer's activities because of its residence or place of operations under this section.

(4) RECIPROCAL RECIPROCITY.—Each of the States that satisfies paragraphs (1), (2), and (3) grants reciprocity to residents of all of the other States that satisfy such paragraphs.

(d) DETERMINATION.—

(1) NAIC DETERMINATION.—At the end of the 3-year period beginning on the date of the enactment of this Act, the National Association of Insurance Commissioners shall determine, in consultation with the insurance commissioners or chief insurance regulatory officials of the States, whether the uniformity or reciprocity required by subsections (b) and (c) has been achieved.

(2) JUDICIAL REVIEW.—The appropriate United States district court shall have exclusive jurisdiction over any challenge to the National Association of Insurance Commissioners' determination under this section and such court shall apply the standards set forth in section 706 of title 5, United States Code, when reviewing any such challenge.

(e) CONTINUED APPLICATION.—If, at any time, the uniformity or reciprocity required by subsections (b) and (c) no longer exists, the provisions of this subtitle shall take effect within 2 years, unless the uniformity or reciprocity required by those provisions is satisfied before the expiration of that 2-year period.

(f) SAVINGS PROVISION.—No provision of this section shall be construed as requiring that any law, regulation, provision, or action of any State which purports to regulate insurance producers, including any such law, regulation, provision, or action which purports to regulate unfair trade practices or establish consumer protections, including countersignature laws, be altered or amended in order to satisfy the uniformity or reciprocity required by subsections (b) and (c), unless any such law, regulation, provision, or action is inconsistent with a specific requirement of any such subsection and then only to the extent of such inconsistency.

SEC. 322. NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS.

(a) ESTABLISHMENT.—There is established the National Association of Registered Agents and Brokers (hereafter in this subtitle referred to as the "Association")

(b) STATUS.—The Association shall—

(1) be a nonprofit corporation and be presumed to have the status of an organization described in section 501(c)(6) of the Internal Revenue Code of 1986 unless the Secretary of the Treasury determines that the Association does not meet the requirements of such section;

(2) have succession until dissolved by an Act of Congress;

(3) not be an agency or establishment of the United States Government; and

(4) except as otherwise provided in this Act, be subject to, and have all the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29y-1001 et seq.).

SEC. 323. PURPOSE.

The purpose of the Association shall be to provide a mechanism through which uniform licensing, appointment, continuing education, and other insurance producer sales qualification requirements and conditions can be adopted and applied on a multistate basis, while preserving the right of States to license, supervise, and discipline insurance producers and to prescribe and enforce laws and regulations with regard to insurance-related consumer protection and unfair trade practices.

SEC. 324. RELATIONSHIP TO THE FEDERAL GOVERNMENT.

The Association shall be subject to the supervision and oversight of the National Association of Insurance Commissioners (hereafter in this subtitle referred to as the "NAIC") and shall not be an agency or an instrumentality of the United States Government.

SEC. 325. MEMBERSHIP.

(a) ELIGIBILITY.—

(1) IN GENERAL.—Any State-licensed insurance producer shall be eligible to become a member in the Association.

(2) INELIGIBILITY FOR SUSPENSION OR REVOCATION OF LICENSE.—Notwithstanding paragraph (1), a State-licensed insurance producer shall not be eligible to become a member if a State insurance regulator has suspended or revoked such producer's license in that State during the 3-year preceding the date such producer applies for membership.

(3) RESUMPTION OF ELIGIBILITY.—Paragraph (2) shall cease to apply to any insurance producer if—

(A) the State insurance regulator renews the license of such producer in the State in which the license was suspended or revoked; or

(B) the suspension or revocation is subsequently overturned.

(b) AUTHORITY TO ESTABLISH MEMBERSHIP CRITERIA.—The Association shall have the authority to establish membership criteria that—

(1) bear a reasonable relationship to the purposes for which the Association was established; and

(2) do not unfairly limit the access of smaller agencies to the Association membership.

(c) ESTABLISHMENT OF CLASSES AND CATEGORIES.—

(1) CLASSES OF MEMBERSHIP.—The Association may establish separate classes of membership, with separate criteria, if the Association reasonably determines that performance of different duties requires different levels of education, training, or experience.

(2) CATEGORIES.—The Association may establish separate categories of membership for individuals and for other persons. The establishment of any such categories of membership shall be based either on the types of licensing categories that exist under State laws or on the aggregate amount of business handled by an insurance producer. No special categories of membership, and no distinct membership criteria, shall be established for members which are insured depository institutions or wholesale financial institutions or for their employees, agents, or affiliates.

(d) MEMBERSHIP CRITERIA.—

(1) IN GENERAL.—The Association may establish criteria for membership which shall include standards for integrity, personal qualifications, education, training, and experience.

(2) MINIMUM STANDARD.—In establishing criteria under paragraph (1), the Association shall consider the highest levels of insurance producer qualifications established under the licensing laws of the States.

(e) EFFECT OF MEMBERSHIP.—Membership in the Association shall entitle the member to licensure in each State for which the member pays the requisite fees, including licensing fees and, where applicable, bonding requirements, set by such State.

(f) ANNUAL RENEWAL.—Membership in the Association shall be renewed on an annual basis.

(g) CONTINUING EDUCATION.—The Association shall establish, as a condition of membership, continuing education requirements which shall be comparable to or greater than the continuing education requirements under the licensing laws of a majority of the States.

(h) SUSPENSION AND REVOCATION.—The Association may—

(1) inspect and examine the records and offices of the members of the Association to determine compliance with the criteria for membership established by the Association; and

(2) suspend or revoke the membership of an insurance producer if—

(A) the producer fails to meet the applicable membership criteria of the Association: or

(B) the producer has been subject to disciplinary action pursuant to a final adjudicatory proceeding under the jurisdiction of a State insurance regulator, and the Association concludes that retention of membership in the Association would not be in the public interest.

(i) OFFICE OF CONSUMER COMPLAINTS.—

(1) IN GENERAL.—The Association shall establish an office of consumer complaints that shall—

(A) receive and investigate complaints from both consumers and State insurance regulators related to members of the Association; and

(B) recommend to the Association any disciplinary actions that the office considers appropriate, to the extent that any such recommendation is not inconsistent with State law.

(2) RECORDS AND REFERRALS.—The office of consumer complaints of the Association shall—

(A) maintain records of all complaints received in accordance with paragraph (1) and make such records available to the NAIC and to each State insurance regulator for the State of residence of the consumer who filed the complaint; and

(B) refer, when appropriate, any such complaint to any appropriate State insurance regulator.

(3) TELEPHONE AND OTHER ACCESS.—The office of consumer complaints shall maintain a toll-free telephone number for the purpose of this subsection and, as practicable, other alternative means of communication with consumers, such as an Internet home page.

SEC. 326. BOARD OF DIRECTORS.

(a) ESTABLISHMENT.—There is established the board of directors of the Association (hereafter in this subtitle referred to as the "Board") for the purpose of governing and supervising the activities of the Association and the members of the Association.

(b) POWERS.—The Board shall have such powers and authority as may be specified in the bylaws of the Association.

(c) COMPOSITION.—

(1) MEMBERS.—The Board shall be composed of 7 members appointed by the NAIC.

(2) REQUIREMENT.—At least 4 of the members of the Board shall have significant experience with the regulation of commercial lines of insurance in at least 1 of the 20 States in which the greatest total dollar amount of commercial-lines insurance is placed in the United States.

(3) INITIAL BOARD MEMBERSHIP.—

(A) IN GENERAL.—If, by the end of the 2-year period beginning on the date of the enactment of this Act, the NAIC has not appointed the initial 7 members of the Board of the Association, the initial Board shall consist of the 7 State insurance regulators of the 7 States with the greatest total dollar amount of commercial-lines insurance in place as of the end of such period.

(B) ALTERNATE COMPOSITION.—If any of the State insurance regulators described in subparagraph (A) declines to serve on the Board, the State insurance regulator with the next greatest total dollar amount of commercial-lines insurance in place, as determined by the NAIC as of the end of such period, shall serve as a member of the Board.

(C) INOPERABILITY.—If fewer than 7 State insurance regulators accept appointment to the Board, the Association shall be established without NAIC oversight pursuant to section 332.

(d) TERMS.—The term of each director shall, after the initial appointment of the members of the Board, be for 3 years, with ⅓ of the directors to be appointed each year.

(e) BOARD VACANCIES.—A vacancy on the Board shall be filled in the same manner as the original appointment of the initial Board for the remainder of the term of the vacating member.

(f) MEETINGS.—The Board shall meet at the call of the chairperson, or as otherwise provided by the bylaws of the Association.

SEC. 327. OFFICERS.

(a) IN GENERAL.—

(1) POSITIONS.—The officers of the Association shall consist of a chairperson and a vice chairperson of the Board, a president, secretary, and treasurer of the Association, and such other officers and assistant officers as may be deemed necessary.

(2) MANNER OF SELECTION.—Each officer of the Board and the Association shall be elected or appointed at such time and in such manner and for such terms not exceeding 3 years as may be prescribed in the bylaws of the Association.

(b) CRITERIA FOR CHAIRPERSON.— Only individuals who are members of the National Association of Insurance Commissioners shall be eligible to serve as the chairperson of the board of directors.

SEC. 328. BYLAWS, RULES, AND DISCIPLINARY ACTION.

(a) ADOPTION AND AMENDMENT OF BYLAWS.—

(1) COPY REQUIRED TO BE FILED WITH THE NAIC.—The board of directors of the Association shall file with the NAIC a copy of the proposed bylaws or any proposed amendment to the bylaws, accompanied by a concise general statement of the basis and purpose of such proposal.

(2) EFFECTIVE DATE.—Except as provided in paragraph (3), any proposed bylaw or proposed amendment shall take effect—

(A) 30 days after the date of the filing of a copy with the NAIC;

(B) upon such later date as the Association may designate; or

(C) such earlier date as the NAIC may determine.

(3) DISAPPROVAL BY THE NAIC.—Notwithstanding paragraph (2), a proposed bylaw or amendment shall not take effect if, after public notice and opportunity to participate in a public hearing—

(A) the NAIC disapproves such proposal as being contrary to the public interest or contrary to the purposes of this subtitle and provides notice to the Association setting forth the reasons for such disapproval; or

(B) the NAIC finds that such proposal involves a matter of such significant public interest that public comment should be obtained, in which case it may, after notifying the Association in writing of such finding, require that the procedures set forth in subsection (b) be followed with respect to such proposal, in the same manner as if such proposed bylaw change were a proposed rule change within the meaning of such paragraph.

(b) ADOPTION AND AMENDMENT OF RULES.—

(1) FILING PROPOSED REGULATIONS WITH THE NAIC.—

(A) IN GENERAL.—The board of directors of the Association shall file with the NAIC a copy of any proposed rule or any proposed amendment to a rule of the Association which shall be accompanied by a concise general statement of the basis and purpose of such proposal.

(B) OTHER RULES AND AMENDMENTS INEFFECTIVE.—No proposed rule or amendment shall take effect unless approved by the NAIC or otherwise permitted in accordance with this paragraph.

(2) INITIAL CONSIDERATION BY THE NAIC.—Within 35 days after the date of publication of notice of filing of a proposal, or before the end of such longer period not to exceed 90 days as the NAIC may designate after such date if the NAIC finds such longer period to be appropriate and sets forth its reasons for so finding, or as to which the Association consents, the NAIC shall—

(A) by order approve such proposed rule or amendment; or

(B) institute proceedings to determine whether such proposed rule or amendment should be modified or disapproved.

(3) NAIC PROCEEDINGS.—

(A) IN GENERAL.—Proceedings instituted by the NAIC with respect to a proposed rule or amendment pursuant to paragraph (2) shall—

(i) include notice of the grounds for disapproval under consideration;

(ii) provide opportunity for hearing; and

(iii) be concluded within 180 days after the date of the Association's filing of such proposed rule or amendment.

(B) DISPOSITION OF PROPOSAL.—At the conclusion of any proceeding under subparagraph (A), the NAIC shall, by order, approve or disapprove the proposed rule or amendment.

(C) EXTENSION OF TIME FOR CONSIDERATION.—The NAIC may extend the time for concluding any proceeding under subparagraph (A) for—

(i) not more than 60 days if the NAIC finds good cause for such extension and sets forth its reasons for so finding; or

(ii) for such longer period as to which the Association consents.

(4) STANDARDS FOR REVIEW.—

(A) GROUNDS FOR APPROVAL.—The NAIC shall approve a proposed rule or amendment if the NAIC finds that the rule or amendment is in the public interest and is consistent with the purposes of this Act.

(B) APPROVAL BEFORE END OF NOTICE PERIOD.—The NAIC shall not approve any proposed rule before the end of the 30-day period beginning on the date the Association files proposed rules or amendments in accordance with paragraph (1) unless the NAIC finds good cause for so doing and sets forth the reasons for so finding.

(5) ALTERNATE PROCEDURE.—

(A) IN GENERAL.—Notwithstanding any provision of this subsection other than subparagraph (B), a proposed rule or amendment relating to the administration or organization of the Association may take effect—

(i) upon the date of filing with the NAIC, if such proposed rule or amendment is designated by the Association as relating solely to matters which the NAIC, consistent with the public interest and the purposes of this subsection, determines by rule do not require the procedures set forth in this paragraph; or

(ii) upon such date as the NAIC shall for good cause determine.

(B) ABROGATION BY THE NAIC.—

(i) IN GENERAL.—At any time within 60 days after the date of filing of any proposed rule or amendment under subparagraph (A)(i) or (B)(ii), the NAIC may repeal such rule or amendment and require that the rule or amendment be refiled and reviewed in accordance with this paragraph, if the NAIC finds that such action is necessary or appropriate in the public interest, for the protection of insurance producers or policyholders, or otherwise in furtherance of the purposes of this subtitle.

(ii) EFFECT OF RECONSIDERATION BY THE NAIC.—Any action of the NAIC pursuant to clause (i) shall—

(I) not affect the validity or force of a rule change during the period such rule or amendment was in effect; and

(II) not be considered to be final action.

(c) ACTION REQUIRED BY THE NAIC.—The NAIC may, in accordance with such rules as the NAIC determines to be necessary or appropriate to the public interest or to carry out the purposes of this subtitle, require the Association to adopt, amend, or repeal any bylaw, rule or amendment of the Association, whenever adopted.

(d) DISCIPLINARY ACTION BY THE ASSOCIATION.—

(1) SPECIFICATION OF CHARGES.—In any proceeding to determine whether membership shall be denied, suspended, revoked, and not renewed (hereafter in this section referred to as a "disciplinary action"), the Association shall bring specific charges, notify such member of such charges and give the member an opportunity to defend against the charges, and keep a record.

(2) SUPPORTING STATEMENT.—A determination to take disciplinary action shall be supported by a statement setting forth—

(A) any act or practice in which such member has been found to have been engaged;

(B) the specific provision of this subtitle, the rules or regulations under this subtitle, or the rules of the Association which any such act or practice is deemed to violate; and

(C) the sanction imposed and the reason for such sanction.

(e) NAIC REVIEW OF DISCIPLINARY ACTION.—

(1) NOTICE TO THE NAIC.—If the Association orders any disciplinary action, the Association shall promptly notify the NAIC of such action.

(2) REVIEW BY THE NAIC.—Any disciplinary action taken by the Association shall be subject to review by the NAIC—

(A) on the NAIC's own motion; or

(B) upon application by any person aggrieved by such action if such application is filed with the NAIC not more than 30 days after the later of—

(i) the date the notice was filed with the NAIC pursuant to paragraph (1); or

(ii) the date the notice of the disciplinary action was received by such aggrieved person.

(f) EFFECT OF REVIEW.—The filing of an application to the NAIC for review of a disciplinary action, or the institution of review by the NAIC on the NAIC's own motion, shall not operate as a stay of disciplinary action unless the NAIC otherwise orders.

(g) SCOPE OF REVIEW.—

(A) IN GENERAL.—In any proceeding to review such action, after notice and the opportunity for hearing, the NAIC shall—

(i) determine whether the action should be taken;

(ii) affirm, modify, or rescind the disciplinary sanction; or

(iii) remand to the Association for further proceedings.

(B) DISMISSAL OF REVIEW.—The NAIC may dismiss a proceeding to review disciplinary action if the NAIC finds that—

(i) the specific grounds on which the action is based exist in fact;

(ii) the action is in accordance with applicable rules and regulations; and

(iii) such rules and regulations are, and were, applied in a manner consistent with the purposes of this Act.

SEC. 329. ASSESSMENTS.

(a) INSURANCE PRODUCERS SUBJECT TO ASSESSMENT.—The Association may establish such application and membership fees as the Association finds necessary to cover the costs of its operations, including fees made reimbursable to the NAIC under subsection (b), except that, in setting such fees, the Association may not discriminate against smaller insurance producers.

(b) NAIC ASSESSMENTS.—The NAIC may assess the Association for any costs it incurs under this subtitle.

SEC. 330. FUNCTIONS OF THE NAIC.

(a) ADMINISTRATIVE PROCEDURE.—Determinations of the NAIC, for purposes of making rules pursuant to section 328, shall be made after appropriate notice and opportunity for a hearing and for submission of views of interested persons.

(b) EXAMINATIONS AND REPORTS.—

(1) The NAIC may make such examinations and inspections of the Association and require the Association to furnish it with such reports and records or copies thereof as the NAIC may consider necessary or appropriate in the public interest or to effectuate the purposes of this subtitle.

(2) As soon as practicable after the close of each fiscal year, the Association shall submit to the NAIC a written report regarding the conduct of its business, and the exercise of the other rights and powers granted by this subtitle, during such fiscal year. Such report shall include financial statements setting forth the financial position of the Association at the end of such fiscal year and the results of its operations (including the source and application of its funds) for such fiscal year. The NAIC shall transmit such report to the President and the Congress with such comment thereon as the NAIC determines to be appropriate.

SEC. 331. LIABILITY OF THE ASSOCIATION AND THE DIRECTORS, OFFICERS, AND EMPLOYEES OF THE ASSOCIATION.

(a) IN GENERAL.—The Association shall not be deemed to be an insurer or insurance producer within the meaning of any State law, rule, regulation, or order regulating or taxing insurers, insurance producers, or other entities engaged in the business of insurance, including provisions imposing premium taxes, regulating insurer solvency or financial condition, establishing guaranty funds and levying assessments, or requiring claims settlement practices.

(b) LIABILITY OF THE ASSOCIATION, ITS DIRECTORS, OFFICERS, AND EMPLOYEES.—Neither the Association nor any of its directors, officers, or employees shall have any liability to any person for any action taken or omitted in good faith under or in connection with any matter subject to this subtitle.

SEC. 332. ELIMINATION OF NAIC OVERSIGHT.

(a) IN GENERAL.—The Association shall be established without NAIC oversight and the provisions set forth in section 324, subsections (a), (b), (c), and (e) of section 328, and sections 329(b) and 330 of this subtitle shall cease to be effective if, at the end of the 2-year period after the date on which the provisions of this subtitle take effect pursuant to section 321—

(1) at least a majority of the States representing at least 50 percent of the total United States commercial-lines insurance premiums have not satisfied the uniformity or reciprocity requirements of subsections (a) and (b) of section 321; and

(2) the NAIC has not approved the Association's bylaws as required by section 328, the NAIC is unable to operate or supervise the Association, or the Association is not conducting its activities as required under this Act.

(b) BOARD APPOINTMENTS.—If the repeals required by subsection (a) are implemented—

(1) GENERAL APPOINTMENT POWER.—The President, with the advice and consent of the United States Senate, shall appoint the members of the Association's Board established under section 326 from lists of candidates recommended to the President by the National Association of Insurance Commissioners.

(2) PROCEDURES FOR OBTAINING NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS APPOINTMENT RECOMMENDATIONS.—

(A) INITIAL DETERMINATION AND RECOMMENDATIONS.—After the date on which the provisions of part a of this section take effect, then the National Association of Insurance Commissioners shall have 60 days to provide a list of recommended candidates to the President. If the National Association of Insurance Commissioners fails to provide a list by that date, or if any list that is provided does not include at least 14 recommended candidates or comply with the requirements of section 326(c), the President shall, with the advice and consent of the United States Senate, make the requisite appointments without considering the views of the NAIC.

(B) SUBSEQUENT APPOINTMENTS.—After the initial appointments, the National Association of Insurance Commissioners shall provide a list of at least 6 recommended candidates for the Board to the President by January 15 of each subsequent year. If the National Association of Insurance Commissioners fails to provide a list by that date, or if any list that is provided does not include at least 6 recommended candidates or comply with the requirements of section 326(c), the President, with the advice and consent of the Senate, shall make the requisite appointments without considering the views of the NAIC.

(C) PRESIDENTIAL OVERSIGHT.—

(i) REMOVAL.—If the President determines that the Association is not acting in the interests of the public, the President may remove the entire existing Board for the remainder of the term to which the members of the Board were appointed and appoint, with the advice and consent of the Senate, new members to fill the vacancies on the Board for the remainder of such terms.

(ii) SUSPENSION OF RULES OR ACTIONS.—The President, or a person designated by the President for such purpose, may suspend the effectiveness of any rule, or prohibit any action, of the Association which the President or the designee determines is contrary to the public interest.

(d) ANNUAL REPORT.—As soon as practicable after the close of each fiscal year, the Association shall submit to the President and to Congress a written report relative to the conduct of its business, and the exercise of the other rights and powers granted by this subtitle, during such fiscal year. Such report shall include financial statements setting forth the financial position of the Association at the end of such fiscal year and the results of its operations (including the source and application of its funds) for such fiscal year.

SEC. 333. RELATIONSHIP TO STATE LAW.

(a) PREEMPTION OF STATE LAWS.—State laws, regulations, provisions, or actions purporting to regulate insurance producers shall be preempted in the following instances:

(1) No State shall impede the activities of, take any action against, or apply any provision of law or regulation to, any insurance producer because that insurance producer or any affiliate plans to become, has applied to become, or is a member of the Association.

(2) No State shall impose any requirement upon a member of the Association that it

pay different fees to be licensed or otherwise qualified to do business in that State, including bonding requirements, based on its residency.

(3) No State shall impose any licensing, appointment, integrity, personal or corporate qualifications, education, training, experience, residency, or continuing education requirement upon a member of the Association that is different than the criteria for membership in the Association or renewal of such membership, except that counter-signature requirements imposed on nonresident producers shall not be deemed to have the effect of limiting or conditioning a producer's activities because of its residence or place of operations under this section.

(4) No State shall implement the procedures of such State's system of licensing or renewing the licenses of insurance producers in a manner different from the authority of the Association under section 325.

(b) Savings Provision.—Except as provided in subsection (a), no provision of this section shall be construed as altering or affecting the continuing effectiveness of any law, regulation, provision, or action of any State which purports to regulate insurance producers, including any such law, regulation, provision, or action which purports to regulate unfair trade practices or establish consumer protections, including, but not limited to, countersignature laws.

SEC. 334. COORDINATION WITH OTHER REGULATORS.

(a) Coordination With State Insurance Regulators.—The Association shall have the authority to—

(1) issue uniform insurance producer applications and renewal applications that may be used to apply for the issuance or removal of State licenses, while preserving the ability of each State to impose such conditions on the issuance or renewal of a license as are consistent with section 333;

(2) establish a central clearinghouse through which members of the Association may apply for the issuance or renewal of licenses in multiple States; and

(3) establish or utilize a national database for the collection of regulatory information concerning the activities of insurance producers.

(b) Coordination With the National Association of Securities Dealers.—The Association shall coordinate with the National Association of Securities Dealers in order to ease any administrative burdens that fall on persons that are members of both associations, consistent with the purposes of this subtitle and the Federal securities laws.

SEC. 335. JUDICIAL REVIEW.

(a) Jurisdiction.—The appropriate United States district court shall have exclusive jurisdiction over litigation involving the Association, including disputes between the Association and its members that arise under this subtitle. Suits brought in State court involving the Association shall be deemed to have arisen under Federal law and therefore be subject to jurisdiction in the appropriate United States district court.

(b) Exhaustion of Remedies.—An aggrieved person must exhaust all available administrative remedies before the Association and the NAIC before it may seek judicial review of an Association decision.

(c) Standards of Review.—The standards set forth in section 553 of title 5, United States Code, shall be applied whenever a rule or bylaw of the Association is under judicial review, and the standards set forth in section 554 of title 5, United States Code, shall be applied whenever a disciplinary action of the Association is judicially reviewed.

SEC. 336. DEFINITIONS.

For purposes of this subtitle, the following definitions shall apply:

(1) Insurance.—The term "insurance" means any product defined or regulated as insurance by the appropriate State insurance regulatory authority.

(2) Insurance producer.—The term "insurance producer" means any insurance agent or broker, surplus lines broker, insurance consultant, limited insurance representative, and any other person that solicits, negotiates, effects, procures, delivers, renews, continues or binds policies of insurance or offers advice, counsel, opinions or services related to insurance.

(3) State law.—The term "State law" includes all laws, decisions, rules, regulations, or other State action having the effect of law, of any State. A law of the United States applicable only to the District of Columbia shall be treated as a State law rather than a law of the United States.

(4) State.—The term "State" includes any State, the District of Columbia, American Samoa, Guam, Puerto Rico, and the United States Virgin Islands.

(5) Home state.—The term "home State" means the State in which the insurance producer maintains its principal place of residence and is licensed to act as an insurance producer.

TITLE IV—UNITARY SAVINGS AND LOAN HOLDING COMPANIES

SEC. 401. TERMINATION OF EXPANDED POWERS FOR NEW UNITARY S&L HOLDING COMPANIES.

(a) In General.—Section 10(c) of the Home Owners' Loan Act (12 U.S.C. 1467a(c)) is amended by adding at the end the following new paragraph:

"(9) Termination of expanded powers for new unitary S&L holding company.—

"(A) In general.—Subject to subparagraph (B), paragraph (3) shall not apply with respect to any company that becomes a savings and loan holding company pursuant to an application filed after March 31, 1998.

"(B) Existing unitary S&L holding companies and the successors to such companies.—Subparagraph (A) shall not apply, and paragraph (3) shall continue to apply, to a company (or any subsidiary of such company) that—

"(i) either—

"(I) acquired 1 or more savings associations described in paragraph (3) pursuant to applications at least 1 of which was filed before April 1, 1998; or

"(II) became a savings and loan holding company by acquiring ownership or control of the company described in subclause (I); and

"(ii) continues to control the savings associations referred to in clause (i)(I) or the successor to any such savings association.".

(b) Technical and Conforming Amendment.—Section 10(c)(3) of the Home Owners' Loan Act (12 U.S.C. 1467a(c)(3)) is amended by striking "Notwithstanding" and inserting "Except as provided in paragraph (9) and notwithstanding".

H.R. 1872

Offered By: Mr. Dan Schaefer of Colorado

Amendment No. 1: Page 6, line 6, after "take into consideration" insert the following: "and act in a manner consistent with".

SENATE—*Thursday, April 30, 1998*

The Senate met at 11 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The guest Chaplain, Dr. G. Gil Watson, of Northside United Methodist Church, Atlanta, GA, offered the following prayer:

O God you are the Author of action. You breathed into Your creation, and life resulted. You spoke, and the world came into being. You have led Your children from bondage into freedom over and over again. We praise Your name for this great Nation and for the men and women of action who have paid the last full measure to devotion so that we might live in a free land.

We long for a time when Your promises come true and You fulfill Your dreams of justice and mercy for all humankind. Break down the walls that divide us; trample the prejudices that separate us; and part the seas of doubt that confuse us. Help us to move toward a wealth not dependent on possessions, toward a wisdom not based on books, toward a strength not bolstered by might.

Move across this Senate with the breath of Your Spirit so that the women and men of this Senate will find inspiration in servanthood. You endowed each one of them with the unique abilities they possess and a desire to serve. Protect them with Your might. Surround them with Your peace, and send the wind of Your Spirit into this Senate Chamber so that they will be wise in Your ways.

Breathe on us, breath of God. Fill us with life anew that we may love as You love and do what You would do. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President. We want to extend our thanks this morning for the guest Chaplain's prayer, and we are delighted to have him as our guest in the Chamber this morning.

SCHEDULE

Mr. LOTT. Mr. President, the Senate will resume now the consideration of the Craig amendment, numbered 2316, pending to the NATO enlargement treaty. Under the previous order, the time until 12 o'clock noon will be equally divided for debate on the Craig amendment. At 12:00 noon, Senator MOYNIHAN will offer an amendment regarding the European Union under a 1-hour time agreement. Following that debate, Senator WARNER will be recognized to offer an amendment relating to a 3-year pause under a 2-hour time agreement.

At the hour of 3 o'clock this afternoon, the Senate will proceed to three consecutive stacked rollcall votes. The first vote will be on or in relation to the Moynihan amendment, to be followed by a vote on Senator WARNER's amendment, to be followed by a vote on Senator CRAIG's amendment. These are three very important and very critical amendments. I hope the Senators will be able to listen to the debate and be here for the votes at 3 p.m. I hope all three amendments will be defeated. I will speak on that briefly in a moment.

I remind my colleagues that last night we reached a unanimous-consent agreement which limits amendments to the treaty. I know the chairman and the ranking member have been working hard to see that many of these amendments can be accepted or worked out in a way they can be accepted without a rollcall vote. As for those amendments that cannot be accepted by voice vote, I urge those Senators to work with the managers on the treaty to consider their amendments this afternoon under short time agreements. I think there are only two or three that are still sort of in that category. I hope that Senators will be reasonable.

We have had a good debate, I think a high level of debate, on this important treaty issue. Senators have been able to make their case. Amendments have been considered, and others are being considered today. I think it is time we vote. We know the substance. We have had many, many hearings. We know the arguments. Let's bring it to a conclusion.

I hope that no Senator will be dilatory in bringing up his or her amendment this afternoon. Bring amendments up quickly with a short time agreement so we can complete that vote tonight. It is time to vote. There are a number of Senators who would like to see this completed at a reasonable hour so they can attend to other very important matters, including a bipartisan delegation that is going overseas to see if some of our allies will not be more helpful to us in covering the costs of our Persian Gulf efforts with regard to Iraq. This is a very, very important trip. It has been encouraged by the joint leadership. I hope they can get away at a reasonable hour so they can maximize their time over the weekend.

In the remainder of the week, the Senate may consider the supplemental appropriations conference report. I spoke to the chairman this morning. He believes we will have that ready to be acted on by the Senate this afternoon. In addition, there is an agreement for consideration of S. 1186, long in the process of being developed and agreed to. That is the Work Force Development Partnership Act. We have a time agreement with some amendments in order in that time agreement.

I thank my colleagues for their cooperation in getting the lineup for the amendments this afternoon.

BOSNIA AMENDMENT

Mr. LOTT. Mr. President, I would like to comment briefly on one of the amendments that will be considered this morning, an amendment by Senator CRAIG of Idaho.

Senator CRAIG is an outstanding Member of this body and one of my closest friends, but I reluctantly will oppose the amendment he offered. I think he knows that I opposed the President's decision to deploy U.S. Armed Forces to Bosnia in 1995. I continue to have major problems with the situation there and questions about what the end game is. But I don't look at Bosnia in a theoretical sense only or without considering the history of that part of the world.

I have traveled to Brussels to meet with all of our NATO allies and discuss the situation in Bosnia. I spent the last 4th of July in Bosnia, Sarajevo, and Tuzla. I have looked at the situation firsthand. I spent many hours with administration officials and outside experts discussing the situation in Bosnia. I have grave concerns about the administration's completely open-ended commitment to remain in Bosnia. We were solemnly given dates and unequivocal assurances that U.S. troops would be out by December 1996. They weren't. Then it was July 1998. The President intends not to meet that date. The assurances we were given were wrong.

The fact that the administration has been so often wrong raises questions about their overall policy. Do we want peace there? Yes. Have we been willing to make a commitment? Yes. But the question is, How much, how long, and for what? Is the situation under control there? What is happening in Kosovo? Did the administration turn a blind eye and ignore that problem and only now realize the ramifications, the implications, that Kosovo has in the region?

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

There has been some progress in Bosnia. Many time lines and the agreements that were supposed to have been met, however, have not been met. We do need to continue to move forward and to encourage peace, democracy and freedom—not fighting and killing—in that part of the world.

But the U.S. taxpayers have already spent some $8 billion in Bosnia since December of 1995. Our European allies have been reluctant to shoulder more of the burden. There are even credible reports that a French military officer tipped off the most notorious war criminal and helped him avoid apprehension. Basically, they say, You are the world leader; without you, it won't be done. We assume a very serious responsibility and maybe a certain degree of pride in that. But I think more needs to be done by our European allies and there needs to be a plan, some way of dealing with this problem, just like there should be a long-term plan in dealing with Saddam Hussein. There is no plan there, no plan to find a way to remove Saddam Hussein so the people in Iraq can be free.

The pattern begins to be clear. I have been very careful as majority leader to try to rise above politics or partisan politics. I have taken a pounding from some sources for that. I did support the Chemical Weapons Treaty and I do support NATO. But there is a limit to how far I will go. I will not support the administration unconditionally—particularly if there is no policy, no clear plan. I think that is the case in Iraq, where the policy of containment is not working. So what is next? Quite frankly, it falls to the Congress to try to say: How about this? Would you consider that? Develop a plan to do something, anything. We are prepared to do that if we have to because of the absence of action by the Administration.

For all those reasons, I am concerned about the administration's policy in Bosnia. This issue should be addressed by the Senate on merits later on this year in the appropriations process. But we should not use it as a way to delay the decision to enlarge NATO.

NATO enlargement is the right thing to do. But it should rise and fall on its own merits. We should not allow it to tangle up our decision into issues like Bosnia. I agree with Senator CRAIG's concerns, but I don't think this is the place to have the debate or action based on what may or may not be the future in Bosnia to determine what would happen in NATO. We should not make the legitimate aspirations of Poland, Hungary and the Czech Republic subject to our differences with the executive branch on Bosnia policy. I hope the Senate will defeat this amendment and move to conclusion and pass NATO enlargement.

I yield the floor, Mr. President.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. (Mr. SMITH of Oregon). Under the previous order, leadership time is reserved.

EXECUTIVE SESSION

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND THE CZECH REPUBLIC

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and resume consideration of Executive Calendar No. 16, which the clerk will report.

The assistant legislative clerk read as follows:

> Treaty Document No. 105-36, Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary and the Czech Republic.

Pending:

> Craig amendment No. 2316, to condition United States ratification of the protocols on specific statutory authorization for the continued deployment of United States Armed Forces in Bosnia and Herzegovina as part of the NATO mission.
>
> Ashcroft amendment No. 2318, to require a Presidential certification that NATO is and will remain a defensive military alliance.
>
> Conrad/Bingaman amendment No. 2320, to express the sense of the Senate regarding discussions with Russia on tactical nuclear weapons, increased transparency about tactical nuclear weapons, data exchange, increased warhead security, and facilitation of weapons dismantlement.

EXECUTIVE AMENDMENT NO. 2316

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the Craig amendment, No. 2316, with the time until 12 noon to be equally divided.

Mr. CRAIG. Mr. President, yesterday I put before the Senate a very straightforward amendment to our resolution of ratification that speaks to the responsibility of the President as it relates to getting authorization for the continued mission of our U.S. military in Bosnia. I say that in the context of us debating NATO expansion because I think it is appropriate. It is appropriate because of the way this President has characterized the need to expand NATO from his perspective. He speaks about it no longer as just a defense mechanism for Europe; he speaks of it as a mechanism for the purpose of peacekeeping.

We have heard several of our colleagues come to the floor in the last good number of days as we have debated this issue, frustrated by what will be the role of a new NATO, and how should we define that—at least from our understanding—as we move for the purpose of ratification, upholding our constitutional responsibilities, which are paramount on this issue.

I am one of those Senators who has said very openly that I don't believe we ought to be expanding NATO at this time. We ought to be encouraging the European Community to reach out to those nations that have now emerged from behind the fallen Iron Curtain—reach out to them in an economic way, bringing them into the economic union, creating greater economic stability rather than, if you will, offering them the olive branch of inclusion into NATO as some coming of age process, and turning to the United States and, in essence, saying, now you have to pay for it or you have to play a greater role—especially when I don't think any of us sense the dramatic urgency of an expanded defensive mission for the whole of a freer Europe. That strength would come through the economic growth of those countries and the greater strength of their democracies because of the economic growth. Some of us have also expressed concern about, of course, Russia and how it feels as we tend to expand a defensive peacekeeping mechanism toward them, and not being willing to focus as much as we should on assisting, ensuring the democratic processes in Russia itself.

As a result of that, I think it is tremendously important that we cause this administration to define what its intent is. As you know, Mr. President, we are now in a period of time in Bosnia where we are operating without authorization from Congress. Costs are mounting in a tremendous way, and as a result of that, we have no end game in mind, no mission intent at this moment.

My amendment is clearly straightforward. It is something the President should have done some time ago. But, of course, when he seeks authorization, then he can't keep diverting money out from under the defense system itself to fund an unending operation in Bosnia, or at least unending by his current definition.

So what I am saying is really very straightforward: Mr. President, as you move forward with your commitment to an expanded NATO, come to us and ask for an authorization and ask for a definition, if you will, in cooperation with us on the role in Bosnia. I think this becomes increasingly important. Colleagues from the other side of this issue have said I am amending the treaty. Well, we all know that is not true. What we are talking about today is a resolution of ratification. I am putting within that resolution—if my amendment were to become part of it by this process—a condition which the President would have to respond to prior to being able to move forward with the blessings of Congress in a confirmation of the resolution of ratification. That is the intent of my amendment. It is very straightforward, clear, and it is quite simple. I don't believe it is convoluted or confusing in any sense of the words. Maybe there are those who don't want the President to seek authorization. But I can't imagine any of us who are willing to fund and participate in putting the men and women of the U.S. armed services in harm's way—that we don't, for some reason, define how that all ought to be. It is with that intent that we bring forward this amendment.

I reserve the balance of my time.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I oppose this amendment. It would throw real doubt and uncertainty into the NATO ratification process by linking the completion of that process to a subsequent action of Congress, specifically authorizing continued deployment of our forces in Bosnia. It is that doubt, that uncertainty, that complication, that ambiguity, creating an additional step before the ratification process is completed, that this amendment would create.

We simply should not do that, no matter how we feel on the Bosnia issue. I must tell my good friend from Idaho that I have been one who has been very cautious about our continuing to be in Bosnia. I have indeed offered and have had amendments accepted on this floor reflecting that caution. We can stop, should we choose, our presence in Bosnia at any time we want through the power of the purse. We are not lacking in tools to control our participation in the NATO operation in Bosnia. We have those tools. We have used those tools. We may not have used them to the extent that my good friend or I would have liked, but we have used them. We used them in the authorization bill last year. We used them in the appropriations bill last year. We have a supplemental appropriation right now that we have recently passed for our troops in Bosnia. People who opposed that continuance or wanted to attach additional conditions to that continuation could have attached those conditions, or sought to attach those conditions, in the supplemental appropriations bill. I offered an amendment that was accepted on the supplemental appropriation bill, which required certain milestones that we say are our goals for Bosnia, requiring that those milestones be presented to NATO so that we could have NATO consideration of milestones which would lead us to exit Bosnia which would allow us to remove our combat forces from Bosnia. We have the tools.

I understand linking things where it is necessary in order to gain for us a power we might not have otherwise. I could understand that. But where we have the power of the purse and could exercise that power to control the presence of combat forces in Bosnia, it seems to me that we are creating a needless ambiguity, a needless uncertainty, that we are throwing a monkey wrench into the ratification process by creating a subsequent step after the Senate votes on ratification. It is creating that doubt. It is the uncertainty. If we voted to ratify now, the instruments of ratification will not be deposited until the Congress takes an additional step. Again, if that were the only way of obtaining a power, then it would seem to me that there might be some argument for it despite the confusion. But where we have the power of the purse, we know how to exercise it. We have exercised it relative to Bosnia, not only in the supplemental but in the prior authorization and appropriations bills of defense. One other element is that another defense authorization will be coming to the floor hopefully in the next few weeks. We have another opportunity to exercise the power of the purse within the next month relative to our forces in Bosnia.

So this is not only confusing and I think harmful in that regard, introducing really a monkey wrench into a process where we already have plenty of tools to exercise our will, it is needlessly being done. The power of the purse is one of the most important powers this Congress has, and this Congress has, when it has chosen, exercised that power. We can exercise it again.

Just one final comment about this. In the supplemental appropriations bill, the amendment which I offered required that the President take to NATO the so-called benchmarks that were detailed in the President's presentation to the Congress. Last year we told the President in our appropriations bill that we want an exit strategy; we want to phase out American presence in Bosnia; we want to put more responsibility on the Europeans. By the way, I share those sentiments. I think the Europeans should take more responsibility and should take over that operation much more fully, and we should find a way to exit promptly in a reasonable period of time, removing our combat forces and instead supporting the operations with logistics and intelligence and certain other support. But that we should try to find a path for the removal of our combat forces from Bosnia. We have stretched our forces too many places around the world.

My amendment on the supplemental bill, which is presently in conference, tells the President to enter into an agreement with NATO on the benchmarks which he detailed in the exit strategy and which he presented to us as required by the authorization and appropriations.

I hope this amendment will be defeated because of the confusion that it would create relative to ratification, the uncertainty that it would create, the additional step, the roadblock that would be placed in the way of this process being completed and mainly, though, because it does all that, it does that damage unnecessarily. We have the power of the purse. We will have the opportunity to exercise that again within the next month relative to Bosnia should this body choose to do so.

For those reasons, I hope my friend's amendment is defeated and that we ratify this treaty, or not, but that we not say with our right hand we are going to ratify it and then with the left hand say but that process cannot be completed until Congress takes an additional step relative to Bosnia.

Mr. President, how much time is left to the opponents of this amendment?

The PRESIDING OFFICER. Sixteen minutes 5 seconds.

Mr. LEVIN. I wonder how much time the Senator from Idaho has remaining.

The PRESIDING OFFICER. Eighteen minutes 44 seconds.

Mr. LEVIN. The floor manager is not here. I would like to begin, and yield myself on the general issue of NATO, 5 minutes. I want to consult for one moment before I do that.

Mr. President, unless my friend from Idaho wants to give himself time at this point, I yield myself an additional 5 minutes on the underlying NATO ratification.

Mr. President, I want to speak today about three aspects of NATO enlargement. First, I want to focus on the stabilizing effect that NATO has had and that an enlarged NATO will continue to have on Europe; second I want to discuss the impact that NATO enlargement would have on Russia; and finally, I want to examine the common values that lie at the heart of the question before us.

It will come as no surprise, based upon my floor speech on NATO enlargement that I gave on March 19, that I favor NATO enlargement. I am satisfied that it will help to enhance stability on the European continent, that it will not isolate Russia, and that the common values that undergird the Alliance are treasured in Poland, Hungary and the Czech Republic.

EUROPEAN STABILITY

Mr. President, Europe has experienced military conflict down through the ages. Indeed, it has been a constant spawning ground for war. The security of the United States is inextricably linked to that of Europe by a common heritage and shared values. Because of those links, twice this century, America has shed blood and treasure in major wars in Europe.

In my view, one of the two major accomplishments of NATO, the first being deterring the former Soviet Union, has been its serving as a balance wheel to keep the peace in Western Europe. The NATO Alliance has enabled Europe to experience peace for almost fifty years.

One of my home-town newspapers, the Detroit Free Press put it well when it said:

> It (NATO) has been a vital means of maintaining a stable balance between Germany

> and its neighbors. That was a major unavowed purpose of NATO in the years after World War II. To manage Germany's role in Europe may have been a secondary purpose, but it was important in providing stability while Europe evolved toward unity and reconciliation. Preventing a recurrence of Europe's chronic civil wars is an important NATO function.

NATO has helped keep the peace in many ways.

As a defensive Alliance, one of NATO's major strengths is that member nations are able to pool their complementary military assets rather than developing totally separate and redundant military capabilities.

This pooling of assets allowed the Alliance to present a strong and united front to deter aggression from the Soviet Union. This pooling of assets precluded the need for any one European NATO nation to build up its own military arsenal of a type that would threaten its neighbors and destabilize the continent.

The Alliance has also had a moderating influence on its member nations and has served to prevent the inevitable frictions that arise among nation states from erupting into armed conflict. When Representatives and military officers of different nations meet and work together on a daily basis in Brussels and elsewhere, disagreements among those nations are more likely to be subordinated to common defense requirements. For instance, Europe is more secure with Greece and Turkey as members of the NATO Alliance than if one or both of them were not members.

The prospect of NATO membership has already had a moderating influence on events in Poland, Hungary and the Czech Republic. They are all downsizing and reorganizing their militaries, thus avoiding the expenditure of scarce resources that are needed for economic development. If rejected for NATO membership, they will almost surely renationalize their approach to defense, with potentially destabilizing impacts on their neighbors and on their neighborhood.

The Alliance contributes to European stability in a number of other ways.

NATO's military might has the potential for application in so-called "out-of-area" conflicts, but which affect stability in Europe. For example, NATO's air bombing of Bosnian Serb targets served to bring the warring parties to the negotiating table and led to the Dayton Peace accords. NATO then led a military mission to implement the military aspects of the Dayton accords and to provide a secure environment for implementation of the civilian aspects of the accords.

This action by the Alliance ended a conflict that posed a real threat to European stability and demonstrated a willingness of Alliance members to take action before its members were drawn into the conflict. Poland, Hungary and the Czech Republic have all provided military forces to the NATO-led Stabilization Force in Bosnia, and Hungary has provided facilities for logistic support and training for United States and allied forces in support of that same effort in Bosnia.

The Bosnian conflict demonstrates that NATO provides the multinational mechanism that we and our European allies need to deal with small conflicts that threaten to spread and involve all of Europe. The addition of these three new members will strengthen NATO's capability to deal with such threats.

NATO's action in Bosnia could pave the way for Alliance action if the world's energy supplies were threatened in the future as they were in 1991 in the Persian Gulf. Poland, Hungary and the Czech Republic have promised military support in the event that the United States has to use force to ensure the destruction or rendering harmless of Iraq's weapons of mass destruction. This leads me to believe that enlargement of the Alliance will increase support for our actions in pursuit of our national interests in other regions either in the form of formal Alliance action or coalitions of the willing.

This type of cooperation and common action is already taking place in situations that, while not representing direct aggression against a NATO member nation, are examples of the new threats we face. In the area of counterproliferation, at NATO's January 1994 Summit, Heads of State and Government formally acknowledged the security threat posed by the proliferation of weapons of mass destruction and associated delivery means. NATO noted that this threat was not confined to nations or non-state actors, such as terrorists, on the periphery of the Alliance and specifically cited the cases of Iraq and North Korea. Poland, Hungary and the Czech Republic can contribute to NATO action in this matter by political and diplomatic means and, in the defense area, by the sharing of intelligence and detection technology.

Finally, with respect to European stability, the very prospect of NATO membership has also produced significant positive results in Poland, Hungary and the Czech Republic in terms of resolution of border disputes and relations with their neighbors, civilian control of their militaries, and protection of minority rights and advancement of the rule of law. The September 1995 NATO Study on Enlargement, while noting the there was no rigid criteria for inviting new members to join the Alliance, did state that possible new member states would be expected to take these positive actions.

Poland has signed friendship agreements with all seven of its neighbors—Russia, Ukraine, Belarus, Lithuania, Slovakia, the Czech Republic and Germany. Poland has reached out to its neighbors and has created one joint peacekeeping battalion with Lithuania and another with Ukraine. Poland's laws now subordinates the Chief of General Staff to the Minister of Defense and shifts control of the budget, planning and military intelligence from the General Staff to the Defense Ministry. Poland's press is free and the government maintains a strong record in support of basic human rights. It has held six fully free and fair elections at various levels since the fall of communism in 1989.

Hungary concluded Basic Treaties on Understanding, Cooperation, and Good-Neighborliness with Slovakia and Romania in 1996. Hungary has entered into a Bilateral Defense Cooperation Agreement with Slovenia in 1996 and has signed bilateral cooperation agreements with Ukraine dealing with organized crime, terrorism, and drug trafficking. It has good relations with all its neighbors. Hungary has legislative and constitutional mechanisms in place to guarantee extensive oversight of the military by the Defense Ministry and by the parliament. Hungary upholds Western standards on human rights, freedom of expression, the rule of law, checks and balances among branches of government, and an independent judiciary.

The Czech Republic now enjoys very good relations with all of its neighbors and has no border dispute with any country. The Czech Republic signed a formal reconciliation pact with Germany in January 1997. Under the Czech Constitution, the President is Commander-in-Chief and governmental authority is exercised through a civilian Minister of Defense. The Czech people enjoy free speech, free assembly and a free press. The Czech Constitution guarantees human rights and provides for an independent judiciary.

In sum, NATO and its enlargement enhance the stability of Europe in many ways: it fosters good relations among its members; avoids the nationalization of members' defense; prevents frictions among its members from erupting into conflict; provides a mechanism to deal with small conflicts in Europe before they spread; provides a mechanism to address threats outside of Europe but which could affect Europe and the United States, including new threats, such as the proliferation of weapons of mass destruction; and, indeed, just the prospect of membership has served as a moderating influence in Poland, Hungary and the Czech Republic to encourage settlement of border disputes, civilian control of their militaries, and the advancement of the rule of law.

IMPACT ON RUSSIA

But what about the impact on Russia?

Mr. President, how we enlarge NATO is critically important, along with whether we enlarge NATO, since we do not want to isolate Russia and contribute thereby to the very instability that NATO enlargement is aimed at deterring.

At the Armed Services Committee's first hearing on NATO enlargement on April 23, 1997, more than a year ago, at which Secretary of State Madeleine Albright and Secretary of Defense William Cohen testified, I stated, with specific reference to Russia, that I believe that we must do everything we reasonably can to enlarge NATO in a way that contributes to greater, rather than less, stability in Europe.

The Administration has worked hard and worked successfully to do just that. On May 27, 1997, subsequent to NATO's decision to expand, Russian President Boris Yeltsin, President Clinton and leaders of the other NATO countries signed the "Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation." The second paragraph of the Founding Act succinctly states the relationship between NATO and Russia and the goal of the Act. It reads as follows:

> NATO and Russia do not consider each other as adversaries. They share the goal of overcoming the vestiges of earlier confrontation and competition and of strengthening mutual trust and cooperation. The present Act reaffirms their determination to give concrete substance to our shared commitment to a stable, peaceful and undivided Europe, whole and free, to the benefit of all its peoples. By making this commitment at the highest political level, we mark the beginning of a fundamentally new relationship between NATO and Russia. They intend to develop, on the basis of common interest, reciprocity and transparency a strong, stable and enduring partnership.

As part of the Founding Act, the NATO member nations reiterated that "they have no intention, no plan and no reason to deploy nuclear weapons on the territory of new members." NATO also reiterated that "in the current and foreseeable security environment, the Alliance will carry out its collective defense and other missions by ensuring the necessary interoperability, integration, and capability for reinforcement rather than by additional permanent stationing of substantial combat forces."

The Founding Act sets up a NATO-Russia Permanent Joint Council to "provide a mechanism for consultations, coordination, and to the maximum extent possible, where appropriate, for joint decisions and joint action with respect to security issues of common concern."

It is surely noteworthy that the NATO-Russia Founding Act and the Permanent Joint Council it created were adopted after NATO's decision to enlarge. The Act represents both NATO's acknowledgment of Russia's important position and Russia's acceptance of NATO's enlargement.

Mr. President, subsequent to NATO's decision to invite Poland, Hungary and the Czech Republic to join the Alliance, Marshal Igor Sergeyev, the Minister of Defense of the Russian Federation, wrote an article entitled "We are not adversaries, we are partners," for the Spring 1998 edition of the NATO Review. It is significant that he even wrote an article for the NATO publication. Even more importantly, in that article, Marshal Sergeyev wrote the following:

> It is my profound conviction that, in spite of the problems that exist, the NATO-Russia Founding Act provides extensive opportunities for creating an atmosphere of trust. This can facilitate settling existing differences in our relations as well as establishing efficient and productive machinery for cooperation between the military establishments of Russia and NATO member states. Only in this way can we complete the common task of creating a community of free and democratic states from Vancouver to Vladivostok.

Again, the signal from Russian Defense Minister Sergeyev is acceptance and cooperation with NATO, not hostility and withdrawal.

Mr. President, President Clinton and the other NATO leaders are to be commended for the manner in which they have sought to carry out NATO enlargement in a way that minimizes any possible negative reaction in Russia.

Some of the strongest evidence of the success of their efforts is that Russia ratified the Chemical Weapons Convention in November 1997, four months after NATO invited Poland, Hungary and the Czech Republic to join the Alliance. Some of the most recent evidence of the success of their efforts is that just two weeks ago Russian President Boris Yeltsin resubmitted the START II Treaty to the Russian parliament for ratification. In other words, on the eve of Senate action on the Resolution of ratification of NATO enlargement, President Yeltsin took a critical step towards continuing the mutual reduction of nuclear arms by the United States and Russia.

The clear message was—"we know NATO is about to enlarge and we are prepared to ratify START II anyway." The message wasn't—"we will withhold acting on START II until we see what you do about NATO enlargement," or that—"we won't proceed to ratify START II in this environment."

Beyond the clear evidence of the acceptance of NATO enlargement by the Russian leadership, there is some evidence of support among the Russian people. A Gallup poll conducted in Moscow and released in March revealed that 57 percent of Muscovites supported the Czech Republic's bid to join NATO, 54 percent supported Hungary's admission, and 53 percent said Poland should be allowed to join NATO. More than a quarter of those polled had no views on the subject.

Finally, I would note that United States and Russian troops are serving side-by-side in Bosnia, are conducting joint patrols, and, based upon my personal conversations and observations, have developed an appreciation for each other's soldierly skills and a comraderie that benefits both our nations. On March 18, Russian Foreign Minister Primakov stated that if the U.N. Security Council passes the appropriate resolution, "Russia will be ready to take part in this operation." There hasn't been even the slightest hint by any official in the Russian government or parliament that ratification of NATO enlargement by the United States Senate or the parliaments of our NATO allies would threaten the continued participation of Russian troops in the NATO-led peace operation in Bosnia.

Mr. President, we should care about our relationship with Russia and we do. Other countries also have a great interest in their relationship with Russia. That why it is so important to note that thus far all the Parliaments of our NATO European allies that have taken up the issue have overwhelming ratified NATO enlargement. The three countries—Denmark, Norway, and Germany—are much closer geographically to Russia than we are. As a result, they are more likely to feel the impact of a reversal of democratization in Russia, and they are very likely to pay great attention to Russian sensitivities. Based upon the voting margins in those countries—the Danish Parliament voted 97 to 17; the German Bundestag voted 553 to 37 and the vote in the Bundesrat was unanimous; and Norway's Storting voted 151 to 9—it appears that the parliaments in those countries are satisfied that NATO enlargement will not play into the hands of anti-Western forces in Russia or otherwise negatively impact relations with Russia.

SHARED VALUES

Mr. President, that brings me to the last subject I want to discuss briefly today—shared values.

The Preamble to the NATO Treaty expresses the reasons why the United States and its partner nations decided to create NATO. It states in part that "They are determined to safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty and the rule of law."

Mr. President, those are words that resonate very well with all Senators, indeed with all Americans. How much those words—democracy, individual liberty and the rule of law—must mean to the people of Poland, Hungary and the Czech Republic! During the twentieth century, those countries have faced first Nazi aggression and then communist oppression. How much it means to their peoples to be joining an organization that is dedicated to safeguarding their freedom, common heritage and civilizations.

Mr. President, I and those of my generation remember when the Red Army moved in and crushed the Hungarian freedom fighters in 1956. Many Hungarian refugees fled to my home state and were present when we greeted Cardinal Mindszenty in Detroit after his release from the United States Embassy in Budapest in 1971, where he had spent more than 15 years. More recently, we watched with admiration as the Solidarity-led movement of Lech Walesa guided Poland to democracy. Many Polish-American families and indeed all of us took great pride in Solidarity's success in helping to bring down the Soviet Empire. In Czechoslovakia, former dissident playwright Vaclav Havel, who was named President in December 1989, guided first Czechoslovakia and then, after the split, the Czech Republic with a steady hand ever since. My wife Barbara and I were visiting Prague after Vaclav Havel had been elected but before he assumed the office of the presidency. We recall with admiration and draw inspiration from the memory of the people of Prague massing to ensure that the election results were upheld and how they escorted Vaclav Havel to the castle where he would assume his office. Some of the most powerful blows that eventually demolished the Berlin wall were struck by the brave people of these three nations. They laid their lives on the line to bring down the Soviet empire and to promote democratic values. I am confident that they, having experienced tyranny first hand, can be counted on to do what is necessary to protect freedom recently regained.

Mr. President, President Havel put it this way:

> Our wish to become a NATO member grows out of a desire to shoulder some responsibility for the general state of affairs on our continent. We don't want to take without giving. We want an active role in the defense of European peace and democracy. Too often, we have had direct experience of where indifference to the fate of others can lead, and we are determined not to succumb to that kind of indifference ourselves.

Mr. President, if we reject the accession of Poland, Hungary and the Czech Republic to the NATO Alliance, we will be effectively dimming the flame of liberty that sustained these courageous peoples through decades of first Nazi and then communist darkness.

CONCLUSION

Mr. President, I intend to vote for the accession of the Czech Republic, Hungary and Poland to NATO membership.

The enlargement of NATO does not violate any treaty between the United States or any NATO country and Russia, does not pose a threat to Russia and will not contribute to a reversal of Russia's course towards democratization and a market economy.

The accession to NATO of Poland, Hungary and the Czech Republic does contribute to European stability, and does promote the spread of democratic values and will fulfill the democratic yearnings of their peoples.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I am going to note the absence of a quorum for the purpose of the Presiding Officer having an opportunity to speak to this issue.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAIG). Without objection, it is so ordered.

Mr. SMITH of Oregon. Mr. President, the situation in Bosnia and the continued participation of U.S. soldiers in the NATO operations is an issue about which many Senators have very strong opinions.

I agree with my colleague from Idaho that the decision to keep U.S. troops there is one that the administration did not adequately discuss with the Congress. The past actions of the administration on this question, promising twice that American soldiers would come home by a date certain and twice breaking that promise, rightly gives the Senate reason to wonder if the administration is serious about its commitment to withdraw U.S. soldiers from Bosnia.

However, I want to be clear about what this amendment does. Simply, it punishes Poland, Hungary, and the Czech Republic. These are three countries that have all met the criteria for NATO membership and have chosen the path of democracy and freedom after 50 years of Communist domination. I remind my colleagues that the troops from Poland, Hungary, and the Czech Republic are, as we speak, standing side by side with American soldiers serving in Bosnia. Earlier this year, all three countries publicly stated that they were willing to commit troops if the U.S. showdown with Iraq led to military action. I am convinced that Poland, Hungary, and the Czech Republic will be among our strongest allies in NATO, and preventing them now from fulfilling this role simply does not serve American interests.

I support a vigorous debate on the merits of U.S. participation in the NATO force which is keeping peace in Bosnia, but I do not believe that the resolution of ratification to enlarge NATO is the appropriate place for this debate.

I think Senator CRAIG's concern that NATO should not be reformulated into a peacekeeping organization is right on target. NATO is the most effective collective defense alliance in history, and to maintain its critical article V capabilities we cannot allow the NATO mission to drift towards peacekeeping and nation building. The amendment offered by Senator KYL, however, on Tuesday, approved by a 90 to 9 vote, clearly states the U.S. view of what the mission of NATO should be and what it should not be. However, I cannot support delaying action on NATO enlargement until Congress has authorized the U.S. troop presence in Bosnia.

My colleagues well know, in December of 1995, the Senate approved the Dole-McCain resolution on the deployment of U.S. forces to Bosnia by a vote of 69 to 30. Since then, the Senate has, on at least two occasions, approved appropriations to support U.S. troops in Bosnia. I understand that many Senators do not want U.S. forces in Bosnia, but the Senate has had the opportunity to speak on this issue and we will again in the future. Now is simply not the time, and the expansion of NATO ought not to be the vehicle. So I urge my colleagues to vote against the amendment of my friend from Idaho.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I just turned to my staff and I said, "I'm going to wait to deliver my statement until Senator CRAIG is on the floor," not realizing Senator CRAIG was presiding. I am delighted he is here.

(Mr. SMITH of Oregon assumed the Chair.)

Mr. BIDEN. Let me state my opposition and why I oppose the Craig amendment.

I find this debate over the last several weeks to be, in a sense, fascinating—fascinating in this regard. The Members of the Senate who express the greatest concern about the ability of Russia to veto any action NATO takes, the Senators who—with the exception of the Presiding Officer now, who expressed that concern himself—the Senators who have been most vocal about a NATO-Russian accord are now on the floor being the most vocal about their concern about how Russia is going to greet our expanding NATO or voting to expand NATO. So that is one thing I find somewhat anomalous.

Yesterday, I found it somewhat strange that those who did not want us entangled in border wars in Europe, as they phrased it, or ethnic conflicts in Europe, were the very people who wanted to give up our veto power to be involved in those. That is, right now, under the organizational structure of NATO, if all 15 NATO nations say we should go in and settle this dispute here in Europe and we say no, that is it, we don't go. I found it somewhat anomalous that they were, yesterday, prepared to say: Look, let's have this new dispute resolution mechanism which forced us, whatever iteration it would have come out in, to give up our veto power over that.

Now, today, Senator CRAIG, who has been one of the most outspoken opponents, to his credit, to the former Soviet Union, concerned about Russian interference in American affairs—I may be mistaken, but I think he has a very healthy skepticism about any aid to Russia—is now on the floor. He, I think—I know unintentionally, at least in my view—is on the floor unintentionally giving Russia another veto power.

Mr. President, to reiterate, the amendment of Senator CRAIG would delay U.S. approval of the accession of Hungary, Poland, and the Czech Republic to NATO until Congress passes specific authorization for the continued deployment of U.S. forces in Bosnia. This amendment should be rejected because it mixes two vital questions of national security that deserve to be debated and decided, each on its own merits.

On Bosnia, the U.S. has led successful IFOR and SFOR missions there composed primarily, but by no means exclusively, of NATO forces. The Senate will continue to address the question of whether and how we should continue our participation in the Bosnia mission just as we did during the emergency supplemental budget appropriation adopted prior to the Spring Recess.

Today, we face an entirely different question: should we vote to bring three worthy countries into NATO as new allies?

If we are using contributions to the Bosnia mission as a criterion for NATO membership, then all three of the applicants before us are highly qualified.

Hungary provided a 400-500 troop engineer battalion to IFOR, and a 200-250 troop group to SFOR, as well as a staging area for some 80,000 American troops on rotation through Bosnia at one of its air bases.

The Czech Republic has been one of the largest per capita contributors with an 870-person mechanized battalion for IFOR, and a 620-person battalion for SFOR.

Poland, with troops already deployed in half a dozen U.N. peacekeeping missions, contributed a 400-troop airborne infantry battalion to SFOR.

All three nations provided these assets well before they were formally invited to accede to the North Atlantic Treaty, demonstrating early their willingness to share this burden with us.

The Senate should reject this amendment. Let us decide these two important questions as they should be—separately, with due consideration for the merits of each case.

Mr. FEINGOLD. Mr. President, I will vote in favor of the Craig amendment that would require specific congressional authorization for the deployment of troops to Bosnia.

However, I would like to make clear that I am supporting this amendment for reasons that I think differ slightly from the intentions of its author, the distinguished Senator from Idaho.

As my colleagues in this Chamber know well, I have always had serious questions about U.S. involvement in this mission. I was the only Democrat to vote against the deployment of U.S. troops back in 1995, in large part because I did not believe the United States would be able to complete the mission in the time projected and for the price tag that was originally estimated.

Now—more than two years later—I think I have been proven right, and I take no pleasure in it.

But, regardless of my objections to the mission, I have always felt it is vitally important that when large-scale deployment of U.S. troops is involved, it is necessary to have specific congressional authorization for it. And I have tried on several occasions to move the Congress to enact such authorization. In that light, I view the Craig amendment as another such attempt.

Unlike Senator CRAIG, however, I support the expansion of NATO and do not feel this amendment is inconsistent with that support.

Unlike Senator CRAIG, I am not necessarily opposed to the involvement of NATO in peacekeeping missions.

There may be times in the future when it would be appropriate for NATO to become involved in peacekeeping missions when conflicts threaten the security of NATO members.

But I do agree with Senator CRAIG that if and when these situations arise, if the deployment of U.S. troops is proposed, it will be necessary to get specific Congressional authorization for such deployment.

It is for this reason that I support Senator CRAIG's amendment.

The PRESIDING OFFICER. All the time available to the opponents of the amendment has expired. The proponent, the Senator from Idaho, has 7 more minutes.

The Senator from Idaho.

Mr. CRAIG. Mr. President, I yield 5 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I thank the Senator for yielding.

Mr. President, I would just like to make a couple of comments, a couple of observations, one along the line of connections. Some people have said there should not be a connection between what is happening in Bosnia and the proposal to expand NATO to the three countries; and, second, as chairman of the Readiness Subcommittee, how this impacts—how Bosnia has impacted our state of readiness.

I think in the first case, as we stood on this floor in November of 1995 and we talked about where we were going to go and how we were going to stop the deployment of troops into Bosnia, where we had no security interests, I was somewhat in the leadership of that losing battle—but we only lost it by three votes.

I think if you could single out one thing that had a major impact that persuaded those three more people or four more Senators to vote in favor of allowing our troops to be sent to Bosnia, it would be our commitment and our obligation to NATO. There was not a discussion on this floor where NATO wasn't brought out and it was said, we have to do this to protect the credibility of NATO; to protect our status with NATO and our leadership in that part of the world, it is going to be necessary to send our troops into Bosnia.

We know what happened after that. We know they went over with the idea they were going to be back in 12 months. We were told the total cost would be $1.2 billion. Now our troops, 2½ years later, are still over there, with no end in sight. Our direct costs have exceeded $9 billion, and I suggest that it is actually more than double that, because if you take the cost of the operations in the 21 TACCOM in Germany, take the cost of the 86th Airlift in Ramstein—all of them dedicating almost their entire operation to supporting the operation in Bosnia—then the cost is much, much greater. So there is a relationship between NATO and our troops in Bosnia.

I see this as something that is very critical, because so long as we are supporting the Bosnia operation, we are not in a position to be able to logistically support any type of a ground operation anyplace else in that theater.

Let's keep in mind that theater area does include the Middle East. It was not long ago when it was pretty well publicized that we might have to do surgical airstrikes on Iraq. They are talking about that again today. While the general public is deceived into thinking that we can do this without sending in ground troops, they are wrong. There is not anyone that I know of, who has a background in the military, who would tell you that you can go in and accomplish something from the air without ultimately sending in ground troops. We are not in a position, as a result of Bosnia, to support ground troops anywhere else in that theater.

If there is any doubt in anyone's mind, all they have to do is call the commanding officer of 21 TACCOM in Germany, and they will tell them there is not the capacity to send one truck to logistically support an operation anywhere else in the theater. It is not that they are 100 percent occupied by Bosnia, they are 115 percent occupied with their support of Bosnia. So that has had a dramatic effect on our state of readiness.

Second, we are using our troops at such a high OPTEMPO and PERSTEMPO that we are not in a position to retain these people. And the cost of this is incredible. Mr. President, it costs $6 million to put a guy in the cockpit of an F-16. These people are leaving. Our retention rate has now dropped below 28 percent. That is unprecedented, and that is exactly what has been happening.

So I do applaud the Senator from Idaho for bringing this up and making an issue out of this, because there is a definite connection. I think it is perfectly reasonable for us to have to give some type of approval, on an annual basis, for our troops being someplace where there are no national security risks at stake.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I rise in support, strong support, of the Craig amendment and commend the Senator for offering it. It is a very reasonable amendment that simply says, prior to the deposit of the U.S. instrument of ratification, that there must be enacted a law containing specific authorization for the continued deployment of troops in Bosnia. I don't know how—if Congress wants to exercise its responsibility—I don't know how anyone could object to the amendment. Surely, if the comments that I have heard on and off the floor over the past couple of years regarding the issue of troops in Bosnia are any indication, this vote ought to be overwhelming in support of the Craig amendment. I certainly don't think anyone has any right to complain ever again if they are not going to vote to at least have the opportunity to say that we ought to have a vote here in the Senate to put forces in Bosnia.

I hope those who have been doing all of this complaining over the past couple of years will vote for the Craig amendment so that we can get a vote by the Congress to authorize the extension of having troops in Bosnia as part of the ratification process.

When the Congress first considered the President's plan to send troops to Bosnia in 1995, the administration placed clear limits on the duration of that commitment. On every single occasion that I can think of, that I know of, administration officials stated that U.S. troops would remain in Bosnia for 1 year—1 year. That was 3 years ago. They are still there.

Secretary Perry said on December 1, 1995:

> We believe the mission can be accomplished in 1 year. So we have based our plan on that time line. This schedule is realistic, because the specific military tasks in the agreement can be completed in the first 6 months and, therefore, its role will be to maintain the climate of stability that will permit civil work to go forward. We expect these civil functions will be successfully initiated in 1 year. But even if some of them are not, we must not be drawn into a posture of indefinite garrison.

That is what Secretary Perry said on December 1, 1995. He used the term "indefinite garrison." And 3½ years later, we are still in Bosnia with no end in sight, no plan to get out, and here is the opportunity for Congress, certainly the U.S. Senate in this case, to speak up.

I hope the Senate will speak responsibly here and agree with the Craig amendment.

Let me give you some more testimony. Secretary of State Holbrooke on December 6, 1995:

> The military tasks in Bosnia are doable within 12 months. There isn't any question.

That is a quote—

> The deeper question is whether the nonmilitary functions can be done in 12 months. That's the real question. But it's not NATO or U.S. force responsibility to do that. It's us on the civilian side working with the Europeans. It's going to be very tough. Should the military stick around until every refugee has gone home, until everything else in the civilian annexes has been done? No. That is not their mission.

That was Secretary Holbrooke on December 6, 1995, and yet troops remain. There are still troops there sitting in the middle of a war zone between warring factions. Yes, holding the peace, but the commitment that was made to the American people and to this Congress by this administration in 1995 was that we were not going to keep them there beyond 12 months, and he said there isn't any question about that, we don't need to keep them there.

Nothing has changed. There is nothing different today than there was 3 years ago regarding that kind of comment. He says the deeper question is whether nonmilitary functions can be done in 12 months. That is the question. But the military is still there, and they are using the military to try to accomplish nonmilitary functions, which in and of itself is a real problem.

Many of us who closely studied the conflict in Bosnia saw this, frankly, as an unrealistic comment. We didn't believe—I certainly didn't believe and I know many of my colleagues didn't believe—that this made sense. There was no way that you could make that kind of a military commitment and allow this whole situation to become resolved in less than 12 months. But, what choice did the American people have but to take the President and the Secretary of State and others at their word? That is what we did, we took them at their word. What do we have for it?

I was disappointed, but not surprised, when right after the 1996 elections, the President said that we are going to continue this military commitment for an additional 18 months, until June of 1998. I happen to be a veteran of the Vietnam war. This has a familiar ring to it, a very familiar ring to it. I can remember the McNamara charts and the one more battle and, "In just another year or two, we'll wrap this up." Mr. President, 58,000 lives and about 13 years later, we got out of Vietnam.

That could happen here. This is an extremely sensitive area that has a lot of problems that could escalate in a hurry.

Last December, the President said that he acknowledged that our commitment to Bosnia is open-ended, but he is still talking about clear and achievable goals. If you have an open-ended policy, you don't have clear and achievable goals. They are two direct opposites. There is no clear and achievable goal. There is an open-ended policy, and as long as it is open-ended, we are just going to give a blank check to the administration to stay in Bosnia and do what? To nation build, is that what our troops are there for?

This policy must come to a vote in this Congress. We have to act responsibly, otherwise, another Vietnam could occur. After people are killed or injured or maimed, it is too late to debate it. It is too late for those people. We need to be debating it now, and the Craig amendment is simply asking for a vote in the affirmative if we are going to continue the policy and continue to keep troops in Bosnia. I don't know what the policy is. The policy to me is just open-ended. Just keep them there, keep them there, keep them there; make another promise, another promise, another promise.

The administration has had a free ride in Bosnia now for 2 years. It is wrong, to put it very bluntly, for this Government to conduct its foreign policy without the participation of Congress and the public. For the life of me, I don't understand how anyone could oppose the Craig amendment.

The American people need to understand what is at stake and either agree to the commitment or not. We represent the American people, supposedly. The President has stated what he wants to do and he said why. He said, "I want an open-ended policy in Bosnia, and I want to do it because I feel like I have a clear and achievable goal." He hasn't said what it is, just to keep the peace.

War has been going on in Bosnia for a thousand years. I am not sure just how long we have to hold American military forces there. Under this open-ended policy, maybe it is another thousand years. I don't know. But Congress has to act. The President gave his reasons, and now the American people ought to hear Congress' debate on this proposal, and that is what this amendment is about. This is no longer a Presidential use of force based on his judgment of an immediate threat. It is nation building in Bosnia. That is what we are talking about. It is now a deliberate foreign policy, and it must be approved and funded by Congress or not.

Mr. President, how much time is remaining in the debate?

The PRESIDING OFFICER. Time has expired.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent to have printed in the RECORD a letter to me from President Clinton dated April 20, 1998, in which he said:

> To ensure that NATO functions as effectively in the next century as it has in this one, we must preserve its ability to respond quickly, flexibly and decisively to whatever threats may arise.

It is the "whatever threats may arise" that bothers me in this debate, Mr. President.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, April 20, 1998.

Hon. ROBERT C. SMITH,
Chairman, Select Committee on Ethics,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter on United States and NATO involvement in Bosnia. You raise important questions about our mission and the impact of our military operations in Bosnia on U.S. security interests around the world.

Since you wrote your letter, I have forwarded to Congress my certification and report regarding our mission in Bosnia. This document includes detailed answers to the range of issues you raise in your letter and I am enclosing a copy for your review.

I strongly believe that our mission in Bosnia is critically important to the security of Europe. We are making increasing progress in implementing the Dayton agreement and establishing conditions under which Bosnians can live together in peace. In the past six months, we have seen rising returns of refugees, reform and restructuring of police and media, emerging anti-corruption efforts, capture or surrender of more than a dozen war criminals and improved cooperation among the parties. Most significant is the recent installation of a pro-Dayton government in Republika Srpska. SFOR's support for civilian implementation was essential to achieving this result.

We must succeed in Bosnia if we are to prevent instability from spreading to other volatile parts of the region such as Kosovo and Macedonia. Broader instability could threaten the vital interests of NATO allies Greece and Turkey, and endanger the overall security and stability of Southeast Europe. Success in Bosnia also reinforces the credibility of American leadership in Europe and demonstrates the capability of NATO to respond with its Partnership for Peace partners to the security challenges of the twenty-first century.

The Bosnia mission also underscores NATO's value in protecting the security and interests of its members, but it does not signal a departure from the Alliance's enduring purposes, as described by the Washington Treaty of 1949. Its primary mission is, and will remain, the collective defense of Alliance territory. However, as we have seen in Bosnia, it is sometimes necessary for NATO to act beyond its immediate borders in order to safeguard its members. To ensure that NATO functions as effectively in the next century as it has in this one, we must preserve its ability to respond quickly, flexibly and decisively to whatever threats may arise.

Again, thank you for your letter. I am pleased that we have had the opportunity for an extensive dialogue with members of Congress on the continuation of our mission in Bosnia. We will continue to work with you and other members of Congress in the cause of peace in this important mission.

Sincerely,

BILL CLINTON.

The PRESIDING OFFICER (Ms. SNOWE). The Craig amendment will now be temporarily laid aside.

Under the previous order, the hour of 12 noon having arrived, the Senator from New York, Mr. MOYNIHAN, is recognized to offer an amendment on which there shall be 1 hour of debate.

The Senator from New York.

Mr. MOYNIHAN. I thank the Chair.

EXECUTIVE AMENDMENT NO. 2321

(Purpose: To express a condition regarding the relationship between NATO membership and European Union membership)

Mr. MOYNIHAN. Madam President, I send to the desk an amendment for myself and Mr. WARNER and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN] for himself and Mr. WARNER, proposes an executive amendment numbered 2321.

Mr. MOYNIHAN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of section 3 of the resolution (relating to conditions), add the following:

( ) DEFERRAL OF RATIFICATION OF NATO ENLARGEMENT UNTIL ADMISSION OF POLAND, HUNGARY, AND CZECH REPUBLIC TO THE EUROPEAN UNION.—

(A) CERTIFICATION REQUIRED.—Prior to the deposit of the United States instrument of ratification, the President shall certify to the Senate that Poland, Hungary, and the Czech Republic have each acceded to membership in the European Union and have each engaged in initial voting participation in an official action of the European Union.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed as an expression by the Senate of an intent to accept as a new NATO member any country other than Poland, Hungary, or the Czech Republic if that country becomes a member of the European Union after the date of adoption of this resolution.

Mr. MOYNIHAN. In the brief period that I will be speaking, I would like to concentrate on the central issue: the dangers of nuclear war in the years ahead.

Earlier, in an address to the 150th anniversary gathering of the Associated Press, I cited a comment made last autumn by Richard Holbrooke, the American diplomat, now temporarily in private life.

Richard Holbrooke, who negotiated the Dayton agreement regarding the former Yugoslavia, commented that "almost a decade has gone by since the Berlin Wall fell and, instead of reaching out to Central Europe, the European Union turned toward a bizarre search for a common currency. So NATO enlargement had to fill the void." As if this were an accidental policy that derives from the unwillingness of our European friends—some of them our NATO allies—to engage in the more serious work of bringing the once more independent republics of the Czech Republic, Hungary, and Poland into the European Union, a common market from which their economic development can grow, that being clearly the single most pressing concern they have in the aftermath of the half century of a Stalinist economy imposed upon them with the same results for them—not quite so bad, but bad enough—that Russia itself experienced.

The disaster of this era for the Russians cannot be exaggerated. I say to my dear friend from Delaware, who has been so generous in letting us speak on these matters, Murray Feshbach has recently established that the life expectancy of Russian men dropped from 62 years in 1989 to 57 years in 1996. There is no historical equivalent. A century ago, a 16-year-old Russian male had a 54 percent chance of surviving to age 60. Two percent less than had he been born a century ago. Such has been the implosion of Soviet society—in every respect, including the nuclear one.

Now, earlier on in a statement, I remarked, and I will take the liberty of remarking once again, that the origins of NATO seem very distant to most Members of the Senate. That age seems like another era. And in a sense it was another era. But there are a few witnesses from that era who are still active and who still speak.

George Kennan, who conceived the whole idea of containment, of which NATO was an expression and perhaps the most important one, George Kennan has said NATO expansion, in the aftermath of the defeat of the Soviet Union, he says, would be "the most fateful error of American policy in the entire post-cold war era." "The most fateful error."

Paul Nitze, who was the principal author of NSC–68, the national security directive written in 1950, which established the American policy of containment, recently wrote to me to say, "In the present security environment, NATO expansion is not only unnecessary, it is gratuitous. If we want a Europe whole and free, we are not likely to get it by making NATO fat and feeble."

In my remarks to the Associated Press, I simply said that expanding NATO at this time, and particularly should we move up to include the Baltic States, which we are pledged to support, would put us at risk of getting into a nuclear war with Russia: wholly unanticipated, for which we are not prepared, about which we are not thinking.

Professor Michael Mandelbaum, at the Johns Hopkins School of Advanced International Studies, said "that is not hyperbole." That is what we are dealing with here. And the reason, NATO expansion is viewed throughout elements of the Russian political system as a hostile act. Some think of it as a hostile act they could live with; some think it is a hostile act they will have to defend against; and they have said if they have to defend their territory, they will do so with nuclear weapons; it is all they have left.

Their Army has all been disintegrated—not entirely, but they remark in a December 17 National Security memorandum signed by Mr. Yeltsin, that stretches of their borders are undefended. Their Navy is rusting in a seaport, nominally part of the Ukraine.

They have nuclear weapons. After all we have gone through to achieve rational nuclear postures: a no-first-use policy, graduated response to threats, only resorting to strategic nuclear weapons at the very last moment when no other options are available—that is gone. We are back to the hair trigger that we knew when I was a young person in this Government, in this city, when we could imagine having use air-raid shelters. We could imagine it, because we could remember the Second World War.

I was called back into the Navy in 1951, briefly, as it turned out, but found myself in Bremerhaven, in the submarine pens there that the Nazis had built. The British finally got a bomb through one, but never did during the war. We were sent on an expedition to Berlin. We had the practice of sending American officers on trains through Soviet-occupied Germany to establish the fact that we had the right to do so. I arrived in Berlin, and it wasn't there. Just ruined rubble; early in the morning, a few men stumbling out of a few bars, lost to the world.

We knew what war meant, and we can imagine what nuclear war means. We just had dropped two bombs on Japan. From the time of President Eisenhower, we have been negotiating ways to control atomic weapons—and we had success. Those early arms control agreements, apart from the agreement President KENNEDY reached on atmospheric nuclear testing, those early agreements typically just ratified the increases in nuclear weapons that each side wanted, but we got the START agreement and we reduced our nuclear arsenals.

The START Treaty, negotiated with the Soviet Union, was signed by four entirely different countries, because by the time it was finished the Soviet Union had disappeared. Russia has not yet ratified START II. The idea of START III, to reduced deployed nuclear weapons ever further, hasn't even begun. They haven't ratified START II, not least because of NATO expansion. I don't claim to know what the actual decisions in the Duma are, but that is what one hears, and one can imagine it.

Tomorrow there will be a report by the Physicians for Social Responsibility, an American group, principally, that has won a Nobel Prize on the issue of preventing nuclear warfare. They will publish a report in the New England Journal of Medicine which says that the danger of nuclear attack continues and may even be thought to escalate. The New York Times reports this in the terms we have been speaking about on this floor, the exact same terms, with no idea that was coming.

It says, "Russia's Disarray Brings a Nuclear Risk to the U.S., Study Says." The Physicians write, "Although many people believe that the threat of a nuclear attack largely disappeared with the end of the cold war there is considerable evidence to the contrary. Each side routinely maintains thousands of nuclear warheads on high alert. Furthermore, to compensate for its weakened conventional forces, Russia has abandoned its no-first use policy."

Madam President, that is all I and my friend from Virginia has said on this floor this week of debate and when the expansion of NATO was debated a month ago. Suddenly we have it in an article in the New England Journal of Medicine, saying to those who think this threat is behind us. Indeed, it is ahead of us, and we must be very careful, so careful, about what we do. That is why so many of us, starting with the great men—Kennan and Nitze—who conceived the strategy for the cold war, which we won, are saying, "Don't do this."

I ask unanimous consent to have printed in the RECORD the article from the New England Journal of Medicine and the New York Times.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 30, 1998]

Russia's Disarray Brings a Nuclear Risk to the U.S., Study Says

(By Tim Weiner)

WASHINGTON, April 29.—Russia's deteriorating control of its nuclear weapons is increasing the danger of an accidental or unauthorized attack on the United States, a Nobel Peace Prize-winning group warned today.

A dozen missiles fired from a Russian nuclear submarine would kill nearly seven million Americans instantly, and millions more would die from radiation, according to a study conducted under the auspices of Physicians for Social Responsibility, which won the Nobel Peace Prize for its work in nuclear weapons in 1985. The study is to be published tomorrow in The New England Journal of Medicine.

Thousands of Russian and American nuclear weapons remain on hair-trigger alerts, despite the end of the cold war, and Russia formally abandoned its longstanding policy that it would never be the first nation to use those weapons four years ago, the study noted.

Repeated assurances from President Clinton that the two nations are no longer aiming their nuclear weapons at one another are "a gross misrepresentation of reality," said Bruce Blair, an author of the study and a former Strategic Air Command nuclear weapons officer. In fact, the study said, Russian missiles launched without specific targets would automatically aim themselves at their cold war targets: American cities and military installations like the Pentagon.

Nor are these weapons necessarily in safe hands. Russia's once-elite nuclear weapons commands are suffering housing and food shortages, low pay, budget cuts, deteriorating discipline, desertions and suicides. Such problems are not unique. The study says that about 40,000 American military personnel were removed from nuclear-weapons responsibilities from 1975 to 1990 for alcohol, drug or psychiatric problems.

Neither nation has abandoned its cold war doctrine of launching its missiles after receiving warning that the other side is attacking. Each nation gives itself 15 minutes to decide that the attack is real; both nations have experienced major false alarms over the last two decades.

The study considered what would happen if the captain and crew of a Russian submarine decided to carry out an attack without authorization, or went mad and fired off their arsenal. This, Mr. Blair said, would require "a conspiracy of some magnitude" between a captain and three or four officers.

The missiles could also be fired after a false alarm or an unauthorized order from a political or military leader in Moscow. Once launched, they would reach their targets across the United States in 15 to 30 minutes.

The blast and shock of the fireball from each of the exploding warheads would kill nearly everyone within three miles instantly; people living in a swath up to 40 miles long and 3 miles wide would receive a lethal dose of radiation within hours, the study said. It assumed that one-quarter of the missiles would malfunction, and that 12 missiles would reach their targets in eight American cities in the middle of the night.

In New York City, more than three million people would die immediately; in San Francisco, 739,000; in Washington, 728,000—in all, some 6,838,000 deaths within hours of the attack, the study said, which would "dwarf all prior accidents in history." A near-complete breakdown of systems delivering food, water, electricity and medicine would follow and millions more Americans would die as a consequence, the study said.

[From the New England Journal of Medicine, Apr. 30, 1998]

Accidental Nuclear War—A Post-Cold War Assessment

(By Lachlan Forrow, M.D., Bruce G. Blair, Ph.D., Ira Helfand, M.D., George Lewis, Ph.D., Theodore Postol, Ph.D., Victor Sibel, M.D., Barry S. Levy, M.D., Herbert Abrams, M.D., and Christine Cassel, M.D.)

ABSTRACT

Background.—In the 1980s, many medical organizations identified the prevention of nuclear war as one of the medical profession's most important goals. An assessment of the current danger is warranted given the radically changed context of the post-Cold War era.

Methods.—We reviewed the recent literature on the status of nuclear arsenals and the risk of nuclear war. We then estimated the likely medical effects of a scenario identified by leading experts as posing a serious danger: an accidental launch of nuclear weapons. We assessed possible measures to reduce the risk of such an event.

Results.—U.S. and Russian nuclear-weapons systems remain on high alert. This fact, combined with the aging of Russian technical systems, has recently increased the risk of an accidental nuclear attack. As a

conservative estimate, an accidental intermediate-sized launch of weapons from a single Russian submarine would result in the deaths of 6,838,000 persons from firestorms in eight U.S. cities. Millions of other people would probably be exposed to potentially lethal radiation from fallout. An agreement to remove all nuclear missiles from high-level alert status and eliminate the capability of a rapid launch would put an end to this threat.

Conclusions.—The risk of an accidental nuclear attack has increased in recent years, threatening a public health disaster of unprecedented scale. Physicians and medical organizations should work actively to help build support for the policy changes that would prevent such a disaster. (N Engl J Med 1998; 338:1326—31.)

During the Cold War, physicians and others described the potential medical consequences of thermonuclear war and concluded that health care personnel and facilities would be unable to provide effective care to the vast number of victims of a nuclear attack. In 1987, a report by the World Health Organization concluded, "The only approach to the treatment of health effects of nuclear warfare is primary prevention, that is, the prevention of nuclear war." Many physicians and medical organizations have argued that the prevention of nuclear war should be one of the medical profession's most important goals.

CONTINUED DANGER OF A NUCLEAR ATTACK

Although many people believe that the threat of a nuclear attack largely disappeared with the end of the Cold War, there is considerable evidence to the contrary. The United States and Russia no longer confront the daily danger of a deliberate, massive nuclear attack, but both nations continue to operate nuclear forces as though this danger still existed. Each side routinely maintains thousands of nuclear warheads on high alert. Furthermore, to compensate for its weakened conventional armed forces, Russia has abandoned its "no first use" policy.

Even though both countries declared in 1994 that they would not aim strategic missiles at each other, not even one second has been added to the time required to launch a nuclear attack: providing actual targeting (or retargeting) instructions is simply a component of normal launch procedures. The default targets of U.S. land-based missiles are now the oceans, but Russian missiles launched without specific targeting commands automatically revert to previously programmed military targets.

There have been numerous "broken arrows" (major nuclear-weapons accidents) in the past, including at least five instances of U.S. missiles that are capable of carrying nuclear devices flying over or crashing in or near the territories of other nations. From 1975 to 1990, 66,000 military personnel involved in the operational aspects of U.S. nuclear forces were removed from their positions. Of these 66,000, 41 percent were removed because of alcohol or other drug abuse and 20 percent because of psychiatric problems. General George Lee Butler, who as commander of the U.S. Strategic Command from 1991 to 1994 was responsible for all U.S. strategic nuclear forces, recently reported that he had "investigated a dismaying array of accidents and incidents involving strategic weapons and forces."

Any nuclear arsenal is susceptible to accidental, inadvertent, or unauthorized use. This is true both in countries declared to possess nuclear weapons (the United States, Russia, France, the United Kingdom, and China) and in other countries widely believed to possess nuclear weapons (Israel, India, and Pakistan). The combination of the massive size of the Russian nuclear arsenal (almost 6000 strategic warheads) and growing problems in Russian control systems makes Russia the focus of greatest current concern.

Since the end of the Cold War, Russia's nuclear command system has steadily deteriorated. Aging nuclear communications and computer networks are malfunctioning more frequently, and deficient early-warning satellites and ground radar are more prone to reporting false alarms. The saga of the Mir space station bears witness to the problems of aging Russian technical systems. In addition, budget cuts have reduced the training of nuclear commanders and thus their proficiency in operating nuclear weapons safely. Elite nuclear units suffer pay arrears and housing and food shortages, which contribute to low morale and disaffection. New offices have recently been established at Strategic Rocket Forces bases to address the problem of suicide (and unpublished data).

Safeguards against a nuclear attack will be further degraded if the Russian government implements its current plan to distribute both the unlock codes and conditional launch authority down the chain of command. Indeed, a recent report by the Central Intelligence Agency, which was leaked to the press, warned that some Russian submarine crews may already be capable of authorizing a launch. As then Russian Defense Minister Igor Rodionov warned last year, "No one today can guarantee the reliability of our control systems. . . . Russia might soon reach the threshold beyond which its rockets and nuclear systems cannot be controlled."

A particular danger stems from the reliance by both Russia and the United States on the strategy of "launch on warning"—the launching of strategic missiles after a missile attack by the enemy has been detected but before the missiles actually arrive. Each country's procedures allow a total response time of only 15 minutes: a few minutes for detecting an enemy attack, another several minutes for top-level decision making, and a couple of minutes to disseminate the authorization to launch a response.

Possible scenarios of an accidental or otherwise unauthorized nuclear attack range from the launch of a single missile due to a technical malfunction to the launch of a massive salvo due to a false warning. A strictly mechanical or electrical event as the cause of an accidental launch, such as a stray spark during missile maintenance, ranks low on the scale of plausibility. Analysts also worry about whether computer defects in the year 2000 may compromise the control of strategic missiles in Russia, but the extent of this danger is not known.

Several authorities consider a launch based on a false warning to be the most plausible scenario of an accidental attack. This danger is not merely theoretical. Serious false alarms occurred in the U.S. system in 1979 and 1980, when human error and computer-chip failures resulted in indications of a massive Soviet missile strike. On January 25, 1995, a warning related to a U.S. scientific rocket launched from Norway led to the activation, for the first time in the nuclear era, of the "nuclear suitcases" carried by the top Russian leaders and initiated an emergency nuclear-decision-making conference involving the leaders and their top nuclear advisors. It took about eight minutes to conclude that the launch was not part of a surprise nuclear strike by Western submarines—less than four minutes before the deadline for ordering a nuclear response under standard Russian launch-on-warning protocols.

A missile launch activated by false warning is thus possible in both U.S. and Russian arsenals. For the reasons noted above, an accidental Russian launch is currently considered the greater risk. Several specific scenarios have been considered by the Ballistic Missile Defense Organization of the Department of Defense. We have chosen to analyze a scenario that falls in the middle range of the danger posed by an accidental attack: the launch against the United States of the weapons on board a single Russian Delta-IV ballistic-missile submarine, for two reasons. First the safeguards against the unauthorized launch of Russian submarine-based missiles are weaker than those against either silo-based or mobile land-based rockets, because the Russian general staff cannot continuously monitor the status of the crew and missiles or use electronic links to override unauthorized launches by the crews. Second, the Delta-IV is and will remain the mainstay of the Russian strategic submarine fleet.

Delta-IV submarine carry 16 missiles. Each missile is armed with four 100-kt warheads and has a range of 8300 km, which is sufficient to reach almost any part of the continental United States from typical launch stations in the Barents Sea. These missiles are believed to be aimed at "soft" targets, usually in or near American cities, whereas the more accurate silo-based missiles would attack U.S. military installations. Although a number of targeting strategies are possible for any particular Delta-IV, it is plausible that two of its missiles are assigned to attack war-supporting targets in each of eight U.S. urban areas. If 4 of the 16 missiles failed to reach their destinations because of malfunctions before or after the launch, then 12 missiles carrying a total of 48 warheads would reach their targets.

POTENTIAL CONSEQUENCES OF A NUCLEAR ACCIDENT

We assume that eight U.S. urban areas are hit: four with four warheads and four with eight warheads. We also assume that the targets have been selected according to standard military priorities: industrial, financial, and transportation sites and other components of the infrastructure that are essential for supporting or recovering from war. Since low-altitude bursts are required to ensure the destruction of structures such as docks, concrete runways, steel-reinforced buildings, and underground facilities, most if not all detonations will cause substantial early fallout.

Physical Effects

Under our model, the numbers of immediate deaths are determined primarily by the area of the "superfires" that would result from a thermonuclear explosion over a city. Fires would ignite across the exposed area to roughly 10 or more calories of radiant heat per square centimeter, coalescing into a giant firestorm with hurricane-force winds and average air temperatures above the boiling point of water. Within this area, the combined effects of superheated wind, toxic smoke, and combustion gases would result in a death rate approaching 100 percent.

For each 100-kt warhead, the radius of the circle of nearly 100 percent short-term lethality would be 4.3 km (2.7 miles), the range within which 10 cal per square centimeter is delivered to the earth's surface from the hot fireball under weather conditions in which the visibility is 8 km (5 miles), which is low for almost all weather conditions. We used Census CD to calculate the residential population within these areas according to 1990 U.S. Census data, adjusting for areas where circles from different warheads overlapped. In many urban areas, the daytime population, and therefore the casualties, would be much higher.

Fallout

The cloud of radioactive dust produced by low-altitude bursts would be deposited as fallout downwind of the target area. The exact areas of fallout would not be predictable, because they would depend on wind direction and speed, but there would be large zones of potentially lethal radiation exposure. With average wind speeds of 24 to 48 km per hour (15 to 30 miles per hour), a 100-kt low-altitude detonation would result in a radiation zone 30 to 60 km (20 to 40 miles) long and 3 to 5 km (2 to 3 miles) wide in which exposed and unprotected persons would receive a lethal total dose of 600 rad within six hours. With radioactive contamination of food and water supplies, the breakdown of refrigeration and sanitation systems, radiation-induced immune suppression, and crowding in relief facilities, epidemics of infectious diseases would be likely.

Deaths

Table 1 shows the estimates of early deaths for each cluster of targets in or near the eight major urban areas, with a total of 6,838,000 initial deaths. Given the many indeterminate variables (e.g., the altitude of each warhead's detonation, the direction of the wind, the population density in the fallout zone, the effectiveness of evacuation procedures, and the availability of shelter and relief supplies), a reliable estimate of the total number of subsequent deaths from fallout and other sequelae of the attack is not possible. With 48 explosions probably resulting in thousands of square miles of lethal fallout around urban areas where there are thousands of persons per square mile, it is plausible that these secondary deaths would outnumber the immediate deaths caused by the firestorms.

Medical Care in the Aftermath

Earlier assessments have documented in detail the problems of caring for the injured survivors of a nuclear attack: the need for care would completely overwhelm the available health care resources. Most of the major medical centers in each urban area lie within the zone of total destruction. The number of patients with severe burns and other critical injuries would far exceed the available resources of all critical care facilities nationwide, including the country's 1708 beds in burn-care units (most of which are already occupied). The danger of intense radiation exposure would make it very difficult for emergency personnel even to enter the affected areas. The nearly complete destruction of local and regional transportation, communications, and energy networks would make it almost impossible to transport the severely injured to medical facilities outside the affected area. After the 1995 earthquake in Kobe, Japan, which resulted in a much lower number of casualties (6500 people died and 34,900 were injured) and which had few of the complicating factors that would accompany a nuclear attack, there were long delays before outside medical assistance arrived.

FROM DANGER TO PREVENTION

Public health professionals now recognize that many, if not most, injuries and deaths from violence and accidents result from a predictable series of events that are, at least in principle, preventable. The direct toll that would result from an accidental nuclear attack of the type described above would dwarf all prior accidents in history. Furthermore, such an attack, even if accidental, might prompt a retaliatory response resulting in an all-out nuclear exchange. The World Health Organization has estimated that this would result in billions of direct and indirect casualties worldwide.

TABLE 1. PREDICTED IMMEDIATE DEATHS FROM FIRESTORMS AFTER NUCLEAR DETONATIONS IN EIGHT U.S. CITIES.

City[1]	No. of Warheads	No. of Deaths
Atlanta	8	428,000
Boston	4	609,000
Chicago	4	425,000
New York	8	3,193,000
Pittsburgh	4	375,000
San Francisco Bay area	8	739,000
Seattle	4	341,000
Washington, D.C.	8	728,000
Total	48	6,838,000

[1] The specific targets are as follows: Atlanta—Peachtree Airport, Dobbins Air Force Base, Fort Gillem, Fort McPherson, Fulton County Airport, Georgia Institute of Technology, Hartsfield Airport, and the state capitol; Boston—Logan Airport, Commonwealth Pier, Massachusetts Institute of Technology, and Harvard University; Chicago—Argonne National Laboratory, City Hall, Midway Airport, and O'Hare Airport; New York—Columbia University, the George Washington Bridge, Kennedy Airport, LaGuardia Airport, the Merchant Marine Academy, Newark Airport, the Queensboro Bridge, and Wall Street; Pittsburgh—Carnegie Mellon University, Fort Duquesne Bridge, Fort Pitt Bridge, Pittsburgh Airport, and the U.S. Steel plant; San Francisco Bay area—Alameda Naval Air Station, the Bay Bridge, Golden Gate Bridge, Moffet Field, Oakland Airport, San Francisco Airport, San Jose Airport, and Stanford University; Seattle—Boeing Field, Seattle Center, Seattle-Tacoma Airport, and the University of Washington; and Washington, D.C.—the White House, The Capitol Building, the Pentagon, Ronald Reagan National Airport, College Park Airport, Andrews Air Force Base, the Defense Mapping Agency, and Central Intelligence Agency headquarters.

Limitations of Ballistic-Missile Defense

There are two broad categories of efforts to avert the massive devastation that would follow the accidental launch of nuclear weapons: interception of the launched missile in a way that prevents detonation over a populated area and prevention of the launch itself. Intercepting a launched ballistic missile might appear to be an attractive option, since it could be implemented unilaterally by a country. To this end, construction of a U.S. ballistic-missile defense system has been suggested. Unfortunately, the technology for ballistic-missile defense is unproved, and even its most optimistic advocates predict that it cannot be fully protective. Furthermore, the estimated costs would range from $4 billion to $13 billion for a single-site system to $31 billion to $60 billion for a multiple-site system. In either case, the system would not be operational for many years.

A Bilateral Agreement to Eliminate High-Level Alert Status

Since ballistic-missile defense offers no solution at all in the short term and at best an expensive and incomplete solution in the long term, what can the United States as well as other nations do to reduce the risk of an accidental nuclear attack substantially and quickly? The United States should make it the most urgent national public health priority to seek a permanent, verified agreement with Russia to take all nuclear missiles off high alert and remove the capability of a rapid launch. This approach is much less expensive and more reliable than ballistic-missile defense and can be implemented in short order. In various forms, such an agreement has been urged by the National Academy of Sciences, the Canberra Commission, General Butler and his military colleagues throughout the world, and other experts, such as Sam Nunn, former chairman of the U.S. Senate Armed Services Committee, and Stansfield Turner, former director of the Central Intelligence Agency. The Joint Chiefs of Staff and an interagency working group are completing a detailed study of dealerting options that will be presented to Defense Secretary William Cohen.

Major improvements in nuclear stability can be achieved rapidly. In the wake of the 1991 attempted coup in Moscow, Presidents George Bush and Mikhail Gorbachev moved quickly to enhance nuclear safety and stability by taking thousands of strategic weapons off high alert almost overnight. Today, there are specific steps that the United States can take almost immediately, since they require only the authority of a presidential directive. These steps include putting in storage the warheads of the MX missiles, which will be retired under Strategic Arms Reduction Treaty (START) II in any case, and the warheads of the four Trident submarines that will be retired under START III; placing the remaining U.S. ballistic-missile submarines on low alert so that it would take at least 24 hours to prepare them to launch their missiles; disabling all Minuteman III missiles by pinning their safety switches open (as was done with the Minuteman II missiles under President Bush's 1991 directive); and allowing Russia to verify these actions with the on-site inspections allowed under START I. Similar measures should be taken by the Russians. These steps—all readily reversible if warranted by future developments or if a permanent bilateral agreement is not reached—would eliminate today's dangerous launch-on-warning systems, making the U.S. and Russian populations immediately safer. Both nations should then energetically promote a universal norm against maintaining nuclear weapons on high alert.

The Role of Physicians

In awarding the 1985 Nobel Peace Prize to International Physicians for the Prevention of Nuclear War, the Nobel Committee underscored the "considerable service to mankind" that physicians have performed by "spreading authoritative information and by creating an awareness of the catastrophic consequences of atomic warfare. This in turn contributes to an increase in the pressure of public opposition to the proliferation of nuclear weapons and to a redefining of priorities. . . ." No group is as well situated as physicians to help policy makers and the public fully appreciate the magnitude of the disaster that can ensue if changes in the alert status of all nuclear weapons are not instituted.

The only way to make certain that an accidental (or any other) nuclear attack never occurs is through the elimination of all nuclear weapons and the air-tight international control of all fissile materials that can be used in nuclear weapons. In 1995, the World Court stated that the abolition of nuclear weapons is a binding legal obligation of the United States, Russia, and all signatories to the Nuclear Nonproliferation Treaty, under Article 6. Preferring the term "prohibition" to "abolition," the Committee on International Security and Arms Control of the U.S. National Academy of Sciences concluded in its 1997 report, "The potential benefits of comprehensive nuclear disarmament are so attractive relative to the attendant risks—and the opportunities presented by the end of the Cold War . . . are so compelling—that . . . increased attention is now warranted to studying and fostering the conditions that would have to be met to make prohibition desirable and feasible."

Leading U.S. medical organizations, including the American College of Physicians and the American Public Health Association, have already joined Physicians for Social

Responsibility, International Physicians for the Prevention of Nuclear War, and over 1000 other nongovernmental organizations in 75 nations to support Abolition 2000, which calls for a signed agreement by the year 2000 committing all countries to the permanent elimination of nuclear weapons within a specified time frame. The American Medical Association has recently endorsed the abolition of nuclear weapons, as have the Canberra Commission, military leaders throughout the world, major religious organizations, and over 100 current and recent heads of state and other senior political leaders. Some supporters of the abolition of nuclear weapons have specifically called for immediate steps to eliminate the high-level alert status of such weapons, as urgent interim measures. All parties should cooperate to ensure that these measures are implemented rapidly.

CONCLUSIONS

The time, place, and circumstances of a specific accident are no more predictable for nuclear weapons than for other accidents. Nonetheless, as long as there is a finite, nonzero, annual probability that an accidental launch will occur, then given sufficient time, the probability of such a launch approaches certainty. Until the abolition of nuclear weapons reduces the annual probability to zero, our immediate goal must be to reduce the probability of a nuclear accident to as low a level as possible. Given the massive casualties that would result from such an accident, achieving this must be among the most urgent of all global public health priorities.

Mr. MOYNIHAN. I conclude by saying, I just happened 20 minutes ago to be speaking to our revered former majority leader, Howard Baker, who was in the Capitol to testify before the Finance Committee. I said I was coming over to offer this amendment. He and Sam Nunn, Brent Scowcroft, and Alton Frye have said, "Don't do this." He said with respect to Russian nuclear weapons; they have them, but they don't know how many they have and they don't know who controls them. The whole situation of command and control is very limited and weak and uncertain.

Not many years ago, after the end of the cold war, Norway put up a rocket for purposes of research which put the Russian on nuclear alert. They had 15 minutes to decide whether to go to launch on warning. It was that close. We were that close to nuclear war. We will be closer in the aftermath of NATO expansion.

Mr. BIDEN. Will the Senator yield?

Mr. MOYNIHAN. I yield the floor.

Mr. BIDEN. I will yield to my colleague, who has somewhere to go, but I want to ask the Senator from New York a question. Is he aware that the point he is making about a hair trigger—that is, that the Russians have moved to a doctrine of not eschewing the doctrine of first use, that they are now saying they may have to rely on the first use of nuclear weapons? Is he aware that that doctrine which was changed in 1992 had nothing to do with the expansion of NATO?

In 1992, when the Russian military realized that they, in fact, had imploded when they were incapable of defending their borders, they did exactly what NATO did when we concluded we did not have the conventional force capacity to stop an all-out attack in Europe and indicated that we would use nuclear weapons if, in fact, we were attacked.

I ask my friend—I am fascinated by his rendition, and I share his concern about the hair trigger. But is he suggesting the decision in 1992 where Russia declared that it would not any longer abide by its previous policy of no first use of nuclear weapons—is he aware that was long before the contemplation of expansion of NATO?

Mr. MOYNIHAN. Is the Senator aware of how little time I have to respond? He put that question on his time?

Mr. BIDEN. I put that question on my time, and then I will yield.

Mr. MOYNIHAN. Yes, I do. I am very much aware of that. But I am also aware, on December 17, in the context of NATO expansion, a formal document was put out saying, "we may not have much else but we do have nuclear weapons."

Mr. BIDEN. On my own time, if I might say, that is a little bit like my wife deciding that she is no longer going to cook dinner because she is receiving her Ph.D. and is taking too much time in class, and then 6 months later, after having made that decision, when I, in fact, do something she does not like, she says to me, "I want to formally tell you I haven't been cooking dinner, but I want you to know the reason I am not cooking dinner now is because you were late coming home tonight because you didn't call me from Washington and we missed going to that play."

That is what it is like. It has nothing to do—she didn't cook me dinner before for reasons unrelated to me coming home late, but if she wants to make a point that I missed a play, she may very well reiterate, bring out of an old bag something that is already being used.

That is what the Russians have done, and Mr. Kennan, a revered figure we both know—you know him better than I—believes this is dangerous. Paul Nitze thinks it is dangerous for totally different reasons. Kennan thinks it is dangerous because he thinks it will exacerbate the prospects of any democracy occurring in Russia. Nitze thinks it is dangerous because he is worried that NATO will get fat and flabby now and not be available as a significant military force, were things to go back in Russia.

I think it is comparing—with all due respect to my learned friend—apples and oranges.

Mr. WARNER. Mr. President, if I might, on the time of the Senator from New York——

The PRESIDING OFFICER. Does the Senator from Oregon yield time?

Mr. WARNER. Madam President, I will take the time jointly of my colleague from New York. I am privileged to be a cosponsor of this amendment. Of course, I will grant the Senator the opportunity to speak, and then I will follow the Senator from Oregon.

The point is, to Senator BIDEN's comment on the issue of the nuclear weapons. The Senator from New York and I are not rattling the nuclear saber and trying to utilize fear as a point. There is a very logical argument as it relates just to the Baltics, that that is part of the equation if indeed they are admitted, and indeed NATO has to become a part of the defense system. But let's put that to one side. What the Senator from New York was trying to say, and did say very eloquently, is that since 1992 the Russian military, across the board, with the exception of their nuclear arsenals, has suffered severe degradation. How well we all know, their officer corps has no housing, their military enlisted no pay, and they haven't put a surface ship of any significant numbers to sea in a long time. The one system that threatens the United States, and always will, is the strategic nuclear system.

Mr. BIDEN. Madam President, as the Senator knows, they are routinely dismantling that system under Nunn-Lugar, in the face of expansion of NATO. I find that fascinating, and I also find it fascinating that they overwhelmingly ratified the CWC in the Duma. And as recently as two weeks ago, the number two man in the Kremlin is here telling us—excuse me, the foreign minister is here in the United States saying, by the way, by the end of the summer we are going to ratify START II. I don't fail to share the concerns of my friends about the nuclear hair trigger.

My point is, as we are talking about expanding NATO, what they have been doing is exactly the opposite of what is being implied here. They have continued to move forward on arms control agreement, they have continued to destroy their nuclear arsenal, they have continued to go along with the CFE arms agreement and other treaties and destroyed their conventional weapons, saying they will no longer abide by the doctrine of no first use, which occurred in 1992 when they realized that all they had left was their nuclear arsenal. That is my point.

It is non sequitur to suggest that the reason why we should be concerned is we are expanding NATO. That has nothing to do with it. There is not a shred of evidence of that. Now, there may very well be a hardening of positions in the domestic political situation in Russia. It may very well be that the browns and the reds get a little more muscle and the nationalists gain some. I don't think so, but I acknowledge that it may be. But their nuclear doctrine is unrelated, put in place 5 years before NATO was a glint in the eye of President Clinton.

I yield the floor.

Mr. WARNER. Madam President, I say to my good friend that he is quite right in his recitation. There has been an active number of steps taken by Russia. We are still in question as to whether the Duma is going to move and approve the pending arms control. I do not yield that point. In an hour or so, I will be addressing the moratorium of 3 years. Russia has more or less accepted the fact that, in all likelihood, these 3 nations will come in. But I say to my colleague, they may draw the line with those 3. That is why I am going to ask this body to consider very carefully a time period in which to assess the impact of the 3 before we move forward with further consideration. We will wait an hour or so to address that.

I take strong disagreement with the fact that the Russians are going along with everything we are doing.

Mr. BIDEN. That is why the Senator should vote against his first amendment and for the second amendment.

Mr. SMITH of Oregon addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH of Oregon. Madam President, I find it very humbling to be among these giants as a newcomer to this body. I feel something like the student questioning the wisdom of his professor because when it comes to names like PAT MOYNIHAN, JOHN WARNER, and Sam Nunn, these are men whom I admire and whom I have read about for years in history books.

Yet, I rise to oppose this amendment for reasons that I think are very, very important. I wonder as we consider the feelings of the Russians—and I am not saying those considerations are illegitimate, but what are the feelings of the Pols, the Czechs, and the Hungarians? Do they have no right to qualify to self-determination to be a part of the western alliance? I have had officials from all of those countries tell me that if they had to choose between the EU or NATO membership, they would take membership in NATO; whether right or wrong, they are afraid of Russia. I believe they have a right to qualify to be a part of the west. And, yes, strong economies are so important; but, frankly, they recognize that security precedes strong economic growth.

Madam President, the European Union may be many things, but it is certainly not a substitute for U.S. leadership in Europe. The EU has proved time and again that it is incapable of acting together on matters of foreign and security policy. Its military arm, the Western European Union, refuses to take action when European interests are threatened and, instead, turns to NATO or individual member states to address problems on the continent of Europe.

The political vision of the European Union extends no further than its trade interests, shown most recently by its rush to reengage the regime in Iran and its refusal to jeopardize commercial contacts by even mentioning the civil rights record of the Chinese government.

In contrast, for 50 years, NATO has been the defender of freedom and democracy and has shown that it is willing to make the necessary sacrifices to assure the success of these valued principles. In its membership, NATO includes two countries that will apparently never be in the European Union—the United States and Canada. It includes Norway, which rejected EU membership in a public referendum, and it includes Turkey, whose application to the EU has been repeatedly rebuffed.

How ironic it would be if we pass an amendment here that says before these countries can be in NATO, they must be in the EU, but, by the way, Turkey, which is a member of NATO, apparently will never be a member of the EU. Austria, Finland, and Sweden are all members of the EU, with continued neutrality policies. It is not just the different missions of NATO and the EU that made denying NATO enlargement to EU membership untenable, but the different membership of the two organizations lead it to take varying positions on issues of importance to both.

Further, the economies of Poland, Hungary and the Czech Republic are growing faster than almost all of the countries of the European Union. Consider some recent statistics that demonstrate the disparity between these 3 countries and the current EU members. In 1997, Italy's estimated economic growth rate was 1.5 percent, Germany's was 2.2 percent, France's was 2.4 percent. Meanwhile, Poland's growth rate was an astounding 7 percent. Hungary's economy grew by a healthy 4 percent. Growth in the Czech Republic was less impressive in 1997, due to severe flooding in that country, but their economy is expected to rebound in 1998. The European Union's regulation, taxes, subsidies, and labor laws could very well hurt the economic development and growth potential of Poland, Hungary, and the Czech Republic. The pursuit of membership in the EU should be a careful decision made by countries in Central and Eastern Europe and should not be a requirement for NATO membership. Even if these countries elect to seek EU membership, the European Union has made it clear that it will take years for them to conform their legislation to the multitude of EU laws and regulations.

In short, the amendment of my friend from New York is a delaying tactic that runs counter to U.S. security interests. Therefore, I oppose any effort to link NATO enlargement to membership in the European Union, and urge my colleagues to do the same.

Madam President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I want to follow along. The Senator from Oregon touched on the historical context of how nations are admitted into NATO, and there was some thought that Turkey—regrettably they are not a member of the EU, but we must remember that at the time Turkey was admitted it was really at the height of the cold war. NATO made the decision that it was imperative. In 1952, Europe was facing the pinnacle of that tragic period, and Turkey brought with them an enormous military strength which was proven.

Mr. MOYNIHAN. On the southern flank.

Mr. WARNER. Madam President, the Senator is absolutely right. On the southern flank. It was in NATO's interest at that time to admit Turkey. Turkey, of course, throughout their participation in NATO, has been in the forefront of strength on the southern flank as it is today. It is my hope—indeed, my expectation—that someday the EU will have a realization of that contribution and consider their membership. But I don't think this argument that NATO has admitted nations without EU membership carries any weight in the face of the historical context in which Turkey was admitted.

I wish to engage my colleague from New York. I am privileged to be a cosponsor.

The struggle today of the three nations that we are considering for membership is not a military one. There is no threat. The administration candidly admits that. I think the Senator from Delaware would admit that there is no significant military threat. Russia today, in terms of its land forces, engaged them in the battle of Chechnya. That dragged on for an almost interminable period. It really ended by virtually exhaustion of both sides militarily as opposed to a military victory. Certainly they don't have the forces to mount any aggression in the context of a land attack on the three nations the subject of which we are discussing today. The military put it aside. It is an economic struggle all through the former Warsaw Pact to have their democracies, to have their participation in a free market system.

Along comes the conferring of NATO membership, presumably, on these three nations. Immediately, in my judgment, that gives them a very significant advantage over the others who are waiting for admission into NATO and the world market. It is not unlike the Federal Deposit Insurance Corporation. You put your money in our bank. It is guaranteed by the Federal Government. They can advertise in the world market. We are now a member of NATO. You build your plant here. Invest your dollars in our countries. It is a lot safer than it would be in, say, Romania, Slovenia, Bulgaria, or other areas of the world. It is going to give them an enormous advantage economically over those nations patiently waiting in line. I think it will breed friction. That friction could, indeed, involve confrontation, hopefully not with the use of arms.

But I ask my distinguished colleague if he agrees with that thought.

Mr. MOYNIHAN. Madam President, with a measure of trepidation I hear the former Secretary of the Navy refer to me as a distinguished colleague. I certainly am honored to be with him in this debate. I say that I completely agree. Just the fact of NATO's guarantee of the borders of these three countries gives them an advantage over the rest of Eastern Europe. That is formidable, among other things.

Could I just take a moment to agree that the idea that Turkey can't get into the EU is appalling. When we were fighting in Korea in the first real war of the cold war, the Turks were there.

Mr. WARNER. Madam President, I remember it well because their units were alongside the Marines.

Mr. MOYNIHAN. That the Senator from Virginia was in.

Mr. WARNER. I was in the air part. I went up to the division, and I remember the Turkish units, and they were superb fighters.

Mr. MOYNIHAN. I couldn't agree more. The EU should be extending membership to Turkey, in my view. Why not? When Europe was in ruins we went to rescue them by creating NATO. Now, by God, it would be not too much to hope that their precious Common Agricultural Policy might be adjusted to include Poland, if it costs them a little. It would cost them a great deal more if instability returns to Europe.

Mr. BIDEN. Will the Senator yield for a question on my time?

Mr. WARNER. Yes. Of course.

Mr. BIDEN. Does this mean that Turkey has to get out of NATO now?

Mr. MOYNIHAN. No.

Mr. BIDEN. Good. I thank you.

Mr. WARNER. We thank the distinguished Senator from Delaware for bringing up that point.

But, if I may further engage my friend and colleague, if I had to list my concerns in this debate on this amendment and the others today, cost always comes back and rings in my ear, as well as the security of the men and women of the Armed Forces of the United States, who in years forward will be a part of our NATO force. But let's go to cost.

I have said it before. The distinguished Senator from Iowa has said it. There is a blank check involved in these votes today. EU membership would be a way to evaluate the economic ability of these three countries to meet their financial obligations to NATO. Should those financial obligations fall short, Madam President, guess who is going to pick it up. The United States of America, in participation with nations and other countries, by virtue of the EU giving their imprimatur on these countries will be further assurance that they will have economic productivity and the like to generate the dollars to meet their requirements to pay the bill to upgrade their militaries, militaries which today are largely equipped with old Soviet equipment, which has to be replaced if you are to have interoperability with the NATO forces. All of that is going to be a very, very hefty bill. I would like to see the EU pronounce their economic viability as nations, which gives us a certain amount of assurance in return that the American taxpayer will not be picking up a greater and greater portion of their obligation to modernize their forces.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, it must be that I am a little slow on the uptake here, because it seems to me that my friends are making my case. Let me explain what I mean by that, and they can correct me.

First of all, in the Foreign Relations Committee, I recall when we had this vote—and I say it again—in Europe, farm—f-a-r-m—policy always trumps foreign policy. Both have made my point. They acknowledge that. There is no possibility that Europe is going to do the right thing. They have not thus far. The reason, in my view, we must stay as a European power is that they have continued to demonstrate their immaturity over the past, and not much has changed in 50 years in terms of the willingness of anyone to lead.

If we acknowledge that farm—f-a-r-m—policy always trumps foreign policy in Europe—I challenge anyone to give me an example where it has not—then I ask you: Is this not a red herring? Join EU first before you can get into NATO.

The second point I will make: No one knows the history of this nation and Europe on this floor better than my friend from New York. As I said before, and I mean this sincerely, I am always uncomfortable when I am on the opposite side of an argument with my friend from New York.

Let me review very, very briefly the history of NATO and its founding, and the relationship between the economic health of a nation being invited in, and the ability or the willingness of the United States and other NATO members to invite that nation in.

From a policy perspective, NATO membership and EU membership—that is what this amendment is about, EU membership first before NATO—it is supposed to, and has been suggested by my two friends who are the sponsors of this amendment, somehow put the cart before the horse, that is, military alliance before economic unity, economic growth, economic security.

I quote from the Senate Foreign Relations Committee report of 1949, the document that was brought to the floor of the Senate urging us to sign the Washington treaty. It said:

> This treaty is designed to contribute toward the further development of peaceful and friendly international relationships, to strengthen free institutions of the parties, and promote better understanding of the principles upon which they are founded, to promote the conditions of stability and well-being, and to encourage economic collaboration. It should facilitate long-term economic recovery through replacing the sense of insecurity by one of confidence in the future.

That was the original purpose. The original purpose was to promote economic stability. Nobody said then nor has—and I will quote Acheson and a few others in a moment. Nobody has said then or at any moment in our history since that time that, by the way, a condition of joining NATO must be economic integration first, should be economic integration first, must be a demonstration of a strong economy first. No one has ever said that, including George Kennan. George Kennan argued and thought this would promote economic stability as well as military security.

Mr. MOYNIHAN. Will my friend yield for a quick question?

Mr. BIDEN. I would be delighted to yield.

Mr. MOYNIHAN. Does it occur to him that that passage in the Foreign Relations report referred to economic cooperation between France and Germany, the Schuman Plan?

Mr. BIDEN. Yes, it clearly did.

Mr. MOYNIHAN. That finally led to the iron and steel community.

Mr. BIDEN. It clearly did.

Mr. MOYNIHAN. In time to be the European Union?

Mr. BIDEN. It clearly did. But they needed military security——

Mr. MOYNIHAN. Oh, yes.

Mr. BIDEN. To be able to ensure their economic stability. There is no question it referred to that. And there is no question that Acheson, referring to the relationship in 1952, said so in his testimony before the Foreign Relations Committee when he urged Greek and Turkish membership by first recalling that the two nations already joined us in an associate status with NATO, as do the countries we are talking about now, and Acheson emphasized that "the positive action rested not on their military contributions to the alliance but on their advances in democracy, rule of law, western orientation and the likelihood that NATO membership would deepen this."

The only point I am trying to make is the obvious one we keep forgetting. My colleagues who oppose expansion and wish to slow it or change it or alter it come to the floor and argue that this was uniquely a military alliance; its soul purpose was to make sure the Fulda Gap was not wide open for Warsaw Pact units to come pouring through.

That was its essential purpose. It is still its essential purpose. But it was not its only purpose in the beginning, in the middle, in the end. And so I would suggest that we tend to intentionally confuse our colleagues and the public when we say that we raise all these questions about the economic stability. The economic stability of the countries in question coming in is relevant in terms of whether they can pay their freight. That is an important question.

But this notion of winners and losers, now, I would ask the rhetorical question, if in fact by bringing the Czech Republic, Poland and Hungary into NATO, that would in fact seriously disadvantage Romania, Slovenia, and all the other countries in question, does anyone ever stop to ask themselves the question, why is Romania ardently for Hungary's membership? Is it because they like being put at an economic disadvantage? Is it because they think this is a good idea; it will spur the competitive juices of our people? Is that why? If this is going to be so debilitating because there is going to be losers, that this is a zero sum game, why are they all for it? Not for it tepidly, not for it on the margins, but for it with an enthusiasm to the degree they send their Foreign Ministers to this country to importune me and many others. Please.

Now, obviously, they want to get in. They want to get in in the future. They have no promise of getting in. They have the hope of getting in. But the idea that we are going to debilitate, we are going to worsen, we are going to put at a serious disadvantage the economy of our other friends seems either to suggest that our other friends are too stupid to know what their own economic interests are—and they clearly are not, in my view—or it is not debilitating to their economies.

Madam President, it seems to me if you want to take a further look at this, in 1955, the Foreign Relations Committee report welcomed West Germany as "not only a major step toward the elimination of intra-European strife but in a broader sense these agreements provide the foundation for close cooperation and integration among European allies. The committee was impressed with particularly Secretary Dulles' statement on the psychological impact of this association, the increased effectiveness of the sense of duty, and the cohesion which will be brought about in Western Europe by Germany's participation in the Western European Union as well as NATO."

Again, to make the point. Spain, in 1982, bears the closest resemblance to the current applicants. Spain, having returned to democracy only 5 years earlier, believed NATO membership would consolidate Spanish democracy and assist at a lesser cost, as the Poles believe, the process of military modernization it had to undertake regardless of membership. And aside from geography, Spain was judged to offer little in the way of military assets useful to the alliance in 1982 prior to the completion of its modernization. Spain did not enter the EU until 1986, 4 years after, 4 years after NATO.

Madam President, historically, the economic component of the impact on the relationship with NATO of a new member state has been considered from 1949 on, and every time since, and it has been viewed consistently as better for the economies of the countries that have been unable to gain these larger economic relationships to join NATO first. That has been a stated purpose of bringing them in as well as the military component. Historically, membership in NATO has preceded membership in the European Common Market, or any economic grouping, in every instance.

Reserving the remainder of my time by saying this—when I finish this one comment. Why in the Lord's name would we, unless we just were simply flat against expanding NATO—which I understand. If this is designed as a killer amendment, it is a good strategy, but the logic of it I am lost in trying to comprehend. I find no logic to it, other than it being a killer amendment. You might as well attach an antiabortion amendment to the treaty. That would kill it. I don't want to give anybody any ideas. In this place, it may generate some ideas, but not by any of the Members on the floor.

Mr. MOYNIHAN. Hyperbole. Hyperbole.

Mr. BIDEN. But—it is hyperbole that I am engaging in now, it was just pointed out by my friend from New York. But let me tell you what is not hyperbole. There is no historical precedent for this. There is no logical rationale as to why this would, in fact, facilitate NATO membership down the road, because we all know farm policy will prevail over foreign policy.

And lastly, I respectfully suggest that it bears no relationship, no relationship whatsoever, to anything anyone in the past has thought was necessary to strengthen NATO—none, zero, none, historically, politically, economically, socially, in any way. It may be a good idea, and I have been battling the Europeans, in my capacity as the chairman of or the ranking member of the European Affairs Subcommittee, for years, to "do the right thing. Do the right thing. Let your brothers in."

Let me point out, if tomorrow you went to the Russians and said, "I have a deal for you; here is what we are going to do: All those European countries or former satellite states will become part of the EU and you will never be a member of the EU; or they will not be members of the EU, but they will be members of NATO, which you may be able to do; you choose"—there is not an economist, there is not a democrat, in Russia who would choose the former over the latter, in my humble opinion, not a one.

So the fear—if you are worried about Russia being isolated, then isolate Russia economically from the rest of Europe as a condition before they can enter, anyone can enter, NATO.

The Europeans may grow beyond that and show their largess and bring in Russian farmers and all that wheat—all that wheat, as we give them the technological capability and the transportation infrastructure to be able to transport it to Europe. You watch. You watch. I am willing to bet any of you anything you would like, the likelihood of the EU being economically generous, extending any largess to the East, is zero, as distinguished from this defensive military alliance that provides political security for Russia on her border and diminishes the realistic prospect that any demagoguing nationalist will be able to inflame people enough to think that they could, in fact, realize any dead dreams.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, first I ask the Parliamentarian to advise the Senate with regard to the balance of the remaining time, if the Chair would address that issue, please?

The PRESIDING OFFICER. The opposition has 2 minutes remaining, and the Senator has 3 minutes 44 seconds.

Mr. WARNER. Of course, I urge the proponent of the pending amendment to proceed with the remainder of his time. Then we have the distinguished Senator from New Jersey, who has been patiently waiting. At the appropriate moment, if the Chair will advise the Senator from Virginia, I will introduce my amendment, which then begins a 2-hour time equally divided. I am certain the leadership entrusted to us the management of these two amendments in such a way that we stay on schedule, because the Senate has a very heavy load with regard to this treaty for the remainder of the day. I personally said to the leadership—and I will stand by it—we will do everything we can to see that this vote, final vote on this treaty, is cast tonight in a timely way, hopefully earlier than later, to accommodate a number of Members.

I yield the floor at the moment. The distinguished Senator from New York is seeking recognition.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Madam President, may I express my gratitude to the Senator from Delaware for his thoughtful comments. Might I simply respond that the behavior of the Western Europeans and the European Union has been self-interested. But perhaps, after half a century of our defending them, having in the first instance liberated them, we might hope for a more open view.

For half a century, half the defense expenditure of the United States has gone to NATO. I believe that is correct—half. We have had American troops on the Rhine since 1944. That, Madam President, is the stuff of Roman Legions. But out of that commitment which we have made—an unparalleled act of generosity and self-interest, but informed self-interest and extraordinary generosity—has grown a vibrant and wealthy European community. On Saturday, many of its members will form a common currency. It is not too much to ask them to do themselves and Europe the favor of extending membership to these newly independent nations. I can imagine that they will if we make the effort. We are the ones who first came along with the proposal to expand NATO and therefore expand American force. Isn't a half-century enough? I would have thought it was. I would not give up hope that we might see some enlightened self-interest in Brussels. There is really reason to hope for that.

When the Senator from Delaware mentioned the economic divisions of the Washington treaty as reported by the Foreign Relations Committee, they were talking about the Schuman Plan, an unheard of plan to have France and Germany unite in a common market—common production of iron and steel and the coal that goes with it. The disputes over Alsace-Lorraine, which they fought over for all those years, might come to an end. It did. And it could happen again.

I thank the Chair. I very much appreciate the courtesy that has been shown to Senator WARNER and myself. I see Senator TORRICELLI is on the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I yield myself 30 seconds.

Madam President, the Treaty of Rome wasn't until the mid-1950s, and it was unheard of in 1949, as the Schuman Plan was. The only point I am making is, any cooperation in Europe was one of the purposes of NATO; it was to encourage that cooperation. But what they had in mind in May of 1949 may have been only the Schuman Plan and/or something else. The EU wasn't even around until the mid-1950s. That wasn't even thought of either.

So the whole notion was that economic cooperation in Europe produced stability, enhanced democracy, and, in turn, allowed for military security. It is still the case.

I reserve the remainder of my time.

The PRESIDING OFFICER. The 30 seconds of the time has expired. The Senator has all the remaining time.

Mr. BIDEN. I beg your pardon?

The PRESIDING OFFICER. The Senator has 1 minute 20 seconds.

Mr. BIDEN. I yield to my friend from Texas the remainder of time on this amendment, if I may yield him a total of 5 minutes, whatever that takes off of the WARNER amendment—if I am able to do that?

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). Without objection, it is so ordered. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, whenever the Senator from New York and the Senator from Virginia offer an amendment, we know it is well reasoned and we know it is well intended and so I think, as a result, we are always correct in being cautious in opposing such an amendment.

But I am opposed to this amendment because, while I think their argument is well reasoned as far as it goes—it is certainly well intended—I think it is an amendment which does not belong in this legislation and which is fundamentally destructive.

If our colleagues want to encourage the European Union to expand and to grant membership to Poland, Hungary, and the Czech Republic, I am for that. I think that EU membership expansion to Poland, Hungary, and the Czech Republic should occur, I strongly support it, and if we were voting on that issue, and that issue alone, I would vote for this amendment.

I remind my colleagues that NATO membership today is not made up of countries that are solely members of the European economic community. Iceland, Norway, Turkey, Canada and the United States are not members of the European Union. I, for one, would support American membership in the European Union, but I don't think they are going to let us join.

Might I say that while we are encouraging the European Union to expand its membership, we ought to start with Turkey. It is absolutely outrageous that the opposition of one country is preventing Turkey from having an opportunity to be part of the European economic community when Turkey has been an anchor of NATO for 46 years, when Turkey did as much as any other country to keep Ivan back from the gate, when Turkey provides the largest land army of any European NATO nation. These contributions ultimately helped check the Soviet expansion and through the power of ideas and freedom tore down the Berlin Wall, liberated Eastern Europe, and freed more people than any victory in any war in the history of mankind.

If our objective is to start urging the European Union to expand its membership as a precondition for membership in NATO, let's begin by urging them to expand their membership to nations which are already part of NATO and which contributed greatly to winning the cold war.

I think this is an arbitrary distinction that does not belong in this bill. If we want to do something to encourage the European Union to expand, I am in favor of that. I would certainly vote for a resolution urging them to expand, to take in Poland and Hungary and the Czech Republic, but I think we ought to begin with Turkey.

But that is not what is before us today. What is before us today is a fundamental decision as to whether we are going to let an arbitrarily drawn line, a line drawn by Stalin in Europe through the Iron Curtain at the end of World War II, stand as a permanent division of Europe in terms of military alliance.

I am not oblivious to concerns that have been raised about the cost of expanding NATO. I am not oblivious to other concerns with regard to Russia and to its response, but in the end, I am swayed by the argument that we should not allow communism, which is now on the ash heap of history, to determine the composition of our military alliance in Europe. Therefore, I intend to vote to expand NATO, but I do not believe that that expansion should be conditioned on membership in the European Union.

Let me also remind my colleagues that Austria, Finland, Ireland, and Sweden are members of the European Union, but they are not members of NATO.

This is a clear-cut choice. I think this amendment is the wrong thing to do, and I urge my colleagues to oppose it.

I yield back the remainder of my time.

Mr. ROTH. Mr. President, it would be a great mistake to condition the future of the NATO, a transatlantic military alliance of unparalleled success led by the United States, to actions and decisions of the European Union. The EU is a strictly European political-economic organization of which the United States is not a member and has no say. For this reason, it is with great regret that I stand in opposition to my good friend, the Senator from New York, and urge my colleagues to vote against this amendment.

EU enlargement is highly desirable on its own merits. Indeed, the Resolution of Ratification specifically states it is the policy of the United States to encourage EU enlargement.

However, as worthy as EU enlargement is, it should not be formally linked to NATO enlargement. Nor should EU membership serve as a condition for NATO aspirants. Let me emphasize three basic reasons:

First, this amendment is inconsistent with the Washington Treaty. Article 10 of the Treaty states that membership in NATO is open to, and I quote, "any European State in a position to further the principles of this treaty and to contribute to the security of the North Atlantic area."

The North Atlantic Treaty makes no mention of the European Union. Moreover, several NATO member states are not EU members, including the United States, Canada, Turkey, Iceland and Norway. Are they any less effective members of the Alliance because they are not part of the EU? The answer is unambiguously NO.

And what if Poland, Hungary, and the Czech Republic decide, as Norway has—a founding member of NATO—that membership in the European Union in not in their interests? I point this out to highlight that this amendment establishes an arbitrary standard that is not necessarily a reflection of a NATO aspirant's state of economic and political well-being.

Second, Mr President, by conditioning NATO membership on attainment of EU membership, this amendment would strip the Alliance of control over its own future—specifically its decisions over future membership—and transfer it over the European Union. The EU is not a transatlantic organization. It has no effective security or defense capability or policy for that matter. Let us not forget, it was a complete failure in the effort to end to the conflict in Bosnia. Do we really want the EU to have such significant influence over NATO?

And, let us not over look the fact that this amendment could well suspend NATO enlargement indefinitely. EU enlargement is far from certain. It is far from clear when the EU will extend its membership to Poland, the Czech Republic and Hungary. It could be a decade, if not more for all we know. There are still significant political forces and economic interests within the EU deeply opposed to EU enlargement.

Third, this amendment would undercut U.S. leadership of NATO by relegating the United States—and the United States Senate for that matter—to a second class tier of Alliance members. Why? because NATO members who are not in the European Union would be denied the same voice and authority over the future of the Alliance that this amendment would reserve for those NATO countries that are members of the European Union.

In one fell swoop, this amendment would: impose an unprecedented restriction upon the Washington Treaty; transfer key decisions over NATO's future to the EU, an European institution that lacks an effective security policy; demote the United States to a new second-class tier of Alliance members; and, thereby weaken U.S. leadership of NATO.

I am sure that these are not the intentions behind this amendment, but they would clearly be the consequences. My colleagues, we have no choice but to vote this amendment down.

Mr. BIDEN. Mr. President, from a strictly American foreign policy viewpoint, requiring EU membership first is sheer folly. Why would we want to place such a key element of our national security decisionmaking in the hands of the European Union—an organization to which we do not belong?

Already we are seeing the EU members disagreeing over how quickly those invited should be allowed in.

To give the EU, in effect, a veto over NATO membership, might encourage the creation of an EU caucus within NATO, limiting the United States ability to advance our diplomatic and military goals in the committees of the Alliance.

Moreover, advocates of this amendment have misunderstood the importance of NATO membership prior to EU membership, both from a policy and historical context.

From a policy perspective, NATO membership in advance of EU membership will provide the security these countries need to continue their economic reforms and help to ensure a climate of confidence essential for continued foreign investment and economic integration.

From a historical perspective, in all its reports on all three rounds of NATO enlargements that took place from 1952 to 1982, the Senate Foreign Relations Committee cited European economic development and integration as one key benefit of expanding NATO's zone of stability.

I would like to briefly quote from these Senate Foreign Relations Committee reports:

1949 Report establishing NATO:

> The treaty is designed to contribute toward the further development of peaceful and friendly international relations, to strengthen the free institutions of the parties and promote better understanding of the principles upon which they are founded, to promote conditions of stability and well-being, and to encourage economic collaboration. It should facilitate long-term economic recovery through replacing the sense of insecurity by one of confidence in the future.
>
> The Committee believes that the [1949] North Atlantic Pact, by providing the means for cooperation in matters of common security and national defense, creates a favorable climate for further steps toward progressively closer European integration * * *

In 1952, Secretary of State Acheson, in his testimony before the Foreign Relations Committee, urged NATO membership for Greece and Turkey first by recalling that these two nations already enjoyed an associate status with NATO's activities in the Eastern Mediterranean. It was in response to Athens' and Ankara's formal request—their belief that associate status was inadequate to their national defense needs—that they were favorably considered for NATO membership. Acheson emphasized that positive action rested not only on their military contributions to the Alliance, but on their advances in democracy, rule of law, and Western orientation, and the likelihood that NATO membership would deepen this.

It should be noted that Greece did not enter the European Union until nearly twenty years after its accession to NATO. Turkish membership in the EU remains a contentious, unresolved issue. Are we supposed to kick Turkey out of NATO because it doesn't belong to the EU?

The 1955 Foreign Relations Committee report welcomed West German accession:

> * * * not only as a major step toward the elimination of intra-European strife but in a broader sense, these agreements provide the foundation for close cooperation and integration among European allies . . . The Committee was impressed in particular with Secretary Dulles' statement on the psychological impact of this association—the increased effectiveness and the sense of unity and cohesion which will be brought about in Western Europe by German participation in NATO and the Western European Union.

Of all the examples, the last one—Spanish accession to NATO in 1982—bears the closest resemblance to that of the current applicants.

Spain, having returned to democracy only five years earlier, believed that NATO membership would help consolidate Spanish democracy and assist, at lesser cost, a process of military modernization it had to undertake regardless of membership.

Aside from its geography, Spain was judged to offer little in the way of military assets useful to the Alliance in 1982 prior to the completion of its modernization.

Nevertheless, in favorably reporting Spanish accession to NATO to the full Senate, the Foreign Relations Committee recorded a brief exchange between then-Chairman Charles Percy and then-State Department European Bureau Chief Larry Eagleburger explaining why Spanish accession to NATO was so important to broad U.S. national security interests. Because this exchange is so similar to our situation today, I would like to quote from it. Chairman Percy noted:

> At a time when NATO's cohesiveness and viability is being critically questioned in the press, I find Spain's NATO membership application a reaffirmation of the fundamental principles of the North Atlantic Treaty Organization, a group of sovereign nations sharing common values and aspirations and committed to working together despite differences to guarantee the security, prosperity, and defense of Western democracy.

Assistant Secretary Eagleburger replied:

> * * * in terms of that question of Spanish democracy, it is terribly important that we do everything we can to tie Spain to Western institutions, to have those people be able to deal with Western parliamentarians who also have a commitment to democracy * * *

Every tie we can create between Spain and Western Europe and the United States, institutional tie, in fact, I think, strengthens the whole process of democracy in Spain.

Spain did not enter the EU until 1986, four years after accession to NATO.

Historically, membership in NATO has preceded membership in European common market or economic integration groupings.

It is much easier to develop habits of cooperation in common defense as a precursor to the much more complex negotiations leading to economic integration.

If we wait for the EU to act, we may be waiting for a long time. For example according to recent polls, the Austrian public opposes EU membership for four of the five recent EU invitees.

Finally, recent history has shown that, in European capitals, when presented with a choice between farm policy and foreign policy, farm policy always wins.

For all these reasons, Mr. President, I oppose the Moynihan amendment and urge my colleagues to do so.

The PRESIDING OFFICER. The Senator from Virginia is recognized to offer an amendment if he chooses to do so.

Mr. WARNER. I thank the Chair.

EXECUTIVE AMENDMENT NO. 2322

(Purpose: To express a condition regarding the further enlargement of NATO)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of myself and the distinguished senior Senator from New York, Mr. MOYNIHAN. We are joined by Mr. BINGAMAN, Mrs. HUTCHISON and Mr. DORGAN.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. MOYNIHAN, Mr. BINGAMAN, Mrs. HUTCHISON and Mr. DORGAN, proposes an executive amendment numbered 2322.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in section 2 of the resolution, insert the following:

( ) UNITED STATES POLICY REGARDING FURTHER ENLARGEMENT OF NATO.—Prior to the date of deposit of the United States instrument of ratification, the President shall certify to the Senate that it is the policy of the United States not to encourage, participate in, or agree to any further enlargement of NATO for a period of at least three years beginning on the earliest date by which Poland, Hungary, and the Czech Republic have all acceded to the North Atlantic Treaty.

Mr. WARNER. Mr. President, I ask for the yeas and nays on the amendment by the senior Senator from New York and myself and on my amendment in which I am joined by the senior Senator from New York, the two amendments which are before the Senate at this time.

The PRESIDING OFFICER. Is there objection to the request on both amendments? Without objection, it is so ordered.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, I point out in the beginning that this amendment does not affect the decision with respect to Poland, Hungary and the Czech Republic, nor does this amendment concede what I believe is the right thing to do in voting against the admission of those countries. But this amendment is sent to the desk simply because, in recognition of the reality, through conversations personally between myself and many, many Members of this Chamber, indeed, with the President and the Secretary of State and many others, the likelihood that the resolution of ratification will be approved.

Given that reality, I think it is imperative that this body have before it an amendment, which has just been sent to the desk, which indicates there will be a pause, so to speak, a strategic pause of 3 years only before our country, our President, whoever will be President at that point in time, can agree to accession of additional countries.

Mr. President, I established in my opening statement my strong allegiance to NATO in the past, and now and forevermore that I am privileged to be a Member of this body. I said the importance of America to have a voice, and how this treaty for 49 years has surpassed the expectations of all and remains the most important military document apart from our own Constitution in many ways, and that is why I ask for these 3 years. I will recite the reasons, one, two and three.

Should not another President duly elected by the people of the United States have a voice in further modifications by virtue of further accession of additional nations to this alliance?

If the Good Lord gives me the strength and the breath in the consideration of that next Presidential election, I will do everything within my power to make sure that is an issue that is debated among those candidates seeking that high office. Regrettably, in the last election very little attention was given to national security policy. But the world is rapidly changing. The world is becoming a more dangerous place. Indeed, in the next election I will do my part, as I am sure others will likewise, to see that the security policy of our Nation and the free nations of the world will be a subject of discussion in that election.

I think the next President should be given the opportunity to assess the merits and such disadvantages as may arise by virtue of the accession of three more nations before we leap forward under pressure, which will be unrelenting. That pressure will begin the day 1 year from now when these three nations will be accessed. That pressure will begin the day after. The bugles will sound. The march will begin to bring in other nations perhaps numbering as many as nine.

I say to my colleagues, should not the next President be given the opportunity to study the record, make an assessment, and then give his advice or her advice, as the case may be, to the people of the United States?

That is my first reason for asking for reasonable delay of but 3 years. This amendment will avoid that stampede. This amendment in fairness will say to the other nations it is not only to the advantage of the NATO countries but, indeed, it is to the advantage of the other nations to let this experiment ferment for a period to determine the purity, or the lack thereof, of the decision.

Then I turn to a second reason. That is the cost. Whether it is $1.5 billion over the next 2 years or $125 billion, there will be no piece of evidence before this body which has sound credibility as to the cost associated with accession of these three nations.

This afternoon we will have further amendments on the question of cost. But we are dealing from an unknown. NATO is studying the question of cost, and is studying the question of the degree to which these nations must rebuild and modernize their military. But those studies will not be available until later this summer. Yet our vote will be taken before the sun falls on this day on two very vital pieces of information, totally lacking. We have, therefore, a blank check. We do not know the cost now. We will not know for months even the opinion of the NATO Council, which is really the organization that can best evaluate these costs. But there is credible evidence on both sides. The range of costs go from $1.5 billion over 2 years to $125 billion.

I want to touch a sensitive nerve among my distinguished colleagues. Those listening and those advising Members might just take their pencil and put a little asterisk by this point.

America is in its 14th year of decline of funding to the U.S. Armed Forces of the United States, a collective decision by a series of Presidents. This is not a political argument. We have irrefutable evidence that our Armed Forces today are behind in their modernization program. They are stretched too thin. They are over committed worldwide. We see that in the retention rates. There is all sorts of mounting evidence that we are asking our military to do the same as they have boldly and bravely for years with less and less—less in dollars, less time at home with their families, and with fewer and fewer pieces of equipment.

Shipbuilding: A handful of combat ships every year in the budget. We are rapidly approaching a Navy that could be well below the 300-plus, a few ships of today, in the year 2000. We, a maritime nation faced with that small Navy. Dollars from the American taxpayer profits have been, are being, and will be committed to these three nations.

We have been contributing money regularly to the establishment and refurbishment of their military at the same time we are denying to our military what, in my opinion, are the necessary dollars to perform their mission. We will be taking those dollars and putting them through NATO into other nations, the three that are our subject, for their military, to help them come up so that they have the capability to take on a full partnership commensurate with their size in the NATO alliance. Think about it. You are taking from your military and giving to another military.

Now, as a part of the consideration of this year's military authorization bill, there will be discussion, indeed, there could be legislation, about a future base closure. That should ring a bell—a future round of base closures in the United States. That should get the attention of some Members.

Secretary of Defense Cohen has made an admirable and, in my judgment, a credible appeal to the Congress of the United States to address that question and address it now. If we do not, he has little alternative but to literally starve a base, turn off the current, transfer the people, and leave the buildings standing unattended because he is properly exercising his judgment that the dollars are needed for modernization, the dollars are needed for the ever-rising number of commitments beyond our shores rather than keeping in place a base that no longer contributes to our overall national security.

Tough decision. What do you say, colleagues, when you go home to defend a base closing in your State, as you will do and as you are duty bound to, and at the same time we are contributing money to build new bases in these three countries, and unless my amendment passes I daresay in other countries in a very short period of time.

They have to modernize more so than the United States. They have to take their old infrastructure which was designed for Soviet military tactics, take their old tanks and artillery pieces which are, by and large, old Soviet weaponry and modernize so they have interoperability as a nation with NATO.

That is a further drain on the American taxpayer at the very time when in your State the next round of base closures may have a potential impact. And you will be fairly asked by your constituents: do you mean to tell me they are closing our beloved hometown base that has been here defending America all these years and you are helping to build bases abroad? Do you not have a conflict?

Those are questions that are fairly to be asked in the not too distant future if we allow a stampede of three now and three in the next 18 months and three thereafter, up to as many as 28 nations potentially to join NATO.

We are also asked to approve this measure without full knowledge as to the strategic concept of what NATO is and is not going to do in the years to come. We are operating under a 1991 doctrine today. Listen to the Secretary of State, as the distinguished Senator from Missouri pointed out yesterday, who desires to expand the missions of NATO far beyond the borders of their nations, to be involved in the proliferation of weapons of mass destruction. There may be some merit. But should we not fully have in mind before we begin to add country after country what is to be the mission of NATO?

Ironically, it is not until 1 year from this month, April, at the summit at which these three nations will be admitted when NATO will finalize the doctrine for the future. Yet, we are asked to vote today to change the bases of this treaty by virtue of new membership not knowing the risks that will face the men and women of the U.S. Armed Forces as well as the other NATO nations. I ask you, is that the way to do business? Not in my judgment. And that is why I say if three are a reality, then we should stop and study a reasonable period of time. Let another President, let the American people in the context of the next election, let the American people at that time have a careful examination of what NATO brings forth a year from today as to the new mission and adoption. Those are just reasonable requests. And time, and time alone, can establish the record on which those important decisions can be made. Three years, in my judgment, is not an unreasonable period of time.

Lastly, I refer to Russia, not in the sense that I fear Russia, not in the sense that Russia—and I have said this consistently—should have any veto power as to any decision which is in the security interests of the United States of America. The Founding Act was established, I think, as a quid pro quo for the accession of these three nations. Russia signed on. But there is mounting evidence that you cross over and begin another three, and particularly when you get to the Balkans, all the arguments which we have heard in favor of voting yea tonight will fall. I believe this Chamber will resonate with deep concern as reflected by the instabilities in Russia that could exist in the year 2000 when they are moving on possibly to another political structure, another President. There is a great deal of uncertainty in Russia today—economically, politically, and militarily—in their struggle to survive as a fledgling democracy, as they struggle to survive in a free-market world, and I think the next President should be given the opportunity to make an assessment as to the measure of threat posed by Russia in the context of any further accession of new nations to this most valuable of all treaties. Time and time alone can achieve that purpose.

So they should not have a veto. We do not act out of fear. But we act out of reality, that that is the only nation that possesses weaponry which poses a direct threat to the United States of America; namely, their strategic forces. You cannot be unmindful of that fact.

Therefore, I think a period of 3 years is appropriate to allow another President, to allow the studies to be performed, to allow the American people to better understand the value of this NATO alliance and what should be done for the future, and, therefore, I respectfully ask my colleagues to consider to vote in favor of the Warner-Moynihan amendment for a 3-year moratorium.

Mr. President, other Senators have been waiting patiently. I wish to continue my remarks and will do so momentarily. I know the distinguished Senator from New Jersey has been here for some time. Therefore, I yield him 10 minutes off the time under the control of the Senator from Virginia.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. TORRICELLI. Mr. President, I join the Senator from Virginia and, indeed, the Senator from New York, Mr. MOYNIHAN, in each of their amendments and speak to them today.

It is, I think, worth noting that the decision before this Senate is neither new nor without the apprehension that should come with historic experience.

On March 31, 1939, Neville Chamberlain rose in the British Parliament and announced unambiguously, unequivocally, the British will defend the Polish frontier with the threat of war. To be certain, it was a war that inevitably was going to be fought and should have been fought. But what is instructive about the experience, as Winston Churchill later noted, "Here was a decision at last taken at the worst possible moment and on the least satisfactory ground."

More than a generation later, the Senate has a chance to ask all the questions that were not asked in the British Parliament on that day, because before this Senate is the most solemn question that the representatives of any free people can ever ask.

We are pledging the good name of this country to go to war, to consume the lives of our sons and our daughters for the defense of another people. That does not mean it is a pledge that sometimes should not be made. Maybe it should be made in this instance. But there are questions that should be raised that are the foundation of the amendments offered by the Senator from Virginia, Senator WARNER, and the Senator from New York, Mr. MOYNIHAN.

Those questions are, in my judgment, whether or not, having made this pledge, the United States and our NATO allies genuinely have the military capability, in our resources, to fulfill the obligation, whether or not the United States and our NATO allies have the political will to lend credibility to this pledge, and whether or not this promise of defense enhances or detracts from the general security of the United States and the NATO alliance.

Let me begin, Mr. President, by addressing the question of the military feasibility of this most expansive American pledge to defend other nations since the NATO alliance itself and the Japanese-American security agreement. Indeed, this expansion of our security guarantee is based on an unspoken but a very real sense of a change in historic realities in this Chamber. It is based on the belief that Russia is weakened, an historic opportunity has arisen, and that the views of Russia are either no longer relevant or that she is without choice in this question.

Mr. President, the current state of affairs with regard to the military and economic power of Russia is an aberration. Russia has been a great power for more than 1,000 years; and it will be a great power again. Its affairs are part of the calculus of American security and cannot be discounted.

It is a nation of nearly 150 million people with over 6.5 million square miles of territory. It possesses 40 percent of the world's natural gas reserves and rivals any power on Earth as a source of natural resources, including petroleum. Russia is a technological leader. It is a major industrial power. And it continues, in spite of its current economic difficulties, as the only source of military technology, production and power that potentially rivals the United States.

So, Mr. President, there may be many things uncertain about the future, but this much is certain: Russia will continue in the future to be a great power. And yet while it may not be spoken on this floor, this calculation of immediately extending the American security umbrella to Poland, the Czech Republic and Hungary is based on the calculation that at some point Russia might be a threat to their frontiers, and we will provide for its defense.

Mr. President, I know us as Americans to be an ambitious people and a confident people. But this is an extraordinary guarantee the people of the United States are extending to these three new democracies in Eastern Europe.

No nation in history has been able to defend against the territorial ambitions of Russia when she was an imperial or in an imperialistic mode. It is worth noting, from Napoleon to the Third Reich, people have miscalculated on their abilities to deal with Russian ambitions in Eastern Europe.

Russia was challenged in the borders of Poland by the Third Reich and 162 divisions of the Wehrmacht. We are an ambitious people, Mr. President. The U.S. Army today, 4,000 miles from our borders, has three divisions.

What military means is it by which we are going to give credibility to this pledge? Not next year, not 10 years, not at some point in the future, but the day this treaty is signed. Three divisions, half a world away on the borders of Russia herself?

There is, Mr. President, another irony to this military pledge related to the comments of the Senator from Texas, Mr. GRAMM, in noting that in some ways the current borders of NATO are a relic of the Iron Curtain of Josef Stalin. Well, now, Mr. President, we are to draw a new line. And it may have its benefactors and its beneficiaries. But what of those nations not inside this new line? The great lesson of Yalta was that those nations that fell on the other side of the line were lost to a Stalinist equation and calculation that they were now in a new sphere of influence.

This Senate is faced with a question of tomorrow, next month, this year, drawing a new line in Europe that may bring Poland and the Czech Republic and Hungary in, but leaves the Baltics and Romania and the Ukraine out. How would a future adversary, not in a democratic Russia but in a possible successor Government, interpret this new sphere of influence? Not as a check on ambitions but as an invitation to ambitions?

Equally important, I believe, Mr. President, from my first, and in this instance, military review of this instance, is that we are entering ourselves again into a military calculation that for 50 years we have wanted to escape. Because if we are to make this pledge of defending these three new democracies, and we do so with three divisions of the U.S. Army and no indigenous military capability whatsoever, we are entering into, again, something which we feared and have so fought to escape. The only means of defending these governments is through atomic weapons. We are pledging unmistakably a nuclear exchange to defend the Polish frontier from possible future invasion. It is where we were during the cold war with New York for Berlin, Chicago for Paris, San Francisco for Rome.

It is easy to make the pledge, Mr. President. The question is whether to do so without military resources is responsible. It is not simply that our own resources are insufficient. My friend, the Senator from Delaware, has drawn a parallel between this expansion and the initial NATO treaty or expansions in other instances. In this instance, we are not joining in mutual defense with the British army or the Germans or the French; we are pledging to defend Poland, whose armed forces consist of 1,700 Soviet tanks designed for the 1950s and 1960s, a Hungarian air force which will contribute to its own security 50 aging Soviet MIG fighters, and the Czech air force whose pilots fly an average of 40 hours a year in training for their own self-defense.

The Senate can make this judgment. You can decide to extend the American security umbrella all over Eastern Europe, even though there are insufficient American forces to contribute to their defense, and rely on indigenous forces. But at least make the decision based on the reality that there are no indigenous forces. It is a military pledge without military capability.

Second is the issue of whether or not there is the political will in the United States and in Western Europe to give this promise meaning. The NATO treaty is the most successful military alliance in history. At a time when the Soviet Union had overwhelming military means, it was the foundation of the defense of Western Europe, but it was not based on the fact that the United States signed a treaty. It was based on historic and economic realities. Through two world wars the American people had demonstrated they were prepared to defend one Europe because they believed that the security of Western Europe and the United States were inseparable. Our quality of life, our security, our economic future could not be distinguished from Great Britain, France, in the first instance, Italy and Germany and other member states at other times.

In a free society, the President of the United States may sign a treaty pledging to defend Hungary, the Czech Republic and Poland, but if the economic realities are not such that the American people believe that our futures are indistinguishable, it is a dangerous promise because it is a hollow pledge.

The reality is today that there may be a time when each of these republics have sufficient economic intercourse with the United States and Western Europe that we believe they are part of the Western alliance by economic and cultural and historic definition and this pledge has meaning. But no one can argue—indeed, this is the foundation of the rationale of the amendment by Senators MOYNIHAN and WARNER—no one can argue that that reality is true today.

Total economic intercourse with the Czech Republic today is .09 percent of American exports.

The PRESIDING OFFICER. The Senator's 10 minutes has expired.

Mr. TORRICELLI. Will the Senator yield 10 additional minutes?

Mr. WARNER. I grant another minute and a half.

Mr. TORRICELLI. Is that all the time the Senator has?

Mr. WARNER. The Senator has other time under his control, but there are a number of Senators who wish to speak. Perhaps, if there is more time in the course of this debate, I am certain both sides would be happy to have the contribution of the Senator.

Mr. TORRICELLI. I thank the Senator from Virginia.

Mr. President, no one can argue that we have reached that state of economic dependency at the moment. That is the rationale of the delay, to allow these bonds to form and to give this pledge meaning.

Finally, the foundation of American security in this generation and as far as the eye can see is the Russian-American relationship. Any judgment we make which enhances Russian democracy enhances American security. Most fundamental to this debate is the fact that Eastern Europe and the NATO alliance's first line of defense is the Russian ballot box. If Russia is democratic and capitalistic and free, Eastern Europe is secure. If it is not, no force on Earth is going to defend the Ukraine, the Baltics, or even these republics.

I believe strongly this pledge and this NATO expansion will be enhanced by both of these amendments. I accept the reality that NATO is going to be expanded, but I believe it is a more responsible judgment if we address these questions, allow for this delay. I believe it would lead to a better expansion of NATO, and we would be pleased and proud that we made these exceptions.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Before the Senator from New Jersey leaves the floor, I want to briefly make two points. I find his argument absolutely fascinating that economic dependence or integration with the United States is a prerequisite for NATO membership. I wonder if he could explain to me what that dependence was we had with Norway or that dependence we have with Denmark or Portugal or Spain?

As each came in, as each of these nations came in, if there is a notion that there is a prerequisite of an economic dependency—we have more invested in Poland, more in Poland now than we did at the time of these countries coming in.

Mr. TORRICELLI. If the Senator will yield, I would be glad to address each of those.

Mr. BIDEN. Let me make a second point.

Mr. WARNER. Could the time be allocated?

Mr. BIDEN. I make a point, I have the floor.

Mr. TORRICELLI. I appreciate that, but the Senator asked a question that deserves to be answered.

Mr. BIDEN. I also find this notion, and it is repeated in different ways but never in a more articulate fashion than just done by my friend from New Jersey, no force on Earth will be able to defend Poland or the Baltics, and he may have mentioned another country, Ukraine, if Russia is not a democracy.

One of the secondary reasons why people want to expand NATO is because we fundamentally reject that notion, but fundamentally reject the notion that if things "go south," to use the colloquial expression, in Russia, that someone will be there to never let it happen to Poland again, just like we defended Germany, just like we defended Turkey, just like we defended Norway.

Now, I am going to, at a later point, speak at length about this iron ring notion my friend from Virginia and my friend from New York talk about and point out that there has been a border shared between Norway and Russia that is one of the most heavily fortified places in the world, and during the period when the Soviet Union was at its zenith, we made a judgment as a people that we would defend Norway.

Now, I know my friend is not suggesting this, but is anyone implying that peace and stability in Europe is any less at issue if Poland, after having received their independence, were now or again to be invaded as compared to Norway? What are we saying here? And the notion, will we use nuclear weapons to defend Warsaw, do you think anybody in our respective constituency is going to say, yes, let's use them to defend Turkey, Ankara?

I respectfully suggest that we can use rhetorical devices to make a point, but that they are able to be used in more than one instance. Maybe you are not going to get a consensus to use the requirement, the nuclear protection in NATO, the consultation provision where we are required to go to the mutual defense, I believe article V—and we always used to hear, when the Soviet Union existed, how many Americans are prepared to trade Bonn for Washington, Bonn for New York City. Well, now to say how many people will be prepared to defend Warsaw, I suggest you might get more people to say they are prepared to defend Warsaw than they are prepared to defend Ankara or Oslo. That is my guess, because there are a heck of a lot more Polish Americans than there are Turkish Americans. I don't think it is a useful, in terms of what our national policy should be, particularly useful point to make because it could be made about every capital in Europe, I suspect, if it were put to the American people today.

But the real question to be put to the American people is—I think they answer affirmatively on it—is peace and stability in Europe in our national interest, and it is one of those things that we either pay now or pay later, because Americans have good memories. They understand that every time chaos has reigned in Europe, we have been dragged in this century. And so I suggest further that to denigrate the forces of Poland, the Czech Republic and Hungary, who were equally, or better situated than Spain and Portugal were when they came in, in terms of forces, or to suggest the only way to defend Poland, Hungary and the Czech Republic is nuclear weapons is simply militarily not accurate. And so I think what we are really debating here—and I will say it again—and I don't think people really want to speak to it directly—and what this is really about is whether we should have NATO, period—not whether we should expand it, but whether we should have it now. Because if a test as to whether or not we are going to admit Poland is whether or not we are going to use nuclear weapons—and it is not an option because there is no serious problem about conventional forces overrunning Poland today—none—you could scramble enough jets, bombers, fighters out of Germany to get to the Polish border without having to have them in Poland at all, to withstand any reasonable conventional capability that is available to the Russians or anyone else right now. But the question is: Would we defend Warsaw? If we don't believe that resoundingly the American people would say that, then we should not let Poland in.

I think really what you are saying is that you have to ask the honest question to the folks in Salem, New Jersey, across the river from Delaware, and up in Trenton, and further up in Newark: Are you willing to go to war to save Oslo? I would be willing to make my friend a bet, and let my vote depend on it, that if he got more people to say, yes, we are willing to go to war to defend Oslo, then I will vote against admitting Poland. But my guess is, if you ask any capital in any city in any European country—say possibly London—are you willing to go to war to defend Oslo, I am not sure you would get much of a different answer, no matter where you asked. So if that is the question—and the Presiding Officer knows this issue well—aren't we really asking: Do we want NATO, period? If that is the case, why doesn't someone introduce an amendment, straight up, and stop all this foolishness—I take that back. I withdraw that statement. I don't mean that. Stop all the tangential attacks on expansion and get right to what this is about—introduce an amendment saying that we no longer need NATO. We can save a lot of money. We spend well over $120 billion a year on the deal—nothing to do with expansion.

I yield the floor.

Mr. WARNER. Mr. President, in the course of working out with the distinguished majority and minority leaders, and others, a time agreement for the amendment of the Senator from Virginia, it had been my hope to have an up-or-down vote. Last night, in the course of deliberations on time agreement, that was stated, but there may be some feeling—if I could get the attention of the Senator from Delaware, I hope that we can have an up-or-down vote on my amendment. That would be my hope.

Mr. BIDEN. That was my assumption all along, to have an up-or-down vote.

Mr. WARNER. I thank the Senator. I say to my distinguished colleague from Delaware, believe me, there has been no stronger supporter of NATO, I say with humility, than the Senator from Virginia throughout my 19th year in the Senate. I am sure that colleagues' comments were serious, but with a note of jest.

NATO is so vital to the United States of America. It gives us the legitimate presence with our military in Europe. It gives us the legitimacy of a strong voice in Europe. Indeed, this country has responded, with others, in two major wars to preserve the integrity of Europe.

Mr. BIDEN. Will the Senator yield for a question?

Mr. WARNER. Just one sentence and I will yield. There has been a historical—over a 100 years—inability of the major nations of Europe to live in peace with one another. Indeed that is the principal purpose of NATO—the U.S. presence, both with military there, with a strong voice so as to ensure the tranquility this treaty has preserved for 49 years. It has exceeded every expectation of the drafters of the treaty and those who promoted and supported it in these 49 years. It is a magnificent document. I have fought hard with others to preserve the integrity of that document. Does the Senator wish to say a word?

Mr. BIDEN. If I can ask a question on my time. Does the Senator think—and he is a strong supporter of NATO, and if he thought I was implying that he wasn't, I was not. There are others who believe very strongly that it is no longer as relevant. You and I think it is.

Let me ask you, do you think this is a relevant question, a threshold question? Would the American people defend Warsaw? Do you think if that question were not answered in the affirmative, that that should be the test as to whether a nation should come in or not, or whether one should stay in, or we should stay in NATO or not?

Mr. WARNER. Mr. President, on my time, the very short answer to that is that the American people will defend, under article V, the integrity of all the existing members. Should it be the wisdom of this body that if three additional members are admitted, article V becomes the very heart of the action that will be taken by this distinguished body before the close of this day.

Mr. BIDEN. Mr. President, I thank the Senator for his answer. The Senator from New Jersey raised a point with me. I raised three questions and several rhetorical questions about his comments. He pointed out that because I didn't want to use my time, I did not yield to him, and he did not think he had an opportunity to respond, and he wishes to respond. I am delighted to yield him a couple of minutes on my time at the appropriate time. I don't want to interfere with my friend's comments to respond to the issues I raised.

Mr. BIDEN. Mr. President, I yield 3 minutes to the Senator from New Jersey.

Mr. TORRICELLI. Mr. President, like the Senator from Virginia, my remarks are not based on a belief that the cause and reasons for NATO have expired. Quite the contrary. My concern is that whatever we do in the expansion of NATO has real credibility. I raise the military question of whether or not the Polish frontier is defendable with this pledge, simply because of this: It never has been.

There is not a historical basis by which the ambitions of an imperial Russia has ever been checked, nor will we. I, too, believe that Poland should be defended.

I will vote for NATO expansion, but under the amendment offered by the Senator from Virginia and the Senator from New York, they are suggesting a strategy whereby the political and economic bounds be given meaning, or there be time. It is not an honest assessment of the situation of the people of Poland to tell them that three American divisions with no indigenous forces are going to be positioned to defend them against a revitalized, or ambitious future Russia. It is not an accurate situation.

If this is worth doing, it is worth doing with real resources based on a real assessment of costs, based on bonds that have meaning, not over a period of time. It is based on that realistic military situation that I join with the Senator from Virginia. I, too, like the Senator from Delaware and the Senator from Virginia, believe the United States will stand by its credibility and its pledges in each of these instances. But it is one thing to do it; it is another thing to do it contrary to historic experience, or military reality.

I thank the Senator from Delaware for yielding me the time so I could clarify my views.

Mr. BIDEN. Mr. President, I will make a geographic point. The Polish border, I am guessing, is about 200 miles from the Russian border, if you do not count Kaliningrad where there are not Russian divisions, et cetera. If you were to take a look—my friend says that if in fact this threat, any threat, to Poland from Russia, a NATO commitment to defend would not be credible because of three American divisions. The fact of the matter is Poland is on the Russian border. From the Russian border to the far border of Poland to Belarus is essentially the same distance from the main body of Russia to Poland. The number of American NATO and other divisions that sit in Germany are by a factor of 25 more credible than any force Russia now or in the near term could use to threaten Poland. So the idea we do not have the physical capability, which I understand is the point being made, the physical capability of defending Poland once the pledge is made is in fact, I think, inaccurate.

I yield the floor.

I reserve the remainder of my time.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I yield myself 10 minutes from the time controlled by the Senator from Delaware.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. LIEBERMAN. I thank the Chair.

If I may, I would like to take the liberty of speaking both on the previous amendment, which would have required these three nations to obtain membership in the European Union before ultimately becoming members of NATO, and this amendment as well. I think they both spring from a common core, certainly have a common effect, and the effect would be to move the goalposts, to change the rules of the NATO accession game as defined in article X of the NATO treaty, to frustrate the hopes of the people of these three nations and the other nations of Central and Eastern Europe who lived for four decades under the tyranny of Soviet communism, to say to them now that they want to voluntarily assume their place in the NATO community and more broadly in the community of free nations that we are not ready. OK, there was plenty of time in the late forties after the Second World War for Stalin and others to carve up Europe and take you in involuntarily, but now that the cold war is over, no, we didn't learn the lesson. We are going to snatch defeat from the jaws of victory. We are going to snatch the defeat of principle and security, freedom and democracy from the jaws of our victory in the cold war.

The first amendment says to Poland, Hungary, and the Czech Republic, you have come this far, we have a whole procedure that we have developed. You have democratized your country. Go back a little bit. You had the courage to rise up against a powerful central government which subjugated you, which did not give you political freedom or religious freedom or economic opportunity, and you have achieved your independence and your freedom. You are developing a market economy and democracy and have met all the standards that have traditionally been associated with access to NATO under article X—oh, no, now you have to go to the European Union and be accepted there.

As I said the other day, on the first day of this debate, to ask these nations to now obtain membership in the European Union before they do in NATO is not only unfair—in the sense that it moves the goalposts, it changes the rules of the game, it applies to them a standard not applied to other NATO members, four of whom are not now members of the European Union—but it puts them in a very, very difficult position. It says to them that all the effort they made is not going to be justified, and it has an effect that is extremely unfair and inequitable. It puts the cart before the horse. It says that commerce should precede the principles of freedom and security, when those principles are what the cold war was all about. It puts the cart of commerce before the sturdy horses of democracy and security. It puts the cart of the European Union before the horses of NATO. And that is not the order that is appropriate. That is why I oppose that first amendment and hope my colleagues will as well.

Of course, both of these amendments, including this one now that asks for a 3-year moratorium, I think spring—as some of the proponents of the amendment have said—from a concern about the effect on Russia. Our Secretary of State printed an op-ed piece in the New York Times Wednesday, April 29, yesterday—Madeleine Albright. It is a brilliant piece, eloquent, right to the point. Headline: "Stop Worrying About Russia."

> The most fundamental argument the critics have put forward is that the admission of even a single new ally from Central Europe will harm our relations with Russia.

Secretary Albright says:

> My first response is to wonder why some people cannot discuss the future of Central Europe without immediately changing the subject to Russia. Central Europe has more than 20 countries, and 200 million people, with its own history, its own problems and its own contributions to make to our alliance. Most of these countries do not even border Russia. But their security is and always has been vital to the future of Europe as a whole.

Mr. President, I heard my friend and colleague from New Jersey say something I find very unsettling, arguing for the pause, arguing for the earlier amendment about European Union membership first; wondering whether we were true to our pledge, as part of NATO accession under article V, to defend member states. We wouldn't make the pledge if we were not sincere about it. Of course we are prepared to defend these nations if necessary.

I found the references to Chamberlain in the 1930s particularly—I say this respectfully—inappropriate. If there was any sincerity behind the pledge that Chamberlain made in 1939 to defend Poland from the Nazis, as was stated, the history of the 1940s might well have been different. The lessons are clear. The best way to secure peace is to remain strong. And that is what this is all about, access to NATO, a military alliance in defense of a principle.

The Senator from New Jersey said imperial Russia has never been defeated. Who is talking about imperial Russia? We, who are supporting the extension of NATO, believe there is a new Russia. We don't see an imperial Russia. We believe that these new countries, adding 200,000 troops to NATO forces, will help us meet common threats from ethnic division, international conflict, in some of the emerging democracies. We have seen it in Bosnia. We see it in Kosovo today. And it will help us meet the common threats of terrorism, weapons of mass destruction, ballistic missiles, coming particularly from the south of the NATO region but perhaps from elsewhere.

Let me go to this amendment requiring a pause, a 3-year pause. The Senator from Virginia says we ought to let some future President decide this. There is a process under article X. There is nothing inevitable about it. We are not on automatic pilot. No other nation is automatically going to be admitted to NATO. There is a process. NATO members will consider it, presidents—administrations will decide, and then always the Senate will have the option of ratifying or not ratifying accession of anyone else to this great treaty in defense of a principle. So why the pause? Presumably to reassure Russia again. But what are the effects of that? The effects of that are destructive in three regards.

First, on the other nations of Central Europe who may dream of membership in NATO, and, on the basis of which dreams, they are acting in exactly the way we would have them act to develop their democracies and market economies. Again, I refer to the New York Times, this time Sunday, April 26.

Mr. President, I ask unanimous consent that there be printed in the RECORD after my remarks an article by Jane Perlez.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. LIEBERMAN. That article makes very clear that the goal of access to NATO, in this case of the article in particular regard to the three countries we are considering today—Poland, Hungary, and the Czech Republic—has moved those countries. The promise of inclusion in NATO has helped the cause of moderate government, the reporter says, during a tough period of economic and political transition. I quote Marek Matraszek, Warsaw director of the CEC Government Relations, a political consulting firm, who says:

> The promise of NATO has defused destabilizing forces from the left and right.* * * If NATO had not been offered, Poland could have been in a disastrous situation, externally and internally.

If we now slam the door closed on the dreams of every other nation in Central and Eastern Europe to join this family of freedom, this military alliance, I fear that we will set back the onward march of freedom and a market economy for which we fought the cold war.

Second, it will reduce the ability of NATO and the dream and goal of NATO membership to resolve conflicts that now exist among various nations in Central and Eastern Europe. The Hungarians and the Romanians, because of their desire to join NATO, settled age-old problems. Poland and Lithuania began talks about concerns they had for the same reason, to put themselves in the same position. The nations in that region have not lost sight of the reaction of NATO to the movement within Slovakia toward a less open, less free government—which is to say that Slovakia has dropped down in the chain of those who are being considered for NATO membership.

Finally, a third consequence of imposing this pause.

Mr. President, I note you moving toward the gavel, and I ask simply for an additional minute, if I may, from the time of the Senator from Delaware.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. LIEBERMAN. I thank the Chair.

The final loss from imposing an arbitrary 3-year pause where none is necessary because no action is required will be on us, on the United States, on our credibility, on what we stand for, on the principles that the rest of the world now, most of it, want to emulate and aspire to.

If we say to these other nations of Central and Eastern Europe, "Forget about it, we are more worried about Russia, we are more worried about a renaissance of imperialist Russia, we are more worried about affecting the feelings of people who may be aggressive than we are about honoring your dream and effort to achieve freedom and democracy and security," then we will have abandoned our principles, our first principles as a country. When we do that, we lose our strength, because ultimately those principles underlie the power of America in the world community.

Mr. President, I urge my colleagues to defeat these two amendments and to put ourselves on the right side of history.

I thank the Chair, and I yield the floor.

EXHIBIT 1

[From the New York Times, April 26, 1998]

WITH PROMISES, PROMISES, NATO MOVES THE EAST

(By Jane Perlez)

In the United States, the question of whether to expand NATO eastward has been debated only in fits and starts, and then most passionately on the issues of how the Russians feel about it and whether it might cost too much.

But another question figures in the debate too: What effect has the lure of NATO membership had on the way the proposed new members—Poland, Hungary and the Czech Republic—govern themselves and behave toward their neighbors after nearly half a century under Communism?

No one of these questions alone will decide the debate, which the Senate is scheduled to resume on Monday. Opponents of the Clinton Administration's proposal to expand NATO will doubtless emphasize the questions of money, Russia, and how many other new members this precedent will open the door to.

Still, it is on the question of how the prospective members are behaving that some of the hardest evidence is in, and it adds up to this:

AGREEMENT ON A GOAL

While all three have a way to go on meeting Western standards of democratic rule and stable market economies, no issue has dominated the internal political behavior of the three Central European countries as much as the aspiration to belong to the Western security alliance.

In all three prospective new members, former Communists and anti-Communists alike have agreed on NATO membership as a national goal, and as a result all have tried with varying degrees of sincerity to meet the alliance's broad requirements of democratic rule and free enterprise.

In other words, the promise of inclusion in NATO has helped the cause of moderate government during a tough period of economic and political transition. And there is little doubt, analysts say, that trying to lay the political groundwork to satisfy NATO has left Hungary, Poland and the Czech Republic better positioned for sustained economic growth.

Such growth, in turn, could also help these countries join the European Union—another goal they share, and one they are pursuing in negotiations that opened in Brussels last month and that promise to be tough.

One lesson clearly taken to heart by Poland, the Czech Republic and Hungary was the elimination of Slovakia from the list of potential NATO members after its Prime Minister, Vladimir Meciar, became increasingly authoritarian. Similarly, the European Union has cited Slovakia's lack of democratic progress as a reason for its inclusion from the first round of the economic union's eastward expansion.

The new American Ambassador to Poland, Daniel Fried, who helped formulate the arguments for expanding NATO when he worked at the National Security Council before coming to Warsaw last fall, likes to point to the way the three countries have behaved toward each other. "When Poland and Hungary became more confident of their NATO membership," he said, "they increased their outreach to their neighbors—Hungary to Romania, and Poland to Lithuania."

A decade ago, when the Soviet hold on Eastern Europe was evaporating, one worry for NATO was that old national resentments would resurface in the form of border disputes and mistreatment of minorities, creating instability in the region. So when NATO decided it might enlarge, it made it clear that aspirants to membership had to avoid that kind of thing.

Now Hungary and Romania have signed a treaty guaranteeing each other's borders and respecting the right of the large Hungarian minority in Romania. And tense relations between Poland and Lithuania have improved to the point that they have created a joint peacekeeping battalion.

Another benchmark set down by NATO, and in particular by the Pentagon, was that the military in new members had to be subordinate to civilian control. This was a prickly subject in Poland, where former President Lech Walesa wanted to keep broad authority in the hands of his generals. Only since the defeat of Mr. Walesa in elections in 1995 and the adoption of a new Constitution calling for subordination of the general staff to the Minister of Defense has the strong political influence of the Polish military brass diminished.

CHANGES IN THE BRASS

Last year, to the relief of the Pentagon, President Kwasniewski fired Gen. Tadeusz Wilecki, a Walesa appointee, who had shown open contempt for the civilians at the defense ministry.

Now Henry Szumski, a younger general who has United Nations field experience, is at the top, and Janusz Onyszkiewicz, an ardent proponent of civilian control of the military, is defense minister. NATO specialists say they are satisfied that the Polish military is on the right track, but another challenge remains: to clear out many of the Communist-era holdovers in the military intelligence service.

In another example of changing attitudes, the Hungarian Government passed over Soviet-trained generals for the post of chief of the general staff and reached down to the third level of the military hierarchy for Lieut. Gen. Ferenc Vegh, and English-speaking graduate of the United States Army War College. Now 7 of the top 10 generals in Hungary are Western trained.

Last month, the Czechs appointed a new chief of the general staff, Jiri Sedivy, 45, who stands out for his experience as a battalion commander in Bosnia and for his choice of military heroes: Eisenhower, Patton and Schwarzkopf.

Along with elevating military officers who think like those in the West, the three countries have been encouraged by NATO to get serious about parliamentary oversight committees. On this point, they still have a long way to go; the defense committee in the lower house of Poland's Parliament has no staff, and the enthusiastic members of Hungary's parliamentary defense committee have little background in military affairs.

No one would argue that Poland, Hungary and the Czech Republic are mature democracies with classic capitalist economies. Progress toward the rule of law and the protection of minority rights is far from perfect. In all three countries, the judicial systems are fragile and financial corruption widespread. There are still huge disparities in terms of wealth between the European Union and its prospective new eastern members.

But Marek Matraszek, the Warsaw director of CEC Government Relations, a political consulting firm that has worked on NATO related issues, believes that without the prospect of membership in NATO, Poland might easily have fallen under the sway of nationalist and populist politicians. Now it seems reasonable to believe that Poland, a land with 40 million people and a bounding economy growing at six percent a year, may reach its goal of being a middle-size Western European power within the next decade.

"The promise of NATO has defused destabilizing forces from the left and right." Mr. Matraszek said. "If NATO had not been offered, Poland could have been in a disastrous situation, externally and internally."

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I seek recognition.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. How much time does the Senator need?

Ms. MIKULSKI. Seven minutes.

Mr. BIDEN. I yield 7 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator has 26 minutes remaining in opposition.

Mr. BIDEN. I am sure all 7 minutes will be worth yielding.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I rise in opposition to the Warner amendment to freeze NATO membership and, if time permits, to also comment on the Moynihan amendment regarding the necessity for EU membership for these countries before being included in NATO.

It is very difficult—like you when you spoke earlier and said you had great admiration for both the Senator from New York and the Senator from Virginia as I do, we have such constructive relationships, and I admire their grasp on policy and their desire to move ahead on constructive foreign policy.

As well-intentioned as the Warner proposal is, its acceptance would be inconsistent with the NATO treaty itself. It would unnecessarily limit U.S. flexibility in pursuing further enlargement should the United States of America determine that such enlargement would be in its national interest. It would also undercut the tremendous gains for peace accomplished over the last decade in Central Europe, including the historic reconciliation now underway between Russia and the West.

Article X of the Washington treaty, which was the alliance's founding charter nearly 50 years ago, states that membership is open to "any other European state in a position to further the principles of this treaty and to contribute to the security of the North Atlantic area."

NATO has been an unprecedented success in deterring conflict and promoting peace and stability. Toward these ends, NATO has been expanded three times in the past. To remain relevant and successful in the future, NATO must keep its doors open to those European democracies ready to bear the responsibilities, as well as the burdens, of membership.

NATO enlargement is a policy deeply rooted in this principle, often driven by moral imperatives, but equally important strategic self-interest and objective criteria concerning military readiness and political and economic reform.

It is not easy to become a NATO member. This is not like signing up for an American Express card. New NATO members must meet stringent military base criteria. They must also demonstrate a commitment to resolve ethnic disputes and territorial disputes by peaceful means. In fact, the prospect of NATO membership has led newly free countries in Europe to settle border disputes.

Potential NATO members must also show a commitment to promote stability and well-being by promoting economic liberty, social justice and environmental responsibility. They must establish democratic and civilian control of their military, a transparent military budget and be fit for duty, as well as using diplomacy as its first tool of dispute resolution.

You have to do that in order to even be considered. So, therefore, I oppose the Warner amendment because it would freeze or reduce U.S. flexibility within the alliance and, at the same time, close the door that article X gave as a message of optimism and hope.

The Warner amendment would repudiate article X and its message of optimism and hope, which is what a freeze on enlargement would do. It would be seen by reformist countries of Central Europe as a door being shut. Do we really want to send such a disillusioning message to those other countries that are working for democracy, economic reform and civilian control of their military?

Article X of the Washington treaty was a source of hope to Central Europe during Soviet oppression. The prospect of NATO membership remains an important incentive for democratic and economic reform. It has already motivated the reconciliations between Germany and the Czech Republic, Germany and Poland, Romania and Hungary, Romania and Ukraine, and Italy and Slovenia, among others. The civil and military agreements between these countries have helped to consolidate peace and stability in Central Europe, and these things must be protected and not undercut.

Third, a mandated pause would create a new dividing line in Europe. If Central European countries not invited into NATO conclude that the process of enlargement has not only been stalled but stopped, a key incentive behind their current participation in NATO's Partnership for Peace Program, a military partnership, would be eliminated. A key achievement of this program is the coordination that it now fosters between their defense planning and force structure development. Thus, a freeze on enlargement would impede, if not reverse, this remarkable development of European security around an alliance-determined agenda. This is what NATO is all about.

Fourth, an arbitrary freeze on NATO enlargement would harm Russia's historic reconciliation with NATO and the United States. A freeze would appear to give Moscow a veto over NATO enlargement. It certainly would be interpreted as a victory for the hard-liners by those who still advocate a Russian sphere of influence over its neighbors, those who wish to see that Russia could deny the entry into NATO of these three democracies.

Worse, it could lead others to draw the conclusion that they will never ever have a chance to join NATO and never ever get out of the Russian sphere of influence. A freeze would undercut the basic principles that all of Europe's states have a right to choose their own security arrangements—a principle that must be one of the cornerstones of Russia's relationships with the United States and NATO membership.

Mr. President, the resolution of ratification passed the Senate Committee on Foreign Relations 16 to 2, and on that day that it voted, March 3, 1998, it explicitly addressed the concerns of those accusing the alliance of moving too fast on enlargement. It states:

> The United States will not support the admission of, or the invitation for admission of, any new NATO member, unless . . . (I) the President consults with the Senate consistent with article II, section 2, clause 2 of the Constitution of the United States . . . and (II) the prospective members can fulfill the obligations and responsibilities of membership, and its inclusion would serve the overall political and strategic interests of NATO and the United States.

That is what the committee voted on, that we just would not have an open door but it would be an open door according to article X of the treaty we already adopted.

Mr. President, I encourage my colleagues, no matter how well-intentioned—no matter how well-intentioned the Warner amendment is, I think it would absolutely undercut peace and stability.

Mr. President, also in terms of the Moynihan amendment, I want to associate myself with your remarks in which you said we could not be part of NATO under that, Canada could not, Turkey could not. And if we then would adopt the Moynihan amendment, should we then consider an amendment that would remove from NATO any members that are now part of EU?

What would that mean? It would take us out. It would take Canada out. It would take Turkey out. I do not think it is logical.

I know there are many concerns about Russia. I know my time is limited and others wish to speak on this amendment. Later on this afternoon I will give my thoughts on Russia. I wish to maintain a constructive relationship with Russia, but I do not think this is the time nor the place to then give in to the Russian hard-liners but to focus on the new Russia, which I believe is not an imperial Russia.

Mr. President, I yield the floor.

Mr. SMITH of New Hampshire. Mr. President, on behalf of the Senator from Virginia, I yield 10 minutes to the Senator from North Dakota.

Mr. WARNER. Mr. President, to accommodate the Senate on the schedule that Mr. SMITH and I are working on, from the standpoint of the proponents of my amendment, following Mr. DORGAN, it would be desirable to have the Senator from Minnesota, Mr. WELLSTONE, follow for a period of 5 minutes, and then Mr. SMITH would care for about 3 or 4 minutes. Now, there is time within which the opposition, of course, will want to intervene, and we certainly will go back and forth on this.

We also wish to accommodate the senior Senator from Alaska. He has two amendments, is that correct, I say to the Senator?

Mr. STEVENS. That is correct.

Mr. WARNER. The time that the Senator from Alaska desires under his control would be how much?

Mr. STEVENS. Well, 30 minutes. I am willing to have a time agreement on the amendments. It was my understanding, Mr. President, one of them would be accepted. That may have changed in the last few minutes. But in any event, I do not need more than 20 minutes myself to explain my two amendments.

Mr. WARNER. Fine.

Mr. President, I would suggest that the votes, then, on the two Warner amendments and the one on Senator CRAIG's from last night be deferred until the Senator from Alaska has had an opportunity to address his two amendments, and such time as whatever opposition there may be required, and then we vote on the five amendments in sequence thereafter, with the normal time allocated to the first vote and for 10 minutes allocated to each of the other four votes, with a total of five. I would suggest that request, on my behalf, be considered by the distinguished ranking member of the Foreign Relations Committee and others before it is finalized, but that is a suggestion.

Mr. BIDEN addressed the Chair.

Mr. WARNER. The suggestion I made, I say to my colleague, is that the senior Senator from Alaska wishes perhaps 20 minutes on his two amendments, and such time as you have, the votes scheduled for 3 p.m. be deferred until his amendments are discussed by the senior Senator and yourself, and then we take five consecutive votes, with the normal time allocated to the first vote, and 10 minutes to each vote thereafter.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Let me say that, first of all, I do not know what the Stevens amendment is, so I do not want to agree to a time agreement. He is a very formidable adversary on these issues, and I am not about to agree to a time agreement on what I do not know, No. 1.

Mr. STEVENS. Could I respond to that?

Mr. BIDEN. Surely.

Mr. STEVENS. The amendments have been submitted. It is my understanding that one of them was cleared on both sides. That may have changed within the last 30 minutes. The second one will be modified, as requested by the Secretary of Defense and the vice chairman of the Joint Chiefs of Staff. We have modified that at their request to make the portion dealing with reduction in the U.S. contribution to NATO to be a sense of the Senate rather than mandatory. But there is a mandatory cap in that amendment. And it will be controversial, I do admit.

Why do I need unanimous consent? I will wait my turn.

Mr. BIDEN. No. I am not trying to be an obstructionist at all. No. 1, I am told by my staff—A, I don't know about the amendment, notwithstanding it has been filed. I have been concentrating on other things. No. 2, I am told by my staff—and they may be incorrect; staff as well as Senators often are—the fact is that I am told that Senator HELMS has not signed off on any amendment yet.

Mr. STEVENS. I am not asking for people to sign off on the amendment. I am only asking for time to debate it and have a vote.

Mr. BIDEN. I am delighted to have time to debate it. That is why I think we should just go ahead, have the two amendments, vote. And then the Senator and I and others who wish to debate it from 3 o'clock on, to debate as long as you want. That is fine by me.

Mr. STEVENS. All I am trying to do, Mr. President, is accommodate the Senate. I thought instead of having three votes, have five votes after we are finished. It is all right by me. I will wait. I want to be assured some time—I am leading a delegation, pursuant to the Byrd amendment to the supplemental bill, to Kuwait and Saudi Arabia tonight. I would prefer that we were going to finish this or postpone it until we get back, one or the other.

Mr. WARNER. Mr. President, every effort is being made to accommodate the important mission undertaken by the Senator from Alaska and to have the final votes on this treaty tonight. This Senator has given his commitment to the leadership of the Senate. I suggest that we continue with this debate now and that the colleagues confer on the Stevens amendments and then revisit the possibility of five consecutive votes.

Mr. STEVENS. Mr. President, what is the order of business after the—if I may, with the Senator's permission?

Mr. BIDEN. Yes.

Mr. STEVENS. What is the order of business after the Warner vote, after the three votes scheduled at 3 o'clock? Is there an agreement after that time?

The PRESIDING OFFICER. We have two pending amendments that we would go back to after the vote. They would have to be disposed of and then other amendments offered.

Mr. WARNER. Of course, Mr. President, they could be laid aside to accommodate the Senator from Alaska.

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. I ask unanimous consent I be permitted to lay them aside after the scheduled votes at 3 o'clock and take up my two amendments at that time before I leave.

The PRESIDING OFFICER. Is there objection?

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. I do not intend to object, but I wonder, before the Senator from Delaware leaves the floor, prior to his arriving, the Senator from Virginia outlined a series of speakers who will speak in support of the amendment, but we did not establish a lineup for speakers who would speak in opposition to Senator WARNER's amendment.

Mr. BIDEN. Mr. President, I am delighted to yield 5 minutes to my friend from Michigan.

Mr. ABRAHAM. I believe we established Senator DORGAN would speak next. And if we could establish as part of that unanimous consent that——

Mr. BIDEN. Mr. President, for the benefit of my colleagues, those wishing to speak in opposition to the amendment, that I have been told of, who have not yet spoken, two of them, who are here, are the Senator from Michigan and the Senator from Virginia, Senator ROBB, with the possibility of the Senator from Indiana, Senator LUGAR, and the Senator from Arizona, Senator MCCAIN, all of whom are against the amendment, I believe all of whom wish to speak against the amendment, two of whom are here. And since I have very limited time left, the two who are here I am very happy to give 5 minutes to, and those who show up next I will give 5 minutes, and then I am out of time. It is my full intention to yield to the Senator from Michigan to speak in opposition.

Mr. ABRAHAM. Fine.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Alaska?

Hearing none, without objection, it is so ordered.

Mr. STEVENS. One additional request, if I may. I ask that my second amendment be modified. I have that right without unanimous consent. And I send it to the desk so that it can be reproduced so all Senators have a copy of it when I call it up after the 3 o'clock votes.

The PRESIDING OFFICER. Without objection, the Senator can modify a previously submitted amendment.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Although I have no objection—I realize we have gotten unanimous consent already with the Senator from Alaska going next—as soon as I did not object, I was informed by my Cloakroom that Senator CONRAD, whose amendment is one of those listed as next, objected to it being put aside. I wanted Senator CONRAD to know I did not realize he would object to that. I just want the RECORD to show that I was unaware of that.

Mr. STEVENS. I do not wish to inconvenience Senator CONRAD. I would be perfectly willing to wait if he is the next one in line. So I can get in line and I know what the time is, so I can plan the day. And I can tell the Senator, I will not take longer than 30 minutes on my amendments.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, at this point I ask the Chair to advise the Senate with regard to the remaining time under the pending amendment, the Warner-Moynihan 3-year moratorium.

The PRESIDING OFFICER. The Senator from Virginia has 16 minutes 18 seconds and 17 minutes 2 seconds to the opposition.

Mr. WARNER. So the time has been consumed by this important colloquy.

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. I ask unanimous consent that 10 minutes equally divided be restored, given that this colloquy was essential.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the Chair.

The order is that Senator DORGAN will now proceed. If the Senator would limit remarks to 8 minutes in favor of the amendment, the Senator from Minnesota would take 5 minutes, and the Senator from New Hampshire takes 3 minutes, that would enable the Senator from Virginia 2 or 3 minutes in conclusion.

Mr. DORGAN. Mr. President, I am pleased to come to the floor of the Senate to support the amendment offered by Senator WARNER. I have not yet been part of this debate. I have followed it closely and read a great deal and want to speak about the larger issue and then explain why I support the amendment offered by the Senator from Virginia.

The proposal brought to this Senate to expand NATO raises a range of questions that will still be unanswered as we vote on this treaty later this evening. Let me just describe a couple of them.

First of all, the cost. The cost estimates for the enlargement of NATO range from a few billion dollars to $125 billion. Our major European allies have made it clear that they have little intention of spending another lira, another franc, another pound, to pay for the expansion of NATO. The question, then, is: What will be the cost to the American taxpayer? We don't yet know.

Further, will there be a second round to expand NATO? The NATO Secretary-General said that there will be a second round, possibly including Romania, Slovenia, and three Baltic States. If there is a second round, what will that cost be? And if there is a third round, would it include some of the 19 other members of the Partnership for Peace in Central and Eastern Europe? Where does NATO expansion stop? We don't yet know.

The other question is: What is the threat that requires the enlargement of NATO? What is the threat to Poland, Hungary, and the Czech Republic that justifies NATO expansion? I am convinced these countries need economic integration into Europe rather than military integration into NATO.

The Warner amendment says, let us take the time to answer these basic questions. Let's wait for three years before we admit any more nations into NATO. Let's pause and try to understand what all of this will cost, what exactly is the threat, and what our response should be.

But more importantly, a three-year pause also will enable us to work with Russia to ensure our relations with Russia do not suffer as a result of the policy we seem about to endorse this evening.

NATO expansion, make no mistake about it, will play a large role in determining whether we will have a cooperative or a confrontational relationship with Russia in the years to come. I don't say this because I am sensitive to the feelings of Russia. I say it because I am sensitive to our own security interests.

I take a moment of the brief time that I have to describe why our relationship with Russia should play a role in this decision.

I wonder how many of my colleagues are aware of an incident that occurred on December 3, 1997, in the dark hours of the early morning, north of Norway in the Barents Sea. Several Russian ballistic missile submarines surfaced on December 3, last year, and prepared to fire SSN–20 missiles. Each of these missiles can carry 10 nuclear warheads and travel 5,000 miles—far enough to have reached the United States from the Barents Sea. Those submarines surfaced and launched 20 ballistic missiles. Roaring skyward, they rose to 30,000 feet. U.S. satellites tracked their path.

Last December 3, the radar and satellites in our Space Command NORAD complex and elsewhere saw that at 30,000 feet those Russian missiles exploded, they were destroyed. Why? Because this was not a Russian missile attack. In fact, seven American weapons inspectors were watching from a ship a few miles away as the missiles were launched. These self-destruct launches were a quick and cheap way for Russia to destroy submarine-launched missiles, which it is required to do under the START I arms control treaty.

Mr. President, let me present one more piece of evidence about what is really important. This is a hinge, and with the permission of the Presiding Officer, I show it to my colleagues on the Senate floor. This is a hinge that comes from a missile silo in the former Soviet Union. This belonged to a silo that housed an SS–19 with warheads poised at the United States. This piece of a missile silo, with a missile and warhead aimed at the United States, comes from a silo that doesn't any longer exist. This comes from a silo which this picture shows is now gone. Silo removed, gone. The missile is gone. The warhead is gone. And where a silo once stood, sunflowers are planted.

How did that happen, that a Soviet missile was destroyed by taking it out of its silo? This country, with a program called Nunn-Lugar, helped pay for the cost of that. With that program, and under our arms control treaties, we help destroy the weapons of potential adversaries so they can never be used against us.

Now, the question for all of us is, What does enlarging NATO do to our relationship with Russia? There is no one on this floor who can stand and tell you with certainty what it does, but there is plenty of evidence that this is a step backward, not forward, with respect to our relationship with Russia.

One of the great lessons of this century's history is that the United States gains when we respect a former enemy. We have been through the cold war with the Soviet Union. They lost. The Soviet Union no longer exists.

Russia has enough fissile material to make 40,000 nuclear weapons if it wanted to. That's why our relationship with Russia is critically important. That relationship will determine whether we will see more nuclear missile silos planted with sunflowers, whether we will see bombers having their wing cut off —as this picture shows—whether we will see more progress in arms reduction.

The principal threat, in my judgment, to peace in this world is not a threat of a land invasion of Poland, the Czech Republic, or Hungary. The principal threat is the threat of nuclear weapons—loose nuclear weapons falling into the hands of terrorists, or proliferation of nuclear weapons to rogue nations, or a resumption of the nuclear arms race. We are on a path in this country, because of our arms control agreements and cooperative relationship with Russia, where both sides are now destroying nuclear weapons. This is very, very important progress for humankind.

We now are confronted here in the U.S. Senate with a question of enlarging NATO, a security alliance in Western Europe, at the expense of, in my judgment, our relationship with Russia. I don t want to see our relationship with Russia deteriorate into a new cold war confrontation and a resumption of nuclear weapons production. In my judgment, we expand NATO at the potential risk of reigniting a cold war and impeding and retarding progress on arms reduction.

The Senator from Virginia brings an amendment to the floor that says if we go to a first round of NATO enlargement, and if the vote is successful tonight, before we expand further let us at least pause for 3 years to answer the questions I posed at the start of my presentation. What will this cost? What will this cost, and who will pay the bill? What is the threat, and where does the threat come from? And what does this do to arms control agreements that now, as I speak, are resulting in the destruction of missiles, the retirement of delivery vehicles, the sawing off of wings of Russian bombers?

What does it do to that progress, progress that comes from arms control treaties and a bipartisan initiative here in Congress called Nunn-Lugar to help implement those treaties? In the Nunn-Lugar program we provide money to accommodate arms control agreements, to help the other side destroy their nuclear weapons. These are the weapons that were once housed in a silo that contained this piece of metal, near Pervomaisk, a former Soviet missile base. What does NATO expansion do to the progress that this piece of metal represents?

This piece of metal was in a silo that housed a missile with a nuclear warhead aimed at our country, but it is now just metal, and the ground is now sunflowers. That is substantial progress, in my view, for this world.

The question we need to ask, all of us, is, What does this issue, NATO enlargement, have to do with this progress? Will it impede this progress? Will it retard the progress of arms control? No one here knows the answer for certain. Our Nation's foremost experts on foreign policy are sharply divided.

Yet, and I say this regretfully, the Senate seems prepared to vote on NATO expansion without understanding its potential consequences.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DORGAN. I yield the floor and thank the Senator from Virginia for his time.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, I will speak briefly in opposition to the Warner amendment. I will begin by saying that I think there are clear lessons that can be learned, but I disagree with my distinguished colleague from North Dakota as to what they are.

I think the last half of the 20th century demonstrated that when America did not assert itself adequately and act in its best interests after World War II by embracing the nations of Central and Eastern Europe, we in fact contributed to the development of a cold war; that when we in fact invested in our national security and asserted ourselves effectively—particularly during the 1980s—we brought the cold war to an end successfully. That is why I believe it is in our interests to move forward with expansion of NATO at this time.

In light of these reasons, I think it is ill advised for us to set arbitrary limits or deadlines or pauses in considering NATO expansion. If it is in our best interests to expand NATO quickly, then I want to maintain that possibility. If it is not in our best interests to expand NATO beyond the three countries under consideration today, then the process already established in the North Atlantic Council and our own constitutional advice and consent ratification requirements provide us more than enough protection against rash action.

Let me speak briefly and more specifically as to other reasons I oppose the amendment offered by my colleague from Virginia mandating a "strategic pause."

First, I believe such a pause would send exactly the wrong signal at this critical point in history, as it would represent a drastic change in U.S. policy. The United States led the charge at last year's Madrid summit to keep the door open for future NATO expansion. Throughout the general discussion on expanding NATO, we also declared that any possible offer of NATO membership would be dependent upon successful implementation of democratization and market reform programs. Taking away the possibility of NATO membership, even for just 3 years, may also take away the incentive for completion of reform.

Second, I believe the Senate's position during any future membership negotiations will be protected. During Foreign Relations Committee hearings on this issue, both Secretary Cohen and Secretary Albright expressed the administration's understanding of the need for consultation with the Senate prior to any future round of expansion. I believe that commitment is secure, given their scrupulous consultation process with the Senate that has gone on throughout the current expansion phase.

Finally, I think we must look at this round of expansion in its historical context. Article X of the North Atlantic Treaty specifically provides for the expansion of NATO to any European state in a position to further the principles of the treaty and contribute to North Atlantic security. This article has been utilized over the past 50 years for the accession of West Germany, Greece, Turkey, and Spain. This is not a brand new process but one we have always kept open to review.

NATO's Secretary General stated at the Madrid summit:

> In keeping with our pledge to maintain an open door to the admission of additional Alliance members in the future, we also direct that NATO Foreign Ministers keep that process under continual review and report to us. We will review the process at our next meeting in 1999.

This shows that NATO enlargement is an issue regularly reviewed by the North Atlantic Council, just as are the structure and requirements of the NATO armed forces.

In summary, I strongly oppose any measure which will place additional roadblocks in the way of future NATO expansion, roadblocks that are not needed and will only lead to further feelings of abandonment and exclusion by nations wanting to join the West. A decision to enlarge NATO should not be based on a rigid time line; rather, it should be the net result of thoughtful deliberation—a process already well protected by both the North Atlantic Treaty and our Constitution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. SMITH of New Hampshire. Mr. President, I yield 5 minutes to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all, let me associate myself with the amendment earlier introduced by Senator MOYNIHAN from New York. I have said before on the floor of the Senate—and I will say it again—the Senator from New York, I think, has said something very important with his amendment,. which is that we should be using our prestige as a great country to really insist on membership to the EU for Hungary, the Czech Republic, and Poland. That is what is most important to enable them to reach their goals.

Also, let me associate myself with the amendment of my colleague from Virginia, Senator WARNER. I think what he is saying in this amendment is: Colleagues, Democrats and Republicans alike, please go slowly.

Mr. President, many of us had the opportunity to serve with Senator Nunn. I think more of us should talk about him and his wisdom. Senator Nunn raised three questions about NATO expansion. The first question is: Will this help us in easing or dealing with the whole problem of proliferation of weapons that might go to Third World countries—the kind of cooperation we need with Russia? The answer that Senator Nunn gives to that question is no.

The second question Senator Nunn asked is: What about nuclear threats? Is this going to help us in terms of further arms agreement with Russia? Is this going to move the world away from reliance on nuclear weapons? The answer Senator Nunn gives is no.

The third question that Senator Nunn raised is: What about reform within Russia? What about the forces for democracy? What are the democrats—with a small "d"—all trying to tell us? The answer, Senator Nunn says, is they are telling us with this NATO expansion, expanding the military alliance against a Soviet Union that no longer exists, against a military threat that no longer exists, is a huge step backward.

Mr. President, I will conclude this way. Other colleagues are on the floor and want to speak. From Senator Sam Nunn to Senator PATRICK MOYNIHAN, to Senator JOHN WARNER, to George Kennan, to scholars like Howard Mendelbaum, to prophetic thinkers like George Kennan, and, more importantly, the forces for democracy in Russia, there has been an eloquent and powerful plea to all of us to understand that this could be a tragic mistake.

Mr. President, I fear it will be a tragic mistake. I hope my colleagues will vote for Senator MOYNIHAN's amendment. I hope they will vote for Senator WARNER's amendments. I want to say one more time that I am in profound disagreement with NATO expansion. I think there will be fateful consequences. If we approve this, I hope and pray that I am wrong, but I have to speak for what I believe is right for my country and the world.

I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I have 16 minutes remaining in my control. For the benefit of the Senators, so I don't get myself in more trouble in the allocation of time, I am going to yield, in the following order: 5 minutes to the Senator from Virginia, 5 minutes to the Senator from Delaware, and 5 minutes to the Senator from Arizona. That will leave me probably 10 seconds. I now yield 5 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. Mr. President, it is not my intention today to belabor the points, so eloquently made by the principal proponents of this Resolution of Ratification—including the President, the Secretary of State, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and by the leadership of this body, and the Chairman and Ranking Members of the Foreign Relations Committee—about why enlarging NATO is in our national strategic interest.

The three national security committees on which I serve have dedicated an extraordinary amount of time to this issue, examining the full ramifications of enlarging NATO in over a dozen hearings, and following that intensive process I remain persuaded, that we ought to move ahead.

I certainly don't discount the concerns, that have been raised, by a number of highly respected opponents of ratification, most of whom I am normally in agreement with on national security matters, but I find the arguments advanced by the advocates more persuasive.

I would like to focus my remarks more narrowly on the implications for American leadership in Europe and beyond. The critical notion in my mind, is not simply that NATO is inviting Poland, Hungary, and the Czech Republic into its ranks, but that through our leadership, we've played a fundamental role in casting the light of freedom across Europe, and are prepared in peacetime or war, to guarantee the security of these new democracies.

Keeping the peace is something NATO has been doing well for 50 years. When an entity works as well as NATO has, in fact, the American people tend to either ignore it or take it for granted. Perhaps that explains the lack of widespread public interest in expanding NATO.

We have come to think of Europe mostly as a market for our goods, no longer as a territory under Soviet threat. Public apathy aside, we forget the lessons of history that made the 20th Century the single bloodiest of all, at our peril.

On two occasions American isolationism has led to world wars. What we thought was benign neglect of Europe turned out to be an abject failure of our leadership. Harry Truman was right when he said that if NATO had existed in 1914 or 1939, we never would have seen the toll in human lives that followed.

Mr. President, it is an undeniable fact that NATO has contributed dramatically to Europe's peace, stability, and democracy the past 50 years, and hence to our own security. The alliance was integral to the dissolution of the Warsaw Pact in the 1980s, to tearing down the Berlin Wall in 1989, and to hastening the overall demise of the Soviet Union and the end of the Cold War.

Now, some wonder, if it is still relevant, and express serious doubts as to whether or not we should expand it.

Mr. President, it will be decades before we know with any certainty whether central Europe establishes itself in toto as a model of democratic rule, or something less. But it is not difficult to conjure up images of exclusive ethnic and latent ultra-nationalism underlying future conflict.

The historical legacy of the region generally is worrisome. World War I started with a mere gunshot in Sarejevo. And even recent history in the region shows that stability can't be treated as a foregone conclusion given the conflagration of the former Yugoslavia after Tito. And now Kosovo threatens to inflame the area all over again.

NATO has performed admirably in restoring a semblance of order in Bosnia. Yet the job is far from finished. We face years of civil and political reconstruction. But NATO and American leadership have made the difference in resuscitating that country.

Mr. President, Bosnia demonstrates that the stakes are far too great to view NATO as some kind of anachronism.

NATO is a vibrant, meaningful, omnipresent military institution that helps preserve a favorable security environment. And let me emphasize that it safeguards American vital interests. We don't lead NATO as a favor to Europe.

Mr. President, perhaps the greatest challenge, or opportunity, in all this lies in developing a partnership between Russia and an expanded NATO. The Permanent Joint Council we've established with the Russians secures an important role for them in the new security architecture of Europe.

We should welcome their input and value their advice in charting a new course for the Continent. Russia, after all, has been a player in Europe for better than 300 years. We can, and should, pursue those mutual security concerns with Russia that contribute toward peace and stability in the Euro-Atlantic area.

At the same time, an expanded NATO will retain the right to act independently, as has been the case for fifty years. Its core purpose will continue to be to ensure its own security through collective defense.

Where there might be disagreements, Russia should not interpret NATO actions as trampling on its national security prerogatives.

Rather, the aim of the alliance, in Vaclav Havel's words, "is first and foremost an instrument of democracy, intended to defend mutually held and created political and spiritual values * * * [and is] the guarantor of Euro-American civilization."

NATO's expansion will erase the artificial lines drawn by Stalin, but is not and should not be perceived as a threat to Russia's security.

It is in our interest, and we should provide tangible support to further develop Russia as a peaceful democracy. Expanding NATO helps consolidate the hard fought gains of winning the Cold War, and sets a useful example for Russia among its neighbors to continue with democratic reforms internally.

Mr. President, the working predicate of a number of the amendments before the Senate seem designed to make the accession process more cumbersome and unwieldy. I believe we need to distinguish this particular matter, however, from common appropriations and authorization legislation we amend and consider in the Senate.

I believe, ambiguity regarding the protocol terms of entry, for example, will have a corrosive effect on our ability to lead the organization in the future. Existing and future members begin to focus more on American conditions instead of affirmative American leadership.

Mandating a multi-year pause in expansion, for example, would lead us into the same difficulty we encountered setting deadlines for troop withdrawals from Bosnia. Critical national decisions based on carefully reasoned and supported judgments are subjugated to an artificial time line that could actually end up proving harmful to our military interests.

We need to be flexible rather than arbitrary about future entrants into NATO: If the first round goes well, the Partnership for Peace program will keep the door open for new members. Present and future security considerations will then dictate the pace and scope of enlargement.

Along these same lines conditioning NATO membership on EU membership strikes a discomfiting parallel between two organizations whose core missions are fundamentally different, one being military and the other economic and social.

The amendment would, in effect, allow a group of EU nations veto power over a critical decision affecting U.S. national security: our choice of military allies in any future contingency.

In all three previous rounds of NATO enlargement—Turkey and Greece in 1952, Germany in 1955, and Spain in 1982—it was clearly understood that expansion presaged European economic development and integration as a key benefit, not the other way around. Now, inclusion in NATO will help establish a climate of confidence for these three countries as they seek foreign direct investment and pursue economic integration.

Mr. President, strengthening NATO by expanding its ranks contributes to a peaceful, democratic, free and unified Europe. As the security landscape of central Europe rapidly changes, we ought to take advantage of this historic moment. A static, cautionary approach misses the opportunity to extend democratic principles across Europe.

Vaclav Havel, perhaps better than anyone, has stripped away the layers of argument on each side, observing that "if the West does not stabilize the East, the East will destabilize the West." Europe looks to the United States for leadership, and it is time for us to act.

I urge my colleagues to support the Resolution of Ratification before us, and oppose burdensome amendments that would weaken an enlarged NATO.

Mr. President, I yield the floor.

Mr. WARNER. The distinguished Senator from New York desires to speak on behalf of the amendment.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, in brief, a moment of history about Russia.

On March 20, 1917, one of the most momentous Cabinet meetings in American history took place in which Woodrow Wilson and his Cabinet judged that German submarine warfare had reached a point which left the United States with no choice but to enter the war on behalf of the Allied Powers. In 13 days Wilson would convened Congress and speak to a joint session asking for recognition of the state of war with Germany. At the Cabinet meeting, Robert Lansing, as Secretary of State, spoke in favor of doing this. He captured the meeting in a memorandum in which he wrote: "I said that the revolution in Russia which appeared to be successful had removed the one objection to affirming that the European war was a war between democracy and absolutism."

Sir, in 1917, Russia had a democratic revolution. As a schoolchild in New York, I can recall the head of that provisional government, Mr. Kerensky, would come around to our assemblies to tell us about it. That democratic revolution was crushed by Lenin and the Bolsheviks in St. Petersburg. And the country lived a hideous 70 years under that regime. Then the Russians liberated themselves. They did it internally.

They had to face a second coup against Mr. Gorbachev with tanks around the government buildings. The tanks withdrew and the forces of an earlier protodemocratic government prevailed. There are Russians who genuinely believe that they liberated their country. They now once more have the possibilities they had at the beginning of the century before the Bolsheviks took power. Why some of us here hated the Bolsheviks, hated Lenin and Stalin, and their successes, was not just for what they stood for but for what they had crushed.

There is a belief that is growing in Russia—one learns this; one hears this—that they not only freed themselves of the infamous Stalin and Lenin but also the countries around them; and that they should be seen now as a partner, not as the enemy. They were under the rule of the their enemies.

I hope we will see this and not expand in their direction an alliance that was formed against Joseph Stalin and his politburo. Give us a chance to bring Russia into the democratic world in which it almost entered and which will now be put in jeopardy, or so some of us believe. What a historic failure that would be.

Thank you, Mr. President. I yield the floor.

Mr. BIDEN. Mr. President, I yield 5 minutes to my friend from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I would like to begin by stating my opposition to the Ashcroft amendment which would too narrowly limit NATO's freedom of action by permitting NATO missions only for collective self-defense, or in response to a threat to the territorial integrity, political independence, or security of a NATO member.

I believe that is understandable—the concerns that have led to this amendment being proposed, and some valid points have been made. Clearly, the NATO military forces must not be used frivolously. I do not believe that NATO is an organization that should take on worldwide military missions that have nothing to do with European security.

I think these types of problems, however, should be avoided as NATO makes decisions—not limitations to be placed on NATO's ability to make decisions. When real-world challenges arise, we need the ability to have free and unfettered consultations with our allies on all possible courses of action before a decision is reached. Article IV of the NATO treaty already permits this kind of unrestricted consultation, as it has ever since Dean Acheson first presented it to the Senate 49 years ago.

The Ashcroft amendment would for the first time restrict the scope of such article IV consultation by preventing NATO from considering taking action in many cases—even if we and our allies believed that such action would serve our common security interests. This is an unwarranted restriction on our freedom to consult and take joint action with our allies through NATO.

The fear that NATO might take on missions that the United States opposes is unfounded. We already have all the safeguards we need at NATO because we have a veto. There can be no NATO mission, no military operation, no out-of-area deployment, unless the United States specifically supports that decision. Mr. President, not only do we have a veto but the United States is a leader of NATO. Rather than our getting dragged into missions we do not want, the reality at NATO is the opposite. The United States has always been the country to take a strong leadership position and to seek support from our European allies. We are the ones who seek to spread the burdens of maintaining security to our allies, not the other way around. The Ashcroft amendment would give a powerful tool to those allies who may seek to dodge burden sharing, who may want to prevent an active NATO role, or who would otherwise oppose a strong U.S. leadership role.

I suspect that part of the motivation behind this amendment is a lack of confidence that the current U.S. administration will say no to military operations when it has to. That is a concern I fully understand. But a lack of confidence in the current administration is one thing to be dealt with between the Congress and the White House. Putting a hard and fast limit on NATO, the most successful military alliance in history, and the best tool we have for spreading the burdens of common security, is quite another thing.

Mr. President, this is a serious amendment and one that I think would have serious consequences on our alliance and our relations with our allies, as well as our ability to act in the United States vital national security interests.

Finally, I oppose the Warner amendment because I believe it is an artificial barrier. I don't believe that we want to keep countries out of NATO. We can do that already because we have a veto of NATO. If the administration were to make a bad decision, we in the Senate could still withhold our consent at that time. But if we decide our own national security interests warrant bringing a qualified country into NATO in less than 3 years, this amendment would prevent us from doing so. I don't see why we would want to limit ourselves in this way.

Mr. President, I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. After consultation with the distinguished Senator from Virginia, in light of the fact several more Senators have asked to speak, I would ask unanimous consent, if the Senator is listening, for 10 additional minutes equally divided.

Mr. WARNER. Mr. President, no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. My intention in terms of the now 10 minutes total time I control, I will yield 5 to my senior colleague from Delaware, and then I will yield the remaining 5—and I think that will leave me 1 minute to close—to the distinguished Senator from West Virginia, just so people will know the order.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, as well intentioned as the WARNER amendment may be, I urge my colleagues to oppose it. To accept it would be inconsistent with the NATO Treaty. It would unnecessarily limit U.S. flexibility in pursuing further enlargement. It is constitutionally unnecessary. And, above all, it undercuts the tremendous gains for peace accomplished over the last decade in Central Europe and in our relationship with Russia.

What this amendment proposes is an arbitrary freeze—or a pause—in the enlargement process. This, despite the fact that Article 10 of the Washington Treaty, the Alliance's founding charter, states clearly that membership is open to, and I quote, "any other European state in a position to further the principles of this treaty and to contribute to the security of the North Atlantic area."

Mr. President, we all agree that NATO is an unprecedented success in deterring conflict and promoting peace and stability. Toward these ends, NATO has been expanded three times in the past. To remain vital, relevant, and successful in the future, NATO must remain consistent with Article 10 and keep its doors open to those European democracies ready to bear the responsibilities and burdens of membership.

NATO enlargement is a policy rooted in this principle and driven by moral imperatives, strategic self-interest, and objective criteria concerning military readiness and political and economic reform. Any proposal to freeze enlargement—whether it be permanent or temporary—subordinates these factors to an arbitrary timeline. And it opens the door to other significantly adverse consequences for the United States and the Alliance:

First, a freeze would reduce U.S. flexibility and leverage within NATO. It would unnecessarily undercut our ability—and the Alliance's ability—to respond to the inherent uncertainty of the future.

Second, it would send an unfortunate, and even dangerous message to the reformist governments of Central Europe. They would suppose—and not incorrectly—that the United States is slamming the door shut concerning their possible accession into the Alliance.

Do we really wish to send such a disillusioning message?

Article 10 of the Washington Treaty was a source of hope to Central Europeans during Soviet oppression. The prospect of NATO membership remains an important incentive for democratic and economic reform. It has motivated the reconciliations between Germany and the Czech Republic, Germany and Poland, Romania and Hungary, Romania and Ukraine, as well as Italy and Slovenia, among others. Their unprecedented efforts to cooperate among themselves and to jointly consolidate peace and security in that region must be strengthened, not undercut.

Third, a mandated pause created by this amendment would prompt a new dividing line in Europe. If Central European countries not invited into NATO conclude that the process of enlargement has not only stalled, but stopped, a key incentive behind the aforementioned regional cooperation, including their current participation in NATO's Partnership for Peace program, will be seriously undercut. Thus, a freeze on enlargement would impede, if not reverse, the remarkable development of European security around an Alliance-determined agenda.

Fourth, Mr. President, an arbitrary freeze on NATO enlargement would harm Russia's historic reconciliation with NATO and the United States. A freeze would appear to give Moscow a veto over enlargement. It certainly would be interpreted as a victory—proof of their own legitimacy—by those who still advocate a Russian sphere of influence over its neighbors. Worse yet, it could lead others to draw the same conclusion. A freeze would undercut the basic principle that all of Europe's states have a right to choose their own security arrangements—a principle that must be one of the cornerstones of Russia's relationships with the United States and NATO.

While I am sure the intentions behind this amendment are admirable, we must recognize that its consequences would be potentially disastrous. It would undercut U.S. leadership and influence within the Alliance. It would contradict the founding document of the Alliance. It would threaten the historic progress we have witnessed in Central Europe—progress from which we all benefit. And It would reject a principle fundamental to establishment of a constructive relationship with a democratic Russia.

I suspect, Mr. President, that one false premise behind this amendment is that NATO enlargement has been a rushed process. Nothing could be farther from the truth. The velvet revolutions that restored democracy and independence to Poland, the Czech Republic, and Hungary took place in 1989. Nearly a decade will have passed before these three countries become NATO members in 1999.

Moreover, the Senate has not rushed, and is not being rushed, into endorsing NATO enlargement. This chamber and its committees have been examining and promoting this initiative since 1993, if not earlier. Anyone concerned about the future enlargement process can be assured that the same careful study, debate, and oversight that has attended this past effort will attend those to come. Read the resolution of ratification carefully. It explicitly requires extensive consultation between the Senate and the President about any such initiative.

It states that the "United States will not support the admission of, or the invitation for admission of, any new NATO member, unless (I) the President consults with the Senate consistent with Article II, section 2, clause 2 of the Constitution of the United States (relating to the advice and consent of the Senate to the making of treaties); and (II) the prospective members can fulfill the obligations and responsibilities of membership, and its inclusion would serve the overall political and strategic interests of NATO and the United States."

Before, I yield the floor, Mr. President, let me reiterate a key point to those who fear a rushed process of further NATO enlargement. The bottom line, is that further expansion of the Alliance will always be contingent on careful study, public debate, high-level consultations, political consensus, and the strategic interests of NATO and the United States. Any further expansion will also be contingent on Senate ratification—the difficult hurdle of securing 67 votes.

For these and other reasons, I urge my colleagues to vote against any proposal that undercuts the founding document and basic principles of the NATO Alliance. The ratification of the accession of Poland, the Czech Republic, and Hungary to NATO will erase destabilizing lines, which are relics of the Cold War. This amendment portends only be a step toward new, divisive lines in Europe—and, that is something we should never accept.

Mr. President, I reserve the remainder of my time.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. For purposes of informing the Senate, I ask unanimous consent that the following order take place and time for each vote. The order of votes will be that the Craig amendment which was finished last night would come first, the Moynihan vote second, the Warner vote third, that the normal time be given to the Craig amendment, that the second and third votes be 10 minutes each, and that they be up or down votes on each amendment.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. I will not object, but I would just like to ask would it be appropriate to include in the unanimous-consent request time for me to speak after the vote?

Mr. WARNER. No objection.

Mr. KERRY. I would so ask.

The PRESIDING OFFICER. Consent has been granted to recognize Senator STEVENS.

Mr. KERRY. I would ask unanimous consent to be recognized following Senator STEVENS.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BIDEN. How much time remains under my control?

The PRESIDING OFFICER. The Senator has 6 minutes.

Mr. BIDEN. Mr. President, I yield 5 minutes to the distinguished Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator who is ranking member of the committee who is managing this business in the Chamber.

EXECUTIVE AMENDMENT NO. 2316

Mr. BYRD. Mr. President, I speak with reference to the amendment offered by Mr. CRAIG that would, if adopted, require that the United States adopt a specific authorization for the continued deployment of U.S. forces now in Bosnia prior to the deposit of the U.S. instrument of ratification of the protocols for NATO expansion. I have long supported an active Congressional role regarding the ongoing U.S. mission in Bosnia. Congress *does* have a responsibility to carefully oversee that mission, to ensure that it stays on track and that limits are placed on the U.S. role there that will safeguard our troops from being consumed in an ever-expanding nation-building crusade. So, I support what I think is the Senator's intent, which is to apply pressure to the Administration and the Congress to fulfill their oversight responsibilities with respect to Bosnia.

However, that being said, I do not believe that this amendment is necessary. The Fiscal Year 1999 Department of Defense Authorization bill is likely to be considered by the Senate within the next several weeks, and the corresponding appropriations bill will also be taken up before we adjourn. These bills are the appropriate vehicles on which to debate and act to place limits on the U.S. mission in Bosnia. They provide a vehicle for establishing policy and then backing up the will of Congress with the power over the purse. We do not need this amendment today to force us into taking action on Bosnia. We do not need to hold these nations—Poland, Hungary, and the Czech Republic—hostage to any perceived inability or lack of will on our part to act independently on Bosnia.

So I say to my colleagues that this Senator from West Virginia does not lack the will to work to establish a policy and a specific, detailed authorization for the U.S. mission in Bosnia. I do not favor open-ended commitments to deploy forces to Bosnia, and I do not favor giving this administration or any other administration a free rein to involve our men and women in uniform in the kind of policing actions that got us into such trouble in Somalia. I am already working on such an amendment in concert with other Senators, with the intention of offering it to the Department of Defense Authorization bill or perhaps some other vehicle. I welcome the participation of Senator CRAIG and his cosponsors in this debate. But we do not need to act on this amendment at this time. We do not need to leave this protocol bound and gagged in some dark closet until we ransom it with a debate and legislative action that, I assure you, will take place without a hostage on another occasion on another day and on another measure.

Although I will vote against this amendment, I assure my colleague from Idaho, and the other supporters of his amendment, that it is not because I do not wish to have a concrete policy regarding Bosnia. I urge Senators to vote against the amendment offered by Senator CRAIG.

I thank the Chair, and, Mr. President, I yield back the balance of my time.

EXECUTIVE AMENDMENT NO. 2322

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. I yield such time as the senior Senator from New York may desire. Could I inquire of the remainder of time on both sides, Mr. President?

The PRESIDING OFFICER. The Senator from Virginia has 10 minutes. The Senator from Delaware has 2 minutes 8 seconds.

Mr. WARNER. Does the Senator from Delaware wish to let the Senator from Massachusetts proceed? Is that my understanding?

The PRESIDING OFFICER. The Senator from Delaware has 2 minutes remaining.

Mr. BIDEN. I yield 1 minute to my friend from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Senator from Delaware.

I share the concerns of many Senators with respect to the possibilities of future rapid expansion, and there are serious questions from the Congress about the control of that. But I do think the constitutional issues of restraint of a President before the fact on foreign policy are significant, and equally significant, I believe, that we will have ample opportunity for consultation.

I will ask unanimous consent to have printed in the RECORD a letter from the President that I received on April 23. I call my colleagues' attention to one particular paragraph, which is, the President says:

> I pledge to undertake the same broad pattern of consultation before making any future decisions about invitations of membership to other states, or making any membership commitments.

In other words, no private membership commitments will be made outside of the process of the U.S. Congress consultation.

I might also add that that consultation in the past has taken over several years, with a number of different resolutions of support having been passed previously. So I think in that light I will oppose the WARNER amendment.

I ask unanimous consent the full text of the letter from the President be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, April 23, 1998.

Hon. JOHN F. KERRY,
U.S. Senate, Washington, DC.

DEAR JOHN: In the coming days the Senate will complete consideration of the proposed accession of Poland, Hungary, and the Czech Republic to NATO. NATO's enlargement offers our country an historic opportunity to increase America's security, improve Europe's stability, and erase the vestiges of the Cold War dividing line. For these reasons, I appreciate the support that you and a bipartisan majority of your colleagues on the Foreign Relations Committee gave this initiative on March 3, when the Committee voted 16–2 in favor of a resolution of ratification on NATO enlargement.

I know, however, that you and other senators have certain concerns about the process of NATO enlargement. In particular, I am sensitive to the questions you raised during the Committee's March 3 meeting regarding future rounds in the enlargement process. These same questions underlie Senator Warner's proposal for a mandated pause in the enlargement process after admission of these first new members. Let me take this opportunity to comment on Senator Warner's proposal and the issues it attempts to address.

I have long maintained that, as part of our broader strategy to make Europe more united and stable, NATO should keep its door open for other qualified states that aspire to membership. I was pleased that NATO adopted this position at the Madrid summit last July. The Alliance also declared in Madrid that it would review the process of enlargement at our next summit in Washington. Neither my Administration nor NATO has made any decision about when the next invitations for membership should be extended, or to whom.

Both the United States and or NATO will need to address many complex questions before making decisions about the admission of other new members, but I am convinced that such a mandated pause is the wrong way to address these questions. A mandated pause would reduce our own country's flexibility and leverage in Europe, and it would fracture the open door consensus we helped build within NATO. It would also undermine support for reforms in the Central European countries still aspiring to NATO membership and thereby create a new and potentially destabilizing line across Europe. In contrast, the Open Door policy retains the positive incentives that have reinforced reforms and good neighborly relations throughout the region over the last five years.

For these reasons, I have urged the Senate in the strongest terms to reject any effort to impose an artificial pause in the process of NATO's enlargement, and I hope I will have your support for that position. It is not necessary for the Senate to mandate a moratorium on the enlargement process to ensure that future steps proceed in a careful and deliberate manner. I consulted extensively with members of both chambers and both parties in Congress on the full range of decisions concerning NATO's enlargement, including decisions on how many and which states to support for membership. I pledge to undertake the same broad pattern of consultation before making any future decisions about invitations of membership to other states, or making any membership commitments. Of course, the admission of any additional new members also would require the advice and consent of the Senate.

The end of the Cold War has given us an unprecedented opportunity to help build an undivided, democratic, and peaceful Europe. There are many elements in our strategy designed to achieve that goal, including our efforts to make further reductions in nuclear arms levels and to adapt the Conventional Armed Forces in Europe Treaty; our bilateral programs to support reform in Russia, Ukraine, and the other new democracies; and our work with other institutions, such as the European Union and the Organization for Security and Cooperation in Europe. A strong NATO remains the foundation of our trans-atlantic security agenda and I am convinced that continuation of our open door policy will advance our overall interests and enhance NATO's capabilities.

I am grateful for the support and sound advice you and other senators have provided as we pursue that agenda, and I look forward to continuing our work on this and other national security issues in the days to come.

Sincerely,

BILL CLINTON.

Mr. LEVIN. Mr. President, I oppose the Warner amendment that would mandate a pause of three years before the United States would encourage, participate in, or agree to any further enlargement of NATO after the admission of Poland, Hungary and the Czech Republic.

At the outset, I would note that I am unaware of any rationale for choosing three years for a pause—it appears to be an arbitrary number and I think it is inappropriate to legislate on such an important matter on an arbitrary basis.

Article 10 of the NATO Treaty states in pertinent part that "The Parties may, by unanimous agreement, invite any other European state in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area to accede to this Treaty." NATO's door has been open since the establishment of the Alliance and has resulted in the admission of Greece, Turkey, Germany and Spain over the years. To mandate a three-year pause would be inconsistent with the policy that has guided the Alliance since 1949.

Mr. President, the desire to join the Alliance has been a productive force for candidate nations who have been seeking to establish their credentials for admission by perfecting their laws relating to democracy, individual liberty, the rule of law, and the establishment of market economies and by reaching accommodations with their neighbors. We should not do anything to discourage these developments.

But also importantly, I am concerned that a three-year pause would imply too much—that after three years, the Senate would support more nations joining NATO. Mandating a pause is no more logical than raising expectations as to when the next round of NATO accessions will occur. Further enlargement of the Alliance should be judged by the circumstances that exist at the time. I am not committed to further enlargement of the NATO Alliance after three years and I doubt that most of our colleagues are so committed. I fear that, by passage of this amendment, we would send a false signal to those nations that continue to aspire to NATO membership.

Mr. President, as noted in Foreign Relations Committee Report on NATO enlargement, Secretary of State Albright has committed the Executive Branch to keep the Senate fully informed of significant developments with regard to possible future rounds of NATO enlargement and seek its advice on important decisions before any commitments are made. More recently, in a letter to Senator JOHN KERRY that was released by the Special Advisor to the President and Secretary of State on NATO enlargement, President Clinton wrote in part that "I pledge to undertake the same broad pattern of consultation before making any future decisions about invitations of membership to other states, or making membership commitments."

Mr. President, those commitments and the Constitutional requirement for Senate advice and consent to any future amendments to the NATO Treaty that enlarge the Alliance are all that is necessary. I urge my colleagues to oppose the Warner amendment as both arbitrary and misleading.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I would like to point out, with regard to the military credibility of NATO raised by my friend from New Jersey, in terms of protecting Poland, I remind him, West Berlin was militarily indefensible but the Warsaw Pact never attacked. Why? Because the Soviet Union knew what would happen.

The third point I would make is with regard to the 3-year pause.

The clearest reason this amendment is superfluous is in the Resolution of Ratification itself, Section Two, Paragraph Seven. There it clearly states that the U.S. has not consented to invite any state other than the three before us today, and that many subsequent decision to do so would rest on that state's ability to fulfill the obligations of membership, as well as serve the overall political and strategic interests of NATO and the U.S.

Further, Article X of the North Atlantic Treaty declares, and as the July 1997 Madrid NATO Summit Declaration repeats, that the door to NATO membership is open to other European states able to further principles of the treaty and to contribute the security of the North Atlantic area. Each applicant country will be judged on its merits.

Moreover, in the Resolution of Ratification before us, Section 2, Paragraph 7(A)(iv) requires prior consultation of the Senate by the President before the United States can support the invitation of any new member, and recalls that ratification of any new NATO ally requires the advice and consent of this body.

To mandate a pause would tie NATO's hands should an obviously qualified applicant such as Austria applies for membership. For the moment, it appears that the Austrian government has decided against applying for membership, but that could change after elections next year.

In fact, Austrian public opinion is already changing. Earlier this month when the Austrian public was informed of NATO's Article 5 guarantees, for the first time in a national poll a majority of Austrians said that Austria should abandon its neutrality and join NATO.

So if the Austrian government decides to follow public opinion, would we then want to tell the Austrians, "Sorry, no applications accepted until the year 2002"?

As you know, many, including myself, believe that Solvenia already meets the criteria for NATO membership. I supported its entry in this first wave. There is every indication that Slovenia will be ready to join the Alliance within the next three years.

To mandate a pause would take the urgency off the reform efforts that nations such as Bulgaria and Romania have stepped up, at great short-term cost to their standard of living, precisely because they want to make themselves NATO-qualified for the next wave.

Even Slovakia, a long-shot applicant because of its poor record on democratization and privatization, may have a dramatic turn-around as a result of national elections this fall.

Such a decision would make NATO look like it can't be trusted to judiciously apply its own criteria; namely, that it cannot tell when and whom to invite to become new allies. This is no policy for a great nation like the United States or a great alliance like NATO.

Secretary of State Albright told the Foreign Relations Committee on February 24 that just the possibility of joining NATO has inspired declared applicants to accelerate reform, to reach out to their neighbors, and to reject the destructive nationalism of their region's past.

As one of many examples of this, Latvia, Lithuania, and Belarus signed in March a border agreement paving the way for a final demarcation of the 500-kilometer Baltic-Belarusian frontier.

Given these accomplishments, Secretary Albright warned:

> A mandated pause would be heard from Tallinn to in the north to Sofia in the south as the sound of an open door slamming shut. It would be seen as a vote of no confidence in the reform-minded governments from the Baltics to the Balkans. It would diminish the incentive nations now have to cooperate with their neighbors and with NATO. It would fracture the consensus NATO itself has reached on the open door. It would be dangerous and utterly unnecessary since the Senate would, in any case, have to approve the admission of any new allies.

There are many foreign policy experts who share these views. But let me quote one concerned American who urged me to oppose this amendment.

David Harris, Executive Director of the American Jewish Committee, wrote to me on March third, stating:

> Last June 26, we [the American Jewish Committee] observed that an enlarged NATO will mean greater security and stability and also hasten the political and economic integration of Europe. An expanded NATO means greater stability and security for Central Europe, a region that was the cockpit for the two world wars that brought such horror to the world—and to the Jewish people.
>
> For many of the same reasons we supported NATO expansion we now oppose any effort to mandate a pause in initiating procedures for a second round of its enlargement.
>
> States throughout Central Europe that hope for eventual membership would feel that the open door enunciated at Madrid had been slammed shut in their face.
>
> At a minimum these states would be discouraged, and a pause might lead to instability in the region. Hardliners in the Russian Federation would find vindication.

Supporters of this amendment appear to believe that they are stopping a runaway train of immediate NATO membership for every state from Croatia to Kazakhstan.

They seem to be unaware that not every European state has declared an intent to join NATO. In particular, Ukraine, at its March 26 meeting with NATO officials, restated its view that while it "does not rule out" joining the alliance, such a move is currently unrealistic.

Ukraine issued three conditions for joining NATO: (1) decisive public opinion in favor of accession; (2) interoperability of its armed forces with those of NATO members; and (3) a guarantee that its accession would not harm relations with neighboring states, particularly Russia.

Recognizing that we already have all the control we need over the speed and choice of future NATO members, I urge my colleagues to vote down this amendment.

Mr. SMITH of Oregon. Mr. President, article 10 of the North Atlantic Treaty provides that NATO members, by unanimous agreement, may invite the accession to the North Atlantic Treaty of any other European state in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area. The resolution of ratification notes that only Poland, Hungary, and the Czech Republic have been invited by NATO members to join the Alliance. No other agreement or document, including the July 8, 1997 Madrid Summit declaration of NATO, or the Baltic Charter signed on January 16, 1998, should be construed otherwise.

Much has been said about these documents, but I am not certain that all of my distinguished colleagues have read them carefully. In Madrid, NATO's Secretary General stated "In keeping with our pledge to maintain an open door to the admission of additional Alliance members in the future, we also direct that NATO Foreign Ministers keep that process under continual review and report to us. We will review the process at our next meeting in 1999." This is not a promise, a commitment, or any other guarantee that countries in Central and Eastern Europe will be invited to join NATO—it is merely a statement that enlargement is a process that should be reviewed by NATO regularly.

Further, the Baltic Chapter, signed this past January by the Presidents of the United States, Estonia, Latvia, and Lithuania declares that the U.S. "welcomes the aspirations and supports the efforts of Estonia, Latvia, and Lithuania to join NATO. It affirms its view that NATO's partners can become members as each aspirant proves itself able and willing to assume the responsibilities and obligations of membership, and as NATO determines that the inclusion of these nations would serve European stability and the strategic interests of the Alliance". Mr. President, this last statement is important—the Baltic Charter clearly states that including any new members in NATO must serve the strategic interests of the Alliance. All candidate countries will be evaluated on these criteria.

The United States should not support the invitation to NATO membership to any further candidates unless the Senate is first consulted, unless any proposed candidate can fulfill the obligations and responsibilities of membership, and unless their inclusion would serve the overall political and strategic interests of the United States. During Foreign Relations Committee hearings, both Secretary of Defense Cohen and Secretary of State Albright expressed the Administration's understanding of the need for consultation with the Senate prior to any future rounds of expansion.

I strongly oppose, however, mandating a period of time during which the United States is not permitted to pursue a policy of NATO enlargement that very well may be in our national interests. The decision to enlarge NATO should be based not on an arbitrary timeline, but should be the result of a thoughtful process—based on consultations with the Congress—that considers the security interests of NATO and the qualifications of candidate states.

I strongly oppose the Warner Amendment.

The PRESIDING OFFICER. The Senator from Virginia has 9½ minutes.

Mr. WARNER. Mr. President, 19 years ago when I was privileged to come to the U.S. Senate, the leadership had just a year or so before passed from one of our most distinguished Members, the senior Senator from Montana, Mike Mansfield. A few weeks ago in the old Senate Chamber, at age 95, he held forth in a magnificent review of history of the Senate without a flaw, without a quiver in his voice, and with an expression on his face that conveyed the strength and the confidence that that man had.

I missed the opportunity to serve with him. But one of his major goals in the concluding years of his distinguished career was to come to this floor, time and time again, and call for reduction of our commitment in troop size and financial commitment to NATO, saying that the job had been done, it was time to come home and to apply those dollars to the men and women of the Armed Forces of the United States.

That was the majority leader of the U.S. Senate. I see my distinguished colleague from New York. He recalls those speeches very well.

Mr. MOYNIHAN. Will the distinguished Senator yield?

Mr. WARNER. Certainly.

Mr. MOYNIHAN. I remind the Senate that Mike Mansfield was in the Navy at age 14 and the Marines at age 17.

Mr. WARNER. Mr. President, saying that he spoke from some experience—having proudly worn the uniform of all three branches, by the way.

That could recur again in the minds of the American people, that we have spent enough, we have contributed enough, and the time has come for us to reduce our presence in Europe—which I think would be an absolute tragedy. I would fight against it, as I did in my earlier days in the U.S. Senate when, time and time again, Senator Jackson, Senator Stennis, Senator Tower, Senator Goldwater, Senator THURMOND would marshal the forces of those of us who had just joined the Senate on the floor to stop and ask the Senate not to cut NATO's budget. We felt it should be an orderly transition down in size. And that took place.

I just bring up this history to say that once again the taxpayers of this country, when they begin to look at the cost attributed to the accession of these three nations, costs which will be diverted in dollars from our own needs of the Armed Forces today, costs for the refurbishment and building of new bases in these three countries at the very time when we are going to shrink and continue to shrink the base structure in the United States—all of this to say that the magnitude of the decision to access countries to this treaty is just an important one. We are acting without full knowledge as to the future mission of NATO. We are acting without full knowledge of the cost of having these three nations build their military up to where they are a positive—not a negative, a positive—contribution to NATO.

I say with deep humility and respect of my colleagues, why not give America 3 years within which to study? Why not, I say to the leadership of the Senate, allow another President to give his or her wisdom to this question of whether additional countries should come in, preceded by, I hope, an active debate in the next Presidential election on the entire issue of the security interests of the United States using as a focal point NATO and the experience gained, in all probability, by accessing these three nations.

We owe no less to that future President, for he or she will have to incorporate in their budgets the costs of new accessions, will have to incorporate in their budgets the diversion of such funds as may be allocated to additional nations.

Furthermore, the changing face of Europe today from one of cold war to one our military leaders now refer to as instability—instability is the enemy in Europe and elsewhere in the world, largely because of the uncertainty associated with weapons of mass destruction and, in the wake of the new democracies, the instability as it relates to ethnic problems, religious problems and all those associated with these new nations trying to seek strength as democracies politically and strength economically in a one-world free market. But it is the whole range of instabilities and associated conflict with which we have had very little experience, other than Bosnia, possibly Kosovo. Should we not have the opportunity to study what are the requirements associated with these new instabilities? Learn from experience. Add up the costs in Bosnia. There have been many billions of dollars now contributed to bring about peace in that region.

I listened to our distinguished senior Senator from West Virginia talk about the policy in Bosnia. In many ways, I associate myself with his remarks. But we need—we need—that learning curve to make such important decisions as would be involved in adding more nations as members of NATO. Indeed the other——

Mr. MOYNIHAN. Will my friend yield?

Mr. WARNER. I will yield in a moment. The other nations would like, I am sure, to have this period of time. This 3-year moratorium gives a perfectly logical, understandable tool to the current President of the United States, indeed a future President, to withstand the stampede that I predict will occur if this is not put in place. Mr. President, I yield.

Mr. MOYNIHAN. I just ask my friend, and I know he will be aware of this, on January 16 this year, the President and the Presidents of the three Baltic States signed the U.S. Baltic Charter of Partnership, which states that the United States welcomes and supports the efforts of the Baltic States to join NATO, states that could only be defended by nuclear weapons.

Mr. WARNER. Mr. President, I addressed that on the floor of the Senate before. I think it was an unwise movement by the President. We all have great compassion for those three states, the courage of their people, their desire to affiliate more and more with the Western World. But to have held out that hope which, once it is translated from the United States across the ocean into the states and down to the people, almost is equivalent to an absolute commitment to see that it is going to happen.

That is precisely why I am concerned about leaving open the opportunity for new accessions to begin tomorrow unless the 3-year moratorium, which is a reasonable period for study, is put in place.

I close with, once again, do we not have that obligation to the American taxpayers who pay the costs associated, do we not have that obligation to the men and women of our Armed Forces who will proudly wear their uniforms as a part of the NATO force to have clarity with respect to future missions, which we will not have until 1 year hence, April of 1999?

I say to my colleagues, let's just pause and take stock and think about the seriousness of the decisions we are about to make and consider that it is not unreasonable to allow 3 years of experience to transpire to make future decisions regarding other nations. Mr. President, I yield the floor and yield back my time.

VOTE ON EXECUTIVE AMENDMENT NO. 2316

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2316 offered by Mr. CRAIG of Idaho.

Mr. WARNER. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2316, offered by the Senator from Idaho, Mr. CRAIG. The yeas and nays have been ordered. The clerk will call the roll.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

PRIVILEGE OF THE FLOOR

Mr. KYL. Mr. President, I ask unanimous consent that for the duration of the vote Sandra Ortland, of my office, be permitted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Parliamentary inquiry. The first vote is on the Craig amendment?

The PRESIDING OFFICER. That is correct.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 20, nays 80, as follows:

[Rollcall Vote No. 110 Ex.]

YEAS—20

Allard
Ashcroft
Burns
Craig
Faircloth
Feingold
Gramm
Grassley
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Murkowski
Nickles
Roberts
Sessions
Smith (NH)
Specter
Warner

NAYS—80

Abraham
Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grams
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Torricelli
Wellstone
Wyden

The amendment (No. 2316) was rejected.

Mr. LOTT. Mr. President, I think this has been a very good debate. There have been significant amendments offered and now voted upon. I see from the list we have before us as many as six or eight additional amendments still pending, several of which we have not been able to work out a time agreement on. I thank all Senators for being cooperative. We have had opponents and proponents who have been cooperative. I encourage that to continue.

I believe maybe a Senator or two indicated that they didn't know we were going to try to finish this bill this week. I think I have said all along that we should have a focused, unobstructed debate, but the intent was to complete it Wednesday or Thursday. Here we are on Thursday at almost 4 o'clock. I talked to Senator DASCHLE, and we are agreed that we are going to finish NATO enlargement either at a reasonable hour this afternoon, or a late hour tonight, or tomorrow, or Saturday, but we are not going to leave this week until we finish NATO enlargement and the supplemental appropriations bill.

Now, we can do both of those in a very responsible way with still some good debate remaining. We need cooperation and time agreements. We need cooperation on the supplemental appropriations. We agree that these two issues must be completed this week so that next week we can move to IRS reform, or the Workplace Development Partnership Act, and perhaps even crop insurance and agriculture insurance. So we don't have the luxury of rolling this over until next week.

Our first vote will not occur until Tuesday at 5 o'clock. Please work with us, and we can complete this bill and have a vote by 6:30 or 7 o'clock if everybody will agree to a reasonable time limit.

I yield the floor.

EXECUTIVE AMENDMENT NO. 2321

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, on amendment No. 2321 offered by Mr. MOYNIHAN of New York.

The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, in the foreseeable future the central strategic object of the United States and the world will be that of controlling the spread of nuclear, chemical, and biological weapons in the Near East, in South Asia, in East Asia, and the control of them in Russia itself.

If we can have the cooperation, however tacit, of the Russian Government in these affairs, we have great hopes and possibilities. If we were to have their hostility, their opposition, it could be ruinous to the world. We are talking about nuclear war and biological and chemical war. That, in my view, is what is at issue in this decision we are about to make and the amendment I have offered.

I thank the Chair for its courteous attention.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, there is absolutely no evidence today that expanding NATO to include Poland, the Czech Republic, and Hungary would do anything to exacerbate the problem we all are concerned about—the proliferation of nuclear capability.

The truth is, notwithstanding the knowledge on the part of Russia that we are going to expand, they continue to destroy their nuclear weapons under the Nunn-Lugar agreement, they have endorsed and have ratified the CWC agreement, and they have committed to take up the START II agreement. Nothing we have done relative to expansion has any negative impact on the continued cooperation between the United States and Russia to deal with the threat of nuclear warfare.

I respectfully suggest that to vote for this amendment turns over the future of what we think the defense architecture of Europe should be to an organization of which we are not a part, and that is the EU. It says that no one can join NATO unless they are first a member of the EU. Why would we turn our fate over to an organization of which we are not a member? I urge my colleagues to vote no on this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 17, nays 83, as follows:

[Rollcall Vote No. 111 Ex.]

YEAS—17

Ashcroft
Bumpers
Craig
Harkin
Hutchinson
Inhofe
Jeffords
Kempthorne
Leahy
Moynihan
Murray
Smith (NH)
Specter
Torricelli
Warner
Wellstone
Wyden

NAYS—83

Abraham
Akaka
Allard
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchison
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Murkowski
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond

The amendment (No. 2321) was rejected.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE AMENDMENT NO. 2322

The PRESIDING OFFICER. There will now be 2 minutes for debate evenly divided before the vote on amendment No. 2322 offered by the Senator from Virginia, Mr. WARNER.

The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the Chair.

I say to my colleagues, think of the American taxpayer. Think of the parents of the young men and women who will today, tomorrow and in the future wear the uniform of our country as a part of the NATO force. We do not have a firm estimate of the costs and therefore in all probability there will be an expense to the American taxpayer associated with including these three countries. Nothing in this amendment precludes the Senate acting on the three countries, the subject of this principal debate. It simply says let us wait a reasonable period, 3 years, to get an experience curve to make the subsequent decision if it is the judgment of the President at that time that we proceed with further Member negotiations, giving us firmer cost estimates, a clearer definition of the mission to be undertaken and the risk to be assumed by the men and women who wear the uniform of our country.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, several points. One, this is superfluous. In the actual resolution of ratification, we make it clear in paragraph 7 it requires prior consultation by the President before the United States can support even the invitation of any new member, No. 1. No. 2, we have the advise-and-consent requirement. They have to come here and get our votes to begin with. No. 3, this has nothing to do with cost, nothing to do with cost. It doesn't mention cost at all. No. 4, to say now there is an artificial pause is going to put on hold all those actions taking place in other countries to meet the criteria from border disputes to ethnic disputes that exist within those countries that would be necessary to be solved before they could be invited. It is absolutely superfluous, and I would argue it is dangerous in that it will send a signal that there is an artificial pause that really means no one else will be considered.

I urge my colleagues to vote against it. It is totally unnecessary.

The PRESIDING OFFICER. All time has expired. The question is on adoption of the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 41, nays 59, as follows:

[Rollcall Vote No. 112 Ex.]

YEAS—41

Ashcroft
Bingaman
Bond
Bumpers
Burns
Byrd
Campbell
Chafee
Conrad
Craig
Dorgan
Enzi
Faircloth
Feinstein
Harkin
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kohl
Leahy
Moynihan
Murray
Nickles
Reed
Reid
Roberts
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—59

Abraham
Akaka
Allard
Baucus
Bennett
Biden
Boxer
Breaux
Brownback
Bryan
Cleland
Coats
Cochran
Collins
Coverdell
D'Amato
Daschle
DeWine
Dodd
Domenici
Durbin
Feingold
Ford
Frist

Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kyl
Landrieu
Lautenberg
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Murkowski
Robb
Rockefeller
Roth
Santorum
Sarbanes
Smith (OR)
Thomas
Thompson

The amendment (No. 2322) was rejected.

Several Senators addressed the Chair.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska is recognized.

Mr. WARNER. Mr. President, will the Senator from Alaska allow me to address the Senate for a minute?

Mr. STEVENS. Yes, I yield for that purpose, Mr. President.

Mr. WARNER. Mr. President, I wish to thank all Senators for very, very careful consideration of this amendment. It is a strong vote. It sends a very strong signal. I recognize the conflict that some had in casting their votes, but I think it is important that we take a stand, as we did, with this very significant vote against the strongest of opposition to make that statement on behalf of the American taxpayers and the parents of the young men and women who one day must assume additional missions and additional risks. I thank the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, with the amount included in the emergency supplemental, the United States will have expended over $7.5 billion for operations in and around Bosnia and the former Yugoslavia by the end of this fiscal year 1998. It is estimated that the United States is paying over 50 percent of the cost of maintaining the peace in Bosnia, nearly $200 million a month in 1997 alone, and no end is in sight to the United States presence there, with the current wish of the President to extend our mission there.

Defense overseas funding to NATO countries continues. The cost of maintaining our U.S. forces there averages $10 billion a year. Let me state that again. Defense overseas funding in NATO countries is such that the cost of maintaining our forces there averages nearly $10 billion a year. Security assistance alone to NATO allies since 1950, and that includes military assistance and military education and training, now totals over $19 billion.

No other member of NATO has the global defense role that the United States has, nor the forward-deployed presence in potential flash-point areas such as the Middle East and the Korean peninsula. It is for this reason, Mr. President, that I wish to discuss the two amendments that I proposed. I presented them last month.

The amendments both deal with the challenges of defining and controlling NATO expansion costs. My original intent in proposing these amendments was to bring some greatly needed accountability to the critical issue of recognizing and clarifying all the costs to the United States to enlarge the NATO alliance.

My first amendment is No. 2065, which requires all costs related to either the admission of new NATO members, or their participation in NATO be specifically authorized by law. It is my understanding that the managers of the bill have not accepted this amendment for inclusion in the resolution, and for that reason I will, in a moment, ask for the yeas and nays on that amendment. I will explain it further if anyone wishes me to do so, but I think it is very plain. It just says any further costs must be authorized by law.

The second amendment has evolved since I originally offered it for the Senate's consideration. My original amendment would have restricted the use of funds for payment of NATO costs after September 30 of this year unless the Secretaries of Defense and State certified to the Congress that the total percentage of NATO common costs paid by the United States would not exceed 20 percent during the NATO fiscal year.

After the administration expressed their concern that this would be too difficult to achieve in such a time period, I redrafted this amendment to reduce the total U.S. contribution by only 1 percent each year over a 5-year period. That would have been no more severe a reduction than the Department of Defense has experienced as a whole in real terms since 1995.

However, during the extensive consultation that I have had with the Secretary of Defense, our former colleague, Secretary Cohen, and the Vice Chairman of the Joint Chiefs of Staff, General Joe Ralston, they have requested further changes to this amendment.

Subsequently, I have sent to the desk now a modification of the latest version which is what I will ask the Senate to vote on, and that is a sense of the Senate, that beginning in fiscal year 1999 and over the next 5 years, the President should require the U.S. representative to NATO to propose to NATO a 1-percent reduction in U.S. contributions to the common-funded budgets of NATO. Sixty days after the proposal has been made, the President is requested to submit to Congress a report outlining the action taken by NATO, if any, on this U.S. proposal.

Additionally, this amendment directs the limitation on the total expenditures by the United States for payment to the common-funded budgets of NATO to the fiscal year 1998 levels unless an increase over that is specifically authorized by law.

Mr. President, a soon-to-be-released report of the General Accounting Office that has been conducted confirms—and I have seen the draft—confirms that NATO does not systematically review or renegotiate member cost shares for the common budgets. And it is well past time for this practice to be instituted. As I have stated before, this reassessment is long overdue in light of the United States' global defense responsibilities.

No formal renegotiations have occurred in the military and civil budgets in NATO since 1955. Let me repeat that. There have been no formal renegotiations in the military and civil budgets of NATO since 1955.

When Spain joined NATO in 1982, there was a pro rata adjustment in the civil and military budget shares based upon Spain's contribution. The NSIP, or the NATO infrastructure budget, has been adjusted five times since 1960 because of changes in the way projects were approved or funded, but there was no attempt to reallocate the percentages.

Mr. President, I think that is long overdue. I understand there will be no objection to my amendment, No. 2066. If that is the case, I would urge that it be adopted as soon as the managers have made their statements.

EXECUTIVE AMENDMENT NO. 2065

(Purpose: To require a prior specific authorization of funds before any United States funds may be used to pay NATO enlargement costs)

Mr. STEVENS. In any event, Mr. President, if it is in order for me to do so at this time, I would like to place before the Senate amendment No. 2065 so I may ask for the yeas and nays.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself, Mr. BYRD, Mr. CAMPBELL, Mr. THURMOND, Mr. WARNER and Mr. ROBERTS, proposes executive amendment numbered 2065.

Mr. STEVENS. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is as follows:

At the end of section 3(2) of the resolution, add the following:

(C) REQUIREMENT OF PAYMENT OUT OF FUNDS SPECIFICALLY AUTHORIZED.—No cost incurred by the North Atlantic Treaty Organization (NATO) in connection with the admission to membership, or participation, in NATO of any country that was not a member of NATO as of March 1, 1998, may be paid out of funds available to any department, agency, or other entity of the United States unless the funds are specifically authorized by law for that purpose.

Mr. STEVENS. This is the amendment that I believe the Senator from Delaware will discuss.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. To me, this is a matter of simple justice. As the surviving superpower of the world, we must take action to limit our international commitments at least to the extent that we have limited our own budgets within the United States for the Department of Defense. Both of my amendments do that. They merely say there is a restriction on the future obligation of funds of the United States to these NATO processes unless they are previously authorized by law.

There is no barrier to going above the 1998 limit, and there is no compulsion to reduce down to 20 percent as far as the total overall commitment to the common budgets. But my amendment will bring about a process by which further expenditures will have to be authorized by law and will give Congress a specific control every year over the additional cost, if any, that may be incurred because of this NATO expansion.

Mr. SMITH of New Hampshire. Would the Senator yield for a unanimous consent request?

Mr. STEVENS. I would be happy to yield, Mr. President.

PRIVILEGE OF THE FLOOR

Mr. SMITH of New Hampshire. I ask unanimous consent that Daniel G. Groeschen of Senator INHOFE's office be extended floor privileges for the remainder of the NATO debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I thank the chairman of the committee for yielding to me.

And I say to my friend, the chairman of the Appropriations Committee, I doubt whether, with the exception of two or three other people in this body, there are as many people who know about the defense budget as my friend does. And I want to say at the outset, what I am about to say is—I say this with all sincerity—I am a little bit confused about the two amendments.

Let me be very specific. The first amendment—I should get the numbers correct of the amendments. Amendment No.—I think it is 2066—that is the amendment that speaks to two things, one, a sense of the Senate regarding the common-funded budget or put another way—and I agree with the chairman of the Appropriations Committee that it is—we are instructing the President to negotiate down the percent that we, the United States, contribute to the common budgets of NATO. I think that is appropriate. I think that is necessary.

In 1950, the percent of the common budget that the United States paid was roughly 50 percent. And in the only renegotiation that took place, that was cut in half and went down to approximately 25 percent. The Senator knows better than I do, there are three common budgets. They are slightly different in terms of percentages, but essentially it is 25 percent. And it should be lower, in my view. I thank him for making it a sense of the Senate rather than a condition to passage of the treaty.

The second part of that amendment states—and I have a little difficulty with it, but I am prepared to accept it on our side—it says—and I quote on page 2, line 19:

> Annual Limitation On United States Expenditures For NATO. Unless specifically authorized by law, the total amount of expenditures by the United States in any fiscal year beginning on or after October 1, 1998, for payments to the common-funded budgets of NATO shall not exceed the total of all such payments made by the United States in fiscal year 1998.

Now, that means, as I understand it, because a lot of our colleagues who do not spend as much time on these issues because of their committee assignments as the Senator from Alaska, the Senator from North Carolina, the Senator from Delaware—we are on committees that have these responsibilities—are somewhat confused, as I am, when we start talking about HCFA and a whole range of issues relating to the Department of Health and Human Services.

The common budget of NATO are all those expenditures which all 16 NATO members have to pitch in to pay for. Now, above the common budget, we have in the past, and we will continue in the future, I expect, expend dollars on—military dollars, State Department dollars, Defense Department dollars—on NATO member countries that are not part of a common budget.

For example, as the Senator knows better than I do, we have come up with subsidized sales of weapons systems to Greece or to Turkey. We have done the same in terms of cascading down weapons we are no longer using to other NATO countries. They do not fall within the common budget; they are expenditures of American taxpayer dollars on European countries that are members of NATO.

The way this amendment I am referring to would work, as I understand it, if in the year 1998 the United States of America spent $10—I am going to make this easy for me—$10 contributing to the common budget of NATO, that is, it represents 25 percent of all the expenditures, and all of NATO spent $40 on the common budget, we spent $10, in the year 1999 or 2000, we would be limited to spending $10 toward the common budget even if the total common budget went up to $110 because we would only be able to spend $10, which would represent a lower percentage than our 25 percent unless the authorizing committees in question specifically authorized the additional expenditures.

Is that correct?

Mr. STEVENS. That is correct.

Mr. BIDEN. I think it is unnecessary, but I have no objection to that amendment.

Now, the second amendment, the number of which I am not going to even try to guess, because I will mess it up, but the second amendment is more direct—not more direct—is shorter and straightforward. It says—do I have a copy of it here? It says:

> Requirement of payment out of funds specifically authorized. No cost incurred by the North Atlantic Treaty Organization (NATO) in connection with the admission to membership, or participation, in NATO of any country that was not a member of NATO as of March 1, 1998, may be paid out of funds available to any department, agency, or other entity of the United States unless the funds are specifically authorized. * * *

Now, the phrase "no cost incurred by NATO" by definition, as I understand it, means only one thing, the common budget—the common budget.

Now, if the chairman is concerned that we are going to, out of U.S. taxpayers' dollars, spend money on a new NATO admittee, Poland, let us say, that is not part of the common budget by saying, "You know, NATO has agreed we're going to extend a runway in Warsaw" or wherever we are going to do it. That is a common budget requirement. NATO must pay for that. It is not the national defense budget of Poland that pays for that. Since all of NATO is going to use it, we all are going to pay for it.

On the other hand, if you want to buy F-15 aircraft, we, the United States, will sell them to you under a Foreign Military Sales Act which is subsidized. We will be taking taxpayers' dollars, subsidizing the Polish military, if we sell them under the Foreign Military Sales Act. That is not out of the common budget.

Now, if what the chairman is trying to capture is those kinds of expenditures that exceed the common budget, I understand that, and I will support that, requiring a specific authorization. But if he is talking about any common budget expenditures by NATO, I see no distinction, by requiring a specific common budget expenditure that falls under the $10 ceiling, because we will be limited by the first amendment to spending no more than $10 the next year.

If, in fact, we require no specific authorization to extend the runway in Germany, and if it is a common budget investment and a NATO investment to extend a runway on German land for a

NATO facility, and we don't have to have a specific authorization to do that as long as it doesn't exceed the cap of $10 total spending, then I don't understand why we would have to have a specific authorization to do the same exact thing with an equal member of NATO—assuming Poland is admitted—in Poland. It is not doing anything other than meeting a NATO obligation we will have had to sign on to.

Secondly, if I am right—and I may not be, because I may not understand the second amendment—when I read the phrase, "No cost incurred by NATO in connection with admission of new members"——

Mr. STEVENS. Will the Senator yield?

Mr. BIDEN. I am happy to yield to the Senator.

Mr. STEVENS. Mr. President, I am more than happy to put into the second amendment, which is 2065, the phrase, "other than common funded budgets of NATO."

Mr. BIDEN. I will be happy to accept the amendment if the Senator does that.

Mr. STEVENS. I have no intention, if the Senator will yield further, to cover the issues—he is talking about the one that puts a cap on the 1998 expenditures—unless authorized by law. The other one is intended to cover those costs where I believe the United States is going to venture out and say we will do this.

We have had that experience with the expenditures before. I think we will have it again in these new areas, and these new areas are the ones that need the most in terms of expenditure. Very frankly, we cannot afford to go it alone anymore. We want to see a requirement that Congress review the expenditures of funds in these areas.

Mr. HELMS. I would like to send a modification to the desk so we can accept that.

Mr. BIDEN. If the chairman will withhold for just a minute, I have no objection to agreeing to what you have stated. I would like to, and we have plenty of time to do this, and you have my commitment we will do it if our staffs can make sure that I am not misunderstanding what is being said.

Mr. HELMS. That is fair.

Mr. BIDEN. But I am 99 percent certain we agree fully, I say to the Senator from Alaska, in what he is attempting to do, and if he just changed the language "any NATO expenditure" and we say "any U.S. expenditure beyond a common budget affecting any of these three nations requires"—I am not a draftsman—"requires the authorization committee to do it," I will accept that.

Mr. STEVENS. I state to my friend from Delaware that I am preparing to change the amendment so that it reads, "requirement of payments of funds specifically authorized, no cost incurred by the North Atlantic Treaty Organization, NATO, other than the common funded budgets of NATO in connection with the admission of membership participation of any country not a member of NATO as of March 1, 1998, may be paid out of funds from any agency," et cetera.

We do not seek to be redundant with the second amendment, but 2065 addresses the voyeurism of our people in Europe to go and do it alone in interoperability, in communications, in the whole series of things that they wish to have these new members of NATO have, without regard to common funded budgets, and to go obligate the United States, and then we get the bills brought to us in Appropriations without any authorization, without any review of Foreign Relations Committee, of Armed Services Committee, and suddenly the Appropriations Committee is faced with making decisions which we shouldn't have to make.

I am told all the time these areas should be authorized by law, and here is the chairman of the Appropriations Committee saying why don't we have a requirement they be authorized by law. It is sort of like a role reversal here of the husband saying, "I've got a headache tonight, dear." It is not quite the normal thing to be hearing from an authorizer that this is wrong for us to say. Make them get the authorization by law before they present the Appropriations Committee a bill to be paid.

Mr. LOTT. If the Senator will yield, we have a unanimous consent we would like to enter, and it would give the Senator a minute to see if they can get an agreement on this point.

Mr. STEVENS. I yield.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO H.R. 3579

Mr. LOTT. Mr. President, I ask unanimous consent, as if in legislative session, that the majority leader, after notification of the Democratic leader, may proceed, after disposition of the NATO treaty, to the conference report to accompany H.R. 3579, the supplemental appropriations bill, and, further, the reading of the conference report be waived.

I further ask there be 1 hour of debate equally divided in the usual form, and following the expiration or yielding back of time, the Senate proceed to a vote on the adoption of the conference report, with no intervening action or debate.

Mr. KERRY. Reserving the right to object—I could not hear—the majority leader intends to proceed to this after what?

Mr. LOTT. After disposition of the NATO treaty, with debate not to exceed 1 hour, and then a final vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE AMENDMENT NO. 2065

Mr. BIDEN. Mr. President, I say to my friend from Alaska, I am quite sure I can accept this amendment 2065, but I would like to not do it at the moment. I want to make sure I run the "traps" with my counterpart on the Armed Services Committee and to make sure it is right.

Secondly, I must tell him, as a former chairman of an authorizing committee and now a ranking member of an authorizing committee, I am heartened and my soul is soaring to hear a chairman of the Appropriations Committee say, "First get an authorization." That is, all by itself, reason to be excited about this.

Mr. STEVENS. I am glad you don't have a headache tonight, dear.

Let me ask that this amendment 2065 be set aside temporarily until the Senator from Delaware concurs in my revision.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE AMENDMENT NO. 2066, AS MODIFIED

(Purpose: To express the sense of the Senate regarding the United States share of NATO's common-funded budgets, and to require an annual limitation on the amount of United States expenditures for payments to the common-funded budgets of NATO)

Mr. STEVENS. I ask now that amendment 2066 be placed before the Senate. It will be accepted, and I ask that 2066 be voted upon.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the next amendment.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself, Mr. BYRD, Mr. CAMPBELL, Mr. WARNER, and Mr. ROBERTS, proposes an executive amendment numbered 2066, as modified.

Mr. STEVENS. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of section 3(2) of the resolution, add the following:

(C) UNITED STATES FUTURE PAYMENTS TO THE COMMON-FUNDED BUDGETS OF NATO.—

(i) SENSE OF THE SENATE REGARDING UNITED STATES SHARE OF NATO'S COMMON-FUNDED BUDGETS.—It is the sense of the Senate that, beginning with fiscal year 1999, and for each fiscal year thereafter through the fiscal year 2003, the President should—

(A) propose to NATO a limitation on the United States percentage share of the common-funded budgets of NATO for that fiscal year equal to the United States percentage share of those budgets for the preceding fiscal year, minus one percent; and

(B) not later than 60 days after the date of the United States proposal under subparagraph (A), submit a report to Congress describing the action, if any, taken by NATO to carry out the United States proposal.

(ii) ANNUAL LIMITATION ON UNITED STATES EXPENDITURES FOR NATO.—Unless specifically authorized by law, the total amount of expenditures by the United States in any fiscal year beginning on or after October 1, 1998, for payments to the common-funded budgets of

NATO shall not exceed the total of all such payments made by the United States in fiscal year 1998.

(iii) DEFINITIONS.—In this subparagraph:

(I) COMMON-FUNDED BUDGETS OF NATO.—The term "common-funded budgets of NATO" means—

(aa) the Military Budget, the Security Investment Program, and the Civil Budget of NATO; and

(bb) any successor or additional account or program of NATO.

(II) UNITED STATES PERCENTAGE SHARE OF THE COMMON-FUNDED BUDGETS OF NATO.—The term "United States percentage share of the common-funded budgets of NATO" means the percentage that the total of all United States payments during a fiscal year to the common-funded budgets of NATO represent to the total amounts payable by all NATO members to those budgets during that fiscal year.

Mr. STEVENS. We just discussed this, and both sides have agreed to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2066), as modified, was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. BIDEN. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Parliamentary inquiry. It is my understanding amendment 2065 is temporarily set aside until a later time.

The PRESIDING OFFICER. That is correct.

Mr. KERRY. Mr. President, I want to take a few minutes, if I may, to speak to the issue of the expansion. I have watched closely and participated closely as a member of the Foreign Relations Committee, and I have a number of different thoughts about the place we find ourselves in now with respect to this first Eastern European expansion of new democracies to NATO —first Eastern European, obviously, since 1949.

I think most Americans who follow this kind of topic very closely are somewhat surprised by the level of the debate, the nature of the debate over the past week, sort of interrupted as it was for a period of time, and also by the seeming lack of significant concern in the country about this. There is, obviously, in the past weeks a sense by many of the pundits watching this who have observed it and pointed it out that, given the momentous nature of the transfer that is taking place, there might have been considerably more concern. Obviously, some of that concern has been heightened in the last weeks.

Nevertheless, I think it is fair to say the American public is fundamentally relatively oblivious to the fact that we are extending NATO's geographic range and military commitments. The debate we now find ourselves in certainly doesn't seem joined like past debates of momentous impact on our foreign policy that many of us took part in and remember when Russia was the Soviet Union and issues of arms control loomed larger on our horizon.

One might ask why that is. Why is there this lack of confrontation or drama? I think it is quite simply because we are fundamentally presented with a fait accompli. It is true that the basic decisions have fundamentally been taken by Europe, by the President, by NATO, and I might point out significantly by Russia. Russia, recognizing some time ago that this was essentially a done deal, took steps to join in the available opportunities for cooperation that were made available. But at the highest levels of government it was very apparent to our leaders in bilateral discussions and otherwise that we were moving down this road. I suppose we have to be careful here, because if they mistakenly believe that somehow if they had offered greater opposition it might have been otherwise, I don't think that is necessarily the case, but clearly the debate would have been different, at least somewhat different.

So here we are in the Senate constitutionally charged with the power of advising and consenting of treaties. But essentially the Senate itself has been packaged and delivered much as the treaty has. I know that some outside of the Senate argued, "Well, it is never too late. We can always make a different decision." But I think everybody understands the reality of where we find ourselves.

I have talked to a great many of my colleagues, each of whom have expressed the notion that perhaps a partnership-of-a-peace approach, or some other approach, might have been more advisable, but finding themselves where they were, they came out of that dilemma and that equation where we are today also.

It must also be pointed out, though, at the same time for those who have been complaining about the process, that the U.S. Senate had ample opportunity to do what it seems to be expressing a desire to do at the next stage, and that is be more a part of the process, impose itself more, know the consultative process, and, frankly, be more vigilant with respect to what the consequences are of some of the resolutions that come to the floor in the meantime, it is clear, however, that one of the reasons of the sense of lack of engagement at this moment is the reality that the Senate has gone on record a number of times in the last few years as being totally supportive of moving forward with enlargement.

So I think that all of this really underscores the dilemma of this ratification process at this stage. It has been very hard for anybody to object also to the notion that reconnecting Europe's east and west, performing modern diplomatic plastic surgery on a historical dividing line, which reminds everyone of Soviet oppression, and that post-World War II allied lassitude is somehow wrong.

In addition, many have found it difficult to say no, even if they thought they had reservations, to the countries of people who have so constructively and plentifully contributed to the life in the United States in which we are so connected historically, culturally, and politically; and many have found it difficult to even say no knowing that those countries at some point in the future in the meantime—depending on what Russia evolves into, depending on what history decides to lay in front of us, what history ultimately will be in the region—might someday ask the question that was on their lips in the not so distant past, which is, Why didn't you help us when you could?

So we are engaged in a debate that is rooted significantly in the emotions and the memories of the cold war, and with only a minimal and late reference to the changes that have already taken place, both in Europe and the rest of the world and in Russia, and to the full ramifications of the process of enlargement once begun.

The truth is that NATO already is no longer the same entity that it was a decade ago, and it no longer faces the same threat. For 40 years, NATO has stood as a bulwhark, preserving European security, and, by extension, our own security for one very simple reason. It was poised against the threat that was posed by the Soviet Union and its Warsaw Pact allies. NATO was the simple wall of deterrence against Soviet expansionism and nuclear Armageddon. It drew its power and its raison d'etre from the geopolitical circumstances of the times. It was there like Everest, and it deterred because of its unwavering presence. It was not because of what NATO did that it drew its power. It was because of what was on paper, and in possibility. But now, with the Soviet Union's empire and the threat that they pose is gone, the truth is that so too is NATO's original mission. Today, democratic elements with varying degrees of success are taking root where communism once held sway even in Russia. To my knowledge, not one military expert or intelligence analyst has suggested that a threat like the old threat could emerge again without at least 10 years of buildup and warning. To be sure, Russia continues to be a nuclear power, but obviously a very different kind of nuclear power than the Soviet Union of yesterday. It is a country trying to make the transition to democracy and to Western institutions and values, both at home and abroad.

So while NATO continues to be a "collective defense alliance," its mission today is not at least, so we state, to defend against the Russian threat, but nevertheless if we are to be honest, it is certainly at least still a principal rationale of it that we maintain it for and enlarge it as a hedge against the potential of future threats against the unknown, including that of the potential of recidivism in Russia.

Now with the fall of the Berlin Wall and the breakup of the Soviet Union, and the change in the nature of the threat, NATO has already begun a kind of transition expanding its mission to include other tasks. For example, peacekeeping, as evidenced by the presence in Bosnia, and the new NATO, if you will, has an expanded vision of the range of potential threats that include not only challenges posed by ethnic and political rivalries within Europe to global threats, such as terrorism or nuclear proliferation, but also a greater willingness to undertake certain kinds of missions to cope with those threats.

I know some of my colleagues find that transformation particularly troubling. Some may believe that what we passed with respect to the language and the scope of the NATO mission doesn't, in fact, change any of that. But I suspect as we go down the road and think about enlargement later on in other countries, the questions about those roles will become even more significant.

Mr. President, in my judgment, notwithstanding some of those cautionary instincts that a lot of us have about this process, and notwithstanding the potential difficulties that we may face down the road, I believe it is clear that the three countries in question—Poland, Hungary, and the Czech Republic—meet the basic requirements for membership in NATO, and that we need to recognize that in less than a decade those nations have successfully transformed themselves from Communist states into vital democracies with emerging market economies.

They have taken steps to establish civilian control over the military, and as participants in NATO's Partnership for Peace programs since 1994, they have already begun the process of integration into the NATO force structure and command. Each of these three nations has made it clear they are prepared to foot the cost of membership, and they have taken the steps to improve relations with their neighbors in an effort to earn that membership.

I believe that the benefits of bringing Poland, Hungary, and the Czech Republic into NATO are real. It will heighten the sense of security within those three countries not only through the extension of NATO's military guarantee but also through the psychological benefits of being a European member and a member of the NATO club, and interactions within the alliance will clearly help to strengthen the new democracies and their abilities to assimilate themselves into Europe both economically and politically, and obviously militarily within NATO's integrated force structure.

Their membership will enhance stability in Central Europe and strengthen NATO itself through the acquisition of additional forces and personnel to cope with future threats and missions. These benefits notwithstanding—I think they are real—I express the concern that, as a number of colleagues have expressed it, admission of these countries, unless we do our job properly in the Senate, unless the consultation process is thoroughly pursued in the course of the next year, and unless we measure carefully the aftermath of the process of integration, the questions raised by the Senator from Alaska about funding, the questions raised by Senator WARNER and Senator MOYNIHAN, I think, are legitimate questions, not sufficient in and of themselves to stop us from proceeding forward, but questions which will have to be answered and addressed in order to be able to proceed forward.

It is important for us in the Senate not to permit the first tranche of admission to somehow create an automatic dynamic for further expansion to countries whose membership in NATO could conceivably—not definitely, but conceivably—pose serious strategic implications for the security of Europe and of the United States.

Personally, I believe, as others have expressed the fact, that it might have been equally as sensible, perhaps more sensible but equally as feasible, to proceed along the same line of building our relationships, building the democracies, integrating forces while simultaneously achieving the goal of START II and force reduction in Russia and building the democracy of Russia by dealing with the Partnership for Peace.

That was not the choice that was made, so we cannot stand here and debate what might have been. But I am convinced that a longer period of integration of armed forces and economic development over the next months will be critical to making the judgment about the next tranche, and it is critical for all of us not to allow this first vote to somehow create expectations that are unmeetable or create a dynamic that takes control of the process in and of itself.

One of the reasons I think it makes so much sense, obviously, and so much easier to accomplish what we are accomplishing now, which is why I think the vote will be significant in affirming it, is that historically these particular countries were a part of Europe before falling prey to Soviet domination during the cold war and culturally they do regard themselves as European. At the moment, there is no immediate threat to the security of those countries, but perhaps most importantly, the most significant component of Russia's leadership, beginning with President Yeltsin, came to recognize the inevitability of our initial intentions as well as to work out a process with the United States to make that acceptance possible.

The real question that has been asked eloquently by a number of our colleagues and needs to be watched carefully as we go forward from here is, when other countries of greater geographical or strategic significance to Russia push to admission, we have to carefully measure what the ramifications of that acceptance or rejection may be at that time. And I am confident that because of this process in the last weeks, the Senate is more prepared to do that than it may have been previously.

I believe the administration deserves significant credit for the way it has, in fact, managed this process. They have been, I think, particularly adept at focusing on those issues which have been raised in the Chamber with respect to Russia, and in my judgment they have laid the groundwork for our capacity to proceed down a cooperative, not a confrontational, road with Russia as a result. But clearly transitional politics in Russia, future issues about succession, and the politics of that nation have to play into our consideration in subsequent rounds.

We have to distinctly remember, I think, several critical facts. Democracy in Russia is in its earliest stages; Russia is still a nuclear power and the principal potential threat to European and American security; and, third, a good working relationship with Russia is clearly necessary if we are to achieve a whole set of other critical objectives on our foreign policy agenda, particularly that of nuclear proliferation, nuclear weapons reduction, and the containment of Iraq both now and in the future.

The rationale for NATO expansion is rooted in the presumption that the continued existence of NATO is in our interests. It is the world's only established, effective, integrated military force with readiness and training. It benefits both us and Europe by tying us together and anchoring our involvement with the continent. It acts as a stabilizing influence on members that might otherwise come to blows, such as Greece and Turkey. It helps to nourish and strengthen the shared values and interests of its members and, through its security guarantee, it promotes the development of a united and secure Europe.

All of these offer very legitimate reasons for this current step that we take, but, again, one should not assume that that process of expansion or all of those interests will be served in the same way or be risk free as we go down the road.

Russia, as Secretary Albright acknowledged during the Foreign Relations Committee hearings, has always had strong nationalist forces which interpret every move that the West makes as anti-Russian. And while these forces may not have prevailed during this first round of expansion, there is no certainty as to what will happen in the future or that the next time we confront this issue, they may not be dominant within the life of the politics of Russia. In fact, the immediate prospect of NATO extending such an invitation could well propel those forces to dominance, given the transitional and tenuous aspects of the domestic politics of Russia.

So I think the question has to be asked as we go down the road, Will we and Europe be more secure if that were to occur or if Russia decided to enhance its security by increasing its reliance on nuclear weapons, therefore reversing the course that began with the ratification of START I and the signing of START II? Clearly, a country not defined an enemy today is hopefully not going to be made an enemy in the future by our unwillingness to be sensitive to some of those kinds of considerations.

Administration officials have stated thus far that no commitments or promises have been made about other nations' membership, and I placed into the RECORD earlier a letter from the President to the effect that he intends to adhere to a very strict consultative process in the future and that no secret or private commitments regarding membership will be made in the interval.

It seems to me that is the most important fact for us to focus on as we consider the future and the potential of what the Senate may face down the road. Some people may view that the assurances of the President are inadequate, but I disagree. I think when you really examine the full nature of the consultative process that we have had previously—the NAC visits, our visits to Europe, our discussions with NATO, our discussions in Brussels, the various meetings that took place between defense ministers and the Parliament and Congress—there has really been, I think, a much more lengthy consultative process than many Members have been willing to acknowledge.

In my judgment, as I said, Congress in many ways ratified most of that by passing a number of different resolutions along the course of time which stated that we were supportive of that particular enlargement. In light of that examination, of that process of consultation, and the President's commitment to replicate it as well as to avoid any private commitments, I think Congress is going to have ample opportunity, as we go down the road, to make the judgments about which some of our colleagues have expressed some concern.

I agree with the administration and with the Senator from North Carolina and others that we must never give Russia or any country a veto over our foreign policy. We certainly should not give them a veto over the question fundamentally of NATO enlargement. I agree with that. But I also strongly believe we have a fundamental responsibility to consider any country's likely reactions to the steps we take and other kinds of cooperative efforts that may be available to us at any point in time to secure the same interests that we may or may not be seeking to occur from actions that would, in fact, create a counterreaction.

I look forward to that future deliberation, and I also look forward to a greater clarity that will come through the act of this first expansion with respect to the budgets and the true costs and true interests as they will define themselves as we go down the road. The bottom line is, however, that this expansion of NATO at this point in time under these circumstances will make NATO stronger and will also protect, enhance, and serve the interests of the United States of America. Those are the fundamental reasons for which we should enter into any kind of treaty, and that is why I will vote for this treaty.

I yield the floor.

Mr. HELMS. On behalf of the leader, I ask unanimous consent when the Senate resumes consideration of the Conrad amendment numbered 2320, there be 30 minutes of debate equally divided in the usual form. I further ask that following the expiration of time, the Senate proceed to a vote on or in relation to the Conrad amendment.

Mr. KERRY. This would occur when?

The PRESIDING OFFICER. Upon the resumption of the amendment.

Mr. HELMS. I could not hear.

The PRESIDING OFFICER. Would the Senator from Massachusetts restate his inquiry.

Mr. KERRY. Mr. President, the Senator from Massachusetts was asking when this would occur. I understand it is when it is called up. And it is not being called up at this time; is that correct?

The PRESIDING OFFICER. The amendment has not been called up.

Mr. KERRY. And it would have to be called up before we proceed?

The PRESIDING OFFICER. That is correct.

Mr. KERRY. I thank the Chair.

I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Let me say that I remember the old adage is, "I like a finished speaker. I really, truly do. I don't mean one who's polished, I just mean one who's through."

I deliberately stayed away from the podium yesterday because I wanted everybody to have their say on this matter, and I think it is time for us to move along and become finished speakers. But before I do, I want to make a few comments that occurred to me when I listened in my office and on the floor—a combination of the two—to various statements that were being made.

The Conrad amendment—and I have the greatest respect for Senator CONRAD—I must unalterably oppose because the United States has never, never agreed to tactical nuclear weapons reductions with the Russians, or the Soviets, for good reason.

First, these weapons are essential to an equitable sharing of the risk and burden associated with NATO's nuclear mission. Further, they are a visible sign that NATO is prepared to use any and all force necessary to deter an attack. Finally, there is absolutely no way that the United States can verify Russian compliance with an agreement to eliminate tactical nuclear weapons.

Mr. President, I am increasingly fascinated by the wailing, tearing of hair, and gnashing of teeth engaged in by the more liberal of our brethren, the news media, and otherwise, regarding the impact that NATO expansion would have on the United States-Russian relationship. It seems that the only argument against NATO enlargement—aside from the "cost bugaboo"—is that Senate approval of this treaty will derail Russian ratification of START II, imperil future arms control agreements, and I have heard over and over again that it will turn Russia into a hostile power. I am going to agree to discuss these things as time goes by, but not this afternoon.

Mr. President, there has been a surfeit of bellyaching about the START II treaty. It has been nearly 5½ years since the United States and Russia signed that treaty. Since that time, Russia has used START II ratification as a pretext to hold hostage an ever-changing, ever-growing number of issues. And, of course, the weak-kneed arms controllers and Russia apologists in the United States have, in the past 5 years, been feeding the beast, encouraging the Russians to take one hostage after another. I could walk you through the various Russian threats, such as the Russians have threatened that there would be no START II treaty if the United States deploys a national missile defense.

At a press conference before the March 1997 Helsinki summit, President Yeltsin criticized U.S. discussion of a national missile defense stating, "Well, you understand, of course, why it is that the state Duma has not yet ratified START II—because ABM was suspended."

Why does Russia not want the United States to abandon the ABM Treaty? Because with it we are prevented from having a national missile defense and Russia can hold our citizens hostage to its intercontinental ballistic missiles.

Then there is a second threat. The Russians have threatened that there would be no START II unless the

United States makes more foreign aid concessions. In 1996, the chairman of the Duma's defense committee, Sergei Yushkov, tied START II ratification not just merely to the ABM Treaty but to "the provision of adequate funds for the maintenance of Russia's strategic nuclear arsenal."

Threat No. 3: The Russians declared there would be no START II unless the United States makes other, unspecified concessions. In September of 1997, last year, there was a powerful voice that controls a sizable block of Duma votes who declared that START II should not be ratified until "a favorable moment" and that Russia should hold out for more U.S. concessions. According to this man, this leader, "We have created a powerful missile complex, and we must use it to get certain advantages."

Threat No. 4: The Russians declared there would be no START II if the U.S. mounts air-strikes against Saddam Hussein. In connection with the U.S. military build-up in the Persian Gulf, the Deputy Speaker of the Duma declared that START II would never be approved if the United States were to use force against Iraq.

In the wake of that particular threat, the Russian diplomats at the United Nations have been working overtime to phase out international inspections of Saddam Hussein's chemical and biological warfare facilities. We already caught the Russians red-handed trying to sell the Iraqis a fermenter specially-designed for biological weapons, and without UNSCOM inspectors poking around, Saddam's cooperation with Russia in developing these horrible weapons will be free and unimpeded.

Threat No. 5: The Russians declared there would be no START II unless the U.S. agrees to allow continued Russian violation of the START Treaty. Most recently, U.S. arms control negotiators were told that their refusal to shelve U.S. concerns over repeated Russian violations of the START Treaty would jeopardize START II ratification.

I was amazed to hear some point to the recent, massive salvo of submarine-launched ballistic missiles (SLBMs) which the Russians launched to their destruction as the kind of cooperation that will cease if NATO is enlarged. Senators should know, as should others in the executive branch, that these SLBM launches were not emblematic of arms control cooperation.

In fact, the Administration has noted that these SLBM launches were violations of the START Treaty because Russia refused to provide telemetry as required. They simply brushed aside our concerns and went on with their plans.

Mr. President, the bottom line is that the Russian threat over NATO Enlargement is just one in a long, tired litany of ever-changing excuses for not ratifying START II. I urge the American people, and my fellow Senators, not to be taken in by this ludicrous argument.

I urge those who are bemoaning the abuse that we are doing to our "Russian friends" to listen very carefully:

There is not one arms control treaty signed by Russia that it is not violating! As I have said, Russia stands today in violation of its START Treaty obligations.

Likewise, Russia consistently has engaged in the worst, most abhorrent perversions of bio-chemistry known to man. Russian scientists continue to work overtime at weaponizing biological pathogens in violation of the Biological Weapons Convention. According to key Russian defectors, Russia has placed enough biological agent—for example, small pox and various fever viruses—on its intercontinental ballistic missiles to wipe the human race from the face of the earth.

Similarly, as I warned during the course of debate on the Chemical Weapons Convention, Russia is violating that treaty by clandestinely producing a series of nerve agents more lethal than any other chemical substance known to man.

And we have all read in recent days about the robust and continuing Russian assistance to Iran's ballistic missile program, in violation of their obligations under the Missile Technology Control Regime.

Mr. President, the list of arms control violations goes on and on. I am amazed that we are wringing our hands about antagonizing a country that is engaging in such abhorrent, reprehensible behavior. I challenge anyone to defend that regime's record of flagrant disregard for its treaty obligations, and its calculated assistance to regimes hostile to the United States. In light of these facts, piling another item onto the arms control agenda seems particularly ill-advised.

Russia is becoming, despite our best efforts to the contrary, a rogue nation bent on challenging the United States at every turn. Neither tactical nuclear weapons nor NATO expansion have anything to do with it.

EXECUTIVE AMENDMENT NO. 2320

Mr. HELMS. I call for the regular order, the Conrad amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> Amendment No. 2320, previously proposed by the Senator from North Dakota, Mr. CONRAD, for himself and Mr. BINGAMAN.

The PRESIDING OFFICER. There is 30 minutes equally divided.

Mr. HELMS. There is a 30-minute time limitation; is that correct?

The PRESIDING OFFICER. The Senator from North Carolina is correct.

If neither side yields time, time will run equally.

Mr. CONRAD. Mr. President, is the pending order the Conrad-Bingaman amendment?

The PRESIDING OFFICER. That is correct. The Senator from North Dakota has 13 minutes.

Mr. CONRAD. I thank the Chair.

Mr. President, the Conrad-Bingaman amendment is designed to address the question of tactical nuclear weapons. Let me just review briefly the circumstance we face, and remind my colleagues that unlike strategic weapons, unlike conventional systems, we have no treaty with respect to tactical nuclear weapons.

This chart shows the record on arms control. The red line is Russian forces; the blue line, U.S. or NATO forces. We can see under the Conventional Forces Treaty we have had steep reductions. In terms of strategic systems under the START accords, the same pattern—deep reductions on both sides on strategic systems. But on tactical nuclear weapons we don't know what has happened on the Russian side, although we have an estimate from our strategic commander, General Habiger, that they have 7,000 to 12,000 tactical nuclear weapons; we have about 1,600.

Russia's tactical nuclear arsenal—we need to know more. In 1991, Russia had 15,000; the United States, 3,500 in Europe. Today, in Europe we have roughly 400; they have between 7,000 and 12,000.

Terrorist use of a tactical nuclear weapon would be devastating. It would make what went off in Oklahoma look like a firecracker. That was a two one-thousandths kiloton equivalent, the bomb that went off in Oklahoma. The bomb that was dropped on Hiroshima was 13 kilotons. The smaller tactical weapons of the day run in the 10-kiloton range. The larger tactical nuclear weapons are 300 kilotons plus.

There is also a strategic breakout danger. Under the strategic limits of START III, both sides would be at about 2,250 systems. Tactical nuclear weapons today: The United States, roughly 1,500 or 1,600; the Russians, 7,000 to 12,000. That becomes a strategic concern, that great differential between the tactical systems of the two sides.

This chart shows the strategic and tactical nuclear weapons. The distinction between the two is disappearing. During the cold-war period, strategic systems ran 500 kilotons to 10 megatons. The tactical systems currently run 10 kilotons up to 400 kilotons. But today's strategic weapons have been dramatically reduced in yield, down to 300 kilotons to 1 megaton. So the difference between tactical nuclear weapons and strategic nuclear weapons is disappearing.

Let's listen to America's nuclear commander, the head of strategic forces. General Habiger said, "The Russians have anywhere from 7,000 to more than 12,000 of these nonstrategic nuclear weapons and we need to bring them into the equation."

That is what the Conrad-Bingaman amendment is about. It is not about reducing United States tactical nuclear weapons. It is not about taking United States tactical nuclear weapons out of Europe. It is not about those things.

It is about saying that we ought to engage the Russians in a discussion on reduction of tactical nuclear weapons because of the enormous disparity that they enjoy in these forces. It is about asking for a certification from the administration that they are engaged in that course. It is about a report on what we know about these tactical nuclear weapons.

I yield 3 minutes to my distinguished colleague and cosponsor, Senator BINGAMAN of New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague from North Dakota and compliment him on his leadership in proposing this amendment.

Mr. President, I have expressed grave concern about this whole proposal to expand NATO. One concern that I have expressed is that it diverts our attention from our real national security threats as I see them today. This amendment by the Senator from North Dakota tries to bring us back to those real national security threats by talking about the threat that is posed by these tactical nuclear weapons. For that reason I think it is a very good amendment and one that I am very honored to cosponsor.

Let me point out that we have had various hearings on this issue in the Armed Services Committee. There is no question but what the lack of agreement, the lack of progress, on dealing with tactical nuclear weapons is a serious concern for our military and a serious concern for our planners generally.

This amendment is extremely modest in its language. Let me just call people's attention to specific provisions of it.

First of all, it is a sense of the Senate. It does not have binding language in it. It essentially puts the Senate on record as favoring a certain position.

It says:

> It is the sense of the Senate that . . . Prior to the deposit of instruments of ratification, the Administration shall certify to the Senate that with regard to non-strategic nuclear weapons
>
> (i) it is the policy of the United States to work with the Russian Federation to increase transparency, exchange data, increase warhead security, and facilitate weapon dismantlement. . . .

It is hard for me to understand what kind of argument our colleagues can make against that general proposition.

It is further stated that it is our policy that discussions toward these ends need to be initiated with the Russian Federation.

Mr. President, one of the arguments I have heard people present in opposition to this is that, sure, it may be a decent amendment, but it is not appropriate to consider it in the context of NATO enlargement.

I think just the contrary is the case, because clearly NATO enlargement can only be justified if it adds to our security in the European theater. This amendment will do more to add to our security in the European theater than the expansion of NATO that is now contemplated. For that reason, I think it is appropriate that we move ahead, that we vote for this amendment.

Quite frankly, I have great difficulty understanding why it cannot be accepted by all parties. It clearly states a position I believe the American people strongly believe in, which is that we need to do more to press the Russians to reduce their tactical nuclear weapons arsenal, and I hope very much we will do that in the very near future.

I appreciate the time that has been yielded, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Thank you, Mr. President.

I urge my colleagues to oppose this amendment. It calls on the administration to initiate arms control negotiations with Russia on tactical nuclear weapons in Europe. The amendment seeks to push the United States down what I think is an extremely ill-advised path.

First of all, tactical nuclear weapons are essential to NATO. A credible alliance nuclear policy requires widespread participation in nuclear roles by our European allies.

The dual-capable aircraft and the few hundred substrategic nuclear gravity bombs which are deployed in Europe provide an essential political and military link between the European and the North Atlantic members of the alliance. The devices deployed on European soil are essential to an equitable sharing of the risk and burden associated with NATO's nuclear mission.

Second, the presence of U.S. tactical nuclear systems in Europe is an important demonstration of the U.S. commitment to deterring all threats to the territory of the alliance. These weapons are a visible sign that NATO is prepared to use any and all force necessary to deter an attack. For this reason, the defense ministers of the alliance have on multiple occasions expressed their support for the continued stationing of U.S. tactical nuclear weapons in Europe.

I ask my colleagues to ponder for a moment the message that this amendment would send if the United States were to expand NATO while simultaneously abandoning our nuclear commitments. Such a step would mean the hollowing out of the United States article V commitments and would gut the world's most powerful, stable defensive military alliance. NATO is different and vastly superior to other multilateral organizations, such as the United Nations, because the members of the alliance do not merely pay lip service to the principles of collective defense.

Third, the fact that we have tactical nuclear weapons in Europe has nothing to do with the existence of or the number of Russian tactical nuclear weapons. We maintain them in Europe for reasons that I just mentioned. Throwing our tactical nuclear weapons into an arms control agreement with Russian tactical weapons makes no sense.

Finally, in the past, the United States has refused to agree to negotiate these weapons, for good reason. Simply put, it would be impossible to verify that the Russians are, in fact, complying with any agreement. Instead, the United States prudently focused on limiting delivery systems, such as missiles and bombs, which are large and observable and, therefore, verifiable. Given the importance of these weapons to the United States and the NATO alliance, and given the fact we would not be able to match the Russians cheating, as they have done on every arms control treaty we have ever signed with them, this amendment is conceptually flawed.

Again, I urge all of my colleagues to oppose the amendment.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I don't know what amendment the Senator from Arizona is referring to, but it is not my amendment. It is not the amendment that is before us. There is nothing in the Conrad-Bingaman amendment that talks about taking U.S. tactical nuclear weapons out of Europe—nothing.

The point is, the Russians have an enormous edge on us with respect to tactical nuclear weapons. Let's review the facts. Today, the United States has roughly 400 tactical nuclear weapons in Europe; the Russians have between 7,000 and 12,000. How is it not in our interest to push them to reduce their tactical nuclear weapons? It is absolutely in our interest, just as it has been in our interest to get them to reduce conventional forces, as we have done by treaty negotiations, just as it has been in our interest to reduce strategic systems. But it is, I believe, dangerous to allow the Russians to have this kind of edge on us in tactical nuclear weapons in Europe.

Again, I emphasize to my colleagues, there is nothing in my amendment—nothing—that talks about taking U.S. tactical nuclear weapons out of Europe.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN addressed the Chair.

Mr. KYL. I will take 2 or 3 minutes.

Mr. BIDEN. I am sorry.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I think that the flaw in the argument just stated is obvious. It is true, as Senator CONRAD points out, that there are no words in his amendment that talk about taking American tactical weapons out of Europe. That is not the point I was making. It is also true he could have said that there are no words in here that specifically call for the United States to reduce the number of American missiles.

He then makes the point that it would be desirable, since the Russians have more tactical nuclear weapons than we do, to get them to reduce those numbers. Indeed, it would. But I ask you, Mr. President, how we are going to initiate discussions—which is what this amendment precisely calls for as a condition to moving forward here—without putting at risk some of the American tactical nuclear weapons. I discussed all of the reasons why we need those tactical nuclear weapons. The very point that Senator CONRAD makes, that the Russians have a lot more than we do, makes the point that we can't afford to reduce the number that we have.

So, as a practical matter, while the words about reducing our tactical weapons are not in the amendment, there is no way to get the Russians to reduce their numbers unless we reduce our numbers as well. That is why, as I said, Mr. President, this amendment, which would have the effect, if these negotiations are in any way successful from Senator CONRAD's point of view, of reducing American tactical nuclear weapons. That is why this amendment should be rejected.

Mr. CONRAD. How much time do I have remaining?

The PRESIDING OFFICER. Three minutes 36 seconds.

Mr. CONRAD. Mr. President, I say to my colleague from Arizona, the argument that he advances makes no sense to this Senator.

On conventional forces we, by treaty, have gotten them to dramatically reduce their forces as have we. The same is true of strategic systems. The place where there is an enormous disparity is tactical nuclear weapons. They have the advantage. And we are not engaging them in discussions on reduction?

I will tell you, if we could have a situation in which we take a 50 percent reduction and they take a 50 percent reduction, I would take that deal right now, because we would lose 200 and they would lose between 3,500 and 6,000. For us not to engage in discussions on "loose nukes," which are the very ones that are most subject to terrorists, to being used in ways that are totally against the U.S. interests, makes no sense.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I have been here 25 years. The chairman of the full committee knows that there may have been, and there are people who have been, more effective people in pursuing arms control than the Senator from Delaware but none more consistently and more fervently than the Senator from Delaware.

This is not the place for this amendment. This is a treaty. This is a treaty. It is a treaty about expanding NATO. One of our colleagues on the Republican side, I was told earlier, had an amendment on the Kyoto environmental treaty saying we could not—I am told; I did not see it; but I am told he had been talked out of it, I believe—that we could not expand NATO unless Kyoto was dealt with.

Another one has an amendment that may come up here tonight dealing with—I believe, the distinguished Senator from Oklahoma, at least he was talking about an amendment relating to a position I know the chairman shares, which I do not share, relating to strategic defense initiatives. This is not the place for that.

Secondly, I find it absolutely fascinating that some of the very Senators who have come to the floor and said, look, what we want to do here is we want to slow down passage, stop passage, or slow down new members coming in, because we are fearful it is going to offend the Russians or the Russians are going to get upset—a legitimate concern. But then they come along and say, and by the way, before—before—we can deposit these instruments, the Russians have to agree to cut their tactical nuclear weapons, or whatever.

Now, that is giving to Russia a veto power over expansion in NATO.

Mr. CONRAD. Would the Senator yield?

Mr. BIDEN. I am happy to.

Mr. CONRAD. Is there anything in the amendment that is before the Senate now that requires a reduction on anybody's part before there is ratification?

Mr. BIDEN. Maybe the Senator can help me out.

Mr. President, maybe the Senator can help me out. It says, "Prior to the deposit of the instruments of ratification, the Administration shall certify to the Senate that with regard to [the following]," and it lists the following nonstrategic nuclear weapons, that "it is the policy of the United States . . . that discussions toward these ends have been initiated with the Russian Federation."

All the Russian Federation can say is, "I'm not going to discuss this with you," done, period, over; they have vetoed it. Look, if I am sitting in the Russian Duma, I am going to—and we are all worried about these reactionary nationalists who are the browns and the reds undercutting Yeltsin—I have got a real easy one. I go to Yeltsin and say, I tell you what, you've indicated to us you don't want to expand NATO but there is nothing you can do to stop it. I've got the way to stop it right now. When the President picks up the phone and calls you and says, "By the way, I want to initiate discussions relative to tactical nuclear weapons," tell him, "No. No."

Guess what? By definition, no expansion of NATO, because the President cannot deposit these instruments until—until—he can certify to the U.S. Senate that discussions with the Russian Federation have been initiated.

Now, call me paranoid, if you would like, but I know what I would do. I am a pretty good politician. The Senator from North Dakota is even a better politician. We are all politicians in here. They are not any different in the Duma. They are no different in the Russian Federation. So I have a real easy one. And by the way, if they had not figured it out, I just told them.

Mr. BINGAMAN. Mr. President, would the Senator yield?

Mr. BIDEN. On his time I would be delighted to yield, since I have very limited time.

Mr. BINGAMAN. Mr. President, would the Senator refer to the bottom of page 2. It says there, "Sense of the Senate. It is the sense of the Senate. . . ." There is no binding language in this amendment. This calls upon the administration to try to initiate discussion with the Russians.

Mr. CONRAD. It would not stop NATO enlargement from going forward. This is not some scheme to stop NATO enlargement. I am opposed to NATO enlargement, but this does not stop enlargement. This does do something about sending a signal we ought to do something about tactical nuclear weapons when they enjoy this incredible edge over us and we seem to not pay much attention.

Mr. BIDEN. I am confused then. I am confused. Why is certification—I have never heard of a certification on the part of the President in a sense of the Senate. Explain that to me. Explain how a sense of the Senate requires a formal certification from a President. Like I said, I have been here a while. That is a new one.

So you mean the President can say, when we pass this, "You know, BINGAMAN and CONRAD are good guys, they're my buddies and allies, but I'm not going to pay attention to them; I'm not going to certify anything"? Can he just say, "I'm not going to certify it"?

Mr. BINGAMAN. Mr. President, in response, I would point out that there are many occasions where that has happened, and I am saying, it could happen here. This is a statement by the Senate, if it were to pass, a statement by the Senate, as I see it, that the Senate believes that the President should initiate discussions and should certify to us that he has done so. If he does not do so, he still has legal authority to go ahead and file the articles of ratification.

Mr. BIDEN. Mr. President, I have a question. Is the Senator saying that the President of the United States will fully be within the law if, when this passes tonight, if this were attached, if he is in a press conference and says, "I want to compliment the Senate on expanding NATO, and I want to tell Senator CONRAD I'm not certifying anything"—would that be OK legally?

Mr. CONRAD. Yes. This is a sense—I mean, I do not know——

Mr. BIDEN. Great. I think that is wonderful.

Mr. CONRAD. This is a sense-of-the-Senate resolution. Nobody knows better than the Senator from Delaware a sense-of-the-Senate resolution and its legal standing. What we are trying to do is direct the attention of this administration and our colleagues to the very real threat that "loose nukes" present. And we are trying to take the words of General Habiger, who has said to us they have 7,000 to 12,000 of these tactical nuclear weapons and we ought to address that differential.

Mr. BIDEN. May I ask how much time I have?

The PRESIDING OFFICER. The Senator from Delaware has 1 minute 57 seconds.

Mr. BIDEN. I yield the remainder of my time to the Senator from Arizona.

Mr. KYL. First of all, I appreciate the comments of the Senator from Delaware and certainly support the points he made.

I think it is critical to go directly to the heart of what is behind this amendment. It has been a longstanding objective of the Russians to break our tactical nuclear connection with our NATO allies; make no mistake about that. We should do nothing in the U.S. Senate that assists the Russians in achieving this long-term goal.

Secondly, we need tactical nuclear weapons in the so-called credibility ladder. I would be very concerned if the only weapons we had at our disposal to act as a deterrent were strategic nuclear weapons. Mr. President, sometimes you need a graduated response. And to suggest that we should reduce the number of our weapons and we can do that by cutting out half if the Russians cut out half, that would leave us very few weapons, not enough to pose a credible deterrence. To suggest that we do that and then rely upon strategic weapons I think is something that no one in this Chamber would want to support.

And finally, as our colleague from Delaware said, we should not be tying up NATO expansion with this particular amendment. So I urge my colleagues again to vote against the Conrad amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I am sorry.

Mr. HELMS. No. Go ahead.

Mr. BIDEN. I just want to make a point. I may be mistaken, but I think if my colleagues will look at this amendment, it is section (B) that is a sense of the Senate. The sense of the Senate controls language; only section B, a completely separate section is section C. If my colleagues wish to make the title of this sense of the Senate, it would be a different deal.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from North Dakota has 25 seconds.

Mr. CONRAD. Mr. President, I want to answer, again, the Senator from Arizona. There is absolutely no intent to require the United States to reduce its tactical nuclear weapons at all. The thrust of this amendment is the concern that a number of us have that Russia has an enormous edge on tactical nuclear weapons, and we ought to engage in discussions with them to get a reduction in those tactical nuclear weapons. That is clearly in the U.S. interest.

I hope our colleagues would support this amendment.

The PRESIDING OFFICER. All time has expired on this amendment.

Mr. HELMS. I was assigned this afternoon to make the train run and to save Senators a lot of time. In that connection, I ask unanimous consent the Conrad amendment 2320 be laid aside, and Senator BINGAMAN be recognized to offer his amendment regarding strategic concept, and there be 30 minutes of debate equally divided in the usual form; I further ask following the expiration time, the amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President might I ask for the yeas and nays on the Conrad amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. I believe there are 15 minutes reserved on my side.

The PRESIDING OFFICER. That is correct.

EXECUTIVE AMENDMENT NO. 2324

(Purpose: To require a certification of United States policy not to support further enlargement of NATO (other than Poland, Hungary, or the Czech Republic) until revision of the Strategic Concept of NATO is completed)

Mr. BINGAMAN. I ask unanimous consent that the Chair advise me when 10 of those minutes have expired and that the remaining 5 minutes be reserved for me to use prior to the vote on my amendment.

Mr. KYL. Mr. President, without yet objecting, I would like to know if there is any time for a response to that prior to the vote.

The PRESIDING OFFICER. The Senator wishing to oppose the amendment will have 15 minutes of time. It has not been allocated as to when that will occur.

Mr. BINGAMAN. I have no concern as to how you allocate that time.

Mr. KYL. I will not object.

Mr. BINGAMAN. Mr. President, let me explain this amendment and use the 10 minutes I have at this point. First, let me send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], proposes an executive amendment numbered 2324.

Mr. BINGAMAN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The executive amendment is as follows:

At the appropriate place in section 3 of the resolution, insert the following:

( ) UNITED STATES POLICY LIMITING NATO ENLARGEMENT UNTIL THE STRATEGIC CONCEPT OF NATO IS REVISED.—Prior to the date of deposit of the United States instrument of ratification, the President shall certify to the Senate that, until such time as the North Atlantic Council agrees on a revised Strategic Concept of NATO, it is the policy of the United States not to support the accession to the North Atlantic Treaty of, or the invitation to begin accession talks with, any European state, other than Poland, Hungary, or the Czech Republic.

Mr. BINGAMAN. Mr. President, this amendment relates to what is called the NATO strategic concept. We have had quite a bit of discussion over the last couple of days about the NATO strategic concept and the fact that NATO countries, NATO members, including ourselves, have been engaged in serious discussions over the last year or two in an effort to revise the NATO strategic concept.

I think we are all aware that the current strategic concept for NATO is one that was arrived at back in 1991. It predates the disillusion of the Soviet Union, and the resulting emergence of new independent states. It does not account for the Civil War in Bosnia or NATO's peacekeeping operations there. It does not allow or contemplate the current nuclear or strategic concept, does not contemplate the denuclearization of Belarus, Ukraine and Kazakhstan, and it does not contemplate the special relationships that

NATO has established with Russia and separately with the Ukraine. So there is clearly a need to revise and update this strategic concept.

What my amendment says very simply is that the United States will withhold consent to inviting any additional countries other than the three we are talking about here today—Poland, Hungary and the Czech Republic. We will not go forward with inviting any additional countries to join NATO until after NATO has approved this revised strategic concept.

This is simply a matter of understanding what NATO is doing before we agree to take in more members in addition to these three. NATO members need to decide on the alliance's mission before any new candidates or states are asked to join in the future.

I have great difficulty seeing why anyone would object to this. The reality is that the revised concept is expected to be completed even as soon as this summer. At the very latest it would be complete, as I understand it based on the statements by the NATO officials, before their meeting in 1999. So there is no attempt here to delay the invitation to other members in the future.

It simply says let's figure out what NATO is intended to do in this new post-cold-war world before we start inviting more people to join. Now, this doesn't strike me as a radical proposal. It is not radical from our point of view. It is certainly not radical from the point of view of potential new members. If I were representing a country that was considering admission to NATO I would be interested in what NATO's mission is, its new revised strategic concept is, before I would want to sign up. I think that is a reasonable thing for new members to want to know, and it is certainly reasonable for current members to want to settle on before we begin deciding which nations are appropriate new members and which are not. I think the amendment is very straightforward.

Let me make it crystal clear once more. It does not in any way relate to the enlargement of NATO to add Poland, Hungary and the Czech Republic. That is not part of my amendment. My amendment assumes we will go ahead with the enlargement of NATO that is presently proposed by the administration in this treaty. But it says we will not go beyond that. We will not invite others until we settle on what this revised strategic concept is.

I have difficulty understanding, as I said, why this is objectionable. It seems to me imminently reasonable that this would be our position.

Let me make it crystal clear what I am doing. Let me read the one paragraph of the amendment into the record so it is clear what we are saying.

> Prior to the date of deposit of the United States instrument of ratification, the President shall certify to the Senate that, until such time as the North Atlantic Council agrees on a revised strategic concept of NATO, it is the policy of the United States not to support the accession to the North Atlantic Treaty of, or the invitation to begin accession talks with any European state, other than Poland, Hungary and the Czech Republic.

Basically, what we would be saying is the President needs to tell us that it is our policy, the U.S. Government policy, not to invite others to join until we get the strategic concept settled.

I hope very much my colleagues will support the amendment. To me, it is an imminently reasonable, common-sense approach and I hope we can add it to the treaty.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I have great respect for the Senator from New Mexico. Much of what he says makes sense, but basically what is happening here is we are having a rerun of the Warner amendment. We are basically saying here that before any new members can come in, what has to happen is there has to be a new strategic concept agreed to.

Now, if I can make an analogy, that would be like saying my friend from Utah, the Presiding Officer, or of my friend from New Mexico, I am not certain what year their States came into the Union. The only claim to fame Delaware has is we are the very first State in the Union. I shouldn't say the only claim, one of the most notable claims. It would have been a little bit like Delaware, in the Thirteen Original Colonies, and the other States east of the Mississippi saying to you all out West, as long as the constitutional amendment for suffrage is under consideration to amend our document that controls our national affairs, no new States can come into the Union. Nobody is allowed in. As long as we are reconsidering—again, I don't know the years, and I apologize, when your States came into the Union. But as long as we are considering the 17th amendment, whether or not Senators are popularly elected, we are going to put on hold any new State becoming a member of the Union.

The 1991—and I don't have it with me—strategic concept was drafted by and agreed to by the 16-member nations after the Berlin Wall came down and after the Soviet Union had disintegrated. The reason I bother to point that out, Mr. President, as my friend from New Hampshire kept saying yesterday—and appropriately—we have to look at the realities of the new world. This new strategic document took into consideration a new reality that there was no Soviet Union, there was no Warsaw Pact, there was a different world.

Now, what we said with the leadership of Senator KYL of Arizona yesterday, by a vote of 90-9, was the following. We said any new strategic concept that is to be agreed to in the future should accommodate the basic fundamental principles that we have adhered to thus far in NATO; and the Senator, with great skill, laid them out in specific form for all of us to see, incorporating the strategic notions that have underpinned NATO and the new reality.

So even though there is a consideration at the moment in NATO for an updated strategic concept, that could happen in a week, a year, a month, 5 years, or it could never be agreed to. And by an overwhelming vote in the Senate, 90 percent of us said, Mr. President, before you can agree to any new strategic concept, you have to make sure that what we have laid out here as the fundamental principles to guide that are incorporated in that concept. So I fully appreciate and believe that the Senator from New Mexico is concerned about strategic doctrine and is not using this amendment as a killer amendment to accomplish what Senator WARNER was unable to accomplish—that is, a de facto slowdown of any new admissions, an arbitrary judgment made that, without a new doctrine being consummated and another little blue and white book being published, no one can come in.

I further point out that the strategic concept of NATO is always under review, formally as well as informally. I assume the Senator's amendment speaks only to the formal review, the formal reconsideration of what that concept should be. Since 1991, NATO has changed internally with the creation of bodies such as the Partnership for Peace, the Euro-Atlantic Partnership Council, NATO-Russian Founding Act, NATO Ukraine Commission, and a more distinct role for the European pillar of this operation has emerged. The European politico-military situation has also changed. There has been significant reduction in the conventional armed forces. Both Warsaw and the Soviet Union are dissolved. NATO subsequently decided, via the ministerial and summit statements, to invite new members. We are doing all these things that we are concerned about already. We sent out a glidepath and a guide book to the administration as to how they must proceed with the next one, and to say until that is all done, no new members, is another way of trying to do in a 15-minute debate what my friend from Virginia and the Senator from Oregon and myself debated against for days.

So I respectfully suggest that our friend from Arizona has accommodated any concern about strategic doctrine with the amendment we overwhelmingly adopted, thereby clearing the way, and any justification for suggesting that the doctrine might change so radically that it might affect who we would be willing to bring in.

Mr. President, I reserve the remainder of my time.

Mr. BINGAMAN. Mr. President, how much time remains of the 10 minutes that I had?

The PRESIDING OFFICER. Three minutes 36 seconds.

Mr. BINGAMAN. Mr. President, let me just make clear what I intend by this amendment and what I think the language of it says. As much as I like to think that the U.S. Senate is all powerful, we are, in NATO, only one of the members. NATO is an entire organization. The United States and the other members have set about to develop this revised strategic concept.

As I understand the history of this, in July of last year, in Madrid, there was agreed upon—NATO Ministers agreed at that time to develop a revised strategic concept, which would be presented to them in their planned summit of April of 1999.

What my amendment says is that until such time as the North Atlantic Council agrees on a revised strategic concept, whatever it is, for NATO, then we will not go ahead. At least the U.S. position is that we should not go ahead and participate in inviting new members. So I am talking about a very formal procedure here which is well underway. It was agreed to in July of last year in Madrid.

As I understand it, it is a three-stage process for conducting the review of the strategic concept. That three-stage process is well underway. There is no indication that I have seen that these deadlines will not be met. In fact, I have heard from people in the administration that they expect the revised strategic concept to be ready this summer, not in April of next year. So all I am saying is, let's figure out what NATO's purposes are and what its mission is before we take on additional members after we do these three.

So this is not an effort to delay, this is not an effort to postpone for 3 years, or 5 years, or indefinitely. I say, quite frankly, if we don't have agreement among the Council members, the Ministers of NATO, as to what the mission of NATO is, if we can't get agreement in the next period of time, then we should have it come back to us, and we ought to start thinking about how much more enlargement we want to do. That is the purpose of the amendment.

Mr. BIDEN. Mr. President, I will ask my friend a question on my time. What is the relevance of whether or not there is a new strategic concept as it relates to whether or not Austria is a new member of NATO? Are you suggesting that if the 16 NATO members now agree—or 19 when we finish tonight—to a change in the strategic concept, that change might or might not influence whether we should let Austria in if they meet all other criteria?

Mr. BINGAMAN. Mr. President, I assume that part of what is being considered in this review of the strategic concept is the role that nuclear weapons would play in the future of NATO, where those weapons might be stationed, what the policy of NATO would be in the use of weapons. All of these are factors that I think would be very important for new members to know before they apply for membership and would be important for us to know before we agree to expand and expand and expand. Every time a member comes into NATO, we are committing U.S. forces to defend that territory. I understand that. I think it is just appropriate that we have some caution in committing U.S. forces to defend more and more and more territory, and that is the purpose of the amendment—just to understand where we are before we keep moving ahead.

Mr. BIDEN. Mr. President, I appreciate the Senator's answer. The relevance is lost on me as to how that would affect who we would bring in or not. I understand the value of the strategic concept and why it is important that we should know it. These folks have already applied.

Let me point out one last thing. The Bingaman amendment would give sort of a pocket veto to further enlargement of certain countries. The French did not want the Slovenians in this time. But they didn't want to publicly say that they didn't want the Slovenians this time. This is my interpretation. And they said no Slovenians unless Romanians, because it is not very politic in Europe to say you don't want someone in directly. If I were the French or Germans or anyone else, I just don't agree to the new strategic concept. The present one works pretty well—en bloc membership.

I just think, Mr. President, this causal relationship being asserted between the strategic concept and new membership is tenuous. In changing the strategic concept, which we know has to follow the guide path of our friend from Arizona, we already know what it must contain for us to sign on to it. I just think it is totally unnecessary.

If the Senator is willing, and with the permission of the chairman, I am willing to yield back our time if there is any left, and move on, if my friend from New Mexico is willing to yield back his time.

Mr. BINGAMAN. Mr. President, how much of the 10 minutes is still available?

The PRESIDING OFFICER. The Senator from New Mexico has 13 seconds.

Mr. BINGAMAN. Mr. President, I yield the 13 seconds. I still reserve the 5 minutes. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BIDEN. Mr. President, parliamentary inquiry: My friend has kept 5 minutes prior to the vote. Is there any time in opposition prior to the vote?

The PRESIDING OFFICER. No.

Mr. BIDEN. Mr. President, I ask unanimous consent that there be 5 minutes prior to the vote in opposition, if we choose to use it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Does the Senator want to ask for the yeas and nays?

Mr. BINGAMAN. Mr. President, I will respond. I did not yet. But I at this time ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, I ask that it be in order to propound a unanimous consent request regarding time for the next vote and the vote thereafter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I ask unanimous consent that the first vote to occur on the amendment No. 2320, the Conrad-Bingaman amendment, be a 15-minute vote; that the second vote on this pending amendment, the Bingaman No. 2324, be limited to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HELMS. Very well.

I suggest the absence of a quorum with the time being charged equally.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, just to give others an indication as to where I am and where some of the others are with amendments, I do have an amendment. It will take some time to get through, and yet I have a very strong feeling I do not want to hold up the emergency supplemental. I just want to make sure to get that on record so everyone knows. I certainly would not object to taking up the emergency supplemental prior to completing the NATO expansion.

Mr. SMITH of New Hampshire. Will the Senator yield for a comment?

Mr. INHOFE. I yield.

Mr. SMITH of New Hampshire. Let me also agree with my colleague. I was somewhat surprised when the unanimous consent was offered, but I just want my colleagues to know I also have an amendment which is going to take a considerable amount of time, and I do not want to hold up Members, who may wish to leave, who need to vote or feel we should vote on the supplemental.

So let me echo the comments of the Senator from Oklahoma and indicate that I am more than happy to agree to another UC to move the supplemental ahead of NATO if, in fact, it comes here in the near future.

Mr. INHOFE. Mr. President, I suggest the absence of a quorum.

I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I have examined the landscape, and it gets more complicated as the returns come in. Now we cannot vote until 7 o'clock, because several Senators are "far afield."

Then there is an agreement that was made without my knowledge—and nobody was required to get my knowledge, let alone consent—that the vote on the Bingaman amendment would not occur until the Ashcroft amendment was dealt with. So we are not going to be able to vote at 7 o'clock.

I ask unanimous consent that sharply at 7 o'clock the vote begin on amendment No. 2320, and then we will proceed from there.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HELMS. I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded that I may speak on the ratification of NATO enlargement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, we shortly will be entering into the closing hours of this debate. I want to take this opportunity to offer some observations about the ratification and also why this is so important.

I would like to take a minute, enough, to really congratulate the people of Israel on the 50th anniversary of the founding of that great state, and how special, unique, that we are debating NATO expansion and bringing Poland, Hungary, and the Czech Republic into NATO on the 50th anniversary of the founding of Israel. Forever and a day, I will always remember that we will have taken this vote at the same date of the anniversary of that state.

It will be important because, as we commemorate, soon, the 50th anniversary of NATO and the 50th anniversary of the founding of Israel, just like the 50th anniversary of the United Nations, as this century comes to an end, we will look at what came out of the end of World War II that created the institutions that will take us, hopefully, to a new century and a new millennium, where we will not repeat the despicable and inhumane practices of the old century, or ever again have to fight another war in Europe.

The Senate is about to take a historic vote and we are voting to make Europe more stable and America more secure. We are voting for a safer world. This will be one of the most important votes I will cast. Voting for a treaty is, indeed, a very special obligation, reserved only for the U.S. Senate.

For those who have known me, they have known I have fought long and hard for Poland and other countries of Eastern Europe to become free and independent. I think about the dark days of martial law in Poland, when we worked to support the Solidarity movement in Poland. Since the end of the cold war, when the captive nations of Eastern Europe threw off the yoke of communism, I have yearned for this day. I have supported the aid that the American people so generously provided to help the people of Eastern Europe build free-market democracies. I have introduced legislation with former colleagues, Senator Brown of Colorado and Senator Simon of Illinois, to nudge our Government toward welcoming the newly freed countries into our Western institutions.

My passion for this issue, though, is based partly on my own personal history. Each ethnic group in America brings their own history to this country. My colleagues have heard me speak about Poland's history many times in the past, because I have never believed that America was a melting pot. I always believed that America was a mosaic. We each come with our history and our culture and become part of something bigger than ourselves. So I come with thousands of years of history behind me, in terms of my heritage.

The history of Poland has indeed been a melancholy one, because every king, kaiser, czar or comrade who ever wanted to have a war in Europe starts always, first, by invading Poland. It has been historically true for a thousand years, and it has certainly been true for the last 100 years. At the same time, Poland has always wanted to be part of the West in terms of its values and in terms of its orientation.

It felt so passionate about democracy that when we fought our own revolution it sent two of its finest heroes, Kosciusko and Pulaski, to fight in the war for America's freedom. Pulaski came and was a brilliant soldier and led in the Battle of Savannah. Kosciusko was a brilliant tactician and led in the founding and building of West Point and, at the same time, then, fought for the democracy and became a great friend of Jefferson. He returned to Poland to help the Polish people of that time establish the first constitutional monarchy in Europe.

Poland thought it would be free and have a constitutional monarchy, but that was not to happen. In the 19th century, Poland was divided into three parts, under Russia, Prussia, and the Austro-Hungarian Empire, and it remained that way. That is when my great-grandmother came to this country. She came, not because she just wanted to come and start a new life, she came on a prearranged marriage, because she wanted to forever escape that kind of occupation.

This evening is not about history lessons, but Poland was occupied, partitioned, invaded in World War I, had a brief stint of democracy between World War I and World War II, only to be invaded by the Nazis in World War II and occupied.

For me, growing up as a Polish American in east Baltimore, I learned about the burning of Warsaw. I knew about the occupation of Poland by the Nazis. I have seen films of the occupation, in which the great cathedral had Nazi storm troopers in there, burning the statues of the Saints and our Dear Lord himself, with their weapons. I learned about the burning of Warsaw at the end of World War II, when the Germans burned it because of the Warsaw uprising. Soviet troops stood on the other side of the Vistula River and watched it burn.

Then we learned about the Katyn massacre, where Russians murdered more than 4,000 military officers and intellectuals in the Katyn Forest at the start of the Second World War, so there would not be an intellectual force in Poland, ever, to lead it to democracy. For 5 years our family hoped and prayed, hoping World War II would end, with my uncle serving in the military. And then, at end of the war only to see Potsdam and Yalta occur, where Poland was sold out. My great-grandmother had on her mantle, three pictures, one of Pius XII, one of my uncle who had become a member of the police force, and the other of Roosevelt, because she believed in the Democratic Party. After Potsdam and Yalta, she took the picture of Roosevelt and turned him face down, until the day she died.

Those were the kinds of stories that I grew up with, looking at Poland as part of the captive nation. Then suddenly, in August of 1980, an obscure electrician, working in the Gdansk Shipyard, jumped over a wall proclaiming the Solidarity movement. And when he jumped over that wall, he took the whole world with him, to continue the push in this part of the century to free Poland. And then the movement, also of dissidents, spread.

These are the kinds of stories. What I wear here today is a picture of the Blessed Mother of Czestochowa. She is the Patron Saint and Protectress of Poland. Members of the Solidarity movement wore exactly this emblem because they were forbidden under martial law to wear any symbol related to Solidarity. So they wore a religious symbol. I wear this symbol today because this, then, is the next step toward what we fought for in World War

II, what dissidents in these countries have worked for—to create a democracy and a free-market economy, risking their lives, imprisoned, living under the boot of communism.

So now those are the kinds of things that we must grasp. This is a historic moment, when three countries whose heart, soul, and political orientation is with us. So, I hope for those who worked so long and so hard, within Poland, Hungary and the Czech Republic, that we, then, understand the ratification of NATO enlargement.

Despite the importance of history, my support for NATO is based on the future. My support is based on what is best for our country. NATO enlargement will make Europe more stable and America more secure. It means the future generations of Americans, I believe, will not have to fight or die in Europe. It will make NATO stronger. It will make America stronger. And it will make Western civilization stronger.

Mr. President, I am only sorry my great-grandmother is not alive to see this, because when we vote to ratify this treaty, we will undo the historic tragedy that has often engulfed these nations and forever and ever, in the next century, ensure not only their protection but also ensure that despicable practices like the Holocaust will never again happen. That is what the 21st century is all about. That is why I will enthusiastically vote aye, when my name is called.

I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, for months and weeks and days, we have listened to the intellectual exchange, the foreign policy considerations, the financial impact and what effect what we are about to do will have on bilateral-multilateral relations of the United States with other nations. That gave a context for this debate.

My friend from Maryland showed us the soul of this debate. I am proud to have been on the floor to hear her at this moment make the statement she made. Not only is it historically accurate, but it reflects the wave of emotion that tens of millions of Americans of Polish descent are feeling at this moment.

I would like to say something that is going to make her very angry. I would like our colleagues to consider that when we get to 67—we are going to cast our votes from our seat; I don't know if it is possible; it has never been done before—I think she should have the honor of casting the 67th vote for this treaty. I don't know mechanically how to do that. But you have no idea how much this means to her. You have no idea how much this means to millions of people like my colleague from Maryland.

I don't know how to work this out, but I am going to try, with the Democratic and Republican staff, to figure out whether there is a way we can officially record that my friend from Maryland was the 67th vote cast to take care of a historic inequity that her grandmother brought as a burden to this country and she as a Senator will help end.

Ms. MIKULSKI. Mr. President, I say thank you. I will be happy to vote when my turn comes. Thank you.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, the L's come before the M's. I will be very happy to withhold my vote when it comes time, if that helps to get the Senator from Maryland in that sequence.

Mr. President, the vote on the resolution to admit Poland, Hungary and the Czech Republic to NATO, as we have all said, is as important as any we have cast in many years.

The debate on this resolution has been gaining momentum for over the year. The issues have been discussed, not always in the depth or with the clarity that I would have liked, but I am not among those who feel that we have not had an opportunity to seriously consider this resolution. I only wish that we had had this week's debate a year ago, when the outcome of the vote was not a fait accompli.

I deeply respect many of the people on both sides of the issue. None more than Secretary of State Albright, an ardent proponent of NATO enlargement, with whom I spoke by telephone yesterday while she was in China. I yield to no member of this body in my admiration of her.

I also give great weight to the views of the former Senator from Georgia, Senator Nunn, and to my close friend Senator MOYNIHAN, whose thoughtful speeches on the subject I have read with keen interest. I have also appreciated the views of a number of Vermonters who have expertise in arms control and U.S.-Russian relations. There have been well-qualified and articulate Vermonters on both sides of the debate.

But despite that, I am no more convinced by the positions of either side than I was when the debate began. After everything that has been spoken and written, I remain profoundly troubled by this resolution, as I know many others are. It is not more debate that is needed, it is the ability to predict the future, which of course none of us can.

It is because the future is so unpredictable, and I am still not convinced on an issue of such historic importance, that I will vote against this resolution.

Mr. President, the North Atlantic Treaty Organization has been the world's most powerful and successful military alliance. For half a century, NATO served as a deterrent to a Soviet invasion of Europe. It has helped to keep the peace in a region that has seen countless wars over the centuries, including two world wars in this century. When genocide erupted in Bosnia it was NATO, with, I might add, the help of Russian soldiers, that enforced the Dayton peace accords. The earlier failure of the United Nations in Bosnia is but one example of NATO's relevance today.

So I am not among those who believes that because the cold war is over NATO is no longer needed. Bosnia proved otherwise, and there are other threats to which NATO might be called upon to respond. One, although no one likes to contemplate it, is a Russia in which the democratic reformers are ousted by nationalists whose attitude is overtly hostile and aggressive toward the West. I do not see that happening, but it is possible.

Russia is in the midst of far-reaching changes. Much of what is happening there is encouraging, even remarkable. The old Soviet Union is gone forever, of that I have no doubt. But democracy remains extremely fragile, and some of what is happening in Russia is discouraging, even alarming.

Some things in Russia have not changed. It continues to possess thousands of nuclear weapons, and while we and the Russians are cooperating on a wide range of issues including arms control, no one knows what Russia will look like ten years or even ten months from now. More than anything else, to vote for this resolution one should feel confident that enlarging NATO will lead to a closer and more cooperative relationship between Russia and the West. There is no more important issue for the security of Europe and the United States.

Reaching the decision to oppose this resolution was extremely difficult. Over the past couple of months as the vote approached I have seen that, as in many debates, the issues are far from black and white. I finally settled on four questions. I decided that only if I could confidently answer each of them in the affirmative could I vote for what amounts to a fundamental reshaping of NATO. I discussed these questions with other Senators, with the Secretary of State, and with many others whose judgment and opinions I respect.

I asked myself whether admitting Poland, Hungary and the Czech Republic to NATO result in a more united and secure Europe?

Would it result in a stronger, more effective NATO?

Would it improve our relations with Russia, especially Russia's willingness to vigorously pursue deep reductions in nuclear weapons?

And would it result in benefits that justify substantial additional military costs to the United States and the new NATO members?

These are not novel questions. Any one of them could occupy hours or even days of debate. They have been discussed at length by members of this body, and by some of our most knowledgeable European and Russian scholars and analysts including former Secretaries of State and Defense. What has struck me as I have read and listened to their views is the certainty and conviction with which they express them. Perhaps that is the nature of advocacy, but I find it interesting nonetheless because their conclusions, on a subject of such immense importance to our future security, are based on so much that is uncertain, indeed unknowable.

Mr. President, I began from the perspective that the presumption is against expanding NATO at this time. A rebutable presumption, but NATO has served us well for over fifty years and we should be wary of any attempt to substantially alter its configuration.

That is not to say that NATO can or should remain static. Its mission does need to evolve with the changing times. But what is contemplated here, by voting to admit these three invitees and opening the door to further admissions in the future, amounts to a fundamental reshaping of NATO. Before we take that step I want to be convinced that the benefits of enlargement justify the risks and the cost.

Would enlargement result in a more united and secure Europe? More united, probably yes. But what if expansion does not extend to the republics of the former Soviet Union, or even to certain other Eastern European countries. Then we have simply created a new dividing line in Europe, and new rivalries between those inside NATO and those that are excluded.

Would enlargement result in a stronger, more effective NATO? Frankly, I have been disappointed with the direction and focus of NATO in recent years. At times I have felt it was adrift, and at no time more than when NATO sat on the sidelines as the United Nations floundered in Bosnia. NATO has redeemed itself there but not until many thousands of innocent people had died, including in so- called UN safe-havens. NATO should have acted sooner and with far more decisiveness.

The administration says that Poland, Hungary and the Czech Republic accept the responsibilities of NATO membership and will contribute an additional 300,000 troops. Others argue that by adding new members we dilute NATO's effectiveness with poorly equipped, Soviet-trained forces. As Ambassador Paul Nitze has said, NATO would become "fat and feeble."

My own guess, and it is only a guess, is that NATO would probably not suffer, it might benefit from admitting these three invitees, but if additional countries are admitted next year or thereafter as most proponents of expansion anticipate, it would become unwieldy, even less decisive, and weakened.

My third question, and perhaps the most important, is whether enlargement would improve our relations with Russia, especially Russia's willingness to vigorously pursue deep reductions in nuclear weapons.

Mr. President, the administration asserts that NATO expansion will lead to improved relations between the West and Russia because it will result in a more stable and secure Europe, a more prosperous Europe, and a new relationship between Russia and the former Warsaw countries that is based on partnership.

I do not see the evidence to support such a rosy picture. But whether or not it is true, is a military alliance the best or only way to achieve that new relationship? I do not see why. The enlargement of NATO, no matter how benign, can only strengthen the hand of left and right-wing extremists in Russia, while undermining the position of the democrats we support.

On arms control, the administration offers a litany of examples of how Russia is continuing to engage and cooperate on a broad agenda of security issues. There is cooperation, most visibly in Bosnia where Russian and American soldiers are enforcing the Dayton accords side-by-side. There is talk of the Duma ratifying START II in the near future. There are other examples.

But it seems to me that the real question is how can we best take advantage—not of Russia's weakness—but of the opportunity for a fundamentally different relationship, an opportunity that comes rarely in history, and which is fortuitously presented by the transitional stage in which Russia finds itself today.

In World War I, Europe isolated and alienated a defeated Germany, and in so doing sowed the seeds for World War II. After that war, through the leadership of great Americans like General Marshall and President Truman, we embraced our former German enemies and in so doing fostered one of the world's strongest democracies. It would be unforgivable to repeat a mistake of such tragic proportions.

Do we build a closer relationship with Russia by enlarging a military alliance possibly to its very borders, an alliance that has served principally to deter Soviet aggression? The so-called "iron belt," as Senator WARNER has aptly called it? If Russia posed a serious military threat today I would see things differently. But the only serious military threat Russia poses is its arsenal of nuclear missiles, and I would argue that that threat is not diminished by expanding NATO eastward.

There is reason to suspect that NATO enlargement has already delayed DUMA ratification of START II, and that it has set back the cause for arms control in Russia. It has abandoned its "no-first-use" policy and, as its security situation deteriorates, Russia is headed toward greater reliance on nuclear weapons.

My point, Mr. President, is that while relations between Russia and the West are obviously far better than they were during the cold war, they are a far cry from what I believe they can and should be.

The Russians can be difficult to deal with. I am aware of that. They are obsessed with being treated as equals even though they are no longer a superpower. Russia in many respects is a poor, backward country. As we have seen in the recent spat with Latvia over Russian immigrants, Moscow is prone to reverting to its threatening, Cold War manner of dealing with its former territories.

But Russia is a big country. Big countries expect to exert a certain amount of power in their sphere of influence, and it will take time for Russia to recognize that those ways of acting are no longer acceptable.

No one knows who will follow President Yeltsin. Russia's future is too unpredictable for us to disband NATO, and in any event there are other important missions for NATO than to defend against Russian aggression. On that point I fully agree with the administration. I have lived most of my life in a world with NATO. I want future generations to benefit from this unmatched military alliance led by democratic nations. It serves us well.

But the United States should be doing everything possible to build a non-threatening, cooperative and stable relationship with Russia. Rather than rush to extend an historically anti-Russia alliance and build up the military capabilities of its neighbors —an approach that has undeniably caused great resentment and uneasiness in Russia, we should be building alliances that do not create new divisions between us.

Mr. President, my fourth question is whether enlargement would result in benefits that justify substantial additional military costs to the United States and the new NATO members.

One of the most troubling issues in this debate has been the cost projections. Estimates range from several hundred million dollars, which I find impossible to take seriously if these countries are to pull their own weight in NATO, to tens of billions of dollars. The administration's estimates have changed so many times that they are virtually devoid of credibility.

As best I can tell, we only know that we do not know how much the admission of these three countries would cost, but that it would cost a lot and possibly a lot more than the administration says. When was the last time the Pentagon overestimated the cost of anything? I cannot recall a time.

Nor can I recall a time when we were asked to vote for something when the cost estimates differed so dramatically—from as little as $400 million to as much as $125 billion. That is a difference of over 300 times.

Nor do we know what it would cost to admit additional members after we cross this threshold. The President has said that "no qualified European democracy is ruled out as a future member." There are over twenty. That is a potentially huge investment and a bonanza for the arms manufacturers who are not surprisingly among NATO enlargement's greatest champions.

The last thing we want to encourage is for the newly admitted countries will go on a weapons buying spree when they should be spending their scarce resources on economic development and infrastructure.

What would NATO be with 22 new members? That may sound farfetched, but under the President's scenario it is at least a plausible outcome and one we must consider before we start down the path of enlargement. I am afraid it would be a much weakened alliance, and one that Russia, rightly or wrongly, could quite reasonably regard as a threat.

And what commitments would we be making to those future members? President Clinton has said that NATO "enlargement requires that we extend to new members our alliance's most solemn security pledge, to treat an attack against one as an attack against all." That is what the NATO charter says, but it is far from obvious that the American people are ready to accept that commitment. Others speak vaguely of different types of missions. I have strongly supported international peacekeeping, but I am uneasy about the lack of specificity about what we are committing to here.

Mr. President, I do not doubt that Poland, Hungary and the Czech Republic have every reason to want to be part of NATO. I also recognize that they have made tremendous progress in meeting the criteria set for NATO admission. But we must judge, above all, if enlarging NATO at this time in history is in the best interests of the United States—not Poland, not Hungary, not the Czech Republic, but the United States and NATO itself.

I have considered this resolution carefully, but I have been unable to satisfy myself that it is either necessary, or in our best interest. George Kennan, a man I admire greatly, called NATO expansion "the most fateful error of American policy in the entire post-cold-war era." I do not know if George Kennan is right. But neither am I confident that he is wrong. I am not prepared to gamble on his being wrong.

I hope that I am wrong. It appears that two-thirds of the Senate will vote for this resolution. I sincerely hope that the admission of new countries to NATO produces the desirable outcome the administration forecasts. If that happens I will be the first to admit that I was wrong, and to welcome that outcome.

As I said at the outset of my remarks, this has been a difficult decision for me. I obviously share the administration's goal of a united, secure and prosperous Europe. We all do. But I believe continued progress can be made to achieve that through Partnership for Peace and other means, without the risks and cost involved in enlarging NATO. Nothing, I am convinced, bears more directly on the future security of Europe and the United States than a democratic Russia that does not fear the West.

That should be our priority, that is what is at stake, and so the Senator from Vermont will oppose this resolution.

Mr. President, I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, before we proceed to a vote, may I ask the distinguished Senator from Delaware, Mr. BIDEN, if he is satisfied now with TED STEVENS' amendment?

EXECUTIVE AMENDMENT NO. 2065, AS MODIFIED

Mr. BIDEN. Mr. President, I am satisfied, and I will send to the desk, if I may, with the permission of the chairman, a modification that has been agreed to by Senator STEVENS and myself.

On behalf of Senator STEVENS, I ask that a modification to amendment No. 2065 be sent to the desk. This adds one word to the amendment which I have cleared with Senator STEVENS and with Chairman HELMS. I want to state my understanding about this amendment before we adopt it, which I have also cleared with the Senator from Alaska.

First, this amendment does not affect the Partnership for Peace Program.

Second, I understand this to mean that NATO cannot incur NATO expansion costs for which the United States would be obligated to pay except through NATO's common-funded budgets unless specifically authorized by law. And with those understandings, the amendment, as modified, is perfectly acceptable to me.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

At the end of section 3(2) of the resolution, add the following:

(C) REQUIREMENT OF PAYMENT OUT OF FUNDS SPECIFICALLY AUTHORIZED.—No cost incurred by the North Atlantic Treaty Organization (NATO), other than through the common-funded budgets of NATO, in connection with the admission to membership, or participation, in NATO of any country that was not a member of NATO as of March 1, 1998, may be paid out of funds available to any department, agency, or other entity of the United States unless the funds are specifically authorized by law for that purpose.

Mr. BIDEN. I urge adoption of the amendment.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. To keep the Record straight, that is No. 2066, as modified?

The PRESIDING OFFICER. Amendment No. 2065, as modified.

Mr. BIDEN. Amendment 2065, as modified.

Mr. HELMS. Amendment 2065, as modified. Very well.

Mr. BIDEN. Mr. President, parliamentary inquiry. Do we need to vitiate the yeas and nays?

I move to vitiate the yeas and nays on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. I urge its adoption by voice.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The executive amendment (No. 2065), as modified, was agreed to.

Mr. HELMS. I think you have a UC, Mr. President.

EXECUTIVE AMENDMENT NO. 2320

The PRESIDING OFFICER. The question is now on amendment No. 2320. By previous order, the yeas and nays have been ordered to occur at 7 o'clock. The clerk will call the roll.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Parliamentary inquiry, Mr. President. Are we proceeding on the basis of a unanimous consent request that was entered into earlier to vote at 7 o'clock?

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. Further parliamentary inquiry. Will there be a series of votes?

The PRESIDING OFFICER. There are two votes currently stacked——

Mr. HELMS. If the Senator will yield.

The PRESIDING OFFICER. The Chair is mistaken. There is only one vote currently called for under the previous order which was a result of the unanimous consent agreement. It is to occur at 7 o'clock.

Mr. HARKIN. As soon as the vote is over, I assume the floor would be open for further amendments and debate. Is that affirmative?

The PRESIDING OFFICER. There have been amendments set aside. They would recur, if called up.

Mr. BIDEN. Mr. President, parliamentary inquiry. At the conclusion of this vote, the regular order would be to return to the Ashcroft amendment; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. Return to the Ashcroft amendment?

Mr. BIDEN. Ashcroft.

Mr. HARKIN. Is there a limited amount of time on that amendment?

The PRESIDING OFFICER. There is no time limit.

Mr. HARKIN. So the floor would be open at that time. I thank the Chair. Thank you.

Mr. HELMS. Mr. President, if I am not mistaken, we have two votes; the first would be 15, and the second 10?

The PRESIDING OFFICER. The Chair was equally confused. But this is the parliamentary situation. Under a standing unanimous consent agreement, the Senate should now vote on the Conrad amendment No. 2320. By unanimous consent, there is a 10-minute limit on the vote on the Bingaman amendment, but the agreement did not call for the Bingaman amendment to occur immediately after the Conrad amendment. If that is the desire of the Senator from North Carolina, he will have to ask unanimous consent that that happen.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Now, this whole situation is fraught with sideline agreements that nobody recorded. Now, the understanding was that at this point—all right. So we will vote first on the Conrad-Bingaman; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. HELMS. Amendment No. 2320, and then followed by 2324?

The PRESIDING OFFICER. There is no order for 2324.

Mr. HELMS. I suggest we get something done.

I suggest we proceed with the vote.

The PRESIDING OFFICER. Is the Senator from North Carolina asking that we move to 2324 after 2320? That would require a unanimous consent.

Mr. HELMS. We will do that afterwards.

The PRESIDING OFFICER. All right. The question is on agreeing to the executive amendment No. 2320. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 16, nays 84, as follows:

[Rollcall Vote No. 113 Ex.]

YEAS—16

Bingaman
Bryan
Bumpers
Conrad
Dorgan
Harkin
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Murray
Wellstone
Wyden

NAYS—84

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bond
Boxer
Breaux
Brownback
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Kempthorne
Kerrey
Kyl
Landrieu
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner

The executive amendment (No. 2320) was rejected.

Mr. BIDEN. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2318

Mr. BIDEN. Mr. President, I call for the regular order with respect to amendment 2318, the Ashcroft amendment.

The PRESIDING OFFICER. The Senator has that right.

That amendment is now in order.

Mr. ROTH. Mr. President, I wish to express my strong opposition to this amendment and to urge my colleagues to vote this amendment down.

Before I start Mr. President, I ask unanimous consent to have printed in the RECORD an article published today on this amendment in the Washington Times by David Gompert, who served as senior director for Europe and Eurasia on the National Security Council staff under President George Bush. This is a very insightful piece, and I intend to reiterate and elaborate on the sound points raised by David Gompert.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A VOTE AGAINST NATO

(By David Gompert)

As the Senate prepares to ratify the enlargement of NATO, the debate has taken a troubling turn. While not questioning the admission of Poland, Hungary and the Czech Republic, Sen. John Ashcroft has offered an amendment to the ratification resolution aimed essentially at limiting NATO's purpose to the Cold War mission of defending the borders of the European allies. Should such a new restriction be imposed, the big loser would be the United States.

Needless to say Sen. Ashcroft has no intention of harming U.S. security interests. His motivation, it seems, is to keep the U.S. from being drawn into peacekeeping operations, like Bosnia, that the Europeans ought to handle on their own. Reasonable people can disagree about the merits of U.S. involvement in Bosnia and other peacekeeping missions. In some cases, the nation will opt to send forces, as in Bosnia; in other cases, it will not, as in last year's crisis in Albania. But let's be clear: The NATO treaty does not and will not require the U.S. to participate in peacekeeping. The Clinton administration has never claimed that the U.S. has a *treaty obligation* to join its allies in Bosnia.

Thus, the Ashcroft amendment is at best unnecessary. Far worse, it could foreclose a potentially crucial strategic option for the United States, namely, to seek NATO's help in confronting future threats to the common security interests of the Atlantic democracies. In this world of rogue states with biological, chemical, and nuclear weapons poised to seize Western oil supplies, why would we want to restrict NATO's purpose to our coming to the defense of European soil? Why would we want to cut off U.S. options in this unpredictable era? Why would we discard our chance to get allied support for U.S. security interests?

Wisely, the drafters of the NATO Treaty 50 years ago provided not only for the defense of the territory of the European allies but also for the possibility of common action to protect other interests. The United States wanted this latter provision—not as an obligation but as an option. When the treaty was signed, Secretary of State Acheson proclaimed that it contained no limitations on alliance missions. As long as the Soviets threatened Europe, the defense of allied territory was NATO's overriding concern. But now, the U.S. has begun to ask the Europeans to contribute more to the protection of other common interests, such as oil and security from weapons of mass destruction. It is time for the U.S. not only to give but also to receive security benefits from NATO.

Accordingly, since the Gulf War, when the U.S. had to send nearly all the forces and run nearly all the risks, the Bush administration and the Clinton administration have urged the Europeans to move beyond the Cold War mission of border defense and to join the United States in combating the new threats. This work has just begun to bear fruit: The British, French and Germans have, somewhat reluctantly, agreed to build forces that could help out if, for example, another war erupted in the Persian Gulf. The allies are becoming convinced by the United States that NATO is too valuable—and the world is too dangerous—to restrict its options.

The Ashcroft amendment could derail this effort. By stressing that NATO's only business is to defend European borders, it would remove any motivation for the allies to field better forces for post-Cold War missions and give them a perfect excuse to let their military readiness decline. By suggesting that the U.S. will not support any other NATO missions, it would guarantee that the allies will not. By disapproving of the use of NATO to combat today's threats it would signal that the U.S. sees the alliance as having little value in the new era. Those Europeans that prefer to see the U.S. face the new era's dangers alone would welcome the Ashcroft amendment.

Worst of all, those who would threaten U.S. and European common interests, such as Iraq, Libya, Iran and Serbia, might be relieved, if also astounded, to learn that the United States was not going to use NATO to face them with a common U.S.-European front, in peacetime and war. These renegades are already trying to split us from our allies. The only thing that would bother and deter them better than U.S. power is U.S. power backed by NATO. The Ashcroft amendment—unintentionally, of course—could rule that out. Upon admitting the three new democracies as members, thus consolidating security within Europe, NATO will turn its attention to how the U.S. and Europeans can work together to combat common threats wherever they might arise. We will be debating and refining such a concept for years to come, and the Senate will have an important voice. By design, the treaty itself neither requires nor forbids new missions. The Ashcroft amendment would pinch off options that the treaty was meant to provide and that the U.S., above all, can now use to its advantage.

Mr. ROTH. I fully recognize that the sponsors of this amendment are motivated by the desire to preserve the vitality of NATO and the central priority of its collective defense mission. These are goals that I fully endorse. However, the motivations behind this amendment and its real and potential impact upon the Alliance are leagues apart. Mr. President, this amendment would do great damage to the Alliance and to the interests of the United States.

First, it intends to unilaterally impose for the first time in the history of the Alliance new restrictions on NATO's roles and missions. And it would do so, in absence of serious consultations within the Alliance.

Second, such a unilateral move by the Senate runs counter to the spirit and traditions of the Alliance. It would invite other allies to unilaterally impose their own restrictions and definitions on the terms of the Washington Treaty. We must not set the Alliance upon such a slippery and divisive slope.

Third, by imposing such restrictions, this amendment would undercut the ability of the United States to prompt NATO to take actions necessary to protect and defend the interests of the North Atlantic community. Worse yet, the language of this amendment would undermine the ability of the United States to call NATO to action in defense of American security interests.

Fourth, this chamber has repeatedly called upon our Allies to stop the decline of their defense establishments and do more to bear burdens of the Alliance. This amendment directly undercuts those efforts to attain more equitable burden-sharing within the Alliance and the transatlantic community. It would do by granting our European allies yet another excuse to not improve their defense forces.

At its best this amendment in unnecessary to achieve the goals of its sponsors. At its worst, the amendment would undercut the Alliance's will and capability to defend the security interests of the North Atlantic community of democracies.

This amendment is unnecessary to attain the goal of preventing the United States from being drawn into dangerous peace-keeping operations that the countries of Europe should handle on their own. The United States already reserves the right to veto any such initiative within or by the Alliance. Moreover, Article 5 of the Washington Treaty makes U.S. Participation in a NATO mission strictly a national decision. It is not an obligation. That has always been the case and will always remain the case in NATO.

It is quite evident that not everyone in the Senate supports the decision of the United States to have NATO lead the effort to bring peace to the Balkans. Nonetheless, it was a national decision by the United States and the United States Congress to support the NATO mission in Bosnia. And, the fact is that this military operation is completely consistent with the Washington Treaty. We should not allow disagreements with the foreign policy of the executive branch, as serious as they may be, to prompt dangerous revisions or restrictions upon a treaty that has been an unprecedented success for the deterrence of aggression and the preservation of peace. Yet, that is exactly what this amendment would do.

I understand that one key intent of the amendment is to express the opinion that the Alliance must remain first and foremost an institution of collective defense. That goal is already accomplished through the resolution of ratification. Just read it.

Section 3.1.A of the resolution of ratification declares clearly that the "core purpose of NATO must continue to be the collective defense of the territory of all NATO members." The resolution makes crystal clear that the Senate firmly believes that NATO's first priority must be the mission of collective defense.

Unfortunately, this amendment is not only unnecessary, it is dangerous. By attempting to define and restrict the missions that NATO can and should undertake, it risks foreclosing the ability of the United States to seek NATO's assistance in confronting future threats to the transatlantic community of nations.

Ironically, this amendment's current construction would not keep the United States from becoming engaged in any future "Bosnia-type contingencies"—a core intent of its authors—because such contingencies as Bosnia can be defined as meeting its requirements. Indeed, the U.S. Congress has done just that by supporting our troops in Bosnia. But, this amendment, could serve as an excuse for our allies to avoid sharing the risks and burdens of such contingencies with the United States.

In a world of rogue states with biological, chemical and nuclear weapons increasingly at their disposal, why would we, the United States Senate, want to undercut NATO's willingness and ability to defend the common interests of the North Atlantic community of democracies? Why would we, the United States Senate discard one of the best vehicles through which to prompt allied support for U.S. security interests?

Some fifty years ago, the drafters of the Washington Treaty included provisions not only to provide for the territorial defense of the North Atlantic region, but also for the possibility of common action to protect other interests of the North Atlantic Community. It was the United States that insisted upon this provision—Article 4 of the Charter—and a construction of the Charter that would permit actions beyond the narrow scope of territorial defense. Secretary of State Dean Acheson spoke to this point clearly before the Treaty went into force in 1949, and I ask unanimous consent that an excerpt of a memorandum of his press conferences in which he spoke definitively on this point be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPT OF MEMORANDUM OF THE PRESS AND RADIO NEWS CONFERENCE, FRIDAY, MARCH 18, 1949

* * * * *

A correspondent asked the Secretary to consider a situation which might arise if there was a demonstration of a power, not a member of this group, in the direction of one of the Middle Eastern countries such as Iran or Turkey which was considered by one of the powers in the group to constitute a threat to peace and security. He asked if there was any provision in the Treaty beyond the provision for consultation and Secretary Acheson replied in the negative. Asked if Article 9 did not provide for a recommendation by the council on a situation of this type, the Secretary replied that this was correct. He said that it applied for recommendations for carrying out or implementing the Treaty but said that this did not change what he had said earlier. He declared that there was no provision which looked toward these Parties acting as a unit in regard to some matter not covered by the Treaty and said they might act as a unit or they might not, but that there was nothing in the Treaty which required them to do so.

Asked if there was no provision for anything except consultation, except actual armed attack on one of the signatories, the Secretary replied that there were Articles one, two, three and four. Asked if there were no limiting clause the Secretary stated that there was no limiting clause. A correspondent asked if the area of the Treaty was specified but was not necessarily limited as to what the Parties might do after they might consult, considering the fact that an attack to security might originate outside of the geographical limits of the Treaty. The Secretary said that, in the first place, there was the very first article of the Treaty which says that the Parties affirm their obligations under the Charter of the United Nations, to settle their disputes peacefully. He added that he didn't know whether this would be called limiting but that it was one of the great obligations of the Charter, and that if it were carried out by all members of the United Nations a great many problems in this world would disappear. In conclusion, he said that he would think that it was quite limiting. A correspondent said that geographical limitations in Europe and the North Atlantic had also been set up in Article 5 and the Secretary said that this was right.

> Asked if the Treaty stipulated that if armed attack should originate outside of the area no action might be taken, the Secretary replied in the negative.

* * * * *

Mr. ROTH. The fact is that the policy of the United States and the policy of NATO have always permitted actions by the Alliance that go beyond the narrow scope of territorial defense. Yet, this amendment clearly attempts to constrict the interpretation of the Washington treaty rendered by its founding fathers.

And, let us not underestimate what kind of example passage of this amendment would set for our Allies. It would encourage our European Allies to impose their own unilateral reinterpretations or restrictions upon the Washington treaty. Imagine our reaction, if one of the parliaments or governments of our allies were to attach such conditions to NATO enlargement. How would we react, if for example, one ally were to prohibit the use of NATO-designated units against Saddam Hussein's regime in Iraq? Judging from recent events in the Persian Gulf, I imagine the reaction in this chamber would be one of complete outrage.

Mr. President, we must also be aware of the message this amendment would send to our European Allies should the Senate make the profound mistake of accepting it.

For years, the United States, and especially the United States Congress, has worked arduously to make our European Allies more outward looking in their security policies and to assume a greater share of the risks and burdens in addressing common challenges and threats. We have repeatedly called upon them to stop the decline of their defense establishments and to devote the resources that will enable them to better contribute to the transatlantic security.

Yet this amendment, perhaps inadvertently, would signal that the business of NATO is only territorial defense, and no more. It would thereby eliminate any motivation for the Allies to field the forces necessary for post-Cold War missions. It would serve as an excuse to let the military establishments continue an over decade long decline.

Worse, this amendment would infer that the United States views the Alliance as having limited value in the post-Cold War era. This is an important point made by David Gompert, and I fully agree. Passage of this amendment could be interpreted by our allies and the detractors of the Alliance that the United States no longer regards its vital interests as being best secured through the fabric of the transatlantic community and the NATO alliance. That would be a dangerously counterproductive message—a message that would ignore the lessons of two world wars and the Cold War. I just don't believe that our memory is so short.

Mr. President, the Senate must reject this amendment. As I stated earlier, at its best, this amendment is redundant and unnecessary. At its worst, it is a radical and dangerous departure from the Washington Treaty of 1949 and the way in which the United States has over the years used the Alliance to advance our own national interests.

Mr. BIDEN. Mr. President, I now move to table the Ashcroft amendment, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Delaware to lay on the table the amendment of the Senator from Missouri. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 82, nays 18, as follows:

[Rollcall Vote No. 114 Ex.]

YEAS—82

Abraham
Akaka
Allard
Baucus
Bennett
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Gregg
Hagel
Harkin
Hatch
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Torricelli
Wellstone
Wyden

NAYS—18

Ashcroft
Bond
Brownback
Craig
Faircloth
Grams
Grassley
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Nickles
Roberts
Sessions
Smith (NH)
Thurmond
Warner

The motion to lay on the table the amendment (No. 2318) was agreed to.

EXECUTIVE AMENDMENT NO. 2324

The PRESIDING OFFICER. The question now occurs on the Bingaman amendment, No. 2324. By previous agreement, this is a 10-minute vote. We have 10 minutes of debate equally divided. Then there is a 10-minute vote. Who yields time?

The Senator from New Mexico will be recognized when the Senate is in order. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, the members of NATO are engaged today in revising and updating the so-called strategic concept of NATO. We are part of this ongoing review. It was agreed to in July of last year in Madrid, by the Council, that this revision of the strategic concept would take place, and they set out a three-stage process to do it. They are well into that process now. The idea behind it was that the new, revised strategic concept will be presented next April at the Ministers meeting.

My amendment says that after the admission of Poland and Hungary and the Czech Republic, it will be the policy of the United States not to invite other members to come into NATO until that revised strategic concept has been agreed to by the Council, by the NATO Council. To my mind, this is not a radical proposal in any respect. It is exactly the process that is intended to take place. It is very important, I believe, for ourselves to know what the new mission is and to have agreement on what the new strategic concept is before we take on new members and commit to defend their territory. Of course, I think it is also very important that the new members who would like to become part of NATO understand precisely what this strategic concept is before they sign on to participate in it.

So that is the amendment. There is no great mystery about it. It is not intended to subvert anything, to delay anything. It has absolutely no effect on the question of whether Poland and the Czech Republic and Hungary should be admitted into NATO at this time. But it does say before we go beyond that, we should get this strategic concept agreed to. It is intended that that happen next year. I have every reason to believe it will happen next year. It is important that it happen before we begin to invite others to join NATO after these three countries.

Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I will be very, very brief. This is a rerun of the amendment by my distinguished friend from Virginia, Senator WARNER. This is a means by which to artificially delay any new decision relative to new entrants. We already have the strategic concept that contemplated and reflected the changes that took place in 1991. You all voted 90 to 6 last night on the amendment of the Senator from Arizona, Senator KYL, laying out in detail what must be taken into consideration by the United States of America to sign on any new strategic concept. This is, in fact, not necessary. It is not needed, and it is an unnecessary delay. So I am prepared—if my colleague will yield the remainder of his time, I will yield the remainder of mine and I am ready to vote.

I urge you all to vote no.

Mr. BINGAMAN. I would like to use an additional 1 minute of my time. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Mexico has 2 minutes 33 seconds.

Mr. BINGAMAN. Let me just sum up my position. I do not think the amendment by the Senator from Arizona is related to this. That is a statement by the U.S. Senate as to what we think ought to be in the revised strategic concept. It is not a statement by the Council, NATO Council, as to what ought to be in there. I think it is important that we get agreement among our NATO allies as to what is in this strategic concept before we go ahead to invite new members. That is what my amendment says.

Unless someone intends that we invite new members in the next 11 months, there is no delay involved in this. So I hope very much my colleagues will approve the amendment and add it to the treaty.

I yield the floor and I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I see no purpose for this amendment. I hope my colleagues will view it the same way.

I yield the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the yeas and nays have been ordered and the clerk will now call the roll on the Bingaman amendment, No. 2324.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. KYL) is necessarily absent.

The result was announced, yeas 23, nays 76, as follows:

[Rollcall Vote No. 115 Ex.]

YEAS—23

Ashcroft
Bingaman
Bumpers
Conrad
Craig
Dorgan
Graham
Harkin
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kohl
Murray
Reed
Roberts
Smith (NH)
Torricelli
Warner
Wellstone
Wyden

NAYS—76

Abraham
Akaka
Allard
Baucus
Bennett
Biden
Bond
Boxer
Breaux
Brownback
Bryan
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Coverdell
D'Amato
Daschle
DeWine
Dodd
Domenici
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Inouye
Johnson
Kennedy
Kerrey
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Nickles
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond

NOT VOTING—1

Kyl

The amendment (No. 2324) was rejected.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The Chair recognizes the Senator from Iowa.

EXECUTIVE AMENDMENT NO. 2326

(Purpose: To urge examination of the compatibility of certain programs involving nuclear weapons cooperation with the obligations of the United States and other NATO members under the Treaty on the Non-Proliferation of Nuclear Weapons)

Mr. HARKIN. Mr. President, I have an amendment I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an executive amendment numbered 2326.

At the end of section 2 of the resolution, insert the following:

( ) COMPATIBILITY OF CERTAIN PROGRAMS WITH OBLIGATIONS UNDER THE NUCLEAR NON-PROLIFERATION TREATY.—The Senate declares that the President, as part of NATO's ongoing Strategic Review, should examine the political and legal compatibility between—

(1) current United States programs involving nuclear weapons cooperation with other NATO members; and

(2) the obligations of the United States and the other NATO members under the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow on July 1, 1968.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The Chair recognizes the Senator from Iowa.

EXECUTIVE AMENDMENT NO. 2326

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Mr. HARKIN. Mr. President, I have an amendment I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an executive amendment numbered 2326.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, it is not a long amendment. That is why I wanted it read.

It is very straightforward. It will be my intention to just speak for a few minutes on the amendment, and then I will withdraw the amendment. After seeing how all of the amendments seem to be faring here, it seemed ridiculous to waste any more time of the Senate to be voting on these amendments.

I feel strongly about this aspect of going into NATO enlargement. More than anything else, I want to explain the purpose of my amendment and lay down a marker regarding an issue that I know concerns all of us here and which could have very severe repercussions in an expanded NATO. That is the issue of the nonproliferation treaty of which the United States is a signatory and, of course, an issue that we have pushed very hard.

Many of us have spoken many times about the importance of not slowing down international arms control and nonproliferation efforts. This amendment is simply a sense of the Senate regarding NATO's relationship to the Nuclear Non-Proliferation Treaty, or NPT, and urges that the President should propose that NATO examine the compatibility—

Mr. President, could I have order? I have trouble hearing myself.

The PRESIDING OFFICER. May we have order so the speaker can be heard? He is entitled to be heard.

Mr. HARKIN. I thank the President.

This amendment just urges that the President should propose that NATO examine the compatibility of its nuclear-weapons-sharing programs with our obligations under the NPT, the nuclear nonproliferation treaty.

The NPT is one of our most important international agreements. Not only is the United States a member of the NPT regime, we were a strong leader in establishing the treaty.

Its purpose, of course, is to prevent the spread of nuclear weapons. Through a series of provisions, it helps halt the spread of nuclear materials and nuclear weapons knowledge. That is the important part of this—the nuclear weapons knowledge.

The nonaligned members of the NPT have expressed great concern over NATO's nuclear-sharing programs. Let me make it clear. The United States has nuclear weapons at U.S. bases in NATO nations. In time of war the United States could release these nuclear weapons to these allied nations.

Of course, in peacetime our allies do not have control over them. We retain control. However, we do assist in training foreign militaries in nuclear-use capabilities.

For example, we train our NATO ally pilots how to drop nuclear weapons. We train their ground crews on how to store nuclear weapons and how to load them onto aircraft. And 110 nations have expressed concern over NATO's expansion impact on the NPT.

The first indication of this, Mr. President, was in an article that appeared in Defense News, on March 30, saying that:

"The 113 members of the so-called nonaligned movement, none of which have nuclear weapons, have asked conference leaders at the meeting to discuss assurances for parties to the NPT that they will not be targeted by nuclear weapons." Stephen Young, of the

British American Security Information Council was quoted in the article as adding, "If NATO won't give nuclear weapons up, and in fact continues to publicly declare nuclear weapons as part of its strategy for the future of the alliance, the fear is that some states that do not currently have nuclear weapons may become frustrated and decide to acquire them for protection."

Now, we have a news release from the same organization that came in just yesterday that stated that: "At the meeting of the member states of the nuclear non-proliferation treaty"—in Geneva on April 28, just 2 days ago, 110 nations of the nonaligned movement—"demanded an end to NATO nuclear-sharing arrangements."

A working paper representing the position of more than 110 states demands that—and I quote—"the nuclear weapons states parties to the NPT refrain from, among themselves, with non-nuclear weapons states, and with states not party to the treaty, nuclear sharing for military purposes under any kind of security arrangements."

Well, NATO is the only alliance which operates nuclear-sharing arrangements. Under these arrangements, somewhere between 150 to 200 U.S. nuclear weapons are deployed in the six European States: Belgium, Germany, Greece, Italy, the Netherlands, and Turkey.

NATO countries, of course, have always maintained that NATO nuclear sharing is legal under the NPT because it does not involve the actual transfer of nuclear weapons unless a decision was made to go to war.

However, the NPT regime also involves, as I stated earlier, the sharing of nuclear knowledge. So I think it is a well-grounded concern of the nonaligned nations to express their concerns about the expansion of NATO and the fact that we will begin sharing nuclear knowledge with the three new member nations. I think their fears are well founded and worth considering.

Will we now, of course, with the addition of these three new nations, begin to share this nuclear knowledge? Are these three new nations full and absolute partners of NATO—as many have said here on the floor during the course of the debate, that Poland, Hungary, and the Czech Republic should not be second-class NATO partners but should have all of the rights, obligations, and powers inherent in any NATO member nation? If that is the case, then certainly we will begin to share nuclear knowledge with those three countries. I believe, Mr. President, that this could fly in the face of our obligations under the nuclear nonproliferation treaty. Therein lies the conundrum.

If we do proceed with NATO expansion—and it obviously looks like the votes will be here to do that—and if these three nations become full partners in NATO, as many have said they should, and obviously they will under the reading of the protocols, we then will proceed to share nuclear knowledge with those three nations. And what of nuclear capabilities? I am not saying that we will turn over control of nuclear weapons—we have not yet done that to any nation of NATO—but we could get to the point where we might turn over nuclear weapons to those three nations if, in fact, conditions warrant it.

There is one other aspect—and I was going to offer another amendment, but I will not—the use and stationing of dual-use aircraft in these countries. Again, as members of NATO, we will be stationing aircraft in the countries that have dual uses. They can be used for conventional weapons delivery, but if fitted with the proper hard points and racks, they can also be used for nuclear weapons delivery. And will we then proceed to train ground crews and pilots in those countries in the delivery of these nuclear weapons, in their storage, and in their handling and loading capabilities? Again, I believe that we may do something which probably a lot of Senators have not thought about. That is how NATO expansion affects our obligations and our stated interest in the nonproliferation treaty.

So I am hopeful that the President will give due consideration to this. Quite frankly, I don't know what the President can do. Either we are going to adhere to the letter and the spirit of the NPT and not share nuclear knowledge and capabilities and training with the three countries coming in, or we will share nuclear capabilities, knowledge, and training with these countries, and violate the letter and the spirit of the nonproliferation treaty. You can't have it both ways.

Another reason why I believe this rush to approve these three nations' accession into NATO is a march to folly—to quote the Senator from Arkansas, who last night quoted Barbara Tuchman's book, "The March to Folly"—is that it just seems that the expansion has not been fully thought through, especially in the nuclear regime. If in fact we go ahead down that course, what then will Russia say? I know a lot of people have said, "Well, Russia, understands what we are doing; they haven't raised a lot of objections." They have raised some.

Again, as Senator BUMPERS said last night, it is not now, it is when the elections are going to be held in Russia. That is when the hard-line right-wingers and the Communists will come out and say, see, we told you so. They will say that an expanded NATO in violation of oral assurances given to Mr. Gorbachev. Not only that, they could say that we have violated the nonproliferation treaty by providing nuclear capabilities to those three countries.

Right now, the Duma has already delayed ratification of the START II treaty: Nationalist elements have begun to gain power by accusing members of the democratic party with appeasement of the West. This will just give them another bullet in their arsenal in arguing that, in fact, Russia should change its course of action.

I was interested that former Ambassador Matlock, former Ambassador to the Soviet Union under the Bush administration, opposes NATO expansion. He stated, NATO expansion "may go down in history as the most profound strategic plunder made since the end of the cold war." Ambassador Matlock further stated NATO enlargement "fails to take account of the real international situation following the end of the cold war, and proceeds in accord with the logic that made sense during the cold war."

I agree with those words of Ambassador Matlock. I don't know Ambassador Matlock, never met him, as far as I know, but I think he has given us wise counsel. He is joined by many others across the Nation. I have watched this debate unfold over the course of the last few months. As more and more knowledge has gotten out around the country as to what NATO expansion really entails, the possibility of derailing START II talks, the unknown factor of what the costs are eventually going to be, the fact that once we have opened this door and with, I am sorry to say, the defeat of the Warner amendment—it was close—with the defeat of his amendment, you can bet your bottom dollar next year elements within our country will start pushing for new nations to be brought into the NATO umbrella.

How will we respond to those? By saying that they are less worthy that Poland, Hungary, or the Czech Republic? Will we say that somehow they are not ready, that we are going to have this hard dividing line in Europe? So it is going to exacerbate and cause even more tensions in Europe in the future.

Mr. WARNER. If the Senator will allow me to comment with him. I talked to former Ambassador Matlock today. I have known him since 1972, when he was part of our delegation that went over to work on the agreement. I have the highest regard for him. He confirmed to me very much what he advised the Senator. I just want to acknowledge that I think he is an authority that should be listened to.

Mr. HARKIN. I appreciate the Senator saying that. I have not met Mr. Matlock or talked to him personally. It is nice to know that even yet today he feels the same way. With words from respected people like Matlock, and with concerns such as what I have pointed out this evening in this amendment, more opposition has come out in editorials around the country opposed to NATO expansion. The Des Moines

Register, the New York Times, Chicago Tribune, the Salt Lake Tribune, and the Houston Chronicle—spanning the spectrum of the country geographically, spanning the spectrum of the country, philosophically and ideologically.

Mr. President, I ask unanimous consent that some of these editorials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Register's Editorials]

WHY RUSH? WHY NATO?—WHY EXPAND A MILITARY ALLIANCE THAT HAS NO LOGICAL ENEMY?

The end of the Cold War should logically have meant the end of NATO, the military alliance intended to offset the military power of the Soviet bloc, in favor of formal and informal alliances promoting more economic and social links. But logic has run up squarely against the interests of the defense industry. And far from disbanding NATO, the Senate is scheduled to vote soon on expanding it—to include the former Communist states of Poland, Hungary and the Czech Republic.

Lockheed Martin, Boeing and Textron have already promised to build arms factories in that area. The World Policy Institute reports that $1.2 billion in U.S. tax money has thus far been spent arming the countries in anticipation of NATO membership, and billions more must follow.

Meanwhile, the proposed NATO expansion has been one of the soundest sleeper issues in American politics. While the defense industry has dumped millions on Congress to win a favorable vote, the matter has rated the most meager of media coverage. But both President Clinton and the Senate Republican leadership favor it, and the skids are greased.

"What's the rush?" Republican Senator John Warner of Virginia asked in a recent floor speech. Warner said expanding NATO will isolate Russia, needlessly threatening an already-insecure nation that retains a huge nuclear arsenal. Our priority, Warner said, should be further reduction of nuclear stockpiles. Instead, we seem intent on beefing up a military alliance that has no logical opponent—unless we succeed in creating one.

The Senate can vote to approve expansion, reject it or delay action pending further discussion. Expanding NATO without allowing reasonable time for considering alternatives is reckless and foolhardy.

[From The New York Times, April 29, 1998]

NATO AND THE LESSONS OF HISTORY

The small but vociferous band of senators opposed to NATO expansion retreated yesterday to trying to sell a series of amendments they hoped would delay enlargement or limit the financial costs to Washington. Only one, offered by Daniel Patrick Moynihan and John Warner, would put off this round of growth by making NATO membership for Poland, Hungary and the Czech Republic contingent on their gaining admission to the European Union.

While it was encouraging to see the Senate at last thoughtfully debating the merits of expansion, the significance of the moment seemed to escape many members. Pushing NATO eastward may, as its proponents argue, only reinforce democracy and unity in Europe. We will be pleased if that proves true. But with the Senate now moving toward approval, the consequences could be quite different. The military alliance that played such a crucial role in preserving peace in Europe through the hard decades of the cold war could become the source of instability on that Continent.

The reason enlargement could prove to be a mistake of historic proportions is best explained by comparing the decision before the Senate with the far different course America chose at the end of World War II. America acted then not to isolate Germany and Japan, or to treat them as future threats, but rather to help make them democratic states. It was a generous and visionary policy that recognized that America's interests could be best secured by the advancement of its principles abroad and the embrace of its former enemies.

Now, in the aftermath of the cold war, the United States is taking an entirely different approach to the loser of that conflict. Though it has offered financial assistance and friendship to Russia, the Clinton Administration has made NATO expansion the centerpiece of its European policy. It is as if America had sent Japan and Germany a few billion dollars when the the war ended while devoting most of its energy to strengthening a military alliance against those countries.

It is delusional to believe that NATO expansion is not at its core an act that Russia will regard as hostile. At the very moment when Russia is shedding its totalitarian history and moving toward democracy and free markets, the West is essentially saying it still intends to treat Moscow as a military threat. The best way to defend Eastern Europe is not to erect a new barrier against Russian aggression but to bring democracy and prosperity to Russia so it will not be aggressive. The genius of American policy toward Japan and Germany was that it looked to the future rather than the past. It is lamentable that Washington lacks the imagination and courage to do so again.

[From the Chicago Tribune, February 1, 1998]

A CASE OF LESS IS MORE WITH NATO?

Like a fighter aircraft flying just above treetop level to evade detection by radar, the issue of expanding the North Atlantic Treaty Organization is moving, all but unnoticed by the American public, toward ratification by the Senate.

With formal consideration of the expansion treaty expected to begin in March, most knowledgeable observers look upon NATO membership for Poland, Hungary and the Czech Republic as an all but foregone conclusion. And with no serious opposition among the 15 other current members of the alliance—Turkey is the only one that has even feinted at rejection—that conclusion seems well warranted, even if the actual expansion is not.

This means that, very shortly, the U.S. will be committed to treat an attack on Prague like one on Peoria, a blow to Budapest like one to Birmingham. Since it is their sons and daughters, husbands and wives who will put their lives on the line. It would behoove the American people to give this issue the most careful thought. Unfortunately, that has not happened.

Indeed, the Clinton administration and its supporters in the expansion effort also may not have thought as carefully about it as they might, because expanding NATO could have the ironic result of making Europe, in the end, less secure than it otherwise would be.

Americans who supposed that the collapse of the Soviet Union and the end of the Cold War meant that the U.S. could finally lay down the burden of defending Europe may be surprised to learn that that is not so—at least not in the view of many in the foreign policy priesthood. What it has meant, according to the new NATO theology, is that NATO's raison d'etre has become not European defense from a ferocious USSR but European security.

The difference may seem so subtle as to be insignificant, but it is not. Vaclav Havel, president of the Czech Republic, summed it up as a matter of keeping the Europeans from falling into a "war of all against all," of becoming ex-Yugoslavia on a continental scale.

That is not an ignoble thing to do. The question is why is it the job of the U.S. any more than it is America's job to keep Hutus and Tutsis from each other's throats in Rwanda or to separate antagonists in any of the several dozen other places in the world where they insist on killing each other?

Good question, and one that never gets satisfactorily answered in discussions with European supporters of NATO expansion—and virtually every European of any standing or influence seems to support bringing in Poland, Hungary and the Czech Republic.

We have argued in the past—along with such foreign policy eminences as Henry Kissinger—that expanding NATO is a bad idea mainly because it would feed Russia's centuries-old insecurity about having foreign powers along its western border.

Certainly the West should not kowtow to Russia out of such concern, but neither should it needlessly antagonize Moscow and strengthen the anti-democratic crazies who use NATO expansion to promote themselves.

In interviews last week with NATO and American officials in Brussels, it was clear they believe they have disarmed the Russia argument by the friendship and cooperation treaties and consultations that have been concluded with Russia over the last year.

That's all very nice, but it's not at all clear that this era of good feeling is all that good or that it will outlast the perpetually infirm Boris Yeltsin. Even if Russia is currently no threat militarily, it's a good bet that it will not always be so weak.

Leaving Russia aside, the question remains: Is it wise for the U.S. to make a commitment so grave as that implicit in expanding NATO?

It is not, and for an ironic reason: The more such promises America makes, the less seriously, ultimately, they will be taken, by those to whom they are made and those who might be tempted to test them.

Even without a NATO commitment, the U.S. probably would treat an attack on Warsaw as it would an attack on London or Wausau. But even with a NATO commitment, would it do the same for Bucharest or for Prague (where there seems to be a resounding public indifference to NATO enlargement)?

The very fact that the question can be asked—and it is asked by serious thinkers on this issue in Europe—suggests that, instead of increasing security in Europe, NATO expansion could weaken it.

Philippe Moreau Defarges, an expert with the French Institute of International Relations, sums up this irony with a French proverb that, translated, means. "He who seeks to kiss everyone, kisses badly."

[From the Salt Lake Tribune, March 8, 1998]

QUASH NATO EXPANSION

The expansion of NATO is a policy in search of a justification. The U.S. Senate should reject it.

The pivotal truth in the debate is this: NATO was created as a defensive alliance to contain the spread of Soviet communism in Europe. When the Soviet Union died, the reason for NATO died with it. Expanding an alliance which lacks a reason for being makes no sense.

If NATO had been redefined to meet a new threat or to serve a new purpose, the addition of Poland, the Czech Republic and Hungary to its membership might be logical. But that has not occurred, except on a basis that is ill-defined and ad hoc.

If the new NATO is to be the policeman of Europe—a force to keep ethnic bloodshed and civil war in check in the Balkans, for example—that job can be accomplished without an expanded membership. Exhibit A is Bosnia, where NATO has taken the lead but where peacekeepers also have been drawn from nations outside the alliance.

The Clinton administration argues that adding the three new members will integrate them back into the West after five decades of separation. But NATO expansion is not necessary to bring the Poles, Czechs and Hungarians back into Europe's embrace. They already are there by virtue of having established democratic governments and market economies. Indeed, their inclusion in the European Union would be a surer sign of their return to the democratic European family.

The largest challenge for genuine European integration is not the three nations invited to NATO membership but rather Russia and the other states of the former Soviet Union. Enlarging NATO toward the Russian frontier complicates this task, not because NATO threatens Russia or vice versa, but because, psychologically, the expansion looks backward to Cold War hostilities and suspicions.

The NATO expansionists charge that it is old Cold Warriors who cannot grasp the vision of a new, larger alliance. In fact, the opposite is true. It is those who are still thinking in Cold War terms who would expand an alliance whose purpose no longer exists.

[From the Houston Chronicle, Apr. 6, 1998]

Arms Cash—Don't Let Weapons Dealers Unduly Affect NATO Expansion

Like any group or individual, arms makers have a right to petition the government. But America's six biggest military contractors have spent $51 million over the last two years mainly to promote North Atlantic Treaty Organization expansion, and that raises concerns. As does the fact that 48 companies whose primary business is weaponry have given $32.3 million to candidates to advance their companies' causes, including NATO expansion.

American arms manufacturers stand to gain billions in weapons and other military equipment sales if the Senate approves the inclusion of Poland, Hungary and the Czech Republic in NATO. New alliance members will be required to upgrade their militaries, and there is absolutely nothing wrong with weapons makers getting this business.

However, it is vital that lawmakers not be blinded by lobbyist cash to the importance of approving NATO's eastward expansion only if NATO retains its focus on military matters and if enlargement costs are shared equitably among member nations. Also, the United States must continue to insist that the new NATO-Russian Council has no real or implied "veto" of alliance matters—a move that had been designed to make the expansion more cooperative with and palatable to Russia.

These are important conditions, and they will continue to be important as perhaps a dozen other countries come to be considered for NATO membership. So however arms dealers' enthusiasm might infect senators considering expansion, lawmakers must keep their focus on maintaining NATO's integrity.

Mr. HARKIN. Mr. President, I would have more articles, but I believe these are representative, geographically and philosophically, as to why we should not be rushing to expand NATO.

I will close by saying that I will withdraw my amendment, but I wanted to lay it down as a marker. We are going to hear more about the NATO expansion treaty and what it will mean to the nonproliferation treaty with our sharing of nuclear knowledge with these three countries, all of whom, I might point out, are signatories to the NPT. I think therein lies a dilemma. To this Senator's way of thinking, I believe the NPT is more important to us and more important to the world community than the expansion of NATO to include these three countries. Again, as Barbara Tuchman said in "The March of Folly," "I believe we are rushing into this without considering all of its ramifications, especially with nonproliferation."

So, Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. BIDEN. Mr. President, I will not take the time of the Senate to respond to all the Senator said. We have rehashed a lot of those things. I will just note that a 59-41 vote—I have been here a long time and I never thought that was a close vote. But let me say with regard to only one point, because a lot is not rehashed and lacking consequence, but we have debated it a lot. One point was raised that is new, and I thought it would be raised by someone.

The Senator from Iowa has just repeated the oft-heard assertion that the United States promised Gorbachev during negotiations on German unification that we would not expand NATO.

This is an important assertion. It is also historically incorrect.

Since opponents of NATO enlargement have taken to repeating this assertion as if it were true—most recently in a full-page advertisement in the New York Times, which contained other striking factual errors—I think it is imperative to set the record straight.

Both *Robert Zoellick*, a senior State Department and later White House official in the Bush Administration who drafted the famous "Two-Plus-Four" Agreement with the Russians in 1990, *Eduard Shevardnadze*, the current President of Georgia who was then Soviet Foreign Minister, have both made clear the no such promise was ever made.

There is nothing in the "Two-Plus-Four" Agreement about NATO expansion.

There is no secret addendum to the "Two-Plus-Four" Agreement.

U.S. Secretary of State James Baker did make a comment "not one step further east," which has been intentionally or unintentionally misinterpreted as having precluded NATO enlargement.

In actuality, according to Mr. Zoellick, the drafter of the agreement, this remark was related to what would be the status of U.S. forces if a united Germany were part of NATO. That is, *there would be no permanent stationing of American troops east of Germany, a position which did become official NATO policy* as enunciated by the well-known statement of the North Atlantic Council on March 14, 1997:

> In the current and foreseeable security environment, the alliance will carry out its collective defense and other missions by ensuring the necessary interoperability, integration and capability for reinforcement rather than by additional permanent stationing of substantial combat forces.

In fact, with possible NATO enlargement in mind, Zoellick made sure that the "Two-Plus-Four" Agreement did not foreclose the possibility of forces transiting Germany to reinforce Poland.

The September 12, 1990 Treaty precluded stationing NATO-integrated German forces on the territory of the former German Democratic Republic (i.e. East Germany) until after the withdrawal of Soviet forces. These agreements explicitly did not apply to the rest of Europe.

Any agreement on the future security arrangements of other European countries would have been inappropriate, since such countries were not part of the talks.

Mr. President, lest anyone believe that this is one-sided American historical analysis, I would like to quote from an article in The Reuter European Community Report of February 13, 1997 entitled "West Made No Pledge to Moscow, NATO Told":

> Georgian President Eduard Shevardnadze told NATO this week that the West did not offer Moscow any guarantees about the alliance's future during talks over German unification in 1990...
>
> ...Shevardnadze's comments, made to NATO Secretary General Javier Solana during a meeting in Tbilisi on Wednesday, contradict Russian claims that NATO's enlargement plans represent broken promises by the West.
>
> Shevardnadze, who was Soviet foreign minister when Moscow cut the deal in 1990 with Western powers opening the way for unification, told Solana that the talks only concerned Germany...
>
> President Shevardnadze told the secretary general that during those two-plus-four-talks, no guarantees had been given concerning NATO enlargement...

Mr. President, the striking fact that the chief negotiators of German unification on both the Soviet and the American side have made categorical denials that any assurances were given about NATO enlargement should lay this specious claim to rest.

Mr. HARKIN. If the Senator will yield, now we get two sides. It seems to me if there is a meeting with the Secretary of State—it was James Baker at the time—and Mr. Gorbachev and our Ambassador, there would have been—there has been at every meeting I have been to—a memorandum called MEMCOMS were sent back to the State Department. I wonder if we can produce the MEMCOMS so we can look at those and see what did transpire.

Mr. BIDEN. You could ask them.

Mr. HARKIN. Who?

Mr. BIDEN. The President, the State Department. My understanding is that they are never released. I would be happy to have them released.

Mr. HARKIN. Would the committee ask for that?

Mr. BIDEN. I will not ask for it because we have never asked for a release for those purposes, other than affecting the outcome of a significant debate or an issue of national consequence.

Mr. HARKIN. This is a pretty significant debate.

Mr. BIDEN. It is ex post facto now. I would be happy to talk with the Senator about it. The Senator doesn't need me to ask. You are standing next to a chairman of a powerful committee. I am a mere ranking member of a Foreign Relations Committee. So I am sure if you get him to do it, he may be able to get others to do it. I have learned, even when I was a chairman, there was not much consequence to what I did and how I was viewed. Now, as a ranking member—we all know that ranking members are people who have no power. So I would find a Republican to help you out. You have a very fine one standing next to you.

Mr. HARKIN. My experience in my years here is that the distinguished chairman of the committee has been very successful in getting documents and papers out of the State Department in the past. I would hope that the committee would at least try to get these MEMCOMS so we can see what the facts are.

Mr. BIDEN. I will say this much to the Senator. I will inquire formally whether or not MEMCOMS have ever been released to the committee. If they were, I would be happy to talk with the Senator about how to get this released. It would be worthwhile knowing.

Mr. HARKIN. I appreciate that very much.

Mr. BIDEN. Mr. President, I want everybody to know I am not usurping the prerogative of the chairman. He has asked me to do this. So I understand the distinguished Senator from Oklahoma has an amendment, which I believe, after some negotiation with the ranking member of the Armed Services Committee, we are likely to be able to accept. Is that correct, I say to my friend?

Mr. LEVIN. My understanding is that there is one change in those two words near the end. I think it ought to be accepted with that change.

Mr. BIDEN. I know it hasn't been introduced yet. Colleagues are saying: What is the deal? What is the schedule? I think we can facilitate rapidly a very important amendment which could have had a long debate in just a moment here. And then, as I understand it, the Senator from New Hampshire has an amendment and the junior Senator from Oklahoma has an amendment. To the best of my knowledge, they are the only remaining matters relating to this treaty, other than final passage.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2327

Mr. NICKLES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for himself and Mr. SMITH of New Hampshire, proposes an amendment numbered 2327.

Mr. NICKLES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In subparagraph (C) of section 3(1) of the resolution, strke clauses (ii) and (iii) and insert in lieu thereof the following:

(ii) An analysis of all potential threats to the North Atlantic area (meaning the entire territory of all NATO members) up to the year 2010, including the consideration of a reconstituted conventional threat to Europe, emerging capabilities of non-NATO countries to use nuclear, biological, or chemical weapons affecting the North Atlantic area, and the emerging ballistic missile and cruise missile threat affecting the North Atlantic area;

(iii) the identification of alternative system architectures for the deployment of a NATO missile defense for the entire territory of all NATO members that would be capable of countering the threat posed by emerging ballistic and cruise missile systems in countries other than declared nuclear powers, as well as in countries that are existing nuclear powers, together with timetables for development and an estimate of costs;

Mr. NICKLES. Mr. President, the amendment that I send to the desk on behalf of myself and also Senator SMITH of New Hampshire basically says that under the report that is required by the resolution of ratification right now, the report says that we should have a study considering the cost of deployment of a NATO missile defense system for the region of Europe. I think, frankly, it should apply to all NATO countries.

That is the essence of the amendment. This is a NATO treaty. This is a mutual defense treaty for all NATO countries. All NATO countries are saying that they will come to one another's aid for the following reasons. If we are going to have a missile defense study for Europe, it certainly should have a missile defense study for the United States and for Canada.

That is the essence of my amendment. It is to make sure that we are not just having a treaty just to defend Europe but it is also to defend the United States and, of course, Canada, which I believe, as both the United States and Canada are instrumental and very important members of NATO, should not be denigrated and should not be put in a separate category or separate class.

I want to compliment my colleague from North Carolina for his leadership on this issue. He has done a very good job, as has the ranking member.

I will tell my colleagues. It has been I think a proud week for the Senate. We have not had a partisan vote yet. We have had a very, very significant foreign policy debate. I compliment my colleague from Virginia and my colleague from New York, Senator MOYNIHAN, for raising some very important issues.

Some people said, "Well, the Senate hasn't considered this treaty. I will tell my colleagues, I think a lot of it has addressed this treaty pretty closely and even the committee reports. This is the committee report section. A lot of times some of us don't read those things. I happened to read this, or my staff brought it to my attention. I said, "Wait a minute. This doesn't make sense. We are going to correct this."

I appreciate my colleagues on the other side of the aisle for their willingness to accept this amendment. But I think we have had some good debates. I think it has been very positive for the Senate and also positive for the mutual defense of all NATO countries.

I thank my colleagues. I also want to thank my colleague from New Hampshire for his leadership on this amendment as well.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the treaty before us not only promotes stability of Europe but also adds a measure of security to the United States. It also promotes universal values for freedom and democracy.

The amendment before us simply broadens the language of a study that is already required in the resolution to include the other NATO countries besides those in Europe.

I am one of those who is opposed to the commitment of a deployment of a national missile defense system before we know costs, threats, impacts on arms reduction, and technological feasibility. But this amendment does not call for any commitment to the deployment of a national missile defense; it simply broadens the geographical area of a study which is already provided for in the resolution.

I believe with that understanding and those two words that have been stricken, I understand, on line 6 of page 2, this amendment should be acceptable to all of us.

I thank my good friend from Oklahoma.

Mr. SMITH of New Hampshire. Mr. President, I want to compliment my colleague on his amendment. As chairman of the Strategic Subcommittee on the Armed Forces Committee, this has long been an irritation and frustration for many of us, the fact that we don't have a national missile defense. As it is right now, you have a provision in the NATO resolution that would exclude a missile defense system for Canada and the United States, and, in turn, having specifically mentioned Europe would be just outrageous.

I think that the fact that the Senator has identified this and brought this forward is a huge plus to this debate.

I also would like to lend my remarks in support of the remarks the Senator made about the caliber of the debate here. We have had, as the Senator said, no partisan debate but rather a very academic debate for several days now and one which I think is very, very important and I think will have a profound impact on our future and perhaps the future of the world.

I know people, as we get down to the latter part of the time here, get a little upset with planes to catch and so forth. But this is a very, very important debate. Votes have been changing in the past several days. In one case somebody told me they were absolutely in favor and are now opposed.

I think we are moving in the right direction. Even though this may seem dilatory, I am very much pleased with the debate and where we are.

I again want to say on this amendment that it is extremely important to identify and not to have this separation. To say in the NATO resolution that we would have Europe protected and not the United States and Canada just wouldn't work.

Let me just make a couple more points.

The President's plan, as we know, does not cover all of the United States. A plan for a missile defense system would comply with the ABM Treaty and, as required by the treaty, would be based out as a single site. The evidence available shows the areas that the President's ABM Treaty compliance system would protect in the event of a ballistic missile attack. As one can clearly understand, Alaska and Hawaii are left vulnerable to a ballistic missile attack under the President's plan.

There are a whole number of other factors, which I will not go into at this point other than to simply say that I am very strongly in support of this relatively minor change in terms of semantics and words. But a couple of words, where you change the word "Europe" and add "Europe and the rest of NATO," that is very, very important and sends a very, very strong signal.

Again, I strongly support the amendment, and urge its adoption.

Mr. HELMS. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Oklahoma, the Nickles amendment No. 2327.

The amendment (No. 2327) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, what is the regular order? Are we permitted to speak at this point, or are there only amendments in order?

The PRESIDING OFFICER. The Senator may speak.

Mr. DOMENICI. I ask that I be permitted to speak for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, fellow Senators, it was many days ago, it seems to me, that I spoke on this treaty. We have been on it for 4 days. I accepted the invitation to speak early on, like the leadership suggested. All this time has passed. Tonight, as we choose to do something rather historic, which I have no doubts about it in my mind and I believe it will be proper and I believe America will be very proud that we enlarge NATO tonight, all of the ominous predictions I believe will not happen and we will just have laid out another great big giant American stake for freedom, prosperity, and democracy.

I believe that is the way it is going to work.

I was most impressed as I studied this and met with different people in my office. I met with the Ambassador of Hungary, Gyorgy Banlaki. He was in my office visiting. My reason for being overwhelmingly in favor of this is what he said to me in the office. Let me quote it. It is very simple. It is two sentences.

> The people of my country would like to be able to choose our own allies. We would like to enjoy all those things that history has denied us.

A few days ago I was here to say this is the Senate's chance to make the hopes of Hungary, Poland, and the Czech Republic come true. Let them choose their own allies, for they have been denied that in the past. They have been denied the right to choose their own allies. We all know that part of history. In fact, they have been forced to choose their allies and to be part of their international arrangement, which was not for peace, as it turned out, but for nothing but troubles for the world and for these countries. We all know that.

I believe what we are doing tonight is typically American. We are saying to the three countries that were denied freedom and denied the right to choose their allies that we are glad that you are choosing the allied group that we are part of, and we are glad to have you.

I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, for the information of the Senate, I plan to speak for about 11 or 12 minutes.

Mr. THURMOND. Mr. President, NATO has been the foundation of European security since its creation in 1949, containing the Soviet Union for more than forty years and providing security to Western Europe. With the dissolution of the Warsaw Pact in 1989, and the breakup of the Soviet Union in 1991, NATO now stands as possibly the most successful alliance in history. Since that time, however, the Alliance has been forced to consider the continued relevance and future of NATO, and the United States has reviewed its role in Europe.

Since 1995, when the Alliance announced its intentions to enlarge NATO, the Armed Services Committee in particular, and the Senate in general, have conducted numerous hearings on enlarging the Alliance.

On February 27, the Committee forwarded its views on NATO enlargement to the Senate Foreign Relations Committee. Those views are incorporated in the Executive Report of the Committee, which is before members of the Senate, along with the resolution of ratification.

During the Armed Services Committee's review of NATO enlargement, the following concerns were raised: the cost of enlarging the alliance; adapting NATO to the post-Cold War strategic environment; and, NATO relations with Russia.

Defense spending has declined steadily since 1985, from $423 billion to $257 billion—the amount of the defense budget request for fiscal year 1999. Because of the increasing scarcity of defense funds, the Committee focused extensively on the issue of costs, as the majority of the funding for the NATO budget is requested through the defense budget.

The Congressional Budget Office estimated the cost of enlarging the NATO to be as high as $125 billion over a fifteen year period, while the NATO Military Committee estimated the cost of enlarging NATO to be $1.5 billion over ten years. I remind my colleagues that the differences in the cost contained in the four estimates are primarily due to differing views on the threat, current and future military requirements of NATO forces, the condition of infrastructure and facilities in the prospective new member countries, and the activities identified by NATO as eligible for NATO funding.

Concerns were also raised about the willingness and commitment of current NATO members to bear their share of enlargement costs, as well as to continue to develop and modernize their military forces to defend their national borders and fulfill their Article V collective defense obligations as well.

Cost estimates developed by the Department of Defense for U.S. participation in the NATO operation in Bosnia raise concerns about the validity of cost estimates. In December 1995, the Secretary of Defense testified to the Committee that the cost of deploying U.S. forces to Bosnia for one year to implement the Dayton Agreement would be $1.5 billion, and additional $500 million to provide logistical support. Before the year was over, the Committee was advised that the cost of deploying U.S. forces to Bosnia had increased to $3.0 billion. Mr. President, you are aware that the cost of deploying U.S. forces to Bosnia over the past three years is now approaching $10 billion. We may once again be discussing the need for funds for Bosnia, as there are no funds available now in the budget resolution for the continued deployment of U.S. forces in Bosnia in fiscal year 1999.

The Senate has been assured by the foreign and defense ministers of Poland, Hungary and the Czech Republic that they will live up to their financial commitments. Our current allies have likewise given us the same assurances. If they fail to do so, the Senate can revisit the issue of burden sharing. Likewise, if the new NATO members, or current allies, do not live up to their financial obligations, I would expect the Administration to take appropriate action in the NATO military committee to revise the amount of the U.S. contribution.

With regard to adapting NATO to a new strategic environment, the committee was very clear on its position that collective defense should remain the primary mission of NATO, and recommended in its letter to the Foreign Relations Committee, that the resolution of ratification include an understanding to that effect. Regardless of changes in the 1991 Strategic Concept of NATO's mission restructuring it to deal with potential new challenges of out of area operations and to support peacekeeping and peace enforcement operation, first and foremost, NATO is a military alliance. NATO must remain militarily strong in order to execute its Article V obligations.

I understand that the NATO Policy Coordinating Group has developed suggested revisions to the 1991 Strategic Concept, which were circulated to Allies in late January. I also understand that the process in NATO for changes to be made to its strategic concept will take over a year. I believe it is important that the Senate be advised of any recommended revisions to the Strategic Concept, before the United States agrees to them. In particular, I believe it is important that the Senate be advised of any recommendations to change or dilute the core mission of the Alliance, revisions that would affect the distribution of forces in peacetime and redeployment capabilities, any recommendations to further enlarge the Alliance, and revisions that would affect the strategic balance in Europe.

As I stated earlier, since the dissolution of the Warsaw pact and the Soviet Union, many Americans wonder why we need NATO at all, much less an enlarged NATO with expanded security obligations. Skepticism about NATO's continued value is at least as widespread as support for an enlarged NATO. Frankly, I do not believe that the Administration has made the case to the public, or the Congress on why NATO should be enlarged, and why the United States should remain engaged in Europe. As a consequence, I worry that the lack of public support will result in a weak domestic political foundation, where the United States will find it difficult to maintain an expanded commitment in a future crisis.

We need to think about NATO enlargement in relation to national interests of the United States and our global strategy, and not just narrow political, organizational or even vital security interests. I believe NATO is still vital to U.S. interests. However, all Americans must first understand the magnitude of the commitment we are undertaking, and why it should be made.

I support a renewed and enlarged NATO because it ensures a U.S. involvement in the European community, and a "seat at the table" to the world's most vital, productive region. Quite simply, the U.S. has clear, abiding and vital interests in Europe. Europe is the soil where our deepest roots run. We are bound to Europe by innumerable links of trade, finance, communications, and technology exchange; ties of history, culture and shared values, and nearly five decades of mutual security arrangements.

A free and stable Europe has always been essential to the United States. In this century we have intervened in two bloody world wars to prevent the domination of Europe by aggressive dictatorships. We paid a high price for forty-five years of Cold War to prevent the domination of Europe and the Eurasian landmass by Communist imperialism. This long U.S. involvement and stabilizing presence have made the United States in effect a European power.

I do not believe Europe can remain stable and prosperous, to the mutual benefit of the United States and our European allies, if its post-Cold War boundary is drawn along the borders of Germany and Austria. Such an artificial division would leave a power vacuum in each central Europe, and consign millions of people who share our democratic values and aspirations to an uncertain fate. I do not believe a new European security framework will hold up unless it reflects the realities of the political upheaval that marked the end of the Soviet Union and the Warsaw Pact. The new strategic environment includes the reorienting of former East Bloc states toward the West.

Some have said that the end of the Cold War spelled the "end of history." I believe we are seeing the opposite. The end of the confrontation between the Soviet Empire and the Free World has unleashed historical forces suppressed for forty-five years. Nations and peoples are reverting to their patterns of the past.

One of those patterns of the past is Russian imperialism. Czarist Russia was an expansionist, aggressive regional power long before the Bolshevik Revolution. Although there is no longer a Soviet Union, Russia is still a great power—if no longer a super power—and is exerting its will in the so-called "Near Abroad". The brutal suppression of the revolt in Chechnya and Russia's intervention in Georgia, Azerbaijian and Moldova are worrisome examples.

America's primary national security goal in Europe should be to ensure that Russia makes the transition to a stable, free-market and democratic nation, but especially one that remains within its borders. Democracies do not make war on their neighbors. We should do everything within reason to help Russia's transition to democracy, to maintain warm and friendly relations, and to avoid unnecessary provocations. Likewise, Russia should take the hard steps required to transition to a stable, free-market and democratic nation. However, we cannot afford to let Russia's opposition decide the course of NATO enlargement.

In taking steps to assist Russia to transition to a stable and democratic nation, both the United States and NATO have established programs to reach out to, and cooperate with, Russia. With regard to NATO, just prior to the Madrid Summit, President Yeltsin, President Clinton, and NATO leaders signed the NATO-Russia Founding Act. This Act established a forum in which Russia can consult with NATO on issues of mutual interest, called the Permanent Joint Council. The United States has established programs in the

Department of Defense and the Department of Energy to assist Russia in controlling its strategic arsenal, and to meet its arms control commitments.

The committee did, however, point out in its letter to the Foreign Relations Committee its view that activities in the Permanent Joint Council should not distract NATO from its core function. Again, while I believe we should take steps to aid Russia in transitioning away from its communist and imperialist past, I do not believe the Permanent Joint Council should be allowed to be used by Russia to participate in NATO matters, not used as a platform to divide the Alliance, or denounce U.S. policy.

The Clinton administration's policy toward Russia places all its stakes on the fate of Boris Yeltsin, and it does not appear to be having the desired effect. Moreover, the Administration's Russia-centered policy has caused us to neglect building solid relations with Ukraine and other former Soviet states. This also does not serve our goal. In fact, the policy of giving such sustained preferential treatment to Russia, and depending too much on President Yeltsin is the most destabilizing factor in Eastern Europe.

We have to face the very real possibility that our policies may not succeed. Russia may not make the transition to a stable, democratic nation, nor one content to remain within its borders. In fact, an unstable Russia, torn by factions and internal strife, may not even be able to agree where its natural borders lie.

The greatest potential threat to peace, stability, and security in Europe is the return to power of Russian hardliners. President Yeltsin's popularity has sunk so low—that since his illness and heart operation—there is almost no yardstick against which to measure.

The United States and its allies need to look seriously at bringing into NATO the states of the East and Central Europe which share our democratic values, and which are able to assume mutual security obligations inherent in the Alliance. Only a strong NATO that includes those states can keep a future, resurgent Russia contained and deterred.

There are other reasons to expand membership of NATO, for example, the lessening of international tensions between members, and facilitating the resolution of conflicts. But we must not lose sight of the fact that NATO has been successful because it was a defensive alliance. Turning it into something else could fatally weaken it. Unless we understand that NATO's underlying and abiding purpose remains to defend Europe, the burdens of the Alliance over time will cause NATO to crumble.

As a great maritime power and trading nation, America has intervened all over the globe to protect freedom of the seas and our vital interests, from the earliest days of our existence as a nation. Over time we formed strong alliance to protect mutual interests, demonstrating that free democratic nations acting collectively, can survive the threat of tyranny. These kinds of alliances, the kind represented by NATO, with allies who share our democratic values, should be the cornerstone of our foreign policy.

Mr. President, I believe Poland, Hungary and the Czech Republic share our values, and have worked hard to transition toward democratic nations and stabilize their economies. They have shown their willingness to act collectively with the United States by contributing forces to the coalition during the Persian Gulf War, and more recently, by sending military forces to work with NATO in Bosnia. Equally important to me, they have demonstrated their support for the United States during the most recent crisis with Iraq. They represent the type of nations which are deserving of membership in NATO, and I believe will be allies which the United States can look to in the future for support in areas of mutual defense and foreign policy interest.

The Senate will have to vote on behalf of the American people by a two-thirds majority to ratify the admittance of any new country to NATO. I do not want to see the Senate become an obstacle to progress toward the Nation's national security interests. For the reasons that I have outlined, I will vote to support NATO enlargement.

THE ALLEGED "NEW THREAT TO RUSSIA'S BORDERS" BY NATO ENLARGEMENT

Mr. BIDEN. Mr. President, the Senator from New York has asserted several times that NATO's enlargement to include Poland would for the first time bring NATO up to Russia's borders. This is because Poland shares a small border with the Russian exclave of Kaliningrad.

As I mentioned in our floor debate last month, the Senator's assertion is factually incorrect. Ever since the founding of NATO in 1949, Russia—first as the Russian Republic in the Soviet Union, then since 1991 as the Russian Federation—has shared a border with Norway, a charter member of NATO.

Norway's relations with Russia have remained excellent throughout. In fact, Norway gives Russia foreign aid, as do many other NATO members, the United States included.

The Senator from New York responded by minimizing both the size and importance of the Russian-Norwegian border. Here again, he was incorrect.

First, in regard to length, the Russian-Norwegian border is nearly as long as Poland's border with the Kaliningrad exclave—104 miles versus 128 miles, to be exact.

Second, militarily speaking the Russian-Norwegian border is much more important than the Polish-Kaliningrad border. Norway abuts Russia's Kola Peninsula, one of the most heavily militarized regions on earth. Among the Kola Peninsula's armaments are nuclear weapons.

In spite of the strategically sensitive nature of the NATO-Russian border, for nearly half-a-century relations have remained very good.

One might ask why. Aside from the tact and diplomacy of the Norwegians, another reason may be that NATO has not permanently stationed in Norway troops from other Alliance countries.

Mr. President, this is precisely what NATO declared on March 14, 1997 as the Alliance's policy for the prospective new members. So let's dispose of this bogey-man: Russia will not have to worry about large numbers of permanently stationed non-Polish NATO troops facing Kaliningrad.

I would like to return to geography for a few minutes, since the Senator from New York and the Senator from Virginia have brought this topic up several times.

I think that they would agree that in the bad, old Soviet Union the non-Russian Republics were wholly-owned subsidiaries of Moscow. Ethnic Russians who took their orders directly from the Kremlin filled the key positions in the Republics' political, economic, and military structures.

In that context, it is important to note that since Turkey entered NATO in 1952, the Alliance had a common border with Armenia, Azerbaijan, and Georgia—at that time Russian-ruled parts of the old Soviet Union.

For the record, that border was considerably longer than either the Russian-Norwegian or the Polish-Kaliningrad borders—328 miles long, to be exact.

So for nearly forty years, NATO had a lengthy border with the strategically vital southwestern flank of the Russian-ruled Soviet Union.

In fact, Mr. President, even today there are Russian troops stationed in the independent states of Armenia and Georgia.

So, once again, let's finally put to rest the nonsensical argument that Poland's joining NATO would constitute a new geographic move by NATO up to Russia's borders. It just isn't true.

ALLEGED AGGRESSIVE POSTURE OF NATO TOWARD RUSSIA

Moreover, the opponents of enlargement, the Senator from New York included, have asserted that by enlarging to include Poland, Hungary, and the Czech Republic, NATO will be assuming a militarily aggressive posture toward Russia.

Mr. President, nothing could be further from the truth. NATO simply does not threaten Russia. Never did—never will.

Critics often characterize NATO's enlargement as if it were a massive deployment toward Russia. In reality, NATO's entire evolution since the end of the Cold War has been in the other direction, a fact which is patently clear to Moscow.

Since 1991, NATO countries have greatly substantially reduced their military forces, as measured by total spending, spending as a proportion of GDP, and by overall force levels.

American troop levels in Europe have declined by over two-thirds, down from a peak of over 300,000 to about 100,000 today.

NATO's forces during this period have moved away from Moscow, not toward it, as the Alliance abandoned its Cold War doctrine of forward, stationary defenses and relied instead on rapid reaction.

These changes have made NATO's posture unambiguously less threatening to Russia. The Alliance's enlargement does not appreciably change this fact.

Those who characterize NATO's enlargement as a movement of NATO power into Poland, Hungary, and the Czech Republic are simply wrong, and they do the public a grave disservice by suggesting this is the case.

The record has been clear for well over a year that this is not what enlargement means. In December 1996, the Alliance declared that it had "no intention, no plan, and no reason to deploy nuclear weapons on the territory of new members," and has clarified that this statement subsumes nuclear weapon storage sites.

I have already cited the March 1997 statement regarding no need to move combat troops into the territory of the new members.

Moreover, the willingness of all Allies to negotiate adaptations to the Treaty on Conventional Force in Europe (CFE) is a clear signal to Moscow that NATO seeks a post-Cold War arms build-down, not a build up.

NATO'S REACHING OUT TO MOSCOW

NATO enlargement to include Poland, Hungary, and the Czech Republic, in the real world—not the rhetorical world—will not trigger an adverse Russian reaction. Why? Because the U.S. and our allies have taken so many steps to reach out to Russia since the end of the Cold War.

As I mentioned in my opening statement on Monday, the critics of enlargement are guilty of what might be called the "Weimar Fallacy." They suggest that Russians will see NATO enlargement as post-Cold War punishment, which will trigger a nationalist backlash in the same way that the Treaty of Versailles helped to trigger the rise of National Socialism in Germany.

But the supposed parallel is utterly specious. The Treaty of Versailles forced Germany to pay billions in reparation to the victors of World War I. By contrast, we and our allies imposed no reparations on Moscow after the Cold War.

On the contrary, reparations went in the other direction. We and our allies have provided Moscow with over $100 billion since 1991 to aid its political and economic reform.

One of the most important forms of aid has been through the Cooperative Threat Reduction program—known popularly as the Nunn-Lugar Program—which has provided $2.3 billion to Russia and other former Soviet states since 1992, with $442 million requested for FY99.

Today, this program is supporting the annual elimination of over 20 Russian SS–18s and 10 SSBNs. The Russians have proposed using the program to support processing of missile materials from dismantled Russian warheads for storage at the Mayak facility.

Through this program, we are helping to finance efforts that make both our countries safer—not punishing the Russians at their own expense.

The spurious comparison to Weimar Germany is also a fallacy because we and our allies have sought to integrate Russia into the transatlantic community, not isolate it.

In 1991, we made Russia and the other former Soviet states part of NATO's North Atlantic Cooperation Council, and part of the Euro-Atlantic Partnership Council, the successor to the NACC, in 1997. In 1994, we made Russia and the other newly independent states part of the Partnership for Peace program.

After the 1995 Dayton Peace Accords, NATO invited Russia to participate in the coalition in Bosnia, and today Russia has an airborne brigade of approximately 1,400 troops servicing in northern Bosnia under NATO command alongside American and other NATO forces.

In May 1997, President Yeltsin joined President Clinton and the other NATO leaders in signing the NATO-Russia Founding Act. The Permanent Joint Council has met several times at the ministerial level since then, and proved a useful forum for discussions with Russia on security issues of mutual concern.

Our efforts to reach out to Russia go well beyond NATO. In March 1997, at their summit in Helsinki, President Clinton told President Yeltsin that the U.S. would support Russia efforts to join the Organization for Economic Cooperation and Development (OECD) and the World Trade Organization (WTO).

In May 1997, President Yeltsin joined G–7 leaders in Denver to inaugurate the "summit of the Eight." The "Gore-Chernomyrdin Commission" continued to meet during the very period that NATO was pursuing its enlargement, and American cooperation with Russia continues on a wide range of cultural, scientific, technological, and environmental efforts, such as our continuing efforts in space.

RUSSIA'S NUCLEAR DOCTRINE

The Senator from New York in a recent speech in Texas warned darkly that NATO enlargement might lead to nuclear war. With all due respect to my good friend, I think his assertion is incorrect and alarmist.

He and other opponents of NATO enlargement have underscored Russia's disproportionate reliance on its nuclear forces, sometimes even resorting to scare tactics.

It is well known that the dissolution of the Soviet empire and Russia's transition to a market economy required jolting changes within Russia. Since 1990 Russia's economy has contracted by perhaps 40 percent and has only recently established and shown the first signs of recovery.

Partly as a result, Russian military spending contracted substantially. Russia's number of combat-ready divisions has also declined.

Beyond these measures, non-payment of wages and other factors have dampened morale among officers and enlisted personnel. The war in Chechnya showed the cumulative toll on Russia's forces.

Given this decline in Russia's conventional forces, it is understandable that Russia has apparently placed a heavier reliance on nuclear weapons. But this change became evident as early as 1992, when Russia declared that it would no longer abide by its previous policy of "no first use" of nuclear weapons.

There are many signs that "no first use" had been more of a propaganda tool than an actual reflection of Soviet policy, but the declared abandonment of this policy was significant. The move away from "no first use" gained a higher profile when it began to be discussed in public in 1997.

The Senator from New York and other proponents of NATO enlargement have recently charged that this increased reliance on nuclear forces was a consequence of Russia's fear of NATO's enlargement. This analysis is simply not credible.

First, as noted earlier, NATO's enlargement results in no significant increase in NATO's military capability relative to Russia.

Second, it is hardly likely that NATO's enlargement, begun in 1994, could have triggered a change in Russian policy that began in 1992. The fact is that opponents of NATO enlargement have constructed this argument retroactively.

The same is true for those who have attributed delays in Duma ratification of START II to NATO enlargement. Well before NATO enlargement was proposed, Duma critics of START II based their opposition on other arguments, from the cost of compliance with START II to the loss of national pride.

NATO enlargement became another useful argument for confirmed opponents, but hardly the cause of their opposition.

In any case, the Russian government is now moving to push ratification of START II through the Duma, perhaps by the end of June—another sign that NATO enlargement is no impediment to constructive relations with Russia or progress on arms control.

So, I would sum up by reminding my friend, the Senator from New York, of four key facts:

First, Poland's accession to NATO will not be creating a geographically new move of the Alliance to Russia's borders. It has had a strategically important border with Russia in the north for nearly fifty years, plus one in the south with Russian-ruled territory.

Second, there is absolutely no comparison with the allies' trimuphalist behavior toward defeated Germany after World War One and the reaching out of the United States and its NATO partners to Russia after it lost the Cold War.

Third, NATO has conclusively demonstrated through its movements of troops and equipment away from Russia's borders, and by concluding and carrying out significant arms control agreements, that it in no way threatens Russia.

Finally, it is completely false—even irresponsible—to assert that NATO enlargement is driving the world toward nuclear war. Cooperation, not confrontation is occurring on many fronts.

Russia need have no fear from NATO enlargement.

Mr. ALLARD. Mr. President, I believe NATO expansion is in the best interest of the United States. Also, expanding NATO will be in the interest of Poland, the Czech Republic, and Hungary and for that matter—world peace.

The United States' security is intrinsically tied to the security of all of Europe. An enlarged NATO will only extend the influence of peace and prosperity to these three deserving countries. Also, as Poland, the Czech Republic, and Hungary continue to grow and flourish, their acceptance into the NATO Alliance will only further integrate Western values and will lock in the practices of democracy. Locking democracy into this region is in the United States interest and we should never shirk from our responsibility and duty to see that democracy is spread throughout the world.

While many foreign policy issues don't make the headlines and gather press, I do want to add to the record three opinion editorials from a few Colorado newspapers. I ask unanimous consent that an April 21st, 1998 editorial from the Daily Sentinel, a paper from Grand Junction Colorado, an April 28th, 1998 editorial from the Denver Post, and an April 5th, 1998 editorial from the Rocky Mountain News be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Let me highlight a few comments from these editorials.

The Daily Sentinel writes,

> Adding Hungary, Poland, and the Czech Republic to NATO rewards three countries for their efforts against communism during the Cold War. More importantly, expanding the western alliance to include the three former Soviet bloc captive nations not only is in the best interests of NATO and the United States, but it unequivocally proclaims to the rest of the world that the fate of Central Europe will no longer be in the hands of whatever despots come along, be they Nazis, Communists or something else.

The Denver Post states,

> The Post believes adding these three nations will contribute to stability in Eastern Europe and thus to world peace. . . . Any student of the 20th century has to admire the freedom-loving spirit displayed by the Hungarians, Poles, and Czechs, often against great odds. . . . their current governments are stable and they are worthy partners of NATO.

Lastly, from the Rocky Mountain News,

> NATO enlargement is the Western world's way to show that the Cold War is over and that we welcome these countries to freedom. The new threats we face can only be met by forming new alliance to ensure that these democracies do not fall prey to nationalistic or terrorist regimes. The Czech Republic, Poland, and Hungary know life without freedom and now deserve freedom and security that only NATO can provide.

For me this sums up many of the reasons why I believe adding these three countries to NATO will strengthen, stabilize, and promote peace for the United States and Europe. I urge my colleagues to support this NATO expansion.

EXHIBIT 1

[From the Daily Sentinel, Apr. 21, 1998]

CONGRESS SHOULD OK EXPANSION OF NATO

Sometime very soon, perhaps by the end of the week, the Senate will vote on whether to ratify a treaty that would allow Poland, the Czech Republic and Hungary to join NATO. It should vote decisively to allow the expansion.

Much has been said about the fact that the expansion will offend Russia because it will appear that NATO is expanding to the Russian doorstep. Clinton administration officials attempting to defuse that argument have declared that NATO is a peaceful alliance "not arrayed against Russia" or anyone else.

Such statements are, of course, necessary to deal with global politics. And they are misleading. NATO's purpose is to protect its western European members and the United States against outside aggression, including the possibility of a reawakened Russian bear decades down the road.

It's true that the Cold War is over but it's equally true that NATO was founded primarily to stem the expansionist proclivities of Soviet Russia.

Moreover, the three nations in question all challenged Soviet domination during that period, and each paid a heavy price in some form of Soviet retaliation—Hungary during the 1950s, Czechoslovakia in the 1960s and Poland in the 1980s. In discussing the NATO expansion, few people note that rejecting the membership of these three countries would be an even greater offense to them than their inclusion in NATO would be to Russia.

Additionally, while Russia is no longer communist, there is still reason to be suspicious of its expansionist tendencies which have gone on almost continuously since the days of Peter the Great. Two of the leading candidates to succeed Boris Yeltsin as president are nationalists who have hinted at trying to reassert Russian control over some of the old Soviet states which are now independent nations.

Adding Hungary, Poland and the Czech Republic to NATO rewards three countries for their efforts against communism during the Cold War. More importantly, expanding the western alliance to include the three former Soviet bloc captive nations not only is in the best interests of NATO and the United States, but it unequivocally proclaims to the rest of the world that the fate of Central Europe will no longer be in the hands of whatever despots come along, be they Nazis, Communists or something else.

[From the Denver Post, Apr. 28, 1998.]

ADMIT 3 MORE TO NATO

The North Atlantic Treaty Organization may well be history's most successful military alliance. Since its formation in the early days of the Cold War, not one square inch of any member country has been lost to external aggression. That record has not been lost on nations that were once members of the rival Soviet-led Warsaw Pact.

This week, the U.S. Senate will vote on whether to admit three of those former rivals—Hungary, Poland and the Czech Republic—to NATO. The Post believes adding these three nations will contribute to stability in Eastern Europe and thus to world peace. But we would urge the administration and Senate to be extremely cautious about any more applicants, some of whom seem likely to embroil NATO in their domestic difficulties.

Any student of the 20th century has to admire the freedom-loving spirit displayed by the Hungarians, Poles and Czechs, often against great odds. The 1956 Hungarian revolution, the 1968 Prague Spring and the rise of Solidarity in Poland bore eloquent witness to the ideals of their peoples. Their current governments are stable and they are worthy partners of NATO.

The Clinton administration has wisely stated it has "no reason, no intention and no plan" to station nuclear weapons in the new member states. Added to NATO but left in a nuclear-free condition, the Czech Republic, Poland and Hungary should be able to resume their historic role as a buffer zone between Germany and Russia and should thus be a stabilizing influence in Eastern Europe.

Beyond those three candidates, however, NATO should be very wary about further expansion. Already Romania, Slovenia, Latvia, Estonia and Lithuania are eyeing admission and Albania, Bulgaria, Macedonia and Slovakia are waiting in ther wings.

Some of these nations (Slovenia, Macedonia) are relatively new with little experience at democracy. Others, like Romania and Albania, had long histories of dictatorship alternating with instability. Estonia, Latvia and Lithuania are democratic and stable, but their location between Russia and the Baltic Sea makes them all but indefensible by nonnuclear means. Admitting Ukraine, Belarus or other former Soviet republics would be provocative to Russia.

In short, we support admission of Hungary, Poland and the Czech Republic to NATO. But there needs to be a great deal of thought, discussion and diplomacy before any more invitations are issued to join this exclusive club.

[From the Rocky Mountain News, Apr. 5, 1998]

Should NATO Grow?—Enlargement of Alliance Will Truly Signal the End of the Cold War

(By Senator Wayne Allard)

The Cold war is over and many have argued that we can now begin to dismantle our defenses and look inward. I believe Secretary of State Albright said it best when testifying before the Armed Services Committee on April 23, 1997, "[I]f you don't see smoke, that is no reason to stop paying for fire insurance."

The United States nor the world face the imminent threat of the Soviet Union, but this is no time to relax. United States' interests are still threatened by local conflicts; internal political and economic instability; the reemergence of ethnic, religious, and other historic grievances; terrorism; and the proliferation of nuclear, biological, and chemical weapons.

Soon, the U.S. Senate will debate and vote on the invitation of Poland, Hungary, and the Czech Republic to the North Atlantic Treaty Organization (NATO). Just because we are in a time of relative peace, we can not stop from being engaged in a fight for peace and freedom. I believe expanding NATO is the best way to ensure peace and stability.

First, NATO is and has always been a force for peace and prosperity. Enlarging NATO will only enhance the U.S. and European security and stability. Throughout our history, the U.S. has been closely linked to the stability of Europe, and that has not changed. The U.S. has been through two World Wars and a Cold War in Europe. However, since NATO was formed, not one major war or aggression has occurred against or between member states (except for Argentina's invasion of the British Falkland Island).

An enlarged NATO can do for all of Europe what it has done in Western Europe by strengthening the emerging democracies, creating conditions for continued prosperity, preventing local rivalries, diminishing the race for arms buildups and destabilizing nationalistic policies, and fostering common security interests. Enlargement will truly signal the end of the Cold War by no longer validating the old Stalinistic lines but will secure the historic gains of democracy in Central Europe.

Second, enlargement of NATO will further the integration of Western values into Poland, Hungary, and the Czech Republic. Their invitation and movement into NATO will lock in Central Europe's practices of democracy. Enlargement will promote American-led multinational defense structures and prevent the renationalization of these democracies. As enlarged NATO will fill the security vacuum created with the fall of the Soviet Union, subduing fear that the area will begin to divide nationalistically and begin to look like the former Yugoslavia.

However, just the possibility of membership into NATO has given these countries the incentive to peacefully resolve their border disputes. Since 1991, we have seen 10 major accords settling these differences and much of this is credited to the opportunity to join NATO. Even if old disputes resurface, NATO membership will help keep the peace, just as NATO has done in relation to the problems between NATO members Greece and Turkey.

Third, there has been concern about the Russian response to NATO enlargement. Russian leaders have expressed their dislike of NATO enlargement, in part due to the misperception that the Alliance poses a threat to Russia's security. NATO is not, and never has been an offensive Alliance, but one of defensive purposes only. We must respect the Russian concerns, but as my predecessor Senator Hank Brown has written, "[W]orking closely with Russia in an attempt to allay their concerns makes sense. slowing or altering NATO expansion * * * hands the Russian government a veto pen." This would be a tragic mistake.

An enlarged and strengthened NATO promotes security and stability in an area of Europe that is vital to Russian security. The invited states must clearly know that they are no longer considered Russian "eastern bloc nations" but an integral part of the circle of democratic nations. Plus, unlike the Warsaw Pack, the decision by the Czech Republic, Hungary, and Poland to join NATO was made by each individual country, without any coercion or force from any current NATO member.

Fourth, with any expansion there are costs. A bulk of the cost is to modernize and reform militaries and make them operable with NATO. However, being that the U.S. already has the world's premier armed forces, the bulk of the cost will be incurred by our European allies and the three invited nations. They are voluntarily joining and understand the commitments asked of being a NATO member.

The United States' percentage of burden sharing for the NATO budget will go down with the addition of the three countries. Also, the U.S. is not obliged to subsidize the national expenses of any of the the three invitees to meet its NATO commitments. Adequate defense systems always costs money but alliances make it less expensive because costs are shared and countries join together to meet the challenges.

NATO enlargement is the Western world's way to show that the Cold War is over and that we welcome these countries to freedom. The new threats we face can only be met by forming new alliances to ensure that these democracies do not fall prey to nationalistic or terrorist regimes. The Czech Republic, Poland, and Hungary know life without freedom and now deserve freedom and security that only NATO can provide.

Mr. GLENN. Mr. President, I rise today to express my support for Senate ratification of the Protocols to the North Atlantic Treaty of 1949 on Accession of Poland, Hungary, and the Czech Republic. This is the fourth time that the Atlantic alliance, which rose from the ashes of World War II, has decided to expand. And each time, expansion has served the same purpose—to expand the area in Europe within which peace, stability, freedom and democracy could flourish. The NATO Alliance was remarkably successful throughout its initial decades. Today we are considering a step designed to ensure that the success continues into the next century. This is not a decision that NATO, the U.S. or the Senate takes lightly. It is a more serious issue which goes to the heart of the question of how the U.S. can best promote our interest in peace and stability in the post-Cold War era. After all, these new members will enjoy all the benefits and bear all the responsibilities which apply to the current members of this mutual defense alliance. The U.S. will be obliged to consider an attack on Warsaw, Budapest or Prague in the same manner we are not obliged to consider an attack on London, Paris or Bonn. Having fought in two wars, I am most cognizant of the solemnity of the obligation we will be undertaking through the ratification of this agreement.

The 1990s, which witnessed the end of the Cold War and the demise of the Warsaw Pact, brought about a fundamental transformation in Europe. Where once we saw Europe divided into hostile, ideologically-opposed camps, we now see a continent increasingly united by a commitment to the principles of democracy and free market economics.

Initially I had two principal concerns about the proposed enlargement of NATO to include Poland, Hungary and the Czech Republic—the cost to the U.S. and the impact on relations with Russia. In the nearly ten months since NATO made the official decision to offer membership to these three nations, I have continued to examine these two areas and will summarize, very briefly, my conclusions.

In December of last year NATO completed a review of the estimated increases in the costs to NATO's commonly-funded budget resulting from enlargement. The Senate Foreign Relations Committee's report describes how NATO conducted its review and calculated its cost estimate.

> NATO first identified the military requirements of incorporating these three new members into the Alliance. Teams of experts were then dispatched to each country to evaluate facilities, infrastructure, and current capabilities to meet NATO's projected military requirements. With this information, NATO then developed a cost estimate for bringing the current capabilities into line with NATO requirements. The NATO studies concluded that the cost of enlargement will total $1.5 billion over the next ten years. Thus, according to NATO, the additional U.S. payment to the common-funded budgets will average approximately $40 million per year over ten years.

This amount does not seem to me to be excessive, given the U.S. stake in continued security and stability in Europe. Obviously, in addition to these commonly-funded costs, there will be considerable additional costs to the new members themselves, which each of them has pledged to meet. Yes, the United States may decide to help these new NATO members modernize their military forces; just as we have provided such assistance to many of our current NATO allies through, for example, the provisions of loans or loan guarantees, for the purchase of U.S.-made military equipment. However, Mr. President, that is a separate decision for the U.S. government, one that is neither required by nor prohibited by our decision to support enlargement. The responsibility for ensuring that their militaries are capable of meeting their obligations to the common defense rest with the new members themselves.

It hardly needs repeating that cooperative relations between Russia and the U.S., and Russia and NATO, serve the interests of the U.S. and the Alliance. I am convinced that NATO enlargement and the development of a NATO-Russia relationship are not mutually exclusive. Indeed, since NATO made clear its intention to expand, NATO and Russia have concluded the "NATO-Russia Founding Act on Mutual Relations, Cooperation and Security", signed last May. This agreement is designed as a means of regularizing and formalizing consultative procedures between NATO and Russia.

Further, NATO is a purely defensive alliance, and a threat to no nation. The peace and stability within Europe promoted by the Alliance benefits the entire continent, including Russia. It may be unreasonable to expect Russia to approve of NATO expansion. But neither is Russia's unhappiness over the expansion likely to become the determining factor in Russian behavior toward the U.S. and the Alliance.

In summary, Mr. President, I believe that these two major issues arising from NATO expansion have been satisfactorily addressed. I will support NATO expansion and hope that the Senate will ratify the expansion agreement by an overwhelming margin.

Mr. SHELBY. Mr. President, I rise in support of the Managers' amendment to the Resolution of Ratification, and of the Resolution of Ratification itself.

Even though the Berlin Wall has crumbled and the Soviet Union has dissolved, NATO remains vital. It is the cornerstone of stability for a continent that is under massive transition. The nations of central and eastern Europe have established democratic forms of government and have deregulated their economies. The accession of Poland, Hungary, and the Czech Republic is the best way to bolster their fledgling democracies and market economies thereby making their newly-won freedom irreversible.

Let there be no mistake: our engagement with Europe since NATO was formed in 1949 has not been without its costs and not without its risks. Our engagement with the new democracies of Central Europe will not be without costs and risks either. The expansion of NATO will most likely antagonize Russia.

More importantly, as a military alliance, we risk obligating the United States military to defend the citizens of distant and unfamiliar lands. In the end, though, we have found it difficult to stay out of these conflicts. Just about anywhere in the world where there is conflict, our military is there.

I believe that disengagement from Europe, as history has repeatedly shown, would have far-reaching consequences. Therefore, I believe that we have no choice but to go forward with our current commitment to an expanded NATO. The Senate should vote to approve the Resolution of Ratification.

But, like many senators, I remain concerned at the potential financial costs of expansion. As a member of the Defense Appropriations Subcommittee, I am concerned that the Administration has not yet come to terms with the price of supporting NATO expansion or more generally with the costs of America's position as the sole superpower.

As was the case with Bosnia, there is reason to believe that the Administration is underestimating the costs of expansion in order to make ratification more palatable in the Senate.

Without pouring additional funds into the defense budget, NATO expansion costs that are unaccounted for may hinder the Defense Department's ability to carry out missions in other vital areas of the world and at the same time to modernize the force.

We have heard a number of cost estimates in the course of this debate. We must keep in mind that the new member nations, as the primary beneficiaries of expansion, must devote the resources necessary to shoulder their fair share of the common burden.

And I know that nothing would undermine the support of this body for NATO, or that of the American people, faster than a perception that the new members, or existing members, for that matter, were not living up to their responsibilities in this regard.

I am also concerned about another aspect of NATO expansion—one that has received less attention than the broader strategic issues, but one that is critical to the long-term success of an expanded alliance—namely intelligence and counterintelligence matters.

Here too, after a careful review, I have concluded that the long-term national interests of the United States are best served by a vote in favor of the Resolution. But I would like to encourage Senators to take the time to review the report that I will describe shortly, which is available in classified form in S–407.

An unclassified summary can be found in the Foreign Relations Committee report, Executive Report 105–14, on the Resolution of Ratification.

This report was prepared by the Intelligence Committee staff at the direction of Senator Kerrey, the Committee Vice Chairman, and myself, and submitted to the Committee on Foreign Relations and to the Senate at large.

It contains the staff's assessment of the intelligence implications of NATO expansion.

The report is the culmination of the committee's work over the past year monitoring the progress of the accession process set in motion by the Alliance's decision last July to formally invite Poland, the Czech Republic, and Hungary to join NATO.

The staff has routinely reviewed the state of the accession negotiations, a process that concluded in December 1997 with the signing of the accession protocols. Committee members and staff have met numerous times with NATO negotiators as well as representatives from the acceding states, both in European capitals and in Washington, D.C.

In preparation for the Senate vote on advice and consent, committee staff held numerous briefings with U.S. and NATO intelligence officials; reviewed documents prepared by the Intelligence Community; and posed numerous questions for the record.

The committee directed the Executive branch—the Central Intelligence Agency, Department of Defense, National Security Agency, Federal Bureau of Investigation, and Department of State—to submit a formal report on the intelligence implications of enlargement.

Committee staff also met with members of the Alliance's Interagency Working Group on NATO Enlargement (IWGNE) to discuss integration efforts in the intelligence field.

Finally, committee members and staff traveled to national capitals of the three aspiring members to gain a more detailed, first-hand knowledge of how the civilian and military services of these countries operate, and whether adequate procedures are in place for the sharing of sensitive information with current NATO members.

Once again, I would remind my colleagues that the classified committee staff report is available in S–407 for Senators who may wish to read it.

The Committee has also prepared an unclassified summary of the report's major findings, and I would like to share with my colleagues the highlights.

OVERVIEW

The United States, along with its NATO allies, believes that membership in NATO cannot be granted piecemeal.

NATO has thus determined that there will not be a two-tiered security structure within the Alliance. If and when the three accede to full NATO membership, they will share in all rights and obligations, and will be entitled to share in Alliance secrets.

The work undertaken bilaterally and through NATO is geared to ensuring that the three invitees take the necessary steps over the transition or preaccession period to demonstrate that they can and will guard NATO secrets appropriately once they join in April 1999.

In assessing the reliability of Poland, Hungary and the Czech Republic in guarding NATO secrets, the following factors are critical:

1. the strength of democratic reforms, with a focus on ministerial and legislative oversight of intelligence services and activities;

2. the degree to which the three countries have succeeded in reforming their civilian and military intelligence services, including the ability of the services to hire and retain qualified Western-oriented officers, and the evolution of political and public support for these services;

3. Russian intelligence objectives directed against these countries, including any disinformation campaigns designed to derail, retard, or taint their integration with the West;

4. counterintelligence and other security activities being pursued by the three countries, and the adequacy of resources devoted to these efforts; and

5. the work underway between the three invitees and NATO to ensure that security standards will be met by the time the three join the Alliance.

COMMITTEE FINDINGS

As a result of their investigations, the committee staff arrived at a series of key findings.

Their report includes general findings, findings derived from the experience of our respective intelligence agencies working together in both bilateral and multilateral fora; and findings relating to the counterintelligence threat, the pace of reform and the NATO work program for intelligence issues.

GENERAL FINDINGS

Perhaps most important, the report makes a point that is obvious but nonetheless bears repeating: any intelligence sharing relationship inevitably involves some risks.

Nevertheless, I believe that the intelligence relationships with Poland, Hungary, and the Czech Republic will be, on balance, a net plus for U.S. and NATO interests. As many of my colleagues are aware, cooperation with the three countries on intelligence issues began before the idea of NATO enlargement itself took root.

In that respect, sharing intelligence in the NATO context will build on a pattern of bilateral cooperation which has existed for nearly a decade.

Based on the information provided to the Committee, Poland, Hungary, and the Czech Republic have proven to be reliable in handling operational information and capable of guarding classified information—some of it extremely sensitive.

THE MULTILATERAL CONTEXT

In the multilateral context, Poland, Hungary and the Czech Republic have participated in the Implementation Force and the Stabilization Force operations in Bosnia, and have cooperated actively with U.S. intelligence to provide critical force protection information.

The three countries have demonstrated a solid record in the area of information and operational security within the NATO Partnership for Peace Program.

In addition, all three countries value their bilateral links to the U.S. and wish to expand them. They view multilateral intelligence cooperation in NATO as a complement to, not a substitute for, these bilateral intelligence relations.

THE COUNTERINTELLIGENCE THREAT

The single most critical intelligence issue we face in inviting Poland, Hungary and the Czech Republic into NATO is the counterintelligence question.

It is an unavoidable fact that past associations with Soviet intelligence services, together with proximity to Russia, make these countries vulnerable to hostile intelligence activity.

Over time, personnel and generational changes, training, and more robust counterintelligence programs by the three countries should reduce further this vulnerability. But for the time being, the threat is there.

The problem is not one of attitudes. The legacy these countries inherit from 44 years of Soviet domination makes them suspicious of Russian policies and motives.

Indeed, for Poland, Hungary, and the Czech Republic, the problem is not complacency about the foreign intelligence threat, but ensuring a capability to counter it.

Lastly, and to put this issue into perspective, we should recall that Russian and other intelligence efforts to penetrate NATO will continue, irrespective of new Alliance members.

THE RECORD OF REFORM

With respect to the critical issue of reform, all three countries have made significant strides in restructuring, reforming, and redirecting their intelligence services.

More needs to be done to attain greater experience in parliamentary oversight of the services, to secure acceptance by politicians of the need for these services to maintain political neutrality, to retain and promote experienced officers with Western orientation, and to enhance computer security.

As professionalism increases, morale will improve, and the intelligence services will be looked upon as contributing to common security interests. Adequate funding and visible support from the political leadership will be essential to this process.

THE NATO WORK PROGRAM

The three invitees are continuing to work with NATO in preparation for their final accession.

In cooperation with NATO to date, in a variety of interactions with the U.S. and other current NATO allies, including the sharing of sensitive information through the Partnership for Peace program, IFOR/SFOR, and in bilateral intelligence cooperation, the three invitees have demonstrated solid records in the area of information and operational security.

Poland, Hungary and the Czech Republic have undertaken significant steps to conform to NATO security standards and have enhanced personnel and information security practices.

Looking toward accession in April 1999, from a NATO perspective, the intelligence aspects of NATO enlargement appear to be on track. Indeed, the intelligence planning in NATO is currently ahead of the other NATO programs which must be readied for the April 1999 accession date.

NATO and U.S. officials have been reviewing the capabilities and intentions of the three governments to handle sensitive information, and the extent to which the military and intelligence services of these former Warsaw Pact members have distanced themselves from their former mentors.

The NATO Intelligence Board has worked closely with NATO's Office of Security to ensure adequate security measures are developed with new members.

The specific criteria that the Alliance is using to ensure that NATO practices and regulations become standard operating procedures for the three new invitees are based on established security guidelines developed for the Alliance and approved by the member states. Each of the three NATO invitees has thus far achieved or exceeded each criterion set before it, according to the Executive Branch.

INTELLIGENCE COMMITTEE CONDITION

Based on these findings, I together with Senator Kerrey have proposed a condition to the resolution of ratification of the Protocols to the North Atlantic Treaty, which is included in the Managers' amendment now before the Senate.

The purpose of the condition is to monitor the progress that the three aspiring members are making in adopting NATO practices and regulations as standard operating procedures in their own intelligence services, and in enhancing their overall procedures for protecting intelligence sources and methods.

To monitor the progress in meeting NATO standards during the transition period up to April 1999, as well as to provide a benchmark following formal accession, the condition requires the President and the Director of Central Intelligence to provide the appropriate committees of Congress with three "snapshots"—two before and one after formal accession of these countries to the alliance.

The President is required to report by 1 January 1999, on behalf of all the interested agencies, the progress made by the three countries in meeting NATO membership security requirements.

The Director of Central Intelligence is also required to report on or before 1 January 1999, and again not later than 90 days after the date of formal accession of these countries to NATO, on the latest procedures and requirements established in these countries for the protection of intelligence sources and methods, including a comparison of the overall procedures and requirements for such protection in these three countries with those in other NATO member states.

I believe that this condition sets forth a balanced approach to monitoring the progress of Poland, Hungary and the Czech Republic toward meeting the intelligence and security-related requirements for full NATO membership.

In what I believe is the unlikely event that a serious problem arises with respect to one or more of the prospective members, the reports due on January 1, 1999 will provide both the Senate and the Executive Branch with an opportunity to address and resolve any such problem before final accession.

FINAL ASSESSMENT

I would like to close with the following.

In developing an overall assessment of the security risks associated with the inclusion of the three new invitees in NATO, the issue is not only how to ensure that these three countries protect NATO secrets, but also to ensure that the new members, and NATO at large, devote sufficient attention and resources to address the overall non-NATO intelligence threat to the Alliance.

To reiterate, based on the information provided to the Committee, the governments of Poland, the Czech Republic, and Hungary have demonstrated both an intent and an ability to protect the classified military and intelligence information that would be routinely provided them as members of the Alliance.

While past associations make these countries vulnerable to Russian intelligence activity, over time, personnel and generational changes, training, and more robust counterintelligence programs by the three countries should reduce further this vulnerability.

As I noted earlier, cooperation on intelligence issues began before the idea of NATO enlargement took root. In that respect, sharing intelligence in the NATO context builds upon a pattern of cooperation of nearly a decade.

As with other aspects of NATO integration, it will take some time and technical advice and assistance from other NATO members for the governments of these three countries to totally overcome the legacy of their communist past.

As a critical element of such a program, the three governments must devote adequate resources to support professionalized intelligence and counterintelligence services, and must demonstrate their political support for these services' role in safeguarding the democratic political order.

Lastly, by the time the three invitees join NATO, a decade will have passed since the collapse of their communist regimes.

Contacts with the U.S., other allies, and NATO, coupled with continuing modernization programs and priority assistance efforts from current NATO members, should help to ensure that all three countries satisfy membership security requirements by the time of their accession to NATO in April 1999.

In closing, I would like to thank the Chairman of the Foreign Relations Committee, Senator HELMS, and the Ranking Member, Senator BIDEN, for including the Shelby-Kerrey condition as part of the Managers' amendment, and for their leadership in ensuring the thorough and expeditious consideration of this historic resolution.

Mr. KERREY. Mr. President, I rise today to offer my support for the Resolution of Ratification currently pending before the Senate. I do so with less enthusiasm than I wished, and more doubts than I prefer.

I will vote yes because Poland, the Czech Republic, and Hungary will strengthen NATO's resolve and improve the chances that a post-Cold War NATO will be the same stabilizing force for peace it has been for the past half-century. I will vote yes because the requirements for NATO membership, such as civilian control of the military and democratic rule, especially domestic laws that protect minority rights, make it more likely that external conflicts are resolved peacefully. I will vote yes because the benefits of doing so appear, on balance, to outweigh the potential liabilities.

My vote of support is also based on my belief that denying the Czech Republic, Hungary, and Poland entry after their expectations have been raised so high would do more harm than good. Further, I believe these three countries—on account of their passionate understanding of what life is like under the iron fist of a dictator—will stiffen the resolve of NATO to be a force for peace. NATO has no will to fight unless consensus can be achieved amongst all members, and it is the will to fight which will do the most good in deterring future military conflicts.

Too often during this debate I have heard the argument of some advocates who presume enlargement as a necessary insurance policy against the risk of Russia becoming an expansionist military threat again. These proponents often speak as if the circumstances of 1998 closely resembled those in Europe when NATO was created.

This vision is flawed. It is flawed because it misrepresents the comparative conditions of 1949 and 1998. It results in the subordination of other more important foreign policy goals such as assisting the Russian transition to democracy, reducing nuclear weapons, and confronting the threat posed by proliferation of weapons of mass destruction to the less important task of adding three new members to a Cold War military alliance.

Consider what President Truman and Congress faced in the wake of the Second World War. In 1949, when they led America into the North Atlantic Alliance, only thirty years separated them from the end of the Great War, the war which was supposed to end all wars. Only twenty years had separated the end of this terrible war and the beginning of the next. Twenty years. Imagine what our attitudes would be if a war as savage and futile as World War I had been concluded on November 11, 1968, and then in 1988, the enemy we had vanquished rose to the attack again.

Both those wars were within memory's reach of President Truman and the Congress on April 4, 1949 when the Washington Treaty was signed. Europe lay in ruins. Their economies had been destroyed. Food and medical supplies were in short supply. Political uncertainty and instability were the order of the day. The Red Army was threatening in the east and their belligerence well established by the Communist coup d'etat in Prague in February 1948 and the Berlin Blockade which began in June 1948.

All of this combined to justify the creation of a powerful military alliance. It is worth noting that even with these factors, NATO at first had no military structure. Only after the Korean War began in June 1950, did the idea of a worldwide communist offensive gain credibility. This led to the establishment of a NATO military force, the major element of which is the Allied Command Europe. In December 1950, General Dwight Eisenhower was appointed the first Supreme Allied Commander Europe (SACEUR). The command's headquarters—the Supreme Allied Powers in Europe (SHAPE)—was located in Brussels.

President Truman was 65 years old in April 1949 when the Washington Treaty was signed. But certainly he must have remembered the day in mid-January 1919 when he was bivouacked near Verdun, France awaiting the demobilization orders needed before he could go home. In Paris, U.S. President Wilson, English Prime Minister Lloyd George, and French President Clemenceau had begun their discussions of terms and conditions for peace.

In a letter to his fiance, Bess Wallace, Truman had written:

> It's my opinion we'll stay until uncle Woodie gets his pet peace plans refused or okayed. For my part, and I'm sure every A.E.F. (American Expeditionary Force) man feels the same way, I don't give a whoop (to put it mildly) whether there's a League of Nations or whether Russia has a Red government or a Purple one, and if the President of the Czecho-Slovaks wants to pry the throne out from under the King of Bohemia, let him pry, but send us home . . . For my part I've had enough vin rouge and frog-eater victuals to last me a lifetime.

Mr. President, in our modern age of see and invade-all journalism, this letter would probably have surfaced to embarrass Truman when he entered national politics a decade later. However, it is also likely that cameras manned by brave men and women would have broadcast 1919 street scenes of Berlin, Moscow, Paris, Warsaw, Budapest, Vienna, and Prague. I believe these scenes would have made Americans less anxious to withdraw from the devastating instability of starvation, demobilized and poorly led Armies, and the sudden collapse of the old order of the Kaiser, the Romanovs, Hapsburgs, and Ottomans.

Yet only thirty years after he wrote this letter, Lieutenant Truman had become President Truman, and he faced a world that looked not all that different from 1919. As he considered what policy would guarantee the peace after 50 million lives had been lost in the Second World War, he saw a Europe as devastated as it had been in the First. He saw a threatening Soviet Union in the east. Withdrawal, pacifism, and demilitarization were the failed policies of the 1920's and 1930's. Political engagement and military strength were logical and correct alternatives. Forty years later, as communism collapsed and our former enemies embraced democracy, Truman's vision and path was vindicated.

Mr. President, too many proponents of expansion have tried to cast this vote as a vote about our future engagement in the world. I am not persuaded by the preposterous either/or arguments used by these proponents. You are either for NATO expansion or you are for repeating the mistake we have made twice in this century to withdraw from Europe. You are either for NATO expansion or you are for appeasing the Russians. You are either for NATO expansion or you are for allowing instability to reign supreme on the European continent.

What nonsense. If NATO were to disappear tomorrow—as it almost did by refusing to become engaged in Bosnia—America would not withdraw from Europe. We are becoming more and more connected through travel, trade, and telecommunications. Any comparison of the political, economic, and social conditions of 1998 and 1919, or 1998 and the 1930's should be greeted with raised eyebrows and laughter.

Mr. President, many times during this debate I have heard my colleagues say that NATO has been the most successful military alliance in history. I do not disagree with their assessment. But the statement leads me to ask a question: why has NATO been so successful and what does that mean for the future of the Alliance?

Ultimately, NATO was successful during the Cold War not for any military operation, but for its military power and the willingness to use it. For nearly 50 years, NATO has served as the vanguard of peace and security in Europe. For forty of those years, NATO forces stood ready to engage in the defense of Europe from the very real threat posed by Warsaw Pact forces on the other side of the Iron Curtain. The reason NATO was able to maintain the peace and never had to fight a hot war in Europe came from the recognition by our adversaries that NATO, despite the horrors of a potential superpower conflict, was prepared for real military action.

Equally as important as the will to act, NATO commanders understood the importance of maintaining a formidable capability to fight. Throughout the Cold War, NATO's military forces were highly motivated, superbly trained, and equipped with the latest weapons and technology that made the Alliance a force to be reckoned with.

Beyond the success of the Cold War, I believe that NATO has survived in the post-Cold War era, despite many predictions to the contrary, because it was prepared to change to reflect new realities. First, NATO has begun the difficult task of restructuring and downsizing its force and command structure. As we in the Congress are well aware, following three rounds of U.S. base closures, making the necessary decisions to downsize the military is politically difficult. NATO deserves credit for what it has accomplished in this area, but more work will be needed in the future.

NATO has also been successful because of its willingness to address the challenges of the post-Cold War world. NATO has made significant progress in tackling difficult new issues such as arms control, regional ethnic instability, and creating partners out of former enemies. In this final area, the Partnership for Peace program has made tremendous progress in encouraging civilian control of the military and promoting military transparency, each of these essential in creating greater confidence between nations.

Each of these steps have contributed to transforming NATO into the Alliance that we have today, an Alliance that serves the interests of each of its members and promotes cooperation and stability. However, as NATO officials admit, the Atlantic Alliance must continue to evolve. We must ask ourselves: what must NATO do now if it is to be relevant in the future?

First, NATO must continue with the difficult work of reforming its force and command structure to reflect changes in its mission and strategic concept. Second, as during the Cold War, NATO must maintain a credible force and the will to use that force when diplomacy fails. These are the core elements of the Alliance that must be carried into the future.

But I believe NATO must also be prepared to take on new missions. It will have to be ready to address future threats to regional stability like Bosnia in an efficient and timely manner. Mr. President, the true lesson of the Dayton Accords is that sometimes force, or the credible threat of force, precedes diplomacy. I do not believe the Dayton Accords would have been possible had NATO not reached consensus to respond militarily, albeit late, to Serbian aggression in Bosnia. I hope we have learned the lesson of Bosnia, and I hope these three new members will help strengthen our will to react to Bosnia-style aggression in the future. The recent memory of the Solidarity movement, the moral leadership of President Vaclav Havel, and the impact of the 1956 uprising in Hungary will be extremely beneficial contributions to the diplomatic decision-making that occurs in Brussels. We may find the newest members of the Alliance will soon play a critical role in leading NATO into the future.

Mr. President, having addressed the history and future of the Alliance, let me restate that I will vote in favor of this Resolution of Ratification because I believe that NATO enlargement is a positive step forward for the three invitees and for the future of the NATO alliance.

The enlargement of NATO to include Poland, Hungary, and the Czech Republic is a statement of the success of their transition to free-market democracies. Each of these countries have experienced the peaceful transitions of democratic government, established the rule of law in the interaction of people and institutions, and implemented strong civilian control of their militaries. We should not forget the difficulty with which each of these countries has made these changes, nor should we underestimate the political leadership that was necessary to make the decisions involved in transforming from a command-style economy to free-market democracy.

Mr. President, NATO membership, along with eventual membership in the European Union, will re-establish their contacts to the West and help solidify the political reforms in place today. Furthermore, the benefits of collective defense will limit the need to reconstitute national defenses and allow for continued focus on strengthening their economies and rebuilding the infrastructure necessary to compete in the global economy.

I also believe that these countries will benefit from NATO enlargement through the promotion of regional stability. The prospect of NATO membership has already caused Central European nations to re-examine their relationships with one another and to address age-old political and ethnic disputes. The resulting treaties and bi-lateral agreements will lessen the chance of border and ethnic conflicts in the region after these three nations become full members of the Alliance.

Mr. President, I also believe NATO will benefit from the inclusion of new members. Each of these countries will bring a unique set of capabilities to the Alliance. To be sure, each still needs to make significant progress in bringing their militaries up to NATO standards, but they are not starting from zero. Initial estimates show that following their own military restructuring, these countries will bring an additional 280,000 troops to the Alliance; this will undoubtedly boost NATO's ability to perform future missions.

An example of this enhanced capability for NATO can be seen in the contribution each of these three countries have made to the IFOR/SFOR mission in Bosnia. Poland is currently providing SFOR an airborne infantry battalion, the Czech Republic has provided an engineering company and is maintaining a mechanized infantry battalion, and Hungary has contributed an engineering battalion. Hungary has also leased the Taszar airbase to the United States which provides a critical point of entry for U.S. forces into Bosnia. I am confident that when these countries become full members of NATO, we can expect that they will continue to provide a strong commitment to NATO operations.

In my duties as Vice Chairman of the Intelligence Committee, I joined with my colleagues in reviewing the security consequences of bringing Poland, Hungary, and the Czech Republic into the Alliance.

In directing this review, Senator SHELBY and I did not for a moment suspect the sincerity or the commitment of these countries to be loyal members of the Alliance. But because some of their intelligence professionals and other military and civilian personnel had served in similar positions when their countries were dominated by the Soviet Union, we felt duty-bound to examine how well these countries would meet NATO security requirements, especially with regard to handling NATO classified information and protecting intelligence sources and methods. We determined that, even in these narrow security terms, the new members will be a major net gain for the Alliance. They have the expertise and the dedication to protect the information which NATO will share with them, and they bring intelligence capabilities to the Alliance which will make NATO stronger.

To help measure and assist the transition of the new members to NATO security standards, Senator SHELBY and I proposed a condition to the resolution of ratification which would require two reports: one to be rendered by the President next January on the progress of the new members in meeting NATO security requirements, and another to be rendered in phases by the Director of Central Intelligence identifying the latest security procedures and requirements of the new allies and assessing how they compare with those of other NATO members. In my view, these reporting requirements are prudent and should help the expanded Alliance more quickly reach a common security standard.

Mr. President, I am encouraged by the prospect of membership for these three countries. However, this is a major change in U.S. policy, and a very real commitment that should not be entered into without a full understanding of its meaning. The American people must understand that membership in NATO for Poland, Hungary, and the Czech Republic carries with it all of the commitments of the 1949 Washington Treaty. In particular, by ratifying this change to the Washington Treaty, the United States extends full Article V protection to each of these countries.

Article V states:

> The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all; and consequently they agree that, if such an armed attack occurs, each of them . . . will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such actions it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.

The quantitative result of this treaty is that the United States has pledged to defend an additional 15% of European territory in the event of an attack. The qualitative result is that we as Americans pledge to send our young soldiers to defend Warsaw, Prague, and Budapest. However, let me state, Mr. President, my firm belief that enlargement of the Alliance will in fact reduce our chances of having to fight a war in this region of the world. By solidifying democratic reforms, encouraging regional cohesion through the Partnership for Peace program, and limiting the need for national defenses, we will promote cooperation and limit the threat of war.

Like many of my colleagues, I also have concerns about the costs associated with NATO enlargement. Wide discrepancies in the assumptions on which the various cost estimates have been based have left us with, at best, an incomplete view of what enlargement will cost current and future members. I am hopeful that after the vote, the Administration will continue to work closely with Congress to address our remaining concerns regarding costs. At a time in which our military is being called on to protect against threats to U.S. security interests throughout the world, we must carefully scrutinize additional spending commitments.

Mr. President, I am concerned with the slowness with which the European Union has moved to address the needs of the new democracies in Central and Eastern Europe. I strongly encourage the EU to catch-up to NATO by quickly completing negotiations over their own expansion. In the long-run, the success of the former-Soviet bloc countries will hinge more on their ability to access the economic benefits of the EU than membership in NATO.

While I support NATO enlargement for these three countries at this time, we must also ask how do we define our future foreign policy priorities. For the past year, members of the Administration have worked tirelessly to ensure ratification of NATO enlargement. I believe it is time for the United States to shift our foreign policy focus: our number one priority must become the successful transition of Russia to a stable, free-market democracy. I for one am very optimistic about the prospects for Russia.

I think at times we suffer from the inertial effects of Cold War thinking that limit our ability to see the world for what it is today. Just as Poland, Hungary, and the Czech Republic are not the Warsaw Pact, Russia is not the Soviet Union. Russia no longer poses the immediate threat to our survival as expressed in Cold War rhetoric of Josef Stalin and Nikita Khrushchev. It is a new era, and we should use this opportunity to our utmost ability to work with Russia to ensure the establishment of the rule of law, to assist with the ethical privatization of state owned enterprises, to promote the continued development of the democratic process, and to realize meaningful progress on arms control.

We already have positive examples of what cooperation with Russia can accomplish. Mr. President, few may realize the Bosnia mission is the first time in which NATO troops have participated in an actual military engagement. Few would have guessed during the dangerous days of the Cold War that NATO's first military mission would have occurred with Russian soldiers working alongside American soldiers not as the enemy, but as partners. The Bosnia mission demonstrates the potential we have when we work with a democratic Russia to solve disputes. Another positive sign is that in recent months the Russian government has stepped up its participation in the Partnership for Peace program and I am hopeful about the possibility for continued dialog through the Permanent Joint Council as established under the Russia-NATO Founding Act. Mr. President, I encourage both the Congress and the Administration to address the future of U.S.-Russian relations with the same vigor with which we have worked to achieve NATO enlargement.

At no point in the future do I want to look back to this unique point in history and have to ask if we could have done more to ensure a peaceful, democratic Russia. Mr. President, I encourage all of us to take a long-term view of history. We should consider how the world has changed from the chaos and danger that led President Truman to create NATO in 1949 to the sweep of democracy that liberated Central and Eastern Europe from communist control. We should consider how these same nations have transformed themselves into stable democracies ready to become full members of the Atlantic Alliance. And finally, we should consider how we want the world to look in fifty years, and then set our priorities to ensure our children will have the benefit of living in that world.

Mr. MURKOWSKI. Mr. President, I rise to express my strong support for the protocols of accession to NATO, specifically for Poland, Hungary, and the Czech Republic. NATO expansion is clearly in the security interests of the United States and the NATO alliance as a whole.

We have an opportunity in the Senate today to make a truly a historic vote that will shatter, once and for all, the artificial division of Europe that occurred at the end of the Second World War. By expanding this alliance to include Poland, Hungary and the Czech Republic, we will further erase the Cold War lines of division and broaden the scope of protection of this defensive military alliance which has played the central role in maintaining peace and stability in Europe since the end of World War II. Now, if history is any guide, it ensures and enhances the prospects for peace, prosperity, and harmony throughout Europe.

It is important to remember that NATO is a defensive, not offensive, strategic military alliance. Although the new member countries were once considered so-called "allies" of the former Soviet Union, their so-called alliance had more to do with the presence of Soviet troops within their countries than any commitment to Soviet values or ideals. Bringing them into the NATO alliance is not a charge against Russia and should not be so construed. To the contrary, we are recognizing that the people of these countries are now our allies. We pledge to come to their defense if they are attacked by a non-member country, and they in turn make the same pledge to support all other NATO countries who may be attacked by a non-member party.

Mr. President, in the nearly 50 years of its existence, NATO has provided the military security umbrella that has permitted old enemies to heal the wounds of war and to build strong democracies and integrated free economies. Expanding NATO to include the emerging democracies of Eastern Europe will, I hope, produce the same results. That is, stronger and freer economies whose people can live in the same harmony as do the people of France and Germany.

Communism has collapsed. The Soviet Union is no more. This is not to say, however, that Europe no longer faces any security threats. I think that would be shortsighted. Threats continue to exist in Europe, and many of these threats are more difficult to identify and combat. Ethnic strife in many parts of Eastern Europe; the instability which we face daily with Iraq; terrorism; the list is long. These are all verifiable threats to which the United States and other NATO member countries must be prepared to respond and defend. By adding Poland, Hungary and the Czech Republic to the NATO alliance, we are broadening and strengthening our ability to combat and defend against these threats.

Mr. President, I would also note that the prospect of NATO enlargement has already begun as seen by the process of harmonization in Central and Eastern Europe. Hungary has settled its border and minority questions with Slovakia and Romania. Poland has reached across an old divide to create joint peacekeeping battalions with Ukraine and Lithuania.

Without question, an expanded NATO will make the world safer simply because we are expanding the area where wars will not happen. As Secretary of State Albright testified last year before the Foreign Relations Committee, and I quote, "This is the paradox at NATO's heart: By imposing a price on aggression, it deters aggression." At the same time, we gain new allies, new friends who are committed to our common agenda for security in fighting terrorism and weapons proliferation, and to ensuring stability in places such as the former Yugoslavia.

There is no doubt in my mind that had Soviet troops not in 1945 occupied Poland, the Czech Republic, and Hungary, and installed puppet governments, the debate over whether these three countries should be members of NATO would have long ago been resolved in their favor.

The people of these countries have yearned for freedom, democracy, and peace for more than 40 years, as evidenced by Poland particularly. The blood in the streets of Budapest in 1956, the demonstrations of the people in Prague in 1968 who confronted Soviet tanks, and the public confrontations of Solidarity throughout Poland beginning in the 1970s all laid the foundation for the collapse of communism, which we have seen in our lifetime.

Now as they begin to build institutions of democracy and free enterprise, as they move to further integrate their economies with the rest of Europe, they should participate in the collective security of the continent. I think this will bind these countries closer together far into the future and ensure stability and peace throughout the continent.

Mr. President, there have been expressions of concern by some people that expanding NATO is a mistake because it would somehow be perceived as a threat, a threat to Russia. I find that argument hard to accept. In my opinion, NATO has never been a threat to Russia. Even during the height of the Cold War, no one seriously considered that NATO threatened the Soviet Union. Quite the contrary. NATO stood to defend—defend—against any potential military threat to its members. There is a difference between defense and offense. And NATO is designed for defense. It was never designed as an alliance of aggression—rather, it is an alliance against aggression.

I think the same holds true today, Mr. President. The people of Russia, who are slowly trying to emerge from the darkness and terror of 70 years of communism, have nothing—I repeat, nothing—to fear from NATO. Our goal is not to isolate Russia; but to engage and support her in her efforts to develop a lasting democracy and a free market.

The people in the evolving democracies of Poland, the Czech Republic, and Hungary have earned the right to become full partners in Europe and full partners in NATO. I hope my colleagues will support the dreams, hopes, and aspirations of these people who have struggled for freedom for so long, after so many decades in which they have lived without hope. They have that opportunity today.

Finally, Mr. President, I would like to commend these countries for the rapid progress which they have made nurturing democracy and building stable economic development based on free market principles. While some would argue that they have not evolved far enough, I would simply say that they are light years from where they were when the Berlin Wall fell and that democracy and the free market is an evolving process. They are well on their way; bringing them into the NATO alliance will only serve to help them along.

The people of these nations have dedicated themselves to these democratic ideals, and it is incumbent upon us to support them in their quest. Mr. President, I strongly support expanding the NATO alliance to include Poland, Hungary and the Czech Republic and hope that the Senate speaks loudly and strongly on this issue today.

Ms. MOSELEY-BRAUN. Mr. President, a strong North Atlantic Treaty

Organization (NATO) is an important vehicle for maintaining security in Europe. For half a century NATO has been critical to maintaining security in Europe. Largely because of NATO, Europe has enjoyed more than 50 years without war among its major powers, the longest period in modern history. Because of this success, European countries that at one time were in a competing alliance, are now clamoring to join NATO. Today we have a historic opportunity to extend the NATO umbrella to additional European countries, and to expand the benefits that the alliance has created.

Dr. Brzezinski of the Center for Strategic and International Studies, in his testimony before the Senate Foreign Relations Committee, made a compelling case for NATO expansion and its importance to the United States. He said:

> For me, the central stake in NATO expansion is the long-term historic and strategic relationship between America and Europe. NATO expansion is central to the vitality of the American-European connection, to the scope of democratic and secure Europe, and to the ability of America and Europe to work together in promoting international security.
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> The expansion of the Euroatlantic alliance will bring into NATO counsels new, solidly democratic and very pro-American nations. That will further deepen the American-European kinship while expanding Europe's zone of peace and democracy. Such a more secure Europe will be a better and more vital partner for America in the continuing effort to make democracy more widespread and international cooperation more pervasive. That is why NATO's enlargement—in itself a vivid testimonial to the dynamism of the democratic ideal—is very much in America's long-term national interest.

Since its inception, NATO has provided a forum to resolve disagreements among members and for institutionalizing norms and relations fundamental to modern democracies. It is natural therefore, that newly emerging democracies in Central and Eastern Europe, which qualify, should be considered for membership in the alliance.

The accession to the alliance of Poland, the Czech Republic, and Hungary is the culmination of years of work on these countries part to meet the requirements of NATO membership. As Dr. John Micgiel, Director of the East Central European Center at Columbia University has said, "the mere prospect of membership . . . has acted as a catalyst for political reform. . . ." Furthermore the "three prospective member countries have each taken a proactive role in cooperating with their neighbors and sometime former adversaries."

These three countries have demonstrated functioning democratic political systems, as well as economic reforms that will allow them to share the costs of NATO membership. Although there are no set requirements for membership, at a minimum, candidates for membership must meet the following five requirements: new members must uphold democracy, including tolerating diversity; new members must be making progress toward a market economy; their military forces must be under firm civilian control; they must be good neighbors and respect sovereignty outside their borders; and they must be working toward compatibility with NATO forces.

Poland's membership is the logical culmination of its long struggle for freedom and economic independence. In 1989, the world watched as Poland became one of the first former Soviet-controlled countries to hold free and democratic elections. "Solidarity" became a symbol of freedom recognized around the globe.

In 1993, Poland was the first country in the region to record economic growth. and it now has one of the strongest economies in Europe. In 1997, its GDP grew at a rate of about seven percent, while its inflation and unemployment rates declined.

Moreover, Poland has demonstrated its readiness to contribute to security beyond its borders, one of the requirements of NATO membership. Poland contributed forces to the Gulf War coalition and currently provides troops to the NATO-led Stabilization Force mission striving to keep peace in Bosnia.

Hungary has met the requirements for NATO membership by holding fully free and fair elections since 1989. Over the past nine years, the country has had two complete democratic changes of government. Economically, Hungary has engaged in successful, yet painful, stabilization programs to cut its current budget deficits. Since 1990, Hungary has attracted almost $16 billion in foreign direct investment; almost a third of all foreign direct investment in Central and Eastern Europe.

Since 1989, the Czech Republic has held three fully free and fair elections. Their constitution contains protections similar to ours, such as the freedom of speech, freedom of assembly, and the freedom of the press. Economically, the country has privatized state-owned enterprises, engaged in tight monetary policies, and liberalized trade policies. As a result inflation is controlled, the GDP has been rising since 1994, and unemployment is low.

Poland, Hungary, and the Czech Republic were chosen to join the alliance because they meet all the requirements of admission. Each will be a good ally and each country is prepared to accept the responsibilities of NATO membership, including contributing their share to NATO's costs. I would like to congratulate Poland, the Czech Republic and Hungary, for their courage, for their perseverance and now for their imminent membership in the greatest military security alliance the world has ever known.

Other countries will soon also be prepared to join the alliance, that is why I believe the expansion of NATO should be regarded as a process rather than the enactment of a single policy. Nations such as Romania and Slovenia, who were not invited to join NATO at the Madrid summit should be extended NATO membership once they meet the alliance's admission requirements.

During the 104th Congress, I supported the NATO Enlargement and Facilitation Act of 1996. This legislation would have extended economic aid to those countries in Central and Eastern Europe showing genuine interest in furthering economic privatization and political pluralization as a prerequisite to NATO membership. This legislation sent an important signal of American support for these countries undergoing the painful transition from communism to democratic market reform.

Mr. President, constituents from my state have indicated strong support for NATO expansion. While my constituents include Americans of Hungarian and Czech descent, you may know that Chicago has been called the Warsaw of the Midwest because of the large number of city residents of Polish descent. Statewide, there are nearly 1 million Illinoisans of Polish-ancestry, many of whom who have contacted my office in support of Poland's imminent entry into NATO.

Mr. President, it is not, however, merely the many Polish-Americans, or Hungarian-Americans or Czech-Americans in Illinois and around the United States who wish these countries well as they assume the responsibilities of full NATO membership. Freedom-loving people in every part of the world can take heart from these countries' examples. History records the innumerable times that they have been invaded by hostile armies. But these people have strived to maintain their culture and their unique way of life, and that struggle has finally been rewarded. For as long as there is a North Atlantic Treaty Alliance, their security will be guaranteed by some of the most powerful nations on earth.

Mr. D'AMATO. Mr. President, I rise today as we reach the end of our debate on NATO enlargement to restate my firm support for the Protocols to the North Atlantic Treaty providing for the accession of Poland, Hungary, and the Czech Republic. NATO enlargement is the right thing to do. We must seize this opportunity now to help make Europe whole and free. I urge my colleagues to vote in favor of enlargement.

While NATO was born out of the Cold War to protect ourselves and our allies from the Soviet threat, it is also part of the broader U.S. policy to foster European integration after the end of World War II. The first step in this policy was the Marshall Plan, not NATO. But after Stalin's Iron Curtain divided Europe, and Soviet-installed puppet governments rejected Marshall Plan aid, it was clear that economic recovery and political cooperation could not proceed without a security shield. NATO provided that shield.

The Soviet Union is gone. So are the Moscow-controlled puppet governments in central and eastern European states. Once again, we have a window of opportunity to complete the work we started at the end of World War II. We must not miss this historic chance to advance our policy of supporting European integration based on democracy, human rights, and the rule of law.

We have a chance to bring into the circle of Western democracies those states, Poland, Hungary, and the Czech Republic, that were denied this chance by Soviet occupation at the end of World War II. By voting for enlargement, we are again extending the hand that Stalin slapped away, affirming the promise of freedom and security for the Polish, Hungarian, and Czech peoples.

As Chairman of the U.S. Commission on Security and Cooperation in Europe, better known as the Helsinki Commission, I have seen NATO candidate states take steps to resolve internal problems and external disputes that have been major features of national life within those states for generations. Human rights violations in those states have substantially decreased, and their membership in NATO and, in the future, the EU, will give us leverage to resolve remaining problems. But for the promise of the security guarantee that comes with NATO membership, I believe these problems and disputes would not only have remained unresolved, but would likely have given rise, over time, to confrontations between states that could have led to war.

Thus, by that measure, NATO enlargement is already having positive results.

Once NATO enlargement is realized, the political risk associated with economic reform in central and eastern European states will diminsh. This will make international investors more willing to provide capital to businesses in these states, creating jobs and improving economic health. Improved performance during and after transition to free market economies will help cement in place stable democratic governments.

The combination of healthy economies and stable democratic governments will help the European Union expand to include these states. Thus, expansion of NATO's security shield is the first step, not the last step, toward further broad European integration.

There have been many statements of caution about the impact of NATO enlargement on Russia. I firmly believe that Russian democracy will be better served by having healthy, stable, and prosperous democracies on its western border, than by leaving a gray zone between a steadily more integrated Europe and Russia.

Since coming to the Senate in 1981, I have been a member of the Helsinki Commission. This work has brought me into contact with the Soviet dissident community, which over time has become the core of the Russian pro-reform and pro-democracy movement. From this long experience, I can tell you that a failure to expand NATO and the European Union to embrace every European state that can meet the established entrance requirements would be a victory for the anti-democratic forces in Russia.

Especially if NATO enlargement were to fail because the United States would not agree to it, extremist politicians of all stripes from Russia through eastern and central Europe would take heart and encouragement. Democrats and free market reformers would be seriously damaged, and political and economic stability would be called into question. The influence of the United States would be greatly decreased, and our commitments would be open to doubt. When we cast our votes today, we need to keep in mind the probable highly negative consequences of what would, in effect, be a veto by the United States Senate of NATO expansion.

NATO enlargement, European integration, and the advancement of political reform, democracy, individual freedom, and free market economics are all part of the same effort. What we do here today can make a major contribution to the security and prosperity of future generations of Americans.

The opportunity to expand the circle of free and democratic countries can not be missed. This amendment to the North Atlantic Treaty should be approved. I will vote for it, and I urge all of my colleagues to support it.

Mr. KOHL. Mr. President, for quite some time I have been studying the issue of whether we should expand NATO. There are some who have argued that there has not been sufficient debate about NATO expansion. Yet, we have been considering NATO expansion for several years now, long before this resolution of ratification made it to the Senate floor. By wide margins, the Senate indicated its support for the concept of NATO expansion in 1994 and 1995, and since then, there has been much discussion in the Senate and in the media on the pros and cons of expanding NATO. As the Administration has worked with our allies on the details of NATO expansion, building on the Partnership for Peace which lay the ground work for this move back in 1994, and culminating with the signing of the Protocols to the North Atlantic Treaty on the accession of Poland, Hungary, and the Czech Republic in December 1997, we have reached the point where there is little doubt that the Senate will ratify the resolution before us today. It is interesting to note, that as a bipartisan consensus for NATO expansion has emerged, opponents of NATO expansion have sharpened their arguments. I want to credit these opponents for giving us all much food for thought and for ultimately helping me focus my thinking on this important issue.

After careful consideration, I have concluded that expanding NATO is in our national interest and I intend to support the resolution of ratification before us today for a number of reasons.

NATO will help to fill a security vacuum in newly democratic Central Europe. It has only been a few short years since Poland, Hungary, and the Czech Republic have embraced democratic institutions and embarked on the path to political and economic reform. We need to send the strongest possible signal to the fledgling democracies of Central and Eastern Europe that they must not falter in this endeavor. It is in our national interest for these nations to succeed, and support from the West allows them to proceed with difficult political and economic reforms. Just as it made sense in the breathless months after the dissolution of the Warsaw Pact to invite these countries to join NATO, we cannot back away from them now. Following through on our invitation offers them a sense of security after years of domination by the Soviet Union. And, it is fitting that a military alliance originally conceived to counter the Soviet threat would offer them a safe haven from the threats of the future. Although it may seem that they have little to worry about now, we cannot predict what threats may emerge. After all, few among us could have predicted the fall of the Berlin Wall and the end of the Cold War.

We should support NATO expansion because it will help ensure that Russia does not pose a threat to those countries in the future. Russia may not pose a threat now, but the fears of Poland, Hungary, and the Czech Republic that Russia will change its stripes or that some other hegemonic power will threaten them are all too real. We must respond to these fears. It's easy for critics of NATO expansion on this side of the Atlantic to say that these fears are not justified but we must not forget that the reason the nations of Central and Eastern Europe are clamoring for NATO membership in the first place is because of their long history of invasion and subjugation. Who among us could look the Poles, and the Czechs, and the Hungarians in the eyes and say that even without NATO they need not fear an invasion in the future. True, no one can make the case that the Russian military in its current state is in any position to reconstitute the Soviet Union or the Warsaw Pact. Recent articles in the Washington Post and the New York Times lay out in stark terms the weakened state of the military, and the difficulties Russia is facing in developing strong economic and political alliances with its neighbors. Although some have argued that these are reasons to oppose NATO expansion, for me this underscores the challenges Russia faces today in realizing full political and economic reform, challenges that have little to do with NATO expansion. If Russia does not succeed—and we must do all we can to ensure that it does—I shudder to think of the consequences. NATO expansion will shield Poland, Hungary, and the Czech Republic from these consequences.

I do not intend to respond to all of the arguments made by opponents of NATO expansion, but I want to say a few more words about Russia. I do not believe that NATO expansion will undermine Russian efforts to achieve democratic reform: If Poland, Hungary and the Czech Republic want greater integration with Western Europe this should not pose a threat to Russia. However, just as we are responding to the fears of the Central Europeans by inviting them to join NATO, we must recognize Russian fears. We must continue to remind the Russians that NATO is not antagonistic to their interests. And, we must redouble our efforts to help the Russians so that they too can succeed in their economic and political reforms. As the resolution of ratification states:

> The Senate finds that it is in the interest of the United States for NATO to develop a new and constructive relationship with the Russian Federation as the Russian Federation pursues democratization, market reforms, and peaceful relations with its neighbors.

I hope that at some future date the Senate will consider specific measures to further this goal.

As tensions between the United States and Russia have subsided, the end of the Cold War has brought many long dormant ethnic rivalries to the surface. NATO expansion is a reasonable response to these developments: A broad based military alliance can help keep ethnic tensions from escalating into violence. As we have seen all too vividly with the dissolution of Yugoslavia, ethnic tensions in Europe are still deep rooted. The world was taken by surprise at the atrocities that were unleashed in Bosnia and it took several years for the West to bring enough pressure on the parties to end the violence. We want to do what we can to prevent the dissolution of state militaries into murderous ethnic militias as took place in Bosnia. There are no guarantees, but by bringing the emerging democracies of Central and Eastern Europe into a broad based military alliance we are encouraging military cooperation and understanding and fostering relationships that will make it easier to resolve major conflicts. Although NATO's primary purpose is not as a dispute resolution body, it is my hope that NATO can help prevent many of these disputes from emerging in the first place.

NATO's strength is that it is not only a military alliance, but an alliance of nations sharing democratic values. Poland, Hungary, and the Czech Republic have made great strides over the last seven years demonstrating that their commitment to democratic institutions and political reform runs deep. Some have argued that political stability rests on economic stability and that we should press the European Union to admit the countries of Central and Eastern Europe before we engage them in a military alliance. However, free market economies are not the only key to stable democracies. The role of the military can make a difference in the long-term success of democracies. A military alliance that defers to civilian leaders can serve as an example of stable civil-military relations. I am confident that inclusion in NATO will strengthen democratic values in the new democracies of Poland, Hungary, and the Czech Republic.

The NATO alliance has been a successful alliance. It is in our national interest to build on that success. For fifty years, NATO has united Europe and America in a common purpose, and with its strong emphasis on cooperation and a collective defense, NATO will serve as a building block for the security arrangements of the future. We have established some very important relationships in NATO. These relationships are a source of strength and they should not be abandoned. And, the strong ties we have with Poland, Hungary, and the Czech Republic can be formalized by admitting them to NATO.

Earlier in the debate we reaffirmed the strategic purpose of NATO. I believe that as the threats of the future come into sharper focus, the strategic rationale for NATO will evolve. This will not happen overnight. And that is why I supported the Warner amendment. Before we remake an alliance that has served American interests and proceed with further expansion we need to spend more time thinking about the role NATO will play in our changing security arrangements. The Warner amendment also would have allowed us to step back from the process without specifically rejecting any of the nations of Central or Eastern Europe. Regardless of how long we wait before the next group of nations is admitted to NATO, we must closely monitor the integration of Poland, Hungary and the Czech Republic into NATO.

Finally, I would like to say a few words about the cost of NATO expansion, an issue of particular concern to me. Although there have been numerous estimates, the most recent Administration estimate is that we will spend $400 million over the coming decade to cover the US share of NATO expansion costs. This is not a small sum. Consider, however, that we have already spent more than $6 billion on US operations in Bosnia in the last two and a half years. If NATO can help prevent the Bosnias of the future, even if NATO expansion costs are double the Administration's current estimate, this will be money well spent.

I am disappointed that there is no consensus in the Senate to limit our spending in this area beyond the existing limit on the US contribution to the NATO common budget. I supported the Harkin amendment that would have placed a 25 percent cap on expenses that might be incurred to help NATO's newest members integrate their forces with NATO, and I will continue to watch spending in this area. As the Resolution of Ratification states: "the United States is under no commitment to subsidize the national expenses necessary for Poland, Hungary or the Czech Republic to meet its NATO commitments."

Our future is and always has been inextricably tied to Europe, a region that has been beset by war. After two devastating World Wars dominated the first half of this century, we have relied on the NATO alliance to help keep the peace during the second half. I believe that NATO expansion can also help us maintain peace and stability in Europe into the next century and for that reason the resolution of ratification to admit Poland, Hungary, and the Czech Republic merits our support.

Mr. JEFFORDS. Mr. President, almost 10 years ago, the wall that had divided Europe for more than a generation suddenly crumbled. Brave, freedom-loving people in Poland, Hungary and Czechoslovakia took matters into their own hands, eventually toppling their communist governments. East Germans attacked their wall with gusto, and in a matter of months, Germany was reunited. Ever since that time, there has been talk in Poland, the Czech Republic and Hungary of joining the West in a more formal way, to solidify their break from the East, to recognize their conversion to democracy and free markets, and to insure against future aggression from the East. NATO membership was seen as one way to do this. Eastern Europe also recognized that economic development was critical to their success and sought economic integration with the West and access to its markets. Membership in the European Economic Union was a high priority for most states.

While the West spoke glowingly of the transformations taking place in the East, it soon became clear that there would be only meager amounts of foreign assistance and economic investment for the East, and access to new markets would remain limited.

Western Europe and North America were wrestling with their own economic difficulties and fighting popular expectations that the end of the Cold War would bring reduced financial commitments abroad. Increasingly, it became clear to many Eastern European governments that joining NATO was their best chance of getting membership in a western "club". NATO membership would address the historical and emotional anxieties of many East Europeans left by decades of domination and oppression by the East, and would provide western aid to modernize their militaries. While it wasn't what they needed most, at least it was something.

As the prospects of membership in the Economic Union faded, many East European governments jumped at the 1995 NATO announcement that it would consider taking in new members. NATO, led by the United States, was faced with the difficult task of deciding which countries would qualify for membership immediately and which ones would be refused, pending further political, economic and military maturation. The stakes were high, and in some cases, the disappointment was great. The United States made it clear to all who were not accepted that there would be other chances to join in the near future, that the door to membership would remain open. No clear vision of the shape or boundaries of NATO emerged from this exercise.

The decision to enlarge NATO also altered the context for the newly formed Partnership for Peace (PFP). Rather than concentrating on the quality of PFP discussions and ways that it could enhance regional security, the focus shifted instead to the benefits of full NATO membership. Rather than easing the tensions caused by the Cold War dividing line through the heart of Europe, enlarging NATO revived those tensions, once again creating a sense of "us" versus "them", and reducing the ability of the PFP to address the void left by the dissolution of the Warsaw Pact.

Americans feel the strong emotional pull of the countries who want to join NATO. We want to do what we can to reward them for their struggles and solidify their political, social and economic gains. We have little ability to pry open European markets, and few financial resources to commit to economic development programs. So NATO membership at first glance seems the obvious thing to do.

I have some very deep reservations about this course of action. For one, NATO membership will not provide what the new democracies of Eastern Europe need most—economic and political development. Secondly, NATO expansion may well jeopardize critical U.S. national security concerns that require close cooperation with Russia. Additionally, moving to expand NATO at this time cuts short the potential development of the PFP into a more innovative structure for handling the very diverse military concerns of its members who now span the globe from the Arctic Ocean to Central Asia to the Pacific Ocean. We also must recognize that estimates of the cost of NATO expansion vary widely, and it is likely that the American taxpayer will get stuck picking up a very sizable percentage of the costs. Finally, I do not believe that the American public has given sufficient attention to the question that is being asked of the Senate: Should we extend our very best security guarantee to more nations? Are we ready to commit US troops to the unconditional defense of even more territory? The Senate should not act until it is sure that the American people support this commitment.

Now is not the time to make this move. Let's think for a moment about the most immediate threat facing both Europe and the United States. It is not really a Russian attack upon Eastern Europe. The war in Chechnya showed that the Russian military is not even capable of putting down internal rebellion. Yet this is what NATO is designed to protect against.

A very real and pressing threat to U.S. and European security is the leakage of Russian weapons of mass destruction. An expanded NATO gives us no advantage in countering this threat, while at the same time cutting back on the degree of cooperation we will get out of Russia in addressing these threats. If we want to work with the Russian military, we must convince them that we are not escalating the threat against them. Much as we might say that NATO is not an aggressive alliance aimed at Russia, Cold War perceptions do not dissipate that quickly, and if Russia feels increasingly threatened, it will be even more reluctant to scale back its military capabilities, to ratify START II and to cooperate in other arms control initiatives. And these are things that matter very much to U.S. national security.

We have increasingly found that the resolution of most thorny international crises require some assistance from Russia. The standoff with Saddam Hussein over UN weapons inspections was the most recent example. Bosnia will continue to demand active US-Russian cooperation, and other efforts such as reducing the spread of nuclear weapons in South Asia will be enhanced if we have Russian assistance.

The decision to move NATO closer to the borders of Russia may well have one other unintended and dangerous consequence—driving Russia into a closer relationship with China. China will continue to emerge as a greater presence on the international scene. And I believe we will have even more serious disagreements with its leadership. Russia is a part of this strategic equation. Our job now is to convince Russia that it shares our concerns vis a vis China, and that it is not in Russia's best interest to turn a blind eye to dangerous Chinese behaviors. But it Russia feels that a closer relationship with the West will not bring it greater security, then this will be a very difficult argument to make.

Mr. President, Senate ratification of this enlargement of NATO is just the first step. Other countries are now very anxious to get "in" and eventually more of them are going to meet the stated qualifications for membership. Yet every new addition beyond the three before us today brings more trouble, both in terms of Russian reaction and challenges to the cohesion of the NATO structure. If NATO is unable to act decisively on matters that we feel are central to our security, it will be of diminishing use to us in the future.

I am quite concerned that by accepting these three countries today, we are increasing the pressure on others to join. Putting top priority on developing a close military relationship with NATO is not what these new democracies need right now. They should be focusing primarily on their economic, social and political development. I fear that we do them a disservice by holding up NATO membership as the best way to be "tied" to the West. After all, having a stable democracy and strong economic ties with one's neighbors has proven to be the most successful way to ward off both military and political strife.

If we proceed to invite Poland, Hungary and the Czech Republic to join NATO, I believe we must be very cautious about any additional rounds. I have proposed an addition to the document before us that would require the Administration to report regularly to Congress on the status of discussions with other countries about joining NATO. Hopefully this will allow us to be more involved in the process before any new invitations are extended. I appreciate the Managers acceptance of my amendment. And I trust that the vigorous debate we have had on this issue will encourage much greater caution by the Administration and NATO in extending future invitations.

I know some Senators objected earlier to efforts to postpone consideration of this treaty. Yet, no matter where my Colleagues come down on this issue, I trust they all now will agree with me that U.S. foreign policy and the American public have benefited from the fuller debate we have had as a result.

In closing, Mr. President, let me say that Poland, Hungary and the Czech Republic deserve to be recognized for the great strides they have made in recent years. But I am not convinced that immediate full membership in NATO is the right answer for them or for us. And I am very concerned that the process this treaty sets in motion is one that we may well ultimately come to regret.

Mr. LAUTENBERG. Mr. President, I rise in support of expanding NATO to include Poland, Hungary, and the Czech Republic.

As the Congress has considered this issue, I have evaluated the arguments for and against NATO expansion. There are compelling arguments on both sides. However, on balance, I have concluded that this round of NATO expansion should be supported.

The first question I asked myself in making this vitally important decision is whether expanding NATO serves America's national security interests. I concluded that it does.

America has fought two brutal world wars in Europe, and we have thousands of troops stationed in Bosnia. Our vital interests in promoting European stability and democracy are clear.

I believe that NATO expansion will promote stability in Europe. The mere possibility that Poland, Hungary, and the Czech Republic might be invited to join NATO created a strong incentive for them to resolve peacefully longstanding ethnic and border disputes and to improve ties with their neighbors. Hungary, for example, concluded Basic Treaties on Understanding, Cooperation, and Good-Neighborliness with Slovakia and Romania in 1996, and its relations with Romania are greatly improved. Clearly, Europe is more stable as a result, and that is good for America.

While I hope tensions will not arise in the future among any of these new members, they may. If these countries are not NATO members, our ability to prevent tensions from boiling over into full-blown conflicts will be more limited. Experience has shown that NATO can play a constructive role in resolving conflicts between members, helping reconcile former adversaries like France and Germany and moderating tensions between Turkey and Greece. It could play the same role in mediating conflicts between new member countries.

NATO strength has come from the fact that it is not only a security alliance but also a political organization. Just as it has been a force for stability in Europe, so it has been a force for democratic development. Now that the Cold War is over, that political role will be increasingly important. By including Poland, Hungary, and the Czech Republic in NATO, the U.S. and NATO will have a greater ability to influence the continued democratic development of these countries.

Furthermore, expanding NATO will advance America's long sought goal of defense burden sharing. We've spent a considerable amount of time in the Senate debating the costs of NATO. But few have talked about the benefits of including three countries that are willing and prepared to share the defense burden in the Alliance. Already prospective members are working with NATO through the Partnership for Peace program and serving with American troops in Bosnia. All three would have supported American air strikes in Iraq. They're willing to pay their fair share and contribute to the collective defense. The West ought to welcome them.

The second question I asked in making this decision, Mr. President, was whether each of the prospective NATO countries meets the five criteria articulated in 1996 by then Secretary of Defense Perry: commitment to democratic reform; commitment to a free market economy; good neighborly relations; civilian control of the military; and military capability to operate effectively with our other NATO allies. I am satisfied that each of the countries the Senate is being asked to approve for NATO membership meets these criteria.

In Poland, where communism once reigned, democracy is flourishing. Seven free and fair elections have been held since 1989, and two democratic changes in the government have taken place. A new Polish constitution has been approved in a popular referendum. The judiciary is independent, and the press is free.

As a result of Poland's economic reform program, the country currently has one of the fastest growing economies in Europe. The private sector is thriving and currently accounts for about two-thirds of GDP and about 60% of the country's work force.

Poland has good relations with all seven of the states it borders. Its new constitution codifies civilian control as well as parliamentary oversight of the military. And American officials have determined that Poland has the most capable armed forces in Eastern Europe.

Hungary receives high marks on each of these criteria as well.

A stable, parliamentary democracy, Hungary has had two democratic changes of government since 1989 in free and fair elections. Its governmental institutions are stable, and its judiciary is independent.

Since 1989, the country has implemented price and trade liberalization, extensive privatization and instituted important legal changes. That almost one-third of all foreign direct investment in Central and Eastern Europe has been attracted to Hungary speaks to the strength and attractiveness of its economy.

After many years of tension, Hungary has made tremendous strides in improving its relations with neighboring countries, such as Romania, where large concentrations of ethnic Hungarians reside. New Treaties with Slovakia and Romania include important provisions on ethnic minority rights and reconfirms Hungary's commitment to respect existing borders.

Importantly, Hungary's military is under civilian control, and its armed forces are reorganizing to meet NATO standards.

Finally, Mr. President, there is the Czech Republic, a parliamentary democracy which has held three free and fair elections since 1989. Vaclav Havel, a former political prisoner and human rights advocate, serves as President and conscience of the country.

The economy of the Czech Republic has been so transformed that nearly 80% is currently in private hands, an astonishing amount for a formerly centrally planned economy, and 65 percent of the GDP is generated by the private sector. Since 1991, the Czech Republic has operated on a balanced budget. Relations between the Czech Republic and its neighbors, including Germany and Slovakia, are sound. And the Czech military is under civilian control.

As a Member of the Helsinki Commission, I am aware of the issues that continue to form a part of the U.S.-Czech bilateral dialogue, including property restitution problems and discrimination against the Romani minority. At the same time, I believe that Czech leaders are committed to resolving these problems and I am committed to working with the Czech Government until they are.

I am keenly aware, Mr. President, that there are some risks involved in expanding NATO and that many are deeply concerned about the impact that expanding NATO will have on our relations with Russia. I have thought long and hard about this risk. I have discussed it at length with Undersecretary Pickering, and I have concluded that while NATO expansion may create some complications in our relations with Russia, those difficulties can be managed.

Despite the fact that most of the Russian political elite say they oppose enlargement, Russia continues to pursue a cooperative relationship with the U.S. Public opinion polls in Russia reveal that the vast majority of the Russian public would rather cooperate with than confront the enlarging Western alliance.

Even on arms control issues, progress is being made with the Russians despite the debate over NATO expansion. For example, Russia has continued to implement START I reductions in strategic forces. In fact, I am told that Russia is dismantling its strategic nuclear forces more rapidly than the Treaty requires.

Despite the fact that NATO was well on its way to expansion, at the March 1997 summit in Helsinki, President Yeltsin agreed to the outlines of a START III accord, and he agreed to urge the Duma to ratify START II. Importantly, there are signs that the Duma will move forward and ratify the

START II agreement this summer because, according to Duma speaker Seleznev, it "meets Russia's interests."

There are other positive signs regarding arms control. While NATO expansion was being debated, Russia ratified the Chemical Weapons Convention. It also continued to work with the U.S. on adaptation to the Conventional Forces in Europe Treaty.

While I do not have a crystal ball, and I cannot predict the future of arms control, I am encouraged by these signs. They indicate to me that this round of NATO expansion will not derail arms control.

Mr. President, I urge my colleagues to support the inclusion of Poland, Hungary, and the Czech Republic into NATO. Expanding NATO will erase Stalin's artificial dividing line. Poland, Hungary, and the former Czechoslovakia ended up, against their will, on the wrong side of the Iron Curtain after the Second World War. Now that democracy is flourishing in each of these countries, it is to America's advantage to erase that dividing line and bring them into the NATO alliance. We expanded NATO in 1952 when we allowed Greece and Turkey to join. We expanded it in 1955 when we allowed Germany to join. And we expanded it in 1982 when we invited Spain to join.

We should expand it now by allowing Poland, Hungary, and the Czech Republic to join as well.

Mr. ASHCROFT. Mr. President, the real issue in the debate on NATO expansion is the very character of the alliance in the future. NATO has been successful in the past because its mission has been focused. Now, the Senate is being asked to give its stamp of approval to a mission-expanded NATO. Passing this resolution of ratification without the Ashcroft amendment will be ratifying a NATO to serve as a "force for peace from the Middle East to Central Africa," to use the words of Secretary Albright. There have been misconceptions about my amendment in the Senate and in the press. Allow me to address some of those.

First, let me emphasize that this amendment is based on the language of the North Atlantic Treaty itself. For the Administration, which is opposing this amendment, I have one question: what do you have in mind for NATO that is not contained within the treaty itself? All my amendment does is restate the language of the treaty, specifically article 4. My amendment will not restrict NATO's ability to respond to collective defense threats from outside NATO territory. My amendment will not restrict NATO from responding to the new threats of post-Cold War world like weapons of mass destruction and international terrorism.

The very purpose of NATO has been to prepare for collective defense threats emanating from outside the North Atlantic area. Any threat from outside the treaty area which posed the threat of an attack on NATO territory would be covered by the treaty and allowable under this amendment.

This Administration, however, has something much different than collective defense in mind. NATO is in danger of changing, but the transformation is from Administration officials pushing for a global NATO. The United States Constitution has provisions for altering treaties, and it is called obtaining the Senate's advice and consent. If we want a global NATO, the treaty should be resubmitted for the Senate's consideration.

For those of us who are concerned that NATO will get into far-flung operations, former officials Bill Perry and Warren Christopher write that the unanimous consent required among NATO members will guard against reckless deployments (New York Times, Oct. 21, 1997). For Mr. Perry and Mr. Christopher, the advice and consent of the U.S. Senate is replaced by the NATO bureaucracy. Thank you, but I like the United States Constitution just fine.

Secretary Acheson had it right in 1949—the treaty would be altered by constitutional processes. Acheson stated: ". . . the impossibility of foretelling what the international situation will be in the distant future makes rigidity for too long a term undesirable. It is believed that indefinite duration, with the possibility that any party may withdraw from the treaty after 20 years and that the treaty as a whole might be reviewed at any time after it has been in effect for 10 years, provides the best solution" (Letter transmitting the treaty to the President, April 7, 1949).

Acheson recognized that the world would change. His answer for how NATO would respond—countries can withdraw from the treaty or the treaty could be reviewed. Notice Acheson did not mention a review of NATO's Strategic Concept, on which the Senate has no vote, but a review of the treaty, with any modifications subject to Senate advice and consent.

If this treaty was so elastic as to be stretched to cover any conceivable military operation, why would Acheson even talk about reviewing the treaty? Acheson did have a view of an alliance established for a specific purpose, with a limited scope.

In the letter transmitting the treaty to President Truman, Secretary Acheson acknowledged the parameters of the treaty and stated flatly that the North Atlantic Council will have ". . . no powers other than to consider matters within the purview of the treaty . . ." (Letter to President Truman transmitting the NATO treaty, April 7, 1949). If Acheson viewed the treaty as limitless in scope, why did he testify about the careful limits of the various articles? Why did he explicitly state that NATO could not consider matters outside the purview of the treaty?

The Foreign Relations Committee, in its report on the treaty, took pains to show NATO was not an "old fashioned military alliance." The report states: ". . . in both intent and language, it is purely defensive in nature. It comes into operation only against a nation which, by its own action, has proved itself an international criminal by. . .attacking a party to the treaty . . . If it can be called an alliance, it is an alliance only against war itself" (SFRC Report, June 6, 1949).

The Ashcroft amendment is designed to advance U.S. interests by keeping NATO focused on this historical mission of collective defense. Without the Ashcroft amendment, the Senate is setting NATO—the most successful military alliance in history—on the course of becoming a mini-UN with a standing army. My amendment will preserve the historical strength and effectiveness of NATO by keeping the alliance focused on the mission of the treaty itself. The Ashcroft amendment will only preclude the global policing operations outside the scope of the treaty.

Drift in NATO is already underway. Frederick Bonnart writes of the Madrid summit in July 1997 where expansion was endorsed: " . . . behind the euphoria, a hollowness has appeared that had not been evident before. The leaders seem unclear about the purpose of the organization, and therefore about the political and military shape it is to take. Worst of all, strains have shownup in the alliance that indicate weaknesses in its most vital asset: its cohesion" (Intl. Herald Tribune, July 25, 1997).

Cohesion means something in a military alliance. If you want to turn NATO into the bureaucratic free-for-all of the UN, then oppose the Ashcroft amendment. If you want to keep NATO on a successful course, vote for this amendment.

The Administration and some of my colleagues are arguing that NATO has no parameters, that's its mission can evolve, and that the Senate has no role to play in this evolution. Some of the Senators who are criticizing this amendment were championing the Senate's constitutional prerogatives during the "reinterpretation" debate over the ABM treaty in the 1980's.

This Administration is setting NATO on a crash course to policing the brushfires of Europe and beyond. The lives of American soldiers are at stake if NATO is transformed into a mini-UN with a standing army. The first Somalia experience you have with NATO, and the alliance's credibility will be undermined.

The historical setting for the establishment of NATO, the Senate record surrounding ratification, and the treaty language itself make it clear that collective defense was the clear mission of the alliance.

Treaties are not formed in a vacuum. Two world wars were not enough for the United States to abandon a 149-year tradition of no peacetime military alliances. It took Soviet aggression in Bulgaria, Hungary, and Poland; a civil war in Greece which threatened to install a communist government; the coup in Czechoslovakia in February, 1948; the threat of communist victory in Italian elections in April, 1948; a tightening blockade of Berlin, and threatening moves by the Soviet Union to subjugate Norway to a non-aggression pact to bring the United States to the point of making a peacetime alliance with Europe.

When analyzing the Treaty itself, you see a document that commits the U.S. to carefully defined military contingencies. NATO is given the flexibility to consult on an array of issues, it is charged with coordinating mutually constructive economic policies, it is allowed to invite new members to join when doing so would advance the security of the North Atlantic area. But when it comes to the use of military force, careful limits are placed on NATO's scope.

Careful parameters are seen clearly in article 5, the heart of the Treaty: "The parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all; and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area."

This article establishes the principal of collective defense. The use of armed force in this article and in other parts of the treaty is discussed only within this framework of collective defense: (1) The preamble of the treaty states that NATO allies "are resolved to unite their efforts for collective defense and for the preservation of peace and security;" (2) Article 3 states that "In order to more effectively achieve the objectives of this Treaty, the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack;" (3) Article 9 establishes a council for the alliance, now called the North Atlantic Council, which is charged with establishing "immediately a defence committee which shall recommend measures for the implementation of Articles 3 and 5," the two articles which outline the collective defense mission.

Article 5 excluded NATO's involvement in civil wars in general. The Committee Report states ". . . purely internal disorders or revolutions would not be considered 'armed attacks' within the meaning of article 5." Article 5 applied only when a NATO member had an internal civil war aided by an outside power or when a civil war outside NATO threatened an attack on a member.

NATO's geographical scope was defined carefully in article 6. Article 6 goes on to define "armed attack" and the territorial parameters in which the armed attack must occur for Article 5 to be invoked to include the territory of any NATO member, the islands under the jurisdiction of any of the Parties in the North Atlantic area north of the Tropic of Cancer, the forces, vessels, or aircraft of any of the Parties, when in or over these territories or any other area in Europe in which occupation forces of any of the Parties were stationed on the date when the Treaty entered into force or the Mediterranean Sea or the North Atlantic area north of the Tropic of Cancer.

As is clear in articles 5 and 6, when the deployment of U.S. troops was possible, the U.S. drafters of the Treaty took extra precaution to define parameters.

Article 4, the article the Administration would use to create a global NATO, reinforces the alliance's collective defense mission. Article 4 states "The parties will consult together whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened."

This language is not the basis for a global NATO engaged in flashpoints from the Middle East to Central Africa. Article 4 reinforces NATO's collective defense mission. Words like "security" and "political independence" were taken seriously in 1949. The world had lived through two world wars and the Cold War was beginning. Security was not given the casual, domino-theory definition of today. Take, for example, comments by Deputy Secretary of State, Strobe Talbott: "If there were to be instability and conflict of any kind, whatever the origin of it, in Central or Eastern Europe, it would be a threat to the Continent as a whole" (Voice of America Interview, April 10, 1997).

As Lawrence Kaplan, perhaps the dean of NATO historians, writes:

> The alliance's preoccupation with expansion seemingly prevents an exploration of the problems 'out of area' issues raise. The Rome Summit [1991 NATO summit at which the Strategic Concept was adopted] did mention Article 4, which calls for consultation whenever any member believes that its territorial integrity, political independence or security is threatened. But this article is too vague, compared with Article 5 to serve as a guide for the future. (Lawrence Kaplan. NATO & Out of Area Issue. March 13, 1998).

The Senate Foreign Relations Committee Report on the NATO Treaty in 1949 reinforces the careful limits of the Treaty language itself. The first paragraph of the Report, entitled "Main Purpose of the Treaty," states:

> The basic objective of the treaty is to [make] clear the determination of the members of the North Atlantic community to safeguard their common heritage of freedom by exercising collectively their inherent right of self-defense in the event of an armed attack upon any of them . . ." (U.S. Congress. SFRC. North Atlantic Treaty Report, June 6, 1949. Pg. 1)

With regard to article 3, the Report states,

> Questions have also been raised as to whether the United States, under article 3, would be obligated to assist the other parties to develop the capacity of their overseas territories to resist armed attack. The objective of the treaty is to maintain the peace and security of the North Atlantic area. During the negotiations there were no suggestions that this article should be interpreted as applying to any other area. The United States is under no obligation to assist the other parties . . . in resisting armed attack outside the area defined in article 6 (U.S. Congress. SFRC. North Atlantic Treaty Report, June 6, 1949. Pg. 11)

With regard to article 4, in testimony on NATO in 1949, Senator Vandenberg stated that he wanted to make it clear in the Committee Report on the treaty that article 4 "was as limited as the balance of the pact" (Testimony before the SFRC, May 4, 1949).

It is no surprise, then, that the SFRC Report carefully ties the use of article 4 to the collective defense mission of the alliance. The Report states that

> A situation arising anywhere might be cause for consultation, provided that it constituted a threat to one or more of the parties and might involve obligations under the treaty. The committee underlines the fact that consultation could be requested only when the element of threat is present and expresses the opinion that this limitation should be strictly interpreted.

The Report goes on to state that

> Article 4 carries no obligation other than that of consultation. (U.S. Congress. SFRC. North Atlantic Treaty Report, June 6, 1949. Pg. 12)

In discussing the obligation to consult, the Committee Report states that consultation takes place when a threat "might involve obligations under the treaty."

It is important what those obligations were. Referring to the Committee report:

> 1. To maintain and develop, separately and jointly and by means of continuous and effective self-help and mutual aid, the individual and collective capacity of the parties to resist armed attack (art. 3);
>
> 2. To consult whenever, in the opinion of any of the parties, the territorial integrity, political independence, or security of any of them is threatened (art. 4);
>
> 3. To consider an armed attack upon any of the parties in the North Atlantic area an attack against them all (art. 5); and
>
> 4. In the event of such an attack, to take forthwith, individually and in concert with

the other parties, such action as the United States deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area (art. 5).

The obligation to consult is linked to other obligations in the treaty, all of which pertain to some aspect of collective defense. As Secretary Acheson said, article 4 was broader in scope than article 5 and gave NATO flexibility to respond to out-of-area threats related to collective defense. Almost without fail, article 4 was discussed within the context of responding to aggression less than armed attack—political aggression by a hostile power.

Secretary Acheson himself linked article 4 to NATO's collective defense mission, stating that any action taken after consultation should be "in the spirit of the treaty" (Letter transmitting the treaty to the President, April 7, 1949).

Floor statements by key Senators in 1949 make the limits of article 4 clear. Comments by both Senators Connally and Vandenberg, the Chairman and ranking member of the Foreign Relations Committee in 1949, reveal an understanding of article 4 in the light of NATO's collective defense mission.

Senator CONNALLY stated in his opening remarks on July 5, 1949 that

> I think that article 4 goes a long way to emphasize that the period of dividing and conquering has come to an end. The consultation provided for in that article addresses itself to the threatening of the territorial integrity, the political independence, or the security of any of the parties. Consultation is not an unnecessary luxury; it is a logical requirement to gain the objectives of the treaty. For one thing, article 4 . . . rightly faces up to the brutal fact that peaceful peoples have become more and more conscious of a sinister kind of danger—indirect aggression. Let us not forget that no bombs were dropped by the Soviet Union on Bulgaria, Hungary, or Czechoslovakia. (Congressional Record, July 5, 1949, Pg. 8814)

Senator Vandenberg stated in his opening remarks the following day that:

> The question arises whether articles IV and V of the pact cover armed aggression against colonial or dependent or otherwise related areas of the signatories outside the area of the North Atlantic community as geographically defined in article VI. My own understanding is clear and unequivocal. The answer is "No." There can be no other logical answer. The doubts seem to have arisen because article IV, relating solely to consultations, is unlimited in the circumference of these consultations. But there is not a word of obligation in it except to talk things over." (Congressional Record, July 6, 1949, Pg. 8896)

Senator Vandenberg again:

> The obligations are spelled out in articles III and V. It is significant, in this connection, that when article IX establishes a council to implement the treaty, it directs the council's attention specifically to articles III and V. It omits article IV in this connection. This is as it should be. It is by significant design. Our pledge of action under the United Nations Charter is general . . . But out pledge of action under the North Atlantic Pact is limited and specific. It applies only to armed aggression in the area clearly defined in article VI which is the North Atlantic community, set up by metes and bounds. (Congressional Record, July 6, 1949, Pg. 8896)

Moving to article 5, the Committee Report identifies Article 5 as the "heart of the treaty," and goes on to define what constitutes an armed attack. The Report states that "article 5 would come into operation only when a nation had committed an international crime by launching an armed attack against a party to the treaty." (U.S. Congress. SFRC. North Atlantic Treaty Report, June 6, 1949. Pg. 13)

The Committee Report's discussion of article 6 further reinforced the territorial basis of the Treaty, stating that "Article 6 specifies the area within which an armed attack would bring the provisions of article 5 into operation. Thus, the obligations under article 5 are strictly limited to the area described." (U.S. Congress. SFRC. North Atlantic Treaty Report, June 6, 1949. Pg. 15)

The Foreign Relations Committee obtained a commitment from the President in 1949 that the Senate would be able to give its advice and consent for new NATO members. New members are important, but new missions are just as critical. The mission of NATO is changing radically, and the Senate has not engaged in the debate.

After the collapse of the Soviet Union, NATO planners scrambled to find new missions for the alliance: countering the proliferation of weapons of mass destruction, advancing the political "interests" of NATO members, NATO as a police force and crisis manager.

The catch-phrase that defined this effort was that NATO must go "out-of-area or out of business." After the Cold War, NATO began evolving into an organization to pursue new missions.

The Strategic Concept of 1991 pushed the traditional functions of NATO—to provide for collective defense and serve as a strategic balance in Europe—to the bottom of the list of the alliance s fundamental security tasks.

The security task that rose to the top was for NATO to be "one of the indispensable foundations for a stable security environment in Europe . . . in which no country would be able to intimidate or coerce any European nation or to impose hegemony through the threat or use of force." (1991 Strategic Concept in NATO Handbook, p. 239)

This is an amazing expansion of mission. No longer is collective defense the singular mission of the alliance, but NATO has the impossible task of stopping intimidation and coercion throughout NATO and non-NATO Europe alike.

In NATO's Strategic Concepts of the past, collective defense was paramount.

The State Department has provided my office with the three NATO Strategic Concepts that preceded the 1991 version: the Strategic Concepts of 1950 (with a revised version in 1952), 1957, and 1967.

The contrast between the first three Strategic Concepts and the 1991 version is striking. The mission of collective defense permeates the first three Strategic Concepts. Collective defense is carefully defined as the North Atlantic area described in article 6 of the Treaty. When potential out of area security developments are discussed, they are mentioned in the context of NATO members having the capacity to maintain their commitments to NATO while individually addressing the out of area threats that may affect their interests.

NATO's Strategic Concept of 1957 explicitly states that "NATO defense planning is limited to the defense of the Treaty area. . ." and that "NATO military authorities have no responsibilities or authority except with respect to incidents which are covered by Articles 5 and 6 of the North Atlantic Treaty" (1957 Strategic Concept of NATO, p. 12).

Throughout NATO's Strategic Concepts, the means of collective defense changed, from "massive retaliation" in the 1950's to "forward defense and flexible response" in the 1960's, but the mission itself remained the same.

NATO has an uncertain course for the future, however. The New Strategic Concept of 1991 presented the first significant shift in NATO away from its traditional military mission. The Strategic Concept says that the ". . . clear preparedness to act collectively in the common defense remains central to the Alliance's security objectives." The reliability of this assertion is belied by NATO s activity since 1991, however.

Stan Sloan, one of the senior NATO analysts at CRS, states that since the formation of the New Strategic Concept in 1991, ". . . most of NATO's military activities have been focused on 'non-Article 5' requirements, most significantly in Bosnia." (Stanley Sloan. NATO's Evolving Role & Missions. CRS rpt. 97-708F. Mar.. 4, 1998, Pg. 4) No longer is collective defense the singular mission of the alliance, but NATO is committing to the impossible task of stopping intimidation and coercion throughout NATO and non-NATO Europe alike.

Nelson Drew writes of this development:

> While the word "peacekeeping" did not appear in either the new Strategic Concept or the Rome Declaration, it was difficult to envision a means by which NATO or the NACC [North Atlantic Cooperation Council] could make good on their commitment to stability and peace throughout the trans-Atlantic community without consideration of an Alliance role in peacekeeping activities." (Nelson Drew. NATO Confronts 'Test Case from Hell.' INSS: McNair Paper 35)

NATO was not created to douse regional brushfires in Europe, Asia, and the Middle East. When the deployment of NATO forces was considered, it was for collective defense. NATO's institutional development has followed the alliance's expanded mandate: NATO's goals as a police force and crisis manager have resulted in new institutional capacities. NATO has agreed to make its resources available, on a case by case basis, for brushfire operations under the Organization for Security and Cooperation in Europe, the United Nations, and the European Union (NATO Handbook, p. 332–34).

In the Euro-Atlantic Partnership Council, the Partnership for Peace, and the Combined Joint Task Force Concept, NATO has taken many positive steps to promote cooperation with other countries, but also has signaled that international policing actions will be an important part of NATO's activity in the future.

This institutional transformation signals little strategic thinking. NATO signals its intention to be an international police force and crisis manager by its internal transformation. The Administration refuses to establish parameters for how far NATO expansion will proceed. Where are the limits on NATO's mission and membership? Alliance cohesion is at risk.

The Administration views the Partnership for Peace as the "path to [NATO] membership for countries wanting to join" (U.S. Security Strategy for Europe and NATO, DOD, June, 1995). NATO makes brushfire troubleshooting an important part of the PFP and the Euro-Atlantic Partnership Council (EAPC). The Administration launches the Combined Joint Task Force (CJTF) concept to make it easier for NATO to engage in crisis management.

The question must be asked as to how far NATO will expand its mission and membership. Secretary of State Madeleine Albright was quoted in the Washington Post as saying that NATO should become a "force for peace from the Middle East to Central Africa" (Washington Post, Feb. 22, 1998). President Clinton, in his recent trip to Africa, spoke of the need for some type of "multi-national force" for responding to African crises (White House Bulletin, March 27, 1998). Is this really the kind of mission the Administration wants NATO to have?

Other countries take NATO signals seriously. For example, allow me to quote from the latest issue of Defense News: "Kosovo Fray Forces NATO's Hand." "The violent uprising in the Yugoslav province of Kosovo may force NATO to extend its military influence across the Balkan region. . ." (Defense News, March 22, 1998). A U.S. official quoted in the article said "'Macedonia is a Partnership for Peace country potentially in trouble from external sources. It needs help. It is not out of the realm of possibility . . . that a NATO-led mission in cooperation with PFP countries could take over when the UN deployment withdraws on August 31."

On March 11, Albania called the first emergency consultation within the framework of the PFP. NATO diplomats responded with a plan for "a robust Partnership for Peace program for rapid implementation in Albania." (Defense News, March 22, 1998). This PFP program reportedly will include military training and steps to secure Albania's northern border.

If we want to send American soldiers into these cauldrons of ethnic unrest, then let's have that debate. Nothing in this amendment would preclude the U.S. from deploying its forces anywhere. This amendment has to do with preserving the integrity of NATO. Just don't use the banner of a successful military alliance to entangle U.S. troops in Europe's brushfires.

Comments by both former and present senior Administration officials indicate a radical shift in the scope of NATO. Former Secretary of Defense William Perry and former Secretary of State Warren Christopher stated in a New York Times editorial: "Shifting the alliance's emphasis from defense of members territory to defense of common interests is the strategic imperative" (New York Times, Oct. 21, 1997).

Secretary of State Albright has confirmed NATO's shift to defense of interests. I questioned her on two separate occasions before the Senate Foreign Relations Committee. Secretary Albright confirmed that advancing out-of-area interests would be the modus operandi for NATO, but gave no realistic limits. In other forums, Secretary Albright has been quoted as saying that NATO should evolve into "a force for peace from the Middle East to Central Africa" (WP, William Drozdiak. Feb. 22, 1998). Strobe Talbott, one of the senior officials at the State Department, stated that geopolitical and military considerations can be put aside and "other nonmilitary goals shape the new NATO" (Jesse HELMS, Wall Street Journal, March 23, 1998). Talbott reportedly looks favorably on Russia joining NATO.

Inconsistency in the Administration's policies is creating more confusion in the alliance, however, and hurting U.S. leadership in NATO. Take, for example, Administration policy to combat the spread of weapons of mass destruction. The U.S. almost goes to war against Iraq in February over the threat of WMD. The U.S. maintains a sizeable force in the Persian Gulf to deter Iraqi aggression. Secretary of State Madeleine Albright states that fighting WMD should become the new "unifying threat" that binds NATO allies together (Washington Post, Feb. 22, 1998).

The Administration's actions speak louder than words, however. In spite of the rhetoric and the object lesson of Saddam Hussein, the Clinton Administration has entered into nuclear cooperation with China, the world's worst proliferator of weapons of mass destruction technology (CIA report, June 1997). The President refused to halt nuclear cooperation even as China was caught trying to send Iran hundreds of tons of anhydrous hydrogen fluoride.

This material is used to enrich uranium to weapons grade and was being sent to Iran's Isfahan Nuclear Research Center—the principal Iranian site to manufacture the explosive core of an atomic device (Washington Post, March 13, 1998). Clinton allows sensitive missile technology to be exported to China, undermining a Justice Department investigation of similar possible transfers by Loral Space and Hughes Electronics (New York Times, April 4, 1998).

The missile technology possibly transferred by Loral and Hughes could be used on Chinese nuclear ICBM's (Intercontinental Ballistic Missiles) to reach the United States. Just so happens that Bernard Schwartz, CEO of Loral, is the DNC's largest personal contributor.

With policies like that, U.S. has no credibility in tasking NATO with new mission to fight the proliferation of WMD.

European comments on NATO's future mission are just as troubling. President Chirac, at the NATO/Russia Founding Act, stated: "NATO, initially conceived to face a clear-cut and massive threat, is now a lighter, more flexible organization adapted to its new crisis management and peacekeeping missions."

In a telling statement about the current evolution of the alliance, NATO Secretary General Javier Solana stated "NATO was born when Europe was divided, and now it has become a leading instrument in the reconstruction of the continent. This is an incredibly dynamic process. If this pace continues, it is hard to predict what NATO will be like just three years from now." (Washington Post, July 6, 1997)

Crisis management and brushfire engagements are the kinds of missions and the kinds of problems NATO was never intended to address. As Mark Esper writes in the Washington Times: "NATO was designed for collective defense of its member states, not for suppressing civil wars in peacekeeping missions that jeopardize the alliance's core purpose." (Washington Times, Feb. 15, 1998)

From the defense of territory to the defense of "common interests" is a quantum leap. Charging NATO to defend nebulously defined interests would have been unacceptable to the Senate in 1949 and it should be unacceptable for the Senate today.

Resting on fifty years of NATO's success is not the way to ensure that U.S.

interests are preserved and NATO remains a viable alliance in the future. "Just trust us" is essentially what the Administration is saying, as they transform NATO into a mini-United Nations with a standing army for ill-defined brushfire operations.

Beware the Administration strong on NATO expansion but weak on defense. The U.S. is making a collective defense commitment to new NATO members while slashing defense. Those countries comprise 301,000 square miles of new territory and 2,612 miles of new NATO frontier to which the collective defense commitment is extended.

Here are some of the statistics for U.S. defense cuts (in real 1999 dollars) between 1990 and 1998:

Military Personnel funding: fell by 28% (from $102 bn in 1990 to $71.7 bn in 1998);

Procurement: fell by 53% (from $98 bn in 1990 to $45.5 bn in 1998); Total National Defense Spending: fell by 27% over last eight years (from $375 bn in 1990 to $273 bn in 1998);

Army divisions reduced from 26 in 1991 to 18 in 1998;

Active Air Force tactical wings reduced from 35 in 1991 to 20 in 1998.

The Clinton Administration is finding more things to do with a downsized force. Outside normal training and alliance commitments, the Army conducted 10 "operational events" between 1960–91 and 26 since 1991. The Marine Corps conducted 15 "contingency operations" between 1982–89 and 62 since the fall of the Berlin Wall. According to the Army Chief of Staff Dennis Reimer, the Army reduced manpower by 36% while increasing the number of deployed operations by 300% (CRS).

Officers from deployable Army units now spend 180–190 days away from home annually. Shortly after announcing that U.S. troops would stay in Bosnia indefinitely, Clinton increased funding by 20% to expand U.S. influence overseas—not funding for military personnel, though, but money for the Peace Corps (National Review, Feb. 9, 1998). President Reagan's deputy undersecretary of defense, Dov Zakheim states: ". . . like Gulliver's enfeeblement by the Lilliputians, [the U.S.] will be tied down in so many parts of the world for so long that it will be hard-pressed to respond to major threats against which only overwhelming force would prove effective" (Defense News, April 12, 1998).

Over-extension is hurting readiness. Misguided deployments harm readiness, inhibit weapons modernization, and undermine morale. The Army just completed its worst recruiting year since 1979. Just one third of the Army's women and just over half of the men believe that to fight and win in combat is the Army's principal mission (National Review, Feb. 9, 1998).

The "two major regional conflict" strategy of this Administration is becoming increasingly unrealistic. The U.S. would be hard pressed to even replicate the Desert Storm operation.

Hillen writes in the National Review: "In 1998, almost all the active Army's heavy-tank and armored-cavalry units outside of Korea and Bosnia would have to go to the Persian Gulf in order to equal the fighting power of America's VII Corps in 1991. And VII Corps was only one of three American corps engaged in Desert Storm" (National Review, Feb. 9, 1998).

Inconsistent foreign policy is the root of the problem. Effective and credible diplomacy addresses potential crises before the deployment of U.S. troops is needed. This Administration's foreign policy inconsistency is almost reflexively compensated by the deployment of American armed forces. The National Defense Panel created by Congress in 1996 said of the Administration: ". . .the current approach to addressing national security engages the Department of Defense and services too often and too quickly in situations that should have been resolved by non-military means" (Defense News, April 12, 1998).

The Saddam Hussein's of the world that threaten the U.S. need to be dealt with, but the complacent policy of this Administration over the last six years has left U.S. troops dangling in the Persian Gulf. Our troops serving in Southwest Asia and Bosnia deserve better leadership from this Administration.

The Administration's "assertive multilateralism is a fig leaf for lack of leadership. This Administration has an instinct to strike for the capillaries, to use the phrase of Jonathan Clarke. Policy drift with no finality in addressing national security threats, coupled with the brush fire mentality of this Administration, is squandering U.S. national defense resources.

The Administration wants to apply its foreign policy muddle to NATO, to hollow out the clear mission of the alliance just as the U.S. military is being stretched thin and to use NATO as another tool for a globalist agenda with little application to real U.S. national security interests.

When U.S. armed forces are struggling, reliable cost estimates for NATO expansion become more important. There have been a wide range of cost estimates for NATO expansion. The Administration's initial estimate (Feb, 1997) was $27–35 billion, with a U.S. share $100–150 m per year for ten years. This initial Administration's estimate, not surprisingly, was revised downward last December: the U.S. now only has to pay $40 million per year over ten years.

The estimate of Congressional Budget Office (March, 1996) was a bit different. Different scenarios ranging from minimal reinforcement of four new members ($60.6 bn total) to NATO stationing a limited number of forces forward in new member countries ($124.7 bn total)

The wide range of cost estimates is more confusing than helpful, but one thing is clear: the cost estimates rise precipitously when NATO take steps to provide a limited defense to these new members. The Senate should not accept the lowball estimates. We should consider the ends of our actions in expanding NATO—the real costs of actually defending these countries.

If U.S. resources are stretched too thin, will Europe take up the slack? Not some of our European NATO allies. NATO allies have agreed only to pay for the cheapest expansion estimate yet: the $1.5 billion price tag from the NATO cost study accepted by the North Atlantic Council in December, 1997. Beyond the paltry $1.5 bn estimate, French President Jacques Chirac has stated bluntly that "France does not intend to raise its contribution to NATO because of the cost of enlargement" (Washington Post, July 24, 1998).

Not the new NATO members. These countries are still throwing off the vestiges of a command economy and don't want to commit the resources to a full scale modernization effort.

Dale Herspring, an expert on the region, writes: ". . .the East Europeans have done little to prepare themselves to meet NATO's military standards. Hungary and the Czech Republic in particular are trying to join NATO 'on the cheap'. . .In fact, the military situation of all three countries is disastrous. Planes are crashing, morale is plummeting, and equipment is outdated. Unless the parliaments of these countries get serious or the West. . .decides to foot the bill, the Czech Republic and Hungary will never meet NATO standards."

The U.S. and other NATO allies are riding the bandwagon of "extending the borders of freedom in Europe" and failing to see the reconstruction effort these countries face. What if a crisis comes, and we have to defend these countries with limited interoperability and even less effective command and control cooperation? The Washington Post reported on March 18 that all three countries would struggle to find a few hundred officers who speak English to NATO standards.

Mr. President, before I conclude, I would like to respond to several arguments I have heard during this debate against my amendment. First, there has been a document circulated outlining Secretary of State Dean Acheson's comments during a press conference on March 18, 1949.

I am familiar with the document. Let me begin by saying that if you are basing your argument for a global NATO on a press interview transcribed in the second person, your argument is on shaky ground indeed. A careful review of the record of this press interview with Secretary Acheson on March 18, 1949 reveals that his comments did not imply a global NATO beyond the careful scope of the treaty.

Acheson states that Article 4 is broader than Article 5, which it is. Article 4 gives NATO the flexibility to respond to threats related to collective defense, but which may not be precipitated by an armed attack.

When asked if there "was no provision [in the treaty] which looked toward these Parties acting as a unit in regard to some matter not covered by the Treaty," Secretary Acheson, as paraphrased, said, and rightly so, that the allies "might act as a unit or they might not, but that there was nothing in the Treaty which required them to do so." Secretary Acheson reiterated in this very interview what he had said in his letter to the President transmitting the NATO treaty: that NATO only had authority to deal with matters under the purview of the treaty.

This is essentially what I have said all along. The countries that make up NATO can act together on any security matter they desire. But NATO itself is designed for a specific mission. When asked if "there was no provision for anything except consultation, except actual armed attack on one of the signatories, the Secretary replied that there were Articles one, two, three, and four."

These articles certainly identified some of the political and economic goals of NATO's collective defense mission. After looking at the careful language of articles 5 and 6 of the Treaty, however, it is preposterous to argue that NATO can turn itself into a global policeman based on the general language of article 1.

When Secretary Acheson says that there is no limiting clause, the transcript seems to indicate he is referring to article 4, which is not necessarily limited by geography. Acheson did not mean that the treaty had no limits. In the letter transmitting the treaty to President Truman, Acheson stated flatly that the North Atlantic Council will have ". . . no powers other than to consider matters within the purview of the treaty . . ." (Letter to President Truman transmitting the NATO treaty, April 7, 1949). The articles of the treaty speak for themselves and don't imply in the slightest a military mission unrelated to collective defense.

Second, some would try to portray a vote on this amendment as a vote on Bosnia. Let me state clearly that this amendment is not intended to be another vote on the Bosnia mission. The NATO mission in Bosnia is related to the out of area debate we are having today, but this vote is more about avoiding the Somalia's of NATO's future than rehashing the debate over Bosnia.

The amendment I am offering explicitly refers to future NATO military missions. Making this another vote on Bosnia would miss the purpose: to keep NATO on a sound course for the future.

One could argue that if you supported the Bosnia mission, you would not offer this amendment. I disagree. You may support Bosnia, but you may support NATO more and recognize the threats a Somalia experience poses to NATO. I doubt there is anyone in the Senate who has not grown more concerned with each missed deadline for the withdrawal of U.S. troops from Bosnia.

There is nothing in this amendment that stops the U.S., unilaterally or with other countries, from engaging in ethnic conflicts like Bosnia. If we want to send our soldiers to the flashpoints of Europe and Asia, then let's have that debate. Don't cloak these missions in the banner of a successful military alliance not intended for such purposes. Don't entangle the U.S. in the brushfires of Europe, Asia, and Africa through NATO.

Third, and on a somewhat related note, some would argue this amendment constrains the President as commander in chief. My amendment has nothing to do with the President's authority as Commander in Chief. Nothing in this amendment limits the President's ability to deploy U.S. forces unilaterally and in concert with other nations to defend the United States.

This amendment has to do with the question of what the President can do through the North Atlantic Treaty. In that treaty, to which the Senate gave its advice and consent based on a shared understanding borne out by 40 years of alliance practice, the U.S. was making a security commitment limited by the mission of collective defense within a carefully defined geographical area.

The Senate should give its advice and consent if NATO is to expand its mission.

To conclude, these and other issues deserve extensive debate. The risks of an ill-defined NATO are real. The Senate should not allow this alliance to shift from collective defense to fitful multilateralism. This Administration is stretching NATO's scope to cover the globe. The Ashcroft amendment is the right answer to "Treaty Creep."

The statements and policies of Administration officials belie a failure to grasp the purpose of a military alliance. There is no long-term vision of where the expansion process will stop. The U.S. is slashing defense while increasing security obligations abroad. Beware the Administration strong on NATO expansion, but weak on defense.

The resistance of Administration officials to define where the expansion of NATO's mission and membership will stop indicates how far Article 5 has diminished in importance. Secretary Albright has stated that ". . . no European democracy will be excluded because of where it sits on the map." The Administration's dismissal of the logistical and strategic constraints of war may work for Foggy Bottom. In the real world, real soldiers die in defense of real borders.

Treaty creep will cost American lives, harm U.S. interests, and undermine NATO. The drift in this Administration's foreign policy is threatening the future of a focused NATO which serves American interests. The Senate should not be complacent with fifty years of NATO success. This body has a role to play in the scope of U.S. treaty commitments.

Changing NATO into a mini-UN with a standing army is not something the American people will support. We have been lucky in Bosnia. The first time NATO has a Somalia experience in pursuit of an expanded mission, U.S. support for the alliance will be undermined. Voting for the Ashcroft amendment is the best way to be clear about NATO's mission—the territorial defense of Western Europe. This amendment is the best way to advance U.S. interests through NATO.

Mr. CAMPBELL. Mr. President, after much consideration of the pending resolution of ratification to expand NATO, I intend to vote in favor of this resolution. It is in the national security interest of the United States and our allies. But, as the Senate continues this historic debate on the expansion of the NATO alliance to include Poland, Hungary, and the Czech Republic, I would like to make some observations about the cost implications of expanding NATO and steps we have taken in the Senate to address them.

When the Senate committees began to consider NATO expansion last year, I was skeptical. The Senate, I feared, was approaching this issue with insufficient information or appreciation for the costs of such expansion for the American taxpayer.

That is why I joined with our colleague from Texas, Senator KAY BAILEY HUTCHISON, on a letter of June 25, 1997, to the President requesting specific facts and analysis regarding the cost and military implications of NATO expansion.

I continued to pursue the cost issue last October, when the Senate Appropriations Committee held a series of hearings on this important issue. On the first day, the committee heard about the policy implications of NATO expansion from Defense Secretary Cohen and Secretary of State Albright. The next day, the committee heard about the military implications from the Chairman of the Joint Chiefs of Staff, General Shelton, and the Commander in Chief of the U.S. European Command, General Clark.

What came out of both days of hearings was the fact that no definitive estimates existed for the true costs of NATO expansion.

The committee heard how the original Defense Department estimates may have been inflated because they took into account a fourth country, rather than only those three currently invited to join NATO. Those estimates also considered a greater Russian threat than actually existed because of that country's recent reductions in force. The generals testified that, first, specific military requirements will be developed; then, NATO will determine the costs for meeting those requirements.

The third day of those hearings was critical. On October 23, 1997, I asked a witness from the General Accounting Office to provide for the Committee a definitive analysis of the cost of this expansion. During that hearing, I expressed my concern that no official estimates yet existed about what the U.S. contribution will be to an expanded NATO. In fact, the title of the GAO report summed it up—"Cost Implications for the United States Remain Unclear."

The hearing also revealed that the GAO cost estimates lacked critical information, such as the $60 million in bilateral aid which the U.S. had already provided the three invited countries. In response to my question, the GAO conceded the $60 million was American taxpayers' money and should be counted.

Ultimately, I was informed that an accurate projection could not be provided for some months.

Then in February of this year, the administration provided much lower figures for the U.S. share of NATO expansion—approximately $40 million each year over the next 10 years. This estimate stood in stark contrast to the much larger figures that had been quoted just months before.

Because of my concerns about the unpredictability of future expansion costs, I joined the Chairman of the Senate Appropriations Committee, Senator STEVENS, on his amendments as an original cosponsor. The Senate adopted these amendments earlier this evening. They establish limits on the U.S. share of the common NATO budget and ensure Congress has the necessary authority to keep close watch over these costs in the future years of expansion.

Another important aspect of the cost issue is the expected contributions from the new members of NATO. Although Poland, Hungary, and the Czech Republic have made tremendous economic strides since the collapse of the Warsaw Pact, there have been concerns about their ability to live up to their individual cost commitments to NATO. It is important for the Senate to fully consider the commitments from these countries so the American taxpayers will not be forced to shoulder an unfair burden in the future. Therefore, I obtained letters of commitment from each of these Governments and ask unanimous consent that the text of the letters be printed in the RECORD following my remarks.

The PRESIDING OFFICER without objection, it is so ordered.

(See Exhibit 1.)

Mr. CAMPBELL. Before I close, I want to recognize the work of our former distinguished colleague in this body from the State of Colorado, Senator HANK BROWN, who is one of this country's most ardent supporters of NATO expansion. Few have played a more crucial or steadfast role in the effort to include Poland, Hungary and the Czech Republic in the NATO alliance. His outstanding work will have a lasting impact.

After much consideration of the cost and military implications of the pending resolution of ratification to expand NATO, I intend to vote in favor of this resolution. It is in the national security interest of the United States and our allies.

EXHIBIT 1

WARSAW, FEBRUARY 28, 1998

Hon. Mr. TRENT LOTT,
Senate Republican Majority Leaders,
Hon. Mr. TOM DASCHLE,
Senate Democratic Minority Leader,
Washington, DC.

DISTINGUISHED SENATORS: The Senate of the United States of America will soon vote on NATO enlargement with respect to Czech, Hungarian and Polish membership. It will be an important political decision with particular implications for the security of many nations, especially of those from Central and Eastern Europe.

Decisions of the member state of the North Atlantic Alliance and the United States' decision particularly, will provide our region, which suffered so much in the XXth century, with stability, security and lasting democratic order.

As leaders of all parliamentary caucuses in the Polish Parliament—those ruling as well as in the opposition—we assure you, Honorable Senators, that this question of Polish membership in NATO is vital for security of the Euroatlantic region and enjoys overwhelming support in our society.

Poland as a future member of NATO would like to be not only a security consumer but also a security provider. At the same time, we are determined to fulfill all necessary Alliance obligations—including financial ones.

It is our hope that the United States Senate will meet the expectations of millions of Poles and will give consent and advice to the President of the United States to ratify the Protocolls of Accession.

We address ourselves to you, as American Statesmen, to use your authority to assure the successful outcome of the Senate vote on NATO enlargement.

We remain, respectfully yours,

LESZEK MILLER,
Chairman, Parliamentary Caucus, Democratic Left Alliance.
JANUSZ DOBROSZ,
Chairman, Parliamentary Caucus, Polish Peasant Party.
MARIAN KRZAKLEWSKI,
Chairman, Parliamentary Caucus, Solidarity Election Action.
TADEOSZ SYRYJCZYK,
Chairman, Parliamentary Caucus, Union for Freedom.
JAN OLSZEWSKI,
Chairman, Parliamentary Group, Movement for the Reconstruction of Poland.

THE AMBASSADOR OF HUNGARY,
April 28, 1998.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate,
380 Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CAMPBELL: As the U.S. Senate continues its debate on the enlargement of NATO and the accession of Poland, Hungary and the Czech Republic to the Alliance, I am writing to you as the representative of the Hungarian Government in the United States. I highly appreciate your interest in this matter important for both the security of the United States and that of the European continent. I understand that you need assurances of our countries commitment to share the financial burdens of the enlargement.

Earlier last year, the Hungarian Government decided to raise the ratio of defense expenditures within the GDP by 0.1 percent annually until Hungary reaches the average level of defense spending by current NATO members of the same size as Hungary. Given the 4%+ growth of our GDP, this commitment will result in a 8–10% yearly increase of defense spending in real terms. Since both domestic and international financial institutions project the same or more growth in the years to come, it will be an "increasing slice of a growing pie" and my country's commitment to meet all the financial obligations stemming from our accession is supported by a solid economic background.

Mr. Senator, I remember that during the Appropriations Committee hearing last fall, you raised a concern that the U.S. cost implications would be unclear until NATO adopts its Target Force Goals report. It is true that this study will be adopted in June by the NATO Ministerial, however I should clarify that the Target Force Goals include military requirements to be fulfilled by the 3 nations. These requirements are national expenses and to be exclusively financed by the applicants, thus, they would not have an impact on the U.S. costs. It is clearly stated in one of the conditions of the Resolution of Ratification that "the United States is under no commitment to subsidize the national expenses necessary for Poland, Hungary, or the Czech Republic to meet its NATO commitments". As a matter of fact, during our recent accession talks Hungary underwent a thorough "screening" by NATO which resulted in a conclusion that all the military requirements of NATO accession can be paid from the existing defense budgets.

With the above, I would reiterate the commitment of the Hungarian Government to pay all the necessary expenses of our membership. It is our fundamental interest to successfully adapt into an alliance that continues to be successful. This approach is supported by all the parliamentary parties of Hungary. This was also communicated to the U.S. Senate: our Foreign Minister visited Washington twice during the last half a year and meeting your distinguished colleagues as well as the leaderships of both aisles, he assured them about our firm commitment.

Enclose please find the Hungarian Government's memorandum on the enlargement that includes the financial commitment, as well. The memorandum was disseminated in the Senate in February.

I hope you will find the above useful in your consideration. I look forward to a continuing cooperation with you.

Sincerely yours,

DR. GYÖRGY BÁNLAKI.

MEMORANDUM OF THE GOVERNMENT OF THE REPUBLIC OF HUNGARY ON THE ENLARGEMENT OF THE NORTH ATLANTIC TREATY ORGANIZATION

Hungary considers the enlargement of the North Atlantic Treaty Organization as a unique historic step that will expand the zone of stability and security to the benefit of all countries of the Euro-Atlantic region. Hungary's accession to NATO is a decisive step in the process of firmly anchoring itself in the community of democratic nations, with whom it shares values, interests and goals. Hungary is determined to play its part in ensuring international peace and justice, democracy and fundamental human rights, the principles and practice of the rule of law and a free market economy. The Hungarian Government is convinced that the strengthening of the transatlantic link assured by NATO is an indispensable prerequisite of the security of both present and future members of the Alliance.

Hungary's accession to NATO is based not only on the consensus of all parties represented in the Hungarian Parliament but also possesses an overwhelming support of Hungarian citizens. This was manifested in the impressive result of the referendum held on 16 November 1997 on the country's accession to the Alliance.

It is the firm intention of Hungary to provide for its own security and contribute to the security of all its Allies within the framework of a cohesive, strong NATO, based on solidarity among its members on both sides of the Atlantic. Hungary fully accepts all responsibilities and obligations and wishes to enjoy all rights stemming from membership.

Hungary accepts the broad approach to security as outlined in NATO's Strategic Concept. Hungary is determined to participate fully in NATO's Integrated Military Structure and in Collective Defense Planning. Hungary will commit the bulk of its armed forces to collective defense and is ready to commit forces, as necessary, to other NATO missions as well.

Hungary will allocate adequate budgetary resources for the implementations of its commitments. The country's sustainable economic growth and the envisaged increase of defense expenditure will provide solid foundation for fulfilling them.

The Republic of Hungary fully supports the continued openness of the Alliance, as stated in the Madrid Declaration. Hungary has a vested interest in seeing all countries of Central and Eastern Europe become members of the Alliance that wish to do so, once they have fulfilled the criteria of membership. Hungary remains committed to supporting their efforts and to sharing its experiences gained during the accession process.

In the period to come Hungary will further intensify her efforts to successfully complete her preparation for membership.

The Hungarian Government expresses its gratitude to all those in the United States of America, civilians and military alike, who have helped the entire process of Hungary's accession to NATO with dedication and a high level of professionalism.

The Hungarian Government hopes that the upcoming discussions and debates on NATO enlargement in the Senate will reflect the constructive approach that has consistently characterized the United States' position in all earlier phases of the enlargement process. Legislators in both current and future member states are facing the historic challenge of making a decision that will shape the future of the Euro-Atlantic region for a long time to come.

EMBASSY OF THE CZECH REPUBLIC
3900 SPRING OF FREEDOM ST. N.W.
Washington, DC, March 18, 1998.

Hon. BEN NIGHTHORSE CAMPBELL,
United States Senate,
Washington, DC.

DEAR SENATOR CAMPBELL: The Embassy of the Czech Republic appreciate your interest in the contribution the new NATO members will make to the common defense of the North Atlantic Alliance.

I can assure you that the Czech Republic is ready to bear its share of the costs of NATO enlargement. In September 1996, the Czech Government decided to increase the military spending by 0.1% of the GDP annually until the year 2000. The 1998 budget adopted by the Parliament last December provides for a 22 percent increase in defense spending as compared with the previous year.

Attached please find statements of Czech officials on the costs of NATO enlargement and basic data on Czech military expenses.

Sincerely,

ANOTNIN HRADILEK,
Deputy Chief of Mission.

Mr. JOHNSON. Mr. President, I rise today in support of Senate approval of extending North Atlantic Treaty Organization membership to Poland, Hungary, and the Czech Republic. For me this issue is very clear, admitting these countries into NATO will strengthen the Organization, reinforce new democracies, renew the American commitment to European security, and reaffirm American leadership in international relations and diplomacy.

The United States plays a pivotal role in international relations because of our position as the world's only military and economic superpower, and as the world's strongest democracy. The existence of NATO is one of our best hopes for relieving much of the burden of that role. NATO initiatives can prevent international incidents from becoming serious military conflicts by encouraging member nations to work together to resolve conflicts. The success of NATO initiatives depends entirely on the support and participation of member nations. Ratification of this NATO expansion resolution is a test of whether the United States will stay engaged in a changing and evolving Europe.

If NATO was not regularly reinforced and reinvigorated, the world's only superpower, the United States, would necessarily be involved in every international conflict and crisis. There is overwhelming bipartisan support for the notion that the United States taxpayer should not be responsible for policing the world, and that this should increasingly be an international responsibility. While I share this belief, I also have a personal interest in NATO expansion. My oldest son Brooks is in Bosnia as part of a NATO support effort. As NATO becomes more inclusive, the chances of going to war for all countries decreases. Likewise, as more countries join NATO, spreading the burden of conflict resolution and peacekeeping, fewer American soldiers will be needed abroad. This is a positive blessing for all Americans.

Nevertheless, there are some who oppose the expansion of NATO and others who would like to place limitations on expansion, eroding the body's effectiveness. Because Russia and the rest of the world know that NATO is a defensive peacekeeping body, not an offensive regime, the current fears that an expanded NATO will directly threaten relations with non-NATO member neighbors are inflated. Instead, including eastern European countries in NATO will lead to increased stability in the region, something good for all countries throughout the world. Additionally, efforts to preclude other countries from joining NATO over a specified time period and attempts to limit the powers of the Organization are not well thought out. Limiting the mission of NATO would not be wise, particularly because we would be limiting our own abilities in the future. And a mandated pause would undermine the open door commitment that NATO has had since 1949. All countries have always been welcome to join the fold of NATO and all countries should forever remain welcome to join an Organization committed to peace and security. The United States cannot walk away from the role of leadership in Europe. By what we have witnessed in Bosnia, Europe is at a very fragile stage. We must embrace the European countries that wish to be a part of a world alliance for peace and security, and we have a moral obligation to strengthen Europe and reduce the possibility of war in the region. The door to NATO must remain fully open, not half closed, to those nations equipped to shoulder the responsibility and reforms necessary to meet NATO membership standards.

With regard to the cost of NATO expansion, I believe that equitable financial involvement of member nations should be enforced. The U.S. should do what it can to support NATO to an extent equal to efforts of other countries involved. It is imperative that NATO expansion costs be kept as low as possible, and I do not believe that substantial expenditures to upgrade the new entry militaries is necessary or wise. Instead, I applaud the efforts of NATO to prioritize communications infrastructure, language skills, and strategic training for new members over big ticket items as the immediate criteria for NATO membership. It should also be noted that the governments of Poland, Hungary and the Czech Republic estimate that they would spend more on defense, not less, if they remain outside NATO. Although the United States will have a proportional increase in overall NATO expenditures, I believe the cost of forgoing NATO expansion is much greater.

For these reasons, I fully support Senate approval of extending North Atlantic Treaty Organization membership to Poland, Hungary, and the Czech Republic. Admitting these countries into NATO will strengthen the Organization and reaffirm American leadership in international relations and diplomacy. President Clinton announced his support for NATO enlargement in 1994 and in 1997 the Senate held over ten hearings on this issue. Debate on this issue has been extensive and thorough. NATO expansion is good for America and for the world.

Mrs. MURRAY. Mr. President, I rise to make a few remarks about expansion of the North Atlantic Treaty Organization or NATO.

I believe in a United States that is an activist leader and respectful participant in world affairs. This leadership comes with responsibilities that are often difficult for the United States: troops stationed and foreign aid dollars expended abroad; cooperation with international organizations like the United Nations; and the decision on NATO expansion that is before the Senate today. U.S. leadership abroad remains a vital national interest to the American people. My record as a United States Senator is strongly in support of a United States fully engaged with the world, a country and a people that participate and lead the international efforts to address the many problems that transcend borders and cultures.

NATO, since its founding in 1949, has been a successful foundation of U.S. security and cooperation with our European allies. This was particularly true throughout the period of the Cold War. The collapse of the Soviet Union and communism can be partially credited to NATO; both to the alliance's collective defense arrangements and to its complimentary role in bringing Europe together which has fostered democratic and economic ties among countries with historical and cultural grievances. NATO has played a significant role in creating a Europe free from serious conflict for nearly 50 years.

The Senate is now considering whether to enlarge the sixteen member alliance by admitting Poland, the Czech Republic and Hungary. Few will deny that these three countries are prepared and committed to assuming the responsibilities of NATO membership. Few will contest the statement that these three countries have long ties to the West; that these three countries are the most Western states of the former Soviet bloc. And few will assert that these three countries face any military threat from Russia or other foe, either today or in the foreseeable future. I am confident that the enormous changes that have taken place in Poland, the Czech Republic and Hungary will not be jeopardized by the upcoming vote. These changes including the creation of democratic institutions, new respect for human rights, and a growing market economy all enjoy enormous public support and will be continued regardless of Senate's decision on NATO expansion.

I do have a number of very serious concerns about NATO expansion including several which have been addressed through the amendment process. My concerns have very little to do with the three candidates for NATO expansion. In fact, I believe the United States and our allies should take aggressive steps to support these burgeoning democracies which have demonstrated so much promise since the fall of the Soviet Union. Each of these countries has a remarkable story to tell and each is deserving of closer ties to the United States and the West.

I voted for the amendment offered by Senator HARKIN to call for an accurate accounting of all expenses to the United States related to NATO expansion. The Senate and the American people ought to better understand the obligations we are assuming if we agree to NATO expansion. I have no confidence in the various cost estimates that have been presented during this entire process. In fact, I am fairly certain the costs to U.S. taxpayers will exceed even the Administration's highest estimates. The various cost estimates for NATO expansion have ranged from $1.5 billion to $125 billion.

Opponents of the Harkin amendment argue that the U.S. is not issuing a blank check on behalf of our taxpayers. Certainly, Congress will object to escalating costs for NATO in the future and particularly if a significantly larger NATO burden falls upon the United States. However, my concern is that without a full accounting of costs, the United States is assuming a new moral and financial obligation to NATO without adequate consideration by the Senate. U.S. prestige and our position in the world should not be risked at some future point because we did not know or were not prepared to consider today the full costs on NATO expansion.

The Moynihan amendment to link NATO expansion with admission to the European Union also addresses my concerns regarding the most appropriate forum for integration between the West and the many former Soviet satellite states seeking closer ties with Western Europe and the United States. Senator MOYNIHAN has been an articulate voice throughout this debate and I do agree with many of the eloquent points he has brought before the Senate. I voted for the Moynihan amendment as I believe European Union membership is the most appropriate of the available forums for integrating with the West the three nations invited to join NATO.

These three countries are in various stages of economic development and each is committed to improving the lives of its citizens through closer ties to the West. In my mind, the European Union is a far better vehicle for economic growth and integration with the West. Participation and inclusion in the EU and its marketplace will pay dividends for the people of Poland, the Czech Republic and Hungary that far outweigh the security assurances inherent with NATO membership.

The European Union has begun negotiations for EU admission with Poland, the Czech Republic and Hungary and several other countries. Frankly, I am very skeptical that the EU will in a timely manner admit new members. The EU has a history of protected industries—particularly agriculture—and I doubt Europe's protected industries will be anxious to take on lower wage countries or significant agricultural producers. Export states here at home, like my state of Washington, have long sought to open Europe's protected market and system of state subsidies. We should be careful not to aid or validate Europe's trade practices which have hurt the United States.

Admission to the EU is a question for EU countries to consider, however, I do not think we should give the EU the opportunity to settle for NATO expansion. Europe has the strongest interest in the success of many former Soviet states. The EU, including the European states who do not belong to NATO, should also be expected to make sacrifices to ensure a peace for all time in Europe.

My vote for the Moynihan amendment should be viewed as a call for new thinking on the shared objective of bringing the newly independent nations of Europe into the existing political and economic system. We have to ask ourselves if the tools of the Cold War will work for the U.S. and Europe as we enter a new century.

The impact of NATO expansion on our relationship with Russia is my most significant concern on this issue. I am delighted so many of my colleagues have raised the issue, both those who favor expansion and those who oppose it.

Unfortunately, I believe that the impact of the vote we are to cast today will have very little effect on the U.S.-Russia relationship. For I believe, from the very beginning of the expansion process, we have pursued a process and a policy that has seriously damaged our relationship with Russia. I believe the Administration has erred greatly here and our foreign policy will be effected by it for years to come regardless of the outcome of the NATO expansion vote.

Already, numerous Senators have cited the historic work of George Kennan. I also take his counsel very seriously and I encourage my colleagues to ponder his words from a 1997 New York Times opinion piece. Mr. Kennan wrote, "Expanding NATO would be the most fateful error of American policy in the entire post-cold-war era. Such a decision may be expected to inflame the nationalistic, anti-Western and militaristic tendencies in Russian opinion; to have an adverse effect on the development of Russian democracy; to restore the atmosphere of the cold war to East-West relations, and to impel Russian foreign policy in directions decidedly not to our liking."

Kennan's final words are particularly troubling as he states, ". . . to impel Russian foreign policy in directions decidedly not to our liking." One needs only look at recent weapons inspection crisis with Iraq to see the worsening ties between the U.S. and Russia as a result of NATO expansion. There are other examples of the growing divide between the U.S. and Russia: cooperation with Iran on ballistic missiles, agreements with China to counter a world with one superpower, and an assortment of other nuclear weapons related issues from declarations on the first use of nuclear weapons to ratification of START III and the eventual negotiation of START. All of these issues are vital to the United States and all have been negatively impacted by NATO expansion.

It goes without saying that Russia does not dictate to the United States our foreign policy interests and policies. However, U.S. policy makers should not underestimate the degree to which Russia matters to our own future. Russia is the largest nation in a new Europe. Any attempt to guarantee the future peace and security of Europe by excluding Russia creates more problems than promise for the future.

NATO Expansion fails to consider the political landscape of Russia. Approximately two-thirds of the Russian Duma is controlled by communist and nationalist parties. These political parties are very anti-American and the West. The Russian Constitution grants enormous powers to the Presidency that have allowed the West to underestimate Russia's opposition to NATO Expansion.

My fear is we have undermined those in Russia who are advocating and following the course of democracy, international cooperation and economic reform. I hope the Senate does not revisit the words of George Kennan with immense regret in future years. The Administration and the Senate now must take it upon themselves to rebuild those ties with Russia to go forward and address our many shared interests for the future. Vice President Gore has been instrumental in building ties between our two countries, and I certainly encourage him to continue his leadership role with Russia's new prime minister.

I have discussed in detail my concerns with NATO expansion. This has been a very difficult decision for me. In the end, I was swayed by one additional, very powerful concern.

This powerful concern is for U.S. credibility. I do believe U.S. credibility is on the line with this vote. Regardless of the wisdom of NATO expansion, I fear that rejection of NATO expansion at this point will send dangerous messages to the world about U.S. intentions for the future. The international community will view a rejection of this initiative which was started and driven by the United States as a sign of U.S. isolationism. Allowing that message to be sent around the world will, in my mind, be far more damaging to U.S. interests worldwide than admitting Poland, the Czech Republic and Hungary to the North Atlantic Treaty Organization.

Quite frankly, I think the Administration has marginalized the United States Senate on the question before us today. While I doubt that the Administration intended to do this and I know the Senate has been active and engaged throughout this process, the result is the same. The Senate, as I see it, has little choice in the matter before the body today. To reject NATO expansion at this point will also cause serious long-term problems for U.S. interests throughout the world.

Therefore, I will vote for NATO expansion.

Mr. LEVIN. Mr. President, I rise to engage in a colloquy with the distinguished Senator from Delaware, the Minority manager of the resolution of ratification regarding NATO enlargement.

I had planned to submit an amendment to the resolution of ratification as I discussed in my floor speed of October 27, 1997. This amendment, simply put, would express the Sense of the Senate that the United States should consult with all NATO member nations, subsequent to the admission of Poland, Hungary and the Czech Republic but prior to the consideration of any other nation for accession, concerning the desirability of establishing a mechanism to suspend the membership of a NATO member if it no longer conforms to the Alliance's fundamental principles of democracy, individual liberty and the rule of law.

Mr. President, I raised this issue with former Secretary of State Henry Kissinger when he testified before the Armed Services Committee on January 29th. In response to my question as to whether NATO should have a mechanism to suspend a member, Secretary Kissinger stated:

> I think in situations in which a government emerges incompatible with the common purpose of the Alliance, there ought to be some method, maybe along the lines you put forward. I have not thought this through, but I fully agree this is a very important issue which does not apply to any of the new countries that are now before us.

I also raised the issue of establishing a mechanism for suspending a NATO member with former Secretary of Defense William Perry when he testified before the Armed Services Committee on March 19th. I posed the question in the context of a NATO nation that no longer conforms to NATO's fundamental principles but still has a veto over NATO operations. Secretary Perry stated:

> That is a very good question, Senator LEVIN. What you are describing is a problem—in fact, I would call it a flaw—in the original NATO structure, the NATO agreements. And, in my judgment, this is a problem which should be addressed. It has been a problem for many, many years. And, therefore it is important, in addressing that problem to separate it from the issue of NATO accession. I would not in any way want to tie that issue to the NATO accession issue.
>
> We could have predicted several decades ago that that would cause a problem, there would be some major issue come up on which we could not reach consensus, and that would bring NATO to a halt, or that some member would depart from the NATO values. Happily that has not happened. But it is a potential problem, and I think we ought to address it.

Mr. President, I do not intend to offer this amendment at this time because it has nothing to do with Poland, Hungary or the Czech Republic and I do not want to suggest or imply any such connection. Nevertheless, I do believe it is an issue that needs to be raised within NATO councils. I believe it should be resolved before any additional accessions to NATO are considered. And so, I would ask the distinguished Senator from Delaware if he believes this is a matter that merits consideration?

Mr. BIDEN. I agree with the Senator from Michigan that this is an important matter that raises fundamental issues for the United States and our Allies. I believe that this is a matter that merits careful consideration within NATO councils. It would certainly be preferable for NATO to discuss this in a careful and measured way now, rather than to be faced with the issue at some future time when an emergency situation exists. I want to commend the Senator from Michigan for raising this matter. I also commend him for not seeking to amend the resolution of ratification, for, as he has correctly noted, this issue is not related to Poland, Hungary or the Czech Republic.

Mr. BINGAMAN. I have voiced a number of concerns with regard to the Administration's open-door policy on NATO enlargement, and in particular the implementation of that policy with regard to the Baltic states.

Over the last few days, the Administration and Sen. BIDEN and his staff have worked closely with myself and my staff to address my concerns.

I wish to confirm with Sen. BIDEN and Sen. HELMS that my understanding of certain provisions in the NATO resolution, as modified by the Manager's Amendment, is correct.

First, there is the issue of consultations with the Senate. I understand that the Resolution, as clarified by the Manager's Amendment, states that the Senate will be consulted prior to the U.S. consenting to invite any European state to begin accession talks with NATO, as was done for Poland, Hungary, and the Czech Republic at Madrid last year. This would apply for the Baltic states, and for any other European state seeking admission to NATO. Is that correct?

Mr. BIDEN. I agree.

Mr. BINGAMAN. Second is the issue of U.S. security commitments. The NATO resolution contains a provision stating that only "a consensus decision by the full membership of NATO, approved by the national procedures of each NATO member * * * will constitute a security commitment pursuant to the North Atlantic Treaty." This means that a political document, like the Baltic Charter, which has not been approved by the Senate pursuant to constitutional treaty-making process, does not constitute a U.S. security commitment to the Baltic states. Is my understanding of that provision correct?

Mr. BIDEN. I agree.

Mr. BINGAMAN. The third concern that I wish to address is whether the United States, in signing the Baltic charter, has "pre-committed" to support Baltic membership in NATO in the future. The Resolution, as modified, contains a provision to the effect that, other than Poland, Hungary, and the Czech Republic, the United States has not consented or committed to invite any other country to join NATO in the future. My understanding of this provision is that it reflects the fact that the Baltic Charter of Partnership does not constitute a U.S. pre-commitment to NATO membership for the Baltics, and that presently the United States has not consented or committed to support NATO membership for any European state (other than Poland, Hungary, and the Czech Republic) that may seek to accede to NATO. Is that understanding correct?

Mr. BIDEN. I agree.

Mr. KEMPTHORNE. Mr. President, I want to begin my discussion of this very important issue by commending the people of Poland, Hungary and the Czech Republic for their brave and determined transition to democracy and free market economies. The citizens of these three nations have suffered grave injustices and brutal atrocities during World War II and the Cold War and now, to see these nations emerge from these dark days and turn toward democracy, deserves the praise of every man and woman who cherishes freedom.

I also want to express my strong support for the security and independence of Poland, Hungary and the Czech Republic. I also believe the United States and its military forces will support the independence of these nations whether or not they join NATO.

While I want to encourage the move toward democracy, free markets and Western values in Poland, Hungary and the Czech Republic, I also want to see these values take root in Russia. It is because of my concern that a vote now on NATO expansion will hinder our relations with Russia and risk the Duma's ratification of the START II Treaty that I will vote against NATO expansion at this time.

I have spent a good deal of time and effort discussing the issue of NATO expansion with a number of U.S. foreign policy makers and military leaders. I have given this question a considerable amount of thought because I believe before the United States commits itself to defending additional nations, with U.S. nuclear weapons if necessary, we must carefully consider all of the ramifications of this action.

As I look at the current security situation in Central Europe, I do not see a security threat that necessitates a vote to expand NATO today. What I do see however, is a weakened superpower in Russia with thousands of nuclear weapons that can reach the United States.

I think if anyone looks at the lessons of the end of the First World War and the Treaty of Versailles, it shows that the harsh terms of the peace imposed on Germany fed the antagonisms that allowed Adolf Hitler to come to power. That, I believe, is the real threat we face today.

At present, we have an historic opportunity to bring Russia into the West and cement Russia's commitment to freedom, democracy and free enterprise. On the other hand, we can expand NATO, right up to Russia's border, and we can thereby inadvertently recreate a Russia that is a threat to U.S. security and peace in Central Europe.

It is ironic that by adding Poland, Hungary and the Czech Republic to NATO we may create the security danger these nation's fear. More importantly, by voting to expand NATO today I believe we run the risk of undercutting the supporters of democracy in Russia and fuel the fears of those who want to restore an aggressive, imperialist Russia that will then require billions of dollars in additional American taxpayer money to deter.

This is not idle speculation, this scenario is real and it is here now. At present, the Russian Duma has refused to ratify the START II Treaty and this action has led the United States to maintain nuclear armed ICBMs, SLBMs and ballistic missile submarines that we would otherwise deactivate under the START II treaty. In fact, the U.S. strategic nuclear arsenal would drop from about 6,000 warheads under START I to 3,000 under START II. Department of Defense figures indicate by fiscal year 2000 it will cost hundreds of million of dollars to keep the U.S. nuclear arsenal at a START I level.

While we wait for the Russian Duma to ratify START II, the Secretary of Defense, our friend Bill Cohen, and the Chairman of the Joint Chiefs of Staff, General Shelton, believe that we must keep our forces at a START I level to keep the pressure on the Russian Duma to ratify the treaty.

Therefore, when the supporters of NATO expansion discuss the costs associated with adding Poland, Hungary and the Czech Republic to the alliance, I would ask that they add the cost of keeping U.S. nuclear forces at a START I level to their calculations. Let the record show, no Administration official has stepped forward to argue that a Senate vote to expand NATO will encourage the Russian Duma to ratify START II.

In fact, in a conversation I and several members of the Senate Armed Services Committee had with Alexie Arbatov, a member of the Russian Duma and a democratic reformist, Mr. Arbatov told us that NATO expansion undercuts democratic reformists ability to promote cooperation between NATO allies and Russia. He continued to tell us that expansion of NATO to include these three countries will delay Russian ratification of START II.

The Washington Post recently included two articles describing the degraded state of Russia's nuclear arsenal. These articles also confirm the extensive testimony before the Senate Armed Services Committee which documents Russia's growing reliance on nuclear weapons.

As my colleagues, know, Russia's economic problems have resulted in a huge reduction in that nation's conventional capability. This reality has led Russian policy makers to enunciate a policy stressing a reliance on nuclear weapons to defend Russia's security interest.

We therefore find ourselves in a situation, under the proposed NATO expansion, where we are extending the U.S. nuclear umbrella closer to Russia's border, and literally to Russia's border in the Kaliningrad province which borders Russia, at a time when Russia is increasing its reliance on weapons of mass destruction to defend its interests.

Given Russia's growing reliance on nuclear weapons, I believe it is dangerous for the United States to push the border of NATO eastward to Russia's border at this time.

Administration officials tell us NATO expansion is not directed toward Russia, indeed some offer the hope that

Russia will eventually join NATO, but I ask these officials, do the Poles, the Hungarians and the Czechs believe NATO is their defense against Russia? Of course they do!

I also question the logic of those who say Russia is free to join NATO. If Russia is allowed to join NATO, what is the real mission of NATO? If Russia and everyone else who wants to is allowed to join NATO, is NATO still a self-defense alliance or is it then a new version of the United Nations?

I believe NATO expansion at this time will decrease U.S. national security because I believe it will hinder joint U.S.-Russian efforts to stop the spread of weapons of mass destruction. According to a February editorial in the New York Times by Howard Baker, Sam Nunn, Brent Scrowcroft and Alton Frye, "frictions over NATO distract Moscow and Washington from profound common dangers." At the top of the list of the "profound common dangers" is the threat of the spread of weapons of mass destruction. This enormous challenge begins with our effort to control the nuclear weapons, nuclear materials and nuclear scientists in Russia. All of these crucial non-proliferation programs require the active cooperation of Russia and a vote today to expand NATO does not contribute to this cooperation.

As it stands today, even my good friends on the other side of this issue will agree Russia's conventional forces are weak and getting weaker. Russia's plans for new conventional weapons systems are slowed and reduced. Russia cannot afford to regularly pay the members of her armed forces. Instead, Russia has turned efforts inward to refocus and rebuild their country; and, with our help, Russia may reemerge with a strong market economy rooted in freedom and democracy. Without a doubt, Russia's continued evolution toward the West will have the greatest impact on long term U.S. security.

Mr. President, I support efforts by the United States and the European Union to help Hungary, Poland and the Czech Republic to become strong democracies with robust market economies. But I also want Russia to continue on the road to freedom and democracy so I therefore will oppose the resolution to expand NATO at this time.

Mr. KENNEDY. Mr. President, I support the expansion of the North Atlantic Treaty Organization to include the Czech Republic, Poland and Hungary. The inclusion of these three countries will alter the Alliance, but the benefits clearly make this expansion both timely and worthwhile.

In 1949, if the founders of NATO had been asked to predict where the alliance would be five decades later, few if any could have foreseen a more extraordinary success. The NATO nations stood firmly together as the great bulwark against communism during the Cold War. NATO is, without doubt, the most successful security alliance in history.

The original purpose of NATO was to protect the West against the former Soviet Union and the Warsaw Pact nations. Now, even though the Cold War is over, NATO continues to be essential. It makes sense to adopt this modest expansion of the Alliance beyond its Cold War borders to include three nations which were once part of the Warsaw Pact.

The greatest threats to European security are now the long-standing ethnic conflicts that have simmered inside many of these nations for centuries. Two world wars in this century began in Central Europe. Extension of NATO's security umbrella to these three additional nations will place them in a part of Europe where wars no longer happen.

Obviously, there are concerns about the expansion of NATO that Congress and the country must be sensitive to—especially the potential impact of this expansion on our relationship with Russia.

We have rightly spent much of the past decade and billions of U.S. taxpayers' dollars in working with Russia to achieve nuclear arms reductions and to help Russia safeguard its nuclear arsenal and its nuclear materials. Russian cooperation with the U.S. under the Comprehensive Threat Reduction Program and our bilateral nuclear arms reduction treaties with Russia have substantially reduced the chance of nuclear war. In my view, anything that would disrupt or harm this vital progress would be a fateful error.

Many of Russia's leaders do not support NATO's invitation to Poland, Hungary or the Czech Republic. But the addition of these countries to NATO poses no threat to Russia. I commend President Clinton for his effective leadership in making this point clear. We must continue to work to assure President Yeltsin and other Russian leaders that the expansion of NATO is not a danger to their country or their security. We must do all we can to address Russia's concerns and increase our cooperation in all key areas with Russia to ensure that our goal of a more secure future is achieved.

We must also deal with the concerns over costs, especially the costs that Poland, Hungary and the Czech Republic will have to bear to upgrade their military forces to NATO standards. These costs will inevitably have to compete with pressing domestic needs in those countries.

Together, these three nations will have to spend as much as $14 billion over the next 10 years to meet NATO standards. These costs are the responsibility of these prospective new members. They committed to pay these costs when they asked to become members of NATO. The U.S. already pays 25% of NATO's commonly-funded expenses. NATO expansion should not impose costly new burdens on U.S. taxpayers.

Nevertheless, these countries are on the right track, and so is NATO. This expansion of NATO is amply justified. Poland, Hungary and the Czech Republic will strengthen NATO. They are solid democracies, and they will make our alliance for peace even stronger. Their rightful place is in NATO, and I urge the Senate to support this Resolution of Ratification.

Mr. DODD. Mr. President, later this evening the Senate will conclude debate on a resolution of ratification authorizing the United States to support the entry of Poland, Hungary and the Czech Republic into the North Atlantic Treaty Organization (NATO).

The decision that the Senate takes with respect to this resolution will have an historic impact on the future of Europe and the nature of the Transatlantic partnership that will take us into the next millennium.

Without question, NATO has been the singularly most successful alliance for mutual defense in modern history since its establishment in 1949. For nearly fifty years it has served as a bulwark against communism, and as a deterrent against threats posed by the Soviet Union and its Warsaw Pact satellites.

Today the world has changed. The Soviet Union no longer exists, and the Warsaw Pact is fast becoming a mere footnote in our history books. In that context, it seems to me to be a particularly appropriate moment to review whether and how NATO's role should evolve, to keep pace with the changing political landscape.

Some changes have already been undertaken by NATO. For example, not too long ago NATO members agreed that it was an appropriate mission for NATO forces to assist with efforts to implement the Dayton Peace accords in war torn Bosnia.

Certainly the debate this week is as much about such matters as it is whether Hungary, Poland, and the Czech Republic will be good NATO partners.

The debate is also about the merits of admitting additional members beyond these three—and the order and timing for doing so. And, it is about the budgetary implications of an enlarged organization with an expanded land area requiring collective defense. Finally, it is about the impact on U.S. and NATO's relations with Russia and other NIS countries and the implications for internal Russian political stability.

These are all important and legitimate areas for discussion. The Senate's debate on these questions has been thoughtful and constructive. Senators

WARNER, MOYNIHAN, HARKIN and others have asked some very important questions that deserve answers before moving forward to take NATO from 16 to nineteen members and beyond. It would be foolhardy not to carefully assess these matters before making changes to NATO.

I agree with those who have held up a yellow flag urging caution. Certainly it behooves us to act judiciously in reshaping NATO to ensure that whatever we do does not undermine the effectiveness or efficiency of the current organization. Nor should we foster expectations in Eastern and Central Europe that cannot be fulfilled—or create additional and unnecessary financial burdens on existing or new members.

I also believe that it is important that we take into account the implications for our current and future relations with Russia and other former Soviet states. And particularly with respect to Russia's continued willingness to move forward to ratify Start II and other future arms control agreements.

While I agree with those who suggest it would be wrong to give Moscow veto power over NATO decisions—on the other hand, I see nothing to be gained from causing unnecessary uncertainty or anxiety with respect to our intentions toward Russia.

After the many hours of debate we have had on the pending measure, I believe a strong case has been made in favor of admitting these three new members. Foreign policy experts and scholars who have spent a great deal of time studying NATO over the years make a persuasive case in support of expansion.

I also believe that Secretary of State Madeleine Albright, Secretary of Defense Bill Cohen, together with other Clinton Administration officials, have during hours and hours of Congressional testimony made a very compelling case in favor of ratification of the pending protocols. Former Presidents Bush and Carter have endorsed the President's decision. As have a number of our distinguished former Secretaries of State and former members of the Pentagon's Joint Chiefs of Staff. They have also adequately addressed concerns that have been raised with respect to NATO expansion.

During the July 8, 1997 Madrid Summit, NATO heads of state, including President Clinton reached common agreement at that time to invite Poland, Hungary, and the Czech Republic to join the organization, while leaving open the door to other interested governments. However, no commitment was made with respect to the sequence or timing of such additions.

That was appropriate in my view. It goes without saying that we must assess any impact of enlarging NATO by three on that organization's ability to continue to fulfill its primary mission—namely collective self-defense—before moving forward to consider additional new members.

Realistically, such an assessment is likely to take three or more years by my estimation—in line with the time frame fame Senators WARNER and MOYNIHAN have included in their so called pause reservation. Having said that, I really do not think it necessary to codify this time frame into a binding proposition. In fact, the time period could even turn out to be longer than three years. Were we to codify the time period, we might in fact be creating false expectations in the minds of countries waiting to join that invitations will automatically be forthcoming once three years have elapsed. It was for those reasons that I voted against this amendment earlier today.

It is important as we review the current structure, purpose, and membership of this important organization that we remain mindful of the central proposition—the organization's relevance to today's and tomorrow's realities. We should ask as well whether and what changes best further U.S. national security and foreign policy interests. Only after such questions have been fully explored should we move forward to alter NATO.

I believe that during the course of the current debate we have exhaustively reviewed the implications and U.S. interests at stake with respect to the pending protocols. I am satisfied that the addition of Poland, Hungary, and the Czech Republic to NATO will enhance U.S. national security and foreign policy interests by strengthening and fostering European unity and security.

There is little doubt in my mind, Mr. President, about the likely outcome of the final vote on this matter. In my judgement the United States Senate will give its advice and consent to ratification, and thereby authorize the United States to consent to the admission of these three members.

Mr. President, I will join my colleagues in voting aye on this matter. To do otherwise would severely undermine the cohesive support that has existed for NATO since its establishment in 1949 and leave us ill prepared to promote a strong, secure, and united Europe in the 21st century.

THE COST OF NATO ENLARGEMENT

Mr. BIDEN. Mr. President, there is no more complex issue than the financial cost of NATO enlargement.

Over the past two years there have been several studies by private and by governmental organizations, which have yielded widely differing estimates.

The highest figure reached one hundred twenty-five billion dollars over ten years, with over thirty billion of that accruing to the United States. The most recent—and I believe the best—estimate is NATO's own cost study, which estimates only one-and-a-half billion dollars in direct costs over ten years. According to the latest estimate, the expected U.S. contribution to the direct costs of enlargement are estimated to average forty million dollars per year for ten years.

There are good reasons for the vast disparities in the estimates—basically there was a lot of "apples and oranges" mixing going on.

Explaining all this requires a fair amount of effort, which, I regret, some of the critics of enlargement either were unwilling to give, or which they eschewed for the easier route of utilizing unexplained, raw data for partisan purposes.

Mr. President, at this time I would like to examine the cost issue.

The 16 NATO nations collectively spent about $455 billion on defense in 1997. Of that total approximately $1.6 billion goes to the NATO common budget.

What does the NATO common budget pay for? Let's take the airbase at Aviano, Italy, as an example.

The host country, Italy, maintains an airbase that has been designated for NATO use. Italy pays for all costs related to the base except new construction and improvements that benefit the United States Air Force units stationed there. These improvements, above and beyond the national needs of Italy, comprising some $260 million, are paid for by NATO's common budget.

One of NATO's founding principles was (and remains) equitable cost sharing—that is, nations make financial contributions to offset costs based on their ability to pay.

In the 1950's, the U.S. paid almost 50% of NATO's operating costs. In the 1960's, however, our European allies assumed about half of the original U.S. contribution in recognition of our worldwide security commitments.

Since then, our overall national contribution to NATO's three common budgets has been reduced to about one-quarter. Our allies account for the other three quarters of NATO operating costs.

We participate in NATO at a reduced rate, but we receive security benefits that far outweigh our financial contributions.

Let's take a closer look at where our annual contributions to NATO's budget go.

NATO has three budgets, each supporting a distinct aspect of NATO operations.

NATO's Civil Budget pays for the operating costs of NATO's modest, 1960's-vintage headquarters building plus associated staff in Brussels.

Additionally, there are numerous public information, political, and scientific activity programs supported by this budget, including civilian elements of NATO-sponsored Partnership for Peace activities.

The annual U.S. contribution is provided by the State Department.

NATO's Military Budget provides support for NATO's military headquarter (SHAPE) in Mons, Belgium, and other elements of the integrated command structure.

This budget also supports operations of several key NATO military agencies, like the NATO Maintenance and Supply Agency, the NATO C3 Agency, for example, and the costs of running the NATO AWACS fleet.

Annual contributions are paid from Department of Defense Operations and Maintenance funds.

NATO's Security Investment Program pays for construction of the facilities and installations NATO uses to support alliance military activities, such as command structure C3 support, force mobility projects, and training facilities—in other words, infrastructure.

It is also used to support common-user procurements to meet priority military requirements set by SACEUR and SACLANT, like integrated air defense and interoperable communications systems.

U.S. contributions to this budget are obtained from Department of Defense Military Construction funds.

As I said, the U.S. pays approximately one-quarter of the overall NATO common budget.

If there were no enlargement in 1999, we would still expect to pay about $458 million.

Now let's turn to the costs of enlargement. NATO has estimated that over 10 years, the cost to the NATO common-funded budgets will be about $1.5 billion.

While the amount may not be distributed evenly over 10 years, let's accept for the sake of discussion that it will.

This means that the U.S. quarter-share will be about $400 million over 10 years, or about $40 million a year.

This represents only a 9% increase in our total contribution to the NATO common-funded budgets.

Bearing in mind that the U.S. share of NATO's common-funded budgets represents only one-tenth of one percent of the current defense budget, I believe that enlargement expenditures are a pretty good deal.

The key questions for us should be: Is the $1.5 billion figure accurate? What is the U.S. share? and Is the U.S. share a fair share?

Anyone who has looked at this issue would, I believe, agree that it is extremely confusing.

There are lots of numbers out there on enlargement costs in addition to the $1.5 billion.

You will recall that the Administration told us in February 1997 that the total cost of enlargement would be about $27 to 35 billion.

Let's look at those numbers.

First, as the General Accounting Office (GAO) has pointed out, the Administration's estimate included two categories of costs that are not direct enlargement costs.

The first was costs to current NATO members—$8 to 10 billion. These are the national costs the current allies needed to spend to meet their commitments under the revised 1991 Strategic Concept to improve their mobility, reinforcement, and power projection capabilities.

They would incur these costs even if NATO did not enlarge.

That's why GAO said the Administration made a mistake in including them in the February 1997 estimate.

The U.S. has already met its power projection requirements, so we would not have additional costs in this area.

The second figure in the February 1997 estimate, which is not counted in the final NATO study, represented the costs to new members to restructure and modernize their militaries—$10 to 13 billion.

They would incur these costs even if they did not join NATO.

Once again, this is why GAO said the Administration goofed in including these costs in their February 1997 estimate.

This leaves us with $9 to 12 billion in direct enlargement costs.

Of this $9 to 12 billion, the Administration said in February 1997 that about 60% would be eligible for NATO common funding.

The rest of these direct enlargement costs would be picked up by the new members.

For example, there is the procurement of something called Identification of Friend or Foe (IFF) gear—you need to have it if you're in the Alliance—but NATO common funding won't pay for it.

60% of $9 to 12 billion is about $5.5 to 7 billion.

This is the number we should start with when comparing the NATO estimate of common-funded costs of $1.5 billion.

What accounts for the difference? $5.5 to 7 billion versus $1.5 billion?

I just talked about the top half of this chart * * * above the dash line.

Let's focus on why the Administration's $5.5 to 7 billion estimate and NATO's $1.5 billion estimate are different.

First, there is the matter of four versus three new members. The Administration did its estimate several months before the decision in Madrid. The extra member counts for about $1.1 billion. That brings us down to $4.9 to 6.2 billion.

The February 1997 estimate did not have the benefit of detailed responses by the three to NATO's Defense Planning Questionnaire (DPQ) or the benefit of site visits to the three countries' facilities conducted by SHAPE military experts.

The infrastructure turned out to be much better than expected. This is a key point. In February 1997, we thought we had a lot of work to do to bring airfields up to NATO standards.

The reality is that a number of the Polish, Czech and Hungarian airfields are in very good shape. The earlier Administration assumptions about the capacity of the airfields to host NATO aircraft were incorrect.

For example, during Partnership for Peace exercises, a Hungarian airbase successfully hosted a Dutch F-16 squadron, that is, the Dutch F-16s landed, were serviced and refueled, and took off again.

With regard to funding eligibility: The Administration assumed NATO would pay for some works that NATO later determined were national responsibilities.

There were also some pricing differences. The U.S. used generalized cost factors and pricing, while NATO used by-item, historical cost data from their files.

While there were some military requirements differences between the U.S. and NATO studies, these were modest and not operationally significant. What are we getting for $1.5 billion? Is it the right set of requirements? The Chairman of the Joint Chiefs of Staff says it is. What are those categories?

C3I Requirements include: Cross border connections, transmission media, terminal and security equipment; Upgrades to military headquarters interface equipment; C2 info systems, including the NATO-specialized functional area sub-system; and a NATO satellite communications (SATCOM) terminal for Hungary.

Air Defense Requirements include: Air Sovereignty Operations Center communication links to airfields; NATO air defense ground environment C2 sites; Interface to the NATO Airborne Warning and Control System (AWACS); Installation of Combined Air Operations Centers in Hungary and Poland; Upgraded air defense radars; and Air Command and Control System acquisition.

Necessary reinforcement improvements (land, air & maritime facility upgrades) include: Tactical fighter airfields; An AWACS and air-refueling forward operating base; Rail and storage facilities for land reinforcement; Petroleum, oil and lubricant facilities; and Maritime facilities.

Training and exercise improvements include: Upgrades to air and ground communications, Tank and vehicle wash facilities, Movement costs for new allies' exercise participation, and Costs for minor construction and administrative travel.

Now I would pose the question: are these the right requirements.

I have confidence in the positive assessment of these requirements given by General Shelton, Chairman of the Joint Chiefs of Staff.

The Department of Defense has assured us that the scenarios which these requirements have been planned against include robust assumptions.

These assumptions have changed from the Cold War assumptions of about 40 to 60 divisions coming across the border with less than 24 hours' warning, to scenarios of 10 to 20 divisions with 60 to 90 days' warning.

We can discuss the specifics in a classified setting.

But I am satisfied that the requirements are based on reasonable assumptions, and that they include sound, worst-case analyses, given the current security environment.

To sum up, the most recent NATO estimate of the direct costs of enlargement appears to be sound.

The annual costs of NATO enlargement to the United States are real, but they are affordable, constituting only a tiny fraction of our annual defense expenditures. For them, we gain three loyal allies with a quarter-million troops. The costs are, in short, a bargain.

In mid-March, the Congressional Budget Office provided a revision of its February 1996 cost estimate for the accession of Hungary, Poland, and the Czech Republic to NATO.

In this new estimate, the CBO begins with NATO's own projection of common-funded costs of $1.5 billion over 10 years, with the U.S. 25% share totalling about $40 million per year.

However, CBO departs from the NATO cost study. It speculates that the Alliance will reevaluate its own exhaustive assessment of the military preparedness of Poland, Hungary, and the Czech Republic, raising common-funded costs for all. That, together with bilateral expenses for expanded exercises, training, etc., would, in CBO's estimation, likely increase the cost to the U.S. to an average of 62.5 million per year for 10 years.

There is no evidence, however, that NATO plans to change its carefully researched cost estimate declared "thorough and militarily sound" by General Shelton, Chairman of the Joint Chiefs of Staff, and whose assumptions and conclusion were deemed "reasonable" by the General Accounting Office.

The Defense Department, in its *February 1998 Report to Congress on Enlargement Costs*, made clear that most U.S. costs have already been planned for, and that only incremental amounts of $5 million in FY00, $12 million in FY01, and $32 million in FY02, will require additional funding requests.

Moveover, CBO appears to ignore the three applicants' own assurances that they will pay all NATO requirements not deemed to be common-funded, and that their economic growth rates can allow such expenditures.

Once again, although the new CBO cost figures are vastly lower than they were in the 1996 study, this is an estimate not based on the best evidence, but on worst-case speculations.

But even a worst case scenario under the new CBO estimate still results in figures so much lower than the alarmist sums of "upwards of one hundred twenty-five billion dollars" it is a disservice to the public to repeat them like some doomsday mantra. NATO enlargement will not break the bank.

I would emphasize that even if the CBO's current worst-case estimate turns out to be correct, their estimate represents only 0.15 percent of our Defense budget. To my mind, this still makes the cost of NATO a bargain, given the number of troops and strategic depth we gain by adding three new, highly-motivated allies to NATO.

Nevertheless, I have seen no evidence to doubt the NATO study's figure of U.S. enlargement costs averaging $40 million per year over 10 years. This is the estimate confirmed by both DoD and GAO and should remain our basis for planning.

I thank the Chair and yield the floor.

Mr. BYRD. Mr. President, the Senate is considering whether Poland, the Czech Republic, and Hungary should be admitted to the North Atlantic Treaty Organization (NATO). This is one of the most important foreign policy issues to be considered by the Senate in recent years, and the outcome will shape the future direction of NATO and our military relationship with our European allies.

In addressing this question, we should begin with the fundamentals, by examining the past and future purpose of NATO. NATO is a collective security military alliance, with the original purpose of defending Western Europe from a possible attack by the Soviet Union and its allies in the Warsaw Pact. When considered from that perspective, NATO stands as one of the most stunningly successful alliances ever conceived. Not just because it maintained the peace for over forty years—other alliances in human history have kept the peace for longer periods of time. The success of NATO cannot be judged merely by time, but also by the scope of its mission. For, unlike previous military alliances, NATO was not intended merely to prevent another conventional war, but also to deter nuclear war. At stake was—and still is—nothing less than the preservation of global civilization, and the world owes a debt of gratitude to the alliance and its leaders for maintaining the peace.

Some have argued that NATO also serves to maintain democratic traditions, since its original purpose was to protect Western democracy from an attack by an authoritarian Warsaw Pact. Today, NATO continues to defend those democratic values, which are part of the criteria in the decision to expand the membership of the alliance.

Nonetheless, NATO continues to be, first and foremost, a defensive alliance. Critics of NATO expansion question whether Russia perceives NATO to be defensive or offensive, and argue that the admission of the these three new members will "alarm" Russia. These critics believe that Russian nationalists will perceive the expansion of NATO to be the enlargement of an offensive alliance aimed squarely at the heart of Russia, rather than the enlargement of a defensive agreement among nations inclined to keep, not break, the peace.

The question of Russian nationalists, and their future role in their own country, speaks to the core of the issues surrounding the future of NATO. The question is not only how Russian nationalists react today, but also whether the most militaristic and virulent nationalists might gain power in the future, and whether that could pose a renewed threat to peace in Europe.

Russia is unstable in virtually every societal area—her economy is weak, her military in shambles, and civil order is increasingly dominated by violence and corruption. Although we all sincerely hope that this wounded bear will regain her health and settle into a peaceful way of life that protects the interests of all her citizens and which deals fairly and openly in the community of nations, it is not at all clear that democratic traditions will survive within that nation for the next ten years. Some have argued that the expansion of NATO could be a factor in bringing the nationalists to power. The available evidence suggests that this is not the case. The Yeltsin government has publicly accepted the expansion of NATO, and public opinion polls indicate that the Russian populace is barely aware of this question, and everyday Russians do not have strong opinions on the question of NATO expansion. They are far more concerned about bread and jobs than they are about NATO.

If authoritarian nationalists are to gain power in Russia in the future, that sad scenario will be caused by the fundamental instability of Russian democratic institutions, and the general collapse of the economy, not by NATO expansion. If nationalists seize power, and impose a new militaristic dictatorship upon Russia, it will pose a new threat to the peace of Europe, and the continuation of NATO will be essential to again preserve that peace. We might again face the question of a newly hostile Russia that possesses a still formidable arsenal of nuclear-tipped missiles.

I would also note that critics of NATO expansion argue this question both ways. They argue that we dare not enlarge NATO because it might irritate or anger the most virulent of the Russian nationalists, yet those same critics do not address the question of the threat posed by a future rise to power of those very same nationalists.

In the event of the rise to power of authoritarian nationalists in Russia, NATO would be strengthened by the admission of these three nations. Poland, Hungary, and the Czech Republic occupy key geopolitical positions in the heart of central Europe. For that reason alone, their addition to NATO is of strategic importance. These three nations have also met the criteria for membership, and their inclusion in NATO would more firmly cement their ties to the U.S. and Western Europe.

Another related question is whether we should enlarge NATO now, or wait until some undefined future date. There is little to be gained through delay, since the Russian government has largely accepted the addition of these three countries to NATO. The diplomatic and political conditions are not likely to be any better in the future, and there is a serious risk that circumstances may only worsen. For example, if militaristic nationalists gained power in Russia in the future, they would likely vehemently object to any expansion of NATO. NATO would likely not act to expand the alliance in the face of such Russian opposition, fearing that it might lead to renewed cold war tensions. The bottom line is that we would not be able to expand NATO at the very time that such enlargement would be in our national interest. Under such circumstances, NATO might deeply regret not including Poland, with the geopolitically important Polish plain, as part of NATO.

It is probably true that some xenophobic Russian nationalists will tell their people that NATO enlargement poses a threat to their country. But we know, as do they, that this argument is entirely false. NATO is inherently a defensive alliance. Its military structure revolves around the defense of its own territory, and not around the launching of offensive operations aimed at subjugating Russia. We cannot base our foreign policy upon the paranoid concerns of the opponents of democracy in Russia. They will advance arguments to undermine democracy and U.S.-Russian relations regardless of what we do.

Another important question is whether there should be another round of NATO enlargement, and if so, which nations should be included. Critics of NATO expansion have argued that a decision to admit Poland, Hungary, and the Czech Republic implies yet another round of expansion, and that if we start down this path, we will inevitably include even more nations into NATO.

In my opinion, there is nothing inevitable about this at all. I am voting on the admission of three nations, and only three nations. My vote to admit those three does not imply either approval or disapproval for any other nations. If this or any future administration decides to recommend another round of countries for admission to NATO, that recommendation must receive the consent of the Senate to become a reality.

I want to clearly separate our vote on enlargement today from any vote in the future on other nations. I recognize that there are deep-seated concerns about the possible future admission of the Baltic nations of Latvia, Estonia, and Lithuania. These are important questions, which would be carefully evaluated by the Senate, and any decision involving the admission of Poland, Hungary and the Czech Republic stands by itself.

The North Atlantic Treaty Organization has performed a vital role in maintaining the peace and deterring catastrophic nuclear war. I believe that the enlargement of NATO, by including Poland, the Czech Republic, and Hungary, will further strengthen that role in the future. Therefore, I will cast my vote in favor of expansion.

Mr. DEWINE. Mr. President, I rise in strong support of expanding the North Atlantic Treaty Organization to include Poland, Hungary, and the Czech Republic. It is the right thing to do, right now.

Fifty years ago, President Harry Truman perceived the very real threat to our national interest posed by the rise of Soviet Communism in liberated Western Europe. He understood that although turning a blind, isolationist's eye to trans-Atlantic affairs may have seemed attractive in the short term, it could prove far more dangerous and costly to American interests in the long term. Therefore, it was absolutely in our national interest to promote and defend abroad our values of democracy and opportunity against an aggressive and oppressive Soviet regime. To that end, we fashioned the North Atlantic Treaty Organization—a collective security agreement with fifteen of our allies. With NATO, insuring that Western Europe's democracies flourish—and that its economies grow—became a top U.S. priority, and rightly so.

Fifty years later, the results are impressive and worth examining. By instituting collective security among its member nations, NATO achieved collective stability. This stability allowed Western Europe to enjoy one of its longest periods of sustained peace and economic development ever. It has recovered remarkably from the scourge of two World Wars, and free markets have thrived inside of democratic institutions. NATO not only deterred the Soviets from aggression, but so strong is our alliance that since its inception no NATO country has ever been attacked. Of course, this success has not been achieved without sacrifice or without cost. However, the price of peace is a mere fraction of the cost of war.

Clearly, the mission of NATO needs to be adapted to the post-Cold War world. The threat is no longer the clearly defined ominous shadow of Communism; but the threat of instability is just as real. The Cold War has ended, and the Warsaw Treaty Organization has been dismantled, but now is not the time for passive complacency. Just as the war-torn countries of Western Europe did fifty years ago, the emerging democracies and economies of today's Eastern Europe need NATO security to rebuild and to thrive. And now, like then, it is in the national interest of the United States that this occur.

Expanding NATO to include Poland, Hungary, and the Czech Republic will sustain current and future economic reforms. It will promote cooperation and peace among neighbors. NATO's presence also will fill a dangerous military and political vacuum in Central and Eastern Europe, and further cement European security by uniting East with West.

As well as increasing global security, NATO expansion will have tangible economic benefits. Free but untapped markets in this part of the world hold tremendous economic potential for U.S. exporters. And undoubtedly, the prestige, the security, and the validation that comes with NATO membership will have a profoundly positive psychological impact on the minds of foreign investors.

Throughout this process it was important that the invited nations demonstrate that they are willing to make the sincere commitment required of NATO members, and it seems to me that they have. Politically, economically, and diplomatically, the Czech Republic, Hungary, and Poland show great promise that they will become strong partners in our alliance.

Poland, for example, has just witnessed its second democratic change of government since 1989 as a result of fully free and fair elections. Its new democratic constitution was approved last year by national referendum. Economically speaking, Poland is sound. Its economy has been one of the fastest-growing in Europe since 1993, and the private sector now accounts for two-thirds of its gross domestic product. Poland has also codified civilian control and parliamentary oversight of its military. On the diplomatic front, Poland has resolved outstanding differences with its neighbors, including Ukraine, with whom it recently signed a declaration of reconciliation. These diplomatic efforts would not have been possible but for the promise of NATO expansion.

After forty years of dictatorship, democracy now reigns in Hungary. All six of its parliamentary parties support entry into NATO. The Hungarian government upholds human rights, freedom of expression, rule of law, and an independent judiciary, and it too has twice held free elections since the fall of Communism. While attracting almost $16 billion of direct foreign investment, Hungary has engaged in a strict stabilization program and cut its budget deficits substantially. And on the diplomatic front, Hungary has recently signed treaties with Romania and Slovakia, thus ending territorial disputes that had existed for generations. And the government has agreements with its neighbors, including Ukraine, to cooperate against organized crime, terrorism, and drug trafficking.

The story is much the same in the Czech Republic, which has a constitution guaranteeing freedom of speech, freedom of assembly, and freedom of the press. Two national elections were held in 1996 for the legislature, and they were free and fair. Since 1989, the Czech Republic has engaged in tight fiscal policy, liberal trade practices, and privatization of state enterprises. As a result, unemployment is low and inflation is controlled. It maintains strong relations with its neighbors, especially Germany—its leading foreign investor—and with Poland, as the two countries have harmonized their approaches to European Union and NATO membership.

I would now like to make some comments about some of the amendments we have voted on.

First, I want to say that I opposed the amendment which would have linked admission of Poland, Hungary and the Czech Republic to admission to the European Union. While NATO and the EU have overlapping membership, they have different missions. NATO is a collective defense organization designed to protect and defend the territory of its member states. The EU is not a military but an economic alliance of European states which does not include the United States. It also does not include Canada, Iceland, Norway—which by the way rejected EU membership—nor does it include Turkey.

The question I have is why would we want to allow an organization of which the US is not a member, to dictate our security interests? Another concern I have about this amendment is that it would ultimately—and unnecessarily—delay NATO enlargement, since Poland, the Czech Republic and Hungary are not members and have only recently been invited to begin the process of joining.

Second, I opposed the amendment which would have mandated a three year pause on new members. Article 10 of the NATO charter provides a mechanism to enlarge the alliance. This article has successfully worked for 50 years in bringing new member states into NATO. I strongly feel that this amendment would not have helped NATO, but rather have added an additional and unnecessary layer of bureaucracy to the process.

The amendment also would have dampened the spirits of other countries who eagerly want to join NATO. Many of these countries have made significant sacrifices—both political and economic—to prepare themselves for future NATO membership. Enacting this amendment would have reduced the incentives of these countries to continue these important reforms. I would like to point out, however, that there is no commitment at this time to invite other nations to join NATO.

Let me conclude. Through democratic and economic reforms, these three nations have invested in long-term stability. NATO membership promotes confidence in this regional stability, thus making it even stronger.

If this century has taught us anything, it is that European instability ultimately becomes our problem. By admitting these committed and deserving nations to NATO, we will strengthen our alliance and expand the dividends of peace and prosperity to a level unprecedented in modern history.

Mr. President, I yield the floor.

Mr. HATCH. Mr. President, I rise today regarding the topic before us: Senate ratification to amend the North Atlantic Treaty to allow for the accession of Poland, Hungary, and the Czech Republic.

I wish to commend Senator HELMS and Senator BIDEN for their sustained efforts to investigate thoroughly the issues inherent in this historic move.

As befits the importance of the North Atlantic Treaty, the Senate Foreign Relations Committee has held numerous public hearings and provided many briefings and reports giving consideration to all aspects—and all views—regarding this historic move.

The Budget, Appropriations, Armed Services and Intelligence Committees in both bodies of Congress have further contributed to this valuable debate. Indeed, in the post-Cold War era in which we now find ourselves, I don't believe any issue has been more thoroughly vetted, and I thank my colleagues and the leaders of the relevant committees for their efforts.

I have lent a great deal of thought to this issue. Amid the euphoria of 1989, when many focused on the stunning collapse of Soviet occupation throughout central and eastern Europe, we had to recognize that a yawning geopolitical vacuum had just opened. For the first few years we correctly focused on assisting the Germans in their successful reunification efforts, but as nascent democratic and free markets institutions arose in central Europe, the United States stepped in to assist and solidify these developments.

The costs to us of solidifying these institutions were significantly less than the costs of waging the Cold War, but the benefits we saw—in terms of the freedom spread where darkness reigned for nearly half a century—were so much greater.

Mr. President, I have regularly visited the countries that will soon be accepted as NATO's new members, sometimes on my own, sometimes with other members, and regularly with our delegations to the North Atlantic Assembly, recently under the leadership of my colleague Senator ROTH. I have met with their political leaders, their military representatives, and local analysts on many occasions, as I have sought to measure their level of democratic advancement.

In 1995, I was honored to address the first multinational graduating class from the International Law Enforcement Academy in Budapest, Hungary, where the FBI now works with law enforcement officials from throughout central Europe to assist in combating criminal challenges to us all.

Democracy is strong in Hungary, Poland, and the Czech Republic. The rule of law is established, civilian control of militaries is well-established, and these nations rightly take their place alongside the nations of the West.

There are a few voices, Mr. President, who argue that what the nations of central Europe need more than NATO membership is economic development. This is the essence of the amendment proposed by my respected colleague, Senator MOYNIHAN, which requires European Union membership prior to the deposit of our instrument of ratification.

With great respect for the senior Senator of New York, I must disagree: Yes, the countries of central Europe require economic development, but it is mistaken, in my view, to believe that economic development and geopolitical advantage are exclusive of each other.

The European Union has only planned for joint defense capabilities; NATO has preserved the territorial integrity for its members for nearly half a century. The European Union excludes the United States; but the United States leads NATO. Therefore, subjecting determinations for future NATO expansions to the European Union is not only unwise, it is, in my view, illogical.

Mr. President, you have heard this many times already in this debate, and I daresay you will hear it many more times. The North Atlantic Treaty Organization is the most successful treaty defense organization in human history.

Twice, before the founding of NATO, the United States was drawn into wars on the European continent, where we suffered huge losses of blood and treasure. An unbridled Germany and an unstable central Europe were predominant reasons for the calamities that became these world wars. The accession of the Federal Republic of Germany to NATO in 1955 firmly established free Germany into the community of western democracies. With the unification of Germany in 1990 following the collapse of the Soviet empire, the integration of Germany was complete. Throughout that period, NATO succeeded by the virtue of its defensive cohesiveness and its deterrent effect on the European continent.

Today, we are set to integrate three important nations of central Europe, Hungary, the Czech Republic, and Poland. With their integration, geopolitical space in central Europe will be firmly incorporated into the territory protected by the defensive military alliance of NATO.

As the report accompanying the resolution of ratification asserts correctly: "With the enlargement of NATO, the United States and its allies have an opportunity to build a more stable Europe, to lock in that stability, and to replace the dynamics of confrontation and conflict with trust and cooperation."

Some have asserted that no threat exists to legitimize such an enlargement to the alliance now.

Mr. President, the extension of geopolitical stability in Europe is an insurance policy against the future development of regional threats. The United States, and the United States Senate, should not need to wait for the development of an imminent threat in order to implement sound geopolitical strategy.

NATO's mission has always been subject to certain applications beyond the core mission to defend territory. These applications have reflected consensus among members regarding military challenges, and I am hesitant to amend this resolution in any way that would impose definitions or mechanisms that might politicize the carefully honed language of the original North Atlantic Treaty.

I believe the language of the resolution sufficiently asserts the central mission and strategic rationale for this enlargement.

It is entirely reasonable for the Senate to carefully review the costs that this enlargement will incur.

Through the years of considering this move, many numbers have been manufactured: the range has been startling and the spin has been confounding.

I suppose it is somewhat predictable that attempts were made to politicize these numbers, but the scrutiny of many committee hearings have provided great focus. I am confident that the most recent GAO and CBO estimates are accurate: a total of $1.5 billion in increased U.S. contributions over the next 10 years. For increasing the geopolitical stability well into central Europe, this is a sound and defensible expenditure.

A great deal of debate has focused on the consequences of NATO enlargement on Russian geopolitical behavior and U.S.-Russian relations.

I am not convinced of any direct causality between NATO's decision to enlarge and the content and direction of Russian foreign policy. I think historians and analysts of Russia concur with my view.

Despite an unprecedented U.S.-Russia relationship that has developed over the past decade, a relationship that has seen billions of U.S. assistance go to the development of Russian democratic institutions, a relationship that has seen Russian and American troops serving side-by-side in Bosnia, some believe that this expansion of NATO will poison our efforts, or will, in the words of some, "scare the Russians."

I have visited Russia many times in my career in the Senate, most recently three weeks ago. Senator GORDON SMITH, who is chairman of the European Affairs Subcommittee of the Senate Foreign Relations Committee, and I had many meetings with the Russian foreign policy establishment, including Deputy Foreign Minister Mamedov, responsible for U.S.-Russia relations, and Andrey Kokoshin, Secretary of President Yeltsin's Security Council. We met with a number of Duma and Federation Council members. We discussed many aspects of our bilateral relations, and NATO was reviewed in every meeting.

Every Russian official I met in Moscow objected to NATO enlargement. Yet every official I met denied that they believed NATO posed a military threat to Russia's territorial integrity, and every official I met admitted that, despite being unhappy with this enlargement, they were all reconciled to this development. Mr. President, no Russian—not one—told me that NATO enlargement would be a legitimate cause for reversal of Russia's domestic evolution toward democracy.

Not one Russian official told me he was afraid of NATO enlargement. Not one Russian, Mr. President, objected to the new contiguous border between Poland and Kaliningrad.

I must admit that I find this objection raised by opponents to enlargement to be somewhat bizarre. Since Turkey's accession to NATO in 1952, NATO had a long border with what was then the Soviet Union—we used to have nuclear-armed Jupiter missiles in that border country. We also had a contiguous border between NATO and the Soviet Union along Norway's eastern border with the Kola peninsula, behind which the Soviet Union's strategic naval forces resided.

And now we have opponents objecting to a border with Kaliningrad, which is not contiguous with Russia itself? Or, even stranger, there are those who analogize the Kaliningrad situation with a Russian alliance with Mexico along our southern border.

Such an argument would have been denounced 15 years ago as "moral equivalence." Today, the Kaliningrad argument is ahistorical and simply dilatory.

Every Russian I met three weeks ago told me they still objected to NATO enlargement, but told me also they wanted to work with the Founding Act instrumentalities and were eager to continue and expand our many levels of bilateral cooperation.

The enlargement of NATO that this body will pass in the next few days is not short-sighted, Mr. President, but the most significant foreign policy act before the end of this century.

It has been long-considered, and, frankly, desired even longer. I recall the days when we looked across the Iron Curtain to countries we knew had once had Western, democratic societies.

I hope this is not the last enlargement, although I am confident that future enlargements, if they occur, will occur with the same detailed, painstaking consideration as we have conducted over the past four years.

Over the course of this debate we will hear quoted many testimonials by Americans from all walks of life, both parties, and all regions in favor of the move we will ultimately take.

It is particularly significant to me that the American Legion, as well as the American Veterans of Foreign Wars, have endorsed NATO enlargement. These men and women know the territory; they know the history; and they know the price. I'm proud to be associated with them on this important issue.

Mr. President, I am a strong supporter of this historic move. The countries formerly imprisoned by the Soviets have come out of the cold, have elected democratic governments that have established the rule of law, civilian control over their militaries and individual liberty and free markets. They have all indicated strong support from their publics for NATO membership and its responsibilities.

A geostrategic vacuum, long a source of instability on the European continent, is being filled—by an organization that is strictly defensive, with absolutely no offensive intentions. The action this body takes in the next few days—by ratifying this protocol to the North Atlantic Treaty—will not only extend stability into central Europe, but will extend the promise of peace and stability into the next century.

I thank the Chair. I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Missouri.

Mr. ASHCROFT. Mr. President, may I inquire as to the order of business?

The PRESIDING OFFICER. The resolution is open for general debate.

Mr. ASHCROFT. I thank the Chair. I am pleased to have this opportunity to make some comments about NATO expansion, particularly as it relates to the resolution of ratification for protocols to the North Atlantic Treaty.

As was evident earlier, I had an amendment which was designed to challenge a transformation of NATO that would take place as a result of the resolution of ratification which would essentially expand the scope of NATO.

I would refer Members of the Senate to the New York Times of last Friday, April 24.

The editorial is identified as "The Senate's Duty on NATO." It reads as follows:

> The ratification resolution promiscuously opens the door to NATO military actions almost anywhere in the world. That startling expansion of NATO's license to conduct military operations demands extensive debate.

Here you have the New York Times drawing attention to this expansion of NATO's scope and mission. It says that the mission of NATO is being—in the words of the New York Times—changed when the resolution "promiscuously opens the door to NATO military actions almost anywhere in the world." To change the nature of a treaty promiscuously, as the New York Times suggests, without asking the Senate to ratify the change, is a dangerous and troubling precedent. It is inappropriate.

I have raised this issue of NATO's broadened mission throughout the debate on NATO expansion. I raised it before this New York Times editorial was published, but I am very pleased that they would draw attention to this "startling expansion of NATO's license to conduct military operations." I don't think you can expand a treaty's license to conduct military operations without consulting the Senate and obtaining this body's advice and consent.

The New York Times stated this issue demands extensive debate. I proposed that we debate it, and I proposed that we curtail this expansive extension of the ability of the NATO alliance to be involved in military operations around the world, regardless of whether they are related to NATO's collective defense mission. Frankly, I am very disappointed that the Members of the Senate have not engaged in extensive debate in this area—an area in which the Senate has been largely ignored by an administration which seeks to transform NATO into an entirely new organization. Treaty creep is what is occurring and NATO is being altered from a defense of territory organization to a defense of interest organization. The interests of NATO nations can be pursued around the globe, with international deployments of NATO forces not necessarily for the defense of NATO territorial integrity or political independence.

The New York Times properly says this expansion of NATO's scope demands extensive debate. I am sorry to say that the Senate decided to walk away from its obligation to oversee the ratification of this fundamental change in the treaty. By tabling the amendment, the Senate has failed to address an issue of fundamental importance for the future strength of NATO and the security of the United States.

It is not every day that I agree with the New York Times, but I think the article is insightful and clear on this point. I would like to take just a few minutes—and I will use some of these charts—to indicate the missed opportunity of the Senate to look carefully at what is happening to the mission of NATO. I intend to vote against the ratification of this treaty, if for no other reason than the promiscuous expansion of NATO's mission endorsed in this resolution of ratification. This shift from a defense of territory to a defense of interests is a tremendous question that must be addressed with regard to the future of NATO.

Let me just refer the Senate to the statement of William Perry, the immediate past U.S. Secretary of Defense. He was one of the architects of the treaty expansion that is before us. Here is what he says:

> The original mission of NATO—deterring an attack from the Soviet Union—is obviously no longer relevant.

Then he goes on.

> The original geographical area of NATO responsibility is no longer sufficient. The original military structure of NATO is no longer appropriate. . . . The new missions of NATO—

You know, this debate hasn't been about new missions. This debate has been about three new countries. But here the architect of the expansion said:

> The new missions of NATO should be preventive defense—creating the conditions for peace in Europe . . . the geographical area of NATO interests should be anywhere in the world. . . .

That means the ambit of deployment, the arena for the deployment of NATO troops, including young men and women from the United States, is anywhere in the world. I think before we make that kind of change, we ought to think very carefully. No wonder the New York Times says, "That startling expansion of NATO's license to conduct military operations demands extensive debate." I shudder to think that we consider tabling "the most extensive debate."

But here is what the Secretary of State had to say. Secretary Albright, according to the Washington Post:

> . . . also has urged that an expanding North Atlantic Treaty Organization . . . must extend its geographic reach beyond the European Continent and evolve into a 'force for peace from the Middle East to central Africa.'

All of us want to see peace around the world. We all want peace in the Middle East. We all want peace in central Africa. But if we allow a treaty to evolve through treaty creep, letting it expand on its own rather than having a real discussion on the role and responsibility of the United States and NATO and its proposed new missions of serving as a force for peace from the Middle East to central Africa, then we are not fulfilling our responsibility as members of this body.

It is sad that the Senate of the United States decided to turn its back from that kind of discussion and decided that it would table that debate. This is a serious matter, whether we are going to be sending young men and women of the United States of America to perhaps stain the soil of Africa under some NATO mission, perhaps an international policing operation not envisaged in the NATO treaty. Such operations were never before thought to be within NATO's scope, because the alliance was explicitly for the defense of territory.

Now, by expansion of NATO's mission through press release and speech, the Secretary of State says we are going to be involved in central Africa and the Middle East in ways we had not ever anticipated. This treaty is changing in fundamental ways. If we allow NATO's expanded mission to be achieved through the unilateral press release, statement, and policy of this administration, what is the value of the U.S. Senate in giving its advice and consent to treaties? If the Senate does not fulfill its role, perhaps it would just take a single treaty that any administration then could evolve into whatever it chose. I think we ought to think seriously about allowing an organization, the most successful military collective defense organization in the history of the world, to be simply evolved into something for which it was never intended.

Just to make it clear that it was never intended, let me refer you to the statement of Senator Tom Connally. Tom Connally is not one of our contemporaries but was a Senator, chairman of the Foreign Relations Committee in the year 1949, when the NATO alliance first came into existence. Here is what Tom Connally said: "Let us not forget"—awesome words, because I think we are in the process of forgetting—"that this treaty is limited in scope."

It was to be limited to North Atlantic Treaty Organization member states. Now we are talking about anywhere in the world. We are talking about beyond Europe to central Africa.

This treaty is limited in scope. [I quote again Senator Connally.] Its main purpose is to maintain the peace and security of the North Atlantic area. We do not propose to stretch its terms to cover the entire globe.

The elasticity of stretched treaties has reached new limits, or perhaps has found no limits in what we are willing to do here today. The suggestion of the New York Times that this kind of expansion, this promiscuous opening of the door to military deployments around the world, doesn't merit discussion at all, it merited tabling—this is a sad day. A global NATO? That is not what Tom Connally thought we had.

As a matter of fact, NATO's first strategic concepts really focused on two things, "Defense planning limited to the defense of the treaty area," and, "NATO military authorities have no responsibilities or authority except with respect to incidents which are covered by articles V and VI of the North Atlantic Treaty." It was a defense of area treaty. It wasn't to be an alliance the troops of which could be deployed like a mini-United Nations, with a standing army, to the hot spots around the globe for so-called international policing or so-called peacekeeping. It was to be something that defended the NATO nations. And to change this essential mission for NATO, I contend, should come before the Senate for its advice and consent.

However, these strategic concepts of the past have been superseded by the Strategic Concept of 1991. Here, instead of having the defense of territory as being primary, we find "to provide one of the indispensable foundations for a stable security environment in Europe"—all of Europe this time, not just the NATO nations—"in which no country would be able to intimidate or coerce any European Nation." This is treaty creep. We have gone from the member nations of NATO to the European Continent as a whole to stop intimidation and coercion.

The first priority in the 1991 Strategic Concept is to expand beyond the member nations of NATO. Talk about the latitude to deploy troops throughout Europe, and we have seen out-of-area deployments become the primary focus of the NATO alliance.

No. 2, "to serve as provided for in article IV of the North Atlantic Treaty, as a transatlantic forum for allied consultations on any issues that affect their vital interests."

Oh, no, we have moved from defense of territory and the defense of the political integrity of member nations to the defense of vital interests. I suppose "vital interests" could include trade interests or interests in humanitarian concerns or interests in cultural exchanges. We find ourselves with a real potential for the expansion of the scope of this treaty.

All of a sudden, the collective defense of the territory of the NATO nations is no longer the prime task, according to the Strategic Concepts of 1991. Where do we find the collective defense? We find them down in 3 and 4. They have been placed at the bottom of the list.

There is a new agenda for NATO nations. Not the defense of territory, it is the defense of "vital interests." No wonder they are talking about deploying troops in Africa in international policing operations. No wonder Secretary Perry talked about deploying troops around the globe. The NATO nations could have commercial interests and trade interests around the world.

Some would say this expansion of mission is an appropriate thing. I think when the New York Times said this demands extensive debate, they weren't ruling out such an expansion of mission out of hand. I don't think setting NATO on a course to become a mini-UN with a standing army is a good thing, and, as the New York Times points out, we should at least have an extensive debate before NATO takes this step. When the time came this evening to look carefully at this, we found the Senate saying, "We'll table it; we won't consider it." As we all know here, a motion to table cuts off debate. It doesn't provide for debate.

Let me just say, when the treaty was entered into, it was pretty clear what territory was covered. Article VI defined the territory that was to be defended:

> Any of the parties in Europe or North America, on the Algerian Departments of France, on the territory of Turkey, or on the islands under the jurisdiction of any of the parties in the North Atlantic area north of the Tropic of Cancer.

Sounds like the legal description of a deed to the house. It is specific; it is particular. It doesn't say you deploy resources all around the globe to protect interests. It says that resources are to be used to defend territory. We have seen this change, and it is reflected over and over again.

The point that I am making is that when you change the nature of a treaty, you have a responsibility, at least as members of the United States Senate, to do so carefully. We didn't even have debate on this amendment today. We simply had a motion to table the amendment in haste to move on to other things.

Here is what happens when you cut defense and you start thinking about global deployments. One of the things I fear is that the same problem that has attended the deployment of our own Armed Forces around the world in peacekeeping and policing operations could happen to NATO. And you know, our Armed Forces are threatened because we have a tremendous willingness in the administration to deploy, but not much willingness to fund. We cut the funding and cut the funding and cut the funding, and we keep sending more troops to different places. As this administration has slashed defense spending, one wonders whether the resource that is devoted to the military and defense of this country is being impaired. I am confident that there are instances where it is.

Poland, Hungary and the Czech Republic comprise 301,000 new square miles of territory to be defended; 2,612 miles of new borders to be defended. And yet, our total national defense spending fell by 27 percent over the last 8 years. And we are going to take on a substantial new commitment. Our share of whatever happens in NATO has always been about 25 percent. We are going to have that kind of an increase in commitment while we are having this kind of plummeting devotion of resources to our own military spending.

Additionally, we have spent money in a lot of different ways in these out-of-area deployments for our own Armed Forces. Outside normal training and alliance commitments, the Army conducted 10 operational events between 1960 and 1991. Ten times we deployed troops in that 31-year period, and that is when we had a significant devotion of resources to support the troops.

Since 1991, we have been cutting our resources to the troops substantially. And what have we done while we have been cutting their supplies? We have been sending them out at an alarmingly higher rate. We had 10 deployments in 31 years, and then in the next 7 years, we have had 26 deployments. That is a formula for difficulty, and if that is the way we are going to treat NATO, by having increasing deployments based on the interest of the parties, not to defend the strategic territories of the parties, but to just sort of defend their vital interests, be they in Africa, Asia or the Middle East or somewhere else, then the North Atlantic Treaty Organization is North Atlantic in name only.

If we begin to deploy NATO forces without reference to the alliance's mission, we could hollow out this most successful defense organization ever in the history of mankind. We could hollow it out so it loses its effectiveness.

Our Marine Corps conducted 15 contingency operations between 1982 and 1989 and 62 since the fall of the Berlin Wall.

This business of deploying people all around the world is serious, and if we are going to do that with NATO, we are going to see some of the same challenges that we have seen in our own operations, because we are having trouble with maintaining our armed forces. Our fleets are getting old, and we are having trouble with reenlistments because we don't have the resources.

The same kind of problems besetting our own military also could beset the NATO alliance. The point I am making is simply this: If you are going to change the mission of NATO, if you are going to change it from defending territory, which is identified and understandable, located and clearly marked, and you are going to start making NATO into an organization the troops of which can be sent anywhere, anywhere in the world in the defense of "the interests," we may well threaten the viability of NATO itself.

Let me just conclude by making this statement: We talk about NATO troops as if they are individuals who are strangers. Well, NATO troops include folks from the United States of America. They include our sons and our daughters, our brothers and sisters, our nephews and nieces. I don't think we should embark upon a program of substantial change in the responsibility and duty of those troops without considering it very, very carefully. To switch from defending the territory of the NATO nations to defending interests potentially around the globe is to make a major change that merits the close scrutiny and extensive debate that this Senate should and could provide but which it declined to provide when this amendment was tabled. Absent that kind of consideration, I find it very, very difficult to say that we should expand an alliance whose purpose is not clear.

Mr. President, I thank you for this opportunity, and I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. I believe the Senator from Texas wishes to be recognized next, but just so the Senators will be on notice to what I think will happen now, the Senator from Texas wishes to speak a few minutes on the final disposition of this issue. Senator SMITH will be recognized to offer an amendment. His amendment will be set aside, and Senator INHOFE will have an amendment he will offer. At the conclusion of their debate, then we would anticipate that there would be two or three votes that would occur, hopefully in sequence, so this could begin in a relatively short period of time.

We do not have a time agreement, but we hope to reach conclusion before too late into the night.

Mr. FORD. Would the Senator yield?

Mr. LOTT. Yes.

Mr. FORD. Is there a chance we might get a time agreement on those other two amendments?

Mr. LOTT. I believe, I say to the Senator, they would prefer that we not have a time agreement, but they do not anticipate taking a long time.

Mr. FORD. I thank the Senator.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I believe I share with a substantial number of my colleagues a real sense of unease about the process that we are about to finish. When I made my opening comments about the resolution before us, I noticed that a legislative body is ill-suited to the task of establishing order, coherence, and discipline to a foreign policy initiative. The last few days have proven me right, as we have missed the opportunity to greatly improve the resolution before us.

The decision to expand NATO and extend invitations was made in the heat of a political campaign, with little attention given to the truly important questions that should have been addressed.

There has been no assessment of the threat against which the military alliance was supposed to defend. There were no clear criteria established for membership in NATO. We did not use this opportunity to debate what the mission of NATO should be in the post-cold-war era. We have not used this opportunity to lay out clear expectations for the next group of would-be members of NATO. We have left no roadmap for the future.

Unfortunately, the administration did little to address these issues when it proposed to expand the alliance in the first place. The Senate was placed in the position of having to do so because of a failure of executive leadership. And I do not think the Senate has done very well, either.

Why was it left to us to wonder about the possibility for border and ethnic disputes to impact the expanded alliance in a way that might hurt U.S. interests?

While my amendment on that matter was defeated, 37 Members, more than one-third needed to stop future expansions, believe that a process to address such disputes is important and should be discussed. Other Members raised equally valid concerns, and they were nearly all defeated.

The Senator from Virginia had a prudent proposal to step back after the first round of expansion to let the experience be fully absorbed by the United States and her allies. Defeated.

Our colleague from Idaho wondered if we should not at least vote to authorize the ongoing and possibly open-ended NATO mission in Bosnia before we think about expanding the alliance to new members. Defeated.

The Senator from New Mexico said strategy should be adopted before we take in new members. Defeated.

Because the concerns of so many Members were so summarily dispensed with, many will find it difficult to support this resolution. How much stronger a signal might this body have sent on this important matter if there had been more willingness to find an acceptable compromise with concerned Members, many of whom are not on the relevant committees and had no opportunity to really fashion the underlying resolution.

Instead, we have a resolution that has very little to say about the future beyond the fact that we will likely add three new members to the alliance. But that has never really been the debate here as far as I am concerned.

Most of us have not opposed the three countries being considered for immediate membership. We were concerned about the process by which we got to this point. In many ways, after more than a week of debate, we are still not much further than when we started.

For example, there is no strategic rationale for the new NATO alliance. It is not due from the President until 180 days after this resolution is passed. There is still no credible estimate about the cost. We have seen estimates miraculously shrink from $125 billion to a couple of million as we have gotten closer to this vote. Obviously, no one knows what the real cost will be. At least we have the protections available because of the cost caps imposed by the amendment of the Senator from Alaska.

In the meantime, this body over the last couple of days has voted for a provision that allows NATO possibly to engage in military efforts on border and ethnic disputes but, rather strangely, voted against letting NATO attempt to resolve such disputes peaceably at the lower levels through dispute resolution.

In short, I think, Mr. President, that both the administration and the Senate have approached the issue of NATO enlargement in a rather haphazard and disjointed manner. Because this Senate defeated the pause proposed by the Senator from Virginia, we will probably be debating the admission of yet another tranche of countries before we have any idea about cost, border disputes, or strategic rationale.

So where are we now? Instead of debating the more challenging issues involving the future of the alliance, we are left with a narrow question: Should Poland, the Czech Republic, and Hungary be admitted to NATO?

These countries have made a sustained commitment to democratic capitalism since the end of the cold war. In numerous discussions with the Ambassadors and Foreign Ministers from each of these three countries as a member of the U.S. Senate's NATO Observer Group, I am convinced that they intend to aggressively shoulder the burdens of membership in NATO. They seek no special treatment, and they wish only to be treated as full members of the alliance with the rights and the responsibilities entailed.

Further, these countries have demonstrated a commitment to the goals of the alliance. They have contributed, in some cases heavily, to the ongoing NATO mission in Bosnia. In the case of Hungary, the United States has staged its Bosnia operations there for some years. The U.S. presence there has approached that of our closest NATO allies and our non-NATO allies. And the Hungarians have been excellent hosts to U.S. forces.

While I remain steadfast in my belief that NATO needs and should at least discuss the adoption of a formal dispute resolution process, the fact is that these countries have worked hard to resolve disputes with neighbors. The Czech Republic peaceably separated itself from Slovakia. Hungary and Romania have signed a treaty to resolve issues surrounding the treatment of ethnic Hungarians in Romania.

Despite these strong indications that these countries are ready for the burdens and benefits of alliance membership, I would nevertheless have retained additional reservations had the managers not accepted the U.S. cost limitations proposed by the Senator from Alaska.

A major issue that must be addressed is how much should the United States continue to shoulder for peace in Europe? We pay 25 percent of the cost of NATO. The Stevens amendment will keep U.S. costs at no greater than what we now spend for NATO. Additional costs incidental to the adoption of three new members will have to be specifically authorized by Congress.

With great reservations about this process, I will not vote against three countries that I believe will strengthen the alliance. I do hope this administration will not come to us again with new countries invited before the strategic rationale, cost limitations, border dispute processes and other conditions many of us tried and failed to impose. I hope we will not put the cart before the horse.

To that end, I take some comfort in the vote totals for at least two of the amendments that failed. My amendment on conflict resolution received 37 votes. Senator WARNER's amendment, requiring a pause of 3 years, received 41 votes. It takes 34 votes to stop a future treaty.

I hope the administration and its successors would see these votes as cautionary should they consider going forward and raising expectations of good people in other countries before looking at the long-term security interests of America and considering what our responsibility is throughout the world. America has never walked away from its responsibilities. We want to pay our fair share. But we would not represent the taxpayers of this country if we allowed our country to take more than its fair share and thereby debilitate the strength of our own security.

I hope that we can move forward now and continue to have the Senate maintain its constitutional responsibility in treaties of advise and consent, not just consent. What we have done instead of truly rewriting the course of our future and creating an alliance for the next century is to add three new members to an alliance whose purpose and therefore whose future is no more certain than when we began this process.

While I cast a vote in favor, I take no great comfort in doing so and I hope the next debate is on the role of NATO in the post-cold-war era. Only then will we assure that the greatest defense alliance in the history of the world will remain exactly that.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

EXECUTIVE AMENDMENT NO. 2328

(Purpose: To condition United States ratification of the protocols on specific legislative action for the continued deployment of United States Armed Forces in Bosnia and Herzegovina as part of the NATO mission)

Mr. SMITH of New Hampshire. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], proposes an executive amendment numbered 2328.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in section 3 of the resolution, insert the following:

( ) LEGISLATIVE ACTION REGARDING DEPLOYMENTS IN BOSNIA AND HERZEGOVINA.—Prior to the deposit of the United States instrument of ratification, the Senate and the House of Representatives shall each have taken a vote on legislation that, if enacted, would contain specific authorization for the continued deployment of the United States Armed Forces in Bosnia and Herzegovina as part of the NATO mission in that country.

Mr. SMITH of New Hampshire. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SMITH of New Hampshire. I say to my colleagues I will be very brief and try to keep it within 10 minutes.

This amendment is really quite simple. It is very much like the Craig amendment that we voted on earlier with the exception that it doesn't call for the passage. It simply says that one way or the other we would require Congress to debate and then vote—whichever way the vote comes out—but just vote on our deployment in Bosnia prior to depositing the instruments of ratification.

I want to briefly touch on why I am offering this amendment. When the Congress first considered the President's plan to send troops to Bosnia in 1995, the administration placed very clear limits on the duration of this commitment. On every single occasion I am aware of, the administration official stated that U.S. troops would remain in Bosnia for 1 year. In fact, Secretary Perry, on December 1, 1995, said, "We believe the mission can be accomplished in one year, so we based our plan on that time line. This schedule is realistic because the specific military tasks in the agreement can be completed in the first six months and thereafter IFOR's role will be to maintain the climate of stability that will permit civil work to go forward. We expect these civil functions will be successfully initiated in one year. But, even if some of them are not, we must not be drawn into a posture of indefinite garrison."

I think these remarks were well intended, and I think it is clear that the Secretary of Defense meant what he said, but it is also clear that they didn't bear out.

We also heard from Secretary of State Holbrooke on December 6, 1995: "The military tasks are doable within 12 months. There isn't any question * * * The deeper question * * * [is] whether the nonmilitary functions can be done in 12 months. That's a real question. But it's not the NATO or U.S. force responsibility to do that. It's on the civilian side, working with the Europeans. It's going to be very tough. Should the military stick around until every refugee has gone home, "til everything else in the civilian annexes has been done? No, that is not their mission."

There were many of us who watched these comments—especially in the Armed Services Committee—very closely, studying the conflict in Bosnia. We felt that this was an unrealistic commitment. We didn't feel that those kinds of commitments should have been made, because we didn't feel they could have been kept. But the American people had no choice but to kind of accept these comments from our leaders.

I was disappointed but I wasn't surprised when right after the 1996 elections, the President announced the continuation of the military commitment for an additional 18 months, to June of 1998. That is where we are now. It is almost June of 1998. Last December, the President acknowledged that our commitment now in Bosnia is open ended but we are still talking about clear and achievable goals.

For 2 years the President has had this opportunity, and I believe that he has been wrong in making these statements. I believe it is wrong for the Government to conduct the foreign policy of the United States without any input from Congress and the public. The American people need to understand what is at stake and either agree to the commitment or not. We have a commitment. The President made it, and now he has extended it open ended.

The question before the Congress today is, do you want to continue with an open-ended commitment, a blank check in Bosnia or don't you? The President has stated he wants to, and he stated why. Now the American people ought to hear from us, the Congress, as to whether or not this is a good idea or a bad idea.

This is no longer simply a Presidential use of force based on his judgment of an immediate threat. We now have nation-building in Bosnia as deliberate foreign policy, and it ought to be approved and funded by the Congress of the United States. Failure to place this before Congress, in my opinion, will destroy congressional support for his foreign policy and, frankly, it insults the intelligence of the American people.

There already has been a casualty in Bosnia, and that casualty is the trust of the American people that their Government will do what it says it will do when it puts American armed forces in harm's way.

I don't see how Congress can allow this extended commitment to continue simply because the President sees no way out. Now, I have been around the cloakroom and in meetings for a couple of years now while this policy has been going on and I have been hearing a lot of complaining from my colleagues, a lot of complaining about how this will continue, it is open ended, what are we going to do about it.

Here is a chance to vote—and I'm not asking you to vote to say that we ought to take the troops out or leave them in; I'm asking you to vote. All I'm asking for is a vote. It could go 5–90 against deployment or the other way around for deployment. I'm not asking for a vote to come out either direction. I'm just simply saying the Congress should vote, the Senate and the House of Representatives, before we deposit the instruments of ratification. That is all this amendment does. It does nothing less and it does nothing more.

I don't, frankly, think that is asking very much. With the new nations we may have more Bosnias. We may have more Bosnias before we are finished, especially as we continue the expansion that Senator HUTCHISON of Texas was talking about a few moments ago, where we defeated the WARNER amendment. So who is next down the line? We continue to draw lines. Where do we draw these lines? This is a very important debate, and I really cannot understand why anybody would oppose this amendment that simply says vote one way or the other. Keep them in 90–10, or take them out 90–10. Just vote. That is all this amendment asks for, before we submit the articles of ratification. In either case, I think the objective is clear that the American people need to be heard. They haven't been heard. We should let them be heard right here on the floor of the U.S. Senate.

Again, let me just say that if my colleagues on both sides of the issue don't support this amendment, which simply requires them to cast a vote—just cast a vote—on this matter before the June 30 deadline, they ought to forever keep their peace on Bosnia. No more complaining in the cloakroom, no more speeches on the floor about how the policy is so bad and so open-ended, no more second-guessing the President, no more criticizing the President, no more saying Congress doesn't have any responsibility. If we can't force ourselves to stand up here tonight and be counted on this subject, then we don't have a right to criticize the President on this issue. Every time I am on the floor and I hear somebody criticizing the President on this, I am going to check the vote list and see how the votes were, and I am going to rise up and challenge that Senator. This is not going to delay the passage, the instruments of ratification. We can vote on this any time. We can vote next week or the following week, or tonight, for that matter. It doesn't matter to me when we vote on it. Whenever the leader wants to schedule it.

Mr. President, my final remarks. The purpose of this amendment is to simply require Congress to vote, period, one way or another on deployment to Bosnia prior to depositing the instruments of ratification for NATO. That's it.

WHAT WILL EXPANSION COST, AND WHO WILL PAY THE BILL?

It is obvious to me that nobody really knows what the true costs of NATO expansion will be. Just look at the cost estimates that are available.

In March of 1996, CBO issued a report that provided five options or scenarios for NATO expansion. The cost of those five options ranged from $60 billion to $124 billion.

In the fall of 1996, Rand Corporation completed a study on the costs of NATO expansion and concluded that the costs could range from $10 billion to $110 billion.

In February of 1997, the administration provided its own cost estimates. In this report the cost of NATO expansion was pegged at $27 to $35 billion.

In December of 1997, NATO itself estimated the cost of NATO expansion as $1.5 to $2 billion.

The February 16 edition of Defense News reports that the Pentagon will issue yet another study that will peg the cost of NATO expansion at $1.5 billion over 10 years.

According to the CRS, the administration assumes that the new nations will pick up 50 percent of the bill, the current NATO members will pay 44 percent and the U.S. will pick up 6 percent of these costs.

CAN POLAND, HUNGARY AND THE CZECH REPUBLIC AFFORD NATO EXPANSION?

Supporters of NATO expansion say we must expand in order to help the young fledgling democracies and market economies of these countries grow. This is not what NATO does.

NATO is first a military or security alliance, not an economic alliance. If the goal is economic and not security, then let the EU deal with these countries, not NATO.

With NATO expansion, we are placing a requirement that the new members "buy" their way in. If they could buy their way in, their young market economies wouldn't need the protection of NATO expansion. This circular logic is no logic at all.

In an article on NATO expansion that appeared in the January/February 1998 edition of Foreign Affairs, Amos Perlmutter writes:

> The belief that the new members should be able to absorb costs of close to $42 billion between 1996 and 2001 overlooks the International Monetary Fund's rules and the Maastricht Treaty's expectations. The IMF requires former Warsaw Pact states to invest in economic infrastructure, and the Maastricht Treaty will accept members only on the basis of their conformity to its rigorous fiscal standards. Hungary and the Czech Republic are already experiencing serious budget crunches and are seeking ways to cut spending to meet IMF demands. Where, then, will the money come from to expand their military budgets?

POLITICAL WILL

In addition, there is also the question of whether or not there is the political will in these countries to help pay for expansion. The United States Information Agency (USIA) conducted a poll in October of 1997 in the countries listed below and asked if the respondents supported increasing their government's defense spending:

	Support	Oppose	Don't know
Czech Republic	29	63	8
Hungary	36	60	4
Poland	56	31	13
Slovakia	21	71	8
Slovenia	22	72	6
Bulgaria	28	55	17
Romania	55	39	7

Result: Only Poles, not Czech or Hungarians willing to increase spending to pay for expansion.

FISCAL REALITIES

Even our current European allies have had sharply declining defense budgets as they prepare to meet the fiscal requirements of the European common currency.

Sir John Kerr, the British Ambassador to the U.S. stated the following on July 23, 1997:

> I think, realistically, it is very unlikely that the Europeans will stump up another $15 billion on their defense budgets. It would mean increasing defense budgets on average by about 1.5 percent a year, a very much larger number than the cost for the United States. And I don't think it will happen.

In July of 1997 French President Jacques Chirac made the following statement:

> We have adopted a very simple position: Enlargement must not cost anything in net terms. We are convinced that it is possible.

A Washington Post article from July 10, 1997 quotes German President Helmut Kohl as saying:

> It is completely absurd to link NATO enlargement with cost factors as if the aim was to rearm large areas of Europe to the teeth.

Another German, Walther Stuetzle, a former senior defense planner for the German Government said in the March 12, 1997 edition of the Washington Post:

> So who will pick up the tab? I think it will have to be the United States.

So we've heard from our NATO allies and they are saying that they are not willing to pay for NATO expansion. Some supporters of NATO expansion will downplay these comments as political comments made for consumption at home. They say our allies will come through.

I am a firm believer that past performance is an indicator of future performance. What hasn't been heard too much in public is the fact that our NATO allies have been falling well short on their current NATO commitments. That certainly doesn't bode well for any additional commitment from our current NATO allies to pick up their share of the costs to expand.

In testimony before the Senate Foreign Relations Committee Admiral Jack Shanahan (USN retired) made the following comments:

> In 1970 I was assigned to the U.S. mission to NATO in Brussels. The prevailing attitude of most of the alliance was that they were safely under the U.S. nuclear umbrella, and that the Warsaw Pact was not a major concern. As a result our allies did not consistently meet their NATO commitments in terms of defense spending. Their prepositioned war reserve of food, ammunition, fuel etc. were well below NATO standards. Interoperability was a joke. They were not ready then, they are not ready now, and as we integrate East European militaries into the alliance this condition will worsen, placing greater demands on the U.S. military to shoulder the burden. Even as we speak, our allies are making significant reductions in military spending and in their force structures.

This testimony is very revealing and speaks for itself—especially in light of the additional commitments that our present NATO allies will be asked to bear through expansion.

We not only have statements from the major Western European countries indicating that they are not willing to pay for NATO expansion, but also disturbing testimony before the Senate that our current NATO allies already have fallen well short of fulfilling their current NATO commitments.

Thus, it will probably fall to the United States to pay for NATO expansion. Indeed, the March 12, 1997 Washington Post quoted a senior U.S. official as saying: "There was a strong political imperative to low-ball figures. Everybody realized the main priority was to keep costs down to reassure Congress, as well as the Russians."

What are the implications of all this for the article V commitment that an attack on one is an attack on all? Do we really believe we can effectively carry out this commitment if the cost of NATO expansion has been fudged in order to reassure the Congress and Russia? Don't the supporters of expansion take the alliance more seriously than this?

ARE THEY PREPARED?

The three nations who would become part of NATO have military infrastructures that are profoundly unprepared to join NATO. Defense news recently reported on NATO's most recent assessment of the invitees. The report concluded that Poland, the Czech Republic and Hungary are years away from having militaries that are minimally functional, much less strategically interoperable with NATO's military systems. Examples include:

All of the Czech Army's equipment is "old and approaching obsolescence."

None of Poland's naval ships are "capable for command and control of joint or combined operations."

In Hungary, 70 percent of the pilots carry out only 50 hours of training per year, far below NATO standards.

The United States cannot even pay for its own modernization. Why would we want to pay for the modernization of three new NATO members?

CAN THE U.S. FOOT THE BILL?

Don't be naive—NATO expansion is not going to be free—no matter how much the figure is lowered to make it more "palatable."

The balanced budget agreement has locked us into a flat if not declining defense budget during the next few years. We've all heard reports that readiness in the military is starting to deteriorate.

The House National Security Committee issued a report recently that chronicled some of the readiness problems that are starting to appear in our military. What we are facing, in my opinion, is the very real scenario where we will be increasing our national security commitments without a corresponding increase in our defense spending because of the balanced budget agreement.

The current defense budget we have now is inadequate to meet our current plans and requirements. Just like every other contingency operation the Clinton administration has signed U.S. forces up to, an underfunded Defense Department will have to foot the bill once again.

We keep hearing from this administration that another round of BRAC is necessary to reduce infrastructure and pay for modernization. Could it be that the real objective of another BRAC is to pay for NATO expansion? Does the Senate really want to approve adding one more IOU to an already empty Pentagon checkbook, when we do not even know how large the IOU will be? I don't think so.

Mr. President, I ask unanimous consent to lay my amendment aside so that Senator INHOFE may discuss his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, can I ask a question of Senator SMITH?

Mr. SMITH of New Hampshire. I yield for a question.

Mr. DOMENICI. Senator, I was thinking. Do you mean if I vote no on this, 3 weeks from now if we want to vote again in the Senate on the Bosnia policy, I can't vote?

Mr. SMITH of New Hampshire. Did I say that?

Mr. DOMENICI. So the vote means we are going to vote for it or not, and we can have a vote on Bosnia if we want it, whenever we want, whatever we do with your amendment.

Mr. SMITH of New Hampshire. You certainly can. But I am saying this should be a requirement. If we don't have that vote, we ought not to complain about the resolution of ratification.

Mr. DOMENICI. I thank the Senator. I yield the floor.

EXECUTIVE AMENDMENT NO. 2325

(Purpose: To require the President to submit the Kyoto Protocol to the United Nations Framework Convention on Climate Change to the Senate for its consideration under the Treaty Power of the Constitution)

Mr. INHOFE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Oklahoma [Mr. INHOFE] proposes an executive amendment numbered 2325.

Mr. INHOFE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the appropriate place in section 3 of the resolution, insert the following:
>
> ( ) REQUIREMENT OF TRANSMITTAL TO THE SENATE OF KYOTO PROTOCOL ON GLOBAL WARMING.—Prior to the deposit of the United States instrument of ratification, the President shall submit the Kyoto Protocol to the United Nations Framework Convention on Climate Change, done at Kyoto on December 10, 1997, to the Senate for its consideration under Article II, section 2, clause 2 of the Constitution of the United States (relating to the making of treaties).

Mr. INHOFE. Mr. President, let me briefly explain what my amendment does. It simply requires the President to submit the Kyoto Protocol to the United Nations Framework Convention on Climate Change to the Senate for its consideration under the Treaty Powers of the Constitution.

Mr. President, the White House has made a full-scale effort for ratification of expansion of NATO. We are considering that now and we have had a lot of debate. Some of us are against it and some of us are for it. We have had a chance to get our positions out and we know where we stand. But according to article II, section 2, clause 2 of the Constitution, we are the only body—and it has to be by a two-thirds vote—that can ratify treaties of the United States. The President can't do it, the Secretary of State can't do it, the Vice President can't do it, the Secretary of Defense can't do it, the Director of the EPA can't do it—just the U.S. Senate.

Some might argue that the NATO expansion debate is not an appropriate place to raise the question about the Kyoto Protocol. But the issue here is whether the President is going to have serious regard for the Senate's advise-and-consent authority under the Constitution, which the senior Senator from West Virginia has reminded us many times is our prerogative. The

President cannot be expected to send treaties up for advice and consent when he thinks the Senate agrees with him and refuse to send them up unilaterally when he feels that we do not. Truly, that is the case.

We made our case very specific when we voted 95-0, prior to going to Japan, that if they came back with something that did not treat the developing countries the same as the developed nations, we would oppose it, and the President came back with exactly that, putting us under obligations that the developing nations were not under. So that China doesn't have to worry about it, or Pakistan, and other countries, like Mexico. But we do. This is the issue we are dealing with here.

I am going to deviate from that for a moment in this very short time to repeat something that I said earlier in this debate because I understand I am the last speaker now and this is the last amendment. I would like to just say there are four reasons why we should not, in the final analysis, expand NATO.

The first one is the cost. I don't know why nobody seems to be upset that the range goes all the way from $400 million to $120 billion, and those at the low end are the administration—the same administration that said that Bosnia was going to cost us $1.2 billion, and now our direct costs have skyrocketed way way above $9 billion, and there is no end to it. It is a permanent commitment. Yet, we were told that it was going to be $1.2 billion.

So here we have an amount of money—at a time when we have cut our defense down to the bone, at a time when we have to be able to do something to put ourselves in a position to defend America. Yet, we are talking about an open-ended commitment by extending NATO to these countries.

The second reason is it is the open door. I hope nobody thinks we are talking about three countries—Poland, the Czech Republic, and Hungary. We are talking about an open door now that is extended to everyone. I want to read what our Secretary of State said in a statement she made:

> We must pledge that the first new members will not be the last and that no European democracy will be excluded because of where it sits on the map.

She talks about Romania, Slovenia, Latvia, Lithuania, Estonia, Albania, Bulgaria, Macedonia, Slovakia, and the list goes on and on. So it is the clear intent that this is not the last. If you think this is going to be expensive, just think what it is going to be when we start extending it to other countries. Where would we draw the line?

The third concern I have is a genuine concern that we talked about on the floor, and that is, what does this do to our relationship with Russia? Everybody says, "That's all right, I have been to Russia and they don't mind." I have gotten commitments from people saying that is all right, go ahead, this is not going to be a problem. But that's not what the Duma said, which is their parliamentary body. The Duma passed a resolution calling NATO expansion the "biggest threat to Russia since the end of World War II."

There is one person I had a great deal of respect for in this body, and I regretted when he left this body; it was Sam Nunn, who I served with on the Armed Services Committee. There is not a person who would stand up on the floor and question his integrity or his knowledge of foreign affairs or question his concern for defending America. Sam Nunn said that Russian cooperation in avoiding proliferation of weapons of mass destruction is our most important national security objective, and "This NATO expansion makes them more suspicious and less cooperative." He further said, "The administration's answer to this and other serious questions are what I consider to be platitudes."

So everyone is on record. Last, I will address the concern that the Senator from New Hampshire had. He has a very good resolution, and I think everybody understands it. If anybody wants to get on record as to where they stand insofar as Bosnia is concerned, his amendment is your opportunity to do so. Because right now we don't have anything to show who is on record. We do have a resolution of disapproval that was barely defeated by only three votes in November of 1995. I suspect that some people now have changed their minds now that they realize this open-ended commitment is there.

So I would like to wind this up by saying that if this cost to support the Bosnian operation is any indication, I remind you that in November of 1995, we were on the brink of being able to defeat this and not send our troops to Bosnia, except they said that this is going to be a short commitment, it is not going to be something that would last a long period of time.

It was going to be over within less than a year, and it was going to cost $1.2 billion. The only reason that they were able to get those votes to pass this was, they said, "We must protect our integrity with our partners in NATO." Now that same argument can be used—I wonder who is going to be the next Bosnia.

Mr. President, while I have this amendment, I know the votes are not there for this amendment, and there is one very good reason, because of a dear person in this body, that we want to not extend any longer than it should be extended. So nothing would be gained by considering my amendment.

For that reason, I withdraw my amendment and urge my fellow colleagues to vote against the extension of NATO.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is withdrawn.

The amendment (No. 2325) was withdrawn.

Mr. LIEBERMAN. Mr. President, I was opposed to the amendment offered by Senator INHOFE. Quite frankly, I believe the consequences if this amendment passed would have been extremely deleterious to our foreign policy.

Mr. President, everyone should recognize that his amendment is nothing more than a thinly-veiled threat to delay NATO enlargement and to ensure that we won't have NATO enlargement for a significant period of time. It is very clear that President Clinton can't and won't submit the Kyoto Protocol for Senate ratification until the conditions he has set are met—meaningful participation by developing countries. The Administration is not in a position of saying now when that milestone will be achieved, but it probably won't be soon. So a vote for this amendment is a vote to stop NATO expansion.

But even if you oppose NATO expansion, you should oppose this amendment because the approach it takes is without precedent and would have a significant impact on how the country conducts foreign policy.

Let me say also that I was a member of the Senate observer group to the Kyoto conference last December. There has never been a more complicated, difficult international negotiation attempted. I believe that the conference was a historic success: more than 160 countries recognized that the common threat of climate change was more important than each nation's separate anxiety about the immediate impact of an agreement.

The Conference was also a historic success because American proposals won the day. We called for much more real and realistic targets and timetables. We proposed flexibility through a trading program to use the power of the market to achieve lower compliance costs for business. We offered a joint implementation system that would allow American firms to build clean power plants or preserve forests in developing countries in exchange for emission reduction credits that could be used or sold later. Our negotiators won on each of these battles—and they were very hard fought battles.

But the President has clearly said that the Kyoto protocol is not ready to be submitted to the Senate. The President has made clear that the protocol will not be ready for submission until we have succeeded in achieving the meaningful participation of developing counties. At Kyoto, a down payment was made in the form of a "clean development mechanism" which embraces the U.S. backed concept of joint implementation with credit. This will allow companies in the developed world to invest in projects in countries in the developing world for the benefit of both parties.

But developing countries will clearly need to do more in order to meaningfully participate in combating global warming, and in order of the President to submit the protocol for the consideration of the Senate. Secretary Albright recently announced a full court diplomatic effort to achieve this goal.

Mr. President, as far as I can determine, there is no precedent in our history for doing essentially what this amendment seeks to do, force the President to transmit a treaty to the Senate before the President deems it appropriate to do so. This amendment is a high-handed attempt by Congress to undermine the President's constitutional power.

Mr. President, I asked the American Law Division of the CRS to look at a related issue: whether there are any time limitations within which the President must submit a treaty after it has been negotiated and signed. Let me quote from that report: "As a general proposition, there do not appear to be any time constraints on the transmittal of treaties to the Senate for its advice and consent. The spare language of the Constitution provides simply that '(the President) shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur. . . .' Under this structure, it is the President who negotiates and ultimately ratifies treaties, provided the Senate gives its advice and consent. But the constitutional language does not set time limits on any aspect of the process of treaty-making."

The report goes on to note that "nor does statutory law appear to impose any time constraints on the submission of treaties."

Mr. President, the memo goes on to discuss numerous cases in which treaties have not been submitted to the Senate for ratification for a long time after they were negotiated and signed. For example, the United States signed the "International Convention on the Elimination of All Forms of Racial Discrimination" on September 28, 1966. Nearly 12 years passed after the United States signature before it was submitted to the Senate for its advice and consent on February 23, 1978.

Let me read here from the memorandum's review of the Legislative Calendar for the 104th Congress: Final Edition of the Senate Committee on Foreign Relations which discloses a number of examples of significant delay is transmittal of treaties.

> A review of the Legislative Calendar for the 104th Congress: Final Edition of the Senate Committee on Foreign Relations discloses a number of additional instances of significant delays in transmittal. A bilateral treaty between the U.S. and Haiti "Concerning the Reciprocal Encouragement and Protection of Investment" was signed on December 13, 1983, but not submitted to the Senate until March 25, 1986. A treaty on "Mutual Legal Assistance in Criminal Matters" between the U.S. and Nigeria, signed on September 13, 1989, was not transmitted until April 1, 1992. A "Revised Protocol Amending the Convention Between the United States and Canada With Respect to Taxes on Income and on Capital," originally signed on September 28, 1980, and then amended in 1983 and 1984, was finally submitted to the Senate on April 24, 1995. An extradition treaty with Belgium was signed on April 27, 1987, but not submitted until June 12, 1995; and one with Switzerland was signed on November 14, 1990, but not transmitted until June 12, 1995. The "International Convention for the Protection of New Varieties of Plants" was originally negotiated in 1961, amended in 1972, 1978, and 1991, and finally signed by the U.S. in 1991, but was not submitted to the Senate until September 5, 1995. Finally, the "Convention on the International Maritime Organization," originally signed on March 6, 1948, was transmitted to the Senate on October 1, 1996.
>
> All of these examples illustrate the absence of any legally binding time constraints on the President's transmittal of treaties to the Senate.
>
> I hope the foregoing is responsive to your request. If we may be of additional assistance, please call on us.

Mr. LIEBERMAN. Mr. President, I am a strong supporter of the treaty before us to expand NATO. I also strongly support the agreement that emerged from Kyoto, as well as the President's position that the agreement is not ripe for submittal to the Senate at this time. There is no precedent for forcing the President to submit a treaty on a timeframe established by the United States Senate before the President believes it is appropriate. But that is what this amendment seeks to do. Adopting this amendment would have been a terrible precedent for conducting our foreign policy and I believe would have stopped the treaty now pending before us.

EXECUTIVE AMENDMENT NO. 2328

The PRESIDING OFFICER. The question remains on the Smith amendment.

Mr. BIDEN. Mr. President, I will take only 2 minutes.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. The hour is late. It has not improved the substance of the Smith amendment—the time. It is essentially, as the Senator from New Hampshire indicated, similar to the Craig amendment; very little difference. I urge my colleagues to recall how they voted on the Craig amendment, and the same rationale applies with regard to the Smith amendment.

I hope when we get to the vote—which I hope is very shortly—that we will vote no on the Smith amendment.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment? If there is no further debate, the question is on agreeing to the amendment of the Senator from New Hampshire. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. KYL) is necessarily absent.

The result was announced—yeas 16, nays 83, as follows:

[Rollcall Vote No. 116]

YEAS—16

Ashcroft
Brownback
Craig
Faircloth
Feingold
Grassley
Hutchinson
Hutchison
Inhofe
Kempthorne
Nickles
Roberts
Sessions
Smith Bob (NH)
Specter
Warner

NAYS—83

Abraham
Akaka
Allard
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Smith Gordon H (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Torricelli
Wellstone
Wyden

NOT VOTING—1

Kyl

The amendment (No. 2328) was rejected.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXPLANATION OF ABSENCE

• Mr. KYL. Mr. President, I would like to take this personal privilege of explaining why I was not able to vote last night on an extraordinarily important issue before the Senate; namely, the expansion of the North Atlantic Treaty Organization, NATO.

The vote, fortunately, was 80 to 19, meaning that the United States has gone on record as supporting the inclusion of the Czech Republic, Hungary, and Poland as members of this important alliance.

When the debate started, I provided remarks which expressed my strong sentiments in support of that expansion. Throughout the debate, as amendments were offered, I spoke to several of them, attempting to defeat amendments that I thought would be detrimental to the expansion of NATO and to our mission in NATO.

Fortunately, one of the first amendments adopted was an amendment which I offered, which helped us to present a strategic vision in the discussions that would be ongoing with respect to the development of a new strategic vision for NATO that reflects the beliefs of the U.S. Senate and reflects our belief that the original purposes of NATO and the original strategic vision should play a large role in animating our assistance, with our fellow NATO members, in devising a new strategic mission.

I say all of that as a predicate to state in the most emphatic terms that had I been able to be here, I would have voted "aye" to support the expansion of NATO. Ironically, my absence last night was due to the fact that I was supposed to be on my way to a conference in Europe, which is the New Atlantic Initiative Conference to discuss and support NATO and NATO expansion. The New Atlantic Initiative is a relatively new organization, founded among, other things, to promote the continued development of, and enhancement of, the strong relationship between the United States and our NATO allies.

Unfortunately, because a lot of my colleagues had a lot to say and had amendments to offer, many of which were ultimately withdrawn, the leader and the distinguished minority leader were not able to close the debate in time for me to make that vote. Unfortunately, also, I delayed my departure until the very last aircraft to Europe. That aircraft was taken out of service. That is why, about midnight last night, I learned not only that I would not be able to go to that NATO conference but that I had also missed the vote on NATO expansion. I regret that very much, because I would have liked to have been here to cast my vote in support of that.

I note that a letter from the distinguished majority leader, which I was to deliver to the representatives of the Turkish Government, has been delivered, and, therefore, the Senate is also represented at that conference as it is going on here today. I certainly appreciate the majority leader's support for that.●

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I ask unanimous consent that the remaining votes, and there are two remaining votes in this series, then, be limited to 10 minutes in length.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, the question of whether to expand the NATO alliance is one of the most important foreign policy decisions this Senate has been called upon to make since the fall of the Berlin Wall.

We will make history with this vote. So it would seem appropriate to consult history before we cast it. That's what I did the other day. I re-read some of the debate that took place in this chamber 49 years ago, when our predecessors, in the tumultuous years following the Second World War, had the courage and foresight to commit our own nation to this alliance.

One of the chief supporters was Arthur Vandenberg, the chairman of the Senate Foreign Relations Committee. Senator Vandenberg, a Republican from Michigan, predicted that NATO would become "the greatest war deterrent in history."

History has proven him right. Because of NATO, a region that produced two cataclysmic wars in this century has now known a half-century of peace and stability. Those of us who were born after the Second World War tend to take that for granted. But in fact, it is a remarkable accomplishment.

Just as the map of Europe was redrawn at the end of World War II, it has been redrawn again with the end of the Cold War. Nations that once marched in lockstep with totalitarian dictatorships have been transformed into struggling young democracies.

It is time for us to redefine NATO to match the new map, the new reality, of this post-Cold War world.

Enlarging NATO's circle of security to include the new democracies of Poland, Hungary and the Czech Republic is not only in the best interests of those nations. It is in the best interests of the entire European continent. And, it is in the national security interest of the United States.

For these reasons, I intend to vote for ratification of the treaty expanding NATO. And I urge my colleagues to do so as well.

I do not underestimate the seriousness of this action, nor do I take lightly the thoughtful arguments some of my fellow Senators have made against ratification of this treaty.

As I see it, there are essentially four such arguments. In making my own decision, I have wrestled with each of them. And I would like to share with you some of my thoughts on them.

First, though, I want to read something from a man who has thought very deeply about these arguments, and about the future of Europe: the President of the Czech Republic, Vaclav Havel. President Havel is among the most articulate supporters of the treaty we are now considering.

"As I follow the debate over whether NATO should be enlarged," he has written, "I have the strong sense that the arguments are often purely mechanical, somehow missing the real meaning of the alliance. "The process of expansion must be accompanied by something much deeper: a refined definition of the purpose, mission and identity of NATO.

"The alliance," he continues, "should urgently remind itself that it is first and foremost an instrument of democracy intended to defend mutually held and created political and spiritual values. "It must see itself not as a pact of nations against a more of less obvious enemy, but as a guarantor of Euro-American civilization, and thus a pillar of global security."

Does NATO exist to defend a fixed list of nations, chosen 49 years ago, against an enemy that no longer exists? Or does it need to respond to the new threats we face by including, under NATO's collective security umbrella, the three countries that have demonstrated not only a deep commitment to democracy, but a willingness to defend it? That is the fundamental question in this debate.

The answer, in my view, is yes. We should expand NATO to include the new democracies of Poland, Hungary and the Czech Republic.

There are, as I said, four other questions as well. They also deserve serious reflection.

The first is: What effect would expanding NATO to include Poland, Hungary and the Czech Republic have on Russia's relations with the West—particularly its relations with the United States?

Russia clearly would prefer that we not expand NATO. Given their history, that is understandable. Russia lost 20 million people in the Second World War.

Despite assurances from NATO that no troops or nuclear weapons will be stationed in the three new member nations, there are those in Russia who remain fearful of an expanded NATO, and others who are trying to exploit those fears to weaken the hands of Russian democratic reformers. This is troubling, because it is clearly in our national interest to see Russia fully engaged with the West.

There is evidence, however, that Russian leaders wish to continue that engagement. Russia's willingness last year to sign the NATO-Russia Founding Act is one example of Russia's commitment to improved relations with the West. Perhaps an even better example is Russia's continued active participation in the international peacekeeping effort in Bosnia.

Some of my colleagues cite fear of antagonizing Russia as a reason to reject this treaty. While I respect their opinion, I do not believe this concern warrants such action, and I cite as evidence Russia's own actions.

We must remember what Secretary of State Albright calls the "productive paradox" at the core of NATO. That is, by demonstrating that we are willing to defend our allies, we dramatically reduce the chances that we will ever actually have to commit troops to do so.

This has been true in the past, and I believe it will remain true in the future.

A second question we must address is the price of enlargement.

It is important that we be clear from the very start: There are costs associated with expanding NATO. And, while most of these costs will be borne by the new member nations, some of the costs will fall to existing members of the alliance, including the United States.

The initial estimates of the costs to the U.S. were quite high. Two things have happened in the last year, however, to reduce projections of those costs.

First, NATO invited three members to join the alliance instead of four, the number on which earlier estimates were based.

Second, and more significant, the military committee of NATO conducted a thorough analysis of the three potential new members and found that their military infrastructures were in better shape than had been assumed. As a result, the cost of bringing them in line with NATO standards is projected to be considerably less.

The new, more accurate estimates put the cost to U.S. at an average of $40 million a year for 10 years.

I am not suggesting for a minute that this is a small amount. It's not. But compare it to the price of some pieces of military hardware. One Blackhawk helicopter costs $10 million. One Harrier jump jet costs $27 million. One F-15 Eagle fighter costs $43 million. One Trident II submarine-launched ballistic missile costs $53 million. And one B-2 bomber costs $2 billion—five times more than the entire 10-year cost of expanding NATO.

No, $400 million over 10 years is not a small amount. But if it can help extend stability and security in central and eastern Europe, it is not a bad bargain.

It is also important to note, Mr. President, that Poland, Hungary and the Czech Republic will be compelled to modernize their defenses—whether or not they join NATO.

If that modernization takes place within NATO's framework, however, we avoid the risk of re-nationalizing militaries that have caused so much instability in Europe in the past.

The third question we must consider is if, in expanding NATO, we are simply drawing new lines in the sand, and thus creating the potential for new conflicts.

Again, I want to quote President Havel, who has also considered the consequences of refusing to erase the old lines. "If this way of thinking prevails," he warns, "it will turn the alliance into a hopelessly antiquated club of Cold War veterans."

We can't allow that to happen.

It is not this Senate, or the NATO alliance, that erased the old dividing lines of Yalta. History erased those lines. The power of freedom and democracy erased those lines. We must not maintain an obsolete line in Europe because we are afraid of drawing a new line. We must not let fear of an old enemy keep us from embracing a new ally.

Hitler and Stalin helped draw the line that placed Poland and Hungary and the Czech Republic on the wrong side of freedom in 1944. By admitting these nations to NATO, we are erasing that line.

Finally, there is a fourth question that some have raised in this debate. That is, when will we next consider expanding NATO? And which nations should we consider?

I believe that question is premature. We should remain open-minded. But we haven't yet approved the first expansion. We need to see this process through and carefully and thoroughly evaluate it before we can make any sort of informed decision about admitting additional new members to the alliance. I see no reason why we should commit ourselves to a fixed timetable or list of additional entrants now.

The danger in Europe today does not come from a totalitarian superpower. The danger in Europe today comes from aggressive nationalism and terrorism and the spread and misuse of nuclear weapons and other weapons of mass destruction.

By bringing Poland, Hungary and the Czech Republic into NATO's circle of security and democracy, we will strengthen the bulkhead against these destructive forces. We will bolster NATO's fighting capacity by adding 200,000 troops. We will add geographically significant territory to the alliance. We will increase NATO's understanding of these new threats, and thus its ability to head them off.

And all of this, Mr. President, is in the United States' national security interest.

When the Berlin Wall fell, it answered the prayers of millions of people all over the world. It also created a new landscape in Europe. Extending NATO membership to Poland, Hungary and the Czech Republic will help ensure that democracy and freedom fill that landscape, rather than old hatreds and outdated ideologies.

In his first speech as President of Czechoslovakia, Vaclav Havel described his dream for his country.

"I dream," he said, "of a republic independent, free, and democratic, of a republic economically prosperous and yet socially just, in short, of a humane republic which serves the individual and which therefore holds the hope that the individual will serve it in turn."

In the years since the Berlin Wall collapsed, Poland, Hungary and the Czech Republic all have made great strides toward achieving that dream. They have demonstrated that they meet NATO's standards for membership, and that they can contribute to the alliance in a meaningful way.

For all these reasons, I will vote to expand the NATO Treaty to include these three new democracies, and I urge my colleagues to do the same.

Mr. LOTT. Mr. President, I will be brief as we complete debate on the resolution of ratification providing our advice and consent to the addition of Poland, Hungary and the Czech Republic to the North Atlantic Treaty Organization.

This has been an excellent debate in the finest traditions of the Senate. We have spent more than 40 hours on the resolution over the course of 9 days. Almost 50 Senators have made statements, many of them on several occasions. The Senate has considered 20 amendments. We have adopted 12 and rejected 8. This is in addition to the 4 conditions and 7 declarations in the committee's Resolution.

Many people deserve credit in this debate. The Chairman of Foreign Relations Committee, Senator HELMS, has shown great leadership. Senator ROTH led the NATO Observer Group with energy and diligence. Senator BIDEN served as the lead Democrat to both and made valuable—and frequent—contributions to our debate. Senator GORDON SMITH, Chair of the Europe Subcommittee played a central role.

Many staff played key roles as well. Steve Biegun, Brian McKeon, Beth Wilson and Mike Haltzel of the Foreign Relations Committee can all now get on with their lives. Ian Brzezinski (BRA-zin-ski) with Senator ROTH was always there for the Observer Group. The Congressional Research Service, especially Stan Sloan, on the floor now, provided invaluable services for members on both sides of the issue. Legislative Counsel Art Rynerson drafted virtually all of the language we have been debating.

A number of issues have been raised in our consideration. We have addressed future enlargement, NATO's mission, costs, Bosnia and arms control. I believe all sides have had an opportunity to have their voices heard. Now it is time to cast our votes.

Much has been said about Russia over the past week—how Russia will react to NATO enlargement and the impact on a wide range of bilateral issues. Both sides agree that Russian hard-liners should not have a veto over our course of action. But supporters and opponents of enlargement differ greatly over the impact on our relations with Russia.

We have heard many estimates of how our vote will influence the tangled web of Russian politics and the disturbing course of Russian foreign policy. I do not think anyone can predict the impact with complete precision. But we can look at some basic facts.

First, NATO poses no threat to Russia. No serious person inside or outside Russia believes NATO—with 16 or 19 members—jeopardizes Russia. The thought of Czech tanks rolling across the Russian steppes is ludicrous.

Second, the average Russian is not concerned about NATO enlargement. A recent poll even shows the majority of Russians in Moscow support adding these three countries to NATO.

Third, the Russians have delayed action on START II for years. NATO enlargement is only the latest in a long line of reasons given for their inaction.

Fourth, Russian diplomacy in Brussels has not been affected by our debate here. Just yesterday, the NATO-Russia Permanent Joint Council discussed a wide range of issues. Alleged Russian concerns about enlargement were not an issue.

Finally, long before NATO enlargement became a real possibility, Russia has engaged in a large number of foreign policy actions that harm our interests—from proliferation to Iran and violations of START I to subversion of its neighbors. NATO enlargement may provide an excuse for Russian adventurism, but will not provide a cause.

Our principle concern with Russia must be Russian behavior—not the volatile mood swings of Russian domestic politics.

Mr. President, this will be a historic vote. It is fitting that we are voting on including the Czech Republic in NATO sixty years after the sellout at Munich, fifty years after the communist coup in Prague, and thirty years after Soviet tanks crushed the winds of freedom in Czechoslovakia.

That is the past and, as many Senators have pointed out, this vote is about the future. It is about what kind of a Europe we want to see. It is about what kind of allies we want in a continent where we have fought three great wars in this century.

Expanding NATO is about ensuring this generation and future generations are not called to fight a fourth time. It is about a 21st century trans-Atlantic partnership that provides more freedom, more security and more opportunity for all of us.

A few days ago, I received a letter from Polish Foreign Minister Geremek (GAR-a-mech). His words are an appropriate way to close debate:

> The consistent and visionary foreign policy of the United States has opened a historic window of opportunity. Just as in 1989, it was American leadership which was the decisive factor in ending the Cold War. . . . So today it is the U.S. Senate which will decide whether a new page is turned in history of the Transatlantic area and Eurasia. It will be a chapter testifying to the triumph of freedom and democracy and to the success of the biggest and most successful alliance in world history. It will strengthen the Alliance to the clear advantage of Europe and America.

I thank all Senators for their cooperation in reaching this moment. I yield the floor.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, the votes are final passage of the NATO enlargement treaty, and according to the rules of the Senate, Senators should be in their assigned desks and vote from their desks. That is in the rules. I have discussed it with Senator BYRD. We are all here. I think it would be an appropriate thing for us to do. The rules do require it.

I also think it would help us expedite the vote. So, if the Senators would take their assigned desks, we will have a vote on the historic treaty.

The second vote is final passage of the supplemental appropriations bill. Tomorrow, the Senate will debate the Workforce Development Act under a time agreement of no more than 4 hours. Several amendments will be offered. Consequently, those votes will be postponed to occur Tuesday, May 5, at 5:30.

Monday, the Senate will begin consideration of the IRS reform bill. I know we will have a number of Senators who will wish to make opening statements. We will check with the managers and with the leadership to see about the possibility of amendments being offered. But if they are offered, they, too, would occur at 5:30 on Tuesday.

Mr. President, I thank my colleagues for a productive week. I congratulate the managers of this legislation. I thank the Senators who made it possible for us to complete this action tonight. I know some of those who are opposed to it would have liked to have delayed it over until next week, but I believe the time is right for us to vote. I thank all Senators for their help, and I thank Senator DASCHLE for his cooperation and I yield to Senator BYRD.

Mr. BYRD. Mr. President, I thank the distinguished majority leader for yielding. I also thank the distinguished majority leader for calling to the attention of Senators the following standing order, which I hope that Senators will contemplate. And I congratulate the majority leader for enforcing this regulation. Any Senator may ask the Chair to enforce this regulation at any time. I have often thought about it. I think we ought to follow this regulation, Mr. Leader, and I hope that we will establish this as a practice and continue to do it.

The Senate would make a much better impression, not only upon the visitors but also on Senators themselves, if they learn to sit in their seats to answer the rollcall. And they will take greater pride in this institution. I guarantee that, watching from the galleries, it would be a much more impressive sight during rollcall votes than what we have been accustomed to seeing down here in the well, which looks like the floor of a stock market. I have been to the stock market on a few occasions. It doesn't look any worse.

Let me read this standing order of the Senate. It is on page 157 of the Senate manual. All Senators who wish to read it, here it is. It is only three lines. The heading, "VOTES SHALL BE CAST FROM ASSIGNED DESK."

> Resolved, that it is a standing order of the Senate that during yea and nay votes in the Senate, each Senator shall vote from the assigned desk of the Senator.

This was by Senate Resolution 480 in the 98th Congress, the Second Session, October 11, 1984.

This is a great day for me. I am glad to see the leader asking that Senators abide by this regulation, which we voted on, those of us who were here in 1984.

I thank the leader.

Mr. LOTT. Thank you, Senator BYRD. I yield the floor.

The PRESIDING OFFICER. Do the Senators yield back the time? The Senator from North Carolina.

Mr. HELMS. Mr. President, Poland, Hungary, and the Czech Republic endured nearly half a century of communist domination as a result of expedient and short-sighted policies of the West. Today, we have the opportunity to remedy that injustice while securing democracy in Central Europe for future generations.

Poland, Hungary, and the Czech Republic have established democratic governments, each has built a market economy, and all three work with us in defense of liberty from Cuba to China.

In my judgment, Mr. President, these three countries belong to NATO. I have met with the Foreign Ministers of all three countries. They understand the commitment and responsibilities that they undertake by joining NATO. I am confident they will meet all of their obligations.

The Foreign Relations Committee held 8 hearings in the past six months, heard from 37 supporters and opponents of NATO expansion. Before the Committee hearings, I myself had concerns about NATO expansion, including what it would cost, how we could deal with Russia, and the future mission of NATO. The Committee's resolution addresses all of these points and passed by a vote of 16-2.

Mr. President, NATO enlargement has been endorsed by countless distinguished individuals including Margaret Thatcher, Jeane Kirkpatrick, Caspar Weinberger, and Richard Perle. In addition, the Foreign Relations Committee has received endorsements of this policy from every living former U.S. Secretary of State, numerous former Secretaries of Defense and national security advisors, and more than sixty flag officers and general officers, including five distinguished former Chairmen of the Joint Chiefs of Staff.

Mr. President, I urge my colleagues to vote overwhelmingly in support of NATO enlargement. This is the right decision for the United States of America.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I will be very brief. Half a century ago, our predecessors in the U.S. Senate took a very bold step in ratifying the North Atlantic Treaty.

It is easy for us today to forget what a break with the past that vote represented. For the first time, this country committed itself, in peacetime, to the defense of democratic Europe. The Senate recognized by its far-sighted action that our future—indeed our own freedom—is inextricably bound to Europe.

The success of the fledgling NATO was by no means certain. Western Europe was made up of a jumble of nations, several of which had only recently been at each others' throats. Germany and France alone had fought each other three times in 74 years. The three western zones of Germany, which had not yet formed the Federal Republic, in fact, were not invited to join NATO.

The countries of Western Europe were economically weak, not yet having recovered nearly fully from the devastation of World War II.

Several European NATO members had strong Communist parties whose loyalty and commitment to democracy were suspect.

Mr. President, our predecessors took a gamble. Fortunately for us and our children—and I hope for our grandchildren—NATO succeeded beyond the Senate's fondest expectations.

As we all know, for 40 years, it kept Soviet imperialism at bay, thereby providing the security umbrella under which democratic Western Europe could recover socially and economically, and thrive.

In the process, NATO expanded its membership three times to welcome Greece and Turkey, West Germany, and Spain. With each expansion the Alliance was strengthened.

Largely thanks to NATO's persistence, communism in most of Europe crumbled, including in the Soviet Union.

Now, nearly 50 years after our predecessors met the challenge of their time, we are called upon, once again, to take up the torch.

Three highly qualified democracies that chafed under the Communist yoke for four decades are now candidates for membership in NATO. Poland, Hungary, and the Czech Republic have already rejoined the West politically and socially. Tonight we can vote to readmit them to the West's security framework.

In a larger sense we will be righting a historical injustice forced upon the Poles, Czechs, and Hungarians by Joseph Stalin.

Mr. President, NATO enlargement is squarely in America's national interest. It is in Europe's interest. And yes—by stabilizing a historic crucible of violence in East-Central Europe—it is in Russia's interest.

I am proud to be able to play a small part in this historic occasion. I will cast my vote with conviction to ratify the Resolution of Ratification, and I urge my colleagues to join me. I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I shall cast my vote in opposition for the reasons that I have stated over the past several days in what I regard is an excellent debate. But if it is the will of two-thirds of the U.S. Senate that this ratification go forward, then I commit, and I hope others will commit, who have been in opposition, to do our very best to make it work.

I think it is going to pose a mighty challenge to make it work, but if that is the decision of this body, for which I have infinite respect, then I commit as a member of the Armed Services Committee, where I will have some special responsibilities, to make it work.

But I also say that I shall be among others who will maintain a vigil as to the future with an open and objective mind but still predicated in my own thoughts on what I have expressed on this floor about future additions of other nations in a manner that would be untimely to make this treaty last another 50 years. I yield the floor.

The PRESIDING OFFICER. Is all time yielded back on both sides? If so, the question is on agreeing to the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification with certain conditions and declarations to the Protocols of the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary and the Czech Republic. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. KYL) is necessarily absent.

The yeas and nays resulted—yeas 80, nays 19, as follows:

[Rollcall Vote No. 117 Ex.]

YEAS—80

Abraham
Akaka
Allard
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Coverdell
D'Amato
Daschle
DeWine
Dodd
Domenici
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchison
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Murkowski
Murray
Nickles
Reed
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Torricelli

NAYS—19

Ashcroft
Bryan
Bumpers
Conrad
Craig
Dorgan
Harkin
Hutchinson
Inhofe
Jeffords
Kempthorne
Leahy
Moynihan
Reid
Smith (NH)
Specter
Warner
Wellstone
Wyden

NOT VOTING—1

Kyl

The PRESIDING OFFICER. On this vote, the yeas are 80, the nays are 19. Two-thirds of the Senators present having voted in the affirmative, the resolution of ratification, as amended, is agreed to.

The resolution of ratification, as amended, was agreed to.

(The Text of the Resolution of Ratification, as amended, will be printed in a future edition of the RECORD.)

Mr. BIDEN. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Without objection, the Senate will now go into legislative session.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I submit a report of the committee of conference on the bill, H.R. 3579, making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 3579, have agreed to recommend and do recommend to their respective Houses this report, signed by majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of April 30, 1998.)

Mr. STEVENS. Mr. President, the House passed earlier today the emergency supplemental appropriations conference report by substantial margin.

I want to begin by expressing my appreciation to my friend and colleague from West Virginia, Sen. BYRD, for his assistance and cooperation in presenting this bill to the Senate.

Our Committee worked in a bipartisan manner through every step of the process of moving this emergency supplemental bill through the Senate, and back from conference.

I strongly urge all my colleagues to vote in support of this bill, which addresses urgent funding requirements for the Department of Defense, and many agencies responsible for dealing with natural disasters.

The conference report provides $2.8 billion for emergency defense accounts. These amounts are not offset by any reductions to defense or non-defense appropriations—they are treated genuinely as emergencies.

We recommend these appropriations based on the expenditures already made by the military, and recognizing the devastating effect of failing to provide these funds now.

The Congress will have the opportunity to consider the proposed funding for missions in Bosnia and southwest Asia in the fiscal year 1999 defense authorization and appropriations bills. This supplemental funding does not prejudge the decisions we face later this year.

The conference report provides $2.6 billion in nondefense emergency appropriations, for FEMA, the Departments of Agriculture, Transportation and the Army Corps of Engineers.

These appropriations are offset by budget authority reductions to contract authority available for HUD sec. 8 housing and the airport improvement program.

Based on extensive discussions with the administration, these amounts are not required to execute these programs during the remainder of fiscal year 1998.

We do face the need to monitor these accounts closely for fiscal year 1999, and some additional funds may be needed for the HUD section 8 housing.

Mr. President, I very much regret that the conference report does not include the funding passed by the Senate for the International Monetary Fund.

The House wishes to take up IMF funding in a separate vehicle, which has been reported by the House Appropriations Committee.

Speaker GINGRICH has committed to holding a vote on the IMF bill in the House. I hope that vote comes later this month, so that we can assure the markets in Asia, and the global financial community, of our Nation's commitment to maintaining economic stability and growth.

Mr. President, before closing, I want to note the exceptional work undertaken by the staff of the House and Senate appropriations committees.

Our conference met for the first time at 2:00 p.m. on Tuesday, and completed most of its work Wednesday night at 6:00 p.m.

By 9:30 a.m. today, the official papers were prepared and ready to file—a remarkable achievement.

I want to especially note the contributions of Jay Kimmitt, Jack Conway and Richard Larson of the Senate committee staff, and John Mikal, Dennis Kedzior and Chuck Parkinson of the House committee staff.

Mr. President, we need to pass this bill tonight, and I believe we have returned to the Senate a good bill, that merits the Senate's support.

Mr. BYRD. Mr. President, I congratulate all the conferees on this very important disaster assistance supplemental appropriation bill, and in particular, the chairman and ranking member of the House Appropriations Committee, Chairman LIVINGSTON and Mr. OBEY, as well as Senator STEVENS, who chaired the conference, for the successful completion of what has been a very difficult conference.

Many of the issues that came before the conference and required extensive debate were extraneous matters that had nothing to do with the primary purposes of the bill, to provide emergency appropriations for our men and women in uniform in Bosnia and Southwest Asia and to provide emergency disaster assistance to those of our citizens who have suffered from the devastating series of natural disasters that have beset the country in recent months—from the ice storms this past winter in the northeast to the flooding in the western and southern portions of the nation, as well as the recent killer tornadoes throughout the southern states. There was very little disagreement on these matters among the conferees. We all understood the urgency of providing the necessary resources for these emergency purposes.

Nevertheless, as I say, we were faced with a number of potential controversial, extraneous legislative riders which had to be debated and disposed of. Those issues ranged from whether to include language in this conference agreement that was in neither version of the bill relating to such things as: interest rates on guaranteed student loans; whether to insert portions of the recently-completed Agricultural Research Conference Report; and whether to override the President's Executive Order prohibiting the importation of assault weapons. Such extraneous issues consumed a considerable amount of time but, I am pleased to say, most were not adopted by the conference.

In all, the bill contains some $2.86 billion to cover the cost of the military operations in Bosnia and Southwest Asia, together with $2.6 billion in emergency disaster assistance payments, principal among which are $1.6 billion for the Federal Emergency Management Agency, $259 million in emergency Federal-aid highway relief, and $130 million for community development block grants. The appropriations for the Department of Defense, as well as the disaster assistance payments were requested by the President as emergency appropriations and, as such, under the Budget Enforcement Act, require no offsets. The Senate version of the bill, therefore, contained no offsets for any of the aforementioned emergency items. Nevertheless the House conferees insisted that the appropriations totaling $2.6 billion for emergency assistance for natural disasters be offset, in budget authority only, by rescissions of $2.3 billion in Section 8 Housing authority reserves and $241 million in excess contract authority in the FAA Airport Improvement Program.

I am pleased that the conferees accepted the Senate amendment which provided the full $550 million request of the President for veterans compensation and pensions. These funds were not included in the House version of the bill before the conferees. The funds are needed to accommodate the additional costs associated with the 1998 cost-of-living adjustment of 2.1 percent for compensation beneficiaries; an increase in the estimated number of compensation beneficiaries; and an increase in the average payments to compensation and pension beneficiaries. It is important that we keep faith with our veterans, who have sacrificed so much in their service to our country, and I am delighted that the conferees agreed to provide these funds on a timely basis so that there will be no interruption in these payments to our veterans. In addition, the bill also includes some $142 million in appropriations for various agencies to enable them to continue their operations throughout the balance of the fiscal year. These latter amounts are appropriately offset by rescissions.

I am pleased that the conference accepted my amendment to the Senate-version of the bill, which was cosponsored by the distinguished chairman of the committee, Mr. STEVENS, and which requires the President to seek support aggressively from our allies and friends to share the burden of containing the Iraqi menace in the Middle East. In my view, Mr. President, this provision is essential as I do not believe that we should shoulder this burden alone. To this end, I note that the distinguished chairman of the committee, as well as selected other members of the committee, will shortly depart for the Middle East in order to impress upon the leaders of our allies in that area of the world the importance that we place upon increased burdensharing by our allies in this very critical aspect of international peacekeeping that is so important to stability in today's world.

Finally, Mr. President, I am disappointed that the House conferees were unable to accept a Senate amendment offered by myself, Senator DORGAN, and other Senators to establish a congressional commission to study causes and consequences of our trade deficits. I have noted that the trade deficit numbers for February are now at a decade-high monthly level, primarily as a result of the Japanese economic problem. We have not had a comprehensive review of our national trade policies since 1970—nearly 30 years ago. This legislation has been 3 years in the making, and my Senate amendment would have established a congressional commission composed of twelve members—six members nominated by the Senate and six members nominated by the House, four of whom shall be Members of congress. Nevertheless, the conferees did agree in the Statement of Managers to include the following:

"The managers considered, but did not adopt, language that would create a Trade Deficit Review Commission, as proposed by the Senate. The conferees agree that serious concerns exist regarding continuing trade deficits and intend to work with the legislative committees of jurisdiction to establish such a Commission, including in the context of the fiscal year 1999 appropriations process."

Mr. President, this is a matter of high priority. Senator DORGAN and I will be monitoring this important matter closely. We hope that the various legislative committees of jurisdiction will take up this issue at a very early date. In any case, the members can count on Senator DORGAN and me to revisit this matter on a timely basis later this year if no action has been taken in the interim.

I know that the administration is disappointed that the conference has not chosen to include payments to the International Monetary Fund. This matter was debated at great length during the conference and it was determined that the House, at this time, was not prepared to yield on this issue.

I, again, thank all conferees for their diligent efforts throughout the past week in resolving all of the difficult issues faced in the conference and particularly the chairman of our committee, Senator STEVENS, who chaired this, his first supplemental appropriations conference, with great patience, skill, and good humor.

Mr. President, I thank the Chair and yield the floor.

Mr. CHAFEE. Mr. President, I express my sincere gratitude to the manager of the bill, Senator STEVENS, and to the chair of the Subcommittee on Interior, Senator GORTON. Yesterday, I raised with them an issue of concern regarding amendments to the Coastal Barrier Resources System, a program under the jurisdiction of the Committee on Environment and Public Works, that the conferees were considering. These amendment would have adjusted the boundaries of several units currently in the System in Florida, and they are quite controversial.

Senator STEVENS and Senator GORTON were both very gracious and accommodating to my concerns. They chose not to include the amendments, and instead included language in the report stating that the managers will work with the committees of jurisdiction to explore the possibility of a legislative remedy in the context of future appropriations bill or other legislative vehicle. I very must appreciate this collaborative approach.

Again, I express my sincere thanks to my esteemed colleagues, Senators STEVENS and GORTON.

Mr. KOHL. Mr. President, I rise in opposition to the Supplemental Conference report, and I oppose it for the same reasons I opposed the original Senate Supplemental Appropriations bill in the Appropriaitons Committee.

While I want to go on record supporting the funding for our operations in Bosnia and Iraq, I am voting against this bill because I believe we should have found a way to offset this defense spending. I understand that some of the funding was unanticipated, but certainly not all of it. If we are truly committed to a balanced budget, as I believe we should be, we need to make the tough choices to reduce spending in other areas of defense spending to pay for this bill.

I also want to state that I opposed the House bill which offset defense spending with cuts in domestic programs. Separate defense and domestic spending levels were set in last year's historic balanced budget accord, and I see no reason to revisit those fundamental decisions now. Except for truly unanticipated emergencies, the Department of Defense ought to make the tough decision that allows it to live within its budget. If the non-emergency defense spending in this bill was not important enough to make the Department of Defense's FY 1998 budget, it is not important enough to justify raiding cash-strapped domestic programs.

And finally, I am disappointed that this legislation does not include funding for the International Monetary Fund's quota increase and New Arrangements to Borrow. The situation in Asia has clearly demonstrated that while the mission of the IMF is now more important than ever, the current resources of the fund are not adequate to meet the demands of that mission. We have a responsibility to every American, whether they be consumer, business person, job seeker or job holder, to promote policies that help grow the global economy to which the American economy is increasingly and inextricably linked. Simply put, our future depends on the future of our neighbors and trading partners. Many of my colleagues have raised legitimate concerns regarding IMF reform, concerns which should be addressed. But our primary task for today was to provide the IMF with the resources necessary to continue its important mission, and I regret that Congress failed to live up to that responsibility.

DISTRICT OF COLUMBIA POLICE CHIEF

Mr. FAIRCLOTH. Mr. President, I rise to make a few remarks concerning Section 10007, a general provision included in the conference report for the emergency supplemental appropriations bill for fiscal year 1998. My amendment is a technical amendment clarifying that the terms of the contract recently signed by the new Police Chief for the District of Columbia are valid and not in conflict with existing law. The new Police Chief, Charles Ramsey, was unanimously approved for the job by the D.C. Council, the Mayor, the D.C. Financial Responsibility and Management Assistance Authority (the Control Board) and the Mayor's Citizens Advisory Panel. The employment contract, which called for Chief Ramsey to report to the Control Board, was signed by the Mayor without objection on April 21, 1998. An April 23, 1998 legal opinion written by the District of Columbia Corporation Counsel challenges the legality of the contract. This opinion has created a potential crisis of uncertainty over who Chief Ramsey will report to and threatens to sidetrack the Chief as he begins to clean house at a very troubled department. My amendment simply states that the Chief's April 21, 1998 contract is valid. It also makes clear that, so long as the Control Board—which Congress created—exists, all future Chiefs of Police will work under the same reporting conditions as Chief Ramsey. This amendment is imperative if we are to support the Control Board, Chief Ramsey, and the citizens of the District of Columbia, who deserve a police department that can protect them on the streets and in their neighborhoods.

Mr. SHELBY. Mr. President, I would like to take this opportunity to thank Chairman Stevens, Senator Bond, Senator Domenici and their staffs for their efforts on behalf of the citizens of Alabama. Over the last several months, Alabama has suffered greatly as a result of multiple natural disasters. As the state was addressing the flooding in its Southern regions, a series of violent tornados devastated portions of Northern Alabama. These terrible events resulted in loss of life and extensive property and infrastructure damage. In many cases, whole communities were destroyed. While communities have banded together to begin the process of rebuilding their lives, the need for assistance is obvious to anyone who has viewed the destruction firsthand.

I appreciate the efforts of the Senator from Missouri as the Chairman of the Appropriations Subcommittee on VA/HUD and Independent Agencies to increase the funding provided by the Community Development Block Grant (CDBG) program. Although there has been extensive promotion of buyouts and relocation, it is my understanding that only 3 million dollars is available to the State of Alabama through hazard mitigation funding for this purpose. These funds are dramatically insufficient to meet the current needs and demands of the communities hit by these disasters. It is my understanding that the State of Alabama will be eligible for the CDBG funds included in this bill to respond to the flood and tornado disasters. Is it the Chairman's understanding that this funding could be used by the State for buyouts?

Mr. BOND. As you know, in large part to your help, the conference report to the FY 1998 Supplemental appropriations bill includes $130 million for emergency CDBG funding that is intended to meet unmet emergency disaster needs by supplementing the existing, more traditional disaster programs administered through FEMA, the SBA and the Corps of Engineers. While there remains significant concerns over HUD's administration of emergency CDBG funding, buyout funding is an eligible activity under both FEMA disaster relief and HUD emergency CDBG funding, and I expect any request for buyout funding for Alabama to receive the full consideration by both FEMA and HUD. Nevertheless, the term "buyout" has become overused and has come to mean different things to different people. The federal government should be providing communities with a menu of flexible approaches to address emergency disaster needs. This flexibility is critical to the people of Alabama. In addition, I urge both FEMA and HUD to develop comprehensive yet flexible requirements for buyouts, including eligibility and cost requirements.

Mr. SHELBY. If the State is able to use CDBG money for buyouts, this will certainly help them meet the demand for buyouts that currently exceed the funding made available through the hazard mitigation program. Is it correct that States eligible for this funding would be able to obtain waivers from the low to moderate income requirement in order to make use of this funding for the purposes of responding to their disaster needs?

Mr. BOND. Correct, waivers are included to help programs address local needs. Emergency CDBG funding needs to remain flexible to assist families and individuals in these times of real crisis.

Mr. SHELBY. I want to thank the Senator from Missouri again for his help and effort to ensure that adequate funding is provided for disaster assistance. It is my hope that this funding will be made available expeditiously and equitably to those States currently recovering from disasters. While the funding provided through this bill, due in great part to your assistance, will help, I believe that Alabama will still face huge hurdles in its recovery process. I look forward to continuing to work with you to address the needs of those trying to rebuild.

Mr. SESSIONS. Mr. President, I would like to begin my remarks this afternoon by recognizing and applauding the efforts of my colleague, the distinguished Senior Senator from Alabama, for all of his efforts in working to ensure that the Supplemental Appropriations bill produced by the conference committee includes badly needed relief for our home state of Alabama in the wake of the terrible natural disasters that have occurred over the past month. Senator SHELBY has worked tirelessly to see to it that this document includes assistance for those communities that have suffered so much in the wake of the recent spate of floods and tornadoes that have so severely struck our state. In his position as a member of the Appropriations committee and as a conference to this bill, Senator SHELBY has been a true champion for the interests of his constituents. It is fitting and appropriate that his work be generously acknowledged.

I would also like to take this opportunity to recognize the efforts of the Chairman of the Appropriations Committee, and to thank him for all of the assistance he offered during the conference negotiations over the disaster provisions in the bill. It is very likely that without the support and the leadership provided by Senator STEVENS, we would have been unable to secure funding for the town of Elba, Alabama. Elba has recently been devastated by flooding caused after rain swollen rivers forced the town's levees to give way. Thanks to Senator STEVENS' generous support, this bill contain $5 million in funding to help repair Elba's levee. I can not begin to express how much Senator STEVENS' willingness to go to bat for this small Alabama town means to this Senator.

Finally, I want to thank my good friend Senator BOND of Missouri for your willingness to work with Senator SHELBY and myself to ensure that the increased money that this bill provides for Community Development Block Grants will get to those who are direly in need of them. The supplemental bill contains $130 million in Community Development Block Grant funding. This funding, which is important to communities seeking to recover from devastating events, like those events my state has recently suffered through, needs safeguards to ensure that it ultimately reaches those areas where it is most desperately needed. It is imperative that the Department of Housing and Urban Development makes these grants really available to areas within Alabama that have suffered from these natural disasters. Over the last few weeks my office has been receiving requests from communities throughout the state, communities such as Birmingham and Elba, Geneva, Brewton and East Brewton, all asking that these funds be made available to them so that they might begin the difficult task of rebuilding. Senator BOND, your willingness to help work to ensure that this funding gets back to the devastated areas within my state is very generous, and I appreciate your commitment greatly.

Mr. President, this supplemental bill goes a long way toward beginning the healing process for the citizens in my state that have recently had to shoulder such a heavy burden. I have personally visited the sites in my state that were the hardest hit, and I can assure you that the scope of the devastation and the scope of the personal, human toll these disasters have taken is beyond my ability to adequately convey. This supplemental disaster bill is a good bill, a solid bill and I look forward to securing its passage so that the relief provided within can be begin to get back to the people of Alabama.

Mr. CAMPBELL. Mr. President, today we are voting on the FY 1998 Supplementary Appropriations bill which contains very important disaster relief and funding for our military operations overseas.

In this bill before us, Congress funds emergency disaster relief for El Niño related storms on both coasts and in the southeast. We also provide important funding for our military personnel in Bosnia. Although I have been on record consistently opposing our continued presence in Bosnia, I support our military men and women while they are there. This bill provides that important support.

This appropriations bill also funds our military mission in Iraq. While I am skeptical of the dubious and undefined U.S. plan in this region, I again vote to make sure our military personnel serving our country there are well equipped and defended. This bill provides this assurance.

This bill also provides some important local relief for Colorado. This legislation contains language to assist the City of Boulder. Boulder needs to replace a water pipeline that crosses Forest Service lands. The language in the bill provides assurance that Boulder does not abandon its original easement when it agrees with the Forest Service to relocate the pipeline.

This bill also contains important relief for the National Forests in northern Colorado. Recently, a unique meteorological situation occurred in Routt County, near Steamboat Springs, called a blowdown. A blowdown is exactly that—winds of such terrific and concentrated force blew down almost every tree in the region. It looked as though a large nuclear bomb was detonated above. This devastating disaster affected 20,000 acres of land, almost all which was on national forest land and was the largest such blowdown ever recorded in the Rocky Mountains.

Part of the $10 million appropriated by this bill to the National Forest System would support the cleanup efforts in the Routt National Forest in Colorado. This would assist the local communities which rely on the natural resources of the Routt National Forest for tourism, recreation, agriculture, and timber can get back to normal. Not only will this help economies of the local communities, but it is vital for the health of the Routt National Forest and the Mt. Zirkel Wilderness Area.

This funding will allow the Forest Service to establish a timber salvage plan for the responsible harvest of the downed timber and maintain the roads that will be necessary for this to take place. While the prospect of a timber sale may seem objectionable to some people, I believe the responsible harvest of this timber in the national forest is preferential to the chance a natural or accidental forest fire might occur there.

Mr. LEAHY. Mr. President, I am going to vote for this Supplemental Appropriations Conference Report because it contains important disaster relief funds for Vermont, which was hard hit by ice storms this winter. Vermont's maple syrup makers suffered devastating losses and these funds will help them recover.

But were it not for that I would vote against this Conference Report, and I want to take a moment to explain why and to express my regret and frustration about what has occurred here.

As senators will recall, the Senate passed by a vote of 84–16 funding for the International Monetary Fund as part of this Supplemental. That funding was strongly supported by Senator STEVENS, the Chairman of the Appropriations Committee. It had overwhelming bipartisan support.

It reflected obvious alarm about the economic crisis in Asia, and the fact that a third of all American jobs are tied to exports and a third of those exports go to Asian markets.

Secretary Rubin made a strong case that the IMF funding is urgently needed to stem further weakening of the Asian economies.

So the IMF funding was an issue in the Conference Committee, but the House Republican conferees refused to recede to the Senate position. Apparently the House leadership had ordered them not to agree to the IMF funding because of its continuing dispute with the President over the completely unrelated issue of family planning.

Mr. President, it is outrageous that yet again we have a vitally important foreign policy matter being held hostage by the House in its seemingly endless and futile attempt to make political points over family planning.

The IMF funding has absolutely nothing whatsoever to do with family planning. They are separate issues and should be decided on their merits, not used as political blackmail.

I mention this, Mr. President, because the American people, many of whose jobs depend on the stability of foreign markets, should understand exactly what is happening here.

This is not about the IMF, it is about politics. The House Republican leadership is playing games with the lives of American workers. What do they care? They know that whether or not the Asian economies recover or collapse, the House Republican leadership will have a job regardless. They are not the corn farmer in Iowa, or the manufacturer in Delaware.

Before they will agree to the IMF funding, the House Republican leadership wants the President to sign a law that prohibits US Government support for private organizations that use their own money to petition foreign governments on abortion. It would prohibit those organizations from even speaking on behalf of policies to make abortion safer in countries where it is legal.

And if the President does not agree, they would cut funding for family planning which prevents unwanted pregnancies and abortions by $44 million. It is the most illogical approach to an issue I have ever seen.

Mr. President, we are back to tactics of sabotage, of blackmail, of bringing the government to its knees to win political points. Apparently, as far as the House Republican leadership is concerned nothing matters anymore—not democracy, not the legislative process, and certainly not what is in the best interests of the country.

It is becoming increasingly clear that it is up to the Senate to prevent the Congress from becoming totally irresponsible.

Ms. SNOWE. Mr. President, I rise today to express my support for the disaster supplemental conference report. I would like to thank the conferees and Chairman STEVENS for their efforts to meet the additional needs Maine and the other Northeast states identified after the January ice storm.

Since early January I have worked with the State, FEMA, SBA and other federal agencies to ensure that the devastation from Ice Storm '98 would become a memory and not a long-term problem in Maine. The impact of the storm was such that every Mainer who lived through it, will always remember it—whether it be for the length of time they were without power, the loss of trees throughout the state, the amazing utility crews from up and down the East Coast who worked to restore power or simply the viciousness of mother nature.

The conference report provides assistance in several areas where current federal programs simply couldn't handle the entire problem or where no program existed. Our forests are in shambles due to the damage inflicted on the trees by the ice. The conference report provides $48 million to the US Forest Service in order to help the states and private land owners assess the damage and develop plans for clean up and for ensuring a healthy future for the forests. There is an additional $14 million in the Tree Assistance Program for cleanup. This funding is much needed and very welcome.

There is $4.48 million included in the Emergency Conservation Program to help the maple syrup industry. This money, which will be matched, will help restore tubing which was torn from the trees by the ice and replace taps that were lost.

I am pleased that the conference report also contains funding for the Northeast dairy farmers. The lack of electricity prevented many farmers from milking their cows or from being able to store their milk at the necessary temperature. The $10.8 million in the report will help cover some of these losses as well as pay for stock that was lost as a result of the storm.

The $130 million included for the Community Development Block Grant program (CDBG) is not as much as I would have liked, but I understand that the conferees had a large gap to negotiate as the House bill provided only $20 million while the Senate bill had $260 million. This money is very important to Maine as it will assist the state in covering disaster-related costs unmet by FEMA, including the biggest unmet need in Maine—the costs associated with the damages to our utility infrastructure.

I wish to reiterate my appreciation for the support that the Committee Chairman has shown for the needs of Maine and the Northeast states. His leadership has been vital in ensuring that the recovery from the Ice Storm of '98 for Maine, Vermont and New York will be completed as quickly as possible. Again, I appreciate his assistance and attention to the special needs of our states because of this one hundred year storm, and I urge my colleagues to join me in supporting the conference report.

Mr. KERRY. Mr. President, like the vast majority of my colleagues, I am anxious to speed the funds provided by this bill to the communities all across our country that have been adversely affected by natural disasters. I am equally anxious to provide the funds necessary to maintain our crucial peacekeeping efforts in Bosnia.

This spending is so important because it responds to emergencies—unforeseen events that cause terrible damage to property and to life. Everyone in this chamber understands that the unpredictable nature of these unfortunate events makes budgeting or planning for disasters, by definition, very difficult. That is why the Senate's rules allow us to spend money on an emergency basis without finding offsetting budget cuts. And that is exactly what we in the Senate did when we passed this bill originally.

Unfortunately, through no fault of the distinguished Chairman of the Appropriations Committee, Mr. Stevens, or Ranking Member Byrd, this bill now includes over $2.3 billion of cuts in rental assistance for very low income families.

I regret to say that Republican conferees from the other body demanded these cuts to move forward on this emergency bill. They chose, once again, to try to use Americans who have seen their lives torn apart by tornadoes or floods, who have lost homes and businesses, as a tool to attack the poor, to pursue their cruel ideological agenda.

I am incapable of understanding, Mr. President, what sense it makes to take away one man's home to pay for another's. It makes no sense to me whatsoever. Every year—year-after-year—this Congress raids the housing budget to pay for other programs.

Of course the House Republican Leadership has offered "assurances" that these funds will be restored. Who will pay for those? Will that money come from health care for veterans? From crucial environmental programs? From our children's education? That, Mr. President, is only a shell game, and the victims, regardless of which ones are chosen, would be the disadvantaged and powerless. That is nothing short of shameful.

There are 400,000 families who will lose their housing assistance if these funds aren't restored next year. The Department of Housing and Urban Development just released a report revealing that 5.3 million families already live on the brink of homelessness. Without rental assistance, that number will grow dramatically.

Mr. President, I also am terribly disappointed that the Republican Majority has chosen to play politics with two other vital matters: funding to pay our arrearages to the United Nations, and funding for the International Monetary Fund. The President, the Secretary of State, the Secretary of the Treasury, numbers of other senior government officials, and hundreds of international business leaders, economists, and foreign policy experts have pleaded with the Congress to take the responsible step of meeting our obligations in these two key respects.

Our continued failure to pay our bills to the United Nations—an organization which helps reduce conflict in the world, and which we as a nation press into service for such vital national security objectives as isolating Saddam Hussein in order to halt his diabolical adventurism and to prevent him from developing and using weapons of mass destruction—not only threatens the ability of that institution to survive and function as designed and as we depend on it to function. Our failure sullies our leadership and announces to the world community of nations that we are too good, too mighty, too righteous to be bothered by the responsibilities of world citizenship. The thought that we can do this perpetually and retain our influence for good; the thought that we can do this and retain the ability effectively to insist that other nations meet their obligations to the world community, is nothing less than preposterous.

Similarly, Mr. President, it appears that there are many in the Congress who are somehow both willing and able to play ostrich—to pretend either that the effects of the economic collapse that has rippled through the nations and economies of the Pacific Rim are and will remain wholly confined to that region of the world, or that the world's most powerful economic engine—that of the United States—need play no significant role in the international effort to help the buffeted Asian nations regain economic stability before the disarray makes itself felt very uncomfortably among Americans.

We should not be surprised, if we repeatedly insist on placing ourselves above the responsibilities and obligations recognized by the rest of the developed world, if the rest of the world begins to isolate and ignore us and our wishes. We then may find ourselves paying a terrible price for our obstinacy and arrogance in a world where, increasingly, our objectives must be met by diplomacy and persuasion rather than by force.

Mr. President, this bill contains essential funding. This funding is needed to help the victims of disasters in a number of areas of our nation. It is needed to pay the costs incurred by our armed services to operate the humanitarian mission in Bosnia without cannibalizing funds needed to maintain the readiness of our forces across the board. I am distressed that my colleagues and I are presented with an all-or-nothing vote where, if we reject this bill for what it should do but fails to do, such as paying our U.N. arrearages and infusing funds into the IMF, and what it irresponsibly does, which is to steal desperately needed funds from efforts to meet the housing needs of our nation, we necessarily will reject what it does for disaster victims and to replenish the defense funding accounts that have been used to meet the costs of our Bosnia activities.

I will vote for this bill, but I will do so with the strong reservations I have set forth. I hope the American people will take note of what has been done here, and will respond appropriately.

Mr. STEVENS. Mr. President, I urge adoption of the conference report.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Before we move to adoption of the conference report, two colleagues have asked for a very short time frame to express themselves on a particular provision. And I ask they be accorded that time before we go to a final vote.

Mr. STEVENS. Could we have a time on that?

Mr. DASCHLE. I ask unanimous consent that Senator DURBIN and Senator BOXER both be accorded 2 minutes prior to the time we have a final vote on the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I do support the passage of this emergency supplemental, but I want to point out to my colleagues something very important that happened in that committee. There is the presence of a rider in this particular bill. I think you ought to know about it, because you are going to get asked about it.

It will hurt American taxpayers. It will take literally $5.5 million a month out of their pocket and put it into the pocket of big oil companies.

Now, what is this about? I will tell you in my remaining time.

The Mineral Management Services spent 2½ years working on a rule to figure out the best way to collect royalty payments from oil companies. What are royalty payments? They are payments that go to the taxpayers when the companies drill on public lands.

In this particular emergency supplemental bill is a rider that never was part of the House bill, was never part of the Senate bill. We had 10 minutes to discuss it. And it stops this rule from going into effect. So every month that this new rule is stopped from going into effect, $5.5 million—

Mr. WELLSTONE. Mr. President, could we have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order. The Senator from California.

Mrs. BOXER. So every month this rule is stopped from going into effect, American taxpayers are shorted $5.5 million. Now maybe that doesn't sound like a lot to the folks who put in this rider, but I can tell you the folks in your States are going to wonder why we did this, as it were, in the dead of night, because we really couldn't debate it as much as we should have.

Although my chairman was very generous and allowed me to make my comments, I still believed that that rider should not have been placed there when it was not part of either the House or Senate bill.

I yield the remainder to my colleague from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, let me rise and first thank the Appropriations Committee for the work on this bill.

I will not be able to vote for it for two reasons. First, I find it interesting that after a week of debate in this Chamber and a lengthy discussion about America's role in world leadership, we follow this historic vote on the enlargement of NATO with an appropriations bill which fails to appropriate funds for our Nation's obligation to the United Nations. It is a source of embarrassment to our Nation that Congress continues to fail to meet its responsibility to the United Nations. A great nation should pay its bills.

Let me also add to what the Senator from California said. If you look at this bill on page 69, section 3009, you will find a provision that has never been in a House bill and never been in a Senate bill that comes in here at the last minute on an emergency spending bill. It is a rider which will give to oil companies some $65 million in breaks for oil and gas that they are taking off of public lands—lands owned by taxpayers.

Last year, we passed a budget agreement with a provision in it for a $50 billion tax break for tobacco companies. We went back home and were embarrassed by it, came back and rescinded it. I'm afraid we are returning home to face more embarrassment for this provision which, unfortunately, provides a break to oil companies at the expense of taxpayers.

For the fiscal conservative listening, this money is not set off by any cuts in spending. This gives to the oil companies, pure and simple, $65 million out of the Treasury, at taxpayers' expense.

I yield back the remainder of my time.

Mrs. HUTCHISON. Mr. President, the amendment I added to the conference version of the 1998 Supplemental Spending Bill deals with how oil is valued for the purpose of collecting royalties. This is not about royalty rates, but rather how that value is established.

Under the Outer Continental Shelf Leasing Act and the Minerals Leasing Act, the Minerals Management Service (MMS) is required to value the oil where it is removed from the ground. The MMS wants, instead, to value the oil after the industry has added significantly to its value (through marketing and transportation costs). Such a change would have the effect of increasing the tax collected on any set amount of oil at a time when the oil prices are at an all time low. The economy and jobs will be affected by such an arbitrary increase in costs. And finally, the MMS wants to make this change in the law through regulation. Mr. President, changing the law is the job of Congress, not the MMS.

My amendment prohibits the MMS from implementing this proposed change next month and prohibits the agency from acting before the end of the current fiscal year. This will give Congress time to weigh in on this matter, instead of letting the MMS arbitrarily change the law through the exercise of its rule-making authority.

Last year, this Congress, in the FY 1998 Interior Appropriations Bill specifically directed MMS to report back to the committees prior to finalizing the new regulations after numerous members expressed concern. MMS has ignored this direction, and neither the Energy and Natural Resources Committee nor the Appropriations Committee was notified that MMS proposed to finalize the new rule this June.

I support a valuation program that ensures the state and national governments receive all royalties due to them while maintaining fundamental principles of equity. I support the MMS in its efforts to simplify the valuation system and collect the government's fair share. However, it cannot be done at in a manner that changes federal law.

Mr. STEVENS. I yield 1 minute to the Senator from Pennsylvania.

Mr. SANTORUM. I want to bring a rider to the attention of Members.

In conference, a rider was added, not debated on this floor or in the House, that extended for 2 months the period of time in which Secretary Shalala and the Department of Health and Human Services—for regulations on organ donation policy to be implemented.

The organ donation policy advocated by patient transplant organizations, to have a much more equitable system of organ donation, was put forward on a bipartisan basis support.

The Senator from Louisiana put in an amendment to delay the implementation for 2 additional months over the objections of the administration. People will be dying as a result of this. Sick people who need organs are not going to get those organs as a result of this delay.

We should not allow this to continue. I'm going to vote against this, and I hope that we will not continue this kind of delay.

Mr. BREAUX. Which Senator from Louisiana is he referring to?

Mr. SANTORUM. I was referring to the chairman of the Appropriations Committee in the House.

Mr. BREAUX. Thank you.

Mr. STEVENS. Mr. President, there are provisions in this bill that extend regulations. None of the provisions overrule regulations. There is an additional period of time in three instances for regulations to be reviewed by Congress. We did not meet at night; only during the day. But this is a very serious matter to get this bill passed to assure that men and women of the armed services get the support they need to continue their training and also to meet the disasters that have occurred to this country during this year since we passed a 1998 appropriations bill.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. KYL), is necessarily absent.

The result was announced—yeas 88, nays 11, as follows:

[Rollcall Vote No. 118 Leg.]

YEAS—88

Abraham
Akaka
Allard
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Enzi
Faircloth
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Sarbanes
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—11

Ashcroft
Bumpers
Durbin
Feingold
Gramm
Inhofe
Kohl
Moseley-Braun
Nickles
Santorum
Smith (NH)

NOT VOTING—1

Kyl

The conference report was agreed to.

THANKS TO STAFF

Mr. BIDEN. Mr. President, I would like to take a brief moment to thank some of the incredibly qualified staff we have here. I don't know whether the public realizes, but some of the young, and in the case of some of my staff not so young, women and men are incredible assets to this country. There are more Rhodes scholars, Marshall scholars, Ph.D.s, professors, former professors, and incredibly talented people who sit here in these seats, not only on treaties, but on every major thing we do and advise us.

On Chairman HELMS' staff, as always, Admiral Bud Nance, a retired Admiral in the U.S. Navy, and close friend of the chairman's and a close advisor, did a terrific job in directing the entire staff and working closely with our staff, as did a man who was kind enough to stay with me, a man who is a significant and capable lawyer, as well as a staff director for the minority, Ed Hall. These two guys run that operation in a way, I say to the leader sitting here, that was almost like the bipartisan days, the old days, in large part because they get along so well and they trust each other so much.

Bud Nance is a gentleman who has already given decades of service to his country in the U.S. Navy, and continues to serve the chairman in his role as staff director.

Additionally, I thank Steve Biegun, Beth Wilson, and Alex Rodriguez, as well as Marshall Billingslea, of the majority staff, who did a first-rate job in pulling together our hearings last fall and in helping draft the resolution of ratification.

On my staff, I will start with this man. I worry about these guys who have one doctorate, but this guy has two. He came to me from a distinguished career as a professor, as well as working in the Library of Congress, Dr. Mike Haltzel. He is the minority staff member for European affairs. He traveled with me throughout the European capitals and to Russia in preparation for the hearings, and he wrote the major portions of the remarks given and rebuttals during this debate. It was a pleasure to have him at my side.

During this process, he has been ably assisted by Mark Tauber, a Pearson Fellow from the State Department; Ed Levine, the committee's arms control expert; and Erin Logan, a Javits Fellow who has honored the memory of our former colleague by her service to the committee.

In addition, Marnie Davidson, Ursula McManus, Dawn Ratliff, Mike Schmidt, and Marc Mellinger provided considerable assistance behind the scenes.

Finally, I thank my counsel on the committee, a young man who came to me out of Auburn, NY, 20 years ago to stay for a "few days" and stayed on, and while with me, he graduated from law school, clerked, and then came back and is the legal director for the committee, Brian McKeon.

THANKING ART RYNEARSON

Lastly, I thank Art Rynearson, who is a senior legislative counsel and has served the Senate and the Foreign Relations Committee for over two decades. I know him as Art. I have known him all these years as Art. He is one of those guys behind the scenes, the legislative counsel here, who we take so much for granted, and who did an incredible job. In the 105th Congress, the committee has placed a lot of demands on Art, starting with the Chemical Weapons Convention, the CFE Flank Document, and then on the State Department authorization bill.

On NATO enlargement, he was enormously helpful, as he always is, in helping us draft the resolution of ratification.

Over the past few months—indeed over the past 15 months —Art has worked tirelessly in assisting the Foreign Relations Committee with its busy agenda. I would like to thank him for his competent professionalism and for always being there to help the committee staff.

Lastly, let me thank my colleagues. I believe it is not a presumption to say that the level of debate and the competence that they demonstrated was impressive. I have great respect for those who voted negatively on this because they thought about it long and hard.

I also find, I say to the President, in my 25 years here that when the very big, important issues are before us, almost everyone steps up to the ball, no matter what side they come out on, on those big issues. It is always a consequence of very thoughtful consideration and very engaging debate. It was an honor to be associated with the staff of the majority and the minority.

I thank, lastly, the minority leader for doing what he has been kind enough to do with me since he has been leader—entrusting to me the tactics, if not the strategy, of how to proceed on a major piece of legislation. I thank him for that. I thank him for his confidence.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I will yield the floor in just a moment. But let me, while he is on the floor, congratulate the distinguished Senator from Delaware for his magnificent leadership over the course of the last several days. I said to him privately, and I will say it at this point for the RECORD, that this was one of his finest hours. This was a time when we needed his leadership, when we needed his expertise, when we could count on him to guide us through this very difficult period. He has done so, as he does on so many occasions, with eloquence, with passion, with expertise, and with a degree of credibility that I think suits this Senate and suits him extraordinarily well. I congratulate him on his achievement.

I congratulate the chairman of the Senate Foreign Relations Committee and others who have had so much to say with regard to our achievement tonight. This, indeed, is a very historic moment. I am honored to be a part of it. I am honored to serve with colleagues who led us so well during this debate.

I again congratulate each and every one of them.

I yield the floor.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, in executive session, I ask unanimous consent that the President be immediately notified of the Senate's action with respect to the NATO enlargement treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Calendar No. 581, and Calendar No. 582; also, four Coast Guard nominations reported by the Commerce Committee today; and all military nominations reported by the Armed Services Committee today.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, and the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

FEDERAL DEPOSIT INSURANCE CORPORATION

Donna Tanoue, of Hawaii, to be Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation for a term of five years.

Donna Tanoue, of Hawaii, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for the remainder of the term expiring October 3, 2000.

IN THE COAST GUARD

The following-named officer for appointment as Commandant of the United States Coast Guard, and for appointment to the grade indicated under title 14, U.S.C., section 44:

To be admiral

Vice Adm. James M. Loy, 8128

The following-named officer for appointment as Vice Commandant, United States Coast Guard, and to the grade indicated under title 14, U.S.C., section 47:

To be vice admiral

Vice Adm. James C. Card, 8343

The following-named officers for appointment in the United States Coast Guard Reserve to the grade indicated under title 14, U.S.C., section 729:

To be rear admiral

Rear Adm. (lh) J. Timothy Riker, 9518

To be read admiral (lower half)

Capt. Carlton D. Moore, 0938

The following-named officer for appointment as Commander, Pacific Area, United States Coast Guard, and to the grade indicated under title 14, U.S.C., section 50:

To be vice admiral

Rear Adm. (lh) Thomas H. Collins, 9096

IN THE AIR FORCE

The following-named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Hal M. Hornburg, 6836

The following-named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael C. Short, 9016

IN THE ARMY

The following-named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Nancy R. Adams, 4217

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., 12203:

To be major general

Brig. Gen. John F. Kane, 6020

The following-named Reserve officer for appointment as Chief of Army Reserve under title 10, U.S.C., section 3038:

To be chief, Army Reserve, United States Army

Maj. Gen. Thomas J. Plewes, 3930

IN THE MARINE CORPS

The following-named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Carlton W. Fulford, Jr., 5783

The following-named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael J. Williams, 8024

The following-named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Bruce B. Knutson, Jr., 7136

IN THE NAVY

The following-named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. John R. Ryan, 4509

IN THE AIR FORCE

Air Force nomination of Rita A. Campbell, which was received by the Senate and appeared in the Congressional Record on March 13, 1998.

Air Force nomination of Christianne L. Collins, which was received by the Senate and appeared in the Congressional Record on April 1, 1998.

Air Force nominations beginning Alton G. Cherney, and ending Kevin L. Toy, which nominations were received by the Senate and appeared in the Congressional Record on April 1, 1998.

Air Force nominations beginning Alma J. Abalos, and ending Victoria G. Zamarripa, which nominations were received by the Senate and appeared in the Congressional Record on April 1, 1998.

Air Force nominations beginning Donald S. Abel, and ending Frederick M. Wolfe, which nominations were received by the Senate and appeared in the Congressional Record on April 2, 1998.

IN THE ARMY

Army nominations beginning Michael H. Abreu, and ending X2056, which nominations were received by the Senate and appeared in the Congressional Record on March 6, 1998.

Army nominations beginning Ronald V. Duncan, and ending Lynn H. Witters, which nominations were received by the Senate and appeared in the Congressional Record on March 13, 1998.

Army nominations beginning Richard A. Cline, and ending* Sonja S. Thompson, which nominations were received by the Senate and appeared in the Congressional Record on April 1, 1998.

Army nominations beginning Ruby T. Baddour, and ending Noel L. Woodward, which nominations were received by the Senate and appeared in the Congressional Record on April 2, 1998.

IN THE NAVY

Navy nominations beginning William T. D'Amico, and ending Jose Pubillones, which nominations were received by the Senate and appeared in the Congressional Record on April 1, 1998.

Navy nomination of Robert A. Wulff, which was received by the Senate and appeared in the Congressional Record on April 1, 1998.

Navy nomination of Lynneann Pine, which was received by the Senate and appeared in the Congressional Record on April 1, 1998.

Navy nominations beginning Brian W. Daugherty, and ending Michael Cricchio, which nominations were received by the Senate and appeared in the Congressional Record on April 1, 1998.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

MORNING BUSINESS

Mr. ENZI. Mr. President, I ask unanimous consent that there now be a period of the transaction of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO THE SOLLEFTEA, SWEDEN/MADISON, MISSISSIPPI SISTER-CITY RELATIONSHIP

Mr. LOTT. Mr. President, I would like to take this opportunity to recognize the sister-city relationship between the City of Solleftea, Sweden and the City of Madison, Mississippi. This international partnership has provided opportunities for cultural and business exchanges, as well as providing Swedish and American citizens unique experiences to broaden cultural perspectives.

The Sister-City Program was inaugurated by United States President Dwight David Eisenhower in 1956. This business and cultural exchange was chartered to foster greater friendship and understanding between the people of the United States and other countries through the medium of direct personal contact. Since its inception, over 1,200 American state and local governments have joined with 2,100 foreign partners to create a network of international friendship.

The citizens of Solleftea and Madison have expressed their willingness and desire, through their respective councils, to become sister-cities and to adhere to the ideals set forth by President Eisenhower. These two cities also wish to encourage cultural exchanges that will lead to a lasting friendship between the communities.

The sister-cities agreement was signed by Solleftea and Madison on June 27, 1997 in Sweden. Since this time, three Swedish companies have opened or plan to open businesses in the City of Madison. Hagloff, Inc., Minitube and Logosol are three Swedish companies that should be commended for their efforts to further the spirit of the June 1997 compact.

The Solleftea and Madison friendship has served as a model for future sister-city partnerships. I commend the efforts of these two great cities and wish them continued success in the future.

AMTRAK

Mr. LOTT. Mr. President, I am concerned about Amtrak's future. Though Congress has worked to ensure its continued existence, the Administration has yet to fulfill its statutory responsibilities which are necessary if Amtrak is to have any hope of turning into a viable operation.

As my colleagues well know, the Senate has invested countless hours during the past several Congresses to enact legislation that would enable Amtrak to reinvent itself, both operationally and financially. After three long years, Congress achieved a bipartisan reform package that was signed into law by the President on December 2, 1997.

This package, the Amtrak Reform and Accountability Act, was touted as Amtrak's "last chance." It provided significant changes, allowing Amtrak to operate more like a business. Congress expected Amtrak to immediately begin implementing the many reform provisions. Certain responsibilities concerning Amtrak's future were assumed by Amtrak's union and management employees, the American taxpayers, Congress and the Administration.

For their part, Amtrak's employees agreed to negotiate employee benefits just like other segments of industry in exchange for financial security. The taxpayers contributed considerably—$2 billion for capital improvements in addition to the $22 billion already given to Amtrak to date.

Congress fulfilled its part of the deal, too. The Congress appointed its members to the newly created Amtrak Reform Board. Further, the Senate recently adopted a provision in the budget resolution urging full funding for Amtrak to enable it to reach its goal of zero operating assistance by 2003.

Who is missing from this effort? Mr. President, I contend it is the Administration.

In the past months, the Administration has missed numerous deadlines and issued contrary proposals.

First, the law requires the Department of Transportation (DOT) Inspector General to begin an independent audit of Amtrak's financial situation. The audit was supposed to begin within a month of enactment, which would have been this past January. The DOT Inspector General has worked to abide by the statute, but the Secretary of DOT has refused to allow the audit to go forward. DOT's refusal prompted both the House and Senate Appropriations' Committee to provide specific funding to cover the audit's expense. DOT knows that funding is on its way, yet the Secretary has refused to permit the IG to begin the process.

Second, the law required the President to nominate a new 7-member Reform Board to replace Amtrak's current Board of Directors. Since the reform package required Amtrak to operate like a business. Congress and the Administration agreed that new leadership was imperative. After all, instilling a 'new culture' among Amtrak employees and management necessitated that changes start from the top.

The law requires the Reform Board to be in place by March 31, 1998—almost 1 month ago—yet we still have not received a single nomination from the President. Most troublesome is the fact that if the new Reform Board has not assumed the responsibilities of the Amtrak Board of Directors before July 1st, Amtraks' authorization lapses. I do not think the Administration would want this to happen.

Mr. President, in addition to the Administration's recent shortcomings, it has also failed to announce the names of individuals who will fill the Administration's three slots on the Amtrak Reform Council. Because the Council is expected to play a critical role in formulating passenger rail in the years ahead, I have encouraged the 8 members appointed by the Congress to begin their work. I understand the first meeting of the Council should occur in early May.

The only action taken by the Administration thus far has been to propose a budget that underfunds Amtrak in fiscal year 1999. The Administration's budget submission seeks to take money away from capital expenditures and to use it to pay for Amtrak salaries and operating expenses. This diversion proposal is in direct violation of the statutory language in the law which established the capital funding subsidy.

Ms. HUTCHISON. Mr. President, I share the Majority Leader's concerns about Amtrak. As the primary author of the Amtrak reform law, I am very concerned that Amtrak has yet to have the opportunity to avail itself of the statutory reforms we all worked so hard to provide. The Amtrak Reform Council positions are an essential element in the overall reform scheme.

Amtrak needs to make long-term plans and commitments. That action has not yet begun. I hope the Administration will take prompt action to fulfill its responsibilities and give Amtrak the opportunity to achieve what we all hope is possible—a fiscally sound and efficient national rail passenger system.

Mr. McCAIN. My colleagues know all too well my frustrations with Amtrak. However, I worked in good faith with my colleagues and the Administration to move the Amtrak reform legislation through the legislative process. Therefore, I expected similar "good faith" to be applied in fulfilling the statutory provisions under the Act.

I find it unconscionable the Administration continues to obstruct the independent assessment. This is one of the most critical elements in the entire reform package. How can anyone determine if Amtrak is meeting its financial obligations if we don't have a baseline to start? What is it about Amtrak's finances the Administration is trying to keep covered up?

Equally troubling to me is the Administration's lack of regard for upholding the statute. A new Reform Board was to be in place nearly a month ago. These positions require Senate confirmation which necessitates hearings and review by the Commerce Committee. I have every intention to uphold our Committee's responsibilities. Yet, we have not received even ONE nomination from the President.

Worse still, the rumors we hear is that the Administration is considering reappointing current Board members. I have been very clear, that the Commerce Committee will not report favorably any Board hold-overs and I stand firm on that position. I would think even the Administration would acknowledge we didn't create a new Board only to reappoint the same members.

Why isn't the Administration interested in fixing Amtrak's problems while it is under their watch? I never cease to be amazed.

Mr. President, the Congress worked long and hard in a bipartisan fashion to give Amtrak one more opportunity to do what they keep telling us they can do given the chance. The President let Amtrak, Congress, and the taxpayers think Amtrak was being given that chance. Sadly, the Administrations subsequent lack of interest is quickly taking that chance away.

SENATOR BYRD RECEIVES CONGRESSIONAL AWARD'S LEADERSHIP AWARD

Mr. DASCHLE. Mr. President, last night, Senator ROBERT C. BYRD was awarded the Congressional Award Program's highest honor, the Leadership Award. This award is given to someone who has exhibited extraordinary leadership in support of programs which benefit our Nation's youth and the Congressional Award Program. We all know Senator BYRD as a skilled legislator, master of the Senate's rules and procedures, award-winning historian of the United States Senate, a man of great honor and personal integrity, a fine example of true leadership, a colleague, and a friend. We may not be fully aware of his tireless efforts on behalf of the children of this country. The Leadership Award is presented each year to individuals who have displayed outstanding commitment to improving the lives of young Americans and who have provided critical support to the Congressional Award program in its efforts to make the Award a national opportunity for all of our young people.

Senator BYRD knows only too well the hardships many of our children face: plagued by poverty, challenged by a culture which all too often fails to glorify the values essential to a civil society, facing violence not present when we grew up, a world without the kinds of heroes that inspired Senator BYRD to personal achievement and a life of service to others. As he so clearly articulated last night at the Congressional Award's annual dinner and program, heroes fuel in us a desire for personal development. And Senator BYRD found out that he is a hero to many.

Grant Hill, NBA basketball star, talked of the great honor of competing against Michael Jordan, and the equally great honor of meeting Senator BYRD, "the Michael Jordan of the Senate." Mr. Hill was awarded the Horizon Award, which gives special recognition to individuals from the private sector who have contributed to expanding opportunities for young Americans through personal contributions to youth programs, and who have set exceptional examples for young people through their success in life.

Congress grants only two medals: The Congressional Medal of Honor and the Congressional Award. The Congressional Award was established by Congress through P.L. 96–114. Senator BYRD was a member of the first Congressional Award Joint Leadership Commission and helped set the standards for this bipartisan program which is available to young people aged 14–23. To earn an award, participants must set and achieve individually challenging goals in volunteer community service, personal development, physical fitness and expeditions.

Please join me in extending our congratulations to Senator BYRD for being the 1998 recipient of the Congressional Award's Leadership Award, and for receiving yet again another first: being named the "Michael Jordan of the Senate."

TRIBUTE TO SPEARFISH HIGH SCHOOL STUDENTS FOR THEIR ACCOMPLISHMENTS IN THE 1998 “WE THE PEOPLE . . .” COMPETITION

Mr. DASCHLE. Mr. President, I want to commend an outstanding group of students from South Dakota who have participated in the We the People . . . The Citizen and The Constitution program across our state this year. The We the People . . . program is an annual nationwide competition sponsored by the Center for Civic Education.

The We the People . . . The Citizen and the Constitution program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The We the People . . . program has provided curricular materials at upper elementary, middle and high school levels for more than 75,000 teachers and 24 million students nationwide. This program is designed to help students achieve a reasoned commitment to the fundamental values and principles that bind Americans together as a people. The program also fosters civic dispositions on traits of public and private character conducive to effective and responsible participation in politics and government.

Students from Marion High School, Harding County High School, Hot Springs High School, Rutland High School, and Spearfish High School showed a tremendous amount of talent and exhibited a great deal of diligent study in a state competition last month in Pierre, South Dakota. Students participated in simulated congressional hearings as the culminating state activity for the We the People . . . program. Each class, working in cooperative teams, prepared and presented statements before a panel of subject experts who acted as congressional committee members and posed challenging questions about the Constitution, the Bill of Rights, and our democratic system. The format provided students an opportunity to demonstrate their knowledge of constitutional principles and their understanding of civic responsibility.

These teams had the support and guidance of their teacher and local advisors, which is essential in such a challenging competition. Curt Sage and Principal Mark Rockafellow from Marion High School, Paul Rystrom and Principal Allen Dvorak from Rutland High School, Marty Wood and Principal Gary Peters from Hot Springs High School, and John Pfitzer and Principal Charles Maxon from Harding County High School are to be commended for their involvement and for providing an educational environment in their schools that encourages teachers and students alike to participate in this type of program.

The Spearfish High School team won the state competition and will be visiting Washington next week to compete in the national competition. The Spearfish team is well prepared for what will be an exciting and competitive final round here in Washington on May 2–4. The members of the Spearfish team representing South Dakota in the national finals are: Melissa Bauman, Tricia Beringer, Toni Bickford, Andy Binder, Pam Blair, Chelsea Collins, Christian Colaiacoro, Nicole Dana, Jason Delahoyde, Jacob Dell, Justin Huck, Lucas Humbracht, Sara Jensen, Brandy Lensegrav, Wade McDonald, Justin Nicholas, Eric Nies, Kirby Sand, Jason Schoental, Becky Stokes, Amy Sylvester, Mikayla Tetrault, Jonathon Watson, and James Williams. I am very proud of their accomplishments and wish them well in the national competition.

I would also like to recognize their teachers, Patrick Gainey and Tom Freece, for their tireless efforts over many months in working with these talented students. The district coordinator, Lennis Larson, also contributed a significant amount of time and effort in working with all South Dakota schools who participate in the program.

I commend all the South Dakotans Constitutional scholars who have participated and worked so hard. Our South Dakota student team from Spearfish is currently conducting research and preparing for the upcoming national competition. I wish the students and teacher the best of luck at the We the People . . . national finals, and I look forward to meeting them when they visit Capitol Hill and the Senate.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, April 29, 1998, the federal debt stood at $5,512,958,788,432.21 (Five trillion, five hundred twelve billion, nine hundred fifty-eight million, seven hundred eighty-eight thousand, four hundred thirty-two dollars and twenty-one cents).

One year ago, April 29, 1997, the federal debt stood at $5,348,145,000,000 (Five trillion, three hundred forty-eight billion, one hundred forty-five million).

Five years ago, April 29, 1993, the federal debt stood at $4,237,171,000,000 (Four trillion, two hundred thirty-seven billion, one hundred seventy-one million).

Ten years ago, April 29, 1988, the federal debt stood at $2,502,100,000,000 (Two trillion, five hundred two billion, one hundred million).

Fifteen years ago, April 29, 1983, the federal debt stood at $1,247,917,000,000 (One trillion, two hundred forty-seven billion, nine hundred seventeen million) which reflects a debt increase of more than $4 trillion—$4,265,041,788,432.21 (Four trillion, two hundred sixty-five billion, forty-one million, seven hundred eighty-eight thousand, four hundred thirty-two dollars and twenty-one cents) during the past 15 years.

FIFTIETH ANNIVERSARY OF THE INDEPENDENCE OF ISRAEL

Mr. KENNEDY. Mr. President, I join my colleagues in congratulating the people of Israel on the 50th anniversary of their independence.

Fifty years ago, Israel's first prime minister, David Ben-Gurion, declared the establishment of the State of Israel, ending a centuries-old struggle by the Jewish people to return to their rightful ancestral homeland. The modern dream of a Jewish state had been reborn over 50 years earlier, when Theodore Herzl shared his vision of such a nation during the First World Zionist Conference in Switzerland. Our predecessors in the U.S. Congress supported this vision when they passed a resolution in 1922, calling for the founding of a Jewish nation.

Tragically, the Jewish people were unable to achieve that great goal during the early years of the modern Zionist movement. They were forced to endure the most brutal and systematic repression of a people that humanity has ever witnessed. The six million Jewish men, women, and children who lost their lives during the Holocaust had committed no crime. They were killed, not because of anything they had done, but because of who they were, as part of an inhuman, racist policy that robbed its victims of both life and dignity. The extraordinary courage with which the Jewish people bore this tragedy is a timeless tribute to their enduring faith, and we owe the victims and the survivors a commitment that such persecution and prejudice will never occur again.

From its beginning 50 years ago, the nation of Israel has had a very close and special relationship with the United States. In a perennially turbulent and unpredictable region of the world, Israel has always been a bulwark of stability. It is our closest ally not only in the Middle East, but also in the United Nations. And during times of crisis and conflict in the region, this bond has only been strengthened.

It was no coincidence that America was chosen as the site for the historic Declaration of Principles agreement between the Israeli and the Palestinian people in 1993, since we have always worked with great dedication and commitment to achieve a lasting peace in the Middle East. The Israeli people know that we will continue to work with them and support them during this long and difficult peace process.

No other ethnic or religious group in human history had endured so much pain and prejudice and overcome so many enormous difficulties in establishing a nation of their own. No other new nation faced so great a threat to its immediate survival as did Israel during its first year of existence. They have created a thriving democracy in a region known for its dictatorships. They have generously opened their land to Jews from all over the world. As we celebrate this inspiring Golden Anniversary of the birth of Israel, we also honor and commend the Israeli people for their courage and commitment in achieving their dream of a homeland and in building the strong and vital democracy and friend that Israel is today.

REPORT CONCERNING THE AUSTRALIA GROUP AND THE CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION, STOCKPILING AND USE OF CHEMICAL WEAPONS AND ON THEIR DESTRUCTION—MESSAGE FROM THE PRESIDENT—PM 118

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997, I hereby certify in connection with Condition (7)(C)(i), Effectiveness of Australia Group, that:

—Australia Group members continue to maintain an equally effective or more comprehensive control over the export of toxic chemicals and their precursors, dual-use processing equipment, human, animal and plant pathogens and toxins with potential biological weapons application, and dual-use biological equipment, as that afforded by the Australia Group as of April 25, 1997; and

—The Australia Group remains a viable mechanism for limiting the spread of chemical and biological weapons-related materials and technology, and that the effectiveness of the Australia Group has not been undermined by changes in membership, lack of compliance with common export controls and nonproliferation measures, or the weakening of common controls and nonproliferation measures, in force as of April 25, 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 29, 1998.*

MESSAGES FROM THE HOUSE

AT 2:21 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate.

H.R. 3546. An act to provide for a national dialogue on Social Security and to establish the Bipartisan Panel to Design Long-Range Social Security Reform.

H.R. 3717. An act to prohibit the expenditure of Federal funds for the distribution of needles or syringes for the hypodermic injection of illegal drugs.

At 6:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3579) entitled "An Act making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes."

The message also announced that the House has passed the following bill, without amendment:

S. 1502. An act entitled "District of Columbia Student Opportunity Scholarship Act of 1997."

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 3546. An act to provide for a national dialogue on Social Security and to establish the Bipartisan Panel to Design Long-Range Social Security Reform; to the Committee on Finance.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4672. A communication from the Secretary of Defense, transmitting, a notice relative to a retirement; to the Committee on Armed Services.

EC–4673. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Mental Health Wraparound Demonstration Project; to the Committee on Armed Services.

EC–4674. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a notice relative to the annual Counterproliferation Review Committee Report; to the Committee on Armed Services.

EC–4675. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report on the Commercial Operations and Support Savings Initiative; to the Committee on Armed Services.

EC–4676. A communication from the Office of the Judge Advocate General, Department of the Navy, transmitting, pursuant to law, the report of a rule entitled "Shipbuilding Capability Preservation Agreements" received on April 27, 1998; to the Committee on Armed Services.

EC–4677. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a notice relative to a cost comparison at Maxwell Air Force Base, Alabama; to the Committee on Armed Services.

EC–4678. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a property transfer; to the Committee on Armed Services.

EC–4679. A communication from the Administrator of the Panama Canal Commission, transmitting, a draft of proposed legislation entitled "The Panama Canal Commission Authorization Act for Fiscal Year 1999"; to the Committee on Armed Services.

EC–4680. A communication from the General Counsel of the Department of Defense, transmitting, drafts of proposed legislation to address several management concerns of the DOD; to the Committee on Armed Services.

EC–4681. A communication from the Board of Trustees of the Federal Hospital Insurance Trust Fund, transmitting, pursuant to law, the 1998 annual report; to the Committee on Finance.

EC–4682. A communication from the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund, transmitting, pursuant to law, the 1998 annual report; to the Committee on Finance.

EC–4683. A communication from the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds, transmitting, pursuant to law, the 1998 annual report; to the Committee on Finance.

EC–4684. A communication from the Administrator of the Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dairy Tariff-Rate Import Quota Licensing" received on April 21, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4685. A communication from the Director of the Office of the Assistant Secretary for Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Agriculture Acquisition Regulation; Miscellaneous Amendments (AGAR Case 96–03)" (RIN0599–AA00) received on April 21, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4686. A communication from the Administrator of the Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "U.S. Standards for Rye" received on April 21, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4687. A communication from the Deputy Executive Director of the U.S. Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Changes In Reporting Levels for Larger Trader Reports" received on April 22, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4688. A communication from the Administrator of the Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Elimination of Prior Approval Requirements for Establishment Drawings and Specifications, Equipment, and Certain Partial Quality Control Programs" (RIN0583–AB93) received on April 27, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4689. A communication from the Deputy Executive Director of the U.S. Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Trade Options on the Enumerated Agricultural Commodities" received on April 21, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, from the Special Committee on Aging:

Special Report entitled "Developments in Aging: 1996 Volume 3" (Rept. No. 105–36).

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1996" (Rept. No. 105–179).

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 175: A bill to designate the week of May 3, 1998 as "National Correctional Officers and Employees Week."

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 1900: A bill to establish a commission to examine issues pertaining to the disposition of Holocaust-era assets in the United States before, during, and after World War II, and to make recommendations to the President on further action, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation:

The following named officer for appointment as Commandant of the United States Coast Guard, and for appointment to the grade indicated under title 14, U.S.C., section 44:

To be admiral

Vice Adm. James M. Loy, 8128

The following named officer for appointment as Vice Commandant, United States Coast Guard, and to the grade indicated under title 14, U.S.C., section 47:

To be vice admiral

Vice Adm. James C. Card, 8343

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

The following named officers for appointment in the United States Coast Guard Reserve to the grade indicated under title 14, U.S.C., section 729:

To be rear admiral

Rear Adm. (lh)J. Timothy Riker, 9518

To be rear admiral (lower half)

Capt. Carlton D. Moore, 0938

The following named officer for appointment as Commander, Pacific Area, United States Coast Guard, and to the grade indicated under title 14, U.S.C., section 50:

To be vice admiral

Rear Adm. (lh) Thomas H. Collins, 9096

(The above nominations were reported with the recommendation that they be confirmed.)

By Mr. THURMOND, from the Committee on Armed Services:

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Hal M. Hornburg, 6836

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael C. Short, 9016

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Nancy R. Adams, 4217

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. John F. Kane, 6020

The following named Reserve officer for appointment as Chief of Army Reserve under title 10, U.S.C., section 3038:

To be chief, Army Reserve, United States Army

Maj. Gen. Thomas J. Plewes, 3930

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Carlton W. Fulford, Jr., 5783

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael J. Williams, 8024

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Bruce B. Knutson, Jr., 7136

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. John R. Ryan, 4509

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. THURMOND. Mr. President, for the Committee on Armed Services, I report favorably 13 nomination lists in the Air Force, Army, and Navy which were printed in full in the RECORDS of March 6 and 13, April 1 and 2, 1998, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of March 6, 1998, March 13, 1998, April 1, 1998 and April 2, 1998, at the end of the Senate proceedings.)

In the Army nominations beginning Michael H Abreu, and ending X2056, which nominations were received by the Senate and appeared in the Congressional Record of March 6, 1998

In the Air Force nomination of Rita A. Campbell, which was received by the Senate and appeared in the Congressional Record of March 13, 1998

In the Army nominations beginning Ronald V. Duncan, and ending Lynn H. Witters, which nominations were received by the Senate and appeared in the Congressional Record of March 13, 1998

In the Air Force nomination of Christiamne L. Collins, which was received by the Senate and appeared in the Congressional Record of April 1, 1998

In the Air Force nominations beginning Alton G. Cherney, and ending Kevin L. Toy, which nominations were received by the Senate and appeared in the Congressional Record of April 1, 1998

In the Air Force nominations beginning Alma J Abalos, and ending Victoria G Zamarripa, which nominations were received by the Senate and appeared in the Congressional Record of April 1, 1998

In the Army nominations beginning Richard A. Cline, and ending * Sonja S. Thompson, which nominations were received by the Senate and appeared in the Congressional Record of April 1, 1998

In the Navy nominations beginning William T. D'Amico, and ending Jose Pubillones, which nominations were received by the Senate and appeared in the Congressional Record of April 1, 1998

In the Navy nomination of Robert A. Wulff, which was received by the Senate and appeared in the Congressional Record of April 1, 1998

In the Navy nomination of Lynneann Pine, which was received by the Senate and appeared in the Congressional Record of April 1, 1998

In the Navy nominations beginning Brian W. Daugherty, and ending Michael Cricchio, which nominations were received by the Senate and appeared in the Congressional Record of April 1, 1998

In the Air Force nominations beginning Donald S Abel, and ending Frederick M Wolfe, which nominations were received by the Senate and appeared in the Congressional Record of April 2, 1998

In the Army nominations beginning Ruby T Baddour, and ending Noel L Woodward, which nominations were received by the Senate and appeared in the Congressional Record of April 2, 1998

By Mr. HATCH, from the Committee on the Judiciary:

Susan Oki Mollway, of Hawaii, to be United States District Judge for the District of Hawaii.

Arthur A. McGiverin, of Iowa, to be a Member of the Board of Directors of the

State Justice Institute for a term expiring September 17, 2000.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CLELAND:

S. 2009. A bill to require the Secretary of Defense and the Secretary of Veterans Affairs to carry out joint reviews relating to interdepartmental cooperation in the delivery of medical care by the departments; to the Committee on Armed Services.

By Mr. CAMPBELL:

S. 2010. A bill to provide for business development and trade promotion for Native Americans, and for other purposes; to the Committee on Indian Affairs.

By Mr. LEAHY (for himself, Mr. DASCHLE, Mr. KOHL, Mrs. FEINSTEIN, and Mr. CLELAND):

S. 2011. A bill to strengthen the Federal prosecution and seizure of illegal proceeds of international drug dealing and criminal activity, and to provide for the drug testing and treatment of incarcerated offenders and reduce drug trafficking in correctional facilities, and for other purposes; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 2012. A bill to name the Department of Veterans Affairs medical center in Gainsville, Florida, as the "Malcolm Randall Department of Veterans Affairs Medical Center"; to the Committee on Veterans Affairs.

By Mrs. FEINSTEIN:

S. 2013. A bill to amend title XIX of the Social Security Act to permit children covered under private health insurance under a State children's health insurance plan to continue to be eligible for benefits under the vaccine for children program; to the Committee on Finance.

By Mr. BIDEN:

S. 2014. A bill to authorize the Attorney General to reschedule certain drugs that pose an imminent danger to public safety, and to provide for the rescheduling of the date-rape drug and the classification of certain "club" drug; to the Committee on the Judiciary.

S. 2015. A bill to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to provide incentives for the development of drugs for the treatment of addiction to illegal drugs, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. D'AMATO:

S. 2016. A bill to suspend temporarily the duty on shadow mask steel; to the Committee on Finance.

By Mr. D'AMATO (for himself, Ms. MIKULSKI, Ms. SNOWE, Mr. MOYNIHAN, Mr. CHAFEE, Mr. DASCHLE, Mr. INOUYE, Mr. BINGAMAN, Mr. JOHNSON, Mr. DODD, Mr. KENNEDY, Ms. MOSELEY-BRAUN, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 2017. A bill to amend title XIX of the Social Security Act to provide medical assistance for breast and cervical cancer-related treatment services to certain women screened and found to have breast or cervical cancer under a Federally funded screening program; to the Committee on Finance.

By Mr. JOHNSON:

S. 2018. A bill to amend the Internal Revenue Code of 1986 to extend the work opportunity tax credit to employers providing employment in economically distressed communities; to the Committee on Finance.

By Mr. ASHCROFT:

S. 2019. A bill to prohibit the use of Federal funds to implement the Kyoto Protocol to the United Nations Framework Convention on Climate Change unless or until the Senate has given its advice and consent to ratification of the Kyoto Protocol and to clarify the authority of Federal agencies with respect to the regulation of the emissions of carbon dioxide; to the Committee on Environment and Public Works.

By Mr. HOLLINGS:

S. 2020. A bill to amend title 10, United States Code, to permit beneficiaries of the military health care system to enroll in Federal employees health benefits plans; to improve health care benefits under CHAMPUS and TRICARE Standard, and for other purposes; to the Committee on Armed Services.

By Mr. SARBANES (for himself and Mr. LIEBERMAN):

S. 2021. A bill to provide for regional skills training alliances, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DEWINE (for himself, Mr. HATCH, Mr. LEAHY, Mr. ABRAHAM, and Mr. DASCHLE):

S. 2022. A bill to provide for the improvement of interstate criminal justice identification, information, communications, and forensics; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DORGAN (for himself, Mr. KEMPTHORNE, Mr. WYDEN, Mrs. MURRAY, Mr. JOHNSON, Mr. BAUCUS, Mr. CRAIG, Mr. BURNS, Mr. SMITH of Oregon, Mr. CONRAD, Mr. GORTON, Mr. DASCHLE, and Mr. ENZI):

S. Res. 220. A resolution to express the sense of the Senate that the European Union should cancel the sale of heavily subsidized barley to the United States and ensure that restitution or other subsidies are not used for similar sales and that the President, the United States Trade Representative, and the Secretary of Agriculture should conduct an investigation of and report on the sale and subsidies; to the Committee on Finance.

By Mr. BURNS (for himself, Mr. BAUCUS, Mr. ABRAHAM, Mr. ALLARD, Mr. CAMPBELL, Ms. COLLINS, Mr. CRAIG, Mr. ENZI, Mr. GORTON, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. HAGEL, Mr. HATCH, Mrs. HUTCHISON, Mr. KEMPTHORNE, Mr. MACK, Ms. SNOWE, Mr. THURMOND, Mr. WARNER, Mr. BINGAMAN, Mr. CONRAD, Mr. DASCHLE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. GLENN, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LIEBERMAN, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mrs. MURRAY, Mr. REID, Mr. ROBB, Mr. SARBANES, Mr. TORRICELLI, Mr. WYDEN, Mr. INOUYE, Mr. KERREY, Mr. KOHL, Ms. LANDRIEU, Mr. LEVIN, Mr. SPECTER, Mr. MURKOWSKI, Mr. DEWINE, Mr. AKAKA, Mrs. BOXER, and Mrs. FEINSTEIN):

S. Res. 221. A resolution to designate April 30, 1998, as "National Erase the Hate and Eliminate Racism Day"; considered and agreed to.

By Mr. LOTT (for himself, Mr. THURMOND, Mr. DASCHLE, Mr. STEVENS, Mr. BYRD, Mr. WARNER, and Mr. FORD):

S. Res. 222. A resolution to commend Stuart Franklin Balderson; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CLELAND:

S. 2009. A bill to require the Secretary of Defense and the Secretary of Veterans Affairs to carry out joint reviews relating to interdepartmental cooperation in the delivery of medical care by the departments; to the Committee on Armed Services.

MILITARY HEALTH CARE LEGISLATION

● Mr. CLELAND. Mr. President, I am particularly honored to serve as the ranking Democratic member of the Senate Armed Services Personnel Subcommittee, a charge I have embraced to its fullest. In the first session of the 105th Congress, I pledged my commitment to improving military health care. Today, I am here to discuss proposals to offer both immediate assistance and a time phased legislative strategy to fulfill this commitment.

The Fiscal Year 1998 Defense Authorization Act (P.L. 105-85) included a Sense of the Congress Resolution which provided a finding that "many retired military personnel believe that they were promised lifetime health care in exchange for 20 or more years of service," and expresses the sense of Congress that "the United States has incurred a moral obligation" to provide health care to members and retired members of the Armed Services and that Congress and the President should take steps to address "the problems associated with the availability of health care for such retirees within two years." I authored that resolution, and today in year one of my two-year challenge, I stand ready to take the first of many necessary steps to fulfill this obligation.

I call this obligation "K-P Duty"—K-P as in KEEPING PROMISES. As a disabled veteran and retiree, as former head of the Veterans Administration, and as the Ranking Member on the Personnel Subcommittee, I am seeking to draft Congress and the entire nation and put us all on K-P Duty.

Back when I was in the Army, some saw K-P or "kitchen police" as punishment. If a soldier was derelict in his duties, or if he broke the rules, he went on KP, where he served his fellow soldiers by working in the messhall.

The K-P Duty I'm talking about is not about punishment, however. Yes, we as a nation have been derelict in our duties to our military personnel, active duty and retired. Yes, we have broken our promises. But the K-P Duty I'm talking about is a sacred honor. It is about a grateful nation paying respect to those soldiers who made tremendous sacrifices for our Country. The soldiers who won World War II, who won the Cold War—the soldiers that have made it possible for the United States to be the world's only super power. It is our time, indeed it is past time, to serve these soldiers and fulfill our obligation.

As with any draft in an army, the first order of business is bootcamp. As long as I have taken the liberty of drafting the entire Congress, I might as well serve as drill instructor. Let me take this time to "drill" the Senate on the basics of this challenge.

Not only do we have to fulfill our promise, we also have to reconsider the way in which the military and veterans health care systems work. It is the change in the demographics of military health care beneficiaries that necessitates a change in the way that we administer health care.

When I went on active duty, the military was made up of mostly single male soldiers. Looking at the all-volunteer, totally-recruited force today, the picture is much different. Now, 57 percent of all enlisted members and 73 percent of all officers are married. Not surprisingly, the number of young dependents has also risen. In terms of recruitment, quality health care is cited as a major incentive for young men and women who join the military. It is that same health care for soldiers and their families that helps retain these soldiers in the military. Recently, I heard the adage, "the military recruits a soldier, but retains a family."

Since the time I was a U.S. Army Captain 30 years ago, the number of active duty personnel has undergone a 58 percent reduction. Concurrently, the number of retirees has more than doubled. The Government Accounting Office reports that approximately 48 percent of the beneficiaries of the Department of Defense Military Health System are active duty members and dependents. The remaining 52 % are retirees and dependents. 71% of military retirees are under the age of 65, while 29% of military retirees are over the age of 65.

As we consider options for improving the DoD and VA health care systems, we need to be mindful of some basic facts. About 60% of retirees under the age 65 live near a military treatment facility but only about 52% the retirees aged 65 and older live near such a facility. About two thirds of retirees under age 65 used the military health system. In comparison, only about a quarter of the retirees aged 65 and older used military medical facilities on a space available basis primarily for pharmacy services.

According to a 1994–95 survey of DoD beneficiaries, over 40 percent of military retirees, regardless of age, had private health insurance coverage. About a third of retirees aged 65 and older also reported having additional insurance to supplement their Medicare benefits. Approximately 14% of retirees under age 65 had insurance to supplement their CHAMPUS coverage.

In this same dynamic environment of the past 30 years, the medical portion of the DoD budget has increased dramatically from approximately two percent to six percent. In part, this can be attributed to cost growth from technology and intensity of treatment in the private and public sectors. It is interesting to note the converse relationship between the increase in health care dollars as the number of active duty personnel decreases and the number of retirees increases.

The Military Health System (MHS) and the Veterans Health Administration are well established institutions that collectively manage over 1500 hospitals, clinics, and health care facilities world-wide, providing services to over 11 million beneficiaries. Overseeing these systems requires a well-planned and executed effort.

The Veterans Health Administration is a system in transition. In the past two years, the VA has replaced its structure of four regions, 33 networks, and hundreds of clinics with a new system geared to decentralizing authority into 22 Veterans Integrated Service Networks. The purpose of the reorganization was to improve the access, quality and efficiency of care provided to the Nation's veterans. The hallmark of the network structure is that the field has been given control over functions which were previously located in Washington. The majority of quality-related activities were transferred closer to the site of patient care.

The Military Health System has also changed. During the Cold War, that system was designed to support full-scale, extremely violent war with the Soviet Union and its allies in Europe. The collapse of the Soviet Union and the end of the Warsaw Pact led to a major reassessment of the U.S. defense policy. The overall size of the active duty force has been reduced by one-third since the mid-1980s.

The DoD health care system changes have included the establishment of a managed care program, numerous facility closures, and significant downsizing of military medical staff. In the last decade, the number of military medical personnel has declined by 15 percent and the number of military hospitals has been reduced by one-third. The National Defense Authorization Act for Fiscal Year 1994 directed DoD to prescribe and implement a nationwide managed health care benefit program modeled on health maintenance organization plans and in 1995, beneficiaries began enrolling in this new program called TRICARE. With over 8 million beneficiaries, it is the largest health maintenance organization plan in the Nation.

One of the problems with TRICARE is what happens to retirees when they reach the age of 65. They are ineligible to participate in TRICARE. The law currently provides for transition from military health care to Medicare for these beneficiaries. This is not the right solution, especially given the fact that Medicare does not currently reimburse the DoD for health care services, although Congress recently authorized a test of this concept. In addition, as the military begins to close and downsize military treatment facilities, retirees over 65 are unable to seek and obtain treatment on a space available basis. The retirees over 65 are, in effect, being shut out of the medical facilities promised to them.

The changing health care environment has created its own set of unique challenges. To assess these varied and special requirements, I formed a Military Health Care Reform Working Group of senior officials in government and the private sector to explore innovative solutions to improve the military and veterans health care systems. During the past few months this group analyzed the array of military and veterans health care issues and recently provided a comprehensive report of their findings and recommendations to me.

In March, I hosted a military health care roundtable at Fort Gordon, Georgia. The positive and supportive working relationship between the Eisenhower Army Medical Center and the Veterans Administration Medical Center in Augusta, Georgia was highlighted by the panel speakers and audience members. These facilities have established a sharing agreement which allows each to provide certain health care services to the beneficiaries of the other. This type of joint approach has the potential to alleviate a significant portion of the accessibility problem faced by military retirees, especially given the reduction in DoD medical treatment facilities. In spite of these benchmarked efforts in cooperative care, beneficiaries who were in the audience still attested to insufficient accessibility to resources to meet their needs.

Public Law 97–174, "The Veterans Administration and Department of Defense Health Resources Sharing and Emergency Operations Act," was enacted in 1982 specifically to promote cost-effective use of federal health care resources by minimizing duplication and underuse of health care resources while benefitting both VA and DoD beneficiaries. Under this law, VA and DoD pursue programs of cooperation ranging from shared services to joint venture operations of medical facilities. Sharing agreements are developed on a local basis, whereas, joint ventures are developed at the highest levels within an organization or command.

In 1984, there were a combined total of 102 VA and DoD facilities with sharing agreements. By 1997, that number had grown to 420. In five years, between FY 1992 and FY 1997, shared services increased from slightly over 3,000 to more than 6,000 services ranging from major medical and surgical services, laundry, blood, and laboratory services to unusual speciality care services. VA and DoD currently have four joint ventures in operation in New Mexico, Nevada, Texas, Oklahoma, and four more in planning for Alaska, Florida, Hawaii, California.

In my opening remarks, I suggested that there are things that we can do immediately and others that can be accomplished through a near term time phased legislative strategy to fulfill our moral obligation to active duty and retired service personnel. Let me first discuss some of the options.

There has been an overwhelming outpouring of support for offering Federal Employee Health Benefits Program (FEHBP) to military retirees. Although this program has achieved a successful reputation among federal employees, it is a costly alternative which necessitates close scrutiny, along with other health care options. I appreciate the fact that there are many advantages to FEHBP. Furthermore, I share the view that health care for military retirees should be at least as good as the health care we in the Congress afford ourselves. I am committed to working closely on the FEHBP option.

The Medicare Subvention demonstration project that is scheduled to begin enrollment in the near future involves TRICARE Prime. Unfortunately, it will only benefit retirees who live near military treatment facilities—which is only about half of all retirees. Those retirees living outside catchment areas won't benefit from subvention. Additionally, there are ongoing efforts to initiate a Veterans Affairs Subvention test. The limiting criteria of these tests is that they require beneficiaries to live near the respective treatment facilities. To accommodate those beneficiaries that do not live near treatment facilities or within the catchment area, we must explore other alternatives, including, as I mentioned, the FEHBP option.

Today, I am announcing two initiatives. The first is a bill to require the Department of Defense and the Department of Veterans Affairs to significantly enhance their cooperative efforts in the delivery of health care to their respective beneficiaries. Several measures to enhance military health care efficiencies are already being explored, and the initiative I am proposing would complement these efforts without any direct impact on current spending. Let me just highlight some of the elements of my plan.

The first element directs DoD and the VA to conduct a comprehensive survey to determine the demographics of their beneficiaries, their geographic distribution, and their preferences for health care. A second survey would review the range of existing DoD and VA facilities and resources and the capacity available for cooperative efforts. The purpose of these reviews is simple. We need to accurately determine who we are serving, what they want, and what resources we currently have to provide to them.

The second element directs DoD and the VA to provide to the Congress a report on any and all impediments which preclude optimal cooperation and/or integration between DoD and VA in the area of health care delivery. We need to know what statutory restrictions, regulatory constraints, and cultural issues stand in the way of full and complete cooperation between the two departments. They would be directed to recommend to the Congress what changes should be made in the law. Furthermore, they would be directed to eliminate any regulatory and cultural impediments.

The third element addresses several projects that have been undertaken by the Departments of Defense and Veterans Affairs that can be accelerated for near term implementation. The Electronic Transfer of Patient Information, a collaborative effort by DoD and VA which would provide for immediate transfer of and access to patient records at the time of treatment is a project which merits Congressional support. The DoD and VA have also established the DoD/VA Federal Pharmaceutical Steering Committee. I believe this committee should perform a comprehensive examination of existing pharmaceutical benefits and programs, including current management and utilization of mail order pharmaceuticals. Finally, the initiative directs DoD to review the extent of VA participation in TRICARE networks and to take steps to ensure optimal participation by the VA.

The second initiative I am announcing today is legislation which is being crafted to respond to the tremendous outcry to provide health care for military retirees over 65. Mr. President, as you know, S. 1334, a bill to provide for a test of the FEHBP plan has 60 cosponsors. It is my plan to work with my friend and colleague Senator KEMPTHORNE in the Senate Armed Services Committee to include in the National Defense Authorization bill a proposal that addresses this matter this year.

I recognize that there is a perception that our military benefits are eroding but I am here today to say that we can change this perception if we all do our share on K-P Duty. Greater cooperation among the DoD and VA will yield greater choices for the beneficiaries of these systems. Developing a viable health care alternative for our retirees over 65, a group that has been largely disenfranchised, will ensure that now all beneficiaries have access to the health care to which they are entitled because of their service to this Nation.

We made a promise, now let's keep it. It is as simple as that.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2009

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The military health care system of the Department of Defense and the Veterans Health Administration of the Department of Veterans Affairs are national institutions that collectively manage more than 1,500 hospitals, clinics, and health care facilities worldwide to provide services to more than 11,000,000 beneficiaries.

(2) In the post-Cold War era, these institutions are in a profound transition that involves challenging opportunities.

(3) During the period from 1988 to 1998, the number of military medical personnel has declined by 15 percent and the number of military hospitals has been reduced by one-third.

(4) During the two years since 1996, the Department of Veterans Affairs has revitalized its structure by decentralizing authority into 22 Veterans Integrated Service Networks.

(5) In the face of increasing costs of medical care, increased demands for health care services, and increasing budgetary constraints, the Department of Defense and the Department of Veterans Affairs have embarked on a variety of dynamic and innovative cooperative programs ranging from shared services to joint venture operations of medical facilities.

(6) In 1984, there was a combined total of 102 Department of Veterans Affairs and Department of Defense facilities with sharing agreements. By 1997, that number had grown to 420. During the six years from fiscal year 1992 through fiscal year 1997, shared services increased from slightly over 3,000 services to more than 6,000 services ranging from major medical and surgical services, laundry, blood, and laboratory services to unusual speciality care services.

(7) The Department of Defense and the Department of Veterans Affairs are conducting four health care joint ventures in New Mexico, Nevada, Texas, Oklahoma, and are planning to conduct four more such ventures in Alaska, Florida, Hawaii, and California.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Department of Defense and the Department of Veterans Affairs are to be commended for the cooperation between the two departments in the delivery of medical care, of which the cooperation involved in the establishment and operation of the Department of Defense and the Department of Veterans Affairs Executive Council is a praiseworthy example;

(2) the two departments are encouraged to continue to explore new opportunities to enhance the availability and delivery of medical care to beneficiaries by further enhancing the cooperative efforts of the departments; and

(3) enhanced cooperation is encouraged for—

(A) the general areas of access to quality medical care, identification and elimination of impediments to enhanced cooperation, and joint research and program development; and

(B) the specific areas in which there is significant potential to achieve progress in cooperation in a short term, including computerization of patient records systems, participation of the Department of Veterans Affairs in the TRICARE program, pharmaceutical programs, and joint physical examinations.

SEC. 3. JOINT SURVEY ON POPULATIONS SERVED.

(a) SURVEY REQUIRED.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly conduct a survey of their respective medical care beneficiary populations to identify, by category of beneficiary (defined as the Secretaries consider appropriate), the expectations of, requirements for, and behavior patterns of the beneficiaries with respect to medical care. The two Secretaries shall develop the protocol for the survey jointly, but shall obtain the services of an entity independent of the Department of Defense and the Department of Veterans Affairs for carrying out the survey.

(b) MATTERS TO BE SURVEYED.—The survey shall include the following:

(1) Demographic characteristics, economic characteristics, and geographic location of beneficiary populations with regard to catchment or service areas.

(2) The types and frequency of care required by veterans, retirees, and dependents within catchment or service areas of Department of Defense and Veterans Affairs medical facilities and outside those areas.

(3) The numbers of, characteristics of, and types of medical care needed by the veterans, retirees, and dependents who, though eligible for medical care in Department of Defense or Department of Veterans Affairs treatment facilities or other federally funded medical programs, choose not to seek medical care from those facilities or under those programs, and the reasons for that choice.

(4) The obstacles or disincentives for seeking medical care from such facilities or under such programs that veterans, retirees, and dependents perceive.

(5) Any other matters that the Secretary of Defense and the Secretary of Veterans Affairs consider appropriate for the survey.

(c) REPORT.—The Secretary of Defense and the Secretary of Veterans Affairs shall submit a report on the results of the survey to the appropriate committees of Congress. The report shall contain the matters described in subsection (b) and any proposals for legislation that the Secretaries recommend for enhancing Department of Defense and Department of Veterans Affairs cooperative efforts with respect to the delivery of medical care.

SEC. 4. REVIEW OF IMPEDIMENTS TO COOPERATION.

(a) REVIEW REQUIRED.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly conduct a review to identify impediments to cooperation between the Department of Defense and the Department of Veterans Affairs regarding the delivery of medical care. The matters reviewed shall include the following:

(1) All laws, policies, and regulations, and any attitudes of beneficiaries of the health care systems of the two departments, that have the effect of preventing the establishment, or limiting the effectiveness, of cooperative health care programs of the departments.

(2) The requirements and practices involved in the credentialling and licensure of health care providers.

(3) The perceptions of beneficiaries in a variety of categories (defined as the Secretaries consider appropriate) regarding the various Federal health care systems available for their use.

(b) REPORT.—The Secretaries shall jointly submit a report on the results of the review to the appropriate committees of Congress. The report shall include any proposals for legislation that the Secretaries recommend for eliminating or reducing impediments to interdepartmental cooperation that are identified during the review.

SEC. 5. PARTICIPATION OF DEPARTMENT OF VETERANS AFFAIRS IN TRICARE.

(a) REVIEW REQUIRED.—The Secretary of Defense shall review the TRICARE program to identify opportunities for increased participation by the Department of Veterans Affairs in that program. The ongoing collaboration between Department of Defense officials and Department of Veterans Affairs officials regarding increasing the participation shall be included among the matters reviewed.

(b) SEMIANNUAL REPORT.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a semiannual report on the status of the review and on efforts to increase the participation of the Department of Veterans Affairs in the TRICARE program. No report is required under this subsection after the submission of a semiannual report in which the Secretaries declare that the Department of Veterans Affairs is participating in the TRICARE program to the extent that can reasonably be expected to be attained.

SEC. 6. PHARMACEUTICAL BENEFITS AND PROGRAMS.

(a) EXAMINATION REQUIRED.—(1) The Federal Pharmaceutical Steering Committee shall—

(A) undertake a comprehensive examination of existing pharmaceutical benefits and programs for beneficiaries of Federal medical care programs, including matters relating to the purchasing, distribution, and dispensing of pharmaceuticals and the management of mail order pharmaceuticals programs; and

(B) review the existing methods for contracting for and distributing medical supplies and services.

(2) The committee shall submit a report on the results of the examination to the appropriate committees of Congress.

(b) REPORT.—The committee shall submit a report on the results of the examination to the appropriate committees of Congress.

SEC. 7. STANDARDIZATION OF PHYSICAL EXAMINATIONS FOR DISABILITIES.

The Secretary of Defense and the Secretary of Veterans Affairs shall submit to the appropriate committees of Congress a report on the status of the efforts of the Department of Defense and the Department of Veterans Affairs to standardize physical examinations administered by the two departments for the purpose of determining or rating disabilities.

SEC. 8. APPROPRIATE COMMITTEES OF CONGRESS DEFINED.

For the purposes of this Act, the appropriate committees of Congress are as follows:

(1) The Committee on Armed Services and the Committee on Veterans' Affairs of the Senate.

(2) The Committee on National Security and the Committee on Veterans' Affairs of the House of Representatives.

SEC. 9. DEADLINES FOR SUBMISSION OF REPORTS.

(a) REPORT ON JOINT SURVEY OF POPULATIONS SERVED.—The report required by section 3(c) shall be submitted not later than January 1, 2000.

(b) REPORT ON REVIEW OF IMPEDIMENTS TO COOPERATION.—The report required by section 4(b) shall be submitted not later than May 1, 1999.

(c) SEMIANNUAL REPORT ON PARTICIPATION OF DEPARTMENT OF VETERANS AFFAIRS IN TRICARE.—The semiannual report required by section 5(b) shall be submitted not later than January 1 and June 1 of each year.

(d) REPORT ON EXAMINATION OF PHARMACEUTICAL BENEFITS AND PROGRAMS.—The report on the examination required under section 6 shall be submitted not later than 60 days after the completion of the examination.

(e) REPORT ON STANDARDIZATION OF PHYSICAL EXAMINATIONS FOR DISABILITIES.—The report required by section 7 shall be submitted not later than June 1, 1999.●

By Mr. CAMPBELL:

S. 2010. A bill to provide for business development and trade promotion for Native Americans, and for other purposes; to the Committee on Indian Affairs.

THE NATIVE AMERICAN BUSINESS DEVELOPMENT, TRADE PROMOTION, AND TOURISM ACT OF 1998

Mr. CAMPBELL. Mr. President, today I am pleased to introduce a measure to help Indians and tribal businesses foster entrepreneurship and vigorous reservation economies. Indian tribes face many challenges, but the greatest priority is in building stronger economies and providing jobs to tribal members. With this bill, I intend to unshackle Indian entrepreneurship to provide jobs and revenues for reservation economies.

When the Europeans landed in the New World to explore and build settlements, they were greeted by Native people with a long tradition of intertribal and regional trade. The tribes traded pelts and furs, hand-woven baskets, blankets, virtually limitless arts and crafts, weapons, and a variety of Native grown and gathered foods.

Unrestrained by bureaucrats and free to roam their own lands, the tribes enjoyed a standard of material well-being that, while not ideal, was a far cry from the Third World conditions most Indian people live in today.

Over the course of 200 years this tradition has been replaced by rules and regulations that continue to stifle Indian entrepreneurship and instead promise cradle-to-grave "security" based on federal transfer payments. The practical results of federal domination is predictable: lifeless reservation economies and the absence of a private sector to create wealth and sustain employment for Indian people.

The current statistical profile of Indian people is poor and shows little sign of improvement. Despite the popular belief that gaming has made millionaires of all Indians, the reality is otherwise as most Indian gaming revenues are more like church bingo than like Las Vegas or Atlantic City.

In the Great Depression, the national unemployment rate was 20 percent and it was called a "national crisis." Indian country has an unemployment rate running at 50 percent, and there are no comments, no sense of urgency and little attention being paid.

There are other reasons job opportunities are needed. In 1996, the Congress enacted a welfare reform law that provides transition assistance to welfare recipients and rightly requires able-bodied Americans to get and keep jobs. In rural areas, particularly on Indian reservations, the welfare reform will hit hard because employment opportunities are scarce.

The goal of this and future efforts is to increase value-added activities on reservations in such fields as manufacturing, energy, agriculture, livestock and fisheries, high technology, arts and crafts, and a host of service industries.

The United States has the responsibility to preserve, protect and maximize tribal assets and resources, and an obligation to improve the standards of living of Indian people. In this legislation, that responsibility is primarily in removing the barriers to success the federal government itself has created over the years.

The bill aims to make best use of and streamline existing programs to provide the necessary tools to enable tribes to attract outside capital and technical expertise. This model has proven highly successful in the self governance arena and in the Indian job training program, known as the "477" program. The bill would provide better coordination of existing business development programs in the Commerce Department and maximize the resources made available to tribes.

The tribes have a responsibility as well. As a matter of Indian self determination, the tribes are increasingly administering federal services, programs, and activities in lieu of the federal government. This has led to more capable and accountable tribal governments. A fundamental precept of self-government is a reduction in the dependence on the federal bureaucracy and federal funds and by assuming a greater role in funding their own self government.

The Committee on Indian Affairs recently held a hearing on economic development and one of the findings was that the tribes need to provide governance infrastructure and friendly business environments if they want to attract and retain investment. Whether by adopting commercial codes, or tribal courts that can address business issues, or regulations that do not repel the private sector, tribal efforts are critical if this effort is to succeed.

Under the bill, the Native American Business Development Office in the Commerce Department will coordinate existing programs, including those for international business and tourism, aimed at development on Indian lands. This bill does not create any new programs but rather is intended to achieve more efficiency in those that already exist within existing budget authority. The bill also prohibits assistance under the act from being used for gaming on Indian lands.

In addition, the bill directs the Secretary to create a task force on regulatory reform and business development to analyze existing laws and regulations that are restraining business and economic development on Indian lands. Again, the bill is not intended to create a new entity, but recognizes that there is great need to strip away the layers of unnecessary rules and regulations that stifle Indian businesses.

I urge those that are critical of Indian gaming to join me in providing alternatives to build strong and diversified tribal economies for the benefit of tribes, tribal members, and surrounding communities.

Mr. President, I ask unanimous consent that the provisions of the bill and an article written by James Gwartney for the Wall Street Journal dated April 10, 1998, entitled "Less Government, More Growth" be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 2010

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Business Development, Trade Promotion, and Tourism Act of 1998".

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) clause 3 of section 8 of article I of the United States Constitution recognizes the special relationship between the United States and Indian tribes;

(2) beginning in 1970, with the inauguration by the Nixon Administration, of the Indian self-determination era of the Federal Government, each President has confirmed the special government-to-government relationship between Indian tribes and the United States;

(3) in 1994, President Clinton issued an Executive memorandum to the heads of departments and agencies that obligated all Federal departments and agencies, particularly those that have an impact on economic development, to evaluate the potential impacts of their actions on Indian tribes;

(4) consistent with the principles of inherent tribal sovereignty and the special relationship between Indian tribes and the United States, tribes retain the right to enter into contracts and agreements to trade freely, and seek enforcement of treaty and trade rights;

(5) Congress has carried out the responsibility of the United States for the protection and preservation of Indian tribes and the resources of Indian tribes through the endorsement of treaties, and the enactment of other laws, including laws that provide for the exercise of administrative authorities;

(6) the United States has an obligation to guard and preserve the sovereignty of Indian tribes in order to foster strong tribal governments, Indian self-determination, and economic self-sufficiency among Indian tribes;

(7) the capacity of Indian tribes to build strong tribal governments and vigorous economies is hindered by the inability of Indian tribes to engage communities that surround Indian lands and outside investors in economic activities on Indian lands;

(8) despite the availability of abundant natural resources on Indian lands and a rich cultural legacy that accords great value to self-determination, self-reliance, and independence, American Indians and Alaska Natives suffer higher rates of unemployment, poverty, poor health, substandard housing, and associated social ills than those of any other group in the United States;

(9) the United States has an obligation to assist Indian tribes with the creation of appropriate economic and political conditions with respect to Indian lands to—

(A) encourage investment from outside sources that do not originate with the tribes; and

(B) facilitate economic ventures with outside entities that are not tribal entities;

(10) the economic success and material well-being of American Indian and Alaska Native communities depends on the combined efforts of the Federal Government, tribal governments, the private sector, and individuals;

(11) the lack of employment and entrepreneurial opportunities in the communities referred to in paragraph (8) has resulted in a multigenerational dependence on Federal assistance that is—

(A) insufficient to address the magnitude of needs; and

(B) unreliable in availability; and

(12) the twin goals of economic self-sufficiency and political self-determination for American Indians and Alaska Natives can best be served by making available to address the challenges faced by those groups—

(A) the resources of the private market;

(B) adequate capital; and

(C) technical expertise.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To revitalize economically and physically distressed Indian reservation economies by—

(A) encouraging the formation of new businesses by eligible entities, the expansion of existing businesses; and

(B) facilitating the movement of goods to and from Indian reservations and the provision of services by Indians.

(2) To promote private investment in the economies of Indian tribes and to encourage the sustainable development of resources of Indian tribes and tribal and Indian-owned businesses.

(3) To promote the long-range sustained growth of the economies of Indian tribes.

(4) To raise incomes of Indians in order to reduce poverty levels and provide the means for achieving a higher standard of living on Indian reservations.

(5) To encourage intertribal, regional, and international trade and business development in order to assist in increasing productivity and the standard of living of members

of Indian tribes and improving the economic self-sufficiency of the governing bodies of Indian tribes.

(6) To promote economic self-sufficiency and political self-determination for Indian tribes and members of Indian tribes.

SEC. 3. DEFINITIONS.

In this Act:

(1) BOARD.—The term "Board" has the meaning given that term in the first section of the Act entitled "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry in the United States, to expedite and encourage foreign commerce, and for other purposes", approved June 18, 1934 (19 U.S.C. 81a).

(2) ELIGIBLE ENTITY.—The term "eligible entity" means an Indian tribe, tribal organization, Indian arts and crafts organization, tribal enterprise, tribal marketing cooperative, or Indian-owned business.

(3) FEDERAL AGENCY.—The term "Federal agency" means an agency, as that term is defined in section 551(1) of title 5, United States Code.

(4) FOUNDATION.—The term "Foundation" means the Rural Development Foundation.

(5) INDIAN.—The term "Indian" has the meaning given that term in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d)).

(6) INDIAN ARTS AND CRAFTS ORGANIZATION.—The term "Indian arts and crafts organization" has the meaning given that term under section 2 of the Act of August 27, 1935 (49 Stat. 891, chapter 748; 25 U.S.C. 305a).

(7) INDIAN GOODS AND SERVICES.—The term "Indian goods and services" means—

(A) Indian goods, within the meaning of section 2 of the Act of August 27, 1935 (commonly known as the "Indian Arts and Crafts Act") (49 Stat. 891, chapter 748; 25 U.S.C. 305a);

(B) goods produced or originating within an eligible entity; and

(C) services provided by eligible entities.

(8) INDIAN LANDS.—The term "Indian lands" has the meaning given that term in section 4(4) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(4)).

(9) INDIAN-OWNED BUSINESS.—The term "Indian-owned business" means an entity organized for the conduct of trade or commerce with respect to which at least 50 percent of the property interests of the entity are owned by Indians or Indian tribes (or a combination thereof).

(10) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(11) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(12) TRIBAL ENTERPRISE.—The term "tribal enterprise" means a commercial activity or business managed or controlled by an Indian tribe.

(13) TRIBAL MARKETING COOPERATIVE.—The term "tribal marketing cooperative" shall have the meaning given that term by the Secretary, in consultation with the Secretary of the Interior.

(14) TRIBAL ORGANIZATION.—The term "tribal organization" has the meaning given that term in section 4(*l*) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(*l*)).

TITLE I—TASK FORCE ON REGULATORY REFORM AND BUSINESS DEVELOPMENT

SEC. 101. ESTABLISHMENT OF TASK FORCE.

(a) IN GENERAL.—In order to identify and subsequently remove obstacles to the business development and the creation of wealth in the economies of Indian reservations, the Secretary, in consultation with the Secretary of the Interior and other officials whom the Secretary determines to be appropriate, shall, not later than 90 days after the date of enactment of this Act, establish a task force on regulatory reform and business development in Indian country (referred to in this title as the "task force").

(b) MEMBERSHIP.—The task force established under this section shall be composed of 16 members, of which 12 members shall be representatives of the Indian tribes from the areas of the Bureau of Indian Affairs and each such area shall be represented by such a representative.

(c) INITIAL MEETING.—Not later than 120 days after the date of enactment of this Act, the task force shall hold its initial meeting.

(d) REVIEW.—Beginning on the date of the initial meeting under subsection (b), the task force shall conduct a review of laws relating to activities occurring on Indian lands (including regulations under title 25 of the Code of Federal Regulations).

(e) MEETINGS.—The task force shall meet at the call of the chairperson.

(f) QUORUM.—A majority of the members of the task force shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON.—The task force shall select a chairperson from among its members.

SEC. 102. REPORT.

Not later than 1 year after the date of enactment of this Act, the task force shall prepare and submit to the Committee on Indian Affairs in the Senate, and the Committee on Resources in the House of Representatives, and to the governing body of each Indian tribe a report that includes—

(1) the findings of the task force concerning the review conducted pursuant to section 101(d); and

(2) such recommendations concerning the proposed revisions to the regulations under title 25 of the Code of Federal Regulations and amendments to other laws relating to activities occurring on Indian lands as the task force determines to be appropriate.

SEC. 103. POWERS OF THE TASK FORCE.

(a) HEARINGS.—The task force may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the task force considers advisable to carry out the duties of the task force.

(b) INFORMATION FROM FEDERAL AGENCIES.—The task force may secure directly from any Federal department or agency such information as the task force considers necessary to carry out the duties of the task force.

(c) POSTAL SERVICES.—The task force may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The task force may accept, use, and dispose of gifts or donations of services or property.

SEC. 104. TASK FORCE PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Members of the task force who are not officers or employees of the Federal Government shall serve without compensation, except for travel expenses, as provided under subsection (b). Members of the task force who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the task force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the task force.

(c) STAFF.—

(1) IN GENERAL.—The chairperson of the task force may, without regard to the civil service laws, appoint and terminate such personnel as may be necessary to enable the task force to perform its duties.

(2) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairperson of the task force may procure temporary and intermittent service under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed under GS–13 of the General Schedule established under section 5332 of title 5, United States Code.

SEC. 105. TERMINATION OF TASK FORCE.

The task force shall terminate 90 days after the date on which the task force has submitted, to the committees of Congress specified in section 102, and to the governing body of each Indian tribe, a copy of the report prepared under that section.

SEC. 106. EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.

All of the activities of the task force conducted under this title shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

TITLE II—NATIVE AMERICAN BUSINESS DEVELOPMENT

SEC. 201. OFFICE OF NATIVE AMERICAN BUSINESS DEVELOPMENT.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established within the Department of Commerce an office known as the Office of Native American Business Development (referred to in this title as the "Office").

(2) DIRECTOR.—The Office shall be headed by a Director, appointed by the Secretary, whose title shall be the Director of Native American Business Development (referred to in this title as the "Director"). The Director shall be compensated at a rate not to exceed level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) DUTIES OF THE SECRETARY.—

(1) IN GENERAL.—The Secretary, acting through the Director, shall ensure the coordination of Federal programs that provide assistance, including financial and technical assistance, to eligible entities for increased business, the expansion of trade by eligible entities, and economic development on Indian lands.

(2) ACTIVITIES.—In carrying out the duties described in paragraph (1), the Secretary, acting through the Director, shall ensure the coordination of, or, as appropriate, carry out—

(A) Federal programs designed to provide legal, accounting, or financial assistance to eligible entities;

(B) market surveys;

(C) the development of promotional materials;

(D) the financing of business development seminars;

(E) the facilitation of marketing;

(F) the participation of appropriate Federal agencies or eligible entities in trade fairs;

(G) any activity that is not described in subparagraphs (A) through (F) that is related to the development of appropriate markets; and

(H) any other activity that the Secretary, in consultation with the Director, determines to be appropriate to carry out this section.

(3) ASSISTANCE.—In conjunction with the activities described in paragraph (2), the Secretary, acting through the Director, shall provide—

(A) financial assistance, technical assistance, and administrative services to eligible entities to assist those entities with—

(i) identifying and taking advantage of business development opportunities; and

(ii) compliance with appropriate laws and regulatory practices; and

(B) such other assistance as the Secretary, in consultation with the Director, determines to be necessary for the development of business opportunities for eligible entities to enhance the economies of Indian tribes.

(4) PRIORITIES.—In carrying out the duties and activities described in paragraphs (2) and (3), the Secretary, acting through the Director, shall give priority to activities that—

(A) provide the greatest degree of economic benefits to Indians; and

(B) foster long-term stable economies of Indian tribes.

(5) PROHIBITION.—The Secretary may not provide under this section assistance for any activity related to the operation of a gaming activity on Indian lands pursuant to the Indian Gaming Regulatory Act (25 U.S.C. 2710 et seq.).

SEC. 202. NATIVE AMERICAN TRADE AND EXPORT PROMOTION.

(a) IN GENERAL.—The Secretary, acting through the Director, shall carry out a Native American export and trade promotion program (referred to in this section as the "program").

(b) COORDINATION OF FEDERAL PROGRAMS AND SERVICES.—In carrying out the program, the Secretary, acting through the Director, and in cooperation with the heads of appropriate Federal agencies, shall ensure the coordination of Federal programs and services designed to—

(1) develop the economies of Indian tribes; and

(2) stimulate the demand for Indian goods and services that are available to eligible entities.

(c) ACTIVITIES.—In carrying out the duties described in subsection (b), the Secretary, acting through the Director, shall ensure the coordination of, or, as appropriate, carry out—

(1) Federal programs designed to provide technical or financial assistance to eligible entities;

(2) the development of promotional materials;

(3) the financing of appropriate trade missions;

(4) the marketing of Indian goods and services;

(5) the participation of appropriate Federal agencies or eligible entities in international trade fairs; and

(6) any other activity related to the development of markets for Indian goods and services.

(d) TECHNICAL ASSISTANCE.—In conjunction with the activities described in subsection (c), the Secretary, acting through the Director, shall provide technical assistance and administrative services to eligible entities to assist those entities with—

(1) the identification of appropriate markets for Indian goods and services;

(2) entering the markets referred to in paragraph (1);

(3) compliance with foreign or domestic laws and practices with respect to financial institutions with respect to the export and import of Indian goods and services; and

(4) entering into financial arrangements to provide for the export and import of Indian goods and services.

(e) PRIORITIES.—In carrying out the duties and activities described in subsections (b) and (c), the Secretary, acting through the Director, shall give priority to activities that—

(1) provide the greatest degree of economic benefits to Indians; and

(2) foster long-term stable international markets for Indian goods and services.

SEC. 203. INTERTRIBAL TOURISM DEMONSTRATION PROJECTS.

(a) IN GENERAL.—

(1) DEMONSTRATION PROJECTS.—The Secretary, acting through the Director, shall conduct a Native American tourism program to facilitate the development and conduct of tourism demonstration projects by Indian tribes, on a tribal, intertribal, or regional basis.

(2) PROJECTS.—

(A) IN GENERAL.—Under the program established under this section, in order to assist in the development and promotion of tourism on and in the vicinity of Indian lands, the Secretary, acting through the Director, shall, in coordination with the Foundation, assist eligible entities in the planning, development, and implementation of tourism development demonstration projects that meet the criteria described in subparagraph (B).

(B) PROJECTS DESCRIBED.—In selecting tourism development demonstration projects under this section, the Secretary, acting through the Director, shall select projects that have the potential to increase travel and tourism revenues by attracting visitors to Indian lands and in the vicinity of Indian lands, including projects that provide for—

(i) the development and distribution of educational and promotional materials pertaining to attractions located on and near Indian lands;

(ii) the development of educational resources to assist in private and public tourism development on and in the vicinity of Indian lands; and

(iii) the coordination of tourism-related joint ventures and cooperative efforts between eligible entities and appropriate State and local governments that have jurisdiction over areas in the vicinity of Indian lands.

(3) GRANTS.—To carry out the program under this section, the Secretary, acting through the Director, may award grants or enter into other appropriate arrangements with Indian tribes, tribal organizations, intertribal consortia, or other tribal entities that the Secretary, in consultation with the Director, determines to be appropriate.

(4) LOCATIONS.—In providing for tourism development demonstration projects under the program under this section, the Secretary, acting through the Director, shall provide for a demonstration project to be conducted—

(A) for Indians of the Four Corners area located in the area adjacent to the border between Arizona, Utah, Colorado, and New Mexico;

(B) for Indians of the northwestern area that is commonly known as the Great Northwest (as determined by the Secretary);

(C) for the Oklahoma Indians in Oklahoma; and

(D) for the Indians of the Great Plains area (as determined by the Secretary).

(b) STUDIES.—The Secretary, acting through the Director, shall provide financial assistance, technical assistance, and administrative services to participants that the Secretary, acting through the Director, selects to carry out a tourism development project under this section, with respect to—

(1) feasibility studies conducted as part of that project;

(2) market analyses;

(3) participation in tourism and trade missions; and

(4) any other activity that the Secretary, in consultation with the Director, determines to be appropriate to carry out this section.

(c) INFRASTRUCTURE DEVELOPMENT.—The demonstration projects conducted under this section shall include provisions to facilitate the development and financing of infrastructure, including the development of Indian reservation roads in a manner consistent with title 23, United States Code.

SEC. 204. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary, in consultation with the Director, shall prepare and submit to the Committee on Indian Affairs of the Senate a report on the operation of the Office.

(b) CONTENTS OF REPORT.—Each report prepared under subsection (a) shall include—

(1) for the period covered by the report, a summary of the activities conducted by the Secretary, acting through the Director, in carrying out this title; and

(2) any recommendations for legislation that the Secretary, in consultation with the Director, determines to be necessary to carry out this title.

SEC. 205. FOREIGN-TRADE ZONE PREFERENCES.

(a) PREFERENCE IN ESTABLISHMENT OF FOREIGN-TRADE ZONES IN INDIAN ENTERPRISE ZONES.—In processing applications for the establishment of foreign-trade zones pursuant to the Act entitled "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", approved June 18, 1934 (19 U.S.C. 81a et seq.), the Board shall consider, on a priority basis, and expedite, to the maximum extent practicable, the processing of any application involving the establishment of a foreign-trade zone on Indian lands, including any Indian lands designated as an empowerment zone or enterprise community pursuant to section 1391 of the Internal Revenue Code of 1986.

(b) APPLICATION PROCEDURE.—In processing applications for the establishment of ports of entry pursuant to the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and fifteen, and for other purposes", approved August 1, 1914 (19 U.S.C. 2), the Secretary of the Treasury shall, with respect to any application involving the establishment of a port of entry that is necessary to permit the establishment of a foreign-trade zone on Indian lands—

(1) consider on a priority basis; and

(2) expedite, to the maximum extent practicable, the processing of that application.

(c) APPLICATION EVALUATION.—In evaluating applications for the establishment of foreign-trade zones and ports of entry in connection with Indian lands, to the maximum extent practicable and consistent with applicable law, the Board and Secretary of the Treasury shall approve the applications.

[From the Wall Street Journal, Apr. 10, 1998]

LESS GOVERNMENT, MORE GROWTH

(By James Gwartney)

Propelled by a confidence that politicians could solve problems, government spending has soared in the U.S. and other Western countries since 1960. Has wise "government planning" improved economic performance? Quite the opposite. Robert Lawson, Randall Holcombe and I recently completed a study on the size and functions of government for Congress's Joint Economic Committee. Here are some of our findings:

As the size of government has expanded in the U.S., growth of real gross domestic product has steadily fallen. Even though the U.S. economy is now moving into the eighth year of an expansion, the growth of real GDP during the 1990s is only about half what it was during the 1960s and well below even that of the turbulent 1970s. Likewise, as the size of government in other nations has increased, economic growth has declined. On average, government expenditures in the Organization for Economic Cooperation and Development's 23 long-standing members rose to 48% of GDP in 1996 from 27% in 1960. The average economic growth rate fell from 5.5% in the 1960s to 1.9% in the 1990s.

As the chart nearby shows, there has is a striking relationship between the size of government and economic growth. When government spending was less than 25% of GDP, OECD countries achieved an average real growth rate of 6.6%. As the size of government rose, growth steadily declined, plunging to 1.6% when government spending exceeded 60% of GDP.

While growth has declined in all of the OECD countries, those countries with the least growth of government have suffered the least. Between 1960 and 1996, the size of government as a share of GDP increased by less than 15 percentage points in the U.S., Britain, Iceland, Ireland and New Zealand. The average growth rate for these five countries was 1.6 percentage points lower in the 1990s than in the 1960s. In contrast, the size of government increased by 25 percentage points or more in Denmark, Finland, Greece, Portugal, Spain and Sweden. The growth rate of these six countries fell by 5.2 percentage points.

In the world's fastest-growing economies, furthermore, the size of government is small, and there is no trend toward bigger government. On average, government expenditures in 1995 consumed only 20% of GDP in the five economies with the most rapid real economic growth rates during 1980–95: Hong Kong, Singapore, South Korea, Taiwan and Thailand. In these countries, the size of government in 1995 was virtually the same as in 1975. When we looked at a diverse group of 60 nations, we found that the negative relationship between bigger government and economic growth is present in all types of economies.

Many policy-makers seem oblivious to these facts. Even though the evidence clearly shows that excessive government expenditures are retarding economic growth, politicians continue to focus on how to spend a possible surplus. What the U.S. and other nations need instead is a long-range strategy to reduce the size and scope of government.

Had the public-sector expansion of the past four decades accelerated economic growth, politicians would be rushing to take credit. Since the opposite has occurred, how can we fail to hold them accountable?

By Mr. LEAHY (for himself, Mr. DASCHLE, Mr. KOHL, Mrs. FEINSTEIN, and Mr. CLELAND):

S. 2011. A bill to strengthen the Federal prosecution and seizure of illegal proceeds of international drug dealing and criminal activity, and to provide for the drug testing and treatment of incarcerated offenders and reduce drug trafficking in correctional facilities, and for other purposes; to the Committee on the Judiciary.

THE MONEY LAUNDERING ENFORCEMENT ACT AND THE COMBATING DRUGS IN PRISONS ACT

Mr. LEAHY. Mr. President, today, joined by Senators DASCHLE, KOHL, FEINSTEIN, and CLELAND, I am introducing legislation which will provide state and federal governments with additional tools to fight drug trafficking, money laundering and drug use in prisons. This legislation is intended to complement the Administration's comprehensive 10-year National Drug Control Strategy by providing federal prosecutors with additional means to seize assets linked to illegal criminal and drug activity and prevent drug kingpins and others from engaging in money laundering. In addition, this legislation will allow states to use federal prison grant funds to test and treat drug-addicted inmates and parolees.

I note that the Speaker of the House today is hosting a Republican rally to proclaim fault with the Administration's comprehensive drug control strategy. Mr. President, the bill that we are introducing today is not the easy rhetoric that some have to offer in this crucial area of public policy. Here is a chance to actually make a difference. I do not find constructive the efforts of the other body's Republican leadership over the past few years to slash assistance for drug enforcement, prevention and treatment programs. Twice, in fact, they tried to cut the extremely effective Safe and Drug-Free Schools funding by 50 percent, just as they significantly reduced support for drug prevention and treatment programs when they assumed leadership of the Congress in 1995.

Nor do I consider it constructive for Speaker GINGRICH, as he did in his February radio address, to fault the Administration while at the same time claiming credit for such Administration strategies as a national youth-oriented anti-drug campaign and added support for community programs and schools. These are key components of the Administration's 1998 National Drug Control Strategy, including the highly effective radio and TV ads now airing in 12 pilot cities. To really make a difference in more than just the headlines, we need to work together to reduce the quantity of drugs coming into this country and the number of drug addicts both in prison and walking our streets.

MONEY LAUNDERING ACT OF 1998

This act will help prosecutors force international criminals out of the darkness and into the light by greatly reducing their ability to hide behind foreign banking laws or other procedural tricks. It will also ensure that defendants arrested overseas are no longer able to use the U.S. courts to their benefit while fighting against being extradited to the United States.

Another provision in this bill which allows federal prosecutors to temporarily seize U.S. assets owned by individuals arrested overseas will greatly enhance law enforcement's ability to shut down drug trafficking operations based outside the United States. National boundaries mean less and less to drug kingpins and other criminals today and this legislation will help us reform our Nation's laws to reflect this reality.

This bill would allow a brief ex parte seizure of assets while any arrest papers are in transit to prevent individuals arrested in another country from moving the fruits of their crimes from the United States to another country. Currently, foreign defendants often move their assets virtually instantaneously via electronic transfers while our prosecutors are waiting for the arrest records. In addition, defendants would no longer be able to hide behind foreign bank secrecy laws while they claim seized property in United States courts.

This bill makes important procedural changes for federal prosecutors: it extends U.S. jurisdiction over foreign banks; updates evidentiary rules regarding foreign records; allows federal prosecutors to charge defendants who engage in multiple illegal acts with course of conduct claims; and allows prosecutors to charge criminals with conspiracy to violate the laws.

This legislation also adds several new crimes to the list triggering asset forfeiture, including crimes of violence, additional foreign crimes, and crimes committed by or against foreign governments. While I believe that these provisions are necessary for prosecutors to carry out their important work, I realize that some of these provisions may need to be fine-tuned to accomplish their intended goal. I pledge to work with members on both sides of the aisle to ensure that this legislation is broad enough to meet these goals without being overly intrusive.

In drafting this bill, I have purposely avoided including several domestic asset forfeiture provisions. While we may have to face these thorny issues down the road, I decided to craft a bill which I believe can be supported by the majority of Senators. We can then bring up these more complicated issues after a fuller discussion has taken place.

THE COMBATING DRUG ABUSE IN PRISONS ACT

This act will allow states to use any of the funds they receive under the Violent Offender Incarceration and Truth in Sentencing grant programs to provide drug testing and treatment for inmates and other court-supervised individuals, such as probationers and parolees. With 80 percent of inmates reportedly linked to drug and alcohol activity and with a requirement in place that states develop and implement a drug testing and treatment plan for these individuals by September 1, 1998, it is critical that this federal funding be made available for these purposes.

According to a study recently released by the National Center on Addiction and Substance Abuse (CASA) based at Columbia University, 80 percent of individuals currently incarcerated either "violated drug or alcohol laws, were intoxicated at the time they committed their crimes, stole property to buy drugs, or are 'regular drug users'." This study also found that inmates who are illegal drug or alcohol abusers are the most likely to be repeat offenders. In fact, this study concluded that 61 percent of state prison inmates who have two prior convictions are regular drug users. Another recent study, conducted by the Bureau of Justice Statistics, found that over half of all convicted jail inmates in 1996 reported having used drugs in the month prior to their offense. Sixty percent of these inmates also reported using drugs or alcohol or both at the time of the offense for which they were charged.

If we want to stem the increase in our Nation's prison population, we must determine which inmates are addicted to drugs or alcohol, reduce the availability of drugs in prisons and ensure inmates have access to the treatment they need while incarcerated. This bill will help states meet all these goals by allowing them to use as much as they choose—or as little—of the federal prison funds they receive for drug testing and intervention and to develop strategies to reduce drug trafficking into prisons. As Joseph Califano, former Secretary of Health, Education and Welfare and president of CASA, noted when the CASA study was released: "Releasing drug-addicted inmates without treatment helps maintain the market for illegal drugs and supports drug dealers."

I realize some of my colleagues may be concerned about funds originally designated for prison construction costs being used for drug testing and treatment. Let me assure you that states will retain complete flexibility under this bill as to how they allocate their Truth in Sentencing and Violent Offender Incarceration grant funds. But, I'd also like to point out that according to the CASA study, it would cost states approximately $6,500 per year to provide comprehensive and effective residential drug treatment services to an inmate. While this figure may seem high, the study further determined that society will see an economic return of $68,800 for each inmate who successfully completes such a program and returns to the community sober and with a job. This figure represents the savings in the first year based on the much lower likelihood that the former inmate will be arrested, prosecuted or incarcerated and includes health care savings and the potential earnings of a drug-free individual.

James Walton, Vermont's Commissioner of Public Safety, wholeheartedly supports this legislation, and I have always valued his counsel. As the head of Vermont's law enforcement agency, he has first-hand knowledge of what the real needs are in my state. Clearly, he believes that this legislation will have a positive effect on ongoing law enforcement and drug control strategies in Vermont. I'm certain it will have the same effect across the country. I urge my colleagues to support this bill so our federal and state officials have the resources they need to combat our Nation's drug problems—both overseas and in our nation's prisons.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2011

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Money Laundering Enforcement and Combatting Drugs in Prisons Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTERNATIONAL MONEY LAUNDERING

Sec. 101. Short title.
Sec. 102. Illegal money transmitting businesses.
Sec. 103. Restraint of assets of persons arrested abroad.
Sec. 104. Access to records in bank secrecy jurisdictions.
Sec. 105. Civil money laundering jurisdiction over foreign persons.
Sec. 106. Laundering money through a foreign bank.
Sec. 107. Specified unlawful activity for money laundering.
Sec. 108. Criminal forfeiture for money laundering conspiracies.
Sec. 109. Fungible property in foreign bank accounts.
Sec. 110. Subpoenas for bank records.
Sec. 111. Fugitive disentitlement.
Sec. 112. Admissibility of foreign business records.
Sec. 113. Charging money laundering as a course of conduct.
Sec. 114. Venue in money laundering cases.
Sec. 115. Technical amendment to restore wiretap authority for certain money laundering offenses.

TITLE II—DRUG TESTING AND INTERVENTION FOR INMATES AND PROBATIONERS

Sec. 201. Short title.
Sec. 202. Additional requirements for the use of funds under the violent offender incarceration and truth-in-sentencing incentive grant programs.
Sec. 203. Use of residential substance abuse treatment grants to provide for services during and after incarceration.

TITLE I—INTERNATIONAL MONEY LAUNDERING

SEC. 101. SHORT TITLE.

This title may be cited as the "Money Laundering Enforcement Act of 1998".

SEC. 102. ILLEGAL MONEY TRANSMITTING BUSINESSES.

(a) CIVIL FORFEITURE FOR MONEY TRANSMITTING VIOLATION.—Section 981(a)(1)(A) of title 18, United States Code, is amended by striking "or 1957" and inserting ", 1957, or 1960".

(b) SCIENTER REQUIREMENT FOR SECTION 1960 VIOLATION.—Section 1960 of title 18, United States Code, is amended by adding at the end the following:

"(c) SCIENTER REQUIREMENT.—For the purposes of proving a violation of this section involving an illegal money transmitting business—

"(1) it shall be sufficient for the Government to prove that the defendant knew that the money transmitting business lacked a license required by State law; and

"(2) it shall not be necessary to show that the defendant knew that the operation of such a business without the required license was an offense punishable as a felony or misdemeanor under State law.".

SEC. 103. RESTRAINT OF ASSETS OF PERSONS ARRESTED ABROAD.

Section 981(b) of title 18, United States Code, is amended by adding at the end the following:

"(3) RESTRAINT OF ASSETS.—

"(A) IN GENERAL.—If any person is arrested or charged in a foreign country in connection with an offense that would give rise to the forfeiture of property in the United States under this section or under the Controlled Substances Act, the Attorney General may apply to any Federal judge or magistrate judge in the district in which the property is located for an ex parte order restraining the property subject to forfeiture for not more than 30 days, except that the time may be extended for good cause shown at a hearing conducted in the manner provided in Rule 43(e) of the Federal Rules of Civil Procedure.

"(B) APPLICATION.—An application for a restraining order under subparagraph (A) shall—

"(i) set forth the nature and circumstances of the foreign charges and the basis for belief that the person arrested or charged has property in the United States that would be subject to forfeiture; and

"(ii) contain a statement that the restraining order is needed to preserve the availability of property for such time as is necessary to receive evidence from the foreign country or elsewhere in support of probable cause for the seizure of the property under this subsection.".

SEC. 104. ACCESS TO RECORDS IN BANK SECRECY JURISDICTIONS.

Section 986 of title 18, United States Code, is amended by adding at the end the following:

"(d) ACCESS TO RECORDS LOCATED ABROAD.—

"(1) IN GENERAL.—In any civil forfeiture case, or in any ancillary proceeding in any criminal forfeiture case governed by section 413(n) of the Controlled Substances Act (21 U.S.C. 853(n)), the refusal of the claimant to provide financial records located in a foreign country in response to a discovery request or take the action necessary otherwise to make the records available, shall result in the dismissal of the claim with prejudice, if—

"(A) the financial records may be material—

"(i) to any claim or to the ability of the government to respond to such claim; or

"(ii) in a civil forfeiture case, to the ability of the government to establish the forfeitability of the property; and

"(B) it is within the capacity of the claimant to waive his or her rights under such secrecy laws, or to obtain the financial records himself or herself, so that the financial records may be made available.

"(2) PRIVILEGE.—Nothing in this subsection shall be construed to affect the rights of a claimant to refuse production of any records on the basis of any privilege guaranteed by the Constitution of the United States or any other provision of Federal law.".

SEC. 105. CIVIL MONEY LAUNDERING JURISDICTION OVER FOREIGN PERSONS.

Section 1956(b) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting each subparagraph appropriately;

(2) by striking "(b) Whoever" and inserting the following:

"(b) CIVIL PENALTIES.—

"(1) IN GENERAL.—Whoever"; and

(3) by adding at the end the following:

"(2) JURISDICTION.—For purposes of adjudicating an action filed or enforcing a penalty ordered under this section, the district courts of the United States shall have jurisdiction over any foreign person, including any financial institution authorized under the laws of a foreign country, that commits an offense under subsection (a) involving a financial transaction that occurs in whole or in part in the United States, if service of process upon such foreign person is made in accordance with the Federal Rules of Civil Procedure or the laws of the foreign country in which the foreign person is found.

"(3) SATISFACTION OF JUDGMENT.—In any action described in paragraph (2), the court may issue a pretrial restraining order or take any other action necessary to ensure that any bank account or other property held by the defendant in the United States is available to satisfy a judgment under this section.".

SEC. 106. LAUNDERING MONEY THROUGH A FOREIGN BANK.

Section 1956(c)(6) of title 18, United States Code, is amended to read as follows:

"(6) the term 'financial institution' includes—

"(A) any financial institution described in section 5312(a)(2) of title 31, or the regulations promulgated thereunder; and

"(B) any foreign bank, as defined in section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(7));".

SEC. 107. SPECIFIED UNLAWFUL ACTIVITY FOR MONEY LAUNDERING.

(a) IN GENERAL.—Section 1956(c)(7) of title 18, United States Code, is amended—

(1) in subparagraph (B)—

(A) by striking clause (ii) and inserting the following:

"(ii) any act or acts constituting a crime of violence;"; and

(B) by adding at the end the following:

"(iv) fraud, or any scheme to defraud, committed against a foreign government or foreign governmental entity;

"(v) bribery of a public official, or the misappropriation, theft, or embezzlement of public funds by or for the benefit of a public official;

"(vi) smuggling or export control violations involving munitions listed in the United States Munitions List or technologies with military applications as defined in the Commerce Control List of the Export Administration Regulations; or

"(vii) an offense with respect to which the United States would be obligated by a multilateral treaty either to extradite the alleged offender or to submit the case for prosecution, if the offender were found with the territory of the United States;";

(2) in subparagraph (D)—

(A) by inserting "section 541 (relating to goods falsely classified)," before "section 542";

(B) by inserting "section 922(l) (relating to the unlawful importation of firearms), section 924(m) (relating to firearms trafficking)," before "section 956";

(C) by inserting "section 1030 (relating to computer fraud and abuse)," before "1032"; and

(D) by inserting "any felony violation of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.)," before "or any felony violation of the Foreign Corrupt Practices Act"; and

(3) in subparagraph (E), by inserting "the Clean Air Act (42 U.S.C. 6901 et seq.)," after "the Safe Drinking Water Act (42 U.S.C. 300f et seq.),".

SEC. 108. CRIMINAL FORFEITURE FOR MONEY LAUNDERING CONSPIRACIES.

Section 982(a)(1) of title 18, United States Code, is amended by inserting "or a conspiracy to commit any such offense," after "of this title,".

SEC. 109. FUNGIBLE PROPERTY IN FOREIGN BANK ACCOUNTS.

Section 984(d) of title 18, United States Code, is amended by adding at the end the following:

"(3) In this subsection, the term 'financial institution' includes a foreign bank, as defined in section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(7)).".

SEC. 110. SUBPOENAS FOR BANK RECORDS.

Section 986(a) of title 18, United States Code, is amended—

(1) by striking "section 1956, 1957, or 1960 of this title, section 5322 or 5324 of title 31, United States Code" and inserting "section 981 of this title";

(2) by inserting "before or" before "after"; and

(3) by striking the last sentence.

SEC. 111. FUGITIVE DISENTITLEMENT.

(a) IN GENERAL.—Chapter 163 of title 28, United States Code, is amended by adding at the end the following:

"§2467. Fugitive disentitlement

"Any person who, in order to avoid criminal prosecution, purposely leaves the jurisdiction of the United States, declines to enter or reenter the United States to submit to the jurisdiction of the United States, or otherwise evades the jurisdiction of a court of the United States in which a criminal case is pending against the person, may not use the resources of the courts of the United States in furtherance of a claim in any related civil forfeiture action or a claim in any third-party proceeding in any related criminal forfeiture action.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 163 of title 28, United States Code, is amended by adding at the end the following:

"2467. Fugitive disentitlement.".

SEC. 112. ADMISSIBILITY OF FOREIGN BUSINESS RECORDS.

(a) IN GENERAL.—Chapter 163 of title 28, United States Code, is amended by adding at the end the following:

"§2468. Foreign records

"(a) DEFINITIONS.—In this section—

"(1) the term 'business' includes business, institution, association, profession, occupation, and calling of every kind whether or not conducted for profit;

"(2) the term 'foreign certification' means a written declaration made and signed in a foreign country by the custodian of a record of regularly conducted activity or another qualified person, that if falsely made, would subject the maker to criminal penalty under the law of that country;

"(3) the term 'foreign record of regularly conducted activity' means a memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses, maintained in a foreign country; and

"(4) the term 'official request' means a letter rogatory, a request under an agreement, treaty or convention, or any other request for information or evidence made by a court of the United States or an authority of the United States having law enforcement responsibility, to a court or other authority of a foreign country.

"(b) ADMISSIBILITY.—In a civil proceeding in a court of the United States, including a civil forfeiture proceeding and a proceeding in the United States Claims Court and the United States Tax Court, unless the source of information or the method or circumstances of preparation indicate lack of trustworthiness, a foreign record of regularly conducted activity (or a duplicate of such record), obtained pursuant to an official request, shall not be excluded as evidence by the hearsay rule if a foreign certification, also obtained pursuant to the same official request or subsequent official request that adequately identifies such foreign record, attests that —

"(1) the foreign record was made, at or near the time of the occurrence of the matters set forth, by (or from information transmitted by) a person with knowledge of those matters;

"(2) the foreign record was kept in the course of a regularly conducted business activity;

"(3) the business activity made such a record as a regular practice; and

"(4) if the foreign record is not the original, the record is a duplicate of the original.

"(c) FOREIGN CERTIFICATION.—A foreign certification under this section shall authenticate a record or duplicate described in subsection (b).

"(d) NOTICE.—

"(1) IN GENERAL.—As soon as practicable after a responsive pleading has been filed, a party intending to offer in evidence under this section a foreign record of regularly conducted activity shall provide written notice of that intention to each other party.

"(2) OPPOSITION.—A motion opposing admission in evidence of a record under paragraph (1) shall be made by the opposing party and determined by the court before trial. Failure by a party to file such motion before trial shall constitute a waiver of objection to such record, except that the court for cause shown may grant relief from the waiver.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 163 of title 28, United States Code, is amended by adding at the end the following:

"2468. Foreign records.".

SEC. 113. CHARGING MONEY LAUNDERING AS A COURSE OF CONDUCT.

Section 1956(h) of title 18, United States Code, is amended—

(1) by striking "(h) Any person" and inserting the following:

"(h) CONSPIRACY; MULTIPLE VIOLATIONS.—

"(1) CONSPIRACY.—Any person"; and

(2) by adding at the end the following:

"(2) MULTIPLE VIOLATIONS.—Any person who commits multiple violations of this section or section 1957 that are part of the same scheme or continuing course of conduct may be charged, at the election of the Government, in a single count in an indictment or information.".

SEC. 114. VENUE IN MONEY LAUNDERING CASES.

Section 1956 of title 18, United States Code, is amended by adding at the end the following:

"(i) VENUE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a prosecution for an offense under this section or section 1957 may be brought in any district in which the financial or monetary transaction is conducted, or in which a prosecution for the underlying specified unlawful activity could be brought.

"(2) EXCEPTION.—A prosecution for an attempt or conspiracy offense under this section or section 1957 may be brought in the district in which venue would lie for the completed offense under paragraph (1), or in any other district in which an act in furtherance of the attempt or conspiracy took place.".

SEC. 115. TECHNICAL AMENDMENT TO RESTORE WIRETAP AUTHORITY FOR CERTAIN MONEY LAUNDERING OFFENSES.

Section 2516(1)(g) of title 18, United States Code, is amended by striking "of title 31, United States Code (dealing with the reporting of currency transactions)" and inserting "or 5324 of title 31 (dealing with the reporting and illegal structuring of currency transactions)".

TITLE II—DRUG TESTING AND INTERVENTION FOR INMATES AND PROBATIONERS

SEC. 201. SHORT TITLE.

This title may be cited as the "Combatting Drugs in Prisons Act of 1998".

SEC. 202. ADDITIONAL REQUIREMENTS FOR THE USE OF FUNDS UNDER THE VIOLENT OFFENDER INCARCERATION AND TRUTH-IN-SENTENCING INCENTIVE GRANT PROGRAMS.

Section 20105(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13705(b)) is amended—

(1) by striking "(b) To be eligible" and inserting the following:

"(b) ADDITIONAL REQUIREMENTS.—

"(1) ELIGIBILITY FOR A GRANT.—To be eligible";

(2) by striking "a State shall provide assurances" and inserting the following: "a State shall—

"(A) provide assurances";

(3) by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(B) not later than September 1, 1998, have established and implemented, consistent with guidelines issued by the Attorney General, a program of drug testing and intervention for appropriate categories of convicted offenders during periods of incarceration and criminal justice supervision, with sanctions (including denial or revocation of release) for positive drug tests.

"(2) USE OF FUNDS.—Notwithstanding section 20102, amounts received by a State pursuant to section 20103 or section 20104 may be—

"(A) applied to the cost of offender drug testing and appropriate intervention programs during periods of incarceration and criminal justice supervision, consistent with guidelines issued by the Attorney General;

"(B) used by a State to pay the costs of providing to the Attorney General a baseline study, which shall be consistent with guidelines issued by the Attorney General, on the prison drug abuse problem in the State; and

"(C) used by a State to develop policies, practices, or laws establishing, in accordance with guidelines issued by the Attorney General, a system of sanctions and penalties to address drug trafficking within and into correctional facilities under the jurisdiction of the State.".

SEC. 203. USE OF RESIDENTIAL SUBSTANCE ABUSE TREATMENT GRANTS TO PROVIDE FOR SERVICES DURING AND AFTER INCARCERATION.

Section 1901 of part S of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff) is amended by adding at the end the following:

"(c) ADDITIONAL USE OF FUNDS.—Each State that demonstrates that the State has established 1 or more residential substance abuse treatment programs that meet the requirements of this part may use amounts made available under this part for drug treatment and to impose appropriate sanctions for positive drug tests, both during incarceration and after release.".

Mr. DASCHLE. Mr. President, drug trafficking, money laundering and drug use in prisons are significant problems that will continue to worsen unless local, state and federal governments can work more closely together to determine viable solutions. Drug trafficking and money laundering can negatively affect our society in many different ways, and the use of illegal drugs by prison inmates dramatically deceases any chance they have of getting their lives back on track after their release. Local, state and federal governments are already hard at work to determine solutions to these corrosive problems, and I am very pleased to join Senators LEAHY, CLELAND, FEINSTEIN, and KOHL in introducing The Money Laundering Enforcement and Combating Drugs in Prison Act of 1998, which will provide state and federal governments with additional tools to fight drug trafficking, money laundering and drug use in prisons.

This legislation will complement the Administration's comprehensive 10-year National Drug Control Strategy by providing federal prosecutors with additional means to seize assets linked to illegal criminal and drug activity and prevent drug kingpins and others from engaging in money laundering. Initiatives such as the Safe and Drug Free Schools Act, and the Administration's highly effective radio and TV ads currently airing in 12 pilot cities are sending the kind of anti-drug messages that must reach our young people. The Money Laundering Enforcement and Combating Drugs in Prison Act of 1998 adds to these efforts by reducing the demand for drugs by allowing states to use federal prison grant funds to test and treat drug-addicted inmates and parolees.

This legislation will greatly enhance the efforts of prosecutors to force international criminals out of hiding by reducing their ability to shield themselves behind foreign banking laws or use other procedural tricks. Moreover, the bill will ensure that defendants arrested overseas will no longer be able to take advantage of U.S. courts to fight against extradition to this country. It would allow federal prosecutors to temporarily seize U.S. assets owned by individuals arrested overseas and thus dramatically improve the ability of law enforcement agencies to shut down drug trafficking operation based outside the United States. Drug kingpins have little regard for nation boundaries, and our nations laws must provide us with the flexibility necessary to combat them.

Studies prove that an overwhelming majority of incarcerated individuals have been heavily influenced by drugs or alcohol, and those who are illegal drug or alcohol abusers are the most likely to be repeat offenders. If we want to stem the increase in our nation's prison population, we must determine which inmates are addicted to drugs or alcohol, reduce the availability of drugs in prisons and ensure inmates have access to the treatment they need while incarcerated. This legislation will help states meet all these goals by allowing them to use as much—or as little—of the federal prison funds they receive for drug testing and intervention and to develop a strategy to reduce drug trafficking in prisons.

State and federal governments are waging a battle against drug kingpins, and the Money Laundering Enforcement and Combating Drugs in Prison Act of 1998 will provide much-needed assistance to these ongoing efforts. By enacting this bill, I believe we will make great strides toward removing dangerous criminals and illegal drugs from our neighborhoods. I urge my colleagues to join me in support of this important legislation.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 2012. A bill to name the Department of Veterans Affairs medical center in Gainesville, Florida, as the "Malcolm Randall Department of Veterans Affairs Medical Center"; to the Committee on Veterans Affairs.

MALCOLM RANDALL DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. GRAHAM. Mr. President, I rise today, joined by my esteemed colleague Senator MACK, to introduce legislation to rename the Gainesville, Florida Veterans Affairs Medical Center after its distinguished and longtime Director: Malcolm Randall.

After thirty-two years as Director of the Gainesville VAMC, and a total of fifty-nine years in federal service, Mr. Randall retires today. He leaves behind a long list of accomplishments and an even longer list of admirers—myself included.

Mr. President, allow me to take a few minutes to highlight the career of this visionary person—a man who has redefined the term "public servant" over the last half-century.

Malcolm Randall's accomplishments are far-reaching and are a testament to the loyalty and devotion he has shown the United States throughout his lifetime.

His extensive service to our nation began when he enlisted in the Navy in July of 1942 and was sent off to the South Pacific in the midst of World War II. While courageously fighting on PT boats and battleships in the first battle of the Phillipine Sea, Mr. Randall was injured in the line-of-duty. After four years of valiant active military service, Mr. Randall continued serving his country through his dedicated work in the Veterans' Administration. His outstanding accomplishments and achievements during his tenure at the VA have been recognized with the two highest awards that the VA offers: the Meritorious Service Award, and the Exceptional Service Award, both of which recognize his outstanding performance and exceptional contributions to the improvement of health care for veterans.

In 1984, President Reagan paid homage to Mr. Randall with the Presidential Rank Award for his extraordinary accomplishments in the administration of VA programs in Florida, and for exemplifying the highest standards in leadership. Most flattering to Mr. Randall was that this award was recommended by dedicated public servants and local leadership from his own community. Indeed, it was this innovative and thoughtful style of leadership that allowed Mr. Randall to foresee the challenges and obstacles that the VA would face in the 21st Century.

Mr. Randall's dogged determination to serve the veterans of Florida, coupled with his visionary leadership, led to his most significant contribution to our nation's veterans: VA restructuring. As Chairman of the Florida Network of VA Hospitals and Outpatient Clinics, Malcolm Randall realized that the VA had to undergo a major transformation to continue to serve veterans well. He understood that the VA health care system needed to modernize, become more efficient with its resources, and adapt to a new method for health care delivery.

Mr. Randall saw the future—that the VA was moving towards a "no-new-starts" policy for major hospital construction—and he became an early advocate for a new model of VA health care: a strong network of outpatient clinics and hospitals, designed to serve veterans in remote areas more effectively. As a result, 7 new outpatient clinics were built in Florida, a development which has allowed many thousands of Florida veterans to get the health care they deserve but were previously denied.

Throughout his long and successful tenure as Director of the Gainesville VAMA, Malcolm Randall has also been a leader in introducing new medical technology to improve the quality of care for the heroes of our country. His responsibility for VA health planning throughout the entire state enabled Mr. Randall to initiate affiliations with three major teaching hospitals—the University of South Florida, the University of Florida, and the University of Miami—and several community colleges. These partnerships have allowed veterans to receive the finest care available from institutions renowned throughout the country.

Mr. Randall's excellence has not been limited to his professional service. His community service throughout the state of Florida, and especially in his hometown of Gainesville, has resulted in several tributes and distinctions being bestowed upon him, including being named Gainesville's Citizen of the Year in 1977. The University of Florida also recognized his lifetime devotion to public service by awarding him an honorary doctorate of Public Service.

Mr. President, it has been one of the great treasures of my life to have shared the friendship of Malcom Randall. As governor and now as a United States Senator from Florida, Malcom has allowed me to enter his classroom on health care policy and his heart, which is full of compassion for American veterans. All he has done has emanated from his depth of concern for American veterans, firmly attached to his rigorous mind and dedicated spirit to put ideas into action. Florida and America are fortunate to have had him as a fellow citizen.

Mr. President, I salute Malcom Randall for all that he has done on behalf of all of our veterans. It is fitting that one of the best medical centers in the country bears his name.

Mr. MACK. Mr. President, I am proud to support my friend and colleague from Florida, Mr. GRAHAM, as we introduce legislation to commemorate the retirement and life's work of Mr. Malcom Randall. Mr. Randall has served his country for 59 years, 55 of which were spent with the Department of Veterans Affairs.

A native of East St. Louis, Illinois, Mr. Randall graduated from St. Louis University with a master's degree in hospital administration. He was among a handful of medical leaders who began to transform the health care system for veterans at the end of World War II. Mr. Randall is the founding Director of the VA Medical Center in Gainesville, and he has served in that post for 32 years. During that time, he has also helped establish VA hospitals and outpatient clinics in other Florida cities. The VA Medical Center in Gainesville now serves 10,000 inpatients and handles 250,000 outpatient visits per year.

Mr. Randall is America's longest serving administrator of veterans' health care services. He has won numerous awards for his exceptional service, including recognition for "most outstanding performance" on two occasions. He is retiring today, and while I am pleased that he will be able to take some time off to enjoy his years, I am saddened that the Department and the Center will be losing one of its greatest champions, and one of its most dedicated public servants.

In further recognition of Mr. Randall's dedication to serving the needs of America's veterans, BOB GRAHAM and I are proposing legislation to rename the Veterans Affairs Medical Center in Gainesville, Florida as the "Malcom Randall Department of Veterans Affairs Medical Center". Our legislation is identical to legislation offered by Representative KAREN THURMAN in the House of Representatives, which is supported by most of the Florida Congressional delegation. I look forward to working with my Senate colleagues to recognize and honor the work and service of Malcom Randall, and I wish Mr. Randall well in his future pursuits.

By Mrs. FEINSTEIN:

S. 2013. A bill to amend title XIX of the Social Security Act to permit children covered under private health insurance under a State children's health insurance plan to continue to be eligible for benefits under the vaccine for children program; to the Committee on Finance.

CHILDREN'S HEALTH INSURANCE PROGRAM LEGISLATION

Mrs. FEINSTEIN. Mr. President, today I am introducing a bill to clarify that children receiving health insurance under the new Children's Health Insurance Program (CHIP) are eligible for free vaccines under the 1993 federal Vaccines for Children (VFC) program.

I want to especially commend the leadership of Congresswoman JANE HARMAN who is introducing an identical bill in the House today.

We are introducing these bills because the U.S. Department of Health and Human Services has apparently interpreted the law so narrowly that as many as 580,000 children in California will lose their current eligibility to receive free vaccines, under California's new Healthy Families program.

The federal Vaccines for Children program, created by Congress in 1993 (P.L. 105–33), provides vaccines at no cost to poor children. In 1997, as many as 775,000 poor children in my state, who were uninsured or on Medicaid, received these vaccines. California received $60 million from the federal government to provide them.

Mr. President, what can be so basic to public health than immunization against disease? Do we really want our children to get polio, measles, mumps, chicken pox, rubella, and whooping cough—diseases for which we have effective vaccines, diseases which we have practically eradicated by widespread immunization? Every parent knows that vaccines are fundamental to children's good health.

Congress recognized the importance of immunizations in creating the program, with many Congressional leaders at the time arguing that childhood immunization is one of the most cost-effective steps we can take to keep our children healthy. It makes no sense to me to withhold them from children who (1) have been getting them when they were uninsured and (2) have no other way to get them once they become insured.

According to an Annie E. Casey Foundation report, 28 percent of California's two-year old children are not immunized. Add to that the fact that we have one of the highest uninsured rates in the country. Our uninsured rate for non-elderly adults is 22 percent, the third highest in the U.S., while the national uninsured rate is 17 percent. As for children, 1.7 million or 18 percent of our children are without health insurance, compared to 13 percent nationally, according to UCLA's Center for Health Policy Research. Clearly, there is a need.

In creating the new children's health insurance program in California, the state chose to set up a program under which the state contracts with private insurers, rather than providing eligible children care through Medicaid (Medi-Cal in California). Unfortunately, HHS appears to be interpreting this method of providing these children health insurance as making them "insured," as defined in the vaccines law, and thus ineligible for the federal vaccines. I disagree.

It is my view that in creating the federal vaccines program, Congress made eligible for these vaccines children who are receiving Medicaid, children who are uninsured, and native American children. I believe that in defining the term "insured" Congress clearly meant private health insurance plans. Children enrolled in California's new Healthy Families program are participating in a federal-state, subsidized insurance plan. Healthy Families is a state-operated program. Families apply to the state for participation. They are not insured by a private, commercial plan, as traditionally defined or as defined in the Vaccine for Children's law (42 U.S.C. sec. 1396s(b)(2)(B). On February 23, the California Medical Association wrote to HHS Secretary Donna Shalala, "As they are participants in a federal and state-subsidized health program, these individuals are not "insured" for the purposes of 42 U.S.C. sec. 1396s(b)(B)."

The California Managed Risk Medical Insurance Board, which is administering the new program with the Department of Health Services, wrote to HHS on February 5, "It is imperative that states like California, who have implemented the Children's Health Insurance Program (CHIP) using private health insurance, be given the same support and eligibility for the Vaccines for Children (VFC) program at no cost as states which have chosen to expand their Medicaid program." The San Francisco Chronicle editorialized on March 10, 1998, "More than half a million California children should not be deprived of vaccinations or health insurance because of a technicality. . . ," calling the denial of vaccines "a game of semantics."

Children's health should not be a "game of semantics." Proper childhood immunizations are fundamental to a lifetime of good health. I urge my colleagues to join me in enacting this bill into law, to help me keep our children healthy.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2013

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMIT CHILDREN COVERED UNDER PRIVATE HEALTH INSURANCE UNDER A STATE CHILD HEALTH PLAN TO CONTINUE TO BE ELIGIBLE FOR BENEFITS UNDER THE VACCINE FOR CHILDREN PROGRAM.

(a) IN GENERAL.—Section 1928(b)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1396s(b)(2)(A)(ii)) is amended by inserting ", except that for purposes of this paragraph a child who is only insured under title XXI shall be considered as being not insured" after "not insured".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Balanced Budget Act of 1997.

By Mr. BIDEN:

S. 2014. A bill to authorize the Attorney General to reschedule certain drugs that pose an imminent danger to public safety, and to provide for the rescheduling of the date-rape drug and the classification of a certain "club" drug; to the Committee on the Judiciary.

THE NEW DRUGS OF THE 1990S CONTROL ACT

Mr. BIDEN. Mr. President, the best time to target a new drug with uncompromising enforcement pressure is before abuse of that drug has overwhelmed our communities.

That is why I introduced legislation last Congress to place tight federal controls on the date rape drug Rohpynol—also known as Roofies—which was becoming known as the Quaalude of the Nineties as its popularity spread throughout the United States.

My bill would have shifted Rohpynol to schedule 1 of the Federal Controlled Substances Act. Rescheduling is important for three simple reasons:

First, Federal re-scheduling triggers increases in State drug law penalties, and since we all know that more than 95 percent of all drug cases are prosecuted at the State level, not by the Federal Government, it is vitally important that we re-schedule.

Second, Federal re-scheduling to schedule 1 triggers the toughest Federal penalties—up to a year in prison and at least a $1,000 fine for a first offense of simple possession.

And, third, re-scheduling has proven to work. In 1984, I worked to reschedule Quaaludes, Congress passed the law, and the Quaalude epidemic was greatly reduced. And, in 1990, I worked to reschedule steroids, Congress passed the law, and again a drug epidemic that had been on the rise was reversed.

Despite evidence of a growing Rohpynol epidemic, some argued that my efforts to re-schedule the drug by legislation were premature. Accordingly, I agreed to hold off on legislative action and wait for a Drug Enforcement Administration decision on whether to schedule the drug through the lengthy and cumbersome administrative process.

As I predicted, the DEA report on Rohpynol—handed down in November—correctly concludes that despite the rapid spread of Rohpynol throughout the country, DEA cannot re-schedule Rohpynol by rulemaking at this time.

The report notes, however, that Congress is not bound by the bureaucratic re-scheduling process the DEA must follow. Congress can—and in my view should—pass legislation to reschedule Rohpynol.

Specifically the report states: "This inability to reschedule [Rohypnol] administratively . . . does not affect Congress' ability to place [the drug] in schedule 1 through the legislative process"—as we did with Quaaludes in 1984 and Anabolic Steroids in 1990.

Let me also note that the DEA report confirmed a number of facts about the extent of the Rohpynol problem:

DEA found more than 4,000 documented cases—in 36 States—of sale or possession of the drug, which is not marketed in the United States and must be smuggled in.

"In spite of DEA's inability to reschedule [Rohypnol] through administrative proceedings, DEA remains very concerned about the abuse" of the drug.

"Middle and high school students have been known to use [Rohypnol] as an alternative to alcohol to achieve an intoxicated state during school hours. [The drug] is much more difficult to detect than alcohol, which produces a characteristic odor."

"DEA is extremely concerned about the use of [Rohypnol] in the commission of sexual assaults."

"The number of sexual assaults in which [Rohypnol] is used may be underreported"—because the drug's effects often cause rape victims to be unable to remember details of their assaults and because rape crisis centers, hospitals, and law enforcement have only recently become aware that Rohypnol can be used to facilitate sex crimes.

Nonetheless, "DEA is aware of at least 5 individuals who have been convicted of rape in which the evidence suggests that [the Rohypnol drug] was used to incapacitate the victim." "The actual number of sexual assault cases involving [the drug] is not known. It is difficult to obtain evidence that [the Rohypnol drug] was used in an assault."

I would also note that my efforts to re-schedule this drug have already had beneficial results: The manufacturer of Rohypnol recently announced that it had developed a new formula to minimize the potential for abuse of the drug in sexual assaults.

This is an important step. But pills produced under the old Rohypnol formula are still in circulation, and pills made by other manufacturers can still be smuggled in. Furthermore, the new formula will not prevent kids from continuing to ingest this dangerous drug voluntarily for a cheap high.

In short, stricter, Federal controls remain necessary; and DEA is powerless to respond to Rohypnol abuse until the problem gets even worse.

Therefore, I am reintroducing my bill to re-schedule Rohypnol in schedule 1 of the Controlled Substances Act. I urge my colleagues to support this effort to take action against this dangerous drug now, rather than waiting for the problem to develop into an epidemic.

My bill also places "Special K"—ketamine hydrochloride—a dangerous hallucinogen very similar to PCP, on schedule III of the Controlled Substances Act. Despite Special K's rising popularity as a "club drug" of choice among kids, the drug is not even illegal in most States. This has crippled State authorities' ability to fight ketamine abuse.

For example, in February 1997, two men accused of stealing ketamine from a Ville Platte, Louisiana veterinary clinic and cooking the drug into a powder could not be prosecuted under State drug control laws because ketamine is not listed as a Federal controlled substance.

Similarly, a New Jersey youth recently found to be with possessing and distributing ketamine could be charged with only a disorderly persons offense.

Prosecutors are trying to combat increased Ketamine use by seeking lengthy prison terms for possession of the drugs—like marijuana—that users mix with Ketamine, but if it is just Special K, there's nothing they can do about it.

I am convinced that scheduling Ketamine will help our effort to fight the spread of this dangerous drug by triggering increases in State drug law penalties.

Without Federal scheduling, many States will not be able to address the Ketamine problem until it is too late and Special K has already infiltrated their communities.

Medical professionals who use Ketamine—including the American Veterinary Medical Association and the American Association of Nurse Anesthetists—support scheduling, having determined that it will accomplish our goal of "preventing the diversion and unauthorized use of Ketamine" while allowing "continued, responsible use" of the drug for legitimate purposes. [Letter from Mary Beth Leininger, D.V.M., President of the American Veterinary Medical Association]

And the largest manufacturer of Ketamine has concluded that "moving the product to schedule III classification is in the best interest of the veterinary industry and the public." [Letter from E. Thomas Corcoran, President of Fort Dodge Animal Health, a Division of American Home Products Corporation].

Scheduling Ketamine will give State authorities the tools they desperately need to fight its abuse by young people—and end the legal anomaly that leaves those who sell Ketamine to our children beyond the reach of the law—even when they are caught "red-handed". I urge my colleagues to support this legislation.

In addition to raising controls on Rohypnol and Ketamine, the legislation I am introducing today would increase the ability of the Attorney General to respond to new drug emergencies in the future.

Our Federal drug control laws currently allow the Attorney General limited authority to respond to certain new drugs on an emergency basis—by temporarily subjecting them the strictest Federal control while the extensive administrative procedure for permanent scheduling proceeds.

But the Attorney General has not been able to use this authority to respond to the Rohypnol and Special K emergencies—because she does not have authority to—move drugs from one schedule to another, or to schedule drugs that the Food and Drug Administration has allowed companies to research but not to sell.

This amendment would grant the administration this important authority by—authorizing the Attorney General to move a scheduled drug—like Rohypnol—to schedule I in an Emergency; by applying emergency rescheduling authority to "investigational new drugs"—like Special K—that the Food and Drug Administration has approved for research purposes only, but not for marketing.

And by providing that a rescheduling drug remains on the temporary schedule until the administrative proceedings reach a final conclusion on whether to schedule.

This legislation would give the Attorney General the necessary tools to respond quickly when evidence appears that a drug is being abused. I urge my colleagues to support the bill.

By Mr. BIDEN:

S. 2015. A bill to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to provide incentives for the development of drugs for the treatment of addiction to illegal drugs, and for other purposes; to the Committee on Labor and Human Resources.

THE NEW MEDICINES TO TREAT ADDICTION ACT OF 1998

Mr. BIDEN. Mr. President, today I am introducing the New Medicines to Treat Addiction Act of 1998, legislation that builds upon my efforts in previous Congresses to promote research into and development of new medicines to treat the ravages of hard core drug addiction.

Since the first call to arms against illegal drugs in 1989, we have learned just how insidious hardcore drug addiction is, even as the ravages of substance abuse—on both the addict and his victims—have become ever more apparent. The frustration in dealing with a seemingly intractable national problem is palpable, most noticeably in the heated rhetoric as politicians blame each other for the failure to find a cure. What gets lost underneath the noise is the recognition that we have not done everything we can to fight this problem and that, like all serious ills, we must take incremental steps one at a time, and refuse to be overwhelmed by the big picture.

Throughout my tenure as Chairman of the Senate Judiciary Committee, I called for a multifaceted strategy to combat drug abuse. One of the specific steps I advocated was the creation of incentives to encourage the private sector to develop medicines that treat addiction, an area where promising research has not led—as one would normally expect—to production of medicines. The bill I am introducing today, the New Medicines To Treat Addiction Act of 1998, will hopefully change that. It takes focused aim at one segment of the drug-abusing population—hardcore addicts, namely users of cocaine and heroin—in part because these addicts are so difficult to treat with traditional methods, and in part because this population commits such a large percentage of drug-related crime.

In December, 1989, I commissioned a Judiciary Committee report, "Pharmacotherapy: A Strategy for the 1990's." In that report, I posed the question, "If drug use is an epidemic, are we doing enough to find a medical 'cure' for this disease?" The report gave the answer "No." Unfortunately, almost a decade later, the answer remains the same. Developing new medicines for the treatment of addiction should be among our highest medical research priorities as a nation. Until we take this modest step, we cannot claim to have done everything reasonable to address the problem, and we should not become so frustrated that we effectively throw up our hands and do nothing.

Recent medical advances have increased the possibility of developing medications to treat drug addiction. These advances include a heightened understanding of the physiological and psychological characteristics of drug addition and a greater base of neuroscientific research.

One example of this promising research is the recent development of a compound that has been proven to immunize laboratory animals against the effects of cocaine. The compound works like a vaccine by stimulating the immune system to develop an antibody that blocks cocaine from entering the brain. Researchers funded through the National Institute of Drug Abuse believe that this advance may open a whole new avenue for combating addiction.

Despite this progress, we still do not have a medication to treat cocaine addiction or drugs to treat many other forms of substance abuse, because the private sector is unsure of the wisdom of making the necessary investment in the production and marketing of such medicines.

Private industry has not aggressively developed pharmacotherapies for a variety of reasons, including a small customer base, difficulties distributing medication to the target population, and fear of being associated with substance abusers. We need to create financial incentives to encourage pharmaceutical companies to develop and market these treatments. And we need to develop a new partnership between private industry and the public sector in order to encourage the active marketing and distribution of new medicines so they are accessible to all addicts in need of treatment.

While pharmacotherapies alone are not a "magic bullet" that will solve our national substance abuse problem, they have the potential to fill a gap in current treatment regimens. The disease of addiction occurs for many reasons, including a variety of personal problems which pharmacotherapy cannot address. Still, by providing a treatment regimen for drug abusers who are not helped by traditional methods, pharmacotherapy holds substantial promise for reducing the crime and health crisis that drug abuse is causing in the United States.

The New Medicines to Treat Addiction Act would encourage and support the development of medicines to treat drug addiction in three ways.

It reauthorizes and increases funding for the Medications Development Program at the National Institute of Health, which for years has been at the forefront of research into drug addiction.

The bill also creates two new incentives for private sector companies to undertake the difficult but important task of developing medicines to treat addiction.

First, the bill would provide additional patent protections for companies that develop drugs to treat substance abuse. Under the bill, pharmacotherapies could be designated "orphan drugs" and qualify for an exclusive seven-year patent to treat a specific addiction. These extraordinary patent rights would greatly enhance the market value of pharmacotherapies and provide a financial reward for companies that invest in the search to cure drug addiction. This provision was contained in a bill introduced by Senator KENNEDY and me in 1990, but was never acted on by Congress.

Second, the bill would establish a substantial monetary reward for companies that develop drugs to treat cocaine and heroin addiction but shift the responsibility for marketing and distributing such drugs to the government. This approach would create a financial incentive for drug companies to invest in research and development but enable them to avoid any stigma associated with distributing medicine to substance abusers.

The bill would require the National Academy of Sciences to develop strict guidelines for evaluating whether a drug effectively treats cocaine or heroin addiction. If a drug meets these guidelines and is approved by the Food and Drug Administration, then the government must purchase the patent rights for the drug from the company that developed it. The purchase price for the patent rights is established by law: $100 million for a drug to treat cocaine addiction and $50 million for a drug to treat heroin addiction. Once the government has purchased the patent rights, then it is responsible for producing the drug and distributing it to clinics, hospitals, state and local governments, and any other entities qualified to operate drug treatment programs.

This joint public/private endeavor will correct the market inefficiencies that have thus far prevented the development of drugs to treat addiction and require the government to take on the responsibilities that industry is unwilling or unable to perform.

America's drug problem is reduced each and every time a drug abuser quits his or her habit. Fewer drug addicts mean fewer crimes, fewer hospital admissions, fewer drug-addicted babies and fewer neglected children. The benefits to our country of developing new treatment options such as pharmacotherapies are manifold. Each dollar we spend on advancing options in this area can save us ten or twenty times as much in years to come. The question isn't "Can we afford to pursue a pharmacotherapy strategy?" but rather, "Can we afford not to?"

Congress has long neglected to adopt measures I have proposed to speed the approval of and encourage greater private sector interest in pharmacotherapy. We cannot let another Congress conclude without rectifying our past negligence on this issue. I urge my colleagues to join me in promoting an important, and potentially ground breaking, approach to addressing one of our nation's most serious domestic challenges.

By Mr. D'AMATO (for himself, Ms. MIKULSKI, Ms. SNOWE, Mr. MOYNIHAN, Mr. CHAFEE, Mr. DASCHLE, Mr. INOUYE, Mr. BINGAMAN, Mr. JOHNSON, Mr. DODD, Mr. KENNEDY, Ms. MOSELEY-BRAUN, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 2017. A bill to amend title XIX of the Social Security Act to provide medical assistance for breast and cervical cancer-related treatment services to certain women screened and found to have breast or cervical cancer under a Federally funded screening program; to the Committee on Finance.

THE BREAST AND CERVICAL CANCER TREATMENT ACT OF 1998

Mr. D'AMATO. Mr. President, I rise today to introduce bi-partisan legislation which will allow states the option of providing Medicaid coverage to women who have been diagnosed with breast and cervical cancer through the federal government's breast and cervical cancer early detection program.

Currently, the CDC breast and cervical cancer program provides low-income, uninsured women with coverage for cancer screening, covering mammographies and pap smears. While this program begins to fill a crucial need, this legislation allows Congress to make this program even better. The result has often been that uninsured women are diagnosed with cancer and then left to scramble to find treatment.

In 1990 Congress passed a bill that was a breakthrough for the early detection of breast and cervical cancer in women. The Breast and Cervical Cancer Mortality Prevention Act of 1990 authorized the Center for Disease control to increase screening services for women who are low-income. From July of 1991 to March of 1997, CDC's program provide mammography screening to over 500,000 women and diagnosed nearly 3,500 cases of breast cancer. During this same period, the program provided over 700,000 Pap tests and found more than 300 cases of invasive cervical cancer. This is good news for the early detection of cancers in women.

But the bad news is that all women are not getting treated for cancer. Screening does not prevent cancer deaths; it must be coupled with treatment. Congress tried to ensure that women would get treatment, by requiring that state programs seek out services for the women they screen. But wherever I've traveled in New York, I've been hearing reports that programs are over burdened. Volunteers are working over time. Program administrators are having to rely on public hospitals and charity care. Women are having to hold bake sales to get treatment. This is wrong. It's not what Congress intended when it passed the Cancer Prevention Act in 1990.

Now, a newly published study of the program documents that approaches for delivering treatment services are fragmented, and in danger of breaking down. I am very concerned, Mr. President, that the program is over burdened and needs help. The women of America need this program. Early detection saves lives. However, Mr. President, if we are unable to treat the women who are diagnosed with breast cancer, we have failed them.

I commend the local programs that are working hard to line up treatment services for women. These programs are doing whatever they can to see that women with cancer get care. But the fact is that these solutions are labor-intensive and have long-range consequences of the program itself. The CDC study shows that programs are having a hard time recruiting new providers and must limit the number of women screened. Today the program serves only 12 to 15% of all women who are eligible nationally. And this percentage is likely to decrease. The study also shows that fewer physicians will be able to offer free or reduced-fee services in the future, because of changes in the health-care system. My point is, and the study shows, that whatever fragile delivery systems for treatment are in place now are in jeopardy and overburdened. Women are not getting the treatment they need.

In June 1997, Senator MOYNIHAN and I were successful in including an amendment in the Budget Resolution that addressed this and would have solved this problem. Unfortunately, that amendment was passed by the Senate but later died in conference. Mr. President, we must not let these women fall through the cracks any longer. This legislation provides a mechanism to fix the problem that these under served women face.

Mr. President, I began the fight in 1992 for more research funding for breast cancer. With the help of the National Breast Cancer Coalition and the women of New York—women like Barbara Balaban, Geri Barish, and Doctor Susan Love, Senator HARKIN and I started a research program in the Army that has grown to over $750 million and continues to provide research dollars for the latest, cutting edge technologies and research.

We must not abandon the women of America who are diagnosed with breast and cervical cancer, only to find that there is no way to pay for their treatment. Congress has responded to the call for more research money for breast cancer, we must now continue that fight to provide increased treatment for every woman diagnosed with breast and cervical cancer.

The National Breast Cancer Coalition has made me very aware of the problems that women are facing regarding treatment after diagnosis under the CDC program. And I am concerned that the problem is getting worse.

We make speeches and wear pink ribbons to show our commitment to fight breast cancer—but now is the time to act to support a simple amendment that will make real contribution to the fight against breast cancer. It will save lives and ensure that women, when diagnosed through the federal program, will not have to hold bake sales to get treatment.

I join my colleagues, Senator MOYNIHAN, Senator SNOWE, and Senator MIKULSKI, in sponsoring legislation that will establish a mechanism for women's treatment. This is a targeted measure that will allow states the option of providing Medicaid to women who have participated in the CDC program and have been diagnosed with breast and cervical cancer. I am determined to solve this problem before Congress is adjourned this year. It is irresponsible of the federal government to do otherwise.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Breast and Cervical Cancer Treatment Act of 1998".

SEC. 2. OPTIONAL MEDICAID COVERAGE OF CERTAIN BREAST OR CERVICAL CANCER PATIENTS.

(a) COVERAGE AS OPTIONAL CATEGORICALLY NEEDY GROUP.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(1) in subclause (XIII), by striking "or" at the end;

(2) in subclause (XIV), by adding "or" at the end; and

(3) by adding at the end the following:

"(XV) who are described in subsection (aa)(1) (relating to certain breast or cervical cancer patients);".

(b) GROUP AND BENEFIT DESCRIBED.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following:

"(aa)(1) Individuals described in this paragraph are individuals who—

"(A) are not described in subsection (a)(10)(A)(i);

"(B) have not attained age 65;

"(C) satisfy income and resource requirements to be treated as a low-income woman for purposes of being given priority under section 1504 of the Public Health Service Act (42 U.S.C. 300n); and

"(D) are not otherwise covered under creditable coverage, as defined in section 2701(c) of the Public Health Service Act (45 U.S.C. 300gg(c)).

"(2) For purposes of this title, the term 'breast or cervical cancer-related treatment services' means services that are medically necessary or appropriate for the treatment of breast or cervical cancer and complications arising from such treatment and for which medical assistance is made available under the State plan to individuals described in subsection (a)(10)(A)(i).".

(c) PRESUMPTIVE ELIGIBILITY.—

(1) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1920A the following:

"PRESUMPTIVE ELIGIBILITY FOR CERTAIN BREAST OR CERVICAL CANCER PATIENTS

"SEC. 1920B. (a) STATE OPTION.—A State plan approved under section 1902 may provide for making medical assistance for breast or cervical cancer-related treatment services available to an individual described in section 1902(aa)(1) (relating to certain breast or cervical cancer patients) during a presumptive eligibility period.

"(b) DEFINITIONS.—For purposes of this section:

"(1) PRESUMPTIVE ELIGIBILITY PERIOD.—The term 'presumptive eligibility period' means, with respect to an individual described in subsection (a), the period that—

"(A) begins with the date on which a qualified entity determines, on the basis of preliminary information, that the individual is described in section 1902(aa)(1), and

"(B) ends with (and includes) the earlier of—

"(i) the day on which a determination is made with respect to the eligibility of such individual for services under the State plan, or

"(ii) in the case of such an individual who does not file an application by the last day of the month following the month during which the entity makes the determination referred to in subparagraph (A), such last day.

"(2) QUALIFIED ENTITY.—

"(A) IN GENERAL.—Subject to subparagraph (B), the term 'qualified entity' means any entity that—

"(i) is eligible for payments under a State plan approved under this title and provides breast or cervical cancer-related treatment services; and

"(ii) is determined by the State agency to be capable of making determinations of the type described in paragraph (1)(A).

"(B) REGULATIONS.—The Secretary may issue regulations further limiting those entities that may become qualified entities in order to prevent fraud and abuse and for other reasons.

"(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a State from limiting the classes of entities that may become qualified entities, consistent with any limitations imposed under subparagraph (B).

"(c) ADMINISTRATION.—

"(1) IN GENERAL.—The State agency shall provide qualified entities with—

"(A) such forms as are necessary for an application to be made by an individual described in subsection (a) for medical assistance under the State plan, and

"(B) information on how to assist such individuals in completing and filing such forms.

"(2) NOTIFICATION REQUIREMENTS.—A qualified entity that determines under subsection (b)(1)(A) that an individual described in subsection (a) is presumptively eligible for medical assistance for breast or cervical cancer-related treatment services under a State plan shall—

"(A) notify the State agency of the determination within 5 working days after the date on which determination is made, and

"(B) inform such individual at the time the determination is made that an application for medical assistance under the State plan is required to be made by not later than the last day of the month following the month during which the determination is made.

"(3) APPLICATION FOR MEDICAL ASSISTANCE.—In the case of an individual described in subsection (a) who is determined by a qualified entity to be presumptively eligible for medical assistance for breast or cervical cancer-related treatment services under a State plan, the individual shall apply for medical assistance under such plan by not later than the last day of the month following the month during which the determination is made.

"(d) PAYMENT.—Notwithstanding any other provision of this title, medical assistance for breast or cervical cancer-related treatment services that—

"(1) are furnished to an individual described in subsection (a)—

"(A) during a presumptive eligibility period,

"(B) by a entity that is eligible for payments under the State plan; and

"(2) are included in the care and services covered by the State plan;

shall be treated as medical assistance provided by such plan for purposes of section 1903(a)(5)(B).".

(2) PRESUMPTIVE ELIGIBILITY CONFORMING AMENDMENTS.—

(A) Section 1902(a)(47) of the Social Security Act (42 U.S.C. 1396a(a)(47)) is amended by inserting before the semicolon at the end the following: "and provide for making medical assistance for breast or cervical cancer-related treatment services available to individuals described in subsection (a) of section 1920B during a presumptive eligibility period in accordance with such section".

(B) Section 1903(u)(1)(D)(v) of such Act (42 U.S.C. 1396b(u)(1)(D)(v)) is amended—

(i) by striking "or for" and inserting ", for"; and

(ii) by inserting before the period the following: ", or for medical assistance for breast or cervical cancer-related treatment services provided to an individual described in subsection (a) of section 1920B during a presumptive eligibility period under such section".

(d) ENHANCED MATCH.—Section 1903(a)(5) of the Social Security Act (42 U.S.C. 1396b(a)(5)) is amended—

(1) by striking "an" and inserting "(A) an";

(2) by adding "plus" after the semicolon; and

(3) by adding at the end the following:

"(B) an amount equal to 75 percent of the sums expended during such quarter which are attributable to the offering, arranging, and furnishing (directly or on a contract basis) of breast or cervical cancer-related treatment services; plus".

(e) LIMITATION ON BENEFITS.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended in the matter following subparagraph (F)—

(1) by striking "and (XIII)" and inserting "(XIII)"; and

(2) by inserting before the semicolon at the end the following: ", and (XIV) the medical assistance made available to an individual described in subsection (aa)(1) who is eligible for medical assistance only because of subparagraph (A)(ii)(XV) shall be limited to medical assistance for breast or cervical cancer-related treatment services".

(f) CONFORMING AMENDMENTS.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(1) in clause (x), by striking "or" at the end;

(2) in clause (xi), by adding "or" at the end; and

(3) by inserting after clause (xi) the following:

"(xii) individuals described in section 1902(aa)(1),".

(g) EFFECTIVE DATE.—The amendments made by this section apply to medical assistance furnished on or after October 1, 1998, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

Ms. MIKULSKI. Mr. President, I rise today as an original cosponsor of a bill that will put an end to the half-promise the federal government has made to women screened under the National Breast and Cervical Cancer Protection Program. When Congress first passed this program as the Breast and Cervical Cancer Mortality Prevention Act in 1990, it was a breakthrough for early detection of breast and cervical cancer. And I was proud to be its chief Senate sponsor. There is still good reason to be proud of this program. By March of 1997, the program had provided mammography screening to over 500,000 women and Pap tests to over 700,000. Nearly 3,500 women have been diagnosed with breast cancer and an additional 300 women with invasive cervical cancer. In Maryland alone, by December 1996, the state had provided more than 35,000 mammograms and 21,000 Pap tests, and diagnosed nearly 300 women with breast cancer and 13 women with invasive cervical cancer.

But when we passed that program we expected—and demanded—assurances that women who are found to have breast cancer be provided the necessary diagnostic services, including breast biopsies and treatment services. The program has not lived up to the promise. While a variety of innovative strategies have emerged across the country at the state and local levels to help women get treatment, the reality is that the system is overloaded. Some state programs require providers to arrange for treatment before they can participate in the program; a very few like Maryland have been able to come up with a small pool of general revenues, but generally these funds are available for breast diagnostic services, not treatment. In others, program administrators have to rely on public hospitals, donated services and charity care. In the end, thousands of women who run local screening programs are spending countless hours finding treatment services for women diagnosed with breast cancer.

This is not what we had in mind. Not at all. The system for obtaining treatment services—which at its best was an ad-hoc patchwork—has broken down. Of those women diagnosed with cancer in the United States, nearly 3,000 women have no way to afford treatment—they have no health care insurance coverage or are underinsured. These women want to pay for their services, but they often simply don't have the financial resources on their own.

It's a cruel and heart breaking irony for the federal government to promise to screen low-income women for breast and cervical cancer, but not to establish a program to treat those women who have been diagnosed with cancer through a federal program. Screening alone does not prevent cancer deaths; but treatment can.

A recent study of the program done for the Centers for Disease Control and Prevention found that while treatment was eventually found for almost all of the women screened, some women did not get treated at all, some refused treatment, and some experienced delays. The study also underscores the terribly labor intensive efforts that go into finding treatment for these women—often at the expense of screening. The lack of coverage for diagnostic and treatment services has also had a very negative impact on the program's ability to recruit providers, further restricting the number of women screened. It is sad that 8 years after enactment, the program serves only 12 to 15 percent of all women who are eligible nationally. And this is likely to get worse. The study shows there are already additional stresses on the program as increasing numbers of physicians do not have the autonomy in today's ever increasing managed care system to offer free or reduced-fee services.

Breast cancer advocates from across the country are reporting that local programs are so badly strained that they have resorted to holding bake sales and community lunches to raise money for treatment services for the women they serve. Others have cobbled together the funds at great effort—when they are sickest—and most in need of taking care of their health. One woman in Massachusetts reported that she cashed in her life insurance policy to cover the costs of her treatment.

It is clear that the short-term, adhoc strategies of providing treatment have broken down: for the women who are screened; for the local programs that fund the screening program; and for the states that face increasing burdens. Because there is no coverage for treatment, state programs are having a hard time recruiting providers, volunteers are spending a disproportionate amount of time finding treatment for women, and fewer women are receiving treatment. We can't grow the program to serve the other 78 percent of eligible women if we can't promise treatment to those we already screen.

Women shouldn't have to hold a bake sale to get treated for breast cancer—especially if the federal government has held out the promise of early detection. It is an outrage that women with cancer must go begging for treatment. That's why I'm cosponsoring this bill. It will establish a mechanism for women to be treated. It will guarantee Medicaid coverage for necessary treatment services to women who are eligible for the CDC program, and found to have breast cancer or cervical cancer. Although I wish the bill would require the States to provide the benefit, the reality is such that we have made this program for now, an optional benefit, and place the responsibility on the States to choose to participate. By doing so, states would in effect, extend the federal-state partnership that exists for the screening services in the CDC program to treatment services.

This bill is the best long-term solution. It is strongly supported by the National Breast Cancer Coalition representing over 400 organizations and 100,000's of women across the nation. I urge my colleagues to join in and cosponsor this critical piece of legislation and make good on the promise of early detection.

Mr. MOYNIHAN. Mr. President, I rise today to introduce with my colleague Senator D'AMATO, and with Senators MIKULSKI and SNOWE, legislation important to ensuring that women with breast cancer and cervical cancer will receive coverage for their treatment. The Centers for Disease Control and Prevention (CDC) has a successful nationwide program—National Breast and Cervical Cancer Early Detection program—that screens low-income uninsured women for breast and cervical cancer. However, CDC's program does not have funding to treat these women after they are diagnosed.

The women eligible for cancer screening under the CDC program are low-income individuals and yet are not poor enough to qualify for Medicaid coverage. They do not have health insurance coverage for these screenings and for subsequent cancer treatment.

From July of 1991 to March of 1997, the CDC program provided mammography screening to almost 600,000 women and diagnosed nearly 3,500 cases of breast cancer. During this same period, the program also provided over 700,000 pap smears and found more than 300 cases of invasive cervical cancer.

The CDC screening program has had to divert a significant amount of time and funding in order to find treatment opportunities for the women found to have breast and cervical cancer. The lack of subsequent funding for treatment has, therefore, jeopardized the programs' primary function: to screen low-income uninsured women for breast and cervical cancer. Currently, the program screens about 12 to 15 percent of all eligible women.

A recent study conducted at Battelle Centers for Public Health Research and Evaluation and the University of Michigan School of Public Health on treatment funding for women screened by the CDC program found that, although funding for treatment services were found for most of these women, they often experienced time delays. In addition, during the search for treatment funding, the CDC program lost contact with several women. The study also found that the sources of treatment funding are uncertain, tenuous and fragmented. The burden of funding treatment often fell upon providers themselves. The uncertainty and delays worsen the stress of coping with cancer. Some women, upon learning that they have cancer, must hold lunches and bake sales to raise funds to cover their needed treatment.

Our legislation would provide treatment coverage for the women screened and diagnosed through the CDC program and who are uninsured. States will have the option to provide this coverage through its Medicaid program. If a state chooses this option, they will receive an enhanced match for the treatment coverage, similar to the federal match provided to the sate for the CDC screening program.

Mr. President, the Senate has approved this proposal in the past. A similar provision was included in the Senate version of last year's Balanced Budget bill. It is my hope that the Senate will again support this important legislation.

By Mr. JOHNSON:

S. 2018. A bill to amend the Internal Revenue Code of 1986 to extend the work opportunity tax credit to employers providing employment in economically distressed communities; to the Committee on Finance.

THE REEMPLOYMENT TAX CREDIT ACT OF 1998

Mr. JOHNSON. Mr. President I am pleased to introduce legislation today that will foster job growth and job creation in distressed communities. This important legislation, the "Reemployment Tax Credit Act of 1988," will provide needed assistance to communities when they are impacted by significant job losses.

Twice in the last year, communities in my state have suffered the difficult repercussions of massive job losses in the area. The circumstances in Huron and those in the Northern Hills region differed considerably, however, in both instances the job losses affected far reaching elements of the local economy. I proudly introduce this legislation to enhance the ability of distressed communities to address the challenges of sudden economic dislocation.

This bill will extend the existing Work Opportunity Tax Credit to include dislocated workers affected by plant closings or other events resulting in extensive job losses. This tax credit accelerates opportunities for business growth and expansion in distressed communities therefore decreasing unemployment insurance expenditures, reducing the flight of dislocated workers, allowing families to remain in their community and in their homes. It serves to stabilize the local economy and minimize the negative impacts on other local businesses.

The most successful and immediate action to address economic dislocation is to reemploy workers. The Reemployment Tax Credit Act of 1998 will make a serious and positive impact on the growth and prosperity of our communities. I urge my colleagues to support this effort to provide distressed communities with this critical assistance to help them recover from extraordinary economic hardship.

By Mr. ASHCROFT:

S. 2019. A bill to prohibit the use of Federal funds to implement the Kyoto Protocol to the United Nations Framework Convention on Climate Change unless or until the Senate has given its advice and consent to ratification of the Kyoto Protocol and to clarify the authority of Federal agencies with respect to the regulation of the emissions of carbon dioxide; to the Committee on Environment and Public Works.

THE ECONOMIC GROWTH AND SOVEREIGNTY PROTECTION ACT

Mr. ASHCROFT. Mr. President, I rise to introduce legislation to protect the strength and future growth of the American economy, and to uphold the system of checks and balances that is central to our government. The Clinton Administration's irresponsibility at the Kyoto Summit makes it necessary for Congress to act. On December 11, 1998, this administration agreed to an amendment to the United Nations Framework Convention on Climate Change.

An amendment that clearly did not meet the standards for ratification established by this body in the Byrd-Hagel Resolution by a vote of 95–0. The administration simply ignored the Senate's resolution—thereby ignoring the will of the American people. The resolution was clear and unmistakable it in its criteria. It stated that the administration should not agree to binding emission targets unless developing countries also were bound by the targets and that the administration must not agree to anything that severely damages the economy of the United States. The Kyoto Protocol fails both tests.

On the first criteria, the Kyoto Protocol does not include a single developing nation. One hundred and thirty-four developing nations, including China, Mexico, India, Brazil, and South Korea, many of whom compete with the United States for trade opportunities, are completely exempt from any obligations or responsibilities for reducing greenhouse gas emissions.

The Kyoto Protocol would legally bind the United States to reduce our greenhouse gas emissions to 7 percent below 1990 levels by the years 2008 to 2012. It even goes much further than President Clinton's own bottom line that he personally announced last October pledging would not accept a baseline below 1990 levels in greenhouse gas emissions. He also said there must be "meaningful participation" from all developing countries.

It is clear that the Protocol fails the second criteria. Numerous independent economic studies predicted serious economic harm even if the administration had held to its position that it enunciated last October. These studies found 2.4 million job losses, significant increases in energy costs, a 50-cent increase in gas prices per gallon, a drop in economic growth rates of more than 1 percent a year, and major American industries being driven out of business or driven out of the United States—industries like steel, aluminum, petroleum refining, chemicals, iron, paper products, and cement.

That is why American agriculture, American labor, American business and industry and many consumer groups have all united in opposition to this treaty. Yet, our negotiators in Kyoto—the ones who were supposed to be looking out for the American people—cut a deal that would have had an even more devastating and extreme impact on the U.S. economy and on the lives of the American people.

The administration's recent attempt to develop an economic analysis showing "minimal" harm to the U.S. economy clearly are flawed. No models, no numbers, no percentages, no economics. It is based on fabrication and vapor, on what Senator HAGEL called "wildly optimistic assumptions" such as China, India and Mexico agreeing to the binding commitments in this treaty.

This is what one observer in Kyoto—the leader on this issue in the United States Senate, along with Senator BYRD—Senator HAGEL, had to say about the administration's activities in Kyoto. "After Vice President GORE came to Kyoto and instructed our negotiators to show 'increased flexibility' the doors were thrown open and the objective became very clear. The objective was: Let us get a deal at any cost. The clear advice of the U.S. Senate and the economic well-being of the American people were abandoned under pressure from the U.N. bureaucrats, international environmentalists and the 134 developing countries that were not even included—not even included—in the treaty. The United States of America was the only Nation to come out of these negotiations worse than it came in. In fact, there was no negotiation in Kyoto; there was only surrender."

From an environmental standpoint, the Kyoto "deal" is completely inadequate. The treaty is so flawed that it will do virtually nothing to slow the growth of manmade greenhouse gasses in the atmosphere. Even if one accepts the validity of the science on global warming, which is still uncertain and at best contradictory, this treaty would do nothing to stop any of these emissions. The Kyoto "deal" excludes the very developing nations who will be responsible for more than 60 percent of the world's manmade greenhouse gas emissions early in the next century.

In fact, as more and more American scientists review the available data on global warming, it is becoming increasingly clear that the vast majority believe the commitments for reduction of greenhouse gas emissions made by the Administration in the Kyoto "deal" is an unnecessary response to an exaggerated threat—"to an exaggerated threat" that the Vice President himself is caught up in making. Last week, more than 15,000 scientists, two-thirds with advanced academic degrees, released a petition they signed urging the United States to reject the Kyoto "deal." The petition, expressly states that:

> There is no convincing scientific evidence that human release of carbon dioxide, methane, or other greenhouse gases is causing or will cause catastrophic heating of the Earth's atmosphere and disruption of the Earth's climate.

The administration understands that the Kyoto "deal" does not meet these standards because they have made it clear that the President will not send this document to the Senate for ratification.

However, not only did the administration ignore the Senate when agreeing to this deal, they are continuing to ignore it even today. A number of my constituents, particularly farmers and small business owners, have come to me with grave concerns over the administration's "back door" implementation of the Protocol's requirements.

For example, the Administration has requested $6.3 billion in its 1999 budget in order to begin meeting its obligations under the Kyoto Protocol. This money would go to a number of federal agencies and departments including the Department of Energy, the Environmental Protection Agency, Housing and Urban Development, the Commerce Department, and the Department of Agriculture.

The administration, in a document relating to electricity restructuring, which was circulating through the Environmental Protection Agency, referenced reducing emission to "meet our greenhouse gas emission budget under the Kyoto Protocol." The memorandum further states that electricity restructuring also should take environmental concerns into account in order to "deliver on the President's commitments."

Many federal agencies are in the process of establishing Kyoto implementation offices. The Environmental Protection Agency currently is discussing whether the agency has the power under the Clean Air Act or the Energy Policy Act to regulate carbon dioxide emissions—a key emission limited under the Kyoto Protocol.

In the news conference after cutting the deal in Kyoto, administration officials seemed to indicate that since the U.S. has ten years to meet the greenhouse gas emission targets established at Kyoto—the administration has ten years to involve the Senate in its activities.

Mr. President, the Constitution clearly states that while the Executive Branch has the authority to negotiate international treaties, that only the United States Senate has the authority to ratify such treaties. We cannot allow the Executive Branch to usurp the power of Congress by implementing the treaty—a treaty that will have such a devastating impact on the United States—without the Senate first being ratified by this body.

A treaty is the most solemn international obligation that can be entered upon by sovereign people. The sovereignty of the United States was purchased with the blood of patriots, and the Constitution defined the treaty making power with great care. The blood and treasure of our nation may not be placed at hazard by a treaty unless the President and Congress are in agreement. The Framers created this shared power in part because the United States intended to reject utterly the European tradition that invested the monarch with unfettered power to conduct foreign policy—even to the extremity of spending the lives of citizens in wars conducted to satisfy his vanity or dynastic ambition. Under our Constitution, the President may not on his own bind the sovereignty of the United States to the terms of a treaty unless that treaty has been ratified by two-thirds of the Senate.

The treaty making power, then is not only shared and checked, but ratification must meet the high standard of a two-third vote. The Administration's Kyoto agenda is constitutionally offensive in several respects. First, the President is not to behave like a predemocratic ruler who makes commitments at will that bind the nation. Second, the Executive branch is proceeding to inflict severe damage on our economy and our people, without deliberation by the Congress. Finally, the Administration is proceeding to impose an unratified—and therefore meaningless—treaty, a treaty so badly flawed that it would, on its face, be rejected by the Senate.

Unfortunately, it is unlikely that the administration's activities will stop merely because members of the Senate, members of the House of Representatives, or citizens of the United States point out the Constitutional implications. Therefore, today I am offering the Economic Growth and Sovereignty Protection Act. This act simply would prohibit any federal agency from spending federal funds on implementing the treaty until such time that it is ratified by the United States Senate.

In addition, since the EPA has raised the issue of whether it has the ability to regulate carbon dioxide emissions, this act would make it clear that no federal agency has such power without the express authority from the Congress.

Mr. President, the Constitution cannot be ignored. It established a system of checks and balances which must be preserved and protected. The interests and the sovereignty of this great Nation cannot be ignored. To allow other nations' interests to become more important—to dictate our domestic policy—would be unconscionable. The will of the American people cannot be ignored. To do so would crush the very foundation on which this democracy was established.

By Mr. HOLLINGS:

S. 2020. A bill to amend title 10, United States Code, to permit beneficiaries of the military health care system to enroll in Federal employees health benefits plans; to improve health care benefits under CHAMPUS and TRICARE Standard, and for other purposes; to the Committee on Armed Services.

THE MILITARY HEALTH CARE EQUALITY ACT

Mr. HOLLINGS. Mr. President, I rise today to introduce the Military Health Care Equality Act. Mr. President, it may come a surprise to many that the Department of Defenses has reneged on its promise to those who have honorably served in our military forces. That, Mr. President, is the promise of lifetime, quality healthcare for the military retiree and his family. I now introduce legislation that will offer all Senators the opportunity to join with me in righting this unconscionable wrong.

Today our military retirees feel betrayed. Before joining, and while serving, they were promised quality, lifetime healthcare. However, that promise is being broken. Military health care facilities have closed because of the downsizing of our military forces. Those military health facilities that remain can treat fewer and fewer retirees. The TRICARE system has high overhead and its provider fees are so low that many health care providers will not participate. In addition, in some areas, retirees do not have access to provider networks. Finally, the TRICARE system will not treat Medicare eligible retirees. Mr. President, it is just not right that the military retiree is the only Federal retiree who is prevented from using his employer provided health care when reaching Medicare age.

This legislation requires the DOD to provide all military retirees with health care that is comparable to the care provided by the Federal Employees Health Benefits Plan, or failing that, to make the FEHBP available. In addition, this legislation would require that TRICARE be improved to the FEHBP level. This Legislation will not prevent a retiree from using a military health care facility. However, it will improve and increase the health care choices for our retirees.

Our military men and women have given much to protect our country in time of peace and war. We must acknowledge this by providing them the available, affordable, quality health care that they were promised. No lesser measure will suffice.

Therefore, I urge my colleagues to join me in immediately enacting this legislation so that we can now begin to care for military retirees, as promised, in a manner they so richly deserve for their service to our great Nation.

By Mr. SARBANES (for himself and Mr. LIEBERMAN):

S. 2021. A bill to provide for regional skills training alliances, and for other purposes; to the Committee on Labor and Human Resources.

THE TECHNOLOGY SKILLS PARTNERSHIP ACT OF 1998

Mr. SARBANES. Mr. President, today, joined with Senator LIEBERMAN, I am introducing legislation to provide our nation's workforce with the information technology and computer skills it needs to meet the emerging and rapidly changing requirements in our various technology sectors. I am delighted to have my distinguished colleague from Connecticut—whose efforts on behalf of the high technology sector and its workforce have been second to none—join as an original co-sponsor of the Technology Skills Partnership Act of 1998. The purpose of the Technology Skills Partnership Act is to establish regional initiatives to provide the skills that industry and workers require to remain competitive in the global, high technology marketplace.

The United States is currently the world's science and technology leader. Technical innovation, which according to a 1995 report by the President's Council of Economic Advisors has been responsible for more than half of America's productivity growth over the past fifty years, has positioned us at the forefront of the global economy. In my view, we could not have achieved this status without the most skilled, innovative, and competitive workforce in the world. The high tech global economy is evolving at such a rapid pace however, that if we fail to keep our workforce honed and highly skilled —whether in advanced computer programming or computer based manufacturing technology —we risk losing this edge.

A growing number of industries throughout the country are reporting serious difficulties in hiring workers with appropriate computer and information technology skills. Recent reports have estimated up to 190,000 unfilled information technology jobs in the United States due to a shortage of qualified workers. Many businesses point to the lack of skilled workers as a primary reason for their limited competitiveness and growth.

In my own State of Maryland, the high technology sector currently faces an estimated lack of 10–12,000 workers with appropriate technology skills. A recent Maryland Department of Business and Economic Development survey indicates that 80% of firms which hire manufacturing or skilled trades workers, reported significant difficulty in finding applicants with the required skills for technology intensive jobs. The same survey indicates that more than two thirds of businesses hiring computer technicians, engineers, analysts, or other technical or laboratory personnel experienced difficulty finding qualified workers. It also mentions that fifty-five percent of firms that hire college-level scientist or technical program graduates reported the same difficulty and that 62% of these firms reported that their need for hiring these types of graduates is expected to increase over the next five years.

Without the appropriate skills for the new economy, hundreds of thousands of American workers face stagnation in their jobs or worse. While well intentioned, most existing training programs are not structured in a way which addresses this problem from the perspective of industry and directly prepares our workers for these types of positions. To help meet the demand in this regard, a unique approach which is flexible enough to address the fluctuations and transitions of our high technology economy is required. In order to train and educate new entrants to the workforce, workers dislocated by economic change, and workers already in the workplace facing increased demands for higher levels of technology related skills, we must establish an industry driven framework which recognizes and addresses this need on a continuum. Without such a framework, this country and its workers stand to lose significant ground in the global economy.

While some post-secondary training institutions have reached out to industry and become more customer-focused, more still must identify ways to respond directly to the changing skills and needs of employers. Many community colleges, and even four-year colleges and universities, lack the resources to purchase up-to-date equipment on which to train workers in relevant knowledge and skills. In addition, while some colleges and universities have been able to establish partnerships with some larger firms that have human resource departments, building partnerships and a two-way dialogue with small and medium-sized firms has proven more difficult.

Relevant, focused and systematic training and upgrading of infotech skills is essential to linking and transitioning our supply of skilled American workers to the powerful and emerging demand of today's high tech economy. Without direct participation by industry, however, and an understanding of regional dynamics which help us identify specific solutions to address specific industry and regional needs, a significant portion of the U.S. workforce will be left behind.

Mr. President, having the appropriate information technology skills is becoming more and more important in all sectors of our economy, not only in high and biotech industries and the manufacturing sector, but also in the so-called low-tech industries. More than half of the new jobs created between 1984 and 2005 require or will require some education beyond high school. The percentage of workers who use computers at work has risen from 25% to 46% between 1984 and 1993. Moreover, firms today are not only using more technology, but are also reorganizing production processes in new ways, such as cellular production, use of teams, and other high performance structures and methods requiring higher levels and new kinds of skills.

According to the American Society for Training and Development, company spending on training has not kept up with today's evolving needs. In 1995, American businesses spent $55 billion a year upgrading the skills of their employees, 20 percent more than a dozen years ago. However, the number of employees has increased by 24 percent, meaning that private-sector spending hasn't kept pace. In order to bridge this gap, we need to pool our resources and coordinate our perspectives on this matter.

Most firms, but particularly small and medium-sized enterprises, have limited capacity to engage in significant and sustained workforce development efforts. Managers and owners of most firms are simply too busy running their business to develop training systems, especially for new or dislocated workers. Firms also often lack information on what kind of training their firms need and where to get it. As a result, most firms forego training initiatives and instead try to hire workers away from other companies in related fields.

Moreover, because workers are so transient, individual employers are reluctant to bear the burden of training employees, be they new or incumbent workers, simply due to the likelihood is that the employee will leave and go to work for a competitor. In light of this possibility, many firms simply cannot envision an adequate return on the investment for paying to train their employees. This, coupled with an increasingly competitive global marketplace, is one reason why many larger companies that once supported in-house training programs have since eliminated these efforts.

The legislation I am introducing would establish regional working groups across the country in which employers, public agencies, schools, and labor unions can pool resources and expertise to train workers for emerging job opportunities and jobs threatened by economic and technological transition. It will help develop targeted consortia of industry, workers and training entities across the country to assess where and what gaps in this regard exist and provide the skills that industry and workers require to remain competitive and get ahead.

Specifically, it would authorize a grants program—to be overseen by the Department of Commerce's National Institute of Standards and Technology—and provide up to a $1 million federal match, for every dollar invested by state and local governments and the private sector for these working groups. The Department would budget $50 million annually for this purpose and funds would be allocated through a competitive grants process, with each consortia of firms as applicants.

Through a sector based approach, this legislation would direct meaningful participation in building an alliance by ensuring that each consists of at least 10 firms. These alliances would allow for participation from state and local officials, educational leaders, regional chapters of trade associations and union officials. However, each would be predominantly made up of industry, and as I have mentioned, would be industry driven. Indeed, if we are going to address the skills crisis in this country, industry must have a leadership role in establishing the means by which we continue to build and upgrade the skills of workers in technology related fields.

Smaller scale versions of the types of skills alliances which my legislation proposes to develop have already shown promise. In Wisconsin, metal-working firms got together with the AFL–CIO in a publicly sponsored effort that used an abandoned mill building as a teaching facility, teaching workers essential skills on state-of-the-art manufacturing equipment. Rhode Island helped develop a skills alliance among plastics firms, who then worked with a local community college to create a polymer training laboratory linked to an apprenticeship program that guarantees jobs for graduates. In Washington, DC telecommunications firms donated computers, and helped to set up a program to train public high school students to be computer network administrators and are now hiring graduates of the program at an entry-level salary of $25,000–30,000.

Each of these initiatives is an investment in our workforce for the 21st Century. If we are to truly transition the U.S. worker to a technology based economy, we must ensure that these best practice examples become standard practice. I urge my colleagues to join me in ensuring the swift enactment of this legislation. I ask that a copy of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2021

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Technology Skills Partnership Act of 1998".

SEC. 2. DEFINITION.

For purposes of this Act, the term "Secretary" means the Secretary of Commerce.

TITLE I—SKILL GRANTS

SEC. 101. AUTHORIZATION.

(a) IN GENERAL.—The Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology, and in consultation and coordination with the Secretary of Labor, shall provide grants to eligible entities described in subsection (b) to assist such entities to aid workers in improving job skills necessary for employment in specific industries.

(b) ELIGIBLE ENTITIES DESCRIBED.—

(1) IN GENERAL.—An eligible entity described in this subsection is a consortium that—

(A) shall consist of representatives from not fewer than 10 businesses (or nonprofit organizations that represent businesses) in a common industry; and

(B) may consist of representatives from 1 or more of the following:

(i) Labor organizations.

(ii) State and local government.

(iii) Education organizations.

(2) MAJORITY OF REPRESENTATIVES.—A majority of the representatives comprising the consortium shall be representatives described in paragraph (1)(A).

(3) ADDITIONAL REQUIREMENT.—To the maximum extent practicable, each of the businesses, organizations, and governments whose representatives form an eligible entity under paragraph (1) shall be located in the same geographic region of the United States.

(c) PRIORITY FOR SMALL BUSINESSES.—In providing grants under subsection (a), the Secretary shall give priority to an eligible entity if a majority of representatives forming the entity represent small-business concerns, as described in section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(d) MAXIMUM AMOUNT OF GRANT.—The amount of a grant provided to an eligible entity under subsection (a) may not exceed $1,000,000 for any fiscal year.

SEC. 102. APPLICATION.

(a) Certain States With Multiple Consortia.—In a State in which 2 or more eligible entities seek grants under section 101 for a fiscal year, as determined by the Governor of the State, the Governor may solicit proposals from the entities concerning the activities to be carried out under the grants. If the Governor solicits such proposals, based on the proposals received, the Governor shall submit an application on behalf of 1 or more of the entities to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. The provisions of this title relating to eligible entities shall apply to each of the entities for which the Governor applies.

(b) Other States.—In a State in which only 1 eligible entity seeks a grant under section 101 for a fiscal year, as determined by the Governor of the State, or in which the Governor does not solicit proposals as described in subsection (a), the Secretary may not provide a grant under section 101 to the eligible entity unless such entity submits to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

SEC. 103. USE OF AMOUNTS.

(a) In General.—The Secretary may not provide a grant under section 101 to an eligible entity unless such entity agrees to use amounts received from such grant to aid workers in improving job skills (which may include skills related to computer technology, computer-based manufacturing technology, telecommunications, and other information technologies) necessary for employment by businesses in the industry with respect to which such entity was established.

(b) Conduct of Program.—

(1) In general.—In carrying out the program described in subsection (a), the eligible entity may provide for—

(A) an assessment of training and job skill needs for the industry;

(B) development of a sequence of skill standards that are correlated with advanced industry practices;

(C) development of curriculum and training methods;

(D) purchase or receipt of donations of training equipment;

(E) identification of training providers;

(F) development of apprenticeship programs;

(G) development of training programs for dislocated workers;

(H) development of the membership of the entity;

(I) provision of training programs for workers; and

(J) development of training plans for businesses.

(2) Additional requirement.—In carrying out the program described in subsection (a), the eligible entity shall provide for development and tracking of performance outcome measures for the program and the training providers involved in the program.

(c) Administrative Costs.—The eligible entity may use not more than 10 percent of the amount of a grant to pay for administrative costs associated with the program described in subsection (a).

SEC. 104. REQUIREMENT OF MATCHING FUNDS.

The Secretary may not provide a grant under section 101 to an eligible entity unless such entity agrees that—

(1) it will make available non-Federal contributions toward the costs of carrying out activities under section 103 in an amount that is not less than $2 for each $1 of Federal funds provided under a grant under section 101; and

(2) of such non-Federal contributions, not less than $1 of each such $2 shall be from businesses with representatives serving on the eligible entity.

SEC. 105. LIMIT ON ADMINISTRATIVE EXPENSES.

The Secretary may use not more than 5 percent of the funds made available to carry out this title to pay for Federal administrative costs associated with making grants under this title.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $50,000,000 for each of the fiscal years 1999, 2000, and 2001.

TITLE II—PLANNING GRANTS

SEC. 201. AUTHORIZATION.

(a) In General.—The Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology, and in consultation with the Secretary of Labor, shall provide grants to States to enable the States to assist businesses, organizations, and agencies described in section 101(b) in conducting planning to form consortia described in such section.

(b) Maximum Amount of Grant.—The amount of a grant provided to a State under subsection (a) may not exceed $500,000 for any fiscal year.

SEC. 202. APPLICATION.

The Secretary may not provide a grant under section 201 to a State unless such State submits to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

SEC. 203. REQUIREMENT OF MATCHING FUNDS.

The Secretary may not provide a grant under section 201 to a State unless such State agrees that it will make available non-Federal contributions toward the costs of carrying out activities under this title in an amount that is not less than $1 for each $1 of Federal funds provided under a grant under section 201.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $5,000,000 for fiscal year 1999.

Mr. LIEBERMAN. Mr. President, I am pleased to rise in support as an original cosponsor of my colleague Senator SARBANES' bill, the Technology Skills Partnership Act of 1998. I am delighted that Senator SARBANES has taken the initiative in developing this innovative approach to help solve one of the biggest problems this country is facing—an insufficiently skilled workforce. This bill has the bold but achievable goal of trying to change the mindset of U.S. companies in this country in favor of collaborating on training skilled workers for their industry.

We are facing a shortage of skilled workers in this country. Estimates are as high as 190,000 unfilled jobs in the information technology industry alone. But it isn't just the high-tech industry that needs workers with high-tech skills. All industries now need workers with computer literacy, including what we might consider "lower-tech" manufacturing and services such as auto repair shops.

In the long-term, we need to improve our students' education in the math and sciences and attract more students into these areas. Universities need to attract more college students into scientific, engineering, and technical fields. Ultimately, a large part of the responsibility will lie with industry to attract workers into these careers by creating attractive career paths and financial rewards that can compete for the best students.

In the short term, high-tech industry would like to raise H1–B visa caps. But we need to do something more than let foreign workers fill the gap in high-tech workers that now exists. We need to train our workforce with skills that fit industry's needs today. Industry must be a large part of the solution. Only with industry leading the skills training can we be sure that workers are being trained for jobs that actually exist. That is why this bill creates an industry-drive training program.

Why does the federal government need to be involved? Because industry does not normally cooperate in training workers. Small companies, and 90% of firms in the United States are small businesses, don't have the resources to invest in lengthy training. Larger companies used to provide training programs, but in the high-tech field, workers move quickly from one job to another chasing higher salaries. Many companies are reticent to invest in long-term training for employees that may quickly move on. Cooperation within an industry provides a solution to this problem.

The government's role in this bill would be to provide the catalyst to bring the companies together to cooperate on training. The federal funds are matched dollar for dollar by, first, funds from the state and, second, funds from a consortium of 10 or more companies. The federal funds are meant only to start the process—federal funding ends after three years—and then the states and industry continue the cooperative training programs alone.

Let me give you an example from my home state: Connecticut. A recent report prepared by Connecticut's Industry Cluster Advisory Board found that:

> . . . the demand for skilled manufacturing workers far exceeds the number of students graduating from manufacturing programs." There is a "negative perception of manufacturing as a career choice." People "still think of manufacturing as a dirty, low-paying environment with no hope for advancement. Today, manufacturing is clean, and typically a computer-based environment which pays an average annual wage in the $30,000 range or more with appropriate skills and training."

The report continues:

> Substantial investment in training is necessary for companies to compete in this new environment. However, since most precision manufacturing companies are small businesses—of the 750 in the Hartford region only 7.4% have more than 100 employees—companies that are dependent upon their skilled workers for success are not prepared to support worker training.

The report says further:

> While Connecticut has a wealth of public technical training resources, these traditional programs cannot meet the current demand fast enough and do not have a direct link from training to employment.

By stimulating industry-led training, we can guarantee a direct link from training to employment that is missing is traditional public sector training programs. In addition, most public sector training programs are focused on unemployed, dislocated, or disadvantaged workers. This program is open to all workers, including incumbent workers who want to improve their skills and increase their opportunities for higher wages and advancement. Further, this program is specifically created to allow participation by small and medium-sized companies.

In the last few years, a small number of regional and industry-based training alliances in the United States have emerged, usually in partnership with state and local governments and technical colleges. In Rhode Island, with help from the state's Human Resource Investment Council, plastics firms developed a skills alliance. The Wisconsin Regional Training Partnership, metal-working firms in conjunction with the AFL–CIO, set up a teaching factory to train workers. While some partnerships have emerged around the country, there are documented difficulties in fostering this kind of collective action without some federal backing. Without some kind of support to create alliances, small- and medium-sized firms just don't have the time or resources to collaborate with anybody on training. In fact, almost all the existing regional skills alliances report that they would not have been able to get off the ground without an independent, staffed entity to operate the alliance. Widespread and timely deployment of these kinds of partnerships is simply not likely to happen without the incentives established by a federal initiative. This can help create successful models and templates that others can replicate across the nation.

I am proud to support the Technology Skills Partnership Act of 1998 and urge my colleagues to join me in taking this step toward an immediate, short-term solution to the shortage of skilled workers in our country.

By Mr. DEWINE (for himself, Mr. HATCH, Mr. LEAHY, Mr. ABRAHAM, and Mr. DASCHLE):

S. 2022. A bill to provide for the improvement of interstate criminal justice identification, information, communications, and forensics; to the Committee on the Judiciary.

THE CRIME IDENTIFICATION TECHNOLOGY ACT OF 1998

Mr. DEWINE. Mr. President, I rise today to introduce the Crime Identification Technology Act of 1998.

More than 20 years of experience working in the criminal justice system have taught me that information is absolutely crucial to successful law enforcement. As a prosecutor in Greene County, Ohio; as Lieutenant Governor overseeing Ohio's anti-crime and anti-drug efforts; and later as a member of the House and Senate Judiciary Committees, I have seen first-hand the importance of information and recordkeeping to criminal justice.

Our state and local law enforcement organizations—as well as our courts—need to develop and upgrade their criminal information and identification systems. The Federal Government has already invested billions of dollars in information and identification systems whose benefits will go largely unrealized—unless states receive the resources to be able to participate in these systems. Our national data bases are only as good as the information in which the states provide by their participation.

Unfortunately, there is still a wide disparity between the criminal identification systems that are available—and the ability of state and local law enforcement to develop and use them. For example, while computer technology exists that allows law enforcement to match fingerprints electronically with criminal history databases, most states lack the equipment and resources necessary to connect on any broad scale with the databases operated by the Federal Bureau of Investigation (FBI).

Too many States lack the resources to contribute state criminal histories to the FBI criminal history database in a timely manner or in a computer-ready format, and have inadequate equipment to retrieve information from the database quickly or on a widespread geographic basis.

While we may disagree about the Brady Act, it funded the National Criminal History Improvement Program (N-CHIP), administered by the Bureau of Justice Statistics, which has successfully helped states prepare to perform background checks. Unfortunately, N-CHIP expires this year—but not all states are fully operational.

In addition, the FBI, the National Criminal Center (NCIC) 2000, and the Integrated Automated Fingerprint Identification System will be fully operational—and ready for states to participate—soon.

Also, DNA casework testing has more than doubled in the last three years because of demand by law enforcement to provide DNA analysis in violent crime cases. In 48 states convicted offender DNA analysis is mandated by statute. Further, advances in the use of DNA to solve crimes based on automated searches of State and National CODIS DNA profile databases are producing DNA matches, generating even more demand for rapid testing of convicted felon DNA samples for database input. The demand for casework results and the need for convicted offender database analysis continues to grow at a rate that outstrips the capacities and capabilities of state and local crime laboratories.

We need to make sure the states are able to make the fullest possible use of this breathtaking technology.

That's the idea behind the bill I am introducing today. It would provide $250 million in each of the next five years for grants to the states. The Attorney General, through the Bureau of Justice Statistics, is directed to make grants to each state to be used in conjunction with units of local government, and other states, to develop, update, or upgrade technologies, including the following:

Centralized, automated criminal history record information systems, including arrest and disposition reporting.

Automated fingerprint identification systems that are compatible with the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation. Finger imaging, live scan and other automated systems to digitize fingerprints and to communicate prints in a manner that is compatible with systems operated by states and the Federal Bureau of Investigation.

Systems to facilitate full participation in the Interstate Identification Index (III).

Programs and systems to facilitate full participation in the Interstate Identification Index National Crime Prevention and Privacy Compact.

Systems to facilitate full participation in the National Instant Criminal Background Check System (NICS) for firearms eligibility determinations.

Integrated criminal justice information systems to manage and communicate criminal justice information among law enforcement, courts, prosecution, and corrections.

Court-based criminal justice information systems to promote reporting of dispositions to central state repositories and to the FBI, and to promote the integration of court systems with other criminal justice information systems.

Ballistics identification programs that are compatible —and integrated— with the National Integrated Ballistics Network (NIBN).

Information, identification and communications programs for forensic purposes, including for crime laboratory accreditation.

DNA programs for forensic and identification purposes.

Sexual offender identification and registration systems.

Domestic violence offender identification and information systems.

Criminal justice information systems with a capacity to provide statistical and research products including incident-based reporting systems and uniform crime reports.

Online and other state-of-the-art communications technologies and programs.

Mr. President, all these proposals have one thing on common: they are based on the principle that technology is the future of police work. It is the number one edge our law enforcement officers are going to have in the struggle against criminals, well into the 21st century. In this sense, crime-fighting is a lot like baseball. It's a game of percentages—and everything we can do to boost the average helps the team.

We can continue to pursue increasingly sophisticated criminals with outmoded twentieth century technology—or we can substantially boost our team's average by providing states the Federal assistance required to effectively participate in these programs. If we are serious about reducing crime in America, the Federal Government has to step up to the plate on this key issue of promoting state and local use of available crime-fighting technology.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2022

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Crime Identification Technology Act of 1998".

SEC. 2. STATE GRANT PROGRAM FOR CRIMINAL JUSTICE IDENTIFICATION, INFORMATION, AND COMMUNICATION.

(a) IN GENERAL.—Subject to the availability of amounts provided in advance in appropriations Acts, the Attorney General, through the Bureau of Justice Statistics of the Department of Justice, shall make a grant to each State, which shall be used by the State, in conjunction with units of local government, State and local courts, other States, or combinations thereof, to establish or upgrade an integrated approach to develop information and identification technologies and systems to—

(1) upgrade criminal history and criminal justice record systems, including systems operated by law enforcement agencies and courts;

(2) improve criminal justice identification;

(3) promote compatibility and integration of national, State, and local systems for—

(A) criminal justice purposes;

(B) firearms eligibility determinations;

(C) identification of sexual offenders;

(D) identification of domestic violence offenders; and

(E) background checks for other authorized purposes unrelated to criminal justice; and

(4) capture information for statistical and research purposes to improve the administration of criminal justice.

(b) USE OF GRANT AMOUNTS.—Grants under this section may be used for programs to establish, develop, update, or upgrade—

(1) State centralized, automated, adult and juvenile criminal history record information systems, including arrest and disposition reporting;

(2) automated fingerprint identification systems that are compatible with standards established by the National Institute of Standards and Technology and interoperable with the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation;

(3) finger imaging, live scan, and other automated systems to digitize fingerprints and to communicate prints in a manner that is compatible with standards established by the National Institute of Standards and Technology and interoperable with systems operated by States and by the Federal Bureau of Investigation;

(4) programs and systems to facilitate full participation in the Interstate Identification Index of the National Crime Information Center;

(5) systems to facilitate full participation in any compact relating to the Interstate Identification Index of the National Crime Information Center;

(6) systems to facilitate full participation in the national instant criminal background check system established under section 103(b) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) for firearms eligibility determinations;

(7) integrated criminal justice information systems to manage and communicate criminal justice information among law enforcement agencies, courts, prosecutors, and corrections agencies;

(8) noncriminal history record information systems relevant to firearms eligibility determinations for availability and accessibility to the national instant criminal background check system established under section 103(b) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note);

(9) court-based criminal justice information systems that promote—

(A) reporting of dispositions to central State repositories and to the Federal Bureau of Investigation; and

(B) compatibility with, and integration of, court systems with other criminal justice information systems;

(10) ballistics identification and information programs that are compatible and integrated with the National Integrated Ballistics Network (NIBN);

(11) DNA programs for forensic and identification purposes, and identification and information programs to improve forensic analysis and to assist in accrediting crime laboratories;

(12) sexual offender identification and registration systems;

(13) domestic violence offender identification and information systems;

(14) programs for fingerprint-supported background checks capability for noncriminal justice purposes, including youth service employees and volunteers and other individuals in positions of responsibility, if authorized by Federal or State law and administered by a government agency;

(15) criminal justice information systems with a capacity to provide statistical and research products including incident-based reporting systems that are compatible with the National Incident-Based Reporting System (NIBRS) and uniform crime reports; and

(16) multiagency, multijurisdictional communications systems among the States to share routine and emergency information among Federal, State, and local law enforcement agencies.

(c) ASSURANCES.—To be eligible to receive a grant under this section, a State shall provide assurances to the Attorney General that the State has the capability to contribute pertinent information to the national instant criminal background check system established under section 103(b) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note).

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $250,000,000 for each of fiscal years 1999 through 2003.

(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year—

(A) not more than 3 percent may be used by the Attorney General for salaries and administrative expenses;

(B) not more than 5 percent may be used for technical assistance, training and evaluations, and studies commissioned by Bureau of Justice Statistics of the Department of Justice (through discretionary grants or otherwise) in furtherance of the purposes of this section; and

(C) the Attorney General shall ensure the amounts are distributed on an equitable geographic basis.

Mr. LEAHY. Mr. President, I am proud to join Senator DEWINE in introducing legislation to authorize comprehensive Department of Justice grants to every state for criminal justice identification, information and communications technologies and systems. I applaud the Senator from Ohio for his leadership. I am also pleased that the Chairman of the Judiciary Committee and the Democratic Leader are original cosponsors of this bipartisan legislation.

I know from my experience in law enforcement in Vermont over the last 30 years that access to quality, accurate information in a timely fashion is of vital importance. As we prepare to enter the 21st Century, we must provide our state and local law enforcement officers with the resources to develop the latest technological tools and communications systems to solve and prevent crime. I believe this bill accomplishes that goal.

Our bipartisan legislation authorizes $250 million for each of the next five years in grants to states for crime information and identification systems. The Attorney General, through the Bureau of Justice Statistics, is directed to make grants to each state to be used in conjunction with units of local government, and other states, to use information and identification technologies and systems to upgrade criminal history and criminal justice record systems.

Grants made under our legislation may include programs to establish, develop, update or upgrade—

State, centralized, automated criminal history record information systems, including arrest and disposition reporting.

Automated fingerprint identification systems that are compatible with the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation.

Finger imaging, live scan and other automated systems to digitize fingerprints and to communicate prints in a manner that is compatible with systems operated by states and the Federal Bureau of Investigation.

Systems to facilitate full participation in the Interstate Identification Index (III).

Programs and systems to facilitate full participation in the Interstate Identification Index National Crime Prevention and Privacy Compact.

Systems to facilitate full participation in the National Instant Criminal Background Check System (NICS) for firearms eligibility determinations.

Integrated criminal justice information systems to manage and communicate criminal justice information among law enforcement, courts, prosecution, and corrections.

Non-criminal history record information systems relevant to firearms eligibility determinations for availability and accessibility to the NICS.

Court-based criminal justice information systems to promote reporting of dispositions to central state repositories and to the FBI and to promote the compatibility with, and integration of, court systems with other criminal justice information systems.

Ballistics identification programs that are compatible and integrated with the ballistics programs of the National Integrated Ballistics Network (NIBN).

Information, identification and communications programs for forensic purposes.

DNA programs for forensic and identification purposes.

Sexual offender identification and registration systems.

Domestic violence offender identification and information systems

Programs for fingerprint-supported background checks for non-criminal justice purposes including youth service employees and volunteers and other individuals in positions of trust, if authorized by federal or state law and administered by a government agency.

Criminal justice information systems with a capacity to provide statistical and research products including incident-based reporting systems and uniform crime reports.

Online and other state-of-the-art communications technologies and programs.

Multi-agency, multi-jurisdictional communications systems to share routine and emergency information among federal, state and local law enforcement agencies.

Let me just give a couple of examples from my home State of Vermont that illustrate how our comprehensive legislation will aid state and local law enforcement agencies across the country.

The future of law enforcement must focus on working together to harness the power of today's information age to prevent crime and catch criminals. One way to work together is for state and local law enforcement agencies to band together to create efficiencies of scale. For example, together with New Hampshire and Maine, the State of Vermont has pooled its resources together to build a tri-state IAFIS system to identify fingerprints. Our bipartisan legislation would foster these partnerships by allowing groups of States to apply together for grants.

Another challange for law enforcement agencies across the country is communication difficulties between federal, state and local law enforcement officials. In a recent report, the Department of Justice's National Institute of Justice concluded that law enforcement agencies throughout the nation lack adequate communications systems to respond to crimes that cross state and local jurisdictions.

A 1997 incident along the Vermont and New Hampshire border underscored this problem. During a cross border shooting spree that left four people dead including two New Hampshire state troopers, Vermont and New Hampshire officers were forced to park two police cruisers next to one another to coordinate activities between federal, state and local law enforcement officers because the two states' police radios could not communicate with one another.

The Vermont Department of Public Safety, the Vermont U.S. Attorney's Office and others have reacted to this communications problem by developing the Northern Lights proposal. This project will allow the northern borders States of Vermont, New York, New Hampshire and Maine to integrate their law enforcement communications systems to better coordinate interdiction efforts and share intelligence data seamlessly.

Our legislation would provide grants for the development of integrated Federal, State and local law enforcement communications systems to foster cutting edge efforts like the Northern Lights project.

In addition, our bipartisan legislation will help each of our States meet its obligations under national anti-crime initiatives. For instance, the FBI will soon bring online NCIC 2000 and IAFIS which will require states to update their criminal justice systems for the country to benefit. States are also being asked to participate in several other national programs such as sexual offender registries, national domestic violence legislation, Brady Act, and National Child Protection Act.

Currently, there are no comprehensive programs to support these national crime-fighting systems. Our legislation will fill this void by helping the each State meet its obligations under these Federal laws.

Our bipartisan legislation provides a helping hand with the heavy hand of a top-down, Washington-knows-best approach. Unfortunately, some in Congress have pushed legislation mandating minute detail changes that States must make in their laws to qualify for Federal funds. Our bill rejects this approach. Instead, we provide the States with Federal support to improve their criminal justice identification, information and communication systems without prescribing new Federal mandates.

Mr. President, we have patterned the administration of the technology grants under our bill after the highly successful DOJ National Criminal History Improvement Program (N-CHIP), which was created by the 1993 Brady Act.

The Vermont Department of Public Safety has received funds under the N-CHIP program for the past three years and I have been proud to strongly support their efforts. With that Federal assistance, Vermont has achieved acquiring the automated fingerprint identification system in conjunction with Maine and New Hampshire, upgrading its records repository computer systems, as well as extending their online incident-based reporting system to local jurisdictions throughout Vermont. Our bill builds on the Justice Department's existing infrastructure under the successful N-CHIP program to provide fair and effective grant administration.

I know that the Justice Department, under Attorney General Reno's leadership, has made it a priority to modernize and automate criminal history records. Our legislation will continue that leadership by providing each State with the necessary resources to continue to make important efforts to bring their criminal justice systems up to date.

I urge my colleagues to support our bipartisan bill to provide each State with the resources to capture the power of emerging information and communications technologies to serve and protect all of our citizens.

Mr. DASCHLE. Mr. President, law enforcement agencies in every state rely increasingly on criminal history record information. Suspected criminals cross state lines and move between communities, creating an unprecedented need for greater cooperation between the 50 states and between states and the federal government to share this information. It is imperative that each state be able to take advantage of emerging technologies that make this cooperation possible. It is for that reason that I am pleased to cosponsor the State Grant Program for Criminal Justice Identification, Information and Communication. This legislation will help states upgrade their criminal justice information and identification operations, assist in integrating those operations, and make those operations compatible with the FBI's communication technology.

Revolutionary technological improvements in communication systems allow localities separated by great distances to share information instantaneously. This communication between law enforcement agencies can make the difference between locating suspects and getting them off the streets, or leaving them free to commit more crimes. I believe we have a responsibility to ensure that states have full access to new criminal history record technologies. This legislation will provide the federal financial assistance and leadership that the states need by establishing a $1.25 billion, 5-year, comprehensive federal assistance program to provide grants to every state for criminal justice identification, information and communications technologies and systems.

In addition, grants provided under this legislation will assist states as they upgrade their fingerprint and other identification technologies so that they are compatible with the Federal Bureau of Investigation's (FBI) criminal history record information systems. The FBI will soon implement 2 major information and identification initiatives, the Integrated Automated Fingerprint Identification System (IAFIS) and NCIC 2000, that could dramatically improve the access law enforcement agencies have to criminal history record information. IAFIS, in particular, will greatly enhance the exchange of information between the FBI and the states, providing rapid electronic submission and transfer of fingerprint and criminal history information. The states will need the funding assistance provided by this legislation to obtain the equipment necessary to derive full benefit from these new systems.

In recent years, Congress has recognized the urgent need to secure the safety of our streets for our children and our families, and this has led to the enactment of federal initiatives, such as sexual offender registries, domestic violence initiatives, the National Child Protection Act, and the Brady National Instant Background Check System. Although these initiatives have done a great deal to protect adults and children in communities nationwide, additional steps need to be taken. The State Grant Program for Criminal Justice Identification, Information and Communication will provide assistance to states so they can take that next step.

Criminal tracking programs have been far more effective in identifying and apprehending dangerous criminals than any other programs in recent memory, but we have an opportunity to make these tracking programs much more effective. As technology continues to improve this country's communication systems, we must make sure the states are not left behind. If the states cannot access these systems, or do not have the funding to obtain them, then this revolutionary technology will be of little help. By enacting the State Grant Program for Criminal Justice Identification, Information and Communication, we have the opportunity to improve the cooperation between law enforcement agencies nationwide. This will be instrumental in getting criminals off the streets and away from our children, and I urge my colleagues to join me in support of this bill.

ADDITIONAL COSPONSORS

S. 472

At the request of Mr. CRAIG, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 472, a bill to provide for referenda in which the residents of Puerto Rico may express democratically their preferences regarding the political status of the territory, and for other purposes.

S. 885

At the request of Mr. D'AMATO, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 885, a bill to amend the Electronic Fund Transfer Act to limit fees charged by financial institutions for the use of automatic teller machines, and for other purposes.

S. 981

At the request of Mr. THOMPSON, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 981, a bill to provide for analysis of major rules.

S. 1220

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 1220, a bill to provide a process for declassifying on an expedited basis certain documents relating to human rights abuses in Guatemala and Honduras.

S. 1252

At the request of Mr. GRAHAM, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1291

At the request of Mr. HATCH, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1291, a bill to permit the interstate distribution of State-inspected meat under certain circumstances.

S. 1321

At the request of Mr. TORRICELLI, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1321, a bill to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes.

S. 1365

At the request of Ms. MIKULSKI, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1365, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 1391

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 1391, a bill to authorize the President to permit the sale and export of food, medicines, and medical equipment to Cuba.

S. 1504

At the request of Mr. GRAHAM, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1504, a bill to adjust the immigration status of certain Haitian nationals who were provided refuge in the United States.

S. 1529

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1529, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 1677

At the request of Mr. CHAFEE, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1677, a bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

S. 1723

At the request of Mr. ABRAHAM, the names of the Senator from Georgia (Mr. COVERDELL) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 1723, a bill to amend the Immigration and Nationality Act to assist the United States to remain competitive by increasing the access of the United States firms and institutions of higher education to skilled personnel and by expanding educational and training opportunities for American students and workers.

S. 1748

At the request of Mr. MACK, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1748, a bill to amend the Internal Revenue Code of 1986 to provide that the reduced capital gains tax rates apply to long-term capital gain from property with at least a 1-year holding period.

S. 1864

At the request of Ms. MIKULSKI, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1864, a bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the medicare skilled nursing facility prospective payment system.

S. 1900

At the request of Mr. DASCHLE, his name was added as a cosponsor of S. 1900, a bill to establish a commission to examine issues pertaining to the disposition of Holocaust-era assets in the United States before, during, and after World War II, and to make recommendations to the President on further action, and for other purposes.

S. 1924

At the request of Mr. MACK, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Missouri (Mr. ASHCROFT), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 1924, a bill to restore the standards used for determining whether technical workers are not employees as in effect before the Tax Reform Act of 1986.

S. 1985

At the request of Mr. HATCH, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1985, a bill to amend Part L of the Omnibus Crime Control and Safe Streets Act of 1968.

S. 1993

At the request of Ms. COLLINS, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1993, a bill to amend title XVIII of the Social Security Act to adjust the formula used to determine costs limits for home health agencies under medicare program, and for other purposes.

SENATE CONCURRENT RESOLUTION 75

At the request of Mr. FEINGOLD, the names of the Senator from Iowa (Mr. HARKIN), the Senator from New York (Mr. MOYNIHAN), the Senator from Michigan (Mr. ABRAHAM), the Senator from Minnesota (Mr. GRAMS), the Senator from South Carolina (Mr. THURMOND), the Senator from Hawaii (Mr. INOUYE), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Nevada (Mr. REID), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Washington (Mrs. MURRAY), the Senator from Oregon (Mr. WYDEN), the Senator from Vermont (Mr. LEAHY), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of Senate Concurrent Resolution 75, a concurrent resolution honoring the sesquicentennial of Wisconsin statehood.

SENATE CONCURRENT RESOLUTION 83

At the request of Mr. WARNER, the names of the Senator from Oregon (Mr. SMITH) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of Senate Concurrent Resolution 83, a concurrent resolution remembering the life of George Washington and his contributions to the Nation.

SENATE RESOLUTION 175

At the request of Mr. ROBB, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of Senate Resolution 175, a bill to designate the week of May 3, 1998 as "National Correctional Officers and Employees Week."

SENATE RESOLUTION 188

At the request of Mr. MOYNIHAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of Senate Resolution 188, a resolution expressing the sense of the Senate regarding Israeli membership in a United Nations regional group.

SENATE RESOLUTION 197

At the request of Mr. REID, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of Senate Resolution 197, a resolution designating May 6, 1998, as "National Eating Disorders Awareness Day" to heighten awareness and stress prevention of eating disorders.

SENATE RESOLUTION 220—EXPRESSING THE SENSE OF THE SENATE THAT THE EUROPEAN UNION SHOULD CANCEL THE SALE OF HEAVILY SUBSIDIZED BARLEY TO THE UNITED STATES

Mr. DORGAN (for himself, Mr. KEMPTHORNE, Mr. WYDEN, Mrs. MURRAY, Mr. JOHNSON, Mr. BAUCUS, Mr. CRAIG, Mr. BURNS, Mr. SMITH of Oregon, Mr. CONRAD, Mr. GORTON, Mr. DASCHLE, and Mr. ENZI) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 220

Whereas, in an unprecedented sale, the European Union has entered into a contract with the United States to sell heavily subsidized European barley to the United States;

Whereas the sale of almost 1,400,000 bushels (30,000 metric tons) of feed barley would be shipped from Finland to Stockton, California;

Whereas news of the sale has already depressed feed barley prices by at least 24 cents per bushel in the California feed barley market;

Whereas, since this market sets national pricing patterns for both feed and malting barley, the sale would mean enormous market losses for barley producers throughout the United States, at a time when United States barley producers are already suffering from low prices;

Whereas the European restitution subsidies for this barley amounts to $1.11 per bushel ($51 per metric ton);

Whereas the price-depressing effects of this 1 sale would adversely affect market prices for at least a 9-month period·as this grain moves through the United States marketing system;

Whereas this shipment would be part of about 9,000,000 bushels (200,000 metric tons) of European feed barley that has been approved for restitution subsidies by the European Union;

Whereas the availability of the additional subsidized European barley in the international market would not only continue to artificially depress market prices, but also would threaten to open a new channel of imports into the United States;

Whereas, as the world's largest feed grain producer and the world's largest exporter of feed grains, the United States does not require imported feed grains;

Whereas, at the same time that subsidized European barley is being imported into the United States, some United States feed grains are prevented from entering European markets under European Union food regulations;

Whereas United States barley growers are now feeling the negative impacts of the sale, regardless of whether the subsidized European barley was originally targeted for sale into the United States and whether the subsidies comply with the letter of current World Trade Organization export subsidy rules; and

Whereas the sale not only undermines the intent and the spirit of free trade agreements and negotiations, but also moves away from the goals of level playing fields and fairness in trade relationships: Now, therefore, be it

Resolved,

SECTION 1. SENSE OF SENATE ON EXPORT OF EUROPEAN BARLEY TO THE UNITED STATES.

It is sense of the Senate that—

(1) the European Union should—

(A) take immediate steps to cancel the sale of European feed barley to the United States; and

(B) establish procedures to ensure that restitution and other subsidies are not used for sales of agricultural commodities to the United States or other countries of North America;

(2) the President of the United States, the United States Trade Representative, and the Secretary of Agriculture should immediately investigate the sale of European feed barley to the United States and prevent any future sale of European agricultural commodities to the United States or other countries of North America that is based on restitution or other subsidies; and

(3) not later than 60 days after approval of this resolution, the United States Trade Representative and the Secretary of Agriculture should report to Congress on—

(A) the terms and conditions of the sale of European feed barley to the United States;

(B) the steps that have been taken to cancel the sale and prevent any recurrence of similar types of sales; and

(C) any additional authorities that are necessary to carry out subparagraph (B).

Mr. DORGAN. Mr. President, periodically, there are events that help focus and define the problems that this nation faces in its trade relationships with the rest of the world. Today, we are facing another glaring example of how this nation becomes the dumping ground for subsidized exports that violates any reasonable understanding of fair trade and level-playing fields.

Earlier this month, a sale was made for the shipment of 1.4 million bushels of feed barley from Finland to Stockton, California. The irony and tragedy of this sale is that the United States is the world's largest producer of feed grains, as well as the world's largest exporter of feed grains. There is absolutely no reason for this nation to import a single grain of feed barley.

The only reason that this sale was feasible was that this shipment is heavily subsidized to the tune of at least $1.11 per bushel through the European Union's restitution system of subsidies.

At a time when farmers across this country are facing some very serious economic challenges, including low prices, escalating production costs, and adverse weather conditions, it is a serious economic blow for them to be undercut by the import of subsidized feed grains. At a time when many farmers are having difficulty getting credit to put in their spring crops because current farm prices do not cover production costs, we do not need unnecessary imports to put further downward pressure on our grain markets.

News of this sale of European barley has already depressed feed barley prices by at least 24 cents a bushel in the California feed barley market. Since this market sets pricing trends for both feed and malting barley, this sale of 1.4 million bushels is producing enormous market losses for barley producers throughout the country. Market experts indicate that this sale will adversely affect U.S. barley prices for at least a nine-month period as this barley moves through the U.S. marketing system. It particularly hits home in North Dakota, which is the nation's largest producer of barley and normally produces one-third of this nation's barley crop.

Compounding the pricing impact of this particular sale is the fact that there is something in the neighborhood of another 9 million bushels of feed barley that have been authorized for restitution subsidies by the European Union and which have not yet found a home.

This morning at a meeting in the office of Senator BAUCUS, I and other Senators from barley-producing states met with the Ambassador of the Organization of European Communities, Mr. Hugo Paeman. We asked him to convey to the European Union that this sale should be terminated and that the European Union should take immediate steps to prevent any future occurrence of such subsidized sales into the U.S. market. While Mr. Paeman sought to assure us that this sale was a very unusual circumstance and was not a precedent for additional sales of subsidized barley into the United States, we continue to be greatly concerned about the impact it has already had upon markets and the danger of this sale opening a new channel of unfair trade into the United States.

While I sincerely hope that the European Union will take our concerns seriously and take the appropriate actions to terminate this sale and prevent future sales, I also recognize that this nation also has a responsibility to fight for fair trade for our farmers. It's bad enough that the European Union would permit such an event to occur. It would be even worse if the United States took no action to stop it.

The real tragedy of this situation is that it is very likely that this shipment of highly-subsidized feed barley is permissible under current rules of the World Trade Organization. The possibility that this sale is WTO legal doesn't make it any more acceptable to the farmers who have already been hurt by the price reduction that this sale has caused.

This morning we were told that the European Union had not targeted the United States for this particular shipment of barley, and that it, in fact, had been intended for sale to Saudi Arabia. Yet, the reality is that this sale is currently scheduled to be shipped to Stockton, California. Again, it makes little difference to U.S. barley growers whether this shipment was originally destined for the United States. The effect on their prices is the same. The damage to our markets is the same.

While this sale of heavily-subsidized European barley is unprecedented, once a channel of commerce is opened it is often extremely difficult to put the genie back in the bottle. That is why that I and my colleagues from other barley producing states are so deeply concerned about this particular event. We have seen a trickle of Canadian grain moving across our borders change into a perpetual avalanche. We have seen assurances and good intentions become the grease by which unfair trade policies have become structural.

This particular sale of European barley is another example of many of the ongoing problems that our nation has in achieving fair trade with level playing fields and reciprocal market access. While I hope that this sale can be terminated and resolved quickly and effectively, I also believe this sale should become a rallying point for not only American farmers, but the entire nation in demanding fairness and justice in our trade policies and relationship.

I am pleased that I have been joined by twelve of my colleagues in submitting a sense of the Senate resolution which calls upon both the European Union and our own nation to take the appropriate steps to not only terminate this sale, but also to ensure that such a sale will never occur again.

Mr. KEMPTHORNE. Mr. President, I rise today to declare my concern over the dumping of barley into the American market by a European producer.

I share the Idaho barley producers' outrage about the current unprecedented movement of heavily subsidized European Union feed barley into the California feed markets. Last week, a 30,000 metric ton cargo of European feed barley was sold into the Stockton, California feed market. As expected, this sale has caused a tremendous ripple in American barley prices. In fact, this action has caused the price of barley to drop 34 cents a bushel after the subsidized European Union feed barley sale was announced. This sale undermines both the intent and spirit of trade agreements with Europe and contradicts the goals of trade fairness.

Any time there is a drastic drop in the price of any commodity, America's agriculture community and leaders must take notice. Whether the dumping was intentional or not, we must not allow it to go unchallenged and the practice cannot be allowed to continue. American barley producers can compete with any in the world, but there must be a level playing field. The European Union must now take steps to level that field.

I, along with my some of my colleagues, have met with European Union Ambassador Hugo Paeman about the problem. Ambassador Paeman has assured us that the European Union countries will not repeat the recent sale of subsidized barley into the United States. That would be a disaster for Idaho and American producers. The ambassador also assured us that this is in no way a precedent, and in fact is a unique and isolated event. However, if this sale is still allowed to go through, it could create a real concern that this deal will set a precedent.

Barley is very important to the economy of my home state. Idaho produces 60 million bushels of barley a year, worth $155.3 million annually. We are the second largest barley producer in the U.S. and barley is the state's fifth largest crop.

Mr. Chairman, I call for termination of this sale of European Union barley and also for assurances from the European Union that U.S. grain markets will not be disrupted by unfair trade practices. That is why I am submitting a resolution calling on the European Union to halt this shipment and for the administration to investigate this unfair practice.

Mr. WYDEN. Mr. President, I join with my colleagues in submitting this resolution condemning the subsidized sale of European barley into the California barley market.

Today several of us met with the European Union Ambassador, Mr. Hugo Paemon, to express our extreme concern about this shipment and about the future it bodes for the trade relationship between the United States and the European Union. Quite frankly, Mr. President, I think that we were heard but I am not sure, in the American vernacular, that Mr. Paemon quite "gets it."

Mr. President, I want to suggest that whether this is just a skirmish, or whether it is the first battle in what many believe could become a rapidly escalating conflict over trade in agricultural goods, for barley producers in Oregon and across America, there has been no more serious matter in the past decade.

My language is strong, Mr. President, because it is very important that Senators understand that if this shipment proceeds it sets an extremely dangerous precedent for our agricultural trade practices.

There is a very real concern in Oregon that if we allow this shipment of grain, the shipment of which would simply not be possible without an extraordinary level of European Union subsidy, then we will have opened the door to further shipments that could have devastating effects on our domestic commodity prices.

For my colleagues who have not yet heard about this issue, a shipment of European Union barley, at a restitution subsidy rate of $51 per metric ton, that was originally targeted into the Saudi Arabian market was not sold. In search of a buyer, this shipment was subsequently sold into the California feed barley market at a price well below the then-current market price.

Mr. President, the United States is the world's largest producer of feed grains and the world's largest exporter of feed grains. Were this European barley not subsidized at half of its value, we would not be having this discussion because there is no way it could have been priced competitively with domestic feed barley.

I met this weekend with barley producers in Klamath Falls, Oregon. These folks are already seeing very tough barley prices this season, down about $5 a metric ton from what they have normally received over the decade. They are taking some hits as a consequence of our national policy through the Farm bill of phasing out income maintenance programs. And now the European Union is sending us a heavily subsidized shipment that is causing collapse of the market. Enough is enough.

This European Union shipment, because it has the capacity to flood the California market for the next 9 months, has caused prices to drop $10 per ton in one week. One individual who operates a grain elevator in the Klamath described telling a local producer that he had lost some $20,000 in 48 hours as a result of this dumping of this subsidized barley into California.

These farmers ask, correctly, that if ever there was a time for the federal government to come to the defense of American agriculture, now is that time. We face collapse of our American barley market because of this relatively unique occurrence; now is the time to go to the mat in defense of our producers against wholly subsidized foreign dumping.

Mr. President, we should also recognize, and thank, the larger wholesalers of barley in California who passed up this sale, which to them represented I'm sure a very lucrative marketing opportunity. These companies understood the damage that the sale would do to their customers and most reliable suppliers, the U.S. barley producers. But surely if this sale is allowed to go forward, and other fire sales are allowed to follow, those firms will no longer be able to afford that posture.

Mr. President, as a supporter of free trade, and of providing fast track authority, if we are to retain our credibility with American farmers then we must show the ability to act forcefully when faced with these sorts of irritants to free trade. There is no precedent for this sale, and if we allow it to go forward then those of us who believe in the promise of freer trade will have some difficulty explaining to our farmers that greater trade freedom is in their best interest.

Mr. President, It is very important to all Oregon producers that the U.S. Senate act quickly to respond to this unprecedented attack on one segment of our agriculture industry. I urge the swift adoption of this resolution.

SENATE RESOLUTION 221—DESIGNATING APRIL 30, 1998, AS "NATIONAL ERASE THE HATE AND ELIMINATE RACISM DAY"

Mr. BURNS (for himself, Mr. BAUCUS, Mr. ABRAHAM, Mr. ALLARD, Mr. CAMPBELL, Ms. COLLINS, Mr. CRAIG, Mr. ENZI, Mr. GORTON, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. HAGEL, Mr. HATCH, Mrs. HUTCHISON, Mr. KEMPTHORNE, Mr. MACK, Ms. SNOWE, Mr. THURMOND, Mr. WARNER, Mr. BINGAMAN, Mr. CONRAD, Mr. DASCHLE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. GLENN, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LIEBERMAN, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mrs. MURRAY, Mr. REID, Mr. ROBB, Mr. SARBANES, Mr. TORRICELLI, Mr. WYDEN, Mr. INOUYE, Mr. KERREY, Mr. KOHL, Ms. LANDRIEU, Mr. LEVIN, Mr. SPECTER, Mr. MURKOWSKI, Mr. DEWINE, Mr. AKAKA, Mrs. BOXER, and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 221

Whereas the term 'hate crime' means an offense in which one or more individuals, commits an offense (such as an assault or battery (simple or aggravated), theft, criminal trespass, damage to property, mob action, disorderly conduct, or telephone harassment) by reason of the race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals;

Whereas there are almost 8,000 hate crimes reported to the Department of Justice each year, and the number of hate crimes reported increases each year;

Whereas hate crimes have no place in a civilized society that is dedicated to freedom and independence, as is the United States;

Whereas the people of the United States must lead and set the example for the world in protecting the rights of all people;

Whereas the people of the United States should take personal responsibility for and action against hatred and hate crimes;

Whereas the Members of Congress, as representatives of the people of the United States, must take personal responsibility for and action against hatred and hate crimes;

Whereas the laws against hate crimes, which have been passed by Congress and signed by the President, must be supported and implemented by the people of the United States and by Federal, State, and local law enforcement officials and other public servants: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 30, 1998, as 'National Erase the Hate and Eliminate Racism Day'; and

(2) requests that the President issue a proclamation calling upon the people of the United States and throughout the world to recognize the importance of using each day as an opportunity to take a stand against hate crimes and violence in their nations, states, neighborhoods and communities.

SENATE RESOLUTION 222—COMMENDING STUART FRANKLIN BALDERSON

Mr. LOTT (for himself, Mr. THURMOND, Mr. DASCHLE, Mr. STEVENS, Mr. BYRD, Mr. WARNER, and Mr. FORD) submitted the following resolution; which was considered and agree to:

S. RES. 222

Whereas Stuart F. Balderson became an employee of the United States Senate on May 23, 1960, and since that date has ably and faithfully upheld the high standards and traditions of the staff of the United States Senate for a period that included 19 Congresses;

Whereas Stuart F. Balderson has served as Financial Clerk of the United States Senate from August 1, 1980 to April 30, 1998;

Whereas Stuart F. Balderson has faithfully discharged the difficult duties and responsibilities of his position as Financial Clerk of the United States Senate with great pride, energy, efficiency, dedication, integrity, and professionalism;

Whereas he has earned the respect, affection, and esteem of the United States Senate; and

Whereas Stuart F. Balderson will retire from the United States Senate on April 30, 1998, with 40 years of Government service—38 years with the United States Senate and 2 years with the United States Navy: Now, therefore, be it

Resolved, That the United States Senate commends Stuart F. Balderson for his exemplary service to the United States Senate and the Nation, and wishes to express its deep appreciation and gratitude for his long, faithful, and outstanding service.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Stuart F. Balderson.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and

Forestry be allowed to meet during the session of the Senate on Thursday, April 30, 1998 at 9 a.m. in SR-328A. The purpose of this meeting will be to examine agricultural transportation issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet in executive session during the session of the Senate on Thursday, April 30, 1998, to conduct a mark-up of H.R. 1151, the "Credit Union Membership Access Act".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, April 30, 1998, at 9:30 a.m. on the nomination of James Loy to be admiral and James Card to be vice admiral of the United States Coast Guard.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, April 30, 1998, at 10 a.m. or immediately following the nomination hearing, on pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. ABRAHAM. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, April 30, 1998 beginning at 9 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold an executive business meeting during the session of the Senate on Thursday, April 30, 1998, at 10 a.m., in room 226 of the Senate Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to meet during the session of the Senate on Thursday, April 30, 1998, at 10:30 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on "Raising Tobacco Prices: New Opportunities for the Blackmarket?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the Aviation Subcommittee on the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, April 30, 1998, at 2 p.m. on AIP reauthorization (COMMITTEE PROPOSAL).

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, April 30, for purposes of conducting a subcommittee hearing which is scheduled to begin at 9:30 p.m. The purpose of this hearing is to receive testimony on S. 1253, the Public Land Management Act of 1997.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, April 30, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this hearing is to receive testimony on title IV of S. 1693, the Vision 2020 National Park Restoration Act; and S. 624, the National Park Service Concession Policy Reform Act of 1997.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC HEALTH AND SAFETY

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources, Subcommittee on Public Health and Safety, be authorized to meet for a hearing on Agency for Health Care Policy Research during the session of the Senate on Thursday, April 30, 1998, at 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

IN RECOGNITION OF JEWISH HERITAGE WEEK

• Mr. LEVIN. Mr. President, it is with great pride and pleasure that I rise today to call my colleagues attention to Jewish Heritage Week, which is being recognized this year from April 26 through May 2.

Each spring since 1976, during the season in which Jewish people commemorate Passover, Yom Hashoah (Holocaust Memorial Day) and Yom Ha'atzmaut (Israel independence Day), a week is set aside to celebrate the significant contributions Jewish people have made to American history and culture. This year is of special significance to Jews in the United States and throughout the world as the State of Israel celebrates its 50th anniversary on April 30.

On the day following the establishment of the State of Israel, Prime Minister Ben-Gurion reminded the people of Israel what had been accomplished. He said, "whatever we have achieved is the result of the efforts of earlier generations no less than those of our own. It is also the result of an unwavering fidelity to our precious heritage, the heritage of a small nation that has suffered much, but at the same time has won for itself a special place in the history of mankind because of its spirit, faith, and vision." Today, American Jews maintain the same rich heritage of which Prime Minister Ben-Gurion spoke. And just as our brothers and sisters in Israel, we owe much to our forebears who paved the way in the United States.

Mr. President, the contributions of Jewish Americans to the life of our nation are undeniable. Virtually every area of American culture has benefitted from the talents of Jewish people, including science, medicine, business, government, literature and the arts. I know my colleagues join me and the millions of others who mark this special week to pay tribute to the countless people of Jewish faith who have contributed so much to the definition of our nation and the world.•

TRIBUTE TO LAWRENCE CENTRAL HIGH SCHOOL

• Mr. COATS. Mr. President, this weekend, students from Lawrence Central High School in Indianapolis will be competing in the "We the People . . . The Citizen and the Constitution" National Finals here in Washington, D.C.

After winning the Indiana state competition last December, these students from Lawrence Central (Kari Amos, Robert Baker, Kari Buis, Julie Burton, Sheila Cardinal, Haley Carney, Mark Davis, Justin Gray, Amber Gross, Shawn Haislip, Kristen Halligan, Seth Higgins, Megan Lott, Les Jahnke, Kelly Khoury, Ted Kieffer, Justin Lane, Jolene McClusky, Joyce McCoy, Courtney Mills, Aaron Moberly, Galan Moore, Jon Owens, Chris Recktenwall, Eric Reissner, Kelly Richardson, Lisa Schubert, Tara Sheets, Jennifer Staresnick, Shane White) and their teacher, Drew Horvath, have been eagerly preparing to represent our great Hoosier state here in Washington.

Mr. President, I am proud of the dedication and the accomplishments of these Hoosier students. As I have stated before, I strongly believe that educational programs, such as the "We the People . . ." competition, are excellent tools for enhancing the education of our children.

The "We the People . . ." program is the most extensive program to educate our youth about our Constitution and the Bill of Rights. I am pleased to welcome these students to our nation's capital. Through the "We the People . . ." program these students have taken the extra step to learn first hand about our government by bringing the pages of their textbooks to life.

Mr. President, I would like to congratulate the students of Lawrence Central High School for their accomplishments and wish them luck in the national competition. I know they will represent our great state of Indiana well.●

GARRETT ACADEMY OF TECHNOLOGY VARSITY BOYS BASKETBALL TEAM

● Mr. HOLLINGS. Mr. President, I am pleased to rise today in homage to an extraordinary group of young people, the Garrett Academy of Technology Varsity Boys Basketball Team. On January 2, 1998, these young men made 32 3-point shots in one game—a new national record. South Carolina takes tremendous pride in their accomplishment, which they achieved with teamwork and individual excellence.

In the last two years, this team has set many individual and personal records. The Falcons are the defending 7-AA Region Champions and their coach, Michael Bayne, has been named Coach of the Year more than fifteen times in various sports. These athletes set a standard of excellence for every field of endeavor.

The members of the Garrett Falcons are as follows:

Robert Seabrook, who set a State record last year by making 12 3-point shots in one game. Robert, a Senior electronics student plans to attend Anderson College on a basketball scholarship.

Wil Gibbs, an electricity student, is a Senior and will attend college in the Fall.

Hashem Richardson, a plumbing student, is a Senior and will attend preparatory school.

Josh Davis, a drafting student, is a Senior and will attend Spartanburg Methodist College.

Hassan Bartley, an automotive student, is a Senior and will attend Spartanburg Methodist College.

Kyren Ancrum, a plumbing student, is a Junior and plans to attend Denmark Technical College.

Ralph Pressley, a plumbing student, is a Sophomore.

Louis McCullough, a drafting student, is a Sophomore.

Brandon Fields is a Freshman and undecided in his concentration of study.

Mr. President, I ask that the newspaper account of this victory, "Garrett Tech's 3-point Baskets Make History" which appeared in the January 8, 1998 issue of Charleston's The Post and Courier be printed in the RECORD.

The article follows:

[From The Post and Courier, Charleston, S.C., January 8, 1998]

GARRETT THREES MAKE HISTORY

(By Jeff Hartsell)

Robbie Seabrook learned how to shoot a basketball on the hoop at his cousins' house.

"They were all so tall," said Seabrook, "that I had to shoot from outside all the time."

Now that Seabrook is all grown up—he's a 6–3 senior for the Garrett Tech basketball team—the outside shooting touch his cousins forced on him is paying off in a big way.

Seabrook is the leading 3-point shooter on a Garrett team that set a national high school record for most 3-point baskets in a game last week.

During their own Wall of Fame Invitational last Friday, the Falcons made 32 of 79 shots from 3-point range in a 117–39 victory over Bowman Academy.

That performance bettered the 29 treys (in 94 attempts, still a record) made in a game last year by Alexandria High of Juniata Valley, Pa., according to the National Federation of State High School Associations.

"It was pure energy that night," said Seabrook, who made nine 3-pointers against Bowman Academy. "All I know is I didn't get tired in that game."

Neither did his teammates. Point guard Hashem Richardson also made nine 3-pointers, while Will Gibbs added eight and Louis McCollough, Damien Jackson and Brandon Fields had two each.

For the season, Garrett (9–2) has made 98 3-point shots in 11 games, led by Seabrook, who has hit 52 of 137 treys (37.9 percent) and will play next year at Anderson College, an NCAA Division II school in Anderson.

Seabrook, averaging 22 points per game, set a state record last year by making 12 3-point shots in one game and made 34 straight free throws at the end of last season and start of this season.

Obviously, Garrett coach Michael Bayne believes in the power of threes.

"Robbie has the green light at any time," said Bayne, 60–31 in his fourth season at Garrett after stints at Cardinal Newman in Columbia and Denmark-Olar.

"Most of the other guys have green lights only after penetration. We want to get it inside and dish it out for the square-up three."

That job generally falls to point guard Richardson, a 6–2 senior averaging 31.5 points per game. McCullough, a 6–4 sophomore, scores about 15.8 points per game.

Garrett's success in basketball—the girls' team also is doing well at 9–2—has come despite some problems that are unique to the school, known as Garrett Academy of Technology. Garrett reopened as a technical school four years ago after the old Garrett High was closed.

Garrett draws students from all over Charleston County, which makes it hard for some players to make it to practices and games. For example, Gibbs, a 6–4 senior, lives in McClellanville, about an hour's drive from the school.

And Bayne said many athletes who already have played sports for another school are reluctant to leave that school for Garrett. He said nine of his 12 players had never played organized basketball before they got to Garrett.

"A lot of kids who would like to play sports at Garrett are unable to, because they don't have a way home," Bayne said. "And we only have two players that have played at another school.

"A lot of kids feel a loyalty to a team they've already played for, so we are trying to teach a system to kids that have never played on an organized team before."

With the High School League due to reclassify member schools soon, Garrett has applied to move down to Class A from AA, Bayne said. Garrett has about 675 students.

"I think overall that is the right place for us in athletics," said Bayne, who also is athletic director. "That's due to the lack of numbers that are actually able to participate in athletics. Garrett and the Academic Magnet (also in Class AA) are the only two schools in the state that don't have middle-school feeder programs designated to them.

"Until then, we are being a little cheated. The basketball programs have been able to win, but it's a very large hardship on some of our other programs."

No matter what their classification, Bayne's Falcons have made their mark on the national record book.

"I'm very pleased for these young men," Bayne said. "The national record is important in a lot of ways, but what these kids do after high school is what's important, and I just hope they remember that Garrett Tech taught them a lot."●

LATIN-AMERICANS FOR SOCIAL AND ECONOMIC DEVELOPMENT, INC.

● Mr. ABRAHAM. Mr. President, I rise today to recognize a very important organization in the State of Michigan. Latin-Americans for Social and Economic Development (LA SED), is an advocacy agency that has served the Latino/Southwest area of Detroit, Michigan for twenty-nine years. LA SED has made tremendous contributions to the Detroit area and should be commended.

LA SED will be hosting their Annual Recognition Luncheon on Wednesday, May 20, 1998 at the International Market Place in Greektown, Detroit. The theme of the lunch is "Corporate Volunteerism—Giving Back." This event will undoubtedly be a great success.

At this time I want to extend my warmest regards and appreciation to my good friend, Jane Garcia who is the chairperson for the luncheon. I would also like to express my appreciation to everyone who is involved in making this organization so effective. I wish LA SED continued success.●

JULES AND HELEN RABIN

● Mr. LEAHY. Mr. President, I rise today to say a few words about Jules and Helen Rabin who are long-time, respected Vermonters. Marcelle and I are proud to call them our friends. The Rabins exhibit what so many Vermonters have: a sense of what is valuable and important in life. With hard work, dedication, and a great deal of patience, Jules and Helen have built up a successful family bakery, serving the needs of their community. Over the last 20 years they have become masters of their craft. Recently, one of our local newspapers wrote an excellent article about the Rabins and their bakery. I ask that the article be printed in the RECORD so that all Senators may read about this fine family.

The article follows.

[From the Rutland Herald and the Sunday Times Argus, Mar. 8, 1998]

IN SEARCH OF SOURDOUGH—A VERMONT BAKER SETS OUT TO FIND—AND MAKE—THE PERFECT LOAF

(By Kathleen Hentcy)

When you bite into sourdough bread, your teeth meet with a worthy substance: Crackling hard crust, the bread inside chewy almost to the point of toughness, a sour tang. And once you've chewed and swallowed a few times, a satisfaction that few other breads deliver.

Real bread, for my money or effort, must meet this test. And it must proudly withstand toasting and slathering with sweet butter, not in the least smashed, or lessened in its big-holed texture. It should produce a clean crunch when bitten, and when chewed, remain substantial food, not melting into a gooey mash.

Overall, bread must take effort to cut, and time to chew and digest. It must, truly, be the "staff of life."

But buying good sourdough bread can eat up the grocery budget; the loaves typically cost more than $3 each. Besides, I find baking bread to be an almost spiritual experience. And eating fine bread that you made yourself, listening to friends' compliments, is gratifying.

I've baked bread since my teen years. Some of what I make is outstanding. Some loaves I give to the sheep.

Lately, I've returned to baking sourdough. Sourdough, made with only the wild yeasts that choose to set up home in a culture of water and flour you provide, is wild, unruly bread, its flavor distinctive to the region where it is made. You don't know how the bread dough will behave from baking to baking, since the leavening agent—the sourdough—is very sensitive to atmospheric conditions and room temperature. From my experience, I'd say the baker's temperament is included under "atmospheric conditions" and can greatly influence the outcome.

I've made attempts at sourdough breads before, keeping a liquid starter in the refrigerator for months. I'd use it for a while, then forget about it and later find a dried-up mass that I'd have to throw out, jar and all. But the loaves I made from those starters never compared to the bread I found at the local food coop.

THE SEARCH GETS SERIOUS

Last fall, I was bitten by a new ambition: To bake the ultimate "peasant bread." Sourdough French country bread. Pain de Campagne. Those lordly loaves with chestnut-brown crusts that crackle, the trademark large-textured chewy centers, and the sour tang.

This bread, and all French sourdough, is made using a doughy sourdough starter rather than a liquid. Once the starter is prepared and a batch of dough is made up, the baker takes off about a cup of dough—called levain, from the old French word for rise, or leaven—to store in the refrigerator. That piece, allowed to warm to room temperature and refreshed with flour and water, provides the basis for the next batch of bread, and so on as long as the baker doesn't forget to take the levain from subsequent batches.

Can making that bread be difficult enough to warrant a price of $3 a loaf? If peasants baked these glorious loaves in wood-fired ovens with no refrigeration for the starter, surely I ought to be able to figure this out. Look at the ingredients: flour, salt, water. Some note "sourdough," which, technically, is only more of the first and last ingredients, flour and water. Adding commercial yeast to sourdough is sacrilege.

So I got out my bread books, and read about sourdough. I read magazine stories about sourdough. I bought many loaves of sourdough made by several different Vermont bakeries. I made sourdough starter and baked loaves of bread on a baking stone. I didn't feed it to the sheep, but I didn't give it to friends, either.

I went back to the books, and finally, to two bakers nearby who make five wonderful kinds of sourdough. I'll tell you what I learned up front: good sourdough bread is definitely worth $3 a loaf. But baking it is worth more.

IN THE BAKERY

In a small building in the backyard of Helen and Jules Rabin's house, the Rabins continue the tradition of baking the community bread. Helen pulls large hunks of dough off a slouching 75-pound mass on the wooden counter. She places each chunk on a scale and adds enough to make the scale level out at one and three-quarter pounds, then drops the measured blob onto the counter, and starts the process anew. Once she has six or so lumps of dough, she kneads them one by one, shaping them into slender loaves about eight inches long. These are "French white sourdough," or batards, the shorter, fatter version of the popular baguette. In little more than an hour, she will have weighted and shaped 65 batards.

Helen and Jules have done this work nearly every week, two days a week, for 20 years. While she mills the grains, mixes the dough and forms the loaves, he builds the fire that heats the oven and eventually bakes the bread.

The Rabins began baking bread in 1978, shortly after Jules was laid off from his job teaching anthropology at Goddard College in Plainfield. Five years earlier, after visiting friends who were trying to recreate the lives of 19th-century peasants in the south of France, the Rabins decided to build a massive stone wood-fired oven like those that once dotted the European continent.

The Rabins' oven is large enough to bake 250 loaves a day. They bake two days a week, producing 500 loaves out of 750 pounds of dough. When they started making sourdough bread, they had no competition.

"We had an easy ride when we began—people around here had not had such bread," Jules says. That meant when they delivered their first loaves, which were dense, unrisen and hard, people still snapped them up. The taste was good, and slowly the texture improved.

A FEW SECRETS FOUND

"It took over five years to develop our loaves," Jules told me during an earlier visit. This gave me great hope. These people, who routinely make excellent sourdough bread, had once produced loaves similar to what I started with.

"Sourdough is very tricky stuff to work with," Jules said, making me feel even better. "To get even, well-raised loaves is very difficult with sourdough."

But did they seek out instruction in books or from other bakers? No. They figured it out themselves.

"We set ourselves the challenge to bake without yeast," he said.

The Rabins got their ideal for the kind of bread they wanted from European breads, and Helen once spent a night in a French bakery, watching. But she received no instructions.

"We fiddled and mixed to arrive at what we have today," Jules said. He credits Helen with all the brain work in the operation, from building the oven to figuring out how long the bread should rise.

And so, on a mild March day, I stand inside the bakery, careful to stay out of the way, and watch, much as I imagine Helen watched those French bakers many years ago. I'm allowed questions, but I avoid direct queries regarding the secrets of sourdough. Not only are the Rabins offering Upland Bakers for sale, and so have to protect their system, but I want to figure out at least some of this process for myself.

My time with the Rabins revealed two important lessons. The first is that baking good sourdough requires time. Let the levain warm for a few days after refreshing it, and before mixing the dough. Then, allow the dough to rise for four to six hours, punch it down and form the loaves, and allow those to rise for another four to six hours. The variation in rising times has to do with those atmospheric conditions, and you will know only by trial and error when to bake at four hours and when to wait for six.

The other important detail I learned is that sourdough does not have to be babied like yeasted bread dough. The risen loaves can be picked up and placed on the baking surface without worrying about flattening them. Go ahead and slash the tops deeply, to allow the loaf to expand as the hard crust develops.

These may sound like trivial details, but on my counter this morning sit the two best loaves of sourdough I have made to date. I haven't yet developed quite the sour tang I like, but the texture and volume of the loaves is beautiful. Toast and tea this morning was especially pleasing.

And the Rabins "refreshed" this lesson for me: Having the answer as quickly as possible isn't always best. Sometimes it's the process of looking that is the most fun.

CBO COST ESTIMATE FOR THE IRS RESTRUCTURING AND REFORM ACT OF 1998

• Mr. ROTH. Mr. President, on April 22, 1998, the Finance Committee filed Report 105–174 to accompany H.R. 2676. At the time the report was filed, the required Congressional Budget Office statement was not available.

I ask that the Congressional Budget Office statement that I have recently received be printed in the RECORD.

The material follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 30, 1998.

Hon. WILLIAM V. ROTH, Jr.,
Chairman, Committee on Finance,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2676, the Internal Revenue Service Restructuring and Reform Act of 1998.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are John R. Righter (for federal costs), who can be reached at 226-2860, Marc Nicole (for the impact on state and local governments), who can be reached at 225-3220, and Matthew Eyles (for the impact on the private sector), who can be reached at 226-2469.

Sincerely,

JUNE E. O'NEILL,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, APRIL 30, 1998

H.R. 2676: INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1998 (AS REPORTED BY THE SENATE COMMITTEE ON FINANCE ON APRIL 22, 1998)

SUMMARY

H.R. 2676 would make a number of changes to the management and oversight of the Internal Revenue Service (IRS), add or amend more than 70 taxpayer rights, and require the IRS to implement several changes designed to increase the number of forms filed electronically by taxpayers. The Joint Committee on Taxation (JCT) estimates that this act would increase governmental receipts (revenues) by $582 million in fiscal year 1998 and would decrease receipts by a net amount of about $1 billion over the 1998–2003 period. (The act would result in higher receipts for the first three years, but would lead to a gradually increasing loss of receipts in each year after 2000.) Over the 1998–2007 period, JCT estimates that enacting this legislation would decrease governmental receipts by about $9 billion.

In addition, CBO estimates that enacting H.R. 2676 would increase direct spending by $7 million in fiscal year 1998, about $330 million over the 1998–2003 period, and about $750 million over the 1998–2008 period. Because enacting this legislation would affect both direct spending and receipts, pay-as-you-go procedures would apply. H.R. 2676 also would affect discretionary spending, subject to the availability of funds. At this time, CBO cannot estimate the act's total effect on discretionary spending because the extent and results of efforts by the Treasury and the IRS under current law to increase the availability and use of electronic filing by taxpayers are very uncertain, because the Administration has already begun implementing many of the act's procedures, and because we have not had sufficient time to fully review the more than 70 provisions that would affect taxpayer rights. The increase in discretionary spending necessary to implement H.R. 2676 could be substantial. JCT has determined that H.R. 2676 contains five new private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 (UMRA). Title V of H.R. 2676, Revenue Provisions, contains all five mandates. JCT estimates that the cost to the private sector to comply with the new mandates would be $7.1 billion over the 1998–2003 period, which is equal to the increase in tax revenue from provisions that would impose the mandates. The act contains no intergovernmental mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

DESCRIPTION OF MAJOR PROVISIONS

H.R. 2676 would make a number of changes to the management and oversight of the IRS and to the rights of taxpayers. Specifically, the act would: establish a nine-member Internal Revenue Service Oversight Board within the Department of the Treasury to oversee the service's management, planning, budgeting, and operations; provide the IRS with the flexibility to reorganize its organizational structure and many of its personnel policies; eliminate the IRS Office of the Chief Inspector and transfer most of its responsibilities and resources to a new, independent Treasury Inspector General for Tax Administration within the Department of the Treasury; require the IRS to begin developing a paperless tax return system and authorize it to offer certain incentives to encourage taxpayers to file tax returns electronically; require the IRS, subject to the proper safeguards, to create a system under which taxpayers could review their own IRS files electronically by calendar year 2007; add or amend more than 70 provisions affecting taxpayer rights, including shifting the burden from the taxpayer to the IRS in certain court cases, making it easier for taxpayers to recover court costs and to sue the IRS for civil damages, increasing the amount of interest paid by the federal government to noncorporate taxpayers for overpayments of taxes, suspending the time limit for disabled individuals to file for a refund, and requiring that the IRS provide additional notification to taxpayers of certain rights and deadlines; impose several new reporting requirements on the IRS and JCT; clarify employer deductions for vacation pay and add other measures to raise governmental receipts and partially offset the cost of other provisions; and make numerous technical corrections to the Taxpayer Relief Act of 1997.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 2676 is shown in Table 1. The costs of this act fall within budget function 800 (general government).

TABLE 1—ESTIMATED COST TO THE FEDERAL GOVERNMENT[1]

[By fiscal year in millions of dollars]

	1998	1999	2000	2001	2002	2003
CHANGES IN REVENUES						
Estimated Revenues	582	814	654	−663	−1,052	−1,328
CHANGES IN DIRECT SPENDING						
Estimated Budget Authority	7	55	62	66	69	73
Estimated Outlays	7	55	63	66	69	73

[1] Implementing the act would also require increases in spending subject to appropriation, but CBO cannot estimate these costs at this time.

In addition to the above effects, the act also would impose costs on the IRS and JCT, subject to the availability of funds, to carry out various requirements. Those increases—for the IRS only—would probably be substantial, but CBO cannot estimate the act's likely effect on discretionary spending at this time. The major provisions that could affect discretionary spending are discussed in detail below.

BASIS OF ESTIMATE

For purposes of this estimate, CBO assumes that H.R. 2676 will be enacted by July 1, 1998.

Revenues

H.R. 2676 would make numerous changes to the Internal Revenue Code. The major provisions affecting receipts are summarized in Table 2.

TABLE 2.—ESTIMATED CHANGES IN REVENUES

[By fiscal year, in millions of dollars]

	1998	1999	2000	2001	2002	2003
Clarify Deduction for Accrued Vacation Pay	603	1,141	1,160	141	148	156
Modify Foreign Tax Credit Carryover Rules	76	525	468	441	416	390
Make Certain Trade Receivables Ineligible for Mark-to-Market Treatment	33	317	500	333	117	70
Suspend Accrual of Interest and Penalties When IRS Fails to Contact Individual Taxpayer	0	0	−438	−529	−596	−636
Innocent Spouse Relief	−58	−350	−288	−273	−346	−480
Eliminate Penalties on Unpaid Taxes During Period of Installment Agreements	−29	−272	−287	−302	−317	−338
Burden of Proof	−1	−221	−232	−243	−256	−269
Mitigate Penalty for Failure to Deposit Payroll Taxes	0	−47	−64	−64	−65	−66
Software Trade Secrets Protection	0	−26	−32	−39	−45	−53
All Other Provisions Affecting Revenues	−42	−253	−133	−128	−108	−102
Total Estimated Revenues	582	814	654	−663	−1,052	−1,328

Direct Spending

Increase in the Interest Rate IRS Pays Certain Taxpayers on Overpayments. Most of the projected increase in direct spending would result from the provision that would increase by 1 percentage point the amount paid by the federal government to noncorporate taxpayers who overpay their taxes. Based on our estimate of the amount of annual overpayments by taxpayers of individual income, estate, and gift taxes, CBO estimates that increasing the rate of interest by 1 percent would increase direct spending by $7 million in fiscal year 1998, by $310 million over the

1998–2003 period, and by about $700 million over the 1998–2008 period.

Taxpayer Bill of Rights. The act would increase the amount of penalties (payments covering attorneys' fees and administrative costs) and civil damages that courts could award to taxpayers in certain cases brought against the federal government. For penalties, H.R. 2676 would: (1) lengthen the period of time over which taxpayers who substantially prevail against the IRS could recover administrative costs, (2) remove the hourly rate caps limiting the amount of reasonable fees that attorneys can collect in such cases, (3) permit the award of reasonable attorneys' fees to pro bono attorneys, and (4) allow taxpayers to recover reasonable costs and attorneys' fees in cases where an offer to settle the case is made, the IRS rejects the offer, and the IRS later obtains a judgment against the taxpayer in an amount that is equal to or less than the taxpayer's offer.

For civil damages, that act would: (1) provide for the payment of up to $100,000 in civil damages to taxpayers in cases where a court finds that officers or employees of the IRS negligently disregarded provisions of the Internal Revenue Code or regulations, (2) provide for the payment of up to $1 million in civil damages to taxpayers in cases where an office or employee of the IRS willfully violates certain provisions of the Bankruptcy Code, and (2) allow individuals other than the taxpayer to sue for civil damages as a result of unauthorized collection actions. Courts could award the damages only after the taxpayer had exhausted all administrative remedies at the IRS. Under current law, taxpayers may receive payments for damages in cases where a court finds that an IRS officer or employee has recklessly or intentionally disregarded provisions of the Internal Revenue Code. The government would pay the additional penalties and damages from the permanent, indefinite appropriation for claims and judgments.

Although considerable uncertainty exists as to how the courts would determine and award penalties and damages under H.R. 2676, CBO estimates that the provisions would increase direct spending by $23 million over the 1998–2003 period and by $56 million over the 1998–2008 period. This estimate assumes that broadening and increasing the amount of allowable penalties and lowering the standard for civil damages would result in awards of additional penalties and damages to taxpayers by the courts. Because the provisions affecting penalties would not take effect until 180 days after enactment and because the provisions affecting damages would apply to new actions and would require taxpayers to first exhaust administrative remedies, CBO expects that these provisions initially would have no significant impact on direct spending, but would result in a steady increase in penalties and damages awarded beginning in 1999. On average, we estimate that they would increase direct spending by about $4 million annually over the 1998–2003 period.

Spending Subject to Appropriation

Electronic Filing. The act's biggest potential impact on discretionary spending involves its requirements to increase the availability and use of electronic filing. H.R. 2676 would generally require the IRS to study and implement several major changes to the way taxpayers file their returns each year. Specifically, the act would: (1) require the Secretary of the Treasury to develop a strategic plan to eliminate barriers and provide incentives to increase the number of returns filed electronically to at least 80 percent of all returns, (2) beginning in fiscal year 2000, extend the due date for electronic filers of information returns from February 28 to March 31, (3) require the Treasury to develop procedures for accepting signature information from electronic filers in a digital or other electronic form, (4) require the Treasury to develop procedures for implementing a return-free tax system beginning with tax years that begin after 2007, and (5) provided the necessary safeguards are in place, require the Treasury to develop procedures to enable taxpayers to review their account information electronically by 2007.

The Treasury is already developing or studying most of these proposals. For instance, according to the Department of the Treasury, the IRS currently is using some signature alternatives and studying others. The Treasury also has already awarded a contract to design and develop a large educational campaign to encourage taxpayers to file electronically. In addition, the IRS is implementing new payment methods and preparing its systems to accept new forms that should reduce the amount of paper filed by taxpayers each year. Finally, the Treasury is studying alternatives for allowing taxpayers to eventually review account information electronically. This, even though CBO expects that implementing the act's procedures would increase costs for the Treasury subject to the availability of funds, we cannot estimate the amount that such costs would increase. The amount of the costs would depend, in part, on the overall effort at the IRS to modernize its information systems, for which the Congress has appropriated about $4 billion over the last decade.

In general, receiving and processing forms electronically should reduce costs of the IRS in the long run. The IRS has estimated that it costs at least two and one-half times more to process such forms by paper, since the data must be input manually into IRS's systems, the error rate in processing such forms is significantly higher, and the papers require handling and storage. Thus, if enacting H.R. 2676 results in an increase in the number of taxpayers that file electronically with the IRS each year—in fiscal year 1997, 19.1 million of the estimated 120 million individual income tax returns were filed with the IRS by computer or phone—then the act should eventually reduce the government's annual costs to process tax information.

IRS Oversight Board. H.R. 2676 would establish a nine-member management board within the Department of the Treasury to oversee the management and operations of the IRS. Its responsibilities would include reviewing and approving the agency's strategic plans and annual budget request. The board would consist of six members from outside the federal government, the Secretary of the Treasury, a union representative, and the IRS Commissioner. The act would compensate the nonfederal members at a rate of $30,000 per year, except for the chair, who would receive an annual salary of $50,000. The members also could receive reimbursement for any travel expenses incurred in performing official board work. In addition, the act would allow the board to hire permanent staff. The board would be required to meet at least once a quarter. Upon enactment, the President would have six months to submit nominations to the Senate.

Based on the act's requirements and specifications for compensation, CBO estimates that the board would cost less than $500,000 in fiscal years 1998 and 1999 and between $500,000 and $1 million in each of fiscal years 2000 through 2003. That estimate assumes the board would not meet until the beginning of fiscal year 1999.

IRS Management and Personnel Flexibilities. The act would allow the IRS to change its organizational structure and would provide it with significant flexibility in how it compensates, trains, and organizes its workforce. In January, the Commissioner announced plans to reorganize the agency along customer service lines. Because the act would simply allow the IRS to carry out the reorganization plans that are already under development, that provision would impose no additional costs on the IRS. In the case of the personnel flexibilities, the additional costs would likely be significant, although it is difficult to predict how much the IRS would employ such flexibilities and whether the Commissioner could reach agreement with the employees' union, as required by the legislation, regarding measures that would affect its members.

CBO estimates that the measures allowing the IRS to increase pay and other forms of compensation could increase annual payroll costs of the IRS by at least several million dollars. In addition, providing the IRS with the authority to offer buyouts without necessarily reducing the total number of positions through calendar year 2002 also could increase its personnel costs by tens of millions of dollars over the 1998-2003 period.

Treasury Inspector General for Tax Administration. The legislation would eliminate the IRS Office of the Chief Inspector and transfer most of its responsibilities and resources to a new, independent Treasury Inspector General (IG) for Tax Administration within the Department of the Treasury. The new I.G. for Tax Administration would assume responsibility for the duties currently assigned to the Treasury (IG) with respect to the IRS and for the duties currently delegated to the IRS Office of the Chief Inspector. CBO estimates that this provision would have no significant budgetary effect.

Taxpayer Bill of Rights. H.R. 2676 would add or amend more than 70 taxpayer rights. In most cases, the new rights would result in minimal additional costs for the IRS to write regulations and procedures, provide additional information to taxpayers, and create or amend tax forms and other tax-related documents, although the sheer magnitude of the number of such changes would likely result in a significant increase in administrative costs, particularly if the changes would require a significant computer reprogramming effort on the part of the IRS. Similarly, the totality of such changes could result in a substantial increase in the workload of the offices of Appeals and Taxpayer Advocate at the IRS. CBO, however, has not had sufficient time to review these provisions and estimate their impact.

Complexity Analyses and Studies. H.R. 2676 would expand the responsibilities of the JCT. It would require JCT to prepare a detailed "Tax Complexity Analysis" for proposed legislation amending tax laws and to conduct two studies within one year from the date of enactment. The act also would require the IRS to report annually to the House Committee on Ways and Means and the Senate Committee on Finance regarding sources of complexity in the administration of federal tax laws and the Department of the Treasury to conduct the same pair of studies required of JCT.

CBO estimates that implementing H.R. 2676 would cost JCT less than $500,000 a year, assuming appropriation of the necessary amounts. Depending upon the amount and nature of tax legislation considered by the Congress, analyzing the complexity of legislative initiatives could increase this cost somewhat. In addition, CBO estimates that requiring the IRS to report annually on the complexity of tax laws would cost less than $500,000 a year. Finally, CBO estimates that the two reporting requirements would cost the Treasury less than $500,000 over fiscal years 1998 and 1999. (The Administration is already planning to conduct at least one of the studies.)

PAY-AS-YOU-GO CONSIDERATIONS

The Balanced Budget and Emergency Deficit Control Act of 1985 specifies procedures for legislation affecting direct spending and receipts. The projected changes in direct spending and receipts are shown in the following table for fiscal years 1998 through 2008. For purposes of enforcing pay-as-you-go procedures, however, only the effects in the current year, the budget year, and the succeeding four years are counted.

TABLE 3.—SUMMARY OF EFFECTS ON DIRECT SPENDING AND RECEIPTS

[By fiscal year, in millions of dollars]

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Changes in outlays	7	55	63	66	69	73	77	80	84	88	92
Changes in receipts	582	814	654	−663	−1,052	−1,328	−1,713	−1,908	−2,080	−2,269	NA

N.A.=Not available (JCT has estimated revenue effects through 2007 only.)

ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS

H.R. 2676 contains no intergovernmental mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. The bill would allow the IRS to collect and remit (from overpayments) certain past-due income tax obligations owed to state governments and would authorize grants for low-income taxpayer clinics operated by institutions of higher education (public or private) and tax-exempt organizations.

ESTIMATED IMPACT ON THE PRIVATE SECTOR

JCT has determined that H.R. 2676 contains five new private-sector mandates, as defined in UMRA. Title V of the act, Revenue Provisions, contains all five mandates. JCT estimates that the cost to the private sector to comply with the new mandates would be $7.1 billion over the 1998–2003 period, which is equal to the increase in tax revenue from provisions that would impose the mandates.

First, the provision clarifying the deduction for deferred compensation is estimated by JCT to increase tax revenue by $3.3 billion over fiscal years 1998 through 2003. Second, the act would change the carryback period and carryforward period for foreign tax credits, which is estimated to increase tax revenue by $2.3 billion between 1998 and 2003. Third, H.R. 2676 would freeze the grandfathered status of stapled or paired-share real estate investment trusts (REITs). As a result of the proposed freeze, JCT estimates that tax revenue would increase by $34 million over the 1998–2003 period. Fourth, the act would make certain trade receivables ineligible for mark-to-market treatment, which is estimated to increase tax revenue by $1.4 billion over the six-year period. Finally, H.R. 2676 would add vaccines against rotavirus to the list of taxable vaccines, thus increasing tax revenue by an estimated $15 million over fiscal years 1998 through 2003.

COMPARISON WITH OTHER ESTIMATES

The committee report filed on April 22, 1998, included an estimate by JCT that enacting H.R. 2676 would increase direct spending by $409 million over the 1998–2002 period and by $989 million over the 1998–2007 period. According to JCT, that estimate would result from enacting three provisions affecting taxpayer rights: (1) increasing by 1 percent the interest rate paid by the government to noncorporate taxpayers who overpay their taxes, (2) expanding the court's authority to award taxpayers costs and certain fees, and (3) adding or increasing civil damages for certain collection actions by the IRS.

By comparison, CBO estimates that enacting the three provisions would increase direct spending by $260 million over the 1998–2002 period and by $662 million over the 1998–2007 period. In total, CBO's estimate of the increase in direct spending is about $150 million lower than JCT's over the 1998–2002 period and about $330 million lower over the 1998–2007 period. The difference between JCT and CBO estimates results from three factors. First, according to JCT, part of its estimated increase in direct spending includes effects on revenues (about $110 million over the 1998–2002 period and about $220 million over the 1998–2007 period). Second, JCT and CBO have different estimates of the extent to which the provision expanding the court's authority to award taxpayers costs and certain fees would increase payments from the Claims and Judgment Fund. JCT estimates an additional $55 million in such payments over the 1998–2002 period and about an additional $150 million over the 1998–2007 period. Finally, JCT and CBO make different assumptions as to the taxes that would be affected by the provision increasing the rate of interest on overpayments. CBO assumes that the provision would apply to estate and gift tax overpayments in addition to individual income tax payments, which increased our estimate of direct spending by about $20 million over the 1998–2002 period and by about $40 million over the 1998–2007 period.

PREVIOUS CBO ESTIMATE

On October 31, 1997, CBO prepared a cost estimate for H.R. 2676, the Internal Revenue Service Restructuring and Reform Act of 1997, as ordered reported by the House Committee on Ways and Means on October 22, 1997. For the House version of H.R. 2676, JCT estimated that the legislation would have no net effect on governmental receipts over the 1998–2002 period and would decrease them by $2.9 billion over the 1998–2007 period.

The Senate version of H.R. 2676 includes several additional measures that would add to the government's revenues, but also includes a more extensive set of new and revised taxpayer rights. In total, JCT estimates that the Senate version would bring in about $0.3 billion more in revenues over the 1998–2002 period, but would decrease governmental receipts by about $6 billion more over the 1998–2007 period.

CBO estimated that enacting the House-reported version of H.R. 2676 would increase direct spending by $5 million in fiscal year 1998, $25 million over the 1998–2002 period, and $50 million over the 1998–2007 period. CBO's estimate of the increase in direct spending for the Senate version of H.R. 2676 is higher, mostly because we reestimated and reclassified the budgetary effects of several provisions included by JCT as decreases in governmental receipts for the House version of H.R. 2676. Thus, the increase in direct spending estimated by CBO for the Senate version is more than offset by a corresponding reduction in JCT's estimate of reduced governmental receipts. The increase in the rate of interest on taxpayer overpayments is the main provision projected to cause an increase in direct spending in this estimate rather than a decrease in governmental receipts, as was reported for the House version.

In addition, the House version would have required that the Secretary make $3 million in annual grants to low-income taxpayer clinics, whereas the Senate version would make such payments subject to appropriation. Finally, this estimate reflects a slight, upward revision in the annual estimate of new payments from the Claims and Judgment Fund for penalties and civil damages. In total, our estimate for the Senate version of H.R. 2676 reflects an increase in direct spending over the 1998–2007 period that is about $610 million higher than the estimate for the House version.

Estimate prepared by: Federal Costs: John R. Righter (226-2860); Impact on State, Local, and Tribal Governments: Marc Nicole (225-3220); and Impact on the Private Sector: Matthew Eyles (226-2649).

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

CHEBOYGAN RIGHT TO LIFE FIRST ANNUAL FUNDRAISING DINNER

• Mr. ABRAHAM. Mr. President, I rise today to recognize a very special event in the State of Michigan. Cheboygan Right To Life will host their first annual fundraising dinner to benefit the educational efforts of Right to Life Michigan on May 7, 1998.

An event like this one is very important for the pro-life movement. It reinforces the fact that at every level, we have people who value the sanctity of life working together. This is very encouraging. All who are involved with this event should be commended not only for their efforts in planning it but for their efforts in promoting this very important cause. I extend my best wishes for a successful event as well as my appreciation to Cheboygan Right To Life.•

1998 FRANK D. FITZGERALD LIFETIME ACHIEVEMENT AWARD HONOREE

• Mr. ABRAHAM. Mr. President, I rise today to acknowledge a good friend of mine. Ed Wyszynski is this year's recipient of the Frank D. Fitzgerald Lifetime Achievement Award. Ed has made tremendous contributions to the Michigan Republican party over the last thirty years. In 1968 he co-chaired the Nixon for President youth effort in Macomb county. From that point up until now, Ed has worked in presidential, senatorial, congressional and gubernatorial campaigns. In addition to his campaign activity, he has chaired four Lincoln Day dinners, been a county finance chairman, and has served on party executive committees for over 20 years. The Michigan Republican Party has recognized his efforts, three times naming him to its #1 Republican Club. Ed has relentlessly and unselfishly contributed his time and efforts to the Republican party.

In addition to his work for the Republican party, Ed finds the time to be treasurer of the Eaton Area Habitat for Humanity's Board of Directors and member of the Board of the Detroit College of Law National Alumni Association. Ed lives in Grand Ledge, Michigan with his wife Kay and their son James.

I want to commend Ed for all of his service to the Republican Party and for all of his other contributions. I also want to congratulate him on winning this year's Frank D. Fitzgerald Lifetime Achievement Award. He should be very proud of this accomplishment.●

TRIBUTE TO ISRAEL'S 50TH ANNIVERSARY

Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to the 50th anniversary of the State of Israel, and the enduring, unshakable friendship that has been built between the United States and Israel during those 50 years.

Fifty years ago today, according to the Hebrew calendar, David Ben-Gurion told the world that the State of Israel was born. In that moment, one of the greatest events in the life of the Jewish people took place. Since the Jewish people were expelled from their ancient homeland nearly 2,000 years ago, the desire to return had remained in the hearts and prayers of Jews throughout the world.

In the early decades of this century, the Zionist movement brought thousands of young, idealist Jews back to Palestine, which was at the time controlled by the Turks, and then the British. They returned to the land, establishing kibbutzim and agricultural settlements, and reinvigorated ancient cities. They built the foundations for a state, joined during and after the Holocaust by other Jewish immigrants, fleeing unprecedented persecution.

Supported by Jewish communities around the world, their efforts, and the burning need for a Jewish homeland, were recognized by the United Nations in the Partition Plan of November 29, 1947, which called for the creation of a Jewish and an Arab state in Palestine. Six months, later, on May 14, 1948, the State of Israel was formally established.

Much like the United States, Israel is a nation of immigrants. The establishment of Israel has provided a home and refuge for more than 2.6 million immigrants since its inception. They came to escape persecution, to build a better life, or simply to participate in the rebuilding of a nation.

Jews from every continent and dozens of countries, speaking nearly every language on earth, have returned to their ancient homeland: from Russia fleeing first pogroms and then Communism; from Germany, Austria, Poland, Hungry, Romania, and Czechoslovakia fleeing the Holocaust; from Iraq, Syria, Yemen, and North Africa fleeing Arab anti-Zionism; from Iran fleeing the Ayatollahs; and from Latin America fleeing cruel military regimes.

In the 1990's Israel has seen the largest wave of immigration in its history. 757,000 immigrants, some 700,000 of them leaving behind the chaos of the former Soviet Union, and 14,000 of whom were rescued in one day in a daring airlift from Ethiopia. Israel has served as a model for ethnic diversity as Jews from all parts of the world have ascended to the highest levels of the public and the private sector.

Within minutes of Israel's founding in 1948, President Harry Truman recognized the new state. But there was little time for celebration, because within 24 hours, Israel was attacked by Arab forces from all sides. Immigrants who had just fled the horrors of the Holocaust were given guns and instructions to fight, in languages they did not understand.

In that desperate War of Independence, Israel lost nearly 1% of its population defending itself. But the military acumen and spirit of sacrifice that made that victory possible presaged the building of the Israel Defense Forces—a true citizen army—into one of the world's most respected militaries. In subsequent wars when Israel's survival was threatened—in 1956, 1967, and 1973, Israel fought off seemingly insurmountable odds to retain its statehood.

As spelled out in its Declaration of Independence, the state was formed adhering to democratic and Jewish values, recognizing the freedom of all individuals who reside within it. Israel's vibrant democratic system embodies many of the same values that America holds so dear, including: the separation of powers; concern for human rights; an independent judiciary; a representative parliament (the Knesset) with 11 political parties representing Jews, Arabs, Christians, Druze, men and women; a free press with the highest percentage of newspapers and readers per capita in the world; an average of 80% voter turnout in national elections; and, guaranteed civil liberties.

Over the years, the United States and Israel have built a deep and multi-faceted friendship. Based on common values of democracy and peace, and backed by the United States' ironclad commitment to help Israel safeguard its security, the U.S.-Israel relationship is poised to develop into an even more intimate one in Israel's next 50 years.

In science and technology, trade, culture, and of course, security cooperation, the ties grow deeper every year. Most recently Israel and the U.S. have moved to deepen their defense cooperation by expanding the Arrow anti-missile program, developing the Theater High Energy Laser designed to defend against Katyusha rockets, and by the U.S. providing $25 million for anti-terrorism assistance.

Thanks to the industriousness of its people, and with the help of American financial assistance and free trade agreements with both the United States and the European Union, Israel has transformed itself from a small, agriculturally-based economy in a largely desert climate into a modern, successful, high-tech economy.

Israel's industrial exports are today 1,380 times what they were 47 years ago. Its Gross Domestic Product has risen from $2.5 billion in the 1960s to $90.6 billion last year. Its computer industry and agricultural technology are some of the most successful and innovative in the world.

Israel has also seen phenomenal growth in health care and education. More than 33% of Israelis have formal schooling of 13 years compared from 6% in the 1960's and the life expectancy of Israelis is among the longest in the world. It is a sign of Israel's economic maturation that in January of this year, Israel and the United States began to discuss proposals to reduce and phase out U.S. economic aid to Israel.

For Israel's long-term security and economic success, there is no higher priority than the achievement of a permanent peace settlement with all of its neighbors. The peace treaties with Egypt in 1979 and Jordan in 1994 were the first steps in that process. The United States has stood by Israel in its desire to achieve peace with its neighbors, and will continue to work to help Israel achieve peace with Syria, Lebanon, other Arab nations, and, perhaps most urgently, to fulfill the promise of the handshake between the late Yitzhak Rabin and Yasser Arafat on the White House lawn in 1993 by achieving a final peace agreement between Israel and the Palestinians.

For all of us who care so deeply for Israel's security, who long to see Israel achieve peace with its neighbors, the current peace process has reached a critical juncture. Since Israel's security can best be guaranteed by peace between it and its neighbors, the

United States must remain prepared to do everything we can to help reach a successful conclusion to this peace process. That is the best 50th birthday present we can give the people of Israel.

On this historic occasion, I would like to offer my utmost congratulations to President Weizman, Prime Minister Netanyahu, and the people they represent, and express my deep admiration for the accomplishments of the State and people of Israel, a nation that has risen from the darkest moments of history to rebuild itself as an example of the capabilities of the human spirit, the unbreakable ties that exist among a people, and the great justice of democracy. May Israel's next 50 years bring it even greater success.•

FIFTIETH ANNIVERSARY OF ISRAELI INDEPENDENCE

• Ms. MIKULSKI. Mr. President, today we are celebrating one of the greatest achievements of the twentieth century—the founding of the state of Israel. I rise to congratulate the people of Israel for a half century of independence—and to look forward to a future of peace and prosperity.

The story of Israel is unique. A people forced into exile, who endured centuries of persecution, rebuilt their ancient homeland. They forged a nation where they could practice their ancient faith and traditions. They created an open and free democratic society. And always, they offer a home to Jewish immigrants from around the world.

The founding of Israel followed the most incomprehensible and evil event of the twentieth century, when the Nazis—with the complicity of so many others—sought to exterminate a people. The survivors of the Holocaust helped to build modern Israel. Never again will the Jewish people be dependent on anyone else for their security.

At first Israelis envisioned an agrarian society. But today, Israel is a center for technology and science. American scientists and engineers are working as partners with Israelis to develop the innovations of the next century. Our great federal laboratories, like the National Institutes of Health, are now working with Israeli scientists on a cure for cancer and other deadly diseases.

America's relationship with Israel is also unique. We share common goals, values and interests. We stand by each other in good times and bad.

Israel has had to endure five wars and live in constant readiness for battle. They live with the constant threat of terrorism. America must continue to stand by Israel—to make sure they have what they need to protect themselves. We must also stand by them in stopping their enemies from developing the weapons of mass destruction—and the missiles to deliver these deadly weapons.

We all hope that the next century will bring peace to Israel and its neighbors. Five years ago, we witnessed the famous handshakes on the White House lawn. These handshakes heralded a new commitment toward peace.

The peace process is now stalled. There is a crisis of confidence and a lack of trust. There has been a lot of finger-pointing about who is to blame. But let's remember how much Israel has given up for peace. Let's remember the Sinai and Hebron. No victorious power has ever given up more for peace.

Mr. President: I salute the people of Israel as they celebrate fifty years of independence, and I look forward to a future of peace, prosperity and friendship.•

50TH ANNIVERSARY OF THE STATE OF ISRAEL

• Mr. FRIST. Mr. President, in recognition of the warm bonds of affection that exist between the people of Israel and the people of the United States, and the enduring friendship that unites our two nations, I rise today to congratulate the State of Israel on the 50th Anniversary of its birth as an independent nation.

Mr. President, no people in the world have more in common with Americans than the people of Israel. No two nations are more committed to freedom, to justice, and to peace than Israel and the United States.

As nations of immigrants, we cherish our common culture and honor the rich traditions that make us one. We revere our families, nourish our faith, and never hesitate to make sacrifices in the present if they will secure a better future for our children.

As such, we make loyal friends and determined adversaries—as both our friends and our foes around the world have learned throughout the years.

Mr. President, those shared values and similar heritage have made us more than fellow democracies. They've made us fast friends, valued trading partners, and strategic allies. And I pray that nothing ever happens to change that relationship.

These things were never clearer to me than they were when I visited Israel last year. It was, in fact, my first foreign visit as a member of the Senate Foreign Relations Committee. What I learned and saw there will remain with me for the rest of my life.

Together with my wife, Karyn, I visited Jericho, Haifa and Tel Aviv. I traveled to the Golan Heights, spent a night on a kibbutz, and stood on the shores of the Sea of Galilee. I met with diplomats and military leaders, visited industries and hospitals, and throughout it all I was excited by Israel's economy and impressed with its commitment to technological excellence.

But my most memorable moments had nothing to do with international politics or diplomacy. They came from my contact with a people whose spirit is as strong and unshakable as the 3,000 years of history that lies beneath every step one takes in that holy land.

Mr. President, in preparing for my trip to Israel, and especially to Jerusalem, I read a lot about its topography, its history, its climate, and its culture. But nothing prepared me for its incomparable beauty. It is a place whose sights and melodies permeate your being and leave an indelible mark on your soul.

After experiencing it first-hand, it is not at all hard to imagine why this 3,000-year-old link—unmatched in all of history—exists between a place and a people, and why—even through centuries of war, oppression, exile and dispersion—that link has never been severed.

But Israel is much more than its collected history, as the last five decades have decidedly proven. It is a demonstration of what can be accomplished when a people are determined to overcome every obstacle to freedom and self-determination. Although young—50 years is but a moment in the long history of the Jewish people—Israel is today a vibrant, thriving democracy whose achievements in science, technology, agriculture, industry, and trade are a match for any nation centuries older.

Yet while the land of Israel is the land of the Jewish people, it is also the land of us all—as the more than two and a half million tourists who visit Israel every year will attest. Few places on earth have been as cherished and as loved by so many millions throughout the world as the places of Israel. It is, as one writer described it, "a symphony of voices, heard by all the people of the world."

Today, Mr. President, I know all those whose hearts have been touched by the music of Israel, join me in wishing her well. Together, we congratulate her on her remarkable achievements, we thank her for her friendship, and we pray for the day when all who dwell within her boundaries will, as St. Augustine prayed,

". . live in such delight,
such pleasure and such play
As that to them a thousand years
Doth seem as yesterday."•

ISRAEL REACHES ITS 50TH YEAR RISING OUT OF THE ASHES OF WORLD WAR II

• Mr. LEVIN. Mr. President, like the Phoenix, the nation of Israel rose out of the ashes of the Holocaust 50 years ago and the 2000 year search for a Jewish homeland ended. But, the birth of Israel was far from easy on that day. Prime Minister David Ben-Gurion made his first radio broadcast from an air raid shelter as the precarious new nation came under immediate attack.

Israel's founding father took the time to remind the first citizens of Israel what had been accomplished and what it would take to defend their dream. Ben-Gurion said, "whatever we have achieved is the result of the efforts of earlier generations no less than our own. It is also the result of an unwavering fidelity to our precious heritage, the heritage of a small nation that has suffered much, but at the same time has won for itself a special place in the history of mankind because of its spirit, faith, and vision."

In January of this year, I went to Israel for an international conference of Jewish legislators from around the world. In our discussions of the faith that we shared and Israel's 50th anniversary, I saw and heard the achievements of the "spirit, faith and vision" of which David Ben-Gurion spoke. That same ethos that was also embraced by such visionary leaders as Moshe Dyan, Golda Meir, Menachem Begin and Yitzhak Rabin has helped Israel become a dynamic democracy with a thriving economy. I came away from the conference secure in the knowledge that Israel's faith and fortitude remain as strong today as they were when the dream was realized five decades ago.

I believe it is also important to acknowledge the role the United States has played in the development of Israel over the past 50 years. President Harry S. Truman, the first head of state to grant Israel diplomatic recognition, expressed its special place in the hearts of Americans as he declared, "I had faith in Israel before it was established, I have faith in it now. I believe it has a glorious future before it-not just another sovereign nation, but as an embodiment of the great ideals of our civilization."

This special partnership which began with Israel's creation has been repeatedly tested since 1948. The United States has been unwavering in our commitment to helping the people of Israel develop their own economy and secure their own peace. We have helped give them the time that their founding fathers knew would work in their favor. Mr. President, it is for these reasons that I was delighted to be a cosponsor of House Joint Resolution 102, which the Senate unanimously passed last night. The resolution acknowledges the 50th Anniversary of the founding of the State of Israel and reaffirms the bonds of friendship and cooperation between the United States and Israel. This is a fitting tribute to the history of Israel and I am proud that today we can celebrate this special, half century milestone together. •

50TH ANNIVERSARY OF THE FOUNDING OF ISRAEL

• Mrs. BOXER. Mr. President, it is my honor today to offer my congratulations to the State of Israel on the 50th anniversary of its independence. I am a great supporter and admirer of our close friend and ally, and I am proud it has survived and prospered to see this momentous day.

In 1948, the modern State of Israel was created as a symbol of hope for the Jewish people—a people who had suffered through the horror and pain of the Holocaust. We will never forget the terrible evil the Nazis inflicted on the world and we will always remember the dangers of ignoring and appeasing fanatic leaders who climb the ladder by trampling on the innocent.

What emerged from 3,000 years of persecution and the nightmare of the Holocaust is the greatest tribute to the perseverance of the Jewish people, the State of Israel. Israel has persevered through war, through the murder of its citizens by cowardly terrorists, and through the assassination of its leaders.

I am proud to say that the United States has helped Israel survive and become the strong nation it is today. The United States has a special relationship with Israel. As two of the world's leading democracies, we share many of the same values: promoting democracy, personal freedom, and human rights throughout the world. We owe the Israeli people our moral support, for weathering as a free state under the most dangerous conditions. As Americans, we must admire their tenacious dedication to the principles of freedom articulated in our own country so long ago.

Fifty years ago, Israel's first Prime Minister, David Ben-Gurion, broadcast this statement to the Israeli people:

> Something unique occurred yesterday in Israel, and only future generations will be able to evaluate the full historical significance of the event. It is now up to all of us, acting out of a sense of Jewish fraternity, to devote every ounce of our strength to building and defending the State of Israel, which still faces a titanic political and military struggle.
>
> Now is not the time for boasting. Whatever we have achieved is the result of the efforts of earlier generations no less than our own. It is also the result of unwavering fidelity to our precious heritage, the heritage of a small nation that has suffered much, but at the same time has won for itself a special place in the history of mankind because of its spirit, faith and vision.

To me, the spirit, faith and vision of the Israeli people is what makes this celebration of Israel so special and remarkable. I congratulate Israel on the 50th anniversary of its founding.•

ISRAEL'S 50TH ANNIVERSARY

• Mr. DURBIN. Mr. President, I rise today to congratulate the people of Israel and all my friends in the American Jewish community on the occasion of the 50th anniversary of the creation of the State of Israel.

This significant milestone in Israel's history offers all of us an opportunity to reflect on what makes that country so special. Israel remains the most important U.S. ally in the Middle East and the only multiparty democracy in the region. The strong and stable friendship between our two countries, built on a solid foundation of shared values, mutual support and trust, is in the fundamental interest of both nations. Ensuring the security of Israel will remain one of our most important foreign policy priorities.

Transcending political considerations, however, are the profound ties with Israel and pride in its accomplishments felt by Jews worldwide. The State of Israel was created in the wake of the Holocaust and the tragic deaths of more than 6,000,000 Jews. Israeli society and its democratic institutions have been forged under the most difficult historical circumstances imaginable. Israel continues today to embody the aspirations of Jews from the northernmost villages of the Newly Independent States of the former Soviet Union to the tip of South America. The struggle of all Jews helped to create the State of Israel, and all Jews have reason to celebrate the country's 50th birthday.

It is my hope that Israel's next 50 years will see the establishment of a permanent and secure peace in the Middle East, with Israel and its Arab neighbors working together to build a better future for all the citizens of the region. This would truly fulfill Israel's promise and its destiny.•

ISRAEL'S 50TH ANNIVERSARY

• Mr. HELMS. Mr. President, there is a notable chorus of Senators congratulating the people of Israel and their government on the occasion of the 50th anniversary of Israel's birth. There are few things that have not been said on the subject of Israel—friend, ally, democracy. The Congress has spoken on countless occasions about Jerusalem, our commitment to Israel's security, and to peace in the Middle East.

In the end, however, all these expressions, as heartfelt as they are, pale beside the real miracle of the Jewish people, in exile for 2000 years, having returned to the land of Israel. And on that tiny piece of land, smaller than the State of New Jersey, an incredible nation has been built—a nation that has survived five wars, untold numbers of terrorist attacks, and the hostility of most of its neighbors.

Israel has absorbed millions of immigrants, providing homes, and jobs, and schools and freedom. Year to year, day to day, Israel may not look precisely like a land of milk and honey, but for the Jews of Europe who survived the Holocaust, and the Russians who survived Communism, it is the Promised Land.

Israel is great, not merely because its creation is the fulfillment of a biblical promise, or because it is a faithful friend to the United States. It is great because the people of Israel are great people. I congratulate my friend, Prime Minister Benjamin Netanyahu and all the people of Israel.●

50TH ANNIVERSARY OF THE FOUNDING OF THE STATE OF ISRAEL

● Ms. MOSELEY-BRAUN. Mr. President, today is the 50th anniversary of the founding of the State of Israel. I would like to take a moment to reflect upon the significance of this historic event.

For the nearly two millennia that preceded the founding of Israel, Jews across the globe had experienced unrelenting persecution, culminating in the previously unimaginable apocalypse of the Holocaust. In the wake of Adolph Hitler's effort to exterminate all of the Jews of Europe, and his success murdering six million of them, the moral imperative of establishing a Jewish state became clear. And so the Jewish people battled to create that which had only been dreamed of for 19 centuries: a nation of their own.

Their triumph marked the beginning of one of the most inspiring stories of the 20th century. That Israel would survive to see today's anniversary was far from certain. It's founding brought about the first of four wars in which outnumbered Israeli forces somehow managed to defeat or hold off the armies of its hostile neighbors. Israel's courage and ingenuity in the face of overwhelming odds is, quite simply, unparalleled in the modern world.

Despite the constant threat to its security, out of the desert, Israel has created a flourishing, democratic society, home to innovative science, cutting-edge technology, and rich culture. Today, its economy rivals that of Western Europe in terms of per capita wealth.

I am proud of the role that the United States has played in helping to keep this brave nation alive. To this day, the preservation and maintenance of Israel's national security remains the foundation upon which U.S. policy in the Middle East rests. Israel remains one of America's most trusted allies—a nation with which we have cooperated to resolve a variety of regional and global issues. Time and again over the last 50 years, Israel and the United States have demonstrated that we share a special relationship that transcends parochial and short-term policy objectives.

I have always believed that there can be no real peace in the Middle East unless Israel's security is guaranteed. That is why, throughout my career, I have supported strong U.S. economic and military support for Israel. As the greatest democratic nation on the planet, I believe that the United States must do everything in its power to ensure that Israel—the only multi-party democracy in the Middle East—survives.

Currently, the best way for the United States to ensure the future security and prosperity not only of Israel but of the entire region is for it to play a strong role in keeping the Middle East Peace Process alive. If further strife and sorrow in the region is to be avoided, dialogue between Israel and her historic enemies must be maintained. Although the Peace Process has stalled recently, I believe that it can be revived if the United States remains committed to serving as an honest intermediary between Israel and the Palestinian Authority. Key to the effort to see the participants through this difficult period is President Clinton's commitment to provide financial and technical assistance to Israel to help fight terrorism and to monitor the Palestinian Authority's compliance with the Oslo Accords.

Mr. President, the Israeli people have demonstrated countless times that they are willing to take risks for peace. That is why I am confident that they will face the challenges of implementing the Oslo Accords and the Declaration of Principles with fortitude and creativity. The United States must stand shoulder to shoulder with them as they make this effort. Working together, I am confident that we can forge a peace that will guarantee that Israel will live to celebrate its centennial in 2048.●

ISRAEL'S 50TH ANNIVERSARY

● Mr. SARBANES. Mr. President, 50 years ago the State of Israel proclaimed its independence as a homeland and beacon of hope to Jews around the world. At 4:06 p.m. on April 30, 1948, David Ben-Gurion declared that the establishment of Israel would be effective at midnight the same day. Eleven minutes into the next day, the United States became the first country to extend recognition to the State of Israel when President Truman declared to the American people:

> This government has been informed that a Jewish State has been proclaimed in Palestine and recognition has been requested by the provisional government thereof. The United States recognizes the provisional government as the de facto authority of the new State of Israel.

The ensuing rejection of Israel's appeal for peace expressed in its 1948 Declaration of Independence represented a missed opportunity of historic proportions. The Declaration stated: "We extend our hand to all neighboring states and their people in an offer of peace and unity and appeal to them to cooperate with the independent Jewish nation for the good of all." Yet for 50 years, the people of Israel have endured war and violent conflict, including a war of independence, the Six Day War, and the Yom Kippur War, weathered constant challenges to their survival, faced isolation, an economic boycott, and struggled against terrorism.

To build an independent Jewish nation on a small piece of land would have been difficult even under the most ideal conditions. For Israel to have done so while the country's very existence was constantly being threatened is truly a tremendous accomplishment. In the face of hostility and adversity, Israel has persevered and developed into a thriving and diverse nation.

The special relationship between the United States and Israel is fundamentally based on shared values and experiences. As a vibrant democracy like our own, and despite the heavy burdens imposed on the country by war, Israel is a land of immigrants and pioneers whose democratic achievements reflect the hard work, sacrifice, courage, devotion, and self-discipline of its people. Few societies have sustained such pressure and kept their commitment to a strong democracy as Israel has done. In just 50 years the Israeli people have built modern cities and prosperous farms, and established high quality educational and medical institutions. Israel has accomplished this while remaining a refuge for Jews fleeing oppression and persecution around the world, as earlier Israel offered a new life to the survivors of the Holocaust.

In keeping with its earliest hopes, Israel has been successful in forging ties with some of its neighbors and former adversaries, and sought to strengthen its security by ending the cycle of conflict and violence marking its first 50 years. Israel's willingness to take risks for peace has been borne out in the Camp David Peace Accord which settled the state of war with Egypt, in Israel's recognition of a Palestinian Authority, and in the 1994 agreement ending war between Israel and Jordan.

Throughout these years, through good and difficult times, the United States and Israel have maintained an enduring strategic partnership which has served us well. The United States commitment to Irsael's strength and security remains firm. As President Clinton declared before the Knesset in 1994, "The survival of Israel is important not only to our interests, but to every value we hold dear as a people. Our role in war has been to help you defend yourself by yourself. That is what you have asked. Now that you are taking risks for peace, our role is to help you to minimize the risks of peace."

Today, on the fiftieth anniversary of the Jewish state, we recognize the tremendous achievements of the Israeli people and commemorate the fruitful and enduring partnership between our two nations. We wish for Israel the lasting peace and stability its people have long sought and offer our congratulations on the inspiring example they have set.•

ISRAEL INDEPENDENCE DAY

• Mr. KOHL. Mr. President, today is Israel's Independence Day marking the 50th anniversary of the founding of the modern state of Israel. The last fifty years have fascinated and captivated many of us as we have watched and supported this country in its struggle for survival. Out of the ashes of the Holocaust, Jews from around the world converged on this small but holy land to build a modern state in a place where Jews had maintained a presence for thousands of years. From the first days of statehood in 1948 when its neighbors declared war and attempted to obliterate it from the map, Israel has defied the odds and endured in the most dangerous of neighborhoods. Each decade since 1948 Israel has survived a major war with its neighbors: Suez in 1956, the Six Day War in 1967, the 1973 Yom Kippur War, the war in Lebanon in 1982 and then the deadly Iraqi Scud missiles launched against its people in 1991. Yet in the midst of all these wars, tens of murderous terrorist attacks, and a crippling Arab economic boycott, Israel has built a vibrant democracy and a robust economy.

The United States has not been a bystander in this remarkable transformation. We have provided needed assistance, in recognition of our shared democratic values, and we have benefited from a close strategic alliance. There is a special and enduring relationship between the United states and Israel dating back to the days when the United States was the first nation to recognize Israel when it declared its independence. As Israel marks its jubilee year, we celebrate that relationship.

Mr. President, I want to salute the people of Israel for all they have achieved in the last fifty years. I join with the Jewish community around the world, which has provided support and received moral and spiritual sustenance from Israel, in wishing them well. May they go from strength to strength.•

ISRAEL'S BIRTHDAY

• Mr. KERRY. Mr. President, today we celebrate the 50th birthday of the State of Israel, a birthday reached after half a century of struggle, of perseverance, and on too many occasions, for too many families, of pain. We also celebrate half a century of vision—and hope above all else that when we join together to recognize the 100th birthday of the State of Israel we will do so in an age of lasting peace.

It is only fitting that the sense of joy that has accompanied this historic milestone for Israel here in the United States is exceeded only within the borders of Israel itself. Israel and the United States share great ideas as well as a great alliance; and the security of Israel is indispensable to the security of the United States.

We accept this fact as central to our foreign policy, to our national interests, and to our view of the world itself. It has been true since the day of Truman and we pray this truth will guide us through the next millennium.

But we sometimes forget that these two great nations—the United States of America and the State of Israel—share another rare quality, as Prime Minister Netanyahu stated so eloquently. Neither country is just a spot on the map, a piece of geography; both are founded on a shining vision of human dignity and purpose.

It was an American poet who wrote, "Nothing grows, unless first a dream." Those like Elie Weisel remind us that not even dreams survive without a great struggle. The Jewish people have taught us much about dignity and purpose because they have preserved their dream and their undying vision through two thousand years in exile and persecution. To arrive at this historic day they had to outlast history's fiercest fires of hate.

That resilience is testimony to a vision forged in adamantine; to the strongest wills and the bravest hearts; an unbreakable spirit that keep Israel alive and daring even into the twenty-first century. It is that same will that we all pray will guide Israel to an era of peace in the Middle East.

Tonight we pay tribute to those who will never see that era of harmony, that day when Israel is a homeland and a safe haven for all who share in that vision. We remember those who died in the hope that even if they could not know peace and safety, those who bore their name might live the dream for them. That sacrifice inspires us all to push forward.

I will never forget that when, addressing age old violence and the awful spectacle of man's inhumanity to man, Prime Minister Rabin exclaimed "Enough is enough." He touched a chord within anyone who mourns an innocent life lost, who thinks about the future doctor, teacher, nurse, scientist, poet, diplomat, or artists that will never be. Behind all the words and diplomatic documents, shrouded by the haze of the gunfire, that is the reality that must be changed before it happens again and again.

On my first trip to Israel, I toured the country from Kibbutz Mizgav Am to Masada to the Golan. I stood in the very shelter in a kibbutz in the north where children were attacked and I looked at launching sites and impact zones for Katousha rockets. Like many visitors, I was enthralled by Tel Aviv, moved by Jerusalem and inspired by standing above Capernaum, looking out over the Sea of Galilee, where I read aloud the Sermon on the Mount. I met people of stunning commitment, who honestly and vigorously debated the issues as I watched and listened intently. I went as a friend by conviction; I returned a friend at the deepest personal level.

That understanding, that sense of kinship, is shared not just between a set of leaders or between families, but by two nations with a shared faith in the power of the human spirit. The United States and Israel will walk forward together

Herzl's famous words, "If you will it, it is no dream," signify the promise and the greatest power of Israel—and the hope, after half a century, that a fair and secure peace is finally within reach. For our part as Americans, we must dedicate ourselves to pushing ahead in the coming years more committed than ever to support Israel in the exacting, essential, and sometimes tense search for that dream.

A pain which the heart can never forget reminds us that the ashes of Holocaust victims were scattered on the wind. But that wind also carries on it their prayers and purpose—above mountains and sea, across hundreds or thousands of miles, so that the pain of history is redeemed in the land of Israel. It is a sacred place—for those who have made it their home and for all the world. So let us now resolve again that in the next fifty years, as in the past five decades, we will make our best efforts to keep secure this sacred land.

In many respects, our task as Americans, as a good ally and a committed world neighbor, appears easier in the reflection of history. The memory will never escape me, the emotions that touched me on top of Masada, when I stood on that great plateau where the oath of new soldiers used to be sworn against the desert backdrop and the test of history. I had spent several hours with Yadin Roman debating whether or not in fact Josephus Flavius was correct in his account of the siege—whether these really were the last Jews fighting for survival—whether they had escaped since no remains were ever found. Finally, after our journey through history, which we resolved with a vote in favor of history as recorded, we stood as a group at the end of the cliff and altogether we shouted across the chasm—across the desert and across time—Am Yisrael Chai. And across the silence we listened as voices came back; faintly we heard the echo of the souls of those who perished—Am, Yisrael Chai. The State of Israel lives. The people of Israel live.

We must do our part to see that future generations are born into and live in a peace that will never be questioned.

We celebrate half a century of struggle and victory for the people of Israel, living every day in a dream that is timeless. We pray tonight for a peace for all the ages.

NATIONAL ERASE THE HATE AND ELIMINATE RACISM DAY

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 221 submitted earlier today by Senators BURNS and BAUCUS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> A resolution (S. Res. 221) to designate April 30, 1998 as National Erase the Hate and Eliminate Racism Day.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BURNS. Mr. President, I rise today, along with Senator BAUCUS and 48 other of our fellow colleagues, to a resolution to designate April 30 as "National Erase the Hate and Eliminate Racism Day." As you know, we introduced a similar resolution last year, which the Senate passed through unanimous consent. In order to continue eliminating racism and hate crimes, we must again recognize April 30 as a day to stop racism and hate crime. Through recognition of such a day, we as citizens can stand together in order to prevent future crimes from occurring.

According to the United States Department of Justice, there were over 8,000 racially and biased crimes committed last year. Because of this high number, my colleagues and I have stood up to recognize, for a second year, the importance of preventing such crimes from continuing. We must work together, as adults and children, to bring our Nation back to its origin, freedom of religion, freedom of speech, freedom of press and freedom of thought.

We as an elected body must promote this recognition by passing this resolution again this year. We must remember that diversity has been a cornerstone of our Nation's heritage and should continue to be. An understanding of individual differences promotes unity throughout our communities and States. We must take it upon ourselves to promote these diversities and pass this Senate resolution.

I would like to thank the YWCA and many organizations throughout the United States for their assistance in supporting diversity throughout this year and every year. I would also like to thank all of my colleagues that have joined and will join us in recognizing a way to eradicate the forces that divide our country.

Mr. BAUCUS. Mr. President, I rise today to recognize the second anniversary of National Erase the Hate and Eliminate Racism Day. Earlier today, I introduced with my colleague from Montana, Senator BURNS, along with many others from across the nation, a resolution marking this notable occasion.

In 1964, Mike Mansfield of Montana, then majority leader of the United States Senate, ushered through this body the landmark Civil Rights Act. It is his tradition of integrity and foresight in both Montana and the nation that inspires us in our actions today.

In the last several years, however, Montanans of a different generation have come under the microscope of less favorable scrutiny. The reputation of Montana as a state of forward-thinkers and tolerant individuals was marred by the standoff between the FBI and the so-called Freemen outside Jordan, and a series of hate crimes in some of our cities.

What has frustrated me and many other Montanans, however, is the lack of attention to the vast majority of Montanans—the people who are willing to stand up to bigots and hate groups. It is these folks who provide us with stories of hope and courage and let us know that our communities and our neighbors will not stand for bias and hate-motivated behavior.

It is important because these encouraging stories are becoming commonplace in Montana. Whether it is a community like Billings that stands up to a group of skinheads, or a Missoula high school class that devotes an entire project to studying the holocaust, Montanans are making a real and positive difference in our society.

There is no doubt that we have come a long way as a nation. But with 8,000 hate crimes reported to the U.S. Department of Justice each year, it is clear we still have much more work to do.

In addition to taking this day to recognize the importance of the fight, we must continue to support groups like the Northwest Coalition Against Malicious Harassment, the Montana Human Rights Network, the Leadership Conference on Civil Rights and the many other groups and individuals who continue this work every day.

I know a simple Senate resolution, or even a national conference, will not end the problems we still have. A piece of paper alone cannot teach a child that hate is wrong. But I do believe a piece of paper can make people think. A conference will not end intolerance. But it can make people talk about hate crimes. Designating today as a day to address these important problems is a first step and it can light a spark of hope in people's hearts and minds.

Again, perhaps our predecessor in the Senate, Mike Mansfield, when speaking about the task in 1964, said it best when he noted:

> What we do here in the . . . Congress will not, of itself, correct these faults, but we can and must join the wisdom—the collective wisdom of this body—to the efforts of others in this Nation to face up to them for what they are—a serious erosion of the fundamental rock upon which the unity of the Nation stands.

Tolerance and respect are our nation's bedrock. Today we can join together to renew the fight for a better America. And if we continue to look at the good, courageous, decent things our neighbors are doing, the sparks of hope we light just might catch fire, in Montana and all across the country.

Mr. ENZI. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 221) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

> Whereas the term 'hate crime' means an offense in which one or more individuals, commits an offense (such as an assault or battery (simple or aggravated), theft, criminal trespass, damage to property, mob action, disorderly conduct, or telephone harassment) by reason of the race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals;
>
> Whereas there are almost 8,000 hate crimes reported to the Department of Justice each year, and the number of hate crimes reported increases each year;
>
> Whereas hate crimes have no place in a civilized society that is dedicated to freedom and independence, as is the United States;
>
> Whereas the people of the United States must lead and set the example for the world in protecting the rights of all people;
>
> Whereas the people of the United States should take personal responsibility for and action against hatred and hate crimes;
>
> Whereas the Members of Congress, as representatives of the people of the United States, must take personal responsibility for and action against hatred and hate crimes;
>
> Whereas the laws against hate crimes, which have been passed by Congress and signed by the President, must be supported and implemented by the people of the United States and by Federal, State, and local law enforcement officials and other public servants: Now, therefore, be it
>
> *Resolved*, That the Senate—(1) designates April 30, 1998, as 'National Erase the Hate and Eliminate Racism Day'; and (2) requests that the President issue a proclamation calling upon the people of the United States and throughout the world to recognize the importance of using each day as an opportunity to take a stand against hate crimes and violence in their nations, states, neighborhoods and communities.

COMMENDING STUART FRANKLIN BALDERSON

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 222 submitted earlier today by Senator LOTT and others. I further ask unanimous consent that the clerk read the resolution and the preamble.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

> A resolution (S. Res. 222) to commend Stuart Franklin Balderson.
>
> Whereas Stuart F. Balderson became an employee of the United States Senate on May 23, 1960, and since that date has ably and faithfully upheld the high standards and traditions of the staff of the United States Senate for a period that included 19 Congresses;
>
> Whereas Stuart F. Balderson has served as Financial Clerk of the United States Senate from August 1, 1980 to April 30, 1998;
>
> Whereas Stuart F. Balderson has faithfully discharged the difficult duties and responsibilities of his position as Financial Clerk of the United States Senate with great pride, energy, efficiency, dedication, integrity, and professionalism;
>
> Whereas he has earned the respect, affection, and esteem of the United States Senate; and
>
> Whereas Stuart F. Balderson will retire from the United States Senate on April 30, 1998, with 40 years of Government service—38 years with the United States Senate and 2 years with the United States Navy: Now, therefore, be it
>
> *Resolved*, That the United States Senate commends Stuart F. Balderson for his exemplary service to the United States Senate and the Nation, and wishes to express its deep appreciation and gratitude for his long, faithful, and outstanding service.
>
> SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Stuart F. Balderson.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I want to take just a moment on the passage of this important resolution to thank Stewart Balderson for his nearly four decades of distinguished service, as has been referenced in the resolution, and wish him well as he begins the next chapter of his life.

Stuart Balderson truly is an institution within an institution.

He began his career in the Senate finance office when he was 22—and Lyndon Johnson was still the Majority Leader.

He has stayed there for 38 years—through the tenure of 12 Senate Secretaries—working in every department: payroll, accounting, retirement and benefits, and legislative budgeting.

In 1980, he assumed the top position in that office, Financial Clerk of the United States Senate.

I first came to the Senate in 1973, as a staffer for another South Dakota Senator.

As anyone who has ever worked here knows, the finance office is one of the first offices you visit after you're hired. You go there to fill out your W4 and your insurance forms and other necessary pieces of paper.

From that day until today, I have been impressed with the efficient and friendly service in that office. And I believe that is a direct reflection of the man who has run it so well, and for so long.

I am not alone in my admiration.

In 1992, Stuart Balderson was named "Congressional Staffer of the Year," by Roll Call newspaper. He was given the award at the Senate Staff Club Dinner Dance.

That night, in his acceptance speech, he said of this Senate, "I love the institution, and I work very, very hard for its financial integrity."

He went on to regale his fellow diners with his recollections of what the Senate was like back in 1960, when he came here.

He recalled how giants like Everett Dirksen, Hubert Humphrey and Sam Ervin used to drop by the finance office just to chat. There was a real "sense of family" on the Hill back then, he said. Everyone knew everyone.

He said he also remembered thinking that he would "never get anywhere here, because it looked to me like everyone had been here forever, and wouldn't leave until they died at their desks.

"But, I quickly found out," he added, "that these people were the sources of knowledge and wisdom, and I found myself calling on them constantly."

Clearly, Stuart Balderson was wrong in thinking he'd never go anywhere in the Senate finance office.

But he was right about another thing: The dedicated men and women who have served this Senate for years truly are sources of knowledge and wisdom—for all of us.

They are our institutional memory, and our connection to a different time—a time when people on the Hill focused less, perhaps, on party labels, and more on common goals.

Over the years, Stuart Balderson has earned his place among those sages.

I know I speak for countless Senators and Senate staffers when I say, we will miss his professionalism, and dedication, and his ever-friendly manner.

We thank him for his many years of impeccable service to this great institution. And we wish him all the best on his retirement.

I yield the floor. I thank my colleague.

Mr. ENZI. Mr. President, I ask unanimous consent that the resolution that was read be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 222) was agreed to.

The preamble was agreed to.

ORDERS FOR FRIDAY, MAY 1, 1998

Mr. ENZI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, May 1. I further ask that on Friday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate proceed to the consideration of S. 1186, the job training partnership bill, under the previous time agreement of 4 hours equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. I further ask that any votes ordered with respect to S. 1186 or amendments thereto be stacked to occur at 5:30 p.m. on Tuesday, May 5.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. I further ask that at the conclusion of the consideration of S. 1186, during Friday's session, the Senate begin a period of morning business with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator COVERDELL, 1 hour; Senator DASCHLE or his designee, 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ENZI. For the information of all Senators, tomorrow the Senate will begin consideration of S. 1186, the job training partnership bill. Under the previous consent agreement, there will be 4 hours of debate equally divided on several amendments to be offered to the bill. As a reminder, any votes ordered with respect to S. 1186 will be stacked to occur at 5:30 p.m. on Tuesday, May 5. Members should also be aware that on Monday, May 4, the Senate will begin consideration of the IRS reform bill. It is hoped that Members will come to the floor to debate the IRS bill and to offer amendments to that legislation. Again, as with the Job Training Partnership Act, any votes ordered with respect to the IRS reform bill will be postponed to occur beginning at 5:30 p.m. on Tuesday.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. ENZI. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 11:11 p.m., adjourned until Friday, May 1, 1998, at 9:30 a.m.

CONFIRMATIONS

Executive Nominations Confirmed By The Senate April 30, 1998:

FEDERAL DEPOSIT INSURANCE CORPORATION

DONNA TANOUE, OF HAWAII, TO BE CHAIRPERSON OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM OF FIVE YEARS.

DONNA TANOUE, OF HAWAII, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 3, 2000.

IN THE COAST GUARD

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS COMMANDANT OF THE UNITED STATES COAST GUARD, AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 44:

To be admiral

VICE ADM. JAMES M. LOY, 8128.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS VICE COMMANDANT, UNITED STATES COAST GUARD, AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 47:

To be vice admiral

VICE ADM. JAMES C. CARD, 8343.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE COAST GUARD

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 729:

To be rear admiral

REAR ADM. (LH) J. TIMOTHY RIKER, 9518.

To be rear admiral (lower half)

CAPT. CARLTON D. MOORE, 0938.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS COMMANDER, PACIFIC AREA, UNITED STATES COAST GUARD, AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

REAR ADM. (LH) THOMAS H. COLLINS, 9096.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. HAL M. HORNBURG, 6836.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL C. SHORT, 9016.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. NANCY R. ADAMS, 4217.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JOHN F. KANE, 6020.

THE FOLLOWING-NAMED RESERVE OFFICER FOR APPOINTMENT AS CHIEF OF ARMY RESERVE UNDER TITLE 10, U.S.C., SECTION 3038:

To be chief, army reserve, united states army

MAJ. GEN. THOMAS J. PLEWES, 3930.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. CARLTON W. FULFORD, JR., 5783.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL J. WILLIAMS, 8024.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. BRUCE B. KNUTSON, JR., 7136.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOHN R. RYAN, 4509.

IN THE AIR FORCE

AIR FORCE NOMINATION OF RITA A CAMPBELL, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 13, 1998.

AIR FORCE NOMINATION OF CHRISTIANNE L. COLLINS, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 1, 1998.

AIR FORCE NOMINATIONS BEGINNING ALTON G. CHERNEY, AND ENDING KEVIN L. TOY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 1, 1998.

AIR FORCE NOMINATIONS BEGINNING ALMA J. ABALOS, AND ENDING VICTORIA G. ZAMARRIPA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 1, 1998.

AIR FORCE NOMINATIONS BEGINNING DONALD S. ABEL, AND ENDING FREDERICK M. WOLFE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 2, 1998.

IN THE ARMY

ARMY NOMINATIONS BEGINNING MICHAEL H ABREU, AND ENDING X2056, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 6, 1998.

ARMY NOMINATIONS BEGINNING RONALD V. DUNCAN, AND ENDING LYNN H. WITTERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 13, 1998.

ARMY NOMINATIONS BEGINNING RICHARD A. CLINE, AND ENDING * SONJA S. THOMPSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 1, 1998.

ARMY NOMINATIONS BEGINNING RUBY T. BADDOUR, AND ENDING NOEL L. WOODWARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 2, 1998.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WILLIAM T. D'AMICO, AND ENDING JOSE PUBILLONES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 1, 1998.

NAVY NOMINATION OF ROBERT A. WULFF, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 1, 1998.

NAVY NOMINATION OF LYNNEANN PINE, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 1, 1998.

NAVY NOMINATIONS BEGINNING BRIAN W. DAUGHERTY, AND ENDING MICHAEL CRICCHIO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 1, 1998.

EXTENSIONS OF REMARKS

THE 23RD ANNIVERSARY OF THE TRAGIC FALL OF SOUTH VIETNAM TO COMMUNISM

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Ms. SANCHEZ. Mr. Speaker, today it seems fitting that with the 23rd anniversary of the fall of Saigon to Communism, special recognition of the memories, feelings, and introspections regarding April 30, 1975, are in order. We must pay special tribute and remember the sacrifices of our soldiers and our Vietnam Veterans who fought and died in the name of freedom and democracy.

Many Vietnamese experienced first hand the deprivation, humiliation, and fear associated with losing their country, their way of life, and their freedom. But all who left their Vietnamese homeland to come to the United States chose a life filled with uncertainty, change, and struggle over a life in their homeland under a Communist thumb.

While I am at home visiting with my constituents, I am disheartened by the stories of their experiences during that conflict. It is often difficult to fully appreciate the extent to which these diligent people have survived all manner of disasters and trauma and have gone on to lead civil and productive lives.

Mr. Speaker, we must continue to be vigilant to keep this memory alive in our hearts. We must tell the story of their brave sacrifices to our children and our children's children. We must ensure that the important cause that we fought for is not forgotten by future generations.

COMBATING TERRORISM: TESTIMONY BEFORE THE SUBCOMMITTEE ON NATIONAL SECURITY, INTERNATIONAL AFFAIRS, AND CRIMINAL JUSTICE; COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Mr. SKELTON. Mr. Speaker, on Thursday, April 23, 1998, I testified before the Subcommittee on National Security, International Affairs, and Criminal Justice; Committee on Government Reform and Oversight. On this occasion, I discussed a series of reports, prepared at my request by the General Accounting Office (GAO). These reports detail the United States' substantial efforts to combat terrorism. I share my remarks with the Members of the House.

TESTIMONY BEFORE THE SUBCOMMITTEE ON NATIONAL, INTERNATIONAL AFFAIRS, AND CRIMINAL JUSTICE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT, APRIL 23, 1998

Chairman Hastert, members of the subcommittee, it gives me great pleasure to appear before you today. I appreciate the opportunity not only to speak about an important issue to our nation but also to bring attention to a substantial body of work produced by the General Accounting Office (GAO). This "work in progress"—to date, a series of four reports—will eventually produce the most comprehensive overview of our nation's effort to combat terrorism. As Chairman Hastert knows all too well, this is a daunting task. Without his leadership and effort, we would have a far more vague picture of our government's activities. Let me briefly review these recent findings.

First, GAO released a July 1997 report entitled, "Combating Terrorism: Status of DoD Efforts to Protect Its Forces Overseas." Dealing with anti-terrorism, this report concluded that uniform security standards were necessary to assure the safety of Americans around the world.

Second, GAO released a September 1997 report entitled, "Combating Terrorism: Federal Agencies' Efforts to Implement National Security Policy and Strategy." Focused on Counterterrorism—or those offensive measures for deterring, resolving, and managing terrorist acts—this second report represents the first comprehensive examination of federal activities to combat terrorism. It pointed out that more than 40 federal departments, agencies, and bureaus, are involved in this activity. It also outlined specific roles and responsibilities of federal agencies, as well as their respective capabilities.

GAO released its third report in December of 1997. Focused on total government-wide spending levels to combat terrorism, this product—and the process leading up to its publication—closely tracked with congressional interest in the subject. As many of you know, during floor consideration of the fiscal year (FY) 1998 Defense Authorization Bill, an amendment—my amendment—was accepted to require the Office of Management and Budget (OMB) to disclose overall spending levels directed against terrorism. Known as Section 1051 and taken together with GAO's third report, enough evidence surfaced to offer both encouragement and concern. Although it seemed that a significant amount of resources were annually committed to combat terrorism, the following inefficiencies were exposed:

No regular government-wide collection and review of funding data existed;

No apparent government-wide priorities were established;

No assessment process existed to coordinate and focus government efforts; and

No government office or entity maintained the authority to enforce coordination.

As a result, the third report recommended that the National Security Council (NSC), OMB, the departments, and agency heads—such as the State Department and the Federal Bureau of Investigation (FBI)—build upon the new statutory requirement embodied in Section 1051. I am also pleased to report that this remains an annual obligation, requiring by March of each year an annual overview of government-wide efforts to combat terrorism around the globe.

Finally, at the request of Chairman Hastert and myself, GAO has recently released its fourth and latest product on the subject, entitled "Combating Terrorism: Threat and Risk Assessments Can Help Prioritize and Target Investments." Again, enough evidence has been provided to question the federal government's level of funding. This last report—responsible for reviewing the implementation of the Nunn-Lugar-Domenici domestic response program—hopefully will assist with the establishment of consistent national standards and priorities.

THE THREAT

Mr. Chairman, members of the committee: In your mind's eye, join me and imagine what it was like in 1995 for the Senior Airman at a remote location in a foreign land, relaxing after a long, hot, stressful day in the Arabian desert;

Imagine, too, what it was like in 1996 for the federal employee beginning the day in Oklahoma, pouring coffee, grabbing a breakfast snack, and preparing for morning briefings;

Imagine what it was like in 1993 for Americans—businesswomen, diplomats, tourists, visitors—milling innocently about in the heart of New York City, one of our nation's busiest locations;

Imagine, if you can, what it was like for these individuals before these three locations became infamous for the catastrophic events that followed. To a person, none expected anything but completion of an average day; yet all experienced a jolt, a shock, a sense of horror, as chaos and bedlam brought an abrupt halt to their respective routines.

The bombing victims at Khobar Towers in Saudia Arabia were trained military professionals in a foreign land. The bombing victims at the Oklahoma City Federal Building and the World Trade Center, were average American citizens—civilians—at home in their communities, totally unprepared for the violence they were forced to experience.

Despite the different circumstances, all three events share in common one unavoidable, tell-tale truth: Americans died brutally, without warning, unnecessarily, and in a manner that will almost certainly be imitated in the future. In 1995 and 1996, about one-fourth of all international terrorist acts were against U.S. targets; and although the number of terrorist incidents both worldwide and in the United States has declined in recent years, the level of violence and lethality of attacks has increased. Violent events in the past, may encourage further attempts to strike America in places such as our own yards, back home in our districts, and other places where attacks might be least expected. Enemies of the United States, I fear, have adopted effective methods and means to strike against America.

Surely, enemies to America—both foreign and domestic—recognize the military capabilities of the United States. It is hard to ignore our successes throughout history and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

around the globe; it is difficult not to marvel at our technological advancements; and it is nearly impossible to overlook our massive military might at sea, in the air, and on the ground. Our naval, air, ground, and Marine forces remain superior and unmatched in today's world.

Further, enemies to America—both foreign and domestic—almost certainly recognize the capabilities of our domestic law enforcement and emergency response officials. The Federal Bureau of Investigations, or FBI, the U.S. Secret Service, the Bureau of Alcohol, Tobacco and Firearms (ATF), U.S. Customs, and the Federal Emergency Management Agency (FEMA) are highly respected worldwide. Their standards currently set those of the international community.

But what of the point at which the responsibilities of these two communities intersect? Do our domestic law enforcement capabilities effectively coordinate with those of the Department of Defense? In the case of another incident on American soil, are Defense Department officials prepared to effectively support local officials? Are existing programs—such as the Emergency Response Assistance program, the Rapid Response Information System, and the Nunn-Lugar-Domenici "First Responder Training" program—adequately funded to handle a future incident, particularly one involving a weapon of mass destruction (WMD) such as a biological or chemical agent, or nuclear device?

We better be sure.

Is the threat real? I believe wholeheartedly that it is.

Are we in danger of overstating the threat? I am not sure. But, let me share with you something about which there is no doubt. I implore you to consider two lists, one based on capabilities, the other based on alleged activities. I ask you first to consider the list of nations around the globe known to either possess or nearly possess the capability to produce chemical and biological weapons—you are, of course, familiar with the unclassified list: North Korea, China, India, Pakistan, Iran, Iraq, Libya, Syria, and Russia. Second, I ask you to consider the group of nations singled out by the State Department for engaging in state-sponsored terrorism. Again, you are familiar with the list's membership: Cuba, Iran, Iraq, Libya, North Korea, Sudan, and Syria. Finally, I ask you to look at the correlation between these lists and ask you to decide. Are you willing to risk the potential consequences of not being prepared?

THE RESPONSE

To properly prepare for potential terrorist acts we must set forth with a political commitment to attain both efficiency and adequate resource levels across the entire federal government.

The recent past offers a bit of optimism. A relatively high level of Congressional support has existed:

The 1994 National Defense Authorization Act expressed a sense of Congress that the President should strengthen federal interagency response planning for early detection and warning of—and response to—potential use of chemical or biological agents and weapons.

The Defense Authorization Act for Fiscal Year 1996 required the Secretary of Defense and the Secretary of Energy to submit to Congress a joint report on military and civil defense response plans.

The 1997 National Defense Authorization Act required the President to take immediate action to enhance the capability of the Federal Government to prevent and respond to terrorist incidents involving WMD and to provide enhanced support to improve both the response and deterrent capabilities of state and local emergency response agencies. More than $50 million in assistance was authorized.

And just this past year, the budget request for the Defense Department included $49.5 million for support of the domestic emergency preparedness program. The resulting 1998 authorization provided for this request as well as an additional $10 million for equipment for the Marine's Chemical-Biological Incident Response Force and $10 million to support development of a domestic/biological counter-terrorism mission for the National Guard.

But I am concerned about our nation's ability over the next few years to attain efficiency or to sustain such a commitment. The Defense Department rightly assumes a supportive role during a terrorist incident within the United States, leaving the Department of Justice the primary responsibility for response and coordination. Yet even a role supportive in nature has come at a great cost—in both manpower and dollars. Much of the highly specialized expertise resides in DoD; and most of the highly-trained individuals necessary for such tasks are also from the Department of Defense. Unfortunately—for them, for their families, and for our nation—these same individuals are often needed elsewhere, in overseas contingencies around the world. In these strict budgetary times, support and training assistance to domestic authorities is placing Defense personnel under a terrible strain.

This year's budgetary constraint is particularly tight and I have not received information to cause me to believe that anything might be different in the near future. This is not to say there aren't several matters to provide encouragement, such as the recent announcement to authorize 10 Rapid Assessment and Initial Detection (RAID) teams within the Guard and Reserve components. Indeed, the collocation of these teams with FEMA regional offices just might provide the necessary "bridge" between federal and state officials and spawn better coordination.

Yet, I am aware of the Defense Department's budgetary struggle to meet existing requirements and must assume that this new effort might also find itself at risk of receiving inadequate resources. We should look closely at this recommendation before committing a large sum of our precious—and increasingly scarce—financial resources. And we should recognize that this resource pool is declining further now that FEMA has recently decided to withdraw itself from any lead-agency role. Without its assistance, the Defense Department must now find additional, previously unanticipated budget authority over the next 4 years to support this requirement.

As the work of GAO has helped us discover, our approach may be fundamentally flawed: perhaps too many different federal agencies and local governments possess existing or emerging capabilities for responding to a WMD attack; uneven and nearly incompatible levels of expertise often exists; duplication and poor communication may complicate our effort; and public complacency may threaten to weaken our overall capability. To be sure, if I must leave only one message today, let it be this: coordination problems may exist; but these problems pale in comparison with the potential problems resulting from public complacency.

Mr. Chairman, there is a Chinese proverb that states, "May you live in interesting times." We should be thankful that we do. We also live during challenging times. At a time of budget cuts, force drawdowns, streamlining, and reductions in military personnel endstrength levels, we are faced with a familiar threat that is growing in importance. To counter the terrorist threat—to provide as much safety to Americans at home and abroad—we may need to not only strengthen and reinforce existing capabilities but legislate additional resources. If we fail in this calling, we may face another day when—without warning—an innocent American again falls victim to such evil.

TRIBUTE TO BERNARD B. KERIK

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Bernard B. Kerik, who was officially sworn-in as Commissioner for the City of New York's Department of Corrections.

On December 23, 1997, Mayor Rudolph W. Giuliani announced the appointment, effective January 1, 1998, of the Department of Correction's First Deputy Commissioner, Bernard B. Kerik, as Commissioner.

Mr. Kerik, as Commissioner, oversees an annual budget of approximately $792 million, a civilian and uniformed workforce of about 13,000 and an inmate population of some 133,000 admissions yearly in the Department's 16 jails, 15 court detention pens and four hospital prison wards. As First Deputy Commissioner, he was responsible for the day-to-day operation of the Department. He has been appointed by Mayor Giuliani to the position of First Deputy Commissioner January 24, 1995, Mr. Kerik served in prior positions with the Department as Executive Assistant to the Commissioner and as Director of the Investigations Division.

Prior to DOC, Mr. Kerik served with the New York City Police Department for eight years. After uniformed and plain clothes duty with anti-crime and narcotics units in Midtown South and Manhattan North commands, he was assigned to the U.S. Justice Department's New York Drug Enforcement (DEA) Task Force. There, he helped direct one of the most substantial narcotics investigations in the history of that office, resulting in the conviction of more than 60 members of the Cali Cartel. Mr. Kerik received 28 citations for meritorious and heroic service during his tenure with NYPD, including that Department's Medal of Valor.

Before joining NYPD, Mr. Kerik was the Warden of the Passaic County Jail, the largest county adult correctional facility in the State of New Jersey, responsible for the administrative direction of the 265 uniformed and civilian staff and an annual budget of $7.2 million. He also served as that Department's Training Officer, assistant commander of the Sheriff's Emergency Response Team, and commander of the Special Weapons and Operations Units.

Mr. Kerik spent nearly four years in various security assignments in Saudi Arabia, training Saudi and other nationals in physical security and police patrol operations. Before that, he served as an MP for three years in the U.S. Army, assigned to the 18th Airborne Corp where he trained Special Forces personnel at the John F. Kennedy Unconventional Warfare Center, Fort Bragg, North Carolina. He was also a member of an all-Army martial arts team.

Mr. Kerik has a diverse background and education in international and domestic anti-terrorism, personal protective security and special weapons and operations. He has been commended for heroism by President Ronald Reagan and the Cities of Paterson and Passaic, New Jersey. He has received the DEA Administrator's Award, the Medal of Valor from the International Narcotic Enforcement Officers' Association, and a Special Achievement Award from the Special Narcotics Prosecutor for the City of New York.

In December, 1997, he was appointed by the Mayor as a member of the newly-formed New York City Gambling Control Commission. The five-member Commission is charged with establishing and enforcing regulations for shipboard gambling to ensure that consumers are protected from fraudulent practices and to prevent the influence of organized crime.

Mr. Kerik is vice chairman of the Boy Scouts' Greater New York Councils Law Enforcement Exploring Division. He also chairs the Michael John Buczek Foundation's annual fundraiser that honors law enforcement heroes across the nation. Named in memory of a 34th Precinct, officer slain in the line of duty, the Foundation provides financial assistance to youth foundation in that neighborhood and to the law enforcement community in New York and New Jersey.

Mr. Speaker, I ask that you join me, our colleagues, the family and friends of Commissioner Kerik's, and the City of New York, in recognizing the many outstanding and invaluable contributions Bernard B. Kerik has made to public safety through his distinguished career in law enforcement.

SENSE OF CONGRESS ON 50TH ANNIVERSARY OF FOUNDING OF MODERN STATE OF ISRAEL

SPEECH OF

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. PICKETT. Mr. Speaker, Rabbi Zoberman, the spiritual leader of Congregation Beth Chaverim in Virginia Beach, Virginia and past President of the Hampton Roads Board of Rabbis and the Virginia Beach Clergy Association, made the following statement on the occasion of the 50th anniversary of the State of Israel:

> The Jubilee anniversary of the State of Israel is not an ordinary occasion. Rather it is a poignant reminder of the durability of a dream; reflecting the daring of a people small in physical size but large in vision, not to depart from history's stage in spite of immense and harassing pressure to the contrary.
>
> Throughout the two millennia of dispersion following the Roman devastation, the Jewish people skillfully integrated their longing for Zion into their spiritual quest and way of life, bonding themselves to the land where they came to be and which served as the dramatic setting for fashioning a transforming Biblical legacy that continues to inspire as well as challenge humanity.
>
> Israel was driven not only by its particular agenda of uniqueness and survival, attempting to transcend both geographic and tribal boundaries in a fervent embrace of a universal message of shalom unshaken by its painfully experienced lack of it. Thus its undying hope for the welfare of the human family became a source of consolation and strength in its struggle to persevere in face of terrifying odds. Its welcomed return into the family of nations came only after the tragedy of the Holocaust deprived it of a third of its people, destroying European Jewry and threatening the very continuity of an ancient folk, ironically entering the period of modernity with enormous trust in the inevitable progress of the human species and its ability to overcome past limitations.
>
> Colonial rule over Palestine first by the Turks for four hundred years and then, from 1917 to 1948 under the British Mandate, coupled with growing Arab antagonism and hostility toward the Jewish presence, made the fulfillment of the prophetic promise of return so much more trying. Winning independence following the support of the United Nations and the defeat of the invading Arab armies by the meager and ill-equipped Israeli forces, was the beginning to an arduous journey of absorbing millions of Jewish refugees from decimated Nazi-Europe and persecuting Arab lands. My own family of Polish survivors was among them, seeking the blessing of healing in rebuilding shattered lives while giving birth to a dynamic democratic society, still the only one in the Middle East, with the demanding agenda to be faithful to the noble principles of its great legacy of values and vast suffering.
>
> How remarkable are the accomplishments of the reborn entity in light of a constricting environment of mighty obstacles, constantly exposed to moral danger! It has managed to create, out of necessity, one of the best militaries in the world in the context of a vibrantly flourishing Western culture, establishing renowned institutions of higher learning, rescuing and integrating immigrants from multiple and diverse backgrounds such as Ethiopia and the former Soviet Union, reaching out to help Asian and African countries, developing a significant hi-tech industry and offering new models of creative communal living, most notably the kibbutz.
>
> Israel's stamina and determination to prevail and thrive, demonstrated also on the battlefield, time and again, finally convinced its largest Arab foe of the wisdom of concluding peace in 1979 and Jordan followed suit in 1994, in the wake of the 1993 rapprochement with the Palestinians. The Peace Process already proven beneficial to both sides, economically and diplomatically, has dangerously slowed down given the watershed assassination of Prime Minister Rabin who suffered the fate of martyred President Sadat, acts of wanton terrorism against Israelis, and the election into power of Prime Minister Netanyahu who represents a different ideological bent from that of his predecessor in office. However, the Peace Process is bound to eventually gather momentum and actively involve the essential partnerships of Syria and Lebanon in an irreversible historical movement to advance the families of the region exposed to the threat of Fundamentalism and the likes of Saddam Hussein, toward a future free from the stranglehold of bloodshed, ignorance, prejudice and poverty. The role of the United States, the sole left superpower, as broker, in the unfolding destiny of the Middle East, remains of critical importance. It has stood by Israel, its trusted and faithful friend and ally, in times of war and in search for peace, continuing to be a beacon of hope at the crossroads of historic change and uncertainty with both opportunity and risk. American Jewry being a pivotal position, has been entrusted to serve as a proud bridge, connecting a mighty nation and a small but enduring people, bound together by a common yearning to hallow the human experience and consecrate the divine gift of life.

HONORING THE HONORABLE FRED LIPPMAN UPON HIS RETIREMENT

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Mr. DEUTSCH. Mr. Speaker, I rise today to honor the career of a respected and admired public servant from Florida: The Honorable Fred Lippman. Representative Lippman announced recently his retirement from the Florida House of Representatives.

Representative Fred Lippman, who represents most of Hollywood and parts of Hallandale Beach, has been a member of the Florida Legislature since 1978. After attending the Graduate School of Pharmacy at Columbia University in New York, Representative Lippman moved to South Florida and opened several pharmacies. It was at this time that he became active in community affairs. For two decades as a public servant Representative Lippman has fought for legislation to protect children, senior citizens, and to improve Florida's health care systems.

Representative Lippman was vital in the effort to pass the country's first laws to mandate the use of child-safety seats; the design of Healthy Kids health insurance program for children; and revising Florida's child abuse laws. The Lippman Family Center and the Lippman Shelter, both in Broward County, were named after Representative Lippman in honor of his work on behalf of Florida's troubled youth and families. Representative Lippman's efforts to provide care for Florida's needy children and adults have earned him numerous awards and honors from organizations such as the American Lung Association, American Jewish Congress, Florida's teachers, professional firefighters, children's advocates, Chambers of Commerce, public health providers, Jaycees, and many others.

I believe Representative Lippman leaves the state house with the knowledge that Florida is better for him having served. I thank him today for his work.

TRIBUTE TO JAMES J. VERLOTTE

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Mr. KLINK. Mr. Speaker, I rise today to honor a great citizen of Pennsylvania, James

J. Verlotte. James Verlotte retired on June 30, 1997, after forty-three years of service to the Mohawk Area School District.

Jim Verlotte began his service as an educator in 1954. Over the next four decades, he made an impact on the lives of so many young people in Lawrence County. In addition to his career as an elementary school principal, Jim took the time to make a difference in other areas of the state and local community. He has been a member of the Pennsylvania Association of Elementary Principals, the Pennsylvania Association of School Administrators, and the Pennsylvania Association of Federal Program Coordinators. At the local level, Jim Verlotte has served as the Assistant Director of the Lawrence County GED Test Center and is an active volunteer at St. Anthony's Church in Bessemer.

His commitment to his career in education is rivaled only by his commitment to the children of Pennsylvania. James Verlotte has earned the respect among his peers that can only be achieved after a lifetime of service to others. He has touched the lives of a great number of people, both young and old, throughout his years as an educator and fellow citizen.

Mr. Speaker, I ask my colleagues to join me in thanking James J. Verlotte for his years of service. We wish you the best in your retirement. Thank you.

TRIBUTE TO LEN SHERRY

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Mr. TIERNEY. Mr. Speaker, I rise to salute Mr. Len Sherry of Danvers, Massachusetts who is retiring from the town's Housing Authority Board after more than 20 years of devoted service, having served 14 years as its Chairman.

During his tenure on the Housing Authority Board, Mr. Sherry was a leader in persuading the community at large of its obligation to provide much needed support for housing programs, and his efforts resulted in the addition of elderly and family units to Danvers' housing stock. Mr. Sherry was also instrumental in the expansion of rental assistance and community-residence programs.

Those who worked at and were served by the Danvers Housing Authority were not the only ones to benefit from Mr. Sherry's community spirit. He was also a Town-meeting member, school committeeman, Little League coach and Sunday school teacher. He used his skills as a communicator to promote partnerships within the community that served to better the lives of everyone. Very few, if any, people in Danvers have not been touched in some way by Len Sherry.

Indeed, Mr. Sherry has been an inspiration to his friends and family. Mr. Speaker, I am proud to stand here to recognize the accomplishments of Len Sherry; his dedication to the Town of Danvers is to be commended. I hope my colleagues will join with me today in wishing Mr. Sherry the very best as he begins his retirement.

TRIBUTE TO JOHN RYLAND EDWARDS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Mr. SKELTON. Mr. Speaker, today, I wish to say a few words in tribute to John Ryland Edwards, a superb soldier and educator, who is retiring after 22 years of service to Wentworth Military Academy.

Born in Lexington, MO, John Edwards graduated from the University of Missouri with a BS in Education. In 1955, he became a teacher and coach at Henrietta, MO, High School, but joined the United States Army one year later. From 1956 to 1976, Mr. Edwards served his country in the U.S. Army while stationed in Texas, Alaska, Colorado, Indiana, Washington, DC, Vietnam, and Okinawa. During his tenure in the Army, he worked as an Adjutant General Corps Sports Director, an Assistant Army Service Officer, a Special Service Officer, an Administrative Officer, a Recreational Services Officer, an Adjutant General, the Director of Armed Forces Professional Entertainment Office, Army Project Officer for the Presidential Reception honoring Vietnam veterans, Director of U.S. Army Sports Program, Officer in Charge of U.S. Armed Forces basketball team, and the Army Representative to the 1976 Olympics. John Edwards retired from active duty in 1976, with the Legion of Merit award, a Bronze Star, Meritorious Service Medal (with Oak Leaf Cluster), Air Medal, Army Commendation Medal (with two Oak Leaf Clusters), National Defense Service Medal, Vietnam Service Medal, and the Vietnam Campaign Medal.

Following his active duty career, John Edwards moved back to his hometown of Lexington, MO, to serve at Wentworth Military Academy. During his 22-year tenure at Wentworth, John served as Operations Officer, Special Events Coordinator, Project Officer, Athletic Director and basketball coach, Alumni Director, Adult Education Director, and Interim Superintendent. John has provided superior leadership at Wentworth, and has worked with every department on campus. He served as the man behind the scenes who made every event work with precision.

In addition to his military career, John Edwards has participated in many community activities. He is a member of the Lexington, MO, Lions Club, Lafayette Regional Health Center Board of Trustees, Lexington Area Chamber of Commerce Board (serving as President for one term), Lafayette County Health Department Board, and Member of Turners. He has received the Melvin Jones Fellow Award and Lion of the Year Award, as well as the Lexington Outstanding Leadership Award.

Mr. Speaker, I am certain that my colleagues will join me in paying tribute to John Ryland Edwards, an outstanding Missourian. His career in the United States Army and at Wentworth Military Academy, combined with superb community service, make him a role model for young military and civic leaders.

TRIBUTE TO WALTER HOFFMAN

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Walter Hoffman of Wayne, New Jersey, who is being honored by the Wayne Democratic Organization.

Walt was born in Newark, New Jersey on December 21, 1924. He was raised in Glen Ridge and East Orange, and was active in scouting activities, including Assistant Scout Master and Explorer Adviser. Walt was also co-captain of his high school's track team.

Walt is a Marine Corps veteran, having served his country during World War II in the Pacific Threatre of Operations from 1943 to 1946. Upon leaving the Marines, Walt attended the University of Michigan where he earned a Bachelor of Arts degree in Political Science in 1948. Pursuing a career in law, he attended the University of Chicago Law School and earned his J.D. in 1950. He was also Associate Editor of the law school's Law Review.

Walt has an accomplished and distinguished career in both law and public service. He was a trial attorney for the National Labor Relations Board in 1951 and a staff attorney for the House Ways and Means Subcommittee Investigating Administration of Internal Revenue Laws from 1951–52. From 1955 to 1985, Walt sought out the private practice of law and was a senior partner in his own firm for 26 of those years. During this time, however, he still remained active in public matters. Walt served as Chair of the Arms Control and Disarmament Committee and Vice-Chair of the International Courts Committee from 1974–78. He was founder and Executive Vice-President of the Campaign for United Nations Reform from 1975–91 and Executive Director and Executive Vice-President of the World Federalist Association from 1985–93. Walt also was appointed by House Speaker Thomas Foley to the United States Commission on Improving the Effectiveness of the United Nations, serving from 1992–93, Chair of the International Organizations Interest Group from 1995–96, and President of the Center for U.N. Reform Education from 1993–96.

In addition to his vast experience in governmental affairs, Walt also has a strong teaching background. He has taught courses on Political Science, American Government, Political Theory, and Law at such institutions as William Paterson College and Ramapo College. Currently he is an Adjunct Professor of American and International Studies at both Ramapo College and William Paterson University. Walt is also serving as Legal Counsel to the World Federalist Association and Treasurer of the Center for U.N. Reform Education.

Walt has also been active politically, having served as Councilman for the Township of Wayne from 1964–71. He was also a Democratic candidate for Mayor in Wayne as well as the State Assembly, and served in numerous capacities for Presidential candidates Eugene McCarthy and Norman Cousins.

Walt is married to the former Lois Johnson, and together they will celebrate their 50th

Wedding Anniversary this June. They have three adult children: Anne Ferruggio, who is Minister of St. Paul's United Church of Christ in Allentown, PA; Laura Calixte, who is the Chief Window Clerk at the Pequannock Post Office; and Charles Hoffman, who is a mortgage banker with Northwest Mortgage Company. Walt and Lois also have three grandchildren: Sylvianne Calixte, who is a student at William Paterson and Raymond and Gregory Hoffman, who are in the 4th and 1st grades respectively, in Havertown, PA.

Mr. Speaker, I ask that you join me, our colleagues, Walt's family and friends, and the Township of Wayne in recognizing Walter Hoffman's many outstanding and invaluable contributions to our society as he is being honored this evening by the Wayne Democratic Organization.

HONORING THE HONORABLE JACK TOBIN UPON HIS RETIREMENT

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Mr. DEUTSCH. Mr. Speaker, I rise today to honor the career of a respected and admired public servant from Florida: The Honorable Jack Tobin. Representative Tobin recently announced his retirement from the Florida House of Representatives.

Representative Tobin, who represents parts of Broward County, has served in the state legislature since 1983. During his sixteen years in the legislature and another four as a city official and Mayor in Margate, Representative Tobin has carved out a reputation as a strong consumer advocate. His legislation has protected car buyers, cracked down on fraudulent telemarketers, and protected travelers from travel agencies that go out of business. Representative Tobin was also a champion of issues important to older Americans such as Alzheimer's patient care and Medicare protection. Most important to Representative Tobin were his efforts on the Clean Indoor Air Act, the Foster Care Statute and the Major Telecommunications Acts of 1989 and 1996.

Representative Tobin has enjoyed his 20 years in public service and although he will be entering the business world, and will no longer be a public official, I know he will continue serving the people of Broward County and Florida as ably as ever.

TRIBAL TRUST FUND SETTLEMENT ACT OF 1998

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Mr. MILLER of California. Mr. Speaker, today I am introducing, by request, the Tribal Trust Fund Settlement Act of 1998. This legislation sets up a process through which Indian Tribes could enter into negotiations with the Department of Interior in order to agree on account balances for some 1,500 trust fund accounts held in trust by the United States.

Since the early 1900's the Department of Interior has managed funds derived from land resources for Indian tribes and individual Indians. These funds have been badly mismanaged and the Department cannot verify account balances. After a 5-year and $21 million attempt to reconcile accounts, it became clear that because of the volume of missing documents, reconciliation would be impossible.

This legislation is a good step in the right direction by admitting mistakes and moving forward to clean up the problems of tribal trust fund accounts. Under the legislation, the Department of Interior would make an offer to settle each tribal account. If the offer is rejected, both parties would enter into informal dispute resolution in order to try to come to agreement without the cost and time incurred by litigation. If agreement cannot be reached, tribes would be free to pursue recourse through court action. I am hopeful that we can reach some agreement during the legislative process that provides tribes with a guarantee that if they choose to go to court, they will have swift access to the courts.

Settlement funds agreed to under this legislation would come from the judgment fund made available for judgments against the United States and not from the already strapped tribal programs in the Interior Department. I commend Secretary Babbitt for his diligent work and commitment and hope hearings will be held immediately so that we may hear from the affected Indian tribes on this proposal.

IN MEMORY OF CONGRESSMAN STEVE SCHIFF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Mr. COSTELLO. Mr. Speaker, I want to join my colleagues today in honoring our colleague, Congressman Steve Schiff of New Mexico.

Steve was a friend to me and many others in this chamber. His down-to-earth manner and conscientious approach to Congressional service were welcome attributes to this body. He fought his illness courageously, never allowing it to interfere with his friendships or his devotion to the issues he cared about.

I had the privilege of traveling to the Middle East with Steve Schiff during the Persian Gulf crisis of 1991. We shared stories and common perceptions about how difficult it will be to achieve a lasting peace in such a complex and varied region. He was a thoughtful, intelligent companion and I am sure his constituents will miss his service as much as I will miss his friendship.

At a time when the public is looking for leadership and understanding from its elected officials, Steve Schiff was a model. He conducted himself with a quiet grace, even when his illness took a fatal turn. I know my colleagues will join me in marking his contributions to this House, his civility and his friendship. We will miss his service very much.

MEDICARE PSYCHIATRIC HOSPITAL PROSPECTIVE PAYMENT SYSTEM ACT OF 1998

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Mr. CARDIN. Mr. Speaker, today I am pleased to join my colleague JIM McCRERY in introducing the Medicare Psychiatric Facility Payment Reform Act of 1998. This legislation would improve care provided to Medicare beneficiaries by reforming how Medicare pays for services in free-standing psychiatric hospitals and distinct-part psychiatric units of general hospitals. Our bill proposes to move psychiatric facilities to a prospective payment system (PPS) while phasing in substantial reductions in payments to these providers as required by the Balanced Budget Act (BBA) of 1997. Currently psychiatric hospitals and units are exempt from PPS and their costs are reimbursed under provisions in the 1982 Tax Equity and Fiscal Responsibility Act, or TEFRA.

Because last year's cuts were so deep and sudden, with no transition period to allow psychiatric facilities to adapt to the changes, I am concerned that patient care will be jeopardized. Clearly something needs to be done. Our proposal provides a workable solution. It joins psychiatric facilities with other providers in the Medicare program that are paid on a prospective basis, a reimbursement system that will be more efficient, allow for better planning, and lead to improved patient care. Our bill also ensures that, in the interim, inpatient psychiatric care is not compromised or disrupted because of precipitous budget reductions.

I urge my colleagues to join me in co-sponsoring this important piece of legislation.

TRIBUTE TO WILLIAM McLUCAS, DIRECTOR OF ENFORCEMENT, U.S. SECURITIES AND EXCHANGE COMMISSION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Mr. DINGELL. Mr. Speaker, it is my honor and privilege today to commemorate the career of a remarkable public servant.

Bill McLucas, the Director of Enforcement at the U.S. Securities and Exchange Commission, will soon be leaving his important post after twenty-two years of distinguished service to his country with eight of those years as this country's chief securities enforcer.

The Enforcement Division protects the nation's investors by uncovering and prosecuting fraud in our financial markets. Under Bill's leadership, the SEC's Enforcement Division has secured its place as one of the crown jewels in the country's ongoing efforts to combat white collar crime. Tens of millions of investors have benefited from Bill's fierce commitment to fighting fraud.

In 1995, Bill gave a speech in San Diego warning the municipal market that the SEC was planning to "tack a few hides to the shed door"—a remark for which he was teased and criticized for years afterwards. However, I come to the House Floor to praise him. His remarks were dead on the mark.

Pensioners, retirees, widows with insurance proceeds, parents trying to help their kid pay for college, couples saving for their first home—these are the people Bill McLucas thinks about and works for every day. And, Bill has done the right thing for the right reasons for a very long time.

His remarkable record of accomplishment includes: the unprecedented resolution of the Prudential limited partnership scandal; the vigorous prosecution of insider traders on Wall Street who abused their positions of trust; the complex actions against major firms that helped rig auctions for government securities; and the discovery of abuses on NASDAQ that for many years harmed investors in the over-the-counter market.

Though his Division seems always to have had limited resources, Bill seems always to have found a way to bring small scale frauds to justice as well.

Although he is moving on, Bill has left an indelible mark on the SEC and the Enforcement Division that should last for generations. His integrity, decency, commitment to fair play, and inherent sense of justice have made an extraordinary contribution to the success of our markets—success that can't be measured on a profit and loss statement or a balance sheet. We owe him our profound thanks.

TRIBUTE TO THOMAS E. HARDY AND ANN CESTARO

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Thomas E. Hardy of Prospect Park, New Jersey and Ann Cestaro of Totowa, New Jersey. Tom and Ann were honored at the Passaic Valley Elks Lodge 2111 Awards Dinner.

Tom was born on December 16, 1947 in Paterson, New Jersey. As a resident of Paterson, he attended the local public schools, including P.S. No. 5 and Central High School, where he graduated in 1965. Upon graduating from high school, Tom was drafted into the United States Navy and served his country with honor.

As an Aviation Gunners Mate, 2nd Class during the Vietnam War, Tom received numerous medals and commendations, including the National Defense Service Medal, the Vietnam Service Medal, the Vietnam Campaign Medal, the Navy Unit Commendation, and the Armed Forces Expeditionary Medal (Korea). He was honorably discharged in 1970.

After leaving the U.S. Navy, Tom decided to further his education. He attended Southwestern College from 1970 to 1972, earning an Associate's degree in Finance. From 1973 to 1976, he attended San Diego State, earning a Bachelor of Science degree in Finance. Upon graduating from San Diego State, Tom then attended Florida State, and in 1980 earned an M.B.A. degree in Finance.

During the years 1970 to 1982, he worked for Martin Marietta, in both California and Florida. Starting out as a senior buyer, Tom worked his way up to become chief of procurement, responsible for purchasing and establishing out-of-town representation for the company. In 1982, Tom came back to New Jersey and was employed by the Kearfott Guidance and Navigation Corporation. As a senior buyer, he was responsible for contracts relating to computer hardware and software, as well as government contracts. Tom also was responsible for the inspection of facilities, production ability, and financial worthiness of all sub-contractors utilizing company and customer personnel. In 1994, Tom was employed as a senior buyer by DRS Military Systems of Oakland. He was responsible for the procurement of materials for the ASVS program, and operating on strict budget, was able to save the company more than $265,000.

Tom was a Scout Master from 1986 to 1989 for BSA Troop 2, St. Paul's Church, Prospect Park. He is a member of V.F.W. Post 5084, Elmwood Park and has been a member of the Passaic Valley Elks Lodge since 1991. As an active member of the Elks, Tom has served as Memorial Service Chairman, Parade Chairman, Charity Ball Chairman, and Flag Chairman. He is also the Lodge's Past President and Exalted Ruler.

Ann Cestaro is a resident of Totowa, having lived there for 40 years. Having been married for 33 years, she has three married daughters and three grandchildren. She is employed by Cestaro's Furniture Refinishing, a 25 year-old family-owned business.

Ann is a member of the Passaic Valley Elks Lodge Ladies Auxiliary for 30 years. She has served twice as President and in many other capacities. She is also active with the Veterans Committee and the Handicapped Committee.

Mr. Speaker, I ask that you join me, our colleagues, Tom and Ann's family and friends, and the members of the Passaic Valley Elks Lodge 2111 in recognizing the many outstanding and invaluable contributions Thomas E. Hardy and Ann Cestaro have made to our community.

HONORING THE HONORABLE DEBBIE HORAN UPON HER RETIREMENT

HON. PETER DEUTSCH

OF FLORDIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Mr. DEUTSCH. Mr. Speaker, I rise today to honor the career of a respected and admired public servant from Florida: The Honorable Debbie Horan. Representative Horan recently announced her retirement from the Florida House of Representatives.

Representative Horan, of Key West, was first elected in 1994 at the young age of 31. While serving in the state house she has made education her top priority. For her efforts to improve education in Florida, Representative Horan was named Legislator of the Year by the Florida Association of District School Superintendents, as well as the Florida School Boards Association. Representative Horan was also recognized as the Outstanding Young Floridian by the Florida Jaycees.

For Representative Horan, her service to the people in Key West has been a great honor and a tremendous opportunity to be an advocate for better education in Florida. Although Representative Horan is leaving to spend more time with her two young daughters, Lindsey and Kelsey, I hope she will one day return to public service. She will be missed.

"MY VOICE IN OUR DEMOCRACY"

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Mr. FRANK of Massachusetts. Mr. Speaker. I remember from my own High School days the benefit I gained from participating in the Voice of Democracy contest, and I am therefore particularly pleased to share here with our colleagues the winning Massachusetts entry in the 1997–1998 VFW Voice of Democracy scriptwriting competition.

The winner, Leah Makuch, did an excellent job of expressing her understanding of the democratic system in which we Americans are fortunate enough to live. I am sometimes disappointed that more teenagers do not take advantage of the opportunities which our democratic system offers them, and thus I was particularly pleased to read Leah Makuch's excellent exposition on this subject, and I am for this reason very happy to have a chance to make it widely available.

"MY VOICE IN OUR DEMOCRACY"

1997–98 VFW VOICE OF DEMOCRACY SCHOLARSHIP COMPETITION MASSACHUSETTS WINNER

(By Leah Makuch)

So many parts of this world are silent. So many people are silenced by governments afraid of the power of speech, afraid of the people they seek to control. They use their governmental power against the members of their own country.

On the contrary, I live where I am allowed to speak, encouraged to speak, even required to speak by my human responsibilities. I live in a country of loud voices shouting their opinions, in a country where this is expected. I live in a democracy, and my voice counts.

On the literal level, my voice is rather quiet. Yet I have the power to speak loudly and firmly, to shout my beliefs unto listening ears. My words reverberate through the great Rocky mountains and are projected over the marquee in Times Square, carried along every television network and telephone line, even electronically transmitted to millions of computers all over America. When I choose not to buy a particular product because its manufacturer endorses something I oppose, I am speaking my message to this manufacturer. When I petition against a congressional bill, I speak my opposition loudly and clearly. And although I cannot legally vote, my voice is heard through the votes of my parents and family members. I am a member of a democracy, and it is my responsibility to make myself heard.

Here I stand, right now, on the soapbox of this cassette tape, confident that when I speak about democracy, someone is listening. The ears upon which my words fall are not deaf to my message. I am being listened to at this very moment, and my voice as an American, as a member of a democracy, is respected as being worth hearing. For this reason, if for no other, I should speak. I should speak, I must speak, for that which I believe in and against that which I oppose, because in my heart I know that someone will hear my words. I live in a great democratic puzzle, and my piece fits where no other can. I am not excluded because I am young. I am included because I am worth listening to.

The American Heritage Dictionary defines democracy as "the common people, considered as the primary source of political power." I am a member of this common people, this source of power. What other united, non-democratic peoples would not scoff at my words proclaiming myself as such? This democracy in which I live sees me as this, however. This democracy recognizes my voice as a consumer, future voter, a thinker, and, most importantly of all, as a human being.

As a human being, I have been granted inalienable rights, most notably the rights to life, liberty, and the pursuit of happiness. Primarily, my right to life. Is my life complete, if I have no say in how it is led? Therefore, my voice is a central part of my right to life. I have the right to liberty. This liberty is a liberty of the mind, heart, and soul, a liberty to make my wishes known and live in fear of being persecuted. My voice is my liberty. I have the right to the pursuit of happiness. I have the right to seek out that which makes me happy and support it with the God-given voice inside of me. My voice is the means by which I can pursue my happiness. Therefore, with my voice being a central theme in my rights as a human being, I have four primary inalienable rights: life, liberty, the pursuit of happiness, and the voice by which to fulfill these. My voice is my right as a human being.

On face value, it sounds like a right that can be taken lightly. Freedom of speech. This first amendment should read: "responsibility of speech." I have the right and the responsibility to speak in support of goodness and truth, to speak for those who have no voices.

By these standards, who would oppose this democracy? Who would oppose a family of people with voices, who exercise their natural rights and speak directly to their government for the good of all? My voice in our democracy speaks loudly, and with the same weight as all other voices carry, whether they belong to bodies older, younger, or of a different color than my own. It baffles me why so many people have no pressing desire to become a citizen of this fine democracy. The chance to have a voice in one's own country, to influence the world with what one has to say, is a powerful opportunity. Presented to many countries of the world, this tantalizing chance would be fought for like it was at our country's birth, when the first Americans would not let their voices go unheard. How fortunate to live in a country where lives are not lost searching for their voices!

I am lucky to live in such a democracy. I am fortunate to be able to speak without fear of persecution, to voice my message to the world. So many voiceless people do not have this chance. And as I speak on the importance of my voice and the voice of others, I have already made the first step . . . and I am being heard.

SUNSHINE IN THE COURTROOM

SPEECH OF

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1252) to modify the procedures of the Federal courts in certain matters, and for other purposes:

Mr. DELAHUNT. Mr. Chairman, I am strongly opposed to H.R. 1252, the Judicial Reform Act, but would like to say a few words about one provision of the bill that merits strong bipartisan support.

I refer to Section 8 of the bill, which would allow Federal appellate judges, in their sole discretion, to permit televised transmission of court proceedings. It would also allow Federal district court judges to permit televised proceedings on a three-year experimental basis.

Americans have always taken a strong interest in the workings of the justice system. Yet those who have had little direct exposure to the process derive their impressions largely from fictional courtroom dramas and sensational coverage of high-profile trials. It is little wonder that many lack a proper understanding of the process by which justice is meted out in our society, and hold in scant regard the judicial officers upon whom the integrity of that process depends.

Cameras in the courtroom offer the public an alternative: an unfiltered, unedited, unvarnished glimpse of the judicial process as it really is. Like C-SPAN, which enables viewers to interpret legislative proceedings for themselves, free of intrusive commentary, televised trials allow viewers to make their own judgments regarding the fairness of the judge, the competence of counsel, the credibility of witnesses, and the quality of the evidence presented. Through first-hand observation, the average citizen can develop a greater respect for the requirements of due process, and a fuller appreciation of the importance of an independent judiciary in preserving the rule of law.

The 48 states that permit broadcast coverage of court proceedings have also found that the presence of cameras has a salutary effect on the proceedings themselves, exposing the trial process to public scrutiny and encouraging fair play, professionalism and decorum. Even judges who were hesitant to authorize television coverage have generally found the experience to be a positive one. Concerns that the media would detract from the solemnity of the proceedings and would violate the sensibilities of the participants have generally proven to be unfounded.

As a district attorney, I strongly supported the introduction of cameras into Massachusetts courtrooms, and chose to participate in the pilot program which Massachusetts undertook in the 1980s. In fact, I prosecuted the first case to go to trial under the program in 1980. The Massachusetts experiment was an enormous success, and led to the adoption of a court rule instructing judges to permit electronic coverage of public proceedings, subject to various limitations designed to ensure fairness to the parties and to safeguard the integrity of the proceedings.

From 1991–93, the Judicial Conference of the United States conducted a pilot program in six U.S. district courts and two U.S. courts of appeals which yielded similar results. A 1994 evaluation by the Federal Judicial Center concluded that cameras should be permitted in all Federal civil proceedings.

Naturally, there are some cases in which trial participants have an overriding need for anonymity, and in such cases the judge must have the discretion to bar cameras form the courtroom. Some 15 years after that first televised trial, I was the prosecutor in a highly publicized trial involving the murder of two women at a family planning clinic. In order to protect the victims' families and witnesses who were clinic patients and employees, I filed a motion asking the court to exercise its discretion to exclude cameras from the trial. The judge granted our motion based on the special circumstances of the case.

The bill provides for such situations by giving Federal judges unfettered discretion to exclude cameras at any time and for any reason.

Mr. Chairman, an educated and informed citizenry is essential to a healthy, functioning democracy. This measure will enhance public understanding of a central pillar of our democracy, and deserves our support. While I regret that it was attached to a highly controversial bill whose other provisions I could not support, I very much hope that it can be included elsewhere on our legislative agenda.

HONORING ANTHONY HARRIS ON THE 30TH ANNIVERSARY OF STONEY'S RESTAURANT

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Mr. KLINK. Mr. Speaker, I rise today to recognize a very dear friend, Anthony Harris and a Washington, D.C. restaurant institution. On Friday, May 1, 1998 Anthony "Boss of the Sauce" Harris will celebrate the 30th Anniversary of Stoney's Restaurant.

Located at 1307 L Street in Northwest Washington, DC, Stoney's has faithfully served its clientele, 365 days a year. Over the last 30 years there have been many changes in Washington, but one thing that has remained the same is Stoney's. Whether you are there for the half priced burgers, chopped salads, or simply the conversation, Tony and his staff do not disappoint. The food at Stoney's is tremendous, the service friendly and the atmosphere is genuine. Stoney's has a familiar Pittsburgh aura, the kind of place where you always feel at home.

I applaud Anthony Harris for his hard work and dedication. His success and commitment are one that few in this fine city can claim. It is with great pride that I rise before you and ask my colleagues to join me in congratulating Stoney's on their 30th Anniversary. I wish Anthony Harris, Mo, Sandy and all of the employees at Stoney's the best of luck for thirty more years of success.

TRIBUTE TO THE LINCOLN FIRE COMPANY

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the momentous occasion of the 90th Anniversary of the Borough of Totowa's Lincoln Fire Company.

The Lincoln Fire Company was formed in 1908 by a group of civic minded citizens who met at the Willard Park Hotel. The corporation papers were filed and recorded on April 23, 1908. In that same month the governing body of the Borough passed an ordinance that established the Borough of Totowa Fire Department and included the Lincoln Fire Company as one of two companies in the Borough. In July of that same year a committee was appointed for the election of a chief and assistant chief. The first elected Chief was George McCrea and the first Assistant Chief Thomas Dunkerly.

In the early years of the Company the engine was attached to passing wagons to get it to a fire. The engine carried fire pails, ladders, lanterns, hose and the firefighters' gear. Alarms were sounded by striking large steel gongs with hammers made available to citizens located in strategic areas. Whenever available, citizens who owned horses would bring them to the fire house, hitch them to the apparatus and bring it to the fire scene. For this favor a citizen was paid the sum of $2.00.

Lincoln's headquarters have been located in what is now known as the "Old Borough Hall" since it acquired space on the ground floor of the building on Lincoln Avenue somewhere around 1910. The front part of the building housed the apparatus and the rear section of the building provided space for the Company members to hold their meetings. Additional space was acquired when the Police Department moved to the new municipal building in 1969. The meeting room has been completely remodeled and now serves as a place to hold social functions as well as meetings.

Through the years Lincoln has had a number of different fire trucks. Present members recall a Reo, a 1937 Ford '85, a 1950 Mack and the present 1967 Mack Thermodyne. All of these units were pumpers. Prior to the 20's it appears that the Company was equipped with horse hand-drawn chemical apparatus.

Active membership has averaged between twenty-five and thirty members in recent years. Membership also includes Junior Members, Social Members, Honorary Members and Life Members. The members and their families gather several times a year to celebrate special occasions such as the installation of officers, St. Patrick's Day, Halloween and the traditional Christmas Party at which the members' children and grandchildren are paid a visit by Santa Claus.

Mr. Speaker, I ask that you join me, our colleagues, and the Borough of Totowa in recognizing the many outstanding and invaluable contributions the members of the Lincoln Fire Company provide to the public safety of our citizens. On this the 90th Anniversary of the Lincoln Fire Company, the members take great pride in providing volunteer fire service on a round-the-clock basis, 365 days a year, to Borough residents. In the future, as in the past and present Lincoln will continue to be the "First, Last and Always."

CONGRATULATING DR. ABRAHAM S. FISCHLER

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Mr. DEUTSCH. Mr. Speaker, I rise today to honor the extraordinary achievements in education, public service, and leadership of Dr. Abraham S. Fischler, and to extend my sincere congratulations to him on his retirement from a long and distinguished career.

Abe is a long-time personal friend whom I admire for his vision and his commitment to serving South Florida in many capacities. He was President of Nova Southeastern University, in Fort Lauderdale, from 1970 to 1992 and currently serves as President Emeritus and University Professor. He is a member and past Chair of the Broward County School Board and is a past state-wide appointee to the Florida Education Foundation. In addition, Abe has served on the Chambers of Commerce for Fort Lauderdale, Hollywood, and Davie/Cooper City. His leadership with the Hollywood Medical Center, United Way, Southeast Florida-Holocaust Memorial Center, and Overall Economic Development Committee has been a vital asset to South Florida.

Upon earning his doctorate in education from Columbia University, Abe accepted professorships at both Harvard University's Graduate School of Education and the University of California at Berkeley. He has been awarded an honorary Doctor of Laws from Nova University and several national honors for his leadership in science, education, and humanitarian involvements. Abe has served as a consultant to the Ford Foundation, various state departments of education, and school districts throughout the United States in addition to publishing several books, text books and numerous articles in professional journals and newspapers nationwide.

HIGHER EDUCATION AMENDMENTS OF 1998

SPEECH OF

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 6) to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes:

Mr. GILMAN. Mr. Chairman, I rise today in support of the Lazio-Gilman-Tauscher amendment to H.R. 6, the Higher Education Act. This amendment will provide loan forgiveness for full time child care providers across the country.

The combination of skyrocketing college tuition costs and the drastically low average salary of child care providers often prevents the most qualified college graduates from pursuing careers in child care. The average child care worker earns about $12,000 a year while the average outstanding loan total for a college graduate ranges between $11,000 and $14,000, depending on geographic location. New graduates cannot afford to work in a day care center with these types of loans looming over them, and many look to teaching and other professions that give them the opportunity to earn more money.

Those who do choose to work in a day care setting quickly discover that they cannot continue to work in centers, and use their positions to help catapult them into full time teaching positions in public and private schools.

This amendment will give child care workers the incentive to remain in the child care field and will provide a similar loan forgiveness to the program already in effect for teachers, doctors and Peace Corps volunteers. This amendment provides incentives that encourage stable, highly educated, and better trained staff members in America's child care facilities. Additionally, the program is designed so that the loan forgiveness is directly related to the number of years of service in child care thus ensuring stability and continuity of providers at day care centers.

Accordingly, I urge my colleagues to join us in supporting the Lazio-Gilman-Tauscher amendment in helping to provide assistance to child care workers and to ensure that our Nation's children are being cared for by trained staff in day care centers across America.

THE RETIREMENT OF HEINZ POLL FROM THE OHIO BALLET

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Mr. SAWYER. Mr. Speaker, I rise today to praise one of the best teachers that I have ever known. The classroom has not been his stage. Rather the stage has been his classroom.

Heinz Poll, the founding artistic director of Ohio Ballet, taught choreography to dancers; he taught dance to an audience that expanded from Akron, to the Northeast Ohio region, then nationally and internationally; and he taught everyone in the dance world that the province of ballet is not solely New York and Paris.

I know it seemed improbable to many of us in Akron, Ohio, 30 years ago when Poll founded the precursor Chamber Ballet, that this company would become a national asset. But Heinz Poll's vision and drive soon made it evident that what was Akron's treasure could be shared with the world.

We are grateful that Heinz Poll will be leaving to his dancers many of his works. He has also spent his last years with the Ohio Ballet setting the stage for those who follow in his steps. They will be hard to fill.

I ask that Monday's article from the Cleveland Plain Dealer detailing Mr. Poll's work be included in the RECORD.

HEINZ POLL TO RETIRE FROM OHIO BALLET

[From the Cleveland Plain Dealer, Monday, Apr. 27, 1998]

By Wilma Salisbury

Heinz Poll, founding artistic director of Ohio Ballet, will step down next spring after 31 years at the helm of Akron's nationally renowned dance company. He announced his retirement Saturday before the final performance of the company's 30th anniversary season at the Ohio Theatre in Playhouse Square.

"This is the right time," he said. "I can help the company in transition. It's much better if it's a slow transition. I'll be around to help if they wish so."

Poll, 72, said he has spent two years working on strategic plans for the company's future. Board president D. Lee Tobler said the trustees are dedicated to protecting Poll's legacy.

"Heinz's contribution to the world of dance is truly remarkable," Tobler said. "His work is full of life and true artistry. He has created an outstanding national as well as regional company which will be perpetuated in the coming years."

Tobler will head a committee of board members that will launch a national search for Poll's successor.

The new artistic director is expected to be in place by January. Poll will stay on until the end of the 1998–99 season.

"They will want someone who appreciates Heinz's vision and will keep his major works alive. I don't think anyone is looking for a big change," said associate director Barbara Schubert, longtime trustee and a member of the search committee.

Staff members realize, however, that it will not be easy for someone else to fill Poll's shoes.

"Most people came to see Heinz's company," said artistic administrator Jane Startzman, a former Ohio Ballet dancer. "It's going to be a whole different thing. There will be a new artistic director with his own vision."

The announcement of Poll's retirement comes at a time of transition for Ohio Ballet. General manager Howard Parr left the company two weeks ago to take a position with Akron Civic Theatre. A new general manager has been selected and will be announced this week. Eleven members of the company will not return next season. But six dancers and two key members of the artistic staff—ballet master Richard Dickinson and rehearsal assistant David Shimotakahara—will stay.

Poll has hired nine new dancers and two apprentices for the 1998–99 season. They will begin rehearsals in June for the company's annual Summer Festival.

"The new dancers coming in are strong people. I'm eager to work with them," Poll said.

Born in Germany and trained at the famed Folkwang School, Poll started his international career with German ballet companies, then worked for 11 years with the National Ballet of Chile. He spent two years with a French ballet company before coming to the United States to perform, choreograph and teach.

An invitation to teach in Akron led to the founding of the Chamber Ballet, the eight-member student company that developed into Ohio Ballet. The company made its debut in 1968 dancing Poll's "Elegiac Song," an anti-war ballet that was lighted by Thomas R. Skelton, the internationally renowned lighting designer who served as the company's associate director until his death in 1994.

Over the last 30 years, Poll has choreographed more than 60 works for Ohio Ballet. To make his work available after his retirement, he has willed 17 of his best ballets to 10 past and present members of the company.

"These dancers have given of themselves for so many years. They are faithful to the company. They deserve something," Poll said. "They should earn the money from the ballets. They have not made that much as dancers."

In retirement, Poll plans to divide his time between his farm in northern New Jersey and an apartment in Northeast Ohio. He intends to travel the world, write his memoirs and possibly choreograph new ballets. "If I feel I want to do something, I will propose it here or maybe for another company," he said.

Poll also joked that he has a secret ambition. "I'm going to become a ballet critic," he said.

TRIBUTE TO ARIS AND CAROLYN ANAGNOS

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Mr. SHERMAN. Mr. Speaker, I rise to pay tribute to Carolyn and Aris Anagnos, two preeminent philanthropists and community leaders, for their tireless efforts on behalf of Hellenic American causes and human rights and democracy across the world.

For decades, Aris and Carolyn have worked to advance the political, social, educational and cultural interests of the Hellenic American community in Southern California. The Hellenic American Council has given the community an effective voice in domestic and foreign policy, championing freedom and sovereignty in Cyprus, the Aegean and Northern Greece and promoting awareness of Turkish injustices, past and present. The Caloyeras Center for Modern Greek Studies at Loyola Marymount University, the Archbishop Makarios Center of St. Sophia Senior Citizens Residence and a host of other community organizations have benefited from their philanthropy.

This weekend the Friends of Hellenic Studies and the Basil E. Caloyeras Center at Loyola Marymount University are honoring Carolyn and Aris for their years of service to the Hellenic-American community and their exemplary support of Modern Greek Studies at Loyola Marymount. I would like to underscore the importance of supporting Hellenic Studies programs and the teaching of Modern Greek history, culture and language in our universities.

In addition to being great Hellenes, Carolyn and Aris are great democrats and humanitarians. It is not incidental that those who uphold the Hellenic ideals of democracy would be champions of peace, human rights and civil liberties, both here in the United States and abroad. As board members and executive officers of the American Civil Liberties Union and the Southern California Americans for Democratic Action, Aris and Carolyn have worked to promote democracy and human rights in all parts of the world.

Mr. Speaker, we owe a debt of gratitude to Carolyn and Aris for their dedication and their humanity.

TRIBUTE TO THE 40TH ANNIVERSARY OF "THE EMERALDS"

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the momentous occasion of the 40th Anniversary of "The Emeralds", greater Paterson, New Jersey's premier rock and roll band.

"The Emeralds" got their start in 1958. George Gerro and Joe Zisa met one day on a city bus while on their way to high school. As they spoke with one another, they realized they shared a common bond: music! George played guitar with the early inception of "The Emeralds" while Joe sang and played the saxophone with other local musicians. George took down Joe's number and promised to call if he ever needed a saxophone player. Within time that phone call came and the rest is history.

"The Emeralds" now consisted of George on Guitar, Joe on vocals and saxophone, Charlie Lombardo on bass, and Jack Sliker on drums. The band rehearsed diligently in George's garage at 205 Emerson Avenue in Paterson. Performing many of the current hits of the day, "The Emeralds" were quickly booked to play school dances and one Saturday a month the John Raad American Legion Post in south Paterson. No matter where you went, be it St. Mary's C.Y.O., Central High School, or the Lincoln Club on West Broadway, "The Emeralds" were there!

In 1960, "Lightning" Lenny Conforti, Joe's best friend, joined the group on drums replacing Jack Sliker who had joined the Army. The bank also added Bernie LaPorta from Central High on guitar. During the 1960s the band members paid their dues to "Uncle Sam", but still managed to keep the group together. "The Emerald Experience," as they were now called went through additional lineup changes, with Bernie and Lenny taking an opportunity to go on the road with "The Happenings." They were replaced by Joe Collucci on keyboards, who stayed with the band for three years, and Ron Tattersall on drums, who remained with the band until 1976 when Lenny returned. Bernie came back in 1973.

Nineteen sixty-six was the year that Sal Sellitto became an "Emerald." Returning home from his recent tour of duty in Vietnam, Sal met up with his old friend, Joe Zisa. Knowing of Sal's vocal talents, Joe proposed to the rest of the band that Sal take over on lead vocals. The band was very skeptical at first. But, one night "The Emeralds" were performing at the Four Winds in Verona. The band asked the audience if they would like to hear Sal sing with the group. With some coaxing and encouragement, Sal eventually made his way to the stage and the band promptly broke out into "Expressway To Your Heart." When the song ended, the audience roared its delight and from then on Sal was an official "Emerald."

Celebrating their 25th Anniversary, the band was booked for a big show at the Imperial Manor. For the show, the group added John Lepore on keyboards and he soon became the sixth "Emerald." John had a 14-year tenure with the group until he decided to go on his own; he was then replaced by Joe Shamah. In 1989, Marie Fernandez joined the band and became the first female member of the "Emerald Experience." Marie was a graduate of the Berkeley School of Music and took over on lead vocals and harmonies. After a brief stint with the band, Marie got married and with her husband, moved to Maryland. Replacing her on vocals was Sherry Piero, who had the right chemistry, personality, and above all, a great voice.

Mr. Speaker, I ask that you join me, our colleagues, the members (past and present) of the "Emeralds," and their families and friends, in recognizing the many outstanding and invaluable contributions the band has made to not only music history but to the history of New Jersey.

50TH ANNIVERSARY OF KSTP–CHANNEL 5

HON. BRUCE VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Mr. VENTO. Mr. Speaker, I rise today to honor the 50th Anniversary of the Twin Cities' oldest television station, KSTP–Channel 5. As the first television station in Minnesota and surrounding areas in the Upper Midwest, KSTP holds a special place in Minnesota broadcast history.

Radio pioneer Stanley E. Hubbard launched Channel 5 on April 27, 1948. Over the years, KSTP played a leadership role in shaping news reporting and what was to become modern broadcast journalism. In 1950, KSTP become the first station in the country to offer a 10:00 PM newscast seven days a week. Two years later, KSTP introduced investigative reporting to television news. In 1961, KSTP made history again, by being the first station to go all-color, and in 1974 KSTP introduced electronic news gathering, making film clips a thing of the past. One of the proudest moments for the station was in 1993 when KSTP won a Peabody Award for "Who's Watching the Store?", an investigative report about racially biased security at Carson Pirie Scott department stores. Today the enterprise has flourished with broadcast franchises in several key markets. The pioneer quality of the Hubbard business acumen is evident in the satellite transmission joint venture that is leading the wave of modern communications.

When Stanley E. Hubbard died in 1992, the state of Minnesota mourned the loss of this television pioneer. His legacy, Channel 5, has done Minnesota proud and has been a real trail blazer in television news over the years. I would like to take this opportunity to congratulate KSTP on fifty years of journalistic excellence and technical innovation, and offer my best wishes for continued success in the future.

At this time, I would like to share with my colleagues an article highlighting the many achievements of KSTP from the Minneapolis Star Tribune [April 26, 1998]. I ask the Chair that this article be included in the RECORD with my remarks.

A LOOK BACK AT KSTP

The first 50 years of KSTP–TV have been nothing if not eventful. Here are some of the milestones and defining moments in its history.

April 27, 1948—Twin Cities radio pioneer Stanely E. Hubbard launches Channel 5, the first television station in Minnesota and the surrounding Upper Midwest. First-day programming includes a Minneapolis Millers game from Nicollet Park, a 10-minute evening newscast and "Sunset Valley Barn Dance," KSTP's local version of Nashville's "Grand Ole Opry." The station subsequently becomes the first NBC affiliate not owned by the network.

1950—KSTP becomes the first station in the country to offer a 10 p.m. newscast seven days a week.

1950—KSTP engineers begin a bitter wage-related strike that lasts three years. Station is still nonunion.

1952—KSTP introduces investigative reporting to TV news.

1953—KSTP broadcasts the first color TV program in the Upper Midwest, a Christmas episode of NBC's "Dragnet."

1961—KSTP is the first station in the nation to go all-color.

1967—Stanley S. Hubbard, the founder's son, assumes the KSTP presidency. Stanley E. Hubbard remains Hubbard Broadcasting chairman.

1970—Appalled by anti-war protests at the University of Minnesota and other campuses, KSTP officials announce an on-air campaign to rekindle patriotism and respect for the flag.

1970—Hubbard Broadcasting becomes a client of Frank Magid & Associates, an Iowa firm that consults TV stations and networks about how to make newscasts viewer-friendly.

1971—To combat WCCO–TV's "The Scene Tonight," which has pulled ahead of KSTP's 10 p.m. news, the station introduces "The World Today," with an all-new on-air team: anchor Ted O'Brien, sportscaster Tom Ryther and "peek-a-boo"weatherman Barry ZeVan.

1973—"The World Today" gives way to Eyewitness News."

1974—KSTP introduces electronic news-gathering (ENG), making news "film" obsolete.

1974—With the arrival of new anchorman Ron Magers, a Magid discovery from California, KSTP begins to reassert its dominance over WCC–TV, Channel 4, in news.

1975—KSTP hires the Twin Cities TV's first degreed meteorologist, University of Wisconsin-Milwaukee professor Walt Lyons.

1975—KSTP preempts the NBC News special, "A Shooting Gallery Called America," saying it was biased in favor of gun-control proponents and might influence a handgun bill under consideration in the Legislature.

1977—Dave Dahl joins the weather staff.

1979—After 31 years with NBC, KSTP switches affiliation to ABC, which has surged to prime-time prominence on the strength of shows such as "Laverne & Shirley," "Three's Company" and "Charlie's Angels."

1980—Ron Magers leaves KSTP for Chicago's WMAQ–TV.

1982—KSTP launches "Good Company," a daily talk-service show starring Sharon Anderson and Steve Edelman.

1987—KSTP finishes third in the 10 p.m. news competition for the first time.

1990—KSTP introduces "Eyewitness News All-Night," a wee-hours news service.

1992—Stanley E. Hubbard dies.

1993—The station wins a Peabody Award for "Who's Watching the Store?", an investigative report about racially biased security at Carson Pirie Scott department stores.

1994—"Good Company" is replaced by the syndicated "Regis & Kathie Lee."

1998—General manager Ed Piette and news director Scott Libin are hired.

INTRODUCTION OF LEGISLATION TO INCREASE THE AVAILABILITY, AFFORDABILITY, AND QUALITY OF SCHOOL-BASED CHILD CARE PROGRAMS FOR CHILDREN AGED 0 THROUGH 6 YEARS

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Mr. ALLEN. Mr. Speaker, I am today introducing legislation which I developed with Representative SNYDER of Arkansas. This bill aims to improve working families' access to affordable, reliable child care. The Education-Child Care Partnership Act earmarks funds within the Child Care and Development Block Grant (CCDBG) for states to fund Local Education Agencies (LEAs) which choose to provide full-day, year-round school-based child care for children aged 0 to 6.

The Education-Child Care Partnership Act develops a seamless system of early childhood education. Under this legislation, funds would be funneled through the states to LEAs to be used for (1) operation of a qualified school-based child care program, (2) hiring and training child care personnel, (3) construction, expansion, or rehabilitation of facilities for school based child care. Because child care is such a local concern, this bill gives the states and LEAs the maximum flexibility in how they choose to administer the grants made available under this program.

The breakthroughs in research on brain development in the early years of a child's life strongly underscores the need for quality child care. Now is the time to focus our attention on education, and quality health and child care.

Utilizing our existing resources, our schools, for child care can enhance the affordability, accessibility, and quality of child care. School-based care is an accessible alternative of child care as local schools are often community centers. For families with more than one child, transportation issues are made simpler if they can drop their children off at one place. Some school-based programs extend the use of school bus services to children participating in the child care programs. The programs that would be eligible under this legislation are full day, year round programs. This helps parents who often face child care difficulties during school vacations and summer breaks.

School-based care programs are able to provide quality programs by utilizing existing resources at the schools such as art supplies, sports equipment, playgrounds, etc. Many collaborate with other community resources such as school employees and social service agencies to further enhance the quality of their programs. Many programs are eligible to participate with the USDA Child and Adult Food Program and/or allow parents to purchase school lunches and snacks for the children in child care.

There are currently a number of school-based programs for before and after school care for school aged children. These programs should be supported and expanded. I believe that school-based care makes logical sense for both school-age children as well as preschool children.

Recent research suggests that the first years of life are crucial for a child's emotional and intellectual development. As recently as 15 years ago, neuroscientists assumed that brain structure was genetically determined at the time of birth. They did not recognize that a child's early years have a tremendous impact on the structure of his or her brain. Neuroscientists have found that throughout development, even prior to birth, the brain is affected by environmental conditions, such as nourishment, care, surroundings, and stimulation. The human brain is constructed to benefit from experience and quality teaching, particularly in the first years of life.

Teachers and principals at Maine elementary schools tell me that in the last 5 years especially, but also for the last 10 or 15 years, they have seen a significant increase in 5 and 6 year old children with little or no capacity to play with other children or to participate in class. These kids lack the basic social skills that allow ordinary interaction with others. Consequently, they are extraordinarily difficult to teach. Many get their only real meals at school. Teachers and principals do not know how to deal with them. The explanation is always the same. They come from families where substance abuse is chronic, and neglect follows. If we miss early opportunities to promote healthy development and learning, later remediation may be more difficult and expensive.

Mr. Speaker, it is imperative that as we debate education, health, and child care issues that we take into account the compelling evidence regarding early childhood development. I urge my colleagues to support the Education-Child Care Partnership Act in the months to come.

TRIBUTE TO VICTIMS OF ARMENIAN GENOCIDE

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Mr. SCHUMER. Mr. Speaker, I rise this day to add my voice to the chorus of my colleagues in remembering the atrocious massacre of the Armenian people during World War I, the first genocide of the 20th century. I have always held that if the world had recognized this tragedy then, and learned from it, a step would have been taken toward preventing later massacres committed by the likes of Adolf Hitler and Pol Pot.

With every voice we lift, the Armenian people gain more strength to press for the acknowledgement of this genocide committed by the Ottoman empire. Americans, as a humanitarian people, must work with the Armenian communities to restore the names and faces of Armenian victims and honor their memories. We commemorate this anniversary to show that we have not forgotten, and will not forget what has taken place. We recognize this anniversary to say that we will resist the efforts of some to distort the truth about this genocide hoping to thereby minimize its significance.

Our efforts to remember must be matched by our actions to prevent genocides from ever again being committed in this world. Eighty-three years after Turkey's holocaust of the Armenians and fifty-three years after Hitler's holocaust of the Jews, we are still combating religious and ethnic intolerance and the attempts by despotic governments to silence unwanted minorities with bullets and fire. With the survivors of these genocides now few in number, it is our task, as those who know those survivors, to educate our children so that these killings will not be forgotten. If we fail in this task, our children may very well come to have new genocides to remember.

It is because of this duty to history that I commend the efforts of the Armenian community to shed light on the genocide which wiped out so many of their people. Without their strength and perseverance the full truth about the Armenian people and their struggle would be unknown to many today. Because of all this, it is vital for everyone today to commemorate the survival of the Armenian people in spite of what happened, and through that commemoration, to help prevent such crimes from ever happening again.

COUPLE DOTES ON FAMILY OF 10

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Mr. MANZULLO. Mr. Speaker, what is right with America?

So often we heard about what is wrong with American families. Let me tell you what is right about one family in particular. Dan and Julie Danielowski. Dan and Julie have a total of five children, and that's a house full. But this loving couple, who live in Byron, Illinois, decided that there are some really needy kids in America. That's why Dan and Julie became foster parents to Jasmine and Jaminique, seven years and 18 months ago respectively. When Dan and Julie discovered these two girls had three siblings in another foster home, Dan and Julie worked on keeping the family together through regular visits.

The generous hearts of Dan and Julie became even more evident when they agreed to adopt all five of these children. That's a total of ten children. And they raise these kids on Dan's salary as a public school principal.

Their story is told in the April 23, 1998 edition of the Oregon (IL) Republican Reporter, which is attached.

Who says people in America don't care anymore? Just ask Dan and Julie Danielowski. They'll tell you what America is really about.

[From the Oregon (IL) Republican Reporter]

COUPLE DOTES ON FAMILY OF 10

(By Vinde Wells)

Julie Danielowski was miraculously still smiling as she loaded three baskets full of wet laundry into her van on a rainy afternoon in preparation for a trip to the laundromat.

"This isn't exactly how I'd planned the evening," she said with a grimace, "but the dryer is on the blink, and they say it will take two days to get the part we need."

The dryer is just one component crucial to the smooth operation of Danielowski's household—she and her husband Dan are the parents of 10 children ranging in age from four to 18.

Added to that are three dogs and an undetermined number of cats. "We just had two new litters so we aren't exactly sure," Dan said.

The Danielowskis live near Byron. The house they built themselves is situated on a large, wooded lot with plenty of elbow room.

The couple's family officially doubled March 5 when the adoption of their youngest five children became final.

Every aspect of Dan and Julie's lives attests to the fact that they like children.

Dan is the principal of Roosevelt Community Education Center, Rockford, which includes the Rockford School District's alternative high school and adult education center.

Julie is a secretary at Mary Morgan Elementary School, Byron.

When they married eight and a half years ago they blended their children from both their previous marriages. Dan had two and Julie had three, one of whom was adopted.

Dan said he really likes having kids around—lots of kids. "When it was just the two kids and I for a year or so, I really liked it when they had friends over."

Julie had previously been a foster parent, and Dan realized the need for foster care while he was an assistant high school principal.

He said he waited for several hours on one occasion with a student and a Department of Children and Family Services worker while the case worker searched for a place for the student to spend the night.

Dan said the case worker called numerous foster parents only to be repeatedly turned down.

He said they were interested in providing temporary foster care—a place for children to stay overnight or for a few days until more permanent arrangements can be made.

"We had foster care in mind when we built the house," Dan said. He said the house is designed in a modular fashion which allows for easy conversion of space from one use to another and for easy expansion.

The home has three bathrooms, six bedrooms and two family rooms. Dan is in the process of adding a deck on the back.

Adoption wasn't really part of the plan.

"With five kids I figured our lives would be crazy enough," Dan said with a laugh.

All that changed in August of 1995 when Julie got a call from Lutheran Social Services Inc. (LSSI) asking if they could take two girls for the night.

"We had a foster care license to do short term care," Julie said. "We thought it would be two days or couple of weeks."

The oldest and the youngest girls—Jasmine and Jaminique—arrived. They were seven years and 18 months respectively.

Dan and Julie soon learned that their two little girls came from a family of five. The other three children had been placed in another foster home.

Julie said that after six months they started providing weekend visits at their home for the other three children so all five children could be together.

Dan said that sometime within that time it became apparent that the youngsters could not return to their mother's care.

The situation was complicated because three agencies were involved. The Danielowskis were licensed through LSSI, and were working with both LSSI and DCFS for Jasmine and Jaminique.

The other three siblings—Jarmanda, Joe and Jovana—were under the supervision of the Children's Home and Aid Society.

Julie said adopting the children gradually became the obvious solution as the agencies involved searched for a permanent foster home.

Julie said Jasmine and Jaminique had been in five homes in the previous six months. She said she believed another move would be too much for Jasmine, who had taken on the role of mother to her sisters and brother.

Dan said that when they learned that all five children might be moved to yet another foster home they decided to act.

"LSSI offered to go to bat for us if we were interested in taking all five," he said.

Jamanda, Joe and Jovana came to live with the growing Danielowski family in August of 1996.

"It's something I don't think we could have done without the help of our older kids," Julie said.

Julie's day begins a little before 6 a.m. when she gets up. She makes sure everyone else is up by 6:30.

"You have to be organized, of course," she said, "but it's just what we do."

The family frequently sits down together for meals, she said. That alone is no small feat considering work, school and activities schedules.

All the children are involved in sports, and other school activities.

Dan and Julie are on the board of the Byron Civic Theatre, and Dan is currently directing the spring production of "Little Shop of Horrors".

Melissa, Jasmine, Jarmanda, Joe, Jovana and Jaminique swim with the Tiger Sharks.

Megan has a part-time job at a nearby veterinary clinic.

She and Kate will both graduate from Byron High School this spring and are headed for college in the fall. The two fifteen-year-olds, Ben and Riley, will start driving in the fall.

Before all that, however, is a matter of greater urgency—getting five ready for the prom.

The four high school age children are attending the event and Jovana, who is a first grader, will be the prom princess.

"Dan asked what this is going to cost us, and I said don't even go there," Julie said.

THE DRUG ABUSE PROBLEM

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Mr. BALLENGER. Mr. Speaker, since the early 1990s, Americans have witnessed staggering increases in illegal drug use, especially among our nation's youth. Marijuana experimentation is beginning at an earlier age, and as a result, our children are turning to deadly drugs like LSD, heroin, crack and cocaine at progressively earlier ages. Drug abuse also expands our crime problem and is related to about half of all street crime.

And what is being done to solve this horrendous problem? Unfortunately, nothing by the Clinton Administration. In fact, one of President Clinton's first acts in office was to cut the Drug Czar's office by 83 percent. Since 1993, funding for drug interdiction programs has been reduced by roughly $1 billion and federal drug prosecutions and arrests have plummeted.

In comparison, the Republican Congress has provided effective leadership in the war on drugs by providing resources for law enforcement and increased funding for DEA anti-drug initiatives such as combating Caribbean and Southwest border drug trafficking. In addition, we have provided ample funding for the Safe and Drug Free Schools program to establish comprehensive, integrated approaches to drug and violence prevention at our nation's schools.

Eliminating America's drug problem, especially the curse of drug use among our nation's youth, should be one of the federal government's top priorities. I applaud the House's passage yesterday of legislation prohibiting federal funding for needle exchange programs and I hope the Congress will continue to work to eradicate the scourge of drug abuse that continues to eat away at our homes, schools and neighborhoods.

A SPECIAL TRIBUTE TO RON LEHMAN ON THE OCCASION OF HIS RETIREMENT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding individual from Ohio's Fifth Congressional District, Mr. Ron Lehman.

Today, Thursday, April 30, 1998, Mr. Lehman will retire from his position as bailiff for the Sandusky County Court of Common Pleas in Fremont, OH. Ron, a highly regarded and distinguished law enforcement officer, will be retiring after 30 years of exemplary community service to the citizens of Sandusky County.

Thirty years ago, Ron began his career in law enforcement as a Police Officer for the City of Fremont. He later worked as a Deputy with the Sandusky County Sheriff's Department. In 1976, Ron began working as the bailiff for the Honorable Harry Sargeant at the Municipal Court. Three years later, in 1979, Ron continued his service with Judge Sargeant becoming the bailiff for the Court of Common Pleas, where he has served for the past 22 years.

Ron's dedication to law enforcement and to Judge Sargeant and the Court is surpassed only by his unwavering commitment to his family and his friends. To all those who know him, Ron is a wonderful person and a caring and loving husband.

They say that America works because of the unselfish acts of her citizens. No where is that more evident than with the actions and contributions that Ron Lehman has given to his family, his profession, and his community.

Mr. Speaker, I would urge my colleagues to stand and join me in paying special tribute to Ron Lehman on the occasion of his retirement, and in wishing him the very best in the future.

SENSE OF CONGRESS ON 50TH ANNIVERSARY OF FOUNDING OF MODERN STATE OF ISRAEL

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Mr. BARRETT of Wisconsin. Mr. Speaker, it is a special privilege for me today to honor the nation of Israel on its 50th birthday. On May 14, 1948—the fifth day of Iyar, 5708 under the Jewish calendar—after years without a national homeland, the Jewish people established a new country and the historic nation of Israel was reborn. As Israelis celebrate their country's 50th anniversary, the international community is celebrating with them 50 years of independence.

In the 5th Congressional District of Wisconsin, the Milwaukee Jewish Federation, the Hillel Foundation-Milwaukee, the Jewish Community Center, the University of Wisconsin-Milwaukee Center for Jewish Studies, the Coalition for Jewish Learning, and other organizations have scheduled a series of events to commemorate this occasion. On May 15th, the Consul General of Israel to the Midwest, Tzipora Rimon, will come to Milwaukee to participate in a forum called "Israel at 50! Taking Her Place in the Global Economy." I look forward to participating in that important conference.

As someone with a great interest in Israel, Middle Eastern affairs and world peace, I believe that the political transformations in this region during the past few years have been dramatic. I was deeply saddened when Prime Minister Yitzhak Rabin was felled by an assassin's bullet on November 4, 1995. I met with Prime Minister Shimon Peres in February, 1996, during a visit to Israel with the group Milwaukee-Jerusalem 3000. And I listened as his successor Benyamin Netanyahu addressed a joint session of Congress, in July 1996. We have come a long way, despite attempts by extreme factions to harm Israel and the cause of peace in the region.

I would like to quote an excerpt from Israel's "declaration of independence," published 50 years ago as the British mandate over the area drew to an end: "We extend our hand in peace and neighbourliness to all the neighbouring states and their peoples, and invite them to cooperate with the independent Jewish nation for the common good of all."

It is in that spirit, and with that faith, that I will continue to work with the administration to ensure the United States remains firm in its commitment to the security of Israel and to those principles necessary to guarantee the success of the Arab-Israeli peace process.

HIGHER EDUCATION AMENDMENTS OF 1998

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 6) to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes:

Ms. DELAURO. Mr. Chairman, I rise today in support of the reauthorization of the Higher Education Act. A college education has become a virtual necessity for success, but the rising cost of tuition has put that diploma further and further out of reach for many students.

I am particularly glad that this bill makes more funds available for financial aid programs, and especially Pell Grants, which help open the doors of college to America's neediest students. Increasing the maximum Pell Grant from $3,000 to $4,500 may not sound like a lot, but to many students it makes all the difference in the world.

Now that we have authorized more funds for Pell Grants, I encourage my colleagues to work together to support a budget that makes that money available to students who are depending on this financial aid to pay for their college education. It does no good to authorize increases if we do not make the money available to make those increases real.

I am also pleased that we have worked out a compromise that will lower the interest rates on student loans. But I am concerned about the billion dollar pay off we are giving to lending institutions. This money will actually make student loans more profitable for banks than the typical loan portfolio.

We should put that funding toward financial aid programs and helping students—not bankers. But overall, I believe this bill does the right thing in making college accessible to more Americans, and I urge my colleagues to support it.

TRIBUTE TO THE FRANKLIN TOWNSHIP LIONS CLUB ON THEIR 50TH ANNIVERSARY

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Mr. PAPPAS. Mr. Speaker, I rise today to pay tribute to the Franklin Township Lions Club which is celebrating its 50th anniversary this year.

Having served as a Lion myself since 1982 in this very club, I am well aware of the important role and contribution that the Lions Club makes in so many communities around our country especially in the Township of Franklin, New Jersey. As the former Mayor of the Township, I can personally attest to the numerous activities and the community involvement of the Lions.

In particular, the Franklin Lions helped to found the Township's Little League, funded the scoreboard at the High School, hosted a Halloween parade, and raised money for the High School seniors to go on to college through scholarships. They have also provided eye glasses, eye exams, hearing tests and a host of other health related screenings to all the members of the community. And it was the Lions who raised the funds for a sensory garden for the handicapped and blind. Their fund raising efforts have also served members of the community in need. In one such instance, the Lions worked tirelessly to help raise the necessary funds to help a young man in the community who was in need of a liver transplant.

I would like to congratulate the Club's current officers, Joseph Bocklage, President and Treasurer, Julius Schwartz, First Vice President, Upendra Chivukula, Second Vice President, John Dutkowski, Secretary, Mario Zanon, Tail Twister/Lion Tamer, Lou Agg and Harold Rosenzweig who act as first year directors, Kevin Hrabinski and Bernie Rubin who serve as second year directors and Brendan Nihill the Membership Chairman. Each of these men and all of the other men and women of the club have selflessly given of their time and resources to serve their community.

As this Congress continues to emphasize the need for service organizations and volunteers to assume a greater role in one Society, it will be organizations like the Lions that year after year continue to bring about positive change. On Saturday night, the Franklin Township Lions Club will hold the 50th anniversary dinner and I would like to extend my best wishes. The people of your community, the people of New Jersey and the people of America thank you for your service.

As America looks toward the 21st century, Lion's Clubs around the nation stand ready and committed, full of energy, creativity and solutions to help us become a better society and solve the problems that face our nation. The Lion's motto, "We serve" is an inspiration to us all because it epitomizes this organization's commitment to their fellow man.

TRIBUTE TO HENRY AND JANET ROSMARIN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Mr. BERMAN. Mr. Speaker, my colleague Mr. WAXMAN and I rise today to pay tribute to Henry and Janet Rosmarin, who are actively involved with Temple Ner Maarav and the Survivors of the Shoah Visual History Project. Their interest in the latter is more than historical; Henry and Janet are survivors themselves.

Henry, born Henryk Rosmarin, and Janet, born Jadzia Jakubowicz, met in her father's apartment in the shtetl of Czeladz in Poland. Henry came to High Holiday services, illegal under the rules of the conquering Nazi powers. Two years later the Gestapo rounded up all the Jews in the village.

As the Nazis closed in, Henry, displaying remarkable bravado and optimism, turned to Janet and said, "When this is all over we should find each other and we should get married and make a life together." She promised to meet him back in the same town when they were free.

A few weeks later they were deported to the death camps. During the war Janet was an inmate at Auschwitz and Birkenau; Henry at Gross-Rosen, Buchenwald and a few others. One of the ways Henry survived was with his harmonica. He entertained his captors in return for his life.

Most of Henry's family and most of Janet's family were murdered in the camps. Despite his grief, Henry kept his promise. He returned to Czeladz and waited for Janet. After several months a young woman came to town and happened to ask a cousin of Henry's what had become of Henryk Rosmarin. "You must be Jadzia Jakubowicz," was the startled reply.

Fifty years ago, Henry and Janet were married. They raised a family and settled in Southern California. The Rosmarins have somehow retained the values of the shtetl—family and community—while living in an entirely different and more complex world.

We ask our colleagues to join us in honoring Janet and Henry Rosmarin, whose story is testimony to the power of the human spirit. Their will to live is a stirring example for us all.

TRIBUTE TO THE CEA

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Mr. GEJDENSON. Mr. Speaker, I rise today to pay tribute to a fine organization that represents the teachers of my state, the Connecticut Education Association. 1998 marks the 150th anniversary of the CEA, an advocate of teachers and public education that represents not only the 30,000 teachers in its ranks but the hundreds of thousands of children they instruct.

We in Congress all know the crucial role that teachers play in educating our nation's children. We as legislators and parents count on them to do their job with enthusiasm, vigor, and skill. We value them as important factors in our children's well-being, and we treat them as such.

However, respect for teachers has not always been as high as our beliefs would suggest. For many decades, teacher pay and benefits were lower than in most other occupations. Society did not reward teachers properly for their performance nor were they provided with much needed support.

Organizations such as the CEA have enlightened the public and its legislators about the need to attract and keep excellent teachers, the need to compensate them appropriately for their toils, and the need to provide them with a supportive work environment that helps them do their job at the level we expect. The CEA has worked and is still working to advance the teaching profession and accordingly, advance the children they instruct.

When the CEA was formed in 1848, teachers in Connecticut's small towns, many of which are in my district, were typically versatile young women who made education come alive from bland textbooks. They taught in one-room schoolhouses in which all of the town's children attended, they formulated lesson plans for each child, catering to individual needs.

The CEA came about as a means of helping teachers with their tasks. As Connecticut grew and modernized, the CEA took action to improve teacher's pay and establish teaching as a profession. Salaries rose, benefits grew, and the requirements that were placed on teachers were expanded. Because of these hard-fought efforts, the quality of instruction in our classrooms has increased. Today's teachers benefit from predecessors who sacrificed pay and time so that our children would benefit from high-quality teachers and a high-quality environment.

Today's public school teachers are just as versatile as their 19th century counterparts. A typical Connecticut teacher today must deal with as many as 150 or more students in one day, students from a variety of backgrounds, from a variety of family structures, with a variety of interests, and deal with a variety of pressures. Despite the enormity of their task, teaches regularly deliver. The CEA serves as their partner in their efforts, providing services and assistance to its members.

I commend the CEA on its proud history and congratulate it on the milestone is has reached. Connecticut, and the nation, is undoubtedly better off because of the CEA.

TRIBUTE TO BELLEFONTE AREA HIGH SCHOOL

HON. JOHN E. PETERSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise today to acknowledge the accomplishments of a dedicated group of young people who worked together to achieve something no one in the Bellefonte Area High School has ever done. I wish to pay tribute to students and their faculty advisors who participated in the Central District History Day Project Competition. They won first and third places in the Senior's Group Project Division.

This year's History Day Project theme was Migration. First place went to Kamal Aboul-Hosn, Justin Miller, and Ben Spicer for their project entitled "Communism: Rise, Reign & Fall." Third place went to Stacey Waksmonski, Jessica Rhoads, Jessica Benson, Jeremy Acker, and Daria Cramer for their project entitled "Women of the West—Travels and Changes."

Today's youth are our leaders of tomorrow. They will become some of the very best leaders because of examples like the faculty members of the Bellefonte Area High School. Faculty advisors Ed Fitzgerald, Martha Nastase, and Tricia Steckel are to be especially commended for their encouraging efforts which led to the above awards. When we hear about the poor state of education or educators in our country, we need to think about success stories such as these. Hard work and commitment will achieve much as these students and faculty members demonstrate.

I extend my warmest congratulations and best wishes to these Bellefonte Area High School students as they compete in the State Championship Competition at State College on May 13–14. Their enthusiasm for this project and desire to share history is commendable and should be encouraged by all.

HIGHER EDUCATION AMENDMENTS OF 1998

SPEECH OF

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 6) to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes:

Mr. PAYNE. Mr. Chairman, I would like to thank both the Chairman and the Ranking Member of the Education and the Workforce Committee, along with both the Chairman and Ranking Member of the Subcommittee on Postsecondary Education for including many of the provisions in a bill I introduced, H.R. 3311, to improve International Education pro rams in H.R. 6. As a member of the International Relations Committee and the Education and Workforce Committee, I am well aware that if we are to be competitive in this global economy then we must continue to encourage and support programs designed to educate our students in foreign languages, diplomacy and international affairs. Throughout the years, Title VI has been extremely effective in helping colleges and universities reach that goal. In order to encourage higher education institutions to give greater support to undergraduate international relations and foreign language programs, a provision from my bill was included in H.R. 6 to give the Secretary the authority to fund Undergraduate International Studies and Foreign Language Programs up to 10% of all Part B funds. Also included was an optional, non-federal match of one-third cash from the private sector to encourage more applicants to leverage funding from private sector corporations or foundations. The inclusion of Technological Innovation and Cooperation for Foreign Information Access grants in H.R. 6 enables institutions and libraries to engage in collaborative international education projects utilizing innovative technology. This kind of program is timely as universities and libraries are faced with the escalating costs of access to international resources. In light of the enormous need to expand leadership in international affairs and language study at minority institutions, the new Institutional Development grant program was created to strengthen international affairs programs and curricula by providing subgrants to Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribally Controlled Community Colleges. Also included in H.R. 6 are changes that were in my bill to the Institution for International Public Policy to expand the current junior year abroad program to permit summer abroad experiences. H.R. 6 also specifically provides for post baccalaureate internships to provide Institute fellows with quality work experience prior to pursuing Masters degree study. To assist in the coordination of Federal support for the Institute/minority international affairs programs, H.R. 6 also created a seven member Interagency Committee on Minority Careers in International Affairs. I would finally like to urge the Committee to consider separating the International Education programs and Graduate School programs in to separate titles as the Senate bill does. The inclusion of both programs in one title is unnecessary and causes difficulty in ensuring that both programs are funded properly. Thank you again for your work on this important title.

HIGHER EDUCATION AMENDMENTS OF 1998

SPEECH OF

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 6) to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes:

Mr. PACKARD. Mr. Chairman, I am worried about education in this country. America spends far more on public education than any other country in the world, yet our students have fallen far behind those in other nations in actual educational achievement. Since 1960, government spending on elementary and secondary education has increased nearly threefold. However, test scores have plummeted, and the high school drop-out rate is higher than ever.

As a father of seven, grandfather of thirty-four, and former school board member, I have a personal interest in seeing that all children have equal access to a good education. Mr. Chairman, today we will have the opportunity to take a big step forward in this effort.

The truth is, education is no longer affordable for many families. Between 1987 and 1996, the actual cost of educating a student rose 57 percent while the tuition charge rose even faster, at rate of 132 percent. H.R. 6 will help make college more affordable by simplifying the student aid system, stressing academic quality for students, and providing superior training for teachers.

Mr. Chairman, H.R. 6 brings us closer to our goal of ensuring that every student who seeks a quality education will be able to receive it. I commend Congressman MCKEON and Congressman GOODLING for their leadership on this most important issue, and I urge my colleagues to support the Higher Education Amendments.

SENSE OF CONGRESS ON 50TH ANNIVERSARY OF FOUNDING OF MODERN STATE OF ISRAEL

SPEECH OF

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Ms. HARMAN. Mr. Speaker, I rise today to commemorate the 50th anniversary of the establishment of the modern State of Israel, and I commend my colleague, Mr. LANTOS, for introducing this resolution that reaffirms the strong bond of friendship and cooperation between Israel and the United States.

Mr. Speaker, 50 years ago, when David Ben Gurion proclaimed the State of Israel, the world was still reeling from a devastating conflict, and from the realization that more than six million Jews had perished in an orchestrated extermination campaign. The embryonic State of Israel gave hope to Jews everywhere that safety, freedom, and justice could be found at last—and in the ancient cradle of their religion and civilization. And so they have.

And, in the 50 years since its establishment, Israel has accomplished much more than providing a haven for Jews around the world. It has become a vibrant pluralistic democracy—indeed still the only fully realized democracy in the Middle East—and has enjoyed dramatic economic success, even as it sought to achieve security and peace with its neighbors. Throughout these five decades, it has remained a stalwart U.S. ally in one of the most unstable regions in the entire world.

Mr. Speaker, a half-century of friendship and cooperation between Israel and the United States began with President Truman's recognition of Israel shortly after its establishment. It continues today, with our common search for security and peace in the Middle East.

I extend my heartfelt congratulations to the people of Israel on the occasion of this memorable milestone.

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HONORING SISTER LUCIA CECCOTTI

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Mrs. MEEK of Florida. Mr. Speaker, on Saturday, May 2, 1998, Sister Lucia Ceccotti will retire after 35 years of caring from her duties as Principal and Executive Director of the Marian Center, which is located in my Congressional district. The Marian Center has educated and trained since 1963, many of the mentally handicapped young men and women of South Florida. Her devotion to her children is evidence of her commitment to the ideals of God.

Born in Pisa, Italy, Sister Lucia Ceccotti joined the Institute of the Sisters of St. Joseph Cottolengo at the age of 18. In Italy, she served as principal of a high school, Mistress of the Postulants, Visitor General, and General Secretary and Counselor of her beloved congregation.

In addition to certificates and degrees in teaching, nursing, and Italian language from various Italian institutions, Sister Lucia holds a Master of Science degree in Administration and Special Education from St. Thomas University in Miami.

Outside of the Marian Center, Sister Lucia has served the parish of St. Philip in various capacities since November 1985. She has given her services, love, and dedication to all with whom she has had contact.

Were all people as humble and loving as Sister Lucia, this world would certainly be a better place. We are each blessed to have had Sister with us and we have all benefited, directly or indirectly, from her efforts.

I thank Sister Lucia for her work and wish her Godspeed in her new endeavors. I am certain that the Lord will watch over you every step of the way.

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LEGISLATION INTRODUCED TO REMEDY SPECIAL USE PERMITS PROBLEM

HON. ROBERT SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Mr. SMITH of Oregon. Mr. Speaker, today I am introducing legislation to remedy a problem that affects several thousand holders of special use permits in our national forests. These permits have been authorized since 1915, and many of these permits have been passed down through families over those years.

For several months now, the Forest Service has been reappraising the cabins and other recreational homes on these sites, and as the appraisal process continues, I am concerned that the Forest Service has gone far afield in its real estate valuations in determining what are typical categories of lots occupied by recreational special use permittees.

For example, reports of reappraisals and new fees coming from the Sawtooth National Recreation Area in Idaho show that more than one-third of permittees will have their fees increased in a range of 100 to 500 percent. Reports of fees ranging from a few hundred dollars into the tens of thousands do not appear to be fair, nor related to the true costs to the government of running the permit program, and may not generally reflect the value of the permit to the holder.

A permit holder has limited use of the cabin or recreational home; the facility may not be used as a year-round residence or used for any commercial purpose, and permittees certainly will never own the property in the same sense any other person obtains title in fee simple to a property. In fact, a holder is liable to lose the occupancy permit at the Forest Service's discretion, including the Forest Service deciding just not to renew the permit.

Other limitations apply: the number and type of improvements are restricted, direct permit transfers are not allowed; and the land may only be used for personal recreation. There are no services such as fire protection, road maintenance, water or sanitation services offered.

As mentioned above, the current reappraisal process has problems. These cabins are not owned in the usual sense but rather are constructed for a use that is specified and prescribed by the Forest Service. So, there are problems with appraising these sites at what the Forest Service believes to be their fair market value.

The five percent assessment rate also is a problem. And, it has been reported the Forest Service understands there are questions about applying a five percent multiplier to the property valuation and whether or not it is a valid method for determining the fee.

The bill I am introducing today seeks to fix the problem of exorbitant permit holder fees.

The bill covers all special use permits for recreational homeowners on National Forest System lands; it establishes a base fee as that fee in effect on January 1, 1998 or the fee in effect upon enactment; it increases the fee annually based on the inflation rate; it allows for transfers of the permit by a permit holder to a spouse, child or grandchild without requiring a change to the permit; it requires any other transfer of a permit to be subject to a fee adjustment in a manner otherwise prescribed by law or regulation; and it allows permit renewals after enactment to be issued using the permit fee that was last in effect.

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HONORING THE WEQUONNOC SCHOOL

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1998

Mr. GEJDENSON. Mr. Speaker, I rise today to pay tribute to a school in my district, the Wequonnoc School of Norwich, Connecticut. On May 5th of 1998, the Wequonnoc School will receive a national award for excellence through the Title I Recognition Program at the International Reading Association Annual Convention.

Only two schools in Connecticut and one hundred and nine schools around the nation will receive the Title I Recognition Award. I am proud of Wequonnoc's membership in this elite group. This is especially commendable considering the special challenges Wequonnoc faces in Norwich. Just 39 percent of Wequonnoc's students attended preschool, compared with 55 percent of Norwich's students and 69 percent of the state's students. Wequonnoc clearly proves that every student can succeed in an excellent school.

Wequonnoc has maintained its high educational standard by encouraging strong family participation in the educational process.

Continuing their good work, the school is studying new parent empowerment strategies in an effort to involve even more parents in their children's education.

In 1994 Wequonnoc initiated a Family Resource Center that offers a wide range of services including year round preschool and school-aged child care, adult education, and a variety of other services. These services are essential if we are going to make it possible for young people to be successful in life.

Wequonnoc is ultimately successful because the administration, teachers, students and families take education seriously and are willing to work hard to help all of their students succeed.

The Wequonnoc School is a model for the nation in how to educate students from every background. I congratulate the students, teachers, families and administrators of Wequonnoc for their tremendous work in educating the young people of Connecticut.

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